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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM COLLETON COUNTY
Court of Common Pleas

Doyet E. Early, III, Circuit Court Judge
Trial Court Case No. 2010-CP-15-00247

Appellate Case No.: 2016-000477

Ted A. Nettles and Janell B. Nettles,

Appellants,

v.

Sylvester Guess Drew, Jr., Debra Drew,
and Colleton County,

Respondents.

REPLY BRIEF OF APPELLANTS

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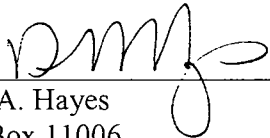
THE EVIDENCE OFFERED BY APPELLANTS DID ESTABLISH THAT WEST CAMP AVENUE WAS DEDICATED TO PUBLIC USE

The briefs of the respondents focus on whether there is evidence in the record that the respondents, Sylvester Guess Drew, Jr. and Debra Drew (the Drews), intended to dedicate West Camp Avenue to public use. (Brief of Respondents Drew p. 9). However, there is ample evidence West Camp Avenue was dedicated to public use prior to the time the Drews acquired their respective properties, so it irrelevant whether the Drews intended to dedicate the property to public use. As set forth in appellants' brief, the evidence shows West Camp Avenue has been used as a road since at least the middle of the nineteenth century. (Brief of Appellants pp. 4-5). The map entered into evidence in this case for demonstrative purposes shows that West Camp Avenue is mostly bounded on the north by property owned by the respondent, Sylvester Guess Drew, Jr., and on the south by property owned by the respondent, Debra Drew. (Brief of Appellants p. 4; R. p. 543). Sylvester Guess Drew, Jr. did not acquire any of his tract of land until May 5, 1973. (R. p. 158, line 8-p. 161, line 5; p. 546). Debra Drew acquired her tract by a deed dated March 6, 2007, and this deed was from her husband, Sylvester Guess Drew, Jr., who acquired this tract from his father by a deed dated March 31, 2003. (R. P. 158, line 8-p. 161, line 5; pp. 550-55 and 568-70). At the time the Drews acquired their respective tracts of land, West Camp Road had been used by the public for over one hundred years. Once West Camp Avenue was a public road, the Drews, nor anyone else, could exercise control over the road or acquire it through adverse possession. *See Chafee v. City of Aiken*, 57 S.C. 507, 513, 35 S.E.2d 800, 802-03 (1900).

CONCLUSION

For the reasons set forth above, the Court should hold that West Camp Avenue was dedicated to public use, and once dedicated and accepted by Colleton County, West Camp Avenue is still a public county road.

Respectfully submitted,



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December 8, 2016

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CERTIFICATION

I certify that Appellants' Final Brief and Appellants' Final Reply Brief comply with Rule 211(b) of the South Carolina Appellate Court Rules.



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March 30, 2017

THE STATE OF SOUTH CAROLINA
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v.

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PROOF OF SERVICE

I certify that I served three copies of Appellants' Reply Brief on the following by depositing
copies of it in the United States mail, postage prepaid, on March 31, 2017, addressed as follows:

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