

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

THE STATE OF SOUTH CAROLINA
In The Supreme Court

Daniel Darby, Appellant,

v.

South Carolina Public Service
Authority, Respondent.

Appeal from Clarendon County
Thomas W. Cooper, Jr., Circuit Court Judge

Memorandum Opinion No. 2012-MO-026
Heard April 5, 2012 – Filed June 27, 2012

AFFIRMED

Thomas E. Player, Jr., of Sumter, for Appellant.

Elizabeth Warner and Ben Sadler, both of Moncks Corner, for
Respondent.

PER CURIAM: This is a direct appeal involving a boundary line dispute. Having carefully reviewed the record, we affirm pursuant to Rule 220(b)(1), SCACR, and the following authorities: Bell v. S.C. Pub. Serv. Auth., 277 S.C. 556, 291 S.E.2d 196 (1982) (holding a boundary dispute is an action at law and the conclusions of fact found by the referee are binding on an appellate court unless they are without evidentiary support); Dargan v. Tankersley, 380 S.C. 480, 483, 671 S.E.2d 73, 75 (2008) ("In a case tried by a judge without a jury, the factual findings of the judge will not be reversed on appeal unless found to be without evidence that reasonably supports the judge's findings."); Hammond v. Lindsay, 277 S.C. 182, 184, 284 S.E.2d 581, 582 (1981) ("As a general rule, when maps, plats, or field notes are referred to in a grant or conveyance, they are to be regarded as incorporated into the instrument and are usually held to furnish the true description of the boundaries of land."); Klapman v. Hook, 206 S.C. 51, 32 S.E.2d 882, 883 (1945) ("Ultimately, the vital question is the intent of the grantor at the time the deed is executed.").

AFFIRMED.

PLEICONES, ACTING CHIEF JUSTICE, BEATTY, KITTREDGE, HEARN, JJ., and Acting Justice James E. Moore, concur.