

September 25, 2017

Via U.S. Mail and Electronic Mail

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211
jkitchings@sccourts.org

RE: Beresford Commons Homeowners Association, Inc. v. Portrait Homes-South Carolina, LLC, et al.
Civil Action Case No.: 2013-CP-08-179
Appellate Case No.: 2017-000202

Dear Ms Kitchings:

We are writing in response to Tim Newton's correspondence to you dated September 21, 2017, in which he stated that Respondent Beresford Commons Homeowners Association, Inc. had *ex parte* communications with the Court, in the above-captioned matter.

On September 15, 2017, I wrote to the South Carolina Court of Appeals in an effort to inform the Court of the settlement of this matter. We believe it would be a waste of judicial resources for the Court to be working on a matter that had been resolved, especially in light of the parties recently working out the details of the settlement agreement and release. I have attached another copy of this correspondence, wherein I copy Mr. Newton, to illustrate there was no *ex parte* communication regarding this matter.

On September 19, 2017, I spoke with Mr. Newton and advised him of my intent of informing the Court about our settlement due to the fact we agreed to the settlement in July 2017 and had not yet finalized the terms of the settlement or informed the Court. Someone from your office did call my office on September 20, 2017 and inquired whether the settlement was reached with just one party (Nationwide) or both parties (Nationwide and Superior). While I advised the Court that I did not represent the Appellant, I felt it was prudent to keep the Court informed. I advised her that I expected that Nationwide's counsel would be sending the Court a more formal document as they would have to formally dismiss the appeal.

Please allow this correspondence to confirm that Respondent's counsel did not engage in any *ex parte* communications. Should you have any questions or require any additional information, please do not hesitate to contact me and Mr. Newton.

Very truly yours,


Amanda M. Blundy

AMB/jl

Enclosure

cc: The Honorable W. Rosalyn Frierson-Smith - via U.S. Mail
John T. Chakeris, Esquire - via electronic mail
Timothy J. Newton, Esquire - via U.S. mail and electronic mail
J.R. Murphy, Esquire - via U.S. Mail and electronic mail
Adam J. Neil, Esquire - via U.S. Mail and electronic mail
Albert A. Lacour, III, Esquire - via U.S. Mail and electronic mail

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Amanda M. Blundy
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September 15, 2017

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SC Court of Appeals

Via U.S. Mail

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RE: Beresford Commons Homeowners Association, Inc. v. Portrait Homes-South Carolina, LLC, et al.

Civil Action Case No.: 2013-CP-08-179

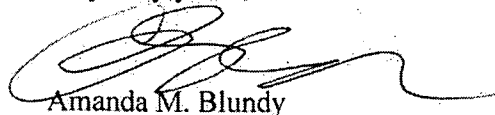
Appellate Case No.: 2017-000202

Dear Ms. Kitchings:

We are writing to inform the Court that the above-referenced case has been settled on behalf of Beresford Commons Homeowners Association, Inc. with Nationwide Mutual Fire Insurance Company, as insurer of Superior Solution, LLC, and Superior Solution, LLC.

With best regards, I am

Very truly yours,



Amanda M. Blundy

AMB/jl

Enclosures

cc: John T. Chakeris, Esquire - via electronic mail
J.R. Murphy, Esquire - via U.S. mail and electronic mail
Adam J. Neil, Esquire - via U.S. mail and electronic mail
Timothy J. Newton, Esquire - via U.S. mail and electronic mail
Albert A. Lacour, III, Esquire - via electronic mail

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SC Court of Appeals

THE HONORABLE JENNY ABBOTT KITCHINGS
CLERK OF COURT
SOUTH CAROLINA COURT OF APPEALS
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