

street.

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It further appears to this Court from the pleadings and the testimony that the Defendants above named constitute a true representation and class of the remote grantees of J. M. Fortner and the general public and that their interests are identical with the interests of any other person who might own property in Fortner Park Subdivision or be a member of the general public and that accordingly all necessary parties having any right, title or interest in and to said 30-foot street are properly before this Court.

Based upon the foregoing, this Court finds that a justiciable controversy relating to property situate in Greenville County, S. C. is presented to this Court which has jurisdiction of the subject matter and all necessary parties for a complete determination of all issues raised in the pleadings.

This Court further finds that said 30-foot street while being shown on a recorded plat of Fortner Park was never dedicated to the general public for public road purposes in that said street was never opened, improved or used for street purposes or deeded and accepted by and public authorities for said purposes. In order for a dedication to the general public of a road to be complete, there must be an expressed or implied acceptance of the dedication by members of the general public. Corbin v. Cherokee Realty Co., 229 S.C. 16, 91 S.E. 2d 542 (1956).

This Court further finds from the testimony that the Plaintiff, John W. Fortner, under both color and claim of title, has openly, hostilely and notoriously claimed, occupied and possessed the strip of land where said street is situate for a period of time exceeding ten (10) years before the date of the commencement of this action in that he has exercised numerous incidents of ownership thereto, including the construction of improvements on said property, the collection of rents, making of repairs, payment of taxes, and

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