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May 19 2026

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

**APPEAL FROM SALUDA COUNTY
Court of Common Pleas**

The Honorable Walton J. McLeod IV, Circuit Court Judge

Appellate Case No.: 2025-001669
Civil Action No.: 2021-CP-41-00032

Jan H. Bryan, ... Appellant,

v.

Saluda County, Saluda County Council, Donald E. Hancock in his Official
Capacity as Chairman of Saluda County Council, Rhonda W. Browning, and
First Community Bank, ... Defendants,

of which Saluda County, Saluda County Council, and Rhonda W. Browning
are the Respondents.

**RECORD ON APPEAL
VOLUME 3 OF 4**

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are the.....Respondents.

**RECORD ON APPEAL
VOLUME 3 OF 4**

s/ Wesley D. Peel
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¹ For the record, the undersigned notes that this transcript erroneously list trial counsel's paralegal, then known as Lacey Segars, as counsel.

² The exhibits entered at trial were not all labeled, scanned, or transmitted with the trial transcript, thus creating some confusion as to which documents constitute the admitted exhibits. This list is the best effort of counsel to recreate the exhibits.

STATE OF SOUTH CAROLINA) IN THE CIRCUIT COURT
COUNTY OF SALUDA) C.A. NO. 2021CP4100032

JAN BRYAN	)
	)
Plaintiff(s),	)
versus	)
	)
SALUDA COUNTY ET AL	)
	)
Defendant(s).	)

H E A R I N G

Before The Honorable McLeod

WITNESSES: RONALD GREGG ANDERSON, WILEY BEN EASTON,
 JAN BRYAN, AMANDA ROWE, TRIPP BRYAN,
 GENE DINKINS, RHONDA BROWNING
TIME: 9:37 AM
DATE: December 10, 2024
LOCATION: South Carolina Circuit Court
TRANSCRIBED BY: Jane Daniel

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ROA000418

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PROCEEDINGS

THE COURT: Okay. We are here in the matter of Jan Bryan versus Saluda County and various other parties. This is case number 2021-CP-41-00032. I believe counsel for all the parties are here today. This is scheduled to be a bench trial.

I know the parties and attorneys have done a lot of work in advance as far as coordinating exhibits to ensure this moves as efficiently as possible. Would someone like to make a little record about some of those preparations?

MR. PEEL: Your Honor, Mr. Lang and I have -- and -- and Ms. Bozeman have worked together, trying to agree to as many exhibits as we had. Your Honor has heard this case on summary judgment before, so you -- you're familiar with the facts we've prepared. Mr. Lang has prepared some joint exhibits, which is both sides chain of title, which is an issue. And so, we'd like to go ahead and admit those.

THE COURT: Okay.

MR. LANG: May I approach the Court, your Honor?

THE COURT: Yes, sir.

MR. LANG: (Inaudible). Judge, I -- I've handed the court reporter. The court reporter has a copy of the joint exhibit list. I think there's another copy in the -- that's handed up in the notebooks. I -- I'm happy to go through it but I'm not sure that's helpful.

1 Other than we have Joint Exhibits 1 through 21. And
2 Joint Exhibit one through 12 are the chain -- documents in
3 the chain of title, having to do with my client Ms. Browning.

4 And then Joint Exhibit 13 through 21 are the documents
5 having to do with Ms. Browning's -- plaintiff's chain of
6 title. It includes all the deeds and then all its -- all of
7 its recorded class. These are all recorded documents, and I
8 would introduce all those documents as part -- for part of
9 our (inaudible) this hearing today --

10 THE COURT: Okay.

11 MR. LANG: -- without objection, I believe.

12 MR. PEEL: That's right, your Honor. And -- and to the
13 extent there's any need to address these, I -- I assume we
14 can -- instead of argument today, we can just do it in
15 proposed orders that -- that --

16 THE COURT: That -- that'd be fine. Also I just think
17 we could make this rest in exhibit -- court exhibit.

18 MR. PEEL: Yes.

19 THE COURT: That way it's clear exactly which one it
20 was, and you don't have to go line by line what they are now.

21 MR. LANG: That -- that's fine, Judge, that -- that
22 list also includes the Browning exhibits for, which I -- I
23 don't think there are any objections.

24 MR. PEEL: There's no objections to that either.

25 MR. LANG: And in terms of the plaintiff's exhibits,

1 your Honor, I think there's objections to two. Other than
2 that, we have no objection to --

3 MR. PEEL: What are the two? I know there's --

4 MR. LANG: Well, there's the exhibits have to do with
5 an ariel photograph. And I think there's two or three pages
6 of that.

7 MR. PEEL: The -- the three (inaudible). It's okay.

8 THE COURT: Okay. We'll just take those up -- that
9 objection when it comes up.

10 MR. PEEL: That's -- yeah, I -- I'm going to -- I'm
11 going to try to get those in through Mr. Bryan and --

12 THE COURT: Okay.

13 MR. PEEL: -- we'll -- we'll see.

14 THE COURT: All right. Anything else from --

15 MR. PEEL: We -- we have agreed -- I have two witnesses
16 that we've agreed to sequester that are outside.

17 THE COURT: Very well.

18 MR. PEEL: And since the Court's familiar with this
19 case in -- in general, I will -- I'd like to call them out
20 kind of out of order before I put Mrs. Bryan up so they can
21 be excused and go home.

22 THE COURT: That without objection?

23 MR. LANG: No objection.

24 MS. BOZEMAN: No objection.

25 THE COURT: All right. Well, are you ready to call our

1 first witnesses then?

2 MR. PEEL: Yes. Would you ask Mr. Anderson to come in,
3 please, Mr. Bailiff?

4 THE COURT: Okay.

5 RONALD GREGG ANDERSON,
6 first being duly sworn, were examined and testified as
7 follows:

8 THE WITNESS: Yes, ma'am.

9 THE CLERK: You May take a seat. And state your full
10 name and spell it, please.

11 THE WITNESS: Ronald Gregg Anderson. R-O-N-A-L-D,
12 G-R-E-G-G, A-N-D-E-R-S-O-N.

13 MR. PEEL: Judge, I've not -- is it more appropriate
14 for me to stand up here on this mic or move around --

15 THE COURT: You can move around as you see fit.
16 Whatever's most comfortable for you.

17 MR. PEEL: Okay.

18 THE COURT: As long as our court reporter can hear you,
19 which shouldn't be a problem.

20 MR. PEEL: I can stand right here, if that works
21 better. It doesn't matter to me. As long as Ms. Anderson
22 can see.

23 DIRECT EXAMINATION BY MR. PEEL:

24 Q. All right. Good morning, Mr. Anderson.

25 A. Good morning, sir. How you doing?

1 Q. I'm doing good. And I'm Wesley Peel, and I represent
2 Mrs. Bryan. Tell me, where do you live?

3 A. I live in Aiken, South Carolina.

4 Q. Okay. Are you familiar with Lake Murray Shores?

5 A. Yes, sir.

6 Q. And -- and where is Lake Murray Shores?

7 A. Near Lake Murray, right off of Hope -- Holly Fever.

8 Q. And how do you know about Lake Murray Shores?

9 A. My mom and dad had a place up there since back in the
10 80s. Back in the early 80s.

11 Q. And what -- what street are they on?

12 A. They're across the street.

13 Q. Okay. Are you familiar with Moonlight Drive?

14 A. Yes, sir. Mr. Bryan did let me use their dock
15 facilities to do my water plays and rode my boat and stuff
16 like that.

17 Q. And so, you're familiar with their home -- and where
18 their home is?

19 A. Yes, ma'am -- yes, sir.

20 Q. Okay. I want show you a blow up of what is the Joint
21 Exhibit 21, which is Mrs. Bryan's plat. And -- and, sir --
22 do you need me to come closer?

23 A. If you don't mind, sir.

24 Q. I will. I'll try and speak into the microphone.

25 A. Okay.

1 Q. Okay. Do -- do you -- are you able to recognize Mr.
2 Bryan's house?
3 A. Yes, sir.
4 Q. Down here?
5 A. Right here.
6 Q. Okay.
7 A. This is the well right here.
8 Q. That's the well. Okay.
9 A. Uh-huh.
10 Q. Okay. And --
11 A. In fact, there's an old boat sitting there, I think.
12 Q. Okay. There's an old boat sitting on the property?
13 A. Uh-huh.
14 Q. All right. And -- and are you -- are you familiar with
15 the -- this area right down here --
16 A. There's a road that went down to the lake.
17 Q. Okay. And is -- is it -- is it -- is -- that road, is
18 it there now?
19 A. It's grown up in the cedar trees plant on this side of
20 Mr. Bryan's place.
21 Q. And how are you familiar with there being a road there?
22 A. Back in the 80s, we used ride our golf cart down there.
23 Q. Okay. And --
24 A. And --
25 Q. -- for what purpose?

1 A. Just riding around.

2 Q. Okay. Did you ever see any other people in Lake Murray
3 Shores use it?

4 A. There've been a few people backing their boat in.

5 Q. Okay.

6 A. Yeah, I didn't know who they was.

7 Q. Okay. Back the boat. Does it -- does it end on -- on
8 the -- the water there?

9 A. A little on the water.

10 Q. And they back the boat in?

11 A. Uh-huh. My dad said he used to use that ramp all the
12 time back in the early '70s.

13 Q. And do you believe this is a public road?

14 A. Yes, sir.

15 Q. And how many years have you believed that?

16 A. Well, I'm 60 years old, so at least 50.

17 Q. All right -- all right. I have no further questions.

18 A. Thank you.

19 THE COURT: All right. Cross-examination.

20 MR. LANG: Thank you, your Honor.

21 CROSS-EXAMINATION BY MR. LANG:

22 Q. Mr. Anderson, good morning.

23 A. Good morning, sir.

24 Q. My name is Louis Lang, I --

25 MR. PEEL: I'm sorry, Mr. Lang.

1 THE COURT: It fell. Mr. Peel didn't throwing it at
2 you.

3 MR. LANG: As long as I didn't knock it over, Judge.

4 BY MR. LANG:

5 Q. Mr. Anderson, good morning. My name is Louis Lang. I
6 represent Ms. Browning.

7 A. Uh-huh.

8 Q. You gave an affidavit in this case some time ago, did
9 you not?

10 A. Yes, sir.

11 Q. You remember that?

12 A. Yes, sir.

13 Q. All right. In your affidavit you said that there was a
14 barbecue pit located on the property after the road ended; is
15 that right?

16 A. Oh they're next to the trees.

17 Q. Say again?

18 A. Where the -- the trees are now, there was a barbecue
19 grill over there one time.

20 Q. All right. And where was the barbecue -- barbecue --

21 A. About halfway down the property on -- between Mr.
22 Bryan's side.

23 Q. On Mr. Bryan's side?

24 A. Uh-huh.

25 Q. So it wasn't on Ms. Browning's side, was it? It wasn't

1 on Ms. Browning's side, was it?

2 A. No, I don't think so.

3 Q. You don't think so.

4 A. Near that road.

5 Q. Near that road. All right. And -- and in terms of the

6 road itself, let me show you what Mr. Peel showed you. Have

7 you ever seen this document before today?

8 A. No, sir. I seen it yesterday when it was sent to my

9 phone.

10 Q. Okay. So it was sent to you by Mr. Peel on your phone?

11 A. Yes, sir.

12 Q. And that's the first time you ever saw this; is that

13 correct?

14 A. Yes, sir.

15 Q. Do you know what it is?

16 A. It's a plat --

17 Q. It's a plat. Okay.

18 A. -- of their property.

19 Q. And -- and I think you mentioned that it's your

20 understanding that this was a public road; is that right?

21 A. Yes, sir.

22 Q. Does it say anywhere on here it's a public road other

23 than right there?

24 A. No, sir.

25 Q. It doesn't say that.

1 A. No, sir.

2 Q. All right. And -- and when was the last time you were
3 out on this property?

4 A. On Mr. Bryan's property?

5 Q. On any property? Either Ms. Browning's or Mr. Bryan's?

6 A. I've never been on Mr. Browning's property, but Ms.
7 Bryan -- Mr. Bryan's, I was up there the whole summer.

8 Q. The whole summer of what?

9 A. This year.

10 Q. This year. All right.

11 A. '24.

12 Q. Is there a road there now?

13 A. It's grown up now. The cedar trees is covering it.

14 Q. All right. Cedar trees go all the way down to the
15 lake, do they not?

16 A. Yes, sir.

17 Q. And they're pretty tall, aren't they?

18 A. Now they are. They was planted probably 15, 20 years
19 ago.

20 Q. All right. And -- and they've grown up. Now they're
21 about 20 feet tall; isn't that correct?

22 A. Sure.

23 Q. And when you were using this public road, did you ever
24 see anybody from Saluda County out there, maintaining the
25 road or anything like that?

1 A. No, sir.

2 Q. Was there any gravel on this road that you -- that you
3 discovered?

4 A. I don't remember that far back. I think it was just
5 kind of dirt.

6 Q. It's kind of dirt, wasn't it?

7 A. Uh-huh.

8 Q. And grass, wasn't is? Isn't that right?

9 A. No, there had grass, had like a two rugs going down
10 there to it.

11 Q. You remember rugs on this road?

12 A. Yeah.

13 Q. And -- and they went all the way to the lake?

14 A. Uh-huh.

15 Q. And there was no riprap or anything on -- along --

16 A. I don't remember the riprap.

17 Q. You don't know anything about that?

18 A. There -- there is now.

19 Q. There is now.

20 A. But there wasn't -- I don't remember about then.

21 Q. And -- and you never saw anybody from Saluda County
22 maintaining this road; is that correct?

23 A. No.

24 Q. There was no sign that said this was a public road; is
25 that correct?

1 A. No, sir.

2 Q. And you said a few people use this road; is that right?

3 A. Uh-huh.

4 Q. Is that right? Yes, or no?

5 A. Yes, sir -- yes, sir.

6 Q. A few people? Were there more than two?

7 A. I -- I don't remember because it's been almost 50

8 something -- 50 something years ago.

9 Q. All right. When was the last time you saw anybody use

10 this road?

11 A. About a long time.

12 Q. All right.

13 A. Because it -- it's been grewed up about 40 years, at

14 least.

15 Q. 40 years ago?

16 A. Uh-huh.

17 Q. All right. So --

18 A. My dad -- my dad said he used to put his boat in their

19 back in the '70s.

20 Q. I don't need you to tell me anything someone else did.

21 A. Okay -- okay.

22 Q. But I'm asking you, maybe 40 years ago, do you remember

23 using this road?

24 A. Uh-huh.

25 Q. Is that a yes, again?

- 1 A. Yes, sir.
- 2 Q. Okay. All right.
- 3 A. Not my personal self now. No, I never did put a boat
4 in there, but I've seen people on the road.
- 5 Q. You saw people?
- 6 A. Yes, sir.
- 7 Q. You saw a few people?
- 8 A. Yes, sir.
- 9 Q. There's a public --
- 10 A. There's a public over here.
- 11 Q. Over here.
- 12 A. It's called Ramp 3.
- 13 Q. Right. It's just around the cone?
- 14 A. Yes, sir.
- 15 Q. Is that right?
- 16 A. Yes, sir.
- 17 Q. That's where people going to put their boat -- boat --
- 18 A. Now they can. Yes, sir.
- 19 Q. They couldn't before?
- 20 A. Oh it was theirs there are too. But people around that
21 area used that road there too.
- 22 Q. So a few people did.
- 23 A. Yes, sir.
- 24 Q. More than two?
- 25 A. Okay.

1 Q. Less than five?

2 A. Okay.

3 Q. Is that right?

4 A. Sure.

5 Q. Well, I'm asking you?

6 A. Yes, sir.

7 Q. I wasn't there?

8 A. Right.

9 Q. You said you saw a few people?

10 A. Yes, sir.

11 Q. Less than five people?

12 A. Less than five.

13 Q. Okay. And this barbecue pit you said was not on the

14 Browning property, rather it was on the Bryan property; is

15 that right?

16 A. Yes, sir.

17 Q. Okay. So they were over here somewhere?

18 A. Not over here.

19 Q. Okay. Like right -- right -- right along the road?

20 A. Yes, sir.

21 Q. You said there was a boat there?

22 A. The boat's up here. Up here next to the well.

23 Q. Oh, the boat was up here next to the well --

24 A. Wait a minute. I'll show you.

25 Q. Okay. Sure.

1 A. Right here.

2 Q. Okay. Right next to the well --

3 A. Uh-huh.

4 Q. -- on this joint exhibit? Okay. There's a boathouse
5 right here -- in there; is that right?

6 A. Yes, sir. There's also a dockhouse right here. A dock
7 right here that I use.

8 Q. And I -- I assume the Bryan's used that boathouse to
9 put the boat in, or storage the boat.

10 A. I can't give you that.

11 Q. You don't know that?

12 A. No, sir.

13 Q. You never saw a boat in there?

14 A. I've never seen a boat in there.

15 Q. Ever?

16 A. No, sir.

17 Q. But the boat and the barbecue pit were on the Bryan
18 property?

19 A. Yes, sir.

20 Q. No question about that in your mind?

21 A. No, sir.

22 Q. Okay.

23 MR. PEEL: May I have court's indulgence for a moment,
24 your Honor?

25 MR. LANG: Thank you, sir.

1 THE COURT: Oh, no -- no -- no.

2 MR. LANG: Oh.

3 THE COURT: He's -- he's talking with his co-counsel.

4 MR. LANG: Oh, okay.

5 MR. PEEL: No further questions. Thank you very much,
6 Mr. Anderson.

7 THE WITNESS: Thank you, sir.

8 THE COURT: All right. Ms. Bozeman or -- or --

9 CROSS-EXAMINATION BY MS. BOZEMAN:

10 Q. So I've got a few questions for you. I promise to be
11 as painless as possible. But how long have you lived in
12 Saluda County?

13 A. I've never lived in Saluda County. I live in Aiken
14 County.

15 Q. All right. Have you ever worked in Saluda County?

16 A. No, ma'am.

17 Q. And I -- I'm sure this the case, and in Aiken County,
18 you're aware there are private and public rights, correct?

19 A. There are what now?

20 Q. You're aware that there are private right and public
21 rights, correct?

22 A. Yes, ma'am.

23 Q. And from a legal perspective, you know don't what it
24 takes to create a public right, do you?

25 A. No, ma'am.

1 Q. And you testified earlier that the area that Mr. Peel
2 pointed to you on the plat was a public road. Is that
3 because, in your memory, nobody asked you to leave it?

4 A. Right.

5 Q. And this was 50 years ago?

6 A. At least.

7 Q. And it's because you were driving golf cart up and
8 down; is that right?

9 A. Yes, ma'am.

10 MS. BOZEMAN: Okay. Yes. Sure. Sorry. I'm -- I've
11 got a soft voice. I am -- that's all I have. Thank you for
12 taking the time to talk to us today.

13 THE COURT: Okay. Redirect.

14 REDIRECT EXAMINATION BY MR. PEEL:

15 Q. Just briefly, I want to clear a couple things, I don't
16 believe -- I believe you said uh-huh and uh-uh, so I want to
17 make sure we get a clear record. You said that you recall
18 there were ruts in the road that went all the way down to the
19 lake; is that correct?

20 A. Yes, sir.

21 Q. All right. And -- and did you use this road for -- for
22 anything else besides putting boats in? Did you ever go to
23 church service?

24 A. We had a service out there one time on Mr. Bryan's
25 property.

1 Q. Okay. And how did people get there?

2 A. We used to have a camping club with Central Baptist
3 Church and we used to go up there.

4 Q. And did you use the road to get there?

5 THE COURT: Not that road, no. The main road goes into
6 the property.

7 MR. PEEL: Okay. All right -- all right. Thank you.
8 That's all I have.

9 THE COURT: Okay. Any re-cross?

10 MR. LANG: Just very briefly, your Honor.

11 RECROSS-EXAMINATION BY MR. LANG:

12 Q. The church service was on the Bryan property; is that
13 correct?

14 A. Yes, sir.

15 Q. And in terms of the Bryan property, again, let me show
16 you this (inaudible). The Bryan property front's on -- on
17 Clinton Street; is that right?

18 A. Yes, sir.

19 Q. Okay. So they have access, the Bryan's, that is, to
20 their property from Clinton Street; isn't that correct?

21 A. Yes, sir.

22 Q. They have a driveway there; isn't that right?

23 A. Yes, sir.

24 Q. And that's the driveway you used to get to their house;
25 is that right?

1 A. Yes, sir.

2 Q. You said people put their boats in on this road; is
3 that correct?

4 A. Yes.

5 Q. Okay. Did you see them with a trailer backing it down
6 the road?

7 A. They were back it from the top of the road down --

8 Q. A trailer?

9 A. -- off of Moonlight.

10 Q. Put the boats in right there?

11 A. Uh-huh.

12 Q. No further questions, your Honor. Thank you.

13 THE COURT: Any re-cross, Ms. Bozeman?

14 MS. BOZEMAN: No, your Honor.

15 THE COURT: All right.

16 MS. BOZEMAN: Thank you.

17 THE COURT: Thank you, Mr. Anderson.

18 THE WITNESS: Thank you.

19 MR. PEEL: And, your Honor, we'd ask the witness be
20 excused so he can get back to --

21 THE COURT: Without objection, Mr. Lang?

22 MR. LANG: No objection.

23 THE COURT: All right. The witness is excused.

24 THE WITNESS: Thank you.

25 THE COURT: Thank you, sir.

1 MR. PEEL: We call Mister - Mr. Easton now.

2 THE COURT: Very well.

3 MR. PEEL: Mr. Bailiff, please make the call.

4 WILEY BEN EASTON,

5 first being duly sworn, were examined and testified as

6 follows:

7 THE WITNESS: Yes, ma'am.

8 THE CLERK: Thank you. If you'll please take a seat.

9 And then state your name for the record.

10 THE WITNESS: Full name is Wiley Ben Easton, Jr. It is

11 W-I-L-E-Y.

12 DIRECT EXAMINATION BY MR. PEEL:

13 Q. Hey, Mr. Easton. I'm Wesley Peel.

14 A. Yes, sir.

15 Q. I represent Mrs. Bryan over there. Thank you for

16 coming back. Where'd you come from?

17 A. I come from Lexington.

18 Q. Okay. And -- and what -- what do you do for a living?

19 A. I do heavy equipment, construction, water, sewer, site
20 work.

21 Q. And how long have you been in that business?

22 A. I followed my dad.

23 Q. Yeah.

24 A. So all my life.

25 Q. And what was your dad's name?

1 A. He was senior.

2 Q. Okay. And y'all have a company?

3 A. Yes, sir.

4 Q. What's it called?

5 A. It's called Wiley Easton Construction Company, Inc.

6 Q. Okay. And are you familiar with the community out here

7 in Saluda County called Lake Murray Shores?

8 A. No, sir.

9 Q. Okay. Did your dad used to have a house on Lake

10 Murray?

11 A. Yes, sir.

12 Q. Okay. Do you -- do you recall where it was?

13 A. Yes, sir.

14 Q. Okay.

15 A. I didn't even know it had an address until this. Okay.

16 Q. Do you -- about -- about -- do you -- is -- did he sell

17 that house to Mrs. Bryan?

18 A. I -- I don't know anything about that. No.

19 Q. You don't remember that. Okay. Well, let me show you

20 what's been marked as Joint Exhibit 21.

21 A. Yes, sir.

22 Q. And this is a plat prepared by Mrs. Bryan in 1987. And

23 it says -- let me step around so you can see. You see right

24 here, it says, Clinton Street --

25 A. Yes, sir.

1 Q. -- a public road. And down here is Lake Murray?

2 A. Yes, sir.

3 Q. Okay. Do you recognize that as your father's home?

4 A. Yes, sir.

5 Q. His property?

6 A. Yes, sir.

7 Q. And do you know how long he owned that property?

8 A. He got it back in '58 or '59

9 Q. Before you were born?

10 A. No, I was born in '54.

11 Q. Okay. You were born in '54. So how many years -- did

12 you spend time out here?

13 A. A lot, yes.

14 Q. Okay. How many years, if you remember?

15 A. You know, we would go up there weekends, and high

16 school year were big. I went to Newbury College, so I would

17 slip off down there from college. So probably late about '82

18 or '83, would've been about the last couple years, I would go

19 up there much. Maybe once or twice a year, that would've

20 been about it.

21 Q. And does it sound right that you dad sold it around

22 1987?

23 A. That's what I've been told, yes.

24 Q. Okay. Now you see on this -- on this plat, I know --

25 and you've had your deposition taken in this case, correct?

1 A. Yes, sir.

2 Q. All right. Do you see this area down by the side of --
3 of your dad's own property, that says, public road? Do you
4 recall that section of land when -- when you were spending
5 time out there?

6 A. Yes, sir.

7 Q. And -- and what did you think it was?

8 A. Well, dad always called it a county road.

9 MR. LANG: Objection, your Honor. Hearsay.

10 MS. BOZEMAN: Same objection.

11 THE COURT: All right. Don't testify on what you --
12 what someone else said. That's not what you personally know.

13 BY MR. PEEL:

14 Q. Okay. What did you believe it to be?

15 A. I'm --

16 MR. LANG: Objection, your Honor. If he doesn't know,
17 he doesn't know.

18 THE COURT: You can rephrase -- okay. Noted. You can
19 rephrase the question, Mr. Peel.

20 BY MR. PEEL:

21 Q. What was your opinion of this area of land there? What
22 do you think it was?

23 A. The county road.

24 Q. Okay. And did you ever see people using this strip of
25 land?

1 A. Yes, sir.

2 Q. And what would they do?

3 A. They would come in and -- after dad pushed it out and
4 opened it up, it had -- over years, it had turned into a big
5 wash and it -- it had a pretty good slope to it, so it would
6 wash out and he went up there and took a bulldozer or
7 something and opened it up and cleared the little trees or
8 whatever was up there, enough that we could put our boat in
9 before the boathouse went in?

10 Q. Yes, sir.

11 A. And after he did this, people started using it, and it
12 was fine until they started leaving all their trash and
13 debris around, and he didn't like that.

14 Q. Yes, sir. And did y'all do anything about that?

15 A. He did. He went to a -- a judge in Saluda, and the
16 judge ruled that it was -- that he could go ahead and put a
17 chain up and stop that gate. And naturally the people didn't
18 like it, but -- and I guess they went back to the judge or
19 whatever, but that he never took the gate down -- or the
20 chain down.

21 Q. While you were going there?

22 A. That's right.

23 Q. And -- and you witnessed the folks using the road?

24 A. Yes, sir.

25 Q. And you don't remember that judge's name or anything

1 like that?

2 A. No -- no, sir.

3 Q. And did your family ever build anything in that area?

4 A. No, sir. I was told we couldn't --

5 MR. LANG: Objection, your Honor.

6 MR. PEEL: All right. No further question.

7 THE COURT: All right.

8 MR. PEEL: Thank you very much.

9 THE WITNESS: Yes, sir.

10 THE COURT: Cross-examination.

11 MR. LANG: Thank you, Judge.

12 CROSS-EXAMINATION BY MR. LANG:

13 Q. Mr. Easton, good morning.

14 A. Good morning.

15 Q. My name is Louis Lang. I represent Ms. Rhonda
16 Browning. I think we met over a Zoom deposition that you did
17 a while back, if you recall.

18 A. Yes, sir.

19 Q. Let me just ask you a few questions about this -- about
20 this area. I -- I think you testified that your dad actually
21 cleared the area; is that correct?

22 A. He -- yes. As far as I know, yes, sir.

23 Q. Well, you saw him do that, didn't you?

24 A. No, I didn't. You know, I may have, I may -- I don't
25 really remember.

1 Q. It was -- it was a long time ago. I understand.

2 A. It's, yes, 50 some years ago.

3 Q. But your dad had heavy equipment just like you do?

4 A. Yes.

5 Q. And he cleared, or somebody cleared about -- what?

6 About a 12-foot blade width to go down there?

7 A. Something like that, yes.

8 Q. All right.

9 A. Just enough to be able to put our boat in and out.

10 Yes, sir.

11 Q. And after he did that, other people started using that

12 cleared area; is that correct?

13 A. I'm sorry. I didn't hear that.

14 Q. I'm sorry. After your dad or somebody cleared that

15 area, that 12-foot width, other people started using that?

16 A. That's correct. Yes, sir.

17 Q. Whatever that was, correct?

18 A. That's correct, yes.

19 Q. And -- and your dad didn't like that?

20 A. No.

21 Q. So ultimately he put up a chain; isn't that right?

22 A. That's correct.

23 Q. And I think you testified at your deposition, let me

24 walk around here, that he put the chain up, I think you

25 described it as -- as the T where -- where this -- this

1 street intercepts with this area here; is that about right?

2 Where he put it?

3 A. I don't know exactly. I would say it would've been a
4 little bit further down. But, you know --

5 Q. A little further down to --

6 A. Yes -- yes, sir.

7 Q. But certainly a long way from the lake?

8 A. That's -- that's correct. Yes, sir.

9 Q. And after he put up that chain, people couldn't use it;
10 is that right?

11 A. That's correct.

12 Q. And nobody complained, at least nobody from the county
13 came by and said you couldn't put up that chain; is that
14 correct?

15 A. Can you repeat that, please?

16 Q. I'm sorry. No one from Saluda County came by and told
17 you dad couldn't put up that chain; isn't that right?

18 A. No, sir.

19 Q. And you understood that he was doing that with
20 somebody's permission, from a judge or somebody in authority,
21 correct?

22 A. He got the permission from some judge in Saluda County.
23 Yes.

24 Q. Okay.

25 A. I was told. Not --

1 Q. Right. I understand that it's been a long time. And I
2 think you testified that you didn't use this area to launch
3 your boat once the boathouse was put in; is that right?

4 A. Yes, sir -- yes, sir.

5 Q. So you stored your boat in the boathouse?

6 A. Yes, sir.

7 Q. That's why you had the boathouse, correct?

8 A. Yeah, that's right.

9 Q. And I think your dad built the house that's there; is
10 that correct?

11 A. Well, it was old Jim Walter Holmes, the little section
12 up at the back and then later on he added to it. Yes, sir.

13 Q. Well, your dad was in construction just like you are.

14 A. Yes, sir.

15 Q. So he could -- he could do those kinds of things.

16 A. Yes, sir.

17 Q. And he built the boathouse too, I think you told me?

18 A. Yes, sir.

19 Q. All right. Now, you're familiar with a phrase called
20 fringe property?

21 A. I was on that, yes.

22 Q. Okay. All right. And -- and to get to the lake, it's
23 true, isn't it, that your dad had to buy some fringe property
24 from South Carolina Electric and Gas, correct?

25 A. That -- that's correct. Yes, sir.

1 Q. In other words, the original lot that your dad built --
2 bought rather didn't get to the lake; isn't that right?

3 A. That's right.

4 Q. All right. And that fringe property, do you know how
5 high up on these two lots it went?

6 A. No, sir.

7 Q. Okay. All right. And when you were deposed, I think
8 about a year or so ago, that was the first time you've ever
9 seen this document? And by, this document, I mean this plat
10 that we've been talking about?

11 A. That's correct.

12 Q. You've never seen it before; is that right?

13 A. No, sir.

14 Q. Okay. Just -- just one more question I have, Mr.
15 Wiley. About how long was that chain up? Do you remember?

16 A. How long was it up?

17 Q. Yes, sir.

18 A. No.

19 Q. Okay. So it went up sometime, and it was there for a
20 long time, short time?

21 A. When the last time I was there; it was still up.

22 Q. Okay. Can you tell me about the last time you were
23 there?

24 A. My first wife did not like the lake, so we got married
25 in '74. So it was -- I didn't go up there much into the 80s

1 now.

2 Q. Okay. All right. So it was -- mid 70s maybe would be
3 a good estimate, I suppose?

4 A. Probably '81, '82.

5 Q. '81, '82?

6 A. Yes, sir.

7 Q. All right. Thank you very much --

8 A. Yes, sir.

9 Q. -- Mr. Easton. I'm sorry.

10 THE COURT: All right. Ms. Bozeman.

11 CROSS-EXAMINATION BY MS. BOZEMAN:

12 Q. Mr. Easton, I have just a couple questions for you.
13 You and I previously met during a Zoom deposition. It is
14 nice to see you again. Would you remind me where -- where do
15 you live?

16 A. Where do I live?

17 Q. Yes.

18 A. I live at Valentine, South Carolina.

19 Q. Okay. And what county is that in?

20 A. That's in Richland County.

21 Q. Okay. Have you ever lived in Saluda County?

22 A. No, ma'am.

23 Q. Okay. when you testified earlier about your father
24 clearing out the area that we referred to as a road, do you
25 know whether anyone other than your father ever maintained

1 that area?

2 A. No, ma'am. As far as I know, no one else did. No,
3 ma'am.

4 Q. When you were on property, did you ever see any county,
5 or other government workers out there maintaining that area?

6 A. No, ma'am.

7 Q. And why didn't your father -- do you remember why your
8 father didn't like people going into that area once he
9 cleaned it?

10 A. Oh, well, because they dropped their trash on the
11 ground, and he had to clean it up, or either I cleaned it up.

12 Q. Was interfering with the use of his own property -- of
13 his private property, right?

14 A. I'm sorry. What was that?

15 Q. Was interfering with the use of his private property?

16 A. Yes, ma'am.

17 Q. Okay. Give me one moment --

18 A. Sure.

19 MS. BOZEMAN: -- to talk to (inaudible). That's all I
20 have. Thank you.

21 THE COURT: Any redirect.

22 MR. PEEL: Thank you. And, Judge, there's one
23 correction I think in the exhibit index to Joint Exhibit 17,
24 that it should say, conveying lot 80 to Wiley Easton.

25 THE COURT: Okay. Lot, where it says, 79. Is that

1 what you mean?

2 MR. PEEL: Exhibit 17 -- Exhibit 18, I believe is 79.

3 THE COURT: It says, lot 80, correct?

4 THE CLERK: (Inaudible) its says 79, when it's supposed
5 to say 80.

6 THE COURT: Is it the number 8 or 78?

7 THE CLERK: I don't know.

8 THE COURT: Mr. Peel, I just want to be clear you're
9 saying 17 -- Joint Exhibit 17 should be conveying lot number
10 8?

11 MR. PEEL: 80.

12 THE COURT: 80. 8-0. Okay. Thank you.

13 MR. PEEL: Yes. That's correct.

14 THE COURT: Okay. All right.

15 REDIRECT EXAMINATION BY MR. PEEL:

16 Q. A couple things, Mr. Easton. This -- let me just walk
17 around here. (Inaudible).

18 A. It would help. Yes.

19 Q. On this plat, well, you said people were leaving trash?

20 A. Yes, sir.

21 Q. Were -- were they leaving trash in what you're calling
22 the public road?

23 A. Yes, sir.

24 Q. I just wanted to clear that up. Now, Mister -- Mr.
25 Lang asked you about fringe land.

1 A. Yes, sir.

2 Q. Is what you called that. And that you -- you know at
3 some point in time your father purchased land from SE and G
4 to back up to the contour line of the lake?

5 A. Yes, sir.

6 Q. And would it sound right to you is in chain of title
7 that -- your father's standard title, this is Joint Exhibit
8 17, that when he bought this fringe land, it referenced it
9 being boarded on the east, north, south, east, west by a
10 public Road; is that -- would that seem right to you?

11 A. It would seem right to me, yes.

12 MR. PEEL: All right. No further questions.

13 THE COURT: Re-cross?

14 MR. LANG: Nothing from me, your Honor. Thank you.

15 THE COURT: All right.

16 RE-CROSS-EXAMINATION BY MS. BOZEMAN:

17 Q. I just have one question for you. Legally, you don't
18 know how a road becomes to public road, do you?

19 A. No.

20 MS. BOZEMAN: Thank you. That's all I have.

21 THE COURT: All right. Witness is excused. Thank you.

22 THE WITNESS: Thank you.

23 MR. PEEL: I would ask the witness to be excused so he
24 can go back to work, your Honor. He's -- he's trying to go
25 --

1 THE COURT: Without objection. He -- he's excused.

2 Yes, sir.

3 MR. PEEL: Just one second.

4 THE COURT: Okay.

5 MR. PEEL: I've made a mess with my papers. My -- all
6 right. Your Honor, we call Mrs. Bryan to the stand, please.

7 THE COURT: Very well. Is she going to be okay if she
8 steps -- is she going to be okay if she steps?

9 THE CLERK: Good morning. How are you? I need to
10 swear you in. Put your left hand on the Bible.

11 JAN BRYAN,
12 first being duly sworn, were examined and testified as
13 follows:

14 THE WITNESS: I do.

15 THE CLERK: Thank you. Okay. Can you -- can you state
16 your name and spell it.

17 THE WITNESS: Jan, J-A-N, H. Bryan, B-R-Y-A-N. Sorry,
18 I'm scratching

19 THE COURT: Don't worry.

20 DIRECT EXAMINATION BY MR. PEEL:

21 Q. Good morning, Mrs. Bryan.

22 A. Good morning.

23 Q. How you doing today?

24 A. Great.

25 Q. Good.

1 A. Thank you.

2 Q. Yeah. And where do you live?

3 A. By (inaudible) West.

4 Q. Okay.

5 A. Aiken, South Carolina?

6 Q. Yes, ma'am. And do you have some family in the
7 courtroom today?

8 A. I do.

9 Q. Who's here with you?

10 A. My husband, Carl, my son, Randy, and my son, Tripp.

11 Q. And y'all -- do y'all have a family business?

12 A. Yes, we do.

13 Q. And what's the name of that?

14 A. PaveWay of Augusta. Aiken.

15 Q. And what do y'all do?

16 A. We do construction work.

17 Q. Okay. How long have y'all had that?

18 A. Since 1973.

19 Q. And do you work with the company?

20 A. I do.

21 Q. And what do you do there?

22 A. Whatever needs to be done. Everything from driving a
23 dump truck, to pay -- to payroll.

24 Q. And, Mr. Bryan, how's your health been?

25 A. How is my health?

1 Q. Yes.

2 A. God's been good to me.

3 Q. Uh-huh.

4 A. I'm 84 years old and I'm still here.

5 Q. Okay. I think you mentioned in your deposition that

6 you'd had some strokes over the past couple of years?

7 A. I have.

8 Q. Okay. And has that affected your memory --

9 A. I've had a lot of health problems, but I'm fine.

10 Q. Okay. Has that affected your memory in any way?

11 A. Yes, it has.

12 Q. In what way?

13 A. A lot of things I have forgotten. And they say that

14 surgery causes you to lose memory. I've had a lot of

15 surgeries. I've had a -- a heart valve put in. So I have

16 had a lot of surgeries.

17 Q. Okay. And so, today if -- if -- may any of the lawyers

18 asked you, you don't remember, you -- you -- you don't

19 remember, you're fine telling us that, right?

20 A. Yeah, I don't remember.

21 Q. Okay. Now do you -- you have a -- do you have a house

22 up at Lake Murray Shores?

23 A. Yes, we do.

24 Q. And -- and how long have you had that house?

25 A. I think we bought it in '85 --

1 Q. Okay.

2 A. -- '87, somewhere in that range.

3 Q. And -- and -- does it have an address?

4 A. It used to be Moonlight Lane, but they changed it now

5 --

6 Q. Okay.

7 A. -- to something else, but I still call it Moonlight
8 Lane.

9 Q. Okay. And I -- I'm going to show you this blow up I'm
10 showing everybody, okay? Which is Joint Exhibit 21. This
11 picture I got.

12 A. Okay.

13 Q. And I think you've seen it before when we had you in
14 your deposition?

15 A. Yes, I have.

16 Q. Okay. Now, I'm going to -- I'm going to walk around
17 here and try to talk to the mic.

18 A. Okay.

19 Q. Now, it's -- it says this plat was prepared for you in
20 November 30th, 1987. Does that sound --

21 A. That sounds right.

22 Q. -- about right?

23 A. That looks like the plat I sold them.

24 MR. PEEL: And I'm sorry, I don't mean to hold this,
25 Ms. Court Reporter.

1 COURT REPORTER: Oh, no. I'm happy to move.

2 BY MR. PEEL:

3 Q. All right. And -- and are you able to recognize this
4 at your property?

5 A. I do.

6 Q. Is that your house right there?

7 A. That is.

8 Q. Was that house there where y'all bought it?

9 A. Yes, it was.

10 Q. Did you add on to it?

11 A. No.

12 Q. Was -- was the boat house there when you bought it?

13 A. Yes, it was.

14 Q. Okay. And was -- when you bought the property, and
15 this is public road here on your plat --

16 A. Right.

17 Q. -- did -- did you believe there'd be a road there?

18 A. I first -- when I first saw that plat was with the real
19 estate lady. And she showed me that that was a public road,
20 but it had been closed off by Wiley Easton. That, you know,
21 it was not used anymore.

22 But however, that there were times that people still
23 came and used it and threw trash and all out there. But it
24 -- you know, it was supposed to be -- it was put as a public
25 road there, but the county did not maintain it any longer.

1 Q. It was -- it -- was it grown up when you got there?

2 A. It was.

3 Q. I'm going to step back up here --

4 A. Okay.

5 Q. -- so I'm talking into the microphone. Do you recall
6 having a power pole put in on the back of your property?

7 A. I did.

8 Q. Okay. Did --

9 A. We wanted some light because it was so dark there
10 around the lake. And I called South Carolina Electric and
11 Gas to put in a -- a power pole. And I had this spot mark
12 that I wanted it put in. I wanted it to put it in closer to
13 Ms. Sessions laying across the road. But they said they
14 could not do that --

15 MR. LANG: Objection, your Honor. Again, hearsay.

16 THE WITNESS: -- because that was -- that was a road.

17 THE COURT: Oh, there's an objection.

18 MR. LANG: Just hearsay, your Honor. She's about to
19 tell me what something else -- somebody else said. That --
20 that's my objection, your Honor.

21 THE COURT: Okay. What -- did she say it already, or
22 that was --

23 MR. LANG: Well, I just caught it, your Honor.

24 THE COURT: Okay. Well, let's just -- you can continue
25 with the examination. Let's just try and focus our answers

1 on what we personally --

2 MR. PEEL: This is not for the truth of the matter,
3 sir. She's just telling us why she couldn't put the pole
4 where she wanted it, sir.

5 BY MR. PEEL:

6 Q. And where'd you have to put the pole?

7 A. We had to put it back on our back, this side of the
8 road because that was a public road. They could not put it
9 on public road, they said. So they had to step it so many
10 feet off of the road and put it on our property.

11 Q. And -- and -- and is it still there?

12 A. It's still there.

13 Q. All right. And did you -- did you ever build anything
14 in -- in what is marked on your plat as a public road?

15 A. No, I went to see a guy up here in -- in Saluda. His
16 name was Billy, but I don't know what his last name was. And
17 I -- I talked to him about us purchasing the road --

18 Q. When you say Saluda, do you mean Saluda County?

19 A. Right.

20 Q. Okay.

21 A. About us purchasing the road to -- you know, so we
22 could close it off and use it. And he said that, "You can
23 never purchase a road." If the county decides to -- to do
24 away with the road, they'd give half of the road to one side
25 of the property owner, and the other side to the other

1 property owner. In other words, they would split half and
2 half, but they would never give a whole road to one property
3 owner. So I could not do that.

4 And I said, "Okay. That's fair." But -- so I just let
5 it drop at that, thinking that whenever they decided to
6 discontinue owning the road, that they would split the road
7 half and half. So we didn't do anything more about it. We
8 just dropped it at that, and we continued to maintain the
9 road.

10 We had a barbecue pit, which we -- he said we could use
11 it as long as we wanted to, as long as we didn't put anything
12 permanent there. We could not put a permanent structure
13 there. We had a barbecue pit there, which we just blocked.
14 If they ever wanted us to move it, we just moved the box,
15 which they never did.

16 We had picnic tables over there. And when we had
17 church parties, you know, there and people parked there, we
18 used it for that. We used it -- the most of anything, we
19 needed a barn, but never a permanent structure there.

20 Q. Okay. Did -- did -- did y'all -- you heard Mr. Easton
21 talking about that he remembers having to pick up trash along
22 that road. Did you ever have trouble with people leaving
23 trash?

24 A. Yeah, we did. And we had people that come and put
25 trash and all there. And finally, we put a boat that we

1 could move, at the entrance of the road to keep people from
2 coming down there.

3 Q. And I think you may a request. So there was -- there
4 was a boat --

5 A. Yes.

6 Q. -- over the top --

7 A. Yes.

8 Q. -- blocking the road?

9 A. Block the road. We put a -- a boat across that road
10 there to stop people from coming down there and using the
11 road.

12 Q. But that's where your barbeque would be?

13 A. I'm not good with -- with thing. But let's this is the
14 house, the barbecue pit was probably right in here somewhere.
15 Or maybe -- maybe it's closer to the house. Because we had
16 to use the kitchen built there.

17 Q. And that -- that's an old fashioned cinder block --

18 A. Cinder block.

19 Q. -- wire barbed --

20 A. With a wire barbed.

21 Q. -- with (inaudible)?

22 A. Yeah -- yeah.

23 Q. All right.

24 A. Yeah. Whatever we wanted to put up it, that's --
25 that's what we did. And of course we could just pull the

1 boat back out if -- if they ever needed us to. It was not
2 permanent.

3 Q. Okay. And - and did -- over time you used the
4 property, did -- did you use that road to go down to the
5 lake?

6 A. Did we use it to go down to the lake?

7 Q. Yes, ma'am. To -- down where the boathouse is. Did
8 y'all use it?

9 A. Yeah, we used the property.

10 Q. Okay. Did -- did somebody plant trees in it at some
11 point in time?

12 A. Yeah. And totally blocked our view of the lake. We
13 can't see the lake from there anymore. From our -- from our
14 windows on that side, we had no view of the lake.

15 Q. Did that change how you were using that road when those
16 trees got in?

17 A. Pardon?

18 Q. Did that change the way you were using that road?

19 A. Oh, yes.

20 Q. -- when the trees in?

21 A. Oh, yes -- yes. Because, you know, it just -- it just
22 diminished all of our view of the lake. We, you know, it --
23 it just destroyed our property there and our view, which was
24 so beautiful to look down and see the lake that we don't see
25 it anymore.

1 Q. All right.

2 A. We had to go to our -- our back to look out and see the
3 lake. We can't see it from our side, and look down and see
4 the big water. We look out and see the small water.

5 Q. Yes, ma'am. Mr. Bryan, I don't have any more
6 questions. But Mr. Lang and Ms. Bozeman will ask you some,
7 okay?

8 A. Thank you.

9 MR. PEEL: Yes, ma'am.

10 THE COURT: Okay. Cross examination.

11 MR. LANG: Thank you, your Honor.

12 CROSS-EXAMINATION BY MR. LANG:

13 Q. Ms. Bryan, good morning.

14 A. Good morning.

15 Q. My name is Louis Lang. I think we met when you were
16 deposed about a couple years ago; is that right? We -- we
17 met when you were deposed --

18 A. Yes, we did.

19 Q. -- a couple years ago, you recall that?

20 A. Yes, we did.

21 Q. Okay.

22 A. Good to meet you again.

23 Q. Nice to see you again, Ms. Bryan. I'm glad you're
24 doing -- doing well. Just a couple questions, Ms. Bryan. I
25 -- I understand you bought this property in 1987; is that

1 correct? About 1987?

2 A. I'm sorry, I didn't understand you. I think my --

3 Q. Okay. Well, how about, you bought the property in
4 around 1987?

5 A. '87.

6 Q. Okay. And when you bought the property, the area that
7 you're describing as a road, it just looked like any -- any
8 place else, right? Any other part of the property, correct?

9 A. I'm sorry, I'm having a hard time hearing.

10 THE COURT: There might be a little reverberation on
11 your voice.

12 MR. LANG: Okay. Well, let me --

13 THE COURT: Maybe step a little bit further away from
14 the mic.

15 BY MR. LANG:

16 Q. Ms. Bryan, when you bought the property in 1987, the
17 area that you're describing as a road was just grassy, right?
18 There was just grass there, correct?

19 A. I'm sorry. I --

20 THE COURT: Mr. Lang, you can approach --

21 MR. LANG: All right.

22 THE COURT: -- up to the witness.

23 THE WITNESS: I'm sorry.

24 THE COURT: That's okay. I have a tough time hearing
25 anyway. Don't sweat it. It's fine.

1 BY MR. LANG:

2 Q. Is this the area, Ms. Bryan?

3 A. Yes, it is.

4 Q. Okay. When you bought the property in 1987, the area

5 that you're described as the road --

6 A. Yes.

7 Q. -- was just grass?

8 A. Was just grass?

9 Q. Yes, ma'am.

10 A. No, it wasn't just grass. It was just -- it was just

11 -- well, it -- no, it wasn't grass. It was just kind of

12 messed up. I mean --

13 Q. Well, it -- it had -- it didn't look like a road, did

14 it?

15 A. Well, no, it didn't look exactly like a road, but you

16 could tell it -- it had been used at the road, but Wiley had

17 it -- had it -- had already had it closed off. So it was not

18 a road as you would look at it at a road.

19 Q. Wiley had it closed off; is that right?

20 A. Right.

21 Q. You don't know how long it had been closed off --

22 A. No, I don't -- I don't.

23 Q. Ms. Bryan if I could ask you let me finish my question

24 and then you answer it.

25 A. I'm sorry.

1 Q. That's all right. It's perfectly natural.

2 A. I'm sorry.

3 Q. The court reporter is trying to take down anything

4 you're trying to say.

5 A. Okay. I'm sorry.

6 Q. No -- no problem.

7 A. I did that before.

8 Q. Ms. Bryan, you don't know how long Wiley had closed off

9 the road; is that right?

10 A. No, I don't.

11 Q. And you -- you testified that you put a boat on -- on

12 this road, blocking it somewhere along this road.

13 A. Right. We did.

14 Q. And you put a barbecue pit on this road?

15 A. Yes, sir.

16 Q. And then Ms. Doss (ph), somebody planted some trees

17 along this road; isn't that right?

18 A. Camilla Doss.

19 Q. Camilla Doss.

20 A. Right.

21 Q. And do you know when she did that?

22 A. No, it wasn't Camilla Doss. It was -- it was this

23 lady.

24 Q. Ms. Browning?

25 A. Yes.

1 Q. Are you sure about that, or could it have been Camilla
2 Doss?

3 A. It wasn't Camilla.

4 Q. You sure about that?

5 A. Yes.

6 Q. All right. These trees have grown up now, have they
7 not?

8 A. They have.

9 Q. They're about 20 feet tall or so; is that correct?
10 About --

11 A. I can't tell you what feet they is.

12 Q. Okay. You use this property as weekend property; is
13 that right?

14 A. We used to use it a lot, whenever my son's house
15 burned. We moved to the lake permanently because his
16 children went to school. So we gave them our house in Aiken
17 and we moved to the lake.

18 Q. You don't live there now though, do you?

19 A. No.

20 Q. You haven't lived there for a long time; is that right?

21 A. No, we haven't.

22 Q. Nobody lives there now; is that correct?

23 A. No.

24 Q. Nobody's lived there for a long time; isn't that
25 correct?

1 A. Right.

2 Q. You're trying to rehab that house and reconstruct it,
3 right?

4 A. Right.

5 Q. It's not habitable right now; is it?

6 A. No.

7 Q. Nobody could live there now; is that --

8 A. It's under construction.

9 Q. Okay. Under construction.

10 A. Right.

11 Q. And it's been under construction for a good while;
12 isn't that right?

13 A. We're trying to find a contractor.

14 Q. Sure.

15 A. The other one left.

16 Q. And you were trying to find a contractor a couple years
17 ago when I deposed you; isn't that correct?

18 A. I'm not sure.

19 Q. Okay.

20 A. I think somebody was working on it then.

21 Q. Okay. When whoever planted these trees planted them,
22 you didn't tell him to get rid of the trees, did you?

23 A. No.

24 Q. And in fact you've never spoken to Ms. Bryan or Miss --
25 I'm sorry, Ms. Browning about this road or those trees or

1 anything like that, have you?

2 A. I've never spoken to her at all.

3 Q. Okay. You haven't done anything to try to reestablish
4 your view of the lake at -- at any time, other than this
5 lawsuit when it was filed in 2021; isn't that correct?

6 A. That's correct. But --

7 Q. And you remember that you testified that you understood
8 this to be a public road when you bought the property in
9 1987; isn't that right?

10 A. Right.

11 Q. Okay. And let me hand you, Ms. Bryan, what's been
12 marked as Defendant's Exhibit Number 3 and see if you
13 recognize this document at all. There's some handwriting on
14 it, I'm going to ask you about. Need some glasses?

15 A. I dropped my glasses.

16 Q. Did you drop them?

17 A. I did.

18 Q. Can you get them? I'll get them for you. You got
19 them?

20 A. Thank you

21 THE COURT: Sure.

22 THE WITNESS: No, I don't -- we didn't see this.

23 BY MR. LANG:

24 Q. Well, let me ask you if you recognize that handwriting
25 that's on this document.

1 A. Yeah, I do.

2 Q. And whose handwriting is it?

3 A. That's my handwriting.

4 Q. Is that your handwriting on this document?

5 A. Uh-huh.

6 MR. LANG: All right. Your Honor, I'd ask that Defense
7 Exhibit Number 3 be entered.

8 MR. PEEL: I -- I have no objection to -- to all. If
9 they want to admit all of them --

10 THE COURT: Okay.

11 MR. PEEL: -- that's fine.

12 THE COURT: All right. Defense Exhibit 3 is admitted
13 into evidence.

14 (Defense Exhibit 3 admitted into evidence)

15 MR. LANG: Thank you.

16 BY MR. LANG:

17 Q. Ms. Bryan --

18 A. I don't remember that.

19 Q. I'm sure you don't remember it, but you identified that
20 as your handwriting; is that correct?

21 A. Yes.

22 Q. And can you read, or you want me to read what the
23 handwriting says?

24 A. I -- I know what it says.

25 Q. Okay. Could you read it for me please, ma'am?

1 A. Steve, what is the status on the property that was in
2 question. Did we indeed own and have it titled wrong?

3 Q. All right.

4 A. Thanks. Jan H. Bryan.

5 Q. And that's in reference to this public road that you're
6 talking about now?

7 A. Right.

8 Q. Is that right?

9 A. Right.

10 Q. And what's the date on this document? It's up in the
11 upper right hand corner.

12 A. December 22nd, 2001.

13 Q. Okay. So that's -- what? 24 years, 23 years ago?

14 A. Yeah.

15 Q. All right.

16 A. And this was when I was going through a lot of medical
17 problems at this time.

18 Q. Well -- well, I understand that. I'm sorry that --
19 that you encountered those problems.

20 A. Yes.

21 Q. But there's no question that that's your handwriting?

22 A. That's my handwriting.

23 Q. And the documents dated December of 2001.

24 A. 22/2001.

25 Q. 24 -- 23 years ago.

- 1 A. Yeah.
- 2 Q. And this lawsuit was brought when? Do you remember?
- 3 A. No, I don't.
- 4 Q. Okay. I think you testified that nobody from the
- 5 county ever maintained this area that you're describing as a
- 6 county witness?
- 7 A. No, they did not. No. While we were living there.
- 8 Q. Well, I mean, you've owned the property --- you still
- 9 own the property, right?
- 10 A. Yeah.
- 11 Q. And you've never known anyone from the county to
- 12 maintain the road --
- 13 A. No.
- 14 Q. -- or do work on it?
- 15 A. No.
- 16 Q. All right.
- 17 A. No, sir.
- 18 Q. When did you -- when did you move the boat and the
- 19 barbecue pit?
- 20 A. When did we move it?
- 21 Q. Yes, ma'am.
- 22 A. I can't tell you.
- 23 Q. Okay.
- 24 A. I don't know.
- 25 Q. It's not still there though; is it?

1 A. No, sir.

2 Q. All right. So it was moved at some point in time later
3 on?

4 A. Yes, sir.

5 Q. All right. And you don't remember where you -- when
6 you put the barbecue pit there or the boat; is that right?

7 A. No, sir.

8 Q. Was it before or after the trees were planted? And if
9 you -- you don't remember, that's fine.

10 A. I can't tell you that.

11 Q. Okay.

12 MR. LANG: I beg your courts indulgence for a moment,
13 your Honor. No -- no further questions.

14 THE COURT: All right. Ms. Bozeman.

15 CROSS-EXAMINATION BY MS. BOZEMAN:

16 Q. Hi, Ms. Bryan. I am Ginny Bozeman. You and I have met
17 a few times --

18 A. Yes, we have.

19 Q. -- during the course of discovery. It's nice to see
20 you again.

21 A. Nice to see you again.

22 Q. I just have a couple questions.

23 A. Okay. I am there.

24 Q. You testified earlier -- I just want to clarify
25 something. You testified earlier that when you purchased the

1 house it was your understanding-- or the property, it was
2 your understanding that the area that we've referred to as a
3 road had been closed by Mr. Easton; is that correct?

4 A. That's correct.

5 Q. Okay. And then you put a boat blocking access to that
6 road so that nobody else was going over there and leaving
7 unsightly debris; is that right?

8 A. Right.

9 Q. And you put a barbecue pit there as well for your
10 personal use?

11 A. That's correct.

12 Q. Okay. Did anybody from Saluda County ever ask you to
13 move those items?

14 A. No, they did not.

15 Q. Okay. Just give me one second to talk to my client.

16 A. Sure.

17 MS. BOZEMAN: I'll be right back. That's all I have.

18 Thank you.

19 THE COURT: Redirect?

20 THE WITNESS: Thank you.

21 REDIRECT EXAMINATION BY MR. PEEL:

22 Q. Mrs. Bryan --

23 A. Uh-huh.

24 Q. -- you were saying Exhibit 3, which was that -- that
25 legal bill you weren't sure you meant -- that -- have -- have

1 you -- I think you already testified many years been trying
2 to purchase that road from the county?

3 A. Right.

4 Q. And what did they tell you?

5 A. That you can't purchase it. When they get ready to get
6 rid of it, they'll give half to one owner, and half to the
7 other owner. They never give one owner the whole road.

8 Q. Okay. And did -- did -- did your son Tripp Bryan try
9 to help you get that road?

10 A. He did.

11 Q. And you -- did you ask him to go negotiate with the
12 county on your behalf?

13 A. I did.

14 MR. PEEL: Okay. No further questions.

15 THE COURT: All right. Any re-cross?

16 MR. LANG: No further questions, your Honor.

17 THE COURT: Any additional?

18 MS. BOZEMAN: I have just one question.

19 RE-CROSS-EXAMINATION BY MS. BOZEMAN:

20 Q. Did anybody from the county ever tell you that the area
21 that you were referring to was a public county road that was
22 maintained by the county -- part of it's county road system?

23 A. They told me it was a county road, but it was not
24 maintained.

25 Q. And do you know what it means to help a road -- or a

1 county road,

2 A. A road that's what?

3 Q. Do you know legally what it takes to become a public
4 county road?

5 A. I'm sorry. I don't hear the last of it.

6 Q. Do you know legally what it takes to become a public
7 county road?

8 A. No.

9 Q. Okay. And all of your testimony today is just based on
10 your recollections after having understandable memory issues
11 due to health concerns and treatment over the years. Did you
12 testify earlier that you sometimes have memory issues?

13 A. Yes.

14 Q. Okay.

15 A. But I was told that it was a county road and it -- that
16 it was public.

17 Q. Do you know who told you that?

18 A. Billy somebody. I don't know what his last name was.

19 Q. Okay. Did you ever take any action yourself to
20 petition a court for closure of what you believe you were
21 told with a public county road?

22 A. Well, I didn't have any reason to because he explained
23 the law to me. He went and got a book and showed me where
24 the county would never give a homeowner 100 percent. It
25 always went half and half. One to one side homeowner and

1 half to the other side of the homeowner.

2 Q. And we are getting into a lot of hearsay testimony, but
3 I do -- did he show you the county roads and bridges manual?
4 Do you remember?

5 A. I don't know. He just went in his office. Because we
6 were -- we were standing in the lobby of his -- of his office
7 and he went and got a book, I guess it was a manual, and
8 showed me where you never give a hundred percent to one
9 homeowner, it goes half and half.

10 Q. And were you informed that a court like the one you're
11 before today is the entity that would ultimately determine
12 how public roads when closed and are distributed?

13 A. No, he didn't explain that to me.

14 Q. Okay.

15 A. If he had, I would've gone ahead and petitioned the
16 court. Because that was my main purpose. I was trying to
17 get access to that road. I don't want anything that's not
18 mine. I only want what is -- what is mine. I don't want to
19 take anything from anybody, and I don't want to be greedy. I
20 just want what's mine.

21 Q. When you placed your boat on the property, whose
22 property did you think you were placing the boat on?

23 A. Well, I thought we were placing it on the county's
24 property.

25 MS. BOZEMAN: Okay. That's all I have. Thank you.

1 THE WITNESS: Thank you.

2 THE COURT: All right. May this witness step down.

3 THE WITNESS: Thank you.

4 MR. PEEL: Your Honor, I anticipate the next witness to
5 be a little longer. Could we take a short break --

6 THE COURT: Sure.

7 MR. PEEL: -- before we begin?

8 THE COURT: Let's take five, 10 minutes.

9 (RECESS TAKEN)

10 THE COURT: Mr. Peel.

11 MR. PEEL: Yes, your honor. We'll call Amanda -- the
12 plaintiff calls Amanda Rowe.

13 THE COURT: All right.

14 THE CLERK: Right hand in the air, left hand on the
15 bible.

16 AMANDA ROWE,
17 first being duly sworn, were examined and testified as
18 follows:

19 THE WITNESS: I do.

20 THE CLERK: Thank you. Please take a seat and state
21 your name and spell it, please.

22 THE WITNESS: Amanda Rowe, A-M-A-N-D-A, R-O-W-E.

23 DIRECT EXAMINATION BY MR. PEEL:

24 Q. Hi. Good morning, Ms. Rowe. Wesley Peel. We met when
25 we took your deposition.

- 1 A. Yes, sir.
- 2 Q. Thank you for being here today. I'm going to -- I'm
3 going to just (inaudible). These are the Exhibits 2 through
4 12 that have been agreed to. And I'll just refer to a tab
5 number and as exhibit number you flip to when we need. Ms.
6 Rowe, where are you employed?
- 7 A. Saluda County Roads and Bridges.
- 8 Q. Roads and Bridges. How long have you been there?
- 9 A. Almost a full 15 years.
- 10 Q. Okay. And -- and -- and what is your title right now?
- 11 A. Assistant superintendent.
- 12 Q. And how long have you been assistant superintendent?
- 13 A. The whole time.
- 14 Q. The whole time?
- 15 A. Yes, sir.
- 16 Q. Who's the superintendent now?
- 17 A. Mr. Andrew Coleman.
- 18 Q. Okay. How long has he been in that position?
- 19 A. Three years.
- 20 Q. And what does Roads and Bridges do?
- 21 A. Maintain county roads and bridges.
- 22 Q. Okay. And how many county roads do you have
- 23 A. Roughly, 380 miles.
- 24 Q. Some of them paved?
- 25 A. About 27 miles paved.

ROA000481

1 Q. Okay. The rest are dirt?

2 A. Dirt and/or gravel.

3 Q. And/or gravel?

4 A. Uh-huh.

5 Q. Okay. And you've been here the whole time today when

6 -- for all the witnesses at trial?

7 A. Yes, sir.

8 Q. Yes, sir. And you're familiar with the dispute in this

9 case, correct?

10 A. Yes, sir.

11 Q. And -- and so when I -- when I'm talking about the

12 public roads, Exhibit 27, this Moonlight Drive, do you

13 understand that -- that strip of land is what I'm talking

14 about --

15 A. Yes, sir.

16 Q. I'm -- I'm going to hand you -- this is our joint

17 exhibits. I haven't given those to you. I'm going to ask

18 you to turn to number 7, please, from the front.

19 A. And which one?

20 Q. The -- the one I just gave you. The black notebook.

21 It should say quick claim deed.

22 A. Yes, sir.

23 Q. Do you see that? And you've seen that before, haven't

24 you?

25 A. Yes, sir.

1 Q. Okay. And do you know what it is?

2 A. Yes, sir.

3 Q. What is it?

4 A. Court document stating that the county has no rights to
5 the road in question.

6 Q. Okay. And -- and this -- this was executed by the
7 county to Mrs. Browning, correct?

8 MS. BOZEMAN: Object -- sorry. Go on.

9 THE WITNESS: Yes, sir. I guess.

10 BY MR. PEEL:

11 Q. Okay. Well, you see at the top it says -- where it
12 starts, it says where as --

13 A. Uh-huh.

14 Q. -- Moonlight Drive, (inaudible) Greenwood Street is a
15 road -- road located in Lake Mercer subdivision section 1.
16 It's where Rhonda Browning, owner of a certain lot containing
17 72 acres, correct?

18 A. Yes, sir.

19 Q. And -- okay. Did you also -- below this, is it true
20 this quick plain deed says that the -- at one time it's
21 history, Saluda County maintained Moonlight Drive, correct?

22 MS. BOZEMAN: And I'm going to object to the relevancy
23 of that. I'm aware as clause is not evidence. And I -- if
24 it's being used as evidence, then it's hearsay.

25 THE COURT: Are we talking about the deed that's

1 already in evidence?

2 MR. PEEL: Yes.

3 THE COURT: Overruled.

4 MR. PEEL: Your Honor, I -- I -- I move to put -- to
5 stop the county from taking prior positions. They put him
6 back.

7 THE COURT: I -- I overrule the objection, form the
8 question.

9 BY MR. PEEL:

10 Q. All right.

11 A. Can you repeat?

12 Q. Okay. This deed says that the county used to maintain
13 Moonlight Drive, did -- doesn't it?

14 A. The extension.

15 Q. Moonlight Drive extension. And -- and is that what --
16 I pointed to you earlier, is that what you refer to as the
17 extension?

18 A. Yes, sir.

19 Q. On Exhibit 21?

20 A. Yes, sir.

21 Q. Okay.

22 A. And the document does say that.

23 Q. Okay. And -- and in fact -- if you return in the other
24 notes. I'm sorry to make you flip. So tab 2, which is
25 Plaintiff's Exhibit 2. Do you recognize -- is that -- as

1 that as Saluda County ordinance?

2 A. Yes, sir.

3 Q. It says Ordinance Number 07-15, at the time?

4 A. Yes, sir.

5 Q. And you've seen this before, haven't you?

6 A. Only to make a copy, but yes, sir.

7 Q. But you saw it at your deposition, didn't you?

8 A. Yes, sir.

9 Q. Okay. And is -- and -- and in your deposition, you
10 were put forth as the county representative; is that correct?

11 A. Yes, sir.

12 Q. All right. And this ordinance also says that the
13 county at one point in time maintained Moonlight Drive
14 extension, correct?

15 MS. BOZEMAN: And I -- I have the same objection to the
16 relevancy and the hearsay nature of that statement. Again,
17 it's a -- we are as clause and ordinance, it's not part of
18 the adopted ordinance itself. And so, it is not (inaudible)
19 law.

20 THE COURT: All right. This is a document that's in
21 evidence and you can ask questions about the document that is
22 in evidence.

23 BY MR. PEEL:

24 Q. Is that what says?

25 THE COURT: You can answer the question as well to your

1 extent that you can.

2 THE WITNESS: Yes, sir. That's what it says.

3 BY MR. PEEL:

4 Q. Okay. Are you -- are you familiar with the passing of
5 this ordinance?

6 A. No, sir.

7 Q. Okay. Who -- who's the highest authority in Saluda
8 County

9 A. At that time, county director. Now, county
10 administrator.

11 Q. Who was over then?

12 A. County Council.

13 Q. County Council? County Council passed this ordinance,
14 correct?

15 A. Yes, sir.

16 Q. And County Council was the one that approved the deed
17 that you just looked at, correct?

18 A. The quick claim?

19 Q. Yes.

20 A. Yes, sir.

21 Q. Okay. Thank you. And in that same notebook, the white
22 one, would you turn to Exhibit 3. And I'm going to try to
23 hurry you along. I -- I'm not going to leave you too much to
24 paycheck, but you've seen those before, right?

25 A. Yes, sir.

1 Q. And those are your maintenance records you provided to
2 me?

3 A. Yes, sir. Old maintenance records.

4 Q. You printed those out?

5 A. Yes, sir.

6 Q. And y'all have a system that keeps track of your
7 maintenance to some degree?

8 A. Not this system anymore.

9 Q. Okay.

10 A. We -- but we do have a -- a system there.

11 Q. Yeah, I think you told me it was getting kind of old at
12 the time you were --

13 A. Yes, sir.

14 Q. -- using these.

15 A. This was a software based system, and every time they
16 upgraded my computer, a portion of the software system died
17 to where we can't access it anymore.

18 Q. Okay. And without taking you through the entire thing,
19 would you -- are you able to agree with me that these
20 maintenance records contain a history of performing
21 maintenance on portions of Moonlight Drive?

22 A. Yes, sir.

23 Q. And to be clear, you said it's not Moonlight Drive
24 extension these referred to, correct?

25 A. Yes, sir.

1 Q. But these are portions up further up the road from that
2 extension?

3 A. Yes, sir.

4 Q. Okay. And -- and so the date in the left hand column,
5 is that the date maintenances performed?

6 A. Yes, sir.

7 Q. So as we flip through, these are from about '08 through
8 --

9 A. '13.

10 Q. -- 2013; is that right?

11 A. Yes, sir.

12 Q. So for the best of your ability, those were the records
13 you had for that period of time?

14 A. Yes, sir.

15 Q. And prior to that, you -- you didn't have the ability
16 to pull up for pre 2008?

17 A. The system didn't -- they didn't start using the system
18 until roughly 2007, 2008.

19 Q. Okay. Thank you. I'm going to ask you to flip to tab
20 6, please. And this -- during the course of your deposition,
21 do you recall we discussed numerous emails from the county?

22 A. Yes, sir.

23 Q. Some of them you were on, some of them you were not,
24 right?

25 A. Yes, sir.

- 1 Q. Now, this particular one, who is Hardy Horn?
- 2 A. He was county council chairman at the time.
- 3 Q. And who was Mr. Billy Corley?
- 4 A. Superintendent for Roads and Bridges at the time.
- 5 Q. And Mr. Corley is deceased?
- 6 A. Yes, sir.
- 7 Q. And how long has he been deceased?
- 8 A. About three years.
- 9 Q. Okay. He was -- he was -- how long had -- he'd been
10 retired for a while; is that right?
- 11 A. He was retired for a few years. Yes, sir.
- 12 Q. Okay. Thank you. And this -- this email that you see,
13 does it appeared be dated 2009?
- 14 A. Yes, sir.
- 15 Q. And then down at the bottom there -- there's a email,
16 it's not dated, but his initials are BC at the bottom. Is
17 that Mr. Corley? Is that how he signed emails?
- 18 A. Yes, sir.
- 19 Q. Okay. And this one, I think I asked you about this
20 report. This was discussing Mrs. Browning plant trees on the
21 easement. Are you familiar with that request from her?
- 22 A. No, sir. This was prior to me.
- 23 Q. Prior to you being involved?
- 24 A. My employment. Yes, sir.
- 25 Q. Or were you not employed yet?

1 A. Uh-huh. I didn't start until January, 2010.

2 Q. Okay. And were you the one that pulled these emails
3 from your system?

4 A. I did.

5 Q. Okay. And Mr. Corley, why is he -- did he -- why would
6 he -- was he reporting to Mr. Horn?

7 A. When we have requests like this, he reports to the Road
8 Committee, which is two members of council and the chairman.

9 Q. Is it still that way today?

10 A. Yes, sir.

11 Q. And -- and so at this time, Mr. Horn was on the road
12 committee, is that your understanding?

13 A. He was chairman

14 Q. Chairman. Okay. And you see where Mr. Corley said the
15 original intent was for that easement be used as a water
16 access for residents who had their property touching the
17 lake, in his email to Mr. Horn?

18 A. I see that, yes, sir.

19 Q. Okay. Did you ever discuss that with Mr. Corley?

20 A. No, sir.

21 Q. Did you ever discuss Moonlight Drive or Moonlight Drive
22 extension with Mr. Corley?

23 A. Just whenever he had stuff like this come up, he would
24 come to me and pass along the information because I was --
25 had a little bit better memory and he did.

1 Q. Okay.

2 A. And I could jog his memory with stuff.

3 Q. Okay. So you were -- you were involved in some of
4 these internal discussions with Saluda County regarding
5 Moonlight Drive.

6 A. Not really. When it comes to decision making, I was
7 not involved.

8 Q. He would pass things on so you could act as his memory
9 bank?

10 A. Yes, sir.

11 Q. Okay. I don't know how better way to put it. I hope
12 that sounds okay. All right. Well, let's -- let's move on
13 to -- to -- to Exhibit 7. Tab 7, please. Exhibit 7. And
14 you recognize this as -- as some emails you were able to pull
15 out the system for us?

16 A. Yes, sir.

17 Q. Okay. These -- these are -- seem to be dated in
18 September of 2010. Does that sound right?

19 A. Yes, sir.

20 Q. Okay. And then we have -- do you see at the top where
21 we says -- Mr. Corley's saying there seems to be an unending
22 contrast -- request for the control request for the control
23 of the easement. Do you remember discussing that with him?

24 A. No, sir.

25 Q. And when he's saying easement, do you know what he

1 means by easement?

2 A. Yes, sir.

3 Q. What -- what does that mean?

4 A. He's talking about what y'all are referring to as the
5 road or extension.

6 Q. Okay.

7 A. We refer to them as easements, basically ease of
8 access, ingress, egress -- ingress, egress for properties
9 that are landlocked.

10 Q. Okay. And then at the bottom there's the email 9/23,
11 Mr. Corley is referring to it. He says that about two years
12 ago, Rhonda Browning 137 Moonlight Drive, asked, Saluda
13 County to use easement as an access to her home. Do you see
14 that?

15 A. Yes, sir.

16 Q. Okay. What does he mean when he says county easement?
17 Do you know?

18 A. I do not know.

19 Q. Okay. Do you see it says that Mrs. Browning asked
20 Saluda County to plant trees along her property line?

21 A. Yes, sir.

22 Q. She asked the county. Do -- do you know what the
23 county told her?

24 A. If I remember correctly, they gave her permission as
25 long as she stayed -- kept trees off of the county right of

1 way.

2 Q. Okay.

3 A. And that it did not block view or hinder traffic view.

4 Q. And she's also asking the ability to use it for access
5 to her house, correct?

6 A. Yes, sir.

7 MR. PEEL: Okay. For the record, 8 was a duplicate of
8 9, but -- for some reason in the way it was Bates stamped.
9 So I'm going to skip 8, your Honor. We'll go straight to 9.

10 THE COURT: Okay.

11 MR. PEEL: Tab 9, if you would.

12 BY MR. PEEL:

13 Q. I finally get your name is one, right?

14 A. Yes, sir.

15 Q. So this is -- this is Plaintiff's Exhibit 9, and who is
16 Ms. Snap?

17 A. I don't know her personally.

18 Q. Okay. It says real estate clerk, Saluda -- is that a
19 job at Saluda County, do you know?

20 A. Yes, sir.

21 Q. She's employed at Saluda County? Okay.

22 A. Or was.

23 Q. And this is and email you -- and why was she sending
24 this email to you? Do you remember? You can take your time
25 to read through it.

1 A. Asking me to help Garner information for her to reply
2 back to Mr. Tripp.

3 Q. Okay. So -- and discussion on the previous page,
4 Mister -- Mr. Tripp Bryan was emailing her asking to buy the
5 easement from the county; is that correct? It's on the
6 second page.

7 A. Yes, sir.

8 Q. Okay. And -- and do you understand that to be
9 Moonlight Drive extension that we're talking about?

10 A. Yes, sir.

11 Q. And did you ever get back to Mister -- Mr. Bryan about
12 his request in 2013?

13 A. He did not come straight to me. He went to Ms. Snap
14 and I forwarded the information -- the email to Mr. Corley
15 and Ms. Sandra.

16 Q. Okay. Do you know if Mr. Corley ever got back to him?

17 A. I believe so.

18 Q. You've not -- I -- I've not seen anything. Have you
19 seen anything in writing?

20 A. No, sir.

21 Q. Okay. You -- I'm going to skip to Number 11 in that
22 same notebook. Tab 11, please. Do you recognize this as
23 another email you were able find --

24 A. Yes, sir.

25 Q. -- or was on the system. And how did you search the

1 system for emails?

2 A. When Mr. Corley retired, they gave me access to his
3 email account, so I can find saved emails.

4 Q. Okay. And this was dated July 1st, 2014, to Mr. Corley
5 to Trip Ryan; is that correct?

6 A. Yes, sir.

7 Q. And he's asking the county to be able to check on the
8 situation for Moonlight Drive extension?

9 A. Yes, sir.

10 Q. Okay. Do you know if he ever got -- Mr. Corley ever
11 got back with him? You couldn't find him -- let me ask this.
12 If you couldn't find any emails or anything in writing where
13 he replied to that.

14 A. No, sir.

15 Q. And then if you would flip back to -- to tab 10,
16 please. Do you recognize this letter?

17 A. Yes, sir.

18 Q. And is this another document you're able to pull from
19 the county records?

20 A. Yes, sir.

21 Q. Okay. And this is Mr. Corley on July 10th, 2014,
22 correct, writing this round?

23 A. Yes, sir.

24 Q. And this is -- does this letter -- this letter is about
25 Moonlight Drive extension, correct?

1 A. Yes, sir.

2 Q. Okay. And -- and if he directed her that she needed to
3 bring a -- you know, an action to close the road to resolve
4 that issue, did you?

5 A. Yes, sir.

6 Q. Okay. Do you know why that in 2013 Mr. Bryan was asked
7 -- asking if he could have possession of the road in 2014,
8 Mr. Browning -- Mrs. Browning was told she needed to bring a
9 road closing action, yet in 2015 the county decided to issue
10 a quick-- quick claim deed to her for that same portion of
11 the road. Do you know why that decision was made?

12 A. No, sir.

13 Q. Do you know who would've had those discussions? What
14 --

15 A. It would've been between council, Mr. Corley, and
16 county attorney?

17 MR. PEEL: Okay. Your Honor, bear with me just one
18 second.

19 THE COURT: Uh-huh.

20 MR. PEEL: Make sure I (inaudible). Your Honor, just
21 -- I think those were all -- we've already agreed those are
22 in evidence and I move it.

23 THE COURT: That would be Plaintiff's -- or that
24 specific exhibit or the file?

25 MR. PEEL: Well, the -- the file. 2 through --

1 THE COURT: Okay.

2 MR. PEEL: Two through 12. All we've got all
3 (inaudible) --

4 MR. LANG: No objection, your Honor.

5 THE COURT: All right. It's admitted.

6 (Plaintiff's Exhibit 2 through 12 admitted into evidence)

7 MR. PEEL: And I have no further questions.

8 THE COURT: All right.

9 MR. PEEL: Ms. Rowe, thank you so much.

10 THE COURT: Cross-Examination.

11 CROSS-EXAMINATION BY MR. LANG:

12 Q. Ms. Rowe, good morning.

13 A. Good morning.

14 Q. I am Louis Lang and I represent Rhonda Browning. Just
15 a few questions. Ms. Rowe, have you ever talked to Ms.
16 Browning?

17 A. I think I remember like once her calling in to speak to
18 Mr. Corley and I transferred the call or took a message.

19 Q. Okay. And I think you testified, but that's the only
20 time you may have answered the phone for.

21 A. Yes, sir.

22 Q. The county has about 280 miles of dirt and some paved
23 road; is that about right?

24 A. Yes, sir.

25 Q. In regard to those -- all those roads, all that

1 mileage, the county doesn't own the road bed itself; is that
2 correct?

3 A. That is correct.

4 Q. All right. So all the county owns then is a right of
5 way over that road bed, correct?

6 A. Yes, sir. We refer to it as an easement for
7 maintenance by prescription.

8 Q. Okay. So the county maintains that Roadbed but it
9 doesn't own the dirt?

10 A. No, sir.

11 Q. All right. And -- and in terms of who owns the dirt,
12 that's just a matter of title, wherever that happens to lie;
13 is that correct?

14 A. Yes, sir.

15 Q. It's not with the county at all though?

16 A. No, sir.

17 Q. All right. In -- in terms of this particular area --
18 and -- and we've been talking about Moonlight Drive and
19 Moonlight Drive extension. Have you ever been asked to this
20 property to take a look at where we're talking about?

21 A. No, sir. Not physically.

22 Q. Have you ever seen a plat or a map --

23 A. Yes, sir.

24 Q. -- that shows it? Can you see that?

25 A. Yes, sir.

1 Q. Now, (inaudible). See that laser pointing there?
2 Okay.
3 A. Yes, sir.
4 Q. All right.
5 A. We're talking about this is Moonlight Drive here,
6 correct?
7 A. Yes, sir.
8 Q. And then it takes a right, right here; is that right?
9 A. No, sir.
10 Q. Okay.
11 A. It takes a left.
12 Q. It takes a left. I'm sorry. But this is the area
13 we're talking about right here; is that correct?
14 A. Yes, sir. That's the extension.
15 Q. Okay. Do you know of any evidence anywhere that
16 demonstrates that this extension goes all the way to the
17 lake?
18 A. No, sir.
19 Q. All right. And -- and in terms of the extension
20 itself, is there any evidence that the county ever maintained
21 this little area right here?
22 A. No, sir.
23 Q. And I think -- unfortunately Mr. Corley is passed away,
24 but it's true, is it not, that he told you that the county
25 never maintained this area right in here, correct?

1 A. Yes, sir.

2 Q. And regardless of what the ordinance says or what the
3 quick claim deed says, there's no evidence whatsoever, and
4 according to Mr. Corley, the county never maintained this
5 area right in here, correct?

6 A. That's correct.

7 Q. And Mr. Corley also testified, did he not, said that
8 when he went out and actually looked at this area, there's no
9 evidence of even a road there; isn't that right?

10 A. That's correct.

11 Q. And how long was Mr. Corley the superintendent of Roads
12 and Bridges?

13 A. 21, 22 years.

14 Q. I'm sorry?

15 A. Roughly 21, 22 years.

16 Q. 21, 22 years. Okay. And -- and in regard to access --
17 we can talk about an access easement. I think you -- you
18 mentioned. This is -- where I'm pointing right now, is the
19 Bryan property, okay? You recognize that?

20 A. Yes, sir.

21 Q. The Bryan property has access to this road right here;
22 isn't that correct?

23 A. That's correct.

24 Q. It fronts on that road; isn't that right?

25 A. Yes, sir.

1 Q. Ms. Bryan, on the other hand, in terms of her property
2 being right here, she only has access to this area right in
3 here, correct?

4 A. That's correct.

5 Q. All right. And you don't know anything about what
6 improvements Ms. Bryan made to this area right in here; is
7 that right? I mean, of your own personal knowledge?

8 A. All I know is planted some Leland cypresses, put rock
9 down, and I think at one time she had said something about
10 some beautification little borders around --

11 Q. Okay.

12 A. -- the edge of the road or whatever.

13 Q. And -- and the county didn't contribute any money for
14 labor to do that, correct?

15 A. No, sir.

16 Q. And -- and during the period of time that Ms. Bryan was
17 doing that up until today, the county hasn't contributed
18 anything to do any of that; is that right?

19 A. No, sir.

20 Q. And as far as you know, that would be Ms. Bryan doing
21 all that, correct?

22 A. Yes, sir.

23 Q. I think you testified that the county road records --
24 maintenance records, they were kept kind of haphazardly up
25 until about '08 or -- '07, '08; is that about right?

1 A. They didn't really keep records before '07, '08.

2 Q. And -- and so, before '07 there really isn't any way to
3 tell what the county was doing in terms of its road, correct?

4 A. The only way we tracked was passing information from
5 employee to employee.

6 Q. Okay. And -- and back in those days, I -- I think Mr.
7 Corley said that the county never really accepted roads into
8 its county system before about '08 or '07. Just worked roads
9 that they thought they should work; is that right?

10 A. Yes, sir.

11 Q. And -- and in regards to roads that they thought they
12 should work -- let me ask you this. After '08 or '07, when
13 -- when the county started formalizing its road maintenance
14 process, if the county employee saw a road -- county road
15 that had been blocked by somebody, what would that county
16 employee do?

17 A. They would try to contact the property owner to have
18 them remove it in person first or by phone. If they could
19 not, they would send a certified letter, and if no response
20 after that they would have law enforcement go out and ask the
21 property owner to remove it.

22 Q. Okay. And -- and there's nothing in your records, I
23 know plaintiff's counsel, as well as myself, has asked you to
24 -- to look at your records, you produce them, but there's no
25 indication, is there, in your records that a county

1 maintenance employee saw this area being blocked by anybody
2 and took notice of it as being a county road?

3 A. No, sir.

4 MR. LANG: I beg your court indulgence for a moment,
5 your Honor.

6 THE COURT: Okay.

7 MR. LANG: Those are all the questions I have, Ms.
8 Rowe. Thank you very much.

9 CROSS-EXAMINATION BY MS. BOZEMAN:

10 Q. Good morning, Ms. Rowe. You and I have met so I will
11 not reintroduce myself. I -- but I have Just a few
12 additional questions for you. I -- you testified earlier
13 that Saluda County has 380 miles of county maintained roads;
14 is that right?

15 A. Yes, ma'am.

16 Q. And where did you get that number?

17 A. From our records.

18 Q. And when you referred to county-maintained roads, are
19 those the roads that have been accepted into the county's
20 public road system?

21 A. Yes, ma'am.

22 Q. Okay. What is the difference between an easement as
23 we've -- as you've read in those emails versus a right of
24 way?

25 A. Right of way, we refer to as our maintenance area, and

1 some roads have ditch to ditch. Some were built with 30
2 foot, some were built with 50, meaning you would measure from
3 the center of the road bed, 25 foot, to either side for 50
4 foot or 15 foot to either side from center for 30. Easement
5 we refer to as access legal -- well ingress, egress access to
6 property that is landlocked, that does not have road frontage
7 access.

8 Q. And that doesn't necessarily mean that it's a county
9 maintained easement or that it's part of a county road; is
10 that right?

11 A. That's correct.

12 Q. And what is the difference between a public county road
13 and a private road?

14 A. Private is maintained by the property owners that have
15 property that touch the roadway, and county-maintained is the
16 county takes care of it.

17 Q. And are there neighborhoods throughout Saluda County
18 that were developed and have roads that are 100 percent
19 completely privately maintained?

20 A. Yes, ma'am.

21 Q. Do you have any -- any sort of mileage on that?

22 A. No, ma'am. But I know it's roughly, last check, it was
23 well over a hundred roads in the county that are privately
24 maintained.

25 Q. What happens in your experience of Saluda County, when

1 a developer comes in, purchases property, builds homes, and
2 all of the roads identified on the plat or not opened?

3 A. I don't -- can you -- I don't quite understand.

4 Q. And, well, it was a poor question. I -- are there
5 occasions where neighborhoods are built and there are areas
6 that at one point were designated as potential roads that
7 don't actually become roads?

8 A. If the rest of the development is accepted into county
9 maintenance, those roads would be maintained. But if the
10 other ones that were not finished are not considered roads,
11 and are not accepted into county maintenance until they are
12 completed and if they meet county standards.

13 Q. So unfinished, unopened roads don't become public
14 county roads?

15 A. No, ma'am.

16 Q. We -- you have looked at a roads named Moonlight Drive
17 extension on this map?

18 A. Yes, ma'am.

19 Q. Well, let me go back. So Moonlight Drive. Is
20 Moonlight Drive a county-maintained road?

21 A. Yes, ma'am.

22 Q. And the piece of land that we've identified as
23 Moonlight Drive extension, is Moonlight Drive extension the
24 actual county name of any road?

25 A. No, ma'am.

1 Q. Has it ever been, to your knowledge, maintained as a
2 county road?

3 A. No, ma'am.

4 Q. To your knowledge, is the term Moonlight Drive
5 extension a fabricated name for the purpose of litigation?

6 A. Yes, ma'am.

7 Q. So if we were to look at the list of maintenance
8 records that you testified regarding earlier, and you see
9 references to Moonlight Drive on. There are those references
10 to the portion of the street -- those references are not --
11 do not include Moonlight Drive extension; is that correct?

12 A. That's correct.

13 Q. You testified earlier that the county doesn't actually
14 have a fee -- fee simple ownership interest in the roads. It
15 doesn't own the roads within the county road system; is that
16 correct?

17 A. That is correct.

18 Q. And when you indicated that the real estate clerk is an
19 employee of Saluda County, I -- does she work with the sale
20 of property that's been forfeited following a tax sale and
21 other properties sold through tax sales? Do you know?

22 A. I do not know.

23 Q. She doesn't sell roads, does she?

24 A. Not that I know of.

25 Q. Does the county own any -- and when we refer to

1 easements and you've looked at the term easement in the
2 emails, are those private -- are those private easements?

3 A. Yes, ma'am.

4 Q. The county doesn't maintain those easements?

5 A. No, ma'am.

6 Q. They're not considered part of a public county road,
7 are they?

8 A. No, ma'am.

9 Q. They're just there to allow people to enter their
10 property and go over the private land of someone else; is
11 that right?

12 A. Yes, ma'am.

13 Q. How long did you work with Billy Corley?

14 A. As long as he was there, from 2010 to roughly March of
15 2019.

16 Q. Were there any official books in his office that
17 included lists of public county roads?

18 A. We have a list of our roads that we maintain, but there
19 are no books.

20 Q. Are there any books kept in his office that reference
21 road closure or the sale and division of roads?

22 A. No, ma'am.

23 Q. Without going into exact conversations that were had
24 with anyone, do you know whether when the county looked into
25 maintenance history of this segment of land that we've

1 referred to as Moonlight Drive extension, the oral history --
2 whether anyone looked into the oral history of maintenance?

3 A. I did.

4 Q. And when you looked into the oral history of
5 maintenance, what did you find?

6 A. I found that we did not maintain it.

7 MS. BOZEMAN: That's all I have right now. Thank you.

8 THE COURT: Good. Redirect.

9 MR. PEEL: Thank you.

10 REDIRECT EXAMINATION BY MR. PEEL:

11 Q. Ms. Rowe, this -- this is straight from the county GIS:
12 isn't it?

13 A. Yes, sir.

14 Q. These lines? And -- and -- and that shows a road going
15 in between Ms. Browning and Ms. Bryan's property, does it? I
16 mean, right there, isn't that what all this is? Moonlight
17 Drive -- it says Moonlight drive up here. I mean, I'm
18 looking right on GIS right now, just to double check. Y'all
19 still got it?

20 A. Easements are drawn in as well.

21 Q. Does it say easement?

22 A. GIS won't say that.

23 Q. I mean, if I -- if I see this, do I have the right to
24 drive down that road right there? If I look on -- if I look
25 on your GIS map that you have up?

1 A. I would say you have the right to do whatever you want.

2 Q. I go down and access those driveways. That's what
3 these roads are for, right?

4 A. You could, but at your own risk. Just because it's on
5 the map doesn't mean you need to drive down it.

6 Q. So -- so your GIS maps are not accurate?

7 A. They are close, but I don't do the GIS.

8 Q. I mean, and this -- this lawsuit's been going on while
9 now, right?

10 A. Yes, sir.

11 Q. And it's still -- that's still what it shows today,
12 doesn't it?

13 A. Until it goes through the court system and changes, the
14 GIS map won't change.

15 Q. All right. And, Mrs. Rowe, and I'm sorry to put you in
16 this position because I feel like you've done -- actuate try
17 to help us and -- and get all these documents, but when --
18 when -- when the county gives out -- I know it doesn't happen
19 much, but when it quick claims property and it gives it away
20 and -- and the council has to vote on it -- on these roads,
21 who would give the council the information?

22 A. They would garner it from those different departments.
23 The assessor's department, clerk of court, GIS department.

24 Q. Would they consult with Roads and Bridges?

25 A. They would, they would ask if we maintained it and if

1 we had any jurisdiction over it.

2 Q. So -- so here's my question for you. You -- you got
3 ordinance and deed that says you maintained it, but yet
4 you're testifying today that you didn't. Who's telling the
5 story?

6 A. The ones that didn't ask our department, which happens
7 a good bit. We don't maintain it. And I got history stating
8 that we've never maintained it.

9 Q. Okay. Does Mr. Corley go to the county council
10 meetings -- does the head of the Bridges and Roads go to
11 county council meetings?

12 A. He only goes when they're requested to be there.

13 Q. Finally, you -- you -- you said -- I -- I think you
14 said -- you answered the question. These weren't your words
15 but they were put to you, was Moonlight Drive extension a
16 term fabricated for the purpose of litigation? You recall
17 being asked that?

18 A. Yes, sir.

19 Q. Do you recall I showed you all those emails that Mr.
20 Corley, before this -- years before this lawsuit was ever
21 served, was calling it Moonlight Drive extension?

22 A. Yes, sir.

23 Q. Or do you need to look back at them?

24 A. No, sir.

25 Q. So it wasn't fabricating, was it?

1 A. No, sir.

2 Q. Mr. Corley came up with that term, didn't he?

3 MS. BOZEMAN: Objection. Lack of foundation.

4 THE COURT: Overruled.

5 BY MR. PEEL:

6 Q. Can you answer? Did Mr. Corley come up with that term?

7 A. Based on the email, yes, sir.

8 MR. PEEL: Okay. No further questions.

9 THE COURT: Re-cross.

10 MR. LANG: Very briefly, your Honor.

11 RE-CROSS-EXAMINATION BY MR. LANG:

12 Q. Ms. Rowe Let me show you, I guess, what's been marked
13 as a plaintiff's exhibit. This is a survey done back -- I
14 think a while back. Can you see it?

15 A. Yes, sir.

16 Q. It says, public road, right there. Just because a
17 surveyor puts the, words public road, on a plat, that doesn't
18 make it a public road, does it?

19 A. No, sir.

20 MR. LANG: No further questions.

21 THE COURT: Re-cross.

22 MS. BOZEMAN: I have just a couple of questions.

23 RE-CROSS-EXAMINATION BY MS. BOZEMAN:

24 Q. You were asked about the county's GIS system. When you
25 look at the roads on the county's GIS system, does it include

1 both public and private roads?

2 A. Yes, ma'am.

3 Q. And you indicated that easements are also reflected on
4 the county's GIS system, and those are again, private
5 easements for -- that are used to access property?

6 A. Yes, ma'am.

7 Q. Okay. Inclusion of an easement or road on the GIS
8 system is not an indication that that road or easement is
9 county-maintained a part of the county's official road
10 system; is it?

11 A. That's correct.

12 Q. And I perhaps put incorrect words in your mouth when I
13 referred to Moonlight Drive extension as being fabricated for
14 the purposes of litigation. And to clarify. It's fabricated
15 for the purpose of giving that strip of property that you've
16 testified, was not otherwise part of the county's public road
17 system, an identity, so that the parties going back and forth
18 about what to do with it, know what it's being referred to.
19 Is that your understanding?

20 A. Yes, ma'am.

21 Q. When looking at the county's public road records that
22 you've testified or the maintenance records, Moonlight Drive
23 extension has never been included; is that right?

24 A. That's correct.

25 Q. And is that because it was not part of the county

1 maintained road that is separate and called Moonlight Drive;
2 is that right?

3 A. That's correct.

4 MS. BOZEMAN: That's all I have. Thank you.

5 THE COURT: Witness may step down.

6 MR. PEEL: Your Honor, I -- I -- can I follow up on one
7 thing they just raised?

8 THE COURT: Well, no. Unless everyone gets another
9 bite, I can't do re-redirect unless we get re-re-cross, okay?

10 MR. PEEL: Okay. I understand.

11 THE COURT: Witness may step down.

12 MR. PEEL: Could -- my next witness needs a break
13 before we continue.

14 THE COURT: Okay. Let's take five minutes.

15 MR. PEEL: Thank you. We -- we need to submit the
16 deposition on Mr. Billy Corley, who is deceased, to the
17 Court.

18 THE COURT: Okay. Do I have the original or --

19 MR. PEEL: Yeah. Well, I've got -- I've got one
20 printed out with the exhibits.

21 THE COURT: When did he pass away?

22 MR. PEEL: After we deposed him.

23 MS. BOZEMAN: He -- he died about a year after we
24 deposed him. It was unexpected.

25 (OFF THE RECORD)

1 THE COURT: All right. You ready for our next witness?

2 MR. PEEL: Yes, your Honor. We'll call Tripp Bryan.

3 THE COURT: Very well.

4 MR. PEEL: And he'll be our last witness.

5 THE COURT: Okay.

6 MR. BRYAN: Hello.

7 THE CLERK: Hello.

8 MR. BRYAN: Left hand and right hand up?

9 THE CLERK: Yes -- yes, sir.

10 TRIPP BRYAN,

11 first being duly sworn, were examined and testified as

12 follows:

13 THE WITNESS: Yes, ma'am.

14 THE CLERK: Thank you. Please take your seat and state
15 your name and spell it, please.

16 THE WITNESS: Yes, ma'am. My first name name's Tripp
17 Bryan, T-R-I-P-P.

18 DIRECT EXAMINATION BY MR. PEEL:

19 Q. Mister -- good morning, Mr. Bryan.

20 A. Good morning, sir.

21 Q. Okay. Is that your mom?

22 A. Yes, sir. And my brother and dad.

23 Q. Yeah. And -- and you're familiar with his property
24 that we've been talking about today?

25 A. Yes, sir.

1 Q. And -- and -- and how long have you been going out to
2 Lake Murray to that -- to your mom's house?

3 A. Since I was 14, and I'm 51 now.

4 Q. And --

5 A. That's '87.

6 Q. '87?

7 A. Yes, sir.

8 Q. Okay. And do you have a boat out there?

9 A. Boats.

10 Q. Skis?

11 A. Jet skis.

12 Q. Jet skis.

13 A. Jon boats. Boats, plural.

14 Q. And are you familiar -- let me get the (inaudible).
15 All right. And -- and you've seen this plat we've been
16 talking about --

17 A. Yes, sir.

18 Q. -- is your mom's plat?

19 A. Yes, sir.

20 Q. And -- and -- and we've been talking about this strip
21 of land, 30-foot-wide strip of land inside the house --

22 A. Yes, sir. It's actually --

23 Q. And Mrs. Browning's, is that where it is?

24 A. It's shown there and in other places as well too, as a
25 road.

1 Q. Okay. And -- and -- and since 1987 --

2 A. Yes, sir.

3 Q. -- do you -- do you have opinion as to what that strip
4 of land is?

5 A. It's Saluda County Road.

6 Q. And why do you think that?

7 A. Well I can go back to whenever we were first looking at
8 the property with my parents. The real estate agent made it
9 clear that it was indeed a road that we could not build on
10 it. We could not have a permanent structure on it, but we
11 could use it as "ours" until told otherwise. I also went and
12 talked to Mr. Corley in person at his office later on, asking
13 about buying the property.

14 Q. Who's Mr. Corley?

15 A. Mr. Billy Corley with Saluda County Roads and Bridges
16 Highway Department.

17 Q. Okay.

18 A. And after going and speaking with him, he let me know
19 that I could not -- could not purchase the property because
20 it was a county road that he already had this conversation
21 with my mom. And he didn't mean that in a bad way. He was
22 just saying that, you know, your mom was in here a number of
23 years ago and I've told her the same thing, that it's a --
24 it's a road that we cannot sell.

25 Q. And -- and --

1 A. If we do -- do the selling, it's going to have to go
2 through the proper channels of, you know -- from what I've --
3 from what I've known it to be is you got to, you know, put it
4 out for a newspaper and public notices and all that kind of
5 stuff.

6 Q. Prior -- since 1987, have -- have you witnessed other
7 people besides your family traversing?

8 A. Oh, yes, sir.

9 Q. -- the Moonlight Drive extension?

10 A. Yeah. So Mr. Eastman, we're in site -- we're a site
11 contractor business as well. So we see them occasionally
12 over the years on public bid openings that we would bid
13 against one another, and they would ask about how -- you
14 know, ask dad how the property was, et cetera -- et cetera.

15 Anyway I knew that they had the property and we knew
16 from talking to the real estate agent and from talking to Mr.
17 Eastman that -- that they had to put up a -- a chain across
18 there after getting clearance from the county, to stop people
19 from going down to the lake, putting in their boats.

20 Q. Was that chain there when you were --

21 A. It wasn't there whenever I was there because I'm the
22 one that cut and maintained the grass --

23 Q. Okay.

24 A. -- until they put their trees up on the road.

25 Q. Did y'all -- did -- did people continue to go up and

1 down that road after y'all owned the property?

2 A. They did. Yes, sir.

3 Q. And how'd you know that?

4 A. I had to pick up the worm cups, you know, the little
5 night crawler worm cups you get from the county line store up
6 there on 378 in Holly Ferry, beer cans, hot dog cans, and --
7 and people drop launching Jon boats off there.

8 Q. So you saw -- you saw people launching Jon Boats?

9 A. Jon boats and small boats out of there, because the rip
10 wrap just came about in the last probably 10 years, but we've
11 been there since '87.

12 Q. Okay.

13 A. So for 30 something years we were there prior to the
14 rip wrap on there. And when the water level's high you can
15 -- because we've done it. We've launched our boats down
16 through there.

17 Q. If I'm standing facing -- on -- on your property facing
18 the lake, and you've got a boathouse down there. That
19 boathouse is kind of over the water, right?

20 A. Yes, sir.

21 Q. And are these -- are the Jon boats being launched to
22 the left or the right of that?

23 A. To the left.

24 Q. To the left. Toward Mr. Browning's property?

25 A. Correct.

1 Q. Okay. I'm going to show you -- what's in that
2 notebook, tab 1B, which is Google Earth photograph. And ask
3 you if you can -- if you look at that photograph, can you
4 recognize where that is?

5 A. Yes, sir. I can see the -- our cove. I can see --

6 MR. LANG: Objection, your Honor. This is the aerial
7 that we talked about that we have objection to being
8 admitted.

9 THE COURT: Okay. He is identifying it now. All
10 right.

11 MR. LANG: Yeah, it's okay.

12 THE COURT: I think you can identify what it is.

13 MR. PEEL: Okay.

14 BY MR. PEEL:

15 Q. Do you recognize the property in that --

16 A. I do recognize everything about it. Yes, sir.

17 Q. And -- and how do you recognize it?

18 A. Well, Mr. Randy who did the roof on our house a couple
19 years ago, that's his red metal building right across from
20 us. It actually is labeled as boat ramp number 3 right
21 there. And I know that that's our cove here, because I would
22 take our Jon boat and go fishing up here in the corner. This
23 doesn't show the other stuff where the road comes all the way
24 down to the road, because We have documents that show the
25 road going all the way down.

1 Q. Where's your house?

2 A. Our house is right there in that open area. I can
3 circle it if you want me to.

4 Q. Okay.

5 A. It's right there in that open area where the -- you
6 have trees on either side and the open area is right there.

7 Q. And -- and what -- what's -- what's the name of the
8 subdivision out there?

9 A. Lake Murray Shores.

10 MR. PEEL: Okay. Your Honor, I -- I'd move to admit as
11 an exhibit because it's in my notebook 1B.

12 MR. LANG: I object, your Honor. I've never seen that
13 before yesterday.

14 THE COURT: Before yesterday?

15 MR. LANG: Yes, sir.

16 THE COURT: May I take a look at it?

17 THE WITNESS: Yes, sir.

18 THE COURT: And this is a Google --

19 MR. PEEL: Googler -- map.

20 MR. LANG: Google Map.

21 MR. PEEL: Google Map, not Googler.

22 THE WITNESS: Yeah. The drop pin isn't -- or the red
23 -- can I talk now?

24 THE COURT: Yeah, go ahead.

25 THE WITNESS: The red pin's not our location. That's

1 our house.

2 THE COURT: That's just Lake Murray Shores, I believe.

3 MR. PEEL: Yeah.

4 THE COURT: All right. Mr. Lang, your main objection
5 is what?

6 MR. PEEL: That I had not seen that until yesterday,
7 Judge. This case has been going on for three years -- four
8 years.

9 MS. BOZEMAN: It -- it was never (inaudible) in
10 discovery.

11 THE COURT: Well, your Honor, I -- coincidentally, I
12 mean, I'm trying to follow along on GIS, and I happened to be
13 looking at Google Map before this came up. So I mean, it's
14 just -- I wanted to know whether -- you know, bird's eye view
15 of this.

16 Is there anything, this doesn't appear to show the road
17 extending on the extension. So it's not like that's a, a got
18 you thing from Google. So I -- it's a publicly available
19 document on Google. I'll give it whatever weight I think it
20 deserves. I'll admit it on the defense objection.

21 MR. LANG: Thank you, your Honor.

22 THE COURT: All right.

23 BY MR. PEEL:

24 Q. Well, I'm going to hand you out what is I'm going to
25 call Exhibit 1 or tab 1 for identification purposes.

1 A. Yes, sir.

2 MR. PEEL: And, your Honor, if -- if I may. I -- I
3 know you ruled, I want to explain why I didn't provide that
4 to them --

5 THE COURT: Okay.

6 MR. PEEL: -- in the last minute because I think it's
7 important.

8 THE COURT: That's fine. It's just us, sir.

9 MR. PEEL: There's another -- there's another document
10 they objected to last week, which has been included in other
11 depositions without objection. And they told me they
12 objected to it. So I went and tried to do the best I could
13 to lay foundation to be able to get that document in. And
14 so, that's why I have that late.

15 THE COURT: Okay. Is that -- okay. All right.

16 BY MR. PEEL:

17 Q. All right. That -- that is what is -- what are you
18 looking at?

19 A. It's a broad view of the Lake Murray Shores area, I
20 guess, where our house is and whatnot.

21 Q. And -- and what's does it say in the top right corner?

22 A. It's a 1955 aerial map, certified. I'm prepared by the
23 historic aerial imagery company. It's a 1955 aerial
24 photograph.

25 Q. Okay.

1 A. It's dated March 29th, 1955, to April 11th, 1955.

2 Q. And are -- are looking at that, can you compare that to
3 the Google Map?

4 A. Oh, I -- yes, sir. I -- I can. Because coming off of
5 Carolina Lane off of Holly Ferry, which is right here in that
6 corner where that square is there's goats -- the goat --
7 there's a goat house right there that -- they have goat --
8 pet goats, and we come in this way and it's, this is actually
9 labeled with Memory Lane. But ours is -- where -- where we
10 live is called Moonlight Lane.

11 Q. Okay.

12 A. And again, where Memory Lane comes down all the way to
13 the lake and where memory lane comes down on this side, we're
14 in between -- those -- that's our -- that's our cove right
15 here. And that's the cove I was just saying here that we're
16 going into. This cove is that cove. This cove is that cove.

17 Q. Would you say both -- both photographs are -- match.

18 A. They match, yes, sir.

19 Q. Are the same piece of land?

20 A. Yes, sir.

21 MR. PEEL: Your Honor, I move to admit Exhibit 1.

22 THE COURT: And what is the second thing? What is
23 this?

24 THE WITNESS: It shows the road going all the way to
25 the road -- to the water.

1 THE COURT: USDA aerial from 1955?

2 MR. PEEL: It's -- it's -- if I I may. So USDA aerial
3 survey in 1955, and that's a private company that --

4 THE COURT: Do you'll object to that as well?

5 MR. LANG: We do, Judge. Again, I got that yesterday.
6 And of course, number one, its inaccurate, because it says,
7 "Memory Lane," and they're saying that -- that doesn't say
8 where supposed to say, "Moonlight Lane."

9 THE WITNESS: It's from 55. I'm sorry.

10 MR. LANG: Hang on a second.

11 THE WITNESS: Yeah, I'm sorry.

12 MR. LANG: In addition, your Honor, having never heard
13 of Historic Aerial, which is a website on the internet, I
14 took a look at them last -- yesterday when I didn't really
15 have time to do, and I -- I pulled this off of the website.
16 This is a question and answer. Someone asked a question to
17 this website, "Where does this website source data and maps,
18 like, does it literally find old maps and implement it on
19 their website?"

20 And the answer apparently from this website is, "We
21 have dozens of sources for data. Some of our data is
22 acquired through different channels and formats. Other data
23 is purchased or owned by us in raw image format and produced
24 into ortho certified and geo-referenced imagery that you see
25 on the site in a seamless, larger images."

1 So there's no, there's no one answer to that question.
2 That - I mean, he hadn't laid any foundation for that. I
3 don't know where that came from.

4 THE COURT: Don't we also have the original layout of
5 the community, which shows all the streets?

6 MR. LANG: We do.

7 THE COURT: Okay. All right -- all right. Well, you
8 can -- you can make it a court exhibit, but I'll sustain the
9 objection.

10 MR. LANG: Thank you.

11 MS. BOZEMAN: Thank you, your Honor.

12 THE COURT: Keep that one up. Okay.

13 MR. PEEL: Well, then --

14 THE COURT: And I do that in part because I -- I think
15 it's abundantly clear from the other exhibits what's -- what
16 street are which, and -- and there is some confusion on that.
17 So --

18 MR. PEEL: It -- may I respond? This it is --

19 THE COURT: Yes, sir.

20 MR. PEEL: -- it is a website that's available for free
21 to look at any of these maps.

22 THE COURT: Yes, sir.

23 MR. PEEL: And they do reference their source on all of
24 them. This one has a source on USDA, so the Court can look
25 at it regardless of -- without any special permission.

1 THE COURT: Okay.

2 MR. PEEL: Okay.

3 MR. LANG: They asked me for a subscription, your
4 Honor. They may have changed that policy. They want me pay
5 to money for me to get that --

6 THE COURT: Mr. Peel got one free one. You were too
7 late.

8 MR. PEEL: Well, I may think that maybe -- that maybe I
9 did register, but it was a long time ago because the --

10 THE COURT: Okay.

11 MR. PEEL: I'm going to -- I'm going to (inaudible) 1A.

12 THE COURT: Okay.

13 MR. PEEL: Which -- which is a close-up, and this is
14 the original, but it's got the roads overlays and everything.
15 In fact, I'll use --

16 THE WITNESS: We can use these together if you want.

17 MR. PEEL: (Inaudible) let me take -- let me take this.

18 MR. LANG: Yeah.

19 MR. PEEL: The one with the words on it. It's good
20 because that's -- (inaudible). This -- this was -- this was
21 previously marked in this Rowe's deposition, Exhibit 23.
22 I'll substitute this for 1D.

23 BY MR. PEEL:

24 Q. And are you able to recognize --

25 A. Yes -- yes, sir. It's like this. It shows the road on

1 this map going all the way down to the water.

2 Q. Can you recognize what --

3 A. And --

4 Q. -- we're referring to as Moonlight Lane on that map?

5 A. Yes, sir. This is us right here. Right -- right here
6 is Moonlight Lane -- right here is Moonlight Lane.

7 Apparently between 1955 and '87, they changed it from Memory
8 Lane, as it's shown here, to Moonlight Lane. So yes, sir.

9 Our property is right here. Because we bordered this road --
10 we bordered the county road that goes all the way to the
11 water.

12 MR. PEEL: Okay. I've moved in Exhibit 1B.

13 MR. LANG: Your Honor, objections.

14 MR. PEEL: One -- 1A. I'm sorry.

15 MR. LANG: Lack of foundation. I -- I mean this is
16 just a piece of paper, Judge. That's all it is. And you
17 know, I guess you can kind of figure it out, I've been trying
18 to figure it out for three years now, what it's supposed to
19 show and demonstrate.

20 And I suggest that it just -- we don't even know where
21 it came from, Judge, or what year it was, what month it was
22 taken, how it was taken, what altitude it was taken at. All
23 those sorts of things that you would have to analyze an
24 aerial photograph.

25 MS. BOZEMAN: Your Honor. I agree. There's been no

1 authentication of it. We've got the plats that are reported
2 in public records already in evidence.

3 THE COURT: It's a little confusing because the water
4 level's clearly further down whenever this image was taken; I
5 mean the only --

6 THE WITNESS: 1955?

7 MR. PEEL: (Inaudible) stabilized to '60.

8 THE WITNESS: Right.

9 MR. PEEL: That's (inaudible).

10 MS. BOZEMAN: Which makes it even less relevant.

11 THE COURT: The relevancy is at least at one point it
12 looks like there was some cut out of a road.

13 MR. PEEL: That's right.

14 THE COURT: At some point. I don't know when, which
15 does a job of what the GIS images say or what some other
16 exhibits say. So -- but it is still kind of tough to -- just
17 move on from this. I want think about that one.

18 MR. PEEL: Okay.

19 MR. LANG: Thank you, your Honor.

20 MR. PEEL: Well let -- let me show him this one as I
21 gave y'all just in case that helps. Just, so he can think
22 about it. Y'all make the same objections to it.

23 THE COURT: Just one second, Mr. Peel

24 MR. PEEL: Yes, your Honor.

25 (BENCH CONFERENCE)

1 THE COURT: And if -- if I remember that -- this
2 doesn't give us any information on when this alleged -- or
3 this picture was taken.

4 MR. PEEL: Right? Well, I -- I've got it noted.
5 That's why I look (inaudible).

6 THE COURT: All right, I'll be quiet now. I'll let you
7 keep going.

8 MR. PEEL: But you're -- you're correct. That picture
9 does not have a date on it.

10 THE COURT: Okay.

11 MR. PEEL: That your holding.

12 THE COURT: All right. Well what's the next one?

13 BY MR. PEEL:

14 Q. So this is one that I sent -- another one I sent
15 Friday. This is -- well you take a look at it. Tell me if
16 you recognize it, Mr. Bryan. I'll refer to that as 1C.

17 A. Yes, sir. This is just, it's all the same pictures.
18 Just being -- this is a very broad view. I don't know what
19 altitude this was taken at. nor do I know of the altitude of
20 this one, but I can tell this is a little bit closer than
21 this one. And that one's is closer than all three of them.

22 Q. Can you find Holley Ferry Road on that map?

23 A. Yes, sir.

24 Q. Okay. What is Holley Ferry Road?

25 A. Holley Ferry Road is the main road that runs that

1 Moonlight lane and Memory lane as it's showing here, comes
2 off of.

3 Q. Where does Holley Ferry Road begin? Well not begin,
4 but --

5 A. I know it's at -- at 378, but it actually -- doesn't
6 Holley Ferry go across 378 too?

7 Q. You take Holley Ferry off 378, you get in to Lake
8 Murray Shores.

9 A. Correct. Yeah.

10 Q. Okay. So that's --

11 A. That's where it started. I -- I don't know if it goes
12 all the way out to the highway or not, but I know it starts
13 -- I know it's at Highway 378 and Holley Ferry Road, which is
14 way out here. Or -- well, it doesn't show it out here
15 either. Holley doesn't show it -- where it goes out to.

16 Q. Okay. Are you -- and looking at it, there's this road
17 way that makes it square. Do you see that?

18 A. Right.

19 Q. The small road. Can you find that on the Google map?

20 A. I -- I can because that is -- it's actually not quite a
21 square anymore. Let's see. Let's see. A ram number. A
22 little over here. There it is, right there.

23 Q. And what's the road at the top?

24 A. Well that's of --

25 Q. The square?

1 A. Shad Drive. And that's where the goats are.

2 Q. Okay. That's where the goats are on Shad Drive.

3 A. The -- the goats are at the corner of Shad Drive and
4 Holley Ferry Road. I got a --

5 Q. Okay. So basically upon using the Google map, can you
6 show where your home was on 1C, where your home is 1C?

7 A. Right here in this corner. Because there's a road that
8 goes -- there's a county road that goes to the lake and we're
9 right here on this corner.

10 Q. Okay. Thank you. Your Honor. I've move to admit
11 Exhibit 1C.

12 THE COURT: All right. 1C --

13 MR. LANG: Same objection.

14 THE COURT: Same objection. All right.

15 MS. BOZEMAN: I agree, your Honor, we have -- we don't
16 have any more information about it. As far as I know, like
17 the home wasn't anywhere on that process.

18 THE COURT: This is one where the roads are mislabeled,
19 but it's a 1955 aerial photo. (Inaudible). Yeah, it's all
20 from aerials. (Inaudible) but this is actually zoomed in a
21 lot. This one is just -- shows (inaudible) is certified.
22 Yeah. Do we not have any other photos from the -- further --
23 I mean historical --

24 MR. PEEL: From historical variables?

25 THE COURT: From -- from basically the pre-development

1 or early development timeline.

2 MR. PEEL: That's the only one I can find. I mean,
3 Google Earth had some, but they're kind of --

4 THE COURT: Think we can find it by Friday?

5 MR. PEEL: Oh, I've had -- I've had the -- the one with
6 no label on it. That one.

7 THE COURT: This one?

8 MR. PEEL: Yeah. That -- that's been -- that's in --

9 THE COURT: That's in discovery?

10 MR. PEEL: In discovery and --

11 THE COURT: Okay.

12 MR. PEEL: That doesn't --

13 THE COURT: Was that image -- I -- I know we're kind of
14 getting off task here, but was that image, that picture not
15 discussed a great deal in depositions?

16 MS. BOZEMAN: Nobody authenticated it in a deposition.
17 Nobody knew what it was. If you look at the deposition of
18 Billy Corley that we passed to you, when he's asked about the
19 photograph, he says he doesn't know what it is and nobody
20 else has been able to identify it.

21 THE COURT: And the purpose of offering it is what?

22 MR. PEEL: Is to show that road existed as it -- as it
23 is referenced in Miss -- in Ms. Bryan's chain of cotton.

24 THE COURT: Let's not reference as Memory lane. But
25 it's referenced as a road. But --

1 MR. PEEL: Right. And I -- without getting me
2 testifying, Judge the Memory lane that I believe that's in
3 deposition and it's explained and we can provide that. But
4 --

5 MR. LANG: Well, Greenville Street isn't. There's no
6 such -- no such thing as Greenville street, which is
7 referenced on -- on this map.

8 THE COURT: Let me real quick. Let me talk to y'all
9 real quick.

10 (BENCH CONFERENCE)

11 THE COURT: Mr. Peel, I'm going to let you make an
12 exhibit of it, but I'm going to keep it out just because of
13 some concern over the -- the images sort of speak for
14 themselves. But I'll keep it out, but it'll be a court
15 exhibit for the record.

16 (Court Exhibit 1 marked for identification)

17 MR. PEEL: Okay. Judge, do you want me to hand
18 (inaudible)?

19 THE COURT: Yes, sir.

20 MR. MOORE: Your Honor --

21 MR. PEEL: Is this the --

22 THE COURT: Oh, well you can tell her what I just said.

23 MR. PEEL: Went along with the Google?

24 THE COURT: No, the Google's there. I --

25 MR. PEEL: Okay. Google's in --

1 MR. PEEL: Okay. Now this -- now this (inaudible) this
2 meeting. This is closed.

3 THE COURT: All right. You can continue with this
4 witness.

5 MR. PEEL: Thank you, your Honor.

6 BY MR. PEEL:

7 Q. Okay. Mr. Bryan, did you get the white notebook, which
8 has plaintiff's exhibits in and turn to Exhibit 4? Do you
9 recognize those photographs?

10 A. Yes, sir.

11 Q. Okay. Is that -- top on the first page, is that your
12 house and your mom's house, the bottom left?

13 A. The bottom left. Yes, sir.

14 Q. And then in kind of the middle, is that -- is that the
15 Moonlight Drive or what Mrs. Browning's using as driveway
16 these days?

17 A. You're talking about the -- the top picture within our
18 house being the left?

19 Q. Yes.

20 A. On this area right here?

21 Q. Yeah.

22 A. Is the county road. Yes, sir.

23 Q. Okay. And then picture below it, what -- the -- the
24 road in the middle. What -- what is that? Where is that on
25 the property?

1 A. In the top picture?

2 Q. The bottom picture.

3 A. On the bottom picture. That is the driveway going into
4 our neighbor's coming down the county road.

5 Q. And then on the second page there's a third photograph.
6 Is that the same road just from an overtop?

7 A. Just an overhead view. Yes, sir.

8 Q. Is that --

9 A. Coming off of Moonlight Lane, coming down the county
10 road, turning into our neighbor's property?

11 Q. Is that basically the way it looks today?

12 A. Yes, sir.

13 Q. When's the last time you've been out there?

14 A. I'd say August. It's been -- not -- I would say August
15 of last year. It's been a minute since I've been out there.
16 I take that back. I had to -- I got an air compressor
17 sitting up in there in the top half. Because the top half
18 Mr. Greg Anderson that was here earlier, he uses the top
19 half. The bottom half we don't use. But I mean the top half
20 of the house we still use. Had to go get air compressor, so
21 I say August, I mean, this is December.

22 Q. Okay.

23 A. I know it's been less than a -- hasn't been quite a
24 year, so I've been up there.

25 Q. All right. Will you turn to Exhibit 9 for me please?

1 And I think it's -- it starts at the bottom as an email from
2 you to Diane Elliot Snapp. Do you remember sending that
3 email?

4 A. Yes, sir.

5 Q. Okay. In the second page you were saying you -- you
6 wanted to buy this easement from the county. What were you
7 referring to?

8 A. The moonlight lane that goes from the 90-degree angle
9 down to the water.

10 Q. And why -- how did you know the write to Mrs. Snapp, if
11 you recall?

12 A. When I went and met with Mr. Corley in person or years
13 earlier. I just contacted him again, find out how we needed
14 to do that. And he said, this is -- first you need to email.
15 And so I sent it too.

16 Q. Okay. So Mister -- Mr. Corley instructed you and Ms.
17 Snapp (inaudible)?

18 A. Yes, sir.

19 Q. This strip of property all the way down the lake is
20 what you're asking to buy?

21 A. Correct. Yes, sir.

22 Q. Okay. And then what did Mrs. Snapp tell you?

23 A. That we couldn't. Let's see. It says -- you want me
24 to read the email dated May 21st or?

25 Q. No, I was just asking -- not in email. Just if you

1 recall, did you have any conversation with her?

2 A. Oh, Yes, sir. I'm sorry. I thought you were trying to
3 --

4 Q. Yeah. I wasn't specific. Did you have --

5 A. That we couldn't purchase it.

6 Q. Okay. Did --

7 A. The county could -- because it was a county road.

8 Q. And Mrs. Snapp told -- told you that?

9 A. Correct. Yes, sir.

10 Q. And Mr. Corley had also told you that it was county
11 property; is that right?

12 A. As he had told my mom a couple years prior to them
13 meeting. But I was just trying to follow up to say, "Hey,
14 we'd like to have this property if we can get it.?"

15 Q. Did -- did anyone ever make some distinction to you
16 between it being a road or some type of easement or easement
17 by description or anything else with the county?

18 A. With the county. No, sir.

19 Q. How did they refer to it?

20 A. As -- as a county road?

21 Q. Did they call it Moonlight Drive as --

22 A. As -- as a the road called Moonlight Lane.

23 Q. Sorry.

24 A. I don't ever remember. Moonlight extension. I can --
25 I -- I don't remember extension because whenever Mr. Corley

1 and I were talking in his office, it was much like what we're
2 doing right now. Running a finger down a picture that says
3 this is what we're talking about, what we're wanting to buy.

4 Q. And did -- did you personally use that strip of
5 property during the time that --

6 A. All the time.

7 Q. What'd you use it for?

8 A. Well, the barbecue pit and the propane tank is set on
9 the property line of the road. And then I can point on there
10 if you want. It's right on the property line about where
11 that line comes through. And the barbecue pit was sit on the
12 road side of the property lines. It's shown and it's -- it's
13 a road. Because if you're coming down Moonlight Lane from
14 left to right, if it was a piece of property, it'd have a
15 line going across there. And that's a plat.

16 Q. Did --

17 A. And I -- I read plans every day.

18 Q. Did you --

19 A. And I know that's what that shows, is a road.

20 Q. Did you -- did you use that road to launch boats?

21 A. Yes, sir. So we parked cars there for business
22 parties, you know, for 4th of July. For Sunday school
23 parties, you know, we would have up there. We would park --
24 we would come in between the -- you know, go all the way to
25 the end.

1 How I give descriptions to people coming, like you turn
2 right on the moonlight lane off the Holley Ferry. You go
3 till you hit the -- to -- you can't go left or -- you -- you
4 got to go left or right, you turn right. And that's our --
5 that's the road that leads into our, our property.

6 Q. So did you use it to access the rear of your property
7 with vehicles?

8 A. Yes, sir. I still use it going out that way.

9 Q. But you always used it --

10 A. Always used it. Pulling boats out and dropping boats
11 in.

12 Q. Down here where it says boat hatch --

13 A. Well I can't drop boats now because there's riprap down
14 there Now

15 Q. Did you -- did you drop John Boats and like?

16 A. Jet skis. John Boats. My parents had an old 1979
17 Glassmaster that they gave me in -- in high school to kind of
18 run a lake with. And it was very easy on a -- basically in
19 the morning, that jet ski trailer, the 75 Evan route, I would
20 drop it off right there, go right down and drop it off right
21 there where the water comes up

22 Q. From 1987 forward you've using that. Did anybody in
23 the adjoining property, I'm talking about Ms. Browning
24 property, anybody ever tell you -- you couldn't use that?

25 A. No, sir.

1 Q. Did -- did the previously owner Ms. Doss tell you to
2 quit launching boats there?

3 A. There was no instruction from anyone from the county,
4 from our neighbors, anyone you know, that was there that told
5 us we couldn't use that. In fact, the only reason we kind of
6 knew something was going on is whenever she put the trees up
7 on the road.

8 Q. Were -- were you surprised that the county had given
9 Ms. Browning a quitclaim deed?

10 A. Shocked. Because I wanted to do the same thing. I
11 wanted -- and I understand in order to close the road because
12 we deal in construction and whenever -- we deal with county
13 and the county obtain your right of ways and easements and
14 because a lot of people -- well if it's a 30 foot right of
15 away or 50 foot right of away or whatever it may be, a lot of
16 them are just dirt roads.

17 A lot of people think that their property actually
18 extends to where the dirt is. Well in reality it's where the
19 county right of way is. So we -- and our line items for
20 Baton County, Barnwell County, Richmond County, Columbia
21 County, whoever maybe working there, a lot of them in there
22 to move fences back to property lines.

23 Anyway so I haven't had any -- no one, no one's told me
24 that we could not use that property until I saw that -- were
25 the trees and I didn't want to go out there with a dozer and

1 knock over her trees. That's why I started inquiring yet
2 again. Its the third time. "Hey why did you let them do
3 that whenever I was trying to do the exact same thing."

4 Q. Who'd you talk to that?

5 A. Mr. Billy again.

6 Q. And what did -- what did he tell you?

7 A. I got really no response as you can -- and you know, I
8 got -- it was, we'll look into it.

9 Q. So did anybody prior to giving quitclaim to Mrs.
10 Browning, anybody in the county call you?

11 A. No, sir.

12 Q. Do you recall your last communication with anybody
13 regarding your request to purchase that property?

14 A. It was actually through Brad Bonnie, a real estate
15 attorney out of Aiken. I was like, this is getting above me
16 being able to take time off of work to go -- because I felt
17 like I was getting the run around. And so I got Brad Bonnie,
18 a real estate attorney out of Aiken on my behalf to find out
19 what we could do to try and help get this.

20 Q. I guess obviously you were told no.

21 A. They -- told no again. Yes, sir. Told no again.

22 MR. PEEL: I have no further questions

23 THE COURT: All right. Cross-examination.

24 CROSS-EXAMINATION BY MR. LANG:

25 Q. Mr. Bryan. Good afternoon, I guess.

- 1 A. Yes, sir. Good afternoon.
- 2 Q. My name is Louis Lang. I represent Rhonda Browning.
- 3 Ms. Browning bought her property in 2007; is that correct or
- 4 do you know?
- 5 A. I'm not printed out information. I don't know when she
- 6 bought it.
- 7 Q. All right. When was the last time you actually put a
- 8 boat in on using her property or this road, whatever you want
- 9 to call it?
- 10 A. You want within a five-year window? 2010 --
- 11 Q. Can you tell me as best you can, recollect?
- 12 A. When her trees went up in '14, I'm thinking surrounding
- 13 there. So obviously it was before then.
- 14 Q. So sometime before 2014, your testimony is you put a
- 15 boat in using her property for this road; is that correct?
- 16 A. Her property based upon -- upon what she claims it to
- 17 be. That's why we're in court.
- 18 Q. Have you seen that?
- 19 A. Yes, sir.
- 20 Q. This property right here, your testimony is sometime
- 21 before 2014 you put a boat in going down this road, down this
- 22 area, you put it in right there; is that your testimony?
- 23 A. Absolutely correct. Yes, sir.
- 24 Q. 2010. Did you do it then?
- 25 A. Jet skis, I'm sure I did.

1 Q. You put in jet skis using this road, going down this
2 property and putting a jet ski right there.

3 A. I'm guessing 2010. That's 14 years ago.

4 Q. That's -- that's what I'm asking.

5 A. Yes, sir.

6 Q. I mean this is important to you; is it not?

7 A. It's very important. Hence the reason why we're in
8 court.

9 Q. So you would remember something like that, wouldn't
10 you, if you used it?

11 A. Well I didn't realize it was going to be an issue until
12 she went and took over a county road that she wasn't supposed
13 to.

14 Q. Well this was an issue for years with your parents;
15 isn't that right?

16 A. Is what right.

17 Q. That they thought this was a county road; isn't that
18 right?

19 A. It's not that if we thought, it's that what we were
20 told.

21 Q. Okay. You were told --

22 A. And it's shown on our plat.

23 Q. You were told this was county road back when it was
24 purchased in 1987; isn't that right?

25 A. That's right.

1 Q. So it was a -- it was an issue there from 1987 on;
2 isn't that correct?

3 A. Still an issue obviously. Hence the reason why we're
4 here today sir.

5 Q. Right. And this lawsuit was filed in 2021; isn't that
6 right?

7 A. That is correct.

8 Q. And your testimony is that Mrs. Browning put these
9 trees in in 2014; isn't that correct?

10 A. That's my -- that's what I'm saying. Yes.

11 Q. And we can agree. Can we not go --

12 A. We can go look at Google Maps and see an aerial photo.
13 Go back on the history to see when the trees were planted if
14 we needed to.

15 Q. We can agree that 2014 was 10 years ago, correct?

16 A. 24 minus 10.

17 Q. Right.

18 A. Yes, sir. It was 2014.

19 Q. And this lawsuit was filed in 2021, correct?

20 A. It's taken four years to get to this day. Yes, sir.
21 I'm thankful for it.

22 Q. And it was filed seven years after you say Mrs.
23 Browning put in these trees right along here; is that right?

24 A. I'm saying that I reached out to -- I'm not -- what's
25 the question again? This lawsuit. So you're upset or you're

1 questioning, why does it take so long to file a lawsuit for
2 seven years?

3 Q. I get to answer the questions, well --

4 A. Well, I'm trying to under -- I'm trying to understand
5 what you're trying to ask so I can answer it correctly.

6 Q. Let me give you a-- a better question. Your testimony
7 is these trees right on here were put in in 2014
8 approximately, correct?

9 A. I -- that's my -- that's my guess.

10 Q. Okay. And --

11 A. If you want a hard fact then I'm not going to be able
12 tell you when it is.

13 Q. I'm sorry.

14 A. If you want a hard fact, I'm not going to tell you when
15 it is because I wasn't out there and I didn't write it down.

16 Q. Okay. But we agree that this issue of this road has
17 been an issue with your parents and you since 2000 -- 1987,
18 correct?

19 A. It hasn't been an issue since 1987 because we were
20 using it up until she put the trees up, so.

21 Q. And your testimony -- I'm sorry, your testimony is
22 these trees went up around 2014; isn't that right?

23 A. She's the one that planted them whenever she gets on
24 the stand you could probably ask her. She'll have a better
25 recollection than me since it was her property and her trees.

1 Q. It was her property and her trees, correct?

2 A. Correct.

3 Q. Now this property down here, these trees were planted
4 before then, isn't that right, or do you know?

5 A. I know -- and -- I know that I cut grass from '87 to
6 the mid two 2000s to maybe 2010-ish of cutting grass till I
7 turned over to Mr. Greg Anderson who testified earlier and we
8 cut grass all the way over to Mrs. Browning's property, which
9 is not on -- not including the road that she says is her
10 property.

11 Q. Right. So --

12 A. We cut and maintain the grass on the road.

13 Q. Did you cut grass on this area --

14 A. From '87 until the mid-2000 of 2010?

15 Q. Mid 2010 your testimony is you cut the grass in this
16 area, right here I'm pointing, right? Is that your
17 testimony?

18 A. I have stated several times to you that I'm not exactly
19 sure when the trees went in but obviously it'd be tough for
20 me to cut grass whenever they put trees up five feet apart
21 with rebars sticking out of them so that if we drove through
22 those trees with any vehicular tire it would puncture it.
23 And they were not stabilization trees because I know what
24 those are. These are maliciously put in place next to those
25 trees so that we couldn't cut.

1 Q. Your testimony is they put rebar around these trees,
2 right?

3 A. Absolutely. Yes, sir.

4 Q. You got any pictures --

5 A. And on the -- and on the ones going out to the left.

6 Q. Which one's going out to the left?

7 A. It's right there. See that yellow line right there?

8 That's where we pull our boat out and go out to the -- out to
9 Moonlight Lane.

10 Q. Right here?

11 A. Stop. Right -- keep going up. Go north, north, north.

12 See that yellow line right there? Okay. From that -- from
13 that laser going up to where that crusher run is, that's
14 where we pull our boat in and out of with a trailer.

15 Q. But you don't go all the way down there do you?

16 A. Well not now because there's riprap down there that was
17 placed at the end of the road.

18 Q. And you think that was a malicious thing that Mrs.
19 Browning did?

20 A. It was malicious intent, my personal opinion of putting
21 rebar in the trees to stop us from going over there. The rip
22 rap, I think she was just doing because she thinks she owns
23 the property that's actually a county road.

24 Q. And your understanding is the county actually -- if
25 this is indeed a county road, your understanding is the

1 county actually owns the dirt.

2 A. I'm not an attorney to be able to determine what they
3 own, sir. I just know what I've been told.

4 Q. Well isn't it true though that you want 15 feet of Mrs.
5 Browning's property from here all the way down; isn't that
6 right?

7 A. Correct. That's what it shows.

8 Q. You want to own that; isn't that right? You want your
9 mom to own that; isn't that correct?

10 A. As Ms. Browning can own the other 15 feet. And if it
11 wasn't us being there then it would be whatever resident
12 would be living there because you guys have asked multiple
13 times, do you know how to close a public road? From my
14 understanding on us doing this kind of stuff, you have to put
15 out, I believe it's a 30 day notice in the newspaper and you
16 have to alert the people that are there, that are current
17 neighbors of that road that you're wanting to close.

18 At no point in time was it put in a newspaper. At no
19 point in time did we get any type of official letter from
20 Saluda County saying they want to close this road to be able
21 to give this property to Mrs. Browning.

22 And all we've asked for is if you're going to close
23 this road, if you're going to give her 15 feet, we need the
24 other 15 feet because that's what we've been told by Mr.
25 Corley on multiple occasions.

1 Q. So you want 15 feet of Ms. Browning's property all over
2 (inaudible)?

3 A. It's not Mrs. Browning's property. That's the dispute,
4 sir.

5 Q. Please answer my question. That's the property you
6 want this Court to award you; isn't that correct?

7 A. Yes, that's -- that is correct.

8 Q. And it's your understanding that the only way that a
9 county can close a road is through that road closing statute
10 that you're somewhat familiar with, correct?

11 A. Obviously. You guys think and Mrs. Browning thinks
12 that you guys could do a quitclaim.

13 Q. Please answer my question.

14 A. Well, what was the question again?

15 Q. Madam Court or Mr. Court reporter, could you read it
16 back for me please? The question. If you can. Let me ask
17 you a question again. It's your understanding or is it your
18 understanding that the only way the county can close a road
19 is through that road closing process that you've described?

20 A. That is my understanding of a road closing process.
21 I'm sure there are other ways to close it, hence the reason
22 how she got a quitclaim pushed through the Saluda County
23 Council.

24 Q. So there might be other ways that a county can abandon
25 or stop maintaining a road; is that correct?

1 A. Without notifying the tenants or the neighbors or
2 people that own that property I have never known that to
3 happen. I've never home -- I've never known for a deal to be
4 done in the dark, as what this was, to exclude another
5 property owner that is adjacent to that property.

6 Q. And that's really what's irritating you. Because you
7 didn't know about this happening, right?

8 A. Stop putting -- I'm not irritated, I'm just up here
9 speaking the facts, sir.

10 Q. And accusing Ms. Browning of being malicious and
11 putting things in there to -- to rip out your tires; isn't
12 that right? That's what you said.

13 A. I did say malicious intent. Why else would you put
14 rebar three feet in the ground and one foot sticking out,
15 hidden in the trees whenever she knew we were coming out of
16 that driveway

17 Q. Whenever she knew you were coming out of that driveway?

18 A. Yeah.

19 Q. She did?

20 A. Yes, sir.

21 Q. Absolutely. Is that your testimony?

22 A. She -- she knew that because she was living there. And
23 she had blocked the access for us to come up the county road
24 like what we'd normally going out.

25 Q. You have a driveway access through this road right

1 here, do you not?

2 A. I can explain why we do that. I have a -- I have a
3 F-350 dually.

4 Q. Please answer my question.

5 A. It's a crew cab long bed.

6 Q. I'm asking a simple question and if you would answer it
7 then you can explain your answer.

8 A. Yes, sir.

9 Q. You have access -- you -- you can access your property
10 through this frontage road right here; isn't that right?

11 A. Yes, sir.

12 Q. Okay. Let me -- me invite your attention Mr. Bryan to
13 Plaintiff's Exhibit Number 9. I think that's in front of
14 you.

15 A. The white folder?

16 Q. Yes, sir.

17 A. Yes, sir.

18 Q. You with me?

19 A. Yes, sir.

20 Q. It's that email starting with Amanda, you with me?

21 A. I just replied to him. That one.

22 Q. Okay. Yeah. I just -- and -- and you -- Mr. Peel
23 asked you a question about this email and what it says and
24 correct me if I'm wrong while I read it. It says "I just
25 replied to him," meaning you, "Giving him your contact

1 information. If you want to go ahead and send him the
2 information he needs before he calls --" whoops.

3 A. That would save you the hassle by the phone.

4 Q. "That would save you the hassle by the phone. I've
5 been through several emails researching and explaining that
6 he could not purchase Fringe land." You know what fringe land
7 is, Mr. Bryan?

8 A. No, sir.

9 Q. Don't know what that is.

10 A. No.

11 Q. And now he wants to purchase a piece of Moonlight Lane.
12 And -- and that -- that --

13 A. It's called Moonlight Lane, not Moonlight Lane
14 extension as you guys been referencing it.

15 Q. Is there something wrong with referencing it to -- as
16 Moonlight Lane extension?

17 A. I just want everybody to know that it's Moonlight Lane.

18 Q. You know that it's Moonlight Lane, right?

19 A. Yes, sir.

20 Q. Okay. You heard the testimony of Ms. Rowe who is with
21 the county. She refers to it as Moonlight Lane extension; is
22 that wrong?

23 A. I think Mrs. Snapp is with the county as well.

24 Q. I'm talking about Ms. Rowe. She refers to this area as
25 Moonlight Lane extension.

1 A. Yes, sir.

2 Q. This area right here that we're talking about; is that
3 wrong in your view?

4 A. Oh, I thought the extension what we're talking about
5 was going from the yellow line all the way down on the water.
6 So I'm not sure which way we're talking. Hence the reason
7 I'm trying to reference Moonlight Lane.

8 Q. And you drove all the way to the property, all the way
9 to the -- to the lake. And you want 15 feet of that, that
10 Ms. Browning has been -- Mrs. Browning has been paying taxes
11 on since 2007; isn't that right?

12 A. It's not what we want. It is what is supposed to have
13 been done.

14 Q. It's what you want, isn't it?

15 A. Yes, sir. It is.

16 Q. Okay. Now you said you put in John Boats and -- and --

17 A. Jet skis.

18 Q. -- things of that nature, ski -- jet skis using this --
19 what you referred to as road and I refer to as property; is
20 that correct?

21 A. Yes, sir.

22 Q. All right. You drove a trailer all the way down there
23 and back into the lake?

24 A. Actually it was a '79 Glassmaster single Axle trailer.

25 Q. Okay. And you did that in, in this century, the 2000s?

1 A. I'm going to say in the 2000s. Yes, sir.

2 Q. 2000 -- after 2007?

3 A. I --

4 Q. Can't say.

5 A. Right. I we can't -- can't say. I can tell you
6 whenever the trees went up also I couldn't do it then.

7 Q. All right.

8 A. And the reason I couldn't do it then and -- and had to
9 go out the front of the driveway and that opening that you
10 were pointing out earlier because have a F-350 crew cab
11 dually truck and our pontoon is 26 feet long. So it's quite
12 a long truck and trailer.

13 In order for me to get through, I had a narrow pick
14 path opening of about 12 feet to be able to get from our
15 driveway going through the county road where the stone is
16 right above that yellow line and going out Moonlight Lane.
17 And the first couple times I did that there were -- there was
18 no rebar there.

19 And whenever I did that a couple of times there was
20 rebar sticking outside straight up in the -- in the grass so
21 that it would go through my tire.

22 Q. And you think Mrs. Browning put that in there?

23 A. I didn't put it in. I don't know why her neighbors
24 would go out there and do it themselves.

25 Q. And -- and this crusher run you described here, y'all

1 didn't put that in, did you?

2 A. No, sir.

3 Q. Mrs. Browning put that in; is that right?

4 A. I'm assuming without asking anybody's permission.

5 Q. You think she had to your permission to put that in?

6 A. I said anybody. It could have been the -- I mean it's
7 a county road so I guess the county let them do it, but the
8 county let us cut the grass for free so they probably didn't.

9 Q. And -- and you've been cutting the grass there since
10 after 2007; isn't that correct?

11 A. When did she buy the property?

12 Q. 2007.

13 A. Okay. Well I probably wouldn't be cutting her grass in
14 2007

15 Q. You cut Ms. Dawson's grass; is that correct?

16 A. I cut the county roads grass on Moonlight Lane that
17 went all the way down to the road. It was nobody's property.
18 Wasn't ours, wasn't hers -- hers, wasn't theirs. Actually it
19 was Saluda County's property, quote, unquote.

20 Q. And you think Saluda County actually owned the dirt; is
21 that correct? Is that your testimony.

22 A. Then who -- I -- then who else would own it?

23 Q. Please answer my question.

24 A. How -- how am I supposed to answer a question I'm
25 unsure of.

1 Q. If you don't know, you can say you don't know.

2 A. I don't know.

3 MR. LANG: Okay. No further questions.

4 THE COURT: All right. Cross part two.

5 CROSS-EXAMINATION BY MS. BOZEMAN:

6 Q. Hi Mr. Bryan. I don't believe we've ever met. Excuse
7 me.

8 A. Yes, ma'am.

9 Q. I don't believe we've ever met before. I'm Ginny
10 Bozeman and represent Saluda County in this matter.

11 A. Yes, ma'am.

12 Q. And I've got -- you've been very patient, answering a
13 lot of questions today.

14 A. That's fine. That's what we're here to do.

15 Q. Well, and I've got just a few more if I can read my
16 chicken scratch. Did you ever call the county and say, look,
17 somebody has put this rebar in your public road and I need
18 somebody to remove it?

19 A. I think we did. Let's see. We had an email. Okay.
20 In here that -- there's not an email in this one, but I do
21 know that I talked to Mister -- I -- it was -- there's a
22 two-part answer to that question. One I thought it was in
23 writing and that we had an email in this file. Second of
24 all, I talked to Mr. Corley about that.

25 Q. And did you ever ask why you were the one maintaining

1 this area that you contend was a public county road?

2 A. Because Mr. Corley said that we could use it as if it
3 was ours. If you remember Mr. Easton had testified earlier,
4 they'd put a chain up across there and they were maintaining
5 it as well. So the owners prior to us of 1987 was
6 maintaining a county road as well too. because it was part
7 of the grass that was growing. There was -- you know, there
8 were people out there using it still some too. Because
9 whenever we got there, there was no chain.

10 Q. And so --

11 A. And I didn't care that we were -- I wasn't going to let
12 it just go abandoned. And that wouldn't be a very proper
13 thing to do I wouldn't think, especially whenever people have
14 told us that, hey, you can't put -- you can use this as it's
15 yours just do not put a permanent structure on there. And
16 that's exactly what we did.

17 Q. And over the course of time that you've talked about
18 where you put jet skis and boats and other things in the
19 water and you had a church service, I believe, and there were
20 cars parked out there, all of the people using that public
21 road were people that were visiting your home as your guest
22 or as the owners; is that right?

23 A. Correct. Yes, ma'am.

24 Q. And in the course of your business, do you -- you're
25 familiar with the statutory road closure process?

1 A. I'm familiar based upon what the county has told me on
2 the process you have to go through. Have I actually been the
3 one that initiated that? No. I have not been the one to
4 initiate that. But I work with counties all the time and on
5 county roads, turning dirt roads into paved roads.

6 Q. And when you work with counties all the time, you are
7 aware that there is a process by which an interested party
8 can file a petition in court to have a road closed; is that
9 your testimony?

10 A. Is my testimony, can somebody petition to have a road
11 closed? I don't know the answer to that. I -- I'm working
12 on the end of where the county approaches the homeowner
13 saying -- because like I was mentioning to you earlier,
14 there's a line item that says we got to relocate fence be
15 cause a lot of people think that the road goes up to the dirt
16 when in reality it goes to the right of way. So we're
17 actually paid to relocate mailboxes or tree you know, shrubs
18 fencing, that kind of stuff.

19 Q. Okay. I -- you never filed a road closure petition,
20 did you?

21 A. I have not personally, no ma'am. I tried.

22 Q. Did you go to the courthouse and --

23 A. Well, I talked to Mr. Billy. Mr. Billy told me I
24 couldn't do it.

25 Q. Well I believe that your testimony was that you talked

1 to Mr. Billy about purchasing the property from the county;
2 is that correct?

3 A. Well, I think if we're splitting hairs on that, I went
4 to him and said, Hey, how can we go about getting this piece
5 of property? That's the road that's no longer been used,
6 that you guys have basically said that we own it. You can't
7 build a permanent structure on it. Okay. We're maintaining
8 it, we'd like to have it, you know, is that a possibility?
9 Now you can't.

10 Q. Well, I want you then to listen to my question.

11 A. Okay.

12 Q. And answer my question.

13 A. All right.

14 Q. Did you ever filed a -- file a petition in court not
15 with any sort of other Saluda County office. Did you ever
16 file a petition in court, like the complaint that initiated
17 this lawsuit was filed in court to close the road yourself
18 and to through that action request that half the road be
19 conveyed to you or to your mother?

20 A. No, I have not asked that. I don't -- I'm just looking
21 to see if my -- if Brad Bonnie (ph) did that. I don't think
22 that he did. I don't see -- there's an email from -- anyway,
23 I don't see it in here either. I don't see the email from
24 Brad to the county.

25 Q. You never saw the county maintain the road. We've

1 established that, right?

2 A. We've established that the county has not maintained
3 the road at any point in time. In fact, the judge allowed
4 Mr. Easton to put a chain up. So therefore, since he was
5 trying to eliminate traffic, foot and vehicular traffic going
6 down the road to the lake, it would be tough to maintain it
7 as a road since the Judge let Mr. Eastman close it off with a
8 chain.

9 Q. The public wasn't actively using it as a road.

10 A. They were not actively using it as a road. They were
11 still using it as a boat ramp though, even where I was there
12 and as a fishing area.

13 Q. But that's not something you permitted once you began
14 using that area to launch your own boats and high-end jet
15 skis; is that right?

16 A. It wasn't up to me to tell them no, because the county
17 -- it's a county road.

18 Q. Well, did you see people over there drinking?

19 A. Yes, ma'am, we did.

20 Q. And is that why eventually the barbecue pit was placed
21 to block access and I believe your -- the boat was placed --

22 A. It's a 30 -- it's a 30-foot road and our barbecue pit
23 was an eight by eight along our property line so that we
24 could have access to it. We didn't set it on the other side
25 of the road. It was next to our wellhouse and it wasn't put

1 there to -- to initially stop anybody there.

2 It was put out there because we could use it as we
3 seemed fit, as long as it wasn't a permanent structure. And
4 it was two concrete walk high that my brothers and I built.
5 Well not built, it took 20 minutes. It wasn't like it was
6 mortared in or anything. Just a regular old grate on it.
7 You put a whole hog on it.

8 Q. Can I just ask (inaudible). just couple more question.
9 And then --

10 A. Yes, ma'am.

11 Q. Are you familiar with how ANG -- you don't know as you
12 sit here today the legal process ANG or the legal test for a
13 road becoming public and for that road being acquired by
14 whatever governmental entity it is that then is tasked with
15 keeping it in its road system and maintaining it. Do you?

16 A. You mean as far as the process going. Starting at the
17 Saluda County Roads and Bridges saying, "Hey, we want to
18 close this road, and the chain and the process that it takes
19 to go through Saluda County to actually get out to notifying
20 it in the newspaper and the neighbors." I wouldn't have
21 privy to that information how Saluda County conducts their
22 business.

23 Q. Well, and on the flip side, you're also, you also don't
24 know how a road that's located within county limits actually
25 becomes a Saluda County Road, do you?

1 A. No, ma'am. Well, actually I -- I do know how and -- my
2 HOA we're currently a private road. And we have to meet
3 county standards, and -- or -- or City -- Aiken City
4 standards because we're not quite developed 80 percent out.
5 So I know a little bit about it that way, but as far as the
6 legal process, that's why I hire attorneys to do my legal
7 work.

8 Q. Okay. Thank you.

9 A. Thank you.

10 MS. BOZEMAN: That's all I have.

11 THE COURT: Redirect. Thought he was done.

12 MR. PEEL: Yes, sir.

13 REDIRECT EXAMINATION BY MR. PEEL:

14 Q. County employees told you this was a public road,
15 right?

16 A. 100 percent correct? Yes, sir. County employees.

17 Q. The county employees told you they had no interest in
18 abandoning it?

19 A. Yes, sir. That -- Mr. Billy is a county employee.

20 Q. And you at this time is your understanding the county
21 has deeded its interest in the road, whatever interest it had
22 to your neighbor, Mrs. Browning?

23 A. Yes, sir. That was the reason why we were -- we were
24 trying to get it too.

25 MR. PEEL: All right. Thank you.

1 THE COURT: Re-cross.

2 MR. LANG: Nothing further.

3 THE COURT: Any re-cross?

4 MS. BOZEMAN: I have one question.

5 RE-CROSS-EXAMINATION BY MS. BOZEMAN:

6 Q. (Inaudible). Mr. Peel said county employees, was he
7 referring to Billy Corley?

8 A. Is that a question to me?

9 THE COURT: Yes, sir.

10 THE WITNESS: Oh, I thought -- you said Mr. Peel? Oh,
11 I was waiting on Wesley to answer because I was like, I want
12 to answer that question.

13 BY MS. BOZEMAN:

14 Q. The county --

15 A. I talked to multiple county employees,

16 Q. But the county employee that we've indicated today or
17 that you've indicated, told you that the road was a county
18 public road, was Billy Corley; is that your testimony?

19 A. In -- in Mrs. Snapp's email, she references the
20 purchase of piece of Moonlight Lane. And Mrs. Snapp is the
21 real estate clerk for Saluda County. So she's a county
22 employee too.

23 Q. And when you refer to County Road, you are referring to
24 Moonlight Lane; is that right? Or Moonlight Drive, whichever
25 lane we refer to it as.

1 A. I am referring Moonlight Lane to the piece of dirt that
2 it -- we're all in here for today.

3 Q. But Moonlight Lane or Moonlight Drive is what you were
4 told is at public county road?

5 A. Yes, ma'am.

6 Q. Answer -- thank you.

7 A. Yes, ma'am. It says it right there --

8 Q. Thank you.

9 A. -- in the email that it is.

10 THE COURT: All right. You may step down.

11 THE WITNESS: Thanks, sir. Do I leave these up here?

12 I'm sorry.

13 THE COURT: You want the binder back or is that --

14 THE WITNESS: Are you asking me?

15 THE COURT: Okay. Witness is excused. You may step
16 down. We'll go ahead and break for lunch at this time. It's
17 1:03. You've got how many witnesses this afternoon?

18 MR. LANG: Your Honor, I have two witnesses. Both will
19 be somewhat long.

20 THE COURT: Okay.

21 MR. LANG: That's it.

22 THE COURT: Sherry, one hour long enough for lunch?
23 One hour long enough for lunch?

24 MR. PEEL: Yes, sir.

25 THE COURT: Okay. I know. I just want to give y'all a

1 chance. All right. So we just come back at 2:00 o'clock and
2 we'll go till we finish.

3 MR. LANG: That's right, Judge. I -- I don't -- I
4 think we're -- we -- we start at 2:00. I can't imagine me
5 taking more than an hour and a half, two hours.

6 THE COURT: For both or what?

7 MR. LANG: For both of those.

8 THE COURT: Okay.

9 MR. LANG: For my case.

10 MS. BOZEMAN: I'm not calling any additional witnesses.

11 MR. PEEL: And I -- I won't have much cross for either
12 one of them.

13 THE COURT: All right. All right. We'll see you back
14 in now. Thank you.

15 MS. BOZEMAN: Thank you.

16 (RECESS TAKEN)

17 THE COURT: Okay. Defense ready to go?

18 MR. LANG: We are, your Honor.

19 THE COURT: All right. Y'all may call your first
20 witness?

21 MR. LANG: At this time, your Honor, we call Gene
22 Dinkins.

23 THE CLERK: Do you swear affirm the testimony you're
24 about to give the Court will be the truth, the whole truth,
25 and nothing but the truth, so help you God?

1 GENE DINKINS,
2 first being duly sworn, were examined and testified as
3 follows:

4 THE WITNESS: I do.

5 THE CLERK: Thank you. You'll take a seat and state
6 your name and spell it.

7 THE WITNESS: Gene. Dinkins. G-E-N-E, D-I-N-K-I-N-S.

8 DIRECT EXAMINATION BY MR. LANG:

9 Q. Mr. Dinkins, good afternoon.

10 A. Good afternoon.

11 Q. Where are you employed?

12 A. Cox and Dinkins, Engineers & Surveyors, Columbia, South
13 Carolina.

14 Q. And -- and what is your position with Cox and Dinkins?

15 A. I am president of the firm.

16 Q. And -- and are you the Dinkins -- are you the Dinkins
17 of Cox and Dinkins?

18 A. One of them, yes sir.

19 Q. And are you a licensed land surveyor?

20 A. Yes, I am.

21 Q. And how long have you been a licensed land surveyor?

22 A. I was licensed first as a professional land surveyor in
23 I believe 1976.

24 MR. LANG: Your Honor, I -- I'm happy to qualify Mr.
25 Dinkins as a -- as an expert land surveyor. but I suspect

1 that's unnecessary.

2 MR. PEEL: Judge, no objection.

3 THE COURT: The Court will -- he's a professional land
4 surveyor and we'll hear testimony about it.

5 MR. LANG: All right. Thank you, your Honor.

6 BY MR. LANG:

7 Q. Mr. Dinkins, let me first talk about some of the things
8 that you did in regards to the property that's in question
9 here today, nearly 40 years ago. And -- and if you could,
10 Mr. Dinkins, you have a couple notebooks in front of you.
11 One is marked Joint Exhibits and the other is marked Browning
12 Exhibits.

13 And -- and in those two notebooks are certain documents
14 I'm going to refer you to during the course of your
15 examination. And the first thing I'd like to do is invite
16 your attention to Joint Exhibit Number 11. So if you'll turn
17 to that page for me please, sir.

18 A. I have it.

19 Q. Do you recognize that document?

20 A. Yes, I do.

21 Q. And could you tell the Court what it is?

22 A. This is a property survey of a 0.72-acre parcel of land
23 on Greenwood Street prepared for George W. Doss and Camille
24 Doss, October 21st, 1987. and signed my me.

25 Q. Okay. And by signing that, did you actually do the

1 field work or did you draw out -- or what was your
2 involvement in this.

3 A. I -- I did not actually do the field work. I
4 supervised the field surveyors who did the work and also the
5 preparation of the plat, reviewed the plat comparing it to
6 record documents, field work, and concluded that it was a
7 correct and accurate survey and therefore I fixed my
8 signature upon it.

9 Q. All right. And -- and let me just back up a little
10 bit. In your opinion, based upon your review, and I think I
11 understand it's more recent review of your file on this
12 matter then back in 1987. Does Joint -- Joint Exhibit Number
13 11 accurately depict the property that's shown there as a
14 0.72-acre tract?

15 A. It accurately depicts the 0.72-acre tract in 1987.

16 Q. 1987. I'm sorry.

17 A. I cannot tell you -- it says vacant lot. I can't tell
18 you what has changed on the lot since that time.

19 Q. And in looking at that -- your survey, is there a road
20 or a public road or any kind of road within the confine of
21 what you surveyed back in 1987 as a 0.72-acre tract?

22 A. No sir. There is no road that traverses the 0.72-acre
23 tract. There is the --

24 Q. Tell me what a surveyor is supposed to do if he sees or
25 she sees evidence of a road or a structure or something like

1 that on the property that -- that they are surveying?

2 A. When we -- when a surveyor surveys a parcel of
3 property, if they see any type of indications of a road,
4 whether it is a dirt road or you know, paved road, driveway
5 from a neighbor, anything that would cross the subject
6 property being surveyed, that is to be shown on the plat.
7 That is part of -- at the bottom it says, "I hereby certify
8 the measurements as shown the above are correct. And there
9 are no encroachments or projections other than shown."

10 Q. Thank you. And -- and let me invite your attention,
11 Mr. Dinkins to the -- I guess the lower right hand corner of
12 your survey. It shows a street called Greenwood Street with
13 it?

14 A. Yes.

15 Q. All right. That's not part of the 0.72-acres that you
16 surveyed back in '87.

17 A. It is not.

18 Q. And again, after it says George Doss and Camilla Doss,
19 you make reference to two matters. An Arthur Reed survey
20 dated 1974 and then another survey dated 1950. Why do
21 surveyors put those kinds of references on their plats?

22 A. Surveyors put references for the purpose of being able
23 to -- a -- a subsequent -- an owner or somebody reviewing it
24 can actually see what the surveyor used as the basis for
25 preparing the survey.

1 Q. Okay. And in your file that you've examined recently
2 was there a copy of the Arthur Reed survey?

3 A. Yes, there was,

4 Q. Let me show you a large version of that document. This
5 is Joint Exhibit Number 10 that I'll just put up here. And
6 is this an enlarged copy of the Arthur Reed survey?

7 A. Yes it is.

8 Q. And -- and in regard to the Arthur Reed survey, where
9 -- is that X -- does that X mark the 0.72-acre tract?

10 A. Yes it does.

11 Q. All right. And to the right of or below that X or that
12 0.72-acre tract, it says formally SCE&G -- well it says
13 formally SC Electric and Gas company. Is that something that
14 a surveyor would note with the property adjacent to the
15 property of their survey as formally belonging to some other
16 entity or person?

17 A. One of the requirements of preparing a survey in the
18 state of South Carolina is that you shall show adjacent
19 owners or at least owners of record around the property.

20 Q. All right. And I take it, or do I understand it, that
21 from this property that is the 0.72 tract is lakefront or
22 Lake Murray front property or do you know that?

23 A. Can you restate the question please?

24 Q. I'm sorry. Do the water -- well let ask you this, is
25 this property added -- or close to Lake Murray?

1 A. Yes, it is. The southern boundary again if you look
2 back at Joint Exhibit Number 11, it would be at the -- as
3 you're looking at it with the road -- at the Greenwood Road
4 at the bottom, it would be at the top, it shows Lake Murray.
5 Again in parenthesis, SCE&G company, indicating that the
6 owner of record that the surveyor was able to determine was
7 SCE&G company.

8 Q. Let me ask -- and I take it the survey that you did,
9 the 0.72-acre, 1972 -- 0.72-acre tract in 1987, that was done
10 for the owners of the property, the Doss' at the time?

11 A. I believe it was done, I'm -- I'm not positive, but
12 typically a survey like this is done at a request of a -- of
13 either an owner or a prospective owner that wants to have a
14 survey done to determine where the boundaries are of the
15 property.

16 Q. And when, in 1987 you did the survey that we've been
17 talking about, you created a file for Cox and Dinkins; is
18 that --

19 A. Correct.

20 Q. Okay. And that file still exists today?

21 A. Yes, it does.

22 Q. All right. And have you recently examined that file?

23 A. Yes, I have.

24 Q. All right. Let me invite your attention next to
25 Defendant's Exhibit Number 16, which is in the other

1 notebook. You with me? All right. I'm sorry. It's
2 Defendant yeah. Defendant's Exhibit Number 16, I don't think
3 that's the right one. (Inaudible) Now take a moment if you
4 would, and review that docket. Mr. Dinkins, then I'm going
5 to ask you some questions about it. It'll be one question.

6 A. Okay.

7 Q. All right. Is -- is that, is that a copy of document
8 we found in the Cox and Dinkins file?

9 A. It -- it is. This is a -- a photocopy of some notes
10 that I made apparently when I talked to Mrs. Doss on August
11 26th, 1988.

12 Q. And -- and can you -- do you recall that conversation?

13 A. I do not.

14 Q. Okay. Can you just summarize briefly for the -- for
15 the Court what that note says? You spoke to Mr. Easton and
16 Ms. Doss about back in 1988, when she called you. August
17 26th, 1988.

18 A. She called and according to these notes, says there was
19 a dispute on the right side. For instance, now formally
20 Easton and makes reference, at least here a notation, Jan and
21 Carl Bryan surveyed by Vanadzor (ph) and a deed book and an
22 attorney by the name of Ronnie Bruce.

23 So I think those were notes that were -- that I took in
24 the conversation where she had said that there is a dispute
25 on that right hand boundary with John and Carl Bryan and a

1 survey by Vanadzor.

2 Q. And -- and you recall Mr. Vanadzor being a surveyor?

3 Uh,

4 A. And yes, I do know him.

5 Q. All right. And do you -- are you at all familiar with
6 the survey that they're referring to?

7 A. Yes, I have seen that survey.

8 Q. And is -- am I holding up a copy of the survey that you
9 looked at?

10 A. Yes.

11 Q. And -- and the dispute, are we talking about the right
12 hand side (inaudible) here? This area right in here that
13 we've been talking about all day, it says public road?

14 A. Based upon my notes, it says dispute on the right side,
15 for instance now formally Easton. So I think that is the --
16 as you're looking at the Doss survey on the right side, if
17 you were looking at that survey, I believe it would be on the
18 left side.

19 Q. The -- this area right in here

20 A. Correct.

21 Q. That I'm showing with my -- clearly (inaudible). Okay.
22 All right. Do you remember doing anything in response to
23 this telephone conversation with Miss - Ms. Doss?

24 A. I -- I do not.

25 Q. Let me invite your attention. Next Mr. Dinkins to Mrs.

1 Browning Exhibit Number 17. Oh, before you do that, ate you
2 with me? You with me?

3 A. I'm sorry?

4 Q. You with me Mr. Dinkins?

5 A. 17? Yes.

6 Q. Yeah. Before I talk about that Ronnie Bruce, you
7 remember him?

8 A. Yes.

9 Q. All right. He was an attorney in Columbia.

10 A. He was.

11 Q. All right. Now have you taken a look at defendant's --
12 or I'm sorry, Browning Exhibit Number 17, is that a -- also a
13 document that you retrieved from your file at Cox and Dinkins
14 in regard to the 1987 survey that you did?

15 A. It is,

16 Q. Do you remember getting this letter?

17 A. I do not remember getting the letter.

18 Q. Do you recall doing anything in response to the letter?

19 A. I do not recall doing anything in response to this.

20 Q. but the letter says, and correct me if I'm wrong, I'll
21 just read it very briefly, it won't take up a whole lot of
22 time. "The question that has arisen is in regard to the
23 strip of land, which I have highlighted in yellow. The
24 neighbors told us they were under the impression that the
25 strip was a public roadway all the way to the lake." Now not

1 remembering anything that you did in response to that, does
2 your short survey show a strip of land on the Doss property
3 running all the way to the lake?

4 A. It does not.

5 Q. And if there had been either in the public record or
6 evidence on the ground of a road running all the way to the
7 lake, would you have shown it on the DO survey?

8 A. We absolutely would've shown that on the Doss survey.

9 Q. Now, Mr. Dinkins, let me invite your attention. Let me
10 fast forward 40 years, or not quite 40 years, but at 35 to
11 2022.

12 Did there come a time around that timeframe that I
13 approached you and asked you to form -- to look into a matter
14 and form an opinion as to whether or not a portion of the
15 0.72-acre track that you surveyed back in 1987 was fringe
16 property?

17 A. Yes, you did.

18 Q. And tell the Court what you, what I meant, and
19 hopefully what you -- what you mean by fringe property?

20 A. Fringe property is -- is the property that when Lake
21 Murray was in the process of being developed, the power
22 company went, and it's my understanding they purchased large
23 tracks of land. And subsequent to purchasing the large
24 tracks of land, they would -- and they purchased more
25 property than Lake Murray would take up.

1 They -- subsequent to that, they then ran what was
2 generally the -- they called a 360-foot contour elevation,
3 basically all the way around the lake. And it was a constant
4 elevation because when a lake is filled, it -- the water goes
5 to a constant level all the way around.

6 So they ran that elevation around the lake and actually
7 had surveys done at the 360. The property that was remaining
8 between what they determined to be the 360 and the parcels
9 that they had acquired from many different property owners
10 were called fringe land.

11 So the power company, since they had bought more than
12 they needed, not knowing where the 360-foot contour was on
13 all these parcels, they ended up with fringe land. And
14 that's -- that's what it's -- it's called.

15 Q. And in response to my request for you to look at the
16 0.72-acre track and determine if any portion of it was fringe
17 land, did you look at a tax map?

18 A. I -- I looked at a tax map. I also looked at and had
19 in our file what were called South Carolina Electric and Gas
20 Company option maps. And these option maps were maps --
21 plats, actually of the fringe land.

22 Q. And did you come to any conclusion as to whether or not
23 a portion of the 0.72-acre tract was fringe property?

24 A. Yes, I did. In looking at all of the documents that I
25 had, there was a 2.14-acre parcel of fringe land that was

1 platted by SCE&G and that fringe land if you go and map that
2 out on the Doss property, it -- it covers the majority of the
3 0.72-acre parcel.

4 Q. Let me, before we get started on that, let me direct
5 your attention to a -- a portion of the 1950 development plan
6 -- development plan, developed for that plat -- plat. That
7 you referred to -- as referenced in your (inaudible) in 1987
8 survey. And this is Joint Exhibit Number 8. Do you -- could
9 you recognize Joint Exhibit Number 8?

10 A. Yes, I do.

11 Q. Okay. And let me invite your attention to lot number
12 1, which is where I'm pointing to my laser pointer.

13 A. Yes.

14 Q. And is the 0.72-acre tract a portion of lot 1?

15 A. A -- a portion of the 0.72-acre lot is a portion of lot
16 number 1?

17 Q. You're correct. I was wrong. That was a bad question.
18 So a portion of the 0.72-acre track is a portion of lot 1.
19 The balance of lot -- of point -- of the 0.72-acre track is
20 not within that lot 1; is that correct?

21 A. Well, the 0.72-acre parcel is a portion of lot 1 and a
22 portion of the later to be determined -- well it -- the --
23 the balance came from the fringe land of the 2.14-acre fringe
24 land.

25 Q. And -- and remind me again where -- who owned the

1 fringe property?

2 A. SCE&G.

3 Q. So the developer did not own the fringe property?

4 A. Correct.

5 Q. All right.

6 A. That's right.

7 Q. Then that -- Oh, the other thing is if you reference --

8 I -- I uncovered now what's been marked as Browning Exhibit

9 Number 14.

10 A. Okay. I have it.

11 Q. Okay. And -- and what is Browning Exhibit Number 14?

12 A. Browning Exhibit 14 is a tax map with the original 1950

13 subdivision line marked and the fringe line -- the fringe

14 property added to that platform?

15 Q. And let -- let's start with the point here that I'm

16 point to with my laser pointer. I think it says concrete

17 monument.

18 A. Correct.

19 Q. Okay. And -- and of course that's something, is that

20 something that the survey -- a surveyor would always go to if

21 they could find it as -- as a dual reference point to do

22 anything?

23 A. If -- if you were surveying that parcel, yes. That

24 concrete monument is -- shows up on the fringe land SCE&G

25 plat.

1 Q. And does it also show up on the development plat or at
2 least the point --

3 A. That's correct, of the original 1950 subdivision plat.

4 Q. Now in regards to determining whether or not a portion
5 of the 0.72-acre plat or track rather was fringe property,
6 did you also look at this plat which is Joint Exhibit Number
7 9?

8 A. Yes, sir.

9 Q. Okay. And Joint Exhibit -- what is Joint Exhibit
10 Number 9?

11 A. Joint Exhibit Number 9 is one of the option maps
12 prepared by SCE&G, which is a survey of the 2.1-acre parcel.

13 Q. And under Exhibit Number 9, there's this table here
14 that says parcel A, 2.14-acres. What does this table
15 represent?

16 A. Those are the bearings and distances traversing around
17 the 2.1 -- 2.14-acre parcel.

18 Q. And -- and it goes from on the left hand of the first
19 column is from and to, so from the C2, if I look at the plat
20 itself, I find M and then find C2; is that how it works?

21 A. That's correct. Typically, a surveyor will list
22 bearings and distances going around the plat in a clockwise
23 manner.

24 Q. So have you had the opportunity to compare the bearings
25 and distances as listed on a partial A 2.14-acre track on the

1 SCE&G map?

2 A. Yes, I have.

3 Q. With the barrings and instances noted on the tax map.

4 A. Yes, I have.

5 Q. Are they identical or nearly identical?

6 A. They are within survey tolerances the same.

7 Q. And I'm not going to go through all those. I know we
8 did that before just to make sure that that was the case.

9 Are there -- are there slight deviations, like a 0.11 to 100
10 of a -- of a foot or something like that?

11 A. A -- a surveyor will almost always find slight
12 deviations. You know, everything from equipment to, if a
13 property pen has been knocked slightly, it'll be a 10th or
14 two different. But these are all actually extremely close.

15 Q. Okay. And in regard to that then, have you prepared
16 those courses and distances? Were those noted on the Reed
17 1974 plat or the 0.72-acre plat?

18 A. Yes, I have. And -- and they are very close again.
19 And before we get off of this Joint -- this Exhibit Number 9,
20 point M is actually the concrete monument location.

21 Q. I'm sorry, say that again.

22 A. Point M on this 2.14 SCE&G option map is actually the
23 concrete monument.

24 Q. I -- I appreciate you pointing that. So point M is
25 something we can always find to start with. And that -- and

1 that's --

2 A. Well mathematically yes. It may be disturbed, but yes.
3 Surveyors have enough technology they can go and reestablish
4 a point like that.

5 Q. So I -- I take it then, not to repeat that the -- the
6 courses and the distances on the -- on the -- this is 1962, I
7 think 1962 SCE&G survey of fringe land, correspond with the
8 0.72-acre track made on the Reed plat; is that right?

9 A. And the 0.72-acre track and the other parcels also on
10 that four lot subdivision.

11 Q. And -- and do those points of courses and distances
12 also match what you have put on your 0.72-acre 1987 plat?

13 A. Yes they do.

14 Q. Okay. So what is your opinion as to whether or not a
15 portion of the 0.72-acre tract is fringe land owned by SCE&G
16 from 1950 to 1962?

17 A. Yes.

18 Q. Okay. And can I point out to you, this is -- well I'm
19 showing you now the -- the tax map and there's an X on a
20 portion of that tax map. Who put that X on there?

21 A. I -- I believe I did.

22 Q. Okay. And does that X show the 0.72-acre tract?

23 A. Yes, it does.

24 Q. And -- and what portion of that 0.72-acre tract was --
25 is or was actually fringe land owned by SCE&G up until 1962?

1 A. I have not calculated the exact acreage, but it appears
2 to me to be somewhere between two thirds to three-fourths of
3 the property is fringe land.

4 Q. Generally around where I'm pointing my laser pointer?

5 A. Yes sir.

6 Q. Okay. Up to this line right here, which is the -- I
7 think it's --

8 A. Up to the 337.5-foot line.

9 Q. The 337.5-foot line goes into concrete monitoring.
10 This portion and this portion are fringe?

11 A. Yes.

12 Q. Any question in mind about that?

13 A. No, sir.

14 MR. LANG: Okay. I beg the Court's indulgence for a
15 moment. Mr. Dinkins. Thank you very much for being here.
16 Please answer any questions Mr. Peel might have for you,
17 (inaudible).

18 THE COURT: Well I guess you'll go first or?

19 MR. LANG: Whoever wants to go first can go first.

20 THE COURT: Well they're -- the defendant, so maybe she
21 should go.

22 MR. PEEL: Yeah. (Inaudible).

23 THE COURT: Okay. Cross-examination Ms. Bozeman.

24 CROSS-EXAMINATION Gene Dinkins BY MS. BOZEMAN:

25 Q. Hi Mr. Dinkins. My name is Ms. Ginny Bozeman. I am

1 the Saluda County attorney and here I am this afternoon on
2 their behalf. And I really have just a couple very short
3 questions mainly because I have horrible vision and I
4 couldn't see exactly what was being pointed to while you were
5 testifying. If you'll open the joint exhibit book and look
6 at Joint Exhibit 11,

7 A. I have it.

8 Q. Okay. And again, this is a survey that you prepared
9 for the Doss'?

10 A. Yes it is.

11 Q. Okay. And if you look towards the bottom of the
12 survey, and I apologize, it's likely duplicative. I am --
13 can you tell based on this survey where the area that you
14 just testified this fringe land stops?

15 A. I can tell you approximately. If you look at the
16 survey and you look at the words Greenwood Street. And
17 Greenwood Street is an up and down on the drawing. That
18 30.93-foot line, if you projected -- well that 30.93-foot
19 line is on the fringe land line between -- it's the border of
20 the fringe land owned by SCE&G.

21 So if you projected that line, that would be to the
22 east in a straight line, whatever is on the Lake Murray side
23 of that line would be fringe land and whatever is on the
24 northern side of that line would've been part of the original
25 lot 1.

1 Q. Okay.

2 A. Does that make sense or I'll be glad to show it to you.

3 MS. BOZEMAN: It -- well show it to me one more time
4 (inaudible). May I approach the witness, your Honor.

5 THE COURT: Sure.

6 BY MS. BOZEMAN:

7 Q. Will you draw it on this exhibit please so that I can
8 --

9 A. May I draw on here?

10 Q. -- visualize it? Yes, you may.

11 A. Okay. Okay. So I have projected the 30.93-foot line
12 in an easterly direction by scale and everything on the
13 southern side of that line would be the fringe land, on the
14 northern side would be part of the original lot ones.

15 MS. BOZEMAN: Okay. Thank you. And the --
16 (inaudible).

17 MR. LANG: No objection.

18 THE COURT: I'd like to see it.

19 MS. BOZEMAN: I -- and I -- would you like to see this?
20 I'm going to pass it out. And your Honor, if I -- could we
21 swap out the exhibits or added to them so that we've got
22 documentation in the record of his drawing?

23 THE COURT: Okay. Do you have any more questions?

24 MS. BOZEMAN: I do not. That's all, your Honor.

25 THE COURT: All right. May I take a moment here just

1 to -- for the witness. And just so I'm clear the fringe land
2 would be on this photograph, the upper proportion of the
3 photographs?

4 THE WITNESS: Correct.

5 THE COURT: Okay. The whole lot would have been
6 fringe?

7 THE WITNESS: Everything from this line of from this
8 map is fringe land up to the waterfront. And that is a
9 portion of the 2.14-acre fringe land parcel owned by SCE&G.

10 THE COURT: Okay. Okay.

11 THE WITNESS: I -- I can show you on the SCE&G map
12 exactly where it fits in.

13 THE COURT: Well, I don't think -- I'll let them decide
14 that, but -- all right. So we need to put this in the binder
15 essentially.

16 MS. BOZEMAN: Yes, your Honor. I believe so. I think
17 that --

18 THE COURT: Or we can make a copy of it and just call
19 it a new exhibit.

20 MS. BOZEMAN: I'm happy with that.

21 MR. PEEL: That's what I'd like to do.

22 THE COURT: All right. Madam Clerk, if we could just
23 -- before we leave today, I need to make a copy of that. And
24 that'll be -- is that okay to make it a joint exhibit?

25 MR. PEEL: Yeah, that's fine.

1 THE COURT: So that'd be Joint Exhibit 22?

2 MR. PEEL: Yeah.

3 MS. BOZEMAN: Okay.

4 MR. PEEL: Since we know where we are.

5 MR. LANG: I think we've already got Joint Exhibit 22?

6 MR. PEEL: Just be 23.

7 MR. LANG: 23 of the courtroom. Can you do color?

8 Well, you don't have to get color then. I mean we could just
9 do five copies. one, two, three, four, five.

10 MS. BOZEMAN: Thank you.

11 (Joint Exhibit 23 marked for identification)

12 THE COURT: All right. Mr. Peel.

13 MR. PEEL: Thank you.

14 CROSS-EXAMINATION Gene Dinkins BY MR. PEEL:

15 Q. Good afternoon Mr. Dinkins.

16 A. Good afternoon.

17 Q. I -- I think I understand the testimony. It -- the --
18 the back end of these lots all picked up fringe land from
19 SCE&G.

20 A. Correct.

21 Q. Because SCE&G wasn't sure where -- where the top bill
22 was going be when they made the lake.

23 A. SCE&G was not sure where 360-foot contour would go. So
24 they purchased more land, went in and ran their 360, said,
25 okay, this is going to be lake below that. We've got some

1 excess between that line and what we purchased, fringe land.

2 At some time. Some point SCE&G said, we'll offer adjacent
3 property owners the right to come and purchase it so they
4 would go down to the lake.

5 Q. And -- and there's still fringe land sales going on
6 today, occasionally, aren't there? I

7 A. I -- I do not know. I think they have slowed that down
8 a good bit, but I don't know.

9 Q. So most all the properties up there in Lake Murray
10 shores at one time or another were deeded fringe land. Would
11 you agree?

12 A. I would think that most of them were.

13 Q. If they're down to the water now then --

14 A. Yes.

15 Q. -- more likely than not. Thank you. And are -- are
16 you -- are you aware of the folks in Mrs. Bryan's chain
17 buying fringe property?

18 A. I am not.

19 Q. You -- you did not examine Mrs. Bryan's chain of title.

20 A. Mrs. Brian is --

21 Q. Next door.

22 A. The east -- the owner Easton? No, sir. I have not
23 seen deeds on that.

24 Q. This was -- this was --

25 A. I have seen that plat, I have not examined the -- the

1 deeds on it.

2 Q. Okay. So you've not examined the deeds in that change
3 of title?

4 A. No, I have not examined the deeds.

5 Q. And you didn't examine the SCE&G deeds in that chain of
6 title?

7 A. I have examined -- not the deeds; I have examined the
8 SCE&G option maps --

9 Q. Okay.

10 A. -- for that property.

11 Q. But -- but not the actual deeds transferring title?

12 A. No, sir.

13 Q. So you -- you are not aware that the deed transfers
14 titled Y80 in her chain referenced the public road on Mr.
15 Easton's side?

16 A. I -- I was given a copy of -- of a deed that made
17 reference to bounded by a road, but I have not studied in
18 detail the adjacent deeds.

19 Q. Okay. Can you turn to exhibit -- this is Ms.
20 Browning's exhibits. Exhibit 11, which is the 0.72-acre lot.
21 I believe that is your survey?

22 A. Browning 11?

23 Q. Yes, sir.

24 A. No, it must be Joint 11. Joint 11 is my survey.

25 Q. Yes, it is Joint, I'm sorry, I read titled in my

1 notebook. Okay. Joint 11. That's your -- that's your
2 survey?

3 A. Yes, it is.

4 Q. It's your survey. And when I say -- there are two --
5 two questions. Greenwood Street, what -- what -- when you --
6 when you labeled that Greenwood Street, what does that mean?

7 A. That is the -- taken from the reference plat prepared
8 by Arthur Reed as Greenwood Street.

9 Q. Okay. That -- that's lifted directly from a previous
10 plat?

11 A. That's correct.

12 Q. And it says 30 foot right of away, that's lifted too?

13 A. Well that -- that is lifted, but it's also verified by
14 the dimension at the terminus point of Greenwood Street as
15 30.93 feet and being at an angle it would be greater than the
16 perpendicular distance, which would be more close to 30 feet.

17 Q. And -- and that's from the property description in Ms.
18 Browning's chain of title?

19 A. That is from the plat of the 0.72-acre parcel.

20 Q. And tell me now next to that it says 20-foot road.
21 What does that indicate?

22 A. That is again, from I believe the Reed subdivision. I
23 would've to take a look at that, but I think that's where
24 that came from.

25 Q. And -- and so is it -- is -- is it your testimony is

1 only to matters of survey, is that correct?

2 A. That's correct.

3 Q. And you're -- you're verifying what you see in the
4 survey in Mrs. Browning chain of title -- I'm sorry, let me
5 -- the -- the property records and, and the previous surveys
6 in that chain of title.

7 A. We are taking those streets as adjacent boundaries in
8 that particular case from the 1974 weed survey. So that -- I
9 believe that Reed survey shows that boundary as a 20-foot
10 road in that location.

11 Q. And this is Ralph Vanderbilt and Associates. Are you
12 familiar with them?

13 A. Yes, I am.

14 Q. Okay. This was their survey. You did show them public
15 road all the way down to the concrete.

16 A. But what --

17 Q. Did you --

18 A. Can you give me the number on that or?

19 Q. That is Joint Exhibit 21.

20 A. I -- I see Joint Exhibit 21, but I would have to say
21 that I believe Joint Exhibit 21 has been slightly modified.
22 If you look what is shown is the public road 30 foot right of
23 way, a copy that I had in my file does not show that solid
24 line all the way down to the lake. It shows instead three
25 dashed lines.

1 Q. This was filed with the clerk of courts?

2 A. No -- no sir. The -- the copy that was filed I believe
3 does not have a solid line all the way down there. I may
4 have a copy of it. In fact, if you look closely, you can
5 see, and I'm talking about the Easton side of that extension,
6 going all the way down to the lake. It's a little bit
7 squiggly there.

8 THE WITNESS: Mr. Lang, do you have a copy that you got
9 from my file that might have that?

10 BY MR. PEEL:

11 Q. Let -- let me move on. Exhibit 10, please.

12 A. Sure.

13 Q. Right there. That's the extensions plat Exhibit 10
14 right before the one you were looking at?

15 A. Yes.

16 Q. So that showed, I guess -- let's see the orientation,
17 but the 20-foot road, we're just talking about going up by
18 the 0.72-acre lot and the -- the lot above.

19 A. Yes, it does.

20 Q. Okay. And does that provide access to all three of
21 those lots that all came out of the original lot 1?

22 A. Yes, it would. Yes.

23 Q. Okay. And do you -- do you have -- do you know if that
24 road is a county road or private road or did it come up in --
25 in your -- in your research?

1 A. I have no idea.

2 Q. If you would flip to Exhibit 19 in those joint
3 exhibits.

4 A. Yes.

5 Q. And that shows -- would you agree -- what are -- what
6 are -- whose are lots A and B there belong to?

7 A. I don't know who anything belongs to.

8 Q. Okay. Is there -- is there a gap between lot A and the
9 -- the border of Ms. Derek's property in that plat?

10 A. There is.

11 Q. If you go back to -- I think we had this in here twice
12 (inaudible).

13 A. I -- I can add -- you were mentioning the gap. I can
14 add a little bit of information to that. You asked me who
15 those lots belong to. Lot A, if -- if you can show me the
16 Vanadzor survey, I can show you which lot that is. Okay.
17 These two lots on Exhibit 19 are not those two lots.

18 Q. They're not?

19 A. No, sir. One of these lots, lot A is the lot on the
20 left side. Okay. No -- no, it's -- it's -- that -- that is
21 actually composed of two different lots if you look at them.

22 Q. Okay.

23 A. It's very confusing. But lots -- it's best if you can
24 look at the tax map and I can show you how these fit together

25 Q. Point to it for me.

1 A. Okay. Exhibit 19 lot A is this lot.

2 Q. Okay.

3 A. All right. On your Exhibit 21, that lot A it's also
4 caused -- called a lot A is this lot. And then this line is
5 coincident with the line on the option map of the 2.14-acres.

6 Q. (Inaudible). That's Exhibit 20 you're looking at isn't
7 it?

8 A. 20. Okay. I'm sorry.

9 Q. So I know the tab --

10 A. So -- so if you look at the tax map, these lots 19 and
11 20 are actually for three lots on the tax map. And it's so
12 confusing because SCE&G had two lot A's. If you can direct
13 me to the -- the tax map lot

14 THE COURT: Browning Exhibit 14.

15 THE WITNESS: You said Browning 13?

16 THE COURT: Yes. 13 or 14?

17 THE WITNESS: 14.

18 THE COURT: I'm sorry.

19 THE WITNESS: 14. Okay. Yes. Browning Exhibit 14
20 displays this correctly. So if you look at Browning 14, you
21 see the lot, the 0.72-acre lot with the red X. Okay. The
22 lot immediately adjacent to that. If you're going to the
23 left where it says A is the lot shown on Joint 20.

24 The -- going to the left again, the next one that says
25 A is the A on Joint 19. And so those two a's along with lots

1 79 and 80 in the front and a and a comprise the Vanadzor
2 survey.

3 BY MR. PEEL:

4 Q. Okay. Thank you.

5 A. It's extremely confusing but --

6 Q. Got you now.

7 A. -- it is correct. And then -- and then lot B on Joint
8 19 is the third lot over from the lot marked with the red X.
9 I have traced those bearings and distances around and know
10 that to be absolutely correct.

11 Q. Okay. Now would you go to Browning 17? That's what
12 I'm trying to get you to. Miss -- Ms. Doss letter to you.

13 A. Yes, sir.

14 Q. (Inaudible). She said in her letter to you that she's
15 -- she's talking about her neighbors. I believe the Bryans.
16 Their survey is not clear to me exactly where the public
17 roadway ends or if it does indeed extend further than ours
18 shows.

19 Of course I'm most anxious to have the matter resolved
20 is that we can begin construction of a garage, storage bath
21 facility as soon as possible. Did you -- do you know why
22 that was -- the question of matter of survey was preventing
23 her from building something?

24 A. I do not know.

25 Q. Did she -- did she ever -- do you know if she ever

1 built it?

2 A. I do not know.

3 Q. She didn't discuss with you what her plans were?

4 A. I don't -- I don't -- not to my knowledge. I don't
5 recall any conversations with her --

6 Q. And I'm --

7 A. -- at that time.

8 Q. I'm sorry, I've been through down these (inaudible).
9 These dates I probably have gotten. But did you -- did you
10 follow up on this letter?

11 A. I don't believe any subsequent work was done.

12 Q. Okay. I thought that's what you said. I wanted make
13 sure.

14 A. To my knowledge it was not.

15 Q. Again, your -- your opinion is limited to matters of
16 survey in Mrs. Browning's (inaudible).

17 A. That's correct.

18 MR. PEEL: Thank you.

19 THE COURT: Redirect.

20 MR. LANG: Just briefly, your Honor.

21 REDIRECT EXAMINATION Gene Dinkins BY MR. PEEL:

22 Q. Mr. Dinkins, did you bring your file with you?

23 A. No, I didn't. I brought some copies of some -- some
24 portions of it, but I did not bring.

25 THE COURT: Let me -- let me take a look at what you

1 got here. (Inaudible).

2 MR. LANG: I don't have any (inaudible).

3 THE COURT: Sorry.

4 MR. LANG: I don't have any (inaudible).

5 THE COURT: Thinking I'm not used to having motion --

6 MR. LANG: I'm sorry.

7 THE COURT: You crossed.

8 MR. LANG: Redirect, re-cross.

9 THE COURT: Oh, no -- no. I'm just saying you did a
10 redirect. Or it wasn't your -- it wasn't there. So I think
11 we're done -- we're done. Okay. Look, that was -- it's not
12 every day we have two witnesses on -- or two attorneys. All
13 right. You may step down sir.

14 THE WITNESS: Thank you.

15 MR. LANG: I'd ask that the witness be excused.

16 THE COURT: Without objection. Mr. Peel. Can he be
17 excused?

18 MR. PEEL: Oh, thank you. I'm sorry. Is that --

19 THE COURT: All right.

20 MR. PEEL: It -- Its --

21 THE COURT: Safe trip.

22 THE WITNESS: Thank you.

23 MR. PEEL: Yes. My -- one of my twins has worked with
24 Mr. Dinkins past two summers.

25 THE COURT: Oh, really?

1 MR. PEEL: Has been learning surveying a little bit.

2 THE COURT: Okay. All right.

3 MR. LANG: Your Honor, can we take just a quick break
4 before I call my last witness?

5 THE COURT: Sure. Sure. Let's take five.

6 (RECESS TAKEN)

7 THE COURT: Okay. Mr. Lang you ready to proceed.

8 MR. LANG: We are, your Honor.

9 THE COURT: All right. Next witness.

10 MR. LANG: At this time we call Rhonda Browning.

11 THE COURT: All right. Ms. Browning.

12 THE CLERK: Raise your right hand.

13 RHONDA BROWNING,

14 first being duly sworn, were examined and testified as
15 follows:

16 THE WITNESS: I do.

17 THE CLERK: Thank you. State your name and spell it.

18 THE WITNESS: My name is Rhonda Browning. R-H-O-N-D-A
19 B-R-O-W-N-I-N-G.

20 DIRECT EXAMINATION Rhonda Browning BY MR. LANG:

21 Q. Ms. Browning, good afternoon. I know you're nervous so
22 remember just to try to speak up and (inaudible) please. Ms.
23 Browning, where do you live?

24 A. 137 Moonlight Drive.

25 Q. And how long have you lived there?

1 A. Since 2007.

2 Q. And give me an idea of where are you employed?

3 A. With Richmond School District 2. I am a school
4 psychologist at E.L. Wright Middle School.

5 Q. And what is your education background?

6 A. My undergraduate was at Clemson University in
7 elementary education, special education and my master's plus
8 my educational specialist degree was from the Citadel in
9 school psychology.

10 Q. And how long have you been a school psychologist in
11 general?

12 A. Probably for close to 40 years. A little over.

13 Q. And had you always worked at E.L. Wright or had you
14 worked many places?

15 A. Florence was my previous home, so the majority of my
16 career was with Florence School District 1.

17 Q. And how long have you been at E.L. Wright?

18 A. Since 2012.

19 Q. Let me invite your attention to where you live. When
20 did you buy that property?

21 A. August 22nd, 2007.

22 Q. And what attracted you, if anything to that particular
23 piece of Lake Murray property?

24 A. When I was young my family would go to a lake house in
25 Maine and I always wanted to get back to the lake and as I

1 stood on the property and looked out over the lake, there was
2 just a good feeling that came over me and I said this is the
3 one.

4 Q. In regard to your property in particular, when you
5 first bought it in 2007, how did you access your property?
6 How did you get to it?

7 A. I actually had to drive across a pie shaped piece of
8 land that belongs to my neighbor to the other side, Barbara
9 Anderson. She was Barbara Crouch then. she had a notarized
10 agreement with Camilla Doss -- Camilla Spencer that she could
11 drive across her land and she said you can do the same but
12 this is adjacent to your property. So I'm just going to sell
13 that to you.

14 Q. Let me -- let me ask you, and you see what's in front
15 of you is Browning Exhibit Number 1 I think. Do you
16 recognize this?

17 A. I do.

18 Q. All right. Let me -- am I pointing to the area that
19 you had to drive from. Is that it right here?

20 A. Yes, there's a -- a barn there now. But that area of
21 land is what I drove straight across to the parking pad.

22 Q. All right. And -- and this structure here that I'm
23 pointing to, was that there when you first bought your
24 property?

25 A. No.

1 Q. And this is the pie-shaped portion that --

2 A. Correct.

3 Q. -- Ms. Anderson was going to sell you?

4 A. Correct.

5 Q. And -- and was this again, the only access you had to
6 your property, which is over here?

7 A. Yes, it was.

8 Q. I take it that Ms. Anderson never sold you this piece
9 of property?

10 A. No. I told her, let me get the closing done and we'll
11 come to an agreement on what the cost of that would be. So
12 when I went to her probably in 2008 and I said, "Let's talk
13 about what you want for it."

14 Her fiance had said, "We're going to need that land to
15 put a -- a building on for some storage," because their house
16 was rather small. So she said, "Unfortunately, I'm not going
17 to be able to sell that strip of land to you."

18 Q. When -- when you bought your property in oh seven, I'm
19 pointing to the area right here that you heard Mr. Dinkins
20 testify was -- and shown on your plat as, as part of
21 Moonlight Lane extended. What did that look like when you
22 first bought your property?

23 A. It was fully grown up. There were several trees,
24 shrubs, poison oak, poison ivy. Completely grown over.

25 Q. Could a car or a truck get through that area to get to

1 your house?

2 A. No.

3 Q. What, if anything, did you do once you discovered that
4 this property was not going to be sold to you to gain access
5 to your property?

6 A. I had no choice but to clear it. When Barbara wasn't
7 going to sell the land and they needed to actually put a
8 building up there, so I had a tree company removing the
9 trees, the shrubs, the poison oak, the poison ivy, all of
10 that. I went to a lot of expense to clear it.

11 Q. And did you recognize or understand that this was not
12 part of your property but rather -- well put it that way --

13 A. It wasn't part of my plat. I knew that.

14 Q. The rest of your property though, from here on down to
15 Lake, that was your property?

16 A. Correct.

17 Q. When you -- when you cleared this, how long did it take
18 you to clear this property, this area right here. So you
19 could routinely access your house from this road right here.

20 A. Did you ask how long did it take?

21 Q. How long did it take?

22 A. Probably just a couple of weeks for the tree company to
23 remove all of that and then get S&H landscaping to deliver
24 some gravel.

25 Q. Okay. And did you ask anyone in particular or ask the

1 Saluda County fathers or mothers if you could actually do
2 that on this easement area?

3 A. I did. Since it wasn't part of my plat and I certainly
4 didn't want to go to the expense of clearing it. I did call
5 Saluda County and speak with Billy Corley and he said, "We're
6 not doing anything with that." And I said, "Well, do you mind
7 if I clear it?" He said, "You can do whatever you want to --
8 with it."

9 Q. And do you -- do you recall, I know this was a long
10 time ago, this was 2008, 2009. Do you recall how -- about
11 how much money you spent to -- to clear this area and, and
12 make it suitable for access to your property?

13 A. I'm going to estimate eight to 10,000 to have
14 everything removed and cleared and gravel put down.

15 Q. Okay. And to this day, do you have to still maintain
16 that area, replace the gravel occasionally and make it clear?

17 A. I do have to keep it maintained.

18 Q. Let me make sure I understand the -- the lay of your
19 land here. What I'm pointing to right here, what is that?

20 A. That is my guest house.

21 Q. And then right behind it. What is that?

22 A. That is the main house.

23 Q. And when you bought your property, were there any trees
24 or a buffer line along your border with the Bryans?

25 A. There were approximately 12 to 15 trees down at the

1 lake front on each side of my property that Camilla used as
2 markers to mark each side of the property lines.

3 Q. Okay. So what kind of trees were they?

4 A. They were Leyland cypress trees.

5 Q. All right. Did -- did they run from about here? Which
6 is that notch in your property -- about how far up did they
7 -- did they go?

8 A. Oh, probably up about 50 -- yeah. Right where you are.
9 15 feet.

10 Q. And -- and about how tall were those trees on you --

11 A. Oh they were fully grown; I would say anywhere from 20
12 to 30 feet. They were -- they were tall and fully grown.

13 Q. And -- and I think that they went all the way down to
14 the lake or your border of the lake right about here.

15 A. Right.

16 Q. And there's a boathouse on the Bryan property right
17 here?

18 A. Correct.

19 Q. Now let me invite your attention Ms. Browning, there
20 should be two notebooks in front of you. And I would invite
21 your attention to Exhibit Number -- Browning Exhibit Number
22 8. You with me?

23 A. I see it.

24 Q. And what is that a picture of?

25 A. From the lake, looking back up my property.

1 Q. And on the right -- left hand side rather of the
2 picture. What is that picture of?

3 A. Those are the trees that Camilla had planted that were
4 fully grown when I bought the property in '07.

5 Q. So has -- has that tree grown any since you purchased
6 your property on site?

7 A. Not much. It seems like they get to a certain height
8 and they just kind of sustain that height.

9 Q. And again, this is looking from what direction from the
10 lake.

11 A. It's like I'm at the lake looking up through my
12 property. You can see the -- over to the right, the back of
13 my guest house and part of my deck that connects the guest
14 house and the main house.

15 Q. Let me invite your attention Ms. Browning to
16 Defendant's Exhibit Number 9. You with me?

17 A. The same trees.

18 Q. And what is that a picture of?

19 A. Those same trees. And an area where I have a swing set
20 and trampoline and jungle gym for my granddaughters to play.

21 Q. Okay. And this would be in this area right here where
22 I'm pointing?

23 A. Correct. Right down near where the point is.

24 Q. Okay. And you said there was playground equipment --
25 equipment down there?

1 A. Yes. You can see the jungle gym. I have a trampoline
2 and a swing set and picnic table down there is where my
3 granddaughter's --

4 Q. And how old are you granddaughters?

5 A. One is eight months and the others are nine and 11.

6 Q. And do they visit you frequently?

7 A. Yes.

8 Q. When you bought the property, was there ever a boat on
9 the property to your recollection?

10 A. Not on my property. They had a old boat over on their
11 property.

12 Q. And by they you mean -- who do you mean?

13 A. The Bryan's

14 Q. And -- and about where was it located? Was it located
15 up in this area?

16 A. Yes, it was.

17 Q. And to your knowledge, did it go over or cross into the
18 area we're talking about? Which is --

19 A. Once I had to clear everything, you could see the boat
20 was tilted. The trailer had a flat tire, so it was kind of
21 leaning. It was a little -- my father was living with me at
22 the time and it was a little precarious to -- I was worried
23 about it tipping over.

24 Q. But was it within this easement area here or -- or was
25 it over on the Bryan property?

1 A. It was on the Bryan's property.

2 Q. Was -- did you ever see a barbecue pit or anything like
3 that?

4 A. Never saw a barbecue pit.

5 Q. Did you ever -- when you were clearing this area, see
6 traces of a barbecue pit or anything like that?

7 A. No.

8 Q. How about on your property down here, traces of
9 anything like that?

10 A. Nothing.

11 Q. All right. Did anyone ever cut your -- cut your lawn
12 or anything since you've been living there other than people
13 that you hired and asked to cut your lawn?

14 A. No, I cut the lawn to start with and -- until I have a
15 lawn company now that comes and does it,

16 Q. Let me invite your attention is Browning to Browning
17 Exhibit Number 10. 10 or 11 I guess are -- are pretty
18 similar. 10, 11 and 12. I want to look at all those with
19 you. You with me?

20 A. I see them.

21 Q. All right. What are those pictures of?

22 A. Heading out my driveway -- oh wait, excuse me. Heading
23 in my driveway towards the lake. 10 is.

24 Q. And so --

25 A. And so is 11. Yes.

1 Q. So -- so I'm oriented on which side -- when I'm looking
2 at this picture, is your property on the right or on the left

3 A. Looking at this picture you drive in straight to my
4 property and curve over to the left to get onto my concrete
5 parking pad.

6 Q. Okay. And -- and so that -- those are depicted on the
7 -- the Browning Exhibits 10, 11 and 12. Did there come a
8 time when you planted some other trees along this area or in
9 the area that we've been talking about today?

10 A. Initially when I asked if I could clear it and put the
11 gravel down, there was pine straws and flowers along the
12 side. Unfortunately, I felt like I needed somewhat of a
13 buffer from the boat and the above ground propane tank. And
14 unfortunately their house was in somewhat disarray and so
15 unkempt. So I wanted somewhat of a buffer.

16 Q. And did you plant some trees of your own along this
17 area right here?

18 A. I did.

19 Q. Okay. Within this area that we we're talking about --

20 A. Right.

21 Q. -- Moonlight Lane extended?

22 A. I planted the Leyland Cypressess in 2012 to -- but up to
23 the ones that were already there?

24 Q. And let me invite your attention Ms. Browning to the
25 Browning Exhibit Number 7.

1 A. I see it.

2 Q. All right. What is that picture of?

3 A. That's the Leyland Cypressess when I planted them in
4 2012. And you can see where the taller ones were down there
5 at the very bottom at -- near the lake.

6 Q. And about -- and that was in 2014 you planted those?

7 A. It was 2012.

8 Q. Right. And have they grown since?

9 A. They have grown to match the other trees.

10 Q. And those were shown on Browning Exhibit Number 11?

11 Those are --

12 A. Yes.

13 Q. Those are -- those are the trees now growing up that
14 you planted in 2014?

15 A. '12. Yes.

16 Q. All right. Before you planted those trees, did you
17 again ask the county if it was okay to do that?

18 A. I did ask -- once Billy Corley told me originally that
19 I could do whatever I wanted to do with it, and I just had
20 the gravel and pine straw and flowers, since I wanted the
21 buffer, I did ask if it would be okay to plant the trees.

22 Q. And what --

23 A. And he said, again, we don't maintain this, you can do
24 what you want with it.

25 Q. During the time that you've lived on this property

1 since 2007 to the present, have you ever seen any county
2 employee doing any work in this area, the 0.72, the Moonlight
3 Lane extensions?

4 A. Never.

5 Q. After you planted the Leyland cypresses did there comes
6 a time when -- when one looked like it had been run over?

7 A. Yes. Out near the edge. It had --

8 Q. And where was that? Right up here somewhere.

9 A. Right.

10 Q. Okay.

11 A. And that's where I -- my fiancé had a piece of rebar
12 because a Leyland cypress tree, not just like a bush. And so
13 he put the rebar in just for the added structure. It was
14 nothing malicious. It was just to keep it back upright.

15 Q. It -- it was to make the tree stand up straight and
16 instead of tilted over?

17 A. Right. Someone had rode over it so it was tilted over.
18 So this was just to get it upright again.

19 Q. Just one?

20 A. Might have been one on each end.

21 Q. Okay. One on each side?

22 A. Uh-huh.

23 Q. And about how far out of the ground was it?

24 A. The rebar is probably this far up out of the ground
25 just to support the trunk of it.

1 Q. Let me invite your attention Ms. Browning to Browning
2 Exhibit Number 9. Are you there?

3 A. Yes.

4 Q. I'm sorry. It's -- my apologies. Let me just hand you
5 what's been marked Plaintiff -- Plaintiff's Exhibit Number 9.
6 Which is in evidence. (Inaudible). And Ms. Browning, do you
7 recognize that document?

8 A. I do.

9 Q. And can you tell the Court what it is?

10 A. It was a letter from Billy Corley telling me that he
11 had received a -- a complaint in reference to the trees and
12 gave me a recommendation to either begin an action to close
13 that portion or remove the trees.

14 Q. And what trees was he referring to?

15 A. The Leyland cypress trees.

16 Q. Did -- did anyone, the Bryans or anybody else, or
17 anyone on their behalf ever come to you and say, "Hey listen,
18 this is not your property. We don't want you planting
19 anything on this Moonlight Lane extended area?"

20 A. No.

21 Q. Did anyone, the Bryans or someone acting on their
22 behalf or anyone else tell you that they didn't want you
23 planting anything in your property going down to the lake?

24 A. Mr. Bryan walked over and spoke to my fiancé. My
25 fiancé said, "I don't own the property, Rhonda does." He left

1 a card. And I called him and I said, "I understand you came
2 over to speak." And he said, "Yes, I want to talk to you
3 about the trees."

4 And I said, "I don't intend to block your view from the
5 lake." And he says, "You don't understand. I don't like the
6 trees." And I said, "Well, I'll keep them trimmed." He said,
7 "I don't like any of the trees, I want them all gone."

8 And that's when I said, "Well, I think we're just going
9 to have to agree to disagree." And that was the extent of our
10 conversation.

11 Q. Did he assert that he owned or owned an interest in any
12 of the real estate or property that you had planted anything
13 on?

14 A. No. He just said he didn't like the trees.

15 Q. Did he say or assert anything to the effect that this
16 was a public road that ran through your property and ran up
17 here?

18 A. No. He did admit that when I said I used it as a
19 buffer because their house had been -- they let it go and he
20 did admit that they'd had some health issues in their family
21 and I understood that, you know, they weren't there to be
22 able to care for it.

23 Q. Okay. Let's go back to Plaintiff's Exhibit Number 9.
24 Do you remember getting this letter?

25 A. The letter --

1 Q. Yes, ma'am.

2 A. Yes.

3 Q. All right. And what, if anything, did you do in
4 response to receiving that letter?

5 A. I had no idea what I was supposed to do. So in order
6 to do something legally, I asked an attorney to help me and
7 say, what is it I need to do. Because I certainly didn't
8 want to remove trees. I had spent money and they were -- I
9 wanted them there for the buffer. So I searched out an
10 attorney to help me go about doing this legally. I would've
11 had no way of knowing what to do.

12 Q. Okay. And then who was that attorney? Do you recall
13 her name?

14 A. Kathy Rushton.

15 Q. And did you hire Ms. Rushton to do whatever was
16 necessary to do from a legal sense to resolve the issue of
17 this area that the county may have claimed an interest in by
18 way of a right of way or, or something?

19 A. Yes. Okay.

20 Q. And did you rely upon her advice?

21 A. Totally.

22 Q. did ultimately she procure or get for you a something
23 called a quick claim deed for this area?

24 A. She did. After all the readings, I did check in with
25 her each time.

1 Q. Did you ever go to any of the county council meetings?

2 A. I did not.

3 Q. When, and you've seen the ordinance, that was the basis
4 for that quick claim. Did they take it?

5 A. Yes, sir.

6 Q. did you have anything to do with the drafting or even
7 review that ordinance before it was signed or adopted by
8 county council?

9 A. No, sir.

10 Q. And the quick claim deed, did you have anything to do
11 with the drafting of that quick claim deed before it was
12 signed by the chairman of the county council?

13 A. No, sir.

14 Q. Would you have known what you were reading anyway and
15 if you had had anything to do with that?

16 A. No, sir.

17 Q. Ms. Browning, I'm going to invite your attention next
18 to Browning Exhibit Number 2. You with me?

19 A. I see it.

20 Q. All right. What is that a picture of?

21 A. That is the area at the end of the Leland Cypressess
22 that Camilla Spencer had planted between the trees and the
23 lake. it's a broken down brick wall and it just -- it's a
24 complete drop off into the water.

25 Q. Let me -- I'm pointing to this little notch here in

1 your property. Is that approximately where this brick wall
2 is?

3 A. Yes, it is.

4 Q. Okay. And it's partly on your property or your
5 property line and partly on Bryan's property line?

6 A. Probably more so on the Bryan's, but a little bit on
7 mine. It's right near the end of the trees.

8 Q. About when was this picture, and that's Browning
9 Exhibit Number 2 taken, do you know?

10 A. I'm going to speculate. 2021.

11 Q. 2021, around there. So this brick wall had been there
12 a long time.

13 A. Oh, it have been. You can't access the water from
14 there it's just a straight drop off. I'm a little baffled to
15 hear that they put boats in there because I don't see how it
16 was possible.

17 Q. Well, that was my next question, this little notch
18 area, is it possible -- I mean, describe the drop off. I
19 mean, we're talking about feet or inches.

20 A. Oh, it's a -- it's a straight drop down.

21 Q. From -- from --

22 A. You can't access the water at an angle like you can
23 over near my dock. It's just that wall and then straight
24 down.

25 Q. Have you ever seen anyone launch a boat in this little

1 notch like there?

2 A. No, it's not possible.

3 Q. Have you ever seen anybody carrying a boat, a John
4 Boat, a canoe or a kayak down your property to launch in this
5 area?

6 A. No.

7 Q. Have you ever seen anybody drive a golf cart at any
8 point, either in this disputed area Moonlight Lane extended
9 or your property down here?

10 A. No, sir.

11 Q. And that's from 2007 on, I take it?

12 A. Correct.

13 Q. Let me invite your attention Ms. Browning to
14 Defendant's Exhibits 4 or Browning Exhibits rather, 4, 5, and
15 6.

16 A. I see them.

17 Q. Tell me what those are pictures of

18 A. You're out in the lake looking back up at the Bryan's
19 dock, the Bryan's boathouse on the left of those trees and to
20 the right of the trees, it's my property.

21 Q. Okay. And in particular Plaintiff's Exhibit Numbers 4
22 or Browning Exhibits Number 4 and 5. Can you see portions of
23 the playground equipment in the right hand side of those
24 picture? I know they're kind of small.

25 A. You can. I see my swing set.

1 Q. And -- and how long has that swing -- swing set and
2 other playground equipment been there?

3 A. Probably since 2008. They -- they're cemented into the
4 ground. The -- the A-frame for the swing and the swing set.

5 Q. Okay. Cemented into the ground.

6 A. Uh-huh.

7 Q. Are they within 15 feet of your property -- of the
8 property line here that we're talking about? Or do you know,
9 I mean, you probably measured it.

10 A. Yes, they're within 15 feet.

11 Q. Okay. Have you ever seen this boathouse being used by
12 the Bryan's during the time you've lived there?

13 A. No. I think you can tell from Exhibit Number 6 that
14 it's not anything that could be used at this time.

15 Q. And is a -- a public -- I guess a -- a public boat ramp
16 close by to your property?

17 A. There is they used to call it SCE&G ramp three or four,
18 whichever one it is. And now it's -- I think it's called
19 Murray shores ramp. But you've got to go around that point
20 and --

21 Q. To that -- this point right here?

22 A. Yeah, when you end up over there, that's where the
23 public --

24 Q. Is -- is -- can anybody use that public ramp?

25 A. Yes.

1 Q. Okay. Let -- Let me -- let me ask you just a, a few
2 more questions. Ms. Browning, what, if any effect would it
3 be if you were to lose 15 feet of Moonlight Lane extended on
4 the Browning side? How would -- would that affect your
5 ability to, to rent your -- your guest house or ability to
6 access your property?

7 A. It would be devastating. I -- I need that as a
8 driveway to my property not only for me, but for my guests
9 that stay in the guest house, for my propane truck to come
10 down to fill up the tank. I need all of that area and it --
11 it connects straight directly into my property.

12 Q. Where do your guest park when there -- and let me ask
13 you this, this guest house, does it provide rental income for
14 you?

15 A. It does.

16 Q. And is that rental income for you helpful in making
17 your mortgage payments, all those other sorts of things?

18 A. It is.

19 Q. Do school psychologists -- are they as underpaid as
20 teachers are?

21 A. Not quite as bad as teachers, but yeah, we have to do
22 it because we love it.

23 Q. Where do your guests park when they park in there?

24 A. Right directly behind the guest house. Right.

25 Q. Right in this area right here?

1 A. Uh-huh. Half on the gravel, half on my grass.

2 Q. Okay. In this area right here?

3 A. No. Come down behind it.

4 Q. Behind it right here?

5 A. Uh-huh.

6 Q. And where do you park your car?

7 A. Right there where you have -- uh-huh.

8 Q. So you need to come in here and take a right.

9 A. Right.

10 Q. And the propane tank is where?

11 A. You've got to come down past the guest house, turn left

12 and come up closer to the main house.

13 Q. Let's see. Right around here?

14 A. So go more over to the right. Yep. And then back up a

15 little bit. There's a huge deck that connects the guest

16 house and the main house and the propane tank is shielded by

17 a fence.

18 Q. So the propane truck would have to come down here and

19 kind of pack into here; is that --

20 A. Uh-huh. And if I have to get down to do anything to my

21 dock, I have to drive all -- straight through there.

22 Q. Straight through here. Your docks are out here?

23 A. Correct.

24 Q. Okay. All right. So -- so I guess to -- to finish up,

25 did you believe that when Kathy Rushton (ph) did her work,

1 that you had the right then to utilize this area as your
2 access to your property?

3 A. After she did that, I thought that's my driveway to
4 come to my home. My home is valued at 850, 890,000 and I
5 want a beautiful driveway coming into my property.

6 Q. And no one -- has anyone ever claimed to you before
7 this lawsuit was filed in 2021, that there's a public road
8 that runs 30 feet into your property extending all the way to
9 the lake.

10 A. Never. I was completely thrown off guard. And even
11 with the lawsuit, I said, I don't know what they're talking
12 about.

13 MR. LANG: Those are all the questions I have. Ms.
14 Browning, please answer any questions any of the other
15 lawyers might have for you.

16 THE WITNESS: Thank you

17 THE COURT: Ms. Bozeman.

18 MS. BOZEMAN: I don't have any questions. Thank you.

19 THE COURT: Mr. Peel. Cross-examination.

20 CROSS-EXAMINATION Rhonda Browning BY MR. PEEL:

21 Q. Good afternoon, Ms. Browning.

22 A. Hi.

23 Q. Sounds like you're fairly familiar now with the history
24 of your property since this lawsuit occurred.

25 A. From what I've heard today, yes.

1 Q. What you've heard today, and you've looked through the
2 dates and you understand I'm going to use -- this is Joint
3 Exhibit 10. I'm going to borrow Mr. Lang's blow up here.
4 Okay. You understand that your lot and your neighbors next
5 to you were all subdivided out of one big lot originally in
6 the subdivision, right?

7 A. May sessions to --

8 Q. A lot one that big lot one in that original flat.

9 A. Uh-huh.

10 Q. And -- and so these are portions of those three lots in
11 this Exhibit 10, correct -- correct. They don't have the
12 fringe added yet, I think.

13 A. Say that again?

14 Q. They don't have the lake property added yet, have they?

15 A. No, but I see -- I mean, that is where the lake is.

16 Q. Okay. So your original -- the original owner
17 subdivided these three lots, correct?

18 A. Correct.

19 Q. Okay. And you bought --

20 A. Well, it's not just those three lots. They did the --
21 she did the entire point.

22 Q. Okay. Yeah. They're more than just that. But what
23 we're seeing here, those -- those all were subdivided out of
24 one original lot, correct?

25 A. To my knowledge.

1 Q. Okay. And -- and they -- they have a 20-foot road to
2 access them, right?

3 A. They put in a private driveway.

4 Q. Right. And -- and then --

5 A. Off of moonlight. So they all have access to their
6 property.

7 Q. Right. And -- and so -- and they built a barn and
8 blocked what you were using as your access; is that correct?

9 A. Correct.

10 Q. And -- and then -- then you were landlocked, right?

11 A. And the only way I could get to my property was to
12 clear that spot and make it a driveway.

13 Q. Okay. So do -- do you say you own that dirt now?

14 A. Yes, sir.

15 Q. That's your property?

16 A. Yes, sir. I pay taxes on it.

17 Q. Okay. And so -- so -- and you're -- you're using it
18 through the exclusion of all others, this -- because you
19 didn't have a driveway.

20 A. I'm using it as a driveway to my property.

21 Q. Because you had to have a driveway because you didn't
22 have one.

23 A. I had to have access to my property.

24 Q. And you knew that when you bought it, didn't you?

25 A. I knew that I could buy the land, so I was going to

1 have access. I didn't know my neighbor was going to change
2 their mind and not sell me the land.

3 Q. Right. And -- and so then all this time you knew that
4 wasn't yours because you kept asking the county permission to
5 do things on the lot.

6 A. I see that it's not part of my plat. So I didn't know
7 who's -- who to ask. So I went to the county.

8 Q. So you asked -- and the county would either give you
9 permission or not give you permission. It changed -- that
10 kind of changed over time, right?

11 A. Well, he just said we're not doing anything with it.
12 You can do what you want to with it.

13 Q. Well, he told you in these emails that you can plant
14 some trees at one point in time, right?

15 A. That was the last correspondence we had.

16 Q. Okay. But -- but then -- but then something changed
17 and he sent you that letter, which is in the white notebook
18 which are Ms. Browning's exhibits.

19 A. Is it this --

20 Q. It's Exhibit 10. Yeah. That -- the same letter.

21 A. Right.

22 Q. And he told you -- you needed to -- to bring an action
23 to close Moonlight Lane or remove those trees. That's what
24 he told you, right?

25 A. Yes, sir.

1 Q. And -- and you did neither one?

2 A. Excuse me?

3 Q. You didn't need a one.

4 A. I contacted an attorney so we could take legal action
5 to have the right.

6 Q. Okay. You didn't bring the action and you did -- and
7 you didn't remove the trees, correct?

8 A. I did not remove the trees, but I hired an attorney to
9 take action. So --

10 Q. You did not bring an action, did you?

11 THE COURT: To clarify by action -

12 BY MR. PEEL:

13 Q. You didn't file a lawsuit, did you?

14 A. I didn't file a lawsuit. I hired an attorney to obtain
15 that land legally.

16 Q. I've heard that. All right. Would you turn to -- in
17 the white notebook? Can -- can you see it? I know you got a
18 lot up there.

19 A. Which one?

20 Q. It's a white notebook.

21 THE COURT: That's (Inaudible).

22 BY MR. PEEL:

23 Q. It was -- it was up.

24 A. One says Browning, one says joint

25 Q. It's the -- yeah, plaintiff's.

1 A. The joint?

2 Q. I will get one for you.

3 (BENCH CONFERENCE)

4 MR. PEEL: Okay. This one. Thank you very much,
5 Judge.

6 BY MR. PEEL:

7 Q. This is Plaintiff's Exhibit 12. This looks like a memo
8 that you wrote, is that right?

9 A. It does. It looks like a email I sent to Billy Corley.

10 Q. Oh, it's a email. Do you remember sending this in
11 2010?

12 A. Do I remember? No. But I can see clearly that I did.

13 Q. And you told him, you -- you told -- you told Mr.
14 Corley that you -- you met with him a couple years before, so
15 you met with him in 2008 at least?

16 A. When I knew that I had to purchase that -- beautify
17 that area, I -- I asked him can I do it. And that's when he
18 said, we're not maintaining that, that's not ours. You can
19 do what you want with it.

20 Q. Okay. In the second paragraph you say, "I would also
21 like at this time to petition to purchase that portion of the
22 road from the county." Correct?

23 A. Correct.

24 Q. And so at that time, it is your understanding that was
25 a road, correct?

1 A. I did not understand that it was a road because nobody
2 was driving on it or maintaining it.

3 Q. I'm just using your words. Purchase that portion of
4 the road; is that what you call it?

5 A. Okay. Yes, sir.

6 Q. Okay. And -- and previously you said you said you
7 don't have access anymore because a large building had been
8 added to the property adjacent to this portion of the road.
9 And I would like to exercise this right to plant trees and
10 camouflage this building. So you -- you asked the county
11 permission to plant trees to camouflage the building,
12 correct?

13 A. Correct.

14 Q. And then you tell Mr. Corley in that second paragraph,
15 all surrounding neighbors have their own access to the
16 properties and this is my sole avenue, correct?

17 A. Correct.

18 Q. Clearly when you bought the property, you -- you did
19 not believe you could access it through Moonlight Lane.

20 A. There was no need to worry about it because Barbara
21 Crouch spoke to me before I purchased the land and said, I'm
22 going to sell you this. So you'll have access to your
23 property.

24 MR. PEEL: Yeah. Just one second. That's all the
25 questions I have here. Thank you.

1 THE COURT: Redirect.

2 MR. LANG: Very briefly, your Honor.

3 REDIRECT EXAMINATION Rhonda Browning BY MR. LANG:

4 Q. Ms. Browning, 2007 until now, who's been paying taxes
5 on this property right here that is shown on this tax map,
6 including this area that the plaintiffs claim you don't own.

7 A. Since 2007, I've been paying taxes on what is shown
8 there.

9 Q. And is it your understanding that you're also now
10 paying taxes on this little area up here, which was subject
11 to that quick claim deed back in 2014?

12 A. Once I obtained the quick claim deed, I started paying
13 taxes on that additional land.

14 Q. And it doesn't have a separate tax map number, it's
15 just billed to you as part of your 0.72-acres.

16 A. Correct.

17 MR. LANG: Nothing further, your Honor.

18 THE COURT: Ms. Bozeman?

19 MS. BOZEMAN: I don't have anything. Thank you,

20 THE COURT: Mr. Peel, any re-cross?

21 MR. PEEL: I -- I do have one question based on what he
22 just asked her.

23 THE COURT: Okay.

24 RECROSS-EXAMINATION Rhonda Browning BY MR. PEEL:

25 Q. You say you're paying taxes on that?

1 A. Yes, sir.

2 Q. So you believe you own the dirt?

3 A. I just know I'm paying taxes.

4 Q. Because the county earlier testified they didn't own
5 the dirt. How -- how could you be paying taxes on it?

6 A. I just know my taxes have gone up and include that
7 section.

8 MR. PEEL: No further questions.

9 THE COURT: All right. The witness may step down.

10 THE WITNESS: Thank you, Judge.

11 MR. LANG: Those are all witnesses I had your, Honor.

12 MR. PEEL: I substitute one of our deposition
13 (inaudible). You just want to agree to substitute?

14 MR. LANG: Yeah. (Inaudible).

15 THE COURT: Counsel, can y'all sidebar right here?

16 (BENCH CONFERENCE)

17 THE COURT: Yes, sir.

18 MR. LANG: Your Honor, that completes the -- the
19 Defendant Browning's witnesses. We have one other matter.
20 To swap out Plaintiff's Exhibit Number 21?

21 MR. PEEL: Joint Exhibit 21.

22 MR. LANG: Joint Exhibit Number 21 which has been
23 entered with a more accurate copy of what Joint Exhibit
24 Number 21 was supposed to be.

25 THE COURT: Okay.

1 MR. LANG: So we'll do that. I'll hand this to the
2 court reporter so you have a copy of all the exhibits,
3 Browning and plaintiffs.

4 THE COURT: Okay.

5 MR. LANG: Defendant rests.

6 THE COURT: All right. I've -- I've spoken with the
7 attorneys in lieu of just -- for closing arguments back and
8 forth. I'll go and request proposed orders from the parties.
9 I'm going to allow for longer than usual just because we got
10 Christmas holidays coming up in -- what's today? 11th. So
11 in two weeks?

12 THE CLERK: 10th.

13 THE COURT: Today's the 10th?

14 THE CLERK: Uh-huh.

15 THE COURT: Okay. Well, 15 days. So I'm going to ask
16 -- they're going to coordinate, but let's get these orders
17 turned in by January 31st. And I'll make a decision
18 hopefully shortly thereafter.

19 Thank -- thank you to the attorneys for number one
20 working in advance and getting this officially done and
21 agreeing on 99 percent of the evidence today.

22 Appreciate family members being here on both sides. I
23 know this isn't fun for you. I wish there was some way to
24 resolve it, but I -- I think this why those situations where
25 we just got to make a ruling and -- and move on from it. So

1 I appreciate everyone's patience today. And anything else
2 for the record now, Mr. Peel?

3 MR. PEEL: No, thank you. I appreciate it.

4 THE COURT: Mr. Lang, Ms. Bozeman?

5 MS. BOZEMAN: No, your Honor.

6 THE COURT: All right. We'll be in recess. Thank you.

7 MR. PEEL: Thank you.

8 (THERE BEING NO FURTHER QUESTIONS, THIS HEARING IS CONCLUDED
9 AT 4:04 PM)

CERTIFICATE OF TRANSCRIBER

I, JANE DANIEL, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had, and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court of Saluda County, South Carolina, on December 10, 2024.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

Jane Daniel

October 27, 2025

JANE DANIEL

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STATE OF SOUTH CAROLINA
COUNTY OF SALUDA

KNOW ALL MEN BY THESE PRESENTS, That we, Curtis L. Jones and Lillian M. Jones, doing business under the firm name and style of The Lakeside Company, of Dade County, State of Florida, for and in consideration of the sum of --ten -- dollars to us paid by MAYE W. SESSIONS, in the State aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said Maye W. Sessions, her heirs and assigns forever a certain lot or parcel of land in Holly School District, Saluda County, South Carolina, and described as follows:

Being Lot -- No. ONE, together with dwelling thereon and one electric water pump, as shown on Map or Plat of Lake Murray Shores No. 1. made by W.R. Petit, Registered Professional Engineer, dated the --- day of September, 1950, which said Map or Plat was duly recorded in the office of the Clerk of Court for Saluda County, South Carolina, in Plat Book 4, page 17.

TOGETHER with easements in, to, on and over all roads and community beaches on the Lake Murray Shores as designated on the afore-said Map or Plat, and annexes thereto, which said privileges shall be in common with other property owners of Lake Murray Shores and annexes thereto.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the premises before mentioned unto the said MAYE W. SESSIONS, her heirs and assigns forever, subject, however, to the following reservations and restrictions which shall be deemed to be covenants running with the land.

1. The said grantors reserve the right to install telephone and electric light poles and wires, gas and water mains or license and permit the same to be done, in, upon or over the said streets or ways, and to conduct telephone or electrical light wires over any of said lots from any pole located upon any street or way to any lot shown on said Plat.
2. No building shall be erected on said premises, any portion of which shall be within ten (10) feet of the front line of said premises, or within four (4) feet from the ~~main~~ side line of any adjoining lot owner.
3. No building shall be erected on said premises less than twenty four (24) feet in length and twenty (20) feet in width.
5. No toilet shall be constructed except in accordance with local and state regulations relating to sewage disposal.
6. No animals or poultry shall be kept or maintained on said premises; except house hold pets.
8. Any building constructed of wood must be stained or painted with two coats of stain or paint.
9. Building plans must be submitted to the Lakeside Company, or its assignee of record for approval.

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 MAYE W. SESSIONS, her heirs and assigns, against us and our heirs and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN TESTIMONY WHEREOF, the said Curtis L. Jones and Lillian M. Jones, doing business under the firm name and style of The Lakeside Company, have hereunto set our hands and affixed our seals this -30th- day of April, in the year of our Lord one thousand nine hundred and fifty one and in the one hundred and -75th -- year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered
in the presence of:

M.G. Jones
Jessie M. Jones

THE LAKESIDE COMPANY
Curtis L. Jones (SEAL)
Lillian M. Jones (SEAL)

STATE OF SOUTH CAROLINA
RICHLAND COUNTY

PROBATE

PERSONALLY appeared before me the undersigned and made oath that he saw the within named Curtis L. Jones and Lillian M. Jones, doing business under the name of The Lakeside Company, sign, seal and, as their act and deed, deliver the within written Deed for the uses and purposes therein mentioned, and that he with Jessie M. Jones witnessed the execution thereof.

SWORN to before me this 30th
day of April, 1951
Frank E. Andrews L.S.
Notary Public for South Carolina

M.G. Jones

STATE OF SOUTH CAROLINA
RICHLAND

RELINQUICIATION OF DOWER

I, Frank E. Andrews, Notary Public for South Carolina, do hereby certify unto all whom it may concern, that Mrs. Lillian M. Jones, the wife of the within named Curtis L. Jones, did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily and without any compulsion, dread or fear of any person or persons whomsoever, renounce release and forever relinquish unto the within named MAYE W. SESSIONS, 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 30th
day of April, Anno Domini, 1951

Frank E. Andrews L.S.
Notary Public for South Carolina
My commission expires at the pleasure of the Governor.

Lillian M. Jones

Recorded May 22, 1951, at 3-P.M.
H.F. Padgett, C.C.C.P. & G.S.

KNOW ALL MEN BY THESE PRESENTS. That We, Curtis L. Jones and Lillian M. Jones, doing business under the firm name and style of The Lakeside Company, of Dade County, State of Florida, for and in consideration of the sum of ten dollars and other valuable considerations to us paid by MAYE W. SESSIONS in the State aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said Maye W. Sessions, her

, heirs and assigns forever a certain lot or parcel of land in Holly School District, Saluda County, South Carolina, and described as follows:

Being Lot

No. One (1) and building thereon

, as shown on Map or Plat of Lake Murray Shores No. 1

made by T. R. Pettit, Registered Professional Engineer, dated the day of September 1950, which said Map or Plat is duly recorded in the office of the Clerk of Court for Saluda County, South Carolina, in Plat Book 4, page 17

TOGETHER with easements in, to, on and over all roads and community beaches on the Lake Murray Shores as designater on the aforesaid Map or Plat, and annexes thereto, which said privileges shall be in common with other property owners of Lake Murray Shores and annexes thereto.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD. all and singular the premises before mentioned unto the said Maye W. Sessions

, her heirs and assigns forever, subject, however, to the following reservation and restrictions which shall be deemed to be covenants running with the land:

1. The said grantors reserve the right to install telephone and electric light poles and wires, gas and water mains or license and permit the same to be done, in, upon or over the said streets or was, and to conduct telephone or electrical light wires over any of said lots from any pole located upon any street or way to any lot shown on said Plat.

2. No building shall be erected on said premises, any portion of which shall be within ten (10) feet of the front line of said premises, or within four (4) feet from the side line of any adjoining lot owner.

~~3. No building shall be erected on said premises less than twenty-four (24) feet in length and twenty (20) feet in width.~~

~~4. No building shall be erected on said premises except One family dwelling house and private garage. Any garage erected on said premises must conform generally in appearance and material to any dwelling on said premises.~~

5. No toilet shall be constructed except in accordance with local and state regulations relating to sewage disposal.

6. No animals or poultry shall be kept or maintained on said premises; except household pets.

~~7. Said premises shall not be used for any commercial or manufacturing purposes of any kind, except as otherwise designated.~~

8. Any building constructed of wood be stained or painted with two coats of stain or paint.

9. Building plans must be submitted to the Lakeside Company, or its assignee of record, for approval.

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 Maye W. Sessions her heirs and assigns, against us and our heirs and against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

IN TESTIMONY WHEREOF, the said Curtis L. Jones and Lillian M. Jones, doing business under the firm name and style of The Lakeside Company, have hereunto set our Hands and affixed our Seals this 5th day of May in the year of our Lord one thousand nine hundred and fifty-four and in the one hundred and 78th year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered in the presence of:

THE LAKESIDE COMPANY

R.J. Manning (?)

Curtis L. Jones (SEAL)

Curtis L. Jones

Jessie M. Jones

Lillian M. Jones (SEAL)

Lillian M. Jones

STATE OF SOUTH CAROLINA)
RICHLAND COUNTY) PROBATE

PERSONALLY appeared before me the undersigned and made oath that he saw the within named Curtis L. Jones and Lillian M. Jones, doing business under the name of The Lakeside Company, sign, seal and, as their act and deed, deliver the within written Deed for the uses and purposes therein mentioned, and that he, with

Jessie M. Jones
witnessed the execution thereof.

SWORN to before me this 5th

day of May, 1954
Merlin G. Jones L. S.

R.J. Manning

My Commission Expires at the Pleasure of the Governor,
Notary Public for South Carolina
STATE OF SOUTH CAROLINA
RICHLAND COUNTY

RENUNCIATION OF DOWER
Notary Public for South Carolina,

I, Merlin G. Jones,

do hereby certify unto all whom it may concern, that Mrs. Lillian M. Jones, the wife of the within-named Curtis L. Jones, did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily and without any compulsion, dread, or fear of any person or persons whomsoever, renounce, release and forever relinquish unto the within-named

Maye W. Sessions, 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 5th day of May Anno Domini 19 54
Merlin G. Jones L. S.
Notary Public for South Carolina

Lillian M. Jones

My Commission Expires at the Pleasure of the Governor.

Recorded this 10th day of May, 1954 at 11:00 A. M.

H. F. Padgett, C.C.C.P. & G.S.
Saluda County, S. C.

ROA000632

\$3.00 State Stamps; \$1.65 County Stamps

STATE OF SOUTH CAROLINA)

COUNTY OF SALUDA)

WHEREAS, the South Carolina Electric & Gas Company owns a hydro electric project designated in the files of the Federal Power Commission as Project No. 516, and certain lands adjacent thereto, and has received permission from the Federal Power Commission to deed certain of these lands, including the tract hereunder more fully described and delineated, free and clear of all project purposes except flowage rights, said permission being contained in a letter dated January 27, 1954, copy of which is hereto annexed as Exhibit "B".

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, That the SOUTH CAROLINA ELECTRIC & GAS COMPANY, in the State aforesaid, for and in consideration of the sum of One (\$1.00) Dollar and other valuable consideration to it in hand paid at and before the sealing of these presents, by Mrs. Maye W. Sessions 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 Mrs. Maye W. Sessions subject to any and all easements which now exist, and subject also to the right of the Grantor, its successors and assigns, through its servants or agents, to have the right of ingress, egress and access in, to, over, across and out of the property herein conveyed for malaria control and other corporate purposes. Subject further to all damages that may be caused to said parcel or tract of land by reason of the erection, construction, operation and maintenance by the Grantor, its successors and assigns, of a dam or dams and reservoir of water of any height and size and necessary spillways on the Saluda River at or near Dreher's Shoals, whether such damage is caused by the flooding of the lands or injury to the drainage thereof, or by storage of water, or for any other reason whatsoever, and the Grantee herein, for herself and for her heirs and assigns, hereby expressly releases the Grantor its successors and assigns from any and all liability for any and all damages that may be caused to said parcel or tract of land as aforesaid.

All that certain piece, parcel, or tract of land situate, lying and being in the County of Saluda, State of South Carolina, bounded on the north, east and south by lands of South Carolina Electric & Gas Company, and on the west by lands of Sessions, and being more particularly described as follows:

Beginning at an iron pipe on the PBL of South Carolina Electric & Gas Company, where the PBL intersects the property line between lands formerly of Mrs. Eugenia Derrick and lands formerly of J.W. Frazier, thence run in along the PBL N 69° 36' E for a distance of 367.5 feet, more or less, to a concrete monument, thence N 55° 24' W for a distance of 278.8 feet, more or less, to an iron pipe, thence leaving the PBL and running N 57° 52' E for a distance of 91.5 feet, more or less, to an iron pipe on the 360 foot contour, thence following the contour S 04° 08' E for a distance of 76.6 feet, more or less, thence S 42° 52' E for a distance of 58.1 feet, more or less, thence S 59° 59' E for a distance of 113.6 feet, more or less, thence S 46° 45' E for a distance of 40.8 feet, more or less, thence S 32° 37' W for a distance of 100.0 feet, more or less, thence S 23° 23' W for a distance of 122.4 feet, more or less, thence S 37° 32' W for a distance of 58.5 feet, more or less, thence S 79° 35' W for a distance of 56.2 feet, more or less, thence S 64° 58' W for a distance of 63.1 feet, more or less, thence S 52° 07' W for a distance of 68.2 feet, more or less, thence N 44° 43' W for a distance of 32.8 feet, more or less, thence S 25° 55' W for a distance of 23.9 feet, more or less, to an iron pipe, thence leaving the 360 foot contour and running N 32° 00' W for a distance of 172.4 feet, more or less, to point of beginning.

Containing 2.14 acres, more or less, and being a portion of a tract of land conveyed to Lexington Water Power Company by Mrs. Eugenia Derrick under deed dated August 12, 1927, Option #502, and being further delineated on Partial Plat of Lands of Mrs. Eugenia Derrick, Drawing #510-96 dated September 21, 1962, hereto annexed and made a part hereof as Exhibit A.

It is further a part of the consideration of this deed that grantee agrees to purchase exclusively electricity to be furnished by the grantor, as long as the grantor deems it economically feasible to provide same. In the event the grantee fails or refuses to purchase electricity from the grantor, when called upon by the grantor so to do, then the grantor is given the right to repay the monetary consideration herein mentioned and take possession of the said property. This is a covenant running with the land herein above described, and this covenant also binds the grantee and his heirs, successors and assigns herein. The object of this covenant being that the said property is much more valuable than the cash consideration mentioned herein, and in inducement for this conveyance being the grantee's agreement to purchase electricity from the grantor, it's successors or assigns.

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 Mrs. Maye W. Sessions, her Heirs and Assigns forever, subject to the rights above reserved to the Grantor, its successors and assigns.

And the said SOUTH CAROLINA ELECTRIC & GAS COMPANY does hereby bind itself and its successors and assigns, to warrant and forever defend all and singular the said premises unto the said Mrs. Maye W. Sessions, her Heirs and Assigns, against itself and its successors lawfully claiming or to claim the same, or any part thereof.

IN WITNESS WHEREOF the SOUTH CAROLINA ELECTRIC & GAS COMPANY has caused these presents to be executed in its name by F.R. McMeekin, its Vice President and General Manager and by E.M. Simpson, its Secretary, and its corporate seal to be hereto affixed this 24th day of January in the year of our Lord, one thousand nine hundred and sixty-three and in the one hundred and eighty-seventh year of the Sovereign and Independence of the United States of America.

Signed, Sealed and Delivered in Presence of:

MARY B. KINLOCH
Witness
H.M. BRYANT
Witness

SOUTH CAROLINA ELECTRIC & GAS COMPANY
BY F.R. MCMEEKIN
Vice President and General Manager
E.M. SIMPSON
Secretary
SEAL

ROA000633

\$3.00 State Stamps; \$1.65 County Stamps

Book 11
Page 97

26

STATE OF SOUTH CAROLINA)
COUNTY OF SALUDA)

WHEREAS, the South Carolina Electric & Gas Company owns a hydro electric project designated in the files of the Federal Power Commission as Project No. 516, and certain lands adjacent thereto, and has received permission from the Federal Power Commission to deed certain of these lands, including the tract hereunder more fully described and delineated, free and clear of all project purposes except flowage rights, said permission being contained in a letter dated January 27, 1954, copy of which is hereto annexed as Exhibit "B".

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, That the SOUTH CAROLINA ELECTRIC & GAS COMPANY, in the State aforesaid, for and in consideration of the sum of One (\$1.00) Dollar and other valuable consideration to it in hand paid at and before the sealing of these presents, by Mrs. Maye W. Sessions 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 Mrs. Maye W. Sessions subject to any and all easements which now exist, and subject also to the right of the Grantor, its successors and assigns, through its servants or agents, to have the right of ingress, egress and access in, to, over, across and out of the property herein conveyed for malaria control and other corporate purposes. Subject further to all damages that may be caused to said parcel or tract of land by reason of the erection, construction, operation and maintenance by the Grantor, its successors and assigns, of a dam or dam and reservoir of water of any height and size and necessary spillways on the Saluda River at or near Dreher's Shoals, whether such damage is caused by the flooding of the lands or injury to the drainage thereof, or by storage of water, or for any other reason whatsoever, and the Grantee herein, for herself and for her heirs and assigns, hereby expressly releases the Grantor its successors and assigns from any and all liability for any and all damages that may be caused to said parcel or tract of land as aforesaid.

All that certain piece, parcel, or tract of land situate, lying and being in the County of Saluda, State of South Carolina, bounded on the north, east and south by lands of South Carolina Electric & Gas Company, and on the west by lands of Sessions, and being more particularly described as follows:

Beginning at an iron pipe on the PBL of South Carolina Electric & Gas Company, where the PBL intersects the property line between lands formerly of Mrs. Eugenia Derrick and lands formerly of J.W. Frazier, thence run in along the PBL N 69° 30' E for a distance of 367.5 feet, more or less, to a concrete monument, thence N 55° 24' W for a distance of 278.8 feet, more or less, to an iron pipe, thence leaving the PBL and running N 57° 52' E for a distance of 91.5 feet, more or less, to an iron pipe on the 360 foot contour, thence following the contour S 04° 08' E for a distance of 76.6 feet, more or less, thence S 42° 52' E for a distance of 58.1 feet, more or less, thence S 59° 59' E for a distance of 113.6 feet, more or less, thence S 46° 45' E for a distance of 40.8 feet, more or less, thence S 32° 37' W for a distance of 100.0 feet, more or less, thence S 23° 23' W for a distance of 122.4 feet, more or less, thence S 37° 32' W for a distance of 58.1 feet, more or less, thence S 79° 35' W for a distance of 56.2 feet, more or less, thence S 64° 58' W for a distance of 63.1 feet, more or less, thence S 52° 07' W for a distance of 68.2 feet, more or less, thence N 44° 43' W for a distance of 32.8 feet, more or less, thence S 25° 55' W for a distance of 23.9 feet, more or less, to an iron pipe, thence leaving the 360 foot contour and running N 32° 00' W for a distance of 172.4 feet, more or less, to point of beginning.

Containing 2.14 acres, more or less, and being a portion of a tract of land conveyed to Lexington Water Power Company by Mrs. Eugenia Derrick under deed dated August 12, 1927, Option #502, and being further delineated on Partial Plat of Lands of Mrs. Eugenia Derrick, Drawing #516-96 dated September 21, 1962, hereto annexed and made a part hereof as Exhibit A.

It is further a part of the consideration of this deed that grantee agrees to purchase exclusively electricity to be furnished by the grantor, as long as the grantor deems it economically feasible to provide same. In the event the grantee fails or refuses to purchase electricity from the grantor, when called upon by the grantor so to do, then the grantor is given the right to repay the monetary consideration herein mentioned and take possession of the said property. This is a covenant running with the land herein above described, and this covenant also binds the grantee and his heirs, successors and assigns herein. The object of this covenant being that the said property is much more valuable than the cash consideration mentioned herein, and in inducement for this conveyance being the grantee's agreement to purchase electricity from the grantor, it's successors or assigns.

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 Mrs. Maye W. Sessions, her Heirs and Assigns forever, subject to the rights above reserved to the Grantor, its successors and assigns.

And the said SOUTH CAROLINA ELECTRIC & GAS COMPANY does hereby bind itself and its successors and assigns, to warrant and forever defend all and singular the said premises unto the said Mrs. Maye W. Sessions, her Heirs and Assigns, against itself and its successors lawfully claiming or to claim the same, or any part thereof.

IN WITNESS WHEREOF the SOUTH CAROLINA ELECTRIC & GAS COMPANY has caused these presents to be executed in its name by F.R. McMeekin, its Vice President and General Manager and by E.M. Simpson, its Secretary, and its corporate seal to be hereto affixed this 24th day of January in the year of our Lord, one thousand nine hundred and sixty-three and in the one hundred and eighty-seventh year of the Sovereign and Independence of the United States of America.

Signed, Sealed and Delivered in
Presence of:

MARY B. KINLOCH
Witness

SOUTH CAROLINA ELECTRIC & GAS COMPANY

BY F.R. MCMEEKIN
Vice President and General Manager

F. M. SIMPSON

SEAT

ROA000634

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

PERSONALLY appeared before me H. M. Bryant who, on oath, says that he saw named SOUTH CAROLINA ELECTRIC & GAS COMPANY by F. R. McMeekin, its Vice President and E.M. Simpson, its Secretary, sign the within Deed, and the said Company said officers, seal said Deed, and, as its act and deed, deliver the same, and Mary B. Kinloch witnessed the execution thereof.

Sworn to before me, this 24th
day of January A.D., 1963.

H. M. BRYANT
Witness

ELEANOR L. WILSHEAR
Notary Public for South Carolina
My commission expires at the
pleasure of the Governor.

FEDERAL POWER COMMISSION
Washington 25

EXHIBIT "B"

Project No. 516
South Carolina Electric & Gas Company

January 24, 1954

South Carolina Electric & Gas Company
Post Office Box 390
Columbia, South Carolina

Attention: Mr. F.R. McMeekin
Vice-President

Gentlemen:

This refers to your December 14, and December 16, 1953 applications for to sell lands within the project area of Project No. 516.

You are advised that the Commission has no objection to the sale of lands within the project area lying between the 360-foot contour and the project boundary, exclusive of those lands designated and shown on Exhibit K, Sheets 1, 2, and "A" (FPC Nos. 516-35, -36, and -31), subject to the specific reservation set forth in your December 14, and December 16, 1953 application, and the deeds should so provide.

Upon consummation of the sale of the lands for which permission is given, a copy of the deed should be filed with the Commission, together with a plat of the lands and authorization for the Commission staff to make the proper notation on Exhibit K of the change in land ownership and the bounds of the lands sold.

By direction of the Commission,

(Sgd.) LEON M. FUQUAY

LEON M. FUQUAY
Secretary

DEED RECORDED April 28, 1969 at 9 AM.

JULIUS MERCHANT
CCCP&GS

ROA000635

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

PERSONALLY appeared before me H. M. Bryant who, on oath, says that he saw named SOUTH CAROLINA ELECTRIC & GAS COMPANY by F. R. McMeekin, its Vice President and E.M. Simpson, its Secretary, sign the within Deed, and the said Company said officers, seal said Deed, and, as its act and deed, deliver the same, and Mary B. Kinloch witnessed the execution thereof.

Sworn to before me, this 24th
day of January A.D., 1963.

H. M. BRYANT
Witness

ELEANOR L. WILSHEAR
Notary Public for South Carolina
My commission expires at the
pleasure of the Governor.

FEDERAL POWER COMMISSION
Washington 25

EXHIBIT "B"

Project No. 516
South Carolina Electric & Gas Company

January 24, 1954

South Carolina Electric & Gas Company
Post Office Box 390
Columbia, South Carolina

Attention: Mr. F.R. McMeekin
Vice-President

Gentlemen:

This refers to your December 14, and December 16, 1953 applications for to sell lands within the project area of Project No. 516.

You are advised that the Commission has no objection to the sale of lands within the project area lying between the 360-foot contour and the project boundary, exclusive of those lands designated and shown on Exhibit K, Sheets 1, 2, and "A" (FPC Nos. 516-35, -36, and -31), subject to the specific reservation set forth in your December 14, and December 16, 1953 application, and the deeds should so provide.

Upon consummation of the sale of the lands for which permission is given, a copy of the deed should be filed with the Commission, together with a plat of the lands and authorization for the Commission staff to make the proper notation on Exhibit K of the change in land ownership and the bounds of the lands sold.

By direction of the Commission,

(Sgd.) LEON M. FUQUAY

LEON M. FUQUAY
Secretary

DEED RECORDED April 28, 1969 at 9 AM.

JULIUS MERCHANT
CCCP&GS

ROA000636

12-3-87

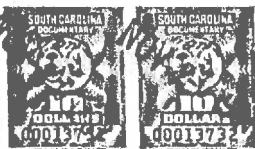
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State of South Carolina }
COUNTY OF SALUDA }

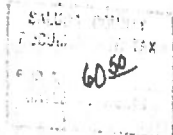
BOOK 132 PAGE 308

DEED
(Individual)

© CENTRAL OFFICE PRODUCTS
Columbia, S. C.
Form No. 728
Rev. 1977



RECORDED
NOVEMBER 20, 1987
9:00 A. M.



KNOW ALL MEN BY THESE PRESENTS, That MAYE W. SESSIONS,
(hereinafter called "Grantor"), for and in consideration of the sum of
FIFTY-FIVE THOUSAND AND NO/100 (\$55,000.00) _____ Dollars

to the Grantor in hand paid at and before the sealing of these presents, by

GEORGE W. DOSS AND
CAMILLA DOSS

of

LEESVILLE, SOUTH CAROLINA

(hereinafter called "Grantee") in the State aforesaid, (the receipt of which is hereby acknowledged)
has granted, bargained, sold and released, and by these Presents does grant, bargain, sell and release,
unto the Grantee, his heirs, successors and assigns:

All that certain piece, parcel or lot of land, situate, lying and
being in the County of Saluda, State of South Carolina, being shown as
A 0.72 ACRE TRACT on plat of lots surveyed for Mrs. Maye Sessions by
Arthur J. Weed, dated May 6, 1974. Reference is also made to map of
Lake Murray Shores, Section No. 1, by T.R. Pettit, dated September,
1950 and recorded in the Office of the Clerk of Court for Saluda
County in Plat Book No. 4, Page 17; Also being shown on a plat
prepared for George W. Doss and Camilla Doss by Cox and Dinkins, Inc.,
dated October 21, 1987, to be recorded.

PB 132-310

DERIVATION: DEED BOOK 44 AT PAGE 112-A



Grantees Address: 510 Windsor Road
Asheville, N.C. 28804

This conveyance is made subject to easements and restrictions of record and otherwise affecting the property.

TOGETHER with all and singular the Rights, Members, Hereditaments and Appurtenances to the Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the premises before mentioned unto the Grantee, his Heirs, Successors and Assigns forever.

And the Grantor does hereby bind himself and his heirs, to warrant and forever defend all and singular the premises unto the Grantee, His Heirs, Successors, and Assigns against himself and his heirs and against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

ROA000637

Any reference in this instrument to the singular shall include the plural, and vice versa. Any reference to one gender shall include the others, including the neuter. Such words of inheritance shall be applicable as are required by the gender of the Grantee.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal.

Date: NOVEMBER 18, 19 87

Signed, Sealed and Delivered

in Presence of:
George W. Doss
Carty B. Belchurst

Maye W. Sessions (Seal)
 MAYE W. SESSIONS (Seal)

State of South Carolina }
 COUNTY OF RICHLAND } PROBATE

PERSONALLY appeared before me the undersigned witness, who, being duly sworn, says that (s)he saw the within-named Grantor sign, seal and deliver the within Deed; and that (s)he with the other witness whose signature appears above witnessed the execution thereof.

SWORN to before me (date) NOVEMBER 18, 1987

George W. Doss (Seal)
 Notary Public for South Carolina

Carty B. Belchurst
 (Witness)

My Commission expires: 8/21/97
 gsd

State of South Carolina

COUNTY OF Saluda

Maye W. Sessions

Grantor

TO

George W. Doss

Camilla Doss
 (include mailing address)

Grantee

DEED

(Individual)

Filed this 20th day of

Nov. 1987.

at 9:00 o'clock, P. M.

and recorded in Deed Book 132 at page 308

Carty B. Belchurst

R. M. C. Clerk of Court

Saluda County, S. C.

Recorded this 3rd day of

December, 1987.

Page 314

Robert Ray

Auditor

County, Saluda

AMOUNT

NOV 20 1987
 SALUDA COUNTY TREASURER
 460

NO TITLE EXAMINATION PERFORMED

FILED
CLERK OF COURT
SALUDA CO., S.C.

93 SEP 24 AM 9: 19

-----SPACE ABOVE THIS LINE FOR RECORDING DATA-----

STATE OF SOUTH CAROLINA }

COUNTY OF SALUDA }

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that **GEORGE W. DOSS** (hereinafter termed "Grantor") for and in consideration of the sum of Five and 00/100 (\$5.00) Dollars, and love and affection for my wife the Grantee herein, to Grantor paid at and before the sealing of these presents by **CAMILLA DOSS** (hereinafter termed "Grantee") has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the Grantee, her heirs and assigns all his right title and interest (the same being an undivided one-half) in and to the below described real estate:

All that certain piece, parcel, or lot of land, together with improvements thereon, situate, lying and being located on the waters of Lake Murray, in the County of Saluda, State of South Carolina, being shown and delineated as a tract of land containing .72 acre, on a plat of Mrs. Maye Sessions, recorded in the Office of the Clerk of Court for Saluda County in Plat Book 4 at Page 17; being more specifically shown and delineated on a plat prepared for George W. and Camilla Doss, recorded in said Clerk of Court's Office in Record Book 132 at Page 310; said plats are incorporated herein and reference is craved thereto for a more complete and accurate description of the metes, bounds, courses and distances of the property concerned herein. Be all measurements a little more or less.

This being the same property conveyed unto the Grantor and Grantee herein by deed of Mrs. Maye Sessions, recorded in the Office of the Clerk of Court for Saluda County in Deed Book 132 at Page 308.

This conveyance is made subject to existing easements and to easements and restrictions of record including those shown on recorded plats.

Grantee's Address: 510 Windsor Road, Asheville, NC 28804
Tax Map Number: 206-26-01-333

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 HOLD, all and singular the premises before mentioned unto the Grantee, Grantee's heirs and assigns forever.

AND THE GRANTOR hereby binds himself and his heirs and assigns to warrant and forever defend all and singular the premises unto the Grantee, Grantee's heirs and assigns against Grantor, Grantor's heirs and assigns and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS the Grantor's Hand and Seal this 23rd day of September, in the year of our Lord One Thousand Nine Hundred and Ninety-three (1993), and in the Two Hundred and Seventeenth (217th) year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered
in the presence of:

[Signature] 9/23/93
Dora S. Lips

[Signature]
GEORGE W. DOSS

STATE OF NORTH CAROLINA }
COUNTY OF BUNCOMBE }

PERSONALLY appeared before me the undersigned witness, who being first duly sworn, deposes and says that (s)he saw the within named Grantors sign, seal and as their act and deed deliver the within written deed, and that (s)he with the other witness subscribing above witnessed the execution thereof.

SWORN to before me this 23rd day of September, 1993.

Mary B. Woodward
Notary Public for North Carolina
My Commission Expires: 10.5.93

[Signature] 9/23/93

I hereby certify that the within
Deed was filed for
record in my office at 9:19A M
o'clock on 9-24-1993 and
was immediately entered upon the
proper indexes and duly recorded in
Book 275 Page 32.

[Signature]
Doris B. Holmes
Saluda County Clerk of Court & RMO

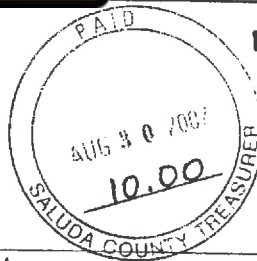
Recorded in Auditor's Office

Book 2 ... 571-
[Signature] Auditor
Saluda County, S. C.

* 002539

Recorded by and to be returned to:

Harvey, Casterline & Vallini, L.L.P.
 211 West Main St.
 Lexington, SC 29072-2665
 File No.: 07-34828LEX

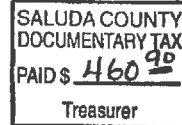


BOOK

809

PAGE

11



STATE OF SOUTH CAROLINA

COUNTY OF SALUDA

TITLE TO REAL ESTATE

1089.40

STATE

KNOW ALL MEN BY THESE PRESENTS, that CAMILLA DOSS NOW KNOWN AS CAMILLA SPENCER, in the State aforesaid, for and in consideration of the sum of FOUR HUNDRED NINETEEN THOUSAND DOLLARS 00/100 (\$419,000.00), unto us in hand paid at and before the sealing of these presents by RHONDA W. BROWNING, 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 RHONDA W. BROWNING, her heirs and assigns forever, in fee simple, together with every contingent remainder and right of reversion, the following described property, to wit:

All that certain piece, parcel, or tract of land, together with improvements thereon, situate, lying and being in the County of Saluda, State of South Carolina, being shown and designated as a tract containing 0.72 acre, more or less, located at the dead end of the right of way for Greenwood Street (now known as Moonlight Lane) in Lake Murray Shores, Section 1, on a plat of a resubdivision of lots owned by Mae W. Sessions prepared by Arthur J. Weed dated May 6, 1974, and recorded in the office of the Clerk of Court for Saluda County in Plat Book 27 at page 20. Being further shown and delineated on a plat prepared for Rhonda W. Browning by Ben Whetstone Associates dated August 6, 2007, and recorded in simultaneously herewith in Plat Book 809 at page 10. Reference to said plat is made for a more complete and accurate description. Be all measurements a little more or less.

This being the same property conveyed to George W. Doss and Camilla Doss by deed of Mae W. Sessions dated November 18, 1987, and recorded November 20, 1987, in the office of the Clerk of Court for Saluda County in Deed Book 132 at page 308; subsequently, George W. Doss conveyed all his one-half undivided interest to Camilla Doss by deed dated September 23, 1993, and recorded September 24, 1993, in Deed Book 275 at page 32.

FILED
 2007 AUG 30 PM 3:36
 CLERK OF COURT
 SALUDA COUNTY
 SOUTH CAROLINA

BOOK 809 PAGE 12

TMS#: 206-26-01-533
Property Address: 137 Moonlight Lane, Leesville, SC 29070
Grantee(s) Address: 137 Moonlight Lane, Leesville, SC 29070

This conveyance is made subject to easements and restrictions of record and otherwise affecting the property.

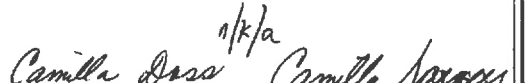
TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the said RHONDA W. BROWNING, her heirs and assigns forever, in fee simple, together with every contingent remainder and right of reversion.

AND Grantor does hereby bind her heirs and assigns, to warrant and forever defend, all and singular, the said premises unto the said RHONDA W. BROWNING, her heirs and assigns, forever, in fee simple, together with every contingent remainder and right of reversion against Grantor and Grantor's heirs, and all persons whomsoever lawfully claiming, or to claim, the same or any part thereof.

BOOK 809 PAGE 13

WITNESS my Hand and Seal this 22nd day of August, 2007.

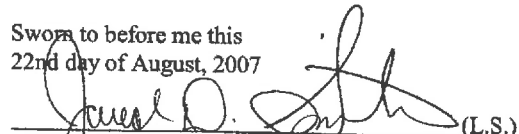
Signed, Sealed And Delivered
In The Presence Of:
1st Witness
2nd Witness/Notary
Camilla Doss now known as Camilla Spencer

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

PROBATE

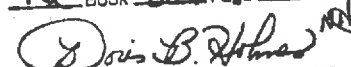
PERSONALLY APPEARED BEFORE ME, the undersigned witness, and made oath that he/she saw the within named **Camilla Doss now known as Camilla Spencer** Sign, Seal and as her Act and Deed deliver the within written Deed; and that he/she with the other witness subscribed above witnessed the execution thereof.

Sworn to before me this
22nd day of August, 2007
(L.S.)
Notary Public for SOUTH CAROLINA
My commission expires: 10/10/2013
Witness #1 Sign Here

Recorded in Assessor's Office

Book 3 Page 1250
Auditor for
Saluda, S.C.

I hereby certify that the within
Deed was filed for
record in my office at 3:36 P M
o'clock on 8-30-2007 and
was immediately entered upon the
proper indexes and duly recorded in
Rec Book 809 Page 11


Doris B. Holmes
Saluda County Clerk of Court & RMC

ROA000643

BOOK 809 PAGE 14

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ROA000644

Instrument Volume Page
201500001910 OR 1088 52

201500001910
Filed for Record in
SALUDA COUNTY SC
DORIS B HOLMES, CLERK OF COURT
09-22-2015 At 01:39:57 PM.
DEED 10.00
STATE .00
COUNTY .00
OR Volume 1088 Page 52 - 55

STATE OF SOUTH CAROLINA)

COUNTY OF SALUDA)

QUITCLAIM DEED

WHEREAS, Moonlight Drive, formerly known as Greenwood Street, is a road located in Lake Murray Subdivision, Section 1; and

WHEREAS, Rhonda W. Browning is the owner of a certain lot containing 0.72 acres at the dead end of an extension of Moonlight Drive, ("Moonlight Drive Extension") formerly known as Greenwood Street located in Lake Murray Shores, Section, bearing Saluda County Tax Map No.: 206-26-01-333, and

WHEREAS, Road Access to the property of Rhonda W. Browning is exclusively by Moonlight Drive Extension; and

WHEREAS, at one time in its history Saluda County had maintained Moonlight Drive Extension but has not maintained it in recent years; and

WHEREAS, Rhonda W. Browning subsequently assumed the maintenance of Moonlight Drive Extension and is desirous of maintaining the road as her exclusive access;

NOW, THEREFORE, IN ORDER TO GIVE GOOD CLEAR AND SUFFICIENT TITLE,

KNOW ALL MEN BY THESE PRESENTS, that SALUDA COUNTY BY DONALD E. HANCOCK, CHAIRMAN OF SALUDA COUNTY COUNCIL, for and in consideration of the sum of One Dollar and No/100 (\$1.00) Dollar, and no other consideration to us paid by RHONDA W. BROWNING, the receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, quitclaim and release, unto the said RHONDA W. BROWNING, her heirs and assigns forever, any interest it may have in the following real property, to wit:

That certain 30 foot road being an extension of Moonlight Drive formerly Greenwood Street, located in Lake Murray Shores, Section 1, County of Saluda, State of South Carolina and bounded generally now or formerly, on the West by lot of Jan H. Bryan, being known as Saluda County Tax Map No. 206-26-01-079 on the South where it dead ends into the lot of Rhonda W. Browning; on the East by lot of Rhonda W. Browning and by lot of Barbara Blymyer, Trustee, being known as Saluda County Tax Map No. 206-26-01-334; and on the North by the remaining portion of Moon Light Drive.

Grantee's Address: RHONDA W. BROWNING
137 Moon Light Drive
Leesville, SC 29070

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 the said bargained premises, together with all and singular the rights, members, easements, hereditaments and appurtenances thereof, to the same being, belonging, or in anywise appertaining to the only proper use, benefit and behoof of RHONDA

ROA000645

Instrument	Volume	Page
201500001910 OR	1088	53

W. BROWNING, her heirs and assigns forever, all its right, title and interest, if any.

WITNESS our Hand and Seal this 21st day of September in the year of our Lord two thousand fifteen and in the two hundred and fortieth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Karen T. Whittle
1st witness

Donald E. Hancock
Donald E. Hancock, Chairman
Saluda County Council
Pursuant to Ordinance No. 07-15

Regina H. Turner
2nd witness

STATE OF SOUTH CAROLINA)
COUNTY OF SALUDA)

ACKNOWLEDGEMENT
(Individual)

On this 21st day of September, 2015, before me personally appeared Karen T. Whittle

_____, to be known to me to be the same whose names are subscribed to the foregoing instrument, and acknowledged that (he or she or they) signed and delivered the instrument as (his or her or their) free and voluntary act, for the uses and purposes set forth.

Regina H. Turner
Signature of Notary
Notary Public, State of South Carolina

Regina H. Turner
Print name of Notary
My Commission Expires: 8-13-2022

Recorded in Assessor's Office

Book 4 Page 1560

Morris Jones
Auditor for
Saluda, S.C.

ROA000646

Instrument
201500001910 OR

Volume Page
1088 54

STATE OF SOUTH CAROLINA)

COUNTY OF SALUDA)

AFFIDAVIT

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

1. I have read the information on this affidavit and I understand such information.

2. The property being transferred is 30 foot road being an extension of Moonlight Drive as described on Quitclaim Deed, bearing Tax Map

No. Saluda County n/a transferred bySaluda County to RHONDA W. BROWNING on 9/21, 2015.

3. Check one of the following: The deed is

(a) ☐ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.(b) ☐ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.(c) ☒ exempt from the deed recording fee because (See Information section of affidavit): 12 - (If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit):

(a) The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$0.

(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 is5. Check Yes ☐ or No ☒ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes," the amount of the outstanding balance of this lien or encumbrance is: _____

6. The deed recording fee is computed as follows:

(a) Place the amount listed in item 4 above here: \$0

(b) Place the amount listed in item 5 above here: 0 (If no amount is listed, place zero here.)

(c) Subtract Line 6(b) from Line 6(a) and place result here: \$0

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$. 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

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Sworn to before me this 21
September, 2015

Notary Public for South Carolina

My Commission Expires: 4/26/2016

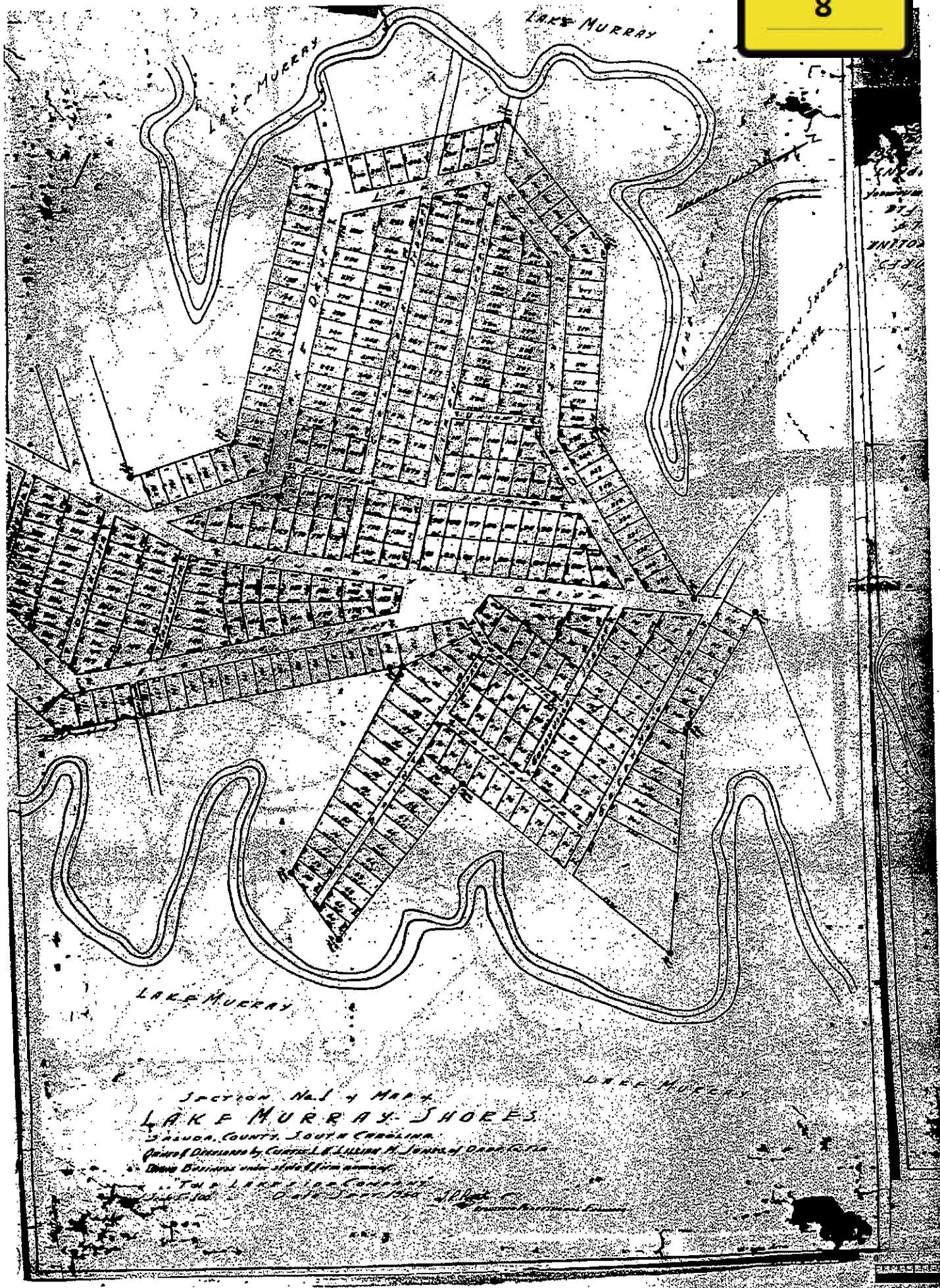
Responsible Person Connected with the Transaction

[Signature]

INFORMATION

Except as provided in this paragraph, the term "value" means "the consideration paid or to be paid in money or money's worth for the realty." Consideration paid or to be paid in money's worth includes, but is not limited to, other realty, personal property, stocks, bonds, partnership interest and other intangible property, the forgiveness or cancellation of a debt, the assumption of a debt, and the surrendering of any right. The fair market value of the consideration must be used in calculating the consideration paid in money's worth. Taxpayers may elect to use the fair market value of the realty being transferred in determining fair market value of the consideration. In the case of realty transferred between a corporation, 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.

ROA000647



ROA000648

Parcel "A", 2.14 Acres

From-To	Bearing	Dist.
M C2	N55°24'W	278.8'
C2 1	N57°52'E	91.5'
1 2	S64°08'E	76.6'
2 3	S42°52'E	58.1'
3 4	S59°59'E	113.6'
4 5	S46°45'E	40.8'
5 6	S32°37'W	100.0'
6 7	S23°23'W	122.4'
7 8	S37°32'W	58.5'
8 9	S79°35'W	56.2'
9 10	S64°58'W	63.1'
10 11	S52°07'W	68.2'
11 12	N44°43'W	32.8'
12 13	S25°55'W	23.9'
13 C1	N32°00'W	172.4'
C1 M	N69°36'E	367.5'

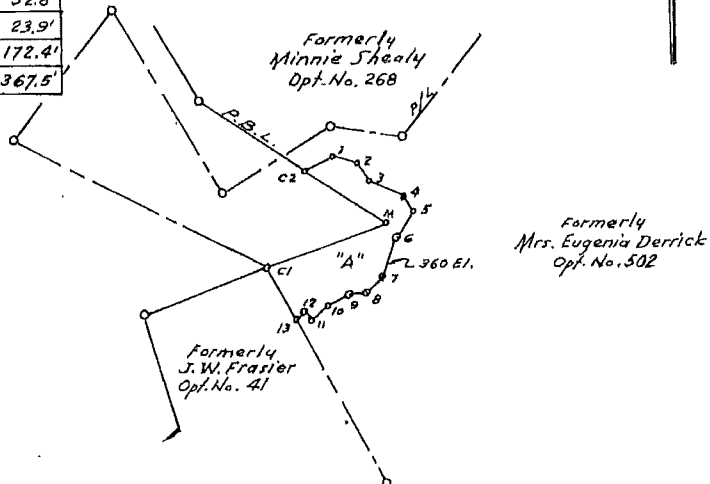


EXHIBIT "A"

THIS MAP IS A PART OF THE APPLICATION FOR AN
AMENDMENT OF PLANS FOR PROJECT NO. 516
MADE BY THE UNDERSIGNED THIS _____ DAY OF
_____, 1962

SOUTH CAROLINA ELECTRIC & GAS CO.

ORIGINAL SIGNED BY F. R. McNEELIN,
VICE PRESIDENT AND GENERAL MANAGER

SOUTH CAROLINA ELECTRIC & GAS CO.
COLUMBIA, S. C.

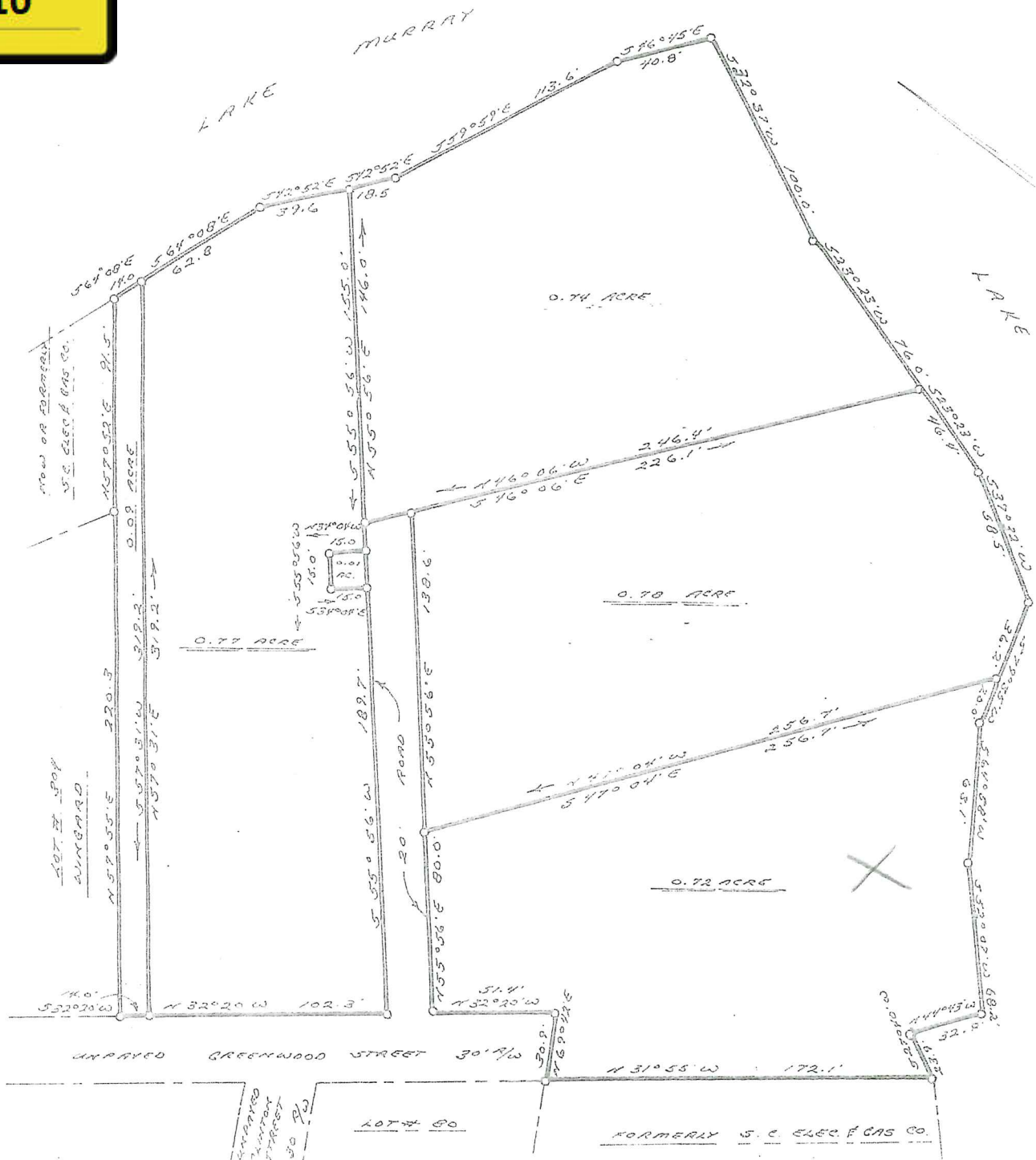
Partial Plat of Lands of
Mrs. Eugenia Derrick
Opt. No. 502

DATE: Sept. 21, 1962

SCALE: 1" = 400'

OPT. No. 502

516-96



LOTS SURVEYED FOR

MAYE W. SESSIONS

APPROXIMATELY 3 MILES EAST OF YARRIC CIRCLE

SALUDA COUNTY

REF. 1. SECTION 21 OF MAP OF LAKE MURRAY DATED SEPT. 1950

2. PARTIAL PLAT OF LANDS OF MAYE W. SESSIONS LOT # 502
BY S. C. ELECTRIC & GAS CO. DATED SEPT. 21 1962 & RECORDED
IN THE O. C. C. FOR SALUDA COUNTY IN PLAT BOOK 11 PAGE 87.

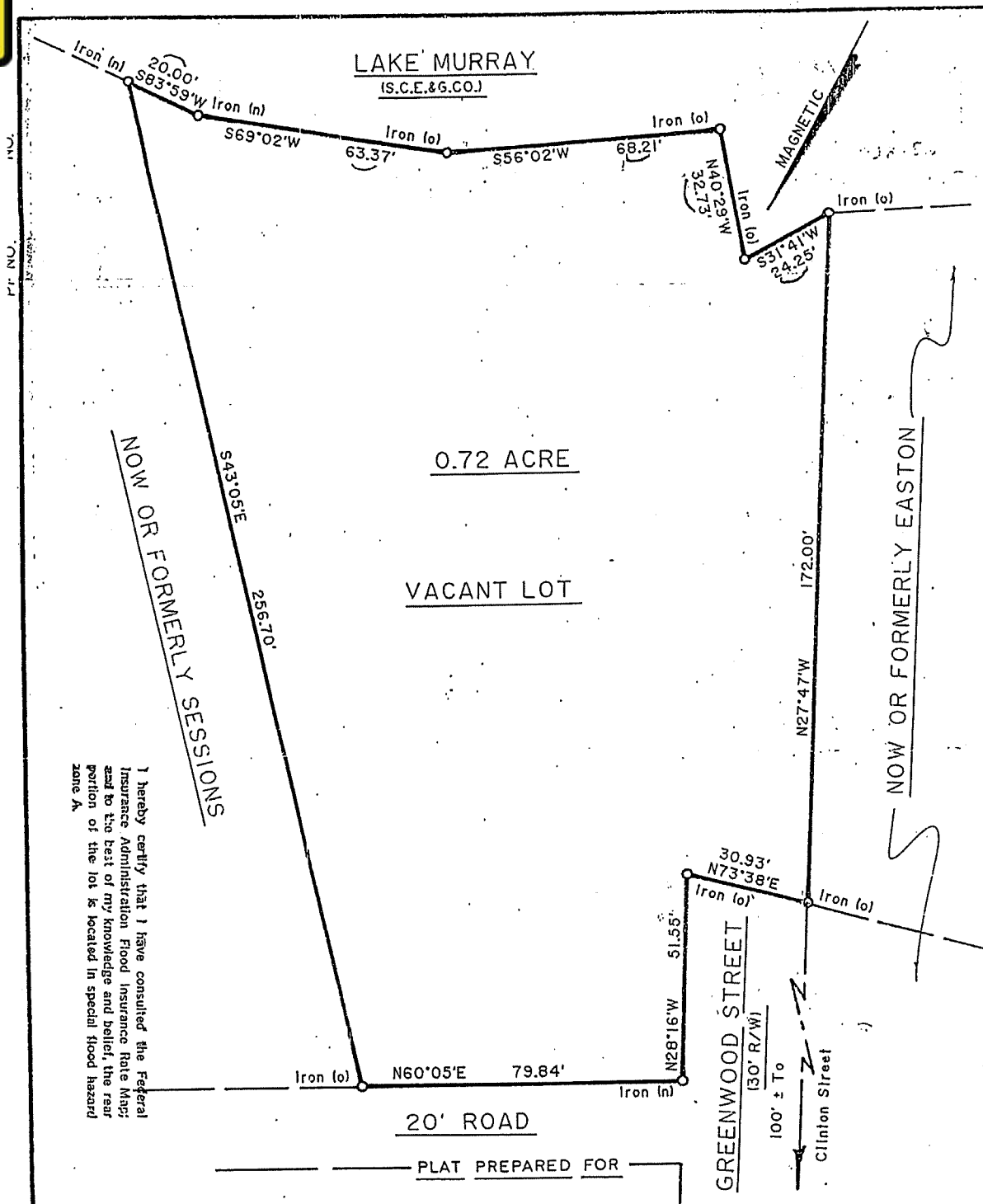
ARTHUR J. WOOD

LEESVILLE, S. C.

SCALE 1" = 50'

MAY 6, 1974

Arthur J. Wood
REG. LAND SURVEYOR # 4193



American Blueprint of Columbia

EXHIBIT

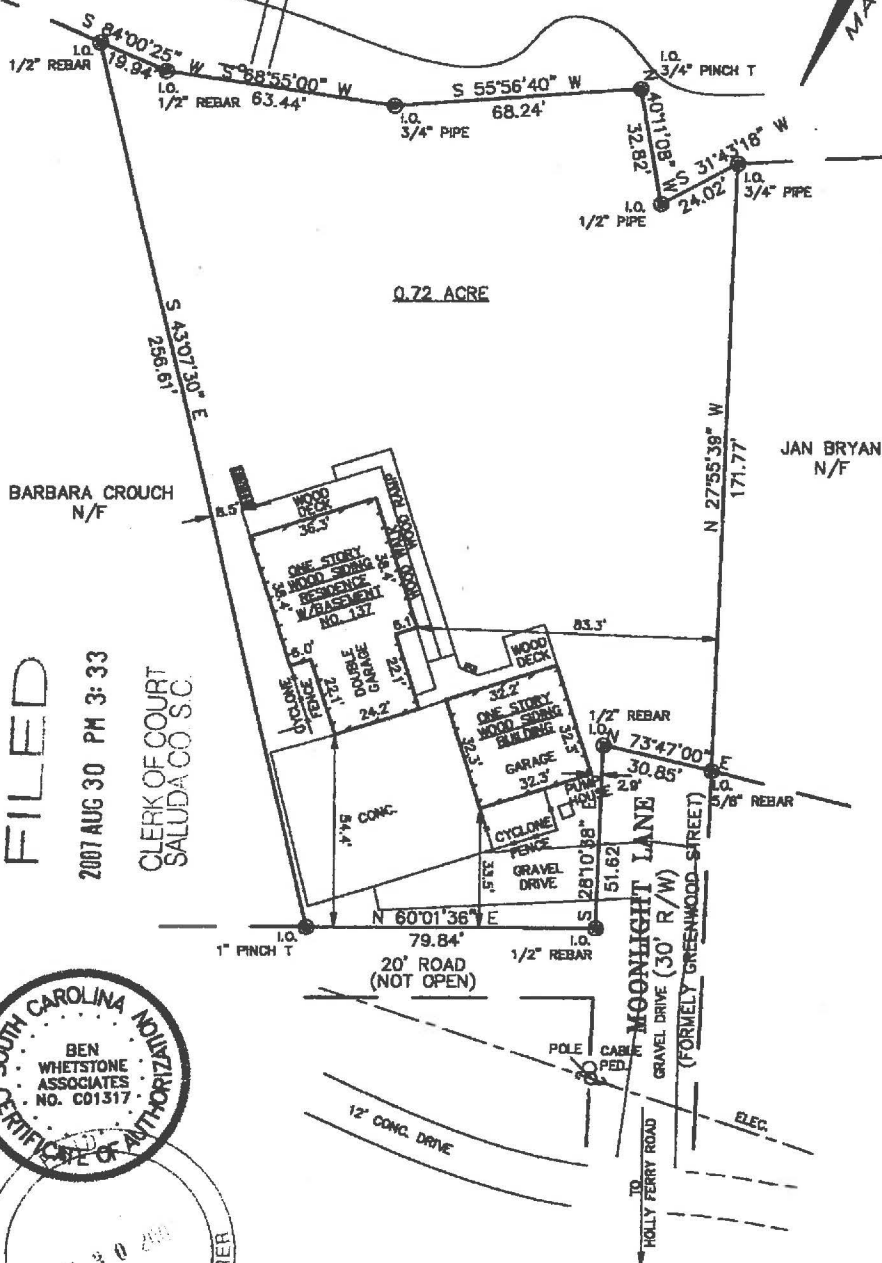
12

002538

BOOK 809 PAGE 10

LAKE MURRAY
(S.C.E. & G. CO.)

MAGNETIC

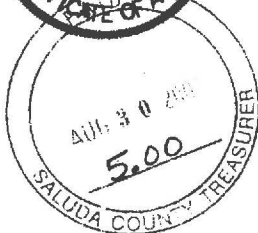
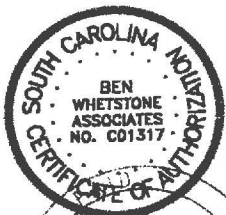


LOT NEAR SALUDA, IN SALUDA COUNTY, S.C.; DESIGNATED AS A 0.72 ACRE TRACT, ON PLAT PREPARED FOR MRS. MAY W. SESSIONS BY ARTHUR J. WEED, DATED MAY 6, 1974, AND ALSO SHOWN ON PLAT PREPARED FOR GEORGE W. DOSS & CAMILLA DOSS, BY COX AND DINKINS, INC. DATED OCTOBER 21, 1987, AND RECORDED IN PLAT BOOK 32, PAGE 310, IN THE OFFICE OF R.O.D. FOR SALUDA COUNTY. TMS: 206-26-01-333

ADDITIONAL REF: PLAT BOOK 4, PAGE 17

FILED

2007 AUG 30 PM 3:33

CLERK OF COURT
SALUDA CO. S.C.

PLAT PREPARED FOR

RHONDA W. BROWNING

BEN WHETSTONE ASSOCIATES
1321 AUGUSTA ROAD
WEST COLUMBIA, S.C. 29169
PHONE (803) 791-8467

AUGUST 6, 2007

SCALE: 1" = 40'



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 "B" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

Benjamin H. Whetstone
BENJAMIN H. WHETSTONE, R.L.S.
S.C. REGISTRATION NUMBER #2904

JOB NO. 07-07-021

ROA000652

42-119

STATE OF SOUTH CAROLINA,
COUNTY OF SALUDA

KNOW ALL MEN BY THESE PRESENTS, That We, Curtis L. Jones and Lillian M. Jones, doing business under the firm name and style of The Lakeside Company, of Dade County, State of Florida, for and in consideration of the sum of ten dollars to us paid by Lonnie A. Goodwin and Bertha Mae Goodwin in the State aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released; and by these presents do grant, bargain, sell and release unto the said Lonnie A. Goodwin and Bertha Mae Goodwin, their heirs and assigns forever a certain lot or parcel of land in Holly School District, Saluda County, South Carolina, and described as follows:

Being Lot

No. s 79 and 80

, as shown on Map or Plat of Lake Murray Shores

No. 1.

made by T. R. Pettit, Registered Professional Engineer, dated the -- day of September 1950, which said Map or Plat is duly recorded in the office of the Clerk of Court for Saluda County, South Carolina, in Plat Book 4, page 17

TOGETHER with easements in, to, on and over all roads and community beaches on the Lake Murray Shores as designated on the aforesaid Map or Plat, and annexes thereto, which said privileges shall be in common with other property owners of Lake Murray Shores and annexes thereto.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the premises before mentioned unto the said Lonnie A. Goodwin and

Bertha Mae Goodwin, their heirs and assigns forever, subject, however, to the following reservation and restrictions which shall be deemed to be covenants running with the land:

1. The said grantors reserve the right to install telephone and electric light poles and wires, gas and water mains or license and permit the same to be done, in, upon or over the said streets or ways, and to conduct telephone or electrical light wires over any of said lots from any pole located upon any street or way to any lot shown on said Plat.
2. No building shall be erected on said premises; any portion of which shall be within ten (10) feet of the front line of said premises, or within four (4) feet from the side line of any adjoining lot owner.
3. No building shall be erected on said premises less than twenty-four (24) feet in length and twenty (20) feet in width.
4. No building shall be erected on said premises except: One family dwelling house and private garage. Any garage erected on said premises must conform generally in appearance and material to any dwelling on said premises.
5. No toilet shall be constructed except in accordance with local and state regulations relating to sewage disposal.
6. No animals or poultry shall be kept or maintained on said premises; except household pets.
7. Said premises shall not be used for any commercial or manufacturing purposes of any kind, except as otherwise designated.
8. Any building constructed of wood must be stained or painted with two coats of stain or paint.
9. Building plans must be submitted to the Lakeside Company, or its assignee of record, for approval.

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 Lonnie A. Goodwin and Bertha Mae Goodwin, their heirs and assigns, against us and our heirs and against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

IN TESTIMONY WHEREOF, the said Curtis L. Jones and Lillian M. Jones, doing business under the firm name and style of The Lakeside Company, have hereunto set our Hands and affixed our Seals this 1st day of September in the year of our Lord one thousand nine hundred and fifty one and in the one hundred and 76th year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered in the presence of:

Roy D. Baker

C. T. Wilson

THE LAKESIDE COMPANY

Curtis L. Jones

Curtis L. Jones

Lillian M. Jones

Lillian M. Jones

(SEAL)

(SEAL)

STATE OF SOUTH CAROLINA)
Richland COUNTY)

PROBATE

PERSONALLY appeared before me the undersigned and made oath that he saw the within named Curtis L. Jones and Lillian M. Jones, doing business under the name of The Lakeside Company, sign, seal and, as their act and deed, deliver the within written Deed for the uses and purposes therein mentioned, and that he, with

SWORN to before me this 1st day of September, 1951

witnessed the execution thereof.

Merlin G. Jones, Notary Public for South Carolina

Roy D. Baker

my commission expires at pleasure of the Governor.
STATE OF SOUTH CAROLINA
Richland COUNTY

I, Merlin G. Jones

RENUNCIATION OF DOWER
Notary Public for South Carolina,

do hereby certify unto all whom it may concern, that Mrs. Lillian M. Jones, the wife of the within-named Curtis L. Jones, did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily and without any compulsion, dread, or fear of any person or persons whomsoever, renounce, release and forever relinquish unto the within-named Lonnie A. Goodwin and Bertha Mae Goodwin, their 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 1st day of September Anno Domini 19 51

Lillian M. Jones

Merlin G. Jones

ROA000653
Recorded October 3rd, 1951, at 9- A.M.

EXHIBIT

14

The State of South Carolina,
COUNTY OF SALUDA

50-339

KNOW ALL MEN BY THESE PRESENTS, That we, Lonnie A. Goodwin and Bertha Mae Goodwin
in the State aforesaid, for and in
One hundred (\$100.00) ----- for and in consideration of the sum of
to us in hand paid to the undersigned by Wiley B. Easton ----- DOLLARS,
Paid by: Wiley B. Easton
in the State aforesaid (the receipt whereof is hereby acknowledged) have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and
release, unto the said WILEY B. EASTON

All that certain lot or parcel of land in Holley School District,
Saluda County, South Carolina, and designated as Lot 79 on Map
Or Plat of Lake Murray Shores No. 1, made by T.R. Pettit, Registered
Professional Engineer, dated September, 1950, which said Map or Plat
is duly recorded in the office of the Clerk of Court for Saluda
County, South Carolina, in Plat Book 4, page 17, made a part hereof
by reference, and being the identical Lot 79, which together with
another lot, was transferred to grantors hwevin September 1, 1951,
for which ~~same~~ seed Deed Book 3, page 1.?

X 42-119

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
Wiley B. Easton, his Heirs and Assigns forever.

AND we do hereby bind ourselves and our
Heirs, Executors and Administrators, to warrant and forever defend all and singular the said Premises unto the said
Wiley B. Easton, his
Heirs and Assigns, against us and our Heirs, and against every person whomsoever
lawfully claiming, or to claim the same, or any part thereof.
WITNESS our Hand, S and Seal S, this 9th day of November
thousand nine hundred and sixty and in the one hundred and eighty fifth in the year of our Lord one
Independence of the United States of America. year of the Sovereignty and
Signed, Sealed and Delivered in the Presence of
Martha Sharpe
Jack F. McGuinn Lonnie A. Goodwin (L. S.)
Bertha Mae Goodwin (L. S.)

THE STATE OF SOUTH CAROLINA,
RICHLAND County.

Personally appeared before me Martha Sharpe
and made oath that he saw the within-named Lonnie A. Goodwin and Bertha Mae Goodwin
sign, seal, and as their Act and Deed, deliver the within-written Deed, for the uses and purposes herein mentioned, and that she
Jack F. McGuinn witnessed the execution thereof.
Sworn to before me, this 9th day of November, A. D. 1960
Jack F. McGuinn (L. S.)
Notary Public for S. C.

Martha Sharpe

N. P.

Seal

THE STATE OF SOUTH CAROLINA,
RICHLAND County.

RENUNCIATION OF DOWER

I, Jack F. McGuinn
do hereby certify unto all whom it may concern, that Mrs. Bertha Mae Goodwin
the wife of the within-named Lonnie A. Goodwin did this day appear before me, and upon being privately
and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever
renounce, release and forever relinquish unto the within-named Wiley B. Easton, his
Heirs and Assigns, all her interest and estate, and also all her right
and claim of dower, of, in, or to all and singular the premises within mentioned and released.
Given under my Hand and Seal, this 9th day of November, Anno Domini 19 60
Jack F. McGuinn (L. S.)
Notary Public for S. C. Bertha Mae Goodwin
N. P.
Seal

Recorded 10th day of November at 9 A.M., 19 60

ROA000654

TREASURY DEPARTMENT
FILE NUMBERD428 #534

ORIGINAL

This Copy to be returned for
files of S. C. Electric & Gas Company.STATE OF SOUTH CAROLINA)
COUNTY OF SALUDA)

WHEREAS, the South Carolina Electric & Gas Company owns a hydro electric project designated in the files of the Federal Power Commission as Project No. 516, and certain lands adjacent thereto, and has received permission from the Federal Power Commission to deed certain of these lands, including the tract hereunder more fully described and delineated, free and clear of all project purposes except flowage rights, said permission being contained in a letter dated January 27, 1954, copy of which is hereto annexed as Exhibit "B".

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, That the SOUTH CAROLINA ELECTRIC & GAS COMPANY, in the State aforesaid, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration to it in hand paid at and before the sealing of these presents, by Wiley B. Easton, Sr. 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 Wiley B. Easton, Sr. subject to the right of the Grantor, its successors and assigns, through its servants or agents, to have the right of ingress, egress and access in, to, over, across and out of the property herein conveyed for malaria control and other corporate purposes, and subject also to all damages that may be caused to said parcel or tract of land by reason of the erection, construction, operation and maintenance by the Grantor, its successors and assigns, of a dam or dams and reservoir of water of any height and size and necessary spillways on the Saluda River at or near Dreher's Shoals, whether such damage is caused by the flooding of the lands or injury to the drainage thereof, or by storage of water, or for any

-1-

ROA000655

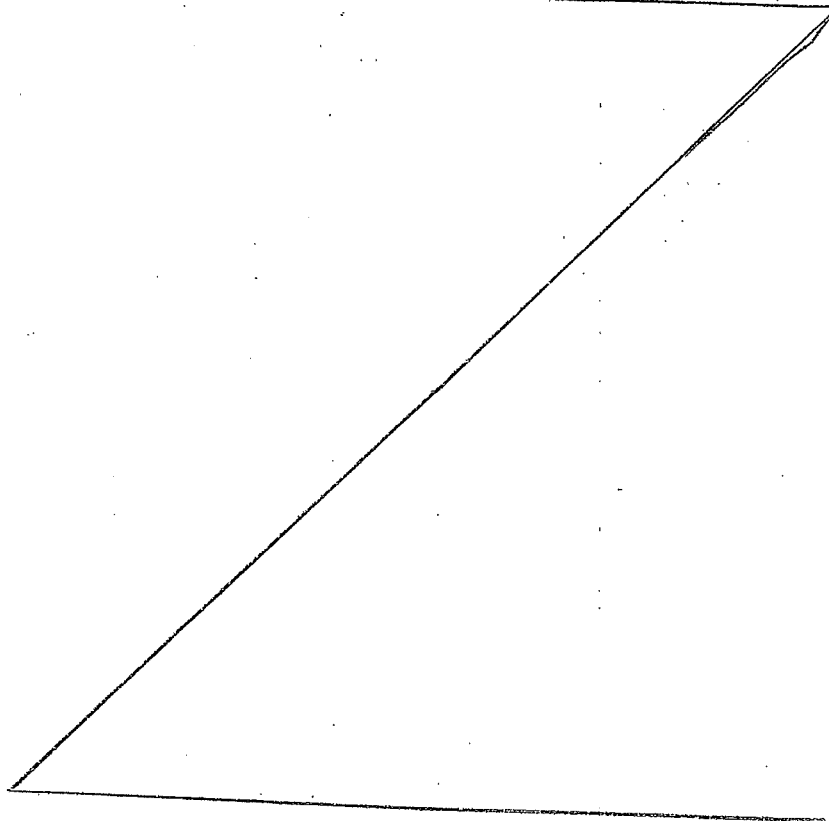
Easton

other reason whatsoever, and the Grantee herein, for himself and
for his heirs and assigns, hereby expressly releases the Grantor, its
successors and assigns from any and all liability for any and all damages that
may be caused to said parcel or tract of land as aforesaid.

All that certain piece, parcel, or tract of land situate, lying and being
in the County of Saluda, State of South Carolina, bounded on the north by lands
of Easton, and on the east, south, and west by lands of South Carolina Electric
& Gas Company, and being more particularly described as follows:

Beginning at an iron pipe on the PBL of South Carolina Electric & Gas Com-
pany, where the PBL intersects the old property line between lands formerly of
Frazier and lands formerly of Derrick, thence leaving the PBL and running S 32°
00' E for a distance of 175.2 feet, more or less, to an iron pipe on the 360
foot contour, thence following the contour S 82° 20' W for a distance of 54.0
feet, more or less, to an iron pipe, thence leaving the 360 foot contour and
running N 32° 00' W for a distance of 163.0 feet, more or less, to an iron pipe
on the PBL of South Carolina Electric & Gas Company, thence following the PBL
N 69° 36' E for a distance of 50.0 feet, more or less, to point of beginning.

Containing 0.19 acres, more or less, and being a portion of a tract of land
conveyed to Lexington Water Power Company by J. W. Frazier under deed dated
July 26, 1927, Option #41, and being further delineated as Parcel A on Partial
Flat of Lands of J. W. Frazier, Drawing #516-96 dated April 20, 1961, hereto
annexed and made a part hereof as Exhibit A.



It is further a part of the consideration of this deed that grantee agrees to purchase exclusively electricity to be furnished by the grantor, as long as the grantor deems it economically feasible to provide same. In the event the grantee fails or refuses to purchase electricity from the grantor, when called upon by the grantor so to do, then the grantor is given the right to repay the monetary consideration herein mentioned and take possession of the said property. This is a covenant running with the land herein above described, and this covenant also binds the grantee and his heirs, successors and assigns herein. The object of this covenant being that the said property is much more valuable than the cash consideration mentioned herein, and an inducement for this conveyance being the grantee's agreement to purchase electricity from the grantor, its successors or assigns.

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 Wiley B. Easton, Sr., his Heirs and Assigns forever, subject to the rights above reserved to the Grantor, its successors and assigns.

And the said SOUTH CAROLINA ELECTRIC & GAS COMPANY does hereby bind itself and its successors and assigns, to warrant and forever defend all and singular the said premises unto the said Wiley B. Easton, Sr., his Heirs and Assigns, against itself and its successors lawfully claiming or to claim the same, or any part thereof.

IN WITNESS WHEREOF the SOUTH CAROLINA ELECTRIC & GAS COMPANY has caused these presents to be executed in its name by

F. R. McMeekin, its Vice President, and by E. M. Simpson, its Secretary, and its corporate seal to be hereto affixed this
26TH day of June in the year of our Lord,
one thousand nine hundred and sixty one and in the one
hundred and eighty fifth year of the Sovereign and Independence
of the United States of America.

Signed, Sealed and
Delivered in Presence of:

SOUTH CAROLINA ELECTRIC & GAS
COMPANY

/s/ MARY B. KINLOCH
Witness

ORIGINAL SIGNED BY F. R. McMEEKIN,
BY VICE PRESIDENT AND GENERAL MANAGER
Vice President

/s/ H. M. BRYANT
Witness

/s/ E. M. SIMPSON
Secretary

STATE OF SOUTH CAROLINA }
COUNTY OF RICHLAND }

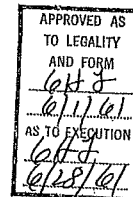
PERSONALLY appeared before me H. M. BRYANT
who, on oath, says that he saw the within-named SOUTH CAROLINA
ELECTRIC & GAS COMPANY by F. R. McMeekin, its Vice President, and
E. M. Simpson, its Secretary, sign the within Deed, and the said
Corporation, by said officers, seal said Deed, and, as its act
and deed, deliver the same, and that he with MARY B. KINLOCH
witnessed the execution thereof.

/s/ H. M. BRYANT
Witness

Sworn to before me, this 26TH
day of JUNE, A.D., 1961.

/s/ ELEANOR L. WILSHEAR
Notary Public for South Carolina

My commission expires at the
pleasure of the Governor.



STATE OF SOUTH CAROLINA }
COUNTY OF SALUDA }

TREASURY DEPARTMENT

FILE NUMBER

D-420 #660

ORIGINAL

This Copy to be returned for
files of S. C. Electric & Gas Company.

WHEREAS, the South Carolina Electric & Gas Company owns a hydro electric project designated in the files of the Federal Power Commission as Project No. 516, and certain lands adjacent thereto, and has received permission from the Federal Power Commission to deed certain of these lands, including the tract hereunder more fully described and delineated, free and clear of all project purposes except flowage rights, said permission being contained in a letter dated January 27, 1954, copy of which is hereto annexed as Exhibit "B".

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, That the SOUTH CAROLINA ELECTRIC & GAS COMPANY, in the State aforesaid, for and in consideration of the sum of One (\$1.00) Dollar and other valuable consideration to it in hand paid at and before the sealing of these presents, by Lonnie A. and Bertha M. Goodwin 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

Lonnie A. and Bertha M. Goodwin subject to any and all easements which now exist, and subject also to the right of the Grantor, its successors and assigns, through its servants or agents, to have the right of ingress, egress and access in, to, over, across and out of the property herein conveyed for malaria control and other corporate purposes. Subject further to all damages that may be caused to said parcel or tract of land by reason of the erection, construction, operation and maintenance by the Grantor, its successors and assigns, of a dam or dams and reservoir of water of any height and size and necessary spillways on the Saluda River at or near Dreher's Shoals, whether such damage is caused by the flooding of the lands or injury to the drainage thereof, or by storage of water, or for any

All that certain piece, parcel, or tract of land situate, lying and being in the County of Saluda, State of South Carolina, bounded on the north by lands of Goodwin, on the east by a public road, on the south by lands of South Carolina Electric & Gas Company, and on the west by lands of Easton, and being more particularly described as follows:

Containing 0.20 acres, more or less, and being a portion of a tract of land conveyed to Lexington Water Power Company by J. W. Frazier under deed dated July 26, 1927, Option #41, and being further delineated on Partial Plat of Lands of J. W. Frazier, Drawing #516-96 dated April 18, 1962, hereto annexed and made a part hereof as Exhibit A.

It is further a part of the consideration of this deed that grantee agrees to purchase exclusively electricity to be furnished by the grantor, as long as the grantor deems it economically feasible to provide same. In the event the grantee fails or refuses to purchase electricity from the grantor, when called upon by the grantor so to do, then the grantor is given the right to repay the monetary consideration herein mentioned and take possession of the said property. This is a covenant running with the land herein above described, and this covenant also binds the grantee and his heirs, successors and assigns herein. The object of this covenant being that the said property is much more valuable than the cash consideration mentioned herein, and an inducement for this conveyance being the grantee's agreement to purchase electricity from the grantor, it's successors or assigns.

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 Lonnie A. and Bertha M. Goodwin, their Heirs and Assigns forever, subject to the rights above reserved to the Grantor, its successors and assigns.

And the said SOUTH CAROLINA ELECTRIC & GAS COMPANY does hereby bind itself and its successors and assigns, to warrant and forever defend all and singular the said premises unto the said Lonnie A. and Bertha M. Goodwin, their Heirs and Assigns, against itself and its successors lawfully claiming or to claim the same, or any part thereof.

IN WITNESS WHEREOF the SOUTH CAROLINA ELECTRIC & GAS COMPANY has caused these presents to be executed in its name by

F. R. McMeekin, its Vice President and General Manager and
by E. M. Simpson, its Secretary, and its corporate seal to
be hereto affixed this 31ST day of August in
the year of our Lord, one thousand nine hundred and sixty two
and in the one hundred and eighty seventh year of the
Sovereign and Independence of the United States of America.

Signed, Sealed and
Delivered in Presence of:

SOUTH CAROLINA ELECTRIC & GAS
COMPANY

1ST MARY B. KINLOCH
Witness

F. R. McMEEKIN,
BY VICE PRESIDENT AND GENERAL MANAGER
Vice President and General Manager

1ST H. M. BRYANT
Witness

1ST E. M. SIMPSON
Secretary

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

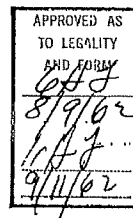
PERSONALLY appeared before me H. M. BRYANT
who, on oath, says that he saw the within-named SOUTH CAROLINA
ELECTRIC & GAS COMPANY by F. R. McMeekin, its Vice President
and General Manager and E. M. Simpson, its Secretary, sign the
within Deed, and the said Corporation, by said officers, seal
said Deed, and, as its act and deed, deliver the same, and that
he with MARY B. KINLOCH witnessed the execution
thereof.

1ST H. M. BRYANT
Witness

Sworn to before me, this 31ST
day of AUGUST A.D., 1964

1ST ELEANOR L. WILSHEAR
Notary Public for South Carolina

My commission expires at the
pleasure of the Governor.



EXHIBIT

17

The State of South Carolina,

COUNTY OF SALUDA

Deed Mailed to Wiley B. Easton
163N Fairlane Drive
West Columbia, S.C.

74

KNOW ALL MEN BY THESE PRESENTS, That we, Lonnie A. Goodwin and Bertha Mae Goodwin
in the State aforesaid for and Two hundred forty (\$240.00) ----- for and in consideration of the sum of
to US in hand purchase and release of the same by Wiley B. Easton Paid by: Wiley B. Easton DOLLARS,
in the State aforesaid (the receipt whereof is hereby acknowledged) have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and
release, unto the said Wiley B. Easton;

All that certain parcel, piece or lot of land in Holly School
District, Saluda County, South Carolina, shown and designated as
Lot 80 in Map or Plat of Lake Murray Shores No. 1, recorded in the
office of the Clerk of Court for Saluda County in Plat Book 4, page
17, together with all easements and rights thereto pertaining; said
Map or Plat made a part hereof by reference.

Also: All that certain piece, parcel or tract of land containing
0.20 acres shown on Plat preserved in said Clerk's office in Book 7,
page 62 and also shown and described in Deed Book 52, page 410, made a
part hereof by reference, together with all rights and easements incident
thereto.

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 Wiley B. Easton, his

Heirs and Assigns forever.

AND I do hereby bind myself and my and ourselves and our
Heirs, Executors and Administrators, to warrant and forever defend all and singular the said Premises unto the said Wiley B. Easton, his
Heirs and Assigns, against US and OUR Heirs, and against every person whomsoever
lawfully claiming, or to claim the same, or any part thereof.

WITNESS our Hand S and Seal S, this 14th day of February in the year of our Lord one
thousand nine hundred and sixty-three (1963) and in the one hundred and eighty-seventh year of the Sovereignty and
Independence of the United States of America.

Signed, Sealed and Delivered in the Presence of

Ginger Gross

Lonnie A. Goodwin

Jack F. McGuinn

Bertha Mae Goodwin

(L. S.)

(L. S.)

THE STATE OF SOUTH CAROLINA,
RICHLAND Richland County.

Personally appeared before me Ginger Gross

and made oath that he saw the within-named Lonnie A. and Bertha M. Goodwin

sign, seal, and as their Act and Deed, deliver the within-written Deed, for the uses and purposes herein mentioned, and that he with
Jack F. McGuinn witnessed the execution thereof.

Sworn to before me, this 14

day of February, A. D. 1963

Jack F. McGuinn (L. S.)

Notary Public for S. C.

GINGER GROSS

THE STATE OF SOUTH CAROLINA,
RICHLAND County.

RENUNCIATION OF DOWER

I, Jack F. McGuinn, Notary Public

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

the wife of the within-named Lonnie A. Goodwin

did this day appear before me, and upon being privately
and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever
renounce, release and forever relinquish unto the within-named Wiley B. Easton, his

Heirs and Assigns, all her interest and estate, and also all her right

and claim of dower, of, in, or to all and singular the premises within mentioned and released.

Given under my Hand and Seal, this 14th day of February, Anno Domini 1963

Jack F. McGuinn

(L. S.)

Notary Public for S. C.

Bertha Mae Goodwin

Recorded 20th day of May at 11 A.M., 19 63

ROA000663

JULIUS MERCHANT

C. C. C. P.

002499

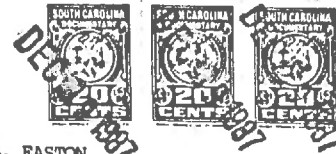
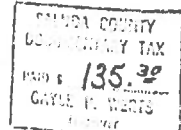
BOOK 133 PAGE 74

State of South Carolina }
COUNTY OF SALUDA }

DEED
(Individual)

CENTRAL OFFICE PRODUCTS
Column No. 3 C.
Form No. 122
Rev. 1977

RECORDED
DECEMBER 9 1937
9:00 A. M



KNOW ALL MEN BY THESE PRESENTS, That WILEY B. EASTON,
(hereinafter called "Grantor"), for and in consideration of the sum of

ONE HUNDRED TWENTY-TWO THOUSAND SEVEN HUNDRED FIFTY AND NO/100 (\$122,750.) Dollars
to the Grantor in hand paid at and before the sealing of these presents, by

JAN H. BRYAN of SOUTH CAROLINA

(hereinafter called "Grantee") in the State aforesaid, (the receipt of which is hereby acknowledged)
has granted, bargained, sold and released, and by these Presents does grant, bargain, sell and release,
unto the Grantee, his heirs, successors and assigns:

All that certain piece, parcel or lot of land, with the improvements thereon, situate, lying and being in the County of Saluda, State of South Carolina, being shown and designated as LOTS 79 & 80 on plat for Lexington Water Power Company, by J.W. Frazier under Deed dated July 26, 1927 and recorded in the Office of the RMC for Saluda County in Deed Book 31 at Page 189; Also being shown on a plat prepared for Jan H. Bryan by Ralph O. Vanadore, R.L.S., dated November 30, 1987, to be recorded.

231/189

DERIVATION: DEED BOOK 131 AT PAGE 188
53 74

GRANTEE'S ADDRESS: 5 Inverness West
Aiken, S.C. 29801

T.M.S. #: 206-26-01-079
206-26-01-080



This conveyance is made subject to easements and restrictions of record and otherwise affecting the property.

TOGETHER with all and singular the Rights, Members, Hereditaments and Appurtenances to the Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the premises before mentioned unto the Grantee, his Heirs, Successors and Assigns forever.

And the Grantor does hereby bind himself and his heirs, to warrant and forever defend all and singular the premises unto the Grantee, His Heirs, Successors, and Assigns against himself and his heirs and against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

ROA000664

Any reference in this instrument to the singular shall include the plural, and vice versa. Any reference to one gender shall include the others, including the neuter. Such words of inheritance shall be applicable as are required by the gender of the Grantee.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal.

Date: DECEMBER 7, 19 87

Signed, Sealed and Delivered

in Presence of:

[Signature]
[Signature]

[Signature]
 WILEY B. EASTON (Seal)
 (Seal)

State of South Carolina }
 COUNTY OF RICHLAND }

PROBATE

PERSONALLY appeared before me the undersigned witness, who, being duly sworn, says that (s)he saw the within-named Grantor sign, seal and deliver the within Deed; and that (s)he with the other witness whose signature appears above witnessed the execution thereof.

SWORN to before me (date) DECEMBER 7, 1987

[Signature]
 (Seal)

[Signature]
 (Witness)

Notary Public for South Carolina

My Commission expires: 8-31-91

Lewis, Lewis, Bruce & Potts, P.A.
 P. O. BOX 11716
 COLUMBIA, S. C. 29211

State of South Carolina

COUNTY OF Saluda

Wiley B. Easton

Grantor

TO

Jan H. Bryan

(include mailing address) Grantee

DEED

(Individual)

Filed this 9th day of December, 1987, at 9:00 o'clock, A. M. and recorded in Deed Book/33 at page 74

[Signature]
 R.M.C. Clerk of Court
 Saluda County, S. C.

Recorded this 11th day of December, 1987.

Page 315
 Robert Ray Webb, m.w.
 Auditor Saluda County

DEC 9 1987
 -40-

Measure = Eastern . OK

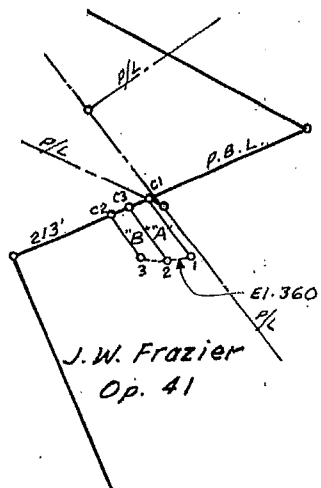
SALUDA COUNTY
SCHOOL DISTRICT No.

Parcel "A" 0.19 Ac.

From-To	Bearing	Dist.
C1-1	S32°00'E	175.2'
1-2	S82°20'W	54.0'
2-C3	N32°00'W	163.0'
C3-C1	N69°36'E	50.0'

Parcel "B" 0.16 Ac.

From-To	Bearing	Dist.
C3-2	S32°00'E	163.0'
2-3	N78°06'W	67.8'
3-C2	N32°00'W	125.7'
C2-C3	N69°36'E	50.0'



Mrs. Eugenia Derrick
Op. 502

J.W. Frazier
Op. 41

EXHIBIT "A"

THIS MAP IS A PART OF THE APPLICATION FOR AN
AMENDMENT OF PLANS FOR PROJECT NO. 516
MADE BY THE UNDERSIGNED. THIS _____ DAY OF
_____ 19 61

SOUTH CAROLINA ELECTRIC & GAS CO.,
VICE PRESIDENT AND GENERAL MANAGER
BY _____ VICE PRESIDENT

SOUTH CAROLINA ELECTRIC & GAS CO.
COLUMBIA, S. C.

Partial Plat of Lands of
J. W. Frazier
Option No. 41

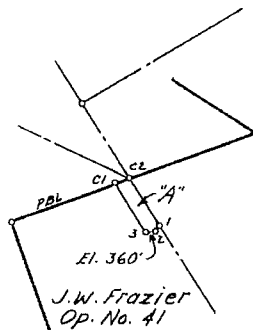
DATE April 20, 1961
SCALE 1" = 400'

Op. No. 41

516-96

Parcel "A" 0.20 Acres		
From To	Bearing	Dist.
C1-C2	N 69° 36' E	50.0'
C2-1	S 32° 00' E	172.4'
1-2	S 49° 09' W	24.3'
2-3	S 81° 39' W	27.1'
3-C1	N 32° 00' W	175.2'

Saluda County
School District No.



Mrs. Eugenia Derrick
Op. No. 502

EXHIBIT "A"

THIS MAP IS A PART OF THE APPLICATION FOR AN
AMENDMENT OF PLANS FOR PROJECT NO. 516
MADE BY THE UNDERSIGNED THIS _____ DAY OF
_____, 1962.

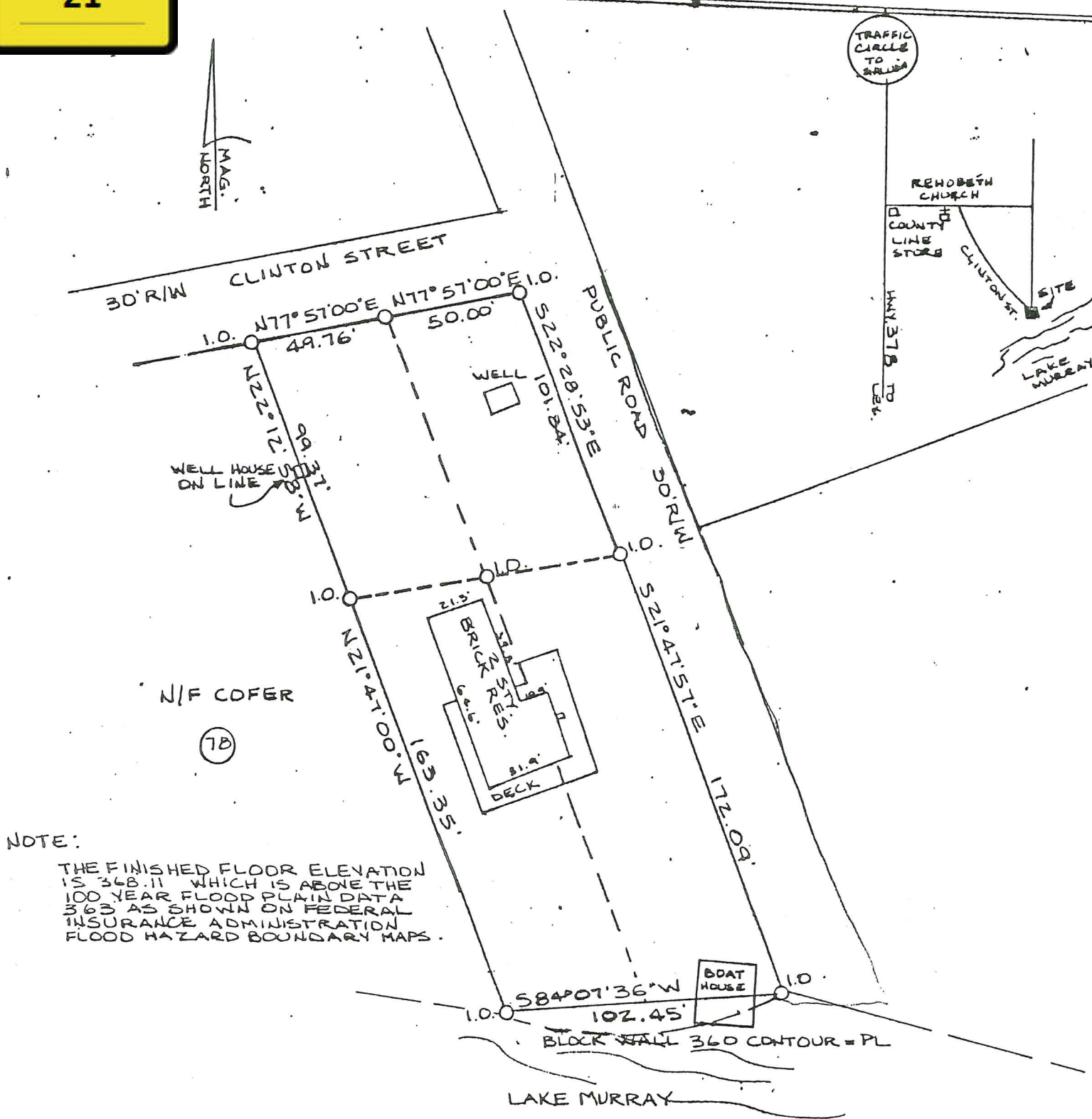
SOUTH CAROLINA ELECTRIC & GAS CO.
ORIGINAL FILED WITH RECORDS
VICE PRESIDENT AND GENERAL MANAGER
BY _____ VICE PRESIDENT

SOUTH CAROLINA ELECTRIC & GAS CO.
COLUMBIA, S. C.

Partial Plat of Lands of
J. W. Frazier
Option Number 41.

DATE April 18, 1962 Op. No. 41
SCALE 1" = 400'

516-96



NOTE:
THE FINISHED FLOOR ELEVATION IS 348.11 WHICH IS ABOVE THE 100 YEAR FLOOD PLAIN DATA 363 AS SHOWN ON FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAPS.

— PLAT PREPARED FOR —
JAN H. BRYAN

IN SALUDA COUNTY, S.C.

SCALE: 1" = 50'



NOVEMBER 30, 1987

REF: BEING SHOWN THE SAME AS LOTS 79 AND 80 ON A PLAT FOR LEXINGTON WATER POWER COMPANY BY J. W. FRAZIER UNDER DEED DATED JULY 26, 1927. DEED BOOK 31, PAGE 189 IN SALUDA COUNTY RMC OFFICE.

I HEREBY CERTIFY THAT THE MEASUREMENTS AS SHOWN ABOVE ARE CORRECT AND THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

RALPH VANADORE & ASSOCIATES, INC.
211 SWARTZ RD.
LEXINGTON S.C. 29072
957-5010

[Signature]
RALPH Q. VANADORE RLS 7806 S.C.

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