



The South Carolina Court of Appeals

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November 12, 2014

Mr. John Evans James, III, Esquire
PO Drawer 329
Winnsboro SC 29180

Mr. James W. Boyd, Esquire
1544 Ebenezer Rd.
PO Box 36425
Rock Hill SC 29732

Re: Carol Smallwood v. Helen Lee
Appellate Case No. 2013-001386

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: The Honorable Brooks P. Goldsmith

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Carol Reid Smallwood, Barbara Reid Strickland, Ann
Reid Hamlin, William L. Reid, III, Judith Lawrence
Medlin, and Frances Patterson Lawrence, Appellants,

v.

Helen M. Lee, Linda Lee and Joe Lee, Jr. as Co-Trustees
of the Joseph H. Lee, Sr. Family Trust U/W,
Respondents.

Appellate Case No. 2013-001386

Appeal From Fairfield County
Brooks P. Goldsmith, Circuit Court Judge

Unpublished Opinion No. 2014-UP-398
Heard October 14, 2014 – Filed November 12, 2014

AFFIRMED

John Evans James, III, of Winnsboro, for Appellants.

James W. Boyd, of Rock Hill, for Respondents.

PER CURIAM: Carol Reid Smallwood, Barbara Reid Strickland, Ann Reid
Hamlin, William L. Reid, III, Judith Lawrence Medlin, and Frances Patterson
Lawrence appeal the ruling of the trial court denying their claim for a prescriptive

easement against Helen M. Lee, Linda Lee, and Joe Lee, Jr., as Co-Trustees of the Joseph H. Lee, Sr. Family Trust U/W. We affirm.

We find the trial court did not err in denying Appellants' claim for prescriptive easement due to their permissive use of Respondents' property. *See Paine Gayle Props., LLC v. CSX Transp., Inc.*, 400 S.C. 568, 584, 735 S.E.2d 528, 537 (Ct. App. 2012) (stating that use by express or implied permission cannot ripen into a prescriptive easement).

AFFIRMED.

HUFF and KONDUROS, JJ., and CURETON, A.J., concur.