

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

SC Court of Appeals

MIKEL R. SCARBOROUGH, Master in Equity

Appellate Case No. 2019-001289

Raven's Run Homeowners Association, Inc., Appellant-Respondent,

v.

Crown Point Association, Inc., Lois K. Novak as Trustee of the Lois K. Novak Living Trust dated 10/14/2013; Laurie T. Herron and Mark D. Herron; James B. Kubu and Melissa F. Kubu; Leila June Johnson; Danny Ta and Anita McCauley; Robert E. Luby, Jr., and Barbara Luby; Joshua D. Coonce; Lucius Roy Junevicius; Katherine Kinlaw; Thomas K. Kuyk and Melissa Ward; Roland Franklin Wooten, III, and Teresa Key Wooten; Michael P. Horvath; Timothy E. Moylan and Karen G. Moylan; Carl A. Counasse and Maureen Counasse; David A. Frielinghaus and Holly C. Frielinghaus; Christopher S. Finley and Holly M. Finley; Shirley D. Springer a/k/a Shirly Deanna Springer; Deirdre C. Knight; Robert Shane Johnson; Eric R. Sigman; Lamar R. Graves, Jr. and Terry W. Graves; Mary Elizabeth Gladdedn; Philip Wallace and Naomi Grad; Thomas Edwin Davis and Luis Miguel Gonzalez Melchor; John R. Funkhouser and Jennifer L. Funkhouser; Gregory S. Cooper and Jane B. Cooper; Frank C. Jones, Jr. and Elise Ubele Jones; William P. Topping and Kris B. Topping; LaRhonda S. Ptichko; Kenneth L. Tully and Anna J. Tully, Defendants,

Of Whom James B. Kubu and Melissa F. Kubu and Leila June Johnson are the Respondents.

And Katherine Kinlaw is the Respondent-Appellant.

APPELLANT'S FINAL REPLY BRIEF OF RESPONDENT-APPELLANT

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ARGUMENT

I. KINLAW HAS STANDING TO ASSERT RAVEN'S RUN DOES NOT OWN THE LAKE

Kinlaw has property that abuts the disputed lakes and strips of land. Kinlaw is a member of Crown Pointe Subdivision with voting rights in that property owners association. Kinlaw has no voting rights in Raven's Run. Raven's Run seeks to exclude Kinlaw from the lake. Crown Pointe does not. Raven's Run seeks to deny Kinlaw a personal or property right: the use of the lake. Raven's Run brought this lawsuit to exclude Kinlaw from using the lake. Kinlaw has standing. Beaufort Realty Co. v. Beauford County, 346 S.C. 298, 301, 551 S.E.2d 588, 589 (Ct.App. 2001).

II. KINLAW PRESERVED THE ISSUE FOR APPEAL

The master ruled "Raven's Run owns the lake." (R. p. 23) Kinlaw appeals this specific finding. The master based his ruling stating water was shown on a certain plat (Order of July 9, 2019, R. pp. 21-23). Kinlaw had argued the water next to Kinlaw's lot was not. (R. p. 243, line 22 - p. 247, line 14; Poster Blow Up retained by counsel (R. p. 330)). Kinlaw also extensively argued this point at the August 28, 2018 hearing (R. pp. 129-198).

This issue was raised and ruled on by the trial court. Hence, a new Rule 59(e), SCRCP, motion is not necessary. Staubes v. City of Folly Beach, 339 S.C. 406, 412, 529 S.E.2d 543, 546 (2000).

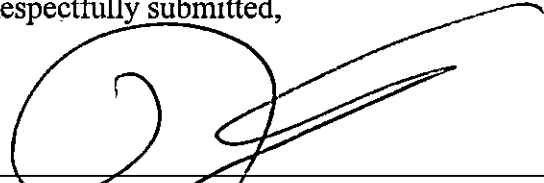
III. RAVEN'S RUN DOES NOT OWN THE LAKE

As set forth in Appellant's Initial Brief of Respondent-Appellant, Raven's run does not own the lake adjacent to Kinlaw's land. That argument is reincorporated here.

CONCLUSION

This Court should reverse the finding that Raven's Run owns the lake adjacent to Kinlaw's lot.

Respectfully submitted,



August 26, 2020

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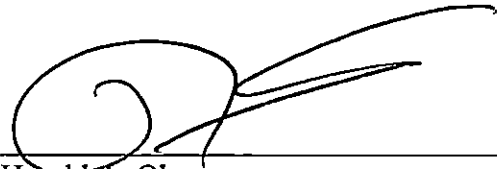
Of Whom James B. Kubu and Melissa F. Kubu and Leila June Johnson are the Respondents.

And Katherine Kinlaw is the Respondent-Appellant.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Appellant's Final Reply Brief of Respondent-Appellant, Katherine Kinlaw complies with Rule 211(b) SCACR.

August 26, 2020.

A handwritten signature in black ink, consisting of a large, stylized 'O' followed by several sweeping, horizontal strokes that extend to the right.

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