

STATE OF SOUTH CAROLINA

CHARLESTON

The Town of Hollywood, South Carolina

Condemnor,

G. Thomas Hill and Teresa Z. Hill,

Landowner(s),

Bank of Walterboro,

Other Condemnee(s).

IN THE COURT OF COMMON PLEAS
C/A NO. **2021-CP-10-03045**

**ORDER AWARDING JUST
COMPENSATION**

RECEIVED

Jan 28 2026

SC Court of Appeals

Pursuant to Rule 53 of the South Carolina Rules of Civil Procedure (“SCRCP”), the above-titled matter was referred to the undersigned for the purpose of taking testimony and making a final decision in this matter to establish just compensation for the subject acquisition, which decision shall be appealable in accordance with Section 14-11-85 of the Code of Laws of South Carolina, 1976, as amended. Pursuant to the January 9, 2025, Order of Reference to the Charleston County Master-In-Equity, a hearing was held on November 10, 2025 and attended by:

- David G. Pagliarini, attorney for Condemnor, Town of Hollywood (“Condemnor”);
- Teresa Z. Hill, named Landowner and a South Carolina licensed attorney with the Hill Law Firm¹ and formerly of Hill & Hill, LLC; and
- Town of Hollywood witness Stuart A. Saunders, MAI.

¹ The Hill Law Firm website (<https://hilllawfirm.attorney/>) shows George Thomas Hill and Teresa Zachry Hill (the Landowners named herein) as attorneys at the firm.

FINDINGS OF FACT

I find as follows:

1. That the Summons, Condemnation Notice and Tender of Payment, Notice of Lis Pendens, and Notice of Filing in this matter were filed in the Office of the Clerk of Court for Charleston County on or about July 2, 2021, at which time estimated just compensation in the amount of **One Hundred Fifty and No/100 Dollars (\$150.00)** was deposited with the Clerk of Court. This amount was based on an appraisal report prepared by Stuart A. Saunders, MAI.
2. This action has been brought pursuant to the provisions of The South Carolina Eminent Domain Procedure Act, Section 28-2-10, et. seq., of the Code of Law of South Carolina, 1976, as amended, to acquire the right-of-way interest more particularly described in the Condemnation Notice. Specifically, the Condemnor is acquiring a 216 square foot easement. A copy of the acquisition area is attached hereto as **Exhibit A.**
3. That the Town of Hollywood is vested with the legal authority to condemn pursuant to Section 5-7-50, Code of Laws of South Carolina, 1976, as amended.
4. That the Condemnor is acquiring 0.005 acres (216 sf) by easement right of way interest for a public purpose, more specifically for drainage related to the Trexler Avenue Road Project.
5. That this action is brought pursuant to Section 28-2-240, Code of Laws of South Carolina, 1976, as amended.
6. That upon information and belief, Condemnor has named and joined as Landowners in this action all persons or entities known who claim, or may claim, to have some right in, title to, claim or demand against, or lien upon the subject property, or some part thereof.
7. That the Town of Hollywood has properly served the parties named in this action with the Condemnation Notice and Tender of Payment and Notice of Filing in this action as required by law to be served upon the parties. A Certificate of Service showing service of the Summons and Condemnation Notice on the Landowners and Other Condemnee was filed on July 26, 2021. Additionally, the Town of Hollywood Counsel recently filed a Certificate of Service showing service of the Notice of the MIE Hearing

on the Landowners and Other Condemnee. Finally, the Landowners, through their attorneys, Hill and Hill, LLC, appeared in the case by filing “Landowner’s Return to Condemnation Payment” on August 7, 2021. By this filing Landowners, through their attorneys, contested the amount of just compensation and claimed ownership of land outside of the condemned area, but failed to file or serve a statutory challenge action as provided in South Carolina Code Section 28-2-470. The challenge action statute provides that “[a]n action challenging a condemnor’s right to condemn must be commenced in separate proceedings filed in the court of common pleas in the county in which the property or a portion thereof is located. The action must be commenced within thirty days after service of the Condemnation Notice upon the landowner.” S.C. Code § 28-2-470. There is no record of Landowners or their counsel filing a statutory challenge action.

8. That Rule 4(d), South Carolina Rules of Civil Procedure, provides that “[v]oluntary appearance by defendant is equivalent to personal service.” The August 21, 2021, “Landowner’s Return to Condemnation Payment” is a voluntary appearance by the Landowners; there is no doubt that Landowners were properly served the Notice of Condemnation and Tender of Payment.

9. That the Other Condemnee, Bank of Walterboro, was also properly served by mail, and service was further perfected by the filing of responsive pleadings by its attorney George Cone.

10. That this matter was referred to the Master in Equity pursuant to Rule 53 of the SCRCF for the purpose of taking testimony and making findings of fact and conclusions of law and to render a final decree with any appeals to be taken in accordance with Section 14-11-85 of the Code of Laws of South Carolina, as amended.

11. That no party has challenged the Town of Hollywood’s right to condemn, and as such, any challenge is now forever barred pursuant to Section 28-2-470, Code of Laws of South Carolina, 1976, as amended.

12. That the subject property is located on 5313 Boone Run, Hollywood, SC, tax map number 248-00-00-072.

13. That following referral, this Court set a hearing for November 10, 2025, to take testimony on the sole issue of the amount of just compensation. Notice of the hearing was provided to Mr. and Mrs. G.

Thomas Hill 6209 Savannah Highway, Ravenel, SC (Hill Law Firm address); G. Thomas Hill, Esq. at 6010 Martin Street, Ravenel, SC; G. Thomas Hill, c/o Peyre Thomas Lumpkin, Esq.² at 1220 Senate Street, Suite 106, Columbia, SC; and the Bank of Walterboro at 6225 Savannah Highway, Ravenel, SC and its attorney, Mr. Cone, at PO Box 230, Walterboro, SC.

14. That the Town of Hollywood called Stuart A. Saunders, MAI as an expert witness to testify as to the appraised value of the 0.005 acre (216 sf) acquisition; Saunders was qualified as an expert witness to offer opinion testimony as to the fair market value of the acquired land and any damages to the remainder, if any. Saunders testified that the subject property, which includes the acquisition area, is a residential property (including a residential structure) owned by the Landowners.

15. That Landowners were provided with the opportunity to ask questions regarding the acquisition and just compensation amount.

16. That Saunders testified to an acquisition value of \$150.00 as of the date of condemnation, July 2, 2021. Saunders further testified that he found no damages to the remainder. Saunders prepared an appraisal report which was admitted into evidence and is attached to this Order as **Exhibit B**.

17. That Landowner Teresa Z. Hill testified and was offered the opportunity to testify as to her opinion of the fair market value of the land acquired; however, she failed to offer any such opinions. Ms. Hill did offer testimony related to land she claimed to own adjacent to the subject residential property where the acquisition area is located.

CONCLUSIONS OF LAW

I, therefore, conclude as follows:

18. That the Town of Hollywood is vested with the power of eminent domain pursuant to Section 5-7-50, Code of Laws of South Carolina, 1976, as amended.

19. Landowners filed no statutory challenge action in accordance with the provision of 28-2-470 and therefore the sole issue at the hearing is to determine just compensation due the Landowners.

² Mr. Hill was served in the c/o of Mr. Lumpkin due to Mr. Lumpkin being appointed to assume responsibility for Mr. Hill's client files, among other things: <https://caselaw.findlaw.com/court/sc-supreme-court/116413186.html>.

20. That Landowners were properly served with the Notice of Condemnation and for the November 10, 2025 hearing. Further, Other Condemnee Bank of Walterboro was properly served with the Notice of the November 10, 2025 hearing. Counsel for the Other Condemnee did not appear at the hearing.

21. That the Town of Hollywood shall have judgment condemning that portion of the property more particularly described in the Condemnation Notice and as shown in the plan exhibit attached hereto as **Exhibit A**.

22. That based on the testimony of the witnesses, I find the fair market value of the property condemned by the Town of Hollywood is **Three Hundred and 00/100 Dollars (\$300.00)**. Additionally, in accordance with South Carolina Code Section 28-2-420, interest has accrued at the rate of 8% per annum. Accordingly, **Four Hundred Four and 61/100 Dollars (\$404.61)** is the total sum of all damages and compensation that this Court finds necessary to justly compensate all persons holding interest or otherwise interested in the property affected by the condemnation and appropriation of the subject property.

23. That the monies on deposit with the Clerk, **One Hundred Fifty and No/100 Dollars (\$150.00)**, **plus accrued interest**, shall be made payable to the Town of Hollywood and delivered in the care of its attorney, as follows:

Town of Hollywood
c/o David G. Pagliarini, Esq.
Pagliarini Law Firm, LLC
145 River Landing Drive, Suite 101 B
Charleston, SC 29492

24. That the Town of Hollywood shall tender and deliver a check in the amount of **Four Hundred Four and 61/100 Dollars (\$404.61)**, payable as follows:

Charleston County Clerk of Court
100 Broad Street
Charleston, SC 29401

25. That the total just compensation plus statutory interest amount of **Four Hundred Four and 61/100 Dollars (\$404.61)** shall be held by the Court until an allocation hearing is held and/or this Court issues an order on the allocation of funds.

26. In accordance with the provisions of the South Carolina Uniform Unclaimed Property Act, Section 27-18-140, “[i]ntangible property held for the owner by a court, state, or other government, governmental subdivision or agency, public corporation, or public authority which remains unclaimed by the owner for more than five years after becoming payable or distributable is presumed abandoned.”

27. That, upon the deposit of the just compensation plus statutory interest funds, the Town of Hollywood shall be dismissed with prejudice. In the event an allocation hearing is scheduled, the Clerk of Court shall send notice of the hearing to the Landowners and Other Condemnees.

NOW, THEREFORE,

IT IS ORDERED that the Town of Hollywood has condemned and taken an easement right-of-way interest in the subject property described herein;

IT IS FURTHER ORDERED that the Town of Hollywood shall tender and deliver a check in the amount of **Four Hundred Four and 61/100 Dollars (\$404.61)**, as described above;

IT IS FURTHER ORDERED that the Clerk of Court shall hold the funds until such time that the Court issues an order on the allocation of the funds;

IT IS FURTHER ORDERED that in the event an allocation hearing is scheduled, the Clerk of Court shall send notice of the hearing to the Landowners and Other Condemnees;

IT IS FURTHER ORDERED that the Clerk of Court make the funds on deposit with the Court in the amount of **One Hundred Fifty and No/100 Dollars (\$150.00)**, plus accrued interest, payable to the Condemnor and return them in the care of its attorney as described above;

IT IS FURTHER ORDERED that the Town of Hollywood shall be entitled to enter into immediate possession of the property and to take an easement right-of-way interest in the subject property;

IT IS FURTHER ORDERED that the Town of Hollywood, upon the deposit of the just compensation funds plus statutory interest funds, shall be dismissed with prejudice;

IT IS FURTHER ORDERED that the Clerk of Court is hereby authorized to annotate a copy of the Condemnation Notice with the date and amount of just compensation as **Three Hundred and 00/100 Dollars (\$300.00)** and file the annotated Amended Condemnation Notice with the Register of Mesne

Conveyance for Charleston County, duly indexed, as provided by law for the recording and indexing of deeds, showing the transfer of the easement right-of-way interest in the property to the Condemnor, such filing being exempt from filing fees as provided under South Carolina Code of Laws, section 12-24-40 (Cum. Supp. 1997).

IT IS SO ORDERED!

_____, 2025

Mikell R. Scarborough
Charleston County Master-In-Equity



Charleston Common Pleas

Case Caption: Hollywood South Carolina Town Of VS G Thomas Hill , defendant, et al
Case Number: 2021CP1003045
Type: Order/Other

So Ordered

s/Mikell R. Scarborough 3062