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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas
Clifton Newman, Circuit Court Judge

RECEIVED

DEC 19 2017

Trial Court Case No. 2014CP2606573
Trial Court Case No. 2014CP2607634
Appellate Case No. 2017-02146

SC Court of Appeals

In Re Motions to Intervene in:

The Harbour Cove Condominium Association, Plaintiff,

v.

Centex Homes, a Nevada General Partnership, Centex Construction Company, Inc., Centex Construction, LLC, Centex-Rooney Construction Co., Inc., Centex-Rodgers, Inc., Right Way Group, Inc., RWG, Inc., RWGR, Inc., South Carolina State Plastering, LLC, Georgia State Plastering, LLC, Florida State Plastering, LLC, Coastal Drywall, Inc., d/b/a Coastal Plaster Systems, Lundy Dowell d/b/a Coastal Plaster Systems, Martin Masonry, Inc., Roof Doctor of the Carolinas, Inc., Richard Blackwell d/b/a Synthetic Designs, Ferst Plastering, Inc., a/k/a Ferst Exteriors, Inc., Coastal Tinting, Inc., BR Brick & Masonry, Inc., Model Home Interiors, Inc., Gary Hunnell d/b/a Grand Strand Roofing, Steven Bosch d/b/a The Roofer Man, Frank Harris d/b/a Frank Harris Construction, Carl Williamson d/b/a Williamson Construction & Waterproofing, Stock Building Supply, LLC, f/k/a Stock Building Supply, Inc., and Morningstar Consultants, Inc.,

Defendants,

and

Beach Villas at Ocean Keys Property Owners Association, Inc., Plaintiff,

v.

Ocean Keys Development, LLC, Key Construction Co., Inc., Russell P. Baltzer, First Exteriors, LLC, CareFree Exteriors Inc., Coastal Stucco, Inc., Richard H. Construction, LLC a/k/a Ricardo Hernandez d/b/a Richard Framing Con., Inc., Builders FirstSource-Southeast Group, LLC, Steel Homes International, Inc., Renaissance Steel Installation, LLC n/k/a

Renaissance Steel, LLC, Benchmark Steel Service, LLC and Dietrich Building Systems n/k/a Clark Western Dietrich Building Systems, LLC, Defendants,

AND

Ocean Keyes Development, LLC and Keye Construction Co., Inc., Third-Party Plaintiffs,
v.

Renaissance Steel Installation, LLC f/k/a Renaissance Steel, LLC n/k/a Innovative Steel Technologies, Benchmark Steel Erectors, and Total Construction, LLC, Third-Party Defendants.

Of whom Hartford Fire Insurance Company, Hartford Casualty Insurance Company, Hartford Underwriters Insurance Company, Clarendon National Insurance Company as successor in interest to Clarendon America Insurance Company, National Fire & Marine Insurance Company, Bitco General Insurance Corporation, Selective Insurance Company of South Carolina, Nationwide Mutual Insurance Company f/k/a Harleysville Insurance Company, Canopus US Insurance, Inc., American Empire Surplus Lines Insurance Company are the Appellants,

AND

The Harbour Cove Condominium Association, Beach Villas at Ocean Keyes Property Owners Association, Inc., Ocean Keyes Development, LLC, Keye Construction Co., Inc., and Russell P. Baltzer are the Respondents.

MOTION TO DISMISS

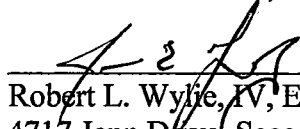
Respondent Beach Villas at Ocean Keyes Property Owners Association hereby moves the Court for an Order dismissing (1) the Notice of Appeal filed on October 13, 2017 by non-party insurers Hartford Fire Insurance Company, Hartford Casualty Insurance Company, and Hartford Underwriters Insurance Company (hereinafter collectively referred to as Hartford Insurance or Hartford Insurers or Appellant Hartford); (2) the Notice of Appeal filed on October 27, 2017 by non-party insurer Canopus US Insurance, Inc. (hereinafter Appellant Canopus); and (3) the Notice of Appeal filed on or about October 30, 2017 by non-party insurer Selective Insurance

Company of South Carolina (hereinafter Appellant Selective). Neither the Hartford, nor Canopus nor Selective are parties to this action, and they have not requested to intervene as parties to the action. As non-parties, Appellant Insurers Hartford, Canopus and Selective cannot appeal from any matter arising from the underlying action. See SCACR 201, SCACR 241, SCRCR 24.

Based on the foregoing and an accompanying Memorandum in Support of this Motion, Respondent respectfully requests this Court to dismiss the Notices of Appeal filed by the Appellant Hartford, by Appellant Canopus and by Appellant Selective in their entirety.

Respectfully Submitted,

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VILLAS AT OCEAN KEYES PROPERTY
OWNERS ASSOCIATION, INC.**

Myrtle Beach, South Carolina
December 13, 2017

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Renaissance Steel, LLC, Benchmark Steel Service, LLC and Dietrich Building Systems n/k/a Clark Western Dietrich Building Systems, LLC, Defendants,

AND

Ocean Keys Development, LLC and Key Construction Co., Inc., Third-Party Plaintiffs,
v.

Renaissance Steel Installation, LLC f/k/a Renaissance Steel, LLC n/k/a Innovative Steel Technologies, Benchmark Steel Erectors, and Total Construction, LLC, Third-Party Defendants.

Of whom Hartford Fire Insurance Company, Hartford Casualty Insurance Company, Hartford Underwriters Insurance Company, Clarendon National Insurance Company as successor in interest to Clarendon America Insurance Company, National Fire & Marine Insurance Company, Bitco General Insurance Corporation, Selective Insurance Company of South Carolina, Nationwide Mutual Insurance Company f/k/a Harleysville Insurance Company, Canopus US Insurance, Inc., American Empire Surplus Lines Insurance Company are the Appellants,

AND

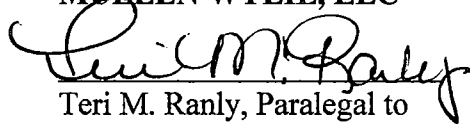
The Harbour Cove Condominium Association, Beach Villas at Ocean Keys Property Owners Association, Inc., Ocean Keys Development, LLC, Key Construction Co., Inc., and Russell P. Baltzer are the Respondents.

CERTIFICATE OF SERVICE

I certify that I have served the Motion For Reconsideration and Memorandum in Support of Motion For Reconsideration to all appellants United States Mail, postage prepaid on December 13, 2017, and addressed to their attorney of record; Mark S. Barrow, Esquire; Christy E. Mahon, Esquire; Sweeny, Wingate & Barrow, PA; Post Office Box 12129; Columbia, South Carolina 29211; Attorney for Appellant Hartford Fire Insurance Company, etc.; Peter H. Dworjanyn, Esquire; Kelsey J. Brudvig, Esquire; Collins & Lacy, PC; Post Office Box 12487; Columbia,

South Carolina 29211; Attorney for Appellant Canopus; Clay McCullough, Esquire; Ross A. Appel, Esquire; McCullough Kahn, LLC; 359 King Street, Suite 200; Charleston, South Carolina 29401; Attorney for Appellant American Empire Surplus; Robert C. Calamari, Esquire; Nelson Mullins Riley & Scarborough, LLP; Post Office Box 3939; Myrtle Beach, South Carolina 29578; Attorney for Appellant Selective; John L. McCants, Esquire; Rogers, Lewis, Jackson, Mann & Quinn, LLC; Post Office Box 11803; Columbia, South Carolina 29211; Attorney for Appellant National Fire & Marine; Lawrence M. Hunter, Jr., Esquire; Hunter & Foster, PA; Post Office Box 10309; Greenville, South Carolina 29603; Attorney for Appellant Bitco General; Neil S. Haldrup, Esquire; Thomas B. Boger, Esquire; Wall Templeton & Haldrup, PA; Post Office Box 1200; Charleston, South Carolina 29401; Attorney for Appellant Clarendon National.

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Myrtle Beach, South Carolina
December 13, 2017

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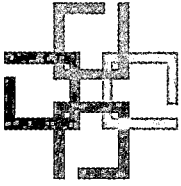
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A T T O R N E Y S

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SC Court of Appeals

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VIA US Mail

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
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RE: In Re: Hartford Fire Insurance Company, Hartford Casualty Insurance Company, Hartford Underwriters Insurance Company, Clarendon National Insurance Company, National Fire & Marine Insurance Company, Bitco General Insurance Corporation, Selective Insurance Company, Selective Insurance Company of South Carolina, and Nationwide Mutual Insurance Company

Harbour Cove vs. Centex vs. Hartford

Case No.: 2014-CP-26-7634

Beach Villas vs. Ocean Keyes Development

Case No.: 2014-CP-26-6573

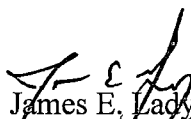
Appellate Case No. 2017-002146

Dear Shelby:

Enclosed please find for filing the original and six (6) copies of Beach Villas Motion to Dismiss, the original and six (6) copies of the Memorandum in Support of Motion to Dismiss, the original and six (6) copies of the Certificate of Service for the Motion to Dismiss and Memorandum in Support on the Appellants and all other counsel of record and check number 1399 in the amount of \$25.00 for the Motion Filing Fee.

Thank you in advance for your help with this matter

Sincerely,


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