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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM GEORGETOWN COUNTY  
Court of Common Pleas

The Honorable David P. Caraker, Jr.  
Circuit Court Judge

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Circuit Court Case No. 2024 CP 2200577

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Emanuel Stikas, Trustee of the Stikas Revocable Living Trust, dated February 1, 2023, d/b/a The Village Shops; Donald W. Reid and Katheryn W. Reid, husband and wife; Elizabeth Gattshall Hawkins Martin; Tall House Farm, L.P., APPELLANTS,

v.

Georgetown County; David E. Tanner; RCB Land Holdings, LLC; Magic Oaks, LLC, RESPONDENTS.

AND

Magic Oaks, LLC, Third Party Plaintiff,

v.

Keep It Green, Inc., Third Party Defendant.

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APPELLANTS' RETURN IN OPPOSITION TO THE MOTION TO EXPEDITE  
OF RESPONDENTS RCB LAND HOLDINGS, LLC, AND MAGIC OAKS, LLC

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September 3, 2025

On August 25, 2025, Respondents Magic Oaks, LLC, and RCB Land Holdings, LLC, filed a Motion to Expedite requesting the court to expedite consideration of this appeal. Respondents have cited no legal authority that would entitle them to be considered for special relief or that sets this case apart from any other case where land use decisions or zoning ordinances are properly challenged pursuant to rights and procedures set forth in the South Carolina Comprehensive Planning Enabling Act, (hereinafter “Enabling Act”), S.C. Code, Section 6-29-310, *et seq.*, the Constitution of the United States, and/or the Constitution of South Carolina. Accordingly, Appellants oppose this unusual request as set forth hereinafter.

At the outset of its motion, Respondents refer to this matter as an "appeal of an interlocutory order governed by an abuse of discretion standard." This is not accurate. By Order dated March 25, 2025, this Court *denied* Respondents' Motion to Dismiss wherein Respondents argued that the Order was interlocutory and should be dismissed on that basis. There has been no further Order of court on this issue.

As the basis for their request, Respondents claim: (1) They will incur "significant harm" if this appeal is not expedited; (2) Appellants are challenging "validly passed ordinances of Georgetown County for the rezoning of residential development of the property" at issue; (3) Respondents have "gone through the proper local, state, and federal administrative channels to secure the necessary approvals" for development; and (4) Respondents risk default of financial obligations it has undertaken.

There are several problems with these claims:

First, Respondents' alleged financial predicament is the result of their own choices. They voluntarily elected to close on the purchase of the land at issue and enter into third party financial contracts *before* the sixty (60) day statutory appeal period had expired for adjoining

landowners to file suit challenging the validity of the zoning ordinances at issue. Respondents now attempt to use an imprudent business decision for which they are responsible to ask for special treatment. To grant such a request would set a dangerous precedent. Real estate development is subject to government regulation for legitimate reasons, and appeals from regulatory land use decisions, which often involve delays and expenses, are a necessary and proper part of the process. These are known and expected risks of speculative land development undertakings, and the risk of "significant harm" was voluntarily chosen by Respondents.

Second, the claims of "validly passed ordinances" and approvals are not supported. These are the very issues of this declaratory judgment action. Appellants' Complaint challenges the validity of two zoning ordinances approved by Georgetown County Council on April 23, 2024. One of several causes of action raised in the Complaint claims that the approved zoning ordinances were void from their inception due to *ultra vires* acts of County Council in failing to follow a provision in Section 6-29-760(A) of the Enabling Act, which states:

No change in or departure from the text or maps as recommended by the local planning commission may be made pursuant to the hearing unless the change or departure be first submitted to the planning commission for review and recommendation.

The Complaint alleges that this failure by County Council to follow Section 6-29-760(A) rendered the zoning ordinances void. Filing an action which is specifically authorized by South Carolina law and recognized as a constitutional right is not an unexpected event that entitles Respondents to special relief.

For the foregoing reasons, Appellants respectfully request this court to deny Respondents' Motion to Expedite.

*(Signatures follow on next page.)*

Respectfully submitted,

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PROOF OF SERVICE

The undersigned hereby certify that the APPELLANTS' RETURN IN OPPOSITION TO THE MOTION TO EXPEDITE OF RESPONDENTS RCB LAND HOLDINGS, LLC, AND MAGIC OAKS, LLC were served this 3rd day of September, 2025, upon Respondents by emailing a copy of same to the primary email address of counsel of record listed in the AIS system as set forth below. Copies of said emails are attached hereto in accordance with SC Appellate Court Rules and related orders.

/s/ F. Patrick Hubbard

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**Emanuel Stikas, et al. v. Georgetown County, et al., Appellate Case No. 2025-000066**

1 message

KIG Advocacy &lt;kig.advocacy@gmail.com&gt;

Wed, Sep 3, 2025 at 12:15 PM

To: "Crowl, Zachary J." <ZCrowl@bellamylaw.com>, "Miller, David Brunson" <DMiller@bellamylaw.com>, Dan Stacy <dstacy@oxnerandstacy.com>, Tommy Morgan <tommy@smithrobinsonlaw.com>, Sydney Douglas <Sydney.Douglas@smithrobinsonlaw.com>  
Cc: "Hubbard, Patrick" <phubbard@law.sc.edu>

Dear Counsel:

Attached please find Appellants' Return in Opposition to Respondents' Motion to Expedite in the above matter which is hereby served upon you along with the Proof of Service. These documents will be filed with the Court of Appeals today.

Thank you for your kind attention.

Sincerely,  
Cindy

**Cynthia Ranck Person, Esquire  
Legal Counsel & Executive Director**

**KEEP IT GREEN ADVOCACY, INC.**

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**2 attachments**

 **Appellants' Return Motion to Expedite 09.03.2025f.pdf**  
80K

 **Motion to Expedite COS 09.03.2025f.pdf**  
57K