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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Cynthia Graham Howe
Master-in-Equity, Fifteenth Judicial Circuit

Case No.: 2009-CP-26-620
Appellate Case No.: 2016-001075

RECEIVED

DEC 27 2016

SC 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, 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. 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 Respondents.

**RESPONDENTS/THIRD-PARTY DEFENDANTS
E. SMITH AND SONS CONSTRUCTION, LLC,
EES CONSTRUCTION AND CONSULTING, INC.
AND ELLIS E. SMITH, INDIVIDUALLY'S
NOTICE OF MOTION AND MOTION FOR
WITHDRAWAL AND SUBSTITUTION OF COUNSEL**

The undersigned attorney for Respondents/Third-Party Defendants E. Smith and Sons Construction, LLC, EES Construction and Consulting, Inc. and Ellis E. Smith, Individually, hereby moves for withdrawal as counsel and substitution of attorney Matthew R. Magee as attorney for said Respondents/Third-Party Defendants. The basis for the motion is as follows:

1. Attorney is 71 years of age and has retired from the practice of law and has only this case on appeal remaining. Attorneys' professional liability insurance carrier has required that he be fully retired, including involvement in this case, as a condition of providing "tail" coverage.

2. Attorney Matthew R. Magee is the law partner of the undersigned and is an attorney in good standing in South Carolina and is able, willing and competent to act as counsel for the Respondents/Third-Party Defendants in this appeal.


3. All briefs have been filed in the matter and the only remaining action on appeal is oral argument before this Honorable Court when and if same is scheduled.

4. The clients have agreed to the requested substitution of counsel as evidenced by their consent hereto affixed.


5. Counsel for all parties in this appeal have likewise consented to the request for substitution of counsel.

FURTHER, THIS AFFIANT SAYETH NOT.

December 19, 2018


THOMAS & BRITTAIN, P.A.
J. Jackson Thomas, S.C. Bar No. 5527
4712 Jenn Drive, Suite B
P.O. Box 1290
Myrtle Beach, SC 29578
Phone: 843-692-2628
Fax: 843-692-0918
*Attorneys for Respondents/Third-Party
Defendants*

I CONSENT:


Matthew R. Magee, S.C. Bar No. 15896
THOMAS & BRITTAIN, P.A.
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Myrtle Beach, SC 29578
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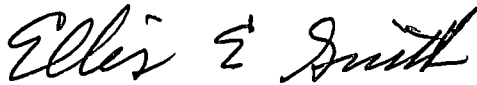
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E. SMITH AND SONS CONSTRUCTION, LLC,
EES CONSTRUCTION AND CONSULTING, INC.
AND ELLIS E. SMITH, INDIVIDUALLY'S
CONSENT TO THE WITHDRAWAL AND
SUBSTITUTION OF COUNSEL**

I hereby consent to the withdrawal of counsel J. Jackson Thomas as attorney for the undersigned in this appeal and the substitution of attorney Matthew R. Magee as counsel for Respondents/Third-Party Defendants E. Smith and Sons Construction, LLC, EES Construction and Consulting, Inc. and Ellis E. Smith, Individually.

I CONSENT:



Ellis E. Smith, Individually and on behalf of
E. Smith and Sons Construction, LLC, and
EES Construction and Consulting, Inc.

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And

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E. SMITH AND SONS CONSTRUCTION, LLC,
EES CONSTRUCTION AND CONSULTING, INC.
AND ELLIS E. SMITH, INDIVIDUALLY'S
PROOF OF SERVICE**

I, Kimberly W. Nobles, an employee of Thomas & Brittain, P.A., certify that I have served all counsel of record with a copy of the Respondents/Third-Party Defendants E. Smith and Sons Construction, LLC, EES Construction and Consulting, Inc. and Ellis E. Smith, Individually's Notice of Motion and Motion for Withdrawal and Substitution of Counsel in the above-referenced matter by depositing a copy in the United States Mail, first class postage pre-paid on December 19, 2018.

Henrietta U. Golding, Esquire
James K. Gilliam, Esquire
McNair Law Firm, P.A.
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Myrtle Beach, SC 29578

Frank H. DuRant, Esquire
Julian W. DuRant, Esquire
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December 19, 2018



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*Attorneys for Respondents/Third-Party
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Appellate Case No.: 2016-001075

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v.

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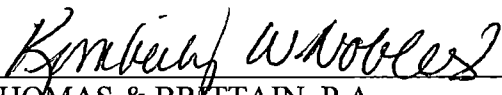
**RESPONDENTS/THIRD-PARTY DEFENDANTS
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EES CONSTRUCTION AND CONSULTING, INC.
AND ELLIS E. SMITH, INDIVIDUALLY'S
PROOF OF SERVICE**

I, Kimberly W. Nobles, an employee of Thomas & Brittain, P.A., certify that I have served all counsel of record with a copy of the Respondents/Third-Party Defendants E. Smith and Sons Construction, LLC, EES Construction and Consulting, Inc. and Ellis E. Smith, Individually's Consent to the Withdrawal and Substitution of Counsel in the above-referenced matter by depositing a copy in the United States Mail, first class postage pre-paid on December 19, 2018.

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Attorneys at Law

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December 19, 2018

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Appellate Case No.: 2016-001075
Ellis Smith v. Arthur Vereen, et al.

Dear Ms. Kitchings:

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Please find enclosed for filing the following documents in the above-referenced matter:

1. Respondents/Third-Party Defendants E. Smith and Sons Construction, LLC, EES Construction and Consulting, Inc. and Ellis E. Smith, Individually's Notice of Motion and Motion for Withdrawal and Substitution of Counsel;
2. Respondents/Third-Party Defendants E. Smith and Sons Construction, LLC, EES Construction and Consulting, Inc. and Ellis E. Smith, Individually's Consent to the Withdrawal and Substitution of Counsel; and
3. Proof of Service.

Our Firm's check in the amount of \$50.00 for the filing fee is also enclosed. Please return a clocked copy of the documents to our office in the enclosed self-addressed stamped envelope. Please do not hesitate to contact our office if you have any questions or require additional information.

Sincerely yours,

THOMAS & BRITAIN, P.A.



J. Jackson Thomas

JJT/kwn



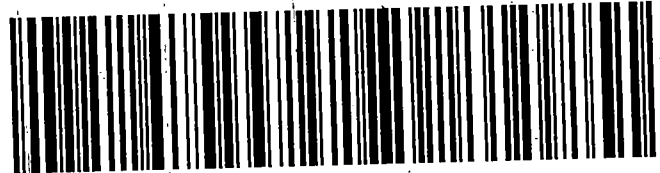
cc: Frank H. DuRant, Esquire
Julian W. DuRant, Esquire
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THOMAS & BRITAIN, P.A.

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Court of Appeals

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SHIP TO:	The Honorable Jenny Abbott Kitchings Clerk, South Carolina Court of Appeals PO Box 11629 Columbia SC 29211-1629 	
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