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THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

S.C. SUPREME COURT

Piedmont Natural Gas Company, Inc.,.....Appellant/Respondent,

v.

Richeous Smith, Worthy Smith a/k/a Worley Smith, Pearl Terry, Ethel Butler, Tweety Smith a/k/a Tweety Smith Harris, Doreth Smith, Fletcher Lee Harris, Alma Williams Smith, James R. Smith, Loree Smith, Gene A. Smith, Adolf Smith, Janie Sue Smith, Samuel Paul Smith, Ruby Smith Mansell, Buford Mansell, Ethel Mae Smith, Wilson Smith, Patrick R. Smith, Reginald Lamont Smith, Eric Smith, Christine Smith Dawkins, William G. Dawkins, Alma Renee Smith Murry, Sharai Smith Brock, Robert Lee Smith, Melissa F. Smith, Rosalyn Annette Steven, Edith Smith Foster, George Waymon Foster, Bridgette Smith Blassingame, Tara Smith, Waymon Odell Smith, Martha Miller Smith, Calvin Lee Smith, Reece W. Smith, Raymond Eddie Smith, Michael Smith, Odell Smith, Dorothy Smith Pearson, Gary Pearson, Jerome Smith, Jaygo Terry, Ida Terry, Mack Terry, Zone Terry, Leola Terry Smith, James Smith, J. P. Terry, David Brayvelle Terry, Ettie Pearl Booker, Tecora O. Terry Mason, Odell Mason, Lenora Holley, Dorothy Terry Sheppard, Orangelee Sheppard, Vernon Sheppard, Kasandra Sheppard Jenkins, Karen Sheppard Spates, Theodore Terry, Sr., Gracie Terry, Kelvin F. Terry, Theodore Terry, Jr., Keith Terry, Leola Terry Daniels, Wilford Daniels, Terrance Leslie, Sr., Derrick McGee, Jr., Fred Smith, Jr., Mannell Terry, Patricia Terry, Sheila Terry, Barbara Evans, Leonard Evans, Linda Evans, Thomas Evans, Johnny R. Williams, Connie Evans, Michael Evans, Iola Terry Cox, William Henry Cox, Johnny F. Cox, Joyce A. Smith, Anthony Cox, Alfred Cox, J. Henry Cox, Charlette J. Cox, Charles J. Cox, Michael Cox, Supearl Terry Gilliam a/k/a Supearl Terry Gilliam Miranda, Eugene Gilliam, Terry Gilliam, Jerry Gilliam, Warren Gilliam, Eugene Gilliam, Jr., Melvin Gilliam, Rodney Gilliam, Cindy Gilliam, Shakima Gilliam, Carmella Cottom, Nina Gilliam, Vermell Gilliam Phillips, Shaynise Alston, John Gilliam, Donald Gilliam, Sr., Leunette Gilliam, Donnette Gilliam Ortchere, Leslie Gilliam Peter, Angela Gilliam, Donald E. Gilliam, Raymond T. Gilliam, Juan Miranda, Carmen Miranda a/k/a Carmen Miranda Glavin, John Glavin, Sr., John Glavin, Jr., Miranda Glavin, Jeffrey Glavin, Yolanda Glavin, Ezell Terry, Magaline Terry, Leroy Terry, Kenneth Terry, James (Jimmy) Terry, Pearlie Mae Terry, Winnie L. Terry Anderson, Furman Anderson, Tommy Anderson, Abigail Dodd, Angela Reid, Sandra McDowell, Harold Anderson, Mary Ann Davis, Charlene Peaks, Albert Anderson, Paul Terry, Betty Jo Terry, Donald E. Terry, Deloris I. Terry, Paul A. Terry, Mark G. Terry, Terry Sholer, Jamie Terry, James O.C. Smith, Pauline Smith, Gloria Gore, Paul Smith, Ethel Allen, Desiree Golden, Pauline Workman, Brenda Moulhem, Eric Rogers, Tonya S. Turner, LaTasha D. Terry, and if any of the aforementioned be deceased, then their heirs, successors, devisees, distributees, Administrators, Executors and Personal Representatives, and any party claiming by or through them.....Landowners,

and

The United States of America, acting by and through its agency, the Internal Revenue Service, The United States of America, acting by and through its agency the United States Department of Justice, The South Carolina Department of Revenue, The South Carolina Department of Mental Health, The State of South Carolina, Bullhead Investments, LLC, Arrow Financial Services, LLC, Sharonview Federal Credit Union, Discover Bank, Zachery Arnold, GE Commercial Finance Business Property Corporation, Midland Funding, LLC, and Greenville County.....Other Condemnees,

and

John Doe and Mary Roe, being fictitious names used to represent all persons and condemnees whose true names are not known, including the heirs, successors, devisees, distributees, Administrators, Executors and Personal Representatives of any of the above named Landowners and Other Condemnees who may be deceased; and also all Condemnees whose names are not known, including heirs, infants, persons under disability and persons who may be in Military service, who claim, or may claim, an interest in the property being condemned, and also all other persons unknown, claiming any right, title, estate, interest in or lien upon the real estate described in the Condemnation Notice and Tender of Payment herein, said property being identified as a portion of Greenville County Tax Map Numbers 0531010102100 and 0531010102101.....Unknown Claimants,

Of whom Ethel Allen; Shaynise Alston; Harold Anderson; Tommy Anderson; Bridgette Smith Blassingame; Sharai Smith Brock; Carmella Cottom; Alfred Cox; Anthony Cox; Mary Ann Davis; William G. Dawkins; Abigail Dodd; Linda Evans; Michael Evans; Thomas Evans; Chavonte Gilliam; Cindy Gilliam; Derrick Gilliam; Donald E. Gilliam, Jr.; John L. Gilliam; Lakisha Gilliam; Latonya Gilliam; Leunette Gilliam; Mattie M. Gilliam; Nina Gilliam; Raymond T. Gilliam; Rodney Gilliam; Shakima Gilliam; Warren Gilliam; Desiree Golden; Gloria Gore; Lenora Holley; Kasandra Sheppard Jenkins; Terrance Leslie, Sr.; Sandra McDowell; Derrick McGee, Jr.; Brenda Moulhem; Alma Rene Smith Murry; Charlene Peake; Leslie Gilliam Peter; Angela Reid; Orangelee Sheppard; Vernon Lee Sheppard; Charles Terry Sholer; Calvin Smith; Eric Smith; Fred Smith, Jr.; Gene A. Smith; James R. Smith; Joyce A. Smith; Loree Smith; Martha Miller Smith; Patrick Smith; Paul Smith; Reginald Lamont Smith; Tara Smith; Karen Regenia Spates; Rosalyn Annette Steven; Betty Jo Terry; Donald E. Terry; Deloris I. Terry; Gracie Terry; Jamie Terry; Keith Terry; Kelvin F. Terry; Leroy Terry; Mark G. Terry; Paul Terry, Jr.; Theodore Terry, Jr.; Porsha Williams; and Pauline Workman are theRespondents/Appellants,

and

Unknown landowners, Reece W. Smith, Raymond Eddie Smith, Michael Smith, Odell Smith, United States of America and the United States of America, acting by and through its agency, the Internal Revenue Service, Midland Funding, LLC, Sharonview Federal Credit Union, SC Department of Revenue, County of Greenville, Arrow Financial Services, LLC, SC Dept. of Mental Health, SC Attorney General, Bullhead Investments, LLC, Zachery Arnold, Ettie Pearl Booker, Ira K. Carroll, Johnny F. Cox, Wilford Daniels, Angela Gilliam,

Bianca S. Gilliam, Demetrius J. Gilliam, Jerry Gilliam, Kehiminnie S. Gilliam, Terry Gilliam, John Glavin, Jr., John Glavin, Sr., Jeffrey Glavin, Miranda Glavin, Yolanda Glavin, Terrance Leslie, Terrell Leslie, Teaira Leslie, Donnette Gilliam Ortchere, Jerome Smith, Melissa F. Smith, Michael Smith, James (Jimmy) Terry, Patricia Terry, Pearlie Mae Terry, and Sheila Terry are the.....Respondents.

Appellate Case No. 2015-001909

The Honorable Charles B. Simmons, Jr.
Greenville County
Trial Court Case No. 2012-CP-23-04064

**REPLY BRIEF OF RESPONDENTS/APPELLANTS
TO AMICUS CURIAE BRIEF OF
SOUTH CAROLINA CHAMBER OF COMMERCE**

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STATEMENT OF ISSUES ON APPEAL

- I. DID THE TRIAL COURT ERR IN HOLDING THAT STIGMA DAMAGES WERE NOT BARRED AS A MATTER OF LAW IN THIS CONDEMNATION ACTION FOR A NATURAL GAS TRANSMISSION PIPELINE RIGHT-OF-WAY?

FACTS

The Statement of Facts has been previously submitted to this Court by Respondents/Appellants in their Final Brief.

ARGUMENTS

The South Carolina Chamber of Commerce argues in its Amicus Curiae brief that stigma damages should not be allowed as part of the just compensation calculation under the South Carolina Eminent Domain Procedure Act, S.C. Code § 28-2-370. However, the common law of the state of South Carolina, the legislative intent of the statute, public policy, and general principles of equity and fairness dictate that landowners should be permitted to recover damages for any diminution in value to their property brought about by the condemnor's taking.

I. SOUTH CAROLINA HAS NO RULE AGAINST STIGMA DAMAGES

Under the common law of the state, there is no rule against stigma damages. In fact, more than forty years ago, the Supreme Court anticipated and described circumstances under which damages for injury to the reputation of property might be recovered, in the case of *Gray v. Southern Facilities, Inc.*, 256 S.C. 558, 183 S.E.2d 438 (1971). Contrary to the Chamber of Commerce's description, the *Gray* court actually created a framework for assessing stigma damages, noting that ongoing or recurring spills from a petroleum plant "would have a natural tendency to adversely affect the market value" of a downstream property owner. *Gray* at 570, 183 S.E.2d at 444 (emphasis added). Further, the court found it "readily inferable that appellant's property is less desirable, and consequently less valuable than it would have been" had the petroleum spills not occurred. *Id.* This is a clear statement of the recognition of reputation damages by the South Carolina Supreme Court.

The appellant in *Gray* was not successful because he was unable to prove actual damages to his property. Thus he was "not entitled to recover nominal damages, since a cause of action for negligence occurs only when injury or damage have been caused thereby to the complaining party." *Gray* at 567, 183 S.E.2d at 442.

It is important to note that *Gray* was not a condemnation case. *Gray* was a simple negligence case, based on ONE incident of a gas leak. The case at bar, as a condemnation action, starts with the premise that there are actual damages. Given that, the trial court properly ruled that the landowners herein were entitled to recover stigma or reputation damages as part of their statutory diminution-of-value just compensation.

Likewise, *Chestnut v. AVX Corp.*, 413 S.C. 224, 776 S.E.2d 82 (2015), the dissent to which is heavily relied upon by both the Chamber of Commerce and Piedmont Natural Gas, was not a condemnation action and was not governed by the Eminent Domain Procedure Act. Former Chief Justice Toal's dissent warned against stigma damages in negligence, strict liability, and nuisance cases, in which no actual damages were alleged and proven. *Chestnut* at 232, 776 S.E.2d at 89. The *Chestnut* dissent has no bearing on the case at bar, therefore, as both the condemnor and the Landowners in this matter have agreed there are actual damages.

Because *Gray* and *Chestnut* both anticipate and do not preclude an award for reputation damages to property, the trial court properly awarded the Landowners herein the full measure of the diminished value of their property.

II. THE LEGISLATIVE AND COMMON LAW HISTORY OF THE EMINENT DOMAIN PROCEDURE ACT DEMONSTRATES AN EVOLVING INTENT TO FULLY COMPENSATE LANDOWNERS

This Court recently undertook a brief history of just compensation in South Carolina in the matter of *SCDOT v. Powell*, Op. No. 27827 (S.C.Sup.Ct. filed August 8, 2018). Just compensation is such a fundamental right as to be enshrined in our state Constitution: “[P]rivate property shall not be taken for private use without the consent of the owner, nor for public use without just compensation being first made for the property.” S.C. Const. art. I, § 13. Prior to the adoption of

the constitution, South Carolina had authority to exercise its condemnation powers without compensation. *Powell* at p. 4. Just compensation was later codified in the 1962 code as “only the actual value of the land to be taken therefor and any special damages resulting therefrom.” S.C. Code Ann. § 33-135 (1962 Code). A 1963 case further elaborated that “special damages include all injuries or damages which cause a diminution of value in the remaining property.” *S.C. State Hwy Dep’t v. Bolt*, 242 S.C. 411, 417, 131 S.E.2d 264, 267 (1963).

The current version of the Eminent Domain Procedure Act defines just compensation as “only the value of the property to be taken, any diminution in value of the landowner’s remaining property, and any benefits as provided in Section 28-2-360.” S.C. Code Ann. § 28-2-370 (2007 Code) (emphasis added).

Over the course of our state’s history, therefore, we have progressed from no compensation to a statutory scheme that clearly on its face allows for the recovery any diminished value a landowner can prove. In the *Powell* case, this court reviewed a Department of Transportation condemnation of 0.183 acres of a 2.5-acre parcel; at issue specifically was damage to the remainder of the landowner’s property by virtue of a road closure that substantially restricted access to the property. *Powell* at pp. 2-3. Because the restricted access decreased the property’s visibility, marketability, and desirability for commercial use, the landowner sought just compensation for the property condemned at \$72,000 and the loss in value to the remainder at \$445,000.¹ *Id.*

This court went on to rule that “when determining just compensation, the inquiry extends not just to the value of the land taken, but also to ‘how much has the particular public improvement

¹ This was the figure assigned not by *Powell*’s appraiser, but by the SCDOT expert appraiser, Corbin Haskell, who also served as PNG’s expert appraiser in the instant matter. It would appear from the *Powell* decision that Haskell adopted the “overall diminution in value on a percentage basis” valuation methodology used by the landowners’ appraiser in the instant matter. *Powell*, p. 3 (“[Haskell] opined the closure if the Intersection and the addition of the cul-de-sac would cause a fifty percent diminution in value to the remaining property.”) See, R. p. 256, lines 16-25; R. p. 257, lines 1-2 (“Mr. Ward: ‘[D]id you...form an opinion as to overall damages, diminution in value of the remainder?’ Mr. Owen: ‘My estimate was anywhere from 10 to 15 percent.’”)

decreased the fair market value of the property, *taking into consideration the use for which the land was taken and all the reasonably probable effects of its devotion to that use.*” *Id.* at p. 8, footnote 4, quoting *S.C. State Hwy Dep’t v. Wilson*, 254 S.C. 360, 369, 175 S.E.2d 391, 396 (1970) (emphasis added by *Powell* court).

The *Powell* court made much of the “plain language” and “unambiguous words” of the Act and quoted *S.C. State Hwy Dep’t v. Touchberry*’s explanation that “the different elements of damage to remaining land recoverable when part of a tract is taken are as numerous as the possible forms of injury.” *Powell* at p. 8, footnote 4, quoting *S.C. State Hwy Dep’t v. Touchberry*, 248 S.C. 1, 7, 148 S.E.2d 747, 749 (1966).

This court should follow the clear legislative and common law trend in South Carolina towards fully compensating landowners for takings, including diminution in value to the remainder based upon fear, perception, or stigma.

III. PUBLIC POLICY DICTATES THAT STIGMA/REPUTATION DAMAGES BE ALLOWED AS A MEASURE OF JUST COMPENSATION

The Chamber of Commerce, in its amicus brief, posits that the recognition of stigma damages would increase both the cost and number of condemnation actions in South Carolina. There is no basis for this, nor any support to be found in caselaw, legislative history, or public policy. The Chamber of Commerce would have this court expand the power of eminent domain in derogation of our citizens’ right to acquire, possess, and defend private property.

South Carolina is unique in all fifty states in its requirement that property taken by eminent domain must actually be used or occupied by the public to satisfy the “public use” requirement of its constitution.² For example, in *Karesh v. City Council*, the Supreme Court found the use of

² See, Elizabeth F. Gallagher, “Breaking New Ground: Using Eminent Domain for Economic Development.” *Fordham L. Rev.* 73 (2004): 1837

eminent domain to build a convention center and hotel complex to be an unconstitutional taking. *Karesh v. City Council*, 271 S.C. 339, 342, 247 S.E.2d 342, 343 (1978) (“The restrictive view of the power of eminent domain expressed by the framers of our constitution and the courts of this State is indicative of a high regard for private property.”) More recently, the court stood firm on this principle in *Georgia Dept. of Transp. v. Jasper County*, calling it “well-settled that the power of eminent domain cannot be used to accomplish a project simply because it will benefit the public,” and further quoting *Karesh* for the notion that “[t]he involuntary taking of an individual’s property by the government is not justified unless the property is taken for public use – a fixed, definite, and enforceable right of use, independent of the will of’ any private person or entity. *Georgia Dept. of Transp. v. Jasper County*, 355 S.C. 631, 638, 586 S.E.2d 853, 855 (2003), quoting *Karesh* at 344, 247 S.E.2d at 345.

Given that South Carolina has shown itself to be the fiercest defender of landowner rights in the United States, it would flow naturally that South Carolina should adopt the stigma/reputation damages rule most favorable to landowners. Because landowners in a condemnation action only get one opportunity to seek compensation for the taking of their property, they should be allowed to recover, as the statute provides, damages for any diminution in value to the remainder of their property affected by a taking.

IV. THE CHAMBER OF COMMERCE’S CONCERNS ARE EASILY MITIGATED BY EXISTING EVIDENTIARY RULES.

The Chamber of Commerce, in its amicus brief, raises issues about increased condemnation costs and windfalls to landowners if this court were to explicitly include reputation damages as an element of just compensation. However, all the existing procedural and evidentiary safeguards would remain, including the condemnor’s right to cross-examine and impeach expert witnesses

and the fact-finder's ultimate decision-making authority in weighing the evidence presented.

One needs only look to other areas of law to see how easily South Carolina has handled non-traditional valuation measures. In partition actions, for example, courts routinely decide whether to partition in kind or by sale. One factor in this analysis is "equitable considerations such as the length of ownership and sentimental attachment to the property." *Zimmerman v. Marsh*, 365 S.C. 383, 388, 618 S.E.2d 898, 901 (2005). Likewise, in tort actions, this court has shown a willingness to extend valuation of property beyond a strict fair-market analysis in determining compensation. *Vaught v. A.O. Hardee & Sons, Inc.*, 366 S.C. 475, 482-83, 623 S.E.2d 373, 377 (2005) ("One person's unsightly jungle may be another person's enchanted forest; certainly the owner of such land should be allowed to enjoy it free from a trespasser's bulldozer.")

Our state's excellent trial judges have proven themselves worthy gatekeepers, and their gatekeeping role would remain the same if this court were to put the nametag of "reputation damages" on the statutory award of "any diminution in the value of the landowner's remaining property" contained in the Act. S.C. Code § 28-2-370.

CONCLUSION

For all the reasons stated herein, the Court should affirm the Trial Court's ruling that Landowners are entitled to just compensation in the amount of \$414,750.

Respectfully submitted,



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Attorneys for Respondents/Appellants

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Trial Court Case No. 2012-CP-23-04064

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the foregoing Reply Brief of Respondents/Appellants to South Carolina Chamber of Commerce's Amicus Brief complies with Rule 211(b), SCACR.

This the 2nd day of October, 2018.



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Piedmont Natural Gas Company, Inc.,.....Appellant/Respondent,

v.

Richeous Smith, Worthy Smith a/k/a Worley Smith, Pearl Terry, Ethel Butler, Tweety Smith a/k/a Tweety Smith Harris, Doreth Smith, Fletcher Lee Harris, Alma Williams Smith, James R. Smith, Loree Smith, Gene A. Smith, Adolf Smith, Janie Sue Smith, Samuel Paul Smith, Ruby Smith Mansell, Buford Mansell, Ethel Mae Smith, Wilson Smith, Patrick R. Smith, Reginald Lamont Smith, Eric Smith, Christine Smith Dawkins, William G. Dawkins, Alma Renee Smith Murry, Sharai Smith Brock, Robert Lee Smith, Melissa F. Smith, Rosalyn Annette Steven, Edith Smith Foster, George Waymon Foster, Bridgette Smith Blassingame, Tara Smith, Waymon Odell Smith, Martha Miller Smith, Calvin Lee Smith, Reece W. Smith, Raymond Eddie Smith, Michael Smith, Odell Smith, Dorothy Smith Pearson, Gary Pearson, Jerome Smith, Jaygo Terry, Ida Terry, Mack Terry, Zone Terry, Leola Terry Smith, James Smith, J. P. Terry, David Brayvelle Terry, Ettie Pearl Booker, Tecora O. Terry Mason, Odell Mason, Lenora Holley, Dorothy Terry Sheppard, Orangelee Sheppard, Vernon Sheppard, Kasandra Sheppard Jenkins, Karen Sheppard Spates, Theodore Terry, Sr., Gracie Terry, Kelvin F. Terry, Theodore Terry, Jr., Keith Terry, Leola Terry Daniels, Wilford Daniels, Terrance Leslie, Sr., Derrick McGee, Jr., Fred Smith, Jr., Mannell Terry, Patricia Terry, Sheila Terry, Barbara Evans, Leonard Evans, Linda Evans, Thomas Evans, Johnny R. Williams, Connie Evans, Michael Evans, Iola Terry Cox, William Henry Cox, Johnny F. Cox, Joyce A. Smith, Anthony Cox, Alfred Cox, J. Henry Cox, Charlette J. Cox, Charles J. Cox, Michael Cox, Supearl Terry Gilliam a/k/a Supearl Terry Gilliam Miranda, Eugene Gilliam, Terry Gilliam, Jerry Gilliam, Warren Gilliam, Eugene Gilliam, Jr., Melvin Gilliam, Rodney Gilliam, Cindy Gilliam, Shakima Gilliam, Carmella Cottom, Nina Gilliam, Vermell Gilliam Phillips, Shaynise Alston, John Gilliam, Donald Gilliam, Sr., Leunette Gilliam, Donnette Gilliam Ortchere, Leslie Gilliam Peter, Angela Gilliam, Donald E. Gilliam, Raymond T. Gilliam, Juan Miranda, Carmen Miranda a/k/a Carmen Miranda Glavin, John Glavin, Sr., John Glavin, Jr., Miranda Glavin, Jeffrey Glavin, Yolanda Glavin, Ezell Terry, Magaline Terry, Leroy Terry, Kenneth Terry, James (Jimmy) Terry, Pearlie Mae Terry, Winnie L. Terry Anderson, Furman Anderson, Tommy Anderson, Abigail Dodd, Angela Reid, Sandra McDowell, Harold Anderson, Mary Ann Davis, Charlene Peaks, Albert Anderson, Paul Terry, Betty Jo Terry, Donald E. Terry, Deloris I. Terry, Paul A. Terry, Mark G. Terry, Terry Sholer, Jamie Terry, James O.C. Smith, Pauline Smith, Gloria Gore, Paul Smith, Ethel Allen, Desiree Golden, Pauline Workman, Brenda Moulhem, Eric Rogers, Tonya S. Turner, LaTasha D. Terry, and if any of the aforementioned be deceased, then their heirs, successors, devisees, distributees, Administrators, Executors and Personal Representatives, and any party claiming by or through them.....Landowners,

and

The United States of America, acting by and through its agency, the Internal Revenue Service, The United States of America, acting by and through its agency the United States Department of Justice,

The South Carolina Department of Revenue, The South Carolina Department of Mental Health, The State of South Carolina, Bullhead Investments, LLC, Arrow Financial Services, LLC, Sharonview Federal Credit Union, Discover Bank, Zachery Arnold, GE Commercial Finance Business Property Corporation, Midland Funding, LLC, and Greenville County.....Other Condemnees,

and

John Doe and Mary Roe, being fictitious names used to represent all persons and condemnees whose true names are not known, including the heirs, successors, devisees, distributees, Administrators, Executors and Personal Representatives of any of the above named Landowners and Other Condemnees who may be deceased; and also all Condemnees whose names are not known, including heirs, infants, persons under disability and persons who may be in Military service, who claim, or may claim, an interest in the property being condemned, and also all other persons unknown, claiming any right, title, estate, interest in or lien upon the real estate described in the Condemnation Notice and Tender of Payment herein, said property being identified as a portion of Greenville County Tax Map Numbers 0531010102100 and 0531010102101.....Unknown Claimants,

Of whom Ethel Allen; Shaynise Alston; Harold Anderson; Tommy Anderson; Bridgette Smith Blassingame; Sharai Smith Brock; Carmella Cottom; Alfred Cox; Anthony Cox; Mary Ann Davis; William G. Dawkins; Abigail Dodd; Linda Evans; Michael Evans; Thomas Evans; Chavonte Gilliam; Cindy Gilliam; Derrick Gilliam; Donald E. Gilliam, Jr.; John L. Gilliam; Lakisha Gilliam; Latonya Gilliam; Leunette Gilliam; Mattie M. Gilliam; Nina Gilliam; Raymond T. Gilliam; Rodney Gilliam; Shakima Gilliam; Warren Gilliam; Desiree Golden; Gloria Gore; Lenora Holley; Kasandra Sheppard Jenkins; Terrance Leslie, Sr.; Sandra McDowell; Derrick McGee, Jr.; Brenda Moulhem; Alma Rene Smith Murry; Charlene Peake; Leslie Gilliam Peter; Angela Reid; Orangelee Sheppard; Vernon Lee Sheppard; Charles Terry Sholer; Calvin Smith; Eric Smith; Fred Smith, Jr.; Gene A. Smith; James R. Smith; Joyce A. Smith; Loree Smith; Martha Miller Smith; Patrick Smith; Paul Smith; Reginald Lamont Smith; Tara Smith; Karen Regenia Spates; Rosalyn Annette Steven; Betty Jo Terry; Donald E. Terry; Deloris I. Terry; Gracie Terry; Jamie Terry; Keith Terry; Kelvin F. Terry; Leroy Terry; Mark G. Terry; Paul Terry, Jr.; Theodore Terry, Jr.; Porsha Williams; and Pauline Workman are theRespondents/Appellants,

and

Unknown landowners, Reece W. Smith, Raymond Eddie Smith, Michael Smith, Odell Smith, United States of America and the United States of America, acting by and through its agency, the Internal Revenue Service, Midland Funding, LLC, Sharonview Federal Credit Union, SC Department of Revenue, County of Greenville, Arrow Financial Services, LLC, SC Dept. of Mental Health, SC Attorney General, Bullhead Investments, LLC, Zachery Arnold, Ettie Pearl Booker, Ira K. Carroll, Johnny F. Cox, Wilford Daniels, Angela Gilliam, Bianca S. Gilliam, Demetrius J. Gilliam, Jerry Gilliam, Kehimonnie S. Gilliam, Terry Gilliam, John Glavin, Jr., John Glavin, Sr., Jeffrey Glavin, Miranda Glavin, Yolanda Glavin, Terrance Leslie, Terrll Leslie, Teaira Leslie, Donnette Gilliam Ortchere, Jerome Smith, Melissa F. Smith, Michael Smith, James (Jimmy) Terry, Patricia Terry, Pearlmae Terry, and Sheila Terry are the.....Respondents.

Appellate Case No. 2015-001909

The Honorable Charles B. Simmons, Jr.
Greenville County
Trial Court Case No. 2012-CP-23-04064

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she has served the Reply Brief of Respondents/Appellants to Amicus Curiae Brief of South Carolina Chamber of Commerce on counsel of record and parties in this action by depositing a copy of the same in the United States mail, postage prepaid, on October 2, 2018, addressed as follows:

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Dated this 2nd day of October, 2018



Erin Culbertson
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