



## Supreme Court of Georgia

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## SUMMARIES OF OPINIONS

Published Thursday, May 19, 2016

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### **JOHNSON V. HOLMES (S16A0362)**

The Supreme Court of Georgia has reversed a **McIntosh County** court ruling in a dispute among heirs over who among them legally owns a valuable plot of land in the historic Hog Hammock subdivision on Sapelo Island.

In today's unanimous opinion, **Chief Justice Hugh Thompson** writes that the trial court erred by ruling that the 2-acre plot rightfully belongs to Edna Holmes to the exclusion of her cousins because the 59-year-old deed on which she relies is insufficient. "Accordingly, we reverse the trial court's judgment," the opinion says, and "we remand this case for further proceedings consistent with this opinion."

The genesis of the dispute dates back to the 1950s when tobacco magnate R.J. Reynolds' son, Richard Joshua Reynolds, Jr., who owned a significant amount of land on Sapelo Island, started to consolidate his land holdings on the island. Reynolds exchanged multiple parcels of land in the "Hog Hammock Subdivision" for equal acreage in the "Raccoon Bluff Subdivision." The record shows that Reynolds intended to acquire large tracts of land adjacent to one another so he could create a hunting ranch on the island. One of these land exchanges included the 2-acre Hog Hammock parcel at issue in this case, which in a 1957 deed, Reynolds intended to convey to Ronister Johnson. Reynolds approached Ronister Johnson as the representative for the Johnson family's land in Raccoon Bluff because Ronister was the oldest of 16 siblings. The deed that Reynolds delivered to Ronister Johnson described the property he was conveying to Johnson as two acres "in the Hog Hammock Subdivision and shown on the map of said Subdivision as a portion of Lot No. 28, and shown on the map of said Subdivision as '2 acres additional Johnson Estate,' to which said map reference is made for all purposes."

Reynolds died in 1964, and all his land passed to his wife, Annemarie Schmidt Reynolds. Five years later, she sold the land holdings to the State of Georgia and the Sapelo Island Research Fund. By 1976, the Reynolds' estate no longer had title to any property on Sapelo Island. Three years later, in 1979, someone anonymously recorded the 1957 deed in the McIntosh County records. A hand-drawn map was recorded the same day. The map is unsigned, undated and bears no label or description. It makes no reference to the "Hog Hammock Subdivision" and simply depicts "2 acres additional Johnson estate" within the boundary lines of plot number "28." In 1982, Ronister Johnson and his brother, concerned about the adequacy of the legal description in the 1957 deed, approached the Sapelo Island Research Fund and asked it to draw up a deed with a sufficient legal description to replace the 1957 deed. The organization agreed and after an unexplained delay, executed a new deed in 1992 in favor of the seven living children of Ronister Johnson's parents.

In 2011, Eldora Cabral, Ronister's daughter, filed a lawsuit claiming exclusive title to the two-acre parcel of land, against the interests of the descendants of her father's siblings. While the lawsuit was pending, Cabral died and her daughter, Edna Holmes, stepped in as the plaintiff and claimed the land was hers under the 1957 deed. Four of her cousins counterclaimed that under the 1992 deed, the land was to be shared among the descendants of the seven siblings and Holmes owned only one-seventh of the two acres. In 2015, the trial court ruled in Holmes' favor, finding that the 1957 deed had a valid legal description and that Holmes was the exclusive owner of the land. Julius Johnson and three other descendants then appealed to the Georgia Supreme Court.

"On its face, the description in the 1957 deed is insufficient to identify the property purportedly conveyed to Ronister Johnson," today's opinion says. "Of course, a deed can incorporate extrinsic material, such as a map or plat, by reference and where it does, 'such map or plat will ordinarily be considered as incorporated in the deed itself.' In this case, however, the reference to the map of the Hog Hammock Subdivision fails because no such map has been found and the hand-drawn rendering recorded with the deed is not that map. Moreover, even if it can be said that the hand-drawn rendering was referenced and incorporated in the deed, it would not provide a key to the location of the property because it bears no indicia showing it was in existence at the time of the execution of the deed."

"Because the deed upon which [Holmes] relies does not contain a valid description of the property, we reverse," the opinion says.

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