

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Caroline LeGrande, H. Paul LeGrande, Jr., and Marion
Mancini, Appellants,

v.

South Carolina Electric & Gas Company, Respondent.

Appellate Case No. 2011-204148

Appeal From Richland County
Alison Renee Lee, Circuit Court Judge

Unpublished Opinion No. 2013-UP-125
Heard March 6, 2013 – Filed March 27, 2013

AFFIRMED

Robert B. Ransom, of Leventis & Ransom, of Columbia,
for Appellants.

Steven James Pugh and Mason A. Summers, both of
Richardson Plowden & Robinson, PA, of Columbia, and
John M. Mahon, Jr., of Cayce, for Respondent.

PER CURIAM: Caroline LeGrande, H. Paul LeGrande, Jr., and Marion Mancini
(LeGrandes) appeal the order of the trial judge granting summary judgment to

South Carolina Electric and Gas Company (SCE&G) in an action over destruction of cedar trees and a fence along Turkey Farm Road near Blythewood. We affirmed.

The LeGrandes argue the circuit court erred in finding as a matter of law that in 2005 they did not own the cedar trees and fence along Turkey Farm Road that SCE&G destroyed. Regardless of whether the South Carolina Department of Transportation (SCDOT) owned the right of way in fee, SCE&G had the right to use SCDOT's right of way to cut trees under South Carolina Code sections 58-9-2020 (1976) and 58-27-130 (Supp. 2012) (granting telephone and power companies the right to use public roads for their lines). In addition, pursuant to the 1936 electric power easement to SCE&G's predecessor, the power company had the "right to cut or trim trees along said line." The 1967 easement for SCDOT on Turkey Farm Road stated that the LeGrandes were not to erect any "buildings, fences, signs or other obstructions" in the right of way. Accordingly, the LeGrandes' claims for trespass, destruction of trees, destruction of fence, and conversion fail as a matter of law.

AFFIRMED.

HUFF, WILLIAMS, and KONDUROS, JJ., concur.