

# The South Carolina Court of Appeals

Ellis E. Smith, individually, and on behalf of A & E Constructors and Consultants, Inc., a South Carolina Corporation, Plaintiffs,

v.

Arthur Wayne Vereen, Park Place Properties of Myrtle Beach, LLC, Parkway Offices, LLC, Arthur Vereen Construction Company, Inc., Linda C. Vereen, Arthur W. Vereen, As Trustee of the Arthur W. Vereen Residence Trust, and Linda C. Vereen, As Trustee of the Linda C. Vereen Residence Trust, Defendants.

And

Arthur Wayne Vereen, individually and on behalf of A & E Constructors and Consultants, Inc., and 29th Place Developers, Inc., Third-Party Plaintiffs,

v.

E. Smith and Sons Construction, LLC, EES Construction and Consulting, Inc. and Ellis E. Smith, individually, Third-Party Defendants,

Of whom Arthur Wayne Vereen, individually and on behalf of A & E Constructors and Consultants, Inc., Park Place Properties of Myrtle Beach, LLC, Parkway Offices, LLC, Arthur Vereen Construction Company, Inc., Linda C. Vereen, Arthur W. Vereen, as Trustee of the Arthur W. Vereen Residence Trust, Linda C. Vereen, as Trustee of the Linda C. Vereen Residence Trust, and 29th Place Developers, Inc. are the Appellants,

And

Ellis E. Smith, individually and on behalf of A & E Constructors and Consultants, Inc., a South Carolina Corporation and E. Smith and Sons Construction, LLC, EES Construction and Consulting, Inc., and Ellis E. Smith, individually are the Respondents.

Appellate Case No. 2016-001075

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ORDER

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After careful consideration, the petition for rehearing is granted, and this appeal is reinstated. *See Wells Fargo Bank, N.A. v. Fallon Properties S.C., LLC*, Op. No. 27773 (S.C. Sup. Ct. filed Feb. 28, 2018) (Shearouse Adv. Sh. No. 9 at 100) ("[W]e hold an email sent from the court, an attorney of record, or a party that provides written notice of entry of an order or judgment triggers the time for serving a notice of appeal for purposes of Rule 203(b)(1), SCACR. For the reasons stated, our holding shall be applied prospectively . . ."). Nothing in this order of reinstatement prevents the parties from arguing the issue of timeliness in their briefs along with the merits of the appeal.



FOR THE COURT



Columbia, South Carolina

cc:  
Henrietta U. Golding, Esquire  
James Keith Gilliam, Esquire  
Frank H. DuRant, Esquire  
J. Jackson Thomas, Esquire

**FILED**

March 22, 2018