

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DILLON COUNTY
Court of Common Pleas


J. Michael Baxley, Circuit Court Judge

Case No. 2011-CP-17-356
2011-CP-17-357
(combined for the purposes of trial)

RECEIVED

JUN 10 2013

SC Court of Appeals

 South Carolina Department of
Transportation

Appellant,

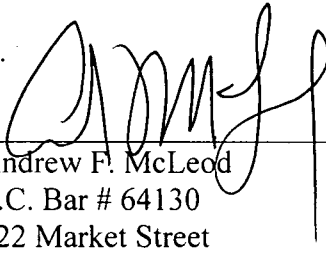
v.

H.E. Ellerbe

Respondent.

NOTICE OF APPEAL

The Appellant, South Carolina Department of Transportation, appeals the attached Order of the Honorable J. Michael Baxley dated May 24, 2013 and recorded May 28, 2013. Said attached Order titled **Ordered Denying SCDOT's Post-Trial Motions and Awarding Attorney's Fees to Counsel for Landowner** was received by Appellant's counsel on May 30, 2013. The Appellant further appeals the charge to the jury by the court and the award of attorney's fees and/or the amount of the award.



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June 6, 2013

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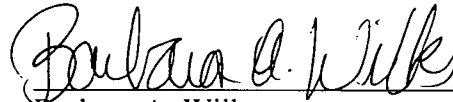
v.

H.E. Ellerbe

Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Respondent by depositing a copy of it in the United States Mail, postage prepaid, on June 6, 2013, addressed to attorneys of record, Robert J. Sheheen, Post Office Drawer 10, Camden, SC 29021 and Douglas Jennings, Jr., Post Office Drawer 995, Bennettsville, SC 29512.



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June 6, 2013

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

The Honorable Gwen T. Hyatt
Dillon County Clerk of Court
Post Office Box 1220
Dillon, South Carolina 29536

DB
RECEIVED
JUN 10 2013
SC Court of Appeals

Re: **SCDOT vs. H.E. Ellerbe**
Case Number: 2011-CP-17-356
Road/Route: Route I-73
File Number: 47.036358A.2
Project Number: EM07(008)
PIN Number: 36358_RD02
Tract Number: 193
Our File: 7656

Re: **SCDOT vs. H.E. Ellerbe**
Case Number: 2011-CP-17-357
Road/Route: Route I-73
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JOINT LETTER FOR FILING NOTICE OF APPEAL

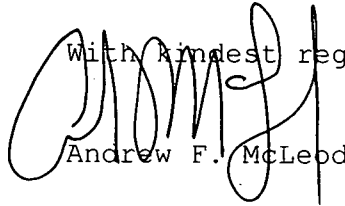
Dear Ms. Kitchings and Ms. Hyatt:

Please find enclosed for filing a duplicate original and three copies of the Notice of Appeal in the above referenced matter to be filed simultaneously in the Court of Appeals and the Circuit Court of Dillon County. Please file the original and return the clocked copies to me in the self addressed stamped envelope provided.

A filing fee is not included since this is an appeal by the South Carolina Department of Transportation and a fee is not required pursuant to Rule 203(d)(1)(B)(iii) of the South Carolina Appellant Court Rules.

By copy of this letter all counsel of record are being served.
Thank you for your assistance in this matter and please call with any
questions.

With kindest regards,



Andrew F. McLeod

AFM/baw
Enclosure

cc: Robert J. Sheheen, Esquire
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