

Bond Case Briefs

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INVERSE CONDEMNATION - SOUTH CAROLINA

Bluestein v. Town of Sullivan's Island

Supreme Court of South Carolina - February 19, 2020 - S.E.2d - 2020 WL 810963

Coastal property owners brought action against town for breach of contract, breach of contract accompanied by a fraudulent act, a violation of the South Carolina Unfair Trade Practices Act (SCUTPA), nuisance, and inverse condemnation, based on town's failure to trim vegetation on accreting land along coast.

The Court of Common Pleas granted town's motion for summary judgment, and property owners appealed. The Court of Appeals affirmed. Property owners sought writ of certiorari, which the Supreme Court granted.

The Supreme Court held that genuine issues of material fact existed as to town's maintenance responsibilities, thus precluding summary judgment.

Genuine issues of material fact existed as to town's maintenance responsibilities towards accreting land along coast under deed transferring ownership of land to town with a number of deed restrictions, thus precluding summary judgment in action by abutting property owners, who were third party beneficiaries of the deed, for breach of contract and other claims arising from town's failure to trim vegetation on accreting land.