

January 3, 2013

Hand Delivery

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Edgar Brown Building
1205 Pendleton Street
Columbia, SC 29201

**Re: Caroline Legrande, et al v. South Carolina Electric & Gas Company
S.C. Court of Appeals Case Tracking # 2011-204148
Our File No.: 3637-26**

Dear Ms. Kitchings:


I write in response to the Appellants' letter of December 11, 2012, which brings to the Court's attention the purportedly pertinent authority of Paine Gayle Properties, LLC v. CSX Transportation, Inc., Op No. 5049 (S.C. Ct. App. filed Nov. 14, 2012) (Shearhouse Adv. Sht. No. 14 at p. 46).

While the Appellants suggest that the Court of Appeals' discussion in Paine Gayle Properties, LLC is relevant and bears upon the principle that the term "right-of-way" has a dual meaning, the Court's discussion offers nothing new or instructive on that score or on any other issues that are before the Court in the present appeal.

Moreover, the Court of Appeals' discussion of railroad rights-of-way in Paine Gayle Properties, LLC centered on two statutes that are specific to railroads and have no relevance to land interests that are acquired by the State Highway Department/South Carolina Department of Transportation through condemnation. The statutes relied upon by the Court there involved a statute chartering the defendant railroad's predecessor in interest (Act. No. 170, § 7, 1872 S.C. Acts 216, 219) and also a former statute (Act No. 42, § 7, 1868 Acts 88, 90) that specifically dealt with the interest or estate acquired by railroad companies through condemnation. Neither of these statutes has any bearing on the issue of the particular ownership interest acquired by the State Highway Department in its 1967 condemnation action of the strip of land on Turkey Farm Road.

With best regards, I am,

Sincerely,


Mason A. Summers

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SC Court of Appeals

cc: Robert B. Ransom, Esq.
Steven J. Pugh, Esq.