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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

C.A. No.: 2018-CP-07-02345

RECEIVED

DEC 10 2019

SC Court of Appeals

John H. Attridge and Janet L. Attridge, Robert W. Bankov, Virginia J. Bankov, Tom Bolton, Guy I. Collier, Nancy L. Collier, Richard Jay Coleman, Marlene Coleman, Russell G. Dimke, Sandra A. Dimke, James G. Goodwin, Jr., Carol A. Goodwin, George J. Lovett, Wilna W. Lovett, Peter Marzluff, Deborah C. Marzluff, Gary Okey, Nancy Okey, Michael Pelleciha, Janice S. Pellechia, Frank H. Roberts, Sr., Richard Swilpa, Michele Gallant, Phyllis A. Kaupp-Seas, Robert P. Brendza, and Robin E. Brendza individually and in their derivative capacity on behalf of Bull Point Plantation Property Owners Association

..... Respondents,

vs

The Board of Directors of Bull Point Plantation Property Owners Association, Inc., Bull Point SC, LLC, William E. Gavigan, Michael Carey, Christopher J. Quick, James Riordan, DB Aster, LC, and GSI, LLC..... Defendants/Counterclaimants,

And

Bull Point, SC, LLC, GSI, LLC, and William E. Gavigan,

..... Third-Party Plaintiffs,

Of whom,

Bull Point SC, LLC, William E. Gavigan, Michael Carey, Christopher J. Quick, James Riordan, GSI, LLC, are

..... Appellants,

vs

Steve Andrews, Harriet Bosiack, Joseph P. D'Ambrosio, Mary D'Ambrosio, Ron Lambe, Michael Powers, Robert Wolfson, Huspah Properties, LLC, and Rivers Reach at Pocatigo, LLC,..... Third-Party Defendants.

NOTICE OF APPEAL

NOW COME William E. Gavigan, Michael Carey, Christopher J. Quick, James Riordan, Bull Point, SC, LLC, and GSI, LLC (collectively referenced as the “Appellants” or “Bull Point Plantation Appellants”), by and through their undersigned counsel and appeal the Order of the Honorable Carmen T. Mullen of the Beaufort County Court of Common Pleas, dated November 18, 2019. Appellants received written notice of this Order on November 18, 2019. Appellants filed a Motion to Alter or Amend on November 21, 2019, and received notice of denial of the Motion to Alter or Amend on December 5, 2019.

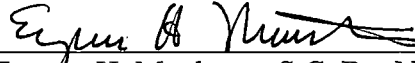
Appellants file this notice pursuant to S.C. Code Ann. § 14-3-330, under which an order granting partial summary judgment is immediately appealable where it “involves the merits” of the underlying action or “affects a substantial right” of a party. *Link v. Sch. Dist. of Pickens County*, 302 S.C. 1, 6, 393 S.E.2d 176, 178-79 (1990) (holding an order granting partial summary judgment may be appealable under either category); *Thornton v. S.C. Elec. & Gas Corp.*, 391 S.C. 297, 306, 705 S.E.2d 475, 480 (S.C. App. 2011).

In its order, the trial court granted summary on nearly every cause of action brought by the Respondents – including causes of action that were not a part of their Motion for Partial Summary Judgment – and also fashioned injunctive remedies that deprived some of the Appellants’ of their basic procedural and property rights. Most importantly, the order purports to strip Bull Point SC, LLC of its rights as the developer and “Declarant” of the Bull Point development (which were purchased from the previous Declarant), remove duly appointed board members, and install an unelected “interim board.”

As a result, this appeal is proper under both S.C. Code Ann. § 14-3-330(1) and § 14-3-330(2), as the trial court's decision is an order "involving the merits" of the case and an order "affecting a substantial right" of Appellants.

December 10, 2019.

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COUNSEL FOR APPELLANTS

December 10, 2019

Jenny Abbott Kitchings, Clerk
SC Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: John H. Attridge, et al vs Bull Point, SC, LLC, et al
Our File No.: 101-2904
C.A. No.: 2018-CP-07-02345

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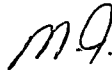
Dear Ms. Kitchings:

Enclosed herewith for filing is the original Notice of Appeal concerning the above referenced matter, together with the Affidavit of Service.

With kind regards, I am

Sincerely,

RICHARDSON PLOWDEN & ROBINSON, P.A.



Mary Jane Wilson
Legal Assistant

/mjw

cc: All parties of record

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And

Bull Point, SC, LLC, GSI, LLC, and William E. Gavigan,

..... Third-Party Plaintiffs,

Of whom,

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..... Appellants,

VS

Steve Andrews, Harriet Bosiack, Joseph P. D'Ambrosio, Mary D'Ambrosio, Ron Lambe, Michael Powers, Robert Wolfson, Huspah Properties, LLC, and Rivers Reach at Pocatigo, LLC, Third-Party Defendants.

AFFIDAVIT OF SERVICE

I, the undersigned employee of Richardson Plowden & Robinson, P.A., counsel for the Appellants do hereby swear that I have served a filed copy of the **Notice of Appeal** by causing a copy of the same to be personally deposited in the United States mail, first class postage prepaid, addressed as indicated below and/or via electronic delivery on this the 10th day of December, 2019:

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**Attorneys for Marlene Coleman and
Richard Jay Coleman**

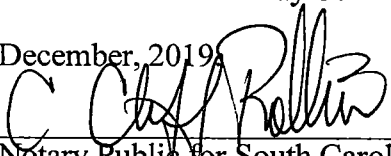


Mary Jane Wilson
Legal Assistant

SWORN to and subscribed

before me this 10th day of

December, 2019.



(L.S.)
Notary Public for South Carolina
My commission expires: 06/21/2027

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