

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas for the Ninth Circuit

Marvin H. Dukes, Master in Equity and Special Circuit Court
Judge

RECEIVED

JAN 23 2020

SC Court of Appeals

Case No.: 2014-CP-07-0052
Appellate Case No. 2019-001270

LADY BEAUFORT, LLC & TIDELAND REALTY, INC.,.....*Plaintiffs / Appellants,*

v.

HIRD ISLAND INVESTMENTS, INC. SHERWOOD N. FENDER, ADDISON D. FENDER,
MARTHA B. FENDER, WILLIAM B. BOWEN, LADY KEMMERLIN, LLC, BRICKYARD
HOLDINGS, INC, AND A&K HOLDING CO., LLC, Defendants.

AND

WILLIAM M. BOWEN.....Third Party Plaintiff,

AND

JAMES S. KERR and MATT TRUMPS.....Defendants,

OF WHOM HIRD ISLAND INVESTMENTS and SHERWOOD N. FENDER are the
.....*Defendants / Respondents.*

MOTION TO CONSOLIDATE

On July 30, 2019, Plaintiffs/Appellants Lady Beaufort, LLC & Tideland Realty, Inc.
("Lady Beaufort") filed this appeal of the Order of the Honorable Marvin H. Dukes, III entered
that same day. This appeal is from an order allowing Defendant/Respondent Hird Island
Investments and Sherwood Fender ("Fender") to post a bond to remove the judgment lien on

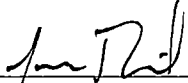
Fender's assets during the pendency of the earlier-filed appeal. Final briefs have now been served and filed.

In November 2018, Lady Beaufort and Fender filed cross-appeals of the October 26, 2018 Order Amending Judgment by the Honorable Marvin H. Dukes, III (Appellate Case No. 2018-001969), each party challenging the amount of the judgment. That appeal remains pending at this time.

Because the two appeals stem from the same case, involve the same parties, have a nexus to the same issues (namely, the amount of the judgment entered against Fender in favor of Lady Beaufort and the appropriate value of a bond of that judgment), and because the outcome of the former appeal may inform the outcome of the latter, Lady Beaufort moves that this appeal (No. 2019-001270) be consolidated into the earlier-filed appeal (No. 2018-001969). The undersigned sought consent from counsel for Fender, but none was forthcoming hence the filing of this motion.

Respectfully Submitted:

EPTING & RANNIK, LLC



Andrew K. Epting, Jr.

Jaan G. Rannik

46A State Street, Charleston, SC 29401

Phone: 843-377-1871; Fax: 843-377-1310

ake@epting-law.com

jgr@epting-law.com

ATTORNEYS FOR PLAINTIFFS/APPELLANTS

This 20th day of January, 2020
Charleston, South Carolina

Counsel of Record for Respondents:

William M. Bowen, Esquire

H. Fred Kuhn, Jr., Esquire

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
The Honorable Marvin H. Dukes, III, Master in Equity

Case No. 2014-CP-07-0052
Appellate Case No. 2019-001270

RECEIVED
JAN 23 2020
SC Court of Appeals

Lady Beaufort, LLC & Tideland Realty, Inc.,.....Appellants,

v.

Hird Island Investments, Inc., Sherwood N. Fender, Addison D. Fender, Martha B. Fender,
William B. Bowen, Lady Kemmerlin, LLC, Brickyard Holdings, Inc., and A&K Holding Co.,
LLC, Defendants,

AND

William M. Bowen, Third-Party Plaintiff,

v.

James S. Kerr and Matt Trumps, Third-Party Defendants,


Of Which Hird Island Investments, Inc. and Sherwood N. Fender are the Respondents.

PROOF OF SERVICE

I certify that I have served Appellants' Motion to Consolidate by depositing a copy in the United States Mail, Postage prepaid, on January 20, 2020, and via email, addressed to Respondents' attorney of record as follows:

H. Fred Kuhn, Jr., Esquire
P.O. Drawer 507
Beaufort, SC 29901
fred@mossandkuhn.com

[signature on following page]



By _____
Angela Gross
Legal Assistant to Jaan G. Rannik, Esq.
EPTING & RANNIK, LLC
46A State Street, Charleston, SC 29401

Attorneys for Appellants

EPTING & RANNIK, LLC

ATTORNEYS AT LAW

ANDREW K. EPTING, JR. · AKE@EPTING-LAW.COM

JAAAN G. RANNIK · JGR@EPTING-LAW.COM

January 20, 2020

RECEIVED

JAN 23 2020

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of Court
1220 Senate Street
Columbia, South Carolina 29201

RE: *Lady Beaufort, LLC & Tidelands Realty, Inc. v. Hird Island Investments, Inc. and
Sherwood Fender*
Case No.: 2014-CP-07-0052
Appellate Case No.: 2019-001270

Dear Ms. Kitchings:

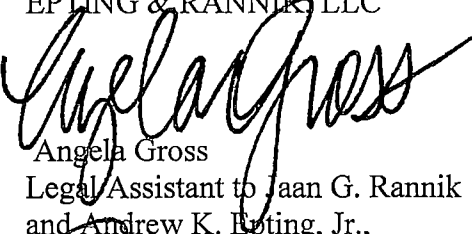
Enclosed please find an original and seven (7) copies of the following:

1. Motion to Consolidate;
2. Proof of Service; and
3. Filing Fee of \$50.00.

I would greatly appreciate your filing the originals and returning the file-stamped copies to me in the self-addressed stamped envelope provided.

With kind regards,

EPTING & RANNIK, LLC


Angela Gross
Legal Assistant to Jaan G. Rannik
and Andrew K. Epting, Jr.,

agg

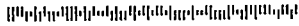
Enclosures – as stated

cc: Fred H. Kuhn, Jr., Esquire



Andrew K. Epling, Jr., LLC
46A STATE ST
CHARLESTON, SC 29401

\$1.900
US POSTAGE
FIRST-CLASS
FROM 29401
JAN 21 2020
slawee
endicia



Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
Clerk
1220 Senate Street
Columbia SC 29201-3769

RECEIVED

JAN 23 2020

SC Court of Appeals