

REPLY TO:

Carlyle R. Cromer

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January 4, 2013

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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SC COURT OF APPEALS

Re: Richard A. Fisher et al. v. Shipyard Village Council of Co-Owners, Inc.
Appellate Case No. 2012-213634

Dear Ms. Kitchings:

I received your letter dated December 28, 2012 regarding the difference between the caption on the notice of appeal and the caption on the trial court's order dated November 14, 2012. I have spoken to counsel for the respondents about this issue. Apparently, when respondents' counsel prepared the November 14, 2012 order, he inadvertently included an outdated caption. The caption contained in the most recent complaint, which is the Fourth Amended Complaint, is correct, with the exception that this complaint does not include the third-party claim. This is because the Fourth Amended Complaint was filed on March 30, 2012, and the third-party complaint was filed on October 8, 2012. This is why the caption in the Form 4 Order dated November 15, 2012 includes the third-party claim, along with all the parties listed in the complaint. The Fourth Amended Complaint is enclosed with this letter, as requested.


I further wish to point out that the caption in the previously-filed notice of appeal is correct, except for the inadvertent omission of one of the respondents' names. Thus, I have enclosed a corrected version of the notice of appeal. I have spoken to respondents' counsel, and he consents to my providing you an amended notice of appeal so that the proper parties' names are identified. I have also enclosed proof of service of the amended notice of appeal on the respondents and on all other counsel of record.

Finally, I wish to note that the two orders being appealed do not rule on any of the claims or defenses in the third-party action, and none of the third-party defendants are respondents or appellants in this appeal.

I hope this clears the confusion surrounding the caption differences. If the Court has further questions about this issue, I am glad to provide assistance. Thank you for your help in this matter.

Very truly yours,

TURNER, PADGET, GRAHAM & LANEY, P.A.



Carlyle R. Cromer

Enclosures

cc: Howell V. Bellamy, Jr., Esquire
Howell V. Bellamy, III, Esquire
George J. Kefalos, Esquire
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