

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT
C/A NO. 2018-CP-26-06033

Royal Garden Resort Regime Homeowners Association, Inc.,
Plaintiff,
vs.
Sea Breeze Property Management & Contract Services, Inc.; Calvin Donaldson; and Phoenix of the Strand, Inc.,
Defendants.

ORDER GRANTING PLAINTIFF'S MOTION TO ALLOW ENTRY

RECEIVED

JAN 14 2022

SC Court of Appeals

THIS MATTER IS BEFORE THE COURT based on Plaintiff's Motion to Allow Entry at the Royal Garden Resort Homeowners Association. The Defendants claim that they are owners to certain storage closets on each of the sixteen floors at the Royal Garden Resort. Plaintiff claims that it is entitled to access to those storage closets so that they can provide Horry Telephone Cooperative with access to install certain equipment including television cable, conduit and cable boxes so each of the homeowners would be able to continue to receive a television signal

The Plaintiff in support of its Motion to Allow Entry to those storage closets on each of the sixteen floors cites Article IX, Section 2 of the Master Deed of the Royal Garden HPR which states as follows:

There is hereby granted an easement subject to the regulations and requirements of the Board of Directors of Association upon, across, over and under all of the Property for ingress, egress, installations, replacing, repairing and maintaining a master television antenna system and all utilities including, but not limited to, water, gas, sewers, telephones and electricity. Such easements grant to appropriate utility companies the right to erect and maintain the necessary poles and other necessary equipment on the Property and to affix and maintain utility wires, circuits, and conduits on, above, across and under the roofs and exterior walls of the Units.

Plaintiff has sought from Defendant access to the storage closets on the sixteen floors of the Royal Garden Resort so that it may continue to provide television service to the unit owners. Defendants have denied such access to Plaintiff. The Court has carefully reviewed the Master Deed and finds that Plaintiff is entitled to access to the storage closets on each of the sixteen floors and the Defendants shall immediately provide Plaintiff with keys to each of the storage closets at the Royal Garden Resort for the purpose of allowing Horry Telephone Cooperative to run conduit, cable line and all other equipment necessary to provide service to each of the unit owners at the Royal Garden Resort. See *Harrington v. Blackston*, 459 S.E.2d 309 (1995) (Court must examine the Horizontal Property Regime Act and the Master Deed to determine the obligations of the condominium owners); *Sea Pines Plantation Co. v. Wells*, 294 S.C. 266, 363 S.E.2d 891 (1987) (as to voluntary contracts, however restrictive covenants will be enforced according to their terms...).

Accordingly,

IT IS ORDERED that the Defendants, Sea Breeze Property Management & Contract Services, Inc.; Calvin Donaldson; and Phoenix of the Strand, Inc., shall within ten (10) days of the date of this Order provide access to the storage closets on each of the floors (1 – 16) of the Royal Garden Resort, and, further, that Defendants shall provide keys to each of the storage closets on those floors (1 – 16) for the purpose of allowing the Horry Telephone Cooperative to begin the installation process. All keys shall be delivered to Steven Hunt, the Property Manager of the Royal Garden Resort Homeowners Association so that the work can be commenced. All issues regarding any contract claims by Defendants concerning leases of the storage closets are reserved for trial consistent with this Court's Order Denying Summary Judgment on that issue.

AND IT IS SO ORDERED.

Robert E. Hood, Presiding Judge
Fifteenth Judicial Circuit

September 15, 2021
Columbia, South Carolina



Horry Common Pleas

Case Caption: Royal Garden Resort Regime Homeowners Association Inc VS Sea Breeze Property Management & Contract Services Inc , defendant, et al
Case Number: 2018CP2606033
Type: Order/Other

So Ordered

s/ R.E. Hood #2164