

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) Civil Action No. 2025-CP-10-06053

John J. Britton, MD, David E.)
Dukes, George William Owen,)
Claudius E. Watts, IV, Whitney)
Powers, Halsey M. Cook, Jr.,)
Katherine Ann Close, Benjamin)
T. Zeigler, James C. Crawford, III,)
Carlos Evans, and Richard LeNoble)
Wilson, all in their capacity as)
Trustees of The Belle W. Baruch)
Foundation Trust,)

Plaintiffs,)

v.)

The State of South Carolina,)

Defendant.)

**CONSENT ORDER ON
DEFENDANT'S MOTION TO ALTER OR
AMEND AND AMENDING ORDER
AS TO TRIAL EXHIBIT 20A**

WHEREAS, the Court conducted a trial of the claims asserted in the Amended Complaint and the defenses thereto on March 24, 2026, and entered its Order to Quiet Title to Marshland on August 19, 2026 (the "Order"); and,

WHEREAS, Defendant filed a Motion to Alter or Amend the Order on September 2, 2026; and

WHEREAS, without waiving any claims or defenses or making any admissions, Plaintiffs and Defendant have reached a resolution of the Motion to Alter or Amend by Plaintiffs' agreeing that they shall not record the Order with the Revised Exhibit 20A in the Register of Deeds for Georgetown County before the final resolution of any appeal in this case and the final resolution of the counterclaims herein,

WHEREAS, by its terms, the Order incorporated Plaintiffs' Exhibit 20A as an exhibit to

the Order for recording, yet contemplated that Exhibit 20A would be modified to reflect the Court's final determinations :

The Court further finds and concludes that the Trustees may record this Order in the Register of Deeds for Georgetown County and that Exhibit 20A prepared by Mr. Quinn, as amended by this Court's findings, attached to this Order and incorporated here, shows the boundaries of the highland and tidelands with reasonable accuracy and may also be recorded in the Register of Deeds for Georgetown County or filed with any appropriate County offices including, but not limited to, mapping or the Tax Assessor.

(Order at p. 26); and,

WHEREAS, Plaintiffs' Exhibit 20A is a black-and-white map depicting the entire area of tidelands to which Plaintiffs claimed title; and,

WHEREAS, the Court determined in the Order that Plaintiffs failed to meet their burden of proof to establish ownership of the large, southernmost island of the Muddy Bay Island group (Order at p. 14); and,

WHEREAS, Plaintiffs' Exhibit 20A as entered into evidence included this southernmost island because Plaintiffs claimed that the applicable grant and plat included this island but the Court found that they did not meet their burden to establish title as to it; and,

WHEREAS, without waiving any claims or defenses or making any admissions, the attorneys for Plaintiffs and Defendant have conferred and agreed to the substitution of attached Revised Exhibit 20A that deletes that southernmost island, removes tracts not the subject of this case and clarifies that Taylor Island is not included in the acreage at issue in this action or ruling in this Court. They have agreed that Revised Exhibit 20A shall be used as the attachment that is incorporated into the Order; and

WHEREAS, Plaintiffs and Defendant have agreed that by entering into this Consent Order neither party waives any right to contest or appeal any portion of the Order including

ownership as depicted on Revised Exhibit 20A, all such rights being specifically reserved.

NOW, THEREFORE, having fully considered Defendant's Motion to Alter or Amend, and with the consent of the parties,

IT IS HEREBY ORDERED that Plaintiffs shall not record the Order with the Revised Exhibit 20A in the Register of Deeds for Georgetown County before the final resolution of any appeal in this case and the final resolution of the counterclaims herein,

IT IS FURTHER ORDERED that the other relief sought in Defendant's Motion to Alter or Amend is denied;.

IT IS FURTHER ORDERED that Revised Exhibit 20A filed hereto shall be admitted into evidence and shall replace original Exhibit 20A; that the Order is hereby amended to substitute the Revised Exhibit 20A for the version of Exhibit 20A entered in evidence at the trial; and that the Order is further amended such that the filed Revised 20A shall be considered as attached to the Order as referenced therein and may be physically attached to the Order for recording at a later date consistent with this Consent Order; and,

IT IS FURTHER ORDERED that the parties' consent to this Consent Order shall not constitute a waiver of the right of either party to appeal the Order on any grounds.

AND IT IS SO ORDERED.

Mikell R. Scarborough
Master in Equity

, 2026
Charleston, SC

WE SO MOVE AND CONSENT:

WALKER GRESSETTE & LINTON, LLC

s/ G. Trenholm Walker
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ATTORNEYS FOR PLAINTIFFS

WE SO MOVE AND CONSENT:

/s J. Emory Smith, Jr.
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ATTORNEYS FOR THE STATE



Charleston Common Pleas

Case Caption: Belle W Baruch Foundation Trust , plaintiff, et al VS South Carolina
State Of
Case Number: 2025CP1006053
Type: Master/Order/Other

So Ordered

s/Mikell R. Scarborough 3062