

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Deborah Brooks Durden, Administrative Law Judge

Docket No. 13-ALJ-17-0104-CC

William J. Montgomery, Respondent,

v.

Spartanburg County Assessor, Appellant.

**APPELLANT'S CONSENT TO SOUTH CAROLINA ASSOCIATION OF
COUNTIES' NOTICE OF AND MOTION FOR LEAVE TO FILE AN AMICUS
CURIAE BRIEF**

The Spartanburg County Assessor ("Assessor") consents to the South Carolina Association of Counties' ("SCAC") Notice of Motion and Motion for Leave to File an Amicus Curiae Brief ("Motion"). SCAC's Motion should be granted.

This case involves one legal issue: what is the meaning of "fair market value for agricultural purposes" as the term is used in South Carolina Code Annotated section 12-43-220(d)? The Court's resolution of this issue will affect every county in South Carolina. As the association charged with ensuring uniformity in the treatment of legal matters affected the counties of South Carolina, SCAC is uniquely qualified to assist the Court in answering this question.

As stated in its Motion, SCAC is an entity created "to represent the collective interests of all forty-six (46) South Carolina Counties" (Motion, at p. 2.) Further,

SCAC states correctly that the “case before this Court will affect the interests of all forty-six (46) counties in matters pertaining to the uniform and equitable process for valuation of certain real property classified and assessed as agricultural use.” (*Id*) Plainly, this is a matter of great concern to SCAC’s sole constituency: the counties of South Carolina. SCAC’s insight provides the Court with a valuable perspective as the Court weighs the legal issue involved in this case.

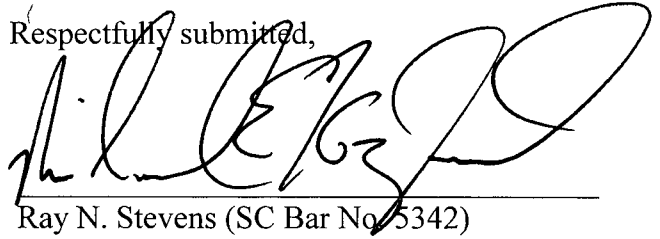
SCAC’s Amicus Brief will assist the Court in fully and fairly deciding the issue raised in this case. *See Savannah Riverkeepers v S C Dept of Health & Envtl Control*, 400 S C. 196, 207, 733 S.E.2d 903, 909 (2012) (Kittredge, J. dissenting) (“In hindsight, I believe it was error to deviate from our standard practice of accepting amici briefs. I do not know whether the amicus brief raised a meritorious issue. But I do believe we have an obligation to consider an issue fully before making a decision.”). The Assessor asks, therefore, that the Court grant SCAC’s Motion.

CONCLUSION

The Assessor respectfully requests that the Court grant SCAC’s Notice of and Motion for Leave to File an Amicus Curiae Brief.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,



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August 8, 2014
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PROOF OF SERVICE

The undersigned hereby certifies that on August 8, 2014 s/he has caused a copy of Appellant's Consent to South Carolina Association of Counties' Notice of and Motion for Leave to File an Amicus Curiae Brief to be served upon all parties of record by placing a copy of the same in the United States Mail, postage prepaid, addressed as follows:

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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August 8, 2014

VIA UNITED STATES MAIL

The 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-17-0104CC**

Dear Ms. Kitchings:

Enclosed please find an original and seven copies of Appellant's Consent to South Carolina Association of Counties' Notice of and Motion for Leave to File an Amicus Curiae Brief in the above-referenced matter. 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 Consent on counsel of record.

Do not hesitate to contact me with any questions.

With warmest regards,

Michael E. Kozlarek

MEK/ccq
Enclosures

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

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DP

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To

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