

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )

IN THE COURT OF COMMON PLEAS  
FIFTEENTH JUDICIAL CIRCUIT  
CASE NO.: 2020-CP-26-04842

Structural Waterproofing, LLC, )  
 )  
Plaintiff, )

v. )

Tribune Holdings, LLC; South Hampton )  
Property Owners Association, Inc.; Walter )  
P. Rawl & Sons Inc; Archibald Oil & Gas )  
Operations Inc; J & M Smith Enterprises )  
LLC; 705 South Hampton LLC; EMK )  
Pennsylvania LLC; Jaybird LLC; JJVIV )  
LLC; JTV Properties LLC; Kingston )  
Partners 505 LLC; Kingston Plantation )  
Master Association, Inc.; Kingston )  
Properties V; Komax Properties LLC; Lyke )  
Properties LLC; MACJ LLC; MBMB )  
Properties LLC; Mchurley Enterprises )  
LLC; MHK Properties, LLC; Ocean507 )  
LLC; Ohio River Aggregate Inc; South )  
Hampton 606 LLC; South Hampton )  
Properties LLC; Earl W. & Evelyn H. )  
Spangler Family Limited Partnership; Under )  
The Boardwalk LLC; William A Long & )  
Susan B Long; Timothy L Wright & Lisa J )  
Wright; Thomas N Braun & Catherine A. )  
Braun; Shawn R Dixon & Cary J Dixon; )  
Richard I Letvak & Susan A Letvak; Ralph )  
H Ashworth & Daphne A Ashworth; Peter R )  
Leinenweber & Deborah S Leinenweber; )  
Norman P Mccarter & Gayle G Mccarter; )  
Michael J Radler & Judith M Radler; )  
Melvyn R Berman & Anita Berman; )  
Leonard M Gatti Revocable Trust; Kathrine )  
E Radler & Lawrence E Radler; Jan R )  
Niezing & Ursula F Niezing; Jack L Miller )  
Jr & Jack L Miller III; Jack F Wright Jr & )  
Barbara F Wright; Jack D Cox & Velda W )  
Cox; Ira M Keen & Wanda K Keen; Hugh F )  
Madden & Beverly K Madden; Henry P )  
Gosiene & Joan F Gosiene; Harold C Dufour )  
& Jennifer Q Dufour; G V Reddy & Prema )

**ANSWER OF UNIT OWNER  
DEFENDANTS**

Reddy; Frederick Talip & Anlyn M Talip; )  
Fred D Matheson & Patricia C Matheson; )  
Frank L Taylor Jr & Deborah Kay Taylor; )  
Francis E Devince & Diane Z Devince; )  
Francis A Goad & Cynthia M Goad; Donald )  
R Fishback & Denise B Fishback; Dimitrios )  
Hryzikos & Maria D Hryzikos; Dileep S )  
Karmarkar & Sushama D Karmarkar; )  
Dennis M Boyd & Patricia J Boyd; Daniel W )  
Simmons & Patricia M Simmons; Daniel W )  
Pizzullo & Thelma D Pizzullo; Charles A )  
Mckenzie & Leslie B Mckenzie; Robert )  
Alger & Lynne Alger; Ronnie Allison & )  
Shelba Allison Geddis; Ebtissam M Ammar; )  
Dennis R Anderson Revocable Trust; )  
Howard L Armistead Jr Revocable Trust; )  
Bachner Living Trust; Jane S Baker; Gerald )  
Baron & Stephanie Baron; Mark Barth; )  
Marjory P Benson; William B Biddington; )  
Carol M. Biddington; Patrick F Blois; )  
Roderick C Broadway & Latonia Broadway; )  
Mary Jo Ray Bryan Revocable Trust; & )  
George Norman Bryan Jr Revocable Trust; )  
Helen H Bryngelson Revocable Trust; )  
William W Bunch III; George Edward Butler )  
& Krista Mullins Butler; Greg L Callaway & )  
William L Callaway; Bobby Clark Chatham; )  
Curtis R. Britton, Jr & Kimberly M Britton; )  
June R Clarke & Victor G. Clarke; Teresa G )  
Cockerham; Greg Combs & Mary Alice )  
Combs; Michael M Conley & Sylvia B. )  
Conley; Robert E Dicks Jr; Teresa Jane )  
Dodd; TPE Revocable Trust; John D Fisher )  
Jr; Sherry L. Fisher; John R Fisher III Trust; )  
Frizzell Living Trust; Brenda A Garrett & )  
Samuel D. Garrett; Winnie B Gee; Julia Gee )  
Muldrow; Adam R Geiss & Courtney E. )  
Geiss; Gregory S Gianuzzi & Sharon B. )  
Gianuzzi; James C Gordon; Vivian Graf & )  
Rosaly Graf; Phillip A Hedrick; Karen L. )  
Hedrick; Howard A Hedrick; Rebekah J. )  
Hedrick; William H Herbert; James Michael )  
Hopkins Sr; Jean H. Crocker; Randall K )  
Horn; Jamie Sue Robinette; Angela S. Jones; )  
Robert D Jones II; Matin M Khan & Marlene )  
R. Khan; John C Largent Declaration of )

Trust; Thomas J Leonti Jr & Lynn Leonti; )  
Tina Logan & Brendan Logan; Douglas E )  
Macdonald & Elsa B. Macdonald; Brian K )  
Macken & Jacqueline F. Macken; Terri S )  
Madigan; Richard E Daum; Robert R Mager )  
& Wendy S Mager; Barbara S Lang; Mary )  
Alice Maier; Donald R Maxfield; Thomas P )  
Mccartney; Devoe-McLean Family )  
Revocable Living Trust; Michael D )  
Mercadante & Denise Castellucci )  
Mercadante; Brigitte Morgan & Samuel G )  
Morgan; Patrick Murray & Melonie Murray; )  
Mitchell S Needle & Lisa A Needle; Kristie )  
Nystedt & Patrik Nystedt; Craig Peddicord )  
& Keith Peddicord; Antionette Pedicone; )  
George R Perkins Jr; Donna A Phipps; )  
Pituch Barnes Revocable Trust; Michele A )  
Polcer; David L Query; Lawrence E Radler; )  
Jeffrey D Rhodes; Linda S Rhodes; Bryan J )  
Robie; Penny Lee White Robie; John D )  
Rose; William M Rudolph; Christine A )  
Rudolph; Tammy Leigh Ryan; Ronald Scott; )  
Joseph C Rynn; Rosemary L Rynn; David R )  
Saggiomo; Maria Saggiomo; Michael A )  
Scarfia; Jean M Scarfia; Rick A Schirmer; )  
Helen M Schirmer; Michael T Sheehan; )  
David Sherman; Diana L Creamer; Elaine S )  
Shirley; Cole Shorter; Jamie Shorter; Arthur )  
F Steingraber; Kathleen M Steingraber; )  
Linda A Storch; Stuart J Strickland Sr; )  
Catherine N Strickland; Robert Sturey; Mary )  
Ann Sturey; Timothy Summers; Kelli )  
Summers; Kevin Bahr; Christy Bahr; Thode )  
Family Trust; Todd B Thorp; Deirdre )  
Gallahue Thorp; Barry H Traub Living )  
Trust; Jonathan W Tucker; Courtney M. )  
Tucker; )  
)  
)  
Defendants. )

**TO: THE ABOVE-NAMED PLAINTIFF AND ITS RESPECTIVE ATTORNEYS**

Defendants Walter P. Rawl & Sons Inc; Archibald Oil & Gas Operations Inc; J & M Smith  
Enterprises LLC; 705 South Hampton LLC; EMK Pennsylvania LLC; Jaybird LLC; JJVIV LLC;

JTV Properties LLC; Kingston Partners 505 LLC; Kingston Properties V; Komax Properties LLC; Lyke Properties LLC; MACJ LLC; MBMB Properties LLC; Mcshurley Enterprises LLC; MHK Properties, LLC; Ocean507 LLC; Ohio River Aggregate Inc; South Hampton 606 LLC; South Hampton Properties LLC; Earl W. & Evelyn H. Spangler Family Limited Partnership; Under The Boardwalk LLC; William A Long & Susan B Long; Timothy L Wright & Lisa J Wright; Thomas N Braun & Catherine A. Braun; Shawn R Dixon & Cary J Dixon; Richard I Letvak & Susan A Letvak; Ralph H Ashworth & Daphne A Ashworth; Peter R Leinenweber & Deborah S Leinenweber; Norman P Mccarter & Gayle G Mccarter; Michael J Radler & Judith M Radler; Melvyn R Berman & Anita Berman; Leonard M Gatti Revocable Trust; Kathrine E Radler & Lawrence E Radler; Jan R Niezing & Ursula F Niezing; Jack L Miller Jr & Jack L Miller III; Jack F Wright Jr & Barbara F Wright; Jack D Cox & Velda W Cox; Ira M Keen & Wanda K Keen; Hugh F Madden & Beverly K Madden; Henry P Gosiene & Joan F Gosiene; Harold C Dufour & Jennifer Q Dufour; G V Reddy & Prema Reddy; Frederick Talip & Anlyn M Talip; Fred D Matheson & Patricia C Matheson; Frank L Taylor Jr & Deborah Kay Taylor; Francis E Devince & Diane Z Devince; Francis A Goad & Cynthia M Goad; Donald R Fishback & Denise B Fishback; Dimitrios Hryzikos & Maria D Hryzikos; Dileep S Karmarkar & Sushama D Karmarkar; Dennis M Boyd & Patricia J Boyd; Daniel W Simmons & Patricia M Simmons; Daniel W Pizzullo & Thelma D Pizzullo; Charles A Mckenzie & Leslie B Mckenzie; Robert Alger & Lynne Alger; Ronnie Allison & Shelba Allison Geddis; Ebtissam M Ammar; Dennis R Anderson Revocable Trust; Howard L Armistead Jr Revocable Trust; Bachner Living Trust; Jane S Baker; Gerald Baron & Stephanie Baron; Mark Barth; Marjory P Benson; William B Biddington; Carol M. Biddington; Patrick F Blois; Roderick C Broadway & Latonia Broadway; Mary Jo Ray Bryan Revocable Trust; & George Norman Bryan Jr Revocable Trust; Helen H Bryngelson Revocable Trust; William W

Bunch III; George Edward Butler & Krista Mullins Butler; Greg L Callaway & William L Callaway; Bobby Clark Chatham; Curtis R. Britton, Jr & Kimberly M Britton; June R Clarke & Victor G. Clarke; Teresa G Cockerham; Greg Combs & Mary Alice Combs; Michael M Conley & Sylvia B. Conley; Robert E Dicks Jr; Teresa Jane Dodd; TPE Revocable Trust; John D Fisher Jr; Sherry L. Fisher; John R Fisher III Trust; Frizzell Living Trust; Brenda A Garrett & Samuel D. Garrett; Winnie B Gee; Julia Gee Muldrow; Adam R Geiss & Courtney E. Geiss; Gregory S Gianuzzi & Sharon B. Gianuzzi; James C Gordon; Vivian Graf & Rosaly Graf; Phillip A Hedrick; Karen L. Hedrick; Howard A Hedrick; Rebekah J. Hedrick; William H Herbert; James Michael Hopkins Sr; Jean H. Crocker; Randall K Horn; Jamie Sue Robinette; Angela S. Jones; Robert D Jones II; Matin M Khan & Marlene R. Khan; John C Largent Declaration of Trust; Thomas J Leonti Jr & Lynn Leonti; Tina Logan & Brendan Logan; Douglas E Macdonald & Elsa B. Macdonald; Brian K Macken & Jacqueline F. Macken; Terri S Madigan; Richard E Daum; Robert R Mager & Wendy S Mager; Barbara S Lang; Mary Alice Maier; Donald R Maxfield; Thomas P McCartney; Devoe-McLean Family Revocable Living Trust; Michael D Mercadante & Denise Castellucci Mercadante; Brigitte Morgan & Samuel G Morgan; Patrick Murray & Melonie Murray; Mitchell S Needle & Lisa A Needle; Kristie Nystedt & Patrik Nystedt; Craig Peddicord & Keith Peddicord; Antionette Pedicone; George R Perkins Jr; Donna A Phipps; Pituch Barnes Revocable Trust; Michele A Polcer; David L Query; Lawrence E Radler; Jeffrey D Rhodes; Linda S Rhodes; Bryan J Robie; Penny Lee White Robie; John D Rose; William M Rudolph; Christine A Rudolph; Tammy Leigh Ryan; Ronald Scott; Joseph C Rynn; Rosemary L Rynn; David R Saggiomo; Maria Saggiomo; Michael A Scarfia; Jean M Scarfia; Rick A Schirmer; Helen M Schirmer; Michael T Sheehan; David Sherman; Diana L Creamer; Elaine S Shirley; Cole Shorter; Jamie Shorter; Arthur F Steingraber; Kathleen M Steingraber; Linda A Storch; Stuart J Strickland

Sr; Catherine N Strickland; Robert Sturey; Mary Ann Sturey; Timothy Summers; Kelli Summers; Kevin Bahr; Christy Bahr; Thode Family Trust; Todd B Thorp; Deirdre Gallahue Thorp; Barry H Traub Living Trust; Jonathan W Tucker; and Courtney M. Tucker (collectively referred to herein as the “Unit Owner Defendants”) hereby answer Plaintiff’s Complaint as follows:

**FOR A FIRST DEFENSE**  
**(General Denial)**

1. Unit Owner Defendants deny each and every allegation of Plaintiff’s Complaint which is not hereinafter admitted.
2. Unit Owner Defendants lack sufficient information to respond to paragraphs 1 and 2, and therefore deny the same.
3. Unit Owner Defendants admit paragraphs 3 and 4, upon information and belief.
4. Unit Owner Defendants lack sufficient information to respond to paragraphs 5 and 6, and therefore deny the same.
5. Unit Owner Defendants admit paragraph 7, subject to the affirmative defenses set forth below.
6. Unit Owner Defendants lack sufficient information to respond to paragraph 8.

**FIRST CAUSE OF ACTION**

7. Paragraph 9 is a pleading paragraph to which no response is required.
8. Unit Owner Defendants admit paragraph 10 upon information and belief.
9. As to paragraph 11, Defendant Unit Owners admit upon information and belief that Defendant Tribune subcontracted a portion of its work to Plaintiff. Defendant Unit Owners lack sufficient information to respond to the remainder of the paragraph and deny the same.
10. Defendant Unit Owners admit paragraphs 12 and 13, upon information and belief.
11. Defendant Unit Owners lack sufficient information to respond to paragraphs 14,

15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27, and deny the same.

12. As to themselves, Defendant Unit Owners deny paragraph 28. Defendant Unit Owners lack sufficient information to respond to the remainder of this paragraph and deny the same.

13. Defendant Unit Owners deny paragraph 29.

### **SECOND CAUSE OF ACTION**

14. In so far as this cause of action is not directed towards Defendant Unit Owners, these Defendants are required to respond. To the extent that any allegations in paragraphs 30, 31, 32, 33, 34, 35, 36, or 37 are directed to these defendants, the same is denied.

### **THIRD CAUSE OF ACTION**

15. Paragraph 38 is a pleading paragraph to which no response is required.

16. Defendant Unit Owners deny paragraph 39.

17. Defendant Unit Owners admit paragraphs 40 and 41.

18. Defendant Unit Owners deny paragraphs 42 and 43.

### **FOURTH CAUSE OF ACTION**

19. In so far as this cause of action is not directed towards Defendant Unit Owners, these Defendants are required to respond. To the extent that any allegations in paragraphs 45, 46, 47, 48, and 49 are directed to these defendants, the same is denied.

### **FIFTH CAUSE OF ACTION**

20. Paragraphs 50 and 51 are pleading paragraphs to which no response is required.

21. Defendant Unit Owners deny paragraphs 52, 53, 54, 55, and 56.

**FOR A SECOND DEFENSE**  
**(Laches/Waiver/Estoppel)**

22. Defendant Unit Owners are informed and believe that Plaintiff's claims are barred by the doctrines of laches, waiver and/or estoppel.

**FOR A THIRD DEFENSE**  
**(Limitation on Lien Amount)**

23. Defendant Unit Owners are informed and believe that Plaintiff's lien must be reduced to that amount not exceeding the sum due from Defendant South Hampton to Defendant Tribune Holdings under S.C. Code § 29-5-40.

**FOR A FOURTH DEFENSE**  
**(Failure to Timely File and/or Serve)**

24. Defendant Unit Owners are informed and believe that the mechanic's lien cause of action must be dismissed for Plaintiff failed to timely file and serve all defendants with the mechanic's lien and the suit to foreclose the same as required under S.C. Code §§ 29-5-90, -120.

**WHEREFORE**, having responded to Plaintiff's Complaint, Defendant Unit Owners pray as follows:

- a. For dismissal of the Complaint;
- b. For the costs of this action; and
- c. For such other and further relief as this Court may deem just and proper.

**[SIGNATURE PAGE TO FOLLOW]**



**THE PEARCE LAW GROUP, P.C.**

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*ATTORNEYS FOR DEFENDANT UNIT OWNERS*

Dated: October 27, 2020  
Myrtle Beach, South Carolina