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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Appellate Case No. 2024-000776

Bonita Steed and Bernard Steed, Robert Steed and Ernest Steed, ... Appellants,

v.

Antoine Heyward, Ruby Heyward, and also All Other Persons Unknown, claiming any right,
title, estate, interest in or lien upon the real estate described herein in the amended complaint
herein..... Respondents.

RECORD ON APPEAL

s/ Alice F. Paylor

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**All exhibits of the foregoing to be included*

CERTIFICATE OF COUNSEL

I certify that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

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s/ Alice F. Paylor _____

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ATTORNEYS FOR APPELLANTS

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NO.: 2018-CP-10-04284
	)	
BONITA STEED, BERNARD STEED,	)	
ERNEST STEED AND ROBERT	)	
STEED,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	ORDER
ANTOINE HEYWARD, RUBY	)	
HEYWARD and ALSO ALL OTHER	)	
PERSONS UNKNOWN, Claiming any	)	
right, title, estate, interest in or lien upon	)	
the real estate described in the amended	)	
complaint herein,	)	
	)	
Defendants.	)	
	)	

This matter came before the Court for a nonjury trial on September 14, 2023. Plaintiffs presented the deposition testimony of Antoine Heyward and live testimony of Bonita Steed and Bernard Steed, and Defendants presented the live testimony of Antoine Heyward. Both parties submitted documents into evidence.

BACKGROUND

Plaintiffs brought this action to claim legal title, based on adverse possession, to the property at 516 Bank Street, Mt. Pleasant, South Carolina. Defendants counterclaimed, asserting ownership of the property through a series of deeds originating with Louise Brown Heyward, Plaintiffs' great-grandmother and Defendant Antoine Heyward's grandmother. Louise Heyward obtained title to the property by deed in 1960. The parties are cousins related by blood.

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SC Court of Appeals

On January 11, 1999, shortly prior to her death in 2000, Louise Heyward conveyed title to her son Robert Heyward (father and husband of the Defendants) by deed recorded in the Charleston County RMC Office for “\$5 Love and Affection.” Def. Ex. 3

Robert Heyward later died on June 18, 2014. His estate was probated in 2015-ES-10-0947 and a Deed of Distribution recorded in the Charleston County ROD Office on May 27, 2016. Def Ex. 5. During the probate process, Antoine Heyward contacted the Plaintiffs and demanded they start paying him rent. Plaintiffs refused to pay rent and, instead, commenced this action in 2018 seeking title by adverse possession.

This action concerns the ownership of the property and whether Plaintiffs have met the requirements to establish title by adverse possession and/or are entitled to title based on their defense of laches to Defendants’ Quiet Title counterclaim. Plaintiffs contend their family have continuously occupied, improved, and maintained the property from 1966 to the present. Plaintiffs believed that they owned the property after the death of Louise Heyward, based on a plat which showed Plaintiffs’ mother, Alethia Steed, as owner of the property. The unrecorded plat is dated September 18, 1998 (Pl. Ex. 1), only four (4) months prior to the Louise Heyward’s deed into Robert Heyward in January 1999. Def. Ex. 3.

Plaintiffs contend Robert Heyward never disclosed to them that he had been deeded the property by his mother Louise Heyward and that Robert only had occasional visits to the property after his mother died in 2000.

The questions to be determined by the Court are:¹

1. Has the occupation of 516 Bank Street by Plaintiffs from 2008 until this action was brought in 2018 been exclusive and hostile?

¹ The Court of Appeals held these were the remaining questions of material fact on Defendants’ appeal from summary judgment granted to Plaintiffs. See Steed v. Heyward, 2022-UP-445 (S.C. App. Dec. 7, 2022).

Or, if the Court does not find exclusivity and hostility:

2. Does the doctrine of laches bar Defendants' claim to own 516 Bank Street?

FINDINGS OF FACTS

1. Visits to the property

Defendant Antoine Heyward lives in Chicago, Illinois, with his mother, Defendant Ruby Heyward, for whom he holds her power of attorney. The Plaintiffs are cousins who Defendant testified he met when he was young and came to visit them at 516 Bank Street. The Plaintiffs have always lived at the Property to Antoine's knowledge. Heyward Deposition at pp. 6-8. Prior to commencement of this action in 2018, Antoine Heyward last visited the Property in 2014 when Plaintiffs hosted the repass for his father Robert Heyward's funeral service at Bank Street. *Id.* at p. 8-9.

In 2015, after his father died, Antoine told Plaintiffs that he and his mother now owned 516 Bank Street and requested that the Plaintiffs pay him rent. Plaintiffs had never paid rent previously and Robert Heyward had never requested rent from Plaintiffs. Plaintiffs refused to pay rent. This lawsuit followed.

Robert Heyward lived in Chicago from before his mother's death in 2000 until his death in 2014. He spent the summers at the Property while his mother was alive. After his mother's death in 2000, Robert Heyward continued to spend his summers at the Property. He always contacted the Plaintiffs prior to visiting and asked if he could stay there. Plaintiffs acknowledged that they always allowed him. Antoine Heyward Deposition, at pp.19-20. There is no evidence that Robert Heyward visited the property after 2008. Trial Transcript, pp. 23, 53. He stopped visiting the

property after he became ill from Alzheimer's/dementia.² The testimony differed as to how long he suffered from dementia - from 2 years to as long as 5 years prior to his death in 2014.

2. Payment of Taxes

The testimony as to who paid the real estate taxes on the property conflicted. As title to the property after 1999 was in the name of either Robert Heyward or the Defendants, all parties testified the tax bills went to the Heywards in Chicago. Bernard Steed testified that, at one point in time, his aunt Ruby Heyward paid a portion of the taxes and he paid a portion, but that, "after a while," he started paying the whole thing. When asked on cross examination who paid the taxes since 2000 he said, "I can't ... probably me. I would say me." While the tax bills went to Chicago, he testified at some point he went to the County Office building and paid the bills in person. Trial Transcript, pp. 27-29. On cross-examination, after being shown an envelope and check dated December 14, 2013 (Def. Ex.6), Bernard Steed admitted that he had sent the check for \$2,136 to Defendant Ruby Heyward. He could not recall if that was for all of the taxes or just a portion. Trial Transcript, pp. 30-31. In addition, Plaintiffs admitted a check (Pl. Ex. 2) in the amount of \$2,216 which showed the Steeds contributed to Ruby Heyward's payment (at least in part) for the 2014 real estate taxes.

While Defendants introduced the tax bills and receipts into evidence (Def. Ex. 9 and 10), the money orders and documents alleged to have originated with Robert Heyward were only allowed to be marked for Identification purposes as they were not produced in discovery. Def. Ex. Marked for Id as #8.

Contrary to the testimony of Bernard Steed, Antoine testified that from 1999 until his death in 2014, his father paid the taxes on the property. On further questioning, Antoine admitted that

² The cause of death on Robert Heyward's death certificate was Alzheimer's, a disease that causes dementia.

the Steeds paid a portion of the taxes. I find the testimony of all parties was that the Steeds provided funds to help pay the taxes on the property but that the Heywards were responsible and saw that the taxes were paid. I find Bernard Steed not credible on the issue that his family paid the taxes as I find both parties contributed payment through the years. Trial Transcript p. 102.

3. Maintenance and Repairs to 516 Bank Street

The residential structure on the Property is made up of two rectangles attached to each other. Louise Heyward built the first house on the lot. With the permission of Louise Heyward, Plaintiffs' mother, Alethia Steed, built the back house after the death of her husband in 1966. The Plaintiffs lived in the entire house after Louise Heyward's death in 2000. In addition, Plaintiffs maintained the property over the years, including the purchase and installation of a central air unit and appliances; installation of a fence, gutters, insulation, hardwood floors, cabinets, and tile flooring; and construction of a new roof and a room to house the new washer and dryer. Trial Transcript, pp. 17-19.

Neither Antoine nor Robert Heyward made improvements or maintained the structures on the Property. Heyward Deposition, pp. 22-23; 57-58; Trial Transcript, pp. 18-19. Bernard Steed paid for insurance on the property. Trial Transcript, pp. 19-20, 25. Antoine Heyward acknowledged that Plaintiffs built the back structure on the Property. Also, to his knowledge, no one from his family ever told the Plaintiffs they did not own the Property nor could they live there until he talked to Bonita Steed in 2015. Heyward Deposition, pp. 30-31.

Antoine Heyward never visited the Property without notifying the Plaintiffs. Heyward Deposition, at p. 38. No one, other than the Plaintiffs, have lived at the property since 2000 when Mrs. Louise Heyward died. *Id.* at p. 42. Plaintiffs contend that they own the Property based on their living there exclusively since 2000.

The Plaintiffs testified that neither Antoine, Ruby, nor Robert Heyward ever gave them permission to live on the property. Instead, it was Robert who sought permission from Plaintiffs to stay there when he was alive. Heyward's niece offered to pay Plaintiffs for the use of the Property for Heyward's funeral repass, which the Steeds declined. Trial Transcript, pp. 41-42.

Antoine Heyward testified that the Steed family always lived at 516 Bank Street. He stated the Plaintiffs never asked his permission to live there and, to his knowledge, he had no evidence of them asking Robert Heyward if they could live there. "They always lived there. They never had to ask me." Heyward Deposition, pp. 72-73. When Antoine told the Plaintiffs in 2015 that he now owned the Property and he wanted them to start paying rent, the Plaintiffs expressly opposed the claim. *Id.*, p. 33. Based upon the evidence presented, I find this was the first time the Plaintiffs expressly stated their claim to ownership of the property at 516 Bank Street.

CONCLUSIONS OF LAW

This Court has jurisdiction over the subject matter of this action and of the parties hereto. In Taylor v. Heirs of Taylor, 419 S.C. 639, 799 S.E.2d 919 (Ct. App. 2017), the Court of Appeals handled a case similar to the one before the Court and reversed the trial court's decision that adverse possession had not been proven and set forth a thorough discussion of the evidence required:

The party asserting adverse possession must show continuous, hostile, open, actual, notorious, and exclusive possession for a certain period of time." *Id.* In South Carolina, the statutory period for adverse possession is ten years. S.C. Code Ann. § 15-67-210 (2005); *Jones v. Leagan*, 384 S.C. at 10, 681 S.E.2d at 11. A party asserting ownership by adverse possession must show he has met the elements by clear and convincing evidence. *Jones*, 384 S.C. at 10–11, 681 S.E.2d at 11.

For possession to be open and notorious, "the legal owner need not have actual knowledge the claimant is claiming property adversely, [but] the hostile possession should be so notorious that the legal owner by ordinary diligence should have known of it." *Jones*, 384 S.C. at 13–14, 681 S.E.2d at 13. ...

To show the possession was hostile, the adverse claimant is required to show only that his possession was actual, exclusive, open, notorious, and without the consent of the title owner. *Knox v. Bogan*, 322 S.C. 64, 70, 472 S.E.2d 43, 47 (Ct. App. 1996). The mistaken belief rule, which requires the possessor to be aware he does not have title and intend to dispossess the true owner, is not applicable in disputes over entire tracts of land. *Id.*; see also *Perry v. Heirs at Law & Distributees of Gadsden*, 316 S.C. 224, 226, 449 S.E.2d 250, 251 (1994) (per curiam) (finding the mistaken belief rule does not apply in a dispute over an entire tract of land, rather it applies in a boundary line dispute). Thus, for the possession to be hostile when an entire tract of land is at issue, the adverse claimant need not show a conscious intent to dispossess the true owner. *McDaniel v. Kendrick*, 386 S.C. 437, 442–43, 688 S.E.2d 852, 855 (Ct. App. 2009). The claimant may establish hostile possession by showing he occupied the property without the title owner's consent even if he occupied the property under the mistaken belief that it belonged to him. *Id.*

419 S.C. at 650-652, 799 S.E.2d 924-925.

Plaintiffs must present clear and convincing evidence that their possession of this property was actual, open, notorious, hostile, exclusive and continuous for the statutory period of 10 years in order to prove Adverse Possession.

A. Exclusivity Element

The Court of Appeals remanded this case for trial to determine if the Plaintiff's occupation of the property was exclusive and hostile. Plaintiffs testified that their occupation was exclusive for the ten (10) years prior to the initiation of this action; however, Robert Heyward visited the property yearly after 2000 and until 2008 when he began to show evidence of dementia prior to his death in 2014. He would call and inform the Steed family before coming to stay at the Property. The Plaintiffs testified they never denied Robert Heyward from staying at the property.

“The exclusive possession necessary to acquire title by adverse possession is not satisfied if occupancy is shared with the owner....” *Butler v. Lindsay*, 293 S.C. 466, 361 S.E.2d 621 (1987). The Court concludes that Plaintiffs' occupation of the property was not exclusive nor proven by

clear and convincing as they regularly shared occupancy of the property with Mr. Robert Heyward during his lifetime.

B. Hostility Element

Regarding hostility, as set forth in Taylor, the Plaintiffs “may establish hostile possession by showing [they] occupied the property without the title owner’s consent even if [they] occupied the property under the mistaken belief that it belonged to [them].” *Id.* In Taylor, the Court held that “there was no evidence in the record indicating [claimants] possessed the property with title owner’s permission or consent.” Similarly, in the present case, there is no evidence that the title owner, Robert Heyward from 2000 to his death in 2014, ever gave permission or consent to Plaintiffs’ possession. Heyward knew that the Steeds had possession and acknowledged their possession. Plaintiffs assumed occupation at the invitation of the original owner, Louise Heyward. After her death, they believed they were the owners and were occupying the house under a right of ownership.

While Defendants did not put forth evidence that Plaintiffs possessed the Property with the title owner’s consent, Defendants’ awareness that Plaintiffs lived on the Property is not sufficient to show that Plaintiffs claimed they owned the Property.

This case is similar to McDaniel v. Kendrick, 386 S.C. 437, 688 S.E.2d 852 (2009) and Davis v. Monteith, 289 S.C. 176, 345 S.E.2d 724 (1986).

“Mere possession of land is insufficient and any presumption is that the occupancy is in subordination to the legal title.” Davis, 289 S.C. at 180. This seems especially true where the parties are in relation to one another. Knight v. Hilton, 224 S.C. 452, 79 S.E.2d 871 (1954). In addition, ‘One who enters with permission does not establish Adverse Possession without a “clear

and positive disclaimer of the title under which entry was made is brought home to the other party.”” Young v. Nix, 286 S.C. 134, 332 S.E.2d 773 (1985).

See also Lusk v. Callaham, 287 S.C. 459, 339 S.E.2d 156 (1986).

The Court concludes the Plaintiffs’ first disclaimer of the legal title sufficient to begin the Adverse Possession claim came when they refused to pay the rent demanded by Robert Heyward in 2015 - only 3 years prior to initiating this action. Clearly, this does not meet the requisite time of ten (10) years required under the statute for adverse possession.

Defendant Antoine Heyward’s testimony that he never saw his father do anything on the Property that an owner would do is consistent with a landlord who rents his house on a long-term lease. Furthermore, Plaintiffs’ payment of the taxes to both the Defendants and Robert Heyward over the years is further evidence of this rental arrangement. See Wigfall v. Fobbs, 295 S.C. 59, 367 S.E.2d 156 (1989). As an additional ground, the recording of the deeds from both Louise Heyward to Robert Heyward and the deed of distribution to the Defendants is constructive notice to Plaintiffs and the world of Defendant’s legal ownership and interest in the property. Spence v. Spence, 368 S.C. 106, 119, 128 S.E.2d 869, 876 (2006).

C. Equitable Relief

1. Laches Defense

Plaintiffs further contend the Defendants’ claim to the Property is barred by the equitable doctrine of laches. A party asserting adverse possession in a quiet title action can establish the defense of laches. See Jones v. Leagan, 384 S.C. 1, 20, 681 S.E.2d 6, 16 (Ct. App. 2009) (“The party seeking to establish laches must show (1) delay, (2) that was unreasonable under the circumstances, and (3) prejudice.”). Because the court concludes that the time period for the running of the statute of limitations for adverse possession has only been 3 years, laches would not

suffice to establish their claim, especially in this case where the parties are related and the Defendants' father and husband, Robert Heyward apparently suffered from dementia. See Knight v. Hilton, supra and Ham v. Flowers, 214 S.C. 212, 51 S.E. 2d 753 (1949).

2. Betterments Claim

As in Jones, Knight and Ham, the Plaintiffs here have invested both time and money to improve the Property during the period they claim to have owned the house. In the older cases, the court provided for an accounting to be performed. This Court concludes this case presents a scenario for the Defendants to claim a right to the value of their improvements to the property under the Betterments statute. S.C. Code Ann. Section 27-27-10 et seq.

At no point during the relevant period did any of the Defendants or Robert Heyward tell Plaintiffs that they had a deed to the Property nor did Defendants contribute to the upkeep or improvements to the property. Clearly the Plaintiffs believed they owned the property. Accordingly, it would be inequitable to permit the Defendants to take the value of all improvements Plaintiffs made to the Property, despite knowing the substantial time and money that Plaintiffs had invested in the Property.

CONCLUSION

I conclude that the Defendants' lack of expression of ownership and inaction in making repairs and improvements to the Property is not subject to the doctrine of laches to bar Defendants from claiming ownership to the property but, instead, allows Plaintiffs to pursue a claim under the betterments statute.

Upon resolution of this matter, Plaintiffs will have a very short period of time (2 days) in which to amend their pleadings and bring this statutory claim to seek compensation for the property

they improved under their mistaken belief that they owned the property. S.C. Code Ann. Section 27-27-30.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED and DECREED that the following property is quieted and confirmed into Defendants Antoine and Ruby Heyward, who are vested with fee simple title to 516 Bank Street, Mt. Pleasant, SC 29464 (TMS # 532-05-00-113).

IT IS FURTHER ORDERED, ADJUDGED and DECREED that while legal title remains vested in the Defendants, that this matter is hereby stayed subject to any claim the Plaintiffs may bring under the South Carolina Betterments statute.

IT IS ORDERED this ____ day of February, 2024, at Charleston, South Carolina.

Mikell Scarborough
Master-in-Equity



Charleston Common Pleas

Case Caption: Bonita Steed , plaintiff, et al VS Antoine Heyward , defendant, et al
Case Number: 2018CP1004284
Type: Master/Order/Other

So Ordered

s/Mikell R. Scarborough 3062

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STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
	)	CASE NO.: 2018-CP10-04284
BONITA STEED, et al.,	)	
	)	
Plaintiff,	)	
	)	
-versus-	)	ORDER
	)	
ANTOINE HEYWARD, RUBY	)	
HEYWARD, et al	)	
	)	
Defendant.	)	
	)	

This matter came before the court on April 10, 2024, on Plaintiff's Motion to Amend the Complaint filed February 7, 2024, and Plaintiff's Motion to Reconsider the court's order of February 6, 2024, filed February 8, 2024. Defendants filed their Memorandum in Opposition to Motion to Reconsider on February 21, 2024, and Memorandum in Opposition to Amend the Complaint on February 22, 2024.

On the Motion to Reconsider Plaintiff's argue they established the equitable defense of laches as well as satisfied both the exclusivity and hostility elements to establish adverse possession of the property by their continued occupation of the property. The Motion to Reconsider is respectfully DENIED.

The Motion to Amend the Complaint is GRANTED to pursue its claim for betterments as improvements to the property under SC Code § 27-27-10. Accordingly, Plaintiffs shall submit an appraisal of the property effective as of August 29, 2018 (the date of filing) which details the value of the property with and without improvements thereon. Upon receipt of the appraisal and response from the Defendants, the court will set a hearing to determine the value of the improvements.

AND IT IS SO ORDERED!

Mikell R. Scarborough
Master-in-Equity for County of Charleston



Charleston Common Pleas

Case Caption: Bonita Steed , plaintiff, et al VS Antoine Heyward , defendant, et al
Case Number: 2018CP1004284
Type: Master/Order/Other

So Ordered

s/Mikell R. Scarborough 3062

Electronically signed on 2024-04-10 14:09:00 page 2 of 2

COUNTY OF CHARLESTON)
STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
Civil Action #: 2018-CP-10- 04284

BONITA STEED and BERNARD)
STEED,)

Plaintiffs,)

v.)

**AMENDED COMPLAINT
(JURY TRIAL DEMANDED)**

ANTOINE HEYWARD, RUBY)
HEYWARD, and ALSO ALL)
OTHER PERSONS UNKNOWN,)
Claiming any right, title, estate,)
interest in or lien upon the real)
estate described in the amended)
complaint herein,)

Defendants.)

FILED
2018 OCT -5 PM 3:21
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

Plaintiffs, complaining of the Defendants, files this Amended Complaint and would show unto the Court:

1. Plaintiffs reside at and are and have been, for more than 10 years, in possession of 516 Bank Street, Mt. Pleasant, South Carolina, ("the Property") and are bringing this action to declare that Plaintiffs are the lawful owners of said property and that they are entitled to have title conferred to them.

2. Defendants Antoine Heyward and Ruby Heyward are residents of Chicago, Illinois, and claim title to the Property through deeds, dated January 11, 1999, from Louise Brown Heyward to Robert James Heyward, deceased, and the Estate of Robert James Heyward to Antoine Heyward and Ruby Heyward.

3. The Unknown Defendants are persons, unknown to Plaintiffs and who may claim title to the Property.

4. Plaintiffs bring this action under the Uniform Declaratory Judgment Act, S.C.Code §§ 15-67-10 *et seq.*, and S.C.Code §§ 15-67-10 *et seq.*, which deals with Possession and Adverse Possession of real property.

5. Under claim of ownership, Plaintiffs have possessed for greater than ten (10) years the real property located at 516 Bank Street, Mt. Pleasant, South Carolina (hereafter “the Property”), and further described as follows:

All that piece, parcel or lot of land, situate, lying and being in Christ Church Parish, Town of Mount Pleasant, County of Charleston, and State of South Carolina, known and designated at Lot No. 7 on a plat of the Town of Mount Pleasant made by J.B. Weston, Registered Surveyor, dated August 18, 1953.

MEASURING AND CONTAINING Fifty (50') feet in width and One Hundred Sixty-Eight and 04/10 (168.4') feet in depth.
BUTTING AND BOUNDING as follows: North on Lots Nos. 5 and 6, northeast on Lot 6 and Bank Street, southeast and west on Lot 13 and 14 as shown on said plat.

BEING the same property conveyed to Louise Brown Heyward by deed of P.A. Foster and J.M. Graham dated July 27, 1960, and recorded in the RMC Office for Charleston County in Deed Book A72, at page 175 on August 2, 1960.

TMS # 532-05-00-113

6. Plaintiffs have had exclusive, complete, actual, open, notorious, hostile and continuous undisputed possession of the Property adverse to Defendants for more than ten (10) years.

7. Defendants Antoine and Ruby Heyward and the deceased Robert Heyward have never been in possession of the Property, never used their money to pay taxes on the Property, never had insurance on the Property or any other indicia of ownership other than the aforesaid deeds.

8. Defendants Antoine and Ruby Heyward's claims are without any right, and they have no estate, right, title, lien or interest in or to the Property, or any part of the Property.

9. Plaintiffs have paid real estate taxes and homeowner's insurance on the Property for more than ten (10) years.

10. Plaintiffs have made substantial improvements to the Property over the last twenty (20) years.

11. The Property includes a substantial enclosure, a house, in which Plaintiffs live and have lived for more than forty (40) years.

12. Defendants Antoine and Ruby Heyward have only visited the Property on one occasion during the last ten (10) years, for the funeral of Robert Heyward held at the Property after the Heywards sought and received permission of Plaintiffs to have the funeral there.

13. Plaintiffs have always claimed ownership and title to the Property and have never paid rent to the Defendants or any other person.

14. Plaintiffs are entitled to a declaratory judgment that they are fee simple owners by adverse possession of the Property and the issuance of a deed to them reflecting their ownership.

WHEREFORE, Plaintiffs request judgment as follows:

1. For a decree declaring that Plaintiffs own absolutely as joint tenants and are entitled to the quiet and peaceful possession of the Property as against Defendants Heyward and all persons claiming under Defendants, that Defendants and all persons claiming under Defendants have no estate, right, title, lien or interest in or to the Property or any part of it, and that title to the Property be quieted in Plaintiffs against all claims of Defendants and all persons claiming under Defendants;
2. For a decree permanently enjoining Defendants and all persons claiming under Defendants from asserting any estate, right, title, lien or interest in or to the Property or any part of it adverse to Plaintiffs;
3. For the issuance of a deed vesting fee simple title in Plaintiffs as tenants in common;
4. For costs of this action; and

5. For such other and further relief as the Court deems appropriate.

ROSEN, ROSEN & HAGOOD, LLC

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ATTORNEYS FOR PLAINTIFFS

Charleston, South Carolina
October 5, 2018

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 5th day of October 2018 a true and correct copy of Amended Complaint was placed in an envelope with first class postage prepaid and affixed thereto and mailed to the following.

Alice F. Paylor

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

) IN THE COURT OF COMMON PLEAS
) NINTH JUDICIAL CIRCUIT
)
) CASE NO. 2018-CP-10-04284

BONITA STEED and BERNARD STEED,
Plaintiffs,

vs.

ANTOINE HEYWARD, as Personal
Representative of the Estate of Robert James
Heyward, and Also all Other Persons Unknown,
Claiming any right, title, estate, interest in or lien
Upon the real estate described in the complaint
Herein.
Defendants.

**AMENDED ANSWER,
COUNTERCLAIM
AND CROSS-CLAIM**

FILED
2018 OCT 10 AM 11:03
CLERK OF COURT
BY
SB

The Defendant, ANTOINE HEYWARD, responds to the allegations in Plaintiffs'

Amended Complaint as follows:

FOR A FIRST DEFENSE

(General Denial)

1. All of the allegations contained in Plaintiffs' Complaint that are not specifically denied or otherwise modified are denied and strict proof thereof demanded.
2. Defendant denies the allegations of Paragraphs 1 of Plaintiffs' Complaint.
3. Defendant admits the allegations of Paragraph 2 of Plaintiffs' Complaint.
4. Defendant denies the allegations of Paragraph 3, 4 and 5 of Plaintiffs' Complaint.
5. Defendant denies the allegations of Paragraph 6 of Plaintiffs' Complaint.
6. Defendant denies the allegations of Paragraphs 7, 8, 9, 10, 11, 12, 13, and 14 of Plaintiffs' Complaint.

GENERAL & AFFIRMATIVE DEFENSES

7. Defendant re-alleges and incorporates by reference the responses to the allegations of the preceding paragraphs as if set verbatim herein.

FOR A SECOND DEFENSE

8. Plaintiffs have failed to state facts sufficient to constitute any cause of action against the Defendant Antoine Heyward, as required by Rule 12(b)(6), SCRPC.

FOR A THIRD DEFENSE

9. Plaintiffs lack standing to assert causes of action and demands for relief.

FOR A FOURTH DEFENSE

10. Plaintiffs' causes of action and/or demands for relief are barred in whole or in part by Plaintiffs' failure to prove adverse possession.

FIRST COUNTERCLAIM
(Quiet Title Action)

Defendant, Antoine Heyward, for his Counterclaim against Plaintiffs, Bonita Steed and Bernard Steed, states as follows:

11. That by virtue of the subject property being located in the County of Charleston, State of South Carolina, Defendant alleges that this Court is possessed with subject matter and personal jurisdiction in this action.

12. That the Defendant asserts this Counterclaim against the Plaintiffs who are claiming adverse possession of this property and any claim of right title, estate, interest in or lien upon, the parcel of real estate that is the subject matter of the Complaint.

13. That any claim of an interest in the real property by the Plaintiffs would be adverse to the interest of the Defendant, Antoine Heyward.

14. That the Defendant's desire to have this Court determine the respective interests in the subject property located at 516 Banks Street, Mount Pleasant, Charleston County, South Carolina.

15. Said property is designated as owned by Defendant Antoine Heyward and Ruby Heyward, each with 50% undivided interest as tenants in common, by Deed of Distribution from Antoine Heyward, Personal Representative of the Estate of Robert Heyward dated April 1, 2016 and recorded in the Charleston County Register of Deeds on May 27, 2016 in Book 0556, Page 830.

16. That the Estate of Robert Heyward was properly probated in the Charleston County Probate Court, Case No. 2015-ES-10-00947.

17. That the subject property is too small and incapable of being partitioned in kind without harm to the other co-tenant, Ruby Heyward.

18. That Defendant has retained legal counsel to prosecute this quiet title action and asks to be reimbursed for his attorney fees and court costs in this matter.

FIRST CROSSCLAIM
(Quiet Title Action)

19. That the Defendants asserts this Crossclaim against the other Defendants, "Also all other Persons Unknown, claiming any right, title, estate, interest in or lien upon the real estate described in the complaint herein", more particularly against John Doe, adults and Mary Roe, infants, insane persons, incompetents, being fictitious names designating a class of persons, known or unknown, who may be heirs, distributees, devisees, legatees, widow, widower, assignees, executors, administrators, creditors, successors, issue and alienees of any deceased persons herein, and any other persons or entity, known or unknown, claiming any right title,

estate, interest in or lien upon, the parcel of real estate that is the subject matter of this action, and that it is proper for the Court to appoint a Guardian Ad Litem, during the pendency of this action to protect any such interests that may exist as to these parties.

20. That the Defendant does not know the true names of any unknown Defendants, all persons unknown, claiming any legal or equitable right, title, estate, lien or interest in the property described in the Complaint adverse to Defendant's title or any cloud on Defendant's title and therefore sues them by those fictitious names. Defendant is informed and believes, and on that basis alleges, that each such Defendant claims, or may claim, some interest in the real property described in the Complaint.

21. That any claim of an estate or interest in the real property by the unknown Defendants would be adverse to the interest of the Defendant, Antoine Heyward.

22. That the Defendant's desire to have this Court determine the respective interests in the subject property located at 516 Banks Street, Mount Pleasant, Charleston County, South Carolina.

23. Said property is designated as owned by Defendant Antoine Heyward and Ruby Heyward, each with 50% undivided interest as tenants in common, by Deed of Distribution from Antoine Heyward, Personal Representative of the Estate of Robert Heyward dated April 1, 2016 and recorded in the Charleston County Register of Deeds on May 27, 2016 in Book 0556, Page 830.

24. That the Estate of Robert Heyward was properly probated in the Charleston County Probate Court, Case No. 2015-ES-10-00947.

25. That the subject property is too small and incapable of being partitioned in kind without harm to the other co-tenant.

26. That Defendant has retained legal counsel to prosecute this quiet title action and asks to be reimbursed for his attorney fees and court costs in this matter.

WHEREFORE, Defendant, Antoine Heyward, respectfully requests that the Court dismiss Plaintiffs' Complaint and adjudicate as follows:

A. That the parties, Defendant Antoine Heyward and Ruby Heyward, are each vested in 50% undivided interest in and to the subject property and are tenants in common.

B. That there are no liens or adverse claims whatsoever to the title or chain of title and that, the above-named persons are the owners in fee simple of the property described in Paragraph 5 of the Complaint, as tenants in common, with a fee simple interest thereto.

C. That Plaintiffs and any and all persons or entities joined as Defendants in this action under the fictitious name of John Doe, adults and Mary Roe, infants, insane persons and incompetents, be declared forever barred of and from any claim, right, title, estate, interest in or lien upon the parcel of real estate above described or any part thereof, and that they be declared barred from claiming any right, title, estate interest in or lien thereon.

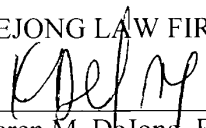
D. That the Court adjudge and decree and forever bar Plaintiffs' adverse claims and any adverse claim whatsoever to the property and adjudge and declare that Antoine Heyward and Ruby Heyward are owners as tenants in common with all the right, title, and interest in and to the subject property that is described in Paragraph 5 of the Complaint, and more specifically designated as having TMS No. 532-05-00-113, with the respective percentages as enumerated above.

E. That all the parties joined in this cause of action who may claim any rights, title, interest in or lien therein or thereto shall be forever barred from asserting the same.

F. That Defendant, Antoine Heyward, be reimbursed for his attorney fees and costs of court from Plaintiffs and other Defendants.

G. And for such other relief as the Court may deem just and proper.

Dated: October 8, 2018

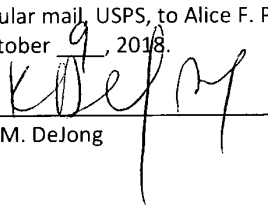
By: 
DEJONG LAW FIRM, LLC
Karen M. DeJong, Esq.
222 West Coleman Blvd., Ste. 110
Mount Pleasant, SC 29464
Tel. No. 843-216-6161
karen@dejonglawfirm.com
Attorney for Defendant
Antoine Heyward

Certificate of Mailing

A copy of the Amended Answer was emailed and mailed

By regular mail, USPS, to Alice F. Paylor, Rosen, Rosen & Hagood, LLC

On October 9, 2018.


Karen M. DeJong

DeJong Law Firm
222 West Coleman Boulevard
Suite 110
Mount Pleasant, SC 29464

Telephone: (843) 216-6161

Fax: (843) 216-300-1080

October 9, 2018

Charleston County Court of Common Pleas
100 Broad Street, Suite 106
Charleston, SC 29401

Re: Bonita Steed, et al. v. Antoine Heyward
Case No. 2018-CP-10-04284

Dear Sir/Madam:

Enclosed for filing please find the Amended Answer, Counterclaim and Cross-Claim of Defendant, along with one copy and a self-addressed, stamped envelope. Please return the date-stamped copy of the Answer to us in the envelope provided.

Thank you for your assistance in this matter. Please let us know if you have any questions.

Very truly yours,

A handwritten signature in cursive script that reads "Karen M. DeJong".

Karen M. DeJong

Enclosures

Cc: Alice Paylor, Esquire

COUNTY OF CHARLESTON)
STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
Civil Action #: 2018-CP-10- 04284

BONITA STEED and BERNARD)
STEED,)
Plaintiffs,)

v.)

ANTOINE HEYWARD, RUBY)
HEYWARD, and ALSO ALL)
OTHER PERSONS UNKNOWN,)
Claiming any right, title, estate,)
interest in or lien upon the real)
estate described in the amended)
complaint herein,)
Defendants.)

**PLAINTIFFS' ANSWER TO
COUNTERCLAIM OF DEFENDANT
ANTOINE HEYWARD**

FILED
2018 NOV 16 PM 3:29
CLERK OF COURT

TO: DEFENDANT ANTOINE HEYWARD AND HER COUNSEL:

Plaintiffs answer the Counterclaim of Antoine Heyward and state as follows:

FOR A FIRST DEFENSE

1. Each and every allegation which is not hereinafter specifically admitted, modified, or explained is hereby denied.

2. Paragraphs 1 through 10 constitute Defendant's Answer and Affirmative Defenses to which no response is required.

AS TO THE FIRST COUNTERCLAIM

3. Paragraph 11 is a legal conclusion to which no response is required.

4. Paragraphs 12 and 13 are admitted.

5. Paragraph 14 is admitted upon information and belief.

6. Answering Paragraph 15, Plaintiffs refer to the deed referenced in said paragraph for the terms thereof and deny any allegations inconsistent therewith.

7. Plaintiffs lack sufficient information to admit or deny the allegations of Paragraph 16 and, therefore, deny same and demand strict proof thereof.

8. Answering Paragraph 17, Plaintiffs refer to the Amended Complaint which asserts that Plaintiffs claim ownership of the entire property, including ownership of any interests claimed by Antoine Heyward and Ruby Heyward, and deny that they are seeking to partition the property.

9. Answering Paragraph 18, Plaintiffs deny that Defendants are entitled to attorney fees or costs in this matter.

AS TO THE FIRST CROSS-CLAIM

10. Paragraphs 18 through 26 constitute Defendant's Cross-Claim to which no response is required.

AS A SECOND DEFENSE **(Waiver)**

11. By their actions of failing to visit the property or pay for maintenance, upkeep and taxes on the property or to assert ownership of the property over an 18 year period, Defendants have knowingly and voluntarily waived their legal rights under which they seek damages and remedies in this action.

AS A THIRD DEFENSE **(Failure to State a Claim)**

12. Pursuant to SCRCP 12(b)(6), Defendant has failed to state facts sufficient to constitute a cause of action against Plaintiffs.

AS A FOURTH DEFENSE **(Reservation of Additional and Further Defenses)**

13. Plaintiffs reserve any additional and further defenses as may be revealed by additional information through the course of discovery and investigation in a manner that is consistent with the South Carolina Rules of Civil Procedure.

AS A FIFTH DEFENSE
(Laches)

14. Plaintiffs have possessed, claimed ownership, and acted as owners of the Property without dispossession or adverse claim of right for more than ten (10) years. Defendants have unreasonably delayed enforcing their rights during the last twenty years.

AS A SIXTH DEFENSE
(Adverse Possession)

15. Plaintiffs have held their property adversely for a period in excess of 10 years, which possession has been continuous, hostile, open, adverse, notorious, exclusive and uninterrupted, and they are owners by virtue of said adverse possession.

AS A SEVENTH DEFENSE
(Presumption of a Grant)

16. Plaintiffs have held their property in peaceful possession in excess of 20 years and are entitled to an irrebuttable presumption of grant.

AS AN EIGHTH DEFENSE
(40-Year Statute of Limitations)

17. Defendants nor their grantor have been in actual possession of Plaintiffs property. Therefore, Defendants' action is barred by §15-3-380.

WHEREFORE, Plaintiffs pray that this counterclaim be dismissed; that they be awarded the relief they requested in the Amended Complaint; that they be awarded their attorneys' fees and costs; and that they be awarded such other and further relief as the Court deems appropriate.

ROSEN, ROSEN & HAGOOD, LLC.

By: Alice F. Paylor
Alice F. Paylor
Bijan Ghom
P.O. Box 893
Charleston, SC 29402
(843) 577-6726

ATTORNEYS FOR PLAINTIFFS

Charleston, South Carolina
November 16, 2018.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 16th day of Nov., 2018 a true and correct copy of Plaintiffs' Answer to Counterclaim was placed in an envelope with first class postage prepaid and affixed thereto and mailed to the following.

Alice F. Paylor

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

) IN THE COURT OF COMMON PLEAS

) NINTH JUDICIAL CIRCUIT

)

) CASE NO. 2018-CP-10-04284

BONITA STEED and BERNARD STEED,

Plaintiffs,

vs.

ANTOINE HEYWARD, RUBY HEYWARD,

And ALSO ALL OTHER PERSONS UNKNOWN

Claiming any right, title, estate, interest in or lien

Upon the real estate described in the amended

Complaint herein,

Defendants.

**ANSWER,
COUNTERCLAIM
AND CROSS-CLAIM
OF RUBY HEYWARD**

FILED
2019 FEB 14 PM 12:38
JULIE J. ARMSTRONG
CLERK OF COURT

The Defendant, RUBY HEYWARD, responds to the allegations in Plaintiffs' Amended

Complaint as follows:

FOR A FIRST DEFENSE

(General Denial)

1. All of the allegations contained in Plaintiffs' Complaint that are not specifically denied or otherwise modified are denied and strict proof thereof demanded.
2. Defendant denies the allegations of Paragraphs 1 of Plaintiffs' Complaint.
3. Defendant admits the allegations of Paragraph 2 of Plaintiffs' Complaint.
4. Defendant denies the allegations of Paragraph 3, 4 and 5 of Plaintiffs' Complaint.
5. Defendant denies the allegations of Paragraph 6 of Plaintiffs' Complaint.
6. Defendant denies the allegations of Paragraphs 7, 8, 9, 10, 11, 12, 13, and 14 of Plaintiffs' Complaint.

GENERAL & AFFIRMATIVE DEFENSES

7. Defendant re-alleges and incorporates by reference the responses to the allegations of the preceding paragraphs as if set verbatim herein.

FOR A SECOND DEFENSE

8. Plaintiffs have failed to state facts sufficient to constitute any cause of action against the Defendant Ruby Heyward, as required by Rule 12(b)(6), SCRPC.

FOR A THIRD DEFENSE

9. Plaintiffs lack standing to assert causes of action and demands for relief.

FOR A FOURTH DEFENSE

10. Plaintiffs' causes of action and/or demands for relief are barred in whole or in part by Plaintiffs' failure to prove adverse possession.

FIRST COUNTERCLAIM (Quiet Title Action)

Defendant, Ruby Heyward, for her Counterclaim against Plaintiffs, Bonita Steed and Bernard Steed, states as follows:

11. That by virtue of the subject property being located in the County of Charleston, State of South Carolina, Defendant alleges that this Court is possessed with subject matter and personal jurisdiction in this action.

12. That the Defendant asserts this Counterclaim against the Plaintiffs who are claiming adverse possession of this property and any claim of right title, estate, interest in or lien upon, the parcel of real estate that is the subject matter of the Complaint.

13. That any claim of an interest in the real property by the Plaintiffs would be adverse to the interest of the Defendant, Ruby Heyward.

14. That the Defendant's desire to have this Court determine the respective interests in the subject property located at 516 Banks Street, Mount Pleasant, Charleston County, South Carolina.

15. Said property is designated as owned by Defendants Antoine Heyward and Ruby Heyward, each with 50% undivided interest as tenants in common, by Deed of Distribution from Antoine Heyward, Personal Representative of the Estate of Robert Heyward dated April 1, 2016 and recorded in the Charleston County Register of Deeds on May 27, 2016 in Book 0556, Page 830.

16. That the Estate of Robert Heyward was properly probated in the Charleston County Probate Court, Case No. 2015-ES-10-00947.

17. That the subject property is too small and incapable of being partitioned in kind without harm to the other co-tenant, Defendant Antoine Heyward.

18. That Defendant has retained legal counsel to prosecute this quiet title action and asks to be reimbursed for her attorney fees and court costs in this matter.

FIRST CROSSCLAIM
(Quiet Title Action)

19. That the Defendant asserts this Crossclaim against any unknown Defendants (All other Persons Unknown, claiming any right, title, estate, interest in or lien upon the real estate described in the complaint herein", more particularly against John Doe, adults and Mary Roe, infants, insane persons, incompetents, being fictitious names designating a class of persons, known or unknown, who may be heirs, distributees, devisees, legatees, widow, widower, assignees, executors, administrators, creditors, successors, issue and alienees of any deceased persons herein, and any other persons or entity, known or unknown, claiming any right title,

estate, interest in or lien upon, the parcel of real estate that is the subject matter of this action), and that it is proper for the Court to appoint a Guardian Ad Litem, during the pendency of this action to protect any such interests that may exist as to these parties.

20. That the Defendant does not know the true names of any unknown Defendants, all persons unknown, claiming any legal or equitable right, title, estate, lien or interest in the property described in the Complaint adverse to Defendant's title or any cloud on Defendant's title and therefore sues them by those fictitious names. Defendant is informed and believes, and on that basis alleges, that each such Defendant claims, or may claim, some interest in the real property described in the Complaint.

21. That any claim of an estate or interest in the real property by the unknown Defendants would be adverse to the interest of the Defendant, Ruby Heyward and Defendant Antoine Heyward.

22. That the Defendant's desire to have this Court determine the respective interests in the subject property located at 516 Banks Street, Mount Pleasant, Charleston County, South Carolina.

23. Said property is designated as owned by Defendants Antoine Heyward and Ruby Heyward, each with 50% undivided interest as tenants in common, by Deed of Distribution from Antoine Heyward, Personal Representative of the Estate of Robert Heyward dated April 1, 2016 and recorded in the Charleston County Register of Deeds on May 27, 2016 in Book 0556, Page 830.

24. That the Estate of Robert Heyward was properly probated in the Charleston County Probate Court, Case No. 2015-ES-10-00947.

25. That the subject property is too small and incapable of being partitioned in kind without harm to the other co-tenant.

26. That Defendant has retained legal counsel to prosecute this quiet title action and asks to be reimbursed for his attorney fees and court costs in this matter.

WHEREFORE, Defendant, Ruby Heyward, respectfully requests that the Court dismiss Plaintiffs' Complaint and adjudicate as follows:

A. That the parties, Defendants Antoine Heyward and Ruby Heyward, are each vested in 50% undivided interest in and to the subject property and are tenants in common.

B. That there are no liens or adverse claims whatsoever to the title or chain of title and that, the above-named persons are the owners in fee simple of the property described in Paragraph 5 of the Complaint, as tenants in common, with a fee simple interest thereto.

C. That Plaintiffs and any and all persons or entities joined as Defendants in this action under the fictitious name of John Doe, adults and Mary Roe, infants, insane persons and incompetents, be declared forever barred of and from any claim, right, title, estate, interest in or lien upon the parcel of real estate above described or any part thereof, and that they be declared barred from claiming any right, title, estate interest in or lien thereon.

D. That the Court adjudge and decree and forever bar Plaintiffs' adverse claims and any adverse claim whatsoever to the property and adjudge and declare that Defendant Antoine Heyward and Defendant Ruby Heyward are owners as tenants in common with all the right, title, and interest in and to the subject property that is described in Paragraph 5 of the Complaint, and more specifically designated as having TMS No. 532-05-00-113, with the respective percentages as enumerated above.

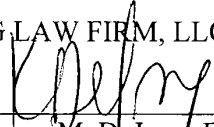
E. That all the parties joined in this cause of action who may claim any rights, title, interest in or lien therein or thereto shall be forever barred from asserting the same.

F. That Defendant, Ruby Heyward, be reimbursed for her attorney fees and costs of court from Plaintiffs.

G. And for such other relief as the Court may deem just and proper.

Dated: February 13, 2019

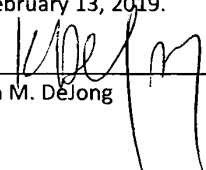
DEJONG LAW FIRM, LLC

By: 

Karen M. DeJong, Esq.
222 West Coleman Blvd., Ste. 110
Mount Pleasant, SC 29464
Tel. No. 843-216-6161
karen@dejonglawfirm.com
Attorney for Defendant
Ruby Heyward

Certificate of Mailing

A copy of the Answer/Counterclaim/Crossclaim were emailed and mailed
By regular mail, USPS, to Alice F. Paylor, Rosen, Rosen & Hagood, LLC
On February 13, 2019.



Karen M. DeJong

DeJong Law Firm
222 West Coleman Boulevard
Suite 110
Mount Pleasant, SC 29464

Telephone: (843) 216-6161

Fax: (843) 300-1080

February 13, 2019

SENT VIA OVERNIGHT MAIL

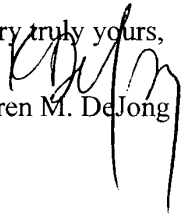
Charleston County Court of Common Pleas
100 Broad Street, Suite 106
Charleston, SC 29401

Re: Steed, et al. v. Heyward, et al.
Case No. 2018-CP-10-04284

Dear Sir/Madam:

Enclosed for filing please find the Answer, Counterclaim and Cross-Claim of Defendant Ruby Heyward, along with one copy and a self-addressed, stamped envelope. Please return the date stamped copy of the Answer to us in the envelope provided.

Thank you for your assistance in this matter. Please let us know if you have any questions.

Very truly yours,

Karen M. DeJong

Enclosures
Cc: Alice Paylor, Esquire

COUNTY OF CHARLESTON)
STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
Civil Action #: 2018-CP-10- 04284

BONITA STEED and BERNARD)
STEED,)
Plaintiffs,)

v.)

ANTOINE HEYWARD, RUBY)
HEYWARD, and ALSO ALL)
OTHER PERSONS UNKNOWN,)
Claiming any right, title, estate,)
interest in or lien upon the real)
estate described in the amended)
complaint herein,)
Defendants.)

**PLAINTIFFS' ANSWER TO
COUNTERCLAIM OF DEFENDANT
RUBY HEYWARD**

FILED
2019 FEB 22 PM 2:25
JULIE J. ARMSTRONG
CLERK OF COURT

TO: DEFENDANT RUBY HEYWARD AND HER COUNSEL:

Plaintiffs answer the Counterclaim of Ruby Heyward and state as follows:

FOR A FIRST DEFENSE

1. Each and every allegation which is not hereinafter specifically admitted, modified, or explained is hereby denied.
2. Paragraphs 1 through 10 constitute Defendant's Answer and Affirmative Defenses to which no response is required.

AS TO THE FIRST COUNTERCLAIM

3. Paragraph 11 is a legal conclusion to which no response is required.
4. Paragraphs 12 and 13 are admitted.
5. Paragraph 14 is admitted upon information and belief.

6. Answering Paragraph 15, Plaintiffs refer to the deed referenced in said paragraph for the terms thereof and deny any allegations inconsistent therewith.

7. Plaintiffs lack sufficient information to admit or deny the allegations of Paragraph 16 and, therefore, deny same and demand strict proof thereof.

8. Answering Paragraph 17, Plaintiffs refer to the Amended Complaint which asserts that Plaintiffs claim ownership of the entire property, including ownership of any interests claimed by Antoine Heyward and Ruby Heyward, and deny that they are seeking to partition the property.

9. Answering Paragraph 18, Plaintiffs deny that Defendants are entitled to attorney fees or costs in this matter.

AS TO THE FIRST CROSS-CLAIM

10. Paragraphs 19 through 26 constitute Defendant's Cross-Claim to which no response is required.

AS A SECOND DEFENSE **(Waiver)**

11. By their actions of failing to visit the property or pay for maintenance, upkeep and taxes on the property or to assert ownership of the property over an 18 year period, Defendants have knowingly and voluntarily waived their legal rights under which they seek damages and remedies in this action.

AS A THIRD DEFENSE **(Failure to State a Claim)**

12. Pursuant to SCRCP 12(b)(6), Defendant has failed to state facts sufficient to constitute a cause of action against Plaintiffs.

AS A FOURTH DEFENSE **(Reservation of Additional and Further Defenses)**

13. Plaintiffs reserve any additional and further defenses as may be revealed by additional information through the course of discovery and investigation in a manner that is consistent with the South Carolina Rules of Civil Procedure.

AS A FIFTH DEFENSE
(Laches)

14. Plaintiffs have possessed, claimed ownership, and acted as owners of the Property without dispossession or adverse claim of right for more than ten (10) years. Defendants have unreasonably delayed enforcing their rights during the last twenty years.

AS A SIXTH DEFENSE
(Adverse Possession)

15. Plaintiffs have held their property adversely for a period in excess of 10 years, which possession has been continuous, hostile, open, adverse, notorious, exclusive and uninterrupted, and they are owners by virtue of said adverse possession.

AS A SEVENTH DEFENSE
(Presumption of a Grant)

16. Plaintiffs have held their property in peaceful possession in excess of 20 years and are entitled to an irrebuttable presumption of grant.

AS AN EIGHTH DEFENSE
(40-Year Statute of Limitations)

17. Defendants nor their grantor have been in actual possession of Plaintiffs property. Therefore, Defendants' action is barred by §15-3-380.

WHEREFORE, Plaintiffs pray that this counterclaim be dismissed; that they be awarded the relief they requested in the Amended Complaint; that they be awarded their attorneys' fees and costs; and that they be awarded such other and further relief as the Court deems appropriate.

ROSEN, ROSEN & HAGOOD, LLC.

By: Alice F. Paylor
Alice F. Paylor
Bijan Ghom
P.O. Box 893
Charleston, SC 29402
(843) 577-6726

ATTORNEYS FOR PLAINTIFFS

Charleston, South Carolina

February 22, 2019.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 22nd day of February, 2019 a true and correct copy of Plaintiffs' Answer to Counterclaim was placed in an envelope with first class postage prepaid and affixed thereto and mailed to the following: Karen Dejong.

Alice F. Paylor

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Bonita Steed and Bernard Steed, Respondents,

v.

Antoine Heyward, Ruby Heyward and also all other
persons unknown, claiming any right, title, estate, interest
in or lien upon the real estate described in the amended
complaint herein, Appellants.

Appellate Case No. 2020-001104

Appeal From Charleston County
Bentley Price, Circuit Court Judge

Unpublished Opinion No. 2022-UP-445
Submitted November 1, 2022 – Filed December 7, 2022

REVERSED AND REMANDED

Karen Marie DeJong, of DeJong Law Firm, LLC, of
Mount Pleasant, for Appellants.

Alice F. Paylor, of Saxton & Stump, LLC, of Charleston,
for Respondents.

PER CURIAM: Antoine Heyward and Ruby Heyward appeal the circuit court's
order granting summary judgment to Bonita Steed and Bernard Steed. The circuit

court held the Steeds had established adverse possession of the property (the Property) and the Heywards' action to quiet title to the Property was barred by the doctrine of laches. The Heywards also appeal the circuit court's order granting sanctions. We reverse and remand.

1. We hold the circuit court erred in granting the Steeds summary judgment on their claim for adverse possession of the Property. *See Lanham v. Blue Cross & Blue Shield of S.C., Inc.*, 349 S.C. 356, 361, 563 S.E.2d 331, 333 (2002) ("An appellate court reviews a grant of summary judgment under the same standard applied by the [circuit] court pursuant to Rule 56, SCRPC."); *id.* ("Summary judgment is proper when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law."); *id.* at 362, 563 S.E.2d at 333 ("On appeal from an order granting summary judgment, the appellate court will review all ambiguities, conclusions, and inferences arising in and from the evidence in a light most favorable to the non-moving party below."); *McDaniel v. Kendrick*, 386 S.C. 437, 442, 688 S.E.2d 852, 855 (Ct. App. 2009) ("In order to establish a claim of adverse possession, the claimant must prove by clear and convincing evidence his possession of the subject property was continuous, hostile, actual, open, notorious, and exclusive for the statutory period."); S.C. Code Ann. § 15-67-210 (2005) (stating that the relevant statutory period for adverse possession is ten years). We hold there is a genuine issue of material fact as to whether the Steeds' possession of the Property was exclusive because Robert Heyward, the Heywards' predecessor in title, stayed on the Property during the time of his ownership. *See Butler v. Lindsey*, 293 S.C. 466, 472, 361 S.E.2d 621, 624 (Ct. App. 1987) ("The exclusive possession necessary to acquire title by adverse possession is not satisfied if occupancy is shared with the owner or with agents of the owner."). In addition, we hold there is a genuine issue of material fact as to whether the Steeds' possession of the Property was hostile. *See Taylor v. Heirs of William Taylor*, 419 S.C. 639, 652, 799 S.E.2d 919, 925 (Ct. App. 2017) ("[F]or the possession to be hostile when an entire tract of land is at issue, the adverse claimant need not show a conscious intent to dispossess the true owner."); *id.* ("The claimant may establish hostile possession by showing he occupied the property without the title owner's consent even if he occupied the property under the mistaken belief that it belonged to him."); *Davis v. Monteith*, 289 S.C. 176, 180, 345 S.E.2d 724, 726 (1986) ("To invoke adverse possession, the possession must be adverse and not permissive."); *Young v. Nix*, 286 S.C. 134, 136, 332 S.E.2d 773, 774 (Ct. App. 1985) ("Where one enters land under permission from the title holder, the possession can never ripen into an adverse title unless a clear and positive disclaimer of the title under which entry was made is brought home to the other party."). It is undisputed the Steeds' occupancy of the Property was not

adverse when they began living on the Property in 1966 at the invitation of Louise Heyward, who owned the Property at that time. Antoine Heyward testified his family continued to allow the Steeds' permissive use of the Property after she deeded it to Robert Heyward in 1999. *See Davis*, 289 S.C. at 180, 345 S.E.2d at 726 (finding plaintiff's possession of property was not hostile when he used the property with the knowledge and tacit permission of the owner). In contrast, the Steeds stated they occupied the Property because they believed they owned it based on a plat their mother gave them showing she was the owner of the Property. We hold a question of fact exists as to whether the Steeds' possession of the Property was exclusive and whether their initial permissive occupancy ripened into adverse title. Therefore, further inquiry into the facts is necessary to determine if the Steeds have established all of the requirements of adverse possession by clear and convincing evidence. *See Englert, Inc. v. LeafGuard USA, Inc.*, 377 S.C. 129, 134, 659 S.E.2d 496, 498 (2008) ("[S]ince it is a drastic remedy, summary judgment should be cautiously invoked so that a litigant will not be improperly deprived of a trial on disputed factual issues."); *id.* ("Summary judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify the application of the law.").

2. We hold the circuit court erred in granting summary judgment to the Steeds on the Heywards' counterclaim to quiet title. We hold a genuine issue of material fact exists as to whether the Heywards were aware of the Steeds' ownership claim to the Property and further inquiry into the facts is necessary to determine if the Heywards' claim to quiet title is barred by the doctrine of laches. *See Jones v. Leagan*, 384 S.C. 1, 19-20, 681 S.E.2d 6, 16 (Ct. App. 2009) ("The equitable doctrine of laches is defined as 'neglect for an unreasonable and unexplained length of time, under circumstances affording opportunity for diligence, to do what in law should have been done.'" (quoting *Hallums v. Hallums*, 296 S.C. 195, 198, 371 S.E.2d 525, 527 (1998))); *Provident Life & Accident Ins. Co. v. Driver*, 317 S.C. 471, 479, 451 S.E.2d 924, 929 (Ct. App. 1994) ("[L]aches arises upon the failure to assert a known right under circumstances indicating that the lached party has abandoned or surrendered the right."); *Jones*, 384 S.C. at 20, 681 S.E.2d at 16 ("The party seeking to establish laches must show (1) delay, (2) that was unreasonable under the circumstances, and (3) prejudice."); *Englert*, 377 S.C. at 134, 659 S.E.2d at 498 ("[S]ince it is a drastic remedy, summary judgment should be cautiously invoked so that a litigant will not be improperly deprived of a trial on disputed factual issues."); *id.* ("Summary judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify the application of the law.").

3. In light of the Steeds' consent to the Heywards' request to remand the motion for sanctions to the circuit court, we reverse the order of sanctions and remand.

REVERSED AND REMANDED.¹

GEATHERS, MCDONALD, and HILL, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NO: 2018-CP-10-04284
	)	
BONITA STEED AND BERNARD	)	
STEED, ROBERT STEED AND ERNEST	)	
STEED,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	MOTION TO RECONSIDER ORDER
	)	
ANTOINE HEYWARD, RUBY	)	
HEYWARD and ALSO ALL OTHER	)	
PERSONS UNKNOWN, Claiming any	)	
right, title, estate, interest in or lien upon	)	
the real estate described herein in the	)	
amended complaint herein,	)	
Defendants.	)	
	)	

YOU WILL PLEASE TAKE NOTICE that Plaintiffs, by and through their undersigned counsel, respectfully move, pursuant to South Carolina Rule of Civil Procedure 59, for a reconsideration and reversal of the Court's February 6, 2024 Order denying Plaintiffs' claims regarding the ownership of 516 Bank Street, Mt. Pleasant, SC (TMS # 532-05-00-113). In the alternative, Plaintiffs seek an amendment to the Order to clarify the basis of the ruling.

The arguments in support of this motion, which may be supplemented by later memorandum, are as follows:

1. The Order does not address the 40 Year Statute of Limitations, which states that "No action shall be commenced in any case for the recovery of real property or for any interest therein against a person in possession under claim of title by virtue of a written instrument unless the person claiming, his ancestor or grantor, was actually in the possession of the same or a part thereof within forty years from the commencement of such action. And the possession of a

defendant, sole or connected, pursuant to the provisions of this section shall be deemed valid against the world after the lapse of such a period.” Plaintiffs have been in possession of the Property for more than the forty-year statutory period (**57 continuous years**).

2. The Order fails to provide an irrebuttable presumption of grant to Plaintiffs. This common law presumption rests upon the theory that after a long period of peaceful possession, the possessor, or those under whom the possessor holds, will be presumed to have entered upon and possessed the property under a valid grant, now lost. Plaintiffs’ mother was living on the Property as of 1966 and she believed she was the legal owner of the Property. The Court acknowledges that Defendant, nor his predecessor-in-interest, ever told the Plaintiffs that they did not own the property until 2015. Further, the only evidence on record shows that the Plaintiffs have been in peaceful possession of the property until Defendant sent a demand in 2015. This is well beyond the twenty-year requirement of peaceful possession.

3. The Order is based on a misapplication of law, that Plaintiffs’ possession was not exclusive merely because Robert Heyward visited the Property. The only testimony was that Mr. Heyward visited the Property with Plaintiffs’ permission. This does not amount to “shared occupancy,” nor does this fact, standing alone, defeat the exclusivity requirement under an adverse possession analysis.

4. The Order is based on a misapplication of law, that Plaintiffs’ possession was not hostile because there was evidence that Defendant’s father, Robert Heyward, rented the Property out on a long-term lease. The only evidence referenced by the Court is the Plaintiffs’ “payment of the taxes to both the Defendants and Robert Heyward over the years.” Order at 9. The Court does not explain why a tenant would pay taxes on a property that it does not own. The Court similarly fails to address why there is no evidence of a rental agreement between Plaintiffs and

Defendants (including Robert Heyward), no payment of money from Plaintiffs to Defendants, or why Plaintiffs, as a mere tenant, would build a new structure on the Property. The Court suggests that “the recording of the deeds from Louise Heyward to Robert Heyward and the deed of distribution is constructive notice to Plaintiffs and the world of Defendant’s legal ownership and interest in the property,” but does not explain what element that sustaining ground relates to. For the hostility element, the mere fact that Defendant has a recorded deed does not end the analysis. Instead, the Court should weigh all of the relevant facts, including (1) the structure built by Plaintiffs; (2) Plaintiffs’ payment of insurance and taxes for the Property; (3) Defendants’ requests for Plaintiffs’ consent before visiting the Property; (4) Defendants never asked Plaintiffs to pay rent until 2015; (5) Plaintiffs general treatment of the Property was one of an owner and hostile to Defendants’ purported claim.

5. The Order incorrectly holds that Plaintiffs Laches defense fails because “the running of the statute of limitations for adverse possession has only been 3 years.” Order at 9-10. A laches defense is not governed by a statute of limitations. Neglect of a claim for an unreasonable and unexplained length of time can subject a claim to the equitable defense of laches. In other words, when a party, or its predecessor-in-interest, fails to exercise due diligence to protect its legal interest, the equitable doctrine of laches prevents the party from enforcing a claim related to the legal interest. The record is replete with the negligence of Defendant and his predecessor-in-interest. The Court should consider the time and money expended by Plaintiffs, the length of time Plaintiffs were in possession of the Property, as well as Defendants actions and inactions during the Plaintiffs full time in possession of the Property. The question the Court must answer is whether the Defendants slept on their purported rights for an inexcusable length of time? The Court further failed to fully analyze the circumstances which clearly show

Defendants' unreasonable delay causes Plaintiffs to expend considerable time and money in reliance on the same. Moreover, the Court found that Defendants were aware of Plaintiffs possession and use of the Property yet did not examine this in the context of Defendants' failure to exercise due diligence.

6. Similarly, to the extent the Court ruled that Defendants' delay was excusable and/or reasonable due to Robert Heyward's purported incapacity, the record lacks sufficient evidence to find Robert Heyward was incapacitated under South Carolina law (assuming the Court is applying South Carolina law to this issue).

7. The Order fails to address all elements of adverse possession and Plaintiffs respectfully request that the Court rule on all elements for the record on appeal.

This Motion is based upon the pleadings and record of file, the applicable law, and argument of counsel. Plaintiffs may supplement this Motion with a memorandum in support of the same. Plaintiffs respectfully request that this Court reconsider its Order for these reasons.

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ATTORNEYS FOR PLAINTIFFS

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2018-CP-10-04284

Bonita Steed and Bernard Steed, Robert Steed and Ernest Steed,..... Appellants,

v.

Antoine Heyward, Ruby Heyward, and also All Other Persons Unknown, claiming any right,
title, estate, interest in or lien upon the real estate described herein in the amended complaint
herein..... Respondents.

NOTICE OF APPEAL

Appellants Bonita Steed, Bernard Steed, Robert Steed, and Ernest Steed (hereafter
“Appellants”) appeal the trial court’s order dated April 10, 2024, denying Plaintiff’s Motion to
Reconsider the Court’s order of February 6, 2024. A copy of the order dated April 10, 2024, is
attached hereto as **Exhibit A**. A copy of the order dated February 6, 2024, is attached hereto as
Exhibit B.

[SIGNATURE ON FOLLOWING PAGE]

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May 9, 2024

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EXHIBIT A

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NO.: 2018-CP-10-04284
	)	
BONITA STEED, BERNARD STEED,	)	
ERNEST STEED AND ROBERT	)	
STEED,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	ORDER
ANTOINE HEYWARD, RUBY	)	
HEYWARD and ALSO ALL OTHER	)	
PERSONS UNKNOWN, Claiming any	)	
right, title, estate, interest in or lien upon	)	
the real estate described in the amended	)	
complaint herein,	)	
	)	
Defendants.	)	
	)	

This matter came before the Court for a nonjury trial on September 14, 2023. Plaintiffs presented the deposition testimony of Antoine Heyward and live testimony of Bonita Steed and Bernard Steed, and Defendants presented the live testimony of Antoine Heyward. Both parties submitted documents into evidence.

BACKGROUND

Plaintiffs brought this action to claim legal title, based on adverse possession, to the property at 516 Bank Street, Mt. Pleasant, South Carolina. Defendants counterclaimed, asserting ownership of the property through a series of deeds originating with Louise Brown Heyward, Plaintiffs' great-grandmother and Defendant Antoine Heyward's grandmother. Louise Heyward obtained title to the property by deed in 1960. The parties are cousins related by blood.

On January 11, 1999, shortly prior to her death in 2000, Louise Heyward conveyed title to her son Robert Heyward (father and husband of the Defendants) by deed recorded in the Charleston County RMC Office for “\$5 Love and Affection.” Def. Ex. 3

Robert Heyward later died on June 18, 2014. His estate was probated in 2015-ES-10-0947 and a Deed of Distribution recorded in the Charleston County ROD Office on May 27, 2016. Def Ex. 5. During the probate process, Antoine Heyward contacted the Plaintiffs and demanded they start paying him rent. Plaintiffs refused to pay rent and, instead, commenced this action in 2018 seeking title by adverse possession.

This action concerns the ownership of the property and whether Plaintiffs have met the requirements to establish title by adverse possession and/or are entitled to title based on their defense of laches to Defendants’ Quiet Title counterclaim. Plaintiffs contend their family have continuously occupied, improved, and maintained the property from 1966 to the present. Plaintiffs believed that they owned the property after the death of Louise Heyward, based on a plat which showed Plaintiffs’ mother, Alethia Steed, as owner of the property. The unrecorded plat is dated September 18, 1998 (Pl. Ex. 1), only four (4) months prior to the Louise Heyward’s deed into Robert Heyward in January 1999. Def. Ex. 3.

Plaintiffs contend Robert Heyward never disclosed to them that he had been deeded the property by his mother Louise Heyward and that Robert only had occasional visits to the property after his mother died in 2000.

The questions to be determined by the Court are:¹

1. Has the occupation of 516 Bank Street by Plaintiffs from 2008 until this action was brought in 2018 been exclusive and hostile?

¹ The Court of Appeals held these were the remaining questions of material fact on Defendants’ appeal from summary judgment granted to Plaintiffs. See Steed v. Heyward, 2022-UP-445 (S.C. App. Dec. 7, 2022).

Or, if the Court does not find exclusivity and hostility:

2. Does the doctrine of laches bar Defendants' claim to own 516 Bank Street?

FINDINGS OF FACTS

1. Visits to the property

Defendant Antoine Heyward lives in Chicago, Illinois, with his mother, Defendant Ruby Heyward, for whom he holds her power of attorney. The Plaintiffs are cousins who Defendant testified he met when he was young and came to visit them at 516 Bank Street. The Plaintiffs have always lived at the Property to Antoine's knowledge. Heyward Deposition at pp. 6-8. Prior to commencement of this action in 2018, Antoine Heyward last visited the Property in 2014 when Plaintiffs hosted the repass for his father Robert Heyward's funeral service at Bank Street. *Id.* at p. 8-9.

In 2015, after his father died, Antoine told Plaintiffs that he and his mother now owned 516 Bank Street and requested that the Plaintiffs pay him rent. Plaintiffs had never paid rent previously and Robert Heyward had never requested rent from Plaintiffs. Plaintiffs refused to pay rent. This lawsuit followed.

Robert Heyward lived in Chicago from before his mother's death in 2000 until his death in 2014. He spent the summers at the Property while his mother was alive. After his mother's death in 2000, Robert Heyward continued to spend his summers at the Property. He always contacted the Plaintiffs prior to visiting and asked if he could stay there. Plaintiffs acknowledged that they always allowed him. Antoine Heyward Deposition, at pp.19-20. There is no evidence that Robert Heyward visited the property after 2008. Trial Transcript, pp. 23, 53. He stopped visiting the

property after he became ill from Alzheimer's/dementia.² The testimony differed as to how long he suffered from dementia - from 2 years to as long as 5 years prior to his death in 2014.

2. Payment of Taxes

The testimony as to who paid the real estate taxes on the property conflicted. As title to the property after 1999 was in the name of either Robert Heyward or the Defendants, all parties testified the tax bills went to the Heywards in Chicago. Bernard Steed testified that, at one point in time, his aunt Ruby Heyward paid a portion of the taxes and he paid a portion, but that, "after a while," he started paying the whole thing. When asked on cross examination who paid the taxes since 2000 he said, "I can't ... probably me. I would say me." While the tax bills went to Chicago, he testified at some point he went to the County Office building and paid the bills in person. Trial Transcript, pp. 27-29. On cross-examination, after being shown an envelope and check dated December 14, 2013 (Def. Ex.6), Bernard Steed admitted that he had sent the check for \$2,136 to Defendant Ruby Heyward. He could not recall if that was for all of the taxes or just a portion. Trial Transcript, pp. 30-31. In addition, Plaintiffs admitted a check (Pl. Ex. 2) in the amount of \$2,216 which showed the Steeds contributed to Ruby Heyward's payment (at least in part) for the 2014 real estate taxes.

While Defendants introduced the tax bills and receipts into evidence (Def. Ex. 9 and 10), the money orders and documents alleged to have originated with Robert Heyward were only allowed to be marked for Identification purposes as they were not produced in discovery. Def. Ex. Marked for Id as #8.

Contrary to the testimony of Bernard Steed, Antoine testified that from 1999 until his death in 2014, his father paid the taxes on the property. On further questioning, Antoine admitted that

² The cause of death on Robert Heyward's death certificate was Alzheimer's, a disease that causes dementia.

the Steeds paid a portion of the taxes. I find the testimony of all parties was that the Steeds provided funds to help pay the taxes on the property but that the Heywards were responsible and saw that the taxes were paid. I find Bernard Steed not credible on the issue that his family paid the taxes as I find both parties contributed payment through the years. Trial Transcript p. 102.

3. Maintenance and Repairs to 516 Bank Street

The residential structure on the Property is made up of two rectangles attached to each other. Louise Heyward built the first house on the lot. With the permission of Louise Heyward, Plaintiffs' mother, Alethia Steed, built the back house after the death of her husband in 1966. The Plaintiffs lived in the entire house after Louise Heyward's death in 2000. In addition, Plaintiffs maintained the property over the years, including the purchase and installation of a central air unit and appliances; installation of a fence, gutters, insulation, hardwood floors, cabinets, and tile flooring; and construction of a new roof and a room to house the new washer and dryer. Trial Transcript, pp. 17-19.

Neither Antoine nor Robert Heyward made improvements or maintained the structures on the Property. Heyward Deposition, pp. 22-23; 57-58; Trial Transcript, pp. 18-19. Bernard Steed paid for insurance on the property. Trial Transcript, pp. 19-20, 25. Antoine Heyward acknowledged that Plaintiffs built the back structure on the Property. Also, to his knowledge, no one from his family ever told the Plaintiffs they did not own the Property nor could they live there until he talked to Bonita Steed in 2015. Heyward Deposition, pp. 30-31.

Antoine Heyward never visited the Property without notifying the Plaintiffs. Heyward Deposition, at p. 38. No one, other than the Plaintiffs, have lived at the property since 2000 when Mrs. Louise Heyward died. *Id.* at p. 42. Plaintiffs contend that they own the Property based on their living there exclusively since 2000.

The Plaintiffs testified that neither Antoine, Ruby, nor Robert Heyward ever gave them permission to live on the property. Instead, it was Robert who sought permission from Plaintiffs to stay there when he was alive. Heyward's niece offered to pay Plaintiffs for the use of the Property for Heyward's funeral repass, which the Steeds declined. Trial Transcript, pp. 41-42.

Antoine Heyward testified that the Steed family always lived at 516 Bank Street. He stated the Plaintiffs never asked his permission to live there and, to his knowledge, he had no evidence of them asking Robert Heyward if they could live there. "They always lived there. They never had to ask me." Heyward Deposition, pp. 72-73. When Antoine told the Plaintiffs in 2015 that he now owned the Property and he wanted them to start paying rent, the Plaintiffs expressly opposed the claim. *Id.*, p. 33. Based upon the evidence presented, I find this was the first time the Plaintiffs expressly stated their claim to ownership of the property at 516 Bank Street.

CONCLUSIONS OF LAW

This Court has jurisdiction over the subject matter of this action and of the parties hereto. In Taylor v. Heirs of Taylor, 419 S.C. 639, 799 S.E.2d 919 (Ct. App. 2017), the Court of Appeals handled a case similar to the one before the Court and reversed the trial court's decision that adverse possession had not been proven and set forth a thorough discussion of the evidence required:

The party asserting adverse possession must show continuous, hostile, open, actual, notorious, and exclusive possession for a certain period of time." *Id.* In South Carolina, the statutory period for adverse possession is ten years. S.C. Code Ann. § 15-67-210 (2005); *Jones v. Leagan*, 384 S.C. at 10, 681 S.E.2d at 11. A party asserting ownership by adverse possession must show he has met the elements by clear and convincing evidence. *Jones*, 384 S.C. at 10–11, 681 S.E.2d at 11.

For possession to be open and notorious, "the legal owner need not have actual knowledge the claimant is claiming property adversely, [but] the hostile possession should be so notorious that the legal owner by ordinary diligence should have known of it." *Jones*, 384 S.C. at 13–14, 681 S.E.2d at 13. ...

To show the possession was hostile, the adverse claimant is required to show only that his possession was actual, exclusive, open, notorious, and without the consent of the title owner. *Knox v. Bogan*, 322 S.C. 64, 70, 472 S.E.2d 43, 47 (Ct. App. 1996). The mistaken belief rule, which requires the possessor to be aware he does not have title and intend to dispossess the true owner, is not applicable in disputes over entire tracts of land. *Id.*; see also *Perry v. Heirs at Law & Distributees of Gadsden*, 316 S.C. 224, 226, 449 S.E.2d 250, 251 (1994) (per curiam) (finding the mistaken belief rule does not apply in a dispute over an entire tract of land, rather it applies in a boundary line dispute). Thus, for the possession to be hostile when an entire tract of land is at issue, the adverse claimant need not show a conscious intent to dispossess the true owner. *McDaniel v. Kendrick*, 386 S.C. 437, 442–43, 688 S.E.2d 852, 855 (Ct. App. 2009). The claimant may establish hostile possession by showing he occupied the property without the title owner's consent even if he occupied the property under the mistaken belief that it belonged to him. *Id.*

419 S.C. at 650-652, 799 S.E.2d 924-925.

Plaintiffs must present clear and convincing evidence that their possession of this property was actual, open, notorious, hostile, exclusive and continuous for the statutory period of 10 years in order to prove Adverse Possession.

A. Exclusivity Element

The Court of Appeals remanded this case for trial to determine if the Plaintiff's occupation of the property was exclusive and hostile. Plaintiffs testified that their occupation was exclusive for the ten (10) years prior to the initiation of this action; however, Robert Heyward visited the property yearly after 2000 and until 2008 when he began to show evidence of dementia prior to his death in 2014. He would call and inform the Steed family before coming to stay at the Property. The Plaintiffs testified they never denied Robert Heyward from staying at the property.

“The exclusive possession necessary to acquire title by adverse possession is not satisfied if occupancy is shared with the owner....” *Butler v. Lindsay*, 293 S.C. 466, 361 S.E.2d 621 (1987). The Court concludes that Plaintiffs' occupation of the property was not exclusive nor proven by

clear and convincing as they regularly shared occupancy of the property with Mr. Robert Heyward during his lifetime.

B. Hostility Element

Regarding hostility, as set forth in Taylor, the Plaintiffs “may establish hostile possession by showing [they] occupied the property without the title owner’s consent even if [they] occupied the property under the mistaken belief that it belonged to [them].” *Id.* In Taylor, the Court held that “there was no evidence in the record indicating [claimants] possessed the property with title owner’s permission or consent.” Similarly, in the present case, there is no evidence that the title owner, Robert Heyward from 2000 to his death in 2014, ever gave permission or consent to Plaintiffs’ possession. Heyward knew that the Steeds had possession and acknowledged their possession. Plaintiffs assumed occupation at the invitation of the original owner, Louise Heyward. After her death, they believed they were the owners and were occupying the house under a right of ownership.

While Defendants did not put forth evidence that Plaintiffs possessed the Property with the title owner’s consent, Defendants’ awareness that Plaintiffs lived on the Property is not sufficient to show that Plaintiffs claimed they owned the Property.

This case is similar to McDaniel v. Kendrick, 386 S.C. 437, 688 S.E.2d 852 (2009) and Davis v. Monteith, 289 S.C. 176, 345 S.E.2d 724 (1986).

“Mere possession of land is insufficient and any presumption is that the occupancy is in subordination to the legal title.” Davis, 289 S.C. at 180. This seems especially true where the parties are in relation to one another. Knight v. Hilton, 224 S.C. 452, 79 S.E.2d 871 (1954). In addition, ‘One who enters with permission does not establish Adverse Possession without a “clear

and positive disclaimer of the title under which entry was made is brought home to the other party.”” Young v. Nix, 286 S.C. 134, 332 S.E.2d 773 (1985).

See also Lusk v. Callaham, 287 S.C. 459, 339 S.E.2d 156 (1986).

The Court concludes the Plaintiffs’ first disclaimer of the legal title sufficient to begin the Adverse Possession claim came when they refused to pay the rent demanded by Robert Heyward in 2015 - only 3 years prior to initiating this action. Clearly, this does not meet the requisite time of ten (10) years required under the statute for adverse possession.

Defendant Antoine Heyward’s testimony that he never saw his father do anything on the Property that an owner would do is consistent with a landlord who rents his house on a long-term lease. Furthermore, Plaintiffs’ payment of the taxes to both the Defendants and Robert Heyward over the years is further evidence of this rental arrangement. See Wigfall v. Fobbs, 295 S.C. 59, 367 S.E.2d 156 (1989). As an additional ground, the recording of the deeds from both Louise Heyward to Robert Heyward and the deed of distribution to the Defendants is constructive notice to Plaintiffs and the world of Defendant’s legal ownership and interest in the property. Spence v. Spence, 368 S.C. 106, 119, 128 S.E.2d 869, 876 (2006).

C. Equitable Relief

1. Laches Defense

Plaintiffs further contend the Defendants’ claim to the Property is barred by the equitable doctrine of laches. A party asserting adverse possession in a quiet title action can establish the defense of laches. See Jones v. Leagan, 384 S.C. 1, 20, 681 S.E.2d 6, 16 (Ct. App. 2009) (“The party seeking to establish laches must show (1) delay, (2) that was unreasonable under the circumstances, and (3) prejudice.”). Because the court concludes that the time period for the running of the statute of limitations for adverse possession has only been 3 years, laches would not

suffice to establish their claim, especially in this case where the parties are related and the Defendants' father and husband, Robert Heyward apparently suffered from dementia. See Knight v. Hilton, supra and Ham v. Flowers, 214 S.C. 212, 51 S.E. 2d 753 (1949).

2. Betterments Claim

As in Jones, Knight and Ham, the Plaintiffs here have invested both time and money to improve the Property during the period they claim to have owned the house. In the older cases, the court provided for an accounting to be performed. This Court concludes this case presents a scenario for the Defendants to claim a right to the value of their improvements to the property under the Betterments statute. S.C. Code Ann. Section 27-27-10 et seq.

At no point during the relevant period did any of the Defendants or Robert Heyward tell Plaintiffs that they had a deed to the Property nor did Defendants contribute to the upkeep or improvements to the property. Clearly the Plaintiffs believed they owned the property. Accordingly, it would be inequitable to permit the Defendants to take the value of all improvements Plaintiffs made to the Property, despite knowing the substantial time and money that Plaintiffs had invested in the Property.

CONCLUSION

I conclude that the Defendants' lack of expression of ownership and inaction in making repairs and improvements to the Property is not subject to the doctrine of laches to bar Defendants from claiming ownership to the property but, instead, allows Plaintiffs to pursue a claim under the betterments statute.

Upon resolution of this matter, Plaintiffs will have a very short period of time (2 days) in which to amend their pleadings and bring this statutory claim to seek compensation for the property

they improved under their mistaken belief that they owned the property. S.C. Code Ann. Section 27-27-30.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED and DECREED that the following property is quieted and confirmed into Defendants Antoine and Ruby Heyward, who are vested with fee simple title to 516 Bank Street, Mt. Pleasant, SC 29464 (TMS # 532-05-00-113).

IT IS FURTHER ORDERED, ADJUDGED and DECREED that while legal title remains vested in the Defendants, that this matter is hereby stayed subject to any claim the Plaintiffs may bring under the South Carolina Betterments statute.

IT IS ORDERED this ____ day of February, 2024, at Charleston, South Carolina.

Mikell Scarborough
Master-in-Equity



Charleston Common Pleas

Case Caption: Bonita Steed , plaintiff, et al VS Antoine Heyward , defendant, et al
Case Number: 2018CP1004284
Type: Master/Order/Other

So Ordered

s/Mikell R. Scarborough 3062

Electronically signed on 2024-02-05 17:15:06 page 12 of 12

EXHIBIT B

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
	)	CASE NO.: 2018-CP10-04284
BONITA STEED, et al.,	)	
	)	
Plaintiff,	)	
	)	
-versus-	)	ORDER
	)	
ANTOINE HEYWARD, RUBY	)	
HEYWARD, et al	)	
	)	
Defendant.	)	
	)	

This matter came before the court on April 10, 2024, on Plaintiff's Motion to Amend the Complaint filed February 7, 2024, and Plaintiff's Motion to Reconsider the court's order of February 6, 2024, filed February 8, 2024. Defendants filed their Memorandum in Opposition to Motion to Reconsider on February 21, 2024, and Memorandum in Opposition to Amend the Complaint on February 22, 2024.

On the Motion to Reconsider Plaintiff's argue they established the equitable defense of laches as well as satisfied both the exclusivity and hostility elements to establish adverse possession of the property by their continued occupation of the property. The Motion to Reconsider is respectfully DENIED.

The Motion to Amend the Complaint is GRANTED to pursue its claim for betterments as improvements to the property under SC Code § 27-27-10. Accordingly, Plaintiffs shall submit an appraisal of the property effective as of August 29, 2018 (the date of filing) which details the value of the property with and without improvements thereon. Upon receipt of the appraisal and response from the Defendants, the court will set a hearing to determine the value of the improvements.

AND IT IS SO ORDERED!

Mikell R. Scarborough
Master-in-Equity for County of Charleston



Charleston Common Pleas

Case Caption: Bonita Steed , plaintiff, et al VS Antoine Heyward , defendant, et al
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Electronically signed on 2024-04-10 14:09:00 page 2 of 2

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2018-CP-10-04284

Bonita Steed and Bernard Steed, Robert Steed and Ernest Steed,..... Appellants,

v.

Antoine Heyward, Ruby Heyward, and also All Other Persons Unknown, claiming any right,
title, estate, interest in or lien upon the real estate described herein in the amended complaint
herein..... Respondents.

NOTICE OF APPEAL

Appellants Bonita Steed, Bernard Steed, Robert Steed, and Ernest Steed (hereafter
“Appellants”) appeal the trial court’s order dated April 10, 2024, denying Plaintiff’s Motion to
Reconsider the Court’s order of February 6, 2024. A copy of the order dated April 10, 2024, is
attached hereto as **Exhibit A**. A copy of the order dated February 6, 2024, is attached hereto as
Exhibit B.

[SIGNATURE ON FOLLOWING PAGE]

By: /s/ Bijan Ghom
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ATTORNEYS FOR APPELLANTS

May 9, 2024

OTHER COUNSEL OF RECORD:

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ATTORNEY FOR RESPONDENTS

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May 09 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2018-CP-10-04284

Bonita Steed and Bernard Steed, Robert Steed and Ernest Steed, ... Appellants,

v.

Antoine Heyward, Ruby Heyward, and also All Other Persons Unknown, claiming any right,
title, estate, interest in or lien upon the real estate described herein in the amended complaint
herein..... Respondents.

PROOF OF SERVICE

I do hereby certify that on May 9, 2024, I have served all counsel in this action with a copy
of the **Notice of Appeal** via e-filing to the following email addresses:

Karen M. DeJong, Esquire
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ATTORNEY FOR RESPONDENTS

s/ Taylor Davis
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SAXTON & STUMP
LAWYERS AND CONSULTANTS

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May 09 2024
SC Court of Appeals

Direct Dial: (843) 278-0114
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May 9, 2024

VIA E-FILING

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Bonita Steed v. Antoine Heyward
Case No.: 2018-CP-10-02484

Dear Ms. Kitchings:

Please find enclosed the following documents in connection with the above referenced matter:

1. Notice of Appeal;
2. Proof of Service of Notice of Appeal;
3. Order Dated April 10, 2024; and
4. Order Dated February 6, 2024.

Also enclosed is a check in the amount of \$250.00, to cover the filing fee. Should you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

s/ Taylor Davis

Taylor Davis
Paralegal

/tnd

Enclosures

cc: Karen M. DeJong, Esquire (via e-mail only)

EXHIBIT A

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NO.: 2018-CP-10-04284
	)	
BONITA STEED, BERNARD STEED,	)	
ERNEST STEED AND ROBERT	)	
STEED,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
ANTOINE HEYWARD, RUBY	)	
HEYWARD and ALSO ALL OTHER	)	
PERSONS UNKNOWN, Claiming any	)	
right, title, estate, interest in or lien upon	)	
the real estate described in the amended	)	
complaint herein,	)	
	)	
Defendants.	)	
	)	

RECEIVED

May 09 2024

SC Court of Appeals

ORDER

This matter came before the Court for a nonjury trial on September 14, 2023. Plaintiffs presented the deposition testimony of Antoine Heyward and live testimony of Bonita Steed and Bernard Steed, and Defendants presented the live testimony of Antoine Heyward. Both parties submitted documents into evidence.

BACKGROUND

Plaintiffs brought this action to claim legal title, based on adverse possession, to the property at 516 Bank Street, Mt. Pleasant, South Carolina. Defendants counterclaimed, asserting ownership of the property through a series of deeds originating with Louise Brown Heyward, Plaintiffs' great-grandmother and Defendant Antoine Heyward's grandmother. Louise Heyward obtained title to the property by deed in 1960. The parties are cousins related by blood.

On January 11, 1999, shortly prior to her death in 2000, Louise Heyward conveyed title to her son Robert Heyward (father and husband of the Defendants) by deed recorded in the Charleston County RMC Office for “\$5 Love and Affection.” Def. Ex. 3

Robert Heyward later died on June 18, 2014. His estate was probated in 2015-ES-10-0947 and a Deed of Distribution recorded in the Charleston County ROD Office on May 27, 2016. Def Ex. 5. During the probate process, Antoine Heyward contacted the Plaintiffs and demanded they start paying him rent. Plaintiffs refused to pay rent and, instead, commenced this action in 2018 seeking title by adverse possession.

This action concerns the ownership of the property and whether Plaintiffs have met the requirements to establish title by adverse possession and/or are entitled to title based on their defense of laches to Defendants’ Quiet Title counterclaim. Plaintiffs contend their family have continuously occupied, improved, and maintained the property from 1966 to the present. Plaintiffs believed that they owned the property after the death of Louise Heyward, based on a plat which showed Plaintiffs’ mother, Alethia Steed, as owner of the property. The unrecorded plat is dated September 18, 1998 (Pl. Ex. 1), only four (4) months prior to the Louise Heyward’s deed into Robert Heyward in January 1999. Def. Ex. 3.

Plaintiffs contend Robert Heyward never disclosed to them that he had been deeded the property by his mother Louise Heyward and that Robert only had occasional visits to the property after his mother died in 2000.

The questions to be determined by the Court are:¹

1. Has the occupation of 516 Bank Street by Plaintiffs from 2008 until this action was brought in 2018 been exclusive and hostile?

¹ The Court of Appeals held these were the remaining questions of material fact on Defendants’ appeal from summary judgment granted to Plaintiffs. See Steed v. Heyward, 2022-UP-445 (S.C. App. Dec. 7, 2022).

Or, if the Court does not find exclusivity and hostility:

2. Does the doctrine of laches bar Defendants' claim to own 516 Bank Street?

FINDINGS OF FACTS

1. Visits to the property

Defendant Antoine Heyward lives in Chicago, Illinois, with his mother, Defendant Ruby Heyward, for whom he holds her power of attorney. The Plaintiffs are cousins who Defendant testified he met when he was young and came to visit them at 516 Bank Street. The Plaintiffs have always lived at the Property to Antoine's knowledge. Heyward Deposition at pp. 6-8. Prior to commencement of this action in 2018, Antoine Heyward last visited the Property in 2014 when Plaintiffs hosted the repass for his father Robert Heyward's funeral service at Bank Street. *Id.* at p. 8-9.

In 2015, after his father died, Antoine told Plaintiffs that he and his mother now owned 516 Bank Street and requested that the Plaintiffs pay him rent. Plaintiffs had never paid rent previously and Robert Heyward had never requested rent from Plaintiffs. Plaintiffs refused to pay rent. This lawsuit followed.

Robert Heyward lived in Chicago from before his mother's death in 2000 until his death in 2014. He spent the summers at the Property while his mother was alive. After his mother's death in 2000, Robert Heyward continued to spend his summers at the Property. He always contacted the Plaintiffs prior to visiting and asked if he could stay there. Plaintiffs acknowledged that they always allowed him. Antoine Heyward Deposition, at pp.19-20. There is no evidence that Robert Heyward visited the property after 2008. Trial Transcript, pp. 23, 53. He stopped visiting the

property after he became ill from Alzheimer's/dementia.² The testimony differed as to how long he suffered from dementia - from 2 years to as long as 5 years prior to his death in 2014.

2. Payment of Taxes

The testimony as to who paid the real estate taxes on the property conflicted. As title to the property after 1999 was in the name of either Robert Heyward or the Defendants, all parties testified the tax bills went to the Heywards in Chicago. Bernard Steed testified that, at one point in time, his aunt Ruby Heyward paid a portion of the taxes and he paid a portion, but that, "after a while," he started paying the whole thing. When asked on cross examination who paid the taxes since 2000 he said, "I can't ... probably me. I would say me." While the tax bills went to Chicago, he testified at some point he went to the County Office building and paid the bills in person. Trial Transcript, pp. 27-29. On cross-examination, after being shown an envelope and check dated December 14, 2013 (Def. Ex.6), Bernard Steed admitted that he had sent the check for \$2,136 to Defendant Ruby Heyward. He could not recall if that was for all of the taxes or just a portion. Trial Transcript, pp. 30-31. In addition, Plaintiffs admitted a check (Pl. Ex. 2) in the amount of \$2,216 which showed the Steeds contributed to Ruby Heyward's payment (at least in part) for the 2014 real estate taxes.

While Defendants introduced the tax bills and receipts into evidence (Def. Ex. 9 and 10), the money orders and documents alleged to have originated with Robert Heyward were only allowed to be marked for Identification purposes as they were not produced in discovery. Def. Ex. Marked for Id as #8.

Contrary to the testimony of Bernard Steed, Antoine testified that from 1999 until his death in 2014, his father paid the taxes on the property. On further questioning, Antoine admitted that

² The cause of death on Robert Heyward's death certificate was Alzheimer's, a disease that causes dementia.

the Steeds paid a portion of the taxes. I find the testimony of all parties was that the Steeds provided funds to help pay the taxes on the property but that the Heywards were responsible and saw that the taxes were paid. I find Bernard Steed not credible on the issue that his family paid the taxes as I find both parties contributed payment through the years. Trial Transcript p. 102.

3. Maintenance and Repairs to 516 Bank Street

The residential structure on the Property is made up of two rectangles attached to each other. Louise Heyward built the first house on the lot. With the permission of Louise Heyward, Plaintiffs' mother, Alethia Steed, built the back house after the death of her husband in 1966. The Plaintiffs lived in the entire house after Louise Heyward's death in 2000. In addition, Plaintiffs maintained the property over the years, including the purchase and installation of a central air unit and appliances; installation of a fence, gutters, insulation, hardwood floors, cabinets, and tile flooring; and construction of a new roof and a room to house the new washer and dryer. Trial Transcript, pp. 17-19.

Neither Antoine nor Robert Heyward made improvements or maintained the structures on the Property. Heyward Deposition, pp. 22-23; 57-58; Trial Transcript, pp. 18-19. Bernard Steed paid for insurance on the property. Trial Transcript, pp. 19-20, 25. Antoine Heyward acknowledged that Plaintiffs built the back structure on the Property. Also, to his knowledge, no one from his family ever told the Plaintiffs they did not own the Property nor could they live there until he talked to Bonita Steed in 2015. Heyward Deposition, pp. 30-31.

Antoine Heyward never visited the Property without notifying the Plaintiffs. Heyward Deposition, at p. 38. No one, other than the Plaintiffs, have lived at the property since 2000 when Mrs. Louise Heyward died. *Id.* at p. 42. Plaintiffs contend that they own the Property based on their living there exclusively since 2000.

The Plaintiffs testified that neither Antoine, Ruby, nor Robert Heyward ever gave them permission to live on the property. Instead, it was Robert who sought permission from Plaintiffs to stay there when he was alive. Heyward's niece offered to pay Plaintiffs for the use of the Property for Heyward's funeral repass, which the Steeds declined. Trial Transcript, pp. 41-42.

Antoine Heyward testified that the Steed family always lived at 516 Bank Street. He stated the Plaintiffs never asked his permission to live there and, to his knowledge, he had no evidence of them asking Robert Heyward if they could live there. "They always lived there. They never had to ask me." Heyward Deposition, pp. 72-73. When Antoine told the Plaintiffs in 2015 that he now owned the Property and he wanted them to start paying rent, the Plaintiffs expressly opposed the claim. *Id.*, p. 33. Based upon the evidence presented, I find this was the first time the Plaintiffs expressly stated their claim to ownership of the property at 516 Bank Street.

CONCLUSIONS OF LAW

This Court has jurisdiction over the subject matter of this action and of the parties hereto. In Taylor v. Heirs of Taylor, 419 S.C. 639, 799 S.E.2d 919 (Ct. App. 2017), the Court of Appeals handled a case similar to the one before the Court and reversed the trial court's decision that adverse possession had not been proven and set forth a thorough discussion of the evidence required:

The party asserting adverse possession must show continuous, hostile, open, actual, notorious, and exclusive possession for a certain period of time." *Id.* In South Carolina, the statutory period for adverse possession is ten years. S.C. Code Ann. § 15-67-210 (2005); *Jones v. Leagan*, 384 S.C. at 10, 681 S.E.2d at 11. A party asserting ownership by adverse possession must show he has met the elements by clear and convincing evidence. *Jones*, 384 S.C. at 10–11, 681 S.E.2d at 11.

For possession to be open and notorious, "the legal owner need not have actual knowledge the claimant is claiming property adversely, [but] the hostile possession should be so notorious that the legal owner by ordinary diligence should have known of it." *Jones*, 384 S.C. at 13–14, 681 S.E.2d at 13. ...

To show the possession was hostile, the adverse claimant is required to show only that his possession was actual, exclusive, open, notorious, and without the consent of the title owner. *Knox v. Bogan*, 322 S.C. 64, 70, 472 S.E.2d 43, 47 (Ct. App. 1996). The mistaken belief rule, which requires the possessor to be aware he does not have title and intend to dispossess the true owner, is not applicable in disputes over entire tracts of land. *Id.*; see also *Perry v. Heirs at Law & Distributees of Gadsden*, 316 S.C. 224, 226, 449 S.E.2d 250, 251 (1994) (per curiam) (finding the mistaken belief rule does not apply in a dispute over an entire tract of land, rather it applies in a boundary line dispute). Thus, for the possession to be hostile when an entire tract of land is at issue, the adverse claimant need not show a conscious intent to dispossess the true owner. *McDaniel v. Kendrick*, 386 S.C. 437, 442–43, 688 S.E.2d 852, 855 (Ct. App. 2009). The claimant may establish hostile possession by showing he occupied the property without the title owner's consent even if he occupied the property under the mistaken belief that it belonged to him. *Id.*

419 S.C. at 650-652, 799 S.E.2d 924-925.

Plaintiffs must present clear and convincing evidence that their possession of this property was actual, open, notorious, hostile, exclusive and continuous for the statutory period of 10 years in order to prove Adverse Possession.

A. Exclusivity Element

The Court of Appeals remanded this case for trial to determine if the Plaintiff's occupation of the property was exclusive and hostile. Plaintiffs testified that their occupation was exclusive for the ten (10) years prior to the initiation of this action; however, Robert Heyward visited the property yearly after 2000 and until 2008 when he began to show evidence of dementia prior to his death in 2014. He would call and inform the Steed family before coming to stay at the Property. The Plaintiffs testified they never denied Robert Heyward from staying at the property.

“The exclusive possession necessary to acquire title by adverse possession is not satisfied if occupancy is shared with the owner....” *Butler v. Lindsay*, 293 S.C. 466, 361 S.E.2d 621 (1987). The Court concludes that Plaintiffs' occupation of the property was not exclusive nor proven by

clear and convincing as they regularly shared occupancy of the property with Mr. Robert Heyward during his lifetime.

B. Hostility Element

Regarding hostility, as set forth in Taylor, the Plaintiffs “may establish hostile possession by showing [they] occupied the property without the title owner’s consent even if [they] occupied the property under the mistaken belief that it belonged to [them].” *Id.* In Taylor, the Court held that “there was no evidence in the record indicating [claimants] possessed the property with title owner’s permission or consent.” Similarly, in the present case, there is no evidence that the title owner, Robert Heyward from 2000 to his death in 2014, ever gave permission or consent to Plaintiffs’ possession. Heyward knew that the Steeds had possession and acknowledged their possession. Plaintiffs assumed occupation at the invitation of the original owner, Louise Heyward. After her death, they believed they were the owners and were occupying the house under a right of ownership.

While Defendants did not put forth evidence that Plaintiffs possessed the Property with the title owner’s consent, Defendants’ awareness that Plaintiffs lived on the Property is not sufficient to show that Plaintiffs claimed they owned the Property.

This case is similar to McDaniel v. Kendrick, 386 S.C. 437, 688 S.E.2d 852 (2009) and Davis v. Monteith, 289 S.C. 176, 345 S.E.2d 724 (1986).

“Mere possession of land is insufficient and any presumption is that the occupancy is in subordination to the legal title.” Davis, 289 S.C. at 180. This seems especially true where the parties are in relation to one another. Knight v. Hilton, 224 S.C. 452, 79 S.E.2d 871 (1954). In addition, ‘One who enters with permission does not establish Adverse Possession without a “clear

and positive disclaimer of the title under which entry was made is brought home to the other party.”” Young v. Nix, 286 S.C. 134, 332 S.E.2d 773 (1985).

See also Lusk v. Callaham, 287 S.C. 459, 339 S.E.2d 156 (1986).

The Court concludes the Plaintiffs’ first disclaimer of the legal title sufficient to begin the Adverse Possession claim came when they refused to pay the rent demanded by Robert Heyward in 2015 - only 3 years prior to initiating this action. Clearly, this does not meet the requisite time of ten (10) years required under the statute for adverse possession.

Defendant Antoine Heyward’s testimony that he never saw his father do anything on the Property that an owner would do is consistent with a landlord who rents his house on a long-term lease. Furthermore, Plaintiffs’ payment of the taxes to both the Defendants and Robert Heyward over the years is further evidence of this rental arrangement. See Wigfall v. Fobbs, 295 S.C. 59, 367 S.E.2d 156 (1989). As an additional ground, the recording of the deeds from both Louise Heyward to Robert Heyward and the deed of distribution to the Defendants is constructive notice to Plaintiffs and the world of Defendant’s legal ownership and interest in the property. Spence v. Spence, 368 S.C. 106, 119, 128 S.E.2d 869, 876 (2006).

C. Equitable Relief

1. Laches Defense

Plaintiffs further contend the Defendants’ claim to the Property is barred by the equitable doctrine of laches. A party asserting adverse possession in a quiet title action can establish the defense of laches. See Jones v. Leagan, 384 S.C. 1, 20, 681 S.E.2d 6, 16 (Ct. App. 2009) (“The party seeking to establish laches must show (1) delay, (2) that was unreasonable under the circumstances, and (3) prejudice.”). Because the court concludes that the time period for the running of the statute of limitations for adverse possession has only been 3 years, laches would not

suffice to establish their claim, especially in this case where the parties are related and the Defendants' father and husband, Robert Heyward apparently suffered from dementia. See Knight v. Hilton, supra and Ham v. Flowers, 214 S.C. 212, 51 S.E. 2d 753 (1949).

2. Betterments Claim

As in Jones, Knight and Ham, the Plaintiffs here have invested both time and money to improve the Property during the period they claim to have owned the house. In the older cases, the court provided for an accounting to be performed. This Court concludes this case presents a scenario for the Defendants to claim a right to the value of their improvements to the property under the Betterments statute. S.C. Code Ann. Section 27-27-10 et seq.

At no point during the relevant period did any of the Defendants or Robert Heyward tell Plaintiffs that they had a deed to the Property nor did Defendants contribute to the upkeep or improvements to the property. Clearly the Plaintiffs believed they owned the property. Accordingly, it would be inequitable to permit the Defendants to take the value of all improvements Plaintiffs made to the Property, despite knowing the substantial time and money that Plaintiffs had invested in the Property.

CONCLUSION

I conclude that the Defendants' lack of expression of ownership and inaction in making repairs and improvements to the Property is not subject to the doctrine of laches to bar Defendants from claiming ownership to the property but, instead, allows Plaintiffs to pursue a claim under the betterments statute.

Upon resolution of this matter, Plaintiffs will have a very short period of time (2 days) in which to amend their pleadings and bring this statutory claim to seek compensation for the property

they improved under their mistaken belief that they owned the property. S.C. Code Ann. Section 27-27-30.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED and DECREED that the following property is quieted and confirmed into Defendants Antoine and Ruby Heyward, who are vested with fee simple title to 516 Bank Street, Mt. Pleasant, SC 29464 (TMS # 532-05-00-113).

IT IS FURTHER ORDERED, ADJUDGED and DECREED that while legal title remains vested in the Defendants, that this matter is hereby stayed subject to any claim the Plaintiffs may bring under the South Carolina Betterments statute.

IT IS ORDERED this ____ day of February, 2024, at Charleston, South Carolina.

Mikell Scarborough
Master-in-Equity



Charleston Common Pleas

Case Caption: Bonita Steed , plaintiff, et al VS Antoine Heyward , defendant, et al
Case Number: 2018CP1004284
Type: Master/Order/Other

So Ordered

s/Mikell R. Scarborough 3062

Electronically signed on 2024-02-05 17:15:06 page 12 of 12

EXHIBIT B

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
	)	CASE NO.: 2018-CP10-04284
BONITA STEED, et al.,	)	
	)	
Plaintiff,	)	
	)	
-versus-	)	
	)	
ANTOINE HEYWARD, RUBY	)	
HEYWARD, et al	)	
	)	
Defendant.	)	
	)	

ORDER

RECEIVED

May 09 2024

SC Court of Appeals

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On the Motion to Reconsider Plaintiff's argue they established the equitable defense of laches as well as satisfied both the exclusivity and hostility elements to establish adverse possession of the property by their continued occupation of the property. The Motion to Reconsider is respectfully DENIED.

The Motion to Amend the Complaint is GRANTED to pursue its claim for betterments as improvements to the property under SC Code § 27-27-10. Accordingly, Plaintiffs shall submit an appraisal of the property effective as of August 29, 2018 (the date of filing) which details the value of the property with and without improvements thereon. Upon receipt of the appraisal and response from the Defendants, the court will set a hearing to determine the value of the improvements.

AND IT IS SO ORDERED!

Mikell R. Scarborough
Master-in-Equity for County of Charleston



Charleston Common Pleas

Case Caption: Bonita Steed , plaintiff, et al VS Antoine Heyward , defendant, et al
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s/Mikell R. Scarborough 3062

Electronically signed on 2024-04-10 14:09:00 page 2 of 2

1 IN THE COURT OF COMMON PLEAS
2 FOR THE STATE OF SOUTH CAROLINA
3 CHARLESTON COUNTY

4 DEPOSITION OF ANTOINE HEYWARD

5 BONITA STEED and BERNARD STEED,
6

7 Plaintiffs,

Case No. 2018-CP-10-04284

8 VS.

9 ANTOINE HEYWARD, RUBY HEYWARD, and ALSO ALL OTHER
10 PERSONS UNKNOWN, Claiming any right, title,
estate, interest in, or lien upon the real estate
described in the Amended Complaint herein,

11 Defendants.
12

13 DEPONENT: ANTOINE HEYWARD

14 DATE: November 14, 2019

15 TIME: 8:53 AM

16 LOCATION: ROSEN HAGOOD
17 CHARLESTON, SOUTH CAROLINA

18
19 REPORTED BY: TERI L. KENNELLY, RPR, CRR
20 CLARK & ASSOCIATES, INC.
21 P.O. Box 73129
22 Charleston, SC 29415
23 843-762-6294
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25 Teri@Clark-Associates.com

1 A. At one point in his life, yes. But, I
2 mean, since he's been in Chicago, the only time
3 that -- since he got married to my mother and
4 moved to Chicago, the only time that he can
5 necessarily go down there is the summertime.

6 Q. So he visited the property on vacation?

7 A. He visited the property just about every
8 year.

9 Q. And did he ask the Steeds to do that?

10 A. No, he did not.

11 Q. Did he have a key to the property?

12 A. Well, when my father was visiting here a
13 lot, my grandmother was alive, and some of my
14 cousins were living with my grandmother. So when
15 he says, I'm coming down there, if she doesn't
16 open up or let him into his dwelling, whoever is
17 living there has to open up.

18 Q. So what do you mean by dwelling? I
19 mean --

20 A. In other words, where he lived,
21 relatives were in there. I'm coming down for a
22 vacation. I'll be down here. They expect him to
23 be there, so they open up the house, and he stays
24 there.

25 Q. But you just said he lived in Chicago.

1 A. When he visited, sir. When he came down
2 here to visit --

3 Q. Okay.

4 A. -- relatives are there so this is where
5 he stays when he's here.

6 Q. Right. So he called them up, and they
7 would let him into the property?

8 A. Exactly. Whoever was there, grandmother
9 or whoever was there.

10 Q. But during this time, as you've already
11 testified --

12 A. Correct.

13 Q. -- the Steeds were never told that they
14 didn't own the property?

15 A. I'm not aware of that, sir.

16 Q. So you couldn't confirm that either way;
17 you have no knowledge of that?

18 A. When it comes to that, no, sir, no, sir,
19 no, sir.

20 Q. So when your grandmother died in 2000 --

21 A. Okay.

22 Q. -- did your father visit the property as
23 much as he did before?

24 A. All the time. That's correct.

25 Q. He continued to up until his death?

1 Q. Okay.

2 A. Okay.

3 Q. But so what I'm -- I understand that.

4 So what I'm asking is, prior to that, to your

5 knowledge --

6 A. Now --

7 Q. -- you don't know that any communication

8 occurred before then?

9 A. Concerning me, sir, or someone else?

10 Q. Concerning their ownership of the

11 property.

12 A. But who?

13 Q. Ownership of the property. Like, to

14 your knowledge, when was the first time that a

15 conversation with the plaintiffs occurred as to

16 ownership of the property?

17 A. But who had the conversation with them?

18 Are you talking about me or someone else?

19 Q. Anyone. Anyone from your immediate

20 family.

21 A. I'm not --

22 Q. Your father, your mother.

23 A. I'm not aware of that. I'm sorry. I'm

24 not aware of that.

25 Q. All right. So in the last 20 years, has

1 anyone removed the Steeds from the property?

2 A. I'm not aware.

3 Q. No one has -- to your knowledge, no one
4 has tried to kick them off the property or tell
5 them they don't live there?

6 A. I'm not aware of it, no.

7 Q. So in that time, the Steeds have always
8 believed that they've owned the property?

9 A. Maybe. I'm not sure what they're
10 thinking.

11 Q. So you can't confirm or deny that?

12 A. Right.

13 Q. Can you tell me about the taxes on the
14 property, what kind of personal knowledge you
15 have of who's paying them?

16 A. Well, based -- well, I've only gotten
17 really involved and actually seen the taxes paid
18 since my father died. So from 2015, prior to
19 that, I don't know how they were paid.

20 All I know is that over the last
21 few years when I was involved, what would happen
22 is we would get the tax bill. The tax bill would
23 be sent to us. We would call down there. I
24 think I would talk to Nita or my mom would talk
25 to Nita, and we would split the taxes. So my --

1 STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS
2 COUNTY OF CHARLESTON FOR THE NINTH JUDICIAL CIRCUIT
3 CASE NUMBER 2018-CP-10-4284

RECEIVED
Oct 22 2024
SC Court of Appeals

4
5 BONITA STEED and BERNARD STEED,)
6)
7 Plaintiffs,)
8)
9 vs.) Trial
10)
11 ANTOINE HEYWARD, as Personal) September 14,
12 Representative of the Estate of) 2023
13 Robert James Heyward, et al,)
14)
15 Defendants.)

16
17
18
19 Hearing before the Honorable Mikell R.
20 Scarborough, reported by Josie Allen Boehm, Registered
21 Professional Reporter and Notary Public, at 100 Broad
22 Street, Courtroom 2A, Charleston, South Carolina,
23 September 14th, 2023, commencing at 9:41 a.m.
24
25

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1 THE COURT: We're here today for trial in the
2 case of *Steed v. Heyward*. It's a 2018 case, 4284.
3 Ms. Alice Paylor and Will Early here for the
4 plaintiffs.

5 MS. PAYLOR: Correct.

6 MR. EARLY: Good morning, Judge.

7 THE COURT: Ms. Karen DeJong here for the
8 defendant, Mr. Heyward.

9 I have had a chance to review the file. I
10 happened just to walk in this morning with Bentley
11 Price and said I'm trying one of your cases today, and
12 he remembered it because you always remember it when
13 you get reversed. Apparently he previously had
14 granted a summary judgement motion that went up on
15 appeal.

16 Court of Appeals has reversed it and remanded
17 it back for trial, which is what we're here for today.
18 And so that's what we will be trying.

19 I have reviewed the Court of Appeals'
20 opinion, the memoranda that got submitted to the Court
21 at that time, and I have received from the plaintiff a
22 pretrial brief.

23 And I appreciate that. That's very helpful
24 to me. And I assume you're relying on your brief.
25 Looks like the one they sort of adopted. Anyway, we

1 got that done.

2 Just some housekeeping matters. I want to
3 get started this morning. I typically run lunch
4 anywhere between 12:00 and 1:00 I like to break,
5 figure out where a natural break is. I know that
6 there are -- and I'm trying to make sure I'm clear.
7 There are two or four plaintiffs at this time?

8 MS. PAYLOR: Four.

9 THE COURT: There are four? All Steeds,
10 correct?

11 MS. PAYLOR: Yes.

12 THE COURT: Got it. And the other issue had
13 to do with Mr. Heyward and I believe his mother.
14 There was some issue that was percolating about the
15 need for a guardian or a conservator. Has that been
16 resolved or is that something we need to take up?

17 MS. DEJONG: I think it's been resolved. It
18 was before Judge Young, but I had a specific power of
19 attorney recorded at the county office.

20 THE COURT: So Mr. Heyward has power of
21 attorney?

22 MS. DEJONG: Yes.

23 THE COURT: Okay. And, Ms. Paylor, does that
24 satisfy what your concerns are?

25 MS. PAYLOR: Yes, sir.

1 THE COURT: And it went up on appeal but it
2 didn't address it. They said it was something you
3 were working on. I want to make sure we got everybody
4 that we need before the Court. That's my big issue.

5 MS. PAYLOR: They let us know she was
6 incompetent and would not be a witness. So that was
7 my concern. If she was going to be a witness, I
8 wanted to take her deposition.

9 THE COURT: All right. Very good. And then
10 I think we're ready for trial, but I always ask if
11 there are any motions that we need to take up before
12 we start.

13 MS. PAYLOR: None from the plaintiff.

14 MS. DEJONG: No, Your Honor.

15 THE COURT: All right. Very good.
16 Plaintiffs have four witnesses?

17 MS. PAYLOR: We're going to call two.

18 THE COURT: Two? Okay. Very good.

19 MS. PAYLOR: And they're all -- they all have
20 the same story basically.

21 THE COURT: Okay.

22 MS. DEJONG: Just Mr. Heyward.

23 THE COURT: And then y'all had submitted some
24 proposed excerpts from Mr. Heyward's deposition I
25 think as part of your case; is that right?

1 MS. PAYLOR: Correct.

2 THE COURT: All right. I think we're ready
3 to go.

4 The facts, as I understand it, are fluid. So
5 the evidence will be what the evidence comes into
6 evidence today. Okay?

7 All right. Any other matters to take up? If
8 somebody needs a break at any time, just let me know.
9 Our water machine is out back there, but if we run out
10 of water, we can find some more water. Sometimes they
11 get a dry mouth up there.

12 All right. Anything you would like to add
13 before we start, Ms. Paylor?

14 MS. PAYLOR: No, Your Honor. Do you want us
15 to read these excerpts in or are you just going to
16 read them?

17 THE COURT: I can read.

18 MS. PAYLOR: I thought you could.

19 MR. EARLY: Judge, I have a copy of the full
20 transcript, however you want it.

21 THE COURT: All I need to read is what you
22 want me to read.

23 MR. EARLY: All right. I'm going to hand
24 that up and give Ms. DeJong a copy. This is the
25 designated testimony. I don't know that we need to

1 mark it as an exhibit.

2 THE COURT: And the other thing I have -- I
3 always ask my court reporter to pre-mark the exhibits.
4 I have a plat from the plaintiffs and looks like five
5 different documents on the defense side. Have those
6 been premarked or do we need to mark those?

7 MS. DEJONG: They're marked.

8 THE COURT: Okay. Very good. All right.
9 Ms. Paylor?

10 MS. PAYLOR: Thank you, Your Honor. I'm
11 going to call Bernard Steed.

12 BERNARD STEED, having been duly sworn to tell
13 the truth, the whole truth, and nothing but the truth,
14 was examined and testified as follows.

15 THE COURT: Please have a seat. And when you
16 get comfortable, if you would, sir, give us your full
17 name and address.

18 WITNESS: My full name is Bernard Taskman
19 Steed, T-A-S-K-M-A-N.

20 THE COURT: All right.

21 WITNESS: I used to reside at 516 Bank
22 Street.

23 THE COURT: And that's 29464?

24 WITNESS: Correct.

25 DIRECT EXAMINATION

1 BY MS. PAYLOR:

2 Q. Good morning, Mr. Steed.

3 A. Good morning.

4 Q. Have you ever been a witness or testified in
5 this matter before?

6 A. No, ma'am.

7 Q. Well, the way it's going to work, I'm going
8 to ask you questions. You're going to respond based
9 on your memory as true and correct and accurate as you
10 can. You're under oath. And then Ms. DeJong is going
11 to ask you some questions and the judge may ask you
12 some.

13 You have already stated your name. When were you
14 born?

15 A. I was born on August 23rd, 1966.

16 Q. Okay. And when did you start living at 516
17 Bank Street?

18 A. Pretty much, I lived there all my life. When
19 I was born, I was sick. And my parents lived in
20 Awendaw. So my grandmother and great grand took care
21 of me.

22 Q. Who lived at 516 Bank Street in 1966?

23 A. Me, my grand mom, and my great grand.

24 Q. And your great grandmother was Louise
25 Heyward?

1 A. Correct.

2 Q. And what was your grandmother's name?

3 A. Erlene Walker.

4 Q. And then what was your mother's name?

5 A. Alethia Steed.

6 Q. So at some point, did your whole family move
7 to 516 Bank Street?

8 A. They sure did.

9 Q. And what happened? Why did that happen?

10 A. My dad had an accident on Christmas Day and
11 he died 1966 Christmas Day. So my grandmom moved the
12 entire family onto Bank Street with her so she could
13 take care of them and then my mom added the whole back
14 house to the property.

15 Q. So when you say your mom added a home, was
16 there a new structure built there?

17 A. Correct.

18 Q. And who lived in that?

19 A. My other brother and my one sister.

20 Q. So how many brothers did you have?

21 A. I have five brothers and one sister.

22 Q. So there's seven in all?

23 A. Correct.

24 Q. Have you or your siblings ever not lived at
25 516 Bank Street since 1966?

1 A. No, ma'am, not at all. We always lived --
2 our home -- that's our house and that's how we know
3 it, just where we live.

4 Q. Did you always understand that that was your
5 house?

6 A. Correct. Correct. Even growing up with my
7 grandmom, she always made that clear.

8 Q. She always made that clear?

9 A. That this was our house. The Steeds'
10 residence right here. That's where she wanted us to
11 maintain.

12 Q. And I'm going to show you what's been marked
13 as Plaintiffs' Exhibit 1. Have you seen that before?

14 (PLAINTIFFS' EXHIBIT 1 WAS ADMITTED INTO
15 EVIDENCE.)

16 A. Yes, I have.

17 Q. Did your mother give that to you?

18 A. She never gave me one but I thought -- I knew
19 one was there somewhere.

20 Q. Did she give it to your sister Bonita?

21 A. More likely, she did.

22 Q. And who does this show as owning the
23 property?

24 A. Alethia Steed, my mom.

25 Q. And that was your mom?

1 A. Correct.

2 Q. Did you believe -- this was dated 1998, is
3 that correct, on the left-hand, bottom corner?

4 A. I see it, September 18.

5 Q. And was your mom still alive at that time?

6 A. Yes, ma'am, she was.

7 Q. And when did your mom die?

8 A. I'm not sure the right date but I would say
9 she been deceased now about 18 to 20 years or so.

10 Q. Did she die before your great grandmother
11 died?

12 A. No. Yeah. Yeah. She did. She did.

13 Q. And your grandmother died before your great
14 grandmother died, correct?

15 A. Correct.

16 Q. Do you know when your great grandmother died?
17 Was it 2000?

18 A. Should have been, yes, ma'am. She stayed
19 with me. Two of us lived in that house, so yes.

20 Q. Okay. So tell me about living there when
21 your great grandmother was alive.

22 A. Well, my grandmother had me spoiled. Like I
23 said, I was kind of sick. But then as I got older, I
24 kind of got a little better and started playing sports
25 and stuff. I tried to go to school.

1 So my grandmother just took me as her child. So
2 didn't have to make a bed or anything like that. She
3 just wanted me to go to school and make good grades.
4 Come home every day, first thing she make sure I did
5 my homework and everything before I even can go out or
6 anything. She made sure I got a good education.

7 When my great grandmom died, it was just the two
8 of us. I still recall the day -- the Saturdays when
9 my grandmom used to make coffee and sweet potatoes.
10 She used to stuff 10 or 12 in there for us for
11 Saturday morning and Sunday.

12 I always had to go to church. She always -- she
13 loved church. And if you go to the store on Saturday,
14 you got to make sure you bring my grandmom her
15 watermelon every Saturday in the summertime.

16 Q. If you look at that plat that's marked as --

17 MS. PAYLOR: First of all, I want to move
18 that into evidence. Any objection?

19 THE COURT: It's in evidence.

20 BY MS. PAYLOR:

21 Q. Look at what's been marked as Exhibit 1. So
22 when we look at the piece of property that's in that
23 long rectangle and it shows -- what does it show?
24 Does it show two different buildings there?

25 A. It almost looks like -- it almost looks like

1 a long big building, but it looks like something
2 attached to it also. Attachment.

3 Q. And so how is the building there? Is it two
4 separate buildings?

5 A. Correct.

6 Q. Attached to each other?

7 A. They were attached. And when we were living
8 up -- my grandmom had a room inside where we can go
9 from house to house in case the weather is bad. We
10 didn't have to go outside or anything.

11 And my mom used to work a lot, so our grandmom
12 used to take care of all the kids. So that was the
13 place we had to go to eat, right next door.

14 Q. Who lived in the back, newer section that
15 your mom built?

16 A. My brothers and my sister and my mom.

17 Q. And who lived in the front?

18 A. My grandmom, my great grandmom and I did.

19 Q. And you did?

20 A. Yes, ma'am.

21 Q. Okay. Did you know Robert Heyward?

22 A. I sure do.

23 Q. And he was your uncle?

24 A. Correct.

25 Q. What did y'all call him? Did you have a

1 nickname for him?

2 A. We called him Coco.

3 Q. How often would Coco be at 516 Bank Street
4 when your great grandmother was alive?

5 A. If I can think, he wasn't there that often.
6 He came -- even at the -- so, I mean, use the year
7 2000. He might have been there two times probably
8 max.

9 I remember the time I bought my boat in 2000, and
10 I used to take my grand and Uncle Coco fishing, and he
11 might have been here maybe twice.

12 And I can't remember -- because he would love to
13 fish, and I can't recall him ever being there. If he
14 ever even came here, they would call him and say,
15 Bernard, is it all right for me to come visit your
16 house this weekend? Is it all right?

17 And then I would tell them not this weekend is
18 not a good week because I probably won't be there.
19 And my grandmother, she was up in age but she had her
20 ways about herself. She didn't want certain people in
21 her house and whatever.

22 She had things where she knew -- she didn't want
23 nobody to go in her room other than me. So I always
24 try to make sure I was there.

25 Q. So did he come more when your great

1 grandmother was alive, Coco?

2 A. Yeah. But like I said, not too often. I
3 mean, to be frank, my grandmother didn't care for him
4 too much. She used to tell me that when we used to
5 dine at the table and drink coffee. That was our
6 Saturday and Sunday thing before we get our day going.

7 Q. And after she died, that was in 2000, has he
8 been back? Did he come back?

9 A. Again, if he had been to that property, it
10 hadn't been no more than two times that I can even
11 recall because I lived there all my entire life. If
12 anyone was there, I should know it.

13 Q. And did he call you if he wanted to come?

14 A. Correct. He would call and say, Bernard, is
15 it all right if I come this weekend to visit your
16 house? And I would say, you know, this weekend might
17 be good but, you know, I would have to look and check
18 and make sure I'm not doing something. At that time,
19 I was trying to go and do stuff, you know, so sometime
20 I wouldn't be home or whatever.

21 Q. So at some point, did Coco get ill?

22 A. Yeah.

23 Q. Did he get dementia?

24 A. Yes, ma'am.

25 Q. Did he come to 516 Bank Street after?

1 A. No, ma'am.

2 Q. And do you remember, did he come after 2008?

3 A. No, never. I would say never to my
4 knowledge, you know.

5 Q. He did not come?

6 A. Not that I can even remember. The last time
7 I saw him was in 2000.

8 Q. Did he ever tell you that he owned that
9 property?

10 A. Nope. He never did. Never did once claim
11 ownership to that property. And like I said, if he
12 even came, he would always call me and ask my
13 permission if he could stay on the property.

14 Q. Who maintained the property?

15 A. I did.

16 Q. Tell the Court what you did over the years to
17 maintain the property.

18 A. As my grandmother was getting old, I made
19 sure I paid all of the light bills. I paid all of the
20 insurance. I paid taxes on the house.

21 I upkeep the house. When my grandmother was
22 getting old, I even have to add on a washroom onto the
23 outside so when people come and take care, care
24 people, they can have a place to wash her clothes and
25 her bed linen and stuff like that.

1 I put a new central unit in that house. I
2 remember the first time -- my grandmom died when she
3 was 101 years old. The first time I put air
4 conditioning in the house, my grandmother said to cut
5 it off because she was too cold. She didn't really
6 care for it.

7 I put hardwood floors in that house. I put
8 new Sheetrock. I tore out the whole inside. I put
9 new cabinets, new shower. I redid the whole entire
10 thing to help my grandmother and myself when, you
11 know, I started working and got out of college.

12 THE COURT: And you're referring to Erlene
13 Walker?

14 WITNESS: Erlene was my grandmom. I'm
15 referring to Louise Heyward.

16 THE COURT: Louise Heyward? And she was
17 actually your great grandmother?

18 WITNESS: Correct.

19 THE COURT: She lived to be 101?

20 WITNESS: Yeah.

21 MS. PAYLOR: She outlived her daughter and
22 her granddaughter.

23 BY MS. PAYLOR:

24 Q. So over the years, did Coco pay for any of
25 that maintenance?

1 A. No, ma'am.

2 Q. Who paid for it?

3 A. I did. I never received a penny nor was I
4 asked nor were they even asked to give a penny. Why
5 should they? That was my house. I was responsible
6 for taking care of something that belonged to me.

7 Q. Did Robert "Coco" ever do anything like a
8 normal owner would do? Did he mow the lawn or clean
9 up? Did he repair anything?

10 A. No, no, no.

11 Q. So who did that?

12 A. I did that. I did that. I even put out, I
13 mean, a sprinkler system on the outside of the house
14 and put new sod down in the yard and everything. I
15 did all of that, the maintenance around the house. I
16 even painted the outside of the house.

17 Q. Did you put a new roof on it?

18 A. Correct. I sure did. I put a roof on both.
19 We had a leak. Since I was doing it one side, I said
20 might as well do the whole thing. And even when the
21 tree fell in the back, you know, I got that cleaned
22 up.

23 Q. I believe you testified that you had
24 insurance on the house.

25 A. Yes, ma'am.

1 Q. And that's in your name, correct?

2 A. Correct.

3 Q. And have you paid taxes on the house?

4 A. Yes, ma'am.

5 Q. And when did you pay the taxes? How do you
6 know to pay them?

7 A. I just know the end of the year, tax season,
8 I always go down to the Lonnie Hamilton building over
9 there and I just -- you know, whenever I think it's
10 due.

11 And the lady will tell me it hasn't come out yet
12 and it will be due on such and such date like the 18th
13 or the 20th. So I just know I'm going to go there and
14 check as soon as it comes out. All those bills, I
15 still pay it right then.

16 Q. Since your grandmother died in 2000, who's
17 lived at 516 Bank Street?

18 A. Me and my sister and my brothers.

19 Q. Has anyone else ever told you -- has anyone
20 ever told you that you did not own the house?

21 A. No, ma'am. No one never told me I didn't
22 live there.

23 Q. And up until after Robert "Coco" died, did
24 anyone tell you that you should pay rent on the house?

25 A. No, ma'am. Why should they when I own the

1 house?

2 Q. And during his life, did Robert Coco ever
3 tell you that he owned the house and he was allowing
4 you to stay there?

5 A. Never. He never did. Never. Entire life,
6 however old he lived to be.

7 Q. When you talked to him on the phone and he
8 wanted to come down, did he call it his house or did
9 he call it your house?

10 A. He called it my house. He always was firm.
11 Is it all right for me to come to stay at your house
12 this weekend at whatever date that he wanted.

13 Because he knew the majority of the time I had to
14 pick him up from the airport and take him back anyway.
15 So he always called and make sure that date was
16 available for me.

17 Q. Did he have a key to the house?

18 A. No.

19 Q. When he died, did you hold a service or
20 repass for him at your house?

21 A. They had the repass at my house, at my house
22 on Bank Street.

23 Q. Okay. And how did that come about? Did
24 somebody call and ask permission?

25 A. Aunt Gladys called and said would it be all

1 right to have the repass at your house, and I said,
2 yes, that would be fine.

3 Q. And Aunt Gladys is Ruby, correct?

4 A. Correct.

5 Q. Okay. Ruby Heyward. It's hard to keep
6 track, but Aunt Ruby was Aunt Gladys. And she was
7 Antoine's mother, correct?

8 A. Correct.

9 Q. Did your or your siblings ever ask Robert or
10 Antoine to pay for any of the improvements you were
11 making at the house?

12 A. No, ma'am.

13 Q. Did they ever offer to pay to replace
14 appliances or to make repairs or anything like that?

15 A. No, ma'am, they never did.

16 Q. Did any of them ever mow the lawn?

17 A. No. They never even washed dishes.

18 Q. Did Robert Heyward ever reside in or occupy
19 516 Bank Street after his mother died in 2000?

20 A. No, ma'am, he never did. I lived there by
21 myself when she died.

22 Q. And have you or your siblings lived
23 continuously at 516 Bank Street from the time that
24 Louise Heyward died to the present?

25 A. Yes.

1 Q. Has anyone else lived there?

2 A. No, ma'am. Just family, brothers.

3 Q. After 2008, did Robert Heyward ever visit the
4 property?

5 A. No, ma'am. Never did.

6 Q. After your great grandmother died, did Robert
7 Heyward know that you and your siblings were living at
8 516 Bank Street?

9 A. Yes, he did.

10 Q. Did you try to hide the fact that you were
11 there from him?

12 A. Oh, no.

13 Q. Did you hide from him that you were making
14 improvements to the house?

15 A. No, sure didn't.

16 Q. Would you have made improvements if you
17 didn't own the house?

18 A. I wouldn't have made improvements if it
19 wasn't my house. I don't see anyone putting money
20 into something that isn't theirs.

21 Q. Did Robert Heyward, after Louise Heyward
22 died, did he do anything to act as an owner of 516
23 Bank Street?

24 A. No, he did not.

25 Q. Did he ever buy any furniture for the house?

1 A. No, ma'am.

2 Q. Did he act like an owner or did he act like a
3 guest when he was there?

4 A. Definitely a guest. He wasn't an owner. He
5 would call me and ask if it was all right to come.

6 Q. And did Robert Heyward know that you were
7 doing all of the things that an owner would do?

8 A. Yes.

9 Q. Did he ever claim to you that he owned 516
10 Bank Street?

11 A. Never did, no.

12 Q. When was the first time that you learned that
13 Antoine Heyward claimed that he owned the house?

14 A. I guess four or five years ago now that he
15 thinks he owns it. I told him he didn't.

16 Q. And what was your reaction?

17 A. I told him only thing you know about Mt.
18 Pleasant is Chicago. So wherever you live in Chicago,
19 I think that's where you reside and that should be
20 your residence, not here at 516 where I have lived all
21 of my entire life.

22 Q. So you didn't agree with him that he --

23 A. No. No. I don't know where he lives in
24 Chicago. I never visited. That's his house.

25 Q. Did you rely on your ownership of this

1 property when you made the improvements that you have
2 made?

3 A. Yes, ma'am.

4 Q. Did you rely on your ownership of this
5 property when you paid for the insurance?

6 A. Yes, I did.

7 Q. Did you rely on your ownership of the
8 property when you paid the taxes?

9 A. Yes, I did.

10 Q. Did you rely on your ownership when you
11 bought and installed appliances?

12 A. Yes, I did.

13 Q. Would you have paid for these things if you
14 did not own the property?

15 A. No, I would not.

16 Q. And Robert Heyward knew you were maintaining
17 the property, correct?

18 A. Correct. He knew I lived there in my house.

19 Q. Did he ever tell you that you did not own the
20 property?

21 A. No, ma'am.

22 MS. PAYLOR: Those are all the questions I
23 have, Your Honor. Thank you.

24 CROSS EXAMINATION

25 BY MS. DEJONG:

1 Q. Do you have the plat in front of you?

2 A. Yes, ma'am.

3 Q. You testified that Alethia Steed is your
4 mother.

5 A. Correct.

6 Q. And that this plat was prepared in 1998?

7 A. (nodding) yes, ma'am.

8 Q. Court reporter has to take your testimony.

9 A. Yes, ma'am. That's what I'm reading from.

10 Q. You also testified that Louise Heyward is
11 your grandmother.

12 A. Great grandmother.

13 Q. And that she wanted the Steeds to have her
14 property.

15 A. Wanted us to live there, to maintain that
16 place.

17 Q. This is Louise?

18 A. Correct.

19 Q. All right. When did Louise Heyward pass
20 away?

21 A. 2000.

22 Q. Did she leave a will where you, the Steed
23 family, were to receive 516 Bank Street?

24 A. No, ma'am, she didn't leave a will for
25 anyone.

1 Q. During her lifetime, did she ever give the
2 Steeds a deed to 516 Bank Street?

3 A. I'm sure she probably gave one to my mom.

4 Q. This plat is not recorded. Do you know why
5 it wasn't recorded with the Charleston County Register
6 of Deeds?

7 A. I can't answer that. My great grandmother
8 couldn't write. So I'm not sure. I can't answer
9 that.

10 Q. When I say the Steeds, I'm talking about --
11 let's talk about you and your siblings. Name your
12 siblings that are part of this action.

13 A. Bonita, my sister; Ernest, my brother; and
14 Robert, my brother.

15 Q. All right. And do you know why Louise deeded
16 the property over to Robert Heyward?

17 A. No. I can't answer that. I can't say she
18 did.

19 Q. All right. In regards to the taxes, you told
20 the Court that you pay the taxes and you actually go
21 to the treasurer's office and pay.

22 A. Uh-huh.

23 Q. But when Louise died, who was paying the
24 taxes?

25 A. When Louise died, at one point -- no. One

1 point, my aunt used to pay a portion and I used to pay
2 a portion.

3 Q. Aunt?

4 A. Ruby Heyward. And after a while, I just
5 start paying the whole thing. I just didn't rely on
6 her. I knew she was getting up in age so I started
7 paying the whole taxes myself.

8 Q. So Louise died in 2000. Who paid the real
9 estate taxes from 2000 to now if you can give me the
10 years?

11 A. I can't -- probably me. I would say me. If
12 you go back and look, you see my name there somewhere.

13 Q. Did you pay by cash or by check?

14 A. Check.

15 Q. Did you bring any canceled checks to the
16 trial today?

17 A. No, I didn't.

18 Q. Did you bring any proof of payment that you
19 paid those taxes?

20 A. I'm sure my lawyer has it.

21 Q. Were the tax bills from 516 Bank Street
22 mailed to your house?

23 A. No. Remember, I stated that I would go down
24 to the -- what's the name of the place again? The
25 Lonnie Hamilton building, and I would pay it myself.

1 Q. Well, we're talking about a period of 23
2 years. I'm asking were the tax bills sent to your
3 house?

4 A. Were they sent to 516 Bank Street? No. I
5 went in to pay it myself.

6 Q. Okay. And do you have any tax receipts
7 showing that you paid the taxes?

8 A. I'm pretty sure I do.

9 Q. Did you bring them today?

10 A. No, ma'am.

11 Q. You said you paid taxes with Ruby Heyward.

12 A. Repeat that.

13 Q. You said some years, you paid taxes with Ruby

14 --

15 A. Back in -- I don't know. Might have been in
16 1999. I'm not sure of the correct date, but I know I
17 have given her -- when I was younger when my grandmom
18 was living probably, I probably paid my half and
19 Robert Heyward probably paid the half for his mom.

20 After that, I don't think I received any money
21 from them for that property.

22 Q. Why were you paying half of the taxes? Is
23 that because the Heywards said if you're going to live
24 in the house, you have to pay something?

25 A. No, ma'am. It just -- it was just some type

1 of agreement we had -- Robert had -- I guess he just
2 had with his mom that he would take his mom's money
3 and pay half of the insurance.

4 Q. What mom?

5 A. Robert Heyward's mother.

6 Q. Who is his mother?

7 A. Louise Heyward.

8 Q. And she died in 2000.

9 A. And I stayed there after 2000. I paid the
10 taxes myself.

11 Q. And did anybody else contribute to paying
12 those taxes?

13 A. No, ma'am.

14 Q. I highlighted to make it easier for you to
15 read that. What's the first page say? Looks like a
16 copy of an envelope.

17 A. It's an envelope.

18 Q. And in the left-hand top corner, it's from
19 who?

20 A. It's from me.

21 Q. Right. And it's addressed to who?

22 A. Ruby Heyward.

23 Q. And the date of this envelope is?

24 A. 16 December 2013.

25 Q. 2013. And if you flip it over, do you see

1 where you made a payment to Ruby Heyward?

2 A. Correct.

3 Q. And what was the amount of the check?

4 A. Twenty one thirty six.

5 Q. And that check represents your portion of the
6 real estate taxes?

7 A. I can't say it was a portion or might have
8 been the whole thing. I can't recall.

9 Q. Okay. But you did testify you hadn't paid
10 any taxes with Ruby until after 2000.

11 A. Correct.

12 Q. Well, this is 2013.

13 A. Well, if I send her a cashier check, this
14 might have been the whole thing because it was on her
15 name. So I probably sent her the money so when she
16 got the bill she could probably pay the taxes because
17 it was in her name.

18 Q. Why would you send \$2,000 to her? For the
19 use of the house, correct?

20 A. No, ma'am.

21 MS. DEJONG: I'd like to move this into
22 evidence.

23 (DEFENDANTS' EXHIBIT NUMBER 6 WAS MARKED AND
24 ADMITTED INTO EVIDENCE.)

25 BY MS. DEJONG:

1 Q. Did Robert Heyward grow up in that house at
2 516 Bank Street?

3 A. No, ma'am. Robert Heyward didn't even know
4 that house existed.

5 Q. Did there come a time when Antoine Heyward
6 sought to collect rent from you, you and your
7 siblings?

8 A. He never called me for rent.

9 Q. Are you aware of any attempts by him to
10 collect rent from you and your siblings?

11 A. No, ma'am. Why would I pay him rent?

12 Q. Well, you paid the taxes.

13 A. Rent and taxes two different things.

14 Q. In regards to replacing the roof and any
15 repairs or maintenance, did you bring any receipts,
16 invoices, photos, anything today to support your
17 testimony?

18 A. No, ma'am.

19 MS. DEJONG: No further questions.

20 REDIRECT EXAMINATION

21 BY MS. PAYLOR:

22 Q. I just have a couple of things to clear up.
23 You said Robert Heyward never lived at Bank Street.
24 He didn't even know about it. Explain your answer to
25 that question.

1 A. My answer to that is when my grandmother --
2 when we moved down to Bank Street from Awendaw, my
3 brothers did, my mom added that house onto the back
4 property.

5 My grand uncle, he was a fisherman, South
6 America, whatever. So when they even built that
7 house, my mom, along with her sisters, they built the
8 first part of the house, they had to notify Robert
9 through the -- what they call it -- the Red Cross to
10 notify him that they owned the piece of property.

11 My grandmother bought that property -- from what
12 I can recall from her, she bought that property from
13 Paul Foster in Mt. Pleasant for \$500 back in the day.

14 THE COURT: So just so I'm clear, almost like
15 two houses and one right behind the other?

16 WITNESS: Correct. They're attached.

17 THE COURT: And the front house was the first
18 one built?

19 WITNESS: Correct.

20 THE COURT: And that was built by your great
21 grandmother, Louise?

22 WITNESS: Louise and her daughters.

23 THE COURT: And then the back part was added
24 when you and your siblings moved in there with your
25 mom; is that right?

1 WITNESS: Yes, sir.

2 THE COURT: And that would have been '66 or
3 so?

4 WITNESS: '67.

5 THE COURT: So the first part built, did it
6 exist when your grandmother bought it or did she build
7 it after she bought the lot?

8 WITNESS: She built it after she bought the
9 lot.

10 THE COURT: So early '60s, she built the
11 front and late '60s, you built on the back?

12 WITNESS: Yes, sir.

13 THE COURT: All right.

14 BY MS. PAYLOR:

15 Q. Let's look back at the tax bill. Defendants'
16 6. Look back at that. 2,136 and you said: Pay to
17 the order of Ruby Heyward tax for 516 Bank Street.

18 Was that the entire amount of the tax owed?

19 A. It probably was, I would say.

20 Q. And the next year, you paid 2,216 to Ruby
21 Heyward; is that correct?

22 I'm going to show you this document.

23 A. Okay.

24 Q. Is that a check to Ruby Heyward?

25 A. Yes.

1 Q. And it's about the same amount?

2 A. Correct.

3 Q. Okay. We can burn you a copy if you need it.
4 This will be Plaintiffs' Exhibit 2.

5 (PLAINTIFFS' EXHIBIT NUMBER 2 WAS MARKED
6 AND ADMITTED INTO EVIDENCE.)

7 Q. Do you know why Ruby Heyward was getting the
8 tax bill?

9 A. Long time ago, my mom wasn't good at paying
10 bills. So I recall my grandmother asking them to make
11 sure she don't lose her property, you know, she
12 thought they might have been better off with making
13 sure the taxes were paid than my mom probably.

14 Q. So Ruby Heyward was making sure the taxes got
15 paid?

16 A. That's it, correct.

17 Q. After your great grandmother asked her?

18 A. Correct.

19 MS. PAYLOR: That's all, Your Honor. Thank
20 you.

21 THE COURT: Okay. Mr. Steed, let me ask you
22 a couple questions. When you said he didn't know that
23 the house existed, the one in the rear --

24 WITNESS: The one in the front also.

25 THE COURT: He didn't know either one of

1 them? You're talking about at the time they were
2 built, correct?

3 WITNESS: Yes, sir.

4 THE COURT: And then you made reference to
5 somebody being a commercial fisherman. Was that
6 Robert?

7 WITNESS: That's correct.

8 THE COURT: And so he spent a lot of time out
9 at sea, gone?

10 WITNESS: Yes, sir.

11 THE COURT: And his home base was out of
12 Chicago; is that right?

13 WITNESS: I'm not sure where it was, but I
14 know he end up -- once he retired from fishing, he
15 reside in Chicago.

16 THE COURT: Okay. But from the time that you
17 can remember, he never lived in that house?

18 WITNESS: No, sir.

19 THE COURT: Okay. All right. You testified
20 that your great grandmother Louise Heyward could not
21 write.

22 WITNESS: Correct.

23 THE COURT: Could she read?

24 WITNESS: She could have. You know, she
25 could have make do.

1 THE COURT: Okay.

2 WITNESS: Yes, sir.

3 THE COURT: But you never saw her write a
4 letter or do anything like that?

5 WITNESS: No, sir. She even signed her name,
6 she would put an X.

7 THE COURT: All right. Do you know who paid
8 the taxes when she was the owner?

9 WITNESS: No, sir.

10 THE COURT: Okay. And then the only other
11 question I had for you, where did you go to school?

12 WITNESS: I went to Wando High School. After
13 I left Wando, I went to College of Charleston. I
14 finished up at Southern Wesleyan. And I recently went
15 back to Trident Tech a few years ago to get a two-year
16 degree in project management.

17 THE COURT: So what do you do today?

18 WITNESS: I work for Charleston Water System.
19 I have been there now for 18 years going on March.
20 And before then, I worked at Charleston Water System,
21 and I did 10 years there prior to going to Charleston
22 Water.

23 THE COURT: Two different companies?

24 WITNESS: Charleston Water and -- I mean Mt.
25 Pleasant Water and Charleston Water. Mt. Pleasant for

1 10 years and Charleston Water for 18.

2 THE COURT: Okay. Where do you go to church?

3 WITNESS: Friendship AME Church.

4 THE COURT: Right around the corner.

5 WITNESS: Yes, sir. Okay. Every Sunday when
6 I was a little boy.

7 THE COURT: All right.

8 WITNESS: Sunday school first.

9 THE COURT: I know where you are. So you're
10 presently with Charleston Water System?

11 WITNESS: Yes, sir.

12 THE COURT: You said 18 years?

13 WITNESS: Yes, sir.

14 THE COURT: All right. Very good. All
15 right. Any follow-up to any of those questions? No?
16 All right. Very good.

17 Thank you, sir. You may step down.

18 Next witness?

19 MR. EARLY: Thank you, Judge. We'll call
20 Bonita Steed. She was one of the plaintiffs as well.

21 THE COURT: Sure. Come on up.

22 BONITA STEED, having been duly sworn to tell
23 the truth, the whole truth, and nothing but the truth,
24 was examined and testified as follows:

25 THE COURT: Thank you. Come on in and have a

1 seat. And when you get comfortable, give us your full
2 name and address, please, ma'am.

3 WITNESS: My name is Bonita Annette Steed.

4 THE COURT: Okay. And your address, Ms.
5 Steed?

6 WITNESS: My address is 2215 Sally Gaillard
7 Lane. I just purchased that home three years ago.

8 THE COURT: Sally Gaillard?

9 WITNESS: Yes.

10 THE COURT: And that's Mt. Pleasant?

11 WITNESS: Yes.

12 THE COURT: And what's that?

13 WITNESS: 29466.

14 DIRECT EXAMINATION

15 BY MR. EARLY:

16 Q. Thank you, Your Honor. Ms. Steed, I'm going
17 to call you Bonita because we're friends. Some people
18 call you Nita, don't they?

19 A. That's correct.

20 Q. The area where you moved is Six Mile Road?

21 A. Yes, sir.

22 Q. But you lived the majority of your life at
23 516 Bank Street?

24 A. I'm 60 years old, sir, and I lived at 516
25 Bank Street for years.

1 Q. And you had the pleasure of being the only
2 girl in the family?

3 A. Yes, sir. I'm the only girl.

4 Q. And you took care of your brothers?

5 A. Yes, I did.

6 Q. You still take care of them today?

7 A. Yes. My mom instilled that in me. I was the
8 only girl and made sure after she died that I was
9 always taken care of and made sure I did the right
10 thing in taking care of my family.

11 Q. And how old are you?

12 A. 60.

13 Q. And how many jobs do you have right now?

14 A. I have two jobs. I'm employed with
15 Charleston Water System for 32 years, and I work at
16 Harris Teeter in Snee Farm by the Isle of Palms
17 Connector. I been there for years.

18 Q. And those two jobs, you work combined five
19 days a week. But three days a week, you're working
20 two jobs?

21 A. I work 70 hours a week, sir.

22 Q. So did you hear your brother Bernard testify?

23 A. Yes.

24 Q. Did you agree with everything he said?

25 A. Everything.

1 Q. Anything he said incorrect?

2 A. Nothing.

3 Q. In 2000 at the funeral we're talking about,
4 the repass was at the house?

5 A. It was at the house. When they called and
6 said that they found --

7 Q. Let me stop you. 2014 funeral is what I'm
8 referring to.

9 A. Okay.

10 Q. Now, was that Mr. Heyward's funeral?

11 A. That's correct.

12 Q. And that's the defendant's daddy?

13 A. That's correct, sir.

14 Q. And there was something at 516 Bank Street
15 there?

16 A. Yes. Alexis called me --

17 Q. And tell the Court who Alexis is.

18 A. Alexis is -- we call him Coco. His name is
19 Robert. It's Robert's niece. And Alexis called me to
20 know if -- when they were coming down for the funeral.

21 Bryan Smith-McNeal had the body. At the time, I
22 think it was on Radcliff Street. Alexis called me and
23 asked if it was okay to have the repass at our house.
24 I told her no problem.

25 Prior to that, she wanted to give me \$500. I

1 told her you don't need to give me no money to pay me
2 to have the repass here. So she said you sure? And I
3 said I'm positive. Okay.

4 Q. And Alexis called you about that, correct?

5 A. Alexis called me, yes.

6 Q. And she offered monetary payment?

7 A. On a monetary payment.

8 Q. And you just told Judge Scarborough she asked
9 if they could have the repass at your house.

10 A. At my house, that's correct.

11 Q. And the term was your house?

12 A. Correct, sir.

13 MR. EARLY: Okay. Thank you. That's all I
14 have right now.

15 CROSS EXAMINATION

16 BY MS. DEJONG:

17 Q. May I call you Bonita?

18 A. Yes.

19 Q. Can you tell me why Ernest Steed and Robert
20 Steed aren't here today?

21 MS. PAYLOR: He's right behind you.

22 MS. DEJONG: But he's not going to testify?

23 MS. PAYLOR: He can.

24 MS. DEJONG: All right.

25 BY MS. DEJONG:

1 Q. Is Robert Steed here today?

2 A. He has a doctor appointment at the VA.

3 Q. I had asked your brother Bernard about the
4 plat. Is it your position as well that that plat that
5 your mother drew up on September 18th, 1998 --

6 A. My mother gave me --

7 MS. PAYLOR: Object to the form.

8 Q. Let me finish the question.

9 Alethia Steed, is that your mother?

10 A. Yes, it is.

11 Q. She hired somebody to create this plat?

12 A. My mom gave it to me, yes.

13 Q. So is it your position that you and your
14 siblings are legal owners of the property because of
15 this plat?

16 A. That's correct.

17 Q. And it's an unrecorded plat?

18 A. Uh-huh.

19 Q. Do you know why it was never recorded with
20 the Charleston County Register of Deeds?

21 A. I can't answer that. My mom gave it to me.
22 She told me everything that I needed to know as time
23 went on by me being the only girl.

24 Q. During Louise's lifetime, who paid the real
25 estate taxes?

1 A. My grandmother paid and my mom paid the taxes
2 together.

3 Q. Did you bring any evidence of that?

4 A. I sure don't.

5 Q. After Louise passed away, Robert -- well,
6 even before she passed away when Robert Steed received
7 title to the property, did he ask you to contribute to
8 the real estate taxes?

9 A. No. My grandmother and my mother always paid
10 the taxes on 516 Bank Street.

11 Q. All right. But then six months, a year after
12 this plat when Robert Steed was given the deed from
13 Louise, did he ask you at that point to start
14 contributing to real estate taxes?

15 A. But it wasn't a question of contributing. My
16 mother always helped pay the taxes because she reside
17 there.

18 Q. Okay. But when did she pass away?

19 A. I'm pretty sure my mother died in 1998.

20 Q. Okay. So that's about the same -- right
21 after she did the plat then?

22 A. Well, I have it in my paper. I think -- my
23 mother died in 2000. I think it was 2000.

24 Q. All right. Well, Robert Heyward, when he
25 received the deed from his mother Louise in 1999, did

1 he then ask you to start, you and your siblings, to
2 start contributing to the real estate taxes?

3 A. No. We always -- it wasn't --

4 Q. Just answer my question.

5 A. No.

6 THE COURT: And now you can explain.

7 A. Okay. The reason we never -- he never
8 asked -- we call my great grandmother "Momma." He
9 never asked Momma to help pay taxes because my
10 momma -- we call my momma "Sister." Her nickname was
11 Sister. Her real name was Alethia Steed. She never
12 made us call her Momma, which is fine.

13 So my mother and my grandmother always paid the
14 taxes. So it wasn't a option to ask my momma to pay
15 the taxes; she did that.

16 Q. After your mom passed away in 2000 --

17 A. I think 2000.

18 Q. -- did you pay the real estate taxes?

19 A. Bernard paid the real estate taxes.

20 Q. And did the tax bill come to your house?

21 A. No. The tax paper, after a period of time,
22 my grandmother wanted the tax papers to go to Coco in
23 Chicago.

24 WITNESS: I can tell you the whole story,
25 sir.

1 A. Grandmomma wanted the taxes to go to Chicago
2 for verifying to make sure the taxes get paid so Coco
3 could know the taxes was paid. Grandmomma and my
4 momma, Sister, paid the taxes in Charleston. And at
5 that time, that's why the tax papers always went to
6 Chicago.

7 And after that, after Grandmomma died, Bernard
8 paid the taxes and the insurance and all of that
9 stuff. We had to contribute because we lived there.
10 So it was always the division of how many people was
11 there was divided into four people. So four people
12 had to pay the taxes. Four people had to pay the
13 insurance.

14 So Bernard's obligation was as being the person
15 that handled the money. Because, you know, you got
16 certain people handle the money. So Bernard was the
17 type of person that took ownership of that.

18 Q. Did Robert Heyward pay any money toward the
19 real estate taxes?

20 A. No, he didn't. Because --

21 Q. And why did your grand -- was it Louise?

22 A. Yes.

23 Q. Why was it that Louise wanted the tax bills
24 sent to Robert Heyward who we know as Coco?

25 A. She wanted the tax paper to go there.

1 Q. What was the reason? Why?

2 A. I don't know that. All Grandmomma want was
3 the tax papers to go there. But the tax was always
4 paid here.

5 Q. Did you bring any proof of payment of those
6 taxes?

7 A. No, ma'am.

8 Q. Do you have any tax receipts?

9 A. No, ma'am.

10 Q. Did you ever receive money from Robert
11 Heyward --

12 A. Never.

13 Q. Let me finish my question so the court
14 reporter can take it down.

15 Did you ever receive any money from Robert
16 Heyward as contribution for the real estate taxes?

17 A. Never. We decided why take money from them?
18 They don't live here. We live here.

19 Q. Could you please identify that? I
20 highlighted it to make it easier for you.

21 A. Paid to the order of the Steed family.

22 Q. Payable to who?

23 THE COURT: First, let's identify it. What
24 are we talking about here? Is this a proposed
25 exhibit?

1 MS. DEJONG: Proposed exhibit.

2 THE COURT: All right. So this would be 3, I
3 think?

4 MR. EARLY: Defendants' Number 7.

5 THE COURT: All right. Hold on. All right.
6 And can you tell me what it is?

7 MS. DEJONG: It's a money order.

8 BY MS. DEJONG:

9 Q. Is this a money order from December 15th,
10 1999?

11 A. Yes.

12 Q. And it is signed by who?

13 A. It is signed by Robert and Ruby Heyward.

14 Q. And it's made payable to?

15 A. The Steed family, Bonita.

16 Q. It says: From Robert Heyward, your excess
17 portion.

18 Is that in regards to the real estate taxes?

19 A. I guess if that's what it says, your excess
20 portion.

21 Q. Okay. But I thought you said he didn't pay
22 anything toward taxes.

23 A. I don't remember. I really don't remember
24 this right here.

25 MR. EARLY: It doesn't say anything about

1 taxes on this document.

2 MS. DEJONG: She just testified that it was.

3 MR. EARLY: Well, she didn't. But it doesn't
4 say anything about taxes.

5 THE COURT: Objection is made. Are you
6 offering it into evidence?

7 MS. DEJONG: Yes. Let me ask one more
8 question.

9 THE COURT: Lay some foundation.

10 MS. DEJONG:

11 Q. The check is in the amount of \$337.65,
12 correct?

13 A. That's what it says, yes, ma'am.

14 Q. And what do you think that amount
15 represented? What kind of payment was it?

16 A. I don't know. I never received -- I got good
17 memory, and I don't remember this amount.

18 Q. Okay. All right.

19 MS. DEJONG: I would move to admit it into
20 evidence.

21 THE COURT: Okay.

22 MR. EARLY: I don't have a problem with the
23 admission, Your Honor, with my objection recited.

24 THE COURT: I'll allow it, then.

25 But you don't have any recollection of it?

1 WITNESS: No, sir.

2 (DEFENDANTS' EXHIBIT NUMBER 7 WAS MARKED AND
3 ADMITTED INTO EVIDENCE.)

4 BY MS. DEJONG:

5 Q. When did it come to your attention that the
6 Heywards were seeking to collect rent?

7 A. I have never received a phone call or
8 anything for rent.

9 Q. So did Robert Heyward during his lifetime
10 ever ask for rent?

11 A. No, ma'am. He never asked for rent.

12 Q. He had title to the property. Did he allow
13 you to remain there in exchange you would pay a
14 portion of the real estate taxes and maintain the
15 property?

16 A. Well, he knew we all --

17 MR. EARLY: Object to the form of the
18 question, Your Honor.

19 THE COURT: Okay. Objection. State the
20 basis.

21 MR. EARLY: Just a form objection.

22 MS. PAYLOR: There's nothing in the evidence
23 for what she's stated in there. There's no
24 background. There's no foundation.

25 THE COURT: Restate your question because I

1 got lost on it.

2 MS. DEJONG: I've already asked -- I've
3 already told -- okay.

4 BY MS. DEJONG:

5 Q. Okay. Robert Heyward received the deed from
6 his mother Louise in 1999. From then until he passed,
7 did you pay a portion of the real estate taxes to live
8 there?

9 A. We paid the real estate taxes, yes. But
10 Bernard paid the real estate taxes.

11 Q. And was it in exchange for Mr. Heyward
12 allowing you to live there?

13 A. No. Coco never allowed us -- he just told
14 us -- he never told us that we did not live there. He
15 knew we always lived there all our life.

16 Q. In regards to the maintenance of the house
17 and any repairs, were --

18 A. We always made maintenance and repairs on the
19 house.

20 Q. Was that in exchange for Mr. Heyward to allow
21 you to live there?

22 A. No, ma'am.

23 Q. What year did he pass away?

24 A. I can't remember. You have to ask Antoine
25 that.

1 Q. Okay. You talked about a repass.

2 A. It's called a repass where everybody comes
3 after the funeral and eat and have fellowship. We
4 call it a fellowship.

5 Q. Do you remember what year that was?

6 A. I can't remember the year he passed, but we
7 had the repass at 516 Bank Street.

8 Q. Does 2014 sound about the year he passed
9 away?

10 A. I can't remember the year. Like I said, I
11 would have to -- I knew who had the body. Bryan
12 McNeal at the time was at Radcliff Street here in
13 Charleston.

14 And Alexis, because her and I had a conversation.
15 If I'm not mistaken, she paid for the funeral, which
16 is Coco's niece. She paid for the whole funeral.

17 Q. Were you aware that after Robert Heyward
18 passed away, his only child Antoine Heyward then
19 received a title to property?

20 A. No, ma'am.

21 Q. Did Antoine Heyward ever call you to talk to
22 you about collecting rent?

23 A. I have never had a conversation with Antoine.
24 Antoine and I have never had conversation.

25 Q. Did you ever have a conversation with

1 Antoine's attorney about rent or eviction?

2 A. No, ma'am.

3 Q. When Robert Heyward would come to visit the
4 family, he stayed at 516 Bank Street, correct?

5 A. Yeah, because he had dementia.

6 Q. Who had dementia?

7 A. Robert Heyward, his father. Coco.

8 Q. When did he have dementia?

9 A. When he come after Grandmomma died, he
10 wouldn't even sometime know who Grandmomma was because
11 he would start slipping and having the dementia.

12 Q. From 2000 to 2014, how often would he come
13 down?

14 A. He never came down.

15 Q. Ever?

16 A. Maybe twice. Like I said, he was losing it.
17 He was having dementia. He needed to have someone
18 around him.

19 Q. Do you have any medical records --

20 A. No, I don't.

21 Q. Are you a medical --

22 A. No, ma'am.

23 Q. -- professional? Did you ever refuse him
24 access to his property?

25 A. Like I said, Bernard --

1 Q. Yes or no.

2 A. No. Bernard stated -- well, he would call
3 Bernard.

4 MS. DEJONG: Okay. No further questions.

5 MR. EARLY: Just briefly, Your Honor.

6 REDIRECT EXAMINATION

7 BY MR. EARLY:

8 Q. Okay. Bonita, Exhibit 7, you have that check
9 in front of you?

10 A. Yes, I do.

11 Q. Does anywhere on that check indicate it has
12 anything to do with a portion of payment for taxes?

13 A. No, sir.

14 Q. And did you see earlier when the amount of
15 the taxes were roughly in excess of \$2,000?

16 A. Uh-huh.

17 Q. Is that right?

18 A. That's correct.

19 Q. And you see what this check is for?

20 A. \$337.65.

21 Q. Does it say anything about 516 Bank Street?

22 A. No, it doesn't.

23 Q. So you don't have a specific memory of
24 getting this check?

25 A. I don't, sir.

1 Q. Could it have been for anything?

2 A. That's right. Like I said, I got good
3 memory.

4 Q. Bonita, finally, since the '60s, have you and
5 your siblings and your parents and grandparents lived
6 exclusively, open, obviously at 516 Bank Street
7 without interruption since that time?

8 A. Never had an interruption.

9 Q. And has Robert Heyward ever told anybody that
10 y'all did not own that property?

11 A. Coco have never told us that. Never.

12 Q. And he was aware that you were at the house,
13 making improvements, doing all those things?

14 A. Yes, sir.

15 MR. EARLY: Okay. Thank you.

16 RE CROSS EXAMINATION

17 BY MS. DEJONG:

18 Q. Did you ever tell Robert Heyward that you
19 were the owners of the property?

20 A. We never -- no. We always knew we were owner
21 of the property because we always lived there.

22 MS. DEJONG: Okay. Thank you.

23 MR. EARLY: Nothing further, Your Honor.

24 THE COURT: Let me take a look at that

25 Exhibit 7. Okay. It references a check one time and

1 a money order and says money order on there.

2 MR. EARLY: I stand corrected. It is a money
3 order.

4 THE COURT: That's all right. And it does
5 have handwriting on it. Dated December 16 of 1999.
6 It's from the Advance Bank in Lansing, Illinois paid
7 to the order of the Steed family, Bonita. So that
8 would be you?

9 WITNESS: Yes, sir.

10 THE COURT: 337.65. And it's signed by
11 Robert and Ruby Heyward. South Muskegan Avenue,
12 Chicago.

13 Okay. And there's some handwriting up in the
14 corner: From Robert Heyward, your excess portion.
15 You just don't have any recollection about
16 that?

17 WITNESS: No, sir.

18 THE COURT: All right. Okay. All right.
19 Help me out on some of these nicknames. All right.

20 Sister was your mother.

21 WITNESS: Her name was Alethia Steed. Yes,
22 sir.

23 THE COURT: And Momma was your great
24 grandmother?

25 WITNESS: Yes, Louise Heyward.

1 THE COURT: And Louise Heyward outlived your
2 mother and your grandmother?

3 WITNESS: Yes.

4 THE COURT: And your grandmother's name again
5 was?

6 WITNESS: My grandmother's name was Erlene
7 Walker.

8 THE COURT: She was a Walker. That's right.

9 WITNESS: Yes, sir.

10 THE COURT: Did she have a nickname, too?

11 WITNESS: No, sir. No, sir.

12 THE COURT: All right. All right. So of
13 those three, who died first?

14 WITNESS: Erlene died first.

15 THE COURT: Okay.

16 WITNESS: And my momma, Sister, died second.

17 THE COURT: And do you remember what year
18 your mom died?

19 WITNESS: I want to say 2000. She died in
20 July. She died on my niece's birthday.

21 THE COURT: Okay.

22 WITNESS: July the 27th -- 28th.

23 THE COURT: Okay. And then Louise lived
24 until?

25 WITNESS: Yeah, Grandmomma died later on.

1 She died a year or two after Sister died. Sister is
2 my mom, Alethia.

3 THE COURT: And then Robert died?

4 WITNESS: Robert died.

5 THE COURT: Robert who?

6 WITNESS: Which is Coco.

7 THE COURT: Okay. Robert Coco.

8 WITNESS: Which is his father.

9 THE COURT: He died shortly after your
10 mother?

11 WITNESS: After his mom.

12 THE COURT: After his mom?

13 WITNESS: Yes, sir.

14 THE COURT: After Momma died, who was a great
15 grandmother?

16 WITNESS: Yes, sir. We call her Momma.

17 THE COURT: Tough family tree here. All
18 right. Just keeping track.

19 Do we know when Louise Heyward died? Do we
20 know what year she died?

21 MS. DEJONG: 2000 for Louise. 2014 for
22 Robert Heyward.

23 THE COURT: Okay.

24 MS. DEJONG: We agreed on it.

25 THE COURT: Okay. All right. Got it.

1 Louise Heyward died in 2000?

2 MS. DEJONG: Yes.

3 THE COURT: All right. So Sister, your
4 mother, died prior to that apparently?

5 WITNESS: Yes, sir.

6 THE COURT: The person that died in July of
7 2000 would have been Louise Heyward?

8 WITNESS: Yes, sir.

9 THE COURT: Okay. All right. So keep
10 circling back. Okay. That was one of things out
11 there for me. Thank you, Ms. Steed. I appreciate you
12 being here.

13 Ms. Paylor, Mr. Early?

14 MS. PAYLOR: We rest our case, Your Honor.

15 THE COURT: All right. Very good. All
16 right. Ms. DeJong?

17 Let's take five minutes and come right back.
18 Let's do that.

19 (Recess from 10:45 a.m. to 10:57 a.m.)

20 MS. DEJONG: We call Antoine Heyward.

21 THE COURT: Come on up.

22 ANTOINE HEYWARD, having been duly sworn to
23 tell the truth, the whole truth, and nothing but the
24 truth, was examined and testified as follows.

25 THE COURT: Thank you, sir. And your full

1 name and address?

2 WITNESS: Antoine Heyward.

3 THE COURT: Your address?

4 WITNESS: 8049 South Muskegan, Chicago,
5 Illinois, 60617.

6 THE COURT: Thank you, sir. Very good. All
7 right.

8 DIRECT EXAMINATION

9 BY MS. DEJONG:

10 Q. Antoine, could you please tell me your age?

11 A. I am 50 years young.

12 Q. What's your education?

13 A. I'm a college graduate from DPU University in
14 Chicago, Illinois.

15 Q. And what is your occupation?

16 A. I am presently an engine motor clerk for the
17 Norfolk Southern Corporation.

18 Q. How long have you been with them?

19 A. I have been there for 18 years.

20 Q. How are you related to Louise Heyward?

21 A. That is my grandmother.

22 Q. Did she own property at 516 Bank Street, Mt.
23 Pleasant, South Carolina?

24 A. That is correct.

25 Q. Do you know what year she died?

1 A. She died in 2000.

2 Q. And is it your mother or father that's
3 related to Louise Heyward?

4 A. My grandmother is my father's mother.

5 Q. And what is your father's name?

6 A. Mr. Robert Heyward.

7 Q. When did he pass away?

8 A. He passed on Wednesday, June 18, 2014.

9 MS. DEJONG: All right. Your Honor, we have
10 already marked Defendants' Exhibits 1 through 5. I
11 would like to move them into evidence.

12 Do you have any objection?

13 MS. PAYLOR: No objection.

14 THE COURT: Without objection. Very good.

15 (DEFENDANTS' EXHIBIT NUMBERS 1 THROUGH 5 WERE
16 ADMITTED INTO EVIDENCE.)

17 BY MS. DEJONG:

18 Q. All right. We had talked about the power of
19 attorney, so just identify that document for me.

20 A. This is called a specific power of attorney.

21 Q. And is it a power of attorney -- who's the
22 power of attorney from? To who?

23 A. It is from -- it is from Ruby Heyward, which
24 is my mother, to me.

25 Q. So does it specify that you're power of

1 attorney over Ruby Heyward for this lawsuit?

2 A. Yes.

3 Q. Was it recorded with the Charleston County
4 Register of Deeds?

5 A. Yes.

6 Q. And when was it recorded?

7 A. Recorded on September 13th, 2019, book 821
8 page 682.

9 Q. Thank you. Let me show you Defendants'
10 Exhibit 2 if you could please identify that document.

11 A. Okay. This is called a deed.

12 Q. It's a deed. Who is it from and who is it
13 to?

14 A. It is from P.A. Foster and J.M. Graham to
15 Louise Brown Heyward.

16 Q. And was it recorded with the Charleston
17 County Register of Deeds?

18 A. Yes.

19 Q. What is the book and page?

20 A. Book and page, book A-72 page 175.

21 Q. And when was it recorded with the Charleston
22 County Register of Deeds?

23 A. It was recorded on 8/2/1960.

24 Q. Here is Defendants' Exhibit 3 if you can
25 identify that document.

1 A. This is called title to real estate. It's a
2 deed title to real estate.

3 Q. Who is it from and to who?

4 A. It is from Louise Brown Heyward to Robert
5 James Heyward.

6 Q. And that's your father?

7 A. That is my father, correct.

8 Q. And is it for property at 516 Bank Street? I
9 forgot to ask you that.

10 A. 516 Bank Street, Mt. Pleasant, South
11 Carolina, 29483.

12 Q. Okay. And was it recorded with the
13 Charleston County Register of Deeds?

14 A. Yes.

15 Q. Can you tell me the date?

16 A. The date was January 13th, 1999, book H-318
17 page 834.

18 Q. All right. You testified -- so we have
19 Robert Heyward receiving the property from Louise
20 Heyward in 1999.

21 A. Yes.

22 Q. And you testified your father passed away in
23 2014?

24 A. That is correct.

25 Q. So if you could identify this document marked

1 Defendants' Exhibit 4.

2 A. All right. This is called a "in probate
3 court fiduciary letters personal representative."

4 Q. Okay. So was your father's estate probated
5 through the Charleston County Probate Court?

6 A. Yes.

7 Q. And the fiduciary letters are dated what
8 date?

9 A. Dated June 12th, 2015.

10 Q. And were you appointed as the personal
11 representative of his estate?

12 A. Yes.

13 Q. All right. During that time that you were
14 the personal representative, did it come about that a
15 deed of distribution was prepared?

16 A. Yes.

17 Q. Did you sign it on behalf of the estate?

18 A. Yes.

19 Q. And here is Defendants' Exhibit 5. Is this
20 the deed of -- the deed of distribution?

21 A. Deed of distribution, correct.

22 Q. And does it convey your deceased father's
23 property to you and your --

24 A. Half interest of Ruby Heyward, half interest
25 to myself, Antoine Heyward.

1 Q. Was it recorded with the Charleston County
2 Register of Deeds?

3 A. Yes.

4 Q. And when was that?

5 A. May 27th, 2016, book 556 page 830.

6 Q. Okay. Thank you. All right. So let's start
7 talking about this case here. And I know that we have
8 established the chain of title.

9 So the deed shows that Louise Heyward received
10 title to the property in 1960. When was your father
11 born?

12 A. May 7, 1927.

13 Q. Okay. Did he ever live at the house with
14 Louise Heyward?

15 A. Yes.

16 MS. PAYLOR: Object to the form. She has to
17 establish a foundation as to how he knew that before
18 he was born, that his father lived at the house.

19 THE COURT: Okay. Yep.

20 BY MS. DEJONG:

21 Q. Based upon -- I've got to think about this.
22 Is it your understanding that your father spent
23 time at the house?

24 A. Yes.

25 Q. At 516 Bank Street?

1 A. Yes.

2 Q. And could you explain why?

3 A. That was his mother's house.

4 Q. All right. And what about this -- do you
5 know if he visited the property?

6 A. Yes.

7 Q. Can you tell me -- let's see what years we
8 want to go for. I think from 2000 until his death in
9 2014, are you aware of times where he left -- does he
10 reside in Chicago?

11 A. Yes.

12 Q. Does he live with you?

13 A. Yes.

14 Q. Has he always lived with you?

15 A. Yes.

16 Q. Or *vice versa*, you live with your parents?

17 A. Yes.

18 Q. Were you aware when he would leave your home
19 in Chicago to travel to Mt. Pleasant to visit with
20 family?

21 A. Yes.

22 Q. And could you tell me from 2000 to 2014 how
23 often he would come down to Mt. Pleasant, South
24 Carolina?

25 A. Every year. Every year.

1 Q. No.

2 A. I'm sorry. Every year.

3 Q. Thank you. And how long would he stay there?

4 A. I mean, he would stay there a month at a
5 time. I mean, it was no limit on when he would stay.
6 Normally he would stay when he would have a vacation.
7 During that time, he was retired. He would stay in
8 the spring, summer.

9 Q. And when we say he's staying there, are we
10 talking about 516 Bank Street?

11 A. 516 Bank Street. He stayed at his mother's
12 house. His house.

13 Q. And then -- all right. And do you know if he
14 was ever refused entry to 516 Bank Street?

15 A. No.

16 Q. Did he ever have to stay in a hotel when he
17 went down to visit family?

18 A. No.

19 Q. Mr. Heyward.

20 A. Yes?

21 Q. Please, I need you to conduct yourself --

22 A. No.

23 Q. -- in a professional manner.

24 A. No.

25 Q. Now, tell me about yourself. Did you ever

1 travel to 516 Bank Street to visit family?

2 A. Yes.

3 Q. And can you just tell me the history of that?

4 A. I started going down there during my grammar
5 school years, seven, eight, nine years old. Went down
6 there with my father to visit family. When I was old
7 enough, I used to go down there by myself without my
8 father. Sometimes he would be down here and come home
9 and I would come down here. So I came down here
10 frequently.

11 Q. Would you stay at the house at 516 Bank
12 Street?

13 A. Yes.

14 Q. And were you always welcomed into the house?

15 A. Yes.

16 Q. After your father passed away in 2014, did
17 you go down to visit the family?

18 A. The last time I was here was for his funeral
19 in 2014.

20 Q. Did the Steeds ever visit your family in
21 Chicago?

22 A. Which Steed?

23 Q. Any of them.

24 A. Well, Bonita has visited maybe two or three
25 times. Ernie was once. And Robert I believe was

1 once.

2 Q. Would you say your family and the Steeds had
3 a close relationship?

4 A. Yes, we were pretty close. We were okay.

5 Q. Do you have nicknames for each other?

6 A. The only nickname I have for one of my
7 cousins, Robert, his name was Choke.

8 Q. What's your dad's nickname?

9 A. My dad's nickname was Coco.

10 Q. You testified that your father received the
11 property in 1999. From that point until he passed in
12 2014, did he pay the real estate taxes?

13 A. Yes.

14 MS. PAYLOR: Object to the form. She needs
15 to lay a foundation of how he knows that.

16 BY MS. DEJONG:

17 Q. Do you know if tax bills were sent to your
18 residence in Chicago?

19 A. Yes.

20 Q. And do you know if these taxes were paid?

21 A. Yes.

22 Q. And how do you know this?

23 A. Because I was the one that took my mother to
24 the bank. She would withdraw the money. We would buy
25 the money order. We'll write it out. We'll send it

1 down to either one of the Steeds or directly to the
2 treasurer's office.

3 Q. Did your father make any payments for the
4 taxes?

5 A. Yes.

6 Q. And how do you know this?

7 A. Because it was his money that we were
8 withdrawing from the bank to pay for these taxes.

9 Q. And were any of these -- to the best of your
10 knowledge, did the Steeds help contribute to the
11 payment of the real estate taxes?

12 A. They paid a portion, yes.

13 Q. And how do you know this?

14 A. Because we would get the tax bill. We would
15 divide it. So sometimes -- let's just make this math
16 simple. We will pay a thousand. They would pay
17 another thousand.

18 Q. Okay. And what's your reasoning as to why
19 they contributed to the real estate taxes?

20 A. Because they were living scot-free.

21 MS. PAYLOR: Object to the form.

22 THE COURT: Overruled. Go ahead.

23 BY MS. DEJONG:

24 Q. So what was the reason as to why they were
25 contributing to the taxes?

1 A. They were living in the house rent-free so we
2 made them pay taxes, and he only let them stay there
3 to maintain the house.

4 Q. Are you aware of any time where they may have
5 refused to pay the taxes?

6 A. Well, you know, when my father passed and I
7 knew that I assumed the property, I called Bonita, and
8 the conversation was not a good conversation. I told
9 her, you know what, things are going to change down
10 there. You're going to have to pay rent.

11 The conversation did not go good. A few
12 expletives were said by her, and it was a hang up. So
13 that was the first time that I spoke to any Steed
14 about paying taxes. It wasn't to Bernard. It wasn't
15 to any of his brothers. It was directly to Bonita on
16 the phone.

17 Q. Okay. And what happened after that
18 conversation? Was a lawsuit filed?

19 A. After that conversation, everything went as
20 it went. And then one day, I come to the doorbell and
21 somebody serves me papers.

22 Q. This is a plat marked Plaintiffs' Exhibit 1.

23 A. Yes, ma'am.

24 Q. Do you recognize this document?

25 A. No.

1 Q. Have you seen it before?

2 A. The first time I saw it was at the
3 deposition. But before that, no.

4 Q. Did the Steeds ever contact you with regards
5 to their claim to the property?

6 A. No.

7 Q. Did the Steeds ever send you that plat at any
8 time before the deposition?

9 A. No.

10 Q. Were you aware that they were making a claim
11 to the property when you went to visit at the house?

12 A. No.

13 Q. If you could identify this document, these
14 documents.

15 A. Yes.

16 Q. What are they?

17 A. These are tax payments.

18 Q. From who?

19 A. From Robert Heyward from the year 2000 to
20 2014.

21 Q. And are these checks, money orders?

22 A. These are money orders.

23 Q. These are the money orders you were talking
24 about when you went to the bank with your parents?

25 A. That is correct.

1 Q. And who are these money orders made payable
2 to?

3 A. County Treasurer.

4 MS. PAYLOR: Your Honor, I object to this.
5 We have never seen these before today. They were not
6 produced, and I don't believe she is allowed to bring
7 them out today. We asked for documents many, many
8 years ago.

9 THE COURT: Y'all did formal discovery, I'm
10 certain.

11 MS. PAYLOR: Yes, sir.

12 MS. DEJONG: I just received these this week.
13 So it wasn't -- this is in essence newly discovered
14 evidence. I just received them.

15 I can use these to refresh his recollection.
16 I would rather admit them into evidence. But if you
17 won't allow that, I want to use them to refresh his
18 memory.

19 THE COURT: Okay. All right.

20 MS. PAYLOR: Your Honor, I object to these
21 coming into evidence or being shown. They never once
22 brought these to our attention.

23 We took his deposition. He never once
24 mentioned any of this. And, you know, my clients have
25 already testified, and this just opens up a new can of

1 worms that wasn't there.

2 MS. DEJONG: It's going to go towards her
3 clients' credibility, but they can go back on the
4 stand if she would just question them about it.

5 THE COURT: Okay. All right. Have they been
6 identified at this time?

7 MS. DEJONG: Yes.

8 THE COURT: Let me look at them. Are these
9 official documents, copies of documents? What are
10 these?

11 MS. DEJONG: These are money orders. I have
12 copies of the tax bills each year.

13 THE COURT: You do have the tax bills?

14 MS. DEJONG: Tax receipts, which is public
15 record.

16 THE COURT: I'm going to allow it subject to
17 linking it up with the tax bills. Okay? I'm going to
18 allow it.

19 MS. PAYLOR: Can I see the tax bills?

20 MS. DEJONG: I'm going to do it as I go
21 along.

22 THE COURT: Let her take a look.

23 MS. PAYLOR: I would like to see them now.

24 THE COURT: I like to get everything
25 premarked. That's why I do that.

1 MS. DEJONG: You're right.

2 MS. PAYLOR: Okay. If there's anything else
3 that you're planning to put in that you have not
4 produced to me, I would like a few minutes to talk to
5 my client.

6 THE COURT: Sure. Y'all want to take a few
7 minutes to do that?

8 MS. PAYLOR: Yes, please.

9 THE COURT: Let's take another break. Okay?
10 All right. Thank you. Mr. Heyward, you can stay
11 there or sit down if you need a break. When we're
12 getting ready to come back, just come on back.

13 (Recess from 11:15 a.m. to 11:35 a.m.)

14 MS. PAYLOR: Your Honor, this is highly
15 unusual and upsetting that a lawyer -- she went up and
16 marked her exhibits. She didn't mark these. She had
17 them. She doesn't produce them. When I --

18 MS. DEJONG: I wasn't sure --

19 THE COURT: Let her finish.

20 MS. PAYLOR: -- went to go out and meet with
21 my client, she told me I couldn't show them these
22 exhibits.

23 That's why we have discovery. She answered
24 discovery January of 2019, over four years ago. She
25 has not provided anything else since then.

1 In addition to some of these records, she now
2 has handwritten notes from Robert Steed who is not
3 even here today because he had to go to a medical
4 appointment and we didn't think we needed four people
5 because we hadn't seen these.

6 This is extremely prejudicial to my clients
7 and to -- it's just not the way. And that's why we
8 have our rules.

9 They have to make production in a timely
10 manner. Did she send them to me last night when she
11 got them? No. Did she give them to me this morning
12 before we started the case before I put up my case?
13 No.

14 This is everything that is wrong. These
15 should not be allowed into evidence, Your Honor. They
16 just should not be. This is not how we practice law.

17 And to think that she had a got ya moment,
18 it's just not right. And I would ask that she not be
19 allowed to put any of these documents into evidence,
20 Your Honor.

21 She should have told me. She should have
22 said something before I rested my case on behalf of
23 the Steeds.

24 THE COURT. Ms. DeJong?

25 MS. DEJONG: Yes, Your Honor. I have been to

1 many trials before you with attorneys submitting new
2 evidence at trial. It's customary. I'm not going to
3 say this is a rare moment, but I have never done this
4 before.

5 I literally just received these documents
6 last night. I have never, ever had this happen with
7 you. The first time I had ever had something last
8 minute.

9 THE COURT: When and how did you get these
10 documents?

11 MS. DEJONG: I received them from
12 Mr. Heyward. He sent them to me by overnight mail,
13 regular UPS mail.

14 THE COURT: Came through the mail?

15 MS. DEJONG: Yes. And as I said, the tax
16 bills and tax receipts are public record. This isn't
17 anything that they couldn't have discovered
18 themselves. And the checks that Mr. Heyward wrote,
19 again, I have given them a copy. They've looked at
20 it.

21 They haven't objected to it. They just --
22 you know, they can certainly question their client
23 about it.

24 THE COURT: All right. So just I'm clear,
25 what is it that you have? Do you have checks or money

1 orders?

2 MS. DEJONG: Yes, from Robert Heyward 2000 to
3 2014; tax bills 2000 to 2013 I think; the tax receipts
4 2000 to 2014.

5 THE COURT: Okay. All right.

6 MS. DEJONG: I have Mr. Heyward's written --
7 two notes from Mr. Heyward in his handwriting
8 regarding taxes and the Steeds' contribution toward
9 them. And then I have two letters from Robert Steed
10 to Coco, my client, about his portion of the real
11 estate taxes being paid by Robert Steed.

12 THE COURT: Two letters from Robert Steed?

13 MS. DEJONG: Yes, Robert Steed to Robert
14 Heyward who calls him Coco, and he's enclosing a check
15 and he's promising to pay more taxes.

16 THE COURT: He's one of the plaintiffs but
17 he's not here today?

18 MS. DEJONG: He's not here.

19 THE COURT: Was he deposed?

20 MS. DEJONG: No.

21 THE COURT: All right. All right. And the
22 problem is failure to disclose, correct?

23 MS. PAYLOR: Yes, sir.

24 THE COURT: Did all of this stuff come in
25 yesterday or is this stuff that's been --

1 MS. DEJONG: This all came in one box.

2 THE COURT: Okay. I mean, anybody can go
3 down to the treasurer's office and get copies of tax
4 receipts. Okay?

5 MS. DEJONG: I asked them if they had done
6 that.

7 THE COURT: But the other stuff, I don't
8 think you can. Okay?

9 MS. DEJONG: The handwritten notes? There
10 are only two.

11 THE COURT: And they're being shown to you
12 for the first time today?

13 MS. PAYLOR: Yes, Your Honor.

14 THE COURT: All right.

15 MS. PAYLOR: I don't have any problem with
16 the tax bills. That's a public document. And the tax
17 receipts.

18 But, yeah, I have a problem with the checks
19 and these handwritten notes that they had. This is
20 not new evidence, Your Honor.

21 THE COURT: No, I agree it's not. And there
22 was some -- that was one of the reasons I asked the
23 question when we first started was there something
24 that had to do with -- there was a motion for
25 sanctions or something and it had something to do with

1 failure to respond to discovery way back in like the
2 2000 timeframe.

3 So based upon that, my ruling is whatever
4 documents that were received yesterday, whatever it
5 was, is not admissible. I'm going to allow you to
6 mark them for ID purposes, but they're not admissible
7 and I'm not going to allow them into evidence. If you
8 need to use them for impeachment purposes, that's a
9 different matter.

10 But the tax bills and the tax receipts would
11 be admissible as official government documents and
12 they're open to the public, so I will allow those if
13 you'd like to mark those.

14 You can mark them all, but I'm not going to
15 allow the other ones in evidence.

16 MS. DEJONG: But I can use them? Okay.
17 So --

18 MS. PAYLOR: Just to be clear, she did not
19 use them to impeach my witness.

20 THE COURT: I realize that.

21 MS. PAYLOR: And so that's done. Thank you.

22 THE COURT: I'm with you. Okay.

23 MS. DEJONG: All right. So let me get this
24 together.

25 I'm not going to use the Coco letters from

1 Robert Steed. He's not here. I'm not going to use
2 the two handwriting letters from Robert Heyward. And
3 then the check, the tax receipt, and the tax bill.

4 THE COURT: We have a specific objection to
5 that, don't you?

6 MS. PAYLOR: I have a specific objection to
7 those letters because she never produced them and they
8 are not new evidence. They're dated 2000.

9 MS. DEJONG: 2005.

10 MS. PAYLOR: I think it's 2000 and 2002 or
11 whatever. But it doesn't matter. It's not new
12 evidence.

13 THE COURT: They came from the deceased, did
14 they not?

15 MS. PAYLOR: Yes. The deceased died in 2014.
16 I don't know how she got them.

17 THE COURT: Well, you got a dead man statute
18 problem.

19 MS. PAYLOR: She also has a dead man statute
20 problem.

21 THE COURT: Not going to allow it in evidence
22 but you can mark it if you want to mark it for ID
23 purposes only.

24 MS. DEJONG: Can I have my client testify to
25 the contents?

1 THE COURT: No.

2 MS. DEJONG: Okay. I'll leave it be.

3 (DEFENDANTS' EXHIBIT 8 WAS MARKED FOR
4 IDENTIFICATION PURPOSES.)

5 (DEFENDANTS' EXHIBITS 9 AND 10 WERE MARKED
6 AND ADMITTED INTO EVIDENCE.)

7 THE COURT: Exhibit 8 is the money orders for
8 ID only. Tax bills will be Number 9. Tax receipts
9 will be 10.

10 BY MS. DEJONG:

11 Q. Okay. I'm showing you Exhibit 8 for
12 identification purposes only. Can you tell me what
13 you have in your hand?

14 A. Tax payments from 2000 to 2014.

15 Q. Tax payments, and what kind of form of
16 payment?

17 MS. PAYLOR: Objection. This is something
18 you said you were not allowing.

19 THE COURT: Just for the record, he can
20 identify them. They are money orders which reference
21 the tax bills.

22 BY MS. DEJONG:

23 Q. And they're from who? They're from Robert
24 Heyward, correct?

25 A. Yes, from Robert Heyward.

1 Q. Okay.

2 MS. DEJONG: Good enough?

3 THE COURT: That's good enough.

4 MS. DEJONG: All right. Thank you.

5 BY MS. DEJONG:

6 Q. I'm showing you Defendants' Exhibit 9. Can
7 you please identify that package?

8 A. These are tax bills from 2000, 2001, 2002,
9 2003, 2004, 2005, 2007, 2008, 2009, 2011, 2012, 2013.

10 Q. Are they tax bills from Charleston County Tax
11 Assessor's office?

12 A. Yes.

13 Q. Is it for property at 516 Bank Street, Mt.
14 Pleasant, South Carolina?

15 A. Yes.

16 Q. The tax bills are mailed to who?

17 A. To Robert Heyward.

18 Q. The address?

19 A. 8049 South Muskegan, Chicago, Illinois,
20 60617.

21 Q. And that's true for all the tax bills,
22 correct?

23 A. Yes.

24 Q. And on the tax bill, it shows how much the
25 taxes are owed?

1 A. Yes.

2 Q. Is it your understanding that your father
3 paid these taxes each year?

4 A. Yes.

5 Q. Here's Defendants' --

6 MS. PAYLOR: Object to that. I'd like to
7 know how he came by the understanding, if it was his
8 father that told him, and that violates the dead man
9 statute and cannot be entered into evidence.

10 MS. DEJONG: I'm not asking Mr. Heyward to
11 repeat a statement from his father. That would be
12 barred.

13 I could ask him his opinion or how did he
14 conclude that his father paid the taxes. That's a
15 conclusion.

16 THE COURT: I don't think so, but go ahead.
17 And Exhibit 10, that might answer the question. Okay?
18 BY MS. DEJONG:

19 Q. I'm showing you Defendants' Exhibit 10 if you
20 could identify it, please.

21 A. Tax receipts from 2000 to 2014.

22 Q. Is it from the Charleston County Treasurer's
23 Office?

24 A. Yes.

25 Q. And who are the tax receipts sent to?

1 A. Robert James Heyward, 8049 South Muskegan,
2 Chicago, Illinois, 60617.

3 Q. And does it show that the taxes were paid in
4 full each year?

5 A. Yes.

6 Q. It's your understanding that the Steeds
7 contributed to the payment of the taxes?

8 A. Yes.

9 Q. And why do you think that they agreed to do
10 that?

11 MS. PAYLOR: Object to the form. Asking why
12 they did something. He doesn't know.

13 BY MS. DEJONG:

14 Q. You have personal knowledge of them paying
15 their portion of the real estate taxes, right?

16 A. Yes.

17 Q. And what's your understanding as to why they
18 paid for them?

19 A. Because --

20 MS. PAYLOR: He --

21 THE COURT: She can ask his understanding.
22 That would be fine.

23 A. Because the Steeds were living at the
24 property paying no-rent. They were living rent-free.

25 Q. Rent-free. Did your father ever collect rent

1 from them?

2 A. No.

3 Q. Did they offer to pay rent?

4 A. No.

5 Q. Did they maintain the house?

6 A. I don't know.

7 Q. All right. And after your father passed away
8 in 2014, you became the title owner, correct?

9 A. Yes.

10 Q. And did we already talk about if you sought
11 to -- yeah, we talked about a conversation you had
12 with Bonita.

13 A. Yes.

14 Q. Did your father live at any time on that
15 property?

16 A. Yes.

17 Q. We talked about visitation. Did he actually
18 live on the property?

19 A. Yes.

20 Q. Do you recall what time period?

21 A. Before he moved permanently to Chicago.

22 Q. Do you know when he moved to Chicago?

23 A. 1970.

24 MS. PAYLOR: This is before he was born. He
25 doesn't know when he lived there.

1 MS. DEJONG: They're testifying about someone
2 that passed away, Louise and so on, so I can ask my
3 client about his father. He lived with him. He would
4 know.

5 THE COURT: You can ask him. She might
6 object. Difference between the proponent and the
7 antagonist.

8 MS. DEJONG: I think that's it. Thank you.

9 MS. PAYLOR: Thank you, Your Honor.

10 CROSS EXAMINATION

11 BY MS. PAYLOR:

12 Q. Good morning, Mr. Heyward.

13 A. Good morning.

14 Q. You would agree with me that your father
15 never did anything to maintain the property at 516
16 Bank Street, correct?

17 A. I don't know.

18 Q. All right. Let's look at your deposition.

19 MR. EARLY: Can I hand Mr. Heyward a copy of
20 his deposition?

21 THE COURT: Certainly.

22 BY MS. PAYLOR:

23 Q. Look at page 57, line 16.

24 A. Uh-huh.

25 Q. And the question is: Did you see him do

1 anything to the property that an owner would do with
2 the property?

3 And what did you say?

4 THE COURT: And if you would, just read it
5 exactly as it's stated.

6 A. Answer: I mean, he didn't -- he didn't live
7 here. Everything was already up. It's not his. I
8 mean, why would I see him cut grass or plant
9 something? I don't understand what you're trying to
10 say.

11 BY MS. PAYLOR:

12 Q. Thank you. So it wasn't his property,
13 correct?

14 A. No.

15 Q. That's what you said here, isn't it?

16 A. Could you rephrase that again? I'm sorry.

17 Q. You say it's not his --

18 A. Okay.

19 Q. -- in your answer.

20 A. Yes.

21 Q. Correct, you did say that?

22 A. When I said it's not his, I did not say
23 that's not his property.

24 Q. "It's not his." Let me ask you this. To
25 your knowledge, did any of the Heywards ever tell the

1 Steeds that they owned the property?

2 A. You're saying Heywards, so which Heyward?

3 Q. You, your mother or your father to your
4 knowledge?

5 A. To my knowledge what?

6 Q. Did any of them ever tell the Steeds that the
7 Heywards owned the property?

8 A. I don't know.

9 Q. Thank you. Now, to your knowledge, the
10 Steeds always lived at 516 Bank Street?

11 A. I don't know.

12 Q. During your life?

13 A. I don't know.

14 Q. So did you ever go there when they didn't
15 live there?

16 A. When I visited my father's house, I saw the
17 Steeds.

18 Q. When you visited 516 Bank Street?

19 A. Yes.

20 Q. You saw the Steeds?

21 A. Correct.

22 Q. Were they living there?

23 A. Yes, they were there.

24 Q. Okay. Let's look at page 72. Look at line
25 17. The question was -- page 72, line 17.

1 A. Yes, I'm there.

2 Q. So the question was: So did the plaintiffs
3 ever ask to live there?

4 And what did you answer?

5 A. "Well, they have always lived there. I mean,
6 who did they ask? Whom?"

7 Q. So they always lived there? That's your
8 testimony, correct?

9 A. I've seen them there, yes.

10 Q. Did anyone ever tell the Steeds that they
11 could not live there?

12 A. I don't know.

13 Q. And to your knowledge, no one ever told them
14 that, correct?

15 A. I don't know.

16 Q. Okay. Let's look at 73, line 23.

17 A. Yes.

18 Q. So the question was: So no one has ever told
19 them that they couldn't live there.

20 And what was your answer?

21 A. "Not that I'm aware of, no."

22 Q. Thank you. And to your knowledge, no one
23 told the Steeds that your family owned that property
24 until after your father died, correct?

25 A. I don't know.

1 Q. So let's turn to page -- so do you know when
2 anybody told them that?

3 A. I don't know.

4 Q. Do you know why your father waited so long to
5 tell them that he owned the property?

6 A. I don't know.

7 Q. And only the Steeds lived there after your
8 grandmother passed away, correct?

9 A. I don't know.

10 Q. Okay. Let's look at page 42, line 9.
11 Question -- you got that?

12 A. Yes.

13 Q. "I'm talking about living there, residing
14 there, on a permanent basis."

15 You said, "Okay."

16 "After your grandmother passed away."

17 You said, "Okay. What's the question?"

18 "It's just been the Steeds, correct, living
19 there?"

20 And what was your answer?

21 A. "After my grandmother passed, it's just been
22 the Steeds living there, correct."

23 Q. Thank you. When was the last time your
24 father, when he was alive, went to 516 Bank Street?

25 A. I don't know.

1 Q. And what did your father die from?

2 A. He died from Alzheimer's.

3 Q. So he did have dementia, correct?

4 A. He died from Alzheimer's.

5 Q. And do you know what Alzheimer's is?

6 A. I'm aware of it. It's a brain condition.

7 Q. It's a form of dementia, correct?

8 A. I don't know.

9 Q. You don't know? How long did he have the
10 Alzheimer's?

11 A. In his later years. He died in 2014. I'm
12 thinking maybe from '12 to '14, maybe two years.

13 Q. Okay. That's all?

14 A. From what I remember, yeah. That's my pops,
15 so I know.

16 Q. And you don't know when the last time he went
17 to 516 Bank Street was when he was alive, correct?

18 A. I don't know.

19 MS. PAYLOR: That's all I have, Your Honor.

20 REDIRECT EXAMINATION

21 BY MS. DEJONG:

22 Q. Mr. Heyward, to the best of your knowledge,
23 is it your understanding that your family permitted
24 the Steeds to live on the property?

25 A. Yes.

1 MS. DEJONG: Thank you.

2 RECROSS EXAMINATION

3 BY MS. PAYLOR:

4 Q. You never told the Steeds that you were
5 allowing them to live there, did you?

6 A. No.

7 Q. And let's read -- nevermind.

8 And you were aware that they lived there the
9 whole time, correct?

10 A. They had our consent, yes, ma'am.

11 Q. You say they had your consent.

12 A. Yes.

13 Q. When did you tell them that you consented to
14 them living there?

15 A. Well, we knew that they lived there. I mean,
16 me and my father knew they lived there, and they lived
17 there to maintain the house when he was not there.

18 Q. Okay. Let's look at page -- so what's the
19 difference in your mind between being aware of them
20 living there and consenting to them living there?

21 A. Consenting is knowing that they're there.

22 Q. Okay. Let's look at your testimony on page
23 72.

24 A. Yes.

25 Q. Beginning on line 8.

1 A. Yes.

2 Q. So same question I just asked you was asked.
3 "So what's the difference in your mind -- what's the
4 difference between being aware of them living there
5 and consenting to them living there? Is there a
6 difference?"

7 So what was your answer?

8 A. "I mean, being aware means I know they're
9 there. Consent means yes or no. So we are, I mean,
10 however we want to phrase it. We are aware of them.
11 We say we. Me and my mother are aware that our
12 cousins live at 516 Bank Street."

13 MS. PAYLOR: Thank you. Your Honor, could we
14 have just a second?

15 THE COURT: Sure. And, Mr. Heyward, if you
16 would pass Exhibits 9 and 10, those are the tax bills,
17 let me take a look at those.

18 MS. PAYLOR: Thank you, Your Honor. Nothing
19 further.

20 THE COURT: Mr. Heyward, so if your
21 grandmother Louise Heyward died in 2000, you would
22 have been 27 years old; does that sound right?

23 WITNESS: About right. Born in '72.

24 THE COURT: So you'll be 51 this year? When
25 is your birthday?

1 WITNESS: October 8.

2 THE COURT: Very good. She died in the
3 Summer on 2000?

4 WITNESS: Yes, sir.

5 THE COURT: So you would have been about 27.
6 Were you involved at all in what was going on at the
7 time?

8 WITNESS: In terms of?

9 THE COURT: In dealing with the house.

10 WITNESS: No.

11 THE COURT: That was your father, right?

12 WITNESS: That was my father, correct.

13 THE COURT: And your father was still
14 working?

15 WITNESS: Yes, I believe so.

16 THE COURT: Okay. And he was a commercial
17 fisherman?

18 WITNESS: Commercial fisherman.

19 THE COURT: So was he typically going around
20 the globe like Mr. Steed testified to?

21 WITNESS: Yes, yes, yes.

22 THE COURT: But his home address was the same
23 one you got today?

24 WITNESS: The home address in Chicago, and he
25 owned the property here in Mt. Pleasant.

1 THE COURT: I'm with you. Just talking about
2 where he was living.

3 WITNESS: Yes.

4 THE COURT: And so the evidence was I think
5 maybe the year before she died, your grandmother
6 deeded the property to him.

7 WITNESS: Yes, sir.

8 THE COURT: How many siblings did your father
9 have?

10 WITNESS: You mean brothers and sisters?

11 THE COURT: Brothers and sisters.

12 WITNESS: Just two sisters.

13 THE COURT: And that would have been Erlene
14 Walker?

15 WITNESS: And Mary -- I think Mary -- I
16 forgot her last name.

17 THE COURT: Okay. Okay. She would have been
18 an aunt of yours?

19 WITNESS: That's correct.

20 THE COURT: Did you know her?

21 WITNESS: Yes.

22 THE COURT: Did she live here or there?

23 WITNESS: She lived here.

24 THE COURT: Okay. All right. And then
25 Erlene Walker lived with your grandmother until she

1 died. And she predeceased your grandmother as I
2 understand it?

3 WITNESS: That's correct.

4 THE COURT: All right. And Alethia Steed,
5 how did she fit in -- she would be your first cousin,
6 wouldn't she?

7 WITNESS: I believe she's my cousin, correct.

8 THE COURT: And tell me how she fits into the
9 family tree.

10 WITNESS: I believe Alethia Steed is my
11 father's sister's daughter.

12 THE COURT: Okay. And which sister was that?
13 Erlene?

14 WITNESS: Erlene.

15 THE COURT: Okay. Got it. Okay. So when
16 your father was alive, he was dealing with the
17 property; is that right?

18 WITNESS: Yes.

19 THE COURT: And you didn't have a whole lot
20 of business with it. You would come down here? You
21 were still coming down here after your late 20s?

22 WITNESS: I came -- in my late 20s, I was
23 coming down here.

24 THE COURT: Okay. After your grandmother
25 died? I'm assuming you came for the funeral.

1 WITNESS: The last time I was here was 2014.

2 THE COURT: That was for your father's
3 funeral?

4 WITNESS: That's correct.

5 THE COURT: But I'm interested in the
6 timeframe between your grandmother's funeral and your
7 father's funeral.

8 WITNESS: 2000 to 2014, I came down.

9 THE COURT: How often would you come down?

10 WITNESS: Those 14 years, I probably came
11 down like nine times.

12 THE COURT: Okay. And when you came, where
13 would you stay?

14 WITNESS: At my father's house, 516 Bank
15 Street.

16 THE COURT: On Bank Street?

17 WITNESS: Yes.

18 THE COURT: So you clearly were aware the
19 Steeds were there?

20 WITNESS: Yes.

21 THE COURT: They looked like they were taking
22 care of the place?

23 WITNESS: Yes.

24 THE COURT: Everything was okay?

25 WITNESS: Yes.

1 THE COURT: All right. And to your
2 knowledge, no rent was ever being paid. What was your
3 understanding of what the arrangement as to payment of
4 taxes was?

5 WITNESS: Well, since they were not paying
6 any rent, my father asked them to pay taxes. So that
7 occurred from, what I know, early 2000s paying a
8 portion of the taxes. So we're talking about maybe 14
9 years.

10 THE COURT: Okay. So what was your
11 understanding of what was going on before you got
12 involved?

13 WITNESS: Before I got involved? When it
14 came to the taxes, sir?

15 THE COURT: Right.

16 WITNESS: I'm not really sure how that came
17 about.

18 THE COURT: So then your father dies. He
19 dies with or without a will?

20 WITNESS: He dies without a will.

21 THE COURT: Okay. And that's how you and
22 your mother came to own half. Okay. And then you
23 took over?

24 WITNESS: Yes.

25 THE COURT: And then what was your

1 arrangement -- when did you have this call with
2 Bonita? How did you decide you were going to deal
3 with the tax issue?

4 WITNESS: Well, the tax issue?

5 THE COURT: Yeah.

6 WITNESS: Well, it definitely -- the
7 conversation I had with her was after my father died
8 in '14. I was in between the probate process when
9 that started.

10 So that's when I had the conversation with
11 her about paying rent. Okay. Nothing changed when it
12 came to the taxes. I'm talking about paying rent.

13 THE COURT: I understand. Okay. And how
14 were the taxes being treated at that time?

15 WITNESS: At the time I had the conversation?

16 THE COURT: Right.

17 WITNESS: Well, at the time of the
18 conversation, we still were trying to pay portions.
19 Me and my mother were paying some and they were paying
20 some.

21 But it seemed after I had that conversation
22 with her and things did not go so well, they started
23 to try to pay all of the taxes.

24 THE COURT: Okay.

25 WITNESS: So between 2000 and '14, either we

1 paid them all. When I say "we," everyone in Chicago.
2 Sometimes they paid some in between that 14-year
3 period. But after -- when I stepped in and said
4 things are going to change, you're going to have to
5 pay rent, around 2014, 2015, me and my mom attempted
6 to pay the taxes but they were already paid.

7 So prior to that, it was never a full payment
8 by a Steed or whomever. It was always either us, all
9 of us, or half and half. But after I had the
10 conversation with her, that's when they started paying
11 all of it. So all of it started happening after 2015
12 until now.

13 THE COURT: Okay. And that's about when you
14 had the conversation with Bonita Steed?

15 WITNESS: I had a conversation with her about
16 2014, 2015.

17 THE COURT: Okay.

18 WITNESS: But after 2015, that's when they
19 started trying to pay all of the taxes without our
20 permission.

21 THE COURT: Okay. All right. I think that
22 helps me out.

23 Any questions in response?

24 MS. DEJONG: No.

25 THE COURT: Okay.

1 MS. PAYLOR: I just have one to follow up
2 from what you were asking.

3 RECROSS EXAMINATION

4 BY MS. PAYLOR:

5 Q. So if you look at the tax bill for the 2013
6 year, what's the total amount of the taxes that it
7 shows on there?

8 A. Pay this amount on or before 2014, \$2,669.41.

9 Q. Okay. Thank you. And then I want to show
10 you what was previously marked as Defendants' 6, and
11 this was a cashier's check from the Steeds to Ruby
12 Heyward. It was attached to an envelope. How much
13 did the Steeds pay of the taxes?

14 A. This says \$2,136.

15 Q. So they paid most of them, correct?

16 A. When you say paid most of them, what.

17 Q. Well, you just said it was 2,669.

18 A. You mean most of that tax bill?

19 Q. Yes.

20 A. Yes.

21 Q. Okay. Thank you. And is it your
22 understanding that after that, that Bernard Heyward
23 paid the taxes? He went down and got the amount and
24 paid them?

25 A. Bernard Steed?

1 Q. I'm sorry. Bernard Steed.

2 A. What's the question?

3 Q. Is it your understanding that after your
4 father died and you had the conversation with Bonita
5 that Bernard Steed went to the County and got the
6 amount owed and he paid the taxes?

7 A. I'm not sure about that.

8 Q. But they were paid, correct?

9 A. After that?

10 Q. After -- yeah, after your father died.

11 A. After these payments and when they start
12 paying them all, I'm not sure if the taxes have been
13 paid since that.

14 Q. Have you gotten a notice from the Charleston
15 County Treasurer of unpaid taxes?

16 A. I'm not sure.

17 Q. You don't know whether you've gotten one?

18 A. No, I don't know.

19 Q. But they haven't been foreclosed on for
20 failure to pay taxes, correct?

21 A. I'm not sure.

22 Q. Have you been served with anything saying
23 that the taxes have not been paid?

24 A. I have not been served with anything, no.

25 MS. PAYLOR: Thank you. That was my

1 question. Thank you. No further questions.

2 THE COURT: Anything?

3 MS. DEJONG: No.

4 THE COURT: Okay. All right, Mr. Steed.
5 Thank you very much. Mr. Heyward. Now you got me
6 doing it.

7 All right. Ms. DeJong, anything further?

8 MS. DEJONG: No, thank you.

9 THE COURT: Ms. Paylor?

10 MS. PAYLOR: No, Your Honor. Would you like
11 us both to submit proposed orders to you?

12 THE COURT: I will. I would do that. Let me
13 talk with y'all in chambers for about 10 minutes or
14 so. Let me talk to just the lawyers, and we'll come
15 back. All right.

16 (Recess from 12:14 p.m. to 12:27 p.m.)

17 THE COURT: I had a chance to talk with the
18 lawyers in the case. I'm not going to issue a ruling
19 today. I'm going to take it under advisement.

20 I've asked them to provide me with proposed
21 orders within 30 days, and it is my practice to give
22 you an answer within 30 days of that. Okay?

23 So this case has been -- it's been pending
24 for a while. 2018 case. Five years. And really
25 about two to three years, it takes forever for these

1 cases to go through appellate court. It takes a long
2 time.

3 It's a long part of your life. And that was
4 one of the things that I was exploring with the
5 attorneys is whether or not there's some way to
6 resolve this matter. One of the things I talked
7 about. Okay? So they'll share that with y'all.

8 What I want to say is this. This is a case,
9 and it's a family matter. I call this the family
10 court of real estate. That's what comes in this
11 courtroom, family court and real estate matters.

12 And this is a classic example of it. Okay.
13 And it's sort of an up or down decision that's going
14 to have to be made. Credibility is always a factor
15 that the Court has to consider. But I want you to
16 know that the plaintiff has the burden of proof.
17 Okay.

18 And in an adverse possession case, there's
19 about eight elements of adverse possession. Those
20 have to be proven by clear and convincing evidence.
21 So that's one of the things that I have to work
22 through, as well as the credibility issues. I just
23 need to take some time to think about it.

24 What I told them is despite the preparation
25 that you gave me yesterday, I just wasn't clear on the

1 facts. And so I'm clearer now on the facts than I
2 was.

3 I'm still working through the family tree
4 because everybody keeps calling everybody by the wrong
5 name, even lawyers do that. They know who their
6 clients are but sometimes we get the Steeds and the
7 Heywards mixed up. I certainly know who they are and
8 certainly am impressed with the family. I just want
9 y'all all to know that.

10 Okay. Y'all got something that's valuable,
11 it's worthwhile, it's worth fighting over. Sometimes
12 I have to try cases that ain't worth fighting over.
13 So this one is definitely worth fighting over. I
14 appreciate your diligence today.

15 I want to thank the lawyers for your
16 preparation because I was planning on being here all
17 day, and we're done by 12:30, so that's a nice, quick,
18 clear-cut case.

19 So I appreciate that very much, and I will
20 look for those proposed orders, and I will give you an
21 answer shortly thereafter. Okay? Thank you.

22 MR. EARLY: Thank you, Your Honor.

23 THE COURT: Good to see you.

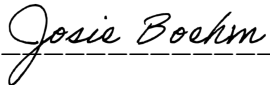
24 (Off the record at 12:30 p.m. on September
25 14th, 2023.)

1 COURT REPORTER'S CERTIFICATE

2
3 I DO HEREBY CERTIFY THAT THE TESTIMONY
4 CONTAINED IN SAID HEARING WAS, BY ME, REDUCED TO
5 WRITING IN THE PRESENCE OF SAID WITNESS BY MEANS OF A
6 COMPUTERIZED TRANSCRIPTION. THE SAID HEARING IS A
7 TRUE AND ACCURATE TRANSCRIPT OF THE WHOLE OF THE
8 TESTIMONY GIVEN BY SAID WITNESS, AS AFORESAID.

9 I DO FURTHER CERTIFY THAT I AM NOT CONNECTED
10 BY BLOOD OR MARRIAGE WITH ANY OF THE PARTIES OR THEIR
11 ATTORNEYS OR AGENTS, AND THAT I AM NOT AN EMPLOYEE OF
12 EITHER OF THEM, NOR INTERESTED DIRECTLY OR INDIRECTLY
13 IN THE MATTER OF CONTROVERSY EITHER AS COUNSEL,
14 ATTORNEY, AGENT, OR OTHERWISE.

15 SIGNED THIS THE 12th DAY OF OCTOBER 2023.

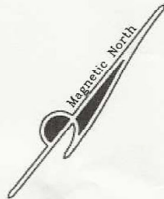
16 

17 JOSIE ALLEN BOEHM

18 My Commission Expires 10/18/32
19
20
21
22
23
24
25



516 BANK STREET
THIS LOT IS LOCATED IN FLOOD
ZONE C. SEE FIRM COMMUNITY
PANEL NO. 455417 0005 E
MAP REVISED: OCTOBER 17, 1986.
TMS NO. 532-05-00-113
THE SAME BEING SHOWN AS
LOT 7, BLOCK 7, ON A PLAT OF
GREENWICH COMMONS SUBDIVISION
DATED JULY 26, 1944
BY J.B. WESTON
AND RECORDED IN THE RMC OFFICE
FOR CHARLESTON COUNTY
IN PLAT BOOK R.45, AT PAGE 529.



HEIRS OF
SERENA CARTER
TMS NO.
532-05-00-100

ALFRED T. &
MARGARET F.
MARGARET F. MIDDLETON, ET AL
TMS NO.
532-05-00-106

ARLENE M.
JEFFERSON
TMS NO.
532-05-00-221

ANNIE E.
RICHARDSON
TMS NO.
532-05-00-114



ALFRED T. &
LENA B.
RICHARDSON
TMS NO.
532-05-00-111

PLAT SHOWING
PROPERTY OWNED BY
ALETHIA STEED
TOWN OF MOUNT PLEASANT
CHARLESTON COUNTY, SOUTH CAROLINA

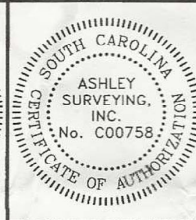


SCALE : 1" = 30'

0' 30' 60'

SEPTEMBER 18, 1998

ASHLEY
SURVEYING, INC.
SURVEYING • PROJECT MANAGEMENT • PLANNERS
306 SANGAREE PARKWAY SUMMERVILLE SC 29483
TELEPHONE: (843) 871-4416 FAX: (843) 871-9538



"I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN."

Paul C. Lawson, Jr.
PAUL C. LAWSON, JR., S.C. REG. NO. 14191
JOB NO. 98070-001 WGM

ADOPT YOUR NEXT BEST FRIEND

BERNARD STEED
516 Bank St
Mount Pleasant, SC 29464

THE HUMANE SOCIETY
OF THE UNITED STATES

563
67-776/532 9452
7989013292

12-14-14 Date

Pay to the Order of Ruby Heyward \$ 2216

Two thousand Two Hundred sixteen dollars & 00/100 Dollars

WELLS FARGO Wells Fargo Bank, N.A.
South Carolina
wellsfargo.com

For Tax for 516 Bank St. 2014 Bernard Steed

⑆053207766⑆ 7989013292⑈ 00563

Hardard Clarke

HUMANE SOCIETY





BP0821682

PGS:

3

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)

SPECIFIC POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, RUBY HEYWARD, do hereby
 make, constitute and appoint ANTOINE HEYWARD, as my true and lawful Attorney in Fact,
 for me and in my name and stead to do all things necessary on my behalf in connection with all
 and any disputes/claims/litigation matters, including, but not limited to:

1. To institute, supervise, prosecute, defend, intervene in, abandon, compromise, arbitrate, settle, dismiss, and appeal from any and all legal, equitable, judicial, or administrative hearings, actions, suits, proceedings, attachments, arrests, or distresses, involving me in any way;
2. To execute, seal and deliver any documents, instruments, and papers necessary, appropriate, incident or convenient to the exercise of any power granted herein, including without limitation contracts, receipts, and releases, in the matter of

STEED V. HEYWARD, et al., Case No. 2018-CP-10-04284

Hereby giving and granting unto my said Attorney in Fact, full power and authority to do
 and perform each and all of the acts herein above specifically set out, as fully and to all intents
 and purposes as I might or could do if I were personally present at the doing thereof.

This power of attorney shall not terminate upon physical disability, mental incompetence,
 or incapacity of the undersigned.

And I do hereby ratify and confirm all things so done by my said Attorney in Fact, within
 the scope of the authority herein given, as fully and to the extent as if by me personally done and
 performed.



WITNESS my signature and seal this 1 day of July, 2019.

Jim Hill
Signature of First Witness

Ruby Heyward
RUBY HEYWARD

Eric Brummell
Signature of Second Witness

The foregoing instrument was acknowledged before me this 20 day of July, 2019 by RUBY HEYWARD.



Timothy Lowe
Notary Public for Illinois
My Commission Expires: 6-22-22

RECORDER'S PAGE

NOTE: This page MUST remain
with the original document

**Filed By:**

DEJONG LAW FIRM, LLC
222 WEST COLEMAN BLVD
SUITE 110
MT. PLEASANT SC 29464

RECORDED

Date: September 13, 2019

Time: 1:36:27 PM

Book	Page	DocType
0821	682	P/Atty

Michael Miller, Register
Charleston County, SC

MAKER:

HEYWARD RUBY

of Sats:

of Pages: 3

of References:

RECIPIENT:

HEYWARD ANTOINE

Note:

Recording Fee \$ 25.00

Extra Reference Cost \$ -

Extra Pages \$ -

Postage \$ -

Chattel \$ -

TOTAL \$ 25.00

Original Book:

Original Page:

DRAWER
CLERK



0821
Book



682
Page



09/13/2019
Recorded Date



3
Pgs



Original Book



Original Page



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13:36:27
Recorded Time

STATE OF SOUTH CAROLINA

Book A 72 Page 175

best copy

Sellers -
P.A. Foster &
J.M. Graham

Know all men by these presents, that
P. A. Foster and J. M. Graham, of the County of

in the State of South Carolina, for and

to the State of South Carolina, for and

in hand paid at and before the signing of these presents, to

Louise Brown Heyward

in the State of South Carolina

have sold, conveyed, sold and released, with all the rights and appurtenances thereto in anywise connected, unto the said Louise Brown Heyward, her heirs and assigns, the following described property, to-wit:

That large parcel or lot of land, situated, lying and being in Christ Church Parish, Town of Mount Pleasant, County of Charleston and State of South Carolina, known and designated as Lot No. 7, a part of the tract of Mount Pleasant made by J. H. Weston, Registered Surveyor, dated August 18, 1953.

MEASURING AND CONTAINING 111.1 (50') feet in width and one hundred sixty-eight and 3/16 (168 1/16) feet in length, BEING AND BOUNDING as follows: north on Lots Nos. 6 and 5, northeast on Lot 4 and Bank Street, southeast and west on Lots 12 and 11 as shown on said plat.

This being a portion of Lot No. 10 as shown on a plat of the Christ Church Common made by H. V. Stuyall and recorded in Plat Book E, page 106, and the remaining part of said lot remaining in the estate of Howard and Kate E. Stuyall was devised to the grantors herein by Charles S. Stuyall of Charleston County, as deed of gift dated and recorded in the R.M.C. Office of Charleston County, Book A 66, page 111.



72 176

RECEIVED 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

Louise Brown Heyward her

Heirs and Assigns forever

AND we do hereby bind ourselves and our Heirs

Executors and Administrators to warrant and forever defend all and singular the said Premises unto the

said Louise Brown Heyward her

Heirs and Assigns against

us and our

Heirs

lawfully claiming or to claim the same or any part thereof

WITNESS our Hand & Seal this 27th day of July

in the year of our Lord one thousand nine hundred and sixty

and in the one hundred and eighty-eighth year of the Sovereignty and Independence of the United States of America

SIGNED SEALED AND DELIVERED IN THE PRESENCE OF

Jean T. Fields
may call

B. H. Foster
James H. Foster
J. M. Dugan

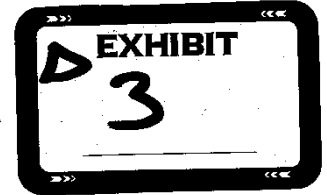
d. s.

d. s.



THE STATE OF SOUTH CAROLINA }
Charleston County }
PERSONALLY appeared before me } Jean T. Wells
and made oath that she }
saw the within named } P. A. Foster and J. M. Graham
sign seal and as their }
notary seal and as their }
witnessed the execution thereof }
SAWORS to before me this }
day of } 27th }
A.D. 1960 }
Mary Scott }
Notary Public of South Carolina }
(SEAL)
THE STATE OF SOUTH CAROLINA }
Charleston County }
Mary Scott, a Notary Public for South Carolina,
do hereby certify unto all whom it may concern that Mrs. Ann F. Foster
the wife of the within named P. A. Foster
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 re-
nounce, release and forever relinquish unto the within named Louise Brown Heyward her
heirs and assigns, all her interest and estate, and also all her right and claim of dower of, in or to all and
singular the premises within mentioned and released.
Given under my hand and seal, this 27th day of July, 1960, Anna Dominick
Mary Scott }
Notary Public of South Carolina }
(SEAL)
papers prepared only: J.M.C.

Deed
BK H 318PG831



TITLE NOT EXAMINED BY ALTMAN & ALTMAN, P.A.

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS that I, LOUISE BROWN HEYWARD, hereinafter referred to as Grantor, in the State aforesaid, for and in consideration of the sum of FIVE AND NO/100 (\$5.00) DOLLARS AND LOVE AND AFFECTION FOR MY SON, to me in hand paid at and before the sealing of these presents by ROBERT JAMES HEYWARD, in the State aforesaid, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and released, and by these Presents does grant, bargain, sell, and release, unto the said ROBERT JAMES HEYWARD, his heirs and assigns forever, the hereinafter described property, to-wit:

All that piece, parcel or lot of land, situate, lying and being in Christ Church Parish, Town of Mount Pleasant, County of Charleston, and State of South of Carolina, known and designated at Lot No. 7 on a plat of the Town of Mount Pleasant made by J.B. Weston, Registered Surveyor, dated August 18, 1953.

MEASURING AND CONTAINING Fifty (50') feet in width and One Hundred Sixty-Eight and 04/10 (168.4') feet in depth. BUTTING AND BOUNDING as follows: North on Lots Nos. 5 and 6, northeast on Lot 6 and Bank Street, southeast and west on Lot 13 and 14, as shown on said plat.

BEING the same property conveyed to Louise Brown Heyward by deed of P.A. Foster and J.M. Graham dated July 27, 1960, and recorded in the RMC Office for Charleston County in Deed Book A72, at Page 175 on August 2, 1960.

T.M.S. #532-05-00-113

Grantee's Address: 516 Banks Street
Mt. Pleasant, SC 29483

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 ROBERT JAMES HEYWARD, his heirs and assigns forever.

AND the said LOUISE BROWN HEYWARD hereby binds herself and her Successors, Heirs, Executors and Administrators, and Assigns to warrant and forever defend all and singular the said premises unto the said ROBERT JAMES HEYWARD, his heirs and assigns, against herself and her heirs and assigns and against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS my Hand and Seal this 11th day of January, in the year of our Lord one thousand nine hundred and ninety-nine and in the two hundred and twenty-third year of the Sovereignty and Independence of the United States of America.

IN THE PRESENCE OF:

Jenna M. Goodyear
1st witness

[Signature]
2nd witness

"HER XX MARK"
LOUISE BROWN HEYWARD

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

PERSONALLY appeared before me the undersigned and made oath that (s)he saw the within-named, **LOUISE BROWN HEYWARD**, sign, seal, and as her act and deed, deliver the within-written Deed for the uses and purposes therein mentioned, and that (s)he with the other witness subscribed above witnessed the execution thereof. *by her mark

SWORN to before me this

11th day of January, 1999
[Signature]

NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES: 12/8/2003

Jenna M. Goodyear
1st witness

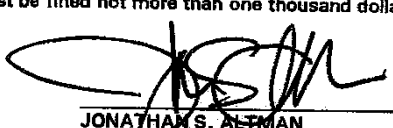
STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

AFFIDAVIT

BK H 318PG833

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

1. I have read the information on this Affidavit and I understand such information.
2. The property is being transferred by Louise Brown Heyward to Robert James Heyward on January 11, 1999.
3. Check one of the following: **THE DEED IS**
 - (a) _____ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - (c) X **EXEMPT** from the deed recording fee because (exemptions 1-12). (If exempt, please skip items 4-7, and go to item 8 of this Affidavit.) **EXEMPTION 1. CONVEYED FROM MOTHER TO SON.**
4. Check one of the following if either item 3(a) or item 3(b) above has been checked.
 - (a) _____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ _____.
 - (b) _____ The fee is computed on the fair market value of the realty which is \$ _____.
 - (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____.
5. Check **YES** _____ or **NO** X to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES", the amount of the outstanding balance of this lien or encumbrance is \$ _____.
6. The **DEED** Recording Fee is computed as follows:
 - (a) _____ the amount listed in item 4 above
 - (b) _____ the amount listed in item 5 above (no amount place zero)
 - (c) _____ Subtract Line 6(b) from Line 6(a) and place the result.
7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Attorney for Grantee.
8. I understand that a person required to furnish this Affidavit who willfully furnishes a false or fraudulent Affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.


JONATHAN S. ALTMAN
ATTORNEY FOR GRANTEE

SWORN to before me this

11th day of January, 1999

Jenna M. Gooden
NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES: 7/17/07

INFORMATION:

Except as provided in this paragraph, the term "value" means "the consideration paid in money or money's worth for the realty." Consideration paid or to be paid in money's worth includes, but is not limited to, other realty, personal property, stocks, bonds, partnership interest and other intangible property, the forgiveness or cancellation of a debt, the assumption of a debt, and the surrendering of any right. The fair market value of the consideration must be used in calculating the consideration paid in money's worth. Taxpayers may elect to use the fair market value of the realty being transferred in determining fair market value of the consideration. In the case of realty transferred between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, and in the case of realty transferred to a trust or as a distribution to a trust beneficiary, "Value" means the realty's fair market value. A deduction from value is allowed for the amount of any lien or encumbrance existing on the land, tenement, or realty before the transfer and remaining on the land, tenement, or realty after the transfer. Taxpayers may elect to use the fair market value for property tax purposes in determining fair market value under the provisions of the law.

Altman & Altman

BK H 318PG834

P.O. Box 339

Chas. L. 29402

(E)

Page 2

FILED

H318-831

99 JAN 13 PM 3:21

CHARLIE LYBRAND
REGISTER
CHARLESTON COUNTY SC

Recording Fee 10.00

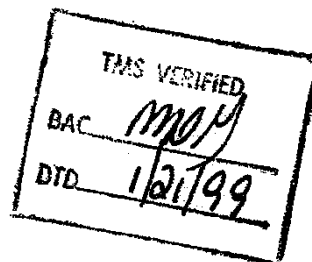
State Fee

County Fee

Postage

TOTAL 10.00

C



Recorded this 13 day of Jan Year 99
On Property Record Card

Reggie A. Mosley
Auditor Charleston County

STATE OF SOUTH CAROLINA

COUNTY OF: CHARLESTON

IN THE MATTER OF:

ROBERT, HEYWARD,

IN THE PROBATE COURT

FIDUCIARY LETTERS

CASE NUMBER: 2014ES10-01298-2

X

Personal Representative(s)

Successor Personal Representative

Special Administrator

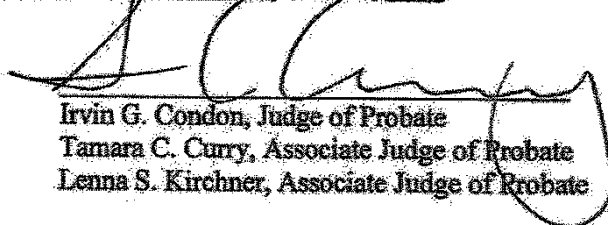
On the 12TH day of June, 2015, ANTOINE HEYWARD was/were appointed and qualified as Fiduciary(ies) of the above matter by this Court, with all the authority granted to a fiduciary by law.

NOW, THEREFORE, LETTERS are issued as evidence of such appointment qualification, and authority of the above fiduciary(ies) to do and to perform all acts which may be authorized by law.

RESTRICTIONS:

None

Executed this 12TH Day of June, 2015.


Irvin G. Condon, Judge of Probate
Tamara C. Curry, Associate Judge of Probate
Lenna S. Kirchner, Associate Judge of Probate

FORM #140ES (1/2014)
62-3-103

6





BP0556830

4

STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF CHARLESTON

DEED OF DISTRIBUTION

(Real Property Only)

IN THE MATTER OF:

NOT A WARRANTY DEED

ROBERT HEYWARD

(Decedent)

CASE NUMBER: 2015ES1000947

The undersigned states as follows:

Decedent died on 06/18/2014; and probate of the Estate is being administered in the Probate Court for CHARLESTON County, South Carolina, in File #2015ES1000947.

I/We was/were appointed Personal Representative (s) on JUNE 12, 2015.

Decedent owned real property described as follows:

Tax Map Number: 532-05-00-113

Street/Property Address: 516 BANK STREET, MT. PLEASANT, SC 29464

Legal Description: PLEASE SEE ATTACHED EXHIBIT A

☐ Additional sheet(s) for additional property(ies) is attached (check if applicable)

This transfer is made pursuant to:

- ☐ Decedent's Will
☒ Intestacy Statute: SCPC 62-2-103
☐ Private Family Agreement: SCPC 62-3-912
☐ Disclaimer by: _____
☐ Probate Court Order issued on _____
☐ Other: _____



In accordance with the laws of the State of South Carolina, the Personal Representative(s) does/do hereby release all of the Personal Representative's(s') right, title and interest, including statutory and/or testamentary powers, over the real property described to the beneficiaries named below:

Name: 1/2 INTEREST IN:
RUBY HEYWARD

Address: 8049 S. MUSKEGON AVENUE
CHICAGO, IL 60617

Name: _____

Address: _____

Name: 1/2 INTEREST IN:
ANTOINE HEYWARD

Address: 8049 S. MUSKEGON AVENUE
CHICAGO, IL 60617

Name: _____

Address: _____

☐ Additional sheet(s) for names of additional beneficiaries is attached (check, if applicable)

IN WITNESS WHEREOF the undersigned, as Personal Representative(s) of the above Estate, has executed this Deed of Distribution, on this 1st day of Apr., 2016.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Witness: [Signature]

Print Name: Alyssa Cornejo

Witness: [Signature]

Print Name: Francisco Garcia

Estate of: ROBERT HEYWARD

Signature of Personal

Representative: [Signature]

Print Name: Antoine Heyward

If applicable,

Signature of Co-Personal

Representative: _____

Print Name: _____

ILLINOIS
STATE OF SOUTH CAROLINA)

ACKNOWLEDGMENT

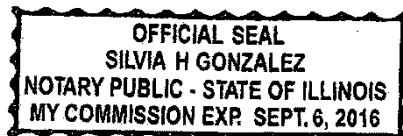
COUNTY OF COOK

I, Silvia H Gonzalez

Notary Public, a notary for the State of South Carolina do hereby certify that Antoine Heyward, as Personal Representative(s) of the Estate of Robert Heyward (Antoine Heyward), personally appeared before me this day and acknowledged the due execution of

the foregoing Deed of Distribution.

Witness my hand and seal this the 1st day of April, 2016.



[Signature] (SEAL)
(Signature of Notary Public)
Silvia H Gonzalez
(Print name of Notary Public)
Notary Public for State of IL
My Commission Expires: 9-6-16

Note: It is recommended that an attorney prepare this document and determine if a title examination is necessary.

EXHIBIT A

All that piece, parcel or lot of land, situate, lying and being in Christ Church Parish, Town of Mount Pleasant, County of Charleston, and State of South of Carolina, known and designated at Lot No. 7 on a plat of the Town of Mount Pleasant made by J.B. Weston, Registered Surveyor, dated August 18, 1953.

MEASURING AND CONTAINING Fifty (50') feet in width and One Hundred Sixty-Eight and 04/10 (168.4') feet in depth. BUTTING AND BOUNDING as follows: North on Lots Nos. 5 and 6, northeast on Lot 6 and Bank Street, southeast and west on Lot 13 and 14, as shown on said plat.

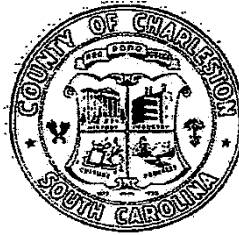
BEING the same property conveyed to Louise Brown Heyward by deed of P.A. Foster and J.M. Graham dated July 27, 1960, and recorded in the RMC Office for Charleston County in Deed Book A72, at Page 175 on August 2, 1960.

T.M.S. #532-05-00-113

Grantee's Address: 516 Banks Street
Mt. Pleasant, SC 29483

RECORDER'S PAGE

NOTE: This page MUST remain
with the original document

**Filed By:**

DERFNER & ALTMAN LLC
575 KING ST
SUITE B
CHARLESTON, SC 29403

RECORDED

Date: May 27, 2016

Time: 9:41:07 AM

Book	Page	DocType
0556	830	Deed/Dist

Charlie Lybrand, Register
Charleston County, SC

MAKER:

HEYWARD ROBERT EST

Note:

of Pages: 4

RECIPIENT:

HEYWARD RUBY AL

Recording Fee	\$ 10.00
State Fee	<EXEMPT>
County Fee	<EXEMPT>
Extra Pages	\$ -
Postage	\$ -
Chattel	\$ -
TOTAL	\$ 10.00

Original Book:

Original Page:

DRAWER
CLERK

AUDITOR STAMP HERE

RECEIVED From RMC

MAY 31 2016

Peter J. Tecklenburg
Charleston County Auditor

PID VERIFIED BY ASSESSOR

REP MLG

DATE 6/1/16

35



0556
Book



830
Page



05/27/2016
Recorded Date



4
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Original Book



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Demand Steed to Ruby Heyward 2013

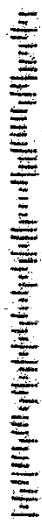


Paid Taxes

Mr. Bernard Steed
516 Bank St.
Mt Pleasant, SC 29464-4707

Ruby Heyward
8049 S. Muskegon Ave.
Chicago, IL 60617-1432

60617-1432



CHARLESTON SC 294

16 DEC 2013 PM 3 T



EXHIBIT

6

PRINTED ON RECYCLED PAPER. FOR INFORMATION ONLY. THIS CHECK IS NOT VALID FOR CASH. THE CHECK IS NOT VALID FOR CASH. THE CHECK IS NOT VALID FOR CASH.

0068386
Office AU # 11-24
12106)

Operator ID: u30093

CASHIER'S CHECK

6838600206

December 16, 2013

PAY TO THE ORDER OF

*** RUBY HEYWARD ***
*** RE: TAX FOR 516 BANK ***

*** Two thousand one hundred thirty-six dollars and no cents ***

\$2,136.00

WELLS FARGO BANK, N.A.
1074 E MONTAGUE AVE
NORTH CHARLESTON, SC 29405
FOR INQUIRIES CALL (800) 394-3122

VOID IF OVER US \$ 2,136.00
Michael Kury
CONTROLLER

⑆6838600206⑆ ⑆121000248⑆ 009066⑆

1999 Robert Heyward

From Robert Heyward
your Excess Portion

ADVANCE BANK

70-7189
2719

December 16, 1999

LANSING, ILLINOIS

A 103725

*****337.65

PAY TO THE ORDER OF THE STEEDS FAMILY BONITA

Three Hundred Thirty-seven Dollars and 65Cents*****

DOLLARS

NOT VALID OVER \$1,000.00

MONEY ORDER

Robert E Ruby Heyward

SIGNATURE OF REMITTER

8049 S. Muskegon Ave Chicago

ADDRESS

ILL 60617

⑈103725⑈ ⑆271971890⑆ ⑈0999012008⑈



Tax payments by
R. Heyward
2000-2014

207185
2719

PURCHASER'S RECORD OF CASHIER'S CHECK
ADVANCE BANK

From Robert Heyward

~~2,000~~ 109542

THE PURCHASER'S INDEMNITY FUND MAY BE REQUIRED IF THE CHECK IS LOST, THE CHECK WILL BE REPLACED OR REFUNDED (WITH EVEN IN LOSS) MISPLACED OR STOLEN.

QUANTITY TREASURER

PAID TO _____

ONE THOUSAND NINETY-FIVE DOLLARS AND SEVENTY-TWO CENTS

October 14, 2000

DATE

No. 109542

*****1095 85

NOT NEGOTIABLE

SAVE THIS RECORD WITH YOUR COMPANY ANY REQUEST FOR INFORMATION MUST BE FORWARDED TO CASHIER'S CHECK

SAVE TIME—SAVE MONEY—
OPEN A NOW CO-OP CHECKING ACCOUNT NOW WHILE YOU ARE IN THE BANK
NO MINIMUM BALANCE - NO STANDING IN LINE - NO PARKING PROBLEMS.



PURCHASER'S COPY OF PERSONAL MONEY ORDER DRAWN ON OFFICE SHOWN HEREON

Receipt ID: 532-05-00-113
Receipt # 2001-055985

NO REFUND IF LOST IN BLANK

C 533923

PAID TO

Andrew C. Smith CPA / Charles Ton County Treasurer 844.52

DATE

10-25-2001

2-7125/2710

ROYAL SAVINGS BANK \$844.52 cts

9226 COMMERCIAL AVE. CHICAGO, IL 60617
10555 EWING AVE. CHICAGO, IL 60617



NOT NEGOTIABLE

The undersigned hereby certifies that the above information is true and correct, and that the person named herein is the owner of the money order, and that the money order is not negotiable.

533923 2710712531 5019000000 21

Purchaser's record of personal money order payment made

Receipt # 2002-058225 ADVANCEBANK

707189
2719

NOTICE TO CUSTOMER

THE PURCHASE OF AN INDIVIDUAL MONEY ORDER WILL BE REQUIRED BEFORE THE CHECK WILL BE REPLACED OR REFUNDATION THEREIN WILL BE MADE. MISPLACED OR STOLEN.

LANSDING, ILLINOIS

December 05, 2002

COUNTY TREASURER

DATE

Paid to

Eight Hundred Fifty-nine Dollars and 35/100ths

A 125136
\$1251.36

Robert J. Meyer
ILLINOIS RECORD COPY MUST BE MADE BY THE ORIGINAL PERSON WHO ISSUED THE MONEY ORDER. SAVE ORIGINAL MONEY ORDER.
800-222-1111
Chgo IL 60617 171

**CHARTER ONE
BANK**

OFFICIAL CHECK

15925664

22-1876
860

NOV 05, 2004

* 444999.64 *

PAY TO THE ORDER OF THE
ORDER OF THE
NINETEEN HUNDRED NINE DOLLARS AND 64/100

REMITTER

REMITTER

ISSUED BY: TRAVELERS EXPRESS COMPANY
DRAWER: P.O. BOX 9476, MINNEAPOLIS, MN
ST. PAUL, MN

**FDIC
Insured**

TWO SIGNATURES REQUIRED ON AMOUNTS OVER \$5,000.00

Drawer: Charter One Bank

NON-NEGOTIABLE

CUSTOMER COPY

 Charter One

OFFICIAL CHECK

2397
1020
November 10, 2005
931198432-3

\$2,091.44 DOLLARS

CHARLESTON COUNTY TREASURER

MEMO:

Parcel ID 532-05-00-113

NON-NEGOTIABLE

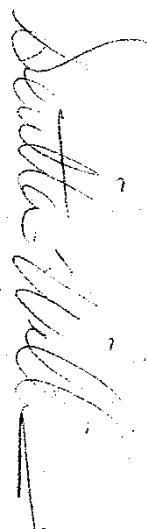
PAYMENT

OF 2,091.44

Issued by Integrated Payment Systems, Inc., Englewood, Colorado
JPMorgan Chase Bank, N.A., Denver, Colorado

SAVE THIS RECORD

WE CANNOT GIVE INFORMATION OR SEARCH RECORDS UNLESS THIS COPY IS PRESENTED



CUSTOMER'S RECORD

XX Charter One

OFFICIAL CHECK

2887
1020
912322137-7
November 09, 2006

.057.35

DOLLARS

ANDREW C. SMITH CPA

NON-NEGOTIABLE

JE 10
Chapel Hill County Treasurer
1020-05-00-113

ALL INFORMATION IS SUBJECT TO THE FOLLOWING CONDITIONS:
1. THIS CHECK IS NOT VALID UNLESS IT IS SIGNED BY THE ISSUING OFFICE.

SAVE THIS RECORD

WE CANNOT GIVE INFORMATION ON THIS CHECK UNLESS THIS COPY IS PRESENTED

Henry Board

CUSTOMER'S RECORD

ROYAL SAVINGS BANK

DEC 05 2007

TO: CHARLESTON COUNTY TREASURER
FROM: ACCT

101207885

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW
IF NOT CORRECT, PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

\$2,173.84

209370

2.008 Tax
Receipt

10813 11/05

M 505462

Pencil 2D PURCHASER'S RECEIPT - RETAIN FOR YOUR RECORDS

REMITTER ~~500-05-00-113~~

*****RUBY HEWARD*****

Chicago, Illinois

MEMBER FDIC

PARK NATIONAL

BANK

1009909

2104/710

340210/2

PAVABLE TO *****NOT NEGOTIABLE*****

TWO THOUSAND THREE HUNDRED NINE DOLLARS AND THIRTY ONE CENTS

REMITTER HAS NO RIGHT TO STOP PAYMENT OF THIS INSTRUMENT IF THIS INSTRUMENT IS LOST, STOLEN, OR DESTROYED OR FOR OTHER REASONS, THE REMITTER DESIGNS OR WISH PAYMENT TO BE MADE IMMEDIATELY TO THE BANK OF THE REMITTER'S REQUIREMENTS

CASHIER'S CHECK

FOR 

MEMORANDUM

GOVERNMENT AGENCIES RESPONSIBLE FOR MILEAGE & TAX DOLLARS

140.00 SOLID WASTE USER FEE (202-6080)

\$ 2,309.31 PAY THIS AMOUNT

TEAR AT PERFORATION AND RETURN BOTTOM PORTION WITH PAYMENT

223

ROYAL BANK

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS PAYMENT OF ITEMS DESCRIBED BELOW
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED

MAR 07 2012

BANK OK

TO: CHARLESTON COUNTY TREASURER

AMOUNT FROM:

2,714.68

3,011.75

214457

PURPOSE/REMITTER: RUBY HEYWARD



CASHIER'S CHECK

No. 7150504267

93.38
929

DATE: DECEMBER 20, 2013

PAY TWO THOUSAND SIX HUNDRED SIXTY NINE DOLLARS AND 41 CENTS

TO THE ORDER OF: CHARLESTON COUNTY TREASURER PIN#5320500113

CUSTOMER COPY \$2,669.41

Location: 7150 South Chicago

U.S. Bank National Association
Minneapolis, MN 55460

HARTLAND CLARKE 20745 (01/13) 13414105

NON NEGOTIABLE

AUTHORIZED SIGNATURE

40.7	336.41	COUNTY GOVERNMENT OPERATING	16.4%
6.1	77.84	COUNTY GOVERNMENT BONDS (958-4641)	
100.5	1,282.38	SCHOOL BOARD OPERATING	63.8%
26.0	331.76	SCHOOL BOARD BONDS (566-1829)	
4.1	52.32	PARKS & RECREATION OPERATING	2.7%
1.3	16.59	PARKS & RECREATION BONDS (762-2172)	
1.9	24.24	TRIDENT TECHNICAL COLLEGE OPERATING	1.2%
0.5	6.38	TRIDENT TECHNICAL COLLEGE BONDS (574-6111)	
35.4	364.49	TOWN OF MT PLEASANT OPERATING (884-8517)	15.9%
2.9	37.00	TOWN OF MT PLEASANT BONDS	
219.4	2,529.41	TOTAL TAXES	100.0%
	140.00	RESIDENTIAL USER FEE	
	2,669.41	PAY THIS AMOUNT	

TEAR AT PERFORATION AND RETURN BOTTOM PORTION WITH PAYMENT

Tax Payment 2014 Ruby

PURPOSE/REMITTER: RUBY HEYWARD



CASHIER'S CHECK

No. 4285501109

93.38
929

PAY

TWO THOUSAND SEVEN HUNDRED SIXTY NINE DOLLARS AND 32 CENTS

DATE: DECEMBER 20, 2014

TO THE
ORDER OF:

CUSTOMER COPY
\$2,769.32
CHARLESTON COUNTY TREASURER

Location: 4285 Chicago Commercial Ave

U.S. Bank National Association
Minneapolis, MN 55480

NON NEGOTIABLE

AUTHORIZED SIGNATURE

HARLAND CLARKE 20745 (01/13) 40248385

2000
Tax Bill

THIS 2000 TAX BILL DOES NOT REFLECT ANY TAXES YOU MIGHT OWE FOR PREVIOUS YEARS

COMBINED TAXES FOR CHARLESTON COUNTY WIDE AND TOWN OF MOUNT PLEASANT DISTRICT 2-1				TAX BILL DATE 09-30-2000	
REAL PROPERTY TAXES FOR PERIOD COMMENCING 01-01-2000				TAX BILL DATE 09-30-2000	
RECEIPT NO. 2000-055651	APPROXIMATED VALUE 67,800	ASSESSMENT RATIO(S) 016	TOTAL ASSESSMENT 4,070	TOTAL MILLS 273.4	TOTAL TAXES 1,112.74
DIST 21	TYPE 00	# OF BUILDINGS 2	ACRES	MORTGAGE CODE/ID	
PROPERTY DESCRIPTION PARCEL ID: 532-05-00-113 516 BANK ST LT 7 BLK 7					
			COUNTY SALES TAX CREDIT MUNICIPAL SALES TAX CREDIT DISPOSAL FEE 2 UNITS X 63		
			-122.72 -50.17 126.00		
PAY THIS AMOUNT (ON OR BEFORE 01-16-2001)			) \$ 1,065.85		

HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

R
AMOUNT DUE AFTER (PAYMENT TO COUNTY TREASURER)
01-16-2001 *****1,094.05
02-02-2001 *****1,159.84
AMOUNT DUE AFTER (PAYMENT TO DELINQUENT TAX)
03-19-2001 *****1,206.83

MILLS	TAXES	DISTRIBUTION OF YOUR TAX DOLLARS	PERCENT
69.2	\$	158.92 COUNTY GOVERNMENT OPERATING	21.2 %
16.6	\$	67.56 COUNTY GOVERNMENT BOND ISSUES	
90.0	\$	366.30 SCHOOL BOARD OPERATING	44.0 %
25.2	\$	102.56 SCHOOL BOARD BOND ISSUES	
4.5	\$	18.32 PARK AND RECREATION OPERATING	3.9 %
5.6	\$	22.79 PARK AND RECREATION BONDS	
2.8	\$	11.40 TRIDENT TECHNICAL COLLEGE	1.1 %
59.5	\$	192.00 TOWN OF MT. PLEASANT	18.0 %
	\$	126.00 SOLID WASTE RECYCLING AND DISPOSAL FEE	11.8 %
273.4	\$	1,065.85 TOTAL	

TEAR AT PERFORATION AND RETURN BOTTOM PORTION



CHARLESTON COUNTY ASSESSOR'S OFFICE

P.O. Box 427
Charleston, SC 29402
(843) 958-4100



2000 TAX YEAR

PARCEL ID NO.

532-05-00-113-

NOTICE OF CLASSIFICATION APPRAISAL & ASSESSMENT OF REAL ESTATE				
ASSESSMENT RATIO CLASSIFICATION	BLDG	MARKET VALUE	X	RATIO
OWNER OCCUPIED RESIDENTIAL				=
OTHER PROPERTY	2	67,800		=
MARKET VALUE-AGRICULTURAL				=
USE VALUE AGRICULTURAL				=
TOTAL ASSESSMENT				=
				4,470

PROPERTY LOCATION - SUBDIVISION - LEGAL DESCRIPTION

516 BANK ST

LT 7 BLK 7

TOTAL ACRES IS

.00

NAME & ADDRESS

HEYMARD ROBERT JAMES
8649 SOUTH MUSKEGON ST
CHICAGO IL 60617

REASON FOR CHANGE
ASSESSMENT RATIO BEING CHANGED
FROM 4% TO 6% BECAUSE OWNER
DID NOT APPLY OR QUALIFY FOR
LEGAL RESIDENCE 4% RATIO

THE TOTAL MARKET VALUE ESTIMATE*

IS

67,800

If you disagree with the Appraisal & Assessment, you must file written objection with the assessor within 30 days or before

09/11/2000

TAX DISTRICT

2-1

DATE OF NOTICE

08/11/2000

**IF YOU WISH TO APPEAL THE
ASSESSMENT ON YOUR PROPERTY**

If you disagree with the assessor's appraisal of your property and wish to appeal, state law provides the following procedure in Sections 12-60-2510 and 12-60-2520 of the 1976 Code of Laws as amended:

1. Within 30 days of the date of the assessment, you must file written objection with the assessor.
2. If upon examination of your written objection, the assessor finds that the appraisal/assessment is in error, the error will be corrected and you will be notified of the corrected appraisal/assessment via a revised assessment notice.
3. If upon examination of your written objection, the assessor does not find that the appraisal/assessment is in error, a conference will be scheduled within 30 days of receipt of your written objection to discuss your objection.
4. At the conference, you may request that the assessor have a field review conducted on your appraisal/assessment. The assessor, in turn, will request that you provide additional data to help estimate the value of your property.
5. After the field review has been completed, the assessor will notify you in writing of the findings. If you still disagree with the assessment, you have 30 days to file a written notice of appeal to the County Board of Assessment Appeals, a panel of private citizens who serve as the final local authority in such appeals. If you disagree with the County Board of Assessment Appeals' decision, you may appeal to the South Carolina Administrative Law Judge Division.
6. State law requires that you must pay 80% of tax generated on the proposed assessment if it appears that the appeal will not be settled by December 31 of the tax year in question.

EXPLANATION OF NOTICE ON BACK.

CHARLESTON COUNTY ASSESSOR'S OFFICE
P.O. Box 427
Charleston, SC 29402

**THIS IS A NOTICE OF
CLASSIFICATION APPRAISAL,
AND ASSESSMENT OF REAL ESTATE**

Section 12-43-220 of the 1976 Code of Laws as amended provides for the classification and uniform assessment ratios of property. The property described herein has been appraised and assessed at the appropriate assessment ratio by the assessor.

**THIS IS NOT A
TAX BILL**

NOTICE OF CLASSIFICATION APPRAISAL & ASSESSMENT OF REAL ESTATE		4	5	6
ASSESSMENT RATIO CLASSIFICATION	OWNER OCCUPIED RESIDENTIAL	1	80,000	1270
OTHER PROPERTY				
MARKET VALUE - AGRICULTURAL				
USE VALUE - AGRICULTURAL				
TOTAL ASSESSMENT				
PROPERTY LOCATION - SUBDIVISION - LEGAL DESCRIPTION				
South Property Subd				
T.S. Section 12				
No Division 3A				
Name & Address				
Mr. John M.				
No. 1234 Street				
Anytown, NC 29000				
3				
IF YOU DISAGREE WITH THE APPRAISAL & ASSESSMENT, YOU MUST SERVE WRITTEN OBJECTION WITH THE ASSESSOR WITHIN 30 DAYS OR BEFORE				
TAX MAP NUMBER		IN 100-00-010		
TAX YEAR		1990		
THE TOTAL MARKET VALUE ESTIMATE		80,000		
TAXING DISTRICT		1		
TAXING DISTRICT		2		
TAXING DISTRICT		1		

EXPLANATION OF NOTICE

1. DATE NOTICE IS PRINTED FOR MAILING.
2. THE TAX DISTRICT WHERE IN THE PROPERTY IS LOCATED.
3. NAME OF OWNER AS OF DECEMBER 31 AS REQUIRED BY LAW.
4. THE ACTUAL APPRAISED VALUE (MARKET VALUE OR AGRICULTURAL USE VALUE IF APPLICABLE) AS OF DECEMBER 31.
5. ASSESSMENT RATIO AS PRESCRIBED BY LAW.
6. ASSESSMENT WHICH WILL BE USED BY TAXING AUTHORITIES WHEN LEVYING TAXES.

$$\text{ASSESSMENT} \times \text{MILLAGE RATE} = \text{TAX}$$

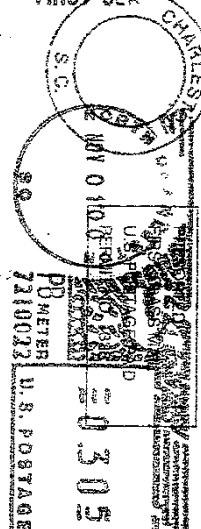


ANDREW C. SMITH, CPA
COUNTY TREASURER
P.O. BOX 878
CHARLESTON, S.C. 29402-0878

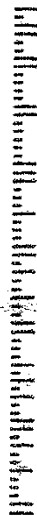
HEYWARD ROBERT JAMES
8049 S. MUSKESON AVE
CHICAGO IL 60617-1432

RECEIVED
REQUESTED

PRESORT
FIRST CLASS



60617-1432 46



THIS 2001 TAX BILL DOES NOT REFLECT ANY TAXES YOU MIGHT OWE FOR PREVIOUS YEARS

COMBINED TAXES FOR CHARLESTON COUNTY WIDE AND TOWN OF MOUNT PLEASANT DISTRICT 2-1
REAL PROPERTY TAXES FOR PERIOD COMMENCING 01-01-2001 TAX BILL DATE 09-28-2001

REAL PROPERTY TAXES FOR PERIOD COMMENCING 01-01-2001	TAX BILL DATE 09-28-2001
EXEMPTED NO.	APPROPRIATE VALUE

RECEIPT NO. 2007-055985	APPRAISED VALUE 60,800	ASSESSMENT RATIO(S) 016	TOTAL ASSESSMENT 3,650	TOTAL MILLS 228.0	TOTAL TAXES 832.21

DIST	TYPE	BUDGS	ACRES	MORTGAGE CODE/ID
21	00	2		

PROPERTY DESCRIPTION	516 BANK ST	516 BANK ST
PARCEL ID	532-05-00-113	532-05-00-113
	LT 7 BLK 7	LT 7 BLK 7
COUNTY SALES TAX CREDIT		-77.82
MUNICIPAL SALES TAX CREDIT		-35.87
DISPOSAL FEE 2 UNITS X 63		126.00

008667	R
HEYWARD ROBERT JAMES 8049 S MUSKEGON AVE CHICAGO IL 60617-1432	
PRIOR YEAR TAX AMOUNT	1,065.85
AMOUNT DUE AFTER (PAYMENT TO COUNTY TREASURER) 01-15-2002 *****866.08	

AMOUNT DUE AFTER (PAYMENT TO COUNTY TREASURER)	
01-15-2002	*****866.08
02-01-2002	*****916.37
AMOUNT DUE AFTER (PAYMENT TO DELINQUENT TAX)	
03-18-2002	*****952.30

MILLS		TAXES	DISTRIBUTION OF YOUR TAX DOLLARS	PERCENT	LR 15% CAP SUMMARY
53.8		\$118.55	COUNTY GOVERNMENT OPERATING	19.7%	
13.0		\$47.45	COUNTY GOVERNMENT BOND ISSUES		
81.6		\$297.84	SCHOOL BOARD OPERATING	44.6%	
21.8		\$79.57	SCHOOL BOARD BOND ISSUES		
3.7		\$13.51	PARK AND RECREATION OPERATING		
3.9		\$14.24	PARK AND RECREATION BONDS	3.3%	
2.2		\$8.03	TRIDENT TECHNICAL COLLEGE	1.0%	
48.0		\$139.33	TOWN OF MT. PLEASANT	16.5%	
		\$126.00	SOLID WASTE RECYCLING AND DISPOSAL FEE	14.9%	
		\$28.0	TOTAL		

TEAR AT PERFORATION AND RETURN BOTTOM PORTION

GENERAL INFORMATION

For personal property values, appeals, exemptions, mailing address changes, fees, etc., contact the County Auditor.

For real estate appraisals/assessments/ appeals of legal residence qualifications, contact the County Assessor.

For verification of tax payments by an individual or mortgage company, contact the County Treasurer.

YOU CAN NOW PAY YOUR TAXES ONLINE, BY CHECK OR CREDIT CARD. AT: www.laxweb.charlestoncounty.org

Peggy A. Moseley, Auditor
#2 Courthouse Square, Room 101
P.O. Box 614
Charleston, S.C. 29402-0614
Motor Vehicle & Real Estate (843) 958-4200
Homestead Exemption (843) 958-4220
Personal Property (843) 958-4205

D. Michael Huggins, Assessor
#2 Courthouse Square, Room 302
P.O. Box 427
Charleston, S.C. 29402-0427
Telephone (843) 958-4100

Andrew C. Smith, Treasurer
#2 Courthouse Square, Room 108
P.O. Box 878
Charleston, S.C. 29402-0878
Telephone (843) 958-4360

Satellite locations for your convenience:

East Cooper Service Center
1189 Iron Bridge Road, Rm 400
Mt. Pleasant, S.C. 29464
Auditor (843) 856-1200
Treasurer (843) 856-1201

St. Paul's Service Center
5962 Highway 165, Suite 300
Ravenel, S.C. 29470
Auditor (843) 889-8351
Treasurer (843) 889-3025

North Charleston Service Center
4045 Bridge View Drive - 1st Floor
North Charleston, S.C. 29405-7464
Auditor (843) 202-6691
Treasurer (843) 202-6692

REAL PROPERTY APPRAISAL/ASSESSMENT INFORMATION (CONTACT ASSESSOR'S OFFICE)

Assessment ratios are shown on the front of this bill for the property described. Property owners requesting to qualify for a lower assessment ratio (see below) must file an application with the County Assessor.

QR4-Property - Assessed as "legal residence" at 4%.

OT6-Property - Assessed as "other" at 6%.

QA4-Property - Qualified for agricultural use value at 4%.

AC6-Property - Owned by more than ten shareholders, corporations, etc., qualified for agricultural use value at 6%.

"If a person signs the certificate and is not eligible, or thereafter loses eligibility, and fails to notify the county assessor within the allotted time, a penalty of ten percent and interest at the rate of one-half of one percent a month must be paid on the difference between the amount that was paid and the amount that should have been paid, but not less than thirty dollars nor more than the current year's taxes." (South Carolina Code of Laws Section 12-43-220)

PERSONAL PROPERTY APPRAISAL/ASSESSMENT INFORMATION (CONTACT AUDITOR'S OFFICE)

Personal property (boats, boat motors, and airplanes) and business personal property (furniture, fixtures, and equipment) must be appealed to the County Auditor in writing, on or before the tax due date. If you have sold or otherwise disposed of your boat/motor, you should contact the Department of Natural Resources at (843) 762-5064 as well as the Auditor's Office at (843) 958-4205.

HOMESTEAD EXEMPTION INFORMATION (CONTACT AUDITOR'S OFFICE)

YOU MAY QUALIFY FOR THE SOUTH CAROLINA HOMESTEAD EXEMPTION PROGRAM, IF YOU ARE:

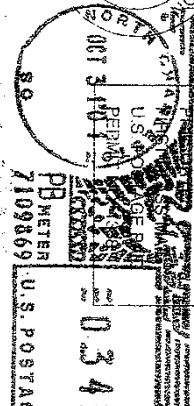
- At least age 65 on or before December 31 preceding the tax year in which you wish to claim the exemption, or
- Totally and permanently disabled, or
- Legally blind, or
- At least 50 years of age when your spouse who was eligible for the Homestead Exemption died.



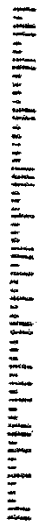
ANDREW C. SMITH, CPA
COUNTY TREASURER
P.O. BOX 878
CHARLESTON, S.C. 29402-0878

HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

RETURN SERVICE
REQUESTED



60617+1432 46



2002 Tax Bill

THIS TAX BILL DOES NOT REFLECT ANY TAXES YOU MIGHT OWE FOR PREVIOUS YEARS
 COMBINED TAXES FOR CHARLESTON COUNTYWIDE AND TOWN OF MOUNT PLEASANT DISTRICT 2-1
 REAL PROPERTY FOR PERIOD COMMENCING 01-01-2002 TAX BILL DATE 11-15-2002

RECEIPT NO. 2002-058225	APPROPRIATED VALUE 60,800	ASSESSMENT RATIO(S) 016	TOTAL ASSESSMENT 3,650	TOTAL MILLS 227.4	TOTAL TAXES 830.03
DIST 21	TYPE 00	BLDGS 2	ACRES 2	MORTGAGE CODE/ID	
PROPERTY DESCRIPTION 516 BANK ST LT 7 BLK 7					
PARCEL ID: 532-05-00-113					
141630 1 MB 0.309					
HEYWARD ROBERT JAMES 8049 S MUSKEGON AVE CHICAGO IL 60617-1432					
141630 754					
PAY THIS AMOUNT (ON OR BEFORE 01-15-2003) \$ 859.36					
PRIOR YEAR TAX AMOUNT 844.52					
AMOUNT DUE AFTER (PAYMENT TO COUNTY TREASURER) 01-15-2003 *****881.36					
02-03-2003 *****932.70					
AMOUNT DUE AFTER (PAYMENT TO DELINQUENT TAX) 03-17-2003 *****969.36					

MILLS	TAXES	DISTRIBUTION OF YOUR TAX DOLLARS	PERCENT	15% CAP SUMMARY
50.8	\$ 119.15	COUNTY GOVERNMENT OPERATING		
10.4	\$ 37.96	COUNTY GOVERNMENT BOND ISSUES	18.3 %	
89.3	\$ 325.95	SCHOOL BOARD OPERATING		
20.4	\$ 74.46	SCHOOL BOARD BOND ISSUES	46.5 %	
3.5	\$ 12.78	PARK AND RECREATION OPERATING		
3.7	\$ 13.51	PARK AND RECREATION BOND	3.1 %	
2.1	\$ 7.67	TRIDENT TECHNICAL COLLEGE	0.9 %	
47.2	\$ 141.88	TOWN OF MT. PLEASANT	16.5 %	
	\$ 126.00	SOLID WASTE RECYCLING AND DISPOSAL FEE	14.7 %	
227.4	\$ 859.36	TOTAL		

TEAR AT PERFORATION AND RETURN BOTTOM PORTION WITH PAYMENT

GENERAL INFORMATION

For personal property values, appeals, exemptions, mailing address changes, fees, etc., contact the County Auditor.
For real estate appraisals/assessments/ appeals of legal residence qualifications, contact the County Assessor.
For verification of tax payments by an individual or mortgage company, contact the County Treasurer.

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Charleston, S.C. 29402-0427
Telephone (843) 958-4100

Andrew C. Smith, Treasurer
#2 Courthouse Square, Room 108
P.O. Box 878
Charleston, S.C. 29402-0878
Telephone (843) 958-4360

Satellite locations for your convenience:

East Cooper Service Center
1189 Iron Bridge Road, Rm 400
Mt. Pleasant, S.C. 29464
Auditor (843) 856-1200
Treasurer (843) 856-1201

St. Paul's Service Center
5962 Highway 165, Suite 300
Ravenel, S.C. 29470
Auditor (843) 889-8351
Treasurer (843) 889-3025

North Charleston Service Center
4045 Bridge View Drive - 1st Floor
North Charleston, S.C. 29405-7464
Auditor (843) 202-6691
Treasurer (843) 202-6692

REAL PROPERTY APPRAISAL/ASSESSMENT INFORMATION (CONTACT ASSESSOR'S OFFICE)

Assessment ratios are shown on the front of this bill for the property described. Property owners requesting to qualify for a lower assessment ratio (see below) must file an application with the County Assessor (843) 958-4100.

QR4-Property - Assessed as *qualified legal residence* at 4%.

OT6-Property - Assessed as *other* at 6%.

QA4-Property - Assessed as *qualified agricultural* at 4%.

AC6-Property - Assessed as *agricultural* at 6%.

"If a person signs the certificate and is not eligible, or thereafter loses eligibility, and fails to notify the county assessor within the allotted time, a penalty of ten percent and interest at the rate of one-half of one percent a month must be paid on the difference between the amount that was paid and the amount that should have been paid, but not less than thirty dollars nor more than the current year's taxes." (South Carolina Code of Laws Section 12-43-220)

PERSONAL PROPERTY APPRAISAL/ASSESSMENT INFORMATION (CONTACT AUDITOR'S OFFICE)

Personal property (boats, boat motors, and airplanes) and business personal property (furniture, fixtures, and equipment) must be appealed to the County Auditor *in writing, on or before the tax due date*. If you have sold or otherwise disposed of your boat/motor, you should contact the Department of Natural Resources at (843) 762-5064 as well as the Auditor's office at (843) 958-4200.

HOMESTEAD EXEMPTION INFORMATION (CONTACT AUDITOR'S OFFICE)

YOU MAY QUALIFY FOR THE SOUTH CAROLINA HOMESTEAD EXEMPTION PROGRAM, IF YOU ARE:

- At least age 65 on or before December 31 preceding the tax year in which you wish to claim the exemption, or
- Totally and permanently disabled, or
- Legally blind, or
- At least 50 years of age when your spouse who was eligible for the Homestead Exemption died.

THIS TAX BILL DOES NOT REFLECT ANY TAXES YOU MIGHT OWE FOR PREVIOUS YEARS

COMBINED TAXES FOR: CHARLESTON COUNTY-WIDE ENTITIES AND TOWN OF MOUNT PLEASANT DISTRICT 2-1
REAL PROPERTY TAXES FOR PERIOD COMMENCING: 01-01-2003 TAX BILL DATE: 09-30-2003

RECEIPT NO.				TAX BILL DATE: 09-30-2003			
TOTAL APPRAISAL		TOTAL ASSES.		ASSES. RATIOS		TOTAL TAXES	
2003-059255		60,800		3,650		016	
DIST. TYPE		BLDGOS.		ACRES		MORTGAGE CODE / ID	
21		00		2			
PROPERTY DESCRIPTION							
516 BANK ST							
177 BLK 7							
PARCEL ID: 532-05-00-113							

143090 1 MB 0.309
HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

564
143090R

COUNTY SALES TAX CREDIT	-66.27
MUNICIPAL SALES TAX CREDIT	-27.97
DISPOSAL FEE 2 UNITS X 63	126.00
PAY THIS AMOUNT ON OR BEFORE	01-15-2004
PRIOR YEAR TAX AMOUNT	889.17
YOU CAN PAY YOUR TAXES ONLINE AT: www.charlestoncounty.org	859.36

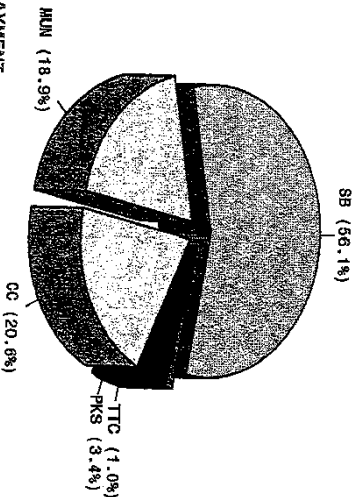
AMOUNT DUE AFTER (PAYMENT TO COUNTY TREASURER)
01-15-2004 *****912.07

MILLS	AGENCY	TAXES	GOVERNMENT AGENCIES RESPONSIBLE FOR MILLAGE & TAX DOLLARS	AGENCY	CODE	% OF BILL

105.1	383.62	SCHOOL BOARD OPERATING	SB	56.1%	Govt. Agencies Responsible for Taxes
12.1	44.17	SCHOOL BOARD BONDS (566-9260)			
47.2	144.31	TOWN OF MT. PLEASANT (884-8517)	MUN	18.9%	
50.8	119.15	COUNTY GOVERNMENT OPERATING	CC	20.6%	
10.4	37.96	COUNTY GOVERNMENT BONDS (958-4601)			
3.5	12.78	PARK AND RECREATION OPERATING	PKS	3.4%	
3.7	13.51	PARK AND RECREATION BONDS (762-2172)			
2.1	7.67	TRIDENT TECHNICAL COLLEGE (574-6198)	TTC	1.0%	

126.00 SOLID WASTE USER FEE (202-6061)
\$ 889.17 PAY THIS AMOUNT

TEAR AT PERFORATION AND RETURN BOTTOM PORTION WITH PAYMENT



GENERAL INFORMATION

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Peggy A. Moseley, Auditor	D. Michael Huggins, Assessor	Andrew C. Smith, Treasurer
#2 Courthouse Square, Room 101	#2 Courthouse Square, Room 302	#2 Courthouse Square, Room 108
P.O. Box 614	P.O. Box 427	P.O. Box 878
Charleston, S.C. 29402-0614	Charleston, S.C. 29402-0427	Charleston, S.C. 29402-0878
Telephone (843) 958-4200	Telephone (843) 958-4100	Telephone (843) 958-4360

Satellite Locations for Your Convenience:

East Cooper Service Center	St. Paul's Service Center	North Charleston Service Center
1189 Iron Bridge Road, Rm 400	5962 Highway 165, Suite 300	4045 Bridge View Drive - 1 st Floor
Mt. Pleasant, S.C. 29464	Ravenel, S.C. 29470	North Charleston, S.C. 29405-7464
Auditor (843) 856-1200	Auditor (843) 889-8351	Auditor (843) 202-6691
Treasurer (843) 856-1201	Treasurer (843) 889-3025	Treasurer (843) 202-6692

REAL PROPERTY APPRAISAL/ASSESSMENT INFORMATION (CONTACT ASSESSOR'S OFFICE)

Assessment ratios are shown on the front of this bill for the property described. Property owners requesting to qualify for a lower assessment ratio (see below) must file an application with the County Assessor (843) 958-4100.

QR4-Property - Assessed as qualified legal residence at 4%.

OT6-Property - Assessed as other at 6%.

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AC6-Property - Assessed as agricultural at 6%.

"If a person signs the certificate and is not eligible, or thereafter loses eligibility, and fails to notify the county assessor within the allotted time, a penalty of ten percent and interest at the rate of one-half of one percent a month must be paid on the difference between the amount that was paid and the amount that should have been paid, but not less than thirty dollars nor more than the current year's taxes." (South Carolina Code of Laws Section 12-43-220)

PERSONAL PROPERTY APPRAISAL/ASSESSMENT INFORMATION (CONTACT AUDITOR'S OFFICE)

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HOMESTEAD EXEMPTION INFORMATION (CONTACT AUDITOR'S OFFICE)

YOU MAY QUALIFY FOR THE SOUTH CAROLINA HOMESTEAD EXEMPTION PROGRAM, IF YOU ARE:

- At least age 65 on or before December 31 preceding the tax year in which you wish to claim the exemption, or
- Totally and permanently disabled, or

THIS TAX BILL DOES NOT REFLECT ANY TAXES YOU MIGHT OWE FOR PREVIOUS YEARS

COMBINED TAXES FOR: CHARLESTON COUNTY-WIDE ENTITIES AND TOWN OF MOUNT PLEASANT DISTRICT 2-1
 REAL PROPERTY TAXES FOR PERIOD COMMENCING: 01-01-2004 TAX BILL DATE: 10-15-2004

RECEIPT NO.	TOTAL APPRAISAL	TOTAL ASSESS.	ASSESS. RATIOS	TOTAL MILLS	TOTAL TAXES
2004-060600	60,800	3,650	076	239.1	872.74
DIST. TYPE	BLDG.	ACRES	MORTGAGE CODE / ID		
21 00	2				

PROPERTY DESCRIPTION: 516 BANK ST
 147699 1 MB 0.309
 HEYWARD ROBERT JAMES
 8049 S MUSKEGON AVE
 CHICAGO IL 60617-1432
 791
 147699R

PARCEL ID: 532-05-00-113

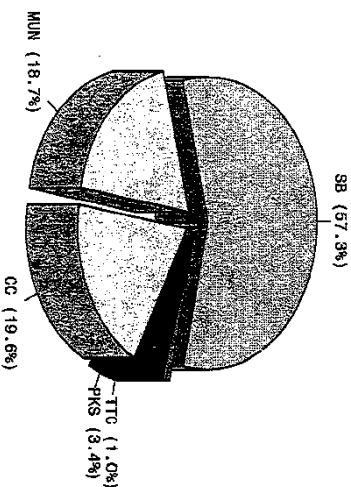
COUNTY SALES TAX CREDIT	-71.74
MUNICIPAL SALES TAX CREDIT	-27.36
DISPOSAL FEE 2 UNITS X 63	126.00
PAY THIS AMOUNT ON OR BEFORE 01-18-2005	899.64
PRIOR YEAR TAX AMOUNT	889.17

YOU CAN PAY YOUR TAXES ONLINE AT: www.charlestoncounty.org
 AMOUNT DUE AFTER (PAYMENT TO COUNTY TREASURER)
 01-18-2005 *****922.85
 02-01-2005 *****977.00
 AMOUNT DUE AFTER (PAYMENT TO DELINQUENT TAX)
 03-16-2005 *****1,015.69

AGENCY	TAXES	AGENCY	CODE	% OF BILL
GOVERNMENT AGENCIES RESPONSIBLE FOR MILLAGE & TAX DOLLARS				

109.0	397.85	SCHOOL BOARD OPERATING	SB	57.3%	Govt. Agencies Responsible for Taxes
12.4	45.26	SCHOOL BOARD BONDS (566-9260)			
47.2	144.92	TOWN OF MT. PLEASANT (884-8517)	MUN	18.7%	
51.3	115.51	COUNTY GOVERNMENT OPERATING			
9.9	36.14	COUNTY GOVERNMENT BONDS (958-4601)	CC	19.6%	
3.5	12.78	PARK AND RECREATION OPERATING	PKS	3.4%	
3.7	13.51	PARK AND RECREATION BONDS (762-2172)			
2.1	7.67	TRIDENT TECHNICAL COLLEGE (572-6222)	TTC	1.0%	

126.00 SOLID WASTE USER FEE (202-6080)
 \$ 899.64 PAY THIS AMOUNT
 TEAR AT PERFORATION AND RETURN BOTTOM PORTION WITH PAYMENT



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101 Meeting Street, 1st Floor
P.O. Box 614
Charleston, S.C. 29402-0614
Telephone (843) 958-4200

D. Michael Huggins, Assessor
101 Meeting Street, 3rd Floor
P.O. Box 427
Charleston, S.C. 29402-0427
Telephone (843) 958-4100

Andrew C. Smith, Treasurer
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P.O. Box 878
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Mt. Pleasant, S.C. 29464
Auditor (843) 856-1200
Treasurer (843) 856-1201

St. Paul's Service Center
5962 Highway 165, Suite 300
Ravenel, S.C. 29470
Auditor (843) 889-8351
Treasurer (843) 889-3025

North Charleston Service Center
4045 Bridge View Drive - 1st Floor
North Charleston, S.C. 29405-7464
Auditor (843) 202-6691
Treasurer (843) 202-6692

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YOU MAY QUALIFY FOR THE SOUTH CAROLINA HOMESTEAD EXEMPTION PROGRAM, IF YOU ARE:

- At least age 65 on or before December 31 preceding the tax year in which you wish to claim the exemption, or
- Totally and permanently disabled, or

2003 1000 1000

THIS TAX BILL DOES NOT REFLECT ANY TAXES YOU MIGHT OWE FOR PREVIOUS YEARS

COMBINED TAXES FOR: CHARLESTON COUNTY-WIDE ENTITIES AND TOWN OF MOUNT PLEASANT DISTRICT 2-1
REAL PROPERTY TAXES FOR PERIOD COMMENCING: 01-01-2005 TAX BILL DATE: 09-30-2005

RECEIPT NO.	TOTAL APPRAISAL	TOTAL ASSESS.	ASSESS. RATIO	TOTAL MILLS	TOTAL TAXES
2005-061729	185,000	11,100	0.06	199.9	2,218.89
DIST.	TYPE	BLDG.	ACRES	MORTGAGE CODE / ID	
21	00	2			

PROPERTY DESCRIPTION: PARCEL ID: 532-05-00-113
516 BANK ST
LT 7 BLK 7

1525511 MB 0.309
HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432
807
152551R

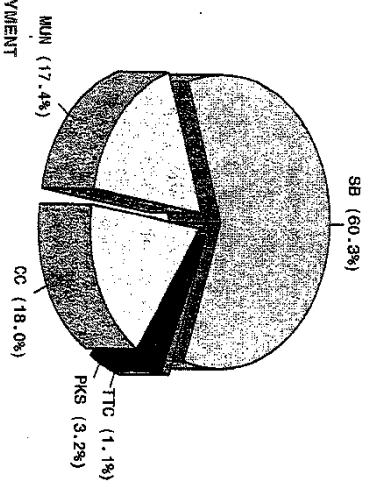


PAY THIS AMOUNT ON OR BEFORE	01-17-2006	2,091.44
PRIOR YEAR TAX AMOUNT		899.64
AMOUNT DUE AFTER		(PAYMENT TO COUNTY TREASURER)
01-17-2006		*****2,150.40
02-01-2006		*****2,287.98
AMOUNT DUE AFTER		(PAYMENT TO DELINQUENT TAX)
03-16-2006		*****2,386.26

MILLS	AGENCY	TAXES	GOVERNMENT AGENCIES RESPONSIBLE FOR MILLAGE & TAX DOLLARS	CODE	AGENCY	% OF BILL

91.1	1,011.21	SCHOOL BOARD OPERATING	SB	60.3%	Govt. Agencies Responsible for Taxes
15.8	175.38	SCHOOL BOARD BONDS (566-1829)			
38.6	341.51	TOWN OF MT. PLEASANT (884-8517)	MUN	17.4%	
40.2	279.72	COUNTY GOVERNMENT OPERATING	CC	18.0%	
6.6	73.26	COUNTY GOVERNMENT BONDS (958-4601)			
3.5	38.85	PARK AND RECREATION OPERATING	PKS	3.2%	
2.1	23.31	PARK AND RECREATION BONDS (762-2172)			
2.0	22.20	TRIDENT TECHNICAL COLLEGE (572-6222)	TTC	1.1%	

126.00 SOLID WASTE USER FEE (202-6080)
\$ 2,091.44 PAY THIS AMOUNT
TEAR AT PERFORATION AND RETURN BOTTOM PORTION WITH PAYMENT



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Telephone (843) 958-4100

Andrew C. Smith, Treasurer
101 Meeting Street
P.O. Box 878
Charleston, S.C. 29402-0878
Telephone (843) 958-4360

**OFFICE HOURS ARE MONDAY THROUGH FRIDAY, 8:30 AM TO 5:00 PM, EXCEPT
ST. PAUL'S SERVICE CENTER IS OPEN 8:00 AM TO 12:30 PM AND 1:30 PM TO 4:30 PM.**

Satellite Locations for Your Convenience:

East Cooper Service Center
1189 Iron Bridge Road
Mt. Pleasant, S.C. 29464
Auditor (843) 856-1200
Treasurer (843) 856-1201

St. Paul's Service Center
5962 Highway 165
Ravenel, S.C. 29470
Auditor (843) 889-8351
Treasurer (843) 889-3025

North Charleston Service Center
4045 Bridge View Drive
North Charleston, S.C. 29405-7464
Auditor (843) 202-6691
Treasurer (843) 202-6692

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HOMESTEAD EXEMPTION INFORMATION (CONTACT AUDITOR'S OFFICE)

YOU MAY QUALIFY FOR THE SOUTH CAROLINA HOMESTEAD EXEMPTION (FOR PRIMARY RESIDENCE) IF YOU ARE:

- At least age 65 on or before December 31, preceding the tax year in which you wish to claim the exemption, or

THIS TAX BILL DOES NOT REFLECT ANY TAXES YOU MIGHT OWE FOR PREVIOUS YEARS

COMBINED TAXES FOR: CHARLESTON COUNTY-WIDE ENTITIES AND TOWN OF MOUNT PLEASANT DISTRICT 2-1

REAL PROPERTY TAXES FOR PERIOD COMMENCING: 01-01-2007

TAX BILL DATE: 09-28-2007

PROPERTY DESCRIPTION				ASSESSMENT RATIO	APPRaisal	ASSESSMENT	MILLAGE	TOTAL TAX
DIST	TYPE	BLDGs	ACRES	MORTGAGE CODE/ID				
21	00	2			016	188,000	11,100	206.6
								\$ 2,293.26

516 BANK ST
LT 7 BLK 7

158854 1 MB 0.360

HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

158854	696	158854	PAY THIS AMOUNT ON OR BEFORE 01-15-2008	2,179.81
			PRIOR YEAR TAX AMOUNT	2,067.39

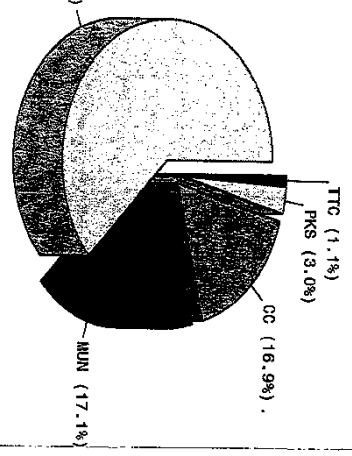
GOVERNMENT AGENCIES RESPONSIBLE FOR MILLAGE & TAX DOLLARS

AGENCY CODE %

95.4	1,058.94	SCHOOL BOARD OPERATING	SB	61.9%
18.2	202.02	SCHOOL BOARD BONDS (566-1829)		
35.7	316.72	TOWN OF MT. PLEASANT (884-8517)	MUN	17.1%
2.9	32.19	TOWN OF MT PLEASANT-BONDS		
40.2	272.32	COUNTY GOVERNMENT OPERATING	CC	16.9%
6.6	73.26	COUNTY GOVERNMENT BONDS (958-4641)		
3.5	38.85	PARK AND RECREATION OPERATING	PKS	3.0%
2.1	23.31	PARK AND RECREATION BONDS (762-2172)		
2.0	22.20	TRIDENT TECHNICAL COLLEGE (574-6111)	TTC	1.1%

\$ 2,179.81 SOLID WASTE USER FEE (202-6080)

PAY THIS AMOUNT



YOU CAN PAY YOUR TAXES ONLINE AT www.charlestoncounty.org

IMPORTANT INFORMATION ON BACK OF THIS BILL

GENERAL INFORMATION

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Telephone (843) 958-4200

Toy S. Glennon, Assessor
101 Meeting Street
P.O. Box 427
Charleston, S.C. 29402-0427
Telephone (843) 958-4100

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P.O. Box 878
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5962 Highway 165
Ravenel, S.C. 29470
Auditor (843) 889-8351
Treasurer (843) 889-3025

North Charleston Service Center
4045 Bridge View Drive
North Charleston, S.C. 29405-7464
Auditor (843) 202-6691
Treasurer (843) 202-6692

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HOMESTEAD EXEMPTION INFORMATION (CONTACT AUDITOR'S OFFICE)

YOU MAY QUALIFY FOR THE SOUTH CAROLINA HOMESTEAD EXEMPTION (FOR PRIMARY RESIDENCE) IF YOU ARE:

- At least age 65 on or before December 31, preceding the tax year in which you wish to claim the exemption, or
- Totally and permanently disabled, or
- Legally blind, or
- Qualified when your spouse who was eligible for the Homestead Exemption died.

YOU MUST ALSO:

- Be a resident of South Carolina for at least one year on or before December 31, preceding the year for which the exemption is

2008 Tax Bill

TOWN OF MOUNT PLEASANT DISTRICT 2-1

PROPERTY DESCRIPTION

DIST	TYPE	BLDG	ACRES	MORTGAGE CODE/ID
21	00	2		

516 BANK ST
LT 7 BLK 7

RECEIPT#: 2008-068143 PARCEL ID: 592-05-00-113

162707 1 MB 0.369
HEWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

162707
714
162707
R

ASSESSMENT RATIO

ASSESSMENT RATIO	APPRAISAL	ASSESSMENT	MILLAGE	TOTAL TAX
016	185,000	11,100	215.6	\$ 2,393.16

COUNTY SALES TAX CREDIT
MUNICIPAL SALES TAX CREDIT
DISPOSAL FEE 2 UNITS X 70

PAY THIS AMOUNT ON OR BEFORE 01-15-2009
PRIOR YEAR TAX AMOUNT

\$ 2,309.31 SOLID WASTE USER FEE (202.65), RESPONSIBLE FOR MILLAGE & TAX DOLLARS

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IMPORTANT INFORMATION ON BACK OF THIS BILL

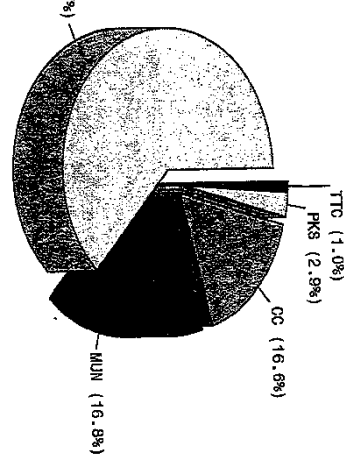
TEAR AT PERFORATION AND RETURN BOTTOM PORTION WITH PAYMENT

appeals, exemptions, mailing address changes, fees, etc. contact the County Auditor.
 (ONLY ONLINE & CONVENIENCE FEE) **WYNNE MATHESON** County Auditor
 402-0421
 4045 Bridge View Drive
 North Charleston, S.C. 29405-1464
 8:30 AM TO 5:00 PM; EXCEPT
 4:05 PM AND 1:30 PM TO 4:30 PM.
 Telephone (843) 958-4360
 P.O. Box 878
 Charleston, S.C. 29402-0878
Andrew C. Smith, Treasurer
 101 Meeting Street
 Charleston, S.C. 29402-0878

GENERAL INFORMATION

AGENCY CODE

28.7	1,095.57	SCHOOL BOARD OPERATING	SB	62.7%
28.9	265.29	SCHOOL BOARD BONDS (566-1829)		
35.7	331.52	TOWN OF MT. PLEASANT (884-8517)	MUN	16.8%
2.9	32.19	TOWN OF MT PLEASANT-BONDS		
40.2	287.12	COUNTY GOVERNMENT OPERATING	CC	16.6%
6.6	73.26	COUNTY GOVERNMENT BONDS (958-4641)		
3.6	39.96	PARK AND RECREATION OPERATING	PKS	2.9%
2.0	22.20	PARK AND RECREATION BONDS (762-2172)		
2.0	22.20	TRIDENT TECHNICAL COLLEGE (574-6111)	TTC	1.0%



140.00 SOLID WASTE USER FEE (202-6080)
\$ 2,309.31 PAY THIS AMOUNT

TEAR AT PERFORATION AND RETURN BOTTOM PORTION WITH PAYMENT

Auditor (843) 856-1200
Treasurer (843) 856-1201

Auditor (843) 889-8351
Treasurer (843) 889-3025

Auditor (843) 202-6691
Treasurer (843) 202-6692

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OT6-Property - Assessed as *other* at 6%.

QA4-Property - Assessed as *qualified agricultural* at 4%.

AC6-Property - Assessed as *agricultural* at 6%.

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- Legally blind, or
- Qualified when your spouse who was eligible for the Homestead Exemption died.

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- Be a resident of South Carolina for at least one year on or before December 31, preceding the year for which the exemption is

THIS TAX BILL DOES NOT REFLECT ANY TAXES YOU MIGHT OWE FOR PREVIOUS YEARS

6009 Tax 6:11

COMBINED TAXES FOR: CHARLESTON COUNTY-WIDE ENTITIES AND TOWN OF MOUNT PLEASANT DISTRICT 2-1
REAL PROPERTY TAXES FOR PERIOD COMMENCING: 01-01-2009

TAX BILL DATE: 09-30-2009

PROPERTY DESCRIPTION				ASSESSMENT RATIO		APPRaisal		ASSESSMENT	MILLAGE	TOTAL TAX
DIST	TYPE	BLDGs	ACRES	MORTGAGE CODE	ID	OT6	185,000	11,100	219.6	\$ 2,437.56
21	00	2								

RECEIPT#: 2009-069211 PARCEL ID: 532-05-00-113

516 BANK ST
LT 7 BLK 7

164317 1 MB 0.382
HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

164317
164317
738

R

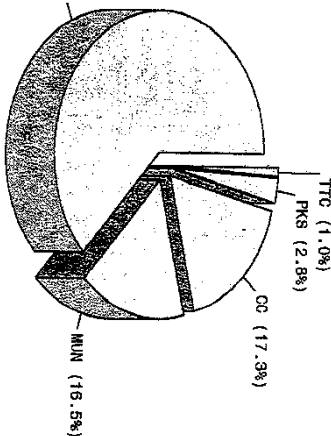
YOU CAN PAY YOUR TAXES ONLINE AT www.charlestoncounty.org
IMPORTANT INFORMATION ON BACK OF THIS BILL

MILLS TAXES

GOVERNMENT AGENCIES RESPONSIBLE FOR MILLAGE & TAX DOLLARS

AGENCY CODE %

98.7	1,095.57	SCHOOL BOARD OPERATING	SB	62.4%
27.9	309.69	SCHOOL BOARD BONDS (566-1829)	SB	62.4%
35.7	338.92	TOWN OF MT. PLEASANT (884-8517)	MUN	16.5%
2.9	32.19	TOWN OF MT PLEASANT-BONDS	MUN	16.5%
40.2	314.87	COUNTY GOVERNMENT OPERATING	CC	17.3%
6.6	73.26	COUNTY GOVERNMENT BONDS (958-4641)	CC	17.3%
3.7	41.07	PARK AND RECREATION OPERATING	PKS	2.8%
1.9	21.09	PARK AND RECREATION BONDS (762-2172)	PKS	2.8%
2.0	22.20	TRIDENT TECHNICAL COLLEGE (574-6111)	TTC	1.0%
219.6	2,248.86	TOTAL TAXES		100.0%
	140.00	SOLID WASTE USER FEE (202-6080)		
	\$ 2,388.86	PAY THIS AMOUNT		



COUNTY SALES TAX CREDIT
MUNICIPAL SALES TAX CREDIT
DISPOSAL FEE 2 UNITS X 70
PRIOR YEAR TAX AMOUNT
-131.35
-57.35
140.00
2,309.31

PAY THIS AMOUNT ON OR BEFORE 01-15-2010

2,388.86

THIS TAX BILL DOES NOT REFLECT ANY TAXES YOU MIGHT OWE FOR PREVIOUS YEARS

COMBINED TAXES FOR: CHARLESTON COUNTY-WIDE ENTITIES AND TOWN OF MOUNT PLEASANT DISTRICT 2-1

REAL PROPERTY TAXES FOR PERIOD COMMENCING: 01-01-2009 TAX BILL DATE: 09-30-2009

PROPERTY DESCRIPTION				ASSESSMENT RATIO	APPRaisal	ASSESSMENT	MILLAGE	TOTAL TAX
DIST	TYPE	BLDGs	ACRES	MORTGAGE CODE/ID				
21	00	2			016	185,000	11,100	219.6

RECEIPT#: 2009-069211 PARCEL ID: 532-05-00-113

516 BANK ST
LT 7 BLK 7

164317 1 MB 0.382
164317 738
HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

164317
164317
738

COUNTY SALES TAX CREDIT
MUNICIPAL SALES TAX CREDIT
DISPOSAL FEE 2 UNITS X 70
PRIOR YEAR TAX AMOUNT

PAY THIS AMOUNT ON OR BEFORE 01-15-2010

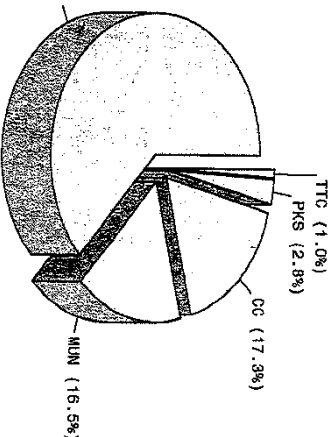
2,388.86

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27.9	309.69	SCHOOL BOARD BONDS (566-1829)	SB	62.4%
35.7	338.92	TOWN OF MT. PLEASANT (884-8517)	MUN	16.5%
2.9	32.19	TOWN OF MT PLEASANT-BONDS	MUN	16.5%
40.2	314.87	COUNTY GOVERNMENT OPERATING	CC	17.3%
6.6	73.26	COUNTY GOVERNMENT BONDS (958-4641)	CC	17.3%
3.7	41.07	PARK AND RECREATION OPERATING	PKS	2.8%
1.9	21.09	PARK AND RECREATION BONDS (762-2172)	PKS	2.8%
2.0	22.20	TRIDENT TECHNICAL COLLEGE (574-6111)	TTC	1.0%
219.6	2,248.86	TOTAL TAXES		
	140.00	SOLID WASTE USER FEE (202-6080)		
				100.0%

\$ 2,388.86 PAY THIS AMOUNT



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IF YOU PAY YOUR TAXES BY CREDIT CARD (ONLY ONLINE & CONVENIENCE FEE) www.charlestoncounty.org

Peggy A. Moseley, Auditor	Toy S. Glennon, Assessor	Andrew C. Smith, Treasurer
101 Meeting Street	101 Meeting Street	101 Meeting Street
P.O. Box 614	P.O. Box 427	P.O. Box 878
Charleston, S.C. 29402-0614	Charleston, S.C. 29402-0427	Charleston, S.C. 29402-0878
Telephone (843) 958-4200	Telephone (843) 958-4100	Telephone (843) 958-4360

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ST. PAUL'S SERVICE CENTER IS OPEN 8:00 AM TO 12:30 PM AND 1:30 PM TO 4:30 PM.**

Satellite Locations for Your Convenience:

East Cooper Service Center 1189 Iron Bridge Road Mt. Pleasant, S.C. 29464 Auditor (843) 856-1200 Treasurer (843) 856-1201	St. Paul's Service Center 5962 Highway 165 Ravenel, S.C. 29470 Auditor (843) 889-8351 Treasurer (843) 889-3025	North Charleston Service Center 4045 Bridge View Drive North Charleston, S.C. 29405-7464 Auditor (843) 202-6691 Treasurer (843) 202-6692

REAL PROPERTY APPRAISAL/ASSESSMENT INFORMATION (CONTACT ASSESSOR'S OFFICE)

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THIS TAX BILL DOES NOT REFLECT ANY TAXES YOU MIGHT OWE FOR PREVIOUS YEARS

2011 TAX BILL

COMBINED TAXES FOR: CHARLESTON COUNTY-WIDE ENTITIES AND 2-1 TOWN OF MOUNT PLEASANT
REAL PROPERTY TAXES FOR PERIOD COMMENCING: 01-01-2011

TAX BILL DATE: 11-12-2011

PROPERTY DESCRIPTION			
DIST	TYPE	ACRES	MORTGAGE CODE/ID
2-1	130		

ASSESSMENT RATIO

APPRAISAL

ASSESSMENT

MILLAGE

TOTAL TAX

COUNTY SALES TAX CREDIT -148.89
 MUNICIPAL SALES TAX CREDIT -59.56
 RESIDENTIAL USER FEE 144.00

BILL NO.#: 1308543
 PIN: 5320500113
 DESCRIPTION -LT 7 BLK 7
 516 BANK ST

157496 1 MB 0.390
 HEYWARD ROBERT JAMES
 8049 S MUSKEGON AVE
 CHICAGO IL 60617-1432

157496
 750

PAY THIS AMOUNT ON OR BEFORE 01-17-2012 \$2,714.68
 130
 IF YOU CAN PAY YOUR TAXES ONLINE AT www.charlestoncounty.org
 IMPORTANT INFORMATION ON BACK OF THIS BILL

MILLS TAXES GOVERNMENT AGENCIES RESPONSIBLE FOR MILLAGE & TAX DOLLARS
 AGENCY CODE %

39.1	350.03	COUNTY GOVERNMENT OPERATING			
6.1	77.84	COUNTY GOVERNMENT BONDS (958-4641)			16.6%
98.6	1,258.14	SCHOOL BOARD OPERATING			
27.9	356.00	SCHOOL BOARD BONDS (566-1829)			62.8%
3.6	45.94	PARKS & RECREATION OPERATING			
1.8	22.97	PARKS & RECREATION BONDS (762-2172)			2.7%
1.9	24.24	TRIDENT TECHNICAL COLLEGE OPERATING			
0.5	6.38	TRIDENT TECHNICAL COLLEGE BONDS (574-6111)			1.2%
35.4	392.14	TOWN OF MT PLEASANT OPERATING (884-8517)			
2.9	37.00	TOWN OF MT PLEASANT BONDS			16.7%
217.8	2,570.68	TOTAL TAXES			100.0%
	144.00	RESIDENTIAL USER FEE			
	2,714.68	PAY THIS AMOUNT			

*Paid \$2,714.68 on 1/12 with check # 6033 → Cash cleared on: 1/18/12

TEAR AT PERFORATION AND RETURN BOTTOM PORTION WITH PAYMENT

\$3011.75 →

March 01/14

→

Uncollected 11550000

P.O. Box 818

GENERAL INFORMATION

Charleston, S.C. 29402-0614

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* → \$271,071.00/12
2/29/10, 10/10
2/29/10
March 15

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Peggy A. Moseley, Auditor
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Treasurer (843) 856-1201

St. Paul's Service Center
5962 Highway 165
Ravenel, S.C. 29470
Auditor (843) 889-8351
Treasurer (843) 889-3025

North Charleston Service Center
4045 Bridge View Drive
North Charleston, S.C. 29405-7464
Auditor (843) 202-6691
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ATTN: Steve Bown

2011

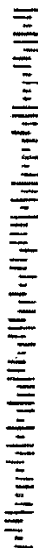


Andrew C. Smith, CPA
Charleston County Treasurer
PO Box 878
Charleston SC 29402-0878

VIA AIRMAIL

157496 4 MB 0.390
HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

ALXESAB 60617



PRESORTED
FIRST CLASS



U.S. POSTAGE
\$0.37
MAR 13 2012
ZIP 60617
21 6953014

2012 Tax Bill

THIS TAX BILL DOES NOT REFLECT ANY TAXES YOU MIGHT OWE FOR PREVIOUS YEARS
COMBINED TAXES FOR: CHARLESTON COUNTY-WIDE ENTITIES AND 2-1 TOWN OF MOUNT PLEASANT
REAL PROPERTY TAXES FOR PERIOD COMMENCING: 01-01-2012
TAX BILL DATE: 10-01-2012

BILL NO.: 2575190
 PIN: 5320500113
 DESCRIPTION - LT 7 BLK 7
 516 BANK ST

115327 1 MB 0.404
 HEYWARD ROBERT JAMES
 8049 S MUSKEGON AVE
 CHICAGO IL 60617-1432

115327
 115327
 507

PAY THIS AMOUNT ON OR BEFORE 01-15-2013

\$2,674.08

YOU CAN PAY YOUR TAXES ONLINE AT www.charlestoncounty.org
 IMPORTANT INFORMATION ON BACK OF THIS BILL

GOVERNMENT AGENCIES RESPONSIBLE FOR MILLAGE & TAX DOLLARS

MILLS	TAXES	AGENCY CODE	ASSESSMENT RATIO	APPRaisal	ASSESSMENT	MILLAGE	TOTAL TAX
39.9	343.21	COUNTY GOVERNMENT OPERATING	OT6	212,699	12,760	218.6	2,789.32
6.1	77.84	COUNTY GOVERNMENT BONDS (958-4641)					-165.91
100.5	1,282.38	SCHOOL BOARD OPERATING					-89.33
26.0	331.76	SCHOOL BOARD BONDS (566-1829)					140.00
4.0	51.04	PARKS & RECREATION OPERATING					
1.4	17.86	PARKS & RECREATION BONDS (762-2172)					
1.9	24.24	TRIDENT TECHNICAL COLLEGE OPERATING					
0.5	6.38	TRIDENT TECHNICAL COLLEGE BONDS (574-6111)					
35.4	362.37	TOWN OF MT PLEASANT OPERATING (884-8517)					
2.9	37.00	TOWN OF MT PLEASANT BONDS					
218.6	2,534.08	TOTAL TAXES					
	140.00	RESIDENTIAL USER FEE					
	2,674.08	PAY THIS AMOUNT					

TEAR AT PERFORATION AND RETURN BOTTOM PORTION WITH PAYMENT

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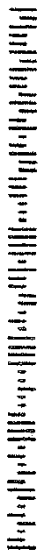
Andrew C. Smith, CPA
Charleston County Treasurer
PO Box 878
Charleston SC 29402-0878

216



HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

JKJ-SAB 60617



53 21 29

PRESORTED
FIRST CLASS



US POSTAGE
\$00.374
DEC 16 2012
ZIP 000204
21 3002590

Tax Bill 2013

THIS TAX BILL DOES NOT REFLECT ANY TAXES YOU MIGHT OWE FOR PREVIOUS YEARS

COMBINED TAXES FOR: CHARLESTON COUNTY-WIDE ENTITIES AND 2-1 TOWN OF MOUNT PLEASANT
REAL PROPERTY TAXES FOR PERIOD COMMENCING: 01-01-2013 TAX BILL DATE: 10-01-2013

PROPERTY DESCRIPTION				ASSESSMENT RATIO	APPRaisal	ASSESSMENT	MILLAGE	TOTAL TAX
DIST	TYPE	ACRES	MORTGAGE CODE/ID					
2-1	130	0.19		016	212,699	12,760	219.4	2,799.54

COUNTY SALES TAX CREDIT -182.92
 MUNICIPAL SALES TAX CREDIT -87.21
 RESIDENTIAL USER FEE 140.00

BILL NO.#: 3335541
 PIN: 5320500113
 DESCRIPTION -LT 7 BLK 7
 516 BANK ST

181821 1 MB 0.402

HEYWARD ROBERT JAMES
 8049 S MUSKEGON AVE
 CHICAGO IL 60617-1432

181821
 181821
 711

130
 You CAN PAY YOUR TAXES ONLINE AT www.charlestoncounty.org
 IMPORTANT INFORMATION ON BACK OF THIS BILL

PAY THIS AMOUNT ON OR BEFORE 01-15-2014 \$2,669.41

MILLS	TAXES	GOVERNMENT AGENCIES RESPONSIBLE FOR MILLAGE & TAX DOLLARS	%
40.7	336.41	COUNTY GOVERNMENT OPERATING	
6.1	77.84	COUNTY GOVERNMENT BONDS (958-4641)	16.4%
100.5	1,282.38	SCHOOL BOARD OPERATING	
26.0	331.76	SCHOOL BOARD BONDS (566-1829)	63.8%
4.1	52.32	PARKS & RECREATION OPERATING	
1.3	16.59	PARKS & RECREATION BONDS (762-2172)	2.7%
1.9	24.24	TRIDENT TECHNICAL COLLEGE OPERATING	
0.5	6.38	TRIDENT TECHNICAL COLLEGE BONDS (574-6111)	1.2%
35.4	364.49	TOWN OF MT PLEASANT OPERATING (884-8517)	15.9%
2.9	37.00	TOWN OF MT PLEASANT BONDS	
219.4	2,529.41	TOTAL TAXES	100.0%
	140.00	RESIDENTIAL USER FEE	
	2,669.41	PAY THIS AMOUNT	

TEAR AT PERFORATION AND RETURN BOTTOM PORTION WITH PAYMENT

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**COMBINED TAXES FOR: CHARLESTON COUNTY-WIDE ENTITIES AND 2-1 TOWN OF MOUNT PLEASANT
REAL PROPERTY TAXES FOR PERIOD COMMENCING: 01-01-2013**

TAX BILL DATE: 10-01-2013

PROPERTY DESCRIPTION				ASSESSMENT RATIO	APPRAISAL	ASSESSMENT	MILLAGE	TOTAL TAX
DIST	TYPE	ACRES	MORTGAGE CODE/ID	OT6				
2-1	130	0.19			212,699	12,760	219.4	2,799.5

BILL NO. #: 3335541
PIN : 5320500113
DESCRIPTION -LT 7 BLK 7
516 BANK ST

181821 1 MB 0.402



HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

181821
181821
711

COUNTY SALES TAX CREDIT -182.9
MUNICIPAL SALES TAX CREDIT -87.2
RESIDENTIAL USER FEE 140.0

PAY THIS AMOUNT ON OR BEFORE 01-15-2014 \$2,669.41

130
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6.1	77.84	COUNTY GOVERNMENT BONDS (958-4641)	16.4%
100.5	1,282.38	SCHOOL BOARD OPERATING	
26.0	331.76	SCHOOL BOARD BONDS (566-1829)	63.8%
4.1	52.32	PARKS & RECREATION OPERATING	
1.3	16.59	PARKS & RECREATION BONDS (762-2172)	2.7%
1.9	24.24	TRIDENT TECHNICAL COLLEGE OPERATING	
0.5	6.38	TRIDENT TECHNICAL COLLEGE BONDS (574-6111)	1.2%
35.4	364.49	TOWN OF MT PLEASANT OPERATING (884-8517)	
2.9	37.00	TOWN OF MT PLEASANT BONDS	15.9%
219.4	2,529.41	TOTAL TAXES	100.0%
	140.00	RESIDENTIAL USER FEE	
	2,669.41	PAY THIS AMOUNT	

TEAR AT PERFORATION AND RETURN BOTTOM PORTION WITH PAYMENT

PROPERTY DESCRIPTION PIN : 5320500113
DESCRIPTION -LT 7 BLK 7
516 BANK ST

BILL NO. #: 3335541 TAX BILL DATE: 10-01-2013
FOR PERIOD COMMENCING: 01-01-2013

PAY YOUR TAXES ONLINE AT www.charlestoncounty.org

AMOUNT DUE AFTER (PAYMENT TO COUNTY TREASURER)

01-15-2014 2,749.49
02-01-2014 2,936.35

AMOUNT DUE AFTER (PAYMENT TO DELINQUENT TAX)

03-18-2014 3,069.82

AMOUNT ▶

\$2,669.41

R

ADDRESS _____

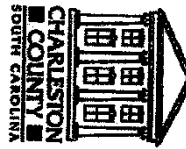
CHANGE _____

IF PAYING ON OR BEFORE 01-15-2014

U.S. DOLLARS ONLY

MAKE PAYMENT TO:

CHARLESTON COUNTY TREASURER
PO BOX 100242
COLUMBIA SC 29202-3242



Andrew C. Smith, CPA
Charleston County Treasurer
PO Box 878
Charleston SC 29402-0878

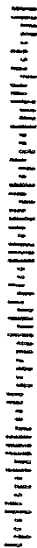
20,13

HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

111



JKI-SAB 60617



PRESORTED
FIRST CLASS



US POSTAGE
\$00.384
JAN 07 2014
ZIP 3003519

2000 Tax Receipt

to 2004



10-30-2000 AND TOWN OF MOUNT PLEASANT DISTRICT 2-1
 AS OF 01-01-2000
 OFFICIAL TAX RECEIPT
 Charleston County South Carolina

*** ORIGINAL ***

RECEIPT #	TYPE	ASSESSMENT	ASSESSMENT RATIO(S)	MILLS	MORTGAGE CODE - LONNID	ACRES	BIDDER
2000-03563	01	4000	016	273.4			2

916 BANK ST
 417 BLK 7
 TMS: 332-05-00-113
 TAX AMOUNT \$939.87
 USER FEE 126.01

TOTAL PAID \$1,065.88
 DATE PAID 10-30-2000
 ITEM/OP/RE 00132/TD2254-02

HEYWARD ROBERT JAMES
 8049 S MUSKESON AVE
 CHICAGO IL 60617-1432

Andrew C. Smith, CPA, TREASURER

AUDITOR'S OFFICE - Should be contacted for questions concerning personal property values, exemptions, mailing address changes, fees, etc. County Auditor, PO Box 614, Charleston, SC 29402, phone (843) 958-4200. Motor Vehicle and other Personal Property assessments must be appealed in writing to the County Auditor's Office on or before the tax due date.

ASSESSOR'S OFFICE - Should be contacted for questions concerning assessments on real estate and mobile homes. phone (843) 958-4100. QR4-Property assessed as qualified residential-4% assessment ratio. OT6-Property assessed as "Other" classification-6% assessment ratio. QA4-Acreage qualified for agricultural use value-4% assessment ratio. AC6-Property owned by more than ten share-holders, corporations, etc., qualified for agricultural use value-6% assessment ratio.

TREASURER'S OFFICE - Should be contacted for questions concerning tax payments and tax refunds, phone (843) 958-4360.

PLEASE NOTE: If tax payment is made by check, your paid receipt is valid only if your check clears the bank.

10-30-2001

AND TOWN OF MOUNT PLEASANT DISTRICT 2-1

OFFICIAL TAX RECEIPT

Charleston County, South Carolina

*** ORIGINAL ***

RECEIPT #	TYPE
2001-055955	00
ASSESSMENT	
3,650	076
ASSESSMENT RATIO(S)	
076	228.4
MILLS	
MORTGAGE CODE/LOAN ID	
ACRES	
BLDG.	

515 BANK ST
LY 7 ECK 7
TAX: 532-05-00-113

TAX AMOUNT \$720.00
USER FEE 1.50

TOTAL PAID \$844.52

DATE PAID 12-30-2001
TAXPAYER 027702/11-20

HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

Andrew C. Smith, CPA TREASURER

12-11-2002 AND TOWN OF MOUNT PLEASANT DISTRICT 2-1
 Charleston County South Carolina
 *** ORIGINAL ***

RECEIPT #	TYPE	ASSESSMENT	ASSESSMENT RATIO(S)	MILLS	MORTGAGE CODE/LOAN ID	ACRES	BLDGS.
2002-056225	CC	3,650	0.16	227.4			2

516 BANK ST
 LT 7 BLK 7
 TMS: 532-05-00-113

TAX AMOUNT \$735.36
 USER FEE 126.00
 TOTAL PAID \$859.36
 DATE PAID 12-11-2002
 ITEM/OP/RE 0086 / SWM / TR-17

HEYWARD ROBERT JAMES
 8049 S MUSKEGON AVE
 CHICAGO IL 60617-1432

Andrew C. Smith, CPA TREASURER



ANDREW C. SMITH, CPA
COUNTY TREASURER
P.O. BOX 878
CHARLESTON, S.C. 29402-0878
OFFICIAL TAX RECEIPT

RETURN SERVICE REQUESTED

2003 Tax Receipt
with Note from R4

2929 1 MB 0.309



HEYWARD ROBERT JAMES 17 2929
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

AUDITOR'S OFFICE - Should be contacted for questions concerning personal property values, exemptions, mailing address changes, fees, etc. County Auditor, PO Box 614, Charleston, SC 29402, phone (843) 958-4200. Motor Vehicle and other Personal Property assessments must be appealed in writing to the County Auditor's Office on or before the tax due date.

ASSESSOR'S OFFICE - Should be contacted for questions concerning assessments on real estate and mobile homes, phone (843) 958-4100. QR4-Property assessed as qualified residential-4% assessment ratio. OT6-Property assessed as "Other" classification-6% assessment ratio. QA4-Acreage qualified for agricultural use value-4% assessment ratio. AC6-Property owned by more than ten shareholders, corporations, etc., qualified for agricultural use value-6% assessment ratio.

TREASURER'S OFFICE - Should be contacted for questions concerning tax payments and tax refunds, phone (843) 958-4360.

PLEASE NOTE: If tax payment is made by check, your paid receipt is valid only if your check clears the bank.

OFFICIAL TAX RECEIPT

Charleston County South Carolina

10-20-2003

*** ORIGINAL ***

RECEIPT #	TYPE	AND TOWN OF MOUNT PLEASANT DISTRICT 2-1 AS OF 01-01-2003				
2003-059255	00					
ASSESSMENT	ASSESSMENT RATIO	MILLAGE	MORTGAGE CODE	ACRES	BLDGS	
3,650	016	234.9			2	
PROPERTY DESCRIPTION						

516 BANK ST
LT 7 BLK 7
TMS: 532-05-00-113

TAX AMOUNT \$763.17
USER FEE 126.00

HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

TOTAL PAID \$889.17

DATE PAID 10-20-2003
ITEM/OP/RE 0113 /T01/EC-01

Andrew C. Smith, CPA Treasurer

ANDREW C. SMITH, CPA
COUNTY TREASURER
P.O. BOX 878
CHARLESTON, S.C. 29402-0878
OFFICIAL TAX RECEIPT
RETURN SERVICE REQUESTED



2004 Tax Receipt

www.charlestoncounty.org

1083



HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

PLEASE NOTE: If tax payment is made by check, your paid receipt is valid only if your check clears the bank.

OFFICIAL TAX RECEIPT
Charleston County South Carolina

11-10-2004

*** ORIGINAL ***

AND TOWN OF MOUNT PLEASANT DISTRICT 2-1
AS OF 01-01-2004

RECEIPT #	TYPE					
2004-060600	00					
ASSESSMENT		ASSESSMENT RATIO	MILLAGE	MORTGAGE CODE	ACRES	BLC
3,650		0T6	239.1			2
PROPERTY DESCRIPTION						

516 BANK ST
LT 7 BLK 7
TMS: 532-05-00-113

TAX AMOUNT \$773.64

USER FEE 126.00

HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

TOTAL PAID \$899.64

DATE PAID 11-10-2004
ITEM/OP/RE 0084 /VSL/TR-25

Andrew C. Smith, CPA Tr

ANDREW C. SMITH, CPA
COUNTY TREASURER
P.O. BOX 878
CHARLESTON, S.C. 29402-0878
OFFICIAL TAX RECEIPT
RETURN SERVICE REQUESTED



2005 Tax
Receipt
w/ RH Note
www.charlestoncounty.org

663



HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

PLEASE NOTE: If tax payment is made by check, your paid receipt is valid only if your check clears the bank.

OFFICIAL TAX RECEIPT
Charleston County South Carolina

11-17-2005

*** ORIGINAL ***

AND TOWN OF MOUNT PLEASANT DISTRICT 2-1
AS OF 01-01-2005

RECEIPT #	TYPE					
2005-061729	00					
ASSESSMENT		ASSESSMENT RATIO	MILLAGE	MORTGAGE CODE	ACRES	BLDGS
11,100		0T6	199.9			2
PROPERTY DESCRIPTION						

516 BANK ST
LT 7 BLK 7
TMS: 532-05-00-113

TAX AMOUNT \$1,965.44

USER FEE 126.00

HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

TOTAL PAID \$2,091.44

DATE PAID 11-17-2005
ITEM/OP/RE 0158 /VSL/TR-25

Andrew C. Smith, CPA Treasurer

2006 tax receipt

ANDREW C. SMITH, CPA
COUNTY TREASURER
P.O. BOX 878
CHARLESTON, S.C. 29402-0878
OFFICIAL TAX RECEIPT
RETURN SERVICE REQUESTED



www.charlestoncounty.org

875



HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

PLEASE NOTE: If tax payment is made by check, your paid receipt is valid only if your check clears the bank.

OFFICIAL TAX RECEIPT

Charleston County South Carolina

11-15-2006

*** ORIGINAL ***

AND TOWN OF MOUNT PLEASANT DISTRICT 2-1
AS OF 01-01-2006

RECEIPT #	TYPE				
2006-064006	00				
ASSESSMENT	ASSESSMENT RATIO	MILLAGE	MORTGAGE CODE	ACRES	BLDGS
11,100	0T6	199.4			2

PROPERTY DESCRIPTION

516 BANK ST
LT 7 BLK 7
TMS: 532-05-00-113

TAX AMOUNT \$1,941.39
USER FEE 126.00

HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

TOTAL PAID \$2,067.39
DATE PAID 11-15-2006
ITEM/OP/RE 0048 /T01/SP-01

Andrew C. Smith, CPA

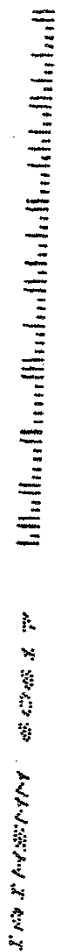
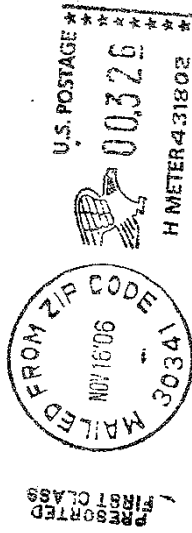
Treasurer

ANDREW C. SMITH, CPA
COUNTY TREASURER
P.O. BOX 878
CHARLESTON, S.C. 29402-0878

OFFICIAL TAX RECEIPT
RETURN SERVICE REQUESTED

875

HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432



ANDREW C. SMITH, CPA
COUNTY TREASURER
P.O. BOX 878
CHARLESTON, S.C. 29402-0878
OFFICIAL TAX RECEIPT
RETURN SERVICE REQUESTED



2007 Tax Receipt

www.charlestoncounty.org

912



HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

PLEASE NOTE: If tax payment is made by check, your paid receipt is valid only if your check clears the bank.

OFFICIAL TAX RECEIPT

Charleston County South Carolina

12-12-2007

*** ORIGINAL ***

AND TOWN OF MOUNT PLEASANT DISTRICT 2-1
AS OF 01-01-2007

RECEIPT #	TYPE				
2007-066681	00				
ASSESSMENT	ASSESSMENT RATIO	MILLAGE	MORTGAGE CODE	ACRES	BLD
11,100	0T6	206.6			2
PROPERTY DESCRIPTION					

516 BANK ST
LT 7 BLK 7
TMS: 532-05-00-113

TAX AMOUNT \$2,039.81
USER FEE 140.00

HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

TOTAL PAID \$2,179.81
DATE PAID 12-11-2007
ITEM/OP/RE 0021 /T04/EC-04

Andrew C. Smith, CPA TI

ANDREW C. SMITH, CPA
COUNTY TREASURER
P.O. BOX 978
CHARLESTON, S.C. 29402-0878
OFFICIAL TAX RECEIPT
RETURN SERVICE REQUESTED



2009 Tax Receipt
www.charlestoncounty.org

1990



HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

PLEASE NOTE: If tax payment is made by check, your paid receipt is valid only if your check clears the bank.

OFFICIAL TAX RECEIPT
Charleston County South Carolina

01-05-2010

AND TOWN OF MOUNT PLEASANT DISTRICT 2-1
AS OF 01-01-2009

*** ORIGINAL ***

RECEIPT #	TYPE				
2009-069211	00				
ASSESSMENT	ASSESSMENT RATIO	MILLAGE	MORTGAGE CODE	ACRES	BLDGS
11,100	0T6	219.6			2
PROPERTY DESCRIPTION					

516 BANK ST
LT 7 BLK 7
TMS: 532-05-00-113

TAX AMOUNT \$2,248.86
USER FEE 140.00

HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

TOTAL PAID \$2,388.86
DATE PAID 12-31-2009
ITEM/OP/RE 0182 /T01/SP-01

Andrew C. Smith, CPA Treas

ANDREW C. SMITH, CPA
COUNTY TREASURER
P.O. BOX 876
CHARLESTON, S.C. 29402-0876
OFFICIAL TAX RECEIPT
RETURN SERVICE REQUESTED



Tax receipt 2010

www.charlestoncounty.org

1274



HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

PLEASE NOTE: If tax payment is made by check, your paid receipt is valid only if your check clears the bank.

OFFICIAL TAX RECEIPT

Charleston County South Carolina

12-14-2010

AND TOWN OF MOUNT PLEASANT DISTRICT 2-1
AS OF 01-01-2010

*** ORIGINAL ***

RECEIPT #	TYPE				
2010-069711	00				
ASSESSMENT		ASSESSMENT RATIO	MILLAGE		
11,100		0T6	219.6		
PROPERTY DESCRIPTION					

516 BANK ST
LT 7 BLK 7
TMS: 532-05-00-113

TAX AMOUNT \$2,248.86

USER FEE 140.00

USER FEE CREDIT -25.00

HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

TOTAL PAID \$2,363.86

DATE PAID 12-14-2010

ITEM/OP/RE 0075 /BEL/TR-20

Andrew C. Smith, CPA Tr

ANDREW C. SMITH, CPA
COUNTY TREASURER
P.O. BOX 878
CHARLESTON, S.C. 29402-0878
OFFICIAL TAX RECEIPT
RETURN SERVICE REQUESTED

HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

1274



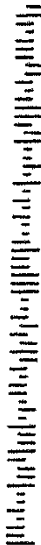
Paid 12-14-2010

PRESORTED
FIRST CLASS



US POSTAGE
\$0.36
DEC 16 2010
ZIP 30341
21 6954508

JAZZISAI 50617



Tax Receipt 2011

CHARLESTON COUNTY

ANDREW C SMITH
PO BOX 878
CHARLESTON, SC 29402

Page

Received By: TRTBEL Receipt Number: DT.4250
Location: DTSC Receipt Year: 2011
Session: 03122012-0-DTSC-TRTBEL Date Received: 03/12/2011

PAYMENT RECEIPT

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 1303543 Bill Year: 2011 PIN: 5320500113 Primary Owner: HEYWARD ROBERT JAMES Property Addr: 516 BANK ST Property Desc: Description -LT 7 BLK 7 TAG: 2-1 TOWN OF MOUNT PLEASANT	3,011.75	2,570.68	0.00	301.07	3,011.75	3,011.75	0.00
		2,710.68	140.00					
Totals:		3,011.75	2,710.68	0.00	301.07	3,011.75	3,011.75	0.00
Tender Information:		Charge Summary:						
Business Check #214457		3,011.75	Real					3,011.75
Total Tendered		3,011.75	Total Charges					3,011.75

CHARLESTON COUNTY ANDREW C SMITH PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

44



HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

BALANCE REMAINING	0.00
CHARGES	3,011.75
PAID	3,011.75
OVERBID	0.00
OVERPAYMENT	0.00
CHANGE	0.00

Tax Receipt 2012

CHARLESTON COUNTY

ANDREW C SMITH
PO BOX 878
CHARLESTON, SC 29402

Page 1

Received By: TRTJLS
Location: LOCKBOX
Session: 1562764052-17-12122012-0
Receipt Number: B12.211697
Receipt Year: 2012
Date Received: 12/12/2012

PAYMENT RECEIPT

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 2575190 Bill Year: 2012 PIN: 5320500113 Primary Owner: HEYWARD ROBERT JAMES Property Addr: 516 BANK ST Property Desc: Description -LT 7 BLK 7 TAG: 2-1 TOWN OF MOUNT PLEASANT	2,674.08	2,534.08	0.00	0.00	2,674.08	2,674.08	0.00
		2,674.08	140.00					
Totals:		2,674.08	2,674.08	0.00	0.00	2,674.08	2,674.08	0.00
Tender Information:		Charge Summary:						
Check		2,674.08	Real					2,674.08
Total Tendered		2,674.08	Total Charges					2,674.08

CHARLESTON COUNTY ANDREW C SMITH PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

216



HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

BALANCE REMAINING	0.00
CHARGES	2,674.08
PAID	2,674.08
OVERBID	0.00
OVERPAYMENT	0.00
CHANGE	0.00

Tax Receipt 2013

CHARLESTON COUNTY

ANDREW C SMITH
PO BOX 878
CHARLESTON, SC 29402

Page 1

Received By: TRTPCA
Location: LOCKBOX
Session: 639932209-17-12312013-0
Receipt Number: B13.283991
Receipt Year: 2013
Date Received: 12/31/2013

PAYMENT RECEIPT

Type	Description	Balance	Net Tax Renewal/ User Fee	Interest	Fees Penalties	Current Due	Current Paid	Balance Remaining
Real	Bill Number: 3335541 Bill Year: 2013 PIN: 5320500113 Primary Owner: HEYWARD ROBERT JAMES Property Addr: 516 BANK ST Property Desc: Description -LT 7 BLK 7 TAG: 2-1 TOWN OF MOUNT PLEASANT	2,669.41	2,529.41	0.00	0.00	2,669.41	2,669.41	0.00
Totals:		2,669.41	2,669.41	0.00	0.00	2,669.41	2,669.41	0.00
Tender Information:		Charge Summary:						
Check #07150504267		2,669.41	Real					
Total Tendered		2,669.41	Total Charges					

CHARLESTON COUNTY ANDREW C SMITH PO BOX 878 CHARLESTON, SC 29402

By Whom Paid:

111



HEYWARD ROBERT JAMES
8049 S MUSKEGON AVE
CHICAGO IL 60617-1432

BALANCE REMAINING	0.00
CHARGES	2,669.41
PAID	2,669.41
OVERBID	0.00
OVERPAYMENT	0.00
CHANGE	0.00

STATE OF SOUTH CAROLINA	) COURT OF COMMON PLEAS
	)
COUNTY OF CHARLESTON	) CASE NO. 2018-CP-10-04284
	)
	)
Bonita Steed, Bernard Steed,	)
Ernest Steed, and Robert Steed	)
	)
Plaintiffs,	)
	)
vs.	)
	)
Antoine Heyward, Ruby Heyward and	)
all other persons unknown claiming	)
any right, title, interest in or	)
lien upon the real estate described	)
in the amended complaint herein,	)
	)
Defendants.	)
_____	)

HEARING BEFORE THE
HONORABLE MIKELL R. SCARBOROUGH
APRIL 10, 2024
10:05 a.m.

McCarn Court Reporting, Inc.
P.O. Box 778
Charleston, SC 29439

A-P-P-E-A-R-A-N-C-E-S

For the Plaintiffs:

Saxton & Stump Lawyers and Consultants
 By: Alice F. Paylor, Esq.
 By: Bijan Ghom, Esq.
 151 Meeting Street, Suite 400
 Charleston, SC 29401

For the Defendants:

DeJong Law Firm, LLC
 By: Karen DeJong, Esq.
 222 W Coleman Boulevard, Suite 110
 Mount Pleasant, SC 29464

INDEX TO EXAMINATIONS

Page

Court Reporter's Certificate

45

INDEX TO EXHIBITS

Page

(No Exhibits were marked.)

1 THE COURT: Okay. Good morning. We are back
2 on the record. This is the case captioned Anita Steed
3 and others versus Antoine Heyward, Ruby Heyward, et
4 cetera. It's a 2018 case, 2018-CP-10-4284. This
5 Court in its order in February, I believe it was.

6 MS. DeJONG: February 6th.

7 THE COURT: February 6th of this year,
8 following a trial back in the fall. Yes, February 6,
9 2024. I can tell you the Court wrestled with this one
10 a bit, because the facts were very interesting. And I
11 think we were into the third generation of the family
12 that was here to testify. So nobody really knows what
13 started out, but anyway, that was an issue.

14 So ultimately, the Court's order ruled that
15 the Defendant, Antoine Heyward, and technically as
16 well as Ruby Heyward, were owners of the property.
17 Did not find that the Plaintiff Steeds had established
18 to the satisfaction of the Court the two elements
19 which the Court of Appeals remanded the case for,
20 which is the determination of exclusivity and
21 hostility.

22 However, the Court then in an attempt to
23 create some type of equitable remedy allowed the
24 Plaintiffs to amend their complaint to allege the
25 betterment statute, because they had been in

1 possession probably for a long time. And that I
2 believe was done. Subsequent to that, we started to
3 get these post trial motions, motion to reconsider,
4 motion in opposition to the motion to reconsider,
5 along with a motion -- I guess it was the motion to
6 amend and opposition to that, as well.

7 So I think that's what brings us before the
8 Court today. Present for the Plaintiffs are Ms. Alice
9 Paylor and Mr. Bijan Ghom. Good morning.

10 MR. GHOM: Good morning.

11 THE COURT: And for the Defendant Heywards,
12 Ms. Karen DeJong. Does that sort of setup where we
13 are?

14 All right. I wrestled with this one for a
15 while. Ms. Paylor, tell me about it, let's start with
16 you.

17 MS. PAYLOR: Thank you, Your Honor. I'm here
18 representing the Steeds, as you imagine.

19 THE COURT: Right.

20 MS. PAYLOR: And I just want to kind of
21 refresh briefly the undisputed facts. Plaintiffs
22 lived at 516 Bank Street in Mount Pleasant
23 continuously and peacefully since 1967. So that's
24 been now 57 years.

25 No one challenged their right to be there

1 until 2015. That's after they were there for 48
2 years. The length of time of the peaceful possession
3 requires that the Court reconsider its ruling that the
4 Heywards who have never lived or ever even possessed
5 516 Bank Street are the owners.

6 I'm going to first talk about our laches
7 defense to the counterclaim, which the Court found, I
8 don't know why, 2015 to be the date when the delay
9 started. Your Honor, the delay started in -- when
10 Ruby Heyward put her X on that deed and Mr. Heyward
11 never told the Steeds about it.

12 MS. DeJONG: I object, Your Honor.

13 THE COURT: Say that again so I'm clear on
14 what you're saying, I'm sorry.

15 MS. PAYLOR: The date of the delay that
16 prejudiced my clients began when Ruby Heyward signed
17 the deed over to Mr. Heyward. Mr. Heyward never told
18 my clients that he owned the property.

19 THE COURT: All right. Let me stop you
20 there. Ruby Heyward is one of the Defendants, right?

21 MS. PAYLOR: That's not Ruby. Did I say
22 Ruby?

23 THE COURT: Yes.

24 MS. PAYLOR: I meant to say Louise.

25 THE COURT: Louise, the grandmother.

1 MS. PAYLOR: Louise Brown Heyward. I
2 apologize.

3 THE COURT: Now, I want to make sure I
4 understand that. Louise was the original owner of the
5 property?

6 MS. PAYLOR: Correct.

7 THE COURT: And what we know is that Louise
8 at some time during her lifetime allowed the parents
9 of the Plaintiffs to move in and to build an
10 additional structure on the property?

11 MS. PAYLOR: Correct.

12 THE COURT: So they entered with permission
13 from the owner. And then at some point in time, the
14 owner, Louise, rather than deeding the property to her
15 daughter, the mother of the Steeds, I forget her name.

16 MS. PAYLOR: Well, her daughter died, also,
17 but --

18 THE COURT: Yeah, but she deeded it to her
19 son, Robert, who resided in Chicago?

20 MS. PAYLOR: Correct.

21 THE COURT: All right.

22 MS. DeJONG: So --

23 THE COURT: Okay. Make sure I get the name
24 straight because Ruby was throwing me off there.

25 MS. PAYLOR: I'm sorry.

1 THE COURT: I think Louise was the
2 grandmother.

3 MS. PAYLOR: Right, Louise Brown Heyward,
4 correct.

5 THE COURT: Yes. Okay. Thank you.

6 MS. DeJONG: Your Honor, I'm objecting
7 because she stated these are undisputed facts. That's
8 not true. This is something new that I've never heard
9 before. I just ask that she stick to what the facts
10 were that were presented at trial and her pleadings.

11 THE COURT: You're disputing the facts?

12 MS. DeJONG: Yeah.

13 THE COURT: Okay. All right. Go ahead, go
14 ahead.

15 MS. PAYLOR: The evidence was clear --

16 THE COURT: They lived there for a long time.

17 MS. PAYLOR: The evidence was clear that they
18 moved in there in 1967, and that her mother died, I
19 think in 1999 or early -- around the same time that
20 the grandmother signed the deed over to her son.

21 THE COURT: Actually, one of the facts that
22 impacted the Court was there was that plat that was
23 never recorded.

24 MS. PAYLOR: Correct.

25 THE COURT: That said that it was owned or

1 possessed by the mother, again, I've forgotten the
2 name right this second, and it was, I believe
3 thereafter that Louise Heyward conveyed the property
4 to her son. And I found that to be a fairly
5 significant fact. I don't know if I stated that, per
6 se, in the order, but.

7 MS. PAYLOR: There was a plat and that's why
8 my clients believed that they owned the property.

9 THE COURT: Right.

10 MS. PAYLOR: And no one ever told them that
11 they didn't. They stayed on the property. They're
12 still on the property.

13 THE COURT: Right, right.

14 MS. PAYLOR: So I want to go to our laches
15 defense first.

16 THE COURT: Okay.

17 MS. PAYLOR: Laches is defined as, and I
18 quote from Jones versus Leagan, "Neglect for
19 unreasonable and unexplained length of time, under
20 circumstances affording opportunity for diligence, to
21 do what in law should have been done ... The party
22 seeking to establish laches must show (1) delay, (2)
23 that was unreasonable under the circumstances, and (3)
24 prejudice."

25 My clients testified that the Heywards never

1 claimed ownership on the property until 2015. Antoine
2 Heyward testified that he was not aware of anyone
3 telling them that his father owned the property until
4 he called them in 2015. That is an undisputed fact.

5 So before 2015, the Defendants and the
6 Defendants' predecessor, Mr. Heyward, they let the
7 Plaintiffs believe that they owned that property. The
8 testimony was that before Louise died, she had asked
9 her son to help make sure the taxes were paid.

10 And that happened before she died. Nothing
11 changed. He did the same thing afterwards. And what
12 we saw was that the Steeds were paying for about
13 5/6ths of the taxes, and the Heywards were paying the
14 rest. So the Steeds were paying the majority of the
15 taxes. They were paying all of the insurance. They
16 made all of the improvements. They maintained the
17 property. Antoine testified that Plaintiffs -- no one
18 would have done these things unless they believed they
19 owned the property.

20 So, I believe the evidence is pretty clear
21 that they believed that they owned the property. So
22 the undisputed evidence is that Robert Heyward knew
23 that Plaintiffs were doing everything that any owner
24 would do and never told them that they did not own the
25 property. All of that is in the record.

1 THE COURT: Y'all had the deceased father?

2 MS. PAYLOR: Yeah, Robert.

3 THE COURT: Okay.

4 MS. PAYLOR: Mr. Robert Heyward.

5 THE COURT: All right.

6 MS. PAYLOR: He only occupied the property as
7 a visitor. He never had possession. He never
8 occupied it as an owner. He always asked for consent
9 to him coming and being a visitor. And this is --
10 that's a very important part, which I'll get to when
11 we talk about the exclusivity of possession.

12 Another example of this is that when he died,
13 his family called the Steeds and asked if they could
14 use their property to hold the funeral repast. They
15 offered to pay money to use it. That is not what an
16 owner would do. That was basically again
17 acknowledging that they owned the property.

18 Fifteen years is an unreasonable and
19 unexplained length of time to delay announcing that
20 Robert Heyward owned the property. During that time,
21 the testimony is clear that he did nothing that an
22 owner would do, and he allowed Plaintiffs to do all of
23 those things.

24 Plaintiffs have been prejudiced by this delay
25 by using their time and resources to maintain and

1 improve the property rather than using their time and
2 resources for other investments. And I think
3 something that you can take judicial notice of is that
4 the cost of property in that area in 1999 or 2000 was
5 way less than it is now. So if they had known that
6 that wasn't their property and they wanted to own a
7 piece, they might have had the chance to do it.
8 Hardly anybody can afford to live in the Old Village
9 at this point in time. And I can promise you that the
10 Steeds cannot. They have been prejudiced by that
11 unreasonable delay.

12 And for some reason, and I'm not sure why, in
13 your order, you found that the delay was only three
14 years. The delay was from the time Louise Brown
15 Heyward signed the deed and he took supposed ownership
16 of it and he didn't tell the people who were living
17 there.

18 THE COURT: But doesn't that just put the
19 burden on the wrong foot. Isn't it the claimants, the
20 adverse claimants, the Steeds in this instance, isn't
21 it their burden to establish with hostility,
22 exclusivity, all the elements of adverse possession?

23 MS. PAYLOR: That's adverse possession, this
24 is laches.

25 THE COURT: That they are claiming to own the

1 property, not that they're just living there.

2 MS. PAYLOR: Well, I'm going to get to that.

3 THE COURT: Because they clearly entered with
4 permission. I don't think there's any question about
5 that. That's the rub in this case, to my way of
6 thinking.

7 MS. PAYLOR: But this is the laches point,
8 Your Honor.

9 THE COURT: Okay. All right.

10 MS. PAYLOR: This is totally different
11 adverse possession.

12 THE COURT: Okay. Okay, okay.

13 MS. PAYLOR: They -- he had -- Robert Heyward
14 owed them a duty to let them know that he owned the
15 property and that whatever they were spending was not
16 going to there benefit, was going to his benefit as
17 the owner of the property.

18 THE COURT: Well, when the tax bill comes in
19 as sent to Robert Heyward, don't they pretty much know
20 that that's who owns the property?

21 MS. PAYLOR: No, sir. They testified that
22 that had happened before Louise Brown Heyward died.
23 She had asked her son to take over making sure the tax
24 bill got paid. So I don't think so. And I think you
25 also have to look at the sophistication of the

1 parties, Your Honor. Mine are not particularly
2 sophisticated.

3 THE COURT: I understand that, and I
4 understand they're all family, too. That was one of
5 the things I really wrestled with in this case.

6 MS. PAYLOR: Well, yeah, but they weren't --

7 THE COURT: The further the generations go,
8 the less family they become, right?

9 MS. PAYLOR: Correct, correct.

10 THE COURT: I'm sure there was some affinity
11 between Robert and his sister, the parent of the
12 Plaintiffs.

13 MS. PAYLOR: Well, his sister was the
14 grandparents of the Plaintiffs, which makes it even --
15 even more so. And she died about the same time
16 that -- all three of them seemed to have died within a
17 couple of years.

18 THE COURT: Louise died and then the daughter
19 died or vice versa, I think it was, yeah, yeah.

20 MS. PAYLOR: Yeah, it was -- I think that
21 Alethia, who was my client's mother -- well, I think
22 her mother died first, Earline, and then Alethia and
23 then Louise.

24 THE COURT: Okay.

25 MS. PAYLOR: So that's where I am on the

1 defensive of laches to their counterclaim of
2 ownership.

3 THE COURT: All right. Okay. Got it.

4 MS. PAYLOR: So now I want to go to the
5 adverse possession, Your Honor. You found that the
6 Plaintiffs did not prove exclusivity, exclusive
7 possession for at least 10 years.

8 The undisputed testimony from everyone was
9 that Robert Heyward visited the property and it became
10 less frequent after his mother died. As I discussed
11 before, he always called and asked for permission to
12 stay at the property. Both Bernard and Bonita
13 testified that he started having health issues,
14 including dementia, which ended up being confirmed by
15 Antoine who said he died of Alzheimer's. And he did
16 not come after he got there. They both testified that
17 he did not visit the property after 2008.

18 Antoine testified that he did not know the
19 last time that his father went to the property. He
20 was asked that numerous times in his deposition, which
21 we handed up to Your Honor and included in the record.
22 And he also testified to that at the trial. So there
23 is no date other than my clients saying that after
24 2008, he did not visit the property.

25 But even if he did, Your Honor, there is no

1 evidence that Robert Heyward ever possessed or
2 occupied the property ever in this life. He never
3 claimed ownership, and he never did anything that
4 owners generally do. When his grandmother bought the
5 property in 1960, Robert, I believe was born in the
6 late '20s. So he would have been in his 30s. He was
7 a commercial fisherman at the time. He wasn't living
8 in Charleston. He never lived on this property.

9 When she deeded him the property, he did
10 nothing to show that he was an owner. All he did was
11 he continued to help pay the taxes, which he had been
12 doing prior to his mother's death, but he also was
13 requiring the Plaintiffs to pay the predominant
14 amount, although he never told them that he owned the
15 property.

16 Plaintiffs had insurance on the property.
17 And I think you have to own a property to get
18 insurance, so I don't know how they got it, but they
19 got insurance on the property, they paid the taxes,
20 and they made improvements that only an owner would
21 make, as testified to by Antoine.

22 The only evidence is that Plaintiffs have
23 paid all the taxes after Antoine asserting ownership
24 of the property for the first time. He said he had
25 not paid them, and he didn't know whether they had

1 been paid. My clients testified that they had paid
2 them and there hasn't been a tax sale on the property.
3 So I'm pretty sure they paid them.

4 Again, the Heywards always asked permission
5 to stay on the property. They never occupied it as
6 owners. They never told anyone they were owners.
7 When they were there, they didn't mow the grass; they
8 didn't wash the windows; they didn't try to build
9 anything or add to it. They did not act as owners.

10 The Plaintiffs had exclusive possession of
11 the property after Louise Heyward died in 2000. They
12 lived on the property and had exclusive possession.
13 No other person lived there with them. The fact that
14 Robert Heyward might have infrequently visited the
15 property with the consent of Plaintiffs does not show
16 shared possession or occupancy.

17 There's an Am. Jur. article, Your Honor, on
18 the discussion of the meaning of exclusive possession.
19 I could not find a South Carolina case that was
20 directly on point, but Butler versus Lindsey is
21 probably the closest. Mr. Heyward never lived at 516
22 Bank Street and never did anything that an owner would
23 do. There's no evidence that he visited the property
24 after 2008. The Heywards offered to pay to use the
25 property for the funeral repast. That's not something

1 an owner would do if he were in possession of the
2 property.

3 South Carolina Courts have not defined what
4 exclusive possession is. There is an article in Am.
5 Jur. It's 3 Am. Jur. 2d Section 59, and they discuss
6 the meaning of exclusive possession. "Exclusive
7 possession and use as elements of an adverse
8 possession claim means that the possessor is not
9 sharing the disputed property with the true owner or
10 public at large. The claimant must show an exclusive
11 dominion over the land and an appropriation of it to
12 the claimants' own use and benefit. Thus, to satisfy
13 the adverse possession element of exclusivity,
14 claimants' conduct must afford an unequivocal
15 indication that the claimant is exercising dominion of
16 a sole owner over the property.

17 "Exclusive possession can be established by
18 acts which at the time, considering the state of the
19 land, comport with ownership. That is such acts as
20 would ordinarily be exercised by an owner in
21 appropriating the land to such person's own use and
22 the exclusion of others. To establish the exclusivity
23 element of adverse possession, the adverse possessor
24 must alone care for or improve the disputed property
25 as if it were such person's own."

1 That's the Steeds, Your Honor. There is no
2 evidence that Mr. Heyward or Antoine or Ruby ever
3 contributed in a way. They never asked him for
4 permission to put in a washer and dryer. They never
5 asked him permission to add a room on. They did --
6 they were owners. They were exercising ownership over
7 the property. And the fact that Mr. Heyward shows up
8 and spends some time there as a visitor -- Antoine
9 testified that he never mowed the lawn, he never did
10 anything to help. He didn't exercise any dominion or
11 control over the property. He was there on vacation,
12 merely as a visitor. That is not something that would
13 counter my clients' exclusive possession.

14 3 Am. Jur. 2d goes on, adverse possession in
15 Section 60 to say, "To constitute exclusive possession
16 for purposes of establishing title to property by
17 adverse possession, the claimants possession need not
18 be absolutely exclusive. Possession need only be a
19 type of possession that would characterize an owner's
20 use of the property. Thus the claimant's use of the
21 property need not be exclusive of all individuals.
22 However, where a property owner and a neighboring
23 property owner both use a parcel of land and the
24 property owner has taken steps to undermine the
25 neighbor's attempts to assert exclusive control of the

1 parcel, the neighbor cannot establish adverse
2 possession."

3 We don't have that, Your Honor. What we have
4 is one piece of property my clients have lived in
5 since 1967, and once Louise Heyward died, they have
6 been the owners, they've had exclusive possession of
7 it. They've done whatever is necessary. If Mr.
8 Heyward wanted to stay, he would call them and ask
9 their permission, and as Bernard Steed testified,
10 sometimes he said it was fine for him to come then,
11 and sometimes he said it was not.

12 And we don't have him coming at all after
13 2008. So that's then years there, but when you add on
14 the other eight years, then you've got 18 years of
15 exclusive possession. And I believe that's -- I think
16 the Court got wrapped up in the fact that he visited
17 it and decided that that was he was asserting
18 possession, but he never did anything. And that's --
19 I think that's the crux of the case. He was to not an
20 owner. He didn't come in as an owner.

21 So I believe, and I know Your Honor believes
22 that my clients --

23 THE COURT: But you agree, in fact, he was
24 the owner, was he not? Until such time as the adverse
25 possession period is established, does he not remain

1 the owner since he has the title of the property?

2 MS. PAYLOR: Well, he didn't exercise any
3 ownership rights.

4 THE COURT: Okay.

5 MS. PAYLOR: Until his son called in 2015.

6 THE COURT: Right.

7 MS. PAYLOR: So that's 15 years, Your Honor.
8 So if he --

9 THE COURT: 2008 to 2015, I only come up with
10 seven.

11 MS. PAYLOR: So my clients had exclusive
12 possession from 2005 until 2015.

13 THE COURT: But my question to you is: If
14 the Steeds, and I'm talking generationally now, if the
15 Steeds entered into possession with permission of the
16 owner, and that was Louise Heyward.

17 MS. PAYLOR: Right.

18 THE COURT: I don't think that's a contested
19 fact. When and how does their possession then ripen
20 into ownership, because that's the issue I'm having.

21 MS. PAYLOR: They had that plat in 1999 that
22 said that it went to their mother, that she owned it.
23 So, Your Honor, they're there under a written claim of
24 ownership, and no one told them that they didn't own
25 it. So it's --

1 THE COURT: But once again, I think you've
2 got it turned around. Just because they're holding a
3 piece of paper that says that it's a plat recorded for
4 their mother, which is unrecorded, so it's within the
5 household, that's what they -- that's their document
6 that they relying on?

7 MS. PAYLOR: That is correct.

8 THE COURT: Okay. All right.

9 MS. PAYLOR: But they obviously believed they
10 owned the property, Your Honor. And the cases say,
11 you know, about the mistaken belief, you can still
12 show adverse possession, even if you have a mistake
13 belief. It's the time period that he allowed them
14 there living with exclusive possession as the sole
15 owners of the property, let them do everything and
16 never told them that they didn't own the property.

17 THE COURT: Okay. All right. Let's talk
18 about hostility now.

19 MS. PAYLOR: Okay. Hostility.

20 THE COURT: That's fairly straightforward.
21 If you claim to own the whole thing, don't you
22 establish hostility?

23 MS. PAYLOR: Yeah, you don't have -- that's
24 the whole mistaken belief thing.

25 THE COURT: Right.

1 MS. PAYLOR: And that's from the case of
2 Taylor versus Heirs of William Taylor and a bunch of
3 other cases. "The claimant may establish hostile
4 possession by showing he occupied the property without
5 the title owner's consent. Even if he occupied the
6 property under a mistaken belief that it belonged to
7 him. There is no evidence of consent. Antoine
8 testify that he never heard anyone tell Plaintiffs
9 that they did not own the property, but could live
10 there with their consent. That never came up. And my
11 clients confirmed no one ever told them that they did
12 not own the property.

13 In fact, when Robert Heyward wanted to come
14 visit, he asked the Plaintiffs for consent to allow
15 him to visit. I'm going to refer this case Knox
16 versus Bogan, Your Honor, 322 S.C. 64, it's a 1997
17 case. The Court in that case held that, "Under the
18 Knoxes adverse possession claim, a reasonable
19 inference, deducible from the evidence, is that
20 regardless of the intent of the original possessor in
21 entering the tract, the Knoxes and their predecessor
22 in title have intended to possess the tract with the
23 intention of owning it exclusively and without the
24 actual or implied permission of anyone. The only
25 requirement is that the one in possession claim the

1 exclusive right thereto for the statutory period."

2 And that's what we have. They claimed
3 ownership from the day that Louise Heyward died --
4 well, they still claim it, Your Honor. So we're
5 talking about 23 years that they didn't know anyone
6 else contained -- claimed ownership until 2015. So
7 they did it -- they were there without consent. No
8 one ever told them, we consent to your staying there.

9 Now they knew they were staying there, they
10 were aware of it, which actually goes back to the
11 laches claim, they should have told them if they
12 wanted to claim ownership, and they did not do it.
13 It's all kind of boiled up into my clients staying
14 there for as long as they did, living there,
15 maintaining it, improving it, doing whatever they had
16 to do to keep it from going to the tax sale. They are
17 the owners by adverse possession or by laches, either
18 way you look at it.

19 This -- they lived there forever. They had
20 no reason to think they didn't own it, and
21 unfortunately, they we weren't sophisticated enough to
22 look into it until Antoine called them up.

23 THE COURT: That was when things came to a
24 head, there's no doubt about that.

25 MS. PAYLOR: Exactly.

1 THE COURT: Whenever that was.

2 MS. PAYLOR: Exactly.

3 THE COURT: Some time after Robert died, we
4 know.

5 MS. PAYLOR: So we have two other grounds,
6 Your Honor, in our complaint. We had a seventh
7 defense and an eighth defense, and I'm going to talk
8 about the eighth defense first.

9 THE COURT: Okay.

10 MS. PAYLOR: There's a South Carolina Code
11 Section 15-3-380. It provides that, "No action shall
12 be brought for the recovery of real property or any
13 interest therein against a person in possession by
14 virtue of a written instrument, unless the person
15 claiming his ancestor or grantor was actually in
16 possession within 40 years from the commencement of
17 such action. Possession of a defendant is deemed
18 valid against the world after the lapse of 40 years."

19 So as of 2018, 40 years prior to that, my
20 clients were living there. Mr. Heyward is now
21 claiming -- yeah, Antoine Heyward is now claiming
22 ownership by virtue of a written instrument, but he
23 didn't commence an action within the 40 years of their
24 being there.

25 The seventh -- yeah, that the other one. And

1 then there's also our seventh defense, which is an
2 irrebuttable presumption of grant. Your Honor
3 expressed this in a case, the Iglehart case that came
4 up in Westlaw, I can't remember what year it was.

5 This talks about peaceful possession in
6 excess of 20 years, there's an irrebuttable
7 presumption of grant. And my clients had peaceful
8 possession in excess of 20 years, Your Honor. They
9 possessed it since they moved in, in 1967 as infants.
10 That's where live; that's their home; they owned it;
11 they took care of it. They did all the things
12 necessary to improve and maintain it.

13 So we're asking the Court to reconsider the
14 order and grant title to Plaintiffs. Under the
15 theories of adverse possession, under the theory of
16 laches to their counterclaim for ownership, under the
17 section 15-3-380, and under the irrebuttable
18 presumption of grant, Your Honor. Thank you.

19 THE COURT: All right. Thank you. Ms.
20 DeJong?

21 MS. DeJONG: The Plaintiffs have filed a
22 motion to reconsider your order. They filed it under
23 Rule 59 seeking to amend the judgment and/or a new
24 trial, and they produced no new evidence that would
25 change the results of the trial. This is Lanier

1 versus Lanier, 364 S.C. 211. The arguments that Ms.
2 Paylor makes are the same ones she made before Judge
3 Bentley Price, of which I appealed to the South
4 Carolina Court of Appeals of which they reversed and
5 remanded Judge Price's order, RE Grant. There are
6 no -- as I said, there's no new evidence to support
7 anything to change the results of the trial.

8 With regards to the undisputed facts that Ms.
9 Paylor set forth, some of them, I've never heard
10 before. So obviously, I would contest that, but I
11 wanted to point out that anything that the Steeds say
12 as fact is suspect given the fact that under oath,
13 they lied about the real estate taxes. So I would
14 just say -- I would consider anything that they say to
15 be unreliable and only self-serving.

16 The 40 year statute of limitation and
17 irrebuttable presumption of grant, this is a new
18 argument. Plaintiffs have -- Plaintiffs' attorney has
19 presented no case law or statute to support these two
20 new arguments. They say it's in their defense
21 pleadings, but I don't recall it. What I do know is
22 it's never been argued in any of the pleadings in the
23 past five years, and they presented no evidence or
24 argued it at trial. So I would say that this is not
25 the time to bring forth -- and it is well settled that

1 Rule 59 motion is not a vehicle for bringing new
2 theories or arguments, Hickman versus Hickman, 301
3 S.C. 455. "A party cannot use Rule 59 to present
4 issues that the party could have raised prior to
5 judgment but did not."

6 THE COURT: Are those in the amend complaint?
7 The most recent amended complaint, is that where it
8 is?

9 MS. PAYLOR: Yes, Your Honor.

10 THE COURT: Okay. All right. Thank you.

11 MS. PAYLOR: Filed on November 16, 2018.

12 THE COURT: Okay.

13 MS. DeJONG: But as I said, it was never,
14 ever argued, raised, no case law, no statutes.

15 THE COURT: At the time of trial, right?

16 MS. DeJONG: Yeah.

17 THE COURT: Okay.

18 MS. DeJONG: With regards to the hostile
19 possession and exclusivity -- no, I'd rather go to
20 laches first, Your Honor, if you don't mind. I
21 apologize.

22 THE COURT: Go ahead.

23 MS. DeJONG: With regard to the Plaintiff's
24 laches argument, why would Robert Heyward tell them
25 they had a deed? The deeds were a public record from

1 Louise Brown to Robert Heyward -- Louise Heyward to
2 Robert Heyward to Antoine Heyward. Why would they go
3 to the Steeds and say, oh, we own the property. They
4 had no reason to.

5 But the South Carolina Court of Appeals did
6 rule in their -- when they reversed and remanded this
7 case that the Plaintiffs would have to prove laches by
8 showing (1) delay, (2) that it was unreasonable under
9 the circumstances, (3) prejudice.

10 I don't know how they could be prejudiced
11 because they've lived rent free for all of these
12 years. They've benefited for being on that land.
13 They haven't been harmed. And she talked about
14 improvements being made, but they moved more people
15 in, more Steeds moved in. So they benefited from
16 being on the property of Robert Heyward. They haven't
17 been harmed under the doctrine of laches. Also at
18 trial, there's been no evidence presented that they
19 have been harmed. As I said, they lived there rent
20 free. And the Court rightfully decided that the
21 statute of adverse possession starts with Antoine
22 Heyward, that's where it became hostile. That's where
23 it became adverse. And that's only three years ago.

24 The Court of Appeals decided that only two
25 elements needed to be addressed at trial, that was the

1 exclusivity element and hostile possession element,
2 the adverse possession. Robert gave permission for
3 them to stay there. In exchange, they partially paid
4 the real estate taxes to Robert Heyward, and he paid
5 the taxes in full each year. So obviously, there was
6 an agreement. Everybody worked together to make sure
7 the property didn't go into to foreclosure. So it
8 wasn't a hostile possession, they had permission from
9 Robert Heyward to stay there.

10 So he had no duty to inform the Plaintiff,
11 contrary to what Ms. Paylor said. He owned the
12 property, he had deeds to it. Thank you.

13 THE COURT: Any response?

14 MS. PAYLOR: Just a couple things.

15 THE COURT: Sure.

16 MS. PAYLOR: Bernard Steed testified that
17 he's been paying the taxes. Now, this was in 20 --
18 did we try the case in '23 or '24? Anyway --

19 THE COURT: '23, yeah.

20 MS. PAYLOR: Late '23, he testified that he
21 had been paying the taxes. He had been paying the
22 taxes since 2015, Your Honor, eight years. So when he
23 said -- what he said was he probably paid them before
24 that. He did not lie. He said I probably did, and,
25 you know, Antoine Heyward lied about everything that

1 he had testified to in his deposition. I got up there
2 and I asked him again. So I mean, we got Antoine now,
3 and it had been a long time for him too, and I'm not,
4 you know, calling him a liar, but I do not believe
5 that either of the clients who testified lied, Your
6 Honor, and I'm very upset that she was would take that
7 position and say that anything he said was a lie.

8 Everything he said was true. These are not
9 new claims. They are in the complaint, and we're not
10 adding any new evidence, she's correct. Everything
11 that we're asking for is based on the facts taken in
12 the light favorable to her client, because, you know,
13 you found that. But even when you do that, the Steeds
14 are entitled to ownership.

15 They lived rent free for years. Well, I
16 don't know what the rent on that would have been, Your
17 Honor, but they also took care of everything and there
18 was -- and then she says that Heyward gave them
19 permission to stay there. That is not in the
20 evidence. Nobody could ever say that Robert Heyward
21 gave them permission. He did not. And that's the
22 weakness of their case. They cannot prove that. They
23 cannot prove that he consented to them being there.
24 The proof is exactly the opposite. He asked for
25 consent to stay there. His family offered to pay to

1 use the property that they claim they owned. That
2 certainly shows that my clients were the owners or
3 exclusive possessors of the property, Your Honor. And
4 they --

5 THE COURT: That would have happened in 2015
6 though, right? Isn't that about what he died?

7 That's when he died, yeah, but before that,
8 there's no -- absolutely no evidence that they ever
9 talked about his owning it and they would let them
10 live there. That never happened. And her client
11 knows nothing about it; my clients knew nothing about
12 it. And I can tell you, my clients were shocked when
13 they got that call in 2015.

14 So for her to claim now this guy's dead that
15 he gave them permission to stay there, no, he didn't.
16 They stayed there, and he didn't say a word to them.
17 He allowed them to -- he allowed them to think they
18 were the owners for 15 years.

19 THE COURT: And I think that gets back to my
20 question that I raised earlier. I don't know that
21 it's him allowing them to think that they owned the
22 property so much as if you're going to adversely
23 possess the property, you have to somehow put the
24 owner on notice that you intend to possess the
25 property.

1 MS. PAYLOR: They put him on notice.

2 THE COURT: And when and how did they do
3 that?

4 MS. PAYLOR: When they were living there.

5 THE COURT: Just by virtue of living there?

6 MS. PAYLOR: Yeah, I mean, and they did
7 everything. They didn't ask his permission.

8 THE COURT: Well that -- back to sort of what
9 I made reference to, doesn't that make them just a
10 long-term tenant?

11 MS. PAYLOR: No.

12 THE COURT: They're just residing in the
13 property?

14 MS. PAYLOR: No. They exclusively possessed
15 it. They had insurance on it as the owner.

16 THE COURT: They exclusive --

17 MS. PAYLOR: They had insurance on it as the
18 owner.

19 THE COURT: Well, that's a factor, I agree
20 with you there.

21 MS. PAYLOR: They made improvements as the
22 owner.

23 THE COURT: Yeah. Back to the -- let me
24 talk, because the payment of taxes was something that
25 I wrestled with, it being Item Number 2 in my order.

1 "After the visits to the property" -- I'm just going
2 to stop on that.

3 All parties testified -- I'm reading from the
4 order. "All parties testified the tax bills went to
5 the Heywards in Chicago." To me, that's some indicia
6 of the ownership of the property. Then farther down
7 in that same paragraph, this is on Page 4, "On
8 cross-examination, after being shown an envelope and
9 check dated December 14, 2013, Bernard Steed admitted
10 he had sent the check for \$2,136 to Ruby Heyward. He
11 couldn't recall if it was for all the taxes or just
12 part of it. In addition, the Plaintiffs admitted a
13 check of \$2,216, which showed the Steeds contributed
14 to Ruby Heyward's payment."

15 My understanding was that the Steeds were
16 sending the money to Chicago and the Heywards were
17 paying the taxes. That's my recollection.

18 MS. PAYLOR: And I think that is correct,
19 Your Honor, up until 2015. But my clients --

20 THE COURT: Right.

21 MS. PAYLOR: -- were told by Ruby Heyward
22 that she had asked him to make sure the taxes got
23 paid. And that's in the record.

24 THE COURT: "Bernard Steed said when he was
25 pushed on cross, who paid the taxes? He said I

1 can't -- I can't -- I'm assuming I can't say.

2 Probably me, I'd say me. And then went to show ..."

3 So I found that a credibility problem with
4 Mr. Steed's testimony at least in that regard.

5 MS. PAYLOR: And that's when I talk about the
6 length of time, Your Honor, because he did pay them
7 beginning in 2015, which is eight years ago.

8 THE COURT: Well, one of the things that's
9 been really difficult in this case -- and I found that
10 the Butler versus Lindsey case to be fairly factually
11 similar in this case -- I was surprised, it's
12 Charleston County case, and it was Judge Condon's
13 case -- but here, we've got -- and nobody made any
14 objection under the Dead Man's statute, but we were
15 all testifying about what these dead people were
16 saying and doing, and I just kept waiting for the
17 objection, and I never heard it. So it came into
18 evidence.

19 But it's hard to figure out what some prior
20 generation was doing. The one thing that I'm clear on
21 is that Louise Heyward, the grandmother, of these
22 Plaintiffs -- I think she's the grandmother,
23 grandmother or great grandmother?

24 MS. DeJONG: I think she's the great
25 grandmother.

1 MS. PAYLOR: Great grandmother of the
2 Plaintiffs.

3 MS. DeJONG: Yes.

4 THE COURT: Okay. Anyway, there's no
5 question that she allowed her daughter, with
6 permission, to build on the property. That had
7 something to do with the death of --

8 MS. PAYLOR: Her husband.

9 THE COURT: -- her husband, if I remember
10 right, right? So they came on there and they built
11 the house in there. And I think they should get some
12 credit for that, frankly. We'll get into that next.
13 But that, in and of itself, doesn't make them owners
14 of the property. And so, it is my understanding of
15 the law, and this may not be correct, and you all may
16 correct me, I've been reversed before. The one that
17 keeps coming to mind is the Roosevelt Simmons case,
18 they sued Berkeley County and the Supreme Court, as I
19 understood it, changed the law, but maybe they just
20 restated what it was. We may have that again.

21 But when somebody enters into possession with
22 permission, there has to be some clear and notorious
23 exemption, the exhibition of why somebody then now
24 claims to own the property adversely to the
25 titleholder. And that's where I found that the

1 Plaintiffs' testimony fell short in this case. So I'm
2 going to rely on that and stick with my -- I'm going
3 to deny the motion to reconsider on that basis.

4 I understand the argument that you make, and
5 I think it's a good argument frankly. I just don't
6 think that it's the law.

7 MS. PAYLOR: What about the laches argument,
8 Your Honor?

9 THE COURT: The laches argument is even
10 tougher, because it was there, but what -- what I
11 gleaned from the testimony was status quo, status quo,
12 status quo until such time as Mr. Antoine Heyward says
13 hey, y'all need to start paying rent. That changed
14 the ball game without a doubt.

15 But I saw that as if Mr. Robert Heyward
16 continued to allow, i.e. permissive use of the
17 property, clearly, that would have died at some point
18 in time, either with his death or he never -- he never
19 visited the property, I think the testimony was that
20 somewhere around 2008. So you've still got that 2008
21 to 2015 time period, which I just don't think is ten
22 years for the establishment of adverse possession.
23 And that's where I came down on that. Okay? So I'm
24 going to stick with my ruling on that regard and deny
25 the motion to reconsider.

1 MS. PAYLOR: What the presumption of grant
2 Your Honor?

3 THE COURT: That, I don't believe was tried
4 or argued at the time of the trial. Recovery of real
5 property (inaudible). They all got a prior title.
6 They all owned this property -- or the claim is to own
7 the property through the grandmother.

8 So what I wrestled with in this case,
9 frankly, was were this an ouster case? But an ouster
10 case is between tenants in common. These people
11 are -- they're family, but they're not tenants in
12 common. They're claiming to own the property
13 separately and distinctly for whatever period of time
14 that they have, and so I just didn't get there. And
15 the same is true with the 20 years. I think that --
16 again, my understanding of the law is if you enter
17 into possession with permission, something's got to
18 happen in order to alter the position of the parties
19 such that it becomes adverse, and I just didn't find
20 that to be the case.

21 Let's talk a little bit about the betterments
22 statute, because I know there was -- I set that up,
23 because I'm trying to find -- I was trying to find an
24 equitable remedy, because I do think that they lived
25 there for a long time. Perhaps that's a legal issue,

1 payments an equitable issue, but I think they should
2 be entitled to something, because they did maintain,
3 keep the property. It's not been sold. It's not been
4 lost. It's got some value. Probably the great
5 majority of the property is in the dirt, as opposed to
6 the house, but that's another story. It's in the Old
7 Village of Mount Pleasant, so I know it's worth a lot
8 of money.

9 Ms. DeJong?

10 MS. DeJONG: They filed a motion to amend the
11 complaint. Do you want me to argue my opposition?

12 THE COURT: Well, I'm assuming with lack of
13 anything else, you all would be for something to argue
14 with some remedy here, would you not? I don't know
15 what they plan to do with the property. I assume
16 they'd want to sell it, but I don't know. Go ahead.

17 MS. DeJONG: So I've objected to Plaintiff's
18 motion to amend the complaint. This would be fourth
19 amended complaint. We're now to year six of the
20 lawsuit, post trial, post judgment.

21 Under Rule 15, there were some criteria. One
22 was that the -- in my case, Defendants would not be
23 prejudiced if the motion to amend was granted. My
24 client would be prejudiced. He's spent thousands and
25 thousands of dollars.

1 When we get to trial, there's only one
2 unrecorded plat as evidence of adverse possession. It
3 just blew -- it just seemed incredible that this could
4 have gotten so far up to the Court of Appeals and
5 back. So it would be highly prejudicial to my client
6 if you granted Plaintiff's motion to amend the
7 complaint.

8 Also the betterment statute, which they cite,
9 South Carolina code 27-27-70, I don't know if that
10 statute applies to adverse possession. It
11 specifically states that, "If a party believes they
12 made improvements or betterments, because they're
13 title was good, then they might have a cause of
14 action." But the Steeds didn't have good title. They
15 filed an adverse possession action. So I don't think
16 it applies to this case, at all. And as I said
17 before, they new they weren't the owners or they could
18 have known, because the deeds in the Heywards' name
19 were a public record.

20 If the Court is inclined to grant the motion
21 to amend to add a betterment cause of action, I would
22 ask that the betterment -- proof of betterment only go
23 from the point Antoine Heyward got title to the
24 property to now, that the improvements prior to
25 Antoine Heyward receiving the title, those

1 improvements were made in lieu of rent. No evidence
2 has been provided to show otherwise. And as we all
3 know, there are so many people living in that house, I
4 think there's five.

5 Five Steeds living in the house, no one
6 paying rent, the improvements are in lieu of it. In
7 fact, Robert Heyward did go to the house every year
8 until he got dementia, that's in your order and proven
9 at the trial. He saw the improvements, but they never
10 asked him during his lifetime to be compensated for
11 it. So he saw the improvements, he knew about them,
12 and they never asked them to be paid for. It's safe
13 to assume that he -- they all agreed it was in lieu of
14 rent.

15 So I would just asked from the point that
16 Antoine Heyward received the deed to the property,
17 which was on May 27, 2016, that's when it became clear
18 that any improvements made after that date probably
19 would be challenged by Antoine Heyward, but that any
20 time before that was in lieu of rent. Any
21 improvements made thereafter wouldn't have been in
22 lieu of rent.

23 MS. PAYLOR: Again, there is no evidence in
24 the record that my clients thought they were paying
25 rent by making improvements. And that's just a total

1 falsehood. The betterment statute is for recovery for
2 improvements made in good faith. And that's exactly
3 what you found in your order, Your Honor. You found
4 that, "I conclude that the defendants lack of
5 expression of ownership and inaction in making repairs
6 and improvements to the property ..." you found that.

7 The statute says, after final judgment, also.
8 So I don't -- I think it's --

9 THE COURT: I don't think there's any
10 question you could do it. As a matter of fact, I
11 don't think it can even get decided until after
12 judgment, because then you've got to figure out who's
13 entitled to what.

14 MS. PAYLOR: Correct, correct. Anyway,
15 that's our position with regard to that.

16 THE COURT: What I would suggest is -- and
17 I'm looking at both the statute 27-27-70, the relevant
18 language, "believing at the time that the improvements
19 and betterments were made that they thought they had
20 good fee." I don't think there's any question that
21 that's the position of the Plaintiffs in this case.

22 And so the issue, the legal -- or the
23 question to be decided, the factual question is: To
24 what extent, whether it was improvements, how much did
25 they increase the value of the property. And I think

1 the only way to determine that would be to go and have
2 an appraisal made. And that's what I would suggest
3 that the Plaintiffs do, get an appraisal made with --
4 and have the appraiser make a determination as to the
5 value of the property with the improvements that they
6 claim to have made to the property. Okay?

7 And I would go back in time, which would
8 include basically an additional house, the structure
9 of the house, and we're going to fight over whether
10 that's a valid property. And then I would give y'all
11 a period of time to do that, 45, 60 days, provide that
12 to Ms. DeJong. Ms. DeJong, then your client can take
13 a look at it and see if you'll want to get a separate
14 appraisal, and come back here in maybe 90 days and
15 let's fight over whether or not that's worthwhile.
16 Okay?

17 MS. DeJONG: How far back, Your Honor?

18 THE COURT: I'm going to give them back to
19 whatever time frame -- when did they build that
20 structure on the house?

21 MS. PAYLOR: '66.

22 THE COURT: That's a long, long time, yeah.
23 Okay. All right. But they continue to take care of,
24 that the gist of what y'all's argument is, that's the
25 exclusivity. All right.

1 MS. PAYLOR: Well, the mother got an
2 insurance. Her husband was injured while he was
3 working, so they got worker's compensation back in
4 like 1966, probably like \$10,000.

5 THE COURT: That's where the funds came from
6 to build that structure?

7 MS. PAYLOR: Yeah, so she used the funds to
8 build the house for her and her five children to live.

9 THE COURT: This may all be academic. I got
10 a house in the Old Village, they put the same price on
11 the dirt as they did on the house, so.

12 MS. PAYLOR: Yeah, I'm not -- we may not even
13 pursue it, Your Honor.

14 THE COURT: Okay. I understand.

15 MS. PAYLOR: But I know we're going to appeal
16 it, so.

17 THE COURT: I have no doubt about that. I
18 wouldn't expect anything less.

19 MS. PAYLOR: Your Honor, make sure you put in
20 your order, you know, all of the things that you
21 addressed so we've got that in the order, the things
22 we raised and then you're denying all of that.

23 THE COURT: Yeah, yeah, I'm going to do it
24 generically, but anyway, we'll do it. Okay?

25 MS. PAYLOR: All right.

1 THE COURT: All right. Thank you. It's an
2 interesting case, very interesting.

3 MS. DeJONG: Thank you.

4 (Hearing concluded at 11:02 a.m.)

5 * * *

C-E-R-T-I-F-I-C-A-T-E

I, Kendra Kay Johnson, Professional Court Reporter and Notary Public for the State of South Carolina, certify that the foregoing hearing was held at 100 Broad Street, Charleston, South Carolina; that the foregoing pages constitute a true and accurate transcript of the proceeding.

I further certify that I am not of counsel or kin to any of the parties to this cause of action, nor am I interested in any manner in its outcome.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 25th day of May, 2024.

Kendra Kay Johnson
Notary Public for South Carolina
My Commission Expires:
September 21, 2028

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