

# The South Carolina Court of Appeals

H. Marshall Hoyler, Appellant,

v.

The State of South Carolina, Merry Land Properties, LLC, Sherbert Living Trust, Supan Living Trust, Elizabeth R. Levin, Edward McCray Wise Revoc. Living Trust, Carol Ann DeVries Wise Revoc. Living Trust, Amelie Cromer, Philip Cromer, Robert Chiavello, Tocharoen Living Trust, Helen M. Olesak, Lesley Anne Glick a/k/a Lesley Ann Glick, Shirley G. Lackey, Patricia Banfield, Bertrand Cooper, Jr., NHP SH South Carolina I, LLC n/k/a CCP Bayview 7176 LLC, Oyster Cove Homeowners Ass., Shirley Anne Moyer, Barry D. Malphrus, Garry D. Malphrus, Donnie Malphrus, Rita Brown, Houston Family Partnership, Joan Taylor Trustee, Michael Bull, Nancy Bull, Marny H. VonHarten, Dianne M. Donaldson, Brian R. Evans, Stephen Durbin, Valerie Durbin, Phillip Marti, Jane Marti, Michael Woodworth, Georgiana M. Cooke, Daniel B. Walsh Janet E. Walsh, Respondents.

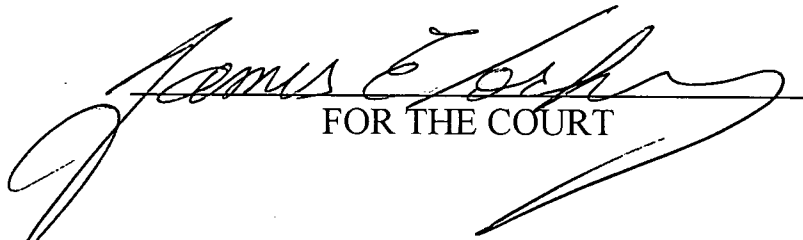
Appellate Case No. 2016-001277

---

## ORDER

---

After careful consideration, the motion to dismiss is denied. However, due to the peculiar procedural history involved, this appeal will be held in abeyance pending the master-in-equity's ruling on the pending Rule 52(b) and Rule 59(e) motions. Counsel for Appellant shall provide this court with a status update within thirty days, and every thirty days thereafter.

  
FOR THE COURT

Columbia, South Carolina

cc:

Richard Lee Whitt, Esquire  
J. Emory Smith, Jr., Esquire  
Mary Duncan Shahid, Esquire  
Jeff D. Griffith, III, Esquire  
The Honorable Marvin H. Dukes, III

**FILED**

September 28, 2016