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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM SOUTH CAROLINA ADMINISTRATIVE LAW COURT

Robert L. Reibold, Administrative Law Judge

Terry Scott, Appellant

v.

Charleston County Assessor Respondent

SUPPLEMENTAL RECORD ON APPEAL

Terry Scott
16 19 Rodeo Drive
Virginia Beach, VA 23464
(757) 837-6838
Appellant

Bernard E. Ferrara, Jr., S.C. Bar No. 9034
Marc G. Belle, S.C. Bar No. 103946
Kevin M. DeAntonio, S.C. Bar No. 101169
Andrew L. Hethington, S.C. Bar No. 104667
Lonnie Hamilton, III Public Services Building
4045 Bridge View Drive
North Charleston, South Carolina 29405
(843) 958-4010
Attorneys for Respondent

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TIMELINESS

Office of the County Assessor
843.958.4100



3575 Faber Place Drive, Suite 100
North Charleston, SC 29405

January 11, 2024

Terry Scott
1619 Roden Drive
Virginia Beach, VA 23464

FILE COPY

RE: PHD: 23661-00-00-164
Owner: Terry Scott, Shelia Powell, Emma Huger, and Dorian Doles

Dear Sir/Madam:

With regard to the above-referenced property and your letter, which was received in our office on November 20, 2023, unfortunately we must advise you that the legal time for filing an objection for Tax Year 2023 has expired. As noted on the Notice of Classification, Appraisal & Assessment of Real Estate dated July 14, 2023, "If you disagree with the Appraisal & Assessment, you must file written objection with the Assessor on/or before October 12, 2023."

However, this office has accepted your objection as your written notice for tax year 2024. One of our staff will review the objection and may inspect the property and confer with you if necessary or may have already contacted you. If a conference is necessary, your property will not be legally under protest until that conference is held and you have timely returned the required Protest Form, which will be provided at the conference.

Additional information about appeals, various applications, deadlines and processes is available on Charleston County's website at www.charlestoncounty.org. If you have not paid your tax bill, it is very important that you do so. If your bill is not paid on time, penalties will apply that cannot be waived. Those penalties increase over time.

If you should have any questions, do not hesitate to call.

Sincerely,
Charleston County Assessor's Office

blm

Enclosure

PHD: 23661-00-00-164

Good Afternoon,

Attached please find Respondent's Notice of Motion and Motion for Summary Judgment for filing in the above-referenced matter. A hard copy, along with a check for the \$50 filing fee, will be put in the mail to the Court. Please let me know if you have any questions or concerns.

Thank you.

Catherine S. Anderson
Paralegal
Charleston County Attorney's Office
4045 Bridge View Drive
North Charleston, SC 29405
(843) 958-4019
CSAnderson@charlestoncounty.org

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CHARLESTON COUNTY ATTORNEY'S OFFICE
Lonnie Hamilton, III Public Services Building
4045 Bridge View Drive, Suite B314
North Charleston, South Carolina 29405
843.958.4010
Fax: 843.958.4017
csanderson@charlestoncounty.org

CATHERINE S. ANDERSON
PARALEGAL

June 11, 2025

The Honorable Robert L. Reibold
Administrative Law Judge
South Carolina Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, South Carolina 29201

Re: Terry Scott v. Charleston County Assessor
Docket No. 25-ALJ-17-0077-CC

Dear Judge Reibold:

Enclosed please find the original and one (1) copy of Respondent's Notice of Motion and Motion for Summary Judgment in the above-referenced matter. Also enclosed please find a check for \$50.00 to cover the filing fee.

Please file the original and return the date-stamped copy to me in the enclosed envelope. By copy of this letter, I am serving the same on the Petitioner.

Should you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

Catherine S. Anderson
Paralegal

/csa
Enclosures
cc: Terry Scott
Charleston County Assessor's Office

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Terry Scott,)
)
 Petitioner,)
)
 vs.)
)
Charleston County Assessor,)
)
 Respondent.)
_____)

Docket No. 25-ALJ-17-0077-CC

**RESPONDENT’S
NOTICE OF MOTION AND
MOTION FOR SUMMARY JUDGMENT**

TO: HONORABLE ROBERT L. REIBOLD, JUDGE OF THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT, AND PETITIONER TERRY SCOTT

Respondent Charleston County Assessor respectfully moves this Court to issue an order granting Respondent summary judgment pursuant to Rule 19 of the Rules of Procedure for the Administrative Law Court and Rule 56 of the South Carolina Rules of Civil Procedure.

Petitioner contests the valuation of a parcel of real property located in Awendaw, South Carolina based on Respondent’s application of the statute governing assessable transfers of interest (“ATI”). The issue is whether to apply the ATI statute provided by S.C. Code Ann. § 12-37-3150 to the conveyance of Petitioner’s ownership interest in the property to herself and her three sisters. Respondent claims that for purposes of determining when a parcel of real property must be appraised, any conveyance of a property by deed must be appraised as an ATI. Petitioner claims that there was no change in ownership of the property that warranted its appraisal based on S.C. Code Ann. § 12-37-3150(B)(15).

Respondent submits that there is no genuine issue as to any material fact that Petitioner’s conveyance by quit claim deed of her ownership interest in the property is an assessable transfer of interest pursuant to S.C. Code Ann. § 12-37-3150(A)(1). A quit claim deed is a lawful means of conveyance of a grantor’s right, title and interest in real property. Respondent further submits

that S.C. Code Ann. § 12-37-3150(B)(15) is inapplicable in this case because both Petitioner as grantor and Shelia V. Powell, Emma Huger, Dorian Doles, and Petitioner as grantees did *not* own an interest in the property prior to the conveyance of the ownership interest. Therefore, Petitioner cannot demonstrate that specific, material facts exist which give rise to a genuine issue. A copy of the quit claim deed is attached as Exhibit A and made a part of this motion by reference.

Accordingly, Respondent is entitled to summary judgment as a matter of law that an assessable transfer of interest in real property occurred pursuant to S.C. Code Ann. § 12-37-3150(A)(1), and the fair market value of the subject property is \$170,000 as appraised by Respondent in accordance with the Uniform Standards of Professional Appraisal Practice based on various comparable properties.

This motion is based upon Rule 19, RPALC, Rule 56, SCRCP, S.C. Code Ann. § 12-37-3150, S.C. Code Ann. § 12-37-930, the prehearing statements of the parties, and such other matters as may be considered by this Honorable Court.

WHEREFORE, having set forth their motion, Respondent requests that this Court grant summary judgment as to the fair market value of the subject property of this contested case.

[SIGNATURE BLOCK APPEARS ON FOLLOWING PAGE]

Respectfully submitted,

CHARLESTON COUNTY ATTORNEY'S OFFICE



Bernard E. Ferrara, Jr., Esquire (SC Bar No. 9034)
Marc G. Belle, Esquire, (SC Bar No. 103946)
Kevin M. DeAntonio, Esquire (SC Bar No. 101169)
Andrew L. Hethington, Esquire (SC Bar No. 104667)
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(843) 958-4010
bferrara@charlestoncounty.org
mbelle@charlestoncounty.org
kdeantonio@charlestoncounty.org
alhethington@charlestoncounty.org

Attorneys for Respondent
Charleston County Assessor

Charleston, South Carolina
June 11, 2025

EXHIBIT "A"

Quit Claim Deed
dated July 29, 2022, and recorded August 25, 2022,
in Book 1133, Page 593 in the Register of Deeds for
Charleston County, South Carolina

Prepared By:

McAngus Goudelock & Courie, LLC
735 Johnnie Dodds Blvd.,
Mt. Pleasant, SC 29464
20798.22126SCOTT
PREPARED WITHOUT THE BENEFIT OF TITLE SEARCH



PGS:
4

Space above this line reserved for Recording information

THE STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

)
)
)

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that **Terry Scott** (hereinafter "Grantor"), in the State aforesaid, for and in consideration of the sum of FIVE AND NO/100 DOLLARS (\$5.00), the receipt and sufficiency of which is here acknowledged, **subject to easements, restrictions, covenants, and conditions of record, including matters shown on recorded plats**, have remised, released, and forever quit-claimed, and by these presents do forever remise, release, and forever quit-claim unto the said:

Terry Scott, Shelia V. Powell, Emma Huger and Dorian Doles

as Joint Tenants with Right of Survivorship and Not as Tenants in Common (hereinafter "Grantee") Grantee's heirs, successors and assignees forever, all of Grantor's right, title and equitable or legal interest in and to the following described property:

ALL THAT PIECE, parcel or lot of land, measuring and containing 2.57 acres, more or less, being on the West side of U.S. Highway #17, Christ Church Parish, Charleston County, South Carolina, and known as Lot 1 on a Plat dated October 24, 1986, made by James O. McClellan, III, Surveyor, said Plat entitled "PROPERTY OF HARPER McNEIL, LOCATED IN CHRIST CHURCH PARISH, CHARLESTON COUNTY, S.C." Said Plat is recorded in the R.M.C. Office for Charleston County on Plat Book BL, at page 148.

Said lot has such size, shape, dimensions, buttings and boundings as with reference to said Plat more fully and at larger appear.

DERIVATION: This being the same property conveyed to Terry Scott by Warranty Deed of James McNeil dated February 18, 2020 and recorded April 22, 2020 in Book 0875, Page 896 in the Register of Deeds Office for Charleston County, South Carolina.

Charleston County Tax Map No.: 661-00-00-164

Property Address: 1109 Porcher School Road, Awendaw, SC 29429

Grantee Address: 1619 Rodeo Drive Virginia Beach, VA 23464

TO HAVE AND TO HOLD, all and singular the said premises before mentioned unto the said Grantee, **as Joint Tenants with Right of Survivorship and Not as Tenants in Common**, Grantee's heirs and assigns, forever.

WITNESS the Hand and Seal of Terry Scott this the ^{4th} 29 day of July, 2022.

Witnesses are not parties to nor beneficiaries of this transaction

Signed, Sealed and Delivered
in the presence of:

[Signature]
Witness No. 1

[Signature]
Terry Scott

[Signature]
Witness No. 2 (NOTARY)

STATE OF Virginia
COUNTY OF H. Beach

I, ~~Noma Karen Elepano~~, a Notary Public for the State of Virginia, do hereby certify that Terry Scott personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the ^{4th} 29 day of July, 2022.

[Signature]
Notary Public for Virginia

My Commission Expires: April 30, 2023

(SEAL)

NOMA KAREN ELEPANO
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES APRIL 30, 2023
COMMISSION # 7826413


STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

) **AFFIDAVIT FOR EXEMPT TRANSFERS**
)
)

PERSONALLY, appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property being transferred is located at 1109 Porcher School Road, Awendaw, SC 29429 bearing Charleston County Tax Map Number 6610000164. was transferred by Terry Scott to Terry Scott and Shelia V. Powell and Emma Huger and Dorian Doles on 07/29/2022.
3. The deed is exempt from the deed recording fee because (See information section of affidavit): #12 - Quitclaim Deed

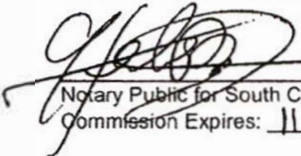
If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase realty? Check Yes _____ or No _____
4. As required by Code Section '12-24-70, I state that I am a responsible person who was connected with the transaction as: closing attorney
5. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.



Responsible Person Connected with the Transaction
Ryan Gunther

Print or Type Name Here

SWORN to before me this the 29th day of July, 2022.



(L.S.)
Notary Public for South Carolina
Commission Expires: 11/03/2027

**HELEN S. JONES
NOTARY PUBLIC
SOUTH CAROLINA
MY COMMISSION EXPIRES 11-03-27**

RECORDER'S PAGE



NOTE: This page **MUST** remain with the original document

Filed By:

MCANGUS GOUDELOCK & COURIE LLC
(BOX)

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1133	593	Q/Claim
Michael Miller, Register Charleston County, SC		

MAKER:

SCOTT TERRY

of Pages:

Note:

RECIPIENT:

SCOTT TERRY AL

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State Fee	<EXEMPT>
County Fee	<EXEMPT>
Extra Pages	\$ -
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Chattel	\$ -
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Charleston County Auditor

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REP/JBA
DATE 1/04/2022



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**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Terry Scott,)	Docket No. 25-ALJ-17-0077-CC
)	
Petitioner,)	
)	
vs.)	CERTIFICATE OF SERVICE
)	
Charleston County Assessor,)	
)	
Respondent.)	
)	

I certify that I served a true and correct copy of the foregoing **Respondent's Notice of Motion and Motion for Summary Judgment** upon Petitioner Terry Scott by depositing a copy of the same in the United States Mail, postage prepaid, on June 11, 2025, addressed to Petitioner as follows:

Terry Scott
1619 Rodeo Drive
Virginia Beach, Virginia 23464



Catherine S. Anderson, Paralegal
CHARLESTON COUNTY ATTORNEY'S OFFICE