THE SOUTH CAROLINA COURT OF APPEALS

Charles Willis Gardner, Respondent,

v.

Taylor Reuben Adams, and Beaufort County, South Carolina, Defendants,

of which Taylor Reuben Adams is the Appellant,

AND

Beaufort County, South Carolina is a Respondent,

Appellate Case No. 2024-001053

RECEIVED
AUG 18 2025
SC Court of Appeals

The Honorable Marvin H. Dukes, III
Beaufort County
Trial Court Case No.

FINAL BRIEF OF APPELLANT TAYLOR REUBEN ADAMS

August 13, 2025

Terry A. Finger, S.C. Bar No. 2012
FINGER, MELNICK, BROOKS & LABRUCE, P.A.
Post Office Box 24005
Hilton Head Island, SC 29925-4005
Telephone: (843) 681-7000
Email: tfinger@fingerlaw.com
Attorney(s) for Appellant Taylor Reuben Adams

TABLE OF CONTENTS

TABLE OF AUTHORITIES 3
STATEMENT OF ISSUES ON APPEAL 4
STATEMENT OF THE CASE 5
STANDARD OF REVIEW 7
AGRUMENTS

1. The Lower Court erred in relying entirely on the Quiet Title Action and the unpublished opinion of the South Carolina Court of Appeals dated April 27, 2022 and ignoring the uncontradicted evidence that Appellant owned the 30-foot road and Boat ramp...8

2. Beaufort County is bound by the written and verbal assertions of its administrators and agents and its own documents that show the County has never owned or maintained the 30-foot road or boat ramp..9

3. The only evidence from the deeds, plats, and testimony proved that Appellant owned the 30-foot road and boat ramp...11

4. The Lower Court Order erred by not granting Appellant relief on his Counterclaims...13

CONCLUSION..14

TABLE OF AUTHORITIES

Cases

Carolina Chloride v. Richland County, 394 S.C. 223, 714 S.E.2d 869 (2011).........................10

Corley v. Ott, 326 S.C. 89, 486 S.E.2d 97 (1997) 640 S.E.2d, 495 (Ct. App. 2006)....................7

Denman v. City of Columbia, 387 S.C. 131, 691 S.E.2d 465 (2010).....................................7

Judy v. Martin, 381 S.C. 455, 674 S.E.2d 151 (2009)...7

Kiriakides v. Atlas Food Sys. & Servs., Inc., 338 S.C. 572, 527 S.E.2d 371 (Ct. App. 2000)..........7

Northernaire Productions, Inc. v. Crow Wing County, 309 Minn. 386, 244 N.W.2d 279 (Minn76)...10

Quail Hill, LLC v. Richland County, 387 S.C. 223, 692 S.E.2d 499 (2010).........................10

Temple v. Tec-Fab, Inc., 381, S.C. 597, 675, S.E.2d 414 (2009)......................................7

Wright v. Craft, 372 S.C.1, 640 S.E.2d 495 (Ct. App. 2006)...7

STATEMENT OF ISSUES

I. Was the Lower Court correct in ruling that the 1990 Quiet Title and the unpublished Opinion of the South Carolina Court of Appeals dated April 27, 2022 placed ownership with Beaufort County and giving no regard to evidence at trial?

II. Is Beaufort County bound by the written and verbal assertions its own administrators, agents, and documents that show it never owned or maintained the 30-foot road in question?

III. Did the evidence from the deeds, plats, and testimony prove that Appellant owned the road and boat ramp?

IV. Did the Lower Court err in not granting Appellant the relief sought in his counterclaims?

STATEMENT OF THE CASE

Plaintiff, Charles Willis Gardner ("Gardner") brought this action on October 12, 2017. Gardner alleged Appellant, Taylor Ruben Adams ("Adams"), was trespassing upon property that Gardner owned. Gardner further alleged Appellant was converting property and requested an injunction and restraining order. (R. p. 196).

Appellant filed an answer and counterclaim alleging he was the owner of the property and asserted various counterclaims asserting Gardner had engaged in a consistent pattern of trespass and harassment and claimed Gardner's action violated the South Carolina Frivolous Civil Proceedings Sanctions Act. (R. p. 206).

Aside from the harassment claims, the main issue was the ownership of the 30-foot road and boat ramp. Ownership would resolve most issues between Gardner and Appellant. Appellant filed a motion for Partial Summary Judgment. Partial Summary Judgment was granted on July 10, 2018. (R. p. 3). Gardner's Motion for Reconsideration was denied by the Lower Court on August 9, 2018. (R. p. 7). Gardner timely filed an appeal to the Order Granting Partial Summary Judgment.

The South Carolina Court of Appeals, in an unpublished opinion dated April 27, 2022 Reversed in Part, Vacated in Part, and Remanded the case to the Lower Court. (R. p. 30).

After the remand, Beaufort County ("County") moved to Intervene on July 27, 2022. (R. p. 122). Gardner switched attorneys and filed an Amended Complaint on May 10th, 2023. (R. p. 214). The Amended Complaint had the following causes of action:

1. Declaratory Judgment that Gardner had the right to use the 30-foot road, Appellant had no right to trespass on Gardner's property and attorney fees under the Declaratory Judgment statute;

2. Trespass;

3. Nuisance; and

4. Injunction.

The County's Motion was eventually granted and the County filed an Answer, Counterclaim, and Cross claim on June 5, 2023. (R. p. 233).

Appellant filed an Answer and Counterclaim to the Amended Complaint and to the County's Cross-Claim. The Counterclaims against Gardner were for trespass and harassment damages, South Carolina Frivolous Civil Procedures Sanction Act, damages for interference with quiet enjoyment and invasion of privacy, nuisance, and an injunction to prohibit harassment.

County filed a Motion for Summary Judgment dated June 26, 2023 seeking ownership of the property. (R. p. 184). That Motion was denied by Order dated July 27, 2023. (R. p. 52). The County's Motion to Reconsider was denied by a Form 4 Order. (R. p. 55).

The case was tried non-jury on January 22, 2024, January 23, 2024 and February 5, 2024. The Lower Court took the matter, including post-trial motions under advisement. The Lower Court issued a Final Order on April 5, 2024 ruling that the County owed the 30-foot road and boat ramp, required Appellant to remove a fence and drain field, ruled that Gardner's declaratory judgment relief was moot, and denied all other relief sought by Gardner and Plaintiff. (R. p. 67). Appellant's Motion for Reconsideration was denied on May 29, 2024. (R. p. 84).

Appellant timely appealed the Order of the Lower Court. No appeals were filed by Gardner or the County.

STANDARD OF REVIEW

"When legal and equitable actions are maintained in one suit, the court is presented with a divided scope of review, and each action retains its own identity as legal or equitable for purposes of review on appeal." *Wright v. Craft*, 372 S.C. 1, 17, 640 S.E.2d 486, 495 (Ct.App.2006). "The proper analysis is to view the actions separately for the purpose of determining the appropriate standard of review." Id. at 17–18, 640 S.E.2d at 495.

In this case there are both equitable and legal claims. The Declaratory Judgments for an injunction concerning harassment are equitable claims. The easement, ownership of the 30-foot road, and damages are legal claims.

The standard of review depends upon the nature of the underlying issues. *Judy v. Martin,* 381 S.C. 455, 458, 674 S.E.2d 151, 153 (2009). "In an action at law tried without a jury, an appellate court's scope of review extends merely to the correction of errors of law." *Temple v. Tec-Fab, Inc.*, 381 S.C. 597, 599-600, 675 S.E.2d 414, 415 (2009). This Court will not disturb the trial court's factual findings unless they are without evidence reasonably supporting those findings. Id. In equitable actions, an appellate court may find facts in accordance with its own view of the preponderance of the evidence. *Denman v. City of Columbia*, 387 S.C. 131, 140, 691 S.E.2d 465, 470 (2010). "When legal and equitable actions are maintained in one suit, each retains its own identity as legal or equitable for purposes of the applicable standard of review on appeal." *Kiriakides v. Atlas Food Sys. & Servs., Inc.*, 338 S.C. 572, 580, 527 S.E.2d 371, 375 (Ct. App. 2000) (citing *Corley v. Ott,* 326 S.C. 89, 92, n.1, 485 S.E.2d 97, 99, n.1 (1997)).

ARGUMENT

1. The Lower Court erred in relying entirely on the Quiet Title Action and the unpublished opinion of the South Carolina Court of Appeals dated April 27, 2022 and ignoring the uncontradicted evidence that Appellant owned the 30-foot road and Boat ramp.

The Opinion of the Court of Appeals dated April 27, 2022 (the "Opinion") was based upon the record before it. The Opinion, in various places, states that Appellant did not provide a deed from Howard or Howard's successors to the Circuit Court. Footnote 4 to the Opinion states that plats and deeds referenced in the Judge Kemmerlin order were not provided to the Circuit Court and thus were not part of the record on appeal in the prior appeal. (R. p. 33). The Opinion further noted "At the hearing, Gardner noted Adams provided no attachments to support his motion…" (R. p. 34). The Opinion strongly noted that: (1) "We agree that the circuit court's order is unsupported by the record." (2) "We agree with Gardner that Adams failed to establish he was in fact the owner of the Howard Property or the road or the boat ramp." (3) "the only items in the record…did not provide proof necessary to support the Circuit Court's findings of ownership…." and (4) Nor does a review of the submitted materials support the circuit court's conclusion that title to the road had been quieted in Howard."(R. pp. at 35, 36, 36, 38).

Each of these statements clearly show that the decision of the Court of Appeals was based upon only the record that was made at the time of the Summary Judgment hearing. The Opinion did not preclude Appellant from building a full record at trial.

The Order of the Lower Court dated July 27, 2023 (R. p. 52) that denied the Summary Judgement Motion of the County stated "It would be error for me to rely on the Unpublished Opinion as precedent in this case. Such reliance would be required for me to grant County's motion as the balance of evidence in this case includes conflicting material facts." (R. p. 52).

The Lower Court Order cites the Opinion and states "a factual dispute persists as to the road and boat ramp…." R. p. 69). After making such a clear statement in this order, the Lower Court, without any explanation or notice to the parties during the trial, ignored its prior ruling and based its final Order on the unpublished Opinion. The Lower Court should have thoroughly reviewed the evidence on the ownership of the property instead of relying solely on the unpublished Opinion. This is particularly true since the County was not a party to the Quiet Title action or this action until after the Opinion ordered a remand.

2. **Beaufort County is bound by the written and verbal assertions of its administrators and agents and its own documents that show the County has never owned or maintained the 30-foot road or boat ramp.**

The Lower Court is in error by ruling the following are not binding:

(1) A letter from Eric Klatt, County Right of Way Manager, that states "the property depicted on the Beaufort County tax map as a private section of Warsaw Road is not a public road. It is neither owned by, nor has it ever been maintained by, Beaufort County." (R. p. 777).

(2) A list of County boat ramps does not list this boat ramp. (R. p. 533). [1]

(3) The County GIS map lists the 30-foot road as private. (R. p. 285).

[1] Appellant believes there is a typo/missing work on Page 8 (first full paragraph) of the Lower Court Order. This paragraph states "Adams also introduced a list of public boat ramps produced by the County which did contain the Warsaw Island Boat Landing." The list introduced did not contain the Warsaw Island Boat Landing.

(4) The County Deputy Administrator told an expert witness the County did not own the road. (R. pp. 497-498).

(5) A letter from the County Zoning and Development Administrator that Appellant owned 1.49 acres. (R. pp. 527-529).

These five points/pieces of evidence are referred to below as the five (5) pieces of evidence or five (5) points.

Ownership of a road is a matter of law. The Lower Court states that a government employee's "misrepresentation as to such matters does not bind the government body." In this case, there is no evidence of any misrepresentation on any of the five points immediately above.

The Lower Court's reliance on *Carolina Chloride, Inc. v Richland County*, 394 S.C. 223, 714 S.E.2d 869 (2011), *Quail Hill, LLC v. Richland County*, 387 S.C. 223, 692, S.E.2d 499 (2010), and similar cases is misplaced. Those cases involved a zoning representation. These landowners were entitled to and should have reviewed the tax maps and to legally determine the correct zoning classification. In this case, there is no deed, donation, or condemnation that places title to the 30-foot road and boat ramp in the County's name, i.e. nothing to examine.

In *Quail Hill and Carolina Chloride*, the landowner did not check the zoning records which would have answered the legal question of how the property was zoned. Richland County asserted that zoning designations are legal, not factual issues and that Carolina Chloride had no justifiable right to rely on an incorrect zoning designation from a County official.

The cases cited by the Lower Court, including *Northernaire Productions, Inc. v. Crow Wing County*, 309 Minn. 386, 244 N.W.2d 279 (Minn. 1976) do not apply to this case. They do not give the Lower Court the ability to ignore the five (5) County pieces of evidence. In

Northernaire, the question was whether county officials may be held liable in damages when they negligently mispresent the legal requirements of their zoning ordinances to members of the public who rely on that misrepresentation Id. The Minnesota Supreme Court held that county officials are not liable for a misrepresentation.

In this case the County did not argue that any of the five (5) points above were misrepresentations. They could not be misrepresentations because there is no deed ever showing the County owned the road. In fact, the 1976 plat, Plaintiff's Ex.2 (R. pp. 269-272) confirms private ownership of the road.

If there was a deed granting the County this 30-foot road and boat ramp, then the Lower Court's reliance on "misrepresentations" would be correct. However, there is no deed to the County, and the County has never asserted ownership until July, 2022 when it filed a Motion to Intervene.

3. The only evidence from the deeds, plats, and testimony proved that Appellant owned the 30-foot road and boat ramp.

Three parties in this lawsuit claimed title to the 30-foot road and boat ramp. At trial, Gardner conceded that he did not own the road. That left the ownership dispute between Appellant and the County.

The county called no witnesses at the trial. No deeds, donation, or condemnation to the County were introduced by any party. The County did not refute, contradict, or even cross examine on the Eric Klatt letter, boat ramp listings, public private road GIS data, the testimony that a Deputy County Administrator told one of Gardner's expert witnesses that the County did not own the road, or the County Development Directors stating Appellant owned 1.49 acres. The County could have

called any of its administrators, agents, or employees to explain or refute the five (5) points and chose not to.

The title was traced back to 1946. There is no evidence in the Register of Deeds that the County had title or claimed title through any conveyance, donation, or condemnation.

Gardner presented two expert witnesses, both local surveyors. David Youmans testified that on the 1976 original plat, it was not a County Road. (R. pp. 443-444). Youman's gave no opinion as to who owned the 30-foot road. (R. p. 755).

Gardener's second expert witness, David Gasque, stated that surveyors use physical evidence. (R. 481). The legal description in the deeds are "horrible" (R. p. 480), and that the stated acreage in the deed is the least important part of the property description. (R. pp. 482, 490). Gasque gave the opinion that Appellant owned the road. (R. p. 493). Gasque further testified he met with the Deputy County Administrator on site and the Administrator "acknowledged the County did not own it." (R. p. 497). The Deputy County Administrator was an attorney, and the Deputy Administrator stated the County was considering a purchase of the property. (R. p. 498). Gasque gave the opinion that the Appellant owned the road. He gave the opinion Appellant owned 1.49 acres. (R. p. 493). This was Gardner's witness.

None of Gasque's expert testimony was objected to by the County and his expert opinion that Appellant owned the road was not contested by the County in cross examination of Gasque. Gasque gave the expert opinion that Appellant owned 1.49 acres of land, including the 30-foot road. (R. p. 493). In fact, Gasque confirmed his opinion that Appellant owned the road during the County's cross examination. (R. p. 498).

During the reply testimony of Appellant, he stated he had decades of experience with surveyors from his construction work. Appellant testified that the 1.49 acres was correct and his property included the road and a triangle of property mentioned in the 1990 Quiet Title action as "the owner of which is unknown." This testimony was not challenged or contradicted by cross examination or any other witnesses.

4. The Lower Court Order erred by not granting Appellant relief on his Counterclaims.

There was a Consent Restraining Order in place during the pendency of this lawsuit. The evidence of repeated violations of this order by Gardner and people at his house is unchallenged and uncontradicted. Gardner did not deny the constant harassment and called no witnesses in his case in chief or in reply to contradict Appellant's testimony and the testimony of Appellant's wife.

Gardner was found guilty of violating a restraining order by a Beaufort County magistrate and sentenced to seven days in jail. (R. pp. 360, 520). Appellant presented testimony, photographic, and video evidence that the harassment continued repeatedly up to the time of trial.

The Lower Court judge said the "parties remaining claims are dismissed with prejudice." (R. p. 79). This dismissal followed the only factual findings that Gardner "did not deny that he and others on and around his property had frequently played loud music and shouted at defendant Adams, among other unneighborly behavior." (R. p. 72). The other "unneighborly behavior" can be seen in the various graphic and disgusting photographs that were introduced in evidence by Appellant. (R. pp. 365-366). Gardner did not deny any of this "unneighborly behavior."

Gardner initially sued claiming he owned the 30-foot road. As to the ownership issue, various witnesses stated they had to ask Gardner for permission to use the dirt road. (R. pp. 382,

422, 428, 432). Gardner had a sign and a cable blocking the dirt road under the belief he owned it. This sign and cable was in place when Appellant bought the property (R. pp. 382, 521) and continued until the summary judgment order of Judge Buckner. Gardner individually did not concede he did not own the 30-foot road until trial.

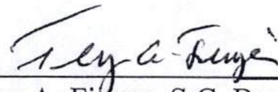
From 2017 until 2022, including a prior appeal, Gardner maintained he owned the 30-foot road and Appellant was trespassing. This five years of litigation over Gardner's assertion he owned the road and Appellant was trespassing was frivolous.

The Lower Court made no findings at all about the application of the South Carolina Frivolous Civil Procedures Sanction Act. Appellant is entitled to the relief sought in his counterclaims, and the Lower Court made no findings relative thereto.

CONCLUSION

The Final Order of the Lower Court granting the 30-foot road to the County should be reversed. The uncontradicted expert and lay opinion stating Appellant owns the road and boat ramp should be confirmed by this Honorable Court. The counterclaims of Appellant should be remanded with damages and legal fees to be awarded to Appellant.

August 13, 2025



Terry A. Finger, S.C. Bar No. 2012
FINGER, MELNICK, BROOKS & LABRUCE, P.A.
Post Office Box 24005
Hilton Head Island, SC 29925-4005
Telephone: (843) 681-7000
Email: tfinger@fingerlaw.com
Attorney(s) for Appellant Taylor Reuben Adams

THE SOUTH CAROLINA COURT OF APPEALS

Charles Willis Gardner, Respondent,

v.

Taylor Reuben Adams, and Beaufort County, South Carolina, Defendants,

of which Taylor Reuben Adams is the Appellant,

AND

Beaufort County, South Carolina is a Respondent,

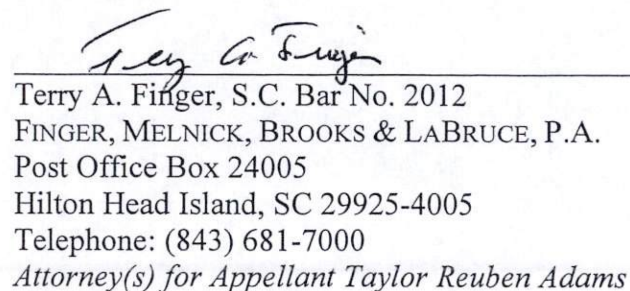
Appellate Case No. 2024-001053

The Honorable Marvin H. Dukes, III
Beaufort County
Trial Court Case No.

CERTIFICATE OF COUNSEL
PURSUANT TO RULE 211 (b) SCACR

I certify that Appellant's Taylor Reuben Adams, Final Brief and that it is in compliance with Rule 211 (b) SCACR in that no changes were made excepting references to the Record of Appeal and correction of typographical errors and misspellings.

August 13, 2025



Terry A. Finger, S.C. Bar No. 2012
FINGER, MELNICK, BROOKS & LABRUCE, P.A.
Post Office Box 24005
Hilton Head Island, SC 29925-4005
Telephone: (843) 681-7000
Attorney(s) for Appellant Taylor Reuben Adams