

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

**Sep 13 2022**

**SC Court of Appeals**

APPEAL FROM JASPER COUNTY  
Court of Common Pleas

Court of Common Pleas  
The Honorable H. Steven DeBerry, IV, Circuit Court Judge

Case No. 2021-CP-27-00028

City of Hardeeville.....Appellant,

v.

Jasper County, South Carolina, Jasper County Treasurer, and Jasper  
County Auditor, Verna Garvin, in her official capacity as Jasper County  
Treasurer, Monica Wilson, in her official capacity as Jasper County  
Auditor, Nickel Plate Road, LLC, and Beaufort County, South  
Carolina.....Defendants,

Of whom

Jasper County, South Carolina, Jasper County Treasurer, and Jasper  
County Auditor.....are Respondents,

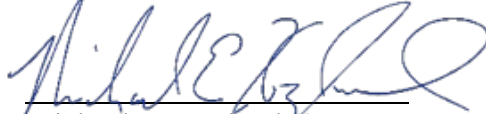
NOTICE OF APPEAL

Appellant, City of Hardeeville (“Appellant”) appeals the Order of the Honorable H. Steven DeBerry, IV, filed July 13, 2022, a copy of which is attached as Exhibit A (“Initial Order”) and the Order of the Honorable H. Steven DeBerry, IV, denying Appellant’s Motion to Reconsider, filed September 2, 2022, in the above matter, a copy of which is attached as Exhibit B (“Subsequent Order”). Appellant received the Initial Order on July 13, 2022, and timely filed a Motion to Reconsider. Appellant received the Subsequent Order on September 2, 2022. Pursuant to South

Carolina Appellate Court Rule 203(b)(1), this Notice of Appeal is timely served within 30 days of receipt of the Subsequent Order.

[SIGNATURE PAGE, PROOF OF SERVICE, AND ONE EXHIBIT FOLLOW]  
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*Counsel for Appellant City of Hardeeville*

September 13, 2022  
Greenville, South Carolina

Other Counsel of Record:

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*Attorney for Jasper County Auditor,*

*Jasper County Treasurer*

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Auditor, Nickel Plate Road, LLC, and Beaufort County, South  
Carolina.....Defendants,

Of whom

Jasper County, South Carolina, Jasper County Treasurer, and Jasper  
County Auditor.....are Respondents,

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PROOF OF SERVICE

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I certify that a copy of the foregoing *Notice of Appeal*, has been served on the following  
on September 13, 2022, by emailing and placing same in the United States mail, postage prepaid,  
addressed as follows:

The Honorable Jenny Abbot Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201  
[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)  
*Clerk of the South Carolina Court of Appeals*

The Honorable Margaret Bostick  
Jasper County Clerk of Court  
Post Office Box 248  
Ridgeland South Carolina 29936  
[mbostick@jaspercountysc.gov](mailto:mbostick@jaspercountysc.gov)  
***Jasper County Clerk of Court***

I further certify that a copy of the foregoing ***Notice of Appeal***, has been served on the following counsel of record on September 13, 2022, by placing same in the United States mail, postage prepaid, addressed as follows:

Counsel for Jasper County  
Walter H. Cartin, Esq.  
J. Evan Phillips, Esq.  
Parker Poe Adams & Bernstein LLP  
1221 Main Street, Suite 1100 (29201)  
Post Office Box 1509  
Columbia, SC 29202

and by e-mailing same to [waltcartin@parkerpoe.com](mailto:waltcartin@parkerpoe.com) and [evanphillips@parkerpoe.com](mailto:evanphillips@parkerpoe.com)

Counsel for Nickel Plate Road, LLC  
Bernie W. Ellis, Esq.  
Burr & Forman LLP  
Post Office Box 447  
Greenville, SC 29602

and by e-mailing same to [bellis@burr.com](mailto:bellis@burr.com)

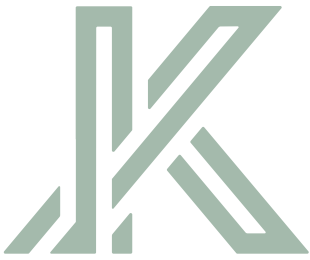
Counsel for Jasper County Auditor and Jasper County Treasurer  
Thomas Allan Bendle, Jr., Esq.  
Post Office Box 40  
Beaufort, SC 29901

and by e-mailing same to [tbendle@hghpa.com](mailto:tbendle@hghpa.com)

Counsel for Beaufort County  
Thomas J. Keaveny, II, Esq.  
Beaufort County Attorney's Office  
Post Office Drawer 1228  
Beaufort, SC 29901-1228

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Michael E. Kozlarek



MICHAEL E. KOZLAREK SCCEd  
Admitted: SC, GA, NC, VA  
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September 13, 2022

**Via Electronic Filing** ([ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)) and US Mail

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**  
**Sep 13 2022**  
**SC Court of Appeals**

**Re: City of Hardeeville v. Jasper County, South Carolina, et al.  
Jasper County Common Pleas Case No. 2021-CP-27-00028**

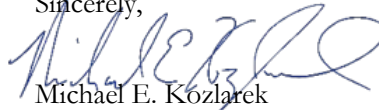
Dear Ms. Kitchings:

Enclosed please find a Notice of Appeal, Exhibit A, Exhibit B and Proof of Service in the above-referenced matter for electronic filing. I have also enclosed a check in the amount of \$250.00 for the filing fee required pursuant to Rule 203(d)(2)(B)(iii), SCACR.

By copy of this letter to the Clerk of the Jasper County Court of Common Pleas and counsel of record we are serving them with a copy of the Notice of Appeal, two Exhibits, and Proof of Service.

Thank you for your assistance.

Sincerely,



Michael E. Kozlarek

MEK/cbs

Enclosures: Notice of Appeal with Exhibit A, Exhibit B via electronic filing only

cc w/enclosures: The Honorable Margaret Bostick, Jasper County Clerk of Court (via electronic mail and US Mail)

Walter H. Cartin, Esq. (via electronic mail and US Mail)

J. Evan Phillips, Esq. (via electronic mail and US Mail)

Bernie W. Ellis, Esq. (via electronic mail and US Mail)

Thomas Allan Bendle, Jr., Esq. (via electronic mail and US Mail)

Thomas J. Keaveny, II, Esq. (via electronic mail and US Mail)

**KING KOZLAREK**

ATTORNEYS AT LAW

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