THE STATE OF SOUTH CAROLINA
In The Supreme Court

Appeal form Lexington County
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Unpublished Opinion No. 2016-UP-137
S.C. Ct. App. Filed March 23, 2016

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S.C. SUPREME COURT

Glenda R. Couram .... Petitioner,

v

Mr. & Mrs. Christopher Hooker; Mr. & Mrs. Carl Reibold; All Persons claiming any Legal or Equitable Right, Title, Estate, Lien or Interest in the Property Described in the Complaint Adverse to the Plaintiffs; Cox & Dinkins, Inc.; Fair Builders/Developers, Inc.; Donald "Don" Rawls and Steve Fair in their official and individual capacities; Carolina Water Svc. (CWS); Carolina Trace Utilities, Inc.; and Utilities, Inc., Corporate Offices, Defendants

Of whom Mr. & Mrs. Christopher Hooker, Mr. & Mrs. Carl Reibold, Cox & Dinkins, Inc., Fair Builders/ Developers, Inc., and Donald "Don" Rawls and Steve Fair, in their Official and individual capacities, are the .... Respondents

On Petition for a Writ of Certiorari to the
SC Court of Appeals

PETITION FOR A WRIT OF CERTIORARI

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IN THE

SUPREME COURT OF SOUTH CAROLINA

PETITION FOR WRIT OF CERTIORARI

Petitioner as pro se Glenda Couram respectfully prays that a writ of certiorari issue to review the judgment below.

OPINION BELOW

The opinion of the SC Court of Appeals appears at Appendix A dated March 23, 2016 to this Petition and the Denial of the Motion to Rehear En banc dated June 13, 2016 is shown as Appendix B. The court's opinion at No. 2016-UP-137 – Appellant Case No.: 2013-002056

JURISDICTION

The SC Court of Appeals issued its decision on March 23, 2016. At copy is attached at appendix A. The SC Court of Appeals denied the Motion to Rehear En banc on June 13, 2016. attached at appendix B. The jurisdiction of this Court is invoked.

QUESTIONED PRESENTED

I. **DID THE "NEIGHBORS" HAVE STANDING[1] TO BRING A DECLARATORY JUDGEMENT CLAIM OR ANY CLAIMS AGAINST THIS PRO SE LITIGANT AND DID THE LOWER COURTS GRANT STANDING DUE TO THE PRO SE LITIGANT STATUS, CLASS, RACE SHOWING DISCRIMINATORY AMINUS THUS DENYING THE PRO SE EQUAL PROTECTIONS AND DUE PROCESS IN VIOLATION OF THE 4TH AND 14TH AMENDMENTS OF THE SOUTH CAROLINA AND US CONSTITUTION**

II. **DID THE COURT ERR IN GRANTING AND AFFIRMING DIRECTED VERDICT TO THE ALL DEFENTANTS AS TO THE PRO SE SLANDER OF TITLE CLAIMS THUS DENYING THIS PRO SE EQUAL PROTECTION AND DUE PROCESS DUE TO HER PRO SE STATUS, CLASS, RACE THUS SHOWING DISCRIMINATORY AMINUS TOWARDS A PRO SE DENYING HER THE SAME RIGHTS AND PRIVIDGES AS SIMILIARLY SITUATED CITIZENS OF THE STATE OF SC AND THE US?**

III. **DID THE COURT ERR IN DETERMINING THAT STEVE FAIR AND FAIR BUILDERS WAS ENTITLED TO THREE STATUTE OF LIMITATIONS WHEN THE PRO SE DID NOT LEARN OF HIS INVOLVEMENT IN THIS MATTER AND THIS TRESPASS ONTO HER PROPERTY UNTIL MARCH 10, 2011**

IV. **DID THE COURT ERR IN GRANTING AND AFFIRMING DIRECTED VERDICT TO BOTH GROUP OF DEFENDANTS AS TO THIS PRO SE CLAIMS OF CIVIL CONSPRIACY DENYING HER EQUAL PROTECTION AND DUE PROCESS DUE TO HER PRO SE STATUS, CLASS, RACE THUS SHOWING DISCRIMINATORY AMINUS TOWARDS A PRO SE DENYING HER THE SAME RIGHTS AND PRIVIDGES AS SIMILIARLY SITUATED CITIZENS OF THE STATE OF SC AND THE US?**

V. **DID THE COURT ERR IN DETERMING THAT THE PRO SE HAD NOT PRESERVED HER CLAIMS OF CIVIL CONSPIRACY, TRESPASS, CONTINUING NUISANCE, INVASION OF PRIVACY, IIED FOR APPELLANT REVIEW WHEN A TIMELY MOTION TO RECONSIDER WAS FILED (RULE 59 Order 2155 ROA p 20)**

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[1] PRO SE STANDARD: Haines v. Kerner, 404 U.S. 519 (1972) "Allegations such as those asserted by petitioner, however inartfully pleaded, are sufficient"... "which we hold to less stringent standards than formal pleadings drafted by lawyers." "Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but, rather, should dismiss the action." Melo v. US, 505 F2d 1026. "The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings." Hagans v Lavine 415 U. S. 533. "Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted." Latana v. Hopper, 102 F. 2d 188; Chicago v. New York 37 F Supp. 150 "The law provides that once State and Federal Jurisdiction has been challenged, it must be proven." 100 S. Ct. 2502 (1980); "Jurisdiction can be challenged at any time." Basso v. Utah Power & Light Co. 495 F 2d 906, 910.

VI. DID THE COURT ERR IN DETERMINING THAT THE PRO SE CLAIMS OF , INVASION OF PRIVACY, TRESPASS, NUISANCE, AND MENTAL ANGUISH WAS THE RESULT OF "HEIGHTENED SENSITIVTY" AND THAT THE PRO SE WAS NOT OF NORMAL INTELLIGENCE

VII. DID THE COURT ERR IN IT DETERMINATION AS IT RELATES TO RULES 701 AND 702 SCRE WHEN IT HAS NO APPLICATION TO THE CASE AT HAND. THE APPLICABLE RULE OF LAW IS WELL ESTABLISHED IN THIS COURT RULING CONTROLLING CASE LAW SC SUPREME COURT RULING IN RANUCCI v CRAIN (NO. 2012-211188 DECIDED JULY 23, 2014). S.C. CODE ANN. § 15–36–100 (SUPP.2013)[2]

[2] Id. § 15–36–100(C)(2) ("The contemporaneous filing requirement of subsection (B) is not required to support a pleaded specification of negligence involving subject matter that lies within the ambit of common knowledge and experience, so that no special learning is needed to evaluate the conduct of the defendant.").

STATEMENT OF THE CASE

Did the SC Court of Appeals and the trial court's ruling reflect discriminatory amicus/bias towards a recognized group would the ruling of both courts have been the same if the pro se had not be a pro se litigant, black, a person of a different class and status as other similarly situated litigants and defendants the court normally have before them thus allowing them to deny this pro se the same rights

Under the 4th amendment

> Under the 14th amendment equal protection, due process but instead allow the defendants to come in and take the pro se property, drive her from her home and all in an effort to take her land life, and liberty as guaranteed under both the us and South Carolina state constitution without due process and consequences all because they are represented by learned attorneys and the judges have immunity[3]

On or about December 2010, the pro se filed this action as the only means to gain her property and peaceful enjoyment of her property. The defendants "Neighbors" stated that the only way to get them to stay off her land was to sue. Therefore, she sued and in doing so she had to refinance her house. The initial complaint was dismissed by Judge Keesley because the pro se filed indigent.

The pro se then went to meet with the surveyor to find out why the defendants felt they had a right to cross the boundary line, cut down the natural and fence and continuously trespassed on her property, she called the police, asked the defendants to stop and but they. The meeting with Donald Rawls on March 6, 2012, gave the reason why the defendants would not stop. Mr. Rawls explained what had happened and explained to pro se the rebar that was not on the property prior to 2004. He did not explain why he included the rebar on the plat and survey failed with the ROD Office (ROA pp 182 Letter dated March 1, 2011).

[3] (The trial judge would not allow pro se to look at jury during jury selection)

After learning what happened the pro se attempted to tell Mr. Hooker and Reibold but they refused to hear and the police would not help. The end result the pro se was driven away from home to avoid further police interaction. She was unable to enjoy her property as she did prior to 2004 and has not enjoyed her property fully since. The pro se has been in court with this since the sale of the park in 2004 and remains in turmoil seven years later because the defendants slander and her title and with complete disregard for her rights filed that title in the ROD office the survey as Mr. Reibold and Hooker testified to was the reason they came after the property.

The Court of Appeals affirmed the judgment of the circuit court. See Couram v Hookers, Reibolds, et.al. 2016 UP-137 heard and filed March 23, 2016. Petitioner seeks a writ of certiorari to review that decision in the interest of justice and to ensure that a pro se litigants is treated the same and provided the same protections as the courts ensures that the defense attorneys and those who has a learned attorney.

ARGUMENT

At the close of Petitioner's case, the trial court granted a directed verdict in favor of the defense. (ROA pp 446-500).

The following is pro se argument to that ruling.

A. THE COURT OF APPEALS SHOULD HAVE HELD THAT THE TRIAL JUDGE DID NOT HAVE SUBJECT MATTER JURISDICTION TO HEAR A DECLARATORY JUDGMENT CLAIM, THAT RES JUDICATA PREVENTED RELITIGATING THE QUESTION OF DECLARATORY JUDGMENT (SEE JUDGE BIRCH ORDER DATED MARCH 7, 2013 (ROA P 20), COLLATERAL ESTOPPEL, LACK OF STANDING.

In an unpublished opinion of the SC Appeals Court *008-UP-153 - Portside Owners Association, Inc. v. South Beach Racquet Club, Inc* "A suit for declaratory judgment is neither legal nor equitable, but is determined by the nature of the underlying issue. An issue, essentially one at law, will not be transformed into one in equity simply because declaratory relief is

sought." Felts v. Richland County, 303 S.C. 354, 356, 400 S.E.2d 781, 782 (1991). The character of an action as legal or equitable is determined by the main purpose of the complaint, the nature of the issues as raised by the pleadings or the pleadings and proof, and the character of the relief sought under them. Ins. Fin. Servs., Inc. v. S.C. Ins. Co., 271 S.C. 289, 293, 247 S.E.2d 315, 318 (1978).

The issue of title is legal in nature. Getsinger v. Midlands Orthopaedic Profit Sharing Plan, 327 S.C. 424, 428, 489 S.E.2d 223, 224 (Ct. App. 1997). "An action brought for the primary purpose of determining title to a disputed land is in the nature of a trespass action to try title, which is an action at law." Watson v. Suggs, 313 S.C. 291, 293, 437 S.E.2d 172, 173 (Ct. App. 1993). An adverse possession claim is an action at law. Clark v. Hargrave, 323 S.C. 84, 87, 473 S.E.2d 474, 476 (Ct. App. 1996).

In an action at law, on appeal of a case tried without a jury, we may not disturb the circuit court's findings of fact unless they are unsupported by the evidence or controlled by error of law. Auto Owners Ins. Co. v. Langford, 330 S.C. 578, 581, 500 S.E.2d 496, 498 (Ct. App. 1998).

The defendants "neighbors" deliberately sit out to remove or take 20 feet of land from the pro se and they based that decision on the survey and plat they obtained when they purchased their homes in 2005 and 2006 respectfully.

Defendant did not have standing to bring a counter claim against the pro se it was a frivolous complaint with allegations of child abuse leveled at the pro se and only filed in response to the complaint filed by the pro se and the trial court erred in granting declaratory judgment in favor of the "Neighbors" Riebolds and Hookers based on allegations that had no

basis in fact rewarding them for their illegal actions against this pro se because they wanted her land.

In Huff v Jennings, 459 S.E.2d 886 (1995) to have standing, a party must have a personal stake in the subject matter of a lawsuit, and must be a real party in interest. Bailey v. Bailey, ___ S.C. ___, 441 S.E.2d 325 (1994). A real party in interest is "one who has a real, actual, material or substantial interest in the subject matter of the action, as distinguished from one who has only a nominal, formal, or technical interest in, or connection with, the action." Id. at ___, 441 S.E.2d at 327.

Declaratory Judgment - courts have held that a declaratory judgment action is not the appropriate procedural avenue to adjudicate past conduct, when damages have already accrued. See, e.g., Crown Cork & Seal Co., Inc. v. Borden, Inc., 779 F. Supp. 33 (E.D. Pa. 1991) (Declaratory Judgment Act is actions are designed to allow parties to clarify legal rights and obligations before the matters at issue ripen into violations of law or a breach of duty, and thereby avoid incurring damages.

United States v. Undetermined Quantities of an Article of Drug etc., 1987 U.S. Dist. LEXIS 15942 (D. Colo. 1987). Declaratory judgment actions also are appropriate in situations where such actions may promote judicial efficiency and *fully resolve and terminate* the controversy between the parties. See, e.g., Societe de Conditionnement en Aluminum v. Hunter Eng'g Co., Inc., 655 F.2d 938, 943 (9th Cir. 1981); Reynolds v. Stahr, 758 F. Supp. 1276, 1281 (W.D. Wis. 1991).

This is not a case where the Court solely is being asked to prospectively clarify the parties' rights in anticipation or avoidance of some potential harm the harm to the pro se had

already occurred. Not only by the "Neighbors" but the remaining Defendants Cox and Dinkins, Donald Rawls, Steven Fair and Fair Builders.

The slander of her title was the instrument used to make the claim the "Neighbors" their reliance on the filed plat and survey filed with the Lexington County Registrar of Deeds in 2004 that told them they had legal claim to 20 feet beyond the boundary line of the pro se land to take the land and declare it publicly as their own. A fact they both testified to see the ROA pp 456-500.

The trial judge granting of Declaratory Judgment did not address the past harm that had been done over these years this matter was pending in court and the harm done prior to this suit being filed in December 2010. The pro se endured the laughter, humiliation of having to call the police out to her home for a full two weeks before she realized they were not going to do anything at all except stand on her land and laugh with the defendants. The humiliation of a neighborhood she had lived in since 1994 and the continued mental anguish she had dealt with from the day that Fair and Fair Builders obtain the park for development. From that day in 2004, the pro se had to deal with Time Warner Cable coming in and taking land, trespassing on land after she told them they could not be on the property (the left side) of her land, then she had to deal with Fair Builders destruction of the right end corner of her land and taking both to court from 2004 to until the end in 2008.

The two years later, she has to once again deal with the "Neighbors" coming after the right side of her land and literally taking 20 feet as their and then learning that since 2004 her land had been slandered by the Developer and the Survey Company and they were just waiting. ... and from that day to this day she had been in conflict, emotional turmoil, her life in constant upheaval due to their continuing trespass and nuisance (this pro se had found any number of

rocks that continues to cut off 10 feet of her land that she has had to dig up and the last is another rock that is embedded 20 feet outside of her land, she had to deal with loud music from Mr. Reibold that she had to actually go to his house to ask him to stop after calling the police. Then there is the continued clearing of the natural fence were she no longer has privacy and rarely go outside in her backyard. She never knows what will come next and this was not an issue prior to 2004 so her peace and use of her property has been shattered in direct violation of the constitution of the United States and the State of South Carolina.

Declaratory judgment actions are designed to fully resolve the controversies among parties or promote judicial economy that did not happen here, it could not have happened because as stated the relationship and strain occurred in 2004.

There was discovery conducted in this matter where there were admissions sent and answered, there was a deposition taken, there was put before the court deeds, survey, plats from as far back as 1984 that proved the PARK, that proved the natural fence, that proved that there was not cutting off of 20 feet of the pro se land as shown on the plat and survey of Cox and Dinkins and Rawls. Proof of trespass by this company and Fair and Fair Builders all submitted into evidence over the years and orders involved in this matter.[4]

This pro se had requested a jury trial (she was not allowed to look at the jury pool during the selection process via court order) but there was a sitting jury and the trial judges treated this matter as a bench trial and the only matter he submitted to the jury was the questions of trespass and that was based on negligence.

It is also important to note that granting the declaratory judgment did not end the matter as the trial judge submitted the only claim he allowed Trespass by the "Neighbors" to the jury.

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[4] And, resubmitted into evidence via a Motion to Reconsider.

B. THE COURT OF APPEALS ERRED IN AFFIRMING THE GRANT OF DIRECTED VERDICT AS TO THE PRO CLAIMS OF SLANDER OF TITLE. THE COURT ALSO ERRED WHEN IT RULED THE PRO SE'S CLAIMS WERE NOT PRESERVED FOR APPELLANT REVIEW. THE PRO SE FILED A MOTION TO RECONSIDER RULE 59 PRESERVING HER CLAIMS AND SHE TIMELY OBJECTED TO THE COURTS DIRECTED VERDICT IN FAVOR OF THE DEFENDANTS.

A motion for directed verdict in a jury trial admits the truth of the adversary's evidence and of every favorable inference of fact which may legitimately be drawn from it. *Panion v. Crichton,* 144 Colo. 170, 355 P.2d 938 (1960). Such a motion should not be granted unless the evidence, considered under this standard, compels the conclusion that reasonable jurors could not disagree and that no evidence or inference has been received at trial upon which a verdict against the movant could be sustained. *Nettrour v. J.C. Penney Co.,* 146 Colo. 150, 360 P.2d 964 (1961).

The court may not presume to weigh the evidence presented. *Singer v. Chitwood,* 126 Colo. 173, 247 P.2d 905 (1952); *Gossard v. Watson,* 122 Colo. 271, 221 P.2d 353 (1950). Where, as here, a prima facie case is made, it is for the jury, not the court, to resolve the conflict. *Romero v. Denver & Rio Grande Western Ry. Co.,* 183 Colo. 32, 514 P.2d 626 (1973). Consequently, the trial court erred in directing a verdict for plaintiffs on the abuse of process counterclaim.

The pro se introduced in this court a deed, survey, plat, plat and survey of Wrenwood Subdivision. The plat she introduced was explicitly noted her property, noted the easement on her property, with a corresponding deed between herself, Carolina Water Service and the common owner Kohn. The deed described the easement running with her land and described how the land was land locked and the easement was to allow CWS to come and go from as needed to maintain the well site that was on the property until 1995. But for the development in 2004 by Fair Builders/Developers and the survey and plat he commissioned from Cox and

Dinkins and Rawls the "Neighbors" would not have seen the cutoff of the easement and thought it was up for grabs.

Slander of Title - The term slander of title is defined as "a false and malicious statement, oral or written, made in disparagement of a person's title to real or personal property, causing him injury." Pond Place Partners, Inc. v. Poole, 351 S.C. 1, 18-19, 567 S.E.2d 881, 890 (Ct. App. 2002); 50 Am.Jur.2d Libel & Slander § 548 (1995).

Generally, an action under slander of title may only be maintained by one who possesses an estate or interest in the affected property. Id.; see generally Jeffrey F. Ghent, Slander of Title: Sufficiency of Plaintiff's Interest in Real Property to Maintain Action, 86 A.L.R.4th 738 (1991). The tort of slander of title is almost identical to the tort of product disparagement, the only difference being the former tort involves aspersing the quality of one's title to property and the latter tort involves aspersing the quality of one's property. Poole, 351 S.C. at 18-19, 567 S.E.2d at 890. Slander of title is grounded in the tort of injurious falsehood, and the terms are often used interchangeably. Id.

To establish slander of title, one must show: "(1) the publication of (2) a false statement (3) derogatory to plaintiff's title (4) with malice (5) causing special damages (6) as a result of diminished value in the eyes of third parties." Huff v. Jennings, 319 S.C. 142, 146, 459 S.E.2d 886, 889 (Ct. App. 1995).

In order for an issue to be preserved for appellate review it must be raised and ruled upon by the trial court. Staubes v. City of Folly Beach, 339 S.C. 406, 412, 529 S.E.2d 543, 546 (2000); Jones v. Daley, 363 S.C. 310, 315, 609 S.E.2d 597, 599 (Ct. App. 2005). "Error preservation requirements are intended 'to enable the lower court to rule properly after it has considered all relevant facts, law, and arguments.' " Id. (quoting I'On v. Town of Mt. Pleasant,

338 S.C. 406, 422, 526 S.E.2d 716, 724 (2000)). If the trial court does not rule on an issue, "the reviewing court simply would not be able to evaluate whether the trial court has committed error." Id.

This pro se did not fail to file a motion pursuant to Rule 59(e), SCRCP, to alter or amend the trial court's order to obtain a final ruling. However, the court stated "no formal order was requested." She did not fail to object to the granting of a directed verdict as to her slander of title claim when she was allowed to object. The court stated, "Okay, I will note that you object to all my rulings." (ROA p 446)

As such the court was in err when it ruled the slander of title claims were not preserved for appellate are review. It is also important to note that the pro se showed a publication – the survey and plat commissioned by Steven Fair and completed by Cox and Dinkins and Donald Rawls was filed and registered in the Lexington County ROD Office; she alleged and proved a false statement where that survey out of all the survey prior to 2004 was the only one with a rebar cutting off 20 feet of the pro se land, the letter to Mr. Rawls and admission prove Mr. Rawls knew the rebar was false and even told the pro se that it was not on any other plat prior to the one he filed in 2004 showing malice and a complete disregard for the rights of the pro se. causing special damages the cost to remove the border plated all over the pro se property by the defendants cutting of the 20 feet of land, the damage done by the cutting down of her shrubs and the clean up done by the pro se and diminished value to a third party. The pro se had her house refinanced during this time See Huff v. Jennings, 319 S.C. 142, 146, 459 S.E.2d 886, 889 (Ct. App. 1995). The defendants' action put a "cloud" on the pro se title that remains to this day.

The pro se put into evidence as stated her deed, the CWS deed, her survey, the survey of Wrenwood Subdivision, admissions, letters and other documents. All of which proves her

ownership of the land in question and her claims of adverse possession and try title (See Judge Birch Order dated ROA p 20).[5]

From these sections of the Restatement, the West Virginia court determined that, to maintain a claim for slander of title, the plaintiff must establish (1) the publication (2) with malice (3) of a false statement (4) that is derogatory to plaintiff's title and (5) causes special damages (6) as a result of diminished value of the property in the eyes of third parties. TXO, 419 S.E.2d at 879; see also F.P. Hubbard & R.L. Felix, The South Carolina Law of Torts 309, n. 13 (1990) (discussing the Restatement rule).

When Fair, Fair Developers/Builders, Cox and Dinkins and Rawls registered the survey of the park they wrongfully record and unfound claim on 20 feet of the pro se property over the boundary line that the "Neighbors" relied on to take the land as their own.

Wrongfully recording an unfounded claim against the property of another generally is actionable as slander of title. TXO, 419 S.E.2d at 880; see also W.E. Shipley, Annotation, Recording of Instrument Purporting to Affect Title as Slander of Title, 39 A.L.R.2d 840 (1955).

A de novo standard of review applies to legal questions presented when a trial court interprets deeds and written agreements (see *City of Manhattan Beach v. Superior Court* (1996) 13 Cal.4th 232, 238), but we review findings of fact for substantial evidence (see *Blackmore v. Powell* (2007) 150 Cal.App.4th 1593, 1598, fn. 2).

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[5] A slander of title plaintiff need only "show[] title *or* interest in the property." (*Edwards v. Burris* (1882) 60 Cal. 157, 161; see also *Truck Ins. Exchange v. Bennett* (1997) 53 Cal.App.4th 75, 85, fn. 3; *Davis v Wood* (1943) 61 Cal.App.2d 788, 793-794 [leasehold interest sufficient to assert slander of title].) Plaintiff here alleged "the invasion of a[] legally protected interest." (Cf. *Broadway Fed. etc. Loan Assoc. v. Howard* (1955) 133 Cal.App.2d 382, 401 [affirming dismissal of slander of title cross-complaint that "not only fails to allege the invasion of any legally protected interest . . . , but inferentially even negatives such an implication"].)

Controlling case law SC Court of Appeals ruling in Huff v Jennings, 459 S.E.2d 886 (1995).

Controlling case law Solley v. Navy Federal Credit Union Inc., Opinion No. 4937 Heard April 5, 2011 Filed February 1, 2012 SC Court of Appeals

Jackson, 296 S.C. at 529, 374 S.E.2d at 506 (citations omitted).

"[T]o maintain a claim for slander of title, the plaintiff must establish (1) the publication (2) with malice (3) of a false statement (4) that is derogatory to plaintiff's title and (5) causes special damages (6) as a result of diminished value of the property in the eyes of third parties." Huff v. Jennings, 319 S.C. 142, 149, 459 S.E.2d 886, 891 (Ct.App.1995). "Actual malice can mean the defendant acted recklessly or wantonly, or with conscious disregard of the plaintiff's rights." Constant v. Spartanburg Steel Prods., Inc., 316 S.C. 86, 89, 447 S.E.2d 194, 196 (1994).

"Wrongfully recording an unfounded claim against the property of another generally is actionable as slander of title." Huff, 319 S.C. at 149, 459 S.E.2d at 891. "[M]alice merely means a lack of legal justification and is to be presumed if the disparagement is false, if it caused damage, and if it is not privileged." Home Invs. Fund v. Robertson, 10 Ill.App.3d 840, 295 N.E.2d 85, 87 (Ill.App.Ct.1973) (citing Gates v. Utsey, 177 So.2d 486, 488 (Fla.Dist.Ct.App.1965)). In Huff, 319 S.C. at 149–50, 459 S.E.2d at 891, the court found a jury reasonably could conclude the defendant published a false statement when she filed a lien she knew or should have known was invalid. "A publication is derogatory to the plaintiff's title if the publication disparages or diminishes the quality, condition, or value of the property." Id. at 150, 459 S.E.2d at 891. The court further found the defendant's lien clearly diminished the value of the property in the eyes of a third party, given that the plaintiff was required to discharge the lien before he could complete the refinancing of the property. Id.

[S]pecial damages in the context of a slander of title claim can take at least two forms. For instance, if a slanderous statement forces a party to sell land at a reduced price, the reduction in value is a realized loss that can form the basis of a damages award. Alternatively, a landowner may take legal action to remedy the effects of the slanderous statement. To the extent that this legal action is reasonably necessary to remove clouds from the party's title, the party may recover those attorney fees.

In determining whether it allowed attorney's fees as special damages, the Washington Supreme Court noted that it "adhere[d] to the American rule, which states that absent a contract, statute, or recognized ground of equity, the

prevailing party does not recover attorney fees as costs of litigation. Nevertheless, we have also recognized certain circumstances where attorney fees should be recovered as damages." Rorvig v. Douglas, 873 P.2d 492, 497 (Wash. 1994) (citations and internal quotation marks omitted).

The court found it had allowed attorney's fees to be recoverable as special damages in malicious prosecution and wrongful attachment or garnishment. Id. "In malicious prosecution, it has long been the rule that damages include the attorney fees for the underlying action made necessary by the defendant's wrongful act." Id. "Similarly, in wrongful attachment or garnishment actions, and in actions to dissolve a wrongful temporary injunction, attorney fees are a necessary expense incurred in relieving the plaintiff of the wrongful attachment or temporary injunction, and are recoverable." Id. (internal quotation marks omitted).

The Washington court found: Slander of title is analogous to these actions. It is the defendant who by intentional and calculated action leaves the plaintiff with only one course of action: that is, litigation. In malicious prosecution, wrongful attachment, and slander of title, the defendants actually know their conduct forces the plaintiff to litigate. In addition, similar to malicious prosecution and wrongful attachment, actual damages are difficult to establish and often times are minimal in slander of title. Fairness requires the plaintiff to have some recourse against the intentional malicious acts of the defendant. Id.

The court noted, "The majority of jurisdictions that have considered the question in recent years have adopted this rule." Id. (citing Rayl, 700 P.2d at 573; Summa Corp., 655 P.2d at 515; Rogers v. Home Invs. Fund, 295 N.E.2d 85 (Ill. App. Ct. 1973); Dowse, 208 P.2d at 959). "The trend is to recognize that attorney fees and other legal expenses incurred in clearing the disparaged title are recoverable as damages in the common law action of slander of title." Id. (citing James O. Pearson, Jr., Annotation, What Constitutes Special Damages in Action for Slander of Title, 4 A.L.R.4th 532, 560 (1981)). Additionally, "the Restatement (Second) of Torts supports allowing recovery of attorney fees in a slander of title action. It describes slander of title as a form of the general tort of publication of an injurious falsehood." Id.

C. THE COURT OF APPEALS ERRED WHEN IT RULED THAT THE PRO SE HAD NOT PRESERVED HER CLAIMS FOR APPELLANT REVIEW

The pro se filed a Rule 59(e) Motion to Reconsider per the instruction of the trial court. (ROA pp 25 and 29); the federal courts consider it appropriate for a party to make a "motion for reconsideration" under Rule 59(e) even though the rule mentions only a "motion to alter or

amend a judgment." This view holds true even when a party mislabels a post-trial motion. See Blair v. Equifax Check Services, Inc., 181 F.3d 832, 837 (7th Cir. 1999) (Rule 4(a)(4), FRAP, restates long-accepted practice of considering motions for reconsideration, a practice independent of any appellate rule); 12 Moore's Federal Practice § 59.30[2][a] and[7]; 11 Wright, Miller & Kane § 2810.1; 20 Moore's Federal Practice §§ 304.13[2] and 304.13[4][b] (3d ed. 2003). "[T]he wisdom of giving district courts the opportunity promptly to correct their own alleged errors is all the justification needed" for the practice of freely allowing a motion for reconsideration. Blair, 181 F.3d at 837.

Rule 59(e), FRCP, provides: Motion to Alter or Amend Judgment. Any motion to alter or amend a judgment shall be filed no later than 10 days after entry of the judgment. In discussing the need for a Rule 59(e) motion, we explained that [t]he losing party must first try to convince the lower court it has ruled wrongly and then, if that effort fails, convince the appellate court that the lower court erred. This principle underlies the long-established preservation requirement that the losing party generally must both present his issues and arguments to the lower court and obtain a ruling before an appellate court will review those issues and arguments.

If the losing party has raised an issue in the lower court, but the court fails to rule upon it, the party must file a motion to alter or amend the judgment in order to preserve the issue for appellate review. . . . Imposing this preservation requirement on the appellant is meant to enable the lower court to rule properly after it has considered all relevant facts, law, and arguments. The requirement also serves as a keen incentive for a party to prepare a case thoroughly. It prevents a party from keeping an ace card up his sleeve - intentionally or by chance - in the hope that an appellate court will accept that ace card and, via a reversal, give him another opportunity

to prove his case. See Elam v. S.C. Dept. of Transportation, 361 S.C. 9, 15, 602 S.E.2d 772, 775 (2004) ...

In order to preserve an issue for appellate review, a party must file a motion to alter or amend the judgment when the party raises an issue to the lower court and the court fails to rule upon the issue. E.g., Elam v. South Carolina Dep't of Transp., 361 S.C. 9, 602 S.E.2d 772 (2004); I'On, L.L.C. v. Town of Mt. Pleasant, 338 S.C. 406, 526 S.E.2d 716 (2000); see also Rules 52(b) and 59(e), SCRCP.

The pro se did in fact preserve her invasion of privacy claims, continuing trespass and nuisance claims, civil conspiracy claims, and intentional infliction of emotional distress claims

2010-UP-382 - Sheep Island Plantation v. Bar-Pen Investments - After a careful review of the trial transcript and exhibits in the light most favorable to Sheep Island, we find some evidence to support Sheep Island's breach of contract claim. In particular, the evidence supports more than one inference regarding whether the Paragraph 33 extension clause is invoked automatically, or whether notice is required. Further, evidence exists to support an inference that the letter of termination Bar-Pen sent to Sheep Island on July 31, 2006, constitutes repudiation. In light of this evidence, the trial court should have denied Bar-Pen's motion for directed verdict. See Sabb v. S.C. State Univ., 350 S.C. 416, 427, 567 S.E.2d 231, 236 (2002) (holding that a trial court must deny a directed verdict motion "when the evidence yields more than one inference or its inference is in doubt."). See Sabb v. S.C. State Univ., 350 S.C. 416, 427, 567 S.E.2d 231, 236 (2002) (holding that a trial court must deny a directed verdict motion "when the evidence yields more than one inference or its inference is in doubt.").

Thus, once the issue has been properly raised in a Rule 59(e) motion, it is preserved and a second motion is not required if the trial court does not specifically rule on the issue raised;

Coward Hund Const. Co. v. Ball Corp., 336 S.C. 1, 518 S.E.2d 56 (Ct. App. 1999), *citing* James F. Flanagan, South Carolina Civil Procedure 475 (2d ed. 1996). If the issue was raised and ruled upon at trial, a Rule 59(e) motion is not required. See Wilder Corp. v. Wilke, 330 S.C. 71, 497 S.E.2d 731 (1998). Patterson v. Reid, 318 S.C. 183, 456 S.E.2d 436 (Ct.App 1995).

D. THE COURT OF APPEAS ERRED WHEN IT UPHELD THE TRIAL COURT RULING GRANTING DIRECTED VERDICT FOR ALL OF PRO SE CLAIMS EXCEPT TRESPASS ON THE "NEIGHBORS" THE COURT SHOULD REVERSE THE DECISION OF THE COURT OF APPEALS, AND THE COURT SHOULD FIND THAT RESPONDENTS ARE NOT ENTITLED TO A DIRECTED VERDICT

In ruling on motions for directed verdict or judgment notwithstanding the verdict, the trial court is required to *view the evidence and the inferences* that reasonably can be drawn therefrom in the light most favorable to the party opposing the motions. The trial *court must deny the* motions when the evidence yields more than one inference or its inference is in doubt. Steinke v. South Carolina Dep't of Labor, Licensing & Reg., 336 S.C. 373, 386, 520 S.E.2d 142, 148 (1999). If the evidence as a whole is susceptible of more than one reasonable inference, a jury issue is created and the motion should have been denied. Jinks v. Richland County, 355 S.C. 341, 345, 585 S.E.2d 281, 283 (2003); Adams v. G.J. Creel & Sons, Inc., 320 S.C. 274, 277, 465 S.E.2d 84, 85 (1995). In deciding whether to grant or deny a directed verdict motion, the trial court is concerned only with the existence or nonexistence of evidence. Pond Place Partners, Inc. v. Poole, 351 S.C. 1, 15, 567 S.E.2d 881, 888 (Ct. App. 2002).

There is and was an abundance of evidence submitted to the court in this matter as shown in the (ROA pp 187-214 and 648-688)

This Court will reverse only where there is no evidence to support the trial court's ruling, or where the ruling was controlled by an error of law. Clark v. S.C. Dep't of Public Safety, 362 S.C. 377, 382-83, 608 S.E.2d 573, 576 (2005); Steinke v. S.C. Dep't of Labor, Licensing &

Regulation, 336 S.C. 373, 386, 520 S.E.2d 142, 148 (1999); Abu-Shawareb v. S.C. State Univ., 364 S.C. 358, 613 S.E.2d 757 (Ct. App. 2005); Welch v. Epstein, 342 S.C. 279, 300, 536 S.E.2d 408, 418 (Ct. App. 2000). Essentially, this Court must resolve whether it would be reasonably conceivable to have a verdict for a party opposing the motion under the facts as liberally construed in the opposing party's favor. Harvey v. Strickland, 350 S.C. 303, 309, 566 S.E.2d 529, 532 (2002); Hanahan v. Simpson, 326 S.C. 140, 149, 485 S.E.2d 903, 908 (1997).

Generally, an issue must be raised to and ruled upon by the circuit court to be preserved. Elam v. S. Carolina Dep't of Trans., 361 S.C. 9, 24, 602 S.E.2d 772, 780 (2004) (noting a party must file a Rule 59(e) motion "when an issue or argument has been raised, but not ruled on, in order to preserve it for appellate review"). However, an exception to this rule exists where an issue is raised but not ruled upon at a Rule 59(e) hearing. In Coward Hund, the court of appeals explained:

The Courts have refined and added to this generalized standard. There are dozens of cases available to quote the standard the Court uses on motions for directed verdict; but it is summed up accurately in *McFetters v. McFetters, 98 N.C. App. 187, 390 S.E.2d 348 (1990).* There the Court summarized the standard that should be applied when deciding directed verdict. In deciding the motion, "the trial court must treat non-movant's evidence as true, considering the evidence in the light most favorable to the non-movant, and resolving all inconsistencies, contradictions and conflicts for non-movant, giving non-movant the benefit of all reasonable inferences drawn from the evidence."

Also of import, the *McFetter* Court pointed out that evidence which raises a mere possibility or conjecture will not defeat a motion for directed verdict. BUT, if there is more than a scintilla of evidence, the Court must deny the motion.

The *McFetter* Court, as well as other Courts, have consistently held that directed verdict should rarely be granted in negligence cases. One reason is because application of the prudent man test is generally to be applied by a jury. SC Code

E. THE COURT OF APPEALS ERRED IN AFFIRMING THE TRIAL COURT DIRECTED VERDICT ON PRO SE CIVIL CONSPIRACY CLAIMS AGAINST BOTH SETS OF DEFENDANTS

The elements of a civil conspiracy in South Carolina are (1) the combination of two or more people, (2) for the purpose of injuring the plaintiff, (3) which causes special damages. LaMotte v. Punch Line of Columbia, Inc., 296 S.C. 66, 370 S.E.2d 711 (1988); Cowburn v. Leventis, 366 S.C. 20, 49, 619 S.E.2d 437, 453 (Ct. App. 2005); Ellis v. Davidson, 358 S.C. 509, 595 S.E.2d 817 (Ct. App. 2004); see also Peoples Federal Savings & Loan Ass'n of S. Carolina v. Resources Planning Corp., 358 S.C. 460, 470, 596 S.E.2d 51, 56-57 (2004) ("A civil conspiracy is a combination of two or more parties joined for the purpose of injuring the plaintiff and thereby causing special damage.") (citation omitted). It is essential that the plaintiff prove all of these elements in order to recover. Lyon v. Sinclair Refining Co., 189 S.C. 136, 200 S.E. 78 (1938). The "essential consideration" in civil conspiracy "is not whether lawful or unlawful acts or means are employed to further the conspiracy, but whether the primary purpose or object of the combination is to injure the plaintiff." Lee v. Chesterfield General Hosp., Inc., 289 S.C. 6, 13, 344 S.E.2d 379, 383 (Ct. App. 1986).

"[I]n order to establish a conspiracy, evidence, direct or circumstantial, must be produced from which a party may reasonably infer the joint assent of the minds of two or more parties to the prosecution of the unlawful enterprise." Island Car Wash, Inc. v. Norris, 292 S.C. 595, 601, 358 S.E.2d 150, 153 (Ct. App. 1987); accord Cowburn, 366 S.C. at 49, 619 S.E.2d at 453. This Court has observed:

> Conspiracy may be inferred from the very nature of the acts done, the relationship of the parties, the interests of the alleged conspirators, and other circumstances. Island Car Wash, Inc. v. Norris, 292 S.C. 595, 358 S.E.2d 150 (Ct. App. 1987). "Civil conspiracy is an act which is by its very nature covert and clandestine and usually not susceptible of proof by direct evidence. . . ." Id. at 601, 358 S.E.2d at 153. An action for civil conspiracy is an action at law; the trial judge's findings will be upheld on appeal unless they are without evidentiary support. Gynecology Clinic v. Cloer, 334 S.C. 555, 514 S.E.2d 592 (1999). Peoples Federal, 358 S.C. at 470, 596 S.E.2d at 57.

The gravamen of the tort of civil conspiracy is the damage resulting to the plaintiff from an overt act done pursuant to the combination, not the agreement or combination per se. Lee, 289 S.C. 6, 344 S.E.2d 379. "[A]n unlawful act is not a necessary element of the tort." Id. at 11, 344 S.E.2d at 382. Because the quiddity of a civil conspiracy claim is the damage resulting to the plaintiff, the damages alleged must go beyond the damages alleged in other causes of action. Vaught v. Waites, 300 S.C. 201, 387 S.E.2d 91 (Ct. App. 1989).

As the Virginia Supreme Court has explained: "The gist of the civil action of conspiracy is the damage caused by the acts committed in pursuance of the formed conspiracy and not the mere combination of two or more persons to accomplish an unlawful purpose or use an unlawful means." *Almy v. Grisham*, 273 Va. 68, 81, 639 S.E.2d 182, 189 (2007).

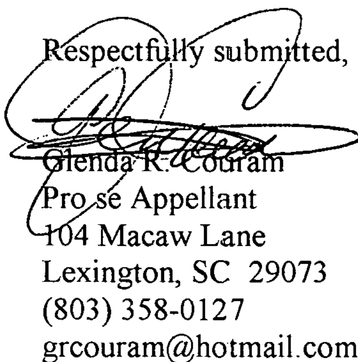
This pro se did in fact produce evidence that the "Neighbors" did in fact come together in a meeting of the minds to cause her harm and cause special damages. They as one ran her away from home, they denied her peaceful possession of her home, they invaded her privacy and in doing so they caused her special damages in having to refinance her house to pay legal fees, they even caused her harm physically as she was suffering from a blood clot in her left leg. The defendants Fair, Rawls, Cox and Dinkins and Fair Builders also had a meeting of the minds in 2004 causing this pro se special damages therefore the court of appeals is in err when it granted a directed verdict as to the civil claims against each of the defendants.

CONCLUSION

Pro se prays this court remember she is pro se and forgive any misspellings or grammar issues. I have tried to utilize court rulings to ensure to be in compliance and for the reasons stated, petitioner asks the Court to grant the petition for a writ of certiorari. As the issues in this Writ needs to be addressed by this court and or the US Supreme Court to protect the rights of pro se litigants consistently and uniformly and ensure that judges are not using their immunity to make inconsistent rulings that deny a pro se litigants rights.

For the foregoing reasons, this Court should reverse the decision of the Court of Appeals, reverse the decision of the lower court, and remand this case for a new trial to ensure justice in this matter and to ensure that no one's rights are trampled.

Respectfully submitted,



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Dated this 13th day of July 2016

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A8

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

George C. Greene, III and Molly F. Green, Respondents,
v.
Jack W. Griffith, Appellant,
and The State of South Carolina, Respondent.

Appeal From Charleston County
Roger M. Young, Master-in-Equity

Unpublished Opinion No. 2004-UP-056
Heard December 12, 2003 Filed January 29, 2004

AFFIRMED

Desa A. Ballard, of W. Columbia and George H. McMaster, of Columbia, for Appellant.

Attorney General Henry Dargan McMaster, Deputy Attorney General Treva G. Ashworth, Assistant Deputy Attorney General J. Emory Smith, Jr., all of Columbia and W. Foster Gaillard and Thomas L. Harper, Jr., both of Charleston, for Respondents.

PER CURIAM:

This case involves the disputed ownership of real property. George C. Greene, III and Molly F. Greene sought to prove they owned a disputed tract of land and that Jack W. Griffith had slandered the title to their property by causing a plat to be recorded that showed Griffith as the disputed tract's owner.

Griffith denied these allegations and brought a third-party action against the State of South Carolina seeking to quiet title to other, adjoining property.

The trial court ruled in favor of the Greenes and the State, finding title to the disputed properties rested with the Greenes and the State, respectively.

Griffith appeals.

We affirm.

FACTS

This action arose when Griffith claimed ownership of a twelve-foot strip of land held by landowners George and Molly Greene.

In 1984, the Greenes purchased a lot known as 134 East Edgewater Park Drive in Charleston County by deed from Inez R. Bradham. This deed describes the boundaries of the property by reference to a plat dated February 6, 1984, that indicates the high water mark along Wappoo Creek serves as the lot's eastern boundary. The deed was properly recorded. In 1985, the Greenes built a home on the lot, where they have lived continuously since.

Griffith claims to have acquired adjacent property known as "Marsh Island" by deed in 1964. The Marsh Island deed references a 1913 plat (McCrady Plat) that depicts the property as being surrounded on all sides by creeks or bodies of water. One of these creeks separates Marsh Island at its western edge from the area that now comprises the Edgewater Park Subdivision, where the Greenes' lot is located.

In 1997, Griffith commissioned Hagar E. Metts to perform a survey of the Marsh Island property. Metts prepared a plat (Metts Plat) that showed a strip of highland extending from the northeastern corner of Marsh Island across the northern property line of the Greenes' lot, suggesting that a narrow twelve-foot strip of land on the eastern edge of the Greenes' lot was actually owned by Griffith. The Metts Plat was recorded.

The Greenes learned of the Metts Plat when Griffith's son offered to "trade" the disputed strip of land with the Greenes in exchange for a grant of an access easement to Marsh Island over the Greenes' lot. The Greenes refused to accept the proposed trade and brought this action to quiet title to the disputed portion of their lot or, alternatively, seeking a declaration that they owned the disputed area by adverse possession. [1] They also sought damages for slander of title. Griffith denied the Greenes' allegations and asserted a counterclaim, seeking an easement by necessity across the Greenes' property.

The trial court determined the Greenes had title to the disputed strip of land adjacent to Marsh Island. Alternatively, it found the Greenes had ownership of the disputed strip by virtue of adverse possession. The court also found the Greenes were entitled to $55,676.62 in damages for slander of title caused by Griffith. Griffith's counterclaim for an easement by necessity was denied.

Though this case was originally an action to determine title between the Greenes and Griffith, the trial court determined that all or a portion of the Marsh Island property might be subject to a claim of title by the State. Consequently, the State was joined as a party.

In Griffith's amended pleadings, he filed a third party

complaint in which he alleged he had superior title over the State to the highlands on Marsh Island. The State answered, denying Griffith's claim of superior title. The trial court found title to the highland portions of the Marsh Island property rested solely with the State.

STANDARD OF REVIEW

Concerning the dispute between the Greenes and Griffith, the Greenes' complaint labels its first cause of action as one to quiet title. An action to quiet title is one in equity. See Van Every v. Chinquapin Hollow, Inc., 265 S.C. 474, 477, 219 S.E.2d 909, 910 (1975); Freeman v. Freeman, 323 S.C. 95, 98, 473 S.E.2d 467, 469 (Ct. App. 1996). However, where, as here, one party asserts paramount title to the disputed land to defeat the other party's claims, it is an action at law.

Mountain Lake Colony v. McJunkin, 308 S.C. 202, 204, 417 S.E.2d 578, 579 (1992); see also Watson v. Suggs, 313 S.C. 291, 293, 437 S.E.2d 172, 173 (Ct. App. 1993) (holding that "[a]n action brought for the primary purpose of determining title to a disputed land is in the nature of a trespass action to try title, which is an action at law").

The Greenes' complaint also asserts causes of action for slander of title and adverse possession both actions at law. See Miller v. Leaird, 307 S.C. 56, 61, 413 S.E.2d 841, 843 (1992) (noting that an adverse possession claim is an action at law); Boehnlein v. Ansco, Inc. 61 Or. App. 389, 393, 657 P.2d 702, 705 (1983) (holding that slander of title is an action at law). We also note the only damages sought or awarded were under the slander of title claim.

We hold the action between Griffith and the Greenes should be characterized as an action at law, and Griffith, through counsel, so conceded at oral argument as to the slander of title claim. As such, our scope of review extends only to the correction of errors of law, and factual findings of the trial court will not be disturbed on appeal unless a review of the record discloses that there is no evidence that reasonably supports those findings. Crary v. Djbelli, 329 S.C. 385, 388, 496 S.E.2d 21, 23 (1998) (citing Townes Assocs., Ltd. v. City of Greenville, 266 S.C. 81, 85, 221 S.E.2d 773, 775 (1976)).

We find Griffith's third party action against the State concerning title to the highlands involves these parties' respective claims of paramount title. The pleadings, having squarely placed the issue of paramount title before the court, present a legal claim. See Van Every, 265 S.C. at 479, 219 S.E.2d at 911 (holding that where pleadings present an issue regarding paramount title to land, the issue is a "purely legal issue"). Our scope of review with respect to Griffith's third party action against the State is, therefore, limited to the correction of legal errors and determining if any evidence supports the trial court's factual findings. [2]

LAW/ANALYSIS

I. Slander of Title

Griffith first contends the trial court erred in finding he slandered the title to Greene's property. We find no error.

In South Carolina, slander of title has been recognized as a common law cause of action. See Huff v. Jennings, 319 S.C. 142, 148, 459 S.E.2d 886, 890 (Ct. App. 1995) (holding that, although the court was directly addressing a claim for slander of title for the first time in South Carolina jurisprudence, "South Carolina law, through its incorporation of the common law of England, recognizes a cause of action for slander of title"). To maintain a claim for slander of title, our courts have held "the plaintiff must establish (1) the publication (2) with malice (3) of a false statement (4) that is derogatory to plaintiff's title and (5) causes special damages (6) as a result of diminished value in the eyes of third parties." Id. at 149, 459 S.E.2d at 891 (adopting the elements of slander of title outlined in the Restatement (Second) of Torts § 623A (1977)).

Here, Griffith contests the trial court's ruling that he slandered the Greenes' title on the grounds that the Greenes failed to establish Griffith acted with malice and that the Greenes failed to prove they consequently suffered special damages. We disagree.

A. Malice

We first find sufficient evidence to support the trial court's finding that Griffith acted with the requisite malice when he recorded the Metts Plat. This court held in Huff v. Jennings that "[i]n slander of title actions, the malice requirement may be satisfied by showing the publication was made in reckless or wanton disregard of the rights of another, or without legal justification." Huff, 319 S.C. at 150, 459 S.E.2d at 891.

Sufficient evidence supports the finding that Griffith acted in reckless or wanton disregard of the Greenes' rights to the disputed strip and that he acted without

legal justification. Significantly, we note Griffith admitted at trial that he owns no interest in the disputed strip of land and that he never thought he held any interest in that land. Despite this admission, Griffith testified that he instructed Metts to prepare the plat and stated, "I told [Metts] that the tax office said I owned [the strip of land in question]." Metts testified that, when he prepared the plat, he had no evidence that Griffith had any ownership interest in the disputed strip.

Griffith counters that he did not record the plat, and he did not have any knowledge of how the plat came to be recorded. However, the record contains ample evidence supporting the trial court's finding to the contrary. For example, Griffith's own testimony reveals that he had the plat delivered to the Charleston County Planning Department, he had meetings with the Planning Department that involved reference to the plat, and the plat was returned to Griffith after it was recorded. Notably, when asked at trial: "Did you write a check to get that plat recorded?," Griffith responded that he "might have." Without looking beyond Griffith's own testimony, we find ample evidence to support the trial court's finding he acted with malice as defined under Huff.

Acknowledging he has never had any legal claim to the disputed property, we find Griffith willfully ignored the Greenes' rights in the property and had the plat prepared and recorded with no legal justification.

B. Special Damages

The trial court conducted a separate hearing to determine the amount of damages the Greenes were entitled to receive under the slander of title claim. The court awarded as special damages $57,675.62 for expenses incurred for attorney fees, expert fees and other litigation costs. Huff, 319 S.C. at 151, 459 S.E.2d at 892 (stating that special damages recoverable in a slander of title action include "the expense of measures reasonably necessary to counteract the publication [of slanderous statements of title], including litigation" (quoting 50 Am.Jur.2d Libel & Slander § 560)). Griffith challenges the propriety of awarding attorney fees and litigation expenses in a slander of title action. In response, the Greenes argue Griffith failed to preserve this issue for appellate review. We agree with the Greenes.

At trial, Griffith did not object to the Greenes' entitlement to these litigation expenses. Griffith's counsel merely requested leave of court to "file a brief ... I just want to be able to review the bills, and submit a brief if I do have a question of law concerning multiple charges." The trial court granted Griffith's request, observing, "I will leave [the record] open for ten days to allow [Griffith] to file a memorandum on that." Griffith filed no response and no Rule 59(e), SCRCP, motion was filed challenging the special damages in any respect. Having failed to properly raise and preserve this issue in the trial court, Griffith may not challenge the award of special damages for the first time on appeal. See Wilder Corp. v. Wilke, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) ("It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial judge to be preserved for appellate review.").

II. Adverse Possession

Griffith next argues the trial court erred in finding the Greenes held title to the disputed strip by virtue of adverse possession. However, by Griffith's own admission, he neither claims nor holds any interest in the property. Thus, no we find justiciable controversy exists with respect to the adverse possession claim. Accordingly, we decline to address this issue. See Mathis v. South Carolina State Hwy. Dep't, 260 S.C. 344, 346, 195 S.E.2d 713, 714 (1973) (stating that an appellate court will not "make an adjudication where there remains no actual controversy").

III. Title Dispute with the State

Griffith's dispute with the State involves the highland portions of Marsh Island adjacent to the twelve-foot disputed strip and lying to the east of the Greenes' property. [3] Griffith claims he holds title to all of the highland portions of Marsh Island. The State, however, asserts superior title to these highland areas. [4]

A. Chain of Title

We first concur we the trial court's conclusion that Griffith does not own the portion of the marshlands in dispute, for the contested portion is not part of Griffith's chain of title. We further find Griffith has abandoned this issue on appeal. In his final brief, Griffith recites in conclusory fashion under the section entitled "statement of the case" that in 1964 he acquired the property known as Marsh Island. In the argument section of the brief, Griffith merely finds fault with the trial court's "laborious analysis of the chain of title of the Greenes and Griffith, none of which was necessary ... nor [is] any of the trial judge's analysis regarding the chain of title ...

relevant to Griffith's claim." We find the detailed analysis of the change of title not only relevant, but also dispositive of the issue before us. The passing reference in Griffith's brief to the testimony of his expert, with neither supporting authority nor argument, falls short of our issue preservation rules. See Fields v. Melrose Ltd. P'ship, 312 S.C. 102, 106, 439 S.E.2d 283, 285 (Ct. App. 1993) (stating "an issue raised on appeal but not argued in the brief is deemed abandoned and will not be considered by the appellate court"); Bell v. Bennett, 307 S.C. 286, 294, 414 S.E.2d 786, 791 (Ct. App. 1992) (holding that failure to argue issue in brief constitutes abandonment of it); Toal, Vafai, & Muckenfuss, Appellate Practice in South CarolinaSearch Term End , 75-76 (S.C. Bar 2000) (stating "an issue is deemed abandoned on appeal, and therefore, not presented for review, if it is argued in a short, conclusory statement without supporting authority"). [5]

We find that the trial court's chain of title determination is, in any event, correct. The land owned by the Greenes and that portion of the disputed marshlands, known as Marsh Island, to the east were originally part of a much larger tract of land known as Wappoo Hall Plantation. Marsh Island is bounded on the north by Wappoo Creek, on the east by an unnamed creek that separates it from Polly Island, on the south by Elliott's Cut and on the west by an unnamed creek that separates it from Ficken's Island. [6]

Wappoo Hall Plantation was conveyed to John F. Ficken and Henry H. Ficken in 1898. In 1902, the Fickens conveyed the portion of the property on which Marsh Island is located to J. Martin Bottjer (Bottjer Deed). [7] When John F. Ficken purportedly conveyed this marshland to Griffith's predecessor in title, Union Corporation, in 1913, Ficken no longer had title to this marshland. "A grantor of real property generally can transfer no greater interest than he himself has in the property." Von Elbrecht v. Jacobs, 286 S.C. 240, 243, 332 S.E.2d 568, 570 (Ct. App. 1985). We find that these marshlands, therefore, are not properly included in Griffith's chain of title.

B. Entitlement to Land Accretion

Assuming Marsh Island is in Griffith's chain of title, his claim for the highlands must nevertheless fail.

Resolution of a controversy as to ownership of the wetlands in South Carolina and accompanying highlands must be examined in light of special ownership rules. In general, the State holds title to lands lying between the mean high water mark and mean low water mark on tidal navigable waterways. Hobonny Club, Inc. v. McEachern Caning Co., 272 S.C. 392, 252 S.E.2d 133 (1979). Lands, however, that form and surround our tidal estuaries and marshlands are subject to constant change by the sometimes powerful ebb and flow of the tidal waters. Land that may lie below the high tide mark may over time, after the gradual deposit of silt and other sediment, rise well above the previous mark. The converse is, of course, true because the tides may erode highland property so that it eventually falls below the high tide mark. Such change may also occur artificially through the efforts of man, as wetland property may be filled and no longer be affected by the tides. Because of these changes, it can be difficult to discern at any fixed point in time where the rights of the State end and the rights of a contiguous, private landowner begin.

Our courts further recognize certain legal principles concerning accretions by alluvial or artificial action to riparian or littoral lands. Wetland areas that become dry land through the natural accumulation of mud, sand and sediment generally do not remain in title to the State, for "imperceptible additions to the shore from such deposits should follow title to the shore itself." Epps v. Freeman, 261 S.C. 375, 386, 200 S.E.2d 235, 241 (1973). Significantly, however, where those accretions result from the "exertions of man[,] ... the principle that title to imperceptible additions to the shore from such deposits should follow title to the shore itself has no application." Id. The distinction resting on the source of the accretion is premised on ownership of contiguous land to which the accretion can attach. See Horry County v. Tilghman, 283 S.C. 475, 480, 322 S.E.2d 831, 834 (Ct. App. 1984) (stating "[a]n owner's right to accretion depends upon the contiguity of his lands to navigable waters and it is indispensable that there be an estate to which the accretion can attach").

Marsh Island derives its name from its original state as marshland. The McCrady Plat establishes that, as of 1913, Marsh Island contained no highlands. [8] Marsh Island, through the years, did not remain an untouched piece of submerged property. There is evidence of man-made changes to the marshland. For example, in approximately 1939, the Intracoastal Waterway's construction resulted in the filling of portions of this area. Even Griffith's expert, Hagar Metts, reluctantly acknowledged that the area of these highlands "looks like" fill. Moreover, after he claims he acquired title in 1964, Griffith had approximately one thousand loads of fill dirt

deposited. To the extent highlands were created by Griffith's own efforts, no ownership benefit may inure to him. This necessarily follows from the settled principle that accretions resulting from the "exertions of man" preclude application of the general rule that title follows the "shore itself." Epps, 261 S.C. at 386, 200 S.E.2d at 241. Pursuant to Horry County v. Tilghman:

[I]f alluvion is formed artificially and not by [the upland owner's] direction, he should be entitled to its benefit. . . . [I]f a project is undertaken by the State or any governmental agency in aid of navigation, and it is essential that the State or agency thereof have the benefit of the alluvion formed by the accretion in order to realize the goal undertaken by the project, it must be held that the private rights yield to the interest of the public.

283 S.C. at 481, 322 S.E.2d at 834.
Griffith seizes upon the term "essential" to argue that it was not essential for the State to "have the benefit of the alluvion formed by the accretion" for which it may have been responsible. For two fundamental reasons, this argument does little to advance Griffith's claim of title to the highlands. First, Griffith overlooks the other sources, including himself, responsible for the fill and the inability to ascertain the degree to which the various contributing sources are responsible for the creation of the highlands. In light of his burden of proof, Griffith certainly cannot find refuge in the inability to apportion responsibility for the artificial accretions among the various contributors. Second, it is undisputed the State owns the tidelands. [9] In essence, Griffith owns no contiguous land "to which the accretion can attach." Tilghman, 283 S.C. at 480, 322 S.E.2d at 834. While "title to imperceptible additions ... follow[s] the title to the shore itself[,]" Griffith has no "shore" to which title can attach. Epps, 261 S.C. at 386, 200 S.E.2d at 241.

Accordingly, we find ample evidence in the record to support the trial court's determination that "it is doubtful that Griffith has title to any of Marsh Island." Our review of the record firmly persuades us as well that Griffith failed to meet his burden of proof.

CONCLUSION

We conclude that the trial court correctly found Griffith liable for slandering the Greenes' title, and we find no error with the trial court's determination of title in favor of the Greenes and the State, respectively. The judgment of the trial court is therefore
AFFIRMED.

HEARN, C.J., HOWARD and KITTREDGE, JJ., concur.

[1] Griffith also attempted to leverage the State with the Metts Plat by seeking a deed from the State transferring to him its interest in the property. The State rejected Griffith's efforts.

[2] Griffith contends on appeal that his action against the State should be reviewed de novo as an appeal from a purely equitable action. While we disagree, our independent review of the record convinces us of the correctness of the trial court's findings. Thus, a determination of the appropriate standard of review is not critical to the outcome.

[3] The disputed tract is referenced in the record as "the lands shown on the [Metts Plat] located immediately to the east of the [d]isputed [s]trip and immediately to the east of the Greenes' property." The parties have, for ease of reference, consistently referred to the property as Marsh Island or the highlands. We will do likewise.

[4] We reject Griffith's argument that the State's claim of title was not before the trial court. Because of Griffith's claim of superior title to the highland portions of Marsh Island, the State was joined as a party for the purpose of addressing and resolving Griffith's claim of paramount title. The State's pleading denies Griffith's claim of paramount title and asserts that "it has prima facie fee simple title, in public trust, of all lands now or formerly lying below the highwater mark of all tidal navigable waters in the State, including the lands involved in this case which now lie or formerly lay below the mean highwater mark." The suggestion that the issue of title was not before the trial court belies the record before us. Indeed, notwithstanding any purported deficiency in the State's pleadings, the competing claims of title to the highlands were presented to the trial court. "When issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings." Rule 15(b), SCRCP. Finally, any error in affirmatively finding in favor of the State would not inure to Griffith's benefit, for Griffith in any event failed to prove his entitlement to the highlands in dispute.

[5] We recognize "an appellant may not use the reply brief as a vehicle to argue issues not argued in the appellant's brief." Appellate Practice in South Carolina, at 75. Nevertheless, we note Griffith's

reply brief makes no mention of the trial court's chain of title determination, although such issue is featured in the Respondents' briefs.

[6] The eastern portion of Ficken's Island is now known as the Edgewater Park subdivision. The Greenes' lot is located in Edgewater Park.

[7] The Bottjer Deed transfers Fickens Island and its adjoining marshes. The accompanying plat clearly designates the adjacent marshes as part of the conveyance. The plat is recorded with the deed in the land records office of Charleston County in Book X-23, P 663. "Where a deed describes land as it is shown on a certain plat, such plat becomes part of the deed for the purpose of showing the boundaries, metes, courses and distances of the property conveyed." Hobonny Club, Inc. v. McEachern Caning Co, 272 S.C. 392, 397, 252 S.E.2d 133, 136 (1979).

[8] By contrast, the McCrady Plat depicts the nearby Polly Island as containing a small area designated as highland.

[9] After acquiring a deed for Marsh Island in 1964, Griffith had approximately one thousand loads of fill deposited. The State filed suit to enjoin the filling, asserting its claim to all of the wetlands areas of Marsh Island. The case progressed to the state supreme court, which held the State had title to the "tidelands," specifically the "land between the lines of the ordinary high and low tides covered and uncovered by the daily flow and ebb thereof." State v. Griffith, 265 S.C. 43, 46, 216 S.E.2d 765, 766 (1975).Solley v. Navy Federal Credit Union

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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

Glenda R. Couram, Appellant,

v.

Mr. & Mrs. Christopher Hooker; Mr. & Mrs. Carl Reibold; All persons claiming any Legal or Equitable Right, Title, Estate, Lien or Interest in the Property Described in the Complaint Adverse to the Plaintiffs; Cox & Dinkins, Inc.; Fair Builders/Developers, Inc.; Donald "Don" Rawls and Steve Fair in their official and individual capacities; Carolina Water Svc. (CWS); Carolina Trace Utilities, Inc.; and Utilities, Inc., Corporate Offices, Defendants,

Of whom Mr. & Mrs. Christopher Hooker, Mr. & Mrs. Carl Reibold, Cox & Dinkins, Inc., Fair Builders/Developers, Inc., and Donald "Don" Rawls and Steve Fair, in their official and individual capacities, are the Respondents.

Appellate Case No. 2013-002056

Appeal From Lexington County
R. Lawton McIntosh, Circuit Court Judge

Unpublished Opinion No. 2016-UP-137
Submitted November 1, 2015 – Filed March 23, 2016

AFFIRMED

Glenda R. Couram, of Lexington, pro se.

R. Davis Howser, of Howser Newman & Besley, LLC, of Columbia, for Respondents Cox & Dinkins, Inc. and Donald "Don" Rawls.

L.A. "Smokey" Brown, Jr., of Law Office of Smokey Brown, PC, of Irmo, for Respondents Mr. & Mrs. Christopher Hooker and Mr. & Mrs. Carl Reibold.

PER CURIAM: Affirmed[1] pursuant to Rule 220(b), SCACR, and the following authorities:

1. We find the trial court did not err in granting the Hookers and the Reibolds a declaratory judgment concerning the location of the property line. *See Sunset Cay, LLC v. City of Folly Beach*, 357 S.C. 414, 423, 593 S.E.2d 462, 466 (2004) ("To state a cause of action under the Declaratory Judgment Act, a party must demonstrate a justiciable controversy."); *Judy v. Martin*, 381 S.C. 455, 458, 674 S.E.2d 151, 153 (2009) ("Declaratory judgment actions are neither legal nor equitable and, therefore, the standard of review depends on the nature of the underlying issues."); *Bodiford v. Spanish Oak Farms, Inc.*, 317 S.C. 539, 544, 455 S.E.2d 194, 197 (Ct. App. 1995) ("A boundary dispute is an action at law, and the location of a disputed boundary line is a question of fact." (citation omitted)); *Temple v. Tec-Fab, Inc.*, 381 S.C. 597, 599-600, 675 S.E.2d 414, 415 (2009) ("In an action at law tried without a jury, an appellate court's scope of review extends merely to the correction of errors of law.[2] The [appellate court] will not disturb the trial court's findings unless they are found to be without evidence that reasonably supports those findings.").

2. We decline to address Glenda R. Couram's argument that she was prejudiced as to her trespass claim against Christopher Hooker and Carl Reibold by the trial court directing verdicts as to her other causes of action because this argument is manifestly without merit. *See* Rule 220(b)(2), SCACR ("The Court of Appeals

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[1] We decide this case without oral argument pursuant to Rule 215, SCACR.

[2] Although this case was tried with a jury, the declaratory judgment issue was ruled on by the trial court; it was not submitted to the jury.

need not address a point which is manifestly without merit."). We find Couram's argument concerning whether the trial court erred in directing verdicts in favor of Cox & Dinkins, Inc. and Donald "Don" Rawls as to her trespass cause of action is unpreserved. *See Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) ("It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial [court] to be preserved for appellate review."); *Abba Equip., Inc. v. Thomason*, 335 S.C. 477, 486, 517 S.E.2d 235, 240 (Ct. App. 1999) ("The same ground argued on appeal must have been argued to the trial [court]."). We find the trial court did not err in finding Couram's trespass claim against Steve Fair was barred by the statute of limitations. *See* S.C. Code Ann. § 15-3-530(3) (2005) (establishing a three-year statute of limitations for trespass actions).

3. We find Couram's argument concerning the trial court's directed verdict in favor of Cox & Dinkins, Rawls, and Fair as to her civil conspiracy cause of action is unpreserved. *See Wilder Corp.*, 330 S.C. at 76, 497 S.E.2d at 733 ("It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial [court] to be preserved for appellate review."); *Malloy v. Thompson*, 409 S.C. 557, 561, 762 S.E.2d 690, 692 (2014) ("The issue must be sufficiently clear to bring into focus the precise nature of the alleged error so that it can be reasonably understood by the [trial court]."); *Abba Equip., Inc.*, 335 S.C. at 486, 517 S.E.2d at 240 ("The same ground argued on appeal must have been argued to the trial [court]."). We find the trial court did not err in directing verdicts in favor of Christopher Hooker and Carl Reibold as to Couram's civil conspiracy claim. *See Burnett v. Family Kingdom, Inc.*, 387 S.C. 183, 188, 691 S.E.2d 170, 173 (Ct. App. 2010) ("When reviewing the trial court's decision on a motion for directed verdict, this court must employ the same standard as the trial court by viewing the evidence and all reasonable inferences in the light most favorable to the nonmoving party."); *id.* ("The trial court must deny a directed verdict motion when the evidence yields more than one inference or its inference is in doubt."); *id.* at 188-89, 691 S.E.2d at 173 ("When considering a directed verdict motion, neither the trial court nor the appellate court has authority to decide credibility issues or to resolve conflicts in the testimony or evidence."); *Graves v. Horry-Georgetown Tech. Coll.*, 391 S.C. 1, 7, 704 S.E.2d 350, 354 (Ct. App. 2010) ("An appellate court will reverse the trial court's grant of a directed verdict when any evidence supports the party opposing the directed verdict."); *Hackworth v. Greywood at Hammett, LLC*, 385 S.C. 110, 115, 682 S.E.2d 871, 874 (Ct. App. 2009) ("The tort of civil conspiracy has three elements: (1) a combination of two or more persons, (2) for the purpose of injuring the plaintiff, and (3) causing plaintiff special damage.").

4. We find the trial court did not err in directing verdicts in favor of all respondents as to Couram's slander of title claim. *See Burnett*, 387 S.C. at 188, 691 S.E.2d at 173 ("When reviewing the trial court's decision on a motion for directed verdict, this court must employ the same standard as the trial court by viewing the evidence and all reasonable inferences in the light most favorable to the nonmoving party."); *id.* ("The trial court must deny a directed verdict motion when the evidence yields more than one inference or its inference is in doubt."); *id.* at 188-89, 691 S.E.2d at 173 ("When considering a directed verdict motion, neither the trial court nor the appellate court has authority to decide credibility issues or to resolve conflicts in the testimony or evidence."); *Graves*, 391 S.C. at 7, 704 S.E.2d at 354 ("An appellate court will reverse the trial court's grant of a directed verdict when any evidence supports the party opposing the directed verdict."); *Huff v. Jennings*, 319 S.C. 142, 149, 459 S.E.2d 886, 891 (Ct. App. 1995) ("[T]o maintain a claim for slander of title, the plaintiff must establish (1) the publication (2) with malice (3) of a false statement (4) that is derogatory to plaintiff's title and (5) causes special damages (6) as a result of diminished value of the property in the eyes of third parties.").

5. As to the issue of whether the trial court erred in denying Couram the opportunity to prove damages, we find Couram's arguments regarding Rules 701 and 702, SCRE, are unpreserved. *See Wilder Corp.*, 330 S.C. at 76, 497 S.E.2d at 733 ("It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial [court] to be preserved for appellate review."); *Abba Equip., Inc.*, 335 S.C. at 486, 517 S.E.2d at 240 ("The same ground argued on appeal must have been argued to the trial [court]."). To the extent this issue is meant to relate to the trial court denying Couram the opportunity to prove her damages in some other way, we find the issue is manifestly without merit. *See* Rule 220(b)(2), SCACR ("The Court of Appeals need not address a point which is manifestly without merit.").

6. We find Couram abandoned the issue of whether the trial court erred in not allowing her to recall witnesses. *See R & G Constr., Inc. v. Lowcountry Reg'l Transp. Auth.*, 343 S.C. 424, 437, 540 S.E.2d 113, 120 (Ct. App. 2000) ("An issue is deemed abandoned if the argument in the brief is only conclusory."); *Glasscock, Inc. v. U.S. Fid. & Guar. Co.*, 348 S.C. 76, 81, 557 S.E.2d 689, 691 (Ct. App. 2001) ("[S]hort, conclusory statements made without supporting authority are deemed abandoned on appeal and therefore not presented for review.").

7. We find the trial court did not err in directing verdicts in favor of all respondents as to Couram's nuisance claim. *See Burnett*, 387 S.C. at 188, 691 S.E.2d at 173 ("When reviewing the trial court's decision on a motion for directed verdict, this court must employ the same standard as the trial court by viewing the evidence and all reasonable inferences in the light most favorable to the nonmoving party."); *id.* ("The trial court must deny a directed verdict motion when the evidence yields more than one inference or its inference is in doubt."); *id.* at 188-89, 691 S.E.2d at 173 ("When considering a directed verdict motion, neither the trial court nor the appellate court has authority to decide credibility issues or to resolve conflicts in the testimony or evidence."); *Graves*, 391 S.C. at 7, 704 S.E.2d at 354 ("An appellate court will reverse the trial court's grant of a directed verdict when any evidence supports the party opposing the directed verdict."); *O'Cain v. O'Cain*, 322 S.C. 551, 562, 473 S.E.2d 460, 466 (Ct. App. 1996) ("A nuisance is a substantial and unreasonable interference with the plaintiff's use and enjoyment of his property.").

8. We find the trial court did not err in directing verdicts in favor of all respondents as to Couram's invasion of privacy claim. *See Burnett*, 387 S.C. at 188, 691 S.E.2d at 173 ("When reviewing the trial court's decision on a motion for directed verdict, this court must employ the same standard as the trial court by viewing the evidence and all reasonable inferences in the light most favorable to the nonmoving party."); *id.* ("The trial court must deny a directed verdict motion when the evidence yields more than one inference or its inference is in doubt."); *id.* at 188-89, 691 S.E.2d at 173 ("When considering a directed verdict motion, neither the trial court nor the appellate court has authority to decide credibility issues or to resolve conflicts in the testimony or evidence."); *Graves*, 391 S.C. at 7, 704 S.E.2d at 354 ("An appellate court will reverse the trial court's grant of a directed verdict when any evidence supports the party opposing the directed verdict."); *Snakenberg v. Hartford Cas. Ins. Co.*, 299 S.C. 164, 171, 383 S.E.2d 2, 6 (Ct. App. 1989) ("In order to constitute an invasion of privacy, the defendant's conduct must be of a nature that would cause mental injury to a person of ordinary feelings and intelligence in the same circumstances."); *id.* ("The law protects normal sensibilities, not heightened sensitivity, however genuine.").

9. We find the trial court did not err in directing verdicts in favor of all respondents as to Couram's intentional infliction of emotional distress cause of action. *See Burnett*, 387 S.C. at 188, 691 S.E.2d at 173 ("When reviewing the trial court's decision on a motion for directed verdict, this court must employ the same standard as the trial court by viewing the evidence and all reasonable inferences in the light most favorable to the nonmoving party."); *id.* ("The trial court must deny a directed

verdict motion when the evidence yields more than one inference or its inference is in doubt."); *id.* at 188-89, 691 S.E.2d at 173 ("When considering a directed verdict motion, neither the trial court nor the appellate court has authority to decide credibility issues or to resolve conflicts in the testimony or evidence."); *Graves*, 391 S.C. at 7, 704 S.E.2d at 354 ("An appellate court will reverse the trial court's grant of a directed verdict when any evidence supports the party opposing the directed verdict."); *Bergstrom v. Palmetto Health All.*, 358 S.C. 388, 401, 596 S.E.2d 42, 48 (2004) ("To state a claim for intentional infliction of emotional distress, a plaintiff must show (1) the defendant intentionally or recklessly inflicted severe emotional distress, or was certain or substantially certain that such distress would result from his conduct; (2) the conduct was so extreme and outrageous as to exceed all possible bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community; (3) the actions of defendant caused the plaintiff's emotional distress; and (4) the emotional distress suffered by the plaintiff was so severe that no reasonable person could be expected to endure it."); *Strickland v. Madden*, 323 S.C. 63, 68, 448 S.E.2d 581, 584 (Ct. App. 1994) ("Initially, however, the [trial] court determines whether the defendant's conduct may reasonably be regarded as so extreme and outrageous as to permit recovery, and only where reasonable persons might differ is the question one for the jury.").

AFFIRMED.[3]

FEW, C.J., and HUFF and THOMAS, JJ., concur.

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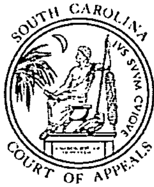
[3] To the extent Couram's appeal was intended to relate to any issue concerning her claims against Mrs. Hooker, Mrs. Reibold, or Fair Builders/Developers, Inc., we find those issues are unpreserved. *See Wilder Corp.*, 330 S.C. at 76, 497 S.E.2d at 733 ("It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial [court] to be preserved for appellate review.").



AB

The South Carolina Court of Appeals

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June 13, 2016

Glenda Renee Couram
104 Macaw Lane
Lexington SC 29073

Re: Glenda R. Couram v. Christopher Hooker
Appellate Case No. 2013-002056

Dear Ms. Couram:

Enclosed is a copy of an order of the panel denying your petition for rehearing. Your petition for rehearing en banc was distributed to the judges, but it has been rejected. *See* Rule 219, SCACR.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: L.A. 'Smokey' Brown, Jr., Esquire
R. Davis Howser, Esquire
Steve Fair

The South Carolina Court of Appeals

Glenda R. Couram, Appellant,

v.

Mr. & Mrs. Christopher Hooker; Mr. & Mrs. Carl Reibold; All persons claiming any Legal or Equitable Right, Title, Estate, Lien or Interest in the Property Described in the Complaint Adverse to the Plaintiffs; Cox & Dinkins, Inc.; Fair Builders/Developers, Inc.; Donald "Don" Rawls and Steve Fair in their official and individual capacities; Carolina Water Svc. (CWS); Carolina Trace Utilities, Inc.; and Utilities, Inc., Corporate Offices, Defendants,

Of whom Mr. & Mrs. Christopher Hooker, Mr. & Mrs. Carl Reibold, Cox & Dinkins, Inc., Fair Builders/Developers, Inc., and Donald "Don" Rawls and Steve Fair, in their official and individual capacities, are the Respondents.

Appellate Case No. 2013-002056

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

Columbia, South Carolina

cc:
Glenda Renee Couram
L.A. 'Smokey' Brown, Jr., Esquire
R. Davis Howser, Esquire
Steve Fair

FILED
June 13, 2016

THE STATE OF SOUTH CAROLINA

In The Supreme Court

Appeal form Lexington County
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

RECEIVED

JUL 15 2016

S.C. SUPREME COURT

Unpublished Opinion No. 2016-UP-137
S.C. Ct. App. Filed March 23, 2016

Glenda R. Couram, ... Petitioner,

v

Mr. & Mrs. Christopher Hooker; Mr. & Mrs. Carl Reibold; All Persons claiming any Legal or Equitable Right, Title, Estate, Lien or Interest in the Property Described in the Complaint Adverse to the Plaintiffs; Cox & Dinkins, Inc.; Fair Builders/Developers, Inc.; Donald "Don" Rawls and Steve Fair in their official and individual capacities; Carolina Water Svc. (CWS); Carolina Trace Utilities, Inc.; and Utilities, Inc., Corporate Offices, Defendants,

Of whom Mr. & Mrs. Christopher Hooker, Mr. & Mrs. Carl Reibold, Cox & Dinkins, Inc., Fair Builders/ Developers, Inc., and Donald "Don'" Rawls and Steve Fair, in their official and individual capacities, are the ....Respondents

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PROOF OF SERVICE

I, Glenda R. Couram, pro se, declare that on this date, July 13th, 2016, I have served a PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid.

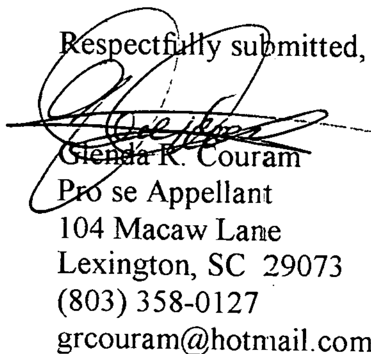
The names and addresses of those served are as follows:

continued on next page

R. Davis Howser, Esq.
Howser, Newman and Besley, LLC
P.O. Box 12009
Columbia, SC 29211
Attorneys for Cox and Dinkins and J. Donald "Don" Rawls

L.A. "Smokey" Brown, Jr., Esq.
Law Offices of Smokey Brown, PC
P.O. Box 1545
Irmo, SC 29063
Attorney for Mr. and Mrs. Reibold and Mr. and Mrs. Hooker

Steven A Fair,. Registered Agent
Fair Builders/Developers
100 S. Wrenwood Drive
Lexington, SC 29073

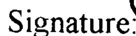


Respectfully submitted,

Glenda R. Couram
Pro se Appellant
104 Macaw Lane
Lexington, SC 29073
(803) 358-0127
grcouram@hotmail.com

DECLARATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my ability. Executed on this 13th, day of July 2016

Signature: 

Dated this 13th, day of July 2016
Lexington County South Carolina

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Glenda "Glen" Couram
104 Macaw Lane
Lexington, SC 29073

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S.C. SUPREME COURT

DANIEL E. SHEAROUSE
CLERK OF COURT
SC SUPREME COURT
1231 GERVAIS STREET
COLUMBIA, SC 29201