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Apr 28 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Hon. Bentley D. Price

CASE NO. 2019-CP-07-02629

Margaret A. Eberly and Barbara J. Pavelik.....Plaintiffs,

v.

Advanced Flooring & Design Division of ISI, LLC;
Archer Exteriors, Inc.; Crossroads Enterprises, LLC;
D.R. Horton, Inc.; East Coast Construction Cleanup Corp.;
Hutton’s Landscapes, Inc.; Lather Construction SC, Inc.;
Lather Construction, Inc.; Professional Drywall & Paint Services, LLC;
Professional Exteriors II, LLC; and Valim Construction, LLC.....Defendants

Of Whom

D.R. Horton, Inc.....Appellant

Hutton’s Landscapes, Inc.; Lather Construction SC, Inc.; and
Lather Construction, Inc.;.....Respondents.

AMENDED NOTICE OF APPEAL

D.R. Horton, Inc. appeals the Order of the Honorable Bentley D. Price granting the Motions for Summary Judgment of Lather Construction and Hutton’s Landscapes, Inc filed on March 11, 2022, as well as the Order Denying Defendant D.R. Horton, Inc.’s Motion to Alter or Amend Judgment of the Honorable Bentley D. Price dated and filed March 24, 2022. Counsel for the Respondent received written notice of entry of the Order Denying Defendant D.R. Horton, Inc.’s Motion to Alter or Amend Judgment on March 24, 2022.

s/ Jason M. Imhoff

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SC, Inc.*

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Hutton’s Landscapes, Inc.; Lather Construction SC, Inc.;
Lather Construction, Inc.; Professional Drywall & Paint Services, LLC;
Professional Exteriors II, LLC; and Valim Construction, LLC.....Defendants

Of Whom

D.R. Horton, Inc.....Appellant

Hutton’s Landscapes, Inc.; Lather Construction SC, Inc.; and
Lather Construction, Inc.;.....Respondents.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Respondents by depositing a copy to them in the United States Mail, postage prepaid, on April 28, 2022, addressed as follows:

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April 28, 2022

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

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Re: *Margaret Eberly v. D.R. Horton, Inc.*
Appellate Case No. 2022-000469

Dear Ms. Kitchings:

I spoke with Shelby Spencer in your office yesterday regarding a scrivener's error in Appellate's Notice of Appeal filed on April 11, 2022. In that Notice of Appeal, we inadvertently listed Plaintiffs as the Respondents. The *correct* Respondents are Lather Construction, Inc., Lather Construction of SC, Inc., and Hutton's Landscapes, Inc.

Accordingly, we are filing the attached Amended Notice of Appeal to resolve the error and correctly state Lather Construction, Inc., Lather Construction of SC, Inc., and Hutton's Landscapes, Inc. as Respondents.

Thank you for your kind assistance in this matter. If you have any questions, please do not hesitate to contact us.

Sincerely,

KENISON, DUDLEY & CRAWFORD, LLC

Stephanie Simpson

Paralegal to Jason M. Imhoff

Attachment

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
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April 28, 2022

cc(w/attach) via electronic mail: Emily Gifford Lucey, Esquire
Megan C. White, Esquire
Jeffrey A. Ross, Esquire
Philip P. Cristaldi, III, Esquire
And All Counsel of Record