

RECEIVED

Jun 26 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

The Honorable Benjamin H. Culbertson, Circuit Court Judge

CASE NO. 20-CP-22-00930
CASE NO. 20-CP-22-00931
CASE NO. 20-CP-22-00932

Sunset Lodge, LLC,Appellant,

v.

Town of Pawleys Island,Respondent.

and

Franklin D. Beattie, as trustee of the Franklin D. Beattie
Preservation Trust,Appellant,

v.

Town of Pawleys Island,Respondent.

and

M. Baron Stanton,Appellant,

v.

Town of Pawleys Island,Respondent.

APPENDIX TO THE RECORD ON APPEAL
(Including Stipulation)

M. Baron Stanton (S.C. Bar No. 7970)
STANTON LAW OFFICES, P.A.
1230 Richland Street
P. O. Box 245
Columbia, SC 29202
803-929-1484 (Use 803-530-2642.)
bstanton@stantonlaw.com
ATTORNEY FOR APPELLANTS
SUNSET LODGE, LLC, FRANKLIN D.
BEATTIE, AS TRUSTEE, AND
M. BARON STANTON (PRO SE)

Other Counsel of Record:

William C. Dillard, Jr., Esquire (S.C. Bar No. 78986)
P. O. Box 96
Columbia, SC 29202
803-929-0096
will@belserpa.com
ATTORNEY FOR RESPONDENT
TOWN OF PAWLEYS ISLAND

N. David DuRant, Sr., Esquire (S.C. Bar No. 1803)
P.O. Box 14722
Surfside Beach, SC 29587
843-650-7800
ddurant@lawofficesofdurant.com
ATTORNEY FOR RESPONDENT
TOWN OF PAWLEYS ISLAND

Norwood D. DuRant, Jr. (S.C. Bar No. 101723)
P.O. Box 14722
Surfside Beach, SC 29587
843-650-7800
norwooddurant@lawofficesofdurant.com
ATTORNEY FOR RESPONDENT
TOWN OF PAWLEYS ISLAND

INDEX

Exhibits and Other Materials or Documents*

February 10, 2021 Town notice re abandonment.....	953
of condemnation actions filed February 10, 2021 in challenge actions.	
February 10, 2021 Town notice re abandonment.....	955
as Exhibit A to Town March 3, 2021 answer to the amended complaint.	
July 2, 2021 Notice of Appeal	957

Stipulations and Certificates

Stipulation to supplement Record on Appeal.....	963
Stipulation to sufficiency of one representative copy of each designated paper.....	964
from one of the three cases, to include less than all material originally designated, and to ability of any party to supplement the Record with copies from the other two cases in the event the party deems necessary	
Certificate of Service.....	965

*See stipulation to include representative papers from one of the three cases where the subject papers in each of the three cases on appeal are identical or nearly identical other than with respect to caption, party name or some pronouns. Here, the paper(s) from the Sunset case is included with the understanding that the corresponding paper in the Beattie or Stanton case is substantially the same.

February 10, 2021 Town notice re abandonment of
Condemnation actions filed February 10, 2021 in
challenge actions

STATE OF SOUTH CAROLINA	)	IN THE CIRCUIT COURT OF THE
	)	FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF GEORGETOWN	)	CIVIL ACTION NO. 2020-CP-22-00932
	)	
Sunset Lodge, LLC,	)	
	)	
Plaintiff,	)	
	)	NOTICE OF ABANDONMENT
v.	)	OF CONDEMNATION ACTION
	)	
Town of Pawleys Island,	)	
	)	
Defendant.	)	
_____	)	

TO: PLAINTIFF SUNSET LODGE, LLC

Pursuant to the South Carolina Eminent Domain Procedure Act, Section 28-2-10, et seq., Code of Laws of South Carolina, 1976, as amended, please be notified that the Town of Pawleys Island hereby abandons and withdraws the Condemnation Notice underlying this challenge action, which Notice was delivered to the Plaintiff and/or representative of the Plaintiff on or about October 15, 2020 and is referenced in the Amended Complaint in this action as the "New Notice." To the full extent that such Condemnation Notice and/or its delivery or service initiated a condemnation action, such action is hereby abandoned and withdrawn.

BELSER & BELSER, P.A.

s/ William C. Dillard, Jr.

William C. Dillard, Jr. (S.C. Bar No. 78986)

Post Office Box 96

Columbia, SC 29202

(803) 929-0096

will@belserpa.com

Attorneys for Defendant Town of Pawleys Island

Also for Defendant:

N. David DuRant, Sr., Esquire (SCB# 1803)

Norwood D. DuRant, Jr. (SCB #101723)

LAW OFFICES OF N. DAVID DuRANT
AND ASSOCIATES, P.A.

P.O. Box 14722

Surfside Beach, SC 29587

February 10, 2021

February 10, 2021 Town notice re abandonment as
Exhibit A to Town March 3, 2021 answer to the
amended complaint

EXHIBIT A

STATE OF SOUTH CAROLINA	)	IN THE CIRCUIT COURT OF THE
	)	FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF GEORGETOWN	)	CIVIL ACTION NO. 2020-CP-22-00932
	)	
Sunset Lodge, LLC,	)	
	)	
Plaintiff,	)	
	)	NOTICE OF ABANDONMENT
v.	)	OF CONDEMNATION ACTION
	)	
Town of Pawleys Island,	)	
	)	
Defendant.	)	
	)	

TO: PLAINTIFF SUNSET LODGE, LLC

Pursuant to the South Carolina Eminent Domain Procedure Act, Section 28-2-10, et seq., Code of Laws of South Carolina, 1976, as amended, please be notified that the Town of Pawleys Island hereby abandons and withdraws the Condemnation Notice underlying this challenge action, which Notice was delivered to the Plaintiff and/or representative of the Plaintiff on or about October 15, 2020 and is referenced in the Amended Complaint in this action as the "New Notice." To the full extent that such Condemnation Notice and/or its delivery or service initiated a condemnation action, such action is hereby abandoned and withdrawn.

BELSER & BELSER, P.A.
s/ William C. Dillard, Jr.
 William C. Dillard, Jr. (S.C. Bar No. 78986)
 Post Office Box 96
 Columbia, SC 29202
 (803) 929-0096
 will@belserpa.com
 Attorneys for Defendant Town of Pawleys Island

Also for Defendant:
 N. David DuRant, Sr., Esquire (SCB# 1803)
 Norwood D. DuRant, Jr. (SCB #101723)
 LAW OFFICES OF N. DAVID DuRANT
 AND ASSOCIATES, P.A.
 P.O. Box 14722
 Surfside Beach, SC 29587

February 10, 2021

July 2, 2021 Notice of Appeal

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

The Honorable Benjamin H. Culbertson, Circuit Court Judge

CASE NO. 20-CP-22-00932
CASE NO. 20-CP-22-00931
CASE NO. 20-CP-22-00930

Sunset Lodge, LLC,Appellant,

v.

Town of Pawleys Island,.....Respondent;

Franklin D. Beattie, as trustee of the Franklin D. Beattie
Preservation Trust,Appellant,

v.

Town of Pawleys Island,.....Respondent; and

M. Baron Stanton,Appellant,

v.

Town of Pawleys Island,.....Respondent.

NOTICE OF APPEAL

In these consolidated cases, Plaintiffs each appeal the following respective orders in each
Plaintiff's case as follows:

Sunset: the order of The Honorable Benjamin H. Culbertson entered in Case 20-CP-22-00932 April 22, 2021 (dismissing case) and the order of The Honorable Benjamin H. Culbertson entered in Case 20-CP-22-00932 June 3, 2021 (denying motion to reconsider). Plaintiff received written notice of entry of the April 22 order on April 22 and filed and served a motion to reconsider on April 28. Plaintiff received notice of entry of the June 3 order on June 3, 2021.

Beattie: the order of The Honorable Benjamin H. Culbertson entered in Case 20-CP-22-00931 April 22, 2021 (dismissing case) and the order of The Honorable Benjamin H. Culbertson entered in Case 20-CP-22-00931 June 3, 2021 (denying motion to reconsider). Plaintiff received written notice of entry of the April 22 order on April 22 and filed and served a motion to reconsider on April 28. Plaintiff received notice of entry of the June 3 order on June 3, 2021.

Stanton: the order of The Honorable Benjamin H. Culbertson entered in Case 20-CP-22-00930 April 22, 2021 (dismissing case) and the order of The Honorable Benjamin H. Culbertson entered in Case 20-CP-22-00930 June 3, 2021 (denying motion to reconsider). Plaintiff received written notice of entry of the April 22 order on April 22 and filed and served a motion to reconsider on April 28. Plaintiff received notice of entry of the June 3 order on June 3, 2021.

s/M. Baron Stanton

M. Baron Stanton (S.C. Bar No. 7970)
STANTON LAW OFFICES, P.A.
1230 Richland Street
P. O. Box 245
Columbia, SC 29202

803-929-1484 (Use 803-530-2642.)
bstanton@stantonlaw.com
ATTORNEY FOR APPELLANTS
SUNSET LODGE, LLC AND FRANKLIN D.
BEATTIE, AS TRUSTEE, AND PRO SE (FOR M.
BARON STANTON)

Other Counsel of Record:

William C. Dillard, Jr., Esquire (S.C. Bar No. 78986)
P. O. Box 96
Columbia, SC 29202
803-929-0096
will@belserpa.com
ATTORNEY FOR RESPONDENT
TOWN OF PAWLEYS ISLAND

N. David DuRant, Sr., Esquire (S.C. Bar No. 1803)
P.O. Box 14722
Surfside Beach, SC 29587
843-650-7800
ddurant@lawofficesofdurant.com
ATTORNEY FOR RESPONDENT
TOWN OF PAWLEYS ISLAND

Norwood D. DuRant, Jr. (S.C. Bar No. 101723)
P.O. Box 14722
Surfside Beach, SC 29587
843-650-7800
norwooddurant@lawofficesofdurant.com
ATTORNEY FOR RESPONDENT
TOWN OF PAWLEYS ISLAND

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

The Honorable Benjamin H. Culbertson, Circuit Court Judge

CASE NO. 20-CP-22-00932
CASE NO. 20-CP-22-00931
CASE NO. 20-CP-22-00930

Sunset Lodge, LLC,Appellant,

v.

Town of Pawleys Island,.....Respondent;

Franklin D. Beattie, as trustee of the Franklin D. Beattie
Preservation Trust,Appellant,

v.

Town of Pawleys Island,.....Respondent; and

M. Baron Stanton,Appellant,

v.

Town of Pawleys Island,.....Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was served on the following, as a
result of conventional mailing to the following address and electronically filing the same in the

Circuit Court on this date:

William C. Dillard, Jr., Esquire
P. O. Box 96
Columbia, SC 29202

s/M. Baron Stanton
M. Baron Stanton

Date: July 2, 2021

The parties stipulate to supplementing the Record on Appeal with the items herein, which were designated but inadvertently omitted.

SO STIPULATED:

s/M. Baron Stanton
M. Baron Stanton
Attorney for Appellants

s/William C. Dillard, Jr.
William C. Dillard, Jr.
Attorney for Respondent

STIPULATION TO SUFFICIENCY OF ONE REPRESENTATIVE COPY OF EACH DESIGNATED PAPER FROM ONE OF THE THREE CASES, TO INCLUDE LESS THAN ALL MATERIAL ORIGINALLY DESIGNATED, AND TO ABILITY OF ANY PARTY TO SUPPLEMENT THE RECORD WITH COPIES FROM THE OTHER TWO CASES IN THE EVENT THE PARTY DEEMS NECESSARY

The parties stipulate that reference to a paper in this Challenge II action, or reference to a paper in the preceding Challenge I action, be taken as an accurate reference to the corresponding substantially similar or identical papers and passages in the other two Challenge II or Challenge I actions. The parties stipulate to including in the Record on Appeal, less than all the material previously designated, to wit, including, where substantially identical in all three actions, one designated representative pleading, order, or other paper from one Challenge action rather than all three. The parties stipulate that either party may later supplement the record with the separate additional counterpart of such an item from the other two Challenge actions if that party deems it desirable to do so.

SO STIPULATED:

s/M. Baron Stanton
M. Baron Stanton
Attorney for Appellants

s/William C. Dillard, Jr.
William C. Dillard, Jr.
Attorney for Respondent

RECEIVED

Jun 26 2024

SC Court of Appeals

Certificate of Service

The undersigned does hereby certify that I have, on this date, served the foregoing **Appendix to the Record on Appeal** upon the Respondent by causing a copy to be e-mailed in accordance with current rules to will@belserpa.com . The postal mailing address of the above addressee is:

William C. Dillard, Jr., Esquire
Post Office Box 96
Columbia, SC 29202

s/M. Baron Stanton
M. Baron Stanton (S.C. Bar No. 7970)
STANTON LAW OFFICES, P.A.
1230 Richland Street
P. O. Box 245
Columbia, SC 29202
803-929-1484 (Use 803-530-2642.)
bstanton@stantonlaw.com
ATTORNEY
FOR APPELLANTS
SUNSET LODGE, LLC, FRANKLIN D.
BEATTIE, AS TRUSTEE, AND
M. BARON STANTON (PRO SE)

Date: June 26, 2024