

RECEIVED

Nov 29 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

Joe M. Crosby, Master-In-Equity

Appellate Case No. 2022-001145
Circuit Court Case No. 2020 CP-22-00808

3D Land Holdings, LLC,

Respondent,

v.

Willis J. Johnson, Virginia Smith,
Marcella Coachman, Toni Owens,
Brandon L. Carr and Henry Lee Green,

Appellants.

RECORD ON APPEAL

Cynthia Ranck Person, Esquire (SC Bar #105126)
Keep It Green Advocacy, Inc.
P.O. Box 1922
Pawleys Island, SC 29585
(570) 971-8636
kig.advocacy@gmail.com
ATTORNEY FOR APPELLANTS

Daniel W. Stacy, Esquire (SC Bar # 8816)
Oxner & Stacy Law Firm, LLC
90 Wall Street, Unit B
Pawleys Island, SC 29585
(843) 527-8020
dstacy@oxnerandstacy.com
ATTORNEY FOR RESPONDENT

November 29, 2022

INDEX

	<u>Page</u>
Orders & Judgments -----	3
Master-In Equity Final Order & Judgment, July 20, 2022 -----	4
Motion & Consent Order Substituting Plaintiff, February 17, 2022 -----	12
Motion & Order of Reference, November 18, 2021 -----	15
Pleadings -----	18
Summons & Complaint, September 29, 2020 -----	19
Affidavit of Default, October 18, 2021 -----	25
Notice of Hearing, December 29, 2021 -----	27
Certificate of Service, Notice of Hearing, December 30, 2021 -----	28
Notice of Hearing, January 13, 2022 -----	29
Certificate of Service, Notice of Hearing, January 13, 2022 -----	30
Defendants' Request for Status Conference, March 21, 2022 -----	31
Defendants' Motion to Set Aside Entry of Default, March 25, 2022 -----	34
Defendants' Motion to Dismiss, June 10, 2022 -----	43
Notice of Appeal, August 16, 2022 -----	55
Transcripts -----	56
Final Hearing, June 16, 2022 -----	57
Witness Gregory Weathers -----	73
Direct Examination/Qualifications by Mr. Stacy -----	73
Cross Examination/Qualifications by Ms. Person -----	76
Direct Examination by Mr. Stacy -----	78
Cross Examination by Ms. Person -----	101

Examination by the Court -----	125
Re-Cross Examination by Ms. Person -----	127
Exhibits -----	132
Hearing Exhibit A - Deed recorded August 26, 1933 ----- (Edward Dereef to Nobel Dereef)	133
Hearing Exhibit B – Plat dated March 26, 1953, C.H. Martin, Jr. -----	135
Hearing Exhibit C - Deed recorded May 2, 1960 ----- (Edward DeReef & Ruby DeReef Young to Carrie Green)	136
Hearing Exhibit D, Deed recorded May 2, 1960 ----- (Priscilla DeReef Greggs to Carrie Green)	139
Hearing Exhibit E - Deed recorded January 3, 1973 ----- (Carrie Green to Edward DeReef Young & Priscilla DeReef Greggs)	141
Hearing Exhibit F - Plat dated July 3, 2006, recorded August 15, 2006 ----- (1.70 acres of the "Noble DeReef" tract, surveyed for Priscilla Greggs)	143
Hearing Exhibit G – Deed recorded September 9, 2008 ----- (Priscilla DeReef Greggs to Edward DeReef, <i>et al.</i>)	144
Hearing Exhibit H - Plat dated June 5, 2008, recorded November 3, 2008 ----- 2 lots being the remaining portion of the "Noble DeReef" tract, surveyed for heirs of Ruby Young and Edward DeReef.	150
Hearing Exhibit I – Deed recorded November 13, 2019 ----- (Leon Young, <i>et al.</i> to Edward Derrick DeReef, successor trustee of the Edward DeReef Living Trust dated March 10, 2005.	151
Hearing Exhibit J - Plat dated June 13, 2022 ----- (Prepared for Oxner & Stacy)	161
Hearing Exhibit K – Deed recorded April 13, 2021 and May 10, 2021 ----- (Edward Derrick Dereef to 3D Land Holdings, LLC)	162
Other -----	167
Trial Court Docket -----	168
Certificate of Counsel -----	171

Orders/Judgments

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIFTEENTH CIRCUIT
COUNTY OF GEORGETOWN	)	CASE NO.: 2020-CP-22-00808
3D LAND HOLDINGS, LLC,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	MASTER-IN-EQUITY'S
	)	FINAL ORDER
WILLIS J. JOHNSON, VIRGINIA	)	
SMITH, MARCELLA	)	
COACHMAN, TONI OWENS,	)	
BRANDON L. CARR AND	)	
HENRY LEE GREEN,	)	
	)	
Defendants.	)	
	)	

THIS MATTER is before me pursuant to an action for declaration of a right of access over and across the existing thirty (30'+/-) foot wide dirt road (the "Road") that connects from Coachmen Drive to Noble Place and passes between lands of Defendants located within the County of Georgetown. It appears that this Road provides the only means of access to the subject property and this means of access has been utilized for many years with no challenge from the Defendants. It further appears that the Plaintiff and its predecessors in title have, for a period of at least fifty-nine (59) years, has utilized said Road and such use has not been challenged by the Defendants.

Based upon the pleadings, testimony and consent of the parties, I make the following findings of fact:

1. That the Plaintiff is a limited liability company organized and duly authorized to do business in the State of South Carolina.

2. That the Defendant, Willis S. Johnson is a citizen and resident of Norfolk County, Virginia and was personally served with a copy of the Summons and Complaint on June 30, 2021 as evidenced by the Affidavit of Service filed with the Court on July 2, 2021. Defendant Johnson did not answer the Summons and Complaint is in default as evidenced by the Affidavit of Default filed with the Court on October 18, 2021.
3. That the Defendants, Marcella Coachman, Brandon L. Carr and Henry Lee Green are citizens and residents of Horry County, South Carolina. Defendant Brandon Carr was personally served with a copy of the Summons and Complaint on October 17, 2020, evidenced by the Affidavit of Service filed with the Court on October 27, 2020. Defendant Henry Lee Green was personally served with a copy of the Summons and Complaint on October 26, 2020 as evidenced by the Affidavit of Service filed with the Court on November 3, 2020. Defendant Marcella Coachman accepted service of a copy of the Summons and Complaint on November 2, 2020 as evidenced by the Acceptance of Service filed with the Court on November 3, 2020. Defendants Coachman, Carr and Green did not answer the Summons and Complaint and are in default as evidenced by the Affidavit of Default filed with the Court on October 18, 2021.
4. That that the Defendant, Toni Owens, is a citizen and resident of Mecklenburg County, North Carolina and was personally served with a copy of the Summons and Complaint on June 26, 2021 as evidenced by the Affidavit of Service filed with the Court on July 6, 2021. Defendant Owens did not answer the Summons

and Complaint and is in default as evidenced by the Affidavit of Default filed with the Court on October 18, 2021.

5. That the Defendant, Virginia Smith, was unlocatable and was served by publication in Georgetown County, South Carolina on September 15, 2021 as evidenced by the Affidavit of Publication filed with the Court on September 25, 2021 and said service was appropriate and effective. No answer was filed on behalf of Defendant Smith and Defendant Smith is in default as evidenced by the Affidavit of Default filed with the Court on October 18, 2021.
6. That the Road connecting Coachman Drive and Noble Place, which is the subject matter of this action, is located in Tax District Number 4, County of Georgetown, State of South Carolina.

BASED UPON the foregoing findings of fact, I make the following conclusions of law:

- A. That this matter is properly within the jurisdiction of this Court;
- B. That the Road has provided access to the Plaintiff's properties from Defendant Coachman to the Dereef Tract since at least 1953;
- C. That Plaintiff produced an expert witness that was qualified and offered expert testimony regarding the existence in nature of the claimed easement regarding the Road, specifically (i) that the Dereef family enjoyed continued and uninterrupted use or enjoyment of the Road for a period of twenty (20) years or greater. The Dereef family has owned this property since 1916 per the public records of Georgetown County; (ii) That the identity of the thing enjoyed is well established, as evidenced by the decades of publicly recorded plats, including recent plats approved by the Georgetown County Planning Commission (2006 & 2008) that

depict the thirty (30') foot Road in question; and (iii) that was adverse under a claim of right in that no grant of easement was given by any party to the Dereef family and they used it despite not having a specific express easement to do so. Further, it appears from the 1953 survey recorded in the Office of the Register of Deeds for Georgetown County in Plat Book I at Page 36, that this Road was in existence and intended to remain in existence by the mapping prepared by Mr. Martin;

- D. That Priscilla Griggs was not a necessary party to the transaction given as a member of the Dereef family she and her family members exchanged deeds to split the family tract depicting the right-of-way known as Noble Place on their deeds, thereby implied granting each other easements for ingress and egress across the tracts and agreeing to be both and dominant and serving the state, as the case may be; and
- E. That the Macklen family is not a necessary party to this transaction as they have direct access to U.S. Highway 17.

Based on the foregoing, it is hereby

ORDERED, ADJUDGED AND DECREED that an easement by prescription over and across the existing 30' right of way, as shown on Exhibit A, be granted to Plaintiff, its successors and assigns, over and across the existing dirt road that connects from Coachman Drive to Noble Place and lands of the balance of Defendants.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's survey, with the dimensions of said road delineated on said survey be recorded in the Office of the Register of Deeds for Georgetown County.

AND IT IS SO ORDERED.

The Honorable Joe M. Crosby
Master-in-Equity for Georgetown County

Georgetown, South Carolina

_____, 2022



Georgetown Common Pleas

Case Caption: 3D Land Holdings LLC, plaintiff, et al VS Willis J Johnson , defendant,
et al
Case Number: 2020CP2200808
Type: Master/Order/Other

So Ordered

s/ Joe M. Crosby 3072

Electronically signed on 2022-07-20 09:26:08 page 8 of 8

FORM 4

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

JUDGMENT IN A CIVIL CASE**CASE NO.** 2020 CP-22-00873

3D Land Holdings, LLC

 Willis J. Johnson, Virginia Smith, Marcella
 Coachman, Toni Owens, Brandon L. Carr and
 Henry Lee Green

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Daniel W. Stacy, Jr., Esq., Oxner & Stacy Law Firm, LLC
Attorney for : ☒ Plaintiff ☐ Defendant
 or
☐ Self-Represented Litigant
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. ☐ See Page 2 for additional information.
- ☐ **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:

ORDER INFORMATIONThis order ☐ ends ☒ does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
3D Land Holdings, LLC	Willis S. Johnson, Virginia Smith, Marcella Coachman, Toni Owens, Brandon L. Carr and Henry Lee Green	N/A
		\$
		\$

ROA 10

If applicable, describe the property, including tax map information and address, referenced in the order:

All that certain piece, parcel or tract of land situate, lying and being in the County of Georgetown, State of South Carolina, measuring and containing **1.54 acres shown and designated as Lot B and .15 acres shown and designated as Lot B-1** on that certain "Plat of Two Lots on Waccamaw Neck Being the Remaining Portion of the "Noble Dereef" Tract, Surveyed for Lot A – Heirs of Ruby Young Lot B – Edward Dereef", dated June 5, 2008, prepared by Wendell C. Powers, SCPLS and recorded in the Office of the Register of Deeds for Georgetown County in Plat Slide 689 at Page 4A. Said tract having such size, shape, distances and measurements as will appear on said plat, and being made pro tanto, a part and parcel hereof.

TMS# Portion of 04-0147-039-00-00

Also: A perpetual private easement for rights of ingress and egress over and across that certain area containing approximately 0.14 acres designated as "Noble Place" and shown on that certain plat entitled "Plat of 1.70 Acres on Waccamaw Neck Being a Portion of the 'Noble Dereef' Tract, Surveyed for Priscilla Greggs", dated July 3, 2006, prepared by Wendell C. Powers, P.L.S. #5303, and filed of record in the Office of the Register of Deeds for Georgetown County in Plat Slide 612 at Page 3B on August 15, 2006.

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 2022 and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 2022 to attorneys of record or to parties (when appearing pro se) as follows:

Daniel W. Stacy, Jr.

Cynthia Ranck Person

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter: Lauren Balogh | Veritext Legal Solutions

E-Filing Note: In E-Filing counties, 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 judgement to parties who are not E-Fileers or who are appearing pro se. See Rule 77(d), SCRPC.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIFTEENTH CIRCUIT
COUNTY OF GEORGETOWN	)	CASE NO.: 2020-CP-22-00808
3D LAND HOLDINGS, LLC,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	MOTION AND CONSENT ORDER
	)	SUBSTITUTING PLAINTIFF
WILLIS J. JOHNSON, VIRGINIA	)	
SMITH, MARCELLA	)	
COACHMAN, TONI OWENS,	)	
BRANDON L. CARR AND	)	
HENRY LEE GREEN,	)	
	)	
Defendants.	)	
	)	

WHEREAS, the Court in the above referenced action issued an Order dated November 18, 2021 and filed November 18, 2021. Jurisdiction is appropriate before the Honorable Joe M. Crosby who has jurisdiction in the referenced action; and

WHEREAS, the Plaintiff sold the subject property to 3D Land Holdings, LLC by deed dated April 12, 2021 and recorded April 13, 2021 in the Office of the Register of Deeds for Georgetown County in Book 4093 at Page 221 and re-recorded on May 10, 2021 in Book 4122 at Page 21, a copy of which is attached hereto as Exhibit A; and

WHEREAS, by this Court order, 3D Land Holdings, LLC agrees to the pleadings being amended to substitute 3D Land Holdings, LLC as the Plaintiff in this action; and

WHEREAS, the Court, and the parties hereto, join in this Order to amend the pleadings in this action to substitute 3D Land Holdings, LLC as the Plaintiff.

AND IT SO ORDERED.

ROA 12

Joe M. Crosby
Master-in-Equity for Georgetown County

_____, 2022
Georgetown, South Carolina

WE SO MOVE:

s/Daniel W. Stacy, Jr.
Daniel W. Stacy, Jr., S.C. Bar #8816
OXNER & STACY LAW FIRM, LLC
Attorney for Plaintiff
90 Wall Street, Unit B
Pawleys Island, SC 29585

ROA 13



Georgetown Common Pleas

Case Caption: Edward Derrick Dereef , plaintiff, et al VS Willis J Johnson ,
defendant, et al

Case Number: 2020CP2200808

Type: Master/Order/Other

So Ordered

s/ Joe M. Crosby 3072

Electronically signed on 2022-02-17 13:07:54 page 3 of 3

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIFTEENTH CIRCUIT
COUNTY OF GEORGETOWN	)	CASE NO.: 2020-CP-22-00808
EDWARD DERRICK DEREEF,	)	
AS TRUSTEE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	MOTION AND ORDER OF REFERENCE
	)	
WILLIS J. JOHNSON, VIRGINIA	)	
SMITH, MARCELLA	)	
COACHMAN, TONI OWENS,	)	
BRANDON L. CARR AND	)	
HENRY LEE GREEN,	)	
	)	
Defendants.	)	

The above captioned case is an action determine the rights of access over a road right-of-way and the issues to be tried are equitable in nature. All Defendants have been served and are in default. Therefore, pursuant to Rules 53(b) and 71 SCRCP, and the common law of this State, this case is proper for mandatory reference to the Honorable Joe M. Crosby, Master- In -Equity for Georgetown County with authority to enter a final judgment in this case. Any appeal from this case shall be directed to the South Carolina Court or Court of Appeals as provided in the South Carolina Appellate Court Rules.

NOW, THEREFORE, upon motion of Plaintiff, Edward Derrick Dereef, as Trustee, by and through his counsel, it is hereby:

ORDERED, that this case be, and hereby is, referred to the Master in Equity for Georgetown County, South Carolina, to take testimony and other evidence offered to make appropriate findings of fact and conclusions of law, with authority to enter a final judgment in this case, and to hear any issues after sale or judgment, including, but not limited to the authority to declare the rights of access over the right-of-way which is the subject of this action, and any appeal shall be directed to the South Carolina Supreme Court or Court of Appeals as provided in the South Carolina Appellate Court Rules.

AND IT SO ORDERED.

Presiding Judge
Fifteenth Judicial Circuit

_____, 2021
Georgetown, South Carolina

WE SO MOVE:

s/Daniel W. Stacy, Jr.
Daniel W. Stacy, Jr., S.C. Bar #8816
Attorney for Plaintiff
Oxner & Stacy Law Firm, LLC
90 Wall Street, Unit B
Pawleys Island, SC 29585
(843) 235-6747 – Office
(843) 235-6650 – Facsimile
Email: dstacy@oxnerandstacy.com

ROA 16



Georgetown Common Pleas

Case Caption: Edward Derrick Dereef , plaintiff, et al VS Willis J Johnson ,
defendant, et al

Case Number: 2020CP2200808

Type: Order/Referred to Master or Special Referee

Resident Circuit Court Judge, 15th Judicial Circuit

s/Benjamin H. Culbertson, Judge Code 2148

Electronically signed on 2021-11-18 14:59:16 page 3 of 3

Pleadings

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF GEORGETOWN	)	CASE NO.: 2020-CP-22-_____
	)	
Edward Derrick Dereef, as trustee	)	
Plaintiff,	)	
	)	
v.	)	SUMMONS
	)	(Non-Jury)
	)	
Willis J. Johnson, Virginia Smith,	)	
Marcella Coachman, Toni Owens	)	
Brandon L. Carr, Henry Lee Green	)	
Defendants.	)	
_____	)	

TO: DEFENDANTS ABOVE NAMED

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, of which a copy is herewith served upon you, or to otherwise appear and defend, and to serve a copy of your Answer to the said Complaint upon the subscribers at their office at 601 Front Street, Georgetown, South Carolina 29440, or to otherwise appear and defend the action pursuant applicable court rules, 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 Plaintiffs in this action will apply to the Court for judgment by default for the relief demanded in the Complaint and a judgment will be rendered against you.

YOU WILL ALSO TAKE NOTICE that pursuant to Rule 53(b) of the South Carolina Rules of Civil Procedure, as amended effective September 1, 2002, the Plaintiff will move for a general Order of Reference to the Master in Equity for Georgetown County, which Order shall, pursuant to Rule 53(b) of SCRCF, specifically provide that the said Master in Equity is authorized and empowered to enter a final judgment in this action.

ROBERT H. O'DONNELL, P.A.
Attorney for the Plaintiff

s/Seth Frederick
Seth Frederick
S.C. Bar Number: 104132
601 Front Street (29440)
Post Office Box 662
Georgetown, SC 29442
(843) 546-8691 Telephone
(843) 527-7529 Facsimile
Email: sfodonnelllaw@frontier.com

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF GEORGETOWN	)	CASE NO.: 2020-CP-22-_____
	)	
Edward Derrick Dereef, as trustee	)	
Plaintiff,	)	
	)	
v.	)	COMPLAINT
	)	(Non-Jury)
	)	
Willis J. Johnson, Virginia Smith,	)	
Marcella Coachman, Toni Owens	)	
Brandon L. Carr, Henry Lee Green	)	
Defendants.	)	
_____	)	

TO: DEFENDANTS ABOVE NAMED

The Plaintiff, complaining of the Defendants would respectfully show and allege unto this Honorable Court as follows:

1. Upon information and belief, the Plaintiff, Edward Derrick Dereef, as trustee for the Edward Dereef Living Trust (hereinafter referred to as "Plaintiff").
2. Upon information and belief, the Defendants, Willis J. Johnson, Virginia Smith, Marcella Coachman, Brandon L. Carr, Toni Owens and Henry Lee Green (hereinafter referred to as "Defendants").
3. Upon information and belief, four of the Defendants, Brandon L. Carr, Virginia Smith, Marcella Coachman, and Toni Owens (hereinafter collectively referred to as "Defendant A") are citizens and residents of the County of Georgetown, South Carolina.
4. Upon information and belief, one of the named Defendants, Willis J. Johnson, (hereinafter referred to as "Defendant B") is a citizen and resident of Norfolk County, Virginia.

5. Upon information and belief, one of the named Defendants, Henry Lee Green, (hereinafter referred to as "Defendant C") is a citizen and resident of Richland County, South Carolina.
6. The Plaintiff acquired the real property which is the subject matter of these pleadings by Deed from Leon Young, Kenneth Young, Russell Young, Noble Young, Vermell Young, and George Medina, dated October 30, 2019 and recorded November 13, 2019 in the Office of the Register of Deeds for Georgetown County in Book 3638 at Page 62. More particular described as follows:

All that certain piece, parcel or tract of land situate, lying and being in the County of Georgetown, State of South Carolina, measuring and containing **1.54 Acres shown and designated as Lot B and .24 Acres shown and designated as Lot B-1** on that certain "Plat of Two Lots on Waccamaw Neck Being the Remaining Portion of the "Noble Dereef" Tract, Surveyed for Lot A – Heirs of Ruby Young Lot B – Edward Dereef", dated June 5, 2008, prepared by Wendell C. Powers, SCPLS, and recorded in the Office of the Register of Deeds for Georgetown County in Plat Slide 689 at Page 4A. Said tract having such size, shape, distances and measurements as will appear on said plat, and, being made pro tanto, a part and parcel hereof.

7. That the only means of access to the subject property owned by Plaintiff, is over and across the existing dirt road that connects from Coachmen Drive to Noble Place and lands of the balance of Defendants, which is more particularly described in Plat book/slide 689 Page 4A, which is incorporated hereto as "Exhibit A".
8. That said existing dirt road running along the southern boundary of lands owned by "Defendants" provides the only means of access to the subject property and said means of access has been utilized for many years as evidenced by its presence on aerial photographs and other resources.

9. That Plaintiff has utilized this roadway as its means of access since acquiring the property in the deed above, and has not been challenged in its access by Defendants for decades.
10. That the property in question has an absolute right of access to the right-of-way known as that existing road over and across the lands of Defendants as shown on the Plat attached as Exhibit A.
11. That the Defendants are named in the action only for the purposes of this Honorable Court declaring an easement by necessity and implication over the parcels of land owned by said parties, or as well as by prescriptive use, all as more particularly depicted on said map attached hereto as Exhibit A.
12. The subject matter of this dispute is an easement by necessity, or as well as by prescriptive use.

FOR A FIRST CAUSE OF ACTION
Declaratory Judgment

13. The allegations contained herein are hereby incorporated and made a part and parcel of this first cause of action.
14. The Plaintiff believes it is entitled to a declaratory judgment that it has pedestrian and vehicular access, including utility rights-of-way over and across lands of Defendants over the existing dirt road that is traversing over land of the Defendants.
15. That Plaintiff is entitled to a declaration from this Court establishing that Plaintiff is entitled to an easement by necessity, and by prescriptive use, and for such other and further relief as this Court may deem just proper.

WHEREFORE, the Plaintiff complaining of the Defendants would pray unto this honorable Court as follows:

1. That Plaintiff be granted an easement by necessity or by prescriptive use over and across that existing road and the existing road right-of-way across the properties of Defendants to provide pedestrian and vehicular ingress and egress and rights-of-way for utilities to Plaintiff's property.
2. For such further relief as this Court may deem just and proper.

Respectfully Submitted,

ROBERT H. O'DONNELL, P.A.
Attorney for the Plaintiff

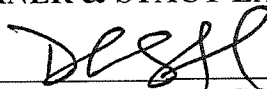
s/Seth Frederick
Seth Frederick
S.C. Bar Number: 104132
601 Front Street (29440)
Post Office Box 662
Georgetown, SC 29442
(843) 546-8691 Telephone
(843) 527-7529 Facsimile
Email: sfodonnelllaw@frontier.com

Dated: September 29, 2020
Georgetown, SC

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIFTEENTH CIRCUIT
COUNTY OF GEORGETOWN	)	CASE NO.: 2020-CP-22-00808
EDWARD DERRICK DEREEF,	)	
AS TRUSTEE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	AFFIDAVIT OF DEFAULT
	)	
WILLIS J. JOHNSON, VIRGINIA	)	
SMITH, MARCELLA	)	
COACHMAN, TONI OWENS,	)	
BRANDON L. CARR AND	)	
HENRY LEE GREEN,	)	
	)	
Defendants.	)	
	)	

PERSONALLY appeared before me Daniel W. Stacy, Jr., who being duly sworn, deposes and says: that he is the attorney for the Plaintiff; that the Defendant, Willis J. Johnson was personally served with a copy of the Summons, Complaint on June 30, 2021; the Defendant Virginia Smith was served via publication with a copy of the Summons and Complaint on September 15, 2021; the Defendant, Marcella Coachman, was personal served with a copy of the Summons and Complaint on November 2, 2020; the Defendant, Toni Owens, was personally served with a copy of the Summons and Complaint on June 26, 2021; the Defendant, Brandon L. Carr, was personally served with a copy of the Summons and Complaint on October 17, 2020; and the Defendant, Henry Lee Green, was personally served with a copy of the Summons and Complaint on October 26, 2020; and more than thirty days have elapsed since such service, excluding the date of service and the last day of the period if it is a Saturday, a Sunday, or a legal holiday; that he has not received an Answer or other pleadings from the Defendants; and that Defendants are now in Default.

OXNER & STACY LAW FIRM, LLC



Daniel W. Stacy, Jr., SC Bar #8816

90 Wall Street, Unit B

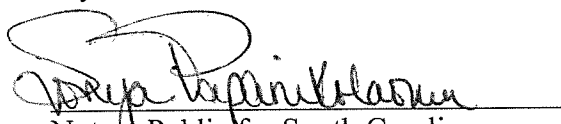
Pawleys Island, SC 29585

Telephone: (843) 235-6747

Facsimile: (843) 235-6650

Email: dstacy@oxnerandstacy.com

Sworn to before me this 17th
day of October, 2021.



Notary Public for South Carolina

My Commission Expires: 9/11/2025



STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIFTEENTH CIRCUIT
COUNTY OF GEORGETOWN	)	CASE NO.: 2020-CP-22-00808
EDWARD DERRICK DEREED,	)	
AS TRUSTEE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	NOTICE OF HEARING
	)	
WILLIS J. JOHNSON, VIRGINIA	)	
SMITH, MARCELLA	)	
COACHMAN, TONI OWENS,	)	
BRANDON L. CARR AND	)	
HENRY LEE GREEN,	)	
	)	
Defendants.	)	

TO THE ABOVE NAMED DEFENDANTS:

A hearing has been scheduled in the above-referenced action for **January 10, 2022** at **10:00 a.m.** at the **Georgetown County Courthouse, Courtroom 2-C, 401 Cleland Street, Georgetown, South Carolina**, before Joe M. Crosby, Esquire as Master-in-Equity for Georgetown County.

Pursuant to S.C. Code § 14-11-110, Plaintiff intends to submit written testimony on its behalf and will make the appropriate application to the Master-in-Equity for Georgetown County. Please accept this Notice of Hearing as notice of such application.

OXNER & STACY LAW FIRM, LLC

s/Daniel W. Stacy, Jr.

Daniel W. Stacy, Jr., SC Bar No. 8816

90 Wall Street, Unit B

Pawleys Island, SC 29585

(843) 235-6747 – Office

(843) 235-6650 – Facsimile

Email: dstacy@oxnerandstacy.com

Attorney for Plaintiff

December 29, 2021

Pawleys Island, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIFTEENTH CIRCUIT
COUNTY OF GEORGETOWN	)	CASE NO.: 2020-CP-22-00808
EDWARD DERRICK DEREEF,	)	
AS TRUSTEE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CERTIFICATE OF SERVICE BY MAIL
	)	
WILLIS J. JOHNSON, VIRGINIA	)	
SMITH, MARCELLA	)	
COACHMAN, TONI OWENS,	)	
BRANDON L. CARR AND	)	
HENRY LEE GREEN,	)	
	)	
Defendants.	)	
	)	

This is to certify that I, Sonya C. Papanikolaou, a Paralegal with the law firm of Oxner & Stacy Law Firm, LLC have caused to be served upon the persons named below the Notice of Hearing in the foregoing matter by placing copies of same in the United States Mail, postage prepaid, in envelopes addressed as follows:

Willis Johnson
2825 Earls court Avenue
Norfolk, VA 23504

Brandon Carr
901 Garden City Connector
Murrells Inlet, SC 29576

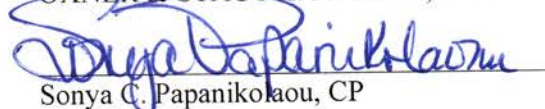
Henry Lee Green
9405 Hwy 17 Bypass
Murrells Inlet, SC 29576

Marcella Coachman
3941 Tybre Down Circle
Little River, SC 29566

Toni Owens
6130 White Feather Lane
Charlotte, NC 28214

Dated this 30th day of December, 2021 at Pawleys Island, South Carolina.

OXNER & STACY LAW FIRM, LLC



Sonya C. Papanikolaou, CP
90 Wall Street, Unit B
Pawleys Island, SC 29585
(843) 235-6747 – Office
(843) 235-6650 – Facsimile

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIFTEENTH CIRCUIT
COUNTY OF GEORGETOWN	)	CASE NO.: 2020-CP-22-00808
EDWARD DERRICK DEREED,	)	
AS TRUSTEE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	NOTICE OF HEARING
	)	
WILLIS J. JOHNSON, VIRGINIA	)	
SMITH, MARCELLA	)	
COACHMAN, TONI OWENS,	)	
BRANDON L. CARR AND	)	
HENRY LEE GREEN,	)	
	)	
Defendants.	)	

TO THE ABOVE NAMED DEFENDANTS:

A hearing has been scheduled in the above-referenced action for **February 14, 2022 at 11:45 a.m.** at the **Georgetown County Courthouse, Courtroom 2-C, 401 Cleland Street, Georgetown, South Carolina**, before Joe M. Crosby, Esquire as Master-in-Equity for Georgetown County.

Pursuant to S.C. Code § 14-11-110, Plaintiff intends to submit written testimony on its behalf and will make the appropriate application to the Master-in-Equity for Georgetown County. Please accept this Notice of Hearing as notice of such application.

OXNER & STACY LAW FIRM, LLC

s/Daniel W. Stacy, Jr.

Daniel W. Stacy, Jr., SC Bar No. 8816

90 Wall Street, Unit B

Pawleys Island, SC 29585

(843) 235-6747 – Office

(843) 235-6650 – Facsimile

Email: dstacy@oxnerandstacy.com

Attorney for Plaintiff

January 13, 2022

Pawleys Island, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIFTEENTH CIRCUIT
COUNTY OF GEORGETOWN	)	CASE NO.: 2020-CP-22-00808
EDWARD DERRICK DEREED,	)	
AS TRUSTEE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CERTIFICATE OF SERVICE BY MAIL
	)	
WILLIS J. JOHNSON, VIRGINIA	)	
SMITH, MARCELLA	)	
COACHMAN, TONI OWENS,	)	
BRANDON L. CARR AND	)	
HENRY LEE GREEN,	)	
	)	
Defendants.	)	
	)	

This is to certify that I, Sonya C. Papanikolaou, a Paralegal with the law firm of Oxner & Stacy Law Firm, LLC have caused to be served upon the persons named below the Notice of Hearing in the foregoing matter by placing copies of same in the United States Mail, postage prepaid, in envelopes addressed as follows:

Willis Johnson
2825 Earls court Avenue
Norfolk, VA 23504

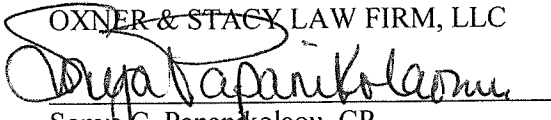
Brandon Carr
68 Coachman Drive
Pawleys Island, SC 29585

Henry Lee Green
12 Woodlawn Avenue
Sumter, SC 29150

Marcella Coachman
3941 Tybre Down Circle
Little River, SC 29566

Toni Owens
6130 White Feather Lane
Charlotte, NC 28214

Dated this 13th day of January, 2022 at Pawleys Island, South Carolina.

OXNER & STACY LAW FIRM, LLC

Sonya C. Papanikolaou, CP
90 Wall Street, Unit B
Pawleys Island, SC 29585
(843) 235-6747 – Office
(843) 235-6650 – Facsimile

STATE OF SOUTH CAROLINA	:	IN THE COURT OF COMMON PLEAS
COUNTY OF GEORGETOWN	:	FIFTEENTH JUDICIAL CIRCUIT
	:	
3D LAND HOLDINGS, LLC,	:	CASE NO.: 2020-CP-22-00808
	:	
Plaintiff	:	
	:	
v.	:	REQUEST FOR STATUS
	:	CONFERENCE
WILLIS J. JOHNSON, VIRGINIA SMITH,	:	
MARCELLA COACHMAN, TONI OWENS,	:	
BRANDON L. CARR, and HENRY LEE GREEN	:	
	:	
Defendants	:	

REQUEST FOR STATUS CONFERENCE

The undersigned Counsel for Defendants respectfully requests the Honorable Joe M. Crosby, Master-In-Equity for Georgetown County to schedule a status conference with counsel in the above-captioned matter for the following reasons:

1. This is an equitable matter that was referred to the Honorable Joe M. Crosby by Order of Court dated November 18, 2021, to determine rights of access over a right-of-way owned by Defendants to a parcel owned by Plaintiff.
2. Plaintiff 3D Land Holdings was substituted for original Plaintiff Edward Dereef, Trustee, on February 17, 2022.
3. The undersigned counsel learned of the existence of this matter in the context of an application filed by Plaintiff 3D Land Holdings to change the zoning on the dominant parcel from residential to commercial.
4. Planning Commission hearing was scheduled for March 17, 2022, and the undersigned counsel's nonprofit law firm became involved as *pro bono* counsel for Defendants and numerous other residents of the Parkersville community who oppose the zoning change.

5. Plaintiff 3D Land Holdings requested a deferral of the March 17, 2022, zoning change hearing due to community opposition and pending settlement negotiations for the possible repurchase of the dominant parcel by a member of the original family that owned this heirs' property.

6. Undersigned counsel communicated with counsel for Plaintiff, Dan Stacy, at the Planning Commission hearing on March 17, 2022, and again several times on Friday, March 18, 2022, and learned that a hearing in this right-of-way case was held on February 14, 2022, that several Defendants appeared, and that an order was pending.

7. Undersigned counsel has not been able to determine whether the February 14, 2022, hearing was transcribed or recorded, and/or what testimony or evidence may have been presented at this or other hearings, and, accordingly, is not able to advise her clients about their legal position without a status conference and sufficient time to review this matter.

8. Undersigned counsel requested counsel for Plaintiff to agree to stay these proceedings and forthcoming order pending settlement negotiations and hopeful settlement, but Plaintiff was not willing to do so.

9. It appears from a review of the electronic docket that a proposed order was filed on Friday, March 18, 2022, in the midst of communications between counsel, although the content of the proposed order is not available on the electronic database.

10. A change or potential change in the use and character of the dominant parcel is highly relevant to the disposition of this matter.

11. Plaintiff 3D Land Holdings became involved in the case very recently per the February 17, 2022, court order, and Plaintiff will not be prejudiced by this request.

WHEREFORE, for the foregoing reasons, counsel for Defendants respectfully requests this Honorable Court to schedule a status conference prior to an order being entered in this matter.

Respectfully submitted,

/s/ Cynthia Ranck Person

Cynthia Ranck Person, Esquire (SC Bar #105126)

KEEP IT GREEN ADVOCACY, INC.

P.O. Box 1922

Pawleys Island, SC 29585

(570) 971-8636

kig.advocacy@gmail.com

ATTORNEY FOR DEFENDANTS

March 21, 2022

Pawleys Island, South Carolina

STATE OF SOUTH CAROLINA	:	IN THE COURT OF COMMON PLEAS
COUNTY OF GEORGETOWN	:	FIFTEENTH JUDICIAL CIRCUIT
	:	
3D LAND HOLDINGS, LLC,	:	CASE NO.: 2020-CP-22-00808
	:	
Plaintiff	:	
	:	
v.	:	DEFENDANTS' MOTION TO
	:	SET ASIDE ENTRY OF DEFAULT
WILLIS J. JOHNSON, VIRGINIA SMITH,	:	
MARCELLA COACHMAN, TONI OWENS,	:	
BRANDON L. CARR, and HENRY LEE GREEN	:	
	:	
Defendants	:	

DEFENDANTS' MOTION TO SET ASIDE ENTRY OF DEFAULT

AND NOW come Defendants and respectfully request this Honorable Court to set aside the Entry of Default in the above matter pursuant to South Carolina Civil Court Rule 55(c) for the following reasons which constitute good cause:

Background

1. Plaintiff Edward Dereef, Trustee, (hereinafter "Dereef"), commenced this Declaratory Judgment action by Summons and Complaint filed on September 29, 2020, asking for an easement by necessity or implication or prescriptive use for ingress, egress and utilities across property owned by the six named Defendants as described therein.

2. All six Defendants are members of the same extended family which shall hereinafter be referred to as the "Coachman family."

3. Plaintiff Dereef is part of an extended family, hereinafter "Dereef family" that historically owned heirs' property that adjoined heirs' property owned by the Coachman family in the Parkersville community.

4. The Dereef family heirs' property was ultimately divided into three parcels as follows:
- a. Parcel owned by the heirs of Pricilla Dereef Greggs: This parcel adjoins and lies northeast of the Coachman land between the Coachman land and the dominant parcel that is the subject matter of this action.
 - b. Parcel owned by the heirs of Edward Dereef as part of a trust after the death of Edward Dereef: This is the dominant parcel that is the subject of this litigation and adjoins and lies northeast of the parcel owned by heirs of Pricilla Dereef Greggs, but does not adjoin land of the Coachman family.
 - c. Parcel owned by the heirs of Ruby Dereef Young: This parcel adjoins and lies northeast of the dominant parcel.
5. Plaintiff Dereef was originally represented by Attorney Seth Frederick who worked in the office of Attorney Robert O'Donnell. Attorney Frederick signed the Summons and Complaint and the address given for responsive pleading was the office of Attorney Robert O'Donnell in Georgetown, South Carolina.
6. Attorney Robert O' Donnell is and was the long-time trusted attorney for members of the Coachman family. Upon information and belief, Seth Frederick was apparently unaware of the relationship between Attorney O'Donnell and the Coachman family at the time he filed the Summons and Complaint.

Service of Process & Substitution of Counsel

7. At the time the Complaint was filed, two of the Coachman family members (Brandon Carr and Henry Lee Green) resided in South Carolina, two (Marcella Coachman and

Virginia Coachman Smith) resided in California, one (Willis Jane Coachman Johnson) resided in Virginia, and one (Toni Owens) in North Carolina.

8. According to the docket, the Summons and Complaint were served upon the South Carolina Coachman family members in mid-October 2020.

9. Approximately two weeks later on or about November 2, 2020, while Defendant Marcella Coachman of California and Defendant Willis Jane Coachman Johnson of Virginia were present at the office of Attorney O'Donnell for a legal consultation involving another matter, they were served with the Summons and Complaint by Attorney Seth Frederick, and requested to signed an Acceptance of Service which Marcella Coachman did. Willis Johnson had previously received a copy of the Summons and Complaint by certified mail on October 26, 2020.

10. On this occasion, Attorney O'Donnell became aware of the suit filed by Attorney Frederick and the conflict of interest. He told Marcella Coachman and Willis Johnson that the O'Donnell office would not continue handling the matter for Plaintiff Dereef, and that another attorney would be substituted. The Defendants understood they were not required to do anything further until they heard from the substituted attorney.

11. According to the docket, a Motion for Substitution of Attorney was filed by Attorney Seth Frederick on December 28, 2020, citing the conflict of interest and requesting that Attorney Dan Stacy be substituted to represent Plaintiff Dereef. This Motion was not served on the Defendants nor were they otherwise aware of it.

12. An Order of court was issued on December 31, 2020, approving the above substitution. This Order was not served on the Defendants nor were they otherwise aware of it.

13. Defendant Virginia Coachman Smith, who had not yet been served with the Summons and Complaint, passed away on January 14, 2021, in California and was buried in Georgetown County, South Carolina in June 2021.

14. On April 12, 2021, Plaintiff Dereef, sold the subject dominant parcel and transferred title by deed to 3D Land Holdings, LLC, for \$40,000. Plaintiff Dereef, however, remained in this case as the only Plaintiff until February 18, 2022. Defendants were not aware of this sale.

15. According to the docket, service of the original Summons and Complaint signed by Attorney Frederick and returnable to the O'Donnell Law Office was made upon Defendants Willis Johnson and Toni Coachman Owens in late June of 2021, by process server although Defendant Willis Johnson does not recall ever having been personally served a second time after being at Attorney O'Donnell's office on November 2, 2020. Nonetheless, this was the identical Summons and Complaint from Attorney O'Donnell's office and it was Defendants' genuine understanding that they were not obligated to respond until they heard from a substitute attorney. Defendants were not aware that Attorney Stacy had been substituted as counsel for Plaintiff Dereef, and did not become aware of that until late December 2021 or early January 2022.

16. On July 23, 2021, Plaintiff Dereef filed a Petition and Affidavit for Service of Defendant Virginia Smith by Publication. The court issued an Order approving this request on August 2, 2021. Virginia Smith had died on January 14, 2021, and her personal representative or heirs were the proper parties to be served.

Entry of Default

17. On October 18, 2021, although Plaintiff Dereef no longer owned the subject property, he filed an Affidavit of Default requesting Entry of Default and referral to a Master-In-Equity. The court approved the entry of default and referral by Order of November 21, 2021.

18. Defendants were not served with either the Affidavit of Default or the Order and were not otherwise aware of the entry of default.

Notice of Hearing

19. The first communication served on Defendants after the original Summons and Complaint, was a Notice of Hearing filed December 29, 2021, scheduling a hearing for January 10, 2022. Several of the Defendants appeared at that hearing, *pro se*, on behalf of the Coachman family. At that time, Defendants did not know there had been an entry of default. They believed that the hearing was on the merits and that their appearance at the hearing constituted their response on the merits.

20. The second communication served on Defendants was a Notice of Hearing filed January 13, 2022, scheduling a second hearing for February 14, 2022. Again, several of the Defendants appeared, *pro se*, on behalf of the Coachman family. The Defendants were still completely unaware of the entry of default. They again genuinely understood the hearing to be on the merits and they believed they were following all the proper processes by appearing at the hearings.

21. Defendants were not aware that default had been entered until undersigned counsel learned about this case in the context of a zoning change hearing requested by 3D Land Holdings and reviewed the docket and advised Defendants on or about March 23, 2022.

Defendants Have Meritorious Claims and Defenses

22. Defendants have meritorious claims and defenses on the merits of this Declaratory Judgment action including, but not limited to, the following:
- a. The South Carolina Uniform Declaratory Judgments Act, S.C. Code, Section 15-53-80 requires that:

“[w]hen declaratory relief is sought all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding.
 - b. There are parties not named in this action who have a claim or interest or rights that could be affected or prejudiced by the declaration requested by Plaintiff in this Declaratory Judgment Action, *to wit*:
 - i. The Pricilla Dereef Greggs heirs own a parcel of land that lies between Plaintiff 3D Land Holdings’ parcel (the dominant parcel) and the Defendants’ land over which Plaintiff is requesting a right-of-way. The Pricilla Dereef Greggs land would necessarily become a servient parcel in the event of the declaration requested by Plaintiff. Upon information and belief, the Pricilla Dereef Greggs heirs are in vehement opposition to Plaintiff’s request.
 - ii. The Ruby Dereef Young heirs own land that adjoins and lies beyond Plaintiff 3D Land Holdings’ parcel and could be affected by the requested declaration. Upon information and belief, the Ruby Dereef Young heirs also oppose Plaintiff’s request.
 - c. Under the Declaratory Judgments Act, it is mandatory for these interested parties to be named in this action before a declaration may be made.

- d. Easements shown on plats, surveys or other documents, including some that have been filed as exhibits in this matter, have either never actually existed as drawn or have been terminated by abandonment, forfeiture, expiration, merger, release, adverse possession, estoppel, or otherwise and/or were limited, invalid or mistakes.
- e. Any easements that may be found to exist over Defendants' land were and/or are for private use, for specific and limited purposes, and are very limited in physical character, scope, and size.
- f. Any easements that may be found to exist over Defendants' land were and/or are for strictly private residential use and/or for use by specific persons and were never contemplated for general, commercial or business use.
- g. Any easement that may be found to exist over Defendants' land is nothing more than a narrow dirt trail for use as a walking path for a former neighbor and as a parking spot for another neighbor, and was never contemplated for general use or for the construction of a roadway.

No Prejudice to Plaintiff and Severe Prejudice to Defendants

23. The interests of justice are best served by having matters fully heard and decided on their merits and giving all parties an opportunity to present evidence on their own behalf and to cross examine evidence presented by opposing parties.

24. Plaintiff 3D Land Holdings was substituted as a party in this case very recently on February 18, 2022, which is little more than a month ago. There would be virtually no prejudice to Plaintiff if this motion were granted and the case were allowed to proceed on its merits.

25. The character of the request by 3D Land Holdings, LLC, is very different than the request of the original Plaintiff Dereef and there are new issues presented. Defendants submit that the Complaint should be amended to reflect the new matter and claims, and that Defendants should be given an opportunity to address and defend against these claims on the merits.

26. Defendants would be severely prejudiced if a decision were to be rendered without an opportunity to answer the Complaint and present all the relevant evidence and defenses and to address the additional issues presented by the substitution of Plaintiff 3D Land Holdings and the change in the character of the requested easement.

27. Defendants are heirs' property owners whose families have resided in this neighborhood for many generations and this matter is of extreme importance to them. They are not knowledgeable or sophisticated about land transactions, legal procedures or the practices of developers. They sincerely relied on their best understanding of the information received from the office of their long time trusted attorney and they believed they were proceeding properly.

28. Defendants did not have the benefit of independent legal counsel to advise them and were operating on misunderstandings. Defendants now have counsel to assist them.

29. Defendants respectfully submit that they have established good cause for the Entry of Default to be set aside for the following reasons:

- a. This Motion to Set Aside Entry of Default was filed within days of the Defendants learning of the entry of default.
- b. Defendants have legitimate and meritorious defenses.
- c. There would be little, if any, prejudice to Plaintiff 3D Land Holdings given that it has only been involved in the case since February 18, 2022.

- d. Defendants would be severely prejudiced if judgment were entered without an opportunity to address the merits of the case.
- e. The nature and character of the requested relief has changed considerably upon substitution of Plaintiff 3D Land Holdings, LLC, for Plaintiff Dereef, and the interests of justice would be best served by giving Defendants an opportunity to address and defend these matters on the merits with the benefit of legal counsel.
- f. The fact that Defendant Virginia Coachman Smith was not served before her death and her heirs and/or personal representative were never served raises an issue about the propriety of entry of default.
- g. The fact that Plaintiff Dereef did not own the land at the time default was requested and entered poses an issue about his standing and whether the entry of default is rendered null and void.

WHEREFORE, for the foregoing reasons, Defendants respectfully request this Honorable Court to set aside entry of default and allow them to file an answer to Plaintiff's complaint and proceed on the merits.

Respectfully submitted,

/s/ Cynthia Ranck Person
Cynthia Ranck Person, Esquire (SC Bar #105126)

KEEP IT GREEN ADVOCACY, INC.
P.O. Box 1922
Pawleys Island, SC 29585
(570) 971-8636
kig.advocacy@gmail.com
ATTORNEY FOR DEFENDANTS

March 25, 2022
Pawleys Island, South Carolina

ROA 42

STATE OF SOUTH CAROLINA	:	IN THE COURT OF COMMON PLEAS
COUNTY OF GEORGETOWN	:	FIFTEENTH JUDICIAL CIRCUIT
	:	
3D LAND HOLDINGS, LLC,	:	CASE NO.: 2020-CP-22-00808
	:	
Plaintiff	:	
	:	
v.	:	DEFENDANTS' MOTION TO DISMISS
	:	
WILLIS J. JOHNSON, VIRGINIA SMITH,	:	
MARCELLA COACHMAN, TONI OWENS,	:	
BRANDON L. CARR, and HENRY LEE GREEN	:	
	:	
Defendants	:	

DEFENDANTS' MOTION TO DISMISS

AND NOW come Defendants by and through their counsel and respectfully submit this Motion to Dismiss as follows:

SUMMARY OF ISSUES

1. Motion to Dismiss for Failure to Join Necessary Parties. Plaintiff's Complaint requests an easement over land owned by parties who have not been named or made a party to this proceeding. Participation of these landowners is necessary to the final determination of this issue and full adjudication cannot properly be made without them.

2. Motion to Dismiss for Insufficient Service of Process. Virginia Smith is named as a Defendant in this action, but was not served with the Summons and Complaint before her death in California on January 14, 2021. Her heirs and/or personal representative were never served.

3. Motion to Dismiss for Lack of Standing. Plaintiff Dereef did not own the subject property at the time he requested entry of default on October 18, 2021, or at the time default was entered on November 21, 2021, and lacked standing to request or have default entered.

4. Motion to Dismiss and/or for Judgment on the Pleadings. Even if all well-pleaded facts in Plaintiff's Complaint are deemed admitted, the complaint neither states a cause of action nor sets forth facts sufficient to establish a *prima facie* right to the requested relief.

5. Motion with Respect to Entry of Default. Defendants filed a Motion to Set Aside Entry of Default on March 25, 2022, citing matters they contend constituted good cause to set aside entry of default. The court indicated in an email communication to counsel on March 31, 2022, that Defendants' motion was denied, but no formal order has been filed to date. Final hearing is scheduled for June 16, 2022, and Defendants wish to protect the record by respectfully renewing their motion.

BACKGROUND AND PROCEDURAL HISTORY

6. Plaintiff Edward Dereef, Trustee, ("Plaintiff Dereef"), commenced this Declaratory Judgment action by Summons and Complaint filed on September 29, 2020, asking for an easement by necessity or implication or prescriptive use for ingress, egress and utilities across land owned by the six named Defendants (hereinafter sometimes referenced as "Coachman family") as well as across other land owned by parties who have not been made parties to this proceeding.

7. At the time the Complaint was drafted and filed, Plaintiff Dereef was represented by Attorney Seth Frederick who was eventually replaced by present counsel on December 31, 2020, due to a conflict of interest.

8. On October 18, 2021, Plaintiff Dereef filed an Affidavit of Default requesting entry of default which the court approved on November 21, 2021.

9. Defendants were not served with either the Affidavit of Default or the Order and were not otherwise aware of the entry of default until March 23, 2022, when undersigned

counsel became involved in this case whereupon Defendants immediately filed a Motion to Set Aside Entry of Default on March 25, 2022, which is incorporated herein by reference.

10. The court advised counsel in an email communication on March 31, 2022, that Defendants' motion was denied and a final hearing would be scheduled. No court order has been filed to date. Final hearing has been scheduled for June 16, 2022.

MOTION TO DISMISS FOR FAILURE TO JOIN NECESSARY PARTIES

11. Plaintiff brought this Declaratory Judgment action requesting an easement from Coachman Drive to the subject dominant parcel which would require traversing not only lands owned by the Coachman family Defendants, but also lands owned by the heirs of Pricilla Greggs (Tax No. 04-0147-039-01-00) and may possibly involve or partially traverse lands owned by Patricia Macklen, *et al.* (Tax No. 04-0151-001-00-00).

12. The South Carolina Uniform Declaratory Judgments Act, S.C. Code, Section 15-53-80 requires that: "[w]hen declaratory relief is sought all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding.

13. Under the Declaratory Judgments Act, it is mandatory for all interested parties to be named as parties before a declaration may be made and it is the burden and responsibility of Plaintiff to accomplish that.

14. There are persons not named as parties in this action who have a claim or interest or rights that would be affected or prejudiced by the declaration requested by Plaintiff, *to wit*:

a. The Pricilla Greggs' heirs own a parcel of land that lies between Plaintiff 3D Land Holdings' parcel (the dominant parcel) and the Defendants' (Coachman family) land over which Plaintiff is requesting a right-of-way. The land owned by the Greggs

heirs would necessarily become a servient parcel along with land owned by Defendants in the event of the declaration requested by Plaintiff. Undersigned counsel is aware that the Pricilla Greggs' heirs are in vehement opposition to Plaintiff's request; however, they have not been made parties to this action and have not had the benefit of stating the grounds of their opposition or participating in this suit which affects their rights to land they own.

b. Patricia Macklen, *et al.*, own a parcel of land that adjoins both the land owned by Defendants and land owned by the Pricilla Greggs' heirs, and that also adjoins the requested right-of-way. The Macklen land may be partially involved as a servient parcel depending upon the results of the survey that the court ordered, but that Defendants have not yet seen, and at the very least the Macklen land is affected in that it adjoins the requested easement.

15. Under the Declaratory Judgments Act, all these interested parties are required to be named in this action before a declaration may be made.

16. Rule 19(a) SCRCP further requires that:

[a] person who is subject to service of process and whose joinder will not deprive the court of jurisdiction over the subject matter of the action shall be joined as a party in the action if (1) in his absence complete relief cannot be accorded among those already parties, or (2) he claims an interest relating to the subject of the action and is so situated that the disposition of the action in his absence may (i) as a practical matter impair or impede his ability to protect that interest or (ii) leave any of the persons already parties subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations by reason of his claimed interest.

17. The court does not have authority to make a decision or issue an order granting an easement over land without the owners of that land being named and having an opportunity to be

heard and to participate in the action. This case simply cannot be determined without the Greggs' heirs and the Macklens having an opportunity to participate.

WHEREFORE, Defendants respectfully request this Honorable Court to dismiss Plaintiff's Complaint for failure to join necessary parties pursuant to the Declaratory Judgments Act and Rule 12(b)(7) SCRCF and to set aside entry of default.

MOTION TO DISMISS FOR INSUFFICIENT SERVICE OF PROCESS
AND/OR LACK OF JURISDICTION OVER THE PERSON

18. Virginia Smith was named as a Defendant in this action.

19. Virginia Smith died in California on January 14, 2021, without having been served with the Summons and Complaint.

20. After her death, on July 23, 2021, Plaintiff Dereef filed a Petition and Affidavit for Service of Defendant Virginia Smith by Publication. The court issued an Order approving this request on August 2, 2021.

21. Inasmuch as Virginia Smith had died eight months earlier, she could not have been served by publication as an individual. Accordingly, service of process has not been accomplished upon Virginia Smith or her estate as required by the South Carolina Rules of Civil Procedure nor does the court have personal jurisdiction over Virginia Smith or her estate.

WHEREFORE, Defendants respectfully request this Honorable Court to dismiss Plaintiff's Complaint pursuant to Rules 12(b)(5) and 12(b)(2) SCRCF and set aside entry of default.

MOTION TO DISMISS FOR LACK OF STANDING

22. On April 12, 2021, Plaintiff Dereef, sold the subject dominant parcel and transferred title by deed to 3D Land Holdings, LLC.

23. On October 18, 2021, eight months after he had sold the property, Plaintiff Dereef requested entry of default judgment; however, Plaintiff Dereef neither owned nor had any remaining interest in the subject property, and lacked standing to request judgment of any kind.

24. Entry of default was approved by the court on November 21, 2021, in favor of Plaintiff Edward Dereef, Trustee, who had no interest in the subject property at that time.

25. The present owner, 3D Land Holdings, LLC, was not substituted as a Plaintiff until February 18, 2022, more than ten months after the land had been sold, and three months after entry of default was requested by a party who did not own the land.

26. Defendants were not served with either the Affidavit of Default or the Order and were not otherwise aware of the entry of default until March 23, 2022.

27. In the context of a Declaratory Judgment action, standing must be conferred by the Declaratory Judgments Act and there must also be a justiciable controversy.

28. In order to have statutory standing under the Declaratory Judgments Act, a party must have an interest in the instrument or writing about which he is asking the court to make a declaration.

29. The Declaratory Judgements Act at section 15-53-30 specifically states:

Any person interested under a deed, will, written contract or other writings constituting a contract or whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder.

30. Plaintiff Dereef clearly lacked standing at the time he requested and was granted entry of default, and did not have a justiciable controversy which is also a requirement of the Declaratory Judgments Act.

WHEREFORE, Defendants respectfully request this Honorable Court to dismiss Plaintiff's Complaint pursuant to Rule 12(b)(6) SCRCF.

MOTION TO DISMISS FOR FAILURE TO STATE A CAUSE OF ACTION
OR IN THE ALTERNATIVE FOR JUDGMENT ON THE PLEADINGS

31. Plaintiff's Complaint purports to state a cause of action and right of relief under the Declaratory Judgments Act requesting an easement by necessity, prescription or implication (Complaint paragraphs 11, 12, and 15).

32. "The circuit court may dismiss a claim when the defendant demonstrates the plaintiff's failure to state facts sufficient to constitute a cause of action in the pleadings filed with the court," Hambrick v. GMAC Mortg. Corp., 370 S.C. 118, 121-122, 634 S.E.2d 5 (2006) (citations omitted).

33. "When a plaintiff states nothing more than legal conclusions, a claim should fail [and while the courts] recognize the pleadings must be liberally construed, Rule 12(b)(6) requires the plaintiff to allege facts" and not simply legal conclusions. Paradis v. Charleston County School District, 424 S.C. 603, 819 S.E.2d 147, 153 (Ct. App. 2018) (citations omitted) (emphasis added)(reversed on other grounds).

34. Entry of an order of default is an admission by the defaulting party of the well-pleaded allegations of the complaint. State ex rel. Medlock v. Love Shop, Ltd., 286 S.C. 486, 488 S.E.2d 528, 530 (Ct. App. 1985).

35. The rule regarding admissions does not apply to allegations which are not well pleaded, and therefore "conclusions of law are not admitted, as are not evidentiary facts, nor mere inferences or conclusions of facts." State v. Broad River Power Co., 177 S.C. 240, 181 S.E. 41, 53 (1935).

36. Rule 8(d), SCRCP states averments in a pleading to which a responsive pleading is required are admitted when not denied in the responsive pleading and that averments to which no responsive pleading is required or permitted shall be taken as denied or avoided.

37. All well pleaded facts, not propositions of law, are assumed to be true. HHHunt Corp. v. Town of Lexington, 699 S.E.2d 699, 705 (Ct. App. 2010).

38. The Complaint in this case was drafted by the former counsel of the former Plaintiff and consists primarily of legal conclusions and very few factual allegations.

39. The Complaint consists of 15 paragraphs as follows:

a. Paragraphs 1-5 contain facts that relate strictly to the identity of the parties and are deemed to be admitted.

b. Paragraph 6 is a description of the parcel and is deemed to be admitted.

c. Paragraphs 7 and 8 reference the existence of a dirt road which is deemed to be admitted. The remaining allegations involve the purported legal description, location and character of this dirt road which constitute legal conclusions that do not require a response and are not deemed admitted.

d. Paragraphs 8 and 9 reference use of the road by Plaintiff Dereef during the time he owned it (which according to the Complaint was less than a year at the time of filing), but is utterly devoid of any well-pleaded facts about who supposedly used the road, when, how frequently, for what purpose, or whether Defendants were even aware. There is a vague reference to unidentified aerial photographs and other resources. Even if these matters were “well pleaded facts” that are deemed admitted, they are inconsequential to the causes of action purportedly raised in the Complaint.

e. Paragraphs 10-15 are clearly legal conclusions.

40. It is Plaintiff's burden to establish a *prima facie* case and a right to relief. It is not Defendants' burden to establish that there is not a right to relief.

Easement by Necessity

41. To establish easement by necessity, the party asserting the right to the easement must show: (1) unity of title, (2) severance of title, and (3) necessity that existed at the time of severance. Boyd v. Bellsouth Telephone Telegraph Co., Inc. 633 S.E.2d 136, 141 (S.C. 2006).

42. There is no allegation in this case of unity of title or severance of title between Plaintiff and Defendants, nor unity of title and severance of title between their predecessors in interest, the Noble Dereef heirs as predecessors in interest of Plaintiffs, and the Martins as predecessors in interest of the Defendants.

43. In addition to no showing of unity and severance of title, there has been no averment of fact to establish necessity.

44. The requirement of a necessity cannot be created by the party claiming the easement nor can the necessity be created by "subdividing and selling separate portions of the land." Clemson University v. First Provident Corp., 197 S.E.2d 914 (1973).

45. Necessity does not automatically arise by virtue of the Dereefs unilaterally deciding to subdivide their property and create a landlocked parcel which was then sold by Plaintiff Edward Dereef to 3D Land Holdings who purchased the land with the full knowledge that the parcel was landlocked and at its own risk with litigation pending. There is no allegation that the Defendants took part in the Dereef's decision or were even aware of it.

46. It is well settled law that "the owner of the easement cannot materially increase the burden of the servient estate or impose thereon a new and additional burden." 25 Am.Jur.2d, Easements and Licenses, Section 72.

47. There are no allegations of fact that establish a legal necessity much less a necessity that existed at the time of severance of title because there was no unity of title from which a severance could take place.

48. Accordingly, Plaintiff has not met its burden of setting forth facts to establish a *prima facie* case of easement by necessity.

Implied Easement

49. An easement implied by prior existing use requires the party asserting the right to establish: (1) unity of title, (2) severance of title, (3) the prior use was in existence at the time of unity of title, (4) the prior use was not merely temporary or casual, (4) the prior use was apparent or known to the parties, (5) the prior use was necessary in that there could be no other reasonable mode of enjoying the dominant tenement without the prior use, and (6) the common grantor indicated an intent to continue the prior use after severance of title. Boyd at 139.

50. Implied easements require that the “facts and circumstances surrounding the conveyance, the property, the parties, or some other characteristic demonstrate that the objective intention of the parties was to create an easement.” Inlet Harbour v. S.C. Dept. of Parks, Recreation and Tourism, 659 S.E.2d 151, 154 (S.C. 2008).

51. Plaintiff’s Complaint fails to allege any facts to support unity of title, severance of title, or an objective intention on the part of Defendants to create an easement, all of which are critical elements of an Implied Easement.

Prescriptive Easement

52. The elements of a prescriptive easement are: (1) continued use for 20 years, (2) the identity of the thing enjoyed, and (3) use which is adverse, meaning that the use was open,

notorious, continuous, and uninterrupted. Simmons v. Berkely Electric Coop., Inc., 797 S.E.2d 387, 392 (S.C. 2016).

53. Plaintiff's Complaint alleges that Plaintiff Dereef owned the property for a mere ten months prior to the filing of the Complaint, and is completely devoid of any facts to support the elements of a prescriptive easement

Recorded Plat

54. Plaintiff has attached a recorded plat to the Complaint as Exhibit "A," dated June 5, 2008, and entitled "Plat of Two Lots on Waccamaw Neck being the remaining portion of the 'Noble Dereef' Tract Surveyed for Lot A Heirs Ruby Young and Lot B Edward Dereef."

55. This is a plat that shows the unilateral subdivision of the Dereef property. There is no allegation that Defendants were part of Dereef's decision to subdivide or were even aware of it or otherwise granted the Dereefs any right to an easement over property owned by them.

56. The existence of this recorded plat does not establish the *prima facie* elements of any easement or other right to relief on the part of Plaintiff against the Defendants.

WHEREFORE, Defendants respectfully request this Honorable Court to dismiss Plaintiff's Complaint pursuant to Rule 12(b)(6) SCRCPP or in the alternative enter Judgment on the Pleadings pursuant to Rule 12(c) SCRP.

MOTION WITH RESPECT TO ENTRY OF DEFAULT

57. On March 25, 2022, within two days of learning about the entry of default and only a month after Plaintiff 3D was substituted as a Plaintiff in this case, Defendants filed a detailed Motion to Set Aside Entry of Default pursuant to Rule 55(c) SCRCPP, specifically citing a number of procedural and other anomalies, meritorious defenses, substantial prejudice to

Defendants and lack of prejudice to Plaintiff, all of which Defendants contend constituted good cause to set aside the entry of default. Said motion is incorporated herein by reference.

58. The court indicated in an email communication to counsel on March 31, 2022, that Defendants' motion was denied without hearing. No formal order has been issued to date.

59. Final hearing consequent to the entry of default is scheduled for June 16, 2022.

60. Inasmuch as no order has been issued, Defendants are respectfully protecting the record by renewing their Motion to Set Aside Entry of Default.

WHEREFORE, Defendants respectfully request this Honorable Court to set aside entry of default pursuant to Rule 55(c) SCRPC.

PRAYER FOR RELIEF

For the foregoing reasons, Defendants respectfully request this Honorable Court to dismiss Plaintiff's Complaint, enter Judgment on the Pleadings, and/or set aside entry of default and allow them to file an answer to Plaintiff's complaint and proceed on the merits.

Respectfully submitted,

/s/ Cynthia Ranck Person
Cynthia Ranck Person, Esquire (SC Bar #105126)

KEEP IT GREEN ADVOCACY, INC.
P.O. Box 1922
Pawleys Island, SC 29585
(843) 325-7795
kig.advocacy@gmail.com
ATTORNEY FOR DEFENDANTS

June 10, 2022
Pawleys Island, South Carolina

RECEIVED

Aug 16 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

Joe M. Crosby, Master-In-Equity

Case No. 2020 CP-22-00808

3D Land Holdings, LLC,

Respondent,

v.

Willis J. Johnson, Virginia Smith,
Marcella Coachman, Toni Owens,
Brandon L. Carr and Henry Lee Green,

Appellants.

NOTICE OF APPEAL

Willis J. Johnson, Virginia Smith, Marcella Coachman, Toni Owens, Brandon L. Carr, and Henry Lee Green appeal final order and judgment of the Honorable Joe M. Crosby dated July 20, 2022, attached. Appellants received written notice of entry of final order and judgment on July 20, 2022.

August 16, 2022

/s/ Cynthia Ranck Person

Cynthia Ranck Person, Esquire (SC Bar #105126)

KEEP IT GREEN ADVOCACY, INC.

P.O. Box 1922

Pawleys Island, SC 29585

(843) 325-7795

kig.advocacy@gmail.com

ATTORNEY FOR DEFENDANTS

Other Counsel of Record:

Daniel W. Stacy, Esquire

OXNER & STACY LAW FIRM, LLC

90 Wall Street, Unit B

Pawleys Island, SC 29585

843-527-8020

ATTORNEY FOR RESPONDENT

ROA 55

ROA 55

Transcript

1 STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

2 COUNTY OF GEORGETOWN

3 3D LAND HOLDINGS, LLC,

4 Plaintiff,

5 vs. CASE NO. 2020-CP-22-00808

6 WILLIS J. JOHNSON, VIRGINIA SMITH, MARCELLA

COACHMAN, TONI OWENS, BRANDON L. CARR, AND

7 HENRY LEE GREEN,

8 Defendants.

9
10 HEARING

11
12 BEFORE THE HONORABLE JOE M. CROSBY

13
14 DATE: June 16, 2022

15 TIME: 9:51 a.m.

16 LOCATION: Georgetown County Courthouse

401 Cleland Street

17 Courtroom 2-C

Georgetown, SC

18
19
20 REPORTED BY: Lauren A. Balogh, RPR

21 _____

22
23
24
25
ROA 57

1 APPEARANCES OF COUNSEL:

2 ATTORNEY FOR PLAINTIFF

3D LAND HOLDINGS, LLC:

3 OXNER & STACY

4 BY: DANIEL W. STACY, JR.

235 Church Street

5 Georgetown, SC 29442

(843) 527-8020

6 Dstacy@oxnerandstacy.com

7 ATTORNEY FOR DEFENDANTS

WILLIS J. JOHNSON, VIRGINIA SMITH,

8 MARCELLA COACHMAN, TONI OWENS, BRANDON

L. CARR, AND HENRY LEE GREEN:

9 KEEP IT GREEN ADVOCACY, INC.

10 BY: CYNTHIA RANCK PERSON

PO Box 1922

11 Pawleys Island, SC 29585

(570) 971-8636

12 Kig.advocacy@gmail.com

13
14
15 (INDEX AT REAR OF TRANSCRIPT)

1 (HEARING EXHIBIT A, deed from Edward
2 DeReef to Noble DeReef recorded 8/26/1932, was
3 marked for identification.)

4 (HEARING EXHIBIT B, plan for
5 subdivision of 17.5 acres of land at Pawleys
6 Island, SC owned by C.H. Martin, Jr. dated March
7 26, 2953, was marked for identification.)

8 (HEARING EXHIBIT C, deed from Edward
9 DeReef and Ruby DeReef Young to Carrie Green
10 recorded May 2, 1960 in Deed Book 38/537, was
11 marked for identification.)

12 (HEARING EXHIBIT D, deed from Priscilla
13 DeReef Greggs to Carrie Green recorded 5/02/1960 in
14 Deed Book 38/540, was marked for identification.)

15 (HEARING EXHIBIT E, deed from Carrie
16 Green to Edward DeReef Young, Ruby DeReef Young and
17 Priscilla DeReef Greggs recorded 1/3/1973 in Deed
18 Book 109/646, was marked for identification.)

19 (HEARING EXHIBIT F, plat of 1.70 acres
20 on Waccamaw Neck being a portion of the "Noble
21 DeReef" tract, surveyed for Priscilla Greggs dated
22 July 3, 2006 and recorded August 15, 2006 in Plat
23 Book 612/3B, was marked for identification.)

24 (HEARING EXHIBIT G, title to real
25 estate from Priscilla DeReef Greggs to Edward

1 DeReef, et al dated May 27, 2008 and recorded
2 September 9, 2008 in Book 1048 at Page 1, was
3 marked for identification.)

4 (HEARING EXHIBIT H, plat of two lots on
5 Waccamaw Neck being the remaining portion of the
6 "Noble DeReef" tract, surveyed for Lot A, Heirs
7 Ruby Young and Lot B, Edward DeReef dated June 5,
8 2008 and recorded November 3, 2008 in Plat Slide
9 689/4A, was marked for identification.)

10 (HEARING EXHIBIT I, title to real
11 estate from Leon Young, et al to Edward Derrick
12 DeReef, successor trustee of the Edward DeReef
13 Living Trust dated March 10, 2005, and any
14 amendments thereto, dated October 30, 2019, and
15 recorded November 13, 2019 in Book 3638 at Page 62,
16 was marked for identification.)

17 (HEARING EXHIBIT J, plat showing Noble
18 Place right-of-way prepared at the request of Oxner
19 & Stacy Law Firm, LLC dated June 13, 2022, was
20 marked for identification.)

21 (HEARING EXHIBIT K, title to real
22 estate, was marked for identification.)

23 THE COURT: One of the things I'm
24 confused about is I look back and see this whole
25 long litany of references, plats, et cetera,

1 referencing the road. I mean, it's not really --
2 there is a 2000, what, '6 I think from Mr. Powers
3 and it goes back further than that. And also on
4 the map as far as the one that goes through before
5 it gets to what y'all call the DeReef property,
6 there is one that goes through on the county GIS.

7 MS. PERSON: Do you want me to respond
8 to that?

9 THE COURT: Well, that is an area that
10 I'm confused about, and I'm sure Mr. Weathers will
11 testify about that as well. Because I'm not sure
12 that it's something that it's just sort of
13 voluntary or given. It's accepted by the planning
14 commission.

15 MS. PERSON: As I understand this, we
16 have a plat from 1953, which was the original
17 Martin subdivision, showing a road, a private road,
18 and showing Coachman Drive as the proposed road,
19 because at that time nothing was there. Then we
20 have a plat that was done pursuant to the DeReefs
21 making a decision to subdivide their property,
22 which is north of the Martin subdivision, in 2006.
23 They filed a plat that referenced the southern
24 properties and the road --

25 THE COURT: Well, let me stop you

1 there. Because it was more than just simply filed.
2 It was accepted by the planning commission and
3 recorded, as you said, filed, right?

4 MS. PERSON: It was recorded.

5 THE COURT: Was it accepted by the
6 planning commission?

7 MS. PERSON: I don't know that.

8 THE COURT: I mean, my understanding in
9 looking at it is it was. And I believe that was
10 actually part of your complaint.

11 Not yet, Mr. Weathers.

12 MR. STACY: For the record, your Honor,
13 it was signed by Holly Richardson as planning
14 director in 2008, the one -- the most recent one
15 from Mr. Powers that was done in 2008.

16 THE COURT: Okay. So I'm confused that
17 your -- something was submitted by the owners of
18 the property at the time and now you're saying
19 that's not --

20 MS. PERSON: It was submitted by the
21 owners of that property, not the owner -- not my
22 clients.

23 THE COURT: Okay. And your clients
24 are?

25 MS. PERSON: My clients are the

1 defendants who own the property south of there and
2 weren't even aware of this plat being filed or
3 anything happening, nor would they have been, and
4 it merely -- the road that was put in pursuant to
5 the 2006 and 2008 plats isn't the road that
6 involves our property.

7 THE COURT: I'll let Mr. Weathers
8 clarify that issue as well.

9 Mr. Stacy, the other issue is service.
10 I want to make sure we're clear on that. They are
11 saying that one of the ladies, I think Ms. Smith --

12 MS. PERSON: Virginia Smith.

13 THE COURT: -- wasn't properly served.

14 MR. STACY: Your Honor, I think the
15 record reflects when Mr. -- when Seth at Robbie
16 O'Donnell's office had this original filing he
17 attempted to serve her at an address in Little
18 River, South Carolina. That was rejected. My
19 office did research and under the understanding
20 that she was a California resident, Virginia Smith
21 is a difficult name being Smith in general. We
22 discovered an address in California that we
23 believed to be hers. We attempted service there.
24 It was returned. And then we got an order for
25 service by publication and we served her that way.

ROA 63

1 Ms. Person indicates that she has passed away. We
2 believe the publication -- service by publication
3 was effective, but it also, I don't believe,
4 substantively affects the legal issues at hand
5 regardless. I believe it was valid service based
6 on the lack of understanding or information about
7 where she is and, to my knowledge, there is still
8 no estate open for Virginia Smith. We can't find
9 one. We can't find an obituary either.

10 THE COURT: Okay.

11 MR. STACY: I'm not saying she's not
12 passed away. I can't see it anywhere in any public
13 record that we can find.

14 THE COURT: Ms. Person, go ahead.

15 MS. PERSON: Virginia Smith passed away
16 on January 14, 2021 without having been served, and
17 the request for notice of publication and the
18 petition and affidavit was filed on July 23, 2021,
19 which would have been more than six months after
20 her death.

21 THE COURT: Who is her personal
22 representative?

23 MS. PERSON: Excuse me?

24 THE COURT: Who is her personal
25 representative?

1 MS. PERSON: I am not sure, but I think
2 one of my clients could answer that question.

3 THE COURT: Okay.

4 MS. PERSON: She has children.

5 THE COURT: All right. So this is what
6 we're going to do, all right? We're going to --
7 Mr. Stacy, you're going to have your client come in
8 and testify regarding the existence of the road or
9 plat or nonexistence. Ms. Person can certainly
10 question him regarding those or cross-examine him
11 regarding those issues.

12 I'm going to deny -- I have a motion to
13 dismiss, I think, which was just filed on the 10th.

14 Mr. Stacy, do you have any comments
15 regarding the motion to dismiss?

16 MR. STACY: Your Honor, I think that
17 was a restatement of an earlier motion. Most of
18 this was a restatement of an earlier motion that
19 Ms. Person filed. I think that the issues raised
20 in her motion have either been dealt with by the
21 pleadings, by the documents in the public record,
22 by the expert testimony that you'll hear today.

23 THE COURT: Okay. So I'm going to
24 dismiss or deny the motion to dismiss. Again, I
25 want to understand that previously we -- some of

1 the individuals were here and there was a
2 discussion and we thought a resolution had been
3 reached. Clearly, based on your representation,
4 one was not, so that's why we are here again today.
5 So that's why we're going to go through and, again,
6 Mr. Weathers is going to testify. Your clients are
7 still going to be held in default, but you will be
8 able to question Mr. Weathers, okay?

9 MR. STACY: Thank you, your Honor.

10 THE COURT: That's going to be
11 basically the scope of our testimony. If you don't
12 believe that the road is adequately platted, ask
13 Mr. Weathers, okay? I understand your clients
14 dispute the existence. That's why you're going to
15 be asking him where it is and where it isn't, okay?

16 MS. PERSON: Thank you. May I just
17 ask, so your -- with respect to my ability to call
18 any of my clients to testify to things that were
19 not admitted in the complaint, because of course
20 part of our motion to dismiss is the complaint.
21 The complaint does not state a cause of action. So
22 with respect to things that were not admitted that
23 are elements of the cause of action, am I not
24 permitted to call witnesses to testify?

25 MR. STACY: I would certainly object,

ROA 66

1 your Honor. I think her clients are in default.

2 THE COURT: Okay. At this point, no.

3 MS. PERSON: Okay.

4 THE COURT: Again, Mr. Weathers will be
5 here and you will be able to ask him regarding that
6 information.

7 MS. PERSON: I understand.

8 THE COURT: Okay.

9 MS. PERSON: I understand.

10 THE COURT: And I believe that you
11 would have -- will have had discussions with your
12 clients as well, okay?

13 MS. PERSON: Thank you.

14 THE COURT: So you'll be able to do
15 that. That being said, anything additional?

16 MR. STACY: Nothing from me, your
17 Honor.

18 MS. PERSON: Nothing except that may I
19 have permission to bring my clients in to at least
20 observe?

21 THE COURT: Absolutely, absolutely,
22 yes, ma'am.

23 MS. PERSON: Thank you.

24 MR. STACY: And my client apologizes,
25 your Honor. The principal for 3D Land Holdings had

ROA 67

1 an avoidable family situation. He called me
2 yesterday and he had to go out of town. I'm sorry
3 about that. But I wasn't going to call him to
4 testify either way because I think these are
5 matters best handled by Mr. Weathers.

6 THE COURT: Okay. Okay. So ladies and
7 gentlemen, what we're going to do is we're going to
8 -- Mr. Stacy is going to have his expert testify
9 regarding the nature of the road and where it is.
10 Ms. Person will ask him questions in return. So
11 that's how this case is going to be handled at this
12 point. So with that being said, Mr. Stacy.

13 MR. STACY: Thank you, your Honor. I
14 would like to start, if I could, your Honor, by
15 handing up an exhibit list, and one that we
16 inadvertently left off which I will offer. And
17 I'll submit to the Court and to Mrs. Person that
18 these are all Georgetown County public record
19 documents save and except the new survey that this
20 court ordered us to get, which is in draft form,
21 but certainly can be signed and put of record, but
22 I wanted the court to have that, and offer these as
23 exhibits with the Court's permission.

24 THE COURT: Ms. Person, have you looked
25 at the draft?

1 MS. PERSON: The exhibit list?

2 THE COURT: No ma'am, the draft plat.

3 MS. PERSON: Yes, I have. I got
4 that --

5 MR. STACY: Monday or Tuesday.

6 MS. PERSON: -- Tuesday afternoon.

7 THE COURT: Okay.

8 MR. STACY: And it stops at J. And
9 Madam Court Reporter, I would like to mark that one
10 as K. I inadvertently left that one off. And I
11 have a pack for you as well.

12 THE COURT: Ms. Person, do you have any
13 objections to admitting A through J plus the -- I
14 guess that would be technically K, right?

15 MR. STACY: K, yes, your Honor.

16 MS. PERSON: Well, I haven't had an
17 opportunity to look at it.

18 THE COURT: To look at it. What is
19 "it?"

20 MS. PERSON: Right, at the exhibit
21 list.

22 THE COURT: Okay.

23 MR. STACY: For everybody's benefit,
24 these are recorded documents in the Georgetown
25 County public records except for the one plat.

ROA 69

1 MS. PERSON: Except for which one, the
2 plat?

3 MR. STACY: The new one that I sent
4 that you Mr. Cunningham did.

5 MS. PERSON: May I have a moment to --

6 THE COURT: Absolutely, yes, ma'am.

7 MS. PERSON: Thank you.

8 THE COURT: I'm standing because
9 sometimes I get bored sitting.

10 MS. PERSON: I do, too.

11 Okay. I don't have an objection to A.
12 I don't have an objection to B. I don't have an
13 objection to C. I don't have an objection to D.
14 No objection to E. No objection to F to the extent
15 that it's a recorded document. I would have an
16 objection beyond that, and I'm assuming
17 Mr. Weathers will testify about his interpretation
18 of that. I don't have an objection to G. With
19 respect to H, I have the same comment that I did
20 about the 2006 plat, but I don't have an objection
21 to having him enter it as a recorded document. I,
22 I don't have any objection.

23 MR. STACY: Ms. Person, I'm sorry --

24 MS. PERSON: And J --

25 MR. STACY: I only had one original

1 large one, which I gave to the Court. I'll
2 represent this is a copy of the original --

3 MS. PERSON: The plat?

4 MR. STACY: -- that I sent to you.

5 MS. PERSON: That's fine. I don't have
6 a problem with that. Thank you.

7 MR. STACY: Okay.

8 THE COURT: So those will be entered
9 without objection although certainly the
10 interpretation will be -- you can feel free to
11 question --

12 MS. PERSON: And your Honor, I would --
13 to the extent that this is intended to be a
14 complete search of the title, I'm not suggesting
15 that, but each individual document I don't have a
16 problem with.

17 THE COURT: Absolutely. Understood.

18 MS. PERSON: Okay. There may be
19 others.

20 THE COURT: Okay. Very well.
21 Mr. Stacy.

22 MR. STACY: Thank you, your Honor. I'm
23 not sure if Madam Court Reporter has back history,
24 so I'll try to briefly bring us to -- from where we
25 started to where we are. Ms. Person may want to

1 correct or add to things I might say here, but this
2 is case number -- Edward Derrick DeReef, now 3D
3 Land Holdings, LLC v. Willis J. Johnson and others.
4 Case number 2020-CP-22-00808. This is a case about
5 whether or not there is a right of access to
6 certain properties owned by the plaintiff over and
7 across a road that has been in existence in the
8 public record since 1953.

9 A summons and complaint was filed. The
10 defendants were served. They were deemed to be in
11 default for lack of a response. We had a hearing
12 with this court on 1/10/22 wherein the Court
13 ordered a declaratory judgment right of access over
14 the road in question to the plaintiff.

15 Ms. Person was engaged by the defendant
16 subsequent to that and is now appearing today. And
17 at the Court's request, because our first hearing
18 was a default hearing with no record, we're having
19 another hearing today on the record basically
20 summarizing what I think we discussed at the prior
21 hearing.

22 Ms. Person, do you think that's a
23 fairly accurate summary of where we are today?

24 MS. PERSON: Yes.

25 MR. STACY: Okay. So without further

1 ado and giving the credence to the public documents
2 that we've entered as Exhibits A through J, I'll
3 call Greg Weathers to the stand.

4 THE COURT: Mr. Weathers, come around
5 and have the court reporter swear you in.

6 GREGORY WEATHERS
7 being first duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. STACY:

10 Q. Good morning, Mr. Weathers. We're
11 going to try now to attempt to qualify you as an
12 expert witness for the subject matter of the Court
13 today. Would you mind stating your full name, age,
14 and place of business for the Court.

15 A. Gregory Ross Weathers. I am 42 years
16 old and I am the owner of Weathers Law Firm in
17 Pawleys Island.

18 THE COURT: And Mr. Stacy, what do you
19 intend to offer him as?

20 MR. STACY: As an expert in matters of
21 real estate generally and easements in particular.

22 THE COURT: Ms. Person, will you
23 stipulate?

24 MS. PERSON: I don't know Mr. Weathers,
25 so --

1 THE COURT: Fair enough.

2 MS. PERSON: -- I cannot stipulate.

3 BY MR. STACY:

4 Q. Mr. Weathers, could you just briefly
5 describe your educational background for the Court?

6 A. Sure. I graduated from Clemson
7 University in 2001 with a major in biological
8 sciences. I graduated from the University of South
9 Carolina Law School in 2004 with a JD, and was
10 admitted to the South Carolina Bar and the Federal
11 Court for the District of South Carolina in 2004.

12 Q. So describe your practice for the
13 Court, please, Mr. Weathers.

14 A. Somewhat of a general practice with a
15 heavy emphasis in both residential and commercial
16 real estate. My real estate practice would include
17 closings both on seller and buyer's side, the
18 issuance of title insurance. I am an agent for
19 Chicago Title Insurance and also Old Republic
20 National Title. Very much involved in the real
21 estate closing side, but also real estate
22 litigation including real estate litigation in
23 matters such as this to prove the existence of
24 easements either by necessity or prescription.

25 Last year opened up just shy of 800

ROA 74

1 real estate files. Those would include both
2 purchaser and seller representation as well as
3 other real estate related matters. That would not
4 include files opened for the other elements of my
5 practice including real estate based litigation.
6 In each of those real estate files there would have
7 been a title search and examination, especially if
8 they were retained to represent the purchaser or to
9 certify title for an out-of-state counsel as
10 in-state counsel or for the title insurers. Access
11 is one of the basic elements of a title search.
12 Each of those title examinations would have
13 involved or investigated the existence of access
14 either by express or implicit reasons.

15 MR. STACY: So your Honor, with that
16 testimony from Mr. Weathers, I would offer him as
17 an expert in the subject matter of both real estate
18 title review issues, real estate matters generally,
19 and easements in particular.

20 THE COURT: Would that also involve
21 right-of-ways?

22 THE WITNESS: Yes, sir, your Honor.

23 THE COURT: Ms. Person?

24 MS. PERSON: Yes, may I ask
25 Mr. Weathers some questions?

1 THE COURT: Yes.

2 MS. PERSON: Thank you.

3 CROSS-EXAMINATION

4 BY MS. PERSON:

5 Q. Good morning. We met a few minutes
6 ago.

7 A. Yes, ma'am.

8 Q. Yes. So other than being a
9 practitioner in the area of real estate, do you
10 have any additional education with respect to
11 property law or easements?

12 A. So as a member of the South Carolina
13 Bar I'm required to get continuing education each
14 year. So each year from 2004 to the current date
15 I've met my CE or CLE requirements. I also hold a
16 real estate license and had to meet my real estate
17 broker CE requirements since I received that
18 license. I've given discussions including one on
19 easements to the South Carolina -- or Coastal
20 Carolina Association of Realtors. And then each
21 year with review of title, also seeking counsel
22 from the National Title Underwriters in Columbia
23 and with Old Republic they would learn Ellie Floyd.
24 I feel like the practice of law is kind of a
25 continuing education, but none other than the CLE

ROA 76

1 and CE requirements that I received --

2 Q. So no advanced degree, you've never
3 taught property law or anything like that?

4 A. I have a JD and that's it.

5 Q. I've got you. And is your practice
6 primarily transactional?

7 A. No. From a revenue standpoint probably
8 about 70 percent transactional and an effort
9 standpoint probably 80 percent. The other parts
10 include civil litigation. Litigation both in real
11 estate matters and other including personal injury,
12 Workers' Compensation. I also do some nontaxable
13 estate planning and things like that, but real
14 estate would be a heavy emphasis, but not the sole
15 area of my practice or expertise.

16 Q. Of the litigation you do, how much is
17 real estate related, approximately?

18 A. I would probably say all totaled,
19 40 percent.

20 Q. And have you been -- have you published
21 any treatises or articles about real estate
22 easements or property law, anything like that?

23 A. I have not.

24 Q. Okay.

25 MS. PERSON: I have no other questions,

ROA 77

1 your Honor.

2 THE COURT: Okay.

3 MR. STACY: Your Honor, I still offer
4 Mr. Weathers as an expert in the area that we're
5 discussing today. I think that most courts
6 acknowledge that a practicing attorney with decades
7 plus -- a decade plus of practice or more with a
8 heavy emphasis in an area does qualify as an expert
9 to testify for these matters and offer him as an
10 expert today.

11 THE COURT: Okay. Ms. Person?

12 MS. PERSON: I object.

13 THE COURT: Okay.

14 MS. PERSON: For the record.

15 THE COURT: Certainly.

16 Mr. Stacy, I'm going to qualify your --
17 or accept Mr. Weathers as an expert in the area of
18 title review, easements, and rights-of-way as well
19 as access to property.

20 MR. STACY: Thank you, your Honor.

21 REDIRECT EXAMINATION

22 BY MR. STACY:

23 Q. Mr. Weathers, I have provided to you,
24 the Court, Ms. Person, and the court reporter an
25 exhibit list today. I'm not going to recite those

ROA 78

1 documents, but do you recognize the documents that
2 are listed in this exhibit list plus the addition
3 of Exhibit K?

4 A. I have received the exhibit list, have
5 had an opportunity to review it, and am familiar
6 with each of the documents referenced in the
7 exhibit list.

8 Q. Okay. Thank you. So if we could start
9 with Exhibit A and briefly for the record indicate
10 to the Court what Exhibit A is and what it does. I
11 can ask you specific questions or you can just
12 generally discuss it, whichever you prefer.

13 A. So this is a deed recorded in the
14 Office of the Register of Deeds. At that point it
15 would have been the Clerk of Court for Georgetown
16 County. And it is whereby Edward DeReef
17 transferred his interest in six acres from which
18 the subject property has been subdivided to Noble
19 DeReef. The derivation references Edward DeReef
20 obtaining title to the property in 1916. This deed
21 is dated 1932.

22 Q. So from this deed would you glean the
23 knowledge that the DeReef family has owned this
24 piece of property since at least 1916?

25 A. Correct. It looked like the prior

1 title holder was a Jacob Dorell. He was vested a
2 title February 17, 1916. At that time the DeReef
3 family became the title holder of the parent parcel
4 of six acres.

5 Q. All right. Let's look at Exhibit B
6 quickly. We will come back and forth between
7 these, but I do want to talk about this one
8 particularly. Do you have Exhibit B, Mr. Weathers?

9 A. I do. It is a plat dated March 26,
10 1953 also recorded in Georgetown County in Plat
11 Book I at Page 36.

12 Q. So we will come back to that document
13 in just a moment.

14 THE COURT: Well, I'm going to stop you
15 there. I'm looking at Highway 17 and assuming,
16 Mr. Weathers, my orientation is correct, I see what
17 is marked as Lots 6, 4 and 5 with a "C" in it. Do
18 you see where I'm referring?

19 THE WITNESS: Yes, sir.

20 THE COURT: And I see a road.

21 THE WITNESS: That's correct. What
22 would be Block C, Lot 6 is immediately east of the
23 road which is the subject road in question. Lot
24 number one, which would be Block D, is immediately
25 west of the subject road. The road was platted

1 again as of 1953. Of interest is that immediately
2 north of the road in question the name Edward
3 DeReef appears. So the road had a terminus on the
4 property of Edward DeReef as referenced by this
5 plat.

6 BY MR. STACY:

7 Q. Since we're there let's talk about this
8 plat some more. So on the Martin subdivision plat
9 that we're discussing as Exhibit B, it appears that
10 Mr. Martin was platting out lots to offer for sale.
11 Is that something you can safely assume?

12 A. That would be correct. He had a
13 17.5-acre parcel of land. He cut it up into
14 various lots, Block A through F it appears,
15 accessed by existing or proposed roads.

16 Q. So on the lots that are shown on the
17 Martin -- what I will refer to as the March
18 subdivision map, do any of the lots shown on the
19 Martin subdivision map lack access to an either
20 existing or proposed street?

21 A. No, based upon my review there are no
22 lots which lack access.

23 Q. Thank you. We will come back to that
24 map.

25 THE COURT: I'm just going to interrupt

ROA 81

1 you again. I apologize for interrupting your flow,
2 but Mr. Weathers, am I -- on Exhibit A, do I see
3 that the sheriff is the one who conveyed that
4 property to Mr. Edwards -- I mean to --

5 MR. STACY: Mr. DeReef.

6 THE COURT: -- Mr. DeReef?

7 THE WITNESS: No, your Honor, looking
8 at the derivation only, that would be what we both
9 would infer.

10 THE COURT: Yeah.

11 THE WITNESS: I don't have the deed
12 from the sheriff or into or out of Mr. Dorell, but
13 based on the derivation alone it appears as though
14 it was sold by the sheriff at that point in time.

15 MR. STACY: We assume it was a tax
16 sale, your Honor, I think in 1916. I think my
17 recollection is that the sheriff would have been
18 conducting those sales before the delinquent tax
19 collectors office ever existed.

20 THE COURT: And that's just an
21 interesting little --

22 MS. PERSON: Your Honor, if you need
23 that deed, I have it, if anybody wants it.

24 THE COURT: It's okay. I just thought
25 it was interesting that it was sold by the sheriff.

1 All right. Go ahead.

2 BY MR. STACY:

3 Q. All right. So Mr. Weathers, Exhibits
4 D, E, F, G, H, and I, would it be a fair summary to
5 say that Exhibits D through I are DeReef family
6 members transferring this property back and forth
7 among each other for various deaths, splitting of
8 the property? We can certainly go through each
9 document by document by document if the Court
10 prefers, but I mean, do you think that's an
11 accurate summary of what those documents reflect?

12 A. I think it's an accurate summary with
13 regard to Exhibits D through F. It also would
14 include Exhibit C which you didn't mention. I
15 don't know if it was inadvertent.

16 Q. Inadvertent.

17 A. And also was another deed in the chain
18 of title for the same purposes.

19 Q. Okay. So Mr. Weathers, I'm going to
20 skip down now to Exhibit J. Have you had a chance
21 to review Exhibit J?

22 A. I was provided a copy of it Tuesday and
23 I also had it here before me now.

24 Q. So in your opinion, do you believe that
25 the survey that was prepared by Parker Land

1 Surveying, as recently as a few days ago, is a
2 depiction or a current reflection of this road in
3 question that shows up on the 1953 Martin map?

4 A. Yes, on the road that shows up on the
5 1953 Martin map and which lies between lots -- or
6 Block C, Lot 6 and Lot D -- Block D, Lot 1 is the
7 same road that Mr. Cunningham represents as Noble
8 Place on the current survey.

9 Q. All right. So let's talk about
10 easements generally in South Carolina. In your
11 expertise and your experience, what are the types
12 of easements that can exist in South Carolina. And
13 if we don't have an exhaustive list, that's fine.

14 A. So there is express easements, and a
15 good example of that is the deed vesting title in
16 the current plaintiff. So he received an express
17 easement over the property of Ms. Greggs in that
18 deed. That one is easy. There are also other
19 easements. Easements by necessity, in various ways
20 you can get that back to a common grantor or
21 implicit. There is also an easement by
22 prescription which is basically using a road for a
23 period of over 20 years either under a claim of
24 right or under -- actions that are adverse to the
25 other.

1 Q. All right. So did you have a chance to
2 review the complaint that was filed in this matter
3 originally, Mr. Weathers?

4 A. I did.

5 Q. So when Mr. Frederick pled his case, is
6 it an accurate reflection -- I'll be glad to show
7 it to you, but there's also public record documents
8 in his cause of action for declaratory judgment
9 item 15. The plaintiff was entitled to a
10 declaration from this court establishing the
11 plaintiff is entitled to an easement by necessity,
12 comma, and by prescriptive use and for such other
13 and further relief as this court may deem proper.

14 A. That is my recollection. I don't have
15 it currently before me, but I believe that to be
16 the language cited in the referenced paragraph.

17 Q. Well, let's discuss the standard to
18 establish a prescriptive easement. Are you
19 familiar with the three elements that require to
20 establish a prescriptive easement?

21 A. I am.

22 Q. Do you mind stating those for the
23 Court.

24 A. So continuous and uninterrupted use of
25 the right for a period of greater than 20 years,

1 identity of the thing enjoyed, and use which is
2 either adverse or under a claim of right.

3 Q. Okay. So if the DeReef family owned
4 this property since at least 1916 and this is
5 calendar year 2022, is that more than 20 years?

6 A. Yes.

7 Q. Is it your opinion, given the fact that
8 the road has been in existence since at least
9 1953 --

10 THE COURT: Would you narrow that down
11 a little bit for me, please, when you say "the
12 road."

13 MR. STACY: The 30-foot strip in
14 question. The 30-foot strip shown -- first shown
15 on the Martin map.

16 BY MR. STACY:

17 Q. If that was in existence since 1953, is
18 it more than 20 years from 1953 to 2022?

19 A. Correct.

20 Q. From your research is it a true
21 statement that at least since 1994, if not before,
22 there has been a home or a structure on the
23 property in question?

24 A. Correct. So we can look at it several
25 ways. From 1953 the road was platted, but from

1 research with the county aerial photos and Google
2 Earth historic imagery there has been a structure
3 on the property for a period of greater than
4 20 years. Also the historical Google Earth imagery
5 you can see the actual road itself existing for a
6 period of more than 20 years.

7 Q. Does it appear from aerial photographs
8 from those dates and times that it's clear and
9 passable and somewhat maintained?

10 A. It does. And from the aerial
11 photographs it would appear to be well used.
12 Especially in the photographs in the late '90s and
13 early 2000s it shows the very white sandy road
14 which is obviously distinctive against the
15 primarily green pine trees. So it does appear as
16 though it was used, one, to access the structure,
17 but, two, potentially for other purposes based upon
18 the nature and its appearance of record.

19 MS. PERSON: Your Honor, may I just
20 interject, please?

21 THE COURT: Stand up, please.

22 MS. PERSON: Yes, an objection, please.

23 THE COURT: For?

24 MS. PERSON: Do we have the documents
25 that he is rendering an opinion about now, these

1 aerial photographs?

2 MR. STACY: They are readily available
3 in the public domain, your Honor.

4 THE COURT: Based on your research,
5 Mr. Weathers, and as an expert, is your opinion
6 that this road has been used consistently and
7 constantly since roughly when?

8 THE WITNESS: For a period of greater
9 than 20 years dating back at least to the late
10 '90s. That's based on research, research that is
11 common in my practice, looking at tax map records,
12 aerial photos, GIS information, but also Google
13 Earth because it's a great source for historical
14 aerial imagery, something that I do in my normal
15 practice in addition to this case.

16 THE COURT: Right. And I note the
17 objection, but the Google historical photos is not
18 the sole basis of your opinion?

19 THE WITNESS: That is not. There is
20 other information, including the plats and my
21 understanding in review of the pleadings and other
22 information that is readily available in the public
23 record.

24 THE COURT: Okay. Thank you.

25 BY MR. STACY:

ROA 88

1 Q. So Mr. Weathers, the second element to
2 establish a prescriptive easement is the identity
3 of the thing enjoyed as established. Do you
4 believe, in your expert opinion, that the identity
5 of the thing established is established and well
6 established in that this road has been used
7 continuously?

8 A. Well, not only has it been used, but
9 it's also been platted of record since 1953. So at
10 the very least in 1953 its identity became known
11 when it was accepted and recorded and became a
12 public document in an official record. So from
13 that point forward its identity has not changed as
14 shown by Mr. Cunningham's recent survey.

15 Also, as a practical matter, you can
16 see it. It goes to the property and folks have
17 been driving up and down it.

18 THE COURT: Mr. Weathers, are you
19 referring to the 30-foot --

20 THE WITNESS: Yes, sir. Sorry, your
21 Honor. The 30-foot road which is shown on the 1953
22 plat between Lots 1 and Lot 6.

23 THE COURT: Is it your opinion that in
24 addition to probable prescriptive that it is a --
25 it has been dedicated?

1 THE WITNESS: There are lots of roads
2 in Georgetown County which have kind of become
3 dedicated. Ford Road is a great example and on
4 which there have been lots of developments. The
5 county began to use it, maintain it, except that
6 there was no formal dedication, but after so many
7 years it was essentially deemed to be dedicated and
8 accepted by most practitioners as a county road.
9 So this would be the same circumstance.

10 A big reason why, in 2006 when they did
11 the subdivision plat, Georgetown County Water and
12 Sewer signed off on it. Georgetown County Planning
13 signed off on it. They wouldn't sign off on a plat
14 that's owned by a property without proper access.
15 So the county and the water and sewer department
16 deemed that road, based upon their signatures and
17 executions of the plats and approval for recording,
18 to be essentially the accepted right-of-way.

19 MS. PERSON: Your Honor, I'm going to
20 object to Mr. Weathers's conclusions about what the
21 planning commission or planning department
22 actually, not the planning commission, the planning
23 department, was actually saying about the existence
24 of that road without -- first of all, it's hearsay.

25 THE COURT: Well, I think he can

1 testify regarding his opinion. I understand your
2 hearsay. So his testimony will be based upon his
3 opinion, and if there were statements that he
4 attributed, I will sustain that objection.

5 THE WITNESS: Your Honor, just to
6 clarify, it's based upon my understanding of the
7 rules required for recording plats.

8 THE COURT: Very well. Thank you, sir.

9 BY MR. STACY:

10 Q. Do you record a lot of plats?

11 A. I do.

12 Q. Pretty familiar with those rules?

13 A. Yes.

14 Q. Do they check access?

15 A. Yes.

16 Q. Make sure they have adequate easements
17 before they affix their signature to those plats?

18 A. Always, but the county and water and
19 sewer.

20 Q. Thank you. So back to the identity of
21 the thing being established, so we've established
22 that it was shown initially in 1953. Mr. Weathers,
23 have you had a chance, and I think you probably
24 have, to look at Exhibits F and H?

25 A. I have.

1 Q. So is Exhibit F a 2006 plat by Wendell
2 Powers depicting this 30-foot road right-of-way?

3 A. It does. It describes it as an
4 existing 30-foot private road on Exhibit F. It's
5 used to access what was previously a six-acre
6 parent parcel. That was subdivided into a parcel
7 of 1.7 acres and a parcel of roughly 3.3 acres from
8 which the subject property was later further
9 subdivided.

10 Q. Well, let's talk about Exhibit H. What
11 does Exhibit H depict?

12 A. Exhibit H is a plat, June 5th of 2008,
13 also recorded of public record in Georgetown
14 County. It further subdivides the 3.3-acre tract.
15 The subject property is Parcel B, 1.54 acres. It
16 shows Noble Place, but it also shows the existing
17 30-foot right-of-way which is the area over which
18 your client is seeking access.

19 Q. So after reviewing plats that have been
20 recorded as far back as 1953 to 2006 to 2008,
21 including Mr. Cunningham's survey from last week,
22 is there any doubt in your mind that the identity
23 of the thing enjoyed is not well defined?

24 A. No, it's well defined both of public
25 record for owners of the subject property and its I

1 guess sister properties, but also the owners of all
2 adjacent properties. As soon as the 1953 plat was
3 put of record, everyone had implicit knowledge of
4 that. So it would be very well known, open and
5 apparent.

6 THE COURT: What would be?

7 MR. STACY: The existence of it.

8 THE COURT: What is "it?"

9 BY MR. STACY:

10 Q. Would the existence of a 30-foot road
11 be well established to all parties in the vicinity
12 by recordation of the plat from 1953, 2006, 2008,
13 and its visibility on the ground?

14 A. Correct.

15 Q. Thank you. So the third element for
16 our prescriptive easement test in South Carolina is
17 was the adverse -- is the adverse -- was the use
18 adverse under some claim of right. In the public
19 records that you have examined regarding this piece
20 of property, this 30-foot road, do you find any
21 grant specifically to Mr. DeReef for a right of use
22 over it?

23 A. There is no express grant of easement,
24 but I do believe that was the intention from 1953
25 because the road wouldn't have existed. So there's

ROA 93

1 two ways: 20 years under an implied claim of
2 right, but also 20 years it would be adverse. I
3 believe your client can satisfy both of those
4 elements.

5 Q. So let's address that real quickly. My
6 client acquired this property recently. Are you
7 familiar with the case of Kelly v. Snyder?

8 A. I am, insomuch as it pertains to the
9 ability to tack ownership, and for prescriptive
10 easement purposes a current owner can tack on to
11 the period of ownership from previous owners as
12 long as they have privity of contract. Essentially
13 they acquired title from that previous owner so
14 they can satisfy the 20-year requirement even
15 though they may not themselves have owned it if the
16 prior owner's use was consistent with their use.

17 Q. Is it your expert opinion that 3D Land
18 Holdings successfully tacked on to the holding
19 period of the DeReef family by its purchase of the
20 land?

21 A. Based upon my review --

22 MS. PERSON: Your Honor, I'm going to
23 object to matters that are really the ultimate
24 issue for the court to decide. I think
25 Mr. Weathers was called to testify about, as I

1 understand it, the nature, scope and character of
2 this easement, not to draw legal conclusions about
3 whether or not 3D has a tacked prescriptive
4 easement.

5 MR. STACY: I think it's right at the
6 heart of the matter, your Honor.

7 THE COURT: My understanding, he is
8 qualified to testify regarding access to property
9 and that would certainly be an aspect of it. Of
10 course you are right, it is for me to decide. He
11 can offer an opinion, but you are correct.

12 MS. PERSON: Thank you.

13 THE COURT: Yes, ma'am.

14 THE WITNESS: So based upon my review
15 of the title work including the deed dated April
16 13th, 2021 whereby the plaintiff in this matter, 3D
17 Land Holdings, LLC obtained title, I would offer my
18 opinion that 3D Land Holdings, LLC can tack on to
19 the ownership on both of the immediate predecessor
20 in title, Edward Derrick DeReef as trustee, but
21 also each of the preceding predecessors in title
22 based upon the title work that is shown in the
23 exhibit list.

24 BY MR. STACY:

25 Q. Thank you. All right. Ms. Person has

ROA 95

1 raised a couple of issues that I want to put before
2 you with regard to -- still with regard to the
3 access. May we look at Exhibit I.

4 A. Okay.

5 Q. And let's look at Exhibit G. So with
6 respect to Exhibit I and Exhibit G, let's
7 specifically focus on Exhibit G. What is Exhibit
8 G, Mr. Weathers?

9 A. Exhibit G is a deed from Priscilla
10 Gregg to Edward DeReef for one half of an interest
11 in the property.

12 Q. All right. And does Ms. Gregg's deed
13 refer to a recorded map?

14 A. It does. Slide 612 at page 3D, which
15 would be Exhibit H.

16 Q. So Exhibit H. So with respect to
17 easement questions, if the DeReef family of which
18 Ms. Greggs is a part collectively prepared the
19 survey and submitted the survey shown as Exhibit H
20 and placed that in the public record and conveyed
21 each other's property over that based on that map,
22 is it your understanding that they would have
23 granted each other easements over the road known as
24 Noble Place?

25 A. So with one correction of a previous

ROA 96

1 misstatement on my end. It's Exhibit F --

2 Q. Sorry.

3 A. -- which is the earlier plat. Exhibit
4 H is the later plat. So yes, what you said is
5 correct. Two reasons: One, the express language
6 in the deed itself. Two, reference to this plat
7 that they all had a part in making. So it
8 establishes reference to a plat creating an
9 easement, but also there is an express easement in
10 the deed itself. So insomuch as access over the
11 1.7 acres of Priscilla Greggs, there is no need for
12 really any further action with all the easement
13 there.

14 Q. So she agreed to be a servient estate
15 to others that use Noble Place by the recordation
16 of the plat and the granting of the access easement
17 itself, right?

18 A. That's correct, she would be the burden
19 of the estate. Parcels A and B would be benefited.

20 Q. And then there was some question about
21 Ms. Macklin. Let's look at the 1953 map that was
22 prepared for Mr. Martin.

23 MS. PERSON: Your Honor, I'm going to
24 withdraw that. I had not seen your survey. I
25 think that my -- what I raised about that was

1 because I didn't know what your survey results
2 might show. I don't think that the Macklin
3 property is involved.

4 MR. STACY: Okay. All right. That's
5 fine. We'll finish it out.

6 MS. PERSON: That's fine. I just
7 wanted to try to make it easy.

8 BY MR. STACY:

9 Q. The Macklin property as referenced on
10 -- you can see a piece of it on Exhibit H and you
11 can see more of it on Exhibit B. Have you had a
12 chance to see that or would you take a look at it?

13 A. I have seen the Macklin property
14 referenced on Exhibits F, H, but then also the 1953
15 plat which would be Exhibit B. I'm familiar with
16 that property.

17 Q. Does it appear that the lands of
18 Macklin have direct access to U.S. Highway 17?

19 A. They have direct access to U.S.
20 Highway 17 and don't use this road for access.

21 Q. Thank you.

22 A. The subject road, the 30-foot area in
23 question.

24 Q. So Mr. Weathers, after looking at the
25 collective of all of the documents that are in the

1 public record in Georgetown County, is it your
2 opinion that the DeReef family had continued and
3 uninterrupted use or enjoyment of the right for a
4 period of 20 years or greater?

5 THE COURT: Mr. Stacy, would you
6 identify, please, because --

7 MR. STACY: I'm sorry. Let me rephrase
8 the question, your Honor.

9 BY MR. STACY:

10 Q. Mr. Weathers, after review of all of
11 the public documents, plats, deeds, and other
12 documents that we've discussed today, is it your
13 opinion that the DeReef family had continued and
14 uninterrupted use or enjoyment of the 30-foot road
15 as depicted on the Martin map for a period of
16 20 years or more?

17 A. So yes, based upon my review of all of
18 the documents that have been provided to me but the
19 additional documents of public record, it is my
20 opinion, to a reasonable degree of legal certainty,
21 that 3D Land by virtue of its ownership of the
22 property and also tacking on to that ownership of
23 the previous title owners has met its burden of
24 proving an entitlement or prescriptive easement to
25 the area in question that would be shown both on

ROA 99

1 the 1953 plat, the 2006 plat, the 2008 plat, and
2 then most recently the 2022 plat. It's the same
3 area that is shown as the original 30-foot road on
4 each of those plats.

5 Q. Is it your opinion that the identity of
6 the 30-foot road is -- the thing being enjoyed the
7 30-foot road, is it your opinion the identity of
8 that is well established?

9 A. Yes, to a reasonable degree of legal
10 certainly, the identity of the thing to be enjoyed,
11 which is the 30-foot road, has been well
12 established for a period dating back at least to
13 1953.

14 Q. Is it your opinion that because there
15 is no grant of an absolute express easement to use
16 it, that the use of it was adverse or under a claim
17 of right?

18 A. Yes, I think that they certainly had
19 established that third prong of the other required
20 elements of establishing a prescriptive easement,
21 to a reasonable degree of legal certainty.

22 MR. STACY: Your Honor, I don't have
23 anything more for Mr. Weathers at the moment. I
24 may have a follow up question based on whatever
25 Ms. Person has for him.

1 THE COURT: Certainly. Ms. Person.

2 MS. PERSON: Thank you, your Honor.

3 RECROSS-EXAMINATION

4 BY MS. PERSON:

5 Q. Mr. Weathers, have you been out to
6 actually look at the physical layout of the
7 property and this road that is referenced in the
8 Martin subdivision?

9 A. I have driven by it. I have not
10 physically walked it.

11 Q. And when would that have been?

12 A. One day this week. I don't know if it
13 was Monday, Tuesday or Wednesday.

14 Q. Have you ever been out there to review
15 that or view it in the past?

16 A. Prior to this --

17 Q. Prior to this week.

18 A. No, ma'am, it's all based upon review
19 of historical documents and recorded documents.

20 Q. Okay. So I think you said you're
21 40-something years old. You would not have been
22 around in 1953 to know what it looked like then?

23 A. No, ma'am, certainly not.

24 Q. Okay. Very good. And you're not
25 personally aware of how this private road would

ROA 101

1 have been used or -- for lack of any other way to
2 describe it, the road that's shown on the Martin
3 subdivision plan, you don't have any personal
4 knowledge about how it was used; your opinions are
5 based on conclusions you're drawing from reviewing
6 documents and aerial photographs?

7 A. And my review of the pleadings which
8 allege that the property had been used in a certain
9 manner.

10 Q. And the pleadings, you did read the
11 complaint?

12 A. Yes, ma'am.

13 Q. And just to clarify, were not aware of
14 any express easements granted by the defendants to
15 the DeReefs or their successors in title?

16 A. The only express easement would be over
17 the property of Ms. Greggs. I'm not aware --

18 Q. But she's not a defendant. Granted by
19 the defendants to the DeReefs or their successors
20 in title.

21 A. That is correct. The only express
22 easement would be that referenced in the deed
23 vesting title and to the current title holders over
24 Ms. Greggs property, not the property of the
25 defendants.

1 Q. So would you agree with me --

2 THE COURT: I want to make sure -- I
3 apologize. I interrupted Mr. Stacy and I'm going
4 to interrupt you just briefly, because where are
5 the property lines of the owners? I mean, I see an
6 iron pipe found. I'm looking at Exhibit J. And
7 then I see a -- so IPF and then there is a CP. And
8 then I see a plat that it doesn't look like it fits
9 into our description. So what is this? Who owns
10 this? I see a corner here, looking at Exhibit J.

11 THE WITNESS: So your Honor, my
12 understanding is that the defendants own Lot 6
13 which is to -- what we would call the -- what is
14 shown as Noble Place existing 30-foot right-of-way.
15 The defendants also own Lots 1 and 2, Block B to
16 the west. So the defendants don't own title to the
17 area in question. They are just adjoining land
18 owners.

19 THE COURT: The area in question
20 referring to the 30 foot?

21 THE WITNESS: Yes, sir, your Honor.

22 THE COURT: Okay. Yes, ma'am. Please
23 go ahead.

24 BY MS. PERSON:

25 Q. And your answer was who has -- your

1 answer to that question, I'm not sure I heard you.
2 Who has title to that 30-foot right-of-way, was my
3 -- was that the Judge's question?

4 THE COURT: Yes.

5 THE WITNESS: I don't know.

6 BY MS. PERSON:

7 Q. Okay. So you would --

8 MS. PERSON: I have a blow-up of this,
9 your Honor. Do you mind if I use that just --

10 THE COURT: That's fine, absolutely.

11 MS. PERSON: Thank you.

12 THE COURT: I'm assuming you're --
13 well, you're referring to which exhibit?

14 MS. PERSON: I'm sorry. It's Exhibit 2
15 or B or -- I guess it's B.

16 MR. STACY: The '53 Martin subdivision
17 map.

18 MS. PERSON: It's just easier --

19 THE COURT: Yes, ma'am, that's
20 absolutely fine.

21 MS. PERSON: Thank you.

22 THE COURT: And just for ease of -- or
23 for clearing up the record --

24 MS. PERSON: I'll just put it over
25 here.

1 THE COURT: For clarity of the record,
2 it is --

3 MS. PERSON: I won't -- do we want to
4 introduce this separately, is that what you're
5 asking?

6 THE COURT: You can have it on
7 Plaintiff's Exhibit --

8 MS. PERSON: It's Plaintiff's Exhibit
9 B. It's a blow-up of that, just because --

10 THE COURT: I just want to make sure
11 that when we are talking about our record that
12 we're clear.

13 MS. PERSON: Right.

14 THE COURT: And I'll leave it up to
15 you. You can have it as Petitioner's --

16 MS. PERSON: It's not necessary.

17 THE COURT: Okay.

18 BY MS. PERSON:

19 Q. So would you agree with me that in 1953
20 when Mr. Martin, Columbus Martin, subdivided his
21 previous -- by the way, have you searched the title
22 of the Martin subdivision?

23 A. Individual parcels, not specifically
24 for this case. So I don't have full title search
25 back to that original subdivision plat or prior to.

1 Q. And have you talked to any of the
2 Columbus Martin heirs about this?

3 A. No, ma'am, I have not.

4 Q. Okay. So would you agree with me that
5 in 1953 when Mr. Martin subdivided his land, that
6 the DeReef property and all of the other properties
7 that are referenced to the north of the Martin
8 subdivision were not part of the Martin
9 subdivision?

10 A. That's my understanding.

11 Q. And are you aware of how prior to 1953
12 the DeReefs would have accessed their property?

13 A. No, I'm not.

14 Q. If you learned that the DeReefs had
15 accessed their property directly from 17, north of
16 the Martin subdivision, would that change any of
17 your testimony?

18 A. It would not change my opinion or
19 testimony.

20 Q. So you would agree with me that there
21 was -- there is not unity of title between the
22 DeReefs and the Martin subdivision or any of the
23 successors -- well, of the Martin subdivision?

24 A. I cannot agree because ultimately there
25 was unity of title if he owned it. So eventually

ROA 106

1 if we went back far enough we would find unity of
2 title. I haven't researched it because it's not
3 necessary in this case to establish access, but, no
4 I can't testify as to unity of title, but I'm
5 certain that at one point in time there was.

6 Q. And did you search the DeReef title or
7 are you relying on the titles that Mr. Stacy
8 provided you, the chain of title?

9 A. I'm relying upon the chain of title
10 provided by Mr. Stacy.

11 Q. So at no point, at least from 1916, I'm
12 not sure how far back you would have been aware of
13 the Martin subdivision, but there is no common
14 grantor that you're aware of? There's no proof of
15 a common grantor at this stage of the proceedings?

16 A. I do not have that proof. I think
17 ultimately there is, but I do not have it nor have
18 I relied upon that in issuing my opinion.

19 Q. Exactly. Okay. Thank you. And would
20 you agree with me that the subdivision of the
21 DeReef properties that the plaintiff has introduced
22 as Exhibits F and H were done by the DeReefs, not
23 by any of the defendants; is that correct?

24 A. It's my understanding they were done by
25 the DeReefs, but being public record, everyone

1 would have implied knowledge of that. So anybody
2 who takes title takes it subject to all matters
3 existing of record. So they would have known about
4 it especially since many of them took title after
5 the recordation of these plats, but they were not
6 involved nor did they sign as an owner nor are they
7 required to.

8 Q. When you say "they" would have had
9 notice after 2006 and 2008 -- so F is dated 2006
10 and H is dated 2008. Who are the "they" that
11 you're referring to?

12 A. Well, the public, but also all
13 defendants would have had knowledge of this road
14 following 1953 when it was recorded because they
15 took title subject to this plat. So when they
16 received title July '06 they received it subject to
17 this. I was going to go further and answer the
18 question, but I'm trying to lay the background.

19 They further -- anyone who took title
20 following 2006 would have had additional knowledge
21 of it and anyone who took title following 2008
22 would have had yet again knowledge of it because
23 when you search title you search adjoining
24 properties. So they would have known.

25 Q. And do you know whether either Lot 6 or

ROA 108

1 Lot 1 that are adjoining this right-of-way that's
2 -- or easement that's shown in the 1953 Martin
3 subdivision, do you know if either of those lots
4 were transferred after 2006 or 2008?

5 A. So Lot 2, which has now been combined
6 with lot one, was transferred to what appears to be
7 2011.

8 Q. It was combined.

9 A. Well, the plat references it as Lot 1
10 and 2 on the recent survey, so I assumed that those
11 two lots were combined into one parcel based upon
12 the current plat. I'm not 100 percent sure. As
13 far as the transfer to the other title, I know it
14 would have been post 1953, but I'm not sure if they
15 were post 2006.

16 Q. So you're not aware of any.

17 So to your knowledge, the defendants
18 weren't aware of these plats being recorded?

19 A. They were aware of the area in question
20 being the 30-foot road because they took it subject
21 to the 1953 plat.

22 Q. I understand, but that's not my
23 question.

24 A. I can't testify to their knowledge of
25 the 2006 or '08 plats.

1 Q. But adjoining landowners would not
2 necessarily be involved in the subdivision of their
3 neighbor's property?

4 A. That's right, they don't have any
5 say-so.

6 Q. Would you also agree with me that when
7 these plats, Exhibit F and H, were recorded, they
8 could not have the legal effect of changing what
9 already existed with respect to that 30-foot
10 easement that's shown on the Martin subdivision?

11 A. Yeah, I would agree that the '06 and
12 '08 plats didn't change the 1953 plat, that's
13 correct.

14 Q. Would you agree with me that easements
15 can be abandoned, hypothetically? This is not
16 about this.

17 A. So hypothetically, under certain
18 circumstances, generally you see that in the
19 language of an express easement, not so much in a
20 prescriptive easement, but in this case the
21 easement was not abandoned, but in certain
22 circumstances, yes.

23 Q. That wasn't my question. My question
24 was: Do you agree with me that easements can be
25 abandoned?

1 MR. STACY: Objection, your Honor. I
2 think he's answered the question in the way that he
3 believes he should answer.

4 THE COURT: Go ahead.

5 THE WITNESS: You qualified it with a
6 "hypothetically" and I'll say, yes, hypothetically,
7 yes, certain easements can be abandoned.

8 BY MS. PERSON:

9 Q. So if hypothetically -- hypothetically,
10 if this 1953 easement had been abandoned, the
11 DeReef's recording of these plats, Exhibit F and
12 Exhibit H, would not resurrect that easement; is
13 that correct?

14 A. The recording of the plats alone, no.
15 The use of it for more than 20 years which has been
16 well --

17 Q. But my question wasn't --

18 THE COURT: He can answer the question.
19 Go ahead, Mr. Weathers.

20 THE WITNESS: I think I said the
21 recording of the plat alone would not, but the use
22 of it would.

23 BY MS. PERSON:

24 Q. Thank you. And on the 1953 which is --
25 the 1953 plat which is Plaintiff's Exhibit B, the

ROA 111

1 road is showing as ending at the northern boundary
2 of the Martin subdivision; is that correct?

3 A. It's showing as ending of what I
4 believe to be the southern boundary of the DeReef
5 property which also would share a common line with
6 the northern boundary of the Martin subdivision.

7 Q. Thank you.

8 A. So it would terminate on the DeReef
9 property.

10 Q. As a general proposition, when a
11 subdivision plat shows a private road or private
12 roads, the private roads are for the benefit of the
13 property owners in the subdivision, would you agree
14 with that?

15 A. Not always. And especially it does not
16 show as private on this document.

17 Q. It doesn't show as private. Are you
18 aware that it was ever -- I heard your testimony on
19 direct, but are you aware that it was ever
20 dedicated to the public?

21 A. There are ways that it can be dedicated
22 by implication. I'm not aware of an express
23 dedication or a document signed whereby it was
24 dedicated.

25 Q. The effect of this in 1953 and when it

ROA 112

1 was recorded would have been to create a private
2 road within this Martin subdivision; is that
3 correct?

4 MR. STACY: Objection, your Honor. I
5 think that's speculative. We don't know what
6 Mr. Martin's intention was with respect to how he
7 platted roads in 1953.

8 THE COURT: Mr. Weathers, please tell
9 your opinion. Do you have an opinion regarding the
10 purpose of that road?

11 THE WITNESS: My opinion would be it
12 was for the specific purpose to access the DeReef
13 property. You'll certainly agree developers want
14 maximum density. They want to get every lot they
15 can. Why would he make an unsellable piece of
16 property unless there was an intention for it to be
17 used for access. That's my opinion.

18 BY MS. PERSON:

19 Q. But you're not -- other than concluding
20 that based on what you testified to on direct
21 examination, you don't have any personal knowledge
22 of that?

23 A. Two things. One, the biggest issue I
24 have with your question, you said "private road."
25 There's no denotation on this plat of private road.

ROA 113

1 Often times developers do that because they want
2 their neighborhood to own the roads so they don't
3 have to build it to county standards for
4 dedication. So in this case the road "private" I
5 don't see. But two, I'm here today to testify as
6 to my opinion and my opinion is that it was
7 intended to access the DeReef property. Otherwise,
8 why would it be there?

9 Q. Do you have any awareness of what was
10 actually on this land in 1953 when this plat was
11 recorded?

12 A. No other than general knowledge of the
13 history of our county, I do not have any actual
14 knowledge of what was here.

15 Q. Do you know when Coachman Road actually
16 came to be?

17 A. I do not.

18 Q. And --

19 A. My understanding is it became a paper
20 road in 1953. When it was actually constructed, I
21 do not know.

22 Q. And you mentioned in your direct
23 examination that it's your understanding there was
24 a home on the DeReef property. Do I understand you
25 correctly?

1 A. Yes, ma'am.

2 Q. And could you tell me where that home
3 is located? I'm going to -- if we can reference, I
4 guess, Plaintiff's --

5 A. Exhibit F shows the existence of a
6 structure. Historical imagery indicates a
7 structure in a slightly different location at a
8 much earlier date.

9 Q. Are you aware of when that was used or
10 by whom and over what period of time?

11 A. The existing structure existed as far
12 as I can find a picture and that is in the mid
13 '90s. The current structure appears to have been
14 built sometime prior to 2006. Imagery doesn't go
15 every month, so you have gaps. The earliest
16 imagery I can see that structure is in
17 approximately 2005.

18 Q. When you're saying "that structure" are
19 you referring to on Exhibit F to the structure that
20 is north of the parcel that says 1.70 acres?

21 A. So I'm not -- I don't -- the structure
22 I'm referring to is a structure in the general
23 location as that structure identified as "one-story
24 wood" on Plaintiff's Exhibit H.

25 Q. So I'm just a little unclear about your

ROA 115

1 testimony. Are you saying that that was there from
2 the beginning, as far as you know or as far as --
3 I'm just --

4 A. No ma'am.

5 Q. -- unclear.

6 A. Yes, ma'am. So in 2006, Exhibit F
7 shows that same structure identified as a one-story
8 wood structure.

9 Q. Right.

10 A. I can find images of that structure as
11 early as 2005.

12 Q. So --

13 A. There was another structure on the
14 property in a slightly different location as far as
15 the late '90s.

16 Q. And where is that structure?

17 A. It was -- appeared to be slightly to
18 the west and northwest of the existing structure.
19 The imagery overlay is not always exact. I can see
20 there is a structure. The complete identity of it,
21 I'm not aware, but I can see the structure and a
22 road getting to it, leading from Coachman to
23 the subject property.

24 Q. Is it possible it was the same
25 structure that was there all along?

1 A. It is possible.

2 Q. Okay. And again, just to be clear,
3 you're not aware of how -- whether that structure
4 existed before 1953 and how it was accessed?

5 A. No, ma'am, I'm not.

6 Q. So just again, to be clear, other than
7 your review of documents in this case, you're not
8 personally aware of -- from 1953 until the
9 complaint was filed in this case, you're not
10 personally aware of how that road was used by whom
11 and what frequency?

12 A. Other than the allegations of the
13 complaint and my review of the title documents and
14 the GIS and other aerial photography and court
15 records, I don't have any personal knowledge. I
16 don't know any of these individuals personally nor
17 have I spoken with them about their historic use of
18 the road.

19 Q. Thank you. Are you -- you did review
20 the complaint, so you're aware that the plaintiff
21 is asking not only for a prescriptive easement, but
22 an easement by necessity and an implied easement as
23 well?

24 A. It was my understanding they were in
25 the alternative, and in reviewing the facts I

1 believe they established it by prescription, so I
2 haven't testified as to the other requested areas
3 of relief because I don't think it's necessary.
4 Once they prove they have the right to use it I
5 don't know if you can prove it multiple different
6 ways.

7 Q. Well, let's talk about the prescriptive
8 easement then. So do you know whether or not the
9 DeReefs were using this 30-foot right-of-way that's
10 shown on the Martin subdivision, referring to
11 Plaintiff's Exhibit B, do you know whether they
12 might have been using that with permission?

13 A. It's my understanding, based upon the
14 pleadings, that they were not given permission by
15 any of the named defendants.

16 Q. The pleadings say that?

17 A. It says that they obtained a
18 prescriptive easement, therefore, they used it
19 either under claim of right or adverse to the owner
20 of the fee.

21 Q. So you're assuming that based on that
22 -- the -- that pleading of a legal conclusion,
23 you're drawing an assumption?

24 A. Well, I'm forming an opinion which is
25 what my testimony is, my opinion.

1 Q. Did you see any facts in the pleadings
2 that said that this was an adverse or hostile
3 situation?

4 A. I don't believe I'm the finder of fact
5 in this matter. I can rely upon what I believe to
6 be accurate information and render an opinion. It
7 will be the Judge's determination as to what
8 constitute facts based upon the pleadings and the
9 other evidence in the case.

10 Q. I understand that, but to answer the
11 question, did you see any facts pled in the
12 complaint?

13 MR. STACY: Objection, your Honor. I
14 think he's answered the question. I think he's
15 answered it.

16 THE COURT: I'll allow the question.

17 THE WITNESS: So using the word "fact"
18 is a little tricky because I'm not the finder of
19 fact. I don't make that determination. I make an
20 opinion based upon information I believe to be
21 accurate. And in reviewing the information, I
22 believe they established that they have used it for
23 a period of 20 years to access the subject
24 property.

25 BY MS. PERSON:

1 Q. So was there any allegation in the
2 complaint to the effect that --

3 A. Well, you want me to just grab the
4 complaint and we can walk through it? Would that
5 be better?

6 Q. We can.

7 A. Okay.

8 Q. But I'm going to withdraw that question
9 simply because the complaint speaks for itself and
10 I can just move on. Thank you.

11 A. Thank you very much. I appreciate
12 that.

13 Q. No problem at all.

14 So the elements of easement by
15 necessity are what?

16 A. Continuous and uninterrupted use of the
17 thing, the identity of which is known for a period
18 of 20 years or more.

19 Q. That's easement by necessity?

20 A. Oh, necessity. Again, I haven't
21 rendered an opinion as to -- because as we
22 discussed, we haven't done the research to go back
23 to a common grantor.

24 Q. So you're not rendering an opinion on
25 that?

1 A. Not today.

2 Q. What about an implied easement?

3 A. No, not today. I'm testifying solely
4 as to a prescriptive easement. Again, once you
5 kind of reach it one way there is no point in
6 belaboring the point in offering redundant
7 testimony.

8 MS. PERSON: May I ask, are you
9 withdrawing those?

10 MR. STACY: Your Honor, you've heard
11 the testimony today and what we believe is the
12 means of access that my client's entitled to. So I
13 don't plan on modifying the pleadings. I don't
14 plan on filing an amended complaint, but you've
15 heard the testimony about the prescriptive
16 easement.

17 THE COURT: Okay.

18 MS. PERSON: Thank you.

19 BY MS. PERSON:

20 Q. So no opinions about that?

21 A. No opinions today about easements by
22 necessity.

23 Q. Okay. Are you aware of whether or not
24 over the years from 1953 or whenever these houses
25 were built, which we don't have any testimony

ROA 121

1 about, whether that road was used simply to access
2 Lot 1 and Lot 6, again, referring to Plaintiff's
3 Exhibit B?

4 A. The owners and really anybody on that
5 plat would have the right to do so. Whether they
6 did or not, I'm not sure nor do I think it
7 material. The course of development which showed
8 that none of the lots were side loaded. If that
9 were the intention he would have cut them up the
10 other way as he did to the easement, Highway 17,
11 and obtained greater density. So I don't think
12 that was the intention, but certainly any one of
13 those lot owners would have the right to use it
14 even without the grant of an express easement.

15 Q. Thank you. My question, though, is
16 whether or not it was actually used that way, you
17 don't know?

18 A. I do not know if it was or was not. I
19 don't think that was the developer's intention, but
20 whether it was also used that way --

21 Q. I understand. I understand that. And
22 would you agree with me that in the event the
23 DeReefs had specific permission from the defendants
24 to use that road, that that would be an easement in
25 gross?

1 A. I'm not aware of any granted
2 permission, so to go there, I don't know, because
3 I'm not aware that there would be any granted
4 permission. I don't think so because their
5 permission would have basically been recorded in
6 the public record. The county would have relied
7 upon that. They would have been converted into an
8 appurtenant easement, so I don't think it would
9 have been an easement in gross.

10 Q. Can easements be created by permission
11 without being recorded, in your opinion?

12 A. I think that would be more of a license
13 versus an easement. I think an easement is a
14 little bit different.

15 Q. And so what you're testifying to is
16 that an easement in gross would have to be recorded
17 to be effective?

18 A. Ideally it would be, but I'm not saying
19 that's the only way because there's a lot of things
20 that aren't done as we would like to see them when
21 we review title in our county.

22 Q. And so again, you're not aware of what
23 the situation or relationship might have been
24 between the defendants and the DeReefs as far as
25 being given specific permission?

1 A. Unfortunately, given the procedural
2 nature of the case, we don't know. The defendants
3 did not appear and offer any testimony, so no. My
4 understanding is based upon the issues and the
5 ideas before me, I'm not aware of the relationship
6 between the DeReefs other than the fact that a
7 DeReef filed this lawsuit. So he was the
8 plaintiff, so he would know, and the reason he
9 filed it is because he believed it necessary.

10 Q. A DeReef who subdivided the property
11 and ended up with the middle property; is that
12 right, is that...

13 A. I don't know if he still owns Lot A,
14 but it's my understanding the subject property was
15 his parcel B on Exhibit --

16 Q. On Exhibit H.

17 A. -- H.

18 Q. So that would be the middle one?

19 A. Based upon --

20 Q. Of the DeReef subdivision?

21 A. Correct.

22 Q. And are you aware whether or not there
23 was ever a chain across the end of that road that's
24 referenced in the 1953 plat, which is Exhibit B, on
25 the northern boundary of the Martin subdivision,

ROA 124

1 the northern boundary of that road?

2 A. I'm not aware of a chain nor if there
3 was a chain, who would have placed it there.

4 MS. PERSON: I just want to review my
5 notes from your testimony, if the Court would give
6 me a moment, please --

7 THE COURT: Yes, ma'am, absolutely.

8 MS. PERSON: -- to make sure I don't
9 have any other questions.

10 I have no further questions, your
11 Honor.

12 MR. STACY: I have no follow-up
13 questions for Mr. Weathers.

14 THE COURT: Okay. Mr. Weathers --

15 THE WITNESS: Yes, sir, your Honor.

16 THE COURT: -- looking at Plaintiff's
17 Exhibit H there is a -- of course A and B and the
18 lot survey for Priscilla Greggs. Can you tell me,
19 based upon your review of Exhibit H, what am I --
20 tell me what I'm looking at and where it is when
21 I'm looking at the -- what looks like, for lack of
22 a better term, a hammer or turn-around point.

23 THE WITNESS: Okay. So starting from
24 what would appear to be the southwest portion of
25 the plat at Coachman Drive, the area shown as

ROA 125

1 existing 30-foot right-of-way is the area over
2 which the plaintiff is seeking confirmation of his
3 access. Noble Place is a road created by the
4 DeReef heirs and it is crossing Ms. Greggs's
5 property into Parcel B and Parcel A. The
6 cul-de-sac there was a requirement presumably of
7 the county planning department so a fire truck
8 could turn around, but it ends right there. So
9 that is the end of the property. 711 Partners,
10 LLC, which you can see to the north and east does
11 not have access over this existing 30-foot
12 right-of-way or Noble Place. The road can only
13 serve at this point those three properties, A, B,
14 and Priscilla Greggs. Ms. Greggs uses the same
15 area to access her property that is in question
16 today.

17 THE COURT: Okay. So it is directly
18 connected to this existing -- which is marked as
19 the existing 30-foot right-of-way?

20 THE WITNESS: Yes, sir. Noble Place is
21 slightly wider based on the current development
22 regulations, but the 30-foot right-of-way gets to
23 Noble Place and then it has the cul-de-sac and then
24 terminates.

25 THE COURT: Okay. Thank you.

1 THE WITNESS: Yes, sir.

2 MS. PERSON: Your Honor, I have a
3 question based on yours, if I may.

4 THE COURT: Yes, ma'am.

5 RECROSS-EXAMINATION

6 BY MS. PERSON:

7 Q. As lots -- referring to Exhibit H, as
8 Lots A, B and the Priscilla Greggs lots stand
9 today, as they exist today, that road is not
10 actually physically there; is that correct, the
11 road that's shown on the DeReef properties?

12 A. I don't believe it is a full 50-feet
13 wide, but it's my understanding there is actually a
14 road there.

15 Q. Have you seen it?

16 A. Based on the aerial photographs, yes.
17 I have not traveled down the road personally, but
18 it exists as a matter of record. It's a paper
19 road. Whether it's been constructed or not doesn't
20 change its creation.

21 Q. But my question was whether it was
22 actually there.

23 A. And my answer was I have not personally
24 seen it with my feet on the ground. I have seen it
25 based upon aerial imagery.

ROA 127

1 MS. PERSON: Thank you.

2 THE COURT: Thank you.

3 MR. STACY: Your Honor, I think that
4 the pleadings speak for themselves. You've heard
5 expert testimony from Mr. Weathers. You yourself
6 have reviewed the documents --

7 THE WITNESS: May I be excused, your
8 Honor?

9 THE COURT: Yes.

10 MR. STACY: -- the documents of public
11 record, and we respectfully request the Court grant
12 the easement and grant the relief sought because
13 there is a prescriptive that serves this property,
14 and, frankly, your Honor, if we want to include
15 Ms. Greggs as a named person in your order, that
16 she has the right to use it, and the owner of tract
17 A, because this is the only means of access, then
18 I'm fine. They are not parties to this action, but
19 I am fine if this Court wanted to add them because
20 I think it benefits and is a necessity for all
21 three of these parcels.

22 THE COURT: Ms. Person.

23 MS. PERSON: Your Honor, if plaintiff
24 is resting this case --

25 THE COURT: Yes.

1 MS. PERSON: -- I want to renew my
2 motion to dismiss. There has been no evidence on
3 the easement by necessity or the implied easement,
4 so I would request that they be dismissed.

5 MR. STACY: Objection. There was some
6 testimony about -- limited testimony about the
7 opinion about Mr. Martin's intention by including
8 that 30-foot road on the strip terminating at the
9 DeReef property, so...

10 THE COURT: Okay. Yes, ma'am, go on.

11 MS. PERSON: Yes. And with respect to
12 the failure to join necessary parties, again,
13 that's a legal issue, but we have folks who would
14 have to be named in the suit in order to accomplish
15 the easement between Coachman and Lot B. I'm just
16 renewing those motions.

17 THE COURT: Yes, ma'am.

18 MS. PERSON: I would request -- I have
19 Leon Young here as a witness who is a DeReef heir
20 and owns one of these properties and is willing to
21 testify if the Court will allow that.

22 MR. STACY: And your Honor, I, of
23 course, object. Given the nature of your earlier
24 ruling about the default of the named defendants, I
25 don't believe there's an appropriate place for

ROA 129

1 testimony on behalf of the defendants at this time.

2 THE COURT: Okay. So we have that
3 issue and I'm going to deny that. So what's your
4 next one?

5 MS. PERSON: I have one more issue,
6 your Honor.

7 THE COURT: Yes, ma'am.

8 MS. PERSON: And that is that I did not
9 receive any advance report of Mr. Weathers's
10 testimony or the subject matter of his testimony
11 other than that on last Thursday or Friday
12 Mr. Stacy did make me aware of his identity. I
13 would request the right to bring in an expert on
14 behalf of the defendants to testify to the same
15 subject matter.

16 MR. STACY: Now, there's no requirement
17 in state court for an expert's written testimony.
18 When I notified Ms. Person of his existence she
19 could have asked to depose him between now and then
20 or we certainly could have delayed the hearing and
21 she did not.

22 And with respect to the request of
23 bringing in an expert to represent the defendants
24 here, I think that issue has been -- she's moved
25 and you've ruled multiple times that they are in

1 default, so I don't think that's an appropriate
2 request.

3 THE COURT: I'm not going to keep the
4 hearing open, so I'm going to deny that request as
5 well, okay?

6 MS. PERSON: Thank you, your Honor.

7 THE COURT: All right. Anything else?

8 MR. STACY: Nothing from me, your
9 Honor.

10 THE COURT: All right. I'll issue a
11 ruling by the end of the day. Thank you.

12 (The hearing was adjourned at 11:11
13 a.m.)

14

15

16

17

18

19

20

21

22

23

24

25

Exhibits

EDWARD DEREEF.....

TO

NOBEL DEREEF.....

TITLE TO REAL ESTATE

STATE OF SOUTH CAROLINA,
COUNTY OF GEORGETOWN

KNOW ALL MEN BY THESE PRESENTS, That I, EDWARD DEREEF.....

.....in the state aforesaid, County of George in
 town
 consideration of the sum of \$10.00 Ten and no/100 Dollars
 to me paid by Nobel Dereef.....

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 Nobel Dereef:

All that certain piece, or tract of land situate and lying in #7 Township Parkersville County and State aforesaid. Containing (8) six acres more or less, Butting and Bounding as follows North by lands of Robin Lance, East by Guy Green South by Elisha Hasell, West by Dick Bowen and Willie Thomas.

The said land being known as Est. of Jacob Dereef and was sold to Edward Dereef by H.E. Ward Sheriff of Georgetown County February 17th 1916, Recorded in Book H-1 page 409.

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, All and singular the said premises before mentioned unto the said Nobel Dereef or Successors heirs and assigns forever.

And he, grantor, do hereby bind himself his heirs, executors and administrators to warrant and forever defend, all and singular the said premises unto the said Nobel Dereef or Successors heirs and assigns against him and his heirs Successors, and all persons whomsoever lawfully claiming or to claim the same, or any part thereof.

WITNESS the execution hereof by grantor this 17th day of May in the year of our Lord One Thousand Nine Hundred and thirty two and in the one hundred and fifty sixth year of the Sovereignty and Independence of the United States of America.

Signed, sealed and delivered in the presence of

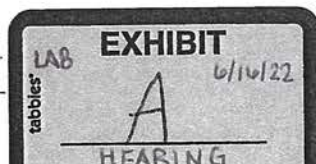
A.M. Parker.....

E.L. Marlow.....

Edward Dereef.....

his
X
mark

- (L.S.) ROA 133



THE STATE OF SOUTH CAROLINA,

Georgetown

County.

Personally appeared before me, A. M. Parker,

and made oath that, he saw the within named, Edward Dereef

sign, seal, and as his act and deed, deliver the within written
 deed; and that he with E. L. Marlon
 witnessed the execution thereof.

Sworn to before me, this 17th day of May A. D. 1932.

H. J. Darlow (L. S.) A. M. Parker

Notary Public for S.C.

Imp. 5861

THE STATE OF SOUTH CAROLINA,

RENUNCIATION OF DOWER

County.

I,

do hereby certify unto whom it may concern that Mrs. 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, release 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 193.

(L. S.)

Recorded this the 26 day of August

A. D. 1932 Book 11 Page 241

H. Bourne

Notary Public for S.C.

Recorded this the 20 day of

August

A. D. 1932
 E. L. Marlon

ROA 134

STATE OF SOUTH CAROLINA,

County of Georgetown.

Form 14--Title to Real Estate Revised 1925

Whereas Noble DeReef died intestate March 21, 1934, seized and possessed of a fee simple title to the property hereinafter described leaving as his only heirs at law his widow, Carrie DeReef, now Carrie Green, and his three children, Edward DeReef, Ruby DeReef, now Ruby Young, and Priscilla DeReef, now Priscilla Gregg; and

Whereas it is the wish and desire of the said Edward DeReef and Ruby DeReef Young to convey all of their right, title and interest in the property hereinafter described to their mother, Carrie Green:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, THAT

I, Edward DeReef, of the City of Wilmington, State of North Carolina, and Ruby DeReef Young, of the County of Georgetown,

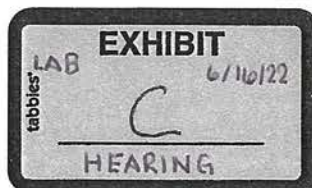
in the State aforesaid for and in consideration of the sum of FIVE (\$5.00) DOLLARS, and love and affection to US in hand paid at and before the sealing of these presents by Carrie Green

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 Carrie Green:-

All of our right, title and interest in and to:-

All that certain piece or tract of land situate and being in No. 7 Township, Parkersville, County of Georgetown, and State of South Carolina, containing SIX (6) acres, more or less, Butting and Bounding as follows: North by lands of Robin Lance; East by Guy Green; South by Elijah Hasell; West by Dick Bowen and Willie Thomas.

The said land being known as Est. of Jacob Dorell, and was sold to Edward DeReef by H. H. Ward, Sheriff of Georgetown County, February 17th, 1916, recorded in Book H-1, page 409; and being the same premises conveyed to Noble DeReef by Edward DeReef by deed dated May 17, 1932, and recorded in the office of the Clerk of Court for Georgetown County in Deed Book P-2, page 233.



ROA 136

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, all and singular, the said Premises before mentioned unto the said

Carrie Green, her

Heirs and Assigns forever.

AND we do hereby bind ourselves and our Heirs, Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said Carrie Green, her

Heirs and Assigns, against us and our Heirs, and all other persons whomsoever, lawfully claiming, or to claim the same or any part thereof.

WITNESS our Hand and Seal, this 20th day of February in the year of our Lord one thousand nine hundred and sixty and in the one hundred and eighty-fourth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

James G. ...
Annie Laurie Shuler
As to Ruby DeReef Young
Thos. H. LaBruce
Annie Laurie Shuler
As to Edward DeReef

Edward DeReef (H.S.)
Edward DeReef
Ruby DeReef Young
Ruby DeReef Young

THE STATE OF SOUTH CAROLINA,
Georgetown County.

PERSONALLY appeared before me Annie Laurie Shuler and made oath that she saw the within named Ruby DeReef Young sign, seal, and as her act and deed, deliver the within written Deed, and that she with C. C. Grimes, Jr. witnessed the execution thereof.

SWORN to before me, this 20th day of February A.D. 1960
James G. ... (SEAL)
Notary Public of South Carolina

Annie Laurie Shuler

THE STATE OF SOUTH CAROLINA,
Georgetown County.

RENUNCIATION OF DOWER

I, Annie Laurie Shuler, a Notary Public for South Carolina do hereby certify unto all whom it may concern, that Mrs. Shirley G. DeReef the wife of the within named Edward DeReef 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, release and forever relinquish unto the within named Carrie Green, her

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

Given under my Hand and Seal, this 7th day of March Anno Domini 1960
Annie Laurie Shuler (SEAL)
Notary Public of South Carolina
Shirley G. DeReef
Shirley G. DeReef

Attest and Certified this day of March

1960

Beattie L. ...
CLERK OF COURT

ROA 137

STATE OF SOUTH CAROLINA. 38 539

COUNTY OF Georgetown

PERSONALLY appeared before me Theo K. LaBruce
and made oath that she saw the within named Edward DeBeaf sign, seal
and as his act and deed deliver the within written Deed, and that she
with Annie Laurie Shuler witnessed the execution thereof.

SWORN to before me this 7th day of March A.D. 1960.

Annie Laurie Shuler (SEAL)
Notary Public for South Carolina

Theo K. LaBruce

Recorded this 2 day of May
in Book 1 Page 82
JOHN C. LELAND
Auditor - Georgetown County

Examined and Certified this 2 day of May
1960
J. S. Williams
CLERK OF COURT

ROA 138

5002 58 540 Form 14-Title to Real Estate Revised 1923
STATE OF SOUTH CAROLINA,
County of Georgetown.

Whereas Noble DeReef died intestate March 21, 1934, seized and possessed of a fee simple title to the property hereinafter described, leaving as his only heirs at law his widow, Carrie DeReef, now Carrie Green, and his three children, Edward DeReef, Ruby DeReef, now Ruby Young, and Priscilla DeReef, now Priscilla Groggs; and

Whereas it is the wish and desire of the said Priscilla DeReef Groggs to convey all of her right, title and interest in the property hereinafter described to her mother, Carrie Green:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, THAT

I, Priscilla DeReef Groggs, of the City of New York in the State of New York,

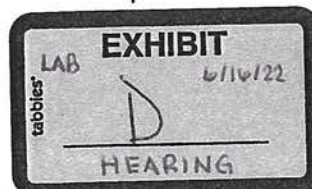
In the State aforesaid _____ for and _____ in consideration of the sum of _____ FIVE (\$5.00) _____ DOLLARS, and love and affection to me in hand paid at and before the sealing of these presents by Carrie Green

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 Carrie Green:-

All of my right, title and interest in and to:-

All that certain piece or tract of land situate and being in No. 7 Township, Parkersville, County of Georgetown and State of South Carolina, containing SIX (6) acres, more or less, Butting and Bounding as follows: North by lands of Robin Lance; East by Guy Green; South by Elijah Hasell; West by Dick Bowen and Willie Thomas.

The said land being known as Est. of Jacob Dorell, and was sold to Edward DeReef by H. H. Ward, Sheriff of Georgetown County, February 17th, 1916, recorded in Book H-1, page 409; and being the same premises conveyed to Noble DeReef by Edward DeReef by deed dated May 17, 1932, and recorded in the office of the Clerk of Court for Georgetown County in Deed Book P-2, page 233.



BOOK 38 PAGE 541

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, all and singular, the said Premises before mentioned unto the said

Carrie Green, her

Heirs and Assigns forever.

AND I do hereby bind myself and my Heirs, Successors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said Carrie Green, her

Heirs and Assigns, against me and my Heirs, and all other persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS my Hand and Seal, this 10 day of March

in the year of our Lord one thousand nine hundred and sixty and in the one hundred and eighty-fourth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED }
IN THE PRESENCE OF }

Joseph Matthews
Marvin J. Davis

Priscilla DeRoof Gregg (s.)
PRISCILLA DEROOF GREGG
(L. S.)

NEW YORK

THE STATE OF SOUTH CAROLINA

New York County

PERSONALLY appeared before me MARVIN J. DAVIS

and made oath that he saw the within named Priscilla DeRoof Gregg sign, seal, and as her act and deed, deliver the within written Deed, and that he with JUANITA MATTHEWS witnessed the execution thereof.

SWORN to before me, this 10 day of March, A.D. 1960

Marvin J. Davis
Notary Public for South Carolina
My Commission expires: Notary Public for South Carolina
THE STATE OF SOUTH CAROLINA
OF NEW YORK County

Marvin J. Davis

NO RENUNCIATION OF DOWER
Grantor, a woman.

I do hereby certify unto all whom it may concern, that I am the wife of the within named Priscilla DeRoof Gregg, and 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, duress or fear of any person or persons whatsoever, purchase, release and forever relinquish unto the within named Priscilla DeRoof Gregg, 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 March, 1960

Notary Public for South Carolina (SEAL)

2 day of March, 1960
J. P. G. LEAHY
Auditor, Georgetown County S. C.

Examined and Certified this 2 day of March, 1960
Clerk of Court

ROA 140

State of South Carolina,
COUNTY OF GEORGETOWN.

KNOW ALL MEN BY THESE PRESENTS, THAT

I, Carrie Green,

in the State aforesaid _____ for and _____ in consideration of the sum of

-----FIVE & NO/100----- DOLLARS,
and love and affection

to me _____ in hand paid at and before the sealing of these presents by Edward DeReef, Ruby

DeReef Young and Priscilla DeReef Greggs,

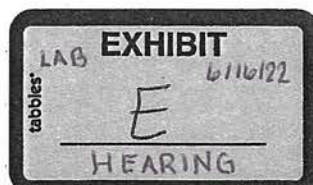
in the State aforesaid _____ the receipt whereof is hereby

acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and
release unto the said Edward DeReef, Ruby DeReef Young and Priscilla DeReef Greggs:
(subject to the life estate hereinafter reserved to the grantor)

All that certain piece or tract of land situate and being in No. 7
Township, Parkersville, County of Georgetown and State of South
Carolina, containing SIX (6) acres, more or less, Butting and Bound-
ing as follows: North by lands of Robin Lance; East by Guy Green;
South by Elijah Hasell; West by Dick Bowen and Willie Thomas.

The said land being known as Est. of Jacob Dorell, and was sold to
Edward DeReef by H. H. Ward, Sheriff of Georgetown County, February
17th, 1916, recorded in Book H-1, page 409; and being the same
premises conveyed to Noble DeReef by Edward DeReef by deed dated May
17, 1932, and recorded in the office of the Clerk of Court for George-
town County in Deed Book P-2, page 233.

RESERVING to the grantor a life estate in and to the above described
premises.



ROA 141

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, all and singular, the said Premises before mentioned unto the said Edward DeReef, Ruby DeReef Young and Priscilla DeReef Greggs, their Heirs and Assigns forever, subject to the life estate hereinbefore retained by the grantor.

AND I do hereby bind myself and my Heirs, Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said Edward DeReef, Ruby DeReef Young and Priscilla DeReef Greggs, their Heirs and Assigns, against me and my Heirs, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS my Hand and Seal, this 29th day of December

in the year of our Lord one thousand nine hundred and seventy-two and in the one hundred and ninety-seventh year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

C. G. Grimes, Jr.

Doris E. Bookhart

Carrie Green

(L. S.)

(L. S.)

The State of South Carolina,

Georgetown County.

PERSONALLY appeared before me Doris E. Bookhart

and made oath that she saw the within named Carrie Green

sign, seal, and as her act and deed, deliver the within written Deed,

and that she with C. G. Grimes, Jr.

witnessed the execution thereof.

SWORN to before me, this 29th

day of December A.D. 1972

(SEAL)

Notary Public of South Carolina

My Commission Expires 10/10/79

Doris E. Bookhart

NO RENUNCIATION OF DOWER
Grantor a woman

The State of South Carolina,

County.

I, a Notary Public for South Carolina

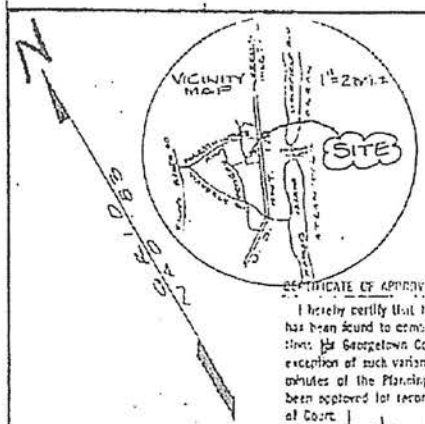
do hereby certify unto all whom it may concern, that Mrs.

the wife of the within named

Examined and Certified this 3rd day of Jan 1973
Doris E. Bookhart
CLERK OF COURT

Recorded this 3rd day of January A.D. 1973
in Book W Page 275
L. H. Shaw, Jr.
Auditor, Georgetown County, S. C.

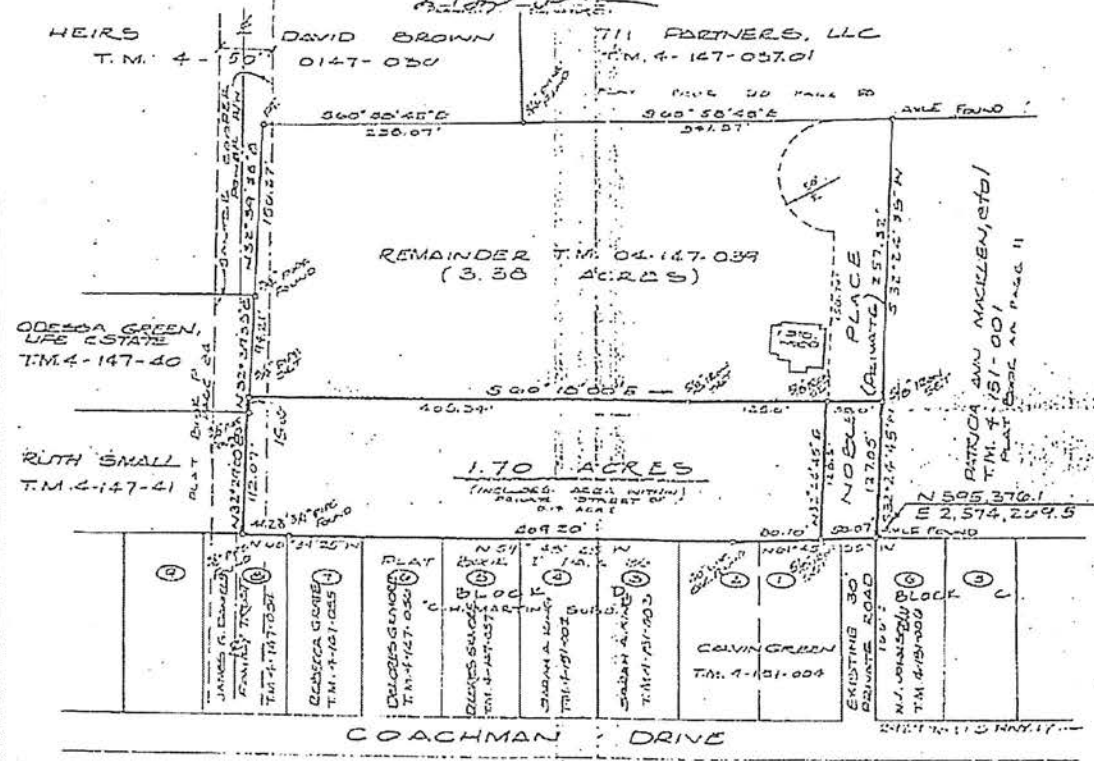
ROA 142



CERTIFICATE OF APPROVAL FOR RECORDING
 I hereby certify that the subdivision plat shown here has been found to comply with the Subdivision Regulations for Georgetown County, South Carolina, with the exception of such variance, if any, as is noted in the minutes of the Planning Commission and that it has been approved for recording in the office of the Clerk of Court.
 Dated 8/14/06 *[Signature]*

NOTES

1. OWNER: EDWARD DERELF, ET AL.
4755 SHAW DRIVE
WILMINGTON, N.C. 28405
2. ZONING: CR
3. FLOOD ZONE: X
4. BEARINGS ARE S.C. STATE PLANE NAD 83
5. THE CONSTRUCTION, MAINTENANCE, DRAINAGE, ETC. OF THE PRIVATE STREET SHOWN HEREON IS THE RESPONSIBILITY OF THE OWNER. THE COUNTY OF GEORGETOWN IS NOT RESPONSIBLE THEREFOR.
6. DEED REF: BOOK 109, PG. 646
7. NO PLAT OF RECORD FOUND



PLAT

OF 1.70 ACRES ON WACCAMAW NECK BEING A PORTION OF THE "NOBLE DERELF" TRACT, SURVEYED FOR
PRISCILLA GREGGS

GEORGETOWN COUNTY, S.C. PORTION OF T.M. 4-147-039
 SCALE: 1" = 100' JULY 3, 2006

WENDELL C. DOWNS, P.L.S. #5303
 2101 Bay Center
 GEORGETOWN, S.C. 29440

200400017037
 Filed for Record in
 GEORGETOWN SC
 REGISTER OF DEEDS
 06-15-2006 at 10:38 am.
 PLATS 75 1012 pg 10.00
 STATE TAX 30.00
 COUNTY TAX 30.00



EXHIBIT
 LAB
 F
 HEARING
 6/16/22

M 3889

ROA 143

200800016128
Filed for Record in
GEORGETOWN SC
WANDA PREVATTE
09-09-2008 At 03:59 pm.
ESTATE 12.00
STATE TAX .00
COUNTY TAX .00
Book 1048 Page 1 - 6

EXEMPT

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

TITLE TO REAL

WHEREAS, a portion of the hereinbelow described property was conveyed by Edward DeReef to Nobel DeReef by Deed dated May 17, 1932, and filed of record in the Office of the Clerk of Court for Georgetown County on August 26, 1933 in Deed Book P-2 at Page 233; and

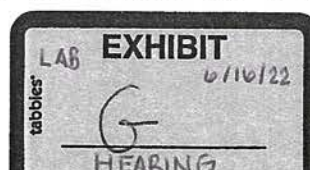
WHEREAS, the said Nobel DeReef died intestate in the late 1920's, leaving as his heirs at law, his wife, Sarah Grant "Carrie" DeReef, (later by marriage Carrie Green); and his children, Priscilla DeReef Greggs, Edward DeReef, and Ruby DeReef Young; and

WHEREAS, the said Carrie Green (now deceased) conveyed her interest in the subject property (however, reserving a life estate for herself), to her children, Edward DeReef, Ruby DeReef Young and Priscilla DeReef Greggs, by Deed dated December 29, 1972, and filed of record in the Office of the Clerk of Court for Georgetown County in Deed Book 109 at Page 646; and

WHEREAS, the said Ruby DeReef Young died intestate in the mid 1990's, leaving as her heirs at law, her husband, Jake Young, and her children, Leon Young, Kenneth Young, Russell Young, Noble Young, Vermell Young, and Burton Young; the said Burton Young having died in June 1995, leaving as his sole heir and distributee at law, his daughter, Antoinette Young, now known as Antoinette Medina; and the said Jake Young having died intestate in 2003, leaving as his heirs and distributes at law, his children, Leon Young, Kenneth Young, Russell Young, Noble Young, and Vermell Young; and

WHEREAS, all remaining heirs of the said Nobel DeReef have agreed to a division of the land, and are desirous of conveying the following:

NOW, KNOW ALL MEN BY THESE PRESENTS, That I, PRISCILLA DEREFF GREGGS, in the State aforesaid, for and in consideration of the sum of FIVE AND 00/100 (\$5.00) Dollars to me in hand received at and before the sealing of these presents by EDWARD DEREFF, one-half



ROA 144

Pl 4-147-39
SPE
GEORGETOWN COUNTY PARCEL #

(1/2) of my right, title and interest, and LEON YOUNG, KENNETH YOUNG, RUSSELL YOUNG, NOBLE YOUNG, VERMELL YOUNG and ANTOINETTE MEDINA, formerly known as ANTOINETTE YOUNG, sharing the remaining one-half (1/2) of my right, title and interest, in the State aforesaid, the receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said EDWARD DEREEF, one-half (1/2) of my right, title and interest, and LEON YOUNG, KENNETH YOUNG, RUSSELL YOUNG, NOBLE YOUNG, VERMELL YOUNG and ANTOINETTE MEDINA, formerly known as ANTOINETTE YOUNG, sharing the remaining one-half (1/2) of my right, title and interest, their Heirs and Assigns forever, the following described property, to-wit:

All of my right, title and interest in, to and out of the following described property: All that certain piece, parcel or tract of land situate, lying and being in the County of Georgetown, State of South Carolina, being shown and designated as **3.38 Acres Remainder T.M. 04-147-039** on that certain plat entitled **"PLAT OF 1.70 ACRES ON WACCAMAW NECK BEING A PORTION OF THE "NOBLE DEREEF" TRACT, SURVEYED FOR PRISCILLA GREGGS"**, dated July 3, 2006, prepared by Wendell C. Powers, P.L.S.#5303, and filed of record in the Office of the Register of Deeds for Georgetown County in Plat Slide 612 at Page 3B on August 15, 2006. Said tract having such shape, form, marks, courses and distances as are represented and delineated upon the aforesaid plat referenced herein, said plat being expressly incorporated herein by reference and, pro tanto, made a part and parcel hereof.

ALSO: A perpetual private easement for rights of ingress and egress over and across that certain area containing approximately 0.14 Acre designated "Noble Place" and shown on that certain plat entitled **"PLAT OF 1.70 ACRES ON WACCAMAW NECK BEING A PORTION OF THE "NOBLE DEREEF" TRACT, SURVEYED FOR PRISCILLA GREGGS"**, dated July 3, 2006, prepared by Wendell C. Powers, P.L.S.#5303, and filed of record in the Office of the Register of Deeds for Georgetown County in Plat Slide 612 at Page 3B on August 15, 2006.

This conveyance is subject to any and all applicable covenants, restrictions and easements of record.

Derivation Clause: Please see above recitals.

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, all and singular, the Premises before mentioned unto the said **EDWARD DEREEF, one-half (1/2) of my right, title and interest, and LEON YOUNG, KENNETH YOUNG, RUSSELL YOUNG, NOBLE YOUNG, VERMELL YOUNG, and ANTOINETTE MEDINA, formerly known as ANTOINETTE YOUNG, sharing the remaining one-half (1/2) of my right, title and interest, their Heirs and Assigns, forever.**

AND I do hereby bind myself and my Heirs, Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said **EDWARD DEREEF, one-half of my right, title and interest, and LEON YOUNG, KENNETH YOUNG, RUSSELL YOUNG, NOBLE YOUNG, VERMELL YOUNG, and ANTOINETTE MEDINA, formerly known as ANTOINETTE YOUNG, sharing the remaining one-half (1/2) of my right, title and interest, their Heirs and Assigns, against me and my Heirs and Assigns, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.**

[SIGNATURE PAGE TO FOLLOW]

ROA 146

WITNESS my Hand and Seal, this 27th day of May, in the year
of our Lord Two Thousand Eight (2008).

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

MMmm
Debra DeReef

Priscilla Gregg (Seal)
Priscilla DeReef Gregg

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this 27th
day of May, 2008, by Priscilla DeReef Gregg.

Debra DeReef (Seal)
Notary Public for South Carolina
My Commission Expires March 17, 2010

Grantees' Address:
Post Office Box 2122
Pawleys Island, SC 29585

Prepared by: Robert H. O'Donnell, Esq., O'Donnell Law Firm,
LLC, 601 Front Street, Georgetown, S. C., 29440

ROA 147

STATE OF SOUTH CAROLINA)
)
COUNTY OF GEORGETOWN)

AFFIDAVIT OF CONSIDERATION

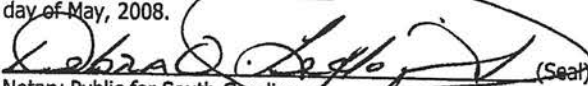
PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.
2. The property described in the attached deed, bearing Georgetown County Tax Map Number (Part of 4147-039) was transferred by Priscilla DeReef Greggs to Edward DeReef, Leon Young, Kenneth Young, Russell Young, Noble Young, Vermell Young and Antoinette Medina.
3. Check one of the following: The deed is
 - (a) ___ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) ___ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - (c) ☒ Exempt from the deed recording fee because (See Information section of affidavit): **EXEMPTION NO. 1**
(If exempt, please skip items 4 - 7, and go to item 8 of this affidavit.)
4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit):
 - (a) ___ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$
 - (b) ___ The fee is computed on the fair market value of the realty which is:
 - (c) ___ The fee is computed on the fair market value of the realty as established for property tax purposes which is:
5. Check Yes ___ or No ☒ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes," the amount of the outstanding balance of this lien or encumbrance is:
6. The deed recording fee is computed as follows:
 - (a) Place the amount listed in item 4 above here: \$
 - (b) Place the amount listed in item 5 above here: \$ -0-
(If no amount is listed, place zero here.)
 - (c) Subtract Line 6(b) from Line 6(a) and place result here: \$
7. The deed recording fee due is based on the amount listed on Line 6(c) above & the deed recording due is: \$
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Attorney for Grantor and Grantees
9. I understand that a person required to furnish this affidavit who wilfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.



Robert H. O'Donnell (Seal)

SWORN to before me this 20
day of May, 2008.



Notary Public for South Carolina
My Commission Expires: March 17, 2010



ROA 148

Instrument Book Page
200800016128 1048 6

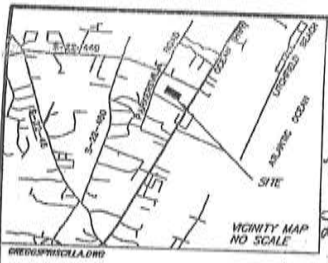
ROA 149

76332 O'Donnell

200800016128
Filed for Record in
GEORGETOWN SC
WANDA PREVATTE
09-09-2008 At 03:38
DEED 12.00
STATE TAX .00
COUNTY TAX .00
Book 1048 Page 1 -
Wanda J. O'Donnell

RECORD THIS DATE

AUDITOR GEORGETOWN CO.
LINDA S. MOCK



CERTIFICATE OF OWNERSHIP AND DEDICATION
THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOP'T THIS (PLAN OF DEVELOPMENT/PLAT) WITH MY (OUR) FREE CONSENT AND THAT I (WE) DEDICATE ALL ITEMS AS SPECIFICALLY SHOWN OR INDICATED ON SAID PLAT.

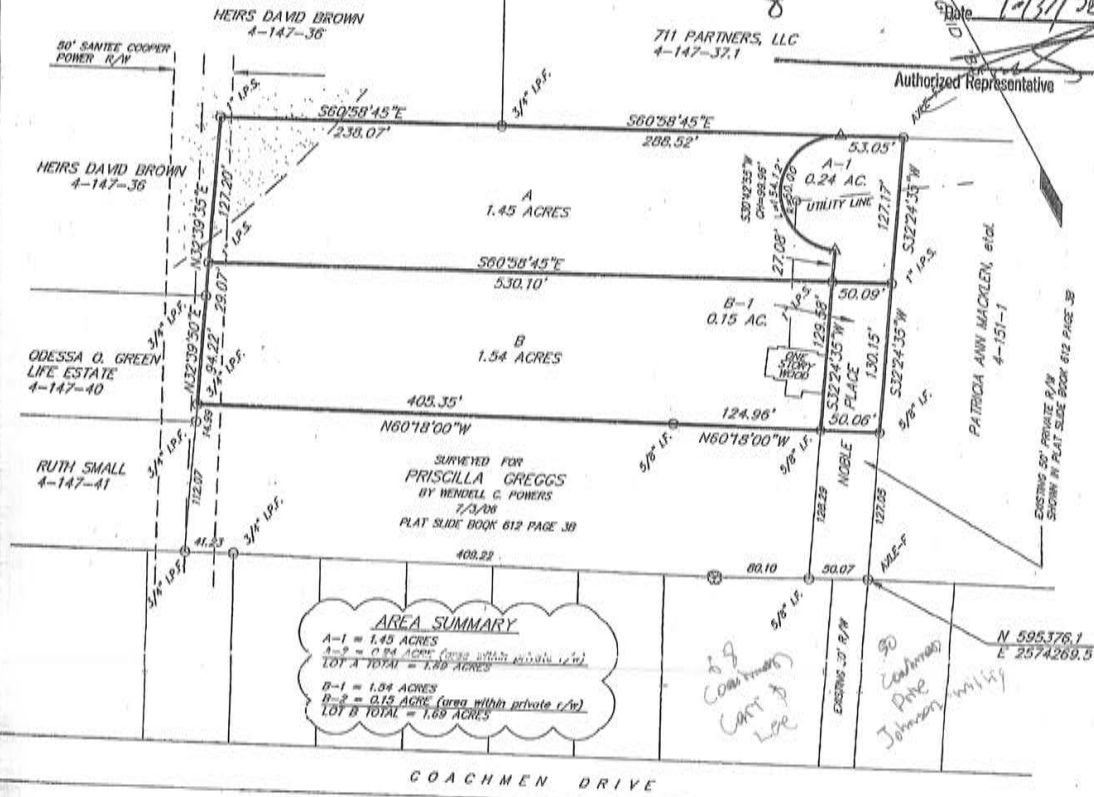
Edward Deree
SIGNED: *Edward Deree* DATE: *9/12/07*
Wendell C. Powers
SIGNED: *Wendell C. Powers* DATE: *9/12/07*

CERTIFICATION OF APPROVAL OF PUBLIC WATER & SEWER SYSTEM

I hereby certify that a public water & sewer system is installed, or is proposed to be installed (DHEC Permit # *111*) for the above lot or lots, and fully meets the requirements of DHEC and Georgetown County Water and Sewer District.

Date: *10/31/08*

Authorized Representative



AREA SUMMARY
A-1 = 1.45 ACRES
A-2 = 0.24 ACRES (area within private r/w)
LOT A TOTAL = 1.69 ACRES
B-1 = 1.54 ACRES
B-2 = 0.15 ACRES (area within private r/w)
LOT B TOTAL = 1.69 ACRES

I hereby certify that the subdivision plat shown here has been found to comply with the Land Development regulations for Georgetown County, South Carolina, with the exception of such variance, if any, as are noted in the minutes of the Planning Commission and that it has been approved for recording in the office of the Register of Deeds.

Dated: *10/31/08*
Wendell C. Powers
Planning Signature
Julie Kim
Planning Signature

NOTES

THIS LOT IS NOT IN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FIRM (FLOOD INSURANCE RATE MAP) COMMUNITY PANEL #4300830166 DATED 10/16/92

THE CONSTRUCTION, MAINTENANCE, DRAINAGE, ETC. OF THE PRIVATE STREET SHOWN HEREON THE RESPONSIBILITY OF THE OWNERS THEREOF. THE COUNTY OF GEORGETOWN NOT RESPONSIBLE THEREFORE.

ALL BEARINGS ARE BASED ON THE SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM NAD 83. DISTANCES SHOWN ARE HORIZONTAL DISTANCES, NOT GRID DISTANCES.

ZONED GR
BUILDING SETBACKS
FRONT = 25'
SIDE = 10'
REAR = 20'
LOT WIDTH MIN. = 60'
SQ. FT. MIN. = 5,000

PLAT REFERENCE - PLAT BOOK 612 PAGE 30
DEED REFERENCE - DEED BOOK 109 PAGE 646

OWNER - EDWARD DEREET, et al.
4743 SHAW DRIVE
WILMINGTON, NC 28405

200800018923
Filed for Record in
GEORGETOWN SC
WANDA PREVATTE
11-03-2008 At 11:34 am.
PLATS 75 689 10.00
STATE TAX 4A .00
COUNTY TAX 4A .00
Wanda J. Prevatte

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF AND IN MY PROFESSIONAL OPINION, 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 B SURVEY AS SPECIFIED THEREIN ALSO THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

PLAT

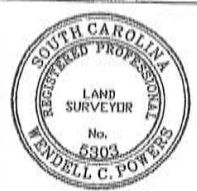
OF TWO LOTS ON WACCAMAW NECK BEING THE REMAINING PORTION OF THE "NOBLE DEREET" TRACT, SURVEYED FOR
LOT A - HEIRS RUBY YOUNG
LOT B - EDWARD DEREET

GEORGETOWN CO., S.C.

T.M. #4-147-39

SCALE: 0 50 100 200
ONE INCH = 100'

JUNE 5, 2008



POWERS LAND SURVEYING
626 FRONT STREET
GEORGETOWN S.C. 29440
(843) 546-4000



Powers Land Surveying

ROA 150



M4136

1/2 int
1.54 ac & 1.24 ac & 1.54 ac & 1.24 ac
Waccamaw Neck

Instrument Book Page
201900011405 3638 62
201900011405 EXEMPT
Filed for Record in
GEORGETOWN SC
MARLENE MCCONNELL, REGISTER OF DEEDS
11-13-2019 At 03:03:34 pm.
DEED 15.00
STATE TAX .00
COUNTY TAX .00
Book 3638 Page 62 - 71

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

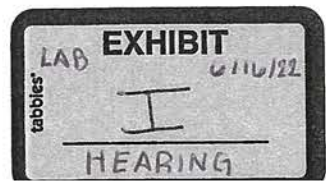
TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, THAT we, Leon Young, Kenneth Young, Russell Young, Noble Young, Vermell Young and George Medina (being the surviving spouse and sole heir of Antoinette Medina formerly known as Antoinette Young who died intestate on August 5, 2010), in the State aforesaid, for and in consideration of the sum of FIVE AND NO/100THS (\$5.00) DOLLARS to us in hand paid at and before the sealing of these presents by Edward Derrick Dereef, Successor Trustee of the Edward Dereef Living Trust Dated March 10, 2005, and any amendments thereto, in the State aforesaid, the receipt and sufficiency of which is hereby acknowledged, have granted, bargained, sold and released and by these Presents do grant, bargain, sell and release all of our right, title and interest (being a one-half interest) the following described property unto the said Edward Derrick Dereef, Successor Trustee of the Edward Dereef Living Trust Dated March 10, 2005, and any amendments thereto, his Successors, Heirs and/or Assigns, forever:

All that certain piece, parcel or tract of land situate, lying and being in the County of Georgetown, State of South Carolina, measuring and containing 1.54 Acres shown and designated as Lot B and .24 Acres shown and designated as Lot B-1 on that certain "Plat of Two Lots on Waccamaw Neck Being the Remaining Portion of the "Noble Dereef" Tract, Surveyed for Lot A - Heirs of Ruby Young Lot B - Edward Dereef", dated June 5, 2008, prepared by Wendell C. Powers, SCPLS, and recorded in the Office of the Register of Deeds for Georgetown County in Plat Slide 689 at Page 4A. Said tract having such size, shape, distances and measurements as will appear on said plat, and, being made pro tanto, a part and parcel hereof.

ALSO: A perpetual private easement for rights of ingress and egress over and across that certain area containing approximately 0.14 Acre designated as "Noble Place" and shown on that certain plat entitled "Plat of 1.70 Acres on Waccamaw Neck Being a Portion of the "Noble Dereef" Tract, Surveyed for Priscilla Greggs", dated July 3, 2006, prepared by Wendell C. Powers, P.L.S. #5303, and filed of record in the Office of the Register of Deeds for Georgetown County in Plat Slide 612 at Page 3B on August 15, 2006.

ALSO: A perpetual private easement for rights of ingress and egress over and across that certain area containing approximately 0.24 Acre designated as A-1 on that certain "Plat of Two Lots on Waccamaw Neck Being the Remaining Portion of the "Noble Dereef" Tract, Surveyed for Lot A -



ROA 151
GEORGETOWN COUNTY PARCEL
#P104-0147-039-00-00
1516

Heirs of Ruby Young Lot B – Edward Dereef”, dated June 5, 2008, prepared by Wendell C. Powers, SCPLS, and recorded in the Office of the Register of Deeds for Georgetown County in Plat Slide 689 at Page 4A.

✓ This being a portion of the premises conveyed unto Leon Young, Kenneth Young, Russell Young, Noble Young, Vermell Young and Antoinette Medina, formerly known as Antoinette Young (1/2 interest); thereafter Antoinette Medina formerly known as Antionette Young died intestate, leaving her surviving spouse and sole heir, her husband George Medina (the Grantors herein) and a 1/2 interest to Edward Dereef interest by Deed of Priscilla Dereef Greggs dated May 27, 2008 and recorded in the Office of the Register of Deeds for Georgetown County on September 9, 2008 in Record Book 1048 at Page 1; thereafter Edward Dereef died on February 27, 2011 as evidenced by his Estate filed in the Office of the Probate Court for Georgetown County in File Number 2016 ES 22-00275 and by Deed of Distribution of the Estate of Edward Dereef dated February 19, 2018 and recorded in the Office of the Register of Deeds for Georgetown County on March 13, 2018 in Record Book 3223 at Page 202 in which Edward Dereef’s 1/2 interest was devised to the Grantee herein.

T.M.S. # Part of 04-0147-039-00-00

Grantee's Address: ✓ PO Box 324, Teachey, NC 28464

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, all and singular, the said Premises before mentioned unto the said **Edward Derrick Dereef, Successor Trustee of the Edward Dereef Living Trust Dated March 10, 2005, and any amendments thereto, his Successors, Heirs and/or Assigns, forever.**

AND we do hereby bind ourselves and our Heirs, Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said **Edward Derrick Dereef, Successor Trustee of the Edward Dereef Living Trust Dated March 10, 2005, and any amendments thereto, his Successors, Heirs and/or Assigns, forever,** against us and our Heirs and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

Being Last Dated October 30, 2019.

SIGNED, SEALED AND DELIVERED

IN THE PRESENCE OF:

Donna M. Price
Witness
Robert H. O'Donnell
Notary

Leon Young
Leon Young

STATE OF SC)
COUNTY OF Georgetown)

ACKNOWLEDGMENT

The due execution of the foregoing instrument was acknowledged before me this 31 day of March, 2016, by Leon Young.

Robert H. O'Donnell
Notary Public for SC
My Commission Expires: 7/2/24

Printed Name of Notary: Robert H. O'Donnell

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

James M. Price
Witness

Kenneth Young
Kenneth Young

W. H. O'Donnell
Notary

STATE OF SC)
COUNTY OF Georgetown)

ACKNOWLEDGMENT

The due execution of the foregoing instrument was acknowledged
before me this 31 day of March, 2016, by Kenneth Young.

W. H. O'Donnell
Notary Public for SC
My Commission Expires: 2/8/24

Printed Name of Notary: Robert H. O'Donnell

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Jonathan Price
Witness

Russell Young
Russell Young

Myself
Notary

STATE OF SC)
COUNTY OF Georgetown)

ACKNOWLEDGMENT

The due execution of the foregoing instrument was acknowledged
before me this 31 day of March, 2016, by Russell Young.

Myself
Notary Public for SC
My Commission Expires: 7/5/24

Printed Name of Notary: Robert H. O'Donnell

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Donna M. Pruitt
Witness

Noble Young
Noble Young

Robert H. O'Donne II
Notary

STATE OF SC)
COUNTY OF Georgetown)

ACKNOWLEDGMENT

The due execution of the foregoing instrument was acknowledged
before me this 31 day of March, 2016, by Noble Young.

Robert H. O'Donne II
Notary Public for SC
My Commission Expires: 7/8/24

Printed Name of Notary: Robert H. O'Donne II

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

James M. Price
Witness

Vermell Young
Vermell Young

Robert M. O'Donoghue
Notary

STATE OF SC)
COUNTY OF Georgetown)

ACKNOWLEDGMENT

The due execution of the foregoing instrument was acknowledged
before me this 31 day of March, 2016, by Vermell Young.

Robert M. O'Donoghue
Notary Public for SC
My Commission Expires: 2/8/24

Printed Name of Notary: Robert M. O'Donoghue II

SIGNED, SEALED AND DELIVERED

IN THE PRESENCE OF:

[Signature]
Witness

[Signature]
George Medina

[Signature]
Notary

STATE OF Florida)
~~NEW JERSEY~~)
COUNTY OF Lake)

ACKNOWLEDGMENT

The due execution of the foregoing instrument was acknowledged before me this 30 day of October, 2019, by George Medina.

[Signature]
Notary Public for New Jersey Florida
My Commission Expires: 06/16/2023
Printed name of Notary Public: Brook-Lyn Johnson



Brook-Lyn Johnson
Notary Public
State of Florida
My Commission Expires 06/16/2023
Commission No. GG 345291

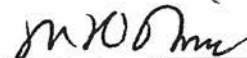
STATE OF SOUTH CAROLINA)

AFFIDAVIT OF CONSIDERATION

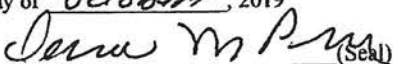
COUNTY OF GEORGETOWN)

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.
2. The property described in the attached deed, was transferred by the Grantor(s) herein to the Grantee(s) herein on 3-31-16 & 10-30 2019.
3. Check one of the following: The deed is
 - (a) ___ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) ___ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - (c) x Exempt from the deed recording fee because (See Information section of affidavit): Consideration Under \$100.00 (If exempt, please skip items 4 - 7, and go to item 8 of this affidavit).
4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit):
 - (a) xx The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$
 - (b) ___ The fee is computed on the fair market value of the realty which is: \$
 - (c) ___ The fee is computed on the fair market value of the realty as established for property tax purposes which is:
5. Check Yes ___ or No x to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes," the amount of the outstanding balance of this lien or encumbrance is:
6. The deed recording fee is computed as follows:
 - (a) Place the amount listed in item 4 above here: \$
 - (b) Place the amount listed in item 5 above here: \$ -0-
(If no amount is listed, place zero here.)
 - (c) Subtract Line 6(b) from Line 6(a) and place result here: \$
7. The deed recording fee due is based on the amount listed on Line 6(c) above & the deed recording due is: \$
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Attorney
9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.



Robert H. O'Donnell (Seal)
Attorney

SWORN to before me this 20
day of October, 2019


Notary Public for South Carolina
Donna M. Price
My Commission Expires: 11/1/2028

196859 ODonnell
201900011405 EXEMPT
Filed for Record in
GEORGETOWN SC
MARLENE MCCONNELL, REGISTER OF DEEDS
11-13-2019 At 03:03:34 PM.
DEED 15.00
STATE TAX .00
COUNTY TAX .00
Book 3638 Page 62 - 71
Marlene McConnell

RECORDED THIS DATE: _____



Brian D. Shult, Georgetown Co. Auditor

COACHMAN DRIVE

N 59°09'49" W 291.45'

N: 59°52'48.98"
E: 257°41'62.19"

3/4" R/W

N 59°09'49" W
26.79' (tie line)

245± TO U.S. HIGHWAY 17

LOTS 1 & 2, BLOCK B
HENRY L. GREEN
04-0151-004-00-00
PLAT BOOK 1, PAGE 36

N 30°50'11" E 163.04'

DIRT DRIVE

NOBLE PLACE
EXISTING 30' R/W
PLAT BOOK 1, PAGE 36

S 30°50'11" W 164.25'



DILAPIDATED STRUCTURE

LOT 6, BLOCK D
MARCELLA COACHMAN, et al
04-0151-006-00-00
PLAT BOOK 1, PAGE 36

PRISCILLA D. GREGGS
04-0147-039-01-00
PLAT SLIDE 612, PAGE 38
RECORD BOOK 1048, PAGE 7

N 32°22'01" E 128.33'

NOBLE PLACE
EXISTING 50' R/W
PORTION OF
TAS-04-0147-039-01-00
PLAT SLIDE 612, PAGE 38
RECORD BOOK 1048, PAGE 7

S 32°20'15" W 127.09'

TRACT A
PATRICIA A. MACKLEN et al
04-0151-001-00-00
PLAT BOOK 4A, PAGE 11

5/8" R/W

23.28'

S 61°44'52" E

26.82'

AXLE FOUND



ROA 161

Instrument Book Page
202100005255 4093 221

Re-recorded to correct legal description
due to scrivener's error & to include existing
easement in existing

202100005255
Filed for Record in
GEORGETOWN SC
MARLENE MCCONNELL, REGISTER OF DEEDS
04-13-2021 At 03:22:08 PM.
DEED 15.00
STATE TAX 104.00
COUNTY TAX 44.00
Book 4093 Page 221 - 225

PREPARED BY: GEORGETOWN SC
MARLENE MCCONNELL, REGISTER OF DEEDS
05-18-2021 At 03:39:07 PM.

File No. 20-1470 DEED 15.00
STATE TAX .00
COUNTY TAX .00
Book 4122 Page 21 - 26

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

TITLE TO REAL ESTATE

Instrument Book Page
202100006805 4122 21

KNOW ALL MEN BY THESE PRESENTS, That, Edward Derrick Dereef, Successor
Trustee of the Edward Dereef Living Trust dated March 10, 2005, in the State aforesaid, for
and in consideration of **Forty Thousand and 00/100 (\$40,000.00) Dollars** in hand received at and
before the sealing of these presents by **3D Land Holdings, LLC** of 679 River Oaks Circle,
Pawleys Island, SC 29585, the receipt of which is hereby acknowledged, have granted, bargained,
sold and released, and by these Presents do grant, bargain, sell and release, subject to the matters
set forth below, unto the said **3D Land Holdings, LLC**, its heirs and assigns, forever, the following
described real property, to wit:

All that certain piece, parcel or tract of land situate, lying and being in the County of Georgetown,
State of South Carolina, measuring and containing 1.54 Acres show and designated as Lot B and
1.54 Acres shown and designated as Lot B-1 on that that certain "Plat of Two Lots on Waccamaw
Neck' Being the Remaining Portion of the "Noble Dereef Tract, Surveyed for Lot A - Heirs
of Ruby Young Lot B-Edward Dereef, dated June 5, 2008, prepared by Wendell C. Powers,
SCPLS, and recorded in the Office of the Register of Deeds for Georgetown County in Plat Slide
689 at Page 4A. Said tract having such size, shape, distances and measurements as will appear on
said plat, and, being made pro tanto, a part and parcel hereof.

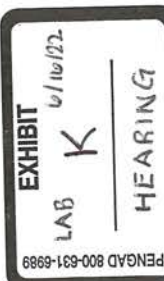
This being the same property conveyed unto Grantor by Deed of Leon Young, Kenneth Young,
Russell Young, Noble Young, Vermell Young and George Medina recorded November 13, 2019
in Record Book 3638 at Page 62 in the Office of the Register of Deeds for Georgetown County,
South Carolina.

TMS# Portion of 04-0147-039-00-00

ALSO: A perpetual private easement for rights of ingress and egress over and across that certain
area containing approximately 0.14 Acres designated as "Noble Place" and shown on that certain
plat entitled "Plat of 1.70 Acres on Waccamaw Neck Being a Portion of the "Noble Dereef Tract,
Surveyed for Priscilla Greggs", dated July 3, 2006, prepared by Wendell C. Powers, P.L.S. #5303,
and filed of record in the Office of the Register of Deeds for Georgetown County in Plat Slide 612
at Page 3B on August 15, 2006.

ROA 162
GEORGETOWN COUNTY PARCEL

PL 04-0147-039-00-00
SFE



Instrument	Book	Page
202100005255	4093	222

Instrument	Book	Page
202100006805	4122	22

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, all and singular, the Premises before mentioned, subject to the matters set forth above, unto the said **3D Land Holdings, LLC , its heirs and assigns, forever.**

AND we do hereby bind itself/themselves/his/her heirs, Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said **3D Land Holdings, LLC, its heirs and assigns, forever**, against herself, himself or their Heirs and Assigns, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

*****SEE SIGNATURES ON NEXT PAGE*****

ALSO: A perpetual private easement for rights of ingress and egress over and across that certain area containing approximately 0.24 Acre designated as A-1 on that certain "Plat of Two Lots on Waccamaw Neck Being the Remaining Portion of the "Noble Dereef Tract, Surveyed for Lot A- Heirs of Ruby Young Lot B-Edward Dereef", dated June 5, 2008, prepared by Wendell C. Powers, SCPLS, and recorded in the Office of the Register of Deeds for Georgetown County in Plat Slide 689 at Page 4A.

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, all and singular, the Premises before mentioned, subject to the matters set forth above, unto the said **3D Land Holdings, LLC , its heirs and assigns, forever.**

AND we do hereby bind itself/themselves/his/her heirs, Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said **3D Land Holdings, LLC, its heirs and assigns, forever**, against herself, himself or their Heirs and Assigns, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

*****SEE SIGNATURES ON NEXT PAGE*****

Instrument
202100005255

Book Page
4093 224

Instrument
202100006805

Book Page
4122 25

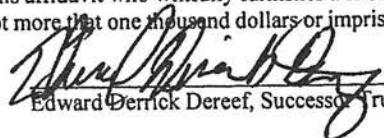
STATE OF SOUTH CAROLINA)
)
COUNTY OF GEORGETOWN)

AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.
2. The property being transferred is located at 58B Noble Place, Pawleys Island, SC, 29585 bearing County Tax Map # , was transferred by Edward Derrick Dereef, Successor Trustee of the Edward Dereef Living Trust dated March 10, 2005 to 3D Land Holdings, LLC on April 12, 2021.
3. Check one of the following: The deed is
 - (a) X subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) ___ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - (c) ___ exempt from the deed recording fee because (See Information section of affidavit): (If exempt, please skip items 4 - 7, and go to item 8 of this affidavit.
4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit):
 - (a) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$40,000.00.
 - (b) ___ The fee is computed on the fair market value of the realty which is \$.
 - (c) ___ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$.
5. Check Yes or No X to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before the transfer.) If "Yes," the amount of the outstanding balance of this lien or encumbrance is: \$
6. The deed recording fee is computed as follows:

(a)	Place the amount listed in item 4 above here:	\$40,000.00
(b)	Place the amount listed in item 5 above here: (If no amount is listed, place zero here.)	\$-0-
(c)	Subtract Line 6(b) from Line 6(a) and place result here:	\$40,000.00
7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$148.00
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Grantor.
9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

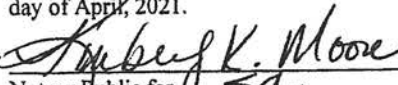

Edward Derrick Dereef, Successor Trustee

SWORN to before me this 12th
day of April, 2021.

Notary Public for

Print Name

My Commission Expires:


Kimberly K. Moore
Aug 25, 2024



ROA 165

Instrument Book Page
202100006805 4122 26

*Re-Rec # 214166
Oxner & Stacy*

202100006805 EXEMPT
Filed for Record in
GEORGETOWN SC
MARLENE MCCONNELL, REGISTER OF DEEDS
05-10-2021 At 03:39:07 pm.
DEED 15.00
STATE TAX .00
COUNTY TAX .00
Book 4122 Page 21 - 26

Marlene McConnell

RECORDED THIS DATE: _____

Brian D. Shult
Brian D. Shult, Georgetown Co. Auditor

Instrument Book Page
202100005255 4093 225

ROA 166

*213087 Oxner
& Stacy*

202100005255
Filed for Record in
GEORGETOWN SC
MARLENE MCCONNELL, REGISTER OF DEEDS
04-13-2021 At 03:22:08 pm.
DEED 15.00
STATE TAX 104.00
COUNTY TAX 44.00
Book 4093 Page 221 - 225

Marlene McConnell

RECORDED THIS DATE: _____

Brian D. Shult
Brian D. Shult, Georgetown Co. Auditor

Other



Georgetown County Fifteenth Judicial Circuit Public Index



[Georgetown County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

Switch View

3D Land Holdings LLC, plaintiff, et al VS Willis J Johnson , defendant, et al

Case Number:	2020CP2200808	Court Agency:	Common Pleas	Filed Date:	09/29/2020
Case Type:	Common Pleas	Case Sub Type:	Real Prop/Other 499	File Type:	Non-Jury
Status:	Appeal	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	Ended by Non Jury	Disposition Date:	07/20/2022	Disposition Judge:	Crosby, Joe M
Original Source Doc:		Original Case #:			
Judgment Number:	2020CP2200808	Court Roster:			

[Case Parties](#) [Judgments](#) [Tax Map Information](#) [Associated Cases](#) [Actions](#) [Financials](#)

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Johnson, Willis J	Appeal/Notice of Appeal to Court of Appeals/Proof of Service	Action		08/17/2022-19:35		
Johnson, Willis J	NEF(08-16-2022 07:35:29 PM) Appeal/Notice of Appeal to C...	Filing		08/17/2022-09:59		
Smith, Virginia	Judgment/Judgment	Judgment		07/20/2022-10:15	07/20/2022-10:15	
3D Land Holdings LLC	Judgment/Judgment	Judgment		07/20/2022-10:15	07/20/2022-10:15	
Coachman, Marcella	Judgment/Judgment	Judgment		07/20/2022-10:15	07/20/2022-10:15	
3D Land Holdings LLC	Judgment/Judgment	Judgment		07/20/2022-10:15	07/20/2022-10:15	
3D Land Holdings LLC	Judgment/Judgment	Judgment		07/20/2022-10:15	07/20/2022-10:15	
Owens, Toni	Judgment/Judgment	Judgment		07/20/2022-10:15	07/20/2022-10:15	
Carr, Brandon L	Judgment/Judgment	Judgment		07/20/2022-10:15	07/20/2022-10:15	
3D Land Holdings LLC	Judgment/Judgment	Judgment		07/20/2022-10:15	07/20/2022-10:15	
3D Land Holdings LLC	Judgment/Judgment	Judgment		07/20/2022-10:15	07/20/2022-10:15	
Green, Henry Lee	Judgment/Judgment	Judgment		07/20/2022-10:15	07/20/2022-10:15	
Johnson, Willis J	Judgment/Judgment	Judgment		07/20/2022-10:14	07/20/2022-10:14	
3D Land Holdings LLC	Judgment/Judgment	Judgment		07/20/2022-10:14	07/20/2022-10:14	
3D Land Holdings LLC	NEF(07-20-2022 10:13:24 AM) Master/Order/Other	Filing		07/20/2022-10:13	07/20/2022-10:13	
3D Land Holdings LLC	Master/Final Order/Form 4	Order		07/20/2022-10:13	07/20/2022-10:13	
3D Land Holdings LLC	NEF(06-28-2022 01:42:10 PM) Proposed Master/Order/Other	Filing		06/29/2022-08:17	07/20/2022-08:17	
3D Land Holdings LLC	Order/Order Cover Sheet \$25.00	Filing		06/28/2022-13:42	07/20/2022-13:42	
3D Land Holdings LLC	NEF(06-13-2022 10:39:46 AM) Notice/Notice of Hearing and...	Filing		06/13/2022-11:08	07/20/2022-11:08	
3D Land Holdings LLC	NEF(06-13-2022 10:44:19 AM) Service/Certificate Of Servi...	Filing		06/13/2022-11:07	07/20/2022-11:07	
3D Land Holdings LLC	Service/Certificate Of Service	Filing		06/13/2022-10:44	07/20/2022-10:44	
3D Land Holdings LLC	Notice/Notice of Hearing/6-16-22 @ 10:00 am	Filing		06/13/2022-10:39	07/20/2022-10:39	
Johnson, Willis J	NEF(06-10-2022 03:52:43 PM) Motion/Dismiss	Filing		06/13/2022-08:26	07/20/2022-08:26	
Johnson, Willis J	Motion/Dismiss/Person	Motion		06/10/2022-15:52	06/13/2022-15:52	
3D Land Holdings LLC	NEF(04-29-2022 04:45:47 PM) Reply/Other	Filing		05/02/2022-08:48	07/20/2022-08:48	
3D Land Holdings	Reply to Request for Status	Filing		04/29/2022-	07/20/2022-	

ROA 168

LLC	Conference			16:45	16:45	
3D Land Holdings LLC	Decline to Sign:Master/Order/Other	Filing		04/07/2022-11:33	07/20/2022-11:33	
Johnson, Willis J	NEF(03-25-2022 03:45:30 PM) Motion/Set Aside Default	Filing		03/28/2022-08:54	07/20/2022-08:54	
Johnson, Willis J	Motion/Set Aside Default/Person	Motion		03/25/2022-15:45	03/28/2022-15:45	
Johnson, Willis J	NEF(03-21-2022 12:00:05 PM) Request/Request	Filing		03/21/2022-12:20	07/20/2022-12:20	
Johnson, Willis J	Request/Request For Status Conference	Filing		03/21/2022-12:00	07/20/2022-12:00	
Johnson, Willis J	NEF(03-21-2022 10:01:10 AM) Notice/Notice of Appearance	Filing		03/21/2022-10:01	07/20/2022-10:01	
Johnson, Willis J	Notice/Notice of Appearance	Filing		03/21/2022-10:01	07/20/2022-10:01	
3D Land Holdings LLC	NEF(03-18-2022 09:55:03 AM) Proposed Master/Order/Other	Filing		03/18/2022-11:43	07/20/2022-11:43	
3D Land Holdings LLC	Master/Exhibit A	Filing		03/18/2022-09:55	07/20/2022-09:55	
Dereef, Edward Derrick	NEF(02-17-2022 03:10:37 PM) Master/Order/Other	Filing		02/17/2022-15:11	07/20/2022-15:11	
Dereef, Edward Derrick	Master/Consent Order Substituting Plaintiff	Order		02/17/2022-15:10	07/20/2022-15:10	
Dereef, Edward Derrick	NEF(02-14-2022 10:24:49 AM) Master/Exhibit/Other	Filing		02/14/2022-10:53	07/20/2022-10:53	
Dereef, Edward Derrick	Master/Exhibit/Other	Filing		02/14/2022-10:24	07/20/2022-10:24	
Dereef, Edward Derrick	NEF(02-11-2022 04:52:39 PM) Proposed Master/Order/Other	Filing		02/14/2022-09:01	07/20/2022-09:01	
Dereef, Edward Derrick	Order/Order Cover Sheet \$25.00	Filing		02/11/2022-16:52	07/20/2022-16:52	
Dereef, Edward Derrick	NEF(01-13-2022 02:36:10 PM) Notice/Notice of Hearing and...	Filing		01/13/2022-14:55	07/20/2022-14:55	
Dereef, Edward Derrick	Notice/Notice of Hearing and Service/2-14-22 @ 11:45am	Filing		01/13/2022-14:36	07/20/2022-14:36	
Dereef, Edward Derrick	Service/Certificate Of Service	Filing		01/13/2022-14:36	07/20/2022-14:36	
Dereef, Edward Derrick	NEF(12-30-2021 11:36:20 AM) Service/Certificate Of Servi...	Filing		12/30/2021-11:58	07/20/2022-11:58	
Dereef, Edward Derrick	Service/Certificate Of Service	Filing		12/30/2021-11:36	07/20/2022-11:36	
Dereef, Edward Derrick	NEF(12-29-2021 04:37:23 PM) Notice/Notice of Hearing and...	Filing		12/30/2021-08:33	07/20/2022-08:33	
Dereef, Edward Derrick	Notice/Notice of Hearing/1-10-22 @ 10:00 am	Filing		12/29/2021-16:37	07/20/2022-16:37	
Stacy, Daniel W. Jr.	12/10/2021_ADRSANC_Roster/Notice of Motions Roster Publicati	Action		12/01/2021-09:50	07/20/2022-09:50	
Dereef, Edward Derrick	NEF(11-18-2021 02:59:32 PM) Order/Referred to Master or ...	Filing		11/18/2021-14:59	07/20/2022-14:59	
Dereef, Edward Derrick	Order/Referred to Master or Special Referee	Order		11/18/2021-14:59	07/20/2022-14:59	
Dereef, Edward Derrick	NEF(11-16-2021 04:36:31 PM) Proposed Order/Referred to M...	Filing		11/16/2021-16:50	07/20/2022-16:50	
Dereef, Edward Derrick	Order/Order Cover Sheet \$25.00	Filing		11/16/2021-16:36	07/20/2022-16:36	
Dereef, Edward Derrick	NEF(10-26-2021 09:16:20 AM) Proposed Order/Referred to M...	Filing		10/26/2021-11:11	07/20/2022-11:11	
Dereef, Edward Derrick	Order/Order Cover Sheet \$25.00	Filing		10/26/2021-09:16	07/20/2022-09:16	
Stacy, Daniel W. Jr.	12/10/2021_ADRSANC_Roster/Notice of Motions Roster Publicati	Action		10/25/2021-16:52	07/20/2022-16:52	
Stacy, Daniel W. Jr.	12/9/2021_MOTION_Roster/Notice of Case Roster Publication Se	Action		10/25/2021-16:40	07/20/2022-16:40	
Dereef, Edward Derrick	ADR/Sanctions Letter	Action		10/24/2021-10:39	07/20/2022-10:39	
Dereef, Edward Derrick	NEF(10-18-2021 09:57:16 AM) Affidavit/Default	Filing		10/18/2021-10:46	07/20/2022-10:46	
Dereef, Edward Derrick	NEF(10-18-2021 10:02:28 AM) Motion/Refer to Master or Sp...	Filing		10/18/2021-10:45	07/20/2022-10:45	
Dereef, Edward Derrick	Motion/Refer to Master/Stacy	Motion		10/18/2021-10:02	11/18/2021-10:02	
Dereef, Edward Derrick	Affidavit/Default	Filing		10/18/2021-09:57	07/20/2022-09:57	
Dereef, Edward Derrick	NEF(10-14-2021 10:39:28 AM) ADR/Sanctions Letter	Filing		10/14/2021-10:39	07/20/2022-10:39	
Dereef, Edward	NEF(09-25-2021 02:14:17 PM)	Filing		09/27/2021-	07/20/2022-	

Derrick	Affidavit/Publication			08:29	08:29	
Dereef, Edward Derrick	Affidavit/Publication	Filing		09/25/2021-14:14	07/20/2022-14:14	
Dereef, Edward Derrick	NEF(08-02-2021 12:28:16 PM) Order/Publication	Filing		08/02/2021-12:28	07/20/2022-12:28	
Dereef, Edward Derrick	Order/Publication	Order		08/02/2021-12:28	07/20/2022-12:28	
Dereef, Edward Derrick	NEF(07-30-2021 02:07:05 PM) Proposed Order/Publication	Filing		07/30/2021-14:51	07/20/2022-14:51	
Dereef, Edward Derrick	Order/Order Cover Sheet \$25.00	Filing		07/30/2021-14:07	07/20/2022-14:07	
Dereef, Edward Derrick	ADR/Notice of ADR	Action		07/26/2021-09:28	10/24/2021-09:28	
Dereef, Edward Derrick	NEF(07-23-2021 03:15:59 PM) Petition/Order Of Publicatio...	Filing		07/23/2021-16:36	07/20/2022-16:36	
Dereef, Edward Derrick	Petition for Publication	Filing		07/23/2021-15:15	07/20/2022-15:15	
Dereef, Edward Derrick	NEF(07-06-2021 10:15:33 AM) Service/Affidavit Of Service	Filing		07/06/2021-12:54	07/20/2022-12:54	
Dereef, Edward Derrick	Service/Affidavit Of Service on Toni Owens	Filing		07/06/2021-10:15	07/20/2022-10:15	
Dereef, Edward Derrick	NEF(07-02-2021 04:20:15 PM) Service/Affidavit Of Service	Filing		07/02/2021-16:40	07/20/2022-16:40	
Dereef, Edward Derrick	Service/Affidavit Of Service on Willis J Johnson	Filing		07/02/2021-16:20	07/20/2022-16:20	
Dereef, Edward Derrick	NEF(06-30-2021 04:51:43 PM) Service/Affidavit of Non Ser...	Filing		06/30/2021-16:57	07/20/2022-16:57	
Dereef, Edward Derrick	Service/Affidavit of Non Service on Virginia Smith	Filing		06/30/2021-16:51	07/20/2022-16:51	
Dereef, Edward Derrick	NEF(06-16-2021 04:58:22 PM) Service/Affidavit of Non Ser...	Filing		06/17/2021-08:30	07/20/2022-08:30	
Dereef, Edward Derrick	Service/Affidavit of Non Service on Toni Owens	Filing		06/16/2021-16:58	07/20/2022-16:58	
Dereef, Edward Derrick	NEF(06-10-2021 09:28:31 AM) ADR/Notice of ADR	Filing		06/10/2021-09:28	07/20/2022-09:28	
Dereef, Edward Derrick	ADR/Alternative Dispute Resolution (Workflow)	Action		04/27/2021-14:35	09/08/2021-14:35	
Dereef, Edward Derrick	NEF(12-31-2020 10:32:07 AM) Order/Substitution Of Counse...	Filing		12/31/2020-10:32	07/20/2022-10:32	
Dereef, Edward Derrick	Order/Substitution Of Counsel	Order		12/31/2020-10:32	07/20/2022-10:32	
Dereef, Edward Derrick	NEF(12-28-2020 08:15:45 AM) Motion/Substitution of Couns...	Filing		12/29/2020-10:03	07/20/2022-10:03	
Dereef, Edward Derrick	Motion/Substitution of Counsel/Frederick	Motion		12/28/2020-08:15	12/31/2020-08:15	
Dereef, Edward Derrick	Decline to Sign:Order/Publication	Filing		12/23/2020-15:19	07/20/2022-15:19	
Dereef, Edward Derrick	NEF(11-25-2020 11:26:42 AM) Motion/Petition for Order of...	Filing		11/25/2020-13:20	07/20/2022-13:20	
Dereef, Edward Derrick	NEF(11-25-2020 11:59:00 AM) Proposed Order/Publication	Filing		11/25/2020-13:19	07/20/2022-13:19	
Dereef, Edward Derrick	Order/Order Cover Sheet \$25.00	Filing		11/25/2020-11:59	07/20/2022-11:59	
Dereef, Edward Derrick	Motion/Petition for Order of Publication/Frederick	Motion		11/25/2020-11:26	12/23/2020-11:26	
Dereef, Edward Derrick	NEF(11-03-2020 10:03:27 AM) Service/Affidavit Of Service	Filing		11/03/2020-11:08	07/20/2022-11:08	
Dereef, Edward Derrick	NEF(11-03-2020 10:04:45 AM) Service/Acceptance Of Servic...	Filing		11/03/2020-11:07	07/20/2022-11:07	
Dereef, Edward Derrick	Service/Acceptance Of Service on Marcella Coachman	Filing		11/03/2020-10:04	07/20/2022-10:04	
Dereef, Edward Derrick	Service/Affidavit Of Service on Henry Lee Green	Filing		11/03/2020-10:03	07/20/2022-10:03	
Dereef, Edward Derrick	NEF(10-27-2020 02:18:05 PM) Service/Affidavit Of Non Ser...	Filing		10/27/2020-14:53	07/20/2022-14:53	
Dereef, Edward Derrick	Service/Affidavit Of Non Ser S/C on Virginia Smith	Filing		10/27/2020-14:18	07/20/2022-14:18	
Dereef, Edward Derrick	Service/Affidavit Of Service S/C on Brandon L Carr	Filing		10/27/2020-14:18	07/20/2022-14:18	
Dereef, Edward Derrick	Summons & Complaint	Filing		09/29/2020-14:35	07/20/2022-14:35	

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

Joe M. Crosby, Master-In-Equity

Appellate Case No. 2022-001145
Circuit Court Case No. 2020 CP-22-00808

3D Land Holdings, LLC,

Respondent,

v.

Willis J. Johnson, Virginia Smith,
Marcella Coachman, Toni Owens,
Brandon L. Carr and Henry Lee Green,

Appellants.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by all of the parties hereto and not any other material.

/s/ Cynthia Ranck Person
Cynthia Ranck Person, Esquire (SC Bar #105126)

KEEP IT GREEN ADVOCACY, INC.
P.O. Box 1922
Pawleys Island, SC 29585
(570) 971-8636
kig.advocacy@gmail.com
ATTORNEY FOR APPELLANTS

November 29, 2022

RECEIVED
Nov 29 2022
SC Court of Appeals