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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

C.A. No.: 2020-CP-07-00817

Bull Point Plantation Property Owners Association, Inc.....Respondent,

vs

Bull Point SC, LLC, Bull Point, LLC, Bull Point Plantation Owners Association, Inc., William E. Gavigan, Michael Carey, Christopher J. Quick, James Riordan, Richard Riney,
..... Appellants,

NOTICE OF APPEAL

NOW COME Bull Point SC, LLC, Bull Point, LLC, Bull Point Plantation Owners Association, Inc., William E. Gavigan, Michael Carey, Christopher J. Quick, James Riordan and Richard Riney (collectively referenced as the “Appellants” or “Bull Point Plantation Appellants”), by and through their undersigned counsel and appeal the Order of the Honorable R. Lawton McIntosh of the Beaufort County Court of Common Pleas, dated April 15, 2021. Appellants received written notice of this Order on the same date.

Appellants file this notice pursuant to S.C. Code Ann. § 14-3-330, under which an order granting partial summary judgment is immediately appealable where it “involves the merits” of the underlying action or “affects a substantial right” of a party. *Link v. Sch. Dist. of Pickens County*, 302 S.C. 1, 6, 393 S.E.2d 176, 178-79 (1990) (holding an order granting partial summary

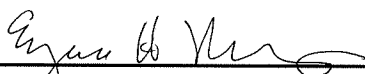
judgment may be appealable under either category); *Thornton v. S.C. Elec. & Gas Corp.*, 391 S.C. 297, 306, 705 S.E.2d 475, 480 (S.C. App. 2011).

In its order, the trial court granted summary judgment based upon an earlier order, of the Honorable Carmen T. Mullen in another case that is currently on appeal before this court.

As a result, this appeal is proper under both S.C. Code Ann. § 14-3-330(1) and § 14-3-330(2), as the trial court's decision is an order "involving the merits" of the case and an order "affecting a substantial right" of Appellants.

Respectfully submitted this 29th day of April, 2020.

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