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SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Case No. 2017-P-04-2632
Appellate Case No.: 2018-002028

EUGENE L. GRIFFIN, JR. and BETH KING GRIFFINAppellants,

v.

ARDEN CHASE HOMEOWNERS’ ASSOCIATION, INC......Respondent.

RETURN TO APPELLANT’S MOTION FOR FEES AND COSTS

The Respondent hereby opposes the Appellants’ Motion for Fees and Costs, which was served upon undersigned counsel on March 28, 2022, based upon the following:

On February 16, 2022, this Court issued Unpublished Opinion No. 2022-UP-080 wherein it reversed the lower court’s grant of summary judgment and remanded the case. The Opinion states that “there are issues of material fact that still need to be resolved by the circuit court,” specifically “whether the decision of the ACC was arbitrary.” As stated in *Ballenger v. Bowen*, 313 S.C. 476, 477, 443 S.E.2d 379, 380 (1994): “[a] denial of a motion for summary judgment decides nothing about the merits of the case, but simply

