

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Chief Administrative Law Judge

Docket No. 2013-ALJ-17-0365-CC

Appellate Case No. 2014-000700

Connery Properties, Inc. ,.....Respondent

v.

Charleston County Assessor.....Appellant

FINAL BRIEF OF RESPONDENT CONNERY PROPERTIES, INC.

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OCT 06 2014

SC Court of Appeals

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STATEMENT OF ISSUES ON APPEAL

- I. DID THE ADMINISTRATIVE LAW COURT PROPERLY APPLY SOUTH CAROLINA LAW IN DETERMINING THE VALUE OF THE SUBJECT PROPERTY.

- II. THE ALC'S DETERMINATION OF FAIR MARKET VALUE WAS NEITHER ERRONEOUS, ARBITRARY AND CAPRICIOUS NOR CHARACTERIZED BY A CLEARLY UNWARRANTED EXERCISE OF DISCRETION.

STATEMENT OF THE CASE

Respondent Connery Properties, Inc., (“Respondent” or “Connery”) is a real estate investment company. Connery was the successful bidder at a Charleston County tax sale occurring October 1, 2007, of property known as 9 Maranda Holmes Street in the City of Charleston (hereinafter “The Property”). Respondent received a tax deed for the property dated March 27, 2009, which was subsequently recorded in the Office of the RMC for Charleston County in Book 0044, Page 300.

As an assessable transfer of interest, the tax deed triggered a re-appraisal of the property for county tax purposes. The property was appraised at \$60,000.00 as of the valuation date of December 31, 2009. The property’s value as of that date is the sole issue in the case.

Connery appealed the valuation to the Charleston County Board of Assessment Appeals which held a hearing on June 26, 2013.

At the hearing, the Assessor presented an appraisal of the property indicating a value of \$87,000.00.

Connery contended the value to be \$20,000.00 due to limited parking, the impracticality of the property’s use for multi-family residence, but primarily because of unmarketability of title as a result of the tax deed.

In its decision of July 1, 2013, the Board of Assessment Appeals determined the value at \$60,000.00. An appeal to the Administrative Law Court (“ALC”) followed.

The ALC held a contested case hearing before the Honorable Ralph King Anderson, III on February 19, 2014. On March 3, 2014, Judge Anderson issued the Court’s final Order finding the

value of the property to be \$20,000.00 based upon evidence that the title to the property was unmarketable and uninsurable due to the tax deed and the likelihood that it is heirs property. This appeal followed.

FACTS

9 Maranda Holmes Street is a vacant lot containing 4,880 square feet (R. p. 96, l. 16 - l. 21). Its dimensions are 40 feet in width along Maranda Holmes Street and 122 feet in depth. It contains 0.112 acres (R. p. 236).

Connery purchased the property following competitive bidding at the October 1, 2007, Charleston County tax sale for \$11,000.00 (R. p. 94, line 14- p. 96, line 15).

After he defaulting tax payer failed to redeem, a tax deed to Connery was executed by the Delinquent Tax Collector on March 27, 2009, and duly recorded on March 30, 2009 (R. p. 202-204).

Except for some routine mowing and clean up, the property was in the same condition on the date of trial as it was on the date of purchase at the tax sale (R. p. 91, lines 14 -24, p. 96, line 24 -p. 97, line 6). Connery has no intention of building on the property (R. p. 99, lines 20-23).

Maranda Holmes Street is a one way street, one block long, densely populated with homes generally 80 years old or so. On one side of the property is an occupied residence and on the other a residence that has been boarded up since Connery's acquisition (R. p. 98, lines 6-22). The street is 30 feet in width with parking only on one side (R. p. 99, lines 6-19).

Properties to be included in Charleston County tax sales are exposed to the market by 3 newspaper advertisements, internet advertising and a posting on the property (R. p. 91, line 25 - p. 93, line 1).

In Charleston County hundreds of people customarily attend the tax sales (R. p. 93, line 24 -

p. 94, line 3). This property was sold after competitive bidding, first in \$100 bid increments and once the bidding reached \$2,000.00 or \$3,000.00 the bid increments were \$1,000.00 until Connery placed the successful bid of \$11,000.00 (R. p. 94, lines 4-23).

O. Benjamin Peeples, Esq., testified for the Respondent as an expert witness. Mr. Peeples is an attorney who has practiced in the field of real estate law since 1974. He is the city attorney of the cities of Folly Beach and McClellanville. He has conducted residential and commercial closings for 37 years. He has been an agent for at least 3 title insurance companies and is currently an underwriter and state manager for Security Title Insurance Company. Mr. Peeples is also a licensed real estate broker. His expert testimony is summarized in the next few paragraphs.

There are 3 types of deeds generally in use in South Carolina, 1) a general warranty deed by which the grantor promises to defend the title forever; 2) a limited warranty deed by which the grantor promises to defend the title against any cloud that arose while the grantor owned the property; and 3) a quit claim deed which makes no guarantee of title and is nothing more than transfer of whatever interest the grantor owns (R. p. 58, line 6 - p. 59, line 22).

A tax deed is a quit claim deed (R. p. 59, line 23 - p. 60, line 3, see also R. pp. 202-204).

Because of well settled legal authority that any defect in the tax sale process is jurisdictional, potentially voiding the sale, a title to property conveyed by a tax deed is unmarketable (R. p. 61, line 6 - p. 62, line 20).

It is customarily the attorney called upon to conduct a closing of the sale of property who determines, in his or her judgement, if the title is marketable. Marketable title is one which a reasonably informed person would accept and after examination of the title and not anticipate any liens, encumbrances or problems (R. p. 50, line 9 - p. 51, line 17).

Land with tax titles is generally not insurable by title insurance in South Carolina. An insurable title is one where there might be problems but which are so small or remote that a title insurance company is willing to take a risk of insuring over the potential problem (R. p. 52, line 6 - p. 53, line 3). Marketable title is a better quality title than an insurable title (R. p. 53, lines 4-9). Land with a tax deed in the chain of title is generally uninsurable in South Carolina although at least one title insurance company will insure the title once the tax deed is 10 years old (R. p. 62, line 21 -p. 63, line 14).

Title insurance is a near universal requirement of mortgage lenders in South Carolina (R. p. 56, line 20 - p. 57, line 5).

Mr. Peeples testified that, in his opinion, Connery did not have either marketable or insurable title to 9 Maranda Holmes Street (R. p. 63, line 15 - p. 64, line 22). He testified that he had reviewed a title abstract of the property and the derivation clause on the tax deed and that, in addition to the problems attendant to a tax deed, the property is also likely heirs property. This opinion is based upon the fact that the last previous deed in the chain of title was from the City Council of Charleston to Thomas Grant and Emily Grant in 1937. It is unlikely that the Thomas and Emily Grant who were the 1937 grantees, are living. The title abstract included information about several estates with the names of Thomas Grant and Emily Grant but none listed the property at 9 Maranda Holmes Street as an asset of the estate. The likelihood is that the estates of the Thomas Grant and Emily Grant, who were the 1937 grantees, and possibly their heirs' estates have not been probated (R. p. 65, line 11 - p. 66, line 21).

Heirs' property is property owned by someone who dies and whose estate is not probated and therefore not properly distributed to their heirs. Those unknown heirs may subsequently die leaving

heirs of their own resulting in multiple owners who are unknown on public record. Mr. Peebles testified that, to a reasonable degree of professional certainty, 9 Maranda Holmes Street is heirs property (R. p. 66, line 22 -p. 67, line 23). The problems caused by heirs property can only be cured by a suit to quiet title to determine the existence and identity of heirs. Mr. Peebles testified that the process can cost \$15,000.00 in attorney fees plus costs of \$3,000.00 to \$5,000.00 for advertising, payment of guardian ad litem's fees, etc. (R. p. 68, line 15 - p. 71, line 8).

Mr. Peebles testified that in his opinion, the state of Connery's title negatively affected the value of the property by limiting the number of potential purchasers willing to take the risk or "roll the dice with real money" and that he would not have paid more than 20% of the value the property would have if it had a clean title (R. p. 75, line 12 - p. 78, line 5).

According to Vernon Keller Staubes, Jr. (hereinafter "Keller"), Connery's president, Connery often purchases property at tax sales (R. p. 86, lines 13-21). Connery's contention of value of the property at \$20,000.00 is a function of its knowledge of the risks in obtaining properties at a tax sale. Those risks include, the risk of the unknown, ie. not knowing if you are actually own the property and the risk of the time and money that would need to be invested in attempting to quiet title by a lawsuit (R. p. 103, line 6 - p. 104, line 20).

There is a market value for properties with tax titles but it is a depressed market. Keller testified that tax sale properties are typically de-valued 80% , selling at about 20% of value (R. p. 105, line 3 - p. 106, line 9).

The Appellant's appraisal supervisor, Stephen Everman, testified that he performed an appraisal of the property using the traditional sales comparison approach (R. p. 148, lines 2-4). The appraisal (Appellant's Exhibit 1, Tr. pp. 235-305) valued the property at \$60,000.00.

The appraisal report is dated January 7, 2014. Although by that date the issues had long been framed and both sides knew that Respondent's claim was that the value of the property was adversely affected by title issues, the appraisal report contains the following language under the heading "Assumptions in Limiting Conditions":

"The appraiser assumes that the title is good and marketable and, therefore, will not render any opinion about the title." (Limiting Condition #3, Appellant's Exhibit 1, R. p. 298).

Subsequently, the same language appears on page 580 of the Uniform Standard Professional Appraisal Practice Manual (U.S.P.A.P.) which states:

"No responsibility is assumed for the legal description provided or the matters pertaining to the legal or title considerations. Title to property is assumed to be good and marketable unless otherwise stated." (R. p. 172, line 4 - p. 177, line 7).

Mr. Everman testified that he did not consider unmarketability of the title in his valuation. He acknowledged he was qualified to give such an opinion but had not done the research (R. p. 168, line 13 - p. 170, line 13). Mr. Everman was not asked to make any adjustments based upon lack of marketability of title (R. p. 170, lines 14-24). His valuation of \$60,000.00 is irrespective of any issues of title marketability, insurability or ability to mortgage (R. p. 171, lines 7-13).

LEGAL ARGUMENT

I. DID THE ADMINISTRATIVE LAW COURT PROPERLY APPLY SOUTH CAROLINA LAW IN DETERMINING THE VALUE OF THE SUBJECT PROPERTY.

a) Tax deed as prima facie evidence of good title:

Appellant first argues that the ALC erred by failing to properly interpret S.C. Code Section 12-51-160 which provides that a tax deed is prima facie evidence of good title. S.C. Code Section 12-51-160 provides in pertinent part as follows:

“In all cases of a tax sale the deed of conveyance, whether executed to a private person, a corporation, or a forfeited land commission, is prima facie evidence of a good title in the holder, that all proceedings have been regular and that all legal requirements have been complied with. An action for the recovery of land sold pursuant to this chapter or for the recovery of the possession must not be maintained unless brought within two years for the date of sale as provided in Section 12-51-90(C).

Of course the flaw in this argument is that statute provides only that the deed is “prima facie evidence of good title in the holder...” Prima facie evidence is evidence sufficient in law to raise a presumption of fact or establish the fact in question unless rebutted. LaCount v. General Asbestos & Rubber Co., 184 S.C., 232, 240, 192 S.E. 262, 266 (1937). Prima facie evidence is distinguishable from conclusive evidence, which evidence the law does not allow to be contradicted. McKenzie v. Standard Accident Ins. Co., 198 S.C. 109, 117, 16 S.E. 2nd 529, 532 (1941). The statutory presumption is no greater, than that which attaches to any other deed, apparently valid on its face. In Davis v. Monteith, 289 S.C. 176, 345 S.E. 2nd 724 (1986) the Supreme Court held:

“Where a deed is valid and regular on its face, it is presumed to be valid in all respects.” Id. at 289 S.E. 182, 345 S.E. 2nd 727.

The fact that a deed is entitled to a presumption of validity has never been accepted by the title practitioners as conclusive evidence that the grantee’s title is superior to all others. Were this to be so, there would be no need for a customary title examination if the recorded deed has the required signature, witnesses and notary.

The only evidence before the ALC is that experienced real estate practitioners and title insurance companies do not consider a chain of title including a tax title as marketable or insurable. The only exception in South Carolina is that one title insurance company will insure

the title after 10 years, however, this is irrelevant to this case as the critical date for valuation was December 31, 2009, the year in which an assessable transfer of interest occurred. On that date the tax deed was but a few months old. Even now, 10 years has not lapsed from the date of the deed.

Appellant presented no evidence that S.C. Code Section 12-51-160 is considered by title insurance companies or real estate practitioners as a magic bullet curing the cloud on title created by a tax deed. It is reasonably inferable that no such evidence was presented because none can be produced.

Mr. Peeples' expert testimony was that tax titles are not marketable or insurable because of the longstanding rule that the 2 year statute of limitations in S.C. Code Section 12-51-160 does not protect against irregularities in the tax sale process which are jurisdictional in nature and may cause the tax deed to be absolutely void, ab initio. See Leysath v. Leysath, 209 S.C. 342, 40 S.E. 2nd 233 (1946) and Reeping v. Jebbco, LLC, 402 S.C. 195, 740 S.E. 2nd 504 (S.C. App. 2013) wherein the Court, quoting Leysath stated:

“In Leysath v. Leysath, 209 S.C. 342, 40 S.E. 2nd 233 (1946) the Supreme Court of South Carolina discussed the application of this statute of limitations. It appears to be the general rule that a short statute of limitations of the kind under consideration does not apply where, by reason of some jurisdictional defect, the tax deed is absolutely void upon its face; and perhaps the majority of the courts hold that the bar of the statute does not apply if there are jurisdictional or fundamental defects in the tax proceedings which render such proceedings absolutely void. However, in some jurisdictions a statute of this kind is more liberally construed in favor of the purchaser, and it is held that the statute applies in every case in which there has been possession under a deed which is not void on its face. But the courts following the majority rule are not in entire accord as to the jurisdictional grounds which render a tax deed absolutely void. In some states defects which in others are deemed jurisdictional are considered mere irregularities....”

“We do not undertake to lay down a general rule defining those defects in tax proceedings which should be considered mere irregularities, to which the statute

under consideration would apply, and those which would be deemed jurisdictional, so as to render the statute inapplicable.” Id. at 402 S.C. 200-201, 740 S.E. 2nd 507.

The Reeping Court went on to observe that issues of notice are jurisdictional. Id. at 402 S.C. 201, 740 S.E. 2nd 507. It is the threat that a tax deed will be determined absolutely void, even after 2 years from its execution that prevents it from conveying marketable or insurable title without a suit to quiet the title.

The Appellant’s reliance on Wilson v. Mosley, 327 S.C. 144, 488 S.E. 2nd 862 (1997) is misplaced. First, Wilson is distinguishable in that the party claiming that title was unmarketable presented no evidence of such. Id. At 327 S.C. 147, 488 S.E.2d 864. Here that evidence is overwhelming and unrefuted. Also, in this case the 2 year limitations period has absolutely no applicability as the only issue in this case is the true market value of the property on Dec. 31, 2009. Since the tax deed was issued only approximately 9 months before the pertinent valuation date, the 2 year limitation period is irrelevant.

The specter of improper notice is heightened because of the likelihood that the property is heirs property. Since proper notice to the living owners cannot be confirmed by reference to public record, there is little comfort that a jurisdictional challenge by an heir or group of heirs would not void the title.

b) Effect of unmarketability and uninsurability on fair market value:

The ALC did not err when it found that marketability and insurability of title are factors to consider in fair market value.

Appellant’s reliance on Long Cove Homeowners Association, Inc. v. Beaufort County Tax Equalization Board, 327 S.C. 135, 488 S.E. 2nd 857 (1997) is also misplaced. That case

supports the ALC's Order in that it holds that deed restrictions, even voluntary restrictions, which effect the use of property and marketability of its title must be considered in determining the property's value.

Long Cove is, in one important respect, distinguishable in that the taxpayer claimed that the unmarketability of the title due to restrictions destroyed all value. Here that is not the case. Connery's president testified that there is a market for tax sale properties, both at the tax sale itself, and subsequently (R. p. 105, line 3 - p. 106, line 9). The market is limited and reasonably informed buyers and sellers such as Connery, take into account the status of title, the risk associated and the expense anticipated to cure title defects, and pay value accordingly. Both Keller Staubes and Benjamin Peeples testified that property with unmarketable title due to a tax deed would bring about 20% of the value it would have if title was marketable (R. p. 106, lines 5-9, p. 77, line 13 - p. 78, line 5).

The tax sale process is evidence of this as the property brought \$11,000.00 or 18% of the appraised value of \$60,000.00 without regard to title issues.

Appellant argues that the ALC confused the concepts of title and marketability with use and value. It cites Stanley v. Atl. Title Ins. Co., 377 S.C. 405, 661 S.E. 2nd 62 (2008) and McMaster v. Strickland, 305 S.C. 527, 409 S.E. 2nd 440 (Ct. App. 1991). Those cases are simply not applicable. They both involve characteristics of the land itself (in Stanley, the existence of drain field and in Wilson the existence of wetlands) which made the land wholly or partially useless thereby affecting its value. Certainly there is a distinction between the concepts of marketability of title and that of value or use. In this case, unlike either Stanley or McMaster, the title defect casts doubt upon the very ownership of the property.

The ALC properly found that

“...based on Long Cove and Reeping, that the risks inherent in a tax deed and specifically in heirs property are considerations when determining the value of the property. These restrictions to the deed affect the use of the Property. The evidence reflects that a tax deed will almost certainly not be insured in this state (at least within 10 years of the time of Petitioner’s possession of the Property. The constraint of insurability of the title during the first 10 years limits the market of buyers to those willing to take the risk of buying property with no insurable title and stifles development of the Property by not allowing the title to be used as collateral for loans from commercial lenders.” (Order p. 6, R. p. 8).

This logic of this finding is beyond challenge. This case is ultimately controlled by S.C.

Code Section 12-37-930, which provides:

“All property must be valued for taxation at its true value in money which in all cases is the price which property would bring following reasonable exposure to the market, where both the seller and buyer are willing, are not acting under any compulsion, and are reasonably well informed of the uses and purposes for which it is adapted and for which it is capable of being used....”

A reasonably informed, willing purchaser would undertake to determine the status of title to property he purchases. Title examinations for this purpose are nearly universal in arm’s lengths transactions.

Connery is a perfect example of a willing, well informed participant in a tax sale. Keller Staubes testified as follows:

“Q: All right. Are you still satisfied with your estimate of value of \$20,000.00?

A: Yes, I am.

Q: And is that what you are asking the Court to find today is the value of the property?

A: Yes, I am.

Q: All right. And again tell the Court what that is based on, other than your obvious reasonableness?

A: Well, the - you know, the tax deed does create problems and people who are willing to purchase property in this fashion want a consideration in reduction of value.

Q: Now, you are aware that there are risks in obtaining properties at a tax sale?

A: Yes, I am.

Q: And Connery Properties are - is willing to take those risk; is that correct?

A: I took a risk for \$11,000.00, yes, I did.

Q: Okay. Would you be willing to take that risk for \$60,000.00?

A: Probably not.

Q: Okay. What is the risk that you undertake when you purchase properties at a tax sale?

A: It's a risk of the unknown. You don't know whether you actually own this property.

Q: Okay. Is there a time element, as well?

A: Yeah, there's - the process for the research, the title research and the proper notification and advertising, once you find the people, you are suppose to advertise to, it is very lengthy -

Q: Now-

A: - and expensive." (R. p. 103, line 6 - p. 104, line 14).

And beginning on page 105, line 22, Keller testified:

"Q: And is there a market for those properties?

A: It is depressed, but yes, there is.

Q: All right. What do you mean by "depressed"?

A: Well when I purchase properties, I know that I am going to only get a quit claim deed and I make my offer and my negotiations according to the quit

claim deed.

Q: Alright. And how much do you typically see properties devalued if they are subject to recent tax deeds?

A: The devaluation of 80% or so. Bounce around 20% value.” (R. p. 105, line 17- p. 106, line 9).

Even Mr. Everman reluctantly admitted that issues of title can affect value. Beginning on page 168, line 13, Mr. Everman was asked:

“Q: Are you qualified to determine how much an unmarketable title or an uninsurable title would affect the value of property?

A: If they were sales of similar type properties, yes.

Q: Okay. Did you discover any such thing?

A: That was not in the scope of the appraisal that I was doing.

Q: Okay. So you were not asked to do that?

A: That is correct.” (R. p. 168, lines 13-22).

And beginning on page 169, line 17, he testified:

“Q: Okay. And do you believe that an unclear title or an unmarketable title would reduce the number of buyers that might be potentially interested in the piece of property?

A: It would depend upon the property.

Q: Well, as a general rule, would you accept that as a matter of logic?

A: I wouldn't want to comment as a general rule.

Q: Well, a property such as this, do you think buyers might be scared off if they were informed they could not get a clear title?

A: I don't know. I have not done the research.

Q: Okay. So you just don't - you are just not qualified to give that opinion; is that correct?

A: I'm qualified to give that opinion but I have not done the research to determine whether it would or not." (R. p. 169, line 17 - p. 170, line 9).

It is obvious from this exchange that unmarketable or uninsurable title can affect the value of property but Mr. Everman simply was not asked to provide an opinion considering that important fact.

II. THE ALC'S DETERMINATION OF FAIR MARKET VALUE WAS NEITHER ERRONEOUS, ARBITRARY AND CAPRICIOUS NOR CHARACTERIZED BY A CLEARLY UNWARRANTED EXERCISE OF DISCRETION.

The administrative law judge carefully summarized general law applicable to tax appeals (Order pp. 4-5, R. pp. 6-7). He considered the statutory law specifically applicable to valuation, S.C. Code Section 12-37-930. He also considered case law relative to title issues affecting the use of land and the case law concerning tax sales (Order pp. 5-6, R. pp. 7-8). He considered the testimony of witnesses and only then concluded that the title to the property was unmarketable and uninsurable.

The ALC noted that Appellant presented no evidence refuting the existence of defects in Respondent's title (Order p. 6, R. p. 8). He analyzed the effect that uninsurability of title would have on the use of the property in that the lack of insurable title "stifles development" by "...not allowing the title to be used as collateral for loans from commercial lenders." (Order p. 6, R. p. 8).

Since the conclusion of value of \$20,000.00 is supported by substantial evidence, it cannot be the product of an arbitrary and capricious decision or an abuse of discretion.

Keller testified, without objection, as to the value of his company's property. Mr. Staubes

is an experienced real estate investor. He and his father Vernon Staubes, Sr. (hereinafter "Vernon") manage around 30 properties owned by Connery as well as another 20 or so titled in other entities (R. p. 84, lines 1-23).

Thirty percent of Connery's properties are vacant land (R. p. 86, lines 6-12). Keller has attended every Charleston County tax sale since 1998 and is usually accompanied by his father (R. p. 86, line 22 - p. 87, line 6). He has a good familiarity with the subject property and the character of the surrounding neighborhood (R. p. 96, line 16- p. 97, line 14, p. 98, lines 6-22). He based his valuation of the property on his knowledge of the market for tax title properties and the risks and expenses involved (R. p. 103, line 6 -p. 104, line 14). His experience and knowledge of both his own property and the market for tax title properties is much greater than that of an ordinary property owner. He is well qualified to give an opinion of the value of his company's property.

Though the ALC did not find credible Keller's opinion that tax sale properties were worth approximately 20% of the value they otherwise would have, there was evidence in the record on which it could have so found. After reasonable exposure to the market of willing buyers at a tax sale, the property was purchased by Connery for \$11,000.00 which is 18% of its value ignoring the title defects. This 18% is certainly close enough to 20% to confirm and corroborate Keller's opinion.

Moreover, Keller's opinion of value is the only opinion of value taking into account all relevant circumstances, since Mr. Everman did not consider the title issues.

There is other evidence in the record which corroborates a devaluing as a result of a tax title. Connery Properties, Inc. and Vernon purchased adjoining properties on Cane Slash Road on

rural Johns Island. Both were unoccupied single family homes. 2914 Cane Slash Road had a clear title and Connery paid \$32,500.00 for it in 2000 (R. p. 106, line 17 - p. 107, line 21). The adjoining property with a recent tax title in the chain was purchased for by Vernon in 2002 for \$10,700.00. Vernon valued the property at \$44,000.00 had there been no tax deed (R. p. 119, line 6 - p. 121, line 20, Petitioner's Exhibit 11).

Respondent also submitted evidence of the consideration paid for several tax deed properties along with the county appraisal for each for the year of purchase to show the differential between the actual purchase (market) value and the appraised value. The tax appraisals were submitted as offers of proof (R. p. 107 line 23 - p. 111, line 23) and it is contended that this Court should consider this evidence as an additional ground to affirm under Appellate Rule 220(c):

<u>Property (PID #)</u>	<u>Deed price</u>	<u>County Appraisal</u>	<u>Exhibit #</u>
313-00-00-187 (2922 Cane Slash Rd.)	\$10,700.00	\$48,200.00	Petitioner's 11 & 12 (ID) (R. pp. 212-218)
385-01-00-050 (775 Railroad Ave.)	\$4,000.00	\$33,000.00	Petitioner's 14 & 15 (ID) (R. pp. 220-225)
469-09-00-086 (Aintree Ave.)	\$1,000.00	\$31,800.00	Petitioner's 16 & 17 (ID) (R. pp. 226-231)

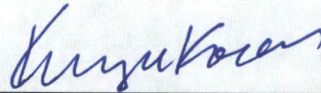
The ALC should have admitted these Exhibits as evidence of the difference between market value and appraised value.

CONCLUSION

For the above reasons, the Order of the Administrative Law Court should be affirmed.

Respectfully submitted,

October 2, 2014



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THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Chief Administrative Law Judge

Docket No. 2013-ALJ-17-0365-CC

Appellate Case No. 2014-000700

Connery Properties, Inc. ,.....Respondent

v.

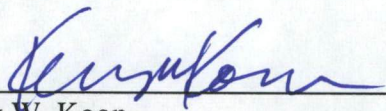
Charleston County Assessor.....Appellant

PROOF OF SERVICE

I certify that I have served Respondent's Final Brief on the Appellant by depositing a copy of the same in the United States mail, postage prepaid, on October 3, 2014, addressed to Appellant's attorney of record as follows:

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

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Connery Properties, Inc. ,.....Respondent

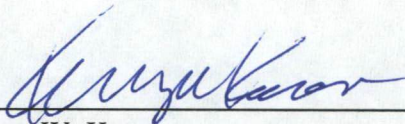
v.

Charleston County Assessor.....Appellant

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that this Final Brief complies with Rule 211(b), SCACR.

October 3, 2014



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