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SC Court of Appeals

STATE OF SOUTH CAROLINA  
In The Court of Appeals

Appeal from Dorchester County  
Court of Common Pleas  
Hon. Maite Murphy, Circuit Court Judge  
Appellate Case No.: 2025-001299

Attia Elbadawy and Lynne Chatlos,  
Petitioners/Appellants,

v.

D.R. Horton, Inc.,  
Respondent.

PETITIONERS/APPELLANTS' REPLY TO RESPONDENT'S RETURN TO PETITION FOR WRIT OF  
SUPERSEDEAS

### **I. INTRODUCTION**

Petitioners/Appellants respectfully submit this reply to correct factual and legal misstatements contained in Respondent's Return filed August 7, 2025, and to clarify why a Writ of Supersedeas is warranted to maintain the status quo pending appeal. The May 5, 2025 Circuit Court order compels Petitioners to remove a longstanding private gate and grants Respondent unrestricted access to Wise Lane—property whose ownership and use rights are central to this appeal. Without supersedeas, Respondent will irreversibly alter the property, causing irreparable harm and effectively mooting the appeal.

### **II. MISSTATEMENT REGARDING ROAD OWNERSHIP AND DEDICATION**

Respondent asserts that Wise Lane was dedicated to public use in a decades-old plat. This argument omits two critical facts: 1. No Public Acceptance: Under South Carolina law, dedication requires both an offer and acceptance. See *Hodge v. Sloan*, 341 S.C. 79, 533 S.E.2d 75 (2000). Dorchester County has never passed any ordinance, resolution, or recorded document formally accepting Wise Lane as a public road, nor has it ever maintained the road at public expense. 2. Private Maintenance: Wise Lane has been privately maintained for decades at the sole expense of adjoining property owners. The absence of county maintenance records confirms its private status. 3. Standing: Respondent's attempt to disqualify Petitioner Lynne Chatlos is misplaced. Standing in injunctive relief actions is based on a protectable property interest, which exists here through co-ownership and longstanding control of the property and access rights in question.

### **III. MISCHARACTERIZATION OF "PUBLIC BENEFIT"**

Respondent's argument that halting its subdivision project will harm "schoolchildren" and county tax revenue is irrelevant under controlling South Carolina law. In 2006, following *Kelo v. City of New London*, 545 U.S. 469 (2005), South Carolina amended Article I, Section 13 of its Constitution to prohibit takings "for the purpose or benefit of economic development" or "to transfer to a private party."

This constitutional protection bars the use of private property for private commercial projects, even if there are incidental public benefits such as increased tax revenue. Respondent is a private developer seeking to use Wise Lane for its own profit. Any tax benefit or housing supply increase is speculative and does not transform this private project into a constitutionally recognized "public use".

#### **IV. EXTRAORDINARY CIRCUMSTANCES EXIST**

Rule 241(d)(1), SCACR, allows supersedeas where "extraordinary circumstances" make immediate relief necessary. Such circumstances exist here because: - Once construction traffic commences, physical damage, drainage changes, and loss of access control will be permanent and irreversible. - The trial court's order mandates removal of a private gate before ownership and access rights are adjudicated, effectively granting Respondent the relief it seeks before appellate review.

#### **V. IRREPARABLE HARM TO PETITIONERS/APPELLANTS**

The harm here is not merely financial. The intrusion and physical impact on Wise Lane, loss of privacy, increased traffic hazards, and interference with Petitioners' exclusive use rights cannot be remedied by monetary damages. This constitutes classic irreparable harm under South Carolina law. See *Compton v. S.C. Dep't of Corr.*, 392 S.C. 361, 709 S.E.2d 639 (2011).

#### **VI. LEGAL STANDARD FOR SUPERSEDEAS IS MET**

Petitioners have demonstrated: 1. Likelihood of Success: Documentary evidence shows no formal public acceptance of Wise Lane. 2. Irreparable Harm: Use of the road by heavy construction traffic will cause permanent injury. 3. Minimal Harm to Others: Respondent has alternative means of access to its property. 4. Public Interest: Enforcing constitutional protections for private property rights outweighs speculative economic projections.

#### **VII. CONCLUSION**

For these reasons, Petitioners respectfully request that the Court grant the Petition for Writ of Supersedeas and maintain the status quo by preventing Respondent from using Wise Lane pending the resolution of this appeal. Respectfully submitted, [Signature of Petitioners/Appellants] Dated: August 7, 2025

### **VIII. PROCEDURAL STANDARDS MET UNDER CASES CITED BY RESPONDENT**

Respondent cites *Kuhn v. Elec. Mfg. & Power Co.*, 92 S.C. 488, 75 S.E. 791 (1912) and *Long v. Robinson*, 432 F.2d 977 (4th Cir. 1970) as if these decisions are determinative of the present property rights dispute. In fact, neither case addresses dedication, public use, or private property protection. Both cases are limited to describing procedural factors for granting a stay pending appeal. In *Kuhn*, the South Carolina Supreme Court held that a party seeking to stay an injunction must show that allowing the injunction to remain in effect would cause irreparable injury or a miscarriage of justice. Here, Petitioners have demonstrated precisely that—removal of the private gate and forced construction access will cause permanent damage and loss of control over private property, which cannot be undone by a later appeal. In *Long*, the Fourth Circuit listed four factors for granting a stay: (1) likelihood of success on the merits; (2) irreparable harm; (3) no substantial harm to others; and (4) public interest. Petitioners meet all four: (1) no public acceptance of Wise Lane; (2) irreversible harm from construction traffic; (3) Respondent has alternative access routes; and (4) the public interest strongly favors enforcing the South Carolina Constitution's post-2006 protections against private-to-private takings. Accordingly, even under the very cases cited by Respondent, the legal standard for granting supersedeas is satisfied in full.

### **IX. AUTHORITY SUPPORTING STATUS QUO AND IRREPARABLE HARM**

The South Carolina Court of Appeals has already recognized, in citing controlling precedent, that the purpose of injunctive relief and a supersedeas is to preserve the status quo and prevent irreparable harm. In *Smith v. Planned Parenthood South Atlantic*, 2022-001005 and 2022-001062 (S.C. Sup. Ct., Aug. 17, 2022), the Supreme Court held: "The purpose of an injunction is to preserve the status quo and prevent possible irreparable injury to a party pending litigation." For decades, the status quo has been Wise Lane as a private, gated road under Petitioners' control. Without supersedeas, that long-standing status will be irreversibly destroyed before appellate review. Similarly, in *Greenville Bistro, LLC v. Greenville County*, 433 S.C. 54, 856 S.E.2d 562 (2021), the Court confirmed that injunctive relief is appropriate where damages after the fact are inadequate to remedy the harm. This case presents precisely such a scenario: physical damage to a private road, loss of privacy, and permanent loss of control over exclusive access cannot be compensated with money damages. These precedents, relied upon by this Court, fully support the granting of supersedeas to maintain the status quo and prevent irreparable harm until the merits of the appeal are decided.

# APPELLANT'S RESPONSE TO D.R. HORTON – RESPONDENT'S RETURN

## Point 1 – Dedication and Acceptance on Plat Map (See Exhibit 1)

The South Carolina Supreme Court has ruled that **the presence of a road on a subdivision plat does not, by itself, make that road public**. For a road to become public through dedication, there must be:

1. **An unmistakable offer to dedicate** the road for public use; and
2. **Public acceptance** of that offer by the government or the public.

This principle is set forth in *Youngblood v. County of Charleston* (2006) and *Helsel v. City of North Myrtle Beach* (1992). **South Carolina Code § 6-29-1170** confirms that **approval of a plat is not acceptance** — acceptance must be through a separate, formal act such as a resolution, ordinance, or consistent public maintenance.

### Application to Wise Lane:

- Wise Lane may appear on a plat map, but there is no ordinance, resolution, or recorded action accepting it.
- Dorchester County has never maintained it as part of the public road system.
- Under the law, Wise Lane has never been accepted by the county or by the public as a public road, and it remains **private property**.

Wise Lane in a recorded deeded Private Easement and the Appellant is the only one left as the dominate Easement holder and the Appellant is the only one who built and has always maintained Wise Lane plus it is the Appellant only way to reach the public right of way on Weir Street.

# APPELLANT'S RESPONSE TO D.R. HORTON – RESPONDENT'S RETURN

## **Point 2 – Unauthorized Filings, False Affidavits, and Lack of Service** (See Exhibit 3)

On January 21, 2025, immediately before the scheduled hearing, Defendant D.R. Horton submitted to the Court a memorandum in opposition to Plaintiffs' Motion for Injunction, along with the affidavits of Chris Hill and Kelsey Harper, an alleged encroachment permit, and various exhibits. **None of these materials were ever served upon the Plaintiffs**, in direct violation of South Carolina Rule of Civil Procedure 5(a). Later, Plaintiffs formally requested that the Honorable Judge Mattie Murphy strike these documents from the record. Judge Murphy declined to do so, forcing the Plaintiffs to file formal Motions to Strike. These filings were not given under oath and were intended to mislead the Court with false information concerning the dedication and acceptance of Wise Lane.

### **Application to Wise Lane:**

- The unserved affidavits and exhibits presented by D.R. Horton falsely suggested that Wise Lane had been dedicated and accepted as a public road.
- These documents lacked sworn verification and were submitted in violation of procedural rules, undermining Plaintiffs' right to due process.
- Evidence also shows that B.R.D. Land and Investments, LLC never had its subdivision plan approved by Dorchester County, further disproving any claim of valid dedication or acceptance of Wise Lane.

## **APPELLANT'S RESPONSE TO D.R. HORTON – RESPONDENT'S RETURN**

### **Point 3 – Harassment, Trespass, and Ongoing Injury to Plaintiff Lynne Chatlos (See Exhibit 4)**

Plaintiff Lynne Chatlos is a party to this action due to the harassment and harm she endured as a direct result of Defendant D.R. Horton's conduct. On July 26, 2024, workers contracted by D.R. Horton trespassed upon and invaded the Plaintiffs' private easement driveway without permission. This act of trespass caused severe emotional distress and fear for personal safety. Additionally, in 2020, while assisting in the construction and improvement of Wise Lane, Ms. Chatlos sustained a serious injury requiring hernia surgery. Following the surgery, she underwent a hernia mesh procedure and continues to suffer ongoing pain and complications to this day.

#### **Application to Wise Lane:**

- The trespass by D.R. Horton's workers onto the private easement demonstrates the Defendant's disregard for Plaintiffs' private property rights.
- Such conduct caused direct harm to Plaintiff Lynne Chatlos, both emotionally and physically.
- The ongoing injuries sustained from working on Wise Lane further evidence the Plaintiffs' investment, maintenance, and ownership of the roadway, reinforcing its status as private property.

# APPELLANT'S RESPONSE TO D.R. HORTON – RESPONDENT'S RETURN

## **Point 4 – Wise Lane's Status as a Private Easement and County Confirmation** (See Exhibit 6)

Defendant D.R. Horton continues to claim that Wise Lane is not a private road. In fact, Wise Lane is a private easement, which is legally recognized as a private road and private driveway. It is an appurtenant easement, meaning it serves the land and has both a servient estate and a dominant estate. At present, the only dominant estate holders on Wise Lane are the Plaintiffs' two lots. Dorchester County has confirmed to the Plaintiffs that both Wise Lane and Wise Road are private roads and are privately maintained.

When asked whether the County would accept Wise Lane as a public road if the Plaintiffs paid to have it built to County standards, the County's response was clear: the road would remain private unless the Plaintiffs first built it to County code and then filed a petition for acceptance, after which the County Council would hold a meeting to determine whether to accept it into the public road system.

### **Application to Wise Lane:**

- Wise Lane's legal status as a private easement is supported by recorded County records and direct statements from County officials and the Appellant/Plaintiff Title search insurance- First American Title Insurance Company.
- The process described by Dorchester County confirms that Wise Lane has never been accepted as a public road.
- The County's own admission reinforces that Wise Lane remains private unless and until the formal petition and acceptance process is completed, which has never occurred.

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## **APPELLANT'S RESPONSE TO D.R. HORTON – RESPONDENT'S RETURN**

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### **Point 5 – Ownership of Lots 5 and 6 and County Record Update** (See Exhibit \_\_)

The Appellant/Plaintiff is the owner of Lots 5 and 6 in the N Block of the Twin Lakes Subdivision. Lot 5 and Lot 6 were purchased on April 30, 2018.  
See Appellant/Plaintiff Recorded Deed.

# APPELLANT'S RESPONSE TO D.R. HORTON – RESPONDENT'S RETURN

## Point 6 – Misplaced 'Public Good' Argument and Wise Lane's Protected Private Easement (See Exhibit \_\_)

Defendant D.R. Horton has recently raised a new argument claiming that use of Wise Lane would serve the public good, increase tax revenue, and assist in transporting school children. This issue has never before been litigated in this case. Such reasoning appears to be a last-resort, unsupported argument. D.R. Horton already possesses two other deeded access roads—Pruitt Street and Helms Drive—for which they have all necessary legal permits. These deeded access roads are the proper and legal means of entry to their private HOA subdivision development.

Wise Lane is a private easement, protected by law, for the benefit of the Appellant/ Plaintiff property. In Dorchester County– Bradley Mitchells answer to D.R. Horton's counterclaim (which was filed eight months late), one day before the virtual hearing Dorchester County never asserted that Wise Lane should be used for tax or public good purposes. Typically, arguments concerning tax revenue or the public good arise in eminent domain proceedings. However, South Carolina law is clear that economic development alone is not sufficient to justify a taking. Furthermore, D.R. Horton is not a governmental entity, but a private developer building a private HOA subdivision (DV Timbers) that will have its own private roads.

On top of that D R Horton has their own 2 roads that they have a valid, not fake encroachment permit for Helms Drive and Pruitt Street off of Scotch Range Road, on the roads mentioned above, Dorchester County will still be charging property tax that will allow children of Dorchester County go to school.

### Application to Wise Lane:

- The 'public good' argument has no legal basis in this private property dispute.
- D.R. Horton has viable, permitted alternatives (Pruitt Street and Helms Drive) and no need to access Wise Lane.
- Wise Lane remains a private easement protected under South Carolina law, and its use to serve a private subdivision with private roads is unlawful and unsupported by eminent domain principles.

# APPELLANT'S RESPONSE TO D.R. HORTON – RESPONDENT'S RETURN

## **Point 7 – Failure to Provide Witness List in Violation of Discovery Rules** (See Exhibit \_\_)

During the course of this lawsuit, Respondents/Defendant D.R. Horton failed to provide the Appellant/Plaintiffs with its witness list, thereby depriving the Plaintiffs of the opportunity to depose those witnesses prior to trial.

This omission constitutes a violation of the discovery process and directly violates Rule 26(a) of the South Carolina Rules of Civil Procedure, which requires timely disclosure of witness identities to the opposing party.

### **Application to Wise Lane:**

- Without access to the Respondents/Defendant's witness list, the Appellants/Plaintiffs were denied a fair opportunity to challenge testimony and evidence.
- This violation hindered the Appellants/Plaintiffs' ability to prepare their case, particularly regarding claims about Wise Lane's dedication and acceptance.
- Compliance with Rule 26(a) is essential to ensuring due process, and Respondents/Defendant's failure further undermines the fairness of these proceedings.

# APPELLANT'S RESPONSE TO D.R. HORTON – RESPONDENT'S RETURN

## Point 8 – Failure to Answer Interrogatories and Invalid Encroachment Permit (See Exhibit \_\_)

Respondent/Defendant D.R. Horton has repeatedly failed to answer straightforward interrogatory questions, including:

- (1) whether D.R. Horton has a legal encroachment permit to work on Wise Lane??????????
- (2) whether D.R. Horton can enforce that permit??????????
- (3) why the permit has never been enforced??????????
- (4) why D.R. Horton failed to contact Dorchester County on July 26, 2024, when they unlawfully entered the Appellants/Plaintiffs' private driveway, Wise Lane??????????

The so-called encroachment permit itself states on its 2nd page that a county representative must be present and notified when work is performed. This condition was never met.

If D.R. Horton truly had a valid encroachment permit and was harmed in any way, it would be expected that they would have returned, contacted the County, or even called law enforcement to enforce their rights. They did none of these things because they do not have a legal encroachment permit to work on Wise Lane. The reason is simple: they have no legal right to be on Wise Lane.

During the June 18, 2025 hearing on Plaintiffs' Motion to Compel Interrogatory Responses, the Honorable Judge Mattie Murphy asked D.R. Horton's attorney, Mark Bible, why the questions were not answered. Mr. Bible responded, "I don't have anybody to take the oath for them and to answer these questions." If that is the case, why did D.R. Horton does not use Chris Hill or Kelsey Harper to answer, unless their unsworn affidavits were no longer valid or credible?

### Application to Wise Lane:

- D.R. Horton's refusal or inability to answer basic interrogatory questions demonstrates they lack both the legal authority and proper documentation to work on Wise Lane.
- The absence of enforcement or County oversight on July 26, 2024, underscores that the alleged encroachment permit is invalid.
- This supports Appellants/Plaintiffs' position that D.R. Horton has no lawful right to access or alter Wise Lane.

# APPELLANT'S RESPONSE TO D.R. HORTON – RESPONDENT'S RETURN

## **Point 9 – Failure to Provide Original Encroachment Permit Application**

(See Exhibit \_\_)

Defendant D.R. Horton has never provided the Appellants/Plaintiffs with the original application form for the alleged encroachment permit. The original application is critical because it would show the true reason why Wise Lane was listed on the permit and would identify the signature of the actual applicant. This omission deprives the Appellants/Plaintiffs of the opportunity to verify the legitimacy of the permit and to determine whether proper procedures were followed in its issuance.

Without this foundational document, there is no way to confirm whether the encroachment permit was lawfully applied for or issued, or whether the inclusion of Wise Lane was intentional, mistaken, or fraudulent. The lack of transparency raises serious concerns about the legality of D.R. Horton's claimed rights under the permit.

There are numerous violations connected to this matter—far too many to list here—that further undermine the credibility of the permit and any claim that it grants lawful authority to work on Wise Lane.

### **Application to Wise Lane:**

- The absence of the original encroachment permit application prevents verification of the permit's validity.
- Without proof of lawful application and issuance, D.R. Horton cannot demonstrate any legal right to work on Wise Lane.
- This omission supports Plaintiffs' contention that the permit is invalid and that Wise Lane remains a protected private easement.

# **APPELLANT'S RESPONSE TO D.R. HORTON – RESPONDENT'S RETURN CASE No: 2025-CP-1801527**

**Point 10 – Default Judgment and Absence of Any Claim to Wise Lane**  
(See Exhibit \_\_\_)

On July 1, 2025, the Appellant/Plaintiff served Defendant D.R. Horton with the Complaint for Quiet Title Action and a Cease and Desist notice.

On August 1, 2025, the Appellant/Plaintiff filed a Motion for Default Judgment against D.R. Horton because they failed to respond within the required time period. Despite having the opportunity to answer and assert any claimed rights to Wise Lane, D.R. Horton chose not to respond at all.

This inaction demonstrates that D.R. Horton has no legitimate claim to Wise Lane. If D.R. Horton truly had a valid interest in Wise Lane, they would have contested the Quiet Title Action and provided evidence to support their position. Their silence speaks volumes.

Dorchester County also failed to respond to the Quiet Title Action. Since neither D.R. Horton nor Dorchester County filed an answer, there is no party with a legal claim to Wise Lane opposing the Appellants/Plaintiff's ownership and rights.

**Application to Wise Lane:**

- Failure to respond to the Quiet Title Action means D.R. Horton has abandoned any alleged interest in Wise Lane.
- Without a filed claim or defense, D.R. Horton cannot legally justify their presence or actions on Wise Lane.
- This default supports Plaintiffs' position that Wise Lane is private and under their control.

## APPELLANT'S RESPONSE TO D.R. HORTON – RESPONDENT'S RETURN

### Point 11 – Adverse Possession and Color of Title to Wise Lane

(See Exhibit 8)

On multiple occasions, D.R. Horton has referred to Wise Lane and Wise Road as being the same, using the phrase "A.K.A." in capital letters. The Appellants/Plaintiffs have filed a Quiet Title Action supported by a color of deed, asserting adverse possession rights to Wise Lane.

Under South Carolina Code § 15-67-210, when a party holds possession of real property under color of title for more than three (3) consecutive years, such possession is sufficient to establish a quiet title claim.

In this case, the Appellants/Plaintiffs have maintained open, notorious, hostile, actual, uninterrupted, and continuous possession of Wise Lane for over seven (7) years.

No one, including D.R. Horton or Dorchester County, has ever filed any competing claim during that time.

Both D.R. Horton and Dorchester County are now in default for failing to answer the Quiet Title Action.

The absence of any response after years of open and adverse possession strongly supports the Appellants/Plaintiffs' ownership claim.

Application to Wise Lane:

- The Appellants/Plaintiffs' possession of Wise Lane meets all statutory requirements for adverse possession under color of title.
- No opposing claim has been filed within the statutory period, and both potential challengers are now in default.
- This legal status reinforces that Wise Lane is private property and must remain under the Appellants/Plaintiffs' exclusive control.

## APPELLANT'S RESPONSE TO D.R. HORTON – RESPONDENT'S RETURN

### Point 12 – Judge Goodstein's Non-Jury Trial and Orders

(See Exhibit 9)

When the Honorable Chief Judge Diane Goodstein became aware of the numerous violations committed by both Dorchester County and D.R. Horton during the course of this dispute, she acted to bring those violations to an end, even before the ADR which was scheduled on 07/24/2025.

Recognizing the seriousness of the issues, Judge Goodstein scheduled a non-jury trial for June 23, 2025, in order to address the violations and the ongoing harm being caused to the Appellants/Plaintiffs.

Judge Goodstein issued an order requiring the presence of key legal representatives at the proceedings, including:

- Mark Bible, Attorney for D.R. Horton,
- John Crawford, Jr., Attorney for D.R. Horton, and
- Bradley Mitchell, Deputy Attorney for Dorchester County.

This order demonstrates the Court's recognition of the seriousness of the conduct in question and the necessity of holding the responsible parties and their legal counsel accountable in a formal court setting.

Application to Wise Lane:

- The scheduling of a non-jury trial specifically to address these violations reinforces the Appellants/Plaintiffs' claims of misconduct.
- The requirement for named attorneys from both the County and D.R. Horton to appear underscores the direct involvement of these parties in the violations affecting Wise Lane.
- This supports the Appellants/Plaintiffs' position that the actions of D.R. Horton and Dorchester County were improper and require judicial correction.

## POINT 13 — PROTECTION OF EXPRESS EASEMENTS UNDER SOUTH CAROLINA LAW

The Appellants/Plaintiff's right to use Wise Lane is protected as an express easement granted by recorded deed. Under South Carolina law, an express easement is a legally binding property right created by a written instrument, such as a deed or recorded plat, that clearly identifies the easement's location, purpose, and the benefiting property.

### Legal Authority:

- *S.C. Code Ann. § 27-7-10 et seq.* — Establishes the enforceability of written easements and property rights.
- *S.C. Code Ann. § 15-67-210 et seq.* — Protects easement rights against unlawful interference or trespass.
- *Blue Ridge Realty Co. v. Williamson*, 247 S.C. 112, 146 S.E.2d 922 (1966) — South Carolina Supreme Court recognized that once granted, an express easement cannot be unilaterally altered or revoked without the consent of the dominant estate owner.

### Purpose of the Law:

These statutes and court rulings exist to protect landowners from having their easement rights stripped away or overrun by counties, municipalities, or private developers without due process. They ensure that a recorded easement remains in force regardless of changes in surrounding property ownership or use, unless formally extinguished by mutual agreement or court order.

### Application to Wise Lane:

Wise Lane is a recorded express easement serving the Appellants/ Plaintiff's lots (dominant estate) across land owned by others (servient estate). Dorchester County and D.R. Horton have not recorded right to use, alter, or occupy Wise Lane without the Plaintiff's permission. Any claim that Wise Lane has been "dedicated" for public use is invalid without both

- (1) a formal offer of dedication by the easement holder and
- (2) clear acceptance by the County — neither of which has ever occurred.

### Why the Law Matters Here:

Without these protections, powerful entities such as large home developers or county governments could seize private easements under the guise of "public benefit" without compensating or even notifying the landowner. South Carolina law prevents this by requiring strict proof of lawful rights before any interference.

#### **Point 14 – Threatening and Terrifying the Appellant/Plaintiffs**

On multiple occasions, the D.R. Horton Project and Land Development Manager, Chris Hill, threatened the appellant/plaintiff (Attia Elbadawy) One such incident occurred when Chris Hill stated: *“If you’re not going to come to the meeting on Monday, July 29, 2024, at 10 a.m. in the D.R. Horton construction site, and I will be bringing law enforcement to this meeting, something bad will happen to you.”*

The appellant/plaintiff did not attend this meeting and ceased answering phone calls from Chris Hill thereafter. All further communications were conducted through email.

The appellant/plaintiff offered instead to hold any meeting at D.R. Horton’s downtown Charleston office, which is located only one block from the Charleston County Sheriff’s Department, rather than at a remote D.R. Horton construction site in the woods.

The appellant/plaintiff believe the true purpose of the proposed meeting, with law enforcement present, was to intimidate and frighten him into signing a contract relinquishing his rights to Wise Lane. Had he refused to sign against their will, the appellants/plaintiff believe they may have been harmed.

So, if D R Horton had a legal encroachment permit.

- 1) Why would D R Horton Chris Hill want to meet with the Appellant/Plaintiff in a construction site with law enforcement?
- 2) Why did D R Horton ask the Appellant/Plaintiff permission?  
Reason: D R Horton does not have any legally enforceable encroachment permit!
- 3) D R Horton has no business being on a private easement protected by law

All of the above questions that D R Horton refused to answer, are those questions in the Interrogator request.

See Exhibit: Chain of emails between the appellant/plaintiff and Chris Hill.

## 15. Encroachment Permit Argument

The journey of the encroachment permit began on October 11, 2024, when D.R. Horton submitted their counterclaim to the court. In that claim, on page 4, item 7, D.R. Horton admitted only that it received its permit "by way of assignment" from the previous owner, DV Timbers Subdivision, called BRD Land and Investments, LLC.

- On April 9, 2024, BRD Land purchased the subdivision from DV Timbers, LLC, for \$5.00
- On the same day, BRD Land sold the subdivision to BRDL SPE1, LLC for \$5.00
- Later that day, BRDL SPE1, LLC sold the DV Timbers Subdivision to D.R. Horton for \$2,190- Million
- All of these transfers occurred within one day.

According to Kelsey Harper's affidavit, D.R. Horton are the owners of BRD Investments. The Plaintiffs proved in court beyond a reasonable doubt that D.R. Horton have owned the DV Timbers Subdivision since August 2023, not April 9, 2024, as Ms. Harper claims (see Exhibit).

In addition, D.R. Horton's Assistant Secretary, Michael Condon, applied for an encroachment permit on October 10, 2023 to work on Trinity Road, Helms Drive, and Scotch Range Road (see Exhibit). On October 3, 2023, BRD Land Investments transferred ownership and all permits to D.R. Horton (see Exhibit Ownership Transfer Form).

However, in their October 11, 2024 filing, D.R. Horton submitted the following:

1. Page 1 of 3 from the Encroachment Permit Application, listing:
  - Company/Agent: BRD Land and Investments
  - Roads: Trinity Drive, Helms Drive, Scotch Range Road — no Wise Lane mentioned
  - Signed by Kevin Burelli on July 5, 2022
  - Approved by Public Works Engineer Mike Goldston on February 16, 2023 — the same day Plaintiffs obtained their 9-1-1 address (493 Wise Road).

On February 17, 2023, Plaintiffs called Dorchester County Planning and Zoning, who confirmed the 493 Wise Road address was for 9-1-1 purposes only (see Exhibit Residential Use).

Also on February 16, 2023, Mike Goldston emailed John Prorock (subject: "Dorchester County Encroachment Permit for Helms Drive," Attachment 230741) at 4:12 p.m. (see Exhibit Email). This email is fake.

On April 24, 2024, the same email (copy and pasted) was re-issued as a "permit" with a Dorchester County logo but with no signature or name of the approving official.

The permit Horton used was the same BRD Land application signed by Mike Goldston on February 16, 2023, valid for 12 months only, and expired on February 16, 2024. D R Horton should have filed a new application under their own name (see Exhibit).

D.R. Horton refused to produce that form in response to the Motion to Compel. When Horton trespassed on Plaintiffs' driveway on July 26, 2024, the BRD-signed permit was already expired.

D R Horton also:

- Submitted Page 3 of 3 but omitted Page 2 of 3 in earlier filings.
- Later produced Pages 2 and 3 but still not the original Page 1, which should show road names, applicant, signatory, and approver — as found on the Dorchester County website.

Instead, D R Horton provided a copy of the permit in the same "email format" used by Goldston on February 16, 2023.

Conclusion: D.R. Horton has never held a valid encroachment permit to work on Wise Lane, which is a private easement

POINT # 16 – THE D.R. HORTON ENCROACHMENT PERMIT TRICK

The Appellant/Plaintiff would like to make the Court of Appeals aware of D.R. Horton's encroachment permit trick.

On August 7, 2023, D.R. Horton submitted its answer to the Court of Appeals with the following document: page # 2 and page # 3 from the Dorchester County encroachment permit application form, but they did not submit page one. Instead, they submitted the very obvious Fake encroachment permit Permit #202403578 dated 04/24/2024.

Page #1 Lists the applicant as: Jacob Loomis —  
This is not page#1, how it is supposed to look on the encroachment application. Page#1 is actually where it needs to be signed for the permit and filled out. But during the process of the lawsuit, D.R. Horton submitted page #1 of the Application form which was signed by BRD Land Investments LLC employee Kevin Bertulli, dated July 5, 2022, and approved by Dorchester County Public Works Principal Engineer Mike Goldston dated February 16, 2023.

What it says on their real permit is to work on streets named Scotch Range Road, Trinity Drive, and Helms Drive — there is no mention of Wise Lane on that first page of the encroachment permit.

On that same day, February 16, 2023, Mike Goldston sent an email to John Prorock, but it does not have the email address.

(See Exhibit No. \_\_\_)

## The History of Documents Never Served by D.R. Horton to the Appellants/Plaintiffs

### 1. January 17, 2025



#### 1. January 21, 2025

The virtual hearing before the Honorable Judge Mattie Murphy was held on January 21, 2025.

On January 17, 2025, D.R. Horton submitted a memorandum opposing the Appellant/Plaintiffs' Motion for Injunction. This filing also included the affidavits of Chris Hill and Kelsey Harper,

an invalid FAKE encroachment permit, and various exhibits. These materials were never properly served on the Appellants/Plaintiffs. Failure to serve violates:

**South Carolina Rule of Civil Procedure 5(a) and Rule 6(d)**

which require timely service of all motions and supporting papers.

10 days is required in the State of South Carolina, violating Rule 6(d).

The Appellants/Plaintiffs filed a Motion to Strike these materials on June 16, 2025.

#### 2. June 18, 2025

D.R. Horton filed a supplemental answer to the Plaintiffs' Interrogatories on June 18, 2025.

This was not properly served and was filed just prior to the scheduled virtual hearing, 1 hour before, depriving the Appellants/Plaintiffs of a fair opportunity to review or respond.

The Plaintiffs moved to strike these filings on June 20, 2025.

### 3. County's Late Answer to Counterclaim

Dorchester County's answer to D.R. Horton's counterclaim was served approximately eight months late, well beyond the 30-day period required under **Rule 12(a), SCRPC**. Such a late filing without court approval is procedurally improper and prejudicial.

### 4. January 21, 2025 - Bradley Mitchell's Testimony

During the January 21, 2025 virtual hearing, Dorchester County Deputy Attorney Bradley Mitchell testified that Wise Lane was a county road. This testimony was introduced without prior notice to the Plaintiffs and without being listed as evidence or supported by admissible records, further violating **Rule 26(a), SCRPC** disclosure requirements.

## CASE LAW COMPARISON APPENDIX

### Key Legal Precedents Supporting Plaintiffs' Request for Emergency Stay and Supersedeas Relief

Case Name	Key Holding / Legal Rule	How It Supports Plaintiffs' Position
Smith v. Planned Parenthood South Atlantic (SC Supreme Court, Docket Nos. 2022-001005 & 2022-001062)	Court may intervene in pending litigation to prevent possible irreparable injury, even before final judgment.	Plaintiffs face irreparable harm if Wise Lane is disturbed before the appeal is heard. This case supports an emergency stay to preserve property rights pending litigation.
Greenville Bistro, LLC v. Greenville County 435 S.C. 146, 866 S.E.2d 562 (2021)	Court of Appeals upheld lower court's power to issue stay to protect rights where irreparable harm was shown.	Confirms that trial courts and appellate courts can and should issue stays when harm to property or due process rights may occur without it.

This appendix is submitted in support of Plaintiffs' Motion for Stay and Supersedeas, and demonstrates that South Carolina precedent supports urgent judicial intervention where irreparable harm may result before the appeal is resolved.

## CASE LAW COMPARISON APPENDIX

### Key Legal Precedents Supporting Plaintiffs' Request for Emergency Stay and Supersedeas Relief

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This appendix is submitted in support of Plaintiffs' Motion for Stay and Supersedeas, and demonstrates that South Carolina precedent supports urgent judicial intervention where irreparable harm may result before the appeal is resolved.

## CASE COMPARISON: Greenville Bistro, LLC v. Greenville County vs. Wise Lane Case

Category	Greenville Bistro, LLC v. Greenville County (2021)	Wise Lane Case – Elbadawy/Chatlos v. Horton & County
Court	South Carolina Court of Appeals	South Carolina Court of Appeals (on appeal from Dorchester County)
Case Citation	435 S.C. 146, 866 S.E.2d 562	2024-CP-18-01459 / Appellate Case (pending)
Plaintiff's Concern	Business restricted by county action	Private property (Wise Lane) under threat of unauthorized entry and construction
Nature of Harm	Economic harm to operations	Irreparable physical and property harm; due process violations
Legal Argument	Court should stay action pending outcome	Emergency stay needed to prevent irreparable injury before appeal is resolved
Lower Court Action	Stay initially denied	Injunction denied despite lack of service
Appeals Court Position	Supported stay to protect from harm	Now reviewing; cited this exact case as precedent
Key Legal Principle	Courts must prevent irreparable harm during litigation	Same principle applies – Wise Lane is at risk before final decision

## HARM TO FAMILIES AND CHILDREN SUPPORT FOR MOTION TO STAY

- 1 The harm affecting the families and the children that live on Wise Lane and Wise Road. Those children have the right to live in a safe and quiet atmosphere of Wise Lane and Wise Road. The children who live on Wise Lane and Wise Road also have the right to grow up within a safe and quiet neighborhood that their parents knew when they purchased their homes.
- 2 This is one of the reasons why all the community and the residents who live on Wise Lane and Wise Road have thrown their support behind the appellate case against D.R. Horton and the County, giving their full support and consent to the Appellant Attia Elbadawy to have sole ownership over Wise Lane and to keep the gate in place. (See Exhibit 2)
- 3 D.R. Horton trespassed on the Appellant's private easement. It is a threat to the title and interferes with the quiet title and declaration of judgment to clear that Wise Lane is a private road and belongs to Attia Elbadawy by Quiet Title action.
- 4 Due to the Appellant being the only dominant easement holder left on Wise Lane, and by color of title due to the cloud on the deed and the confusion between Wise Lane and Wise Road, the Appellant has been controlling Wise Lane by adverse possession for over seven years—enough to satisfy all the adverse possession elements including developing and building the road, spending money, and contributing labor to the road, maintaining it as his own property for over seven years.
- 5 Under color of title, the requirement for adverse possession drops down to three (3) years. This, combined with the Quiet Title Action claim, supports full ownership over Wise Lane. Wise Lane remains a private easement only for the Appellant and is protected by SC law. All the landowners on Wise Lane and Wise Road have given full consent to the Appellant to have sole ownership over Wise Lane and to keep the gate in place. (See Exhibit)
- 6 Both D.R. Horton and the County are in default judgment in the Quiet Title Action case number 2025-CP-18-01527. If the County or D.R. Horton had any legal right, they should have replied to and fought the Quiet Title Action complaint. They never did. This means there is no harm to D.R. Horton or the County from granting the Motion to Stay during the appellate process, especially since the neighbors are all in full support of the Motion to Stay.
- 7 Chief Administrative Judge Hon. Diane Goodstein took over the case and placed it as a top priority (See Exhibit). She scheduled the trial for the week of June 23-27, 2025, after concluding her non-jury trial. This was before ADR was set

for July 24, 2025, by Judge Mattie Murphy, to change the case from a civil case to a criminal case. The Plaintiff/Appellant believes this scheduling was due to the clear violations and unlawful actions by D.R. Horton and Dorchester County, and their interference with the justice system.

8 The Plaintiff/Appellant filed a Motion for Criminal Investigation requesting FBI and South Carolina State Prosecutor involvement for the following reasons:

1. Attempted murder 2. Corruption 3. Obstruction of justice 4. Giving taxpayers' money to a private company 5. County lawyer Bradley Mitchell lied to Judge Mattie Murphy during a virtual hearing 6. Bradley Mitchell helped to have Public Works Principal Engineer Derek McCoy terminated to avoid justice after McCoy stated there were existing water and sewer pipes on Wise Lane, when in fact there never were.

9 D.R. Horton met with Amanda Wise, a neighbor at 502 Wise Road, Summerville, at her workplace to purchase a utility easement from her to cover up the illegal installation of water pipes on Weir Street, with the intent to later turn onto Wise Lane. This was an attempt to block the Appellant after the gate using an excavator machine. D.R. Horton used taxpayer money for that project on a county road (Weir Street) and failed to answer interrogatories. (See Exhibit)

10 Under South Carolina law (S.C. Code Ann. § 15-67-410 et seq. – Trespass to Real Property; S.C. Code Ann. § 15-53-20 – Declaratory Judgments and Injunctions), an easement holder has the legal right to sue for damages and seek injunctive relief against anyone trespassing on a private easement. The Appellant requests the Appeals Court apply these laws for injunctive relief as a remedy in this case.

## DUE PROCESS RIGHTS AND VIOLATIONS

- 1 D.R. Horton never served the Appellant/Plaintiff on the following hearing motions: (A) Motion for Preliminary Injunction on January 21, 2025. The following documents were entered into evidence on the Dorchester County Public Index website only one and a half hours before the 10:00 a.m. hearing on that motion: D.R. Horton's Memorandum, Chris Hill's affidavit, Kelsey Harper's affidavit (neither sworn in nor under penalty of perjury), a fake permit, and emails from Stantec, Barry Stoller, including an email written and sent to himself, later submitted to the Court by D.R. Horton without being sworn under oath. These acts violated Rule 5(a), South Carolina Rules of Civil Procedure (SCRCP), requiring service of all pleadings and motions, and Rule 6(d), SCRCP, requiring service of written motions and supporting documents at least five days before the hearing. This constitutes a violation of the 14th Amendment of the U.S. Constitution and Article I, § 3 of the South Carolina Constitution protecting due process rights.
- 2 The same violation occurred again on June 18, 2025. D.R. Horton submitted its supplemental answer to the Plaintiff's Motion to Compel only one and a half hours before the hearing. This applied to three motions: (1) Motion to Compel Interrogatory Questions; (2) Motion to Produce Documentation; and (3) Motion to Investigate. This was a virtual hearing before Judge Mattie Murphy, and the Plaintiffs were never served — again violating Rule 5(a) and Rule 6(d), SCRCP.
- 3 On June 17, 2025 — only one day before the above June 18, 2025 virtual hearing — Dorchester County Attorney Bradley Mitchell submitted the County's answer to D.R. Horton's counterclaim, despite the 30-day deadline under Rule 12(a), SCRCP, having expired more than eight months earlier. These documents were entered into evidence on the Public Index but were never served on the Plaintiff.
- 4 RECONSIDER: On June 16, 2025, the Appellant/Plaintiff filed the following motions to strike prior to Judge Murphy ruling on the Motion to Reconsider: (1) Motion to Strike D.R. Horton's Memorandum, Chris Hill's affidavit, Kelsey Harper's affidavit, and all exhibits/documents submitted to the Court on January 21, 2025, for failure to properly serve under the due process system, thereby violating constitutional rights; (2) Motion to Strike County Attorney Bradley Mitchell's testimony, which was not given under oath; (3) Motion to Strike D.R. Horton's supplemental answer to its memorandum for the Motion to

Compel Interrogatory Questions and Motion to Produce Documentation; and (4) Motion to Strike Dorchester County's answer to D.R. Horton's counterclaim.

- 5 All of the above Motions to Strike were filed on June 19, 2025 — before Judge Murphy ruled on the Motion to Reconsider — yet none were entered into the Court's system until after Judge Murphy denied the Motion to Reconsider. Emails between ADR Coordinator Priscilla Bolin and the Plaintiff, asking why these filings had not appeared on the Public Index, will be submitted as exhibits.
- 6 On June 23, 2025, D.R. Horton filed a Motion for Summary Judgment at 9:30 a.m., and that same day at 4:00 p.m., Judge Murphy denied the Plaintiff's Motion to Reconsider. On June 16, 2025, the Plaintiff had also filed a Motion to Stay Trial, a Motion for New Discovery, and a Motion for Declaratory Judgment to declare Wise Lane a private road. Filing a Motion for Summary Judgment while discovery was incomplete, with pending Motions to Strike, and without answering Interrogatories or producing documents, violates due process rights and undermines the fairness of proceedings.
- 7 These actions demonstrate multiple violations of due process and civil rights, including the right to property and fair court proceedings. Under established law, when due process is violated, the appellate court has the legal authority to grant a Motion to Stay during the appeal process to prevent further harm, consistent with the 14th Amendment, S.C. Const. art. I, § 3, and the court's inherent equitable powers.

For all the reasons stated above, supported by specific rule violations, constitutional protections, and documented evidence, the Appellant/Plaintiff respectfully requests that the South Carolina Court of Appeals recognize these due process and civil rights violations and grant the Motion to Stay pending appeal.

## WISE LANE – REQUIREMENTS FOR PUBLIC ROAD STATUS

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1. Dorchester County Public Works – Operations Division maintains only those roads that have been accepted
2. County policy states that only roads formally accepted by County Council resolution.
3. Wise Lane does not appear in the South Carolina Department of Transportation (SCDOT) statewide
4. If Wise Lane is not in SCDOT's records and no County Council resolution exists accepting it, not public.
5. A recorded plat with a dedication statement is only an offer to dedicate; it does not itself make a public road.
6. Under South Carolina law, an offer to dedicate a road must be formally accepted by the County
7. If the acceptance period expires without action, the offer lapses and the County can no longer accept
8. To accept a road into the County system, the following steps must occur:
  - a. County Council passes a resolution formally accepting the road;
  - b. The road is added to the County road inventory and reported to SCDOT;
  - c. The County assumes maintenance responsibility;
  - d. Proper public records are kept documenting the acceptance.
9. A County or City Council cannot lawfully declare a private road public by resolution alone after the a
10. Declaring a private easement public without proper acceptance procedure and without compensation
11. Any attempt to convert Wise Lane to a public road by vote alone, without meeting statutory require
12. Conclusion: Wise Lane remains a private easement. Absent valid, timely acceptance into the County,

## South Carolina Cases – Road Dedication and Public/County Acceptance

These authorities show situations where dedication was offered and acceptance by a public body or by public use/maintenance was found or discussed, and how that framework supports Wise Lane's private status absent acceptance.

- 1 **1) Helsel v. City of North Myrtle Beach**, 307 S.C. 24, 413 S.E.2d 821 (1992). The Supreme Court recognized street-end areas were properly *accepted* by the City via formal resolutions, confirming that dedication requires an offer plus acceptance.
- 2 **2) Van Blarcum v. City of North Myrtle Beach**, 337 S.C. 446, 523 S.E.2d 486 (Ct. App. 1999). Court explained that a recorded plat can evidence intent to dedicate, but public rights arise only after acceptance—express or implied by public use/maintenance.
- 3 **3) Vick v. S.C. Dep't of Transportation**, 347 S.C. 470, 556 S.E.2d 693 (Ct. App. 2001). No formal acceptance is required, but acceptance must be shown (e.g., by continuous public use or by public authority maintaining/working the road). **How it helps:** Clarifies implied acceptance; without public maintenance or continuous public use, no public road is created.
- 4 **4) Tupper v. Dorchester County**, 326 S.C. 318, 487 S.E.2d 187 (1997). To complete a dedication, there must be an unmistakable intent to dedicate and acceptance by the public; acceptance may be implied but must be proven. **How it helps:** Reinforces that both elements are required
- 5 **5) Richey v. County of Anderson**, 2003-UP-663 (Ct. App. 2003) (unpublished). Discussed acceptance of part of a road and noted acceptance may be implied by a public authority's continuous use, work, and repair. **How it helps:** Shows what implied acceptance evidence looks like—absent for Wise Lane.
- 6 **6) Town of Kingstree v. Chapman**, 405 S.C. 282, 747 S.E.2d 494 (Ct. App. 2013). Summarized South Carolina's two types of implied dedication and reiterated that acceptance can be implied but requires clear evidence. **How it helps:** Confirms the doctrine and evidentiary burden; Wise Lane has no such acceptance record.

**Bottom line:** These cases show how dedication becomes public only with acceptance—by formal council action or by clear, continuous public use/maintenance. None of that exists for Wise Lane, so it remains private.

## South Carolina Case Law - Prescriptive Easement Requirements

### POINT - PRESCRIPTIVE EASEMENT DEFENSE

The Respondent, D.R. Horton, cannot claim a prescriptive easement over Wise Lane under South Carolina law. The following controlling cases show why their claim fails as a matter of law:

1. Horry County v. Laychur, 315 S.C. 364, 434 S.E.2d 259 (1994)

\* Holding: A prescriptive easement requires 20 years of adverse, continuous, and uninterrupted use.

2. Morrow v. Dyches, 328 S.C. 522, 492 S.E.2d 420 (Ct. App. 1997)

\* Holding: Intermittent or occasional use is insufficient; use must be continuous for the statutory period

3. Hall v. Strickland, 372 S.C. 187, 641 S.E.2d 239 (2007)

\* Holding: Use with permission is never adverse, and permissive use cannot ripen into a prescriptive easement unless it becomes clearly hostile.

4. Boykin v. Edwards, 21 S.C. 512 (1884)

\* Holding: Adverse use must be exclusive to the claimant, not shared with the owner or public in a way consistent with ownership.

5. Carter v. Peace, 229 S.C. 346, 92 S.E.2d 520 (1956)

\* Holding: The landowner must have actual or constructive notice of the adverse claim for the full statutory period.

### CONCLUSION:

Under controlling South Carolina precedent, the Respondent cannot establish the 20 years of hostile, open, and continuous use required for a prescriptive easement. Wise Lane remains a private easement under the sole control of the Appellants/Plaintiffs.

## Remedies for Violation of Protected Easements in South Carolina

### Legal Protection of Easements:

Under South Carolina law, easements are legal property rights that cannot be taken, obstructed, or altered without the consent of the easement holder.

- **S.C. Code Ann. § 27-7-10 et seq.** – Establishes the rights of easement holders and remedies for interference.
- **S.C. Code Ann. § 27-7-40** – Prohibits obstruction or interference with lawful easement use.
- **S.C. Code Ann. § 15-53-20** (Declaratory Judgments Act) – Allows a property owner to seek a court declaration of easement rights.
- **S.C. Code Ann. § 15-43-30** – Authorizes injunctions to prevent continuing trespass or interference with an easement.

### Application to Wise Lane:

Wise Lane is a recorded express easement serving the plaintiff's property exclusively. Dorchester County and D.R. Horton have no legal right to alter, use, or obstruct the easement without lawful authority and the plaintiff's consent. Any such action constitutes a trespass and interference under South Carolina law.

### Remedies When Laws Are Violated:

1. **Injunctive Relief** – A court order prohibiting further interference (S.C. Code Ann. § 15-43-30).
2. **Declaratory Judgment** – Judicial confirmation of the easement's validity and exclusive rights of the plaintiff (S.C. Code Ann. § 15-53-20).
3. **Damages for Trespass** – Recovery of financial losses caused by interference (S.C. Code Ann. § 15-32-510).
4. So the Appellant/Plaintiffs has the lawful right to sue for damages and injunction.
5. **Contempt Proceedings** – If a court order protecting the easement is ignored, the violator can be held in contempt (Rule 65, SCRPC).

### Conclusion:

Because Wise Lane is an express easement recorded in the property records, South Carolina law protects it from interference by both private developers and governmental entities without due process. The Appellants/ Plaintiffs is entitled to the remedies listed above when violations occur.

## WINNING THE MOTION TO STAY APPEAL

- 1 There is no doubt that the Appellant/Plaintiff, Attia Elbadawy, will win the appeal in the end and will win this case SC Laws are on his side. Specifically, after the Appellant/Plaintiff filed a motion to recuse and remove Honorable Judge Mattie Murphy from the case, Chief Justice Honorable Judge Diane Goodstein took over the case.
- 2 The Appellant/Plaintiff has proven the key point and the key argument beyond a reasonable doubt by way of documents, credible witnesses, and affidavits from all the neighbors who live on Wise Road, some of whom were born and raised there and have maintained Wise Road.
- 3 Key Point #1: The County never accepted the dedication, and Wise Lane has never been a county road or maintained by the County.
- 4 Key Point #2: No one ever established an easement by prescription on Wise Lane. The public never used the road. (See photos) how the Appellant/Plaintiff built the road and blocked the road since 2018—first by a chain, then by a gate, by a semi-truck, by a semi-truck trailer, by heavy equipment, by having “No Trespassing” signs posted everywhere, and also by police reports. (See neighbor’s affidavit.)
- 5 Key Point #3: Wise Lane is an easement recorded on the Appellant/Plaintiff’s registered deed with Dorchester County Register of Deeds and the First American Title Insurance Company, and the only easement holder left is the Appellant/Plaintiff.
- 6 Key Point #4 The Appellant/Plaintiff improved the land and built the road. (See photos.)
7. The Appellant/Plaintiff will win the case of the Quiet Title Action and the Color of the Deed. Everyone else, such as D.R. Horton, Dorchester County Attorney Bradley Mitchell, and Dorchester County Administrator Jason Ward, are all under default judgment, and the Appellant/Plaintiff has filed the Motion for Default Judgment against each of them.

Therefore, the Appellant/Plaintiff is asking the Court to grant the Motion to Stay. For all the reasons outlined above, and supported by documentary evidence, witness affidavits, and the uncontested defaults of all opposing parties, the Appellant/Plaintiff respectfully submits that the criteria for granting the Motion to Stay are fully satisfied. The balance of equities and the weight of the record show that allowing the stay is necessary to protect the Appellant/Plaintiff rights while this appeal is pending status.

# Statement in Opposition to Defendant's Case Comparisons

## Re: Inapplicability of Kuhn v. Electric Mfg. & Power Co. and Long v. Robinson

The Defendant, D.R. Horton, has cited Kuhn v. Electric Manufacturing & Power Co. and Long v. Robinson in support of their position. However, neither of these cases bear any factual or legal similarity to the matter presently before this Court.

### 1. Kuhn v. Electric Manufacturing & Power Co.

**What the case was about:** In Kuhn, a public utility company sought to use eminent domain to acquire private land for utility lines and infrastructure. The dispute revolved around whether the taking was for a public purpose, and whether proper compensation and procedure had been followed.

**Why it doesn't apply here:**

- Plaintiffs in the present case are not facing condemnation or eminent domain.
- There is no public utility involved.
- No governmental agency has attempted to take the land formally.
- D.R. Horton is a private developer, not a public service provider.
- Plaintiffs were never given any hearing, notice, or compensation, as required in Kuhn.

**Conclusion:** The Kuhn case involved a formal public process under state authority, unlike the present case, where a private corporation is unlawfully using a private road without any authority, permit, or ownership interest.

### 2. Long v. Robinson

**What the case was about:** Long v. Robinson was a federal civil rights lawsuit concerning juveniles being held in adult jails. The plaintiffs challenged their detention under the Eighth and Fourteenth Amendments, citing unconstitutional conditions.

**Why it doesn't apply here:**

- This case has no connection to land use, property rights, easements, or real estate disputes.
- There is no procedural or factual overlap with Plaintiffs' claims about road ownership and due process violations.
- Long is about juvenile incarceration and prison conditions — it is irrelevant to this dispute.

**Conclusion:** Defendant's reliance on Long is entirely misplaced and appears to be an attempt to confuse or distract the Court with unrelated precedent.

### Final Statement:

Plaintiffs respectfully request that the Court disregard both comparison cases cited by Defendant as they are factually and legally unrelated. Neither Kuhn nor Long involve private road disputes, developer misconduct, or any issue of improper access and lack of service as raised in this appeal. These cases provide no legal support for Defendant's position and should be rejected in full.

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# Supplemental Authorities Regarding Road Dedication and Wise Lane's Private Status

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## 1. *Youngblood v. County of Charleston* (2006)

In *Youngblood v. County of Charleston*, the South Carolina Court of Appeals ruled that a road shown on a subdivision plat did not become public without formal dedication and acceptance. The County argued that the road had become public by implication due to its presence on the plat. However, the Court rejected that argument, holding that a road's appearance on a plat alone is not enough. There must be a formal offer to dedicate *and* public acceptance through an official act or consistent maintenance.

**Application to Wise Lane:** This case directly supports Plaintiffs. Wise Lane may appear on a subdivision plat, but there has never been a formal offer to dedicate or public acceptance by Dorchester County. There is no record of county maintenance, resolution, or action. Under *Youngblood*, Wise Lane remains a private road by law.

## 2. South Carolina Code § 6-29-1170

This statute makes clear that simply approving a subdivision plat does not mean that any street, easement, or right-of-way shown on that plat has been accepted by the public or by the county. Public acceptance must occur separately through formal action by the local governing body.

**Application to Wise Lane:** Even if Wise Lane is mapped on a plat, under this statute, it remains private unless Dorchester County has taken clear and formal steps to accept it as a public road. There is no record of such acceptance. Therefore, under § 6-29-1170, Wise Lane is not public.

**Conclusion:** Both *Youngblood* and § 6-29-1170 confirm that Wise Lane has never been dedicated or accepted as a public road. The lack of formal governmental action or public maintenance leaves its status as private, and any claim to the contrary lacks legal support.

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## **Hardin & Tallent v. SCDOT (2007)**

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**Facts & Holding:** The court found that blocking a landowner's access via a road — even if alternative routes existed — caused unique harm and could qualify as a taking. The court emphasized the right to reliable access.

**How It Supports Plaintiffs:** Wise Lane is the Plaintiffs' primary and historic means of access. Any threat to this right causes injury, even if other roads exist. This case reinforces Plaintiffs' right to an injunction based on harm to access and use.

## **Supplemental Authority: South Carolina Code § 6■29■1170**

### **Statutory Principle:**

South Carolina Code § 6■29■1170 provides that the approval of a land development or subdivision plat does *not* automatically constitute acceptance by a municipality, county, or the public of any road, easement, or other dedication shown on the plat. Public acceptance must occur through a separate formal action, such as a county resolution, ordinance, or the initiation of public maintenance.

### **Application to Wise Lane:**

This statute directly supports the Plaintiffs' position regarding Wise Lane. Even if Wise Lane appears on a plat, that appearance alone does not make it a public road. Dorchester County has never taken formal action to accept Wise Lane as a public street—there is no ordinance, resolution, or record of public maintenance. Without this formal acceptance, Wise Lane remains a private road by law.

### **Conclusion:**

Under S.C. Code § 6■29■1170, plat approval is insufficient to convert Wise Lane into a public road. The absence of a formal acceptance action by Dorchester County confirms that Wise Lane is private. This statutory authority directly undermines any claim by D.R. Horton or the County that public use or plat inclusion alone created a public right-of-way.

# The South Carolina Court of Appeals

Attia Elbadawy and Lynne Chatlos, Appellants,

v.

D.R. Horton, Inc., Respondent.

Appellate Case No. 2025-001299

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## ORDER

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On July 18, 2025, Appellants filed a motion to stay the circuit court's May 6, 2025 and June 23, 2025 orders, which respectively denied Appellants' motion for a temporary injunction and/or preliminary injunction and denied Appellants' motion to reconsider the circuit court's order denying Appellant's motion for temporary injunction and/or preliminary injunction. We construe Appellants' motion as a petition for a writ of supersedeas pursuant to Rule 241 of the South Carolina Appellate Court Rules requesting a temporary injunction. Respondent did not file a return. After careful consideration, we impose a temporary injunction and order Respondent to file a return within ten days of the date of this order. *See Smith v. Planned Parenthood South Atlantic*, 2022-001005 and 2022-001062 (S.C. Sup. Ct. Order dated Aug. 17, 2022) ("The purpose of an injunction is to preserve the status quo and prevent possible irreparable injury to a party pending litigation." (quoting *Greenville Bistro, L.L.C. v. Greenville Cnty.*, 435 S.C. 146, 160, 866 S.E.2d 562, 569 (2021))). A reply shall be filed within five days of receipt of the return. The court will consider the petition for a writ of supersedeas upon receipt of the filings.



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FOR THE COURT

Columbia, South Carolina

**FILED**  
**Jul 30 2025**

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## WHY A STAY IS JUSTIFIED – WISE LANE CASE

1. Procedural Violations – Defendants failed to comply with mandatory rules:
  - a. Horton served its opposition memorandum less than one hour before hearing, violating Rule 6(d)
  - b. County and Horton failed to file timely answers in the quiet title action.
  
2. Lack of Legal Authority – No evidence Wise Lane is a public road:
  - a. No County Council resolution accepting Wise Lane within the statutory period.
  - b. Wise Lane does not appear in Dorchester County's road maintenance inventory.
  - c. Wise Lane does not appear in the SCDOT statewide road inventory.
  
3. Irreparable Harm – Opening Wise Lane to D R Horton before resolution of appeal will cause permanent
  - a. Physical alteration and loss of private control cannot be undone.
  - b. Disturbance of long-standing private use and maintenance patterns.
  
4. Likelihood of Success – Strong evidence supports Wise Lane's continued private status.
  - a. No acceptance records.
  - b. Expired 20-year dedication window.
  - c. Absence from all public road databases.
  
5. Preservation of Status Quo – Granting the stay maintains current conditions until the legal questions
  - a. Prevents irreversible harm.
  - b. Avoids unnecessary conflict and expense.

Conclusion: The stay is necessary to prevent irreparable harm, uphold procedural integrity, and maintain the private recorded easement.

Date:

Attia Elbadawy: 

Lynne Chatlos: 

# EXHIBIT # 1

Fw: Attia Elbadawy

From: Andy Garsea (ala\_international@yahoo.com)  
To: ala\_international@yahoo.com  
Date: Sunday, November 10, 2024 at 01:49 PM EST

ALA International

— Forwarded Message —  
From: Andy Garsea <ala\_international@yahoo.com>  
To: Christopher L Hill <clhill1@drhorton.com>  
Sent: Tuesday, July 30, 2024 at 09:07:46 PM EDT  
Subject: Re: Attia Elbadawy

Hey Chris,

I received your email  
Regarding damage to the ditches caused by your machine,  
Dorchester County is not responsible for repairing/fixing.  
It is my responsibility.  
Since you have chosen to compensate us for all of this,  
That is fine with us.  
Now we would like you to have a D. R. Horton lawyer draw up a contract,  
So, all parties: can agree, sign it, and move forward.  
Please email the contract so that I can look it over.  
Thank you

Attia Elbadawy

ALA International

Last Email  
from the  
Plaintiffs  
To the  
Defendant  
CHRIS HILL  
  
Failed 2nd time  
to secure a  
Contract to  
Cover Compensation  
to the plaintiffs  
CHRIS HILL  
NEVER REPLY BACK

I know you tried to apologize to me on the phone, but it cannot be accepted because, of the above-violated statements.

If you need to use the road for your project (water/sewer) your company will have to compensate me for all the hard work/time I put into developing that road.

That was NEVER even a road before I cleared it myself and made it usable.

If you are willing to discuss this financial matter,

Please contact me so we can set up a date/time to talk further.

Thank you

Attia Elbadawy

843-641-8556

*ALA Internationale hard work/time*

On Tuesday, June 25, 2024 at 01:51:14 PM EDT, Andy Garsea <[ala\\_international@yahoo.com](mailto:ala_international@yahoo.com)> wrote:

Hi Chris,

Hope you're having a great day

Charleston, SC 29492

m: 843.855.2176

o: 843.284.5000

Home for every stage in life. | D.R. Horton · Express · Emerald · Freedom

**From:** Andy Garsea <[ala\\_international@yahoo.com](mailto:ala_international@yahoo.com)>  
**Sent:** Monday, July 29, 2024 3:06 PM  
**To:** Christopher L Hill <[CLHill1@drhorton.com](mailto:CLHill1@drhorton.com)>  
**Subject:** Re: Attia Elbadawy

[External]

Good afternoon, Chris,

I noticed you tried to call me

The violations that occurred last Friday morning July 26, 2024, is Not Acceptable and should never have happen.

Disrespecting my wife, privacy, home, and land, and the weather that day was a rainy mess

To me, my rights have been violated

You broke the trust and your word

For your company to use the road I built, it took over 4 years of hard labor to build and I'm responsible for maintaining it., and to be so irresponsible,

to rip it apart, and that is the only way to get out of my home, blocking me in.

By carelessly sending over a heavy excavator on a rainy day, it DESTROYED the road and uprooted trees along the road, which I'm responsible for maintaining.

and not to even inform me what was to happen that day., is not right.

To me, my civil rights have been violated

RE: Attia Elbadawy

From: Christopher L Hill (chill1@drhorton.com)

To: ala\_international@yahoo.com

Date: Monday, June 17, 2024 at 02:08 PM EDT

Good afternoon Attia, I appreciate the email. We can add some D.R. Horton signs but I want to make sure we have the private road vs public road clear. Attached is an email from Dorchester County's Public Works Principal Engineer. Mr. Derek McCoy states that Wise Road is public but privately maintained. What this means is the right of way is Dorchester County's Right of Way. The right of way on Wise Road is public. Wise road is privately maintained. I do not believe a "Contract of Liability" is necessary because the right of way is public. The construction BMPs in place and the SWPPP Shelter at the front of the site shows an active construction site and only authorized personnel should access the site. What type of barrier to block access to Wise Lane are you thinking? Wise Lane will have to be accessed for construction purposes. Also, a gate going up over the water and sewer lines will need to be accepted and approved by DCWA and DCWS. Please let me know if you have any questions.

Thanks,

**D·R·HORTON**  
*America's Builder*



**Chris Hill**  
Land Development Manager

D.R. HORTON  
2057 Wambaw Creek Rd  
Charleston, SC 29492  
m: 843.855.2176  
o: 843.284.5000

Home for every stage in life. | D.R. Horton · Express · Emerald · Freedom

From: Andy Garsea <ala\_international@yahoo.com>  
Sent: Sunday, June 16, 2024 1:20 PM  
To: Christopher L Hill <CLHill1@drhorton.com>  
Subject: RE: Attia Elbadawy

[External]

Hi, Chris, hope you're having a great weekend.

We wanted to just let you know that we've noticed. Quite a few people riding 4 wheelers/walking on the land where the 73 homes are going to be built and they've been trying to access our private road. We had to stop them. Maybe if you could do something on your end that would help stop people from coming on the private road would be great. Maybe some extra signs. I'm sure you don't want them over there. Where they are not supposed to be, somebody could get hurt and cause a lot of headaches.

RE: Attia Elbadawy

From: Andy Garsea (ala\_international@yahoo.com)

To: CLHill1@drhorton.com

Date: Sunday, June 16, 2024 at 01:20 PM EDT

6/16

Hi, Chris, hope you're having a great weekend.

We wanted to just let you know that we've noticed. Quite a few people riding 4 wheelers/walking on the land where the 73 homes are going to be built and they've been trying to access our private road. We had to stop them. Maybe if you could do something on your end that would help stop people from coming on the private road would be great. Maybe some extra signs. I'm sure you don't want them over there. Where they are not supposed to be, somebody could get hurt and cause a lot of headaches.

Also, we would like your lawyer to draw up a simple "Contract of Liability", saying if any workers/staff/etc get hurt/injured on my private road, we will not be held liable for the incident/accident. ~~We would like to receive the paperwork before work begins,~~ the contract can be emailed to us from the lawyer, E sign most firms use now a days, to speed up the process and not hold up the project.

And when your team dismantles the black metal Gate, we would like some type of barrier to block access to Wise Lane until the Gate is properly placed back in working order.

Please don't hesitate to reach out to me, With any questions or concerns

Thanks again  
Attia Elbadawy  
843 641-8556

Yahoo Mail: Search. Organize. Conquer

On Tue, Jun 11, 2024 at 12:22 PM, Christopher L Hill  
<CLHill1@drhorton.com> wrote:

Good morning, I will keep you in the loop but just want to make sure we keep all email chains together. I'm happy to hear you are ok with us removing the gate to install the water and sewer main that will go down your road. I also will have some trees cleared in preparation for these utilities to go in the ground. We will put the gate back and clean up after ourselves, but I also want to let you know that we will need DCWS and DCWA's approval because they will have their lines under the gate. Please let me know if you have any questions.

Thanks,

**D-R-HORTON**  
*America's Builder*

Chris Hill  
Land Development Manager

D.R. HORTON



2057 Wambaw Creek Rd

Charleston, SC 29492

m: 843.855.2176

o: 843.284.5000

Home for every stage in life. | D.R. Horton · Express · Emerald · Freedom

**From:** Andy Garsea <ala\_international@yahoo.com>  
**Sent:** Monday, June 10, 2024 10:42 PM  
**To:** Christopher L Hill <CLHill1@drhorton.com>  
**Subject:** Attia Elbadawy

[External]

Hello Chris,

It was great to have time to talk with you today,

Please keep us in loop of the projects developments

- - Here is my cell. 843 641 8556

We will stay in touch with you

Thanks

Attia Elbadawy

843 641 8556

[Yahoo Mail: Search, Organize, Conquer](#)

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

**D.R. Horton Development**

From: Christopher L Hill (chill1@drhorton.com)  
To: ala\_international@yahoo.com  
Date: Monday, June 10, 2024 at 04:08 PM EDT

Good afternoon Atia, it was good talking to you earlier this afternoon. You now have my contact and feel free to reach out to me with any questions or concerns. I appreciate your understanding regarding the gate crossing the road. I'm happy to hear you are ok with us removing the gate to install the water and sewer main that will go down your road. I also will have some trees cleared in preparation for these utilities to go in the ground. We will put the gate back and clean up after ourselves, but I also want to let you know that we will need DCWS and DCWA's approval because they will have their lines under the gate. Please let me know if you have any questions.

Thanks,



**Chris Hill**  
Land Development Manager

**D.R. HORTON**  
2057 Wambaw Creek Rd  
Charleston, SC 29492  
m: 843.855.2176  
o: 843.284.5000

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843 641 8556

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[External]

Richie - See email chain below.

Ann - Water and Sewer are going in the ROW... We need access to Wise Lane for Sewer Access, which is provided by DCWS. If the ROW is owned by the County but privately maintained it sounds like a home owner has place a gate on a Public ROW to prevent access.

Mike/Jason - Can you have someone from Public Works remove this gate? If not do you have a recommendation on a path forward? I am not an attorney but if the county owns the ROW I would think they have the authority to remove the gate.

**From:** Ann Marie Chadeayne <achadeayne@dorchestercountysc.gov>

**Sent:** Thursday, May 30, 2024 9:23 AM

**To:** Derek M. McCoy <DMcCoy@dorchestercountysc.gov>; Water and Sewer Engineering <WSENG@dorchestercountysc.gov>

**Cc:** Christopher L Hill <CLHill1@drhorton.com>; Kizer, Bryan <Bryan.Kizer@stantec.com>; Jared Michael Williamson <JMWilliamson@drhorton.com>; jred@hbnext.com

**Subject:** RE: Evolve Project 9306: DV Timbers Subdivision - Wise Rd Issue

You don't often get email from achadeayne@dorchestercountysc.gov. [Learn why this is important](#)

The water in this area belongs to Dorchester Water Authority. Sorry we can't help.

Regards,



Ann Marie Chadeayne

**From:** Derek M. McCoy <DMcCoy@dorchestercountysc.gov>

**Sent:** Thursday, May 30, 2024 8:45 AM

**To:** Water and Sewer Engineering <WSENG@dorchestercountysc.gov>

**Cc:** Christopher L Hill <CLHill1@drhorton.com>; Kizer, Bryan <Bryan.Kizer@stantec.com>; Jared Michael Williamson <JMWilliamson@drhorton.com>; jred@hbnext.com

**Subject:** Evolve Project 9306: DV Timbers Subdivision - Wise Rd Issue

Water & Sewer Teammates;

I wanted to make you aware of an issue that was brought to my attention at a Pre-Construction Meeting DCPW had yesterday for this project. I attached a sheet from the sewer plan and profiles as a reference.

It appears that the sewer is being extended from a MH off Weir St (County Maintained) through Wise Road (Public but Privately Maintained). While marking limits of disturbance the contractor found that a gate had been put up across Wise Road so they could not access it from Weir Rd. Although Wise Rd was platted as a Public Right of Way, it is not maintained by the County so we are unable to help. With water also being within this ROW, I'm hoping that you might know of a way to address this issue.



Derek M. McCoy, PE  
Principal Engineer

Dorchester County  
2120 East Main St. Dorchester, SC 29437  
Office: (843) 970-1828  
Email: [DMcCoy@dorchestercountysc.gov](mailto:DMcCoy@dorchestercountysc.gov)



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INTERNAL  
EXPOSING EMAIL

• From: Andy Garsea <ala\_international@yahoo.com>  
Sent: Monday, June 10, 2024 10:42 PM  
To: Christopher L Hill <CLHill1@drhorton.com>  
Subject: Attia Elbadawy

• [External]

• Hello Chris,

- It was great to have time to talk with you today,
- Please keep us in loop of the projects developments
- Here is my cell. 843 641 8556

• We will stay in touch with you

• Thanks

• Attia Elbadawy

• 843 641 8556

• [Yahoo Mail: Search, Organize, Conquer](#)

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• [External]

• Richie -- See email chain below.

• Ann - Water and Sewer are going in the ROW.. We need access to Wise Lane for Sewer Access, which is provided by DCWS. If the ROW is owned by the County but privately maintained it sounds like a home owner has place a gate on a Public ROW to prevent access.

• Mike Jason - Can you have someone from Public Works remove this gate? If not do you have a recommendation on a path forward? I am not an attorney but if the county owns the ROW I would think they have the authority to remove the gate ..

• From: Ann Marie Chadeayne <achadeayne@dorchestercountysc.gov>

Sent: Thursday, May 30, 2024 9:23 AM

To: Derek M. McCoy <DMcCoy@dorchestercountysc.gov>; Water and Sewer Engineering <WSENG@dorchestercountysc.gov>

Cc: Christopher L Hill <CLHill1@drhorton.com>; Kizer, Bryan <Bryan.Kizer@stantec.com>; Jared Michael Williamson <JWilliamson@drhorton.com>; jred@hbnext.com

Subject: RE: Evolve Project 9306: DV Timbers Subdivision - Wise Rd Issue



• You don't often get email from achadeayne@dorchestercountysc.gov. Learn why this is important

• The water in this area belongs to Dorchester Water Authority. Sorry we can't help.

At the beginning  
Defendants  
+ Dorchester CO  
seem to be  
trying to remove  
my gate take  
over my private  
driveway  
WISE LANE

## Wise Road

From: Harper, Thomas (tom.harper@wbd-us.com)  
To: ala\_international@yahoo.com  
Date: Thursday, September 5, 2024 at 08:27 AM EDT

Mr. Elbadawy:

My name is Tom Harper and I am the attorney for D.R. Horton, Inc. I have been speaking in recent days with Landon Brock about the Wise Road dispute, but Landon told me yesterday that his firm no longer represents you. I would like to speak with you or your new attorney this week if possible, just so I can understand what it is that you are seeking. I think Landon probably communicated to you that my client needs to make progress on its installation of this infrastructure in the Wise Road right-of-way in the next few days. I am really not trying to sound threatening here, but we are going to have to take legal action against you if we cannot work through this in the next few days, which nobody wants to do. But we cannot just let things stay as they are. So before we all waste a lot of money on litigators – I'm a real estate lawyer, not a trial lawyer – I would at least like to understand what you are wanting here so that we can see if there's a resolution. That may be possible, but I can't know until you tell us what you're asking for.

Would you mind either giving me a call, or telling me a time that's convenient for me to call you? My number is 843-720-4648. Of course, if you have engaged counsel in this matter, please let me know that first and foremost, and I will direct my communications to that person.

Thank you.

Tom

**Thomas L. Harper, Jr.**  
Partner  
Womble Bond Dickinson (US) LLP

d: 843-720-4648  
e: [Tom.Harper@wbd-us.com](mailto:Tom.Harper@wbd-us.com)

5 Exchange Street  
PO Box 999 (29402)  
Charleston, SC 29401

**WOMBLE  
BOND  
DICKINSON**

[womblebonddickinson.com](http://womblebonddickinson.com)



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STATE OF SOUTH CAROLINA **CERTIFIED COPY**

IN THE COURT OF COMMON PLEAS  
JUDICIAL CIRCUIT

COUNTY OF DORCHESTER **2025 AUG 11 PM 1:00**

CASE NO.: 2025 -CP- 18 - 01527

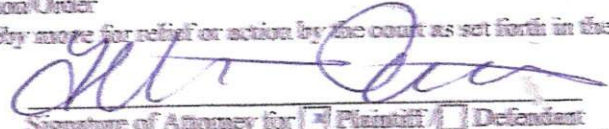
ATTIA ELBADAWY

*Cheryl Graham*  
CLERK OF COURT

DORCHESTER COUNTY

vs. DR. HORTON, INC.

Defendant.

Plaintiff's Attorney: <u>PRO SE</u> , Bar No. _____ Address: <u>453 WISE ROAD, SUMMERVILLE, SC 29483</u> Phone: <u>843-641-8556</u> Fax _____ E-mail: <u>ala_international@yahoo.com</u>	Defendant's Attorney: <input checked="" type="checkbox"/> Dorchester County Attorneys Office, Bar No. _____ Address: <u>201 JOHNSON STREET, ST. GEORGE, SC 29477</u> Phone: <u>843-563-0103</u> Fax _____ E-mail: _____ Other: _____
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information Nature of Motion: <u>MOTION FOR ENTRY OF DEFAULT JUDGEMENT - QUIET TITLE ACTION</u> Estimated Time Needed: <u>15 MINUTES</u> Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	
SECTION II: Motion/Order Type <input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.  Signature of Attorney for <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant Date submitted: <u>August 11, 2025</u>	
SECTION III: Motion Fee <input checked="" type="checkbox"/> PAID - AMOUNT: \$ 25.00 <input type="checkbox"/> EXEMPT: (check reason) <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP) <input type="checkbox"/> Proposed order submitted at request of the court, or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input type="checkbox"/> Other: _____	
JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____, 2025
CLERK'S VERIFICATION Collected by: _____ Date Filed: _____, 2025	
<input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	

CERTIFIED COPY

2025 AUG 11 PM 1:00

STATE OF SOUTH CAROLINA  
DORCHESTER COUNTY

*Cheryl Staben*  
CLERK OF COURT  
DORCHESTER COUNTY

COURT OF COMMON PLEAS

CASE No:2025-1801527

Attia Elbadawy,  
Plaintiff,  
vs.

MOTION FOR DEFAULT JUDGMENT  
QUIET TITLE ACTION

Defendant.

*DORCHESTER COUNTY*

*D.R. HORTON, INC*

Dorchester County Administrator  
Jason Ward  
201 Johnson Street  
St. George, SC 29477

Plaintiff  
Attia Elbadawy  
493 Wise Road  
Summerville, SC 29483

Plaintiff, Attia Elbadawy, pursuant to Rule 55 of the South Carolina Rules of Civil Procedure, moves for the entry of default judgment against Defendant Jason Ward Dorchester County Administrator in the above-captioned matter.

1. This is an action to quiet title to certain real property located in Dorchester County, South Carolina.
2. The Summons and Complaint were served upon Defendant on July 11, 2025, at 11:48 AM, at 201 Johnston Street, St. George, SC 29477, by the Dorchester County Sheriff's Department.
3. More than thirty (30) days have elapsed since service, and Defendant has failed to answer or otherwise appear as required by law.
4. Plaintiff is entitled to entry of default and default judgment pursuant to Rule 55, SCRPC.

WHEREFORE, Plaintiff respectfully requests that this Court enter default judgment in favor of Plaintiff and grant such other relief as the Court deems just and proper.

Respectfully submitted,

Attia Elbadawy

Plaintiff, Pro Se

493 Wise Road

Summerville, SC 29483

(843) 641-8556

ala\_international@yahoo.com



SOUTH CAROLINA  
DORCHESTER COUNTY


COURT OF COMMON PLEAS  
CASE No: 2025-CP-1801527

Attia Elbadawy  
Plaintiff,  
V.  
D.R. Horton, Inc  
Defendants,  
AND  
Dorchester County,  
Defendants,

PROOF OF DELIVERY

FILED-REC'D  
2025 JUL 14 PM 3:02  
CHERYL GRAHAM  
CLERK OF COURT  
DORCHESTER COUNTY

Dorchester County Administrator's Office  
Jason Ward  
201 Johnson Street  
St. George, SC 29601

  
ATTIA ELBADAWY  
493 Wise Road  
Summerville, SC 29483  
843-641-8556  
ala\_international@yahoo.com

**DORCHESTER COUNTY SHERIFF'S OFFICE**

**Sam Richardson, Sheriff**

101 Ridge Street  
Suite 1  
Saint George, SC 29477



FILED-REC'D

2025 JUL 14 PM 3:02

CHEYL GRAHAM  
CLERK OF COURT  
DORCHESTER COUNTY

**STATE OF SOUTH CAROLINA  
COUNTY OF DORCHESTER**

**ATTIA ELBADAWY**  
PLAINTIFF(s)

Case Number: 2025CP181527

vs

**D R HORTON AND DORCHESTER COUNTY**  
DEFENDANT(s)

**AFFIDAVIT OF SERVICE**

**SERVICE OF:** JASON WARD, COUNTY ADMINISTRATOR  
201 JOHNSTON STREET  
ST GEORGE, SC 29477 [Work Address]

**COURT:** DORCHESTER COUNTY COMMON PLEAS

PERSONALLY comes the undersigned, who says on oath that on the 11th day of July, 2025, at 12:52 PM, he/she served the AFFIDAVIT, CEASE AND DESIST UNAUTHORIZED USE, CERTIFICATE OF SERVICE CEASE AND DESIST UNAUTHORIZED USE, CERTIFICATE OF SERVICE MOTION FOR INJUNCTIVE RELIEF WITH QUITE TITLE ACTION, CERTIFICATE OF SERVICE SUMMONS AND COMPLAINT TO QUITE TITLE, CIVIL ACTION COVERSHEET, COMPLAINT TO QUIET TITLE, EXHIBITS, MEMORANDUM OF LAW IN SUPPORT, MOTION AND ORDER INFORMATION FORM AND COVER SHEET, MOTION FOR INJUNCTIVE RELIEF, NOTARY VERIFICATION SUMMONS AND COMPLAINT TO QUIET TITLE, NOTICE OF MOTION, PETITION AND MOTION FOR A PROTECTIVE ORDER, QUIET TITLE ACTION, SUMMONS on JASON WARD, COUNTY ADMINISTRATOR by delivering unto JASON WARD, COUNTY ADMINISTRATOR, at DORCHESTER COUNTY SERVICES BUILDING, 500 N. MAIN STREET, SUMMERVILLE, SC 29483 personally copy(ies) thereof. Service of process was made in accordance with applicable statutes and the Rules of Civil Procedures in effect at the time of service. PERSON SERVED IS NOT A MEMBER OF THE UNITED STATES ARMED FORCES.

**Notary Statement**

SWORN to before me on this the 11th day of July, 2025.

*[Signature]*  
Notary Public For The State of South Carolina

My Commission Expires 3/3/2027

*[Signature]*  
TED STANFIELD  
N.D. #352

