

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

**Appeal From Georgetown County
Court of Common Pleas**

Steven H. John, Presiding Circuit Court Judge

Case No. 2015 – CP – 22 -00483

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SG Court of Appeals

Willie Singleton

Appellant

V

**CITY OF GEORGETOWN JANET GRANT,
INDIVIDUALLY AND AS AN EMPLOYEE OF THE
CITY,RICKY MARTIN,INDIVIDUALLY,AND AS AN
EMPLOYEE OF THE CITY,ROBERT O'DONNELL ,
INDIVIDUALLY AND AS MAGISTRATE FOR THE CITY
OF GEORGETOWN**

RESPONDENT

INITIAL BRIEF OF APPELLANT

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II. DID THE JUDGE ERR GRANTING SUMMARY JUDGEMENT TO THE DEFENDANTS? WHEN IN THE PLAINTIFF SECOND CAUSE OF ACTION THE PLAINTIFF CHARGED THE DEFENDANTS FOR ABUSE OF POWER AND BEING DEPRIVED OF THE CONDEMNATION PROCESS?

III. DID THE JUDGE ERR GRANTING SUMMARY JUDGEMENT TO THE DEFENDANTS ON THE SIXTH CAUSE OF ACTION WHEN THE FEDERAL COURT REMANDED THE SIX CAUSE OF ACTION BACK TO THE STATE COURT?

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V. DID THE JUDGE ERR GRANTING SUMMARY JUDGEMENT TO THE DEFENDANTS WHEN THE FEDERAL COURT REMANDED THE EIGHTH CAUSE OF ACTION TO THE STATE COURT?

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S.C. Code Ann. § 15-78-78 (a).....

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Conclusion

- 1 The Plaintiff is the proper owner of the property.
- 2 In the 90s Mr. Singleton leased all two lots as described above from Mr. Alex Alford, Sr.
- 3 In 1995 the Plaintiff purchased both lots tax parcels 5-22-26 and 5-22-27. At the time th property contained a commercial building and two homes.
- 4 Attorney Robert O Donnell prepared the legal documents for the contract sale and the papers were executed by the attorney Robert O Donnell in 1995 for the plaintiff and Mr. Alex Alford Sr.
- 5 Robert O Donnell failed to file the contract of sale of the sale of the two lots with the County of Georgetown or the city of Georgetown.
- 6 That failure to file the contract of sale of the two lots with the County of Georgetown or the city of Georgetown.
- 7 That failure to file the sale of the property was an egregious error on the part of Robert O Donnell.
8. O Donnell prepared the last will and testament for Mr. Alford, Sr.in 1996 probated the will for the family.
- 9 O Donnell at this time, prepared all the deeds of distribution for the property in Mr. Alford, Sr. estate.
- 10 Donnell place tax parcel 5-22-27 to Alex Alford, Jr. and 5-22-26 in trust Mr. Alex Alford, Jr. and Mrs. Cleo Alford in violation of the previous sale of the property considering that Mr. Alex Alford Jr. no longer held an interest in either property.

11 In 2003, 5-22-26 was sold for delinquent taxes. Because of O Donnell s failure to properly file the sale of the property to Mr. Singleton, the Plaintiff was never notified of the delinquent taxes on the property.

After the sale of the property in 2003 for failure to pay taxes, the Defendant O Donnell created two lots from lot 5-22-26 in violation of the laws and regulations of the city of Georgetown.

12 That the lot failed to comply with the zoning ordinance of the City. The lot failed to meet all requirements, was never surveyed in compliance with the ordinances and was not submitted to the RMC s office or accepted by the Assessor s office for the County of Georgetown.

13 At the time O Donnell now serves as the Municipal Judge for the city of Georgetown and has for many years.

14 Due to this background of Mr. O Donnell s failures regarding the property the fact that Mr. O Donnell has now violated the plaintiff s constitutional rights as an employee of the City of Georgetown does not permit him to escape liability under any Immunity Statue in South Carolina or Federal Government.

15 After these acts Mr. O Donnell then created tax parcel numbers of 5-22-26-00 and 5-22-26-01 without proper surveys or approval of the appropriate authorities.

16 After creating legal descriptions for the properties Mr. O Donnell transferred the tax parcel 5-22-26-01 to Mr. Singleton.

17 The property that was fraudulently transferred to Mr. Singleton at this time was 1/3 the size that was supposed to be transferred to the plaintiff in 1995.

18 The original property 5-22-26 remained in the name of Mrs. Cleo Alford.

19 The Plaintiff, Mr. Singleton delivered to Mr. O Donnell in 2007 a letter explaining the problem with the fraudulent transfer. O Donnell never responded to the plaintiff inquires.

20 Mr. Singleton the Plaintiff also explained the problem to Mrs. Alford. Mrs. Alford informed the Plaintiff that she would inquire and transfer the property to the plaintiff.

21 Cleo Alford then transferred the Plaintiff 5-22-26-00 by Quick claim deed.

22 In 2010 the City of Georgetown contacted the Plaintiff on several occasions demanding a clean tax parcel on 5-22-26-00.

23 The City at know time contact the owner of 5-22-27, Frank Swinney requesting a clean tax parcel.

24 In 2012 Mr. O Donnell who was serving as the City Judge found the Plaintiff guilty of violating the City of Georgetown property Standards.

25 The Plaintiff appealed the case to the Circuit Court and the Court of Appeals.

26 At all times the Plaintiff was singled out for prosecution by the City of Georgetown and ultimately found guilty due to his knowledge of O Donnell and his role in the fraudulent transfer of property.

27 The selective prosecution of the Plaintiff was based on his race and rights to free speech.

28 The lots owned by the Plaintiff are naturalized lots and are therefore not require to be mowed.

29 However, the Defendants ultimately decided to harass and prosecute the Plaintiff for

exercising his right to free speech and his race.

30 That the property which is the subject of this action was a naturalized lot that was untouched for twenty {20} years with an unoccupied house on lot..

31 The Code Enforcement Officer for the City of Georgetown gave notice that the house had to be demolished and removed from the property, and after time a municipal citation was issued for noncompliance.

32 The Defendant, Janet Grant issued the Plaintiff a citation.

33 Janet Grant is not properly license in the State of South Carolina to issue of the building codes in South Carolina.

34 Grant is only permitted to cite the Plaintiff for a limited number of items and fines.

35 Grant exceeded the amount of fines per law.

36 Grant was specifically ordered by the State to not do building inspection.

37 Mr. Martin was the only individual authorized to issue the citation for demolition of the house.

38 Mr. Martin permitted Janet Grant to violate the rights of the Plaintiff.

39 Mr. Martin had full knowledge of the action of Janet Grant of the actions of Janet Grant and permitted her to issue the citation that were against the law.

40 Mr. Martin was fully aware that Mrs. Grant s issuance of citation was a violation of the LLR rules and regulation.

41 Even though the fines were in violation of the Department of Labor Licensing and Regulation rules and regulation and violated the Plaintiff s Civil Rights, O Donnell enforced those fines even though not permitted by law.

42 The citation required monetary fines and possible jail time.

43 State law requires a properly license building official to order the demolition of any building after going through a process prescribe by law. In the past, the code enforcement officer was issued a cease and desist order by the State of South Carolina for engaging in the practice of building code enforcement in this State without being properly licensed as required by law, and the City of Georgetown pled guilty and entered into a consent agreement for violating of S.C. Code of Laws (1976 as amended) with the respect to demolition of another home in the City of Georgetown owned by this Plaintiff .

44 The Defendant, Robert O Donnell actions of finding the Plaintiff guilty and producing excessive fines against the Plaintiff is a violation of the law.

45 The Defendants actions have caused the Plaintiff to suffer great mental and emotional stress as a direct and proximate result of such actions.

Arguments

I DID THE JUDGE ERR ORDERING A SUMMARY JUDGEMENT TO THE DEFENDANT WITH HIS FINDING OF FACTS THAT HIS RULING WAS BASED ON THE FACT THAT THE PLAINTIFF CONCEDED THAT NO TAKING OR CONDEMNATION OCCURRED? The first, second, Third and fifth causes of action were all premised on the city requiring the condemnation/demolition of the structure and or taking of the structure and or taking. When in fact the complaint of the Plaintiff charged that Defendants never applied the condemnation process when they ordered the house demolish. The first, second, third causes of action in the plaintiff complaint charges the exact opposite of what the judge states in his facts he used to makes his ruing. The plaintiff charge in the first causes of action that the defendants failed and refuse to properly follow the procedures as set forth in the law in directing the plaintiff to demolish the structure without a condemnation process. The Plaintiff second cause of action. That the Plaintiff was deprive of Due Process of Law by Defendants failure to give him notice and an opportunity to be heard and failing to follow prescribe statutory procedures governing condemnation and demolition of alleged dilapidated properties before ordering demolishing under the color of law. The Defendants action of wrongfully denying plaintiff the use of his property and ordering demolishing of the same without following statutory procedures applicable to such action amount to an abuse of power. It is clear that the Plaintiff is charging that the Defendants ordered the structure demolish with the condemnation, which is required by law. The Plaintiff third cause of action states. The Defendants failed to follow prescribed statutory procedures necessary to effectuate condemnation of Plaintiffs property which is a prerequisite to the removal of any building. That the defendants conduct in improperly ordering the demolishing of the house without adherence to such procedure was the proximate cause of plaintiffs being deprived of the protection granted to him under the law.

II DID THE JUDGE ERR GRANTING SUMMARY JUDGEMENT TO THE DEFENDANTS? WHEN IN THE PLAINTIFF SECOND CAUSE OF ACTION THE PLAINTIFF CHARGED THE DEFENDANTS FOR ABUSE OF POWER AND BEING DEPRIVED OF THE CONDEMNATION PROCESS? In the judge order for summary judgement for the Defendants the judge facts he stated that his reason for ordering summary judgement for the Defendants was that the Plaintiff conceded the city never initiated a condemnation process. One of the plaintiff's charges in his second cause of action was that the defendants deprive him of the condemnation process

III DID THE JUDGE ERR GRANTING SUMMARY JUDGEMENT TO THE DEFENDANTS ON THE SIXTH CAUSE OF ACTION WHEN THE FEDERAL COURT REMANDED THE SIX CAUSE OF ACTION BACK TO THE STAE COURT? In the Plaintiff six cause of action. The plaintiff charged the Defendants with failing to follow administrative procedure as set forth in the law violated the Plaintiff's rights violated the plaintiff's constitutional right to property free of harassment from the government. Ordering demolishing of the same without following proper stator procedures.

IV DID THE JUDGE ERR GRANTING SUMMARY JUDGEMENT TO THE DEFENDANT WHEN THE FEDERAL COURT REMAINED ALL STATE CHARGES TO THE STATE COURT? The judge in his finding of facts which he based his ruling states. The Plaintiff in his seventh cause of action charged the Defendants with selective enforcement. The judge statement of fact is incorrect. The Plaintiff in his seventh cause of action charge the Defendants as followed. That the actions of all Defendants in failing to follow the proper procedures as described by law for the condemnation and demolition of property violated the Administrative process act, violation of the Plaintive constitutional rights, failure to provide the plaintiff the due process of law as prescribed by the law was negligent. That each Defendant acted

willfully to violate the Plaintiff's property rights, constitutional rights, Failure to follow the procedures by law and failed and refuse to protect the Plaintiff. NO where in the Plaintiff seventh cause of action did the plaintiff charge the Defendants with selective enforcement

V DID THE JUDGE ERR GRANTING SUMMARY JUDGEMENT TO THE DEFENDANTS.WHEN THE FEDERAL COURT REMANDED THE EIGHTH CAUSE OF ACTION TO THE STATE COURT? The Plaintiff did not charge the Defendants in the eighth cause of action under the United State Code Section 1983. The Plaintiff eighth cause of action in the complaint states. That the Defendants violated Plaintiff rights of equal protection under the law using selective enforcement, the Plaintiff lot TMS # 05-00-22-026 is adjoining TMS# 05-00-22-027 without a physical separation such as fencing or natural boundary and both are naturalized lots for over twenty years, yet the Defendants wrote a citation on one lot and not the other. There are countless lots located within the city of Georgetown that were not the subject of this type of enforcement. The Plaintiff charge such conduct was outside the scope of the official duties of such officials employed, agents, and servants. Lost of freedom far excess of what is prescribe and allowed by the city of Georgetown code of ordinance and S.C. codes of law (1976, as amended) for non- compliance to the bogus order to demolish the house. The fines were more than double those allowed by law. That Defendants engaging in issuing bogus and inflated fines with the possibility of loss of Freedom far excess of what is prescribe.

VI DID THE JUDGE ERR GRANTING SUMMARY JUDGEMENT TO THE DEFENDANTS? STATING AS A FINDING OF FACT AS TO; ACCORDINGLY, EVEN IF THE PLAINTIFF PLED A GROSS NEGLIGENCE CAUSE OF ACTION, SUCH ALLEDGED ACTIONS ARE ENCOMPASSED IN S.C. Code Ann. § 15-78-60 AND DEFENDANT ARE, THEREFORE, IMMUNE FROM

LIABILITY. ADDITIONALLY, DEFENDANTS, JANET GRANT, RICKY MARTIN AND ROBERT O DONNEL CANNOT BE SUED INDIVIDUALLY PURSUANT TO 15-78- 70 (a) OF THE CODES OF LAWS OF SOUTH

CAROLINA AS AMENDED? The Plaintiff in his eighth cause of action the Plaintiff charge the Defendants with going outside the scope of their official duties. 15-78-60 and 15-78-78 (a) of the codes of laws of South Carolina does not protect the Defendants once they go outside the scope of their official duties in concert with exceptions to waiver of immunity. S.C. Code Ann. § 15-78-60 (17) *employee conduct outside the scope of his official duties or which constitutes actual fraud, actual malice, intent to harm, or a crime involving moral turpitude*; you must conclude that not every action that a governmental entity does falls within the scope of the “Tort Clams Act” but only those actions of an “employees, while acting within the scope of official duty

VII DID THE JUDGE ERR GRANTING SUMMARY JUDGEMENT TO THE DEFENDANTS AS TO THE DEFENDANTS SETTING FORTH AN ARGUMENT BASED ON THE PERCEPTION OF THE CASE?

Summary Judgement is the means by which parties can request dismissal of cases that may not meet the legal requirements of the cause of action set forth in the party’s complaint. Summary judgement is only appropriate when the both requirements of rule 56(c) have been met. It is clear from Cleotex Corp that the moving party must meet both burdens in order to be granted the derisive and final rendering decision of summary judgement. 1 First the moving party must show that the record including deposition, written discovery, and affidavits if submitted show that there is no genuine issue of material fact. A genuine issue of material fact is where a genuine dispute is shown to exist if sufficient evidence is presented such that a reasonable fact finder could decide the issue in favor of the non-moving party.2 The burden of presenting that the record contains no genuine issue of material fact is a high one and must not be merely assumed by the court to have been met simply because the moving party has made a motion for Summary Judgement. Furthermore, Summary

Judgement should be granted *only* where it is perfectly clear that no issue of fact is involved and inquiry into the facts is not desirable to clarify the application of the law.³ An issue of material fact is defined as genuine if a reasonable jury could return a verdict for the non-moving party based on the facts presented on the element at issue. ⁴ If, and only if the moving party has shown that no genuine issue of material fact exists in the record as it stands at the time of the hearing ⁵ it may then go to attempt to satisfy its second burden of proof. The second burden of proof for the moving party is met only if the moving party shows that the record (in which no genuine issues of material fact exist), even if read in light most favorable to the non-moving party, affording the non-party every factual and legal inference in its favor as required in *Anderson v. Liberty Lobby, Inc.*, U.S. 242,255 (1986), presents a factual scenario.

VIII DID THE JUDGE ERR RULING THE DEFENDANT JANET GRANT WAS NOT NEGLIGENT IN WRITING AND ISSUEING A TICKET THAT WENT OUTSIDE THE SCOPE OF THE DEFENDANT, OFFICIAL DUTY REQUESTING THAT THE PLAINTIFF REMOVE THE HOUSE FROM THE LOT OWNED BY THE PLAINTIFF?. The ticket issued to the Plaintiff ordered that the plaintiff remove the house on the lot and clear the lot from lot line to lot line, the Defendant has conceded that she did not have the authority to order the Plaintiff to remove the house from the lot.

IX DID THE JUDGE ERR RULING THAT THE TICKET WRITTEN BY THE DEFENDANT JANET GRANT WAS NOT THE LAW OF THE LAND OF GEORGETOWN AND THEREFORE DOES NOT CONSTITUTE NEGLIGENT AND SHOULD NOT HAVE BEEN TAKEN LITTERLY BY THR PLAINTIFF AS TO REMOVING THE HOUSE FROM THE LOT?

The defendant wrote several tickets to other citizens of Georgetown requesting that they remove their building and clear the lot from lot line to lot line. The citizens accepted the tickets as law they removed their houses, and cleared the lot from lot line to lot line. The defendant use the tickets as law until the Plaintiff refuse to honor the ticket as law, when it came to removing the house, The plaintiff contend that the request to remove the house

made the ticket of a poison tree. The Plaintiff challenge the ticket as it was written, the Defendant prosecuted the plaintiff in his absence on part of the ticket, the clearing of the lot.

CONCLUSION

The summary judgement is unfair because it attempts to [weigh] the evidence and determine the truth. Something reserved for the jury

City of Georgetown should not be dismissed from litigation as all parties as Janet Grant, Ricky Martin and Robert O Donnell.

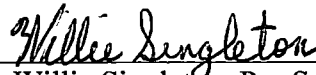
I was treated differently and that I did show there was no rational basis for the negligence, selective enforcement, failure to follow the procedure of laws, violation of constitutional rights, abuse of power and deprive of due process.

The defendants failed to set forth facts in a light most favorable to Plaintiff as is required by law. Summary Judgement is the means by which parties can request dismissal of cases that may not meet the legal requirements of the cause of action set forth in the party's complaint. Summary Judgement is only appropriate when the both requirements of Rule (56) have been meet. The Defendants failed to do so.

For the reasons stated, it is respectfully submitted that the issues are ripe for review and asking the Court to address them, or in the alternative that the order of the lower court determining that this case falls under the provision of the South Carolina Tort's Clam's Act, and granting the Defendants motion to remove individually named Defendants and strike punitive damages should be reversed. Should this Court reverse the judgment of the circuit court, the case should be remanded to the circuit court.

Respectfully submitted,

October 9, 2017



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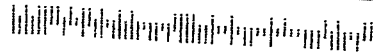


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