

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF HORRY )  
 )  
 Elizabeth A. Crotty and James K. )  
 Orzech, )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 Windjammer Village of Little River, )  
 South Carolina, Property Owners' )  
 Association, a South Carolina )  
 Eleemosynary Corporation, )  
 )  
 Defendant. )

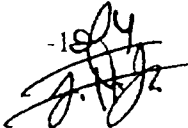
IN THE COURT OF COMMON PLEAS  
 FIFTEENTH JUDICIAL CIRCUIT  
 C/A NO. 2009-CP-26-10523

**ORDER UPON PLAINTIFFS'  
 MOTION FOR RECONSIDERATION  
 PURSUANT TO RULE 59(e), SCRPC**

FILED  
 Horry County  
 12 FEB 27 PM 3:35  
 MELANIE J. JENNINGS-WARR  
 CLERK OF COURT

The above matter came before me for hearing on February 13, 2012 upon Plaintiffs' Notice of Motion and Motion for Reconsideration Pursuant to Rule 59(e), SCRPC, which was filed with the Court on August 12, 2011. In their Motion, the Plaintiffs' seek reconsideration of the Court's Final Order dated August 3, 2011 that was filed with the Clerk of Court in and for Horry County on August 5, 2011. Specifically, the Plaintiffs seek reconsideration:

- (1) of the impact of the Order on emergency or public safety providers;
- (2) on so much of the Court's Order of August 3, 2011 as permanently restrains contractors and/or other service providers from utilizing the "Paved Driveway" as referenced in that Order; and
- (3) the provision in the Court's Order which requires a memorandum to be filed with the Office of the Register of Deeds so the Order of the Court

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would be a matter of record in the real property records in Horry County and binding on the successors and assigns of the Plaintiffs.

The Court has received and reviewed the Plaintiff's written Motion, the Defendant's Reply, and the supporting and opposing Memoranda submitted by the parties' respective attorneys. After oral arguments the Court does clarify its Final Order herein as follows:

Nothing in the Court's Final Order dated August 3, 2011 shall be construed in any way to limit, impede, or interfere with emergency or public safety providers such as Police, Fire, or Emergency Medical Services from providing services to Plaintiffs' in the manner deemed appropriate by those responders. The Court is aware that emergency public safety providers often and necessarily deviate from applicable rules and regulations, and it would be unwise for the Court to issue any Order to the contrary. It was never the intent of the Court in its Final Order to limit, impede, or interfere with emergency or public safety providers in the performance of their duties.

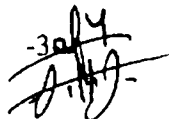
The Plaintiffs have also argued that the Court's Final Order dated August 3, 2011 should be reconsidered to the extent that the Order would prevent contractors and/or service or utility providers from accessing the Plaintiffs' property from "the Paved Driveway" referred to in the Court's prior Order. The Court finds the provision restricting "service providers" from using the Paved Driveway may conflict with the applicable restrictive covenants, rules, and regulations of the Windjammer Village subdivision. The Court finds the applicable restrictive covenants, rules, and regulations

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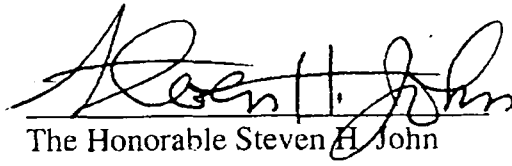
of the Windjammer Village subdivision are the controlling authority concerning whether or not "service providers" may utilize common areas to access not only the Plaintiffs' property, but all properties within the Windjammer Village subdivision. The Court clarifies that its prior Order shall in no way restrict or impede the ability of service providers companies to access the Plaintiffs' property. Rather, any restrictions that would be applicable to these providers must be found within the applicable restrictive covenants, rules, and regulations of the Windjammer Village subdivision.

The Court's Final Order dated August 3, 2011 does properly restrict the Plaintiffs and the Plaintiffs' visitors, guests, and invitees from accessing the Plaintiffs' property via the Paved Driveway referred to in the Court's prior Order. Therefore and accordingly, the Court declines to reconsider its prior Order on this issue.

Finally, the Plaintiffs' request that the Court remove from its Final Order dated August 3, 2011 the provision requiring a memorandum to be recorded in the Office of the Register of Deeds in and for Horry County. The Court so declines. The Court finds the recording of a memorandum in the Office of the Register of Deeds makes it more likely that the Court's Final Order will be found by innocent third parties such as purchasers, lessees, title examiners, and attorneys. Inasmuch as a memorandum will only make what is a public record more readily found, the Court finds that the memorandum is an appropriate measure and method to protect innocent third-parties. Therefore, the Court will not reconsider that portion of its prior Order.

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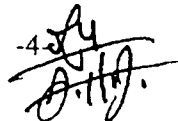
IT IS SO ORDERED!



The Honorable Steven H. John  
Resident Judge  
Fifteenth Judicial Circuit

February 22 2012  
Conway, South Carolina

ORDER UPON PLAINTIFFS' MOTION  
FOR RECONSIDERATION PURSUANT  
TO RULE 59(E), SCRPC



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