

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GEORGETOWN )  
  
3D LAND HOLDINGS, LLC, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
WILLIS J. JOHNSON, VIRGINIA )  
SMITH, MARCELLA )  
COACHMAN, TONI OWENS, )  
BRANDON L. CARR AND )  
HENRY LEE GREEN, )  
 )  
Defendants. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTEENTH CIRCUIT  
CASE NO.: 2020-CP-22-00808

MASTER-IN-EQUITY’S  
FINAL ORDER

**RECEIVED**  
**Aug 16 2022**  
**SC Court of Appeals**

THIS MATTER is before me pursuant to an action for declaration of a right of access over and across the existing thirty (30’+/-) foot wide dirt road (the “Road”) that connects from Coachmen Drive to Noble Place and passes between lands of Defendants located within the County of Georgetown. It appears that this Road provides the only means of access to the subject property and this means of access has been utilized for many years with no challenge from the Defendants. It further appears that the Plaintiff and its predecessors in title have, for a period of at least fifty-nine (59) years, has utilized said Road and such use has not been challenged by the Defendants.

Based upon the pleadings, testimony and consent of the parties, I make the following findings of fact:

1. That the Plaintiff is a limited liability company organized and duly authorized to do business in the State of South Carolina.

2. That the Defendant, Willis S. Johnson is a citizen and resident of Norfolk County, Virginia and was personally served with a copy of the Summons and Complaint on June 30, 2021 as evidenced by the Affidavit of Service filed with the Court on July 2, 2021. Defendant Johnson did not answer the Summons and Complaint is in default as evidenced by the Affidavit of Default filed with the Court on October 18, 2021.
3. That the Defendants, Marcella Coachman, Brandon L. Carr and Henry Lee Green are citizens and residents of Horry County, South Carolina. Defendant Brandon Carr was personally served with a copy of the Summons and Complaint on October 17, 2020, evidenced by the Affidavit of Service filed with the Court on October 27, 2020. Defendant Henry Lee Green was personally served with a copy of the Summons and Complaint on October 26, 2020 as evidenced by the Affidavit of Service filed with the Court on November 3, 2020. Defendant Marcella Coachman accepted service of a copy of the Summons and Complaint on November 2, 2020 as evidenced by the Acceptance of Service filed with the Court on November 3, 2020. Defendants Coachman, Carr and Green did not answer the Summons and Complaint and are in default as evidenced by the Affidavit of Default filed with the Court on October 18, 2021.
4. That that the Defendant, Toni Owens, is a citizen and resident of Mecklenburg County, North Carolina and was personally served with a copy of the Summons and Complaint on June 26, 2021 as evidenced by the Affidavit of Service filed with the Court on July 6, 2021. Defendant Owens did not answer the Summons

and Complaint and is in default as evidenced by the Affidavit of Default filed with the Court on October 18, 2021.

5. That the Defendant, Virginia Smith, was unlocatable and was served by publication in Georgetown County, South Carolina on September 15, 2021 as evidenced by the Affidavit of Publication filed with the Court on September 25, 2021 and said service was appropriate and effective. No answer was filed on behalf of Defendant Smith and Defendant Smith is in default as evidenced by the Affidavit of Default filed with the Court on October 18, 2021.
6. That the Road connecting Coachman Drive and Noble Place, which is the subject matter of this action, is located in Tax District Number 4, County of Georgetown, State of South Carolina.

BASED UPON the foregoing findings of fact, I make the following conclusions of law:

- A. That this matter is properly within the jurisdiction of this Court;
- B. That the Road has provided access to the Plaintiff's properties from Defendant Coachman to the Dereef Tract since at least 1953;
- C. That Plaintiff produced an expert witness that was qualified and offered expert testimony regarding the existence in nature of the claimed easement regarding the Road, specifically (i) that the Dereef family enjoyed continued and uninterrupted use or enjoyment of the Road for a period of twenty (20) years or greater. The Dereef family has owned this property since 1916 per the public records of Georgetown County; (ii) That the identity of the thing enjoyed is well established, as evidenced by the decades of publicly recorded plats, including recent plats approved by the Georgetown County Planning Commission (2006 & 2008) that

depict the thirty (30') foot Road in question; and (iii) that was adverse under a claim of right in that no grant of easement was given by any party to the Dereef family and they used it despite not having a specific express easement to do so. Further, it appears from the 1953 survey recorded in the Office of the Register of Deeds for Georgetown County in Plat Book I at Page 36, that this Road was in existence and intended to remain in existence by the mapping prepared by Mr. Martin;

- D. That Priscilla Griggs was not a necessary party to the transaction given as a member of the Dereef family she and her family members exchanged deeds to split the family tract depicting the right-of-way known as Noble Place on their deeds, thereby implied granting each other easements for ingress and egress across the tracts and agreeing to be both and dominant and serving the state, as the case may be; and
- E. That the Macklen family is not a necessary party to this transaction as they have direct access to U.S. Highway 17.

Based on the foregoing, it is hereby

ORDERED, ADJUDGED AND DECREED that an easement by prescription over and across the existing 30' right of way, as shown on Exhibit A, be granted to Plaintiff, its successors and assigns, over and across the existing dirt road that connects from Coachman Drive to Noble Place and lands of the balance of Defendants.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's survey, with the dimensions of said road delineated on said survey be recorded in the Office of the Register of Deeds for Georgetown County.

AND IT IS SO ORDERED.

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The Honorable Joe M. Crosby  
Master-in-Equity for Georgetown County

Georgetown, South Carolina

\_\_\_\_\_, 2022



Georgetown Common Pleas

**Case Caption:** 3D Land Holdings LLC, plaintiff, et al VS Willis J Johnson , defendant,  
et al  
**Case Number:** 2020CP2200808  
**Type:** Master/Order/Other

So Ordered

s/ Joe M. Crosby 3072