

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF EDGEFIELD)

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

Plaintiffs,)

- VS -)


S U M M O N S)

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

Defendants.)

TO THE DEFENDANTS ABOVE 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 Complaint on the subscriber at his office, 201 Buncombe Street, Edgefield, South Carolina, within TWENTY (20) DAYS after the service hereof, exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiffs in this action will apply to the Court for the relief demanded in this Complaint.



Attorney for Plaintiffs

STATE OF SOUTH CAROLINA)
)
COUNTY OF EDGEFIELD)

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William T. Bell, Ira Robertson,)
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C O M P L A I N T

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

Defendants.)

The Plaintiffs complaining of the Defendants allege:

1. That William T. Bell, Ira Robertson, and Walter Morgan are the duly elected, qualified and acting Board of Commissioners of the County of Edgefield, State of South Carolina, and constitute the governing body of the said County, and shall hereinafter be referred to as Edgefield County.

2. That Fred W. Scott, C. T. Whetstone, Mackey Scott, and Charlie Kneece 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 provision of the Uniform Declaratory Judgments Act for the purpose of having determined and declared the rights, status, and other legal relations between the parties hereto; to fix and establish and have declared the true boundary line between the County of Edgefield 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 County of Edgefield; that such determination is necessary in order to remove doubt and uncertainty with regard to taxation, criminal prosecution, and other numerous problems arising by

reason of the improper assertion of jurisdiction by the County of Aiken over lands and residents of the County of Edgefield.

4. That the boundary between the County of Edgefield 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 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 Savannah River, running thence to where the south branch of Chinquapin Falls Creek (a tributary of the North Edisto River) intersects the Saluda and Lexington line*****."

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.

6. 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 Edgefield 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 five maps hereto attached.

7. That the County of Aiken has asserted authority and jurisdiction over the area improperly included within the erroneous boundary limits set forth as Parcel No. 1 of Exhibit "A" by the imposition of taxation; by the prosecution of criminal offenses arising within the area; by including the said area for the purpose of imposition of bonded indebtedness of Aiken County; by inclusion of the area lying within the County of

8. That Edgefield County alleges a survey of the said boundary should be made under the order 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, at specified distances, the said boundary.

9. That the County of Aiken is now in the process of assessing property within the territorial limits of the County of Edgefield for the purpose of imposing taxes thereon; and that the County of Aiken will assert its authority for the collection of such taxes unless Aiken County is restrained and enjoined therefrom, as Edgefield 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, Plaintiffs pray:

(a) That this Honorable Court do render its declaratory judgment declaring the rights, status, and other legal relation of the parties hereto.

(b) That this Honorable Court do appoint a surveyor or surveyors to survey the boundary line between Edgefield and Aiken 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 Edgefield and Aiken 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" hereof as a 'red line'.

(d) That Aiken County be restrained and enjoined Pendente Lite from assertion of authority or jurisdiction in any manner over the territory shown by Parcel No. 1 of Exhibit "A"

STATE OF SOUTH CAROLINA }
COUNTY OF EDGEFIELD)

Personally come William T. Bell, Ira Robertson, and Walter Morgan, who on oath depose and say that they are the Commissioners and Sub-commissioners of the County of Edgefield, State of South Carolina, and are the duly elected, qualified and acting Board of Commissioners of the County of Edgefield, State of South Carolina, and constitute the 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

30th day of September, 1966.

W. T. Bell

Ira Robertson

Charles W. Selma

(L.S.)

W. E. Morgan

Notary Public for South Carolina