

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Apr 15 2020

SC Court of Appeals

APPEAL FROM THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
THE HONORABLE MARVIN H. DUKES III

CIVIL ACTION NUMBER: 2016-CP-07-02712

Beachwalk Hotel & Condominium Association, Inc.
and Beachwalk Hilton Head, LLC

Appellants,

vs.

The Town of Hilton Head Island and/or The Town
of Hilton Head Island Board of Zoning Appeals and
SDC Properties, Inc.,

Respondents.

NOTICE OF APPEAL

Beachwalk Hotel & Condominium Association, Inc. and Beachwalk Hilton Head, LLC (“Appellants”) hereby respectfully submit their Notice of Appeal of the Orders of the Honorable Marvin H. Dukes III, dated April 20, 2018, September 11, 2019, and March 17, 2020, pursuant to Rule 203, SCACR. Appellants received notice of the Order dated March 17, 2020 on March 17, 2020. Copies of the Orders being appealed are attached respectively as **Exhibit 1, Exhibit 2** and **Exhibit 3**.

Signature on following page

s/Kathleen McDaniel

Kathleen McDaniel, Esq.
Burnette Shutt & McDaniel, PA
912 Lady Street, Second Floor
PO Box 1929
Columbia, South Carolina 29202
T: 803.904.7913
F: 803.904.7910
KMcDaniel@BurnetteShutt.Law

**ATTORNEY FOR APPELLANTS BEACHWALK
HOTEL & CONDOMINIUM ASSOCIATION, INC.
AND BEACHWALK HILTON HEAD, LLC**

Columbia, South Carolina

April 14, 2020

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
THE HONORABLE MARVIN H. DUKES III

CIVIL ACTION NUMBER: 2016-CP-07-02712

RECEIVED

Apr 15 2020

SC Court of Appeals

Beachwalk Hotel & Condominium Association, Inc.
and Beachwalk Hilton Head, LLC

Appellants,

vs.

The Town of Hilton Head Island and/or The Town
of Hilton Head Island Board of Zoning Appeals and
SDC Properties, Inc.,

Respondents.

PROOF OF SERVICE

I hereby certify that this law firm represents the Appellants in the above-captioned matter and that on the date below, in Columbia, South Carolina, I served a copy of the forgoing on the following persons via electronic mail to their AIS E-mail address:

Documents Served: **APPELLANT BEACHWALK HOTEL & CONDOMINIUM ASSOCIATION, INC. AND BEACHWALK HILTON HEAD, LLC'S NOTICE OF APPEAL**

Parties Served:

Brian Earl Hulbert, Esq.
Hulbert Law Office
26 Fish Dance Ct.
Bluffton, SC 29910
hulbertbk@hargray.com

and

Gregory Milam Alford
Alford Law Firm, LLC
P.O. Box 8008
Hilton Head Island, SC 29938
gregg@alfordlawsc.com

**ATTORNEYS FOR TOWN OF HILTON HEAD ISLAND AND/OR
TOWN OF HILTON HEAD ISLAND BOARD OF
ZONING APPEALS**

Barry L. Johnson, Esq.
The Victoria Building, Suite 200
10 Pinckney Colony Road
Okatie, SC 29909
barry@jd-pa.com

ATTORNEY FOR SDC PROPERTIES, INC.

s/Amy L. Abercrombie
Amy L. Abercrombie, Paralegal
Burnette Shutt & McDaniel, PA

Columbia, South Carolina

April 14, 2020

Amy L. Abercrombie

From: Amy L. Abercrombie
Sent: Tuesday, April 14, 2020 5:52 PM
To: hulbertbk@hargray.com; gregg@alfordlaw.com; barry@jd-pa.com
Cc: Kathleen M. McDaniel
Subject: Beachwalk Hotel & Condominium Association, Inc., et al. v. The Town of Hilton Head Island, et al.
Attachments: FINAL Notice of Appeal.pdf; Letter Requesting Transcript.pdf

Dear Counsel,

Please find attached an electronic copy of the Notice of Appeal and correspondence with the court reporter in the matter of Beachwalk v. Hilton Head and SDC Properties matter. We are serving this Notice of Appeal upon you via email in compliance with the procedure set forth in the Supreme Court's Order dated March 20, 2020, Re: Operation of the Appellate Courts During the Coronavirus Emergency, which provides, pursuant to Section (g)(3): "this Court authorizes a lawyer admitted to practice law in this state to serve a document on another lawyer admitted to practice law in this state using the lawyer's primary e-mail address listed in the Attorney Information System (AIS)." We have confirmed in AIS your emails to which we are serving this Notice of Appeal.

Kind regards,
Amy Abercrombie

RECEIVED
Apr 15 2020
SC Court of Appeals

Amy L. Abercrombie

From: Amy L. Abercrombie
Sent: Wednesday, April 15, 2020 2:59 PM
To: gregg@alfordlawsc.com
Cc: Kathleen M. McDaniel
Subject: FW: Beachwalk Hotel & Condominium Association, Inc., et al. v. The Town of Hilton Head Island, et al.
Attachments: FINAL Notice of Appeal.pdf; Letter Requesting Transcript.pdf

Dear Counsel:

Please see below an email which I sent yesterday afternoon. Yours was returned because I mistakenly sent it to the wrong email address. I apologize for the oversight.

Kind regards,
Amy

From: Amy L. Abercrombie
Sent: Tuesday, April 14, 2020 5:52 PM
To: hulbertbk@hargray.com; gregg@alfordlaw.com; barry@jd-pa.com
Cc: Kathleen M. McDaniel <kmcdaniel@burnetteshutt.law>
Subject: Beachwalk Hotel & Condominium Association, Inc., et al. v. The Town of Hilton Head Island, et al.

RECEIVED
Apr 15 2020
SC Court of Appeals

Dear Counsel,

Please find attached an electronic copy of the Notice of Appeal and correspondence with the court reporter in the matter of Beachwalk v. Hilton Head and SDC Properties matter. We are serving this Notice of Appeal upon you via email in compliance with the procedure set forth in the Supreme Court's Order dated March 20, 2020, Re: Operation of the Appellate Courts During the Coronavirus Emergency, which provides, pursuant to Section (g)(3): "this Court authorizes a lawyer admitted to practice law in this state to serve a document on another lawyer admitted to practice law in this state using the lawyer's primary e-mail address listed in the Attorney Information System (AIS)." We have confirmed in AIS your emails to which we are serving this Notice of Appeal.

Kind regards,
Amy Abercrombie

**BURNETTE SHUTT MCDANIEL**

Moving law forward.

BURNETTE SHUTT & MCDANIEL, PA

912 Lady Street | PO Box 1929 | Columbia, SC 29202

O: 803.850.0912 F: 803.904.7910

burnetteshutt.law

Amy L. Abercrombie - Paralegal

P: 803.904.7916

F: 803.904.7910

aabercrombie@burnetteshutt.law

April 15, 2020

VIA FACSIMILE NO. (803) 734-1839

The Honorable Jenny Abbott Kitchings

Clerk of Court

SOUTH CAROLINA COURT OF APPEALS

1220 Senate Street

Columbia, SC 29201

Re: Beachwalk Hotel & Condominium Association, Inc. and Beachwalk Hilton Head, LLC v. The Town of Hilton Head Island and/or The Town of Hilton Head Island Board of Zoning Appeals and SDC Properties, Inc.**Civil Action No. 2016-CP-07-02712****BSM File No. 5387.562**

Dear Ms. Kitchings:

I am transmitting herewith for filing a Notice of Appeal with respect to the above-referenced matter, together with a copy of the letter requesting transcripts of the proceedings. Copies of the same were served upon opposing counsel via email. Copies of the sent emails are attached to the Proof of Service.

A paper copy of the Notice of Appeal and a check for the filing fee is being mailed via USPS.

Thank you for your assistance with this matter.

Sincerely yours,

BURNETTE SHUTT & McDANIEL, P.A.

Amy L. Abercrombie

Amy L. Abercrombie

Litigation Paralegal

ALA/

Enclosures

RECEIVED**Apr 15 2020****SC Court of Appeals**

Fax

RECEIVED

Apr 15 2020

SC Court of Appeals

Date: 4/15/2020

To: 8037341839

From: Amy L. Abercrombie

Subject: FILING - Notice of Appeal - Beachwalk Hotel & Condominium Association, et al. v. Town of Hilton Head Island, et al.

Amy L. Abercrombie
Litigation Paralegal
912 LADY STREET

|
2ND FLOOR
PO BOX 1929

|
COLUMBIA, SC 29202
D: 803.904.7916 | O: 803.850.0912 | F: 803.904.7910
BURNETTESHUTT.LAW

CONFIDENTIAL COMMUNICATION: The information contained in this message may contain legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or duplication of this transmission is strictly prohibited. If you have received this communication in error, please notify us by telephone or email immediately and return the original message to us or destroy all printed and electronic copies. Nothing in this transmission is intended to be an electronic signature nor to constitute an agreement of any kind under applicable law unless otherwise expressly indicated. Intentional interception or dissemination of electronic mail not belonging to you may violate federal or state law.

?

IRS CIRCULAR 230 NOTICE: Any federal tax advice contained in this communication (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending any transaction or matter addressed in this communication.