

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
CIRCUIT COURT

67329

S. Jackson Kimball, Special Circuit Court Judge

Cases No. 2009-CP-46-02062

Ardwyck Townhomes
Homeowners Association,
Inc.,

Appellants,

v.

Ardwyck Townhomes, LLC
and The Berry Company,

Respondents.

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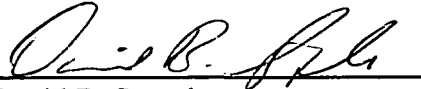
FEB 21 2013

MOTION TO REINSTATE

SC Court of Appeals

The Appellant moves to reinstate this appeal, which was dismissed for failure to notify the Court of the status of the transcript of the lower court proceedings. The Appellant already had possession of the transcript of the trial, however, the transcript of the Rule 59(e) motion is still needed. The office staff of undersigned counsel was unaware that the court reporter was not in attendance at the motion hearing due to illness. This resulted in confusion regarding how to obtain a record of the motion hearing. The equity court has now been contacted and asked to provide an audio recording of the motion hearing. The Appellant asks the court to reinstate the motion, as the confusion regarding the motion transcript is resolved and Appellant is ready to proceed with the case.

February 18, 2013


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Other Counsel of Record:
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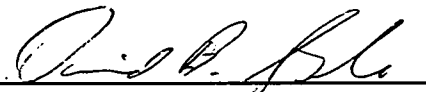
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SC Court of Appeals

CERTIFICATE OF SERVICE

I certify that I have served the Motion to Reinstate by depositing a copy of it in the United States Mail, postage prepaid, on February 18, 2013, addressed to the Respondents attorney of record, Michael K. Hatch, Post Office Box 176, York, South Carolina 29745.


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