

**IN THE SUPREME COURT FOR THE  
STATE OF GEORGIA**

**PLEASURE BLUFF DOCK CLUB, INC.** )

**APPELLANT** )

**And** )

**MARIE E. ARLEDGE, HOWARD DeLOACH,** )

**GYNETTE DeLOACH, SHIRLEY GROOMS,** )

**SIDNEY R. MILES, LANA D. MILES,** )

**EDWARD D. SCARBOROUGH, MARIE E.** )

**SCARBOROUGH, JOHN TERRY SHEPARD** )

**and SHERYL W. SHEPARD** )

**INTEVENOR APPELLANTS,** )

**vs.** )

**ROBERT D. POSTON and** )

**LINDA R. POSTON** )

**APPELLEES** )

**CASE NO. S08A0287**

FILED IN OFFICE

**DEC 21 2007**

COURT CLERK  
CLERK COURT OF APPEALS OF GA

**ENUMERATION OF ERRORS**

**Pleasure Bluff Dock Club, Inc.,  
et al,**

**Appellants**

**Donald O. Nelson, Attorney**

**Georgia Bar No. 537800**

**Rt. 3, Box 3147-A**

**Townsend, GA 31331**

**912/832-2777**

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	)	
<b>APPELLANT</b>	)	<b>CASE NO. S08A0287</b>
<b>And,</b>	)	
	)	
<b>MARIE E. ARLEDGE, HOWARD DeLOACH,</b>	)	
<b>GYNETTE DeLOACH, SHIRLEY GROOMS,</b>	)	
<b>SIDNEY R. MILES, LANA D. MILES,</b>	)	
<b>EDWARD D. SCARBOROUGH, MARIE E.</b>	)	
<b>SCARBOROUGH, JOHN TERRY SHEPARD</b>	)	
<b>and SHERYL W. SHEPARD</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>ROBERT D. POSTON and</b>	)	
<b>LINDA R. POSTON</b>	)	
	)	
<b>APPELLEES</b>	)	

**ENUMERATION OF ERRORS**

**STATEMENT OF JURISDICTION**

This is an action directly involving title to land and the Supreme Court of Georgia, and not the Court of Appeals, would appear to have exclusive

jurisdiction over the appeal by precedent and by virtue of the Georgia Constitution, Article 6, § 6 Paragraph III (1.) Cases involving title to land.

## **PART I**

The Trial Court erred in failing to distinguish an easement by prescription which can be lost by non-use or abandonment and an easement by grant which cannot be lost by non-use or abandonment no matter how long a period.

## **PART II**

The Trial Court erred in refusing to consider Appellants' objection to the Special Master's report for failure of the Appellants to comply with the provisions of O.C.G.A. § 9-7/14, which is applicable only to Auditor's Reports in equitable proceedings including matters of accounting and not in Complaints For Declaratory Judgment, which is a proceeding in law.

**SO SUBMITTED**, this the 6<sup>th</sup> day of November, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald O. Nelson". The signature is fluid and cursive, with a horizontal line underneath it.

Donald O. Nelson

Attorney for Appellants

Georgia Bar No. 537800

Rt. 3, Box 3147-A

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	)	
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	)	
<b>APPELLEES</b>	)	

**CERTIFICATE OF SERVICE PURSUANT TO UNIFORM  
SUPREME COURT RULES**

COMES NOW, Donald O. Nelson, Attorney for the above-cited Appellants, and files this Certificate in compliance with Uniform Supreme Court Rules as follows:

**ENUMERATION OF ERRORS**

was served on this day by causing same to be \_\_\_ hand-delivered,  placed in the United States mail, \_\_\_ Federal Express, \_\_\_ sent via fax transmission, at the addresses shown below:

Attorney Owen C. Murphy  
Inglesby, Falligant, Horne, Courington & Chisholm, P.C.  
Post Office Box 1368  
Savannah, Georgia 31402-1368

This the 6th day of November, 2007.

Respectfully submitted,



Donald O. Nelson, P.C.  
Attorney for Appellants  
State of Georgia Bar No. 537800

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