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SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas
The Honorable R. Lawton McIntosh

Case No. 2022-CP-37-00447
Appellate Case No. 2025-000982

Frances J. Ratliff, Edward J. Ratliff, Jr., James L. Ratliff, Lucretia B. Morgan, Sherri Akers Crisp, and Amy Cawthon,

Appellants,

v.

Oconee County, Globe, a South Carolina Limited Partnership, and Farmes, a South Carolina Limited Partnership,

Respondents.

RESPONDENTS' MOTION TO SUPPLEMENT THE RECORD

James W. Logan, Jr., SC Bar No. 3385
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Attorney for Respondent Oconee County

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Attorney for Globe, a South Carolina Limited Partnership, and Farmes, a South Carolina Limited Partnership

The Appellants hereby move pursuant to Rules 212 and 240, SCARC, to supplement the Record on Appeal with trial exhibits that were not included in the Appellant's Record on Appeal Respondents' counsel sought the consent of the Appellants Counsel on September 4, 2026. Appellants' Counsel replied on September 27, 2026 that they would not consent. The documents attached as Exhibit A are exhibits that were introduced at trial. These exhibits are notable and important to include in the Record as they directly contradict Appellant's claims that "Appellants' chain of title does not identify their property as being located on a public road" (Appellant's Final Brief, Pg 1). Exhibit A was introduced at trial along with numerous other historical deeds and plats of surrounding properties which clearly show that Ellenburg Road was designated as a public road decades prior to the Ratliff's purchase of their property. Exhibit A makes clear that the Appellant's property, once owned by T.B. Ellenburg, is located along a public road identified as South Carolina Road No. S-37-201. This is in direct contravention to Appellant's claims that their chain of title does not identify their property as being located on a public road.

While numerous other documents included in the record make clear that Ellenburg Road is a public road, the inclusion of this additional Exhibit is central to this appeal. Exhibit A shows that Appellants own chain of title identified Ellenburg Road as a public road in 1966. As such, Respondents' motion to supplement to the Record on Appeal should be granted.

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and reverted to Oconee County. As shown by the SCDOT sworn testimony set forth below, this was an erroneous premise.

Respondents' central argument in this appeal is also based on this erroneous premise. Respondents argue that Ellenburg Road was a state road before the creation of Lake Keowee and after the creation of Lake Keowee the state abandoned Ellenburg Road to Oconee County. (Respondents' Br. 2, 8-9). As with the Order, once this erroneous premise is corrected, Respondents' argument fails.

The SCDOT's sworn testimony is clear, Ellenburg Road was never a state road and, as such, it was never state-maintained or abandoned by the state to Oconee County as part of the creation of Lake Keowee. Once this erroneous premise is corrected, the Order is no longer supported by the facts and the law. The SCDOT's testimony is central to this appeal. As such, Appellant's motion to supplement to the Record on Appeal should be granted.

/s/ David L. Paavola
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Columbia, South Carolina
March 8, 2024

RATLIFF 000476

STATE OF SOUTH CAROLINA)
:
COUNTY OF OCONEE)

6.52 Acres, Keowee Township

349

KNOW ALL MEN BY THESE PRESENTS that T. B. ELLENBURG

hereinafter called "Grantor", in consideration of the sum of Ten ($10.00) Dollars and other good and valuable considerations to Grantor in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto CRESCENT LAND & TIMBER CORP., a corporation organized under the laws of the State of South Carolina, hereinafter called "Grantee", all that certain tract of land lying and being in Keowee Township, Oconee County, South Carolina, more particularly described as follows:

BEGINNING at the intersection of the center line of South Carolina Road No. S-37-201 and the southeasterly edge of a bridge and runs thence S 60-36 E 248.6 ft.; thence S 30-57 E 671.6 ft.; thence S 00-41 E 55.0 ft.; thence the following courses and distances with contour at elevation 800 feet above mean sea level, U.S.G.S. datum: S 54-45 W 47.4 ft.; S 12-58 E 51.8 ft.; S 71-14 W 104.6 ft.; N 59-15 W 65.6 ft.; N 27-30 W 78.3 ft.; N 25-40 W 114.6 ft.; N 42-30 W 123.0 ft.; N 54-15 W 51.9 ft.; S 83-41 W 80.7 ft.; S 49-07 W 57.9 ft.; S 33-54 W 73.2 ft.; S 23-37 W 71.4 ft.; S 07-23 W 78.6 ft.; S 25-38 W 83.4 ft.; S 05-59 W 84.8 ft.; S 10-26 W 51.8 ft.; S 35-19 W 35.6 ft. to a point in the easterly line of the Eugene Kelley property; thence with the easterly line of said property N 11-11 W 562.1 ft.; thence with the southeasterly line of Crescent Land & Timber Corp. (formerly T. B. Ellenburg) property N 30-14 E 433.7 ft. to the BEGINNING, containing 6.52 acres as shown on print dated April 28, 1966, marked File No. K-574, a copy of which is attached hereto and made a part hereof, and being a part of the property conveyed to Grantor by Deed of J. J. Younce, dated September 12, 1950, and recorded in Book 6-I, page 182 in the Oconee County Registry.

See Plat Book P-27, Page 409

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DEFENDANT'S EXHIBIT 1.13A 4-4-24

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And for the consideration above set out, Grantor hereby grants, s, sells and releases unto Grantee, its successors and assigns, the owing rights, privileges and easements:

The right, privilege and easement of backing, ponding, raising, flooding or diverting the waters of the Keowee River and its tributaries in, over, upon, through or away from any portion of the lands of the Grantor not conveyed in fee by this instrument, lying below elevation 810 feet, whenever and to whatever extent deemed necessary or desirable in connection with, as a part of, or incident to the construction, operation, maintenance, repair, altering or replacing of a dam and electric power plant to be constructed across the Keowee River, the top of the floodgates on top of the spillway of said dam to be at an elevation not to exceed 800 feet above mean sea level, U.S.G.S. datum, together with the right at any time and from time to time to clear the portion of said land between elevations 800 feet and 810 feet above mean sea level, U.S.G.S. datum, of underbrush and other growth, and to drain

and otherwise treat said portion of said land in any manner deemed necessary or desirable by Crescent Land & Timber Corp. in connection with the construction, maintenance and operation of the dam and power plant above referred to and of the reservoir or lake created or to be created by same; provided, however, that Crescent Land & Timber Corp. shall not cut merchantable timber except within a ten foot strip, measured horizontally, adjoining the 800-foot contour; and with the further right to Crescent Land & Timber Corp. for a right of way over the portion of said land above contour elevation 800 feet above mean sea level, U.S.G.S. datum, for the purpose of access to the property conveyed, said right of way to be over such roads as are now or as hereafter may be on said land, and in case there is no road on the land which Crescent Land & Timber Corp. can use at the time it desires such use, Crescent

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O HAVE AND TO HOLD, the aforesaid land, flood easement and other nd privileges above described, and all privileges and appurtenances to belonging, to the said Crescent Land & Timber Corp., its successors nd assigns, to its and their only use and behoof forever, except that Grantor reserves the right of ingress and egress over the above described tract of land below an elevation of 800 feet during periods of low water for access to the lake to be formed by the dam above referred to.

And the Grantor does hereby bind Grantor and Grantor's heirs, executors and administrators to warrant and forever defend all and singular the said premises unto the Grantee hereinabove named, and the Grantee's

successors and assigns against the Grantor, Grantor's heirs and assigns, and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS Grantor's hand and seal this 24th day of September in the year of our Lord 1966 and in the 190th year of the Independence of the United States of America.

T. B. Ellenburg (SEAL)

_____ (SEAL)

_____ (SEAL)

_____ (SEAL)

Signed, Sealed and Delivered in the Presence of:

RATLIFF 000478

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STATE OF SOUTH CAROLINA)
:
COUNTY OF OCONEE)

PERSONALLY appeared before me Betty H. Miley and made oath that she saw the within named T. B. Ellenbrug

sign, seal and as his act and deed deliver the within written deed, and that she with J. Pat Miley witnessed the execution thereof.

SWORN to before me this 24th day of September, A.D. 19 66.

Betty H. Miley

Notary Public for S. C.

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE.....)

RENUNCIATION OF DOWER

I, J. Pat Miley, Notary Public of S. C., do hereby certify unto all whom it may concern, that Mrs. Lillian D. Ellenburg the wife of the within named T. B. Ellenburg did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily and without any compulsion, dread, or fear of any person or persons, whomsoever, renounce, release and forever relinquish unto the within named Crescent Land & Timber Corp., its successors and assigns, all her interest and estate, and also all her right and claim of dower of, in or to all and singular the premises within mentioned and released.

Given under my hand and Seal, this 24th day of September Anno Domini 1966.

(L. S.)

Notary Public of S. C.

Lillian D Ellenburg
Lillian D. Ellenburg

RECORDED 26 day of Sept 1966
ROY D. HARDEN, C. C. P. & G. S.
OCONEE COUNTY, S. C.

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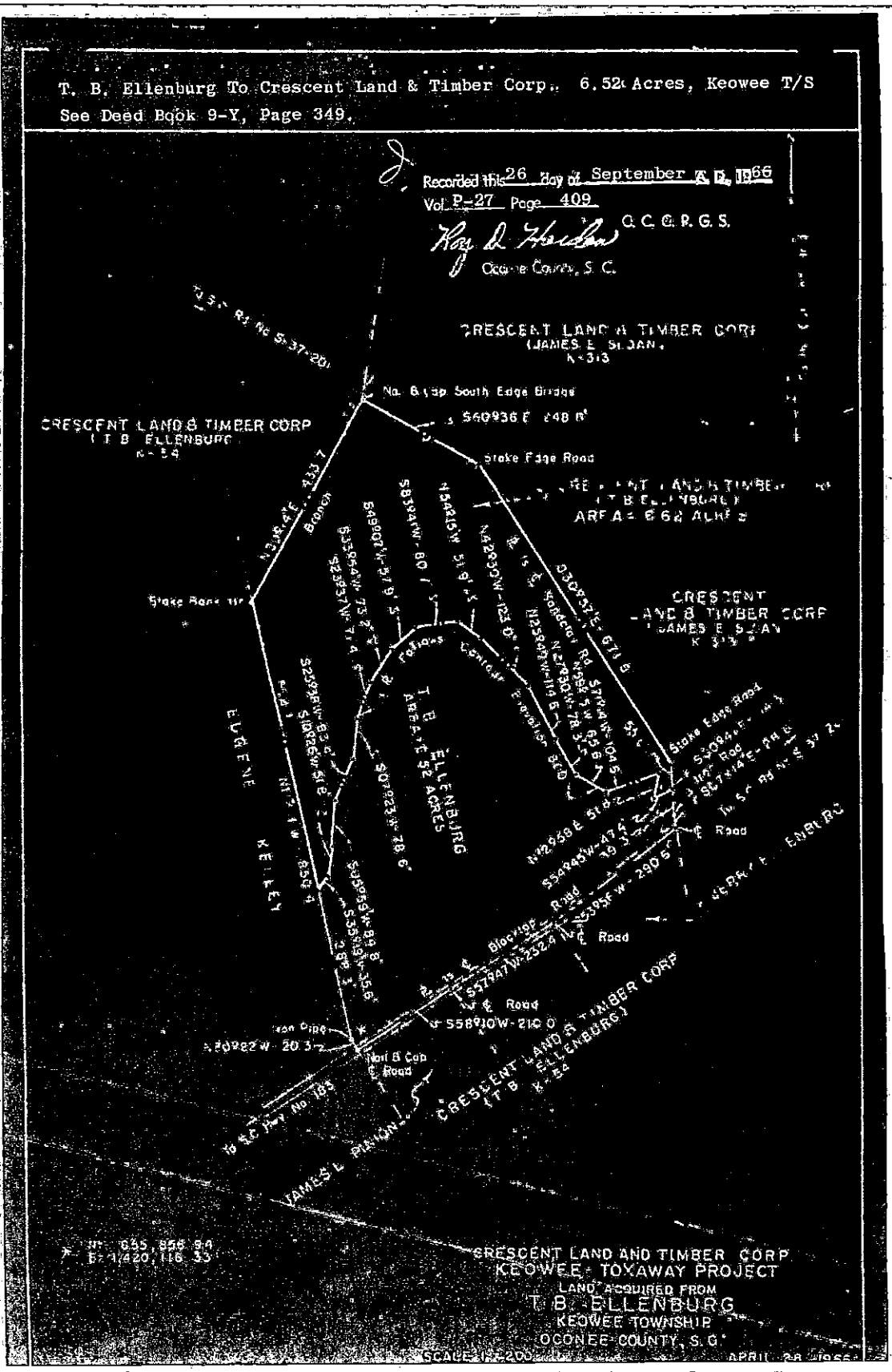
T. B. Ellenburg To Crescent Land & Timber Corp., 6.52 Acres, Keowee T/S
See Deed Book 9-Y, Page 349.



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PENGAD-Bayonne, N. J.

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PROOF OF SERVICE

I certify the Respondents' Motion to Supplement the Record in this matter has been served on David L. Paavola, counsel for Appellants, by email sent to his primary e-mail address listed in the Attorney Information System, paavola@conlaw.com, on October 5, 2026.

s/ Andrew Holliday

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