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This action was then instituted by the Plaintiff joining both the Trustee and the Railroad as Defendants so that the validity of the respective claims to the 100 foot strip of land could be judicially resolved. The Trustee duly answered, admitting for the most part the pertinent allegations of the Complaint, but denying that the Railroad either had a fee simple interest or that a cloud on title existed and further, asking this Court to require specific performance from the Plaintiff. The Railroad also answered, asserting that it was informed and believed that it did in fact possess a fee simple title to the 100 foot strip of land.

From the pleadings, the Answer to Request for Admissions and the conference with the Court, it appears that the Railroad bases its claim first, upon a conveyance from J. W. Burgess to the Greenville and Laurens Railroad (the predecessor in title to the Seaboard Coast Line Railroad) dated June 13, 1882, and recorded in the RMC Office for Greenville County in Deed Book TT at Page 98 and secondly, as a result of adverse possession.

In an effort to resolve this controversy, the parties have now agreed between themselves that the Railroad's interest to the 100 foot strip of land running from the southernmost point to the northernmost part of the 85.477 acre tract, is no more than a right-of-way for railroad purposes only and not a

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