

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge  
Case No. 2010-CP-10-00482

Appellate Case No. 2016-000281

**RECEIVED**  
MAR 09 2018  
SC Court of Appeals

Anchorage Plantation Homeowners Association,..... Respondent,

v.

John B. Walpole and Theodora W. Walpole, ..... Appellants.

**MOTION FOR SUBMISSION ON BRIEFS AND  
DETERMINATION WITHOUT ORAL ARGUMENT**

The Court recently notified the parties of the scheduling of oral argument on the within appeal on April 17, 2018. Respondent, Anchorage Plantation Homeowners Association (“Respondent” or “Association”), hereby moves that the Court consider submission and determination of this appeal without oral argument.

Rule 215 of the Appellate Court Rules, provides that certain specified civil cases are to be decided without oral argument and grants this Court the discretion to “decide any other case without oral argument if it determines that oral argument would not aid the court in resolving the issues.” Rule 215, SCACR.

This appeal involves an action the Association initiated in 2010 against Appellants seeking a declaratory determination that an easement of record granted to Appellants by the former developer was legally invalid as well as an injunction enjoining the purported use of the easement

by Appellants. R. 40-146. The case was tried non-jury. The lower court, R. Markley Dennis, Jr., circuit judge, issued a 36-page final Order with findings of fact and conclusions of law ruling that the easement was legally invalid and requiring his Order invalidating the easement be recorded in the RMC Office for Charleston County. R 1-38.

As stated in Respondent's brief, the final Order of Judge Dennis under appeal sets forth five (5) separate grounds for invalidating the easement; Appellants directly challenged only one of these five (5) alternative grounds for ruling in Respondent's favor. Respondent's Brief at 1-2.

Under these circumstances, Respondent submits that oral argument would not aid this Court in the disposition of this appeal. Dispensing with oral argument would promote judicial economy, spare judicial resources, and relieve the parties of the legal fees and costs for preparing and arguing the appeal in a case that has already imposed a considerable burden on them and the lower court over the eight years it has been pending. The expense and imposition so far include the highly unusual circumstance of three separate trial sessions over two and a half years just to complete a four-day bench trial – the first two before Circuit Judge Harrington and the final session before Circuit Judge Dennis. R. See, Table of Contents (Showing trial proceedings on February 26-27, 2013; June 21, 2013; and August 21, 2015). Respondent and Appellants have submitted briefs that fully set forth the issues under consideration.

For the foregoing reasons, Respondent respectfully requests that the Court decide this appeal on the written submissions to the Court without the need for oral argument on April 17, 2018, or at any other time. Of course, if the Court decides that oral argument will aid the Court in resolving the case, counsel for Respondent will gladly appear and argue before the Court on April 17.



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Attorneys for Respondent, Anchorage Plantation

Homeowners Association

March 7, 2018

Charleston, South Carolina

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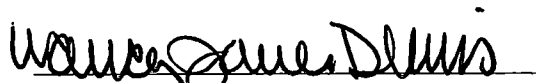
v.

John B. Walpole and Theodora Walpole ..... Appellants.

**PROOF OF SERVICE**

I hereby certify that I have served this 7<sup>th</sup> day of March, 2018, a copy of **MOTION FOR SUBMISSION ON BRIEFS AND DETERMINATION WITHOUT ORAL ARGUMENT** on counsel of record, by placing same in the United States Mail, first class postage prepaid to the following:

Charles S. Altman  
Meredith L. Coker  
575 King Street, Suite A  
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Nancy Jane Dennis  
Paralegal

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March 7, 2018

U.S. MAIL  FACSIMILE  EMAIL

The Honorable Jenny Abbott Kitchings  
South Carolina Clerk, Court of Appeals  
John C. Calhoun Building  
1220 Senate Street  
Columbia, SC 29201

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SC Court of Appeals

Re: Anchorage Plantation Homeowners Assoc. v. John B. Walpole & Theodora W. Walpole  
SC Court of Appeals Case No.: 2016-000281  
Our File No.: 7279-001

Dear Ms. Kitchings:

Enclosed please find the original and 6 copies of Respondent's Motion for Submission on Briefs and Determination without Oral Argument, Proof of Service, and \$25 filing fee.

If there is anything more needed to accomplish this filing, please let me know. Thank you for your courtesies herein.

Sincerely yours,

WALKER GRESSETTE FREEMAN & LINTON, LLC



G. Trenholm Walker

Enclosures (As Stated)

c: Charles S. Altman, Esq.  
Meredith L. Coker, Esq.



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**WALKER  
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