

63281

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Thomas W. Cooper, Jr., Special Referee

Case No.: 2008-CP-26-7956

**RECEIVED**

MAY 03 2013

**SC Court of Appeals**

David A. Johnson, Susan Weisenburger, John Terman, Jr., Darcy A Terman, Paul Farese,  
James Farese, Dennis Ducate, Joan McClellan, David A. Demer, Christine A. Demer,  
Christine A. Demer and Ginger Metts Richardson, Respondents,

v.

SVI Hospitality, LLC, National Bank of South Carolina, Haricharan J. Mishra a/k/a Mike  
Mishra, and Illa H. Mishra Defendants,

Of Whom National Bank of South Carolina is the Appellant,

and

SVI Hospitality, LLC, Haricharan J. Mishra and Illa H. Mishra, Third Party Plaintiffs,

v.

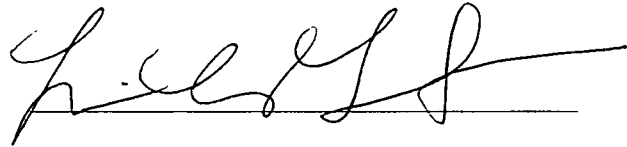
Superior Construction Corporation, Third Party Defendant.

**NOTICE OF APPEAL**

National Bank of South Carolina ("NBSC"), appeals the Final Order in this matter dated December 12, 2012, the Order Granting Plaintiffs' Motion for Summary Judgment Against Defendant, SVI Hospitality, Inc. dated December 12, 2012, and the Order on Motions to Reconsider and Alter or Amend dated March 29, 2013. NBSC received written

notice of the denial of its post-trial motions on April 11, 2013. A copy of the orders are attached to this notice as Exhibits A, B and C.

Respectfully submitted,



HAYNSWORTH SINKLER BOYD, P.A.

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*Attorneys for Appellant NBSC*

May 3, 2013

Columbia 1797053 v 1

THE STATE OF SOUTH CAROLINA  
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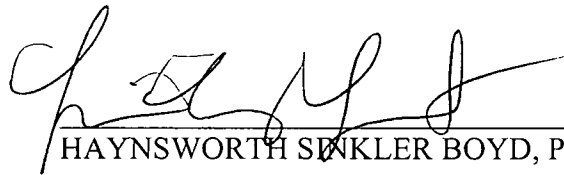
Superior Construction Corporation, Third Party Defendant.

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**PROOF OF SERVICE**

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I certify I have served the Notice of Appeal by depositing a copy of it on May 3, 2013, addressed to the attorneys of record for Respondents: Daniel J. MacDonald, Esq., Anna S. Magann, Esq., Rice, MacDonald, Breeden & Hicks, P.A. , 950 48<sup>th</sup> Avenue North , Suite 200, Myrtle Beach, South Carolina 29577-5434 and Fred B. Newby, Esq., Newby, Sartip, Masel & Casper, LLC, Post Office Box 808, Myrtle Beach, South Carolina 29578-0808.



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HAYNSWORTH SINKLER BOYD, P.A.

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*Attorneys for Appellant NBSC*

May 3, 2013

Columbia. 1797089 v.1

Haynsworth  
Sinkler Boyd, P.A.

ATTORNEYS AND COUNSELORS AT LAW

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LINSEY CARLBERG LIVINGSTON  
DIRECT DIAL NUMBER 803.540.7839  
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May 3, 2013

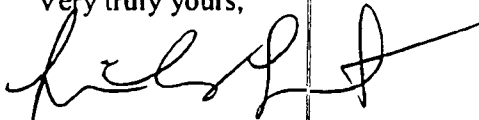
The Honorable Melanie Huggins  
Horry County Clerk of Court  
Post Office Box 677  
Conway, South Carolina 29528-0677

Re: *David A. Johnson, et al v. SVI Hospitality, LLC, National Bank of South Carolina, et al*  
Case No: 2008-CP-26-7956  
HSB File No. 06765.0573

Dear Ms. Huggins:

Enclosed for filing are a Notice of Appeal and Certificate of Service with regard to the above referenced matter. Please file the originals and return clocked copies of each to me in the envelope provided.

Very truly yours,



Lindsey Carlberg Livingston

LCL/jlc  
Enclosures

cc: The Honorable Jenny Abbott Kitchings  
Daniel J. MacDonald, Esq.  
Anna S. Magann, Esq.  
Fred B. Newby, Esq.

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EMAIL livingston@hsblawfirm.com

May 3, 2013

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

Re: *David A. Johnson, et al v. SVI Hospitality, LLC, National Bank of South Carolina, et al*  
Case No: 2008-CP-26-7956  
HSB File No. 06765.0573

Dear Ms. Kitchings:

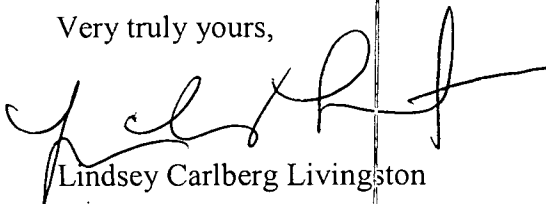
Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondent,
- (2) Copies of the Orders which are to be challenged on appeal,
- (3) Applicable filing fee of \$100, and
- (4) Copy of the letter filing notice of appeal with the lower court.

Appellant will order the transcript in this matter within ten days of serving this notice of appeal as required by Rule 207, SCACR.

Please return a clocked copy to me via my courier.

Very truly yours,



Lindsey Carlberg Livingston

LCL/jlc  
Enclosures

cc: Daniel J. MacDonald, Esq.  
Anna S. Magann, Esq.  
Fred B. Newby, Esq.

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SC Court of Appeals