

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SEP 13 2022

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Master In Equity
Hon. Mikell R. Scarborough

APPELLATE CASE NUMBER: 2022-000172

Johnny Scott.....Respondent

v.

Heirs of James Prioleau, Crystal Adams, John Doe, Sarah Roe, Richard Roe and Mary
Roe, being fictitious names used to designate the unknown heirs-at-law, administrators,
executors, successors and assigns if any and all other persons claiming any right, title,
estate, interest in or lien upon the lands of the Estate of James Prioleau, or any portion
thereof, including any such as may be infants, incompetents, or otherwise under any
disability.....Appellants.

RECORD ON APPEAL

Veronica G. Small, Esquire
Family Legal Services, LLC
3300 W. Montague Avenue, Ste 102
North Charleston, SC 29418
Ph: 843-556-8838; Fax: 843-203-4527
Attorney for Respondent

Other Counsels of Record:

Willie B. Heyward, Esquire
Heirs' Property Law Firm, LLC
27 Gamecock Avenue, Suite 200
Charleston, SC 29407

Toya Hampton, Esquire
1847 Ashley River Road, Suite 200
Charleston, SC 29407
Guardian ad Litem

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STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO.: 2020-CP-10-04908

JOHNNY SCOTT,)
))
Plaintiff,)
))
vs.)
))
HEIRS OF JAMES PRIOLEAU, CRYSTAL ADAMS,)
JOHN DOE, SARAH DOE, RICHARD ROE AND)
MARY ROE, being fictitious names used to)
designate the unknown heirs-at-law, administrators,)
executors, successors and assigns if any and all)
other persons claiming any right, title, estate,)
interest in or lien upon the lands of the estate of)
JAMES PRIOLEAU, or any portion thereof,)
including any such as may be infants, incompetents,)
or otherwise under any disability,)
))
Defendants.)
_____)

**FINAL ORDER
QUIETING BOUNDARY
DISPUTE**

Pursuant to Rule 53 SCRPC, the above-entitled matter was referred to the undersigned to make appropriate findings of fact and conclusions of law and to enter a final judgment in the case which involved a boundary dispute between Plaintiff Johnny Scott and certain of the Heirs of James Prioleau. This matter came before the Court for a final hearing on December 13, 2021.

The following pleadings were filed in the office of the Clerk of Court:

1. Amended Summons and Complaint filed on November 19, 2020;
2. Lis Pendens;
3. Notice of Intent to Refer to the Master in Equity
4. Affidavit of Publication and Order of Publication;
5. Affidavit of Publication on March 17, 2021, March 24, 2021 and March 31, 2021.
6. Petition and Order Appointing Guardian *ad Litem*;
7. Order of Default and Reference with Authority of the Master to Issue a Final Decree dated June 3, 2021.

The Defendants in the above captioned matter were served by certified mail and publication. The record further contains no timely responsive pleadings.

On June 14, 2021, Parris Williams, one of the heirs of James Prioleau, filed an Answer alleging that none of the heirs had been properly served, and further this matter had been resolved by a quiet title action he had filed in another litigation. On June 21, 2021, Plaintiff filed a Notice of Motion and Motion to Strike the Answer of Parris Williams alleging that the Heirs of James Prioleau had been properly served by certified mail and by publication and no answer had been timely filed and the parties had been adjudged in default. On June 17, 2021, Stewart Middleton filed an Answer on the same grounds as asserted by the Defendant Parris Williams alleging that a quiet title action filed by him in a separate lawsuit determined his interest in the property and, further, that he had not been properly served. Plaintiff filed a Notice of Motion and Motion to Strike the Answer of Stewart Middleton on the same grounds as asserted in his response to strike the untimely answer of Parris Williams.

A virtual hearing was held in this matter on August 30, 2021 at which time Defendants Parris Williams and Stewart Middleton, by and through their attorney Willie B. Heyward, argued their motion before the court at a pretrial hearing. Plaintiff argued that the aforesaid Defendants were in default and each of their answers were untimely. Defendants thereafter made an oral motion to set aside the default entered on June 3, 2021. On September 27, 2021, Defendants' motions to set aside the default was denied and the answers filed by said Defendants stricken. The properties referenced in the purported Answers filed by Parris Williams and Stewart Middleton were not the same property referenced in Plaintiff's complaint and Plaintiff was not individually named in either of the lawsuits. In addition, service on the Heirs of James Prioleau were made to the address listed on the tax bill. In addition, Parris Williams was served as an

Heir of James Prioleau and acknowledged acceptance of the pleadings.

The Heirs of James Prioleau and Defendant Chrystal Adams were served with notice of the final hearing by certified mail on November 30, 2021. On December 21, 2021, Dan Middleton, Carl Middleton, Jr. and Carl Middleton, III, filed a motion to intervene in this matter on the grounds that they are Heirs of James Prioleau and the complaint filed by the Plaintiff adversely affected their respective interests. Plaintiff filed an Amended Return to Defendants' motion to intervene on December 11, 2021.

The Court acknowledges that the motion of the aforesaid intervenors have a right to intervene pursuant to SCRCF Section 24(a) because the subject matter of this action deals with real property; however, Section 24(a) requires a timely action. Further, pursuant to permissive right to intervene pursuant to SCRCF Section 24(b), any claim or defense to the main action in this matter which may have a common question of law or fact is properly represented by the court appointed GAL. The motion to intervene in this matter was made less than ten (10) days before the final hearing, and therefore, not timely filed. In addition, neither of the intervenors nor their attorney, Willie B. Heyward, appeared at the final hearing. Accordingly, the motion to intervene is denied.

Present in Court for the final hearing were Plaintiff and the Court appointed Guardian *ad litem*, Toya Hampton, Esquire who was appointed to represent any minors or incompetent persons who may have an interest in the present litigation. It appears that after a diligent search was made by the Guardian *ad Litem*, there are no such incompetent persons and further, that she had not been contacted by anyone in regards to this litigation. In addition, present at the hearing were Joe Nathan Prioleau and Karen Prioleau, heirs of James Prioleau.

Upon hearing this matter, the Court finds the following salient facts:

1. The real property which is the subject of this lawsuit is more fully and accurately described as follows:

ALL that piece, parcel or tract of land, situate lying and being on James Island, County of Charleston, State of South Carolina, known and designated as Tract B on a plat entitled, "PLAT OF JOHN RICHARDSON ESTATE, James Island Charleston County South Carolina" surveyed by A. Molinaroli and survey check and plat prepared by Tommy E. Ayers, May 1960, and recorded in the Register of Deeds Office for Charleston County in Plat Book M, page 149.

Tract B Measuring and Containing 3.4 acres. To establish a Point of Beginning, begin at a point established by an old axle at the intersection of an old road separating Tract C hereafter described from the lands now or formerly of Praleau; thence n generally a Southerly direction to the Southeastern right-of-way of the old road bounding on lands now or formerly of Praleau; in generally a Northeastern direction along the Southeastern side of the said old road on a line bearing N 20 degrees 03 minutes E, approximately 1,033.7 feet to a ditch separating the said Tract B from the lands now or formerly of Praleau, being the Point of Beginning; thence continuing along the old road on the aforesaid bearing 140 feet to a point; thence on a line bearing N 74 degrees 03 minutes E, 373.6 feet to a point on an old bank; thence S16 degrees 33 minutes E, along the old bank for a distance of 417.3 feet; thence N 83 degrees 48 minutes W, 294.7 feet to a point at the intersection of a ditch; thence N 57 degrees 56 minutes W, 270 feet to the Point of Beginning.

TMS No.: 334-10-00-021

2. The subject property was acquired by Plaintiff and his former wife, Wanda R. J. Scott by deed of Buist L. Hanahan on February 2, 1995, said deed being recorded in the Register of Deeds Office for Charleston County in Book A253 and page 286.

3. Buist L. Hanahan acquired the subject property pursuant to the Order of the Honorable Louis E. Condon, dated July 29, 1985 in Case No.: 85-CP-10-400, said deed being duly signed by Leroy Roper and Alfred Richardson on July 31, 1985 and recorded in the Register of Deeds Office for Charleston County in Book D147 at Page 066. Attached to the aforesaid deed was a Rider describing Tract B which was transferred to Buist L. Hanahan. The aforesaid Rider described the property purchased by the Plaintiff herein.

4. On June 17, 2004, Wanda R. J. Scott transferred her interest in the subject property to the Plaintiff, said deed being recorded in the Register of Deeds Office for Charleston County in Book E500 at Page 283.

5. Plaintiff has occupied the subject property without interference from February 2, 1995 to the present time. Shortly after acquiring the subject property, Plaintiff fenced in the property and the subject property remain fenced to this day.

6. The subject property was surveyed by Atlantic Surveying, Inc., on January 31, 2020 which showed that the boundary lines for lots with TMS Numbers 334-00-00-105 (Lot D), 334-00-00-106 (Lot 3), and 334-00-00-144 (Lot 1-A) each encroached on Plaintiff's property. Further, the subject survey showed that the boundary line for the Lot with TMS Number 334-00-00-116 (Lot 2b) had been corrected to remove the encroachment with Plaintiff's property, said encroachment having been caused by a Plat made by George A.Z. Johnson, Jr., surveyor, recorded in the Register of Deeds Office in Plat Book BO-058 on November 27, 1985. As a result of the aforesaid plat made by George A. Z. Johnson, Jr., lots with TMS Numbers 334-00-00-105 (Lot D), 334-00-00-106 (Lot 3,) and 334-00-00-144 (Lot 1-A) also incorrectly encroached on Plaintiff's property, and said encroachments shall be removed from the referenced plat.

7. The Court finds that the survey completed by Atlantic Surveying, Inc. on January 31, 2020, filed in the court as Exhibit 4 conforms to the description in the Rider describing Tract B of the land transferred by deed to Buist L. Hanahan in 1985, Plaintiff's predecessor in title. Therefore, the Court finds that Plaintiff is the sole owner of the property as depicted by the Atlantic Surveying, Inc., without any overlapping encroachment of the referenced lots and further that said Plat shall be recorded in the Register of Deeds Office for

Charleston County in order to correct the encroachment.

Therefore, it is hereby

ORDERED that Johnny Scott is the sole owner of the property described as TMS# 334-10-00-021 located on James Island, SC with the street address of 1779 Hazzard Lane, James Island, SC 29412, said ownership is by claim of right adverse to all other persons that may claim any interest in this tract with TMS Numbers 334-00-00-105 (Lot D), 334-00-00-106 (Lot 3), and 334-00-00-144(Lot 1-A); it is further

ORDERED that Johnny Scott is vested with good and marketable title in the property known as TMS# 334-10-00-021 located on James Island, SC and described herein in the plat of Atlantic Surveying, Inc., dated January 31, 2020, said plat to be recorded to correct any overlapping encroachments.

AND IT IS SO ORDERED this ____ day of _____, 2022 at Charleston, South Carolina.

Mikell R. Scarborough, Charleston
Charleston County Master in Equity



Charleston Common Pleas

Case Caption: Johnny Scott VS Nathaniel Smalls , defendant, et al

Case Number: 2020CP1004908

Type: Master/Order/Other

So Ordered

s/Mikell R. Scarborough 3062

Electronically signed on 2022-01-14 17:06:45 page 7 of 7

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
CASE NO.: 2020-CP-10-04908

JOHNNY SCOTT,)
))
Plaintiff,)
))
vs.)
))
HEIRS OF JAMES PRIOLEAU, CRYSTAL ADAMS,)
JOHN DOE, SARAH DOE, RICHARD ROE AND)
MARY ROE, being fictitious names used to)
designate the unknown heirs-at-law, administrators,)
executors, successors and assigns if any and all)
other persons claiming any right, title, estate,)
interest in or lien upon the lands of the estate of)
JAMES PRIOLEAU, or any portion thereof,)
including any such as may be infants, incompetents,)
or otherwise under any disability,)
))
Defendants.)
_____)

AMENDED SUMMONS

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint upon the subscriber at his office, located at 3300 West Montague Avenue, Ste. 102, North Charleston, South Carolina 29418 within thirty (30) days after the service hereof, exclusive of the day of such service; and, if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in said Complaint.

/s/ Veronica G. Small, Esquire
Family Legal Services, LLC

ATTORNEY FOR PLAINTIFF

North Charleston, S.C.
November 18, 2020

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO.: 2020-CP-10-04908

JOHNNY SCOTT,)
)
Plaintiff,)
)
vs.)
)
HEIRS OF JAMES PRIOLEAU, CRYSTAL ADAMS,)
JOHN DOE, SARAH DOE, RICHARD ROE AND)
MARY ROE, being fictitious names used to)
designate the unknown heirs-at-law, administrators,)
executors, successors and assigns if any and all)
other persons claiming any right, title, estate,)
interest in or lien upon the lands of the estate of)
JAMES PRIOLEAU, or any portion thereof,)
including any such as may be infants, incompetents,)
or otherwise under any disability,)
)
Defendants.)
_____)

AMENDED COMPLAINT

COMES NOW, the Plaintiff by and through her undersigned attorney,
complaining of the Defendant herein as follows:

1. This action is brought pursuant to the provisions of the South Carolina Uniform Declaratory Judgment Act, §15-53-10, et seq., Code of Laws for South Carolina, 1976, to obtain a declaration of the rights, status and other legal relations of the parties hereto in respect to the real estate hereinafter described

2. The real estate which is the subject matter of this action is situated in the County of Charleston, State of South Carolina, and is more fully described as follows:

ALL that piece, parcel or tract of land, situate lying and being on James Island, County of Charleston, State of South Carolina, known and designated as Tract B on a plat entitled, "PLAT OF JOHN RICHARDSON ESTATE, James Island Charleston County South Carolina" surveyed by A. Molinaroli and survey check and

plat prepared by Tommy E. Ayers, May 1960, and recorded in the Register of Deeds Office for Charleston County in Plat Book M, page 149.

Tract B Measuring and Containing 3.4 acres. To establish a Point of Beginning, begin at a point established by an old axle at the intersection of an old road separating Tract C hereafter described from the lands now or formerly of Praleau; thence n generally a Southerly direction to the Southeastern right-of-way of the old road bounding on lands now or formerly of Praleau; in generally a Northeastern direction along the Southeastern side of the said old road on a line bearing N 20 degrees 03 minutes E, approximately 1,033.7 feet to a ditch separating the said Tract B from the lands now or formerly of Praleau, being the Point of Beginning; thence continuing along the old road on the aforesaid bearing 140 feet to a point; thence on a line bearing N 74 degrees 03 minutes E, 373.6 feet to a point on an old bank; thence S16 degrees 33 minutes E, along the old bank for a distance of 417.3 feet; thence N 83 degrees 48 minutes W, 294.7 feet to a point at the intersection of a ditch; thence N 57 degrees 56 minutes W, 270 feet to the Point of Beginning.

TMS No.: 334-10-00-021

3. The aforesaid property known as 1779 Hazzard Lane, James Island, Charleston County, Charleston, South Carolina was conveyed to Buist L. Hanahan by deed of Leroy Roper and Alfred Richardson, as Trustees, by order of Judge O. T. Wallace dated February 14, 1965; in the case captioned ***John Roper, et al v. Emma Harris, et al***, said order having been recorded in the Register of Deeds Office for Charleston County, in Book G82, Page 359 on February 16, 1965; and pursuant to the Order of Judge Louis E. Condon, by deed recorded in the Register of Deeds Office for Charleston County on August 7, 1985, in Book D147, at Page 66, in Case Number 85-CP-10-400 (***Leroy Roper and Alfred Richardson v. Buist L. Hanahan and Charleston County***). (See Exhibit A attached hereto and incorporated by reference.)

4. The subject property was conveyed to Johnny Scott and Wanda R. J. Scott by deed of Buist L. Hanahan dated February 2, 1995 and recorded in the Register of Deeds Office for Charleston County on March 2, 1995 in Book A253 at Page 286. **(See Exhibit B attached hereto and incorporated by reference)**. Wanda R. J. Scott transferred her interest in said property to Johnny Scott by Quit Claim Deed dated June 17, 2004 and recorded in the Register of Deeds Office for Charleston County in Book 500 at page 283.

5. Since in or about 1995, no one other than Plaintiff has had physical possession of the subject property nor has any one attempted to occupy said property. Plaintiff's possession of the subject property has not been disturbed and said property has been secured by fencing since Plaintiff obtained possession thereof in 1995.

6. A boundary survey of the property which is the subject of this action was completed by Palmetto Land Surveying, Inc. in 2015 and a plat of the subject property recorded in the Register of Deeds Office for Charleston County in Plat Book S17 at Page 0113. A copy of the plat is attached hereto as **Exhibit C** and incorporated by reference thereto.

7. On January 31, 2020, Plaintiff's surveyed his property again as a result of title issues experienced as he attempted to sell his property. The survey completed by Atlantic Surveying, Inc. is attached hereto as **Exhibit D** and it shows several adjoining properties encroaching on Plaintiff's legal title.

8. More specifically, the survey completed by Atlantic Surveying, Inc. shows that the property owned by the Heirs of James Prioleau, known as parcel Lot D, TMS #334-00-00-105, **encroaches on Plaintiff's property**.

9. The survey completed by Atlantic Surveying, Inc. shows that the property owned by the Heirs of James Prioleau, known as parcel Lot 3, TMS# 3341-00-00-106, **encroaches on Plaintiff's property.**

10. The survey completed by Atlantic Surveying, Inc. shows that the parcel known as Lot 2B, TMS #334-00-00-116 was formerly owned by the Heirs of James Prioleau, but is now owned by Defendant Crystal Adams. Lot 2B previously encroached on Plaintiff's property, but same has been corrected as evidenced by the plat of Parker Land Surveying Company, dated July 7, 2020, and recorded in the Register of Deeds Office for Charleston County in Plat Book L20 at Page 0265, attached hereto as **Exhibit E**. This most recent plat of Lot 2B shows "the property line adjustment of Lot 2B....to correct an overlap that was created by a previous plat recorded in Plat (Book BO)...."

11. The survey completed by Atlantic Surveying, Inc. shows that the property owned by the Heirs of James Prioleau, known as parcel Lot 1-A, TMS# 334-00-00-144, **encroaches on Plaintiff's property.**

12. Plaintiff has possessed the real estate constituting the subject matter of this action, which is specifically described herein, for a period well in excess of twenty (20) years and his possession has been actual, exclusive, notorious and hostile.

13. The chain of title to the subject property has been continuance from 1985 when same was acquired by Plaintiff's predecessor in title by order of the Master in Equity for Charleston County to the present time.

14. Plaintiff believes that he should be declared the owner in fee simple of the subject real estate by virtue of legal ownership, actual possession and, in the alternative, by adverse possession of said property.

15. Upon information and belief, Plaintiff believes that this Court should declare that he is the rightful owner of the said property by virtue of its claim under legal title, actual possession, color of title and under the 10 and 20 year adverse possession statutes.

WHEREFORE, Plaintiff prays unto this Honorable Court as follows:

1. That this Honorable Court inquire into the premises herein about described and decree that Plaintiff is the present owner of the above described real estate;
2. That this Honorable Court confirm title to the premises to Plaintiff and that all others be barred of all right, title, estate, interest in or lien upon the said real estate;
3. That this Honorable Court direct the Master-in-Equity for Charleston County issue his deed confirming title to the subject real estate to Plaintiff as the rightful owner of said real estate; and
4. That this Honorable Court grant such other and further relief as it may deem proper, equitable and just.

/s/ Veronica G. Small (Bar # 5159)
 Family Legal Services, LLC
 3300 W. Montague Avenue, Ste 102
 North Charleston, S.C. 29418
 843.556-8838; 843.203-4527 (fax)
 email: vsmall@familylegalservicesllc.com

ATTORNEY FOR PLAINTIFF

At North Charleston, SC
 November 18, 2020

FAMILY LEGAL SERVICES, LLC
Veronica G. Small, Esquire

3300 W. Montague Avenue, Ste 102
North Charleston, South Carolina 29418
842-556-8838 (ph); 843-203-4327 (fax)
e-mail: vsmall@familylegalservicesllc.com

November 23, 2020

Certified Mail - Return Receipt Request

Heirs of James Prioleau
1833 S. Grimball Rd
Charleston, SC 29412

Re: Johnny Scott v. Heirs of James Prioleau, et al
Case No.: 2020-CP-10-04908

Dear Sir/Madam:

Enclosed please find the following documents I am hereby serving upon you in the above referenced matter:

Amended Summons and Complaint
Notice of Filing
Notice of Intent to Refer to Master-in-Equity
Petition for Appointment of Guardian *ad Litem*
Order Appointing, Guardian *ad Litem*

Please govern yourself accordingly.

Sincerely,



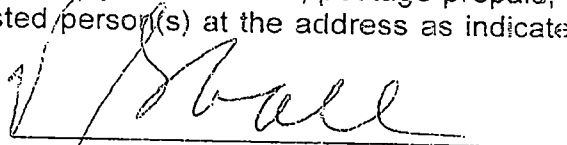
Veronica G. Small
VG3/sgv

Enclosures

cc: Johnny Scott

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 23th day of November, 2020, she served a copy of the attached pleadings and Order, by certified mail, postage prepaid, in a sealed addressed envelope to the above listed person(s) at the address as indicated above.


Veronica G. Small, Esquire

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

James P. ...
1833 S. ...
Charleston, SC 29412



9590 9402 2904 7094 2556 84

2. Article Number (Transfer from service label)

7018 3090 0001 7830 1115

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by (Printed Name)
C. Date of Delivery

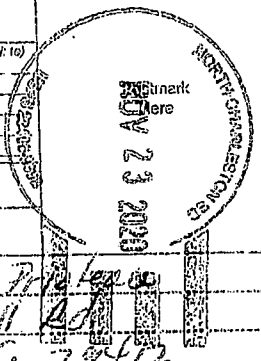
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
- | | |
|--|---|
| ☐ Adult Signature | ☐ Priority Mail Express® |
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| ☐ Certified Mail Restricted Delivery | ☐ Return Receipt for Merchandise |
| ☐ Collect on Delivery | ☐ Signature Confirmation™ |
| ☐ Collect on Delivery Restricted Delivery | ☐ Signature Confirmation Restricted Delivery |
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☐ Adult Signature Restricted Delivery \$
Postage \$
Total Postage and Fees \$



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1833 S. Grimball Apt 111
City, State, ZIP+4®
Charleston, SC 29412

1-800-9053 Domestic Return Receipt

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Postage \$
Total Postage and Fees \$

Sent To
First class apt. No. or PO Box No.
1833 S. Grimball Apt 111
City, State, ZIP+4®
Charleston, SC 29412

9111 DEPT 1000 GPOE RTD

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FAQs

[Track Another Package +](#)**Tracking Number:** 70183090000178301116[Remove](#)

Your item was delivered to an individual at the address at 11:26 am on November 25, 2020 in CHARLESTON, SC 29412.

 **Delivered, Left with Individual**

November 25, 2020 at 11:26 am
CHARLESTON, SC 29412

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FAMILY LEGAL SERVICES, LLC
Veronica G. Small, Esquire

3300 W. Montague Avenue, Ste 102
North Charleston, South Carolina 29418
842-556-8838 (ph); 843-203-4327 (fax)
e-mail: vsmall@familylegalservicesllc.com

November 23, 2020

Certified Mail - Return Receipt Request

Heirs of James Prioleau
1829 S. Grimball Road
Charleston, SC 29412

Re: Johnny Scott v. Heirs of James Prioleau, et al
Case No.: 2020-CP-10-04908

Dear Sir/Madam:

Enclosed please find the following documents I am hereby serving upon you in the above referenced matter:

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Notice of Filing
Notice of Intent to Refer to Master-in-Equity
Petition for Appointment of Guardian *ad Litem*
Order Appointing, Guardian *ad Litem*

Please govern yourself accordingly.

Sincerely,

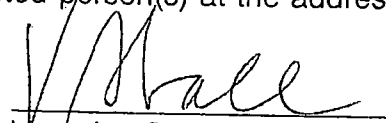

Veronica G. Small
VGS/sgv

Enclosures

cc: Johnny Scott

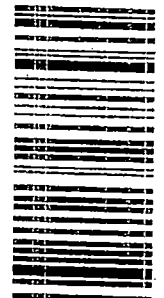
CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 23th day of November, 2020, she served a copy of the attached pleadings and Order, by certified mail, postage prepaid, in a sealed addressed envelope to the above listed person(s) at the address as indicated above.


Veronica G. Small, Esquire

IN RECEIPT REQUESTED

CERTIFIED MAIL



7018 3090 0001 7830 1109

U.S. Postal Service[®]
CERTIFIED MAIL[®] RECEIPT
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For delivery information, visit our website at www.usps.com

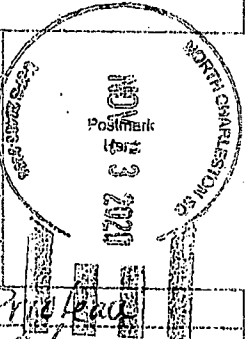
Certified Mail Fee

- Extra Services & Fees (check box, add fee as appropriate)
- ☐ Return Receipt (hardcopy) \$
 - ☐ Return Receipt (electronic) \$
 - ☐ Certified Mail Restricted Delivery \$
 - ☐ Adult Signature Required \$
 - ☐ Adult Signature Restricted Delivery \$

Postage

Total Postage and Fees

Sent To Heirs of James Prichard
Street and Apt. No., or PO Box No. 1829 S. Grimball Rd
City, State, ZIP+4[®] Charleston, SC 29412



SECTION ON DELIVERY

1. Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Heirs of James Prichard
1829 S. Grimball Rd
Charleston, SC 29412



9590 9402 2904 7094 2556 74

2. Article Number (Transfer from service label)

7018 3090 0001 7830 1109

☒ U Agent
☐ Addressee

B. Received by (Printed Name) [Signature] C. Date of Delivery 11-25-20

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
- ☐ Adult Signature
 - ☐ Adult Signature Restricted Delivery
 - ☒ Certified Mail[®]
 - ☐ Certified Mail Restricted Delivery
 - ☐ Collect on Delivery
 - ☐ Collect on Delivery Restricted Delivery
 - ☐ Mail Restricted Delivery
 - ☐ Priority Mail Express[®]
 - ☐ Registered Mail[™]
 - ☐ Registered Mail Restricted Delivery
 - ☐ Return Receipt for Merchandise
 - ☐ Signature Confirmation[™]
 - ☐ Signature Confirmation Restricted Delivery

FAMILY LEGAL SERVICES, LLC
Veronica G. Small, Esquire

3300 W. Montague Avenue, Ste 102
North Charleston, South Carolina 29418
842-556-8838 (ph); 843-203-4327 (fax)
e-mail: vsmall@familylegalservicesllc.com

November 23, 2020

Certified Mail - Return Receipt Request

Heirs of James Prioleau
1717 Folly Road
Charleston, SC 29412

Re: Johnny Scott v. Heirs of James Prioleau, et al
Case No.: 2020-CP-10-04908

Dear Sir/Madam:

Enclosed please find the following documents I am hereby serving upon you in the above referenced matter:

Amended Summons and Complaint
Notice of Filing
Notice of Intent to Refer to Master-in-Equity
Petition for Appointment of Guardian *ad Litem*
Order Appointing, Guardian *ad Litem*

Please govern yourself accordingly.

Sincerely,

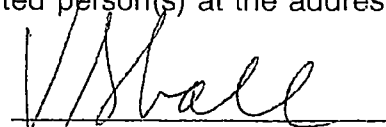

Veronica G. Small
VGS/sgv

Enclosures

cc: Johnny Scott

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 23th day of November, 2020, she served a copy of the attached pleadings and Order, by certified mail, postage prepaid, in a sealed addressed envelope to the above listed person(s) at the address as indicated above.


Veronica G. Small, Esquire

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY																	
☒ Complete items 1, 2, and 3. ☒ Print your name and address on the reverse so that we can return the card to you. ☒ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: <i>Heirs of James Pringle</i> <i>1711 Folly Road</i> <i>Charleston, SC 29412</i>  9590 9402 2904 7094 2556 67 2. Article Number (Transfer from service label) 7018 3090 0001 7830 1093 PS Form 3811, July 2015 PSN 7530-02-000-9053		A. Signature ☒ Agent ☐ Addressee B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No 3. Service Type <table border="0"><tr><td>☐ Adult Signature</td><td>☐ Priority Mail Express®</td></tr><tr><td>☐ Adult Signature Restricted Delivery</td><td>☐ Registered Mail™</td></tr><tr><td>☒ Certified Mail®</td><td>☐ Registered Mail Restricted Delivery</td></tr><tr><td>☐ Certified Mail Restricted Delivery</td><td>☐ Return Receipt for Merchandise</td></tr><tr><td>☐ Collect on Delivery</td><td>☐ Signature Confirmation™</td></tr><tr><td>☐ Collect on Delivery Restricted Delivery</td><td>☐ Signature Confirmation Restricted Delivery</td></tr><tr><td>☐ Insured Mail</td><td></td></tr><tr><td>☐ Mail Restricted Delivery (1)</td><td></td></tr></table> Domestic Return Receipt		☐ Adult Signature	☐ Priority Mail Express®	☐ Adult Signature Restricted Delivery	☐ Registered Mail™	☒ Certified Mail®	☐ Registered Mail Restricted Delivery	☐ Certified Mail Restricted Delivery	☐ Return Receipt for Merchandise	☐ Collect on Delivery	☐ Signature Confirmation™	☐ Collect on Delivery Restricted Delivery	☐ Signature Confirmation Restricted Delivery	☐ Insured Mail		☐ Mail Restricted Delivery (1)	
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☐ Collect on Delivery	☐ Signature Confirmation™																		
☐ Collect on Delivery Restricted Delivery	☐ Signature Confirmation Restricted Delivery																		
☐ Insured Mail																			
☐ Mail Restricted Delivery (1)																			

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY																	
☒ Complete items 1, 2, and 3. ☒ Print your name and address on the reverse so that we can return the card to you. ☒ Attach this card to the back of the mailpiece, or on the front if space permits. Article Addressed to: <i>Heirs of James Pringle</i> <i>1711 Folly Road</i> <i>Charleston, SC 29412</i>  9590 9402 2904 7094 2556 67 2. Article Number (Transfer from service label) 7018 3090 0001 7830 1093 PS Form 3811, July 2015 PSN 7530-02-000-9053		A. Signature ☒ Agent ☐ Addressee B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No 3. Service Type <table border="0"><tr><td>☐ Adult Signature</td><td>☐ Priority Mail Express®</td></tr><tr><td>☐ Adult Signature Restricted Delivery</td><td>☐ Registered Mail™</td></tr><tr><td>☒ Certified Mail®</td><td>☐ Registered Mail Restricted Delivery</td></tr><tr><td>☐ Certified Mail Restricted Delivery</td><td>☐ Return Receipt for Merchandise</td></tr><tr><td>☐ Collect on Delivery</td><td>☐ Signature Confirmation™</td></tr><tr><td>☐ Collect on Delivery Restricted Delivery</td><td>☐ Signature Confirmation Restricted Delivery</td></tr><tr><td>☐ Insured Mail</td><td></td></tr><tr><td>☐ Mail Restricted Delivery (1)</td><td></td></tr></table> Domestic Return Receipt		☐ Adult Signature	☐ Priority Mail Express®	☐ Adult Signature Restricted Delivery	☐ Registered Mail™	☒ Certified Mail®	☐ Registered Mail Restricted Delivery	☐ Certified Mail Restricted Delivery	☐ Return Receipt for Merchandise	☐ Collect on Delivery	☐ Signature Confirmation™	☐ Collect on Delivery Restricted Delivery	☐ Signature Confirmation Restricted Delivery	☐ Insured Mail		☐ Mail Restricted Delivery (1)	
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☐ Insured Mail																			
☐ Mail Restricted Delivery (1)																			

For delivery information visit our website at usps.com

Certified Mail Fee

☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$

Postage

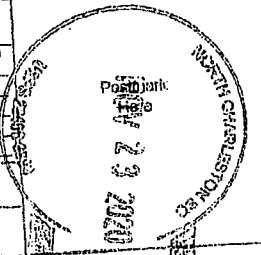
Total Postage and Fees

Sent to *Heirs of James Pringle*

Street and Apt. No., or PO Box No. *1711 Folly Road*

City, State, ZIP+4® *Charleston, SC 29412*

PS Form 3800, April 2015 PSN 7530-02-000-9047



STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
CASE NO.: 2020-CP-10-04908

JOHNNY SCOTT,

Plaintiff,

vs.

HEIRS OF JAMES PRIOLEAU, CRYSTAL ADAMS,
JOHN DOE, SARAH DOE, RICHARD ROE AND
MARY ROE, being fictitious names used to
designate the unknown heirs-at-law, administrators
executors, successors and assigns if any and all
other persons claiming any right, title, estate,
interest in or lien upon the lands of the estate of
JAMES PRIOLEAU, or any portion thereof,
including any such as may be infants, incompetents,
or otherwise under any disability,

Defendants.

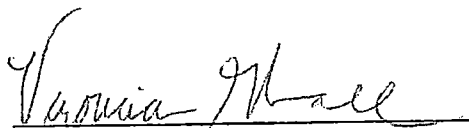
AFFIDAVIT FOR PUBLICATION

PERSONALLY APPEARED before me Veronica G. Small, Esquire who being
first duly sworn, on oath deposes and says:

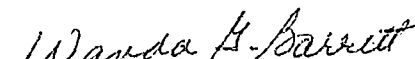
1. That she is the attorney for the Plaintiff in the above-entitled action, which
was brought for the purpose of determining the interests of the Plaintiff and the
interests of the Defendants in the parcels of land described in the Complaint; and is
brought under the provisions of the South Carolina Uniform Declaratory Judgment act,
§15-53-10, et seq., Code of Laws of South Carolina, 1976, to determine any and all
adverse claims to the said real estate and the rights thereabouts of the parties; and
pursuant to the provisions of §15-67-10, et seq., Code of Laws of South Carolina, 1976,
for the quieting of title of the real estate herein described.

2. That the Plaintiff after exercising due diligence, cannot find within the
State of South Carolina the Defendants John Doe, Sarah Doe, Richard Roe and Mary
Roe, cannot with reasonable diligence, be ascertained by the Plaintiff or his attorney.

WHEREFORE, the affiant requests that this Honorable Court issue its Order authorizing publication of the Summons, Lis Pendens, Notice of Filing and Notice Nisi to effect service on the above-named Defendants in this action.


Veronica G. Small, Esquire
Attorney for Plaintiff

Sworn to before me this
19th day of February, 2021


NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 28th of Feb 2030

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
IN THE COURT OF COMMON PLEAS
CASE NO.: 2020-CP-10-04908

JOHNNY SCOTT,

Plaintiff,

vs.

HEIRS OF JAMES PRIOLEAU, CRYSTAL ADAMS,
JOHN DOE, SARAH DOE, RICHARD ROE AND
MARY ROE, being fictitious names used to
designate the unknown heirs-at-law, administrators,
executors, successors and assigns if any and all
other persons claiming any right, title, estate,
interest in or lien upon the lands of the estate of
JAMES PRIOLEAU, or any portion thereof,
including any such as may be infants, incompetents,
or otherwise under any disability,

Defendants.

ORDER OF PUBLICATION

TO THE DEFENDANTS ABOVE-NAMED:

UPON READING AND FILING the annexed Affidavit of Veronica G. Small, Esquire, attorney for the Plaintiff, and it have been made to appear to my satisfaction that the subject matter of this action is real estate situated in the County and State aforesaid; that this action is brought pursuant to the provisions of the South Carolina Uniform Declaratory Judgment Act, Sections 15-53-10, et seq., Code of Laws of South Carolina 1976, to obtain a declaration of the rights, status, and other legal relations of the parties hereto with respect to the aforesaid real estate; pursuant to the provisions of Sections 15-67-10., et seq., Code of Laws of South Carolina, 1976, to determine any and all adverse claims to the said real estate and the rights thereabouts of the parties, respectively; pursuant to the provisions of Sections 15-61-10, et seq., Code of Laws of

South Carolina, 1976 for the quieting of title of the said real estate; and for the further purposes of obtaining a Decree adjudging that the Plaintiff is the sole owner of the real property described in the Complaint, and that no other persons have any estate, right, title, or interest.

That the Defendants, John Doe, Sarah Doe, Richard Roe and Mary Roe cannot be found within the State of South Carolina and that the residence of said Defendants with reasonable diligence cannot be ascertained by the Plaintiff or his attorney.

NOW, therefore, it is hereby

ORDERED, that the Summons, Lis Pendens, Notice of Filing and Notice Nisi be served upon the Defendants named herein by publication thereof once a week for three consecutive weeks in Charleston City Paper, a newspaper of general circulation which is published in Charleston County, South Carolina, and which is hereby designated as the newspaper most likely to give notice to the persons intended.

Since the residence of John Doe, Sarah Doe, Richard Roe and Mary Roe are not known to the party making application for this Order and cannot with reasonable diligence, be ascertained, the requirement of mailing copies of the Summons, Complaint, Lis Pendens and Notice Nisi to any of these parties is hereby dispensed with.

AND IT IS SO ORDERED!

Clerk of Court

Charleston, South Carolina

_____, 2021



Charleston Common Pleas

Case Caption: Johnny Scott VS Nathaniel Smalls , defendant, et al

Case Number: 2020CP1004908

Type: Order/Publication

So Ordered

s/Julie J. Armstrong, Charleston County Clerk of
Court, by BLC

Electronically signed on 2021-03-03 11:57:19 page 3 of 3

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www.charlestoncitypaper.com

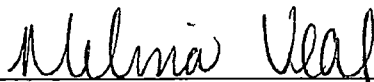
AFFIDAVIT

This letter is to serve notice that the Charleston City Paper, a paper of general circulation and of record, has run the following public notice for: Family Legal Services, LLC on the following dates: 03/17/21, 03/24/21 & 03/31/21.
The notice ran as follows:



Advertising Clerk

Subscribed and sworn to before me this
1st day of April
A.D. 20 21



NOTARY PUBLIC, SC
My commission expires



in said property to Wendell L. Veren by Deed dated March 14, 2001 and recorded March 29, 2001 in Book 1367 at Page 616 in the Office of the Clerk of Court/ Register of Deeds for Charleston County.

NOTICE OF FILING

PLEASE TAKE NOTICE that the Summons and Notice, and Complaint, were filed on November 18, 2020, the Order Appointing Guardian ad Litem was filed on November 30, 2020, and the Order of Publication was filed on February 9, 2020 in the Office of the Clerk of Court for Georgetown County, State of South Carolina.

NOTICE OF APPOINTMENT OF GUARDIAN AD LITEM

FURTHER TAKE NOTICE that: Carl B. Hubbard, Esquire of 2201 Middle Street, Box 15, Sullivan Island, South Carolina 29482, has been designated as Guardian ad Litem for all Defendants who may be incompetent, under a disability, or under any other disability in the Service of the Military by Order of the Court of Common Pleas of Charleston County, State of South Carolina, on March 30, 2020 and the said appointment shall become absolute 30 days after the first publication of this Notice unless such Defendants, or anyone in their behalf shall procure a proper person to be appointed Guardian ad Litem of them within 30 days after the final publication of this Notice.

THE PURPOSE of this action is clear the title to the subject real property described as follows: All that certain piece, parcel of land situated, lying and being in Tax District Number 001 of Georgetown County, State of South Carolina, measuring and containing one (1) acre as shown on a map surveyed for Nathaniel Rainey by Samuel M. Harper, R.L.S. 26 August, 1974, and as amended, the title of the Deed of Court for Georgetown County said one (1) acre parcel is irregular in shape and measure and contains in front on Road 600 feet and two hundred sixty six (266) feet and two hundred eighty (280) feet on the rear line, one hundred forty-two (142) feet on the eastern side line and three hundred twenty-eight (328) feet on the western line and Bounds are as follows: On the North by said road as shown on said map, on the East by lands of Rainey, shown on said map, on the South by lands of Annie Rainey and on the West by Charnel. All which will more fully and in detail be hereby made, proven to a part and parcel hereof.

TMS e: 04-0203-15-01-00
Jeffrey L. Spill
Jeffrey L. Spill
1721 Ashley River Road
Charleston, South Carolina 29403-492-3953
Attorney for the Plaintiffs
Date: March 10, 2021

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS
CASE NO. 2020-CP-1004-008

Helen Brown, Geneva Mitchell, Bragg, Robbie Mitchell, Jr., Charles Mitchell, Linda G. Mitchell, Danning Mitchell and Russell Mitchell,
Plaintiffs,

vs.
Alyssa Baynard, Lucille Marie Baynard, Lona Mae B. Mitchell, Robbie Mitchell, Sr. and Joseph Bennett, all being deceased persons, their spouses and heirs and all other persons with any right, title or interest in and to the real estate described in the Complaint, commonly known as: Lot 8, 0.83 acres, 5078 Storage Road in the Town of Holywood, in Charleston County
TMS e: 126-00-00-202; and

TMS No. 350-08-00-206
Property address:
709 Waintout Boulevard
Charleston, SC 29407

SCOTT AND CORLEY, P.A.
By: Ronald C. Scott
(ronscottandcorley.com),
SC Bar #4996
Reginald B. Corley
(regieccandcorley.com),
SC Bar #64953

Angela J. Grant (angjgscottandcorley.com), SC Bar #78334
Allison E. Heffernan
(allisonhscottandcorley.com),
SC Bar #68530

Matthew E. Rupert
(matheurscottandcorley.com),
SC Bar #100740
Louise M. Johnston
(louisejscottandcorley.com),
SC Bar #16586

H. Guyton Murrell
(guytonmurellscottandcorley.com),
SC Bar #54134
Jordan D. Beumer
(jordandbscottandcorley.com),
SC Bar #104074

ATTORNEYS FOR THE PLAINTIFF
2712 Middleburg Drive
Suite 200
Columbia, SC 29204
803-252-3340

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN
IN THE COURT OF COMMON PLEAS
CASE NO. 2020-CP-1004-008

Vandella Victoria Rainey Bye, Street Townsend, S. Nathaniel Rainey, K. Arthur Rainey, Joel Rainey and Thomas Mengesha, Plaintiffs,

vs.
Nathaniel Rainey, a deceased person, his heirs-at-law, distributees, personal representatives, successors, and assigns and spouses, if any they have and all other persons with any right, title or interest in and to the real estate described in the Complaint, commonly known as: 56 Annie Rainey Lane, Pawley's Island, South Carolina

Matthew E. Rupert
TMS e: 04-0203-15-01-00-00
and also any unknown adults and those persons at who may be in the Military Service of the United States of America, all of them being a class designated as John Doe; and any unknown minors or Persons under a disability being a class Designated as Richard Roe, Defendants.

SUMMONS AND NOTICE

To the Defendants above-named: YOU ARE HEREBY SUMMONED and required to appear and defend in the above entitled action, a copy of which is herewith served upon you, and to serve a copy of your Answer upon the undersigned at his office at 1721 Ashley River Road, Charleston, South Carolina 29407, within thirty (30) days after service hereof upon you, exclusive of the day of such service, except as to the United States of America, which shall have sixty (60) days, exclusive of the day of such service, and you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

YOU WILL ALSO TAKE NOTICE that should you fail to answer the foregoing summons, the Plaintiffs will move for a general Order of Reference of this cause to the Master-in-Equity or Special Referee for this County, which Order, pursuant to Rule 53(e) of the South Carolina Rules of Civil Procedure, specifically

MONED AND NOTIFIED to apply for the appointment of a Guardian ad Litem within thirty (30) days after the service of this Summons and Notice upon you. If you fail to do so, Plaintiff will apply to have the appointment of the Guardian ad Litem Nisi, Kelley Yarborough Woody, made absolute.

NOTICE

TO THE DEFENDANTS: YOU WILL PLEASE TAKE NOTICE that the Summons and Complaint, of which the foregoing is a copy of the Summons, were filed with the Clerk of Court for Charleston County, South Carolina on February 18, 2021.

PLEASE TAKE NOTICE that, the order appointing Kelley Yarborough Woody, whose address is PO Box 6432, Columbia, SC 29260, as Guardian ad Litem Nisi for all persons whomsoever herein collectively designated as Rachel Roe, defendants herein whose names and addresses are unknown, including any

persons who may be minors, incapacitated, or under other legal disability, whether residents or non-residents of South Carolina for all named Defendants, addresses unknown, who may be infants, incapacitated, or under a legal disability for any unknown heirs-at-law of Mary Ellen Bennett, including their heirs, personal representatives, successors and assigns, and all other persons entitled to claim through them; and for all other unknown persons with any right, title or interest in and to the real estate that is the subject of this foreclosure action, was filed in the Office of the Clerk of Court for Charleston County on the 4th day of March, 2021.

YOU WILL FURTHER TAKE NOTICE that unless the said Defendants, or someone in their behalf or in behalf of any of them, shall within thirty (30) days after service of notice of this order upon them by publication, exclusive of the day of such service, procure to be appointed for them, or any of them, a Guardian ad Litem to represent them or any of them for the purposes of this action, the Plaintiff will apply for an order making the appointment of said Guardian ad Litem Nisi absolute.

AMENDED LIS PENDENS

NOTICE IS HEREBY GIVEN that an action has been commenced by the Plaintiff above named against the Defendant(s) above named for the foreclosure of a certain mortgage given by Mary Ellen Bennett to Mortgage Electronic Registration Systems, Inc., as nominee for National Mortgage LLC d/b/a MLC Cooper, dated February 2, 2018, recorded February 9, 2018, in the Office of the Clerk of Court/ Register of Deeds for Charleston County, in Book 0897 at Page 980; thereafter, said Mortgage was assigned to National Mortgage LLC d/b/a MLC Cooper by assignment instrument dated March 9, 2020 and recorded March 16, 2020 in Book 0887 at Page 057.

The description of the premises is as follows: All that certain piece, parcel or lot of land, situate, lying and being in the Town of Mt. Pleasant, County of Charleston, State of South Carolina, known and designated as Lot 317, Tract 6, Longpoint, as shown on a plat entitled "A Final Plat of Lots 317, 318 and 357 thru 362, Tract 6, a Portion of Longpoint, Owned by Longpoint United Partnership, prepared by Southeastern Surveying, Inc., dated January 12, 1989, and duly recorded in the RMC Office for Charleston County, SC in Plat Book BU at Page 91. Said lot having such size, shape, dimensions, buildings and boundaries as will by reference to said plat more fully and at large appear.

This being the same property conveyed to Mary Ellen Bennett by deed of Lorna C. Kirkman and Caroline L. Carson n/d/a Caroline C. Kirkman, dated June 30, 2004 and recorded July 2, 2004 in Book A501 at Page 144 in the Office of the Clerk of Court/ Register of Deeds for Charleston County.

TMS No. 5561200162
116657
504 Castle Hall Road

Mount Pleasant, SC 29454

SCOTT AND CORLEY, P.A.
By: Ronald C. Scott (ronscottandcorley.com), SC Bar #4996
Reginald B. Corley (regieccandcorley.com), SC Bar #64953

Angela J. Grant (angjgscottandcorley.com), SC Bar #78334
Allison E. Heffernan (allisonhscottandcorley.com), SC Bar #68530

Matthew E. Rupert (matheurscottandcorley.com), SC Bar #100740
Louise M. Johnston (louisejscottandcorley.com), SC Bar #16586

H. Guyton Murrell (guytonmurellscottandcorley.com), SC Bar #54134
Jordan D. Beumer (jordandbscottandcorley.com), SC Bar #104074

ATTORNEYS FOR THE PLAINTIFF
2712 Middleburg Drive
Suite 200
Columbia, SC 29204
803-252-3340

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS
CASE NO. 2021-CP-100767

South Carolina Federal Credit Union,
Plaintiff,
vs.
Any Heirs-at-Law or Devisees of the Estate of Margie D. Veren a/k/a Margie D. Veren a/k/a Margie Carolyn Bentley a/k/a Margie C. Bentley Veren, including their heirs, personal representatives, successors and assigns, and all other persons entitled to claim through them; and for all other unknown persons with any right, title or interest in the real estate described herein; also, any persons who may be in the military service of the United States of America, being a class designated as Jane Doe; and any unknown minors or persons under a disability being a class designated as Richard Roe, Defendants(s).

SUMMONS AND NOTICES (212258.00002)

TO THE DEFENDANTS ABOVE-NAMED:
YOU ARE HEREBY SUMMONED and required to appear and defend by answering the Complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your Answer on the undersigned at their office, 2712 Middleburg Drive, Suite 200, Columbia, Post Office Box 0685, Columbia, South Carolina, 29202-0685, within thirty (30) days after the service hereof, exclusive of the day of such service; except that the United States of America, if named, shall have sixty (60) days to answer after the service hereof, exclusive of the day of such service; and if you fail to do so, judgment by default will be rendered against you for the relief demanded in the Complaint.

YOU WILL ALSO TAKE NOTICE that should you fail to answer the foregoing Summons, the Plaintiff will move for a general Order of Reference of this cause to the Master-in-Equity or Special Referee for Charleston County, which Order shall, pursuant to Rule 53 (e) of the South Carolina Rules of Civil Procedure, specifically provide that the said Master-in-Equity or Special Master is authorized and empowered to enter a final judgment in this cause.

TO MINORS) OVER FOURTEEN YEARS OF AGE AND/OR MINOR(S) UNDER FOURTEEN YEARS OF AGE AND THE PERSON WITH WHOM THE MINOR(S) RESIDES AND/OR TO PERSONS UNDER SOME LEGAL DISABILITY:
YOU ARE FURTHER SUMMONED AND NOTIFIED to apply for the appointment of a Guardian ad Litem within thirty (30) days after the service of this Summons and Notice upon you. If you fail to do so, Plaintiff will apply to have the appointment of the Guardian ad Litem Nisi, Kelley Yarborough Woody, made absolute.

NOTICE
TO THE DEFENDANTS:

YOU WILL PLEASE TAKE NOTICE that the Summons and Complaint, of which the foregoing is a copy of the Summons, were filed with the Clerk of Court for Charleston County, South Carolina on March 16, 2020.

PLEASE TAKE NOTICE that the order appointing Kelley Yarborough Woody, whose address is PO Box 6432, Columbia, SC 29260, as Guardian ad Litem Nisi for all persons whomsoever herein collectively designated as Richard Roe, defendants herein whose names and addresses are unknown, including any

persons who may be minors, incapacitated, or under other legal disability, whether residents or non-residents of South Carolina for all named Defendants, addresses unknown, who may be infants, incapacitated, or under a legal disability for any unknown heirs-at-law of Mary Ellen Bennett, including their heirs, personal representatives, successors and assigns, and all other persons entitled to claim through them; and for all other unknown persons with any right, title or interest in and to the real estate that is the subject of this foreclosure action, was filed in the Office of the Clerk of Court for Charleston County on the 4th day of March, 2021.

YOU WILL FURTHER TAKE NOTICE that unless the said Defendants, or someone in their behalf or in behalf of any of them, shall within thirty (30) days after service of notice of this order upon them by publication, exclusive of the day of such service, procure to be appointed for them, or any of them, a Guardian ad Litem to represent them or any of them for the purposes of this action, the Plaintiff will apply for an order making the appointment of said Guardian ad Litem Nisi absolute.

AMENDED LIS PENDENS

NOTICE IS HEREBY GIVEN that an action has been commenced by the Plaintiff above named against the Defendant(s) above named for the foreclosure of a certain mortgage given by Mary Ellen Bennett to Mortgage Electronic Registration Systems, Inc., as nominee for National Mortgage LLC d/b/a MLC Cooper, dated February 2, 2018, recorded February 9, 2018, in the Office of the Clerk of Court/ Register of Deeds for Charleston County, in Book 0897 at Page 980; thereafter, said Mortgage was assigned to National Mortgage LLC d/b/a MLC Cooper by assignment instrument dated March 9, 2020 and recorded March 16, 2020 in Book 0887 at Page 057.

The description of the premises is as follows: All that certain piece, parcel or lot of land, situate, lying and being in the Town of Mt. Pleasant, County of Charleston, State of South Carolina, known and designated as Lot 317, Tract 6, Longpoint, as shown on a plat entitled "A Final Plat of Lots 317, 318 and 357 thru 362, Tract 6, a Portion of Longpoint, Owned by Longpoint United Partnership, prepared by Southeastern Surveying, Inc., dated January 12, 1989, and duly recorded in the RMC Office for Charleston County, SC in Plat Book BU at Page 91. Said lot having such size, shape, dimensions, buildings and boundaries as will by reference to said plat more fully and at large appear.

This being the same property conveyed to Mary Ellen Bennett by deed of Lorna C. Kirkman and Caroline L. Carson n/d/a Caroline C. Kirkman, dated June 30, 2004 and recorded July 2, 2004 in Book A501 at Page 144 in the Office of the Clerk of Court/ Register of Deeds for Charleston County.

TMS No. 5561200162
116657
504 Castle Hall Road

declare Plaintiff to be the sole owner of the property which is the subject matter of this action and for an Order confirming the same pursuant to the request in Plaintiff's Amended Complaint.

W/Venancia G. Small, Esquire
Attorney for Plaintiff
3300 W. Monague Avenue, Ste 102 North Charleston, SC 29418
Dated: March 8, 2021

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS
CASE NO. 2020-CP-10-01403

Nationalist Mortgage LLC d/b/a MLC Cooper,
Plaintiff,
vs.
Kearney Bennett, individually, and as Legal Heir or Devisee of the Estate of Mary Ellen Bennett, deceased; any other Heirs-at-Law or Devisees of Mary Ellen Bennett, deceased, their heirs, Personal Representatives, Administrators, Successors and Assigns, and all other persons entitled to claim through them; all unknown persons with any right, title or interest in the real estate described herein; also, any persons who may be in the military service of the United States of America, being a class designated as John Doe; and any unknown minors or persons under a disability being a class designated as Richard Roe, PNC Bank, National Association as Successor in Interest to RBC Centura Bank; and Longpoint Property Owners Association, Inc., Defendants(s).

SUMMONS AND NOTICES (201070.00005)

TO THE DEFENDANTS ABOVE-NAMED:
YOU ARE HEREBY SUMMONED and required to appear and defend by answering the Complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your Answer on the undersigned at their office, 2712 Middleburg Drive, Suite 200, Columbia, Post Office Box 0685, Columbia, South Carolina, 29202-0685, within thirty (30) days after the service hereof, exclusive of the day of such service; except that the United States of America, if named, shall have sixty (60) days to answer after the service hereof, exclusive of the day of such service; and if you fail to do so, judgment by default will be rendered against you for the relief demanded in the Complaint.

YOU WILL ALSO TAKE NOTICE that should you fail to answer the foregoing Summons, the Plaintiff will move for a general Order of Reference of this cause to the Master-in-Equity or Special Referee for Charleston County, which Order shall, pursuant to Rule 53 (e) of the South Carolina Rules of Civil Procedure, specifically provide that the said Master-in-Equity or Special Master is authorized and empowered to enter a final judgment in this cause.

TO MINORS) OVER FOURTEEN YEARS OF AGE AND/OR MINOR(S) UNDER FOURTEEN YEARS OF AGE AND THE PERSON WITH WHOM THE MINOR(S) RESIDES AND/OR TO PERSONS UNDER SOME LEGAL DISABILITY:
YOU ARE FURTHER SUMMONED AND NOTIFIED to apply for the appointment of a Guardian ad Litem within thirty (30) days after the service of this Summons and Notice upon you. If you fail to do so, Plaintiff will apply to have the appointment of the Guardian ad Litem Nisi, Kelley Yarborough Woody, made absolute.

NOTICE
TO THE DEFENDANTS:

29416, with thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff will apply to have the appointment of the Guardian ad Litem Nisi, Kelley Yarborough Woody, made absolute.

YOU WILL ALSO TAKE NOTICE that the undersigned attorney will seek the agreement and stipulation of all parties not in default for an Order of Reference to the Master in Equity for Charleston County, South Carolina, stipulating that the said Master in Equity shall enter a final judgment in this case.

LIS PENDENS

NOTICE IS HEREBY GIVEN that an action has been commenced and is pending in the Court of Common Pleas for Charleston County, South Carolina upon the Complaint of the above named Plaintiff against the above named Defendant(s), to determine the interests of the parties to the below described real estate. All that piece, parcel or tract of land, situate lying and being on James Island, County of Charleston, State of South Carolina, known and designated as Tract B on a plat entitled "PLAT OF JOHN RICHARDSON ESTATE, James Island Charleston County South Carolina" surveyed by A. Mainardi and survey check and plat prepared by Tommy E. Ayers, May 1950, and recorded in the Register of Deeds Office for Charleston County in Plat Book M, page 149, Tract B Measuring and Containing 3.4 acres. To establish a point of Beginning, begin at a point established by an old sale at the intersection of an old road separating Tract C hereafter described from the lands now of formerly of Praelau, there is generally a Southernly direction to the Southeastern light of way of the old road, also bounding on lands now of formerly of Praelau, in generally a Northeastern direction along the Southeastern side of the said old road on a line bearing N 20 degrees 03 minutes E, approximately 1,033.7 feet to a ditch separating the said Tract B from the lands now of formerly of Praelau, being the Point of Beginning; thence continuing along the old road on the old road bearing 140° 10' E, 372.6 feet to a point on an old bank; thence S 16 degrees 31 minutes E, along the old bank for a distance of 417.3 feet thence N 83 degrees 48 minutes W, 294.7 feet to a point at the intersection of a ditch; thence N 15 degrees 56 minutes W, 270 feet to the Point of Beginning.

TMS No. 334-10-00-021

NOTICE NISI

TO THE INFANT DEFENDANT(S) ABOVE NAMED, IF THEY BE OVER THE AGE OF FOURTEEN YEARS AND TO THEM AND THOSE WITH WHOM THEY RESIDE IF THEY BE UNDER THE AGE OF FOURTEEN YEARS:

YOU ARE HEREBY NOTIFIED to apply for the appointment of a Guardian ad Litem to represent you in this action within thirty (30) days after the service of this Amended Summons upon you, and if you fail, application for such appointment will be made by Plaintiff(s) herein.

NOTICE OF FILING TO THE DEFENDANTS ABOVE NAMED: YOU ARE HEREBY NOTIFIED that the Lis Pendens, Notice of Filing, Notice Nisi, Amended Summons, Amended Complaint, Notice of Intent to Refer to Master-in-Equity, and Petition for Appointment of Guardian ad Litem, were filed with the Clerk of Court for Charleston County, State of South Carolina on November 19, 2020. An Order Appointing the Guardian ad Litem was filed on November 20, 2021.

The purpose of this action is to

SC 29464 No personal or deficiency judgment being demanded, the bidding will not remain open after the date of sale, but compliance with the bid may be made immediately. THIS SALE IS SUBJECT TO ASSESSMENTS, COUNTY TAXES, EXISTING EASEMENTS, EASEMENTS AND RESTRICTIONS OF RECORD, AND OTHER SENIOR ENCUMBRANCES. The property shall be sold for cash to the highest bidder. The highest bidder other than the Plaintiff will be required to deposit with the Master at the conclusion of the bidding, cash or certified check in the amount of five (5%) percent of the bid; the said deposit to be applied to the purchase price. The successful bidder will be required to pay for documentary stamps, the deed and interest on the balance of the bid from the date of sale to the date of compliance with the bid at the rate of 9.00000%. Should the highest bidder fail to comply with the bid within thirty days from the date of sale, the Master will resell the property at the risk and expense of the defaulting bidder upon the same terms as above set out. Should the Plaintiff or one of its representatives, fail to be present at the time of sale, the property is automatically withdrawn from said sale and sold at the next available sales day upon the same terms and conditions as set forth in the Judgment of Foreclosure and Sale or any Supplemental Order. The Sheriff of Charleston County may be authorized to put the purchaser into possession of the premises if requested by the purchaser. NOTICE: The foreclosure deed is not a warranty deed. Interested bidders should satisfy themselves as to the quality of title to be conveyed by obtaining an independent title search well before the foreclosure sale date. ATTENDEES MUST ABIDE BY SOCIAL DISTANCING GUIDELINES AND MAY BE REQUIRED TO WEAR A MASK OR OTHER FACIAL COVERING. Any person who violates said protocols is subject to dismissal at the discretion of the selling officer or other court officials.

PLAINTIFFS' ATTORNEY
RILEY POPE & LANEY, LLC
(803) 799-9993
FOR INSERTION
March 17, 2021
March 24, 2021
March 31, 2021

Nikell R. Scarborough Master in Equity 4142

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS
CASE NO. 2020-CP-10-04908

JOHNNY SCOTT,
Plaintiff,
vs.
HEIRS OF JAMES PROULFAU, CRYSTAL ADAMS, JOHN DOE, SARAH DOE, RICHARD ROE AND MARY ROE, being fictitious names used to designate the unknown heirs-at-law, administrators, executors, successors and assigns (if any) and all other persons claiming any right, title, estate, interest in or lien upon the lands of the estate of JAMES PROULFAU, or any portion thereof, including any such as may be infants, incompetents, or otherwise under any disability, Defendants.

SUMMONS (Quiet Title Action) (Non-Jury)
TO THE DEFENDANTS ABOVE NAMED:
YOU ARE HEREBY SUMMONED and required to answer the Amended Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the Amended Complaint on the Plaintiff on his attorney Venancia G. Small, Esquire, 3300 W. Monague Avenue, Suite 102, North Charleston, South Carolina

29416, with thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff will apply to have the appointment of the Guardian ad Litem Nisi, Kelley Yarborough Woody, made absolute.

YOU WILL ALSO TAKE NOTICE that the undersigned attorney will seek the agreement and stipulation of all parties not in default for an Order of Reference to the Master in Equity for Charleston County, South Carolina, stipulating that the said Master in Equity shall enter a final judgment in this case.

LIS PENDENS

NOTICE IS HEREBY GIVEN that an action has been commenced and is pending in the Court of Common Pleas for Charleston County, South Carolina upon the Complaint of the above named Plaintiff against the above named Defendant(s), to determine the interests of the parties to the below described real estate. All that piece, parcel or tract of land, situate lying and being on James Island, County of Charleston, State of South Carolina, known and designated as Tract B on a plat entitled "PLAT OF JOHN RICHARDSON ESTATE, James Island Charleston County South Carolina" surveyed by A. Mainardi and survey check and plat prepared by Tommy E. Ayers, May 1950, and recorded in the Register of Deeds Office for Charleston County in Plat Book M, page 149, Tract B Measuring and Containing 3.4 acres. To establish a point of Beginning, begin at a point established by an old sale at the intersection of an old road separating Tract C hereafter described from the lands now of formerly of Praelau, there is generally a Southernly direction to the Southeastern light of way of the old road, also bounding on lands now of formerly of Praelau, in generally a Northeastern direction along the Southeastern side of the said old road on a line bearing N 20 degrees 03 minutes E, approximately 1,033.7 feet to a ditch separating the said Tract B from the lands now of formerly of Praelau, being the Point of Beginning; thence continuing along the old road on the old road bearing 140° 10' E, 372.6 feet to a point on an old bank; thence S 16 degrees 31 minutes E, along the old bank for a distance of 417.3 feet thence N 83 degrees 48 minutes W, 294.7 feet to a point at the intersection of a ditch; thence N 15 degrees 56 minutes W, 270 feet to the Point of Beginning.

TMS No. 334-10-00-021

NOTICE NISI

TO THE INFANT DEFENDANT(S) ABOVE NAMED, IF THEY BE OVER THE AGE OF FOURTEEN YEARS AND TO THEM AND THOSE WITH WHOM THEY RESIDE IF THEY BE UNDER THE AGE OF FOURTEEN YEARS:

YOU ARE HEREBY NOTIFIED to apply for the appointment of a Guardian ad Litem to represent you in this action within thirty (30) days after the service of this Amended Summons upon you, and if you fail, application for such appointment will be made by Plaintiff(s) herein.

NOTICE OF FILING TO THE DEFENDANTS ABOVE NAMED: YOU ARE HEREBY NOTIFIED that the Lis Pendens, Notice of Filing, Notice Nisi, Amended Summons, Amended Complaint, Notice of Intent to Refer to Master-in-Equity, and Petition for Appointment of Guardian ad Litem, were filed with the Clerk of Court for Charleston County, State of South Carolina on November 19, 2020. An Order Appointing the Guardian ad Litem was filed on November 20, 2021.

The purpose of this action is to

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
CASE NO.: 2020-CP-10-04908

JOHNNY SCOTT,

Plaintiff,

vs.

HEIRS OF JAMES PRIOLEAU, CRYSTAL ADAMS,)
JOHN DOE, SARAH DOE, RICHARD ROE AND)
MARY ROE, being fictitious names used to)
designate the unknown heirs-at-law, administrators,)
executors, successors and assigns if any and all)
other persons claiming any right, title, estate,)
interest in or lien upon the lands of the estate of)
JAMES PRIOLEAU, or any portion thereof,)
including any such as may be infants, incompetents,)
or otherwise under any disability,)

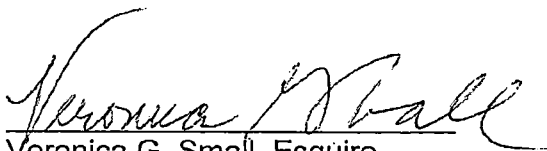
Defendants.

**AFFIDAVIT OF DEFAULT
AND NON-MILITARY SERVICE**

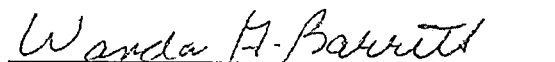
PERSONALLY appeared before me Veronica G. Small, who upon being first duly sworn, on oath deposes and says that she is the attorney for the Plaintiff in the above-stated action and that the Civil Action Cover Sheet, Amended Summons and Complaint, Notice of Filing, Notice of Intent to Refer to the Master-in-Equity, Petition for Appointment of Guardian *ad Litem* and Order Appointing, Guardian *ad Litem* were served on the Defendants, Heirs of James Prioleau, Crystal Adams by registered mail return receipt requested on November 23, 2020 as filed herein, and further that said Defendants along with John Doe, Sarah Doe, Richard Roe and Mary Roe were served by publication in The Charleston City Paper on March 17, 2021, March 24, 2021 and March 31, 2021 as evidenced by the Affidavit of Publication filed herein. More than thirty (30) days have elapsed since the completion of the service on all Defendants, and

they are in default in that no Answer, Notice of Appearance or any other legal process have been served upon the Plaintiff or his attorney. The above-entitled action is a suit to quiet title, to determine the rightful owners of the subject-property and is equitable in nature.

Further, the undersigned states that she is familiar with the provisions of 50 U.S.C.A. App. Section 5220, Soldiers and Sailors Civil Relief Act of 1940 and to induce the Court to enter a default judgment against the Defendants, she represents to the Court that from her file in this matter and on information and belief, the Defendants above-mentioned are not in the Military Service of the United States and are not entitled to the protection of the Soldiers and Sailors Relief Act of 1940 nor any amendments thereto.


 Veronica G. Small, Esquire
 Attorney for Plaintiff
 3300 W. Montague Avenue, Suite 102
 North Charleston, SC 29418
 (843) 556-8838 (phone)
 (843) 203-4527 (fax)

Sworn to before me this
1st day of June, 2021


 Wanda H. Barrett
 Notary Public for South Carolina

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CASE NO.: 2020-CP-10-04908

JOHNNY SCOTT,)

Plaintiff,)

vs.)

HEIRS OF JAMES PRIOLEAU, CRYSTAL ADAMS,)
JOHN DOE, SARAH DOE, RICHARD ROE AND)
MARY ROE, being fictitious names used to)
designate the unknown heirs-at-law, administrators,)
executors, successors and assigns if any and all)
other persons claiming any right, title, estate,)
interest in or lien upon the lands of the estate of)
JAMES PRIOLEAU, or any portion thereof,)
including any such as may be infants, incompetents,)
or otherwise under any disability,)

Defendants.)

**ORDER OF DEFAULT
AND REFERENCE**

It appears to the Court that the Defendants, Heirs of James Prioleau, Crystal Adams, John Doe, Sarah Doe, Richard Roe and Mary Roe failed to Answer or otherwise respond to the within complaint; and upon Motion of Veronica G. Small, attorney for the Plaintiff, and with the consent of Toya Hampton, Esquire, the Guardian ad Litem, it is hereby

ORDERED, that the Defendants, Heirs of James Prioleau, Crystal Adams, John Doe, Sarah Doe, Richard Roe and Mary Roe are hereby adjudged to be in Default. It is

ORDERED, that the above-entitled action be, and it is hereby, referred to Mikell R. Scarborough, Master-in-Equity for Charleston County, to take testimony, to inquire into the cause, and to make his findings of facts and conclusions of law.

IT IS FURTHER ORDERED that the findings of fact and conclusions of law of Mikell R. Scarborough, Master-in-Equity for Charleston County shall be a final

determination of the controversy herein and an appeal shall be only to the Supreme Court or Court of Appeals of South Carolina.

AND IT IS SO ORDERED this _____ day of _____, 2021 at
Charleston, South Carolina.

Judge, Court of Common Pleas
Ninth Judicial Circuit

I SO MOVE:

/s/Veronica G. Small, Esquire
Attorney for the Plaintiff

I CONSENT:

/s/Toya Hampton, Esquire
Guardian *ad Litem*



Charleston Common Pleas

Case Caption: Johnny Scott VS Nathaniel Smalls , defendant, et al

Case Number: 2020CP1004908

Type: Order/Default

It is so ordered.

/s Roger M. Young, Sr. S.C. Circuit Judge 2134

Electronically signed on 2021-06-02 12:14:22 page 3 of 3

FAMILY LEGAL SERVICES, LLC
Veronica G. Small, Esquire

3300 W. Montague Avenue, Ste 102
North Charleston, South Carolina 29418
842-556-8838 (ph); 843-203-4327 (fax)
e-mail: vsmall@familylegalservicesllc.com

June 8, 2021

Certified Mail - Return Receipt Request

Heirs of James Prioleau
1833 S. Grimball Rd
Charleston, SC 29412

Re: Johnny Scott v. Heirs of James Prioleau, et al
Case No.: 2020-CP-10-04908

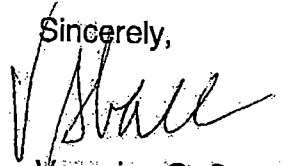
Dear Sir/Madam:

Enclosed please find the following documents I am hereby serving upon you in the above referenced matter:

Order of Default and Reference
Affidavit of Default and Non-Military Service

Please govern yourself accordingly.

Sincerely,

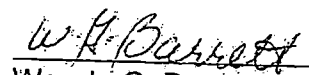

Veronica G. Small
VGS/wgb

Enclosures

cc: Johnny Scott

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 8th day of June 2021, she served a copy of the attached pleadings and Order, by certified mail, postage prepaid, in a sealed addressed envelope to the above listed person(s) at the address as indicated above.


Wanda G. Barrett
Assistant to Veronica G. Small

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Heirs of James Prioleau
1833 S. Grimball Rd
Charleston, SC 29412



9590 9402 4187 8121 5639 10

2. Article Number (Transfer from service label)

7018 3090 0000 0318 3382

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

[Signature]

☐ Agent

☐ Addressee

B. Received by (Printed Name)

[Signature]

C. Date of Delivery

6-8-21

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes

☐ No

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☒ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

Mail

Mail Restricted Delivery

00

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

7018 3090 0000 0318 3382

U.S. Postal Service	
CERTIFIED MAIL® RECEIPT	
Domestic Mail Only	
For full return information visit our website at www.usps.com	
Charleston, SC 29412	
Certified Mail Fee	\$3.60
Extra Services & Fees (check box, add fee as indicated)	\$2.85
☐ Return Receipt (hardcopy)	\$0.00
☒ Return Receipt (electronic)	\$0.00
☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00
Postage	\$0.75
Total Postage and Fees	\$7.20
Postmark Here	
06/08/2021	
Sent to Heirs of James Prioleau	
Street and Apt. No., or P.O. Box No. 1833 S. Grimball Rd	
City, State, ZIP+4® Charleston, SC 29412	
PS Form 3800, April 2015 PSN 7530-02-000-9053 See Reverse for Instructions	

June 8, 2021

Certified Mail - Return Receipt Requested

Heirs of James Prioleau
1829 S. Grimball Road
Charleston, SC 29412

Re: Johnny Scott v. Heirs of James Prioleau, et al
Case No.: 2020-CP-10-04908

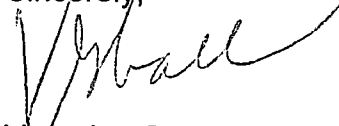
Dear Sir/Madam:

Enclosed please find the following documents I am hereby serving upon you in the above referenced matter:

Order of Default and Reference
Affidavit of Default and Non-Military Service

Please govern yourself accordingly.

Sincerely,



Veronica G. Small
VGS/wgb

Enclosures

cc: Johnny Scott

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 8th day of June, 2021, she served a copy of the attached pleadings and Order, by certified mail, postage prepaid, in a sealed addressed envelope to the above listed person(s) at the address as indicated above.



Wanda G. Barrett
Assistant to Veronica G. Small

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Hiers of James Pridmore
1829 S. Grimball Road
Charleston, SC 29412



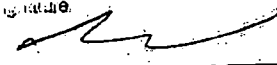
9590 9402 4187 8121 5639 27

2. Article Number (Transfer from service label)

7018 3090 0000 0318 3405

PS Form 3811, July 2015 PSN 7530-02-000-9053

THIS SECTION ON DELIVERY

X 

☐ Agent
☐ Addressee

B. Received by (Printed Name) ET C. Date of Delivery 6-10-21

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature	☐ Priority Mail Express®
☐ Adult Signature Restricted Delivery	☐ Registered Mail™
☒ Certified Mail®	☐ Registered Mail Restricted Delivery
☐ Certified Mail Restricted Delivery	☐ Return Receipt for Merchandise
☐ Collect on Delivery	☐ Signature Confirmation™
☐ Collect on Delivery Restricted Delivery	☐ Signature Confirmation Restricted Delivery
☐ Mail Restricted Delivery	

Domestic Return Receipt

501E 87ED 0000 060E 870D

U.S. Postal Service
CERTIFIED MAIL RECEIPT
Domestic Mail Only

For details on how to use this form, visit www.usps.com.

POSTAL USE

Certified Mail Fee	\$3.50	0247
\$	\$2.85	02
Extra Services & Fees (check box, add fee \$)		
☐ Return Receipt (hardcopy)	\$	\$0.00
☐ Return Receipt (electronic)	\$	\$0.00
☐ Certified Mail Restricted Delivery	\$	\$0.00
☐ Adult Signature Required	\$	\$0.00
☐ Adult Signature Restricted Delivery	\$	
Postage	\$0.75	
\$		
Total Postage and Fees	\$4.10	
\$		
Sent To	Hiers of James Pridmore	
Street and Apt. No., or PO Box No.	1829 S. Grimball Road	
City, State, ZIP+4®	Charleston SC 29412	

Postmark Here

06/08/2021

PS Form 3800, April 2015 PSN 7530-02-000-9053 See Reverse for Instructions

FAMILY LEGAL SERVICES, LLC
Veronica G. Small, Esquire

3300 W. Montague Avenue, Ste 102
North Charleston, South Carolina 29418
842-556-8838 (ph); 843-203-4327 (fax)
e-mail: vsmall@familylegalservicesllc.com

June 8, 2021

Certified Mail - Return Receipt Request

Heirs of James Prioleau
1717 Folly Road
Charleston, SC 29412

Re: Johnny Scott v. Heirs of James Prioleau, et al
Case No.: 2020-CP-10-04908

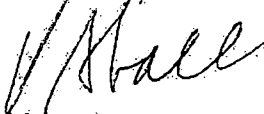
Dear Sir/Madam:

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Order of Default and Reference
Affidavit of Default and Non-Military Service

Please govern yourself accordingly.

Sincerely,

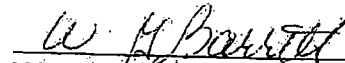

Veronica G. Small
VGS/wgb

Enclosures

cc: Johnny Scott

CERTIFICATE OF MAILING

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Wanda G. Barrett
Assistant to Veronica G. Small

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☒ <i>James Nathaniel Prioleau</i> ☐ Agent Addressee	
1. Article Addressed to: <i>Heirs of James Prioleau</i> <i>1717 Folly Road</i> <i>Charleston, SC 29412</i>		B. Received by (Printed Name) <i>J N Prioleau</i>	
2. Article Number (Transfer from service label) <i>7018 3090 0000 0318 3399</i>		C. Date of Delivery <i>6/10/21</i>	
3. Service Type ☐ Adult Signature ☐ Adult Signature Restricted Delivery ☒ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Collect on Delivery ☐ Collect on Delivery Restricted Delivery ☐ Insured Mail		☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted Delivery ☐ Return Receipt for Merchandise ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery	
9590 9402 4187 8121 5638 97		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No	
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt	

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Postage \$0.75 Total Postage and Fees \$7.20	06/08/2021
Sent To <i>Heirs of James Prioleau</i> Street and Apt. No., or P.O. Box No. <i>1717 Folly Road</i> City, State, ZIP+4® <i>Charleston, SC 29412</i>	

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	NINTH JUDICIAL CIRCUIT
JOHNNY SCOTT Plaintiff,	CASE NO. 2020-CP-10-04908
VS.	
HEIRS OF JAMES PRIOLEAU, ET AL. Defendants.	ANSWER OF PARRIS WILLIAMS

TO THE PLAINTIFF ABOVE NAMED: **PARRIS WILLIAMS**, THROUGH HIS UNDERSIGNED ATTORNEY ANSWERS THE PLAINTIFF'S COMPLAINT AS FOLLOWS:

1. Parris Williams is an heir of the deceased James Prioleau and asserts that the co-tenants to property belonging to the heirs of James Prioleau have been ascertained pursuant to an order of the Honorable Michael R. Scarborough, Master In Equity, for Charleston County, dated April 18, 2014 in James Prioleau vs. The Heirs of James Prioleau; Case No: 2011-CP-10-2014.
2. Parris Williams concurs with Plaintiff's request that this matter be referred to the Honorable Mikell R. Scarborough, Master In Equity for Charleston County, for a full adjudication in this matter.
3. As to the facts alleged in the Plaintiff's Complaint, Parris Williams hereby denies any and all assertions and conclusions that are inconsistent with the interest of the Heirs of James Prioleau in the real property that is the subject of this action.
4. Parris Williams also asserts that none of the Heirs of James Prioleau have been properly served in this matter, therefore an Order of Default is not properly supported by the Affidavit of Default.

PRAYER

Wherefore, Parris Williams prays that this Court look into this matter and make a finding as follows:

- A. That this Court determine the Order of Default is not properly supported by the Affidavit of Default in this quiet title action, and;
- B. That the Heirs of James Prioleau have not been properly served in this matter and are therefore not in default. and;
- C. For any other relief that the Court finds equitable, just and proper.

s/ Willie B. Heyward
S. C. Bar No. 11063
Attorney for Defendant, Parris Williams
27 Gamecock Avenue, Suite 200
Charleston, South Carolina 29407
(843) 225-8754
Wheyward80@gmail.com

Dated: June 14, 2021

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	NINTH JUDICIAL CIRCUIT
JOHNNY SCOTT Plaintiff,	CASE NO. 2020-CP-10-04908
VS.	
HEIRS OF JAMES PRIOLEAU, ET AL. Defendants.	ANSWER OF STEWART MIDDLETON

TO THE PLAINTIFF ABOVE NAMED: **STEWART MIDDLETON**, THROUGH HIS UNDERSIGNED ATTORNEY RESPONDS TO THE PLAINTIFF'S COMPLAINT AS FOLLOWS:

1. That Stewart Middleton is an heir of the deceased James Prioleau through his deceased father, Daniel Middleton, and asserts that the co-tenants to property belonging to the heirs of James Prioleau have been ascertained pursuant to an Order of the Honorable Michael R. Scarborough, Master In Equity, for Charleston County, dated April 20, 2012, in Daniel Middleton vs. The Heirs of James Prioleau, et. al.; Case No: 2009-CP-10-1218. (Exhibit "A" attached)
2. That he has an interest in the real property that is the subject of this action titled in the name of The Heirs of James Prioleau and that said parcels still titled in the name of James Prioleau is heirs property.
3. That he has not been individually name as a party in this action nor served with the pleadings in this action so as to avoid an adjudication an order that is consistent with his interest and the interest of the Heirs of James Prioleau in the subject real property.

4. To my knowledge after speaking with numerous other heirs of James Prioleau that none have been properly served in this matter, therefore an Order of Default is not properly supported by the Affidavit of Default.

PRAYER

Wherefore, Stewart Middleton prays that this Court look into this matter and make a finding as follows:

- A. That this Court determine the Order of Default is not properly supported by the Affidavit of Default in this quiet title action, and;
- B. That the Heirs of James Prioleau have not been properly served in this matter and are therefore not in default. and;
- C. For any other relief that the Court finds equitable, just and proper.

s/ Willie B. Heyward
S C. Bar No. 11063
Attorney for Stewart Middleton
27 Gamecock Avenue, Suite 200
Charleston, South Carolina 29407
(843) 225-8754
Wheyward80@gmail.com

Dated: June 17, 2021

2. Service of the Amended Summons and Complaint, Notice of Filing, Notice of Intent to Refer to Master-in-Equity, Petition for Appointment of GAL and Order Appointing GAL were served on the heirs of James Prioleau and the Defendant Crystal Adams by certified mail, return receipt requested on November 23, 2020.
3. The unknown heirs were served by publication pursuant to the Order of Publication filed on March 3, 2021, and published in the Charleston City Paper on March 17, 2021, March 24, 2021 and March 31, 2021.
4. No responsive pleadings were served on the Plaintiff within the 30 days of the service of the Amended Summons and Complaint and therefore, the Answer filed on behalf of Parris Williams is untimely and in violation of Rule 12(a) of the SCRCP.
5. That the Court grant such other and further relief as it deems just and proper.

/s/ Veronica G. Small (Bar # 5159)
Family Legal Services, LLC
3300 W. Montague Avenue, Ste 102
North Charleston, S.C. 29418
843.556-8838; 843.203-4527 (fax)
ATTORNEY FOR PLAINTIFF

At North Charleston, SC
June 15, 2021.



Veronica Small

From: Willie Heyward <heywarddwighth@msn.com>
Sent: Monday, October 05, 2020 2:36 PM
To: Veronica Small
Subject: RE: Re Johnny Scott - TMS 334-10-00-021 Tract B

Go ahead and file for Johnny Scott; we need litigation on this to establish boundaries. [REDACTED]

Willie B. Heyward, Esq.
Heir's Property Law Firm, LLC
27 Gamecock Ave.
Ste. 200
Charleston, SC 29407
(843) 225-8754 Office
(843) 560-3434 Paralegal

(843) 568-4679 Mobile

(843) 225-8765

wheyward80@gmail.com

From: Veronica Small
Sent: Tuesday, September 29, 2020 2:11 PM
To: Willie Heyward
Subject: FW: Re Johnny Scott - TMS 334-10-00-021 Tract B

Willie, please see below.

Veronica

From: Veronica Small <vsmall@familylegalservicesllc.com>
Sent: Monday, September 28, 2020 6:37 PM
To: Veronica Small <vsmall@familylegalservicesllc.com>
Subject: RE: Re Johnny Scott - TMS 334-10-00-021 Tract B

Willie,

Please let me know what your clients intend to do regarding the boundaries associated with Mr. Scott's property? [REDACTED]

Veronica

From: Veronica Small
Sent: Thursday, September 17, 2020 2:50 PM

ELECTRONICALLY FILED - 2021 Jun 15 4:55 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1004908

To: 'Willie Heyward' <wheyward80@gmail.com>
Subject: Re Johnny Scott - TMS 334-10-00-021 Tract B

Willie,

Attached is a portion of the Court order granting Tract B to the predecessor in title to Johnny Scott along with a copy of the recorded plat and a current survey that shows how various parcels overlap Mr. Scott's property. Mr. Scott's property is fenced so there is not issue of adverse possession. The survey has to be corrected as was done by the owner of Lot 334-00-00-116. I do hope this helps. It would appears that the TMS numbers have been changed and differs from what is on the survey done by Atlantic. This all needs to be cleared up.

I look forward to working with you.

Veronica

VERONICA G. SMALL, ESQUIRE
FAMILY LEGAL SERVICES, LLC
3300 W. Montague Avenue, Suite 102
North Charleston, SC 29418
Office: (843)556-8838; fax (843)203-4527

CONFIDENTIALITY NOTICE:

The information contained in this e-mail transmission is confidential, proprietary to the sender, and legally protected. It is intended for sole use of the individual(s) or entity(ies) named in the message header. If you are not the intended recipient, you are hereby notified that any dissemination, copying, or taking of any action in reliance on the contents of this information is strictly prohibited. If you receive this message in error please notify the sender and delete this message along with any and all attachments.

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
CASE NO.: 2020-CP-10-04908

JOHNNY SCOTT,

Plaintiff,

vs.

HEIRS OF JAMES PRIOLEAU, CRYSTAL ADAMS,
JOHN DOE, SARAH DOE, RICHARD ROE AND
MARY ROE, being fictitious names used to
designate the unknown heirs-at-law, administrators,
executors, successors and assigns if any and all
other persons claiming any right, title, estate,
interest in or lien upon the lands of the estate of
JAMES PRIOLEAU, or any portion thereof,
including any such as may be infants, incompetents,
or otherwise under any disability,

Defendants.

**NOTICE OF MOTION AND MOTION
TO STRIKE ANSWER OF
STEWART MIDDLETON**

**TO STEWART MIDDLETON AND HIS ATTORNEY, WILLIE B. HEYWARD,
ESQUIRE:**

YOU WILL PLEASE TAKE NOTICE that the undersigned attorney, for and on behalf of the Plaintiff herein, will move before the Court of Common Pleas for Charleston County, 100 Broad Street, Charleston, South Carolina 29401 within thirty (30) days from the date of service hereof or as soon thereafter as the matter can be heard, for an order striking the Answer filed on behalf of Stewart Middleton on the ground that no motion has been filed to set aside the default order pursuant to Rule 55 of the SCRCF and on the further grounds that the Answer violates Rule 12(a) of the SCRCF as listed below:

1. Plaintiff filed his Amended Summons and Complaint in this quiet title action on November 19, 2021 after attempts to resolve this matter without litigation were dismissed.

2. Service of the Amended Summons and Complaint, Notice of Filing, Notice of Intent to Refer to Master-in-Equity, Petition for Appointment of GAL and Order Appointing GAL were served on the heirs of James Prioleau and the Defendant Crystal Adams by certified mail, return receipt requested on November 23, 2020.
3. The unknown heirs were served by publication pursuant to the Order of Publication filed on March 3, 2021, and published in the Charleston City Paper on March 17, 2021, March 24, 2021 and March 31, 2021.
4. No responsive pleadings were served on the Plaintiff within the 30 days of the service of the Amended Summons and Complaint and therefore, the Answer filed on behalf of Stewart Middleton is untimely and in violation of Rule 12(a) of the SCRCP.
5. That the Defendant Stewart Middleton acknowledges in his Answer that the subject property remained in the name of the Heirs of James Prioleau, despite the action filed in Case No.: 2009-CP-10-1218 (Daniel Middleton vs. The Heirs of James Prioleau).
6. That the subject property in this action is listed in the Charleston County Tax Assessor's Office as property belonging to the Heirs of James Prioleau and said heirs were properly served at the address listed in the tax assessors office and by publication.
7. That the Court grant such other and further relief as it deems just and proper.

/s/ Veronica G. Small (Bar # 5159)
 Family Legal Services, LLC
 3300 W. Montague Avenue, Ste 102
 North Charleston, S.C. 29418
 843.556-8838; 843.203-4527 (fax)
ATTORNEY FOR PLAINTIFF

At North Charleston, SC
 August 2, 2021.

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Charleston
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2020CP1004908

Johnny Scott
PLAINTIFF(S)

John Doe et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled);
☐ Other
- ☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (*CHECK APPLICABLE BOX*):**
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

This Form 4 is to amend and clarify the prior Form 4 Order, filed September 24, 2021. The Defendant's oral Motion to Set Aside Default is respectfully DENIED.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 09/27/2021 .

James Prioleau
Crystal Adams

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Charleston Common Pleas

Case Caption: Johnny Scott VS Nathaniel Smalls , defendant, et al
Case Number: 2020CP1004908
Type: Order/Electronic Form 4

So Ordered

s/Mikell R. Scarborough 3062

Electronically signed on 2021-09-27 15:18:16 page 3 of 3

FAMILY LEGAL SERVICES, LLC
Veronica G. Small, Esquire

3300 W. Montague Avenue, Ste 102
North Charleston, South Carolina 29418
842-556-8838 (ph); 843-203-4327 (fax)
e-mail: vsmall@familylegalservicesllc.com

November 30, 2021

Certified Mail - Return Receipt Request

Heirs of James Prioleau
1833 S. Grimball Rd
Charleston, SC 29412

Re: Johnny Scott v. Heirs of James Prioleau, et al
Case No.: 2020-CP-10-04908

Dear Sir/Madam:

This letter is to notify you of the upcoming final hearing in the above referenced matter. The hearing is in-person on December 13, 2021 at 3:00 p.m. in Courtroom 2A at 100 Broad Street, Charleston, SC 29401.

Please govern yourself accordingly.

Sincerely,

VGS
Veronica G. Small
VGS/wgb

2999 6T5H 0000 0560 1207

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Total Postage and Fees	\$
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Street and Apt. No., or PO Box No.	
1833 S. Grimball Rd	
City, State, ZIP+4®	
Charleston, SC 29412	
PS Form 3800, April 2015 PSN 7530-02-000-9047-9017 See Reverse for Instructions	

EVIDENCE OF MAILING

is that on the 30th day of November 2021, she served mail, postage prepaid, in a sealed addressed envelope address as indicated above.

W. Barrett
Wanda Barrett
Assistant to Veronica G. Small

FAMILY LEGAL SERVICES, LLC
Veronica G. Small, Esquire

3300 W. Montague Avenue, Ste 102
North Charleston, South Carolina 29418
842-556-8838 (ph); 843-203-4327 (fax)
e-mail: vsmaill@familylegalservicesllc.com

November 30, 2021

Certified Mail - Return Receipt Request

Heirs of James Prioleau
1829 S. Grimball Road
Charleston, SC 29412

Re: Johnny Scott v. Heirs of James Prioleau, et al
Case No.: 2020-CP-10-04908

Dear Sir/Madam:

This letter is to notify you of the upcoming final hearing in the above referenced matter. The hearing is in-person on December 13, 2021 at 3:00 p.m. in Courtroom 2A at 100 Broad Street, Charleston, SC 29401.

Please govern yourself accordingly.

Sincerely,


Veronica G. Small
VGS/wgb

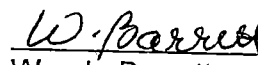
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Heirs of James Prioleau	
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Charleston, SC 29412	
PS Form 3800, April 2015 PSN 7530-02-000-9000-7-7-1. See Reverse for Instructions	

STATE OF MAILING

that on the 30th day of November 2021, she served
il, postage prepaid, in a sealed addressed envelope
dress as indicated above.


Wanda Barrett
Assistant to Veronica G. Small

FAMILY LEGAL SERVICES, LLC
Veronica G. Small, Esquire

3300 W. Montague Avenue, Ste 102
North Charleston, South Carolina 29418
842-556-8838 (ph); 843-203-4327 (fax)
e-mail: vsmall@familylegalservicesllc.com

November 30, 2021

Certified Mail - Return Receipt Request

Heirs of James Prioleau
1717 Folly Road
Charleston, SC 29412

Re: Johnny Scott v. Heirs of James Prioleau, et al
Case No.: 2020-CP-10-04908

Dear Sir/Madam:

This letter is to notify you of the upcoming final hearing in the above referenced matter. The hearing is in-person on December 13, 2021 at 3:00 p.m. in Courtroom 2A at 100 Broad Street, Charleston, SC 29401.

Please govern yourself accordingly.

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November 2021, she served sealed addressed envelope e.

Veronica G. Small

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1 THE COURT: So the caption as it
2 reads is Johnny Scott, as plaintiff, versus the
3 defendants that are listed -- are named as the
4 Heirs of James Prioleau, Crystal Adams, John Doe,
5 Sarah Doe, Richard Roe and Mary Roe and others
6 unknown, but claim an interest in the lands of
7 the Estate of James Prioleau. The case is
8 2020-CP-10-4908.

9 The plaintiff, Mr. Scott, is represented
10 by Ms. Veronica Small of the Charleston County
11 Bar. The action was commenced by Ms. Small
12 November 8, 2020. A summons and complaint, which
13 was amended November the 19th and certain
14 individuals have come in apparently represented
15 by Mr. Willie Heyward of the Charleston County
16 Bar. And they were Paris Williams and Stewart
17 Middleton, seeking to reopen the default.

18 This is a quiet title action. So the
19 default in and of itself does not bar anyone with
20 an interest in the property from making claim to
21 the property. Both of those -- an answer was
22 entered on both of the those folks. We then have
23 a hearing after the matter was referred here in
24 July of this year. Motion to strike. The answer
25 was filed in September -- September 24th to be

1 exact.

2 The matter came on September 21 of this
3 year, September 21 of 2021. Mr. Heyward appeared
4 and made an oral motion and memorandum. Anyway,
5 it sets out default. I'm reading from the order.
6 The Court's review of the memorandum established
7 that the two lawsuits upon which plaintiff would
8 have known the names of these two individuals is
9 not the same property involved in the two prior
10 actions, one from 2009 and one from 2011.

11 Their complaint was that they weren't
12 named individually and that there was prior
13 lawsuits -- I've had a number of lawsuits
14 involving the James Prioleau estate in the --
15 what I think of as the northeast quadrant, but
16 it's probably the southwest quadrant of James
17 Island to be correct. Anyway, it's up off of
18 Folly Road and Old Folly Road and near Sol
19 Legare, not quite there.

20 So the plaintiff took the step to
21 attempt service on the defendant heirs to the
22 address to which the tax bills were submitted.
23 The service sent to Mr. Paris Williams' address
24 was signed for while the one sent to Mr. Stewart
25 Middleton was not. This case is an attempt to

1 quiet title to an encroachment on the plaintiff's
2 lot, the plaintiff being Mr. Johnny Scott.

3 The Court concluded at that time that
4 there is no basis upon which to reopen default
5 and finds that service by publication was
6 effective in this case.

7 It went on to say that, to the extent
8 the defendants are included in the heirs of James
9 Prioleau, their interest may be protected by the
10 court-appointed guardian ad litem, Ms. Toya
11 Hampton. Ms. Hampton is here today as well in
12 her role as court-appointed guardian for
13 unknowns.

14 So the Court denied their motion to
15 reopen the default and set this matter for final
16 hearing for today. It looks like I had to do an
17 amended Form 4 to state the defendants' oral
18 motion to set aside default was respectively
19 denied. I guess I didn't --

20 MS. SMALL: You're talking too
21 softly.

22 THE COURT: All right. Apparently
23 I didn't make myself clear in my original
24 September 24 order, and I had to file an
25 additional order saying the motion was denied.

1 MS. SMALL: Yes, sir.

2 THE COURT: Whereupon a motion to
3 intervene was then filed one week ago today,
4 December the 6th, 2021. And I don't know the
5 relationship, but Dan Middleton, Carl Middleton,
6 Jr., and Carl Middleton, III, same last name as
7 Stewart Middleton, who previously was trying to
8 reopen the default.

9 They filed a motion to intervene in this
10 action and also filed on their behalf by
11 Mr. Willie Heyward in which they claimed to have
12 an interest in the property through Amy
13 Middleton, and therefore, they should be entitled
14 to intervene in the matter, to which Ms. Veronica
15 Small, attorney for the plaintiff, filed her
16 return to the defendants' motion to intervene.

17 That was actually filed just before 5
18 o'clock on Friday on the 10th. So just last
19 week. I received that, and she has requested
20 that the motion to intervene be denied on the two
21 bases upon which she cites to the rule, which is
22 both 24(a) and 24(a)(2) of our rules of civil
23 procedure.

24 Rule 24(a) states, shall be an
25 intervention of right, and she finds there's no

1 intervention of right allowed by statute in this
2 case, this being a declaratory judgment in a
3 quiet title action essentially. And in 24(a)(2),
4 which is permissive intervention, 24(a)(b) is
5 what it is, one and two.

6 One is when a statute converts initial
7 right. Two is when an applicant's claim or
8 defense in the main action have a common question
9 of factor of law, and then the procedure would --
10 then sets forth when that would be. Our Court --
11 she cites then to the Court, in re Horry County
12 State Bank 361-SC-503.

13 In order for an intervention --
14 permissive intervention to be allowed, the party
15 has to demonstrate it has made, one, timely
16 application; two, assert in an interest relating
17 to subject matter of the action; three,
18 demonstrated a position that, without
19 intervention there, it would impair or impede the
20 ability to protect their interest; and four,
21 demonstrate that the interest is inadequately
22 represented by other parties.

23 And that particular matter, Ms. Small
24 has made -- taken issue with the timeliness of
25 this motion to intervene. The motion having come

1 one week prior to the final hearing set for today
2 at 3 p.m. It's now 3:15. I find it is not
3 timely. Two, that attempt was previously made to
4 file an answer and get out of default by Stewart
5 Middleton and Paris Williams. There's been
6 nothing new offered as to why that should be.

7 And she goes on to state in her
8 response, in addition, while the interveners may
9 have some interest in the outcome of the case,
10 because they claim to be an heir, they have a
11 right to be heard if they appear, but their
12 interest can otherwise be adequately represented
13 if they're not in a unique position wherein the
14 disposition of this case will impair or impede
15 their ability to protect any interest they may
16 have in the property. And they asked that the
17 intervention be denied.

18 Ms. Small, is there anything else you
19 would like to add to your written memoranda?

20 MS. SMALL: No, there's nothing
21 further I need to add to my memorandum. I think
22 clearly counsel for the previous defendants is
23 the same counsel. There's absolutely and
24 positively no reason why this matter was not more
25 timely filed, and there's no reason why their

1 interests that they have presented cannot be
2 heard today.

3 THE COURT: All right. And then,
4 to add to that, we just received, what, an e-mail
5 or a telephone call? Received an e-mail from
6 Mr. Heyward's office advising that he is not
7 going to be here today at 3 o'clock, and as I
8 note, it is now 3:15, and he is not present.

9 So it would appear that the purpose was
10 for delay. I would like to move this case along
11 just as much Ms. Small and Mr. Scott would. I
12 feel certain of that.

13 Folks, are y'all here for this matter as
14 well?

15 (Ms. Prioleau: Indirectly. Your
16 Honor, we are here observing as heirs of James
17 Prioleau. This is my father, Joe Nathan
18 Prioleau, and I am Karen Prioleau.)

19 THE COURT: Okay. All right.

20 MS. SMALL: Your Honor, I didn't
21 get their names.

22 THE COURT: Joe Nathan Prioleau and
23 his daughter, Karen Prioleau. I'm happy to have
24 y'all here today. Okay. All right. And I've
25 had lots of lawsuits involving the James Prioleau

1 property. And tell me what y'all's relationship
2 to George was.

3 (Ms. Prioleau: George was his
4 first cousin.)

5 THE COURT: First cousin George?

6 (Ms. Prioleau: That was my
7 grandmother's nephew.)

8 THE COURT: All right. And George
9 was the bailiff up here at the courthouse?

10 (Ms. Prioleau: Yes.)

11 THE COURT: I knew Mr. Prioleau
12 well, just so you know. So Karen Prioleau and
13 Joe Nathan Prioleau. All right. George was a
14 fine fellow. I knew him well, miss him
15 sometimes. But I tell you what, you get to know
16 everybody on James Island if you hang around here
17 long enough.

18 All right. Ms. Hampton, before we even
19 start, have you heard from anyone? Is there
20 anyone out there that we don't know about that
21 may have contacted you in any way, shape, or
22 form?

23 MS. HAMPTON: I've not been
24 contacted at all in this case.

25 THE COURT: All right. Thank you

1 very much, Ms. Hampton. Always a pleasure to see
2 you and have you in my courtroom.

3 MS. HAMPTON: Thank you very much.

4 THE COURT: Good to see you. All
5 right. So I will turn then to Ms. Small. Ms.
6 Small, you're here with Mr. Scott. Do y'all wish
7 to proceed with your hearing?

8 MS. SMALL: Yes, we do, Your Honor,
9 because we need to get on record a plat that --

10 THE COURT: Plat that works?

11 MS. SMALL: That works. And so we
12 have been -- have subpoenaed Atlantic, and we
13 would like to have them heard and, of course, we
14 can hear from our clients. I did ask the Court
15 to do the following, though.

16 THE COURT: All right. Let me stop
17 you. I will just say for the benefit of y'all
18 that are here. Those of you that have been
19 vaccinated and are comfortable removing your
20 mask, you may do so in my courtroom. You're not
21 required to, but if you're not either one of
22 those, then you may just want to keep it on for
23 your own benefit. But that's my rule in my
24 courtroom.

25 MS. SMALL: Your Honor, I wanted to

1 ask the Court to take judicial notice, and I left
2 list unfortunately, but judicial notice of the --
3 what we have is Plaintiff's Exhibit A, which is
4 an order. It's a deed, but it came out of an
5 order from the Court that establishes the
6 boundaries to this particular property in
7 question.

8 THE COURT: All right. Was that
9 the order of Judge --

10 MS. SMALL: The order came from
11 Judge Condon.

12 THE COURT: Condon, yeah.

13 MS. SMALL: But it references an
14 order that apparently Judge O.T. Wallace did
15 February 14, 1965.

16 THE COURT: All right. So we're
17 going to back to '65 on the lot? Okay.

18 MS. SMALL: That's going to back to
19 '65 on the lot and attached to that, of course,
20 is a description of the property that was quieted
21 the title by Leroy Roper and Alfred Richardson,
22 who are trustees that were apparently part of
23 the --

24 THE COURT: Family?

25 MS. SMALL: -- family at that time.

1 I ask the Court to take judicial notice of the --
2 and that deed gave the property -- not gave, but
3 sold the -- the property was sold to
4 Mr. Buist L. Hanahan.

5 THE COURT: That was in '65?

6 MS. SMALL: That deed is dated
7 July -- 31st of July 1985.

8 THE COURT: '85?

9 MS. SMALL: Yeah. The deed was
10 dated '85, but it referenced the transaction had
11 taken place in '65.

12 THE COURT: '65, okay.

13 MS. SMALL: And then I ask the
14 Court to take judicial notice of Exhibit B, which
15 is the deed from Buist L. Hanahan to my client.

16 THE COURT: Okay.

17 MS. SMALL: And then what the Court
18 does not have that I ask the Court to take
19 judicial notice, and I will submit it as whatever
20 exhibit it wants to have it as, and that is the
21 deed from Wanda Scott to Johnny Scott.

22 When Mr. Scott got the property, he was
23 married to Wanda R.J. Scott, and subsequent to
24 their divorce, she transferred title; so
25 Mr. Scott has total interest in the property in

1 question.

2 THE COURT: Okay. When was the
3 deed from Hanahan to Scott?

4 MS. SMALL: The deed from Hanahan
5 to Scott was dated February the 2nd, 1995.

6 THE COURT: 2/2/95, okay.

7 MS. SMALL: And the deed from
8 Ms. Wanda Scott to Mr. Scott was dated 17th of
9 June 2004.

10 THE COURT: Okay.

11 MS. SMALL: Mr. Scott was
12 attempting to sell his property, and when he
13 realized that the survey -- the property aligned,
14 boundary lines were all screwed up. And so
15 that's why we're here.

16 THE COURT: And the counties
17 initiated a new procedure that if you have
18 conflicting boundaries, they give you a new TMS
19 number. They voluntarily do that.

20 MS. SMALL: Yes. I'm not even
21 going there right now. I saw that, but I figured
22 they were not going to confuse where we were when
23 we filed this originally.

24 THE COURT: I have complained
25 personally. I will just --

1 MS. SMALL: Good. I'm glad we're
2 on the same page. So I have -- as a result of
3 him having difficulties, he, of course, had the
4 property resurveyed, and we have in the courtroom
5 with us, Covert Nelson from Atlantic Surveyor,
6 who actually did the survey.

7 And I would like to call him out of
8 order so that he can go back to work because it's
9 a good day for surveying, and we don't need him
10 sitting here. So I'd like to call him out of the
11 order, if the Court doesn't mind, and then I will
12 call Mr. --

13 THE COURT: I have no problem with
14 that whatsoever.

15 Mr. Nelson, do you want to come forward?

16 Ms. Hampton, you don't have any
17 objection to that, do you?

18 MS. HAMPTON: No.

19 THE COURT: All right. Very good.
20 Come around here if you would.

21 (COVERT NELSON, having first been
22 duly sworn, testified as follows:)

23 THE COURT: Please give us your
24 full name and address.

25 THE WITNESS: Covert Boyd Nelson.

1 I live at 501 Longstreet Street in Summerville,
2 South Carolina.

3 THE COURT: So 2948 --

4 THE WITNESS: I'm sorry, 29406.
5 They changed that.

6 THE COURT: That's North
7 Charleston, isn't it, or is this North
8 Charleston?

9 THE WITNESS: I believe it is
10 29486. I don't write myself a letter very often.

11 THE COURT: You were about to hit
12 me with a new zip code for Summerville. I'm okay
13 with that, I just wanted to know. Very good.

14 Ms. Small?

15 MS. SMALL: Thank you.

16 DIRECT EXAMINATION

17 BY MS. SMALL:

18 Q. Mr. Nelson, would you tell the Court
19 what you do for a living?

20 A. I'm a professional licensed land
21 surveyor.

22 Q. And that's a professionally licensed
23 land surveyor for the State of South Carolina?

24 A. That's correct.

25 Q. And how long have you been so licensed?

1 A. I got my license in 1992.

2 Q. Okay. So you've been doing this for
3 quite some time?

4 A. Yes, ma'am.

5 Q. Has most of your work been done in the
6 state of -- in Charleston?

7 A. All of my work has been done around
8 Charleston and Summerville area, Moncks Corner.

9 Q. And then Dorchester, Berkeley, the low
10 country area?

11 A. Pretty much the low country.

12 Q. And how long have you been working with
13 Atlantic Survey, Inc.?

14 A. Since 2006, I believe.

15 Q. All right. And have you ever been -- in
16 order to be a surveyor, what kind of background
17 training did you have?

18 A. I had schooling at Trident Technical
19 College. I had 18 plus years in the field as a
20 surveyor. I'm a licensed surveyor, and I got my
21 license under the grandfather clause many years
22 ago.

23 Q. Okay. Now, did you have an occasion to
24 survey, or through your office, survey the
25 property located at 334-10-00-021 on James

1 Island?

2 A. Yes, I did.

3 Q. And that is the subject of the property
4 we have here?

5 A. Yes.

6 Q. Now, I noticed that when you originally
7 surveyed this, you did not reference the plat
8 that we -- that was deeded that was the quiet
9 title of the property that the Court had
10 originally determined in that '85 order; is that
11 correct?

12 A. That's correct.

13 Q. All right. Would you tell the Court
14 what you have found as a result of all of the
15 information you have on this property at --
16 that's in question?

17 A. Yes. I found that back in 2015.

18 THE COURT: 2015?

19 THE WITNESS: 2015, a plat by James
20 Pennington of the same parcel that we're speaking
21 about. And upon surveying that parcel, we go
22 down the road and we make sure we find additional
23 corners to make sure that everything is in the
24 right place.

25 So we found some corners from a plat

1 dated November of 1985 by George A.Z. Johnson.

2 Okay. And when I tried to reconcile the two
3 plats together, I found the overlap at the rear
4 lots of 1, 2,3 and 4 on Mr. Johnson's plat.

5 BY MS. SMALL:

6 Q. Now, Mr. Johnson's plat would have been
7 after the order that was issued in this case; is
8 that correct?

9 A. This was done in 1985.

10 Q. All right. And the order from the
11 Courts here was dated July 31st of 1985.

12 A. And this is November 27th of 1985.

13 Q. All right. So it's subsequent to that
14 report?

15 A. It's subsequent, yes.

16 Q. Okay. So what did you find?

17 A. We found that there was an overlap
18 between the boundaries from the Johnson plat and
19 the Pennington plat.

20 Q. Okay. So have you had a chance to
21 review the description that was attached to the
22 1985 order?

23 A. Yes.

24 Q. And have you had a chance to look at all
25 of the other plats?

1 A. Yes, I have.

2 Q. And tell me what have you determined as
3 a result of your survey of all of the plats in
4 question involving this property.

5 A. Our determination was that James
6 Pennington's plat was correct. He followed
7 procedures from the original plat. I don't have
8 it with me, but it was from many, many years ago
9 and it -- but it was obvious, once we had
10 completed the survey, that the parcels on
11 Mr. Johnson's plat actually extended in to the
12 Pennington plat.

13 Q. Now, the Pennington plat was the one
14 that was referred to in the order that I just
15 talked about?

16 A. That's correct, yes.

17 Q. And so they were from that plat? That
18 is the correct plat, you're saying, as the one
19 subsequent thereto by --

20 A. Yes. Has an error, yes.

21 Q. -- was in error?

22 A. Yes.

23 Q. All right. Based on the description
24 that you have -- you've gone out there to see
25 Mr. Scott's property; is that correct?

1 A. That's right.

2 Q. Or someone from your office has; is that
3 correct?

4 A. That's correct.

5 Q. Is Mr. Scott's plat consistent with the
6 order that was issued in 1985?

7 A. Yes. Yes, it is.

8 Q. And should that be what he should have
9 without any overlapping from anybody else?

10 A. That would be my professional opinion,
11 yes.

12 Q. All right. And did you bring something
13 for the Court to see in terms of what plat you
14 were referring to as the correct plat?

15 A. Yes.

16 THE COURT: We do need to mark some
17 exhibits so we know what we're talking about
18 here. Okay? So let's go ahead and get -- and in
19 whatever order you want, but go ahead and get
20 them to him and let's mark some of these plats.

21 MS. SMALL: Are you talking about
22 the --

23 THE COURT: Well, we made reference
24 to an '85 plat, a Pennington plat, another plat.

25 MS. SMALL: Do I need to do new

1 ones because they're attached to the complaint?

2 THE COURT: I'm sorry?

3 MS. SMALL: The Pennington plat --

4 THE COURT: Well, you need to make
5 a record for appeal because I can assure you,
6 there's going to be an appeal. That's what
7 happens in every case I have.

8 MS. SMALL: Yes, sir. Can we just
9 change the --

10 THE COURT: And I'm just trying to
11 make it easier for the Court of Appeals.

12 MS. SMALL: I'm going to make it
13 easier for the Court myself. So what I'm going
14 to do is ask her to remark A and B and then C and
15 then D will be whatever he --

16 THE COURT: Okay. Perfect. We
17 will give them numbers. We will do Plaintiff's
18 1, 2, 3, 4.

19 MS. SMALL: Okay. A is going to be
20 the order.

21 THE COURT: A will be 1. We're not
22 using letters. Okay?

23 MS. SMALL: Okay.

24 THE COURT: There's another thing
25 we don't do.

1 MS. SMALL: Which is the deed that
2 is from Leroy Roper and Alfred Richardson to
3 Mr. Buist L. Hanahan, and that one was dated
4 in --

5 THE COURT: That's -- I wrote that
6 down, July 31, 1985, it should be.

7 MS. SMALL: July 31st, 1985. We'll
8 call that number 1.

9 (PLF. EXH. 1 was marked for
10 identification and received in evidence.)

11 THE COURT: That will be fine.

12 MS. SMALL: Number 2 will be a
13 plat -- excuse me, the deed from Buist L. Hanahan
14 to Johnny Scott, who is the plaintiff here, Wanda
15 R.J. Scott, who was his former wife and attached.

16 (PLF. EXH. 2 was marked for
17 identification and received in evidence.)

18 MS. SMALL: And No. 3 would be the
19 plat from Wanda -- or excuse me, the deed from
20 Wanda R. Scott to Johnny Scott. And that would
21 be the total property chain of title.

22 (PLF. EXH. 3 was marked for
23 identification and received in evidence.)

24 MS. SMALL: And I'm going to allow
25 plat, item number 4, to be the plat that Mr. --

1 THE COURT: Mr. Nelson has put
2 together for us?

3 MS. SMALL: Has put together for
4 us.

5 THE COURT: All right. Very good.

6 (PLF. EXH. 4 was marked for
7 identification and received in evidence.)

8 BY MS. SMALL:

9 Q. I've got a problem with this plat. Is
10 this the corrected plat?

11 A. Yes. That's the most recent, yes.

12 Q. This corrected plat only shows 2.8108?

13 A. The plat itself is -- when you add the
14 numbers up, I don't think it makes that.

15 Q. I don't understand what you -- now,
16 you've got me lost. Because the plat that I was
17 looking for is this one.

18 A. Yeah, that's this one here.

19 Q. Well, that's the right one. So you'll
20 have to explain what this one is.

21 A. Well, that's the plat I used for
22 reference when we went out to survey.

23 Q. That's correct.

24 A. Yes, that's the one I used for
25 reference. This is the survey -- this is my

1 survey using that reference and the corners we
2 found in the field.

3 Q. I have no clue what he just said. Okay.
4 So which plat identifies Mr. Scott's property as
5 it is right now?

6 A. That plat does. This plat and that plat
7 are very closely related.

8 Q. Okay. So what is the difference?

9 A. This is 2.858 acres.

10 Q. But that also shows the overlapping?

11 A. Yes, it does show the overlapping.

12 Q. Okay. When the overlapping is removed,
13 how many acres do we have?

14 A. Is still 2.858 acres.

15 Q. I don't get it, I'm sorry. What
16 happened to the other 3.4 he originally had?

17 A. When we did the survey, and we found all
18 the corners, that sort of ended up being
19 calculated. The original plat, when I put it in
20 the computer and ran the calculations, it didn't
21 come up to 3.4 acres.

22 Q. Okay. So what happened to --

23 A. That was an error on the original plat.

24 Q. Okay. You're talking about the one that
25 the Court did that was 3.4 acres?

1 A. That area -- that area did not compute
2 to what was on the paper, that's correct.

3 Q. So you're telling me -- I apologize
4 because I thought -- you and I certainly are not
5 on the same page. I thought that the plat that
6 was for 1985 that was attached to the deed --

7 A. That's the 1985 plat right there.

8 Q. No.

9 A. Yes, this is -- no, that is a 2015 plat.
10 That was the most recent plat on this property.

11 Q. And the overlap is here; is that
12 correct?

13 A. That's correct.

14 Q. Now, what is the -- why is there
15 overlap?

16 A. There's overlap because the plat and the
17 adjacent, the one by Johnson.

18 Q. The Johnson plat is after the fact?

19 A. All right. Johnson is after the fact,
20 that's correct.

21 Q. So I'm only concerned -- I hate to be
22 arguing with my own expert, but I'm only
23 concerned with the 3.4 that was given to him
24 pursuant to the order of the Court.

25 A. Okay.

1 Q. You did not get to see those?

2 A. That is not -- yeah, that's not what's
3 in the field. That is not what is being -- has
4 been surveyed. We found all the corners. We
5 found the fences. That's --

6 Q. That's why I called your office today to
7 make sure that you and I are on the same page
8 because apparently you and I are not on the same
9 page. So I'm going to ask you.

10 A. Okay.

11 Q. I sent this to your office.

12 MS. SMALL: I'm sorry, Your Honor.

13 THE COURT: That's okay.

14 MS. SMALL: Because right now,
15 we're on two different pages.

16 THE COURT: I'm with you. That's
17 why I wanted to make sure that we're all on the
18 same page. And I'm holding Exhibit 1, which is
19 that deed to Hanahan and includes that old plat
20 that he was referencing.

21 MS. SMALL: That's exactly correct,
22 which is --

23 BY MS. SMALL:

24 Q. Did you get a chance to see this?

25 A. Yes, I've seen that plat.

1 Q. And this gives him 3.4 acres?

2 A. That's what it says, yes.

3 Q. And you're saying there wasn't 3.4
4 acres?

5 A. There never was. There's an error
6 here. It's a calculation error on that plat.

7 THE COURT: And the one that you
8 are holding is what?

9 MS. SMALL: The one attached to the
10 order.

11 THE COURT: When you say attached
12 to the order, that's not the same one that's
13 attached to this --

14 MS. SMALL: That's the one I'm
15 holding.

16 THE COURT: All right. Let me take
17 a look at what you've got there because this has
18 no 3 acres on it that I can find.

19 MS. SMALL: Yeah, 3.4.

20 THE COURT: Oh, it does?

21 MS. SMALL: Uh-huh.

22 THE COURT: Designated as what, lot
23 B?

24 MS. SMALL: That's correct.

25 THE COURT: Is that what we're

1 talking about here?

2 MS. SMALL: Yes.

3 THE COURT: Okay. All right. I
4 did find it, I'm sorry.

5 MS. SMALL: That's all right.

6 THE COURT: I was totally lost
7 because the only reference --

8 MS. SMALL: I am, too.

9 THE COURT: Yeah. All right.

10 BY MS. SMALL:

11 Q. So you're saying that the court order of
12 3.4 was not correct?

13 A. The plat that -- I'm not saying that.
14 I'm saying that plat right there, the
15 computations that created the 3.4 acres was
16 (inaudible) because I ran it through the
17 computer, and it doesn't add up to 3.4 acres.

18 THE COURT: Okay. And you're
19 basing that opinion on your measurements as shown
20 on this plat?

21 THE WITNESS: Right.

22 THE COURT: The number of feet by
23 the number of sides --

24 THE WITNESS: That's correct.

25 THE COURT: -- multiplied together

1 and put into a square foot basis?

2 THE WITNESS: Right.

3 THE COURT: You come up with what
4 number?

5 THE WITNESS: It was 2.8 something.

6 THE COURT: Okay. Something less
7 than 3.4?

8 THE WITNESS: It was definitely
9 less than 3.4.

10 THE COURT: I'm with you.

11 THE WITNESS: If you use the
12 numbers on that plat.

13 THE COURT: I'm okay with that. My
14 first question to you -- I'm going to intervene
15 -- is there are basically three lines. The small
16 print down in the corner says the only referenced
17 plats was lines A to B on tract E, and I found
18 tract E over here in the bottom left corner
19 somewhere.

20 So that's not the property we're talking
21 about. We're talking about B, which is the one
22 tract which is above the road. That road is
23 listed on here. I think that road becomes our
24 hazard lane eventually, okay, is what it becomes.
25 But, anyway, it's not given a name on this road.

1 As you go down the road, you find it's
2 lot B 3.4 acres. Significant to me as you come
3 off the road, and you go to the east, it says,
4 ditch the line.

5 THE WITNESS: Yes.

6 THE COURT: Have you been on the
7 property?

8 THE WITNESS: Yes.

9 THE COURT: Is there is a big ditch
10 right there?

11 THE WITNESS: Yes. There's a big
12 ditch there.

13 THE COURT: Is it hard to miss?

14 THE WITNESS: No, not really.

15 THE COURT: No?

16 THE WITNESS: If you walk to it,
17 you can see it, but if you --

18 THE COURT: If you're looking for a
19 property line, you will see a ditch, though?

20 THE WITNESS: That's correct, yes.

21 THE COURT: All right. And then
22 you turn and you go a little north, there's
23 another line, and then along what would be the
24 eastern boundary?

25 THE WITNESS: Uh-huh.

1 THE COURT: It says old bank the
2 line. Is that noticeable as well?

3 THE WITNESS: That is no longer
4 there.

5 THE COURT: That old bank does not
6 exist?

7 THE WITNESS: That old bank doesn't
8 exist anymore. It's not out there.

9 THE COURT: It says old bank.
10 Okay. You could not tell there was an old bank
11 there at one time?

12 THE WITNESS: Could not tell, no.

13 THE COURT: Because it looks like
14 this survey was done in 1960. So I was actually
15 alive in 1960; so that was about 61 years ago.
16 All right. But I'm not an old bank. And then so
17 you've got -- but there were markings, I'm
18 assuming, when you went out there?

19 THE WITNESS: There were definitely
20 markings. All the corners were marked.

21 THE COURT: All right. But that
22 ditch, if you go there, you can't miss it?

23 THE WITNESS: You cannot miss it.

24 THE COURT: Because I think that's
25 where our encroachment is, is it not, Ms. Small?

1 MS. SMALL: Since I have not been
2 out there, I can't argue that. But the only
3 thing I can say, Your Honor, is that I noticed
4 that I did not include that. Crystal Adams who
5 had TMS number 334-10-00-116 --

6 THE COURT: Right.

7 MS. SMALL: -- has subsequently had
8 her plat corrected. And as you can see -- and so
9 that really is where I was. So I don't quite
10 understand -- I have to be perfectly honest, by
11 not having sat down and talked with him, I don't
12 understand why she corrected hers and the other
13 two are not corrected is all I'm saying.

14 THE COURT: Well, if you've got the
15 old plat and Ms. Adams' plat, which I think was
16 Exhibit 1A to your motion?

17 MS. SMALL: Yes. And it was
18 Plaintiff's Exhibit D to my complaint, which
19 would be whatever that number is.

20 THE COURT: If you will look at --
21 if you will locate the hazard line, which is
22 Hazard Lane, excuse me, which is to the right of
23 what I believe to be Mr. Scott's home, you will
24 then see this angle that goes up and then turns
25 and goes further up. And where Ms. Adams' lot

1 would be, would have to be on the ditch on that
2 1960 plat.

3 MS. SMALL: That's correct.

4 THE COURT: And that was my
5 question to you. So he has located your ditch,
6 and the ditch is the line, and now we can take
7 that from there. Let's go from there. All
8 right?

9 BY MS. SMALL:

10 Q. Okay. So have you -- I don't even know
11 where to begin with regard to this. Have you had
12 a chance to see this plat? And then I will have
13 it marked.

14 A. Yes, that's one of our plats.

15 Q. That's one of your plats?

16 A. Yes, ma'am. That's one of our surveys.

17 Q. So let me ask --

18 A. That overlap was actually caught by
19 another surveyor, and that plat that caught that
20 is recorded in book L20-265.

21 Q. So I have a question for you. This
22 overlap was caught one of your surveyors?

23 A. Not one of my surveyors, another
24 surveyor.

25 Q. Well, it says Atlantic Survey or another

1 surveyor.

2 A. Right. I referenced another surveyor's
3 plat.

4 Q. All right. Now, did you look at that
5 surveyor's plat?

6 A. Yes, I did.

7 Q. Was it correct?

8 A. Yes.

9 Q. Okay. So how is that overlapping -- no
10 offense -- how does that overlap, but there's no
11 overlapping with regard to any of the other
12 parcels? How is that overlap corrected and
13 you're not correcting it here?

14 A. Perhaps you haven't seen my latest
15 survey. You might have something very old.

16 Q. Okay. This is your most recent survey?

17 A. Yes.

18 Q. What does that say, sir?

19 A. Pardon?

20 Q. What does it say?

21 A. I'm sorry, I don't have my glasses.

22 Q. Okay. Well, I will give it back to you.
23 Explain to the Court what it is. We're going to
24 have it marked as an exhibit, and tell me what
25 does it say because I need to know where the

1 overlapping is, and if any exists, based upon
2 what you have found?

3 A. Okay. Boundary exhibits showing
4 inconsistencies.

5 Q. Okay.

6 A. Tract B, TMS 334-10-00-021 1779 Hazard
7 Lane, Charleston County, and it was prepared for
8 Johnny Scott.

9 Q. Okay. And what does it show, sir?

10 A. It shows overlaps on lots 1A, 2B, 3 and
11 4.

12 Q. Okay. So it shows overlap on lines 1A,
13 B?

14 THE COURT: 1A, 2B, 3 and 4.

15 Q. 1A, 2B, 3 and 4?

16 A. That's correct.

17 Q. Is the overlapping of 1 -- of lot 3
18 still in existence?

19 A. Yes.

20 Q. Should there be an overlap with lot 3?

21 A. No, there should not be.

22 Q. Is the overlap for line -- for lot D
23 still in existence?

24 A. Yes.

25 Q. Should there be an overlap?

1 A. There should not be.

2 Q. Is the overlap for lot 1A still in
3 existence?

4 A. Yes.

5 Q. Should there be?

6 A. No.

7 Q. Once you take the overlap off, is the
8 acreage still 2.8, whatever that means?

9 A. Yes.

10 Q. Okay. So the acreage still stays the
11 same even though these actually do overlap?

12 A. The acreage represents what we surveyed
13 that I believe professionally is just property.

14 Q. Okay. So I'm a little -- let me ask you
15 a question. If you remove the overlap, would the
16 acreage still be the same?

17 A. The acreage would still be the same.

18 Q. Okay. Well, the acreage is what it is.

19 THE COURT: It is what it is.

20 Q. All right. So but there is overlapping?

21 A. Absolutely.

22 Q. And the overlapping is as a result of
23 some surveys that took place after the court
24 order?

25 A. That's correct.

1 Q. Okay. And so we're just asking the
2 Court to --

3 A. Clear it up.

4 Q. -- to clear it up?

5 A. Yes.

6 Q. And I understand -- I look and see --
7 when you went out there, did Mr. Scott have his
8 property fenced in? Do you recall?

9 A. Have it fenced? Yes.

10 Q. So that is the area that we're talking
11 about?

12 A. That's correct.

13 Q. And that's the area where the
14 overlapping occurs?

15 A. That's correct.

16 Q. And all we're asking the Court is to
17 clear that up?

18 A. That's correct.

19 Q. All right. Whatever the acreage is when
20 we're finished?

21 A. Right.

22 MS. SMALL: Thank you so very much.
23 I don't have any other questions, Your Honor.
24 Did we mark that as an exhibit?

25 THE COURT: All right. Let's make

1 sure we've got them all marked the way we want
2 them to look.

3 MS. SMALL: All right. I think
4 that's all I have, and I appreciate you so very
5 much.

6 THE COURT: All right. This plat,
7 Exhibit No. 4, Atlantic Survey -- is Kelly Davis
8 Atlantic Survey?

9 THE WITNESS: Yes. He owns
10 Atlantic Survey. He has -- since that, he has
11 retired and is in Florida now, right where I
12 would like to be.

13 THE COURT: Okay.

14 MS. SMALL: But we got the right
15 plat; is that correct?

16 THE WITNESS: Yes, correct, that's
17 the right plat.

18 MS. SMALL: And that's the plat
19 that we're asking -- do you need to do anything
20 else to approve -- to have that plat approved by
21 the county?

22 THE WITNESS: Just put their stamp
23 aerial on it. That's about it.

24 THE COURT: You need a court order
25 that says, remove the overlap, and they will

1 approve that, right?

2 THE WITNESS: Yes.

3 THE COURT: All right. And once
4 again, I think this is a larger version of what
5 was 1B to your motion or whatever it was.

6 MS. SMALL: Attached, that's
7 correct.

8 THE COURT: Okay. And, again,
9 while I've got lot -- this is No. 4. As Hazard
10 Lane sort of ends on Mr. Scott's property,
11 according to this, that this line, which is shown
12 as 272.41 feet, until you get to some found
13 rebar --

14 THE WITNESS: Yes, sir.

15 THE COURT: -- includes the now
16 excluded Crystal Adams overlap?

17 THE WITNESS: Right.

18 THE COURT: But it would also
19 include whatever amount of acreage in the overlap
20 on lot 1A --

21 THE WITNESS: That's right.

22 THE COURT: -- heirs of James
23 Prioleau?

24 THE WITNESS: That's correct.

25 THE COURT: And along that line is

1 a ditch, or at least is noticed that as ditch
2 from the 1960 plat --

3 THE WITNESS: Yes.

4 THE COURT: -- which would generally
5 indicate a property line --

6 THE WITNESS: Property line, yes,
7 sir.

8 THE COURT: -- if you were walking
9 the property. And it extends all the way into
10 lot 3, also known as heirs of -- listed as heirs
11 of James Prioleau, but it sets forth the overlap.

12 THE WITNESS: Yes, sir.

13 THE COURT: And then it cuts to the
14 north, and we don't have the ditch anymore to
15 find after that, correct?

16 THE WITNESS: No.

17 THE COURT: But the dimensions of
18 the lot, this is Mr. Scott's lot, and it doesn't
19 have a description here, but it's lot B in the
20 old 1960 plat.

21 THE WITNESS: Right.

22 THE COURT: Looks to be the same
23 dimensions and shape?

24 THE WITNESS: Yes, it appears to be
25 the same.

1 THE COURT: The dimensions and
2 shape all look to be about right. Difficult for
3 me to see that. Hold on one second. As a matter
4 of fact, 294.7, y'all found 294.3, and then this
5 looks like 270. You've got 272.

6 And I'm sure, depending on where they
7 put that mark for wherever the road was, makes it
8 different. This shows Hazard Lane being a 25
9 foot right-of-way. It may or may not have been
10 25 feet way back when. Old bank the line 417
11 feet they say. Y'all got it at 370.

12 And then, on this other line, 140, 144
13 on the front, 375 on the back. And this had 373.
14 So it's 2 feet -- is there any significance to
15 the red lettering on that or the red lines?

16 THE WITNESS: The red line on there
17 is the old plat.

18 THE COURT: Okay.

19 THE WITNESS: That's the original
20 old plat.

21 THE COURT: You've superimposed the
22 old plat onto this?

23 THE WITNESS: That is correct.

24 THE COURT: Is what you've done.

25 THE WITNESS: Those lines are what

1 the numbers on that plat actually produce.

2 THE COURT: Okay.

3 MS. SMALL: And that's the plat
4 from the court order; is that correct?

5 THE WITNESS: Yeah. That would be
6 the plat from the court order.

7 THE COURT: Correct. Did we give
8 that one a number?

9 MS. SMALL: Which one?

10 THE COURT: The old plat from the
11 deed. It's attached to the deed. It's part of
12 Plaintiff's Exhibit 1 is what it is.

13 MS. SMALL: It's part of
14 Plaintiff's Exhibit 1. Let me look and make sure
15 it's there.

16 THE COURT: All right. I got it.
17 I got it in my hand. So the red is the
18 superimposed old plat. Is the green -- any
19 significance to the green?

20 THE WITNESS: The green is the
21 James Pennington plat.

22 THE COURT: It's the Pennington
23 plat?

24 THE WITNESS: Right. Which is the
25 most recent recorded plat for that lot.

1 THE COURT: Yeah. Okay. And
2 that's the S170113 --

3 THE WITNESS: Right.

4 THE COURT: -- recorded in 2017 and
5 prepared, I'm assuming, from Mr. Scott showing
6 2.8 acres. And you're in agreement with that?

7 THE WITNESS: Yes, sir.

8 THE COURT: Okay. And his plat
9 shows a chain-link fence pretty much all around
10 the property. Is that what you found as well?

11 THE WITNESS: Yes. On one side,
12 you probably can't see it on that plat because
13 it's printed so small, but there's a chain-link
14 fence all the way around the property.

15 THE COURT: Okay. All right. And
16 I think Mr. Scott is going to tell us how long
17 that's been there.

18 THE WITNESS: Yeah. It's been
19 there -- it looked likes that's been there for a
20 while.

21 THE COURT: All right. I'm with
22 you. Do you think the problem originated with
23 the George Johnson plat?

24 THE WITNESS: That's what I
25 believe.

1 THE COURT: Okay. And, again, that
2 would have been, I believe, if I'm correct -- and
3 I don't know if we've got it marked. Hold on a
4 second.

5 MS. SMALL: I don't know, but I
6 have a copy of that. Do you have a copy of the
7 George Johnson plat? Is that what you are
8 looking for?

9 THE WITNESS: Yeah, I sure do.

10 THE COURT: You do? Is that from
11 1995?

12 THE WITNESS: Yes.

13 MS. SMALL: Is it '95 or '85?

14 THE WITNESS: Actually, it's --
15 '85. I don't have my glasses. It looks like it
16 was last revised November 7th, 1986.

17 THE COURT: Hold on. I had that
18 one at one time, too. Hold on. I know I've seen
19 that one because I kept looking at it and
20 scratching my head. Let me see that one.

21 MS. SMALL: I think I may have
22 attached it.

23 THE COURT: That might be where I
24 saw it. Yeah, you did. All right. Hold on.
25 That's B058. B058 was the source of the problem?

1 MS. SMALL: Yes.

2 THE COURT: Okay. This one shows
3 James Prioleau Drive. This was Folly Road, but
4 it doesn't show -- at least I can't find it. I
5 don't see Hazard Lane on here anywhere.

6 MS. SMALL: Your Honor, if it
7 pleases the Court, just for whatever it's worth,
8 that is another road.

9 THE COURT: James Prioleau?

10 MS. SMALL: That road -- that's a
11 whole different road.

12 THE COURT: Yeah, yeah, yeah. I
13 know that, but what I'm saying, how do you know
14 where the problem is on this plat? I guess
15 that's the question I've got for him.

16 MS. SMALL: He's got to answer that
17 one.

18 THE COURT: Yeah, yeah. Where on
19 that plat is our problem? Where does it
20 originate?

21 MS. SMALL: Over here. That's
22 where it is.

23 THE WITNESS: We came down and
24 found some corners down this road to prove where
25 these lots were at.

1 THE COURT: The James Prioleau?

2 THE WITNESS: Yeah. And then it
3 caused this line right here to encroach across --

4 THE COURT: That line. I gotcha.
5 I'm with ya.

6 THE WITNESS: Yeah.

7 THE COURT: The line running the
8 same direction as James Prioleau?

9 THE WITNESS: That's correct.

10 THE COURT: All right. Let me look
11 at it that way. I'm going to compare it because
12 I've got another Johnson plat here. And that
13 would be lots 1, 2, 3 and 4 on this plat?

14 THE WITNESS: That's correct.

15 THE COURT: All right. I've got
16 two -- I'm holding two Johnson plats. The one
17 you handed me, the larger one is B058 dated
18 November '85, revised in '86.

19 And so it would have been the -- that
20 north just seems to be right on this property.
21 But probably our property would be to the south
22 and the east of lot 1. This being south. This
23 being east.

24 THE WITNESS: That's correct.

25 THE COURT: Lot 1 and Hazard Lane

1 would run along the eastern boundary of lot 1 is
2 what it looks like. And that may show up better
3 on this one. I don't know if you've seen this
4 plat, but we ought to probably mark these two,
5 but let me get you to identify them first. Those
6 are two Johnson plats. One is from '85 and one
7 is from '95.

8 THE WITNESS: Yes.

9 THE COURT: And the smaller one,
10 the '95 one shows -- I think it shows those four
11 lots, doesn't it? One, two, three, four?

12 THE WITNESS: The one from '85
13 shows the four lots.

14 THE COURT: Okay.

15 THE WITNESS: The '95 plat
16 subdivided lot 1 into four separate parcels. It
17 appears that the distance -- yeah, the distance
18 still remained the same. So it's still causing
19 the same overlap.

20 THE COURT: The same problem?

21 THE WITNESS: Yes, sir.

22 THE COURT: Okay. And he picked
23 that up -- he wouldn't have created his plat --
24 Mr. Johnson didn't create his plat until after
25 the court order was entered is what we've

1 discovered, right?

2 THE WITNESS: Right.

3 THE COURT: Okay. All right. He
4 was probably searching for acreage. All right.
5 Let's go ahead and mark those as whatever number
6 next we are. Let's do the big one and then the
7 small one. I think the big one is the newer one.
8 So I think we're at 5 and 6, if I'm not mistaken.

9 (PLF. EXH. 5 and 6 were marked for
10 identification and received in evidence.)

11 MS. SMALL: Your Honor, this -- I
12 did not bring anybody in from the city of -- from
13 the County Assessor's Office, but I had gotten --
14 I think that you asked the question, where was
15 Prioleau, vis-a-vis where the property is in
16 question, where Prioleau Drive was.

17 THE COURT: No, no, no, James
18 Prioleau Drive is not relevant to our inquiry,
19 no. I was just trying to get on this '85 -- the
20 Johnson plat, he just doesn't even show Hazard
21 Lane. It doesn't even exist.

22 THE WITNESS: Right.

23 THE COURT: As a matter of fact,
24 the only one he shows is Prioleau coming off of
25 Folly, which tells me he wasn't concerned with

1 that back part of the property.

2 THE WITNESS: Right.

3 THE COURT: And 10 years later, he
4 comes along, and he subdivides lot 1, which he's
5 created in '85. He's not subdividing lot 1.
6 He's now showing the existing Hazard Lane as an
7 unapproved property. So he's -- knows that
8 there's something going on and going back there.
9 I'm making those findings of fact for the record
10 for you, Ms. Small --

11 MS. SMALL: I appreciate you doing
12 that.

13 THE COURT: -- so that I will make
14 a determination on the competency of
15 Mr. Johnson's plat at the end of the trial.
16 Okay?

17 MS. SMALL: I appreciate you so
18 very much. And I don't have any further
19 questions because I'm afraid to ask any.

20 THE COURT: Let me first ask
21 Ms. Hampton if she has any questions?

22 MS. HAMPTON: I do not.

23 THE COURT: And I want to ask
24 either one of the Prioleau's that are here if
25 y'all have any questions for Mr. Surveyor,

1 Mr. Nelson while he's here? Y'all hadn't seen
2 any of these things, but you're hearing what
3 we're talking about. Okay?

4 (Ms. Prioleau: No questions.)

5 THE COURT: Okay. Very good. You
6 may be excused to go about your busy work.

7 MS. SMALL: Thank you so very much,
8 Your Honor.

9 THE COURT: I appreciate you coming
10 in.

11 MS. SMALL: Thank you for coming,
12 and that's all I can say.

13 THE COURT: Okay.

14 MS. SMALL: Let's hear from Johnny
15 Scott.

16 THE COURT: All right, Mr. Scott,
17 come on up.

18 (JOHNNY SCOTT, having first been
19 duly sworn, testified as follows:)

20 THE COURT: Please have a seat and
21 then give me your full name and address for the
22 record, please, sir.

23 THE WITNESS: Johnny Scott, 1779
24 Hazard Lane, Charleston, South Carolina.

25 DIRECT EXAMINATION

1 BY MS. SMALL:

2 Q. And that was 1779 Hazard Lane?

3 A. Hazard Lane.

4 Q. Charleston, South Carolina. And how
5 long have you been living on Hazard Lane?

6 A. The past 23 years.

7 Q. 23 years?

8 A. Yes.

9 Q. Was that in -- you obtained that
10 property from Mr. --

11 A. Mr. Hanahan.

12 Q. From Mr. Who?

13 A. Buist Hanahan.

14 Q. From Buist Hanahan, and you've had it
15 ever since?

16 A. Yes.

17 Q. Now, there was testimony that you fenced
18 in this property; is that correct?

19 A. Yes.

20 Q. And how did you go about fencing it?

21 A. I fenced it in with the help of
22 Mr. Hanahan himself.

23 Q. With the help of Mr. Hanahan himself?

24 A. Yes. He showed me what -- he showed me
25 what the -- each and every one of the points

1 were.

2 Q. Okay. Now, did you hear today that
3 there might not have been 3.4 acres in your
4 property but maybe something less?

5 A. Yes, I did hear that.

6 Q. Okay. And now you know you have to go
7 and get it resurveyed --

8 A. Yes.

9 Q. -- for the exact acreage?

10 A. Yes.

11 Q. But in terms of the boundaries that we
12 are talking about today, you have operated -- you
13 have lived on that property with that fenced in
14 area. How long after you were on the property
15 did you fence it?

16 A. I built it -- I fenced the property
17 immediately after I bought it because I was using
18 it to raise farm animals for my boys.

19 Q. Okay. So you fenced it in for --
20 because you have farm animals, right?

21 A. Right.

22 Q. And has it been fenced in since then?

23 A. Yes, ma'am.

24 Q. Have you changed the fencing or
25 anything?

1 A. Nope.

2 Q. Okay. Now, how did you come to find out
3 that there was a dispute with regard to the
4 boundaries?

5 A. When I wanted to sell it.

6 Q. And?

7 A. I found that there was -- it had an
8 overlapping on the boundaries.

9 Q. And that's why you're here in the Court
10 today?

11 A. Yes.

12 Q. And you're only asking the Court to
13 declare the boundaries as the court order
14 previously declared the boundaries, whatever the
15 acreage might be?

16 A. That's correct.

17 Q. Okay. And you're not asking for
18 anything else?

19 A. No.

20 MS. SMALL: All right. I don't
21 have any other questions. Answer any questions
22 the Court has for you.

23 THE COURT: So, Mr. Scott, since
24 you've been in possession of the property,
25 anybody challenge your right to own that

1 property?

2 THE WITNESS: No, sir.

3 THE COURT: You fenced it right
4 about the time you acquired it?

5 THE WITNESS: I fenced it as soon
6 as I paid for it, and I changed it into a farm.

7 THE COURT: Gotcha.

8 THE WITNESS: And it's been a farm
9 from that day to this one, and there has -- and
10 I've been the only one that possesses it.

11 THE COURT: Okay. And you put the
12 fence right along the edge of the property line,
13 I'm assuming?

14 THE WITNESS: Yes.

15 THE COURT: Pretty much on the
16 inside -- if anything, on the inside, not the
17 outside?

18 THE WITNESS: On the inside. Along
19 those banks, those ditches that we were talking
20 about earlier?

21 THE COURT: Yeah, right.

22 THE WITNESS: Pretty much on the
23 inside along those ditches.

24 THE COURT: Right. That's what I
25 was going to ask you about. Those ditches still

1 there?

2 THE WITNESS: Absolutely.

3 THE COURT: You can still see them?

4 THE WITNESS: Yes, sir.

5 THE COURT: You can walk into them?

6 THE WITNESS: Well, your feet might
7 get a little wet, but you can walk in them.

8 THE COURT: Right. Okay. And
9 they're on the -- whatever side as you enter from
10 Hazard Lane, they're on -- they start on that
11 side, right?

12 THE WITNESS: Actually, they start
13 on the front side, and it goes down the full
14 length of the front side. And if you go to the
15 very back of it, there's another ditch that goes
16 across the back. So, actually, the property is
17 sitting between two banks, between two ditches.

18 THE COURT: Between two ditches.
19 And what about -- I think the one that's
20 significant to us in this case, and I'm going to
21 hand you Plaintiff's Exhibit 4, which is the
22 survey that Mr. Nelson was testifying about, and
23 ask you on that one if there is -- it shows a
24 ditch -- I believe it shows that ditch on the --

25 THE WITNESS: Right here.

1 THE COURT: I want to say it's the
2 eastern boundary, but I think it's the northern
3 boundary as you come onto the property. That
4 ditch that --

5 THE WITNESS: There's a ditch along
6 here.

7 THE COURT: Right.

8 THE WITNESS: And a ditch across
9 the back.

10 THE COURT: Gotcha. But where that
11 encroachment is from those first three lots --

12 THE WITNESS: Right.

13 THE COURT: -- there's a ditch
14 right there, correct?

15 THE WITNESS: Right here.

16 THE COURT: So anybody that wanted
17 to claim your property would, one, have to cross
18 the ditch?

19 THE WITNESS: Have to cross the
20 ditch.

21 THE COURT: And, two, have to cross
22 the fence, right?

23 THE WITNESS: Yes.

24 THE COURT: And that fence runs all
25 the way to the back?

1 THE WITNESS: That's correct.

2 THE COURT: All right. I gotcha.

3 BY MS. SMALL:

4 Q. And nobody has claimed your property
5 since you've been on it?

6 A. No. I've had no problem with nobody
7 saying that I am -- I was using their property or
8 nothing.

9 Q. Okay.

10 A. Nobody questioned me about the location
11 of my property.

12 Q. And you've had it since you've had it?

13 A. Yes.

14 Q. And it's been fenced in since you've had
15 it?

16 A. It's been fenced in since.

17 Q. And you're just asking the Court to
18 declare that that is your property and to the
19 exclusion and the interest of anybody else?

20 A. Yes, ma'am.

21 MS. SMALL: All right. I have no
22 further questions.

23 THE COURT: Did we mark this plat?
24 I don't know that we did, and I think that we
25 ought to. This plat was prepared by

1 Mr. Pennington.

2 It was testified to by Mr. Nelson, but
3 let me have him identify this one as well. Let's
4 mark it as an exhibit. I want to be as clear as
5 I can here because it's clear as mud if you write
6 it out.

7 MS. SMALL: Listen, I appreciate
8 you.

9 THE COURT: A picture is worth a
10 thousand words. Take a look at that one. Is
11 that the plat that you had Mr. Pennington prepare
12 for you? Does that look right?

13 THE WITNESS: Yes, it does.

14 THE COURT: Okay. All right. I
15 think Mr. Pennington is with Palmetto, and that
16 plat was recorded in like 2017; is that right?

17 THE WITNESS: Yes.

18 THE COURT: That was about the time
19 you were getting ready to start selling the
20 property maybe?

21 THE WITNESS: That's correct.

22 THE COURT: Okay. All right.
23 Let's mark that one as No. 7 just for the benefit
24 of the record.

25 (PLF. EXH. 7 was offered and marked

1 for identification and received in evidence.)

2 THE COURT: And the shape on that
3 one pretty much matches that original 1960 plat,
4 if I'm not mistaken.

5 THE WITNESS: Yes, it is.

6 THE COURT: Okay. All right.

7 MS. SMALL: Your Honor, I have no
8 further questions of this witness.

9 THE COURT: All right.
10 Ms. Hampton?

11 MS. HAMPTON: No questions.

12 THE COURT: Yes, ma'am. Any
13 questions for Mr. Scott?

14 (Ms. Prioleau: Well, more of a
15 comment.)

16 THE COURT: Well, I'm going to let
17 you -- right now he is on the stand. He's
18 subject to answering questions. If you'd like to
19 ask Mr. Scott any questions, you're entitled to.

20 (Ms. Prioleau: Okay. Well, I can
21 ask him questions then?)

22 THE COURT: Sure, sure. I'm going
23 to let you ask him questions. You're here and
24 you're an interested party, and I'm happy to have
25 you.

1 CROSS-EXAMINATION

2 BY MS. PRIOLEAU:

3 Q. Mr. Scott, I have one question for you.
4 You said that no one has challenged you on the
5 fact that you have fenced in property that may
6 not belong to you, correct? You're assuming that
7 it belonged to you, but no one challenged you on
8 it. Did you wonder why no one challenged you?

9 A. No. Why would anybody challenge me? No
10 one has asked me -- has questioned my authority
11 on that property.

12 (Ms. Prioleau: So I can't say
13 anything to that, Your Honor?)

14 THE COURT: Okay. All right.

15 (Ms. Prioleau: May I say something
16 to --)

17 THE COURT: Let me -- I'm going to
18 let him sit down and then I'll let you make a
19 comment. Okay?

20 (Ms. Prioleau: Okay.)

21 THE COURT: But nobody has come to
22 say, hey, this is a piece of my property or
23 anything like that?

24 THE WITNESS: No, sir.

25 THE COURT: In over 23 years?

1 THE WITNESS: No.

2 THE COURT: Got it. All right.

3 Mr. Scott, you can step down.

4 MS. SMALL: Just one other
5 question, Your Honor.

6 THE COURT: Oh, okay.

7 REDIRECT EXAMINATION

8 BY MS. SMALL:

9 Q. Has anybody asked you to move any of
10 your fences?

11 A. No.

12 Q. No, okay.

13 THE COURT: Got it. You can step
14 down.

15 Anything further from the plaintiff?

16 MS. SMALL: Nothing further for the
17 plaintiff, Your Honor.

18 THE COURT: Very good. Thank you,
19 Mr. Scott. There you go.

20 Okay. The plaintiff rests?

21 MS. SMALL: The plaintiff rests,
22 Your Honor.

23 THE COURT: Got it. Okay. Now,
24 Ms. Prioleau, glad to hear from you.

25 (Ms. Prioleau: Your Honor, I

1 understand what Mr. Scott has said, that no one
2 has asked him to move his fence or to -- why are
3 you on this property. This is family property.)

4 THE COURT: No, it's not.

5 (Ms. Prioleau: It's heirs
6 property.)

7 THE COURT: It's not anymore.

8 (Ms. Prioleau: Well, the
9 property -- the fencing would have been --)

10 THE COURT: The fencing is not on
11 any of the Prioleau property, and it's pretty
12 apparent to me.

13 (Ms. Prioleau: Okay. So we have
14 cleared that up today is what --)

15 THE COURT: That's what I'm about
16 to order, but I'm happy to -- I'm happy to hear
17 from you. There's Prioleau property around
18 there, but what's within his fence has been
19 fenced for over 20 years.

20 No one has challenged his right to own
21 that; therefore, by adverse possession, he owns
22 that against everybody in the world, to include
23 the Prioleau and the Prioleau heirs. Prior to
24 that -- because I'm now making my ruling -- prior
25 to Mr. Scott giving title to the property in '95,

1 I think it was.

2 MS. SMALL: '95.

3 THE COURT: Mr. Hanahan got title
4 to the property in '85 --

5 MS. SMALL: By sale.

6 THE COURT: -- by sale from
7 Mr. Richardson and Mr. Roper, who either were or
8 were not heirs of the Prioleau property, I don't
9 know.

10 (Ms. Prioleau: Okay.)

11 THE COURT: But he got that
12 pursuant to an order. And I don't have that
13 order in the record, but there was an order from
14 1965 and a case entitled John Roper vs. Emma
15 Harris. And that was the basis upon their -- so
16 for -- since 1965, there has been, in existence,
17 this particular lot.

18 It is described in the deed to
19 Mr. Hanahan, and it is -- and a survey of the lot
20 is attached, and the survey is from 1960; so
21 since at least 1960. So for in excess of 60
22 years, this particular lot has existed as a
23 matter of record.

24 And at least since 1965, no one has
25 challenged the right of this lot to exist until

1 this case was brought. And for whatever
2 reason -- the Prioleau's owned a bunch of
3 property up there. I'm familiar with it. They
4 just no longer -- if they ever owned this one,
5 they have not since 1965, I would have to say.
6 Okay?

7 Now, I don't know what that '65 order
8 says. That '65 order may have given that
9 property to those two trustees. And if it was
10 given to the trustees, and the trustees sold
11 it --

12 MS. SMALL: For \$24,000.

13 THE COURT: -- for \$24,000,
14 Mr. Hanahan bought the property and sold it to
15 Mr. Scott for \$13,000 is what I saw.

16 MS. SMALL: That's correct.

17 THE COURT: So somewhere along the
18 line, I got a feeling it got lost. Okay? It got
19 sold. I don't know what happened to it. It got
20 sold or it got lost, one or the other. I don't
21 know which it was. Okay? But you can sit on
22 your rights for so long that you can lose
23 something that otherwise would belong to you.
24 Okay?

25 (Ms. Prioleau: Okay.)

1 THE COURT: That's one problem that
2 we've got with these heirs property cases. Okay?
3 But in this case, that didn't happen. In this
4 case, this property had been sold --

5 (Ms. Prioleau: And sold.)

6 THE COURT: -- and sold and sold
7 again. And if you consider Mrs. Scott's transfer
8 to him, that was sold again.

9 This property has been in litigation in
10 front of me before. I just remembered about it
11 because somebody was supposed to buy it a long
12 time ago, and they never did. It just dawned on
13 me while you were up there testifying. Do you
14 remember that one?

15 THE WITNESS: Yeah.

16 THE COURT: Some lady named Yetman.
17 They were supposed to buy it a long time ago.
18 So, anyway, at that time nobody was challenging
19 Mr. Scott's right to own that property either.
20 Okay? So it just didn't go through, but he's
21 trying to make it happen today.

22 There is a lot of Prioleau property up
23 there. It's very confusing. There's a lot of
24 Richardsons and Ropers up there. Are they family
25 as well?

1 (Ms. Prioleau: Yeah.)

2 THE COURT: Because that may have
3 been what happened. Okay? But there are still
4 Prioleau lands around it.

5 But I would have to tell you, that if
6 they built a -- if they put a bank up there -- if
7 there's a bank up there and there's a ditch and
8 there's a fence, and that fence is there for 20
9 years, that meets the adverse possession
10 criteria. He's got color of title.

11 Once you've had title for in excess of
12 40 years, it's considered to be a grant. Okay?
13 He's got about as strong a title as you can get
14 at this point in time. And I think they're
15 searching titles for 60 years now, and if you
16 searched it for 60 years, you would find, Judge
17 -- not just -- I thought it was Judge Condon, but
18 it was Judge Wallace's order.

19 MS. SMALL: Judge Wallace's order.

20 THE COURT: He was a master --

21 MS. SMALL: That was before me.

22 THE COURT: Yeah. That was before
23 you, too? He was before my time. I didn't know
24 him at all.

25 MS. SMALL: I didn't either. He

1 was gone by the time I got here.

2 THE COURT: I just know he's got a
3 building with his name on it over here, and that
4 ain't going to happen to me.

5 MS. SMALL: When I saw that, I'm
6 thinking, Wallace. You know, I remember Wallace
7 as the solicitor.

8 THE COURT: He used to hold court
9 right there on the corner of Broad and East Bay.
10 He was fairly well known. He was Charlie
11 Wallace's dad that used to be on county council.

12 MS. SMALL: That was before me.

13 THE COURT: No, he wasn't. And he
14 was Bob Wallace's dad.

15 MS. SMALL: I remember Bob because
16 he was a solicitor, but, you know, I'm not from
17 Charleston.

18 THE COURT: So I think it's pretty
19 clear. I'm going to grant your motion on the
20 intervention as you requested. I'm going to
21 grant Mr. Scott's right to the relief that he
22 seeks, which is to quiet the title to the
23 property.

24 And you can list every one of those
25 reasons, if you would like. There's no real

1 basis other than the -- I think the complaint was
2 for adverse possession and DJ and quiet title
3 action. But I don't need every Prioleau heir to
4 come in and say, it should be ours, it shouldn't
5 be ours.

6 What I need is somebody who knew maybe
7 Junious Richardson and whoever that Roper was to
8 say whether or not they had the right to do what
9 they did about it. But the time to challenge
10 that would have been in 1965 or 1985, and not
11 2021 because that's what happens if you sit on
12 your rights for 45 years or whatever it is.
13 Okay?

14 So I don't know how that lot came to be,
15 only that it came to be, and it came about again.
16 I mean, that's a 1960 plat. That's an old plat.
17 I mean, that's an old plat.

18 MS. SMALL: You know, they --
19 whatever happened, why ever they were here, you
20 know.

21 THE COURT: The configuration of
22 that lot has not changed since 1960.

23 MS. SMALL: It has not changed.

24 THE COURT: I mean, it's the same
25 shape as it always was. Whatever the dimensions

1 are, are whatever the dimensions are. Okay?

2 MS. SMALL: That's what I said to
3 him. Whatever the dimensions are is what they
4 are.

5 THE COURT: Yeah, whatever the
6 amount of the acreage is. The acreage is the
7 lowest in the methods that we go to look at.

8 And that's why when I saw that plat with
9 the red and the green on there -- and in a
10 hundred years, you won't be able to see the red
11 and green on there. Okay? Because I see those
12 old plats, too. If look at the red on the plat,
13 it doesn't exist anymore.

14 MS. SMALL: So he's going to have
15 to resurvey it?

16 THE COURT: Yeah. He's on the
17 right track. I would not go to Mr. Johnson.
18 That was the other part I was going to say. I've
19 had a bunch of -- I see a lot of plats. I mean,
20 a lot of plats. Okay?

21 And I once had a trial in which
22 Mr. Johnson and Mr. Forsberg were the two
23 competing experts, and I had to choose between
24 them. And I frankly don't remember which one I
25 chose, but I know that today, I would not choose

1 Mr. Johnson. Okay? That's all I can tell you.

2 MS. SMALL: I appreciate you.

3 THE COURT: I think the problem did
4 start that way. They were trying to fix a
5 problem, and they were probably trying to fix the
6 problem with acreage and achieving a certain
7 amount of acreage, and that's what you do have
8 problems. Okay? The acreage is what the acreage
9 is. You've just got to live with it. Okay?

10 MS. SMALL: And that's all I can --
11 that's what I said to him, the acreage is what
12 the acreage is.

13 THE COURT: Yeah. 2.8, 3.4 is half
14 an acre. It's basically what? The point 6 is
15 half an acre essentially. But what's most
16 important is if you know where your boundaries
17 are. Okay? That's what you really need to know.

18 MS. SMALL: I appreciate you. And
19 I guess you want me to do an order of some sort?

20 THE COURT: I certainly do. I
21 certainly do. And the sooner you get it to me,
22 the happier your client is going to be.

23 MS. SMALL: Okay. Thank you, Your
24 Honor.

25 THE COURT: Would y'all like for me

1 to make y'all's addresses -- put y'all's
2 addresses in the record so at least your presence
3 was here today? I don't know what happened to
4 Mr. Heyward. Okay? I don't know. I assume
5 somebody told y'all about the hearing today. It
6 was Mr. Scott?

7 (Ms. Prioleau: It was --)

8 THE COURT: Ms. Small?

9 MS. SMALL: I tried to let
10 everybody know who might have had an interest in
11 it. I was trying to let everybody know.

12 THE COURT: I got no problem with
13 any of that, so just so you know. Just let them
14 know. You might send one to Mr. Heyward so he
15 can appeal it.

16 MS. SMALL: Say that again.

17 THE COURT: Send a copy of the
18 order to run by Mr. Heyward so he knows that I
19 denied his motion. He can appeal it.

20 MS. SMALL: Okay.

21 THE COURT: You can let those folks
22 know, just so that they can do something.

23 MS. SMALL: I will make sure I do
24 that.

25 THE COURT: Okay. I want to thank

1 y'all for coming today and showing an interest,
2 and I'm -- there's enough Prioleau property out
3 there to keep me busy the rest of my life.

4 (The hearing was concluded at
5 4:19 P.M.)

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BKD 147PG066

Form 14—Title to Real Estate

Revised 1976

PLAINTIFF'S
EXHIBIT

#3511

State of South Carolina,
COUNTY OF CHARLESTON

WHEREAS, pursuant to the decree of the Honorable Louis E. Condon, dated July 29, 1965, Case #85-CP-10-400, in the matter entitled Leroy Roper and Alfred Richardson, vs. Buist L. Hanahan and Charleston County, it was ordered that the premises hereafter described be conveyed to Buist L. Hanahan for the consideration hereafter expressed.

NOW THEREFORE,

KNOW ALL MEN BY THESE PRESENTS, THAT

Grantor, Leroy Roper and Alfred Richardson, as Trustees, by order of Judge O. T. Wallace dated February 14, 1965, Case entitled John Roper, et.al. vs. Emma R. Harris, et.al., recorded in the R.M.C. Office for Charleston County in Book G 82, page 359 on February 16, 1965,

In the State aforesaid -----for and-----in consideration of the sum of
TWENTY FOUR THOUSAND and NO/100 (\$24,000.00)-----DOLLARS,

to us in hand paid at and before the sealing of these presents by BUIST L. HANAHAN

in the State aforesaid -----the receipt whereof is hereby
 acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and
 release unto the said BUIST L. HANAHAN, his heirs and assigns:

SEE ATTACHED RIDER

BKD 147PG067

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, -ll and singular, the said Premises before mentioned unto the said

BUIST L. HANAHAN, his

Heirs and Assigns forever.

AND We do hereby bind ourselves BKG our 147 PG 008,
Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said
BUIST L. HANAHAN, his

Heirs and Assigns, against US and OUR Heirs, and all persons whomso-
ever lawfully claiming or to claim the same or any part thereof.

WITNESS our Hands and Seals, this 31st day of July

in the year of our Lord one thousand nine hundred and eighty-five and in the two hundred and ninth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

IN THE PRESENCE OF

<u>Augusta L. Doyle</u>	<u>Leroy Roper</u>	(L. S.)
<u>Frederic A. Hunt, Jr.</u>	<u>Alfred Richardson</u>	(L. S.)
	LEROY ROPER, AS Trustee	
	ALFRED RICHARDSON, AS Trustee	

The State of South Carolina,
CHARLESTON County.

PERSONALLY appeared before me Augusta L. Doyle
and made oath that s/he saw the within named LEROY ROPER and ALFRED RICHARDSON, AS TRUSTEES
sign, seal, and as their act and deed, deliver the within written Deed,
and that s/he with Russell A. Vincent, Jr.

_____witnessed the execution thereof.

SWORN to before me, this 31st
day of July A.D. 19 85
[Signature] (SEAL)
Notary Public of South Carolina
My Commission Expires: 3/5/90

The State of South Carolina,
_____ County.

I, _____, a Notary Public for South Carolina
do hereby certify unto all whom it may concern, that Mrs. _____
_____ the wife of the within named _____
did this day appear before me, and upon being privately and separately examined by me, did declare that she does
freely, voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever, renounce, re-
lease and forever relinquish unto the within named _____

Heirs and assigns, all her interest and estate, and also all her right and claim of dower, of, in or to all and singular the premises within mentioned and released.

Given under my Hand and Seal, this _____ day of _____ Anno Domini 19____
_____(SEAL.) _____
Notary Public of South Carolina
My Commission Expires _____

Notary Public of South Carolina
My Commission Expires:

BKD 147 PG 069

ATTACHED RIDER FOR TITLE TO REAL ESTATE
 LEROY ROPER and ALFRED RICHARDSON, as Trustees to BUIST L. HANAHAN

ALL those pieces, parcels or tracts of land, situate, lying and being on James Island, County of Charleston, State of South Carolina, known and designated as Tracts B and C on a plat entitled, "Plat of JOHN RICHARDSON ESTATE, James Island, Charleston County South Carolina" surveyed by A. Molinaroli and survey checked and plat prepared by Tommy E. Ayers, May 1960, and recorded in the R.M.C. Office for Charleston County in Plat Book M, page 149.

* Tract B Measuring and Containing 3.4 acres. To establish a Point of Beginning, begin at a point established by an old axle at the intersection of an old road separating Tract C hereafter described from the lands now or formerly of Praleau; thence in generally a Southerly direction to the Southeastern right-of-way of the old road bounding on lands now or formerly of Praleau; thence in generally a Northeasterly direction along the Southeastern side of the said old road on a line bearing N 20°27'E, approximately 1,033.7 feet to a ditch separating the said Tract B from the lands now or formerly of Praleau, being the Point of Beginning; thence continuing along the old road on the aforesaid bearing, 140 feet to a point; thence on a line bearing N74°03'E, 373.6 feet to a point on an old bank; thence S16°33'E, along the old bank for a distance of 417.3 feet; thence N83°48'W, 294.7 feet to a point at the intersection of a ditch; thence N57°56'W, 270 feet to the Point of Beginning.

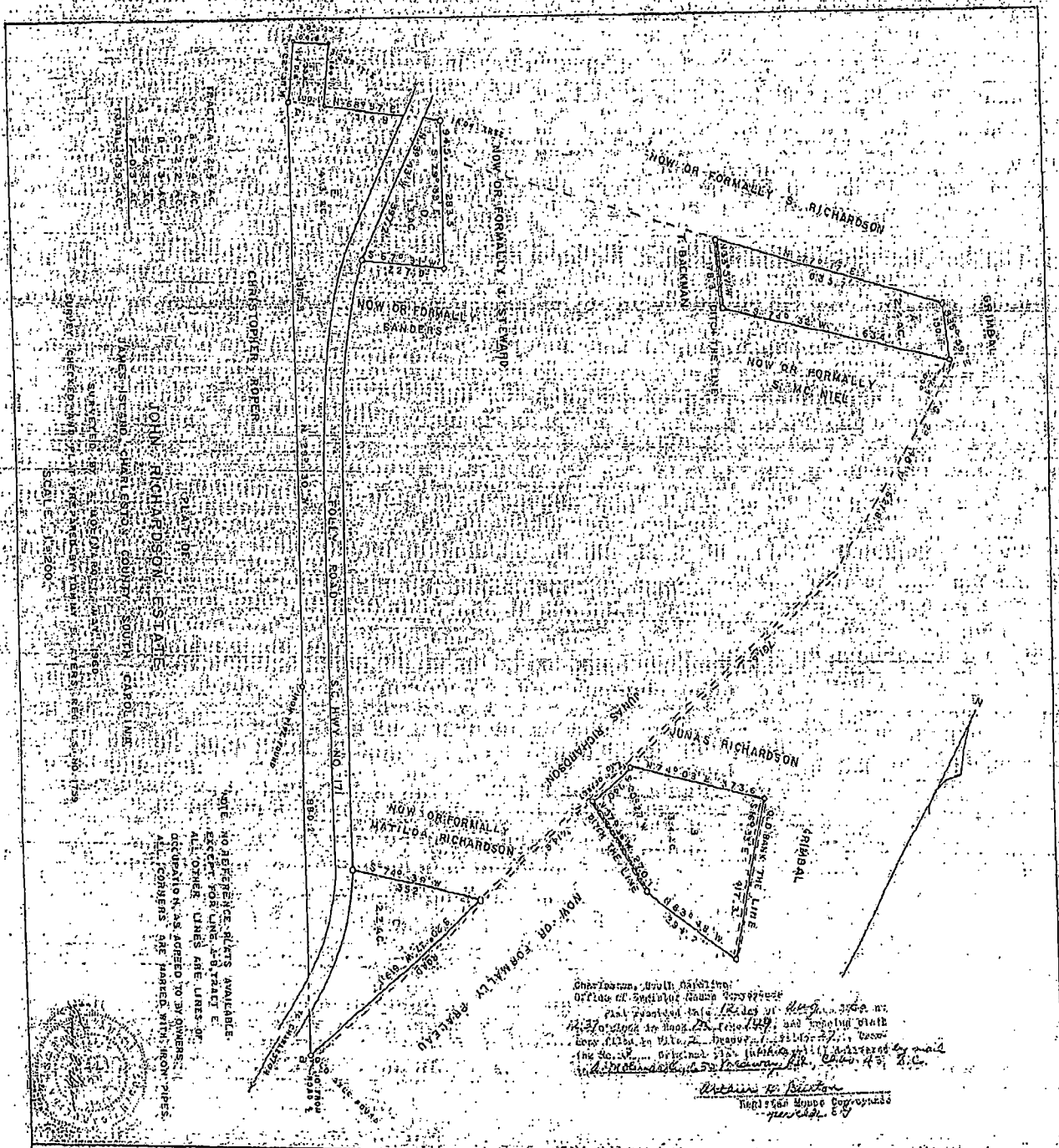
Tract C Measuring and Containing 2.2 acres. To establish a Point of Beginning, begin at the old axle at the intersection of the old road separating the premises herein described and lands now or formerly of Praleau, which point is designated B on the aforesaid plat; thence in generally a Northwesterly direction on a line bearing N29°30'W until the said line intersects with S.C. Highway #171, known as Folly Road; thence along the curve of Folly Road in generally a Northeast and Northerly direction to a point; common with lands now or formerly of Matilda Richardson; thence on a line bearing S74°39'W, 352 feet to a point on an old road; thence on a line bearing S20°27'W, 619.1 feet to a point, being the Point of Beginning.

BEING the same premises conveyed to Grantors herein by Deed of O.T. Wallace, Master-In-Equity for Charleston County, S.C., dated February 4, 1965 and recorded February 16, 1965 in the R.M.C. Office for Charleston County in Book G-82, page 359.

* TMS# 334-10-00-021 Tract B
 TMS# 334-10-00-011 Tract C

Grantee's Address:
 P. O. Box 1051
 Charleston, S.C. 29402

L.R.
A.R.



PKA 253PG286



STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

TITLE TO REAL ESTATE

KNOW ALL MEN MY THESE PRESENTS THAT

I. BUIST L. HANAHAN.

in the State aforesaid for and in consideration of the sum of Thirteen Thousand and 00/100 Dollars (\$13,000.00) to me in hand paid at and before the sealing of these presents by Johnny Scott and Wanda R. J. Scott in the State aforesaid the County of Charleston, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said Johnny Scott and Wanda R. J. Scott, their heirs and assigns forever:

ALL MY RIGHT, TITLE AND INTEREST IN AND TO:

ALL that piece, parcel or tract of land, situate lying and being on James Island, County of Charleston, State of South Carolina, known and designated as Tract B on a plat entitled, "Plat of JOHN RICHARDSON ESTATE, James Island, Charleston County South Carolina" surveyed by A. Molinaroli and survey checked and plat prepared by Tommy E. Ayers, May 1960, and recorded in the R.M.C. Office for Charleston County in Plat Book M, page 149.

Tract B Measuring and Containing 3.4 acres. To establish a Point of Beginning, begin at a point established by an old axle at the intersection of an old road separating Tract C hereafter described from the lands now or formerly of Praleau; thence in generally a Southerly direction to the Southeastern right-of-way of the old road bounding on lands now or formerly of Praleau; in generally a Northeastern direction along the Southeastern sid of the said old road on a line bearing N 20 degrees 03 minutes E, approximately 1,033.7 feet to a ditch separating the said Tract B from the lands now or formerly of Praleau, being the Point of Beginning; thence continuing along the old road on the aforesaid bearing, 140 feet to a point; thence on a line bearing N 74 degrees 03 minutes E, 373.6 feet to a point on an old bank; thence S16 degrees 33 minutes E, along the old bank for a distance of 417.3 feet; thence N 83 degrees 48 minutes W, 294.7 feet to a point at the intersection of a ditch; thence N 57 degrees 56 minutes W, 270 feet to the Point of Beginning.

BEING the same premises conveyed to Buist L. Hanahan by deed of Leroy Roper and Alfred Richardson, as Trustees, by order of Judge O. T. Wallace dated February 14, 1965, Case entitled John Roper, et.al. vs. Emma Harris, et.al., recorded in the R.M.C. Office for Charleston County, in Book G82, Page 359

BK A 253PG287

on February 16, 1965; dated July 31, 1985, recorded August 7, 1985, in Book D147, at Page 66, in the R.M.C. Office for Charleston County.

TMS #: 334-10-00-021

Grantee's Address: 7723 Picardy Place, North Charleston, SC 29418

TOGETHER with all and singular, the Rights, Members, Hereditament and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the said Johnny Scott and Wanda R. J. Scott, their heirs and assigns forever.

AND I do hereby bind myself and my Heirs and Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said Johnny Scott and Wanda R. J. Scott and their Heirs and Assigns, against me and my Heirs, and all other persons lawfully claiming or to claim the same or any part thereof.

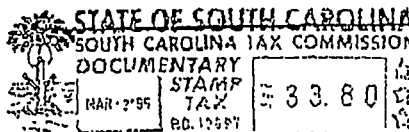
WITNESS my Hand and Seal, this 2 day of February in the year of our Lord One Thousand Nine Hundred and Ninety Five and the Two Hundred and Twentieth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

WITNESS

BUIST L. HANAHAN

WITNESS



STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

PROBATE

PERSONALLY appeared before me the undersigned witness and made an oath that (s)he saw the within name BUIST L. HANAHAN, sign, seal, and as his act and deed, deliver the foregoing Deed and that (s)he with the other witness named above witnessed the execution thereof.

SWORN to before me this 2
day of February, 1995

(seal)
Notary Public for South Carolina
My Commission Expires: 3/10/96

Will: J. C. Lee

WJ

✓

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FILED

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95 MAR -2 AM 8:36

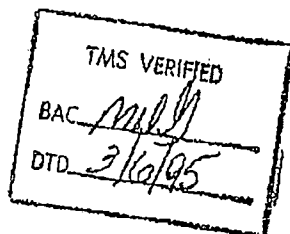
CHARLIE C. LYBRAND
REGISTER
CHARLESTON COUNTY SC

12.00

33.80

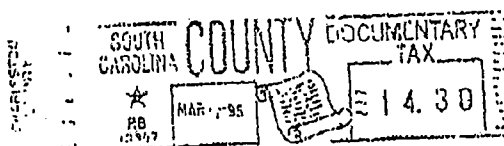
14.30

58.10 B



Recorded this 2 day of Mar 1995
On Property Record Card

Rogers A. Morley
Auditor Charleston County



BKE 500PG283

STATE OF SOUTH CAROLINA)
) QUIT CLAIM DEED
 COUNTY OF CHARLESTON)

TO ALL WHOM THESE PRESENTS MAY COME:

I, WANDA R.J. SCOTT,

SEND GREETINGS

WHEREAS:

I, WANDA R.J. SCOTT, desire to assist in consolidating
 title to this property.

NOW, KNOW ALL MEN BY THESE PRESENTS, that I The said Grantor,

WANDA R.J. SCOTT, by lawful order, and

in consideration of the premises and also in consideration of the sum of \$5.00 in hand paid
 at and before the sealing and delivery of these presents by

JOHNNY SCOTT

(The receipt whereof is hereby acknowledged) have remised, released and forever quit-
 claimed, and by these presents do remise, release and forever quit-claim unto the said

JOHNNY SCOTT my interest in the following described property to wit:

(LEGAL DESCRIPTION)

ALL that piece, parcel or tract of land, situate, lying and being on
 James Island, County of Charleston, State of South Carolina, known
 and designated as Tract B on a plat entitled, "Plat of JOHN
 RICHARDSON ESTATE, James Island, Charleston County South
 Carolina" surveyed by A. Molinaroli and survey checked and plat
 prepared by Tommy E. Ayers, May 1960, and recorded in the R.M.C.
 Office for Charleston County in Plat Book M, page 149.

Tract B Measuring and Containing 3.4 acres. To establish a Point of
 Beginning, begin at a point established by an old axle at the



BKE 500PG285

SIGNED, SEALED, and DELIVERED
IN THE PRESENCE OF

Starla M. Conley
Witness
Terelope J. Franklin
Witness

Wanda R.J. Scott
WANDA R.J. SCOTT

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

PERSONALLY appeared before me, the undersigned witness and made oath that
(s) he saw the within named **WANDA R.J. SCOTT** sign, seal and as **her** act and deed,
deliver the within written Quit Claim Deed, and that (s) he together with the other witness
whose signature appears above witnessed the execution thereof.

Starla M. Conley

SWORN to before me this 17th

day of June, 2004

[Signature]
NOTARY PUBLIC FOR South Carolina
My Commission Expires: 7/21/05

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RECORDER'S PAGE

This page Must remain with
the original document.



Whipper Law Firm
P. O. Box 70070
NO. Ches. SC

FILED

29445 E500-283

2022 JUL 129 AM 8:54

CLERK
COUNTY SC

Recording

Fee

State

Fee

County

Fee

Postage

TOTAL

10.00

10.00

**PID VERIFIED
BY ASSESSOR**

REP MYG

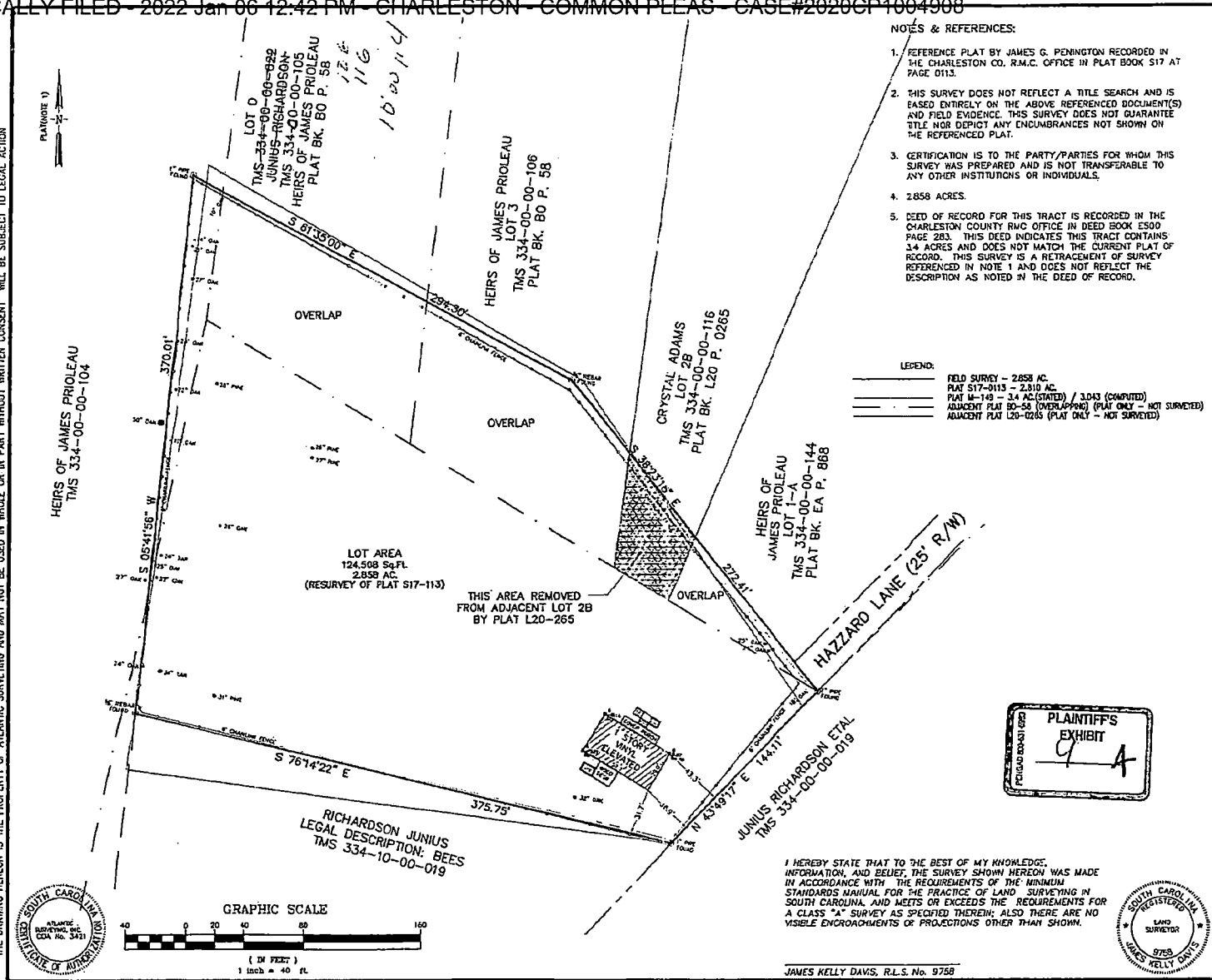
DATE 7/1/21

RECEIVED FROM RMC

JUL

PEGGY A. MURPHY
CHARLESTON COUNTY CLERK

THE DRAWING HEREON IS THE PROPERTY OF ATLANTIC SURVEYING AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT. WILL BE SUBJECT TO LEGAL ACTION.



Atlantic Surveying, Inc.
1770 HAZZARD LN., CHARLESTON COUNTY
(843) 765-0889; (843) 765-7411 FAX
www.atlanticsurvey.com

BOUNDARY EXHIBIT SHOWING INCONSISTENCIES
TRACT B
TMS 334-10-00-021
1770 HAZZARD LN., CHARLESTON COUNTY
PREPARED FOR: JOHNNY SCOTT

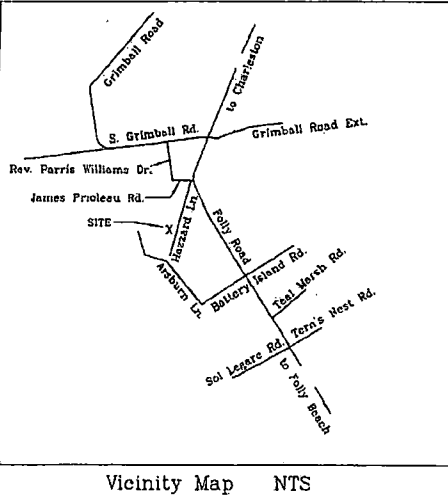
PLAINTIFF'S EXHIBIT
9 A

DATE	BY	REVISION
1/31/2020	DAVID	21605
	WYNN	
	REALLY	

DAVID
WYNN
REALLY

1/31/2020

21605



Vicinity Map NTS

LEGEND

- 5/8" Rebar Found
- 1" Iron Pipe Found
- 5/8" Rebar Set
- Ⓟ Power Pole

NOTES:

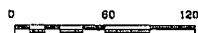
1. Reference Tax Map Number 334-10-00-021
2. Reference: Plat Book M page 149
Plat Book S page 10
Plat Book EA page 58
Plat Book EA page 168
Plat Book BX page 183
3. Property owner: Johnny Scott
4. No underground utilities were located on this survey. This property may be subject to various utility easements (i.e. power, telephone, water, gas, sewer, etc.) that were not noted in the plat or easement hereon, nor in the other title information noted hereon. This plat does not address any subterranean conditions of any nature, unless specifically noted otherwise.
5. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
6. Declaration is made to Original Purchaser of the survey. It is not transferable to additional institutions or subsequent owner.
7. This lot has been checked against area FEMA maps and to the best of this surveyor's knowledge said lot is located in flood zone AE(13'). FEMA Map No. 4501SC0678J 11-17-04
8. Subsurface and environmental conditions were not examined or considered as a part of this survey.
9. Property address: 1779 Hazard Lane
10. Property is zoned S-3 (3 dwelling units per acre).
Minimum Setbacks:
Front / Street side: 25'
Interior side: 15'
Rear: 25'
OCRM Critical Line: 35'
Maximum building coverage: 30% of lot
Maximum height 35'
11. Lot is serviced by private well and private septic system.
12. Anything shown outside the defined boundary of this survey is for descriptive purposes only.

Boundary Survey
Tract B

Located on
James Island
Charleston County, South Carolina

FIELD DATE: January 27, 2015
REVISED: February 9, 2015

SCALE 1"= 60'



2085 SAVANNAH HIGHWAY
SUITE 2
CHARLESTON, SC 29407
PHONE (843) 571-5101
FAX (843) 571-7447
palmeltois@bellsouth.net

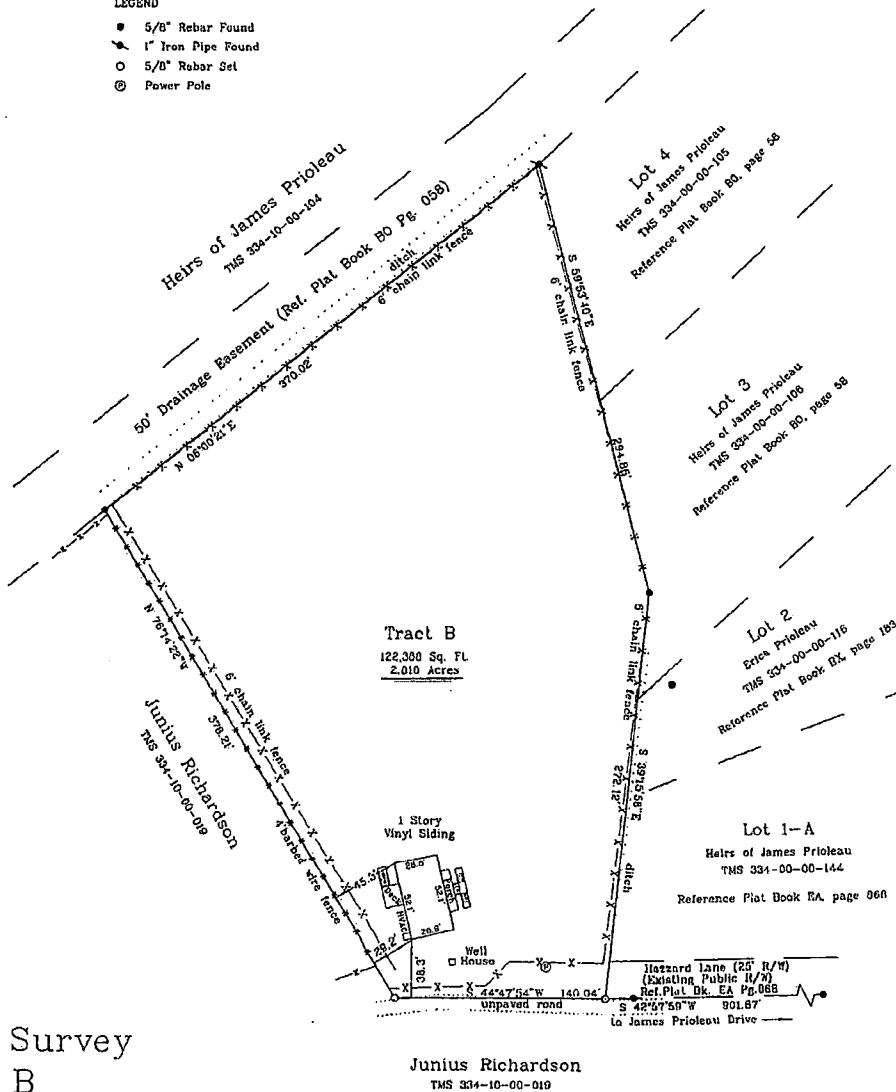
7083 DWG

APPROVED PLAT

Thomas Andrew Joel Evans
Director of Planning
Charleston County Planning Commission
SBE 20267 051217
App# Date

RECORDED			
DATE:	5/12/2017	TIME:	2:14:10 PM
Book-Page	S17 0113	DocType	Small Plat
Charlie Lybrand, Register, Charleston County, SC			
			
Record Fee	\$10.00	Filed By:	
Postage	\$0.00	CHARLESTON COUNTY PLANNING	
TOTAL	\$10.00	0	
Drawer	0	0	
Click	0	0	
Location:		HAZZARD LANE	

Area Reserved for Approval and Recording Stamps



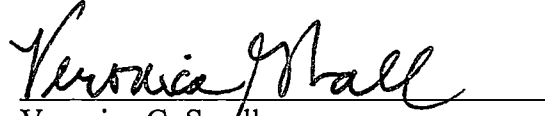
I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein.

James G. Pennington, P.L.S. No. 1029
Palmetto Land Surveying, Inc.
2065 Savannah Highway, Suite 2
Charleston, S.C. 20407 571-6101

Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

September 9, 2022

A handwritten signature in black ink, appearing to read "Veronica G. Small", is written over a horizontal line.

Veronica G. Small
3300 W. Montague Avenue, Ste 102
N. Charleston, SC 29418
843-556-8838
Attorney for Respondent

RECEIVED

SEP 13 2022

SC Court of Appeals