



Walter H. Cartin
Associate
Telephone: 803.253.6840
Direct Fax: 803.255.8017
waltcartin@parkerpoe.com

Charleston, SC
Charlotte, NC
Columbia, SC
Raleigh, NC
Spartanburg, SC

July 9, 2014

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JUL 10 2014

SC Court of Appeals

VIA UNITED STATES MAIL

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

**Re: Appellate Case No. 2013-002697
William J. Montgomery vs. Spartanburg County Assessor
Docket No. 13-ALJ-17-0104-CC**

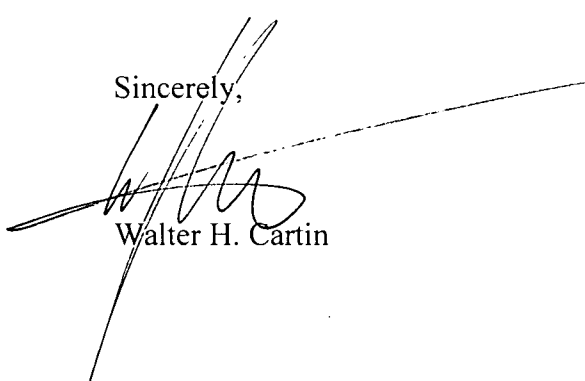
Dear Ms. Kitchings:

Pursuant to Rule 210(a), SCACR, enclosed for filing please find the original Proof of Service to the Record on Appeal in connection with the above-referenced appeal. Please file the original and return a clocked-in copy to me in the enclosed, self-addressed, stamped envelope.

As copied on this letter, and as evidenced by the Proof of Service, we have provided a copy of the Record on Appeal to all counsel of record.

With best regards, I am

Sincerely,


Walter H. Cartin

WHC/ccq
Enclosure

cc: James G. Carpenter, Esquire (with enclosure via U.S. Mail)
Jennifer J. Miller, Esquire (with enclosure via U.S. Mail)
L. Warren Clayton, III, Esquire (with enclosure via U.S. Mail)

PPAB 2486995v1



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James G. Carpenter, Esquire
Jennifer J. Miller, Esquire
L. Warren Clayton, III, Esquire
The Carpenter Law Firm, P.C.
819 E. North Street
Greenville, South Carolina 29601

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SC Court of Appeals

**Re: Appellate Case No. 2013-002697
William J. Montgomery vs. Spartanburg County Assessor
Docket No. 13-ALJ-17-0104-CC**

Dear Counsel:

Pursuant to Rule 210(a), SCACR, the Spartanburg County Assessor ("Assessor") serves upon you, through its counsel of record, a copy of the Record on Appeal, Certification of Counsel, and Proof of Service in the referenced appeal. Also enclosed please find a copy of our letter to the South Carolina Court of Appeals filing the Proof of Service.

In reviewing the Respondent's Brief and the Respondent's Designation of Matter to be Included in the Record on Appeal ("Designation"), the Assessor identified a point of concern that needs to be addressed. The Assessor believes that the materials appearing in the "Other Materials or Documents" section of the enclosed Record on Appeal (all of which are included in the Record on Appeal as a result of Respondent's Designation) do not need to be included in the Record on Appeal.

First, the Assessor does not believe that the Parties' Proposed Orders to the ALC should be included in the Record on Appeal because there is no citation to the Proposed Orders in any of the Parties' briefs and, therefore, the Proposed Orders appear to be unnecessary. In any event, the Assessor does not believe the Proposed Order are the types of filings, generally, that should be included in the Record on Appeal. Finally, the other documents included in the Other Materials and Documents section are matters of public record and a citation to them should be sufficient.¹

¹ It appears that 1979 S.C. Act 133 ("Act 133") was actually entered as an exhibit before the ALJ during the July 31, 2013 Motion Hearing. Thus, the Assessor does not object to the inclusion of Act 133, although the same rationale would apply.

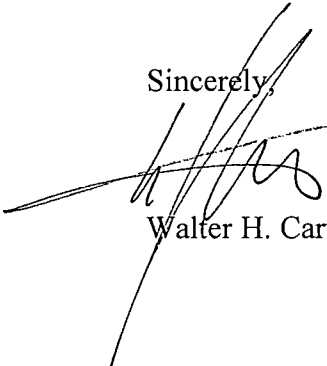
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Page 2

As you may be aware, the Court of Appeals has been very critical of parties including unnecessary materials in the Record on Appeal. If you are willing to send an amended Designation that omits the "Other Materials or Documents," we will revise the Record on Appeal to remove these materials. Otherwise, the Assessor will need to file a motion with the Court of Appeals regarding what matters should be included in the Record on Appeal.

Please let us know by close of business on July 18, 2014, whether you will be sending an amended Designation.

With best regards, I am

Sincerely,



Walter H. Cartin

WHC/ccq
Enclosures

✓ cc: Honorable Jenny Abbott Kitchings (*via United States Mail w/Proof of Service only*)