

STATE OF SOUTH CAROLINA
COUNTY OF YORK

Trudy Bolin Mattox

Plaintiff,

-vs-

Benjamin J. Russell and Chere Mitchell,

Defendants.

IN THE COURT OF COMMON PLEAS
CASE NO. 2018-CP-46-01017

ORDER TO AMEND PURSUANT TO
RULE 59(e)

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AUG 14 2020

SC Court of Appeals

The Court issued its Order in the case on February 4, 2020 ("Order"). The Defendants timely filed a motion to amend pursuant to Rule 59(e). A hearing was held before this Court on Tuesday, June 16, 2020. James W. Boyd appeared on behalf of the Defendants, and Charles S. Bradford appeared on behalf of the Plaintiff. After review of the memoranda submitted on behalf of the parties, and after hearing the arguments presented by counsel, I amend my order as discussed below.

I affirm my previous finding that there exists an easement implied by law over the portions of the existing dirt/gravel DRIVE that abut or cross into lots owned by Defendant Russell, this being consistent with the reference to the location of the roadway on the plats referenced in the deeds from Mae J. Mitchell to Plaintiff's late husband Carl Bolin (see Deed Book 514, Page 120, Plat Book 47, Page 176 and Plat Book 47, Page 181 which were a part of Plaintiff's Exhibit 8). Plat Book 47, page 176 shows Mrs. Jeff Mitchell as owning the property to the north, and this is the same person as Mae J. Mitchell, one the Defendant Russell's predecessor's-in-title as to that tract. The easement by implication does not cross Defendant Mitchell's property.

I amend the Order to clarify that if it is determined there is no easement implied by law, then in the alternative, I find and conclude that Plaintiff acquired an easement by prescription over Defendant Russell's properties for ingress and egress to Highway 363.

Except as herein modified, the February 4, 2020 Order remains in full force and effect.

JUDGE'S SIGNATURE PAGE TO FOLLOW



York Common Pleas

Case Caption: Trudy Bolin Mattox VS Benjamin J Russell , defendant, et al
Case Number: 2018CP4601017
Type: Order/Amend

So Ordered

s/ Teasa K. Weaver 3084