

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM RICHLAND COUNTY  
Master-in-Equity

S.C. SUPREME COURT

The Honorable Joseph M. Strickland, Master-in-Equity

Appellate Case No. 2018-001238

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

v.

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

**MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF  
IN SUPPORT OF RESPONDENTS' PETITION FOR REHEARING  
ON BEHALF OF MCCABE, TROTTER & BEVERLY, P.C.**

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***Counsel for McCabe, Trotter & Beverly, P.C.***

Pursuant to South Carolina Appellate Court Rule 213, McCabe, Trotter & Beverly, P.C., by and through its undersigned counsel, respectfully requests leave to file an *amicus curiae* brief in support of Respondents Winrose Homeowners' Association, Inc. and Regime Solutions, LLC's petition for rehearing in this case. The proposed brief accompanies this motion.

**INTEREST OF AMICUS CURIAE**

McCabe, Trotter & Beverly, P.C., is the law firm that represents Respondent Winrose Homeowners' Association, Inc. in this case. In addition, McCabe, Trotter & Beverly, P.C. has represented hundreds of property owner associations and property managers in actions involving the collection of delinquent property owner association dues and assessments and judicial foreclosures resulting from the failure of property owners to satisfy such obligations. The proposed *amicus* seeks to assist the Court in considering the manner in which certain *gratis dicta* in Opinion No. 27934 filed on December 18, 2019, is likely to be interpreted and applied, including by chilling the use of the legal means available to collect delinquent property owner association obligations and by creating confusion amongst lower courts, counsel, and parties.

**DESIRABILITY OF BRIEF OF AMICUS CURIAE**

The proposed *amicus*' participation in this case is desirable and will benefit the Court through the *amicus*' extensive experience with the legal complexities and application of public policy involved in the collection of delinquent property owner association dues and assessments through foreclosure actions. The proposed *amicus* respectfully submits that its participation as *amicus curiae* may assist the Court in addressing issues raised in this case that do not directly involve the immediate interests of its client but, rather, which affect the manner in which all property owners associations collect duly owed member obligations. The proposed *amicus* will provide a broader perspective about the likely impact of the Court's opinion on the collection of delinquent property owner association assessments through residential foreclosure actions in South Carolina.

**CONCLUSION**

For these reasons, this Court should grant McCabe, Trotter & Beverly, P.C.'s motion for leave to file the accompanying *amicus curiae* brief in this case.

Respectfully submitted,

BARNWELL WHALEY PATTERSON &  
HELMS, LLC

By: \_\_\_\_\_

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***Counsel for McCabe, Trotter & Beverly, P.C.***

January 17, 2020

THE STATE OF SOUTH CAROLINA  
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PROOF OF SERVICE

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I certify that I have served the *Motion for Leave to File Amicus Curiae Brief in Support of Respondents' Petition for Rehearing on Behalf of McCabe, Trotter & Beverly, P.C.* pursuant to SCACR 213 on the parties in the above-captioned action by depositing a copy of it in the United States Mail, postage prepaid, on January \_\_\_\_, 2020, addressed to the counsel of record as follows:

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January 17, 2020