

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

68295

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas  
Honorable Thomas W. Cooper, Jr., Special Referee  
Case No. 2008-CP-26-7956

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

vs.

SVI Hospitality, LLC and National Bank of South.....Defendants  
Carolina,

and

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

vs.

Superior Construction Corporation.....Third Party Defendants

Of Whom:

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

vs.

National Bank of South Carolina.....Respondent

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NOTICE OF APPEAL

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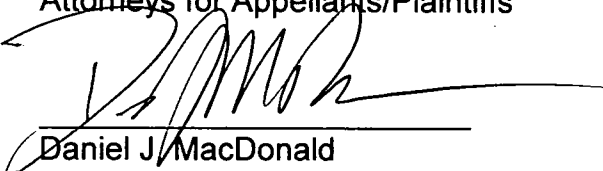
SC Court of Appeals

David A. Johnson, Susan Weisenburger, John Terman, Jr., Darcy A. Terman, Paul Farese, James Farese, Dennis Ducate, Joan McLellan, David A. Demer, Christine A. Demer and Ginger Metts Richardson appeal the following Orders of the Honorable Thomas W. Cooper, Jr.:

- (1) Final Order dated December 12, 2012, and filed on December 13, 2012, granting Summary Judgment in part to the Appellants and in part to the Respondent, National Bank of South Carolina; Appellants received written notice of the entry of the Order on December 18, 2012; and
- (2) Order on Motions to Reconsider and Alter and Amend dated March 29, 2013, and filed on April 3, 2013; Appellants received written notice of the entry of the Order on April 8, 2013.

May 6, 2013

RICE, MACDONALD & HICKS, PA  
950 - 48<sup>th</sup> Avenue North, Suite 200  
Myrtle Beach, SC 29577  
(843) 449-4493  
[DmacDonald@ricemaclaw.com](mailto:DmacDonald@ricemaclaw.com)  
Attorneys for Appellants/Plaintiffs



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Daniel J. MacDonald  
Anna S. Magann

Other Counsel of Record:

Tara E. Naufel, Esquire  
Haynsworth Sinkler Boyd, P.A.  
1201 Main Street, 22nd Floor  
Columbia, SC 29201  
(843) 722-3366  
Attorney for Respondent/Defendant, National Bank of South Carolina

Fred B. Newby, Esquire  
Newby, Sartip, Masel, & Casper, LLC  
Post Office Box 808  
Myrtle Beach, SC 29578  
Attorney for Defendant, SVI Hospitality, LLC

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PROOF OF SERVICE

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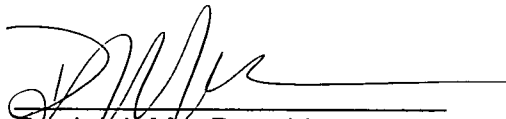
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SC Court of Appeals

Daniel J. MacDonald, Esquire, certifies that he is an attorney with the law firm of Rice, MacDonald & Hicks, PA, attorneys for the Appellants, and that he served the Notice of Appeal on National Bank of South Carolina and Non-Party SVI Hospitality, LLC by depositing it in Federal Express, fees and postage prepaid, on May 6, 2013, addressed to the attorneys of record, Tara E. Nauful, Esquire, Haynsworth Sinkler Boyd, P.A., P.O. Box 11889, Columbia, SC 29211 and Fred B. Newby, Esquire, Newby, Sartip, Masel, & Casper, LLC, 4593 Oleander Drive, Myrtle Beach, SC 29577, and that he has this same day mailed the Notice of Appeal to the Horry County Clerk of Court to be filed.

May 6, 2013

RICE, MACDONALD & HICKS, PA  
950 - 48<sup>th</sup> Avenue North, Suite 200  
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Attorneys for Appellants



Daniel J. MacDonald  
Anna S. Magann

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Rice, MacDonald & Hicks, P.A.

Attorneys at Law

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+ CERTIFIED MEDIATOR

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SENDER'S E-MAIL  
DMacDonald@RiceMacLaw.com

May 6, 2013

**Via Federal Express**

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

Re: David A. Johnson, Susan Weisenburger, John Terman, Jr., Darcy A. Terman, Paul Farese, James Farese, Dennis Ducate, Joan McLlellan, David A. Demer, Christine A. Demer, and Ginger Metts Richardson v. SVI Hospitality, LLC and National Bank of South Carolina and SVI Hospitality, LLC, Haricharan J. Mishra and Illa H. Mishra v. Superior Construction Corporation  
Case No. 2008-CP-26-7956

Dear Ms. Kitchings:

Enclosed please find our Notice of Appeal and Proof of Service as to the Respondent/Defendant and Non-Party Defendant, SVI Hospitality, LLC, the Orders appealed from, and our firm check in the amount of \$100.00 representing the filing fee in the above referenced matter. Please file the Notice and Proof, and return clocked copies to me in the enclosed envelope.

I am, by copy of this letter, serving the Appellants/Plaintiffs' Notice of Appeal upon counsel for the Respondent/Defendant, the Non-Party Defendant, SVI Hospitality, LLC, and the Horry County Clerk of Court.

Should you have any questions, please feel free to contact me.

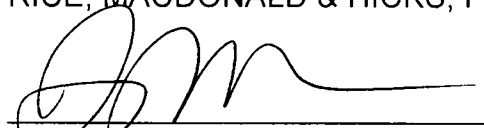
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With kindest regards, I remain yours very truly

RICE, MACDONALD & HICKS, PA



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Daniel J. MacDonald

DJM/sep

Enclosures

Cc: Tara E. Naful, Esquire  
Fred B. Newby, Esquire  
Honorable Melanie Huggins-Ward, Horry County Clerk of Court