

RECEIVED

Jul 19 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Honorable Marvin H. Dukes, III, Master In Equity and Special Circuit Court Judge

APPELLATE CASE NO.: 2022-000475

Coffin Point Plantation Homeowners Association, Inc.

Appellants,

vs.

The State of South Carolina, Estate of Charles H. Lyman, The St. Helena Company, Its Successors or Assigns, The Estate of J.D. Cameron a/k/a J. Donald Cameron, The Estate of J.E. McTeer, Wilma Clark, Jeanine Skok, Lawrence Casler, Dean Morrissey, Carol Morrissey, Ralph Netherland, Gloria Netherland, Special Trust of William B. Fahrner, Mark Heles, Beverly Heles, David Smith, Lynn Smith, LiLi, LLC Revocable Living Trust of Thomas Walterhoefer, Ceclily Deegan McMillan, Steven Teets, Lucinda Teets, Beverly Boulware, Russell Waldon, Nicolette Waldon, David Shaffer, Delora Cook, Gerald Hartwig, Carol Hartwig, Paulette Brown, Benjamin Couch, Thomas S. Clark Family Living Trust, Eunicee Diggs, Janet Kathleen Reynolds Trust, Slade Family Revocable Trust, David C. Strother, Andrew Seward, Ashley Heath Madilon, Arnold Hollis, Lillian Hollis, Jennifer Allen, Zia As Exchange Company, LLC, Qualified Intermediary for Barbara J. Bailey Limited Partnership, Travis Washington, Janet Embly, Trustee and Individually, William S. Embly, Trustee and Individually, Scott Simmons Omari Trust, Mary Hudson, RachelleCarolynne Owens Revocable Trust, Gerald Hartwig, Carol Hartwig, Gerald L. Wayne, Vivian M. Wayne, Lorrie Gaskin Germann, Grant Martin Germann, Gregory J. Giardina, Melissa Basenburg, Mark M. Hazard, Micah L. Myers, Jennifer J. Myers, John Joseph Edwards, Nancy Jean Edwards, Preston Ventures, LLC, Donald Lunardini, Kristina Barbara Moore Lunardini, Melissa Uhlman Revocable Trust and All Other Persons Known or Unknown Having Any Interest, Title, Estate or Interest In Or Lien Upon the Real Property Described in the

Complaint Herein Through the Above Defendants or Any Other Source Being Designated Collectively As John Doe and Mary Roe Including All Persons Who May Be Deceased, Minors, Persons in the Armed Forces of the United States of America, Insane or Incompetent Persons, and All Other Persons Under Any Other Disability Who Might Have or Claim to Have Any Right, Title or Interest in or Lien Upon the Real Property Described in the Complaint.

Respondents.

SUPPLEMENTAL
RECORD ON APPEAL

H. Fred Kuhn, Jr., Esquire
Moss & Kuhn, P.A.
Post Office Drawer 507
Beaufort, South Carolina 29901-0507
843-524-3373 – Telephone
843-524-1302 – Facsimile
fred@mossandkuhn.com
Attorneys for the Appellant

Alan Wilson, Attorney General
Robert D. Cook, Solicitor General
J. Emory Smith, Jr., Deputy Solicitor General
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
803-734-3680 - Telephone
803-734-3677 - Facsimile
esmith@scag.gov
*Attorneys for the Respondent
State of South Carolina*

Mary Duncan Shahid, Esquire
Angelica M. Colwell, Esquire
Nexsen Pruet, LLC
Post Office Box 486
Charleston, South Carolina 29402
843-577-9440 - Telephone
843-414-8242 - Facsimile
*Attorneys for Valerie Gladieux,
Charles Replogle, Dianne Replogle,
Anthony Roselle, Michelle R. Roselle,
David Ross Striebinger, Jill C. Striebinger,
Frederick Lambert Urtz, Jill Urtz, James Van
Rossem, Lori Van Rossem, Dudley Sanford
Dodgen, Jr., Maureen Westmoreland Dodgen,
John B. Marlow, Veronica Elaine Marlow*

Ralph V. Baldwin, Jr., Esquire
Attorney at Law
Post Office Box 238
Beaufort, South Carolina 29901
843-524-3958 - Telephone
843-524-1190 - Facsimile
Guardian ad Litem

Scot F. Hersh
47 Saltwind Drive
St. Helena Island, South Carolina 29920
Respondent

Lawrence Casler
Jeanine Skok
14 Saltwind Drive
St. Helena Island, South Carolina 29920
Respondent

Ralph Netherland
Gloria Netherland
28 Saltwind Drive
St. Helena Island, South Carolina 29920
Respondent

Mark Heles
Beverly Heles
18 Saltwind Drive
St. Helena Island, South Carolina 29920
Respondent

Mr. Tom McDonald
Registered Agent for LiLi, LLC
30-C Hunter Road
Hilton Head Island, South Carolina 29926
Respondent

Cecily Deegan McMillan
67 McTeer Drive
St. Helena Island, South Carolina 29920
Respondent

Beverly J. Boulware
87 McTeer Drive
St. Helena Island, South Carolina 29920
Respondent

Wilma Clark
10 Saltwind Drive
St. Helena Island, South Carolina 29920
Respondent

Dean Morrissey
Carol Morrissey
36 Saltwind Drive
St. Helena Island, South Carolina 29920
Respondent

Special Trust of William B. Fahrner
48 Saltwind Drive
St. Helena Island, South Carolina 29920
Respondent

David Smith
Lynn Smith
601 Old Dibble Road
Aiken, South Carolina 29803
Respondent

Revocable Living Trust of
Thomas J. Walterhoefer
32 Saltwind Drive
St. Helena Island, South Carolina 29920
Respondent

Steven Teets
Lucinda Teets
79 McTeer Drive
St. Helena Island, South Carolina 29920
Respondent

Russell Waldon
Nicolette Waldon
814 Lullwater Road
Atlanta, Georgia 30307
Respondent

David Shaffer
Delora Cook
97 McTeer Drive
St. Helena Island, South Carolina 29920
Respondent

Benjamin Couch
Paulette Brown
103 McTeer Drive
St. Helena Island, South Carolina 29920
Respondent

Euniceteen Diggs
3005 Muirfeld Avenue
Fayetteville, North Carolina 28306
Respondent

Slade Family Revocable Trust
2345 Island Trail
Chapin, South Carolina 29036
Respondent

Andrew Seward
189 McTeer Drive
St. Helena Island, South Carolina 29920
Respondent

Arnold Hollis
Lillian Hollis
201 McTeer Drive
St. Helena Island, South Carolina 29920
Respondent

ZIA Exchange Company, LLC
Qualified Intermediary for The
Barbara J. Bailey Limited Partnership
705 Washington Street
Beaufort, South Carolina 29902
Respondent

William S. Embly, Trustee and Individually
Janet Embly Trustee and Individually
151 McTeer Drive
St. Helena Island, South Carolina 29920
Respondent

Gerald Hartwig
Carol Hartwig
101 McTeer Drive
St. Helena Island, South Carolina 29920
Respondent

Thomas S. Clark Family Living Trust
3911 NE 34th Avenue
Ft. Lauderdale, Florida 33308
Respondent

Janet Kathleen Reynolds Trust
972 N. Shem Drive
Mt. Pleasant, South Carolina 29036
Respondent

David C. Strother
147 Church Road
Batesburg, South Carolina 29006
Respondent

Ashley Heath Madilon
550 Chubb Road SW
Lindale, Georgia 30147
Respondent

Jennifer Allen
Post Office Box 16451
Savannah, Georgia 31416
Respondent

Travis Washington
81 McTeer Drive
St. Helena Island, South Carolina 29920
Respondent

Scott Simmons Omari Trust
1050 Fieldwoon Lane
Winston-Salem, North Carolina 27106
Respondent

Mary Hudson
134 Burdick Hill Road
Ithaca, New York 14850
Respondent

Gerald L. Wayne
Vivian M. Wayne
62 Saltwind Drive
St. Helena Island, South Carolina 29920
Respondent

Melissa Basenburg
5762 Mountain View Avenue
Yorba Linda, California 92886
Respondent

Micah L. Meyers
Jennifer L. Meyers
101 McTeer Drive
St. Helena Island, South Carolina 29920
Respondent

Preston Ventures, LLC
1959 N. Peace Heaven Road #372
Winston-Salem, North Carolina 27106
Respondent

Melissa Uhlman Revocable Trust
81 Sea Pines Drive
St. Helena Island, South Carolina 29920
Respondent

Rachelle Carolynne Owens Revocable Trust
609 Country Club Road
Pasadena Park, Missouri 63121
Respondent

Grant M. Germann
Lorrie G. Germann
54 Saltwind Drive
St. Helena Island, South Carolina 29920
Respondent

Mark M. Hazard
Shelley L. Hazard
5114 Erbs Bridge Road
Mechanicsburg, Pennsylvania 17050
Respondent

James J. Edwards
Nancy J. Edwards
167 McTeer Drive
St. Helena Island, South Carolina 29920
Respondent

Donald Lunardini
Kristina Lunardini
4 Saltwind Drive
St. Helena Island, South Carolina 29920
Respondent

INDEX

Second Amended Complaint1

VIVIAN M. WAYNE, LORRIE GASKIN)
GERMANN, GRANT MARTIN GERMANN,)
GREGORY J. GIARDINA, MELISSA C.)
BASENBERG, MARK M. HAZARD, SHELLEY)
L. HAZARD, MICAH L. MEYERS, JENNIFER J.)
MEYERS, JOHN JOSEPH EDWARDS, NANCY)
JEAN EDWARDS, PRESTON VENTURES, LLC,)
DONALD LUNARDINI, KRISTINA BARBARA)
MOORE LUNARDINI, MELISSA A. UHLMAN)
REVOCABLE TRUST AND ALL OTHER)
PERSONS KNOWN OR UNKNOWN HAVING)
ANY INTEREST, TITLE, ESTATE OR)
INTEREST IN OR LIEN UPON THE REAL)
PROPERTY DESCRIBED IN THE COMPLAINT)
HEREIN THROUGH THE ABOVE)
DEFENDANTS OR ANY OTHER SOURCE)
BEING DESIGNATED COLLECTIVELY AS)
JOHN DOE AND MARY ROE INCLUDING ALL)
PERSONS WHO MAY BE DECEASED,)
MINORS, PERSONS IN THE ARMED FORCES)
OF THE UNITED STATES OF AMERICA,)
INSANE OR INCOMPETENT PERSONS, AND)
ALL OTHER PERSONS UNDER ANY OTHER)
DISABILITY WHO MIGHT HAVE OR CLAIM)
TO HAVE ANY RIGHT TITLE OR INTEREST)
IN OR LIEN UPON THE REAL PROPERTY)
DESCRIBED IN THE COMPLAINT.)
))
Defendants.)
_____)

TO THE 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, and to serve a copy of your Answer upon the subscribed at his office, Post Office Drawer 507/1501 North Street, Beaufort, South Carolina 29901, within thirty (30) days from the service hereof, exclusive of the day of such service; and if you fail to Answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded.

MOSS, KUHN & FLEMING, P.A.

By: /s/ H. Fred Kuhn, Jr.

H. Fred Kuhn, Jr.
1501 North Street
Post Office Drawer 507
Beaufort, South Carolina 29901-0507
(843)524-3373 - telephone
(843)524-1302 - facsimile
Email: fred@mossandkuhn.com
Attorney for the Plaintiff

Beaufort, South Carolina
October 1, 2020

VIVIAN M. WAYNE, LORRIE GASKIN)
GERMANN, GRANT MARTIN GERMANN,)
GREGORY J. GIARDINA, MELISSA C.)
BASENBERG, MARK M. HAZARD, SHELLEY)
L. HAZARD, MICAH L. MEYERS, JENNIFER J.)
MEYERS, JOHN JOSEPH EDWARDS, NANCY)
JEAN EDWARDS, PRESTON VENTURES, LLC,)
DONALD LUNARDINI, KRISTINA BARBARA)
MOORE LUNARDINI, MELISSA A. UHLMAN)
REVOCABLE TRUST AND ALL OTHER)
PERSONS KNOWN OR UNKNOWN HAVING)
ANY INTEREST, TITLE, ESTATE OR)
INTEREST IN OR LIEN UPON THE REAL)
PROPERTY DESCRIBED IN THE COMPLAINT)
HEREIN THROUGH THE ABOVE)
DEFENDANTS OR ANY OTHER SOURCE)
BEING DESIGNATED COLLECTIVELY AS)
JOHN DOE AND MARY ROE INCLUDING ALL)
PERSONS WHO MAY BE DECEASED,)
MINORS, PERSONS IN THE ARMED FORCES)
OF THE UNITED STATES OF AMERICA,)
INSANE OR INCOMPETENT PERSONS, AND)
ALL OTHER PERSONS UNDER ANY OTHER)
DISABILITY WHO MIGHT HAVE OR CLAIM)
TO HAVE ANY RIGHT TITLE OR INTEREST)
IN OR LIEN UPON THE REAL PROPERTY)
DESCRIBED IN THE COMPLAINT.)
))
Defendants.)
_____)

The Plaintiff, the Coffin Point Plantation Property Owners Association, Inc., would respectfully show unto this Honorable Court as follows:

1. This action is brought to quiet title to certain real property located in the County of Beaufort in the State of South Carolina, as is more particularly described hereinafter.
2. The real property which is the subject of this action is located in the County of Beaufort in the State of South Carolina and this Honorable Court has jurisdiction over the parties, the subject matter, and all matters herein alleged.

3. On or about September 8, 1891 in Columbia, South Carolina the Board of Commissioners of the Sinking Fund for the State of South Carolina (“Board of Commissioners”), consisting of the Honorable B.R. Tillman, Governor of the State of South Carolina, as well as the Attorney General for the State of South Carolina, the Comptroller General for the State of South Carolina, the South Carolina State Treasurer and the Chairman of the South Carolina Senate Finance Committee met to consider the application of Lt. Charles H. Lyman for the purchase of 164.13 acres of vacant marsh land between the high and low water mark in St. Helena Island in Beaufort County, South Carolina. As a result of this meeting, the Board of Commissioners approved said application for said purchase at the cost of \$1.00 per acre, as memorialized at page 165 in the Minutes Book of the Commissioners of the Sinking Fund for the State of South Carolina.

4. In accordance with the aforesaid approval, and pursuant to a Deed and Land Grant executed by the State of South Carolina, as Grantor, in accordance with the Acts of the General Assembly in relation to vacant lands, for and in consideration of the sum of \$164.00, paid to the Secretary of State by Charles H. Lyman, as Grantee, the State of South Carolina granted, bargained, sold and conveyed to Charles H. Lyman, his heirs and assigns forever, a parcel of real property that included the following described real property, to-wit:

All that piece, parcel, plantation, or tract of vacant land, situated in St. Helena Township in Beaufort County, State of South Carolina containing 50.13 acres, more or less, being marsh land between the high and low water mark on St. Helena Island lying to the northwest, north, and northeast of Coffin Point Planation, being Lot “B” containing 50.13 acres more or less, having such shape, form and marks as are represented by a plat of said land on file in the Office of the Secretary of State in Book 2 of Public Land Plats, Page 22, together with all woods, trees, water courses, profits, commodities, appurtenances and hereditaments whatsoever thereunto belonging: reserving nevertheless to the State of South Carolina all mineral and phosphate rights and the right of the said State of South Carolina to the exclusive use, control and ownership of all mineral and phosphate deposits on the premises hereby granted; to have and to hold the said

tract of 50.13 acres of land, all singular, over the premises hereby granted unto the said Charles H. Lyman, his successors and assigns, forever, in free in common soccage.

5. The aforesaid Deed and Land Grant from the State of South Carolina to Charles H. Lyman, his heirs and assigns, forever, was executed by his Excellency, B.R. Tillman, Governor of the State of South Carolina and J. E. Tindall, Secretary of State for the State of South Carolina, on the 30th day of November, 1891, and duly recorded in the Office of the Commissioners of the Sinking Fund of South Carolina on November 30, 1891 in Vol. 91 at Page 58 of the South Carolina Archives for State Grants, in conformity with a resolution of the Commissioners of the Sinking Fund directing the same, adopted on the 8th day of September, 1891.

6. The aforesaid Deed and Land Grant from the State of South Carolina to Charles H. Lyman, his heirs and assigns, forever, was additionally duly recorded by the South Carolina Secretary of State in the Book of Public Grants for the State of South Carolina in Record Book 2 at Page 22.

7. The aforesaid Deed and Land Grant from the State of South Carolina to Charles H. Lyman, his heirs and assigns, forever, was additionally duly recorded in Deed Book 19 at Page 86 in the Office of the Register of Deeds for Beaufort County, South Carolina.

8. The subject real property granted pursuant to the aforesaid Deed and Land Grant for the State of South Carolina to Charles H. Lyman, his heirs and assigns, forever, is more particularly described by a plat prepared by H. G. Judd, Surveyor, on August 13, 1891, and re-surveyed on June 12, 1892, recorded in the Office of the Secretary of State for South Carolina in Book 2 of Public Land Plats at Page 22, and filed with the South Carolina Department of Archives and History in its "Sinking Fund Miscellaneous Plats" at pages 298-99.

9. The subject real property described in Paragraph 2, supra, was thereafter conveyed by Charles H. Lyman to the St. Helena Company on or about December 21, 1891 pursuant to a Deed recorded in Deed Book 19 at Page 87 in the Office of the Register of Deeds for Beaufort County, South Carolina.

10. The subject real property was thereafter conveyed by the St. Helena Company to J. D. Cameron on or about February 21, 1914 pursuant to a Deed recorded in Deed Book 32 at Page 182 in the Office of the Register of Deeds for Beaufort County, South Carolina.

11. The subject real property was thereafter conveyed by J. D. Cameron, who was also known as J. Donald Cameron, through his Trustees, the Fidelity-Philadelphia Trust Company and J. Gardner Bradley, Trustees for J. Donald Cameron under a Deed of Trust of Andrew C. Gray dated November 2, 1914, to J. E. McTeer on or about March 31, 1953 pursuant to a Deed recorded in Deed Book 70 at Page 556 in the Office of the Register of Deeds for Beaufort County, South Carolina.

12. J. E. McTeer died testate, a citizen and resident of the County of Beaufort in the State of South Carolina and his Will was admitted to probate in the Beaufort County Probate Court on or about January 4, 1980 in File W-MC-078.

13. The Plaintiff, the Coffin Point Plantation Homeowners Association, Inc., is a non-profit corporation organized under and existing by virtue of the laws of the State of South Carolina with its primary place of business in Beaufort County, South Carolina.

14. Since March 31, 1952 J.E. McTeer, the Estate of J.E. McTeer, and the heirs and beneficiaries of the Estate of J.E. McTeer (hereinafter collectively "McTeer Heirs") under color of title have claimed, possessed and utilized the subject real property as the owners thereof, and claim fee simple absolute title to the subject real property continuously, hostilely, openly,

adversely, notoriously and exclusively, allowing its permissive use by others for recreational purposes.

15. The McTeer Heirs, in truth and fact, possess fee simple absolute title to the subject real property by virtue of the chain of title originating from the Deed and Land Grant executed by the State of South Carolina to Charles H. Lyman, their predecessor in title.

16. The McTeer Heirs have assigned all their right, title and interest in and to the subject real property, and have executed a Quitclaim Deed conveying all their right, title and interest in and to the subject real property, to the Coffin Point Plantation Homeowners Association, Inc.

17. The Defendant the State of South Carolina (the "State") is named as a party Defendant herein inasmuch as the subject real property is located below the high water mark and historically the State holds presumptive title to land below the high water mark. In this case, however, the State's presumptive title is overcome by the specific grant from the sovereign as set forth in Paragraphs 3 through 8, supra.

18. The Defendants John Doe and Mary Roe, are fictitious names used to represent and designate any living heirs or devisees of the Defendants and any other interested parties who are proper Defendants, as well as any other minor, insane or incompetent person, or any person under any disability, if any, but whose names are unknown to the Plaintiff, including any person or persons who claim to have or might have any interest, title, estate or lien upon the real estate described herein.

19. The Defendants, Wilma Clark, Jeanine Skok, Lawrence Casler, Dean Morrissey, Carol Morrissey, Ralph E. Netherland, Gloria Netherland, William B. Fahrner Special Trust, Mark Heles, Beverly Heles, David Smith, Lynn Smith, LiLi, LLC, Revocable Living Trust of

Thomas J. Walterhoefer, Cecily Deegan McMillan, Steven Teets, Lucinda Teets, Beverly J. Boulware, Russell Waldon, Nicholette Waldon, David Shaffer, Delora Cook, Gerald Hartwig, Carol Hartwig, Paulette Brown, Benjamin Couch, Thomas S. Clark Family Living Trust, Euniceteen Diggs, Janet Kathleen Reynolds Trust, Slade Family Revocable Living Trust, David C. Strother, Andrew Seward, Ashley Madilon Heath, Arnold Hollis, Lillian Hollis, Jennifer Allen, ZIA As Exchange Company, LLC, Qualified Intermediary for the Barbara J. Bailey Limited Partnership, Travis Washington, Janet Embly, Trustee and Individually, William S. Embly, Trustee and Individually, Scott Simmons Omari Trust, Mary Hudson, Rachelle Carolynne Owens Revocable Trust, Gerald L. Wayne, Vivian M. Wayne, Lorrie G. Germann, Grant M. Germann, Gregory Giardina, Melissa C. Basenberg, Mark Hazard, Shelley L. Hazard, Micah Meyers, Jennifer J. Meyers, John Joseph Edwards, Nancy Jean Edwards, Preston Ventures, LLC, Donald L. Lunardini, Kristina Lunardini and Melissa A. Uhlman Revocable Trust are each owners of real property that is in the vicinity of the subject real property or that adjoins, abuts, and shares a common boundary with the property that is the subject of this action, said boundary line being the high water mark. The boundary line between the real property owned by each of these Defendants and the property that is the subject of this action is the high water mark. With respect to the property that is the subject of this action, the Plaintiffs make no claim to any interest in or ownership of any property above the high water mark, and these named Defendants claim no interest in or ownership to any property below the high water mark. None of these Defendants except for the Defendant Andrew Seward, have a permitted dock, pier, wharf or other structure on or crossing the property that is the subject of this action.

WHEREFORE, the Plaintiff prays that this Honorable Court inquire into the facts and matters alleged herein and grant the following relief:

- a. Appoint a Guardian *ad Litem* to represent the interests of any minors, persons *non compos mentis*, persons in the armed forces of the United States, unknown Defendants, and persons or entities suffering any other disability;
- b. Refer this matter to the Beaufort County Master in Equity with the authority to enter a final Order directly appealable to the South Carolina Supreme Court;
- c. Enter judgment dissolving any interest, estate, claim, or lien of the Defendants or any other person claiming thereunder on the real property which is the subject of this action;
- d. Issue a judgment removing any cloud and quieting title to the subject real property and confirming the boundaries thereto;
- e. Issue a judgment declaring that the Plaintiff is the owner in fee simple absolute of the real property which is the subject of this action, extinguishing the claims of any other person or entity;
- f. Issue a judgment resolving all title issues in favor of the Plaintiff; and
- g. For such other relief as this Honorable Court may deem to be just and proper.

MOSS, KUHN & FLEMING, P.A.

By: /s/ H. Fred Kuhn, Jr.

H. Fred Kuhn, Jr.
1501 North Street
Post Office Drawer 507
Beaufort, South Carolina 29901-0507
(843)524-3373 - telephone
(843)524-1302 - facsimile
Email: fred@mossandkuhn.com
Attorney for the Plaintiff

Beaufort, South Carolina
October 1, 2020

RECEIVED

Jul 19 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Honorable Marvin H. Dukes, III, Master In Equity and Special Circuit Court Judge

APPELLATE CASE NO.: 2022-000475

Coffin Point Plantation Homeowners Association, Inc.

Appellants,

vs.

The State of South Carolina, Estate of Charles H. Lyman, The St. Helena Company, Its Successors or Assigns, The Estate of J.D. Cameron a/k/a J. Donald Cameron, The Estate of J.E. McTeer, Wilma Clark, Jeanine Skok, Lawrence Casler, Dean Morrissey, Carol Morrissey, Ralph Netherland, Gloria Netherland, Special Trust of William B. Fahrner, Mark Heles, Beverly Heles, David Smith, Lynn Smith, LiLi, LLC, Revocable Living Trust of Thomas Walterhoefer, Ceclily Deegan McMillan, Steven Teets, Lucinda Teets, Beverly Boulware, Russell Waldon, Nicolette Waldon, David Shaffer, Delora Cook, Gerald Hartwig, Carol Hartwig, Paulette Brown, Benjamin Couch, Thomas S. Clark Family Living Trust, Euniceteen Diggs, Janet Kathleen Reynolds Trust, Slade Family Revocable Trust, David C. Strother, Andrew Seward, Ashley Heath Madilon, Arnold Hollis, Lillian Hollis, Jennifer Allen, Zia As Exchange Company, LLC, Qualified Intermediary for Barbara J. Bailey Limited Partnership, Travis Washington, Janet Embly, Trustee and Individually, William S. Embly, Trustee and Individually, Scott Simmons Omari Trust, Mary Hudson, Rachelle Carolynne Owens Revocable Trust, Gerald Hartwig, Carol Hartwig, Gerald L. Wayne, Vivian M. Wayne, Lorrie Gaskin Germann, Grant Martin Germann, Gregory J. Giardina, Melissa Basenburg, Mark M. Hazard, Micah L. Myers, Jennifer J. Myers, John Joseph Edwards, Nancy Jean Edwards, Preston Ventures, LLC, Donald Lunardini, Kristina Barbara Moore Lunaradini, Melissa Uhlman Revocable Trust and All Other Persons Known or Unknown Having Any Interest, Title, Estate or Interest In Or Lien Upon the Real Property Described in the

Complaint Herein Through the Above Defendants or Any Other Source Being Designated Collectively As John Doe and Mary Roe Including All Persons Who May Be Deceased, Minors, Persons in the Armed Forces of the United States of America, Insane or Incompetent Persons, and All Other Persons Under Any Other Disability Who Might Have or Claim to Have Any Right, Title or Interest in or Lien Upon the Real Property Described in the Complaint.

Respondents.

CERTIFICATE OF SERVICE

The undersigned certifies that the **Supplemental Record on Appeal** to which this certificate is affixed, was served upon the parties to this action by depositing a copy of the same, enclosed in a first class, postpaid wrapper properly addressed to the following:

Alan Wilson, Attorney General
Robert D. Cook, Solicitor General
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211

J. Emory Smith, Jr.
Deputy Solicitor General
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549

Mary D. Shahid, Esquire
Angelica M. Colwell, Esquire
Nexsen Pruet, LLC
Post Office Box 486
Charleston, South Carolina 29402

Ralph V. Baldwin, Jr., Esquire
Post Office Box 238
Port Royal, South Carolina 29935

Scot F. Hersh, Pro Se
47 Saldwind Drive
St. Helena Island, South Carolina 29920

Ms. Wilma Clark
10 Saltwind Drive
St. Helena Island, South Carolina 29920

Lawrence Casler
Jeanine Skok
14 Saltwind Drive
St. Helena Island, South Carolina 29920

Dean Morrissey and Carol Morrissey
36 Saltwind Drive
St. Helena Island, South Carolina 29920

Ralph Netherland and Gloria Netherland
28 Saltwind Drive
St. Helena Island, South Carolina 29920

Special Trust of William B. Fahrner
48 Saltwind Drive
St. Helena Island, South Carolina 29920

Mark Heles and Beverly Heles
18 Saltwind Drive
St. Helena Island, South Carolina 29920

David Smith and Lynn Smith
601 Old Dibble Road
Aiken, South Carolina 29803

Mr. Tom McDonald
Registered Agent for LiLi, LLC
30-C Hunter Road
Hilton Head Island, South Carolina 29926

Revocable Living Trust of Thomas J. Walterhoefer
32 Saltwind Drive
St. Helena Island, South Carolina 29920

Cecily Deegan McMillan
67 McTeer Drive
St. Helena Island, South Carolina 29920
Steven Teets and Lucinda Teets

79 McTeer Drive
St. Helena Island, South Carolina 29920

Beverly J. Boulware
87 McTeer Drive
St. Helena Island, South Carolina 29920

Russell Waldon and Nicolette Waldon
814 Lullwater Road
Atlanta, Georgia 30307

David Shaffer
Delora Cook
97 McTeer Drive
St. Helena Island, South Carolina 29920

Gerald Hartwig and Carol Hartwig
101 McTeer Drive
St. Helena Island, South Carolina 29920

Benjamin Couch
Paulette Brown
103 McTeer Drive
St. Helena Island, South Carolina 29920

Thomas S. Clark Family Living Trust
3911 NE 34th Avenue
Ft. Lauderdale, Florida 33308

Euniceteen Diggs
3005 Muirfeld Avenue
Fayetteville, North Carolina 28306

Janet Kathleen Reynolds Trust
972 N. Shem Drive
Mt. Pleasant, South Carolina 29464

Slade Family Revocable Trust
2345 Island Trail
Chapin, South Carolina 29036

David C. Strother
147 Church Road
Batesburg, South Carolina 29006

Andrew Seward
189 McTeer Drive
St. Helena Island, South Carolina 29920

Ashley Heath Madilon
550 Chubb Road SW
Lindale, Georgia 30147

Arnold Hollis and Lillian Hollis
201 McTeer Drive
St. Helena Island, South Carolina 29920

Jennifer Allen
Post Office Box 16451
Savannah, Georgia 31416

ZIA Exchange Company, LLC
Qualified Intermediary for The Barbara
J. Bailey Limited Partnership
705 Washington Street
Beaufort, South Carolina 29902

Travis Washington
81 McTeer Drive
St. Helena Island, South Carolina 29920

William S. Embly, Trustee and Individually
Janet Embly Trustee and Individually
151 McTeer Drive
St. Helena Island, South Carolina 29920

Scott Simmons Omari Trust
1050 Fieldwoon Lane
Winston-Salem, North Carolina 27106

Mary Hudson
134 Burdick Hill Road
Ithaca, New York 14850

Rachelle Carolynne Owens Revocable Trust
609 Country Club Road
Pasadena Park, Missouri 63121

Gerald L. Wayne and Vivian M. Wayne
62 Saltwind Drive
St. Helena Island, South Carolina 29920

Grant M. Germann and Lorrie G. Germann
54 Saltwind Drive
St. Helena Island, South Carolina 29920

Gregory L. Giardina and Melissa C. Giardina
5762 Mountain View Avenue
Yorba Linda, California 92886

Melissa Basenburg
5762 Mountain View Avenue
Yorba Linda, California 92886

Mark M. Hazard and Shelley L. Hazard
5114 Erbs Bridge Road
Mechanicsburg, Pennsylvania 17050

Micah L. Meyers and Jennifer J. Meyers
101 McTeer Drive
St. Helena Island, South Carolina 29920

James J. Edwards and Nancy J. Edwards
167 McTeer Drive
St. Helena Island, South Carolina 29920

Preston Ventures, LLC
1959 N. Peace Heaven Road #372
Winston-Salem, North Carolina 27106

Donald Lunardini and Kristina Lunardini
4 Saltwind Drive
St. Helena Island, South Carolina 29920

Melissa Uhlman Revocable Trust
81 Sea Pines Drive
St. Helena Island, South Carolina 29920

in a post office or official depository under the exclusive care and custody of the United States

Postal Service on July 19, 2023.

MOSS & KUHN, P.A.

By: _____


Sue Radford