

THE SOUTH CAROLINA COURT OF APPEALS

Debbie D. Frazier, Plaintiff,

v.

Appellant Case No.: 2024-001725

The Heirs at Law of Fred Bolden, Denolis T. Polite, Adan Castillo Nava, Ivone Trejo Guevara, Ethel P. Brown, and all others unknown having or claiming to have any right, title, estate or interest in or lien upon the real property described in the Complaint herein, being designated collectively as John Doe and Sarah Rode; including all persons who may be deceased, minors, in the Armed Forces of the United State, Non Compos Mentis, and who may be wider any other disability, who might have or claim to have any right, title, estate, interest in or lien upon the real property described in the Complaint herein, Defendants,

of whom Racquel Bolden-Lott is the Appellant.

REPLY BRIEF OF APPELLANT

Respectfully Submitted,

/s/ Racquel Bolden-Lott
Racquel Bolden-Lott, Pro Se, Appellant
1925 North Laura Street
Jacksonville, Florida 32206

Dated: July 11, 2025

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SC Court of Appeals

TABLE OF CONTENTS

REPLY ISSUE ON APPEAL

3. Where on August 14, 2024, Respondent Debbie D. Frazier filed a *Stipulated Voluntary Dismissal of Defendant BEAUFORT COUNTY ASSESSOR and First Cause of Action*, there was no basis in law, or fact, for the Special Referee to make findings of fact and conclusions of law that Respondent “has established adverse possession based on written instruments.”

	<u>Page</u>
TABLE OF CITATIONS	ii
STATEMENT OF THE CASE	1
A. Nature of the Case.	1
B. Course of Proceedings.	1
C. Statement of Facts.	2
ARGUMENT AND CITATION OF AUTHORITIES	
A. Standard of Review	6
B. Where on August 14, 2024, Respondent Debbie D. Frazier filed a <i>Stipulated Voluntary Dismissal of Defendant BEAUFORT COUNTY ASSESSOR and First Cause of Action</i> , there was no basis in law, or fact, for the Special Referee to make findings of fact and conclusions of law that Respondent “has established adverse possession based on written instruments.”	6
CONCLUSION	9

TABLE OF CITATIONS

Cases:	<u>Page</u>
<i>Bowers v. Thomas</i> , 373 S.C. 240 (S.C. Ct. App. 2007)	6, 8
<i>Hadfield v. Gilchrist</i> , 343 S.C. 88 (S.C. Ct. App. 2000)	6, 8
 Statutes and Rules:	
SC Code § 15-3-340 (2024)	2
SC Code § 15-67-230 (2024)	2

STATEMENT OF THE CASE

A. Nature of the Case.

This appeal of the Special Referee for Beaufort County, Courts of Common Pleas's *Judgment and Final Order* dated September 13, 2024, arises from a *Complaint* filed by Respondent Debbie D. Frazier for adverse possession of real property owned by Appellant Racquel Bolden-Lott.

B. Course of Proceedings.

On September 14, 2022, Respondent Debbie D. Frazier filed a "three cause of action" *Complaint* for adverse possession regarding a portion of Appellant Racquel Bolden-Lott's 7.05 acres located in the Town of Bluffton, Beaufort County, South Carolina. (R: pp. 299 - 307)¹. In *Cause of Action One*, Respondent Frazier sued the Beaufort County Tax Assessor for "... an order ... requiring Beaufort County to change its tax maps to be consistent with the corrective deeds thereby correctly delineating the boundary line between the property of Fred Bolden, his heirs and assigns, and the Property of the Plaintiff" consistent with a written instrument, the *Deed of Distribution* dated November 20, 2000, and

¹References to the Record on Appeal are "R." "page numbers" and "paragraph numbers."

recorded on April 14, 2001². (R: p. 305, ¶ 18; R: pp. 263 - 265 and R:p. 306, ¶ 22)

In *Cause of Action Two*, Respondent Frazier sought to own 1.78 acres of Appellant Bolden-Lott's 7.05 acres under the theory of adverse possession "by tacking on the occupancy of her parents," her stepfather Jack Brown, Jr. and her mother Claretha Brown, both deceased³. (R: p. 306, ¶¶ 23 - 25). On December 21, 2022, on behalf of Appellant Bolden-Lott, counsel filed *Answer of Racquel Bolden-Lott*. (R. pp. 308 - 309)

On August 14, 2024, Respondent Debbie Frazier's counsel and counsel for the Beaufort County Assessor stipulated to, and filed, a *Stipulated Voluntary Dismissal of Defendant BEAUFORT COUNTY ASSESSOR and First Cause of Action* wherein the Beaufort County Assessor was dismissed as a party-defendant from the action and the *First Cause of Action* was dismissed. (R. pp. 310 - 311)

C. Statement of Facts.

1. Debbie Frazier.

At the Final Hearing of September 9, 2024, Debbie Frazier testified that her parents first moved unto Fred Bolden's property in 1994. (R. p. 30, lines 18-20; R. p. 226). Her stepfather Jack Brown, Jr. died on May 27, 1999. (R. p. 305, ¶ 18 and

² See SC Code § 15-67-230 (2024).

³ See SC Code § 15-3-340 (2024).

R. p. 30, lines 23-24) Her mother Clareth Brown died on November 25, 2020.

(R. p. 32, lines 6 - 8; p. 140, lines 6 -8)

2. Racquel Bolden-Lott.

At the Final Hearing, Racquel Bolden-Lott testified that the 7.05 acres have been in here family since 1945 when it was owned and maintained by her great grandfather William Simmons, then her grandmother Marie Bolden, then her father Fred Bolden and then she inherited the property upon the death of her father on April 1, 2007. (R. p. 156, lines 21-25; R. pp. 157-161, lines 5-18).

Racquel Bolden-Lott also gave the following testimony:

“I am the daughter and heir of the late Fred A. Bolden, deceased. He died on April 1, 2007, in Bluffton, South Carolina. My father Fred A. Bolden and the late Jack Brown, Jr. were cousins. Jack Brown, Jr. died on May 27, 1999, in Bluffton, South Carolina. During his life, Fred A. Bolden was the owner of 7.05 acres of real property with the address of 2 Billy Simmons Drive Bluffton, Beaufort County, South Carolina 29910. This 7.05 acres is described in the Complaint filed in the above lawsuit. My father Fred A. Bolden gave permission to our cousin Jack Brown, Jr. and Clareth Brown, to put a mobile home on a small portion of the real property, approximately 1.78 acres, with

the address of 2 Billy Simmons Drive Bluffton, South Carolina 29910. The 1.78 acres is also described in the Complaint filed in the above lawsuit. After Jack Brown, Jr. died on May 27, 1999, my father Fred A. Bolden gave permission to Claretha Brown to continue to live in the mobile home on the 1.78 acres. Based on my knowledge, Debbie Frazier has never resided on a continuous basis with Jack Brown, Jr. and Claretha Brown, in the mobile home on the 1.78 acres. Based on my knowledge, Debbie Frazier has never resided on a continuous basis with her mother Claretha Brown, after Jack Brown, Jr.'s death, in the mobile home on the 1.78 acres. Based on my knowledge, at the time my father Fred A. Bolden gave permission to his cousin Jack Brown, Jr. and Claretha Brown, to reside in the mobile home on the 1.78 acres, Debbie Frazier resided in Savannah, Georgia. After the death of Fred Bolden in April 2007, I, Racquel Bolden-Lott, gave permission to Claretha Brown to continue to reside in the mobile home on the 1.78 acres. Based on my knowledge, in early March 2020 at the beginning of the Pandemic, Debbie Frazier moved her sick mother Claretha Brown to Savannah, Georgia. The mobile home has remained vacant from that time to the

present. On November 25, 2020, Clareth Brown died in Savannah, Georgia while residing with her daughter, Debbie Frazier. After the death of Clareth Brown on November 25, 2020, Debbie Frazier has never continuously resided in the mobile home. She continued to reside in Savannah, Georgia. After the death of my father Fred A. Bolden, I, Racquel Bolden-Lott, pay my cousin Joe Louis Green, Jr. to mow the lawn and remove trash from the entire 7.05 acres. From the date of my father's death to the present, I, Racquel Bolden-Lott, have paid annual property taxes for the entire 7.05 acres. I have attached as [Exhibit 1] a copy of the receipts showing my payment of property taxes over the years." (Emphasis applied)

(R. pp. 151-155; R. pp. 272 - 297)

In conclusion, Racquel Bolden-Lott testified that her father Fred Bolden died on April 1, 2007. During his life as owner of the 7.05 acres, Mr. Bolden paid all annual property taxes on the entire 7.05 acres. (Emphasis applied) Once she became owner of the property, Mrs. Bolden-Lott paid the property taxes on the entire 7.05 acres. (Emphasis applied) Mrs. Bolden-Lott's tax receipts from paying the property taxes were received into evidence as Bolden-Lott Exhibit 1. (R. pp. 142-143, lines 23-25; R. pp. 272 - 297) Mrs. Bolden-Lott also testified that

because her father intended to sell the 7.05 acres, Fred Bolden obtained a survey of the 7.05 acres that also included the 1.78 acres. The survey was admitted into evidence as Bolden-Lott Exhibit 2. (R. p. 147, lines 23-25; p. and R. pp. 148-149, lines 2-10; R. p. 298).

ARGUMENT AND CITATION OF AUTHORITY

A. Standard of Review

The South Carolina Court of Appeals may “affirm or reverse the judgment of a Special Referee below, in whole or in part, as to any or all the parties and for errors of law or fact.” *Bowers v. Thomas*, 373 S.C. 240, 644 S.E.2d 751 (Ct. App. 2007); *Hadfield v. Gilchrist*, 343 S.C. 88, 92 -93, 538 S.E.2d 268, 270 (Ct. App. 2000).

- B. Where on August 14, 2024, Respondent Debbie D. Frazier filed a *Stipulated Voluntary Dismissal of Defendant BEAUFORT COUNTY ASSESSOR and First Cause of Action*, there was no basis in law, or fact, for the Special Referee to make findings of fact and conclusions of law that Respondent “has established adverse possession based on written instruments.”

The tax receipts of Appellant Racquel Bolden-Lott establishes that before and after the death of Jack Brown, Jr. on May 27, 1999, and before and after Clareth Brown recorded a written instrument, the *Deed of Distribution* on April 6, 2001, the Beaufort County Assessor continued to tax and recognize Fred

Bolden and later his heir, Appellant Racquel Bolden-Lott, as the owners of the entire 7.05 acres, including the 1.78 acres in dispute.

In the *Initial Brief of Respondent*, Respondent Debbie Frazier argues that the Special Referee made findings of fact and conclusions of law that she “established adverse possession based on a written instrument.” *Brief of Respondent*, pp. 13 - 19. R: pp. 360, ¶¶ 8 - 9; R: p. 361, ¶¶ 3 - 5; R: p. 362, ¶¶ 6 - 7. Specifically, Respondent Frazier argues that the written instrument is the *Deed of Distribution* dated November 20, 2000, and recorded on April 14, 2001. *Brief of Respondent*, pp. 14. R: pp. 263 - 265.

However, on August 14, 2024, Respondent Debbie Frazier’s counsel and counsel for the Beaufort County Assessor stipulated to, and filed with the Clerk of Court for Beaufort County, a *Stipulated Voluntary Dismissal of Defendant BEAUFORT COUNTY ASSESSOR and First Cause of Action* wherein the Beaufort County Assessor was dismissed as a party-defendant from the action and the *First Cause of Action* was dismissed. (R. pp. 310 - 311) Therefore, the *Second Cause of Action* for adverse possession “by tacking on the occupancy of her parents” became the sole cause of action against Appellant Racquel Bolden-Lott to be heard by the Special Referee at the Final Hearing of September 9, 2024. Moreover, by stipulation, Respondent no longer sought at the Final Hearing “an

order [from the Special Referee] requiring Beaufort County to change its tax maps to be consistent with the corrective deeds thereby correctly delineating the boundary line between the property of Fred Bolden, his heirs and assigns, and the Property of the Plaintiff” consistent with the *Deed of Distribution* dated November 20, 2000, and recorded on April 14, 2001.

It was reversible error on behalf of the Special Referee to make those findings of fact and those conclusions of law regarding “adverse possession based on a written instrument” where by stipulation, that *First Cause of Action* for adverse possession based on a written instrument was dismissed and the Beaufort County Assessor was dismissed as a party-defendant. *Bowers v. Thomas*, 373 S.C. 240, 644 S.E.2d 751 (Ct. App. 2007); *Hadfield v. Gilchrist*, 343 S.C. 88, 92 -93, 538 S.E.2d 268, 270 (Ct. App. 2000). Consequently, this South Carolina Court of Appeals must reverse the judgment of the Special Referee, in whole or in part, as to all errors of law and facts that support the conclusion in his *Judgment and Final Order* that Respondent Debbie Frazier “has established adverse possession founded upon written instruments.” R: p. 362, ¶ 7.

CONCLUSION

In conclusion, it was reversible error on behalf of the Special Referee to make findings of fact and conclusions of law that supported the conclusion in his *Judgment and Final Order* that Respondent Debbie Frazier “has established adverse possession founded upon written instruments.” R: p. 362, ¶ 7.

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY, pursuant to Rule 267, South Carolina Appellate Court Rules, that the font used in this Brief is Times New Roman and the word count is 2176.

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