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Apr 11 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
In the Court of Common Pleas  
Eugene C. Griffith, Jr., Circuit Court Judge

Circuit Court Case No. 2021-CP-40-04582

South Carolina Department of Transportation, .....Appellant,

vs.

Briargate Condominium Association, Inc. (HOA) and Mohammed Arabi,  
as Class Representative for Himself and All Unit Owners, to pursue just  
compensation for all unit owners, ..... Respondents,

and

Magna Capital, Mortgagee, The National Bank of South Carolina,  
Mortgagee, South Carolina Department of Revenue, Tax Liens,  
Arrow Financial Services, LLC, Judgment, Portfolio Recovery  
Associates, LLC, Judgment, The National Bank of South Carolina,  
Mortgagee, State Employees Credit Union, Mortgagee, NBSC a  
division of Synovus Bank, Mortgagee, Carolina First Bank,  
Mortgagee, Richland County, Judgment, Bank of America, N.A. c/o  
Cooling & Winter, LLC, Judgment, Department of Treasury-Internal  
Revenue Service, Judgment, HSBC Mortgage Corporation,  
Mortgagee, First Community Bank-Gilbert, Mortgagee, America's  
Wholesale Lender, Mortgagee, William R. Hollingsworth, Jr. and  
Myong Hollingsworth, Mortgagee, First Palmetto Savings Bank,  
Mortgagee, MERS as nominee for ERA Mortgage, Mortgagee, The  
Resolution Trust Corporation as Receiver for Metropolitan Federal  
Savings and Loan Association, Mortgagee, Wachovia Bank  
National Association, Mortgagee, The Resolution Trust Corporation  
as Receiver for Metropolitan Federal Savings and Loan Association,  
Mortgagee, Brittany Frances Minogue, Mortgagee, Mutual Savings  
Bank, F.A., Mortgagee, Richland County Tax Assessor, Delinquent  
Taxes, Bank of America, N.A., Mortgagee, UCC Financing, Miriam  
Properties Group, LLC, Turnberry Associates, Inc., Mathes Auto  
Sales, Inc., BB&T of South Carolina, Navy Federal Credit Union,  
Briargate Condominium Association, Inc., Foreclosure Action, ..... Other Condemnee(s).

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**NOTICE OF APPEAL**

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Pursuant to Rule 203 of the South Carolina Appellate Court Rules, Appellant South Carolina Department of Transportation (the “Appellant”) appeals the order of the circuit court dated March 25, 2024, and entered on March 25, 2024. Counsel for Appellant received written notice of the entry of the order on March 15, 2024. Appellants also appeal the prior order of the circuit court entered February 5, 2024. Copies of the subject orders are attached hereto as **Exhibit A.**

PAGLIARINI LAW FIRM, LLC



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Department of Transportation*

April 11, 2024

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*Counsel for Other Condemnee MERS, as Nominee for ERA Mortgage*

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and

Magna Capital, Mortgagee, The National Bank of South Carolina,  
Mortgagee, South Carolina Department of Revenue, Tax Liens,  
Arrow Financial Services, LLC, Judgment, Portfolio Recovery  
Associates, LLC, Judgment, The National Bank of South Carolina,  
Mortgagee, State Employees Credit Union, Mortgagee, NBSC a  
division of Synovus Bank, Mortgagee, Carolina First Bank,  
Mortgagee, Richland County, Judgment, Bank of America, N.A. c/o  
Cooling & Winter, LLC, Judgment, Department of Treasury-Internal  
Revenue Service, Judgment, HSBC Mortgage Corporation,  
Mortgagee, First Community Bank-Gilbert, Mortgagee, America's  
Wholesale Lender, Mortgagee, William R. Hollingsworth, Jr. and  
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Mortgagee, MERS as nominee for ERA Mortgage, Mortgagee, The  
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Savings and Loan Association, Mortgagee, Wachovia Bank  
National Association, Mortgagee, The Resolution Trust Corporation  
as Receiver for Metropolitan Federal Savings and Loan Association,  
Mortgagee, Brittany Frances Minogue, Mortgagee, Mutual Savings  
Bank, F.A., Mortgagee, Richland County Tax Assessor, Delinquent  
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Properties Group, LLC, Turnberry Associates, Inc., Mathes Auto  
Sales, Inc., BB&T of South Carolina, Navy Federal Credit Union,  
Briargate Condominium Association, Inc., Foreclosure Action, ..... Other Condemnee(s).

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**PROOF OF SERVICE**

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I hereby certify that I have served the Notice of Appeal on the Richland County Clerk of Court via the SC Courts e-filing system:

Richland County Clerk of Court:

The Honorable Jeanette W. McBride  
Richland County Clerk of Court  
Richland County Judicial Center  
1701 Main Street, Room 205 (29201)  
Post Office Box 2766  
Columbia, SC 29202  
mcbridej@rcgov.us

I further certify that I have served the Notice of Appeal via electronic mail on counsel of record at the following AIS information address(es):

Counsel Served:

Thomas H. Pope III, Esq.  
Pope Parker Jenkins, P.A.  
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-and-

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*Counsel for Respondents Briargate Condominium Association, Inc. and Mohammed Arabi, as Proposed Class Representative, for Himself, and on Behalf of All Unit Owners of Briargate Condominium Association, Inc.*

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*Counsel for Other Condemnee MERS, as Nominee for ERA  
Mortgage*



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David G. Pagliarini, Esq.

April 11, 2024

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April 11, 2024

**Via Electronic Filing**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
PO Box 11629  
Columbia, SC 29211  
ctappfilings@sccourts.org

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SC Court of Appeals

Re: South Carolina Department of Transportation v. Briargate Condominium Association, Inc.  
(HOA), et al.  
Civil Action No. 2021-CP-40-04582  
Project ID: P027662, Carolina Crossroads, Tract 195

Dear Ms. Kitchings:

Enclosed please find the Notice of Appeal in the above-referenced matter for electronic filing. We also enclose via U.S. Mail our firm's check in the amount of \$250.00 as the required filing fee.

By copy of this letter to the Richland County Clerk of Court and counsel of record, we are serving them with a copy of this notice.

Thank you for your assistance.

With kind regards,



David G. Pagliarini

DGP/lis

Enclosures (*Notice of Appeal via Electronic Filing Only; Filing Fee Check via U.S. Mail*)

cc: Jeanette W. McBride, Richland County Clerk of Court (*via SC Courts e-filing system*)  
Thomas H. Pope III, Esq. (*via electronic mail only*)  
Walter H. Bundy, Jr., Esq. (*via electronic mail only*)  
Michael Brent McDonald, Esq. (*via electronic mail only*)  
Michael P. Morris, Esq. (*via electronic mail only*)  
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