

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Honorable Larry B. Hyman, Circuit Court Judge

Case No. 2017-CP-26-00424

Vista Del Mar Condominium
Association, Dennis M. Merritt,
Trustee of the Dennis M. Merritt
Living Trust, John J. Hawkins,
Eleanor N. Hawkins, Barbara P. Swartz,
Nancy S. Case; Winston-Salem Daly
Development, LLC; Charles F. Weber;
Mark L. Skowron, as Trustee of Mark L.
Skowron Revocable Trust dated April 24,
2002 and Gail L. Skowron, as Trustee of
the Gail L. Skowron Revocable Trust dated
04/24/2002; Norman W. Taylor, Trustee
of the Norman W. Taylor Revocable
Living Trust dated April 28, 2008; Tim
Mitchell Development, LLC; Eric R. Sklut
and Lori Levine Sklut; Fred C. Warehime
and Patricia F. Warehime; James W.
Blackburn, III and Peggy S. Blackburn;
Barbara I. Bowser; KHDH, LLC; Beth G.
Bauknight; Roderick D. Sanders (or his
successor), as Trustee of the Amended and
Restated Revocable Declaration of Trust
of Anne Mallard Sanders u/a/d January
16, 2015; GGK Properties, LLC; Leon
Levine and Sandra Levine; Joseph Moglia
and Amy H. Moglia; Angela M. Mason, as
Trustee of the Angela Mason Revocable
Trust dated June 9, 2003 and amended and
restated May 27, 2007; Dexter R. Barbee,

RECEIVED

MAR 24 2020

SC Court of Appeals

Sr.; Daniel M. Talbert, Sr.; Craig W. Lawton; Craig W. Lawton; David N. Dalton; Janet W. Weed, Trustee of the Janet W. Weed Revocable Trust under Trust Instrument dated April 17, 2013; Robert H. Messier, Jr. and Janice H. Messier; Jeffrey Schneider, Trustee for the Jeffrey Schneider Revocable Trust dated August 1, 2017; Phillip Kleinman and Charisse D. Kleinman; Stephen Gatto and Camille Gatto; Lutz Real Estate, LP; Astorg Imports, Inc.; ABLP Properties, LLC; Sutton Children, LLC; Daniel C. Schuster and Mardell J. Schuster; Roy C. Putrino and Eileen M. Putrino; Spencer Squier and Sherri Squier; VDM 1004, LLC; Roger B. Matherly and Bonnie V. Matherly; ITAC 203, LLC; Rebecca R. Shroff and Kersi S. Shroff; Sandra P. Levine and Lori Ann Sklut, Co-Trustees of the Irrevocable Trust F/B/O Amy Beth Levine dated September 18, 1986; David E. Lukowski; Richard B. Kline and Leslie Kline; James P. Aplington and Carol D. Aplington; Michael L. Van Glish and Judith K. Van Glish; Anna A. Olsen; Anne Marie Murray; William J. Pridemore and Irina V. Pridemore; William B. Davidson and Julia Davidson; Bruce Alexander Henderson and Valerie Sokolov; Mark W. Lee; Sue David Kline; Thomas Mckiernan and Anne Mckiernan; Philip H. Strobl and Amy Mott Strobl; James M. Faircloth and Sylvia Faircloth; Cheryl Jackson and Phillip H. Jackson; Weldon Riggs and Tiffany Riggs; Janet P. Merritt, Trustee of the Janet P. Merritt Living Trust U/A dated March 24, 2000; Melia Mooney Pavoris; William L. Mansfield and Patricia S. Mansfield; Stuart W. Gibbs and Helen R. Gibbs; Michael R. Blackburn and Pamela M. Blackburn; Jeffrey G. Edwards and Teresa T. Edwards; and Michael J. Wilk,

Appellants,

vs.

Vista Del Mar Condominiums, LLC,

Atlantic Development Company, LLC,
Atlantic Coast Funding, LLC, and
John Doe, a Nominal Defendant
Representing all Persons or Entities
Unknown Who May Claim an Interest in
the Property that is the subject of this action,

Respondents.

NOTICE OF APPEAL

The above named appellants, by and through their undersigned attorneys, appeals the Order of the Honorable Larry B. Hyman dated February 20, 2020. Appellants' counsel was served with a clocked copy of the Order on February 20, 2020. A copy of the Order against which appeal is made is attached hereto and made part of this Notice by reference.

**WRIGHT, WORLEY, POPE, EKSTER
& MOSS, PLLC**
Attorneys for Appellants

s/ Kenneth R. Moss

Kenneth R. Moss, Esquire
628A Sea Mountain Highway
North Myrtle Beach, SC 29582
Telephone: (843) 281-9901
Email: kennethmoss@wwpmlaw.com

– and –

Robert E. Lee, Esquire
P.O. Box 1096
Marion, SC 29571
Telephone: (843) 423-1313
Email: rel@rellawfirm.com

March 20, 2020

Other Counsel of Record:**MCANGUS GOUELOCK & COURIE, LLC***Attorneys for Defendant Vista Del Mar Condominiums, LLC*

James Christopher Clark, Esquire

2411 N. Oak Street, Suite 401

P.O. Box 1349

Myrtle Beach, SC 29578

Telephone: (843) 848-6000

Email: chris.clark@mgclaw.com**CALLISON TIGHE & ROBINSON, LLC***Attorneys for Defendants Atlantic Development Company, LLC and Atlantic Coast Funding, LLC*

Demetri K. Koutrakos, Esquire

1812 Lincoln Street, Suite 200

P.O. Box 1390

Columbia, SC 29202-1390

Telephone: (803) 404-6900

Email: jimkoutrakos@callisontighe.com

PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Honorable Larry B. Hyman, Circuit Court Judge

Case No. 2017-CP-26-00424

Vista Del Mar Condominium
Association, Dennis M. Merritt,
Trustee of the Dennis M. Merritt
Living Trust, John J. Hawkins,
Eleanor N. Hawkins, Barbara P. Swartz;
Nancy S. Case; Winston-Salem Daly
Development, LLC; Charles F. Weber;
Mark L. Skowron, as Trustee of Mark L.
Skowron Revocable Trust dated April 24,
2002 and Gail L. Skowron, as Trustee of
the Gail L. Skowron Revocable Trust dated
04/24/2002; Norman W. Taylor, Trustee
of the Norman W. Taylor Revocable
Living Trust dated April 28, 2008; Tim
Mitchell Development, LLC; Eric R. Sklut
and Lori Levine Sklut; Fred C. Warehime
and Patricia F. Warehime; James W.
Blackburn, III and Peggy S. Blackburn;
Barbara I. Bowser; KHDH, LLC; Beth G.
Bauknight; Roderick D. Sanders (or his
successor), as Trustee of the Amended and
Restated Revocable Declaration of Trust
of Anne Mallard Sanders u/a/d January
16, 2015; GGK Properties, LLC; Leon
Levine and Sandra Levine; Joseph Moglia
and Amy H. Moglia; Angela M. Mason, as
Trustee of the Angela Mason Revocable
Trust dated June 9, 2003 and amended and
restated May 27, 2007; Dexter R. Barbee,

RECEIVED

MAR 24 2020

SC Court of Appeals

Sr.; Daniel M. Talbert, Sr.; Craig W. Lawton; Craig W. Lawton; David N. Dalton; Janet W. Weed, Trustee of the Janet W. Weed Revocable Trust under Trust Instrument dated April 17, 2013; Robert H. Messier, Jr. and Janice H. Messier; Jeffrey Schneider, Trustee for the Jeffrey Schneider Revocable Trust dated August 1, 2017; Phillip Kleinman and Charisse D. Kleinman; Stephen Gatto and Camille Gatto; Lutz Real Estate, LP; Astorg Imports, Inc.; ABLP Properties, LLC; Sutton Children, LLC; Daniel C. Schuster and Mardell J. Schuster; Roy C. Putrino and Eileen M. Putrino; Spencer Squier and Sherri Squier; VDM 1004, LLC; Roger B. Matherly and Bonnie V. Matherly; ITAC 203, LLC; Rebecca R. Shroff and Kersi S. Shroff; Sandra P. Levine and Lori Ann Sklut, Co-Trustees of the Irrevocable Trust F/B/O Amy Beth Levine dated September 18, 1986; David E. Lukowski; Richard B. Kline and Leslie Kline; James P. Aplington and Carol D. Aplington; Michael L. Van Glish and Judith K. Van Glish; Anna A. Olsen; Anne Marie Murray; William J. Pridemore and Irina V. Pridemore; William B. Davidson and Julia Davidson; Bruce Alexander Henderson and Valerie Sokolov; Mark W. Lee; Sue David Kline; Thomas Mckiernan and Anne Mckiernan; Philip H. Strobl and Amy Mott Strobl; James M. Faircloth and Sylvia Faircloth; Cheryl Jackson and Phillip H. Jackson; Weldon Riggs and Tiffiany Riggs; Janet P. Merritt, Trustee of the Janet P. Merritt Living Trust U/A dated March 24, 2000; Melia Mooney Pavoris; William L. Mansfield and Patricia S. Mansfield; Stuart W. Gibbs and Helen R. Gibbs; Michael R. Blackburn and Pamela M. Blackburn; Jeffrey G. Edwards and Teresa T. Edwards; and Michael J. Wilk,

Appellants,

vs.

Vista Del Mar Condominiums, LLC,

Atlantic Development Company, LLC,
Atlantic Coast Funding, LLC, and
John Doe, a Nominal Defendant
Representing all Persons or Entities
Unknown Who May Claim an Interest in
the Property that is the subject of this action,

Respondents.


PROOF OF SERVICE

I certify that I have re-served the Notice of Appeal on James Christopher Clark, attorney for Respondent Vista Del Mar Condominiums, LLC, and Demetri K. Koutrakos, attorney for Respondents Atlantic Development Company, LLC and Atlantic Coast Funding, LLC, by e-filing the same with the South Carolina Court of Commons Pleas on March 20, 2020 and by depositing a copy by depositing copies of it in the United States Mail, postage prepaid, addressed to James Christopher Clark, Esquire 2411 N. Oak Street, Suite 401, P.O. Box 1349, Myrtle Beach, SC 29578 and to Demetri K. Koutrakos, Esquire 1812 Lincoln Street, Suite 200, P.O. Box 1390, Columbia, SC 29202-1390 on March 24, 2020.

March 24, 2020

**WRIGHT, WORLEY, POPE, EKSTER
& MOSS, PLLC**

Attorneys for Appellants


Kenneth R. Moss, Esquire
628A Sea Mountain Highway
North Myrtle Beach, SC 29582
Telephone: (843) 281-9901
Email: kennethmoss@wwpmlaw.com

- and -

Robert E. Lee, Esquire
P.O. Box 1096
Marion, SC 29571
Telephone: (843) 423-1313
Email: rel@rellawfirm.com

WRIGHT, WORLEY, POPE, EKSTER & MOSS, PLLC**ATTORNEYS AT LAW****628A SEA MOUNTAIN HWY****NORTH MYRTLE BEACH, SOUTH CAROLINA 29582****Telephone (843) 281-9901 - Fax (843) 281-9903**

O. RICHARD WRIGHT, JR.
 DENNIS T. WORLEY*
 HAROLD G. "BUTCH" POPE
 PAUL J. EKSTER*
 KENNETH R. MOSS*
 MICHAEL T. SMITH*
 NAPOLEON B. BAREFOOT, JR.*
 BOYD T. WORLEY
 PRESTON B. HILTON
 RICHARD S. "RICK" PARROTTE
 CHRISTOPHER C. RUSSELL
 BRITTANY C. MOORE*
 THOMAS V. ALDRIDGE, JR.
 LAURA A. HUNTER*
 DAVID H. COOLEY*
 MARTHA HENLEY SLEDGE (Retired)

D.F. McGOUGAN, JR.
(1921 - 1994)

OTHER OFFICES
 TABOR CITY, NC
 WHITEVILLE, NC
 SUPPLY, NC

*licensed only in SC
 **licensed in NC & SC
 *licensed in NC, DC & SC
 *DRC-Certified Family Financial Mediator
 *Of Counsel

RECEIVED

March 24, 2020

MAR 24 2020

SC Court of Appeals

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

RE: Enclosed Notice of Appeal & filing fee
Vista Del Mar Condominium Association, et al, Appellants, v. Atlantic Development
 Company, LLC, et al, Respondents, Case No. 2017-CP-26-00424

Dear Ms. Kitchings:

My apologies for what seems like duplicative communications. These are certainly different times and have caused us much stress in knowing exactly what to do. We wrote to you yesterday and enclosed a Notice of Appeal, Proof of Service and a copy of the Order that Appellant's seek to challenge and also to enclose the Appellant's filing fees. Regrettably we were unable to enclose copies that were clocked by the Clerk of the lower Court because clocked copies had not yet been provided to us. While we filed the Notice of Appeal last week we had not received clocked copies nor any information about when we might receive clocked copies. For this reason we sent to you the un-clocked copies.

This morning I was able to retrieve copies of the clocked Notice of Appeal and confirmation of service from the Horry County Clerk of Court's online records. I enclose two additional copies of:

- (1) The Notice of Appeal that evidences that it was filed with the Horry County Clerk of Court on March 20, 2020;
- (2) Proof of Service via e-filing, upon Respondent's counsel of record;
- (3) A copy of the order which is to be challenged on appeal.

March 24, 2020

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Page 2

Our check in payment of the filing fee was of course forwarded in my letter of yesterday. It would be much appreciated if you would file the above listed documents and return clocked copies to us in the enclosed self-addressed envelope. Thank you much for your consideration in these matters.

With best regards, I am

Sincerely,


Kenneth R. Moss

cc: Robert E. Lee, Esquire
P.O. Box 1096
Marion, SC 29571
Co-Counsel for Plaintiffs / Appellants

James Christopher Clark, Esquire
MCANGUS GOUDELOCK & COURIE, LLC
2411 N. Oak Street, Suite 401
P.O. Box 1349
Myrtle Beach, SC 29578
Attorneys for Defendant / Respondent Vista Del Mar Condominiums, LLC

Demetri K. Koutrakos, Esquire
CALLISON TIGHE & ROBINSON, LLC
1812 Lincoln Street, Suite 200
P.O. Box 1390
Columbia, SC 29202-1390
Attorneys for Defendants / Respondents Atlantic Development Company, LLC and Atlantic Coast Funding, LLC

Fax Transmission

To: SC Court of Appeals

From: Laura Hunter

Fax: 18037341839

Date: 3/24/2020 11:34:13 AM PDT

RE: Case No. 2017-CP-26-00424

Pages: 37

Comments:

Enclosed please find a letter and clocked copy of the Notice of Appeal for Case No. 2017-CP-26-00424.

Wright, Worley, Pope, Ekster & Moss, PLLC
628A Sea Mountain Highway
N. Myrtle Beach, SC 29582
Phone: 843-281-9901
Fax: 843-281-9901

RECEIVED

MAR 24 2020

SC Court of Appeals

CONFIDENTIALITY NOTICE: The information being transmitted in this facsimile message is being sent by or on behalf of a lawyer and may constitute information that is privileged or confidential, or otherwise legally exempt from disclosure. This message is intended for the exclusive use of the named recipient. If you are not the named recipient or an employee or agent responsible for delivering this message to the named recipient, you are not authorized to retain, read, copy or disseminate all or any part of this facsimile message. If you have received this facsimile message in error, please notify us immediately by telephone destroy any hard copies. Thank you for your assistance.

CIRCULAR 230 DISCLOSURE: To comply with Treasury Department regulations, we inform you that, unless otherwise expressly indicated, any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties that may be imposed under the Internal Revenue Code or any other applicable tax law, or (ii) promoting, marketing or recommending to another party any transaction, arrangement, or other matter.