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**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA**

**THE COURT OF APPEALS**

**APPEAL FROM DORCHESTER COUNTY**

**Court of Common Pleas**

**Honorable Diane S. Goodstein, Circuit Court Judge**

**Lower Court CASE No: 2025-CP-1801527**

**Appellate Case No. 2026-001187**

**Attia Elbadawy and Lynne Chatlos, Appellants,**

**v.**

**Dorchester County and D.R. Horton, Inc., Respondents.**

**INITIAL BRIEF OF APPELLANTS**

Attia Elbadawy and Lynne Chatlos, Appellants, pro se

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**STATE OF SOUTH CAROLINA  
THE COURT OF APPEALS**

**Appellate CASE No: 2025-001299  
Appellate CASE No: 2026-001187  
CONSOLIDATED APPEALS**

**MAIN COVER PAGE  
INITIAL BRIEF OF APPELLANT'S**

**Appeal CASE No: 2025-001299**

**From Dorchester County Court of Common Pleas  
Lower Court CASE No: 2024-CP-1801459  
Honorable Judge Matie Murphy**

**Appeal CASE No: 2026-001187**

**From Dorchester County Court of Common Pleas  
Lower Court CASE No: 2025-CP-1801527  
Honorable Judge Diane Goodstein**

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## **STATEMENT OF ISSUES ON APPEAL**

1. Whether the circuit court erred in rejecting service on Dorchester County through County Administrator Jason Ward under Rule 4(d)(6), SCRCPP, and whether the County preserved its service objection under Rules 12(g) & 12(h)(1), SCRCPP.
2. Whether the circuit court erred in resolving service on D.R. Horton, Inc. without applying Rule 4(d)(3), SCRCPP, to the authority and relationship of the person served.
3. Whether the circuit court applied the correct standards to the Appellants' default requests and the Respondents' requests for relief from default under Rules 55 and 60, SCRCPP.
4. Whether the Appellants' claims concerning title, adverse possession, the twenty-year presumption of a grant, merger, and utility easements require adjudication under the applicable property-law standards.
5. Whether the evidence concerning Wise Lane's private status and the September 2, 2025 County Council vote was properly considered under the law of public dedication and acceptance.
6. Whether the circuit court properly resolved the requests for injunctive relief and the issues raised concerning the September 15, 2025 hearing and subsequent written orders.

7. Whether the Circuit Court erred rejecting the Appellants reply to the County Attorney Bradley Mitchell's County Motion to Dismiss and served the County Attorney Bradley Mitchell after he accepted service and the jurisdiction.

8. Whether the Circuit Court erred in the service on D R Horton, Inc Attorney Mark Bible, even after Mr. Mark Bible is still representing D R Horton, Inc by attending hearing, submitting exhibits, documents and memorandum of law to the opposition to the Appellant's Motion for Injunction Relief.

9. Whether the Circuit Court erred rejecting the Appellant's Motion for Entry of Default against Dorchester County and D R Horton, Inc for totally ignoring Rule (55).

10. Whether the Circuit Court erred for not hearing or discussing the Appellants Motion to Strike Dorchester County, Motion to Dismiss.

Which were filed on the same day 08/18/2025 along with the Motion for Default Judgement.

11. Whether the Circuit Court erred to accept the D R Horton, Inc and the County filing, before getting relief from Rule (55) Default Judgement.

12. Whether the Circuit Court erred by not granting the Appellant's Quiet Title Action lawsuit against D R Horton, Inc and Dorchester County on the ground that no material facts to dispute.

13. Whether the Circuit Court erred for not applying Rule (55), 60 which is on the Merits.

## **STATEMENT OF THE CASE**

This appeal concerns a quiet title action commenced on July 3, 2025, concerning Wise Lane in Dorchester County. The action named Dorchester County and D.R. Horton, Inc. as Defendants and sought declaratory and injunctive relief concerning ownership and access rights. The relief requested concerns property rights rather than a specified monetary award. (Complaint, filed July 3, 2025). The Respondents challenged service and sought dismissal. The Appellants filed motions seeking default-related relief and opposed dismissal. The circuit court held a virtual hearing on September 15, 2025. The Appellants seek review of rulings disposing of their motions, including the written injunction orders identified in their account as dated May 7 and May 26, 2026. (Motions to Dismiss, filed August 13 and August 20, 2025, September 15, 2025 Transcript : Orders dated May 7 and May 26, 2026.

The Appellants identify a Notice of Appeal filed on May 22, 2026, and a later notice addressing the two written orders. The date of service of the Notice of Appeal is May 26 and June 16, 2026. The exact orders under review and any subsequent order affecting the appeal must be identified from the notices and orders included in the record. (Notice of Appeal and proof of service. subsequent notice and appellate orders.

## **STATEMENT OF FACTS RELEVANT TO THE ISSUES**

### **QUIET TITLE ACTION**

CASE No.: 2025-CV-1801527

APPEAL CASE No: 2026-001187

### **QUIET TITLE FACTUAL BACKGROUND**

On July 3, 2025, the Appellant, Attia Elbadawy, filed a quiet title action lawsuit to declare that the Appellant's private driveway, access to his property, Wise Lane is private land, and the legal owner of the driveway easement is the Appellant, Attia Elbadawy, by adverse possession and by adverse possession by tacking with the previous owner.

The total years of adverse possession are 8 years with the current owner, Attia Elbadawy, and 44 years of adverse possession with the previous owner, Olah Perry. Therefore, the total period of adverse possession by tacking is 52 years of possession of Wise Lane.

On July 3, 2025, the Appellant served the following Respondent/ Defendants: Dorchester County and D. R. Horton, Inc. The Appellant, on July 3, 2025, served Respondent D. R. Horton, Inc. with a Motion for Injunction, Summons and Complaint and a Cease and Desist Notice.

The Appellant served Respondent, D. R. Horton, Inc through a private service company in Greenville, S. C. named Swamp Rabbit Service Company, Rule 4 (d) (3) See proof of service: Which served Respondent, D R Horton,Inc's attorney Mr. Mark Bible.

Appellant also served Respondent, Dorchester County Administrator Jason L. Ward at his office in Dorchester County, according to South Carolina Rule 4, through the Dorchester County Sheriff's Department.

The officer's name: Ted Stanfield, MD# 352. See proof of service.

The Appellant also served Respondent, Dorchester County Attorney's Office, Bradley Mitchell, with the Summons, Complaint, Motion for Injunction, and Cease and Desist Notice through the Dorchester County Sheriff's Department Officer's name, is Ted Stanfield, MD # 352. On August 1, 2025, Respondent, D.R. Horton, Inc entered into default judgment, and on August 10, 2025.

Respondent, Dorchester County entered into default judgment. On August 1, 2025 the Appellant filed a Motion for Entry of Default Judgment Rule 55(c) against Respondent D. R. Horton, Inc., and served D. R. Horton, Inc.'s attorney, Mr. Mark Bible, at his Kenison, Dudley & Crawford Law office in Greenville, S. C. On August 11, 2025, the Appellant filed a Motion for Entry of Default Judgement against Respondent, Dorchester County Rule 55 and served Respondent, Dorchester County Administrator Mr. Jason L. Ward with the motion.

The Appellant also served Respondent, Dorchester County, Attorney Mr. Bradley Mitchell with the same motion. Rule 55 (c) permits an Entry of Default to be set aside only for good cause. South Carolina decisions require the defaulting party first to provide a satisfactory reason for failing to answer in a timely period and then required consideration of timing, prejudice and a meritorious defense.

Wham v. Shearson Lehman Brothers 298 S.C. 462 381 S.E. 2d (ct .App. 1989)

Williams v. VanValkenburg, 312 S.C. 373. 440 S.E. 2d 408 (ct. App 1994).

The Appellant contends those requirements were not meaningfully applied before the merits of his Default requests were rejected.

On August 13, 2025 Respondent, Dorchester County attorney Mr. Bradley Mitchell filed a Motion to Dismiss the Appellant's Quiet Title Action lawsuit against Respondent, Dorchester County.

On August 18, 2025, the Appellant filed another Motion for Entry of Default Judgment against Respondent, Dorchester County and also a Motion to Strike Respondent, Dorchester County's Motion to Dismiss the Appellant's Quiet Title Action Lawsuit against Respondent, Dorchester County. The Appellant served Respondent, Dorchester County attorney Mr. Bradley Mitchell with these Motions. See proof of service.

The reason is when Dorchester County attorney, Mr. Bradley Mitchell filed a Motion to Dismiss, meaning: that the County accepted the service and the Jurisdiction. So, when the County filed a Motion to Dismiss, meaning: that the Respondent, Dorchester County Waved It's Right to Set a Side the Default judgement. Rule 55 and Rule 60. The Respondent, Dorchester County never gave a reason why it is in Default Judgement. In order to obtain relief from the Default Judgement the Respondent, Dorchester County must prove that it has a meritorious defense.

There are three Default Judgements Motions filed by the Appellant against the Respondent, Dorchester County: 1) First Motion was filed on August 11,2025 and served upon Respondent, Dorchester County Administrator Mr. Jason. L. Ward 2)Second Motion was filed on August 11,2025 and served upon Respondent, Dorchester County Attorney's Office, Mr. Bradley Mitchell.

3) Third -Default Judgement was filed on August 18,2025 and served upon Respondent, Dorchester County attorney Mr. Bradley Mitchell along with the Motion to Strike Respondent, Dorchester County's Motion to Dismiss.

On August 20, 2025, Respondent D. R. Horton, Inc.'s attorney, Mr. Mark Bible filed a Motion to Dismiss the Appellant's quiet title action lawsuit and also a Motion to Set Aside the Entry of Default Judgment against Respondent, D. R. Horton, Inc. on the grounds that Mark Bible's of Kenison, Dudley & Crawford, LLC law office is not representing Respondent, D. R. Horton, Inc, in this case and that the Appellant served the wrong office with the Summons and Complaint and Motion for Injunction.

Mark Bible asserted that the proper office is the CT Corporation office in Columbia, South Carolina, and that his office is no longer accepting cases for Respondent, D. R. Horton, Inc. Therefore, he argued that the case against the Respondent, D. R. Horton, Inc. should be dismissed On August 21, 2025, the Appellant filed a Motion to Strike Respondent .

D.R. Horton, Inc.'s Motion to Dismiss and Motion to Set Aside the Entry of Default Judgment on the grounds that Mark Bible's Kenison, Dudley &

Crawford, LLC is the proper office to serve Respondent, D. R. Horton, Inc. The Quiet Title Action lawsuit seeks to declare that the Appellant is the legal owner of the Appellant's private driveway, Wise Lane.

The lawsuit concerns the ownership of Wise Lane, the Appellant's color of title, adverse possession, and the doctrine of merger because the easement and right-of-way between the Appellant's Lots 5 and 6 were relinquished, meaning that it, ceased to exist forever due to unity of ownership. The Appellant filed this quiet title action to put the world on notice that the easement between starting from the Appellant's Lots #5 to the public right-of-way on Weir Street, specifically the section between Lots 4 and 3 in N Block, and lot #4 and #3 in the M block and this describes the exact location of Wise Lane on the plat map. Has been acquired by adverse possession by tacking. That strip of land is the Appellant's driveway easement and the Appellant is the only remaining dominant easement holder left on the private easement.

In other words, the small strip of land between Lots 4 and 3 in N and M Block is for the Appellant's exclusive use to access and exit his property.

Nobody else has the legal right to use the road easement except the owner of Lots 5 and 6 in the N Block. And that is the law of the easement, and the law that is protected and enforced in the state of South Carolina. So Respondent, Dorchester County does not have an easement on the Appellant's driveway, Wise Lane.

Respondent, D. R. Horton, Inc doesn't have one either. So, the Lower Court scheduled a virtual hearing on September 15, 2025, for the motions and on the

motion for injunction. On September 11, 2025, the Appellants registered the doctrine of merger in the Dorchester County Book of Deeds in St. George, S. C. Book number 16106 and page number 73. So, there is no easement or any ROW between the Appellant's Lot 5 and Lot 6.

So the easement between the Appellant's lots is gone forever. And that merger happened automatically when the dominant estate and the servient estate on the easement merged together under one ownership. That is a certificate of merger and relinquished the easement, has been registered in the Register of Deeds Office in St. George, Dorchester County, South Carolina. And a certified copy of the certificate of merger has been submitted to the lower court on September 11, 2025. which was before the virtual hearing on the motions on September 15, 2025.

Also, later in April 2026, the Appellant's neighbor, Amanda Wise, which is the owner of Lots 3, 4, and Lot 5 in the M Block of the Twin Lake subdivision, which her property is across from the Appellant's property, she also registered her doctrine of merger in the Book of Deeds in St. George, South Carolina, and declaration that the easement between her three lots is relinquished, meaning the easement ceased to exist, and that declaration and certificate of merger is registered in Dorchester County Register of Deeds, St. George, South Carolina, Book #16546, page # 57. The notice of Cease-and-Desist letter was also served by United States certified mail to the following parties: 1) Respondent, D. R. Horton, Inc., lawyer Mark Bible.

2)Respondent, Dorchester County Administrator Jason Ward and 3)Respondent, Dorchester County Attorney's Office, Bradley Mitchell. So the only company that can be on the Appellant's driveway, Wise Lane, is allowed to fix and repair its equipment, is Dominion Energy, that has a power line easement on the Appellant's properties and the Appellant's neighbor's property, Amanda Wise. And that power line easement showing on Dorchester County GIS map looks like a letter L shape. And that easement was granted by the previous owner, American Mortgage and Investment Company, to South Carolina Electric and Gas Company in 1970, registered in Dorchester County Register of Deeds Office in St. George, Book number 176, page number 175. And Dominion Energy is the successor of South Carolina Electric and Gas Company. So Dominion Energy is the only company allowed on the road easement on Wise Lane. And the scope of the power line utility easement cannot pass the Appellant's Lot number 5 in the N Block or Lot number 5 in the M Block in the Twin Lake subdivision. The Utility easement is a nonpossessory ownership and it does not transfer ownership of the underlying fee. Douglas v. Medical Investors, Inc 256 S.C. 440, 445-46,182 S.E.2d 720.722 (1971) explains that an easement is not an estate in land in the ordinary sense and that an easement reservation did not cut down the Fee Simple Estate conveyed in the granting clause. Also, the Appellant relies upon the unity of ownership of Lot# 5 & 6 South Carolina recognizes, the basic merger principle that an easement cannot exist where the dominant and servient estate are owned by the exact same person.

Windham v. Riddle. 381. S.C. 192. 672 S.E. 2(d) 578 (2009).

Relying on Haselden v. Schein 167 S.C. 534. 166 S.E. 634(1932).

The Doctrine follows from the nature of the easement.

One cannot hold an easement over one's own land in the same capacity because the less use right merges into the greater ownership estate.

So, After the Appellant registered the Merger and extinguishment of the easement, the Appellant did submit a cerified copy to the Lower Court on September 11,2025.

So, during the vitruual hearing on September 15,2025 the Court and the Honorable Judge Goodstein could not see the Appellant on the computer screen but the Appellant could see the court, but the courtroom can hear the Appellant and the Appellant could not show any maps, photos, or any documents due to the computer screens technical problems. During the hearing, the Honorable Judge Goodstein asked a woman, her name is Kathrine Harden. Judge Goodstein cutely referred "She's my Techie" her to fix the problem on the screen ,so that the Court can see the Appellant.

The Appellant thought that Kathrine Harden is a computer technician, But later on, the Appellant found out that Kathrine Harden is a Respondent, D R Horton, Inc attorney, which she was never sign on the caption/signed in or approved by the court to become the Respondent, D R Horton ,Inc lawyer. During the virtual hearing on the Motions, Honorable Judge Goodstein dismissed the Motion for Injection and the Motion for Entry of Default Judgement against Respondent,

Dorchester County on the ground that the Appellant served the wrong person, which is Respondent, Dorchester County Administrator Mr. Jason L. Ward. Honorable Judge Goodstein claimed that Mr. Jason L. Ward is not the County. The Appellant argued with the Judge that the Appellant served the Summons and Complaint and the Motion for Injunction as well as the Letter of Cease and Desist through the Dorchester County Sheriff's Office to the Respondent, Dorchester County Administrator Mr. Jason L. Ward and he is the correct person that was served according to South Carolina Rule 4(d) (6) SCRCPP. The Appellant asked the Honorable Judge Goodstein to look at the Sheriff's affidavit. When she read the Sheriff's affidavit, Honorable Judge Goodstein claimed that the Sheriff served the Respondent, Dorchester County Administrator Mr. Jason L. Ward personally, not as a County. The Appellant argued that is not true, because the case caption shows Dorchester County as a Defendant and the Appellant served the County according to Rule 4(c) SCRCPP. But the Honorable Judge Goodstein dismissed the case against Respondent, Dorchester County on the grounds that Respondent, Dorchester County Administrator Mr. Jason L. Ward was the wrong person to be served, which is incorrect. On the second motion for entry of default judgment and the motion for injunction, which the Appellants served Respondent, Dorchester County Attorney Bradley Mitchell also through Dorchester County Sheriff's Department. And again, Honorable Judge Goodstein dismissed the summons and complaint and the motion for injunction and the motion for entry of default judgment

against Respondent, Dorchester County on the ground that the Appellant served the wrong person, which is Respondent, Dorchester County lawyer Bradley Mitchell, NOTE: When the Appellant served Dorchester County Attorney's Office Mr. Bradley Mitchell, the service was proper But in the similar situation when D. R. Horton, Inc served its Counterclaim CASE No: 2024-cv-1801459 against Dorchester County, Dorchester County Attorney Mr. Bradley Mitchell was permitted to do, but when the Appellant served Dorchester County Attorney Mr. Bradley Mitchell in the Quiet Title Action Lawsuit and the Motion for Entry of Default Judgement and served Dorchester County Attorney's office Mr. Bradley Mitchell in this case Mr. Bradley Mitchell he is the wrong person to be served, but when D. R. Horton, Inc served Mr. Bradley Mitchell, he is the right person to serve.

That is a Double Standard, See proof of service in CASE No: 2024-cv-1801459. On the third Motion was filed by the Appellant on August 18, 2025 as an answer and to Strike the Respondent, Dorchester County, Motion to Dismiss filed by Dorchester County Attorney Mr. Bradley Mitchell on August 13, 2025. Also, Honorable Judge Goodstein dismissed the motion for entry of default judgment and Motion for Injunction against Respondent, Dorchester County, filed by the Appellants on August 18, 2025. Also, on the same grounds that the Appellant served the wrong person. So here is the legal dispute and the legal argument with Honorable Judge Goodstein.

With the Appellants argued that Honorable Judge Goodstein on this point, that when the Appellants filed the motion for entry of default judgment and the motion to strike Respondent, Dorchester County's motion to dismiss on August 18th, 2025, and served Respondent, Dorchester County lawyer Bradley Mitchell, that was 100% legal.

Because Respondent, Dorchester County lawyer Bradley Mitchell filed the motion to dismiss, the Appellant's complaint on August 13th, 2025.

So, Mr. Bradley Mitchell accepted service and Mr. Bradley Mitchell Replied with the Motion to Dismiss.

So on August 18, 2025 the Appellant replied to Respondent, Dorchester County's motion to dismiss by filing a motion to strike Respondents, Dorchester County's motion to dismiss, and also filed a motion for entry of default judgment against Respondent, Dorchester County. The Appellant told Respondent, Dorchester County, you are in default. And the Respondent Dorchester County never got relief from the default judgment, and the Respondent, Dorchester County Waved It's right To Set a Side the Default Judgement, according to Rule 55. Instead the County filed a Motion to dismiss, Rule 12(6)(B). But still, Honorable Judge Goodstein dismissed the Motions against Respondent, Dorchester County on the ground that the Appellant served the wrong person.

That is incorrect. Also during the hearing, the Appellants proved to Honorable Judge Goodstein that the Appellant has an easement on the Appellant's private property, Wise Lane. The judge asked the Appellant how to prove that the

Appellant's reply please look at the deed. When Honorable Judge Goodstein looked at the Appellant's deed, and when she read the deed, she said, your property is subject to an easement. And the Appellant replied, yes, it is. And the easement is on the Appellant's property. And the Appellant asked Judge Goodstein to check the Appellant's title search insurance, she read Schedule B in the title search insurance paperwork.

The exception she found, there are three easements on the Appellant's property. The first set easement to Southern Bell Telephone and Telegraph Company recorded in Book Number 5154, Page 226. And this company does not have equipment on the Appellant's property, so it does not have any right-of-way on Wise Lane. The second easement to South Carolina Electric and Gas Company, recorded in Book 176, Page 175. And that became Dominion Energy. And that is the power line, and Dominion Energy has the power line easement and does show on the county GIS map. It looks like a capital letter L. The third easement is to South Carolina Water and Sewer Utility, Inc., recorded in Book Number 176 on Page 175. And this company does not have any equipment on the Appellant's driveway, Wise Lane. And Dorchester County is not the successor or agent of South Carolina Water and Sewer Utility, Inc. So, Respondent, Dorchester County does not have any utility easement on the Appellant's property, Wise Lane. Also, Respondent, Dorchester County does not have any equipment on the Appellant's property, Wise Lane. Also, none of those easement utilities are allowed to go past the Appellant's lot number 5. That is the scope of the easement. So, even with all

that evidence, the Honorable Judge Goodstein dismissed the Appellant Motions against the Respondent Dorchester County on the grounds that the Appellant served the wrong person And that is simply not true.

So, the Appellant was entitled to a default judgment against Respondent, Dorchester County Twice on September 15th, 2025, about the motion to strike Respondent, Dorchester County's Motion to dismiss, which was filed by the Appellant on August 18th, 2025, with the motion of entry default judgment against Respondent, Dorchester County. Honorable Judge Goodstein never heard this motion, and there was no word about this motion, such as it never existed. So, everything against Respondent, Dorchester County had been dismissed on September 15th, 2025. The Respondent D. R. Horton, Inc. lawyer, Mr. Mark Bible entered documents, exhibits on the Court's docket While the virtual hearing was taking place, The Appellants were never served, by D R Horton, Inc .

NOTE: D. R. Horton, Inc was entering filings/exhibits and documents during the virtual hearing and that is not the first time that D. R. Horton, Inc has done that, at each and every virtual hearing this has taken place.

On the June 18, 2025, virtual hearing.

The Appellant did mention and complained to Honorable Judge Murphy in CASE No: 2024-cv-1801459 and Honorable Judge Murphy didn't do nothing. See:06/18/2025 Transcript. Then D. R. Horton, Inc did it again on September 15,2025 and still again the Honorable Judge Goodstein did nothing about it. See: Court docket. Also, on January 21,2025 virtual hearing CASE No:

2024-cv-1801459 the Judge choose to do nothing about it than either. See Fed Ex with no signature required. The Appellant never got the chance to read them and it was during the virtual hearing on September 15,2025 at 2:30 p.m. they were entered.

But respondent D. R. Horton, Inc lawyer during the virtual hearing asked the Honorable Judge Goodstein to dismiss the case on the ground that the Appellant had served the wrong office and Mr. Mark Bible office is not representing the Respondent, D. R. Horton, Inc anymore. He gave the right office name and address to serve D. R. Horton Inc in Columbia, S C, But Mr. Mark Bible still Representing D R Horton, Inc and he filed a Motion to Dismiss and a Motion To Set a Side Default Judgement. While attending the virtual hearing on September 15,2025, also he is still speaking on behalf of the Respondent, D R Horton,Inc He did all of the above,but he is Not a Representative of D R Horton, Inc. So, the Honorable Judge Goodstein dismissed the whole case against the Respondent, D. R. Horton,, Inc on the ground that the Appellant served the wrong person and office. Everything was Dismissed against Respondent Dorchester County and Respondent, D. R. Horton, Inc claiming the Appellant served the wrong person. So, after the virtual hearing on September 15, 2025.

The very next day the Respondent Dorchester County filed a Motion to Set Aside Default Judgment. So that was a very strange thing to do, because the previous day on September 15, 2025 at the virtual hearing, the Honorable Judge Goodstein dismissed the whole case against Respondent, Dorchester County and

Respondent D. R. Horton, Inc on the ground that the Appellant served the wrong person. And that is Not the truth.

But Judge Goodstein never signed any order. Later on September 22, 2025, the Appellant found out that Dorchester County, County Council had a meeting on September 2nd, 2025 to vote to accept the Appellant's driveway, Wise Lane, into Dorchester County Maintenance Road System. Respondent, Dorchester County did that during litigation and during the quiet title action lawsuit, and also during an imposed injunction from the South Carolina Court of Appeals.

So, Respondent, Dorchester County changed the status quo of the Appellant's private driveway from a private to a county road during an injunction.

And Dorchester County Council, which is the head of the policymaker in the county, the ones that make the changes, violated the South Carolina law and the U. S. federal law, and the violation of due process and the violation of the Fifth and Fourteenth Amendment of federal law. So the Appellants filed a motion to sanction, Respondent, Dorchester County and reverse the September 2nd, 2025 vote with the South Carolina Court of Appeals on September 22, 2025, CASE No: 2025-001299.

But later on, the Court of Appeals denied the Appellant's motion to sanction Respondent, Dorchester County on the ground that Respondent, Dorchester County is not part of the lawsuit in CASE No: 2025-001299. Now on October 23rd, 2025, Judge Goodstein signed the order for the motion of default judgment

against Respondent, D. R. Horton, Inc and the Appellant found that motion was denied, not dismissed, they are two different things.

The Respondent, D. R. Horton, Inc. Mr. Mark Bible, he is still the one representing the Respondent, D. R. Horton, Inc. in the Quiet Title Action case. But during the hearing he claimed that the Appellant served the wrong person. So the Appellant called the lower court clerk and asked about the denial, not dismissal the answer given was that the Honorable Judge Goodstein.

DENIED all the Motions and she did Not DISMISS the Motions.

So, during the virtual hearing it was a trick that was played on the Appellant to help both Respondents, D. R. Horton, Inc and Dorchester County to get them away from the Default Judgment.

So, on October 26, 2025 the Appellant filed a Motion for Objection about the denying on all the Motions. When the Appellant got a copy of the September 15, 2025 virtual hearing transcripts, the Appellant discovered that the virtual hearing transcript had been altered and a lot had been removed or replaced but even after the amateur effort, it did not change all the evidence in the transcript that the Honorable Judge Goodstein Dismissed all the Motions and did Not Deny the Motions. On page 64, line # 4-7 of the transcript the Appellant asked the Honorable Judge Goodsteinn, "Did you Dismiss all the Motions?" Honorable Judge Goodstein replied: Yes, I dismissed all the Motions, that is her answer during the virtual hearing on the Motions on September 15, 2025, The transcript is written as follows:The Appellant asked Honorable Judge Goodstein "Did you

Dismiss all the Motions? her answer was Yep!, right in the transcript. Evidence is still there how the Honorable Judge Goodstein, Dismissed, not Denied all the Motions.

Honorable Judge Goodsteinn never signed the Order for the Motion for Injunction until on May 7, 2026. The Appellants file a Notice of Appeal on May 22, 2026 But then on May 26, 2026, Honorable Judge Goodsteinn signed a new Order for Denial for the Motion for Injunction against Respondent, Dorchester County.

On June 16, 2025 the Appellants filed a new Notice of Appeal and to consultation of the two orders together, one Order from May 7, 2026, and one Order from May 26, 2026.

The quiet title action lawsuit is a friendly lawsuit to let the whole wide world know that the Appellant, Attia Elbadawy, is the legal sole owner of his private driveway easement named Wise Lane. Since May 2018, the Appellant has full possession of the driveway. The Appellant built and maintained the driveway solely and controlled it since May 2018. The Appellant installed a chain with no trespassing, private property, and keep out signs. Since May 2018 until January 2021, when the Appellants installed a permanent black metal gate with a no trespassing, keep out signs. Since January 2021, the gate has never been moved. The Appellant used his driveway exclusively, openly, notoriously, continuously and hostile, uninterrupted for over eight years. The previous owner Olah Perry did the same thing for over 44 years. See all the neighbor's affidavits as well as,

the Appellants, Attia Elbadawy, Lynne Chatlos and Mark Wapshire affidavits. So, for over 52 year's total of private use, it should be enough to quiet the title. The easement between the Appellant's lot 5 and 6, it ceased to exist, meaning the Appellant, who is the only owner of the air above Wise Lane, between his 2 lots 5 and 6. And also, he is the owner of the dirt underneath Wise Lane between his two Lots #5 & #6, to the center of the earth, due to the Doctrine of Merger and due to the unity under one ownership. And in the order to find out the location of the easement, we had to look at the Twin Lakes Subdivision plat map, which is recorded/registered in Dorchester County Register of Deeds, book# 85 page# 16. Where the location of the easement is on Wise Lane. So Wise Lane is not the beginning or the end of the Appellant's property. Wise Lane is the easement location for ingress, egress for the landowners on those lots.

In our case, there is no dominant easement holder left on Wise Lane except the Appellant. And the utility easement is not allowed to pass the Appellant's Lot #5 in the N block and lot #5 in the M block of Amanda Wise. So the Appellant's private driveway from lot# 5 to the public right-of-way on Weir Street, it will and still is the Appellant's private driveway due to that the Appellant, he is the only dominant easement holder left on Wise Lane.

Being that section of Wise Lane from the Appellant's lot #5 to Weir Street, it will be a private access for lot #5 in the N block forever. Because the owner of lot #5 in the N block, which is the Appellant, is the easement holder that benefits from the private access. Plus all the landowners on Wise Lane and Wise Road have

given their full consent to the Appellant to be the sole owner of Wise Lane and to keep up the permanent black metal gate on his driveway, See: Landowners consent. The Respondent, D. R. Horton, Inc. track of land, it is in the town of Knightsville, Dorchester County, South Carolina. The Appellants two lot's #5 & #6 are in the town of Summerville, Dorchester County. Two different towns. So, the Appellant and the Respondent, D R Horton, Inc are located in two different towns.

The Respondent D R Horton, Inc does Not have any easement or any legal right to be on the Appellant driveway, Wise Lane.

If we choose to believe and pretend for one minute that there is a dedication and the dedication is meant for the general public and not for the landowners on the Twin Lakes subdivision.

Then the question is?: Did the County accept and maintain Wise Lane. The answer is No, if there is a dedication.

So the dedication has been revoked from a long time ago.

In 1989 Dorchester County Planning Board stamped Marica Wise owner of lots #3, #4 & #5 in the M block Plat Map.

With a Dorchester County stamp that reads " Private Access, No Public Maintenance", the stamp on Wise Lane. Dated Plat map: December 1, 1989. So, the County by Stamping Marica Wise 1989 Plat Map, the County after 22- years of the dedication Dorchester County revoked it's dedication.

By recognizing that Wise Lane is a Private Access and No Public maintenance and that the plat map that is registered in the Dorchester County Record of Deeds in Saint George, SC. In Plat Book, book- G , page #339. and the Appellant did submit that exact plat map to the Lower Court. The Respondent, D. R. Horton, Inc recognized and agreed that the 1989 plat map does exist and that it is registered in the map plat book -G page# 339.

And then again in 1990 an official letter from Planning Board that was signed by Ms. Adana Harper, To Marica Wise: to confirm that Wise Lane is a private road off Weir Road in the Twin Lake Subdivision in Summerville, Dorchester County, South Carolina.

So, again Dorchester County recognized that Wise Lane is a Private Road and along with an email from Public Works Department from November 2021 to the Appellant to prove that Wise Lane is a private road. The County has never maintained Wise Lane ever.

Not only does that same email Dorchester County Public Works explains to the Appellant how the Dorchester County Ordinance for Road Acceptance and for the road maintained and in order for the County to accept and maintain Wise Lane. the Appellant must build the road up to the County's standards, then the Appellant must file a petition with the County Public Works office and after an inspection is performed by the Public Works, then they will take the petition before the County Council to vote, whether to accept the road or not into the County's Road Maintained system.

Also, that email has been submitted to the Lower Court.

In February 2025 all the affected landowners on Wise Lane and Wise Road have given their full consent to the Appellant to be the sole owner of Wise Lane and to keep up the permanent black metal gate. So, if there is a Dedication by the Effective Landowners consent to the Appellant, that means that the dedication has been revoked and the section between the Appellants lot#5 and #6, the Appellant he is the owner of this section of the road and that is recorded in the Deed and in the Appellants Title Search Insurance also confirms that the Appellant is the legal owner of the air above and the dirt underneath to the center of the earth and also the Appellant he is the legal owner of the section of Wise Lane from the Appellant Lot #5 to Weir Road and that has been taken by Adverse Possession by Tacking with the previous owner, meaning that the Appellant, he is the owner of the air above and to the dirt underneath of Wise Lane.

Plus, the section of Wise Lane is the private access to the Appellant property. and he is the only person to benefit from this private access because the Appellant is the only Dominant easement holder left on Wise Lane.

Respondent, Dorchester County. Does not have an easement or any legal right to be on the Appellant's driveway, Wise Lane. So, both of them, Respondent, D. R. Horton Inc. and Respondent, Dorchester County, are working together "In Concert" to interfere with the Appellant's ownership over Wise Lane.

That is why the Appellant filed a Motion for Injunction against Respondent, Dorchester County and Respondent, D. R. Horton Inc. Because of the ownership is at risk. And this is a recorded express easement, An easement that is enforceable and it is protected by the State and Federal laws. Both of the Respondents claiming that Wise Lane has been dedicated to the public. So did the county maintain Wise Lane? Did the county build Wise Lane? The answers is NO to both of those questions. So the dedication is invalid.

And no public ever used Wise Lane. And no prescriptive easement has ever been established.

So, Wise Lane is a private access driveway for the Appellant, and the Appellant, he is the legal sole owner of Wise Lane by Adverse Possession, from a long time ago.

Neither Respondent, D. R. Horton, Inc or Respondent, Dorchester County ever submitted their Proposed Order, and the Appellant requested a copy through several email attempts and is Not listed on the Lower court's docket to view.

## **ARGUMENT**

### **I. Service on Dorchester County and preservation of its service objection**

#### **Standard of Review**

The construction of Rule 4(d)(6), SCRPC, presents a legal question; disputed service facts must be evaluated from the proof of service and the recipient's official role. *Bage, LLC v. Southeastern Roofing Co. of Spartanburg, Inc.*, 373

S.C. 457, 646 S.E.2d 153 (Ct. App. 2007), discusses compliance with Rule 4 and the evidence needed to establish service.

### **Discussion**

Rule 4(d)(6), SCRCP, permits service upon a county through its chief executive officer or clerk. The rule therefore contemplates delivery to an identified officer as the means of serving the governmental entity. The Appellants contend delivery to Jason L. Ward at his County office satisfied that rule. The sheriff's return, the caption of the papers served, and evidence establishing Ward's executive role should determine this issue. Rule 4(c) separately identifies who may serve process. (Sheriff's affidavit of service on Jason L. Ward ,Dorchester County document identifying the Administrator's duties The County's first Rule 12 motion must also be examined. Rules 12(g) and 12(h)(1), SCRCP, govern waiver of an available objection to personal jurisdiction or service omitted from the initial motion or responsive pleading. Filing a motion to dismiss does not by itself waive every service objection: the contents and sequence of the filings control. If the County omitted its service objection in circumstances covered by those rules, the Appellants contend the court should not have sustained that omitted objection later. Dorchester County August 13,2025 Motion to Dismiss ,first responsive pleading, ruling on service.

## **II. Service on D.R. Horton, Inc. through an authorized agent**

### **Standard of Review**

Rule 4(d)(3), SCRCF, governs the legal sufficiency of corporate service. The authority of the person served depends on the evidence and the circumstances of the relationship. *Bage, LLC v. Southeastern Roofing Co. of Spartanburg, Inc.*, 373 S.C. 457, 646 S.E.2d 153 (Ct. App. 2007).

### **Discussion**

Bage upheld service upon a corporate employee whose duties and express authorization established that she qualified to receive process. Its reasoning requires examination of actual authority or authority implied from the relationship, rather than the recipient's title alone. Rule 4(d)(3) permits service on an officer, managing or general agent, or another agent authorized by appointment or law. A registered agent is one permitted recipient; the rule is not confined to that recipient.

The Appellants contend Mark Bible's dealings and role support their service position. The process server's affidavit and evidence of D.R. Horton's authorization must establish the required agency. Representation in related litigation, attendance at a hearing, or actual notice alone does not necessarily establish authority to receive original process in this separate action.

The court should determine that authority on the evidence and address any preserved waiver issue under Rules 4(d), 12(g), and 12(h)(1), SCRCF. (Private

process server's affidavit of documents concerning authority to accept process.D.R. Horton Inc, August 20, 2025 Motion, Ruling and Transcript.

### **III. Default procedure and relief from default**

#### **Standard of Review**

A decision under Rule 55(c), SCRCPP, is reviewed for abuse of discretion, including whether it is controlled by an error of law or lacks evidentiary support. *Sundown Operating Co. v. Intedger Industries, Inc.*, 383 S.C. 601, 681 S.E.2d 885 (2009); *Wham v. Shearson Lehman Bros., Inc.*, 298 S.C. 462, 381 S.E.2d 499 (Ct. App. 1989); *Williams v. Vanvolkenburg*, 312 S.C. 373, 440 S.E.2d 408 (Ct. App. 1994).

#### **Discussion**

Rule 55 distinguishes a failure to plead or otherwise defend, an entry of default, and a judgment by default. A judgment is not established merely by expiration of the time to answer or by filing a motion requesting judgment. Rule 55(c) applies a good-cause standard to an entry of default; relief from an entered default judgment is governed by Rule 60(b). The relevant docket entries and orders must identify which stage the case reached. (Entries of default, default motions filed on August 1, August 11, and August 18, 2025 orders. Sundown requires a satisfactory explanation for default and consideration of timing, a meritorious defense, and prejudice. Wham supplies those factors. The Appellants contend the Respondents' explanations and the court's treatment of the default requests did not satisfy those standards. The existence of good cause is not established by a

bare assertion of a defense. Conversely, a meritorious defense is one factor rather than an automatic entitlement to relief.

The Appellants request reversal of any default ruling based on an erroneous service determination or an incorrect default standard. If default is established, the court must still determine the property relief legally supported by the pleadings and evidence under Rule 55(b), and Rule 55(e) where applicable. Waiver of a service objection and entitlement to default relief are separate questions. (September 16, 2025 request for relief from default.

October 23, 2025 Order, relevant objections, rulings and Transcript.

#### **IV. Title, tacking, merger, and the scope of utility easements**

##### **Standard of Review**

A title claim based on adverse possession is an action at law; after a nonjury trial, factual findings are sustained if reasonably supported by evidence. *Jones v. Leagan*, 384 S.C. 1, 681 S.E.2d 6 (Ct. App. 2009). The extent of an easement is equitable, permitting the appellate court to take its own view of the evidence. *Tupper v. Dorchester County*, 326 S.C. 318, 487 S.E.2d 187 (1997). These merits standards do not turn a procedural service ruling into an adjudication of title. The Appellant is the sole remaining Dominant Estate holder of Wise Lane, tied to Lot's #5 and #6 of the Twin Lakes Subdivision.

South Carolina law recognizes that easements appurtenant runs with the Dominant estate and require a terminus on that land.

An easement is not extinguished unless complete unity of Title exists

Public dedication or use does Not eliminate existing private easements without formal acceptance by the public authority.

The scope of the easement is limited to the benefiting Dominant estate and cannot be extended to other parcels.

Shia v. Pendgrass, 22 S.C. 342, 72 S.E. 2d 699 (1952) This case defined the characteristics of an Easement appurtenant.

The Court explained that an appurtenant easement must inhere in the land itself, have a clear terminus on the Dominant estate and automatically transfer with the property. It establishes that such easements are not personal but tied to the land.

Proctor v. Steedley, 398 S.C. 561, 730 S. E. 2d 357 (Ct. App. 2012).

In this case, the Court of Appeals held that an Easement was appurtenant to the Dominant land and therefore runs (attaches) with the land. The decision confirms that the appurtenant easement transfers Automatically with the property and cannot be detached.

Hodge v. Manning , 240 S.C. 127, 125 S.E. 2d 363, (1962) The South Carolina Supreme Court held that where there was no formal acceptance of dedication, the road remain private. Any rights to use the road had to rise from private easements rather than public authority.

Jones v. Daley, 363 S.C. 310, 609 S. E. 2d 597 (Ct. App. 2005) The Court explained the requirements for a prescriptive easement including adverse use, claim of right and continuity over the statutory period.

This case provides standards if prescriptive rights are asserted as a back-up theory.

Rhett v. Gray, 402 S.C. 623, 742, S. E. 2d 277 (Ct. App. 2012) The Court of Appeals held that the scope of an easement cannot be expanded to benefit other parcels beyond the original Dominant estate. This ruling prevents over-extension and reinforces the limited application to Lots #5 & #6.

Haselden v. Schein, 167 S.C. 534, 166 S.E. (1932) This long-standing precedent confirms that merger only extinguishes an easement when one owner holds both the Dominant and Servient estates at the same time.

### **Remedies for Violation of Protected Easements in South Carolina.**

Legal Protection of Easements: Under South Carolina law, easements are legal property rights that cannot be taken, obstructed or altered without the consent of the easement holder. S.C. Code Ann 27-7-10-et seq. Establishes the rights of easement holders and remedies for interference. S.C. Code. Ann 27-7-40

Prohibits obstruction or interference with lawful use. S.C. Code Ann 15-53-20 (Declaratory Judgement Act) Allows a property owner to seek a court declaration of easement rights. S.C. Code Ann 15-43-30, Authorizes injunctions to prevent continuing trespass or interference with an easement.

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

Wise Lane is a recorded express easement serving the Appellant's property exclusively. Dorchester County or D R Horton, Inc have No legal right to alter,

use or obstruct the easement without lawful authority and the Appellants consent. Any such action constitutes a trespass and interference under S.C. law.

### **Remedies When Laws Are Violated:**

1. Injunctive Relief: A court order prohibiting further interference (S.C. Code Ann 15-43-30).
2. Declaratory Judgement: Judicial confirmation of the easement's validity and exclusive rights of the Appellant (S.C. Code Ann 15-53-20).
3. Damage for Trespass: Recovery of financial losses caused by interference (S.C. Code Ann 15-32-510).
4. Contempt Proceedings: If a court order protecting the easement is ignored, the violator can be held in contempt (Rule 65, SCRCF).

### **CONCLUSION:**

Because Wise Lane is an Express Easement recorded in the property's records, South Carolina law protects it from interference by both private developers and governmental entities without due process.

The Appellant is entitled to the remedies listed above when violations occur. So, the Appellant/Appellant has the legal right to sue for damages and an injunction.

### **DEFAULT JUDGEMENT:**

Applicable Law: Rule 55 (c) Three-Part Test South Carolina courts apply a stringent three-part test before allowing a default to be set aside. The moving party must prove:

1. Excusable Neglect or Good Cause: Must show unavoidable reason for missing deadline. Willful neglect is insufficient (Sundown Operating Company v. Intedge Indus, Inc, 383 S.C. 601, 681 S.E. 2d 855-2009). 2. Meritorious Defense:

Must show a real defense supported by facts, Bare denials are not enough.

(Micronics, Inc v. SC Dept of Revenue 345 S.C. 506, 548 S.E. 223-2001).

3. No Unfair Prejudice to Appellant: Setting aside default cannot unfairly harm to the Appellant. Prejudice includes lost evidence or serious disadvantage

(B B&T v. Taylor, 369 S.C. 548, 633 S.E. 2d 501(2006). All three must be proven, Failure on any prong requires the default to remain.

(Wham v. Shearson Lehman Brothers, Inc-298, S.C. 462, 381 S.E.2d 499)

### **Application To This Case:**

The Respondents cannot satisfy any of the requirements.

No Excusable Neglect: They were properly served and chose not to respond.

No Meritorious Defense: No legally sufficient defense has been presented.

Prejudice: Appellant has incurred delay, expense and risk of lost evidence.

### **Conclusion:**

For these reasons, the Defaults remain valid. The Motion to Dismiss is barred.

### **Defaults Cannot Be Ignored:**

Both Dorchester County and D R Horton, Inc are in Default.

Under Rule 55(c), SCRPC.

## **QUITE TITLE and ADVERSE POSSESSION.**

Appellant holds full title through, Deed, Possession and exclusive maintenance.

Merge of Easement and Adverse Possession period has long since been met.

Defendants have No recorded rights and defaulted.

### **Conclusion:**

Defaults remain valid.

Motion to dismiss is Barred.

37 Jones requires clear and convincing proof of the elements of statutory adverse possession. It also distinguishes the ten-year statutory period, for which tacking is limited to ancestor and heir. The Appellants' allegations of eight years of their own possession and forty-four years of predecessor possession must therefore be analyzed under the correct doctrine, rather than treating successive-owner tacking as automatically sufficient under the ten-year statute.

*Getsinger v. Midlands Orthopaedic Profit Sharing Plan*, 327 S.C. 424, 489 S.E.2d 223 (Ct. App. 1997), recognizes the distinct twenty-year presumption of a grant and permits tacking between parties in privity. The claimed predecessor possession, continuity, adversity, and connection between successive possessors are relevant to that doctrine. The Appellants seek adjudication of the supported title theory on the deeds, landowner affidavits, and evidence of possession.

Appellant's deed , Olah Perry/neighbor affidavits gate and maintenance,exhibits.

*Windham v. Riddle*, 370 S.C. 415, 635 S.E.2d 558 (Ct. App. 2006), *aff'd*, 381 S.C. 192, 672 S.E.2d 578 (2009), applies the principle that an easement cannot

exist where the same person holds both the dominant and servient estates. See also *Haselden v. Schein*, 167 S.C. 534, 166 S.E. 634 (1932). The Appellants contend common ownership supports merger. Whether the particular easement merged depends on the actual estates owned and the rights created by the governing instruments.

*Douglas v. Medical Investors, Inc.*, 256 S.C. 440, 182 S.E.2d 720 (1971), distinguishes an easement from ownership of the underlying land. Its recognition of limited use rights supports examining the scope of the utility grants separately from fee title. The operative grants, rather than the mere presence or absence of equipment, determine any utility access rights and whether those rights authorize the use claimed by the Respondents. (Book #16106, page # 73; Book #16546, p. 57; page # 57 recorded instruments Book 176, page #175, and Book 5154, page #226 copies in the record.

## **V. Public dedication and acceptance of Wise Lane**

### **Standard of Review**

*Tupper v. Dorchester County*, 326 S.C. 318, 487 S.E.2d 187 (1997), distinguishes the factual determination of the existence of an easement, reviewed under the any-evidence standard after a nonjury trial, from the equitable determination of its extent. The applicable standard depends on the issue actually decided in the challenged order.

## **Discussion**

Tupper requires clear intention to dedicate and public acceptance; county approval of a plat alone does not complete public dedication. Public use and governmental maintenance can bear on acceptance, but the fact finder must evaluate the evidence. The Appellants rely on the 1989 private-access notation, the 1990 Planning communication, the 2021 Public Works email, and the claimed absence of public use or County maintenance. These materials bear on dedication and acceptance. Plat Book, book- G, page # 339; (1990).

## **VI. Injunctive relief and preserved issues concerning the hearing and orders**

### **Standard of Review**

Temporary injunctive relief is reviewed for abuse of discretion, including an error of law or lack of evidentiary support. *MailSource, LLC v. M.A. Bailey & Associates, Inc.*, 356 S.C. 363, 588 S.E.2d 635 (Ct. App. 2003). Preserved legal issues concerning procedural rules must be resolved under those rules. *Elam v. South Carolina Department of Transportation*, 361 S.C. 9, 602 S.E.2d 772 (2004), addresses the need to raise an issue and obtain a ruling.

## **CONCLUSION**

So, the Appellant respectively is asking the Court of Appeals to Reverse the Honorable Judge Goodstein Order.

Enter an Entry of Default Judgement against Respondent, Dorchester County and

Enter an Entry of Default Judgement against Respondent, D R Horton, Inc.

Declare: Wise Lane from the Appellant's Lot #5 to Weir Street, that section of Wise Lane that has been taken by Adverse Possession By Tacking and Declare: The Appellant Attia Elbadawy as the legal owner of Wise Lane. The section between the Appellant lot# 5 & #6 The Appellant, Attia Elbadawy he is the lawful owner according to the Appellant Deed, the Appellant Title Search Insurance.

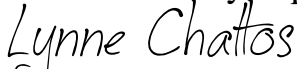
A Grand Motion for Permanent Injunction against Respondents: Dorchester County and D R Horton, Inc.

The Appellants, further respectfully requests that this Honorable Court grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

  
Signed by lynne chatlos • Oct 14, 2026

Attia Elbadawy, Appellant, pro se

  
Signed by lynne chatlos • Oct 14, 2026

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Date: October 14, 2026.