

9/24/15

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

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

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APR 20 2020

SC Court of Appeals

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  
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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

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SC Court of Appeals

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](mailto:hulbertbk@hargray.com)

and

Gregory Milam Alford  
Alford Law Firm, LLC  
P.O. Box 8008  
Hilton Head Island, SC 29938  
[gregg@alfordlawsc.com](mailto: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](mailto: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 20 2020  
SC Court of Appeals

**Amy L. Abercrombie**

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**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 20 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.

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[aabercrombie@burnetteshutt.law](mailto: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

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APR 20 2020

SC Court of Appeals

**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



**BURNETTE SHUTT MCDANIEL**

Moving law forward.

**Amy L. Abercrombie - Paralegal**

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April 16, 2020

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 have enclosed a copy of the Notice of Appeal and letter ordering the transcripts of proceedings with respect to the above-referenced matter which filed via facsimile on April 15, 2020, together with this firm's check in the amount of \$250.00 for the filing fee.

Thank you for your assistance with this matter.

Sincerely yours,

BURNETTE SHUTT & MCDANIEL, P.A.

Amy L. Abercrombie  
Litigation Paralegal

ALA/  
Enclosures

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APR 20 2020

SC Court of Appeals



**BURNETTE SHUTT MCDANIEL**  
Moving law forward

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burnetteshutt.law

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APR 26 2011  
SC Court of Appeals

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

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