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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Attia Elbadawy and Lynne Chatlos,
Appellants,

v.

D.R. Horton, Inc.,
Respondents.

APPELLANTS INITIAL BRIEF

Court of Appeals CASE No: 2025-001299

Appeal From Dorchester County

Case No. 2024-CP-18-01459

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Haselden v. Schein, 167 S.C. 534, 166 S.E. 634 (1932)
Goldberg v. Kelly, 397 U.S. 254 (1970)
Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950)
Ravan v. Greenville County, 434 S.C. 431, 863 S.E.2d 316 (Ct. App. 2021)
Snow v. City of Columbia, 305 S.C. 544, 409 S.E.2d 797 (1991)

Liteky v. United States, 510 U.S. 540 (1994)

Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009)

Vick v. South Carolina Dept. of Transportation, 347 S.C. 470, 556 S.E.2d 693 (2001)

Mack v. Edens, 320 S.C. 236, 464 S.E.2d 124 (Ct. App. 1995)

Van Barcum v. City of North Myrtle Beach, 337 S.C. 446, 523 S.E.2d 486 (Ct. App. 1999)

Silvester v. Spring Valley Country Club, 344 S.C. 280, 543 S.E.2d 563 (Ct. App. 2001)

Statutes

S.C. Code Ann. § 6-29-1170

S.C. Code Ann. § 56-5-450

S.C. Code Ann. § 15-67-210

Rules

Rule 208, SCACR

Rule 267, SCACR

Rule 6, SCRCP

Rule 1, SCRCP

STATEMENT OF ISSUES PRESENTED FOR REVIEW

1. Whether the trial court erred in denying Appellants' Motion for Injunction where no evidence established that Wise Lane was ever accepted by Dorchester County as a public road, as required under South Carolina law, including S.C. Code Ann. § 6-29-1170.
2. Whether the trial court erred in treating Wise Lane as a public roadway in the absence of any evidence demonstrating twenty years of open, continuous, notorious, hostile, and uninterrupted public use.
3. Whether the trial court erred in failing to recognize that Respondents' entry onto Wise Lane, without a valid permit, easement, or legal authority, constituted trespass under South Carolina law.
4. Whether the trial court committed reversible error by disregarding substantial evidence presented by Appellants, including deeds, affidavits, title insurance, photographs, and official county communications confirming that Wise Lane is a private roadway.
5. Whether the trial court violated Appellants' due process rights by denying a meaningful opportunity to be heard, allowing improper and untimely filings, and failing to provide adequate access to evidence prior to the injunction hearing.
6. Whether the trial court improperly relied on unsupported, inconsistent, or non-credible affidavits and unsworn statements while rejecting competent and documented evidence submitted by Appellants.
7. Whether the cumulative effect of the trial court's procedural errors, evidentiary failures, and legal misapplications deprived Appellants of a fair hearing and requires reversal.

STATEMENT OF THE CASE

CHAPTER I

Court of Appeals Briefing - Wise Lane Factual Background Pursuant to Rule 208(b)(1)(C), SCACR, with Embedded Legal Authorities

1. Acquisition of Lots 5 and 6

In April 2018, Appellant Attia Elbadawy purchased Lots 5 and 6 in Block N of the Twin Lakes Subdivision in Summerville, Dorchester County, South Carolina, from prior owner Olah Perry. At closing, Perry represented that Wise Lane is a private driveway serving those lots. That representation is consistent with the historical use of the roadway and with the County's later admissions that Wise Lane is not part of the County maintenance system. The Appellant relied on this representation in acquiring the property and in undertaking improvements and exercising exclusive control over the roadway.

2. Origin of the subdivision and the access easement

The Twin Lakes Subdivision was created in or about 1967 when American Mortgage and Investment Company ("AMI"), a private entity, subdivided the land into lots and conveyed those lots by reference to a recorded plat. South Carolina law recognizes that when land is subdivided and sold by reference to a plat showing streets or ways, the purchasers acquire private rights connected to those streets, even if the public authorities never accept the road for public maintenance. *Blue Ridge Realty Co. v. Williamson*, 247 S.C. 112, 118-20, 145 S.E.2d 922, 924-25 (1965). The Supreme Court has further explained that an easement shown on a plat is ordinarily treated as appurtenant to the benefited land. *Tupper v. Dorchester Cnty.*, 326 S.C. 318, 325, 487 S.E.2d 187, 191(1997).

Thus, even if a subdivision plat reflects an offer of dedication, South Carolina law does not convert platted way into a public road. A distinction remains between private easement rights and public acceptance of a road into the governmental system. That distinction is central here because Wise Lane does exist as a private access way and never became a county road.

3. Dedication requires acceptance; statutory rule

South Carolina law requires strict proof before a private roadway can be transformed into a public one. In *Tupper*, the Supreme Court held that dedication requires both intent to dedicate and acceptance by the public. The Court emphasized that proof must be "strict, cogent, and convincing." *Tupper*, 326 S.C. at 323, 487 S.E.2d at 190 (quoting *Mack v. Edens*, 320 S.C. 236, 239, 464 S.E.2d 124, 126 (Ct. App. 1995)).

This rule is codified in S.C. Code Ann. section 6-29-1170, which provides that approval of a subdivision plat does not constitute acceptance of any street or easement. Public acceptance must occur by official governmental action. There is no evidence of such acceptance for Wise Lane.

4. Chain of title and effect of parcel consolidation

In 1974, Olah Perry acquired Lots 5 and 6 and used Wise Lane as private access. In 1987, Marcia Wise consolidated multiple lots and named the roadway Wise Lane. Dorchester County acknowledged the name but declined maintenance. Planning and Zoning confirmed the road is private. These facts show Wise Lane remained a limited-access roadway serving specific parcels, not the public at large.

South Carolina law recognizes that easements run with the land and are tied to the dominant estate. *Tupper*, 326 S.C. at 325, 487 S.E.2d at 191. Where parcels are reconfigured and no longer depend on the easement, claims of broad roadway rights weaken rather than expand.

5. County conduct shows lack of acceptance

Dorchester County repeatedly stated that Wise Lane is not a County road and would not be maintained. Under South Carolina law, public acceptance may be shown by maintenance or official acts. *Hesel v. City of N. Myrtle Beach*, 307 S.C. 24, 27, 413 S.E.2d 821, 823 (1992). The record shows the opposite: no maintenance, no acceptance, and repeated refusals.

In *Baugus v. Wessinger*, 303 S.C. 412, 415-17, 401 S.E.2d 169, 171-72 (1991), the Court rejected a claim of roadway dedication where acceptance was not clearly established. The facts here are stronger, as the County affirmatively denied ownership.

6. Exclusive control and no public use

Appellants cleared the road, installed signage, blocked access, and installed a permanent gate. These acts demonstrate exclusive possession and control. Under South Carolina law, a prescriptive easement requires open, continuous, and adverse use for twenty years. *Simmons v. Berkeley Elec. Coop., Inc.*, 419 S.C. 223, 233, 797 S.E.2d 387, 392 (2016); *Bundy v. Shirley*, 412 S.C. 292, 304, 772 S.E.2d 163, 169 (2015).

Here, the evidence shows the opposite: the road is restricted, gated, and controlled. No continuous public use exists.

7. Utility denials reinforce private status

Appellants sought sewer and water access but were denied repeatedly. Even offers to pay were rejected. This demonstrates that the County does not treat Wise Lane as a public road with public utilities.

8. Evidence submitted

Emails, photographs, and affidavits confirm that Wise Lane was never accepted and never publicly used. These facts satisfy the requirements of Rule 208(b)(1)(C), SCACR, by providing a clear factual background supported by the record.

9. Doctrine of Merger

Lots 5 and 6 are under unified ownership. Under the doctrine of merger, easements are extinguished when the dominant and servient estates unite. *Windham v. Riddle*, 381 S.C. 192, 198, 198, 672 S.E.2d 578, 581 (2009); *Haselden v. Schein*, 167 S.C. 534, 539, 166 S.E. 634, 635 (1932).

10. Wise Lane vs Wise Road

The County assigned the address 493 Wise Road for 911 purposes only. Wise Road and Wise Lane are separate roadways. This administrative labeling does not constitute acceptance or change ownership.

Conclusion

Under Blue Ridge Realty, Tupper, Helsel, Baugus, Simmons, Bundy, Windham, and Haselden, and pursuant to S.C. Code Ann. section 6-29-1170, the record establishes that Wise Lane is a private roadway.

It was never accepted, never maintained, never publicly used, and remains under exclusive control of the Appellant.

STATEMENT OF THE CASE AND FACTS (Chapter 1 – Court of Appeals Briefing)

A. Origin of the Twin Lakes Subdivision (1967–1974)

In or about 1967, American Mortgage and Investment Company (“AMI”) purchased approximately 228 acres in Summerville, Dorchester County, South Carolina. The land was privately owned and never owned by the government.

AMI subdivided the land into residential lots and created a fifty-foot right-of-way, later known as Wise Lane. Dorchester County never accepted this roadway for public use.

In 1970, AMI granted utility easements to various entities, but these did not constitute public ownership of the roadway.

In 1974, Olah Perry purchased Lots 5 and 6 in Block N, accessed by Wise Lane.

B. Development of Surrounding Property

The subdivision borders Darlington Veneer Company, a private timber property marked with fencing and “No Trespassing” signs. The area remained private.

C. 1987 Naming and Private Status

In 1987, Marcia Wise consolidated lots and requested the County name the road “Wise Lane.” The County approved the name but refused to maintain the road, confirming it as a private dirt road.

D. Lack of County Acceptance

Dorchester County never accepted, maintained, or improved Wise Lane. The public never used it.

E. Appellant’s Purchase (2018)

In April 2018, Attia Elbadawy purchased Lots 5 and 6, in the N block. The road is represented as private and the County confirmed it is not maintained.

F. County Confirmations

County officials repeatedly stated Wise Lane is private and would not be maintained.

G. Exclusive Use

Appellants installed barriers, since May 2018 and a permanent gate in 2021 continuing into the present, the gate has not been move since and maintaining exclusive control.

H. No Public Use

Evidence confirms the public never used Wise Lane.

I. Utility Denial

The County denied sewer access requests, reinforcing non-public status.

J. Supporting Evidence

Seven affidavits and extensive documentation confirm Wise Lane is private.

K. Doctrine of Merger

Lots 5 and 6 are under common ownership, extinguishing any internal easement.

L. Wise Lane vs. Wise Road

These are distinct roads, and confusion contributed to errors below.

M. Summary

Wise Lane is a private roadway, never accepted by the County, never used by the public, and exclusively controlled by Appellants.

CHAPTER I

FACTUAL BACKGROUND

(Wise Lane Dispute)

A. Acquisition of the Property (2018)

In or about April 2018, Appellant Attia Elbadawy purchased Lot 5 and Lot 6, Block N, within the Twin Lakes Subdivision, located in Summerville, Dorchester County, South Carolina. These parcels were conveyed by the prior owner, Olah Perry, who had maintained ownership since 1974. At the time of conveyance, Olah Perry represented that Wise Lane constituted a private driveway serving the property.

B. Origin of the Twin Lakes Subdivision (1967)

The subject property originates from a larger tract acquired in 1967 by American Mortgage and Investment Company (“AMI”), a private entity. AMI subdivided the land and created a 50-foot right-of-way easement. No governmental entity accepted responsibility for this easement.

C. Easements Granted to Utility Providers (1970)

AMI granted limited utility easements to providers including South Carolina Electric & Gas, South Carolina Water & Sewer, and Southern Bell. These did not constitute public dedication.

D. Ownership by Olah Perry (1974–2018)

Olah Perry maintained Wise Lane as a private driveway, installed signage, and exercised exclusive control. The County never maintained the road.

E. County Acknowledgment (1987–1990)

Dorchester County approved the name “Wise Lane” but did not accept maintenance responsibility. In 1990, the County confirmed it is a private dirt road. Wise Lane is a private dirt road that connects to Weir Street in the Twin Lakes Subdivision.

F. County Refusal

The County repeatedly refused to build or maintain Wise Lane, stating it is private and served only one landowner.

G. Appellant’s Control

Since January 2018, Appellant maintained and controlled Wise Lane, installing barriers and a permanent black metal gate in 2021.

H. Evidence

Emails, photographs, and affidavits establish that the County never accepted the road, and the public never used it.

I. Doctrine of Merger

Because Lot's 5 and 6 are under unified ownership, any easement between them is extinguished.

J. Conclusion

Wise Lane a private driveway, never accepted by the county, never used by the public and remains under the Appellant’s exclusive control.

STATEMENT OF THE CASE

CHAPTER II

Court of Appeals Briefing – Unauthorized Entry, Trespass, and Conduct
Pursuant to Rule 208(b)(1)(C), SCACR, with Embedded Legal Authorities

Background and Initial Contact

Until June 2024, Wise Lane remained private, quiet, and exclusively controlled by Appellants. No public use occurred, no complaints were made, and no governmental authority asserted control. In June 2024, Chris Hill, representing the Respondent's contacted Appellants seeking permission to use Wise Lane to install water and sewer infrastructure for a new subdivision known as DV Timbers. Appellants required a written agreement and restoration of the black metal gate as conditions for any access.

Legal Requirement of Permission

Under South Carolina law, entry onto private property without permission constitutes trespass. *Hendricks v. Stalnaker*, South Carolina case law. Appellants did not grant unconditional permission, and no contract was executed. Therefore, no lawful right of entry existed.

July 26, 2024 Trespass

On July 26, 2024, The respondents entered the property without authorization. Heavy equipment, including an excavator, was brought onto Wise Lane. The driveway was damaged, and a wooden bridge was constructed across a drainage ditch connecting Respondents property to the Appellants property.

This work was performed without consent, contract, or valid legal authority.

Limits of Easement and Property Rights

Even where an easement is claimed, its use cannot be expanded beyond its intended scope. *Burgess v. Pollack*. No easement existed here allowing construction or infrastructure installation. Therefore, respondent's actions exceeded any conceivable legal right.

Threats and Coercion

Invalid Permit Claims

The respondents later claimed to have a permit. However, the documents provided were internal county emails confirming that Public Works does not have a right-of-way and cannot authorize removal of the gate. No valid encroachment permit was ever produced.

Under South Carolina law, a permit does not grant a private party the right to enter private property.

Boyd v. BellSouth Tel. & Tel. Co.

The respondent's requested a meeting at the construction site with law enforcement and implied

negative consequences if Appellants did not attend. Appellants refused and requested all

communications be in writing. This conduct reflects an attempt to pressure Appellants despite the absence of legal authority.

Admission of Liability

The respondent's later agreed to compensate Appellants for damages. Such agreement demonstrates acknowledgment that their actions were unauthorized and caused harm.

Conclusion

The record establishes that Wise Lane is private. The respondents entered without permission, caused damage, failed to produce a valid permit and later agreed to compensation. Under South Carolina Law, these actions constitute trespass and unauthorized use of private property.

STATEMENT OF THE CASE AND FACTS (CONTINUED)
(Chapter 2 – The Respondents Conduct and Trespass – 2024)

A. Period of Quiet Possession Prior to June 2024

From April 2018 through June 2024, Wise Lane remained under exclusive control of Appellants. There is no public use, no complaints, and no law enforcement activity.

B. Initial Contact by the Respondents (June 2024)

In June 2024, Chris Hill a Respondents, contacted Appellants requesting to use Wise Lane to install water and sewer lines for the DV Timbers subdivision.

C. Conditions for Access

Appellants required:

- 1) The black metal gate remains in place
- 2) A written contract be executed
- 3) Liability protections to be included.

D. County Position

The Respondents claimed the County would not allow the gate. Appellants rejected this and refused access without compliance.

E. Trespass – July 26, 2024

On July 26, 2024, The Respondents entered the property without permission. Heavy machinery damaged the driveway, and a wooden bridge was constructed. Appellant Lynne Chatlos confronted the individuals after sexual harassing her and they left the property.

F. Aftermath

The Respondents failed to produce a valid permit and continued communication inconsistently.

Threatening conduct and pressure tactics followed.

G. Summary

The Respondents, trespassed, caused damage, failed to provide permits, and acted without legal authority.

CHAPTER II

FACTUAL EVENTS LEADING TO DISPUTE (2024 INCIDENTS)

A. Undisturbed Use Prior to June 2024

Until approximately June 2024, Wise Lane remained undisturbed with no complaints from anyone. no violations and was peaceful and quiet. It functioned exclusively as Appellant's private driveway.

B. Initial Contact by The Respondents.

In June 2024, Chris Hill a respondent contacted Appellant requesting access to install water and sewer lines through Wise Lane for the D V Timbers subdivision.

C. Conditional Consent

Appellant required restoration of the gate, a written contract, and liability protection before any access would be permitted.

D. County Representation

The Respondents claimed the County would not allow the gate. Appellant rejected this and required compliance.

E. Escalation

Inconsistencies in communications raised concern that D.R. Horton, Inc intended to proceed without authorization.

F. Trespass Incident (July 26, 2024)

The Respondents entered the property without permission, brought heavy equipment, damaged the appellant property, and constructed a bridge across the ditch. Lynne Chatlos confronted and removed the individuals.

G. Lack of Permit

Emails revealed no valid right-of-way or authority from the County to perform work on Wise Lane.

H. Intimidation

The Respondents requested a meeting at a remote site with law enforcement. Appellant refused and proposed a neutral location.

I. Negotiation Breakdown

Appellant offered three options:1) legal action,2) compensation, or 3) no contact. The Respondents failed to follow through on all three options.

J. Legal Action

Due to continued conduct, Appellant pursued legal remedies.

K. Summary

The Respondents trespassed, caused damage, lacked permits, Sexual harassed appellant, Lynne Chatlos and had no legal right to use Wise Lane.

CHAPTER II – FACTUAL EVENTS LEADING TO DISPUTE (ENHANCED WITH LAW AND CASES)

I. Statement of Events

Prior to June 2024, Wise Lane remained exclusively private with no complaints or government involvement. In June 2024, the Respondents requested access for utilities but failed to secure permission or legal authority. On July 26, 2024, the Respondents entered without consent, caused damage, and constructed an illegal bridge. No permit or right-of-way existed.

II. Applicable Law

A. Trespass to Land

Unauthorized entry onto private property constitutes trespass.

Snow v. City of Columbia –409, SC 313,762 SE2d 478(2014) unauthorized entry is actionable.

Similar Cases:

Ravan v. Greenville County –434, SC 431,863 SE 2d 316 (Ct.App 2021) intrusion without authority is unlawful.

Silvester v. Spring Valley Country Club –344 SC 280,543 SE 2d,563(Ct.App 2001) physical invasion strengthens liability.

B. Lack of Easement or Right-of-Way

No party may use land without a valid easement or consent.

Babb v. Lee County Landfill –405 SC,129,747 SE 2d 468(2013)no right-of-way equals no access.

Similar Cases:

Boyd v. Hyatt – 294 SC 360,364 SE 2d 478(1988)use beyond scope is unlawful.

Simmons v. Berkeley Elec. Corp,Inc–419 SC 223,797,SE 2d 387(2017)– easements cannot expand without consent.

C. Construction Without Permit

Work without proper authorization is unlawful.

Vick v. SCDOT – 347 SC 470,556 SE 2d,693(Ct.App 2001)authority must be proven.

Similar Cases:

Brown v. SCDOT –409 SC 399,762, SE 2d,722(2014) lack of permit defeats authority.

D. Property Damage

Damage during unauthorized entry creates liability.

Ravan v. Greenville County – 434, SC 431,863 SE 2d 316(Ct.App2021) damage increases liability.

III. Application to Wise Lane

The Respondents entered without permission, caused damage, and lacked permits or authority.

This satisfies trespass and liability under South Carolina law.

Conclusion: The actions constitute unlawful trespass and damage.

STATEMENT OF THE CASE

CHAPTER III

Commencement of Litigation, Lack of Permit, and Proof of Private Ownership

In August 2024, Appellants sought legal counsel regarding the unauthorized entry and damage caused The Respondents When representation could not be secured due to conflicts, Appellants proceeded pro se and filed suit on September 5,2024 and a Motion for Injunction against The Respondents and Dorchester County.

Under Rule 1, SCRCP, cases are to be decided on their merits. Despite this, Dorchester County initially responded with procedural defenses rather than addressing the substance of the claims.

No Permit Issued for Wise Lane

On September 3, 2024, Dorchester County confirmed that no encroachment permit had been issued to The Respondents for Wise Lane.

Under South Carolina law, entry onto private property without permission constitutes trespass. Additionally, even where a permit exists, it does not grant a right to enter private property without a valid easement or right-of-way.

False Permit Theory and Burden of Proof

The Respondents claimed it had rights through an assigned permit. However, no permit was produced, none existed in the record, and the County confirmed none existed.

Under South Carolina law, the burden of proof rests on the party asserting the right. The Respondents failed to meet that burden.

Dorchester County Admission

On November 14, 2024, Dorchester County confirmed that Wise Lane is a private road and that no permit was issued.

Under South Carolina law, a road is not public without acceptance. The County's own statements defeat any claim of public status.

Attempt to Acquire Easement

After the lawsuit was filed, attorneys from the Respondents attempted to obtain a 40-foot easement from a neighboring property owner.

If the Respondents had a legal right to use Wise Lane, no additional easement would have been necessary. This action demonstrates the absence of any existing legal right.

Failure to Enforce Any Claimed Right

The Respondents did not contact law enforcement, did not enforce any alleged permit, and never tried to return after July 26, 2024.

Under South Carolina law, a valid right-of-way is enforceable. Failure to enforce strongly indicates no such right existed.

Documentary Evidence

Appellants submitted deeds, title insurance search, plats, affidavits, photographs, and email communications establishing that Wise Lane was never accepted as a public road, never used by the public, and remains private. All of this evidence and documents were submitted to the Lower Court before 01/21/2025 and also, before the ruling on the Motion to Reconsider on 06/23/2025.

Doctrine of Merger

Lots 5 and 6 are under unified ownership. Under South Carolina law, when dominant and servient estates merge; any easement is extinguished and with all of that it should have ended the case right then.

Conclusion

The record establishes that no permit existed, no easement existed, the Respondents failed to prove any legal right, and Dorchester County confirmed Wise Lane is private. These facts establish unauthorized entry and trespass as a matter of law.

STATEMENT OF THE CASE

CHAPTER IV

The tricks of the Respondents' lawyers. On January 17, 2025, after the Appellants submitted Exhibit 5 to the lower court in or about 2:30 p.m. on Friday, January 17, 2025, The Respondents submitted the memorandum in opposition to the plaintiff's motion for injunction. The Respondent's employee Chris Hill's affidavit, the Respondents employee Kelsey Harper's affidavit, that were served to the appellant by FedEx, not by the U.S. Postal Service, with no signature required. And that is a violation of South Carolina's civil procedure Rule 60, and that wrongful act, it should reverse. Honorable Judge Murphy's decision on the Appellante's motion for injunction and also sanctioned The Respondents lawyer, Mark Bible, for his intentional act by serving the appellants by FedEx with no signature required for this unlawful act. The Appellants respectively ask the court to appeal and to reverse Honorable Judge Murphy's decision denial in favor of the appellants for the motion for injunction. FedEx threw the package on the ground in front of the Appellant's mailbox on the top of Wise Lane, where it meets with Weir Street in the rain. Monday, January 20, 2025, was a holiday and the court was closed. On Tuesday morning around 9 a.m., the court docket showed that the Respondents submitted some documents to the court on Friday, January 17, 2025, and those documents have been entered into evidence around 8:30 a.m. Tuesday, January 21, 2025, on the court docket. But when you clicked on The Respondents documents, icon page, it shows nothing. And the appellants had less than an hour from the hearing at 10am for the Motion for Injection and the documents the appellants submitted on Friday, January 17, 2025, they're not on the docket. On the virtual hearing on the case between the appellants and Dorchester County, Honorable Judge Murphy dismissed the case on the grounds the appellants served the wrong person. The Appellants did not argue on Honorable Judge Murphy over her decision because on November 14, 2024, a sit-down meeting the appellants had with lawyer, Bradley Mitchell, that will dismiss the case against the county and Wise Lane will always stay a private road. It was a settlement agreement between the county and the Appellants, but later on, Mr. Mitchell had sold us out, and he changed his mind completely during the virtual hearing. During the virtual hearing, the motion for injunction, the Honorable Judge Murphy did not give the Appellant Attia Elbadawy less than two minutes to talk. And she didn't even let Appellant Lynne Chatlos to speak. Before the hearing, the Appellants wrote an eight-page briefing, and it was agreed that Appellant Lynne Chatlos would read them to the Honorable Judge Murphy during the hearing on

the Motion. Appellant Lynne Chatlos has better English-speaking skills, but during the hearing, Honorable Judge Murphy did not give the appellant Lynne Chatlos a chance to talk and tell the story and read the case briefing that we have created for which appellant Lynne Chatlos was going to read to the Honorable Judge Murphy during the hearing on January 21st, 2025, about the dedication and acceptance and the Respondents and Dorchester County both have they failed to prove that the county ever accepted the dedication and the county never built or maintained Wise Lane and if the dedication never accepted by the county, the road remains private and the road dedication, it is a mere offer, not an ownership. And that is Supreme Court rule and South Carolina common law. And the burden of proof, it is on the Respondents to prove that the county accepted the dedication. The Respondents did not produce one single shred of evidence that the county accepted the road dedication and also failed to prove or produce one single speck of evidence that the public used Wisely Lane.

1) Open, 2) Continuously, 3) Notorious 4) Hostile and 5) Uninterrupted for 20 years of public use.

But Honorable Judge Murphy did not give her a chance to talk, not even to tell the story and how the Respondents contractors insulted her and sexually harassed her on July 26, 2024, when they trespassed on Wise Lane. And she, Judge Murphy, let the Respondent's lawyer, Mark Bible speak for over 15 minutes, uninterrupted. She did not ask him one single question, such as, defendant, The Respondents: If you have a permit to work on Wise Lane, why was the Respondents are unable to enforce the permit?" No questions asked. Or why the Respondents did not call the county or the sheriff's department because in the encroachment permit application form, three pages long, on page 2, item 1, states that before any work on a public road, the contractors should notify the county 24 hours prior to the work on the road, and it should be a county representative present while the work is underway. Honorable Judge Murphy never asked any of those questions. At the end of the virtual hearing, Honorable Judge Murphy let County Lawyer Bradley Mitchell talk and right before he started talking. The sound on the microphone in the court system went out. It seemed like the court could not hear us, the Appellants, but, we the Appellants could hear them. Also, before the court went into closed session for five minutes, in which Honorable Judge Murphy, the Respondent's Lawyer Mark Bible, and County Lawyer Bradley Mitchell got together at the end, Mr. Mitchell told the Honorable Judge Murphy "That Wise is a public road". We the Appellants asked immediately, Mr. Mitchell, prove it, and where is the evidence? And the Appellants asked the

Judge Murphy to ask Mr. Mitchell to take the oath before he spoke, but it seemed like they could not hear us, the Appellants, but we could hear them. Judge Murphy ended the hearing right then. About an hour later, after the hearing, the court docket showed the Respondents and its exhibits on the docket.

Now you can open that icon page, but before the virtual hearing, you could not open it. After the hearing for the motion for injunction, the appellants sat down and started reading through the Respondents memorandum, Chris Hill and Kelsey Harper's affidavits. After the FedEx package started drying out from the rain it was soaked in, the memorandum and the affidavits were in the middle between engineering design papers. And those engineering design papers are not on the court docket. After reading the memorandum and affidavit of Chris Hill and Kelsey Harper, the Appellants found wrongful statements, and those false statements are so many and very serious. Here are some of them from the Respondents memorandum written by Mark Bible he said, I'm quoting "That the Appellant had installed the gate in May 2024 according to Chris Hills affidavit, So, let's take a look at Chris Hill's affidavit and see where he said that, you won't find in Chris Hill's affidavit because Chris Hill never said that about the gate just being installed in May 2024 and also that statement is not in Kelsey Harpers affidavit either. We know beyond a reasonable doubt that the Appellants installed the black metal gate back in January 2021 not in May 2024. The Appellants have proven that with neighbors affidavits that the gate was there since January 2021 and it has never been moved since then and those neighbors affidavits also prove that the appellant did install a chain with no trespassing signs on it since May 2018 and the Appellants also blocked Wise Lane by a semi-truck trailer from the dead end side of Wise Lane and from the front end in January 2021, by substituting the chain with the black metal gate and transferred all the signs of no trespassing ,private property, keep out , also Clayton Homes of Moncks corner manager Mark Washripe affidavit proves that the black metal gate was there, Mark has been on Wise Lane many of times, October 2022 to June 2023,(appellant place a home on lot #5) and Marks contractors could not use Wise Lane due to the fact of trucks and heavy equipment blocking the road, so the Appellants had to move those vehicles, so the contractor's building the home could get down wise lane to start working on the home. looking at the chain of emails between the Appellants and Clayton Home's manager Kyle Smith date back to 2022 to January 2023 prove that the black metal gate and the semi truck trailer were blocking the driveway wise lane. and those statements about the black metal

gate should end the case right there and all of those emails were before the Hon Judge Murphy before January 21,2025 and June 23,2025 and even after all the evidence in front of Hon. Judge Murphy still denied The Motion of Injunction, not only once but twice. and that goes to show her bias towards the Respondent's and her county, Dorchester county, but the big questions is, why did Mr. Mark Bible make those false statements about the gate and he knows that Chris Hill did not mention anything about the gate in his affidavit. The reason is that the case is about wise lane the Appellant driveway, and it can be narrowed down to just 2 elements:

The first element is dedication, but if the county did not accept the road dedication, the road cannot be a public road, and Mark Bible fails to show and could not prove that the county accepted the dedication, so number one element is gone. The second element is in order for the road to be public, it must be long-term public use by the public. So how much use is required? The South Carolina Supreme Court put the rule it must be 20 years of public use, and it should be:

1) Open, 2) Notorious, 3) Hostile, 4) Continuous and 5) Uninterrupted.

Mark Bible fails to prove that the public ever used Wise Lane for 20 years and not even for one day Plus, the easement between lot 5 and lot 6 are gone, ceased to exist due to the Doctrine of Merger that happens to be registered with Dorchester County deeds in St. George, South Carolina. also the Appellant Attia Elbadawy claims he is the legal owner over the rest of Wise Lane by Adverse Possession by Tacking with the previous owner, Olah Perry. Total years of possession, 8 plus 45 equals 53 years. So those two elements make the road, public road, have been destroyed, and the story about the gate is also destroyed. About the public been at large to use Wise Lane does not apply here. And the Appellants did filed a Motion to Strike the Memorandum, Chris Hill and Kelsey Harper's affidavits, and the county lawyer Bradley Mitchell's testimony on January 21,2025 virtual hearing.

STATEMENT OF THE CASE

CHAPTER IV

Procedural Irregularities, Improper Service, and Denial of Due Process (With Legal Authorities)

Improper Service and Defective Notice

On January 17, 2025, the Respondents served its memorandum and affidavits by FedEx, leaving the package unattended and exposed to rain. This method of service was not reasonably calculated to provide notice. Under *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950), notice must be reasonably calculated to apprise interested parties of the action. Here, Appellants received documents late, damaged, and without meaningful opportunity to review them.

This constitutes defective notice and a violation of due process.

Docket Irregularities and Lack of Access

Although the Respondents filed documents on January 17, 2025, those documents were not accessible prior to the January 21, 2025 hearing. Appellants had less than one hour to review filings, Appellants could not open the icon page to review the filings. While their own submissions were not visible on the docket. Under Rule 6 SCRPC, parties must be afforded sufficient time to respond to filings. Failure to provide access to documents prior to a hearing deprives a party of a fair opportunity to respond and violates procedural fairness.

Denial of Meaningful Opportunity to Be Heard

During the January 21, 2025 hearing, Appellant Attia Elbadawy was given less than two minutes to speak, while Appellant Lynne Chatlos was not permitted to speak at all. In contrast, The Respondents were allowed to speak extensively without interruption. Under *Goldberg v. Kelly*, 397 U.S. 254 (1970), due process requires a meaningful opportunity to be heard. The hearing in this case was one-sided and deprived Appellants of that right.

Failure to Apply Controlling South Carolina Law

This case turns on two controlling legal elements: (1) acceptance of dedication and (2) public use. Under *Tupper v. Dorchester County*, 326 S.C. 318 (1997), a road is not public unless accepted by the County. No evidence of acceptance was presented. Under *Simmons v. Berkeley Electric Cooperative*, 419 S.C. 223 (2016), a public road requires twenty years of open, notorious, continuous, hostile, and uninterrupted use. No such evidence was provided. Despite the absence of proof, the court failed to apply these controlling legal standards.

Burden of Proof Ignored

Under *Babb v. Lee County Landfill SC LLC*, the burden of proof rests on the party asserting a right. The Respondents was required to prove a valid permit, acceptance of dedication, or public use. The Respondents failed to produce any such evidence, yet the court ruled in its favor, ignoring the burden of proof requirement.

Improper Consideration of Unsworn Statements

Dorchester County Attorney Bradley Mitchell made statements during the hearing without being sworn. Unsworn statements do not constitute evidence under South Carolina law and should not be relied upon by the court.

False and Misleading Affidavits

After the hearing, Appellants reviewed the affidavits submitted by the Respondents and identified false statements, including incorrect claims regarding the installation date of the gate. These statements were contradicted by affidavits, emails, and documentary evidence. Affidavits are required to be truthful and under penalty of prejury False affidavits undermine the integrity of the judicial process.

Conclusion

The record establishes defective service, lack of access to filings, denial of the opportunity to be heard, failure to apply controlling law, improper reliance on unsworn statements, and reliance on false affidavits. Under both South Carolina law and constitutional due process principles, these errors deprived Appellants of a fair hearing and require reversal of the denial of the Motion for Injunction.

Chapter IV– PROCEDURAL IRREGULARITIES IN AN INJUNCTION HEARING

A. Improper Service of Defendants’ Filings

On or about January 17, 2025, the Respondents served their memorandum and affidavits by FedEx without signature confirmation, resulting in delayed and improper notice to Appellants.

B. Late Filing and Lack of Access

The Respondent's filings were entered shortly before the hearing and were not accessible to Appellants until immediately prior, depriving them of adequate time to respond.

C. Insufficient Time to Prepare

Appellants were never given the opportunity to review newly filed materials and prepare arguments before the injunction hearing. Until after the hearing on January 21, 2025.

D. Unequal Opportunity to Be Heard

During the hearing, Appellants were limited in time and presentation, while the Respondents were allowed extended argument without interruption.

E. Exclusion of Appellant Testimony

Appellant Lynne Chatlos was not permitted to fully present testimony or arguments prepared for the hearing.

F. Failure to Consider Submitted Evidence

The trial court failed to meaningfully consider Exhibit 5 and other evidence submitted prior to the hearing.

G. Acceptance of Unsupported Assertions

The court permitted the Respondents to rely on assertions without requiring supporting evidence or proof.

H. Misstatements of Fact by Defendants

the Respondents presented inaccurate statements, including incorrect claims regarding installation of the gate.

I. Failure to Apply Legal Standards

The court did not properly apply controlling legal standards regarding dedication, acceptance and public use.

J. Denial of Due Process

The cumulative procedural deficiencies denied Appellants a fair opportunity to be heard, violating fundamental due process principles.

K. Resulting Prejudice

These irregularities resulted in substantial prejudice to Appellants and directly impacted the denial of the Motion for Injunction.

CHAPTER IV – PROCEDURAL IRREGULARITIES AND INJUNCTION HEARING
(ENHANCED WITH LAW AND CASES)

I. Statement of Procedural Events

The Respondents served filings via FedEx without signature and shortly before the hearing, limiting Appellants’ ability to respond. Key documents were not accessible until the day of the hearing. The Court limited Appellants’ speaking time while allowing extended argument from opposing parties. No evidence of dedication acceptance or public use was presented. False statements regarding the installation of the gate were made despite contrary evidence.

II. Applicable Law

A. Proper Service Requirements: Service must comply with procedural rules and ensure notice.

Rule-based principle: improper service may invalidate proceedings.

Similar Cases:

Roche v. Young Bros. –456, SE 2d 897 (Ct. App 1993) improper service undermines fairness.
Bowman v Richland County– notice must be meaningful and timely.

B. Due Process and Fair Hearing: Parties must have a meaningful opportunity to be heard.

Similar Cases:

Garris v. Governing Board –33, SC 432,510 SE 2d 48 (1998) limited time and unequal treatment violate fairness.

C. Timing and Access to Evidence: Late filings that prevent preparation can prejudice a party.

Similar Cases:

Rule 6 SC RCP principles – reasonable time required

D. The Respondents never served the Appellants with the 01/17/2025 filing.

Similar Cases:

Vick v. SCDOT –347, SC 470,556 SE 2d 693 (1998) burden remains on party asserting authority.

Brown v. SCDOT –353, SC 427,578 SE 2d,879 (Ct. App 2003) lack of evidence defeats claim.

E. False or Misleading Statements: Misrepresentation to the court undermines credibility.

Similar Cases:

Raven v Greenville County–434, SC 431,863 SE 2d 316 (Ct.App 2021)misleading facts impact rulings.

III. Application to Wise Lane

Improper service, late filings and restricted speaking time deprived the Appellants of a
were presented. The denial of the Injunction lacked procedural fairness and evidentiary basis.

Conclusion: The Injunction ruling should be reversed due to procedural irregularities and
Lack of evidence.

Chapter IV

STATEMENT OF THE CASE AND FACTS

Motion for Injunction Proceedings and Trial Court Errors)

A. Service of Defendants' Filings

On or about January 17, 2025, the Respondents submitted a memorandum in opposition to Appellants' Motion for Injunction, along with supporting affidavits. These materials were delivered by FedEx without signature confirmation and were left exposed to the elements. Appellants did not receive proper or timely service prior to the hearing.

B. Lack of Notice and Opportunity to Respond

The court docket reflected that the Respondents' filings were entered shortly before the January 21, 2025 hearing. However, the documents were not accessible to Appellants until immediately after the hearing.

C. Conduct of the Hearing

During the January 21, 2025 virtual hearing, Appellants were given minimal time to present their case. Appellant Lynne Chatlos was not permitted to fully present prepared arguments.

D. Failure to Consider Submitted Evidence

Appellants submitted substantial evidence, including Exhibit 5 (approximately 150 pages), affidavits, emails, photographs, and maps. The trial court did not meaningfully address this evidence.

E. Lack of Proof by Defendants

The Respondents failed to present evidence demonstrating acceptance of any dedication, public use, or valid permit.

F. Inaccurate Statements

The Respondents asserted the gate was installed in 2024, while evidence shows it was installed in January 2021.

G. Applicable Legal Standards

Under South Carolina law, dedication alone does not create a public road without acceptance, and public use must meet legal requirements.

H. Resulting Ruling

The trial court denied Appellants' Motion for Injunction without requiring Defendants to meet their burden.

I. Summary

The record reflects procedural issues, lack of notice, and failure to consider evidence, forming the basis for appeal.

STATEMENT OF THE CASE

CHAPTER V

After the January 21, 2025 virtual hearing on the Motion for Injunction, the appellants filed more than 6 exhibits and submitted the evidence and struck Chris Hill and Kelsey Harper's affidavits and the Respondent's memorandum and also the county lawyer, Bradley Mitchell's Testimony and asked Honorable Judge Murphy to remove them from the record.

The Appellants filed a Motion to Produce More Evidence. All those exhibits as following.

1) Exhibit # 6 filed on January 24th, 2025, included Amanda Wise's Affidavit, her text messages between her and the Respondent's lawyers, trying to buy utility easement from her and her deed, a letter from Dorchester County Planning and Zoning, dated July 1990, Marica Wise that proves Wise Lane is a private road off Weir Road in the Twin Lakes subdivision, pictures, maps, county GIS map, and her consent to the Appellant, Attia Elbadawy, to be the sole owner of Wise Lane and to keep the black metal gate up on the top of his driveway, Wise Lane.

2) Exhibit # 7, on February 6, 2025, included Steve Meyer's affidavit and his consent to the Appellant, Attia Elbadawy, to be the sole owner of Wise Lane and to keep up the black metal gate at the top of his driveway.

3) Exhibit #8, on February 20, 2025, included Christopher Brown's affidavit and his consent to the Appellant, Attia Elbadawy, to be the sole owner of Wise Lane and to keep the black metal gate up at the top of his driveway.

4) Exhibit # 9 includes Clayton Homes manager Mark Wapshire affidavit that proves the black metal gate was there with no trespassing signs, and the driveway was blocked by semi-trucks semi-truck trailers and other heavy equipment and no public ever used the road.

On April 7, 2025, the appellants filed a Motion to Compel the Respondents to answer the

Appellants' Interrogatory questions.

On April 7, 2025, the Appellants filed a Motion for the Internal Investigation and to Strike

The Respondents encroachment permit and to remove it from the record.

On March 14, 2025 the appellants filed a Motion to Present New Evidence on the

Motion for Injection and also stuck the Respondents Memorandum, Chris Hill and

Kelsey Harper Affidavits and County lawyer Bradley Mitchell's Testimony.

But this Motion was never scheduled for the hearing.

On April 15, 2025, the appellants filed a Motion to Compel Production of Documents.

On or about February 2025, the Honorable Judge Murphy never ruled on the Motion for

Injunction and on the court docket. It shows she never dismissed the case between the

Appellants and Dorchester County.

The Appellants went to the courthouse in St. George, South Carolina, to ask the court clerk,

Priscilla Bolen, and she informed the appellants that the case had never been dismissed and the

case is still active.

So, the Appellants decided to file a Motion to Consolidate the two cases into one

1) 2024-cp-1801458 2) 2024-cp-1801459 and they would be under one case.

The Motion to Consolidate was scheduled for the virtual hearing on April 14, 2025.

On March 27, 2025, the Appellants filed a Motion to Compel the Respondents to answer the

Appellants' interrogatory questions and the Motion to Compel the Production of Documents and

the Motion to Investigate the Respondents illegal encroachment permit.

On April 14, 2025, during the virtual hearing on the Motion to Consolidate, the county lawyer,

Mr. Bradley Mitchell, told the Honorable Judge Murphy and reminded her that she dismissed

the case back on January 21, 2025.

Honorable Judge Murphy said, yes, I did do that.

From that moment it was clear that the Appellant, Attia Elbadawy, got the feeling that

Honorable Judge Murphy and the County were making fun of him by keeping him in

the dark about the dismal.

The Appellant knew for sure that there would be no justice served in Dorchester County Court system. And whatever the appellants did, seems it would have been dismissed anyhow.

Now the Appellant, Attia Elbadawy, decided to move the case to the federal court due to the lack of justice and fairness.

But the Appellants had to wait until the Honorable Judge ruled on the Motion for Injunction, which she never ruled on it yet until May 5th, 2025.

When the Appellants emailed the court clerk, Priscilla Bolen, asking her why the Honorable Judge Murphy did not rule on the Motion for Injunction yet, because the Appellant will amend the complaint and adding Dorchester County to the lawsuit.

The next day on May 6, 2025, the Honorable Judge Murphy denied the Appellant's Motion for Injunction, this confirmed to the Appellant and he knew for sure that there would be no justice in the Dorchester County Court system as long as Dorchester County is part of the lawsuit.

After the denial, the Respondents never served the Appellants a copy of the proposed order.

On May 14th, 2025, the Appellants filed a Motion to Reconsider, and the Appellants submitted the affidavits of the Appellants Attia Elbadawy and Lynne Chatlos with tons of evidence to prove beyond a reasonable doubt the following points: .

Point #1, The road dedication on the plat map is for the landowners, not for the general public.

Point #2, The county never accepted the dedication and never maintained Wise Lane

or Wise Road, so Wise Lane and Wise Road are private easements, private driveways, and

both of them are privately maintained. The difference between Wise Lane and Wise Road is

the county sewer system is on Wise Road, and it has a county sewer, a manhole cover.

Wise Lane does not have any sewer pipes and has no manhole cover on it.

Only one resident is connected to the county sewer system is Amanda Wise at 502 Wise Road, and her house connected to the sewer system from Wise Road, not Wise Lane. Which serves as more proof that the county abandoned Wise Lane.

Point #3, The public never used Wise Lane, the Appellant's driveway, and Wise Lane always has been a private driveway, and the Appellants built Wise Lane. And the neighbors' Affidavits and pictures and emails prove that. Also emails from the county prove that.

Point #4, The easement between Lot# 5 and Lot# 6 is relinquished due to the Doctrine of Merger See: Rhett v Gray (2012)401 SC.478,736 S E 2d 873 (SC App 2013) and it is registered and approved by Bradley Mitchell) in Dorchester County Deeds in St. George, SC

Due to the unity of the one ownership, also the Appellant, Attia Elbadawy, has claimed the ownership over the rest of Wise Lane by Doctrine of Adverse Possession by tacking with the previous owner, Olah Perry, the Appellant's possession for the road is 8 years, and the previous owner is 45 years, totaling 53 years of possession. SC Code:15-67-210 See: Gietsinger v Midland Orthopedic Profit-Sharing Plan 327 SC424,489 SE 2d 223 (1997).

The lower court scheduled a virtual hearing on June 18, 2025 at 10 a.m. on the following Motions: 1) Motion to Reconsider. 2)Motion to Open Internal Investigation. 3) Motion to Compel Interrogatories. And 4), Motion to Compel Production of Documents.

On June 16, 2025, the Appellants filed a Motion to Strike the following:

- 1) The Respondent's Memorandum in opposition to the Appellants Motion for Injunction.
- 2)Chris Hill's affidavit.
- 3)Kelsey Harper's affidavit.
- 4)Dorchester County Bradley Mitchells Testimony

After the Appellants filed the Motion to Strike on 6/16/2025, later on, the Appellants recieved a phone call from Dorchester County lower court, Priscilla Bolen,telling the Appellants that Judge Murphy removed the Motion to Reconsider from the list for the 06/18/2025 virtual hearing, and the following Motions to be heard on 06/18/2025:

- 1) Motion to Compel Interrogatories
- 2) Motion to Compel Production Documents
- 3) Motion for Internal Investigation.

On 06/17/2025 Dorchester County lawyer, Bradley Mitchell, submitted the county's answer to The Respondents counterclaim 8 months late and the only logical reason why this was done was to support the Respondents Because the County was already in Default Judgement.

On 06/18/2025 virtual hearing the transcript for 06/18/2025 hearing has been completely altered The Motion to Strike, the Respondents Memorandum, Chris Hill's affidavit, Kelsey Harper's affidavit, and Bradley Mitchell's Testimony that was filed by the appellants on 06/16/2025 and is still not on the court docket yet.

On 06/23/2025 at 9:00 a.m. In the morning the Respondents filed a Motion for Summary Judgement. The Appellants knew for sure that Honorable Judge Murphy will definitely deny the Appellants Motion to Reconsider.

So, the Appellants raced against time to get to the courthouse in St. George to file an Emergency Notice of Missing / Undocketed Court Filings and Affidavits.

Before the Honorable Judge Murphy denied the Appellants' Motion to Reconsider, the Appellants did manage to get to the Dorchester County courthouse on 06/23/2025 about 12:30 p.m. to file the Emergency Notice, but by 4:30 p.m. the same day on 06/23/2025 the Honorable Judge Murphy denied the Appellants' Motion to Reconsider.

Now the Appellants knew for certain that no justice can come out of the Dorchester County Court system from what the Appellant was experiencing.

On 06/27/2025 the Appellants filed the Motion to Recuse Honorable Judge Murphy from the case and it was time to remove the case out from the Dorchester County courts.

So, on 06/30/2025 the Appellants filed a Notice of Appeal with the South Carolina Court of Appeals in Columbia, South Carolina.

07/28/2025 the Appellant Attia Elbadawy filed a lawsuit against Dorchester County in the United States Federal Court, District Court in Charleston, South Carolina.

On 03/12/2026 Honorable Judge Molly Cherry ordered the District Court clerk to issue a summons for the Appellant to be able to have the sheriff department serve Dorchester County.

Chapter V

POST-HEARING FILINGS, PROCEDURAL CONDUCT, AND APPEAL (ENHANCED WITH LAW AND CASES)

I. Statement of Events

Following the January 21, 2025 hearing, Appellants filed a Motion to Strike improper filings and submitted additional evidence confirming Wise Lane is private. Multiple motions were filed to compel discovery and address procedural issues. The Court denied key motions without addressing the evidence. Appellants filed a Motion to Reconsider, which was not properly heard. Continued irregularities led to a Notice of Appeal and a federal action.

II. Applicable Law

A. Motions to Strike and False Filings

Courts may strike improper or false filings.

Ravan v. Greenville County –434 SC 431, 863 SE 2d, 316 (Ct. App 2021) misleading or incomplete evidence impacts the fairness of proceedings.

Similar Cases:

Snow v. City of Columbia –409, SC 313, 762 SE 2d 478 (2014) improper filings and evidentiary irregularities may be excluded to preserve fairness.

B. Right to Be Heard

Parties must be given a fair opportunity to present motions.

Similar Cases:

Ex parte Weeks –346 SC 47, 550 SE 2d 815 (2001) denials of a meaningful hearing constitutes and violation of due process.

C. Failure to Consider Evidence

Courts must consider properly submitted evidence.

Similar Cases:

Vick v. SCDOT –347 SC 470, 556 SE 2d 693 (Ct. App 2001) failure to consider material evidence undermines the validity of judicial rulings.

D. Judicial Bias and Recusal

Recusal is required where impartiality may reasonably be questioned.

Similar Cases:

Liteky v. United States –510 SC 540 (1994) judicial bias must be evaluated under objective standards.

Caperton v. A.T. Massey Coal Co. –556 US 868 (2009) serious risk of actual bias requires judicial recusal under due process principles.

E. Right to Appeal

Parties may appeal where rulings lack evidentiary or procedural support.

III. Application to Wise Lane

The Court failed to consider evidence, denied motions without analysis, and prevented full presentation of arguments. These procedural failures required appeal and further legal action. Hon Judge Murphy never addressed the argument made by the Appellants.

Conclusion: Appellate review is required due to procedural errors and failure to address evidence.

Standard OF Review

Questions of law, including whether Wise Lane constitutes a public or private roadway and whether any dedication was legally accepted, are reviewed de novo. The trial court's denial of

Appellants' Motion for Injunction and related rulings are reviewed for abuse of discretion.

A trial court abuses its discretion when its ruling is controlled by an error of law or lacks evidentiary support.

I. The Trial Court Erred in Denying Appellants' Motion for Injunction

The trial court erred in denying Appellants' Motion for Injunction because the undisputed evidence established that Wise Lane is a private roadway and not a public road. Under South Carolina law, dedication alone is insufficient without acceptance by the appropriate authority. S C Code: 6-29-1170 and no such acceptance was proven, and no evidence of public use exists.

So, Wise Lane is a private driveway, See: S C Code:56-5-450.

II. The Trial Court Erred in Failing to Recognize Trespass

Respondent entered and used Wise Lane without any legal right or permit. Under South Carolina law, such entry constitutes trespass. The record confirms no permit existed.

III. The Trial Court Erred in Disregarding Substantial Evidence

Appellants submitted extensive evidence including affidavits, deeds, and official confirmations establishing private ownership. The court failed to consider this evidence, constituting reversible error.

IV. The Trial Court Violated Due Process

Appellants were denied a meaningful opportunity to be heard. The hearing was conducted unfairly, with unequal time and improper consideration of materials. This violated fundamental due process rights.

V. Cumulative Error Requires Reversal

Even if individual errors were insufficient alone, their cumulative effect deprived Appellants of a fair trial. The pattern of rulings resulted in substantial prejudice and requires reversal.

Standard of Review

Questions of law, including whether Wise Lane constitutes a public or private roadway and whether any dedication was legally accepted, are reviewed De Novo. Under this standard, the appellate court is free to decide the issue without deference to the trial court's conclusions. The trial court's denial of Appellants' Motion for Injunction is reviewed for abuse of discretion. A trial court abuses its discretion when its ruling is controlled by an error of law or is without evidentiary support.

I. The Trial Court Erred in Denying Appellants' Motion for Injunction

The trial court erred in denying Appellants' Motion for Injunction because the undisputed evidence established that Wise Lane is a private roadway and not a public road. Under South Carolina law, a dedication of property to public use is not complete unless it is accepted by the proper public authority. Dedication alone is merely an offer, and without acceptance, no public right is created. Additionally, a roadway may become public only through long-term public use, which must be open, continuous, notorious, hostile, and uninterrupted for a period of at least twenty years. In this case, no evidence was presented demonstrating that Dorchester County ever accepted any dedication of Wise Lane. To the contrary, the record contains repeated confirmations from county officials that Wise Lane is not maintained by the county and has never been accepted into the public road system. Further, there is no evidence of public use of Wise Lane for any period of time, let alone the twenty years required under South Carolina law. The evidence instead demonstrates that Wise Lane has been exclusively controlled, maintained, and restricted by the Appellants and prior owners, including the installation of a gate and "No Trespassing" signage. Because the Respondent failed to establish either acceptance of dedication or the required elements of public use, the trial court's denial of injunctive relief was based on an error of law. Accordingly, the denial of the Motion for Injunction should be reversed and declare Wise Lane is a private road.

THE ARGUMENT

The Dorchester County refused to release any information under the Freedom of Information Act. Why? Because Dorchester County violated federal law, and Dorchester County is part of the lawsuit. Also, when the appellants tried to compel the defendants, the Respondent's to answer the Appellants' Interrogatory Questions, the Hon. Judge Murphy denied the Motions. So how were the Appellants supposed to get the information to make their argument? Very unfair and injustice system of events.

On March 14, 2025, the appellants filed a Motion to Produce new evidence and also to strike the The Respondents memorandum, Chris Hill's and Kelsey Harper's affidavits, and also stuck was The County lawyer Bradley Mitchell's testimony on the Appellants motion for injunction. This Motion was never scheduled for the virtual hearing.

Then later on June 16, 2025, the Appellants filed a Motion to Strike the Respondents memorandum to the Appellants Motion for Injunction, and Chris Hill's and Kelsey Harper's affidavits, and Dorchester County lawyer Bradley Mitchell's testimony. And also, the Appellants filed a Motion for Declaratory Judgment to declare Wise Lane is a private road.

All of those the above-mentioned Motions were never scheduled for a hearing, but still the Honorable Judge Murphy denied them anyway. Why?

Even when the Court of Appeals remanded (order) the case back to the Lower Court on August 13, 2025, and asked the Honorable Judge Murphy to review, write, and expedite whether the Appellants did submit all those exhibits before the January 21, 2025 virtual hearing, the Honorable Judge Murphy did not want to review and write on the Appellants' exhibits.

On November 2, 2025, the appellants received an email from the Lower Court stating that the Hon. Judge Murphy only saw 3 exhibits filed by the Appellants on November 12, 2024, but she never saw Exhibit# 4, that was filed on December 30, 2024, or Exhibit # 5 that was filed on January 10, 2025. She also did not mention that there were additional exhibits, including another Exhibit # 5 filed by the Appellants on January 17, 2025, and that file is completely missing, gone from the court docket. Why?.

So, the Lower Court found the missing exhibits on November 13, 2025, and still never mentioned that the appellants filed another 6-exhibits and 5-Motions before the virtual hearing on the Motion to Reconsider the plaintiff's Motion for Injunction.

All of the above proves prejudice from the Honorable Judge Murphy to the appellants.

The Appellants were never given the chance to address or argue the Respondents evidence because the Respondent's never produce any evidence,

That has to be cover two main points.

1) Dedication and acceptance by the county. The Respondents failed to produce one single shred of evidence that Dorchester County accepted Wise Lane into the county road maintenance system. And accepting the dedication also means responsibility, and maintenance for Wise Lane, and also the legal liability responsibility if someone got hurt on Wise Lane.

On the contrast, the Appellants did prove beyond a reasonable doubt that Dorchester County never accepted Wise Lane or the dedication by the following documents.

- 1) The Appellant's deed proves that Wise Lane is a private easement.
- 2) The Appellant's title search insurance proves that Wise Lane is a private road and never has been dedicated to the public and was never used by the public.
- 3) The chain of emails between the county and the Appellants prove that Wise Lane is private, not public.
- 4) The hundreds of pictures prove that the Appellants built and maintained Wise Lane and also pictures prove that the public never used Wise Lane.
- 5) 7 -Affidavits proving that Wise Lane is a private road and never used by the public.

So now we know that Wise Lane is a private driveway and facts on merit cannot be ignored.

The second element to make the road public by long-term use must be established of 20 years. And the Respondents have failed to produce any evidence that the general public or even from the public who is living on the subdivision Twin Lakes subdivision have ever used Wise Lane for a period of 20 years that has to be:

1) Open 2) Notoriously, 3) Hostile, 4) Uninterrupted and 5) Continuously.

And within the 20-year use period.

On the contrary, the appellants prove that the public never used the appellants' driveway, Wise Lane, through the same evidence. 1) Emails. 2) Seven affidavits, 3) The pictures are worth a million words and cannot lied or mislead.

The Respondents never produce any evidence on the two main elements in this case, the acceptancy of the dedications or public use for a 20-year period.

The Respondents produced two affidavits.

They are employees of the Respondents: 1) Chris Hill & 2) Kelsey Harper

The Respondents never served the appellants correctly. The appellants found out after the virtual hearing on the motion for injunction, and the Appellants struck ,the

Respondents two affidavits and asked Hon. Judge Murphy to remove them from the record on the ground of the following:

1) The Respondents never served the Appellants.

2) Chris Hill and Kelsey Harper are both the Respondent's employees They take their salary from the Respondents and should have never been considered to be lawful affidavits, they are not eyewitnesses.

3)They both claim have personal knowledge, but have never exactly been on Wise Lane, the two affidavits to be considered, and not under penalty of perjury, is simply hearsay.

4) Chris Hill and Kelsey Harper have never been on Wise Lane, and if they were, They would be considered trespassing.

5) The information in the Affidavit is not and cannot be accurate or shouldn't be accepted because it is a personal belief and not under the penalty of perjury.

The Appellant never seen the so-called permit during the trespassing on July 26, 2024. What was sent to the appellant through a chain of emails was between Dorchester County employees, one named Anne Marie Chadeayne, emailing public works employee Derek McCoy telling him, Sorry, we cannot remove the gate on Wise Lane. Derek McCoy replied back, that public works does not have the right of way. Sorry, we cannot help to remove the gate. The date of the email was May 30th, 2024. Respondents submitted that to the court, and Honorable Judge Murphy accepted that as evidence the Respondents encroachment permit.

The Appellant submitted those emails to the lower court as to prove that Dorchester County does not have jurisdiction or any authority over the Appellant's driveway, Wise Lane, and it also proves that the county never accepted the dedication, and also those emails proved that Wise Lane is a private road driveway, which proves the Appellant's undeniable points. But Honorable Judge Murphy chose to reject than rather accept them as evidence from the appellant. Why? Those emails were submitted by the Appellant on November 12, 2024, Exhibit # 2.

Honorable Judge Murphy rejected to accept those as one of the most powerful pieces of evidence in the case, the Appellant's title search insurance : First American Title Search Insurance, to prove that the name of the road is "Wise Lane, not AKA Wise Road" It is a private, never been public and the county never accepted the dedication or the maintenance of Wise Lane. Honorable Judge Murphy never accepted that. A title insurance as evidence. Why?

Also, Judge Murphy rejected to accept the Appellant's deed as evidence. In the Appellant's deed, is subject to the easement. In the real estate terminology, subject: means there is an easement on the Appellant's property and in order to find the easement location, look at the plat map, Twin Lakes subdivision plat map, and the location of the easement.

It is on Wise Lane, and the easement on the Appellant's lot# 5 and lot #6 is relinquished, which means it is ceased to exist due to the Doctrine of Merger that is registered with the Dorchester County Register of Deeds in St. George, South Carolina. Due to the unity of one ownership, Attia Elbadawy Lot's 5 and 6 are under one owner, when the easement is relinquished, gone forever and will never come back. That should have ended the case right there. but the Honorable Judge Murphy rejected to accept a deed as evidence, that has been recorded with the Dorchester County Record of Deeds, St, George, SC. Why?

The rest of Wise Lane from the appellant's lot #5 up to Weir Street, the Appellant claims he Is a legal owner by Adverse Possession by Tacking with the previous owner's totaling 53 years of possissoin.

Also, Honorable Judge Murphy rejected the Dorchester County GIS map showing very clearly that the easement on the Appellant's lot #5 which ceased to exist on the county map and on Google map. Why?

Also Honorable Judge Murphy rejected to accept the letter from Dorchester County Planning and Zoning dated July.1990 that Wise Lane is a private road off Weir Street in the Twin Lakes subdivision in Summerville, South Carolina. Why?

Honorable Judge Murphy refused to apply South Carolina Code 56-5-450, as driveway is a private road, and she also refused to apply S. C. Code 6-29-1170, road dedication acceptance, Why?

Honorable Judge Murphy rejected to accept as evidence emails from county Dorchester County Public Works James Simpson to the appellants dated January 31, 2019, as proof that the county never accepted or maintained Wise Lane and the appellants paid taxes on Wise Lane, exhibit # 5, page number 2, and email from the appellants to Dorchester County Public Works Jason Carragher dated April 24, 2019, about how horrible Wise Lane is and offering more Proof that Wise Lane is a private road and the public never used Wise Lane.

The big question is, where is the public going to go to? Anyhow, the whole area is flooded, wetlands, swamp, and forest, and the forest is a tree farm, and it is private land belonging to Darlington Veneer and Veneer Company that never used Wise Lane. The Veneer Company always used Helm Drive and Pruitt Street off Scotch Range to take their cut timber off the tree farm, which is the roads listed on the Respondent's subdivision D V Timbers legal permit.

And it will be a HOA subdivision, meaning the public is not allowed to be there in a private community, also the Respondents wanted to tie those two subdivisions together, even the residents and landowners in the Twin Lakes subdivision have a legal right to stop Dorchester County from maintaining the roads in the Twin Lakes subdivision and changing the subdivision to an HOA community.

Honorable Judge Murphy rejected to accept this as evidence off a letter from Dorchester County Planning and Zoning "Residential Use Certificate" dated February 17, 2023, to prove that Wise Lane is a private road, and it is not A K.A. Wise Road. See Exhibit #5, page#14, date submitted January 10, 2025.

Honorable Judge Murphy rejected to accept as evidence an email from Kasey Byrd, a Dorchester County employee, dated 11-19-2021 to prove that Wise Lane is a private road. Even the appellants questioned Dorchester County Public Works Kasey Byrd about if after the appellants built Wise Lane and spent their own money/time to build the road, can the county just change the road from private to public?. Kasey Byrd replied, No!, the appellants must file a petition with the county and then if the road is built to the county standards, there will be a meeting in front of the city council to vote whether to accept the road or not. and the acceptance form is right on the Dorchester County website.

Why not accept that as evidence? ,That email right there should end the case.

There are hundreds of pictures showing the road condition and how Wise Lane had been blocked from both sides with trucks and heavy equipment, and showing the appellee's built Wise Lane, Plus the affidavits from the neighbors who maintained Wise Road for over 35 years prove that Wise Lane is a private road, and no public ever used Wise Lane, and that the black metal gate was there since January 2021, the affidavit from Clayton Homes manager Mark Wapshire prove that no public used Wise Lane, and the gate was there with no trespassing signs hanging from the gate. When he visited Wise Lane back in October 2022 to start the appellants home project on lot # 5. and the chain of emails between the appellants and Clayton Homes manager Kyle Smith stating about the gate was there with no trespassing signs on it and no public ever used Wise Lane, all these Emails verify that Wise Lane is private with a gate and no trespassing signs, and all of that was rejected by Honorable Judge Murphy , Why?.

The bottom line is the Respondents failed to prove the second element of dedication, which the public used the Wise Lane appellant's driveway for a 20-year period of use. And the burden of proof rests on the Respondents.

The Respondent's lawyer, Mark Bible, tried to use this as his last resort, trying to prove that the public had been using the appellant's driveway to get the Respondents property, but failed big time to prove and then stated the biggest lies in the case when he said in the Memorandum, To the Opposition to the Appellants Motion for Injunction when he clearly states that the Appellants just installed the gate in May. 2024, according to Chris Hill's affidavit, that Mark Bible is quoting, but Chris Hill never said that in his affidavit, and if he said it, both of them would be telling tales, and he wrongfully told a lie, because he could not prove that the public ever used Wise Lane, because the gate and no trespassing signs are hanging on it..

And the overwhelming evidence the appellants produced to the lower court to prove that the gate was there since January 2021, not just in May 2024. And the Honorable Judge

Murphy, she must have misread it or overlooked that important fact that proved that the Respondents are not acting in good faith.

So the appellants proved beyond a reasonable doubt the two elements to make the road a public road never occurred. The county never accepted the dedication and the public never accepted the dedication or use of the road for a 20-year period.

See *Vick versus South Carolina Department of Transportation*. The determination of whether a road has been dedicated to the public use is one in equity. *Mack versus Eden*, 320 S C 236, 239, 464, S.E.2d, 124, 126, (ct. app1995)

To perfect a claim of dedication, a party must show two elements:

- 1) The owner's clear and unmistakably intention to dedicate the property to public use,
- 2) Acceptance of the property by the public. *Tupperware versus Dorchester County*, 326 South Carolina 318, 326, 487 S.E.2d 187-191-92 (1997). The public must accept the dedication and make it complete. *Van Blarcum v. the City of North Myrtle Beach*, 337, S C, 446, 451, 532 S E 2d 486, 489, (ct. app, 1999) . When a property is subdivided and sold according to the plat showing streets or roads, the guarantees acquire a private easement in the streets, but the easement does not become public easement until there have been express and implied acceptance of the dedication, evidenced either by general public or use by the acts of public authority. *Gill v. Parker*, 340 S.C. 6973-403 S.E.2d 130, (ct. app, 1991). Also see *Walker v. Guignard*, 293 S.C. 247, 248, 359 S.E.2d 528, 529, (ct. app, 198). And also that the appellants proved there is no public acceptance, and the dedication form is on the Dorchester County website that says how the dedication is handled accordingly.

CONCLUSION

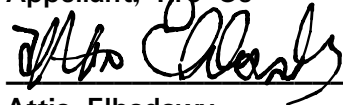
For the reasons set forth throughout the attached Chapter I through Chapter V sections and the attached Argument materials, Appellants respectfully request that the Court of Appeals reverse the denial of the Motion for Injunction, recognize and declare that Wise Lane is a private roadway, hold that Respondents failed to prove public acceptance, public use, permit authority, or any lawful right of entry, and grant such other relief as this Court deems just and proper.

REQUEST FOR RELIEF

- 1) Reserve the trial court's denial of Appellant's Motion for Injunction.
- 2) Declare that Wise Lane is a private road/private driveway not subject to public use, dedication, or governmental control.
- 3) Hold no valid dedication and acceptance occurred under South Carolina law sufficient to establish a public road.
- 4) Find the elements required to establish a public road by prescription including twenty years of continuous public use, have not been satisfied.
- 5) Recognize that the doctrine of merger extinguished any alleged easement affecting the property.
- 6) Enjoin Respondents from entering upon, using, or asserting any rights over Wise Lane absent lawful authority.
- 7) Grant such further relief as this Court deems just and proper.

Respectfully submitted,

Appellant, Pro Se



April 9, 2026.

Attia Elbadawy

Appellant, Pro Se



April 9, 2026

Lynne Chatlos

Appellant, Pro Se

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Summerville, SC 29483

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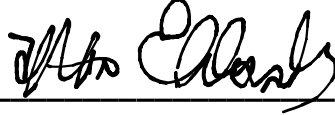
SC Court of Appeals

CERTIFICATE OF SERVICE

I certify that a copy of this brief has been served on the opposing parties or counsel of record in accordance with the South Carolina Appellate Court Rules.

Respectfully submitted,

Attia Elbadawy, Pro Se Appellant



April 9, 2026

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April 9, 2026

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