



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
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June 21, 2017

The Honorable Gwen T. Hyatt  
PO Box 1220  
Dillon SC 29536-1220

## REMITTITUR

Re: Claude Graham v. Town of Latta (2)  
Lower Court Case No. 2008CP1700376  
Appellate Case No. 2014-000208

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: Reynolds Williams, Esquire  
Andrew F. Lindemann, Esquire  
Michael Brian Wren, Esquire  
Daniel Clifton Plyler, Esquire

# The Supreme Court of South Carolina

Claude W. Graham and Vickie B. Graham, Petitioners,

RECEIVED

JUN 19 2017

v.

SC Court of Appeals

Town of Latta, South Carolina, Respondent.

Appellate Case No. 2016-001888

Lower Court Case No. 2008-CP-17-00376

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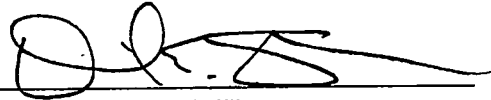
## ORDER

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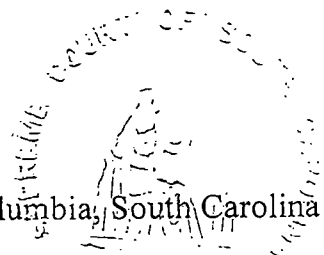
Based on the vote of the Court, the petition for a writ of certiorari is denied.

FOR THE COURT

BY



CLERK



Columbia, South Carolina

June 16, 2017

cc:

Reynolds Williams, Esquire  
Andrew F. Lindemann, Esquire  
Michael Brian Wren, Esquire  
Daniel Clifton Plyler, Esquire  
The Honorable Gwen T. Hyatt  
The Honorable Jenny Abbott Kitchings

**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**

Claude W. Graham and Vickie B. Graham, Appellants,

v.

Town of Latta, South Carolina, Respondent.

Appellate Case No. 2014-000208

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Appeal From Dillon County  
J. Michael Baxley, Circuit Court Judge

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Unpublished Opinion No. 2016-UP-331  
Submitted May 1, 2016 – Filed June 29, 2016

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**AFFIRMED**

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Reynolds Williams, of Willcox Buyck & Williams, PA,  
of Florence, for Appellants.

Andrew F. Lindemann, Michael Brian Wren, and Daniel  
Clifton Plyler, all of Davidson & Lindemann, PA, of  
Columbia, for Respondent.

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**PER CURIAM:** Affirmed pursuant to Rule 220(b), SCACR, and the following  
authorities: *S.C. Dep't of Transp. v. First Carolina Corp. of S.C.*, 369 S.C. 150,  
153, 631 S.E.2d 533, 535 (2006) ("The granting of leave to deposit money with the

court pursuant to Rule 67, SCRCF is a matter within the discretion of the trial court and will not be overturned absent an abuse of that discretion."); S.C. Code Ann. § 34-31-20(B) (Supp. 2015) ("A money decree or judgment of a court enrolled or entered must draw interest according to law."); Rule 67, SCRCF ("In an action in which any part of the relief sought is a judgment for a sum of money . . . , a party, upon notice to every other party, and by leave of court, may deposit with the court all or any part of such sum . . . ."); *Russo v. Sutton*, 317 S.C. 441, 444, 454 S.E.2d 895, 896 (1995) ("[A] judgment debtor's deposit of funds into the court pending his own appeal prevents further accrual of interest."); *Collins v. Doe*, 352 S.C. 462, 470, 574 S.E.2d 739, 743 (2002) ("Under the rules of statutory interpretation, use of words such as 'shall' or 'must' indicates the legislature's intent to enact a mandatory requirement.").

**AFFIRMED.**<sup>1</sup>

**SHORT and THOMAS, JJ., and CURETON, A.J., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.