

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Bruce Boulineau Director/Chief Building Official
City of Myrtle Beach,

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

Plaintiff(s)

vs.

Cathedral Bible College A/K/A

Defendant(s)

2016-CP-26-

2016 LP26 650

(Please Print)

Submitted By: Michael W. Battle

Battle Law Firm, LLC.

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Other:

E-mail: mbattle@battlawsc.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|---|---|--|
| Contracts
<input type="checkbox"/> Constructions (100)
<input type="checkbox"/> Debt Collection (110)
<input type="checkbox"/> Employment (120)
<input type="checkbox"/> General (130)
<input type="checkbox"/> Breach of Contract (140)
<input type="checkbox"/> Other (199) | Torts - Professional Malpractice
<input type="checkbox"/> Dental Malpractice (200)
<input type="checkbox"/> Legal Malpractice (210)
<input type="checkbox"/> Medical Malpractice (220)
Previous Notice of Intent Case #
20-CP- -
<input type="checkbox"/> Notice/ File Med Mal (230)
<input type="checkbox"/> Other (299) | Torts - Personal Injury
<input type="checkbox"/> Assault/Slander/Libel (300)
<input type="checkbox"/> Conversion (310)
<input type="checkbox"/> Motor Vehicle Accident (320)
<input type="checkbox"/> Premises Liability (330)
<input type="checkbox"/> Products Liability (340)
<input type="checkbox"/> Personal Injury (350)
<input type="checkbox"/> Other (399) | Real Property
<input type="checkbox"/> Claim & Delivery (400)
<input type="checkbox"/> Condemnation (410)
<input type="checkbox"/> Foreclosure (420)
<input type="checkbox"/> Mechanic's Lien (430)
<input type="checkbox"/> Partition (440)
<input type="checkbox"/> Possession (450)
<input type="checkbox"/> Other (399) |
| Inmate Petitions
<input type="checkbox"/> PCR (500)
<input type="checkbox"/> Mandamus (520)
<input type="checkbox"/> Habeas Corpus (530)
<input type="checkbox"/> Other (599) | Judgments/Settlements
<input type="checkbox"/> Death Settlement (700)
<input type="checkbox"/> Foreign Judgment (710)
<input type="checkbox"/> Magistrate's Judgment (720)
<input type="checkbox"/> Minor Settlement (730)
<input type="checkbox"/> Transcript Judgment (740)
<input checked="" type="checkbox"/> Lis Pendens (750)
<input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)
<input type="checkbox"/> Other (799) | Administrative Law/Relief
<input type="checkbox"/> Reinstate Driver's License (800)
<input type="checkbox"/> Judicial Review (810)
<input type="checkbox"/> Relief (820)
<input type="checkbox"/> Permanent Injunction (830)
<input type="checkbox"/> Forfeiture-Petition (840)
<input type="checkbox"/> Forfeiture--Consent Order (850)
<input type="checkbox"/> Other (899) | Appeals
<input type="checkbox"/> Arbitration (900)
<input type="checkbox"/> Magistrate-Civil (910)
<input type="checkbox"/> Magistrate-Criminal (920)
<input type="checkbox"/> Municipal (930)
<input type="checkbox"/> Probate Court (940)
<input type="checkbox"/> SCDOT (950)
<input type="checkbox"/> Worker's Comp (960)
<input type="checkbox"/> Zoning Board (970)
<input type="checkbox"/> Administrative Law Judge (980)
<input type="checkbox"/> Public Service Commission (990)
<input type="checkbox"/> Employment Security Comm (991)
<input type="checkbox"/> Other (999) |
| Special/Complex /Other
<input type="checkbox"/> Environmental (600)
<input type="checkbox"/> Automobile Arb. (610)
<input type="checkbox"/> Medical (620)
<input type="checkbox"/> Other (699) | <input type="checkbox"/> Pharmaceuticals (630)
<input type="checkbox"/> Unfair Trade Practices (640)
<input type="checkbox"/> Out-of State Depositions (650)
<input type="checkbox"/> Sexual Predator (510) | | |

Submitting Party Signature:

Michael W. Battle

Date: April 16, 2016

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY

Allendale, Anderson, Beaufort, Colleton, Florence, Greenville,
Hampton, Horry, Jasper, Lexington, Pickens (Family Court Only), and Richland

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

BRUCE BOULINEAU
DIRECTOR / CHIEF BUILDING OFFICIAL
CITY OF MYRTLE BEACH

2016 LP26 650
April 7, 2016

Complainant.

-VS-

Cathedral Bible College A/K/A
2756 Howard Parkway
Myrtle Beach, SC 29577

TMS # 186-00-01-074

Legal Description: Lot # 33, PH V, MNAFB Section

Property Located at: 3520 Pampas Drive, Myrtle Beach, SC

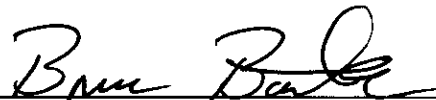
Respondents.

NOTICE OF PROCEEDING
(S.C. Code § 31-15-60)
(Lis Pendens)

FILED
JANE HUGGINS-WARD
CLERK OF COURT
2016 APR 14 AM 11:17

NOTICE IS HEREBY GIVEN that an action has been commenced or is about to be commenced in the City of Myrtle Beach in accordance with S.C. Code Ann. § 31-15-10 et. seq. by the above-named Complainant against the above-named Respondents for the enforcement of the Unfit Dwellings Ordinances of the City of Myrtle Beach, found in Chapter 10, Article II, Nuisances, Division 3. Unfit Dwellings, Code of Ordinances of the City of Myrtle Beach, South Carolina.

The Complaint and a description of the premises are set out in full on exhibit "A" attached hereto and made a part hereof.



Bruce Boulineau
Director / Chief Building Official
City of Myrtle Beach, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

BRUCE BOULINEAU
DIRECTOR / CHIEF BUILDING OFFICIAL
CITY OF MYRTLE BEACH, SOUTH CAROLINA

Complainant.

-VS-

Cathedral Bible College A/K/A
2756 Howard Parkway
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Legal Description: Lot # 33, PH V, MNAFB Section

Property Located at: 3520 Pampas Drive, Myrtle Beach, SC

Respondents.

Exhibit A

April 7, 2016

NOTICE OF COMPLAINT

FILED
Horry County
2016 APR 14 AM 11:17
CLERK OF COURT

TO: PROPERTY OWNER AND OTHER INTERESTED PARTIES.

On April 6th, 2016 an on-site inspection was made at the address listed above by Glenn Broach, Property Maintenance Inspector, Construction Services Department, City of Myrtle Beach, South Carolina (843-918-1182).

Public tax and land records show that you are the owner or other interested party in connection with the property.

The public officer found the structure / land to be in violation of the Codes and/or Ordinances as adopted by the City of Myrtle Beach in one or more of the following particulars:

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from, this requirement.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the

walls or interior portion of the structure. Roof drains gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 of the International Property Maintenance Code and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, and any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

308.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.15 Doors. All exterior doors, door assemblies, operator systems if provided, and hardware shall be, maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

The violations listed above constitute conditions that are dangerous or injurious to the health, safety or morals of the occupants of such structure or the occupants of neighboring structures or other residents of such municipality. Such conditions may include, but are not limited to defects therein increasing the hazards of fire, accident or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanness; failure to comply with the maintenance and upkeep requirements of the most current adopted version of the International Property Maintenance Code, or other such state required locally adopted Code that shall provide additional standards to guide the public officer, public authority or his agents in determining the fitness of a dwelling for human habitation.

Repairs to the structural, electrical, plumbing or HVAC systems may require a permit before proceeding with the work. Contact Debrah Sturm at 843-918-1194 to inquire which permits might be required.

If no permits are required and the violations have been corrected, please contact Debrah Sturm at 843-918-1194 so that an inspection may be conducted. If the issues

are satisfactorily addressed, the complaint will be dismissed by the City Attorney, and a public hearing on the violations will not be necessary.

A public hearing will be held before Bruce Boulineau, Director / Chief Building Official, (or his designated agent), for the City of Myrtle Beach, South Carolina, in the City Services Building, 921 Oak Street, Myrtle Beach, South Carolina, at **8:30 A.M. on Wednesday April 20th, 2016.**

The hearing will be conducted at the time and place designated by the City Building Official, whether or not you appear. One continuance may be requested, but only upon good cause shown to the Building Official, and the extension may not exceed twenty (20) days.

This Complaint will be filed with the Clerk of Court for Horry County in the same manner as a Lis Pendens. You have the right to file an answer to the Complaint with the Building Official, and with the Horry County Clerk of Court, and to appear in person at the public hearing and give testimony at the place and time fixed. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the City Building Official.

After the hearing, if the City Building Official determines that the structure under consideration is unfit for human habitation due to the existence of the cited violations, he shall state in writing his findings of fact in support of such determination.

- a) If the City Building Official determines the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure, the Official shall issue an Order requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human habitation or to vacate and close the structure as a human habitation.
- b) If the City Building Official determines the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure, the Official shall issue an Order requiring the owner, within the time specified in the order, to remove or demolish such structure.

The City Building Official shall cause the Order to be served upon the owner. A copy of the Order shall be filed in Horry County Clerk of Court by the City Attorney, in the same manner as this Complaint.

If the owner complies with the Order to repair, alter or improve, or to vacate and close and secure the structure within the time established, the complaint and order will be deemed satisfied, and the complaint and order filed in the Horry County land records shall be nullified by the City Attorney.

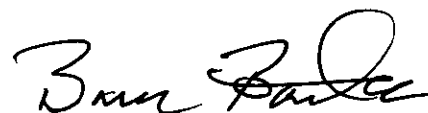
If the owner fails to comply with an order to repair, alter or improve or to vacate and close the structure within the time set forth in the order, the public officer may close and secure the property if unsecured, and may post the structure as unfit for human habitation, if the violations rise to the level that human habitation would be injurious, or the public officer may provide notice to the City Manager of the failure of the owner or parties in interest to comply with the order, and the matter shall be referred to City Council to set a Rule to Show Cause date, and thereafter at the appointed time, conduct a public hearing on a Rule to Show Cause as to why your property should not be brought into compliance.

RIGHT TO APPEAL

The undersigned official has determined that unsafe conditions have been found due to noncompliance, and that notice of the unsafe conditions should be served upon the owner. Any person receiving a written notice of code violations to repair the structure shall have the right to appeal the decision to the Building Board of Appeals, provided a written application for appeal is filed within 20 days from receipt of notice. The application shall be based on a claim that the true intent of the building code or the rules legally adopted there under has been incorrectly interpreted or the provisions of the building code do not fully apply.

All appeals can be filed at Construction Services Department, 921 Oak Street, or mailed to Construction Services, P.O. Drawer 2468, Myrtle Beach, SC, 29578-2468.

City Council may then proceed to address the structure in the manner provided by Chapter 10 of the Code of Ordinances of the City of Myrtle Beach, South Carolina. [Copy attached.]



Bruce Boulineau
Director / Chief Building Official
City of Myrtle Beach, South Carolina