

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

APPEAL FROM THE BEAUFORT COUNTY COURT OF COMMON PLEAS,
FOURTEENTH JUDICIAL CIRCUIT

MARVIN H. DUKES, III, PRESIDING JUDGE

CASE NO: 2011-CP-07-2148

BRUCE MILLER,

Appellant,

vs.

COLUMBIA FOREST, INC.
FOREST HATCH and IDA M.
SINGLETON,

Respondents.

SUPPLEMENTAL RECORD ON APPEAL - APPENDIX

James H. Moss, Esquire
MOSS, KUHN & FLEMING, P.A.
Post Office Drawer 507
Beaufort, South Carolina 29901-0507
[843] 524-3373
[843] 524-1302 FX
jim@mossandkuhn.com

Attorneys for Appellant

Colden R. Battey, Jr., Esquire
HARVEY & BATTEY, P.A.
Post Office Drawer 1007
Beaufort, South Carolina 29901-1107
[843] 524-3109
[843] 524-6973 FX
cbattey@harveyandbattey.com

Attorney for Respondent,
Ida Mae Singleton

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SC Court of Appeals

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STATEMENT AND CONSENT OF COUNSEL

The materials set forth below represent a *Supplement to the Record on Appeal*, and are provided to the Court, with the agreement of counsel, pursuant to *Rule 212(b), SCACR*:

This Court is aware of the difficulty encountered in locating the Exhibits from the trial of this matter. [See *Affidavit of Diane L. Logan in Support of Request for Extension for Filing Record on Appeal*, dated and submitted on December 6th, 2013]. On or about the 15th day of January, 2014, the office of Moss, Kuhn & Fleming, P.A. was advised by the Clerk of Court that the Exhibits had been located and filed of record. Those Exhibits were immediately obtained from the Court, copied, and utilized for the preparation of the *Record on Appeal* without further review. However, as a result of the extensive undertaking by both offices to re-constitute the Exhibit record, counsel for the Respondent correctly determined that the filing with the Clerk was not entirely correct, in the following particulars:

[1] Defendant's Exhibit 1, even though listed in the *Transcript of Record, Reporter's Index to Defendant's Exhibits* document [TOR, p. 109], it was not part of the package of materials received from the Clerk's office, and is not on the *Exhibits* list received from the Clerk [TOR, p. 290]. That *Exhibits* list starts with Exhibit 1A, when Exhibit 1 was clearly entered into the record [TOR, p. 132]; and

[2] Per the *Transcript of Record*, pg. 137, reference to Defendant's Exhibit 17 is made; however, that information was never made part of the *Exhibits* document.

Therefore, this *Supplement-Appendix* includes each of these documents as Exhibits having been introduced at trial, and appropriate for review by this Court.

The undersigned represent that they have fully reviewed the requirement for this *Supplement* and consent to same.

WE SO MOVE:

WE CONSENT:

MOSS, KUHN & FLEMING, P.A.

HARVEY & BATTEY, P.A.

By: 

James H. Moss, Counsel for Appellant

By: 

Colden R. Battey, Jr., Counsel for
Respondent

000002



Beaufort County, South Carolina

generated on 6/23/2009 3:15:37 PM EDT

Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of
R100 024 000 016A 0000	00146906	29 LAWSON RD,	5/26/2009

Current Parcel Information

Owner	MILLER BRUCE	Property Class Code	ResImp SingleFamily
Owner Address	33 LAWSON ROAD LAUREL BAY SC 29902	Acreage	2.0000
Legal Description	POR LOT 53 SEC 29 1N2W PLAT FILE WITH JR#56549		

Historic Information

Tax Year	Effective Year	Land	Building	Market	Taxes	Payment
2008	2007	\$20,000	\$35,000	\$55,000	\$364.60	\$375.54
2007	2006	\$20,000	\$35,000	\$55,000	\$342.75	\$342.75
2006	2005	\$20,000	\$35,000		\$353.53	\$481.57
2005	2004	\$20,000	\$35,000		\$327.79	\$327.79
2004	2003	\$20,000	\$35,000		\$279.96	\$279.96

Sales Disclosure

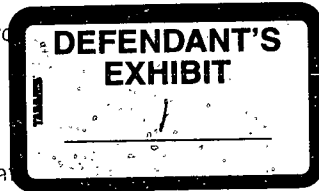
Grantor	Book & Page	Date	Deed	Vacant	Sale Price
THOMPSON ISAAC	5 6549	11/1/1985	S		\$0
THOMPSON ISAAC	435 1875	11/1/1985	F		\$6,500
THOMPSON ISAAC	4003 1081	3/1/1978	O		\$0

Improvements

Building	Type	Use Code Description	Constructed Year	Stories	Rooms	Square Footage	Improvement Size
R01	DWELL	Dwelling	1971	1.0	03	960	
R02	DWELL	Dwelling	0000	1.0	03	612	

Features & Exterior Features

Building	Type	Feature Code	Description	No. / Sq.Ft.	Value
R01	DWELL	COOLING	None	1	\$0
R01	DWELL	EXT. COVER	Hardboard	1	\$0
R01	DWELL	FOUNDATION	Full Slab	1	\$0
R01	DWELL	HEATING	Forced hot air	1	\$0
R01	DWELL	OMP	Open Masonry Porc		\$960



000003

COMPLIANT HISTORY

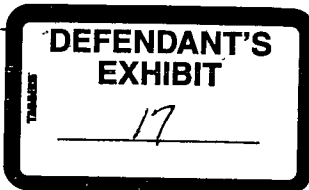
R100.024 000 001600
Lawson Rd off Bay Pines

DATE COMPLIANT

01-18-06. Notified by Audra Antonacci, Supv. to inspect a possible junkyard on Bay Pines Rd. Responded to the scene and found numerous cars/trucks, abandoned trailers, large sections of cut trees & other T&L scattered about the property. Photographed the scene.

01-20-06 Reinspected the scene w/ Antonacci. Investigation revealed violations of BFA Co ordinances TL-JV-Uhside Bldg. Idk property owner Ida May Singleta (Trustee) Singletas Family Trust. 5402 Onacrest Dr Los Angeles CA. Issued NOV #1687 Mailed cert. w/return receipt 01-20-06.

02-13-06 ^{local} Mattie Jenkins contacted me as representative of Singleta Family Trust. She was unsure of the location I was speaking of but wanted to meet with me. We set a meeting for 10:30 on 2-15-06 at the Laurel Bay Skating rink.



COMPLIANT HISTORYDATECOMPLIANT

02-15-06

Audra Antonacci and I met with Mattie Jenkins at the skating rink and then she followed us to the scene. Mrs. Jenkins is the niece of Ida Mae Singleton, Trustee of the Singleton Family Trust. She stated that many years ago Isaac Thompson, who was raised by Singleton family member Estelle Thompson sold a portion of the property to a man named Miller and that he had put cars on the property. She stated that he was the newspaper delivery man for many years. She does not know exactly how much land or what portion of the parcel ~~he~~ he purchased. We told her we would attempt to make contact with the person who owned the property ~~and was~~ and would get back with her.

02-15-06

We met with Bruce Miller at 33 Lawson Rd. He stated that he was the owner/operator of Brewsters Repair. He provided a card which reads auto salvage / portable welding. He states that he repairs cars, sells auto parts

COMPLIANT HISTORY

DATE

COMPLIANT

and cars which he buys & sells.
When asked he stated he does not currently have a business license. He states he purchased the property in 1984/1985 and has operated a business there for 21 years. He also lives on the property. He stated he owns 2 acres he purchased from Bruce Tucker who was purchasing it from the Singletts. Tucker was in the process of buying the property and fell on hard times, so he purchased the contract from Tucker and completed the contract purchase of \$6500⁰⁰ plus paid Tucker the earnest money he had advanced. He stated that he had contracted a scrap company several weeks ago and they were to have brought their crusher to Bft to remove 70-72 cars plus engine blocks & other unuseable car parts. Since he could not guarantee "100 car weight" they postponed showing up. He had however moved numerous cars & junk to the front which much is on the Singleton

COMPLIANT HISTORYDATECOMPLIANT

property as well as that of Frank Ravenell. He states that he has a verbal agreement with Mr. ~~Ravel~~ Ravenell + Mr. Singheton (of Los Angeles) to use portions of their property for temporary storage. He stated that in the late 1980's he went through an ordeal similar to this with Bft. County and at the time planted a hedge of wax Myrtles along the road, but SCDOT cut them when they did maintenance on the ditch.

Scattered about the property are numerous JV cars + trucks. There are also numerous piles of trash scattered about as well as junk auto parts. There were also several Abandoned/Junk trailers.

02-15-06/1400 I returned to the property + ~~met~~ met w/ Bruce Miller. I explained that he was being issued NOV 1919 for no zoning permit + no business license. He was to make an appointment with Zoning within 5 days. I provided him with the

COMPLIANT HISTORY

<u>DATE</u>	<u>COMPLIANT</u>
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telephone number for zoning and the Zoning Administrator name Hilroy Austin.

He was also issued NOV #1920 for TL - JV + Unsafe Structures.

Mr. Miller signed for both NOV's

02-15-06 I telephoned Mattie Jenkins and advised her Mr. Miller admitted placing the vehicles on the Singleton property as well as piling the logs & mulch on the front of the property.

I advised her that I issued NOV's to Mr. Miller. I told her that if he does not remove the items from the Singleton Property they may have to take legal action against him.

Research shows the property is zoned Rural. It does permit general auto repair with special permit. It does not allow salvage yards of more than 2 inoperative vehicles. It also does not allow storage of equipment.

02-16-06 Miller has also placed vehicles & TL on property of Frank Ravenel R100.024000 016B 0000. Ravenel was issued NOV #1921

(5)

COMPLIANT HISTORY

DATE	COMPLIANT
	by mail for Unsafe - TL-JV. with a note to call me.
03-10-06	Mr. Miller had a meeting w/ Ms Austin. She grandfathered the welding business but the remainder of cars have to be removed. Zoning permit is tentative requiring certain compliances by 06-10-06
03-03-06	Mr Miller called 2:53 pm. I was out of the office but returned his call at 3:35 pm and left a voice mail.
04-13-06	On patrol noted car crusher on scene removing cars.
06-12-06	Reinspection of property. Conditions of zoning permit have not been met: - Property has not been screened with privacy fence - Vehicles are still stored on ^{adjacent} property Belonging to The Singleton family trust Ida Mae Singleton Trustee - Property shall be cleared of all Debris not associated with business which has not been done.

COMPLAINT HISTORY

DATE COMPLAINT
 06-14-06 Citations Issued by hand
 Citation # 944 Zoning Permit Violation
 # 1020 Trash + Litter control
 # 1021 Abatement of unsafe structures
 Court Date 06-29-06

06-29-06 Guilty on all counts
 # 944 \$250⁰⁰
 # 1020 \$125⁰⁰
 # 1021 \$250⁰⁰

05-18-09 Case reopened. Miller has placed cars off premise on adjoining property. He is also storing outside of Revised area. NOV issued giving him a chance to comply. Copy of his ZIP ~~sent~~ sent w/ warning. Reinspection scheduled for 06-21-09.

06-28-09 Reinspection non compliance.

06-24-09 Citation #1312 issued for violation of zoning permit.

06-29-09 Guilty \$55⁰⁰

(7)

CERTIFICATE OF SERVICE

This is to certify that I have this date served a copy of the within and foregoing

SUPPLEMENTAL RECORD ON APPEAL upon opposing counsel:

Colden R. Battey, Jr., Esquire
Harvey & Battey, P.A.
Post Office Drawer 1107
Beaufort, South Carolina 29901-1107

by placing a copy of the same in the United States Mail, properly addressed and with sufficient postage affixed thereto as required by law.



JAMES H. MOSS

Beaufort, South Carolina

February 10, 2014

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SC Court of Appeals

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