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STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
)
COUNTY OF HORRY) (09-CP-26-10523)

Elizabeth A. Crotty and)
James K. Orzech,)
)
) PORTION OF
) TRANSCRIPT OF RECORD
)
) FOR
) June 22, 2011
Windjammer Village of)
Little River Property)
Owners Association) Conway, South Carolina
)

B E F O R E:

HONORABLE STEVEN H. JOHN, Circuit Judge.

A P P E A R A N C E S:

RICHARD M. LOVELACE, JR., ESQ.,
ATTORNEY FOR PLAINTIFFS

KENNETH R. MOSS, ESQ.
ATTORNEY FOR DEFENDANT

DIXIE COX EUBANK
CIRCUIT COURT REPORTER
FIFTEENTH JUDICIAL CIRCUIT



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I N D E X

<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>RD</u>	<u>RC</u>
ELIZABETH A. CROTTY				
MR. LOVELACE	4		118	
MR. MOSS		18		
JAMES K. ORZECH				
MR. LOVELACE	120			
MR. MOSS		125		

E X H I B I T I N D E X

<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EV.</u>
<u>CROTTY TESTIMONY:</u>			
P-2	Deed to Property		5
P-3	Contract of Sale		8
P-4	Temporary Injunction Order		12
P-5	Large Photo		14
P-6	Large Photo		14
P-7	Large Photo		14
P-8	Large Photo		14
P-9	Large Photo		14
P-10	Large Photo		14
P-11	Large Photo		14
P-12	Disability Rating (Crotty) 1/8/10		119

1 A. Probably fifty people in three circles.

2 Q. And for what period of time have they used the
3 driveway on the plat?

4 A. Since they've lived there.

5 Q. All right. Ms. Crotty, are you a member in good
6 standing of the Windjammer Village Property Owners'
7 Association?

8 A. Yes.

9 Q. And have you paid all of your dues and are they
10 current?

11 A. Yes.

12 Q. Now, Ms. Crotty, to park your car or your cars on your
13 lot, do you cross over a portion of the common area?

14 A. Yes. All people do in the village. They cross over a
15 portion of common property.

16 Q. Are you telling me that no property owner within
17 Windjammer Village can access their lot without crossing
18 common property?

19 A. Yes.

20 Q. Now, do you park on the common property?

21 A. No.

22 Q. All right. Ms. Crotty, I'm going to ---

23 **MR. LOVELACE:** Would ask the Court's indulgence.

24 **THE COURT:** Yes sir.

25 Q. Ms. Crotty I'm going to show you a blown-up photograph

1 and ask if you can identify it?

2 A. Yes. This is my propane truck filling my propane
3 tank.

4 **MR. LOVELACE:** We'd offer it.

5 **THE COURT:** Any objection?

6 **MR. MOSS:** We're not going to object to any of these.

7 **THE COURT:** All right, sir. So Plaintiff's 5 -- and
8 what are the other ones? Have her look at all of them at the
9 same time.

10 **MR. LOVELACE:** All right.

11 Q. Do you recognize all of these photographs?

12 A. Yes.

13 **MR. LOVELACE:** Your Honor, we'd just make them a ---

14 **THE COURT:** Just look through all of them, please, and
15 are they marked separately?

16 A. Yes, I recognize all of them.

17 **THE COURT:** Have them marked by the Court Reporter
18 please, sir.

19 Separately, please ma'am.

20 Q. Ms. Crotty, ---

21 **THE COURT:** Just hold on a second. The Court Reporter
22 has got to mark them, so you've got to wait until she gets
23 done with that.

24 **THE REPORTER:** Plaintiff's 5 through 11.

25 **(SEVEN (7) LARGE PHOTOGRAPHS INTRODUCED INTO EVIDENCE AS**

1 **PLAINTIFF'S EXHIBIT NUMBER 5, 6, 7, 8, 9, 10, AND 11.)**

2 Q. Ms. Crotty, with regard to ---

3 **THE COURT:** I'm sorry. They are 5 through what, ma'am?

4 **THE REPORTER:** 11.

5 **THE COURT:** 5 through 11 are in evidence without
6 objection, correct, Mr. ---

7 **MR. MOSS:** That's correct, Your Honor.

8 **THE COURT:** All right. Very good.

9 Q. Ms. Crotty, with regard to Plaintiff's Exhibit Number
10 5, I'd like you to tell the Court what that depicts.

11 A. This is a propane truck filling my two hundred and
12 fifty gallon propane tank underground.

13 Q. What is the source of fuel you utilize at your home?

14 A. Propane.

15 Q. Now, if the driveway is torn up, how would that
16 propane truck be able to service?

17 A. They told me they would not be able to service my tank
18 because they are legally -- their liability insurance will
19 not allow them to park on Little River Drive, and that's the
20 only way they could service it.

21 Q. All right. Now, why can't the trucks go onto your lot
22 itself without going into the driveway?

23 A. There are trees in the way. There's no way they could
24 get -- get to it.

25 Q. All right. With regard to Plaintiff's Exhibit Number

1 7, I'd ask you to look at that front and back and tell me
2 what does that picture depict?

3 A. It's a picture of Charlie Nill's SUV parked right on
4 the common property, as well as the front of his yard.

5 Q. All right. And who is Mr. Nill?

6 A. He's a Board member.

7 Q. A member of the Board of Directors or the POA?

8 A. Yes.

9 Q. He's parked on common property here?

10 A. Yes.

11 Q. All right. I show you Exhibit -- I'm sorry. Let's go
12 back to 6 and ask you to tell me what that depicts.

13 A. That's another picture of his SUV parked on common
14 property and also his truck parked everywhere but in his
15 driveway.

16 Q. And who is ---

17 A. This one is ---

18 Q. But who is the individual?

19 A. Oh. He's a member of the Board.

20 Q. What's his name?

21 A. Charles Nill.

22 Q. And that's the same one that was in the previous
23 photograph?

24 A. Yes.

25 Q. All right. I next show you Exhibit 8.

1 A. This is a house. I believe it was Kevin Hughes'
2 house, and he was allowed to excavate the common property
3 right in front of his house to make a driveway on common
4 property.

5 Q. All right. The next exhibit I'll give you is Exhibit
6 9 and ask if you would tell me what that shows.

7 A. It shows another SUV parked right on common property.

8 Q. All right. Do you know whose lot that is?

9 A. No. It's 2112 Georgetown Circle.

10 Q. Plaintiff's 10 and ask you to identify that.

11 A. This is a truck parked on the land that they excavated
12 of -- out of POA property to make another driveway in front
13 of their house, and that's 2120 Lafayette Circle.

14 Q. All right. And where is the car parked?

15 A. Right there.

16 Q. And who owns that property where the car is parked?

17 A. Fred and Mona Stampler.

18 Q. And lastly, I show you Plaintiff's 12.

19 A. This is another example of the same thing where they
20 made a driveway out of the common property right in front of
21 their house, and this is 2215 Jefferson Circle, Ray Dowty and
22 Julia Lawson.

23 Q. Are you aware of any enforcement action that's been
24 taken by the Property Owners' Association to require any of
25 the individuals or homeowners of those lots and properties

C E R T I F I C A T E

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3 I, the undersigned, DIXIE COX EUBANK, Official Court
4 Reporter for the Fifteenth Judicial Circuit of the State of
5 South Carolina, do hereby certify that the foregoing is a
6 true, accurate and complete Transcript of Record of all the
7 proceedings had and evidence introduced in the hearing of the
8 captioned case, relative to appeal, in the Court of Common
9 Pleas for Horry County, South Carolina, on the 22nd day of
10 June, 2011.

11 I DO FURTHER CERTIFY that I am neither of kin, counsel
12 nor interest to any party hereto.

13 October 31, 2013

14 

15 DIXIE COX EUBANK

16 CIRCUIT COURT REPORTER

17 FIFTEENTH JUDICIAL CIRCUIT
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