

STATE OF SOUTH CAROLINA  
COUNTY OF FLORENCE

CERTIFIED: A TRUE AND CORRECT COPY  
IN THE COURT OF COMMON PLEAS  
CIVIL ACTION NO. 2021-CP-21-00966  
CLERK OF COURT C.P. & G.S.  
FLORENCE COUNTY, S.C.

Dominion Energy South Carolina, Inc.,  
Condemnor,  
v.  
Kathy Andrews a/k/a Gail K. Andrews,  
Landowner,  
and  
Bank of America, NA, National Banking  
Association,  
Other Condemnee.

FINAL ORDER APPROVING  
CONDEMNATION

RECEIVED

JUL 03 2023

SC Court of Appeals

This matter came before this court on May 16, 2023, for a trial to determine if the amount of just compensation to be paid by Condemnor Dominion Energy South Carolina, Inc. ("DESC") is sufficient for the rights it seeks to acquire for public purposes on, over, under, and across a portion of property, more particularly rights of way and an easement for a gas pipeline or lines for the River Neck to Kingsburg project in Florence County, as more fully described in the filed Condemnation Notice and attached exhibit, which are specifically made a part hereof by reference.

At trial, appearing before the court was Jessica C. Crowson, counsel for DESC. Counsel for the Other Condemnee filed a Notice of Appearance in this matter but did not appear at trial. The Landowner did not appear at trial, nor did any other parties.

Based on the Order of Reference entered herein, this Court has jurisdiction over the parties and subject matter.

On November 4, 2022, Landowner Kathy Andrews a/k/a Gail K. Andrews ("Landowner") filed a motion to dismiss. I held a hearing on the motion November 28,

2022 and denied the motion to dismiss by Order dated December 1, 2022. On December 12, 2022, the Landowner filed a Notice of Appeal with the South Carolina Court of Appeals. The Court of Appeals dismissed the appeal by Order dated December 20, 2022<sup>1</sup>, and issued remittitur to return jurisdiction of this matter to this Court on March 30, 2023.

DESC filed the Condemnation pleadings on May 7, 2021. The real property which is the subject of this action is located in Florence County, South Carolina having Tax Map # 00372-02-008. DESC came before me seeking:

A right of way with a width of 10' feet over a 0.15 acre portion of the property ("Permanent Easement"), which property is an approximately 91.0 acre tract of land with Tax Map Number 00372-02-008, together also with the right of ingress, egress, and access to and from the right of way across and upon the property as may be necessary or convenient for purposes connected with said right of way, and as more particularly shown on Exhibit "A" attached to the filed Condemnation Notice.

Per DESC, the property is to be acquired for: (i) access as needed for ingress and egress, (ii) underground gas pipeline or lines, and (iii) related utility purposes, including the rights to lay, construct, maintain, operate, repair, alter, add, replace and remove a pipeline or lines, together with valves, tieovers and appurtenant facilities, for the transportation of gas, oil, petroleum products, water, or any other liquid, gas or substances which can be transported through pipelines, together with the right from time to time to cut all trees, shrubs, and undergrowth and to clear other obstructions that may be located within the Permanent Easement that Condemnor determines, in its discretion, may injure, endanger, or interfere with the installation, laying, construction, maintenance, inspection, operation, repair, alteration, replacement, changing the size of, or removal of

---

<sup>1</sup> Based on South Carolina case law and statute, the Court of Appeals ruled that an order denying a motion to dismiss is not immediately appealable.

the equipment installed therein and/or access thereto, as set forth in the Condemnation Notice.

At trial, counsel for DESC presented an overview of the actions she undertook to fulfill DESC's statutory obligations of filing, notice, and service on all required parties, including personal service on the Landowner and service upon counsel for the Other Condemnee. Counsel for DESC represented that all documents substantiating DESC's filing, notice, and service in this matter have been filed in the court file, including mailing and service of a Notice of Trial and Second Amended Order Rescheduling Condemnation Trial, both documents listing the date, time, and location of the May 16, 2023 trial in this matter, by sending such Notice of Trial and Second Amended Order Rescheduling Condemnation Trial by (i) U.S. postal service certified mail, restricted delivery, to the Landowner's known address on April 6, 2023<sup>2</sup>; (ii) personal service upon the Landowner by process server at the Landowner's known address, which personal service was completed on April 15, 2023; and (iii) U.S. postal service mail to counsel for the Other Condemnee on April 6, 2023. After hearing from counsel for DESC and reviewing the court file, including all documents related to DESC's filing, notice, and service on the Landowner and Other Condemnee, I find the Landowner and Other Condemnee were properly served and notified of the present action and of the trial. I also therefore find DESC met all of its statutory obligations and requirements for filing, notice, and service in this matter, and that all such filing, notice, and service was proper and complete.

---

<sup>2</sup> Counsel for DESC received the signed U.S. postal service green card, dated April 10, 2023, confirming delivery and receipt of the documents via certified mail. At trial, counsel for DESC pointed out to this Court that the signature on the green card appears to be a different name from the Landowner even though the documents were sent restricted delivery. I take judicial notice of this; however, due to the additional personal service upon the Landowner, I find this to have no impact upon DESC's proper notice and service of the May 16, 2023 trial.

At trial, DESC presented two (2) witnesses: Patrick Coolidge, a DESC Engineer and Manager for Large Projects, and Travis L. Avant, a Senior Appraiser with Compass South Appraisals. I heard testimony from both of these witnesses.

I heard testimony from Mr. Coolidge as to DESC's intended public purposes for the rights-of-way and the gas pipeline(s) and related utility equipment to be placed on the property, process for selecting the route, existing DESC easement on the property, and process for obtaining an appraisal.

The Condemnor offered into evidence without objection the appraisal of Travis L. Avant and offered testimony from Mr. Avant, including the methods he used in reaching his opinions. I qualified Mr. Avant as an expert in the area of appraisals, and Mr. Avant testified that as of the date of his appraisal, based on his knowledge and experience, just compensation for the rights to be acquired by DESC is **\$340.00**. I take judicial notice of the fact that DESC previously tendered **\$340.00** to the Clerk of Court to fulfill its obligation of payment of just compensation for the rights to be acquired. No other party presented any counterevidence of the value of the taking.

After having heard from all parties present and having reviewed the Court file and all documents before me,

IT IS THEREFORE ADJUDGED AND ORDERED that:

1. The condemnation is approved, and Condemnor DESC is granted the rights it seeks to acquire on the property for public purposes, such rights as set forth in the Condemnation Notice and attached exhibit.
2. Condemnor DESC is vested with the power of eminent domain pursuant to S.C. Code Ann. §§ 58-7-10 and 28-2-60 and has complied with the procedures set

forth in the South Carolina Eminent Domain Procedure Act, S.C. Code Ann. § 28-2-10 *et seq.*

3. Just compensation in this case is \$340.00 for the rights acquired by Condemnor DESC on the property.
4. Condemnor DESC's prior payment of \$340.00 to the Clerk of Court is approved as full satisfaction for such just compensation.
5. In addition to the just compensation, Condemnor DESC is ordered to pay an additional statutory interest payment of \$397.87<sup>3</sup> to the Landowner to comply with S.C. Code §28-2-420 which requires a condemnor to pay 8% interest per year on any judgment from a court to a condemnee. I find that upon making such payment, DESC will have fully and completely complied with SC Code §28-2-420.
6. The Clerk of Court shall annotate the Notice of Condemnation in this case, thereby transferring the realty to the Condemnor.
7. The Clerk of Court shall file the Annotated Notice of Condemnation with the Register of Deeds Office of Florence County, duly indexed, as provided by law for the recording and indexing of deeds, and exempt from filing fees as provided under Code of Laws of South Carolina, §12-24-40 (1976, as amended).
8. The Clerk of Court shall provide a copy of the recorded Annotated Notice of Condemnation to Jessica C. Crowson, Esquire, Attorney for Condemnor, by electronic delivery or by mail to Rogers, Lewis, Jackson, Mann & Quinn, LLC, Post Office Box 11803, Columbia, SC 29211.

---

<sup>3</sup> [(\$340.00 x 8%) ÷ 365 days] x 739 days since the date of filing.

9. The Landowner is entitled to receive the just compensation and the additional statutory interest payment set forth above.
10. The Clerk of Court shall prepare a check of the just compensation and any accrued interest, and such check shall be made out to Kathy Andrews a/k/a Gail K. Andrews in c/o Rogers, Lewis, Jackson, Mann, & Quinn, LLC. The Clerk of Court shall mail this check to counsel for DESC at 1901 Main Street, Suite 1200, Columbia, S.C. 29201.
11. After receipt of this check from the Clerk of Court, DESC is ordered to provide this check, plus a check for the additional statutory interest payment ordered herein, to Kathy Andrews a/k/a Gail K. Andrews at (i) 307 32<sup>nd</sup> Avenue South, Atlantic Beach, S.C. 29582, or (ii) 2398 Willow Grove Road, Pamplico, S.C. 29583, or (iii) such other address as the Landowner may provide.
12. After completion of the foregoing, Condemnor DESC is dismissed from this action, having satisfied and fulfilled its statutory duties and responsibilities.
13. If, after DESC has undertaken diligent attempts, in DESC's reasonable determination, to fulfill such delivery, DESC is unable obtain to deliver the above-described checks to the Landowner as ordered herein, either due to an inability to locate her or her refusal to accept them, and at least one (1) year has passed since the date of this Order, DESC shall send the checks to the Clerk of Court. The Clerk of Court shall thereafter retain these amounts in an interest-bearing account until a determination is made by this court or another court with jurisdiction over this matter as to what party(ies) are entitled to the funds, and if no such determination is made within the requisite period, the Clerk of Court shall

follow the applicable statutory process for the funds to escheat to the appropriate state entity.

14. The entry of this Order forever ends and terminates any claims, counterclaims, actions, or causes of action against Condemnor DESC arising out of or in any way related to this condemnation action; and Condemnor DESC, the Landowner, and the Other Condemnee shall be responsible for their own attorneys' fees, costs, or other litigation expenses incurred by them in this condemnation action; and
15. Thereafter, this matter shall be ended as to all parties.

AND IT IS SO ORDERED.

Florence, South Carolina  
\_\_\_\_\_, 2023

\_\_\_\_\_  
The Honorable W. Haigh Porter  
Master in Equity, Florence County



Florence Common Pleas

CE... COPY  
J... & G.S.  
FLORENCE COUNTY, S.C.

**Case Caption:** Dominion Energy South Carolina Inc VS Kathy Andrews , defendant,  
et al  
**Case Number:** 2021CP2100966  
**Type:** Order/Other

So Ordered

s/Haigh Porter, 3082

Electronically signed on 2023-05-31 15:32:28 page 8 of 8

ELECTRONICALLY FILED - 2023 May 31 4:11 PM - FLORENCE - COMMON PLEAS - CASE#2021CP2100966