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ELLIS I. KAHN*[^]
JUSTIN S. KAHN*[^]
WES B. ALLISON

May 13, 2013

Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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MAY 14 2013

SC Court of Appeals

Re: Amber Johnson v. Stanley Alexander
Case No.: 2009-CP-10-06529

Dear Ms. Kitchings:

Pursuant to SCACR, 208(b)(7), Respondent Amber Johnson wishes to advise the Court about a pertinent and significant new authority that has come to her attention since the initial briefs have been filed and served.

Inglese v. Beal, et al, Op. No. 5123 (S.C. Ct. App. filed May 1, 2013) (Shearouse Adv. Sh. No. 19 at 66) holds a closing attorney has a duty to protect the buyer from obtaining bad title. The Court held that "the responsibility to bring this important finality to the issue falls on the lawyer retained to supervise the closing. If the closing is properly conducted, the lawyer enables finality and prevents future litigation." *Inglese*, Op. No. 5123 (Shearouse Adv. Sh. No. 19 at 74). This citation pertains to Respondent's brief, Section VIII (A), pp. 12-13, and VIII(E)(2), p. 29.

Further, *Inglese v. Beal* holds that wrongdoing by the client, if any, does not excuse the closing attorney from properly exercising his fiduciary duty to prevent a cloud from passing from seller's title to buyer's title. *Inglese*, Op. No. 5123 (Shearouse Adv. Sh. No. 19 at 72). This citation pertains to Respondent's brief Section VIII(E)(4)-(7), pp. 30-34, and VIII(F)(1)-(2), pp. 36-38.

Sincerely,


Justin S. Kahn

JSK
cc: Joel W. Collins, Esq.
Robert F. Goings, Esq.
Mario S. Inglese, Esq.
Charles M. Feeley, Esq.

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