

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Judge Marvin H. Dukes III, Circuit Court Judge
Circuit Court Case No. 2024-CP-10-04474

Appellate Case No. 2026-_____

Exchange Club Fair of Charleston, Inc.,

Appellant,

v.

Charleston Area Regional Transportation Authority,

Respondent.

NOTICE OF APPEAL

Appellant Exchange Club Fair of Charleston, Inc. ("Appellant") hereby appeals to the South Carolina Court of Appeals from the following orders:

1. the Order entered October 24, 2024, attached hereto as **Exhibit A**, granting in part Respondent Charleston Area Regional Transportation Authority's ("CARTA") Motion to Dismiss and/or for Judgment on the Pleadings and dismissing Plaintiff/Appellant's First Cause of Action, which Order was expressly re-affirmed and incorporated into the Final Order described below;
2. the Order entered January 14, 2025, attached hereto as **Exhibit B**, denying Appellant's Motion to Reconsider the October 24, 2024 Form 4 Order; and

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3. the Order Granting Plaintiff/Landowner's Motion for Summary Judgment, dated June 18, 2026 (the "Final Order"), attached hereto as **Exhibit C**, solely to the extent the Court reaffirmed its prior ruling, holding that S.C. Code Ann. § 58-25-50(d) authorizes CARTA to exercise the power of eminent domain for the fee simple taking of property contiguous to a right-of-way, and that the proposed parking area constituted a "facility" under the statute.

This Notice of Appeal is filed timely and served within thirty (30) days of Appellant's receipt of written notice of entry of the final order. Copies of the Orders being challenged on appeal are attached hereto as exhibits.

Respectfully submitted,

s/ Evan P. Williams

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July 16, 2026

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I certify that I served Appellant's Notice of Appeal, including its exhibits, on the other party to this matter via email to its counsel of record on July 16, 2026, containing the above-referenced documents as attachments in .pdf, sent to the email addresses shown below. Additionally, all parties to this matter were served with the Notice of Appeal and its exhibits via the South Carolina Judicial Department's E-Filing System's NEF transmission that was sent following Appellant's Notice of Appeal and exhibits thereto being e-filed with the lower court on July 16, 2026.

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July 16, 2026

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Exchange Club Fair of Charleston Inc. v. Charleston Area Regional Transportation Authority

From Whitney Moore <wmoore@bybeetibbals.com>

Date Thu 7/16/2026 4:24 PM

To Miller, Jr., Stewart <rsmiller@burr.com>; Bouchette, Jarrett <jbouchette@burr.com>

Cc Jeff Tibbals <jst@bybeetibbals.com>; Richard Bybee <rdb@bybeetibbals.com>; Evan Williams <ewilliams@bybeetibbals.com>

5 attachments (1 MB)

2026.07.16_Ltr.CARTA.Attys.Srvs.Notice.of.Appeal.pdf; 2026.07.16_ECFC.Notice.of.Appeal_FINAL.pdf;
Ex.A_2024.10.24_Form.4.Order.re.MTD.pdf; Ex.B_2025.01.14_Form.4.Order.re.MTR.pdf;
Ex.C_2026.06.18_Order.Granted.Pltf.MSJ.pdf;

Good afternoon,

Attached hereto, please find the Notice of Appeal and accompanying exhibits that will be filed with the Circuit Court and the Court of Appeals.

Thank you,

Whitney B. Moore

Paralegal

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Court Case #:	2024CP1004474
Case Subtype:	(499) Real Property/Other
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Court Location:	Charleston

Note: This filing will be removed from eFlex on 10-14-2026

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Appeal/Notice of Appeal to Court of Appeals [2026.07.16_ECFC.Notice.of.Appeal_FINAL.pdf](#)

- Exhibit/Filing of Exhibits [Ex.A_2024.10.24_Form.4.Order.re.MTD.pdf](#)
- Exhibit/Filing of Exhibits [Ex.B_2025.01.14_Form.4.Order.re.MTR.pdf](#)
- Exhibit/Filing of Exhibits [Ex.C_2026.06.18_Order.Granting.Pltf.MSJ.pdf](#)

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cc (via email only): T. Jarrett Bouchette, Esq.
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