

FORM 13
BRIEF OF APPELLANT*

RECEIVED

DEC 14 2016

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, Master in Equity and Special Circuit Court Judge

Case No. 2016-000245

Taiwan Scott,

Respondent

v.

Sonya Ford,

Appellant.

[INITIAL] BRIEF OF APPELLANT

* Under Rule 267(e), SCACR, the cover of the final briefs should be the following colors: brief of appellant - blue; brief of respondent - red; reply brief - gray; and amicus curiae or intervenor - green.

TABLE OF CONTENTS

Table of Authorities ii

Statement of Issues on Appeal 1

Statement of the Case 1

Facts 1

Arguments

1. BECAUSE THE IMPLIED EASEMENT WAS NOT FILED CORRECTLY IN THE REGISTER OF DEEDS, BEAUFORT COUNTY COURTHOUSE.

2. BECAUSE THERE IS NO REASONABLE EXPLANATION FOR AN EASEMENT TO BE 45+ FEET IN A RESIDENTIAL AREA AND EVERYONE HAS A RIGHT OF WAY.

3. BECAUSE THE FORDS WERE NOT PROPERLY NOTIFIED AND WAS PREPARED WITH OTHERS WITH INTEREST IN THE MATTER.

Conclusion3

TABLE OF AUTHORITIES*

CASES

Sparrow. Dixie Leaf tobacco CO., 61 S.E.2d2

O'cain v. O'cain,322S.C. 551, 557-59, 473 S.E. 2d 460-65.....2

.....2

STATUTES

S.C. Code Ann. § 1-23-600 (1997).....2

S.C. Code Ann. § 48-39-150 (1997).....2

OTHER AUTHORITIES

STATEMENT OF ISSUES ON APPEAL

1. DID THE TRIAL JUDGE ERR IN FAILING TO LOOK INTO ALL OF THE EVIDENCE PROPERLY?
2. DID THE TRIAL JUDGE ERR IN MAKING A DECISION THAT IS REASONABLY NECESSARY?
3. IS THERE A NECESSITY OF THE EASEMENT?

STATEMENT OF THE CASE

In August 2014, Taiwan Scott brought this action associated with a boundary dispute, an easement issue against Ronald and Sonya Ford. The Fords answered alleging Scott's claims to be erroneous. The action was ruled on October 3, 2014. In November 2014 the Fords filed an appeal with The South Carolina Court of Appeals.

On March 9, 2015, Mr. Scott stops by the Ford's residence and has a conversation with Mrs. Ford claiming to want to end the court proceedings. On October 7, 2015 the Fords were summons to court. On November 9, 2015 a phone conference was scheduled with Judge Dukes and Mr. Scott, Fords were excused because of a sudden death in family. Phone conferences with Mr. Scott, Judge Dukes and Mrs. Ford occur.

On January 15, 2016, unbeknownst to the Fords, Judge Dukes has assigned court. Mrs. Ford misses phone calls and calls the number back informing her she's supposed to be in court. Judge Dukes puts Mrs. Ford on speakerphone to complete the proceedings. The Judge rules in favor of the plaintiff and Mrs. Ford filed an appeal.

FACTS

This is an appeal of a Partial Final Judgment as to a complaint by the plaintiff, Mr. Scott on a hearing dated January 15, 2016. The hearing was held before the Honorable Marvin H. Dukes, III, Beaufort County Master in Equity and Special Circuit Court Judge. Ronald and Sonya Ford appeals the fact that they were notified of this January 15, 2016 court date.

The Fords also appeal the order to remove the fence out of an implied easement that was

not filed correctly in Beaufort County register of Deeds. Although the implied easement was not filed in Beaufort County Register of Deeds the Fords leave 14-16 feet out on the side of the fence to the already 15 feet that already exist. Now there's 30+ feet for an easement and Mr. Scott still complains.

Mr. Ford works and has worked out of the country since February 2008 and is only in the states for about 30-35 days a year. He is stationed in Bagram, Afghanistan on Bagram Airfield. Mr. Fords job is very demanding and it is difficult to handle this matter without him being present. However, Mrs. Ford is trying to handle this case to the best of her ability.

This case was filed by Mr. Scott in October 2014. The case related to an easement and encroachment onto the Scotts property. The encroachment has been corrected. After researching through the Register of Deeds and getting information from Ms. Mary J. Lamie, who stated there was only easements with Palmetto Electric and The Town of Hilton Head filed in the Register of Deeds. Also speaking with Ms. Suzanne Brown, 911 Addressing Technician and Mr. Darrin A. Shoemaker, P.E, Traffic and Transportation Engineer, Town of Hilton Head learned of all requirements for easements and right of ways.

In February 2016 Sonya Ford applied for a modified easement name for a potion of Oakview Road that services the properties affected by the easement that is used daily and letters were mailed out to the affected parcels to the property owners. Mr. Scott attended and spoke against the easement and the easement was granted and named Freddie's Way and is now on the map.

1

ARGUMENTS

I. BECAUSE THE IMPLIED EASEMENT WAS NOT FILED CORRECTLY IN THE REGISER OF DEEDS, BEAUFORT COUNTY COURTHOUSE.

[Set out discussion and citations of authority.]

II. BECAUSE THERE IS NO REASONABLE OR NECESSARY EXPLANATION FOR AN EASEMENT TO BE 45+ FEET IN A RESIDENTIAL AREA AND EVERYONE HAS A RIGHT OF WAY.

[Set out discussion and citations of authority.]

CONCLUSION

For the reasons stated, this Court should reverse the judgment of the Beaufort County Master in Equity and Special Circuit Court.

December 10, 2016

Respectfully submitted,

Sonya Ford
49 Oakview Rd
Hilton Head, South Carolina 29926
(843) 338-6571

A handwritten signature in black ink, appearing to read "S. Ford", written in a cursive style.

RECEIVED

DEC 14 2016

SC Court of Appeals

PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, Master in Equity and Special Circuit Court Judge

Case No. 2016-000245

Ronald Ford and Sonya Ford

Respondent,

v.

Taiwan R. Scott

Appellant.

I certify that I have served the letter sent on November 10, 2016 to Mr. Ronald E. Ford by depositing it in the mail addressed to Fluor/Special Handling, Bagram AB, APO, AE 09354 on November 15, 2016. He has not received the letter as of today December 10, 2016.

December 10, 2016

Sonya Ford
49 Oakview Rd.
Hilton Head Island, S.C. 29926
(843)338-6571
Appellants



**FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, Master in Equity and Special Circuit Court Judge

Case No. 2016-000245

Ronald Ford and Sonya Ford

Respondent,

v.

Taiwan R. Scott

Appellant.

PROOF OF SERVICE

I certify that I have served the Appellants Initial Brief and Designation of Matter on Taiwan Scott by depositing a copy of it in the United States Mail, postage prepaid, on December 10, 2016, addressed to his home address, 5 Candy Doll Bluff, Hilton Head, South Carolina 29928.

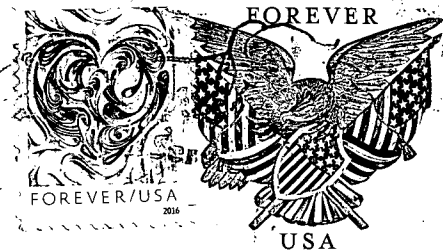
December 10, 2016

Ronald Ford, Sonya Ford
49 Oakview Rd.
Hilton Head Island, S.C. 29926
(843)338-6571
Appellants



RECEIVED
DEC 14 2016
SC Court of Appeals

S. Ford
49 Oaknew Rd
HH SC 29926



RECEIVED

DEC 14 2016

SC Court of Appeals

South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

29201\$3789 0076

