

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM BEAUFORT COUNTY
In the Court of Common Pleas for the Fourteenth Circuit

Carmen T. Mullen, Circuit Court Judge

Appellate Case No. 2016-002187
South Carolina Court of Appeals Opinion No. 5434

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S.C. SUPREME COURT

The Callawassie Island Members Club, Inc. Petitioner,

v.

Ronnie D. Dennis and Jeanette Dennis Respondents.

THE CALLAWASSIE ISLAND PROPERTY OWNERS AS SOCIATION, INC.

MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF

Pursuant to Rule 213, South Carolina Appellate Court Rules, The Callawassie Island Property Owners Association, Inc. (“CIPOA”) hereby moves for leave to file an *amicus curiae* brief in this action. The above matter is pending before this Court upon the Petition for Writ of Certiorari of Petitioner, Callawassie Island Members Club., Inc.

This case addresses issues of substantial concern to *Amicus Curiae*, CIPOA, which is the property owners association encompassing all of Callawassie Island, located in Beaufort County, South Carolina. CIPOA is a nonprofit corporation, governed by the South Carolina Nonprofit

Corporation Act ("Act"). Under the CIPOA Governing Documents, all Callawassie Island property owners are automatically members of the property owners' association by virtue of his or her property ownership and each is required to remain a membership in CIPOA for as long as they own their property. CIPOA is governed by its members and is funded through all members paying dues, assessments, fees and charges for as long as they own their property. All of the Callawassie Island common elements such as streets, causeways, walkways, bridges, infrastructure, open spaces and lagoons are privately owned, managed and maintained by CIPOA. The fundamental premise of the Callawassie Island community is that each property owner will bear his or her fair share of the cost of owning, maintaining, operating and/or upgrading the privately owned roadways, infrastructure and other common facilities.

As is more fully explained in the brief being submitted contemporaneously with this motion, CIPOA and its property owner members have a great and direct interest in the laws governing nonprofit corporation memberships, including property owners associations such as CIPOA, and particularly the issues before the Court in this matter. Specifically, the Appellate Court decision in this matter will have a significant impact on nonprofit entities such as CIPOA and their members' rights to govern and agree on the terms of membership and agreements vital for financial viability of those organizations.

For the foregoing reasons, CIPOA respectfully requests that this Honorable Court grant leave to submit an *amicus curiae* brief. A copy of the CIPOA's proposed *amicus curiae* brief is attached hereto, and is being conditionally filed with this motion in accordance with Rule 213, South Carolina Appellate Court Rules.

RESPECTFULLY SUBMITTED,

By: Wm. Weston J. Newton
Wm. Weston J. Newton, Esq.

By: Samuel L. Kirkland
Samuel L. Kirkland, Esq.
JONES, SIMPSON & NEWTON, P.A.
P. O. Box 1938
7 Plantation Park, Suite No. 3
Bluffton, SC 29910
(843) 706-6111 Fax: (843) 706-5667

*Attorneys for Amicus Curiae
The Callawassie Island Property Owners
Association, Inc.*

Bluffton, South Carolina
February 2, 2017

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Ronnie D. Dennis and Jeanette Dennis Respondents.

PROOF OF SERVICE

I the undersigned attorney for The Callawassie Island Property Owners Association, Inc., do hereby certify that on February 2, 2017, I served all counsel of record in this action with a copy of the pleading(s) specified below by mailing a copy of the same by United States Mail, postage paid, to the following:

Pleadings: Motion for Leave to File Brief as *Amicus Curiae*

Amicus Curiae Brief of The Callawassie Island
Property Owners Association, Inc.,

Counsel Served: M. Dawes Cooke, Jr., Esq.
John W. Fletcher, Esq.
Barnwell Whaley Patterson & Helms, LLC
P.O. Drawer H
288 Meeting Street, Suite 200
Charleston, SC 29402
(843) 577-7700 Fax: (843) 577-7708

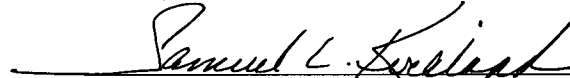
Stephen P. Hughes, Esq.
Howell, Gibson & Hughes
P.O. Box 40
Beaufort, SC 29901

Ian S. Ford, Esq.
Neil D. Thomson, Esq.
Ford Wallace Thomson, LLC
715 King Street
Charleston, SC 29403
(843) 277-2011

J. Thomas Mikell, Esq.
Law Offices of J. Thomas Mikell, PC
14 Professional Village Circle
Beaufort, SC 29901
(843) 524-2110

Certifying Attorney:

JONES, SIMPSON & NEWTON, P.A.



Wm. Weston J. Newton, Esq.
Samuel L. Kirkland, Esq.
P. O. Box 1938
7 Plantation Park, Suite No. 3
Bluffton, SC 29910
(843) 706-6111 Fax: (843) 706-5667