

**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

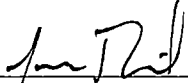
Fender's assets during the pendency of the earlier-filed appeal. Final briefs have now been served and filed.

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](mailto:ake@epting-law.com)

[jgr@epting-law.com](mailto:jgr@epting-law.com)

*ATTORNEYS FOR PLAINTIFFS/APPELLANTS*

This 20<sup>th</sup> day of January, 2020  
Charleston, South Carolina

**Counsel of Record for Respondents:**

William M. Bowen, Esquire

H. Fred Kuhn, Jr., Esquire

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In The Court of Appeals

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

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SC Court of Appeals

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

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](mailto: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

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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:

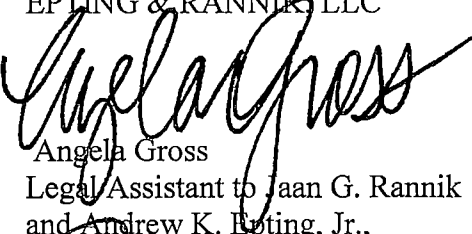
Enclosed please find an original and seven (7) copies of the following:

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

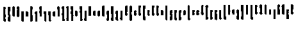
Enclosures – as stated

cc: Fred H. Kuhn, Jr., Esquire



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

\$1.900  
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Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
Clerk  
1220 Senate Street  
Columbia SC 29201-3769

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