

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**

JAN 13 2020

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

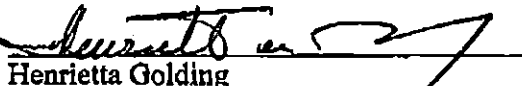
Ellis E. Smith, individually and on behalf of A&E Constructors and Consultants, Inc., a South Carolina Corporation and E. Smith and Sons Construction, LLC, EES Construction and Consulting, Inc. and Ellis E. Smith, individually are ..... Respondents.


**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 16, 2019.


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*Attorneys for Remaining Respondents/Third-Party  
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THE STATE OF SOUTH CAROLINA  
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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 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:**

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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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December 18, 2019

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

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JAN 13 2020

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 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

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**BURR & FORMAN MCNAIR**

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JAN 13 2020

**DATE:** January 13, 2020

**TIME:** 4:22 PM

SC Court of Appeals

Please deliver the following pages to:

NAME:	PHONE NO.	FAX NO.
Jenny Abbott Kitchings, Clerk South Carolina Court Of Appeals		803-734-1839

This transmittal being sent by:

<b>NAME:</b>	Henrietta Golding	<b>DIRECT DIAL:</b>	(843) 443-3003
<b>EMPLOYEE ID:</b>		<b>DIRECT FAX:</b>	(843) 444-3967

**MESSAGE:** Ms. Kitchings,  
Please see attached letter dated January 13, 2020 from Ms. Golding;  
December 18, 2019 letter to the Court of Appeals; Notice of Dismissal and  
Proof of Service. Should you have any questions, please do not hesitate to  
contact our office.  
With kind regards,  
Carole Koerner

Number of pages 9 including the cover sheet

**Burr & Forman LLP Facsimile Number 843.444.4729**

**If You Do Not Receive All Pages Noted Above, Please Call 843.444.1107**

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Client/Matter No.

Return Fax and all Attachments to: Henrietta Golding