

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

71157

APPEAL FROM DILLON COUNTY  
Court of Common Pleas  
J. Michael Baxley, Circuit Court Judge

Case Nos.: 2008-CP-17-0376  
2008-CP-17-0377

Claude W. Graham, ..... Appellant,

v.

Town of Latta, South Carolina, ..... Respondent.

And

Vickie B. Graham, ..... Appellant,

v.

Town of Latta, South Carolina, ..... Respondent.

**NOTICE OF APPEAL**

Claude W. Graham and Vickie B. Graham appeal the attached order of the Honorable J. Michael Baxley dated December 6, 2013 and filed December 10, 2013 but received by the Attorney for the Appellants on January 31, 2014.

January 31, 2014

Willcox, Buyck & Williams, P.A.

By: \_\_\_\_\_

Reynolds Williams  
Post Office Box 1909  
Florence, South Carolina 29503  
(843) 662-3258  
Attorney for Appellants

**RECEIVED**

FEB 03 2014

**SC Court of Appeals**

*Handwritten mark*

Other Counsel of Record:

Andrew F. Lindemann

Michael B. Wren

Daniel C. Plyler

Post Office Box 8568

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Attorney for Respondent

THE STATE OF SOUTH CAROLINA  
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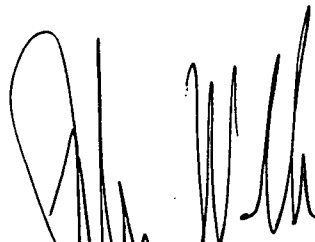
v.

Town of Latta, South Carolina, ..... Respondent.

**PROOF OF SERVICE**

I certify that I have served the **NOTICE OF APPEAL** on the *Respondent*, through its attorney of record, by depositing a copy of same in the United States Mail, postage prepaid, to:

Andrew F. Lindemann  
Michael B. Wren  
Daniel C. Plyler  
Post Office Box 8568  
Columbia, South Carolina 29202



Reynolds Williams  
Post Office Box 1909  
Florence, South Carolina 29503  
843-662-3258  
Attorney for Appellants

January 31, 2014

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LAW OFFICES

**WILLCOX, BUYCK, & WILLIAMS**

PROFESSIONAL ASSOCIATION

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January 31, 2014

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Mark W. Buyck, Jr.  
Hugh L. Willcox, Jr.  
Wm. Reynolds Williams ♦  
Mark W. Buyck, III  
E. Lloyd Willcox, II  
John H. Muench † GA & KY  
Tracy L. Wright  
Jennifer Mullins † NC  
J. Scott Kozacki  
Walker H. Willcox

† Additionally Licensed  
♦ Certified Mediator

Reply To: Florence

THE HONORABLE JENNY ABBOTT KITCHINGS  
CLERK OF COURT  
SC COURT OF APPEALS  
PO BOX 11629  
COLUMBIA SC 29211

RE: Claude W. Graham & Vickie B. Graham vs. Town of Latta, South Carolina  
C/A Nos. 2008-CP-17-376 and 2008-CP-17-377  
Our File: 15410.15281

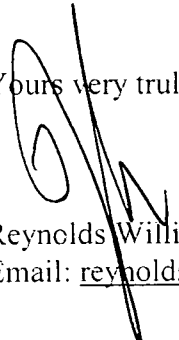
Dear Ms. Kitchings:

Enclosed for filing is an original and one copy of the **Notice of Appeal** in the above captioned case. Also, enclosed are the following:

- Proof of Service of the Notice of Appeal on the Respondent;
- A copy of the Order which is to be challenged on appeal;
- A check for the filing fee of \$100; and
- A self-addressed stamped envelope for returning a clocked copy.

Please time stamp the enclosed copy and return to me in the envelope provided for your convenience. Thank you for your assistance in this matter.

Yours very truly,

  
Reynolds Williams  
Email: [reynolds@willcoxlaw.com](mailto:reynolds@willcoxlaw.com)

**RECEIVED**

FEB 03 2014

**SC Court of Appeals**

WRW/tp  
Enclosures

cc: Andrew F. Lindemann, Esquire

FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF DILLON  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2008-CP-17-376; 377

Claude W. Graham

Town of Latta

Vicke B. Graham

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Reynolds Williams, Esq.	Attorney for : <input checked="" type="checkbox"/> Plaintiffs <input type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, COUNTY CLERK, AND ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court: See Page 2 for the text of the Order.

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk :

FILED  
 GWEN T. HYATT  
 2013 DEC 10 PM 2:36  
 CLERK OF COURT  
 DILLON COUNTY

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A -Denial of Motion to Reconsider	N/A	N/A
If applicable, describe the property, including tax map information and address, referenced in the order: N/A		

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FEB 03 2014

SC Court of Appeals

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

2121  
Judge Code

12/06/13  
Date

**For Clerk of Court Office Use Only**

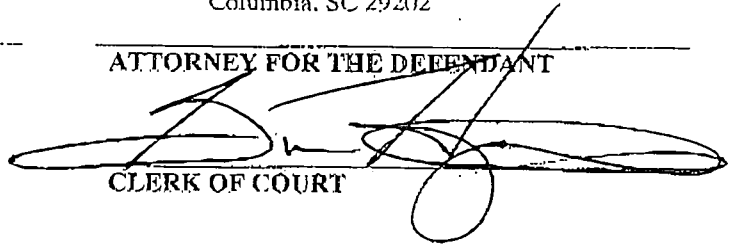
This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

Reynolds Williams, Esquire  
Willcox, Buyck & Williams, P.A.  
P.O. Box 1909  
Florence, SC 29503

Andrew P. Lindemann, Esquire  
Davidson & Lindemann, P.A.  
P.O. Box 8568  
Columbia, SC 29202

\_\_\_\_\_  
ATTORNEY FOR THE PLAINTIFFS

\_\_\_\_\_  
ATTORNEY FOR THE DEFENDANT

  
CLERK OF COURT

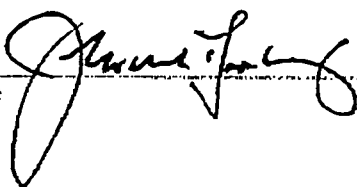
**Court Reporter:**

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This matter comes before the Court on Plaintiffs' Motion to Reconsider the Court's Order of July 17, 2013, which directed that the amount awarded by the jury in this case be placed on deposit with the Clerk of Court during the pendency of the appeal, pursuant to SCRPC 67. A hearing was previously held on Defendant's motion to deposit the judgment awarded by the jury in this case on May 7, 2013 in Dillon County, South Carolina. At that hearing, counsel for Plaintiffs requested that the Court permit Plaintiffs to pursue other investment options that may produce a more favorable rate of return. The Court allowed the parties time to confer on this issue, but further ruled that the statutory interest would stop accruing either on May 14, 2013 (seven days from the date of the hearing) or the date on which an agreement was reached between the parties as to the manner of investment, whichever occurred first. Subsequent to the hearing, the Court was advised the parties were unable to come to an agreement on the manner of investment, and accordingly, the statutory interest stopped accruing on May 14, 2013, based on the Court's ruling.

In their Motion to Reconsider, Plaintiffs contend that defense counsel failed to negotiate in good faith concerning other options for investment. Specifically, Plaintiffs state that defense counsel did not respond to correspondence sent by the Plaintiff on May 13, 2013 until May 30, 2013. Plaintiffs also assert that the Defendant has failed to deposit any sum of money with the Clerk's office. Plaintiffs ask that the Court withdraw its Order, dated July 17, 2013, or in the alternative, withdraw the portion of the Order which requires statutory interest to stop accruing on May 14, 2013 if the parties were unable to come to an agreement as to an alternative manner of investment. The Court declines to withdraw or amend its prior Order, dated July 17, 2013. The Court permitted the parties to negotiate as to an alternate manner of investment, but it does not have the authority to require that the parties agree on some other form of investment. Consequently, Plaintiffs' Motion to Reconsider is DENIED.

IT IS SO ORDERED.

\_\_\_\_\_  
Circuit Court Judge 

2121  
Judge Code

12/06/13  
Date