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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

Letitia H. Verdin, Circuit Court Judge

Case No. 2011-CP-39-01849

Dan Ward.....Appellant,

v.

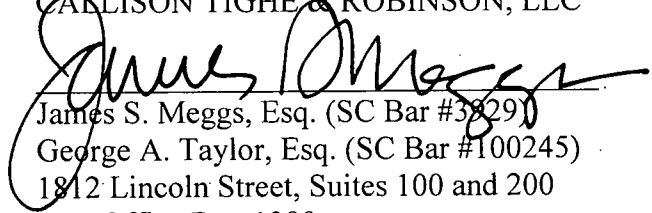
Town of Six Mile.....Respondent.

NOTICE OF APPEAL

Dan Ward, by and through his undersigned counsel, hereby appeals the Order of the Honorable Letitia H. Verdin, Circuit Court Judge for Pickens County, dated May 23, 2013 and entered May 29, 2013, and the subsequent Order denying Dan Ward's Motion to Alter or Amend Pursuant to Rule 59(e), SCRCF, dated July 10, 2013 and entered July 12, 2013. Appellant received written notice of entry of this Order on July 18, 2013.

July 26, 2013

CALLISON TIGHE & ROBINSON, LLC



James S. Meggs, Esq. (SC Bar #3829)
George A. Taylor, Esq. (SC Bar #100245)
1812 Lincoln Street, Suites 100 and 200
Post Office Box 1390
Columbia, SC 29202-1390
Telephone: (803) 404-6900
Facsimile: (803) 404-6902

Attorneys for Appellant

RECEIVED

JUL 26 2013

SC Court of Appeals

Other Counsel of Record:

Ken Roper, Esquire
18 South Commerce Street
Post Office Box 330
Liberty, SC 29657
(864) 843-0004
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

Letitia H. Verdin, Circuit Court Judge

Case No. 2011-CP-39-01849

Dan Ward.....Appellant,

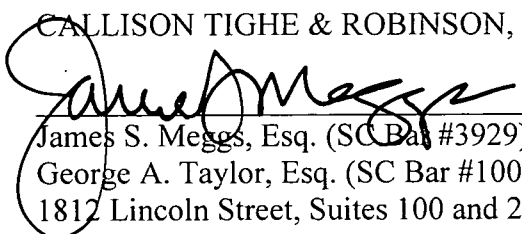
v.

Town of Six Mile.....Respondent.

PROOF OF SERVICE

I certify that I served the Notice of Appeal on counsel for the Respondent by depositing a copy of it on July 26, 2013, in the United States Mail, postage prepaid, addressed to Ken Roper, Esquire, Post Office Box 330, Liberty, South Carolina 29657.

July 26, 2013

CALLISON TIGHE & ROBINSON, LLC

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Attorneys for Appellant

James S. Meggs
803.404.6900 ext. 3011
JimMeggs@callisontighe.com

CALLISON  TIGHE

July 26, 2013

VIA HAND-DELIVERY

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
PO Box 11629
Columbia, SC 29211

Re: Town of Six Mile v. Dan Ward
Case No. 2011-CP-39-1849
Our File No. 5532.001

Dear Ms. Kitchings:

Enclosed herewith please find an original and one (1) copy of the Notice of Appeal in the above referenced matter. Kindly file the same and return a clocked copy to my courier. Also enclosed, please find my firm's check # 101077 in the amount of \$100.00 for the filing fee. By copy of this letter, the enclosed Notice of Appeal is being served upon Respondent's counsel.

Lastly, please find enclosed Judge Verdin's Order filed on May 29, 2013 and Order Denying Motion to Alter or Amend Pursuant to Rule 59(e), SCRPC, filed on July 12, 2013, which are referenced in the Appellant's Notice of Appeal.

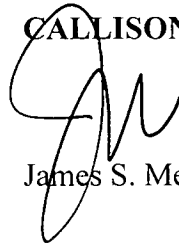
Under a separate cover letter, I am filing the same with the Clerk of Court for Pickens County.

Should you have any questions regarding the foregoing, please do not hesitate to contact me.

In kind regards, I am

Sincerely yours,

CALLISON TIGHE & ROBINSON, LLC



James S. Meggs

RECEIVED

JUL 26 2013

SC Court of Appeals

JSM/lbm
Enclosures
5532.001/Clerk-Appeal.001

cc: Ken Roper, Esquire

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF PICKENS
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2011CP3901849

2013 JUL 12 PM 4 23
CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

Town of Six Mile	Dan Ward
PLAINTIFF(S)	DEFENDANT(S)

Submitted by:	Attorney for: <input checked="" type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
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DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
 - Rule 12(b), SCRPC;
 - Rule 41(a), SCRPC (Vol. Nonsuit);
 - Rule 43(k), SCRPC (Settled);
 - Other: _____
- ACTION STRICKEN (CHECK REASON):**
 - Rule 40(j) SCRPC;
 - Bankruptcy;
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 - Affirmed;
 - Reversed;
 - Remanded;
 - Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

This matter is before the Court on Defendant's Motion to Alter or Amend. This Court respectfully denies Defendant's Motion but issues this order clarifying its previous order. First, this Court corrects its previous order to find that Defendant's Principal Place of Business is not within Six Mile. However, with regards to the parcel at issue, this Court reaffirms its finding that the Defendant failed to provide any evidence that the parcel was not within town limits. Further, this Court clarifies its previous order by requiring Defendant to remove offending structures from the land until he is granted a business license by the Town of Six Mile.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk:

2113 JUL 12 PM 4 23
CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

INFORMATION FOR THE JUDGMENT INDEX
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

[Signature]
Circuit Court Judge

2162
Judge Code

7/10/13
Date

For Clerk of Court Office Use Only

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box only, to attorney of record to parties (when appearing pro se) as follows:

Kenneth Roper ✓

ATTORNEY(S) FOR THE PLAINTIFF(S)

us mail
MB

✓ Jim Meggs

ATTORNEY(S) FOR THE DEFENDANT(S)

[Signature]
MB

TRUE COPY MB

[Signature]
CLERK OF COURT

PICKENS COUNTY, S.C.

[Handwritten mark]

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF PICKENS
IN THE COURT OF COMMON PLEAS

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2011CP3901849

Town of Six Mile

2013 MAY 29 P 12

Dan Ward
51

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: Plaintiff Defendant
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
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 Rule 43(k), SCRPC (Settled); Other: _____
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 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

This matter is before the Court on Plaintiff's Motion for Summary Judgment. Plaintiff asks this Court to grant Summary Judgment on the issue of the Defendant's property being within the town of Six Mile and issue a Declaratory Judgment requiring the Defendant to obtain a business license and permit. The Plaintiff also asks this Court to enjoin the Defendant from operating his business until such time. The Defendant argues that a genuine issue of material fact exists as to the town limits. The Defendant also argues that his use of the property constitutes a valid non-conforming use and that his use of the property has been "grandfathered" in by the Town Council, exempting him from the business license requirement.. The Defendant opposes any injunction.

Upon review of the pleadings, documents presented, case law, and statutes, this Court grants Plaintiff's Motion for Summary Judgment, Motion for a Declaratory Judgment, and Motion to Enjoin. Defendant's property (Parcels A & B), is within Six Mile's town limits. Defendant has admitted that Parcel A is within the town limits. Parcel B was annexed in 1965. At some point, the town's maps and tax records erroneously reported Parcel B as being outside of the town limits. However, no de-annexation has ever occurred. In 2009, the town corrected the maps to reflect the correct designation. As such, this Court grants Plaintiff's Motion for Summary Judgment as to Parcel B being within the town of Six Mile.

Regarding the declaratory judgment sought, the Defendant argues that because he has a State-issued Class E Permit (allowing



him to transport homes on roadways) the Town of Six Mile is preempted from requiring him to obtain a business license. The Defendant relies on S.C. Code Ann. Sections 56-3-661 which exempts Class E permit holders from having to obtain a business license in any other jurisdiction other than their principal place of business. The Defendant further asserts that his principal place of business is Parcel B, which he claims to be an unincorporated area of Pickens County. This Court has found Parcel B to be within the town limits; however, Parcel B was zoned in 2009 as "low-density residential." The Defendant argues that because the Town Council found him to have a "valid non-conforming use" he should be exempted from the business license requirement. The business license requirement and the zoning variance are two separate issues. The Defendant's right to use the land for a business purpose does not exempt him from complying with the Town's safety and licensing regulations. Section 56-3-661 exempts Class E permit holders from having to pay taxes or fees in their principal place of business, but not from being required to obtain a business license. As such, this Court grants Plaintiff's Motion for a Declaratory Judgment requiring the Defendant to apply for a business license. Plaintiff's Motion to Enjoin is granted.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk:

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

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[Handwritten Signature]
Circuit Court Judge

2162
Judge Code

5/23/13
Date

For Clerk of Court Office Use Only

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on 5/29/13, to attorneys of record or to parties (when appearing pro se) as follows:

Kenneth Roper

ATTORNEY(S) FOR THE PLAINTIFF(S)

Jim Meggs

ATTORNEY(S) FOR THE DEFENDANT(S)

[Handwritten Signature]

County Clerk Of Court - Clerk of Court

Court Reporter

[Handwritten Signature]