

**James S. Meggs** - Attorney  
803-404-6900  
JimMeggs@callisontighe.com

CALLISON TIGHE

January 26, 2012

Honorable Stanley M. Gillespie  
115-B Commons Way  
Central, SC 29630-4107

HARD COPY OF THE  
DRAFT ORDER OF  
DISMISSAL WITH  
PREJUDICE

**Re: Town of Six Mile vs. Danny Ray Ward**  
**Case No. I-688663-CSW**  
**Our File No: 5532.001**

Dear Judge Gillespie:

Enclosed please find a hard copy of the draft Order of Dismissal with Prejudice in the referenced matter which we have prepared per your instructions last week in Central. We have emailed you a copy of the document in Word format as well. Please let me know if you wish for us to make any additions or modifications to the draft.

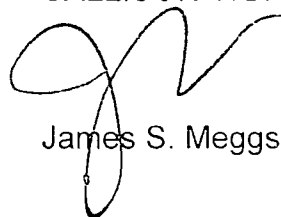
I am by copy of this letter providing assistant Solicitor Byrd with a copy of this draft Order.

Please let me know if we can be of further assistance in this matter. Thank you for your kind assistance and we look forward to receiving your final Order.

With kind regards, I am

Sincerely,

CALLISON TIGHE & ROBINSON, LLC



James S. Meggs

JSM/tdb  
Enclosure

cc: Mitchell K. Byrd, Sr., Esquire (w/encl.)  
Judge Gillespie.001.wpd

RECEIVED  
NOV 08 2013  
SC Court of Appeals

STATE OF SOUTH CAROLINA	)	IN THE PICKENS COUNTY
	)	SUMMARY COURT
COUNTY OF PICKENS	)	
	)	I-688663-CSW
The State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER OF DISMISSAL WITH PREJUDICE</b>
	)	
Danny Ray Ward,	)	
	)	
<u>Defendant.</u>	)	

This is a misdemeanor action initiated by the Town of Six Mile against Danny Ray Ward by way of a Courtesy Summons Number I-688663-CSW. The Summons issued on April 1, 2010, alleges that Ward violated the Six Mile Code of Ordinances, §801 of the chapter pertaining to zoning, by failing to “obtain a permit to lawfully place or store structures or signs as described in the Town of Six Mile official zoning ordinance on property within the Town limits of Six Mile....” The Summons further alleges that a total of five structures are not properly permitted.

The action came before the Court for trial on January 20, 2012. Representing the State (Town of Six Mile) was assistant Solicitor Mitchell Byrd, Esquire. James S. Meggs, Esquire and George A. Taylor, Esquire appeared on behalf of the Defendant Danny Ray Ward.

Prior to commencing trial, a conference was held in chambers at which time the attorneys reviewed the facts of the case and the relevant provisions of the Town of Six Mile Zoning Ordinance and the allegations of the Courtesy Summons. Based upon the representations of counsel for the State and for the Defendant and on Motion of the Defendant to dismiss the charges set forth in the Courtesy Summons, it is clear that the motion must be granted as will more fully appear below.

**RECEIVED**  
NOV 08 2013  
**SC Court of Appeals**

## UNDISPUTED FACTS

The Courtesy Summons was issued on April 1, 2010. It charges Ward with failing to obtain a permit to place or store structures or signs on several parcels alleged to be located within the Town limits<sup>1</sup>. A total of five (5) "structures" are alleged to be unpermitted. The charges are based on §801 of the Town of Six Mile Zoning Ordinance.

The Defendant Ward is a house moving contractor. Three of the "structures" are salvaged houses which were transported to the several properties on metal I-Beams, upon which they continue to rest pending relocation to other sites. None of these three houses are affixed to a foundation or is otherwise more or less permanently located on the ground.

The other two items in issue are metal roofed carport style facilities with short concrete block knee walls on three sides. As to these, there is no dispute that Ward telephoned the Pickens County building official and was informed that no permits were required for their placement on the property in question. The Town of Six Mile Zoning Ordinance, §801, requires that permits, if any, be issued by "...the Pickens County." (sic)

## CONCLUSIONS OF LAW

The charge contained in Warrant I-688663-CSW for failure to obtain a permit pursuant to §801 of the Ordinance must be dismissed with prejudice.

### **1. Three Houses Resting On I-Beams**

The charge with respect to the Defendant's houses situated on I-beams does not fall within the Ordinance's definition of building, sign or structure and, therefore do not require permits. The terms "building," "sign," and "structure" are defined terms within the Ordinance.

A building is defined as:

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<sup>1</sup> The Defendant contends that not all of the parcels are within the Town limits. In light of my findings concerning the Ordinance, I need not reach that issue.

A structure which is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced an unbroken line for the complete circumference of the structure, which is *permanently affixed* to a lot or lots, and used or intended for the shelter, support or enclosure of persons, animals, or property of any kind. (Emphasis added.) Zoning Ordinance § 1200.7.

By definition, a building must be “permanently affixed” to a piece of property. It is undisputed that the Defendant’s houses are, and have been, resting on I-beams on the subject property and can be readily removed at any time. Therefore, as a matter of law, the Defendant’s three houses are not buildings as defined in the Ordinance.

A structure is defined as:

Anything constructed or erected, the use of which *requires more or less permanent location on the ground, or which is attached to something having more or less permanent location on the ground*. A “building” as defined in 1100.7 [sic], is a structure. (Emphasis added.) Zoning Ordinance § 1200.61.

By definition, a structure requires some permanent location on the ground or attachment to something with permanent location. Here again it is undisputed that the houses do not have any permanent location to the ground and are not attached to something permanently located on the ground. In fact, the homes are resting on I-beams without any fixation whatsoever to the ground. Therefore, as a matter of law, the Defendant’s three houses are not structures as defined in the Ordinance.

A sign is defined as:

[E]very sign, billboard, poster panel, free-standing ground sign, roof sign, projecting sign, pylon sign, illuminated sign, sign painted on a wall, window, marquee, awning or canopy, and shall include any announcement, declaration, demonstration, display, ribbon, banner illustration, or insignia used to advertise or promote the interests of any person when the same is placed in view of the general public, traveling along a public street right-of-way. Zoning Ordinance § 1200.55.

A plain reading of the Ordinance indicates that the three houses are not signs, and the State does not argue to the contrary.

Based on the following, with regard to the three houses resting on I-beams, the State cannot show that the Defendant violated §801 of the Ordinance for failure to obtain a permit because the houses do not fall within the Ordinance’s express definitions of building, structure, or sign.

**2. Two Carports**

The charge with respect to Defendant’s carports is dismissed because the language of §801 of the Ordinance is ambiguous. §801 of the Ordinance provides:

[n]o building, sign, or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the Pickens County.

The Ordinance does not define “the Pickens County.” A reasonable person would believe that contacting the Pickens County Building Official to obtain a permit and being told by the Official that no permit was required would be sufficient to comply with the Ordinance. Under the Solicitor’s interpretation of the Ordinance, an individual who contacts the Pickens County Building Official and is instructed that no permit is required is nonetheless criminally liable because the Pickens County Building Official is not “the Pickens County.” However, a reasonable person would believe that the Pickens County Building Official is the proper representative of Pickens County to contact for a permit. To the extent that the Ordinance fails to identify “the Pickens County,” the Ordinance is ambiguous as a law abiding citizen would reasonably believe that contacting a duly-authorized representative of Pickens County to obtain a permit would be in full compliance with the Ordinance. Therefore, the charge with respect to the carports is dismissed.

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the Summons and the charges set forth therein be dismissed, with prejudice, and forever ended. The State is hereafter barred from further charging Defendant Danny Ray Ward with any offense with respect to placement of houses and carports on the subject property.

**IT IS FURTHER ORDERED** that the Defendant Danny Ray Ward is declared NOT GUILTY as a matter of law and fact of the charges set forth in the Summons.

**AND IT IS SO ORDERED.**

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Honorable S. Michael Gillespie  
Presiding Judge  
Pickens County Magistrate's Court

\_\_\_\_\_, 2012  
Central, South Carolina


Honorable Stanley M. Gillespie  
January 26, 2012  
Page 2

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Bcc: Dan Ward (w/encl.)

Judge Verdin's  
First Order  
MAY 29, 2013

James S. Meggs  
803-404-6900  
[jimmeggs@callisontighe.com](mailto:jimmeggs@callisontighe.com)

CALLISON  TIGHE

May 31, 2013

Mr. Danny Ray Ward  
281 Cedar Hill Road  
Six Mile, SC 29682

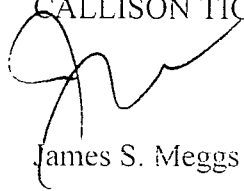
**Re: Town of Six Mile vs. Danny Ray Ward**  
**Our File No: 5532.001**

Dear Dan:

Enclosed please find Judge Verdin's order as we discussed this afternoon. Please read this over and call me early next week at your convenience to discuss.

As we discussed this afternoon, we will need to ask Judge Verdin to reconsider certain aspects of this order since it is clear that she missed several critical facts. On the other hand, it may be that she has concluded that you have a valid non-conforming use and that would be a positive if we can pin that down for you. Again, call us at your convenience early next week, George and I look forward to talking to you.

Sincerely yours,

  
CALLISON TIGHE & ROBINSON, LLC

James S. Meggs

JSM/lbm  
Enclosure  
Ward.019

FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF PICKENS  
IN THE COURT OF COMMON PLEAS

CLERK OF COURT  
PICKENS COUNTY  
SOUTH CAROLINA

JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2011CP3901849

Town of Six Mile

2013 MAY 29 P 12

Dan Ward  
51

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for:  Plaintiff  Defendant

Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j) SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other: \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order; (formal order to follow)  Statement of Judgment by the Court:

This matter is before the Court on Plaintiff's Motion for Summary Judgment. Plaintiff asks this Court to grant Summary Judgment on the issue of the Defendant's property being within the town of Six Mile and issue a Declaratory Judgment requiring the Defendant to obtain a business license and permit. The Plaintiff also asks this Court to enjoin the Defendant from operating his business until such time. The Defendant argues that a genuine issue of material fact exists as to the town limits. The Defendant also argues that his use of the property constitutes a valid non-conforming use and that his use of the property has been "grandfathered" in by the Town Council, exempting him from the business license requirement. The Defendant opposes any injunction.

Upon review of the pleadings, documents presented, case law, and statutes, this Court grants Plaintiff's Motion for Summary Judgment, Motion for a Declaratory Judgment, and Motion to Enjoin. Defendant's property (Parcels A & B), is within Six Mile's town limits. Defendant has admitted that Parcel A is within the town limits. Parcel B was annexed in 1965. At some point, the town's maps and tax records erroneously reported Parcel B as being outside of the town limits. However, no de-annexation has ever occurred. In 2009, the town corrected the maps to reflect the correct designation. As such, this Court grants Plaintiff's Motion for Summary Judgment as to Parcel B being within the town of Six Mile.

Regarding the declaratory judgment sought, the Defendant argues that because he has a State-issued Class E Permit (allowing

him to transport homes on roadways) the Town of Six Mile is preempted from requiring him to obtain a business license. The Defendant relies on S.C. Code Ann. Sections 56-3-661 which exempts Class E permit holders from having to obtain a business license in any other jurisdiction other than their principal place of business. The Defendant further asserts that his principal place of business is Parcel B, which he claims to be an unincorporated area of Pickens County. This Court has found Parcel B to be within the town limits; however, Parcel B was zoned in 2009 as "low-density residential." The Defendant argues that because the Town Council found him to have a "valid non-conforming use" he should be exempted from the business license requirement. The business license requirement and the zoning variance are two separate issues. The Defendant's right to use the land for a business purpose does not exempt him from complying with the Town's safety and licensing regulations. Section 56-3-661 exempts Class E permit holders from having to pay taxes or fees in their principal place of business, but not from being required to obtain a business license. As such, this Court grants Plaintiff's Motion for a Declaratory Judgment requiring the Defendant to apply for a business license. Plaintiff's Motion to Enjoin is granted.

**ORDER INFORMATION**

This order  ends  does not end the case.

Additional Information for the Clerk:

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**INFORMATION FOR THE JUDGMENT INDEX**  
 Complete this section below when the judgment affects title to real or personal property, or if any amount should be enrolled. If there is no judgment information indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

*[Handwritten Signature]*  
Circuit Court Judge

2162  
Judge Code

5/23/13  
Date

**For Clerk of Court Office Use Only**

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on <sup>5/29/13</sup> to attorneys of record or to parties (when appearing pro se) as follows:

Kenneth Roper

<sup>6</sup>  
Jim Meggs

ATTORNEY(S) FOR THE PLAINTIFF(S)


ATTORNEY(S) FOR THE DEFENDANT(S)

*[Handwritten Signature: Cheryl Watson - Deputy]*  
County Clerk Of Court - Clerk of Court

Court Reporter

*[Handwritten Signature]*

Motion to Alter  
or Amend Order

CALLISON  TIGHE

James S. Meggs  
803.404.6900 ext. 3011  
[JimMeggs@callisontighe.com](mailto:JimMeggs@callisontighe.com)

June 6, 2013

Honorable Harold P. Welborn, Jr.  
Clerk of Court for Pickens County  
P.O. Box 215  
Pickens, SC 29671

Re: Town of Six Mile v. Dan Ward  
Case No. 2011-CP-39-1849  
Our File No. 5532.001

Dear Mr. Welborn:

Enclosed please find for filing the original and one (1) copy of a Motion to Alter or Amend Order Pursuant to Rule 59(e) SCRPC, along with my firm's \$25.00 check for the filing fee.

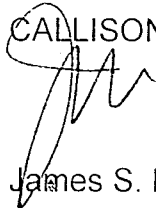
Please file the original and return the clocked copy to my office in the self-addressed, stamped envelope provided herein.

Should you have any questions regarding the foregoing, please do not hesitate to contact me.

In kind regards, I am

Sincerely yours,

CALLISON TIGHE & ROBINSON, LLC



James S. Meggs

JSM/lbm  
Enclosures

cc: Ken Roper, Esquire  
Dan Ward





Mile business license. He is exempt from that requirement pursuant to South Carolina Code Annotated 56-3-661 and 56-3-620 because his principal place of business is not located on Parcel A or Parcel B and regardless of whether Parcel B is located within the town limits. Ward's principal place of business is located well outside the Town of Six Mile.

3. The Court erroneously characterizes Ward's argument concerning his vested right to continue a valid non-conforming use as a "zoning variance" issue. A zoning variance is an action by the Board of Zoning Appeals, authorized by the South Carolina Planning Enabling Act, § 6-29-820 (a)(2). Ward does not claim a variance. Rather he asserts his vested right to continue to use his property as a non-conformity which is a concept rooted in the Constitution.

4. This Court's conclusion that Ward's "right to use the land for a business purpose does not exempt him from complying with the Town's safety...regulations." (emphasis added) exceeds the scope of the record. The inference is that there was evidence of safety regulations and violation of those regulations by Ward presented at the hearing in this matter. No such evidence was presented.

5. The Court erred in considering the issue of the Town's municipal boundary in relation to Parcel B. The issue was not fairly framed in the Town's Motion for Summary Judgment.

6. The Court overlooks the applicable evidentiary standard in concluding that Summary Judgment on the question of Parcel B's status as within or without the town limits. There was at least a scintilla of evidence presented which would support a fact finders conclusion that Parcel B is not within the town limits.

7. The Court erred in granting the Town's "Motion to Enjoin". There was no evidence presented that would support a finding that Ward's activities on Parcels A or B violated any town ordinance. His right to use both parcels in support of his business is vested as a pre-existing non-conforming use and he is not required to obtain a town business license because he is exempt pursuant to state law.

8. There was no "Motion to Enjoin" before the Court. The Town's Motion for Summary Judgment included its fifth cause of action which essentially is a petition for a rule to show cause and a request for temporary restraint. To grant an injunction when such was not fairly framed by the Pleadings is error and gravely prejudicial to Ward. Moreover, there was no evidence offered by the Plaintiff which substantiated any material municipal code violations.

9. The Order does not specify what Ward is enjoined to do or refrain from doing. If the Court intends that Ward apply for a business license, that application is being made, provisionally, contemporaneously with the filing of this Motion to Alter or Amend. If the scope of the Court's injunction is to require this application, the Defendant requests that the Court enter its Supplemental Order clarifying the limit of the scope of its mandate.

### ARGUMENT

#### **A. STATUTORY EXEMPTION FROM BUSINESS LICENSE FEES**

South Carolina Code Ann. § 56-3-661 provides in pertinent part:

\* \* \* \*

The holder of a Class E certificate may be eligible for exceptions provided by § 58-23-620 and 44-96-160(w)(1).

South Carolina Code Ann. § 58-23-620 provides:

\* \* \* \*

...no city, town or county shall impose a license fee or license tax on the holder of a Certificate E or a Certificate F, Certificate of Compliance,....except the city or town of such carrier's residence or the location of his principal place of business.

The Court has erroneously construed the statute. The order provides that

§ 56-3-661 exempts Class E permit holders from having to pay taxes or fees in their principal place of business, but not from being required to obtain a business license.

This conclusion is plainly not consistent with the language of the statute. To the

contrary, 56-3-661 and 58-23-620 clearly exempt Class E permittees from business licensing in all jurisdictions except their principal place of business or place of residence.

The Defendant respectfully requests that the court alter or amend its order to conform the language of the order to the literal language of the statute.

#### **B. WARD'S PRINCIPAL PLACE OF BUSINESS**

The Court misapprehended Ward's argument concerning the application of South Carolina Code Ann. § 56-3-661 and the exemption from business licensing for Class E permittees set forth in that statute. Ward does not claim Parcel B as his principal place of business as the Order erroneously concludes. Ward's principal place of business is located at 281 Cedar Hill Road, Six Mile, South Carolina and while in the Six Mile zip code area, it is in the unincorporated area of Pickens County. 281 Cedar Hill Road is not Parcel B. The statute, therefore, would require Ward to obtain a Pickens County business license (if required), but no other.

There is no genuine issue of material fact that Ward's principal place of business is not on Parcel B and it appears that the Court misconstrued or misapprehended Ward's argument, the brief submitted in opposition to Plaintiff's Motion for Summary Judgment, and the Affidavit of Dan Ward specifying the location of his principal place of business. Therefore, Ward respectfully requests that this Court amend its Order to correct the error in the Court's finding that Parcel B is Ward's principal place of business and declare that the exemption of South Carolina Code Ann. § 56-3-661 exempts Ward from the business license requirement of the Town of Six Mile.

#### **C. WARD'S VALID NON-CONFORMING USE**

The Court has correctly concluded that Ward has acquired a valid non-conforming use for his property. However, the Court again misapprehends Ward's argument concerning the

requirement for a business license.

Ward's right to use the land for a business purpose does not exempt him from obtaining a business license. Rather the exemption is based on the fact that Ward's principal place of business is located at 281 Cedar Hill Road, Six Mile, South Carolina. If Parcel B was, in fact, Ward's principal place of business, and if it were finally determined that Parcel B is within the town limits of the Town of Six Mile (which is not conceded) there would be no question that Ward would be required to apply for and would be entitled to be issued, a Town of Six Mile business license. His entitlement to such a license would be based upon the fact that he has acquired a vested right to continue his non-conforming use on both Parcels A and B.

The Defendant respectfully requests that this Court issue its Amended Order to correct its erroneous findings and conclusions as set forth herein.

#### **D. EVIDENTIARY STANDARD FOR SUMMARY JUDGMENT**

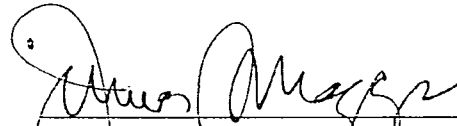
Our Supreme Court has made it crystal clear that on rulings on Motions for Summary Judgment, the non-moving party is only required to submit a mere scintilla of evidence to withstand Summary Judgment. *Hancock v. Mid South Management Co., Inc.*, 381 S.C. 326, 673 S.E.2d 801 (2009).

Ward has submitted far more than the scintilla threshold of evidence on each and every one of Plaintiff's claims. For example, the Affidavits of Ward and Davidson reveal the history of Ward's use of Parcels A and B, the fact of the Town Official's actual knowledge of that use, the decades long discrepancy in the Town's official maps, Ward's good faith efforts to verify the need (or lack thereof) for permits from Pickens County officials who are charged with the permitting function under the Town of Six Mile's own regulations, the location of Ward's principal place of business, and the fact that Ward has been determined by the proper town officials to have acquired a valid, vested right to use his property for his business purposes

regardless of whether one or both Parcels A and B is in or outside of the Town of Six Mile.

In contrast, the Town offers no evidence of code violations other than the unverified allegations of its Complaint and the assertions of John Wade, the former Mayor who orchestrated the Town's actions against Ward and who is and was without authority to make any interpretive decisions or take unilateral action under the Town's regulations.

Applying the evidentiary standard, it is clear that the Court is erred in each of its findings outlined above. Therefore, Dan Ward respectfully requests that this Honorable Court enter its order denying the Plaintiff's Motion for Summary Judgment and vacating the injunction heretofore entered.



---

James S. Meggs (SC Bar# 13929)  
George A. Taylor (SC Bar# 100245)  
CALLISON TIGHE & ROBINSON, LLC  
1812 Lincoln Street, Suites 100 and 200  
Post Office Box 1390  
Columbia, South Carolina 29202  
Telephone: 803-404-6900  
Facsimile: 803-404-6901

**ATTORNEYS FOR DEFENDANT**

June 6, 2013  
Columbia, South Carolina

STATE OF SOUTH CAROLINA )  
COUNTY OF PICKENS )

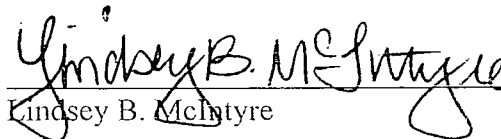
IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT  
CIVIL ACTION NO. 2011-CP-39-1849

Town of Six Mile, South Carolina, )  
Plaintiff, )  
v. )  
Dan Ward, )  
Defendant. )

**CERTIFICATE OF SERVICE**

I, Lindsey B. McIntyre, an employee of Callison Tighe & Robinson, LLC, do hereby certify that I have served a copy of the **Motion to Alter or Amend Order Pursuant to Rule 59(e) SCRPC**, on June 6, 2013, by causing copies of the same to be deposited in the United States mail, with postage prepaid, addressed as follows:

Ken Roper, Esquire  
Roper Law Firm, LLC  
Post Office Box 330  
18 South Commerce Street  
Liberty, SC 29657

  
Lindsey B. McIntyre

Columbia, South Carolina  
June 6, 2013

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE  
IN THE COURT OF COMMON PLEAS

Judgment by  
Judge Verdine  
ON Oct 2, 2013

FORM 4  
GREENVILLE COUNTY JUDGMENT IN A CIVIL CASE  
SOUTH CAROLINA CASE NUMBER 2011CP391849

Town of Six Mile,

Dan W. [unclear]

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Court

Attorney for:  Plaintiff  Defendant  
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):  Rule 40(j) SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):  
 Affirmed;  Reversed;  Remanded;  Other: \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order; (formal order to follow)  Statement of Judgment by the Court:  
This matter comes before the Court on Plaintiff's Rule to Show Cause for Defendant's failure to comply with this Court's orders dated May 29, 2013, and July 12, 2013. This matter also comes before the Court on counsel for Defendant's Motion to be Relieved as Counsel, which is granted.

This Court previously granted Plaintiff's Motion for Summary Judgment and Motion to Enjoin, and issued a Declaratory Judgment ordering Defendant remove the offending structures from within the town limits of Six Mile until he procured a business license from the Plaintiff. Following a Rule to Show Cause hearing on October 2, 2013, the Defendant now has 30 days from the date of the hearing to remove the offending structures. If the structures are not moved on or before Friday, November 1, 2013, Plaintiff shall immediately inform this Court.

**ORDER INFORMATION**

This order  ends  does not end the case.

Additional Information for the Clerk:

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**INFORMATION FOR THE JUDGMENT INDEX**  
 Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order.

**Certified Copy**  
*Harold P. Walker*  
**Clerk of Court**

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be completed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

**Pickens County, SC**  
 Dated Oct 7, 2013

*[Signature]*  
 Circuit Court Judge

2162  
 Judge Code

10/3/13  
 Date

**For Clerk of Court Office Use Only**

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on , to attorneys of record or to parties (when appearing pro se) as follows:

Kenneth Roper  
 18 South Commerce Street  
 Liberty, South Carolina 29657

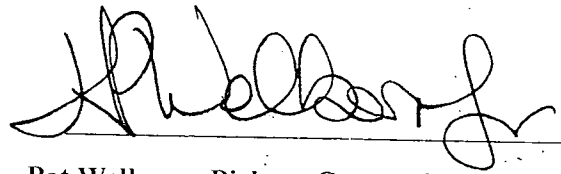
✓ *US mail MB*

✓ Jim Meggs  
 1812 Lincoln Street  
 Columbia, South Carolina

ATTORNEY(S) FOR THE PLAINTIFF(S)

✓ ATTORNEY(S) FOR THE DEFENDANT(S)

*[Signature]* ✓ *Dan Ward*



Pat Welborn Pickens County Clerk Of Court - Clerk  
of Court

Court Reporter

