

STATE OF SOUTH CAROLINA)
COUNTY OF EDGEFIELD)

IN THE COURT OF COMMON PLEAS

William T. Bell, Ira Robertson)
and Walter Morgan, Constituting)
the Board of Commissioners of)
the County of Edgefield,)

Plaintiffs,)
)

- vs -

Fred W. Scott, C. T. Whetstone,)
Mackey Scott, and Charlie Kneece,)
Constituting the County Board of)
Aiken County,)

Defendants.)

O R D E R

This is an action instituted by the Board of Commissioners of the County of Edgefield, as Plaintiff, against the County Board of Aiken County, as the Defendant, by the service of a Summons and Complaint as evidenced by the Proof of Service of W. A. Seigler, Deputy Sheriff. The Plaintiff's Complaint alleges that the action was commenced pursuant to the Declaratory Judgments 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 Edgefield and the County of Aiken.

The Plaintiff, by its Complaint, alleges that the true and correct boundary line between Edgefield County and Aiken County is depicted on a series of five (5) maps of the U. S. Geological Survey and marked as Parcel I 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 Edgefield County and Aiken 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:

"Aiken County.--Aiken County is bounded as follows: on the northwest by Edgefield and Saluda Counties from which it is divided by a straight line commencing at the mouth of Fox's Creek, where it empties into the

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Savannah 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 Aiken has improperly asserted authority, jurisdiction, collected taxes, imposed bonded indebtedness and prosecuted criminal actions within the area marked as Parcel I of Exhibit "A" to the Complaint.

The Defendant has duly filed its Answer to the Complaint and denies the allegations therein contained which assert that Aiken 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 Edgefield County and Aiken County as is shown and marked as Parcel I, Exhibit "A" of the Complaint the same being maps of the U. S. Geological Survey, and that the true and correct boundary should be a straight line from the point where Chinquapin Falls Creek intersects the Saluda-Lexington County line to the mouth of Fox's Creek where the said Fox's Creek empties into the Savannah River.

The Defendant in this action is represented by Mr. Julian B. Salley, Jr., of Aiken, South Carolina, and the Plaintiff is represented by Charles W. Coleman, of Edgefield, South Carolina. Both attorneys have asserted to the Court that they have attempted to determine how the present boundary line was placed in the present position and when the said boundary line was so established. After 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 when 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

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the said boundary, and both counties assert that the costs 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 I 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 services 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 name 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 name a surveyor within ten (10) days thereafter.

IT IS ORDERED, ADJUDGED, AND DECREED that the surveyors named by the Court and by the respective counties shall use all convenient dispatch in surveying a straight line between the points where Fox's Creek empties into the mouth of the Savannah River, and where Chinguapin Falls Creek intersects the Saluda-Lexington County line, and to place markers along the said boundary at convenient intervals and so designate the said boundary so as to sufficiently mark the same.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the said surveyors shall report their findings of survey, together with their plats, to this Court within sixty (60) days from the date of this Order.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that a plat of the said boundary line shall be filed in the Office of

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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 Carolina.

IT IS FURTHER ORDERED that the costs of this survey shall be borne equally between Edgefield County and Aiken County.

IT IS SO ORDERED.



Edgefield, S. C.

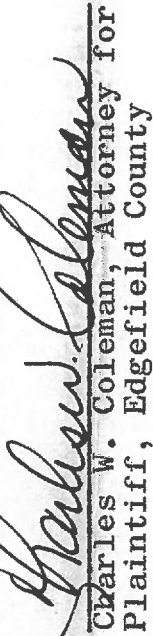
T. B. Greneker, Resident Judge of
the Eleventh Judicial Circuit

November 24, 1966.

We Consent:



Julian B. Salley, Jr., Attorney
for Defendant, Aiken County



Charles W. Coleman, Attorney for
Plaintiff, Edgefield County