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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Mikell R. Scarborough, Master-in-Equity

Appellate Case No. 2022-001165

Michael D. Royal, Appellant,

v.

Free Kindergarten Association of Charleston, Respondent,

The Attorney General of the State of South Carolina and
The Charleston County School District, Co-Respondents.

**JOINDER IN FINAL BRIEF OF CO-RESPONDENT THE ATTORNEY GENERAL OF
THE STATE OF SOUTH CAROLINA**

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Counsel for Respondent
Free Kindergarten Association
of Charleston

Respondent Free Kindergarten Association of Charleston, pursuant to Appellant Court Rule 208(b)(6) respectfully joins with arguments presented in the Final Brief filed by Co-Respondent, The Attorney General of the State of South Carolina.

INTRODUCTION AND FACTUAL BACKGROUND

Pursuant to the Agreement between the Plaintiff and Defendant Free Kindergarten Association of Charleston (FKAC) a closing was scheduled and FKAC was prepared for closing, having provided Notice to the Attorney General's Office via letter dated April 4, 2018 of the pending sale of substantially all of its assets, which consisted of the property in question. As noted in Appellant's Final Brief, the FKAC advised by letter dated May 14, 2018 that it refused to close without the necessary Attorney General's approval. The FKAC obviously never received approval from the Attorney General's Office and this suit ensued.

At the trial on December 15, 2021, the Honorable Mikell R. Scarborough granted the Attorney General's Motion for Nonsuit pursuant to Rule 41(b) of the S.C.R.C.P. The refusal to close without the Attorney General's approval was, therefore, confirmed at trial based on reasons expressed in the Final Order as well as arguments expressed in the Attorney General's Final Brief herein.

RESPONDENT FKAC JOINS IN ARGUMENTS PRESENTED BY CO-RESPONDENT ATTORNEY GENERAL OF THE STATE OF SOUTH CAROLINA IN ITS FINAL BRIEF

The FKAC is a nonprofit corporation and as such is subject to the law regarding such entities. The arguments expressed in the Trial Court's Order as well as the Final Brief of Co-Respondent Attorney General of the State of South Carolina are consistent

with the FKAC's position and therefore the FKAC joins in the Final Brief of the Attorney General of the State of South Carolina.

Respectfully submitted,

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CERTIFICATION

I certify that the Joinder in Final Brief filed herein complies with Rule 211(b) of the South Carolina Appellate Rules.

Respectfully submitted,

s/Patrick F. Stringer

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