

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

Susan Brooks Knott Floyd,
Plaintiff,
vs.
Elizabeth Pope Knott Dross,
Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2019-CP-08-02334

**ORDER DENYING MOTION TO
ALTER OR AMEND JUDGMENT**

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Oct 09 2020

SC Court of Appeals

This Motion comes before the Court on Defendant Elizabeth Pope Knott Dross' ("Dross") Motion to Alter or Amend the September 11, 2020 Order Granting Plaintiff Susan Brooks Knott Floyd's ("Floyd") Motion for Partial Summary Judgment. Dross requests the Court reconsider its ruling and alter or amend the Order by denying Floyd's Motion for Partial Summary Judgment. In the alternative, Dross asks that the Court amend its Order to clarify: (1) Dross also has the right to use the roads on Floyd's parcel for all activities permitted by the Conservation Easement; (2) that Floyd, her heirs, her successors, and her assigns do not have the right to use the roads on Floyd's Parcel to access Floyd's developable 10-acre tract of land that border's Floyd's Parcel; and/or (3) whether Floyd has an easement over Dross' Parcel, a license to use the roads on Dross' Parcel, or whether another legal principle gives Floyd the right to use Dross' roads. After reviewing the Motion, the Court denies Defendant Elizabeth Pope Knott Dross' Motion to Alter or Amend Judgment.

Plaintiff limited her motion for Partial Summary Judgment to very narrow declaratory relief, seeking an affirmative declaration of Floyd's right to use the roads crossing over Dross' Parcel to access Floyd's Parcel for all activities permitted under the Conservation Easement. The terms of Section 4.3 of the Conservation Easement are clear and unambiguous, granting Floyd, as the successor in title, heir and personal representative of her father, Ben Knott, the Grantor of the

Conservation Easement, the "right to use the roads for all activities permitted under [the] Easement" that runs with the land in perpetuity under Section 5.8 of the Conservation Easement. Moreover, parties may not use Rule 59(e) motions to address new issues. Stevens & Wilkinson of South Carolina, Inc. v. City of Columbia, 409 S.C. 563, 762 S.E.2d 693 (2014), citing Hickman v. Hickman, 301 S.C. 455, 392 S.E.2d 481 (Ct. App. 1990). Therefore, the Court hereby DENIES Defendant's Motion to Reconsider.

AND IT SO ORDERED.

Charleston County, South Carolina

Judge Roger M. Young, Sr.
Circuit Court Judge



Berkeley Common Pleas

Case Caption: Susan Brooks Knott Floyd VS Elizabeth Pope Knott Dross

Case Number: 2019CP0802334

Type: Order/Other

It is so ordered.

/s Roger M. Young, Sr. S.C. Circuit Judge 2134