

The South Carolina Court of Appeals

Susan Brooks Knott Floyd, Respondent,

v.

Elizabeth Pope Knott Dross, Appellant.

Appellate Case No. 2020-001354

ORDER

After careful consideration of the petition for rehearing, this court has discovered no material fact or principle of law that has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

However, we take this opportunity to address the following assertion on page 8 of the petition: "The Court mistakenly found that Susan had access to her half of the Protected Property based on the express easement she reserved from Charity Church Road to a 10-acre parcel, the benefited parcel, that was next to the Protected Property." This court made no such finding. As clearly set forth in the opinion, when Father executed the Conservation Easement *in 1998*, Susan owned the Access Parcel. She did not sell it or reserve an easement over it until 2007. *In 1998*, Susan had no need for an easement over the Access Parcel because she owned that property. *See Ellie, Inc. v. Miccichi*, 358 S.C. 78, 94, 594 S.E.2d 485, 493 (Ct. App. 2004) ("In ascertaining intent, the court will strive to discover the situation of the parties, along with their purposes *at the time the contract was entered.*" (emphasis added)).

FILED
Feb 15 2024

Paul W. Thomas

J.

U. K.

J.

John D. Beatty

J.

Columbia, South Carolina

cc:

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Todd Maurice Hess, Esquire
The Honorable Roger M. Young, Sr.

FILED
Feb 15 2024