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SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas
James B. Jackson, Jr., Master-in-Equity

Case No.: 2020-CP-38-00699

Timothy J. Judy and Dana A. Judy.....Respondents,

v.

Alice Soto, Joseph B. Rodriguez, Matthew Rodriguez, Gwen Rodriguez and Stephanie B. Wells
.....Appellants.

FINAL BRIEF OF RESPONDENTS

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August 7, 2023

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STATEMENT OF THE CASE

This case was commenced with the filing of a Summons and Complaint on June 30, 2020, stating Causes of Action for Slander of Title, Conversion Intentional Infliction of Emotional Distress, and for a Permanent Injunction ordering the Defendants not to enter into the Plaintiffs' Property, consisting of 1.32 acres ('Acreage Property') on the plat of survey for Timothy & Dana Judy by Donald J. Smith, R.L.S., dated December 1, 2017. The Defendant Alice Soto filed her Answer and Counterclaim for Trespass by the Plaintiffs on a triangular-shaped parcel of land, denoted as "Parcel A", which is 0.13 acre ('Disputed Property') claimed by the Defendant Soto as shown on a plat of survey by J.J. Jowers dated May 26, 2020 and conversion of T-poles on the Triangular shaped "Parcel A", the 0.13 acre. The Plaintiffs filed their Reply to the Counterclaim on September 9, 2020. Upon the identities of the John Does 1 and 2 and Jane Does 1 and 2 being determined, the Plaintiffs filed an Amended Complaint on February 16, 2022, which named the formerly unknown Defendants. On April 20, 2022, substituted counsel for the Defendant Soto, also acting as counsel for the formerly unknown Defendants, filed an Amended Answer and Counterclaim in which it was asserted that the title to the property acquired by the Defendant Soto from Champion Mortgage, and by subsequent deed (presumably contending the Quitclaim deed was for the 0.13 acres ("Disputed Property), should be quieted and she be Declared the owner.¹ The Plaintiffs filed their Reply to the Amended Answer and Counterclaim on September 9, 2020. Consent Order for Substitution of Counsel and Continuance of Motions Hearing was filed July 15, 2022.

¹ At trial the Appellant, Soto, presented as her evidence the 2007 Tax map as defining her property line which is not reliable for the determination of land boundaries. The other defendants did not appear and no appellants contested the order forever barring and enjoining them from entry onto the land of Timothy J. Judy and Dana A. Judy not encompassed by the 0.13 acre at issue in this appeal.

By Consent Order to Refer Portion of the Case to Master in Equity filed November 1, 2022, the Plaintiffs' permanent injunction cause of action and the Defendant Soto's quiet title cause of action were referred to the Honorable James B. Jackson, Jr., as Master-in-Equity for York (Orangeburg) County, to direct entry of final judgment as to those causes of action pursuant to the South Carolina Rules of Civil Procedure. Because the physical trespass by the Appellants on property of the Respondents which is not a part of this appeal, the causes of action for Trespass against the Appellants remain pending for a Jury Trial. The matter came before the Master-in-Equity on December 7, 2022, and the Master-in-Equity issued the Order dated January 26, 2023, from which this appeal has been taken.

This appeal only contests the finding of the Master-in-Equity regarding the "Parcel A" 0.13 acre ("Disputed Property") and the injunction by which the Appellants are forever barred and enjoined from the entry onto the remaining portion of the 1.32 acres shown on the plat prepared for Timothy Judy and Dana Judy by Donald J. Smith., approved by Donald J. Smith, Jr., RLS, dated December 1, 2017, is not an issue on appeal. Although the tort claims of the Respondents remain on the Orangeburg County Jury Trial Docket and are subject to relief from the stay, the Respondents wish to proceed with only one Jury Trial on their tort claims once the issue of the title to the 0.13 acre (Disputed Property") is finally determined and becomes the law of the case.

STATEMENT OF FACTS

This is an appeal that concerns only the title to property of 0.13 acres ("Disputed Property") on the border of property owned by Appellant Soto which is identified by TMS# 0240-00-02-001.000 ("House Property"). The "Disputed Property" is a portion of the property owned by Respondents identified by TMS # 0240-00-02-014.00 ("Acreage Property"). The

Master-in-Equity determined that the Appellant Alice Soto is vested with fee simple marketable title to 1.02 acres ("House Property"), which does not include the 0.13 acres ("Disputed Property") shown on the plat of 1.15 acres prepared for Alice Soto by J. J. Jowers, R.L.S., dated May 26, 2020, and established the common property line determined and shown by both surveyors as the line bearing S 26 degrees 00 minutes 27 seconds E a distance of 288.04 feet and correspondingly N 265 degree(s) 00 Minutes 27 seconds W 288.06 feet as the boundary line between the property ("House Property") owned by Appellant Soto and the property ("Acreage Property") owned by Respondents.

A.) History of the "House Property" - 1.02 acres shown on a plat of 1.15 acres prepared for Alice Soto by J. J. Jowers, R.L.S. dated May 26, 2020.

1. Prior to 1951, Lawrence Stroman owned the house property now owned by the Appellant Soto and the acreage property now owned by Respondents.

2. Lawrence Stroman deeded the house property to Dewey Edwards by deed recorded in the Orangeburg County Register of Deeds Office on August 11, 1951, at Deed Book 170, Page

74. The property description is as follows:

All that certain piece, parcel or lot of land, with any and all improvements thereon, situate, lying and being in the County of Orangeburg, State of South Carolina, containing one (1) acre, more or less, located near the Calhoun-Orangeburg County line, on a highway which connects State Highway No. 176 and U.S. Highway 301 and being bounded as follows: On the North and East by lands now or formerly of Kennerly's Estate; on the South by other lands of the grantor herein, Lawrence E. Stroman, and on the West by said highway (Sleepy Hollow Road).

3. Through a series of deeds recorded between 2000 and 2009, life estates and remainder interests in the house property were transferred between Dewey Edwards, his wife, Betty Edwards, and their daughter, Janet Gaillard. By deed recorded in the Orangeburg County

Register of Deeds Office on August 31, 2009 at Book 1328, Page 296, Dewey Edwards and Betty Edwards became owners of the one (1) acre house property in fee simple.

4. Subsequently, Dewey Edwards and Betty Edwards pledged the one (1) acre house property as security for a loan. Dewey and Betty Edwards conveyed the one (1) acre house property to Champion Mortgage Company by deed recorded in the Orangeburg County Register of Deeds on May 9, 2016 at Book 1675, Page 285.

5. Champion Mortgage Company conveyed the one (1) acre house property to Alice Soto by deed recorded in the Orangeburg County Register of Deeds on May 27, 2016 at Book 01678, at Page 0316.

6. The one (1) acre house property description in the deed chain to the property did not change from the date Dewey Edwards took title in 1951 to the date Alice Soto took title in 2016,

7. When the one and thirty-two hundredths (1.32) acres, acreage property, on the east side of Sleepy Hollow Road was to be conveyed to Timothy J. Judy and Dana A. Judy, a plat of 1.32 acres was prepared for Timothy Judy and Dana Judy by Donald J. Smith, R.L. S. dated December 1, 2017, which notes the property line by a line bearing S 26 degrees 00 minutes 27 seconds E a distance of 288.04.

8. When the survey was prepared for Alice Soto by J. J. Jowers, R.L.S., dated May 26, 2020, it notes that the property line by a line bearing N 26 degree 00 minutes 27 seconds W 288.06 feet. The Jowers survey also shows a Parcel A, 0.13 acre (Disputed Property), claimed by Appellant Soto.

9. The Quit Claim deed from Betty S. Edwards dated January 19, 2018, describes

property being more particularly shown and delineated as property “N/F ALICE HUTTO (SOTO)” on a plat prepared for Timothy Judy and Dana Judy by Donald J Smith, Inc., approved by Donald J. Smith, Jr., RLS, dated December 1, 2017, and recorded in the office of the Register of Deeds for Orangeburg County in Plat book 80-S, page 612.

B). History of the “Acreage Property” - 1.32 acres shown on a plat of Survey for Timothy Judy & Dana Judy by Donald J. Smith, R.L.S. dated December 1, 2017.

1. Prior to 1951, Lawrence Stroman owned the acreage Property now owned by the Respondents and the house property now owned by Appellant Soto.

2. Lawrence Stroman deeded approximately 61 acres to Betty Edwards by deed recorded in the office of the Orangeburg County Register of Deeds on March 1, 1974, at Book 393, Page 391. The acreage property, 1.32 acres shown on plat of Survey for Timothy Judy & Dana Judy by Donald J. Smith, R.L.S. dated December 1, 2017, is a portion of the 61 acres.

LEGAL ANALYSIS

The Appellant Soto took title to the house property, 1.02 acres shown on a plat of 1.15 acres prepared for Alice Soto by J.J. Jowers, R.L.S. dated May 26, 2020, by deed from Champion Mortgage Company to Alice Soto recorded in the Orangeburg County Register of Deeds on May 27, 2016 at Book 01678, Page 0316 and the Quit Claim Deed from Betty S. Edwards dated January 19, 2018 recorded in the office of the Orangeburg County Register of Deeds on May 27, 2016 at Book 01678, Page 0316 resolved any issue as to the title of the house property acquired by Appellant, Soto, northeast of the common property line between the House Property and the Acreage Property determined and shown by both surveyors as the line bearing S 26 degrees 00 minutes 27 seconds E a distance of 288.04 and correspondingly N 26 degree 00

minutes 27 seconds W a distance of 288.06 feet. The Appellant, Soto, never acquired title to any property southwest of the common property line between the House Property and the Acreage Property determined and shown by both surveyors as the line bearing S 26 degrees 00 minutes 27 seconds E a distance of 288.04 and correspondingly N 26 degree 00 minutes 27 seconds W a distance of 288.06 feet. There is no evidence of any legal instrument by which the Appellant, Soto, acquired any legal interest in Parcel A, 0.13 acre ("Disputed Property) as she asserts.

Although Appellant Soto refers to historical tax maps, one from 1977, one from the 1960's, and a 2017 aerial depiction, which show the property as a triangle, it is common knowledge that tax map records are for the purpose of imposing property taxes on parcels of property and are not a part of the chain of title regarding real property. Again, there is no evidence of any legal instrument by which Appellant Soto acquired any legal interest in Parcel A, 0.13 acre ("Disputed Property"), as she asserts.

Further, the Orangeburg County GIS in particular states the following in its online disclaimer, of which the Master in Equity had Judicial Notice.

“WARNING: LIMITATION ON USE, The public is welcome to review contained in this data base, but users are expressly warn that the information in this data base is supplied and maintained as time and resources may allow, not as a reliable source kept in accordance with any legal requirements. As a result, the County of Orangeburg expressly warns users not to rely on this database for any reason, but instead to rely on original materials that are maintained and updated in accordance with legal requirements, the Registry of Deeds Office. ... Again, users shall instead rely on original source materials that are maintained and updated in accordance with specific legal requirements, not on this database. Users of this database assume all liability that arises from the use of the information provided in this database. Including but not limited to (1) any errors, omissions, or inaccuracies in the information provided regardless of how caused, (2) any decision made or action taken by any person in reliance upon any information in this database, and (3) any claim made against the user by a third party based upon the user's inspection, copying, distribution or other use of information on this site for which a third-party asserts an intellectual property or other right.

It should be noted that the 2017 aerial was corrected and reflects the property as a trapezoid with the line between the House Property, owned by Appellant Soto, and the Acreage Property, owned by Respondents, as 288.04 feet (Judy Exhibit 3). This is the same measurement on the plat of 1.32 acres prepared for Timothy Judy and Dana Judy by Donald J. Smith, R.L.S., dated December 1, 2017, and corresponds with the measurement of 288.06 feet on the survey prepared for Alice Soto by J. J. Jowers, R.L.S., dated May 26, 2020.

Further, it should be noted that the 2017 aerial depiction notes the front property line of the Appellant Soto's property as 150 Feet (Judy Exhibit 8), which if relied upon as an instrument of title, the property line along Sleepy Hollow Road would not be the 186.50' shown on the survey prepared for Alice Soto by J. J. Jowers, R.L.S. dated May 26, 2020.

STANDARD OF REVIEW

A. Quiet Title Standard

A boundary dispute is an action at law. *Bodiford v. Spanish Oak Farms, Inc.*, 317 S.C. 539, 544, 455 S.E. 2d 194, 197 (Ct. App. 1995). The construction of a clear and unambiguous deed is a question of law for the court. *Hammond v. Lindsey*, 277 S.C. 182, 284 S.E.2d 581 (1981). Where there is no conflicting testimony or where there is no evidence upon a material matter, the question is one of law, *Guerin v. Hunt*, 118 S.C. 32, 110S.E.71 (1921), and the existence or nonexistence of evidence is a question of law, *South Carolina Dept. of Highways v. Mooneyham*, 275 S.C. 205, 269 S.E.2d 329 (1980). "in an action at law , on appeal of a case tried without a jury, the findings of fact of the judge will not be disturbed upon appeal unless to be without evidence which reasonably supports the judge's findings." *Townes Assocs., Ltd. V. City of Greenville*, 266S.C. 81, 86, 221 S.E. 2d 773, 775 (1976). The appellate court is bound by the trial court's determination unless no

evidence exists to support the finding. See *Carson v. Graham*, cited by Kenneth A. Richstad, Clerk of Court, SC Court of Appeals, Scope of Review Page 4 (April 23, 1999). Questions regarding the credibility and the weight of evidence are exclusively for the trial judge *Golini v. Boltin*, 326 S.C. 333, 482 S.E.2d 784 (Ct. App. 1997).

B. Injunctive Relief Standard

This appeal is in regard only to the Parcel A. 0.13 acres (“Disputed Property”) and the injunctive relief in regard thereto is equitable in nature. See *Miller v. Borg Warner Acceptance Corp.*, 279 S.C. 90, 92, 302 S.E.2d 340 341. It should be noted that none of the Appellants contested the entry of the order barring and forever enjoining their entry on the portion of the 1.32 acres of the Respondents not being Disputed Property.

ARGUMENT

I THE MASTER-IN-EQUITY FAILED TO ASCERTAIN THE INTENT OF THE ORIGINAL GRANTOR OF THE DEED TO LOT 1 and THEREFORE COMMITTED AN ERROR AT LAW

The original House Property conveyance of Lawrence Stroman to Dewey Edwards by deed recorded in the Orangeburg County Register of Deeds Office on August 11, 1951, at Deed Book 170, Page 74 conveyed the following property:

All that certain piece, parcel or lot of land, with any and all improvements thereon, situate, lying and being in the County of Orangeburg, State of South Carolina, containing one (1) acre, more or less, located near the Calhoun-Orangeburg County line, on a highway which connects State Highway No. 176 and U.S. Highway 301 and being bounded as follows: On the North and East by lands now or formerly of Kennerly's Estate; on the South by other lands of the grantor herein, Lawrence E. Stroman, and on the West by said highway (Sleepy Hollow Road).

At the time of the House Property conveyance in 1951, Lawrence Stroman retained the Acreage Property bordering the one (1) acre house property which

shows his intention to convey only the House Property and not the Acreage Property. Twenty-three (23) years later, Lawrence Stroman deeded the Acreage Property by conveyance of 61 acres to Betty Edwards by deed recorded in the office of the Orangeburg County Register of Deeds on March 1, 1974, at Book 393, Page 391. The Acreage Property, 1.32 acres shown on plat of Survey for Timothy Judy & Dana Judy by Donald J. Smith, R.L.S., dated December 1, 2017, is a portion of the 61 acres. Subsequently, the Appellant Soto had the House Property surveyed, which came out to be 1.02 acres shown on the plat of 1.15 acres prepared for Alice Soto by J. J. Jowers, R.L.S., dated May 26, 2020. From these documents the Master-in-Equity ascertained the House property conveyed to Appellant Soto did not include Parcel A, 0.13 acres (“Disputed Property”), in conformance with the intent of Lawrence Stroman.

Further, if the Appellate Court should not believe the Master-in-Equity ascertained the intent of the original grantor, Lawrence Stroman, when he conveyed the House Property to Dewey Edwards by deed recorded in the Orangeburg County Register of Deeds Office on August 11, 1951, at Deed Book 170, Page 74, or when twenty-three (23) years later Lawrence Stroman conveyed the Acreage Property to Betty S. Edwards by deed dated March 1, 1974, and recorded in the office of the Register of Deeds for Orangeburg County in Deed Book 393, at Page 391, the Court must consider that the Master-in-Equity also looked to the extrinsic evidence to determine the boundary line. In locating land, resort is first to natural boundaries, next to artificial monuments, then to adjacent boundaries and last to courses and distances. *Fulwood v. Graham*, 30 S.C.L. (1 Rich.)491 (1845) as cited by the Court of Appeals in *Garrett v. Locke* 309 S.C. 94, 419 S.E.2dd 842, (Ct. Appeals

1992). The extrinsic evidence presented at trial included the testimony of Kevin Edwards that the ditch long ago covered, historically formed the boundary between the House Property and the Acreage Property (R. p. 55, line 3 – p. 56, line 12). The original transfer to Dewey Edwards being the Home Property, and the other transfer to Betty Edwards being the Acreage Property. Further, Kevin Edwards testified that the common property line determined and shown by both surveyors as the line bearing S 26 degrees 00 minutes 27 seconds E a distance of 288.04 and correspondingly N 26 degree 00 minutes 27 seconds W a distance of 288.06 feet depicts the location of the ditch (R. p. 60, lines 2 – 11; p. 61, Lines 13 – 25; p. 63, lines 9 – 19).

The Master-in-Equity is precisely on point in finding that the common property line was determined and shown by both surveyors as the line bearing S 26 degrees 00 minutes 27 seconds E a distance of 288.04 and correspondingly N 26 degree 00 minutes 27 seconds W a distance of 288.06 feet which also depicts the location of the ditch.

II. EVEN IF THE MASTER'S RULING IS NOT A LEGAL ERROR, IT IS NOT SUPPORTED BY ANY EVIDENCE IN THE RECORD

All evidence admitted in the record of the title to real estate supports the ruling of the Master-in-Equity that the common property line between the House Property and the Acreage Property was determined and shown by both surveyors as the line bearing S 26 degrees 00 minutes 27 seconds E, a distance of 288.04 feet, and correspondingly N 26 degree 00 minutes 27 seconds W, a distance of 288.06 feet, which also depicts the location of the ditch. Evidence presented at trial included the testimony of Kevin Edwards that the ditch, long ago covered, historically formed the boundary between the two parcels. (R. p.

55, line 3 – p. 56, Line 16). Further, Kevin Edwards testified that the common property line determined and shown by both surveyors as the line bearing S 26 degrees 00 minutes 27 seconds E, a distance of 288.04 feet, and correspondingly N 26 degree 00 minutes 27 seconds W, a distance of 288.06 feet, depicts the location of the ditch. (R. p. 60, lines 2 – 11; p. 61, Lines 13 – 25; p. 63, lines 9 – 19). No evidence of the title to real estate was presented by or on behalf of the appellants to refute the fact that the common property line determined and shown by both surveyors as the line bearing S 26 degrees 00 minutes 27 seconds E, a distance of 288.04 feet, and correspondingly N 26 degree 00 minutes 27 seconds W, a distance of 288.06 feet, and also depicts the location of the ditch. The testimony of Kevin Edwards indicates Appellant Soto was to get one (1) acre, the House Property, and when Appellant Soto had the one (1) acre, more or less, House Property, surveyed it was determined to be 1.02 acres as shown on the plat of 1.15 acres prepared for Alice Soto by J. J. Jowers, R.L.S., dated May 26, 2020, and did not include the 0.13 acres (“Disputed Property”). (R. p. 62, lines 1 – 4).

The record in this case does not leave one to wonder how the surveyors, Donald Smith, or J. J. Jowers, could possibly reflect the location of a now covered ditch if there was nobody to show them where it was, because the location is clearly discernable by the inlet culvert at the road (Defendant’s Exhibit 8) and the outlet pipe on the property. The testimony of Kevin Edwards, who has experience surveying (R. p. 57, lines 7 – 19), was specific that the line bearing N26 degrees 00 minutes 27 seconds, a distance of 288.06 feet, depicts the historical natural boundary of the property which was a ditch that had later been piped with a culvert near the highway (R. p. 61, lines 13 – 25).

Again, it should be noted that the 2017 aerial was corrected and reflects the property as a trapezoid with the line between the property owned by Appellant Soto and the property owned by Respondents as 288.04 feet (Judy Exhibit 3). This is the same measurement on the plat of 1.32 acres prepared for Timothy Judy and Dana Judy by Donald J. Smith, R.L. S. dated December 1, 2017, and corresponds with the measurement on the survey prepared for Alice Soto by J. J. Jowers, R.L.S. dated May 26, 2020.

III. THE MASTER-IN-EQUITY ERRED IN FAILING TO ADMIT EIDENCE OF A PROPERTY LISTING BY KEVIN EDWARD PRIOR TO THE SALE OF LOT 1 TO APPELLANT ALICE SOTO, AND THIS IS NOT HARMLESS ERROR.

A printout of a Zillow Listing by Kevin Edwards from a time period when Dewey and Betty Edwards owned House Property has no relevance to the determination that the Appellant Soto was conveyed one (1) acre, more or less, and... she received 1.02 acres according to the "Jowers plat". The argument that the Zillow listing tends to establish Mr. Edwards considered the House Property to be two acres is without basis, because in the years before Appellant Soto obtained title to the one (1) acre House Property, the one (1) acre House Property was owned Dewey Edwards and Betty Edwards in fee simple but encumbered to Champion Mortgage Company and the adjoining Acreage Property was owned unencumbered by Betty Edwards. The assumption by the Appellant Soto is unfounded, as it would have no relevance that adjoining property was also offered for sale at an earlier time with the one (1) acre House Property later deeded to the Mortgage Company in lieu of foreclosure.

IV. THE MASTER IN EQUITY ERRED IN ORDERING THE APPELLANTS TO REMOVE THE WIRE FENCE POSTS FROM THE DISPUTED PARCEL AND IN ISSUING AN INJUNCTION FROM ENTERING THE DISPUTED PARCEL.

First, the Master-in-Equity did not (emphasis added) order the Appellants to remove the wire and fence posts from Parcel A, the 0.13 acres (“Disputed Property”). To the contrary, having determined the title to the 1.32 acres is vested in the names of the Respondents, Timothy J. Judy and Dana Judy, the Master-in-Equity afforded the Appellants thirty (30) days from the date of the Order to remove the wire and fence posts encroaching on the property and, if not so removed within thirty (30) days, the wire and fence posts would be considered abandoned by the Appellants and the Respondents could then remove and dispose of same.

Second, the Master-in-Equity Order provides after thirty (30) days from the date of the order the Appellants shall be forever barred and enjoined from the entry on the land of the Respondents comprised of 1.32 acres shown on the plat prepared for Timothy Judy and Dana Judy by Donald J. Smith, Inc., approved by Donald J. Smith, Jr., RLS dated December 1, 2017. This is not based entirely on the Master in Equity’s erroneous finding in regard to the Parcel A, 0.13 acres (“Disputed Property”). Again it should be noted that this appeal is in regard only to the Parcel A. 0.13 acres (“Disputed Property”) and the order forever barring and enjoining the appellants from entry on the land of the Respondents other than the 0.13 acres is an existing right of the Respondents to remain in full force and effect. Further, the tort claims of the Respondents remain on the Orangeburg County Jury

Trial Docket an, subject to relief from the stay, however, the Respondents wish to proceed with only one Jury Trial on their tort claims for damages once the issue of the title to the Parcel A, 0.13 acres (Disputed Property”) is finally determined and becomes the law of the case.

It should be noted that none of the Appellants contested the entry of the order barring and forever enjoining their entry on the portion of the 1.32 acres of the Respondents not being Disputed Property.

V. THE MASTER IN EQUITY VIOLATED APPELLANT’S CONSTITUTIONAL RIGHTS BY ESTABLISHING A PROSPECTIVE CRIMINAL SANCTION FOR VIOLATION OF AN IMPROPER INJUNCTION

Clearly, from reading the Order, it is readily discerned that no prospective criminal sanction is established. It has become the custom of trial level courts in South Carolina to set forth “the failure to comply with the terms of this order by any party may (emphasis added) subject the offending party to penalties for contempt of court including a term of imprisonment of not more than one (1) year, a fine of not more than one Thousand Five Hundred (\$1,500.00), or both.” This language merely provides notice to the restrained parties of the possible penalties, criminal or civil, for failure to comply with the terms of the order and in no way issues a prospective contempt citation without a finding that the order has been violated. No rights of Appellants are in any manner usurped by the notice language set forth in the order.

CONCLUSION

The Order of the Master-in-Equity, dated January 26, 2023, should be affirmed in

its entirety and the case remanded to the Court of Common Pleas for a Jury Trial by the Respondents against the Appellants for damages.

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Alice Soto, Joseph B. Rodriguez, Matthew Rodriguez, Gwen Rodriguez, and Stephanie B. Wells
are the.....Appellants.

and

Timothy J. Judy and Dana A. Judy -----Respondents.

CERTIFICATE OF COUNSEL

The undersigned certifies that this Final Brief complies with Rule 211(b), SCACR.

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