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SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas
James B. Jackson, Jr., Master in Equity

Case No.: 2020-CP-38-00699

Timothy J. Judy and Dana A. Judy.....Respondents,

v.

Alice Soto, Joseph B. Rodriguez, Matthew Rodriguez, Gwen Rodriguez and Stephanie B. Wells
.....Appellants.

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT

CASE NO. 2020-CP-38-00699

Timothy J. Judy and Dana A. Judy,
Plaintiff,

v.

Alice Soto, Joseph B. Rodriguez, Matthew
Rodriguez, Gwen Rodriguez and Stephanie B.
Wells,

Defendants.

ORDER

This matter came before the Honorable James B. Jackson, Jr., Master-in-Equity for Orangeburg County on December 7, 2022. Present and appearing were the Plaintiffs, Timothy J. Judy and Dana A. Judy, and their attorney, Michael P. Horger; and the Defendants Alice Soto and Gwen Rodriguez, and their attorney, Matthew Tillman.

PROCEDURAL HISTORY

This case was commenced with the filing of a Summons and Complaint on June 30, 2020 stating Causes of Action for Slander of Title, Conversion, Intentional Infliction of Emotional Distress, and for a Permanent Injunction ordering the Defendants not to enter into the Plaintiffs' Property. The Defendant Alice Soto filed her Answer and Counterclaim for Trespass by the Plaintiffs on a triangular shaped parcel of land denoted as "Parcel A", which is 0.13 acre claimed by the Defendant Soto as shown on a plat recorded at Plat Book D450, at page 0005, and conversion of T-poles on the Triangular shaped parcel claimed by the Defendant Soto. The Plaintiffs filed their Reply to the Counterclaim on September 9, 2020. Upon the identities of the John Does 1 and 2 and Jane Does 1 and 2 being determined, the Plaintiffs filed an Amended



Complaint on February 16, 2022, which specifically named the Defendants. On April 20, 2022, substituted counsel for the Defendant Soto, and as counsel for the other Defendants, filed an Amended Answer and Counterclaim in which it was asserted that the title to the property acquired by the Defendant Soto from Champion Mortgage and by subsequent deed (presumably the Quitclaim deed) should be quieted and she be declared the owner. The Plaintiffs filed their Reply to the Amended Answer and Counterclaim on September 9, 2020. A Consent Order for Substitution of Counsel and Continuance of Motions Hearing was filed July 15, 2022. By Consent Order to Refer a Portion of the Case to the Master in Equity filed November 1, 2022, the Plaintiffs' permanent injunction cause of action and the Defendant Soto's quiet title cause of action, were referred to the Honorable James B. Jackson, Jr. as Master-In Equity for Orangeburg County, to direct entry of final judgment as to those causes of action pursuant to the South Carolina Rules of Civil Procedure.

TITLE HISTORY

A.) The 1.02 acres shown on a plat of 1.15 acres prepared for Alice Soto by J. J. Jowers, R.L.S. dated May 26, 2020.

1. Prior to 1951, Lawrence Stroman owned the property now owned by the Defendant Soto and Plaintiffs.

2. Lawrence Stroman deeded the property (Lot 1) to Dewey Edwards by deed recorded in the Orangeburg County Register of Deeds Office on August 11, 1951, at Deed Book 170, Page 74. The property description is as follows:

All that certain piece, parcel or lot of land, with any and all improvements thereon, situate, lying and being in the County of Orangeburg, State of South Carolina, containing one (1) acre, more or less, located near the Calhoun-Orangeburg County line, on a highway which connects State Highway No. 176 and U.S. Highway 301 and being bounded as follows: On the North and East by lands now or formerly of Kennerly's Estate; on the South by other lands of the

grantor herein, Lawrence E. Stroman, and on the West by said highway (Sleepy Hollow Road).

3. Through a series of deeds recorded between 2000 and 2009, life estates and remainder interests in the property were transferred between Dewey Edwards, his wife, Betty Edwards, and their daughter, Janet Gaillard. By deed recorded in the Orangeburg County Register of Deeds Office on August 31, 2009 at Book 1328, Page 296, Dewey Edwards and Betty Edwards became owners of the property in fee simple.

4. Subsequently, Dewey Edwards and Betty Edwards pledged the property as security for a loan. Dewey and Betty Edwards later conveyed the property to Champion Mortgage Company by deed recorded in the Orangeburg County Register of Deeds on May 9, 2016, at Deed Book 1675, Page 285.

5. Champion Mortgage Company conveyed the property to Alice Soto by deed recorded in the Orangeburg County Register of Deeds on May 27, 2016, at Deed Book 01678, at Page 0316.

6. The property description in the deed chain to the property did not change from the time Dewey Edwards took title in 1951 to the date Ms. Soto took title in 2016.

7. Kevin Edwards, the son of Dewey E. Edwards and Betty S. Edwards, grew up in the house built on this property by his parents. He testified that the historical natural boundary of the property was a ditch which later was piped with a culvert near the highway. He furthered testified that this natural boundary was the property line between the property conveyed by Lawrence Stroman to Dewey Edwards in 1951 and the property later conveyed to Betty S. Edwards by deed dated March 1, 1974 and recorded in the office of the Register of Deeds for Orangeburg County in Deed Book 393 at Page 391.

8. When other property on the east side of Sleepy Hollow Road was to be conveyed

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to Timothy J. Judy and Dana A. Judy, a plat of 1.32 acres was prepared for Timothy Judy and Dana Judy by Donald J. Smith, R.L. S., dated December 1, 2017. The testimony of Kevin Edwards, who has experience surveying, was that the line bearing S 26 degrees 00 minutes 27 seconds E, a distance of 288.04 feet depicts the historical natural boundary of the property which was the ditch that had later been piped with a culvert near the highway.

9. Also, the survey prepared for Alice Soto by J. J. Jowers, R.L.S. dated May 26, 2020, notes that the property line on the southwest is N 26 degree 00 minutes 27 seconds W 288.06 feet..

9. The Quitclaim deed from Betty S. Edwards, dated January 19, 2018, describes property being more particularly shown and delineated as property "N/F ALICE HUTTO" ⁴¹ on a plat prepared for Timothy Judy and Dana Judy by Donald J Smith, Inc., approved by Donald J. Smith, Jr., RLS dated December 1, 2017, and recorded in the office of the Register of Deeds for Orangeburg County in Plat book 80S, page 612. The testimony of Jack Bryant, the attorney that prepared this deed, showed that no property southwest of the common property line determined and shown by both surveyors as the line bearing S 26 degrees 00 minutes 27 seconds E a distance of 288.04 feet and correspondingly N 26 degree 00 minutes 27 seconds W a distance of 288.06 feet was conveyed to Alice Soto in this deed.

B). The 1.32 acres shown on a plat of Survey for Timothy Judy & Dana Judy by Donald J. Smith, R.L.S. dated December 1, 2017.

1. Prior to 1951, Lawrence Stroman owned the property now owned by the Plaintiffs and the Defendant Soto.

¹ It appears that this may have been a typographical error. The Smith Survey describes the 1.02 acres titled in the name of Alice Soto as "N/F Alice Soto."

2. Lawrence Stroman deeded approximately 61 acres to Betty Edwards by deed recorded in the office of the Orangeburg County Register of Deeds on March 1, 1974, at Book 393, Page 391. The 1.32 acres shown on plat of Survey for Timothy Judy & Dana Judy by Donald J. Smith, R.L.S. dated December 1, 2017, was the remaining portion of the 61 acres.

LEGAL ANALYSIS

1) Because the Court cannot ascertain the intent of Lawrence Stroman when he conveyed property to Dewey Edwards by deed recorded in the Orangeburg County Register of Deeds Office on August 11, 1951, in Deed Book 170, Page 74, or when he later conveyed property to Betty S. Edwards by deed dated March 1, 1974, and recorded in the office of the Register of Deeds for Orangeburg County in Deed Book 393, at Page 391, the Court must look to extrinsic evidence to determine the boundary line. In locating land, resort first to natural boundaries, next to artificial monuments, then to adjacent boundaries, and last to courses and distances. *Fulwood v. Graham*, 30 S.C.L. (1 Rich.)491 (1845) as cited by the Court of Appeals in *Garrett v. Locke* 309 S.C. 94, 419 S.E.2d 842, (Ct. Appeals 1992).

2) The Orangeburg County aerial depiction from 2007 and the old tax maps do not establish legal title to property. They are solely for the purpose of identifying property on which the county asserts a lien for taxes. Nowhere in the record is there any legal document from which it can be construed that the Defendant Soto acquired title to any real estate southwest of the common property line determined and shown by both surveyors as the line bearing S 26 degrees 00 minutes 27 seconds E a distance of 288.04 feet and correspondingly N 26 degree 00 minutes 27seconds W 288.06 feet.

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3) Ms. Soto took title to her property by deed from Champion Mortgage Company recorded in the Orangeburg County Register of Deeds on May 27, 2016 at Deed Book 01678, Page 0316.

4) I find that the most persuasive extrinsic evidence is the testimony of Kevin Edwards. He grew up on this property in the house on Lot 1 and has been familiar with both properties for over 50 years. He testified that the historical boundary between Lot 1 and Lot 14 was a ditch line that is now covered and that the line bearing S 26 degrees 00 minutes 27 seconds E is the old ditch line.

5) I find that the Defendant Soto's reliance on the 1977 aerial photo and two tax maps is not persuasive. Tax maps and aerial photos do not establish property lines and, in this case, cannot overcome the testimony of Kevin Edwards.

6) I find that the Quitclaim Deed is of no value in determining the boundary because it came after Betty Edwards conveyed Lot 14 to the Plaintiffs. Therefore, it could not have conveyed the disputed area to the Defendant Soto.

7) I find that because Betty Edwards conveyed Lot 14 to the Plaintiffs, which included the disputed area, this showed that she and her husband Dewey Edwards did not intend to include the disputed area in the deed they gave to Champion Mortgage Company.

8) I find that the Defendant Soto was conveyed one (1) acre, more or less, and that she has received 1.02 acres according to the Jowers plat. Certainly, this is consistent with the deed description.

9) I find that the Defendant, who did testify, offered no evidence of what she understood was the boundary on the disputed side. Her greatest concern seemed to be the boundary on the roadway in front of the house.

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10) As a result, I find that the boundary line should be set as the line bearing S 26 degrees 00 minutes 27 seconds E as shown on both plats.

CONCLUSION

The Defendant Alice Soto is vested with fee simple marketable title to 1.02 acres shown on the plat of 1.15 acres prepared for Alice Soto by J. J. Jowers, R.L.S., dated May 26, 2020, and recorded in the office of the Register of Deeds for Orangeburg County in Plat Book D450, at Page 5. This property is now referenced under Orangeburg County Tax Map Number 0240-00-02-014.000. This Order establishes the common property line determined and shown by both surveyors as the line bearing S 26 degrees 00 minutes 27 seconds E a distance of 288.04 feet and correspondingly N 26 degree 00 minutes 27 seconds W 288.06 feet as the boundary line between the respective parcels of property, and shall also be recorded in the Orangeburg County Register of Deeds Office removing any cloud of title on the 1.32 acres vested in the name of Timothy J. Judy and Dana A. Judy by the claim of Alice Soto to Parcel A (0.13 of an acre).

The Defendants are allowed thirty (30) days from the date of this Order to remove the wire and fence posts encroaching on the property of Timothy J. Judy and Dana Judy, shown on the plat prepared for Timothy Judy and Dana Judy by Donald J. Smith, Inc., approved by Donald J. Smith, Jr., RLS, dated December 1, 2017, and recorded in the office of the Register of Deeds for Orangeburg County in Plat book 80S, page 612. If not so removed within thirty (30) days, the wire and fence posts will be considered abandoned by the defendants and the Plaintiffs may remove and dispose of same.

After thirty (30) days from the date of this Order the Defendants, Alice Soto, Joseph B.

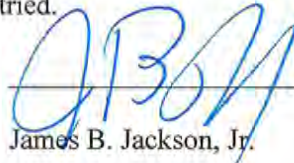
7 

Rodriguez, Matthew Rodriguez, Gwen Rodriguez, and Stephanie B. Wells shall be forever barred and enjoined from the entry onto the land of Timothy J. Judy and Dana A. Judy, comprised of 1.32 acres shown on the plat prepared for Timothy Judy and Dana Judy by Donald J. Smith, Inc., approved by Donald J. Smith, Jr., RLS, dated December 1, 2017, and recorded in the office of the Register of Deeds for Orangeburg County in Plat book 80S, page 612.

The failure to comply with the terms of this order by any party may subject the offending party to penalties for contempt of court including a term of imprisonment of not more than one (1) year, a fine of not more than One Thousand Five Hundred (\$1,500.00), or both.

This case may now be placed on the trial roster for the Orangeburg County Court of Common Pleas for the remaining tort claims to be tried.

IT IS SO ORDERED.


James B. Jackson, Jr.

Orangeburg County Master in Equity

January 26, 2023



FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2020 CP-38-00699

Timothy J. Judy and Dana A. Judy

Alice Soto, Joseph B Rodriguez, Matthew Rodriguez,
Gwen Rodriguez and Stephanie B Wells

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: James B Jackson, Jr
Master-in-EquityAttorney 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 INFORMATION

This 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)
Timothy J. Judy; Dana A. Judy	Alice Soto, Joseph B Rodriguez, Matthew Rodriguez, Gwen Rodriguez and Stephanie B Wells	NONE
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

Estate; on the South by other lands of the grantor herein, Lawrence E. Stroman, and on the West by said highway (Sleepy Hollow Road).

All that certain, piece, parcel or tract of land with improvements thereon, situate, lying and being in Orangeburg, South Carolina, containing 1.32 acres, more or less, being more particularly shown and delineated on a plat prepared for Timothy Judy and Dana Judy by Donald J. Smith, Jr, Inc., approved by Donald J. Smith, Jr., RLS, dated December 1, 2017, and recorded in the Office of the Register of Deeds for Orangeburg County in Plat Book 805, page 612; all measurements being more or less and subject to an accurate current survey; all metes, bounds, courses and distances as are evidenced on the aforesaid plat as they relate to the property described herein are incorporated herein by reference and subject to an accurate current survey. TMS 0240-00-02-014

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.

James B. Jackson, Jr.
Circuit Court Judge

3077

Judge Code

1/25/2023

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

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-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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

COUNTY OF ORANGEBURG

Timothy J. Judy and Dana A. Judy,

Plaintiff,

v.

Alice Soto, Joseph B. Rodriguez, Matthew
Rodriguez, Gwen Rodriguez and Stephanie B.
Wells,

Defendants.

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT

CASE NO. 2020-CP-38-00699

**CONSENT ORDER TO REFER
PORTION OF CASE TO MASTER IN
EQUITY**

It appears that this matter involves, in part, a dispute over real property ownership and boundaries, and those matters are properly referred to the Master-In-Equity for Orangeburg County in accordance with Rule 53 of the South Carolina Rules of Civil Procedure;

It further appears that the parties agree that resolution of those matters be made by the Orangeburg County Master-in-Equity prior to trial of the remaining tort claims in circuit court and that the parties intend to try those matters before the Master-in-Equity prior to the end of 2022;

NOW THEREFORE, IT IS ORDERED that the Plaintiff's permanent injunction cause of action and Defendant Alice Soto's quiet title cause of action are hereby referred to the Honorable James B. Jackson, Jr. as Master-In-Equity for York County, to direct entry of final judgment as to those causes of action pursuant to the South Carolina Rules of Civil Procedure. This lawsuit will remain on the docket for the Orangeburg County Court of Common Pleas and shall be placed on the trial docket for January 2, 2022 for remaining tort claims to be tried.

Circuit Court Judge Diane Goodstein

October __, 2022
Orangeburg, South Carolina

WE CONSENT:

WOMBLE BOND DICKINSON (US) LLP

s/ Matthew Tillman
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New Counsel for Defendants

MICHAEL P. HORGER, LLC

s/Michael P. Horger
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Attorney for Plaintiffs



Orangeburg Common Pleas

Case Caption: Timothy J. Judy , plaintiff, et al VS Alice Soto , defendant, et al
Case Number: 2020CP3800699
Type: Order/Referred to Master or Special Referee

It is so Ordered!

s/Diane S. Goodstein

Electronically signed on 2022-11-01 12:31:30 page 3 of 3

ELECTRONICALLY FILED - 2022 Nov 01 12:31 PM - ORANGEBURG - COMMON PLEAS - CASE#2020CP3800699

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIRST JUDICIAL CIRCUIT
COUNTY OF ORANGEBURG	)	C/A NO. 2020-CP-38-00699
	)	
Timothy J. Judy and Dana A. Judy,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	AMENDED SUMMONS
	)	
Alice Soto, Joseph B. Rodriguez,	)	
Matthew Rodriguez, Gwen Rodriguez,	)	
and Stephanie R. Wells,	)	
	)	
Defendants.	)	
	)	

TO: THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint, herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint judgment by default will be rendered against you for the relief demanded in the complaint.

February 15, 2022

MICHAEL P. HORGER, LLC

s/Michael P. Hörger
Michael P. Horger SC Bar # 2633
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Orangeburg, SC 29115
Telephone: (803)531-1700
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Attorney for Plaintiffs

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIRST JUDICIAL CIRCUIT
COUNTY OF ORANGEBURG	)	C/A NO. 2020-CP-38-00699
	)	
Timothy J. Judy and Dana A. Judy,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	AMENDED COMPLAINT
	)	
Alice Soto, Joseph B. Rodriguez,	)	
Matthew Rodriguez, Gwen Rodriguez,	)	
and Stephanie R. Wells,	)	
	)	
Defendants.	)	
	)	

The Plaintiffs above-named, complaining of the Defendants above-named, would respectfully show unto this honorable Court as follows:

1. That Plaintiffs are citizens and residents of the County of Orangeburg, State of South Carolina.
2. That Defendants, Alice Soto and Gwen Rodriguez, are citizens and residents of the County of Orangeburg, State of South Carolina.
3. That, upon information and belief, the Defendants, Joseph B. Rodriguez and Stephanie R. Wells, are citizens and residents of the County of Onslow, State of North Carolina.
4. That, upon information and belief, the Defendant, Matthew Rodriguez, is a citizen and resident of the County of New Hanover, State of North Carolina.
5. The subject matter of this action involves certain real property located in Orangeburg County and identified below.
6. The Plaintiffs are the owners of certain real property located in Orangeburg County identified by TMS # 0240-00-02-014.000. The property is located off Sleepy Hollow Road.

7. The Defendant, Alice Soto, is the owner of real property located in Orangeburg County identified by TMS # 0240-00-02-001.000.

8. Plaintiffs received their interest in the above referenced property by deed of Betty S. Edwards, dated January 19, 2018, and recorded in the office of the Register of Deeds for Orangeburg County on March 16, 2018, in Deed Book 1795, at page 42, and is more specifically shown and delineated on a plat of survey for Timothy and Dana Judy, dated 12-01-17, prepared by Donald J. Smith, R.L.S. 9764. The referenced plat is attached as **Exhibit A**

FOR A FIRST CAUSE OF ACTION
(Slander of Title)

8. Plaintiffs hereby reiterate all of the foregoing allegations fully as if set forth verbatim and which are incorporated herein by reference.

9. On June 2, 2020, the Defendant, Alice Soto, recorded, or caused to be recorded, a plat in the office of the Register of Deeds for Orangeburg County (Plat Book D-450, Page 5), claiming a 0.13 acre "Parcel A". The referenced plat is attached as **Exhibit B**.

10. The real property identified as "Parcel A" in the above-referenced plat is owned by the Plaintiffs.

11. The Defendant, Alice Soto, knew that "Parcel A" was the Plaintiffs' property, or recklessly disregarded the falsity of the above-referenced plat.

12. The publication of the above-referenced plat has a derogatory impact on the Plaintiffs' title to Plaintiffs' property as it inherently disparages and diminishes the quality, condition, and value of the Plaintiffs' property.

13. The Defendant Alice Soto's actions were made with malice, without regard for the rights of the Plaintiffs, and without other legal justification.

14. As a result of the Defendant Alice Soto's actions, Plaintiffs suffered and are entitled to actual and special damages, including attorney's fees, costs, and punitive damages due to the willful, reckless, and wanton behavior of the Defendant, Alice Soto.

FOR A SECOND CAUSE OF ACTION
(Trespass)

15. Plaintiffs hereby reiterate all of the foregoing allegations fully as if set forth verbatim and which are incorporated herein by reference.

16. Plaintiffs are in legal possession of the real property identified by Orangeburg County Tax Parcel No. 0240-00-02-014.000, located off Sleepy Hollow Road.

17. Defendants have, for several months, regularly and voluntarily entered into Plaintiffs' property.

18. Defendants foregoing entry into and onto Plaintiffs' property was without permission or other legal justification.

19. As a result of the Defendants unlawful entry, Plaintiffs have suffered actual and nominal damages, including damage to their real property, personal property (including gates that were taken down by Defendants), and disruption of their peaceable enjoyment of their property.

20. Plaintiffs are informed and believe that in addition to actual and nominal damages, they are entitled to punitive damages due the Defendants wanton, willful, or reckless disregard of their lawful property rights.

FOR A THIRD CAUSE OF ACTION
(Conversion)

21. Plaintiffs hereby reiterate all of the foregoing allegations fully as if set forth verbatim and which are incorporated herein by reference.

22. Defendants, without authorization of the Plaintiffs, assumed and exercised the right of ownership over gates owned by the Plaintiffs by removing said gates from the real property owned by the Plaintiffs.

23. Plaintiffs are informed and believe that in addition to actual and nominal damages, they are entitled to punitive damages due to the Defendants reckless and conscious indifference to the legal rights of the Plaintiffs.

FOR A FOURTH CAUSE OF ACTION
(Intentional Infliction of Emotional Distress)

24. Plaintiffs hereby reiterate all of the foregoing allegations fully as if set forth verbatim and which are incorporated herein by reference.

25. The continued abusive conduct of the Defendants by trespass against the Plaintiffs is extreme and outrageous.

26. Plaintiffs are informed and believe that in addition to actual and nominal damages, they are entitled to punitive damages due to the Defendants reckless and conscious indifference to the legal rights of the Plaintiffs.

FOR A FIFTH CAUSE OF ACTION
(Permanent Injunction)

27. Plaintiffs hereby reiterate all of the foregoing allegations fully as if set forth verbatim and which are incorporated herein by reference.

28. For all of the reasons set forth in the foregoing Causes of Action, Plaintiffs request that this Court issue an order enjoining Defendants from entering into the Plaintiffs' property.

WHEREFORE, Plaintiffs ask this Court issue an Order as follows:

- A. Confirming Title of the property claimed by the Defendants, in favor of the Plaintiffs;
- B. Enjoining Defendants from entering the real property owned by the Plaintiffs;
- C. Awarding Plaintiffs nominal, actual, special and punitive damages;
- D. Awarding Plaintiffs costs and attorney's fees;
- E. For such other and further relief as the Court may deem just and proper.

February 15, 2022

MICHAEL P. HORGER, LLC

s/Michael P. Hörger
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Attorney for Plaintiffs

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIRST JUDICIAL CIRCUIT
COUNTY OF ORANGEBURG	)	
Timothy J. Judy and Dana A. Judy,	)	C/A NO. 2020-CP-38-00699
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	DEFENDANTS' ANSWER TO
Alice Soto, Joseph B. Rodriguez,	)	AMENDED COMPLAINT
Matthew Rodriguez, Gwen	)	DEFENDANT SOTO COUNTERCLAIM
Rodriguez and Stephanie B. Wells,	)	
	)	
Defendants.	)	
	)	

In answer to the amended complaint, defendants would show:

1. Paragraphs 1-5 are admitted as to places of residence and location of disputed real property.
2. Defendants deny paragraph 6 and the first paragraph 8.
3. Defendants admit paragraph 7.
4. The second paragraph 8 and paragraph 9 are admitted.
5. Paragraphs 10 - 28 are denied. Defendants, Joseph B. Rodriguez, Matthew Rodriguez, Gwen Rodriguez and Stephanie B. Wells, specifically deny they published anything that slandered plaintiffs' title, did nothing to convert whatever interest plaintiffs have in the disputed real property, and deny they intentionally inflicted emotional distress.

FAILURE TO STATE A CLAIM (RULE 12(b)(6), SCRPC)

6. The 1st Cause of Action (Slander of Title) fails to state a claim.
7. The 3d Cause of Action (Conversion) fails to state a claim. *See Hawkins v. City of Greenville*, 258 S.C. 280 @ 297 (S.C. Ct. App. 2004). "It is well settled that a conversion action does not lie when alleging the exercise of dominion or control over real property. See 18 Am. Jur. 2d Conversion § 7 (1998) (commenting that "an action for conversion ordinarily lies only for personal property which is tangible, or at least represented by or connected with something tangible" and "will not lie for such indefinite, intangible, and incorporeal species of property as a ... leasehold estate or interest").
8. The 4th Cause of Action (Intentional Infliction of Emotional Distress) fails to state a claim.

PUNITIVE DAMAGES

9. Any proceeding to determine punitive damages must be bifurcated from the trial to determine liability and compensatory damages and must not exceed 3 times the amount of compensatory damages. (S.C. Code Sections 15-32-520 and 530).
10. The defendants would show, upon information and belief, that the plaintiffs' claim for punitive damages violates the Fifth, Sixth, Seventh, Eighth and Fourteenth Amendments to the Constitution of the United States of America in that it violates the double jeopardy clause in that the defendants could be subjected to multiple awards of punitive damages for the same set of facts; the self-incrimination clause is being violated because the defendants can be compelled to give testimony against defendants' self in a penalty situation such as punitive damages; the assessment of punitive damages by a burden of proof less than beyond a reasonable doubt is violative of the Sixth and Fourteenth Amendments in that punitive damages are a fine or penalty and are, therefore, quasi-criminal in nature; plaintiffs' claim for punitive damages violates the defendants' right to access the courts as guaranteed by the Seventh and Fourteenth Amendments because the threat of an award of punitive damages chills the defendants' exercise of that right; the plaintiffs' claim for punitive damages violates the Eighth Amendment's guarantee that excessive fines shall not be imposed, the plaintiffs' claim for punitive damages violates both the due process and equal protection clauses of the Fourteenth Amendment in that the standard for awarding either punitive damages is unduly vague and, therefore, violates both procedural and substantive due process safeguards; therefore, the plaintiffs' claim for punitive damages should be dismissed.

COUNTERCLAIM **(Trespass)**

11. At all times relevant to this case, Defendant Alice Soto is the owner of 311 Sleepy Hollow Road, Cameron, South Carolina in Orangeburg County.
12. On numerous occasions, in 2017 through 2020, plaintiffs and their agents trespassed on Soto's property without her permission or consent and refused to leave when asked.
13. As a direct result of such trespass, Soto suffered actual damages.
14. Defendant Soto is informed and believes the plaintiffs' actions were willful and/or reckless. She therefore seeks punitive damages from plaintiffs.

COUNTERCLAIM **(Conversion)**

15. Defendant Soto had surveyors place poles on her property to denote boundaries.

16. Plaintiffs removed the poles or caused their removal and instead installed posts on Soto's property.
17. Plaintiffs acted with the intent to permanently deprive Defendant Soto of her property and convert them.
18. Defendant Soto seeks actual and punitive damages for the conversion.

COUNTERCLAIM
(Quiet Title)

19. Defendant Alice Soto acquired title to the disputed real property by deed from Champion Mortgage in 2016.
20. Defendant Soto is informed and believes she is the rightful owner of the parcel at issue in this case by virtue of her deed and subsequent deeds.
21. Defendant Soto asks the court to declare she is owner of the parcel at issue.

WHEREFORE, the defendants ask that the plaintiffs' claims be dismissed, that Defendant Alice Soto be declared owner of the parcel at issue in this case, that Defendant Soto be awarded actual and punitive damages for trespass and conversion such other relief requested herein.

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Attorneys for the Defendants

Columbia, South Carolina
April 20, 2022.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIRST JUDICIAL CIRCUIT
COUNTY OF ORANGEBURG	)	C/A NO. 2020-CP-38-00699
	)	
Timothy J. Judy and Dana A. Judy,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	REPLY TO COUNTERCLAIM
	)	
Alice Soto, Joseph B. Rodriguez,	)	
Stephanie R. Wells, Gwen Rodriguez, and	)	
Matthew Rodriguez,	)	
	)	
Defendants.	)	
	)	

The Plaintiffs, Timothy J. Judy and Dana A. Judy, replying to the Answer and Counterclaim of Defendants herein, would respectfully allege:

AS TO THE FIRST DEFENSE

1. The Plaintiffs reaffirm and reiterate all of the allegations set forth in the Amended Complaint.

AS TO THE SECOND DEFENSE
(Failure to State a Claim)

2. Further replying to the Answer of the Defendants and Counterclaim of the Defendant Soto, Plaintiffs reaffirm and reiterate all of the allegations set forth in the Amended Complaint, deny the allegations contained in Paragraphs 6, 7, and 8 of the Defendants' Answer and Counterclaim, and demand strict proof thereof.

AS TO THE THIRD DEFENSE
(Punitive Damages)

3. Further replying to the Answer of the Defendants and Counterclaim of the Defendant Soto, Plaintiffs reaffirm and reiterate all of the allegations set forth in the Amended Complaint, deny the allegations contained in Paragraphs 9 and 10 of the Answer and

Counterclaim, and demand strict proof thereof. Further, Plaintiffs would show that the Defendant Soto's claim for punitive damages is violative of the due process and equal protection laws of the United States Constitution and the Constitution of the State of South Carolina.

AS TO THE COUNTERCLAIM FOR TRESPASS

4. The Plaintiffs hereby reaffirm and reiterate all of the allegations contained in the Amended Complaint.

5. As to Paragraph 11 of the Answer of the Defendants and the Defendant Soto's Counterclaim, Plaintiffs admit only so much of the allegation as that Defendant Alice Soto is the owner of property designated as "311 Sleepy Hollow Road, Cameron, South Carolina", identified by TMS #0240-00-02-001.000, but the Plaintiffs reassert that they are the owners of certain real property located in Orangeburg County, South Carolina, identified by TMS #0240-00-02-014.000, which is the real estate for which the Plaintiffs seek an Order enjoining Defendants from entering onto Plaintiffs' property.

6. As to Paragraphs 12, 13 and 14 of the Answer of the Defendants and Defendant Soto's Counterclaim, Plaintiffs deny same and demand strict proof thereof.

AS TO THE COUNTERCLAIM FOR CONVERSION

7. The Plaintiffs hereby reaffirm and reiterate all of the allegations contained in the Amended Complaint., deny the allegations contained in Paragraphs 15, 16, 17, and 18 of the Defendants' Answer and Counterclaim of Defendant Soto, and demand strict proof thereof.

AS TO THE COUNTERCLAIM FOR QUIET TITLE

8. Further replying to the Answer of the Defendants and Counterclaim of the Defendant Soto, Plaintiffs move to strike the Cause of Action to Quiet Title as it is an amendment by the Counter Plaintiff Soto without leave of the court required by Rule 15(a),

SCRCF. Further, there is no factual dispute in regard to the property purchased by the Defendant, Alice Soto, which is insured by First American Title Insurance Company, and the only issue for resolution between the parties is the issue of trespass.

WHEREFORE, having fully replied to the Answer and Counterclaim herein, the Plaintiffs pray that this Court issue an Order as follows:

- A. Dismissing the Defendant Soto's Counterclaims;
- B. Enjoining Defendants from entering the real property owned by the Plaintiffs;
- C. Awarding Plaintiffs nominal, actual, special and punitive damages;
- D. Awarding Plaintiffs costs and attorney's fees;
- E. For such other and further relief as the Court may deem just and proper.

May 20, 2022

MICHAEL P. HORGER, LLC

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Deposition of:

**Timothy J. Judy and Dana A. Judy
v.
Alice Soto, et al.**

Case #: 2020-CP-38-00699

December 7, 2022



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STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF ORANGEBURG) FIFTEENTH JUDICIAL CIRCUIT

Timothy J. Judy and Dana A. Judy,
Plaintiff(s),

vs.

Alice Soto, Joseph B. Rodriguez, Matthew Rodriguez, Gwen Rodriguez, and Stephanie B. Wells,
Defendant(s).

Case No.:
2020-CP-38-00699

PRESIDING JUDGE: The Honorable James B. Jackson, Jr.
Orangenburg County Master-in-Equity

DATE TAKEN: December 7, 2022

SCHEDULED TIME: 10:00 a.m.

PLACE: Courthouse Annex
250 Gibson Street
Orangenburg, SC 29115

REPORTED BY: HEATHER R. LANDRY, CVR
Certified Verbatim Reporter

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1 A P P E A R A N C E S

2

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1 (The proceedings commenced at 9:58 a.m.)
2 THE COURT: We're now on the record in
3 the matter of Timothy J. Judy and Dana A. Judy,
4 Plaintiffs, versus Alice Soto, John Doe I and II, Jane
5 Doe I and II, Defendants. Case number is
6 2020-CP-38-0699. Plaintiffs are present represented by
7 their attorney Michael Horger. Defendant is present
8 represented their attorney Matthew Tillman. And I
9 understand we're ready to proceed with the final
10 hearing. Is that correct? All the motions have been
11 resolved?

12 MR. HORGER: Your Honor, this is a
13 motion that -- this is a hearing. It's regarding a
14 consent order to defer a portion of the case to the
15 Master-in-Equity. You had referred to a caption which
16 is probably an old caption were electronically filed.
17 The defendants are at Alice Soto, Joseph B. Rodriguez,
18 Matthew Rodriguez, Gwen Rodriguez, and Stephanie B.
19 Wells for the defendants.

20 This is in regard to the issue of some
21 property that is actually in the name of Alice Soto and
22 property that's in the name of Timothy Judy and Dana
23 Judy. But the reference was also in regard to -- we
24 have a claim for trespass which will go back to the
25 Circuit Court for a jury trial. But we have an issue

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1 regarding a property line and an issue regarding an
2 injunction of the defendants trespassing on the
3 plaintiffs' property. And I think that's what's before
4 this court.

5 THE COURT: So I'm hearing the quiet
6 title part of it, the injunction part of it?

7 MR. HORGER: Yes, sir.

8 THE COURT: I think we're ready to
9 proceed.

10 MR. HORGER: All right. Your Honor, we
11 call Mr. Tim Judy.

12 THE COURT: Let me mention one thing
13 while we're on the record while we've got a second.
14 Mr. Horger, I think you know this, but I see Eve Nester
15 back there who I assume is gonna be a witness. And as
16 you know, my former partner is Eve's husband,
17 Ron Nester. Is that gonna be a problem?

18 MR. HORGER: With Ronnie Hutto?

19 THE COURT: No. Ron Nestor, my former
20 partner.

21 MR. HORGER: Right.

22 THE COURT: His wife Eve is gonna be a
23 witness, apparently. She's here.

24 MR. HORGER: I wasn't notified she was
25 gonna be a witness. I know she had done some title

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1 work for Mr. Tillman.

2 THE COURT: I'm assuming that has to do
3 with the title work.

4 MR. HORGER: I don't know if there's an
5 issue about the public record, anyway.

6 THE COURT: Okay.

7 MR. HORGER: I mean, everything that's
8 involved in the case is a public record.

9 THE COURT: I agree. I just want to
10 make sure that there's no issue with Ms. Nester
11 testifying, who's the wife of my former partner.

12 All right. I'm sorry about that. I
13 interrupted you. Go ahead.

14 MR. HORGER: Thank you. I call Mr. Tim
15 Judy.

16 THE COURT: Mr. Judy, if you'll come up
17 to the chair over here.

18 (Whereupon, the witness, TIMOTHY J.
19 JUDY, was duly sworn.)

20 THE COURT: Have a seat. If you'll give
21 the court reporter your full name, please.

22 THE WITNESS: My name is Timothy John
23 Judy.

24 - - - - -

25 DIRECT EXAMINATION

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1 BY MR. HORGER:

2 Q. Mr. Judy, you're a resident of here,
3 Orangeburg County?

4 A. Yes, sir.

5 Q. And you're married to Dana A. Judy?

6 A. Correct. For 25 years.

7 Q. Okay. And where do y'all live?

8 A. We live at 322 Sleepy Hollow Road in Four
9 Holes subdivision.

10 Q. All right, sir. And is your permanent home
11 there?

12 A. Yes, sir.

13 Q. And who did you acquire that from?

14 A. Actually, I acquired that home from
15 Kevin Edwards.

16 Q. Okay. And did you later acquire a property
17 from Betty Edwards?

18 A. Yes, I did.

19 Q. I'm gonna hand you, if I may, a copy of a
20 deed. Would you look at that, describe that for us.

21 A. All right. This is the deed that was signed
22 by Ms. Betty Edwards when she was actually living in
23 the state of Virginia with her daughter. So the
24 paperwork was having to be sent back and forth. And
25 Mr. Edward actually helped get all that done.

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1 Q. Is Kevin Edwards Betty Edwards' son?

2 A. Son, yes.

3 Q. And did you deal with Kevin Edwards in regard
4 to this transaction?

5 A. I did. I talked with Ms. Betty on the phone
6 a few times about it, too. We were in good relations
7 with her.

8 Q. Okay.

9 MR. HORGER: Your Honor, I would move to
10 mark this as Exhibit No. 1.

11 MR. TILLMAN: No objection.

12 THE COURT: Admitted without objection
13 as Plaintiff's Exhibit No. 1.

14 (Plaintiffs' Exhibit No. 1 was marked
15 and received into evidence.)

16 BY MR. HORGER:

17 Q. Mr. Judy, let me ask you, as far as the deed
18 itself, it says \$5 in consideration?

19 A. Yes.

20 Q. Can you describe how you bought that
21 property, came about acquiring that property?

22 A. Well, like I said, we were in good standings
23 with Keith and Betty Edwards. But I was also in good
24 standing with Mr. Edwards, Kevin Edwards. And he had
25 just purchased -- or maybe fixing to sell a home.

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1 Yeah, I think he was fixing to sell his home. And he
2 had a little small bathroom and a bedroom that needed
3 some remodeling work. So just as a friend thing we did
4 together, I guess you'd say, I rebuilt the bathroom for
5 him. Probably spent three days, I'm guessing; it's
6 been so long ago. I'm gonna say it was probably three
7 days of labor. Labor-wise, it would've probably been
8 about 3,000 to 4,000 at the most in labor. And I don't
9 even remember if Mr. Edwards paid for the materials
10 it's been so long.

11 Q. Is part of your barter with Kevin Edwards the
12 consideration you had --

13 A. Yes.

14 Q. -- for acquiring this property?

15 A. That's right. So I did the work on the
16 bathroom and he did the work pretty much back and forth
17 with his parents on getting the paperwork signed. And
18 it was an agreement -- it was given to Kevin because
19 Kevin helped his parents settle their estate here with
20 the auctioning off the property, anything that
21 the Edwards left behind on the property. There was a
22 toolshed out back; there were old tools, things like
23 that. They actually had an auctioneer company come in
24 and auction off all that stuff. So Kevin helped
25 facilitate all of that.

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1 Q. But with the barter, though, the deed came
2 directly from Betty Edwards?

3 A. Yes.

4 Q. And this property is described as 1.32 acres?

5 A. Uh-huh.

6 Q. And where is -- you need to say yes or no.

7 A. Yes. Yes.

8 Q. And where is it located in proximity to your
9 residence?

10 A. Directly across the road from my residence.

11 Q. Okay. In that deed it also refers to a plat.
12 Were you given a copy of a plat?

13 A. After the survey that I remember. That's the
14 only time I ever saw a plat.

15 Q. I'm gonna hand you a copy of a survey that
16 was done by Don Smith. Is that a survey of that
17 1.32 acres that you got by deed from Betty Edwards?

18 A. Yes, it is.

19 Q. Okay.

20 MR. HORGER: I would move to introduce
21 that as Exhibit No. 2.

22 MR. TILLMAN: No objection.

23 THE COURT: Without objection admitted
24 as Plaintiffs' Exhibit No. 2.

25 (Plaintiffs' Exhibit No. 2 was marked

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1 received into evidence.)

2 BY MR. HORGER:

3 Q. At the time you took title by that deed and
4 the property of 1.32 acres as described by this survey,
5 did you take possession of it? Did you go onto the
6 property and use the property?

7 A. Actually, if I did -- I'm gonna say no, not
8 until I was sure on the plat.

9 Q. Okay.

10 A. That's when I knew my property lines.
11 Because I needed to know for sure what -- where I
12 owned.

13 Q. Okay. And when you got this Exhibit No. 2,
14 the plat, did that show you what you owned?

15 A. Yes.

16 Q. And did you then exercise dominion or control
17 over that 1.32 acres?

18 A. Yes, I did.

19 Q. Did you mow it, clean it --

20 A. Yes.

21 Q. -- do other work on it?

22 A. Yes. I planted a shrubbery -- a line of
23 shrubbery down the line clearly showing the property
24 lines that was using the surveyor's flagging and iron
25 stubs that was clearly marked. So I planted a line of

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1 shrubbery to show this is my property line.

2 Q. That survey shows a fence by an adjacent
3 owner, I think it says?

4 A. Yes.

5 Q. Do you know who put that fence there?

6 A. That would've been Rodriguez.

7 Q. Is that a new fence or an old fence?

8 A. That was a new fence. That was just a wire,
9 actually, that was pulled across the property. That
10 was put up actually before the survey was done.
11 Because Ms. Soto was -- she knew that we were having
12 the property surveyed, you know, because we talked with
13 her and told her that we was gonna be acquiring the
14 property.

15 Q. Okay. Did you talk to Ms. Soto about the
16 survey of the property?

17 A. Actually, yes. I'm going to say I did
18 because we talked with her -- because the property had
19 such a hard angle and we figured it would be better for
20 her and us to make the property lines straighter so
21 that she would have her 1 acre of property as her
22 property was supposed to be by the title company, I
23 guess you'd say. And that she would have 1 acre of
24 property and I would have the -- what I actually
25 thought was 1.5 acres. I don't know why I had that in

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1 mind. So I talked with her about that, but she was not
2 interested in changing the angle of the property. She
3 actually told us that she liked it on an angle. So I
4 was not . . .

5 Q. Your plat shows an angle from Sleepy Hollow
6 Road?

7 A. Yes.

8 Q. Was your discussion with her to make it more
9 straight or perpendicular to Sleepy Hollow Road?

10 A. More straight.

11 MR. TILLMAN: Your Honor, object to
12 questions asking what Ms. Soto said. It's calling for
13 hearsay.

14 THE COURT: Well, she's present. She
15 can testify. I'm gonna overrule the objection.

16 A. Yes. I guess you can say I was -- we was
17 trying to make the land pretty much straight with the
18 side of her home so that she would have a straight yard
19 and I would have a straight, fairly straight, pasture
20 across, an empty lot.

21 Q. But needless to say, that wasn't done and it
22 went by the -- Don Smith's survey?

23 A. Yeah. She was not interested in that. So we
24 had it surveyed and left the line as he surveyed it.

25 Q. Okay. And the line as he surveyed it, does

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1 it run generally from a culvert on Sleepy Hollow Road
2 back toward the wood line?

3 A. Yes. Which follows an original old ditch
4 line. But the culvert was covered up at some point
5 years ago. So it was an original ditch line separating
6 the pasture from Ms. Soto. But now that, like I said,
7 that ditch line is covered. So pretty much my property
8 line is actually on top of the culvert pipes or the
9 drainage pipes from the road culvert all the way to the
10 ditch in the back of the woods.

11 Q. And that would be running along the old
12 historical ditch line?

13 A. Yes.

14 Q. Or the run of the ditch?

15 A. That's right.

16 Q. You acquired this property in 2018?

17 A. I think --

18 Q. Look at your deed.

19 A. Okay. All right. It's been so long. Yes,
20 March of 2018.

21 Q. Okay.

22 MR. TILLMAN: What is that?

23 MR. HORGER: It's an aerial photo flown
24 in 2017 produced by Ms. Soto's, one of her prior
25 lawyers.

Page 16

1 MR. TILLMAN: Okay.

2 Q. I'm gonna show you a document which I will
3 represent is an aerial flown in 2017 from the tax
4 office. Does that show your property?

5 A. Yes, it appears to. Yes.

6 Q. And at that time in 2017 that would show the
7 property was in the name of Betty Edwards? From which
8 you acquired came from Betty Edwards, is it not?

9 A. Yes, I did.

10 Q. Okay. And does that tax aerial in 2017
11 correspond with the survey that was done?

12 A. Yes. Yes, it does.

13 Q. Okay. And the line that's shown on the
14 aerial from the tax office in 2017, would that also run
15 from the culvert down the ditch?

16 A. Yes.

17 MR. HORGER: Your Honor, I would move to
18 introduce that as well.

19 MR. TILLMAN: No objection.

20 THE COURT: So admitted as Exhibit No.
21 3, Plaintiffs' Exhibit No. 3.

22 (Plaintiffs' Exhibit No. 3 was marked
23 and received into evidence.)

24 BY MR. HORGER:

25 Q. Mr. Judy, after you acquired the property,

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1 has there been a change to the tax map and how your
2 property is depicted and shown by the County?

3 A. Not from that photo.

4 Q. The plat itself has some reference. Has
5 there ever, to your knowledge, been any issue about the
6 line that is shown on the plat between your property
7 and Ms. Soto's property, other than Ms. Soto --

8 A. No.

9 Q. -- claiming property --

10 A. No.

11 Q. -- that was deeded to you by Ms. Edwards?

12 A. No. No other arguments.

13 Q. At the time you acquired your property, do
14 you know if Ms. Soto had her property surveyed?

15 A. I'm gonna say no. But that would just be my
16 opinion because there was never any flagging tapes or
17 flagging markers or anything during the entire time,
18 you know, before she acquired the property or after.

19 Q. Are you aware of any quitclaim deeds or
20 documents Ms. Edwards conveyed to Ms. Soto to clarify
21 any discrepancy in the line away from your line? In
22 other words, between her 1 acre and the line that was
23 established for your 1.32?

24 A. There was a small discrepancy on a small
25 piece of property that is between my shrubbery line and

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1 her home. It was a -- and the surveyor told me that
2 that was the only line that could be disputed was
3 between my line and her home or her line. There was
4 like .2 -- it was a very small little portion that
5 either one of us could argue or claim or something.
6 And I've never actually tried to dispute that property
7 line because it didn't really -- it didn't bother me.

8 Q. Back to Exhibit No. 2. Would that be between
9 the property that is shown, the 1.32 acres, and the
10 line shown on you and the properties that shows now or
11 formally of Soto? Or I think it says now or formally
12 of --

13 A. Of Alice Soto.

14 Q. Of Alice Soto?

15 A. It would be -- that line would be between the
16 surveyed line and Alice Soto's property.

17 Q. Okay. And Ms. Edwards quitclaimed any
18 interest she had in that to Ms. Soto?

19 A. In that small portion, yes.

20 Q. Okay. And you don't make any claim to that?

21 A. I don't.

22 Q. Now, as far as the fence that's shown there
23 as -- it says wire fence. And you've described it
24 simply as a wire. It said by adjacent owner. That's
25 not something you put up or recognize as an historical

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1 fence or marker?

2 A. No, not at all.

3 Q. Okay. And does that have anything to do with
4 designating the actual line of the 1.32 acres that you
5 bought from Ms. Edwards?

6 A. No, not at all.

7 Q. All right. Since you've owned the Edwards
8 property of 1.32 acres, have you had people come onto
9 that property?

10 A. Yes, sir.

11 Q. Have they trespassed from your property?

12 A. Yes.

13 MR. TILLMAN: Your Honor, the
14 trespassing part of this claim was not referred to you.
15 I object to any question or testimony about
16 trespassing. There is an injunction claim.

17 THE COURT: Let's just -- people come on
18 the property -- you talk about people coming on the
19 property?

20 MR. HORGER: I'm not trying to try the
21 trespass case. I just think for the purposes of the
22 record and the injunction, there needs to be some
23 evidence.

24 THE COURT: Let's not call it a trespass
25 until after I decide who owns this property.

Page 20

1 BY MR. HORGER:

2 Q. Have people entered the property, the
3 1.32 acres that you own?

4 A. Multiple --

5 Q. You and your wife own?

6 A. Multiple occasions.

7 Q. Okay. And do you know that to be Ms. Alice
8 Soto and the other named defendants in this lawsuit?

9 A. Yes, they were.

10 Q. Okay. The other defendants would be -- do
11 you know whether Joseph B. Rodriguez has entered in?

12 A. Yes.

13 Q. Entered the property?

14 A. Joseph Rodriguez, Stephanie Wells, Alice Soto
15 and --

16 Q. Matthew Rodriguez?

17 A. Matthew Rodriguez and Gwendolyn.

18 Q. And is part of your action seeking an
19 injunction from them entering your property?

20 A. Yes, sir.

21 Q. Thank you, Mr. Judy.

22 MR. HORGER: That's all I have of
23 Mr. Judy.

24 THE COURT: Mr. Tillman?

25 - - - - -

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1 CROSS-EXAMINATION

2 BY MR. TILLMAN:

3 Q. Mr. Judy, you're aware that Ms. Soto took
4 title to her property in 2016; correct?

5 A. That sounds about right.

6 Q. Okay. So it was before Plaintiffs' Exhibit
7 No. 2 was drafted by the surveyor in December of 2017;
8 correct?

9 A. Yes. Yes.

10 Q. Okay. And it was before this deed to you
11 from Ms. Edwards was recorded on March 16, 2018;
12 correct?

13 A. Yes.

14 Q. Now, that deed right there, that deed, if you
15 look at the deed description in the back, you see it
16 says "See Schedule A attached hereto and incorporated
17 herein on the front"?

18 A. Uh-huh.

19 Q. And if you go to Schedule A, the property is
20 more or less described as 1.32 acres as depicted on the
21 survey of Donald Smith. Is that an accurate
22 description of what the deed description is?

23 A. Yes.

24 Q. Okay. And again, that survey of Donald Smith
25 was done December 2017 after Ms. Soto took her

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1 property; correct?

2 A. Uh-huh.

3 Q. Okay. So this deed description doesn't
4 reference past deeds, past surveys, things that
5 occurred before Ms. Soto took --

6 MR. HORGER: I object. You don't put
7 that in a deed, and I think that's trying to mislead.

8 THE COURT: I'm aware of all that.

9 MR. HORGER: Yeah, I know you are.

10 THE COURT: Let's just keep moving
11 forward.

12 BY MR. TILLMAN:

13 Q. Okay. And on the survey itself done by
14 Donald Smith, are you aware if Mr. Smith is still alive
15 or not?

16 A. He's deceased.

17 Q. Okay. He's now deceased. I'm gonna read for
18 you what the survey say -- says and you tell me if I
19 misread it. Okay?

20 A. Okay.

21 Q. It says, "Prepared at the request of Kevin
22 Edwards." It says, "The same being a survey of
23 boundary lines as claimed by Kevin Edwards and is not a
24 retracement of a previously platted parcel. Boundaries
25 may be in question." Did I read that right?

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1 A. Yes.

2 Q. Okay. And on down here it also says, "This
3 survey subject to any facts that may be revealed by a
4 full and accurate title search. No abstract of title,
5 nor title commitment, nor results of title searches
6 were furnished to surveyor. There may exist documents
7 of record that would affect this parcel." Did I read
8 that right?

9 A. Yes.

10 Q. Okay. So this deed referencing this plat
11 that I just read is what you got when you purchased the
12 property; correct?

13 A. Yes.

14 Q. Okay. If you look at the deed, if you flip
15 over to the affidavit of consideration on the back. Do
16 you have the exhibit itself?

17 A. (Non-verbal response.)

18 Q. Okay. If you flip over to this page right
19 here, you'll see where the box "exempt" is checked, no
20 money being passed.

21 A. Right.

22 Q. And I think you testified a minute ago that
23 there was some consideration in the form of work that
24 was done in exchange for this property; correct?

25 A. Correct.

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1 Q. But Ms. Edwards signed that affidavit saying
2 no money was being passed. Is that correct?

3 A. That's right.

4 Q. The ditch line you talked about, it was
5 covered long ago before Ms. Soto took title to the
6 property; correct?

7 A. Yes.

8 Q. So when she took title to the property, there
9 was no ditch there. Is that fair?

10 A. Yeah.

11 Q. And regarding any prior use of the boundaries
12 between the property Ms. Soto claims and the property
13 you claim, the best person to talk about that would be
14 the former owners which would be the Edwards family;
15 correct?

16 A. Uh-huh.

17 Q. And you agree with that?

18 A. Yes.

19 Q. Thank you.

20 THE COURT: Redirect, Mr. Horger?

21 - - - - -

22 REDIRECT EXAMINATION

23 BY MR. HORGER:

24 Q. The plat and what you were asked to read in
25 regard to the line in dispute, was that resolved by

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1 quitclaim deed from Betty Edwards to Ms. Soto? The
2 little piece of property that was now formally --

3 A. Yes.

4 Q. -- Alice Soto?

5 A. Yes. That was -- and that was what was
6 explained to me to be the -- and the statement about
7 property lines could be disputed, however it was
8 worded. That was because the man, Mr. Don, that did
9 the survey, explained that to me as being that little
10 piece of property is what he explained.

11 Q. Because Ms. Soto was deeded 1 acre by the
12 bank but her survey actually ended up being 1.02 acres?

13 A. Yes, sir. So she actually ended up getting a
14 little over 1 acre of property.

15 Q. Okay.

16 A. In my survey -- with my survey.

17 Q. And Ms. Edwards quitclaimed everything that
18 was now -- that was now formally of Alice Soto on your
19 plat?

20 A. Right.

21 Q. Thank you.

22 MR. TILLMAN: Can I do re-cross real
23 quickly, Your Honor?

24 THE COURT: Go ahead.

25 - - - - -

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1 RE CROSS-EXAMINATION

2 BY MR. TILLMAN:

3 Q. Mr. Edwards, have you ever seen the deed by
4 which Alice Soto took her property?

5 A. I'm Mr. Judy.

6 Q. What did I say?

7 A. I'm Mr. --

8 Q. Sorry. Mr. Judy, excuse me. Have you ever
9 seen the deed by which Ms. Soto took her property?

10 A. No.

11 Q. Okay. Do you have any reason to dispute that
12 it doesn't say she took 1 acre; it says she took 1 acre
13 more or less?

14 A. It says -- yeah. Actually, I did see it
15 where it said that the title loan company was gonna
16 do -- convey 1 acre, 1 acre more or less. Yes, right.

17 Q. Okay. Thank you.

18 THE COURT: You can step down, Mr. Judy.

19 THE WITNESS: Okay. Thank you.

20 MR. HORGER: Now we call Mr. Kevin

21 Edwards.

22 (Whereupon, the witness, KEVIN EARL
23 EDWARDS, was duly sworn.)

24 THE COURT: Have a seat and give the
25 court reporter your full name.

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1 THE WITNESS: Kevin Earl Edwards.

2 - - - - -

3 DIRECT EXAMINATION

4 BY MR. HORGER:

5 Q. Mr. Edwards, where do you live?

6 A. I live at Cameron; outside on 800 Gin Bay
7 Road, Cameron, South Carolina.

8 Q. Is that Calhoun County?

9 A. Calhoun County.

10 Q. Did you formerly live in Orangeburg County?

11 A. Yes, I did.

12 Q. And is Betty Edwards, was she your Mama?

13 A. Yes.

14 Q. And was Dewey Edwards your father?

15 A. Yes.

16 Q. And was Mr. Stroman -- I believe, L. Edgar
17 Stroman would've been your mother's father?

18 A. Yes.

19 Q. How long have you known about the Edwards
20 property there on Sleepy Hollow Road?

21 A. Pretty much my whole life.

22 Q. Did you grow up there in the house that
23 Ms. Soto now has?

24 A. Yes.

25 Q. Okay. And were you aware of the house and

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1 the boundary to the property around the house?

2 A. Yes.

3 Q. Okay. Now, as far as the property that went
4 to Ms. Soto, was that where your parents lived?

5 A. Yes.

6 Q. And as you grew up and got of age, you moved
7 out?

8 A. Yes.

9 Q. Did your parents still continue to live
10 there?

11 A. Yes.

12 Q. Did they take a mortgage out on the property?

13 A. Yes.

14 Q. And what was the mortgage on, the house and
15 how much property?

16 A. The house and 1 acre.

17 Q. And is that how you generally knew the
18 location of the house and the property with it?

19 A. Yes. The actual property I knew was gonna be
20 an acre. And the actual property line that's in
21 dispute didn't really come about until the dispute part
22 and everything.

23 Q. Okay. Where was the line between the house
24 property and the pasture property, historically?

25 A. Historically, it would've been the ditch

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1 line, you know, when they gave the property to my
2 parents to build the house.

3 Q. Okay. And did your parents get that
4 house from -- I mean the property from Mr. Stroman?

5 A. Yes.

6 Q. It was deeded to them as an acre, plus or
7 minus?

8 A. Yes.

9 Q. Okay. And as far as the ultimate survey of
10 Ms. Soto, it varied a little bit from an acre to
11 1.02 acres?

12 A. Yes.

13 Q. Did that seem unusual to you?

14 A. That's not horribly unusual, no.

15 Q. So there'd be a slight variance from an acre?

16 A. Yes.

17 Q. As far as Mr. Edgar Stroman, did he own
18 acreage in that area? In other words --

19 A. Yes. He owned more property in Orangeburg
20 and Calhoun County.

21 Q. Okay. And did he own 61 acres that was
22 conveyed to your father, Dewey Edwards?

23 A. Yes.

24 Q. And was this property conveyed out before
25 that, the house property?

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1 A. The house property was conveyed -- the house
2 was in '51. I'm assuming all of it was around the same
3 time. I don't know the dates, the 60-something acres.

4 Q. Well, I can show you the 61 acres was deeded
5 in 1974.

6 A. Okay. That would be much later then.

7 Q. Now, do you have knowledge of surveying
8 yourself?

9 A. Yes, sir.

10 Q. Have you surveyed before or worked for a
11 survey crew?

12 A. Yes, sir.

13 Q. What's your work history in that regard?

14 A. I worked for Mr. Fred Stokes after high
15 school for a couple of years. I worked for Edisto
16 Surveying for about two and a half years. And then I
17 worked for Don Smith until I left him and went to the
18 highway department and run the survey crew for the
19 highway department.

20 Q. Okay. And in regard to this property, the
21 1.32 acres, who owned that property that was sold to
22 Mr. Judy?

23 A. My mom, Betty.

24 Q. Betty Edwards?

25 A. Yes.

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1 Q. And is that something that had come through
2 your father's estate from her father? In other words,
3 it had been part of 61 acres?

4 A. Yes.

5 Q. Are you aware of any time during your life of
6 your mother or your father, Dewey Edwards, having
7 conveyed any part of that 1.32 acres to anyone else?

8 A. No.

9 Q. Now, the transaction with Mr. Judy, how did
10 that come about?

11 A. I was about to sell a little small house over
12 on Gramling (ph) Road. I needed some work done, and
13 he's a lot more better at that, so to speak, to do it.
14 So he took a couple of days off. We did a bathroom and
15 stuff for me. And we'd agreed I'd give him that little
16 piece of property from, you know, across the road from
17 him for doing that for me. Just bartered it out.

18 Q. Okay. The property was actually in your
19 mother's name?

20 A. Correct, yeah.

21 Q. Okay. Give me just a minute.

22 (Brief pause.)

23 Q. Now, were you aware that your mother had
24 mortgaged the property?

25 A. Yes. I was aware they did a reverse mortgage

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1 at some point in time.

2 Q. Okay. And how did her health go?

3 A. I mean, her health was pretty good up until
4 she moved up to my sister's at Virginia Beach.

5 Q. But she moved from that location to Virginia
6 Beach?

7 A. Yeah. She moved to Virginia Beach.

8 Q. Did the bank come in to look to foreclose on
9 the property?

10 A. Yes. After they moved out, they did. I had
11 to get everything cleaned up and everything ready for
12 them.

13 Q. Okay. Gonna hand you what's an exhibit from
14 Ms. Betty -- a deed from Ms. Betty Edwards to the
15 buyer. Are you aware that she executed that to the
16 buyer?

17 A. Yes. Yes.

18 Q. Okay. And that was done in lieu of
19 foreclosure?

20 A. Well, this actually -- this is what's going
21 to Ms. Soto, now, what I'm looking at. That's
22 different than what you're asking about.

23 Q. I'm sorry.

24 MR. TILLMAN: Is something that's
25 already marked?

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1 MR. HORGER: No.

2 Q. Sorry, I picked up the wrong one. This is
3 warranty deed in lieu of foreclosure. And in that, did
4 she convey the 1 acre, more or less, to where the house
5 was located?

6 A. Yes. I think that would be what this is for,
7 yes.

8 Q. And would that 1 acre, more or less, been
9 defined by the ditch which was later had a culvert put
10 in it?

11 A. That would be my understanding, yes.

12 Q. Okay. And that's what's been your
13 understanding your whole life?

14 A. Yes.

15 Q. And you lived there for how many years?

16 A. Seventeen years.

17 Q. Okay.

18 MR. HORGER: You got any objection?

19 MR. TILLMAN: No, I have no objection.

20 THE COURT: Which number?

21 COURT REPORTER: It's 4.

22 THE COURT: Exhibit No. 4.

23 (Plaintiffs' Exhibit No. 4 was marked
24 and received into evidence.)

25 THE COURT: Kevin, you didn't mark the

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1 quitclaim deed. I don't know if you intended to or
2 not.

3 THE WITNESS: What? You said Kevin.
4 You talking about --

5 THE COURT: Michael. Sorry. I don't
6 think you marked the quitclaim deed. Sorry about that.

7 MR. HORGER: I haven't.

8 THE COURT: Okay. Just want to make
9 sure.

10 MR. HORGER: You're right. I did not
11 mark it.

12 BY MR. HORGER:

13 Q. I'm gonna hand you back the deed that you
14 corrected me on, the deed from Champion to Ms. Soto.

15 A. Okay.

16 Q. And does that describe the 1 acre, more or
17 less?

18 A. Yes.

19 Q. And would that be the same property that she
20 had deeded to them in lieu of foreclosure?

21 A. Yes.

22 Q. And would that be the property that would be
23 also defined still by the ditch which was later had a
24 culvert put in place?

25 A. Yes. As far as I know, yes.

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1 Q. Okay. Would the deed from your mother and
2 consequently the deed to Ms. Soto include any of that
3 1.32 acres deeded to Mr. Judy?

4 A. No.

5 MR. HORGER: Mark that.

6 (Plaintiffs' Exhibit No. 5 was marked
7 and received into evidence.)

8 Q. All right. Let me hand you what's Exhibit
9 No. 1. That's the quitclaim deed.

10 A. Uh-huh.

11 Q. That's from your mother to Ms. Soto?

12 A. Yes.

13 Q. And the description on that, does that
14 describe on the schedule attached -- I think it's the
15 next page -- it's all her right title and interest in
16 the property now and formally -- and the description
17 says Alice Hutto but I think it meant Alice Soto.

18 A. Yeah.

19 Q. And I think that's a typographical error, but
20 I don't know. And is that property that your mother
21 would've signed by the quitclaim deed, the property
22 shown on Plaintiffs' Exhibit No. 2, the survey done by
23 Don Smith?

24 A. Yes.

25 Q. Okay. But the property that is conveyed by

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1 the quitclaim is not the 1.32 or any portion of that
2 1.32 acres deeded to Mr. and Mrs. Judy?

3 A. No. It's for Ms. Soto's property.

4 Q. Okay. And if there was any discrepancy in
5 this line, on the northeast of the 1.32 acres, would
6 that had been cleared up by the quitclaim deed?

7 A. Yes. That would've been what the quitclaim
8 deed was for.

9 Q. Okay. And this property later went to Dewey
10 Edwards from Dewey Edwards to Dewey Edwards and Betty
11 Edwards. But originally it was conveyed by
12 Lawrence Stroman in 1951. And show you a copy of that
13 deed from Lawrence Stroman to Dewey Edwards. Does that
14 describe 1 acre, more or less?

15 A. Yes.

16 Q. And would that 1 acre, more or less, be
17 defined by the ditch that you described which later had
18 a culvert put in it?

19 A. Yes.

20 Q. Okay.

21 (Plaintiffs' Exhibit No. 6 was marked
22 and received into evidence.)

23 THE COURT: Is that 6?

24 COURT REPORTER: This is 6.

25 BY MR. HORGER:

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1 Q. I'm gonna refer you back to Plaintiffs'
2 Exhibit No. 2, and I'm gonna show -- it's the northeast
3 line between the 1.32 acres and now and formally
4 Alice Soto. Is that line -- how was that line
5 determined or how was it run by Don Smith?

6 A. When I talked to Ms. Soto and she, you know,
7 wanted it done the way the tax map showed it and
8 everything. So when I went to Don and told him what I
9 was in the process of doing, we needed a survey. I
10 told Don that, you know, she's supposed to get an acre
11 of property with the house, and we need to get it
12 surveyed and she wants to make it look like the tax
13 map. So I said try to get it surveyed and look like
14 the tax map, which is what Ms. Soto wanted at the time.
15 So he went in and did that. And it ended up being a
16 little bit more than 1 acre. But that put it to where
17 I thought that would be good for everybody. You know,
18 that was as close as we could get to the tax map like
19 it was supposed to be.

20 Q. And did that establish the line between the
21 old home place and the 1.32 acres your mother still
22 owned?

23 A. Yes. Because I don't think there was ever an
24 actual survey done since they owned everything around
25 it.

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1 Q. Okay. And is that similar to or comport with
2 Exhibit No. 3, the tax map and aerial flown in 2017?

3 A. Yes, sir.

4 Q. And in your conversation with Ms. Soto, is
5 that the way she wanted it?

6 A. Yes. This is what I thought she wanted.

7 Q. And that survey, Exhibit No. 2, where it says
8 in this paragraph and it talks about the boundaries,
9 did the quitclaim deed resolve any dispute of the
10 boundary on the northeast side between the Judy
11 property and what is now the Soto property?

12 A. Yes. That would be that little tiny sliver
13 of property.

14 Q. Okay. And in regard to the entry on the
15 property of other people, are you aware that that's
16 occurred?

17 A. Yes.

18 Q. Do you know if Ms. Soto has entered that
19 property after Mr. Judy took claim of his?

20 A. Yes, she has.

21 Q. And are you familiar with Joseph Rodriguez
22 having entered that property?

23 A. Yes, sir.

24 Q. How about Matthew Rodriguez?

25 A. Yes, sir.

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1 Q. Gwen Rodriquez?

2 A. Yes, sir.

3 Q. How about Stephanie Rodriguez?

4 A. Yes, sir.

5 THE COURT: Wells.

6 THE WITNESS: Wells. I'm sorry.

7 Q. Excuse me, Stephanie B. Wells. Are you aware
8 of your mother, Betty Edwards, or your father, Dewey
9 Edwards, having conveyed any part of that 1.32 acres to
10 anyone before it was conveyed to Mr. Judy and his wife?

11 A. No, sir.

12 Q. Okay. Thank you. That's all I have.

13 MR. HORGER: Never seen that before.

14 Your Honor, I would object. I don't
15 know that an aerial photograph in 2007 has any
16 relevance to the status of the title as it was
17 transferred in 2016, 2017, 2018.

18 THE COURT: Well, I don't know if it
19 does either because I haven't seen it. Again, I can
20 figure that out. So I'm gonna admit it.

21 MR. HORGER: I understand.

22 THE COURT: I overrule your objection.

23 - - - - -

24 CROSS-EXAMINATION

25 BY MR. TILLMAN:

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1 Q. Okay. Mr. Edwards, I'm gonna hand you the
2 aerial that you and Mr. Horger discussed a minute ago.
3 That was from -- it's says aerial 2017. That
4 Plaintiffs' Exhibit No. 3; correct?

5 A. Uh-huh.

6 Q. Now I'm gonna hand you --

7 THE COURT: Mr. Edwards, if you can say
8 yes or no --

9 THE WITNESS: Okay.

10 THE COURT: -- for the court reporter's
11 benefit so we can know exactly what you say.

12 Q. Mr. Edwards, I'm gonna hand you an aerial
13 from the year 2007 and ask you: Does that appear to a
14 depiction of the same property, the Soto property, and
15 what is now the Judy property?

16 A. The pictures themselves don't match, no.

17 Q. Well, that wasn't the question. Does it
18 appear to be the same area, though?

19 A. It's the same -- well, no. Because that line
20 is in a different spot is as the picture of the same
21 property, the aerial view.

22 Q. And you would agree with me that the property
23 lines on the aerial from 2007 are different than the
24 property lines from 2017?

25 A. The lines are different, but the tax map

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1 doesn't match the property line.

2 Q. I'm just asking about what I'm showing you.

3 A. The lines are different.

4 Q. Okay. And you would agree with me that the
5 difference appears to be that on the backside of the
6 property the Judys claim to own, it's actually a
7 triangle rather than four-sided piece of property;
8 correct?

9 A. Yes.

10 Q. Okay. And would you agree with me that
11 Ms. Soto took title to her property in 2016?

12 A. Yes.

13 Q. And that was prior to this aerial from 2017;
14 correct?

15 A. Correct.

16 MR. TILLMAN: Your Honor, I would like
17 to move to have the 2007 aerial marked as Defendants'
18 Exhibit No. 1.

19 THE COURT: So admitted.

20 MR. HORGER: My objection for the
21 record, Your Honor.

22 (Defendants' Exhibit No. 1 was marked
23 and received into evidence.)

24 THE COURT: That was 2007?

25 MR. TILLMAN: Yes, sir.

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1 And, Your Honor, it says aerial flow in
2 2007.

3 BY MR. TILLMAN:

4 Q. Okay. Mr. Edwards, you remember I deposed
5 you last week?

6 A. Yeah.

7 Q. And you told me that there were never any
8 fences delineating the property lines between Lot 14
9 and Lot 1, Lot 1 being Soto's property and Lot 14 being
10 the Judys'; correct?

11 A. Correct.

12 Q. And there was just a historical ditch there
13 that's been piped at some point such that it's now flat
14 ground; correct?

15 A. Correct.

16 Q. And that ditch was covered prior to Ms. Soto
17 taking the property in 2016; correct?

18 A. Yes.

19 Q. And to your knowledge, there was never a
20 survey of either property prior to Ms. Soto taking
21 title in 2016; correct?

22 A. Correct.

23 Q. And effectively, your father, Dewey Edwards,
24 owned what the property Ms. Soto owns now and your
25 mother, Betty Edwards, owned the property the Judys own

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1 now, whatever they may be; correct?

2 A. Yes, sir.

3 Q. And they just used them as one farm; correct?

4 A. Yes.

5 Q. You were not part of the negotiations with
6 the bank and your mother to mortgage the property;
7 correct?

8 A. No.

9 Q. You don't know what she pledged, you don't
10 know what she told them, and that sort of thing;
11 correct?

12 A. No.

13 Q. I think you testified earlier that you had a
14 conversation with Ms. Soto about getting a survey to
15 delineate the property lines?

16 A. Yes.

17 Q. And you said that there was a tax map that
18 you -- you or she referenced; correct?

19 A. Yes. I think we had what we were looking at,
20 I think.

21 Q. Do you have a copy of that tax map?

22 A. No, not now.

23 Q. Do you know what year it was from?

24 A. No.

25 Q. Do you know who pulled it?

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1 A. I do not. It was probably one that was
2 pulled when I got the property surveyed that the Judys
3 are on now.

4 Q. And I think you testified in your
5 deposition that at the time Ms. Soto took title to
6 Lot 1 property that Dewey Edwards had owned with the
7 house on it, the property line between the two parcels
8 had not been established in your mind. Is that
9 correct?

10 A. Correct.

11 Q. Donald Smith surveyed the property. Is that
12 correct?

13 A. Yes.

14 Q. Any you hired Donald Smith?

15 A. Yes.

16 Q. You didn't walk with Donald Smith to survey
17 the property; correct?

18 A. No.

19 Q. You didn't show him property lines. Is that
20 correct?

21 A. Correct.

22 Q. And you actually used to work for Donald
23 Smith; did you not?

24 A. Yes, sir.

25 Q. You don't remember what you gave Donald Smith

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1 to do a survey, do you?

2 A. No. I didn't pay Don.

3 Q. Okay. Who paid him?

4 A. I think Mr. Judy paid Don.

5 Q. And I won't go through -- you were here when
6 Mr. Judy was testifying, so I won't re-read it for the
7 Court. But my discussion with him about what the
8 survey says regarding the property lines and so forth,
9 was that accurate?

10 A. Yes. At the time, yes.

11 Q. And so it says this is based on what Kevin
12 Edwards told me?

13 A. Correct.

14 Q. It's not based on previous plats and so
15 forth. Is that correct?

16 A. Correct.

17 Q. You hired Jack Bryant, attorney sitting here
18 today, to document the transaction between your mother
19 and the Judys. Is that correct?

20 A. Yes.

21 Q. As far as you know, he's the one that
22 prepared the deeds?

23 A. Yes.

24 Q. And you rely on him to testify what he did
25 when he prepared the deeds and so forth. Is that fair?

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1 A. Yes.

2 Q. Did you tell him, for instance, that the
3 Judys are to get 1.32 acres or anything like that; or
4 did you just ask him to document the transaction?

5 A. I just asked him to document, you know, the
6 transaction; this is what we're doing and she was
7 supposed to have an acre of property. And I kind of
8 explained to him what I told Don so we'd all be on the
9 same page, so to speak.

10 Q. And I thought you told me in your deposition
11 that you didn't know anything about the quitclaim deed
12 until after this case started, the quitclaim deed from
13 your mom to Ms. Soto?

14 A. Correct.

15 Q. So you weren't involved in drafting up that
16 quitclaim deed?

17 A. No.

18 Q. You don't know why it was drafted?

19 A. I didn't know until it was explained to me.

20 Q. By a lawyer?

21 A. Right.

22 Q. By the Judys' lawyer?

23 A. Yes. That was the first I heard of it.

24 Q. And at one point, you did put up Lot 1 -- I'm
25 sorry -- yeah, you put up Dewey Edwards property, the

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1 property that Ms. Soto now owns, on Zillow for sale;
2 did you not?

3 A. Yes.

4 Q. Did you advertise it has 2 acres?

5 A. I don't recall what I advertised it as.

6 Q. I'm gonna hand you a document just for the
7 purposes of potentially refreshing your recollection.

8 MR. HORGER: I would object. I don't
9 know if that has any relevance. If he made an offer to
10 sell property for his mother, his mother still owned
11 the other property and she certainly could at the time
12 have conveyed 2 acres if that's what they wanted to
13 offer for a better price. It has no relevance at all
14 in regard to this lawsuit or in the issues to this
15 property line.

16 THE COURT: Mr. Tillman?

17 MR. TILLMAN: He could explain all that
18 if he would like to. But he's advertising the property
19 that they're claiming that --

20 THE COURT: I don't care what he
21 advertised. I'm gonna sustain this objection. I'll
22 figure out what . . .

23 BY MR. TILLMAN:

24 Q. You'd agree with me that none of the prior
25 deeds in the chain to Ms. Soto or to your mother refer

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1 to this ditch you're talking about. Is that correct?

2 A. I don't think so. I'd have to read them. I
3 don't know if they say anything about a ditch line or
4 not.

5 Q. Okay. But sitting here today, you're not
6 aware of that ditch being referred to in any deed?

7 A. No, sir.

8 Q. And again, you also are not aware of any
9 survey prior to what's been previously marked as
10 Plaintiffs' Exhibit No. 2 showing this ditch on it?

11 A. I didn't --

12 Q. -- hand you the document?

13 A. Yeah. If you're talking about before Don
14 Smith, no, I don't --

15 Q. Okay. That's what I was asking.

16 A. Okay. No.

17 (Brief pause.)

18 MR. TILLMAN: Okay. That's all I have.
19 Thank you.

20 THE COURT: You can step down,
21 Mr. Edwards.

22 MR. HORGER: I got -- bear with me just
23 a moment.

24 (Brief pause.)

25 - - - - -

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1 REDIRECT EXAMINATION

2 BY MR. HORGER:

3 Q. Mr. Edwards, I'm gonna ask you a couple
4 questions. First of all, in regard to the tax map you
5 were discussing with Ms. Soto, I'm gonna hand you
6 Plaintiffs' Exhibit No. 3. If not that same tax map,
7 did it vary in any way from what's depicted on the tax
8 map when you had discussions with her?

9 A. No. This is pretty much what I was thinking.
10 Same thing, I mean . . .

11 Q. All right, sir. And let me hand you back
12 Defendants' Exhibit No. 1. That was the aerial survey
13 from 2007?

14 A. Uh-huh.

15 Q. Had you had any problems with the tax
16 assessor's office that you had to clarify the property
17 lines or ownership with?

18 A. I know at one time this tract 14, they had
19 Robert Riley's -- they had his name and stuff on this
20 tract. After he purchased the 40 acres across the
21 road, they had his name on that. We had to clarify
22 that.

23 Q. Riley never owned that tract 14 on that
24 aerial photograph, did he?

25 A. Correct. He never owned that at all.

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1 Q. And that remained in your father and your
2 mother?

3 A. Yes.

4 Q. Okay. Now, as far as the survey that was
5 done by Don Smith -- and you've testified he followed
6 the culvert which is where the old ditch was -- has the
7 ditch ever moved or is that the historical demarcation
8 between the homeplace and the pasture next door?

9 A. That was never moved in my lifetime.

10 Q. Now, you were asked about whether they used
11 it as a farm altogether?

12 A. Uh-huh. Yes, sir.

13 Q. I'm gonna hand you back Exhibit No. 1. Do
14 you see where the property -- where the house is,
15 there's a 1 on that and there's a 14 on the property
16 where Mr. Judy now owns?

17 A. Yes, sir.

18 Q. Okay. They were separate tax maps forever,
19 weren't they?

20 A. Yes, sir.

21 Q. Now, I'm gonna hand you what is a survey that
22 has been -- I represent that was done for Ms. Soto by
23 Edisto Surveyors. Do you see that?

24 A. Yes, sir.

25 Q. And as far as that survey, there is the line

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1 of the 288 feet. You see it on the left -- the survey
2 in your left hand?

3 A. Yes, sir.

4 Q. And is that consistent with Plaintiffs'
5 Exhibit No. 3 that I handed?

6 A. Yes, sir.

7 Q. Okay. And then when you look at Mr. Smith's
8 survey and you see 344 feet on a line for -- that is
9 noted claimed by Soto?

10 A. Okay. I don't have that one.

11 Q. It's this line right here.

12 A. Oh, okay. Okay, okay. Sorry. Yeah, I'm
13 with you.

14 Q. See what I'm talking about?

15 A. Yes, sir.

16 Q. Is that different from the line that is shown
17 in Exhibit No. 1 which is 361 feet?

18 A. Yes, sir. Yeah, that's 20 foot left.

19 Q. So that survey by Mr. Jowers doesn't comport
20 with the tax map from 2007, does it?

21 A. No, sir.

22 Q. And the survey where he depicts the line,
23 Mr. Jowers depicts the line, the 288 feet does comport
24 with Plaintiffs' Exhibit No. 3, the 2017 tax map?

25 A. Yes, sir.

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1 Q. Okay. Thank you.

2 MR. HORGER: That's all I've got.

3 THE COURT: The Jowers plat marked at
4 evidence?

5 MR. HORGER: It has not been yet, Your
6 Honor.

7 - - - - -

8 RECROSS-EXAMINATION

9 BY MR. TILLMAN:

10 Q. Mr. Edwards, I'm gonna hand you this plat
11 that I think we were just discussing, the Jowers plat.

12 A. Yes, sir.

13 Q. And that's what we were just discussing.

14 MR. TILLMAN: Your Honor, I'd like to
15 mark that as Defendants' Exhibit No. 2?

16 THE COURT: All right.

17 MR. HORGER: No objection, Your Honor.

18 THE COURT: Defendants' Exhibit No. 2,
19 without objection, so admitted. Hand it the court
20 reporter and let her mark it.

21 (Defendant's Exhibit No. 2 was marked
22 and received into evidence.)

23 BY MR. TILLMAN:

24 Q. Okay. And, Mr. Edwards, if you look at this
25 plat, this was done by Ms. Soto or a survey for

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1 Ms. Soto, what it depicts is a line showing the plat
2 that was done for the Judys by Mr. Smith, and that's
3 288 feet; correct?

4 A. Correct.

5 Q. This other line, is it your understanding
6 that it depicts what Ms. Soto claims is the boundary
7 line?

8 A. That's what I'm thinking she's claiming.
9 Yes, sir.

10 Q. Okay. And that distance is 341 feet?

11 A. Yes.

12 Q. And then if you look at the 2007 aerial
13 photo, that same line is how long?

14 A. 361 feet.

15 Q. So it's not 288; correct?

16 A. No. Not by the aerial map, no.

17 Q. It's actually a little bit longer than the
18 line that Ms. Soto claims; correct?

19 A. A little bit shorter than the line she
20 claims.

21 Q. Well, she's claiming --

22 A. 341. Yeah, it's a little bit longer than
23 what she's claiming.

24 Q. Okay. I just want to make sure there was no
25 confusion there.

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1 MR. TILLMAN: That's all I have. Thank
2 you.

3 THE COURT: You can step down. Any more
4 witnesses, Mr. Horger?

5 MR. HORGER: That's the Plaintiffs'
6 case, Your Honor.

7 THE COURT: Mr. Tillman?

8 MR. TILLMAN: Yes. I'd like to call
9 Jack Bryant, please, and get him out of here, Your
10 Honor.

11 (Whereupon, the witness, JOHN STAFFORD
12 BRYANT, was duly sworn.)

13 THE COURT: Have a seat. Give your full
14 name to the court reporter.

15 THE WITNESS: I'm John Stafford Bryant,
16 but I go by Jack Bryant.

17 THE COURT: Your witness.

18 - - - - -

19 DIRECT EXAMINATION

20 BY MR. TILLMAN:

21 Q. Mr. Bryant, thank you so much for coming in
22 today quickly.

23 A. Yes, sir.

24 Q. You're a closing attorney; correct?

25 A. I am. Yes, sir.

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1 Q. How long have you been doing that work?

2 A. I have been doing -- practicing law for 27
3 years and about 23 years of real estate closings.

4 Q. Okay. I'm gonna hand you what's been marked
5 as Plaintiffs' Exhibit No. 1 which is the -- you just
6 tell me what it is.

7 A. Yes, sir. This is the deed that I prepared
8 for Betty Edwards to sign conveying it to Tim and Dana
9 Judy in 2018.

10 Q. Does that deed and the property description
11 reference the plat?

12 A. It does. It was a plat that was recorded
13 that was, I believe, at the same time the deed was
14 recorded.

15 Q. Okay. And is Plaintiffs' Exhibit No. 2 that
16 plat?

17 A. Yes, sir.

18 Q. Okay. And you prepared the deed; correct?

19 A. Yes, sir.

20 Q. All right. Who asked you to prepare the
21 deed?

22 A. I can't recall exactly who the initial
23 contact was. It was probably with Kevin Edwards. But
24 I seem to recollect I probably talked to Tim Judy.
25 I've known Kevin and Tim a long time, so I probably

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1 talked to both of them at some point at the time of
2 doing this.

3 Q. Okay. Did they provide the plat for you to
4 reference in the deed?

5 A. They did. Yes, sir.

6 Q. Did you do any kind of title search on either
7 the Soto property or the Judy property when you
8 prepared the deed?

9 A. No, sir.

10 Q. And does it say so on the deed itself?

11 A. Yes, sir. On the bottom of the deed it says
12 "Title not searched or certified by Bryant, Fanning,
13 and Shuler, LLP," which is my law firm.

14 Q. Okay. And did you issue a title policy on
15 this property?

16 A. No, sir.

17 Q. Do you have any opinion as to the proper
18 boundary line between the two properties?

19 A. I do not.

20 Q. I'm gonna hand you a document that we talked
21 about but I don't think we marked.

22 Mr. Bryant, I'm gonna hand you this document
23 entitled "Quitclaim Deed" and ask did you prepare that?

24 A. I did. Yes, sir.

25 Q. Okay. Was that also as part of this same

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1 transaction?

2 A. Yes, sir.

3 Q. Who asked you to prepare that document?

4 A. Honestly, I cannot remember if it was Kevin
5 Edwards or Tim Judy. Like I said, I talked to both of
6 them but don't recall the exact conversations.

7 MR. TILLMAN: Your Honor, I'd like to
8 mark that as -- the quitclaim deed as Defendants'
9 Exhibit No. 3.

10 THE COURT: So admitted without
11 objection.

12 (Defendants' Exhibit No. 3 was marked
13 and received into evidence.)

14 Q. Mr. Bryant, did you research title and
15 certify title when you prepared this deed?

16 A. No, sir.

17 Q. And does it say so on the face of the deed?

18 A. It has the same language, "The title not
19 searched or certified by Bryant, Fanning and Shuler" as
20 well.

21 Q. And, again, do you have any opinion about
22 whether that deed references any correct property lines
23 or anything like that?

24 A. I do not.

25 Q. Okay.

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1 MR. TILLMAN: That's all I have, Your
2 Honor.

3 - - - - -

4 CROSS-EXAMINATION

5 BY MR. HORGER:

6 Q. Mr. Bryant, let me ask you while you've got
7 that deed in front of you. The description on it, on
8 page 2.

9 A. Yes, sir.

10 Q. I believe it refers to property now and
11 formally of Alice Hutto. It should be Alice Soto
12 because it refers to the plat?

13 A. That is correct. Alice Hutto was a realtor
14 here for many years, and I could have made a
15 typographical error.

16 Q. It could've been spellcheck, too. Computers
17 do that to us all the time.

18 A. Sorry about that.

19 Q. No problem. But you see where it shows it
20 that what was sold was "All that piece, parcel of
21 land with improvements, situate, lying and being in
22 Orangeburg County delineated as property N/F Alice
23 Hutto on a plat prepared for Tim Judy and Donna Judy by
24 Donald J. Smith in plat book 80S, 612," which I think
25 is the exhibit --

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1 A. That's correct.

2 Q. -- you have in your hand, No. 2?

3 A. That's correct.

4 Q. Would that quitclaim deed had conveyed any
5 portion of that 1.32 acres on that survey that was
6 conveyed to Mr. Judy and Dana Judy?

7 A. No, sir.

8 Q. And you see the -- where's the plat that you
9 marked just now.

10 A. This is Plaintiffs' 2.

11 Q. I'm looking for the other plat.

12 And that is Exhibit -- Defendants' Exhibit
13 No. 2, that is the Soto plat?

14 A. Yes, sir.

15 Q. And if that quitclaim conveyed property, and
16 it was not the 1.32, it would clarify property would be
17 included in the 1.02 on the Soto plat, wouldn't it?

18 A. Say that again.

19 Q. Okay.

20 A. Let me hold -- can I have the --

21 Q. You can.

22 A. -- the Judy plat? Can you ask me that again,
23 please.

24 Q. Would it establish that the quitclaim deed
25 didn't convey anything of that 1.32 acres conveyed to

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1 Judy? So if Ms. Soto and her property had gotten
2 1 acre, plus or minus, from the bank, but it's surveyed
3 out to 1.02, then what the quitclaim did is it
4 clarified the title into Ms. Soto for the property
5 shown on her plat of the 1.02?

6 A. I don't know if I can testify that it
7 clarified the title. But it would have cleared up
8 maybe any confusion that there could've been.

9 Q. Okay.

10 A. I mean, that's typically what a quitclaim --
11 the purpose of a quitclaim. We think there might be
12 some issue.

13 Q. So Ms. Edwards had an issue with the Soto
14 problem, then her quitclaim says she doesn't have an
15 issue with the Soto property, or clears it up?

16 A. I don't know the answer to that question. I
17 can't -- I mean, I can't -- since I didn't do any title
18 examination, the quitclaim deed --

19 Q. Doesn't convey any --

20 A. -- convey any interest in the now and
21 formally Alice Soto property. I obviously didn't have
22 this one.

23 Q. Right. Okay. So it has nothing to do with
24 the Judy property?

25 A. That's correct.

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1 Q. Okay. Did you also do a title policy on
2 that?

3 A. No, sir.

4 Q. Okay. Do you know if a title policy was
5 issued on that?

6 A. On what property?

7 Q. And the 1 acre, more or less, of Ms. Soto?

8 A. Yes.

9 Q. There was a title policy on that?

10 A. Right.

11 Q. There was never a title policy on any
12 difference between the 1 acre deeded by the bank to
13 Ms. Soto and that line of 288 feet shown on both the
14 survey by Smith and by Jowers?

15 A. That's correct.

16 Q. Okay. And there's never been any title
17 policy issued which would cover the 1.32 acres that
18 Judy is on?

19 A. That's correct.

20 Q. Thank you.

21 - - - - -

22 REDIRECT EXAMINATION

23 BY MR. TILLMAN:

24 Q. Mr. Bryant, I just want to clear something up
25 real quick. Y'all issued -- your firm issued the title

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1 policy on the Soto's property in 2016?

2 A. Right. My former law partner, John Shuler,
3 handled that matter.

4 Q. And that was for the deed description that
5 went into Ms. Soto; correct?

6 A. That's correct.

7 Q. And that was before the 2018 -- the 2017
8 survey, recorded in 2000 --

9 A. '18.

10 Q. -- '18 that we previously marked in this
11 case. Is that correct?

12 A. That's correct.

13 Q. Okay. So to the extent there was a dispute
14 over the boundaries between Ms. Soto's property and
15 what was formerly Ms. Edwards' property in 2016 when
16 you company issued the title policy, that had not been
17 resolved by any plat; correct?

18 A. Right.

19 MR. HORGER: Objection.

20 THE COURT: Thank you, Mr. Bryant.

21 THE WITNESS: Thank you.

22 THE COURT: You can be excused.

23 MR. TILLMAN: Your Honor, can we take a
24 break. My client needs to go to the restroom.

25 (Short break from 11:09 am until

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1 11:15 a.m.)

2 MR. TILLMAN: Eve Nester.

3 (Whereupon, the witness, EVELINA J.
4 NESTER, was duly sworn.)

5 THE COURT: Have a seat. For the
6 record, give the court reporter your full name.

7 THE WITNESS: My full name is Evelina
8 Johns Nestor. That's spelled E-V-E-L-I-N-A. I'm known
9 as Eve J. Nestor, though, by my company Lake Marion
10 Title Services.

11 THE COURT: Your witness.

12 - - - - -

13 DIRECT EXAMINATION

14 BY MR. TILLMAN:

15 Q. Ms. Nester, thank you for coming today. What
16 is your profession?

17 A. Title abstractor.

18 Q. How long have you been doing that kind of
19 work?

20 A. Seventeen years.

21 Q. Are you familiar with Orangeburg County?

22 A. I am.

23 Q. And have you abstracted title in Orangeburg
24 County for 17 years?

25 A. I have.

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1 Q. Okay. Did you abstract title for Lot 1 of
2 the Ms. Soto's property for my office?

3 A. I did.

4 Q. And so you pulled the deeds and the chains
5 and so forth for her property?

6 A. That's correct.

7 Q. I'll hand you what's been marked as
8 Plaintiffs' Exhibit No. 6 and just ask is that the
9 original 1951 deed?

10 A. It is.

11 Q. From Lawrence Stroman to do Dewey Edwards for
12 Ms. Soto's property?

13 A. Yes, it is.

14 Q. Does the deed description in that deed
15 contain any metes and bounds or references to a survey
16 or anything like that?

17 MR. HORGER: This seems to be redundant.
18 The documents are already in evidence. And I don't
19 know that the testimony needs to be brought out as to
20 what they say and don't say. Because they say what
21 they say.

22 MR. TILLMAN: I'm trying to educate,
23 Your Honor.

24 THE COURT: Go ahead. Make your point.
25 I can read the deeds.

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1 MR. TILLMAN: I understand. I'm trying
2 to do a narrative here so you can follow. Okay?

3 THE COURT: Go ahead.

4 BY MR. TILLMAN:

5 Q. Does that deed reference metes and bounds or
6 reference to a survey or anything like that?

7 A. No, it doesn't.

8 Q. Does it just refer to neighboring property
9 boundaries?

10 A. Correct.

11 (Brief pause.)

12 Q. Ms. Nester, I'm gonna ask you is that -- do
13 these -- is this a set of deeds in the chain from
14 Ms. Soto's property that you pulled?

15 A. Yes.

16 Q. And is that a series of deeds that goes back
17 and forth between Dewey Edwards, Betty Edwards, and
18 Janet Gaillard prior to 2009?

19 A. That's right.

20 Q. And do they have the same property
21 description as the original deed to Dewey Edwards?

22 A. They do.

23 MR. TILLMAN: Your Honor, I ask that be
24 marked as Defendants' Exhibit No. 4.

25 THE COURT: So admitted.

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1 (Defendants' Exhibit No. 4 was marked
2 and received into evidence.)

3 Q. Okay. We previously discussed or Mr. Horger
4 previously marked as a Plaintiffs' Exhibit No. 4, a
5 warranty deed from a bank, and ask if that was in
6 Ms. Soto's chain of title as well?

7 A. Yes, it was.

8 Q. And does that contain the same property
9 description as the original deed to Dewey Edwards?

10 A. It does. Yes.

11 Q. Does it reference metes and bounds on a
12 survey or anything like that?

13 A. No, it does not.

14 Q. Okay. And I'm gonna hand you what's been
15 marked as Plaintiffs' Exhibit No. 5 and ask if that the
16 deed by which Ms. Soto took title to her property?

17 A. Yes, it is.

18 Q. And does it have roughly the same property
19 description as all the other deeds in the chain dating
20 back to 1951?

21 A. Yes, it does.

22 Q. And does it discuss metes and bounds or make
23 reference to a survey?

24 A. No, it does not.

25 Q. Did you have occasion to pull old tax maps --

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1 well, first of all, what date did Ms. Soto take title
2 of her property?

3 A. Let's see, the date is May 26, 2016.

4 Q. Okay. And were you able to find any surveys
5 or plats of Ms. Soto's property that were recorded
6 prior to that date?

7 A. No.

8 Q. Were you able to find any tax maps at the
9 Orangeburg County Assessor's Office that depicted
10 Ms. Soto's property historically?

11 A. I did.

12 Q. Okay. I'm gonna hand you --

13 MR. HORGER: Your Honor, I object.
14 These were never provided in discovery to my
15 recollection.

16 MR. TILLMAN: They were, Your Honor.

17 MR. HORGER: They were?

18 MR. TILLMAN: They were.

19 THE COURT: They're public records.
20 I'll allow it.

21 BY MR. TILLMAN:

22 Q. Ms. Nester, I'll ask could you take a look at
23 that and tell me what that is.

24 A. It is -- I believe this is the 1977 tax map
25 of the Soto property, the triangle.

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1 Q. Okay. And can you --

2 MR. TILLMAN: And, Your Honor, I'd like
3 to mark this as Defendants' Exhibit No. 5.

4 MR. HORGER: Your Honor, I would object
5 to the tax map in 1977 as being hearsay as well because
6 it's a third-party depiction of something that we don't
7 have them here to cross-examine. And we don't know the
8 authenticity of the basis of which that document was
9 even generated.

10 THE COURT: I think Mr. Nestor is
11 authorized. I'm gonna overrule your objection. I'll
12 allow it for what it's worth.

13 (Defendants' Exhibit No. 5 was marked
14 and received into evidence.)

15 BY MR. TILLMAN:

16 Q. Can you tell the Court again, Ms. Nester,
17 what this document is?

18 A. This is the 1977 tax map of Ms. Soto's
19 property.

20 Q. Okay. And is there a number on the property
21 that depicts Ms. Soto's property?

22 A. Number 6.

23 Q. Okay. And is the Judy's property located
24 adjacent to that?

25 A. It is.

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1 Q. Was it part of a larger parcel at this time?

2 A. It was. It was part of a parcel that was --
3 a larger parcel that was on the west side of Sleepy
4 Hollow Road.

5 Q. And is the Judy's parcel -- what became their
6 parcel depicted as a triangle or a four-sided piece of
7 property on this document?

8 A. I stand corrected. It is a four-sided piece
9 of property.

10 Q. Okay.

11 A. Oh, I'm sorry.

12 Q. The Judy's property?

13 A. The Judy's property. It is three-sided.

14 Q. Okay. And it's in the nature of a triangle?

15 A. Correct.

16 Q. Ms. Nester, I'm gonna hand you a document and
17 ask if you can identify this.

18 MR. HORGER: Same objection, Your Honor.

19 THE COURT: I overrule it again on the
20 basis -- I'm not even sure what it is. Is it public
21 record?

22 A. It's also the '77 tax map. Excuse me,
23 perhaps this one was the '60. I'm sorry. The Exhibit
24 No. 5 may have been the '66 tax map.

25 Q. Okay.

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1 A. And then this one that you just handed me is
2 the '77 tax map.

3 Q. Okay.

4 A. I apologize for that.

5 MR. TILLMAN: Your Honor, I would like
6 to mark what she just identified as the '77 tax map as
7 Defendants' Exhibit No. 6, please.

8 THE COURT: I admit it over the
9 objections.

10 (Defendants' Exhibit No. 6 was marked
11 and received into evidence.)

12 BY MR. TILLMAN:

13 Q. Okay. Can you jus show the Court -- this is
14 kind of small. Can you show the Court were Ms. Soto's
15 property is on there?

16 A. Certainly. It is right here.

17 Q. Show the Judge up there.

18 A. (Witness complies.)

19 THE COURT: Thank you.

20 Q. And is what became the Judy's property
21 depicted next to it?

22 A. It is.

23 Q. And is the Judy's property depicted as a
24 triangle or four-sided piece of property?

25 A. Triangle.

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1 Q. Thank you. Did you also abstract title for
2 the Judy's property?

3 A. I did.

4 Q. Okay. And you were aware that there's a
5 1970 -- the original deed from Lawrence Stroman to
6 Betty Edwards in 1974 was of a larger parcel to Betty
7 Edwards?

8 A. I was aware, yes.

9 MR. TILLMAN: Did you mark that? The
10 1974 deed.

11 THE WITNESS: I think we did.

12 MR. HORGER: Actually, I think I marked
13 '51. I don't think I marked '74.

14 MR. TILLMAN: Sorry. I thought you had
15 marked '74.

16 MR. HORGER: I did not because that's
17 '74.

18 BY MR. TILLMAN:

19 Q. I'm gonna hand you this document, Ms. Nester,
20 and ask you what that is?

21 A. This is the piece of property that
22 Mr. Stroman sold Ms. Betty Edwards back in 1974. It
23 contains 61 acres, 23 of which was Orangeburg County
24 and 38 was in Calhoun County.

25 Q. Okay. And does that deed --

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1 MR. TILLMAN: Well, Your Honor, I'd like
2 to mark that deed as Defendants' Exhibit No. 6.

3 COURT REPORTER: Seven.

4 MR. TILLMAN: Seven, excuse me.

5 THE COURT: Seven. All right, so
6 admitted.

7 (Defendants' Exhibit No. 7 was marked
8 and received into evidence.)

9 BY MR. TILLMAN:

10 Q. Okay. Does this deed of Betty Edwards
11 reference a plat, survey, or metes and bounds, or does
12 it just refer to adjacent property owners?

13 A. Just refers to adjacent property owners.

14 Q. And what was previously marked as Plaintiffs'
15 Exhibit No. 1, does this appear to be the deed from
16 Ms. Edwards to the Judys?

17 A. Yes.

18 Q. Okay. And that was in?

19 A. This is in 2018, March of 2018.

20 Q. Okay. And that was --

21 A. Excuse me. It was dated January, recorded
22 March.

23 Q. In your title search, did you find any
24 interim deeds in between 1974 and that deed in 2018?

25 A. May I refer to my notes just to --

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1 Q. Absolutely.

2 A. Okay. Thank you.

3 (Brief pause.)

4 A. There were no interim deeds.

5 Q. Okay. I'm gonna hand you what's been
6 previously marked as Plaintiffs' Exhibit No. 2 which is
7 a -- well, you tell me what it is.

8 A. This is the survey done by Mr. Donald Smith
9 back in 2018 of the 1.32 acres owned by the Judys.

10 Q. Okay. Was that found in your title search?

11 A. May I?

12 Q. Absolutely.

13 A. I'm sure it was. Yes, yes, yes.

14 Q. And does that depict the Judys' property as a
15 triangle or a four-sided document?

16 A. A four-sided.

17 Q. A four-sided parcel.

18 A. A four-sided parcel.

19 Q. I'm gonna hand you what was previously marked
20 as Defendants' Exhibit No. 2 and ask you what that
21 document is?

22 A. This was a subsequent survey done by
23 Ms. Soto. It was recorded in 2020 for a Parcel A which
24 was a 0.13-acre tract.

25 Q. Okay. And does that depict a purported

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1 boundary line between Ms. Soto and the Judys?

2 A. Yes.

3 Q. And does it depict the Judys' property as a
4 triangle or a four-sided piece of property?

5 MR. HORGER: Objection, Your Honor. I
6 think the plat speaks for itself and the counsel is
7 trying to get -- to lead the witness to make a
8 statement which is not correct in the interpretation of
9 the plat.

10 THE COURT: I overrule the objection.
11 I'll hear what she has to say.

12 A. Yes. It appears that the Judys' property is
13 a triangle.

14 Q. Okay. Thank you. That's all I have.
15 Mr. Horger might have some questions.

16 - - - - -

17 CROSS-EXAMINATION

18 BY MR. HORGER:

19 Q. Let me go right back to this. Because
20 Exhibit No. 2, when you see the boundary here and it's
21 this line, which is 288 feet, depicted as a line of
22 1.02 acres, if you use that line then the Judy property
23 would in fact be a four-sided property; would it not?

24 A. If you used that line, that's right.

25 Q. Yeah. And the surveyor didn't use the line

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1 because he used this line of 288 feet. And this is
2 noted as just being what Ms. Soto claims. But that's
3 not the property line, is it?

4 A. I can't make a determination of what the
5 property line is.

6 Q. Okay. So you can't make a statement that
7 it's three-sided or four-sided?

8 MR. TILLMAN: Objection, Your Honor.
9 She can tell us what a triangle is.

10 THE COURT: She can tell us what's on
11 the tax map, which is all that she's been telling, all
12 of which I can see right here in evidence.

13 BY MR. HORGER:

14 Q. And let's go to the tax map and the tax map
15 records. They're not part of the title history, are
16 they?

17 A. Well, only as a matter of record.

18 Q. They are a matter of record for purposes of
19 lien for taxes and what you do. And you do an abstract
20 of title, you look for liens, judgments, mechanic's
21 liens, all different types of things which could be
22 liens, but they are not in fact a part of the history
23 or the chain of title?

24 A. In cases such as this case, it's sometimes
25 the only visual we have of what the property was once

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1 represented as.

2 Q. May have been represented on the tax map, but
3 it's not the chain of title as to what --

4 A. Correct.

5 Q. -- the property really is, is it?

6 A. Correct.

7 Q. Okay. And as far as the deeds -- and you've
8 gone through -- you've been questioned repeatedly about
9 the acre, the 1 acre of the land, and that there are no
10 plats referenced or no metes and bounds in the whole
11 history of that 1 acre that Ms. Soto now owns?

12 A. That's correct.

13 Q. Okay. But in regard to the historical line,
14 the line delineated by the ditch, there's nothing that
15 would indicate that's ever changed, is there?

16 A. I can't speak to that.

17 Q. Well, you didn't find anything, did you?

18 A. Right, right.

19 Q. Okay. And so if the surveyor depicts the
20 historical demarcation of the line, which has never
21 changed since 1951, at least there's no evidence to
22 indicate that the line is any other place, is there,
23 that you find in your abstracting of the public
24 records?

25 A. That's right.

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1 Q. And when you looked at Plaintiffs' Exhibit
2 No. 2 and Don Smith's survey, it actually depicts the
3 Judys as having 1.32 acres?

4 A. That's right.

5 Q. Okay. And doing the abstract of Ms. Soto
6 property, did you come across the deed which was from
7 Betty Edwards, the quitclaim deed for the portion of
8 land now or formally of Alice Soto on the Judy plat?

9 A. Repeat the question.

10 THE COURT: I didn't understand it
11 either.

12 THE WITNESS: Okay.

13 Q. Let me show you Plaintiffs' Exhibit No. 2.

14 A. Okay.

15 Q. You see the property that that's 1.32 acres
16 of the Judys'?

17 A. Yes.

18 Q. Okay. And you see where it says on the
19 northeast, it says "Now or formerly of Soto"?

20 A. Yes, I do.

21 Q. Okay. And if the quitclaim deed that you
22 found in your abstract -- and I believe you have it in
23 your hand.

24 A. Right, right.

25 Q. If it refers to the property now or formerly

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1 of Alice Soto shown on that plat, it would in fact not
2 convey any portion of the 1.32 acres to the Judys?

3 A. I don't how to answer that, Michael. I
4 didn't know what the quitclaim deed was for. Some I'm
5 sorry, I . . .

6 Q. Well, if you look at the plat and you look at
7 the description, you now know it's for property
8 northeast of the Judy line which is demarked by the
9 ditch which later had a culvert in it?

10 A. That's what it says.

11 Q. So it wouldn't convey anything on 1.32 acres?

12 A. Right.

13 Q. Okay. Thank you.

14 MR. HORGER: That's all I got.

15 - - - - -

16 REDIRECT EXAMINATION

17 BY MR. TILLMAN:

18 Q. Ms. Nester, did you find anything in the
19 title history of Lot 14 or Lot 1 prior to May of 2016
20 which contained a historical demarcation of the line in
21 the actual title?

22 A. Of which property?

23 Q. Between the Soto property and the Judy
24 property. Did you find anything in the deeds
25 themselves that contained a historical demarcation of

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1 the line?

2 A. No.

3 Q. Okay. And was the only thing you found that
4 depicted that line, those tax maps that we looked at
5 earlier?

6 A. That's right.

7 Q. And those show the Judys' property is a
8 triangle; correct?

9 A. Correct.

10 Q. Okay. Thank you.

11 - - - - -

12 RE CROSS-EXAMINATION

13 BY MR. HORGER:

14 Q. And you're aware the tax maps do not convey
15 title?

16 A. I am.

17 Q. Okay.

18 THE COURT: We're beating a dead horse.
19 I understand your point.

20 MR. HORGER: That's all I got. Thank
21 you.

22 THE COURT: Thank you. You're excused.

23 THE WITNESS: I'm excused?

24 THE COURT: Yes.

25 THE WITNESS: And here are you exhibits.

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1 MR. TILLMAN: Your Honor, can I take a
2 quick -- I'm not sure whether I'm gonna call Ms. Soto
3 or whether I'm done. Can I take a quick break and talk
4 to her?

5 THE COURT: Okay. That's fine.
6 (Short break from 11:38 a.m. until
7 11:42 a.m.)

8 THE COURT: Back on the record.
9 Mr. Horger, you wanted to ask some questions?
10 (Ms. Nester resumes witness stand.)

11 - - - - -

12 RE CROSS-EXAMINATION (Continuing)

13 BY MR. HORGER:

14 Q. Let me hand you what's a document. It's a
15 copy of the deed from Lawrence Stroman to
16 Dewey Edwards.

17 A. Okay.

18 Q. And it appears to have some notes that are
19 written on there. It appeared to be maybe from the tax
20 records?

21 A. That's right.

22 Q. Are those your notes?

23 A. They are my notes.

24 Q. And what does that reflect?

25 A. The old tax assessor's property card.

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1 Q. Okay.

2 A. The tax assessor's card will have the north,
3 east, south, and west boundaries and it gives the -- a
4 notation of the deed.

5 Q. Okay. And the notations of those -- that
6 footage, if I may, is different from what's shown on
7 either one of the plats, isn't it?

8 A. May I hold it again, please.

9 Q. Yes, ma'am. I'm sorry. I'll try to get you
10 the other survey.

11 (Brief pause.)

12 A. Yes, it's different.

13 Q. Okay. And, for example, one of the surveyors
14 has 171 feet on the front; which your notes from the
15 old tax record on there shows 150 feet?

16 A. Yes.

17 Q. So if you go by the tax records for the
18 distance on the line to make it a triangle, there's
19 also a discrepancy in the line on the frontage of
20 Ms. Soto's property?

21 A. Yes.

22 Q. Okay. On both surveyors' plats?

23 A. Yes.

24 MR. HORGER: I move to introduce that,
25 Your Honor. Than you. That's all I got.

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1 THE COURT: That would be Plaintiffs'
2 Exhibit No. 7.

3 COURT REPORTER: 7.

4 THE COURT: So moved.
5 (Plaintiffs' Exhibit No. 7 was marked
6 and received into evidence.)

7 THE COURT: Ms. Nester can now be
8 excused?

9 MR. HORGER: Yes.

10 MR. TILLMAN: Can I just see -- I may
11 have one follow-up for her.

12 - - - - -

13 FURTHER EXAMINATION

14 BY MR. TILLMAN:

15 Q. Just for the Court's benefit, Ms. Nester, the
16 boundary line between Ms. Soto's property and
17 Mrs. Judy's property is depicted as 320 feet on your
18 notes?

19 A. Correct.

20 Q. Okay. And if you look at the survey that
21 Ms. Soto had which depicts the line that both
22 Mr. Judy's surveyor drew and Ms. Soto's surveyor drew,
23 neither of those lengths is the same as 320; correct?

24 A. That's correct.

25 Q. And the one that Mr. Judy's surveyor drew is

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1 how much?

2 A. The 370. About 288, yeah.

3 Q. And then the one that Ms. Soto's?

4 A. 341.

5 Q. Okay. I just want to let the Court know
6 that. Okay. Thank you.

7 THE COURT: All right. Call your next
8 witness.

9 MR. TILLMAN: We call Alice Soto.
10 (Whereupon, the witness, ALICE SOTO, was
11 duly sworn.)

12 THE COURT: Have a seat, please, ma'am.

13 THE WITNESS: Yes.

14 THE COURT: And once you do, tell the
15 court reporter your full name. You can have a seat.

16 THE WITNESS: My name is Alice Soto,
17 S-O-T-O.

18 THE COURT: Your witness.

19 - - - - -

20 DIRECT EXAMINATION

21 BY MR. TILLMAN:

22 Q. Ms. Soto, where were you born originally?
23 Where are you from?

24 A. I was born in New York City, Manhattan.

25 Q. Okay. And just for the Court's edification,

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1 what did you do for a living?

2 A. Well, I studied to be a seamstress. And I
3 also -- because I spoke Spanish and English, I was
4 called many times to translate different situations:
5 clinics, hospitals, and stuff like that.

6 Q. Could you speak up just a little bit for the
7 court reporter.

8 A. Oh, I'm so sorry. Yes. I was a housewife,
9 number one. And then I also did seamstress work and I
10 did interpreting as a past time, yes.

11 Q. Do you have any children?

12 A. Yes. I have three children.

13 Q. And what was your reason for moving to
14 Orangeburg County?

15 A. Well, I was retiring so I wanted to get away
16 from the city and the cold weather. And so I came to
17 South Carolina and buy a house as a retirement home.

18 Q. Okay. And approximately when did you move
19 into the home?

20 A. I moved in in the month of June. I did get
21 the key in May, but I officially moved in in June.
22 That was my first truckload.

23 Q. Okay. And that would be June 2016?

24 A. Yes, sir.

25 Q. And did you hear Mr. Edwards testify

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1 regarding conversations he had with you earlier?

2 A. Yes. I only recall one conversation with
3 Mr. Edwards.

4 Q. Okay. Tell me about the conversation.

5 A. And that was on June 2016 when I had just
6 gotten home from my first truckload. And he just came
7 on the property, roaring into the property with his
8 truck, get off the car, slammed the door, and told me
9 that he wanted me to make sure that I knew that beyond
10 the picket fence, I owned nothing. And that was the
11 extent, the priority of the conversation. It wasn't
12 all of the conversation, but it was the initial
13 conversation that I had. And that was the only
14 conversation that I've had with Kevin Edwards.

15 Q. Did you ever have a conversation with
16 Mr. Edwards about delineating the property line --

17 A. Never. Never.

18 Q. -- let me finish the question.

19 A. Never. Him or --

20 Q. Let me finish the questions for the court
21 reporter. Did you ever have a conversation with Kevin
22 Edwards about delineating the property line between
23 Lot 1 and Lot 14?

24 A. When you saying delineate, you mean?

25 Q. Establishing.

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1 A. No.

2 Q. Did you ever have a conversation with
3 Mr. Edwards about obtaining a surveyor to do that work?

4 A. No. No.

5 Q. Did you ever have a similar conversation with
6 Mr. Judy about surveying the property?

7 A. No.

8 Q. Just so the Court knows what the property --
9 what your property looks like, I'm gonna hand you a
10 document. Tell me if you know what that is, what this
11 document is?

12 A. This is the face of 311 Sleepy Hollow Road.

13 Q. Okay. And as part of Lot 14 over to the
14 right?

15 A. And part of Lot 14. Yes, sir.

16 Q. Okay.

17 MR. TILLMAN: Your Honor, I'd like to
18 mark this as an exhibit.

19 THE COURT: Defendant's Exhibit No. 8.
20 (Defendants' Exhibit No. 8 was marked
21 and received into evidence.)

22 BY MR. TILLMAN:

23 Q. Ms. Soto, at some point you learned that the
24 Judys had purchased Lot 14. Is that correct?

25 A. Yes.

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1 Q. And you were made aware that they had a plat
2 recorded?

3 A. Yes.

4 Q. And did you have a surveyor draw up a plat
5 for you?

6 A. Yes.

7 Q. Okay. Is Defendants' Exhibit No. 2 that
8 plat?

9 A. And this was done -- yes. This is the plat
10 that I had done.

11 Q. All right. And that depicts the area of the
12 property that you claim you own. It's .13 acres and it
13 says "Claimed by Soto" on the plat. Is that correct?

14 A. Yes. Unfortunately, yes. This is what was
15 done. He couldn't do better.

16 MR. TILLMAN: That's all I have. Thank
17 you.

18 - - - - -

19 CROSS-EXAMINATION

20 BY MR. HORGER:

21 Q. Ms. Soto, as I understand, you just said that
22 Mr. Edwards came and told you that you didn't own
23 anything on the other side of the fence?

24 A. Yeah. Beyond my link fence.

25 Q. And this is a copy of Defendants' 12.

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1 (Brief pause.)

2 MR. TILLMAN: Here it is.

3 Defendants' 8.

4 MR. HORGER: All right. I had 12.

5 BY MR. HORGER:

6 Q. Defendants' Exhibit No. 8. So back in 2016,
7 you knew didn't own get anything on the other side of
8 that fence, didn't you?

9 A. No. It was not this fence that he was
10 referring to. The picture that you have here is not
11 the one. It was the link fence parallel to my home all
12 the way down to the back. Not this fence.

13 Q. Parallel to your house?

14 A. It was --

15 Q. Not a diagonal fence to your house?

16 A. Yes.

17 Q. Okay. And looking at Defendants' Exhibit
18 No. 8, do you know where your property corner is?

19 A. Looking at what, at this map? Is that what
20 you're asking me?

21 Q. Pardon me?

22 A. To look at this map?

23 Q. Can you look at that and tell me where your
24 property corner is?

25 A. It doesn't describe a corner.

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1 Q. Can you look at it and tell me where it is?

2 A. There isn't.

3 Q. Pardon me?

4 A. There isn't a corner of my property described
5 in this map.

6 Q. Where do you think the corner of your
7 property is between you and Judy?

8 A. Asking me to think about -- my opinion, is
9 that what you're asking?

10 Q. No. I'm asking you to show me in that
11 picture, in Exhibit No. 8, where the corner is that
12 your surveyor surveyed for you in Exhibit No. 2?

13 MR. TILLMAN: Your Honor, this doesn't
14 matter. And he's badgering the witness. I object to
15 this. The plat says what it says.

16 A. Says there is no -- there is no division of
17 property here.

18 THE COURT: She's answered the question.

19 A. Okay. You want me to tell you what? Can you
20 repeat --

21 Q. Can you tell us where your property line is
22 looking at Exhibit No. 8, the photograph?

23 A. Exhibit No. 8. This is Exhibit No. 8?

24 Q. The photograph. Yes, ma'am.

25 A. Yeah. No, you can't. You can't --

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1 Q. You don't know looking at that?

2 A. No, you can't.

3 Q. Okay. Now, Exhibit No. 2 shows you have
4 185 -- 186.50 feet on Sleepy Hallow Road; correct?

5 A. It says 274. I got it upside down. It's
6 saying 186.50. Is that what you're referring to?

7 Q. Yes, ma'am.

8 A. Well, that's what the surveyor . . .

9 Q. That's what he put on the survey?

10 A. That's right.

11 Q. And do you agree with that or not agree?

12 A. No. I don't agree with that.

13 Q. You don't agree with that. And so look at
14 Plaintiffs' Exhibit No. 1. You see the tax map records
15 that are notated on there by your abstractor, or your
16 lawyer's abstractor. It would show that you only have
17 150 feet on Sleepy Hallow Road.

18 A. And this was done when? What year? This
19 year?

20 Q. It was done by your abstractor in the last
21 year, I assume. You would know because it's your
22 witness that did that.

23 A. Just a minute.

24 I really can't give you an answer because I
25 don't understand what I'm looking at.

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1 Q. So you don't know where your property lines
2 are?

3 A. No, no. I'm saying I do not understand what
4 this little document here says.

5 Q. The abstractor just testified 20 minutes ago
6 that this was her notes and she showed north on 468,
7 which I represent to you now is Sleepy Hallow Road,
8 150 feet?

9 A. 150 feet from -- which is by the Jenkins'
10 side of the road.

11 Q. Is it your position that the Court should go
12 by the tax map that shows the triangle?

13 A. 150 feet was what Mr. Dewey Edwards did a
14 graph on a piece of paper, and 150 feet in 19700 --
15 1954.

16 Q. Is this the graph that you're talking about?

17 A. Yes. That would be more correct.

18 Q. And who drew this?

19 A. Well, that surveyor did for Mr. Judy and for
20 myself, are both incorrect as far as my opinion goes.
21 And you did want my opinion.

22 Q. And you think your opinion goes by this
23 graph?

24 A. Yes.

25 MR. TILLMAN: Objection. That's not a

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1 graph, Your Honor?

2 MR. HORGER: Well, she referred to as
3 such, the picture that I just handed her.

4 A. Well, it says 150 according to the woman that
5 was just here.

6 Q. This in your right hand, that's something
7 that was produced to me by your lawyer. That's
8 something that you had done. You agree with that?

9 A. This is a map that was in town hall public
10 records?

11 Q. Not the notations on it.

12 A. Yes. Those notations, that was for the
13 benefit of my attorney so that he would know where I
14 was referring to.

15 MR. HORGER: Your Honor, I'd like to
16 introduce this as an aerial 2007 and it shows an old
17 tax map with some depictions on it.

18 MR. TILLMAN: Okay. No objection.
19 (Plaintiffs' Exhibit No. 8 was marked
20 and received into evidence.)

21 BY MR. HORGER:

22 Q. I'll hand you what's now been marked as
23 Plaintiffs' Exhibit No. 8. And if you look at that --
24 I'll go ahead and take that and leave that with you.
25 You got Exhibit No. 8 in your hand. And you see that,

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1 how it's depicted where it's a 1977 tax map and it
2 shows a more diagonal line to the corner. And that's
3 where --

4 A. This is 2007.

5 Q. And you're claiming a diagonal line on that
6 side between you and Mr. Judy, it goes to the corner?

7 A. This is a 2007, not a 1977 map.

8 Q. This is 2007?

9 A. Yes.

10 Q. But this is something that has been prepared
11 and produced to me. Do you realize that if you go by
12 the old tax map records as you purported would be you
13 -- and the Court doesn't go by the surveys that the two
14 surveyors have done, that you would get 150 feet,
15 something less than you already have?

16 A. Yes.

17 Q. Okay. Thank you.

18 MR. HORGER: That's all I got.

19 THE COURT: Thank you, Ms. Soto. You
20 can step down.

21 THE WITNESS: Okay.

22 THE COURT: Any further witnesses?

23 MR. TILLMAN: No, Your Honor.

24 THE COURT: Y'all want to submit
25 proposed orders?

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1 MR. TILLMAN: Yes, Your Honor. That's
2 fine. So I thought we were gonna have a jury trial on
3 the trespassing claim on June -- January 2nd. But I
4 noticed yesterday they haven't put us on that, so I
5 think we have some time. They were supposed to, but
6 didn't. So I think we have time.

7 THE COURT: Okay. I don't know if they
8 can do it until I make a ruling.

9 MR. TILLMAN: It's certainly dependent
10 on your ruling, yes.

11 THE COURT: All right.

12 MR. HORGER: Because there may be a
13 portion that's trespass and a portion that's not
14 trespass. The extent of the trespass will be dependent
15 upon this Court's ruling.

16 THE COURT: Right. So how long do y'all
17 think you'll need?

18 MR. TILLMAN: Just a week for me.

19 THE COURT: You need more than a week?

20 MR. HORGER: I'll jump right on it, see
21 what I can do. If I need more than a week, I'll let
22 you know. But I've got it in my mind, so I'll go back
23 and try to do it right away.

24 THE COURT: Let's do -- what's today,
25 the 7th?

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1 MR. HORGER: But if it may be -- it's
2 December, so everything speeds up. I got more hearings
3 and mediations.

4 THE COURT: That's what I'm saying.

5 MR. HORGER: All the way through
6 December 21st.

7 MR. TILLMAN: I'm not trying to press
8 anybody. Whatever you do is fine with me.

9 MR. HORGER: I want to get on with it.
10 And I'll do that.

11 THE COURT: Just do the best you can.

12 MR. HORGER: I will.

13 THE COURT: If you need a little bit
14 more time, let me know.

15 MR. HORGER: I'll let you know. But
16 let's go a week and then if I need anything, I'll let
17 Matt and you know.

18 THE COURT: Okay. All right. Thank
19 y'all for coming. We'll go off the record.

20 - - - - -

21 (Whereupon, there being nothing further,
22 the proceeding concluded at 12:02 p.m.)
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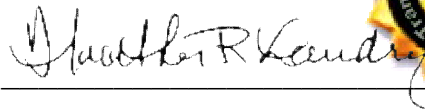
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C E R T I F I C A T E
STATE OF SOUTH CAROLINA;
COUNTY OF COLLETON

I, HEATHER R. LANDRY, Certified Verbatim Reporter and Notary Public, State of South Carolina at Large, certify that I was authorized to and did stenographically report (by voice) the foregoing hearing of the captioned case; and that the transcript represents a true, accurate, and complete record of the testimony so given to the best of my skill and ability.

I further certify that I am not related to nor an employee of any of the parties hereto, nor a relative or employee of any attorney or counsel employed by the parties hereto, nor have any interest in the outcome of this action.

WITNESS MY HAND AND OFFICIAL SEAL this 21st day of March, 2023, in the County of Colleton, State of South Carolina.



Heather R. Landry, CVR
and Notary Public
My Commission Expires:
April 10, 2024

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1795
0042

D-BK:01795 PG:0042

Ret:JSB

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS That I, **Betty S. Edwards**, in the State aforesaid for and in consideration of the sum of Five and no/100 (\$5.00) Dollars, to me paid by **Timothy J. Judy and Dana A. Judy** in the State aforesaid have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release, subject to the ordinances, easements, rights-of-way, restrictions, reservations and conditions set forth herein, unto the said **Timothy J. Judy and Dana A. Judy**, for and during their joint lives and upon the death of either of them, then to the survivor of them, his or her heirs and assigns forever in fee simple together with every contingent remainder and right of reversion, all my right, title and interest in the following described property, to wit:

SEE SCHEDULE A ATTACHED HERETO AND INCORPORATED HEREIN

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 **Timothy J. Judy and Dana A. Judy**, for and during their joint lives and upon the death of either of them, then to the survivor of them, his or her heirs and assigns forever in fee simple together with every contingent remainder and right of reversion, subject to the ordinances, easements, rights-of-way, restrictions, reservations and conditions set forth herein.

And I hereby bind myself and my heirs and assigns, to warrant and forever defend all and singular the said premises unto the said **Timothy J. Judy and Dana A. Judy**, for and during their joint lives and upon the death of either of them, then to the survivor of them, his or her heirs and assigns forever in fee simple together with every contingent remainder and right of reversion, against me and my heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof, subject to the ordinances, easements, rights-of-way, restrictions, reservations and conditions set forth herein.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 19th day of JANUARY, 2018 and in the 242nd year of the sovereignty and independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

(1) [Signature]
Witness #1

(2) [Signature]
Witness #2

Betty S. Edwards
Betty S. Edwards

COLLEEN S HARRIS
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JAN. 31, 2021
COMMISSION # 191332

STATE OF VIRGINIA
COUNTY OF VIRGINIA BEACH

On the 19 day of JANUARY, 2018 before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Betty S. Edwards**, personally known to me (or proven to me on the basis of satisfactory evidence) to be the person whose name is subscribed to in this instrument and acknowledged that s/he/they executed it.

WITNESS under my hand and official seal,
FILED Mar 16, 2018 11:52 am
BOOK 01795
PAGE 0042 THRU 0045
INSTRUMENT # 2018001055
Signature [Signature]
FILED ORANGEBURG COUNTY
ELAINE G. DOUGLAS
REGISTER OF DEEDS

(3) [Signature]
Notary Public for City of Virginia Beach, VA
Print Name of Notary Colleen S Harris
My commission expires: 1/31/2021

TITLE NOT SEARCHED OR CERTIFIED BY BRYANT, FANNING & SHULER, LLP

ENTERED IN THE OFFICE OF THE ASSESSOR

DATE: 03-16-2018

JIM MCLEAN, ORANGEBURG COUNTY ASSESSOR



1795
0043

D-BK:01795 PG:0043

SCHEDULE A

All that certain piece, parcel or tract of land with improvements thereon, situate, lying and being in Orangeburg County, South Carolina, containing **1.32 acres, more or less**, being more particularly shown and delineated on a plat prepared for Timothy Judy and Dana Judy by Donald J. Smith, Jr., Inc., approved by Donald J. Smith, Jr., RLS, dated December 1, 2017, and recorded in the Office of the Register of Deeds for Orangeburg County in Plat Book 805, page 612; all measurements being more or less and subject to an accurate current survey; all metes, bounds, courses and distances as are evidenced on the aforesaid plat as they relate to the property described herein are incorporated herein by reference and subject to an accurate current survey.

This is a portion of the same property conveyed to Betty S. Edwards by deed of L. Edgar Stroman dated February 28, 1974, and recorded March 1, 1974, in said Register's Office in Deed Book 393, page 391.

Subject to all ordinances, easements, rights-of-way, restrictions, reservations and conditions of record.

Tax Map Number: 0240-00-02-014

Grantee Address: 322 Sleepy Hollow Road, Cameron SC 29030

TITLE NOT SEARCHED OR CERTIFIED BY BRYANT, FANNING & SHULER, LLP

1795
0044

D-BK.01795 PG:0044

STATE OF SOUTH CAROLINA)

COUNTY OF ORANGEBURG)

AFFIDAVIT

Date of Transfer of Title

Closing Date 1/19/18

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 1.32 acres, more or less, Sleepy Hollow Road, Tax Map Number 0240-00-02-014 by deed of Betty S. Edwards to Timothy J. Judy and Dana A Judy.

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 distribution to a trust beneficiary.

(c) X EXEMPT from the deed recording fee because NO MONEY BEING PASSED
Explanation if required: (If exempt, please skip items 4-6, and go to item 7 of this affidavit.)

4. Check one of the following if either item 3(a) or 3(b) above has been checked.

(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 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) \$ the amount listed in item 4 above.

(b) 0 the amount listed in item 5 above.(no amount place zero)

(c) \$ Subtract line 6(b) from line 6(a) and place the result.

7. The Deed recording fee is based on the amount listed on Line 6 above & the deed recording fee due is: \$

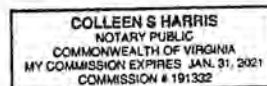
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as Grantor.

9. I further 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.

Betty S. Edwards
Betty S. Edwards

SWORN to before me this 19th
day of JANUARY, 2018

Colleen S Harris
Notary Public for City of Virginia Beach, VA
Print Name of Notary Colleen S Harris
My commission expires: 11/31/2021

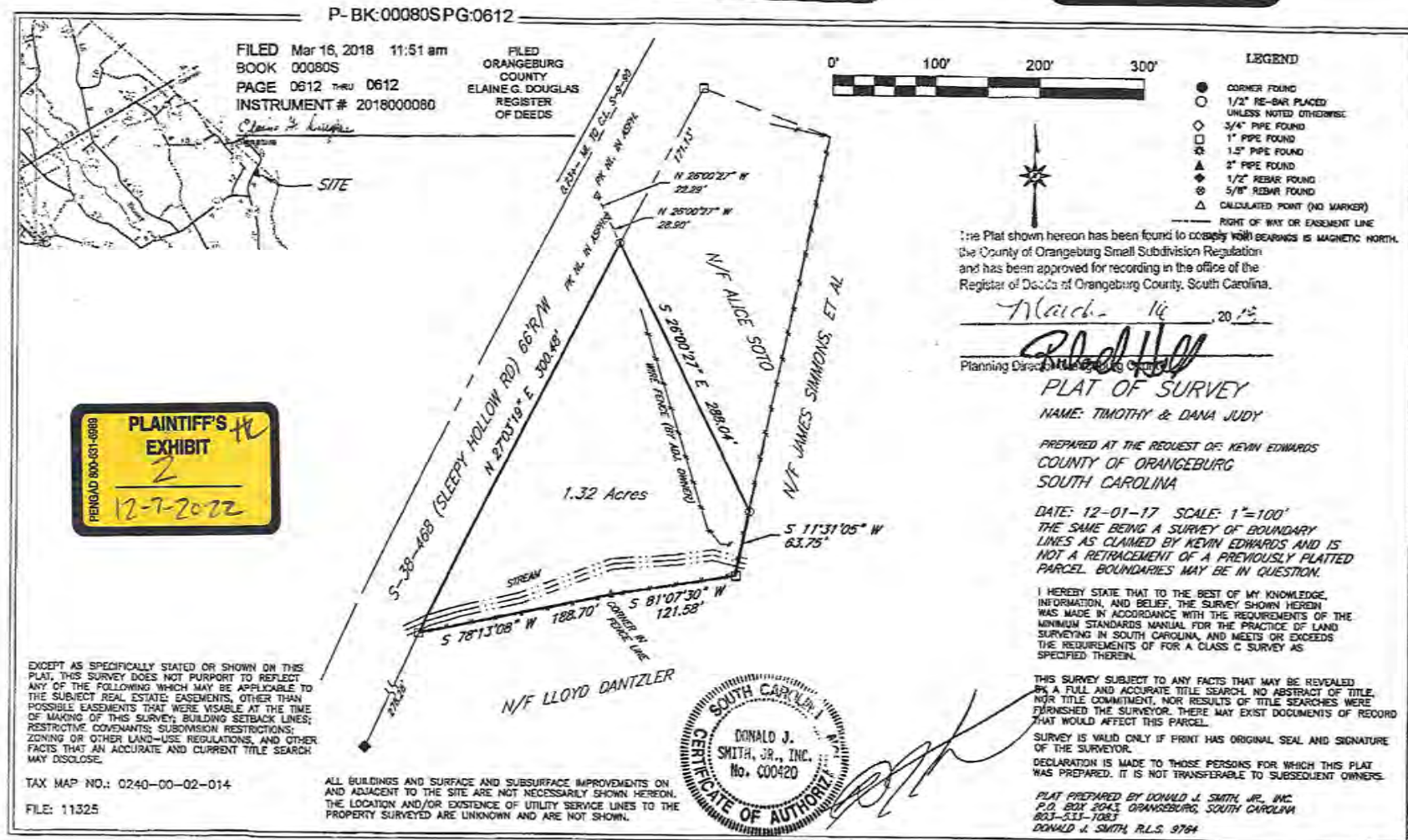


INFORMATION

Except as provided in this paragraph, the term "value" means "the consideration paid or to be paid in money or money's worth for the realty." Consideration paid or to be paid in money's worth includes, but is not limited to, other realty, personal property, stocks, bonds, partnership interest and other intangible property, the forgiveness or cancellation of a debt, the assumption of a debt, and the surrendering of any right. The fair market value of the consideration must be used in calculating the consideration paid in money's worth. Taxpayers may elect to use the fair market value of the realty being transferred in determining fair market value of the consideration. In the case of realty transferred between a corporation, partnership or other entity and a stockholder, partner or owner of the entity, and in the case of realty transferred to a trust or as a distribution to a trust beneficiary, "value" means the realty's fair market value. A deduction from value is allowed for the amount of any lien or encumbrance existing on the land, tenement or realty before the transfer and remaining on the land, tenement or realty after the transfer. Taxpayers may elect to use the fair market value for property tax purposes in determining fair market value under the provisions of the law.

Exempted from the fee are deeds:

- (1) transferring realty in which the value of the realty, as defined in Code Section 12-24-30, is equal to or less than one hundred dollars;
- (2) transferring realty to the federal government or to a state, its agencies and departments, and its political subdivisions, including school districts;
- (3) that are otherwise exempted under the laws and Constitution of this State or of the United States;
- (4) transferring realty in which no gain or loss is recognized by reason of §1041 of the Internal Revenue Code as defined in § 12-6-40 (A);
- (5) transferring realty in order to partition realty as long as no consideration is paid for the transfer other than the interests in the realty that are being exchanged in order to partition the realty;
- (6) transferring an individual grave space at a cemetery owned by a cemetery company licensed under Chapter 55 of Title 39 of the South Carolina Code of Laws;
- (7) that constitute a contract for the sale of timber to be cut;
- (8) transferring realty to a corporation, a partnership or a trust in order to become, or as, a stockholder, partner or trust beneficiary of the entity provided no consideration is paid for the transfer other than the stock in the corporation, interest in the partnership, beneficiary interest in the trust, or the increase in value in such stock or interest held by the grantor. However, the transfer of realty from a corporation, a partnership or a trust to a stockholder, partner or trust beneficiary of the entity is subject to the fee even if the realty is transferred to another corporation, a partnership or trust;
- (9) transferring realty from a family partnership to a partner or from a family trust to a beneficiary, provided no consideration is paid for the transfer other than a reduction in the grantee's interest in the partnership or trust. A "family partnership" is a partnership whose partners are all members of the same family. A "family trust" is a trust, in which the beneficiaries are all members of the same family. The beneficiaries of a family trust may also include charitable entities. "Family" means the grantor and the grantor's spouse, parents, grandparents, sisters, brothers, children, stepchildren, grandchildren and the spouses and lineal descendants of any of the above. A "charitable entity" means an entity which may receive deductible contributions under Section 170 of the Internal Revenue Code as defined in Section 12-6-40 (A);
- (10) transferring realty in a statutory merger or consolidation from a constituent corporation to the continuing or new corporation;
- (11) transferring realty in a merger or consolidation from a constituent partnership to the continuing or new partnership; and
- (12) that constitute a corrective deed or a quitclaim deed used to confirm title already vested in the grantee, provided no consideration of any kind is to be paid under the corrective or quitclaim deed.





1675
0285

D-BK:01675 PG:0285



~~After Recording Return To:~~

Old Republic Servicing Solutions
Attn: Recording Department
681 Andersen Dr, Foster Plaza Bldg 6-6th
Pittsburgh, Pennsylvania 15220

This Instrument was Prepared By:
RUTH RUHL, P.C.
12700 Park Central Drive, Suite 850
Dallas, Texas 75251
877-766-6677
and Co-Counsel, McDonnell and Associates, PA

FILED May 09, 2016 08:47 am
BOOK 01675
PAGE 0285 THRU 0291
INSTRUMENT # 2016001833

FILED
ORANGEBURG
COUNTY
ELAINE G. ALEXANDER
REGISTER
OF DEEDS

Charles H. Douglas
Signature

WHEN RECORDED RETURN TO:
OLD REPUBLIC TITLE
ATTN: POST CLOSING
530 SOUTH MAIN STREET
SUITE 1031
AKRON, OH 44311

WARRANTY DEED IN LIEU OF FORECLOSURE

15078726

(Individual)

State of Virginia
County of Virginia Beach

KNOWN ALL MEN BY THESE PRESENTS: That Dewey E. Edwards and Betty S. Edwards, husband and wife

(hereinafter called "Grantor")

for Five Dollars (\$5.00) and other valuable consideration, and in lieu of the foreclosure of that mortgage originally given to Bank of America N.A.

by Dewey E. Edwards and Betty S. Edwards, husband and wife
dated August 26th, 2009, recorded August 31st, 2009, in Mortgage Book 2050, Page 129,
Instrument No. N/A, in the original amount of \$ 255,000.00, and before the sealing of these presents
by Champion Mortgage Company

its successors, and assigns, (hereinafter called "Grantee") in the State aforesaid (the receipt of which is hereby acknowledged,) has granted, bargained, sold and released, and by the Presents does grant, bargain, sell and release unto the Grantee, its successors, and assigns:

ENTERED IN THE OFFICE OF ASSESSOR
BOOK 0240 SHEET 00 BLOCK 02 PARCEL 001
T 3 10 DAY OF May 2016
ORANGEBURG COUNTY JIM MCLEAN, COUNTY ASSESSOR

1675
0286

Loan No.: 809018
Investor No.: 809018

D-BK:01675 PG:0286

LEGAL DESCRIPTION:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

PROPERTY ADDRESS: 311 Sleepy Hollow Road, Cameron, South Carolina 29030

GRANTEE ADDRESS: 8950 Cypress Waters Blvd, Coppell, Texas, 75019

TMS#: 0240-00-02-001.000

This conveyance is made subject to easements and restrictions of record and otherwise affecting the property.

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

TO HAVE AND TO HOLD, all and singular the premises before mentioned unto the Grantee, its successors and assigns forever.

AND the Grantor does hereby bind the Grantor and the Grantor's successors to warrant and forever defend all and singular the said premises unto the Grantee, its successor, and assigns, against itself and its successors, and against every person whomsoever lawfully claiming, or claim the same, or any part thereof.

This deed is an absolute conveyance of title in effect as well as in form and is not intended as a mortgage, trust conveyance, or security of any kind. The consideration therefore is full release of all debts, obligations, costs, and changes heretofore subsisting on account of any by the terms of that certain mortgage described as follows: Mortgage given by Dewey E. Edwards and Betty S. Edwards, husband and wife to Bank of America N.A.

dated August 26th, 2009, recorded August 31st, 2009, in Mortgage Book 2050, Page 129, Instrument No. N/A which was assigned to Champion Mortgage Company by Assignment recorded in Book 2332, Page 86, Instrument No. N/A, or by an Assignment recorded simultaneously herewith.

Provided that in consideration of the release of personal liability by the Grantee to the Grantor the Grantor and Grantee expressly agree that it is the mutual intent of the parties that the Grantee's mortgage lien shall not merge into the fee simple title, but rather that Grantee's mortgage lien be preserved as a valid first lien on the subject real property and shall not be extinguished in regards to any other party.

Any reference in this instrument to the plural shall include the singular, and vice versa. Any reference to one gender shall include the others, included the neuter. Such words of inheritance shall be applicable as are required by the gender of the Grantee.

1675
0287

D-BK:01675 PG:0287

Loan No.: 809018
Investor No.: 809018

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed his/her name and his/her hand and seal to be hereto affixed.

DATE: March 9, 2016

Signed, Sealed and Delivered in the presence of: Susan Eldredge Sprouse, Notary

*TWO DIFFERENT WITNESS' MUST SIGN PER BORROWER SIGNATURE.

Witness Constance M. Gibson Dewey E. Edwards (Seal)
Printed Name Constance M. Gibson Dewey E. Edwards -Grantor

Witness Phyllis J. Embleton
Printed Name Phyllis J. Embleton

Witness Constance M. Gibson Betty S. Edwards (Seal)
Printed Name Constance M. Gibson Betty S. Edwards -Grantor

Witness Phyllis J. Embleton
Printed Name PHYLLIS J. EMBLETON

Witness _____ (Seal)
Printed Name _____ -Grantor

Witness _____
Printed Name _____

Witness _____ (Seal)
Printed Name _____ -Grantor

Witness _____
Printed Name _____

1675
0288

Loan No.: 809018
Investor No.: 809018

D-BK:01675 PG:0288

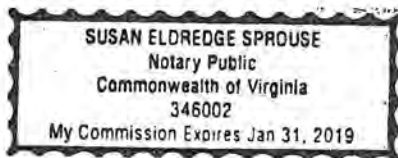
ACKNOWLEDGMENT

State of Virginia
County of Virginia Beach city
I, Susan Eldredge Sprouse, Notary Public, do hereby certify that
Dewey E. Edwards and Betty S. Edwards

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 9 day of March, 2016.

(Seal)



Susan Eldredge Sprouse
Notary Signature

Susan Eldredge Sprouse
Printed Name

Notary Public, State of Virginia

My Commission Expires Jan 31, 2019

1675
0289

D-BK:01675 PG.0289

EXHIBIT "A"

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND, WITH ANY AND ALL IMPROVEMENTS THEREON, SITUATE, LYING AND BEING IN THE COUNTY OF ORANGEBURG, STATE OF SOUTH CAROLINA, CONTAINING ONE (1) ACRE, MORE OR LESS, AND LOCATED NEAR THE CALHOUN-ORANGEBURG COUNTY LINE ON A HIGHWAY WHICH CONNECTS STATE HIGHWAY NO. 176 AND U.S. HIGHWAY NO. 301 AND BEING BOUNDED AS FOLLOWS: ON THE NORTH AND EAST BY LANDS NOW OR FORMERLY OF KENNERLY'S ESTATE; ON THE SOUTH BY LANDS NOW OR FORMERLY OF LAWRENCE E. STROMAN; AND ON THE WEST BY THE SAID HIGHWAY (SLEEP HOLLOW ROAD).

TAX ID NO: 0240-00-02-001.000

0099490

BEING THE SAME PROPERTY CONVEYED BY TITLE TO REAL ESTATE DEED
GRANTOR: JANET E. GAILLARD
GRANTEE: DEWEY E. EDWARDS AND BETTY S. EDWARDS
DATED: 08/26/2009
RECORDED: 08/31/2009
DOC#/BOOK-PAGE: 1328-296

ADDRESS: 311 SLEEPY HOLLOW ROAD , CAMERON, SC 29030

1675
0290

D-BK:01675 PG:0290

Loan No.: 809018
Investor No.: 809018

AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSACTIONS

State of Texas §
County of Dallas §

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 311 Sleepy Hollow Road, Cameron, South Carolina, 29030 bearing Orangeburg County Tax Map Number 0240-00-02-001.000, was transferred by Dewey E. Edwards and Betty S. Edwards to Champion Mortgage Company on 3-9-16.
3. Check one of the following: The deed is
 - (a) _____ subject to the deed recording fees 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 fees because (See information section of affidavit):
13 Deed in Lieu
(If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exists at the time of the original sale and was the purpose of this relationship to purchase the realty?
Check Yes _____ or No X

4. Check one of the following if either item 3(a) or item 3(b) 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 \$ _____.

1675
0291

D-BK:01675 PG:0291

Loan No.: 809018
Investor No.: 809018

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: \$ _____
- (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 and the deed recording fee is \$ _____
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected to the transaction as: Mortgagee
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.

DATED this 11 day of April, 2016.

[Signature]
Responsible Person Connected with this Transaction

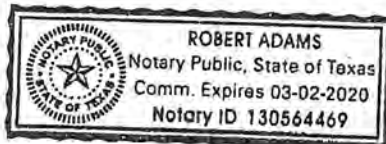
Samuel Ross
Printed Name

The foregoing was subscribed and sworn to before me in the County of _____, and State of _____, this 11 day of April, 2016.

[Signature]
Notary Signature

Robert Adams
Printed Name
Notary Public, State of Texas

My Commission Expires: 3-2-2020



1678
0316

Prepared by: Craig Law Firm, PC
2001 Assembly Street, Ste 201
Columbia, South Carolina 29201



STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

TITLE TO REAL ESTATE
SPECIAL WARRANTY

KNOW ALL MEN BY THESE PRESENTS THAT, Champion Mortgage Company, duly organized and existing under the laws of the United States of America or the State in which it was organized, with a mailing address of 8950 Cypress Waters Blvd., Coppell, TX 75019 herein referred to as Grantor(s), for and in consideration of the sum of Thirty Nine Thousand Nine Hundred and No (\$39,900.00) paid by Alice Soto, herein referred to a Grantee(s), in the State aforesaid, the receipt of which is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said Grantee(s), and to the heirs and assigns of said Grantee(s), the following described real estate situated in the county aforesaid, State of South Carolina, being to wit:

All that certain piece, parcel or lot of land, with any and all improvements thereon, situate, lying and being in the County of Orangeburg, State of South Carolina, containing one (1) acre, more or less, located near the Calhoun-Orangeburg County line, on a highway which connects State Highway No. 176 and U.S. Highway 301 and being bounded as follows: On the North and East by lands now or formerly of Kennerly's Estate; on the South by lands now or formerly of Lawrence E. Stroman; and on the West by said highway (Sleepy Hollow Road).

BEING the same property conveyed to Dewey E. Edwards and Betty S. Edwards by deed of Janet E. Gaillard dated August 26, 2009 and recorded August 31, 2009 in the Office of the Register of Deeds for Orangeburg County in Book 1328 at Page 296.

Further being the same property conveyed to Champion Mortgage Company by Deed in Lieu of Foreclosure dated March 9, 2016 and of record in Book 1675, Page 285 in the Office of the Orangeburg County Register of Deeds.

TMS: 0240-02-001.000

0099490

Property Address: 311 Sleepy Hollow Road, Cameron, SC 29030
Grantee Address: Hollow

SUBJECT TO all easements and restrictions of record and otherwise affecting the property and matters an accurate survey would resolve.

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

TO HAVE AND TO HOLD, all and singular the premises before mentioned unto the Grantee, its successors and/or assigns forever.

AND THE SAID GRANTOR covenants that it has not made, done, committed, executed or suffered any act or acts, thing or things, whatsoever, whereby or by means whereof, the above mentioned and described premises, or any part or parcel thereof, now are, or at any time hereafter shall or may be impeached, charged or encumbered in any manner or way whatsoever.

Orangeburg County 05-27-2016
SOUTH CAROLINA
County Revenue Stamp \$44.00
State Revenue Stamp \$104.00

FILED May 27, 2016 02:00 pm
BOOK 01678
PAGE 0316 THRU 0317
INSTRUMENT # 2016002115
Chaine G. Douglas
Signature

FILED
ORANGEBURG
COUNTY
ELAINE G. ALEXANDER
REGISTER
OF DEEDS

ENTERED IN THE OFFICE OF ASSESSOR
TMS 0240 SHEET 00 BLOCK 02 PARCE 001
TMS 31 DAY OF May 2016
ORANGEBURG COUNTY JIM MCLEAN, COUNTY ASSESSOR

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its
name by its undersigned officer(s) on this, the 20 day of May, 2016.

WITNESSES:

Witness No. 1

[Signature]

Witness No. 2/Notary Public

[Signature]

GRANTOR:

Champion Mortgage Company By
SingleSource Property Solutions LLC as
Attorney in Fact

[Signature]
By:
Its:

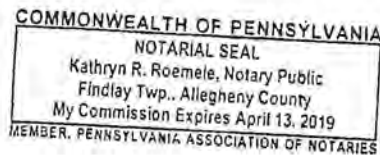
STATE OF Pennsylvania
COUNTY OF Washington

ACKNOWLEDGMENT

Pursuant to Section 30-5-30 South Carolina Code of Law 1976, as amended, the undersigned, as
Notary Public for the state aforesaid, does hereby certify that Grantor above named, as makers
of the foregoing instrument, appeared before me this day and acknowledged the due execution
of the forgoing instrument.

SWORN to before me this the
20 day of May, 2016.

[Signature]
Notary Public for PA
My Commission Expires: 4/13/19



0170
0074



DEED
BOOK 170

74

DEED BOOK #170.

Lawrence E. Stroman
TO
Dewey E. Edwards

THE STATE OF SOUTH CAROLINA,
COUNTY OF ORANGEBURG.

KNOW ALL MEN BY THESE PRESENTS

THAT I, Lawrence E. Stroman,

in the state aforesaid, in consideration of the sum of
FIVE (\$5.00) DOLLARS and other valuable consideration, Dollars,
to me paid by Dewey E. Edwards, in the State aforesaid,

have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said

Dewey E. Edwards;

ALL that certain piece, parcel or lot of land, situate, lying and being in New School District No. 7, County of Orangeburg, State of South Carolina, containing about one (1) acre, more or less, and located near the Calhoun - Orangeburg County line on a highway which connects State Highway No. 176, and U.S. Highway No. 301, and being bounded as follows: on the North and East by lands of Kennerly's estate; on the South by other lands of the grantor herein, Lawrence E. Stroman; and on the West by the said highway. Being a portion of the lands acquired by the grantor herein, Lawrence E. Stroman, under the will of his father, L.A. Stroman, deceased.

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

Dewey E. Edwards, his
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

Dewey E. Edwards, his
Heirs and Assigns, against myself and my Heirs, and against every person whomsoever

lawfully claiming, or to claim the same, or any part thereof.

WITNESS MY Hand and Seal, this _____ tanth _____ day of August in the year of our Lord one thousand nine hundred and FIFTY-ONE and in the one hundred and seventy-sixth year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered in the Presence of

A. J. Rydrick, Jr.

Margaret Rowell

Lawrence E. Stroman (L.S.)

0170
0074A

DEED
BOOK

170

THE STATE OF SOUTH CAROLINA,
Orangeburg County.

Personally appeared before me, Margaret Rowell, and made oath that he is now the within-named
Lawrence E. Stroman For the uses and purposes therein mentioned;
sign, seal, and as his act and deed, deliver the within-written Deed, and that he with
A. J. Hydrick, Jr. witnessed the execution thereof.

SWORN to before me this 10th day of AUGUST, A. D. 1951:
(T. S. J. A. J. Hydrick, Jr., Notary Public, S.C. Margaret Rowell.

THE STATE OF SOUTH CAROLINA,
Orangeburg County.

RENUNCIATION OF DOWER

I, L. W. Felkel, Notary Public, S.C.,
do hereby certify unto all whom it may concern that Mrs. Vernelle W. Stroman,
the wife of the within-named Lawrence E. Stroman,

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 whatsoever, coercion, release, and forever relinquish
unto the within-named Dewey E. Edwards, his

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 10th day of AUGUST, Anno Domini 1951:
(N. P. SEAL) L. W. Felkel, Notary Public, S.C. Vernelle W. Stroman.

THE STATE OF SOUTH CAROLINA,
Orangeburg County.

Personally appeared before me, and made oath that he is now the within-named
sign, seal, and as act and deed, deliver the within-written Deed, and that he with
witnessed the execution thereof.

SWORN to before me this day of, A. D. 1951.

THE STATE OF SOUTH CAROLINA,
Orangeburg County.

RENUNCIATION OF DOWER

I, do hereby certify unto all whom it may concern that Mrs.
the wife of the within-named

did this day appear before me, and upon being privately and separately examined by me did
declare that she does freely, voluntarily and without any compulsion, dread or fear of any person or persons whatsoever, coercion, 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 1951.

Entered to County Auditor's office in Book 878 Page 175,
this 11th day of August, 1951.
T. G. Bonnette, Auditor, Orangeburg County, S. C.
Recorded August 11th, 1951.
Fee paid \$ 1.25.

Filed

9-30 A.M.

Examined and delivered to

Dewey E. Edwards
8-13-51

Edwards
D-3
12-1-22 MR

Trs# 0248-00-02-001.000
(OLD Trs# 0052-00-00-026)

DEED BOOK 170 PG 74

DATED 8-10-51
FILED 8-13-51

DEED BOOK #170.

PLAINTIFF'S
EXHIBIT
12-7-2012

LAWRENCE E. STROMAN
TO
Dewey E. Edwards

THE STATE OF SOUTH CAROLINA,
COUNTY OF ORANGEBURG.

THAT I, LAWRENCE E. STROMAN,

KNOW ALL MEN BY THESE PRESENTS

in the state aforesaid,
FIVE (\$5.00) DOLLARS, and other valuable consideration, in consideration of the sum of
Five (\$5.00) Dollars, to the said Dewey E. Edwards, in the State aforesaid,

Dewey E. Edwards;

ALL that certain piece, parcel or lot of land, situate, lying and being in New School
District No. 7, County of Orangeburg, State of South Carolina, containing about one (1)
acre, more or less, and located near the Calhoun - Orangeburg County line on a highway
which connects State Highway No. 176, and U.S. Highway No. 301, and being bounded as fol-
lows: on the North and East by lands of Kennerly's estate; on the South by other lands
of the grantor herein, Lawrence E. Stroman; and on the West by the said highway. Being a
portion of the lands acquired by the grantor herein, Lawrence E. Stroman, under the will
of his father, L.A. Stroman, deceased.

*TAX ASSESSOR'S OLD PROPERTY CARD STATES: (ATTACHED)
N - HWY 468 150'
E - KENNERLY EST. 150'
S - " " 400'
W - LE STROMAN 320'

TOGETHER with all and singular the Rights, Members, Hereditaments and Appurtenances in 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
Dewey E. Edwards, his
Heirs and Assigns forever, and I do hereby bind
Administrators to warrant and forever defend all and singular the said premises unto the said
Dewey E. Edwards, his
Heirs and Assigns, against myself and my Heirs, and against every person whomsoever.

WITNESS my hand and seal, this tenth day of August, in the year of our Lord one
thousand nine hundred and fifty-one, and in the one hundred and sixtieth year of the Independence of the United States of America.

Signed, Sealed and Delivered in the Presence of

A. J. Rydick, Jr.

Margaret Rowe 11

Lawrence E. Stroman (L.S.)

SOUTH CAROLINA



Scale:
 $1'' = 100'$

-  Address Points
-  City Limits
-  Boundary Lines
-  Int. Property Line
-  Cadastral
-  Streets
-  Tax Grid400
-  TaxGrid100

Coord. System:
SC State Plane - NAD83

Disclaimer: Orangeburg County expressly disclaims all warranties regarding this map, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Orangeburg County also specifically disclaims any representation regarding the accuracy, completeness, timeliness or sequence of any of the information provided on this map.

PLAINTIFF'S
EXHIBIT
8
12-7-2022







ORANGEBURG COUNTY
SOUTH CAROLINA



TMS: 0240-00-02-014.000

Scale: 1" = 300'

Address Points
City Limits
Boundary Lines
Int. Property Line
Cadastral
Streets
Tax Gnd400
Tax Gnd100

Aerials Flown: 2007

Coord. System:
SC State Plane - NAD83

Disclaimer: Orangeburg County expressly disclaims all warranties regarding this map, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Orangeburg County also specifically disclaims any completeness, timeliness or accuracy of any of the information provided on this map.



P-BK:00D450 PG:0005

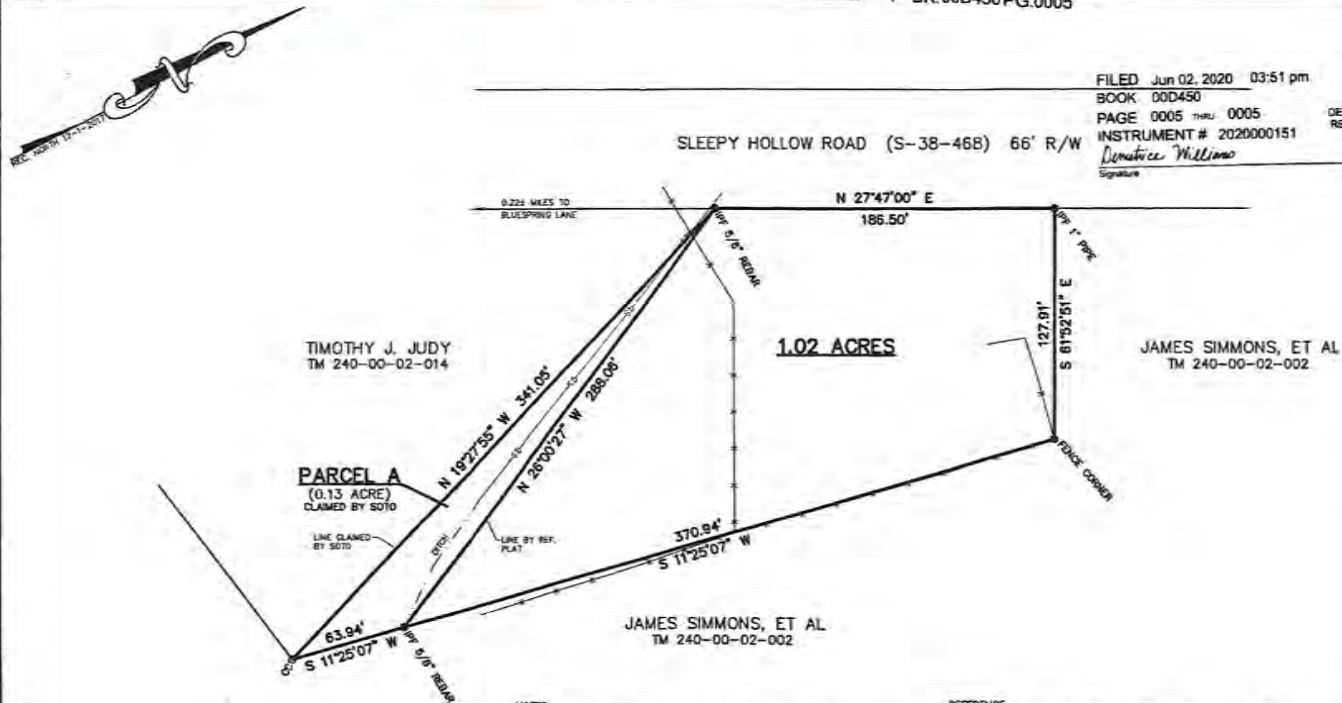
FILED Jun 02, 2020 03:51 pm
BOOK 00D450
PAGE 0005 TRAIL: 0005
INSTRUMENT # 2020000151
Demetria Williams
Signature

FILED
ORANGEBURG
COUNTY
DEMETRIA WILLIAMS
REGISTER OF DEEDS



LOCATION SKETCH

SLEEPY HOLLOW ROAD (S-38-468) 66' R/W



TM 240-00-02-001 (2000)
TM 252-00-00-026 (OLD)

A
PLAT
OF
1.15 ACRES
STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG
ORANGE TOWNSHIP

PREPARED FOR

ALICE SOTO

NOTES:
NO ABSTRACT OF TITLE, TITLE COMMITMENT, OR RESULTS OF A
TITLE SEARCH WERE FURNISHED TO THE SURVEYOR. OTHER
DOCUMENTS OF RECORD THAT AFFECT THIS SURVEYED PARCELS
MAY EXIST.

COPYRIGHT © EDISTO ENGINEERS & SURVEYORS, INC. ALL
RIGHTS RESERVED. NO PART OF THIS DRAWING MAY BE
REPRODUCED BY PHOTOCOPYING, RECORDING OR BY ANY
OTHER MEANS, OR STORED, PROCESSED OR TRANSMITTED IN
OR BY ANY COMPUTER OR OTHER SYSTEMS WITHOUT THE
PRIOR WRITTEN PERMISSION OF THE SURVEYOR. COPIES OF THIS
DRAWING WITHOUT AN ORIGINAL SIGNATURE AND IMPRESSION
SEAL ARE NOT VALID.

CERTIFICATION IS MADE TO THOSE PERSONS FOR WHICH THIS
PLAT WAS PREPARED AND IS NOT TRANSFERABLE.

ADJACENT OWNERS SHOWN AS LISTED PER
WWW.ORANGEBURGCOUNTY.ORG/ASSESSOR.

REFERENCE:
A PLAT FOR TIMOTHY & DANA JUDY BY DONALD J. SMITH, JR.,
INC. DATED DECEMBER 1, 2017 RECORDED IN PLAT BOOK 805,
PAGE 512.

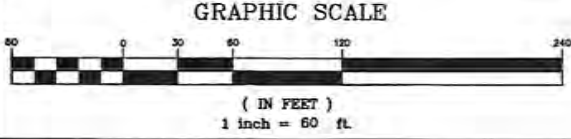
PROCESSED BY
JUN 03 2020
GIS OFFICE



"I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL
KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN
HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS
OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING
IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIRE-
MENTS FOR A CLASS 'C' SURVEY AS SPECIFIED THEREIN.

CLIFTON H. HARPER 0802506-0001 J. J. JENKINS, JR.
S.C. REG. L.S. NO. 25747 FAX: (803) 550-8825 S.C. REG. L.S. NO. 23142
EDISTO ENGINEERS & SURVEYORS, INC.
PO BOX 1725 ORANGEBURG, SOUTH CAROLINA 29116

- SD STORM DRAINAGE PIPE
- FENCE
- IPP IRON PIN PLACED (5/8" REBAR)
- IPF IRON PIN FOUND
- CC COMPUTED CORNER



DATE: MAY 25, 2020

22115.DWG

22115 B

CARLSON P. LAND PROJECTS 2004/22115.DWG/22115.DWG/20-28-2020/JJJ

1795
0046

D-BK:01795 PG:0046

RT-JSB

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS That I, Betty S. Edwards, in the State aforesaid for and in consideration of the sum of Five and no/100 (\$5.00) Dollars, to me in hand paid at and before the sealing and delivery of these presents by Alice Soto, the receipt whereof is hereby acknowledged, have remised, released and forever quit-claimed, and by these presents do remise, release and forever quit-claim unto the Alice Soto, her heirs and assigns, all my right, title and interest in the following described property, to wit:

SEE SCHEDULE A ATTACHED HERETO AND INCORPORATED HEREIN

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 Alice Soto, her heirs and assigns forever, so that neither I/we, nor any other person(s) or entity, claiming under me/us or them, shall at any time hereafter, by any way or means, have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part or parcel thereof, forever.

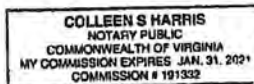
IN WITNESS WHEREOF, I have hereunto set my hand and seal this 19th day of January, 2018, and in the 242nd year of the sovereignty and independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

(1) [Signature]
Witness #1

(2) [Signature]
Witness #2

Betty S. Edwards
Betty S. Edwards



STATE OF VIRGINIA)
COUNTY OF VIRGINIA BEACH)

On the 19 day of JANUARY, 2018 before me, the undersigned, a Notary Public in and for said County and State, personally appeared Betty S. Edwards, personally known to me (or proven to me on the basis of satisfactory evidence) to be the person whose name is subscribed to in this instrument and acknowledged that s/he/they executed it.

WITNESS under my hand and official seal.

(3) [Signature]
Notary Public for City of Virginia Beach, VA
Print Name of Notary Colleen S. Harris
My commission expires: 1/31/2021

TITLE NOT SEARCHED OR CERTIFIED BY BRYANT, FANNING & SHULER, LLP

FILED Mar 16, 2018 11:53 am
BOOK 01795
PAGE 0046 THRU 0047
INSTRUMENT # 2018001056
[Signature]
Signature

FILED
ORANGEBURG
COUNTY
ELAINE G. DOUGLAS
REGISTER
OF DEEDS

ENTERED IN THE OFFICE OF THE ASSESSOR
DATE: 03-16-2018
JIM MCLEAN, ORANGEBURG COUNTY ASSESSOR



1795
0047

D-BK:01795 PG:0047

SCHEDULE A

All that certain piece, parcel, portion or lot of land with improvements thereon, situate, lying and being in Orangeburg County, South Carolina, being more particularly shown and delineated as property "N/F ALICE HUTTO" on a plat prepared for Timothy Judy and Dana Judy by Donald J. Smith, Jr., Inc., approved by Donald J. Smith, Jr., RLS, dated December 1, 2017, and recorded in the Office of the Register of Deeds for Orangeburg County in Plat Book 805, page 612; all measurements being more or less and subject to an accurate current survey; all meles, bounds, courses and distances as are evidenced on the aforesaid plat as they relate to the property described herein are incorporated herein by reference and subject to an accurate current survey.

This is a portion of the same property conveyed to Betty S. Edwards by deed of L. Edgar Stroman dated February 28, 1974, and recorded March 1, 1974, in said Register's Office in Deed Book 393, page 391.

Subject to all ordinances, easements, rights-of-way, restrictions, reservations and conditions of record.

Tax Map Number: 0240-00-02-014/0240-00-02-001

TITLE NOT SEARCHED OR CERTIFIED BY BRYANT, FANNING & SHULER, LLP

1328
0296

D-BK:01328 PG:0296

R. Huft



STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, I, JANET E. GAILLARD, in the State aforesaid, for and in consideration of the sum of Five and 00/100 (\$5.00) Dollars, love and affection for my parents, to me paid by DEWEY E. EDWARDS AND BETTY S. EDWARDS, 311 Sleepy Hollow Road, Cameron, SC 29030, 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 unto the said DEWEY E. EDWARDS AND BETTY S. EDWARDS, all of my right, title, claim and interest in and to the following described property: All that certain piece, parcel or lot of land, with any and all improvements thereon, situate, lying and being in the County of Orangeburg, State of South Carolina, containing one (1) acre, more or less, and located near the Calhoun-Orangeburg County line on a highway which connects State Highway No. 176 and U.S. Highway No. 301 and being bounded as follows: On the North and East by lands now or formerly of Kennerly's Estate; on the South by lands now or formerly of Lawrence E. Stroman; and on the West by the said highway (Sleep Hollow Road).

This being the same property conveyed to Betty S. Edwards, for life, with the remainder interest to Janet E. Gaillard by deed of Dewey E. Edwards wherein he reserved a life estate, dated November 1, 2000 and recorded in the office of the Register of Deeds for Orangeburg County on November 3, 2000 in Deed Book 839 at Page 189.

Tax Map No.: 0240-00-02-001.000 0099490

Said conveyance is subject to easements, rights-of-way, restrictions, applicable zoning ordinances, matters revealed by an accurate up-to-date survey of the property, matters revealed by a visual inspection of the property and all other matters of record and further subject to County of Orangeburg property taxes for the current year and all subsequent years.

FILED Aug 31, 2009 04:28:40 pm
BOOK 01328
PAGE 0296 THRU 0297
INSTRUMENT # 2009003067
Neil J. Jolly
Signature
FILED
ORANGEBURG
COUNTY
GAIL LANEY
REGISTER
OF DEEDS

THE OFFICE OF ASSESSOR
0240 SHEET 00 BLOCK 02 PARCEL 001
DAY OF September 2009
COUNTY JIM LEE, COUNTY ASSESSOR

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 **DEWEY E. EDWARDS AND BETTY S. EDWARDS**, 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 **DEWEY E. EDWARDS AND BETTY S. EDWARDS**, their Heirs and Assigns, against myself and my Heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS my Hand and Seal this 20th day of August in the year of our Lord two thousand and nine and in the 234th year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Peter O. Holt
Witness

Janet E. Gaillard
Janet E. Gaillard

John L. Holt
Witness

STATE OF VIRGINIA)
)
COUNTY OF Norfolk)

PERSONALLY appeared before me the undersigned witness and made oath that he/she saw the within named Janet E. Gaillard, sign, seal and as her act and deed, deliver the within written Deed, and that he/she with the other witness witnessed the execution thereof.

Peter O. Holt
Witness from above - not notary

SWORN to before me this 20th
day of August, 2009.

Bernard M. Man
Notary Public, South Carolina Virginia
My Commission Expires: 10-31-2012
Registration number: 313226

0189

Michael Hager

2000/4702

Receipt

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that I, Dewey E. Edwards, in the State aforesaid, in consideration of the sum of Five and no/100 (\$5.00) Dollars, love and affection for my wife and daughter, to me paid by Betty S. Edwards and Janet E. Gaillard, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and release, and by these presents do grant, bargain, sell and release, subject to the reservation of a life estate unto Dewey E. Edwards for and during my natural life, unto the said Betty S. Edwards, for and during her natural life, and the remainder interest unto Janet E. Gaillard, her heirs and assigns, the following described property to wit:

All that certain piece, parcel or lot of land, situate, lying and being in New School District No. 7, County of Orangeburg, State of South Carolina, containing one (1) acre, more or less, and located near the Calhoun-Orangeburg County line on a highway which connected State Highway No. 176 and U.S. Highway No. 301 and being bounded as follows: ON the North and East by lands of Kennerly's Estate; on the South by other lands of Lawrence E. Stroman; and on the West by the said highway.

SHOULD READ
DERIV 752/59

Being the same property conveyed to Dewey E. Edwards by deed of Lawrence E. Stroman dated August 10, 1951 and recorded in the office of the Register of Deeds for Orangeburg County in Deed Book 170 at page 74.

TMS No.: 0240-00-02-001.000 ← NEW TMS# (2000)

TOGETHER with all and singular, the rights, members, hereditaments 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 reservation of a life estate unto Dewey E. Edwards for and during my natural life, unto Betty S. Edwards for and during her natural life, and the remainder interest unto Janet E. Gaillard, her 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 subject to the reservation of a life estate unto Dewey E. Edwards for and during my natural life, unto Betty S. Edwards for and during her natural life, and unto the said Janet E. Gaillard, her heirs and assigns, against myself and my heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS my hand and seal this 1st day of November, in the year of our Lord two thousand and in the two hundred twenty-fifth year of the Sovereignty and Independence of the United States of America.

IN THE PRESENCE OF:

William K. Gambrell
Marion K. Gambrell

Dewey E. Edwards
Dewey E. Edwards

#95490

ENTERED IN THE OFFICE OF ASSESSOR
MAP 0240 SHEET 02 BLOCK 02 PARCEL 001
TMS 1 DAY OF November 2000
ORANGEBURG COUNTY MARION K. LLOYD, COUNTY ASSESSOR

BK0839PC189

0839
0190

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

PROBATE

PERSONALLY appeared before me Karen D. Gambrell
and made oath that (s)he saw the within named Dewey E. Edwards sign, seal and
as his act and deed, deliver the within written Deed, and that (s)he with
Michael P. Berger witnessed the execution thereof.

SWORN to before me this 1st
day of November, 2000.)
Michael P. Berger
Notary Public for SC
My Comm. Expires 5-19-03

Karen D. Gambrell
Witness

Grantee's Address:

Janet E. Gaillard
c/o Dewey E. Edwards and
Betty S. Edwards
311 Sleepy Hollow Road
Cameron, SC 29030

Recorded this 3 day of
Nov 20 00 in deed
Book 839 at Page 189
David J. Smith
REGISTER OF DEEDS
ORANGEBURG CO., S.C.

BK0839PG190

Michael Hoppe

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

TITLE TO REAL ESTATE

Exempt

WHEREAS, Dewey E. Edwards desired to convey the remainder interest in the property herein described to his daughter Janet E. Gaillard and reserve a life estate unto himself and to grant unto his wife, Betty S. Edwards, a life estate;

WHEREAS, the deed he executed the 20th day of April, 1999, did not convey the property as he intended and the Grantees desire to convey the interests conveyed to them back to Dewey E. Edwards to confirm title in him so that he may convey the property as he had intended;

NOW, WHEREFORE, KNOW ALL MEN BY THESE PRESENTS that we, Janet E. Gaillard and Betty S. Edwards, in the State aforesaid, in consideration of the sum of Five and no/100 (\$5.00) Dollars, love and affection, to us paid by Dewey E. Edwards, 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 Dewey E. Edwards, his heirs and assigns, all of our right, title and interest in the following described property, to wit:

All that certain piece, parcel or lot of land, situate, lying and being in New School District No. 7, County of Orangeburg, State of South Carolina, containing one (1) acre, more or less, and located near the Calhoun-Orangeburg County line on a highway which connected State Highway No. 176 and U.S. Highway No. 301 and being bounded as follows: ON the North and East by lands of Kennerly's Estate; on the South by other lands of Lawrence E. Stroman; and on the West by the said highway.

Being the same property conveyed to Janet E. Gaillard and Betty S. Edwards by deed of Dewey E. Edwards dated April 20, 1999 and recorded April 20, 1999 in the office of the Register of Deeds Orangeburg County in Deed Book 0752 at page 0059.

TMS No.: 0240-00-02-001.000

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 Dewey E. Edwards, his 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 Dewey E. Edwards, his heirs and assigns, against ourselves and our heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS our hands and seals this 18 day of Oct, in the year of our Lord two thousand and in the two hundred twenty-fifth year of the Sovereignty and Independence of the United States of America.

IN THE PRESENCE OF:

AS TO JANET E. GAILLARD:

Janet E. Gaillard
Cynthia Edwards

Janet E. Gaillard
Janet E. Gaillard

#99490

ENTERED IN THE OFFICE OF ASSESSOR
MAP 0240 SHEET 08 BLOCK 02 PARCEL 001
THIS 7 DAY OF November 2000
ORANGEBURG COUNTY MARION K. LLOYD, COUNTY ASSESSOR

RECORDED
NOV 3 PM 9 05
CO. S.C.

BK0839PG187

0839
0188

AS TO BETTY S. EDWARDS:

Michael P. Horger
Karen L. Hambrell

Betty S. Edwards
Betty S. Edwards

STATE OF VIRGINIA

City of Virginia Beach

PROBATE

PERSONALLY appeared before me Cynthia Primeaux
and made oath that (s)he saw the within named Janet E. Gaillard sign, seal and
has her act and deed, deliver the within written Deed, and that (s)he with
Debra W. James witnessed the execution thereof.

SWORN to before me this 18th

day of October, 2000.

Suzanne D. James

Notary Public for Virginia

My Comm. Expires: 4-30-2004

witness

Cynthia Primeaux

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

PROBATE

PERSONALLY appeared before me Karen D. Gembrell
and made oath that (s)he saw the within named Betty S. Edwards sign; seal and
as their act and deed, deliver the within written Deed, and that (s)he with
Michael P. Horger witnessed the execution thereof.

SWORN to before me this 1st

day of November, 2000.

Michael P. Horger

Notary Public for S.C.

My Comm. Expires: 3-19-03

witness

Karen L. Hambrell

Grantee's Address:

Dewey E. Edwards
311 Sleepy Hollow Road
Cameron, SC 29030



Recorded this 3 day of
Nov 20 00 Michael
Book 839 at Page 189
David Lowmy
REGISTER OF DEEDS
ORANGEBURG CO., S.C.

BK 0839 Pg 188

Shall Know

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS That I, Dewey E. Edwards, in consideration of the sum of Five and no/100 Dollars, love and affection for my daughter, to me paid by Janet E. Gaillard, 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 Janet E. Gaillard, for and during her natural life, and on her death the remainder in fee simple to Dewey E. Edwards and Betty S. Edwards, their heirs and assigns, the following described property, to wit:

All that certain piece, parcel or lot of land, situate, lying and being in New School District No. 7, County of Orangeburg, State of South Carolina, containing one (1) acre, more or less, and located near the Calhoun-Orangeburg County line on a highway which connected State highway No. 176 and U.S. Highway No. 301 and being bounded as follows: On the North and East by lands of Kennerly's Estate; on the South by other lands of the Lawrence E. Stroman; and on the West by the said highway. This is the same property conveyed to the grantor herein by deed of Lawrence E. Stroman dated August 10, 1951 and recorded in the office of the RMC for Orangeburg County in Deed Book 170 at Page 74.

Tax Map Number: 0115-00-01-005-000 (portion)

Grantee's Address: 1709 Colson CT.
Virginia Beach, VA 23454

YOUR TAX MAP NO. WILL BE USED TO DETERMINE THE ADDRESS OF THE PROPERTY TO WHICH THE TAX IS DUE. IF THE ADDRESS IS INCORRECT, PLEASE NOTIFY THE ASSESSOR'S OFFICE, P.O. BOX 9000, ORANGEBURG, S.C. 29116 BY WRITING.

ASSIGNMENT HOMEOWNER:
YOUR PROPERTY IS SUBJECT TO A TAX MAP NO. ON THE TAX MAP. IF YOU ARE A HOMEOWNER, FOR FURTHER INFORMATION, CONTACT THE ASSESSOR'S OFFICE, P.O. BOX 9000, ORANGEBURG, S.C. 29116.

APR 20 PM 4 11
S.C.

EX 752PC0059

99490

ENTERED IN THE PUBLIC RECORDS:
MAP 0262, LOT 00, BLOCK 00, PARCEL 026
THIS 21 DAY OF April 1999
ORANGEBURG COUNTY, S.C.

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 Janet E. Gaillard, for and during her natural life, and on her death the remainder in fee simple to Dewey E. Edwards and Betty S. Edwards, their heirs and assigns forever; subject, however, to the rights, restrictions and conditions that constitute covenants running with the land which are set forth or referred to here or which may otherwise appear of record.

And I hereby bind myself and my heirs and assigns, to warrant and forever defend all and singular the said premises unto the said Janet E. Gaillard, for and during her natural life and on her death the remainder in fee simple to Dewey E. Edwards and Betty S. Edwards, their heirs and assigns forever, against me and my heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 20th day of April, in the year of our Lord one thousand nine hundred and ninety-nine and in the two hundred twenty-third year of the Sovereignty and independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

Theresa P. Davis
Regina J. Davis

Dewey E. Edwards
Dewey E. Edwards

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

PERSONALLY appeared before me the undersigned witness who, on oath, says that s/he saw the within-named Dewey E. Edwards sign, seal and, as his act and deed, deliver the within-written Deed for the uses and purposes therein mentioned, and that deponent, with the other subscribing witness witnessed the execution thereof.

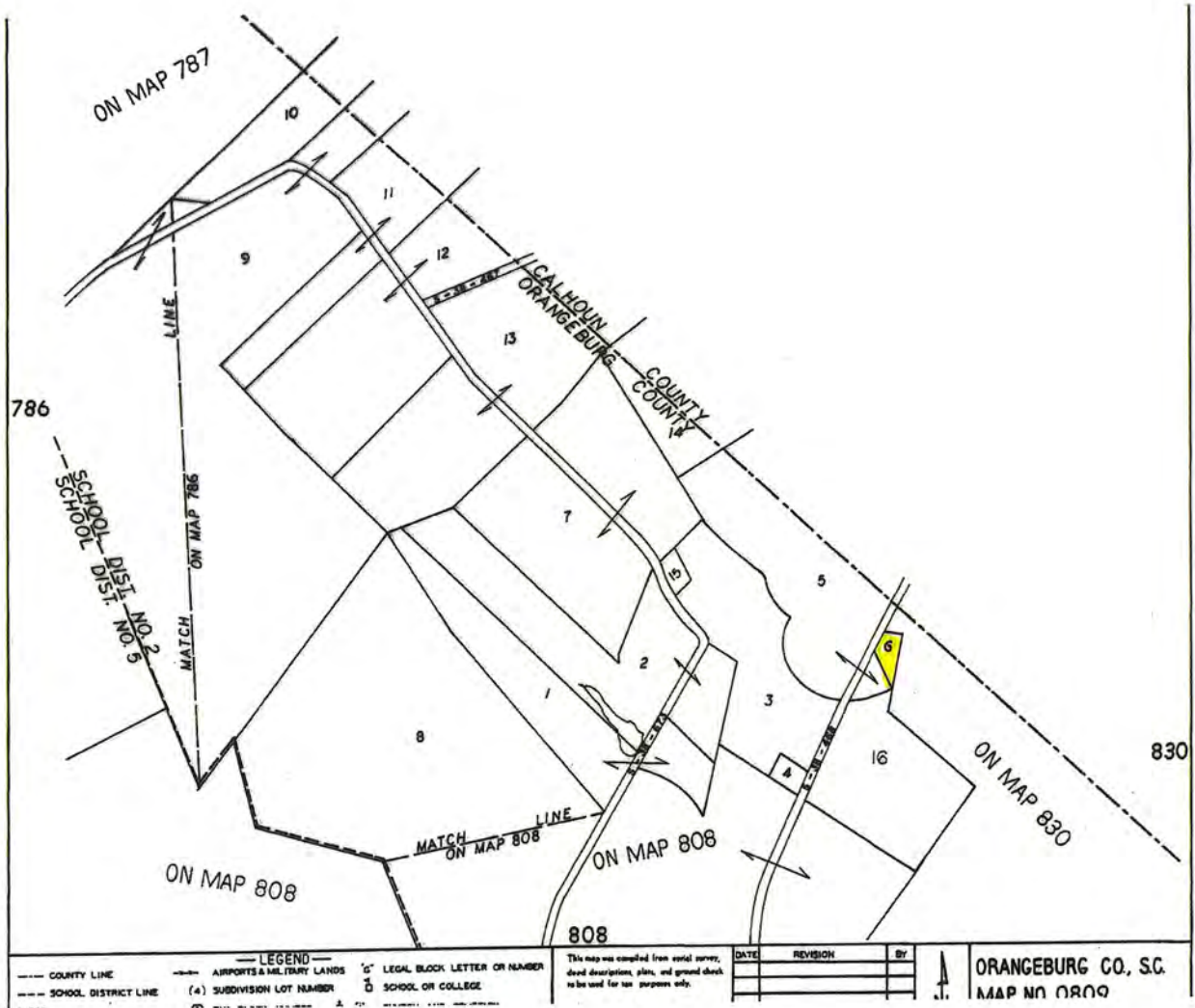
Theresa P. Davis

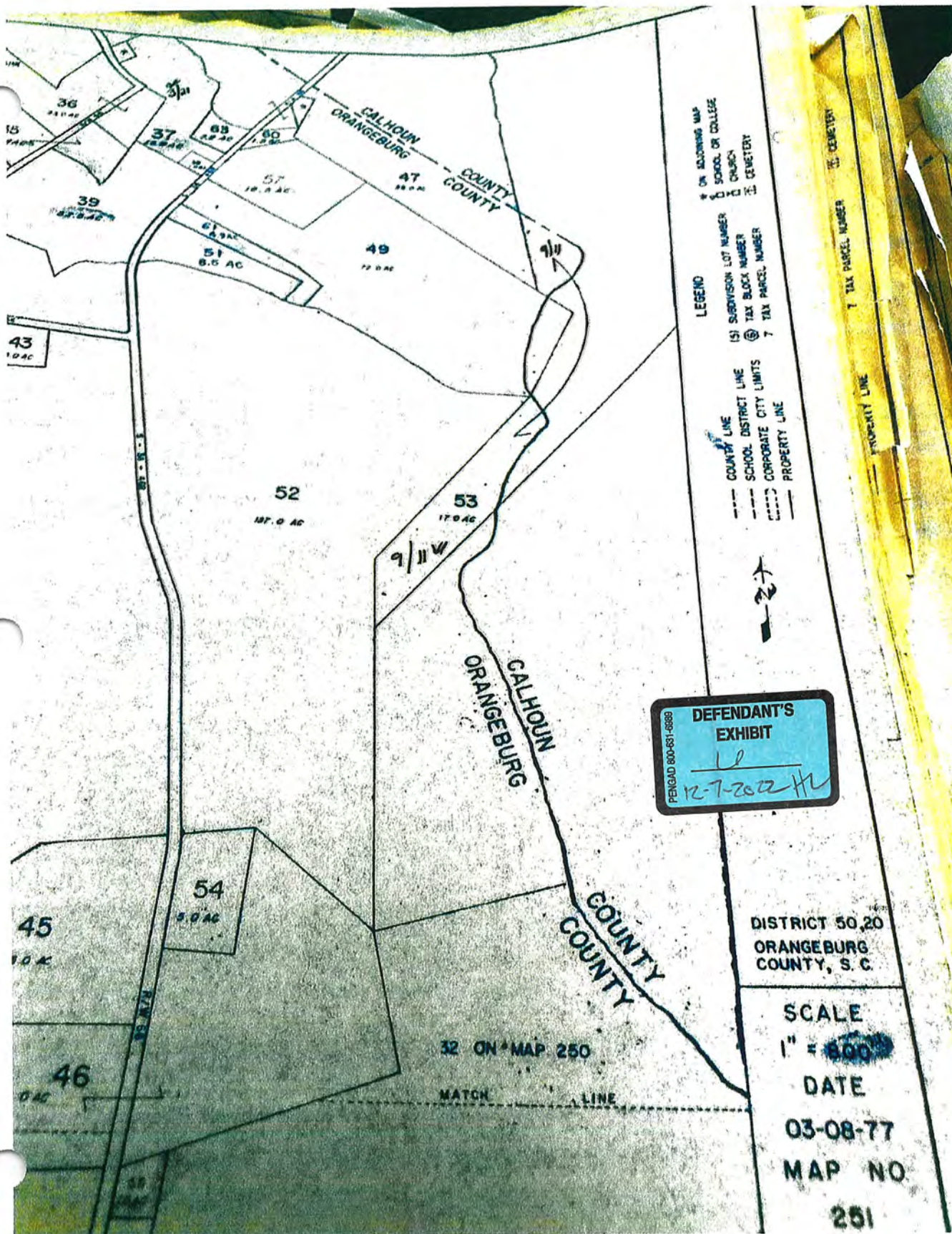
SWORN to before me this 20th day of April, 1999.

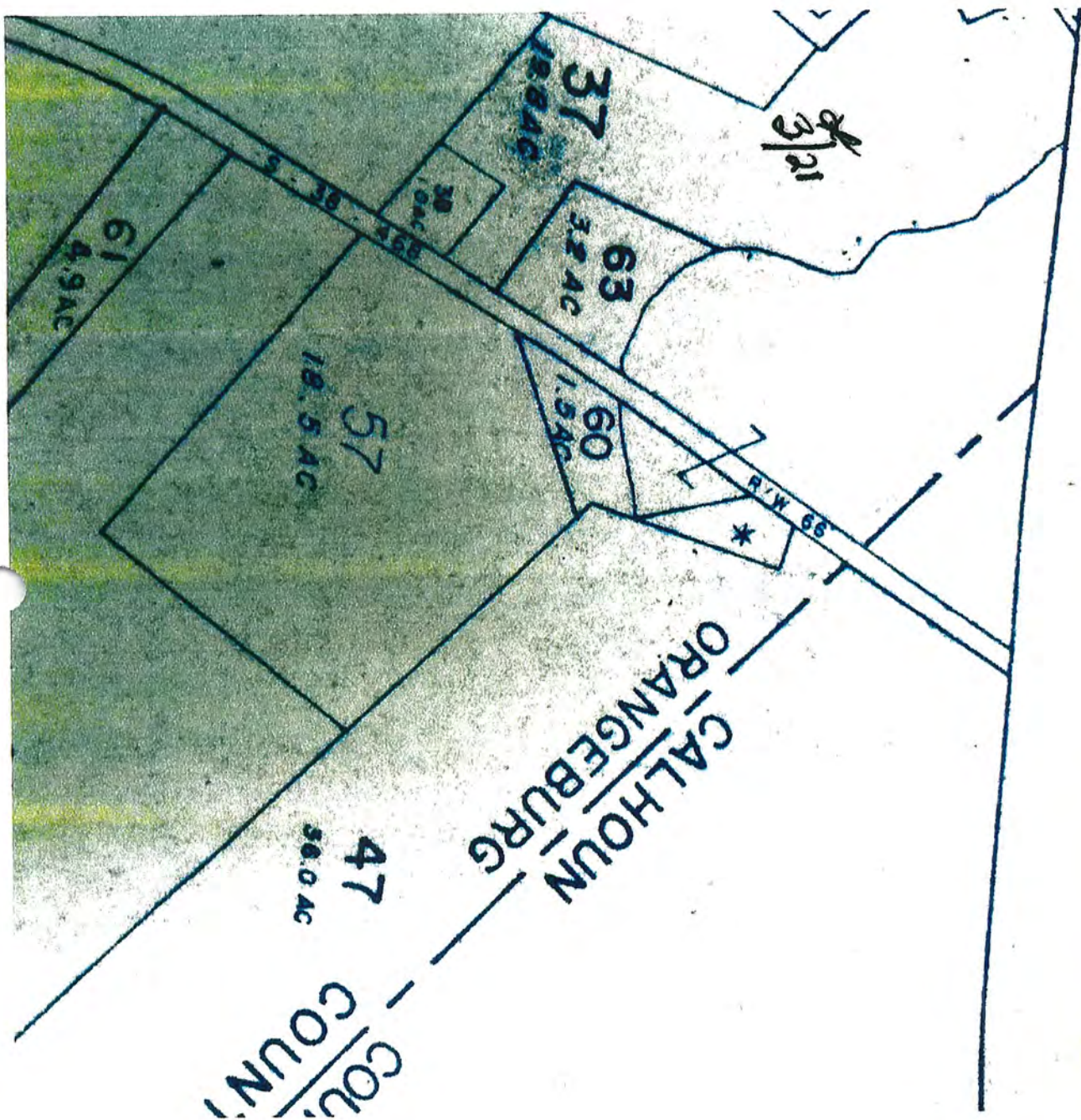
Regina J. Davis
Notary Public for South Carolina
My Commission Expires: 08/28/02

Recorded this 20 day of
April 19 99 in Book 152 at Page 59
Deed Book
P. CASTER OF RECORDS
ORANGEBURG CO., S. C.

REC 752P60060









STATE OF SOUTH CAROLINA,
COUNTY OF ORANGEBURG
COUNTY OF CALHOUN.

TITLE TO REAL ESTATE
APPROVED & CO., ORANGEBURG, S. C.

KNOW ALL MEN BY THESE PRESENTS, That I, L. Edgar Stroman,

in the State aforesaid ----- In consideration of the
sum of Five and no/100 (\$5.00) Dollars, love and affection I have for my daughter -----

to me paid by Betty S. Edwards
in the State aforesaid,
have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said
Betty S. Edwards:

All that certain piece, parcel or tract of land, with the buildings and improvements thereon, containing sixty-one (61) acres, more or less, of which twenty-three (23) acres, more or less, is situate, lying and being in Orange Township, School District No. 2, County of Orangeburg, State of South Carolina, and thirty-eight (38) acres, more or less, is situate, lying and being in Lyons Township, School District No. 2, County of Calhoun, State of South Carolina, and the entire tract is bounded as follows: On the North by lands now or formerly of Moody Rast; on the East by S. C. Highway No. 463, lands now or formerly of Bardin, lands now or formerly of Kennerly, lands now or formerly of Dantzer, lands now or formerly of Kennerly, and lands now or formerly of Edwards; on the South by lands now or formerly of Kennerly, lands now or formerly of Edwards, and lands now or formerly of Dantzer, and on the West by lands now or formerly of Dantzer, and lands now or formerly of Evans. Being the same tract of land devised to L. Edgar Stroman by Lewis A. Stroman who died testate in the County of Orangeburg, S. C., on February 6, 1938, and the Will of Lewis A. Stroman and the proceedings of his estate are recorded in the office of the Judge of Probate for Orangeburg County, S. C., in Apartment 254, Package 12.

FILED FOR RECORD

JUL 1 12 17 PM '74

J. J. TRY
CLERK OF COURT
ORANGEBURG COUNTY, S.C.

BOOK 393 PAGE 391

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 Betty S. Edwards, her

Heirs and Assigns forever.

And I do hereby and myself, my Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Betty S. Edwards, her

Heirs and Assigns, against myself and my Heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS my Hand and Seal this 28th day of February in the year of our Lord one thousand nine hundred and seventy-four and in the one hundred and eighty eighth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Joyce B. Togle
Notary Public, S. C.

L. Edgar Stroman (SEAL)

(SEAL)

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG.

PERSONALLY appeared before me Joyce B. Togle and made oath that she saw the within named L. Edgar Stroman sign, seal and as his Act and Deed, deliver the within written Deed, and that she with O. Harry Bozardt, Jr. witnessed the execution thereof.

SWORN to before me this 28th day of February, 1974.

(SEAL) Notary Public, S. C.

Joyce B. Togle (L. S.)

My Commission Expires: 7-9-79

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG.

RENUNCIATION OF POWER

I, O. Harry Bozardt, Jr. Notary Public, S. C., do hereby certify unto all whom it may concern, that Mrs. Vernel W. Stroman the wife of the within named L. Edgar Stroman 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 Betty S. Edwards, her

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 28th day of February, 1974.

(SEAL) Notary Public, S. C.

Vernell W. Stroman (L. S.)

My Commission Expires: 7-9-79

D.H. Bozardt, Jr.

The State of South Carolina
COUNTY OF ORANGEBURG & CALHOUN

L. EDGAR STROMAN

TO

BETTY S. EDWARDS

TITLE TO REAL ESTATE

I hereby certify that the within Deed was filed for record in my office at

the 1st day of March

1974 and was immediately entered upon the proper

index and duly recorded in Book

of Deeds, page

BOOK 393 PAGE 391

for

Orangeburg County, S. C.

I hereby certify that the within Deed has been this

day of

February

1974

Recorded

A. D. 19

of Deeds, page

Auditor

County,

Orangeburg & Calhoun, S. C.

Google Maps 311 Sleepy Hollow Rd S-C



Image capture: May 2013 © 2022 Google



311 State Rd S-9-126

All

Street View & 360°



State Rd



Home value Owner tools Home details Neighb >

Overview

Note: This property is not currently for sale or for rent on Zillow. The description and property data below may've been provided by a third party, the homeowner or public records.

For sale by owner is a lovely, well-kept ranch on two acres which includes a pasture, great for keeping horses, as it did previously over the years. The home is spacious, with a new air-conditioning unit and gas heat. Inside space includes three bedrooms or four, if the office is used for that purpose, two full baths, generous closets and storage space, particularly in the office and master bedroom en suite bathroom. Although the pictures show carpet, the whole house features hardwood flooring - the kitchen and family rooms floors are newer, and the rest of the house has original, never used hardwood under carpets. Hallways are generous, and the open concept dining and living

AA

 zillow.com



[Home value](#) [Owner tools](#) [Home details](#) [Neighborhood](#) >

rooms could be continued with the removal of one wall, which opens into the kitchen - and the kitchen does have an open concept connection with the family room. The brick, oversized carport opens into the family room and also utilizes a great concrete driveway perfect for rollerbladers or children's play area. Fenced in backyard featuring a generous storage shed is attached to the pasture next to the house. It's a wonderful community for either raising a family or for retirement. Great area for horse riding, quiet, and friendly neighbors. Nearby lakes and ponds for fishing, and Santee River is 10 minutes away. House is shown by appointment, pre-approval letter required - call 757-470-9010, ask for Jan, or 803-682-0394, Kevin.

[Read less](#)

Facts and features

[Edit](#)



Type: SingleFamily



Year 1952

 zillow.com

No Service

9:15 AM

69%



Home value

Owner tools

Home details

Neighborhood >

Home value



Zestimate

\$244,700



Zestimate range

\$206,000 - \$286,000



Last 30-day change

+ \$12,840 (+5.5%)



Zestimate per sqft

\$124

AA

zillow.com





Home value Owner tools Home details Neighb >

5/9/2016 Sold \$255,000 \$129/sqft
(+50.1%)

Source: Public Record Report

5/10/2015 Price change \$169,900 \$86/sqft
(-7.9%)

Source: Owner Report

4/25/2015 Price change \$184,500 \$93/sqft
(-0.5%)

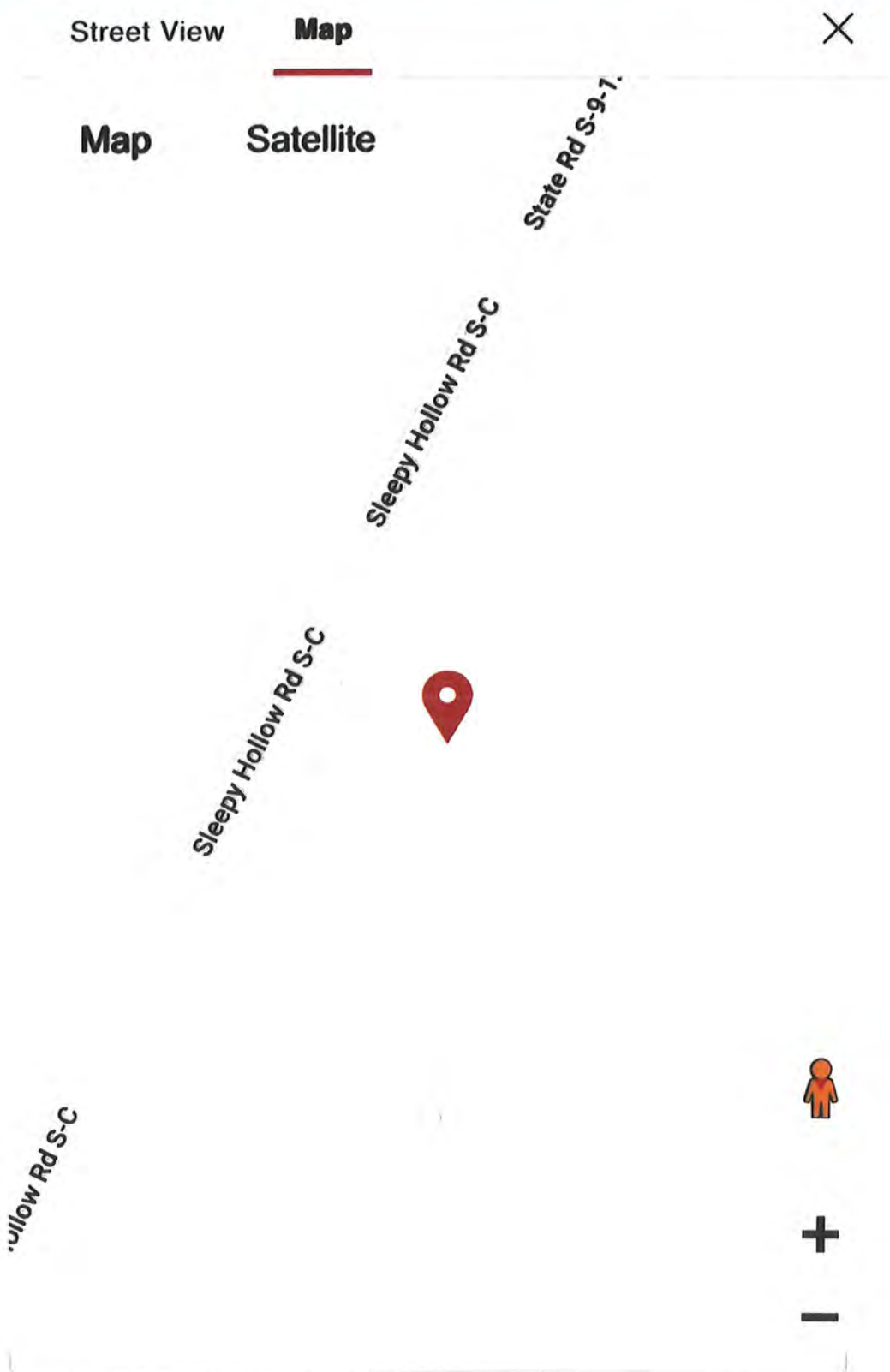
Source: Owner Report

3/31/2015 Listed for sale \$185,500 \$94/sqft

Source: Owner Report

Public tax history

Year	Property Taxes	Tax Assessment
2020	\$417 (-0.5%)	--
2019	\$420 (+37.1%)	\$4,268 (+13.9%)





Home value Owner tools Home details Neighb >

Facts and features

Edit



Type: SingleFamily



Year built: 1952



Heating: Forced air, Gas



Cooling: Central



Parking: Carport, Garage



Lot: 2 Acres

Interior details

Bedrooms and bathrooms



See more facts and features

Services availability

No Data

No Service

9:15 AM

69%



3 bd | 2 ba | 1,978 sqft

311 Sleepy Hollow Rd, Cameron, SC 29030

● **Off market** | Zestimate®: **\$244,700**

Rent Zestimate®: **\$1,585**

Est. refi payment: \$1,322/mo Refinance your loan

Home value | Owner tools | Home details | Neight >



Do you own this home?

AA

zillow.com



No Service

9:19 AM

66%

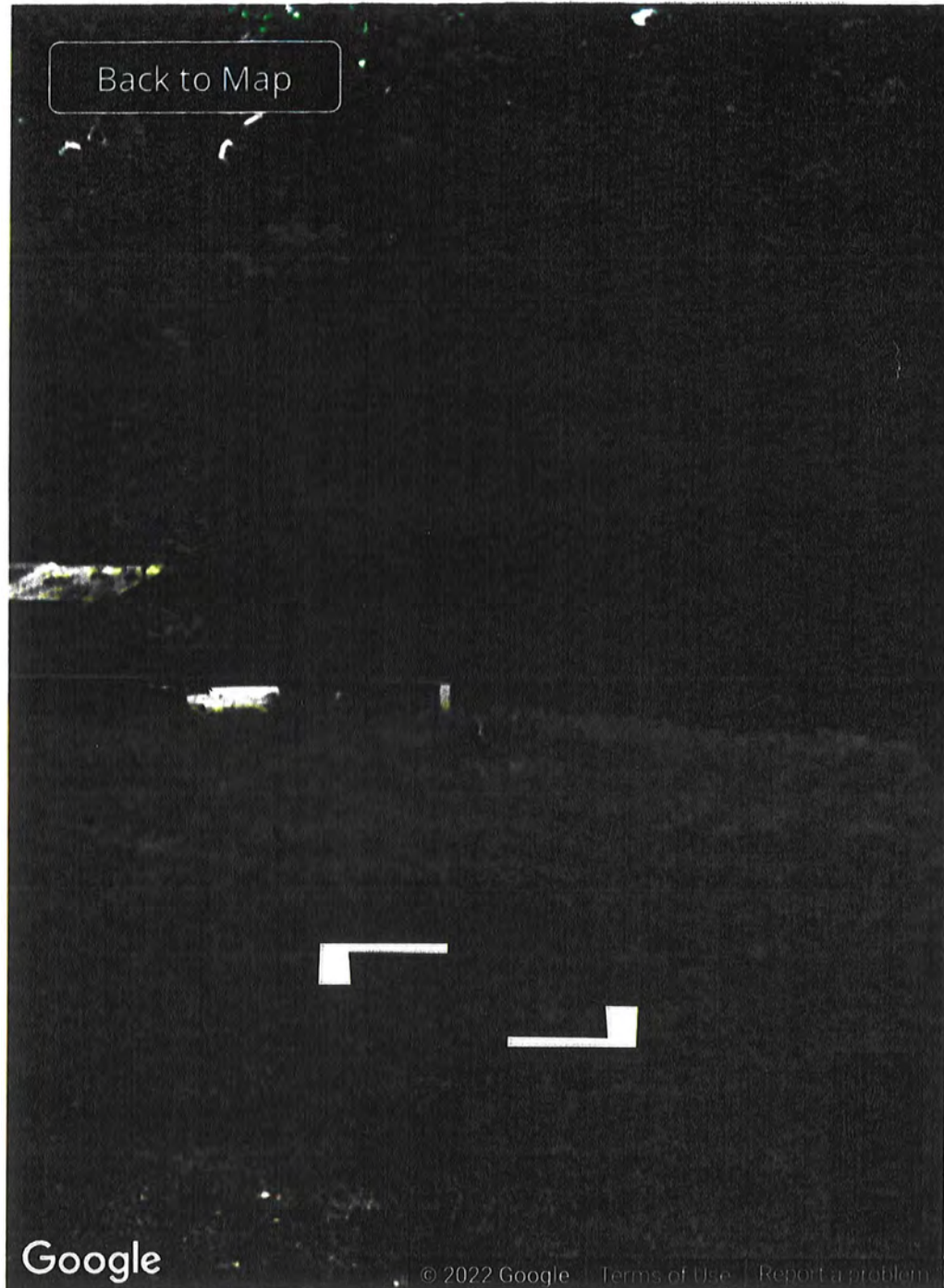
Map

Satellite

Lot lines



Back to Map



AA

zillow.com



From: [Tillman, Matthew](#)
To: [Michael Horger](#); jbjackson@orangeburgcounty.org; bbeach@orangeburgcounty.org
Cc: bwalker@horgerlaw.com
Subject: RE: Judy v. Soto Case No. 2020-CP-38-00699
Date: Tuesday, January 10, 2023 3:19:49 PM
Attachments: [image291476.png](#)
[image619670.png](#)
[image695004.png](#)
[image246323.png](#)
[Soto- Defendants" Objections Plaintiffs" Proposed Trial Order.DOCX](#)

Judge Jackson,

I have attached for your consideration a few objections to the order proposed by the Plaintiffs regarding items that I do not believe in evidence.

Thank you, Matt Tillman

Matthew Tillman

Partner

Womble Bond Dickinson (US) LLP

d: 843-720-4629 5 Exchange Street
m: 843-324-0966 PO Box 999 (29402)
e: Matthew.Tillman@wbd-us.com Charleston, SC, 29401

womblebond Dickinson.com



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From: Michael Horger <mhorger@horgerlaw.com>
Sent: Friday, January 6, 2023 11:18 AM
To: jbjackson@orangeburgcounty.org; bbeach@orangeburgcounty.org
Cc: Tillman, Matthew <Matthew.Tillman@wbd-us.com>; bwalker@horgerlaw.com
Subject: Judy v. Soto Case No. 2020-CP-38-00699

External (mhorger@horgerlaw.com)

[Report This Email](#) [FAQ](#)

Judge Jackson,

Attached is the proposed order of the Plaintiffs in the above referenced matter

Please let me know if you need anything further.

Thank you, Michael Horger

Michael P. Horger, Esquire
Attorney
Michael P. Horger, LLC
160 Centre Street
Orangeburg, SC 29115
803-531-1700

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STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT

CASE NO. 2020-CP-38-00699

Timothy J. Judy and Dana A. Judy,

Plaintiff,

v.

**DEFENDANTS' OBJECTIONS TO
PLAINTIFFS' PROPOSED TRIAL
ORDER**

Alice Soto, Joseph B. Rodriguez, Matthew
Rodriguez, Gwen Rodriguez and Stephanie B.
Wells,

Defendants.

Defendants Alice Soto, Joseph B. Rodriguez, Matthew Rodriguez, Gwen Rodriguez and Stephanie B. Wells hereby object to the Plaintiffs' Proposed Trial Order, as follows:

1. The statement in Section A, Paragraph 7 that reads "It is apparent that Donald J. Smith, R.L.S., placed no credence in the Orangeburg County aerial depiction from 2007 and established the property line by the historical natural boundary of the property" is not supported by evidence presented at trial. Donald Smith did not testify at trial, and there is no evidence concerning which documents he reviewed or relied on in rendering his survey. The only evidence in the record concerning Donald Smith's work or intent is set forth in the actual survey, which reads:

*DATE: 12-01-17 SCALE: 1"=100'
THE SAME BEING A SURVEY OF BOUNDARY
LINES AS CLAIMED BY KEVIN EDWARDS AND IS
NOT A RETRACEMENT OF A PREVIOUSLY PLATTED
PARCEL. BOUNDARIES MAY BE IN QUESTION.*

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE,
INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN
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 OF FOR A CLASS C SURVEY AS
SPECIFIED THEREIN.

THIS SURVEY SUBJECT TO ANY FACTS THAT MAY BE REVEALED
BY A FULL AND ACCURATE TITLE SEARCH. NO ABSTRACT OF TITLE,
NOR TITLE COMMITMENT, NOR RESULTS OF TITLE SEARCHES WERE
FURNISHED THE SURVEYOR. THERE MAY EXIST DOCUMENTS OF RECORD
THAT WOULD AFFECT THIS PARCEL.

2. The statement in Section A, Paragraph 8 which reads “Also, the survey prepared for Alice Soto by J.J. Jowers, R.L.S. dated May 26, 2020, notes that the property line on the southwest is N 26 degree 00 minutes 27 seconds W 288.06 feet” is not supported by the evidence. The Mr. Jowers did not testify at the trial, and the only evidence concerning that line is that it is drawn consistent with the Donald Smith plat as a reference plat. There is no indication in the record that Mr. Jowers considered that line to be the actual property line.

3. The statement in Section A, Paragraph 8 which reads “Although the Jowers survey also shows a parcel A (0.13 acre) claimed by Soto, the only basis she presented on which she claimed title was an Orangeburg County GIS aerial depiction from 2007” is not accurate. As set forth in Defendants’ proposed order, Ms. Soto also introduced historical tax maps to support her claim.

4. The statement in Section A, Paragraph 8 which reads “It is apparent that J.J. Jowers, R.L.S., placed no credence in the Orangeburg County aerial depiction from 2007 and established the property line by the historical natural boundary of the property” is not supported by evidence presented at trial. Mr. Jowers did not testify at trial, and there is no evidence concerning which documents he reviewed or relied on in rendering his survey.

5. The statement in Section A, Paragraph 9 which reads “The Quitclaim Deed resolved any issue that the boundary line between the properties may be in question” is not accurate. The Quitclaim Deed was recorded after Ms. Soto took title to her property, and therefore the Quitclaim Deed had no impact on the size of the property conveyed to Ms. Soto. The statement in the first paragraph of the Legal Analysis section also makes this statement, which is inaccurate.

6. The statements at the end of Paragraph 4 and in the entirety of Paragraph 5 of the Legal Analysis section exceed the purpose of the referral of this matter to this Court. Those statements read:

Further, this order serves as Trespass notice to the Defendants Alice Soto, Joseph B. Rodriguez, Matthew Rodriguez, Gwen Rodriguez and Stephanie B. Wells with each being subject to charges for criminal trespass by law enforcement.

Also, the failure to comply with the terms of this order by any one of the Defendants, Alice Soto, Joseph B. Rodriguez, Matthew Rodriguez, Gwen Rodriguez, and Stephanie B. Wells, may subject the offending party to penalties for contempt of court including a term of imprisonment of not more than one (1) year, a fine of not more than One Thousand Five Hundred (\$1,500.00), or both.

The Order of Reference vests the Court with determining the Defendants' quiet title counterclaim and the Plaintiffs' claim for injunctive relief. It does not vest the Court with providing guidance for the penalties for violations of the Order that have not yet occurred.

WOMBLE BOND DICKINSON (US) LLP

s/ Matthew Tillman
Matthew Tillman
5 Exchange Street (29401)
P.O. Box 999
Charleston, SC 29402
(843) 722-3400
dan.orvin@wbd-us.com
matthew.tillman@wbd-us.com

January 9, 2023

Attorney for Defendants



STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas
James B. Jackson, Jr., Master in Equity

Case No.: 2020-CP-38-00699

Timothy J. Judy and Dana A. Judy.....Respondents,

v.

Alice Soto, Joseph B. Rodriguez, Matthew Rodriguez, Gwen Rodriguez and Stephanie B. Wells
.....Appellants.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all materials
proposed to be included by any of the parties and not any other material.

WOMBLE BOND DICKINSON (US) LLP

s/Matthew E. Tillman

Matthew E. Tillman, SC Bar No. 70338

5 Exchange Street

P.O. Box 999

Charleston, SC 29402

Telephone (843) 722-3400

Facsimile (843) 723-7398

Attorneys for the Appellants

Charleston, South Carolina
June 30, 2023