

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas

Charles B. Simmons, Jr., Master In Equity

RECEIVED  
JAN 31 2020  
SC Court of Appeals

Appellate Case No. 2018-001209

Common Pleas Case No. 2017-CP-23-06301

Raymond A. Wedlake, individually and  
derivatively, on behalf of all Members of  
Woodington Homeowners' Association, Inc. ....Appellant,

v.

Benjamin Acord, William Craigo, Denis  
Esteve, and Brian James in their capacity  
as the current Board of Directors of the  
Woodington Homeowners' Association, Inc. .... Respondents.

APPELLANT'S LETTER TO COURT

FINAL SUBMISSION RE DENIAL OF RESPONDENT'S MOTION TO DISMISS  
WITH GRANT BY COURT FOR RESPONDENT TO FILE A NEW INITIAL BRIEF  
ON SUBJECT OF MOOTNESS

Comes Now, Appellant, thru his counsel, Grant Gibson, to provide this letter to the Court to  
Respondent's Motion to Dismiss which was denied by this Honorable Court, subject to a  
grant by the Court for Respondent to file a new initial brief on the issue of Mootness.

**Re: Appellate Case No. 2018-001209 - Common Pleas Case No. 2017-CP-23-06301**

**Wedlake (individually and derivatively) v. Bashor, et al. – Letter to the Court**

Your Honors:

We present this letter on behalf of our Client, Raymond Wedlake, individually and derivatively. My client, with my agreement, wishes for this Honorable Court to accept Appellant's Prior Submissions of it's Final Brief and Final Record on Appeal of over a year ago, along with this Letter on Behalf of Appellant, regarding Respondent's submissions to the Court's Denial of Respondent's Motion to Dismiss, granting leave to Respondent to re-submit Respondent's Initial Brief on the Issue of Mootness. We respectfully would make the following points:

Respondent's submissions are improper as this Honorable Court, in denying Respondent's Motion to Dismiss, stated that he may submit anew an Initial Brief **on the issue of Mootness**; his New Initial Brief is, basically, simply a reiteration of all his previous arguments on all issues.

Respondent's submission raises no new issues of substance regarding Mootness, which were addressed at the trial court, subsequently with the Master in Equity, and in Respondent's Initial Brief, Final Brief and the Final Record on Appeal submitted over a year ago.

Respondent states that all the members of the Board have resigned when in fact there was already an election of a new Board in April 2018, as mandated annually. Interpretation of the By-Laws, as here, by a Request for a Declaratory Judgment, does not rest on the composition of the Board and is an ongoing issue.

Respondent's citation of two new cases raises no new issues or arguments not previously raised by Respondent and addressed in Appellant's Final Brief and the Final Record on Appeal, and, in fact, a careful reading shows such cases to be favorable to Appellant.

Appellant simply wants this Court to acknowledge his right to a decision on the merits for his simple request for a Declaratory Judgment.

In the event this Honorable Court requires a more formal submission, then Appellant would respectfully request the Court to proceed on the basis of Appellant's prior submissions, over a year ago now, of Appellant's Final Brief and the Final Record on Appeal, along with this Letter, and to proceed as promptly as possible to a decision on the merits of this Appeal.

Respectfully Submitted this 29<sup>th</sup> day of January,

*G. H. Gibson, Esq.*

Grant H. Gibson, Esq. – Counsel for Appellant

cc. Ely Grote, Esq. – Counsel for Respondent

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v.

Benjamin Acord, William Craigo, Denis Esteve, and Brian James in their capacity as the current Board of Directors of the Woodington Homeowners' Association, Inc. .... Respondents.

CERTIFICATE OF SERVICE

The undersigned, Grant H. Gibson, Esq., caused to be mailed the Letter to the Court, dated this 29th day of January, to Counsel for Respondent, Ely Grote, Esq., together with attached Motion, also dated this 29th day of January, by placing them in first class mail, USPS to his address c/o:

McCabe Trotter & Beverly, PC,  
P.O. Box 212069 (29221)  
Columbia, SC 29221

Grant H. Gibson, Esq.

cc. Ely Grote, Esq. – Enc. Letter to the Court

***G. Gibson & Associates, LLC***

Grant H. Gibson, Esq.  
661 W. Johns Creek Pkwy.  
St. Augustine, Florida 32092  
Cell: 864-630-7471  
Fax: 866-667-2509  
[atty@ggibsonassociates.com](mailto:atty@ggibsonassociates.com)

January 29, 2020

**BY: PRIORITY MAIL**

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

**RECEIVED**  
JAN 31 2020  
SC Court of Appeals

**Re: Raymond A. Wedlake v. Benjamin Acord, et al**  
**Appellate Case No. 2018-001209**  
**Common Pleas Case No. 2017-CP-23-6301**  
**Final Letter in Reply – Rest on Prior Submissions & Attached Letter**

Dear Ms. Kitchings:

Please find enclosed our Letter to the Court regarding my Client's Appeal from denial of his request for a Declaratory Judgment on interpretation his Homeowner Association By-Laws.

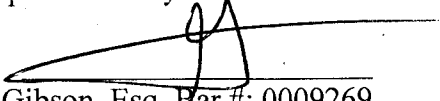
My Client, with my agreement, has requested that our Prior Submissions of the Final Brief and Final Record on Appeal of over a year ago, along with this Letter serve as our final submission regarding Respondent's Motion to Dismiss, which was denied by his Honorable Court, subject to Respondent's right to submit a New Initial Brief on the Issue of Mootness.

Should you have any questions or concerns, please do not hesitate to contact me.

Thank you!

Respectfully submitted,

GRANT H. GIBSON, ESQ.  
Counsel for Appellant – Raymond Wedlake

  
Grant H. Gibson, Esq. Bar #: 0009269  
661 W. Johns Creek Pkwy.  
St. Augustine, Fl. 32092  
Tel: (864) 630-7471  
[atty@ggibsonassociates.com](mailto:atty@ggibsonassociates.com)

Enc. Letter In final Response Regarding Respondent's Motion to Dismiss

cc. Ely Grote (via U.S. Mail, with Enclosed Motion)

GRANT H. Gibson, Esq.  
669 W Johns Creek Pkwy.  
St. Augustine, Fl.  
32092

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JAN 31 2020

SC Court of Appeals

The Honorable JENNIFER ABRAHAM KITCHINGS  
Clerk of Court, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201