

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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**Feb 28 2023**

S.C. SUPREME COURT

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Appeal from the Clarendon County

Master-in-Equity, Joseph K. Coffey

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Appellate Case No: 2020-001531

Alvetta L. Massenberg,

Appellant,

v.

Clarendon County Treasurer, Clarendon County  
Delinquent Tax Collector, Blacktop Ventures, LLC,

Respondents.

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**REPLY TO RETURN OF RESPONDENT BLACKTOP VENTURES, LLC**

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## STATEMENT

**The Return of the Respondent Blacktop Ventures LLC ignores the question before this court which is the statutory interpretation of S.C. Code § 12-51-40 (c) as to the meaning of “conspicuous places” in compliance for the posting of Notices of Levy.**

## ARGUMENT

Petitioner admits that she was delinquent in her payment of property taxes and that her property was subject to seizure and public sale. The issue before this court is whether the Notice of Levy on her property on the unpaved farm road along the back line of her 2.5 acre undeveloped tract and not in the front of her property which borders on paved South Carolina State Highway 49 constitutes a “conspicuous posting” of the Notice of Levy.

The Petitioner is unaware of any appellate opinion defining the term “conspicuous” in the context of § 12-51-40 (c). She argues it is clear that to be conspicuous a posting must be in a prominent place on the subject property. It should be highlighted and set apart from some remote location. It must be obvious and not hidden from public view. On her property the Notice of Levy was away from S.C. State Highway 49 on which her property has frontage but on the lesser used narrow unpaved farm road at the back of her property. Only one Notice of Levy was posted.

## CONCLUSION

The Appellant herein seeks that this court grant the Petition for a writ of certiorari to the Court of Appeals in order for this novel issue of defining “conspicuous” as it is intended to be applied in the forced taking of one’s property. Constitutional procedural due process dictates

nothing less than ensuring not only that the taking of one's property complies with the statutory scheme but that the public is placed on notice as to the intent of a government entity to deprive another of their peaceful right of ownership and enjoyment of their land.

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