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Apr 13 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

M. Anderson Griffith, Master-In-Equity

Case No. 2019-CP-02-02818

Wando Partners L.P., and Hitchcock Crossing Homeowners Associations, Inc.,..... Appellants,

v.

Greg A. Baughman and Jennifer K. Ray,Respondents.

NOTICE OF APPEAL

Pursuant to Rule 203 of the South Carolina Appellate Court Rules, Plaintiffs Wando Partners L.P., and Hitchcock Crossing Homeowners Association, Inc. (“Appellants”) hereby appeal the below enumerated findings in the Orders filed on December 27, 2021 and March 15, 2022 by the Honorable M. Anderson Griffith, Master-In-Equity for Aiken County. Appellants received notice of entry of the Order on its Motion to Alter or Amend the Order of December 27, 2021 on March 15, 2022. Appellants’ grounds for appeal are as follows:

1. The master-in-equity properly found in its December 27, 2021 Order that there was evidence that multiple parties gave notice to the Respondents that the lot in dispute was a Garden Unit under the applicable covenants, but erred in finding in its December 27, 2021 Order and in its March 15, 2022 Order that the evidence presented by Appellants was insufficient to prove Respondents’ had notice that the Garden Unit designation in the applicable covenants and lot restrictions thereunder applied to the lot in dispute.
2. The master-in-equity erred in finding in the December 27, 2021 Order that Respondents reasonably believed and were entitled to find that the lot in dispute was an “Individual Unit” as defined in the applicable covenants rather than a “Garden Unit.”

3. The master-in-equity's finding in the December 27, 2021 Order that the Respondents were not given notice that the lot in dispute was a Garden Unit under the applicable covenants is in error and conflicts with the trial court's correct factual finding that Patrick Buckzar gave notice to the Respondents that the lot in dispute was a Garden Unit.
4. The master-in-equity erred in finding in its December 27, 2021 Order that the evidence at trial failed to prove a general scheme or uniform plan of development as the to lots intended to be Garden Units under the applicable covenants.
5. The master-in-equity erred in denying Appellants' request for declaratory relief the trial court's December 27, 2021 Order, where Appellants sought to have the court declare that the lot in dispute was a Garden Unit under the applicable covenants.
6. The master-in-equity erred by failing in its March 15, 2022 Order to alter or amend the trial court's Order and judgment of December 27, 2021 denying Appellants' request for declaratory relief.
7. The master-in-equity erred in finding in its March 15, 2022 Order that Apellants failed to prove the Garden Unit definition and restriction in the applicable covenants applied to the lot in dispute.

Respectfully Submitted,

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April 13, 2022

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Greg A. Baughman and Jennifer K. Ray, Respondents,

v.

Wando Partners L.P., and Hitchcock Crossing
Homeowners Association, Inc.,Appellants,

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Greg A. Baughman and Jennifer K. Ray by depositing a copy of it in the United States Mail, postage prepaid, on April 13, 2022, addressed to their attorney of record, Clarke W. McCants, III, P.O. Box 2881, Aiken, SC 29801 and via email to Clarke W. McCants, III at mccants3rd@aol.com.

April 13, 2022

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April 13, 2022

Via Email: ctappfilings@sccourts.org

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

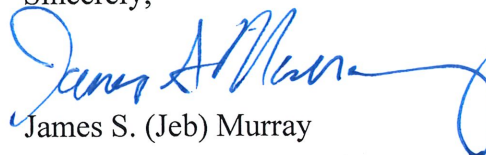
Re: *Wando Partners, L.P. and Hitchcock Crossing Homeowners Association, Inc. v.
Greg Baughman and Jennifer K. Ray*
Case No. 2019-CP-02-02818

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 respondents.
2. A copy of the order(s) which are to be challenged on appeal.
3. A filing fee in the amount of \$250.00 which has been sent to your attention via U.S. Regular Mail.

Sincerely,



James S. (Jeb) Murray

/jma

Enclosures

cc: Clarke W. McCants, III, Esq. via email: mccants3rd@aol.com
Attorney for Respondents and U.S. Regular Mail