

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

J. Doe,
Petitioner,

vs.

Design Review Board (DRB) of the Town
of Sullivan's Island (S.I.), Svjetlana Bilic
Damjanovic, Individually and d/b/a Alka
Construction Co., Branko Damjanovic,
Individually and d/b/a Alka Construction
Co., Kenneth Craft Design Co., and Alka
Construction Co.,

Respondents.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Case No.: 2019-CP-10-03131

ORDER CANCELLING LIS PENDENS

RECEIVED

MAR 23 2020

SC Court of Appeals

This matter is before the Court on the motion of Respondent Branko Damjanovic ("Respondent"), filed February 10th, 2020, and pursuant to South Carolina Code Section 15-11-10 *et seq*, for cancellation of the *lis pendens* filed in this action by Petitioner on December 10th, 2019. Having reviewed the parties' submissions and having heard oral argument on February 19th, 2020, for which proper notice was given, I find and order as follows:

1. A *lis pendens* is authorized in South Carolina only in conjunction with "an action affecting the title to real property," S. C. Code Section 15-11-10, and only to protect [the litigant's] ownership interest in the property subject to the litigation." *Leibovitz v. Mudd*, 293 S.C. 49, 358 S.E.2d 698 (1987).

2. The property subject to this litigation is residential real estate owned by Respondent, known as 1611 Poe Avenue, Sullivan's Island, South Carolina ("Subject Property"). I find that at no relevant time has Petitioner held an ownership interest in the subject property.

3. I find that in any event this action, an appeal from the Town of Sullivan's Island's Design Review Board, plainly does not qualify as an action "affecting the title to real property." Petitioner has pled no theory, and has cited no authority, under which the outcome of this action could in any way affect the Respondent's title to the Subject Property.

4. Accordingly, I find that Petitioner's filing of the *lis pendens* lacked any legal or factual basis, and it is hereby cancelled and of no legal effect.

IT IS SO ORDERED.

Hon. Bentley D. Price
Circuit Judge

Date