

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BEAUFORT )  
 )  
CHARLES WILLIS GARDNER, )  
 )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
TAYLOR REUBEN ADAMS, )  
 )  
 )  
Defendant. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
FOURTEENTH JUDICIAL CIRCUIT  
CIVIL ACTION NO.: 2017-CP-07-02110

**ORDER GRANTING PARTIAL  
SUMMARY JUDGMENT**

Defendant's Motion for Partial Summary Judgment came before this Court in the Beaufort County Courthouse on June 26, 2018. Present at the hearing was William L. Pyatt, Esquire, attorney for the Plaintiff and Terry A. Finger, Esquire, attorney for the Defendant.

This Court has reviewed the pleadings, Motion for Partial Summary Judgment, and listened to the arguments of counsel. Additionally, this Court has reviewed a Decree of Title Clearance in Case No. 89-CP-07-879, judgment roll number 82475 in the Office of the Clerk of Court for Beaufort County, said decree being signed by Thomas Kemmerlin, Jr., Beaufort County Master in Equity on November 20, 1990; a deed from Leroy Gardner, Sr. to Charles W. Gardner recorded in the Office of the Register of Deeds in Book 635 at Page 2600; a plat of the property prepared for Charles Gardner dated October 31, 2013 recorded in Plat Book 137 at Page 156; a plat prepared for Charles Gardner dated February 6, 1995 recorded in Plat Book 52 at Page 36; and a plat prepared for the Defendant dated September 19, 2017 recorded in Plat Book 147 at Page 133.

Based upon the pleadings, arguments of counsel, Quiet Title Action, relevant deeds and plats, this Court makes the following findings of fact:

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1. The thirty (30') foot road right-of-way does not belong to the Plaintiff. The Quiet Title Action and the Deed to the Plaintiff from the Plaintiff's father specifically excludes the thirty foot road and the property to the south of the road.<sup>1</sup>

2. The current Plaintiff was a Defendant in the 1989 Quiet Title Action which was resolved by the consent of the parties.

3. John Howard is shown by the Quiet Title Action, the deeds, and the relevant plats to be the owner of the thirty foot road and the property to the south of the current Plaintiff.

4. The Defendant is the successor in interest to the real property owned by John Howard at the time of the Quiet Title Action.

**THEREFORE**, based upon the above Findings of Fact, this Court finds:

1. There are no disputed facts and partial summary judgment is appropriate based upon the record.

2. The thirty foot road, the boat ramp at the eastern end of the thirty foot road and the property to the south of the road is owned by the Defendant, Taylor Ruben Adams. This property is shown on the plats referenced above.

3. The Plaintiff's causes of action for trespass, conversion, and injunction are hereby dismissed by virtue of the fact the property in question is owned in fee simple by Taylor Ruben Adams.

4. The counterclaim of the Defendant shall continue if Defendant elects to pursue same.

5. The consent restraining order dated May 23, 2018 shall remain in full force and effect.

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<sup>1</sup> Title to the subject property has been determined in a Decree of Title Clearance signed by the Honorable Thomas Kemmerlin, Jr. on November 20, 1990 in Civil Action No.: 1989CP0700879.

**NOW THEREFORE, IT IS ORDERED** that the Defendant's Motion for Partial Summary Judgment is hereby **GRANTED**;

It is further Ordered that the thirty foot road, boat ramp and the +/- 1.054 acres below the road are owned in fee simple by Taylor Ruben Adams.

**IT IS FURTHER ORDERED** that the Plaintiff shall forthwith be prohibited from trespassing upon the property of Taylor Ruben Adams. From the plats shown to this Court, it is clear and apparent that Plaintiff has access to his property from Ashton Drive as shown on Plat Book 137 at Page 156 and it is not necessary for the Plaintiff to trespass upon Defendant's property in order to gain access to his property.

**AND IT IS SO ORDERED** this \_\_\_\_\_ day of July, 2018.

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The Honorable Perry M. Buckner, III

Walterboro, S.C.  
July 9, 2018



Beaufort Common Pleas

**Case Caption:** Charles Willis Gardner VS Taylor Reuben Adams  
**Case Number:** 2017CP0702110  
**Type:** Order/Summary Judgment

It is so Ordered

s/ Perry M Buckner III 2122

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