

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM RICHLAND COUNTY
Master-in-Equity

Joseph M. Strickland, Master-in-Equity

Case No. 2014-CP-40-00847
Appellate Case No. 2018-001238
Opinion No. 27934 (December 18, 2019)

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S.C. SUPREME COURT

Winrose Homeowners' Association, Inc. and Regime Solutions, LLC,Respondents,

v.

Devery A. Hale and Tina T. Hale,Petitioners.

**MOTION FOR LEAVE TO FILE BRIEF OF PALMETTO ALLIANCE FOR BETTER
COMMUNITIES AS *AMICUS CURIAE***

Robert P. Wood (SC Bar No. 6206)
Joshua R. Hinson (SC Bar No. 102270)
ROGERS TOWNSEND, LLC
1221 Main Street, 14th Floor (29201)
Post Office Box 100200
Columbia, South Carolina 29202-3200
(803) 771-7900
Robert.Wood@rogerstownsend.com
Joshua.Hinson@rogerstownsend.com

*Counsel for Amicus Curiae, Palmetto
Alliance for Better Communities*

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SC Court of Appeals

Palmetto Alliance for Better Communities moves the Court for leave to file the attached *amicus curiae* brief in support of Winrose Homeowners' Association's petition for rehearing. This motion is filed pursuant to Rule 213 of the South Carolina Rules of Appellate Procedure.

Palmetto Alliance for Better Communities is a non-profit mutual benefit corporation that promotes the common interests of companies and firms that develop residential communities, build single-family homes, manage homeowners' associations, and represent homeowners' associations. It does not contemplate pecuniary gain or profit to its members. It was formed to provide education to its members, legislators, and others related to the operation of homeowners' associations and like entities, to provide guidance, support, and advocacy in support of homeowners' associations, and to promote the health, safety and welfare of residential communities, commercial developments with associations or other like governing bodies and residential/commercial mix development throughout South Carolina.

Part IV. of the Court's opinion notes concerns about the use of the foreclosure process to collect homeowners' association dues, especially where those dues are small compared to the value of the home. Op. at pg. 9. The Court points out the homeowners were minimally in arrears on their homeowners' association dues, yet the homeowners' association foreclosed on an expensive home to collect a small amount of money, an amount so small it was half the amount of service and filing fees and an eighth the amount of attorney's fees. The Court then notes that a foreclosure proceeding is a last resort, and the Court states the foreclosure proceedings were improperly used by the HOA, its attorney, and the third-party purchaser.

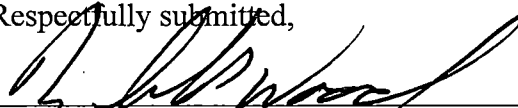
All homeowners' associations in South Carolina and the companies that manage those associations share those concerns. Palmetto Alliance seeks leave to file the attached *amicus*

curiae brief to show how important it is that the remedy of foreclosure remain available to HOAs (even for small amounts) and to show that appropriate safeguards can be ordered to protect both those who have paid their dues and those against whom foreclosure is sought.

The issues presented for consideration by the Court were whether the Court should adopt the debt method or the equity method to determine whether a judicial sale price was adequate; and whether and to what extent equitable principles come into play here.

Palmetto Alliance for Better Communities moves the Court for leave to file the attached *amicus curiae* brief.

Respectfully submitted,



Robert P. Wood (SC Bar No. 6206)
Joshua R. Hinson (SC Bar No. 102270)
ROGERS TOWNSEND, LLC
1221 Main Street, 14th Floor (29201)
Post Office Box 100200
Columbia, South Carolina 29202-3200
(803) 771-7900
Robert.Wood@rogerstownsend.com
Joshua.Hinson@rogerstownsend.com

*Counsel for Amicus Curiae, Palmetto
Alliance for Better Communities*

January 2, 2020

CERTIFICATE OF SERVICE

I hereby certify that I have served the Motion for Leave on January 2, 2020, by depositing a copy in the U.S. Mail, postage prepaid, addressed to the following parties of record:

Brian L. Boger, Esquire
Phillip A. Curiale, Esquire
The Law Office of Brian L. Boger
1331 Elmwood Ave., Suite 210
Columbia, South Carolina 29201
(803) 252-2880
Attorneys for Petitioners

Stephanie C. Trotter, Esquire
McCabe, Trotter & Beverly, PC
Post Office Box 212069
Columbia, South Carolina 29221
(803) 724-5000
Attorney for Respondent Winrose Homeowners' Association, Inc.

Eric C. Hale, Esquire (SC Bar No. 71768)
Clarkson Law Firm, LLC
Post Office Box 287
Columbia, South Carolina 29202
(803) 602-0789
Attorney for Respondent Regime Solutions, LLC

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Robert P. Wood (SC Bar No. 6206)
Joshua R. Hinson (SC Bar No. 102270)
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