

Physical Address:  
4500 Fort Jackson Blvd., Suite 250  
Columbia, South Carolina 29209

Mailing Address:  
Post Office Box 212069  
Columbia, SC 29221

Locations in:  
Mount Pleasant, SC  
Myrtle Beach, SC



McCABE, TROTTER & BEVERLY, P.C.  
COMMUNITY ASSOCIATION AND CONSTRUCTION LAW

[www.mccabetrotter.com](http://www.mccabetrotter.com)  
Phone: (803) 724-5000  
Fax: (803) 724-5001

Ely O. Grote  
Shareholder

[Ely.Grote@mccabetrotter.com](mailto:Ely.Grote@mccabetrotter.com)  
Direct: (803) 724-5018

Licensed to practice in South Carolina

May 14, 2019

The Honorable Jenny Abbott Kitchings  
Clerk of Court, South Carolina Court of Appeals  
1220 Senate Street (29201)  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**

MAY 17 2019

SC Court of Appeals

Re: Raymond A. Wedlake v. Benjamin Acord  
Appellate Case No. 2018-001209  
Supplemental Citation pursuant to Rule 208(b)(7), SCACR  
MTB File No.: 017402.00009

Dear Ms. Kitchings:

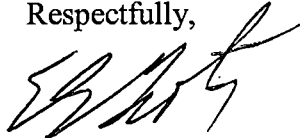
I am writing to notify the Court of a supplemental citation pursuant to Rule 208(b)(7), SCACR. Both the Appellant's and Respondents' briefs cite to the case of Walbeck v. The I'on Company, Op. No. 5588 (S.C. Ct. App. filed August 8, 2018). Such opinion was cited and referenced in the parties' briefs concerning the "fairly and adequately represent" requirement of Rule 23(b)(1), SCRCPP, in order to maintain a derivative action (issue number one in Appellant's Statement of Issues).

On February 27, 2019, the South Carolina Court of Appeals withdrew the opinion in Walbeck v. The I'on Company that was filed on August 8, 2018, and filed a substituted opinion. Walbeck v. The I'on Company, Op. No. 5588 (S.C. Ct. App., withdrawn, substituted, and refiled February 27, 2019). The substituted opinion filed on February 27, 2019, no longer addresses the "fairly and adequately represent" requirement of Rule 23(b)(1), SCRCPP. Specifically, footnote 6 provides:

As we base our holding on the failure to meet the demand requirement of Rule 23, we decline to address Appellants' argument that Walbeck and Adkins did not fairly and adequately represent the interests of other HOA members similarly situated in enforcing the HOA's rights. See *Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (providing that an appellate court need not address remaining issues when resolution of a prior issue is dispositive).

Should you have any questions or concerns, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read 'Ely O. Grote', written in a cursive style.

Ely O. Grote

EOG/had

cc: Grant H. Gibson, Esq. (via U.S. Mail)



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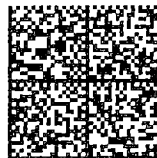
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