

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2019 CP-04-02738

ROSEMARY W. JONES
PLAINTIFF(S)

ANDERSON COUNTY, SOUTH CAROLINA
DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 4(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE):** Affirmed; Reversed; Remanded; Other

RECEIVED
JUN 04 2020
SC Court of Appeals

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

ANDERSON COUNTY SERVED A NOTICE OF CONDEMNATION AND TENDER OF PAYMENT ON AUGUST 8, 2019, WHICH WAS SIGNED FOR ON AUGUST 9, 2019. ANDERSON COUNTY SUBSEQUENTLY SERVED, VIA CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED, A REVISED NOTICE OF CONDEMNATION AND TENDER OF PAYMENT ON OCTOBER 2, 2019, WHICH WAS SIGNED FOR ON OCTOBER 4, 2019. THE REVISED NOTICE COMPLIES WITH SC CODE § 28-2-280. THE REVISED NOTICE ADVISED PLAINTIFF THAT SHE HAS THIRTY (30) DAYS TO INSTITUTE A SEPARATE ACTION CHALLENGING THE COUNTY'S RIGHT TO CONDEMN.

PLAINTIFF ROSEMARY JONES INITIATED THIS ACTION ON DECEMBER 23, 2019, BY FILING AND SERVING A SEPARATE ACTION AS REQUIRED UNDER SC CODE § 28-2-470. HOWEVER, SC CODE § 28-2-470 ALSO REQUIRES THAT THE SEPARATE ACTION BE COMMENCED WITHIN THIRTY DAYS AFTER SERVICE OF THE CONDEMNATION NOTICE UPON THE LANDOWNER. THEREFORE, BECAUSE PLAINTIFF'S COMPLAINT WAS FILED ON DECEMBER 23, 2019, WHICH IS MORE THAN 30 DAYS AFTER THE OCTOBER 4, 2019 SERVICE OF THE REVISED CONDEMNATION NOTICE UPON THE LANDOWNER, THE ACTION IS UNTIMELY. DEFENDANT'S MOTION TO DISMISS IS GRANTED.

PLAINTIFF ASSERTS THAT IN ORDER TO MAKE A PROPER NOTICE OF CONDEMNATION AND TENDER OF PAYMENT, THE COUNTY WAS REQUIRED TO PAY THE TENDER AMOUNT TO THE CLERK OF COURT. THIS INTERPRETATION IS CONTRARY TO THE EMINENT DOMAIN STATUTES AND CASE LAW.

THE COUNTY'S REQUEST TO ATTORNEY'S FEES IS DENIED AS PLAINTIFF MAINTAINED HER ACTION IN GOOD FAITH.

MR. COX TO PREPARE A FORMAL ORDER

This order ends does not end the case.

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

	2155	
Circuit Court Judge	Judge Code	Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.



Anderson Common Pleas

Case Caption: Rosemary W Jones VS Anderson County, South Carolina

Case Number: 2019CP0402738

Type: Order/Form 4

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH