

COUNTY OF ~~Horro~~ Horry

Timothy I. Irving  
Plaintiff(s)

vs.

Horry County Council  
Defendant(s)

Submitted By: Timothy Irving  
Address: 1720 Lake Lane  
Longs, SC 29568

CIVIL ACTION COVERSHEET

-CP-  
20 19 CP26 4881

SC Bar #: \_\_\_\_\_  
Telephone #: 843-957-9542  
Fax #: \_\_\_\_\_  
Other: \_\_\_\_\_  
E-mail: Dochscowboys@yahoo.com

NOTE: The coversheet 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 cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

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)

- |   |  |   |  |
|---|--|---|--|
| <p><b>Contracts</b></p> <input type="checkbox"/> Constructions (100)<br><input type="checkbox"/> Debt Collection (110)<br><input type="checkbox"/> General (130)<br><input type="checkbox"/> Breach of Contract (140)<br><input type="checkbox"/> Fraud/Bad Faith (150)<br><input type="checkbox"/> Failure to Deliver/Warranty (160)<br><input type="checkbox"/> Employment Discrim (170)<br><input type="checkbox"/> Employment (180)<br><input type="checkbox"/> Other (199) _____ | <p><b>Torts - Professional Malpractice</b></p> <input type="checkbox"/> Dental Malpractice (200)<br><input type="checkbox"/> Legal Malpractice (210)<br><input type="checkbox"/> Medical Malpractice (220)<br>Previous Notice of Intent Case #<br><u>20</u> -NI- _____<br><input type="checkbox"/> Notice/ File Med Mal (230)<br><input type="checkbox"/> Other (299) _____                                    | <p><b>Torts - Personal Injury</b></p> <input type="checkbox"/> Conversion (310)<br><input type="checkbox"/> Motor Vehicle Accident (320)<br><input checked="" type="checkbox"/> Premises Liability (330)<br><input type="checkbox"/> Products Liability (340)<br><input type="checkbox"/> Personal Injury (350)<br><input type="checkbox"/> Wrongful Death (360)<br><input type="checkbox"/> Assault/Battery (370)<br><input type="checkbox"/> Slander/Libel (380)<br><input type="checkbox"/> Other (399) _____  | <p><b>Real Property</b></p> <input type="checkbox"/> Claim & Delivery (400)<br><input type="checkbox"/> Condemnation (410)<br><input type="checkbox"/> Foreclosure (420)<br><input type="checkbox"/> Mechanic's Lien (430)<br><input type="checkbox"/> Partition (440)<br><input type="checkbox"/> Possession (450)<br><input type="checkbox"/> Building Code Violation (460)<br><input type="checkbox"/> Other (499) _____  |
| <p><b>Untrue Petitions</b></p> <input type="checkbox"/> PCR (500)<br><input checked="" type="checkbox"/> Mandamus (520)<br><input type="checkbox"/> Habeas Corpus (530)<br><input type="checkbox"/> Other (599) _____   | <p><b>Administrative Law/Relief</b></p> <input type="checkbox"/> Reinstate Drv. License (800)<br><input type="checkbox"/> Judicial Review (810)<br><input type="checkbox"/> Relief (820)<br><input type="checkbox"/> Permanent Injunction (830)<br><input type="checkbox"/> Forfeiture-Petition (840)<br><input type="checkbox"/> Forfeiture-Consent Order (850)<br><input type="checkbox"/> Other (899) _____ | <p><b>Judgments/Settlements</b></p> <input type="checkbox"/> Death Settlement (700)<br><input type="checkbox"/> Foreign Judgment (710)<br><input checked="" type="checkbox"/> Magistrate's Judgment (720)<br><input type="checkbox"/> Minor Settlement (730)<br><input type="checkbox"/> Transcript Judgment (740)<br><input type="checkbox"/> Lis Pendens (750)<br><input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)<br><input type="checkbox"/> Confession of Judgment (770)<br><input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780)<br><input type="checkbox"/> Incapacitated Adult Settlement (790)<br><input type="checkbox"/> Other (799) _____ | <p><b>Appeals</b></p> <input type="checkbox"/> Arbitration (900)<br><input type="checkbox"/> Magistrate-Civil (910)<br><input type="checkbox"/> Magistrate-Criminal (920)<br><input type="checkbox"/> Municipal (930)<br><input type="checkbox"/> Probate Court (940)<br><input type="checkbox"/> SCDOT (950)<br><input type="checkbox"/> Worker's Comp (960)<br><input type="checkbox"/> Zoning Board (970)<br><input type="checkbox"/> Public Service Comm. (990)<br><input type="checkbox"/> Employment Security Comm (991)<br><input type="checkbox"/> Other (999) _____ |
| <p><b>Special/Complex /Other</b></p> <input type="checkbox"/> Environmental (600)<br><input type="checkbox"/> Automobile Arb. (610)<br><input type="checkbox"/> Medical (620)<br><input type="checkbox"/> Other (699) _____<br><input type="checkbox"/> Sexual Predator (510)<br><input type="checkbox"/> Permanent Restraining Order (680)<br><input type="checkbox"/> Interpleader (690)  | <input type="checkbox"/> Pharmaceuticals (630)<br><input type="checkbox"/> Unfair Trade Practices (640)<br><input type="checkbox"/> Out-of State Depositions (650)<br><input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660)<br><input type="checkbox"/> Pre-Suit Discovery (670)  |   |  |

FILED  
 HORRY COUNTY  
 2019 AUG - 1 PM 1:31  
 RECEIVED  
 CLERK OF COURT  
 HORRY COUNTY, SC

Submitting Party Signature: Timothy I. Irving Date: 8-1-2019

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.

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

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

Pursuant to the ADR Rules, 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 210<sup>th</sup> 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.
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 *Harry* )  
 )  
*Timothy I. Irving* Plaintiff, )  
 )  
vs. *Harry County Council* )  
 )  
Defendant. )

IN THE COURT OF COMMON PLEAS

SUMMONS

FILE NO.

20 19 CP264

RENEE N. ELY  
CLERK OF COURT  
HARRY COUNTY

2019 AUG - 1 PM 1:31

FILED  
HARRY COUNTY

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

, South Carolina

*Timothy I. Irving*  
Plaintiff/Attorney for Plaintiff

Dated:

Address:

*We the Citizens of Harry County, having suffered loss in personal property and equity, seek a Temporary injunction/relief from the Harry County Council's disregard of the following laws.*

- 1) Stafford Act (Title 11 Sec 201 42 U.S.C 5131)*
- 2) Stafford Disaster Relief Act, Amended 2016*
- 3) South Carolina Local Government Comprehensive Planning Enabling Act of 1994.*

*Please See Attached Petition, with Harry County Resident Signatures*

SCCA 401 (5/02)

Petition of Rights

We, the residents of Longs, Socastee, Bucksport and Myrtle Beach, having unilaterally suffered a loss of real property due to; flood waters, lack of sufficient water shed and sewage infrastructure, poor planning and zoning on behalf of the Horry County Planning Commission, as well as Horry County Council's disregard of its fiduciary duties in administrative adherence to;

- 1) Stafford act, (Title II sec 201 42 U.S.C 5131)
- 2) Stafford Disaster Relief Act. Amended 2016
- 3) South Carolina Local Government Comprehensive Planning Enabling Act SECTION 6-29-510. Planning process; elements; comprehensive plan.

FILED  
 HORRY COUNTY  
 2019 AUG -1 PM 4:31  
 JENNIFER M. ELWELL  
 CLERK OF COURT  
 HORRY COUNTY SC

We hereby petition our grievance unto the Fifteenth Judicial Court. We humble ask the court grant the attached temporary injunction until such time the Army Core of Engineers makes determination that the current and future "new" residential or commercial construction proposals, to include the Horry County "Imagine 2040 Plan"; that this temporary injunction be placed upon on the Horry County Council and Planning Commission until such new construction projects are deem safe, without having a negative environmental impact within the current or future flood plain determined by FEMA within Horry County, or until such time any such infrastructure changes/ recommendations made by Army Core of Engineers has been reviewed and approved by the Horry County Council and Planning Commission.

We, the citizens of Horry county, who having suffered tremendous loss in equity, use of property, loss of real property, or having been forced to invest in our communities to greater extent of adding additional bank or SBA loans to rebuild our communities, plea to this court for relief from the burden of poor planning and proposals and ordinances by way of Horry County Council.

Whether intentional or unintentional, the grossly ignored flooding issues within our jurisdiction, not making such proposals for proper shedding of both the flood water and or sewage associated with natural disaster, while also adding

additional residential neighborhoods which further compound a pre-existing flood condition, in legal terms, is a failure of a duty of care.

Further, It is the obligation of the county Council to act in a manner conducive to the well being of everyone around them, such as the prevention of any "foreseeable injury to a victim.". Passing such proposals, provisions and or ordinances, to include the use of updated impact studies, including outside (other/independent) water shedding infrastructure adopted by other State and local municipalities is essential in the planning process of a reasonable municipal council. Failing to utilize these measure or failing address the current flooding issues that we are experiencing more frequently in nature, prior to passing such projects as the "IMAGINE 2040" project is a standard of conduct best defined as Negligence.

We the citizens of Horry County make this plea, that the attached injunction be granted by the court, as requested, to include the provisions stated within.

Sincerely,

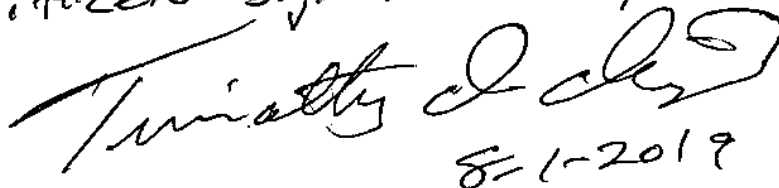
Horry County Residents of Longs, Myrtle Beach, Conway

(please see attached signatures)

Name:  
Address:  
Contact Number:

Please See The package of  
Signatures of Digital Signatures.  
The hard copy signatures total  
326 signature; to be furnished at  
The Court's Request. Total  
Citizen Signatures - 1,180

Name:  
Address:  
Contact Number:

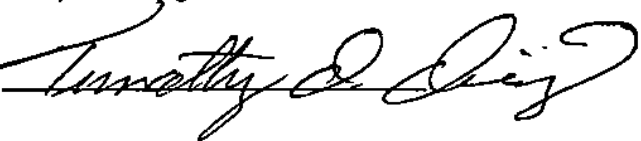
  
8-1-2019

8/01/2019

The foregoing petition signatures, to include the digital signatures, are signees who reside within the jurisdiction of Horry County, South Carolina. I have reviewed the information prior to submitting this petition and temporary injunction before the court. Therefore, under 28 U.S. Code §1746, "I, Timothy I. Irving, declare (certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date Executed: 8-1-2019

Name: Timothy Ira Irving

Signature: 

Name/ Address of Signee:

Timothy Ira Irving  
1720 Lee Lane  
Longs, SC 29568

