

State of South Carolina
County of Edgefield
William D. Bell, J. M. Robertson,
and Walter Morgan, Constituting
the Board of Commissioners of
Edgefield,

vs
The Court of Common Pleas

Plaintiffs

vs
Defendants

J. M. Scott, C. D. Whitstone,
Mackey Scott, and Charlie Eaves,
Constituting the County Board
of Curber County,
Defendants.

To the Defendants before named:

You are hereby summoned and required to answer
the Complaint in this action, of which a copy is herewith
served upon you, and to serve a copy of your answer
to said Copy Complaint on the undersigned at his office, 201
Beverly Street, Edgefield, South Carolina, within
twenty (20) days after the service hereof, expiration of
the day of such service; and if you fail to answer
the Complaint within the time aforesaid, the Plaintiff
in this action will apply to the Court for the relief
demanded in this Complaint.

Charles H. Coleman
Attorney for Plaintiff

State of South Carolina
County of Edgefield
William D. Bell, J. M. Robertson,
and Walter Morgan, Constituting
the Board of Commissioners of
The County of Edgefield,
Plaintiffs,

vs
The Court of Common Pleas

vs
Complainants

J. M. Scott, C. D. Whitstone,
Mackey Scott, and Charlie Eaves,
Constituting the County Board
of Curber County,
Defendants.

The Plaintiff's Complainants and the Defendants are:

1. That William D. Bell, J. M. Robertson, and
Walter Morgan are the duly elected, qualified and

acting Board of Commissioners of the County of Edgewell, State of South Carolina and constitute the governing body of the said County, and shall hereinafter be referred to as Edgewell County.

2. That said H. Scott, C. S. Whetstone, Macken Scott and Charlie Kasse are the duly elected, qualified and acting County Board for Aiken County, State of South Carolina, and constitute the governing body of the said County, and shall hereinafter be referred to as Aiken County.

3. That this action is instituted pursuant to the provisions of the Uniform Declaratory Judgment Act for the purpose of having determined and declared the rights, status, and other legal relations between the parties hereto to wit and establish and have declared the true boundary line between the County of Edgewell and the County of Aiken; and to enjoin and restrain the Authorities of Aiken County, or their successors in office, from asserting jurisdiction over lands lying within the limits of Edgewell; that such determination is necessary in order to remove doubt and uncertainty with regard to taxation, criminal prosecution, and other municipal problems arising by reason of the improper assertion of jurisdiction by the County of Aiken over lands and residents of the County of Edgewell.

4. That the boundary between the County of Edgewell and the County of Aiken is established by Section 14-52 of the Code of Laws of South Carolina as follows; "Aiken County is bounded as follows: On the Northwest by Edgewell and Saluda Counties from which it is divided by a straight line commencing at the mouth of Jay's Creek where it empties into the Savannah River, running thence to where the south head of Chiquiquie Falls Creek (a tributary of the North Edisto River) intersects the Saluda and Lexington line - - -"

5. That the County of Aiken has heretofore, for a number of years, improperly, illegally, and erroneously asserted jurisdiction and authority over an area lying within the County of Edgewell as depicted and marked as Parcel No. 1. on Exhibit "A" of this Complaint, which is that area which lies between the 'red line' and the line marked 'indefinite boundary' on the file map hereto attached.

5. That the true and correct line is depicted on

a series of five maps of the United States Geological Survey, said line being in red ink on said maps, and said maps are hereto attached and marked as Exhibit "A" and made a part and parcel of this Complaint.

7. That the County of Auburn has exercised, and continues to exercise, jurisdiction over the area improperly included with in the Vermont boundary line to set forth as Parcel No. 1 of Exhibit "A" by the imposition of taxation, by assessment or criminal offenses arising within the area, by including the said area for the purpose of imposition of bonded indebtedness of Auburn County, by inclusion of the area in within the County of Edgfield for bond purposes of Auburn County, and by other diverse means of assertion of jurisdiction and authority over an area not yet within its County or other authority.

8. That Edgfield County alleges a survey of the said boundary should be made under the work of this Court in order to determine and establish the proper boundary between the said Counties, and that such survey should lay out on the ground, by proper markers, the specified boundaries, the said boundary.

9. That the County of Auburn is now in the process of assessing property within the territorial limits of the County of Edgfield for the purpose of imposing taxes thereon, and that the County of Auburn will assert its authority for collection of such taxes unless Auburn County is restrained and enjoined therefrom, an Edgfield County is informed and believes such notices for taxes for the year 1966 have already been forwarded to property owners within the area designated and depicted as Parcel No. 1 of Exhibit "A" of this Complaint. Wherefore Plaintiff prays:

(a) That this Honorable Court do render its declaratory judgment declaring the rights, status, and other legal relations of the parties hereto. (b) That this Honorable Court do appoint a surveyor or surveyors to survey the boundary line between Edgfield and Auburn Counties and report the results of such survey to this Court.

(c) That this Court do fix, establish, determine and declare that the boundary line between Edgfield and Auburn Counties is as established by the provisions of Section 14-52, Code of Laws of South Carolina, 1962, and that the said boundary line is as set forth

on Exhibit "A" here as a 'red herring'.

(d) That Cuban County be restrained and enjoined and its title from assertion of authority or jurisdiction in any manner over the territory shown by Par. No 1 of Exhibit "A" which lies within the County of Edgelyield.

(e) and for such other and further relief as the Court may deem just and proper.

Charles H. Culman
Attorney for Plaintiff

State of South Carolina }
County of Edgelyield }

Personally come William J. Bell, Sr. Robertson, and Walter Morgan, who on oath depose and say that they are the Commissioners and Sub-Commissioners of the County of Edgelyield, State of South Carolina, and are the duly elected, qualified and Acting Board of Commissioners of the County of Edgelyield, State of South Carolina, and come to the fact that governing body of the said County. That they have read the Complaint herein and the same is true of their own knowledge and belief, except those matters stated on information and belief, and as to those they believe them to be true.

Sworn to before me this

20th day of September 1966

Charles H. Culman (H.S.)

Notary Public for S.C.

W. J. Bell

Sr. Robertson

W. E. Morgan

State of South Carolina }
County of Edgelyield }

William J. Bell, Sr. Robertson

and Walter Morgan, Constitution

of the Board of Commissioners

of the County of Edgelyield.

Plaintiff

VS

Order

Fred H. Bell, C. I. Melstone

Wesley Pratt, and Charles Thence,

Constitution of the County Board

of Cuban County.

Defendants.

This matter comes on before me at Edgelyield, South Carolina on January 28, 1967 upon motion of William B. Dalley, Jr., Attorney for the Defendant Cuban County and Charles H. Culman, Attorney for Edgelyield County

to extend the time of the original Order dated November 24, 1966, from thirty (30) days from the date of the Order until March 24, 1967. From the report of the Surveyors appointed by the Court the said the said Surveyors have done diligently in locating sufficient reference points to make an accurate and correct survey. Now there-fore, upon motion of the above named Attorneys for the Plaintiff and the Defendant, it is

Ordered, Adjudged and Decreed that the Surveyors named to survey said lines between Coker County and Edgely County, namely, Stanley Mumph, M. E. Beavers and J. E. Chouch, shall take until March 24, 1967 to establish and properly mark the boundary lines between Edgely and Coker Counties.

It is Ordered

Edgely, S.C.

J. B. Greener

January 28, 1967

Resident Judge - Cherokee
Judicial Circuit

State of South Carolina

County of Edgely } In the Court of Common Pleas

William D. Bell, vs. Robert

and Walter Morgan, Administrators

of the Board of Commissioners of

the County of Edgely

Plaintiffs,

vs.

Order

Fred H. Scott, C. I. Whitton,

Maxey Street, and Charles Moore

Constituting the County Board

of Coker County,

Defendants

This is an action instituted by the Board of Commissioners of the County of Edgely, as Plaintiff, against the County Board of Coker County, as the Defendant, by the Service of a summons and Complaint as enclosed by the Court of Service of W. A. Rinder, Deputy Sheriff. The Plaintiff's Complaint alleges that the action was commenced pursuant to the Declaratory Judgment Act for the purpose of having determined and declared the rights, status, and other legal relations between the parties thereto; to fix and establish and have declared the true and correct boundary line between the County of Edgely and the County of Coker.

The Plaintiff, by, by its Complaint, alleges that the true and correct boundary line between Edgely County and

Cuikem County is depicted on a series of five (5) maps of the W. S. Geological Survey and marked as Parcel 1 on the said maps which were attached and made a parcel of the Complaint as Exhibit "A" thereto. The Complaint further states that the boundary between Edgehill County and Cuikem County is as set forth in Section 14-52 of the 1962 Code of Laws for the State of South Carolina, which is as follows:

Cuikem County - Cuikem County is bounded as follows: on the Northwest by Edgehill and Saluda Counties from which it is divided by a straight line commencing at the mouth of Jay's Creek, where it empties into the Saranwah River, and running thence to where the south branch of Chinquapin Falls Creek (a tributary of the North Edisto River) intersects the Saluda and Lexington line - "

The Complaint further alleges that the County of Cuikem has improperly asserted authority, jurisdiction, collected taxes, enforced bonded indebtedness and prosecuted criminal actions within the area marked as Parcel 1 of Exhibit "A" to the Complaint.

The Defendant has duly filed its answer to the Complaint and denies the allegations therein contained which asserts that Cuikem County has improperly asserted authority, jurisdiction, imposed bonded indebtedness, collected taxes and prosecuted criminal actions within the area in question. The Defendant admits, however, that there is a probable discrepancy in the boundary line between Edgehill County and Saluda County as is shown and marked as Parcel 1, Exhibit "A" of the Complaint the same being maps of the U. S. Geological Survey, and that the State and County Court should be a straight line from the point where Chinquapin Falls Creek intersects the Saluda - Lexington County line to the mouth of Jay's Creek where the said Jay's Creek empties into the Saranwah River.

The Defendant in this action is represented by Mr. Julian B. Dally, Jr., of Cuikem, South Carolina and the Plaintiff is represented by Charles C. Johnson of Edgehill, South Carolina. Both attorneys have agreed to the Court that they have agreed to determine how the present boundary line now

as established. Even a thorough investigation by both parties to this action, no reason for the change in the boundary can be given and no answer can be given as to where the boundary was established. Both Counties are desirous of having a true and correct boundary established with proper and sufficient markers being placed at convenient intervals marking the said boundary and both Counties assert that the Cooks of the establishment of this boundary line should be equally shared by the Counties.

The first question to be determined by the Court is whether or not Aiken County has improperly asserted jurisdiction over the area marked as Parcel 1 on Exhibit "A" of the Complaint, and if Aiken County has wrongfully collected taxes in this area. The Court finds that the area in question has been furnished all of the same normally expected by a County, and that the payment of these services have come from the collection of the taxes so collected in the area, and therefore, Edgefield County shall not be entitled to any taxes from the area in dispute until the year 1967.

It is Ordered, Adjudged and Decreed that within ten (10) days from the date hereof that Edgefield County and Aiken County shall submit to the Court the names of a surveyor that the County would desire to represent it in the surveying and establishing of the boundary line between Edgefield County and Aiken County and that the Court will make a surveyor within ten (10) days thereafter.

It is Ordered, Adjudged, and Decreed that the survey now made by the Court and by the respective Counties shall have all convenient diagonal lines running a straight line between the points marked Fox's Creek empties into the mouth of the Savannah River, and where Chiquaque Falls Creek intersects the Saluda-Lexington County line, and place markers along the said boundary at convenient intervals and so designate the said boundary as to sufficiency mark the same.

It is further Ordered, Adjudged, and Decreed that a plat of the said boundary line shall be filed in the Office of the Clerk of Court for Aiken County, in the Office of the Clerk of Court for Edgefield County and with the Secretary of State for South

Caroline.

It is further ordered that the costs of this conveyance shall be borne equally between Edgewell County and Curran County.

It is so ordered.

Edgewell Co.

J. B. Greener

November 24th, 1966

Resident Judge of the Edgewell Judicial Circuit

The Consent:

Julian B. Salley, Jr.

Attorney for Plaintiff Curran County

Charles H. Coleman

Attorney for Plaintiff Edgewell County.

Filed and Recorded 2-13th 1967

J. W. Harding, Jr.
Clerk

Call No. 18661

State of South Carolina } In the Court of Common Pleas
County of Edgewell }

Rollie Adams,

Plaintiff

vs

Mary Lou Adams,
Defendant

Summons

You are hereby summoned and required to answer the Complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your answer on the undersigned subscriber, at his office, at Edgewell, South Carolina within twenty (20) days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint.

J. R. Lobb

Edgewell, South Carolina

Attorney for Plaintiff

July 11, 1966

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