



FACSIMILE

March 14, 2018

To: The Supreme Court of South Carolina **Fax No.:** (803) 734-1499

From: Katie B. Nacy, Paralegal **Pages:** 15 (including cover)

Re: 2017-002146

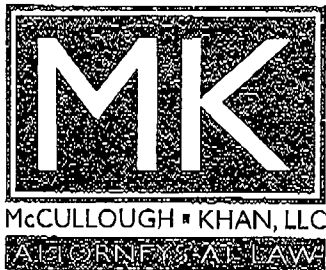
Attached please find correspondence from Ross Appel.

Best Regards,

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CONFIDENTIAL & PRIVILEGED

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March 14, 2018

VIA FACSIMILE & FEDERAL EXPRESS

The Honorable Daniel E. Shearhouse
South Carolina Supreme Court Clerk
South Carolina Supreme Court
1231 Gervais Street
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FAX: (803) 734-1499

RECEIVED

MAR 14 2018

S.C. SUPREME COURT

**Re: The Harbour Cove Condominium Association v. Centex Homes, et al.
Civil Action No. 2014-CP-26-7634
Appellate Case No. 2017-002318**

Dear Mr. Shearhouse:

Enclosed for filing in the above-referenced matter, please find the original and seven (7) copies of an Agreed Dismissal of Appeal as to American Empire Surplus Lines Insurance Company only. Please file the original and return the extra clocked copy to our office in the enclosed self-addressed stamped envelope. We are hereby serving a copy on all counsel of record pursuant to the Proof of Service.

Thanks in advance for your assistance and please do not hesitate to contact me if you have any questions or need anything further. With kind regards, I remain

Sincerely,

McCULLOUGH KHAN, LLC

A handwritten signature in black ink, appearing to be 'RAA', written over a horizontal line.

Ross A. Appel

RAA:kbn

Enclosures

cc: All Counsel (via e-mail only)

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

MAR 14 2018

APPEAL FROM HORRY COUNTY
Court of Common Pleas
The Honorable Clifton B. Newman, Circuit Court Judge

S.C. SUPREME COURT

Trial Court Case No. 2014-CP-26-6573

Trial Court Case No. 2014-CP-26-7634

Appellate Case No. 2017-002146

Ex Parte:

Hartford Fire Insurance Company, Hartford Casualty Insurance Company, Hartford Underwriters Insurance Company, Clarendon National Insurance Company as successor in interest to Clarendon America Insurance Company, National Fire & Marine Insurance Company, Bitco General Insurance Corporation, Selective Insurance Company of South Carolina, Nationwide Mutual Insurance Company f/k/a Harleysville Insurance Company, Canopus US Insurance, Inc., American Empire Surplus Lines Insurance Company,

In Re

The Harbour Cove Condominium Association, Plaintiff,

v.

Centex Homes, a Nevada General Partnership, Centex Construction Company, Inc., Centex Construction, LLC, Centex-Rooney Construction Co., Inc., Centex-Rodgers, Inc., Balfour Beatty Construction, LLC f/k/a Centex Construction, LLC, Right Way Construction, Inc., Right Way Group, Inc., RWG, Inc., RWGR, Inc., South Carolina State Plastering, LLC, Georgia State Plastering, LLC, Florida State Plastering, LLC, Coastal Drywall, Inc., d/b/a Coastal Plaster Systems, Lundy Dowell d/b/a Coastal Plaster Systems, Martin Masonry, Inc., Roof Doctor of the Carolinas, Inc., Richard Blackwell d/b/a Synthetic Designs, Ferst Plastering, Inc., a/k/a Ferst Exteriors, Inc., Coastal Tinting, Inc., BR Brick & Masonry, Inc., Model Home Interiors, Inc., Gary Hunnell d/b/a Grand Strand Roofing, Steven Bosch d/b/a The Roofer Man, Frank Harris d/b/a Frank Harris Construction, Carl Williamson d/b/a Williamson Construction & Waterproofing, Stock Building Supply, LLC, f/k/a Stock Building Supply, Inc., and Morningstar Consultants, Inc., Defendants,

and

Beach Villas at Ocean Keys Property Owners Association, Inc., Plaintiff,

v.

Ocean Keys Development, LLC, Keye Construction Co., Inc., Russell P. Baltzer, First Exteriors, LLC, CareFree Exteriors Inc., Coastal Stucco, Inc., Richard H. Construction, LLC a/k/a Ricardo Hernandez d/b/a Richard Framing Con., Inc., Builders FirstSource-Southeast Group, LLC, Steel Homes International, Inc., Renaissance Steel Installation, LLC n/k/a Renaissance Steel, LLC, Benchmark Steel Service, LLC and Dietrich Building Systems n/k/a Clark Western Dietrich Building Systems, LLC, Defendants,

Ocean Keys Development, LLC and Keye Construction Co., Inc., Third-Party Plaintiffs,

v.

Renaissance Steel Installation, LLC f/k/a Renaissance Steel, LLC n/k/a Innovative Steel Technologies, Benchmark Steel Erectors, and Total Construction, LLC, Third-Party Defendants.

Of whom Hartford Fire Insurance Company, Hartford Casualty Insurance Company, Hartford Underwriters Insurance Company, Clarendon National Insurance Company as successor in interest to Clarendon America Insurance Company, National Fire & Marine Insurance Company, Bitco General Insurance Corporation, Selective Insurance Company of South Carolina, Nationwide Mutual Insurance Company f/k/a Harleysville Insurance Company, Canopus US Insurance, Inc., American Empire Surplus Lines Insurance Company are the Appellants,

AND

The Harbour Cove Condominium Association, Beach Villas at Ocean Keys Property Owners Association, Inc., Ocean Keys Development, LLC, Keye Construction Co., Inc., and Russell P. Baltzer are the Respondents.

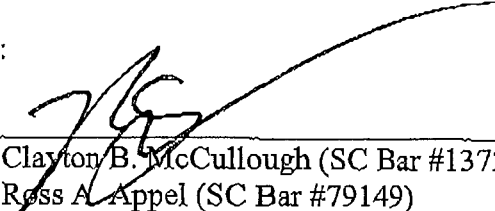
**AGREED DISMISSAL OF APPEAL AS TO AMERICAN EMPIRE SURPLUS LINES
INSURANCE COMPANY ONLY**

Appellant American Empire Surplus Lines Insurance Company, (hereinafter "American Empire"), and Respondent the Harbour Cove Condominium Association (hereinafter "Harbour Cove") jointly request this Court enter an order dismissing this action as to American Empire only pursuant to Rule 260(b) of the South Carolina Appellate Court Rules. Dismissal is appropriate because an agreement exists between American Empire and Harbour Cove that resolves the dispute and the issues set forth in the appeal as to American Empire only.

The resolution stipulates for the dismissal of this appeal as to American Empire, and all parties request that this Court's dismissal order reflect the dismissal as to American Empire only. The parties further agree that each party shall bear his, her or its own costs and attorneys' fees incurred in connection with this appeal.

WE SO JOINTLY MOVE AND CONSENT:

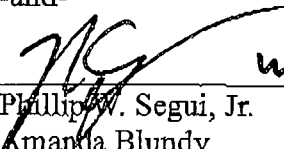
March 14, 2018



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THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM HORRY COUNTY
Court of Common Pleas
The Honorable Clifton B. Newman, Circuit Court Judge

Trial Court Case No. 2014CP2606573
Trial Court Case No. 2014CP2607634
Appellate Case No. 2017-002146

Ex Parte:

Hartford Fire Insurance Company, Hartford Casualty Insurance Company, Hartford Underwriters Insurance Company, Clarendon National Insurance Company as successor in interest to Clarendon America Insurance Company, National Fire & Marine Insurance Company, Bitco General Insurance Corporation, Selective Insurance Company of South Carolina, Nationwide Mutual Insurance Company f/k/a Harleysville Insurance Company, Canopus US Insurance, Inc., American Empire Surplus Lines Insurance Company,

In Re

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v.

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and

Beach Villas at Ocean Keyes Property Owners Association, Inc., Plaintiff,

v.

Ocean Keyes Development, LLC, Keye Construction Co., Inc., Russell P. Baltzer, First Exteriors, LLC, CareFree Exteriors Inc., Coastal Stucco, Inc., Richard H. Construction, LLC a/k/a Ricardo Hernandez d/b/a Richard Framing Con., Inc., Builders FirstSource-Southeast Group, LLC, Steel Homes International, Inc., Renaissance Steel Installation, LLC n/k/a Renaissance Steel, LLC, Benchmark Steel Service, LLC and Dietrich Building Systems n/k/a Clark Western Dietrich Building Systems, LLC, Defendants,

Ocean Keyes Development, LLC and Keye Construction Co., Inc., Third-Party Plaintiffs,

v.

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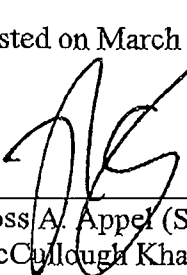
Of whom Hartford Fire Insurance Company, Hartford Casualty Insurance Company, Hartford Underwriters Insurance Company, Clarendon National Insurance Company as successor in interest to Clarendon America Insurance Company, National Fire & Marine Insurance Company, Bitco General Insurance Corporation, Selective Insurance Company of South Carolina, Nationwide Mutual Insurance Company f/k/a Harleysville Insurance Company, Canopus US Insurance, Inc., American Empire Surplus Lines Insurance Company are the Appellants,

AND

The Harbour Cove Condominium Association, Beach Villas at Ocean Keyes Property Owners Association, Inc., Ocean Keyes Development, LLC, Keye Construction Co., Inc., and Russell P. Baltzer are the Respondents.

PROOF OF SERVICE

I, Ross Appel of McCullough Khan, LLC, do hereby certify that I have served the *Agreed Dismissal of Appeal* on counsel for Respondents, as well as other parties' counsel, by depositing the same in the United States Mail, properly posted on March 14, 2018 addressed as follows to counsel of record:



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