

STATE OF SOUTH CAROLINA
 COUNTY OF BERKELEY
 IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2012 CP-08-00284

CLYDE MORRIS,

JOSEPH V. JOHNSON, III, JOSEPH V.
 JOHNSON, SR. MILDRED R. JOHNSON,
 JOSEPH V. JOHNSON, JR., WILLIAM
 JOHNSON AND ALLEN R. BARNETTE

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: CHRIS J. LOUDEN, ESQUIRE

Attorney for : Plaintiff Defendant
 or
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON).** Rule 12(b), SCRPC. Rule 41(c), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON).** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX)**
 Affirmed. Reversed. Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL

ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.
 Additional Information for the Clerk

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

2014 OCT 17 AM 10:24
 MARY P. BROWN
 CLERK OF COURT
 BERKELEY COUNTY, SC
 FILED

RECEIVED
 DEC 01 2014
 SC Court of Appeals

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Rain E. Wilson
Circuit Court Judge

3058
Judge Code

10/14/14
Date

For Clerk of Court Office Use Only

This judgment was entered on the 17 day of Oct, 2014, and a copy mailed first class or placed in the appropriate attorney's box on this 17 day of Oct, 2014, to attorneys of record or to parties (when appearing pro se) as follows:

CHRIS J. LOUDEN, ESQUIRE
223-A HEATLEY STREET
MONCK'S CORNER, SOUTH CAROLINA 29461
ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)
Mary P. Brown
CLERK OF COURT IDW

Court Reporter: NONE

STATE OF SOUTH CAROLINA)
 COUNTY OF BERKELEY)
 Clyde Morris,)
 PLAINTIFF,)
 VS.)
 Joseph V. Johnson, III, Joseph V.)
 Johnson, Sr., Mildred R. Johnson,)
 Joseph V. Johnson, Jr., William)
 Johnson, and Allen R. Barnette,)
 DEFENDANTS.)

IN THE COURT OF COMMON PLEAS
 OF THE NINTH JUDICIAL CIRCUIT
 CIVIL ACTION NUMBER: 2012-CP-08-00284

MARY P. BROWN
 CLERK OF COURT
 BERKELEY COUNTY, SC

2014 OCT 17 AM 10:25

FILED

**ORDER DENYING
 MOTION FOR
 RECONSIDERATION**

(Non-Jury –Declaratory Judgment)

THIS MATTER came before the Court on October 10, 2014 for a hearing on a motion for reconsideration filed by the Defendants Joseph V. Johnson, Sr. and Joseph V. Johnson, III. The Court heard the motion by way of telephone conference with Plaintiff's Counsel and Counsel for Joseph V. Johnson, Sr. and Joseph V. Johnson, III.

The Defendants filed their motion for the Court to reconsider its final order dated August 18, 2014 pursuant to Rule 59 SCRPC. The Defendants argued that the Johnson's have agricultural crops within Doodle Hill Lane and that there are power poles, trees, bushes and fencing within Doodle Hill Lane.


I find that the Defendants' motion is not timely. Pursuant to Rule 59 SCRPC a motion for a new trial or to alter or amend a judgment must be filed within 10 days after

receipt of written notice of the entry of the order. The final order which is the subject of this motion was entered on August 19, 2014. The Defendants filed their motion for reconsideration on September 25, 2014. Since the Defendants filed their motion more than ten (10) days of the entry of the final order I find that the motion must be dismissed.

The Court takes this opportunity to clarify its Final Order. Joseph V. Johnson, Sr. and Joseph V. Johnson, III, must immediately remove any obstructions from Doodle Hill Lane as set forth in the Court's order but such obstructions do not include utility or power poles.

NOW, THEREFORE, the Defendants' motion for reconsideration is hereby dismissed.

And it is so ORDERED this 13 day of October 2014.



Robert E. Watson
Master In Equity for Berkeley County, South Carolina

OCTOBER 13 2014
Moncks Corner, South Carolina

Clyde Morris

Joseph A. Johnson, Sr., et al

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: Plaintiff Defendant
 or
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41, SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

2014 AUG 19 PM 2:57
 FILED
 BERKELEY COUNTY, SC

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court

ORDER INFORMATION

This order ends does not end the case.
 Additional Information for the Clerk:

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$N/A
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:
 Tax Information (if any):

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Russ E. Watts
 Circuit Court Judge

1028
 Judge Code
 8/19/14
 Date

For Clerk of Court Office Use Only

This judgment was entered on the 19 day of Aug 2014 and a copy mailed first class or placed in the appropriate attorney's box on this 19 day of Aug 2014 to attorneys of record or to parties (when appearing pro se) as follows:

Chris J. Jordan

P. O. Box 253

Moncks Corner, SC 29016

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Mary P Brown DW

CLERK OF COURT

Court Reporter:

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

IN THE COURT OF COMMON PLEAS
OF THE NINTH JUDICIAL CIRCUIT
CIVIL ACTION NUMBER: 2012-CP-08-00284

Clyde Morris)
)
Plaintiff,)

v.)

Joseph V. Johnson, Sr., individually)
and as the Guardian ad *litem* for the)
minor child, Joseph V. Johnson, III,)
Mildred R. Johnson, Joseph V.)
Johnson, Jr., William Johnson, and)
Allen R. Barnette";)

DEFENDANTS.)
)
)

FINAL ORDER

(Non-Jury –Declaratory Judgment)

2014 AUG 19 PM 2:57
NANCY A. S. SMITH
CLERK OF COURT
BERKELEY COUNTY, SC

2014 AUG 19 PM 2:57

LEED
SM

This matter came before the Court on a motion filed by the Plaintiff to determine the boundaries of Doodle Hill Lane. In support of his motion the Plaintiff submitted a survey entitled "Map of Doodle Hill Lane showing location of the existing roadbed with property lines, fences and power lines/power poles as related to the roadbed" prepared by the Court appointed surveyor, Homer P. Mason and dated March 11, 2014. By way of relief the Plaintiff requested an order of the Court determining that the width of Doodle Hill Lane be set at a uniform Twenty-five (25') feet in width and that Doodle Hill Lane be contiguous with the boundaries of all parcels of property lying along Doodle Hill Lane.

At the hearing the Court considered Mr. Mason's survey, the testimony of Mr. Mason and Joseph V. Johnson, Sr., various exhibits by counsel and argument of counsel.

This case has a long history. During the numerous hearings the Court has exhausted all efforts to have the parties reach an agreement on the boundaries of Doodle Hill Lane so that everyone could live peaceably with one another. The efforts of the Court have failed and it is necessary for the Court to now enter its order to bring finality to this dispute.

Based upon all matters of record I make the following findings of fact and conclusions of law.

1. All prior orders of this Court are incorporated herein without modification.
2. The parties have stipulated that Doodle Hill Lane is thirty (30') feet in width and I find that this stipulation is overwhelmingly supported by all surveys, deeds and other evidence submitted.
3. I find that historically the property owners along Doodle Hill Lane and individuals using Doodle Hill Lane for ingress and egress have used less than the entire thirty (30') feet in width.
4. I find that either Joseph V. Johnson, Sr., Joseph V. Johnson, Jr. or one or more of their agents or contractors have attempted to restrict the use of Doodle Hill Lane by placing obstructions in the roadbed, erecting fencing and fence poles and plowing and planting crops in the roadbed.
5. I find that Doodle Hill Lane should be and is hereby declared twenty-five (25') feet in width. I find that twenty-five (25') feet is reasonably necessary and convenient for the property owners along Doodle Hill Lane for ingress and egress to their property and

creates the least amount of burden to the servant estate as possible.

6. I find that Doodle Hill Lane should be contiguous with the property boundary of each parcel of land lying along Doodle Hill Lane.

7. I find that Homer P. Mason should prepare a survey in recordable form establishing Doodle Hill Lane as twenty-five (25') feet in width beginning at Betaw Road (S-8-391) and terminating at the southern boundary of the Clyde Morris tract (TMS#: 037-00-01-050). I find that Mr. Mason's survey should be recorded in the Berkeley County Register of Deeds Office.

8. I find that Joseph V. Johnson, Sr., Joseph V. Johnson, Jr., their heirs, assigns, agents, and contractors shall not attempt to interfere, restrict, or impede the use of Doodle Hill Lane by the property owners or their heirs, assigns, successors in interest, family, contractors, invitees by placing obstructions, poles, fencing, plowing, planting or attempting in any way to reduce the width of Doodle Hill Lane to less than twenty-five (25') feet.

9. I find that Joseph V. Johnson, Sr., Joseph V. Johnson, Jr., their heirs and assigns, are hereby ordered to immediately and permanently remove any obstructions within the twenty-five (25') foot Doodle Hill Lane, including but not limited to any poles, fencing, plowing or crops.

10. I find that the parties should be equally responsible for the additional fees submitted by Homer P. Mason and such fees shall be paid within ten (10) days of receipt of Mr. Mason's invoice.

NOW, THEREFORE, based upon the above I hereby
ORDERED ADJUDGED AND DECREED all prior orders of this Court are
incorporated herein without modification; and it is further

ORDERED ADJUDGED AND DECREED that Doodle Hill Lane be and is hereby
declared twenty-five (25') feet in width; and it is further

ORDERED that Doodle Hill Lane should be contiguous with the property boundary
of each parcel of land lying along Doodle Hill Lane; and it is further

ORDERED that Homer P. Mason prepare a survey in recordable form establishing
Doodle Hill Lane as twenty-five (25') feet in width beginning at Betaw Road (S-8-391) and
terminating at the southern boundary of the Clyde Morris tract (TMS#: 037-00-01-050). I
find that Mr. Mason's survey be in recordable form and recorded in the Berkeley County
Register of Deeds Office; and it is further

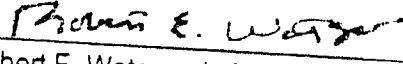
ORDERED that Joseph V. Johnson, Sr., Joseph V. Johnson, Jr., their heirs,
assigns, agents, and contractors shall not attempt to interfere, restrict, or impede the use
of Doodle Hill Lane by the property owners or their heirs, assigns, successors in interest,
family, contractors, invitees by placing obstructions, poles, fencing, plowing, planting or
attempting in any way to reduce the width of Doodle Hill Lane to less than twenty-five (25')
feet; and it is further

ORDERED that Joseph V. Johnson, Sr., Joseph V. Johnson, Jr., their heirs and
assigns, are hereby ordered to immediately and permanently remove any obstructions
within the twenty-five (25') foot width of Doodle Hill Lane, including but not limited to any

poles, fencing, plowing or crops; and it is further

ORDERED that the parties be equally responsible for the additional fees submitted by Homer P. Mason and such fees shall be paid within ten (10) days of receipt of Mr. Mason's invoice.

IT IS SO ORDERED this 10 day of August 2014, Moncks Corner, South Carolina.


Robert E. Watson, Judge
Berkeley County Master In Equity