

It further appears that Defendant Beaufort County Assessor filed its Answer on October 31, 2022 and thereafter was dismissed from this action by Stipulation of Dismissal filed August 14, 2024. All remaining Defendants are in default as evidenced by the Order of Default filed on May 5, 2023.

Prior to the September 9, 2024, Raquel Bolden-Lott filed a Motion for Summary Judgment and a Motion to Dismiss. The motions were heard at the beginning of the September 9, 2024 hearing and denied.

Therefore, from the pleadings, testimony of witnesses, evidence presented at the hearing and my own interpretation of the public records, I make the following:

FINDINGS OF FACT

1. The real property that is the subject of this action (hereinafter referred to as the "Property") is described as follows:

All that certain piece, parcel or lot of land situate, lying and being in the Town of Bluffton, Beaufort County, South Carolina, containing 1.784 acres as shown by metes and bounds, courses and distances on that certain plat prepared by Zyad A. Khalil, RLS, dated August 7, 2022.

2. Debbie Frazier, the Plaintiff, testified that in 1994 her parents purchased a new doublewide mobile home which they placed on the 7.04 acres purchased by her parents from Nelson Hamilton in 1993. The home was placed near the road frontage of Simmonsville Road. The original address of the home was 122 Simmonsville Road but at some point, changed to 2 Billy Simmonds Drive by the County, probably for 911 purposes. This home was her parents' residence from 1994 until their deaths. Her father died in 1999. Although Ms. Frazier was in the Air Force with her residence being in Savannah, Georgia, she frequently visited with her parents at their home and later cared for her mother at her home in Savannah their until her death in 2020. Ms. Frazier continues to frequent the home for normal residential activities including property

maintenance and lawn care.

3. Ms. Frazier also testified that testified that over the years there were changes in the Tax ID numbers and in 2019 her mother stopped receiving tax bills for the land but the tax bills for the mobile home continued to be delivered. Her mother died November 25, 2020. Ms. Frazier communicated in writing and in person with the Beaufort County officials and researched the public records to figure out why they stopped receiving tax bills for the land but to no avail. She was told by the officials she needed to get a lawyer, which precipitated this lawsuit. She testified that her mother and father had sold portions of the 7.04 acres to others which left her with the remaining acreage on which the home sits. Ms. Frazier had a plat prepared by Zyad A. Khalil, RLS, for the purposes of this suit, Plaintiff's Exhibit 2, shows the location of the mobile home and the boundary lines of her occupancy. Ms. Frazier also testified that she has not probated the estate of her late mother because there is no tax map number associated with the property on which the home sits. She stated she is her mother's only child and her mother's estate has not been probated.

4. Darrell Thomas Johnson, Esq. testified as a fact witness and was qualified as an expert in real property law. I find from his testimony and documents entered into evidence that the Property is a portion of a twenty-five (25) acre tract of land that was the subject of quiet title/partition action in *Nelson Hamilton vs. William Simmons, et al.*, Civil Action Number 79-21 (JR37222) filed at the Clerk of Court for Beaufort County, South Carolina. The Order entered by Judge Peoples partitioned the 25 acres, more or less, into three (3) 7.04-acre parcels of land according to a plat prepared by Rod C. Spann, RLS, dated November 28, 1978, and recorded in Plat Book 29 at Page 25.

5. Of the three (3) parcels partitioned, Parcel B on the plat recorded in Book 29 at Page 25 was vested in Nelson Hamilton, and Parcel C was vested in Marie Bolden as shown on

the plat recorded in Book 29 at Page 25.

6. I find that Nelson Hamilton and Fred Bolden as sole heir of Marie Bolden, decided to reconfigure their lots. Attorney Darrell Thomas Johnson, Esq. prepared two Quit Claim Deeds drafting metes and bounds legal descriptions from an unrecorded revised plat prepared for Nelson Hamilton by Rod C. Spann Rod, RLS, last revised February 27, 1981. Although Mr. Johnson could not clearly recollect the reason the plat was not recorded, he testified that it was likely because they did not have a recordable version of the plat, so the legal description of each deed recited the metes and bounds, courses and distances shown on the plat, which was entered into evidence as Plaintiff's Exhibit 5. On October 15, 1993 Nelson Hamilton conveyed all his right, title and interest in the northern rectangular shaped lot consisting of 7.05 acres shown as "Parcel A" to Fred Bolden, sole heir at law of Marie Bolden, which was recorded at the Office of the Register of Deeds for Beaufort County in Book 662 at Page 982. Fred Bolden, sole heir at law of Marie Bolden, conveyed the southern rectangular shaped lot consisting of 7.04 acres shown as "Parcel B" to Nelson Hamilton which was recorded at the Office of the Register of Deeds for Beaufort County in Book 662 at Page 984.

7. Thereafter, on October 15, 1993, Nelson Hamilton sold the southern rectangular shaped lot consisting of 7.04 acres shown as "Parcel B" to Jack Brown and Clareth F. Brown which is recorded at the Office of the Register of Deeds for Beaufort County in Book 662 at Page 987.

8. Mr. Johnson then testified about the Deed of Distribution from the Estate of Marie F. Bolden dated October 2, 1996 and recorded in Book 892 at Page 1268. Marie F. Bolden died on September 27, 1990 prior to the "Swap Deeds" between Fred Bolden, sole heir of Marie Bolden and Nelson Hamilton, executed on October 15, 1993. The estate administration for Marie F.

Bolden was filed in Probate Court Case no. 94ES700542. Fred A. Bolden executed the Deed of Distribution. The testimony confirmed that Fred A. Bolden is one and the same person as Fred Bolden, sole heir at law of Marie Bolden. The legal description purports to distribute the same property that Marie Bolden acquired by Order of Judge Peebles in the quiet title/partition action in *Hamilton vs. William Simmons, et al.*, Civil Action Number 79-21 (JR37222), *i.e.* Parcel "C" shown on the plat prepared by Rod C. Spann, RLS, dated November 28, 1978, and recorded in Plat Book 29 at Page 25. It is believed that this deed created confusion with the taxing authorities and was misleading to the heirs of Fred Bolden.

9. Mr. Johnson testified that he assisted Claretha Brown in the probate administration of the estate of Jack Brown, Jr. who died on May 27, 1999. Mr. Johnson prepared the Deed of Distribution executed on November 20, 2000 and recorded at the Office of the Register of Deeds for Beaufort County in Book 1386 at Page 942. The Deed of Distribution distributes Jack Brown's undivided 50% interest in the property he bought from Nelson Hamilton on October 15, 1993 to his wife Claretha F. Brown and his daughter Debbie D. Frazier in equal shares.

10. Mr. Johnson also testified that he had prepared deeds for the Browns when they sold a one-acre parcel of land in 1997, the deed being recorded in Book 933 at page 2516, and a one-half acre parcel of land in 2001, the deed being recorded in Book 1454 at Page 1171.

11. Racquel Bolden-Lott, the Defendant, testified adamantly that her father's property is what is shown on the tax maps and is the property she has been paying taxes on since her father's death 2007. Her goal is to preserve the property for his legacy.

CONCLUSIONS OF LAW

1. I find that the real property that is the subject of this litigation is situated in Beaufort County, South Carolina and this court has jurisdiction to hear the matters set forth in the Complaint

and venue is proper.

2. I find that the adjoining landowners Adan Castillo Nava and Ivone Trejo Guevara as owners of R610 0310000192, Denolis T. Polite as owner of R610 0310000195, and 0718 and Ethel P. Brown as owner of R610 031 000 022A were properly served with the Summons and Complaint and, having not responded as required by law are in default and, therefore the Plaintiff is entitled to the relief sought in the Third Cause of Action for the Determination of Boundary lines as it relates to each of them.

3. I find that the Deed of Distribution dated October 2, 1996 and recorded in Book 892 at Page 11268 in the estate of Marie Bolden in so far as it purports to convey any part of the property that Fred Bolden previously conveyed to Nelson Hamilton is a nullity because Fred Bolden, as sole heir at law of his mother Marie Bolden, had, prior to the probate administration of his mother's estate, executed and delivered the deed recorded at the Office of the Register of Deeds for Beaufort County in Book 662 at Page 984. I further find that this Deed of Distribution likely caused confusion with the Beaufort County Assessor's Office property tax records, tax maps and the belief of Defendant Raquel Bolden-Lott.

4. I find that the Plaintiff Debbie D. Frazier is the sole heir at law of Claretha F. Brown, who died intestate without probate administration of her estate, and has proven to the satisfaction of this court that she possesses a good and marketable chain of title to the remaining portion of the original 7.04 acres owned by her parents, Jack Brown and Claretha F. Brown not sold or conveyed to third parties.

5. I find from the testimony of Defendant Raquel Bolden-Lott and the evidence she presented that she and her father before her, Fred Bolden, whether by mistake or otherwise, claimed title to the property on which the home of the Plaintiff and her predecessors in title have

possessed since 1994.

6. I further find that from 2007 to the present, the Defendant has paid the real property taxes on 7.05 acres but that she is not entitled to reimbursement from the Plaintiff because the heirs of Fred Bolden are still the fee simple owners of 7.05 acres of land as described in the deed from Nelson Hamilton to Fred Bolden, as sole heir of Marie Bolden, dated October 15, 1993 and recorded in Book 662 at Page 984.

7. I find the Plaintiff and her parents openly, notoriously, hostilely, exclusively and continuously have occupied and exercised incidents of ownership of their property, in part by virtue of selling portions of the disputed area to others. I further find that the Plaintiff and her predecessors have possessed and occupied the property upon which her home sits for their ordinary use since 1994 and that she has established adverse possession founded upon written instruments against the claims of the heirs of Fred Bolden.

8. I further find that based on these findings there is a discrepancy between the remaining acreage to which the Plaintiff is seized and possessed because the plat that was prepared for this litigation by Zyad A. Khalil, RLS does not accurately depict the northern boundary line of Plaintiff's property. The northern boundary line should be as described in the deed from Fred Bolden, sole heir of Marie Bolden, dated October 15, 1993 to Nelson Hamilton recorded in Book 622 at Page 984.

NOW THEREFORE, IT IS HEREBY ORDERED ADJUDGED AND DECREED that Debbie D. Frazier is vested with fee simple, absolute title in and to the following described property:

All that certain piece, parcel or lot of land situate, lying and being in the Town of Bluffton, Beaufort County, South Carolina, containing 1.784 acres as shown by metes and bounds, courses and distances on that certain plat prepared for Debbie Frazier by Zyad A. Khalil, RLS, dated August 7, 2022, AND ALSO a triangular

shaped parcel of land between the northern boundary line as shown on the
aforementioned plat and the northern boundary line described in the deed from Fred
Bolden, sole heir of Marie Bolden, to Nelson Hamilton dated October 15, 1993 and
recorded at the Office of the Register of Deeds for Beaufort County, South Carolina
recorded in Book 622 at Page 984.

(Por. of **PIN# R6** IO 00 I 000 023B _____)

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Curtis Coltrane, Special Referee for Beaufort
County

Hilton Head Island, South Carolina

This 13th Day of September, 2024.

RECEIVED

Oct 11 2024

SC Court of Appeals

Debbie D. Frazier

Heirs at Law of Fred Bolden, et al.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Curtis L. Coltrane, Special Referee	Attorney for : <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled <List amount(s) below
Debbie D. Frazier	Heirs at Law of Fred Bolden, et al.	\$N/A
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order: All that certain piece, parcel or lot of land situate, lying and being in the Town of Bluffton, Beaufort County, South Carolina, containing 1.784 acres as shown by metes and bounds, courses and distances on that certain plat prepared for Debbie Frazier by Ziad A. Khalil, RLS, dated August 7, 2022, AND ALSO a triangular shaped parcel of land between the northern boundary line as shown on the aforementioned plat and the northern boundary line described in the deed from Fred Bolden, sole heir of Marie Bolden, to Nelson Hamilton dated October 15, 1993 and recorded at the Office of the Register of Deeds for Beaufort County, South Carolina recorded in Book 622 at Page 984. (Por. of PIN# R610 031 000 023B 0000)		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest

