



SC Municipal Insurance and Risk Financing Fund

1411 Gervais Street
PO Box 12009
Columbia, SC 29911
Phone: 803.799.9004
Fax: 803.933.1205
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November 11, 2022

B & H Hauling LLC
951 Dougherty Road
Aiken, SC 29803

Re: Participant: City of Aiken
Claim Number: SF-22-1031-0001
Date of Loss: 08/29/2022

Dear :

Our duty as administrator of claims on behalf of the City of Aiken is to investigate and determine the city's responsibility for all claims submitted.

Based on our investigation and the application of South Carolina law to the facts and circumstances involved, we have concluded that the City of Aiken is not legally liable for your damages. The city of Aiken did not have prior notice of issues with the water main in the Colleton Park area.

Prior to 1986 claims against governmental entities for negligence was barred in South Carolina. However, in 1986, the State Legislature's Tort Claims Act (TCA) was established which conditionally permits claims against all governmental entities authorized by the state, including the City of Aiken. The TCA is a complex law containing many conditions relating to various types of claims. In cases involving defective conditions, such as manholes, pot holes, sewer lines, ruptured water lines, and transformers, etc. The TCA requires prior notice of the defective condition causing the damage before any liability can be attached to the governmental entity in question. ←

If you have any questions, or need additional information, please call me at the telephone number listed below.

Sincerely,

Rembert Williams
Senior Adjuster
(803)933-1253

cc: City of Aiken