

RECEIVED

Sep 20 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF JASPER )  
 )  
 JUSTINI REALTY, INC., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 RHONDA MITCHELL, TAX )  
 COLLECTOR FOR JASPER )  
 COUNTY and ROBERT )  
 STRICKLAND, )  
 )  
 Defendants. )

IN THE COURT OF COMMON PLEAS  
 CASE NUMBER: 2020-CP-27-00323

**FINAL ORDER**

FILED  
 JASPER COUNTY  
 CLERK OF COURT  
 2023 AUG 21 A 9:56

---

This matter came before me on August 2, 2023. Present at the hearing was the Plaintiff, David Justini, along with his attorney, R. Thayer Rivers, Jr. David Tedder, the attorney for the Defendant, Jasper County, was also present. The Defendant was not present although notice of the hearing had been served on him. Testimony was taken. The Plaintiff brought this action alleging a violation of 12-51-40 of the Code of Laws, 1976, as amended. The Plaintiff's additional contention was that in violation of 12-51-40, Subsection C, the property was not posted in "one or more conspicuous places." Testimony was that the property posting card (which was introduced into evidence) was posted at what is basically the back gate of the premises in question, being a development in Jasper County on a street that is used by almost no one and is usually under water. There was no posting on the front of the property or anyplace where it would be easily noticed by the public. There was further testimony by Mr. Justini that the only people that came to that gate was Republic Waste who came once every several weeks and he would personally unlock the gate and let them in. He further testified and showed his garbage bill to show what date after the posting he had been there, and there was nothing posted there. The Plaintiff further amended the complaint to include that there was a further violation of Section 12-51-120 which mandates that "at the end of the redemption period at the best

address of the owner available to the person in charge of collecting taxes (emphasis added), the final notice will be sent to the landowner. The testimony shows that Mr. Justini operated a very large porch design and erection business on the properties that adjoin each other. The property in question is where he stores his vehicles, equipment and inventory. The record shows that he had sent in a change of address notice so that the address of the front was properly noticed to the county. Both properties were in the name of Justini Realty, Inc. It appears that it had been a matter of a small consequence for the delinquent tax collector to look up Justini Realty, Inc., and would have been when given the correct address of the premises being the adjoining parcel, which was co-joined with this and the Justini porch business.

Clearly such was not done. I allowed the Plaintiff to move to amend his complaint to allow this further violation of the code, and allowed the Defendant, Jasper County, to amend their answer to insert a general denial.

From Mr. Justini's testimony, he has some eight million (\$8,000,000.00) worth of business on these combined premises so this is not a small matter.

Based upon the foregoing testimony, the Plaintiff has met his burden of proof and, therefore,

ORDERED that the tax deed issued by the delinquent tax collector to the Defendant, Robert Strickland be set aside. Margaret Bostick, Clerk of Court for Jasper County, is hereby ordered to execute a deed pursuant to this Order conveying the premises back to Justini Realty, Inc., 174 Browns Cove Road, Ridgeland, SC, 29936. I will further retain jurisdiction over this matter to issue any deeds or any other public document that is needed to carry out this Order.

**IT IS SO ORDERED.**



---

ALGERNON G. SOLOMONS, JR  
Special Referee

August 15<sup>th</sup>, 2023