

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

Alison Renee Lee, Circuit Court Judge

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Case No. 2016-CP-32-0387  
Appellate Case No. 2019-001609

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**RECEIVED**

**Aug 21 2020**

**SC Court of Appeals**

Rachel Farley, as Trustee of the Louise Farley Revocable Trust Dated  
February 8, 2005; Drummond B. Farley; Rachel R. Farley; Carol E. Farley;  
and Nancy E. Farley .....Appellants,

v.

Church of the Harvest of Columbia, Inc. ....Respondent.

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**APPENDIX TO THE RECORD ON APPEAL**

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	ELEVENTH JUDICIAL CIRCUIT
COUNTY OF LEXINGTON	)	CASE NO. 2016-CP-32-00387
	)	
Rachel Farley, as Trustee of The Louise	)	
Farley Revocable Trust Dated February 8,	)	
2005, Drummond B. Farley; Rachel R.	)	
Farley; Carol E. Farley; Nancy E. Farley;	)	
	)	<b>CERTIFICATE OF</b>
Plaintiffs,	)	<b>SERVICE</b>
vs.	)	
	)	
The Church of the Harvest of Columbia,	)	
Inc.,	)	
	)	
Defendant.	)	
_____	)	

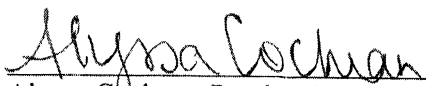
The undersigned hereby certifies that on May 10, 2019 she caused the filed Order on Summary Judgment, sent via United States Postal Service first class mail, with adequate postage prepaid to the parties listed below:

Drummond B. Farley  
742 C. Avenue  
West Columbia, SC 29169

Carol E. Farley  
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Johns Island, SC 29457

Nancy E. Farley  
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Mr. S. Jahue Moore  
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\_\_\_\_\_  
Alyssa Cochran, Paralegal  
HARRELL, MARTIN & PEACE, P.A.

Chapin, South Carolina

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF LEXINGTON ) ELEVENTH JUDICIAL CIRCUIT  
CASE NO. 2016-CP-32-00387

Rachel Farley, as Trustee of the )  
Louise Farley Revocable Trust )  
Dated February 8, 2005; Drummond )  
B. Farley; Rachel R. Farley; )  
Carol E. Farley; Nancy E. Farley, )  
Plaintiffs, )

**RESPONSE OF THE DEFENDANT TO**  
**MOTION PURSUANT TO RULE 59(e)**  
**AND MOTION OF DEFENDANT**  
**PURSUANT TO RULE 60(a)**

v. )

The Church of the Harvest of Columbia, )  
Inc., )  
Defendant. )

The Defendant hereby responds to the motion filed on May 20, 2019 pursuant to Rule 59(e), SCRCF. The motion requests the entry of an Order altering or amending the Court’s Order of May 9, 2019 “so as to recognize the validity of the Plaintiff Trust’s Easement, that the Easement has been obstructed and that the Defendant must remove the obstructions.” Mot. p. 1. The motion to alter or amend should be denied.<sup>1</sup>

A.

1. On page 9 of the Order the Court said “As a predicate for their case, the Plaintiffs assert that Mrs. Farley and that they now have an express easement. This Court agrees . . . .” Therefore, the Court has in fact recognized the validity of the Plaintiff Trust’s easement, and the Order need not be amended in that regard.

<sup>1</sup> The 59(e) motion was filed on behalf of only Rachel Farley. Mr. Moore signed the motion as “ATTORNEY FOR THE PLAINTIFF RACHEL FARLEY.” Ms. Farley does not have standing as an individual to speak for the Trust.

2. The Court on pages 7-9 of the Order discussed the encroachments in the context of negligence, trespass and nuisance. In doing so, the Court recognized the existence of the building and the parking lots constructed by the Defendant on the easement. Therefore, the Court has recognized that the easement has been obstructed by the Defendant, and the Order need not be amended in that regard.
3. On page 10 of the Order, the Court said: "It is the position of The Church that the causes of action related to the encroachments are forever barred, and this Court finds this position to be correct under the facts of this case." Therefore, the Court has held that the Defendant cannot now be required to remove the obstructions because of the expiration of the applicable limitation period. Thus, the Order need not be amended in that regard either.

B.

In reviewing the Order filed on May 9, 2019, Counsel for the Defendant noted three clerical errors for which he takes full responsibility. Therefore, pursuant to Rule 60(a), SCRCP, the Defendant moves to correct those errors as follows.

1. Changing the last word in Footnote 2 from "Defendants" to "parties."
2. Changing the reference in Footnote 7 from "See n.8, infra." To "See n. 10, infra."
3. Changing the reference in Footnote 14 from "See n.13, infra." To "See n. 15, infra."

Pursuant to Rule 60(a) clerical mistakes may be correct by the Court at any time on its own initiative or upon motion on any party. The errors are clearly clerical in nature and have no impact on holding of the Court.

Based on the foregoing, the Defendant respectfully submits that the 59(e) motion should be denied and the Rule 60(a) motion should be granted.

s/Robert W. Dibble, JR., SC Bar #1675

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May 23, 2019  
Chapin, South Carolina

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

Alison Renee Lee, Circuit Court Judge

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**PROOF OF SERVICE**

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Chapin, South Carolina  
August 21, 2020