



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

May 02, 2024

The Honorable Alma Y. White  
PO Box 479  
Georgetown SC 29442-0479

## REMITTITUR

Re: M. Baron Stanton v. Town of Pawleys Island  
Lower Court Case No. 2020CP2200932, 2020CP2200931, 2020CP2200930  
Appellate Case No. 2021-000757

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in blue ink that reads "Catherine S. Harrison, deputy".

CLERK

Enclosure

cc: M. Baron Stanton, Esquire  
William Clayton Dillard, Jr., Esquire  
Norwood David DuRant, Sr., Esquire  
Norwood David DuRant, Jr., Esquire

RECEIVED

May 01 2024

SC Court of Appeals

The Supreme Court of South Carolina

M. Baron Stanton, Petitioner,

v.

Town of Pawleys Island, Respondent.

and

Franklin D. Beattie, as trustee of The Franklin D. Beattie  
Preservation Trust, Petitioner,

v.

Town of Pawleys Island, Respondent.

and

Sunset Lodge, LLC, Petitioner,

v.

Town of Pawleys Island, Respondent.

Appellate Case No. 2023-000808

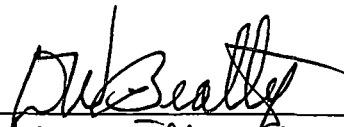
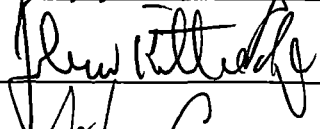



---

ORDER

---

Petitioners seek a writ of certiorari to review the decision of the court of appeals in *Stanton v. Town of Pawleys Island*, Op. No. 2023-UP-055 (S.C. Ct. App. filed Feb. 8, 2023). Petitioners have also requested a writ of mandamus to require the court of appeals to revise and publish its decision addressing all twenty-six issues Petitioners raised to the court of appeals. Because we find the court of appeals' opinion fairly and adequately addressed all issues on appeal, we deny the petition for a writ of mandamus. See *In re Memorandum Decisions by Ct. of Appeals*, 322

S.C. 53, 55, 471 S.E.2d 456, 457 (1993) (holding the court of appeals is authorized to issue unpublished memorandum opinions in cases so long as the court sets forth each issue on appeal and provides relevant legal authority to support its decision). Further, the petition for a writ of certiorari to the court of appeals is denied.

	C.J.
	J.
	J.
	J.
	J.

Columbia, South Carolina  
May 1, 2024

cc:  
M. Baron Stanton  
William Clayton Dillard, Jr.  
Norwood David DuRant, Sr. Norwood  
David DuRant, Jr.  
The Honorable Jenny Abbott Kitchings

# The South Carolina Court of Appeals

M. Baron Stanton, Appellant,

v.

Town of Pawleys Island, Respondent.

and

Franklin D. Beattie, as trustee of The Franklin D. Beattie  
Preservation Trust, Appellant,

v.

Town of Pawleys Island, Respondent.

and

Sunset Lodge, LLC, Appellant,

v.

Town of Pawleys Island, Respondent.

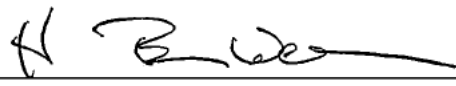
Appellate Case No. 2021-000757


---

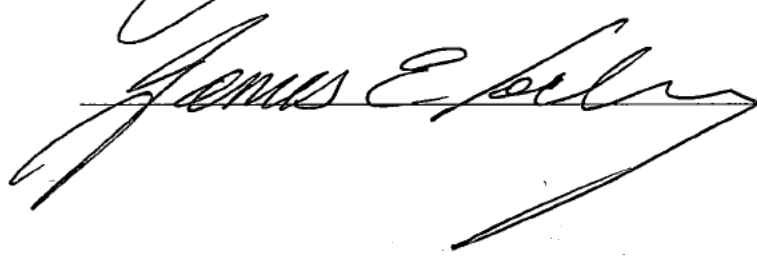
## ORDER

---

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

 C.J.

 J.

 A.J.

Columbia, South Carolina

cc:  
M. Baron Stanton, Esquire  
William Clayton Dillard, Jr., Esquire  
Norwood David DuRant, Sr., Esquire  
Norwood David DuRant, Jr., Esquire  
The Honorable Benjamin H. Culbertson

**FILED**  
**Apr 20 2023**

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

M. Baron Stanton, Appellant,

v.

Town of Pawleys Island, Respondent.

and

Franklin D. Beattie, as trustee of The Franklin D. Beattie  
Preservation Trust, Appellant,

v.

Town of Pawleys Island, Respondent.

and

Sunset Lodge, LLC, Appellant,

v.

Town of Pawleys Island, Respondent.

Appellate Case No. 2021-000757

---

Appeal From Georgetown County  
Benjamin H. Culbertson, Circuit Court Judge

---

Unpublished Opinion No. 2023-UP-055  
Submitted January 31, 2023 – Filed February 8, 2023

---

**AFFIRMED**

---

M. Baron Stanton, of Stanton Law Offices, P.A., of Columbia, for Appellants.

Norwood David DuRant, Sr. and Norwood David DuRant, Jr., both of Law Offices of N. David DuRant & Assoc., of Surfside Beach; and William Clayton Dillard, Jr., of Belser & Belser, PA, of Columbia, all for Respondent.

---

**PER CURIAM:** M. Baron Stanton, Franklin D. Beattie, as trustee of the Franklin D. Beattie Preservation Trust, and Sunset Lodge, LLC (collectively, Landowners) appeal the circuit court's dismissal of their condemnation challenge actions as moot following the Town of Pawleys Island's (the Town's) abandonment of its notices of condemnation. On appeal, Landowners argue (1) the Town's notices of abandonment were invalid, and if they were valid, they must be treated as permanently barring future condemnation attempts; (2) their challenge actions were not moot; (3) their causes of action remained viable notwithstanding the Town's abandonment of the condemnation notices because they sought prospective or present relief; and (4) the circuit court abused its discretion in curtailing discovery against the Town by dismissing their challenge actions. We affirm.

1. We hold the Town's abandonment of the condemnation notices was valid because the Town had not taken possession of or made material alterations to the condemned properties and therefore did not need Landowners' permission to abandon the condemnation actions. *See* S.C. Code Ann. § 28-2-230(B) (2007) ("The condemnor may not abandon the condemnation action after taking possession if material alterations have been made in the property, except with consent of the landowner."); *Jennings v. Sawyer*, 182 S.C. 427, 438, 189 S.E. 746, 751 (1937) ("[I]n the absence of statutory authority, the condemnor may abandon the property condemned at any time before taking actual possession and entering thereupon."), *overruled on other grounds by McCall by Andrews v. Batson*, 285 S.C. 243, 329 S.E.2d 741 (1985).

2. We hold the challenge actions are moot because the Town abandoned the condemnation notices Landowners sought to quash in their challenge actions. *See Sloan v. Friends of the Hunley, Inc.*, 369 S.C. 20, 25, 630 S.E.2d 474, 477 (2006) ("Generally, [the appellate c]ourt only considers cases presenting a justiciable controversy."); *id.* at 26, 630 S.E.2d at 477 ("A moot case exists whe[n] a judgment rendered by the court will have no practical legal effect upon an existing controversy because an intervening event renders any grant of effectual relief impossible for the reviewing court."). Further, while the Town's filing of the condemnation notices is capable of repetition, it does not evade review. *See Curtis v. State*, 345 S.C. 557, 568, 549 S.E.2d 591, 596 (2001) ("[A]n appellate court can take jurisdiction, despite mootness, if the issue raised is capable of repetition but evading review."); *Sloan*, 369 S.C. at 27, 630 S.E.2d at 478 (stating "the action must be one [that] will truly evade review" for the mootness exception to apply); *Seabrook v. City of Folly Beach*, 337 S.C. 304, 306-07, 523 S.E.2d 462, 463 (1999) (holding that the case became moot when the City of Folly Beach voluntarily removed conditions it imposed and granted approval of the plat and the property owner and developer abandoned their taking claim and explaining that "while the factual scenario presented by this appeal [was] certainly capable of repetition, it [did] not evade review").

3. We hold Landowners' claims for prospective relief are not ripe for judicial review. *See Colleton Cnty. Taxpayers Ass'n v. Sch. Dist. of Colleton Cnty.*, 371 S.C. 224, 242, 638 S.E.2d 685, 694 (2006) ("As our jurisprudence instructs, an issue that is contingent, hypothetical, or abstract is not ripe for judicial review."); *id.* ("[A] justiciable controversy is a real and substantial controversy [that] is ripe and appropriate for judicial determination, as distinguished from a contingent, hypothetical or abstract dispute." (quoting *Waters v. S.C. Land Res. Conservation Comm'n*, 321 S.C. 219, 227, 467 S.E.2d 913, 917-18 (1996); *Thrifty Rent-A-Car Sys., Inc. v. Thrifty Auto Sales of Charleston, Inc.*, 849 F. Supp. 1083, 1085-86 (D.S.C.1991) ("The ripeness doctrine dictates that a . . . court should not decide a controversy grounded in uncertain and contingent events that may not occur as anticipated or may not occur at all.")).

4. Because we hold the circuit court correctly dismissed the Landowners' challenge actions, we hold the circuit court did not err in finding discovery was not necessary.

**AFFIRMED.**<sup>1</sup>

---

<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.

**WILLIAMS, C.J., VINSON, J., and LOCKEMY, A.J., concur.**