



RECORD

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER) AM 11:15
FOR THE FIRST JUDICIAL CIRCUIT
CASE NUMBER: 2014-CP-18-1349

WENDY REED,
Plaintiff,

DORCHESTER COUNTY
CLERK OF COURT

VS.

**DEFENDANT COUNTY OF DORCHESTER'S
ANSWER, AFFIRMATIVE DEFENSES AND
MOTIONS TO PLAINTIFF'S AMENDED
COMPLAINT**

✓ COUNTY OF DORCHESTER AND
THOMAS LIMEHOUSE,
Defendants.

(Jury Trial Demanded)

Defendant Dorchester County (hereinafter Defendant), by and through its undersigned counsel, answers Plaintiff's Amended Complaint as follows:

FOR A FIRST DEFENSE
(Improper Party)

1. Defendant alleges that the Plaintiff's Amended Complaint is barred as to this Defendant and that this Defendant is an improper party to this action and moves to dismiss pursuant to Rules 21, 12(b)(6) and 12(b)(7) of the South Carolina Rules of Civil Procedure.

FOR A SECOND DEFENSE
(General Denial)

2. Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

3. Each and every allegation not specifically admitted is denied and strict proof is demanded thereof.

4. Paragraphs 1 and 2 of the Plaintiff's Amended Complaint call for a legal conclusion and therefore no response is required from this Defendant. To the extent a response is required, the same are denied and strict proof is demanded thereof.

5. Defendant is without sufficient information with which to admit or deny the

allegations of paragraph 3 and therefore the same are denied and strict proof is demanded thereof.

6. In response to paragraph 4 of the Plaintiff's Amended Complaint, Defendant affirmatively asserts that Dorchester County is a governmental entity as defined in S.C. Code Ann. § 15-78-30, and any and all actions alleged against this Defendant are controlled by the South Carolina Tort Claims Act, including but not limited to any and all limitations to liability contained therein. The rest and remainder of the allegations contained in paragraph 4 call for a legal conclusion and therefore no response is required from this Defendant. To the extent a response is required, Defendant would refer to the statutes governing same as a whole and would deny any allegation that is contrary thereto.

7. Paragraph 5 of the Plaintiff's Amended Complaint are directed at other parties to this action and therefore no response is required from this Defendant.

8. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 6 of Plaintiff's Amended Complaint and therefore the same are denied and strict proof is demanded thereof.

9. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 7 of Plaintiff's Amended Complaint and therefore the same are denied and strict proof is demanded thereof.

10. Paragraph 8 of the Plaintiff's Amended Complaint calls for a legal conclusion and therefore no response is required from this Defendant. To the extent a response is required, the same are denied and strict proof is demanded thereof.

11. Paragraph 9 calls for a legal conclusion and therefore no response is required

from this Defendant. To the extent a response is required, the same are denied and strict proof is demanded thereof.

12. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 10 and therefore the same are denied and strict proof is demanded thereof.

13. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 11 and therefore the same are denied and strict proof is demanded thereof.

14. Defendant denies the allegations contained in paragraph 12 and strict proof is demanded thereof.

15. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 13 of the Plaintiff's Amended Complaint and therefore the same are denied and strict proof is demanded thereof.

16. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 14 of the Plaintiff's Amended Complaint and therefore the same are denied and strict proof is demanded thereof.

17. To the extent paragraph 15 calls for a legal conclusion no response is required from this Defendant. To the extent a response is required, and to the rest and remainder of the allegations contained in paragraph 15, Defendant is without sufficient information with which to admit or deny the allegations and therefore the same are denied and strict proof is demanded thereof.

18. Paragraph 16 calls for a legal conclusion and therefore no response is required

from this Defendant. To the extent a response is required, Defendant would refer to the statute as a whole and would deny any allegation that is contrary thereto.

19. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 17 of the Plaintiff's Amended Complaint and therefore the same are denied and strict proof is demanded thereof.

20. Paragraph 18 calls for a legal conclusion and therefore no response is required from this Defendant. To the extent a response is required, Defendant would refer to statute S.C. Code Ann. § 12-51-90(A), incorrectly identified by the Plaintiff as S.C. Code Ann. § 12-51-(A), as a whole and would deny any allegation that is contrary thereto.

21. Paragraph 19 calls for a legal conclusion and therefore no response is required therefrom. To the extent a response is required, the same are denied and strict proof is demanded thereof.

22. In response to paragraph 20 of the Plaintiff's Amended Complaint, Defendant admits so much of the allegations contained therein as alleges that the property taxes for 817 and 819 W. Richardson Avenue, Dorchester County, South Carolina went unpaid and these properties were ultimately sold at a tax and at the time of this Amended Complaint both properties are held by Thomas Limehouse. To the extent a further response is required from this Defendant and to the extent they are read to contradict the above, the same are denied and strict proof is demanded thereof.

23. Defendant admits so much of the allegations contained in paragraph 21 of the Plaintiff's Amended Complaint as allege that all of the statutory required notices regarding the delinquent tax sale were completed. The rest and remainder of the allegations contained in paragraph 21 are denied and strict proof is demanded thereof.

24. Defendant admits so much of the allegations contained in paragraph 22 of the Plaintiff's Amended Complaint as allege that all of the requisite notices regarding the redemption period were completed. The rest and remainder of the allegations contained in paragraph 25 are denied and strict proof is demanded thereof.

25. In response to paragraph 23 of the Plaintiff's Amended Complaint, Defendant admits that the defaulting taxpayer, grantee from the owner or mortgage or judgment creditor has twelve (12) months from the date of the delinquent tax sale to redeem the property pursuant to S.C. Code Ann. 12-51-90. The rest and remainder of the allegations contained in paragraph 23 of the Plaintiff's Amended Complaint are denied and strict proof is demanded thereof.

26. In response to paragraph 24 of the Plaintiff's Amended Complaint, Defendant admits so much of the allegations contained therein as allege that the Plaintiff attempted to redeem the subject properties prior to December 3, 2013. Defendant is without sufficient information with which to admit or deny the remaining allegations contained in paragraph 24 and therefore the same are denied and strict proof is demanded thereof.

27. In response to paragraph 25 of the Plaintiff's Amended Complaint, Defendant admits so much of the allegations contained therein as allege that the Plaintiff attempted to redeem the subject properties prior to December 3, 2013. Defendant is without sufficient information with which to admit or deny the remaining allegations contained in paragraph 25 and therefore the same are denied and strict proof is demanded thereof.

28. In response to paragraph 26 of the Plaintiff's Amended Complaint, Defendant admits so much of the allegations contained therein as alleges that the Plaintiff was advised that of the statute (SC Code Ann. 12-51-90) as far as who can redeem - the defaulting taxpayer, grantee

from owner, or mortgage or judgment creditor. The rest and remainder of the allegations contained in paragraph 26 are denied and strict proof is demanded thereof.

29. In response to paragraph 27 of the Plaintiff's Amended Complaint, Defendant admits so much of the allegations contained therein as alleges that the County Attorney for Dorchester County advised Plaintiff's counsel of adherence to the statute (SC Code Ann. 12-51-90) as far as who can redeem - the defaulting taxpayer, grantee from owner, or mortgage or judgment creditor. The rest and remainder of the allegations contained in paragraph 27 are denied and strict proof is demanded thereof.

30. Defendant denies the allegations contained in paragraph 28 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

31. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 29 and therefore strict proof is demanded thereof.

32. Paragraph 30 of the Plaintiff's Amended Complaint calls for a legal conclusion and therefore no response is required from this Defendant. To the extent a response is required, the same are denied and strict proof is demanded thereof.

33. Defendant denies the allegations contained in paragraph 31 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

34. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 32 of the Plaintiff's Amended Complaint and therefore strict proof is demanded thereof.

35. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 33 of the Plaintiff's Amended Complaint and therefore strict proof is demanded thereof.

36. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 34 of the Plaintiff's Amended Complaint and therefore strict proof is demanded thereof.

37. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 35 of the Plaintiff's Amended Complaint and therefore strict proof is demanded thereof.

38. Defendant denies the allegations contained in paragraph 36 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

39. Defendant denies the allegations contained in paragraph 37 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

40. In response to paragraph 38 of the Plaintiff's Amended Complaint, Defendant Affirmatively asserts that property owners attempting to redeem property pursuant to statute are not required to provide proof of percentage of ownership before redeeming property. Defendant denies the rest and remainder of the allegations contained in paragraph 38 and strict proof is demanded thereof.

41. In response to paragraph 39 of the Plaintiff's Amended Complaint, Defendant Affirmatively asserts that property owners attempting to redeem property pursuant to statute are not required to provide proof of percentage of ownership before redeeming property. Defendant denies the rest and remainder of the allegations contained in paragraph 39 and strict proof is demanded thereof.

42. Defendant is unable to admit or deny the allegations contained in paragraph 40 of the Plaintiff's Amended Complaint as heirs property owners are intestate property owners and therefore "non-heirs property intestate property owners" do not exist.

43. Defendant admits the allegations contained in paragraph 41 of the Plaintiff's Amended Complaint.

44. In response to paragraph 42 of the Plaintiff's Amended Complaint, Defendant denies that any property owner in Dorchester County is treated any differently than any other property owners in Dorchester County in regards to redemption of property following a tax sale. Upon information and belief, all counties in South Carolina follow SC Code Ann 12-51-90(A) regarding redemption of property following a tax sale. To the extent the allegations contained in paragraph 42 are read to contradict same, they are denied and strict proof is demanded thereof.

45. Defendant denies the allegations contained in paragraph 43 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

46. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 44 of the Plaintiff's Amended Complaint and therefore the same are denied and strict proof is demanded thereof.

47. Defendant denies the allegations contained in paragraph 45 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

48. Defendant denies the allegations contained in paragraph 46 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

49. In response to paragraph 47 of the Plaintiff's Amended Complaint, Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

50. Paragraph 48 of the Plaintiff's Amended Complaint calls for a legal conclusion and therefore no response is required from this Defendant. To the extent a response is required, Defendant would refer to the Act in its entirety and would deny any allegations contained herein that contradicts the same.

51. Defendant denies the allegations contained in paragraph 49 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

52. Defendant denies the allegations contained in paragraph 50 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

53. Defendant denies the allegations contained in paragraph 51 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

54. Defendant denies the allegations contained in paragraph 52 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

55. Defendant denies the allegations contained in paragraph 53 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

56. Defendant denies the allegations contained in paragraph 54 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

57. Defendant denies the allegations contained in paragraph 55 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

58. In response to paragraph 56 of the Plaintiff's Amended Complaint, Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

59. Defendant denies the allegations contained in paragraph 57 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

60. Defendant denies the allegations contained in paragraph 58 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

61. Defendant denies the allegations contained in paragraph 59 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

62. In response to paragraph 60 of the Plaintiff's Amended Complaint, Defendant

repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

63. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 61 and therefore the same are denied strict proof is demanded thereof.

64. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 62 and therefore the same are denied strict proof is demanded thereof.

65. Defendant is without sufficient information with which to admit or deny the allegations contained in paragraph 63 and therefore the same are denied strict proof is demanded thereof.

66. Defendant denies the allegations contained in paragraph 64 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

67. Defendant denies the allegations contained in paragraph 65 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

68. Defendant denies the allegations contained in paragraph 66 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

69. Defendant denies the allegations contained in paragraph 67 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

70. In response to paragraph 68 of the Plaintiff's Amended Complaint, Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

71. Defendant denies the allegations contained in paragraph 69 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

72. Defendant denies the allegations contained in paragraph 70 of the Plaintiff's

Amended Complaint and strict proof is demanded thereof.

73. Defendant denies the allegations contained in paragraph 71 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

74. Defendant denies the allegations contained in paragraph 72 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

75. In response to paragraph 73 of the Plaintiff's Amended Complaint, Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

76. Defendant denies the allegations contained in paragraph 74 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

77. In response to paragraph 75 of the Plaintiff's Amended Complaint, Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

78. Defendant denies the allegations contained in paragraph 76 and all subparts thereto of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

79. In response to paragraph 77 of the Plaintiff's Amended Complaint, Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

80. Paragraph 78 calls for a legal conclusion and therefore no response is required from this Defendant.

81. Paragraph 79 calls for a legal conclusion and therefore no response is required from this Defendant.

82. Defendant denies the allegations contained in paragraph 80 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

83. Defendant denies the allegations contained in paragraph 81 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

84. In response to paragraph 82 of the Plaintiff's Amended Complaint, Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

85. Defendant denies the allegations contained in paragraph 83 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

86. Defendant denies the allegations contained in paragraph 84 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

87. Defendant denies the allegations contained in paragraph 85 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

88. Defendant denies the allegations contained in paragraph 86 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

89. Defendant denies the allegations contained in paragraph 87 of the Plaintiff's Amended Complaint and strict proof is demanded thereof.

90. Defendant denies the allegations contained in the "Wherefore" paragraph of the Amended Complaint and strict proof is demanded thereof.

FOR A THIRD DEFENSE
(12(b)(6) S.C.R.C.P.)

91. Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

92. Plaintiff fails to state facts sufficient to constitute a cause of action against Defendant Dorchester County and any claim against this Defendant should be dismissed pursuant to Rule 12(b)(6) South Carolina Rules of Civil Procedure.

FOR A FOURTH DEFENSE
(Sovereign Immunity)

93. Defendant repeats and realleges each and every preceding paragraph as if fully set

forth herein verbatim.

94. Defendant allege that the Plaintiff's Amended Complaint is barred or otherwise limited by sovereign immunity.

FOR A FIFTH DEFENSE
(Sovereign Immunity-Tort Claims Act)

95. Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

96. The Defendant alleges that the Plaintiff's Amended Complaint is barred or otherwise limited by the provisions of the South Carolina Tort Claims Act, SC Code Ann. 15-78-10, et seq. South Carolina Tort Claims Act, specifically but not limited to, Section 15-78-60 (1), (2), (3), (4), (5), (11), and (23) of the Act.

FOR A SIXTH DEFENSE
(Comparative/Contributory Negligence)

97. Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

98. Defendant alleges that any injuries or damages alleged by the Plaintiff, if any, which the Defendant expressly denies, were due to and caused by the contributory and comparative negligence, carelessness, wilfulness, wantonness and recklessness of Plaintiff in an amount exceeding fifty percent 50% of the total causal negligence, if any, so as to bar Plaintiff's claims as to Defendant. In the alternative Defendant alleges that the injuries and damages alleged by the Plaintiff, if any, which the Defendant expressly denies, were due to and caused by the comparative negligence, carelessness, wilfulness, wantonness and recklessness of the Plaintiff in an amount to be determined by the trier of fact, so as to reduce Plaintiff's claims proportionally, pursuant to South Carolina Law.

FOR A SEVENTH DEFENSE
(Sole, Intervening and Superseding Negligence of Plaintiff)

99. Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

100. Defendant alleges that any injuries and damages alleged by the Plaintiff, if any, which the Defendant expressly denies, were due to and caused by the intervening and superseding negligence of the Plaintiff, over whom Defendant had no control, so as to bar the claims of the Plaintiff as to Defendant.

101. Defendant alleges that the injuries and damages alleged by the Plaintiff, if any, which the Defendant expressly denies, were due to and caused by the negligence of the Plaintiff, which alone or concurring, supervening and/or intervening with the negligence, if any, of other persons, unknown third parties, so as to be the sole proximate cause of Plaintiff's alleged injuries and damages, if any, so as to bar Plaintiff's claims as to Defendant.

FOR AN EIGHTH DEFENSE
(Limitation of Remedies)

102. Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

103. Any recovery by Plaintiff must be limited to the remedies allowed under the South Carolina Tort Claims Act, including but not limited to S.C. Code Ann. § 15-78-120(a)(1) and (2) and S.C. Code Ann. § 15-78-120(b).

FOR A NINTH DEFENSE
(Public Duty Rule)

104. Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

105. The Plaintiff's Amended Complaint fails to state a claim against Defendant in that as a matter of law the Defendant violated no duty which it owed to the Plaintiff for which the Plaintiff is entitled to relief in the form of damages.

FOR A TENTH DEFENSE
(Laches)

113. Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

114. Plaintiff's claims are barred by the doctrine of laches, as Plaintiff failed to seasonably seek to avail herself to the means at hand for enforcement of her rights, and thereby caused Defendant to enter into obligations with other parties.

FOR A TWELFTH DEFENSE
(Unclean Hands)

113. Defendant repeats and realleges each and every preceding paragraph as if fully set forth herein verbatim.

114. This Defendant asserts the doctrine of unclean hands as a complete or partial bar to the Amended Complaint

FOR A THIRTEENTH DEFENSE
(Dismiss 42 U.S.C. § 1985(3))

115. Defendant moves for the dismissal of the Plaintiff's Second Cause of Action for Conspiracy, 42 U.S.C. § 1985(3) on the grounds that 42 U.S.C. § 1985(3) does not create a substantive right for the Plaintiff, and on the grounds that the Defendant cannot conspire with itself pursuant to the intracorporate conspiracy doctrine and therefore does not meet the requisite element of two or more people under the Statute.

FOR A FOURTEENTH DEFENSE
(Reservation of Additional and Further Defenses)

116. Defendant repeats and realleges each and every preceding paragraph as if fully set

forth herein verbatim.

117. Defendant reserves any additional and further defenses as may be revealed by additional information through the course of discovery and investigation in a manner that is consistent with the South Carolina Rules of Civil Procedure.

WHEREFORE, Defendant pray as follows:

- a. That this action against them be dismissed with prejudice;
- b. That the Plaintiff's claim for any damages not allowed or in excess of that provided by the South Carolina Tort Claims Act be stricken;
- c. That this matter be tried by jury on all issues so triable;
- d. That the cost of this action be taxed to parties other than Defendant;
- e. That Defendant be awarded their costs and expenses of this action; and
- f. That Defendant be granted such other and further relief as this court deems just and proper.

ANDERSON REYNOLDS & STEPHENS, LLC



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Attorney for Defendant Dorchester County

January 28, 2015
Charleston, South Carolina

CERTIFICATE OF SERVICE

This is to certify that a copy of Defendant Dorchester County's Answer to Plaintiff's Amended Complaint has been served upon the following parties by placing the same in the United States mail, first class postage prepaid, addressed to the following as shown below this 28th day of January 2015.

Nancy Bloodgood, Esquire
Lucy C. Sanders, Esquire
Foster Law Firm, LLC
895 Island Park Drive #202
Charleston SC 29492
Counsel for Plaintiff

Mr. Thomas Limehouse
Post Office Box 2005
Summerville, SC 29484
Co-Defendant

RECORDED
2015 JAN 30 AM 11:15
CLERK OF COURT
DORCHESTER COUNTY

Amy Fletcher
