

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Trial Court Case No. 2005-CP-10-4101

Appellate Case No.: 2012-212136

RECEIVED

OCT 16 2014

SC Court of Appeals

The Milton P. Demetre Family Limited Partnership.....Appellant,

v.

Harry Beckmann, III, Patricia P. Beckmann, Annie Ruth Hilton Crowley,
Raymond Moody Crowley, Donald William Crowley, Harris L. Crowley, Jr.,
and Annie Ruth Crowley Atkinson.....Respondents.

**RETURN
TO APPELLANT'S PETITION FOR REHEARING
REGARDING OPINION NO. 5263 FILED AUGUST 20, 2014**

Jefferson D. Griffith, III
S.C. Bar No.: 2299
Richard L. Whitt
S.C. Bar No.: 62895
AUSTIN & ROGERS, P.A.
508 Hampton Street, Suite 300
Columbia, South Carolina 29211
Attorneys for Respondents

ORIGINAL

OTHER COUNSEL OF RECORD:

John Hughes Cooper, Esquire
John Hughes Cooper, P.C.
1476 Ben Sawyer Blvd., Suite 7
Mt. Pleasant, South Carolina 29464
Attorney for Appellant

Cain Denny, Esquire
Cain Denny, P.A.
Post Office Box 1205
Charleston, South Carolina 29402
Attorney for Appellant

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ARGUMENT IN RETURN

1. **“THE OPINION MISAPPREHENDS APPELLANT'S ARGUMENT AND CONFLICTS WITH K & A ACQUISITION GRP., LLC V. ISLAND POINTE, LLC. 383 S.C. 563, 682 S.E.2D 252 (2009) (THE DEED MUST BE CONSTRUED AS A WHOLE AND EFFECT GIVEN TO EVERY PART IF IT CAN BE DONE CONSISTENTLY WITH THE LAW.)”**

Appellant is trying to make semantic mischief.

On page one of Appellant’s Petition for Rehearing, Appellant states that the plat to which Appellant’s 2004 deed¹ refers to, is the 1965 “Plat”. Calling this document a, “Plat” is being generous, term because the 1965 “Plat” contains no seal or signature of an engineer or a registered land surveyor and thus can be more properly referred to, as it will hereinafter, as a “Tracing”². Conveniently for the Appellant, this is the only document on which Appellant can base his claim. Inconveniently for the Appellant, the 2004 deed only makes reference to a 1920 Jefferson Construction Company plat³ which does not show the lots purportedly conveyed to Appellant. Appellant tries to account for this inconvenient truth as follows.

First, Appellant states on page two of Appellant’s Petition for Rehearing, that the 2004 deed says that the plat was “dated February 1920” and not “recorded in February 1920”. Second, both documents are recorded in the same plat book in Charleston County, **albeit thirty five years apart**. The third part comes next, in the 1965 Tracing of the 1920 Jefferson Construction Plat there are two small, almost unnoticeable references a scale and the following language, “Chas. S.C. Feb. 1920”. Based on this, Appellant improperly turns the 1965 Tracing into the 1920 Jefferson Construction plat.

¹ Quitclaim Deed from Seabrook, Jr. to Milton P. Demetre Family Limited Partnership Transcript, (R. p. 1070).

² Oversized Plat (R. p. 1069).

³ Oversized Plat, (R. p. 1068).

However, there is some additional, almost unnoticeable, reference to another document at the top right corner of the 1965 Tracing which contains the following language, "Plan File I, Drawer __, Folder 15, Drawing No. 15 & 16". Plan File I, Drawer __, Folder 15, Drawing No. 15 & 16 is the file which contains the 1968 Redraw⁴ which is the third and final iteration of the 1920 Jefferson Construction plat, (R. p. 1068). Using Appellant's previous improper argument, the 1968 Redraw should become the 1920 Jefferson Company plat. Unfortunately for Appellant, this last iteration of the plat *does not* depict the lots which the 2004 deed purports to convey (R. p. 1070).

Appellant cites a partial quote from, K & W Acquisition Group v. Island Pointe 383 S.C. 563, 682 S.E.2d 252 (2009), but the full quote is more informative as to the correct construction of a deed. "In construing a deed, "the intention of the grantor must be ascertained and effectuated, unless that intention contravenes some well settled rule of law or public policy." Wayburn v. Smith, 270 S.C. 38, 41, 239 S.E.2d 890, 892 (1977). "In determining the grantor's intent, the deed must be construed as a whole and effect given to every part if it can be done consistently with the law." Gardner v. Mozingo, 293 S.C. 23, 25, 358 S.E.2d 390, 391-92 (1987). "The intention of the grantor must be found within the four corners of the deed." *Id.* at 25, 358 S.E.2d at 392. "When intention is not expressed accurately in the deed evidence *aliunde* may be admitted to supply or explain it." *Id.* "The instrument is not thereby varied or contradicted but is explained or corrected." *Id.* " K & A Acquisition Group, *supra* at, p. 581.

⁴ 1968 Redraw (R. p. 1070).

“Most times the obvious answer is the correct answer⁵. The simplest answer is that the deed meant what it said and that the plat referenced did not include the lots on question. ” As a general rule, when maps, plats, or field notes are referred to in a grant or conveyance they are to be regarded as incorporated into the instrument and *are usually held to furnish the true description of the boundaries of the land...*”) (citation omitted), (emphasis added), Holly Hill Lumber Co. v. Grooms, 198 S.C. 118, 135, 16 S.E.2d 816, 823 (1941).

Appellant is therefore left with two bad choices. If the deed is clear and the parties to it, Seabrook and Appellant intended to use the 1920 deed, Appellant’s lots do not exist. If the deed is open to interpretation, extrinsic evidence may be used to explain it. The best possible explanation is the one that the Master arrived at, at Trial. The Master, with all of the deeds, plats, and other extrinsic evidence before him, determined that the parties to Appellant’s 2004 intention was to use the original 1920 Jefferson construction plat and the lots simply did not exist, (R. p. 879- p. 884). Therefore, there was more than ample evidence in the Record on which the Master could make his decision. “...a master's factual findings in an action to quiet title will be affirmed by an appellate court if there is any evidence in the record reasonably supporting the findings.” Tenney v. South Carolina Dept. of Health and Environmental Control, 393 S.C. 100, 712 S.E.2d 395 (2011).

2. “THE OPINION MISAPPREHENDS THE CHAIN OF TITLE ASSERTED BY APPELLANT”

This Court’s Opinion does not misapprehend the chain of title. This Court’s Opinion is very clear on Appellant’s chain of title and follows the chain of title, as set forth in the case by the grantee and the chain of title, as set out in the Dreher case.

Appellant, trying to make a whole case out of bits and pieces, seizes on a footnote (15) of this Court's opinion in Demetre II, in which the this Court clarifies, that even if Appellant took title by reference to the Tartus map through his predecessor in title rather than the 1920 Jefferson Construction plat, it made no difference because neither map, nor plat, showed Appellant's lots.

In South Carolina, it is well settled that marshland presumptively belongs to the State of South Carolina. *Lowcountry Open Land Trust v. State*, 347 S.C. 96, 102, 552 S.E.2d 778, 781-82 (Ct. App. 2001). The facts that (i) the entire "island" was conveyed in the chain of title⁶ and (ii) that its boundaries are shown as bodies of water, does not change the fact that marshland adjacent to, part of and within, the bodies of water cannot be conveyed, only the highland shown on the Tartus Map, (R. p. 1067).

Therefore, the property which was merely quitclaimed to Appellant should have put Appellant on inquiry notice to make sure that Appellant was not buying property that flooded twice a day. Moreover, the fact that marshland exists and that Appellant's "lots" are a part of it, does not place all of the other property on Folly Beach, conveyed using the 1895 Tartus map, under a cloud. Only Appellant's specific lots, due to their location, or more appropriately, the lots non-location on the 1985 Tartus Map and 1920 Jefferson Construction plat, are called into question and have been appropriately dealt with by the Master. Indeed, Appellant's property rights, must rise or fall on their own merit⁷ (*Hobonney*), and cannot rely on the weakness of other titles when there are clear factual differences between the title set out in *Query v Burgess*, 371 S.C. 407, 639 S.E.2d 455 (Ct. of App. 2006).

⁶*Query v. Burgess*, 371 S.C. 407, 639 SE 2d 455 (Ct. of App. 2006).

⁷*Hoogenboom v. City of Beaufort*, 315 S.C. 306, 313, 433 S.E.2d 875, 880 (Ct. App. 1992).

Appellant also argues that the 1920 Jefferson Construction Plat was used to exclude lots from the 1921 Conveyance, (R. p. 539 – p. 551). Although, the deed lists all of the lots being excepted from the conveyance, the converse must also be true, that the lots not being excepted were being conveyed in the deed and the 1920 Jefferson Construction plat was a reliable reference.

The 1920 Jefferson Construction plat, serves two purposes: (i) it reinforces the Tartus Plat showing only marshland where the lots are claimed to exist and (ii) that all of the lots, in existence on the 1920 Jefferson Construction plat and not excepted from it, were conveyed, (R. p. 539 –p. 551). Clearly on both the 1895 Tartus map and the 1920 Jefferson Construction plat, Appellant’s claimed lots were not depicted.

Finally, Appellant argues in Appellant’s Petition for Rehearing, page “5”, “The Opinion also states that the 1942 Deed refers to the 1920 Plat (‘The 1942 Deed also refers to the 1920 Plat’) (Opinion p. 2) However, the 1942 Deed does not refer to the 1920 Plat. (R. pp. 536-537).” This is a harmless, scrivener’s error. In the main discussion of the chain of title in this Court’s Opinion under Section “4” of the Opinion, titled “Appellant's Failure to Quiet Title in Lots 209 and 210”, this Court, in reciting the chain of title in this case, makes no reference to and does not rely on the 1920 plat in the 1942 deed.

3. “THE OPINION OVERLOOKS APPELLANT'S CITATION TO DREHER V. SOUTH CAROLINA DEPT. OF HEALTH AND ENVIRONMENTAL CONTROL, 730 S.E.2D 922, 399 S.C. 259 (CT. APP. 2012) IN WHICH THIS COURT QUIETED TITLE FOR DREHER WITH THE SAME CHAIN OF TITLE AS APPELLANT'S CHAIN OF TITLE IN THIS CASE.”

This Exception was not listed in Appellant’s Statement of Issues on Appeal. See Rule 208(b)(1)(B), SCACR. Appellant cannot raise an issue for the first time in a Petition for Rehearing.

This Court's Opinion does not misapprehend the chain of title. This Court's Opinion is very clear on the chain of title and follows the chain as set forth in the case by the grantee and the chain as set out in the Dreher case.

First, because there is no mention in the Dreher case that Dreher took title by a quitclaim deed, it is reasonable to assume that Dreher took title by warranty deed. Because, Appellant took title by a quitclaim deed, Appellant should have been on notice that there were potential problems in Seabrooks's chain of title, Mulherin-Howell v. Cobb, 362 S.C. 588, 601, 608 S.E.2d 587, 594 (Ct. App. 2005).

Appellant's argument improperly overlooks Footnote "2" in the Dreher decision, in which the Dreher Court says that all eight deeds describe the same property conveyed to Dreher and that the description of Tract D describes it as extending, "...to the edge of the marshes of the Folly River". That distinction from the Dreher case defeats Appellant's argument. If the 1895 Tartus map and the 1920 Jefferson Construction plat⁸, do not show Appellant's claimed lots, not extending to the edges of the marshes of the Folly River as in Dreher, but Appellant's lots are simply not there, and therefore do not exist.

This Court also stated that the 1895 Tartus did not show the lots. (See footnote 15 of the this Court's decision, Opinion No. 5263) Thus, the only two maps or plats in evidence which were in existence prior to the conveyance to Seabrook Sr., and in Appellant's direct chain of title (the 1965 Tracing and 1968 Redraw occurring after the 1942 deed into Seabrook Sr.) show no lots or land, where Appellant claims his lots are located.

⁸ Which plats were the only ones in existence at the time of the conveyance, in 1942, from the Charleston Master to Appellant's predecessor in interest and therefore the only ones in Appellant's chain of title.

Further, the Master made clear in his Order that he felt none of the maps or plats before him was dispositive of the marshland adjacent to Folly Beach and took judicial notice of a 1786 plat presented in the Query case to determine that marshland was not conveyed to Appellant's predecessors in interest, (R. p. 879 - p. 884). This confirmed for the Master that Appellant could not take title to property his predecessor did not own. "One claiming title by deed has no greater title than the original grantor in the chain of title upon which he relies." (citing Belue v. Fetner, 251 S.C. 600, 606-07, 164 S.E.2d 753, 756 (1968) (stating a deed cannot convey an interest which the grantor does not have)). Hoogenboom v City of Beaufort, 315 SC 306, 433 SE 2d 875, 880 (S.C. Ct. of App. 1992).

The substantial differences in the documents both in and out of Appellant's chain of title and indeed, the quality of title under which Appellant takes, show substantial and substantive differences between the titleholder in the Dreher case and Appellant. Any argument that the parties are similarly situated fails and with those factual differences, Appellant's argument fails.

4. **"THE OPINION OVERLOOKS APPELLANT'S ARGUMENT THAT EVEN IF APPELLANT'S DEED HAD REFERENCED THE 1920 PLAT, THE LOTS STILL CONVEYED (SIC)."**

Common Argument to Exception "4" and all Sub-Parts Thereto.

Appellant's argument is replete with *ipse dixit*, statements, which are not supported by South Carolina Law or Case Law. It does not matter about any of the particulars in Appellant's quitclaim deed, if Appellant's predecessors in title did not hold title to convey to Appellant. "One claiming title by deed has no greater title than the original grantor in the chain of title upon which he relies." (citing Belue v. Fetner, 251 S.C. 600, 606-07, 164 S.E.2d 753, 756 (1968) (stating a deed cannot convey an interest which the grantor does not have)) Hoogenboom v City of Beaufort 315 SC 306, 433 SE 2d 875, 880 (SC App. 1992).

For all of the reasons set forth in arguments 1, 2, and 3 hereinabove, Appellant cannot show good title through Appellant's chain of title, nor errors in interpreting the intentions of the parties to the Seabrook-Appellant 2004 deed. Additionally, as a general proposition, the same arguments have been addressed and answered in arguments 1, 2, and-3 hereinabove.

A. **THAT IS CERTAIN WHICH CAN BE MADE CERTAIN.**

Appellant's reliance on Brownlee is misplaced. Brownlee deals with the acreage in a particular description and stands for the proposition that boundaries govern acreage. In the case *sub judice*, the boundaries are well described, but they don't exist on the plats, and the plats described the areas on which Appellant's claimed "lots" are located, as marshland.

B. **A DEED REMAINS VALID IF AN ADEQUATE DESCRIPTION REMAINS AFTER REJECTION OF ERRONEOUS PART.**

Once again, Appellant's reliance on the case cited is not justified. The folly of relying on a quitclaim deed and a plat that omits any reference to Appellant's claimed lots, has been discussed hereinabove. Even if Appellant's deed was dissected down to the words and punctuation thereon, the result would be the same as reached by this Court in its previous Order.

C. **A CONSTRUCTION RENDERING A DEED VALID IS FAVORED OVER ONE RENDERING IT A NULLITY.**

In relying on a quitclaim deed, the Grantee only takes what the Grantor has. "(A) quitclaim deed does not convey the fee, but only the right, title[,] and interest of the grantor." Mulherin-Howell v. Cobb, 362 S.C. 588, 601, 608 S.E.2d 587, 594 (Ct. App. 2005). When there is nothing to convey then the Deed need not be declared a nullity, because the action of quitclaiming property to which the grantor has no title, is in itself a futile act.

D. A DEED MUST BE INTERPRETED TO GIVE EFFECT OF ITS PARTS.

Appellant's quitclaim deed is missing the warranties that come with a Warranty Deed and there is a reference to a plat, which does not show Appellant's lots, the chain of title is bad, Appellant's minimal consideration for property that should have brought a premium price, indicating doubt in both parties to the deed. The sum of the parts indicates the deficiency of the quitclaim deed, upon which Appellant relies and this Court was correct in its previous decision.

E. THE PURPOSE AND EFFECT OF A PLAT IS A QUESTION OF THE INTENTION OF THE PARTIES.

The plat referred to in Appellant's deed did not show Appellant's claimed lots, (R. p. 1068). The 1920 Jefferson Construction Plat that Appellant's predecessor in interest took title to the area in question only showed marshland, (R. p. 1068). The 1895 Tartus map does not show the Appellant's claimed lots and it shows only marshland where Appellant's lots were claimed to be located, (R. p. 1067). If the Tartus map had shown the Appellant's claimed lots, there would be a basis for an argument. Because Appellant's claimed lots were not shown on the Tartus map, the only explanation can be that the lots do not exist. "[i]t is difficult to imagine how more precisely to express intent as to the location of boundaries than to incorporate an accurate plat in the description." Hobonny Club, Inc. v. McEachern, 272 S.C. 392, 398, 252 SE 2d 133 (1979).

F. A CLEAR, EXPLICIT, AND CERTAIN DESCRIPTION WILL NOT BE VARIED BY A GENERALIZED ONE.

There can be no clear explicit and certain description to property that may, or may not exist. The quitclaim deed, which itself casts doubt as to the efficacy of the title and the confidence of the grantor in his title, does not specify which of the drawings to which it has reference, (R. p. 633 – p. 638). If, as Appellant suggests in his argument above the 1965 Tracing is the 1920 plat, then the 1968 Redraw is also the 1920 plat.

Using Appellant's logic, would dictate the plat which is closest in time to the date of Appellant's Deed would be the correct 1920 plat and the lots which Appellant believes he has, disappear into the marshland. Using the Master's logic and this Court's logic, the simpler answer, is that the parties to the Seabrook-Appellant deed, relied on the original 1920 Jefferson Construction plat which does not show Appellant's claimed lots.

G. WHERE THERE IS DOUBT AS TO INTENTION, AN INTERPRETATION LEADING TO INJUSTICE WILL BE REJECTED.

Again Appellant took by quitclaim deed. The Grantor was so uncertain of his own title that he refused to use a warranty deed and Appellant took what the grantor had. There is no injustice, when Appellant having been put on actual notice of the grantor's indifference as to the quality of Appellant's title or Grantor's uncertainty of the quality of his Title and unwillingness to give a warranty deed and Appellant's acceptance of it. Appellant's knowledge that there were potential problems, leads to no injustice

H. A COURT WILL DECLARE A DEED VOID ONLY AFTER RESORTING TO EXTRINSIC EVIDENCE.

In Appellant's quitclaim deed, his claimed lots are reasonably described. However, when (i) the plat, referred to in the deed does not, in two iterations even show the lots in question, in the 1965 iteration shows the lots drawn but actually drawn inside areas designated as marshland, the Master was required to determine the ability of the Grantor (Seabrook) to Convey the property in the deed to Appellant. The Master, relying on all of the extrinsic evidence before him, correctly decided, based on the facts before him that the grantor concluded that he did not have good title and would only convey title to the Appellant's claimed lots, using a quitclaim deed. "One claiming title by deed has no greater title than the original grantor in the chain of title upon which he relies." Id. at 313, 433 S.E.2d at 880-81 (citing Belue v. Fetner, 251 S.C. 600, 606-07, 164 S.E.2d 753, 756 (1968) (stating a deed cannot convey an interest which the grantor does not have))." The deed was not declared void but interpreted by the Master.

I. **A PLAT DOES NOT INVALIDATE LOTS WHERE ANOTHER METHOD COULD BE USED TO LOCATE THEM.**

Appellant relies on *Corpus Juris Secundum* and not South Carolina Case Law. However, accepting this premise as true, no other method could be used to locate these claimed lots? The 1920 plat? No. The 1965 Tracing? No. The 1965 Tracing is not really a plat at all. The 1968 Redraw? No. Appellant's claimed lots are not shown on the 1968 Redraw. The 1895 Tartus map does not show the Appellant's claimed lots. The Master appropriately interpreted the deed and came to a conclusion the lots did not exist, which is supported by ample evidence.

J. **A DESCRIPTION FROM WHICH A SURVEYOR CAN LOCATE THE LAND IS ADEQUATE.**

The deed refers to a 1920 Jefferson Construction plat which shows no lots and the most recent version of the 1920 plat, the 1968 redraw does not show the lots, (R. p. 1070.) Inconsistent and contradictory plats led the Master to correctly conclude that the correct plat was the plat actually referenced in the deed, which did not depict Appellant's claimed lots.

The Master was correct in relying upon the plain language in the deed and was correct when he found that Appellant's grantor was so concerned about his own title to the lots in question in giving Appellant a warranty deed that he refused to do so and resorted to a quitclaim deed. There was ample evidence for the master to reach his conclusions and this Court to reject Appellant's Petition. A master's factual findings in an action to quiet title will be affirmed by an appellate court if there is any evidence in the record reasonably supporting the findings. Estate of Tenney v. S.C. Dep't of Health & Env'tl. Control, 393 S.C. 100, 105, 712 S.E.2d 395, 397 (2011).

5. “THE OPINION MISAPPREHENDS APPELLANT'S ARGUMENT THAT THE MASTER'S ORDER CONFLICTS WITH BELUE V. FETNER, 251 S.C. 600,164 S.E.2D 753 (1968)”.

This Court previously ruled on Appellant’s argument on this issue, in its Order filed August 20, 2014, Opinion No.: 5263, “III. LAW/ANALYSIS” “1. “The Stipulation Issue.” Appellant’s rehash of Appellant’s earlier argument on the stipulation, is improper. It “...[is not] the purpose of the petition for rehearing to have the case tried in the appellate court a second time.” (internal citation omitted) Herron v. Centry BMW, 719 SE2d 640 (2011).

For the record, Respondents’ argument when this issue was presented to this Court the first time, can be summarized as follows. Appellant’s Counsel carefully selects portions of the transcript to make it seem as if the Appellant’s title was somehow validated by the Stipulation. A Stipulation was put on the record by Respondent’s Counsel in which the title of record to Respondent, Crowley’s, and Respondent Beckmanns’ property was stipulated “...**as far as record title.**” (Emphasis added), (December 12, 2006, Hearing, R. p. 892, Lines 1-15).

Appellant improperly tries to bootstrap a Stipulation of record title for all of the parties’ property discussed in the original hearing in this matter, into good title for Appellant (December 12, 2006, Hearing, R. p. 921, Line 21 – R. p. 922, Line 2; R. p. 892, Lines 1-15). (See, Respondents’ Final Brief, filed with this Court on October 28, 2013, page “18”).

6. “THE SEABROOKS' CONVEYANCES OVER TIME SHOWED (SIC) BELIEF OF OWNERSHIP”.

Appellant previously made this argument before this Court in his Exception “14” on page “28”, in Appellant’s Final Brief, as filed with this Court. Appellant’s rehash of its earlier argument on this issue is improper, “...nor is it the purpose of the petition for rehearing to have the case tried in the appellate court a second time.” (internal citation omitted) Herron v. Centry BMW, 719 SE2d 640 (2011).

For the record, Respondents' argument when this issue was presented to this Court the first time, can be summarized as follows. Appellant mischaracterizes the Master's Order on Remand, (*Order on Remand, R. pp. 879-884*). The Master found that the lots in question do not exist, (*Order on Remand, R. p. 881*). The Master went on to say that fact was apparently known to Mr. Seabrook when he quitclaimed the lots to Appellant by use of a quit claim deed (*Order on Remand, R. p. 881*). Mr. Seabrook, was not willing to and did not, give the ordinary warranties that are contained in a general warranty deed, because Mr. Seabrook used a quitclaim deed. The plat referred to in the quitclaim deed (the 1920) Plat doesn't show the lots purportedly being conveyed. (See, Respondents' Final Brief, filed with this Court on October 28, 2013, page "34").

7. "THE OPINION SHOULD CLARIFY APPELLANT'S OWNERSHIP TO THE ROADWAY"

This Exception was not listed in Appellant's Statement of Issues on Appeal. See Rule 208(b)(1)(B), SCACR. Appellant cannot raise an issue for the first time in a Petition for Rehearing. Furthermore, this matter was settled in "the Road Case" in Demetre I.

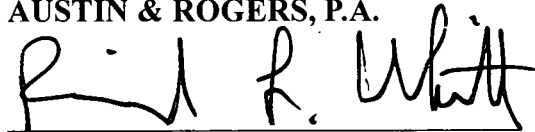
For all of the reasons stated throughout this response this, this argument is without merit.. Because the road, to the extent Appellant claims it does, not exist on the 1920 plat and is not otherwise described in the quitclaim deed, then Appellant is not entitled to the relief requested.

CONCLUSION

Appellant tries to obfuscate this Appeal, with (i) a reference to scrivener's errors in this Court's Opinion (ii) by twisting logic to the breaking point in trying to describe a 1965 Tracing of a 1920 plat redraw as the 1920 plat itself (iii) by using scare tactics to try to put into question all of the title to property on Folly Beach, when the title to all of the *highland property* on Folly Beach is not threatened by this Court's Opinion (iv), by trying to pick apart the deed from Seabrook to Appellant in a vacuum, in order to make it convey title to Appellant, when all of extrinsic evidence points in the opposite direction (v) in rehashing the stipulation argument and delving into the mind of his grantor and (vi) bringing up for the first time a claim to the road that was clearly settled in Demetre I. Appellant's Petition for Rehearing is without merit and it should be dismissed and this Court's Opinion confirmed.

Respectfully Submitted,
AUSTIN & ROGERS, P.A.

By:



Richard L. Whitt,
S.C. Bar No.: 62895
Jefferson D. Griffith, III,
S.C. Bar No.: 2299
508 Hampton Street, Suite 300
Columbia, South Carolina 29201
Phone: (803) 256-4000
Fax: (803) 252-3679
Attorneys for Respondents

October 16, 2014
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
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Mikell R. Scarborough, Master-in-Equity

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and Annie Ruth Crowley Atkinson.....Respondents.

PROOF OF SERVICE

I, Carrie A. Schurg, an employee of Austin & Rogers, P.A., certify that I have caused Respondents' Return to Appellant's Petition for Rehearing Regarding Opinion No. 5263 Filed August 20, 2014, and this Proof of Service to be served, via U.S. Mail on October 16, 2014, as addressed below.

Cain Denny, Esquire
Cain Denny, P.A.
Post Office Box 1205
Charleston, South Carolina 29402


Carrie A. Schurg

October 16, 2014
Columbia, South Carolina

ORIGINAL

Austin & Rogers, P.A.

ATTORNEYS AND COUNSELORS AT LAW

C.C. HARNESS, III
(1949-2010)

TIMOTHY F. ROGERS
RAYMON E. LARK, JR.
RICHARD L. WHITT
EDWARD L. EUBANKS
W. MICHAEL DUNCAN

COLUMBIA OFFICE:
CONGAREE BUILDING
508 HAMPTON STREET, SUITE 300
POST OFFICE BOX 11716
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 256-4000
FACSIMILE: (803) 252-3679
WWW.AUSTINROGERSPA.COM

OF COUNSEL:
WILLIAM FREDERICK AUSTIN
JEFFERSON D. GRIFFITH, III*

ADMITTED IN N.C.
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OCT 16 2014

SC Court of Appeals

October 16, 2014

VIA, HAND-DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

- Re: ● The Milton P. Demetre Family Limited Partnership vs. Harry Beckmann, III, *et al.*
● Appellate Case No.: 2012-212136
● **Return to Appellant's Petition for Rehearing**

Dear Ms. Kitchings:

Enclosed for filing in the above-referenced matter, please find the following:

1. Return to Appellant's Petition for Rehearing Regarding Opinion No. 5263 Filed August 20, 2014, and the required six (6) copies of the Return; and
2. Proof of Service.

Please accept these documents for filing and acknowledge receipt of the same by file-stamping the extra copies enclosed and returning them to me, via our courier. Please don't hesitate to contact the undersigned if you have any questions or concerns. With best regards, we are,

RLW/cas
Enclosures
cc: Cain Denny, Esquire

Respectfully Yours,
AUSTIN & ROGERS, P.A.



Richard L. Whitt
Jefferson D. Griffith, III