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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

RECEIVED
NOV 04 2019
SC Court of Appeals

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

Ellis E. Smith, individually and on behalf of A&E Constructors and Consultants, Inc., a South Carolina Corporation Plaintiffs,

vs.

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,

vs.

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. are 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 are Respondents.

CONSENT MOTION TO CONTINUE ORAL ARGUMENT

Appellants, 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. by and through their undersigned counsel, respectfully move this Honorable Court to continue the oral argument in this appeal scheduled for Wednesday, November 13, 2019, at 11:20 a.m.

On November 1, 2019, Parties signed a Settlement Agreement to resolve all their differences. There are agreed upon contingencies in the Settlement Agreement that are to occur within the next 60 days. If the contingencies do occur, then this action is settled. As a result, the Parties jointly seek a continuance of the oral arguments for the remainder of 2019.

WHEREFORE, the undersigned respectfully move before this Honorable Court for an Order continuing the November 13, 2019, oral argument into January 2020.

Respectfully Submitted.

BURR & FORMAN LLP

Henrietta U. Golding by WJG w/ permission
Henrietta U. Golding, SC Bar #21713

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Attorneys for Appellants

Myrtle Beach, South Carolina
Dated: November 4, 2019

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

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

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

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SC Court of Appeals

Ellis E. Smith, individually and on behalf of A&E Constructors and Consultants, Inc., a South Carolina Corporation Plaintiffs,

vs.

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,

vs.

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. are 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 are Respondents.

PROOF OF SERVICE

I, Carole Koerner, an employee of Burr & Forman LLP attorneys for Appellants, 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. in the above-entitled action, certify that I have served the **Motion to Continue Oral Argument** and Proof of Service on Counsel of Record to this matter by depositing a copy in the United States Mail, first class postage prepaid and email communication on the 4th day of November, 2019 as follows:

OTHER COUNSEL OF RECORD:

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Attorneys for E. Smith and Sons Constructions, LLC, EES Construction and Consulting, Inc. and Ellis E. Smith, Individually, Respondents



Carole Koerner

Myrtle Beach, South Carolina

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November 4, 2019

VIA HAND DELIVERY

Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RECEIVED
NOV 04 2019
SC Court of Appeals

Re: Ellis Smith v. Arthur Vereen
Lower Court Case no.: 2009-CP-26-00620
Appellate Case No.: 2016-001075
Our matter: 064758.1

Dear Ms. Kitchings:

Enclosed for filing with the Court, please find original and seven copies of a Consent Motion to Continue Oral Argument scheduled for Wednesday, November 13, 2019 and Proof of Service in the above matter. Please provide a filed copy of the Motion to our courier.

Also enclosed is our firm check in the amount of \$50.00 for the filing fee.

Very truly yours,

Burr & Forman LLP

Henrietta U. Golding by WJL w/ permission
Henrietta U. Golding

HUG/ck

cc: Frank H. DuRant, Esq. (Via U.S. Mail and Email)
Julian W. DuRant, Esq. (Via U.S. Mail and Email)
Matthew R. Magee, Esq. (Via U.S. Mail and Email)
Clients (Via Email)

Enclosure