

STATE OF SOUTH CAROLINA  
COUNTY OF HORRY

) IN THE COURT OF COMMON PLEAS  
) FOR THE FIFTEENTH JUDICIAL CIRCUIT

South Carolina Department of Transportation,)

Case No.: 2010-GS-26-7961

Condemnor.

vs.

) ORDER DENYING LANDOWNER'S  
) MOTION TO ALTER OR AMEND  
) UNDER RULE 59(e)

David Franklin Powell,

Landowner.

HORRY COUNTY  
13 JUL 29 PM 3:25  
MELANIE HUGGINS-WARD  
CLERK OF COURT

The Court heard Condemnor's motion for summary judgment in Conway on April 26, 2013. The Court applied the South Carolina Supreme Court's inverse condemnation holding in Hardin (& Tallent) v. S.C. Department of Transportation, 371 S.C. 598, 641 S.E.2d 437 (2007) to the present action and granted Condemnor's motion for summary judgment.

On June 17, 2013, counsel for the Landowner filed a written motion to alter or amend under Rule 59(e), S.C.R.C.P. After reviewing Landowner's written arguments, and having a July 10, 2013 teleconference with both parties, the Court denies Landowner's motion. Since the Court heard this matter via the July 10, 2013 teleconference, further oral arguments will not be necessary.

Therefore, Landowner's motion pursuant to Rule 59(e) is denied.

IT IS SO ORDERED.

July 26, 2013  
Lexington, South Carolina

  
Edward B. Cottingham  
Presiding Judge

RECEIVED  
AUG 16 2013  
SC Court of Appeals