

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON)	C/A NO. 2020-CP-10-03549
)	
FRED HOLLAND REALTY, INC., and)	
LUJUAN KENNEDY,)	
Appellants,)	ORDER AFFIRMING LOWER
)	COURT ORDERS IN FULL
)	
v.)	RECEIVED
)	Feb 02 2021
THE CITY OF FOLLY BEACH,)	
)	SC Court of Appeals
Respondent.)	
_____)	

This matter is before the Court on the appeal of Appellant Fred Holland Realty, Inc. of two Orders issued by the City of Folly Beach Hearing Officer (“Hearing Officer”) dated July 17, 2020 and August 20, 2020. The Court hereby affirms the Hearing Officer’s Orders and enters judgment against Appellant Fred Holland in the amount of Twenty-Five Hundred Dollars and No Cents (\$2,500.00).

FACTS

The facts of this appeal are not in dispute. Fred Holland manages rental properties on Folly Beach. On March 19, 2020, Fred Holland rented 208 East Ashley Avenue, Folly Beach to a family from Hanahan, South Carolina. The check out date was April 14, 2020. Because the rental was shorter than 30 days, it was considered a “short-term rental” under City of Folly Beach Ordinance Section 117.01.

On March 28, 2020, the City of Folly Beach passed an Emergency Ordinance banning all new check-ins at short-term rentals on Folly Beach:

11. Starting on March 29, 2020 at 9:00 a.m., no new check-ins are permitted at any short-term rental, hotel, or other overnight accommodation. Visitors currently checked-in may remain until the end of their existing reservation.

The family staying at 208 East Ashley Avenue decided they wanted to continue their stay on Folly Beach. On April 1, 2020, the family made a second reservation with Fred Holland at a new property, 403 West Ashley Avenue, with a new rental rate, and new rental term.

On April 3, 2020, South Carolina Governor Henry McMaster signed Executive Order No. 2020-19. Among other things, the Executive Order included a ban on short-term rentals in the State:

I hereby order and direct that effective Friday, April 3, 2020, at 5:00 p.m., any and all individuals, entities, or establishments engaged in the provision of short-term rentals, vacation rentals, or other lodging accommodations or operations in exchange for consideration (collectively “Lodging”), as set forth below, in the State of South Carolina are prohibited from making or accepting new reservations or bookings from or for individuals residing in or travelling from any country, state, municipality, or other geographic area subject to or identified in a CDC travel advisory or other CDC notice as a location with extensive community transmission of COVID-19, to include the Tri-State Area (consisting of the States of New York, New Jersey, and Connecticut).

Executive Order No. 2020-19, Section 1.B.

On April 6, 2020, the City of Folly Beach passed an Amended Emergency Ordinance 06-20 (the “Emergency Ordinance”) that barred *all* new check-ins (not just short-term rentals) at any overnight accommodation for any length of stay starting on April 7, 2020:

11. Starting on April 7, 2020 at 9:00 a.m., no new check-ins are permitted regardless of length of stay, until May 31, 2020. Visitors currently checked-in may remain until the end of their existing reservation.

On April 13, 2020, Fred Holland checked the Hanahan family into its new rental at 403 West Ashley Avenue.

On April 14, 2020, the City charged Fred Holland with a violation of the Emergency Ordinance and an assessment of a civil fine under that Emergency Ordinance for allowing the new rental check-in at 403 West Ashley Avenue. The fine was \$500 per day, but the City agreed to

cap the accumulating fine at \$2,500. The Hanahan family stayed at the 403 West Ashley rental for more than five days.

Fred Holland appealed the Notice of Violation on May 7, 2020. Similar to the current appeal, Fred Holland contended that the Emergency Ordinance was not enforceable, and that it did not violate the Emergency Ordinance in any case.

Pursuant to a procedure set forth in the City's Emergency Ordinance, the appeal was heard by the City's Hearing Officer, Christine Varnado. On July 17, 2020, prior to the hearing on the appeal and after briefing, the Hearing Officer ruled that the Emergency Ordinance was enforceable in that 1) the City had authorization to issue the Emergency Ordinance, 2) the Emergency Ordinance was not preempted by the Governor's Executive Order, and 3) the Emergency Ordinance did not criminalize otherwise legal conduct.

An administrative hearing on the appeal was held on July 30, 2020 to determine if Fred Holland violated the Emergency Ordinance. Fred Holland presented three witnesses, was given the opportunity to cross the City's witnesses, and introduced 16 exhibits. On August 10, 2020, the Hearing Officer issued an order finding that Fred Holland did violate the Emergency Ordinance, and that the subject renters remained at 403 West Ashley for more than five nights, thus supporting the \$2,500 fine issued by the City's License Official.

This appeal followed.¹

STANDARD OF REVIEW

The standard of review to be applied by a Circuit Court in an appeal of a lower court decision is as follows:

¹ "When a judgment is rendered by a magistrates court, by the governing body of a county **or by any other inferior court or jurisdiction**, save the probate court, the appeal shall be to the circuit court of the county wherein the judgment was rendered . . ." S.C. Code Ann. § 18-7-10 (emphasis added).

Upon hearing the appeal the appellate court shall give judgment according to the justice of the case, without regard to technical errors and defects which do not affect the merits. In giving judgment the court may affirm or reverse the judgment of the court below, in whole or in part, as to any or all the parties and for errors of law or fact.

S.C. Code Ann. § 18-7-170.

Section 18-7-170 confers authority upon the Circuit Court to reverse a lower court's findings of fact when exercising appellate jurisdiction in an appeal from a lower court judgment. Burns v. Wannamaker, 281 S.C. 352, 357, 315 S.E.2d 179, 182 (Ct. App. 1984), aff'd as modified, 288 S.C. 398, 343 S.E.2d 27 (1986).

With regards to any review of a municipal ordinance, such ordinances are presumed valid. The Home Rule Act grants broad powers to Folly Beach, and “a presumption of validity attaches to all legislation, especially legislation relating to police power.” Town of Hilton Head Island v. Fine Liquors, Ltd., 302 S.C. 550, 554, 397 S.E.2d 662, 664 (1990); Aakjer v. City of Myrtle Beach, 388 S.C. 129, 133, 694 S.E.2d 213, 215 (2010) (An ordinance “is a legislative enactment and is presumed to be constitutional.”). The exercise of police power is subject to judicial correction only if the action is arbitrary and has no reasonable relation to a lawful purpose. Id.

The South Carolina Constitution confirms that the broad powers granted under the Home Rule Act are to be liberally construed in favor of the local government:

The provisions of this Constitution and all laws concerning local government shall be liberally construed in their favor. Powers, duties, and responsibilities granted local government subdivisions by this Constitution and by law shall include those fairly implied **and not prohibited by this Constitution.**

S.C. Const. art. VIII, § 17 (emphasis added).

LEGAL CONCLUSIONS

Appellant Fred Holland Realty, Inc. argues that the City did not have authority to enact its Emergency Ordinance that temporarily barred new check-ins at short-term rentals. Appellant's

arguments on the validity of the Emergency Ordinance take three forms. First, Appellant argues the City did not have authority to pass any Emergency Ordinance. Second, Appellant argues that any authority the City did have was preempted by South Carolina Governor Henry McMaster's Executive Order No. 2020-19 that banned short-term rentals "from or for individuals residing in or travelling from any country, state, municipality, or other geographic area **subject to or identified in a CDC travel advisory or other CDC notice as a location with extensive community transmission of COVID-19 . . .**" Executive Order No. 2020-19, Section 1(B) (emphasis added). Section 3(B) of the Executive Order banned local ordinances that conflicted with the Executive Order. Third, Appellant argues that the Emergency Ordinance criminalizes conduct legal under state law in violation of the South Carolina Constitution.

In addition, Appellant argues that it did not violate the Emergency Ordinance by moving the family to a new property after the Emergency Ordinance was passed because this was not a new "check in" under the Emergency Ordinance.

I. **THE CITY OF FOLLY BEACH HAD AUTHORITY TO ENACT THE EMERGENCY ORDINANCE.**

Determining if a local ordinance is valid is essentially a two-step process. The first step is to ascertain whether the county or municipality that enacted the ordinance had the power to do so. If no such power existed, the ordinance is invalid and the inquiry ends. However, if the local government had the power to enact the ordinance, the next step is to ascertain whether the ordinance is inconsistent with the Constitution or general law of this State.

Mun. Ass'n of S.C. v. AT & T Communications of the Southern States, Inc., 361 S.C. 576, 606 S.E.2d 468, 470 (2004) (quoting Hospitality Ass'n v. County of Charleston, 320 S.C. 219, 464 S.E.2d 113 (1995)).

With regards to the first step of the inquiry, Folly Beach is given broad authority to pass laws to protect public health in times of an emergency. First and foremost, the Home Rule Act,

S.C. Code Ann. § 5-7-30, grants all municipalities broad powers to enact ordinances to preserve general welfare and public health:

Each municipality . . . may enact . . . ordinances, not inconsistent with the Constitution and general law of this State, including the exercise of powers in relation to roads, streets, markets, law enforcement, health, and order in the municipality or respecting any subject which appears to it necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government in it.

Furthermore, Section 5–7–10 states that “[t]he powers of a municipality shall be liberally construed in favor of the municipality and the specific mention of particular powers shall not be construed as limiting in any manner the general powers of such municipalities.” S.C. Code Ann. § 5–7–10 (2004).

“This grant of power for purposes of municipal legislation is as broad and comprehensive as it was within the power of the State to delegate. It is a grant of the sovereign police power of the State itself, limited alone (1) by the territorial confines of the municipality authorized to exercise it, and (2) by the proviso that legislation thereunder shall not be inconsistent with the laws of the State.” Charleston v. Jenkins, 243 S.C. 205, 133 S.E.2d 242, 243 (1963). Thus, standing alone, the Home Rule Act clearly imparts Folly Beach with the police power to enact the Emergency Ordinance to preserve public health.

In addition, municipalities are explicitly granted the right to pass special emergency ordinances to meet public emergencies affecting life, health and safety along with a procedure to follow:

(d) **To meet public emergencies affecting life, health, safety or the property of the people, [a municipal] council may adopt emergency ordinances;** but such ordinances shall not levy taxes, grant, renew or extend a franchise or impose or change a service rate. Every emergency ordinance shall be enacted by the affirmative vote of at least two-thirds of the members of council present. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public

notice requirements. Emergency ordinances shall expire automatically as of the sixty-first day following the date of enactment.

S.C. Code Ann. § 5-7-250 (emphasis added). Defendant Folly Beach's Emergency Ordinances have been passed in compliance with this statute.

Appellant Fred Holland argues that this is simply a procedural statute, but the first sentence of Section 5-7-250(d) explicitly states that municipalities have the right to pass emergency ordinances.

In short, the City of Folly Beach was fully within its rights to enact an Emergency Ordinance during a national pandemic.

II. FOLLY BEACH'S EMERGENCY ORDINANCE WAS NOT PREEMPTED BY ANY STATE LAW OR EXECUTIVE ORDER.

In the context of the broad grant of power under the Home Rule Act and the explicit grant of power to pass emergency ordinances in Section 5-7-250(d), any limitation on Folly Beach's police powers during a time of emergency would have to be explicit and clear. No such limitation exists either in state law or in the Governor's Executive Orders. No law states that municipalities cannot exercise emergency powers. No law states that municipalities cannot restrict access during a state of emergency. No law states that municipalities cannot regulate short-term rentals. Rather, the general assembly has seen fit to grant cities a procedure to utilize its emergency powers.

The only potential preemption faced by the City during this pandemic is language in the Governor's Executive Orders stating that local ordinances that *conflict* with the Governor's Orders are preempted:

B. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

Governor's Executive Order No. 2020-19, Section 3.B.

“Conflict preemption occurs when the [local] ordinance hinders the accomplishment of the [state] statute's purpose or when the ordinance conflicts with the statute such that compliance with both is impossible.” S.C. State Ports Auth. v. Jasper Cty., 368 S.C. 388, 629 S.E.2d 624, 630 (2006) (citations omitted). Generally, additional local regulations that merely supplement state law does not result in a conflict. Denene, Inc. v. City of Charleston, 352 S.C. 208, 574 S.E.2d 196, 199 (2002) (citations omitted).

“[I]n order for there to be a conflict between a state statute and a municipal ordinance ‘both must contain either express or implied conditions which are inconsistent or irreconcilable with each other . . . If either is silent where the other speaks, there can be no conflict between them. Where no conflict exists, both laws stand.’ ” The Town of Hilton Head v. Fine Liquors, 302 S.C. 550, 553, 397 S.E.2d 662, 664 (1990) (quoting McAbee v. Southern Ry. Co., 166 S.C. 166, 164 S.E. 444, 445 (1932)).

In Denene, the City of Charleston banned on-premises consumption of alcohol between 2:00 a.m. and 6:00 a.m. on Mondays through Saturdays. At the time, S.C. Code Ann. § 61-4-120 prohibited the sale of alcohol “between the hours of twelve o’clock Saturday night and sunrise Monday morning . . . Municipal ordinances in conflict with this section are unenforceable.” Denene, 574 S.E.2d at 199. The Court found that the City’s ban did not conflict with the state prohibition because “additional regulation to that of State law does not constitute conflict therewith.” Id. In other words, additional regulations are “neither inconsistent nor irreconcilable with the State statute.” Id.

Fred Holland seems to believe that if a local ordinance is not identical to a state law, it is in conflict with that state law. That is not how conflict preemption works. Nothing in Defendant Folly Beach’s Emergency Ordinance conflicts with state law or the Governor’s Executive Orders.

Both the Executive Orders and Folly Beach's Temporary Emergency Ordinance can be enforced at the same time without conflict. The Executive Order at the very least barred all check-ins of visitors from the "Tri-State Area." Folly Beach's Emergency Ordinance barred all check-ins of visitors from any state. Thus, at most, the Folly Beach Emergency Ordinance merely imposed a broader ban. It is not in conflict with the Executive Order because both the Executive Order and Emergency Ordinance can be enforced without conflict. As such, there is no conflict and no preemption of the Emergency Ordinance.

In fact, a close reading of the Governor's Executive Order No. 2020-19 demonstrates that its ban on short-term rentals was just as broad as the ban included in Folly Beach's Emergency Ordinance. The Governor's Executive Order ban on short-term rentals states:

I hereby order and direct that effective Friday, April 3, 2020, at 5:00 p.m., any and all individuals, entities, or establishments engaged in the provision of short-term rentals, vacation rentals, or other lodging accommodations or operations in exchange for consideration (collectively "Lodging"), as set forth below, in the State of South Carolina are prohibited from making or accepting new reservations or bookings from or for individuals residing in or travelling from any country, state, municipality, or other geographic area subject to or identified in a CDC travel advisory or other CDC notice as a location with extensive community transmission of COVID-19, to include the Tri-State Area (consisting of the States of New York, New Jersey, and Connecticut).

Executive Order No. 2020-19, Section 1.B.

Appellant Fred Holland argues that the renters they moved in after the enactment of the Executive Order and Emergency Ordinance were not from the "Tri-State Area (consisting of the States of New York, New Jersey, and Connecticut)," and were therefore not banned by the Governor's Executive Order. Fred Holland further argues that Folly Beach's Emergency Ordinance conflicts with the Executive Order because it banned all new short-term rentals, not just rentals to residents from New York, New Jersey, and Connecticut.

Appellant Fred Holland ignores the fact that the Governor's Executive Order ban on short-

term rentals is not limited to the Tri-State area, but in fact is much broader. The Executive Order covers “individuals residing in or travelling from any country, state, municipality, or other geographic area **subject to or identified in a CDC travel advisory or other CDC notice as a location with extensive community transmission of COVID-19 . . .**” Executive Order No. 2020-19, Section 1(B) (emphasis added).

Folly Beach has presented un rebutted evidence that the CDC had in place a global travel advisory in April of 2020. On April 7, 2020, when Folly Beach’s Emergency Ordinance went into effect, the CDC advised travelers to avoid all nonessential travel in the United States and also advised travelers to follow all state and local rules. CDC, “Coronavirus and Travel in the United States,” April 7, 2020.² In addition, The CDC’s website makes clear that all countries, including the United States and South Carolina, are under a travel advisory during the pandemic. CDC, “COVID-19 Travel Recommendations by Country.”³

Thus, every state and every locality, including South Carolina and Hanahan, where the renters came from, was under a CDC travel advisory. Indeed, the CDC additionally recommended compliance with all local orders, which would include Folly Beach’s Emergency Ordinance.

Since Executive Order No. 2020-19 banned short-term rentals to anyone from a location under a CDC travel advisory and since the CDC had placed the entire country under a travel advisory (and adopted local orders regarding same), the Governor’s Executive Order applied to all short-term rentals to persons from South Carolina and Hanahan. In other words, the Governor essentially banned all short-term rentals due to his adoption of the broad advisories issued by the CDC. Thus, Executive Order No. 2020-19 and Folly Beach’s Emergency Ordinance were in

² <https://web.archive.org/web/20200407122127/https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-in-the-us.html> (archived website from April 7, 2020).

³ <https://www.cdc.gov/coronavirus/2019-ncov/travelers/map-and-travel-notice.html>

complete accord and banned the exact same activity: no short-term rental check-ins for any person regardless of where they came from. The Executive Order and Emergency Ordinance do not differ at all, but rather impose identical restrictions. As such, the Governor’s Executive Order and Folly Beach’s Emergency Ordinance are not in conflict either factually or under South Carolina conflict preemption law.

III. THE FOLLY BEACH EMERGENCY ORDINANCE DOES NOT CRIMINALIZE CONDUCT THAT IS LEGAL UNDER STATE LAW.

Appellant Fred Holland also argues that the Folly Beach Emergency Ordinance is in violation of Article VIII, Section 14(5) of the Constitution of State of South Carolina because the Emergency Ordinance criminalizes conduct that is legal under state law. Article VIII governs the power of municipalities, and Section 14 places some limits on the laws that municipalities can pass:

In enacting provisions required or authorized by this article, general law provisions applicable to the following matters shall not be set aside [by municipal law]:

(1) The freedoms guaranteed every person; (2) election and suffrage qualifications; (3) bonded indebtedness of governmental units; (4) the structure for and the administration of the State's judicial system; (5) **criminal laws and the penalties and sanctions for the transgression thereof**; and (6) the structure and the administration of any governmental service or function, responsibility for which rests with the State government or which requires statewide uniformity.

S.C. Const. art. VIII, § 14 (emphasis added).

In fact, Folly Beach’s Emergency Ordinance does not “criminalize” any conduct. Rather, the Emergency Ordinance imposes a *civil* fine for violations of the Emergency Ordinance:

13. Any failure to comply with this ordinance, including efforts to circumvent this ordinance, **may be penalized a) as a civil infraction** pursuant to provisions of the City of Folly Beach Code of Ordinances, including Section 110.17 allowing for suspension or revocation of business license may result in the loss of a business license or other measures, or b) as a violation of S.C. Code Section 16-7-10 (Illegal acts during state of emergency, or c) any other penalties provided by

State law, including penalties granted pursuant to Executive Orders issued by the South Carolina Governor. In addition, the Governor has authorized cities to seek an injunction, mandamus, or other appropriate legal action in the courts of the State.”

Emergency Ordinance, Section 13 (emphasis added).

In its April 6, 2020 Emergency Ordinance, the City adopted *civil* fines rather than *criminal* fines to avoid a potential conflict under Article VIII, Section 14(5). This was done after the South Carolina Attorney General opined on March 29, 2020 that local emergency ordinances criminalizing conduct may run afoul of Article VIII, Section 14(5). March 29, 2020 Updated S.C. A.G. Opinion.

The use of civil fines removes the City’s action from the purview of Article VIII, Section 14(5), which only regulates criminal penalties. Indeed, one of the South Carolina opinions cited by the Attorney General, Beachfront Entertainment, Inc. v. Town of Sullivan’s Island, 379 S.C. 602, 666 S.E.2d 912, 914 (2008), makes clear that municipalities can adopt local ordinances that supplement and add additional restrictions on top of state laws so long as they 1) are not preempted by any other state law, and 2) do not criminalize the conduct. See also Foothills Brewing Concern, Inc. v. City of Greenville, 377 S.C. 355, 365, 660 S.E.2d 264, 269 (2008) (“Because we find the Ordinance does not criminalize conduct, we hold it does not run afoul of Article VIII, section 14 of the Constitution.”).

Imposition of a civil fine does not criminalize conduct. It is a civil fine and does not violate the State Constitution’s requirement that municipalities cannot criminalize actions that are legal under state law.

As such, Fred Holland’s various challenges to the validity of the Folly Beach Emergency Ordinance, including preemption, are not persuasive. Accordingly, this Court affirms the holdings of the Folly Beach Hearing Office contained in her first order addressing those issues.

IV. **THE HEARING OFFICER CORRECTLY HELD THAT FRED HOLLAND VIOLATED FOLLY BEACH'S BAN ON NEW SHORT-TERM RENTAL CHECK-INS.**

Appellant Fred Holland has also appealed the Hearing Officer's final ruling that Fred Holland violated the Folly Beach Emergency Ordinance.

In its underlying administrative appeal, Appellant Fred Holland admitted the relevant underlying facts. In particular, Fred Holland acknowledged that it moved the renters to a new property on April 13, 2020. The effective date of Folly Beach's ban on new check-ins was April 7, 2020, and there was a prior ban on short-term rental check-ins going back to March 28, 2020.

Fred Holland claims this was not a new "check-in" because the renters were staying at another location prior to the Emergency Orders. In fact, those Emergency Orders both made clear that renters could complete their existing reservations, but not make new ones:

11. Starting on April 7, 2020 at 9:00 a.m., no new check-ins are permitted regardless of length of stay, until May 31, 2020. **Visitors currently checked-in may remain until the end of their existing reservation.**

Emergency Ordinance, Section 11 (emphasis added).

The renter's initial rental at 208 East Ashley had a check out date of April 14, 2020. Under the Emergency Ordinance, those renters could stay at the rental until April 14, 2020, but could not make a new reservation at a new location with a new rental rate and an extended rental term. Thus, even though the renters were allowed to stay to the end of their *existing* reservation, they were not allowed to make new reservations or check-ins.

In violation of the Emergency Ordinance, Fred Holland accepted a second reservation from the guests staying at 208 East Ashley for a new reservation at 403 West Ashley starting on April 13, 2020 for a period of 17 days. Fred Holland's Appeal acknowledges that the family checked in to this new property on April 13, 2020, after the Folly Beach's check-in ban went into full effect.

The fact that the renters previously stayed in a different short-term rental under a different reservation at a different rate does not somehow excuse Fred Holland from checking them into a new rental under a new rental agreement after the ban was put in place. Accordingly, the Hearing Officer's Final Order finding that this was a new "check-in" that violated the Emergency Ordinance is hereby affirmed in full.

CONCLUSION

Based on the foregoing, the Court affirms the rulings of the Folly Beach Hearing Officer that Fred Holland violated Folly Beach's Emergency Ordinance. The Court finds that the Folly Beach Hearing Officer correctly ruled that the City's Emergency Ordinances are enforceable, constitutional, and not otherwise preempted. The City's action was authorized by the Home Rule Act, by S.C. Code Ann. § 5-7-250(d), and by Governor McMaster's Executive Order No. 2020-19, Section 1(B). Fred Holland has not pointed to any law or order preempting this broad grant of authority. In addition, the Court finds that the Hearing Officer correctly ruled that Fred Holland violated this Emergency Ordinance, and properly imposed a fine of \$2,500 for that violation.

IT IS THEREFORE ORDERED THAT the Hearing Officer's Orders are affirmed in full;

IT IS FURTHER ORDERED THAT a judgment in the amount of \$2,500 be entered against Appellant Fred Holland Realty, Inc. pursuant to S.C. Code §§ 18-7-10 and 18-7-170;

IT IS SO ORDERED.

**STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON**

**JUDGMENT IN A CIVIL CASE
2020CP1003549**

FRED HOLLAND REALTY, INC., and LUJUAN
KENNEDY

THE CITY OF FOLLY BEACH

PLAINTIFF(S)

DEFENDANT(S)

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
- 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: _____

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)
THE CITY OF FOLLY BEACH	FRED HOLLAND REALTY, INC., and LUJUAN KENNEDY,	\$2,500.00
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.

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:

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.

RECEIVED

Feb 02 2021

SC Court of Appeals



Charleston Common Pleas

Case Caption: Fred Holland Realty Inc , plaintiff, et al VS Folly Beach City Of The

Case Number: 2020CP1003549

Type: Order/Other

So Ordered

s/Jennifer B. McCoy #2764