

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
James Burrell as Personal Representative for)
The Estate of Elizabeth Jones Burrell,)
Plaintiff)

COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT
C/A No.: 24-CP-40-4005

-vs-

Catherine Carroll, Deceased, and Any Unknown Adults being a class designated as John Doe, and any unknown infants or person under disability or in the Military service being class designated as Richard Roe,
And Percy Morant.

Defendants.)

ORDER ON ADVERSE POSESSION AND OCCUPANCY-NOT ENDING ACTION

Master In Equity:	STEPHANIE N. LAWRENCE
Date:	July 6, 2026
Counsel for Plaintiff:	Charles T. Brooks, III
Counsel for Defendant Carroll:	None
Counsel for Defendant Morant:	None; Pro-Se
Court Reporter:	Southern Reporting, Inc.

This matter comes before the Court for a hearing on an action originally brought by Mr. James Burrell to quiet title as to certain real property. The action was commenced by the filing of the Summons, Lis Pendens, and Complaint on or about July 1, 2024. Mr. Burrell filed this action in order to remove any cloud from the title to real property located in Richland County, indicated as TMS#R11816-09-07 located at 300 Meadowlake Drive Columbia, SC 29203 . The matter was referred to the undersigned by Order of Reference filed February 7, 2025. Any appeal from the decision of the Master in Equity shall be directly to the South Carolina Court of Appeals.

PROCEDURAL FINDINGS

1. This is an action to quiet title pursuant to Sections 15-67-10 et seq., Code of Laws of South Carolina, 1976, as amended.

2. The Court previously issued a Quiet Title Order dated September 10, 2025, from a hearing conducted on August 5, 2025.

3. However, in response to Mr. Percy Morant's (hereinafter referred to as "Defendant Morant") emergency motions to set aside and stay an eviction, as the long time and current occupant of the property, the Court conducted a virtual hearing on February 27, 2026.

4. After considering the testimony and evidence presented at that hearing, the Court determined that Defendant Morant should have been included in the proceedings. Subsequently, an Order Vacating the Quiet Title Order and resulting deed was entered on March 20, 2026.

5. Pursuant to that order, Defendant Morant was made a party to the action and the Amended Lis Pendens, Summons and Complaint were filed on April 8, 2026, and served upon him on April 17, 2026.

6. Defendant Morant filed an Answer and Counterclaims on May 18, 2026 and a hearing was eventually scheduled for July 6, 2026.

7. At the hearing, Attorney Charles T. Brooks, III appeared on behalf of Mr. James Burrell who is the Personal Representative of the Estate of Elizabeth Jones Burrell. Mrs. Burrell also appeared and offered testimony. Defendant Morant appeared *pro se*. The Court having reviewed the pleadings, heard the testimony of the parties present at the hearing, and otherwise fully advised in the premises, finds and concludes as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

8. The Court finds it necessary that the caption be amended pursuant to SCRCP 17(a) to substitute The Estate of Elizabeth Jones Burrell to reflect instead James Burrell, as Personal Representative for the Estate of Elizabeth Jones Burrell (hereinafter referred to as "Plaintiff") as

the real party in interest. Mr. Burrell is the living son of Elizabeth Jones Burrell and he is the appointed Personal Representative for her Estate now pending in the Richland County Probate Court.

9. This action to quiet title was brought pursuant to the Doctrine of Adverse Possession and based on Elizabeth Jones Burrell's occupancy of the property prior to her death.

10. The elements of adverse possession are (1) Actual; (2) Open; (3) Notorious; (4) Hostile; (5) Continuous; and Exclusive possession. *Getsinger v. Midlands Orthopaedic Profit Sharing Plan*, 327 S.C. 424, 489 S.E.2d 223 (Ct. App. 1997). This must be established by clear and convincing evidence. *Id.*

11. Plaintiff lacks sufficient evidence to support his adverse possession claim in that Elizabeth Jones Burrell's occupancy of the property was not hostile.

12. A Plaintiff's possession of the Property is considered hostile where it is actual, exclusive, open, notorious and without permission or consent. *Taylor v. Taylor*, 419 S.C. 639, 799 S.E.2d 919 (Ct. App. 2017).

13. Plaintiff lacks sufficient evidence to support his adverse possession claim in that Elizabeth Jones Burrell's occupancy of the property was also not exclusive.

14. Under an adverse possession claim, Plaintiff's possession must be exclusive. *Knox v. Bogan*, 322 S.C. 64, 472 S.E.2d 43 (Ct. App. 1996); *Curtis v. DesChamps*, 290 S.C. 315, 350 S.E.2d 201, 207 (1986). A claim of adverse possession cannot be maintained against a cotenant.

15. In this case, the hearing testimony evidenced numerous people, including Elizabeth Jones Burrell, residing within the home together at various periods for various durations after the death of the original owner, Defendant Catherine Carroll.

16. Accordingly, the Court finds that Plaintiff's request to quiet title to the subject property through adverse possession fails as a matter of law.

PROBATE CONSIDERATIONS

17. The Defendant Catherine Carroll (hereinafter referred to as "Defendant Carroll") is a deceased person, having passed away in or around the year 2007 in Richland County without a Last Will and Testament. Elizabeth Jones Burrell is the natural niece of the Defendant Carroll.

18. At the time of her death, the Defendant Carroll had a one hundred percent (100%) interest in the subject property.

19. No estate was opened in Richland County for Defendant Carroll upon her death. This property remains titled in her name and may be the sole asset of her estate.

20. The obituary for Defendant Carroll which was proffered by Defendant Morant at the hearing, indicates other heirs not considered or made party to proceedings.

21. Following further discussion and testimony concerning additional obituaries for other deceased family members which Defendant Morant also had at the hearing, Plaintiff is directed to Petition Richland County Probate Court to Determine the Heirs of Defendant Carroll, who passed away in 2007.

22. Once the heirs of the subject property have been determined, the Plaintiff will have leave to request a follow up hearing to quiet title to the property by partition.

INTEREST AND OCCUPANCY OF DEFENDANT MORANT

23. The Court finds that Defendant Morant does not have any legal or equitable interest in the subject property.

24. Based on the evidence and testimony in the record, the invitation to reside within the property was extended to Defendant Morant by Ms. Carrietta Michelle Burrell (hereinafter

referred to as Ms. Carrietta), who passed away in May 2023. Ms. Carrietta and Defendant Morant were in a long-term relationship. They lived together in the home with her mother, Ms. Elizabeth Burrell, before her death in December 2022.

25. Defendant Morant has remained in the property since that time – more than three years.

26. Based on the evidence and testimony in the record, Defendant Morant has never paid rent but did pay some property taxes and provide some basic upkeep.

27. Although the testimony supports that Defendant Morant was an invited guest of both Ms. Carrietta and her mother, his invited status does not extend beyond their deaths.

28. Any equitable interest Mr. Morant may have claimed in the property for payment of some property taxes and upkeep is outweighed by the fact that he never paid rent.

29. That the Defendant Percy Morant, is Ordered to remove himself, taking only his personal belongings with him, from the property no later than August 10, 2026.

30. This Court will issue any necessary separate Writs or Orders for Removal that may be required to affect this with the assistance of Richland County Sheriff's Department.

ACCESS TO THE PROPERTY

31. That Plaintiff, James Burrell, as the Personal Representative for the Estate of Elizabeth Jones Burrell, will be granted access to the subject property for purposes of securing the property, having it appraised, and insured.

32. That Plaintiff, will not reside nor rent nor allow anyone else to reside in the house pending a subsequent hearing to quiet the title following the determination of heirs by the Probate Court.

THEREFORE, IT IS HEREBY ORDERED that the above directives are hereby made
an Order of this Court.

AND IT IS SO ORDERED!


The Honorable Stephanie N. Lawrence
Master-in-Equity, County of Richland

, 2026
Columbia, South Carolina