

(S)

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 JACK POWELL,)
)
 Plaintiff,)
)
 vs.)
)
 MARSHLAND COMMUNITIES,)
)
 Defendant.)

COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT
 CASE NO.: 2013-CP-10-5876

**ORDER ON
 DEFENDANT'S MOTION
 TO DISMISS**

BY JULIE L. ARMSTRONG
 CLERK OF COURT
 2015 MAY -6 PM 12:38

FILED

This matter came on to be heard before me on July 30, 2014 on Defendant's Motion to Dismiss. Defendant moved to dismiss the Plaintiff's Complaint pursuant to Rules 12(b)(1), 12(b)(2), 12(b)(6) and 12(b)(7), SCRPC. Present at the motion hearing were Derek F. Dean, Esq., attorney for Defendant, and Plaintiff, appearing pro se.

In support of its motion to dismiss, Defendant contended that in all claims against Defendant, Plaintiff failed to state facts sufficient to constitute a cause of action, and further, that Plaintiff's claims fail due to lack of jurisdiction over the subject matter and/or lack of jurisdiction over the person. In his Complaint, Plaintiff claimed that he tripped in the dark over unburied cable lines at or near 930 Folly Road.

There is no allegation set forth in the instant Complaint that Plaintiff tripped on any property owned by Marshland Communities. Marshland Communities does not own any property located at or near 930 Folly Road. Defendant's counsel presented documentation confirming that the area where the Plaintiff allegedly tripped is in fact owned by Charleston County.

Plaintiff alleges that his injuries occurred on June 21, 2012. Folly Oaks Center Horizontal Property Regime a/k/a the Folly Oaks Center Condominium Unit Owners Association conveyed

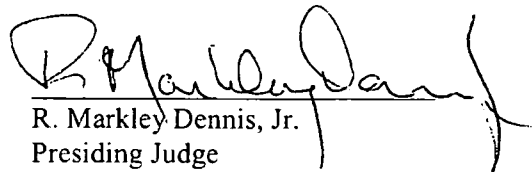
RMD/jl

said property to Charleston County on June 17, 2012. Nevertheless, at no time did Defendant have any ownership interest in said property.

Thus, having failed to state facts sufficient to constitute a cause of action, Plaintiff's Complaint must be dismissed in its entirety.

Now therefore, it is hereby ordered, adjudged and decreed that Plaintiff's Complaint is dismissed with prejudice as to Defendant Marshland Communities.

And it is so ordered.


R. Markley Dennis, Jr.
Presiding Judge

5/4/15
Date:

RMDJ/2