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The South Carolina Court of Appeals

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April 06, 2016

Mrs. Magalie Amelia Arcure, Esquire
PO Box 41489
Charleston SC 29423

Mr. Kyle B. Parker, Esquire
PO Box 190
1508 College Street
Newberry SC 29108

Re: Ernestine Palmer v. Hatcham Grove
Appellate Case No. 2014-002451

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

Jenny Abbott Kitchings

CLERK

cc: The Honorable W. Jeffrey Young

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Ernestine N. Palmer, as Trustee of the Article IV Trust
created under the Will of Mary Denman Newman,
deceased; Ronald O. Palmer, and Ernestine N. Palmer, as
Trustee of the Article IV Trust created under the Will of
James E. Newman, deceased; Respondents,

v.

Hatcham Grove, Inc., and David H. Lucas, Appellants.

Appellate Case No. 2014-002451

Appeal From Lee County
W. Jeffrey Young, Circuit Court Judge

Unpublished Opinion No. 2016-UP-169
Submitted March 1, 2016 – Filed April 6, 2016

AFFIRMED

Magalie Arcure Creech, of Finkel Law Firm, LLC, of
Charleston, for Appellants.

Kyle B. Parker, of Pope & Hudgens, PA, of Newberry,
for Respondents.

PER CURIAM: Appellants appeal the circuit court's grant of summary judgment in favor of Respondents. The circuit court granted summary judgment on Appellants' claim Respondents violated section 37-10-102 of the South Carolina Code (Attorney Preference Statute) during the execution of a mortgage loan between the parties. Appellants argue the circuit court improperly granted summary judgment because Respondents did not satisfy their statutory burden by showing they substantially complied with the Attorney Preference Statute by ascertaining Appellants' preferred representative legal counsel prior to the mortgage closing. We find the Attorney Preference Statute inapplicable to the underlying loan transaction. Accordingly, we affirm¹ pursuant to Rule 220(b), SCACR, and the following authorities: Rule 220(c), SCACR ("The appellate court may affirm any ruling, order, decision or judgment upon any ground(s) appearing in the Record on Appeal."); S.C. Code Ann. § 37-10-102 (2015) (stating a lender must ascertain the borrower's attorney preference prior to the closing of a loan "secured in whole or in part by a lien on real estate," when the primary purpose of the loan is for a "*personal, family or household purpose*" (emphasis added)).

AFFIRMED.

SHORT, KONDUROS, and GEATHERS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.



South Carolina Court of Appeals

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