

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM Horry COUNTY
Court of Common Pleas

Karl A. Folkens, Special Referee
Fifteenth Judicial Circuit

Case Nos. 2015-CP-26-1084 / 2013-CP-26-5535 (combined)
Appellate Case No. 2017-001646

Supreme Court Case No. 2020-001478

Jericho State Capital Corp. of Florida..... Plaintiff

v.

Chicago Title Insurance Company,..... Defendant

AND

Lynx Jericho Partners, LLC..... Plaintiff

v.

Chicago Title Insurance Company..... Defendant

of whom Jericho State Capital Corp. of Florida and Lynx Jericho Partners, LLC

are the..... Respondents

and Chicago Title Insurance Company is the Petitioner.

**MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF ON BEHALF OF
PALMETTO LAND TITLE ASSOCIATION**

Pursuant to Rule 213, SCACR, Palmetto Land Title Association (“PLTA”) submits this motion to submit an amicus curiae brief. As allowed by the rule, the proposed brief is conditionally filed with this motion. PLTA’s proposed brief addresses, in relevant part, the Court of Appeals’ finding of affirmative coverage under the subject title insurance policy and the potential Constitutional issues associated with the

its decision in *Jericho State Capital Corp. v. Chi. Title Ins. Co.*, 2020 S.C. App. LEXIS 110, 848 S.E.2d 572 (Ct. App. 2010).

PLTA is a non-profit organization established in 1977. PLTA's members include stakeholders in the real estate industry, including title insurance companies, real estate closing attorneys, title insurance agents, and title abstractors. The purposes of PLTA include (1) promoting the safe and efficient transfer of ownership and interest in real property within the free enterprise system; (2) providing information and education to consumers, to those who regulate, supervise, or enact legislation affecting the land title evidencing industry, and to its members; (3) maintaining a liaison with users of the products and services provided by its members and with government; and (4) maintaining high professional standards and ethics within the real estate industry.

The Court of Appeals' decision in this case determines that a land use ordinance creates a property right in the subject property. It is clear from the decision that this determination has the potential to impact long-established real estate law and title search procedures. It also has the potential to cause retroactive liability for many of the PLTA's members. Given the statewide ramifications of the issue presented here, the PLTA requests leave to file the attached brief.

Respectfully submitted,

s/Mary M. Caskey
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