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Feb 25 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
Perry Gravely, Circuit Court Judge

Appellate Case No. 2021-001063

Frances Baty, Helene Lambert, Michael Evatt, O.D. Strickland,
Keith Godfrey, Bonnie Spearman, Allison Morton, Brian Morton,
Janet Lamb and Henry Lamb.....Appellants,

v.

Greenville County Planning Commission and Mark III Properties, LLC.....Respondents.

**NOTICE OF AGREEMENT AND JOINT MOTION TO
DISMISS PURSUANT TO RULE 260(b), SCACR**

Appellants and Respondents hereby jointly move in accordance with Rule 260(b) of the South Carolina Appellate Court Rules (“SCACR”) for this proceeding to be dismissed. The parties hereby declare they have reached a settlement in this matter and have agreed to the dismissal of this appeal. As part of their settlement, the parties have further agreed that each party shall be responsible for their own costs and attorneys’ fees associated with this appeal and the underlying actions from which this appeal arose. Accordingly, the parties request that the Court alter the costs assessed by Rule 222(a), SCACR, to conform to the parties’ agreement that each party shall bear their own costs and attorneys’ fees.

February 24, 2022

WE SO MOVE:

BRUMBACK & LANGLEY, LLC

s/Christopher T. Brumback

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Attorneys for Appellants

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WE SO CONSENT:

BANNISTER, WYATT & STALVEY, LLC

s/Luke A. Burke

Bruce W. Bannister
Luke A. Burke
Marcelo Torricos, III
Bannister, Wyatt & Stalvey, LLC
24 Cleveland Street, Ste. 100
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Phone: (864) 298-0084
Attorneys for Respondent Mark III Properties, LLC

WE SO CONSENT:

s/Christopher R. Antley

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Assistant County Attorney
County of Greenville
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Attorney for Respondent Greenville County Planning
Commission

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BRUMBACK & LANGLEY, LLC

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GENERAL & COMPLEX LITIGATION
BUSINESS & CORPORATE LAW
APPELLATE PRACTICE
CRIMINAL DEFENSE
PERSONAL INJURY

February 25, 2022

VIA UPLOAD TO ONEDRIVE

South Carolina Court of Appeals
The Honorable Jenny Abbott Kitchings
P.O. Box 11629
Columbia, SC 29211

Re: *Baty et al. v. Greenville County Planning Commission et al.*
Appellate Case No. 2021-001063

Dear Ms. Kitchings:

I hope this correspondence finds you well, please find attached hereto the parties' Notice of Agreement and Joint Motion to Dismiss Pursuant to Rule 260(b), SCACR. A check for the Motion filing fee of Fifty and no/100 Dollars (\$50.00) will be mailed to the Court with a hardcopy of this letter. If you have any questions or require anything further from my office, please do not hesitate to contact me at (864) 414-9097. Counsel for Respondents is being served with a copy of this correspondence via electronic mail to lburke@bannisterwyatt.com and cantley@greenvillecounty.org.

With kindest regards, I am

Truly yours,

s/Christopher T. Brumback

Christopher T. Brumback, Esq.
Brumback & Langley, LLC

CTB/

cc: Bruce Bannister (via email)
Marcelo Torricos (via email)
Chris Antley (via email)
J. J. Andrighetti (via email)