

RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA

RECEIVED

In The Court of Appeal

AUG 02 2023

APPEAL FROM BEAUFORT COUNTY

SC Court of Appeals

Court of Common Pleas

Marvin H. Dukes, Circuit Court Judge

Case No. 2022-CP-07-000967

Rachel M. Polite A/K/A Rachel Chaplin

Respondent,

v.

Karen P. Polite

Appellant.

RECORD ON APPEAL

By: 
s/Karen P. Polite

Karen P. Polite

Post Office Box 213 ,St. Helena South Carolina
29920 (843) 321-3722

Pro,se Karen Polite

Alysoun M. Eversole, S.C Bar #0068011

1509 King Street

Beaufort, S.C 29902

Telephone (843)379-3333

Attorney for Respondent Rachel Polite a/k/a Rachel Chaplin

INDEX

Index.....	2 of 2 Page 199
Judgment and Final Order April 27,2022.....	3 - 10
Complaint April 16,2020	11-19
Answer May 15,2020	20 - 27
Consent Order for Temporary Injunction December 2,2020	28 - 31
Order on Motion to Reconsider May 9,2022	32- 36
Return to Defendant's Motion to Reconsider June 13, 2022	37 - 39
Order from Stay August 11,2022	40 - 42
Testimony	Page 43 - 45
Rachel M. Polite	46 - 70
Antonio A. Polite	71 - 73
Thomas Smalls	71,74,84,85
Donald Mitchell	71,81, 82
Karen P. Polite	75 - 83
Defendant's Request to Charge	
1 Deed	86-89
2 Deed	90-92
3 Plat	93
4 Letter.....	94
5 Notice of Violation.....	95
6 Aerial photo.....	96
7 Magistrate court notice.....	97 - 105
Defendant's Exhibits	
1 Divorce Decree.....	106 - 111
5 Photo - Blue mobile home - Front yard.....	112
8 Photo - Driveway - Front yard.....	113
14 Photo - Mobile home - Backyard.....	114
16 Receipt -Tax map	115

INDEX Of PLAINTIFF'S

Judgment and Final Order April 27,2022.....	116 - 124
Complaint April 16,2020	125 -132
Answer May 15,2020	133 - 140
Consent Order for Temporary Injunction December 2,2020	141 - 144
Return to Defendant's Motion to Reconsider filed June 13, 2022	145 - 147
Order on Motion to Reconsider filed June 17,2022	148 - 151
Motion for Relief from Stay July 11, 2022	152 - 153
Order on Plaintiff's Motion for Relief from Stay August 11,2022	154 - 155
Testimony of Plaintiff's - Certify.....	Page 156, 157, 158
Rachel M. Polite	159 -180
Plaintiff's Exhibits	
1 Deed	181-184
2 Deed	185-187
3 Plat	188
4 Letter	189
5 Notice of Violation	190
7 Magistrate court notice	191- 199

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF BEAUFORT	)	CIVIL ACTION NO. 2020-CP-07-00899
	)	
RACHEL M. POLITE	)	NON-JURY
	)	
Plaintiff(s),	)	
	)	Judgment and Final Order
vs	)	
	)	
KAREN P. POLITE	)	
Defendant(s).	)	
_____	)	

THIS MATTER CAME BEFORE ME at the trial of this case held on Monday, April 11, 2022. Present at the hearing was the Plaintiff, Rachel M. Polite and her attorney, Alysoun M. Eversole, and the Defendant Karen P. Polite, appearing Pro-Se.

PROCEDURAL POSTURE

The Plaintiff's Complaint seeks an order of this Court ejecting the Defendant from the Property on the grounds of Trespass. The Defendant filed her Answer wherein she claims she owns the real property by Adverse Possession.

On August 21, 2020, the Defendant filed a "Notice of Motion and Motion for Temporary Injunction or in the Alternative a Motion for a Temporary Restraining Order against the Plaintiff and Others". On December 2, 2020 a "Consent Order for Temporary Injunction" was entered wherein the parties were enjoined from, among other things, disturbing each other, and the Plaintiff would access her home over property located at 525 Seaside Road, and the Defendant would continue to access her home over Ladson Road and the driveway on the Property.

On September 28, 2021, Defendant filed a "Notice of Motion and Motion for Violation or in the Alternative a Motion for Preliminary Injunction against the Plaintiff". The motion was never

set for a hearing. At trial the parties agreed the issues raised in the said Motion would be addressed during the trial.

Now therefore, from the pleadings, the credible testimony and the relevant evidence presented, I make the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The property mentioned and referred to in this Complaint (hereinafter the "Property") and the basis of this cause of action herein is described as follows:

ALL that certain piece, parcel or tract of land, with improvements thereon, if any, situate, lying and being in the Southeastern corner of Lot 51, Section 22, 1S1E, on St. Helena Island, Beaufort County, South Carolina, and being more particularly bounded and described as follows, to-wit: On the North by a Public road and on the East, South and West by land now or formerly of Emily Holmes. For a more complete description as to metes, bounds, courses and distances, reference is made to that certain plat made by H.F. Wilson, Jr., R.L.S, dated April 13, 1972, a copy of which is recorded in the Beaufort County Register of Deeds Office in Deed Book 197 at Page 679.

R300 017 000 114A 0000

2. The Property had at one time belonged to the Plaintiff's mother, who lost title to it many years ago. In 1972 the Plaintiff wanted to re-acquire the Property but was unable to obtain a bank loan on her own, so her husband, Bubby Polite, obtained the financing. The deed was put in his name. **Plaintiff's Exhibit 2.** The Plaintiff made the payments on the loan. Later, the Plaintiff and Bubby Polite divorced. Pursuant to the Divorce Decree, **Defendant's Exhibit 1**, Bubby Polite was ordered to deed the property to the Plaintiff, which he did in 1989. **Plaintiff's Exhibit 1.**

3. The Defendant is the Plaintiff's youngest daughter. In about 1983 the Defendant was given permission by Bubby Polite to put a mobile home on the Property. The Plaintiff also gave permission but on the condition that the Defendant would contribute to payment of the real

property taxes and not make any changes to Defendant's mobile home, or the Plaintiff's Property without the Plaintiff's permission. The Defendant contributed to the payment of the real property taxes up until 2013.

4. Beginning in about 2016, disagreements and numerous personal problems arose between the Plaintiff and the Defendant, including but not limited to, the Defendant interfering with the Plaintiff bringing in a new double-wide mobile home to install on the Property, the Defendant constructing additions to her mobile home without Plaintiff's permission and disregarding Plaintiff's demands to stop the construction. The Defendant's construction resulted in Beaufort County Codes Enforcement issuing a Notice of Violation and assessing the fine against the Plaintiff as the landowner. **Plaintiff's Exhibit 5.**

5. On October 31, 2019, the Plaintiff wrote and delivered a letter to the Defendant giving the Defendant thirty (30) day's notice to vacate the Property. **Plaintiff's Exhibit 4.** The Defendant did not respond to the letter. On July 23, 2020, the Plaintiff filed an action in the Beaufort County Magistrate's Court to eject Defendant from the Property. **Plaintiff's Exhibit 7.** The Defendant, in her written response and in court, claimed she owned the Property. The Magistrate entered an Order stating there were competing claims of ownership, therefore it lacked jurisdiction to hear the matter, and this suit resulted.

6. With respect to the Defendant's "Notice of Motion and Motion for Violation or in the Alternative a Motion for Preliminary Injunction against the Plaintiff" filed September 28, 2021 (hereinafter "Motion"), the Defendant presented video evidence to support her Motion, **Defendant's Exhibit 20.** The videos were date stamped July 18, 2020. I find the date stamps of July 18, 2020 in the videos pre-date the entry of the Consent Order for Temporary Injunction filed December 2, 2020.

CONCLUSIONS OF LAW

7. I conclude that the real property that is the subject of this litigation is situate in Beaufort County, South Carolina, and this court has jurisdiction to hear the matters set forth in the pleadings and venue is proper.

8. In order for the Defendant to prevail in her counter claim for Adverse Possession, she must prove that she has been in open, notorious, hostile, exclusive and continuous occupation of the Property against the true legal owner for the statutory period. Each and every element must be proven by clear and convincing evidence. I find the Defendant has failed to prove the elements of exclusivity and hostility. Exclusivity does not exist because the parties together occupied the Property, consisting of (.79) acres of land, and the Defendant contributed to the payment of the real property taxes as required by the Plaintiff by paying her portion to the Plaintiff up until 2013.

Under South Carolina law, hostile possession requires an intent to dispossess the true paper title holder of the property. The intent should be so notorious that the legal owner by ordinary diligence should have known about possessors intent to claim the property adversely. *Graniteville Co. v. Williams*, 209 S.C., 120-21, 39 S.E. 2d at 206; *Jones v. Leagan*, 681 S.E.2d 6, 384 S.C. 1, (SC App. 2009) Here, the Plaintiff is the true paper title holder of the Property having acquired it by deed of Bubby Polite in 1989, **Plaintiff's Exhibit 1**. the Defendant's occupancy was permissive until October 31, 2019, when the Plaintiff wrote the letter to the Defendant giving her thirty (30) days notice to vacate the Property. Thus, the permissive occupancy became hostile on October 31, 2019 and now constitutes a trespass. The statutory period required to obtain title by adverse possession has also not been met.

9. I conclude that the video evidence presented by the Defendant to support her Motion is date stamped July 18, 2020 which predates the Consent Order for Temporary Injunction

entered December 20, 2020. The Plaintiff cannot, as a matter of law, violate a court order that was entered after the complained of activity took place. Therefore, the Defendant's Motion is Denied.

10. I conclude from the facts and evidence presented in in this case that the Plaintiff is entitled to Judgment in her favor, and a Writ of Ejectment.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREEND that the Plaintiff, Rachel M. Polite, is the lawful paper title holder of the Property described in Paragraph 1, above, who possesses all rights and incidents of ownership in the Property, and that the Defendant has not proven by clear and convincing evidence that she has adversely possessed the Property against the true owner, the Plaintiff Rachel M. Polite; It is further,

ORDERED, ADJUDGED AND DECREED that as of October 31, 2019 the Defendant has been trespassing on the Plaintiff's Property and, therefore, the Defendant shall, within thirty (30) days from the date of this order, remove her mobile home from the Property and permanently vacate the Property. It is further,

ORDERED, ADJUDGED AND DECREED that the Defendant's "Notice of Motion and Motion for Violation or in the Alternative a Motion for Preliminary Injunction against the Plaintiff" is Denied for the reasons set forth in Paragraph 9, above; It is further,

ORDERED, ADJUDGED AND DECREED that the Consent Order for Temporary Injunction entered December 2, 2020, is hereby lifted and terminated with respect to the Plaintiff's method of ingress and egress to her home, and Plaintiff is free to access her property from Ladson Road. However, the portion of the Consent Order enjoining and restraining the parties, or their guests, invitees or agents, from harassing, threatening, intimidating, molesting, assaulting, stalking or destroying personal property of the other party, shall remain in full force and effect until such

time that the Defendant's mobile home from the Property and, thereby, has permanently vacated the Property. It is further,

ORDERED, ADJUDGED AND DECREED that if you, the Defendant, Karen P. Polite, fail to remove the mobile home and vacate the Property within sixty (60) days from the date of this Order, a Writ of Ejectment shall be issued without further delay for the Sheriff of Beaufort County, South Carolina to proceed to the Property to gain access and forthwith remove the mobile home and its contents from the Property, and deposit the said mobile home and personal property at or near, but not obstructing, the nearest public roadway, or otherwise disposing of your mobile home and personal property as allowed by law.

DONE AND ORDERED this _____ day of _____, 2022.

Marvin H. Dukes, Master-in-Equity and Special
Circuit Court Judge for Beaufort County, South
Carolina

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2020-CP-07-00899

Rachel M. Polite

Karen P. Polite

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Alysoun M. Eversole, Esq.

Attorney for : ☒ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRCP; ☐ 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 : This is a Quiet Title Action, Reformation, and Declaratory Action

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)
Rachel M. Polite	Karen P. Polite	\$ N/A
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:
TMP#R300 017 000 114A, .79 acre, Address: 6 and 8 Ladson Dr., St. Helena Island, SC,

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

Note: Title abstractors and researchers should refer to the official court order for judgment details.

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

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 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-Fileers 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	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF BEAUFORT	)	CIVIL ACTION NO. 2020-CP-07-_____
	)	
RACHEL M. POLITE A/K/A RACHEL	)	NON-JURY
CHAPLIN	)	
	)	
Plaintiff(s),	)	SUMMONS
	)	
vs	)	
	)	
	)	
KAREN P. POLITE	)	
Defendant(s).	)	

TO THE DEFENDANTS NAMED ABOVE:

YOU ARE HEREBY SUMMONED AND REQUIRED TO ANSWER the Complaint in the above-entitled action, the original of which has been filed in the Office of the Clerk of Court for Beaufort County, South Carolina and a copy attached hereto, and to serve a copy of your Answer to said Complaint on the undersigned subscriber at Eversole Law Firm, P.C., 1509 King Street, Beaufort, South Carolina, 29902, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in said Complaint.

EVERSOLE LAW FIRM, P.C.

By: s/Cherese T. Handy
Alysoun M. Eversole, Esq. SC Bar #60811
Cherese T. Handy, Esq. SC Bar #103184
ATTORNEYS FOR THE PLAINTIFF
1509 King Street
Beaufort, South Carolina 29902
Phone: (843)379-3333
Fax: (843)379-5558
chandy@eversolelaw.com

Beaufort, South Carolina
April 12, 2020

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF BEAUFORT	)	CIVIL ACTION NO. 2020-CP-07-_____
	)	
RACHEL M. POLITE A/K/A RACHEL CHAPLIN	)	NON-JURY
	)	
	)	
Plaintiff(s),	)	COMPLAINT
	)	for
vs	)	Trespass and Writ of Ejectment
	)	
	)	
KAREN P. POLITE	)	
Defendant(s).	)	

~~~~~

The Plaintiff herein, complaining of the Defendants herein would respectfully show unto the Honorable Court:

#### JURISDICTION

1. Plaintiff, Rachel M. Polite A/K/A Rachel Chaplin, is the owner of the real property in Beaufort County, South Carolina, which is the subject of this action.
2. Defendant, Karen P. Polite, a is resident of Beaufort County, South Carolina.
3. The real property that is the subject of this litigation is situated in Beaufort County, South Carolina and, therefore, this Court has jurisdiction to hear the matters set forth herein and venue is proper.

#### STATEMENT OF FACTS

4. The property mentioned and referred to in this Complaint and the basis of this cause of action herein is more specifically described as follows:

ALL that certain piece, parcel or tract of land, with improvements thereon, if any, situate, lying and being in the Southeastern corner of Lot 51, Section 22, 1S1E, on St. Helena Island, Beaufort County, South Carolina, and being more particularly bounded and described as follows, to-wit: On the North by a Public road and on the East, South and West by land now or formerly of Emily Holmes. For a more complete description as to metes, bounds, courses and distances, reference is made to that certain plat made by H.F. Wilson, Jr., R.L.S, dated April 13, 1972, a copy of which is recorded in the Beaufort County Register of Deeds Office in Deed Book 197 at Page 679.

R300 017 000 114A 0000

5. Bubby Polite acquired the Property from Emily Holmes by deed dated April 19, 1972 recorded in Deed Book 197 at Page 678 recorded with the Register of Deeds Office for Beaufort County, South Carolina.

6. Defendant, Bubby Polite's daughter, owns a 1984 Nobility mobile home (hereinafter, "mobile home") and upon information and belief, in April 1988, Bubby Polite gave Defendant permission to live in Defendant's mobile home on the Property.

7. Thereafter, Bubby Polite transferred title to the Property to Plaintiff, Bubby's then wife, by deed dated December 12, 1989 and recorded in Records Book 544 at Page 2365, in said Register of Deeds Office, **(Exhibit 1)**.

8. Plaintiff currently lives on the Property and has lived on the Property even before Bubby Polite granted Defendant permission to live in Defendant's mobile home on the Property.

9. Shortly after Plaintiff acquired record title to the Property, Plaintiff granted Defendant permission to remain in Defendant's mobile home on Plaintiff's property, with Defendant's understanding that the Property belonged to Plaintiff and Defendant's occupation of Plaintiff's property was permissive.

10. Plaintiff and Defendant stipulated that in exchange for Plaintiff allowing Defendant to continue to occupy Plaintiff's property, Defendant was to contribute to payment of the real estate taxes on Plaintiff's property and Defendant would not substantially alter Plaintiff's property.

11. Defendant has not contributed to the payment of the real estate taxes on Plaintiff's property since 2013.

12. On October 26, 2019, Defendant began building a double garage on the Plaintiff's property, and Plaintiff demanded Defendant to stop building the double garage on the Property.

13. Defendant disregarded Plaintiff's demands to stop building the double garage on Plaintiff's property, despite stipulating with Plaintiff that Defendant would not make any substantial alterations to Plaintiff's property.

14. Despite Plaintiff's demands not to do so, Defendant completed building the double garage on Plaintiff's property, without first obtaining the appropriate permits or development approvals from Beaufort County, in violation Beaufort County Code 9.2.30(a), (**Exhibit 2**).

15. Because Plaintiff owns the Property, Beaufort County Codes Enforcement issued to Plaintiff a Notice of Violation notifying Plaintiff that the double garage on the Plaintiff's property is in violation of the aforementioned Beaufort County Code.

16. Defendant's refusal to comply with Plaintiff's demands to not build the double garage on Plaintiff's property has put Plaintiff's property in violation of Beaufort County Codes, and unnecessarily exposes Plaintiff to liability to Beaufort County for penalties and fines, for said violation, and costs and expenses incurred by Beaufort County should Beaufort County remove or abate said violation.

17. On October 31, 2019, for the reasons stated above, Plaintiff gave written notice to Defendant to vacate and remove Defendant's mobile home off the Plaintiff's property, but Defendant refuses to do so, (**Exhibit 3**).

**FOR A FIRST CAUSE OF ACTION  
Trespass/Writ of Ejectment**

18. Each and every allegation contained in Paragraphs 4 through 17 are reiterated as set forth verbatim herein.

19. Defendant's occupation of Plaintiff's property is now without Plaintiff's permission, consent, or authority, thereby constituting trespass on Plaintiff's property.

20. The Plaintiff has demanded that Defendant remove her mobile home and personal property from Plaintiff's property to no avail. , and therefore Plaintiff has no other remedy at law or in equity to protect her rights other than to bring this action.

20. Plaintiff is informed and believes that it is entitled to an Order from this Court requiring the Defendant to remove from Plaintiff's property, within thirty (30) days of an Order from this Court, the mobile home and any other personal property owned by the Defendant or Defendant's guests and invitees.

21. As an alternative relief, Plaintiff is informed and believes that she is entitled to an Order from this Court issuing a Writ of Ejectment directing the Sheriff of Beaufort County to proceed to Plaintiff's property to gain access to the premises and to remove Defendant's Mobile home, and all items belonging to the Defendant.

22. Plaintiff respectfully requests that this Court have continuous jurisdiction for the enforcement of any Order issued by this Court or otherwise.

21. Plaintiff knows of no other remedies at law or in equity to protect her rights other than to bring this action.

### **PRAYER**

WHEREFORE, your Plaintiff respectfully requests that this Court:

- a. Find that the Defendant is trespassing on Plaintiff's property;
- b. Order Defendant to remove Defendant's mobile home and any other personal property belonging to the Defendant or Defendant's guests and invitees from Plaintiff's Property, within thirty (30) days of the Court's Order;
- c. In the event the Defendant does not remove the Mobile home from Plaintiff's property within thirty (30) days of the Court's Order, issue a Writ of Ejectment directing the Sheriff of Beaufort County to proceed to Plaintiff's property to gain access to the premises and to remove Defendant's mobile home, and any items belonging to the Defendant, in order to effectuate the ejectment;
- d. Issue an Order declaring that this Court shall have continuing jurisdiction to enforce any Order issued by this Court or otherwise; and
- e. For such other and further relief as the Court may deem just and proper.

### **EVERSOLE LAW FIRM, P.C.**

By: s/Cherese T. Handy  
Alysoun M. Eversole, Esq. SC Bar #60811  
Cherese T. Handy, Esq. SC Bar #103184  
**ATTORNEYS FOR THE PLAINTIFF**  
1509 King Street  
Beaufort, South Carolina 29902  
Phone: (843)379-3333  
[chandy@eversolelaw.com](mailto:chandy@eversolelaw.com)

Beaufort, South Carolina  
April 12, 2020



ELECTRONICALLY FILED - 2020 Apr 16 3:20 PM - BEAUFORT - COMMON PLEAS - CASE#2020CP0700899

State of South Carolina,

2365

COUNTY OF BEAUFORT

02222

KNOW ALL MEN BY THESE PRESENTS, THAT

I, BUBBY POLITE,

in the State aforesaid \_\_\_\_\_ for and \_\_\_\_\_ in consideration of the sum of  
ONE AND NO/100(\$1.00)DOLLAR AND DECREE OF DIVORCE \_\_\_\_\_ DOLLARS,  
to \_\_\_\_\_ in hand paid at and before the sealing of these presents by RACHEL M. POLITE,  
Route 2, Box 557-A, St. Helena Island, South Carolina 29920  
in the State aforesaid \_\_\_\_\_ for which \_\_\_\_\_ 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 RACHEL M. POLITE, Her Heirs and Assigns, forever, the following  
described real property, to-wit:

ALL that certain piece, parcel or lot of land, with improvements thereon, if any,  
situate, lying and being in the Southeastern corner of Lot 51, Section 22, 1S1E,  
on St. Helena Island, Beaufort County, South Carolina, and being more particularly  
bounded and described as follows, to-wit: On the North by a public road and on the  
East, South and West by lands now or formerly of Emily Holmes. For a more  
complete description as to metes, bounds, courses and distances, reference is made  
to that certain plat made by H. F. Wilson, Jr., R.L.S., dated April 13, 1972, a  
copy of which is recorded in the Office of the RMC for Beaufort County, South  
Carolina in Deed Book 197 at Page 679.

This is the same property as conveyed to the within Grantor by deed of Emily  
Holmes a/k/a Emily M. Holmes dated April 18, 1972 and recorded in the Office  
of the RMC for Beaufort County, South Carolina in Deed Book 197 at Page 678 on  
April 19, 1972.

This deed was prepared by the Law Firm of Moss, Dore, Kuhn & McIntyre, P.A.,  
1501 North Street, Beaufort, South Carolina 29902, by H. Fred Kuhn, Jr., Esquire,  
without the benefit of title examination.

BEAUFORT COUNTY TAX MAP REFERENCE

| Dist | Map | Submap | Parcel | Block |
|------|-----|--------|--------|-------|
| 300  | 17  |        | 114A   |       |



Beaufort County Code Enforcement  
100 Ribaut Road / PO Drawer 1228  
Beaufort SC 29901-1228  
Phone (843) 255-2066

**Beaufort County**  
**South Carolina**

# NOTICE OF VIOLATION

Please be advised that you are currently in violation of the Beaufort County Code.

Division 9.2 Compliance Required  
9.2.30 Specific Violations (A)

**Failure to comply with this order within the time period specified will result in a summons being issued to appear in court and a fine up to \$500.00 and any court costs.**

Property Owner: Rachel M Polite

Location of Violation: 6/8 Ladson Road St. Helena, SC 29920

Property ID: R300 017 000 114A 0000

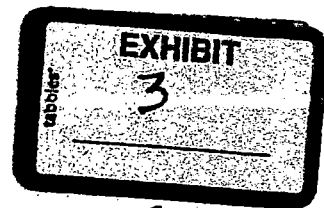
Date of Notice: November 26, 2019

Comply by: December 13, 2019

Code Enforcement Director: A. Antonacci



ELECTRONICALLY FILED - 2020 Apr 16 3:20 PM - BEAUFORT - COMMON PLEAS - CASE#2020CP0700899



To Karen Polite

31 Oct 2019

I am writing to inform you that I am giving you a 30 days notice to vacate my property on 82ndson Rd. from the time that you were allowed to put your trailer there, you have not paid no property taxes. In return you was told not to alter the property in any way while you remain on the land. On or about 2017 you attempted to pour a cement driveway in front of your home. I in turn told you not to do it. On 26 Oct 2019 late evening I you started to build a two car garage by putting posts in the ground. I told you to stop the building and you do not go any forward. You ignore everything that I said and continue to build. Now I am giving you this final notice to you need to move your mobile home and off my land 82ndson Rd 31 Helena, Iso. SC. as of 31 Oct 2019

If you have any question or concern you can contact me at 843-194-1017

Rachel M Polite  
Rachel M. Polite

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

**RACHEL M. POLITE A/K/A RACHEL  
CHAPLIN**

**Plaintiff(s),**

**VS**

**KAREN P. POLITE**

**Defendant(s).**

IN THE COURT OF COMMON PLEAS

**CIVIL ACTION NO. 2020-CP-07-**

## NON-JURY

## VERIFICATION

**PERSONALLY** appeared before me, Rachel M. Polite a/k/a Rachel Chaplin, who being duly sworn, deposes and says that she is the Plaintiff in the foregoing action; that she has read the foregoing Complaint for Trespass and Writ of Ejection, and that the same is true to her own knowledge.

Rachel M. Polite / Chaplin  
Rachel M. Polite a/k/a Rachel Chaplin

SWORN TO and subscribed before me,  
this 15<sup>th</sup> day of April, 2020.

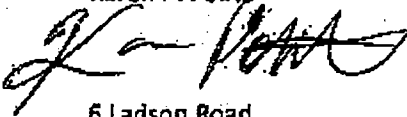
Catherine Seab (SEAL)

**NOTARY PUBLIC FOR SOUTH CAROLINA**

My Commission Expires: Aug. 12<sup>th</sup> 2026

5/11/20

Karen P. Polite



6 Ladson Road

St. Helena S.C 29920

(843) 321-3722

2020 MAY 15 PM 1:13  
JERRI ANN ROSEHEAD  
BEAUFORT COUNTY, S.C.  
CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO. 2020-CP-07-899

ANSWER TO COMPLAINT

FOR

Trespass and Writ of Ejectment

RACHEL M. POLITE A/K/A RACHEL CHAPLIN

Plaintiff(s).

VS

KAREN P. POLITE

Defendant(s).

## ANSWER TO COMPLAINT

1. "Your Honor" Yes, I Karen P. Polite a longtime resident of Seaside Road and the youngest daughter of the late Bubby Polite, whom I care for more than seven years. My dad lost his battle from lung cancer on (May 14, 2018). The property in question owned by; Bubby Polite located on Seaside road 6 and 8 Ladson which he purchased from the late Ms. Emily M. Holmes, Bubby Polite became the sole owner of the property (April 13, 1972).
2. (April 7, 1988) Yes, Bubby Polite granted permission to his youngest daughter I Karen Polite, of stay of her Gray (1984) Mobile Home 70x14 to live on the property for life. Rachel Polite became outrage calling (BCS) Beaufort County Sheriff onto the property at 6 Ladson Seaside road. 6 days later Rachel M. Polite petition the court for a divorce on (May 13, 1988) who still shares the property with her youngest daughter I Karen Polite.
3. (October 31, 2019) and now (April 12, 2020) My mother Rachel M. Polite Chaplain address a sworn written letter to the court, to have my mobile home removed from the property within 30 days. I believe I have or show shared interest of this property, with permission from my father Bubby Polite. After 31 years of living on the property located at 6 Ladson Road. St. Helena island South Carolina 29920. I believe my Mother Rachel stated, several facts outlining me as being a squatter, I accept my right as such by (law) Adverse Possession.
4. Yes, Rachel M. Polite received "(1) acre of land in 1989. In 1982 Plaintiff split and sold parts of the property. I Karen Polite believe for more than 31 years that I own property located at 6 Ladson until, my dad Bubby Polite got sick and died in (2018). My mother Rachel Polite have never given me permission, to remain on the open yard property and or land. Rachel Polite have also accuse me of "never paying any property tax", which states untrue.

5. Rachel Polite never asked me specifically for money for tax's but, instead money to help to pay car notes, Insurance, light bills, and trips over the years. As I continue providing for my mother with unconditional love including in (2001) removing my mom out of debt, by paying off \$30,000 of her bills plus more with money I won from the (lottery).

a. I have held constant use of the property, this property where I lived on for more than 31 years 4 months and 8 days as of November 8th, 2019, have and has remained visible to the public, family, and friends seeing in clear eyes. Rachel Polite have or has never asked that I vacate, leave, or evacuate her property until now. Over the years I have worked hard to improve the property, with no complaints from my mother until now.

b. Improving the property required me cutting the grass and or paying someone to do so if needed, making repairs to my mother's home by remodeling her bedroom after seeing her sleep on her couch for more than a year. I also build a walk-in closet, a shoe rack, and a porch as she asks me to.

6. Yes, I admit improving the driveway, that gain access onto the property for many years using brick, blocks gravel and sand at times using my dad's sledgehammer to crush the bricks. When I got tired, I would pay to have the ditch dig.

a. I deny (Paving) or (Altering) the driveway in anyway shape or form, the driveway entering the property was built by; one Bubby Polite in (1973).

7. "YES Your Honor", my 29-year-old son and I build an open shelter for my vehicle on my property next to my home, sometime after My Dad and I build a deck, for the front and back porch before he began chemotherapy. Because Plaintiff, and her 4 Adult Children remove trees that provided shade over my home, yard, and vehicle, exposing everything wide open in my yard, I work so hard for.

8. On Sunday morning November 25, 2019 Plaintiff, and her daughter Claudia Polite would report my son and I, to Beaufort County Sheriff. The next day November 26, 2019 the Plaintiff, and her daughter would again report my son and I, this time to Beaufort County Code Enforcement. Humiliating me embarrassing me on my property, and the neighborhood where I lived for more than 31year at 114-B.
9. The Plaintiff received a warning, on her on ACT OF WILL of aggressive pressure or intimidation for better word harassment. Because the Plaintiff, new husband, and Daughter Claudia would harass me so much over the years, I could not attend my dad's funeral. My son's and I have worked hard for years, helping the Plaintiff out of many different NOTICES of VIOLATION and unbearable situation that still post a threat today on this property. My dad always reminded me, why he put my home in front of my mothers.

#### STATEMENT OF FACTS

10. (1999) Rachel Polite needed my help to provide, and care for herself and two adopted nieces ages 5 and 6 along with my two children age 1 and 3.
- Shortly after My Mother Rachel Polite became ill in (1999) she asked that I return home, leaving College in Miami Florida, returning a year later. After taking care of my mother who almost lost her life.
- a. Throughout her recovery I worked nights from 10pm-6am, because of my mother surgery and poor health, Rachel being unable to drive herself.
  - b. I drove my mother around for one year, collecting insurance money for (Atlantic Coast life Insurance Company) her job for more than 25 years now (retired).

11. (1st Timothy 5 :8) States; but if anyone does not provide for his relatives, and especially for members of his household, he is denied the faith and is worse than an unbeliever".

- a. This letter states truth and facts, the work that I have put in to improve and help my mother while living on the property. As I, shared interest in the property with my mother Rachel Polite for more than 31 years since (1988)
- b. This letter serves not to intimidate, anger, or confuse my mother Rachel M. Polite) this is just the right to understand an unresolved resolution concerning the property, As spoken without hesitation.

12. On "November 29, 1965 Bubby Polite was married to Rachel Polite", who then gave birth to Karen Polite March 24, 1966. Karen was the last of "six children, born to both parties". Shortly thereafter Bubby, Rachel, and Karen would relocate to Miami Florida leaving behind the (5) other children, including two that had not belonged to Bubby Polite. Sometime during the 70's. Bubby, Rachel, and Karen would return to Beaufort South Carolina to their birthplace.

13. Bubby Polite than would purchase 1 Building 1.0 Stories 700 SQFT. Located on Seaside Road situate lying and being in the Southeastern corner of Lots 51, Section 22, 151E, on St. Helena Island, Beaufort County, South Carolina, and being more particularly bounded and described as follows, to-wit: On the North by a Public road and on the East, South and West by land now or formerly of Emily Holmes".

14. During the 8years of separation between Bubby and Rachel, Karen became a subject and victim to Plaintiff Rachel Polite two oldest sons, who molest her between 11and12 of age. Identify as Eugene Mitchell, the other son made peace with God and beg for my forgiveness.

15. 13 years later the Defendant Karen Polite, would witness the Plaintiff son Eugene Mitchell molesting her niece. Immediately Karen reported the crime to, "Beaufort County Sheriff" (B.C.S) and her mother Rachel M. Polite. I believe Plaintiff held on for many years of Resentment, Disbelief and Hate toward the Defendant Karen P. Polite.

16. The place of crime 1974 Fiesta/12x60/Cream/Gold & Brown MH used for storage on Lot 51, Section 22, 1S1E 114-B (Coexist) belonging to Rachel M. Polite and Eugene Mitchell. Rachel Polite ask "Beaufort County Sheriff" (B.C.S) to allow her son to go away free to live in a different state, having no contact with either victims. Motion was granted to Plaintiff and her son, now Plaintiff wants her son to move back to Seaside road St. Helena island Beaufort South Carolina.

17. Although Rachel Polite had knowledge of what happened to daughter Karen Polite, and her granddaughter, Rachel Polite is preparing for her son Eugene Mitchell return to the property, for the remainder of his life located on Lot 51, Section 22, 1S1E 114-B, on St. Helena Island, Beaufort County, South Carolina. For Plaintiff son to return and receive parts of this property, I then Karen Polite would have to move. Again, Rachel Polite had two outside son's Eugene Mitchell, and Donald Mitchell none of which were Bubby Polites' children.

18. I believe before "Rachel M. Polite Petition the court in 1988, for a divorce" from one Bubby Polite". During the 8 years of separation Plaintiff Rachel M. Polite, would then Split and Sell parts of property to "Donald Mitchell September 1, 1983 and Recorded in Deed Book, 378 at Page 149, in "said Register of Deeds Office.

19. "Situated lying and being in the Southeastern corner of Lots 51, Section 22, 1S1E, on St. Helena Island, Beaufort County, South Carolina, and being more particularly bounded and described as follows, to-wit: On the North by a Public road and on the East, South and West by land now or formerly of Emily Holmes" before the transfer of "(1) acre of land from Bubby Polite to Rachel M. Polite.

## PRAYER

WHEREFORE, the Defendant respectfully requests that this Court:

- a. Allow Karen Polite and heir of Bubby Polite to continue living peacefully on R300 017 114B 0000
- b. Order Plaintiff's and new husband to stop blocking all interest way onto property.
- c. In event that Plaintiff's son Eugene Mitchell violate the court order to move, live, on or near Defendant property without hesitation, a Writ Injunction directing Beaufort County Sheriff to enforce "Protection from Abuse ACT" (PFA) AND ALL other violation place in order.
- d. Issue an order declaring that this court shall have no continuing Junction, to enforce any other issue by this court on this matter relation to both, Defendant and Plaintiff's
- e. Request that any properties (Split/Sold and on or before December 12, 1989) without written consent of Bubby Polite be returned to thy estate of Bubby polite, that have not been PROBATE.
- f. I one Karen P. Polite, asking this court of law to (Award Title) of 114- B Lot 51, Section 22, 1S1E, 6 Ladson Road St. Helena S.C 29920 in my name, if I have "met my burden of proof by; Preponderance of the Evidence"
- g. For such other further relief as this Court may, render just.

## CONCLUSION

My dad Bubby Polite was loving, wonderful, wise, hard-working, and proud. He provided for his family although he "could not read instructions", as I did for him". Shortly after my dad passed in 2018, I began College completing my 3rd year of studying, Criminal justice at Liberty University. Since May 8, 2020, I have completed two more classes through the grace of God. Western Culture 101 final grade (A) and Bible Worldview 104 (B) (3.48 GPA). What should have been my last year, but instead I am fighting to keep parts of my dad's property, and legacy in my family that he worked so hard for. I know my dad Bubby Polite my two sons, and granddaughter would be proud of me no matter what. My dad would

remind me that there was enough land for both Rachel and I, even after Rachel received her (1) acre.

Property or properties in question on (Lot 51, Section 22, 1S1E)

(Reference)

IN THE FAMILY COURT (88-DR-07-0543

Lot 51, Section 22, 1S1E, Beaufort County Register of (Deeds Office in Deed Book 197 at Page 679- 1972)

R300 017 114A 0000- Rachel M. Polite (1989)

R300 017 114B 0000- Karen Polite (1988)

R300 017 114C 0000- Rachel M. Polite (1983) SPLIT

Lot 51, Section 22, 1S1E, Beaufort County Register of (Deeds Office in Deed Book 378 at Page 149-1983)

R300 017 114C 0000- Donald Mitchell (1983) SPLIT

(2088 words)

|                                          |   |                                  |
|------------------------------------------|---|----------------------------------|
| STATE OF SOUTH CAROLINA                  | ) | IN THE COURT OF COMMON PLEAS     |
|                                          | ) |                                  |
| COUNTY OF BEAUFORT                       | ) | CIVIL ACTION NO. 2020-CP-07-0899 |
|                                          | ) |                                  |
| RACHEL M. POLITE A/K/A RACHEL<br>CHAPLIN | ) | NON-JURY                         |
|                                          | ) |                                  |
|                                          | ) |                                  |
| Plaintiff(s),                            | ) |                                  |
|                                          | ) |                                  |
| vs                                       | ) | <b>CONSENT ORDER</b>             |
|                                          | ) | <b>FOR</b>                       |
|                                          | ) | <b>TEMPORARY INJUNCTION</b>      |
|                                          | ) |                                  |
| KAREN P. POLITE                          | ) |                                  |
|                                          | ) |                                  |
| Defendant(s).                            | ) |                                  |

THIS MATTER CAME BEFORE ME on November 10, 2020, upon the filing of a Motion for a Temporary Restraining Order or in the Alternative a Motion for a Temporary Injunction by Karen P. Polite, Pro Se' Defendant, and by stipulation of the Plaintiff, Rachel Polite, by and through her undersigned counsel.

It appears the Parties are involved in an action pending in this Court involving a dispute over a portion of a parcel of land identified by Beaufort County Assessor as R300 017 000 114A 0000 ("Disputed Parcel"), which is the Parcel subject to action.

It appears that Plaintiff, Rachel Polite resides at 8 Ladson Road, Beaufort County, South Carolina, and Defendant, Karen P. Polite resides at 6 Ladson Road, Beaufort County, South Carolina; the Plaintiff's and Defendant's residences are situated on the Disputed Parcel.

It also appears that Plaintiff and Defendant desire to reside peacefully in their respective residences and agree that it is necessary for the issuance of a temporary injunction until this Court renders a final order in the Property Dispute.

NOW, THEREFORE, it appears that the Parties have reached an agreement with respect

to said motion and hereby consent to the entry of this Order.

IT IS HEREBY ORDERED that Plaintiff and Defendant are enjoined and restrained from harassing, threatening, intimidating, molesting, assaulting, stalking, destroying personal property of or disturbing the peace of the other Party.

ALSO, IT IS HEREBY ORDERED that Plaintiff and Defendant are enjoined and restrained from directly or indirectly instructing, participating, or otherwise acting in concert with each Parties' guests, invitees, and any person(s) residing at Plaintiff's or Defendant's residence from harassing, threatening, intimidating, molesting, assaulting, stalking, destroying personal property of or disturbing the peace of the other Party.

IT IS FURTHER ORDERED that each Party shall access their individual residence by using the separate driveways the Parties used prior to the filing of this action, to wit: 1) Plaintiff is to access her home at 8 Ladson Road by way of the access commencing from Seaside Road through a parcel of land owned by Plaintiff, located at 525 Seaside Road, 2) Defendant is to continue to access her residence located at 6 Ladson Road by way of the access commencing from Ladson Road over a driveway leading to the front of Defendant's residence, and 3) each Party shall instruct their guests and invitees to access the Parties' respective residence according to the terms of this Order.

IT IS FURTHER ORDERED that for the purpose of the within order, the driveway located in the front of Plaintiff's home and in the rear of Defendant's residence and shall be the temporary common boundary separating Plaintiff's and Defendant's portion of the Disputed Parcel, and Plaintiff's and Defendant's guests, invitees, and any person(s) residing at Plaintiff's or Defendant's residence are prohibited from entering, or otherwise accessing the other Party's portion of the Disputed Parcel without the respective Party's consent.

IT IS FURTHER ORDERED that this temporary injunction shall remain in place until such time as this action goes to trial and a final determination of the issues raised may be had on the merits.

IT IS FURTHER ORDERED that the terms of the within Consent Order are not dispositive of this matter's final adjudication.

AND IT IS SO ORDERED

I so stipulate and consent:

/s/Cherese T. Handy  
Cherese T. Handy, Esq.  
EVERSOLE LAW FIRM, P.C.  
1509 King Street  
Beaufort, SC 29902  
ATTORNEY FOR THE PLAINTIFF

I so stipulate and consent:

(See attached)  
Karen P. Polite, Pro Se' Defendant

[JUDGE'S ELECTRONIC SIGNATURE PAGE FOLLOWS]



Beaufort Common Pleas

**Case Caption:** Rachel M Polite , plaintiff, et al VS Karen P Polite  
**Case Number:** 2020CP0700899  
**Type:** Order/Consent Order

So Ordered:

s/Marvin H. Dukes III #3069

Electronically signed on 2020-12-02 11:05:14 page 5 of 5

|                         |   |                                           |
|-------------------------|---|-------------------------------------------|
| STATE OF SOUTH CAROLINA | ) | IN THE COURT OF COMMON PLEAS              |
|                         | ) | FOURTEENTH JUDICIAL CIRCUIT               |
| COUNTY OF BEAUFORT      | ) | CASE NO.: 2020-CP-07-8999                 |
| <br>Rachel M. Polite,   | ) |                                           |
|                         | ) |                                           |
| Plaintiff,              | ) | <b>NOTICE OF MOTION AND PLAINTIFF'S</b>   |
|                         | ) | <b>MOTION TO RECONSIDER THE COURT'S</b>   |
| v.                      | ) | <b>ORDER OF APRIL 27, 2022 and MOTION</b> |
|                         | ) | <b>FOR RELIEF FROM SAME</b>               |
| Karen P. Polite,        | ) |                                           |
|                         | ) |                                           |
| Defendant.              | ) |                                           |
| _____                   | ) |                                           |

TO: ALYSOUN M. EVERSOLE, ESQUIRE, ATTORNEY FOR THE PLAINTIFF:

PLEASE TAKE NOTICE that the Defendant Karen P. Polite (“Defendant” or “Karen Polite”), by and through her undersigned counsel and pursuant to Rules 59(e) and 60(b) of the South Carolina Rules of Civil Procedure, will more before the Honorable Marvin H. Dukes, Beaufort County Master in Equity, at the Beaufort County Courthouse, 100 Ribaut Road, Beaufort, South Carolina 29902, ten (10) days hence or at such other time, date and place as counsel may be heard, for:

(A) an Order to Alter, Amend and/or Reconsider the Court’s *Judgment and Final Order* of April 27, 2022 (“Order”) in favor of the Plaintiff Rachel M. Polite (“Plaintiff” or “Rachel Polite”) [for which the Plaintiff received notice on April 28, 2022]; and

(B) an Order for Relief from the Order pursuant to new evidence since the trial of the case.

This motion is based on the following grounds:

1. The Defendant’s father [and the former husband of the Plaintiff], the late Mr. Bubby Polite, purchased 3.5 acres of land from Emily Holmes by a title to real estate filed in the Beaufort

County ROD office at **Book O197 Page 678 (Instrument No. O1970678) on April 19, 1972.** (“Property”) [“Exhibit A”]..

2. This property was described as a Portion of Lot 51, Section 22, St. Helena Island, South Carolina 29902 and was the same property [3.5 acres] conveyed to Emily Holmes on October 4, 1960 at Book 104, Page 20 of the Beaufort County ROD.

3. Contrary to the Order [at p. 2, ¶ 2 of Findings of Fact] there is no evidence in the Beaufort County ROD that Mr. Polite financed this purchase for the Plaintiff; or that a mortgage was taken out on the Property; or that financing was undertaken or satisfied.

4. Also contrary to the Order [at p. 2, ¶ 2 of Findings of Fact], Bubby Polite only deeded 1 acre (later reduced to .79 acres) to the Plaintiff ) by family Court-ordered title to real estate filed in the Beaufort County ROD office at Book O544, Page 2365 (Instrument No. 1990O02222) filed on January 1, 1990. [“Exhibit B”]. Specifically, the Family Court order on December 2, 1988 that Mr. Polite “shall convey to the Petitioner of his right, title and interest in and to the former martial residence and the approximate one acre of land, more or less, upon which the former marital interest is located (emphasis added).” [“Exhibit C”]. This Order and subsequent compliance shows that Mr. Polite was **retaining** the rest of the acreage.

5. There is some confusion, because the County’s numbering on Tract 114A in 1990 comes **after** the County’s number of Tract 114B when Plaintiff allegedly received R300 017 000 114B 0000 in November of 1983 from Ms. Emily Holmes, via title to real estate filed in the Beaufort County ROD office at **Book 378, Page 141 on September 9, 1983** [“Exhibit D”].

6. Several problems are associated with this 1983 conveyance, however:

(i) the property is identical in 1983 (“The property being conveyed herein is a portion of the property which the Grantor acquired from Nazarene Holmes ... at Book 104, Page 20”) with that received by Mr. Bubby Polite in 1972 (“This is a part of the property conveyed to the within Grantor by deed from Nazarene Holmes ... at Book 104, Page 20”).

(ii) Mr. Bubby Polite and the Plaintiff were separated at the time.

(iii) Thus, it appears from County records that Plaintiff was reissued the same property conveyed to Mr. Bubby Polite, which a non-transference and a fraudulent deed.

7. Consequently, the land at Tract 114B was always Bubby Polite's land. Therefore, while Plaintiff may own Tract 114A (either 1.0 acre or .79) acres, she does not and has never owned Tract 114B, which is heirs property of Mr. Bobby Polite. She would have had to have quieted title to Tract 114B prior to bringing this action, but did not.

8. This fact is further established by Plaintiff's unilateral attempt – immediately prior the pendency of these proceedings – to combine Tract 114B into Tract 114A on or about December 2, 2019. ["Exhibit E"].

9. This fact is further established by Mr. Bubby Polite installing his daughter on the tract now known as 114B on or around 1988 while he deeded 114A by Order of the Family Court in 1989 as part of his divorce from Plaintiff (eventually taking place in 1990).

10. Further, contrary to the Order [at p. 2, ¶ 3 of Findings of Fact], Defendant did not receive permission from Bubby Polite in 1983 (when she was 17 and attending high school] but rather in 1988, when she purchased the trailer.

11. Also, the Plaintiff wanted help paying the property taxes on Tract 114A (not 114B), which the Defendant did by payments of cash directly to the Plaintiff. When their relationship began to deteriorate in in 2016, the Defendant made payments directly to the Plaintiff in 2019 and 2020 ["Exhibit F"] – which is consistent with approximately half the taxes.

#### **CONCLUSIONS OF LAW**

12. The Defendant is not accusing Plaintiff's counsel of any fraud, but takes the position that the Plaintiff's attempt to introduce the sale of land from Ms. Emily Holmes to Plaintiff in 1983 is identical to the one made Ms. Emily Holmes to Bubby Polite in 1972 (11 years earlier),

can constitutes “fraud” and which allows for a Rule 59(e) or Rule 60(b) motion. *Raby Construction, LLP v. Orr*, 358 S.C. 10, 18, 594 S.E.2d 478, 482 (2004).

13. This conclusion is based on newly discovered evidence which by diligence could not have been discovered prior to the trial by the *pro se* Defendant. *Id.*, 358 S.C. at 21, 594 S.E.2d at 484; *see also Connor v. Johnson*, 59 S.C. 11, 37 S.E. 240, 241 (1900) ([when]the plaintiff has a title, and the defendant has a title, both have titles to the same land, then the party having the oldest title would be entitled to it; that is, the party whose title is the older; that is, if both titles cover this land in dispute.”).

14. Regardless of whether the *pro se* Defendant litigated the issue of adverse possession at trial, it is clear that her mobile home was on 411B, not 411A, which the Plaintiff does not have the right to eject her from (even notwithstanding Plaintiff’s attempt to fold 411B into 411A. Tract 411B is heirs property of Mr. Bubby Polite, which must be quieted and then partitioned; under these facts, Plaintiff’s writ of ejectment must fail as a matter of law.

Pursuant to Rule 11, SCRCP, consultation with opposing counsel either was not required, or would have served no useful purpose.

Respectfully submitted,

s/ Robert B. Varnado

Robert B. Varnado (SC Bar No. 7085)

Varnado Law Firm, LLC

P.O. Box 387

Charleston, SC 29402

(843) 737-7301

rvarnado@varnado-law.com

***Attorneys Defendant***

May 9, 2022  
Charleston, South Carolina

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the within ***Plaintiff's Motion to Alter, Amend or Reconsider for Relief the Court's Order of April 27, 2022 and Motion for Relief from Same*** upon all parties to these matters by depositing a true copy of the same in the U.S. mail, proper postage prepaid, addressed to counsel of record as follows, and/or BY EFLEX AND EMAIL IF SO INDICATED

Alysoun M. Eversole  
EVERSOLE LAW FIRM, P.C.  
1509 King St.  
Beaufort, SC 29902  
aeversole@eversolelaw.com

VIA EFLEX AND EMAIL

*s/ Robert B. Varnado*

---

Robert B. Varnado

May 9, 2022  
Charleston, South Carolina

|                         |   |                                                   |
|-------------------------|---|---------------------------------------------------|
| STATE OF SOUTH CAROLINA | ) | IN THE COURT OF COMMON PLEAS                      |
| COUNTY OF BEAUFORT      | ) | CIVIL ACTION NO. 2020-CP-07-00899                 |
| RACHEL M. POLITE        | ) | NON-JURY                                          |
|                         | ) |                                                   |
| Plaintiff(s),           | ) |                                                   |
| vs                      | ) | <b>Return to Defendant's "Notice of Motion</b>    |
|                         | ) | <b>and Plaintiff's Motion to Reconsider the</b>   |
|                         | ) | <b>Court's Order of April 27, 2022 and Motion</b> |
|                         | ) | <b>for Relief from Same"</b>                      |
| KAREN P. POLITE         | ) |                                                   |
| Defendant(s).           | ) |                                                   |

---

TO: ROBERT B. VARNADO, ATTORNEY FOR DEFENDANT KAREN POLITE

PLAINTTIF Rachel Polite, by and through her undersigned counsel, files this Return to Defendant's "Notice of Motion and Plaintiff's Motion to Reconsider the Court's Order of April 27, 2022 and Motion for Relief from Same" (hereinafter "Motion") as follows:

1. In her Motion, and pursuant to Rules 59(e) and 60(b) of the South Carolina Rules of Civil Procedure, Defendant seeks an order to "Alter, Amend and/or Reconsider this Court's Judgment filed April 27, 2022, and an "Order for Relief "claiming there is "new evidence since the trial of the case."

2. The basis for Defendant's Motion under Rule 60(b), South Carolina Rules of Civil Procedure, stem from their interpretation of the deed from Emily Holmes to Bubby Polite that is attached to their Motion as Exhibit A, which is faulty for the following reasons:

a. Exhibit A to Defendant's Motion fails to include the plat referenced in the legal description which state: "For a more compete description as to metes, bounds, courses and distances reference is made to that certain plat made by H. F. Wilson, Jr., R.L.S. dated April 13, 1972 which is hereto attached and made a part hereof." (hereinafter the "Plat") The complete deed is attached hereto as **Exhibit 1**. A reasonable attorney or pro se litigant would

ensure they have the entire deed and analyzed the entire deed. A reasonable attorney or pro se litigant and would not either intentionally or through negligence, submit an exhibit to the court that omits perhaps the most relevant, material information about the subject matter of the litigation, the description of the property in dispute. A reasonable attorney or pro-se litigant would have calculated the acreage identified on the Plat according to the metes and bounds, courses and distances shown thereon and learned that the acreage conveyed in the deed to Bubby Polite was approximately 43,520 square feet, which is one acre of land.

b. Defendant highlights the derivation clause of the property being conveyed in the aforementioned deed from Emily Holmes to Bubby Polite. A copy of deed referenced therein, Deed Book 104 at Page 20, was not attached in the Motion so it is attached hereto as **Exhibit 2**. This deed shows 3.5 acres of land was conveyed by Nazarene Homes to Emily Holmes on October 5, 1960. A reasonable attorney or pro se litigant would have researched and learned that a derivation clause does not convey title to anything, and that when Emily Holmes conveyed the one acre to Bubby Polite on April 18, 1972, title to the remaining 2.5 acres remained vested in Emily Holmes.

c. In Paragraph 4 of Defendant's Motion, Defendant states Bubby Polite was ordered in a 1990 Divorce Decree to convey all his right, title and interest in the marital residence, approximately one acre of land, to the Plaintiff and that Bubby Polite "was retaining the rest of the acreage". For the reasons explained in subparagraphs A and B, above, the Defendant's conclusion is wrong.

d. In paragraph 12 of Defendant's Motion, she and her counsel claim fraud exists because the 2.5 acres Emily Holmes to Rachel Polite in 1983 (Defendant's Exhibit D) was the same property Emily Holmes conveyed to Bubby Polite in 1972. Nothing could be further

from the truth. A reasonable attorney and a pro se defendant would have known that there is no basis in law for fraud in this case had they had properly analyzed all the pages contained relevant deeds, not just cherry-picked portions of them.

3. Rule 60(b) provides for relieve from a Judgment or Order under various circumstances. Defendant asks the court for relief based on newly discovered evidence and fraud. Defendant and her counsel attaching incomplete Exhibits to their Motion, either deliberately or negligently disregarded, and analyzing only portions of them to conclude that fraud exists on the part of the Plaintiff does not constitute new evidence.

For the foregoing reasons, the Defendants motion must be denied. Further grounds may be presented and argued ore tenus.

**EVERSOLE LAW FIRM, P.C.**

By: s/Alysoun M. Eversole

Alysoun M. Eversole, Esq. SC Bar #60811

**ATTORNEYS FOR THE PLAINTIFF**

1509 King Street

Beaufort, South Carolina 29902

Phone: (843)379-3333

Fax: (843)379-5558

[aeversole@eversolelaw.com](mailto:aeversole@eversolelaw.com)

Beaufort, South Carolina  
June 13, 2022

|                         |   |                                                  |
|-------------------------|---|--------------------------------------------------|
| STATE OF SOUTH CAROLINA | ) | IN THE COURT OF COMMON PLEAS                     |
| COUNTY OF BEAUFORT      | ) | CIVIL ACTION NO. 2020-CP-07-00899                |
| RACHEL M. POLITE        | ) | NON-JURY                                         |
|                         | ) |                                                  |
| Plaintiff(s),           | ) |                                                  |
| vs                      | ) | <b>Order on Plaintiff's Motion for Relief</b>    |
|                         | ) | <b>from Stay</b>                                 |
|                         | ) | <b>and Defendant's "Motion Automatic Stay</b>    |
| KAREN P. POLITE         | ) | <b>and Automatic Freeze on Tax Map</b>           |
| Defendant(s).           | ) | <b>Because of Notice of Appeal of Defendant"</b> |
|                         | ) |                                                  |
|                         | ) |                                                  |
|                         | ) |                                                  |
|                         | ) |                                                  |

---

THIS MATTER CAME BEFORE ME upon Plaintiff's Petition Motion for Relief from Automatic Stay filed July 11, 2022, and Defendant's competing motion to enforce the automatic stay filed July 13, 2022. A WebEx hearing was begun on July 28, 2022, before the Honorable Marvin H. Dukes, III and, due to technical difficulties with WebEx, was resumed on August 1, 2022. Present at the hearing was the Plaintiff, Rachel M. Polite and her attorney, Alysoun M. Eversole, Esq., and Defendant Karen P. Polite, appearing pro-se. After consideration of the arguments raised and laws pertaining to automatic stays under the Rule 62(c) and (d), SCRCP and Rule 225(a) and (b), SCRAP, I find that a reasonable bond pending the appeal is for the Defendant to pay \$500.00 per month to the Plaintiff beginning August 15, 2022. In the event Defendant fails to pay the bond amount to the Plaintiff within five (5) days of its due date, i.e., the 20<sup>th</sup> day of each month, the Plaintiff may Petition this court for issuance of the Writ of Ejectment forthwith as provided in this court's order entered April 27, 2022. Nothing herein shall prevent the Plaintiff

from seeking relief from the automatic stay in the Court of Appeals pursuant to the South Carolina Rules of Appellate Procedure.

IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Marvin H. Dukes, Master-in-Equity and Special  
Circuit Court Judge for Beaufort County, South  
Carolina



Beaufort Common Pleas

**Case Caption:** Rachel M Polite , plaintiff, et al VS Karen P Polite

**Case Number:** 2020CP0700899

**Type:** Order/Other

So Ordered:

s/Marvin H. Dukes III #3069

Electronically signed on 2022-08-11 09:47:08 page 3 of 3

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

CIVIL ACTION NO. 2020-CP-07-00899

RACHEL M. POLITE

Plaintiff,

vs.

KAREN POLITE,

Defendant.

-----/

Final Hearing  
Before The Honorable Marvin H. Dukes, III

Date: April 11, 2022

Time: 9:12 a.m.

Place: Master in Equity's Hearing Room  
Beaufort County Courthouse  
102 Ribaut Road  
Beaufort, South Carolina

Reporter: Theresa D. Saxon  
Hilton Head, South Carolina  
tdsaxon@gmail.com 843.338.6388

## APPEARANCES OF COUNSEL

For the Plaintiff:

Alysoun M. Eversole, Esquire  
Eversole Law Firm, P.C.  
1509 King Street  
Beaufort, South Carolina 29902  
843.379.3333  
aeversole@eversolelaw.com

For the Defendant: (Pro se)

Karen Polite  
6 Ladson Road  
St. Helena Island, South Carolina 29920

Karen Polite  
P.O. Box 213  
St. Helena Island, South Carolina 29920

---

## INDEX (continued)

**Witness: Antonio Anthony Polite**

Direct Examination

By Ms. Karen Polite.....123

**Witness: Thomas Smalls**

Direct Examination

By Ms. Karen Polite.....159

**Witness: Karen Polite**

Testimony By Ms. Karen Polite.....169

Defendant rests.....236

**Witness: Rachel M. Polite**

Rebuttal Examination

By Ms. Eversole.....236

Cross Examination

By Ms. Karen Polite.....240

Plaintiff's Closing Summary.....256

Defendant's Closing Summary.....258

Court's Final Comments and Ruling.....275

Reporter's Certificate.....292

## INDEX

Plaintiff's Exhibit Index.....5

Defendant's Exhibit Index.....6-7

Court's Introductory Remarks and  
Motions by Counsel.....8

Plaintiff's Opening Statement.....13

Defendant's Opening Statement.....15

**Witness: Rachel M. Polite**

Direct Examination

By Ms. Eversole.....17

Cross Examination

By Ms. Karen Polite.....49

Cross Examination

By The Court.....114

Recross Examination

By Ms. Karen Polite.....120

Plaintiff rests.....121

## EXHIBITS

| Plaintiff's                      | Page        |
|----------------------------------|-------------|
| 1 - Deed.....                    | ID-21 EV-23 |
| 2 - Deed.....                    | ID-24 EV-26 |
| 3 - Plat.....                    | ID-34 EV-34 |
| 4 - Handwritten letter.....      | ID-37 EV-38 |
| 5 - Violation Notice.....        | ID-41 EV-41 |
| 6 - Aerial photo.....            | ID-42 EV-43 |
| 7 - Magistrate court notice..... | ID-46 EV-46 |

## EXHIBITS (continued)

| Defendant's             | Page          |
|-------------------------|---------------|
| 1 - Divorce Decree..... | ID-56 EV-56   |
| 2 - Photo.....          | ID-63 EV-65   |
| 3 - Photo.....          | ID-66 EV-68   |
| 4 - Photo.....          | ID-67 EV-68   |
| 5 - Photo.....          | ID-75 EV-75   |
| 6 - Photo.....          | ID-129 EV-129 |
| 7 - Photo.....          | ID-131 EV-131 |
| 8 - Photo.....          | ID-134 EV-134 |
| 9 - Photo.....          | ID-135 EV-135 |
| 10 - Photo.....         | ID-137 EV-137 |
| 11 - Photo.....         | ID-143 EV-143 |
| 12 - Photo.....         | ID-145 EV-145 |
| 13 - Photo.....         | ID-146 EV-146 |
| 14 - Photo.....         | ID-147 EV-147 |

## EXHIBITS (continued)

| Defendant's                  | Page          |
|------------------------------|---------------|
| 15 - Photo.....              | ID-150 EV-150 |
| 16 - Receipt.....            | ID-155        |
| 17 - Blueprint.....          | ID-184 EV-184 |
| 18 - Photo.....              | ID-195 EV-195 |
| 19 - Photo.....              | ID-196 EV-196 |
| **20 - Thumb Drives (2)..... | ID-221 EV-221 |
| 21 - Photo.....              | ID-235 EV-235 |

(\*\* Content from Defendant's Exhibit 20 (two thumb drives) was reviewed via computer by the court, counsel, and litigants.

While this review was taking place, no notes were taken by the court reporter.)

## COURT'S INTRODUCTORY REMARKS AND MOTIONS BY COUNSEL

THE COURT: Good morning. We're here in 2020-CP-07-00899. This is Polite versus Polite. The Plaintiff is present and represented by Ms. Eversole.

And you are Karen Polite; is that correct.

MS. KAREN POLITE: Yes.

THE COURT: Okay. Ms. Karen Polite is here pro se.

And is there anything we need to -- well, let me say this. This matter comes to me for a final hearing. There was an Order of Reference filed September 30th, 2020.

And anything we need to take up before we begin?

MS. EVERSOLE: I have one thing, Your Honor.

THE COURT: Sure.

MS. EVERSOLE: Well, actually, two. It's two -- I move to dismiss the -- I guess they're counterclaims, because they are directed at people that are not party to the action. And that is, one, that the Plaintiff's husband is to stop blocking the

## COURT'S INTRODUCTORY REMARKS AND MOTIONS BY COUNSEL

entranceway onto the property. He's not a party to the action. And the other one is, Plaintiff's son, moves to -- or lives near the Defendant, to enter a protective order and that he is not a party, a named party either.

THE COURT: Okay. What paragraphs are -- I'm looking at the -- is there just one answer?

MS. EVERSOLE: There's one answer, and it's in the request for relief at the end.

THE COURT: Request for relief. Okay. So order Plaintiff and -- and new husband --

So new husband is who you're referring to there, right?

MS. EVERSOLE: Apparently so.

THE COURT: And then in the event -- okay, and then Eugene Mitchell is the other person in C there.

Okay. Ms. Polite, I'm happy to hear from you.

MS. KAREN POLITE: Well, Your Honor, I believe C, which is Eugene Mitchell, he

## 1 COURT'S INTRODUCTORY REMARKS AND MOTIONS BY COUNSEL

2 lives on the property. He -- well, I'm  
3 sorry. One -- 114-B. He has a mobile home  
4 on 114-B. And the house had been there for  
5 years, and my -- according to my mother,  
6 that that's where he'll be -- it's his  
7 property. He's giving that to her -- she's  
8 giving that to him, I'm sorry.

9 And 114-B is right across -- well, it's  
10 included in my -- where I'm at. My  
11 property, that's -- that's the same  
12 property, a part -- 114-B and 114-B, or both  
13 of them is 114-B, and it's been that way for  
14 years. It's connected.

15 THE COURT: Okay. Well, my  
16 understanding of the objection to having  
17 these people involved is they were not named  
18 in the lawsuit and were not served, and  
19 therefore, this court has no jurisdiction  
20 over them. And --

21 MS. KAREN POLITE: Then -- I'm sorry,  
22 and then the -- the husband, the reason why  
23 I include him, because he was a part of the  
24 harassment. And what he -- what he was  
25 doing is he was blocking the entranceway.

## 1 COURT'S INTRODUCTORY REMARKS AND MOTIONS BY COUNSEL

2 And he actually put signs up with his name  
3 on it, and he has nothing -- well, actually,  
4 he has nothing to do with the property.

5 THE COURT: Okay.

6 Did you have something to add? I'm  
7 sorry. You looked like --

8 MS. EVERSOLE: I don't believe so, Your  
9 Honor.

10 THE COURT: Courts get jurisdiction  
11 through different means. But in order to  
12 have jurisdiction to issue any sort of an  
13 order against the two individuals you're  
14 talking about, they would have had to have  
15 been named and served, and they were not in  
16 this case, so I'm going to grant the motion  
17 with regard to those two individuals.

18 MS. KAREN POLITE: Okay, that's fine.

19 THE COURT: Anything else from either  
20 party?

21 MS. KAREN POLITE: Yeah. I filed a  
22 motion -- I believe I filed a motion,  
23 because the Plaintiff, she violated the  
24 order that was put in place on  
25 November 10th. And it was for a consent

## 1 COURT'S INTRODUCTORY REMARKS AND MOTIONS BY COUNSEL

2 order for a temporary injunction.

3 And I filed this motion -- I believe  
4 this motion was filed December 2nd, 2020.  
5 Did you get that one?

6 THE COURT: All right. I see that  
7 motion. But now that we're here on the  
8 final day of trial . . .

9 MS. KAREN POLITE: It don't matter?

10 THE COURT: Ordinarily, we would have  
11 heard this. It was, I guess, not scheduled  
12 before.

13 But, let me ask, Ms. Eversole, any  
14 objection to taking this up as a part of the  
15 case, or do you want your client to have her  
16 day in court with regard to this motion  
17 before we even begin?

18 MS. EVERSOLE: Your Honor, I think the  
19 -- the trial will take care of all the  
20 issues that are concerned. It's a temporary  
21 order, and everything that would be  
22 encompassed in there would be taken care of  
23 in this trial anyway.

24 THE COURT: This looks like a motion,  
25 sorts of a contempt motion -- let me see, I

## 1 PLAINTIFF'S OPENING STATEMENT

2 had it in here for a second -- motion for a  
3 violation or in alternative for preliminary  
4 injunction -- yeah, that part would be  
5 mooted by the fact that this is the final  
6 trial.

7 The violation part I suppose we can  
8 take up as a part of the trial. Does that  
9 suit you, Ms. Polite?

10 MS. KAREN POLITE: Okay.

11 THE COURT: Okay. So when you're  
12 making your case, feel free to make whatever  
13 case you would make with regard to this  
14 motion in addition to whatever other case  
15 you're planning on making.

16 All right. Let's see. Let us begin  
17 then with the Plaintiff. I'm happy to hear  
18 any kind of opening you would like to give  
19 me to try to -- so I can figure out the lay  
20 of the land here, what this thing is about,  
21 so I'm happy to hear from you, ma'am.

22 MS. EVERSOLE: Sure, Your Honor. This  
23 is an action for a trespass and writ of  
24 ejectment. It's regarding property, point  
25 -- .79 acres over on Ladson Road, which is

1 *PLAINTIFF'S OPENING STATEMENT*

2 off of Seaside Road.

3 The Plaintiff, Rachel, had acquired a  
4 deed in 1989 from Bubby Polite, who was her  
5 husband. This is property that she -- and  
6 it was her mother's, and it was recovered --  
7 her mother had lost it, and then through --  
8 Bubby and Rachel reacquired the property.  
9 And then Bubby Polite -- and Ms. --  
10 Ms. Rachel will get into the details of  
11 that, but this is property that belongs to  
12 Rachel Polite.

13 The Defendant was given permission in  
14 1988 to put her mobile home on the property  
15 and to live on the property. She's lived  
16 there permissibly for, well, 30 -- a little  
17 over 30 years.

18 In October of 2019 or actually -- yeah,  
19 October of 2019, she started building a  
20 double garage on the property. And at that  
21 point, Rachel had said, you know, "You're  
22 not doing what you're -- you're doing what  
23 I've told you not to do on the property, and  
24 therefore, I want you off of the property."  
25 And she ended up needing to -- needing to

1 *DEFENDANT'S OPENING STATEMENT*

2 continued to live out 30 years. And --

3 THE COURT: Who is your dad?

4 MS. KAREN POLITE: Bubby Polite. And  
5 he was the one that actually bought the  
6 property when me, my dad, and my mom came  
7 back from Florida. So he bought the  
8 property. And actually, he bought two -- I  
9 believe two and-a-half acres. He bought all  
10 of it, and he gave my mother one acre in the  
11 divorce decree.

12 So the .7 acres was never -- was never  
13 in question until now. But the one acre --  
14 but you will hear testimony that my dad  
15 actually -- actually bought the property for  
16 me, so that's pretty much, you know, where  
17 it goes.

18 THE COURT: What is your relationship  
19 to the Plaintiff?

20 MS. KAREN POLITE: That's my mother.

21 THE COURT: Okay. I'm just trying to  
22 keep it all straight here. Got you. All  
23 right. Thank you so much. All right.

24 Would the Plaintiff like to call their  
25 first witness, please.

1 *DEFENDANT'S OPENING STATEMENT*

2 file a court -- an action in the  
3 magistrate's court, which she did, for  
4 ejectment. And that court said that it  
5 didn't have jurisdiction because Ms. Karen  
6 Polite was claiming she owned the property.

7 So she was given the notice to vacate  
8 on October 31st of 2019.

9 We are seeking to have an order to  
10 remove Ms. Karen Polite from the property,  
11 including her mobile home.

12 THE COURT: Thank you so much.

13 Ms. Polite, I'm happy to hear from you,  
14 and this would just be not testimony but  
15 simply an opening statement as to what you  
16 believe your case will show.

17 MS. KAREN POLITE: Okay. Well, Your  
18 Honor, my case will show that the facts are  
19 that my -- my dad gave -- grant me  
20 permission, when -- when the property  
21 changed hands and -- and Rachel, my mother,  
22 received the property, she never gave me  
23 permission, she never told me to leave, you  
24 know, so I stayed there well over 30 years.  
25 So by staying there, I -- in good faith, I

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*

2 MS. EVERSOLE: Yes, Your Honor. We'll  
3 call Rachel Polite.

4 RACHEL M. POLITE,  
5 having been produced and first duly sworn as a  
6 witness, testified as follows:

7 THE COURT: Thank you so much. Can you  
8 state your whole name for the record.

9 THE WITNESS: Rachel Polite.

10 THE COURT: Okay. You're Rachel M.  
11 Polite, also known as Rachel Chaplin?

12 THE WITNESS: Yes, sir.

13 THE COURT: Okay. All right. Thank  
14 you. Please answer any questions your  
15 counsel may have of you.

16 DIRECT EXAMINATION

17 BY MS. EVERSOLE:

18 Q All right. Ms. Polite, let's just  
19 start, where -- where were you born?

20 A Seaside Road in Saint Helena Island.

21 Q All right. And, okay, so you've lived  
22 on -- how long have you lived on Saint Helena  
23 Island? Your whole life or --

24 A Except for three and-a-half years.

25 Q And where did you live then?

1 **EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)**  
 2 **A Miami, Florida, or Florida.**  
 3 **Q** Okay. And what brought you back here?  
 4 **A My children, because I had children --**  
 5 **raising children, and they were not all with me.**  
 6 **Q** All right. So how many children do you  
 7 have?  
 8 **A Eight.**  
 9 **Q** And what are their names?  
 10 **A Donald Mitchell, Eugene Mitchell, Lavon**  
 11 **Polite, David Polite, Sharon Polite, Claudia**  
 12 **Polite, Cal -- well, John Calhoun Polite, and**  
 13 **Karen Polite.**  
 14 **Q** Is Karen your youngest?  
 15 **A Youngest. That's the baby.**  
 16 **Q** And you were married to Bubby Polite?  
 17 **A Yes, I was.**  
 18 **Q** When did y'all get married?  
 19 **A Got married in 1965.**  
 20 **Q** All right. Was that here in --  
 21 **A It was in November of 1965 in Beaufort**  
 22 **County.**  
 23 **Q** All right. And where did you live when  
 24 you got married?  
 25 **A We got -- lived right where I'm living**

1 **EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)**  
 2 **now on Saint Helena Island, but the address was**  
 3 **not the same. It's not the same now.**  
 4 **Q** As it was then?  
 5 **A It was 507 Seaside Road or 507-A. That**  
 6 **was the mailbox number.**  
 7 **Q** Okay. And you -- you got married in  
 8 1968 or so, you said?  
 9 **A '65.**  
 10 **Q** '65. And you were living on the  
 11 property when you got married?  
 12 **A Yes.**  
 13 **Q** All right. Whose property was it when  
 14 you got married?  
 15 **A When we got married, it was my mom's**  
 16 **property.**  
 17 **Q** Okay. And who was your mother?  
 18 **A My mother was Nazarine Holmes.**  
 19 **Q** All right. And how did you -- how did  
 20 you get the property?  
 21 **A When I moved back from Florida, I**  
 22 **decided that I was going to get the property,**  
 23 **because my mother had the property from the**  
 24 **beginning, and she lost the property. And**  
 25 **because if I had children, I couldn't continue**

1 **EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)**  
 2 **to live where she was living at now, meaning at**  
 3 **that time, so I decided to try to get the**  
 4 **property back.**  
 5 **I couldn't get all of it because it was**  
 6 **like three and-a-half acres and I couldn't**  
 7 **afford that.**  
 8 **So I went to Ms. Holmes and asked her**  
 9 **if I could buy the property, some of the**  
 10 **property back. And she agreed. So I went to**  
 11 **Beaufort County -- Bank of Beaufort to see if I**  
 12 **could get the property through them.**  
 13 **Mr. King and Mr. Shepherd told me that**  
 14 **I wasn't making enough money to get the**  
 15 **property, but if I could get a cosigner to sign**  
 16 **for me to get the property, then I could get it.**  
 17 **So I asked Bubby to co-sign for me.**  
 18 **And because I wasn't making enough money and he**  
 19 **was, they decided that I could get the property,**  
 20 **but it would have to be in his name.**  
 21 **So my name was under his name. But**  
 22 **when they did the deed, after I got through**  
 23 **paying for the property, they put his name only**  
 24 **on the deed.**  
 25 **When I got through paying for the**

1 **EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)**  
 2 **property, he was supposed to return the property**  
 3 **to me, but he didn't.**  
 4 **Q** Okay.  
 5 **A He would only return it after he -- he**  
 6 **decided to divorce me.**  
 7 **Q** Okay. So I'm going to show you what I  
 8 am going to have marked as Plaintiff's Exhibit  
 9 Number 1.  
 10 (Whereupon, Plaintiff's Exhibit  
 11 Number 1 was marked for  
 12 identification.)  
 13 **THE COURT:** Any objection to -- are you  
 14 just identifying it at this point? I'm  
 15 sorry.  
 16 **MS. EVERSOLE:** Yes, I just need to  
 17 identify what it is.  
 18 **BY MS. EVERSOLE:**  
 19 **Q** I'm going to ask you to look at that  
 20 document. If you would tell me what it is.  
 21 **A This is the document wherein he signed**  
 22 **the property over to me when he divorced me.**  
 23 **Q** Okay. So that is a deed from Bubby to  
 24 you?  
 25 **A From Bubby to me.**

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*  
 2 **Q** Okay. And when was that?  
 3 **A** **This was in --**  
 4 **Q** If you want to look at the last page.  
 5 **A** **The 31st day of January of 1990.**  
 6 **That's the title.**  
 7 **Q** That's when it was recorded.  
 8 **A** **When it was recorded.**  
 9 **Q** That was recorded.  
 10 **A** **Okay. Now, he did it, and he divorced**  
 11 **me in 1998, '99 --**  
 12 **Q** Is it '89?  
 13 **A** **'89. Sorry.**  
 14 **Q** That's all right. I'm just asking for  
 15 the date right now.  
 16 **A** **The 12th day -- the 12th day of**  
 17 **December of 1989.**  
 18 **Q** That's when you got the deed?  
 19 **A** **When I got the deed, when he gave it**  
 20 **back to me.**  
 21 **Q** Okay. And that was for how much  
 22 property?  
 23 **A** **One acre.**  
 24 **Q** One acre of land. Okay. And you said,  
 25 I think, it's 1.79 acres now?

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*  
 2 **A** **Now, because ---**  
 3 **Q** What happened?  
 4 **A** **Because when the water line came for**  
 5 **the water hydrant, they took a portion of the**  
 6 **property. And that's why it's seventy --**  
 7 **.79 acres now.**  
 8 **Q** Okay.  
 9 MS. EVERSOLE: And we would move this  
 10 deed into evidence as Plaintiff's Exhibit  
 11 Number 1.  
 12 THE COURT: Thank you so much.  
 13 Ms. Polite, no objection, I assume?  
 14 MS. KAREN POLITE: No objection.  
 15 THE COURT: Thank you. That will be  
 16 Plaintiff's 1.  
 17 (Whereupon, Plaintiff's Exhibit  
 18 Number 1 was received  
 19 into evidence.)  
 20 BY MS. EVERSOLE:  
 21 **Q** Then you had said that the deed was put  
 22 originally into Bubby Polite's name; is that  
 23 correct?  
 24 **A** **Yes.**  
 25 **Q** And this is -- I'm going to show you --

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*  
 2 MS. EVERSOLE: Let me mark it as  
 3 Plaintiff's Exhibit Number 2.  
 4 (Whereupon, Plaintiff's Exhibit  
 5 Number 2 was marked for  
 6 identification.)  
 7 BY MS. EVERSOLE:  
 8 **Q** Now I'm going to ask you, have you seen  
 9 that before? It is a public record.  
 10 **A** **This is a deed from Emily Holmes.**  
 11 **Don't know if I can read this -- from Emily**  
 12 **Holmes to -- to Bubby Polite.**  
 13 **Q** Okay. So that's the deed whereby Bubby  
 14 got the -- got title to the property; is that  
 15 correct?  
 16 **A** **Yes. Yes.**  
 17 **Q** All right.  
 18 MS. EVERSOLE: We would move this  
 19 document into evidence as Plaintiff's  
 20 Exhibit Number 2.  
 21 THE COURT: All right. Plaintiff's 2.  
 22 Any objection, Ms. Polite?  
 23 MS. KAREN POLITE: I didn't see that  
 24 one.  
 25 MS. EVERSOLE: I'm giving it to you

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*  
 2 right now.  
 3 THE COURT: I've got two.  
 4 MS. KAREN POLITE: Is this the same  
 5 one?  
 6 THE COURT: I have the same thing that  
 7 you -- it's a different deed. You should  
 8 have the same one I've got. On the top it  
 9 says "197 at 678."  
 10 MS. KAREN POLITE: Is it a duplicate  
 11 copy?  
 12 MS. EVERSOLE: May I see the two that  
 13 you have?  
 14 MS. KAREN POLITE: Did you give me  
 15 that?  
 16 MS. EVERSOLE: I just handed you this.  
 17 Where you had this, I don't know.  
 18 MS. KAREN POLITE: Oh. Oh. This is  
 19 the one you gave me.  
 20 MS. EVERSOLE: Yes.  
 21 MS. KAREN POLITE: Oh, I'm sorry. I  
 22 apologize.  
 23 THE COURT: That's all right. It's  
 24 Number 2 without objection.  
 25 MS. KAREN POLITE: Number 2, got it.

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*

2 THE COURT: Okay. All right. Without  
3 objection, that will be Number 2.

4 (Whereupon, Plaintiff's Exhibit  
5 Number 2 was received  
6 into evidence.)

7 BY MS. EVERSOLE:

8 Q All right. So he got the property in  
9 1972; is that correct?

10 A Right, when we went to the bank to get  
11 the property ---

12 Q Okay.

13 A --- to buy the property.

14 Q Okay.

15 A 1972.

16 Q All right. So he gave it back to you  
17 or he gave you the deed to the property in 1989.

18 A Yes.

19 Q Who was living on your property in  
20 1989, about that time?

21 A In 1989 he gave me back the property,  
22 so both of us was living on the property at that  
23 time, because she was living in -- in the house  
24 with me.

25 Q "She" being who?

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*

2 A Porsia. Karen Polite.

3 Q Karen was living in the house with you?

4 A Yeah.

5 Q How old was she at that time?

6 A 1989 -- she was born in 1966 -- '76,  
7 '86 -- she would have been 20 -- 21, 20  
8 something years old.

9 Q Okay. But she was -- you raised her on  
10 that property; is that right?

11 A Yes. Yes. I raised all of the kids  
12 right on that property.

13 Q All right. So then you ended up in a  
14 divorce, correct?

15 A Yes.

16 Q Where did you live after the divorce?

17 A Right there on that property.

18 Q So you've lived on that property how  
19 long?

20 A Seventy -- 75 years.

21 Q Okay. And where did Bubby go?

22 A Bubby moved off. Bubby -- well, after  
23 the divorce, well, we moved. But he would have  
24 moved before the divorce.

25 Q He did?

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*

2 A He moved nine years before the divorce.

3 Q Oh, okay. All right. So did he just  
4 stay away from the property or . . .

5 A He stayed away except for when  
6 something needed to be done, he would come and  
7 done it, and that's it.

8 Q Okay. So in 1988 before you got the  
9 deed, did --

10 A It happened in '89.

11 Q How did -- how does -- does Karen --  
12 Does Karen live on the property now?

13 A Yes. She lives on the property.

14 Q How did she get to live on the  
15 property?

16 A She was living in the house at that  
17 time ---

18 Q No, I mean afterwards.

19 A Oh.

20 Q Did she -- did she have -- did she --  
21 Did she have a mobile home on the  
22 property?

23 A Not in '89 -- in '89 she did.

24 Q Okay.

25 A But she didn't ---

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*

2 Q How did -- how did that happen? How  
3 did it go?

4 A Well, Bubby gave her permission to put  
5 her mobile home there.

6 Q Okay.

7 A She -- she talked to us about buying a  
8 mobile home.

9 Q All right.

10 A I went with her to see the mobile home,  
11 Earl's Mobile Home. The home -- the -- the  
12 trailer was in Scott Plantation. That's where  
13 we went to see the trailer. And she talked  
14 about buying the trailer, and Bubby gave her  
15 permission to put the trailer there.

16 Q Did she also have your permission to do  
17 that?

18 A Yes, she did. I went along with Bubby,  
19 so . . .

20 Q Okay. All right. So what's  
21 happened -- let's see.

22 All right. Let's fast forward to, so  
23 how -- describe the house that you and Bubby had  
24 lived in. What's it -- what was the original  
25 house like?

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*

2 **A** The original house that we lived in was  
3 a four-bed -- four-room house, four-room regular  
4 house, a dollar and deed house. I don't know if  
5 anybody ever heard of a -- a dollar and a deed.  
6 Back then -- now it's -- what is it, Jim Walters  
7 or something like that, but it was a dollar and  
8 a deed then. That's the four-room house.

9 **Q** Okay.

10 **A** They build a house, and that's it.  
11 They give you whatever material you want to put  
12 in the house, like setting the -- you know,  
13 doing the walls and different stuff. They  
14 didn't put no bathroom or anything in. You had  
15 to do all of that yourself.

16 **Q** Okay.

17 **A** That was the kind of house that we were  
18 living in.

19 **Q** Okay. And was that your mother's house  
20 before then?

21 **A** My mother's house.

22 **Q** So what was the -- what happened to the  
23 house over the years?

24 **A** The house decayed.

25 **Q** It what?

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*

2 **A** It -- it went bad.

3 **Q** Deteriorated?

4 **A** Yeah, deteriorated.

5 **Q** Okay. What happened to it?

6 **A** Started getting leaks in the roof, and  
7 there was mold on the walls and stuff like that.

8 **Q** When did that all start happening?

9 **A** That started happening before Bubby  
10 and -- before Bubby had left.

11 **Q** Oh, okay.

12 **A** And we fixed up and fixed up and, you  
13 know, you patch and patch. That's what you had  
14 to do.

15 **Q** Do you live in that house today?

16 **A** No, I don't.

17 **Q** What -- okay. What do you live in?

18 **A** I live in a trailer, in my mobile home.

19 **Q** And is that on the same property?

20 **A** On the same property, next to the old  
21 house.

22 **Q** Okay. When did you get the mobile  
23 home?

24 **A** In 2017, February the 25th.

25 **Q** Okay. So --

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*

2 **A** That's the second mobile home.

3 **Q** The second mobile home?

4 **A** Yes. The first one I had was in -- in  
5 2016. Matthew came, and there was one tree left  
6 in the yard, and the tree fell in, in the first  
7 mobile home.

8 **Q** When you got the first mobile home in  
9 2016, were there things that you needed to do in  
10 order to prepare for it to come in?

11 **A** Yes.

12 **Q** And what did you have to do?

13 **A** Take out trees in order for it to come  
14 in and clean up the property.

15 **Q** Okay. All right. So -- so when was  
16 the -- the home brought in?

17 **A** That -- which -- which one, the first  
18 one or the second one?

19 **Q** The first one.

20 **A** The first one was brought in in  
21 November. I think it was in November, I think  
22 it was, of 2016.

23 **Q** Okay. I'm going to show you the --  
24 just show you this plat here, this survey.

25 **A** Okay. This is the survey that I had to

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*

2 have done to bring in the first mobile home, and  
3 that was in November. I think I remember that  
4 right. And that would have been in July. That  
5 would have been the middle of July.

6 **Q** That's the plat, right? That's the  
7 date of the plat?

8 **A** The plat.

9 **Q** Okay.

10 **A** But then the mobile home didn't come in  
11 till about November, I think it was, when the  
12 mobile home came in -- no, the first mobile  
13 home, no, it would have came in before November,  
14 because the storm came in October, I think it  
15 was. In 2016, Matthew was in October. So the  
16 mobile home came in before that. The mobile  
17 home came in like about two months before that.

18 **Q** Okay.

19 **A** I didn't even get a chance to live in  
20 it. Because we had to fix it up. And then we  
21 had to move away because of Matthew. And by the  
22 time we came back, the tree was in it, so . . .

23 **Q** All right.

24 MS. EVERSOLE: So before we go on, I  
25 need to mark this as, I believe, Plaintiff's

1 **EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)**

2 THE WITNESS: Yes. This was in  
3 October 2018.

4 By MS. EVERSOLE:

5 **Q** So you wrote that?

6 **A** Yes, I did.

7 MS. EVERSOLE: We would move into  
8 evidence as Plaintiff's Exhibit Number 4.  
9 I'm going to need it again. So I move it  
10 in, but . . .

11 THE COURT: All right.

12 I'm getting a nod. No objection; is  
13 that correct?

14 MS. KAREN POLITE: No objection.

15 THE COURT: Okay. Thank you.

16 (Whereupon, Plaintiff's Exhibit  
17 Number 4 was received  
18 into evidence.)

19 BY MS. EVERSOLE:

20 **Q** All right. Can you just, you know,  
21 read what you wrote to Karen?

22 **A** "To Karen Polite, 31 October --  
23 October 2019.

24 "I'm writing to inform you that I am  
25 giving you a 30-days' notice to vacate my

1 **EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)**

2 property on 8 Ladson Road. From the time  
3 that -- time that you were allowed to put your  
4 trailer where you have it, you have not paid any  
5 property tax. In -- in return you was told not  
6 to alter the property in any way while you  
7 remain on the land. Or -- on or about 2018, you  
8 attempt to put a cement driveway in front of  
9 your home. In turn -- I, in turn, told you not  
10 to do it. On 26 October 2019, late evening, you  
11 started to build a two-car garage by putting  
12 posts in the ground. I told you to stop the  
13 building and do not go any further. You ignored  
14 every word that I said and continued to build.  
15 Now I am giving you this final notice you need  
16 to move your mobile home off my land, 8 Ladson  
17 Road, Saint Helena Island, South Carolina, as of  
18 31 October 2019.

19 "If you have any question or concern,  
20 you can call me at (843) 694-1017, Rachel M.  
21 Polite."

22 **Q** How did you get this letter to Karen?

23 **A** Put it in her mailbox.

24 **Q** And did you get a response?

25 **A** She didn't respond to me directly.

1 **EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)**

2 **Q** Okay. All right. So -- all right. So  
3 in between -- in between the --

4 The -- the code thing, was that the  
5 precipitating -- was that a precipitating  
6 factor ---

7 **A** Yes, that's ---

8 **Q** --- for you doing this letter?

9 **A** Well, when -- when I did the letter,  
10 yes, it was, because I would be -- I would be  
11 violating the law by letting that garage stay  
12 there, because it was on my property -- the  
13 property is in my name, and it's considered my  
14 property -- when she put that up without any  
15 code or permission.

16 **Q** All right. I'm going to ask if you  
17 recognize this?

18 **A** Yes.

19 **Q** What is that?

20 **A** It's a citation, notice of violation.

21 **Q** And what's --

22 **A** And I have the notice of citation, the  
23 citation in my bag for \$500 if I didn't remove  
24 that garage.

25 **Q** This is -- you have a different

1 **EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)**

2 citation than this piece of paper?

3 **A** It might be the same thing. Notice of  
4 violation, same thing.

5 MS. EVERSOLE: I'd like to move  
6 this into evidence as Plaintiff's  
7 Exhibit --

8 THE COURT: It would be 5.

9 MS. EVERSOLE: -- 5.

10 THE COURT: Ms. Karen Polite, any -- no  
11 objection?

12 MS. KAREN POLITE: No.

13 THE COURT: Okay. Thank you so much.

14 (Whereupon, Plaintiff's Exhibit  
15 Number 5 was marked for  
16 identification and received  
17 into evidence.)

18 THE COURT: All right. That would be  
19 Plaintiff's 5.

20 BY MS. EVERSOLE:

21 **Q** The next thing I would like to show you  
22 is, this would be more like demonstrative  
23 evidence, this -- this is an aerial view, and  
24 I'd like to move it into evidence as, really,  
25 demonstrative evidence. It's just -- it's

1 **EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)**

2 descriptive of your property.

3 And is the highlighted area there the  
4 land we're talking about?

5 **A This is it right there.**

6 **Q** Right here?

7 **A Yes. This is where her trailer is, and  
8 this is where I'm at, right there. This is my  
9 trailer, and that's that four- house.**

10 **Q** All right. And what's this building  
11 right there?

12 **A That's the storage -- what do you call  
13 it? A -- a storage shed.**

14 **Q** Container?

15 **A Container.**

16 MS. EVERSOLE: Okay. I would like to  
17 move this into evidence, really for  
18 demonstrative purposes, as Exhibit 6.

19 (Whereupon, Plaintiff's Exhibit  
20 Number 6 was marked for  
21 identification.)

22 THE COURT: That's six. Any objection,  
23 Ms. Polite?

24 MS. KAREN POLITE: No.

25 THE COURT: I'm sorry, did I hear "no"?

1 **EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)**

2 MS. KAREN POLITE: No. No.

3 THE COURT: No. Okay, great, thank you  
4 so much. That will be 6 without objection.

5 (Whereupon, Plaintiff's Exhibit  
6 Number 6 was received  
7 into evidence.)

8 BY MS. EVERSOLE:

9 **Q** All right. And you did file an action  
10 in the magistrates court; is that correct?

11 **A Yes.**

12 **Q** And is this a copy of what you received  
13 from the magistrate court about that case?

14 **A Yes. Yes.**

15 **Q** I think the complaint part is towards  
16 the back. Yeah.

17 **A "Magistrate Summons: You are hereby  
18 summoned to be and appear personally in the  
19 Beaufort Magistrate on December the 2nd, 2019 at  
20 10:00 to serve as a party in a Bench Trial in  
21 the case of" ---**

22 THE COURT: Now, our court reporter is  
23 having a really hard time hearing that.

24 MS. EVERSOLE: You're going to need to  
25 talk louder.

1 **EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)**

2 BY MS. EVERSOLE:

3 **Q** So is this the -- is this the document  
4 that you wrote bringing that action, is the best  
5 way to put that, I guess?

6 **A So this was the one with lawyer  
7 McIntyre?**

8 **Q** What?

9 **A Let's -- "property land owner" --  
10 "further state that with regard to the  
11 above" ---**

12 **Q** Speak up.

13 **A --- "described" --**

14 **"Rachel Polite, Plaintiff in this  
15 action, state that I am the landlord-lessor of  
16 premises within the jurisdiction of Beaufort  
17 County Beaufort Magistrate which is described  
18 as: (address and description of) Property Land  
19 owner 8 Ladson Road, Saint Helena Island, South  
20 Carolina, further state that with regard to the  
21 above described premises, a landlord or tenant  
22 relationship exists between me and the  
23 Defendant, Karen Polite, the tenant-lessee, as  
24 evidenced by the following: (Attach these  
25 papers or other written -- other written proof.)**

1 **EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)**

2 **"The terms or condition of the lease  
3 have been violated as follows: Karen was given  
4 permission to -- because -- oh, she was given  
5 permission to live on the property because she  
6 had two small children. She was told not to  
7 build or alter property. She failed to do as  
8 she was told."**

9 **I can't see what that says.**

10 **Q** Oh, that's all right.

11 "She -- she failed to do -- she failed  
12 to do so."

13 And this was sworn in October 29th,  
14 2019, and I signed it.

15 **Q** Okay. And what happened in that case?  
16 What happened in the end? The judge what? What  
17 did the judge say?

18 **A The judge said that we -- he dismissed  
19 the case because she didn't own no property at  
20 that time. She didn't own the property. That's  
21 all I can -- everything that I can remember. I  
22 can't hardly see what the --**

23 **That's with Judge McIntyre.**

24 **Q** Judge McIntyre, yeah.

25 **A Yeah. And he said that the case was**

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*  
 2 **dismissed ---**  
 3 **Q** Okay.  
 4 **A** --- because of ---  
 5 **Q** All right.  
 6 **A** --- without finding additional ---  
 7 MS. EVERSOLE: Okay. All right. I'd  
 8 like to move it into evidence as Exhibit  
 9 Number 7.  
 10 (Whereupon, Plaintiff's Exhibit  
 11 Number 7 was marked for  
 12 identification.)  
 13 THE COURT: All right. Plaintiff's 7  
 14 without objection, I presume, Ms. Polite?  
 15 MS. KAREN POLITE: None.  
 16 THE COURT: Okay. Thank you.  
 17 (Whereupon, Plaintiff's Exhibit  
 18 Number 7 was received  
 19 into evidence.)  
 20 BY MS. EVERSOLE:  
 21 **Q** All right. What is your -- what is  
 22 your wish here today? What are you asking the  
 23 court to do?  
 24 **A** What am I asking the court to do?  
 25 **Q** What kind of -- what order do you want?

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*  
 2 **A** To prove that this is -- this property  
 3 that I'm talking about is -- belongs to me. I  
 4 have the deed to it. I've been paying taxes on  
 5 it.  
 6 **Q** And it's your property?  
 7 **A** Yes, ma'am.  
 8 **Q** It is your property, and what do you  
 9 want in relation to Karen and the mobile home?  
 10 **A** If she want to live on this property,  
 11 she's going to have to pay me tax.  
 12 **Q** Did you want her off of the property  
 13 or --  
 14 **A** Or help -- or help pay for the property  
 15 tax.  
 16 And if she disagree, to where she is  
 17 living now, then I have eight children, and what  
 18 she is asking for, she is asking for the whole  
 19 property and include other property that don't  
 20 concern this property.  
 21 If she continue to ask for that, then  
 22 the eight children will have to be included, and  
 23 they're all going to have to get their portion  
 24 of that seven -- .79 acres.  
 25 **Q** You brought the action to have her

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*  
 2 ejected from the property.  
 3 **A** Yes. Yes, I did. But according to  
 4 what the judge say.  
 5 **Q** Well, what --  
 6 **A** I still would want that done because  
 7 she is becoming a headache to me. I hate to see  
 8 how -- you know, for this to happen, but if it's  
 9 got to happen, it's got to happen. She either  
 10 lives by my rules, or she has to move.  
 11 MS. EVERSOLE: All right. I don't have  
 12 any other questions at this time.  
 13 THE COURT: Thank you so much.  
 14 Ms. Karen Polite, do you have any  
 15 questions of Ms. Rachel Polite?  
 16 MS. KAREN POLITE: Yes, sir. Can you  
 17 -- can I get a -- a minute, or I have to  
 18 start right now?  
 19 THE COURT: You can -- why don't we  
 20 take a minute or take a five-minute break.  
 21 So let's take a five-minute break.  
 22 Ms. -- Ms. Rachel Polite, please don't  
 23 discuss your testimony with anyone during  
 24 the break. Okay?  
 25 MS. RACHEL POLITE: What?

1 *KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)*  
 2 MS. EVERSOLE: Don't discuss your  
 3 testimony with anyone during the break.  
 4 THE WITNESS: I won't.  
 5 THE COURT: You can sit there, or you  
 6 can wander around.  
 7 We'll -- take -- it's 10:02. We'll  
 8 start at 10:07, so we'll be off the record  
 9 for five minutes.  
 10 (Off the record.)  
 11 (Whereupon, a break was  
 12 taken from 10:02 until 10:07  
 13 a.m.)  
 14 THE COURT: Back on the record in 2899.  
 15 And, Ms. Karen Polite, this is your  
 16 opportunity to cross-examine Ms. Rachel  
 17 Polite. I'm happy to hear from you, ma'am.  
 18 CROSS EXAMINATION  
 19 BY MS. KAREN POLITE:  
 20 **Q** Okay. Okay. How you doing today?  
 21 **A** I'm blessed.  
 22 MS. KAREN POLITE: I call her because  
 23 that's my mom.  
 24 THE WITNESS: I'm blessed.  
 25 BY MS. KAREN POLITE:

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 Okay. So -- and you said that he -- he  
3 divorced you?

4 **A Yes, he did.**

5 **Q** He did. Exhibit --

6 MS. KAREN: How do I proceed? I want  
7 to --

8 THE COURT: Do you want -- do you want  
9 the witness to refer to an exhibit?

10 MS. KAREN POLITE: Yes, sir.

11 THE COURT: If so, you --

12 Do you have an extra copy,

13 Ms. Eversole?

14 Or do you need the original?

15 MS. KAREN POLITE: It probably would be

16 -- oh . . .

17 MS. EVERSOLE: I have not seen the  
18 document, so I don't know.

19 THE COURT: Which exhibit are we  
20 talking -- you're talking about one that's  
21 already marked, right?

22 MS. KAREN POLITE: Yes, sir.

23 THE COURT: Okay.

24 MS. KAREN POLITE: But she didn't --  
25 well, I guess she should have it. It's the

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 divorce decree.

3 MS. EVERSOLE: That's not in evidence.

4 THE COURT: Oh. I'm sorry, I thought  
5 you were looking at Exhibit 4. That's what  
6 it looked like from here.

7 MS. KAREN POLITE: Well, what it --  
8 well, it actually came out of the divorce  
9 decree that she . . .

10 THE COURT: Why -- why don't we do  
11 this. Let Ms. Eversole look at the proposed  
12 exhibit, and then you -- you can offer it,  
13 and we'll see where it goes from there. And  
14 we'll see if -- actually, if the Plaintiff  
15 can identify it once we get it marked.

16 MS. EVERSOLE: If I can have a moment.  
17 I haven't seen this before.

18 THE COURT: Sure. Take your time.  
19 (Off the record.)

20 MS. EVERSOLE: I don't have an  
21 objection to this.

22 THE COURT: All right. Do you have an  
23 extra copy, Ms. Polite?

24 MS. KAREN POLITE: I don't. I thought  
25 she had it in her ---

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 THE COURT: Well, that's all right.

3 Let's go ahead and mark it as Defendant's  
4 Exhibit 1, and my understanding is there's  
5 no objection to it. So if you wouldn't  
6 mind, if you can get it up to our court  
7 reporter here, and she'll put a sticker on  
8 it that says Defendant's 1. So that will be  
9 Defendant's 1 without objection. If you can  
10 hand it to the witness, please.

11 Okay. And you can continue with your  
12 questioning, ma'am.

13 (Whereupon, Defendant's Exhibit  
14 Number 1 was marked for  
15 identification and received  
16 into evidence.)

17 BY MS. KAREN POLITE:

18 **Q** Okay. I believe you said you  
19 divorced -- all right, my dad -- Bubby Polite  
20 divorced you.

21 **A Yes.**

22 **Q** But it states in there that you  
23 divorced him.

24 **A I know. I saw that when I bought the**  
25 **divorce from the courthouse for a dollar ---**

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 **Q** So what you're saying is --

3 **A --- the divorce decree.**

4 **Q** So what you're saying is someone else  
5 wrote that, and you didn't -- you didn't do  
6 that?

7 **A I did not file for a divorce.**

8 **Q** You did not file for a divorce?

9 **A No. No.**

10 **Q** Okay. Let's leave that like that.

11 All right. So in the divorce decree,  
12 you said that -- excuse me, not in the  
13 divorce -- in the divorce -- well, in the  
14 divorce decree, it stated that he gave you  
15 one acre of land.

16 **A That's the only acre, that one acre.**

17 **Q** That was the only one?

18 **A Yes.**

19 **Q** Okay. But -- but you said that it  
20 was ---

21 **A No.**

22 **Q** --- two?

23 **A No. No.**

24 **Q** Or 1.7?

25 **A It's .79 acres now.**

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
 2 Q But you said that he purchased ---  
 3 A It was --- no.  
 4 Q --- the whole thing because you ---  
 5 I said he purchased -- we purchased  
 6 one acre of property, one acre.  
 7 Q So you didn't get your mother's  
 8 property back, as you stated.  
 9 A Not all of it. It was three and-a-half  
 10 acres of property that she lost.  
 11 Q But did you say that you couldn't  
 12 afford to ---  
 13 A I couldn't afford to get all of it  
 14 back.  
 15 Q So Bubby went and bought all of it.  
 16 A No. One acre.  
 17 Q So Bubby bought one acre.  
 18 A One acre. That's it.  
 19 Q So who brought the other part, the  
 20 other 1.7?  
 21 A The ones that I had -- the 1.7. There  
 22 is no .7.  
 23 Q Just one acre total?  
 24 A The one acre until 1983 when I bought  
 25 the rest.

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
 2 Q Oh, okay.  
 3 So were you and Bubby still married in  
 4 1983?  
 5 A No, we weren't together, but he was  
 6 still married to me, but he wasn't living with  
 7 me. He had done left me by then.  
 8 Q So -- but you were still married?  
 9 A We were still married.  
 10 Q So when did you get a divorce?  
 11 A He divorced me in 1989.  
 12 Q Oh, okay. He divorced you, but ---  
 13 A Yes.  
 14 Q Okay. All right. He divorced you in  
 15 1989.  
 16 A Yes.  
 17 Q And in 1989, you said that I was living  
 18 on the property in the old house.  
 19 A Yes.  
 20 Q Okay. So if I was living in the  
 21 property in the old house, I had a mobile home  
 22 in nineteen eighty -- 1989?  
 23 A In 1989 you had a mobile home, because  
 24 you bought it in '88.  
 25 Q Okay. So why was I still living in the

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
 2 old house if I --  
 3 A Because you had to have it set up at  
 4 the time. You had to have it set up before you  
 5 could move in.  
 6 Those were the time when I was taking  
 7 you back and forth to work at 5 o'clock in the  
 8 mornings.  
 9 Q Well, I'm -- I'm -- I understand.  
 10 Okay.  
 11 So let's -- let's move on something  
 12 else. Okay. All right.  
 13 So now let's talk about -- let's talk  
 14 about the mobile home, the first mobile home  
 15 that you got. You said the first mobile home  
 16 that you got, I believe you said it was a  
 17 blue -- was it blue, or did you describe color?  
 18 A I didn't describe no color.  
 19 Q Okay.  
 20 A All I said, double wide.  
 21 Q Double wide, okay.  
 22 And you said that I wouldn't -- Karen  
 23 wouldn't allow me to bring it on the -- on the  
 24 property because -- because the wires was too  
 25 low. Right?

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
 2 A Exactly.  
 3 Q Okay.  
 4 A Yes.  
 5 Q So -- so and then you -- you said that  
 6 I gave you permission --  
 7 A No. No.  
 8 Q Or you just --  
 9 MS. EVERSOLE: You've got to speak up,  
 10 Ms. Rachel.  
 11 BY MS. KAREN POLITE:  
 12 Q You said I gave you permission?  
 13 A No.  
 14 Q So how -- how -- how --  
 15 Okay. So how did you get the -- the  
 16 mobile home underneath the line?  
 17 A You called the light people ---  
 18 Q That's right.  
 19 A --- to hold the line up so that the  
 20 mobile home could come through.  
 21 Q So wouldn't that be permission?  
 22 A I don't know if that's considered  
 23 permission.  
 24 MS. EVERSOLE: Just say it.  
 25 THE WITNESS: No, I don't consider that

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
 2 permission for bringing the mobile home  
 3 through. It's just that they brought it in  
 4 after you called the light people to hold  
 5 the line up. So that's not permission to  
 6 bring the mobile home through as far as I'm  
 7 concerned. If -- if it is, then I'm sorry.

8 BY MS. KAREN POLITE:

9 Q That's fine. Okay.

10 MS. KAREN POLITE: And do I show her  
 11 first?

12 THE COURT: Yes, please.

13 BY MS. KAREN POLITE:

14 Q Okay. Do you recognize -- do you  
 15 recognize that? It would be Exhibit 2?

16 THE COURT: Ordinarily, we would have  
 17 already marked it for identification,  
 18 but ---

19 MS. KAREN POLITE: I'm sorry.

20 THE COURT: No, we don't have a -- we  
 21 don't have a bailiff, so it's easier just to  
 22 just to . . .

23 THE WITNESS: Okay, that's the old  
 24 Ladson house, one of his rental house --

25 THE COURT: Well, here's -- here's the

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
 2 deal. Let's see if we can -- if you can  
 3 identify it. We'll mark it.

4 THE WITNESS: Goes past -- goes past  
 5 that old Ladson to her house.

6 MS. KAREN POLITE: Okay.

7 MS. EVERSOLE: I object as to  
 8 relevance.

9 THE COURT: All right. Well, let's --  
 10 let's mark -- again, we -- this is one of  
 11 those times when I suppose we should have  
 12 marked it ahead of time.

13 So, Madam Court Reporter, if you would  
 14 mark that as Defendant's 2 for  
 15 identification. I think it's 2, right?

16 MS. KAREN POLITE: Yeah, it's two.  
 17 (Whereupon, Defendant's Exhibit  
 18 Number 2 was marked for  
 19 identification.)

20 THE COURT: So the record, of course,  
 21 reflects the objection to the entrance of 2.

22 And, thank you, I've been handed 1 to  
 23 add to my stack.

24 The objection is relevance. I haven't  
 25 seen it of course, and have never seen the

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
 2 property. So what is the relevance of that  
 3 related to this case?

4 MS. KAREN POLITE: Okay. This is the  
 5 line that she claimed the mobile home came  
 6 under, and it was too -- she said that --  
 7 you know, that I said it was too low. So  
 8 I'm just showing her the line and  
 9 identifying the object.

10 THE COURT: All right. And . . .

11 MS. EVERSOLE: And it's a picture of  
 12 somebody else's trailer, so I object on  
 13 relevance.

14 MS. KAREN POLITE: She -- she said she  
 15 knows the line, that the light -- the  
 16 electric line go across the -- she said the  
 17 Ladson property. She identified it. She  
 18 said it went across the property, and this  
 19 is the light -- the -- the light pole --

20 THE COURT: Well, let's ask the witness  
 21 if she can identify the line as the same  
 22 line she's talking about.

23 BY MS. KAREN POLITE:

24 Q Is this the same line you're talking  
 25 about, the light line?

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
 2 A I believe it is.

3 THE COURT: Okay. Well, I'll allow it.

4 THE WITNESS: There's the one that goes  
 5 to your house.

6 THE COURT: I'll allow it then. Yes.  
 7 Thank you. So that will be Defendant's 2.  
 8 (Whereupon, Defendant's Exhibit  
 9 Number 2 was received  
 10 into evidence.)

11 MS. KAREN POLITE: So I'm -- I let her  
 12 mark this or ask the question first?

13 THE COURT: Well, however you want to  
 14 do it is fine.

15 MS. KAREN POLITE: Okay.

16 THE COURT: We're more casual in here  
 17 than in the big court.

18 MS. KAREN POLITE: Okay. I want to --  
 19 also, Your Honor, I want to enter this into  
 20 evidence.

21 THE COURT: Well, first we have to let  
 22 her identify it.

23 But anyway, so go ahead and mark it, if  
 24 you would, as Defendant's 3 for  
 25 identification.

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 (Whereupon, Defendant's Exhibit  
3 Number 3 was marked for  
4 identification.)

5 BY MS. KAREN POLITE:

6 Q So would this be -- would you say this  
7 is -- do you recognize the -- the picture, who's  
8 the -- someone in the picture and --

9 A That's the electric man holding up the  
10 line.

11 Q Is that the double wide you're talking  
12 about?

13 A That's the double wide coming in there  
14 where you hold up the line when Dorian was  
15 bringing it in.

16 Q And ---

17 A That's half of it.

18 Q That's half --

19 MS. KAREN POLITE: Oh, I have the other  
20 half. I'm sorry, I should have -- I should  
21 have marked this one as well.

22 THE COURT: That picture is in halves?

23 MS. KAREN POLITE: It's half of it,  
24 yeah, where that was coming in.

25 THE COURT: Okay. Let's go ahead and

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 mark that one as -- as Defendant's 4, I  
3 guess. Okay.

4 (Whereupon, Defendant's Exhibit  
5 Number 4 was marked for  
6 identification.)

7 THE COURT: So the two pictures have to  
8 be put together to make a whole, is that  
9 what happened?

10 MS. KAREN POLITE: Yeah, because what  
11 we have -- because one -- it's a double -- a  
12 double wide.

13 THE COURT: Okay.

14 THE WITNESS: It was a double wide, so  
15 it was two. That's means it's double wide,  
16 so you've got to bring in one half at a  
17 time.

18 THE COURT: I got you.

19 THE WITNESS: And the electric man was  
20 holding up the line so that it could come.

21 MS. EVERSOLE: No objection on that.

22 THE COURT: All right. No objection to  
23 three and four, right -- thank you so  
24 much -- Defendant's exhibits.

25 (Whereupon, Defendant's Exhibit

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 Number 3 and 4 were  
3 received into evidence.)

4 BY MS. KAREN POLITE:

5 Q Okay. So you said that that was the  
6 first mobile home that you ever brought on  
7 the -- you brought on the property.

8 A Yes.

9 Q Okay. And you said that -- you also  
10 said that there are trees on the property, and  
11 you -- you removed the trees because you was  
12 bringing the mobile home on the property.

13 A Yes.

14 Q Okay.

15 MS. KAREN POLITE: Let me enter this  
16 into evidence.

17 MS. EVERSOLE: For identification,  
18 please.

19 MS. KAREN POLITE: I'm sorry.

20 BY MS. KAREN POLITE:

21 Q Do you -- do you know what's -- beside  
22 looking at the -- the gentleman, this -- what is  
23 that?

24 A What is what?

25 Q What is behind in the -- in the bushes

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 behind the -- the person in the red shirt?

3 A My house? That's the house.

4 Q The house.

5 Would you -- would you say that's the  
6 first double wide that you brought on the  
7 property in front of my house?

8 A I ain't never had a double wide. Oh,  
9 the old double wide that was on the front. We  
10 ain't talking about the -- what came in from the  
11 front, not the back. What we're talking about  
12 is what came in through the back, not the front  
13 of the house.

14 Q But you said that the mobile home, that  
15 that was the very first mobile home you brought  
16 on the property.

17 A Needed for me to live in.

18 Q But the one in the front wasn't ---

19 A The one in front, that was -- that  
20 wasn't ---

21 Q -- wasn't the one for you to live in?

22 A I never lived in that.

23 Q Was it ---

24 A I just had -- I had bought it, but I  
25 didn't live in it.

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
 2 Q Right. But what -- what was your --  
 3 your intention was to live in that one?  
 4 A If I had ever had it put together.  
 5 Q So that ---  
 6 A I never ---  
 7 Q --- double wide never got put together?  
 8 A No.  
 9 Q It just stayed there on the property?  
 10 A Yeah.  
 11 Q And but that was the ---  
 12 Q Then I had it removed?  
 13 Q And that was the first double wide,  
 14 right, not the second?  
 15 A That was the first double wide. And  
 16 then there was a second -- a single wide ---  
 17 Q Okay, okay.  
 18 A --- that came in there too.  
 19 Q All right. No problem.  
 20 A So -- but then we ain't talking about  
 21 those. We're talking about ---  
 22 Q Okay.  
 23 A --- what's there now and what was there  
 24 before.  
 25 Q Okay.

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
 2 THE COURT: Well, let me see, so we've  
 3 got Defendant's 5. Any issue with  
 4 Defendant's 5?  
 5 MS. EVERSOLE: I do. I think it's  
 6 unclear what that is. I don't think -- I  
 7 don't think it's been described exactly what  
 8 it is.  
 9 THE COURT: Let me ask because I'm  
 10 starting to get a little confused. Is --  
 11 and let me ask the ---  
 12 THE WITNESS: I forgot all about those,  
 13 that those are both ---  
 14 THE COURT: --- the Defendant: Is that  
 15 a picture of a mobile home that's not at  
 16 issue in this case?  
 17 MS. KAREN POLITE: No -- it is. It is.  
 18 Because she said that she had trees moved  
 19 off the property. And this -- this is a --  
 20 this is one of the mobile homes that she  
 21 brought on the property that she had -- that  
 22 she had trees moved off the property.  
 23 THE COURT: Let me ask a question of  
 24 both parties. I'm looking at Plaintiff's  
 25 Exhibit 3. And Plaintiff's Exhibit 3

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
 2 shows . . .  
 3 THE WITNESS: Those are what we are  
 4 talking about right there.  
 5 THE COURT: Okay. This is -- this one  
 6 on the south part of the property ---  
 7 THE WITNESS: Yes.  
 8 THE COURT: --- is where the Plaintiff  
 9 lives now. Right?  
 10 THE WITNESS: Yes.  
 11 THE COURT: And the one in the middle  
 12 is where the Defendant lives now.  
 13 MS. KAREN POLITE: Yes.  
 14 THE COURT: Okay. And y'all are  
 15 looking at the ---  
 16 THE WITNESS: They're look -- she's  
 17 looking at something that was on the  
 18 front ---  
 19 MS. KAREN POLITE: In the front of my  
 20 house, in the front.  
 21 THE COURT: By "the front," you  
 22 mean ---  
 23 MS. KAREN POLITE: Not all the way up.  
 24 No, come -- come closer to me. Right ---  
 25 THE WITNESS: All the way up. All the

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
 2 way up there. Right up there. Okay.  
 3 THE COURT: So that this is a -- a  
 4 mobile home that no longer exists, but when  
 5 it existed, it would be somewhere about  
 6 where ---  
 7 MS. KAREN POLITE: In the front of my  
 8 mobile home.  
 9 THE COURT: --- where Plaintiff's  
 10 Exhibit 3 says "1.003 acres," right about  
 11 there. Right?  
 12 THE WITNESS: No. It would be ---  
 13 THE COURT: Closer?  
 14 THE WITNESS: --- a little further up.  
 15 Further up.  
 16 MS. KAREN POLITE: To the left.  
 17 THE COURT: Okay. I'm just -- anyway,  
 18 somewhere between the Defendant's mobile  
 19 home and the delineation of square footage  
 20 and acreage, somewhere in this area?  
 21 MS. KAREN POLITE: Right. Yes, sir.  
 22 THE COURT: Okay. And that mobile  
 23 home, by all accounts, is no longer there;  
 24 is that correct?  
 25 MS. KAREN POLITE: Right. Right. But

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 I'm ---

3 THE COURT: Okay. All right. I'm just  
4 -- I'm just trying to figure this stuff out.

5 So you're offering that photograph for  
6 purpose again?

7 MS. KAREN POLITE: Leading up to my --  
8 leading up to my -- my -- I'm just getting  
9 there. She said she's removed trees. So  
10 once I get -- I just want to pave the way,  
11 because she said she had some trees moved,  
12 but when she moved the -- the trees off the  
13 property, it -- it -- it served no purpose  
14 for her to move the trees off the property,  
15 which I didn't enter this in yet. I'm --  
16 I'm just getting there.

17 THE COURT: All right. I'll -- I'll  
18 give her -- she's pro se, I'll give her a  
19 little bit of slack, so that would be --  
20 would you have those marked then, please, as  
21 -- that one as Defendant's 5. And I can't  
22 remember whether or not the -- I think the  
23 Plaintiff was able to identify it as the  
24 other mobile home that I think we've all  
25 established now is longer there, so . . .

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 MS. KAREN POLITE: We did, right.

3 THE COURT: So did you have any other  
4 questions on this one?

5 MS. KAREN POLITE: No, sir. No, sir.

6 THE COURT: Okay. Thank you.  
7 (Whereupon, Defendant's Exhibit  
8 Number 5 was marked for  
9 identification and received  
10 into evidence.)

11 BY MS. KAREN POLITE:

12 Q Okay. So you said you had -- you moved  
13 trees out off the property?

14 A Okay, the trees that I was talking  
15 about is where my trailer is now. And as you  
16 can see, like the trees would hang over, where  
17 the trees would have hang over my trailer, and  
18 you wouldn't have been able to see my trailer at  
19 all. There were trees there that you couldn't  
20 even see my house.

21 Q Okay.

22 A Those ---

23 Q So ---

24 A --- are the trees that I had moved.

25 Q Okay. And so where is that mobile home

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 now?

3 A What mobile home?

4 Q The one that you had -- the -- the  
5 second mobile home -- well, you said the first,  
6 but the one you was going to live in that  
7 Hurricane Matthew destroyed. Where is that  
8 mobile home?

9 A Right in the back of the house, in back  
10 of the old Thayer (phonetic) house.

11 Q So you're saying that Hurricane  
12 Matthew -- that happened in 2016?

13 A Yes, October 2016.

14 Q And that mobile home is still -- is  
15 still there?

16 A Still there, half of them is still  
17 there.

18 Q So would you say that mobile home is  
19 blocking -- what is it, is it on 19 Ivory ---

20 A No, no, no.

21 Q --- is that the road behind your house?

22 A There is no road back there, because  
23 that picture that you just showed, we don't  
24 know, Ella Ladson's trailer and -- and the wire,  
25 Ella Ladson's trailer is setting in that road.

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 Q But your mobile home is -- is not  
3 there?

4 A My mobile home is past that.

5 Q It's not on the road?

6 A That mobile home is past Ella Ladson's.  
7 Ella Ladson's trailer is in the road, so it's  
8 not a road anymore.

9 Q Okay.

10 A And there's no place there for a road,  
11 because somebody else bought that property  
12 across.

13 Q Okay. All right. So -- okay. So can  
14 you -- can you tell me what this -- identify  
15 that? You said you moved a lot of trees off the  
16 property.

17 A I'm talking about -- I'm talking about  
18 in the back of my house where I live.

19 Q But in general, did you move any trees  
20 off the -- off the property other than those  
21 trees in the back of your house?

22 A The -- the only tree I move out of the  
23 front of my house is my flowers tree and the  
24 small trees that was in the front, right in --  
25 directly in the front.

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 Q And they were small trees?

3 A Small trees.

4 Q Small trees.

5 A Yes. The only big trees I moved was in  
6 the back of the house where it was hanging over,  
7 where they hang over the house ---

8 Q Okay.

9 A --- and would have been in the way of  
10 the trailer coming in.

11 Q So would you say the trees that -- the  
12 small trees that was in front of the house, were  
13 they in the way?

14 A I don't even -- I don't even recognize  
15 what that is. What is this?

16 Q That's -- that's the balcony of my  
17 porch.

18 A So what's that got to do with ---

19 Q So in that open space, was any trees  
20 there?

21 A I don't even -- I don't even recognize  
22 that space.

23 Q Okay.

24 A So show me what was there before.

25 Q I can -- I can do that, show you, okay,

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 I can show you.

3 THE COURT: You're welcome to move  
4 on to the next question. That -- that  
5 exhibit she was looking at was never marked,  
6 and it sounds like she can't identify it  
7 anyway, so . . .

8 MS. KAREN POLITE: Oh, okay. All  
9 right. No problem. All right.

10 BY MS. KAREN POLITE:

11 Q There was trees right there in the  
12 front yard, and the exhibit I showed you earlier  
13 with the mobile home --

14 A Those were flower trees.

15 Q Flower trees. And those are the ones  
16 that you had ---

17 A They were dying.

18 Q They were dying, and you had those  
19 moved. Okay. Now you -- you recognize them?

20 A So, I mean, why would you let it stay  
21 if it's dying?

22 MS. KAREN POLITE: Okay. Can I enter  
23 this into evidence, Your Honor?

24 THE COURT: Well, let's -- let's get  
25 them marked first. So you have one that I

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 believe she couldn't identify.

3 MS. KAREN POLITE: Right.

4 THE COURT: And then the other one, the  
5 one in your right hand with the gentle -- or  
6 I can't really tell what the -- with  
7 someone's head ---

8 MS. KAREN POLITE: It's just -- it's  
9 just -- I'm -- I was a -- I'm a hairstylist.

10 THE COURT: Okay.

11 MS. KAREN POLITE: And I'm -- these are  
12 close as I can get to evidence. And these  
13 are the trees that were there, and then she  
14 removed them.

15 THE COURT: Okay. I tell you what. I  
16 mean, you are going to have an opportunity  
17 to testify. And if you took those pictures  
18 and did whatever it was, you know, I mean,  
19 I'm happy to hear from you. You don't have  
20 to get all your exhibits in on cross  
21 examination.

22 MS. KAREN POLITE: Oh, okay. Okay, no  
23 problem. No problem. I got it. Okay. All  
24 right. So -- okay. No problem. All right.

25 BY MS. KAREN POLITE:

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 Q So you also testified that -- we went  
3 to a -- the first time you filed a complaint to  
4 have me removed off the property, and we went  
5 before Judge McIntyre. Was Judge McIntyre your  
6 attorney?

7 A No. He was the judge.

8 Q But was he also your attorney?

9 A No.

10 Q He was never your attorney?

11 A No. No. He was never my attorney, not  
12 for anything concerning no property.

13 Q No, I don't mean that in general. Was  
14 he ever your attorney?

15 A I've got to think.

16 Q No car accident?

17 A Okay, car accident, that's what it --  
18 okay. I had to think about it.

19 Q Did we ever go to him and get money  
20 before you got -- I mean at -- before you got  
21 paid for your car accident, me and -- me and  
22 you?

23 A To pick up a check that was for me for  
24 car rent and stuff like that that I didn't use.

25 Q Before your car -- before -- before the

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
 2 settlement? Before the settlement?  
 3 A Yes.  
 4 Q You borrowed money from it?  
 5 A I didn't borrow.  
 6 Q Okay.  
 7 A I didn't borrow the money.  
 8 Q All right. But then yet, he said that  
 9 I couldn't live on the property because I didn't  
 10 have a deed; is that what you said?  
 11 A No, he did not -- I did not say that.  
 12 I didn't say that. I did not say that.  
 13 Q So was the case dismissed without  
 14 prejudice ---  
 15 A Yes.  
 16 Q --- or was the case ---  
 17 A It was dismissed without prejudice.  
 18 Q Okay. Okay. All right.  
 19 You also stated that -- all right.  
 20 You also say that you -- you brought a  
 21 third mobile home on the property, which was the  
 22 single wide.  
 23 A Yes.  
 24 Q And I got mad because I ---  
 25 A No.

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
 2 Q You -- I -- I got angry and called the  
 3 police on you.  
 4 A No. No.  
 5 Q I didn't?  
 6 A No.  
 7 Q Then the mobile home that you -- the  
 8 single wide that you bought that you live in  
 9 now ---  
 10 A The one that I live in now.  
 11 Q --- you said that I got mad and called  
 12 the police on you because I didn't know that the  
 13 mobile home was coming on that Saturday.  
 14 A I didn't say you got mad. I said you  
 15 called the police on me that Saturday because we  
 16 were bringing a mobile home on the weekend.  
 17 That's what I said.  
 18 Q Okay. So let's go back to the double  
 19 wide. So if -- if the light company came out  
 20 and assist you on the second double wide, then  
 21 why wouldn't they assist you on the second -- on  
 22 the -- on the third double wide -- I mean the  
 23 second -- the third single wide?  
 24 A The double wide that I -- the single  
 25 wide that I live in now?

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
 2 Q Yes.  
 3 A They didn't assist me, because Robinson  
 4 hold the -- Gordon hold the wire up himself, had  
 5 the wire hold up himself -- or hold it up --  
 6 well, he took his whatever he used and hold it  
 7 up ---  
 8 Q Okay.  
 9 A --- himself.  
 10 Q Okay. So ---  
 11 A Which Dorian was going to do the same  
 12 thing.  
 13 Q Okay.  
 14 A She wouldn't let him do it.  
 15 Q I wouldn't let him do it.  
 16 Okay. So in -- in -- did -- was the --  
 17 Was the light post damaged ---  
 18 A No.  
 19 Q --- my light pole damaged?  
 20 A No. The light post was new.  
 21 Q My light post was new?  
 22 A Yes.  
 23 Q And you said that the ---  
 24 A Because the light people said that the  
 25 night light -- nothing was wrong with the light

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
 2 pole.  
 3 Q And it was new?  
 4 A Yes.  
 5 Q Okay. So if I purchased the light --  
 6 the light pole in 1988 and never had it changed,  
 7 it was -- it was --  
 8 A That light pole was changed out since  
 9 1988.  
 10 Q Okay. All right. So -- so you're  
 11 saying that my light pole wasn't damaged?  
 12 A No, it was not damaged, not by nothing  
 13 I brought in.  
 14 Q Okay. So was there an incident report  
 15 for damaged property when the -- when the police  
 16 officer came?  
 17 A Not as I know of. If it was, you  
 18 wouldn't give it to me.  
 19 Q Okay. Okay. So, all right, let's move  
 20 to something else. I'm not going to -- I'll go  
 21 back to that. I'll go back to that. I'll go  
 22 back to that. Okay.  
 23 So other than -- other than the light  
 24 pole, other than the -- the mobile home coming  
 25 in under the light pole --

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 MS. KAREN POLITE: Did you have  
3 anything else?

4 MS. EVERSOLE: Objection to the  
5 question.

6 MS. KAREN POLITE: Okay. All right.  
7 All right, I understand. No problem.

8 BY MS. KAREN POLITE:

9 Q All right. Let's go to -- let's go  
10 to --

11 All right. You said that you gave me  
12 permission because I had young children.

13 A Yes. Yes.

14 Q So how old are they now?

15 A Pinckney was born in '90.

16 Q Okay. So if he was born in '90, but  
17 you gave me permission to be on the property,  
18 and you said that -- well, you said you and my  
19 -- my dad gave me permission . . .

20 A Yes.

21 Q So do you remember calling the police  
22 on me when -- when I brought the mobile home in?

23 A No.

24 Q You never called the police?

25 A No. You got a police report?

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 Q No, I just had a call for -- I just --  
3 you're right, I don't have one, because they  
4 couldn't find one. It was just too old. They  
5 couldn't find one, so . . .

6 Okay. Okay. So let's talk about tax,  
7 the tax. You -- you -- you stated that I never  
8 paid any tax in 30 years.

9 A No, I didn't. I -- I mean, I didn't  
10 mean 30 years. I mean during that time.

11 Q What time?

12 A The time when I -- from the time when  
13 you stopped paying -- helping me pay tax. So  
14 that was in 2000, in the two thousands.

15 Q But you said that I never paid any tax  
16 while living on the property.

17 A Well, the thing is, I made a mistake.  
18 You helped pay the tax somewhat but not all the  
19 time.

20 To tell the truth, you ain't paid  
21 enough tax to stay on the property if you were  
22 living on the property by yourself.

23 Q Okay. So -- so I never gave you enough  
24 money is what you're saying.

25 A Exactly. Exactly.

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 Q 30,000 not enough?

3 A You didn't give me \$30,000. So I  
4 really don't know ---

5 Q 20?

6 A I don't know where you got that from.

7 You give -- you paid \$11,000 to pay off that

8 Nissan truck. That's it.

9 Q You owed 11? You didn't owe seven?

10 A 11,000 -- no. 11,000. I know exactly  
11 how much I owed.

12 Q I paid off a truck?

13 A You paid off the Nissan truck.

14 Q So I didn't pay off any other deals?

15 A No.

16 Q No loans?

17 A No.

18 Q But I had \$92,000?

19 A And when you got my Ford repossessed on  
20 me or whatever you got, you said we were even,  
21 so leave that alone.

22 Q Okay. So I didn't pay for you to go on  
23 trips?

24 A No, you didn't ---

25 Q I never paid --

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 A --- as far as I can remember. And if  
3 you did, I don't remember it. I don't remember.  
4 Some things I remember, and some things I don't,  
5 so I have to think back to remember, and I have  
6 to sit there and think, so I'm telling you the  
7 truth.

8 Q Okay.

9 A The things that don't concern the land,  
10 I don't -- I don't -- I -- I'm not thinking  
11 about it.

12 Q Okay. Okay. All right. So how  
13 many -- how many address you might have had  
14 while living on the property?

15 MS. EVERSOLE: I object as to the  
16 relevance of this, Your Honor.

17 MS. KAREN POLITE: Okay. All right.  
18 Well . . .

19 MS. EVERSOLE: I just -- the change  
20 over time, I have to, you know ---

21 THE COURT: Yeah. Sustained. I mean,  
22 that's ---

23 THE WITNESS: That has nothing to do  
24 with it.

25 MS. KAREN POLITE: Yeah, it's -- it's

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
 2 Q It was put on hold?  
 3 A Yes.  
 4 Q Okay. So you don't know if they  
 5 actually -- they -- they gave you a violation?  
 6 A Yeah. The -- the -- the price is right  
 7 on it, "\$500."  
 8 Q It's on it?  
 9 A Yes.  
 10 Q But do you know if you got it?  
 11 A How do you mean if I know --  
 12 Q Do you know that -- okay, do you know  
 13 what you this is? Do you recognize that?  
 14 A "Property owned by Fred Holmes and  
 15 Rachel Polite."  
 16 A Yes.  
 17 Q What does that mean? Property owned --  
 18 MS. EVERSOLE: Do you recognize this  
 19 document?  
 20 BY MS. KAREN POLITE:  
 21 Q Do you recognize it?  
 22 A No. No.  
 23 Q All right.  
 24 A Explain it.  
 25 Q Oh, you -- okay. It's a Freedom of

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
 2 Information Act request. And what it is, is, I  
 3 request information about any violation you  
 4 might have got on the property from -- any  
 5 violation from the time for the last seven  
 6 years. They went back seven years -- or even  
 7 further. But you had none.  
 8 MS. EVERSOLE: I have to object as  
 9 to --  
 10 THE COURT: My understanding of ---  
 11 MS. EVERSOLE: She didn't recognize  
 12 that document, so ...  
 13 THE COURT: Right.  
 14 My understanding of the testimony thus  
 15 far is, any violation hearing is ---  
 16 MS. KAREN POLITE: Was put on hold.  
 17 Right.  
 18 THE COURT: -- is put on hold. Right?  
 19 MS. KAREN POLITE: Right.  
 20 But it wasn't. She never got one,  
 21 because the shed that I built was an open --  
 22 it was open. It was never closed. So when  
 23 I went to the county, they never gave her  
 24 one.  
 25 THE COURT: Well, I tell you what,

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
 2 let's do this. She can't identify whatever  
 3 that is, so we'll move on to the next  
 4 exhibit.  
 5 MS. KAREN POLITE: Okay. Okay. All  
 6 right. Okay. All right. So -- okay. All  
 7 right.  
 8 BY MS. KAREN POLITE:  
 9 Q Oh, you said that the house that you  
 10 and Bubby Polite purchased had belonged to your  
 11 mother.  
 12 A Yes.  
 13 Q Okay. So the house that you and Bubby  
 14 purchased or Bubby Polite purchased was -- or  
 15 was it -- or did it belong to -- was it a club?  
 16 A I have to go back on that one. Not far  
 17 from the club.  
 18 Q That wasn't a club that belonged to  
 19 Ms. Emily Holmes?  
 20 A The house -- the house had -- my mother  
 21 had built. That was the house that go along  
 22 with the property. And Emily Holmes had the  
 23 house moved over on her property after Emily  
 24 Holmes got the property from my mom.  
 25 Q Was the house a club?

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
 2 A And then Emily Holmes used that house  
 3 as a ...  
 4 Q Club?  
 5 A What do you call it, a club or a  
 6 whatever.  
 7 Q Okay.  
 8 A A club, joint, whatever you call it.  
 9 Q Okay.  
 10 A She used that house as a juke, a club.  
 11 But when we bought the property back, I  
 12 had -- I called Barry and Barry in Walterboro  
 13 and had them to move the house ---  
 14 Q Okay.  
 15 A --- from Emily Holmes' -- from Emily's  
 16 property to the property where it's at now.  
 17 Q Okay. Okay. And you also testified  
 18 that -- and I believe you did say that I --  
 19 well, okay, well --  
 20 You said your -- your mother owned the  
 21 three and-a-half acres, right?  
 22 A Yes.  
 23 Q Okay. And -- and you did get divorced  
 24 in 1965.  
 25 A No.

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 Q I mean you got married in 1965.

3 A Yes.

4 Q You got divorced in 1989.

5 A Yes.

6 Q Okay. So you got -- you got divorced  
7 in 1989. All right.

8 So -- so you said -- so let's -- you --

9 Being that you got divorced in 1989 and  
10 the property -- you said that all the property  
11 was in my dad's name, I mean in Bubby Polite  
12 name because you couldn't afford it, so you  
13 asked him to -- to co-sign for you, and -- am I  
14 right so far?

15 A When we bought the property --

16 Q You said that you asked him to co-sign  
17 because you didn't have -- you didn't --

18 A I was not making enough money.

19 Q Enough money. Right.

20 So everything was in his name.

21 A Yes.

22 Q Okay. So if everything was in his  
23 name, and this was in -- and you got divorced in  
24 1989, how was you able to sell the -- did you  
25 sell part of the property in 1983?

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 A Why would I sell the property when I  
3 bought the three -- two -- the acre and  
4 three-quarters in 1983.

5 Q But you said it wasn't -- you  
6 didn't ---

7 A No.

8 Q --- you didn't have enough money.

9 A I didn't say that. You're getting it  
10 wrong.

11 Q Okay. Okay.

12 A I married in '65. Divorced in  
13 sixty -- '89. Bought the property in seventy --  
14 seventy --

15 Q Two.

16 A '72.

17 In '83 I bought them other property.

18 Q And then you sold ---

19 A No.

20 Q --- part of the property in 1983?

21 A I did not sell -- I didn't sell no  
22 property.

23 Q You didn't sell no property?

24 A No property. None.

25 Q In 1983?

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 A None. Didn't sell.

3 When I bought the acre of property, I  
4 split it in half.

5 Q Right.

6 But you didn't sell any ---

7 A Donald --

8 No. Don paid for his ---

9 Q You didn't sell anything out ---

10 A No. Let me finish.

11 Don paid for his half, and I paid for  
12 the other half.

13 Q Who did Donald Mitchell pay the money  
14 to?

15 A To the bank where I got the money from  
16 to buy that property.

17 Q He didn't pay it to you?

18 A No. He paid -- he paid -- he made his  
19 payment to the bank as just like I was making  
20 payment to the bank for the -- for the acre of  
21 property, because it was in his name.

22 Q Because it was in his name?

23 A It was in his name.

24 Q So . . .

25 A It was a half an acre in his name and a

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 half an acre in my name.

3 Q And he didn't pay -- he didn't give you  
4 nothing?

5 A He didn't give me the money. He paid  
6 his own money in for his property.

7 Q All right.

8 A I didn't sell that property.

9 Q You didn't sell that property?

10 A I did not sell it. I bought it.

11 Q You bought it, but you didn't split it  
12 and sold --

13 A I split it ---

14 Q But you didn't ---

15 A --- and let him pay for his, and I paid  
16 for the other half.

17 Q So he paid Ms. Emily Holmes for the  
18 other half?

19 A He paid where -- who I got the money  
20 from, the . . .

21 Q Where did y'all buy the property from?

22 A We bought the property back from  
23 Ms. Emily Holmes.

24 Q Okay. What ---

25 A But you had to pay who you went to to

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
2 **get the money to pay for -- to pay Emily Holmes**  
3 **for the property.**

4 Q So you said that he didn't -- he didn't  
5 pay you, though. Okay ---

6 MS. EVERSOLE: Your Honor, I'm going to  
7 object at this point. I don't get the  
8 relevance of this.

9 THE COURT: Yeah, but let me ask a  
10 question. Are either of these acres ---

11 THE WITNESS: This property don't have  
12 nothing to do with ---

13 MS. KAREN POLITE: Yes.

14 Yes, Your Honor, this -- it does. She  
15 -- she -- she had -- she testified -- she  
16 testified that this property, all -- she  
17 testified about all the property. She said  
18 that she purchased property -- my dad ---

19 THE WITNESS: No.

20 MS. KAREN POLITE: --- I mean Bubby  
21 Polite bought all the property.

22 THE WITNESS: No.

23 MS. KAREN POLITE: That's -- that's  
24 what you said.

25 THE COURT: Let me -- let me -- let me

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
2 stop you right there. In the exhibits that  
3 I've seen so far and the pleadings that I've  
4 seen, this case is about .79 acres ---

5 THE WITNESS: That's it.

6 THE COURT: --- that at one point was  
7 one acre, but the water authority came in  
8 and took whatever the balance is of one acre  
9 minus .79 acres.

10 I have no idea what y'all talking about  
11 now.

12 THE WITNESS: Exactly.

13 THE COURT: Are either of the acres  
14 that you were talking about this same acre,  
15 or are they other acres?

16 MS. EVERSOLE: Your Honor, may I  
17 clarify? I can clarify.

18 THE COURT: Yes. Yeah, please --  
19 clarify, please.

20 MS. EVERSOLE: Okay. She bought a  
21 total of three -- one, two -- two acres.  
22 Two acres.

23 One acre Bubby Polite bought because  
24 she couldn't afford to buy the land back is  
25 the one acre we're talking about here today.

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 Right next to that is another acre.

3 And that acre is what she bought in 1983 and  
4 split that in half, and it has nothing to do  
5 with what we're here to today.

6 THE COURT: Okay.

7 MS. EVERSOLE: But I have the deeds to  
8 show what we're talking about.

9 THE COURT: No, no. And I remember the  
10 testimony about it was -- I don't know  
11 whether it was lost at tax sale or how it  
12 was lost, but Ms. Holmes ended up with it, I  
13 guess. I understand all that.

14 But this case is about the one acre  
15 that is now .79 acres, according to all the  
16 pleadings and all the exhibits. Right?

17 MS. KAREN POLITE: Right.

18 THE COURT: Not -- not about another  
19 half acre somewhere.

20 MS. EVERSOLE: No. Correct.

21 MS. KAREN POLITE: Right.

22 But, Your Honor, she -- they're the one  
23 that opened the door to -- to these  
24 questions, because they're the one invited  
25 it. They -- they invited the evidence --

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 THE COURT: Well, let me close the door  
3 and say it's irrelevant, and so let's --  
4 let's move on. I don't -- I don't  
5 understand how that has anything to do with  
6 this.

7 MS. KAREN POLITE: We can -- we can  
8 move -- Your Honor, please, I beg you,  
9 because this has a whole lot do with it.  
10 Because what happened was, the property, she  
11 said that she never -- she never split and  
12 sold. She said that Nazarine Holmes, her  
13 mother, she got the property back.

14 But if she -- if we -- if we close the  
15 door to that, then -- then we're closing the  
16 door to the one acre that my dad gave her in  
17 the divorce decree, because that has nothing  
18 to do -- because in the divorce decree, it  
19 says one acre. But what -- what I'm on is  
20 .79 acres. They brought me -- they brought  
21 me to court on -- on .79 acres, not  
22 knowing -- not even knowing that it was on  
23 .79. They thought it was -- but the divorce  
24 decree said "one," but they invited the  
25 divorce decree.

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 THE COURT: Now, my understanding  
3 of ---

4 MS. KAREN POLITE: Am I making sense?

5 THE COURT: My -- my understanding of  
6 the testimony thus far is the water  
7 authority put a line in and took whatever  
8 the math is on -- on 2.1 -- .21 acres.  
9 Right?

10 MS. KAREN POLITE: That's not true.  
11 But do they have proof of that?

12 THE COURT: I -- I don't know. But  
13 the ---

14 MS. KAREN POLITE: I didn't see that in  
15 evidence.

16 THE COURT: But anyway, let me let  
17 Ms. Eversole, who says -- claims to have a  
18 simple explanation for this, and then we'll  
19 go on and we'll see whether any of this  
20 matters.

21 So go ahead.

22 MS. EVERSOLE: The one acre that's  
23 mentioned in the divorce decree is the legal  
24 description that's in the deed before there  
25 is a taking of the property for the water

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 line, whatever it is.

3 THE COURT: Well, that ought to settle  
4 it.

5 THE WITNESS: That's the one -- the one  
6 that we are talking about is where we are  
7 living.

8 THE COURT: Do you have copies, ma'am,  
9 of your Exhibit 1 and the deed that we're  
10 talking about here?

11 MS. EVERSOLE: The deed is our -- is  
12 our Exhibit 1.

13 THE COURT: Is your Exhibit 1.

14 It seems to match, but I'll let you  
15 take a look.

16 MS. KAREN POLITE: Yeah, Your Honor, it  
17 does match.

18 THE COURT: Okay.

19 MS. KAREN POLITE: But the -- but --

20 Your Honor, to be fair, I -- I believe  
21 that if they open the door to my grandmother  
22 property that was -- that she bought back, I  
23 should have every right to at least question  
24 her about what she has testified to thus  
25 far, because I didn't -- I didn't ask

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 anything about my grandmother's property.

3 She's the one said that they got the  
4 property -- she got the property back. And

5 all -- the whole thing is on the same  
6 parcel. It's the same -- it's the same --

7 and here's -- because she even stated  
8 that -- that she bought it in 1983. This --  
9 this document say it was purchased by Bubby  
10 in 1980.

11 MS. EVERSOLE: Your Honor, I think  
12 she . . .

13 THE COURT: Go ahead.

14 I don't -- I don't know whether -- I  
15 mean, we're not going to expand this case  
16 beyond the pleadings.

17 MS. KAREN POLITE: Okay.

18 THE COURT: The pleadings in this case  
19 are about an eviction action on .79 acres  
20 that apparently, according to testimony, was  
21 once one acre, but as -- as often happens,  
22 it's not uncommon, the water authority or  
23 some utility comes through and takes some of  
24 the property. And you have counterclaimed  
25 for adverse possession on that very same

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 property, the .79 acres.

3 MS. KAREN POLITE: Plus.

4 THE COURT: Not -- there's no plus.

5 MS. KAREN POLITE: Yes. There's a ---

6 THE COURT: There's no lis pendens  
7 filed.

8 MS. KAREN POLITE: Okay.

9 THE COURT: There's not really even a  
10 thoroughly fleshed out adverse possession  
11 counterclaim. But for the sake of making a  
12 complete record, we'll go ahead and -- and  
13 see where we go. But I don't . . .

14 MS. KAREN POLITE: She's not letting  
15 me -- she -- Your Honor, a lot -- a lot what  
16 -- a lot of what's being said is not --  
17 okay, I have -- well, you said it's -- you  
18 said -- repeat that. That there's no claim?

19 THE COURT: I'm not going to say  
20 there's no claim, because you have written  
21 the words in this answer and sort of  
22 counterclaim.

23 But what is it that you are claiming?

24 What -- what is it ---

25 MS. KAREN POLITE: I'm claiming in good

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
 2 faith, Your Honor, I took care of this  
 3 property for more than 30 years. Rachel  
 4 Polite at the end came in and destroyed the  
 5 property. Not only did she destroy the  
 6 property, this property wasn't even hers to  
 7 begin with. This was mine. Okay. And I  
 8 believe that from day one.

9 THE COURT: Tell -- tell me what you  
 10 mean by "the property," because that's  
 11 what -- that's what we're talking about  
 12 right now.

13 MS. KAREN POLITE: The property that  
 14 I'm on, the .79 acres.

15 THE COURT: Okay. So you're not  
 16 seeking anything other than the .79 acres.

17 MS. KAREN POLITE: And then -- no, I  
 18 add into my complaint the .79 acres plus the  
 19 1 -- the 114-B. And that's -- that's a --  
 20 it was always connected with the .79 acres.

21 THE COURT: And who lives there now?

22 MS. KAREN POLITE: No one lives there.  
 23 That property is right -- it's -- it's -- my  
 24 mother cut that property off. She -- she --  
 25 she split the property in half in 1983. And

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
 2 that's what she did. And -- and she split  
 3 it, but she claimed -- she also claimed that  
 4 it belonged -- my dad bought it.

5 But if he -- if Bubby Polite bought the  
 6 property, how was she able to split the  
 7 property in 1983 and got divorced in 1989?

8 THE COURT: Of course, I think we've  
 9 just established that the divorce is what is  
 10 now the .79 acres -- right?

11 MS. KAREN POLITE: Right.

12 THE COURT: -- based on the exhibit.

13 So -- so that -- the -- what Bubby  
 14 gave, according to the divorce, is this  
 15 property, the .79 acres, right? Not some  
 16 adjacent property.

17 MS. EVERSOLE: May I, Judge?

18 THE COURT: Yes, go ahead.

19 MS. EVERSOLE: This -- these are the  
 20 public records. These are the two deeds  
 21 that she's referring to for the other  
 22 property showing that Rachel Polite  
 23 purchased them from Emily Holmes. It never  
 24 was Bubby Polite property. It was her  
 25 mother's property.

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
 2 MS. KAREN POLITE: But she testified  
 3 that she -- she didn't purchase the  
 4 property. It was in my dad name. He  
 5 purchased the property. You see what I'm  
 6 saying? So that's not being truthful.

7 THE COURT: My understanding was she  
 8 was talking about the .79 acres. I tell you  
 9 what, why don't you ask her the question  
 10 again, and let's see what her testimony is.  
 11 But when we talk about the word property, I  
 12 thought y'all were talking about the  
 13 property that's in the complaint.

14 MS. KAREN POLITE: Well, she's the one  
 15 that introduced on both of the property,  
 16 Your Honor. Am I correct? She,  
 17 Ms. Eversole introduced on both of the  
 18 property, so that's two different property.

19 THE COURT: Well, go ahead and ask her  
 20 the next question, if you would, please.

21 BY MS. KAREN POLITE:

22 Q Well, I already -- the question that I  
 23 asked her before is if she sold any property,  
 24 and she said no. And that -- that will be the  
 25 next question for . . .

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)  
 2 THE COURT: Okay. Did you sell any --  
 3 any --

4 In what timeframe? Do you mean forever  
 5 and ever, or . . .

6 MS. KAREN POLITE: Just -- just in  
 7 1983, that's all I want to know. Did she --  
 8 did she buy -- did she sell any property in  
 9 1983? That's all I want to know. And she  
 10 told -- she said ---

11 THE COURT: Go ahead and answer it, if  
 12 you know, ma'am.

13 THE WITNESS: In 1983 I did not sell no  
 14 property.

15 THE COURT: Okay. Thank you so much.

16 BY MS. KAREN POLITE:

17 Q Okay. Do you recognize this, ma'am?

18 MS. EVERSOLE: Do you recognize that?  
 19 Have you ever seen this before?

20 THE WITNESS: No, I don't know what  
 21 this is.

22 THE COURT: Okay.

23 MS. KAREN POLITE: Okay. What this is,  
 24 Your Honor ---

25 MS. EVERSOLE: Objection.

## 1 THE COURT - RACHEL POLITE (CROSS EXAMINATION)

2 THE COURT: Well, why don't you wait  
3 until -- until you testify.

4 MS. KAREN POLITE: Oh, okay.

5 THE COURT: Just hang onto it.

6 MS. KAREN POLITE: Oh, okay. No  
7 problem. Okay, not no problem. Okay. All  
8 right. That's it for now.

9 THE COURT: You have no further  
10 questions of this witness, is that correct?

11 MS. KAREN POLITE: No, Your Honor.

12 THE COURT: Any other questions of your  
13 client?

14 MS. EVERSOLE: No, Your Honor.

15 CROSS EXAMINATION

16 BY THE COURT:

17 Q I have just a time line question. I  
18 was trying to sort the time line out on the pad,  
19 and I kept crossing things out and going  
20 through.

21 So on the mobile homes, there was a  
22 mobile home that was never put together that was  
23 on what's been described as the front of the  
24 property.

25 A Yeah, the front. Right.

## 1 THE COURT - RACHEL POLITE (CROSS EXAMINATION)

2 Q What was the approximate year that that  
3 was rolled in and taken out, approximately? Was  
4 that while you were married to Bubby, or ---

5 A No.

6 Q --- afterwards?

7 A No, that was -- that was way after.  
8 That was like in 2000 something.

9 Q Were there other mobile homes on the  
10 property at the time that one was rolled in?

11 A There was a single wide next to the  
12 house.

13 Q All right. And who was -- was the  
14 single wide occupied?

15 A Donald.

16 Q Okay.

17 A Donald was living in the single wide.

18 Q Okay. And who -- what year? Do you  
19 know what year?

20 A I don't know even know when ...

21 Q Okay. So that one was ---

22 A I -- because I bought it from an  
23 individual. I didn't ask what year it was. I  
24 just bought it because it was, you know ...

25 Q Was it before or after the mobile home

## 1 THE COURT - RACHEL POLITE (CROSS EXAMINATION)

2 in the middle of the property that the Defendant  
3 lives in was there?

4 A It would have been after.

5 Q Okay. So at that point when this  
6 double wide was rolled in, it was my  
7 understanding never put together and it was at  
8 some point removed --

9 A Correct.

10 Q -- the house itself that has now fallen  
11 into disrepair was in the back of the property  
12 with a single wide, and in the middle of the  
13 property was the Defendant's trailer.

14 A Yes.

15 Q Okay. And where were you living at  
16 this point? What -- what timeframe --

17 A In the house.

18 Q In the house, okay, even though it was  
19 in disrepair -- or now it's in disrepair.

20 A Well, at that time it was -- it was in  
21 good condition ---

22 Q Got you.

23 A --- at that time.

24 Q Okay. All right. What was the next --  
25 and, well, we don't know what year that was, but

## 1 THE COURT - RACHEL POLITE (CROSS EXAMINATION)

2 we do know it was prior to the -- Matthew, the  
3 one that -- the house was destroyed by Matthew  
4 and the other one.

5 A Right. Yes.

6 Q Okay. So the next thing that happened  
7 was the two pieces of that mobile home were  
8 removed, or did something else -- did the house  
9 fall into disrepair, or what was the next thing  
10 that happened?

11 A Which one now?

12 Q The -- the mobile home that was closest  
13 to the street that was never put together, that  
14 one was at some point removed, I think you said?

15 A It was removed because the rain damaged  
16 it, you know, like the rain coming in between.

17 Q Right.

18 A And it damaged it, and I just had it  
19 removed.

20 Q Had it removed. Okay.

21 And at that time you're living in the  
22 house in the back?

23 A In the house, yes.

24 Q Okay. And then in -- at some point  
25 very close prior to Matthew, whenever Matthew

1 THE COURT - RACHEL POLITE (CROSS EXAMINATION)

2 arrived, you had was that a double wide or a  
3 single wide brought in?

4 A A double wide.

5 Q Okay. And the double wide was brought  
6 in and set up --

7 A In 2016.

8 Q '16, okay. And you were at that point  
9 living where?

10 A In the house.

11 Q In the house, getting ready to move  
12 into the double wide.

13 A Wait a minute now. When -- before the  
14 double wide was brought in, I was living in the  
15 house. And because of the mold was moving in  
16 the house so fast, I moved out of the house and  
17 moved across the street in my mom's trailer.

18 Q Okay.

19 A And I lived in my mom's trailer from  
20 2014 until I moved into the trailer that I am in  
21 now.

22 Q Got it. Okay. And the trailer you're  
23 in now was a replacement for the trailer that  
24 was destroyed in Matthew?

25 A Yes.

1 THE COURT - RACHEL POLITE (CROSS EXAMINATION)

2 Q Okay. I think I -- I think I  
3 understand.

4 And the house now that you've lived in  
5 on the back, the one that eventually got mold  
6 and had all those problems, was that leveled, or  
7 is that still there?

8 A Half of it is still there.

9 Q Half of it. Okay.

10 A Yeah.

11 Q And is the single wide that's in the  
12 back still there?

13 A Yeah.

14 Q Okay. And who lives there?

15 A The single -- the -- no, no, no, no,  
16 no. You're talking about the first single wide.

17 Q Correct, the one that was all the way  
18 in the back.

19 A No. That one -- that one been gone  
20 also.

21 Q Okay, got you. All right. And you've  
22 never lived in that one?

23 A No.

24 Q That was ---

25 A My son lived in that. Yeah.

1 KAREN POLITE - RACHEL POLITE (RECROSS EXAMINATION)

2 Q Got it. Okay.

3 THE COURT: All right. Any questions  
4 of this witness based specifically on my  
5 questions?

6 MS. KAREN POLITE: I -- Your Honor, I  
7 just -- I just -- I just have one more --  
8 one more question, and that's it for her.

9 THE COURT: All right. It's got to be  
10 related to my question, like a time line  
11 question.

12 RECROSS EXAMINATION

13 BY MS. KAREN POLITE:

14 Q The -- the single wide now she lives  
15 in -- do you still -- do you live in a single  
16 wide now?

17 A That's not the one he was talking  
18 about.

19 THE COURT: I'm talking about I  
20 understand that the double wide that was  
21 crushed by the Matthew tree was replaced by  
22 a single wide.

23 MS. KAREN POLITE: That's right.

24 THE COURT: I understand that before  
25 that single wide came in, there was a single

1

2 wide that was next to the house in the very  
3 back. That's my understanding of the  
4 testimony thus far. So those are the two  
5 single wides that -- that we're -- if you're  
6 asking what my question was about.

7 MS. KAREN POLITE: Well, okay. That's  
8 fine.

9 THE COURT: So no further questions of  
10 this witness.

11 Thank you so much.

12 Please call your next witness.

13 MS. EVERSOLE: We rest, Your Honor.

14 THE COURT: All right. Let's move  
15 then -- do we need a five-minute break, or  
16 do we want to keep on rolling?

17 MS. KAREN POLITE: We'll get a  
18 five-minute break.

19 MS. RACHEL POLITE: I need a  
20 five-minute break.

21 THE COURT: All right. It's 11:18.  
22 Let's make it a ten-minute break, so let's  
23 try to come back a little before 11:30.

24 (Whereupon, a break was  
25 taken from 11:18 until 11:24

1 a.m.)  
 2  
 3 THE COURT: All right then, back on the  
 4 record. My understanding is the Plaintiff  
 5 has rested.

6 Any defense motions before I call for  
 7 the Defendant's case?

8 All right. Hearing none, Ms. Polite,  
 9 you may begin. Call your first witness,  
 10 please. And what I'm going to end up  
 11 probably doing is, I should have done this  
 12 before we started, it's going to be better  
 13 for our court reporter to have the witness  
 14 kind of -- I can either move this chair  
 15 here -- what would you prefer?

16 MS. EVERSOLE: I can put her here on  
 17 this end.

18 THE REPORTER: All right, that would be  
 19 perfect.

20 THE COURT: We'll make sure the witness  
 21 is here on the end.

22 So, Ms. Karen Polite, call your first  
 23 witness, please.

24 MS. KAREN POLITE: Did -- did Cantrice  
 25 leave?

1 KAREN POLITE - ANTONIO POLITE (DIRECT EXAMINATION)

2 MR. DONALD MITCHELL: She left.

3 MS. KAREN POLITE: I call Antonio  
 4 Polite.

5 ANTONIO ANTHONY POLITE,  
 6 having been produced and first duly sworn as a  
 7 witness, testified as follows:

8 THE COURT: Have a seat please. State  
 9 your full name for the record.

10 THE WITNESS: Antonio Anthony Polite.

11 THE COURT: So it's Antonio, and you go  
 12 by Anthony, or is it Antonio Anthony Polite?

13 THE WITNESS: Antonio is my first.  
 14 Anthony is my middle.

15 THE COURT: Got it, okay. Just trying  
 16 to keep it all right. So thank you, sir.  
 17 Please answer any questions Ms. Polite may  
 18 have of you.

19 THE WITNESS: Okay.

20 DIRECT EXAMINATION

21 BY MS. KAREN POLITE:

22 Q Hey, Antonio. Am I your mom?

23 A Yes. You're my beautiful mom.

24 Q Thank you. And how do you know the  
 25 Plaintiff?

1 KAREN POLITE - ANTONIO POLITE (DIRECT EXAMINATION)

2 A She's my beautiful grandmother.

3 Q Okay. So how long have you stayed on  
 4 the property -- how long -- how long -- let me  
 5 put it like this: How long have you known about  
 6 the property?

7 A Since I was a little boy chasing  
 8 butterflies.

9 Q Okay. So at some point, were you  
 10 staying somewhere else?

11 A When I went off to college.

12 Q Before then. When you -- you  
 13 probably -- let's see . . .

14 MS. EVERSOLE: I'm going to object as  
 15 to relevance.

16 THE COURT: Well, we'll let a little --  
 17 I said I'll allow her to ask him a little  
 18 bit. I ---

19 MS. KAREN POLITE: Your Honor?

20 THE COURT: Go ahead.

21 MS. KAREN POLITE: Well, she did  
 22 say that the -- that she allowed him --  
 23 allow my young children to stay on the  
 24 property, but ---

25 THE COURT: I told -- I said you can go

1 KAREN POLITE - ANTONIO POLITE (DIRECT EXAMINATION)

2 ahead.

3 MS. KAREN POLITE: Oh, okay. I'm  
 4 sorry.

5 THE COURT: No, go ahead, please.

6 MS. KAREN POLITE: Okay.

7 BY MS. KAREN POLITE:

8 Q So at any point did you stay anywhere  
 9 else within ten years of growing up?

10 A With my grandmother.

11 Q And your -- your "grandmother" meaning  
 12 the Defendant -- I mean the Plaintiff? I'm  
 13 sorry, the Plaintiff, Rachel?

14 A Yes.

15 Q Or, okay, did you ever live with  
 16 Nazarine Holmes?

17 A Yes.

18 Q And how long did you live there?

19 A Ummm --

20 Q Did you live at Ms. Nazarine Holmes'  
 21 nine years?

22 A From the ages of . . .

23 MS. KAREN POLITE: You can't answer the  
 24 question, Ms. Rachel.

25 THE WITNESS: It's about -- about --

1 KAREN POLITE - ANTONIO POLITE (DIRECT EXAMINATION)  
 2 THE COURT: Have you seen that?  
 3 MS. EVERSOLE: I saw it.  
 4 THE COURT: That will be 15,  
 5 Defendant's 15,  
 6 (Whereupon, Defendant's Exhibit  
 7 Number 15 was marked for  
 8 identification and received  
 9 into evidence.)  
 10 BY MS. KAREN POLITE:  
 11 Q Okay. So let's talk about the tax. Do  
 12 you remember -- ever remember me paying --  
 13 giving -- giving you 500 -- well, any money to  
 14 pay the tax, delinquent tax on the property?  
 15 A Yes. You paid tax.  
 16 Q Tell me about that.  
 17 A You -- the Defendant has paid tax,  
 18 property tax, land tax, because sometimes I  
 19 would have to sign off on her behalf because she  
 20 was either out of town or just unavailable to  
 21 sign off on it, so she would give me permission  
 22 to sign off on it. I would have to go to --  
 23 come to the courthouse, pay the tax sometimes.  
 24 But in ---  
 25 Q What do you mean by "sign off"? Did I

1 KAREN POLITE - ANTONIO POLITE (DIRECT EXAMINATION)  
 2 -- was there a check or money order or check?  
 3 Was there a check at any point, that you ever  
 4 signed a check?  
 5 A On your -- with your permission?  
 6 Q Yes.  
 7 A I have signed checks with your  
 8 permission.  
 9 Q I'm talking about the tax.  
 10 A I've done that.  
 11 Q And how much was the -- was the tax  
 12 delinquent on the property?  
 13 A There -- there may have been some  
 14 delinquencies, but I don't remember how much the  
 15 amount was.  
 16 Q And the money that you signed off on  
 17 could have been \$500?  
 18 A It would probably have been a little  
 19 bit closer to seven.  
 20 Q And do you recognize that -- that tax  
 21 paper?  
 22 A Payment?  
 23 Q Yes.  
 24 A In 2009, paid 422. I don't -- I  
 25 mean -- I mean, the receipt?

1 KAREN POLITE - ANTONIO POLITE (DIRECT EXAMINATION)  
 2 Q That's the receipt.  
 3 A It's a receipt, yeah.  
 4 Q Okay. So -- but you said it was about  
 5 \$500?  
 6 A The receipt says it was four -- yeah,  
 7 about four -- close to 500.  
 8 Q And do you -- would you -- would you  
 9 normally -- would I normally pay that much for  
 10 the tax for one year?  
 11 MS. EVERSOLE: Objection. What she  
 12 would normally do is not ---  
 13 BY MS. KAREN POLITE:  
 14 Q Okay. So would that amount for one  
 15 year be paid?  
 16 A Not usually, no.  
 17 Q So would you say over a period of time?  
 18 A I don't understand the question.  
 19 THE COURT: Try not to lead as much.  
 20 MS. KAREN POLITE: Okay. Oh, I'm  
 21 sorry.  
 22 THE COURT: That's all right.  
 23 MS. KAREN POLITE: Okay.  
 24 THE COURT: Don't -- don't ask a  
 25 question that can be responded with "yes" or

1 KAREN POLITE - ANTONIO POLITE (DIRECT EXAMINATION)  
 2 "no."  
 3 MS. KAREN POLITE: I got you. Okay.  
 4 BY MS. KAREN POLITE:  
 5 Q Did your grandmother ever give you \$500  
 6 to pay that tax?  
 7 A My grandmother never gave me money to  
 8 pay the tax.  
 9 Q Who gave you money to pay the tax?  
 10 A Karen Polite gave me money to pay the  
 11 tax.  
 12 Q And when Karen didn't give you money to  
 13 pay the tax -- okay --  
 14 MS. KAREN POLITE: Can I enter this  
 15 into evidence?  
 16 MS. EVERSOLE: I object. He couldn't  
 17 recognize that as belonging to him.  
 18 MS. KAREN POLITE: He said he did.  
 19 MS. EVERSOLE: No. He read it is what  
 20 he did.  
 21 THE COURT: Yeah, he read it. He said  
 22 he paid the tax.  
 23 Does it have a cancelled -- is there a  
 24 cancelled check or anything? Perhaps when  
 25 you testify, you can -- you can -- you're

1 KAREN POLITE - ANTONIO POLITE (DIRECT EXAMINATION)  
 2 welcome to bring it back up.  
 3 And I think we're out of the injunction  
 4 portion now, right? You now asking other  
 5 questions than ---  
 6 MS. KAREN POLITE: Yes, sir, well,  
 7 yeah, because I didn't -- yeah, yeah,  
 8 correct.  
 9 THE COURT: Okay. So anyway, go ahead,  
 10 if you would.  
 11 MS. KAREN POLITE: But the -- the tax,  
 12 Your Honor, was the -- the fact that they  
 13 said I never paid any tax.  
 14 THE COURT: Okay. And you're welcome  
 15 to testify that you did when it's time for  
 16 you to testify.  
 17 MS. KAREN POLITE: Well, he -- he -- he  
 18 -- what . . .  
 19 THE COURT: Well, he's testified he  
 20 took something like 400 or whatever that  
 21 number was there on at least one occasion.  
 22 MS. KAREN POLITE: But he said multiple  
 23 occasions I paid taxes.  
 24 THE COURT: Well ---  
 25 MS. KAREN POLITE: Can they ---

1 KAREN POLITE - ANTONIO POLITE (DIRECT EXAMINATION)  
 2 THE COURT: Why don't you testify as to  
 3 what you paid when we get there. Okay?  
 4 MS. KAREN POLITE: No, he testified to  
 5 what I gave him ---  
 6 THE COURT: I understand.  
 7 MS. KAREN POLITE: --- to go down there  
 8 and pay it.  
 9 THE COURT: Tell me what that is. I  
 10 haven't even seen it. What is it? It's a  
 11 receipt or what?  
 12 MS. KAREN POLITE: It's a delinquent --  
 13 it's a -- it's a copy of the delinquent  
 14 taxes that I paid on -- a check. It was  
 15 a -- I actually gave a check.  
 16 THE COURT: All right, fine, I'll --  
 17 it's over Plaintiff's objection. It will be  
 18 Defendant's 16, and just go ahead and -- for  
 19 ID only and over Plaintiff's objection.  
 20 (Whereupon, Defendant's Exhibit  
 21 Number 16 was marked for  
 22 identification.)  
 23 THE COURT: All right. Go ahead,  
 24 please.  
 25 BY MS. KAREN POLITE:

1 KAREN POLITE - ANTONIO POLITE (DIRECT EXAMINATION)  
 2 Q Okay. So you testified to me  
 3 maintaining -- improving the yard.  
 4 A Yes.  
 5 Q When you came back, the yard was always  
 6 cut?  
 7 A Sometimes -- it wasn't always cut.  
 8 Sometimes the yard wasn't cut, so I would go and  
 9 I would cut the yard, but that was something  
 10 that we always did. Me and my brother, we cut  
 11 the yard. We maintained the yard, and you  
 12 maintained the yard.  
 13 Q And the -- and the driveway?  
 14 A And the driveway into the yard.  
 15 Q Did the Defendant ever pay to maintain  
 16 the driveway?  
 17 A Rephrase the question, please.  
 18 Q Did -- did the -- I'm sorry. Did the  
 19 Plaintiff ever maintain the driveway?  
 20 A No.  
 21 Q Did -- did the -- did the Plaintiff  
 22 ever use a push mower to push the yard?  
 23 A No.  
 24 Q Did the -- okay. So have you -- have  
 25 you ever -- have you ever seen a double wide

1 KAREN POLITE - ANTONIO POLITE (DIRECT EXAMINATION)  
 2 mobile home in front of the yard?  
 3 A Yes.  
 4 Q Have you ever witnessed on the property  
 5 or have you ever had to clean up -- help with  
 6 the cleaning up of the property because there  
 7 was a violation?  
 8 A Yes.  
 9 Q How many times?  
 10 A At least three.  
 11 MS. KAREN POLITE: Okay. No more  
 12 questions, Your Honor.  
 13 THE COURT: Thank you so much.  
 14 Ms. Eversole, do you have any questions  
 15 of this witness?  
 16 MS. EVERSOLE: I don't, Your Honor.  
 17 THE COURT: Thank you. I don't have  
 18 any questions. You may sit down, sir.  
 19 Thank you.  
 20 THE WITNESS: Thank you.  
 21 THE COURT: All right. It is 12:10.  
 22 How many other witnesses do you have?  
 23 MS. KAREN POLITE: I only have one  
 24 more, Your Honor.  
 25 THE COURT: Is it -- is that you?

1  
2 MS. KAREN POLITE: Mr. Tom -- where is  
3 he?  
4 MR. DONALD MITCHELL: He's coming.  
5 THE COURT: So you have one witness  
6 plus you; is that correct?  
7 MS. KAREN POLITE: Yes, Your Honor.  
8 THE COURT: Okay. All right. What are  
9 y'all's feelings on taking ten minutes and  
10 then just pushing through and hoping that we  
11 eat lunch later at some point? Does that  
12 work?  
13 MS. EVERSOLE: I'm good with that, Your  
14 Honor.  
15 THE COURT: Okay. Let's do that then.  
16 We'll take ten minutes. It's 12:11, and  
17 then we'll go right into your -- your  
18 witness.  
19 MS. KAREN POLITE: Okay.  
20 THE COURT: Thanks.  
21 (Whereupon, a break was  
22 taken from 12:11 until 12:18  
23 p.m.)  
24 THE COURT: All right. Who is your  
25 next witness?

1 *KAREN POLITE - THOMAS SMALLS (DIRECT EXAMINATION)*  
2 MS. KAREN POLITE: Thomas Smalls.  
3 THE COURT: Come on around, sir.  
4 THOMAS SMALLS,  
5 having been produced and first duly sworn as a  
6 witness, testified as follows:  
7 THE COURT: Thank you, sir. And you  
8 are Thomas Smalls. No middle name at all.  
9 THE WITNESS: No middle name.  
10 THE COURT: No middle name. Thomas  
11 Smalls. All right. Thank you so much, sir.  
12 Please answer any questions that the  
13 Defendant may have of you.  
14 DIRECT EXAMINATION  
15 BY MS. KAREN POLITE:  
16 Q Hey, cousin Tommy.  
17 A **How're you doing?**  
18 Q Okay. How do you know me?  
19 A **Your father and your mother.**  
20 Q Okay. And did you know me like --  
21 A **Well, I knew your father used to bring**  
22 **you over to my mother house. She get -- she get**  
23 **to take care of you sometimes.**  
24 Q Speak up. Say it again.  
25 A **I said I know my -- your father used to**

1 *KAREN POLITE - THOMAS SMALLS (DIRECT EXAMINATION)*  
2 **bring you to my mother.**  
3 THE WITNESS: My mother is her -- is  
4 her father's sister.  
5 BY MS. KAREN POLITE:  
6 Q Got you. And how long have had my dad  
7 been doing that?  
8 A **I don't know. It's a long time.**  
9 Q So you would say you had a great  
10 relationship with my dad?  
11 MS. EVERSOLE: Objection. Leading  
12 question.  
13 MS. KAREN POLITE: Okay.  
14 BY MS. KAREN POLITE:  
15 Q What was -- what was my dad's name?  
16 A **Evon Blake. (Phonetic.)**  
17 Q And did they call him another name?  
18 A **Bubby.**  
19 Q Okay. So what was your relationship  
20 with him?  
21 A **He was my uncle, and he fixed -- he**  
22 **fixed my car for me. That's what he did for me.**  
23 Q Okay. And did you -- did you know his  
24 wife?  
25 A **Yes.**

1 *KAREN POLITE - THOMAS SMALLS (DIRECT EXAMINATION)*  
2 Q What's her name?  
3 A **Well, we called her Ticker, but her**  
4 **name's Ray.**  
5 Q And would she come to your mother's  
6 house with the little girl? What was her name?  
7 A **You -- the name Porsia.**  
8 MS. KAREN POLITE: He's saying Karen.  
9 My middle name is Porsia.  
10 THE WITNESS: Her real name is Porsia.  
11 BY MS. KAREN POLITE:  
12 Q You don't know me by . . .  
13 A **I know her by Porsia.**  
14 Q Right, okay. So did he bring the other  
15 children?  
16 MS. EVERSOLE: I have to object to the  
17 relevance of this, Your Honor.  
18 MS. KAREN POLITE: I'm just leading to  
19 -- to the -- okay, no problem.  
20 THE COURT: Yeah. Just kind of jump  
21 ahead for me.  
22 MS. KAREN POLITE: Okay, I'll just jump  
23 over. Okay. So -- all right.  
24 BY MS. KAREN POLITE:  
25 Q So let's go to, did you ever have a

1 KAREN POLITE - THOMAS SMALLS (DIRECT EXAMINATION)  
 2 **see your mother. That's all.**  
 3 Q Did you see any other children?  
 4 A **No, not no other.**  
 5 Q Okay. And you didn't see them. Okay.  
 6 You said my dad would fix cars?  
 7 THE COURT: And I need you to say yes  
 8 or no.  
 9 THE WITNESS: Yes. Excuse me. Yes.  
 10 THE COURT: Thank you so much. Go  
 11 ahead.  
 12 BY MS. KAREN POLITE:  
 13 Q And where would he fix the cars?  
 14 A **By your -- to your mother house.**  
 15 Q So at that time, did my mother -- was  
 16 there -- at my mother house, so on the left or  
 17 the right?  
 18 A **Left -- yours on the left, your mother**  
 19 **on the right.**  
 20 Q You say "yours."  
 21 A **You -- I mean your house is on the**  
 22 **left.**  
 23 Q And hers is on the right?  
 24 A **Correct.**  
 25 Q So mine on the right -- I mean left and

1 KAREN POLITE - THOMAS SMALLS (DIRECT EXAMINATION)  
 2 hers on the right. Okay.  
 3 So was my house always there?  
 4 A **As long as I know.**  
 5 Q Okay. So was the other side of the  
 6 property always there? When I was young, was it  
 7 there?  
 8 A **Yes.**  
 9 Q Was the -- the property was there?  
 10 A **The property was there, and the house,**  
 11 **like you said, the house was there too.**  
 12 Q Just the property and the house ---  
 13 A **Yes.**  
 14 Q --- that my mother and my dad ---  
 15 A **Yes.**  
 16 Q --- bought was always there?  
 17 A **Yes.**  
 18 Q Okay. So you said I was at the -- on  
 19 the left -- on the left -- on the -- I was on  
 20 the left. So if I was -- on the right. I was  
 21 on the right.  
 22 So if I was on the right and she was on  
 23 the left with the house, and you said -- but  
 24 what -- was my house there at the time?  
 25 A **I said your mother was on the right,**

1 KAREN POLITE - THOMAS SMALLS (DIRECT EXAMINATION)  
 2 **and you was on the left.**  
 3 Q Okay. So what happened with -- how did  
 4 I get on the left, on the other side?  
 5 A **Because it drives -- the road comes**  
 6 **straight through between you and your mother.**  
 7 Q Right.  
 8 A **Okay. And you live on -- near the wood**  
 9 **side. Your mother live up on the hill, on the**  
 10 **right side.**  
 11 Q Do you know how that happened? Did --  
 12 A **I don't know.**  
 13 Q Did --  
 14 A **I know -- I know when I come through**  
 15 **there, that that's all I see.**  
 16 Q And you -- that's how it was when I had  
 17 the home, or before?  
 18 A **No, that been when you had your home.**  
 19 Q Okay. But before it wasn't no house  
 20 there?  
 21 A **Yeah, I mean, the house was there but**  
 22 **not your trailer.**  
 23 Q Not my trailer.  
 24 A **Okay.**  
 25 Q Okay. Okay. All right.

1 KAREN POLITE - (TESTIMONY)  
 2 MS. KAREN POLITE: Okay. No more  
 3 questions.  
 4 THE COURT: Do you have any questions  
 5 of this witness?  
 6 MS. EVERSOLE: Not right now, no, Your  
 7 Honor.  
 8 THE COURT: All right. Thank you so  
 9 much, sir.  
 10 THE WITNESS: Thank you, sir.  
 11 THE COURT: All right, ma'am. My  
 12 understanding is you are your own last  
 13 witness; is that correct?  
 14 MS. KAREN POLITE: Sure.  
 15 THE COURT: Okay. I mean, is  
 16 that . . .  
 17 MS. KAREN POLITE: Yes.  
 18 THE COURT: That's what you told me  
 19 earlier. I'm just making sure that's still  
 20 the plan.  
 21 MS. KAREN POLITE: Yes. Yes.  
 22 KAREN POLITE.  
 23 having been produced and first duly sworn as a  
 24 witness, testified as follows:  
 25 THE COURT: And you, of course, are the

## 1 KAREN POLITE - (TESTIMONY)

2 never knew I had sisters and brothers. I  
3 never -- living in Miami, because I lived  
4 in -- it was me, my mom, and my dad always.  
5 I never -- I never spoke to my siblings. I  
6 never even knew that I had sisters and  
7 brothers.

8 So when we returned, that's when my dad  
9 bought the first property.

10 The second property, I used to run  
11 through the bushes, you know, politic poles  
12 (phonetic) and sticks and stuff, because  
13 there wasn't nothing there.

14 So when -- when my dad bought the  
15 second part, that's when me and my dad used  
16 to be in the yard and had sprinklers in the  
17 field. We put sprinklers in the field. We  
18 put -- we put trees in the field. We even  
19 put lights around the trees. And this was  
20 the second piece of property.

21 The first piece of property, which  
22 where we moving this house, it was like a --  
23 it was like a club, because it was wide  
24 open. It was always -- the club was always  
25 there.

## 1 KAREN POLITE - (TESTIMONY)

2 So it's like my dad put separate tanks  
3 there, everything. I witnessed all of this  
4 growing up. Still no sisters and brothers  
5 around, none - just me, my mama, and my  
6 daddy.

7 And I say that, Your Honor, because I  
8 continued to grow up, continued to grow up,  
9 but I kept up on working in this yard,  
10 cleaning this yard, everything.

11 It didn't have a driveway. We would  
12 use -- it was called -- back then, it was  
13 called Ivory Road, which leads into the back  
14 of the yard to the old house, to the club.  
15 It wasn't no road, just -- just a -- a  
16 beautiful yard, no -- no driveway, no  
17 nothing. When my dad got through, it was  
18 beautiful.

19 And this is what we did for a long  
20 time. But my dad kept me away from anybody,  
21 kept taking -- sending me back to Miami,  
22 kept me away from them, so -- and my aunt's  
23 house on the weekend. Sometimes late, take  
24 me to my aunt house, go over there, pick me  
25 up. And this is my -- the -- my first

## 1 KAREN POLITE - (TESTIMONY)

2 cousin -- I mean, well, my dad's nephew had  
3 testified to that.

4 Then, okay, so now my -- my first  
5 son -- when my first son was born, I was  
6 living in my dad's -- I was living -- well,  
7 I was living in the -- in the old house, my  
8 dad's house, with my mother.

9 And we -- we couldn't -- we couldn't  
10 really get along. So there were nights that  
11 I walked maybe -- well, I take it back, when  
12 I was 14, 15, because I was 15 years old,  
13 and this wasn't in '89. I was 15 years old,  
14 maybe roughly about in '84, maybe '84,  
15 roughly about that.

16 And we were -- we wouldn't get -- we  
17 couldn't get along, so I would walk like  
18 maybe -- one night I remember walking like  
19 10 o'clock at night, and I walked to my dad  
20 house, and I was crying because we didn't  
21 get along. My dad brought me right back,  
22 said "This is my property, this is my house,  
23 and you stay here." And I stayed there  
24 until I got older.

25 But anyway, when I bought my house, the

## 1 KAREN POLITE - (TESTIMONY)

2 yard -- I -- I maintained my -- when I first  
3 bought the house, my mother -- I was  
4 bringing my -- the house on the property,  
5 and my mother told -- told -- stopped --  
6 told Earl's Mobile Home, "Stop. She's not  
7 bringing the -- bringing that whole house on  
8 this property."

9 My dad came, and he showed the  
10 authorities, because she called the police,  
11 told the authorities, "This is my property.  
12 This is my daughter" ---

13 MS. EVERSOLE: Objection. Hearsay.

14 MS. KAREN POLITE: Well, okay, yes.

15 Okay. But anyway, I heard this being said:

16 THE COURT: Well, that's sort of the  
17 same as . . .

18 MS. KAREN POLITE: Same thing?

19 THE COURT: Right. Yeah.

20 MS. KAREN POLITE: Okay. I tried.

21 So but anyway -- so anyway, so after I  
22 got the property, after -- after I started  
23 living on the property, as soon as -- as  
24 soon as my house got there in -- I think it  
25 was in 1988, I believe, what, that would be

## 1 KAREN POLITE - (TESTIMONY)

2 the next -- a few months -- it wasn't even  
3 quite a year, my mother filed for a divorce.  
4 My mother filed for a divorce, and --  
5 because, I mean, I was on the property. She  
6 didn't want me there. So she got a divorce  
7 from my father.

8 But my dad didn't -- my dad had six  
9 children, and I'm the -- well, yeah, six  
10 children with the Plaintiff, and I was --  
11 I'm the youngest, and my dad chose me. My  
12 dad chose me, and -- for whatever reason my  
13 dad chose me to live on that property.

14 I'm 56. The next is 57. The next is  
15 58. The next -- the other one is 59. We're  
16 talking all her kids, all of us are a year  
17 apart. So if I -- if I started living on  
18 the property when I was 22 years old, they  
19 never bought a house? They -- they never  
20 decide to -- you know, why didn't they move  
21 on the property if it was theirs?

22 So now I'm cleaning this yard,  
23 maintaining this yard, paying people to fix  
24 the yard, clean the yard, paying -- digging  
25 -- digging ditch after ditch. When my son

## 1 KAREN POLITE - (TESTIMONY)

2 comes home, he helps me. He, you know, do  
3 all of this.

4 My -- my mom -- mother have had  
5 violation after violation after violation.  
6 I had -- I'm sorry for the tone. My --  
7 the -- I did a freedom -- freedom search,  
8 and what happened is, couldn't find no  
9 violation, couldn't find nothing.

10 And over the years, my mom even had a  
11 violation on my grandmother's property  
12 because she had two old -- she had an old  
13 car sitting there on the highway, and they  
14 came out. I did a freedom search, couldn't  
15 find nothing, nothing under her name,  
16 because there was another property nobody  
17 know anything about.

18 While living on this property, Your  
19 Honor, I took care of this property. I  
20 treated this property like it was my own. I  
21 didn't allow anyone to come on this  
22 property, and I wasn't about to allow  
23 anybody to take it up.

24 My mother, I remember when she first  
25 bought a double wide -- well this -- go

## 1 KAREN POLITE - (TESTIMONY)

2 back. When -- when she would have a -- a  
3 whole lot of stuff in the back of the yard  
4 and we would get a violation, I would be out  
5 there for hours trying to clean it up. I  
6 remember one time when my mother got mad,  
7 because what I would try to do is clean the  
8 yard up when she'd go to work. So when  
9 she'd go to work, I'll clean it up, and I  
10 threw everything inside the fire in the pit,  
11 and I caught it on fire this one time. Oh,  
12 she was -- she -- she lost it.

13 And but I didn't do it by myself. It  
14 was me, my sons, and maybe one of my brother  
15 came out, and he hired a -- a thing, because  
16 she had to get it done in a certain amount  
17 of time because they -- they left a  
18 violation because she had all the garbage.

19 But I'm not trying to make her look bad  
20 or anything. I'm just telling the truth and  
21 telling it how it happened.

22 Me building a shed doesn't -- I  
23 improved the yard. And if that -- that was  
24 a violation for building a shed, clean the  
25 property off and then build a shed --

## 1 KAREN POLITE - (TESTIMONY)

2 Because they took all the trees out the  
3 yard. They took the trees that go with my  
4 house -- I remember my oldest brother,  
5 Donald Mitchell, saying to me -- well, he  
6 said it to me so I can say it -- no --  
7 that's hearsay too. Okay. All right.

8 I remember when the trees was over my  
9 house. And when the Plaintiff testified  
10 they removed all the trees so her mobile  
11 home could come on the property, what was  
12 the purpose of the mobile home? After  
13 Hurricane Matthew land in the mobile home,  
14 it's still there. And the violation, she  
15 probably get fined with another one. That  
16 -- that mobile home have been there since  
17 2016. This is 2020 -- '22, and it is  
18 blocking the easement onto the property.

19 Now, the driveway, I -- I -- I would --  
20 I wouldn't get -- my mother would not give  
21 me one dime to fix the driveway, to help me  
22 with the driveway. And her husband started  
23 bringing loads of dirt in the yard and piles  
24 of dirt that -- in the -- in the yard.

25 So my son and I -- my son will go and

## 1 KAREN POLITE - (TESTIMONY)

2 get the dirt. They would go crazy and said,  
3 you know, "Don't take the dirt out the  
4 yard."

5 So with this mobile home being said,  
6 the blue one that was sitting in front of  
7 the yard, and she moved it with all the  
8 beautiful trees, these were trees that me  
9 and my dad had planted that had lights  
10 around it. It might probably have been one  
11 tree that was dead, but the other two trees,  
12 there was no reason for her to pull those  
13 trees out of the yard. And why would I take  
14 a picture of it if it didn't bother me or  
15 hurt me? It left a big sink in the yard.

16 When I told her -- she had a violation,  
17 she had a sticker on that double wide  
18 trailer in front of the yard, she had a  
19 violation, and I saw it.

20 And before when the county came out, my  
21 dad -- me and my dad saw this happen. And  
22 I -- and I said, "I'm not paying no \$500 for  
23 a violation." And I told the Plaintiff  
24 that. I told her that. And I said -- now  
25 she said -- I want -- no, I can't say what

## 1 KAREN POLITE - (TESTIMONY)

2 she said.

3 But anyway, I told her I wasn't going  
4 to pay. But she already testified that she  
5 moved it. And that's why she moved it,  
6 because I didn't want it there. I did not  
7 want that trailer there. That was that --  
8 say it again -- the first double wide  
9 trailer.

10 Now, this was in 2000 -- I believe  
11 in -- this happened -- I -- I paid off all  
12 her bills in 2001. In 2001 I paid off all  
13 the Defendant bills.

14 I had \$92,000. I paid off \$30,000 in  
15 bills. And after I paid off the \$30,000 in  
16 bills, the Defendant and her children wanted  
17 me to give them more money, and I said no,  
18 to set up the double wide. And that's why  
19 the double wide went to shambles, because I  
20 wasn't about to give them any more money.

21 The Defendant -- I had already told the  
22 Defendant, Your Honor, that I was going to  
23 add on to my home.

24 This is a blueprint that Donald  
25 Mitchell drew out for me to add on to my

## 1 KAREN POLITE - (TESTIMONY)

2 home. Can I enter this into evidence?

3 THE COURT: Show it -- show it to  
4 counsel, if you would.

5 MS. KAREN POLITE: There you go.  
6 I can talk while they talk, or do I  
7 have to wait, Your Honor?

8 THE COURT: Let them -- let's deal with  
9 that first.

10 MS. KAREN POLITE: Okay. So when I --  
11 when -- because ---

12 THE COURT: Wait a minute.

13 What did we decide on that? Is that no  
14 objection?

15 MS. EVERSOLE: No objection.

16 THE COURT: No objection. So let's  
17 just mark that real quick as 17, I believe.  
18 All right.

19 (Whereupon, Defendant's Exhibit  
20 Number 17 was marked for  
21 identification and received  
22 into evidence.)

23 THE COURT: Defendant's 17 without  
24 objection.

25 Go ahead.

## 1 KAREN POLITE - (TESTIMONY)

2 MS. KAREN POLITE: And that blueprint  
3 was drawn by her son, Donald Mitchell, and  
4 that was right shortly after I paid off all  
5 my mother's bills. And my mother was  
6 supposed to get insurance for me to add on.

7 Shortly after, they -- they brought in  
8 a double wide, the same blue one, and they  
9 asked me to help.

10 I said no.

11 I can't say what they said. But  
12 anyway, I told them I wasn't giving out any  
13 more money because I didn't want that  
14 trailer in front of my house, and that's  
15 when they got the violation, because it just  
16 sat there.

17 And after this happened, so now we have  
18 all the trees gone. She took all the trees  
19 out. They came through the yard. They  
20 busted the sprinklers. That went AWOL. And  
21 all this took place after 2001. 2006 is  
22 when it took place. They drove in the yard,  
23 and it was a -- it was a mess. So that's  
24 when the sprinklers happened, the -- or  
25 whatever happened, in 2006. And I -- and I

## 1 KAREN POLITE - (TESTIMONY)

2 know this because I was there.

3 So then I'm still -- you know, I'm  
4 still riding around on this riding lawn  
5 mower. So my mother, who retired from --  
6 from Atlantic Coastline, she almost -- she  
7 almost lost her life, but I'll tell you,  
8 this was in '99. I was in college. I came  
9 home. My sister -- well, I came home  
10 because my mother was sick. I believe her  
11 gallbladder had bust, and took care of my  
12 mother for one year.

13 After I took care of my mother, she  
14 told -- she told me to go back to college.

15 I went back to school, cosmetology  
16 school. Came back home and continue --  
17 continued to take care of my mother with  
18 unconditional love, my mother and my father.  
19 And when I won the money, I bought my father  
20 a \$14,000 truck. I gave each one of my  
21 sisters and brothers \$100. I even gave  
22 \$1,000 to the church.

23 So in I believe -- I want to say my  
24 mother retired in 2007. Now all my money is  
25 gone, so I -- I didn't have anything. My

## 1 KAREN POLITE - (TESTIMONY)

2 mother got her retirement money. My mother  
3 bought me the best gift ever, she bought me  
4 a riding lawn mower.

5 I rode that riding lawn mower.  
6 Sometimes I had -- I had to replace certain  
7 things on it, so I put it in the shop. So  
8 now 2007, so now I've had it parked in my  
9 yard. She was like -- I mean, I can't tell  
10 you what she said, but anyway, I didn't let  
11 nobody use that lawn mower. I was the only  
12 person using it up until 2016 when Hurricane  
13 Matthew happened.

14 And my mother, well, she came -- she  
15 asked -- well, I can't say what she said.  
16 But anyway, I wasn't going to let anybody  
17 use it. And I'm trying to say how did she  
18 get -- but anyway, the -- the riding lawn  
19 mower just somehow left the property.  
20 Because she wanted my sister to use it, and  
21 I said no.

22 I'm trying to put it in a way where it  
23 wouldn't -- wouldn't be hearsay, that she  
24 asked me. That would be hearsay.

25 THE COURT: I'm not sure who the person

## 1 KAREN POLITE - (TESTIMONY)

2 you're talking about is.

3 MS. KAREN POLITE: I'm talking about my  
4 mother. She got the --

5 THE COURT: Without ruling on any  
6 specific objection that hadn't been made, if  
7 the person speaking is here and can be cross  
8 examined, then there are exceptions to the  
9 rule, so . . .

10 MS. KAREN POLITE: Okay.

11 THE COURT: But I'm -- but I'm not sure  
12 what a riding lawn mower being moved has to  
13 do -- I'm trying to -- I'm trying not to  
14 interrupt your -- your statement ---

15 MS. KAREN POLITE: I got you. Well ---

16 THE COURT: --- but there's nothing in  
17 the pleadings about a missing riding lawn  
18 mower.

19 MS. KAREN POLITE: Well, what happened  
20 is my -- I showed the -- the riding lawn  
21 mower as evidence in the case. And the  
22 riding lawn mower, it makes a -- it makes a  
23 difference as to the fact that I used that  
24 to continue to maintain, you know, cutting  
25 the grass, keeping the yard, improving the

## 1 KAREN POLITE - (TESTIMONY)

2 yard, taking care of the yard totally by  
3 myself, no one -- in 102 degrees, just out  
4 there till dark, you know, just steady  
5 going.

6 And then in 2016, when my mother asked  
7 me to use the lawn mower to let -- she asked  
8 me to let her daughter use the lawn mower,  
9 riding lawn mower, and I told her "No, I'm  
10 not letting them tear up my lawn mower.  
11 Beside, it's not even running right."

12 My mother asked me for -- asked me,  
13 said, "Well, okay, so let me hold the key.  
14 I'll let my husband" -- and he wasn't, I  
15 don't believe -- he wasn't her -- 2016, he  
16 wasn't her husband at the time.

17 She said, "Let -- let me use it -- let  
18 me hold the lawn mower, the key, and I'll  
19 get him to get somebody to work on it."

20 And I haven't seen the lawn mower  
21 since.

22 The yard grew up. I didn't even ask  
23 her for it, because during this time now, my  
24 mom has a -- she -- she -- she has a --  
25 she's being hostile towards me, you know?

## 1 KAREN POLITE - (TESTIMONY)

2 You know, the whole time I was living  
3 there, was living at peace, no -- no  
4 problem. And then now, she brings another  
5 double wide on -- put a double wide onto the  
6 property. She was getting ready to bring a  
7 double wide.

8 I told -- I told my mother, "The line  
9 is too low to bring the double wide. You  
10 can not bring the double wide onto the  
11 property."

12 She said -- she -- she said -- no, she  
13 didn't say anything at first, but her  
14 husband did. But she said, "Why?"

15 And then she -- I told her, I said,  
16 "Because you need my permission. This is  
17 my -- this is my light pole, and you're not  
18 about to damage my light pole."

19 Well, my mother -- she -- she made  
20 attempt to -- I told her, I said, "If you"  
21 -- I said, "All you need me to do is to call  
22 the light company. If you want me to, I  
23 will call the light company, and they can  
24 either drop the line, or they can assist you  
25 and lift it up." Because I tried explaining

## 1 KAREN POLITE - (TESTIMONY)

2 to her that that will cause my house to  
3 catch on fire if -- if it runs into the  
4 line.

5 So then she was like, "Okay." She --  
6 she was okay with that. So now that's fine  
7 with that. But it was still an issue,  
8 because she felt she needed my permission  
9 just to come underneath the -- the line.

10 So now after that happened, so now  
11 she -- so they used the weekend -- she used  
12 the weekend to bring the other mobile home  
13 after this -- this mobile home was destroyed  
14 during Hurricane Matthew. When the -- the  
15 double wide trailer was destroyed during  
16 Hurricane Matthew, my mother said to me,  
17 "God meant for it to happen," because she  
18 wasn't supposed to have that trailer because  
19 it wasn't no good anyway. That's what she  
20 said to me. Okay?

21 So then she came to me and said that  
22 the tax was due. And -- and she said that  
23 the tax was -- I think was one hundred and  
24 something dollars. And I told her, I said,  
25 "Well, why is the tax" --

## 1 KAREN POLITE - (TESTIMONY)

2 She said, "I don't know why the tax so  
3 high."

4 And I told her, I said, "Well," I said,  
5 "Let me call." And that's when I called  
6 Beaufort County tax, and I asked them what's  
7 going on, because she was in a rage about  
8 the tax. I said -- so I -- she said -- they  
9 said, "Well, you need to explain something  
10 to your mother because she really don't  
11 understand." So I had her on speaker phone.  
12 I did let her, you know, speak and tell them  
13 what -- you know, and they -- I told my  
14 mother, I said, "Listen, what happened is  
15 you don't have the 4 percent tax on and the  
16 senior discount that you had on the house,  
17 so what you need to do" --

18 So at that time, she figured that --  
19 she said, "I hope Claudia didn't put my tax  
20 in her name."

21 I said, "No, I don't think that's what  
22 happened."

23 Then she also mentioned the fact that  
24 there was some kind of -- oh, maybe it's  
25 some kind of her -- the Mexican name that

## 1 KAREN POLITE - (TESTIMONY)

2 she used.

3 And I said -- and I said --

4 She's like, "That's probably what  
5 happened."

6 I said, "No. You bought another house,  
7 and that probably was the previous owner."

8 But in -- in a nutshell, I just tried  
9 to explain to my mother what was going on  
10 with this property. Because then she said  
11 that the property was in someone else's  
12 name. And I said, "No. This property had  
13 belonged to my daddy." She didn't  
14 understand.

15 So with all that being said, Your  
16 Honor, I'm going back to the fact that I did  
17 the best I could at the good or -- the  
18 goodness of my heart. I believe -- I  
19 believe for 30 something years, over 30  
20 years that this was my property. I believed  
21 that.

22 My mother never asked me to leave. She  
23 never -- even after my -- my children got a  
24 certain age, which would have been -- my --  
25 my oldest son, we never talked about him,

## 1 KAREN POLITE - (TESTIMONY)

2 because he never -- he was never hardly  
3 there. He been left because he was a what  
4 you call -- like some -- a child that --  
5 that wouldn't listen, so he wasn't living on  
6 the property. But my youngest son, like he  
7 testified, was living with his grandmother  
8 taking care of her. But I was always there.  
9 I was always home caring for my mom, caring  
10 for my dad until my dad passed.

11 Now, when the single wide came on this  
12 property and my mother brought that on this  
13 property, they -- they damaged my light  
14 pole. They damaged my light pole. I called  
15 the authorities because they had actually  
16 put it down, and I had to pay to get it  
17 repaired. That's what happened with the  
18 light pole.

19 And the husband, Your Honor, started  
20 putting up no trespassing signs on the  
21 property. This is one of them.

22 MS. KAREN POLITE: Do you want to see?

23 MS. EVERSOLE: I don't have any  
24 objection. It doesn't matter.

25 MS. KAREN POLITE: His name is on it.

## 1 KAREN POLITE - (TESTIMONY)

2 He has nothing to do with the property.

3 THE COURT: All right, thank you. That  
4 will be Defendant's 18.

5 (Whereupon, Defendant's Exhibit  
6 Number 18 was marked for  
7 identification and received  
8 into evidence.)

9 MS. KAREN POLITE: I'm not sure if I  
10 entered into evidence, Your Honor, I had --  
11 I believe I -- I probably did, but the --  
12 even though the blue mobile home was on the  
13 yard, I -- I still drove -- drove by it and  
14 still maintained the yard. I still did  
15 that.

16 THE COURT: I think that picture we  
17 have, don't we? Let's see. I'll let  
18 Ms. Eversole look at it, but that one I  
19 thought looked familiar.

20 That's a different picture than this  
21 one. Okay.

22 MS. KAREN POLITE: Yes, Your Honor, it  
23 shows more details of the property itself  
24 when the home first went on it and how bad  
25 the house -- the trailer looked.

## 1 KAREN POLITE - (TESTIMONY)

2 MS. EVERSOLE: I don't think there's --  
3 I think there's other photographs in  
4 evidence about that.

5 MS. KAREN POLITE: Yeah. I talked  
6 about the fact ---

7 THE COURT: Well, we'll -- we'll call  
8 it Defendant's 19 and add it to the  
9 stack.

10 (Whereupon, Defendant's Exhibit  
11 Number 19 was marked for  
12 identification and received  
13 into evidence.)

14 MS. KAREN POLITE: Your Honor?

15 MS. EVERSOLE: Go ahead.

16 THE COURT: Yeah, go ahead.

17 MS. KAREN POLITE: When I -- when I --  
18 even when I hired someone to -- even when I  
19 had hired some people to come over and cut  
20 the yard when I couldn't afford it, the  
21 Defendant would come in the yard and -- and  
22 would interfere with the -- with the  
23 workers, you know, didn't want them to do  
24 the work on the yard. And -- you know, and  
25 -- and the garden that was there, how -- you

## 1 KAREN POLITE - (TESTIMONY)

2 know, I know it was beautiful because I got  
3 up every morning and looked at this garden.  
4 You know, I've sat underneath the garden. I  
5 had -- I had carrots, carrots. I had mint.  
6 My granddaughter and my son even planted two  
7 trees in there, and my granddaughter called  
8 it Star Fire. I have yet today to tell my  
9 granddaughter what happened to the -- to the  
10 garden. And they -- these are womens that I  
11 didn't even know. And the fact -- the fact  
12 that I improved the yard, the yard was open,  
13 notorious -- the neighbors even knew not to  
14 go in Porsia's yard.

15 Now, the surveillance camera, on the  
16 surveillance camera, I had just cut my yard,  
17 Your Honor. I don't know how can I submit  
18 that into evidence, but I had just cut my  
19 yard, and the Defendant and her children  
20 came in the yard the next day. I actually  
21 saw one of the defendants at a gas station  
22 when I was working, and -- and he saw me.  
23 And with my surveillance, in the -- in  
24 the -- in the video -- is there any way for  
25 us to see it?

1 KAREN POLITE - (TESTIMONY)

2 THE COURT: I don't know. Did you  
3 bring -- what form did you bring it in?

4 MS. KAREN POLITE: In a flash drive.

5 THE COURT: You didn't bring a computer  
6 or anything, I guess, did you?

7 MS. KAREN POLITE: No, I -- I couldn't  
8 bring one in here because they didn't allow  
9 me to bring any.

10 THE COURT: If you ask -- for future  
11 reference, if you ask first, we can arrange  
12 for things like that. I don't think I can  
13 really plug an outside flash drive into the  
14 county computer.

15 Do you -- let's see. Tell me what, if  
16 we were to look at it, this would show, and  
17 then perhaps we can have a discussion about  
18 whether to hold the record open for a disk  
19 or something. What -- what is . . .

20 MS. KAREN POLITE: Okay, in -- in  
21 the -- in the video, it shows malicious,  
22 hostile intent, just -- it's just awful.  
23 How to ---

24 THE COURT: No. I mean what does it  
25 show, like a person picked something up and

1 KAREN POLITE - (TESTIMONY)

2 carried it ---

3 MS. KAREN POLITE: Oh, no. It shows my  
4 mother and children laughing while they're  
5 cutting the garden down to shreds.

6 And the neighbor even said, because he  
7 knew that it was mine, I have voice  
8 surveillance on the video too, and the  
9 neighbor said, "Y'all better not cut down  
10 Porsia' tree." And you can hear him loud  
11 and clear saying that.

12 And then in another video, he says,  
13 "It's going to be some trouble when she come  
14 home."

15 And you can hear in the video their  
16 response, I believe it was my mother, said,  
17 "I live for trouble." If it wasn't her,  
18 then it was somebody in the video said, "I  
19 live for trouble."

20 But then he holds up a chain saw, and  
21 he went straight into it.

22 Then you see -- then you see my mother,  
23 when the guy said "Y'all better not cut down  
24 Porsia's tree," and he holds the chain saw  
25 up, and he goes through it like that, and my

1 KAREN POLITE - (TESTIMONY)

2 mother bends over and she laughs.

3 THE COURT: What ---

4 MS. KAREN POLITE: And then also in it,  
5 you see where my -- one of her sons in  
6 there, he has a weed -- the weed kill thing  
7 on his back, and he's spraying the grass,  
8 all the grass.

9 Why would you do that to your own  
10 property if she thought it was hers? Why  
11 would you -- why would you do that.

12 THE COURT: All right. Well, let's  
13 hold up for a second and figure out a way  
14 that can be offered into evidence. Of  
15 course, it's not like a paper thing where  
16 they could have brought in a piece of paper.  
17 It has to be brought in in some digital  
18 format.

19 MS. KAREN POLITE: May I say something,  
20 Your Honor?

21 THE COURT: Sure, go ahead.

22 MS. KAREN POLITE: Hold on a second.  
23 And I apologize for holding you up with  
24 this.

25 THE COURT: So you've got a thumb drive

1 KAREN POLITE - (TESTIMONY)

2 basically there with it somewhere.

3 MS. KAREN POLITE: Yes, I have.

4 THE COURT: Okay. So there's a couple  
5 of things we can do. I'm not really  
6 supposed to take outside thumb drives and  
7 put them into the county wired system unless  
8 it comes from the magistrates court or  
9 something like that.

10 And so what we -- what I can do,  
11 because -- is look at a disk or somehow  
12 figure out how to transfer that over and let  
13 our IT people say it's -- I'm not suggesting  
14 you would put a virus in the county system,  
15 but we just don't like to put outside stuff  
16 in the computer system, and this computer is  
17 the county system. So I guess what I'm  
18 trying to figure out is a good way do that,  
19 and apparently the disks are somehow okay.  
20 I don't know if you can have that converted  
21 to a CD, DVD.

22 MS. KAREN POLITE: I could, Your Honor.

23 THE COURT: In that case, I can look at  
24 it. So . . .

25 MS. KAREN POLITE: Your Honor, what I

## 1 KAREN POLITE - (TESTIMONY)

2 did was I actually brought one in when I  
3 submitted the -- when I -- when I had filed  
4 the motion, I actually brought -- I gave one  
5 to you and the Defendant -- I mean the  
6 Plaintiff as well, so they were fully aware  
7 of it. That's how I got the injunction. I  
8 submitted that along with photos.

9 THE COURT: Okay. I don't know what  
10 happened to that one. I think -- I got that  
11 as a consent order, so I wouldn't have  
12 looked at anything, because the parties  
13 agreed. That was a consent order.

14 The only order related to an injunction  
15 was a consent order that was --

16 MS. KAREN POLITE: I even submitted  
17 photos in a brown envelope.

18 THE COURT: Well, none of it went to a  
19 hearing, because it was consented to on  
20 December 2nd, 2020 is the -- is what we're  
21 talking about here. I understand that there  
22 was a motion that was going to be before  
23 Judge Maite Murphy, but for whatever reason,  
24 she said, "I'm referring the case and  
25 continuing the motion." At some point

## 1 KAREN POLITE - (TESTIMONY)

2 thereafter, it appears the parties got  
3 together, and it looks like it was Ms. Handy  
4 at that point, and . . .

5 MS. KAREN POLITE: That's not true,  
6 Your Honor.

7 THE COURT: Well, I mean, that's just  
8 what the record says.

9 MS. KAREN POLITE: Well, with the  
10 motion that you decide on, it wasn't -- it  
11 wasn't . . .

12 THE COURT: I signed a consent order.

13 MS. KAREN POLITE: A consent order?

14 THE COURT: A consent order says  
15 that everybody agrees and I don't really  
16 need to worry much about the particulars of  
17 it, so . . .

18 It doesn't matter. It's still a court  
19 order.

20 MS. KAREN POLITE: Right.

21 THE COURT: But what I'm saying is, I  
22 don't have, nor did I ever have, the thumb  
23 drive that was submitted with the filing of  
24 the motion, because I signed a -- I signed a  
25 digital consent order on this computer.

## 1 KAREN POLITE - (TESTIMONY)

2 MS. KAREN POLITE: I understand.

3 THE COURT: So . . .

4 MS. EVERSOLE: Your Honor, I . . .

5 THE COURT: Go ahead.

6 MS. EVERSOLE: I have a possible  
7 solution to it.

8 THE COURT: Go ahead, please.

9 MS. EVERSOLE: I don't mind going back  
10 to the office and getting a computer to be  
11 able to plug it in to watch it, because I  
12 believe we do have it.

13 MS. KAREN POLITE: Sure.

14 THE COURT: We can do that. I guess  
15 it's probably time for some lunch anyway.

16 Now we -- so what -- we can put that  
17 aside for a second, I suppose, let the  
18 witness finish her testimony. You can cross  
19 then or wait.

20 At this point it's 1 o'clock, I imagine  
21 everybody wants lunch, but I'll leave that  
22 to you.

23 So why don't we do that then. What  
24 we're going to do, Ms. Polite, is let you  
25 finish your testimony.

## 1 KAREN POLITE - (TESTIMONY)

2 MS. KAREN POLITE: Okay.

3 THE COURT: And then my understanding  
4 is Ms. Eversole is going to bring back a  
5 computer that she doesn't mind putting the  
6 thumb drive in.

7 MS. KAREN POLITE: Okay, share that.

8 THE COURT: We'll then watch it all  
9 here. And she'll of course have an  
10 opportunity to cross examine you at that  
11 point.

12 MS. KAREN POLITE: Yes, sir.

13 THE COURT: My understanding is you are  
14 your own last witness.

15 MS. KAREN POLITE: Yes.

16 THE COURT: So when we're finished with  
17 that, we'll have closings, and we'll be --  
18 be done.

19 MS. KAREN POLITE: Thank you. Thank  
20 you, Your Honor.

21 THE COURT: That is the plan.

22 MS. KAREN POLITE: I appreciate that.

23 THE COURT: So do you have anything  
24 else to tell me that doesn't involve the  
25 thumb drive?

## 1 COURT'S FINAL COMMENTS AND RULING

2 the Plaintiff, who early on this morning  
3 at some point said all she really ever  
4 wanted was to work out something with  
5 you with regard to maybe sharing the  
6 property or using the property or paying for  
7 something, if y'all can work that out,  
8 nobody's happier than I am, so I want to  
9 give y'all a week and see what you work out.  
10 If you can't work anything out, then we're  
11 going to have to come up with some  
12 reasonable time period and method of you  
13 vacating the property, so . . .

14 MS. EVERSOLE: I think the only thing  
15 to add to that was that Ms. Rachel needs her  
16 daughter to do the things on the property  
17 that she wants done and not do the things  
18 she doesn't want done on the property too.  
19 I mean, it's not just payment.

20 THE COURT: No, no, I understand.

21 MS. EVERSOLE: Okay. So ---

22 THE COURT: It's -- it's more than just  
23 one thing. I understand. And again, we've  
24 got years of -- of problems here that need  
25 to be worked out, but -- you know, but y'all

## 1 COURT'S FINAL COMMENTS AND RULING

2 talk about it and see if there are terms  
3 under which you both not just can live but  
4 can be happy and can be mother and daughter  
5 and live under those terms.

6 If you don't think you can do it, then  
7 honestly, it doesn't make much sense to make  
8 both of you miserable, but I'm -- what I'm  
9 hoping is that y'all can sit down, and sit  
10 down tonight, and think about the fact that  
11 y'all are blood relatives; you're the  
12 only -- only -- this is the only mother  
13 you're ever going to have, I know you have  
14 other kids, but anyway, the only youngest  
15 daughter you're ever going to have, and --  
16 and think about how to put this thing back  
17 together and work something out where y'all  
18 can live next door and be great friends and  
19 relatives and helpful neighbors to one  
20 another rather than enemies, so that's all I  
21 would ask.

22 But does that answer your question?

23 MS. KAREN POLITE: Well -- well, that  
24 too. But also the -- the -- you put in --  
25 you -- you -- you also mentioned the fact

## 1 COURT'S FINAL COMMENTS AND RULING

2 about . . .

3 THE COURT: Yeah, I haven't vacated the  
4 restraining order. So y'all can talk, you  
5 know, but just use the golden rule. Treat  
6 each other as the way you want to be  
7 treated. You know, I mean, just be nice to  
8 people. And -- and we're just talking about  
9 a week here. Let's see if everybody can --  
10 this will be a good test to see if there's a  
11 way to make this thing work. Y'all talk.  
12 See if you can work something out. If one  
13 invites the other over, so be it. I don't  
14 care if you cross the line. But why don't  
15 you try to live by that -- that order unless  
16 y'all are trying to agree to something or do  
17 something. See what you can do. Again,  
18 life's -- life's too short to fight.

19 MS. RACHEL POLITE: I have something.

20 THE COURT: Yes. Yes, ma'am.

21 MS. RACHEL POLITE: About using 8  
22 Ladson to come and go from my house to -- to  
23 the highway --

24 THE COURT: Okay.

25 MS. RACHEL POLITE: -- I need to start

## 1 COURT'S FINAL COMMENTS AND RULING

2 using that road back again.

3 THE COURT: Can you -- can you stick  
4 with it for a week, what you've been doing  
5 now for a year? Can you do it one more  
6 week?

7 MS. RACHEL POLITE: Well, I can stick  
8 with it as long as he doesn't want to do  
9 anything right now, because right now I'm  
10 coming through his yard to come to my house.

11 THE COURT: You good for another week  
12 while we try to put the wheels back on this  
13 thing?

14 MR. DONALD MITCHELL: I'm good, because  
15 that's exactly why I was trying to get your  
16 attention, because it's my land, and -- but  
17 she can use it, and I -- I'm not going to  
18 battle against that.

19 THE COURT: All right.

20 MR. DONALD MITCHELL: I'm good. I'm  
21 good with that for right now.

22 THE COURT: Do you think it would be a  
23 good idea if these two can get back together  
24 and be happy again?

25 MR. DONALD MITCHELL: It would be

## 1 COURT'S FINAL COMMENTS AND RULING

2 great.

3 THE COURT: All right. Well, good.

4 So he's good for another week, right.

5 MR. DONALD MITCHELL: Because if they

6 get back together, the whole family can get

7 back together.

8 THE COURT: Wouldn't that be a great

9 thing? All right. So universal happiness,  
10 that's what we all seek, so . . .11 All right. So that -- there's your  
12 answer. So please keep using the other one.  
13 He's good with it.14 And if y'all reach some agreement,  
15 great. I'm looking forward to our  
16 conference call on Monday.17 MS. RACHEL POLITE: All right. Thank  
18 you.

19 THE COURT: All right.

20 MS. KAREN POLITE: Thank you very much.

21 MS. EVERSOLE: Thank you.

22 THE COURT: Y'all have a great day.

23 MS. KAREN POLITE: You too.

24 THE COURT: Good luck to you.

25 (Whereupon, the hearing

1  
2 was concluded at  
3 4:11 p.m.)  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1

## 2 CERTIFICATE

3

4

5

6 STATE OF SOUTH CAROLINA:

7 BEAUFORT COUNTY:

8

9

10 I, Theresa D. Saxon, Court Reporter and  
11 Notary Public in and for the above county and  
12 state, do hereby certify that this transcript,  
13 which I finished transcribing on September 5,  
14 2022, is a true and correct transcript of the  
15 proceedings in this matter taken by me  
16 stenographically at the time herein-before set  
17 forth.

18

19 I am not of counsel to any party, nor  
20 interested in the event of this cause.

21

22

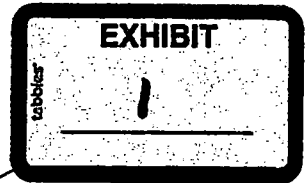
23

24

25

Theresa D. Saxon

400



544

State of South Carolina,

Form 14—Title to Real Estate  
Revised 1978

2365

COUNTY OF BEAUFORT

02222

KNOW ALL MEN BY THESE PRESENTS, THAT

I, BUBBY POLITE,

in the State aforesaid \_\_\_\_\_ for and \_\_\_\_\_ in consideration of the sum of  
ONE AND NO/100(\$1.00) DOLLAR AND DECREE OF DIVORCE \_\_\_\_\_

to \_\_\_\_\_ in hand paid at and before the sealing of these presents by RACHEL M. POLITE

Route 2, Box 557-A, St. Helena Island, South Carolina 29920  
in the State aforesaid \_\_\_\_\_ for which \_\_\_\_\_ 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 RACHEL M. POLITE, Her Heirs and Assigns, forever, the following  
described real property, to-wit:

ALL that certain piece, parcel or lot of land, with improvements thereon, if any, situate, lying and being in the Southeastern corner of Lot 51, Section 22, 1S1E, on St. Helena Island, Beaufort County, South Carolina, and being more particularly bounded and described as follows, to-wit: On the North by a public road and on the East, South and West by lands now or formerly of Emily Holmes. For a more complete description as to metes, bounds, courses and distances, reference is made to that certain plat made by H. F. Wilson, Jr., R.L.S., dated April 13, 1972, a copy of which is recorded in the Office of the BMC for Beaufort County, South Carolina in Deed Book 197 at Page 679.

This is the same property as conveyed to the within Grantor by deed of Emily Holmes a/k/a Emily M. Holmes dated April 18, 1972 and recorded in the Office of the BMC for Beaufort County, South Carolina in Deed Book 197 at Page 678 on April 19, 1972.

This deed was prepared by the Law Firm of Moss, Dora, Kuhn & McIntyre, P.A., 1501 North Street, Beaufort, South Carolina 29902, by H. Fred Kuhn, Jr., Esquire, without the benefit of title examination.

BEAUFORT COUNTY TAX MAP REFERENCE

| Dist | Map | Submap | Parcel | Block |
|------|-----|--------|--------|-------|
| 300  | 17  |        | 114A   |       |

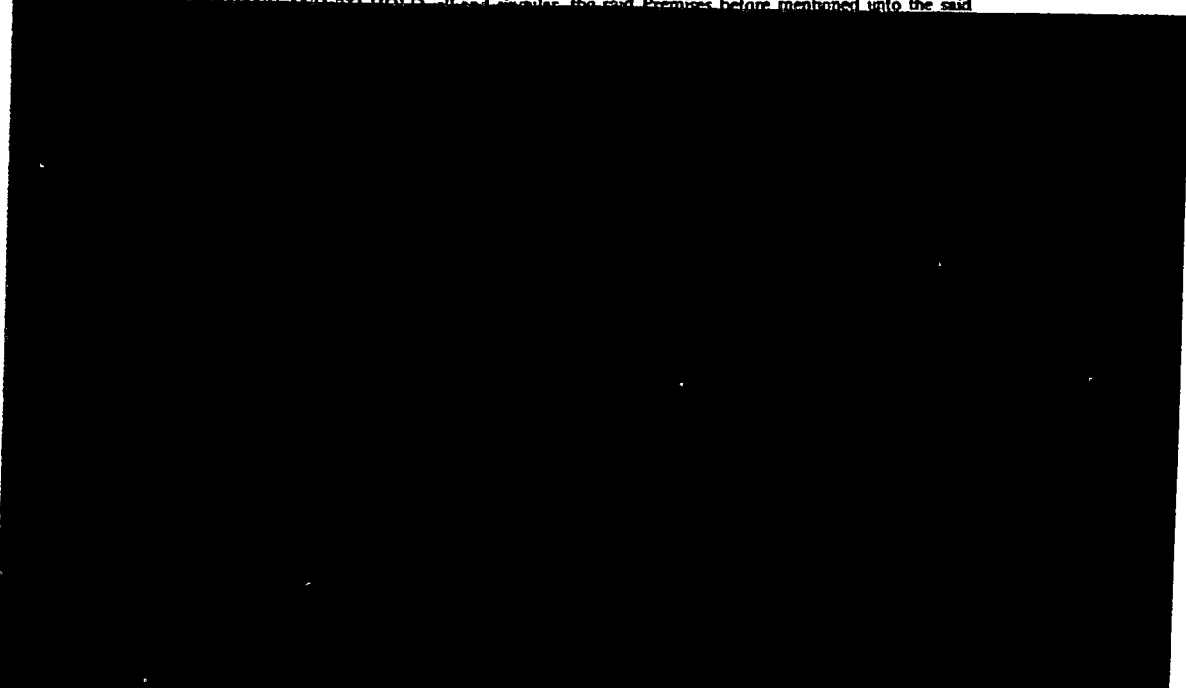
86



2366

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



AND I do hereby bind my Heirs, Assigns  
Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said  
RACHEL M. POLITE, Her **2367**

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

WITNESS my Hand and Seal, this 12<sup>th</sup> day of December  
in the year of our Lord one thousand nine hundred and eighty-nine and in the two hundred and  
thirteenth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF

James D. Kinsley (L. S.)  
Bobby Polite (L. S.)

The State of South Carolina,

Beaufort County.

PERSONALLY appeared before me the first witness above named  
and made oath that s/he saw the within named BOBBY POLITE  
sign, seal, and as his act and deed, deliver the within written Deed,  
and that s/he with the second witness above named  
witnessed the execution thereof.

SWORN to before me, this 12<sup>th</sup>  
day of December A.D. 1989  
(SEAL)  
Notary Public of South Carolina  
My Commission Expires: 9-23-90

James D. Kinsley  
(signature of first witness above)  
RENUNCIATION OF DOWER

The State of South Carolina,

County.

NOTE REQUIRED

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

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

Given under my Hand and Seal, this \_\_\_\_\_ day of \_\_\_\_\_ Anno Domini 19\_\_\_\_

(SEAL)  
Notary Public of South Carolina  
My Commission Expires: \_\_\_\_\_

Moss  
State of South Carolina,  
COUNTY OF BEAUFORT

HUBBY POLITE

TO

HACHRE, M. POLITE

TITLE TO REAL ESTATE

Filed 23rd day of January, A.D. 18 90  
at 4:13 o'clock P. M.  
and recorded in Book 544  
Page 123-5 1900  
Wm. A. Moss  
R. M. C. or Clerk Court C.P. & C.S.M.  
Beaufort  
County, S.C.  
Recorded this 31st day of January, 18 90  
in Book 917  
Page 917  
Fee, \$  
Wm. A. Moss  
Auditor  
Beaufort  
County, S.C.

13 4 41 32 100 00

TITLE TO REAL ESTATE Short Form V. C. 92243

197

678

## STATE OF SOUTH CAROLINA,

BEAUFORT

COUNTY

Know All Men by These Presents:

That I, EMILY HOLMES, of St. Helena Island, Beaufort County,

in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS

to the grantor(s) in hand paid at and before the sealing of these presents by the grantee(s) (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

RUSBY POLITE, his Heirs and Assigns, the following described property, to-wit:

ALL that certain piece, parcel or lot of land situate, lying and being in the Southeastern corner of Lot 51, Section 22, 1S1E, on St. Helena Island, Beaufort County, South Carolina, and being more particularly bounded and described as follows, to-wit: On the North by a public road and on the East, South and West by lands of the Grantor, Emily Holmes. For a more complete description as to metes, bounds, courses and distances reference is made to that certain plat made by H. F. Wilson, Jr., R.L.S. dated April 13, 1972, which is hereto attached and made a part hereof.

This is a part of the property conveyed to the within Grantor by deed from Nazarine Holmes dated Oct. 5, 1960 and recorded in the office of the Clerk of Court for Beaufort County, S.C. in deed Book 104 at Page 20.

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 grantee(s) hereinabove named, and his Heirs and Assigns forever.

And the grantor(s) do(es) hereby bind the grantor(s) and the grantor(s)'s Heirs, Executors and Administrators to warrant and forever defend all and singular the said premises unto the grantee(s) hereinabove named, and the grantee(s)'s Heirs and Assigns against the grantor(s) and the grantor(s)'s Heirs and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness the grantor(s) hand and seal this 18th day of April in the year of our Lord One Thousand Nine Hundred and Seventy-two.

Signed, Sealed and Delivered in the Presence of

*Margaret T. Rodgers*  
*T. Legare Rodgers*

*Emily M. Holmes* (Seal)  
*Emily Holmes* (Seal)  
 (Seal)  
 (Seal)  
 (Seal)

## State of South Carolina,

BEAUFORT County

Personally appeared before me, Margaret T. Rodgers,

and made oath that s/he saw the within named grantor(s) EMILY HOLMES; sign, seal and as her act and deed, deliver the within written deed, and that s/he, with T. Legare Rodgers, witnessed the execution thereof.

Sworn to before me this 18th day of April, A. D. 1972.  
*T. Legare Rodgers* (Seal)  
 Notary Public for South Carolina

*Margaret T. Rodgers*  
 (Seal)

## State of South Carolina,

County

NO RENUNCIATION OF DOWER

GRANTOR IS A WOMAN

Notary Public, do hereby certify

unto all whom it may concern, that Mrs. wife of the within named did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever, renounce, release, and forever relinquish unto

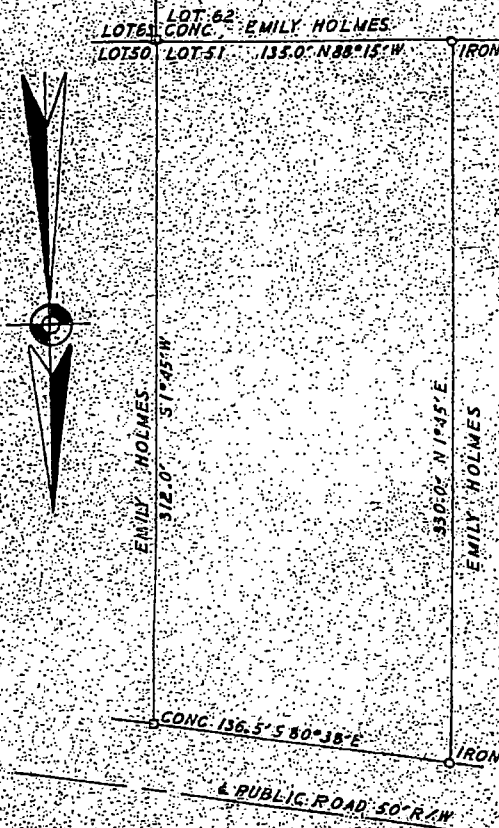
Heirs and Assigns, all her interest and estate, and also all her right and claim of Dower of, in or to all and singular the premises within mentioned and released.

GIVEN under my hand and seal this day of A. D. 1972.  
 (Seal)

Notary Public for South Carolina

Recorded this day of 19 at M. No.

679



PLAT PREPARED FOR  
**BUBBY POLITE**

ST. HELENA ISLAND

BEAUFORT COUNTY, S. C.

SITUATE IN LOT 51, SECTION 22, TOWNSHIP 1 SOUTH, RANGE 1 EAST.

SCALE 1"=50'

APRIL 13, 1972

INDICATED MARKERS

I HEREBY CERTIFY THAT THE MEASUREMENTS AS SHOWN ON THIS PLAT ARE CORRECT  
AND THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

*[Signature]*  
HARDWICK F. WILSON, JR.  
REG. LAND SURVEYOR NO. 1838

2135872

26

680

WILL PICK UP

State of South Carolina,

EMILY HOLMES

TO

BUBBY POLITE

RE. 1, Box 144, Frogmore, S. C.

TITLE TO REAL ESTATE

Filed: 19th day

of April A. D. 1972

at 8:30 o'clock A. M.

and recorded in Book 197

Page 678 Fee, \$ 51.50

*M. H. Linder*

R. M. G. of Clerk Court C. P. & G. S.

Dep. BEAUFORT County, S. C.

Recorded this day

of 19

in Book Page

Fee, \$

Auditor County, S. C.

Printed and Published by  
Shirley F. Foss, Jr., C.

73358W2

# STENSEN ~ KHALIL SURVEYORS, INC.

1816 BOUNDARY STREET, BEAUFORT, S.C. 29902  
(843) 524-4148, FAX (843) 524-4149

S-9196

## LEGEND

M(O) = CONCRETE MONUMENT OLD  
M(N) = CONCRETE MONUMENT NEW  
B(O) = 1/2" REBAR FOUND  
B(N) = 1/2" REBAR SET  
HP = OVERHEAD POWER LINES

## GRAPHIC SCALE



( IN FEET )  
1 inch = 60 ft.

## GENERAL NOTES:

1. PRESENT OWNER OF PROPERTY SHOWN HEREON:  
ACHEL M. POLITE
2. TOWN # 300-17-114A
3. THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH  
SUBJECT TO LOCAL ATTRACTION.
4. PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "A-10"  
ELEVATION (14.00) PER FEMA PANEL #450025-0130-F  
DATED: NOV. 4, 1992

POLITE

BEAUFORT COUNTY ZONING & DEVELOPMENT  
11366 ZONING PERMIT  
This is to certify that the site plan shown hereon is in  
compliance with the Beaufort County Community  
Development Code.

Certified By: [Signature]

Date: 7/11/2016

## REFERENCE PLATS & DEEDS

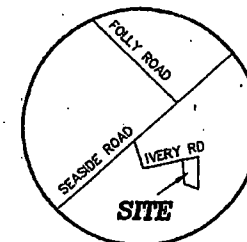
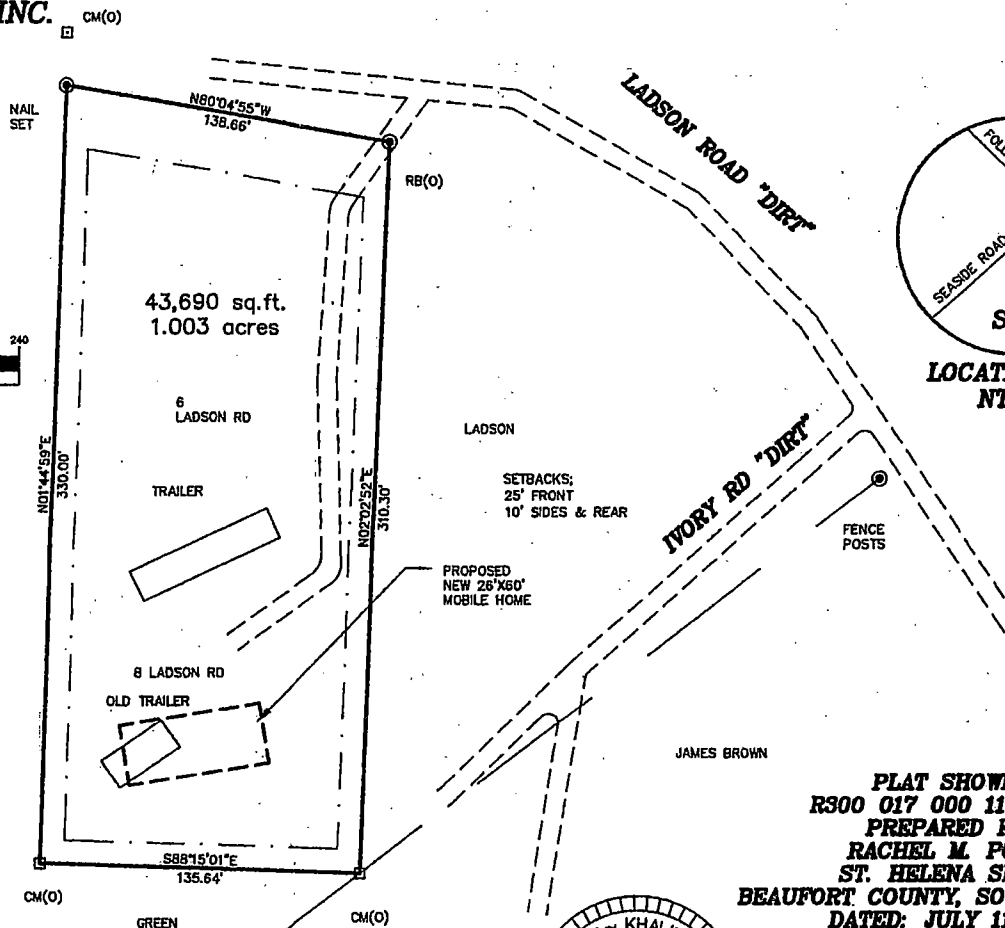
1. DEED 544/2365, 197/678

## CERTIFICATION:

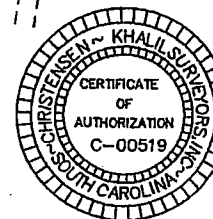
ZYAD A. KHALIL, HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN  
HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF  
AND SURVEYING IN THE STATE OF SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B"  
AS SPECIFIED THEREIN:

ZYAD A. KHALIL RLS  
I.C. REG. NO. 15176

[ THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND EMBOSSED SEAL ]



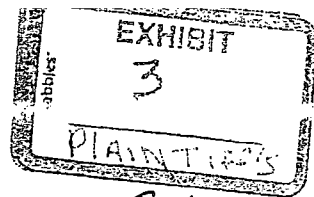
LOCATION MAP  
NTS



PLAT SHOWING  
R300 017 000 114A 0000  
PREPARED FOR:  
RACHEL M. POLITE  
ST. HELENA ISLAND,  
BEAUFORT COUNTY, SOUTH CAROLINA  
DATED: JULY 11, 2016  
SCALE: 1"=60'

PLAINTIFF'S  
EXHIBIT

3



To Karen Polite

31 Oct 2019

I am writing to inform you that  
I am giving you a 30 days notice  
to vacate my property on 8 Ladsom Rd.  
from the time that you were allowed  
to put your trailer there, you have  
not paid no property taxes. In return  
you was told not to alter the property  
in any way while you remain on the  
land. On or about 2018 you attempted to  
pour a cement driveway in front of your  
home. I in turn told you not to do it.  
On 26 Oct 2019 late evening I you started  
to build a two car garage by putting posts  
in the ground. I told you to stop the building  
and you do not go any forward. You ignore every-  
thing that I said and continue to build.  
Now I am giving you this final notice to  
you need to move your mobile home  
and off my land 8 Ladsom Rd 31  
Helena, Iso. S.C. as of 31 Oct 2019

If you have any question or concern  
you can contact me at 843-674-1017

Rachel M Polite  
Rachel M. Polite

Exhibit-Charge

L1 → Letter

PLAINTIFF'S



**Beaufort County Code Enforcement**  
100 Ribaut Road / PO Drawer 1228  
Beaufort SC 29901-1228  
Phone (843) 255-2066

**Beaufort County**  
**South Carolina**

# NOTICE OF VIOLATION

**Please be advised that you are currently in violation of the Beaufort County Code.**

**Division 9.2 Compliance Required**  
**9.2.30 Specific Violations (A)**

**Failure to comply with this order within the time period specified will result in a summons being issued to appear in court and a fine up to \$500.00 and any court costs.**

**Property Owner: Rachel M Polite**

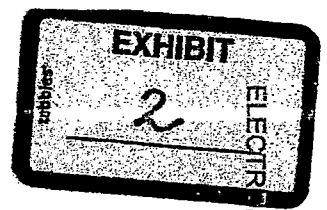
**Location of Violation: 6/8 Ladson Road St. Helena, SC 29920**

**Property ID: R300 017 000 114A 0000**

**Date of Notice: November 26, 2019**

**Comply by: December 13, 2019**

**Code Enforcement Director: A. Antonacci**



ELECTRONICALLY FILED - 2020 Apr 16 3:20 PM - BEAUFORT - COMMON PLEAS - CASE#2020CP0700899

Exhibit-Charge  
5 → Notice of  
Violation  
PLANTIFF'S



22112

R300 017 000 114A

Exhibit Change  
6 -> Aerial  
photo  
PLANTIFF'S

STATE OF SOUTH CAROLINA  
COUNTY OF BEAUFORT

2019CV0710401850  
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT  
JUDICIAL DISMISSAL

☐ With Prejudice  
☒ Without Prejudice

Rachel Polite  
8 Ladson Rd  
Saint Helena Island, SC 29920  
(843) 694-1017

PLAINTIFF(S)

Vs

Karen Polite To Include Mobile Home  
6 Ladson Rd  
Saint Helena Island, SC 29920  
DEFENDANT(S)

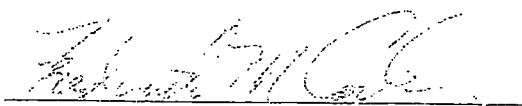
It is Ordered that Civil Case Number 2019CV0710401850:

Rachel Polite

vs Karen Polite To Include  
Mobile Home

Shall reflect a disposition of Judicial Dismissal based upon the following:

- ☐ Plaintiff's failure to prove case by preponderance of evidence
- ☐ Plaintiff's request to dismiss case
- ☐ Plaintiff and Defendant failed to appear for Court
- ☐ Plaintiff's failure to appear in Court
- ☒ Other: Competing claims of ownership; this Court lacks jurisdiction.

  
JUDGE

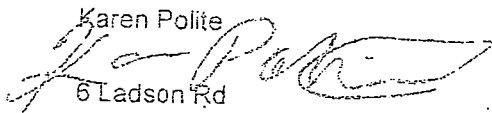
Beaufort Magistrate  
104 Ribaut Road  
Post Office Box 2207  
Beaufort, SC 29901  
Phone: (843) 255-5700  
Fax: (843) 255-9516

December 2, 2019

I state that this is a true and  
Certified copy of the original record  
on file with Beaufort County  
Magistrate Court

Exhibit-Charge  
Magistrate  
Court  
Notice  
PLAINTIFF'S

97

Karen Polite  
  
6 Ladson Rd

Saint Helena Island, SC 29920

11/ 8/ 2019

state that this is a true and  
Verified copy of the original record  
on file with Beaufort County  
Magistrate Court

{Beaufort Magistrate}

To whom this may concern, I Karen P. Polite a longtime resident of Seaside Road and the youngest daughter of the late Bubby Polite, whom I care for more than seven years. My dad lost his battle from lung cancer on (May 14, 2018). The property in question owned by; Bubby Polite located on Seaside road 6 and 8 Ladson which he purchased from the late Ms. Emily M. Holmes, became the soul owner of the property (April 13, 1972).

(April 7, 1988) Bubby Polite granted permission to his youngest daughter I Karen Polite, of stay of her Gray (1984) Mobile Home 70x14 to live on the property for life. Two years later (January 23rd, 1990) Bubby Polite, later transferred title to my mother and Ex-wife Rachel Polite, who still shares the property with her youngest daughter I Karen Polite.

(October 31st, 2019) My mother Rachel Polite, who is now Mrs. Chaplain address a sworn written letter to the court, to have my mobile home removed from the property within 30 days. I believe I have or show shared interest of this property, with permission from my father Bubby Polite. After 31 years of living on the property located at 6 Ladson Road, St. Helena island South Carolina 29920. I believe my Mother Rachel stated, several facts outlining me as being a squatter. I accept my right as such by (law) Adverse Possession. I one Karen P. Polite, asking this court of law to (Award Title) of 6 Ladson Road St. Helena S.C 29920 in my name, if I have "met my burden of proof by: Preponderance of the Evidence"

Within the last 31 years of Ms. Rachel Polite receiving the property. I Karen Polite continue to live on the property peacefully. I believe for more than 31 years that I owned the property located at 6 Ladson until, my dad Bubby Polite got sick and passed away in (2018). My mother Rachel Polite have never given me permission, to remain on the open yard property and or land. Rachel Polite have also accuse me of never paying any property tax, which states untrue. Rachel Polite never asked me specifically for money for tax's but, instead money to help to pay car notes, Insurance, light bills and trips over the years. As I continue providing for my mother with unconditional love including in (2001) removing my mom out of debt, by paying off \$30,000 of her bills plus more with money I won from the (lottery).

I have held constant use of the property; this property where I lived on for more than 31 years 4 months and 8 days as of November 8th, 2019. have and has remained visible to the public.

family, and friends seeing in clear eyes. Rachel Polite have or has never asked that I vacate, leave or evacuate her property until now. Over the years I have worked hard to improve the property, with no complaints from my mother until now. Improving the property required me cutting the grass and or paying someone to do so if needed, making repairs to my mother's home by remodeling her bedroom after seeing her sleep on her couch for more than a year. I also build a walk-in closet, a shoe rack and a porch as she asks me to.

Yes, I admit improving the driveway, that gain access onto the property for many years using brick, blocks gravel and sand at times using my dad's sledgehammer to crush the bricks. When I got tired, I would pay to have the ditch dig. I deny (Paving) or (Altering) the driveway in anyway shape or form, the driveway entering the property was built by one Bubby Polite in (1970).

(1999) Rachel Polite needed my help to provide, and care for herself and two adopted nieces ages 5 and 6 along with my two children age 1 and 3. Shortly after My Mother Rachel Polite became ill in (1999) she asked that I return home, I left College in Miami Florida, and later returned to College a year later. After taking care of my mother who almost lost her life. Throughout her recovery I worked nights from 10pm-6am, because of my mother surgery and poor health, Rachel being unable to drive herself. I drove my mother around for one year, collecting insurance money for (Atlantic Coast life Insurance Company) her job for more than 25 years now (retired).

(1st Timothy 5:8) States; but if anyone does not provide for his relatives, and especially for members of his household, he is denied the faith and is worse than an unbeliever". This letter states truth and facts, the work that I have put in to improve and help my mother while living on the property. As I, shared interest in the property with my mother Rachel Polite for more than 31 years since (1988)

This letter serves not to intimidate, anger, or confuse my mother Rachel M. Polite) this is just the right to understand an unresolved resolution concerning the property, As spoken without hesitation.

I believe anyone, with unlawful actions of broken the law that my cause unnecessary harm, brought upon by malice or hatred thereafter should be prosecuted in the court of law. Sunday morning (October 26, 2019) There were threats made by one Claudia Polite my older sister to destroy my property, if I did not remove such.

"Thank you for allowing I. Karen P. Polite to address the court of law"

STATE OF SOUTH CAROLINA

IN THE MAGISTRATE'S COURT

COUNTY OF BEAUFORT

Case Number 2019CV07104-01850

Rachel Polite

VS.

PLAINTIFF(S)

Karen Polite to include MH

DEFENDANT(S)

## ORDER

### RULE TO VACATE

I state that this is a true and  
Certified copy of the original record  
on file with Beaufort County  
Magistrate Court

FILED: \_\_\_\_\_

FORWARDED: \_\_\_\_\_

SERVED: \_\_\_\_\_

INITIAL HEARING: \_\_\_\_\_

PRETRIAL CONFERENCE: \_\_\_\_\_

TRIAL: \_\_\_\_\_

PARTIES:

PLAINTIFF DID APPEAR / DID NOT APPEAR

DEFENDANT DID APPEAR / DID NOT APPEAR

WITNESSES: \_\_\_\_\_

PLEADINGS:

DEFENDANT ADMITS LIABILITY  
DEFENDANT DENIED CLAIM AND  
DEMANDS PROOF

DEFENDANT DEMURS

DEFENDANT COUNTERCLAIMS

ACTION:

BENCH TRIAL AT INITIAL HEARING  
SCHEDULE FOR BENCH TRIAL  
SCHEDULE FOR JURY TRIAL  
DEFAULT JUDGMENT  
DISMISS WITH / WITHOUT PREJUDICE

ACCOUNT OPENED

HIGH CREDIT OF

PAY SCHEDULE

RIGHT TO CURE

BALANCE DUE

COURT COSTS INCL.

COURT COSTS NOT

JUDGMENT:

\*\*\*\*THIS SECTION FOR C&D\*\*\*\*

FOR PLAINTIFF

FOR DEFENDANT

NOTES:

Dismissed. Compromise  
claim of ownership in respect to  
jurisdiction  
12/12/2019  
DATE  
JUDGE

Rachel Polite  
8 Ladson Rd  
Saint Helena Island, SC 29920

Phone: (843) 694-1017

PLAINTIFF(S)

**RULE TO VACATE HEARING: DECEMBER 2, 2019 AT 10:00 AM**

Karen Polite To Include Mobile Home  
6 Ladson Rd  
Saint Helena Island, SC 29920

Phone:

TO Karen Polite To Include Mobile Home : Rachel Polite is asking this Court to evict you from the property listed above because they claim that:

DEFENDANT(S)

- ☐ You have failed to pay rent when due or demanded in the amount of \$.
- ☐ The terms of your tenancy or occupancy have ended.

☒ You have violated the terms or conditions of your lease by: SEE ATTACHED

You the defendant(s) or lessee(s) of the premises located at the address listed above, and all others, are ordered to vacate the premises immediately pursuant to S.C. Code of Laws Section 27-37-10 or contact the:

Beaufort Magistrate  
104 Ribaut Road  
Post Office Box 2207  
Beaufort, SC 29901  
(843) 255-5700

within ten (10) days of receiving this notice, for the purpose of scheduling a hearing to show why you should not be evicted from these premises.

**FAILURE TO VACATE THE PREMISES OR RESPOND WITHIN TEN (10) DAYS MAY RESULT IN THE ISSUANCE OF A WRIT OF EJECTMENT.**

10/31/2019

*[Signature]*  
Judge, Beaufort Magistrate

Personally appeared before me, the undersigned deponent, being duly sworn, says s/he is a person over 18 years of age, not a party or attorney in this action and s/he to serve the Rule to Vacate or Show Cause on Karen Polite To Include Mobile Home on the following dates/times:

| DATE | TIME | INITIALS | DATE OF SERVICE | TIME OF SERVICE | SETTLED/DATE | VACANT/DATE |
|------|------|----------|-----------------|-----------------|--------------|-------------|
| 1.   |      |          | 11/5/19         | 12:50           |              |             |
| 2.   |      |          |                 |                 |              |             |
| 3.   |      |          |                 |                 |              |             |

PERSON SERVED & RELATIONSHIP IF NOT DEFENDANT

*KAREN POLITE*

Sworn to and subscribed before me  
This 5 day of Dec, 2019

NOTARY PUBLIC OR JUDGE

*[Signature]*  
SIGNATURE OF SERVER

ON \_\_\_\_\_ I DEPOSITED IN THE UNITED STATES MAIL IN AN ENVELOPE ADDRESSED TO THE DEFENDANT(S) ABOVE WITH FIRST CLASS POSTAGE AFFIXED THERETO A COPY OF THIS DOCUMENT

I state that this is MAGISTRATE'S CLERK

Certified copy of the original record  
on file with Beaufort County  
Magistrate Court

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

RULE TO VACATE HEARING

Karen Polite To Include Moblie Home  
6 Ladson Rd  
Saint Helena Island, SC 29920

MAGISTRATE SUMMONS

You are hereby summoned to be and appear personally in the

Beaufort Magistrate  
104 Ribaut Road  
Post Office Box 2207  
Beaufort, SC

on December 2, 2019 at 10:00 AM to serve as a party in a Bench Trial in the case of:

RE: Rachel Polite

Vs Karen Polite To Include Moblie  
Home

PLAINTIFF(S)

DEFENDANT(S)

Civil Case Number: 2019CV0710401850, Rule to Vacate PS 45.

HEREIN FAIL NOT, ON PAIN OF FORFEITING THE LAWFUL PENALTY IN  
SUCH CASE MADE AND PROVIDED.

  
JUDGE

Beaufort Magistrate  
104 Ribaut Road  
Post Office Box 2207  
Beaufort, SC 29901  
Phone: (843) 255-5700  
Fax: (843) 255-9516

I state that this is a true and  
Certified copy of the original record  
on file with Beaufort County  
Magistrate Court.

October 31, 2019

STATE OF SOUTH CAROLINA  
COUNTY OF BEAUFORT

Rachel M Polite  
PLAINTIFF(S)  
8 Ladson Rd.  
MAILING ADDRESS  
St. Helena Is. SC 29920  
CITY, STATE, ZIP  
843-694-1017  
TELEPHONE

VS

Karen Polite  
DEFENDANT(S)  
6 Ladson Rd  
MAILING ADDRESS  
St. Helena Is. SC 29920  
CITY, STATE, ZIP  
TELEPHONE

CIVIL CASE NUMBER  
IN THE MAGISTRATE'S COURT  
I state that this is a true and  
Certified copy of the original record  
of file with Beaufort County  
Magistrate Court

APPLICATION FOR EJECTMENT  
(EVICTION)

I, Rachel Polite, Plaintiff in this action, state that I am the landlord-lessor of  
premises within the jurisdiction of Beaufort County Beaufort Magistrate which is described as: (address and description of premises  
- apartment, house, etc.)

Property Land owner 8 Ladson Rd St. Helena Is. SC

further state that, with regard to the above described premises, a landlord-tenant relationship exists between me and the  
Defendant(s), Karen Polite, the tenant-lessee, as evidenced by the following: (Attach  
lease papers or other written proof.)

☐ Lease or

☒ Other written proof

grounds for this ejectment are one or more of the following:

- ☐ The tenant fails or refuses to pay rent when due or when demanded in the amount of : \$ \_\_\_\_\_  
☐ The term of tenancy or occupancy has ended; or  
☒ The terms or conditions of the lease have been violated as follows:

Karen was given permission to remain on the Land because she had two  
young children, she was told not to build or alter the property she said to do so

WORN to and subscribed before me  
his 29 day of Oct, 2019  
[Signature]  
Notary Public of South Carolina  
My Commission expires: 09/07/2027

Rachel M. Polite  
Signature of Plaintiff or Attorney

To Karen Polite

31 Oct 2019

I am writing to inform you that  
I am giving you a 30 days notice  
to vacate my property in 8 Ladsen Rd.  
from the time that you were allowed  
to put your trailer there you have  
not paid no property taxes. In return  
you was told not to alter the property  
in any way while you remain on the  
land. On or about 2018 you attempted to  
pour a cement drive way in front of your  
home. I in turn told you not to do it.  
On 26 Oct 2019 Late evening I you started  
to build a two car garage by putting posts  
in the ground. I told you to stop the building  
and you do not go any forward. You ignore every  
thing that I said and continue to build.  
Now I am giving you this final notice to  
you need to move your mobile home  
and off my land 8 Ladsen Rd 31  
Helena Is. S.C. as of 31 Oct 2019

If you have any question or concern  
you can contact me at 843-184-1017

Rachel M Polite  
Rachel M. Polite

# Beaufort Magistrate

Judge: LaShonda Green Seal

104 Ribaut Road

Beaufort, SC 29901

Phone: (843) 255-5700 Fax: (843) 255-9427

301510007

|                   |                               |              |                                     |
|-------------------|-------------------------------|--------------|-------------------------------------|
| Received From:    | Polite, Rachel                | Date:        | 10/31/2019                          |
|                   | 8 Ladson Rd                   | Receipt #:   | 9893833                             |
|                   | Saint Helena Island, SC 29920 | Clerk:       | c07tevens                           |
| Paying for:       | Self                          | Reference #: |                                     |
| Transaction Type: | Civil Payment                 | Comment:     | RULE TO VACATE HEARING: DECEMBER 2, |
| Payment Type:     | Cash                          |              | Non-Refundable 2019 AT 10:00 AM     |
| Total Paid:       | \$45.00                       |              |                                     |

You may check the status of your Beaufort case at:

<http://www.sccourts.org/caseSearch/>

| Case #           | Caption                       | Previous Balance | Amount Paid | Balance Due |
|------------------|-------------------------------|------------------|-------------|-------------|
| 2019CV0710401850 | Rachei Polite VS Karen Polite | \$45.00          | \$45.00     | \$0.00      |

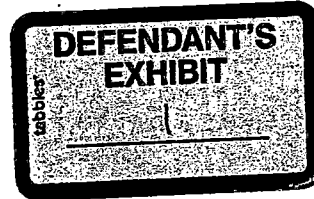
|              |   |         |         |        |
|--------------|---|---------|---------|--------|
| Total Cases: | 1 | \$45.00 | \$45.00 | \$0.00 |
|--------------|---|---------|---------|--------|

I state that this is a true and  
Certified copy of the original record  
on file with Beaufort County  
Magistrate Court

STATE OF SOUTH CAROLINA)  
COUNTY OF BEAUFORT )

IN THE FAMILY COURT  
88-DR-07-0543

RACHEL POLITE, )  
Petitioner, )  
v. )  
BUBBY POLITE, )  
Respondent. )



DECREE OF DIVORCE

Certified - A True Copy

*Jean A. Pearson*  
Clerk of Court  
Beaufort County SC

This action was commenced by the filing of a Summons and verified Petition in the Beaufort County Family Court on May 13, 1988. At that time, the Petitioner also filed a motion seeking pendente lite relief. The motion and pleadings were personally served upon the Respondent on May 20, 1988. In her Petition, the Petitioner sought a decree of separate maintenance and support.

On June 15, 1988, the Respondent filed an Answer and Counterclaim. In his counterclaim, he sought a divorce based upon a no-fault ground of one year's continuous separate. On August 30, 1988, the Petitioner filed a Reply to the counterclaim.

This matter came before me for the purposes of a final hearing in the Beaufort County Family Court on November 21, 1988. Present at the hearing was the Petitioner, represented by her attorney, H. Fred Kuhn, Jr., Esquire. The Respondent was also present and was represented by his attorney, Martha Dicus, Esquire. Also present was a corroborating witness. At the commencement

of the hearing the parties announced to the Court that they had reached an agreement resolving all matters raised by the pleadings. Both parties testified regarding the agreement and the Respondent and the corroborating witness testified on the grounds of divorce. Pursuant to the evidence presented, I make the following findings of fact.

Both parties were questioned concerning the possibility of a reconciliation and I find that no such possibility exists.

#### FINDINGS OF FACT

Both parties are citizens and residents of Beaufort County, South Carolina, and have been so for more than three months prior to the commencement of this action.

Petitioner and Respondent are wife and husband, having been lawfully married on November 29, 1965 in Beaufort County, South Carolina. Of this marriage there has been born to the parties six children, all of whom are grown and emancipated.

Approximately eight (8) years ago the parties separated and have since that date have remained separate and apart, continuously and without cohabitation.

The parties have reached an agreement wherein the Respondent will transfer to the Petitioner sole title to the former marital residence and the approximately one (1) acre of land upon which it is situated. Additionally, each party will keep that personal property

which is now in his or her own possession. The parties have agreed that each will pay their own debts and attorney fees and that each party will waive and relinquish any right which he or she may have to claim alimony or spousal support from the other party.

Both parties are able-bodied adults and gainfully employed. Each is capable of supporting himself or herself and has been doing so for the past eight years.

Based upon the above Findings of Fact, I make the following conclusions of law.

#### CONCLUSIONS OF LAW

This Court has jurisdiction and venue in this matter.

The parties are entitled to an absolute divorce, a vinculo matrimonii, upon the no-fault ground of one year's continuous separation.

The agreement of the parties as set forth above is fair and equitable. The parties have entered into the agreement freely and voluntarily and with the benefit of advice of counsel. Each party is aware of the respective resources and abilities of the other party and each party believes the agreement to be fair.

IT IS, THEREFORE, ORDERED:

a) That the Respondent be and is hereby granted an absolute divorce, a vinculo matrimonii, from the Petitioner upon the ground of one year's continuous separation and the bonds of marriage between the parties

are hereby terminated and forever ended;

b) The Respondent shall convey to the Petitioner all of his right, title and interest in and to the former marital residence and the approximate one acre of land, more or less, upon which the former marital residence is situated, together with all improvements located thereon;

c) Each party shall pay his or her own debts;

d) Each party shall have the exclusive possession and ownership of that personal property now in his or her possession. Each party is forever barred from claiming alimony or spousal support from the other party;

e) Each party shall be responsible for his or her own attorney fees.

I hereby certify that I believe this Order is in compliance with the requirements of Rule 27(c) of the Rules of Practice for the Family Court.

*John T. Black*  
 \_\_\_\_\_  
 THE HONORABLE JOHN T. BLACK  
 PRESIDING JUDGE  
 BEAUFORT COUNTY FAMILY COURT

*Dec. 2<sup>nd</sup>*  
 November \_\_\_\_\_, 1988

#4

described real property, to-wit:

ALL that certain piece, parcel or lot of land, with improvements thereon, if any, situate, lying and being in the Southeastern corner of Lot 51, Section 22, 131E, on St. Helena Island, Beaufort County, South Carolina, and being more particularly bounded and described as follows, to-wit: On the North by a public road and on the East, South and West by lands now or formerly of Emily Holmes. For a more complete description as to metes, bounds, courses and distances, reference is made to that certain plat made by H. F. Wilson, Jr., R.L.S., dated April 13, 1972, a copy of which is recorded in the Office of the RMC for Beaufort County, South Carolina in Deed Book 197 at Page 679.

This is the same property as conveyed to the within Grantor by deed of Emily Holmes a/k/a Emily M. Holmes dated April 18, 1972 and recorded in the Office of the RMC for Beaufort County, South Carolina in Deed Book 197 at Page 678 on April 19, 1972.

This deed was prepared by the Law Firm of Moss, Dore, Kuhn & McIntyre, P.A., 1501 North Street, Beaufort, South Carolina 29902, by H. Fred Kuhn, Jr., Esquire, without the benefit of title examination.

BEAUFORT COUNTY TAX MAP REFERENCE

| Dist | Map | Submap | Parcel | Block |
|------|-----|--------|--------|-------|
| 300  | 17  |        | 114A   |       |

Lot 51,  
Section 22  
April 13 1972  
Apr. 18, 1972

110



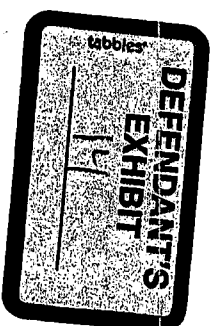
112

DEFENDANT'S  
EXHIBIT  
5



113

LABORATORY  
DEFENDANT'S  
EXHIBIT



BEAUFORT COUNTY TREASURER  
PO DRAWER 487  
BEAUFORT, SC 29901-0487

Received By:

cwhite

Receipt Number:

U09.58054

Location:

BEAUFORT

Receipt Year:

2009

Session:

cwhite-01082010-0

Date Received:

01/08/2010

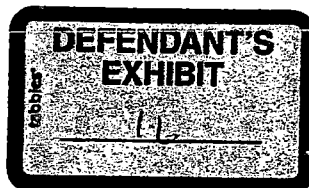
PAYMENT RECEIPT - DUPLICATE

| Type                | Description                                                                                                                                                                                                                                                               | Balance         | Net Tax<br>Renewal/<br>User Fee | Interest | Fees<br>Penalties | Current<br>Due | Current<br>Paid | Balance<br>Remaining |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------------------------|----------|-------------------|----------------|-----------------|----------------------|
| Real                | Bill Number: 124414<br>Bill Year: 2009<br>Effective Pay Date: 01/08/2010<br>PIN: R300 017 000 114A 0000<br>Primary Owner: POLITE RACHEL M<br>Property Addr: 529 SEASIDE RD<br>Property Desc: POR LOT 51 SEC 22 1S1E<br>TAG: 300-ST HELENA ISLAND                          | 267.40          | 267.40                          | 0.00     | 0.00              | 267.40         | 267.40          | 0.00                 |
| Real                | Bill Number: 157616<br>Bill Year: 2009<br>Effective Pay Date: 01/08/2010<br>PIN: M300 017 000 114B 0000<br>Primary Owner: POLITE RACHEL<br>Property Desc: 1974<br>FIESTA/12X60/CREAM/ GOLD & BROWN MH USED FOR STORAGE<br>TAG: 300-ST HELENA ISLAND                       | 23.77           | 23.77                           | 0.00     | 0.00              | 23.77          | 23.77           | 0.00                 |
| Real                | Bill Number: 165226<br>Bill Year: 2009<br>Effective Pay Date: 01/08/2010<br>PIN: R300 017 000 114B 0000<br>Primary Owner: POLITE RACHEL<br>Property Addr: 525 SEASIDE RD<br>Property Desc: POT LOT 51 SEC 22 1S1E SPLIT 11/83 1/5 AC 17/114C<br>TAG: 300-ST HELENA ISLAND | 131.80          | 131.80                          | 0.00     | 0.00              | 131.80         | 131.80          | 0.00                 |
| Totals:             |                                                                                                                                                                                                                                                                           | 422.97          | 422.97                          | 0.00     | 0.00              | 422.97         | 422.97          | 0.00                 |
| Tender Information: |                                                                                                                                                                                                                                                                           | Charge Summary: |                                 |          |                   |                |                 |                      |
| Check #1037         |                                                                                                                                                                                                                                                                           | 422.97          | Real                            |          |                   |                |                 | 422.97               |
| Total Tendered      |                                                                                                                                                                                                                                                                           | 422.97          | Total Charges                   |          |                   |                |                 | 422.97               |

BEAUFORT BEAUFORT COUNTY TREASURER PO DRAWER 487 BEAUFORT, SC 29901-0487

By  om Paid:

POLITE RACHEL M  
17 IVORY RD  
ST HELENA ISLAND SC 29920



|                   |        |
|-------------------|--------|
| BALANCE REMAINING | 0.00   |
| CHARGES           | 422.97 |
| PAID              | 422.97 |
| CHANGE            | 0.00   |

115

|                         |   |                                   |
|-------------------------|---|-----------------------------------|
| STATE OF SOUTH CAROLINA | ) | IN THE COURT OF COMMON PLEAS      |
|                         | ) |                                   |
| COUNTY OF BEAUFORT      | ) | CIVIL ACTION NO. 2020-CP-07-00899 |
|                         | ) |                                   |
| RACHEL M. POLITE        | ) | NON-JURY                          |
|                         | ) |                                   |
| Plaintiff(s),           | ) |                                   |
|                         | ) | <b>Judgment and Final Order</b>   |
| vs                      | ) |                                   |
|                         | ) |                                   |
| KAREN P. POLITE         | ) |                                   |
| Defendant(s).           | ) |                                   |

---

THIS MATTER CAME BEFORE ME at the trial of this case held on Monday, April 11, 2022. Present at the hearing was the Plaintiff, Rachel M. Polite and her attorney, Alysoun M. Eversole, and the Defendant Karen P. Polite, appearing Pro-Se.

#### PROCEDURAL POSTURE

The Plaintiff's Complaint seeks an order of this Court ejecting the Defendant from the Property on the grounds of Trespass. The Defendant filed her Answer wherein she claims she owns the real property by Adverse Possession.

On August 21, 2020, the Defendant filed a "Notice of Motion and Motion for Temporary Injunction or in the Alternative a Motion for a Temporary Restraining Order against the Plaintiff and Others". On December 2, 2020 a "Consent Order for Temporary Injunction" was entered wherein the parties were enjoined from, among other things, disturbing each other, and the Plaintiff would access her home over property located at 525 Seaside Road, and the Defendant would continue to access her home over Ladson Road and the driveway on the Property.

On September 28, 2021, Defendant filed a "Notice of Motion and Motion for Violation or in the Alternative a Motion for Preliminary Injunction against the Plaintiff". The motion was never

set for a hearing. At trial the parties agreed the issues raised in the said Motion would be addressed during the trial.

Now therefore, from the pleadings, the credible testimony and the relevant evidence presented, I make the following findings of fact and conclusions of law:

#### FINDINGS OF FACT

1. The property mentioned and referred to in this Complaint (hereinafter the "Property") and the basis of this cause of action herein is described as follows:

ALL that certain piece, parcel or tract of land, with improvements thereon, if any, situate, lying and being in the Southeastern corner of Lot 51, Section 22, 1S1E, on St. Helena Island, Beaufort County, South Carolina, and being more particularly bounded and described as follows, to-wit: On the North by a Public road and on the East, South and West by land now or formerly of Emily Holmes. For a more complete description as to metes, bounds, courses and distances, reference is made to that certain plat made by H.F. Wilson, Jr., R.L.S, dated April 13, 1972, a copy of which is recorded in the Beaufort County Register of Deeds Office in Deed Book 197 at Page 679.

R300 017 000 114A 0000

2. The Property had at one time belonged to the Plaintiff's mother, who lost title to it many years ago. In 1972 the Plaintiff wanted to re-acquire the Property but was unable to obtain a bank loan on her own, so her husband, Bubby Polite, obtained the financing. The deed was put in his name. **Plaintiff's Exhibit 2.** The Plaintiff made the payments on the loan. Later, the Plaintiff and Bubby Polite divorced. Pursuant to the Divorce Decree, **Defendant's Exhibit 1**, Bubby Polite was ordered to deed the property to the Plaintiff, which he did in 1989. **Plaintiff's Exhibit 1.**

3. The Defendant is the Plaintiff's youngest daughter. In about 1983 the Defendant was given permission by Bubby Polite to put a mobile home on the Property. The Plaintiff also gave permission but on the condition that the Defendant would contribute to payment of the real

property taxes and not make any changes to Defendant's mobile home, or the Plaintiff's Property without the Plaintiff's permission. The Defendant contributed to the payment of the real property taxes up until 2013.

4. Beginning in about 2016, disagreements and numerous personal problems arose between the Plaintiff and the Defendant, including but not limited to, the Defendant interfering with the Plaintiff bringing in a new double-wide mobile home to install on the Property, the Defendant constructing additions to her mobile home without Plaintiff's permission and disregarding Plaintiff's demands to stop the construction. The Defendant's construction resulted in Beaufort County Codes Enforcement issuing a Notice of Violation and assessing the fine against the Plaintiff as the landowner. **Plaintiff's Exhibit 5.**

5. On October 31, 2019, the Plaintiff wrote and delivered a letter to the Defendant giving the Defendant thirty (30) day's notice to vacate the Property. **Plaintiff's Exhibit 4.** The Defendant did not respond to the letter. On July 23, 2020, the Plaintiff filed an action in the Beaufort County Magistrate's Court to eject Defendant from the Property. **Plaintiff's Exhibit 7.** The Defendant, in her written response and in court, claimed she owned the Property. The Magistrate entered an Order stating there were competing claims of ownership, therefore it lacked jurisdiction to hear the matter, and this suit resulted.

6. With respect to the Defendant's "Notice of Motion and Motion for Violation or in the Alternative a Motion for Preliminary Injunction against the Plaintiff" filed September 28, 2021 (hereinafter "Motion"), the Defendant presented video evidence to support her Motion, **Defendant's Exhibit 20.** The videos were date stamped July 18, 2020. I find the date stamps of July 18, 2020 in the videos pre-date the entry of the Consent Order for Temporary Injunction filed December 2, 2020.

### CONCLUSIONS OF LAW

7. I conclude that the real property that is the subject of this litigation is situate in Beaufort County, South Carolina, and this court has jurisdiction to hear the matters set forth in the pleadings and venue is proper.

8. In order for the Defendant to prevail in her counter claim for Adverse Possession, she must prove that she has been in open, notorious, hostile, exclusive and continuous occupation of the Property against the true legal owner for the statutory period. Each and every element must be proven by clear and convincing evidence. I find the Defendant has failed to prove the elements of exclusivity and hostility. Exclusivity does not exist because the parties together occupied the Property, consisting of (.79) acres of land, and the Defendant contributed to the payment of the real property taxes as required by the Plaintiff by paying her portion to the Plaintiff up until 2013.

Under South Carolina law, hostile possession requires an intent to dispossess the true paper title holder of the property. The intent should be so notorious that the legal owner by ordinary diligence should have known about possessors intent to claim the property adversely. *Graniteville Co. v. Williams*, 209 S.C., 120-21, 39 S.E. 2d at 206; *Jones v. Leagan*, 681 S.E.2d 6, 384 S.C. 1, (SC App. 2009) Here, the Plaintiff is the true paper title holder of the Property having acquired it by deed of Bubby Polite in 1989, **Plaintiff's Exhibit 1**. the Defendant's occupancy was permissive until October 31, 2019, when the Plaintiff wrote the letter to the Defendant giving her thirty (30) days notice to vacate the Property. Thus, the permissive occupancy became hostile on October 31, 2019 and now constitutes a trespass. The statutory period required to obtain title by adverse possession has also not been met.

9. I conclude that the video evidence presented by the Defendant to support her Motion is date stamped July 18, 2020 which predates the Consent Order for Temporary Injunction

entered December 20, 2020. The Plaintiff cannot, as a matter of law, violate a court order that was entered after the complained of activity took place. Therefore, the Defendant's Motion is Denied.

10. I conclude from the facts and evidence presented in in this case that the Plaintiff is entitled to Judgment in her favor, and a Writ of Ejectment.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREEND that the Plaintiff, Rachel M. Polite, is the lawful paper title holder of the Property described in Paragraph 1, above, who possesses all rights and incidents of ownership in the Property, and that the Defendant has not proven by clear and convincing evidence that she has adversely possessed the Property against the true owner, the Plaintiff Rachel M. Polite; It is further,

ORDERED, ADJUDGED AND DECREED that as of October 31, 2019 the Defendant has been trespassing on the Plaintiff's Property and, therefore, the Defendant shall, within thirty (30) days from the date of this order, remove her mobile home from the Property and permanently vacate the Property. It is further,

ORDERED, ADJUDGED AND DECREED that the Defendant's "Notice of Motion and Motion for Violation or in the Alternative a Motion for Preliminary Injunction against the Plaintiff" is Denied for the reasons set forth in Paragraph 9, above; It is further,

ORDERED, ADJUDGED AND DECREED that the Consent Order for Temporary Injunction entered December 2, 2020, is hereby lifted and terminated with respect to the Plaintiff's method of ingress and egress to her home, and Plaintiff is free to access her property from Ladson Road. However, the portion of the Consent Order enjoining and restraining the parties, or their guests, invitees or agents, from harassing, threatening, intimidating, molesting, assaulting, stalking or destroying personal property of the other party, shall remain in full force and effect until such

time that the Defendant's mobile home from the Property and, thereby, has permanently vacated the Property. It is further,

ORDERED, ADJUDGED AND DECREED that if you, the Defendant, Karen P. Polite, fail to remove the mobile home and vacate the Property within sixty (60) days from the date of this Order, a Writ of Ejectment shall be issued without further delay for the Sheriff of Beaufort County, South Carolina to proceed to the Property to gain access and forthwith remove the mobile home and its contents from the Property, and deposit the said mobile home and personal property at or near, but not obstructing, the nearest public roadway, or otherwise disposing of your mobile home and personal property as allowed by law.

DONE AND ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Marvin H. Dukes, Master-in-Equity and Special  
Circuit Court Judge for Beaufort County, South  
Carolina

time that the Defendant's mobile home from the Property and, thereby, has permanently vacated the Property. It is further,

ORDERED, ADJUDGED AND DECREED that if you, the Defendant, Karen P. Polite, fail to remove the mobile home and vacate the Property within sixty (60) days from the date of this Order, a Writ of Ejectment shall be issued without further delay for the Sheriff of Beaufort County, South Carolina to proceed to the Property to gain access and forthwith remove the mobile home and its contents from the Property, and deposit the said mobile home and personal property at or near, but not obstructing, the nearest public roadway, or otherwise disposing of your mobile home and personal property as allowed by law.

DONE AND ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Marvin H. Dukes, Master-in-Equity and Special  
Circuit Court Judge for Beaufort County, South  
Carolina

## FORM 4

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

## JUDGMENT IN A CIVIL CASE

CASE NO. 2020-CP-07-00899

Rachel M. Polite

Karen P. Polite

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Alysoun M. Eversole, Esq.

Attorney for : ☒ Plaintiff ☐ Defendant  
or  
☐ Self-Represented Litigant

## DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

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

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

## ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk : This is a Quiet Title Action, Reformation, and Declaratory Action

## 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<br>(List name(s) below) | Judgment Against<br>(List name(s) below) | Judgment Amount To be<br>Enrolled<br>(List amount(s) below) |
|----------------------------------------------|------------------------------------------|-------------------------------------------------------------|
| Rachel M. Polite                             | Karen P. Polite                          | \$ N/A                                                      |
|                                              |                                          | \$                                                          |
|                                              |                                          | \$                                                          |

If applicable, describe the property, including tax map information and address, referenced in the order:  
TMP#R300 017 000 114A, .79 acre, Address: 6 and 8 Ladson Dr., St. Helena Island, SC,

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

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

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on the       day of       , 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       | ) | IN THE COURT OF COMMON PLEAS          |
|                               | ) |                                       |
| COUNTY OF BEAUFORT            | ) | CIVIL ACTION NO. 2020-CP-07-_____     |
|                               | ) |                                       |
| RACHEL M. POLITE A/K/A RACHEL | ) | NON-JURY                              |
| CHAPLIN                       | ) |                                       |
|                               | ) |                                       |
|                               | ) | <b>COMPLAINT</b>                      |
|                               | ) | <b>for</b>                            |
| Plaintiff(s),                 | ) | <b>Trespass and Writ of Ejectment</b> |
|                               | ) |                                       |
| vs                            | ) |                                       |
|                               | ) |                                       |
|                               | ) |                                       |
| KAREN P. POLITE               | ) |                                       |
|                               | ) |                                       |
| Defendant(s).                 | ) |                                       |

~~~~~

The Plaintiff herein, complaining of the Defendants herein would respectfully show unto the Honorable Court:

JURISDICTION

1. Plaintiff, Rachel M. Polite A/K/A Rachel Chaplin, is the owner of the real property in Beaufort County, South Carolina, which is the subject of this action.
2. Defendant, Karen P. Polite, a is resident of Beaufort County, South Carolina.
3. The real property that is the subject of this litigation is situated in Beaufort County, South Carolina and, therefore, this Court has jurisdiction to hear the matters set forth herein and venue is proper.

STATEMENT OF FACTS

4. The property mentioned and referred to in this Complaint and the basis of this cause of action herein is more specifically described as follows:

ALL that certain piece, parcel or tract of land, with improvements thereon, if any, situate, lying and being in the Southeastern corner of Lot 51, Section 22, 1S1E, on St. Helena Island, Beaufort County, South Carolina, and being more particularly bounded and described as follows, to-wit: On the North by a Public road and on the East, South and West by land now or formerly of Emily Holmes. For a more complete description as to metes, bounds, courses and distances, reference is made to that certain plat made by H.F. Wilson, Jr., R.L.S, dated April 13, 1972, a copy of which is recorded in the Beaufort County Register of Deeds Office in Deed Book 197 at Page 679.

R300 017 000 114A 0000

5. Bubby Polite acquired the Property from Emily Holmes by deed dated April 19, 1972 recorded in Deed Book 197 at Page 678 recorded with the Register of Deeds Office for Beaufort County, South Carolina.

6. Defendant, Bubby Polite's daughter, owns a 1984 Nobility mobile home (hereinafter, "mobile home") and upon information and belief, in April 1988, Bubby Polite gave Defendant permission to live in Defendant's mobile home on the Property.

7. Thereafter, Bubby Polite transferred title to the Property to Plaintiff, Bubby's then wife, by deed dated December 12, 1989 and recorded in Records Book 544 at Page 2365, in said Register of Deeds Office, (**Exhibit 1**).

8. Plaintiff currently lives on the Property and has lived on the Property even before Bubby Polite granted Defendant permission to live in Defendant's mobile home on the Property.

9. Shortly after Plaintiff acquired record title to the Property, Plaintiff granted Defendant permission to remain in Defendant's mobile home on Plaintiff's property, with Defendant's understanding that the Property belonged to Plaintiff and Defendant's occupation of Plaintiff's property was permissive.

10. Plaintiff and Defendant stipulated that in exchange for Plaintiff allowing Defendant to continue to occupy Plaintiff's property, Defendant was to contribute to payment of the real estate taxes on Plaintiff's property and Defendant would not substantially alter Plaintiff's property.

11. Defendant has not contributed to the payment of the real estate taxes on Plaintiff's property since 2013.

12. On October 26, 2019, Defendant began building a double garage on the Plaintiff's property, and Plaintiff demanded Defendant to stop building the double garage on the Property.

13. Defendant disregarded Plaintiff's demands to stop building the double garage on Plaintiff's property, despite stipulating with Plaintiff that Defendant would not make any substantial alterations to Plaintiff's property.

14. Despite Plaintiff's demands not to do so, Defendant completed building the double garage on Plaintiff's property, without first obtaining the appropriate permits or development approvals from Beaufort County, in violation Beaufort County Code 9.2.30(a), **(Exhibit 2)**.

15. Because Plaintiff owns the Property, Beaufort County Codes Enforcement issued to Plaintiff a Notice of Violation notifying Plaintiff that the double garage on the Plaintiff's property is in violation of the aforementioned Beaufort County Code.

16. Defendant's refusal to comply with Plaintiff's demands to not build the double garage on Plaintiff's property has put Plaintiff's property in violation of Beaufort County Codes, and unnecessarily exposes Plaintiff to liability to Beaufort County for penalties and fines, for said violation, and costs and expenses incurred by Beaufort County should Beaufort County remove or abate said violation.

17. On October 31, 2019, for the reasons stated above, Plaintiff gave written notice to Defendant to vacate and remove Defendant's mobile home off the Plaintiff's property, but Defendant refuses to do so, **(Exhibit 3)**.

**FOR A FIRST CAUSE OF ACTION
Trespass/Writ of Ejectment**

18. Each and every allegation contained in Paragraphs 4 through 17 are reiterated as set forth verbatim herein.

19. Defendant's occupation of Plaintiff's property is now without Plaintiff's permission, consent, or authority, thereby constituting trespass on Plaintiff's property.

20. The Plaintiff has demanded that Defendant remove her mobile home and personal property from Plaintiff's property to no avail, and therefore Plaintiff has no other remedy at law or in equity to protect her rights other than to bring this action.

20. Plaintiff is informed and believes that it is entitled to an Order from this Court requiring the Defendant to remove from Plaintiff's property, within thirty (30) days of an Order from this Court, the mobile home and any other personal property owned by the Defendant or Defendant's guests and invitees.

21. As an alternative relief, Plaintiff is informed and believes that she is entitled to an Order from this Court issuing a Writ of Ejectment directing the Sheriff of Beaufort County to proceed to Plaintiff's property to gain access to the premises and to remove Defendant's Mobile home, and all items belonging to the Defendant.

22. Plaintiff respectfully requests that this Court have continuous jurisdiction for the enforcement of any Order issued by this Court or otherwise.

21. Plaintiff knows of no other remedies at law or in equity to protect her rights other than to bring this action.

PRAYER

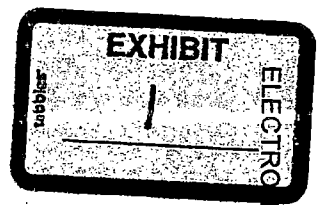
WHEREFORE, your Plaintiff respectfully requests that this Court:

- a. Find that the Defendant is trespassing on Plaintiff's property;
- b. Order Defendant to remove Defendant's mobile home and any other personal property belonging to the Defendant or Defendant's guests and invitees from Plaintiff's Property, within thirty (30) days of the Court's Order;
- c. In the event the Defendant does not remove the Mobile home from Plaintiff's property within thirty (30) days of the Court's Order, issue a Writ of Ejectment directing the Sheriff of Beaufort County to proceed to Plaintiff's property to gain access to the premises and to remove Defendant's mobile home, and any items belonging to the Defendant, in order to effectuate the ejectment;
- d. Issue an Order declaring that this Court shall have continuing jurisdiction to enforce any Other issued by this Court or otherwise; and
- e. For such other and further relief as the Court may deem just and proper.

EVERSOLE LAW FIRM, P.C.

By: s/Cherese T. Handy
 Alysoun M. Eversole, Esq. SC Bar #60811
 Cherese T. Handy, Esq. SC Bar #103184
ATTORNEYS FOR THE PLAINTIFF
 1509 King Street
 Beaufort, South Carolina 29902
 Phone: (843)379-3333
chandy@eversolelaw.com

Beaufort, South Carolina
 April 12, 2020



ELECTRONICALLY FILED - 2020 Apr 16 3:20 PM - BEAUFORT - COMMON PLEAS - CASE#2020CP0700899

400

State of South Carolina,

2365

COUNTY OF BEAUFORT

02222

KNOW ALL MEN BY THESE PRESENTS, THAT

I, BUBBY POLITE,

in the State aforesaid _____ for and _____ in consideration of the sum of
ONE AND NO/100(\$1.00)DOLLAR AND DECREE OF DIVORCE _____

to _____ in hand paid at and before the sealing of these presents by RACHEL M. POLITE,

Route 2, Box 557-A, St. Helena Island, South Carolina 29920
in the State aforesaid _____ for which _____ 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 RACHEL M. POLITE, Her Heirs and Assigns, forever, the following
described real property, to-wit:

ALL that certain piece, parcel or lot of land, with improvements thereon, if any,
situate, lying and being in the Southeastern corner of Lot 51, Section 22, 151E,
on St. Helena Island, Beaufort County, South Carolina, and being more particularly
bounded and described as follows, to-wit: On the North by a public road and on the
East, South and West by lands now or formerly of Emily Holmes. For a more
complete description as to metes, bounds, courses and distances, reference is made
to that certain plat made by H. F. Wilson, Jr., R.L.S., dated April 13, 1972, a
copy of which is recorded in the Office of the RMC for Beaufort County, South
Carolina in Deed Book 197 at Page 679.

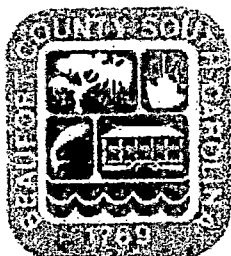
This is the same property as conveyed to the within Grantor by deed of Emily
Holmes a/k/a Emily M. Holmes dated April 18, 1972 and recorded in the Office
of the RMC for Beaufort County, South Carolina in Deed Book 197 at Page 678 on
April 19, 1972.

This deed was prepared by the Law Firm of Moss, Dore, Kuhn & McIntyre, P.A.,
1501 North Street, Beaufort, South Carolina 29902, by H. Fred Kuhn, Jr., Esquire,
without the benefit of title examination.

BEAUFORT COUNTY TAX MAP REFERENCE

Dist	Map	Submap	Parcel	Block
300	17		114A	

129



Beaufort County Code Enforcement
100 Ribaut Road / PO Drawer 1228
Beaufort SC 29901-1228
Phone (843) 255-2066

Beaufort County
South Carolina

NOTICE OF VIOLATION

Please be advised that you are currently in violation of the Beaufort County Code.

Division 9.2 Compliance Required
9.2.30 Specific Violations (A)

Failure to comply with this order within the time period specified will result in a summons being issued to appear in court and a fine up to \$500.00 and any court costs.

Property Owner: Rachel M Polite

Location of Violation: 6/8 Ladson Road St. Helena, SC 29920

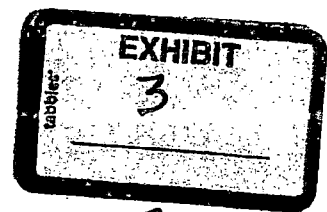
Property ID: R300 017 000 114A 0000

Date of Notice: November 26, 2019

Comply by: December 13, 2019

Code Enforcement Director: A. Antonacci





To Karen Polite

31 Oct 2019

I am writing to inform you that I am giving you a 30 days notice to vacate my property on 8 Ladsom Rd. from the time that you were allowed to put your trailer there, you have not paid no property taxes. In return you was told not to alter the property in any way while you remain on the land. On or about 2018 you attempted to pour a cement driveway in front of your home. I in turn told you not to do it. On 26 Oct 2019 late evening I you started to build a two car garage by putting posts in the ground. I told you to stop the building and you do not go any forward. You ignore every thing that I said and continue to build. Now I am giving you this final notice to you need to move your mobile home and off my land 8 Ladsom Rd 31 Helena, Iso. S.C. as of 31 Oct 2019

If you have any question or concern you can contact me at 843-694-1017

Rachel M Polite
Rachel M. Polite

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

**RACHEL M. POLITE A/K/A RACHEL
CHAPLIN**

Plaintiff(s),

vs

KAREN P. POLITE

Defendant(s).

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO. 2020-CP-07-

NON-JURY

VERIFICATION

PERSONALLY appeared before me, Rachel M. Polite a/k/a Rachel Chaplin, who being duly sworn, deposes and says that she is the Plaintiff in the foregoing action; that she has read the foregoing Complaint for Trespass and Writ of Ejection, and that the same is true to her own knowledge.

Rachel M. Polite / Chaplin
Rachel M. Polite a/k/a Rachel Chaplin

SWORN TO and subscribed before me,
this 15th day of April, 2020.

Catherine Sparks (SEAL)
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: Aug. 12th 2026

5/11/20

Karen P. Polite



6 Ladson Road

St. Helena S.C 29920

(843) 321-3722

2020 MAY 15 PM 1:13
JERRI ANN ROSENEAU
CLERK OF COURT
BEAUFORT COUNTY, S.C.

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO. 2020-CP-07-899

ANSWER TO COMPLAINT

FOR

Trespass and Writ of Ejectment

RACHEL M. POLITE A/K/A RACHEL CHAPLIN

Plaintiff(s).

vs

KAREN P. POLITE

Defendant(s).

ANSWER TO COMPLAINT

1. "Your Honor" Yes, I Karen P. Polite a longtime resident of Seaside Road and the youngest daughter of the late Bubby Polite, whom I care for more than seven years. My dad lost his battle from lung cancer on (May 14, 2018). The property in question owned by Bubby Polite located on Seaside road 6 and 8 Ladson which he purchased from the late Ms. Emily M. Holmes, Bubby Polite became the sole owner of the property (April 13, 1972).
2. (April 7, 1988) Yes, Bubby Polite granted permission to his youngest daughter I Karen Polite, of stay of her Gray (1984) Mobile Home 70x14 to live on the property for life. Rachel Polite became outrage calling (BCS) Beaufort County Sheriff onto the property at 6 Ladson Seaside road. 6 days later Rachel M. Polite petition the court for a divorce on (May 13, 1988) who still shares the property with her youngest daughter I Karen Polite.
3. (October 31, 2019) and now (April 12, 2020) My mother Rachel M. Polite Chaplain address a sworn written letter to the court, to have my mobile home removed from the property within 30 days. I believe I have or show shared interest of this property, with permission from my father Bubby Polite. After 31 years of living on the property located at 6 Ladson Road. St. Helena island South Carolina 29920. I believe my Mother Rachel stated, several facts outlining me as being a squatter, I accept my right as such by (law) Adverse Possession.
4. Yes, Rachel M. Polite received "(1) acre of land in 1989. In 1982 Plaintiff split and sold parts of the property. I Karen Polite believe for more than 31 years that I own property located at 6 Ladson until, my dad Bubby Polite got sick and died in (2018). My mother Rachel Polite have never given me permission, to remain on the open yard property and or land. Rachel Polite have also accuse me of "never paying any property tax", which states untrue.

5. Rachel Polite never asked me specifically for money for tax's but, instead money to help to pay car notes, Insurance, light bills, and trips over the years. As I continue providing for my mother with unconditional love including in (2001) removing my mom out of debt, by paying off \$30,000 of her bills plus more with money I won from the (lottery).

a. I have held constant use of the property, this property where I lived on for more than 31 years 4 months and 8 days as of November 8th, 2019, have and has remained visible to the public, family, and friends seeing in clear eyes. Rachel Polite have or has never asked that I vacate, leave, or evacuate her property until now. Over the years I have worked hard to improve the property, with no complaints from my mother until now.

b. Improving the property required me cutting the grass and or paying someone to do so if needed, making repairs to my mother's home by remodeling her bedroom after seeing her sleep on her couch for more than a year. I also build a walk-in closet, a shoe rack, and a porch as she asks me to.

6. Yes, I admit improving the driveway, that gain access onto the property for many years using brick, blocks gravel and sand at times using my dad's sledgehammer to crush the bricks. When I got tired, I would pay to have the ditch dig.

a. I deny (Paving) or (Altering) the driveway in anyway shape or form, the driveway entering the property was built by; one Bubby Polite in (1973).

7. "YES Your Honor", my 29-year-old son and I build an open shelter for my vehicle on my property next to my home, sometime after My Dad and I build a deck, for the front and back porch before he began chemotherapy. Because Plaintiff, and her 4 Adult Children remove trees that provided shade over my home, yard, and vehicle, exposing everything wide open in my yard, I work so hard for.

8. On Sunday morning November 25, 2019 Plaintiff, and her daughter Claudia Polite would report my son and I, to Beaufort County Sheriff. The next day November 26, 2019 the Plaintiff, and her daughter would again report my son and I, this time to Beaufort County Code Enforcement. Humiliating me embarrassing me on my property, and the neighborhood where I lived for more than 31year at 114-B.
9. The Plaintiff received a warning, on her on ACT OF WILL of aggressive pressure or intimidation for better word harassment. Because the Plaintiff, new husband, and Daughter Claudia would harass me so much over the years, I could not attend my dad's funeral. My son's and I have worked hard for years, helping the Plaintiff out of many different NOTICES of VIOLATION and unbearable situation that still post a threat today on this property. My dad always reminded me, why he put my home in front of my mothers.

STATEMENT OF FACTS

10. (1999) Rachel Polite needed my help to provide, and care for herself and two adopted nieces ages 5 and 6 along with my two children age 1 and 3.

Shortly after My Mother Rachel Polite became ill in (1999) she asked that I return home, leaving College in Miami Florida, returning a year later. After taking care of my mother who almost lost her life.

- a. Throughout her recovery I worked nights from 10pm-6am, because of my mother surgery and poor health, Rachel being unable to drive herself.
- b. I drove my mother around for one year, collecting insurance money for (Atlantic Coast life Insurance Company) her job for more than 25 years now (retired).

11. (1st Timothy 5 :8) States; but if anyone does not provide for his relatives, and especially for members of his household, he is denied the faith and is worse than an unbeliever".

- a. This letter states truth and facts, the work that I have put in to improve and help my mother while living on the property. As I, shared interest in the property with my mother Rachel Polite for more than 31 years since (1988)
- b. This letter serves not to intimidate, anger, or confuse my mother Rachel M. Polite) this is just the right to understand an unresolved resolution concerning the property, As spoken without hesitation.

12. On "November 29, 1965 Bubby Polite was married to Rachel Polite", who then gave birth to Karen Polite March 24, 1966. Karen was the last of "six children, born to both parties". Shortly thereafter Bubby, Rachel, and Karen would relocate to Miami Florida leaving behind the (5) other children, including two that had not belonged to Bubby Polite. Sometime during the 70's. Bubby, Rachel, and Karen would return to Beaufort South Carolina to their birthplace.

13. Bubby Polite than would purchase 1 Building 1.0 Stories 700 SQFT. Located on Seaside Road situate lying and being in the Southeastern corner of Lots 51, Section 22, 1S1E, on St. Helena Island, Beaufort County, South Carolina, and being more particularly bounded and described as follows, to-wit: On the North by a Public road and on the East, South and West by land now or formerly of Emily Holmes".

14. During the 8years of separation between Bubby and Rachel, Karen became a subject and victim to Plaintiff Rachel Polite two oldest sons, who molest her between 11and12 of age. Identify as Eugene Mitchell, the other son made peace with God and beg for my forgiveness.

15. 13 years later the Defendant Karen Polite, would witness the Plaintiff son Eugene Mitchell molesting her niece. Immediately Karen reported the crime to, "Beaufort County Sheriff" (B.C.S) and her mother Rachel M. Polite. I believe Plaintiff held on for many years of Resentment, Disbelief and Hate toward the Defendant Karen P. Polite.

16. The place of crime 1974 Fiesta/12x60/Cream/Gold & Brown MH used for storage on Lot 51, Section 22, 1S1E 114-B (Coexist) belonging to Rachel M. Polite and Eugene Mitchell. Rachel Polite ask "Beaufort County Sheriff" (B.C.S) to allow her son to go away free to live in a different state, having no contact with either victims. Motion was granted to Plaintiff and her son, now Plaintiff wants her son to move back to Seaside road St. Helena island Beaufort South Carolina.

17. Although Rachel Polite had knowledge of what happened to daughter Karen Polite, and her granddaughter, Rachel Polite is preparing for her son Eugene Mitchell return to the property, for the remainder of his life located on Lot 51, Section 22, 1S1E 114-B, on St. Helena Island, Beaufort County, South Carolina. For Plaintiff son to return and receive parts of this property, I then Karen Polite would have to move. Again, Rachel Polite had two outside son's Eugene Mitchell, and Donald Mitchell none of which were Bubby Polites' children.

18. I believe before "Rachel M. Polite Petition the court in 1988, for a divorce" from one Bubby Polite". During the 8 years of separation Plaintiff Rachel M. Polite, would then Split and Sell parts of property to "Donald Mitchell September 1, 1983 and Recorded in Deed Book, 378 at Page 149, in "said Register of Deeds Office.

19. "Situated lying and being in the Southeastern corner of Lots 51, Section 22, 1S1E, on St. Helena Island, Beaufort County, South Carolina, and being more particularly bounded and described as follows, to-wit: On the North by a Public road and on the East, South and West by land now or formerly of Emily Holmes" before the transfer of "(1) acre of land from Bubby Polite to Rachel M. Polite.

PRAYER

WHEREFORE, the Defendant respectfully requests that this Court:

- a. Allow Karen Polite and heir of Bubby Polite to continue living peacefully on R300 017 114B 0000
- b. Order Plaintiff's and new husband to stop blocking all interest way onto property.
- c. In event that Plaintiff's son Eugene Mitchell violate the court order to move, live, on or near Defendant property without hesitation, a Writ Injunction directing Beaufort County Sheriff to enforce "Protection from Abuse ACT" (PFA) AND ALL other violation place in order.
- d. Issue an order declaring that this court shall have no continuing Junction, to enforce any other issue by this court on this matter relation to both, Defendant and Plaintiff's
- e. Request that any properties (Split/Sold and on or before December 12, 1989) without written consent of Bubby Polite be returned to thy estate of Bubby polite, that have not been PROBATE.
- f. I one Karen P. Polite, asking this court of law to (Award Title) of 114- B Lot 51, Section 22, 1S1E, 6 Ladson Road St. Helena S.C 29920 in my name, if I have "met my burden of proof by; Preponderance of the Evidence"
- g. For such other further relief as this Court may, render just.

CONCLUSION

My dad Bubby Polite was loving, wonderful, wise, hard-working, and proud. He provided for his family although he "could not read instructions", as I did for him". Shortly after my dad passed in 2018, I began College completing my 3rd year of studying, Criminal justice at Liberty University. Since May 8, 2020, I have completed two more classes through the grace of God. Western Culture 101 final grade (A) and Bible Worldview 104 (B) (3.48 GPA). What should have been my last year, but instead I am fighting to keep parts of my dad's property, and legacy in my family that he worked so hard for. I know my dad Bubby Polite my two sons, and granddaughter would be proud of me no matter what. My dad would

8

remind me that there was enough land for both Rachel and I, even after Rachel received her (1) acre.

Property or properties in question on (Lot 51, Section 22, 1S1E)

(Reference)

IN THE FAMILY COURT (88-DR-07-0543

Lot 51, Section 22, 1S1E, Beaufort County Register of (Deeds Office in Deed Book 197 at Page 679- 1972)

R300 017 114A 0000- Rachel M. Polite (1989)

R300 017 114B 0000- Karen Polite (1988)

R300 017 114C 0000- Rachel M. Polite (1983) SPLIT

Lot 51, Section 22, 1S1E, Beaufort County Register of (Deeds Office in Deed Book 378 at Page 149-1983)

R300 017 114C 0000- Donald Mitchell (1983) SPLIT

(2088 words)

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

RACHEL M. POLITE A/K/A RACHEL
CHAPLIN

Plaintiff(s),

vs

KAREN P. POLITE

Defendant(s).

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO. 2020-CP-07-0899

NON-JURY

**CONSENT ORDER
FOR
TEMPORARY INJUNCTION**

THIS MATTER CAME BEFORE ME on November 10, 2020, upon the filing of a Motion for a Temporary Restraining Order or in the Alternative a Motion for a Temporary Injunction by Karen P. Polite, Pro Se' Defendant, and by stipulation of the Plaintiff, Rachel Polite, by and through her undersigned counsel.

It appears the Parties are involved in an action pending in this Court involving a dispute over a portion of a parcel of land identified by Beaufort County Assessor as R300 017 000 114A 0000 ("Disputed Parcel"), which is the Parcel subject to action.

It appears that Plaintiff, Rachel Polite resides at 8 Ladson Road, Beaufort County, South Carolina, and Defendant, Karen P. Polite resides at 6 Ladson Road, Beaufort County, South Carolina; the Plaintiff's and Defendant's residences are situated on the Disputed Parcel.

It also appears that Plaintiff and Defendant desire to reside peacefully in their respective residences and agree that it is necessary for the issuance of a temporary injunction until this Court renders a final order in the Property Dispute.

NOW, THEREFORE, it appears that the Parties have reached an agreement with respect

to said motion and hereby consent to the entry of this Order.

IT IS HEREBY ORDERED that Plaintiff and Defendant are enjoined and restrained from harassing, threatening, intimidating, molesting, assaulting, stalking, destroying personal property of or disturbing the peace of the other Party.

ALSO, IT IS HEREBY ORDERED that Plaintiff and Defendant are enjoined and restrained from directly or indirectly instructing, participating, or otherwise acting in concert with each Parties' guests, invitees, and any person(s) residing at Plaintiff's or Defendant's residence from harassing, threatening, intimidating, molesting, assaulting, stalking, destroying personal property of or disturbing the peace of the other Party.

IT IS FURTHER ORDERED that each Party shall access their individual residence by using the separate driveways the Parties used prior to the filing of this action, to wit: 1) Plaintiff is to access her home at 8 Ladson Road by way of the access commencing from Seaside Road through a parcel of land owned by Plaintiff, located at 525 Seaside Road, 2) Defendant is to continue to access her residence located at 6 Ladson Road by way of the access commencing from Ladson Road over a driveway leading to the front of Defendant's residence, and 3) each Party shall instruct their guests and invitees to access the Parties' respective residence according to the terms of this Order.

IT IS FURTHER ORDERED that for the purpose of the within order, the driveway located in the front of Plaintiff's home and in the rear of Defendant's residence and shall be the temporary common boundary separating Plaintiff's and Defendant's portion of the Disputed Parcel, and Plaintiff's and Defendant's guests, invitees, and any person(s) residing at Plaintiff's or Defendant's residence are prohibited from entering, or otherwise accessing the other Party's portion of the Disputed Parcel without the respective Party's consent.

IT IS FURTHER ORDERED that this temporary injunction shall remain in place until such time as this action goes to trial and a final determination of the issues raised may be had on the merits.

IT IS FURTHER ORDERED that the terms of the within Consent Order are not dispositive of this matter's final adjudication.

AND IT IS SO ORDERED

I so stipulate and consent:

/s/Cherese T. Handy
Cherese T. Handy, Esq.
EVERSOLE LAW FIRM, P.C.
1509 King Street
Beaufort, SC 29902
ATTORNEY FOR THE PLAINTIFF

I so stipulate and consent:

(See attached)
Karen P. Polite, Pro Se' Defendant

[JUDGE'S ELECTRONIC SIGNATURE PAGE FOLLOWS]



Beaufort Common Pleas

Case Caption: Rachel M Polite , plaintiff, et al VS Karen P Polite
Case Number: 2020CP0700899
Type: Order/Consent Order

So Ordered:

s/Marvin H. Dukes III #3069

Electronically signed on 2020-12-02 11:05:14 page 5 of 5

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT	)	CIVIL ACTION NO. 2020-CP-07-00899
RACHEL M. POLITE	)	NON-JURY
	)	
Plaintiff(s),	)	
vs	)	Return to Defendant's "Notice of Motion
	)	and Plaintiff's Motion to Reconsider the
	)	Court's Order of April 27, 2022 and Motion
	)	for Relief from Same"
KAREN P. POLITE	)	
Defendant(s).	)	

TO: ROBERT B. VARNADO, ATTORNEY FOR DEFENDANT KAREN POLITE

PLAINTTIF Rachel Polite, by and through her undersigned counsel, files this Return to Defendant's "Notice of Motion and Plaintiff's Motion to Reconsider the Court's Order of April 27, 2022 and Motion for Relief from Same" (hereinafter "Motion") as follows:

1. In her Motion, and pursuant to Rules 59(e) and 60(b) of the South Carolina Rules of Civil Procedure, Defendant seeks an order to "Alter, Amend and/or Reconsider this Court's Judgment filed April 27, 2022, and an "Order for Relief "claiming there is "new evidence since the trial of the case."

2. The basis for Defendant's Motion under Rule 60(b), South Carolina Rules of Civil Procedure, stem from their interpretation of the deed from Emily Holmes to Bubby Polite that is attached to their Motion as Exhibit A, which is faulty for the following reasons:

a. Exhibit A to Defendant's Motion fails to include the plat referenced in the legal description which state: "For a more compete description as to metes, bounds, courses and distances reference is made to that certain plat made by H. F. Wilson, Jr., R.L.S. dated April 13, 1972 which is hereto attached and made a part hereof." (hereinafter the "Plat") The complete deed is attached hereto as **Exhibit 1**. A reasonable attorney or pro se litigant would

ensure they have the entire deed and analyzed the entire deed. A reasonable attorney or pro se litigant and would not either intentionally or through negligence, submit an exhibit to the court that omits perhaps the most relevant, material information about the subject matter of the litigation, the description of the property in dispute. A reasonable attorney or pro-se litigant would have calculated the acreage identified on the Plat according to the metes and bounds, courses and distances shown thereon and learned that the acreage conveyed in the deed to Bubby Polite was approximately 43,520 square feet, which is one acre of land.

b. Defendant highlights the derivation clause of the property being conveyed in the aforementioned deed from Emily Holmes to Bubby Polite. A copy of deed referenced therein, Deed Book 104 at Page 20, was not attached in the Motion so it is attached hereto as **Exhibit 2**. This deed shows 3.5 acres of land was conveyed by Nazarene Homes to Emily Holmes on October 5, 1960. A reasonable attorney or pro se litigant would have researched and learned that a derivation clause does not convey title to anything, and that when Emily Holmes conveyed the one acre to Bubby Polite on April 18, 1972, title to the remaining 2.5 acres remained vested in Emily Holmes.

c. In Paragraph 4 of Defendant's Motion, Defendant states Bubby Polite was ordered in a 1990 Divorce Decree to convey all his right, title and interest in the marital residence, approximately one acre of land, to the Plaintiff and that Bubby Polite "was retaining the rest of the acreage". For the reasons explained in subparagraphs A and B, above, the Defendant's conclusion is wrong.

d. In paragraph 12 of Defendant's Motion, she and her counsel claim fraud exists because the 2.5 acres Emily Holmes to Rachel Polite in 1983 (Defendant's Exhibit D) was the same property Emily Holmes conveyed to Bubby Polite in 1972. Nothing could be further

from the truth. A reasonable attorney and a pro se defendant would have known that there is no basis in law for fraud in this case had they had properly analyzed all the pages contained relevant deeds, not just cherry-picked portions of them.

3. Rule 60(b) provides for relieve from a Judgment or Order under various circumstances. Defendant asks the court for relief based on newly discovered evidence and fraud. Defendant and her counsel attaching incomplete Exhibits to their Motion, either deliberately or negligently disregarded, and analyzing only portions of them to conclude that fraud exists on the part of the Plaintiff does not constitute new evidence.

For the foregoing reasons, the Defendants motion must be denied. Further grounds may be presented and argued ore tenus.

EVERSOLE LAW FIRM, P.C.

By: s/Alysoun M. Eversole

Alysoun M. Eversole, Esq. SC Bar #60811

ATTORNEYS FOR THE PLAINTIFF

1509 King Street

Beaufort, South Carolina 29902

Phone: (843)379-3333

Fax: (843)379-5558

aeversole@eversolelaw.com

Beaufort, South Carolina
June 13, 2022

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF BEAUFORT	)	CIVIL ACTION NO. 2020-CP-07-00899
	)	
RACHEL M. POLITE	)	NON-JURY
	)	
Plaintiff(s),	)	
	)	Order on Defendants Motion to Alter,
vs	)	Amend and Reconsider
	)	
	)	
KAREN P. POLITE	)	
	)	
Defendant(s).	)	
_____	)	

THIS MATTER CAME BEFORE ME upon Defendant, Karen P. Polite's Motion to Reconsider filed May 9, 2022. Plaintiff Rachel M. Polite filed a Return to the Defendant's Motion to Reconsider on June 13, 2022. The hearing was held on Tuesday, June 14, 2022, via Web X video conferencing. Present at the hearing was the Defendant Karen P. Polite and her attorney Robert B. Varnado, and the Plaintiff Rachel M. Polite, and her attorney, Alysoun M. Eversole.

At the hearing Defendant, by and through her attorney, acknowledged receipt of the Plaintiff's Return to Defendant's Motion, and after reviewing it now concedes that Paragraph 1 in Defendant's Motion was incorrect as to the acreage conveyed to Bubby Polite in the 1972 deed recorded in Book 197 at Page 678, as was the argument that stemmed therefrom. Now therefore, Defendants Motion to Reconsider filed May 9, 2022, is hereby DENIED.

DONE AND ORDERED this _____ day of _____, 2022.

Marvin H. Dukes, Master-in-Equity and Special
Circuit Court Judge for Beaufort County, South
Carolina



Beaufort Common Pleas

Case Caption: Rachel M Polite , plaintiff, et al VS Karen P Polite

Case Number: 2020CP0700899

Type: Master/Order/Other

So Ordered:

s/Marvin H. Dukes III #3069

Electronically signed on 2022-06-16 15:50:34 page 2 of 2

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF BEAUFORT	)	CIVIL ACTION NO. 2020-CP-07-00899
	)	
RACHEL M. POLITE	)	NON-JURY
	)	
Plaintiff(s),	)	
	)	Order on Defendants Motion to Alter,
vs	)	Amend and Reconsider
	)	
	)	
KAREN P. POLITE	)	
	)	
Defendant(s).	)	

THIS MATTER CAME BEFORE ME upon Defendant, Karen P. Polite's Motion to Reconsider filed May 9, 2022. Plaintiff Rachel M. Polite filed a Return to the Defendant's Motion to Reconsider on June 13, 2022. The hearing was held on Tuesday, June 14, 2022, via Web X video conferencing. Present at the hearing was the Defendant Karen P. Polite and her attorney Robert B. Varnado, and the Plaintiff Rachel M. Polite, and her attorney, Alysoun M. Eversole.

At the hearing Defendant, by and through her attorney, acknowledged receipt of the Plaintiff's Return to Defendant's Motion, and after reviewing it now concedes that Paragraph 1 in Defendant's Motion was incorrect as to the acreage conveyed to Bubby Polite in the 1972 deed recorded in Book 197 at Page 678, as was the argument that stemmed therefrom. Now therefore, Defendants Motion to Reconsider filed May 9, 2022, is hereby DENIED.

DONE AND ORDERED this _____ day of _____, 2022.

Marvin H. Dukes, Master-in-Equity and Special
Circuit Court Judge for Beaufort County, South
Carolina



Beaufort Common Pleas

Case Caption: Rachel M Polite , plaintiff, et al VS Karen P Polite

Case Number: 2020CP0700899

Type: Master/Order/Other

So Ordered:

s/Marvin H. Dukes III #3069

Electronically signed on 2022-06-16 15:50:34 page 2 of 2

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

RACHEL M. POLITE

Plaintiff(s),

vs

KAREN P. POLITE

Defendant(s).

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO. 2020-CP-07-00899

NON-JURY

**Notice of Motion
and Motion for Relief from Stay**

TO: DEFENDANT KAREN POLITE and Attorney for the Defendant, Robert Varnado

YOU WILL PLEASE TAKE NOTICE that the Plaintiff Rachel Polite, by and through her undersigned counsel, will, within ten (10) days or as soon thereafter as may be heard, move the Honorable Marvin H. Dukes, III, Beaufort County Master-in-Equity, for an Order for relief from Stay pursuant to Rule 225(b)(10), South Carolina Rules of Appellate Procedure and the issuance of a Writ of Ejectment ordered in the Judgment and Final Order entered on April 27, 2022, and as grounds wherefore states:

1. Undersigned counsel was served with a Notice of Appeal by the Defendant, Karen Polite, on July 11, 2022. **Exhibit A.**

2. Rule 225(a), SCACR provides as a genal rule the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order on appeal. However, the lower court retains jurisdiction over matters not stayed by the appeal.

3. Rule 225(b), SCACR, "lists some, but not all, of the exceptions to the automatic stay rule...". Plaintiff is informed and believes that the spirit of Rule 225(b)(10), SCACR is an exception to the automatic stay in her case, and Plaintiff asks this Court to determine that the facts

of this case constitutes an exception to the general rule that service of a notice of appeal automatically stays this court's Judgment and Final Order entered April 27, 2022 (the "Order").

4. More than sixty (60) days have elapsed since the date of the aforesaid Order being entered, and Defendant has failed to comply with the Order by failing to remove her mobile home and personal belonging from Plaintiff's property.

5. Plaintiff is informed and believes Defendant Karen Polite served the Notice of Appeal solely for purposes of delay; *i.e.* to delay the Writ of Ejectment from being issued directing the Sheriff to remove her mobile home and personal effects from the Plaintiff's property.

6. Plaintiff asks this Court to issue that attached Writ of Ejectment, **Exhibit C**, for the Beaufort County Sheriff to forthwith remove the Defendant's mobile home from Plaintiff's property as provided in the Order, and for such other relief that this court deems just and proper. Other grounds may be argued ore tenus.

Respectfully Submitted,

EVERSOLE LAW FIRM, P.C.

By: s/Alysoun M. Eversole

Alysoun M. Eversole, Esq. SC Bar #60811

ATTORNEYS FOR THE PLAINTIFF

1509 King Street

Beaufort, South Carolina 29902

Phone: (843)379-3333

Fax: (843)379-5558

aeversole@eversolelaw.com

Beaufort, South Carolina
July 11, 2022

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF BEAUFORT	)	CIVIL ACTION NO. 2020-CP-07-00899
	)	
RACHEL M. POLITE	)	NON-JURY
	)	
Plaintiff(s),	)	
	)	Order on Plaintiff's Motion for Relief
vs	)	from Stay
	)	and Defendant's "Motion Automatic Stay
	)	and Automatic Freeze on Tax Map
KAREN P. POLITE	)	Because of Notice of Appeal of Defendant"
Defendant(s).	)	
	)	
	)	
	)	
	)	

THIS MATTER CAME BEFORE ME upon Plaintiff's Petition Motion for Relief from Automatic Stay filed July 11, 2022, and Defendant's competing motion to enforce the automatic stay filed July 13, 2022. A WebEx hearing was begun on July 28, 2022, before the Honorable Marvin H. Dukes, III and, due to technical difficulties with WebEx, was resumed on August 1, 2022. Present at the hearing was the Plaintiff, Rachel M. Polite and her attorney, Alysoun M. Eversole, Esq., and Defendant Karen P. Polite, appearing pro-se. After consideration of the arguments raised and laws pertaining to automatic stays under the Rule 62(c) and (d), SCRCP and Rule 225(a) and (b), SCRAP, I find that a reasonable bond pending the appeal is for the Defendant to pay \$500.00 per month to the Plaintiff beginning August 15, 2022. In the event Defendant fails to pay the bond amount to the Plaintiff within five (5) days of its due date, i.e., the 20th day of each month, the Plaintiff may Petition this court for issuance of the Writ of Ejectment forthwith as provided in this court's order entered April 27, 2022. Nothing herein shall prevent the Plaintiff

from seeking relief from the automatic stay in the Court of Appeals pursuant to the South Carolina Rules of Appellate Procedure.

IT IS SO ORDERED this _____ day of _____, 2022.

Marvin H. Dukes, Master-in-Equity and Special
Circuit Court Judge for Beaufort County, South
Carolina

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

CIVIL ACTION NO. 2020-CP-07-00899

RACHEL M. POLITE

Plaintiff,

vs.

KAREN POLITE,

Defendant.

-----/

Final Hearing
Before The Honorable Marvin H. Dukes, III

Date: April 11, 2022

Time: 9:12 a.m.

Place: Master in Equity's Hearing Room
Beaufort County Courthouse
102 Ribaut Road
Beaufort, South Carolina

Reporter: Theresa D. Saxon
Hilton Head, South Carolina
tdsaxon@gmail.com 843.338.6388

1	2	1	4
2	APPEARANCES OF COUNSEL	2	I N D E X (continued)
3	For the Plaintiff:	3	Witness: Antonio Anthony Polite
4	Alysoun M. Eversole, Esquire	4	Direct Examination
5	Eversole Law Firm, P.C.	5	By Ms. Karen Polite.....123
6	1509 King Street	6	Witness: Thomas Smalls
7	Beaufort, South Carolina 29902	7	Direct Examination
8	843.379.3333	8	By Ms. Karen Polite.....159
9	aeversole@eversolelaw.com	9	Witness: Karen Polite
10	For the Defendant: (Pro se)	10	Testimony By Ms. Karen Polite.....169
11	Karen Polite	11	Defendant rests.....236
12	6 Ladson Road	12	Witness: Rachel M. Polite
13	St. Helena Island, South Carolina 29920	13	Rebuttal Examination
14	Karen Polite	14	By Ms. Eversole.....236
15	P.O. Box 213	15	Cross Examination
16	St. Helena Island, South Carolina 29920	16	By Ms. Karen Polite.....240
17	---	17	Plaintiff's Closing Summary.....256
18		18	Defendant's Closing Summary..... 258
19		19	Court's Final Comments and Ruling.....275
20		20	Reporter's Certificate.....292
21		21	
22		22	
23		23	
24		24	
25		25	

1	3	1	5
2	I N D E X	2	E X H I B I T S
3		3	<u>Plaintiff's</u> <u>Page</u>
4	Plaintiff's Exhibit Index.....5	4	1 - Deed.....ID-21 EV-23
5	Defendant's Exhibit Index.....6-7	5	2 - Deed.....ID-24 EV-26
6	Court's Introductory Remarks and	6	3 - Plat.....ID-34 EV-34
7	Motions by Counsel.....8	7	4 - Handwritten letter.....ID-37 EV-38
8	Plaintiff's Opening Statement.....13	8	5 - Violation Notice.....ID-41 EV-41
9	Defendant's Opening Statement.....15	9	6 - Aerial photo.....ID-42 EV-43
10	Witness: Rachel M. Polite	10	7 - Magistrate court notice.....ID-46 EV-46
11	Direct Examination	11	
12	By Ms. Eversole.....17	12	
13	Cross Examination	13	
14	By Ms. Karen Polite.....49	14	
15	Cross Examination	15	
16	By The Court.....114	16	
17	Recross Examination	17	
18	By Ms. Karen Polite.....120	18	
19	Plaintiff rests.....121	19	
20		20	
21		21	
22		22	
23		23	
24		24	
25		25	

EXHIBITS (continued)

Defendant's	Page
1 - Divorce Decree.....	ID-56 EV-56
2 - Photo.....	ID-63 EV-65
3 - Photo.....	ID-66 EV-68
4 - Photo.....	ID-67 EV-68
5 - Photo.....	ID-75 EV-75
6 - Photo.....	ID-129 EV-129
7 - Photo.....	ID-131 EV-131
8 - Photo.....	ID-134 EV-134
9 - Photo.....	ID-135 EV-135
10 - Photo.....	ID-137 EV-137
11 - Photo.....	ID-143 EV-143
12 - Photo.....	ID-145 EV-145
13 - Photo.....	ID-146 EV-146
14 - Photo.....	ID-147 EV-147

EXHIBITS (continued)

Defendant's	Page
15 - Photo.....	ID-150 EV-150
16 - Receipt.....	ID-155
17 - Blueprint.....	ID-184 EV-184
18 - Photo.....	ID-195 EV-195
19 - Photo.....	ID-196 EV-196
**20 - Thumb Drives (2).....	ID-221 EV-221
21 - Photo.....	ID-235 EV-235

(** Content from Defendant's Exhibit 20 (two thumb drives) was reviewed via computer by the court, counsel, and litigants.

While this review was taking place, no notes were taken by the court reporter.)

COURT'S INTRODUCTORY REMARKS AND MOTIONS BY COUNSEL

THE COURT: Good morning. We're here in 2020-CP-07-00899. This is Polite versus Polite. The Plaintiff is present and represented by Ms. Eversole.

And you are Karen Polite; is that correct.

MS. KAREN POLITE: Yes.

THE COURT: Okay. Ms. Karen Polite is here pro se.

And is there anything we need to -- well, let me say this. This matter comes to me for a final hearing. There was an Order of Reference filed September 30th, 2020.

And anything we need to take up before we begin?

MS. EVERSOLE: I have one thing, Your Honor.

THE COURT: Sure.

MS. EVERSOLE: Well, actually, two. It's two -- I move to dismiss the -- I guess they're counterclaims, because they are directed at people that are not party to the action. And that is, one, that the Plaintiff's husband is to stop blocking the

COURT'S INTRODUCTORY REMARKS AND MOTIONS BY COUNSEL

entranceway onto the property. He's not a party to the action. And the other one is, Plaintiff's son, moves to -- or lives near the Defendant, to enter a protective order and that he is not a party, a named party either.

THE COURT: Okay. What paragraphs are -- I'm looking at the -- is there just one answer?

MS. EVERSOLE: There's one answer, and it's in the request for relief at the end.

THE COURT: Request for relief. Okay. So order Plaintiff and -- and new husband --

So new husband is who you're referring to there, right?

MS. EVERSOLE: Apparently so.

THE COURT: And then in the event -- okay, and then Eugene Mitchell is the other person in C there.

Okay. Ms. Polite, I'm happy to hear from you.

MS. KAREN POLITE: Well, Your Honor, I believe C, which is Eugene Mitchell, he

1 *PLAINTIFF'S OPENING STATEMENT*

2 off of Seaside Road.

3 The Plaintiff, Rachel, had acquired a
 4 deed in 1989 from Bubby Polite, who was her
 5 husband. This is property that she -- and
 6 it was her mother's, and it was recovered --
 7 her mother had lost it, and then through --
 8 Bubby and Rachel reacquired the property.
 9 And then Bubby Polite -- and Ms. --
 10 Ms. Rachel will get into the details of
 11 that, but this is property that belongs to
 12 Rachel Polite.

13 The Defendant was given permission in
 14 1988 to put her mobile home on the property
 15 and to live on the property. She's lived
 16 there permissibly for, well, 30 -- a little
 17 over 30 years.

18 In October of 2019 or actually -- yeah,
 19 October of 2019, she started building a
 20 double garage on the property. And at that
 21 point, Rachel had said, you know, "You're
 22 not doing what you're -- you're doing what
 23 I've told you not to do on the property, and
 24 therefore, I want you off of the property."
 25 And she ended up needing to -- needing to

1 *DEFENDANT'S OPENING STATEMENT*

2 file a court -- an action in the
 3 magistrate's court, which she did, for
 4 ejectment. And that court said that it
 5 didn't have jurisdiction because Ms. Karen
 6 Polite was claiming she owned the property.

7 So she was given the notice to vacate
 8 on October 31st of 2019.

9 We are seeking to have an order to
 10 remove Ms. Karen Polite from the property,
 11 including her mobile home.

12 THE COURT: Thank you so much.

13 Ms. Polite, I'm happy to hear from you,
 14 and this would just be not testimony but
 15 simply an opening statement as to what you
 16 believe your case will show.

17 MS. KAREN POLITE: Okay. Well, Your
 18 Honor, my case will show that the facts are
 19 that my -- my dad gave -- grant me
 20 permission, when -- when the property
 21 changed hands and -- and Rachel, my mother,
 22 received the property, she never gave me
 23 permission, she never told me to leave, you
 24 know, so I stayed there well over 30 years.
 25 So by staying there, I -- in good faith, I

1 *DEFENDANT'S OPENING STATEMENT*

2 continued to live out 30 years. And --

3 THE COURT: Who is your dad?

4 MS. KAREN POLITE: Bubby Polite. And
 5 he was the one that actually bought the
 6 property when me, my dad, and my mom came
 7 back from Florida. So he bought the
 8 property. And actually, he bought two -- I
 9 believe two and-a-half acres. He bought all
 10 of it, and he gave my mother one acre in the
 11 divorce decree.

12 So the .7 acres was never -- was never
 13 in question until now. But the one acre --
 14 but you will hear testimony that my dad
 15 actually -- actually bought the property for
 16 me, so that's pretty much, you know, where
 17 it goes.

18 THE COURT: What is your relationship
 19 to the Plaintiff?

20 MS. KAREN POLITE: That's my mother.

21 THE COURT: Okay. I'm just trying to
 22 keep it all straight here. Got you. All
 23 right. Thank you so much. All right.

24 Would the Plaintiff like to call their
 25 first witness, please.

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*

2 MS. EVERSOLE: Yes, Your Honor. We'll
 3 call Rachel Polite.

4 RACHEL M. POLITE,
 5 having been produced and first duly sworn as a
 6 witness, testified as follows:

7 THE COURT: Thank you so much. Can you
 8 state your whole name for the record.

9 THE WITNESS: Rachel Polite.

10 THE COURT: Okay. You're Rachel M.
 11 Polite, also known as Rachel Chaplin?

12 THE WITNESS: Yes, sir.

13 THE COURT: Okay. All right. Thank
 14 you. Please answer any questions your
 15 counsel may have of you.

16 DIRECT EXAMINATION

17 BY MS. EVERSOLE:

18 Q All right. Ms. Polite, let's just
 19 start, where -- where were you born?

20 A **Seaside Road in Saint Helena Island.**

21 Q All right. And, okay, so you've lived
 22 on -- how long have you lived on Saint Helena
 23 Island? Your whole life or --

24 A **Except for three and-a-half years.**

25 Q And where did you live then?

1 **EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)**
 2 **A Miami, Florida, or Florida.**
 3 **Q** Okay. And what brought you back here?
 4 **A My children, because I had children --**
 5 **raising children, and they were not all with me.**
 6 **Q** All right. So how many children do you
 7 have?
 8 **A Eight.**
 9 **Q** And what are their names?
 10 **A Donald Mitchell, Eugene Mitchell, Lavon**
 11 **Polite, David Polite, Sharon Polite, Claudia**
 12 **Polite, Cal -- well, John Calhoun Polite, and**
 13 **Karen Polite.**
 14 **Q** Is Karen your youngest?
 15 **A Youngest. That's the baby.**
 16 **Q** And you were married to Bubby Polite?
 17 **A Yes, I was.**
 18 **Q** When did y'all get married?
 19 **A Got married in 1965.**
 20 **Q** All right. Was that here in --
 21 **A It was in November of 1965 in Beaufort**
 22 **County.**
 23 **Q** All right. And where did you live when
 24 you got married?
 25 **A We got -- lived right where I'm living**

1 **EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)**
 2 **now on Saint Helena Island, but the address was**
 3 **not the same. It's not the same now.**
 4 **Q** As it was then?
 5 **A It was 507 Seaside Road or 507-A. That**
 6 **was the mailbox number.**
 7 **Q** Okay. And you -- you got married in
 8 1968 or so, you said?
 9 **A '65.**
 10 **Q** '65. And you were living on the
 11 property when you got married?
 12 **A Yes.**
 13 **Q** All right. Whose property was it when
 14 you got married?
 15 **A When we got married, it was my mom's**
 16 **property.**
 17 **Q** Okay. And who was your mother?
 18 **A My mother was Nazarine Holmes.**
 19 **Q** All right. And how did you -- how did
 20 you get the property?
 21 **A When I moved back from Florida, I**
 22 **decided that I was going to get the property,**
 23 **because my mother had the property from the**
 24 **beginning, and she lost the property. And**
 25 **because if I had children, I couldn't continue**

1 **EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)**
 2 **to live where she was living at now, meaning at**
 3 **that time, so I decided to try to get the**
 4 **property back.**
 5 **I couldn't get all of it because it was**
 6 **like three and-a-half acres and I couldn't**
 7 **afford that.**
 8 **So I went to Ms. Holmes and asked her**
 9 **if I could buy the property, some of the**
 10 **property back. And she agreed. So I went to**
 11 **Beaufort County -- Bank of Beaufort to see if I**
 12 **could get the property through them.**
 13 **Mr. King and Mr. Shepherd told me that**
 14 **I wasn't making enough money to get the**
 15 **property, but if I could get a cosigner to sign**
 16 **for me to get the property, then I could get it.**
 17 **So I asked Bubby to co-sign for me.**
 18 **And because I wasn't making enough money and he**
 19 **was, they decided that I could get the property,**
 20 **but it would have to be in his name.**
 21 **So my name was under his name. But**
 22 **when they did the deed, after I got through**
 23 **paying for the property, they put his name only**
 24 **on the deed.**
 25 **When I got through paying for the**

1 **EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)**
 2 **property, he was supposed to return the property**
 3 **to me, but he didn't.**
 4 **Q** Okay.
 5 **A He would only return it after he -- he**
 6 **decided to divorce me.**
 7 **Q** Okay. So I'm going to show you what I
 8 am going to have marked as Plaintiff's Exhibit
 9 Number 1.
 10 (Whereupon, Plaintiff's Exhibit
 11 Number 1 was marked for
 12 identification.)
 13 **THE COURT:** Any objection to -- are you
 14 just identifying it at this point? I'm
 15 sorry.
 16 **MS. EVERSOLE:** Yes, I just need to
 17 identify what it is.
 18 **BY MS. EVERSOLE:**
 19 **Q** I'm going to ask you to look at that
 20 document. If you would tell me what it is.
 21 **A This is the document wherein he signed**
 22 **the property over to me when he divorced me.**
 23 **Q** Okay. So that is a deed from Bubby to
 24 you?
 25 **A From Bubby to me.**

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*
 2 **Q** Okay. And when was that?
 3 **A** **This was in --**
 4 **Q** If you want to look at the last page.
 5 **A** **The 31st day of January of 1990.**
 6 **That's the title.**
 7 **Q** That's when it was recorded.
 8 **A** **When it was recorded.**
 9 **Q** That was recorded.
 10 **A** **Okay. Now, he did it, and he divorced**
 11 **me in 1998, '99 --**
 12 **Q** Is it '89?
 13 **A** **'89. Sorry.**
 14 **Q** That's all right. I'm just asking for
 15 the date right now.
 16 **A** **The 12th day -- the 12th day of**
 17 **December of 1989.**
 18 **Q** That's when you got the deed?
 19 **A** **When I got the deed, when he gave it**
 20 **back to me.**
 21 **Q** Okay. And that was for how much
 22 property?
 23 **A** **One acre.**
 24 **Q** One acre of land. Okay. And you said,
 25 I think, it's 1.79 acres now?

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*
 2 **A** **Now, because ---**
 3 **Q** What happened?
 4 **A** **Because when the water line came for**
 5 **the water hydrant, they took a portion of the**
 6 **property. And that's why it's seventy --**
 7 **.79 acres now.**
 8 **Q** Okay.
 9 MS. EVERSOLE: And we would move this
 10 deed into evidence as Plaintiff's Exhibit
 11 Number 1.
 12 THE COURT: Thank you so much.
 13 Ms. Polite, no objection, I assume?
 14 MS. KAREN POLITE: No objection.
 15 THE COURT: Thank you. That will be
 16 Plaintiff's 1.
 17 (Whereupon, Plaintiff's Exhibit
 18 Number 1 was received
 19 into evidence.)
 20 BY MS. EVERSOLE:
 21 **Q** Then you had said that the deed was put
 22 originally into Bubby Polite's name; is that
 23 correct?
 24 **A** **Yes.**
 25 **Q** And this is -- I'm going to show you --

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*
 2 MS. EVERSOLE: Let me mark it as
 3 Plaintiff's Exhibit Number 2.
 4 (Whereupon, Plaintiff's Exhibit
 5 Number 2 was marked for
 6 identification.)
 7 BY MS. EVERSOLE:
 8 **Q** Now I'm going to ask you, have you seen
 9 that before? It is a public record.
 10 **A** **This is a deed from Emily Holmes.**
 11 **Don't know if I can read this -- from Emily**
 12 **Holmes to -- to Bubby Polite.**
 13 **Q** Okay. So that's the deed whereby Bubby
 14 got the -- got title to the property; is that
 15 correct?
 16 **A** **Yes. Yes.**
 17 **Q** All right.
 18 MS. EVERSOLE: We would move this
 19 document into evidence as Plaintiff's
 20 Exhibit Number 2.
 21 THE COURT: All right. Plaintiff's 2.
 22 Any objection, Ms. Polite?
 23 MS. KAREN POLITE: I didn't see that
 24 one.
 25 MS. EVERSOLE: I'm giving it to you

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*
 2 right now.
 3 THE COURT: I've got two.
 4 MS. KAREN POLITE: Is this the same
 5 one?
 6 THE COURT: I have the same thing that
 7 you -- it's a different deed. You should
 8 have the same one I've got. On the top it
 9 says "197 at 678."
 10 MS. KAREN POLITE: Is it a duplicate
 11 copy?
 12 MS. EVERSOLE: May I see the two that
 13 you have?
 14 MS. KAREN POLITE: Did you give me
 15 that?
 16 MS. EVERSOLE: I just handed you this.
 17 Where you had this, I don't know.
 18 MS. KAREN POLITE: Oh. Oh. This is
 19 the one you gave me.
 20 MS. EVERSOLE: Yes.
 21 MS. KAREN POLITE: Oh, I'm sorry. I
 22 apologize.
 23 THE COURT: That's all right. It's
 24 Number 2 without objection.
 25 MS. KAREN POLITE: Number 2, got it.

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*
 2 THE COURT: Okay. All right. Without
 3 objection, that will be Number 2.
 4 (Whereupon, Plaintiff's Exhibit
 5 Number 2 was received
 6 into evidence.)
 7 BY MS. EVERSOLE:
 8 Q All right. So he got the property in
 9 1972; is that correct?
 10 A Right, when we went to the bank to get
 11 the property ---
 12 Q Okay.
 13 A --- to buy the property.
 14 Q Okay.
 15 A 1972.
 16 Q All right. So he gave it back to you
 17 or he gave you the deed to the property in 1989.
 18 A Yes.
 19 Q Who was living on your property in
 20 1989, about that time?
 21 A In 1989 he gave me back the property,
 22 so both of us was living on the property at that
 23 time, because she was living in -- in the house
 24 with me.
 25 Q "She" being who?

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*
 2 A Porsia. Karen Polite.
 3 Q Karen was living in the house with you?
 4 A Yeah.
 5 Q How old was she at that time?
 6 A 1989 -- she was born in 1966 -- '76,
 7 '86 -- she would have been 20 -- 21, 20
 8 something years old.
 9 Q Okay. But she was -- you raised her on
 10 that property; is that right?
 11 A Yes. Yes. I raised all of the kids
 12 right on that property.
 13 Q All right. So then you ended up in a
 14 divorce, correct?
 15 A Yes.
 16 Q Where did you live after the divorce?
 17 A Right there on that property.
 18 Q So you've lived on that property how
 19 long?
 20 A Seventy -- 75 years.
 21 Q Okay. And where did Bubby go?
 22 A Bubby moved off. Bubby -- well, after
 23 the divorce, well, we moved. But he would have
 24 moved before the divorce.
 25 Q He did?

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*
 2 A He moved nine years before the divorce.
 3 Q Oh, okay. All right. So did he just
 4 stay away from the property or . . .
 5 A He stayed away except for when
 6 something needed to be done, he would come and
 7 done it, and that's it.
 8 Q Okay. So in 1988 before you got the
 9 deed, did --
 10 A It happened in '89.
 11 Q How did -- how does -- does Karen --
 12 Does Karen live on the property now?
 13 A Yes. She lives on the property.
 14 Q How did she get to live on the
 15 property?
 16 A She was living in the house at that
 17 time ---
 18 Q No, I mean afterwards.
 19 A Oh.
 20 Q Did she -- did she have -- did she --
 21 Did she have a mobile home on the
 22 property?
 23 A Not in '89 -- in '89 she did.
 24 Q Okay.
 25 A But she didn't ---

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*
 2 Q How did -- how did that happen? How
 3 did it go?
 4 A Well, Bubby gave her permission to put
 5 her mobile home there.
 6 Q Okay.
 7 A She -- she talked to us about buying a
 8 mobile home.
 9 Q All right.
 10 A I went with her to see the mobile home,
 11 Earl's Mobile Home. The home -- the -- the
 12 trailer was in Scott Plantation. That's where
 13 we went to see the trailer. And she talked
 14 about buying the trailer, and Bubby gave her
 15 permission to put the trailer there.
 16 Q Did she also have your permission to do
 17 that?
 18 A Yes, she did. I went along with Bubby,
 19 so . . .
 20 Q Okay. All right. So what's
 21 happened -- let's see.
 22 All right. Let's fast forward to, so
 23 how -- describe the house that you and Bubby had
 24 lived in. What's it -- what was the original
 25 house like?

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*

2 **A The original house that we lived in was**
3 **a four-bed -- four-room house, four-room regular**
4 **house, a dollar and deed house. I don't know if**
5 **anybody ever heard of a -- a dollar and a deed.**
6 **Back then -- now it's -- what is it, Jim Walters**
7 **or something like that, but it was a dollar and**
8 **a deed then. That's the four-room house.**

9 **Q Okay.**

10 **A They build a house, and that's it.**
11 **They give you whatever material you want to put**
12 **in the house, like setting the -- you know,**
13 **doing the walls and different stuff. They**
14 **didn't put no bathroom or anything in. You had**
15 **to do all of that yourself.**

16 **Q Okay.**

17 **A That was the kind of house that we were**
18 **living in.**

19 **Q Okay. And was that your mother's house**
20 **before then?**

21 **A My mother's house.**

22 **Q So what was the -- what happened to the**
23 **house over the years?**

24 **A The house decayed.**

25 **Q It what?**

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*

2 **A It -- it went bad.**

3 **Q Deteriorated?**

4 **A Yeah, deteriorated.**

5 **Q Okay. What happened to it?**

6 **A Started getting leaks in the roof, and**
7 **there was mold on the walls and stuff like that.**

8 **Q When did that all start happening?**

9 **A That started happening before Bubby**
10 **and -- before Bubby had left.**

11 **Q Oh, okay.**

12 **A And we fixed up and fixed up and, you**
13 **know, you patch and patch. That's what you had**
14 **to do.**

15 **Q Do you live in that house today?**

16 **A No, I don't.**

17 **Q What -- okay. What do you live in?**

18 **A I live in a trailer, in my mobile home.**

19 **Q And is that on the same property?**

20 **A On the same property, next to the old**
21 **house.**

22 **Q Okay. When did you get the mobile**
23 **home?**

24 **A In 2017, February the 25th.**

25 **Q Okay. So --**

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*

2 **A That's the second mobile home.**

3 **Q The second mobile home?**

4 **A Yes. The first one I had was in -- in**
5 **2016. Matthew came, and there was one tree left**
6 **in the yard, and the tree fell in, in the first**
7 **mobile home.**

8 **Q When you got the first mobile home in**
9 **2016, were there things that you needed to do in**
10 **order to prepare for it to come in?**

11 **A Yes.**

12 **Q And what did you have to do?**

13 **A Take out trees in order for it to come**
14 **in and clean up the property.**

15 **Q Okay. All right. So -- so when was**
16 **the -- the home brought in?**

17 **A That -- which -- which one, the first**
18 **one or the second one?**

19 **Q The first one.**

20 **A The first one was brought in in**
21 **November. I think it was in November, I think**
22 **it was, of 2016.**

23 **Q Okay. I'm going to show you the --**
24 **just show you this plat here, this survey.**

25 **A Okay. This is the survey that I had to**

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*

2 **have done to bring in the first mobile home, and**
3 **that was in November. I think I remember that**
4 **right. And that would have been in July. That**
5 **would have been the middle of July.**

6 **Q That's the plat, right? That's the**
7 **date of the plat?**

8 **A The plat.**

9 **Q Okay.**

10 **A But then the mobile home didn't come in**
11 **till about November, I think it was, when the**
12 **mobile home came in -- no, the first mobile**
13 **home, no, it would have come in before November,**
14 **because the storm came in October, I think it**
15 **was. In 2016, Matthew was in October. So the**
16 **mobile home came in before that. The mobile**
17 **home came in like about two months before that.**

18 **Q Okay.**

19 **A I didn't even get a chance to live in**
20 **it. Because we had to fix it up. And then we**
21 **had to move away because of Matthew. And by the**
22 **time we came back, the tree was in it, so . . .**

23 **Q All right.**

24 **MS. EVERSOLE: So before we go on, I**
25 **need to mark this as, I believe, Plaintiff's**

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*

2 Exhibit Number 3 and move this into evidence
3 as Plaintiff's Exhibit Number 3.

4 THE COURT: Can you show it, please, to
5 Ms. Polite.

6 MS. EVERSOLE: I'll give you a copy.

7 MS. KAREN POLITE: You can just show
8 me. That's okay.

9 Okay, that's fine.

10 THE COURT: That will be Plaintiff's 3
11 without objection. Thank you so much.

12 (Whereupon, Plaintiff's Exhibit
13 Number 3 was marked for
14 identification and received
15 into evidence.)

16 BY MS. EVERSOLE:

17 Q All right. When the first mobile home
18 was brought in, was there anything that happened
19 during that time that complicated matters?

20 A During that time when the first mobile
21 home came in, Dorian (phonetic) brought the
22 mobile home. And he had to bring it across Ella
23 Ladson's property. Ella Ladson is my -- my
24 neighbor.

25 He had some trailers there, and he gave

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*

2 me permission to bring it across his property.

3 But when Dorian brought the mobile
4 home, Karen would not let Dorian bring it in my
5 yard where I was going to put it. And he was --
6 Dorian was held up for four hours, because she
7 said that if Dorian brought the trailer in, it
8 would interfere with her -- with the electric
9 line that run from Ella Ladson's property to her
10 house. So she wouldn't let them come in until
11 the electric people come and hold the line up so
12 that the trailer could come through.

13 Q So she wouldn't let the trailer people
14 hold the line up.

15 A No.

16 Q All right. All right. So the second
17 mobile home came in, and what happened at that
18 time?

19 A The second mobile home came in without
20 her knowledge. She didn't know until it came
21 in. And she -- her word was, "What is the
22 mobile home doing coming in here and I don't
23 know nothing about it?"

24 Q And what was your response?

25 A I don't even know if I responded. I

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*

2 don't think I responded.

3 Q Okay.

4 A But she called the police on me that
5 day.

6 Q She called the police on you?

7 A I remember that. She called the police
8 to say that we were bringing in a mobile home on
9 the weekend, because it was on a Saturday,
10 February the 25th, 2017.

11 Q Okay. So what has happened -- I mean,
12 what happened to cause you -- well, I haven't
13 gone there yet.

14 Did you file an action in the
15 magistrate's court against Karen?

16 A Yes, when she started altering things.
17 First, she started pouring a cement driveway,
18 was going to pour cement to do a driveway, do a
19 driveway, and I will told her not to.

20 Q Okay.

21 A And then she stopped with that.

22 And then in two thousand -- whether it
23 was 2018 or 2019 when she built a garage, start
24 building a garage on the back of the house
25 without my permission and without a permit and a

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*

2 zoning whatever you get for doing a -- a
3 building or to build something. That's when
4 I -- I had to go to the zoning building, and the
5 zoning building sent me -- send me to the code
6 building, to the code office.

7 And when I went to the code office,
8 they said that without permission and without I
9 forgot what you call the other thing, but
10 anyway, I would be cited if I didn't -- you
11 know, if I didn't take the building down. And I
12 was. But the citation didn't hold up because of
13 me getting a lawyer not too long after that.
14 They said that it would go on hold with the
15 lawyer because of the case that was going on.

16 Q Okay. So after that occurred --

17 First, I'm going to have this marked as
18 Plaintiff's Exhibit Number 4 and ask you if that
19 is a letter you wrote to Karen?

20 (Whereupon, Plaintiff's Exhibit
21 Number 4 was marked for
22 identification.)

23 MS. KAREN POLITE: May I see that,
24 please? I haven't seen that.

25 MS. EVERSOLE: Just a second.

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*
 2 THE WITNESS: Yes. This was in
 3 October 2018.
 4 By MS. EVERSOLE:
 5 Q So you wrote that?
 6 A Yes, I did.
 7 MS. EVERSOLE: We would move into
 8 evidence as Plaintiff's Exhibit Number 4.
 9 I'm going to need it again. So I move it
 10 in, but ...
 11 THE COURT: All right.
 12 I'm getting a nod. No objection; is
 13 that correct?
 14 MS. KAREN POLITE: No objection.
 15 THE COURT: Okay. Thank you.
 16 (Whereupon, Plaintiff's Exhibit
 17 Number 4 was received
 18 into evidence.)
 19 BY MS. EVERSOLE:
 20 Q All right. Can you just, you know,
 21 read what you wrote to Karen?
 22 A "To Karen Polite, 31 October --
 23 October 2019.
 24 "I'm writing to inform you that I am
 25 giving you a 30-days' notice to vacate my

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*
 2 property on 8 Ladson Road. From the time
 3 that -- time that you were allowed to put your
 4 trailer where you have it, you have not paid any
 5 property tax. In -- in return you was told not
 6 to alter the property in any way while you
 7 remain on the land. Or -- on or about 2018, you
 8 attempt to put a cement driveway in front of
 9 your home. In turn -- I, in turn, told you not
 10 to do it. On 26 October 2019, late evening, you
 11 started to build a two-car garage by putting
 12 posts in the ground. I told you to stop the
 13 building and do not go any further. You ignored
 14 every word that I said and continued to build.
 15 Now I am giving you this final notice you need
 16 to move your mobile home off my land, 8 Ladson
 17 Road, Saint Helena Island, South Carolina, as of
 18 31 October 2019.
 19 "If you have any question or concern,
 20 you can call me at (843) 694-1017, Rachel M.
 21 Polite."
 22 Q How did you get this letter to Karen?
 23 A Put it in her mailbox.
 24 Q And did you get a response?
 25 A She didn't respond to me directly.

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*
 2 Q Okay. All right. So -- all right. So
 3 in between -- in between the --
 4 The -- the code thing, was that the
 5 precipitating -- was that a precipitating
 6 factor ---
 7 A Yes, that's ---
 8 Q --- for you doing this letter?
 9 A Well, when -- when I did the letter,
 10 yes, it was, because I would be -- I would be
 11 violating the law by letting that garage stay
 12 there, because it was on my property -- the
 13 property is in my name, and it's considered my
 14 property -- when she put that up without any
 15 code or permission.
 16 Q All right. I'm going to ask if you
 17 recognize this?
 18 A Yes.
 19 Q What is that?
 20 A It's a citation, notice of violation.
 21 Q And what's --
 22 A And I have the notice of citation, the
 23 citation in my bag for \$500 if I didn't remove
 24 that garage.
 25 Q This is -- you have a different

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*
 2 citation than this piece of paper?
 3 A It might be the same thing. Notice of
 4 violation, same thing.
 5 MS. EVERSOLE: I'd like to move
 6 this into evidence as Plaintiff's
 7 Exhibit --
 8 THE COURT: It would be 5.
 9 MS. EVERSOLE: -- 5.
 10 THE COURT: Ms. Karen Polite, any -- no
 11 objection?
 12 MS. KAREN POLITE: No.
 13 THE COURT: Okay. Thank you so much.
 14 (Whereupon, Plaintiff's Exhibit
 15 Number 5 was marked for
 16 identification and received
 17 into evidence.)
 18 THE COURT: All right. That would be
 19 Plaintiff's 5.
 20 BY MS. EVERSOLE:
 21 Q The next thing I would like to show you
 22 is, this would be more like demonstrative
 23 evidence, this -- this is an aerial view; and
 24 I'd like to move it into evidence as, really,
 25 demonstrative evidence. It's just -- it's

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*

2 descriptive of your property.

3 And is the highlighted area there the
4 land we're talking about?

5 **A This is it right there.**

6 **Q** Right here?

7 **A Yes. This is where her trailer is, and
8 this is where I'm at, right there. This is my
9 trailer, and that's that four- house.**

10 **Q** All right. And what's this building
11 right there?

12 **A That's the storage -- what do you call
13 it? A -- a storage shed.**

14 **Q** Container?

15 **A Container.**

16 MS. EVERSOLE: Okay. I would like to
17 move this into evidence, really for
18 demonstrative purposes, as Exhibit 6.

19 (Whereupon, Plaintiff's Exhibit
20 Number 6 was marked for
21 identification.)

22 THE COURT: That's six. Any objection,
23 Ms. Polite?

24 MS. KAREN POLITE: No.

25 THE COURT: I'm sorry, did I hear "no"?

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*

2 MS. KAREN POLITE: No. No.

3 THE COURT: No. Okay, great, thank you
4 so much. That will be 6 without objection.

5 (Whereupon, Plaintiff's Exhibit
6 Number 6 was received
7 into evidence.)

8 BY MS. EVERSOLE:

9 **Q** All right. And you did file an action
10 in the magistrates court; is that correct?

11 **A Yes.**

12 **Q** And is this a copy of what you received
13 from the magistrate court about that case?

14 **A Yes. Yes.**

15 **Q** I think the complaint part is towards
16 the back. Yeah.

17 **A "Magistrate Summons: You are hereby
18 summoned to be and appear personally in the
19 Beaufort Magistrate on December the 2nd, 2019 at
20 10:00 to serve as a party in a Bench Trial in
21 the case of" ---**

22 THE COURT: Now, our court reporter is
23 having a really hard time hearing that.

24 MS. EVERSOLE: You're going to need to
25 talk louder.

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*

2 BY MS. EVERSOLE:

3 **Q** So is this the -- is this the document
4 that you wrote bringing that action, is the best
5 way to put that, I guess?

6 **A So this was the one with lawyer
7 McIntyre?**

8 **Q** What?

9 **A Let's -- "property land owner" --
10 "further state that with regard to the
11 above" ---**

12 **Q** Speak up.

13 **A --- "described" --**

14 **"Rachel Polite, Plaintiff in this**

15 **action, state that I am the landlord-lessor of
16 premises within the jurisdiction of Beaufort
17 County Beaufort Magistrate which is described
18 as: (address and description of) Property Land
19 owner 8 Ladson Road, Saint Helena Island, South
20 Carolina, further state that with regard to the
21 above described premises, a landlord or tenant
22 relationship exists between me and the
23 Defendant, Karen Polite, the tenant-lessee, as
24 evidenced by the following: (Attach these
25 papers or other written -- other written proof.)**

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*

2 **"The terms or condition of the lease
3 have been violated as follows: Karen was given
4 permission to -- because -- oh, she was given
5 permission to live on the property because she
6 had two small children. She was told not to
7 build or alter property. She failed to do as
8 she was told."**

9 **I can't see what that says.**

10 **Q** Oh, that's all right.

11 **"She -- she failed to do -- she failed
12 to do so."**

13 **And this was sworn in October 29th,
14 2019, and I signed it.**

15 **Q** Okay. And what happened in that case?
16 What happened in the end? The judge what? What
17 did the judge say?

18 **A The judge said that we -- he dismissed
19 the case because she didn't own no property at
20 that time. She didn't own the property. That's
21 all I can -- everything that I can remember. I
22 can't hardly see what the --**

23 **That's with Judge McIntyre.**

24 **Q** Judge McIntyre, yeah.

25 **A Yeah. And he said that the case was**

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*
 2 **dismissed ---**
 3 **Q** Okay.
 4 **A** --- because of ---
 5 **Q** All right.
 6 **A** --- without finding additional ---
 7 MS. EVERSOLE: Okay. All right. I'd
 8 like to move it into evidence as Exhibit
 9 Number 7.
 10 (Whereupon, Plaintiff's Exhibit
 11 Number 7 was marked for
 12 identification.)
 13 THE COURT: All right. Plaintiff's 7
 14 without objection, I presume, Ms. Polite?
 15 MS. KAREN POLITE: None.
 16 THE COURT: Okay. Thank you.
 17 (Whereupon, Plaintiff's Exhibit
 18 Number 7 was received
 19 into evidence.)
 20 BY MS. EVERSOLE:
 21 **Q** All right. What is your -- what is
 22 your wish here today? What are you asking the
 23 court to do?
 24 **A** What am I asking the court to do?
 25 **Q** What kind of -- what order do you want?

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*
 2 **A** To prove that this is -- this property
 3 that I'm talking about is -- belongs to me. I
 4 have the deed to it. I've been paying taxes on
 5 it.
 6 **Q** And it's your property?
 7 **A** Yes, ma'am.
 8 **Q** It is your property, and what do you
 9 want in relation to Karen and the mobile home?
 10 **A** If she want to live on this property,
 11 she's going to have to pay me tax.
 12 **Q** Did you want her off of the property
 13 or --
 14 **A** Or help -- or help pay for the property
 15 tax.
 16 And if she disagree, to where she is
 17 living now, then I have eight children, and what
 18 she is asking for, she is asking for the whole
 19 property and include other property that don't
 20 concern this property.
 21 If she continue to ask for that, then
 22 the eight children will have to be included, and
 23 they're all going to have to get their portion
 24 of that seven -- .79 acres.
 25 **Q** You brought the action to have her

1 *EVERSOLE - RACHEL POLITE (DIRECT EXAMINATION)*
 2 ejected from the property.
 3 **A** Yes. Yes, I did. But according to
 4 what the judge say.
 5 **Q** Well, what --
 6 **A** I still would want that done because
 7 she is becoming a headache to me. I hate to see
 8 how -- you know, for this to happen, but if it's
 9 got to happen, it's got to happen. She either
 10 lives by my rules, or she has to move.
 11 MS. EVERSOLE: All right. I don't have
 12 any other questions at this time.
 13 THE COURT: Thank you so much.
 14 Ms. Karen Polite, do you have any
 15 questions of Ms. Rachel Polite?
 16 MS. KAREN POLITE: Yes, sir. Can you
 17 -- can I get a -- a minute, or I have to
 18 start right now?
 19 THE COURT: You can -- why don't we
 20 take a minute or take a five-minute break.
 21 So let's take a five-minute break.
 22 Ms. -- Ms. Rachel Polite, please don't
 23 discuss your testimony with anyone during
 24 the break. Okay?
 25 MS. RACHEL POLITE: What?

1 *KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)*
 2 MS. EVERSOLE: Don't discuss your
 3 testimony with anyone during the break.
 4 THE WITNESS: I won't.
 5 THE COURT: You can sit there, or you
 6 can wander around.
 7 We'll -- take -- it's 10:02. We'll
 8 start at 10:07, so we'll be off the record
 9 for five minutes.
 10 (Off the record.)
 11 (Whereupon, a break was
 12 taken from 10:02 until 10:07
 13 a.m.)
 14 THE COURT: Back on the record in 2899.
 15 And, Ms. Karen Polite, this is your
 16 opportunity to cross-examine Ms. Rachel
 17 Polite. I'm happy to hear from you, ma'am.
 18 CROSS EXAMINATION
 19 BY MS. KAREN POLITE:
 20 **Q** Okay. Okay. How you doing today?
 21 **A** I'm blessed.
 22 MS. KAREN POLITE: I call her because
 23 that's my mom.
 24 THE WITNESS: I'm blessed.
 25 BY MS. KAREN POLITE:

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)
 2 Okay. So -- and you said that he -- he
 3 divorced you?
 4 **A Yes, he did.**
 5 **Q** He did. Exhibit --
 6 MS. KAREN: How do I proceed? I want
 7 to --
 8 THE COURT: Do you want -- do you want
 9 the witness to refer to an exhibit?
 10 MS. KAREN POLITE: Yes, sir.
 11 THE COURT: If so, you --
 12 Do you have an extra copy,
 13 Ms. Eversole?
 14 Or do you need the original?
 15 MS. KAREN POLITE: It probably would be
 16 -- oh . . .
 17 MS. EVERSOLE: I have not seen the
 18 document, so I don't know.
 19 THE COURT: Which exhibit are we
 20 talking -- you're talking about one that's
 21 already marked, right?
 22 MS. KAREN POLITE: Yes, sir.
 23 THE COURT: Okay.
 24 MS. KAREN POLITE: But she didn't --
 25 well, I guess she should have it. It's the

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)
 2 divorce decree.
 3 MS. EVERSOLE: That's not in evidence.
 4 THE COURT: Oh. I'm sorry, I thought
 5 you were looking at Exhibit 4. That's what
 6 it looked like from here.
 7 MS. KAREN POLITE: Well, what it --
 8 well, it actually came out of the divorce
 9 decree that she . . .
 10 THE COURT: Why -- why don't we do
 11 this. Let Ms. Eversole look at the proposed
 12 exhibit, and then you -- you can offer it,
 13 and we'll see where it goes from there. And
 14 we'll see if -- actually, if the Plaintiff
 15 can identify it once we get it marked.
 16 MS. EVERSOLE: If I can have a moment.
 17 I haven't seen this before.
 18 THE COURT: Sure. Take your time.
 19 (Off the record.)
 20 MS. EVERSOLE: I don't have an
 21 objection to this.
 22 THE COURT: All right. Do you have an
 23 extra copy, Ms. Polite?
 24 MS. KAREN POLITE: I don't. I thought
 25 she had it in her ---

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)
 2 THE COURT: Well, that's all right.
 3 Let's go ahead and mark it as Defendant's
 4 Exhibit 1, and my understanding is there's
 5 no objection to it. So if you wouldn't
 6 mind, if you can get it up to our court
 7 reporter here, and she'll put a sticker on
 8 it that says Defendant's 1. So that will be
 9 Defendant's 1 without objection. If you can
 10 hand it to the witness, please.
 11 Okay. And you can continue with your
 12 questioning, ma'am.
 13 (Whereupon, Defendant's Exhibit
 14 Number 1 was marked for
 15 identification and received
 16 into evidence.)
 17 BY MS. KAREN POLITE:
 18 **Q** Okay. I believe you said you
 19 divorced -- all right, my dad -- Bubby Polite
 20 divorced you.
 21 **A Yes.**
 22 **Q** But it states in there that you
 23 divorced him.
 24 **A I know. I saw that when I bought the**
 25 **divorce from the courthouse for a dollar ---**

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)
 2 **Q** So what you're saying is --
 3 **A --- the divorce decree.**
 4 **Q** So what you're saying is someone else
 5 wrote that, and you didn't -- you didn't do
 6 that?
 7 **A I did not file for a divorce.**
 8 **Q** You did not file for a divorce?
 9 **A No. No.**
 10 **Q** Okay. Let's leave that like that.
 11 All right. So in the divorce decree,
 12 you said that -- excuse me, not in the
 13 divorce -- in the divorce -- well, in the
 14 divorce decree, it stated that he gave you
 15 one acre of land.
 16 **A That's the only acre, that one acre.**
 17 **Q** That was the only one?
 18 **A Yes.**
 19 **Q** Okay. But -- but you said that it
 20 was ---
 21 **A No.**
 22 **Q** --- two?
 23 **A No. No.**
 24 **Q** Or 1.7?
 25 **A It's .79 acres now.**

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 Q But you said that he purchased ---

3 A It was --- no.

4 Q --- the whole thing because you ---

5 I said he purchased -- we purchased

6 one acre of property, one acre.

7 Q So you didn't get your mother's

8 property back, as you stated.

9 A Not all of it. It was three and-a-half

10 acres of property that she lost.

11 Q But did you say that you couldn't

12 afford to ---

13 A I couldn't afford to get all of it

14 back.

15 Q So Bubby went and bought all of it.

16 A No. One acre.

17 Q So Bubby bought one acre.

18 A One acre. That's it.

19 Q So who brought the other part, the

20 other 1.7?

21 A The ones that I had -- the 1.7. There

22 is no .7.

23 Q Just one acre total?

24 A The one acre until 1983 when I bought

25 the rest.

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 Q Oh, okay.

3 So were you and Bubby still married in

4 1983?

5 A No, we weren't together, but he was
6 still married to me, but he wasn't living with
7 me. He had done left me by then.

8 Q So -- but you were still married?

9 A We were still married.

10 Q So when did you get a divorce?

11 A He divorced me in 1989.

12 Q Oh, okay. He divorced you, but ---

13 A Yes.

14 Q Okay. All right. He divorced you in

15 1989.

16 A Yes.

17 Q And in 1989, you said that I was living
18 on the property in the old house.

19 A Yes.

20 Q Okay. So if I was living in the
21 property in the old house, I had a mobile home
22 in nineteen eighty -- 1989?

23 A In 1989 you had a mobile home, because
24 you bought it in '88.

25 Q Okay. So why was I still living in the

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 old house if I --

3 A Because you had to have it set up at
4 the time. You had to have it set up before you
5 could move in.

6 Those were the time when I was taking
7 you back and forth to work at 5 o'clock in the
8 mornings.

9 Q Well, I'm -- I'm -- I understand.

10 Okay.

11 So let's -- let's move on something

12 else. Okay. All right.

13 So now let's talk about -- let's talk

14 about the mobile home, the first mobile home

15 that you got. You said the first mobile home

16 that you got, I believe you said it was a

17 blue -- was it blue, or did you describe color?

18 A I didn't describe no color.

19 Q Okay.

20 A All I said, double wide.

21 Q Double wide, okay.

22 And you said that I wouldn't -- Karen

23 wouldn't allow me to bring it on the -- on the

24 property because -- because the wires was too

25 low. Right?

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 A Exactly.

3 Q Okay.

4 A Yes.

5 Q So -- so and then you -- you said that

6 I gave you permission --

7 A No. No.

8 Q Or you just --

9 MS. EVERSOLE: You've got to speak up,

10 Ms. Rachel.

11 BY MS. KAREN POLITE:

12 Q You said I gave you permission?

13 A No.

14 Q So how -- how -- how --

15 Okay. So how did you get the -- the

16 mobile home underneath the line?

17 A You called the light people ---

18 Q That's right.

19 A --- to hold the line up so that the
20 mobile home could come through.

21 Q So wouldn't that be permission?

22 A I don't know if that's considered
23 permission.

24 MS. EVERSOLE: Just say it.

25 THE WITNESS: No, I don't consider that

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)
 2 Q And they were small trees?
 3 A **Small trees.**
 4 Q Small trees.
 5 A **Yes. The only big trees I moved was in**
 6 **the back of the house where it was hanging over,**
 7 **where they hang over the house ---**
 8 Q Okay.
 9 A **--- and would have been in the way of**
 10 **the trailer coming in.**
 11 Q So would you say the trees that -- the
 12 small trees that was in front of the house, were
 13 they in the way?
 14 A **I don't even -- I don't even recognize**
 15 **what that is. What is this?**
 16 Q That's -- that's the balcony of my
 17 porch.
 18 A **So what's that got to do with ---**
 19 Q So in that open space, was any trees
 20 there?
 21 A **I don't even -- I don't even recognize**
 22 **that space.**
 23 Q Okay.
 24 A **So show me what was there before.**
 25 Q I can -- I can do that, show you, okay,

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)
 2 I can show you.
 3 THE COURT: You're welcome to move
 4 on to the next question. That -- that
 5 exhibit she was looking at was never marked,
 6 and it sounds like she can't identify it
 7 anyway, so . . .
 8 MS. KAREN POLITE: Oh, okay. All
 9 right. No problem. All right.
 10 BY MS. KAREN POLITE:
 11 Q There was trees right there in the
 12 front yard, and the exhibit I showed you earlier
 13 with the mobile home --
 14 A **Those were flower trees.**
 15 Q Flower trees. And those are the ones
 16 that you had ---
 17 A **They were dying.**
 18 Q They were dying, and you had those
 19 moved. Okay. Now you -- you recognize them?
 20 A **So, I mean, why would you let it stay**
 21 **if it's dying?**
 22 MS. KAREN POLITE: Okay. Can I enter
 23 this into evidence, Your Honor?
 24 THE COURT: Well, let's -- let's get
 25 them marked first. So you have one that I

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)
 2 believe she couldn't identify.
 3 MS. KAREN POLITE: Right.
 4 THE COURT: And then the other one, the
 5 one in your right hand with the gentle -- or
 6 I can't really tell what the -- with
 7 someone's head ---
 8 MS. KAREN POLITE: It's just -- it's
 9 just -- I'm -- I was a -- I'm a hairstylist.
 10 THE COURT: Okay.
 11 MS. KAREN POLITE: And I'm -- these are
 12 close as I can get to evidence. And these
 13 are the trees that were there, and then she
 14 removed them.
 15 THE COURT: Okay. I tell you what. I
 16 mean, you are going to have an opportunity
 17 to testify. And if you took those pictures
 18 and did whatever it was, you know, I mean,
 19 I'm happy to hear from you. You don't have
 20 to get all your exhibits in on cross
 21 examination.
 22 MS. KAREN POLITE: Oh, okay. Okay, no
 23 problem. No problem. I got it. Okay. All
 24 right. So -- okay. No problem. All right.
 25 BY MS. KAREN POLITE:

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)
 2 Q So you also testified that -- we went
 3 to a -- the first time you filed a complaint to
 4 have me removed off the property, and we went
 5 before Judge McIntyre. Was Judge McIntyre your
 6 attorney?
 7 A **No. He was the judge.**
 8 Q But was he also your attorney?
 9 A **No.**
 10 Q He was never your attorney?
 11 A **No. No. He was never my attorney, not**
 12 **for anything concerning no property.**
 13 Q No, I don't mean that in general. Was
 14 he ever your attorney?
 15 A **I've got to think.**
 16 Q No car accident?
 17 A **Okay, car accident, that's what it --**
 18 **okay. I had to think about it.**
 19 Q Did we ever go to him and get money
 20 before you got -- I mean at -- before you got
 21 paid for your car accident, me and -- me and
 22 you?
 23 A **To pick up a check that was for me for**
 24 **car rent and stuff like that that I didn't use.**
 25 Q Before your car -- before -- before the

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)
2 **get the money to pay for -- to pay Emily Holmes**
3 **for the property.**

4 Q So you said that he didn't -- he didn't
5 pay you, though. Okay ---

6 MS. EVERSOLE: Your Honor, I'm going to
7 object at this point. I don't get the
8 relevance of this.

9 THE COURT: Yeah, but let me ask a
10 question. Are either of these acres ---

11 THE WITNESS: This property don't have
12 nothing to do with ---

13 MS. KAREN POLITE: Yes.

14 Yes, Your Honor, this -- it does. She
15 -- she -- she had -- she testified -- she
16 testified that this property, all -- she
17 testified about all the property. She said
18 that she purchased property -- my dad ---

19 THE WITNESS: No.

20 MS. KAREN POLITE: --- I mean Bubby
21 Polite bought all the property.

22 THE WITNESS: No.

23 MS. KAREN POLITE: That's -- that's
24 what you said.

25 THE COURT: Let me -- let me -- let me

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)
2 stop you right there. In the exhibits that
3 I've seen so far and the pleadings that I've
4 seen, this case is about .79 acres ---

5 THE WITNESS: That's it.

6 THE COURT: --- that at one point was
7 one acre, but the water authority came in
8 and took whatever the balance is of one acre
9 minus .79 acres.

10 I have no idea what y'all talking about
11 now.

12 THE WITNESS: Exactly.

13 THE COURT: Are either of the acres
14 that you were talking about this same acre,
15 or are they other acres?

16 MS. EVERSOLE: Your Honor, may I
17 clarify? I can clarify.

18 THE COURT: Yes. Yeah, please --
19 clarify, please.

20 MS. EVERSOLE: Okay. She bought a
21 total of three -- one, two -- two acres.
22 Two acres.

23 One acre Bubby Polite bought because
24 she couldn't afford to buy the land back is
25 the one acre we're talking about here today.

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 Right next to that is another acre.

3 And that acre is what she bought in 1983 and
4 split that in half, and it has nothing to do
5 with what we're here to today.

6 THE COURT: Okay.

7 MS. EVERSOLE: But I have the deeds to
8 show what we're talking about.

9 THE COURT: No, no. And I remember the
10 testimony about it was -- I don't know
11 whether it was lost at tax sale or how it
12 was lost, but Ms. Holmes ended up with it, I
13 guess. I understand all that.

14 But this case is about the one acre
15 that is now .79 acres, according to all the
16 pleadings and all the exhibits. Right?

17 MS. KAREN POLITE: Right.

18 THE COURT: Not -- not about another
19 half acre somewhere.

20 MS. EVERSOLE: No. Correct.

21 MS. KAREN POLITE: Right.

22 But, Your Honor, she -- they're the one
23 that opened the door to -- to these
24 questions, because they're the one invited
25 it. They -- they invited the evidence --

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)

2 THE COURT: Well, let me close the door
3 and say it's irrelevant, and so let's --
4 let's move on. I don't -- I don't
5 understand how that has anything to do with
6 this.

7 MS. KAREN POLITE: We can -- we can
8 move -- Your Honor, please, I beg you,
9 because this has a whole lot do with it.
10 Because what happened was, the property, she
11 said that she never -- she never split and
12 sold. She said that Nazarine Holmes, her
13 mother, she got the property back.

14 But if she -- if we -- if we close the
15 door to that, then -- then we're closing the
16 door to the one acre that my dad gave her in
17 the divorce decree, because that has nothing
18 to do -- because in the divorce decree, it
19 says one acre. But what -- what I'm on is
20 .79 acres. They brought me -- they brought
21 me to court on -- on .79 acres, not
22 knowing -- not even knowing that it was on
23 .79. They thought it was -- but the divorce
24 decree said "one," but they invited the
25 divorce decree.

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)
 2 THE COURT: Now, my understanding
 3 of ---
 4 MS. KAREN POLITE: Am I making sense?
 5 THE COURT: My -- my understanding of
 6 the testimony thus far is the water
 7 authority put a line in and took whatever
 8 the math is on -- on 2.1 -- .21 acres.
 9 Right?
 10 MS. KAREN POLITE: That's not true.
 11 But do they have proof of that?
 12 THE COURT: I -- I don't know. But
 13 the ---
 14 MS. KAREN POLITE: I didn't see that in
 15 evidence.
 16 THE COURT: But anyway, let me let
 17 Ms. Eversole, who says -- claims to have a
 18 simple explanation for this, and then we'll
 19 go on and we'll see whether any of this
 20 matters.
 21 So go ahead.
 22 MS. EVERSOLE: The one acre that's
 23 mentioned in the divorce decree is the legal
 24 description that's in the deed before there
 25 is a taking of the property for the water

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)
 2 line, whatever it is.
 3 THE COURT: Well, that ought to settle
 4 it.
 5 THE WITNESS: That's the one -- the one
 6 that we are talking about is where we are
 7 living.
 8 THE COURT: Do you have copies, ma'am,
 9 of your Exhibit 1 and the deed that we're
 10 talking about here?
 11 MS. EVERSOLE: The deed is our -- is
 12 our Exhibit 1.
 13 THE COURT: Is your Exhibit 1.
 14 It seems to match, but I'll let you
 15 take a look.
 16 MS. KAREN POLITE: Yeah, Your Honor, it
 17 does match.
 18 THE COURT: Okay.
 19 MS. KAREN POLITE: But the -- but --
 20 Your Honor, to be fair, I -- I believe
 21 that if they open the door to my grandmother
 22 property that was -- that she bought back, I
 23 should have every right to at least question
 24 her about what she has testified to thus
 25 far, because I didn't -- I didn't ask

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)
 2 anything about my grandmother's property.
 3 She's the one said that they got the
 4 property -- she got the property back. And
 5 all -- the whole thing is on the same
 6 parcel. It's the same -- it's the same --
 7 and here's -- because she even stated
 8 that -- that she bought it in 1983. This --
 9 this document say it was purchased by Bubby
 10 in 1980.
 11 MS. EVERSOLE: Your Honor, I think
 12 she . . .
 13 THE COURT: Go ahead.
 14 I don't -- I don't know whether -- I
 15 mean, we're not going to expand this case
 16 beyond the pleadings.
 17 MS. KAREN POLITE: Okay.
 18 THE COURT: The pleadings in this case
 19 are about an eviction action on .79 acres
 20 that apparently, according to testimony, was
 21 once one acre, but as -- as often happens,
 22 it's not uncommon, the water authority or
 23 some utility comes through and takes some of
 24 the property. And you have counterclaimed
 25 for adverse possession on that very same

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)
 2 property, the .79 acres.
 3 MS. KAREN POLITE: Plus.
 4 THE COURT: Not -- there's no plus.
 5 MS. KAREN POLITE: Yes. There's a ---
 6 THE COURT: There's no lis pendens
 7 filed.
 8 MS. KAREN POLITE: Okay.
 9 THE COURT: There's not really even a
 10 thoroughly fleshed out adverse possession
 11 counterclaim. But for the sake of making a
 12 complete record, we'll go ahead and -- and
 13 see where we go. But I don't . . .
 14 MS. KAREN POLITE: She's not letting
 15 me -- she -- Your Honor, a lot -- a lot what
 16 -- a lot of what's being said is not --
 17 okay, I have -- well, you said it's -- you
 18 said -- repeat that. That there's no claim?
 19 THE COURT: I'm not going to say
 20 there's no claim, because you have written
 21 the words in this answer and sort of
 22 counterclaim.
 23 But what is it that you are claiming?
 24 What -- what is it ---
 25 MS. KAREN POLITE: I'm claiming in good

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)
2 faith, Your Honor, I took care of this
3 property for more than 30 years. Rachel
4 Polite at the end came in and destroyed the
5 property. Not only did she destroy the
6 property, this property wasn't even hers to
7 begin with. This was mine. Okay. And I
8 believe that from day one.

9 THE COURT: Tell -- tell me what you
10 mean by "the property," because that's
11 what -- that's what we're talking about
12 right now.

13 MS. KAREN POLITE: The property that
14 I'm on, the .79 acres.

15 THE COURT: Okay. So you're not
16 seeking anything other than the .79 acres.

17 MS. KAREN POLITE: And then -- no, I
18 add into my complaint the .79 acres plus the
19 1 -- the 114-B. And that's -- that's a --
20 it was always connected with the .79 acres.

21 THE COURT: And who lives there now?

22 MS. KAREN POLITE: No one lives there.
23 That property is right -- it's -- it's -- my
24 mother cut that property off. She -- she --
25 she split the property in half in 1983. And

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)
2 that's what she did. And -- and she split
3 it, but she claimed -- she also claimed that
4 it belonged -- my dad bought it.

5 But if he -- if Bubby Polite bought the
6 property, how was she able to split the
7 property in 1983 and got divorced in 1989?

8 THE COURT: Of course, I think we've
9 just established that the divorce is what is
10 now the .79 acres -- right?

11 MS. KAREN POLITE: Right.

12 THE COURT: -- based on the exhibit.

13 So -- so that -- the -- what Bubby
14 gave, according to the divorce, is this
15 property, the .79 acres, right? Not some
16 adjacent property.

17 MS. EVERSOLE: May I, Judge?

18 THE COURT: Yes, go ahead.

19 MS. EVERSOLE: This -- these are the
20 public records. These are the two deeds
21 that she's referring to for the other
22 property showing that Rachel Polite
23 purchased them from Emily Holmes. It never
24 was Bubby Polite property. It was her
25 mother's property.

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)
2 MS. KAREN POLITE: But she testified
3 that she -- she didn't purchase the
4 property. It was in my dad name. He
5 purchased the property. You see what I'm
6 saying? So that's not being truthful.

7 THE COURT: My understanding was she
8 was talking about the .79 acres. I tell you
9 what, why don't you ask her the question
10 again, and let's see what her testimony is.
11 But when we talk about the word property, I
12 thought y'all were talking about the
13 property that's in the complaint.

14 MS. KAREN POLITE: Well, she's the one
15 that introduced on both of the property,
16 Your Honor. Am I correct? She,
17 Ms. Eversole introduced on both of the
18 property, so that's two different property.

19 THE COURT: Well, go ahead and ask her
20 the next question, if you would, please.

21 BY MS. KAREN POLITE:

22 Q Well, I already -- the question that I
23 asked her before is if she sold any property,
24 and she said no. And that -- that will be the
25 next question for . . .

1 KAREN POLITE - RACHEL POLITE (CROSS EXAMINATION)
2 THE COURT: Okay. Did you sell any --
3 any --

4 In what timeframe? Do you mean forever
5 and ever, or . . .

6 MS. KAREN POLITE: Just -- just in
7 1983, that's all I want to know. Did she --
8 did she buy -- did she sell any property in
9 1983? That's all I want to know. And she
10 told -- she said ---

11 THE COURT: Go ahead and answer it, if
12 you know, ma'am.

13 THE WITNESS: In 1983 I did not sell no
14 property.

15 THE COURT: Okay. Thank you so much.

16 BY MS. KAREN POLITE:

17 Q Okay. Do you recognize this, ma'am?

18 MS. EVERSOLE: Do you recognize that?
19 Have you ever seen this before?

20 THE WITNESS: No, I don't know what
21 this is.

22 THE COURT: Okay.

23 MS. KAREN POLITE: Okay. What this is,
24 Your Honor ---

25 MS. EVERSOLE: Objection.

1 *THE COURT - RACHEL POLITE (CROSS EXAMINATION)*
 2 THE COURT: Well, why don't you wait
 3 until -- until you testify.
 4 MS. KAREN POLITE: Oh, okay.
 5 THE COURT: Just hang onto it.
 6 MS. KAREN POLITE: Oh, okay. No
 7 problem. Okay, not no problem. Okay. All
 8 right. That's it for now.
 9 THE COURT: You have no further
 10 questions of this witness, is that correct?
 11 MS. KAREN POLITE: No, Your Honor.
 12 THE COURT: Any other questions of your
 13 client?
 14 MS. EVERSOLE: No, Your Honor.
 15 CROSS EXAMINATION
 16 BY THE COURT:
 17 Q I have just a time line question. I
 18 was trying to sort the time line out on the pad,
 19 and I kept crossing things out and going
 20 through.
 21 So on the mobile homes, there was a
 22 mobile home that was never put together that was
 23 on what's been described as the front of the
 24 property.
 25 A Yeah, the front. Right.

1 *THE COURT - RACHEL POLITE (CROSS EXAMINATION)*
 2 Q What was the approximate year that that
 3 was rolled in and taken out, approximately? Was
 4 that while you were married to Bubby, or ---
 5 A No.
 6 Q --- afterwards?
 7 A No, that was -- that was way after.
 8 That was like in 2000 something.
 9 Q Were there other mobile homes on the
 10 property at the time that one was rolled in?
 11 A There was a single wide next to the
 12 house.
 13 Q All right. And who was -- was the
 14 single wide occupied?
 15 A Donald.
 16 Q Okay.
 17 A Donald was living in the single wide.
 18 Q Okay. And who -- what year? Do you
 19 know what year?
 20 A I don't know even know when ...
 21 Q Okay. So that one was ---
 22 A I -- because I bought it from an
 23 individual. I didn't ask what year it was. I
 24 just bought it because it was, you know ...
 25 Q Was it before or after the mobile home

1 *THE COURT - RACHEL POLITE (CROSS EXAMINATION)*
 2 in the middle of the property that the Defendant
 3 lives in was there?
 4 A It would have been after.
 5 Q Okay. So at that point when this
 6 double wide was rolled in, it was my
 7 understanding never put together and it was at
 8 some point removed --
 9 A Correct.
 10 Q -- the house itself that has now fallen
 11 into disrepair was in the back of the property
 12 with a single wide, and in the middle of the
 13 property was the Defendant's trailer.
 14 A Yes.
 15 Q Okay. And where were you living at
 16 this point? What -- what timeframe --
 17 A In the house.
 18 Q In the house, okay, even though it was
 19 in disrepair -- or now it's in disrepair.
 20 A Well, at that time it was -- it was in
 21 good condition ---
 22 Q Got you.
 23 A --- at that time.
 24 Q Okay. All right. What was the next --
 25 and, well, we don't know what year that was, but

1 *THE COURT - RACHEL POLITE (CROSS EXAMINATION)*
 2 we do know it was prior to the -- Matthew, the
 3 one that -- the house was destroyed by Matthew
 4 and the other one.
 5 A Right. Yes.
 6 Q Okay. So the next thing that happened
 7 was the two pieces of that mobile home were
 8 removed, or did something else -- did the house
 9 fall into disrepair, or what was the next thing
 10 that happened?
 11 A Which one now?
 12 Q The -- the mobile home that was closest
 13 to the street that was never put together, that
 14 one was at some point removed, I think you said?
 15 A It was removed because the rain damaged
 16 it, you know, like the rain coming in between.
 17 Q Right.
 18 A And it damaged it, and I just had it
 19 removed.
 20 Q Had it removed. Okay.
 21 And at that time you're living in the
 22 house in the back?
 23 A In the house, yes.
 24 Q Okay. And then in -- at some point
 25 very close prior to Matthew, whenever Matthew

1 THE COURT - RACHEL POLITE (CROSS EXAMINATION)
2 arrived, you had was that a double wide or a
3 single wide brought in?

4 A A double wide.

5 Q Okay. And the double wide was brought
6 in and set up --

7 A In 2016.

8 Q '16, okay. And you were at that point
9 living where?

10 A In the house.

11 Q In the house, getting ready to move
12 into the double wide.

13 A Wait a minute now. When -- before the
14 double wide was brought in, I was living in the
15 house. And because of the mold was moving in
16 the house so fast, I moved out of the house and
17 moved across the street in my mom's trailer.

18 Q Okay.

19 A And I lived in my mom's trailer from
20 2014 until I moved into the trailer that I am in
21 now.

22 Q Got it. Okay. And the trailer you're
23 in now was a replacement for the trailer that
24 was destroyed in Matthew?

25 A Yes.

1 THE COURT - RACHEL POLITE (CROSS EXAMINATION)
2 Q Okay. I think I -- I think I
3 understand.

4 And the house now that you've lived in
5 on the back, the one that eventually got mold
6 and had all those problems, was that leveled, or
7 is that still there?

8 A Half of it is still there.

9 Q Half of it. Okay.

10 A Yeah.

11 Q And is the single wide that's in the
12 back still there?

13 A Yeah.

14 Q Okay. And who lives there?

15 A The single -- the -- no, no, no, no,
16 no. You're talking about the first single wide.

17 Q Correct, the one that was all the way
18 in the back.

19 A No. That one -- that one been gone
20 also.

21 Q Okay, got you. All right. And you've
22 never lived in that one?

23 A No.

24 Q That was ---

25 A My son lived in that. Yeah.

1 KAREN POLITE - RACHEL POLITE (RECROSS EXAMINATION)

2 Q Got it. Okay.

3 THE COURT: All right. Any questions
4 of this witness based specifically on my
5 questions?

6 MS. KAREN POLITE: I -- Your Honor, I
7 just -- I just -- I just have one more --
8 one more question, and that's it for her.

9 THE COURT: All right. It's got to be
10 related to my question, like a time line
11 question.

12 RECROSS EXAMINATION

13 BY MS. KAREN POLITE:

14 Q The -- the single wide now she lives
15 in -- do you still -- do you live in a single
16 wide now?

17 A That's not the one he was talking
18 about.

19 THE COURT: I'm talking about I
20 understand that the double wide that was
21 crushed by the Matthew tree was replaced by
22 a single wide.

23 MS. KAREN POLITE: That's right.

24 THE COURT: I understand that before
25 that single wide came in, there was a single

1
2 wide that was next to the house in the very
3 back. That's my understanding of the
4 testimony thus far. So those are the two
5 single wides that -- that we're -- if you're
6 asking what my question was about.

7 MS. KAREN POLITE: Well, okay. That's
8 fine.

9 THE COURT: So no further questions of
10 this witness.

11 Thank you so much.

12 Please call your next witness.

13 MS. EVERSOLE: We rest, Your Honor.

14 THE COURT: All right. Let's move
15 then -- do we need a five-minute break, or
16 do we want to keep on rolling?

17 MS. KAREN POLITE: We'll get a
18 five-minute break.

19 MS. RACHEL POLITE: I need a
20 five-minute break.

21 THE COURT: All right. It's 11:18.
22 Let's make it a ten-minute break, so let's
23 try to come back a little before 11:30.

24 (Whereupon, a break was
25 taken from 11:18 until 11:24

1 KAREN POLITE - ANTONIO POLITE (DIRECT EXAMINATION)
 2 **A Magical. It's my magical garden.**
 3 **Q** Okay. So what made it so magical to
 4 you?
 5 **A Because I would bring seeds, and I**
 6 **would plant seeds in the garden, in the yard,**
 7 **and I would -- me and my grandmother, we would**
 8 **plant -- growing up, we would plant**
 9 **watermelons --**
 10 **Q** We're talking about this yard, not on
 11 the other side.
 12 **A In the front, in the front, at five, me**
 13 **and my grandmother, we planted.**
 14 **Q** Oh, at five.
 15 **A Yes.**
 16 **Q** Well, I'm -- I'm talking about as you
 17 got older.
 18 **A As I got older ---**
 19 **Q** After you came from Thailand, when you
 20 came from Thailand.
 21 **A I planted a tree in the garden. I**
 22 **planted several trees.**
 23 **Q** Did your grandmother plant a tree the
 24 garden?
 25 **A No, she didn't plant anything in the**

1 KAREN POLITE - ANTONIO POLITE (DIRECT EXAMINATION)
 2 **front.**
 3 **Q** Okay. Okay. So do you recognize
 4 anything in there?
 5 **A It's the front of the yard.**
 6 **Q** How does it look? How does the yard
 7 look?
 8 **A Half of it -- half of it looks mowed,**
 9 **and half of it is -- is somewhat grown up. Like**
 10 **the grass, yeah, is grown up.**
 11 MS. EVERSOLE: May I see it?
 12 THE WITNESS: Yes, please.
 13 THE COURT: No objection, right?
 14 MS. EVERSOLE: No objection.
 15 THE COURT: Okay. It would be 7 then.
 16 (Whereupon, Defendant's Exhibit
 17 Number 7 was marked for
 18 identification and received
 19 into evidence.)
 20 BY MS. KAREN POLITE:
 21 **Q** Let's talk about -- let's talk about
 22 the driveway, the driveway. Okay. So when you
 23 would come home, the driveway, would it be
 24 difficult to get through sometimes when it
 25 rained, you would say?

1 KAREN POLITE - ANTONIO POLITE (DIRECT EXAMINATION)
 2 **A Yeah. The driveway was always in**
 3 **constant repair, so I would have to dig the**
 4 **ditch so the water would flow, clean out the**
 5 **ditch. Because the water -- I mean the ditch**
 6 **runs all the way to the ditch of Seaside Road,**
 7 **from Ladson, wraps around the property. So I**
 8 **would have to keep the ditch clean and dug**
 9 **properly and ---**
 10 **Q** So when you say you -- "you," do you
 11 mean you and I, or ...
 12 **A Yes, it would be ---**
 13 **Q** Did you do it by yourself, or was
 14 this being done before you came home, or before,
 15 or ...
 16 **A The -- my mom, my mother, you would pay**
 17 **to have rocks put into the driveway. You would**
 18 **also pay to have the ditch dug. My father put**
 19 **rocks in the driveway. We've put bricks in the**
 20 **driveway. We've put dirt over the years, just**
 21 **building up and building up the driveway.**
 22 **Q** So who -- who would do this when you
 23 was away in college or you was in Thailand,
 24 China, all those places?
 25 MS. EVERSOLE: Objection, lack of

1 KAREN POLITE - ANTONIO POLITE (DIRECT EXAMINATION)
 2 personal knowledge.
 3 THE COURT: Yeah. I mean ...
 4 MS. KAREN POLITE: Okay.
 5 THE COURT: Yeah. Go ahead, move on to
 6 your next question, please.
 7 BY MS. KAREN POLITE:
 8 **Q** Okay. So do you recognize this
 9 picture?
 10 **A Yes.**
 11 **Q** Tell me about that picture.
 12 **A This was the most recent time I came**
 13 **home. And we had to put bricks in -- into the**
 14 **driveway again to build it up because you**
 15 **wouldn't have been able to get in there to --**
 16 **and I had -- in the side that -- the ditch**
 17 **that ...**
 18 **Q** Is it -- is -- is that a -- is that
 19 driveway right next -- next to my -- next to
 20 my -- my house, to the -- the point of the
 21 porch? Is that driveway right next to the
 22 porch?
 23 **A No. The driveway -- the porch is --**
 24 **the porch is on the right side. The driveway is**
 25 **to the left side of the home.**

1 KAREN POLITE - ANTONIO POLITE (DIRECT EXAMINATION)

2 **A When I came -- I came back from**
3 **Thailand in 2018 in December, and the only thing**
4 **that was improved was there was -- behind the**
5 **house -- behind my mother's home, there is a --**

6 **Q** You're talking about me. Okay.

7 **A The Defendant's home, Karen's home.**

8 **There was a -- a -- a dish this was there for**
9 **more than -- it was a long time. It was a dish**
10 **that was there, and it was concreted to the**
11 **ground, along with trees and bushes. And you**
12 **had those removed.**

13 **Q** All right. So let's talk -- let -- let
14 me ask you one more thing about this garden.
15 Okay. So when you -- were you here when the
16 garden was destroyed? Was -- was you here
17 when -- no -- well, I'll tell you what. When
18 you came home and, okay, you wasn't -- there was
19 a garden, and when you came home, there was no
20 garden.

21 MS. EVERSOLE: Objection. I don't
22 think that was the testimony.

23 THE COURT: Yeah. Just -- just ask him
24 a question, if you would.

25 MS. KAREN POLITE: Okay, I'm sorry.

1 KAREN POLITE - ANTONIO POLITE (DIRECT EXAMINATION)

2 BY MS. KAREN POLITE:

3 **Q** All right. So we talked about the
4 garden and how it was so beautiful. Right? All
5 right. So in this picture, tell me, what do you
6 see in that -- in that picture?

7 **A On the left I see persimmons hanging**
8 **from your house. I see a picture of my hand**
9 **holding plums from my first tree.**

10 **Q** Well, tell me about the -- the plums.
11 What's the names of the plums in . . .

12 **A Those are -- we call them Japanese**
13 **plums, but there is a more technical term. I --**
14 **I -- I don't remember their names.**

15 **Q** Is that from the garden?

16 **A Yeah, it's from the garden.**

17 **And this picture in the middle is -- is**
18 **also parts of the garden, because I had planted**
19 **a lot of different things there. But it was**
20 **destroyed.**

21 **Q** So -- so in that garden, does it look
22 like it's a road and all, or . . .

23 **A No. It just looks like a botched job,**
24 **like somebody did a really bad job.**

25 **Q** So when -- when you -- did you ever

1 KAREN POLITE - ANTONIO POLITE (DIRECT EXAMINATION)

2 hear of something happening to the garden?

3 MS. EVERSOLE: Objection. Based on
4 hearsay.

5 THE COURT: Sustained.

6 BY MS. KAREN POLITE:

7 **Q** Okay. So is it the same garden that --
8 that you -- that -- is that the same garden, the
9 way how you left it to go off to college?

10 **A No, it's not the same. And I wasn't --**
11 **this was -- it was not the same.**

12 **There is a video of -- that I saw of my**
13 **uncle --**

14 MS. EVERSOLE: Objection. This is
15 based on hearsay type evidence.

16 MS. KAREN POLITE: Your Honor, I
17 don't -- I don't have anything into evidence
18 for -- for me to play the video, but I -- I
19 have photos, and I also have videos, but I
20 mean . . .

21 THE COURT: Let me ask you this. What
22 is -- where are we going with this? I'm --

23 MS. KAREN POLITE: What happened is,
24 Your Honor, there was an injunction that
25 came into play, because the Defendant

1 KAREN POLITE - ANTONIO POLITE (DIRECT EXAMINATION)

2 allowed her kids to -- her children to
3 destroy the property. And so what -- what
4 happened is, this is a property that I took
5 care all my life. And ---

6 THE COURT: Okay, so you're -- this has
7 to do with the violation of the temporary
8 injunction portion of your case.

9 MS. KAREN POLITE: Right.

10 THE COURT: Okay.

11 MS. KAREN POLITE: I can't discuss it?

12 THE COURT: Well, no, I told you could
13 get to it in your part of the case, and you
14 can. I just didn't know you had jumped into
15 that point.

16 MS. KAREN POLITE: Oh, I'm sorry.

17 THE COURT: I wasn't sure where we were
18 going with this.

19 My understanding from the witness thus
20 far is there's a videotape. Do you have the
21 videotape?

22 MS. KAREN POLITE: Yes. Yes, Your
23 Honor.

24 THE COURT: Okay. Are you going to
25 testify at some point?

1 KAREN POLITE - ANTONIO POLITE (DIRECT EXAMINATION)
 2 MS. KAREN POLITE: I would like to.
 3 THE COURT: Do you -- who -- who took
 4 the videotape?
 5 MS. KAREN POLITE: It came -- it came
 6 up on my surveillance camera at my home.
 7 THE COURT: All right. Well, let's do
 8 this then. Your -- the best witness is not
 9 this witness necessarily, so why don't we
 10 move on to whatever the next question is.
 11 Perhaps you're the best witness. I don't
 12 know ---
 13 MS. KAREN POLITE: Okay.
 14 THE COURT: --- but -- and we'll get to
 15 that. I understand there may be objections
 16 to the surveillance camera footage, but
 17 certainly, I don't think this is the best
 18 witness to testify to that. So go ahead,
 19 please.
 20 MS. KAREN POLITE: Okay.
 21 BY MS. KAREN POLITE:
 22 Q My question to you, Antonio, is when --
 23 when I --
 24 I done a lot of stuff to the yard, a
 25 lot of things to the yard.

1 KAREN POLITE - ANTONIO POLITE (DIRECT EXAMINATION)
 2 MS. EVERSOLE: Objection, witness is
 3 testifying -- I mean --
 4 THE COURT: Yeah. Try to keep it in
 5 question format.
 6 MS. KAREN POLITE: I got you. Okay.
 7 BY MS. KAREN POLITE:
 8 Q Okay. You said in the back of the
 9 yard, there were -- there was a time that I had
 10 some work done in back of the yard to improve
 11 the property. So . . .
 12 MS. KAREN POLITE: Did I enter this
 13 into evidence?
 14 THE COURT: I don't know what it is. I
 15 think the last thing we have is Defendant's
 16 10.
 17 MS. EVERSOLE: Can you describe it?
 18 THE COURT: Did you see this, the ones
 19 with the plums and the fruit and --
 20 MS. EVERSOLE: No objection.
 21 THE COURT: All right, no objection. I
 22 think that will be 11, Defendant's 11.
 23 (Whereupon, Defendant's Exhibit
 24 Number 11 was marked for
 25 identification and received

1 KAREN POLITE - ANTONIO POLITE (DIRECT EXAMINATION)
 2 into evidence.)
 3 BY MS. KAREN POLITE:
 4 Q You said that I made improvement on the
 5 back of the yard, and you also mentioned the
 6 fact that we built the shed. So by building the
 7 shed, would you say that was a great
 8 improvement?
 9 MS. EVERSOLE: Objection.
 10 BY MS. KAREN POLITE:
 11 Q Okay. Would you say -- not would you
 12 say. Was that a great improvement on the yard?
 13 THE COURT: What is --
 14 Well, tell me the objection first.
 15 MS. EVERSOLE: First, I object because
 16 I don't think he testified about the shed.
 17 MS. KAREN POLITE: He ---
 18 MS. EVERSOLE: And ---
 19 MS. KAREN POLITE: He did mention it.
 20 THE COURT: Go ahead. Second?
 21 MS. EVERSOLE: And second is the
 22 characterization of it, is it a great
 23 improvement. That's vague.
 24 THE COURT: Yeah. What's the relevance
 25 of whether or not an improvement is great or

1 KAREN POLITE - ANTONIO POLITE (DIRECT EXAMINATION)
 2 not great?
 3 MS. KAREN POLITE: Well, then I
 4 rephrased -- I said, well ---
 5 THE COURT: Okay. Well, go ahead and
 6 rephrase it.
 7 BY MS. KAREN POLITE:
 8 Q Was that an improvement?
 9 A Yes, it was an improvement.
 10 Q Okay. All right. So you mentioned the
 11 fact that we built a shed. Was that an
 12 improvement?
 13 A Yes, that was an improvement.
 14 Q Do you recognize the area?
 15 A Yes. That's the area that we cleaned.
 16 MS. EVERSOLE: All right, no objection.
 17 THE COURT: Defendant's 12 without
 18 objection.
 19 (Whereupon, Defendant's Exhibit
 20 Number 12 was marked for
 21 identification and received
 22 into evidence.)
 23 THE COURT: Go ahead, please.
 24 BY MS. KAREN POLITE:
 25 Q Okay. So were there a lot of

1 DEFENDANT'S CLOSING SUMMARY

2 ditch entering the property so the water
3 could flow even. I even plant a garden. I
4 even had a pit made of bricks. Trimming the
5 trees. I even made improvements on my home,
6 the front porch. I cleaned the property
7 when there was a code violation -- also
8 cleaned the property when there were code
9 violations."

10 Your Honor, in conclusion of -- as pro
11 se, I would like to thank this court of law
12 for allowing me to present my case here
13 today. I'm here today because of my faith,
14 my family, and my amazing friend. I just
15 want to say thank you all.

16 I would ask this court of law to look
17 at all the evidence, and please, please use
18 the facts and the law. If I have met my
19 burden of proof, allow me to go home, live a
20 peaceful life with my title in my hand.
21 Please don't take my continuous journey away
22 from me or my property that I have lived on
23 for more than 30 years. Thank you, Your
24 Honor.

25 THE COURT: All right. Thank you very

1 COURT'S FINAL COMMENTS AND RULING

2 convincing evidence.

3 Ms. Eversole, I think, accurately
4 pointed out the hostile, but the exclusive
5 can not be met.

6 The testimony I heard is the two of you
7 have shared this property for years except
8 for one short period of time when -- when
9 Ms. Polite moved across the street. But the
10 fact is, without exclusivity, the whole
11 thing falls apart, whether there's hostile
12 or not hostile.

13 This property was titled in the
14 Plaintiff's name, and it is, again, a very
15 high burden in South Carolina to wrest that
16 title away from someone and give it to
17 someone else based on a claim of adverse
18 possession, which is a very difficult thing
19 to do in our state, as I've said.

20 Additionally, I'm a little bit
21 confused, because your testimony was that
22 you always believed this was your property.
23 You had a mistaken belief that this was your
24 property. A mistaken belief can not develop
25 into the hostility required to take the

1 COURT'S FINAL COMMENTS AND RULING

2 much.

3 Family cases are always difficult
4 cases. I don't know what happened in the
5 relationship between mother and daughter,
6 but I would really recommend y'all try to --
7 at some point, no matter what happens here
8 today, try to get some counseling, try to
9 maybe sit down with somebody and see if this
10 relationship can be repaired, because if
11 it's -- it makes me sad to think of the fact
12 that, you know, I'm sure you were once
13 close. Maybe it was a long time ago, but
14 whatever has happened in the interim has
15 really caused some serious problems.

16 The law of adverse possession is pretty
17 clear in South Carolina. It's a -- it's a
18 very high burden. Clear and convincing is a
19 very difficult burden to reach. And you
20 stated accurately, both of you did, the
21 party asserting adverse possession must show
22 continuous, hostile, open, actual,
23 notorious, and exclusive possession for a
24 certain period of time. Every single one of
25 those has to be proven by clear and

1 COURT'S FINAL COMMENTS AND RULING

2 property away from someone else. I mean,
3 that sort of hostility would mean you would
4 block the gates and not let your mother back
5 on the property. I mean, that's the kind of
6 hostility they're talking about in this sort
7 of situation.

8 In this case, the two of you lived
9 99 percent of the time without any trouble.
10 One percent of the time, it sounds like
11 there was trouble, but the two of you shared
12 this property, which was, without factual
13 dispute, titled in her name, and that simply
14 can not ripen into adverse possession under
15 our very high burden, very difficult
16 standards in South Carolina to take a title
17 away from someone and give to someone else.

18 The fact that y'all shared -- taking as
19 fact the fact that you helped with the taxes
20 does not really help your case, I don't
21 think, because, I mean, it -- it's -- again,
22 the exclusivity, you would have been getting
23 money from her, and you giving it to the tax
24 people, but you knew you couldn't do that
25 because the taxes, again, were in her name.

1 KAREN POLITE - (TESTIMONY)

2 You know, the whole time I was living
3 there, was living at peace, no -- no
4 problem. And then now, she brings another
5 double wide on -- put a double wide onto the
6 property. She was getting ready to bring a
7 double wide.

8 I told -- I told my mother, "The line
9 is too low to bring the double wide. You
10 can not bring the double wide onto the
11 property."

12 She said -- she -- she said -- no, she
13 didn't say anything at first, but her
14 husband did. But she said, "Why?"

15 And then she -- I told her, I said,
16 "Because you need my permission. This is
17 my -- this is my light pole, and you're not
18 about to damage my light pole."

19 Well, my mother -- she -- she made
20 attempt to -- I told her, I said, "If you"
21 -- I said, "All you need me to do is to call
22 the light company. If you want me to, I
23 will call the light company, and they can
24 either drop the line, or they can assist you
25 and lift it up." Because I tried explaining

1 KAREN POLITE - (TESTIMONY)

2 to her that that will cause my house to
3 catch on fire if -- if it runs into the
4 line.

5 So then she was like, "Okay." She --
6 she was okay with that. So now that's fine
7 with that. But it was still an issue,
8 because she felt she needed my permission
9 just to come underneath the -- the line.

10 So now after that happened, so now
11 she -- so they used the weekend -- she used
12 the weekend to bring the other mobile home
13 after this -- this mobile home was destroyed
14 during Hurricane Matthew. When the -- the
15 double wide trailer was destroyed during
16 Hurricane Matthew, my mother said to me,
17 "God meant for it to happen," because she
18 wasn't supposed to have that trailer because
19 it wasn't no good anyway. That's what she
20 said to me. Okay?

21 So then she came to me and said that
22 the tax was due. And -- and she said that
23 the tax was -- I think was one hundred and
24 something dollars. And I told her, I said,
25 "Well, why is the tax" --

1 KAREN POLITE - (TESTIMONY)

2 She said, "I don't know why the tax so
3 high."

4 And I told her, I said, "Well," I said,
5 "Let me call." And that's when I called
6 Beaufort County tax, and I asked them what's
7 going on, because she was in a rage about
8 the tax. I said -- so I -- she said -- they
9 said, "Well, you need to explain something
10 to your mother because she really don't
11 understand." So I had her on speaker phone.
12 I did let her, you know, speak and tell them
13 what -- you know, and they -- I told my
14 mother, I said, "Listen, what happened is
15 you don't have the 4 percent tax on and the
16 senior discount that you had on the house,
17 so what you need to do" --

18 So at that time, she figured that --
19 she said, "I hope Claudia didn't put my tax
20 in her name."

21 I said, "No, I don't think that's what
22 happened."

23 Then she also mentioned the fact that
24 there was some kind of -- oh, maybe it's
25 some kind of her -- the Mexican name that

1 KAREN POLITE - (TESTIMONY)

2 she used.

3 And I said -- and I said --

4 She's like, "That's probably what
5 happened."

6 I said, "No. You bought another house,
7 and that probably was the previous owner."

8 But in -- in a nutshell, I just tried
9 to explain to my mother what was going on
10 with this property. Because then she said
11 that the property was in someone else's
12 name. And I said, "No. This property had
13 belonged to my daddy." She didn't
14 understand.

15 So with all that being said, Your
16 Honor, I'm going back to the fact that I did
17 the best I could at the good or -- the
18 goodness of my heart. I believe -- I
19 believe for 30 something years, over 30
20 years that this was my property. I believed
21 that.

22 My mother never asked me to leave. She
23 never -- even after my -- my children got a
24 certain age, which would have been -- my --
25 my oldest son, we never talked about him,

408



544

Form 14—Title to Real Estate
Revised 1978

State of South Carolina,

2365

COUNTY OF BEAUFORT

02222

KNOW ALL MEN BY THESE PRESENTS, THAT

I, BUBBY POLITE,

in the State aforesaid _____ for and _____ in consideration of the sum of
ONE AND NO/100(\$1.00)DOLLAR AND DECREE OF DIVORCE _____

to _____ in hand paid at and before the sealing of these presents by RACHEL M. POLITE,

Route 2, Box 557-A, St. Helena Island, South Carolina 29920
in the State aforesaid _____ for which _____ 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 RACHEL M. POLITE, Her Heirs and Assigns, forever, the following
described real property, to-wit:

ALL that certain piece, parcel or lot of land, with improvements thereon, if any,
situate, lying and being in the Southeastern corner of Lot 51, Section 22, 151E,
on St. Helena Island, Beaufort County, South Carolina, and being more particularly
bounded and described as follows, to-wit: On the North by a public road and on the
East, South and West by lands now or formerly of Emily Holmes. For a more
complete description as to metes, bounds, courses and distances, reference is made
to that certain plat made by H. F. Wilson, Jr., R.L.S., dated April 13, 1972, a
copy of which is recorded in the Office of the RMC for Beaufort County, South
Carolina in Deed Book 197 at Page 679.

This is the same property as conveyed to the within Grantor by deed of Emily
Holmes a/k/a Emily M. Holmes dated April 18, 1972 and recorded in the Office
of the RMC for Beaufort County, South Carolina in Deed Book 197 at Page 678 on
April 19, 1972.

This deed was prepared by the Law Firm of Moss, Dore, Kuhn & McIntyre, P.A.,
1501 North Street, Beaufort, South Carolina 29902, by H. Fred Kuhn, Jr., Esquire,
without the benefit of title examination.

BEAUFORT COUNTY TAX MAP REFERENCE				
Dist	Map	Submap	Parcel	Block
300	17		114A	

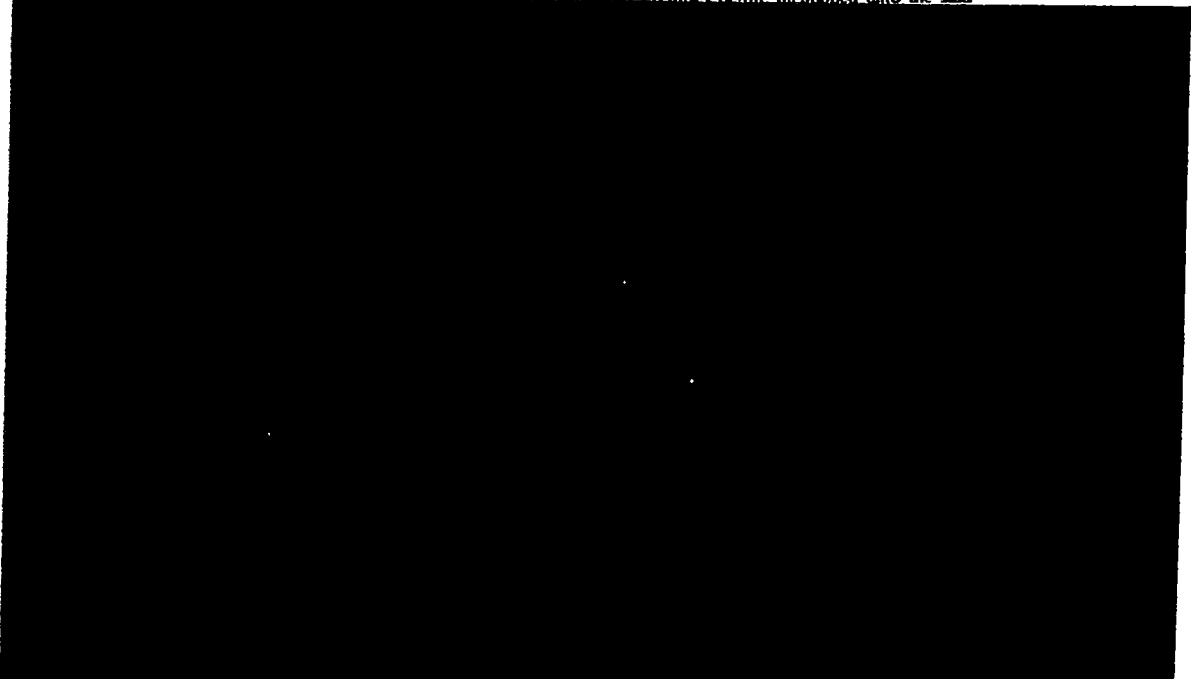


181

2366

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



AND I do hereby bind my Heirs, Assigns
Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said
RACHEL M. POLITE, Her 2367

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

WITNESS my Hand and Seal, this 12th day of December

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

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

[Signature] (L. S.)
[Signature] RUBY POLITE (L. S.)

The State of South Carolina,

Beaufort County.

PERSONALLY appeared before me the first witness above named
and made oath that s/he saw the within named RUBY POLITE
sign, seal, and as his act and deed, deliver the within written Deed,
and that s/he with the second witness above named
witnessed the execution thereof.

SWORN to before me, this 12th
day of December A.D. 1989
(SEAL)
Notary Public of South Carolina
My Commission Expires 9-23-90

[Signature]
(signature of first witness above)
RENUNCIATION OF DOWER

The State of South Carolina,

County.

NOTE REQUIRED

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

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

Given under my Hand and Seal, this _____ day of _____ Anno Domini 19____

(SEAL)
Notary Public of South Carolina
My Commission Expires:

Moss
State of South Carolina,
COUNTY OF BEAUFORT

HUBBY POLITE

TO

RACHUEL M. POLITE

TITLE TO REAL ESTATE

Filed 23rd day of January A.D. 18 90
at 4:13 o'clock P. M.
and recorded in Book 544
Page 12345 1900
Wm. A. Smith
R. M. C. or Clerk Court C.P. & C. S. M.
County, S.C. Beaufort

Recorded this 31st day of January, 18 90
in Book 917 Page 917
Fec. & Mary Ann Henry Lush
Auditor Beaufort
County, S. C.

13 4 41 32 1000

EXHIBIT

2

TITLE TO REAL ESTATE Short Form V, C, 92248

72 Am. Law 3 Copyright Co., Inc. 1976

STATE OF SOUTH CAROLINA,

BEAUFORT

COUNTY

197
678

Known All Men by These Presents:

That I, EMILY HOLMES, of St. Helena Island, Beaufort County,

in the State aforesaid,
DOLLARS.

in consideration of the sum of

TEN AND 10/100 (\$10.00)

to the grantor(s) in hand paid at and before the sealing of these presents by the grantee(s) (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

RUBBY POLITE, his Heirs and Assigns, the following described property, to-wit:

ALL that certain piece, parcel or lot of land, situate, lying and being in the Southeastern corner of Lot 51, Section 22, 151E, on St. Helena Island, Beaufort County, South Carolina, and being more particularly bounded and described as follows, to-wit: On the North by a public road and on the East, South and West by lands of the Grantor, Emily Holmes. For a more complete description as to waters, bounds, courses and distances reference is made to that certain plat made by H. F. Wilson, Jr., R.L.S. dated April 13, 1972, which is hereto attached and made a part hereof.

This is a part of the property conveyed to the within grantor by deed from Margaret Holmes dated Oct. 5, 1960 and recorded in the office of the Clerk of Court for Beaufort County, S.C. in Deed Book 104 at Page 20.

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 grantee(s) hereinabove named and his Heirs and Assigns forever.

And the grantor(s) do(es) hereby bind the grantor(s) and the grantor(s)'s Heirs, Executors and Administrators to warrant and forever defend all and singular the said premises unto the grantee(s) hereinabove named, and the grantee(s)'s Heirs and Assigns against the grantor(s) and the grantor(s)'s Heirs and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness the grantor(s)'s hand and seal this 18th day of April in the year of our Lord One Thousand Nine Hundred and Seventy-two.

Signed, Sealed and Delivered in the Presence of

Margaret T. Rodgers
T. Legare Rodgers

Emily M. Holmes (Seal)
Emily Holmes (Seal)
(Seal)
(Seal)
(Seal)

State of South Carolina,

Personally appeared before me, Margaret T. Rodgers

BEAUFORT County

EMILY HOLMES

and made oath that s/he saw the within named grantor(s) sign, seal and as her act and deed deliver the within written deed, and that s/he with T. Legare Rodgers witnessed the execution thereof.

Sworn to before me this 18th day of April, A.D. 1972

T. Legare Rodgers (Seal)
Notary Public for South Carolina

State of South Carolina,

I, RENUNCIATION OF DOWER

GRANTOR IS A WOMAN

County

Notary Public, do hereby certify

unto all whom it may concern, that Mrs. wife of the within named

did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever, renounce, release, and forever relinquish unto

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 April, A.D. 1972

Notary Public for South Carolina

Recorded this day of

10 at 2:00 P.M. No.

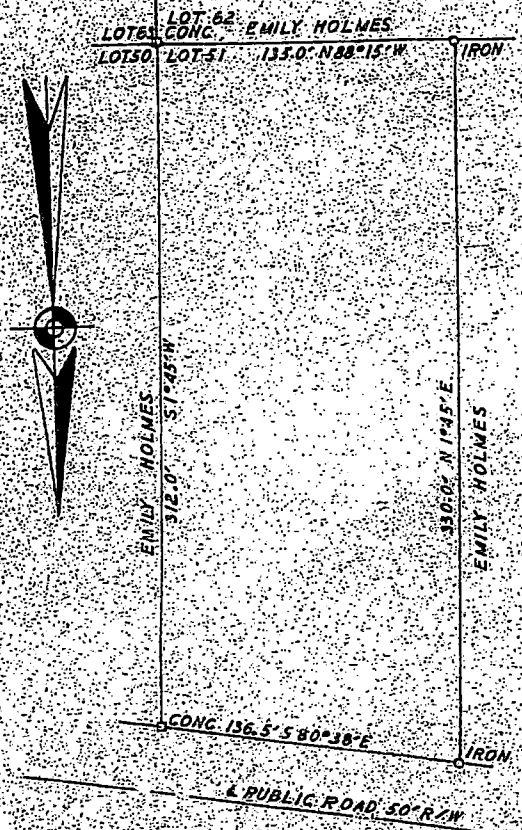
PENGAD 800-831-6039

PLAINTIFF'S
EXHIBIT

2

185

679



PLAT PREPARED FOR
BUBBY POLITE

ST. HELENA ISLAND, BEAUFORT COUNTY, S.C.
SITUATE IN LOT 51, SECTION 22, TOWNSHIP 1 SOUTH, RANGE 1 EAST.

SCALE 1"=50' APRIL 13, 1972 INDICATED MARKERS

I HEREBY CERTIFY THAT THE MEASUREMENTS AS SHOWN ON THIS PLAT ARE CORRECT
AND THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN

Hardwick F. Wilson, Jr.
HARDWICK F. WILSON, JR.
REG. LAND SURVEYOR NO. 1838

243551-2

7-135561

State of South Carolina
EMILY HOLMES
TO
BUBBY POLITE
at J. Box 144, Proctor, S. C.
TITLE TO REAL ESTATE
Filed 19th day of April A.D. 1972
at 8:30 o'clock A.M.
and recorded in Book 197
Page 678 Fee \$1.50
M. N. Smith
R. M. C. of Clerk Court C. P. & C. S.
County, S. C.
Recorded this day of 1972
in Book Page
Fee \$
Auditor County, S. C.

680

STENSEN ~ KHALIL SURVEYORS, INC.

1818 BOUNDARY STREET, BEAUFORT, S.C. 29902
(843) 624-4148, FAX (843) 624-4149

CM(O)

S-9196

LEGEND

M(O) = CONCRETE MONUMENT OLD
M(N) = CONCRETE MONUMENT NEW
B(O) = 1/2" REBAR FOUND
B(N) = 1/2" REBAR SET
HP = OVERHEAD POWER LINES

GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.

GENERAL NOTES:

1. PRESENT OWNER OF PROPERTY SHOWN HEREON:
ACHEL M. POLITE
2. TOWN # 300-17-114A
3. THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH
SUBJECT TO LOCAL ATTRACTION.
4. PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "A-10"
ELEVATION (14.00) PER FEMA PANEL #450025-0130-F
DATED: NOV. 4, 1992

POLITE

REFERENCE PLATS & DEEDS

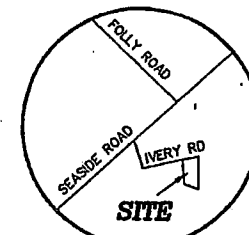
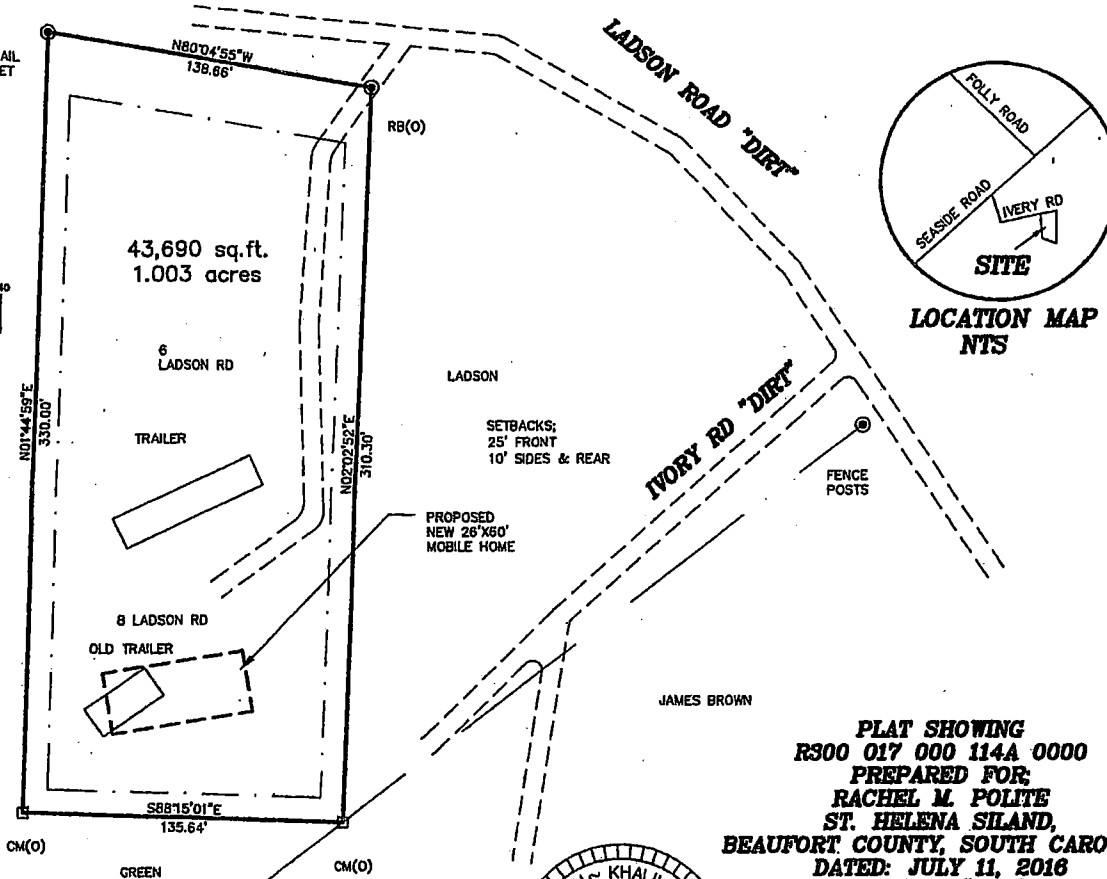
1. DEED 544/2365, 197/678

CERTIFICATION:

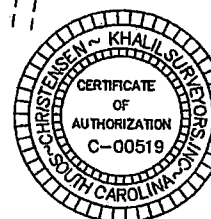
ZYAD A. KHALIL, HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN
HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF
AND SURVEYING IN THE STATE OF SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B"
AS SPECIFIED THEREIN:

ZYAD A. KHALIL RLS
S.C. REG. NO. 15176

[THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND EMBOSSED SEAL]



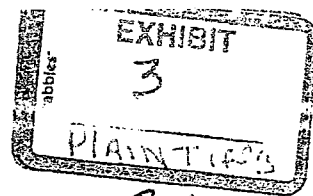
LOCATION MAP
NTS



PLAT SHOWING
R300 017 000 114A 0000
PREPARED FOR:
RACHEL M. POLITE
ST. HELENA SILAND,
BEAUFORT COUNTY, SOUTH CAROLINA
DATED: JULY 11, 2016
SCALE: 1"=60'

PLAINTIFF'S
EXHIBIT

3



ELECTRONICALLY FILED - 2020 Apr 16 3:20 PM - BEAUFORT - COMMON PLEAS - CASE#2020CP0700899

To Karen Polite

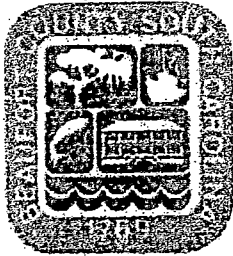
31 Oct 2019

I am writing to inform you that I am giving you a 30 days notice to vacate my property on 8 Ladsom Rd from the time that you were allowed to put your trailer there. you have not paid no property taxes. In return you was told not to alter the property in any way while you remain on the land. On or about 2018 you attempted to pour a cement driveway in front of your home. I in turn told you not to do it. On 26 Oct 2019 late evening I you started to build a two car garage by putting posts in the ground. I told you to stop the building and you do not go any forward. You ignore every thing that I said and continue to build. Now I am giving you this final notice to you need to move your mobile home and off my land 8 Ladsom Rd 31 Helena Is. S.C. as of 31 Oct 2019

If you have any question or concern you can contact me at 843-644-1017

Rachel M Polite
Rachel M. Polite

Exhibit
L1 -> Letter
PLAINTIFFS



Beaufort County Code Enforcement

100 Ribaut Road / PO Drawer 1228

Beaufort SC 29901-1228

Phone (843) 255-2066

Beaufort County
South Carolina

NOTICE OF VIOLATION

Please be advised that you are currently in violation of the Beaufort County Code.

Division 9.2 Compliance Required

9.2.30 Specific Violations (A)

Failure to comply with this order within the time period specified will result in a summons being issued to appear in court and a fine up to \$500.00 and any court costs.

Property Owner: Rachel M Polite

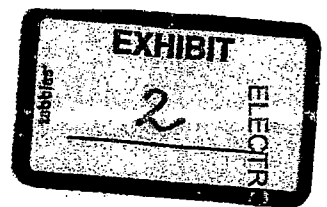
Location of Violation: 6/8 Ladson Road St. Helena, SC 29920

Property ID: R300 017 000 114A 0000

Date of Notice: November 26, 2019

Comply by: December 13, 2019

Code Enforcement Director: A. Antonacci



ELECTRONICALLY FILED - 2020 Apr 16 3:20 PM - BEAUFORT - COMMON PLEAS - CASE#2020CPO700899

Exhibit
5 - Notice of
Violation
PLANTIFF'S

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

2019CV0710401850
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT
JUDICIAL DISMISSAL

☐ With Prejudice
☒ Without Prejudice

Rachel Polite
8 Ladson Rd
Saint Helena Island, SC 29920
(843) 694-1017
PLAINTIFF(S)

Vs

Karen Polite To Include Mobile Home
6 Ladson Rd
Saint Helena Island, SC 29920
DEFENDANT(S)

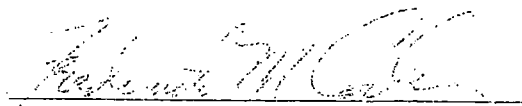
It is Ordered that Civil Case Number 2019CV0710401850:

Rachel Polite

vs Karen Polite To Include
Mobile Home

Shall reflect a disposition of Judicial Dismissal based upon the following:

- ☐ Plaintiff's failure to prove case by preponderance of evidence
- ☐ Plaintiff's request to dismiss case
- ☐ Plaintiff and Defendant failed to appear for Court
- ☐ Plaintiff's failure to appear in Court
- ☒ Other: Competing claims of ownership; this Court lacks jurisdiction.


JUDGE

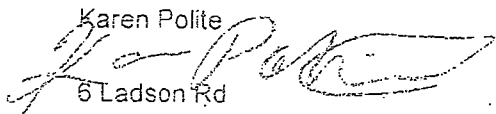
Beaufort Magistrate
104 Ribaut Road
Post Office Box 2207
Beaufort, SC 29901
Phone: (843) 255-5700
Fax: (843) 255-9516

December 2, 2019

I state that this is a true and
Certified copy of the original record
on file with Beaufort County
Magistrate Court

Exhibit
Magistrate
Court
7 - Notice
PLAINTIFF'S

198

Karen Polite

6 Ladson Rd

Saint Helena Island, SC 29920

11/ 8/ 2019

state that this is a true and
Certified copy of the original record
on file with Beaufort County
Magistrate Court

(Beaufort Magistrate)

To whom this may concern, I Karen P. Polite a longtime resident of Seaside Road and the youngest daughter of the late Bubby Polite, whom I care for more than seven years. My dad lost his battle from lung cancer on (May 14,2018). The property in question owned by: Bubby Polite located on Seaside road 6 and 8 Ladson which he purchased from the late Ms. Emily M. Holmes, became the soul owner of the property (April 13,1972).

(April 7,1988) Bubby Polite granted permission to his youngest daughter I Karen Polite, of stay of her Gray (1984) Mobile Home 70x14 to live on the property for life. Two years later (January 23rd, 1990) Bubby Polite, later transferred title to my mother and Ex-wife Rachel Polite, who still shares the property with her youngest daughter I Karen Polite.

(October 31st, 2019) My mother Rachel Polite, who is now Mrs. Chaplain address a sworn written letter to the court, to have my mobile home removed from the property within 30 days. I believe I have or show shared interest of this property, with permission from my father Bubby Polite. After 31 years of living on the property located at 6 Ladson Road, St. Helena island South Carolina 29920. I believe my Mother Rachel stated, several facts outlining me as being a squatter. I accept my right as such by (law) Adverse Possession. I one Karen P. Polite, asking this court of law to (Award Title) of 6 Ladson Road St. Helena S.C 29920 in my name, if I have "met my burden of proof by: Preponderance of the Evidence"

Within the last 31 years of Ms. Rachel Polite receiving the property. I Karen Polite continue to live on the property peacefully. I believe for more than 31 years that I owned the property located at 6 Ladson until, my dad Bubby Polite got sick and passed away in (2018). My mother Rachel Polite have never given me permission, to remain on the open yard property and or land. Rachel Polite have also accuse me of never paying any property tax, which states untrue. Rachel Polite never asked me specifically for money for tax's but, instead money to help to pay car notes, Insurance, light bills and trips over the years. As I continue providing for my mother with unconditional love including in (2001) removing my mom out of debt. by paying off \$30,000 of her bills plus more with money I won from the (lottery).

I have held constant use of the property, this property where I lived on for more than 31 years 4 months and 8 days as of November 8th, 2019, have and has remained visible to the public.

family, and friends seeing in clear eyes. Rachel Polite have or has never asked that I vacate, leave or evacuate her property until now. Over the years I have worked hard to improve the property, with no complaints from my mother until now. Improving the property required me cutting the grass and or paying someone to do so if needed, making repairs to my mother's home by remodeling her bedroom after seeing her sleep on her couch for more than a year. I also build a walk-in closet, a shoe rack and a porch as she asks me to.

Yes, I admit improving the driveway, that gain access onto the property for many years using brick, blocks gravel and sand at times using my dad's sledgehammer to crush the bricks. When I got tired, I would pay to have the ditch dig. I deny (Paving) or (Altering) the driveway in anyway shape or form, the driveway entering the property was built by; one Bubby Polite in (1970).

(1999) Rachel Polite needed my help to provide, and care for herself and two adopted nieces ages 5 and 6 along with my two children age 1 and 3. Shortly after My Mother Rachel Polite became ill in (1999) she asked that I return home, I left College in Miami Florida, and later returned to College a year later. After taking care of my mother who almost lost her life. Throughout her recovery I worked nights from 10pm-6am, because of my mother surgery and poor health, Rachel being unable to drive herself. I drove my mother around for one year, collecting insurance money for (Atlantic Coast life Insurance Company) her job for more than 25 years now (retired).

(1st Timothy 5 :8) States; but if anyone does not provide for his relatives, and especially for members of his household, he is denied the faith and is worse than an unbeliever". This letter states truth and facts, the work that I have put in to improve and help my mother while living on the property. As I, shared interest in the property with my mother Rachel Polite for more than 31 years since (1988)

This letter serves not to intimidate, anger, or confuse my mother Rachel M. Polite) this is just the right to understand an unresolved resolution concerning the property, As spoken without hesitation.

I believe anyone, with unlawful actions of broken the law that my cause unnecessary harm, brought upon by malice or hatred thereafter should be prosecuted in the court of law. Sunday morning (October 26, 2019) There were threats made by one Claudia Polite my older sister to destroy my property, if I did not remove such.

"Thank you for allowing I, Karen P. Polite to address the court of law"

STATE OF NORTH CAROLINA

JUDICIAL DISTRICT COURT

COUNTY OF BEAUFORT

Case Number 2019CV07104-01850

Rachel Polite

VS. PLAINTIFF(S)

Karen Polite to include MH

DEFENDANT(S)

ORDER

RULE TO VACATE

I state that this is a true and
Certified copy of the original record
on file with Beaufort County
Magistrate Court

FILED: _____ FORWARDED: _____

SERVED: _____ INITIAL HEARING: _____

PRETRIAL CONFERENCE: _____ TRIAL: _____

PARTIES:

PLAINTIFF DID APPEAR / DID NOT APPEAR

DEFENDANT DID APPEAR / DID NOT APPEAR

WITNESSES: _____

PLEADINGS:

____ DEFENDANT ADMITS LIABILITY
____ DEFENDANT DENIED CLAIM AND
DEMANDS PROOF

____ DEFENDANT DEMURS
____ DEFENDANT COUNTERCLAIMS

ACTION:

____ BENCH TRIAL AT INITIAL HEARING
____ SCHEDULE FOR BENCH TRIAL
____ SCHEDULE FOR JURY TRIAL
____ DEFAULT JUDGMENT
____ DISMISS WITH / WITHOUT PREJUDICE

ACCOUNT OPENED _____
HIGH CREDIT OF _____
PAY SCHEDULE _____
RIGHT TO CURE _____
BALANCE DUE _____
COURT COSTS INCL. _____
COURT COSTS NOT _____

JUDGMENT:

****THIS SECTION FOR C&D****

____ FOR PLAINTIFF
____ FOR DEFENDANT

NOTES:

Dismissed - Competitive
claiming no ownership. Disct back
12/13/2019
12/13/2019
DATE _____ JUDGE _____

Rachel Polite
8 Ladson Rd
Saint Helena Island, SC 29920

Phone: (843) 694-1817

PLAINTIFF(S)

vs **RULE TO VACATE HEARING: DECEMBER 2, 2019 AT 10:00 AM**

Karen Polite To Include Mobile Home
6 Ladson Rd
Saint Helena Island, SC 29920

Phone:

DEFENDANT(S)

TO Karen Polite To Include Mobile Home : Rachel Polite is asking this Court to evict you from the property listed above because they claim that:

- ☐ You have failed to pay rent when due or demanded in the amount of \$.
- ☐ The terms of your tenancy or occupancy have ended.
- ☒ You have violated the terms or conditions of your lease by: SEE ATTACHED

You the defendant(s) or lessee(s) of the premises located at the address listed above, and all others, are ordered to vacate the premises immediately pursuant to S.C. Code of Laws Section 27-37-10 or contact the:

Beaufort Magistrate
104 Ribaut Road
Post Office Box 2207
Beaufort, SC 29901
(843) 255-5700

within ten (10) days of receiving this notice, for the purpose of scheduling a hearing to show why you should not be evicted from these premises.

FAILURE TO VACATE THE PREMISES OR RESPOND WITHIN TEN (10) DAYS MAY RESULT IN THE ISSUANCE OF A WRIT OF EJECTMENT.

10/31/2019

[Signature]
Judge, Beaufort Magistrate

Personally appeared before me, the undersigned deponent, being duly sworn, says s/he is a person over 18 years of age, not a party or attorney in this action and s/he to serve the Rule to Vacate or Show Cause on Karen Polite To Include Mobile Home on the following dates/times:

DATE	TIME	INITIALS	DATE OF SERVICE	TIME OF SERVICE
1. _____	_____	_____	11/27/19	12:50
2. _____	_____	_____	SETTLED/DATE	VACANT/DATE
3. _____	_____	_____	PERSON SERVED & RELATIONSHIP IF NOT DEFENDANT	

PERSON SERVED & RELATIONSHIP IF NOT DEFENDANT

Sworn to and subscribed before me
This _____ day of _____, 20____.

NOTARY PUBLIC OR JUDGE

[Signature]
SIGNATURE OF SERVER

ON _____ I DEPOSITED IN THE UNITED STATES MAIL IN AN ENVELOPE ADDRESSED TO THE DEFENDANT(S) ABOVE WITH FIRST CLASS POSTAGE AFFIXED THERETO, A COPY OF THIS DOCUMENT

I state that this is MAGISTRATE'S CLERK
Certified copy of the original record
on file with Beaufort County
Magistrate Court

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

RULE TO VACATE HEARING

Karen Polite To Include Moblie Home
6 Ladson Rd
Saint Helena Island, SC 29920

MAGISTRATE SUMMONS

You are hereby summoned to be and appear personally in the

Beaufort Magistrate
104 Ribaut Road
Post Office Box 2207
Beaufort, SC

on December 2, 2019 at 10:00 AM to serve as a party in a Bench Trial in the case of:

RE: Rachel Polite

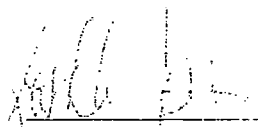
Vs Karen Polite To Include Moblie
Home

PLAINTIFF(S)

DEFENDANT(S)

Civil Case Number: 2019CV0710401850, Rule to Vacate PS 45.

HEREIN FAIL NOT, ON PAIN OF FORFEITING THE LAWFUL PENALTY IN
SUCH CASE MADE AND PROVIDED.


JUDGE

Beaufort Magistrate
104 Ribaut Road
Post Office Box 2207
Beaufort, SC 29901
Phone: (843) 255-5700
Fax: (843) 255-9516

I state that this is a true and
Certified copy of the original record
on file with Beaufort County
Magistrate Court.

October 31, 2019

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

Rachel M. Polite
PLAINTIFF(S)
8 Ladson Rd.
MAILING ADDRESS
St. Helena Is. SC 29920
CITY, STATE, ZIP
843-694-1017
TELEPHONE

VS

Karen Polite
DEFENDANT(S)
61 Ladson Rd
MAILING ADDRESS
St. Helena Is. SC 29920
CITY, STATE, ZIP
TELEPHONE

CIVIL CASE NUMBER
IN THE MAGISTRATE'S COURT
I state that this is a true and
Certified copy of the original record
on file with Beaufort County
Magistrate Court

APPLICATION FOR EJECTMENT
(EVICTION)

I, Rachel Polite, Plaintiff in this action, state that I am the landlord-lessor of
premises within the jurisdiction of Beaufort County Beaufort Magistrate which is described as: (address and description of premises
- apartment, house, etc.)

Property Land across 8 Ladson Rd St. Helena Is. SC

further state that, with regard to the above described premises, a landlord-tenant relationship exists between me and the
Defendant(s), Karen Polite, the tenant-lessee, as evidenced by the following: (Attach
lease papers or other written proof.)

☐ Lease or

☒ Other written proof

grounds for this ejectment are one or more of the following:

- ☐ The tenant fails or refuses to pay rent when due or when demanded in the amount of: \$
☐ The term of tenancy or occupancy has ended; or
☒ The terms or conditions of the lease have been violated as follows:

Karen was given permission to remain on the land because she had two
young children. She was told not to build or alter the property. She said to do so

WORN to and subscribed before me
his 29 day of Oct, 2019
[Signature]
Notary Public of South Carolina
My Commission expires: 09/07/2027

Rachel M. Polite
Signature of Plaintiff or Attorney

dated 3/2018

To Karen Polite

31 Oct 2019

I am writing to inform you that I am giving you a 30 days notice to vacate my property at 8 Ladsen Rd. from the time that you were allowed to put your trailer there you have not paid no property taxes. In return you was told not to alter the property in any way while you remain on the Land. On or about 2018 you attempted to pour a cement driveway in front of your home. I in turn told you not to do it. On 26 Oct 2019 late evening I you started to build a two car garage by putting posts in the ground. I told you to stop the building and ~~you~~ do not go any forward. You ignore every thing that I said and continue to build. Now I am giving you this final notice to you need to move your mobile home and off my land 8 Ladsen Rd St Helena Is. S.C. as of 31 Oct 2019

If you have any question or concern you can contact me at 843-144-1017

Rachel M Polite
Rachel M. Polite

Beaufort Magistrate

Judge: LeChonda Green Esq.

104 Ribaut Road

Beaufort, SC 29901

Phone: (843) 255-5700 Fax: (843) 255-9427

DUPLICATE

Received From: Polite, Rachel
8 Ladson Rd
Saint Helena Island, SC 29920

Date: 10/31/2019
Receipt #: 9893833
Clerk: c07tevens

Paying for: Self
Transaction Type: Civil Payment

Payment Type: Cash \$45.00
Total Paid: \$45.00

Reference #:
Comment: RULE TO VACATE HEARING: DECEMBER 2,
Non-Refundable 2019 AT 10:00 AM

You may check the status of your Beaufort case at:

<http://www.sccourts.org/caseSearch/>

Case #	Caption	Previous Balance	Amount Paid	Balance Due
2019CV0710401850	Rachei Polite VS Karen Polite	\$45.00	\$45.00	\$0.00

Total Cases: 1	\$45.00	\$45.00	\$0.00
----------------	---------	---------	--------

I state that this is a true and
Certified copy of the original record
on file with Beaufort County
Magistrate Court

RECEIVED

AUG 02 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

Marvin H. Dukes, Circuit Court Judge

Case No. 2022-CP-07-000967

Rachel M. Polite A/K/A
Rachel Chaplin

Respondent,

v.

Karen P. Polite

Appellant.

CERTIFICATE OF COUNSEL

The undersigned certified that this Record on Appeal complies with Rule 210(g),
SCACR.

July 31, 2023

s/ Karen P. Polite

Karen P. Polite

Post Office Box 213 ,St. Helena

South Carolina 29920

(843) 321-3722

Pro,se Karen Polite

