

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE COURT OF COMMON PLEAS

Roger M. Young, Circuit Court Judge

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Case No. 2012-CP-10-5641

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Rosebud Properties, LLC, ..... Respondent

vs.

County of Charleston, ..... Appellant.

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**AGREEMENT THAT THE  
PROCEEDING BE DISMISSED**

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Rosebud Properties, LLC ("Rosebud") initiated an action against the County of Charleston ("County") for inverse condemnation with the Charleston County Clerk of Court's Office on August, 28, 2012. A trial was held on April 15, 16, 17, 18 and 19, 2013. Circuit Court Judge Roger M. Young found there was a taking of Rosebud's property by the County. The jury awarded Rosebud damages of \$329,400.00. By order denying the County's post-trial motions, Judge Young awarded Rosebud attorneys' fees of \$129,347.00 and costs of \$16,184.00. The County filed its notice of appeal on August 12, 2013. Rosebud and the County have resolved the matter and have agreed that the proceeding be dismissed in accordance with Rule 260(b), SCACR.

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Court of Appeals



William E. Applegate, IV, Esquire  
David B. Lail, Esquire  
YARBOROUGH APPELATE, LLC  
291 East Bay Street, Second Floor  
Charleston South Carolina 29401

December 20, 2013

Attorneys for Rosebud Properties, LLC



Joseph Dawson, III, Esquire  
Bernard E. Ferrara, Jr., Esquire  
Bradley A. Mitchell, Esquire  
CHARLESTON COUNTY ATTORNEY'S OFFICE  
Lonnie Hamilton, III Public Services Building  
4045 Bridge View Drive  
North Charleston, South Carolina 29405

December 28, 2013

Attorneys for the County of Charleston

THE STATE OF SOUTH CAROLINA  
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**PROOF OF SERVICE**

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I certify that I have served the **Agreement that the Proceeding be Dismissed** on the counsel of record, court reporter, and court administration by depositing a copy of the same in the United States Mail, postage prepaid, on January 6, 2014, addressed as follows:

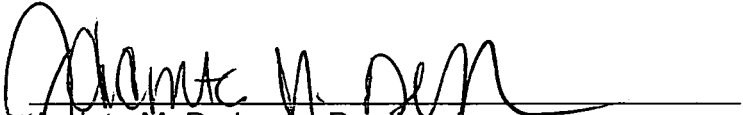
William E. Applegate, IV, Esquire  
David B. Lail, Esquire  
YARBOROUGH APPELATE, LLC  
291 East Bay Street, Second Floor  
Charleston, South Carolina 29401

Sharon L. Vizer  
Circuit Court Reporter  
The Circuit Court of the Ninth Judicial Circuit  
Post Office Box 1413  
John's Island, South Carolina 29457

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Rosalyn W. Frierson  
South Carolina Office of Court Administration  
1015 Sumter Street, Suite 201  
Columbia, South Carolina 29201



Jacinta M. DeJesus, Paralegal  
CHARLESTON COUNTY ATTORNEY'S OFFICE



**BERNARD E. FERRARA, JR.**  
CHIEF DEPUTY COUNTY ATTORNEY

CHARLESTON COUNTY ATTORNEY'S OFFICE  
Lonnie Hamilton, III Public Services Building  
4045 Bridge View Drive  
North Charleston, South Carolina 29405-7464  
Telephone: 843.958.4010  
Facsimile: 843.958.4017  
bferrara@charlestoncounty.org

January 6, 2014

Honorable Jenny Abbott Kitchings  
Clerk of Court  
The South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: Rosebud Properties, LLC v. County of Charleston  
Appellate Case No. 2013-001720

Dear Ms. Kitchings:

The case referenced above has been settled by the parties. Enclosed please find the original and one copy of an Agreement That the Proceeding be Dismissed. I would appreciate it if you would kindly accept the original for filing and acknowledge your receipt of the same by file-stamping the copy and returning it to me in the envelope provided. Please dismiss and remit the case to the lower court.

Should you have any questions or need additional information, please do not hesitate to call. With kind regards, I am

Sincerely,

CHARLESTON COUNTY ATTORNEY'S OFFICE

Bernard E. Ferrara, Jr.

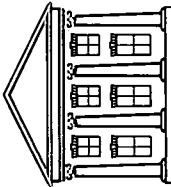
BEFJR/jd

cc: William E. Applegate, IV, Esquire  
David B. Lail, Esquire  
Rosalyn W. Frierson, Office of Court Administration  
Sharon L. Vizer, Court Reporter

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JAN 08 2014

**SC Court of Appeals**



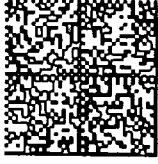
CHARLESTON  
 COUNTY   
SOUTH CAROLINA

COUNTY OF CHARLESTON  
OFFICE OF THE COUNTY ATTORNEY  
4045 Bridge View Drive, B3114  
North Charleston, S.C. 29405-7406

Return Service Requested

**RETURN SERVICE  
REQUESTED**

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**SC Court of Appeals**

Honorable Jenny Abbott Kitchings  
THE SC COURT OF APPEALS  
Post Office Box 11629  
Columbia, SC 29211

