

1983 WL 181983 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 31, 1983

*1 Mr. Stuart E. Greeter, Jr.
Environmental Planner
S.C. Heritage Trust
S.C. Wildlife & Marine Resources Department
Rembert C. Dennis Building
Columbia, South Carolina 29201

Dear Mr. Greeter:

You have requested an opinion as to the state of title of Pumpkinseed Island, an uninhabited marsh island in Winyah Bay, Georgetown County.

An examination of the title documents from the early 1700's and forward indicates a substantial possibility that the island was included in one of the original grants to the mainland nearby. In any event, the island has been clearly described and transferred in all of the title documents of the 20th Century. Specifically, Pumpkinseed Island is conveyed in 1905 by John Henry Donaldson to Bernard M. Baruch; in 1943 from Bernard M. Baruch to his daughter Belle W. Baruch; and in 1964 passes with the residual property to the Baruch Foundation in Ms. Baruch's Will. The records of Georgetown County reveal that Belle Baruch did not convey Pumpkinseed Island to anyone during her lifetime.

Accordingly, it is the opinion of this office that Pumpkinseed Island passed in 1964 to the Baruch Foundation. Assuming that the Baruch Foundation has not conveyed it between 1964 and the present, (and this point needs to be checked), it is the opinion of this office that the Baruch Foundation is the present owner of Pumpkinseed Island. This conclusion, however, is based primarily on documents supplied to this office rather than independent title research. Should there be any need for extreme caution in this matter, which is unlikely, further title research might be in order.

Sincerely yours,

Kenneth P. Woodington
Senior Assistant Attorney General

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