

# EXHIBIT C

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
CASE NO. 2016-CP-23-06923

Deborah L. Boies,  
Plaintiff,

**NOTICE OF MOTION AND  
MOTION TO RECONSIDER  
MASTER'S ORDER**

v.  
Jacqueline J. Lanier,  
Defendant.

**RECEIVED**  
DEC 18 2017  
SC Court of Appeals

Please Take Notice that the Defendant, by and through her undersigned attorneys, will move the Court at such time as counsel may be heard for an Order Altering or Amending the Judgment of the Court filed October 19, 2017.

This motion is made pursuant to SCRPC 59 (e) and is based on the fact that the Court's Order makes erroneous findings including but not limited to incorrect finding that the "2.8 Grantor Approval" language of the Covenants and Restrictions applied to "all landowners" when the only evidence at trial and the public record show clearly that the subject language applied only to Defendant's Deeds and not to the other similarly situated parcels; that the Order fails to recognize the clearly ambiguous nature of the "1.4 Fences" language; that the Order misapplies the holdings of *Palmetto Dunes Resort v. Brown* 287 S.C. 1, 336 S.E. 2d 15 (Ct. App. 1985) by finding that *Palmetto Dunes* allows "purely aesthetic reasons" for denial of requested construction when the issue was not how Plaintiff decided to deny Defendant's request but rather that the language of the document from which that power emanated (2.8) was too overbroad to be enforceable because it reserved in Plaintiff the ability to make decisions not just based on aesthetics,

but for any reason or no reason, including bad and discriminatory reasons, thus violating public policy, and the Order improperly focused on Plaintiff's assertions that her decisions were based on aesthetics; and that the Court mistakenly ordered the Defendant's removed fence to be replaced in light of the uncontroverted testimony that Plaintiff advised Defendant during the fence removal process that Defendant had the right to remove the fence and Defendant relied on that statement to complete removal of the fence.

This Motion will be supported by any Memoranda or Affidavits as may be filed with the Court.

Respectfully submitted,

s/Matthew H. Henrikson  
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October 30, 2017  
Greenville, South Carolina