

1976 S.C. Op. Atty. Gen. 337 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4478, 1976 WL 23095

Office of the Attorney General

State of South Carolina

Opinion No. 4478

October 6, 1976

**\*1 In Re: Boundary line between Fairfield and Chester Counties**

Mr. M. D. Douglas  
Messrs. Douglas & Douglas  
Attorneys at Law  
Winnsboro, South Carolina

Dear Moultrie:

Thank you for your letter of October 6, 1976, reciting that the boundary line between Fairfield and Chester Counties has been obscured by inability to establish certain monuments, apparently from flooding, which makes certain fixed points impossible of ascertainment.

I do not think that Fairfield and Chester can agree on a line and thereby establish it, even though it may be upon the best information available, such as aerial photographs. It seems to me the best method under the peculiar circumstances that seem to exist here is to institute a declaratory action and seek to have the court confirm the boundary as mutually agreed upon.

Sometime ago there was a dispute between Aiken and Edgefield Counties which arose from the common acceptance of an erroneous line and which had the effect of putting a portion of Edgefield County into Aiken County where it was taxed and where criminal actions were instituted for a long number of years. A declaratory action fixed the line as reference to the old descriptions and historical documents showed it should be. In the Fairfield-Chester situation there is general agreement as to where the line should be and, for that reason, it seems to me that a confirmation by the court of this line would be sufficient.

With best wishes,  
Very truly yours,

Daniel R. McLeod  
Attorney General

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