

RECEIVED

Aug 01 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM JASPER COUNTY
Court of Common Pleas

The Honorable Bentley D. Price, Presiding Court Judge

Case No. 2022-001054

Charles Bradford KeifferAppellant

v.

Jasper County Delinquent Tax Office, and Carolina Heritage, LLC,..... Respondents

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Clerk of Court for Jasper County, via efile attached, on August 1, 2022, and the following attorneys of record, via efile.

C. Russell Keep, III
19 Shelter Cove Lane
Hilton Head Island, SC 29928

And

David L. Tedder, Esquire
County Attorney for Jasper County
PO Box 420
Ridgeland, SC 29936

s/Darrell Thomas Johnson, Jr.
Darrell Thomas Johnson, Jr.3010
Warren Paul Johnson 71759
Post Office Box 1125
Hardeeville, South Carolina 29927
(843) 784-2142
(843) 784-5770 (facsimile)
tdjohnson1@hargray.com
Attorneys for Appellant

Leanne Motes

From: efiledonotreply@sccourts.org
Sent: Monday, August 01, 2022 11:16 AM
To: Law Offices of Darrell T Johnson Jr - Filing
Cc: Tom Johnson
Subject: Accepted Notice: Your filing, Re: Keiffer - (499) Real Property/Other - Appeal/Notice of Appeal to Court of Appeals, was accepted

To: Darrell T. Johnson, Jr. filing@johnsonslawoffice.com
From: efiledonotreply@sccourts.org
Date: 2022-08-01 09:55:36.997
Subject: Your electronic filing, Re: Keiffer - (499) Real Property/Other - Appeal/Notice of Appeal to Court of Appeals, was accepted by CIRCUIT COURT.

Case Number: 2020CP2700051
Case Type: (499) Real Property/Other
Document Type: Appeal/Notice of Appeal to Court of Appeals
Reason(s): (none provided)

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

**RECEIVED**

**Jul 28 2022**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM JASPER COUNTY  
Court of Common Pleas

The Honorable Bentley D. Price, Presiding Court Judge

Case No. 2020-CP-27-00051

Charles Bradford Keiffer ..... Appellant

v.

Jasper County Delinquent Tax Office, and Carolina Heritage, LLC, ..... Respondent

NOTICE OF APPEAL

Appellant Charles Bradford Keiffer (through his Personal Representative)<sup>1</sup> appeals the Order of Honorable Bentley D. Price of May 24, 2022, granting Defendant Heritage, LLC's Motion for Summary Judgment, and the Order of Judge Price of June 30, 2022, Denying Plaintiff's Rule 59 Motion in this case. Appellant received written notice of entry of the Order on June 30, 2022.

s/Darrell Thomas Johnson, Jr.  
Darrell Thomas Johnson, Jr. 3010  
Warren Paul Johnson 71759  
Post Office Box 1125  
Hardeeville, South Carolina 29927  
(843) 784-2142  
(843) 784-5770 (facsimile)  
tdjohnson1@hargray.com

And

R. Thayer Rivers, Esquire  
PO Box 668  
Ridgeland, South Carolina 29936  
843-726-8136  
ATTORNEYS FOR APPELLANT

July 28, 2022

<sup>1</sup> Mr. Keiffer died in an accident shortly before the hearing

**Other Counsel of Record:**

C. Russell Keep, III, Esq.  
Post Office Drawer 5877  
Hilton Head Island, SC 29938  
Attorney for Respondent Carolina Heritage LLC

And

David L. Tedder, Esquire  
County Attorney for Jasper County  
PO Box 420  
Ridgeland, SC 29936  
843-717-3688 (phone)  
843-726-3240 (fax)  
Attorney for Respondent Jasper County Delinquent Tax Office

**RECEIVED**

**Jul 28 2022**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM JASPER COUNTY  
Court of Common Pleas

The Honorable Bentley D. Price, Presiding Court Judge

Case No. 2020-CP-27-00051

Charles Bradford Keiffer ..... Appellant

v.

Jasper County Delinquent Tax Office, and Carolina Heritage, LLC,..... Respondent

**PROOF OF SERVICE**

I certify that I have served the Notice of Appeal on Respondent, Carolina Heritage, LLC and Jasper County Delinquent Tax Office, to their Attorney of Record via email, and by depositing a copy of it in the United States Mail, postage prepaid, on July 28, 2022, to its attorney for record, addressed to:

C. Russell Keep, III  
19 Shelter Cove Lane  
Hilton Head Island, SC 29928

And

David L. Tedder, Esquire  
County Attorney for Jasper County  
PO Box 420  
Ridgeland, SC 29936

s/Darrell Thomas Johnson, Jr.  
Darrell Thomas Johnson, Jr.3010  
Warren Paul Johnson 71759  
Post Office Box 1125  
Hardeeville, South Carolina 29927  
(843) 784-2142  
(843) 784-5770 (facsimile)  
tdjohnson1@hargray.com  
Attorneys for Appellant

of S.C., Inc. v. City of Columbia, 409 S.C. 563, 567, 762 S.E.2d 693, 695 (2014); Patterson v. Reid, 318 S.C. 183, 185, 456 S.E.2d 436, 437 (Ct. App. 1995). Nor does “[a] party’s mere disagreement with the court’s ruling . . . warrant a Rule 59(e) motion.” In re Pella Corp. Architect & Designer Series Windows Mktg., Sales Practices & Prods. Liab. Litig., 269 F.Supp. 3d 685, 691 (D.S.C. 2017); *see also* Lyons v. Fid. Nat’l Title Ins. Co., 415 S.C. 115, 135, 781 S.E.2d 126, 137 (Ct. App. 2015).

After consideration of the issues raised in Plaintiff’s motion, the Court hereby DENIES Plaintiff Charles Bradford Keiffer’s Motion for Reconsideration.

AND IT IS SO ORDERED.

ELECTRONIC SIGNATURE PAGE TO FOLLOW

STATE OF SOUTH CAROLINA  
COUNTY OF Jasper  
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2020CP2700051

Charles Keiffer  
PLAINTIFF(S)

Jasper County Delinquent Tax Office et al  
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  
 Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court:

This matter came before the Court as Defendant Heritage, LLC's Motion for Summary Judgment heard on May 17, 2022.

Defendant Heritage, LLC's Motion for Summary Judgment is granted. This order does not end the case as there are other defendants in the case.

ORDER INFORMATION

This order  ends  does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 05/24/2022 .

Keiffer, Matilda S. Representative of Estate of Estate

RECEIVED

Jul 28 2022

SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

---

ELECTRONICALLY FILED - 2022 Aug 01 9:55 AM - JASPER - COMMON PLEAS - CASE#2020CP2700051  
ELECTRONICALLY FILED - 2022 May 24 10:13 AM - JASPER - COMMON PLEAS - CASE#2020CP2700051



Jasper Common Pleas

**Case Caption:** Charles Keiffer VS Jasper County Delinquent Tax Office , defendant,  
et al  
**Case Number:** 2020CP2700051  
**Type:** Order/Electronic Form 4

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766

Electronically signed on 2022-05-24 09:52:15 page 3 of 3

ELECTRONICALLY FILED - 2022 Aug 01 9:55 AM - JASPER - COMMON PLEAS - CASE#2020CP2700051  
ELECTRONICALLY FILED - 2022 May 24 10:13 AM - JASPER - COMMON PLEAS - CASE#2020CP2700051

STATE OF SOUTH CAROLINA

COUNTY OF JASPER

Charles Bradford Keiffer  
Plaintiff,

vs.

Jasper County Delinquent Tax Office and  
Carolina Heritage, LLC,  
Defendants.

IN THE COURT OF COMMON PLEAS  
FOURTEENTH JUDICIAL CIRCUIT  
CASE NO.: 2020-CP-27-00051

**ORDER DENYING PLAINTIFF'S  
MOTION TO RECONSIDER**

**RECEIVED**

**Jul 28 2022**

**SC Court of Appeals**

The Plaintiff Charles Bradford Keiffer filed a motion asking this Court to reconsider its Order.

STANDARD OF REVIEW

Motions for reconsideration will not be granted absent “highly unusual circumstances.” U.S. ex rel. Becker v. Washington Savannah River Co., 305 F.3d 284, 290 (4th Cir. 2002) (stating that simple disagreements with the court’s ruling will not support Rule 59(e) relief).<sup>1</sup> Courts have recognized three circumstances in which a court should grant a Rule 59(e) motion: (1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.” Hutchinson v. Staton, 994 F.2d 1076, 1081 (4th Cir. 1993). Importantly, a motion for reconsideration is not a vehicle to re-litigate previously raised issues or “to raise argument or present evidence that could have been presented prior to the entry of judgment.” Dash v. Mayweather, C/A No. 3:10-1036-JFA, 2010 U.S. Dist. LEXIS 95277, \*2 (D.S.C. Sept. 13, 2010) (quoting Exxon Shipping Co. v. Baker, 554 U.S. 471, n.5 (2008)). In other words, “[a] party cannot use Rule 59(e) to present to the court an issue the party could have raised prior to judgment but did not.” Stevens & Wilkinson

<sup>1</sup> Rule 59 is substantially the same as the Federal Rule. *See Elam v. S.C. Dep’t of Transp.*, 361 S.C. 9, 21, 602 S.E. 2d 772, 779 (2004) (“Rule 59(e) in the South Carolina and federal rules of civil procedure is practically identical.”).

of S.C., Inc. v. City of Columbia, 409 S.C. 563, 567, 762 S.E.2d 693, 695 (2014); Patterson v. Reid, 318 S.C. 183, 185, 456 S.E.2d 436, 437 (Ct. App. 1995). Nor does “[a] party’s mere disagreement with the court’s ruling . . . warrant a Rule 59(e) motion.” In re Pella Corp. Architect & Designer Series Windows Mktg., Sales Practices & Prods. Liab. Litig., 269 F.Supp. 3d 685, 691 (D.S.C. 2017); *see also* Lyons v. Fid. Nat’l Title Ins. Co., 415 S.C. 115, 135, 781 S.E.2d 126, 137 (Ct. App. 2015).

After consideration of the issues raised in Plaintiff’s motion, the Court hereby DENIES Plaintiff Charles Bradford Keiffer’s Motion for Reconsideration.

AND IT IS SO ORDERED.

ELECTRONIC SIGNATURE PAGE TO FOLLOW



Jasper Common Pleas

**Case Caption:** Charles Keiffer VS Jasper County Delinquent Tax Office , defendant,  
et al  
**Case Number:** 2020CP2700051  
**Type:** Order/Other

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766