

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

Daniel Watier)

Plaintiff,)

vs.)

Squirrel Systems, Inc.,)
Kenneth J. Jackson,)
Peggy S. Jackson and)
David Jacobs individually and in his)
Official Capacity as Director of Code)
Enforcement for County of Horry)

Defendants.)

IN THE COURT OF COMMON PLEAS

15TH JUDICIAL CIRCUIT

FILE NO: 2011-CP- 26 447

SUMMONS
NON-JURY

RECEIVED
FEB 24 2014

SC Court of Appeals

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at 2107 Church Road, Green Sea, S.C. 29545, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Signature: Daniel Watier

DANIEL WATIER, pro se

Green Sea, County of Horry, South Carolina

January 14, 2011

FILED
JAN 14 2011
CLERK OF COURT
JAN 14 2011
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STATE OF SOUTH CAROLINA
COUNTY OF HORRY

Daniel Watier

Plaintiff,

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Squirrel Systems, Inc.,
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IN THE COURT OF COMMON PLEAS
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2011-CP-26-447

COMPLAINT
NON-JURY

The Plaintiff, herein, complaining of the Defendants above-named, would respectfully show
unto this Honorable Court:

PARTIES

- 1) That Plaintiff, Daniel Watier is an alien admitted to the United States for permanent residence and is a citizen and resident of the County of Horry, State of South Carolina.
- 2) That Plaintiff is informed and believes that Defendant, Squirrel Systems, Inc. ("Squirrel") is a foreign corporation organized and existing under the laws of the State of North Carolina.
- 3) That Plaintiff is informed and believes that Squirrel has been administratively dissolved pursuant to the laws of the State of North Carolina on August 12, 2010 for failure to file an annual report. A complete and accurate copy of the Certificate of Dissolution attached hereto as Exhibit A.

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ELNIE HUGGINS-WARD
CLERK OF COURT

- 4) That Plaintiff is informed and believes that Squirrel has been issued a Business License ("Business License") by the Horry County Business License Department in 2006 for tree trimming and removal, arborist. That the Business License is still current. A complete and accurate copy of a letter signed on December 22, 2010 by Horry County Business License/Hospitality Fee Manager is attached hereto as Exhibit B. A complete and accurate copy of an email received from Janet L. Carter, Horry County Director of Planning and Zoning, on December 28, 2010 is attached hereto as Exhibit C.
- 5) That Plaintiff is informed and believes that, at all times herein, Squirrel does business in Horry County through its agents, servants, officers or employees and specializes in cutting and trimming trees for power lines and is a contractor or subcontractor for, but not limited to, Horry Electric Cooperative, Inc.
- 6) Upon reason and belief, Squirrel has its nerve center and its principal place of business in Horry County.
- 7) That Plaintiff is informed and believes that Squirrel has not received a Certificate of Authority from the South Carolina Secretary of State allowing it to transact business in the State of South Carolina pursuant to Section 33-15-101 of the Code of Laws of South Carolina. Attached hereto as Exhibit D is a page from the South Carolina Secretary of State website showing the results of a search using 'Squirrel'.
- 8) That Plaintiff is informed and believes that at all times herein Defendants Kenneth J. Jackson and Peggy S. Jackson were husband and wife and citizens and residents of Bladen County, North Carolina.
- 9) That Plaintiff is informed and believes that at all times herein, that Defendants Kenneth J. Jackson and Peggy S. Jackson are agents, servants, officers or full-time employees of Squirrel.
- 10) That Plaintiff is informed and believes that at all times herein, that Defendants Kenneth J. Jackson and Peggy S. Jackson are the sole shareholders of Squirrel. A complete and accurate copy of a document signed on December 12, 2008 by Defendants Kenneth J. Jackson and Peggy S. Jackson is attached hereto as Exhibit E.
- 11) Upon reason and belief, Squirrel is, at all times herein, the alter ego of Kenneth J. Jackson and Peggy S. Jackson.

- 12) That Plaintiff is informed and believes that, at all times herein, that Defendant David Jacobs is Director of Code Enforcement for County of Horry and is also licensed or registered as Building Official under the laws of the State of South Carolina and he exercises his authority in Horry County. Attached hereto as Exhibit F is a page from the South Carolina Department of Labor, Licensing and Regulation website showing that David Jacobs' license is still current.
- 13) That upon information and belief, at all times mentioned herein, Defendant David Jacobs is acting as an agent, servant or employee of Horry County, and within the scope of official duty of said agency and employment.
- 14) That Defendant David Jacobs is sued in his individual capacity and in his official capacity as Director of Code Enforcement for County of Horry, a political subdivision of the State of South Carolina.
- 15) Upon reason and belief, that Defendant David Jacobs is a citizen and resident of Horry County.

FACTS

- 16) Plaintiff reaffirms and reiterates all the allegations in paragraph 1 to 15 of the complaint as is fully repeated and is incorporated herein verbatim.
- 17) That Plaintiff is informed and believes that, at all times herein that Defendants Kenneth J. Jackson and Peggy S. Jackson are the current owner of a property consisting of Lot No. 14 and Lot No. 15 (Parcel ID No. 0042380) by virtue of a deed recorded on February 10, 1994 in Deed Book 337 at page 635 in the Bladen County Register of Deeds office. That the improvements built on said lots include a detached single-family dwelling. That the address of said dwelling is 264 Old NC 20 RD, St Pauls, Bladen County, North Carolina. That said dwelling is their primary domicile or residence ("primary residence"). A complete and accurate copy of a letter signed by Steve Sutton, a North Carolina licensed Private Investigator, number 4244, is attached hereto as Exhibit G. A complete and accurate copy of the Bladen County Property Tax Record is attached hereto as Exhibit H.
- 18) That Plaintiff is informed and believes that Defendants Kenneth J. Jackson and Peggy S. Jackson paid the 2010 property tax for their primary residence on August 31, 2010. A

complete and accurate copy of a Bladen County Government Internet Receipt is attached hereto as Exhibit I.

- 19) That Plaintiff is informed and believes that, at all times herein, the residential address of Defendants Kenneth J. Jackson and Peggy S. Jackson on file with the State of North Carolina, Department of Transportation, Division of Motor Vehicles is 264 Old NC 20, Saint Pauls, North Carolina. Complete and accurate copies of two letters by the State of North Carolina, Department of Transportation, Division of Motor Vehicles, dated on October 27, 2010, in which their customer no. have been blacked-out by Plaintiff, are attached hereto as Exhibit J for Kenneth J. Jackson and Exhibit K for Peggy S. Jackson.
- 20) That Plaintiff is informed and believes that, since January 03, 2009, that Defendants Kenneth J. Jackson and Peggy S. Jackson own a private automobile, a 2005 Infiniti G35, registered under their personal names with the State of North Carolina, Department of Transportation and with their primary residence's address being on file.
- 21) That Plaintiff is informed and believes that, at all times herein that Defendant Kenneth J. Jackson is a registered voter with the North Carolina State Board of Elections. That he is eligible to vote in Bladen County, North Carolina. Attached hereto as Exhibit L is a page from the North Carolina State Board of Elections website showing that the residential address that appears on his voter record is 264 Old NC 20 RD, St. Pauls, NC.
- 22) That Plaintiff is informed and believes that, at all times herein that Defendant Peggy S. Jackson is a registered voter with the North Carolina State Board of Elections. That she is eligible to vote in Bladen County, North Carolina. Attached hereto as Exhibit M is a page from the North Carolina State Board of Elections website showing that the residential address that appears on her voter record is 264 Old NC 20 RD, St. Pauls, NC.
- 23) That Plaintiff is informed and believes that Defendants Kenneth J. Jackson and Peggy S. Jackson are subscribers of a telephone service which list their primary residence's address as their physical address.
- 24) That the real properties which are described hereinafter are situated in Horry County, in the State of South Carolina.
- 25) That Issac Lacy Cannon, Jr., ("Developer"), subdivided a piece of property into lots, as shown on plat of survey of Moon Valley Ranchettes by Lloyd R. Walker PLS, dated October 27, 2005 which was recorded on April 27, 2006 in Plat Book 213 at page 141 in

the office of the ROD for Horry County. As reflected in said Plat, the subdivision consists of 10 lots, numbered 1 to 10, and an additional lot located at corner of Fox Pen and Church Road ("Remainder"). An accurate copy of this Plat is attached hereto as Exhibit N

- 26) That Plaintiff is informed and believes that, as shown on plat of survey of Moon Valley Ranchettes, Lot Remainder is not approved for on-site waster disposal systems by the South Carolina Department of Health and Environmental Control (SC DHEC) and that said lot can not be used for residential use and occupancy.
- 27) That on July 25, 2006, Developer executed an instrument entitled "Moon Valley Ranch Restrictions" which was recorded in Deed Book 3132 at page 1365 in the office of the ROD for Horry County, the terms of which are incorporated herein by reference. A complete and accurate copy of the Moon Valley Ranch Restrictions ("Restrictive Covenants") for the Plat of Moon Valley Ranchettes is attached hereto as Exhibit O.
- 28) That Plaintiff is informed and believes that the zoning district of all the Lots shown on plat of survey of Moon Valley Ranchettes is FA. An accurate copy of a GIS Map from Horry County website showing the zoning district of said lots is attached hereto as Exhibit P.
- 29) That subsequently, Developer sold and conveyed lots in Moon Valley Ranchettes to certain grantees as shown in the public records of Horry County, all of such conveyances being subject to the terms and conditions of the Restrictive Covenants.
- 30) That in relevant part, Plaintiff and Squirrel are the current owners of lots whose chain of title trace directly back to Developer.
- 31) That Plaintiff and his wife Tammy Watier are current owners of Lot No 3 and 4 of the Moon Valley Ranchettes by virtue of deeds from Developer recorded in Deed Book 3291 at page 2124 and Deed Book 3315 at page 865 recorded respectively on November 09, 2007 and February 14, 2008 in the office of the ROD for Horry County. That a new Tax Map Number (022-00-01-293) was issued to replace both previous Tax Map Numbers. That Plaintiff and his wife built a detached single-family dwelling which has been their primary residence since the issuance of the Certificate of Occupancy in 2009.
- 32) That Squirrel is the current owner of Lot No 6 (Tax Map Number: 022-00-01-266) of Moon Valley Ranchettes by virtue of a deed from Developer which is recorded on

February 14, 2008 in Deed Book 3315 at page 861 in the office of the ROD for Horry County and in which Squirrel took actual notice of the Restrictive Covenants.

- 33) That Squirrel is the current owner of Lot No 5 (Tax Map Number: 022-00-01-265) of Moon Valley Ranchettes by virtue of a deed from Developer which is recorded on April 11, 2008 in Deed Book 3327 at page 612 in the office of the ROD for Horry County and in which Squirrel took actual notice of the Restrictive Covenants.
- 34) That the Lots No 6 and No 5 were merged into one Lot No ("5 (combined)") (Tax Map Number: 022-00-01-265) and recorded on October 01, 2008 in Plat Book 240 at page 175 in the office of the ROD for Horry County.
- 35) That Squirrel is the current owner of Lot Remainder (Tax Map Number: 022-00-01-064) of Moon Valley Ranchettes by virtue of a deed from Developer which is recorded on June 24, 2010 at 1:56 PM in Deed Book 3467 at page 1003 in the office of the ROD for Horry County and in which Squirrel took actual notice of the Restrictive Covenants.
- 36) That Squirrel is the current owner of Lot No 2 (Tax Map Number: 022-00-01-262) of Moon Valley Ranchettes by virtue of a deed from Developer which is recorded on December 17, 2010 in Deed Book 3496 at page 1625 in the office of the ROD for Horry County and in which Squirrel took actual notice of the Restrictive Covenants.
- 37) That Plaintiff is informed and believes that pursuant to Section 55-14-05 of the North Carolina General Statutes that a dissolved corporation may not carry on any business except that appropriate to wind up and liquidate its business and affairs.
- 38) By its terms, the Restrictive Covenants restrict the use of lot 2 and 5 (combined), in relevant part, as follows "All lots are for primary residential and farm use. All other uses are as per County regulations." (Exhibit O, p. 1).
- 39) That the Restrictive Covenants, in paragraph 4, in relevant part, states that "All County rules and regulations must be adhered to". (Exhibit O, p. 1).
- 40) That pursuant to Section 6-2 of the Code of Ordinances of Horry County ("Code of Ordinances"), that the International Building Code ("IBC"), the International Residential Code for One- and Two-Family Dwellings ("IRC") and the International Fire Code ("IFC") adopted by the State of South Carolina are referenced as though they were copied fully in the Code of Ordinances.

- 41) That the 2006 IBC, the 2006 IFC and that the 2006 IRC were adopted by the South Carolina Building Code Council on November 28, 2007 and with an implementation date of July 01, 2008. That in the 2008/2009 budget proviso 182 (65.10), the 2006 IRC implementation date was reestablished as July 01, 2009.
- 42) That Plaintiff is informed and believes that any violations of the Code of Ordinances, of The Zoning Ordinance of Horry County ("Zoning Ordinance"), of the 2006 IBC, of the 2006 IFC and of the 2003 IRC are thereby also violations of the Restrictive Covenants.
- 43) That Plaintiff is informed and believes that on October 23, 2008, on a Permit to Construct and Operate an Onsite Wastewater System document from South Carolina DHEC, issued to Defendant Kenneth Jackson, for Lot No 5 (combined), a system diagram shows a 100'x75' metal building and in front of it, a Future House. A complete and accurate copy of the Permit to Construct and Operate an Onsite Wastewater System is attached hereto as Exhibit Q.
- 44) That Plaintiff is informed and believes that pursuant to Section 40-59-260 of the Code of Laws of South Carolina that Squirrel or Defendants Kenneth J. Jackson and Peggy S. Jackson signed a Disclosure Statement form ("Disclosure Statement") on December 04, 2008. That the Disclosure Statement was recorded on December 04, 2008 in Deed Book 3376 at page 2367 in the office of the ROD for Horry County and that the grantors and grantees were recorded as being Kenneth J. Jackson and Peggy S. Jackson. A complete and accurate copy of the Disclosure Statement is attached hereto as Exhibit R.
- 45) That Plaintiff is informed and believes that Defendant Kenneth J. Jackson or Squirrel signed an application for a Zoning Compliance Certificate on December 12, 2008 for Lot 5 (combined), located at 2099 Church Road, Green Sea, South Carolina. That the Zoning Compliance Certificate was issued on that same day allowing one of five detached single-family 1 story dwellings. That the Certificate of Zoning Compliance did not authorize another building or other Permitted Uses (Section 702.1) or Conditional Uses (Section 702.2) or Special Exceptions (Section 702.3) or Home Occupation (section 531). A complete and accurate copy of the Certificate of the Zoning Compliance is attached hereto as Exhibit S.
- 46) That Plaintiff is informed and believes that Squirrel on December 04, 2008 filled a Horry County Permit Application Form ("Building Permit Application") for a 7,500 square feet

improvement ("Squirrel's building") stating a new single-family residence to be located on the Lot No 5 (combined), at 2099 Church Road, of the Moon Valley Ranchettes subdivision, Green Sea, South Carolina. The Building Permit Application, signed by Kenneth J. Jackson as an agent, a servant, an officer or employee of Squirrel did not specify a garage and that the intended use and occupancy of a 6,000 square feet unheated area ("6,000 square feet") was not specified or detailed. That the specified Zone is FA. A complete and accurate copy of the Horry County Permit Application is attached hereto as Exhibit T.

- 47) That, as required by a hand written note on the Building Permit Application, that Defendants Kenneth J. Jackson and Peggy S. Jackson signed a document, on December 12, 2008, stating that they were the two sole owners of Squirrel.
- 48) That Plaintiff is informed and believes that Kevin Spangler, a Residential Plan Reviewer reviewed Squirrel's building plans. An accurate copy of the worksheet signed by Kevin Spangler is attached hereto as Exhibit U.
- 49) That Plaintiff is informed and believes that the Building Permit ("Building Permit") was authorized or issued to Squirrel on December 12, 2008 by Defendant David Jacobs or ~~agents~~, servants or employees under his supervision, for Squirrel's building to be built on Lot No 5 (combined), specifying a 1 story single-family house and no garage and no specified or detailed use or occupancy for the 6,000 square feet unheated area. Furthermore Mr. Jackson is stated as the contractor. That the specified Zone is FA. A complete and accurate copy of said Building Permit is attached hereto as Exhibit V.
- 50) That Plaintiff is informed and believes that a Building Permit Inquiry also states 1 bedroom and that the Zoning district as FA. A complete and accurate copy of said Building Permit Inquiry is attached hereto as Exhibit W.
- 51) That upon reason and belief that the Certificate of Zoning Compliance and the Building Permit, both issued on December 12, 2008, might have been signed by the same agent, servant or employee working for Horry County.
- 52) That Plaintiff is informed and believes that Horry County Code Enforcement used Section R309 of 2003 IRC for the 6,000 square feet unheated area as shown on a complete and accurate copy of a plan that is attached hereto as Exhibit X.

- 53) That Plaintiff is informed and believes that 2006 IBC, section 406.1.1 limited the size of a private garage to 1,000 square feet and that 2006 IRC limited the size of a residential accessory structure to 3,000 square feet. That brochures referring to the 2006 IRC were already printed by Horry County Code Enforcement on May 28, 2008. That on December 12, 2008, it was known that the International Code Council ("ICC")'s intent was to limit the area of residential accessory structures to 3,000 square feet.
- 54) That Plaintiff is informed and believes that Defendant Kenneth J. Jackson is not licensed or registered as a residential builder or as a commercial or general contractor in the State of South Carolina.
- 55) That Plaintiff is informed and believes that Rodney Floyd is working under the supervision of Defendant David Jacobs as a Residential Inspector and that he is registered or licensed by the South Carolina Building Codes Council. Attached hereto as Exhibit Y is a page from the South Carolina Department of Labor, Licensing and Regulation website showing that Rodney Floyd's residential license is still current.
- 56) That Plaintiff is informed and believes that Squirrel, without prior approval by the County of Horry, sometimes in summer 2009, started to add a second and third floor to the living quarter inside Squirrel's building. That Defendant David Jacobs or agents, servants or employees under his supervision authorized an order to stop the work on August 07, 2009. A complete and accurate copy of the Stop Work document, no 658321, signed by Rodney Floyd is attached hereto as Exhibit Z.
- 57) That Plaintiff is informed and believes that Defendant David Jacobs or agents, servants or employees under his supervision authorized a Plan Revision to the Building Permit to allow the addition of a second and third floor to the living quarter inside Squirrel's building on October 26, 2009. A complete and accurate copy of the Plan Revision signed by Kevin Spangler is attached hereto as Exhibit AA.
- 58) That Plaintiff is informed and believes that with the addition of a second and third floor to the living quarter, Squirrel planned to increase the number of bedrooms inside the living quarter to 3. A complete and accurate copy of a Building Permit Inquiry is attached hereto as Exhibit BB.
- 59) That Plaintiff is informed and believes that the requirement for means of egress limited the living quarter to having 1 bedroom. That a complete and accurate copy the June 24,

2010 Inspection Report, no 690315, requiring a notarized affidavit about the bedrooms is attached hereto as Exhibit CC.

- 60) That at an unspecified date, near June 24, 2010, Defendant Kenneth J. Jackson signed a document stating, in relevant part, that "There is to be only 1 bedroom at the home located at 2099 Church Road, Green Sea, SC." A complete and accurate copy of said document is attached hereto as Exhibit DD.
- 61) That Plaintiff is informed and believes that a Horry County Inspection Report, no. 690321, signed by Rodney Floyd, stated that Squirrel's building was OK to C/O and stated "no construction debris". A complete and accurate copy of said Inspection Report is attached hereto as Exhibit EE.
- 62) That Plaintiff is informed and believes that a Certificate of Occupancy was issued, on June 25, 2010, to Squirrel. That Rodney Floyd is designated as the inspector. That the Certificate of Occupancy was signed by Defendant David Jacobs, for Squirrel's building located at 2099 Church Road, Moon Valley Ranchettes, Green Sea, South Carolina. That the Certificate of Occupancy states that it was issued for a single-family house, that the applicable Code was the 2003 IRC F/E and that no sprinkler is provided. A complete and accurate copy of the Certificate of Occupancy is attached hereto as Exhibit FF. That Squirrel's building, the object of the Certificate of Occupancy is shown on the photographs attached hereto as Exhibit GG. Also attached hereto as Exhibit HH is a DVD containing accurate copies of videos showing Squirrel's building.
- 63) That David Jacobs or agents, servants or employees under his supervision selected the "2003 IRC F/E" as the applicable building code for Squirrel's building as hand written on the Building Permit Application and stated on the Certificate of Occupancy.
- 64) That pursuant to Section 8-236 (c) of the South Carolina Code of Regulations, local jurisdictions are prohibited from writing any other building codes in part or in whole.
- 65) That Plaintiff learned on July 12, 2010, by an email received from Janet L. Carter that the Certificate of Occupancy for Squirrel's building was issued.
- 66) That Plaintiff is informed and believes, as of December 14, 2010, that Squirrel's building, for the 2011 tax year will be taxed 'as other' at 6% and not as a primary or legal residence at 4%. A complete and accurate copy of an email received on December 14,

2010 from Lisa Gartner from Horry County Assessor's Office is attached hereto as Exhibit II.

- 67) That Plaintiff is informed and believes that Squirrel hires agents, servants or employees other than Defendants Kenneth J. Jackson and Peggy S. Jackson, some wearing brightly colored T-shirts with Squirrel Systems written on the back, as shown in the photographs attached hereto as Exhibit JJ and on a DVD containing accurate copies of videos attached hereto as Exhibit HH.
- 68) That Plaintiff is informed and believes that Squirrel owns several trucks registered under its name. That some trucks are registered with the South Carolina Department of Motor Vehicles with Squirrel's building address. Complete and accurate copies of four certified reports issued by the South Carolina Department of Motor Vehicles are attached hereto as Exhibit KK.
- 69) That Plaintiff is informed and believes that the trucks owned by Squirrel are used by Squirrel in its business activities. That some trucks have a sign or a logo on doors written "Squirrel Systems, Tree Care Professionals" and with a phone number written as shown in the photographs attached hereto as Exhibit LL. That some trucks also have a large white sign stating "Contractor for Horry Electric Cooperative, Inc." with a phone number one of which is shown in a photograph attached hereto as Exhibit MM. Also attached hereto as Exhibit HH is a DVD containing accurate copies of videos showing said trucks and the non-residential use of them.
- 70) That Plaintiff is informed and believes that Defendant David Jacobs official duties include licensing powers or functions, but not limited to, the issuance, denial, suspension, renewal, or revocation of failure or refusal to issue, deny, suspend, renew, or revoke any permit, license, certificate, approval, registration, order or similar authority and also to issue building permits, prescribe fees for building permits and inspections, enforce the building codes, receive applications, review construction documents, inspect the premises for which such permits have been issued, enforce compliance.
- 71) That Plaintiff is informed and believes that there is a business or other relationship between Squirrel and the County of Horry as loads of dirt were delivered to Lot No 5 (combined) on August 12, 2010 by a Horry County Public Works truck as shown in the photographs attached hereto as Exhibit NN. Also attached hereto as Exhibit HH is a DVD

containing accurate copies of ~~videos~~, one of which shows a Horry County Public Works truck dumping dirt or soil on Lot No 5 (combined).

- 72) That Plaintiff is informed and believes that Horry County Zoning Administrator, Curt Freese, gave his resignation and that he quit his job on June 25, 2010. That in the interim, Janet L. Carter, Director of Planning and Zoning for Horry County assumed the Zoning Administrator's duties. Janet L. Carter is also an attorney and a member of the South Carolina Bar as shown on a page of the South Carolina Bar website attached hereto as Exhibit OO.
- 73) That the previous Zoning Administrator for Horry County wrote an internal memo to Code enforcement on March 25, 2010 about current and persisting zoning violations on Lot No 5 (combined). A complete and accurate copy of the letter is attached hereto as Exhibit PP.
- 74) That between December 2009 and August 2010, by emails, Plaintiff has often called to the attention of agents, servants or employees of Horry County, including, but not limited to, Defendant David Jacobs, different violations on Squirrel's lots related to nuisance including, but not limited to, noise, smoke, logs cutting, shipping and storage, wood chipping, mulch piles and concrete sewer tiles storage and business activities.
- 75) That the Certificate of Zoning Compliance, the Building Permit and the vast majority of Squirrel's building inspection reports performed by agents, servants ~~or employees~~ under Defendant David Jacobs's supervision correctly named the owner of Lot No 5 (combined) or Squirrel's building as being 'Squirrel Systems, Inc.' or 'Squirrel Systems'.
- 76) That Plaintiff is informed and believes that Tammie Barnhill is a Zoning Inspector working under the supervision of Defendant David Jacobs.
- 77) That Plaintiff is informed and believes that, at all times herein, it is not within the duties of a Zoning Inspector to prosecute criminal cases. A complete and accurate copy of a Horry County Government Job Description for Zoning Inspector received by email from Patrick Owens, Horry County Director of Human Resources Department, on July 15, 2010 is attached hereto as Exhibit QQ.
- 78) That Plaintiff is informed and believes that Code Enforcement personnel working under the supervision of Defendant David Jacobs have not been sworn in to uphold the law. A complete and accurate copy of an email received from Patrick Owens, Horry County

Director of Human Resources Department, on October 12, 2010 is attached hereto as Exhibit RR.

- 79) That Plaintiff is informed and believes that Tammie Barnhill is not a licensed or a registered Building Code Enforcement Officer. Attached hereto as Exhibit SS is a page from the South Carolina Department of Labor, Licensing and Regulation website showing that Tammie Barnhill's license has expired on November 16, 2006.
- 80) That Plaintiff is informed and believes that Code Enforcement personnel do not have the power to make custodial arrest as stated in Section 4-9-145 (A) or Section 56-7-80 (B) of the Code of Laws of South Carolina.
- 81) That Plaintiff is informed and believes that one of the main functions of the Horry County Attorney is to prosecute Zoning Ordinance violations.
- 82) That Plaintiff is informed and believes that Tammie Barnhill is not an attorney and is not authorized to practice law in the State of South Carolina.
- 83) That Plaintiff is informed and believes that Horry County's Attorney learned in May 2008, in Horry County v. Parbel, that a magistrate criminal court's ruling relating to Zoning Ordinance violations could not be appealed and that such appeal would violate the Double Jeopardy Clause.
- 84) That Plaintiff is informed and believes that at all times herein that Defendant David Jacobs does not have the authority to alter or waive the Zoning Ordinance or the building codes.
- 85) That Plaintiff is informed and believes that a zoning variance or a special exception was not granted to Squirrel by Horry County Board of Zoning Appeals.
- 86) That Plaintiff sent an email to Curt Freese in the evening of June 23, 2010 in which Plaintiff did a line by line analysis of FA zoning and concluded that Squirrel was not complying and could not comply with the FA zoning district. That Plaintiff received a reply from Curt Freese, by email on June 24, 2010 at 07:40AM, stating "Yes, I agree with your assessments". A complete and accurate copy of the email is attached hereto as Exhibit TT.
- 87) That Plaintiff sent an email to Janet L. Carter and David Jacobs on June 30, 2010 requesting Horry County to open a new case against Squirrel for several persisting Zoning Ordinance violations. That said email included photographs taken late in the day

of June 29, 2010. That said email also included a photograph of a letter signed on June 29, 2010 by several witnesses who, one by one, using the digital camera's LCD screen, personally ~~compared~~ each of the photographs with the actual trucks and heavy equipment present on LOT NO 5 (combined). A complete and accurate copy of said letter is attached hereto as EXHIBIT UU.

- 88) That Plaintiff is informed and believes that Horry County agents, servants or employees, including, but not limited to, Defendant David Jacobs never revoked or suspended or attempted to revoke or suspend the Certificate of Zoning Compliance, the Building Permit or the Certificate of Occupancy issued to Squirrel.

FOR A FIRST CAUSE OF ACTION

(Breach of Restrictive Covenants)

- 89) Plaintiff reaffirms and reiterates all the allegations in paragraph 1 to 88 of the complaint as is fully repeated and is incorporated herein verbatim.
- 90) That Plaintiff is informed and believes that Squirrel's building is not being used and can not be used as a farm structure or a farm building.
- 91) That Plaintiff is informed and believes that the principal use and occupancy of Squirrel's building is that of a shop for Squirrel's business activities as per its Business License and, as a secondary use, to have a living quarter inside Squirrel's building for some of Squirrel's agents, servants, officers or employees to sometimes sleep and avoid the long trip back home.
- 92) That Plaintiff is informed and believes that Squirrel does not use the 6,000 square feet unheated area in Squirrel's building as a principal or a secondary residential use but for business or commercial or other uses including, but not limited to; storing trucks, including bucket trucks, repairing and maintaining its fleet of trucks and heavy equipment, dry boat storage or storing lumber as shown in the photographs attached hereto as Exhibit VV. Also attached hereto as Exhibit HH is a DVD containing accurate copies of videos some of which, including but not limited to 20101221_065845, 20110112_123612, 20110112_123648, 20101122_104303, 20101219_124150 and 20101228_081021 show trucks including bucket trucks inside Squirrel's building.

- 93) That Plaintiff is informed and believes that the use and occupancy of the 6,000 square feet area, pursuant to Section 311.2 of the 2006 IBC, constitutes moderate hazard storage and is a Group S-1. That the use and occupancy of the living quarter, pursuant to Section 310.1 of the 2006 IBC, is a Group R-3. That the building, pursuant to Section 508.3 of the 2006 IBC, has a mixed use and occupancy. That pursuant to Section 101.2 of the 2006 IBC, this building should have been built using the 2006 IBC as the applicable code.
- 94) That Plaintiff is informed and believes that the ~~design~~ characteristics and the mixed use and occupancy of Squirrel's building built on Lot No 5 (~~combined~~) is contrary to and does not conform to a detached single-family dwelling as being a principal building as defined by the 2003 IRC or by its publisher's intent. That Squirrel's building, pursuant to Section R101.2 of the 2003 IRC, was not within the scope of the 2003 IRC.
- 95) That Plaintiff is informed and believes that pursuant to Sections 400, 401.5, 414, 430, 441, 462, 468, 511, 512, 514 and 702 of the Zoning Ordinance that the design characteristics and the ~~intended use~~ and occupancy and the use and occupancy of Squirrel's building built on Lot No 5 (~~combined~~) is contrary to and does not conform to a detached single-family dwelling as being a principal residential use building as defined by the Zoning Ordinance or by its publisher's intent and as permitted by its Certificate of Zoning Compliance.
- 96) That the design and the intended mixed use and occupancy or the mixed use and occupancy of Squirrel's building is contrary to and does not conform to a principal primary residential and farm use violating Paragraph 1 of the Restrictive Covenants.
- 97) That Plaintiff is informed and believes that the 3 story living quarter inside Squirrel's building is in violation of its Certificate of Zoning Compliance issued on December 12, 2008 which limits the number of stories to 1, thereby violating the Restrictive Covenants.
- 98) That Plaintiff is informed and believes that Squirrel's building is not a detached single-family dwelling and does not have a principal residential use as permitted and is in violation of its Certificate of Zoning Compliance, its Building Permit, its Certificate of Occupancy, the FA zoning district, the Zoning Ordinance, the Code of Ordinances, the 2003 IRC, the 2006 IBC, the 2006 IFC, Section 40-59-260, Section 40-59-260 and

Section 10-05-210, et seq. of the South Carolina Code of Laws and the Restrictive Covenants.

- 99) That Plaintiff is informed and believes that Squirrel's building is illegal.
- 100) That Squirrel violated and keeps violating Paragraph 1 of the Restrictive Covenants by using all its 3 Lots for business, commercial or other uses or occupancies that are contrary to and do not conform to a principal and primary residential and bona fide farm use for Lot No 2 and Lot No 5 (combined) and bona fide farm use for Lot Remainder.
- 101) That Squirrel has, on all its 3 Lots, violated and keeps violating Paragraph 7 of the Restrictive Covenants by operating a business and other noxious and offensive activity that are not incidental, subordinate and customarily associated with a residential use, including, but not limited to; operating an industrial portable sawmill, using chainsaws, using wood chippers, operating hydraulic backhoe, operating heavy trucks (some with buckets) used in lumbering activities or in cutting and trimming trees or in carrying logs or lumber, cutting logs, loading and unloading logs or lumber, parking trucks and heavy equipment, welding or cutting, grinding, burning sawdust and logs and other activities creating smoke, pollution, noise, traffic of heavy trucks and equipment, and other activities as shown in the photographs attached hereto as Exhibit WW. Also attached hereto as Exhibit HH is a DVD containing accurate copies of videos showing said non-residential activities.
- 102) That Plaintiff is informed and believes that Squirrel is still carrying business activities despite being administratively dissolved and not having a Certificate of Authority.
- 103) That Squirrel has violated Paragraph 1 and 2 and 4 and 7 of the Restrictive Covenants by letting another corporation from Sumter, South Carolina, with the sign or logo "PLCC" written on the doors of the trucks, also in the business of cutting and trimming trees near power lines for Utility companies, to use its Lot No 5 for several weeks to park their trucks and heavy equipment overnights and on some week-ends as shown in the photographs attached hereto as Exhibit XX. That one PLCC truck has a large white sign stating "Contractor for Horry Electric Cooperative, Inc." with a phone number as shown in the photograph attached hereto as Exhibit YY. Also attached hereto as Exhibit ZZ is a page from the South Carolina Secretary of State website showing what Plaintiff believes to be the corporation or entity behind PLCC. Also attached hereto as Exhibit HH is a

DVD containing accurate copies of videos showing said PLCC trucks on Lot No 5 (combined).

- 104) That Squirrel has violated and keeps violating Paragraph 2 and 4 of the Restrictive Covenants by having unsightly accumulations on Lot 5 (combined) such as; concrete sewer tiles and mulch piles and by having the following on all 3 Lots, including, but not limited to; wood debris, logs and trucks and heavy equipment used in Squirrel's business activities and parked on the lots as shown in the photographs attached hereto as Exhibits GG, JJ, LL, MM, NN, VV, WW, XX and YY. Also attached hereto as Exhibit HH is a DVD containing accurate copies of videos showing unsightly or non-residential accumulations or trucks or heavy equipment.
- 105) That Squirrel is in violation of the Restrictive Covenants for all its 3 lots by violating the 2003 IFC which pursuant to Sections 2601.1, 2601.2 and 105.6.11 requires an operational permit for cutting and welding and pursuant to Sections 1906.1 and 105.6.46 requires an operational permit to store chips, hogged material, lumber or plywood in excess of 200 cubic feet and pursuant to Section 105.6.25 requires an operational permit for storage or processing of lumber exceeding 8,333, ft³. That Squirrel was not issued said operational permits. That pursuant to Section 202 of the 2006 IFC, a facility includes exterior storage.
- 106) That Plaintiff is informed and believes that the Squirrel's business activities are in violation of FA (Section 712) and even CFA (Section 713) zoning districts and that Limited Industrial District (Section 717) would have been a more appropriate zoning district for Squirrel to establish its principal place of business.
- 107) Upon reason and belief that the noise generated by Squirrel's use of a portable industrial sawmill and chainsaws is over the 60 dB stated as a maximum level in Section 13-33 of the Code of Ordinances for a residential use.
- 108) As a direct and proximate result of the numerous violations by Squirrel and the alter egos Kenneth J. Jackson and Peggy S. Jackson, Plaintiff's property value has been diminished, Plaintiff's enjoyment of his property has been greatly diminished and Plaintiff suffered from loss of potential income, and will continue to incur such damages and costs.

- 109) Plaintiff brings this claim pursuant to Section 15-53-10, et seq. (as amended) of the South Carolina Code of Laws, also known as the South Carolina Uniform Declaratory Judgment Act, and request this Court to declare the Parties' respective rights and restrictions in said Lots, as well as a temporary and a permanent injunction restraining Squirrel from using Lot 5 (combined) and Lot No 2 for any purpose other than primary residential and bona fide farm use and from using Lot Remainder for any purpose other than bona fide farm use.
- 110) That Plaintiff is informed and believes that he is also entitled to a judgment against Defendants Squirrel Systems, Inc., Kenneth J. Jackson and Peggy S. Jackson, jointly and severally, for damages which Plaintiff suffered in a sum to be determined by the Court and the costs for this First Cause of Action.

FOR A SECOND CAUSE OF ACTION

(Nuisance)

- 111) Plaintiff reaffirms and reiterates all the allegations in paragraph 1 to 110 of the complaint as is fully repeated and is incorporated herein verbatim.
- 112) Plaintiff brings this claim pursuant to Section 6-29-950 and Section 6-9-80 of the South Carolina Code of Laws.
- 113) That Plaintiff's property is adjacent to all 3 Lots (Lot No 2, Lot No 5 (combined) and Lot Remainder) owned by Squirrel.
- 114) As a direct and proximate result of the nuisance created by Squirrel and the alter egos Kenneth J. Jackson and Peggy S. Jackson, Plaintiff's property value has been diminished, Plaintiff's enjoyment of his property has been greatly diminished and Plaintiff suffered from loss of potential income, and will continue to incur such damages and costs.
- 115) That Plaintiff is informed and believes that he is entitled to temporary and permanent injunction prohibiting Defendants Squirrel Systems, Inc., Kenneth J. Jackson and Peggy S. Jackson, jointly and severally, from violating and continuing to violate the Certificate of Zoning Compliance, the Building Permit, the Certificate of Occupancy, the 2003 IRC, the 2006 IBC, the 2006 IFC, the Zoning Ordinance, the Code of Ordinances and other

applicable laws together with damages which Plaintiff suffered in a sum to be determined by the Court and the costs for this Second Cause of Action.

FOR A THIRD CAUSE OF ACTION

(Gross Negligence)

- 116) Plaintiff reaffirms and reiterates all the allegations in paragraph 1 to 115 of the complaint as is fully repeated and is incorporated herein verbatim.
- 117) Plaintiff brings this claim pursuant to Section 6-29-950, Section 6-9-80 and Section 15-78-60 (12) of the Code of Laws of South Carolina.
- 118) That Plaintiff is informed and believes that Defendant, David Jacobs or agents, servants or employees under his supervision was negligent, grossly negligent, reckless, willful and careless in the following manners described in this claim, any or all of which were the direct and proximate cause of the damages suffered by the Plaintiff herein, among others:
- a) That between December 04 and December 12, 2008, authorized or accepted or approved an incomplete Building Permit Application for Squirrel's building, in which;
 - i) a garage is not indicated,
 - ii) the use and occupancy of the 6,000 square feet unheated area is not specified or detailed and failed to require that the use and occupancy of said area be specified or detailed,
 - iii) the design of the improvement is not a detached single-family dwelling,
 - iv) the design of the improvement is compatible with Squirrel's business activities as per its Business License and contrary to and not conforming to a residential use.
 - b) That between December 04 and December 12, 2008, as shown on Squirrel's Building Permit Application, selected the 2003 IRC with the added mention "F/E" as the applicable building code knowing that the intended mixed use and occupancy of Squirrel's building was not within the scope of the IRC.
 - c) That between December 04 and December 12, 2008, authorized or accepted or approved the Disclosure Statement thereby allowing, as shown on the Building

Permit Application and on the Building Permit, Defendant Kenneth J. Jackson to act as a contractor or builder and not requiring Squirrel to hire a licensed or registered contractor to build Squirrel's building as prescribed and in violation of Section 40-59-260 of the Code of Laws of South Carolina and compromising the safety and welfare while knowing that;

- i) Kenneth J. Jackson and Peggy S. Jackson have never been the rightful recorded owner of Lot No 5 (combined),
 - ii) Kenneth J. Jackson is not a licensed or registered builder or contractor,
 - iii) Squirrel's building was not intended for Kenneth J. Jackson and Peggy S. Jackson own personal and exclusive residential use or occupancy,
 - iv) Squirrel's building is not a one-family residence but a mixed use and occupancy building,
 - v) Kenneth J. Jackson and Peggy S. Jackson would violate the Certificate of Zoning Compliance, the Zoning Ordinance, the building codes and other applicable laws.
- d) That on December 12, 2008, approved or issued a Building Permit for a single-family house to Squirrel while knowing;
- i) that the owner, Squirrel Systems, Inc., and its business activities were known by Horry County Government since 2006, as shown per the Business License,
 - ii) that the design and the intended mixed use and occupancy of Squirrel's building was in conformity with its business activities as per Squirrel's Business License,
 - iii) that the large 6,000 square feet area was contrary to and did not conform to the 2006 IBC limiting a private garage to 1,000 square feet or to the 2006 IRC and the ICC known intent which limited the area of residential accessory structure to 3,000 square feet,
 - iv) that the design, the large area and the intended use and occupancy of the 6,000 square feet;
 - (1) was not and is not a customarily, subordinate and incidental residential accessory use,
 - (2) was not and is not a principal residential use but was and still is a principal business, commercial or other uses,

- (3) was and is contrary to and did not and do not conform to the IRC and to the Zoning Ordinance and to the intent of their publishers,
- (4) was and is in violation of the Certificate of Zoning Compliance,
- v) that a living quarter built within another building is not a detached single-family dwelling as defined by the ICC and the Zoning Ordinance or by their intents,
- vi) that Squirrel's building is not a detached single-family dwelling as defined by the ICC and the Zoning Ordinance or by their intents,
- vii) that the 2006 IBC should have been the applicable code for Squirrel's mixed use and occupancy building,
- viii) that some Director or Administrator working for Horry County Zoning and Planning Department did not approve or agree with Squirrel's building design and its intended mixed use and occupancy as being classified or considered or categorized as a single-family house, a residential use and stated their discontent to David Jacobs,
- ix) that the approval or issuance of the Building Permit for Squirrel's building was in violation of Section 6-29-950 of the Code of Laws of South Carolina, the Certificate of Zoning Compliance, the Code of Ordinances, the Zoning Ordinance, the 2003 IRC and the 2006 IBC,
- x) that pursuant to R309.2 of the 2003 IRC, that window openings in the Separation are not allowed and may endanger the public health, safeguard, safety and general welfare
- xi) that violations of the 2006 IBC requirements relating to, but not limited to, firewall and sprinkler may endanger the public health, safeguard, safety and general welfare,
- xii) that it would have the same effect on the neighborhood characteristics as granting or approving a de facto rezoning of Lot No 5 (combined) to, a Limited Industrial District but without due process or lawfully prescribed procedures associated with rezoning and with total disregard to the rights of adjacent neighbors including Plaintiff and the inflicted damages on them, including on Plaintiff.

- e) Charged Squirrel residential fees for issuing the Building Permit depriving the citizens of Horry County of the monetary difference between the higher commercial fees and the residential fees.
- f) Allowed a Residential Plan Reviewer and Residential Inspectors to study the plans or inspect Squirrel's building. That pursuant to Section 8-105 (9)(a) of the South Carolina Code of Regulations, the non-residential principal use of Squirrel's building and its area being larger than 5,000 square feet is not within the scope of a residential licenses or registrations further compromising the safeguard, safety and general welfare.
- g) Authorized or accepted or approved, on October 26, 2009 that a second and a third story be built inside Squirrel's building without first obtaining an appropriate Zoning Compliance Certificate allowing 3 stories as required in Section 6-29-950 of the Code of Laws of South Carolina.
- h) Tammie Barnhill, on April 27, 2009 issued 1 County of Horry Uniform Ordinance Summons to Defendant Kenneth J. Jackson citing four violations on Lot No 5 (combined) instead of issuing 4 different Uniform Ordinance Summons to Squirrel Systems, Inc., the rightful entity owner of Lot No 5 (combined) as required pursuant to Section 56-7-80 (C) of the South Carolina Code of Laws. A complete and accurate copy of the County of Horry Uniform Ordinance Summons, except where Kenneth J. Jackson's birth date has been blacked-out by Plaintiff, is attached hereto as Exhibit AAA.
- i) Allowed Tammie Barnhill to prosecute a misdemeanor criminal case relating to Zoning Ordinance violations on Lot No 5 (combined) on June 24, 2010 in Magistrate Court in Conway, South Carolina knowing that; it is not within her duties, she is not an attorney authorized to practice law in South Carolina, not allowed to do custodial arrest, not sworn in to uphold the law, not allowed or authorized by a specific Statute or by the South Carolina Supreme Court.
- j) Allowed Tammie Barnhill to prosecute Defendant Kenneth J. Jackson (Case Number: HCS000004) for the Zoning Ordinance violations on Lot No 5 (combined) while knowing that, at all times herein, he has never been the recorded owner of the lot.

- k) Never prosecuted Squirrel, the rightful entity owner of the lots, for any violations of the Zoning Ordinance, of the Code of Ordinances or of the building codes on any of the lots owned by the Squirrel.
 - l) Failed to give a best effort in enforcing the building codes, the Zoning Ordinance and the Code of Ordinances.
 - m) Failed to protect the adjacent neighboring property owners, including Plaintiff, from the consequences, including damages, resulting from the unlawful practice of law by Tammie Barnhill.
- 119) That Plaintiff, personally complained to Rodney Floyd, on June 22, 2010, while he was visiting Plaintiff's property, about all the trucks and heavy equipment, logs and wood debris moved from Lot No 5 (combined) to Lot Remainder creating a new zoning violation. A complete and accurate copy of a document, no. 690304, dated June 22, 2010 and signed by Rodney Floyd is attached hereto as Exhibit BBB.
- 120) That Plaintiff, in the presence of his wife Tammy Watier, personally complained to Tammie Barnhill, on June 23, 2010, while she was visiting Plaintiff's property, about all the trucks and heavy equipment, logs and wood debris moved from Lot No 5 (combined) to Lot Remainder creating a new zoning violation. A complete and accurate copy of a document, no. 693057, dated June 23, 2010 and signed by Tammie Barnhill is attached hereto as Exhibit CCC.
- 121) That Plaintiff is informed and believes that Defendant David Jacobs, on June 24, 2010 knew that;
- a) Squirrel was a corporation in the business of trimming trees, as per its Business License, and for power lines as stated by Defendant Peggy S. Jackson on June 24, 2010 in Magistrate Court in Conway,
 - b) Squirrel was a contractor or subcontractor for Horry Electric Cooperative, Inc.,
 - c) or should have known that all the trucks and heavy equipment were used for the business activities as per Squirrel's Business License and which use is contrary to and does not conform to a residential use, to the Certificate of Zoning Compliance, to the issued Building Permit and to the FA zoning district.
- 122) That on June 25, 2010, Tammie Barnhill, wrote an inspection report correctly naming "Squirrel Systems" and stating that the judge dismissed ticket, referring to the Uniform

Ordinance Summons issued to Kenneth J. Jackson, and further wrote about the case; "Resolved" and that, despite numerous Zoning Ordinance and building code violations were still present on Lot No 5 (combined). A complete and accurate copy of the Horry County Code Enforcement Inspection Report, no. 693073, is attached hereto as Exhibit DDD.

- 123) That, on June 25, 2010, Defendant David Jacobs was negligent, grossly negligent, reckless, willful and careless in issuing the Certificate of Occupancy to Squirrel knowing;
- a) that Squirrel was a business corporation and was using its Lot No 5 (combined) for its business activities,
 - b) that the design and the intended use and occupancy of Squirrel's building was for Squirrel's business activities,
 - c) that the intended mixed use and occupancy of Squirrel's building was not within the scope of 2003 IRC,
 - d) that Squirrel's building is not a detached single-family house,
 - e) that numerous Zoning Ordinance violations still remained on Lot no 5 (combined),
 - f) that the building had and still has several building code violations since an improper applicable building code had been selected and that, pursuant to Section R110.3 of 2003 IRC or Section 110.2 of 2006 IBC, the Certificate of Occupancy should not have been issued,
 - g) that the Certificate of Occupancy, pursuant to R110.5 of 2003 IRC, shall be revoked or suspended when the building or its use is in violation of Zoning Ordinance or the building codes.
- 124) That Plaintiff complained several times by emails between June 25, 2010 and August 15, 2010 to David Jacobs or to Janet L. Carter about Squirrel's continuing and persistent Zoning Ordinance violations on all its lots.
- 125) That on July 14, 2010, Plaintiff made a complaint by email to Janet L. Carter about the non-residential use by Squirrel of Lot No 2 and that at the time; the recorded owner of Lot No 2 was Issac Lacy Cannon, Jr. A complete and accurate copy of the July 14, 2010 email sent to Janet L. Carter is attached hereto as Exhibit EEE.
- 126) That on July 15, 2010, Janet L. Carter, in an email written to Plaintiff, was negligent, grossly negligent, reckless, willful, careless and wrong and acted in bad faith in invoking

Double Jeopardy as a reason not to reopen the case or to open a new case against Squirrel and Issac Lacy Cannon, Jr. She knew or should have known, as an attorney, that Squirrel had never been prosecuted, that zoning violations on Lot Remainder were never prosecuted and that Double Jeopardy could not apply to Issac Lacy Cannon, Jr. who was never prosecuted for zoning violations on Lot No 2. A complete and accurate copy of the July 15, 2010 email received from Janet L. Carter is attached hereto as Exhibit FFF.

- 127) That in addition of the enumerated acts of negligence specified above by Defendant David Jacobs, or by agents, servants or employees under his supervision or by Janet L. Carter, he acted in bad faith and in an unreasonable manner and failed to use that degree of care and skill which is ordinarily employed by the profession generally, under similar conditions and in like surrounding circumstances.
- 128) That as a proximate and direct result of negligence, gross negligence, reckless, willful, careless and bad faith, that Plaintiff has been damaged, including, but not limited to, loss of value in his property, loss of quiet enjoyment of his property, change of character of the neighborhood, loss of potential income, and will continue to incur such damages and costs.
- 129) That Plaintiff is informed and believes that he is entitled to judgment against Defendant David Jacobs, in his official capacity, as Director of Code Enforcement for County of Horry for damages in a sum to be determined by the Court and the costs for this Third Cause of Action.

FOR A FOURTH CAUSE OF ACTION

(Fraud)

- 130) Plaintiff reaffirms and reiterates all the allegations in paragraph 1 to 129 of the complaint as is fully repeated and is incorporated herein verbatim.
- 131) Plaintiff brings this claim pursuant to Section 6-29-950, Section 6-9-80, Section 15-78-70 (b) and Section 15-78-60 (17) or other Sections of the Code of Laws of South Carolina and pursuant to Moon Valley Ranch Restrictions.
- 132) That Plaintiff is informed and believes that the Defendants, Squirrel, Kenneth J. Jackson, Peggy S. Jackson and David Jacobs, made materially false and fraudulent

representations, with the intent to harm and with actual malice, in the following manners described in this claim, any or all of which were the direct and proximate cause of the damages suffered by Plaintiff herein.

- 133) Upon reason and belief, that on December 04, 2008, Defendants Squirrel and Kenneth J. Jackson and Peggy S. Jackson;
- a) made materially false and fraudulent representations on the Disclosure Statement in violation of Section 40-59-260 of the Code of Laws of South Carolina,
 - b) knew of the falsity of the representations and had a reckless disregard to the truth when signing the Disclosure Statement,
 - c) the truth is that;
 - i) Kenneth J. Jackson and Peggy S. Jackson were not the rightful recorded owner of Lot No 5 (combined),
 - ii) Squirrel's building was not intended for Kenneth J. Jackson and Peggy S. Jackson own personal and exclusive residential use or occupancy,
 - iii) Squirrel's building is not a one-family residence but a mixed use and occupancy building,
 - iv) The intended use and occupancy of Squirrel's building would violate the Certificate of Zoning Compliance, the Zoning Ordinance, the building codes and other applicable laws.
 - d) made the representations with the intent to obtain a building permit to build Squirrel's building and also with the intent to defraud and deceive Plaintiff in believing that the ensuing building permit would be proper and legitimate and thereby in refraining Plaintiff from enforcing his rights as per the Restrictive Covenants and the Code of Laws of South Carolina,
 - e) that at the time that the representations was made Plaintiff was ignorant of the Disclosure Statement and of the falsities stated on it,
 - f) Plaintiff believed the Disclosure Statement and the ensuing Building Permit would conform to Squirrel's intended use and occupancy of the building including, but not limited to, storing Squirrel's numerous trucks overnight. Plaintiff also believed that a licensed or registered general contractor was hired to build Squirrel's building,

- g) Plaintiff had the right to rely on the recorded Restrictive Covenants which Squirrel took actual notice of. Plaintiff also had the right to rely on the Disclosure Statement form submitted to Horry County Code Enforcement would not be illegitimate or fraudulent.

134) Upon reason and belief, on December 04, 2008, Defendants Squirrel and Kenneth J. Jackson;

- a) made materially false and fraudulent representation on the Building Permit Application form for Lot No 5 (combined) by stating that the improvement being the object of the Application was for a single-family residence, a residential use,
- b) knew of the falsity of the representation and had a reckless disregard to the truth when filling the Building Permit Application,
- c) the truth is that the Squirrel's building was not designed as a single-family house, its intended principal use and occupancy was not residential but its design and its use and occupancy is that of a shop for Squirrel's business activities, and including, but not limited to, to store and to service its fleet of trucks and heavy equipment,
- d) made the representation with the intent to obtain a building permit to build Squirrel's building and also with the intent to defraud and deceive Plaintiff in believing that the ensuing building permit would be proper and legitimate and thereby, in refraining Plaintiff from enforcing his rights as per the Restrictive Covenants and the Code of Laws of South Carolina,
- e) that at the time that the representation was made Plaintiff was ignorant of the falsity stated on the Building Permit Application form,
- f) Plaintiff believed the Building Permit Application form and the ensuing Building Permit were conforming to Squirrel's intended use and occupancy of the building including, but not limited to, storing Squirrel's numerous trucks overnight. Plaintiff, for a long time, was also led to believe that a future house, as shown on the SC DHEC diagram (see Exhibit Q), a log cabin, would eventually be built in front of the metal building,
- g) Plaintiff had the right to rely on the recorded Restrictive Covenants which Squirrel took actual notice of. Plaintiff also had the right to rely on the Building Permit

Application form submitted to Horry County Code Enforcement would not be illegitimate or fraudulent.

- 135) Upon reason and belief, on December 12, 2008, Defendant David Jacobs, or agents, servants or employees under his supervision;
- a) made materially false and fraudulent representations on the Building Permit issued to Squirrel for Lot No 5 (combined) by stating that the improvement being the object of the Building Permit was a single-family house, a residential use and that the applicable building code was 2003 IRC with the added mention "F/E",
 - b) knew of the falsity of the representations and had a reckless disregard to the truth when issuing the Building Permit,
 - c) the truth is that;
 - i) Squirrel's building was designed and intended for Squirrel's use and occupancy, including, but not limited to, to store and to service its fleet of trucks and heavy equipment used in its business activities as per its Business License issued in 2006,
 - ii) Squirrel's building principal use and occupancy is not residential,
 - iii) the IRC's scope limits its application, in relevant part, to detached single-family dwelling,
 - iv) a detached single-family dwelling has to be 'detached', not built within another building,
 - v) the 2006 IBC should have been the applicable code,
 - vi) Squirrel's mixed use and occupancy building is illegal in FA zoning.
 - d) made the representations with the intent to defraud and deceive Plaintiff in;
 - i) believing that the Building Permit was properly and legitimately permitted or issued by Horry County Code Enforcement and in conformity to its Certificate of Zoning Compliance,
 - ii) in refraining Plaintiff from enforcing his rights.
 - e) that at the time the representations were made Plaintiff was ignorant of the falsity stated on the Building Permit and believed the Building Permit was conforming to Squirrel's intended use and occupancy of the building including, but not limited to,

storing Squirrel's trucks overnight and that the proper applicable building code had been selected and was being enforced,

- f) Plaintiff and his wife bought 2 lots in Moon Valley Ranchettes relying that;
 - i) future landowners of Moon Valley Ranchettes subdivision would not violate the Restrictive Covenants and the Zoning Ordinance,
 - ii) Horry County Code Enforcement Director would never aid a corporation like Squirrel in violating the building codes, the Zoning Ordinance and applicable laws,
 - iii) Horry County Code Enforcement Director would not issue a Building Permit for a building for which the design or the intended use and occupancy would be in violation of the Certificate of Zoning Compliance, the Zoning Ordinance, the Building Codes and their intents,
 - iv) Horry County Code Enforcement Director would never resort to false and fraudulent representations to issue a Building Permit for an illegal building.
- g) Plaintiff had the right to trust and to rely on that the Code Enforcement Director of its local government would not issue an illegitimate or fraudulent Building Permit violating the Zoning Ordinance or the building codes.

136) Plaintiff is informed and believes that on June 24, 2010, Rodney Floyd wrote a Squirrel's building inspection report, correctly naming Squirrel Systems, Inc. and stating that a notarized affidavit was needed about the bedrooms.

137) That on June 24, 2010 or on June 25, 2010, Defendant Kenneth J. Jackson signed an undated affidavit and;

- a) made a materially false and fraudulent representation stating, in relevant part, "There is to be only 1 bedroom at the home located at 2099 Church Road, Green Sea, SC.",
- b) Kenneth J. Jackson knew of the falsity of the representation and had a reckless disregard to the truth,
- c) the truth is that;
 - i) Squirrel's building is not a detached single-family dwelling or a 'home',
 - ii) Kenneth J. Jackson never intended to establish and did not established a domicile or primary residence in Squirrel's building,

- iii) Kenneth J. Jackson knew, without a doubt, that Squirrel is a business corporation and that Squirrel had a Business License issued in 2006 by Horry County Business License Department,
 - iv) Kenneth J. Jackson, knew, that the design and intended principal use and occupancy of Squirrel's building was for Squirrel's business activities,
 - d) that the representation was made by Kenneth J. Jackson so Squirrel could obtain a Certificate of Occupancy and was also made with the intent to defraud and deceive Plaintiff in believing that the ensuing Certificate of Occupancy was for a proper and a legitimate permitted building and thereby in refraining Plaintiff from enforcing his rights,
 - e) at the time that the representation was made Plaintiff was ignorant of the affidavit and of its falsity,
 - f) Plaintiff believed the Building Permit and ensuing documents were conforming to Squirrel's intended use and occupancy of the building like, but not limited to, storing Squirrel's business trucks overnight,
 - g) Plaintiff had a right to rely that the representation made in a notarized affidavit and required as a condition to obtain a Certificate of Occupancy, would be truthful and not be fraudulent.
- 138) On June 24, 2010, in Magistrate Court in Conway, Plaintiff was confused by several statements made by Defendants Peggy S. Jackson and by Kenneth J. Jackson, including one where Kenneth J. Jackson;
- a) deliberately made the following material false or misleading representation when he stated in Court "As of today that's my house",
 - b) Kenneth J. Jackson knew that the statement was false and he had a reckless disregard for the truth,
 - c) the truth is that Squirrel's building is owned and used by Squirrel for its business activities and that, on June 24, 2010, Kenneth J. Jackson was a resident of Bladen County, North Carolina and he still is,
 - d) that the representation was made with the intent to defraud and deceive the Court and Plaintiff, where he attended as a witness, in believing that Squirrel's building was a

properly permitted house and that it was his bona fide residence, domicile and thereby in refraining Plaintiff from enforcing his rights,

- e) Plaintiff had every right to rely on a statement made by Defendant Kenneth J. Jackson in a Court of law.

139) Upon reason and belief, on June 25, 2010, Defendant David Jacobs;

- a) made materially false and fraudulent representations on the Certificate of Occupancy issued to Squirrel for Squirrel's building built on Lot No 5 (combined) by stating that the building being the object of the Certificate of Occupancy was a "single-family house" and that the applicable building code was "2003 IRC F/E",
- b) knew of the falsity of the representations and had a reckless disregard to the truth when issuing the Certificate of Occupancy,
- c) the truth is that;
 - i) Squirrel's building was designed and intended for Squirrel's mixed use and occupancy, including, but not limited to, to store and to service its fleet of trucks and heavy equipment used in its business activities as per its Business License issued in 2006,
 - ii) Squirrel's building principal use and occupancy is not residential,
 - iii) the IRC's scope limits its application, in relevant part, to detached single-family dwelling,
 - iv) a detached single-family dwelling has to be 'detached', not built within another building,
 - v) the 2006 IBC should have been the applicable code,
 - vi) Squirrel's mixed use and occupancy building is illegal in FA zoning.
- d) made the representations with the intent to defraud and deceive Plaintiff in;
 - i) believing that the Certificate of Occupancy for Squirrel's building was properly and legitimately issued by Horry County Code Enforcement and in conformity to its Certificate of Zoning Compliance, the building codes and the Zoning Ordinance,
 - ii) refraining Plaintiff from enforcing his rights.
- e) that at the time the representations were made Plaintiff was ignorant of the falsity stated on the Certificate of Occupancy and believed the Certificate of Occupancy was

conforming to Squirrel's intended mixed use and occupancy of the building including, but not limited to, storing Squirrel's trucks overnight and that the proper applicable building code had been selected and had been enforced,

- f) Plaintiff and his wife bought 2 lots in Moon Valley Ranchettes relying that;
 - i) future landowners of Moon Valley Ranchettes subdivision would not violate the Restrictive Covenants and the Zoning Ordinance,
 - ii) Horry County Code Enforcement Director would never aid a corporation like Squirrel in violating the building codes, the Zoning Ordinance and applicable laws,
 - iii) Horry County Code Enforcement Director would not issue a Certificate of Occupancy for a building for which the design or the intended mixed use and occupancy would be in violation of the Certificate of Zoning Compliance, the Zoning Ordinance, the Building Codes and their intents,
 - iv) Horry County Code Enforcement Director would never resort to false and fraudulent representations to issue a Certificate of Occupancy for an illegal building,
- g) Plaintiff had the right to trust and rely on the Code Enforcement Director of its local government not to issue an illegitimate or fraudulent Certificate of Occupancy violating the Zoning Ordinance, the building codes and several other laws.

140) Plaintiff believed, until June 24, 2010, that Horry County Code Enforcement and its Director were acting in good faith. However, on June 24, 2010, Plaintiff was shocked by Tammie Barnhill's lack of professionalism in prosecuting the Zoning Ordinance violations in Magistrate Court, in Conway, South Carolina. That the fraud, about Squirrel's building, was revealed to Plaintiff on June 29, 2010 when Plaintiff received and read an email from Janet L. Carter that stated that the Building Permit was issued for a "single family house, 9360 square feet". A complete and accurate copy of said email is attached hereto as Exhibit GGG. That Plaintiff then realized that he was victim of the fraudulent acts described above and committed by Defendants Squirrel, Kenneth J. Jackson, Peggy S. Jackson and David Jacobs.

141) That when Plaintiff learned, on December 22, 2010, that Squirrel was issued, in 2006, a Business License by Horry County, Plaintiff further understood the extend and the

deliberate nature or aspect of the fraudulent acts described above herein. That the fraudulent acts described above were done with the intent to harm and with actual malice.

142) That the fraudulent acts described in this claim had the same effect as a de facto rezoning of Lot No 5 (combined) to a Limited Industrial District and to allow Squirrel's mixed use and occupancy of the lot and of Squirrel's building with total disregard to the rights of adjacent neighbors like Plaintiff and the inflicted damages on them, including Plaintiff.

143) That as a direct and proximate result of the fraudulent acts herein alleged Plaintiff's property value diminished and the acts has an irreversible effect on Plaintiff's quiet enjoyment of his property and loss of potential income and costs.

144) Plaintiff is informed and believes that he is entitled to judgment against Defendants Squirrel Systems, Inc., Kenneth J. Jackson, Peggy S. Jackson and David Jacobs, in his individual capacity, jointly and severally, for damages and punitive damages in a sum to be determined by the Court and the costs for this Fourth Cause of Action.

FOR A FIFTH CAUSE OF ACTION

(Civil Conspiracy)

145) Plaintiff reaffirms and reiterates all the allegations in paragraph 1 to 144 of the complaint as is fully repeated and is incorporated herein verbatim.

146) Plaintiff brings this claim pursuant to Section 6-29-950, Section 6-9-80, Section 15-78-70 (b) and Section 15-78-60 (17) or other Sections of the Code of Laws of South Carolina and pursuant to Moon Valley Ranch Restrictions.

147) Upon reason and belief, Defendants Squirrel, Kenneth J. Jackson, Peggy S. Jackson and David Jacobs and each of them knowingly and willfully conspired and agreed among themselves between October 23, 2008 and December 12, 2008 that;

- a) Squirrel planned to build a principal place of business, a shop in Horry County,
- b) building a bona fide detached single-family house in front the 100'x75' metal building, as shown on the SC DHEC diagram (see Exhibit Q) would require the issuance, by Horry County Planning and Zoning Department, of 2 Certificates of

Zoning Compliance, one for the detached single-family dwelling and one for the detached 100'x75' metal building,

- c) the 100'x75' metal building, if built as a detached or a separate building, distinct from the detached single-family dwelling, could not get a Certificate of Zoning Compliance issued as a Permitted Use in FA zoning district,
- d) David Jacobs would instead allow or authorize that a living quarter, the dwelling, not be detached as required or prescribed by the 2003 IRC and the Zoning Ordinance but be built within or inside the 100'x75' metal building,
- e) David Jacobs would then consider the 100'x75' metal building and the living quarter built within or inside of it, as being a single residential use building, a single-family house and thereby claim to meet or to satisfy the single-family type of use specified on the Certificate of Zoning Compliance and that with total disregard with the design and intended use and occupancy of Squirrel's building.
- f) Squirrel would fill the Building Permit Application for Squirrel's building and misrepresent the improvement use, the whole building, as being a single-family residence,
- g) David Jacobs or agents, servants or employees working under his supervision would;
 - i) approve or authorize the uncompleted Building Permit Application submitted by Squirrel for a single-family house,
 - ii) state "2003 IRC F/E" as the selected applicable building code,
 - iii) proceed and issue the Building Permit fraudulently representing Squirrel's building as a single-family house thereby circumventing the Certificate of Zoning Compliance that requires that a single-family house be detached, the 2003 IRC, the 2006 IBC, the Zoning Ordinance, the objections from some of the agents, servants or employees from Horry County Planning and Zoning Department and finally the Restrictive Covenants,
- h) David Jacobs would ultimately issue a fraudulent Certificate of Occupancy misrepresenting Squirrel's building as a single-family house regardless of the design and the mixed use and occupancy of Squirrel's building,
- i) once a Certificate of Occupancy was issued, Squirrel or Kenneth J. Jackson could then apply for a Home Occupation Business License,

- j) upon reason and belief, Plaintiff stopped the issuance of a Home Occupation Business License to Squirrel when Plaintiff sent 2 emails to Janet L. Carter, one on July 14, 2010, Exhibit EEE attached hereto, and one on August 15, 2010 to remind her that;
 - i) zoning compliance for business licensing was under her responsibility,
 - ii) it was impossible for Squirrel to meet many of the requirements for a 'Home Occupation' Business License as stated in Section 531 of the Zoning Ordinance.
- 148) Upon reason and belief, Defendants Squirrel, Kenneth J. Jackson, Peggy S. Jackson and David Jacobs and each of them knowingly and willfully conspired and agreed among themselves in the days preceding the June 24, 2010 trial, that Squirrel could move most of the trucks and heavy equipment, construction debris, wood debris, some logs to Lot Remainder. Tammie Barnhill who was prosecuting the case stated, on June 24, 2010, in Magistrate Court in Conway, that this was a whole different lot, referring to Lot Remainder, and that we could only talk about what this ticket was about.
- 149) Furthermore, upon reason and belief, Defendants Squirrel, Kenneth J. Jackson, Peggy S. Jackson and David Jacobs and each of them knowingly and willfully conspired and agreed among themselves that after the Defendant Kenneth J. Jackson trial dismissal on June 24, 2010 and after the Zoning Administrator left his job on June 25, 2010, that;
 - a) Janet L. Carter or Defendant David Jacobs could invoke lot clearing as a reason for not enforcing Zoning Ordinances violations on Lot Remainder and the trial dismissal for not enforcing Zoning Ordinances violations on Lot No 5 (combined). A complete and accurate copy of the July 02, 2010 email received from Janet L. Carter is attached hereto as Exhibit HHH.
 - b) despite knowing that Squirrel had never been prosecuted, Janet L. Carter could invoke Double Jeopardy as a reason for not prosecuting Squirrel, based upon the same or similar facts and circumstances that existed at the time of the Kenneth J. Jackson's trial, which include Zoning Ordinance violations on;
 - i) Lot No 5 (combined),
 - ii) Lot Remainder, even if that Lot was recorded to Squirrel's name only after the June 24, 2010 trial had ended and that Zoning Ordinances violations on Lot Remainder had never been prosecuted,

iii) Lot 2 used by Squirrel even if that lot was recorded under Issac Lacy Cannon, Jr. until December 16, 2010 and that Zoning Ordinances violations on Lot No 2 had never been prosecuted.

150) That since June 24, 2010, Plaintiff is informed and believes that Squirrel spent about 2 days clearing part of the Lot Remainder. To this day, there is still a truck, a trailer, wood debris and logs on Lot Remainder and in violations of the FA zoning district and the Restrictive Covenants.

151) Plaintiff's property is now surrounded, not only by Squirrel's business activities on Lot No 5 (combined) directly adjacent on the west side but also by Squirrel's business activities on Lot No 2 directly adjacent on the east side and on the Lot Remainder adjacent to the south east. Plaintiff can not look outside any windows of his property without seeing Squirrel's building or Squirrel's trucks or heavy equipment or other unsightly reminder of its business activities including, but not limited to, logs, mulch piles, wood debris and concrete sewer tiles.

152) That as a direct and proximate result of the wrongful acts herein alleged in this claim, Plaintiff's property value has been further diminished and that Squirrel's business activities on the 2 additional lots (Lot No 2 and Lot Remainder) has basically eradicated any possible quiet enjoyment of Plaintiff's property that was still remaining.

153) That Plaintiff is informed and believes that he is entitled to judgment against Defendants Squirrel Systems, Inc., Kenneth J. Jackson, Peggy S. Jackson and David Jacobs, in his individual capacity, jointly and severally, for special damages in a sum to be determined by the Court and the costs for this Fifth Cause of Action.

FOR A SIXTH CAUSE OF ACTION

(Alter Ego)

154) Plaintiff reaffirms and reiterates all the allegations in paragraph 1 to 153 of the complaint as is fully repeated and is incorporated herein verbatim.

155) Upon information and belief, Squirrel is an alter ego of Defendants Kenneth J. Jackson and Peggy S. Jackson, and Defendants Kenneth J. Jackson and Peggy S. Jackson are alter egos of Squirrel, in the following manners;

- a) in that Defendants Kenneth J. Jackson and Peggy S. Jackson, now and at all relevant times, have completely dominated and controlled the assets, operations, activities, policies, programs, procedures, strategies, and tactics of Squirrel,
 - b) failed to observe very important corporate formalities,
 - c) still carry on any business despite being administratively dissolved,
 - d) made several false and fraudulent representations,
 - e) Kenneth J. Jackson and Peggy S. Jackson often co-mingled with Squirrel when it suited their needs.
- 156) That any adherence to the fiction of the separate existence of Squirrel as a person or entity distinct from Defendants Kenneth J. Jackson and Peggy S. Jackson would permit the abuse of a corporate or similar privilege of limited liability, if any, and would promote injustice by allowing Defendants Kenneth J. Jackson and Peggy S. Jackson to evade liability or keep violating Restrictive Covenants or Statutes or Ordinances that would further damage Plaintiff or veil assets that should in equity be used to satisfy a judgment sought by Plaintiff.

WHEREFORE, the Plaintiff prays that this Honorable Court grant him judgment as follows;

- a) For the First Cause of Action against Defendant Squirrel Systems, Inc.;
 - Granting a Declaratory Judgment to declare the Parties' respective rights and restrictions in said Lots,
 - Finding that violations of the Code of Ordinances of Horry County, The Zoning Ordinance of Horry County, the building codes in effect as adopted by the South Carolina Building Codes Council are also violations of the Moon Valley Ranch Restrictions,

- Finding that Lot No 5 (combined) and Lot No 2 owned by Squirrel Systems, Inc. can be used only for “primary residential and farm use”, that Lot Remainder can be used only for bona fide “farm use”.
- Finding that Squirrel’s building is not used as a primary residence,
- Finding that the principal use and occupancy of Lot No 5 (combined), Lot No 2, Lot Remainder constitutes a commercial, business or other use, which is contrary to and does not conform with the “primary residential and farm use”,
- Finding that Squirrel’s building built on Lot No 5 (combined) is in violations of its Certificate of Zoning Compliance, The Zoning Ordinance of Horry County, the Code of Ordinances of Horry County, its Building Permit, its Certificate of Occupancy, the 2003 IRC, the 2006 IBC, the 2006 IFC and the Moon Valley Ranch Restrictions,
- Finding that Squirrel’s building is not a detached single-family dwelling as per its Certificate of Zoning Compliance,
- Issuing an injunction ordering the Building Permit and the Certificate of Occupancy issued for Squirrel’s building be revoked,
- Issuing an injunction ordering that Squirrel’s building be removed,
- Issuing an injunction ordering a rescission, to unwind, to cancel the deed recorded on December 17, 2010 in which Squirrel bought Lot No 2, if any or part of the transaction, was performed when Squirrel was administratively dissolved,
- Issuing an injunction ordering that all Squirrel’s trucks, heavy equipment, logs, mulch piles, concrete sewer tiles, wood debris or other unsightly chattel on Lot No 5 (combined), Lot No 2 and Lot Remainder be removed,
- Finding that Defendant Squirrel Systems, Inc., his heirs and assigns are estopped and preliminary and permanently restrained from using their Lot No 2 and Lot No 5 (combined) other than for a primary residence and bona fide farming use as set forth in the Restrictive Covenants, and from using Lot Remainder other than for bona fide farming use.
- Also granting judgment in favor of Plaintiff against Squirrel Systems, Inc., Kenneth J. Jackson and Peggy S. Jackson, jointly and severally, for damages.

which Plaintiff suffered in a sum to be determined by the Court and, including, but not limited to, costs of this action.

b) For the Second Cause of Action against Defendants Squirrel Systems, Inc. and Kenneth J. Jackson and Peggy S. Jackson, jointly and severally, temporarily and permanently,

- Issuing an injunction directing the Defendants to stop violating the Zoning Ordinance and the Code of Ordinances and to cease and desist their business or commercial or other activities on Lot No 2, Lot No 5 (combined) and Lot Remainder,
- Issuing an injunction directing the Defendants to cease and desist all business activities in the State of South Carolina while Squirrel is administratively dissolved and until a valid Certificate of Authority has been issued to Squirrel,
- Issuing an injunction directing the Defendants to stop violating the Certificate of Zoning Compliance, the Building Permit and the Certificate of Occupancy issued to Squirrel for Squirrel's building, and to stop violating the 2003 IRC, the 2006 IBC, the 2006 IFC and other Statutes,
- Issuing an injunction directing that the Building Permit and Certificate of Occupancy issued to Squirrel for Squirrel's building be revoked,
- Issuing an injunction directing the removal of Squirrel's building,
- Issuing an injunction directing the removal of that all trucks, heavy equipment, logs, mulch piles, concrete sewer tiles, wood debris or other unsightly chattel on Lot No 2, Lot No 5 (combined) and Lot Remainder,
- Issuing an injunction ordering a rescission, to unwind, to cancel the deed recorded on December 17, 2010 in which Squirrel bought Lot No 2, if any or part of the transaction, was performed when Squirrel was administratively dissolved,
- That David Jacobs' registration as Building Official be revoked and that he be barred from acting as a Building Official,
- Granting judgment in favor of Plaintiff for damages suffered in a sum to be determined by the Court and, including, but not limited to, costs of this action.

c) For the Third Cause of Action against Defendant David Jacobs in his official capacity as Director of Code Enforcement for the County of Horry,

- That David Jacobs' registration as Building Official be revoked and that he be barred from acting as a Building Official,
- Issuing an injunction directing that the Building Permit and Certificate of Occupancy issued to Squirrel for Squirrel's building be revoked,
- Granting judgment in favor of Plaintiff for the damages arising from the violations.

d) For the Fourth Cause of Action against Defendants Squirrel Systems, Inc. and Kenneth J. Jackson and Peggy S. Jackson and David Jacobs in his individual capacity, jointly and severally,

- That David Jacobs' registration as Building Official be revoked and that he be barred from acting as a Building Official,
- Issuing an injunction directing that the Building Permit and Certificate of Occupancy issued to Squirrel for Squirrel's building be revoked,
- Compensatory damages and punitive damages as the Court may determine and certain consequential damages as actual damages and costs of this action.

e) For the Fifth Cause of Action against Defendants Squirrel Systems, Inc. and Kenneth J. Jackson and Peggy S. Jackson and David Jacobs in his individual capacity, jointly and severally,

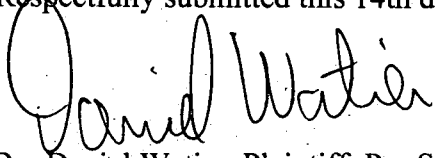
- That David Jacobs' registration as Building Official be revoked and that he be barred from acting as a Building Official,
- Special damages arising from the violations on Lot No 2 and Lot Remainder.

f) For the Sixth Cause of Action against Defendants Squirrel Systems, Inc. and Kenneth J. Jackson and Peggy S. Jackson, jointly and severally,

- Pierce Squirrel's corporate veil.

g) For any such other and further relief as this Court might deem just and proper.

Respectfully submitted this 14th day of January, 2011.

A handwritten signature in cursive script, appearing to read "Daniel Watier". The signature is written in dark ink and is positioned above the printed name.

By, Daniel Watier, Plaintiff, Pro Se

2107 Church Road, Green Sea, SC 29545.

Phone: 843-561-4633

Horry County, South Carolina

JOHN C. THOMAS, P.A.
ATTORNEY AT LAW

RECEIVED

FEB 24 2014

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SC Court of Appeals

February 14, 2014

V. Claire Allen
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Daniel Watier and Tammy Watier v. Squirrel Systems, Inc., Kenneth J.
Jackson, and Peggy S. Jackson
Appellate Case No.: 2014-000133

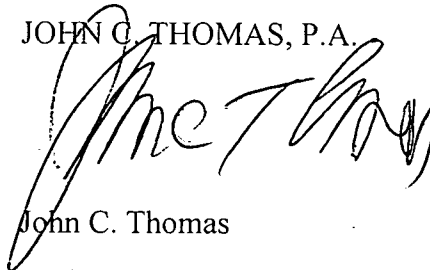
Dear Ms. Allen:

Pursuant to your letter of February 4, 2014, in the above referenced matter, I have enclosed a copy of the Summons and Complaint. All of the orders in this matter appear to be form orders. I am also enclosing a form order of the Honorable Benjamin Culbertson, Circuit Court Judge, dated April 10, 2012, in which he granted Plaintiff's motion to add Tammy Watier as a Plaintiff. I could locate no order listing her as a Plaintiff.

Please advise if you need any further information.

Sincerely,

JOHN C. THOMAS, P.A.



John C. Thomas

JCT/
enclosures (as stated)
cc: Brent Greenberg, Esquire
Kenneth R. Moss, Esquire (w/o enclosures)