



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.: 1989CPD700879.

**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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