

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

William Loflin and Leslie Loflin, Respondents,

v.

BMP Development, LP, Balsam Mountain Group, LLC,
Coward, Hicks & Siler, P.A., J.K. Coward, Jr., Chicago
Title Insurance Company, and Counsellor Title Agency,
Inc., Defendants,

Of which Chicago Title Insurance Company is Petitioner.

Appellate Case No. 2019-001768

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

Appeal from Beaufort County
Carmen T. Mullen, Circuit Court Judge

Opinion No. 28002
Heard November 18, 2020 – Filed December 9, 2020

AFFIRMED AS MODIFIED

Louis H. Lang and Demetri K. Koutrakos, both of
Callison Tighe & Robinson, LLC, of Columbia, for
Petitioner.

Ranee Saunders, of McGown, Hood & Felder, LLC, of
Mt. Pleasant; and Daniel A. Speights and A. Gibson

Solomons III, both of Speights & Solomons, LLC, of
Hampton, all for Respondents.

PER CURIAM: We granted a writ of certiorari to review the court of appeals' decision in *Loflin v. BMP Development, L.P.*, 427 S.C. 580, 832 S.E.2d 294 (Ct. App. 2019). We adopt the court of appeals' well-reasoned opinion reversing the trial court's grant of summary judgment to Chicago Title Insurance Company (Chicago). We modify the opinion only insofar as Chicago's challenge to the court of appeals' finding concerning contractual incompetency. The two sentences in the court of appeals' opinion referring to contractual incompetency are vacated.¹ We therefore affirm the court of appeals' decision as modified.

AFFIRMED AS MODIFIED.

BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.

¹ The court of appeals' two references to contractual incompetency were: (1) "We also note this item covers incompetency, which would fit [the Loflins'] allegation that Balsam recorded the wrong plat, i.e., the December 10, 2001 plat, when it should have recorded the February 6, 2002 plat."; and (2) "Hence, the Preserve Road encroachment and [the Loflins'] loss in acreage fall within items 1, 3, and 14 of the Policy's 'Covered Title Risks,' i.e., 'Someone else owns an interest in your title,' 'Forgery, *fraud*, duress, *incompetency*, incapacity, or impersonation,' (emphases added) and 'Other defects, liens, or encumbrances.'" (Internal alteration marks omitted).