

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)
)
 Gregory Cutlip, individually and as a)
 member of the Legends Property Owners)
 Association, Inc. and Parkland Property)
 Owners Association, Inc.,)
)
 Plaintiffs,)
)
 vs.)
)
 LDY Properties, LLC, Larry D. Young,)
 Legends Property Owners Association, Inc.,)
 Parkland Property Owners Association, Inc.,)
 Legends Properties, LLC, New Town)
 Management, LLC, Michael R. Latta,)
 Marianne Johnson, Carl A. Rubano, Camden)
 C. McCarl, Robert L. Schechter, Richard)
 Apolenis, John K. Manley, Michael Marino,)
 Legends Golf Holding, LLC, and Jigger)
 Holdings, LLC,)
)
 Defendants.)
)
 _____)

IN THE COURT OF COMMON PLEAS
 FIFTEENTH JUDICIAL CIRCUIT
 Civil Action No. 2019-CP-26-01211

RECEIVED
Feb 10 2022
 SC Court of Appeals

Order

This matter came before the Court on May 11, 2021 for a hearing to consider Plaintiff’s Motion to Amend the Complaint. The motion included as an attachment the proposed Second Amended Complaint. Plaintiff submits that the amendment is necessary in order to add more specific factual allegations concerning Plaintiff’s efforts to obtain action by the POA Boards and the reasons for any failure to obtain the action or for not making the effort, as required under Rule 23(b)(1), SCRCP. Defendants argue that leave should be denied because any such amendment would be futile.

Rule 15(a), SCRCP, provides that leave to amend “shall be freely given when justice so requires and does not prejudice any other party.”

After reviewing the pleadings, the proposed Second Amended Complaint, the briefs of counsel, and the oral arguments at the hearing, the Court GRANTS Plaintiff's Motion to Amend the Complaint. The Court finds that the interests of justice require that Plaintiff be allowed to amend the Complaint, and that the amendment does not prejudice any other party. Plaintiff shall have 30 days from the entry of this Order to file his Second Amended Complaint.

IT IS SO ORDERED.

The Honorable R. Ferrell Cothran, Jr.
Judge, Third Judicial Circuit

Date: _____

Manning, South Carolina



Horry Common Pleas

Case Caption: Gregory Cutlip , plaintiff, et al VS LDY Properties LLC , defendant,
et al
Case Number: 2019CP2601211
Type: Order/Amend

So Ordered

s/ R. Ferrell Cothran, Jr., 2144