

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas

William H. Seals, Jr., Circuit Court Judge

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**RECEIVED**

JUL 03 2018

SC Court of Appeals

**Case No. 2016-CP-26-00673**  
**Case No. 2016-CP-26-00674**  
**Case No. 2016-CP-26-00743**  
**Case No. 2016-CP-26-00744**  
**Appellate Case No. 2018-000041**

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Jim Perkins, Colleen Franke, a/k/a Colleen Franke Perkins, Mark Dos Santos, Nancy Moore, William Moore, Steven Dame, Errol Dos Santos, and Jeffrey Richardson, on behalf of themselves and all other similarly situated, Plaintiffs,

v.

Ocean Front Spa Horizontal Property Regime, Inc., Bill Cameron, Walter Jordan, Ralph Jump, Stanley Jordan, Ray Coghill and Joh Doe past board of directors of Ocean Front Spa Horizontal Property Regime, Inc., Defendants,

And

Jim Perkins, Colleen Franke, a/k/a Colleen Franke Perkins, Mark Dos Santos, Nancy Moore, William Moore, Steven Dame, and Errol Dos Santos, and Jeffrey Richardson, on behalf of themselves and all other similarly situated, Plaintiffs,

v.

The Myrtle Beach Resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley Jordan, Walter Jordan, Wayne Urban, Ken Perkins, and John Doe past board directors of The Myrtle Beach Resort Homeowners Association, Inc., Defendants,

And

Jim Perkins, Colleen Franke, a/k/a Colleen Franke Perkins, Mark Dos Santos, Nancy Moore, William Moore, Steven Dame, Errol Dos Santos, and Jeffrey Richardson, individually in their capacity as derivative shareholders, Plaintiffs,

v.

K.A. Diehl and Associates, Inc., The Myrtle Beach Resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley Jordan, Wayne Urban, Walter Jordan, Ken Perkins, and John Doe past board directors of The Myrtle Beach Resort Homeowners Association, Inc., Defendants,

And

Jim Perkins, Colleen Franke, a/k/a Colleen Franke Perkins, Mark Dos Santos, Nancy Moore, William Moore, Steven Dame, Errol Dos Santos, and Jeffrey Richardson, individually in their capacity as derivative shareholders of Ocean Front Spa Horizontal Property Regime, Inc., Plaintiffs,

v.

Ocean Front Spa Horizontal Property Regime, Inc., Walter Jordan, Ralph Jump, Ray Coghill, John Doe past board of directors of Ocean Front Spa Horizontal Property Regime, Inc., The Myrtle Beach Resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley Jordan, Wayne Urban, Ken Perkins, John Doe, past board directors of The Myrtle Beach Resort Homeowners Association, Inc., and K.A. Diehl and Associates, Inc., Defendants,

Of whom Mark Dos Santos is the Appellant,

And

Ocean Front Spa Horizontal Property Regime, Inc., Walter Jordan, Ralph Jump, Ray Coghill, John Doe past board directors of Ocean Front Spa Horizontal Regime, Inc., The Myrtle Beach Resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley Jordan, Wayne Urban, Ken Perkins, John Doe past board directors of the Myrtle Beach Resort Homeowners Association, Inc., and K.A. Diehl and Associates, Inc. are the Respondents.

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PROOF OF SERVICE

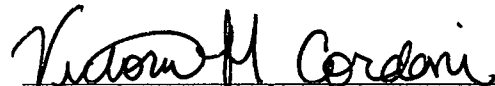
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I certify that I have served the **Brief of Appellant and Reply Brief of Appellant** on Respondents by depositing a copy of said documents in the United States Mail, postage prepaid, on **July 3, 2018**, addressed to Respondents' attorneys of record as follows:

Philip A. Kilgore, Esq.  
Lucas J. Asper, Esq.  
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
300 North Main Street, Suite 500  
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Henrietta U. Golding, Esq.  
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Myrtle Beach, SC 29578

Andrew Preston Brittain, Esq.  
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4614 Oleander Drive  
Myrtle Beach, South Carolina 29577

  
Victoria Cordoni – Paralegal

July 3, 2018.

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And

Jim Perkins, Colleen Franke, a/k/a Colleen Franke Perkins, Mark Dos Santos, Nancy Moore, William Moore, Steven Dame, Errol Dos Santos, and Jeffrey Richardson, individually in their capacity as derivative shareholders of Ocean Front Spa Horizontal Property Regime, Inc., Plaintiffs,

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Ocean Front Spa Horizontal Property Regime, Inc., Walter Jordan, Ralph Jump, Ray Coghill, John Doe past board of directors of Ocean Front Spa Horizontal Property Regime, Inc., The Myrtle Beach Resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley Jordan, Wayne Urban, Ken Perkins, John Doe, past board directors of The Myrtle Beach Resort Homeowners Association, Inc., and K.A. Diehl and Associates, Inc., Defendants,

Of whom Mark Dos Santos is the Appellant,

And

Ocean Front Spa Horizontal Property Regime, Inc., Walter Jordan, Ralph Jump, Ray Coghill, John Doe past board directors of Ocean Front Spa Horizontal Regime, Inc., The Myrtle Beach Resort Homeowners Association, Inc., Phil Cox, Bill Cameron, Stanley Jordan, Wayne Urban, Ken Perkins, John Doe past board directors of the Myrtle Beach Resort Homeowners Association, Inc., and K.A. Diehl and Associates, Inc. are the Respondents.

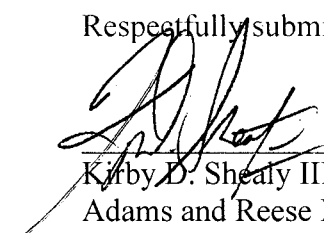
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CERTIFICATE OF COMPLIANCE

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The undersigned hereby certifies that the Brief of Appellant and Reply Brief of Appellant comply with Rule 211(b), SCACR.

Respectfully submitted,



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Kirby D. Shealy III

Adams and Reese LLP  
1501 Main Street, Fifth Floor  
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Columbia, South Carolina 29201  
(803) 254-4190  
*Attorneys for Appellant*

July 3, 2018.

July 3, 2018

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

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SC Court of Appeals

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[Kirby.shealy@arlaw.com](mailto:Kirby.shealy@arlaw.com)

RE: *Jim Perkins, et. al., v. Ocean Front Spa Horizontal Property Regime, Inc., et. al.*  
Appellate Case No.: 2018-000041

Dear Ms. Kitchings:

Enclosed for filing in the above-referenced matter are one (1) unbound copy and fourteen (14) bound copies of both the Brief of Appellant and Reply of Brief of Appellant. I have included extra copies which I would appreciate your file-stamping and returning to my courier delivering same.

By copy of this letter, I am serving opposing counsel with the Briefs, as set forth in the enclosed Proof of Service. Thank you for your assistance with this matter.

Sincerely,

  
Kirby D. Shealy III

KDSIII/vmc

Enclosures

cc: Phillip Arthur Kilgore, Esq.  
Lucas James Asper, Esq.  
Henrietta U. Golding, Esq.  
Andrew Preston Brittain, Esq.