

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

Appellate Case No. 2015-002637

Brett Gries, Appellant,

v.

Aiken County Assessor, Respondent.

RECEIVED

JAN 13 2017

SC Court of Appeals

RETURN OF RESPONDENT WITH RESPECT TO MOTION BY
APPELLANT TO INCLUDE TWO DOCUMENTS AS OTHER AUTHORITIES

Brett Gries, Pro Se
680 Implement Road
Aiken, SC 29803
(815)-342-2628
Appellant

James M. Holly, Esquire
P. O. Box 5925
Aiken, SC 29804
(803)-221-4276
SC Bar No. 02572
Attorney for Respondent

On or about January 6, 2017, Appellant filed his Motion to Include Two Documents As Other Authorities with a supporting memorandum. Appellant wants to include or refer to the two documents in his Brief to use them in support of his arguments. One document is the Police Report identified below, and the other is actually a publication, "Uniform Standards of Professional Appraisal Practice."

This is the fourth time that motions have been filed in this appeal, because the Appellant refuses to follow Rules 209(b) and 210(c) of the South Carolina Appellate Court Rules, S.C. Code Section 1-23-610(B) (Supp. 2016), and the past Orders of this Court in this appeal (copies of Orders attached as Exhibit A dated May 20, 2016; Exhibit B dated August 25, 2016; and Exhibit C dated December 15, 2016). Also attached hereto and incorporated herein by reference are Exhibit D, Respondent's Memorandum in Support of (Second) Motion by Respondent to Dismiss the Appeal dated July 5, 2016, and Exhibit E, Respondent's Memorandum in Support of (Third) Motion by Respondent to Dismiss the Appeal dated October 20, 2016. Each Memorandum discusses the matters raised by Appellant in the pending motion in more detail, particularly the Police Report identified below. Respondent respectfully further refers the Court to all other filings with this Court in this appeal.

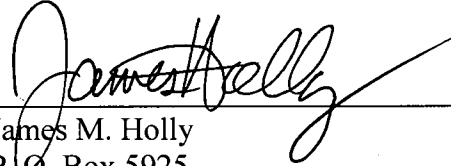
In the pending motion, Respondent yet again is seeking to place before this Court the "Police Report" allegedly obtained by him from the City of Columbia Police Department which was issued on and is dated February 19, 2016. That date is approximately nine months after the hearing on this matter was held before the Administrative Law Court on May 26, 2015, and approximately two and one-half months

after the Administrative Law Judge issued his Order in this matter on December 4, 2015. In the Orders issued by this Court attached as Exhibits A, B, and C, Appellant was ordered not to include, among other items, the Police Report in the record or briefs to be submitted to this Court. Each Order was the result primarily of Appellant's attempting to include the Police Report in this appeal through one means or another despite the Orders of this Court.

In fact, Appellant attempted to include the same Police Report in his Second Amended Initial Brief under what he labeled (similar to the relief requested in his pending motion for the Fourth Amended Initial Brief) as "Other Authorities" and "Appellant's Cases, Statutes and Other Authorities Cited." The Order issued by this Court in response to a motion by Respondent concerning the Police Report is Exhibit B hereto. It ordered Appellant to strike that offending material, which included the Police Report, and "to file an amended initial brief that omits any references or citations to matters that were not presented to the lower court." Appellant sought to include the Police Report again in his Third Amended Initial Brief under "Other Authorities" which resulted in the Order issued by this Court on December 15, 2016 (Exhibit C). In the pending motion as to the Police Report, Appellant is attempting again to do what three prior Orders of this Court have directed him not to do.

Respondent respectfully submits the Appellant's motion as to the Police Report should be denied and appropriate sanctions imposed upon Appellant for repeatedly violating the Orders of this Court.

With respect to Appellant's motion as to listing the "Uniform Standards of Professional Appraisal Practice" under "Other Authorities" in his Fourth Amended Initial Brief, Respondent defers to this Court on this matter. If permitted, the reference should include the year of publication and number of the edition cited.



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(803)-221-4276
SC Bar No. 0002572
Attorney for Respondent

January 11, 2017

EXHIBIT A

ORDER DATED 5.20.16

The South Carolina Court of Appeals

Brett Gries, Appellant,

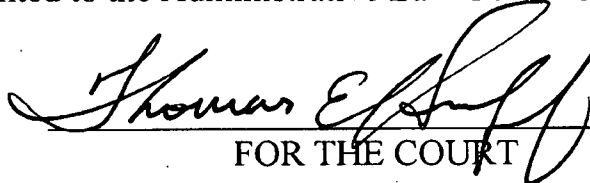
v.

Aiken County Assessor, Respondent.

Appellate Case No. 2015-002637

ORDER

Respondent's motion to dismiss this appeal is denied. However, we strike Appellant's initial brief because Appellant has conceded that he included references to "new exhibits" that were not presented to the Administrative Law Court. Within thirty days of this order, Appellant shall serve and file an amended initial brief that excludes all references to the "new exhibits." Appellant shall also serve a designation of matter within thirty days of this order, which lists the documents Appellant intends to include in the record on appeal. *See* Rule 209, SCACR. Appellant is reminded that his designation of matter shall not include any documents that were not presented to the Administrative Law Court. *See* Rule 210(c), SCACR.


FOR THE COURT

Columbia, South Carolina

cc:
Brett Gries
James M. Holly, Esquire

FILED
5/20/16 

EXHIBIT B

ORDER DATED 8.25.16

The South Carolina Court of Appeals

Brett Gries, Appellant,

v.

Aiken County Assessor, Respondent.

Appellate Case No. 2015-002637

ORDER

Respondent's request to dismiss this appeal is denied. However, Appellant's documents entitled "Cases Statutes and Other Authorities Cited" and Second Amended Initial brief are both stricken. The document entitled "Cases Statutes and Other Authorities Cited" is an improper filing with this court. Within thirty days of the date of this order, Appellant shall file an amended initial brief that omits any references or citations to matters that were not presented to the lower court. Failure of Appellant to timely comply with this order and with the South Carolina Rules of Appellate Procedure may result in the dismissal of this appeal.



FOR THE COURT

Columbia, South Carolina

FILED

cc:

Brett Gries

James M. Holly, Esquire

August 25, 2016

EXHIBIT C

ORDER DATED 12.15.16

The South Carolina Court of Appeals

Brett Gries, Appellant,

v.

Aiken County Assessor, Respondent.

Appellate Case No. 2015-002637

ORDER

Respondent's motion to dismiss is denied. However, Respondent's request to strike Appellant's third amended initial brief is granted. Within thirty days of the date of this order, Appellant shall serve and file a fourth amended initial brief that includes no discussion or references to matters not actually presented to the lower court. Failure of Appellant to comply may result in the dismissal of this appeal.



FOR THE COURT

Columbia, South Carolina

cc:

Brett Gries

James M. Holly, Esquire

FILED

December 15, 2016

EXHIBIT D

**MEMORANDUM IN SUPPORT OF
MOTION TO DISMISS APPEAL, TO
STRIKE OR FOR OTHER RELIEF BY
RESPONDENT DATED 7.6.16**

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

RECEIVED

JUL 06 2016

SC Court of Appeals

Case No. 15-ALJ-17-0050-CC

Appellate Case No. 2015-002637

Brett Gries, Appellant,

v.

Aiken County Assessor, Respondent.

MEMORANDUM IN SUPPORT OF MOTION TO DISMISS APPEAL, TO STRIKE
OR FOR OTHER RELIEF BY RESPONDENT

Brett Gries, Pro Se
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Appellant

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P. O. Box 5925
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(803)-221-4276
Attorney for Respondent

History of Appeal

Respondent respectfully submits the legal authorities, facts and arguments set forth hereinafter in support of its Motion to Dismiss Appeal, to Strike or for Other Relief. Respondent also incorporates by reference herein the records and documents on this appeal that are on file with the Court.

This matter involves the appeal of an order by the Administrative Law Court that affirmed the Respondent's determination of the fair market value and taxable value of Appellant's real property for purposes of ad valorem taxation. Therefore, the appeal to this Court is made pursuant to S.C. Code Ann. Section 1-23-610 (Supp. 2015).

The Notice of Appeal in this matter was filed December 29, 2015. Appellant filed his Initial Brief and other materials with the Court on March 7, 2016. He did not file a separate designation of matter at that time. On March 25, 2016, Respondent filed a Motion to Dismiss Appeal or For Other Relief or Sanctions asserting in part, that Appellant's Initial Brief and other materials contained new exhibits, arguments and alleged facts that were not presented to the Administrative Law Court or in the record before that court. On April 18, 2016, Appellant filed a First Amended Initial Brief and a Designation of Matter out of time without obtaining the permission of the Court to do so. The Designation of Record filed by Appellant listed 25 new exhibits. After considering the aforementioned motion and record, this Court issued its Order filed May 20, 2016, striking Appellant's initial brief and directing Appellant to:

...serve and file an amended initial brief that excludes all references to the "new exhibits." Appellant shall also serve a designation of matter within thirty days of this order, which lists the documents Appellant intends to include in the record on

appeal. *See* Rule 209, SCACR. Appellant is reminded that his designation of matter shall not include any documents that were not presented to the Administrative Law Court. *See* Rule 210(c), SCARC.

Appellant's Second Amended Initial Brief and Related Filings

On June 13, 2016, Counsel for Respondent filed his Second Amended Initial Brief; Designation of Matter to be Included in the Record on Appeal; and a document entitled "Cases, Statutes and Other Authorities Cited." Respondent's counsel received those filings on June 14, 2016. Appellant's Second Amended Initial Brief and Cases, Statutes and Other Authorities Cited include copies of and refer to some of the same "new exhibits" that were the subject of Respondent's first Motion to Dismiss Appeal or for Other Relief or Sanctions and this Court's Order filed May 20, 2016. The Second Amended Initial Brief repeatedly refers to alleged facts and documents that Appellant has admitted were not presented to the Administrative Law Court or on their face were created after the hearing before that court. In addition to continuing to violate Rules 209 and 210, SCACR, Appellant has violated the Order of this Court.

In Appellant's Initial Brief filed March 7, 2016, he included references to and presented arguments referring to Exhibits P, "Real Estate Appraisal"; Exhibit O, "Real Estate Appraisal: Chapter 9 Sales Comparison Approach to Value"; and Exhibit T, "Columbia, South Carolina Police Report Number T16000354". Respondent's counsel submits that these exhibits are the same ones listed with many other new exhibits as New Exhibits NO, NP and NT, respectively, in the Designation of Matter filed by Appellant with the Court on April 18, 2016. Appellant served Respondent's counsel with copies of

the New Exhibits on or about April 18, 2016. As established in the aforementioned Order on Respondent's first Motion to Dismiss Appeal or For Other Relief or Sanctions, these new exhibits were not before the Administrative Law Court.

On page 2 of Appellant's Cases, Statutes and Other Authorities Cited filed with his Second Amended Initial Brief on June 13, 2016, he lists and attaches thereto a Columbia, South Carolina Police Report that is the same, it is submitted, as New Exhibit NT discussed in the preceding paragraph but in a different format. Included herewith as Attachment 1 is the report attached to Appellant's Cases, Statutes and Other Authorities Cited. Attachment 2 hereto is New Exhibit NT from Appellant's Designation of Matter filed April 18, 2016. This report is dated about two months after Appellant filed his Notice of Appeal. In Cases, Statutes, and Other Authorities Cited, Appellant states that this report is discussed at pages 4, 5, 6, 10, 41 47 and 48 of his Second Amended Initial Brief. A review of the Second Amended Initial Brief shows that the document and its contents are repeatedly discussed. The aforementioned Order directed that Appellant exclude all references to such new exhibits from his initial brief. Instead of excluding it, Appellant referred to it at least seven times.

On page 2 of Appellant's Cases, Statutes and Other Authorities Cited, he lists and also attaches thereto documents entitled "Real Estate Appraisal" which is 19 pages and "Real Estate Appraisal: Chapter 9 Sales Comparison Approach to Value" which is 51 pages. These are the same exhibits previously referred to by Appellant as New Exhibit NP and New Exhibit NO as explained above. Due to their length, Respondent's counsel has not attached hereto full copies of New Exhibits NP and NO, but has included herewith Attachment 3 which contains a copy of the first page of each exhibit and the

very same documents that were attached to Appellant's Cases, Statutes and Other Authorities Cited. Appellant states in his Cases, Statutes and Other Authorities cited that "Real Estate Appraisal" (New Exhibit NP) is discussed in Second Amended Initial Brief on ten pages and "Real Estate Appraisal: Chapter 9 Sales Comparison Approach to Value" (New Exhibit NO) is discussed on nine pages. Again, the aforementioned Order directed Appellant to exclude all references to these new exhibits from his initial brief. The purpose of these documents is factual as supporting Appellant's valuation of his real property or weakening the credibility of the valuation presented by Respondent.

In addition to the foregoing violations, Appellant's Second Amended Initial Brief contains other improper contents. On page 7, he lists his personal credentials and experience to support his valuation of his real property; Respondent's counsel submits that this information was not presented to the Administrative Law Court and is not in the record of the proceedings in that court. On pages 16 and 17, Appellant includes what appears to be a new analysis on spreadsheets which he explains on page 15. On page 15, he states:

Now to my analysis on pages 16 and 17. The following Analysis takes the information from ...Exhibit F...and Exhibit H...and reconfigures the information [Underlining added.]

Following the spreadsheets on page 17 are sixteen more pages of analysis that appear to relate to the reconfigured information. This presentation was not before the Administrative Law Court.

The undersigned counsel has not been able yet to spend the hours necessary to determine if the many other pages in the Second Amended Initial Brief containing numbers and calculations include alleged facts that were not presented to the

Administrative Law Court or directly or indirectly refer to the other new exhibits that were listed in Appellant's Designation of Matter filed April 18, 2016, and excluded by the Order of this Court.

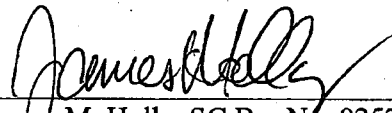
Appellant has again presented alleged facts, arguments and exhibits that are not in the record before the Administrative Law Court. From his Second Amended Initial Brief, it is clear that Appellant expects this Court to conduct a de novo review of his challenge of Respondent County Tax Assessor's valuation of his real property for purposes of taxation. The review of an order of the administrative law court in such matters on appeal is confined to the record before that court. S.C. Code Ann. Section 1-23-610(B) (Supp. 2015).

Pro se litigants such as Appellant who chose to represent themselves must comply with the procedural requirements of the law. Lack of familiarity with legal proceedings is not an excuse to allow lesser standards to be applied to them than would be applied to an attorney. State v. Policao, 402 S.C. 547, 558, 741 S.E.2d 774, 779-780 (Ct. App. 2013); State v. Burton, 356 S.C. 259, 265, n.5, 589 S.E.2d 6, 9 n. 5 (2003); Goodson v. American Bankers Ins. Co., 295 S.C. 400, 403, 369 S.E.2d 687, 689 (Ct. App. 1988).

Conclusion

Appellant's has violated the applicable rules and Order of this Court. Respondent's counsel has expended many hours and incurred additional expenses in dealing with Appellant's actions. It has been six months since Appellant filed his Notice of Appeal. Despite multiple filings by the parties and the time expended by the Court,

Appellant still has not filed a proper initial brief. Based on the foregoing, Respondent respectfully moves the Court to dismiss the above-captioned appeal, strike the Appellant's Second Amended Initial Brief and the document entitled Cases, Statutes and Other Authorities Cited, and/or issue such other orders as it deems proper.



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Attorney for Respondent

July 5, 2016

ATTACHMENT 1

From Appellant's Cases, Statutes and Other Authorities Filed June 13, 2016

COLUMBIA POLICE DEPARTMENT SUMMARY INCIDENT REPORT

REPORT NUMBER: 160070189



INCIDENT INFORMATION							
INCIDENT CODE 90Z	INCIDENT TYPE Information Report	INITIAL SUPP	<input checked="" type="checkbox"/>	DATE/TIME STARTED 05/26/2015 10:10 AM	DATE/TIME ENDED 05/26/2015 02:25 PM	DATE/TIME REPORTED 02/20/2016 08:10 AM	
REPORT FILED FROM ***	TRACKING NUMBER T16000354	LOCATION OF OCCURRENCE 1205 Pendleton Street, , Columbia, SC				APPROVED BY: 21268/Melanie Smith	
LOCATION TYPE	THEFT TYPE	METHOD OF ENTRY	METHOD OF EXIT	PT OF ENTRY	PT OF EXIT	ENTRY LOC	

PERSON LISTINGS									
1	TYPE COMPL	LAST NAME Gries	FIRST NAME Brett	MIDDLE NAME	DOB ***	RACE ***	SEX *	DRIVER LIC NO	LIC ST
	SSN	ETHNICITY ***	RESIDENT ***	EYE COLOR ***	HAIR COLOR ***	AGE 67	HEIGHT 601	WEIGHT 185	CELL PHONE ***
	EMAIL brettgries@aol.com	RESIDENCE ADDRESS ***						HOME PHONE	
	EMPLOYER NAME	BUSINESS ADDRESS ***						WORK PHONE	

NARRATIVE
<p>On February 19, 2016 at approximately 02:30PM, Brett Gries met with Investigator Pugh, to discuss possible Felony Perjury charges against Mr. Mark Sapp, Staff Assessor for Aiken County. The evidence provided included EXHIBIT F: South Carolina Law, Section 16-9-10, MR. SAPP APPRAISAL: Including Cover Letter dated January 14, 2015, with the key document being Document #9, which picture was dated 02.06.2014, EXHIBIT D: With Comparable #4 address of 3042 Farmer Road, EXHIBIT B-4: Property Card for 3042 Farmer Road, showing the pool was assessed to the property at 12.31.2014, 2015 PROPERTY CARD: Property Card for 3042 Farmer Road, showing the pool was assessed to the property at 12.31.2014, EXHIBIT J-4: Picture of pool at 3042 Farmer Road, taken January 13, 2016, TRANSCRIPT: Pages 152 and 153, where Mr. Sapp stated that "when I looked at the property for the date of sale, which was 2013, there was no pool attached to the property.", EXHIBIT Q: Case of Pryzbyl vs. Edgefield County Assessor, which Case cites on page 3, provide the motive for Mr. Sapp to lie in front of Judge Lenski.</p> <p>While the evidence met the requirements of the law for Felony Perjury, Investigator Pugh declined to pursue charges, as Mr. Sapp could simply state that he did not do his job, and the charges would not stick.</p>

MR. SAPP

Perjury Supporting Documentation

Draft 2016.02.01

PERJURY SUPPORTING DOCUMENTS

EXHIBIT F: South Carolina Law, Section 16-9-10

MR. SAPP APPRAISAL: Cover letter dated January 14, 2015 & Doc's #1, #5 & #9

- Key Document = Document #9, front photo of Comparable #4 dated 02.06.2014

EXHIBIT D: Mr. Sapp's Appraisal Document #5, with Comparable #4 address of 3042 Farmer Road

EXHIBIT B-4: 2014 Property Card for 3042 Farmer Road, showing the pool was assessed to the property at 12.31.2013

2015 PRPERTY CARD: For 3042 Farmer Road, shpwing the pool was assessed to the property at 12.31.2014

EXHIBIT J-4: Picture of Comp #4 Swimming Pool taken on January 13, 2016

TRANSCRIPT: Pages 152 and 153, where Mr. Sapp stated that "When I looked at the property for the date of sale, which was 2013, there was no pool attached to the property."

EXHIBIT Q: Case of Przybyl vs Edgefield County Assessor, which cites on Page 3, provided the motive for Mr. Sapp to lie in front of Judge Lenski.

From: ScColumbiaPd <ScColumbiaPd@coplogic.com>
To: brettgries <brettgries@aol.com>
Subject: Your Online Police Report 160070189 Has Been Approved
Date: Thu, Mar 10, 2016 9:55 pm
Attachments: report-160070189-0.pdf (15K)

Your online report has been approved and the permanent case number is 160070189. Please note in the attached report that sensitive information has been replaced with *** in order to maintain privacy in emails. Thank you for using our online reporting system and please e-mail us with any suggestions you have for improving our system. Online Officer Columbia Police Department -----

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

ATTACHMENT 2

Exhibit NT Referred to in Appellant's Designation of Matter Filed April 18, 2016



**This incident has been reported to the
Columbia Police Department
and is pending approval**

Columbia Police Department
#1 Justice Square
Columbia, SC 29201
803-545-3500

General Information

Incident Type	Information Report
Tracking Number	T16000354
Report Date	02/20/2016 08:10 AM

Reporting Person Information

Name	Gries, Brett
Home Address	680 Implement Road, Columbia, SC 29803, US
Mobile Phone	815-342-2628
Email	brettgries@aol.com
Race	Caucasian
Ethnicity	Non-hispanic
Resident Status	State
Sex	Male
DOB	02/26/1948
Age	67
Height	601
Weight	185
Eye Color	Brown
Hair Color	Grey/Partially Grey

Incident Information

Incident Location	1205 Pendleton Street, , Columbia, SC 29201
Incident Time (start)	05/26/2015 10:10 AM
Incident Time (end)	05/26/2015 02:25 PM

Narrative

Incident Description

On February 19, 2016 at approximately 02:30PM, Brett Gries met with Investigator Pugh, to discuss possible Felony Perjury charges against Mr. Mark Sapp, Staff Assessor for Aiken County. The evidence provided included EXHIBIT F: South Carolina Law, Section 16-9-10, MR. SAPP APPRAISAL: Including Cover Letter dated January 14, 2015, with the key document being Document #9, which picture was dated 02.06.2014, EXHIBIT D: With Comparable #4 address of 3042 Farmer Road, EXHIBIT B-4: Property Card for 3042 Farmer Road, showing the pool was assessed to the property at 12.31.2014, 2015 PROPERTY CARD: Property Card for 3042 Farmer Road, showing the pool was assessed to the property at 12.31.2014, EXHIBIT J-4: Picture of pool at 3042 Farmer Road, taken January 13, 2016, TRANSCRIPT: Pages 152 and 153, where Mr. Sapp stated that "when I looked at the property for the date of sale, which was 2013, there was no pool attached to the property.", EXHIBIT Q: Case of Pryzbyl vs. Edgefield County Assessor, which Case cites on page 3, provide the motive for Mr. Sapp to lie in front of Judge Lenski.

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View This Report

MR. SAPP

Perjury Supporting Documentation

Draft 2016.02.01

PERJURY SUPPORTING DOCUMENTS

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ATTACHMENT 3

First Pages of New Exhibits NP and NO from Appellant's Designation of Record Filed April 18, 2016 and First Pages of Same Documents Attached to Appellant's Cases, Statutes and Other Authorities Filed June 13, 2016

Real estate appraisal

From Wikipedia, the free encyclopedia

Real estate appraisal, **property valuation** or **land valuation** is the process of developing an opinion of value for real property (usually market value). Real estate transactions often require appraisals because they occur infrequently and every property is unique (especially their location, a key factor in valuation), unlike corporate stocks, which are traded daily and are identical (thus a centralized Walrasian auction like a stock exchange is unrealistic). Appraisal reports form the basis for mortgage loans, settling estates and divorces, taxation, and so on. Sometimes an appraisal report is used to set the sale price of a property.

Most, but not all, countries require appraisers to be licensed or certified. Appraisers are often known as "property valuers" or "land valuers"; in British English they are "valuation surveyors". If the appraiser's opinion is based on market value, then it must also be based on the highest and best use of the real property. In the United States, mortgage valuations of improved residential properties are generally reported on a standardized form like the Uniform Residential Appraisal Report.^[1] Appraisals of more complex properties (e.g., income-producing, raw land) are often reported in narrative format.

Contents

- 1 Types of value
 - 1.1 Price versus value
 - 1.2 Market value definitions in the United States
- 2 Three approaches to value
 - 2.1 The cost approach
 - 2.2 The sales comparison approach
 - 2.3 The income capitalization approach
 - 2.4 UK valuation methods
- 3 Further considerations
 - 3.1 Scope of work
 - 3.2 Types of ownership interest
 - 3.3 Home inspection
 - 3.4 Real estate appraisal data entry
- 4 Mass appraisal and automated valuation models
- 5 Governing authorities and professional organizations
 - 5.1 International
 - 5.2 Germany
 - 5.2.1 Governing authorities
 - 5.2.2 Federal regulations
 - 5.2.3 Comments on German GAVP
 - 5.2.4 Criticism
 - 5.2.5 Professional organizations

NEW EXHIBIT NP

Quizlet

Real Estate Appraisal: Chapter 9 Sales Comparison Approach to Value

by [Admin](#)

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NEW EXHIBIT NO

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Real estate appraisal, property valuation or land valuation is the process of developing an opinion of value for real property (usually market value). Real estate transactions often require appraisals because they occur infrequently and every property is unique (especially their location, a key factor in valuation), unlike corporate stocks, which are traded daily and are identical (thus a centralized Walrasian auction like a stock exchange is unrealistic). Appraisal reports form the basis for mortgage loans, settling estates and divorces, taxation, and so on. Sometimes an appraisal report is used to establish a sale price for a property.

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- 2 Three Approaches to Value
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 - 5.2.1 Governing Authorities
 - 5.2.2 Federal regulations
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 - 5.2.4 Criticism

ATTACHED TO
CASES, STATUTES
AND OTHER
AUTHORITIES

Quizlet

Real Estate Appraisal: Chapter 9 Sales Comparison Approach to Value

Set containing 40 terms by JeffreyAdamos

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ATTACHED TO
CASES, STATUTES
AND OTHER
AUTHORITIES

EXHIBIT E

**MEMORANDUM IN SUPPORT OF
MOTION BY RESPONDENT TO DISMISS
APPEAL, TO STRIKE THIRD AMENDED
INITIAL BRIEF AND/OR FOR OTHER
RELIEF DATED 10.24.16**

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

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Brett Gries, Appellant,

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RECEIVED

OCT 24 2016

SC Court of Appeals

MEMORANDUM IN SUPPORT OF MOTION BY RESPONDENT TO DISMISS
APPEAL, TO STRIKE THIRD AMENDED INITIAL BRIEF AND/OR FOR OTHER
RELIEF

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HISTORY

Respondent respectfully submits the legal authorities, facts and arguments set forth hereinafter in support of its Motion to Dismiss Appeal, Strike Third Amended Initial Brief and/or for Other Relief. Respondent also incorporates by reference herein the records and documents on this appeal that are on file with the Court.

This matter involves the appeal of an order by the Administrative Law Court that affirmed the Respondent's determination of the fair market value and taxable value of Appellant's real property for purposes of ad valorem taxation. Therefore, the appeal to this Court is made pursuant to S.C. Code Ann. Section 1-23-610 (Supp. 2015). The Notice of Appeal in this matter was filed December 29, 2015.

Respondent previously filed and served two motions similar to the instant Motion based on similar grounds. In each instance, this Court issued Orders directing Appellant to file and serve corrected Initial Briefs and/or Designations of Record. As a result, Appellant filed and served a Second Amended Initial Brief and revised Designation of Record and then a Third Amended Initial Brief and revised Designation of Record. The latter Brief and Designation were received by this Court on September 23, 2016.

On October 4, 2016, Appellant filed a Motion for a Stay. On October 11, 2016, this Court issued an order providing Appellant until November 14, 2016, in which "to file a motion to file his amended initial brief and designation of matter." The Order also stated: "The deadline for respondent's initial brief and designation of matter is hereby stayed."

It is unclear to the undersigned counsel for Respondent whether Appellant intends to seek to file and serve a fourth Amended Initial Brief and/or Designation of Record or

will rely on his Third Amended Initial Brief and Designation of Record. For this reason and so the Court will be aware of the issues raised herein before any further actions on this appeal, Respondent is submitting the following motion.

ARGUMENT

After considering Respondent's first Motion filed March 25, 2016, concerning the improper contents of Appellant's Initial Brief and Designation of Record, this Court issued its Order filed May 20, 2016, striking Appellant's initial brief and directing Appellant to:

...serve and file an amended initial brief that excludes all references to the "new exhibits." Appellant shall also serve a designation of matter within thirty days of this order, which lists the documents Appellant intends to include in the record on appeal. *See* Rule 209, SCACR. Appellant is reminded that his designation of matter shall not include any documents that were not presented to the Administrative Law Court. *See* Rule 210(c), SCARC.

After considering Respondent's second Motion filed July 6, 2016, concerning the improper contents of Appellant's Second Amended Initial Brief and attachments, this Court issued its Order filed August 25, 2016, directing Appellant to:

...file an amended initial brief that omits any references or citations to matters that were not presented to the lower court. Failure of Appellant to timely comply with this order and with the South Carolina Rules of Appellate Procedure may result in the dismissal of this appeal.

In his Third Amended Initial Brief, Appellant has continued his practice of failing to comply with the rules and orders of this Court.

The undersigned counsel for Respondent respectfully refers the Court as examples to Respondent's Memorandum in support of his Motion filed March 25, 2016: specifically, page 2 of Attachment 5 (Excerpts from Appellant's Initial Brief) where Appellant cites the Columbia, South Carolina Police Report; the last paragraph on page 3 of Attachment 5 which refers to that same February 19, 2016 report; the first full paragraph on page 5 of Attachment 5 which discusses the report; the bottom portion of page 38 of Attachment 5 which discusses the same report; and the listing of Exhibit T in Attachment 7 which again lists the same report. These references concern a police report sought and obtained by Appellant after the hearing held on May 25, 2016, before the Administrative Law Court and after the appeal to this Court was filed on December 29, 2015.

The undersigned counsel further refers the Court to the last paragraph on page 2 and Attachments 1 and 2 of Respondent's Memorandum in support of his second Motion filed July 6, 2016, which concern the same police report. That motion related to Appellant's Second Amended Initial Brief.

Despite the aforementioned Orders of this Court and materials filed by Respondent in support of his motion, Appellant's Third Amended Initial Brief yet again includes the same police report, information and arguments referenced in the preceding paragraphs. On page 3 the Third Amended Initial Brief, please see that under the heading "Other Authorities", Appellant lists the Columbia, South Carolina Police Report and

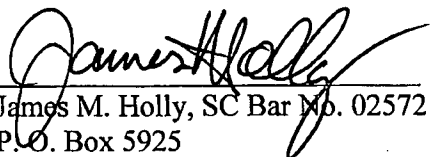
states that it is cited on pages 6, 7 and 8 of the Brief. Again on page 2, Issue Number One concerns the same police report as does the discussion at pages 6-7.

The review of an order of the administrative law court in such matters on appeal is confined to the record before that court. S.C. Code Ann. Section 1-23-610(B) (Supp. 2015).

Pro se litigants who chose to represent themselves must comply with the procedural requirements of the law. Lack of familiarity with legal proceedings is not an excuse to allow lesser standards to be applied to them than would be applied to an attorney. State v. Policao, 402 S.C. 547, 558, 741 S.E.2d 774, 779-780 (Ct. App. 2013); State v. Burton, 356 S.C. 259, 265, n.5, 589 S.E.2d 6, 9 n. 5 (2003); Goodson v. American Bankers Ins. Co., 295 S.C. 400, 403, 369 S.E.2d 687, 689 (Ct. App. 1988).

CONCLUSION

Appellant's has repeatedly violated the applicable rules and orders of this Court. Based on the foregoing, Respondent respectfully moves the Court to dismiss this, strike the Appellant's Third Amended Initial Brief, and/or issue such other orders as it deems proper.


James M. Holly, SC Bar No. 02572
P.O. Box 5925
Aiken, SC 29804
(803)-221-4276
Attorney for Respondent

October 20, 2016

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

Case No. 15-ALJ-17-0050-CC

Appellate Case No. 2015-002637

Brett Gries, Appellant,

v.

Aiken County Assessor, Respondent.

CERTIFICATE OF SERVICE


I certify that I served Respondent's Return with respect to Appellant's previously filed Motion to Include Two Documents as other Authorities by depositing a copy thereof in the United States Mail, postage prepaid, on January 11, 2017, addressed to Appellant Brett Gries, 680 Implement Road, Aiken, SC 29803.

January 11, 2017

RECEIVED

JAN 13 2017

SC Court of Appeals



Janet L. Hendrickson

1930 University Parkway

Suite 3600

Aiken, SC 29801

(803) 642-1688 Ext. 3110

Paralegal to James M. Holly, Esquire

SC Bar No. 02572

Attorney for Respondent



Aiken County
County Attorney

Remembering the Past, Preparing for the Future

James M. Holly
County Attorney

January 11, 2017

The Honorable Jenny Abbott Kitchings
Clerk
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED

JAN 13 2017

SC Court of Appeals

RE: Brett Gries vs. Aiken County Assessor
SC Court of Appeals: Appellate Case No. 2015-002637

Dear Clerk Kitchings:

Please find enclosed for filing one original and six copies of the Respondent's Return with respect to Appellant's previously filed Motion to Include Two Documents as Other Authorities and one copy of the Certificate of Service on Appellant.

Thank you for your assistance.

Yours very truly,

A handwritten signature in black ink, appearing to read "James M. Holly", written over a circular stamp or mark.

James M. Holly
Attorney for Respondent

cc: Mr. Brett Gries, Appellant Pro Se