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S.C. SUPREME COURT

APPEAL FROM HORRY COUNTY
Court of Master-In-Equity

South Carolina Electric and Gas Company.....

Condemnor (Respondent)

v.

Wendell Norris.....

Landowner (Appellant)

In the Court of Common Pleas, Case Number 2018-CP-26-05361

NOTICE OF APPEAL

Wendell Norris appeals the Order of Master-In-Equity Judge Cynthia Graham Howe dated December 7, 2020. Appellant Norris received the written notice of the Order on December 13, 2020 by first-class mail from the United States Postal Service.

This 6 day of January, 2021.

Wendell Norris

Wendell Norris
Post Office Box 505
Conway, South Carolina 29528
Telephone: 843-365-8888
Appealing, Pro Se

Counsel of Record
Sean M. Foerster
Rogers Townsend, LLC
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2021 JAN 11 10:08 AM
S.C. SUPREME COURT
COLUMBIA, SC 29202

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

South Carolina Electric & Gas Company,

Condemnor,

vs.

Wendell Norris,

Landowner.

IN THE COURT OF COMMON PLEAS

DOCKET NO.: 2018-CP-26-05361

ORDER

This is an action for condemnation of land for a permanent and a temporary utility easement for a gas pipe line pursuant to the South Carolina Eminent Domain Procedure Act, S.C. Code Ann. §§ 28-2-10 *et seq.*, brought by Condemnor South Carolina Electric & Gas Company n/k/a Dominion Energy South Carolina, Inc. ("DESC") against the Landowner named herein.

Based on the Order of Reference entered herein, the Court has jurisdiction over the parties and subject matter.

On November 12, 2020, the Court held a trial in this case. The sole issue before the Court at trial was whether the tendered amount of \$8,580.00 by DESC is sufficient just compensation to be awarded to Landowner for the taking.

At trial, DESC offered the testimony of Robert Priester, a gas pipe line project manager for DESC who is familiar with the design of the gas pipe lines and the siting and permitting of gas pipe lines and their associated infrastructure. The Court deemed Mr. Priester qualified as an expert in the design of gas lines. Mr. Priester described the project and the public purpose of the taking.

DESC also offered the testimony of Travis Avant, a certified real estate appraiser whom the Court deemed qualified as an expert in the field of condemnation appraisal. Mr. Avant testified as to his opinion as to the appropriate amount of just compensation for the taking of the easement and explained the methods used in reaching that opinion. No other party presented any counterevidence of the value of the taking.

Based on the evidence presented, the Court finds and concludes as follows:

1. The subject property and the easement, interest, and rights acquired by DESC is

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as described in DESC's Amended Condemnation Notice and Tender of Payment ("Amended Condemnation Notice") filed in this action, which is specifically made a part hereof by reference.

2. DESC is vested with the power of eminent domain pursuant to S.C. Code Ann. §§ 58-7-10 and 28-2-60, and it has complied with the procedures set forth in the South Carolina Eminent Domain Procedure Act, S.C. Code Ann. § 28-2-10 *et seq.*

3. The easement has been acquired for a public purpose, more particularly for the purpose of constructing, maintaining, operating, replacing and altering one or more pipe lines together with valves, tieovers, and appurtenant facilities, for the transportation of gas, oil, petroleum products, or any other liquids, gases or substances which can be transported through pipe lines, and other accessory apparatus and equipment deemed by DESC to be necessary and desirable thereof.

4. DESC had the subject property appraised prior to commencing this action. Based upon the amount set forth in the appraisal, DESC tendered that amount in just compensation for the taking to the Landowner. The Landowner did not accept the amount tendered by DESC. Therefore, the above-captioned action was commenced, and the tender amount was deposited with the Horry County Clerk of Court simultaneously with the filing of the Condemnation Notice and Tender of Payment.

5. The Court finds that the Landowner was properly served with the Condemnation Notice and Tender of Payment, as evidenced by the Certificate of Mailing filed with the Clerk of Court.

6. The Court finds that the Landowner was properly notified of the trial and did appear at trial.

7. Just compensation to the Landowner for DESC's acquisition of the easements and any special damages is Eight Thousand Five Hundred Eighty and 00/100ths Dollars (\$8,580.00).

ACCORDINGLY, IT IS HEREBY ORDERED:

1. DESC shall pay a total amount of Eight Thousand Five Hundred Eighty and 00/100ths Dollars (\$8,580.00) for the taking of the easement. Pursuant to S.C. Code Ann. § 28-2-420(A), DESC shall pay interest in the amount of \$1,485.63¹. In the event it has not already done so, DESC shall deposit these funds with the Horry County Clerk of Court;

2. Upon its deposit of the condemnation funds with the Horry County Clerk of

¹ [(\$8,580.00 × 8%) ÷ 365 days] × 790 days since the date of filing.

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Court, DESC's involvement in this case will be ended;

3. The entry of this Order forever ends and terminates any claims, counter-claims, actions, or causes of action against DESC arising out of or in any way related to this condemnation action; and the DESC and Landowner shall be responsible for their own attorneys' fees, costs, or other litigation expenses incurred by them in this condemnation action;

4. The Horry County Clerk of Court shall annotate the Amended Condemnation Notice and file the same with the Office of the Register of Deeds for Horry County, duly indexed, as provided by law for the recording and indexing of deeds, showing the transfer of the property interest to DESC, such filing being exempt from filing fees as provided, ^{by} ^{CA#} S.C. Code Ann. § 12-24-40; and

5. The Clerk of Court shall mail a certified true copy of the annotated Amended Condemnation Notice to Post Office Box 100200, Columbia, South Carolina 29202, Attention: Sean M. Foerster, Esq.

IT IS SO ORDERED.

[Court's signature page to follow]

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2018-CP-26-05361

South Carolina Electric & Gas Company

Wendell Norris

CONDEMNOR(S)

LANDOWNER(S)

<p>Submitted by: Sean M. Foerster (SC Bar# 77466) Rogers Townsend LLC 1221 Main Street, 14th Floor (29201) P. O. Box 100200 Columbia, SC 29202 (803)744-1855 sean.foerster@rtt-law.com</p>	<p>Attorney for : <input checked="" type="checkbox"/> Condemnor <input type="checkbox"/> Landowner OR <input type="checkbox"/> Self-Represented Litigant</p>
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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 41(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 BOX): Affirmed; Reversed; Remanded; Other

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

This order ends does not end the case.
Additional Information for the Clerk

<p>INFORMATION FOR THE JUDGMENT INDEX Complete this section below when the judgment affects title to real or personal property or if any amount</p>
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