



The South Carolina Court of Appeals

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September 01, 2015

Julie J. Armstrong
100 Broad St Ste 106
Charleston SC 29401-2210

REMITTITUR

Re: Essie Bryan v. Charleston County
Lower Court Case No. 2012CP1005112
Appellate Case No. 2013-002108

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Robert Lee Gailliard, Esquire
Joseph Dawson, III, Esquire
Kerry W. Koon, Esquire

Bernard E. Ferrara, Jr., Esquire
Austin Adams Bruner, Esquire
Johanna Serrano Gardner, Esquire

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Estate of Essie B. Bryan, through her personal
representative Marcus Kinloch, Appellant,

v.

Charleston County and C.A. Roberds, Respondents,

v.

C.A. Roberds, Respondent,

v.

Ernest Kinloch d/b/a Ernie's Restaurant, Third Party
Defendant.

Appellate Case No. 2013-002108

Appeal From Charleston County
Mikell R. Scarborough, Master-in-Equity

Unpublished Opinion No. 2015-UP-396
Submitted July 1, 2015 – Filed August 12, 2015

AFFIRMED

Robert Lee Gailliard, of Robert L. Gailliard, Attorney at Law, of Charleston, for Appellant.

Joseph Dawson, III, Bernard E. Ferrara, Jr., Austin Adams Bruner, and Johanna Serrano Gardner, all of the Charleston County Attorney's Office, of North Charleston, for Respondent Charleston County; and Kerry W. Koon, of Charleston, for Respondent C.A. Roberds.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following authorities: *Savannah Bank, N.A. v. Stalliard*, 400 S.C. 246, 250, 734 S.E.2d 161, 163 (2012) ("When reviewing the grant of summary judgment, the appellate court applies the same standard applied by the [master-in-equity] pursuant to Rule 56(c), SCRCPP. Summary judgment is appropriate when there is no genuine issue of material fact such that the moving party must prevail as a matter of law." (internal quotation marks and citation omitted)); Rule 36(a), SCRCPP (allowing a party to serve another party a written request for admission of any matter discoverable under Rule 26(b), SCRCPP); *id.* ("The matter is admitted unless, within 30 days after service of the request, . . . the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter"); *Scott v. Greenville Hous. Auth.*, 353 S.C. 639, 645, 579 S.E.2d 151, 154 (Ct. App. 2003) ("[A]s currently verbalized in Rule 36, SCRCPP, South Carolina has long had the discovery rule that failure to respond to requests for admissions renders any matter listed in the request conclusively admitted for trial."); S.C. Code Ann. § 12-51-40 (2014) (detailing the procedure for notifying a defaulting taxpayer that property will be sold to collect delinquent taxes); S.C. Code Ann. § 12-51-120 (2014) (detailing the procedure for notifying a defaulting taxpayer that the end of the redemption period is approaching).

AFFIRMED.¹

SHORT, LOCKEMY, and MCDONALD, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.