

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS  
Case No.: 2022-CP-40-04683

Road/Route **I-20/I-26/I-126 (Carolina  
Crossroads)**  
Project ID **P07662**  
Tract **300**

**RECEIVED**

**Jul 16 2025**

**SC Court of Appeals**

South Carolina Department of Transportation, )  
 )  
Condemnor, )  
 )  
VS. )  
 )  
**McGee Still and Sara Still,** )  
 )  
Landowner(s), )  
 )  
\_\_\_\_\_ )

**FINAL ORDER**

This matter came before the Court on April 30, 2025, for a trial to determine the amount of just compensation to be awarded Landowner(s) for the Condemnor’s acquisition of portions of property from Tract 300 for the construction of a section of I-20/I-26/I-126 (Carolina Crossroads) in Richland County, South Carolina.

This action was commenced by South Carolina Department of Transportation (“SCDOT”) pursuant to the South Carolina Eminent Domain Procedures Act, Code of Laws of South Carolina, Section 28-2-10 (1976, as amended). The Condemnation Notice and Tender of Payment were filed with the Richland County Clerk of Court on October 2, 2020. The SCDOT plans and Condemnation Notice for the above-referenced project are specifically made a part hereof by reference, which plans and Notice reflect and describe the property of the Landowner(s) and the portion and interest being acquired by SCDOT.

A copy of the pleadings in this matter were initially served on Sara Still by way of Certified Mail Return Receipt Requested. A Proof of Service with the attached Green Card received in response to the certified mailing was filed with the Richland County Clerk of Court on November 10, 2020.<sup>1</sup> A copy of the pleadings in this matter were initially served on McGee Still by way of Certified Mail Return Receipt Requested. A Proof of Service with the attached Green Card received in response to the certified mailing was filed with the Richland County Clerk of Court on November 10, 2020.<sup>2</sup> A copy of the pleadings in this matter were initially served on Richland County Tax Assessor's Office by way of Certified Mail Return Receipt Requested. A Proof of Service with the attached Green Card received in response to the certified mailing was filed with the Richland County Clerk of Court on May 24, 2023.<sup>3</sup> No responsive pleadings were filed by Landowners.

Counsel for Condemnor made a motion to have this matter transferred to the Master in Equity for Richland County. Subsequently, an Order to Transfer Case to Master in Equity was filed with the Richland County Clerk of Court on October 11, 2024.<sup>4</sup> A copy of this Order to Transfer Case to Master in Equity was mailed to Richland County Tax Assessor, McGee Still, and Sara Still. A copy of the Certificates of Mailing were all filed with the Richland County Clerk of Court on November 15, 2024.<sup>5</sup>

This matter was initially scheduled for a trial on January 21, 2025, at 10:00 a.m. before the Honorable Joseph M. Strickland, Master in Equity for Richland County. Certified mailings with Notice of the time and date of this trial were sent to Richland County Tax Assessor's Office, Sara Still and McGee Still. A copy of the Certificate of Mailings was filed with the Richland County Clerk of Court's

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<sup>1</sup> Proof of Service to Sara Still filed November 10, 2020

<sup>2</sup> Proof of Service to McGee Still filed November 10, 2020

<sup>3</sup> Proof of Service to Richland County Tax Assessor filed May 24, 2023

<sup>4</sup> Order to Transfer Case to Master In Equity filed October 11, 2024

<sup>5</sup> Certificates of Mailing filed November 15, 2024

Office on November 20, 2024.<sup>6</sup> A Proof of Service with the attached Green Card received in response to the certified mailing to Richland County Tax Assessor's Office was filed with the Richland County Clerk of Court on December 5, 2024.<sup>7</sup> An Affidavit of Non-Service as to Sara Still's certified letter was filed with the Richland County Clerk of Court's Office on January 16, 2025. A copy of the envelope from the certified mailing to Sara Still was attached to the Affidavit of Non-Service. This envelope had a stamp affixed stating, "Return to Sender Unclaimed Unable to Forward." There was also a handwritten note on this envelope stating, "Signature Required."<sup>8</sup> An Affidavit of Non-Service as to McGee Still's certified letter was filed with the Richland County Clerk of Court's Office on January 16, 2025. A copy of the envelope from the certified mailing to McGee Still was attached to the Affidavit of Non-Service. This envelope had a stamp affixed stating "Return to Sender Unclaimed Unable to Forward." There was also a hand-written note on this envelope stating "Signature Required."<sup>9</sup>

Out of an abundance of caution, Condemnor also published notice of the trial date in a newspaper of general circulation in Richland County - The Columbia Star. The Notice of Hearing ran on November 22, and 29, 2024, as well as on December 6, 13, and 20, 2024. A copy of the affidavit of publication was filed with the Richland County Clerk of Court's Office on December 23, 2024.<sup>10</sup>

Condemnor also had an individual personally serve McGee Still and Sara Still at their residence on January 16, 2025. A copy of the respective Affidavits of Service on the Landowners were filed with the Richland County Clerk of Court's Office on January 16, 2025.<sup>11</sup>

As additional history in this matter, Counsel for SCDOT sent various discovery requests to Landowners in this matter. Request to Admit,

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<sup>6</sup> Certificate of Mailing filed November 20, 2024

<sup>7</sup> Proof of Service filed December 5, 2024

<sup>8</sup> Affidavit of Non-Service to Sara Still filed January 16, 2025

<sup>9</sup> Affidavit of Non-Service to McGee Still filed January 16, 2025

<sup>10</sup> Affidavit of Publication filed December 23, 2024

<sup>11</sup> Affidavit of Process Server filed January 16, 2025

Interrogatories to Landowner on behalf of Condemnor, and Request for Production of Documents to Landowner on behalf of Condemnor were sent to Landowners on or about May 12, 2023.<sup>12</sup> A copy of these discovery requests were filed with the Richland County Clerk of Court's Office on May 24, 2023.<sup>13</sup> After contact from Landowners' daughter, Summer Still, a copy of the Request to Admit, Interrogatories to Landowner on behalf of Condemnor, and Request for Production of Documents to Landowner on behalf of Condemnor were sent to Summer Still c/o McGee and Sara Still on June 5, 2023.<sup>14</sup>

On January 21, 2025, in a hearing before the Honorable Joseph M. Strickland the following individuals were in attendance:

- a. Murry Kinard, Esquire, Counsel for South Carolina Department of Transportation;
- b. Tara Grigsby, assistant from Counsel for South Carolina Department of Transportation's office;
- c. McGee Still;
- d. Susan Fusco;
- e. Summer Still;
- f. Mike Still;

The Court inquired at the outset of the hearing/trial as to the status of the case. Counsel for SCDOT advised the Court that it was his understanding that the parties did not have an agreement on the amount of Just Compensation due to Landowners. As a result, the Court was advised that a trial was necessary. The Court was also advised that McGee Still had a Power of Attorney that was filed with the Richland County Register of Deed's Office on October 10, 2017, naming his daughter, Susan M. Fusco, as his attorney in fact.<sup>15</sup> The Court was also

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<sup>12</sup> Letters and Certificate of Services to Landowners serving Request to Admit, Request for Production of Documents, and Interrogatories on behalf of Condemnor dates May 12, 2023

<sup>13</sup> Request to Admit on Behalf of Condemnor, Request for Production of Documents to Landowner on Behalf of Condemnor, and Interrogatories to Landowner on Behalf of Condemnor filed May 24, 2023

<sup>14</sup> Letter and Certificate of Service to Summer Still c/o McGee and Sara Still dated June 5, 2023

<sup>15</sup> Durable Power of Attorney of McGee Still filed October 10, 2017

advised that Sara Margaret Still, who was not present, had a Power of Attorney that was filed with the Richland County Register of Deed's Office on May 4, 2017, naming her daughter, Summer C. Still, as her attorney in fact.<sup>16</sup> The Court also heard from Summer Still, who advised the Court among other things that on behalf of Landowners she was seeking to have this matter continued until a later date. The Court ultimately granted the request of Landowners to continue this matter.

A new trial date was scheduled with the Richland County Master in Equity's Office with counsel for SCDOT's office, and the daughters of Landowners copied in the email communications. Counsel for SCDOT's office sent a letter and Certificate of Service on or about February 28, 2025 of the new trial date of April 30, 2025, at 2:30 p.m.<sup>17</sup> A copy of this trial date notice was also emailed to the Landowners and their daughters.

After the January 21<sup>st</sup> hearing date, Counsel for SCDOT again sent discovery requests to Landowners. Out of an abundance of caution and taking into consideration the fact there were Powers of Attorneys filed with regard to Landowners, discovery requests were also sent to Summer Still and Susan Fusco. A copy of the Certificate of Mailing was filed with the Richland County Clerk of Court's Office on January 23, 2025.<sup>18</sup>

This matter came before the Honorable Stephanie Lawrence, Richland County Master in Equity, on April 30, 2025. Present and appearing on that date were Murry Kinard, Esquire, on behalf of SCDOT; Christine Gatte, Esquire, on behalf of SCDOT; Chuck Crider, David Kerns, Summer Still, Mike Still, Steve Still, Susan Still Fusco, and Pete Fusco. At the outset of this hearing, the Court was made aware of the untimely death of McGee Still on April 19, 2025. The Court was also provided a copy of Condemnor's Notice of Motion and Motion in

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<sup>16</sup> General (Durable Power of Attorney) filed May 4, 2017

<sup>17</sup> Letters to Landowners and Landowners' Daughters dated February 28, 2025, and Certificate of Mailing filed April 30, 2025

<sup>18</sup> Letters to Landowners and Landowner's Daughters dated January 23, 2025, and Certificate of Mailing filed January 23, 2025

Limine to Exclude the Introduction of any Exhibits and Testimony by Landowners.<sup>19</sup>

After reviewing the Motion in Limine, the Court heard the arguments of Condemnor's counsel and the arguments of Summer Still on behalf of Landowners. The Court was made aware of the multiple attempts by counsel for SCDOT to get discovery in this matter and the failure to respond by Landowners or their daughters, despite the daughters having been sent a copy of the discovery requests in January 2025. The Court inquired of Ms. Still whether she had documents that she wished to introduce at the trial of this case, and Ms. Still indicated that she did have some documents. She further acknowledged that the documents she was referencing had not been sent to Condemnor's attorney.

After hearing the arguments in this matter, the Court ruled that Ms. Still on behalf of Landowners would not be permitted to introduce any materials/exhibits that she had failed to provide in response to discovery. The Court further ordered that her ruling would not prohibit Ms. Still from calling witnesses despite the fact no one had provided a list of witnesses or a description of what a witness would testify to. The Court finds Rule 37 of the South Carolina Rules of Civil Procedure allow the Court to impose sanctions for failing to respond to discovery. The Court also takes note of *Richardson v. Twenty One Thousand Dollars (\$21,000.00) U.S. Currency*, 430 S.C. 594, 846 S.E.2d 14 (S.C. Ct. App. 2020) which permits the Court to impose sanctions without a Motion to Compel having been filed.

Prior to the beginning of the trial, Ms. Still requested this matter be continued due to the recent death of her Father. Although the Court expressed its condolences regarding the recent death, the Court did not believe a Continuance was appropriate, particularly in light of the fact that Ms. Still was the primary spokesperson at the hearing in January before Judge Strickland.

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<sup>19</sup> Notice of Motion and Motion in Limine to Exclude the Introduction of Any Exhibits and Testimony

Condemnor called David Kerns to testify generally regarding the construction project of SCDOT commonly referred to as Carolina Crossroads, and then specifically about the acquisition of property from the subject property in connection with this project. Mr. Kerns testified that he was an engineer licensed by the State of South Carolina. Mr. Kerns was qualified by the Court as an expert in the area of Engineering. Mr. Kerns testified that he had been involved with the Carolina Crossroads Project from the outset. Mr. Kerns testified his signature was on the plan sheets for this project. Mr. Kerns testified regarding the reasons for the Carolina Crossroads Project in general and also testified regarding the closing of certain roads and shifting of certain roads in the immediate area around the subject property. Mr. Kerns testified the work of SCDOT near the subject property dictated that 14,214 square feet of property be acquired. Mr. Kerns also testified that this amount of acquisition was a total take of the subject property, which meant there would not be any remainder of the property. Ms. Still was permitted to cross-examine Mr. Kerns, and she, in fact, did so.

Condemnor also called Charles F. Crider also known as Chuck Crider. Mr. Crider is a licensed real estate appraiser with his primary office in Simpsonville, South Carolina. Mr. Crider testified regarding his work as a real estate appraiser. Mr. Crider testified that he had testified in many trials in State and Federal Court in South Carolina. Mr. Crider testified to his education background and licensure background. Ultimately, Mr. Crider was qualified as an expert in the area of Real Estate Appraisal.

Mr. Crider testified regarding his work in connection with the appraisal of the subject property. He testified regarding his background work, including research regarding the property and research regarding sales of comparable properties. Mr. Crider testified that he physically inspected the subject property on September 25, 2024. Mr. Crider testified regarding characteristics of this property, including but not necessarily limited to, Ingress/Egress from Luster

Lane and Gale Drive, the amount of road frontage on Luster Lane and Gale Drive, and the fairly level topography of the subject property. Mr. Crider also testified at length regarding the Highest and Best Use of the Subject Property and the importance of making this determination. Mr. Crider testified when making a determination as to Highest and Best Use; an Appraiser will review multiple items. 1. Is the subject property big enough to support a particular use; 2. Is a use Legally Permissible; 3. Is it financially feasible, or does it make sense to build; 4. Is a use maximally productive. In this case, Mr. Crider ultimately determined after looking specifically at these four areas that the Highest and Best Use of the subject property was as a Single-Family Use. Mr. Crider testified that he believed the size of this particular lot would permit construction of a single family home ranging from 1,200 - 2,500 square feet in size. Mr. Crider was also questioned regarding the basketball court that was on this property and what if any contributing value this paved area brought to the property. Mr. Crider testified that although he recognized the sentimental value this area may have to the property owners that ultimately it did not bring value to the property. Mr. Crider testified the surface of the Court was many years old and the area did not appear as though anyone was currently playing basketball. Mr. Crider testified that, simply put, a ready, willing, and able buyer would not pay as much money for this lot as a basketball court as they would pay to have a single-family residence lot. Mr. Crider next testified as to how he determined the value of the subject property. Mr. Crider testified about the comparables he found in his search. He testified that each of the comparables were located in close proximity to the subject property. Mr. Crider testified that all but one of his comparables were sold prior to 2020. This meant that the majority of the comparables were not impacted by the COVID pandemic that began in 2020. Mr. Crider testified that he did not have to make any adjustments to the comparables as they each were similar to the subject property. Mr. Crider testified as to the range of values of the comparables from \$0.24 per square foot to \$0.84 per square foot. Mr. Crider

ultimately determined that, in his opinion, the Just Compensation due to Landowners for the subject property was \$0.50 per square foot or Seven Thousand One Hundred and 00/100 (\$7,100.00) Dollars. Finally, Mr. Crider testified that he had reviewed a previous appraisal prepared for SCDOT as they attempted to resolve this matter with Landowners prior to the filing of a Condemnation Notice. Mr. Crider testified he had reviewed this prior appraisal of Bruce DeHaven. Mr. Crider testified that his appraisal was actually higher than the appraisal of Mr. DeHaven, with Mr. DeHaven finding that Just Compensation to Landowners was Six Thousand Five Hundred Fifty-Four and 11/100 (\$6,554.00) Dollars. Ms. Still cross-examined Mr. Crider.

After these two (2) witnesses, Condemnor rested. Ms. Still, on behalf of the Landowners, called her sister, Susan Fusco, as a witness. Ms. Fusco was not asked any questions specifically about the value of the subject property. She was instead asked about the family relationships involved in this matter. The Court ultimately ended the questioning of Ms. Fusco after instructing Ms. Still several times to keep her questions to the subject property and the value of the acquisition by SCDOT. Counsel for SCDOT did not ask Ms. Fusco any questions.

Ms. Still also testified on behalf of Landowners. Ms. Still ultimately testified that she believed the value of the lot acquired by SCDOT was Eight Five Thousand and 00/100 (\$85,000.00) Dollars. Ms. Still also testified that although the comparable properties used by Mr. Crider were in the immediate area of the subject property, that they were not in the immediate neighborhood but instead in nearby or adjacent neighborhoods. On Cross Examination, Ms. Still was unable to provide any testimony that would show sales of real estate that would justify her opinion of the value of a lot 14,214 square feet in the area of this lot selling for \$85,000.00.

After hearing the testimony presented, the Court finds as a matter of fact and conclusion of law that the Landowners in this matter are entitled to Just Compensation in the amount of Seven Thousand One Hundred and 00/100

\$7,100.00) Dollars. The Court finds this Just Compensation amount shall be paid directly by SCDOT to Sara Still and the Estate of McGee Still. The Court further finds SCDOT previously deposited Six Thousand Five Hundred Fifty-Four and 00/100 (\$6,554.00) Dollars with the Richland County Clerk of Court at the time of the filing of the Condemnation Notice. As a result, the monies on deposit with the Richland County Clerk of Court plus any interest which has accrued shall be returned to South Carolina Department of Transportation, c/o Michael Barbee, Director of Right of Ways, P.O. Box 191 Columbia, SC 29202. Additionally, this matter should be ended and stricken from the calendar.

The Court further orders that the Richland County Clerk of Court annotate a copy of the Condemnation Notice with the date and the verdict amount as Seven Thousand One Hundred and 00/100 (\$7,100.00) Dollars, and file the annotated Condemnation Notice with the Register of Deeds for Richland County, duly indexed, as provided by law for the recording and indexing of deeds, showing the transfer of the property to the Condemnor, such filing being exempt from filing fees as provided under Code of Laws of South Carolina, Section 12-24-40 (Cum. Supp. 1997).

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The Honorable Stephanie Lawrence  
Richland County Master In Equity

Columbia, South Carolina

May \_\_\_\_, 2025



Richland Common Pleas

**Case Caption:** South Carolina Department Of Transportation vs Mcgee Still ,  
defendant, et al  
**Case Number:** 2020CP4004683  
**Type:** Master/Order/Other

IT IS SO ORDERED that:

Stephanie N. Lawrence