



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

June 04, 2018

The Honorable Mary P. Brown  
PO Box 219  
Moncks Corner SC 29461-0219

## REMITTITUR

Re: Cynthia J. Jackson Mills v. Janet L. Hudson  
Lower Court Case No. 2012CP0803013  
Appellate Case No. 2015-002175

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny A. Kitchings".

CLERK

Enclosure

cc: Mary Lee Hutson, Esquire  
Patrick R. Watts, Esquire  
Laura Alliman Gregg, Esquire

**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**

Cynthia Jacqueline Jackson Mills, Appellant,

v.

Janet Lynne Hudson, Henry Russell Jackson, and  
Mildred Jackson Hudson, Respondents.

Appellate Case No. 2015-002175

---

Appeal From Berkeley County  
Dale Van Slambrook, Master-in-Equity

---

Unpublished Opinion No. 2018-UP-070  
Submitted December 12, 2017 – Filed February 7, 2018

---

**AFFIRMED**

---

Mary Lee Hutson, of Charleston, for Appellant.

Patrick R. Watts, of Watts Law Firm, PA, of  
Summerville, for Respondents.

---

**PER CURIAM:** Cynthia Jacqueline Jackson Mills appeals from the Master-in-Equity's order denying her request for an easement, arguing the Master erred in (1) determining an easement for ingress and egress was not "strictly necessary for enjoyment of the property retained"; (2) determining Mills' claim was barred by

sections 15-3-340 and/or 15-3-380 of the South Carolina Code (2005) because these code sections are inapplicable to an easement by necessity; (3) its ruling on Mills' alternate theory for the date of severance being the 2008 order and in the weight the Master gave to this portion of Mills' case; and (4) determining Mills' claim was barred by the doctrine of res judicata because the 2006 case was a declaratory judgment action. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to whether the Master erred in determining an easement for ingress and egress was not "strictly necessary for enjoyment of the property retained": *Boyd v. Bellsouth Tel. Tel. Co.*, 369 S.C. 410, 418-19, 633 S.E.2d 136, 140-41 (2006) (noting to establish an easement by necessity, the party asserting the right must demonstrate (1) unity of title; (2) severance of title; and (3) necessity); *Morrow v. Dyches*, 328 S.C. 522, 529, 492 S.E.2d 420, 424 (Ct. App. 1997) (stating the doctrine of easement by necessity "presumes or implies that the grantor intended for the grantee of a landlocked parcel to have access [to his property], which is one of the rights essential to the enjoyment of land"); *Kennedy v. Bedenbaugh*, 352 S.C. 56, 60, 572 S.E.2d 452, 454 (2002) ("To establish unity of title, the owner of the dominant estate must show that his land and that of the owner of the servient estate once belonged to the same person."); *Proctor v. Steedley*, 398 S.C. 561, 578, 730 S.E.2d 357, 366 (Ct. App. 2012) ("Severance of title means that title to a larger tract was severed 'by conveyance of a part to the predecessor in title of the plaintiff and of a part to the predecessor in title to the defendant; they both claim, from a common source, different parts of the integral tract, which necessarily assumes a severance.'" (quoting *Brasington v. Williams*, 143 S.C. 223, 246, 141 S.E. 375, 382 (1927))); *id.* (holding the necessity required for an easement by necessity must be more than merely convenient, but it does not have to be absolutely essential); *Boyd*, 369 S.C. at 420, 633 S.E.2d at 141 (finding the necessity element must exist at the time of the severance, and the party claiming the right to an easement must not create the necessity when it would not otherwise exist); *Morrow*, 328 S.C. at 529, 492 S.E.2d at 424 ("The doctrine only provides reasonable access to the dominant estate when there is none; it does not provide a means for ensuring a preferred method of access to a particular portion of a tract when access to the tract is otherwise available.").

2. As to Mills' remaining issues: *Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (holding an appellate court need not review remaining issues when its determination of another issue is dispositive of the appeal).

**AFFIRMED.<sup>1</sup>**

**SHORT, KONDUROS, and GEATHERS, JJ., concur.**

---

<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.



9S

# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

December 12, 2017

Ms. Mary Lee Hutson, Esquire  
105 Wappo Creek Drive, Unit 1-A  
Charleston SC 29412

Mr. Patrick R. Watts, Esquire  
PO Box 2046  
Summerville SC 29484-2046

Re: Cynthia J. Jackson Mills v. Janet L. Hudson  
Appellate Case No. 2015-002175

Dear Counsel:

Please be advised this case will be submitted to the Court on the record and briefs during the December 2017 term without oral argument.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny A. Kitchings".

CLERK