THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

Thomas A. Russo, Circuit Court Judge

Appeal Number 2017-001927

County of Florence and Thomas J. Hewitt ... Respondents,

v.

Carol Eagerton ... Appellant.

INITIAL BRIEF OF APPELLANT

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STATEMENT OF ISSUES ON APPEAL

(1) Did the trial court err in finding evidence sufficient to establish an implied dedication of Eagerton's road?

(2) Did the trial court err in finding evidence sufficient to establish a prescriptive easement?

STATEMENT OF CASE

This action was initiated by Respondents after Appellant erected locked gates across a road through her horse pasture ("Eagerton's road") along her property lines in order to block public access and use of the road at various times between 2011 and 2013.

On December 12, 2013, Respondents filed action seeking injunctive relief against Appellant and a declaration that Eagerton's road, to which Respondents refer as "Hewitt Cemetery Road," is a public road under the theory of prescriptive easement and/or public dedication. This matter came before the Circuit Court for a non-jury trial on January 11, 2017.

On July 3, 2017, the Court issued an Order finding for Respondents. On July 17, 2017, Appellant filed a Motion to Alter or Amend Judgment and Motion for New Trial, pursuant to Rules 52(b), 59(a), and 59(e), SCRCP. On November 7, 2017, the Court denied Appellant's Motion for a New Trial and issued an Amended Order to correct a scrivener's error and to emphasize that its findings regarding implied dedication and prescriptive easement were supported by clear and convincing evidence.

Notice of Appeal was timely filed on December 7, 2017.

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STATEMENT OF FACTS

On December 11, 1981, Eagerton and her husband purchased 20.9 acres ("Tract A") from Willie Mae Painter. The map depicting the parcel shows two roads, "Old Road," a plow road that is no longer used, and "Center of Road Property Line" (Eagerton's road), the center of which formed the eastern boundary to the property. The deed to the Tract A does not contain any reference in the property description or elsewhere to an easement or any road on the property.

On October 21, 1988, Eagerton and her husband purchased 40.7 acres ("Tract B"), which was adjacent to and east of Tract A, from Willie Mae Painter. The map depicting the parcel shows two roads, "Plantation Road," a plow road that is no longer used, and "Center of Dirt Road Property Line" (Eagerton's road), the center of which formed the western boundary to the property. The deed to Tract B does not contain any reference in the property description or elsewhere to an easement or any road on the property.

On April 4, 2000, Eagerton and her husband purchased 12.5 acres ("Tract C"), which is adjacent to Tract A from the south and adjacent to Tract B from the west, from Roberta Griffin. The map depicting the parcel shows the eastern boundary of the property as "(County Maintained) Hewitt Cemetery Road (Dirt)." The deed to Tract C does not contain any reference in the property description or elsewhere to an easement or any road on the property.

On April 4, 2002, Eagerton acquired her husband's interests in Tracts A, B, and C.

A state maintained road, Hewitt Cemetery Road, connects the northern end of Eagerton's road to Cato Road. A county maintained road, Hewitt Cemetery Road, connects the southern end of Eagerton's road to Branch Road. It is unclear when the county began calling Eagerton's road Hewitt Cemetery Road, but several witnesses testified the latest date was in 1999 or 2000, when E911 was implemented in Florence County.

Eagerton is the only resident on Eagerton's road. Although Eagerton's road is the most direct route connecting the northern and southern portions of Hewitt Cemetery Road, there are at least two other routes, one of which (via Branch Road to the east) is .4 miles farther and the other of which (via Branch Road to the west and Cato Road) is 1.2 miles farther.

The only witnesses the Respondents called were the following: Thomas Hewitt, David Hewitt, and Robbie Meggs, all of whom are cousins and live near Eagerton's road; Mike Wood, who owns property at the corner of Hewitt Cemetery Road and Branch Road; Brian Huggins, who lives near Eagerton's road; Joseph "Bubba" Jones, who lives on the portion of Hewitt Cemetery Road that is south of Branch Road and not maintained by the county; Shannon Eaddy, Bubba Jones' sister; Lecrecia Boatwright, an employee of the ambulance company that transports Bubba Jones; Jerry Allen and Carlisle Gregg, Jr., who work for Florence County Public Works; Reggie Sanders, who works in the Florence County Tax Assessor's Office; and Virginia Willcox, a title abstractor. The only witnesses who testified that they used Eagerton's road on a regular basis (aside

from county maintenance) were Thomas Hewitt, David Hewitt, Robbie Meggs, Mike Wood, Brian Huggins, Bubba Jones, and Shannon Eaddy. With the exception of Shannon Eaddy, Bubba's sister, six of these witnesses live within a mile of Eagerton's road.

With regard to county maintenance, Florence County Public Works records, Respondent's Exhibit 19, show that "Hayward Hewitt Road," which is now Branch Road and not Hewitt Cemetery Road, was mowed on 10/28/81, 01/07/82, 01/08/82, 03/18/82, 05/26/82, 06/30/82, 07/02/82, 07/21/82, 08/25/82, 10/14/82; 12/14/82, 02/10/83, 06/13/83, 07/21/83, 08/09/83, 09/01/83, and 04/14/88. Carlisle Gregg testified that although the records referred to Hayward Hewitt Road and not Hewitt Cemetery Road, Hewitt Cemetery Road and Eagerton's road would have been included in the plow. He also testified the county lost some of its records. The next records list Hewitt Cemetery Road (which public works employees testified encompassed Eagerton's road) being mowed monthly from 08/02/90 to the present and show that Eagerton's road, which the county at some point began calling Hewitt Cemetery Road, was rocked on January 23, 2004.

According to all of the defense witnesses, Eagerton's road was sparsely traveled until it was rocked by Florence County in 2004. In the 1980's and 1990's Eagerton ran a horse farm, boarded horses, nursed malnourished horses back to health for the Florence County Humane Society, and hosted horse back riding lessons. The defense witnesses testified that the property was peaceful and

suitable for Eagerton's needs. They further described Eagerton's road as a single lane, dirt plow road with a patch of grass running through the middle of it. Defense photographs evidence this description.

The defense witnesses described everything changed when the County rocked Eagerton's road in 2004. Eagerton testified that on the day it was rocked she tried to block the rocking equipment with her golf cart but was forced to move out of the way. Eagerton's neighbor recalled Eagerton coming to his house the same day and telling him of the events. Defense witnesses describe the resulting rocked road as being wider that the dirt road and able to accommodate two cars rather than one. The rocking of Eagerton's road gave rise to disruption of Eagerton's horse farm and livelihood as well as increased traffic and crime.

In 2011, Eagerton sought help from public officials to try and reclaim her road. Defense witnesses and Respondent's witnesses testified as to her erection of gates at either end of Eagerton's road. Marion Joyner testified that he met police on Eagerton's property in 2013. According to the police report, Joyner told law enforcement that Eagerton had been trying to block the road "for years." After unsuccessful attempts to block the road, close gates, and petition public officials, Eagerton asked Florence County how to petition to close the road.

STANDARD OF REVIEW

"The determination of the existence of an easement is a question of fact in a law action and subject to an any evidence standard of review when tried by a judge without a jury." *Hardy v. Aiken*, 369 S.C. 160, 165, 631 S.E.2d 539, 541 (2006) (quotation marks omitted). "In a law case tried by the judge without a jury, the appellate court reviews for errors of law and reviews factual findings only for evidence which reasonably supports the court's findings." *Eldridge v. City of Greenwood*, 331 S.C. 398, 416, 503 S.E.2d 191, 200 (Ct.App.1998). "However, the determination of the scope of the easement is a question in equity." *Hardy*, 369 S.C. at 165, 631 S.E.2d at 541. On appeal in an action in equity, the appellate court may find facts in accordance with its views of the preponderance of the evidence. *Grosshuesch v. Cramer*, 367 S.C. 1, 4, 623 S.E.2d 833, 834 (2005). Thus, the court may reverse a factual finding by the trial court in such cases when the appellant satisfies us the finding is against the preponderance of the evidence. *Campbell v. Carr*, 361 S.C. 258, 263, 603 S.E.2d 625, 627 (Ct.App.2004).

ARGUMENT

The fact that Florence County says Eagerton's road is a public road or spent money maintaining the road at times does not make it a public road. Sometimes cities, counties, and individuals usurp property which gives rise to litigation such as this.

The Circuit Court erred in finding that there were facts sufficient to show an implied dedication or an easement by prescription. In its Order, the Court clearly

confused the parcels of land, what was depicted in each parcel, and the factual testimony in this case.

There is no evidence that Eagerton or any of her predecessors in interest ever dedicated the road in question to pubic use. Further, there are no facts that establish 20 years of uninterrupted adverse use to establish an easement by prescription.

I. THE COURT ERRED IN FINDING THERE WAS SUFFICENT EVIDENCE TO ESTABLISH AN IMPLIED DEDICATION.

"Dedication requires two elements. First, the owner must express in a positive and unmistakable manner the intention to dedicate his property to public use. Second, there must be, within a reasonable time, an express or implied public acceptance of the property offered for dedication." *Mack v. Edens*, 320 S.C. 236, 239 (Ct.App.1995) (citation omitted). "[T]he burden of proof to establish dedication is upon the party claiming it." *Anderson v. Town of Hemingway*, 269 S.C. 351, 354 (1977). The acts proved must not be consistent with any construction other than that of a dedication, and dedication may not be implied from the permissive, sporadic, and recreational use of property. The record must contain evidence the owner of the property clearly, convincingly, or unequivocally intended to dedicate the property for public use. *Mack*, 320 S.C. at 239.

Our Supreme Court has stated, "It is not a trivial thing to take another's land, and for this reason the courts will not lightly declare a dedication to public

use." *Shia v. Pendergrass*, 222 S.C. 342 (1952), quoting *City and County of San Francisco v. Grote*, 120 Cal. 59 (1898). "While one may lose his land without an actual conveyance of the same, the acts and conduct upon his part, and upon the part of the one claiming to have acquired such title in such way, must be so unequivocal and positive as to leave little doubt that it was the intention of the owner to dedicate the same to the public use. *Id.* The length of time a road or driveway has been used is of no material consequence, unless it becomes important, in connection with other circumstances, to show an intention on the part of the owner of the land to dedicate it to public use. *Id.*

"[I]n order to establish title by dedication in cases where there had been no express gift of the land involved, it is incumbent on the party asserting that a dedication exists to show that the conduct of the owner, relied on to establish it, clearly, convincingly, and unequivocally indicates, expressly or by plain indication, a purpose or intention to create a right in the public to use the land adversely to him and as of right." *Town of Estill v. Clarke*, 179 S.C. 359 (1936). "Dedications being an exceptional and a peculiar mode of passing title to interest in land, the proof must usually be strict, cogent, and convincing, and the acts proved must not be consistent with any construction other than that of a dedication." *Seaboard Air Line R. Co. v. Fairfax*, 80 S.C. 414 (1908). "It is a necessary conclusion that no one except the owner of an unlimited estate in fee can make a dedication of land." *Id.* "It is of the essence of a dedication that the owner has consented, permanently, to abandon the land and, whatever the nature

of the acts relied on to create a dedication, the intention to dedicate must be clearly and unequivocally manifested. *Grady et al. v. City of Greenville et al.*, 129 S.C. 89 (1924); 18 C.J. 43, § 16; § 33.

> As stated by our Supreme Court in *Shia*:
> It would seem clear that to create a dedication by implication, the owner of the real estate must have done some act from which a positive intent on his part to dedicate the land to the public can be drawn. It is elementary law that an intention to dedicate must be plainly manifest. Here, there is no such manifest intention. No single act of Mrs. Berry can be pointed out as so indicating. The fact that the public was allowed to use the strip of land under circumstances such as exist here, without objection by the owner, is not sufficient from which to imply a dedication. During all of the time that the public has been permitted to use this driveway now in dispute, the appellant and Mrs. Berry, under whom she claims, have paid the taxes thereon to the City of Florence; and while this of itself is not generally treated as very strong evidence, still it is some evidence that they did not intend to dedicate it to the public.

Shia, at 349-350.

The nonassessment of taxes is a factor in the determination of dedication and acceptance. The payment of taxes on disputed property is evidence contrary to the intent to dedicate property to the public. *Mack v. Edens, supra.*

In addition, there must be proof that the route was used by the general public and not a subset of individuals. The use must not be by a limited community or class of people. *Burrell v. Kirkland*, 242 S.C. 201, 208 (1963). "In order to acquire a public easement, the user must be by the public at large', and not by a limited number of persons." 26 C.J.S., Dedication, § 18, page 74.

Where a conveyance of land describes the parcel as bounded by a street designated in the conveyance, or refers to a map on which spaces for streets,

parks, or other common uses are shown, but the conveyance says nothing about the creation of an easement or a dedication to public use, the conveyee of the land acquires an easement with respect to the street or the areas shown on the map. 3 Powell, The Law of Real Property ¶ 409 (1987) [footnotes omitted]. "Absent evidence of the seller's intent to the contrary, a conveyance of land that references a map depicting streets conveys to the purchaser, as a matter of law, a private easement by implication with respect to those streets, whether or not there is a dedication to public use." *Newington Plantation Estates Ass'n v. Newington Plantation Estates*, 318 S.C. 362, 365 (1995).

There was not sufficient evidence to establish dedication because there was no implied offer to dedicate Eagerton's road to the public. Implied dedication requires intent to dedicate and an acceptance by the public. The record must contain evidence the landowner clearly, convincingly, or unequivocally intended to donate the land to public use, and the acts proved must not be consistent with any construction other than that of a dedication. Permissive and/or recreational use is not enough.

There is no evidence that establishes Willie Mae Painter ("Painter"), Roberta Griffin, or Carol Eagerton donated a portion of their property to Florence County and/or members of the general public. To the contrary, in 1981, Painter sold Eagerton acreage with the property line going to the middle of a "dirt road." The dirt road did not even have a name on the map, and the property description makes no reference to any road or easement. Further, there is another dirt road on the

map that is similar to the one in dispute. Then, in 1988, Painter sells Eagerton the adjacent parcel, which again has the property line in the center of the nameless dirt road, makes reference to a named road, "Plantation Road," that the County does not claim, and has a deed with no reference to any road or easement.

The fact that a dirt road appears on a map is of no consequence. That does not make it a public road. It is more likely to be a private road or a private easement, which would seem to make sense in this case given the property line, the layout of the property, and the dates on which Eagerton acquired the parcels.

As mentioned previously, no portion of Eagerton's road was excluded from the property line. This is in clear contrast to Respondent's Exhibits 9, 11, and 12, wherein what is now Mike Wood's property was never encompassed in southern Hewitt Cemetery Road. The property line is clearly to the east of and does not include any portion of Hewitt Cemetery Road. The same is true when looking at Respondent's Exhibit 10 regarding state-maintained Hewitt Cemetery Road to the north.

Even if there were sufficient facts to establish intent to dedicate, there was not extensive and continuous use by the public at large. The use must not be by a limited community or class of people. *Burrell v. Kirkland*, 242 S.C. 201, 208 (1963). "In order to acquire a public easement, the user must be by the public at large, and not by a limited number of persons." 26 C.J.S., Dedication, § 18, page 74. The Respondents merely proved the use of the road by a limited group of

people - nearby landowners - and did not carry its burden of proving extensive, long-term, and continual use of the road by the public at large.

In *Mack v Edens*, *supra*, several witnesses testified the dirt road was historically used by the public for various purposes, including to deliver mail; to travel to a saw mill and a flour mill; to swim, fish, and attend baptismal services and school parties at a pond near Mack's; to erect and maintain public utilities; and to have emergency services access Mack's property. The court determined the public's use of the roadway was basically recreational and religious and concluded Mack had failed to establish an implied public dedication. As in the case of *Mack*, the circuit court should have concluded that the evidence was insufficient to prove an implied dedication of Eagerton's road.

Evidence of county maintenance, a portion of the property being excluded from tax assessment, and the deed to the property delineating a "public" road goes to the issue of *acceptance* of an implied dedication and not to prove of the *intent to dedicate*. *See Mack v. Edens*.

In this case, the deed did not delineate a public road, and no portion of the property was excluded from Eagerton's taxes. However, there was some testimony regarding county maintenance. Carlisle Gregg testified that he believed Hewitt Cemetery Road began being maintained in 1972 or 1973 after he began working at Florence Public Works. Florence County records do not corroborate or substantiate Gregg's "belief." Jerry Allen testified that he began mowing Hewitt Cemetery Road in the early 1980's. He claims he mowed Eagerton's dirt road

despite the fact that Eagerton never saw him mow the road and despite the fact that the county records say "Hayward Hewitt Road," which is now Branch Road as opposed to "Hewitt Cemetery Road." Regardless of when Allen may have started mowing the road, Florence County records contain an obvious lapse in maintenance, one record of mowing between 09/02/83 and 08/01/90. This lapse undermines the County's entire argument.

As stated previously, Painter and Eagerton paid taxes on the entire acreage. Eagerton still pays taxes on the entire acreage. This, too, is evidence of a contrary intent to dedicate Eagerton's road to public use and lack of acceptance of the road by the public at large. For all of these reasons, there was no implied dedication of Eagerton's road and no acceptance by the general public.

II. THE COURT ERRED IN FINDING THERE WAS SUFFICENT EVIDENCE TO ESTABLISH A PRESCRIPTIVE EASEMENT.

"An easement is a right given to a person to use the land of another for a specific purpose." *Bundy v. Shirley*, 412 S.C. 292, 304 (2015). "A prescriptive easement is not implied by law but is established by the conduct of the dominant tenement owner." *Boyd v. BellSouth Tel. Tel. Co.*, 369 S.C. 410, 419 (2006). To establish a prescriptive easement, the claimant must prove by clear and convincing evidence: "(1) the continued and uninterrupted use or enjoyment of the right for a period of 20 years; (2) the identity of the thing enjoyed; and (3) the use [was] adverse under claim of right." *Darlington Cnty. v. Perkins*, 269 S.C. 572, 576

(1977). "[W]hen it appears that claimant has enjoyed an easement openly, notoriously, continuously, and uninterruptedly, in derogation of another's rights, for the full period of 20 years, the use will be presumed to have been adverse." *Williamson v. Abbott*, 107 S.C. 397, 400 (1917). "[A] party claiming a prescriptive easement has the burden of proving all elements by clear and convincing evidence." *Bundy*, 412 S.C. at 306. "A private way is an easement in favor of another, *in derogation of the rights of the owner*; and hence is not to arise without *clear, unequivocal proof of such facts* as will give the right from the owner to the claimant." *Williamson* at 401 (emphasis added).

Adverse use and claim of right cannot exist as separate methods of proving the third element of a prescriptive easement as the two terms are, in effect, one and the same. *See Simmons v. Berkeley Electric Cooperative*, 419 S.C. 223 (2016). In *Simmons*, the Court took the "opportunity to emphasize that a claimant's belief regarding the permissiveness of his use of property is irrelevant when determining the existence of a prescriptive easement. Instead, courts in this state should only determine whether the claimant's use was indeed adverse." *Id.* Thus, the Court simplified the test for a prescriptive easement as follows: "In order to establish a prescriptive easement, the claimant must identify the thing enjoyed, and show his use has been open, notorious, continuous, uninterrupted, and contrary to the true property owner's rights for a period of twenty years." *Id.*

In *Simmons*, the Supreme Court defined the terms "open," "notorious," and "adverse use:" " 'Open' generally means that the use is not made in secret or

stealthily. It may also mean that it is visible or apparent." Restatement (Third) of Property (Servitudes) § 2.17(h) (2000). " 'Notorious' generally means that the use is actually known to the owner, or is widely known in the neighborhood." Restatement (Third) of Property (Servitudes) § 2.17(h) (2000). "Adverse use" is defined as "a use without license or permission." Black's Law Dictionary 1681 (9th ed. 2009). The Court further noted that American Jurisprudence also recognizes that "[u]nder the law of prescriptive easements, the essence of a 'hostile' use, which has been referred to interchangeably in the case law as 'adverse,' 'hostile,' 'nonpermissive,' or 'under a claim of right,' is a lack of permission from the true owner." *Simmons* at ; 68 Am. Jur. Proof of Facts 3d 239 § 15, at 287 (2002). It "is well-established that evidence of permissive use defeats the establishment of a prescriptive easement because use that is permissive cannot also be adverse." *Bundy*, 412 S.C. at 310; *see also* 12 S.C. Jur. Easements § 10 (Supp. 2015) ("Use with the permission of the owner is not adverse.")

Tacking of the prescriptive period in not permissible when it is unclear that use by claimant's predecessor was adverse. *See Bundy v Shirley*, *supra* (Shirley did not establish that the previous owners' use of the disputed road continued to be adverse or under a claim of right between 1969 and 1985). *See Morrow v. Dyches*, 328 S.C. 522, 528 (Ct.App. 1997) ("[I]f tacking is used, 'the use by the previous owners must also meet the requirements of a prescriptive easement' " (quoting 25 Am. Jur. 2d Easements and Licenses § 70, at 640 (1996))); *Kelley v. Snyder*, 396 S.C. 564, 575 (Ct.App. 2012) ("If tacking is used, the use by the previous owners

must have also been adverse or under a claim of right.").

Actions are sufficient to interrupt the prescriptive period when the servient landowner engages in overt acts, such as erecting physical barriers, which cause a discontinuance of the dominant landowner's use of the land, no matter how brief. *Pittman v. Lowther*, 363 S.C. 47 (2005). "In addition to physical barriers, verbal threats which convey to the dominant landowner the impression the servient landowner does not acquiesce in the use of the land, are also sufficient to interrupt the prescriptive period. To adopt an interpretation of "effective interruption" which requires a servient landowner to take actions in addition to erecting barriers like fences and cables, would encourage wrongful or potentially violent behavior that is contrary to sound public policy considerations and the peaceful resolution of disputes." *Id.*

The trial court erred in finding facts sufficient to establish prescriptive use because the Respondents did not prove the requisite *adverse use* for twenty years. An easement by prescription is not established merely by the use of another's land for a period of twenty years or more. The use must be adverse. Respondents offered no testimony or evidence to show that the neighbors' use of Eagerton's road when it belonged to Painter and Roberta Griffin was anything other than permissive. According to the *Bundy v. Shirley*, *supra*, permissive use is not "adverse" and will not support a finding of a prescriptive easement. As mentioned previously, the pieces of the road need to be analyzed separately because Eagerton cannot divest herself of rights she does not have. Eagerton

acquired half of the road next to Tract A in 1981. At that time, Painter still owned the other half of the road next to Tract A. In addition, in 1981, Painter and Roberta Griffin owned the southernmost portion of Eagerton's road and continued owning the southernmost portion until Eagerton acquired half when she bought Tract B in 1988 and the remaining half when she purchased Tract C in 2000. There is no testimony that the sporadic use of Eagerton's road was anything other than permissive until the County rocked the road in 2004.

Respondents offered no evidence to establish the use of Eagerton's road was adverse when Painter and Griffin owned their portions or when Eagerton owned her portions prior to 2004. The neighbors and/or public could have had Painter and Griffin's permission to travel across their portion of the road or easement. Eagerton did not acquire the entire northern portion of Eagerton's road until 1988, when she purchased Tract B from Painter. That prescriptive period would not run until 2008. The Respondents argument should have failed because they failed to show adverse use prior to 2004. Further, Eagerton began trying to block the use after 2004 which would be sufficient to interrupt the period under *Pittman v. Lowther*, *supra*.

The prescriptive period did not begin run on the southern portion of Eagerton's road with regard to Eagerton until 2000, when she and her husband purchased the other half from Griffin. According to *Bundy*, prescriptive periods from prior owners cannot be "tacked" unless the Respondent's made a showing the use was adverse and not permissive by those owners. Respondents made no such

showing. Further, the prescriptive period on the southern portion of Eagerton's road would not run until 2020.

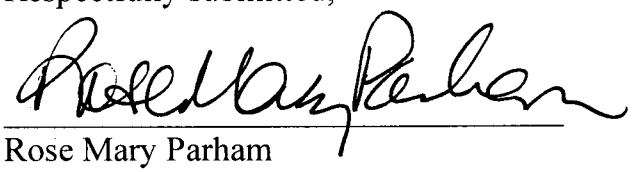
This is a case where Respondents are trying to transform a convenient shortcut for neighbors into an easement. The fact that when they tried to start rocking that convenient shortcut, Eagerton placed her body in front of the equipment shows what really happened in this case. That is when adverse possession began. That is when the Respondents became open, notorious, and adverse. The fact that the Florence County widened the road is also problematic for the Respondents and would certainly limit the scope of an easement if one were found to exist.

Eagerton's private rights to the use of her land far outweigh the interests of some neighbors having a shortcut. As our Supreme Court in *Shia*, *supra*, stated, "It is not a trivial thing to take another's land, and for this reason the courts will not lightly declare a dedication to public use." The standard for prescriptive easement is equally as strict. Respondents had the burden of proving either of these theories of acquisition by clear and convincing evidence and failed to meet its hefty burden for the reasons outlined above. Thus, there were no facts sufficient to support the circuit court's findings.

CONCLUSION

Based upon the foregoing, the findings of the Circuit Court should be reversed.

Respectfully submitted,



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Attorney for Appellant Carol Eagerton

CERTIFICATE OF SERVICE

The undersigned certifies that on this she has served a copy of Appellant's Brief by placing the same in the United States Mail and mailing to Counsel for Respondent:

Mr. Malloy McEachin
2117 West Palmetto Street, Suite B
Florence, South Carolina 29501

Rose Mary Parham

P A R H A M

PARHAM LAW FIRM, LLC

January 2, 2018

VIA U.S. MAIL
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: ***RE: County of Florence and Thomas J. Hewitt vs. Carol Eagerton***
Case No. 2017-001927

Dear Clerk of Court:

Enclosed please find the original and one copy of Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal in the above-referenced case, along with a certificate of service which is being forwarded to you for filing.

By copy of this letter, I am serving Malloy D. McEachin, Jr., counsel for the Respondents, with a copy of the same. Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Rose Mary Parham
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Cc: : Malloy D. McEachin, Jr., Esq.;
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