

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

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

**RECEIVED**  
DEC 19 2019  
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 29<sup>th</sup> 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 29<sup>th</sup> 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.

---

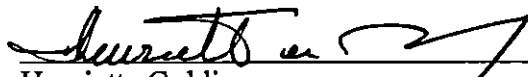
NOTICE OF DISMISSAL OF APPEAL

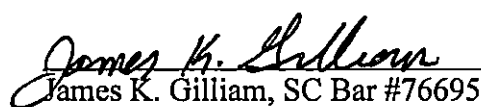
---

In accordance with Appellate Rule 260(b), Appellants and Respondents agree to the dismissal of the appeal in this action. Each party is to pay their own costs associated with this appeal. The parties jointly request that the Court enter an order dismissing this appeal.

Respectfully submitted on December 18, 2019.

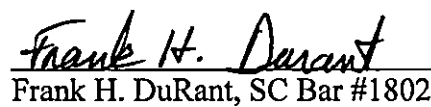
**BURR & FORMAN LLP**

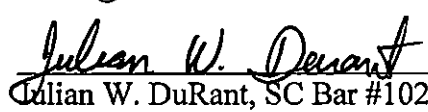
  
Henrietta Golding  
Burr & Forman LLP  
2411 N. Oak Street, Suite 206 (29577)  
Post Office Box 336  
Myrtle Beach, SC 29578-0336  
Ph: (843) 444-1107  
Fax: (843) 443-9137  
Email: hgolding@burr.com

  
James K. Gilliam, SC Bar #76695  
Burr & Forman, LLP  
Poinsett Plaza, Suite 700  
104 South Main Street  
P. O. Box 447  
Greenville, SC 29602  
Ph: (864) 271-4940  
Fax: (864) 271-4015  
Email: jgilliam@burr.com

*Attorneys for Appellants*

**DURANT & DURANT, P.A.**

  
Frank H. DuRant, SC Bar #1802  
Frank@DuRantLawOffice.com

  
Julian W. DuRant, SC Bar #102420  
Julian@DuRantLawOffice.com

P.O. Box 960  
Myrtle Beach, SC 29578  
T: 843-448-1541 / F: 843-626-7431  
*Attorneys for Respondent A & E Constructors and  
Consultants, Inc.*

**THOMPSON & BRITTAIN, P.A.**



Matthew R. Magee, SC Bar #15896  
MMagee@myrlaw.com  
4712 Jenn Drive, Suite B  
P.O. Box 1290  
Myrtle Beach, SC 29578  
Phone: 843-692-2628  
Fax: 843-692-0918

Myrtle Beach, South Carolina

*Attorneys for Remaining Respondents/Third-Party  
Defendants*

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**

DEC 19 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 29<sup>th</sup> 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 29<sup>th</sup> 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 **Notice of Dismissal of Appeal** 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 18<sup>th</sup> day of December, 2019 as follows:

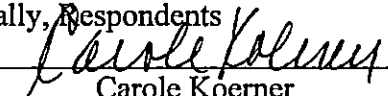
**OTHER COUNSEL OF RECORD:**

Frank H. DuRant, Esquire  
Julian DuRant, Esquire  
DuRant and DuRant, Esquire  
2107 Farlow Street (29577)  
Post Office Box 960  
Myrtle Beach, SC 29578-0960  
Phone: (843) 448-1541  
Fax: (843) 626-7431  
Email: [fdurant@durantandmartin.com](mailto:fdurant@durantandmartin.com)

Attorneys for Ellis E. Smith, individually and on behalf of A&E Constructors and Consultants, Inc., and EES Construction and Consulting, Inc., Respondents

Matthew R. Magee, Esquire  
Thomas & Brittain  
P. O. Box 1290  
Myrtle Beach, SC 29578  
Phone: (843) 692-2628  
Email: [mmagee@myrlaw.com](mailto:mmagee@myrlaw.com)

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

  
\_\_\_\_\_  
Carole Koerner

**BURR • FORMAN MCNAIR**

Henrietta U. Golding  
hgolding@burr.com  
Direct Dial: (843) 443-3003  
Direct Fax: (843) 444-3967

Burr & Forman LLP  
Founders Centre  
2411 Oak Street  
Suite 206  
Myrtle Beach, SC 29577

*Mailing Address*  
Post Office Box 336  
Myrtle Beach, SC 29578

*Office* (843) 444-1107  
*Fax* (843) 444-4729

BURR.COM

December 18, 2019

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

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

**RECEIVED**  
DEC 19 2019  
SC Court of Appeals

Dear Ms. Kitchings:

Enclosed for filing with the Court, please find original and two copies of the Notice of Dismissal of Appeal and Proof of Service in the above matter. Please return a filed copy of the Notice of Dismissal and Proof of Service in the enclosed envelope.

Very truly yours,

Burr & Forman LLP

  
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)

Enclosures

064758.1

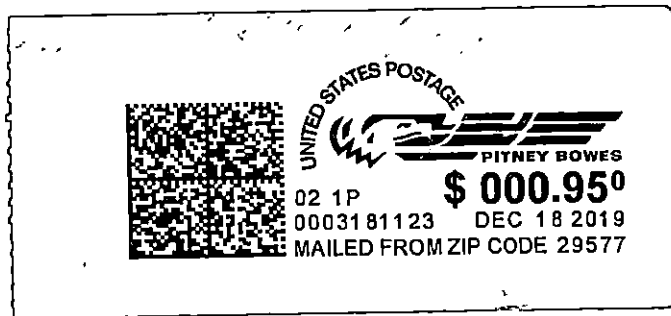
**BURR::FORMAN MCNAIR**

Post Office Box 336  
Myrtle Beach, SC 29578

**RECEIVED**

DEC 18 2019

SC COURT OF APPEALS



JENNY ABBOTT KITCHINGS, CLERK  
SOUTH CAROLINA COURT OF APPEALS  
POST OFFICE BOX 11629  
COLUMBIA SOUTH CAROLINA 29211