



**RECEIVED**

**May 02 2022**

**SC Court of Appeals**

ALAN WILSON  
ATTORNEY GENERAL

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
By efileing

Re: Coffin Point Plantation HOA v. State No. 2022-000475

Dear Ms. Kitchings:

Regarding your deficiency notice letter of April 22, 2022 concerning the lack of compliance of the proof of service as to certain parties, I respectfully request that the Court ask Appellants' counsel to explain when he served the Office of the Attorney General, as counsel for the State, with the Notice of Appeal in this case. The certificate of service states that it was on April 13 by mailing it to the Attorney General and Robert Cook, Solicitor General, but not me as lead counsel; however, we did not learn of the Appeal until we received the April 22 letter from you. We checked our mail logs on April 25, and they did not show receipt of the Notice. I note the following events that are supported by the attachments:

- Following the mail log check, I emailed counsel for Appellants on April 25 inquiring about service but did not receive a response.
- The next day, April 26, we received the Notice of Appeal in an envelope with postage stamps but no postmark. I emailed counsel that day noting the receipt which was 13 days after the date in the Certificate of Service.
- The following day, April 27, I emailed counsel asking when the Notice of Appeal was mailed. To date, I have received no response to the above 3 emails.

Having this information is important in that, based upon counsel's receipt of the last order under appeal on March 17, the Notice of Appeal should have been served by April 18. If it was not mailed to the Office of the Attorney General by that day due to error, service would be untimely. Therefore, we would appreciate an explanation of when the Notice was mailed to the Attorney General's Office. If the Court prefers that I make a motion to this effect, I will be glad to do so.

Thank you for your consideration of this request.

Sincerely,

  
J. Emory Smith, Jr.  
Deputy Solicitor General

The Honorable Jenny Abbott Kitchings  
May 2, 2022  
Page 2

cc by email: H. Fred Kuhn, Jr, Esquire  
Mary D. Shahid, Esquire

cc by U.S. mail:

Wilma Clark  
Jeanine Skok  
Lawrence Casler  
Carol Morrissey  
Dean Morrissey  
Ralph Netherland  
Gloria Netherland  
Special Trust of William B. Fahrner  
Mark Heles  
Beverly Heles  
LiLi, LLC  
Revocable Living Trust of Thomas Walterhoefer  
Ceclily Deegan McMillan  
Steven Teets  
Lucinda Teets  
Beverly Boulware  
David Shaffer  
Delora Cook  
Gerald Hartwig  
Carol Hartwig  
Thomas S. Clark Family Living Trust  
Scott Hersh  
Euniceteen Diggs  
Janet Kathleen Reynolds Trust  
Slade Family Revocable Trust  
Andrew Seward  
Ashley Heath Madilon  
Arnold Hollis  
Lillian Hollis  
Jennifer Allen  
Travis Washington  
Janet Embly, Trustee  
Scott Simmons Omari Trust  
Mary Hudson

The Honorable Jenny Abbott Kitchings  
May 2, 2022  
Page 3

No cc: I do not have a record of service on, do not have an address for and see no appearance by the following parties although some parties were served by publication with the original complaint:

David C. Strother  
Nicolette and Russel Walden  
Lynn & David Smith  
Charles H. Lyman and Estate  
St. Helena Co.  
J.E. McTeer and Estate  
Estate of J.D. Cameron  
David Strother  
Benjamin Couch  
Paulette Brown  
Rachelle Carolynne Owens Revocable Trust  
Gerald L. Wayne  
Vivian M. Wayne  
Mary Gaskin Germann  
Grant Martin Germann  
Gregory J. Giardina  
Melissa Basenburg  
Mark M. Hazard  
Micah L. Myers  
Jennifer J. Myers  
John Joseph Edwards  
Nancy Jean Edwards  
Preston Ventures, LLC  
Donald Lunardini  
Kristina Barbara Moore Lunardini  
Melissa Uhlman Revocable Trust

I have no address for William Embly other than Janet Embly, trustee. On line records for Beaufort County are not accessible now.

**Coffin Point Plantation HOA v. State No. 2022-000475**

**ATTACHMENT TO LETTER OF MAY 2, 2022**

## Emory Smith

---

**From:** Emory Smith  
**Sent:** Wednesday, April 27, 2022 5:09 PM  
**To:** 'Fred Kuhn'  
**Subject:** RE: 18-2109 Coffin Point vs The State of South Carolina et al - Proposed Order [IWOV-NPCHAR1.FID1119644]

Fred, would appreciate your letting me know what happened here in that we do not appear to have received the NOA until yesterday. Was it mailed for the first time on Monday, 4-25-22?.

Thanks.

Emory

---

**From:** Emory Smith  
**Sent:** Tuesday, April 26, 2022 4:53 PM  
**To:** 'Fred Kuhn' <[fred@mossandkuhn.com](mailto:fred@mossandkuhn.com)>  
**Subject:** RE: 18-2109 Coffin Point vs The State of South Carolina et al - Proposed Order [IWOV-NPCHAR1.FID1119644]

We received the NOA today. Had stamps on it but no postmark.

Emory

J. Emory Smith, Jr.  
Deputy Solicitor General  
Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211  
803-734-3642 Direct

---

**From:** Emory Smith  
**Sent:** Monday, April 25, 2022 10:31 AM  
**To:** 'Fred Kuhn' <[fred@mossandkuhn.com](mailto:fred@mossandkuhn.com)>  
**Subject:** RE: 18-2109 Coffin Point vs The State of South Carolina et al - Proposed Order [IWOV-NPCHAR1.FID1119644]

Good morning, Fred:

I just found out about your appeal today in correspondence dated 4-22 from the Court of Appeals and sent to Bob Cook. Your COS says that it was mailed to the AG and Bob Cook (should have been mailed to me as lead counsel), but our mail logs do not show that anyone in this office received a NOA from you. I have not received an email from you at the address listed on your COS. Do you have a tracking number on your mailing?

Emory

J. Emory Smith, Jr.  
Deputy Solicitor General  
Office of the Attorney General