



# The Supreme Court of South Carolina

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January 10, 2018

The Honorable Julie J. Armstrong  
100 Broad St Ste 106  
Charleston SC 29401-2210

## REMITTITUR

Re: Long Grove at Seaside v. Long Grove Property Owners (James, Harwick & Partners)  
Lower Court Case No. 2009CP1006746  
Appellate Case No. 2015-002131

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court along with the earlier decision of the South Carolina Court of Appeals is enclosed.

Very truly yours,

CLERK

cc: David J. Parrish, Esquire  
Stephen Peterson Groves, Sr., Esquire  
Laura Figueroa Locklair, Esquire  
James Lynn Werner, Esquire  
George E. Mullen, Esquire  
Lauren Mullen Thomas, Esquire

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(D)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Supreme Court**

Long Grove at Seaside Farms, LLC; The Beach  
Company; and Gulfstream Construction Company, Inc.,  
Respondents,

v.

Long Grove Property Owners' Association, Inc.; Vista  
Realty Partners, LLC; and Long Grove Vista, LLC;

Of Whom Long Grove Property Owners' Association,  
Inc. is Petitioner.

Long Grove Property Owners' Association, Inc., Third-  
Party Plaintiffs,

v.

James, Harwick & Partners, Inc., n/k/a JHP  
Architecture/Urban Design, P.C.; Sam Mayo, d/b/a SCM  
Construction, Inc.; Essex Engineering Corporation,  
Third-Party Defendants,

Of Whom James, Harwick & Partners, Inc., n/k/a JHP  
Architecture/Urban Design, P.C., is Respondent.

Appellate Case No. 2015-002131

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**ON WRIT OF CERTIORARI TO THE COURT OF APPEALS**

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Appeal From Charleston County  
The Honorable J. Michael Baxley, Circuit Court Judge.

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Memorandum Opinion No. 2018-MO-001  
Heard September 28, 2017 – Filed January 10, 2018

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**CERTIORARI DISMISSED AS IMPROVIDENTLY  
GRANTED**

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George E. Mullen and Lauren Mullen Thomas, both of  
Mullen Wylie, LLC, of Hilton Head Island, for  
Petitioner.

David J. Parrish and Steven P. Groves, Sr., both of  
Nexsen Pruet, LLC, of Charleston.

James Lynn Werner and Katon E. Dawson, Jr., both of  
Parker Poe Adams & Bernstein, LLP, of Columbia, for  
Respondents.

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**PER CURIAM:** We granted Long Grove Property Owners' Association, Inc.'s petition for a writ of certiorari to review the court of appeals' decision in *Long Grove at Seaside Farms, LLC v. Long Grove Prop. Owners' Ass'n, Inc.*, No. 2015-UP-377 (S.C. Ct. App. July 29, 2015). We now dismiss the writ as improvidently granted.

**DISMISSED AS IMPROVIDENTLY GRANTED.**

**BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.**

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

Long Grove at Seaside Farms, LLC; The Beach  
Company; and Gulfstream Construction Company, Inc.,  
Respondents,

v.

Long Grove Property Owners' Association, Inc.; Vista  
Realty Partners, LLC; and Long Grove Vista, LLC;

Of Whom Long Grove Property Owners' Association,  
Inc. is Appellant.

Long Grove Property Owners' Association, Inc., Third-  
Party Plaintiffs,

v.

James, Harwick & Partners, Inc., n/k/a JHP  
Architecture/Urban Design, P.C.; Sam Mayo, d/b/a SCM  
Construction, Inc.; Essex Engineering Corporation,  
Third-Party Defendants,

Of Whom James, Harwick & Partners, Inc., n/k/a JHP  
Architecture/Urban Design, P.C., is Respondent.

Appellate Case No. 2012-213584

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Appeal From Charleston County  
J. Michael Baxley, Circuit Court Judge

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Unpublished Opinion No. 2015-UP-377  
Heard June 16, 2015 – Filed July 29, 2015

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**AFFIRMED**

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Francis E. Grimball, of Mullen Wylie, LLC, of Charleston, and George E. Mullen, of Mullen Wylie, LLC, of Hilton Head Island, for Appellant.

David Jay Parrish and Stephen Peterson Groves, Sr., both of Nexsen Pruet, LLC, of Charleston, for Respondents Long Grove at Seaside Farms, LLC, The Beach Company, and Gulfstream Construction Company, Inc. James Lynn Werner, of Parker Poe Adams & Bernstein, LLP, of Columbia, and Laura Figueroa Locklair, of Parker Poe Adams & Bernstein, LLP, of Charleston, for Respondent James, Harwick & Partners, Inc., n/k/a JHP Architecture/Urban Design, P.C.

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**PER CURIAM:** Long Grove Property Owners' Association (the POA) appeals from the trial court's order granting summary judgment in favor of Long Grove at Seaside Farms, LLC; The Beach Company; and Gulfstream Construction Company, Inc. (collectively, Long Grove), as well as James, Harwick & Partners, Inc. n/k/a JHP Architecture/Urban Design, P.C. (JHP) (all collectively, Respondents). The POA argues the trial court erred in (1) not finding the contract at issue is an exculpatory contract and void because it violates public policy; (2) allowing Long Grove and JHP to avoid non-delegable duties; (3) finding the POA is bound by a contract to which it was not a party; and (4) not finding the contract at issue is unconscionable and therefore void and unenforceable.

We affirm and adopt the trial court's order in full. *See Byrd v. Livingston*, 398 S.C. 237, 245, 727 S.E.2d 620, 624 (Ct. App. 2012) (adopting the trial court's order as to some issues); *Grosshuesch v. Cramer*, 367 S.C. 1, 6, 623 S.E.2d 833, 835 (2005) (adopting the reasoning set forth in the trial court's order as to some of the issues on appeal).

**AFFIRMED.**

**HUFF, SHORT and LOCKEMY, JJ., concur.**