

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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APPEAL FROM BEAUFORT COUNTY
In the Court of Common Pleas for the Fourteenth Circuit

S.C. SUPREME COURT

Carmen T. Mullen, Circuit Court Judge

Appellate Case No. 2016-002187

The Callawassie Island Members Club, Inc. Petitioner,

v.

Ronnie D. Dennis and Jeanette Dennis Respondents.

MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF OF THE COMMUNITY
ASSOCIATIONS INSTITUTE

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**MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF AND INCORPORATED
MEMORANDUM IN SUPPORT THEREOF**

Pursuant to Rule 213, SCACR, the Community Associations Institute ("CAI") moves for leave to file an *amicus curiae* brief in this action in support of Petitioner The Callawassie Island Members Club, Inc. ("CIMC"). The above matter, pending on CIMC's Petition for Writ of *Certiorari* before this Court, addresses issues of substantial concern to CAI and its members.

CAI is an international nonprofit research and education organization formed in 1973 by the Urban Land Institute and the National Association of Home Builders to provide for effective guidance for the creation and operation of community and homeowner associations. CAI is now an international organization with more than 33,000 members and 60 chapters across the United States. Its members include community associations and board members, other property owner leaders, community managers and affiliated professionals, and other service providers. CAI is an advocate for the nearly 65 million Americans who live in community associations such as condominium communities and other planned developments. CAI is the largest organization of its kind, serving more than 68 million homeowners who live in more than 380,000 community associations in the United States.

CAI regularly expresses its position on issues of potentially national concern, and advocates on behalf of community associations and their residents before legislatures, regulatory bodies and the courts. CAI also publishes a bimonthly magazine offering information on current issues affecting community associations, sponsors educational and training opportunities through seminars, workshops and conferences, and maintains a searchable research library with the largest collection of resources available on community association management and governance.

The Community Associations Institute, South Carolina Chapter ("SC-CAI") serves the 1,330,000 South Carolinians living in 480,000 homes in nearly 6,675 community associations. It serves the educational, business, and networking needs of the community association industry in five geographic regions of South Carolina. SC-CAI chapter members either own property in South Carolina community association or work with those communities, which include

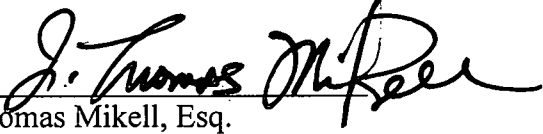
homeowners associations, condominiums, cooperatives and other planned communities. SC-CAI's members include condominium, cooperative and homeowner association volunteers, professional association managers, management companies, and those who provide services and products to community associations. SC-CAI is comprised of approximately 600 members, with affiliations with hundreds of others in the industry who participate in programs and events.

CAI and its members have a direct interest in the laws governing and regulating community associations and amenity organizations, as well as nonprofit corporations in general. It is further interested in the advancement of the interests of community associations throughout the State.

At the heart of the pending litigation is the construction and application of certain provisions of the South Carolina Nonprofit Corporation Act relating to the rights of nonprofit entities and their members to freely agree with each other regarding the terms of membership. Specifically, the decision of the South Carolina Court of Appeals in this matter threatens to prohibit community associations and their members from entering agreements that are vital to the financial viability of such organizations. CAI and its members respectfully assert that this Court should grant *certiorari* and reverse the Court of Appeals' decision in this matter. The Court of Appeals' decision presents a potential crisis for community associations (and other nonprofit entities) in South Carolina.

For the foregoing reasons, CAI respectfully requests that the Court grant it leave to present an *amicus curiae* brief for the benefit of this Court and to protect the interests of its members. The submission of an *amicus curiae* brief by CAI will assist the Court in its decision on the state-wide impact of the questions currently before this Court. CAI's proposed *amicus curiae* brief is being conditionally filed simultaneously with this Motion, in accordance with SCACR, Rule 213.

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Beaufort, South Carolina
December 6, 2016

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S.C. SUPREME COURT

APPEAL FROM BEAUFORT COUNTY
In the Court of Common Pleas for the Fourteenth Circuit

Carmen T. Mullen, Circuit Court Judge

Appellate Case No. 2014-001524
South Carolina Court of Appeals Opinion No. 5434

The Callawassie Island Members Club, Inc. Petitioner,

v.

Ronnie D. Dennis and Jeanette Dennis..... Respondents.

PROOF OF SERVICE


I certify that I have served the Motion for Leave to File *Amicus Curia* Brief of the Community Associations Institute on the above-referenced Petitioner and Respondents by depositing a copy of it in the United States Mail, postage prepaid, on December 7, 2016, addressed to their attorneys of record:

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