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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Courtney Clyburn Pope, Circuit Court Judge

Appellate Case No. 2026-001628

Ann Louise Gibbs-Hunter and Raymond D. Gibbs, Jr., Appellants / Plaintiffs,

v.

Rilion Gracie Greenville, LLC and TNB Financial Services, as Trustee
of Gene Mark Brown's Trust B-2 under The Doris P. Brown Revocable Trust
Agreement Dated February 9, 2006, as Amended, Respondents / Defendants,

APPELLANTS' RECORD ON APPEAL

THE MARCHBANKS LAW FIRM, LLC
Charles W. Marchbanks, Jr., S.C. Bar No.: 76935
Attorney for Appellants
1225 South Church Street
Greenville, SC 29605
864-552-1606 Telephone | 864-552-1607 Facsimile
charles@marchbankslawfirm.com
Attorney for Appellants

Other Counsel of Record:

Wendell L. Hawkins
9 Buena Vista Way, Ste. B
Greenville, SC 29615

Attorney for Defendant Rilion Gracie, LLC

Rachel G. McConoughey
100 Whitsett St.
Greenville, SC 29601

Attorney for Defendant TNB Financial Services

Greenville, South Carolina
September 8, 2026

RECORD ON APPEAL
Appellate Case No. 2026-001628
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Jul 24 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Courtney Clyburn Pope, Circuit Court Judge

Case No. 2024-CP-23-05724

Ann Louise Gibbs-Hunter and Raymond D. Gibbs, Jr., Appellants / Plaintiffs,

v.

Rilion Gracie Greenville, LLC and TNB Financial Services, as Trustee
of Gene Mark Brown's Trust B-2 under The Doris P. Brown Revocable Trust
Agreement Dated February 9, 2006, as Amended, Respondents / Defendants,

NOTICE OF APPEAL

THE MARCHBANKS LAW FIRM, LLC
Charles W. Marchbanks, Jr., S.C. Bar No.: 76935
Attorney for Appellants
1225 South Church Street
Greenville, SC 29605
864-552-1606 Telephone | 864-552-1607 Facsimile
charles@marchbankslawfirm.com
Attorney for Appellants

Other Counsel of Record:

Wendell L. Hawkins
9 Buena Vista Way, Ste. B
Greenville, SC 29615
Attorney for Defendant Rilion Gracie Greenville, LLC

- and -

Rachel G. McConoughey
100 Whitsett St.
Greenville, SC 29601
Attorney for the Defendant TNB Financial Services

Plaintiffs/Appellants Ann Louise Gibbs-Hunter and Raymond D. Gibbs, Jr. hereby appeal the June 4, 2026 Order of the Honorable Courtney Clyburn Pope granting summary judgment to Defendant/Respondent Rilion Gracie, LLC. This appeal is taken from a June 25, 2026 subsequent order of Judge Clyburn Pope denying Appellants' motion for reconsideration.

A copy of the appealed order is attached hereto and incorporated herein by reference. Appellants received notice of entry of the order on June 25, 2026.

Respectfully submitted,

THE MARCHBANKS LAW FIRM, LLC

s/Charles W. Marchbanks, Jr.

Charles W. Marchbanks, Jr., S.C. Bar No.: 76935

Attorney for Appellants

1225 South Church Street

Greenville, SC 29605

864-552-1606 Telephone | 864-552-1607 Facsimile

charles@marchbanksfirm.com

Greenville, South Carolina
July 24, 2026

RECEIVED

Jul 24 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Courtney Clyburn Pope, Circuit Court Judge

Case No. 2024-CP-23-05724

Ann Louise Gibbs-Hunter and Raymond D. Gibbs, Jr., Appellants / Plaintiffs,

v.

Rilion Gracie Greenville, LLC and TNB Financial Services, as Trustee
of Gene Mark Brown's Trust B-2 under The Doris P. Brown Revocable Trust
Agreement Dated February 9, 2006, as Amended, Respondents / Defendants,

PROOF OF SERVICE

Pursuant to the Supreme Court of South Carolina's Order dated May 6, 2022, Appellate Case No. 2022-000029, I, Charles W. Marchbanks, Jr., attorney for Appellants/Plaintiffs Ann Louise Gibbs-Hunter and Raymond D. Gibbs, Jr., certify I have served a Notice of Appeal in the above-captioned matter upon Rilion Gracie Greenville, LLC and TNB Financial Services on this the 24th day of July 2026, by email on Wendell L. Hawkins, as attorney for Defendant/Respondent Rilion Gracie Greenville, LLC at wlh@wlhawkinslawfirm.com; and Rachel G. McConoughey, as attorney for Defendant/Respondent TNB Financial Services at Contact@McConougheyLawFirm.com.

Respectfully submitted,

THE MARCHBANKS LAW FIRM, LLC

s/Charles W. Marchbanks, Jr.

Charles W. Marchbanks, Jr., S.C. Bar No.: 76935

Attorney for Appellants

1225 South Church Street

Greenville, SC 29605

864-552-1606 Telephone | 864-552-1607 Facsimile

charles@marchbankslawfirm.com

Greenville, South Carolina

July 24, 2026

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2024CP2305724

Ann Louise Gibbs Hunter , plaintiff, et al
PLAINTIFF(S)

Rilion Gracie Greenville LLC , defendant, et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (CHECK REASON): ☐ Rule 12(b), SCRCPP; ☐ Rule 41(a), SCRCPP (Vol. Nonsuit); ☐ Rule 43(k), SCRCPP (Settled);
☐ Other
- ☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRCPP; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

Plaintiffs' Motion to Reconsider was filed on 06/12/2026 regarding the order entered on 06/04/2026. Plaintiffs' motion is denied.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 06/25/2026 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Greenville Common Pleas

Case Caption: Ann Louise Gibbs Hunter , plaintiff, et al vs. Rilion Gracie Greenville LLC , defendant, et al
Case Number: 2024CP2305724
Type: Order/Electronic Form 4

So Ordered

The Honorable Courtney Clyburn Pope

Electronically signed on 2026-06-25 11:35:08 page 3 of 3

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	THIRTEENTH JUDICIAL CIRCUIT
	)	
	)	Civil Action No. 2024-CP-23-05724
Ann Louise Gibbs-Hunter and Raymond D. Gibbs, Jr,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	MEMORANDUM IN OPPOSITION TO
Rilion Gracie Greenville, LLC and TNB Financial Services, as Trustee of Gene Mark Brown's Trust B-2 under The Doris P. Brown Revocable Trust Agreement Dated February 9, 2006, as Amended,	)	PLAINTIFF'S MOTION TO
	)	RECONSIDER
	)	
Defendants,	)	
	)	
Rilion Gracie Greenville, LLC,	)	
	)	
Third Party Plaintiff,	)	
	)	
v.	)	
	)	
TNB Financial Services, as Trustee of Gene Mark Brown's Trust B-2 under The Doris P. Brown Revocable Trust Agreement Dated February 9, 2006, as Amended,	)	
	)	
Third Party Defendant	)	
	)	

Defendant Rilion Gracie Greenville, LLC ("RG"), by and through its undersigned attorney, respectfully submits the herein Memorandum in Opposition to the Plaintiff's Motion to Reconsider the Court's ruling denying the Plaintiff's Motion to Amend and would respectfully show this Court the following:

LAW ON MOTION TO RECONSIDER

Plaintiffs assert in their Motion to Reconsider that that the Court wrongfully denied their Motion to Amend their Complaint to add new causes of action for a prescriptive easement and easement by necessity. These issues were either argued in the previous hearing wherein RG was granted Summary Judgment on all issues between the Plaintiffs and RG relevant to this case or the Plaintiffs had the opportunity to argue these issues and did not. Either way, the Plaintiffs cannot meet the standard to have the Court change its original ruling.

Plaintiffs heavily brief the law of prescriptive easement and easement by necessity, but that dialogue is not the threshold issue. The threshold issue is whether or not the Plaintiffs are entitled to reconsideration. A motion to reconsider is governed by SCRPC Rule 59(e). In State v. Parker, 381 S.C. 68, 95, 671 S.E.2d 619, 633 (Ct. App. 2008), the court indicated the decision to grant or deny a Rule 59(e) motion is reviewed under an abuse of discretion standard. In Spreeuw v. Barker, 385 S.C. 45, 65, 682 S.E.2d 843, 853 (Ct. App. 2009) the court wrote, “[a]n abuse of discretion occurs when the court's decision is controlled by some error of law or where the order, based upon the findings of fact, is without evidentiary support.”; Elam v. S.C. Dep't of Transp., 361 S.C. 9, 22, 602 S.E.2d 772, 779 (2004) (“Rule 59(e) in the South Carolina and federal rules of civil procedure is practically identical.”); *id.* at 22-23, 602 S.E.2d at 779 (“[T]he United States Supreme Court explicitly has described a motion under federal Rule 59(e) as one which ‘involves *reconsideration* of matters properly encompassed in a decision on the merits.’ ” (quoting Osterneck v. Ernst & Whinney, 489 U.S. 169, 174 (1989))); *id.* at 23, 602 S.E.2d at 779-80 (“Issues and arguments are preserved for appellate review only when they are raised to and ruled on by the [circuit] court.”); Spreeuw, 385 S.C. at 68-69, 682 S.E.2d at 855 (finding the

defendant's form about expenses appeared “only as an attachment to his Rule 59(e) motion” and could not be considered on appeal). Perhaps the most adverse ruling on the Plaintiff’s argument is the decision in Hickman v. Hickman (Ct. App. 1990) wherein the court wrote, “[a] party cannot use Rule 59(e) to present to the court an issue the party could have raised prior to judgment but did not.” Hickman v. Hickman, 301 S.C. 455, 456, 392 S.E.2d 481, 482 (Ct. App. 1990).

APPLICATION OF LAW TO PROCEDURAL HISTORY

A. Abuse of Discretion

The first issue the Court must look at is whether or not there could possibly exist an abuse of discretion in the court’s previous ruling. As previously stated, in Spreeuw v. Barker, 385 S.C. 45, 65, 682 S.E.2d 843, 853 (Ct. App. 2009) the Court of Appeals wrote, “[a]n abuse of discretion occurs when the court's decision is controlled by some error of law or where the order, based upon the findings of fact, is without evidentiary support.” The court’s ruling was certainly not without evidentiary support. First of all, without a transcript of oral argument, neither the Court nor the parties can truly know what was argued and what was not and the only support in the record is in the Court’s Order. Secondly and perhaps most importantly, is even if there was not argument or support on the issue, Plaintiffs certainly had the opportunity to make every argument available at the hearing on the Motion for Summary Judgment. “A party cannot use Rule 59(e) to present to the court an issue the party could have raised prior to judgment but did not.” Hickman v. Hickman, 301 S.C. 455, 456, 392 S.E.2d 481, 482 (Ct. App. 1990).

B. Error of Law

Plaintiff briefed their applicable law in their Motion to Amend the Complaint. (See, Exhibit A; Plaintiffs’ Motion to Amend Complaint). Plaintiffs also simply stated in their

Motion to Amend that’ “[t]his Motion is upon and supported by the pleadings and discovery in this matter, applicable law, and such materials as may be provided at or before the hearing of this motion.” Plaintiffs were obviously aware of their obligations to provide applicable law and fact to the Court and there is no proof on the record that Plaintiff did so. The Court clearly applied the law set forth in Bundy v Shirley, 412 S.C. 292, 772 S.E.2d 724 (1986) to the prescriptive easement claim (See, Exhibit A; Order pp. 14-15) and there is no mention of easement by necessity in the Order because it was clear from the evidence submitted that the Plaintiffs’ house sat on a city street where street parking was allowed.

CONCLUSION

Because the Plaintiffs have articulated no error of law and there is ample evidentiary support in the record to uphold the Court’s ruling, the Plaintiffs’ Motion to Reconsider should be denied.

Respectfully submitted,
s/ Wendell L. Hawkins
 Wendell L. Hawkins (S.C. Bar #: 13583)
 Wendell L. Hawkins, PA
 9 Buena Vista Way, Ste. B
 Greenville, SC 29615
 (864) 848-9370 (Ph) (864) 848-9759 (Fax)
 wlh@wlhawkinslawfirm.com
 Attorneys for Defendant

Greenville, South Carolina
 June 23, 2026

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	13TH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
	)	
Ann Louise Gibbs-Hunter and	)	
Raymond D. Gibbs, Jr.,	)	
	)	
Plaintiffs,	)	
	)	PLAINTIFFS' MOTION
vs.	)	TO AMEND COMPLAINT
	)	
Rilion Gracie Greenville, LLC and TNB	)	
Financial Services, as Trustee of Gene	)	
Mark Brown's Trust B-2 under The Doris	)	
P. Brown Revocable Trust Agreement	)	
Dated February 9, 2006, as Amended,	)	
Defendants.	)	Docket No. 2024-CP-23-05724

COME NOW, Plaintiffs Ann Louise Gibbs-Hunter and Raymond D. Gibbs, Jr., by and through undersigned counsel, and hereby move this Honorable Court for an Order allowing them to amend their Complaint pursuant to Rule 15 of the South Carolina Rules of Civil Procedure, in order to assert a Fourth and Fifth Causes of Action as set forth in the proposed Amended Complaint which is attached hereto as Exhibit A. The grounds for this Motion are as follows:

1. Rule 15 provides that leave to amend "shall be freely given when justice so requires and does not prejudice any other party." S.C.R.C.P. 15(a). "This rule strongly favors amendments and the court is encouraged to freely grant leave to amend." Parker v. Spartanburg Sanitary Sewer Dist., 362 S.C. 276, 286, 607 S.E.2d 711, 717 (Ct. App. 2005). Any party opposing the amendment bears the burden of establishing that it would be prejudiced by the amendment. Id. at 716.

2. Defendant, Rilion Gracie Greenville, LLC, took the depositions of the Plaintiffs, Alice Jasper and Mary Morrison on October 13, 2025. Based on facts gleaned therefrom, Plaintiffs seek to add alternative causes of action for Prescriptive Easement and Implied Easement of Necessity to conform to the evidence. S.C.R.C.P. 15(b).

3. The amendment will rely on facts previously set forth in other pleadings in this matter, and the Plaintiffs do not seek to add another party. Other parties to this action will not suffer the type of prejudice that Rule 15 is designed to prevent. See Soil & Material Eng'r, Inc. v. Folly Assoc., 293 S.C. 498, 501, 361 S.E.2d 779, 781 (Ct. App. 1987) ("An amendment to conform to proof provides the opposing party with no just cause to complain if the opposing party is afforded full opportunity to introduce testimony bearing on the subject of the amendment").

4. This Motion is based upon and supported by the pleadings and discovery in this matter, applicable law, and such materials as may be provided at or before the hearing of this Motion.

5. Plaintiffs sought the Rule 11 consent of Defendants for this amendment on October 27, 2025 and consented to leaving discovery open, including depositions if necessary. By the close of business October 29, 2025, Defendant Rillion Gracie Greenville, LLC declined consent to Plaintiffs' Amended Complaint despite open discussions regarding same.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court grant their Motion to amend their Complaint by allowing the inclusion of two additional causes of action.

Respectfully submitted,

MARCHBANKS LAW FIRM, LLC

s/ Charles W. Marchbanks, Jr.

Charles W. Marchbanks, Jr.

SC Bar No. 76935

1225 S. Church St.

Greenville, SC 29605

(864) 552-1606

charles@marchbankslawfirm.com

Attorney for Plaintiffs

October 29, 2025
Greenville, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	13TH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
	)	
Ann Louise Gibbs-Hunter and	)	
Raymond D. Gibbs, Jr.,	)	
Plaintiffs,	)	
	)	PLAINTIFFS' MOTION
vs.	)	TO RECONSIDER
	)	
Rilion Gracie Greenville, LLC and TNB	)	
Financial Services, as Trustee of Gene	)	
Mark Brown's Trust B-2 under The Doris	)	
P. Brown Revocable Trust Agreement	)	
Dated February 9, 2006, as Amended,	)	
Defendants.	)	Docket No. 2024-CP-23-05724

COME NOW, Plaintiffs Ann Louise Gibbs-Hunter and Raymond D. Gibbs, Jr., who, through undersigned counsel, hereby move this Honorable Court pursuant to SCRCP Rule 59(e) to reconsider its ruling dated June 4, 2026 wherein the Court granted Defendant Rilion Gracie's Motion for Summary Judgment. Specifically, Plaintiffs request the Court reconsider its denial of Plaintiffs' Motion to Amend its Complaint pursuant to SCRCP, Rule 15(a) to assert causes of action for prescriptive easement and easement of necessity because, had leave to amend been granted to Plaintiffs, the case would not be subject to the drastic remedy of summary judgment.

At the threshold is the Court's reasoning for denying Plaintiffs' Motion to Amend. The section of the Order wherein the Court provides its basis for denying Plaintiffs' Motion is as follows:

"An easement is a right given to a person to use the land of another for a specific purpose. *Murrells Inlet Corp. v. Ward*, 378 S.C. 225, 232, 662 S.E.2d 452, 455 (Ct.App.2008). "An easement may arise in three ways: (1) by grant; (2) from necessity; and (3) by prescription." *Kelley v. Snyder*, 396 S.C. 564, 572, 722 S.E.2d 813, 817 (Ct.App.2012). Here, Shirley sought an easement by prescription. "A prescriptive easement is not implied by law but is established by the conduct of the dominant tenement owner." *Boyd v. BellSouth Tel. Tel. Co.*, 369 S.C. 410, 419, 633

S.E.2d 136, 141 (2006).

To establish a prescriptive easement, one must show: (1) continued and uninterrupted use or enjoyment of the right for a period of twenty years; (2) the identity of the thing enjoyed; **170 and (3) use or enjoyment which is either adverse or under claim of right. *Pittman v. Lowther*, 363 S.C. 47, 50, 610 S.E.2d 479, 480 (2005).

Although the elements of a prescriptive easement are well-established, **the standard of proof** as to these elements has given rise to confusion among the bench and bar. This confusion is understandable as the majority of the prescriptive easement cases in this state do not specifically enunciate the standard. Instead, our state cases: (1) simply outline the elements of a prescriptive easement and identify the claimant as having the burden of proving these elements; or (2) **analogize the establishment of a prescriptive easement to that of adverse possession**, which requires clear and convincing proof. See, e.g., *Morrow v. Dyches*, 328 S.C. 522, 527, 492 S.E.2d 420, 423 (Ct.App.1997) (“The party claiming a prescriptive easement has the burden of proving all elements.”); *Davis v. Monteith*, 289 S.C. 176, 180, 345 S.E.2d 724, 726 (1986) (stating claimant had the burden of proving adverse possession by clear and convincing evidence); see 12 S.C. *Jur. Easements* § 10 (Supp.2015) (“**A prescriptive easement is analogous to adverse possession.**”).”

Bundy v. Shirley, 412 S.C. 292, 304, 772 S.E.2d 163, 169–70 (2015)

“As previously discussed in the analysis of Adverse Possession and Presumptive Grant, it is clear to the Court that the Gibbs cannot show (1) continued and uninterrupted use or enjoyment of the right for a period of twenty years; (2) the identity of the thing enjoyed; or (3) use or enjoyment which is either adverse or under claim of right. For the foregoing reasons, the Gibbs’ Motion to Amend is DENIED.”

Order, p. 14-15. (emphasis added).

Thus, in denying the Gibb’s Motion to Amend, the Court not only considers the elements required for a prescriptive easement, but it also relies upon its “previously discussed [] analysis of Adverse Possession and Presumptive Grant.” Such analysis is found earlier in the Order on page 8, and the foundation of that finding by the Court rests on two prongs:

- (1) “There is no proof that the Plaintiffs can meet the hostility requirement of an adverse possession claim.” See Order, Section I.B., p. 8. The lynchpin

of this finding is because, “[n]ot only must his possession be without subserviency to, or recognition of, the title of the true owner, but it must be hostile thereto and to the whole world.” *Mullis v Winchester*, 237 SC 487, 118 SE2d 61 (1961). *Id.*; and

(2) “The Plaintiff cannot prove exclusivity.” See Order, Section I.C., p.8.

In sum, the Court’s logic in denying Plaintiffs’ Motion to Amend appears to be: Since Gibbs cannot prove hostility and exclusivity, Gibbs cannot show the elements required for a prescriptive easement.

However, exclusivity and hostility are not required to prove either the existence of an easement by prescription, or easement of necessity.

Evidence Supports a Prescriptive Easement

The *Bundy* case upon which the Court relies plainly states the elements required to prove a prescriptive easement, but the statement wherein *Bundy* discusses how, “A prescriptive easement is analogous to adverse possession” appears misapplied. See Order, p. 15. *Bundy v. Shirley*, 412 S.C. 292, 304, 772 S.E.2d 163, 169–70 (2015).

In *Bundy*, a dispute arose between Bundy, who held title to the subject property, and Shirley, who regularly used part of Bundy’s property as a road. See *Bundy*, 412 S.C. at 298, 772 S.E.2d at 166. The Special Referee held Shirley proved, by a preponderance of the evidence, that he had a prescriptive easement over Bundy’s land even though Bundy once gave Shirley permission to use the piece of land. “The special referee stated permission does not defeat an easement by prescription based on claim of right.” *Bundy*, 412 S.C. 292 at 299, 772 S.E.2d at 167. “The Court of Appeals... found the special referee’s conclusion was contrary to established law, which states that permission defeats a claim to a prescriptive easement because the use of

the disputed property is no longer deemed adverse or under claim of right.” *Bundy*, 412 S.C. 292 at 300, 772 S.E.2d at 167-168. (internal citations omitted). Our Supreme Court agreed with the Court of Appeals in that permission extinguishes establishment of a prescriptive easement adversely or under claim of right. However, the Supreme Court modified the Court of Appeals Opinion by holding that a party claiming a prescriptive easement has the burden of proving all elements, not by a preponderance of evidence, but – *analogous to the law of adverse possession* – by clear and convincing evidence. *Bundy*, 412 at 304 & 315, 772 S.E.2d at 170 & 175. Thus, the only reason the Supreme Court mentions adverse possession in *Bundy* is to clarify the burden of proof. This does not alter the elements required to prove a prescriptive easement. They are different.

Defendant Rilion Gracie relies on this misapplication to argue that it is not just the burden of proof between the two actions that is analogous, but also the evidentiary requirements. However, the *Bundy* opinion’s use of the term “adverse” and the shared burden of proof does not mean all elements of adverse possession are adopted into the law of prescriptive easement.

While proof of exclusive use is central to adverse possession, Gibbs’ inability to prove exclusivity is moot in a case of prescriptive easement because, “**There is no requirement of exclusivity of use to establish a prescriptive easement.**” *Simmons v. Berkeley Elec. Coop., Inc.*, 419 S.C. 223, 233, 797 S.E.2d 387, 392 (2016) (emphasis added). Therefore, any reliance by the Court on Gibbs’ inability to prove exclusivity in its denial of Gibbs’ Motion to Amend constitutes legal error.

Likewise, the **hostility** requirement of adverse possession is not required in the law of prescriptive easements. “The following prerequisites must be met to establish a right by prescription: (1) There must be continued and uninterrupted use or enjoyment of the right for a

period of 20 years. (2) The identity of the thing enjoyed must be proven. (3) The use must have been adverse or under a claim of right.” *Horry County v. Laychur*, 315 S.C. 364, 434 S.E.2d 259 (S.C. 1992). “When it appears the claimant has enjoyed an easement openly, notoriously, continuously, and uninterruptedly, in derogation of another’s rights, for the full period of 20 years, **the use will be presumed to have been adverse.**” *Simmons*, 419 S.C. at 229, 797 S.E.2d at 390 (emphasis added).

“‘Open’ generally means that the use is not made in secret or stealthily. It may also mean that it is visible or apparent.” *Simmons*, 419 S.C. 223, 797 S.E.2d 387 (S.C. 2016); “‘Notorious’ generally means that the use is actually known to the owner, or is widely known in the neighborhood.” *id.* at 233, 797 S.E.2d at 392; and “the adverse use to establish a claim for prescriptive easement need not be continuous to him personally.” *Bundy*, 412 S.C. at 313, 772 S.E.2d 163 at 174.

Evidence obtained through discovery in the instant case clearly and convincingly supports every element required to prove the Gibbs have a prescriptive easement.

For example, Plaintiff Annie Gibbs Hunter was deposed on October 13, 2025. The transcript contains the following exchange:

Page 47

15 CROSS-EXAMINATION

16 BY MR. MARCHBANKS:

17 Q. Ms. Annie, how old were you when you got your driver’s

18 license?

19 A. I think I was 16.

20 Q. How old were you when you first got your first car?

21 A. I think I may have been 17.

22 Q. Okay. And you were born when?

23 A. Huh?

24 Q. When were you born, what year?

25 A. 1961.

1 Q. So 1961, 17 years, 1978? Sometime in there, you think,
2 '79?
3 A. Maybe. Sometime in there. '77, '78.
4 Q. Where'd you park your car when you got it?
5 A. On the gravel right in front of 207.
6 Q. The gravel area in front of 207?
7 A. Yes.
8 Q. Did your mom and dad drive?
9 A. My dad did, but my mom didn't.
10 Q. Did your dad have a car?
11 A. He did.
12 Q. Where did he park his car?
13 A. He would pull it up in the little driveway and park to
14 the left, up under a tree.
15 Q. Was that close to the where the gravel driveway is now?
16 A. Yes.
17 Q. Do you know if it was on 203 property or do you know
18 where the property line was at that point in time?
19 A. No idea.
20 Q. Did your uncle drive?
21 A. He did.
22 Q. And he had a car?
23 A. Yes.
24 Q. Where did he park?
25 A. In the front right -- gravel area. If my dad wasn't

1 parked under the tree, he would park there.
2 Q. And your brother and sister, when they lived there, did
3 they have cars? Any brothers or sisters?
4 A. Yes.
5 Q. Where did they park?
6 A. They would park over on the other side of the yard, but
7 at the time, it wasn't a carport there.
8 Q. More kind of towards 203?
9 A. Yes.
10 Q. Is that because they didn't have a spot on the gravel
11 driveway?
12 A. Yes.
13 Q. Why would they not have a spot on the gravel driveway to
14 park?
15 A. Because other cars have taken it -- have taken the

16 spots.
17 Q. Cars driven by Gibbs?
18 A. Yes.
19 Q. And would you say that that was consistent from the
20 time -- how old were you when that started happening,
21 consistent use of that little gravel piece of driveway
22 by Gibbs family members?
23 A. I was -- I was in elementary school, 10, 11.
24 Q. All right. So if you were about ten years old, and
25 you're 64 now. So would you say -- when did that stop?

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1 When did you stop parking on that little gravel piece of
2 driveway?
3 A. When did I stop parking on it?
4 Q. Or just, when did y'all stop using that piece of gravel
5 driveway to park cars?
6 A. We didn't. I didn't stop parking on it until 203 was
7 built.
8 Q. Was it continued to be used until that property sold to
9 the brothers?
10 A. It was.
11 Q. And that happened last year, in 2024? You would have
12 been 63, so that is roughly 53 years of continuous use
13 by the Gibbs family; is that an accurate statement?
14 A. Yes. Yes.

Witness Alice Jasper lives across the street from the Gibbs' property at 207 Earl Street.

She was deposed on October 13, 2025, and the transcript contains the following exchange:

Page 32

19 Q. I'm going to hand you what's marked as
20 Defendant's Exhibit 5, this is your affidavit.
21 Now, you say -- in the third paragraph, you say
22 you've seen the Gibbs parking their cars right on the
23 gravel drive every day?
24 A. Yeah.
25 Q. For the entire time?

Page 33

1 A. Uh-huh. That's where they park their cars. The Gibbs

2 did.
3 Q. Was it Miss Annie's car, or whose car?
4 A. Well, if they had guests, that's where the guests
5 parked, too.

Page 87

5 Q. Okay. And how long -- since you've lived right across
6 the street for 30 plus years, how long would you say
7 that it went on, that either Ms. Morrison, or the Gibbs,
8 or whoever, kept mowing all back here, and that driveway
9 was there, and people would park there, and people would
10 have family gatherings there. How long would you say
11 that went on?
12 A. It went a long time.
13 Q. 10 years?
14 A. More.
15 Q. 20 years?
16 A. More.
17 Q. 30 years?
18 A. Over 30 some years.
19 Q. You think somebody would notice?
20 A. Yes.
21 Q. Over 30 years?
22 A. Yes, sir.
23 Q. That something on their property, they might have
24 some -- they might want to ask some questions?
25 A. Yes, sir.

Page 46

19 Q. Yeah. Okay. I don't think I have anymore questions,
20 Ms. Jasper.
21 MS. MCCONOUGHIEY: Okay.
22 BY MR. HAWKINS:
23 A. I got one. Can I have one? (*question by the witness, Ms. Jasper*)
24 Q. Yes, ma'am.
25 A. Okay. So if ---

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1 Q. If these lawyers don't object, I'll be glad to ---
2 A. Okay. You saying they trying to take the property
3 Q. Uh-huh.
4 A. So if that was your client's property, why they waited

5 until now to say it was theirs, and not ---
6 Q. That's ---
7 A. --- years ago?
8 Q. That's an excellent question. I'm asking myself that,
9 and that's why ---
10 A. Because – I'm just asking because, you had -- they had
11 us thinking it belonged to the Gibbs.

17 THE WITNESS: Why didn't they come years ago, and
18 they owned the property?· Why didn't they come and
19 claim it when her mother and all of them was living
20 years ago? That's what I want to know.

Witness Mary Morrison lives next door to the Gibbs' property at 207 Earl Street. She was
deposed on October 13, 2025, and the transcript contains the following exchanges:

Page 6

3 Q. And your house is right beside the 207 Earl Street?
4 A. Yes, sir.

Page 7

5 Q. That's where you live?· All right.
6 And you say you've lived there for over 20
7 years; ---
8 A. Yes, sir.
9 Q. --- is that correct?
10 A. Yes, sir.

Page 18

18 A. Not always. Before this come up, they was parking in
19 their -- just in their driveway. But they can't park
20 there no more.
21 Q. That's where the gravel is?
22 A. Uh-huh.
23 Q. Right?
24 A. Yes, sir.
25 Q. All right. And so you say in your affidavit, you've

Page 19

1 seen Gibbs use the gravel area between 207 and 203 every

2 day to park their cars for the entire time I've lived
3 next door to them, yes?
4 A. Yes, sir.

Under cross examination, Ms. Morrison clarified she could not commit to seeing the Gibbs park their cars on the gravel drive every day, but the point was made.

Based on this evidence, it is clear the Gibbs family, and specifically Annie Gibbs-Hunter, engaged in the continued and uninterrupted use or enjoyment of – at minimum – the gravel driveway beside 207 Earl Street for a period of more than 20 years. She enjoyed the use of this driveway without permission from the title holder, and she used it uninterruptedly in plain, open view such that it was notorious in the community for decades.

As stated by our Court of Appeals, “When it appears that claimant has enjoyed an easement openly, notoriously, continuously, and uninterruptedly, in derogation of another’s rights, for the full period of 20 years, the use will be presumed to have been adverse.” – *AND* – “Once the presumption applies, the servient owner bears the burden of rebutting the presumption, which can be done by showing permissive use.” *Carolina Ctr. Bldg. Corp. v. Enmark Stations, Inc.*, 433 S.C. 144, 857 S.E.2d 16 (S.C. App. 2021), 22. (internal citations omitted).

Easement of Necessity

Like a prescriptive easement, an easement of necessity requires no showing of exclusivity or hostility. “In South Carolina, a grantee claiming an implied easement of necessity over land remaining in the title of the grantor need not prove the right-of-way was absolutely necessary for his enjoyment of the land conveyed. ‘Reasonable necessity’ will suffice. *Hayes v. Tompkins*, 287 S.C. 289, 337 S.E.2d 888 (S.C. App. 1985) citing *Merrimon v. McCain*, 201 S.C. 76, 21 S.E.2d 404 (1942); *Brasington v. Williams*, 143 S.C. 223, 141 S.E. 375 (1927); *Graham v. Causey*, 284

S.C. 339, 326 S.E.2d 412 (S.C. App. 1985).

In the instant case, evidence is already developed showing that access to parking an automobile at 207 Earl Street would be severely impinged, if not impossible, in the event the Gibbs do not have an easement to the gravel drive in issue. Importantly for this Motion for Reconsideration, Exhibits “A1”, “B”, and “E”, from Defendant Rilion Gracie’s Memorandum in Support of its Motion for Summary Judgment, and Exhibit “B” of Gibbs’ Memorandum in Opposition to the Motion for Summary Judgment all plainly show how close the house located at 207 Earl Street is in proximity to the street and what limited space exists surrounding the house. In effect, absent driving over a raised sidewalk and steps, there would exist no automobile access to the rear of the home absent an easement.

Witness Alice Jasper’s deposition transcript addresses this issue:

Page 41

17 Q. Have you ever seen an accident at the gravel drive area,
18 a car accident?
19 A. No, but somebody hit Ann’s house. *[207 Earl St.]* Coming up that road,
20 they hit her house.
21 Q. Wow.
22 A. And they hit two cars that was parked on the side of the
23 road right there at an isle in there that we had at my
24 house -- at the house.

Page 33

1 A. Uh-huh. That’s where they park their cars. The Gibbs
2 did.
3 Q. Was it miss Annie’s car, or whose car?
4 A. Well, if they had guests, that’s where the guests
5 parked, too.
6 Q. Okay.
7 A. Yeah, to keep from parking on the side of the road.
8 Because sometimes she couldn't get in her driveway if I
9 parked on the side of the road, I couldn't get in my
10 driveway if I parked on the side the road, so.

The Court not awarding the Gibbs the opportunity to plead an easement of necessity effectively creates a situation that invites disaster, property damage, personal injury and/or death. Those sorts of consequences, Gibbs submits, extend the need for an easement substantially beyond *reasonable* necessity.

The Court's denial of Gibbs' Motion for Leave to Alter or Amend prejudices Gibbs because it denies her the opportunity to solidify a rightful claim based on facts that have existed for greater than fifty (50) years and will likely cause irreparable harm to life and property. Thus, the question becomes whether the Court erred in denying Gibbs' Motion to Alter or Amend pursuant to SCRPC, Rule 15(a).

SCRPC, Rule 15(a)

The relevant language of SCRPC, Rule 15(a) is, "A party may amend his pleading... by leave of court... and leave shall be freely given when justice so requires and does not prejudice any other party." SCRPC, Rule 15(a).

"Rule 15, SCRPC, provides that [the Plaintiffs'] complaint could only be amended by leave of the court, and leave to amend shall be freely given when justice requires and does not prejudice any other party. It is well established that a motion to amend is addressed to the sound discretion of the trial judge, and that **the party opposing the motion has the burden of establishing prejudice.**" *Pruitt v. Bowers*, 330 S.C. 483, 499 S.E.2d 250 (S.C. App. 1998) citing *Foggie v. CSX Transp., Inc.*, 315 S.C. 17, 431 S.E.2d 587 (1993) (emphasis added).

"**This rule strongly favors amendments** and the court is encouraged to freely grant leave to amend." *Parker v. Spartanburg Sanitary Sewer Dist.*, 362 S.C. 276, 286, 607 S.E.2d 711, 717 (Ct. App. 2005) (emphasis added).

"Under Rule 15(a), the circuit court should have considered whether the defendants were

prejudiced by the amendment, or whether there was some other substantial reason to deny it.” *Angela Patton, Alexia L. v. Gregory A. Miller, M.D., Rock Hill Gynecological & Obstetrical Assocs., P.A.*, 804 S.E.2d 252, 420 S.C. 471 (S.C. 2017), 262.

“The prejudice contemplated in Rule 15 is not that the non-moving party is forced to defend the merits of a valid claim. Rule 15 prejudice is some result flowing from the amendment that puts the non-moving party at a disadvantage in defending the merits, which disadvantage the party would not have faced if the amended claim had been included in the original pleading or a timely motion to amend.” *Angela Patton, Alexia L. v. Gregory A. Miller, M.D., Rock Hill Gynecological & Obstetrical Assocs., P.A.*, 804 S.E.2d 252, 420 S.C. 471 (S.C. 2017), 491.

“The prejudice envisioned by Rule 15 is a lack of notice that the new issue is going to be tried, and a lack of opportunity to refute it.” *Staubes v. City of Folly Beach*, 529 S.E.2d 543, 339 S.C. 406 (S.C. 2000), 413 citing *Pool v. Pool*, 329 S.C. 324, 328-29, 494 S.E.2d 820, 823 (1998).

Gibbs’ Motion to Amend Does not Prejudice the Defendants

It is first important to note that while Defendant Rilion Gracie opposed the Gibbs Motion to Amend, it submitted no evidence showing how it may be prejudiced by the amendment and provided no other substantial reason for the Motion to be denied. Based on that alone, the Gibbs’ Motion to Amend should be granted.

Additionally, however, it is important to note the amendment proposed by Gibbs would neither require additional discovery, nor a delay the progression of the case because the elements of proof required for a prescriptive easement are similar, if not identical, to the elements required to show adverse possession but for the elements of exclusivity and hostility.

To prove adverse possession, a plaintiff must prove his possession of the subject property was continuous, hostile, actual, open, notorious, and exclusive for at least ten years.

To prove prescriptive easement, as a whole, a plaintiff must prove the identity of the thing enjoyed, that he had continued and uninterrupted use or enjoyment of it for a period of 20 years, and that his use has been adverse or under a claim of right. The “adverse” requirement of proof required for a prescriptive easement is presumed if the plaintiff enjoyed the easement openly, notoriously, continuously, and uninterruptedly, in derogation of another’s rights, for the full period of 20 years.

Setting one aside the other shows these two causes of action are close kin, with adverse possession being a bit more demanding, but they are otherwise aligned.

Gibbs submits the Court erred both in law and in fact in denying their Motion to Amend their complaint. The legal error exists due to the Court’s apparent blending of the elements required for adverse possession and prescriptive easement. While overlap exists in that both causes of action require clear and convincing evidence showing continuity, openness, notoriety, and absence of interruption, they are two distinct causes of action.

The factual error exists because Rule 15(a) SCRCP requires leave be freely given when justice so requires and does not prejudice any other party, and no facts exist to show prejudice to the Defendants.

The Court here denied Gibbs’ Motion to Amend her complaint because the evidence showed she could not prove her use of the gravel drive in front of 207 Earl Street was hostile and exclusive. However, evidence of hostility and exclusivity are not required to prevail on a claim for prescriptive easement or easement of necessity.

In its Order granting Defendant’s Motion of Summary Judgment, the Court found the evidence developed in discovery was insufficient for Gibbs to claim Adverse Possession and/or Presumptive Grant. The Gibbs noticed the same thing.

Defendant Rilion Gracie and the Plaintiffs both witnessed how discovery shaped the evidence in this case. Based upon the same observations, Rilion Gracie filed a Motion for Summary Judgment on October 21, 2025, and Gibbs a Motion to Amend their Complaint on October 29, 2025.

**A Motion for Summary Judgment and an SCRPC, Rule 15
Motion to Amend Are Treated Very Differently by the Courts**

It is well settled South Carolina law that **summary judgment “is a drastic remedy [and] should be cautiously invoked to ensure that a litigant is not improperly deprived of a trial on disputed factual issues.”** *Helena Chemical v. Allianz Underwriters*, 357 S.C. 631, 594 S.E.2d 455 (S.C. 2004), 644; *Baughman v. Am. Tel. and Tel. Co.*, 306 S.C. 101, 112, 410 S.E.2d 537, 543 (1991); *Watson v. S. Ry. Co.*, 420 F. Supp. 483, 486 (D.S.C. 1975).

Contrary to the *drastic remedy* of summary judgment, the rule affording parties the opportunity to amend their pleadings strongly favors amendments and encourages the court to freely grant leave to amend. SCRPC, Rule 15(a); *Pruitt v. Bowers*, 330 S.C. 483, 499 S.E.2d 250 (S.C. App. 1998).

Conclusion

In this case, the Gibbs and Defendant Rilion Gracie saw the same evidence develop during discovery. Both reacted by filing timely requests with the Court. Gibbs asked for a type of relief that is freely given and the Court is encouraged to grant. Rilion Gracie requested a drastic remedy that should be cautiously invoked. Plaintiffs submit the Court erred by choosing summary judgment over a reasonable request to amend. Plaintiffs further submit it is error to deny the Gibbs’ request when Rilion Gracie submitted no evidence to show how it may be prejudiced by the Gibbs amending their pleadings.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court grant their Motion to Reconsider affording them opportunity to Amend their Complaint, which would, in turn, make the issue of Summary Judgment moot.

Respectfully submitted,

MARCHBANKS LAW FIRM, LLC

s/ Charles W. Marchbanks, Jr.

Charles W. Marchbanks, Jr.

SC Bar No. 76935

1225 S. Church St.

Greenville, SC 29605

(864) 552-1606

charles@marchbankslawfirm.com

Attorney for Plaintiffs

June 12, 2026
Greenville, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	THIRTEENTH JUDICIAL CIRCUIT
	)	
	)	Civil Action No. 2024-CP-23-05724
Ann Louise Gibbs-Hunter and Raymond D. Gibbs, Jr,	)	
	)	
	)	ORDER ON MOTION FOR SUMMARY
Plaintiffs,	)	JUDGMENT, MOTION TO AMEND
	)	AND ORDER TO COMPEL
v.	)	
	)	
Rilion Gracie Greenville, LLC and TNB Financial Services, as Trustee of Gene Mark Brown's Trust B-2 under The Doris P. Brown Revocable Trust Agreement Dated February 9, 2006, as Amended,	)	
	)	
Defendants,	)	
	)	
Rilion Gracie Greenville, LLC,	)	
	)	
Cross-Claimant,	)	
	)	
v.	)	
	)	
TNB Financial Services, as Trustee of Gene Mark Brown's Trust B-2 under The Doris P. Brown Revocable Trust Agreement Dated February 9, 2006, as Amended,	)	
	)	
Cross-Claim	)	
Defendant	)	
	)	

This matter came before the Court on December 10, 2025. A virtual hearing was held on December 10, 2025. Present at the hearing were Wendell. L Hawkins, Esq. on behalf of RG, Charles Marchbanks, Jr., Esq. appeared on behalf of Plaintiffs, Ann Louise Gibbs-Hunter and Raymond D. Gibbs, Jr (collectively, "Gibbs), and Rachel G. McConoughey, Esq. on behalf of TNB Financial Services, as Trustee of Gene Mark Brown's Trust B-2 under The Doris P. Brown

Revocable Trust Agreement Dated February 9, 2006, as Amended. The Court heard the motion of Defendant, Rilion Gracie Greenville, LLC ‘s (“RG”), for Summary Judgment on Plaintiff’s causes of action for Adverse Possession and Presumptive Grant and Plaintiff’s Motion to Amend to add a cause of action for Prescriptive Easement. RG had also filed a Motion to Compel, but because of the dispositive nature of the herein Order, the Court finds no need to address the issue and it is considered moot. The Court will address the issues in order.

THE SUMMARY JUDGMENT STANDARD

Summary judgment is appropriate if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. Rule 56(c), SCRCF; *Hansson v. Scalise Builders of South Carolina*, 374 S.C. 352, 650 S.E.2d 68 (2007); *Helms Realty, Inc. v. Gibson-Wall Co.*, 363 S.C. 334, 611 S.E.2d 485 (2005); *BPS, Inc. v. Worthy*, 362 S.C. 319, 608 S.E.2d 155 (Ct.App.2005). The purpose of summary judgment is to expedite disposition of cases which do not require the services of a fact finder. *Dawkins v. Fields*, 354 S.C. 58, 580 S.E.2d 433 (2003); *Rumpf v. Massachusetts Mut. Life Ins. Co.*, 357 S.C. 386, 593 S.E.2d 183 (Ct.App.2004).

Our Supreme Court has recently clarified the standard for a non-moving party to overcome a motion for summary judgment in cases where the standard of proof is a “preponderance of the evidence.” In *Kitchen Planners, LLC v. Friedman*, 440 S.C. 456, 892 S.E.2d 297 (2023), our Supreme Court revisited the “mere scintilla standard.” The Court wrote,

“Rule 56(c) became effective in 1985. Rule 86(a), SCRCF.⁵ In most cases applying Rule 56(c), this Court and our court of appeals have applied the “genuine issue of material fact” standard set forth in the Rule, requiring the party opposing the motion show a “reasonable inference” to be drawn from the evidence, and we have rejected the “mere scintilla” standard. *See, e.g., Vaughan v. Town of Lyman*, 370 S.C. 436, 448, 635 S.E.2d 631, 638 (2006) (reversing an award of summary

judgment and stating “the evidence is susceptible to more than one reasonable inference, and therefore should be submitted to the jury”); *Russell v. Wachovia Bank, N.A.*, 353 S.C. 208, 219 n.4, 578 S.E.2d 329, 334 n.4 (2003) (“The standard for summary judgment ‘mirrors the standard for a directed verdict under Rule 50(a)’ [SCRCP].”⁶ (quoting *Baughman v. Am. Tel. & Tel. Co.*, 306 S.C. 101, 115, 410 S.E.2d 537, 545 (1991))); *Baughman*, 306 S.C. at 115, 410 S.E.2d at 545 (holding a party opposing summary judgment “must ... ‘do more than simply show that there is some metaphysical doubt as to the material facts’ but ‘must come forward with ‘specific facts showing that there is a *genuine issue for trial.*’ ” (quoting *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586-87, 106 S. Ct. 1348, 1356, 89 L. Ed. 2d 538, 552 (1986)));⁷ *Shelton v. LS & K, Inc.*, 374 S.C. 294, 297, 648 S.E.2d 307, 308 (2007) (“The existence of a mere scintilla of evidence in support of the nonmoving party’s position is not sufficient to overcome a motion for summary judgment.” (citing *Bravis v. Dunbar*, 316 S.C. 263, 265, 449 S.E.2d 495, 496 (1994))); *462 *Dickert v. Metro. Life Ins. Co.*, 306 S.C. 311, 313, 411 S.E.2d 672, 673 (1991), *rev’d in part on other grounds*, 311 S.C. 218, 428 S.E.2d 700 (1993) (stating “the existence of a mere scintilla of evidence in support of the nonmoving party’s position is not sufficient to overcome a motion for summary judgment”) (citing *Anderson*, 477 U.S. at 252, 106 S. Ct. at 2512, 91 L. Ed. 2d at 214)).⁸ *But see* **301 *Anders v. S.C. Farm Bureau Mut. Ins. Co.*, 307 S.C. 371, 375, 415 S.E.2d 406, 408 (1992) (“At the summary judgment stage of the proceeding, it was only necessary for the Defendant to submit a scintilla of evidence warranting a determination by the jury.” (citing nothing))

Kitchen Planners, LLC v. Friedman, 440 S.C. 456, 460–62, 892 S.E.2d 297, 300–01 (2023)

BACKGROUND

On August 7th, 2024 Rilion purchased the following described property:

All that certain piece parcel or lot of land, located on the East Side of N. Main St. and the West side of Earl Street in the City of Greer, County of Greenville, State of South Carolina, being shown and designated as containing 0.901 acres, more or less, on a survey entitled “Plat of a Boundary Survey for Rilion Gracie Greenville, LLC” prepared by Burell & Company Land Surveying and Mapping, LLC, dated July 13, 2024 and recorded in Plat Book 1494 at Page 38 in the Register of Deeds Office of Greenville County, South Carolina. Reference to said plat is hereby made for a more complete metes and bounds description thereof. Said Plat is attached hereto.

This action ensued approximately 6 weeks thereafter. The Plaintiffs complain that they are entitled to ownership of the twenty foot (20') driveway (the "Driveway") that sits between the Plaintiffs' two lots, namely 207 and 203 Earle Street in Greer, SC. The Driveway is owned by Defendant and was conveyed to Defendant. Plaintiffs assert that the Driveway extends from Earle Street to some unknown area of termination under their causes of action of (1) Quiet Title under adverse possession (Compl. ¶¶ 23-27); and (2) Presumptive Grant (Compl. ¶¶ 28-31). In fact, the Plaintiff's Complaint identifies the "Subject Property" as the entire tract of Defendant's land (Compl. ¶¶ 4). Plaintiffs claim ownership by nature of the fact that Ann Louise Gibbs-Hunter or her predecessors in title had periodically parked in that driveway area for the statutory period of time. Deposition testimony of the Plaintiffs was taken on October 13, 2025 and the facts revealed as more fully set forth below leave no genuine issue of fact, but that Plaintiffs cannot meet a burden of proof with respect to their claims of Presumptive Grant or Adverse Possession.

DISCUSSION

MOTION FOR SUMMARY JUDGMENT

(The Kitchen Planners Rule)

Summary judgment is appropriate if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled **to** judgment as a matter of law. Rule 56(c), SCRCPP; *Hansson v. Scalise Builders of South Carolina*, 374 S.C. 352, 650 S.E.2d 68 (2007); *Helms Realty, Inc. v. Gibson-Wall Co.*, 363 S.C. 334, 611 S.E.2d 485 (2005); *BPS, Inc. v. Worthy*, 362 S.C. 319, 608 S.E.2d 155 (Ct.App.2005). The purpose of summary judgment is to expedite disposition of cases which do not require the services of a fact finder. *Dawkins v. Fields*, 354 S.C.

58, 580 S.E.2d 433 (2003); *Rumpf v. Massachusetts Mut. Life Ins. Co.*, 357 S.C. 386, 593 S.E.2d 183 (Ct.App.2004).

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“Rule 56(c) became effective in 1985. Rule 86(a), SCRCP.⁵ In most cases applying Rule 56(c), this Court and our court of appeals have applied the “genuine issue of material fact” standard set forth in the Rule, requiring the party opposing the motion show a “reasonable inference” to be drawn from the evidence, and we have rejected the “mere scintilla” standard. *See, e.g., Vaughan v. Town of Lyman*, 370 S.C. 436, 448, 635 S.E.2d 631, 638 (2006) (reversing an award of summary judgment and stating “the evidence is susceptible to more than one reasonable inference, and therefore should be submitted to the jury”); *Russell v. Wachovia Bank, N.A.*, 353 S.C. 208, 219 n.4, 578 S.E.2d 329, 334 n.4 (2003) (“The standard for summary judgment ‘mirrors the standard for a directed verdict under Rule 50(a)’ [SCRCP].”⁶ (quoting *Baughman v. Am. Tel. & Tel. Co.*, 306 S.C. 101, 115, 410 S.E.2d 537, 545 (1991))); *Baughman*, 306 S.C. at 115, 410 S.E.2d at 545 (holding a party opposing summary judgment “must ... ‘do more than simply show that there is some metaphysical doubt as to the material facts’ but ‘must come forward with ‘specific facts showing that there is a *genuine issue for trial.*’ ” (quoting *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586-87, 106 S. Ct. 1348, 1356, 89 L. Ed. 2d 538, 552 (1986)));⁷ *Shelton v. LS & K, Inc.*, 374 S.C. 294, 297, 648 S.E.2d 307, 308 (2007) (“The existence of a mere scintilla of evidence in support of the nonmoving party’s position is not sufficient to overcome a motion for summary judgment.” (citing *Bravis v. Dunbar*, 316 S.C. 263, 265, 449 S.E.2d 495, 496 (1994))); *462 *Dickert v. Metro. Life Ins. Co.*, 306 S.C. 311, 313, 411 S.E.2d 672, 673 (1991), *rev’d in part on other grounds*, 311 S.C. 218, 428 S.E.2d 700 (1993) (stating “the existence of a mere scintilla of evidence in support of the nonmoving party’s position is not sufficient to overcome a motion for summary judgment”) (citing *Anderson*, 477 U.S. at 252, 106 S. Ct. at 2512, 91 L. Ed. 2d at 214)).⁸ But see **301 *Anders v. S.C. Farm Bureau Mut. Ins. Co.*, 307 S.C. 371, 375, 415 S.E.2d 406, 408 (1992) (“At the summary judgment stage of the proceeding, it was only necessary for the Defendant to submit a scintilla of evidence warranting a determination by the jury.” (citing nothing))

Kitchen Planners, LLC v. Friedman, 440 S.C. 456, 460–62, 892 S.E.2d 297, 300–01 (2023)

I. ADVERSE POSSESSION & PRESUMPTIVE GRANT

An adverse possession claim is an action at law. *Miller v. Leaird*, 307 S.C. 56, 61, 413 S.E.2d 841, 843 (1992); *McDaniel v. Kendrick*, 386 S.C. 437, 441, 688 S.E.2d 852, 854 (Ct. App. 2009). A claim by adverse possession carries the highest standard of proof of any civil claim. “In order to establish a claim of adverse possession, the claimant must prove by **clear and convincing evidence** his possession of the subject property was continuous, hostile, actual, open, notorious, and exclusive for the statutory period.” *Millvale Plantation, LLC v. Carrison Fam. Ltd. P'ship*, 401 S.C. 166, 176, 736 S.E.2d 286, 291 (Ct. App. 2012) citing *McDaniel v. Kendrick*, 386 S.C. 437, 442, 688 S.E.2d 852, 855 (Ct.App.2009). “Clear and convincing evidence is that degree of proof which will produce in the mind of the trier of facts a firm belief as to the allegations sought to be established. Such measure of proof is intermediate, more than a mere preponderance but less than is required for proof beyond a reasonable doubt; it does not mean clear and unequivocal.” *Peeler v. Spartan Radiocasting, Inc.*, 324 S.C. 261, 265, 478 S.E.2d 282, 284 (1996) citing *Middleton v. Johnston*, 221 Va. 797, 273 S.E.2d 800, 802. Accord *Clarke v. Cotton*, 207 Ga.App. 883, 429 S.E.2d 291 (1993).

The Plaintiff has the burden of proof to show it had exercised dominion and control over a disputed tract. *Millvale Plantation, LLC v. Carrison Fam. Ltd. P'ship*, 401 S.C. 166, 176, 736 S.E.2d 286, 291 (Ct. App. 2012) citing *Watson v. Suggs*, 313 S.C. 291, 294, 437 S.E.2d 172, 173 (Ct.App.1993) (holding that “[i]n an action of trespass to try title, the defendant in actual possession of the disputed property is regarded as the rightful owner of the property until the plaintiff proves perfect title”); *Getsinger v. Midlands Orthopaedic Profit Sharing Plan*, 327 S.C. 424, 428, 489 S.E.2d 223, 225 (Ct.App.1997) (holding the burden of proof of adverse possession is on the party relying thereon). Also see, SC Code of Laws § 15-67-210.

A. S.C. Code of Laws § 15-67-210 et seq. Requirements

Whether claiming under S.C. Code of Laws § 15-67-210 et seq. (the “Statute”) or under the common law theory of presumptive grant (which is claimed to be abrogated or superseded by the enactment of the Statute), Plaintiffs cannot prove that either of them satisfy the requirements of S.C. Code of Laws § 15-67-250 which provides:

For the purpose of constituting an adverse possession by a person claiming title not founded upon a written instrument or a judgment or decree, land shall be deemed to have been possessed in the following cases only:

- (1) When it has been protected by a substantial enclosure; and
- (2) When it has been usually cultivated or improved.

It is uncontroverted that neither of the Plaintiffs are claiming the disputed lands by way of a written instrument, judgment or decree. As such, Plaintiffs must show that the claimed lands were protected by a substantial enclosure **and** that the lands were usually cultivated or improved. *Id.* Anne Louise Gibbs-Hunter (“Gibbs-Hunter”) testified in her deposition that there was never any sort of fencing that had enclosed the gravel drive area and that the only thing that was in the area was a gravel drive. The excerpts of the deposition are included in the record.

Because the lands claimed by the Plaintiffs were never cultivated or improved and there were no substantial enclosures, there is no genuine issue of material fact that could overcome the Defendant’s legal ownership, and Defendant is entitled to summary judgment on Plaintiff’s adverse possession claim and presumptive grant claim.

“If a claimant asserts title by adverse possession and his or her occupancy is not under color of title, ***the claimant must show either fencing or other improvements covering most of the subject land or some other continuous use and exercise of dominion.***” *Millvale Plantation, LLC v. Carrison Fam. Ltd. P’ship*, 401 S.C. 166, 177, 736 S.E.2d 286, 292 (Ct. App. 2012) citing

Frazier v. Smallseed, 384 S.C. 56, 63, 682 S.E.2d 8, 12 (Ct.App.2009). (emphasis added). (“While the legal owner need not have actual knowledge the claimant is claiming property adversely, the hostile possession should be so notorious that the legal owner by ordinary diligence should have known of it.”) and *Jones v. Leagan*, 384 S.C. 1, 13–14, 681 S.E.2d 6, 13 (Ct.App.2009). (“ There is no existing proof that any legal owner of the Property would by ordinary diligence have known of the Plaintiff’s claim.”)

B. Hostility Requirement

There is no proof that the Plaintiffs can meet the hostility requirement of an adverse possession claim. In order to constitute adverse possession which results in obtaining title to property, the possession must be actual, open, notorious, hostile, continuous and exclusive for the whole statutory period. Claimant's possession must be such as to indicate his exclusive ownership of the property. Not only must his possession be without subserviency to, or recognition of, the title of the true owner, ***but it must be hostile thereto and to the whole world.*** *Mullis v Winchester*, 237 SC 487, 118 SE2d 61 (1961). *Gregg v Moore*, 226 SC 366, 85 SE2d 279 (1954). *Lynch v Lynch*, 236 SC 612, 115 SE2d 301 (1960). (emphasis added).

Mrs. Gibbs-Hunter testified in her deposition (Exhibit E of RG’s Memorandum in Support) that until Raymond Gibbs installed a fence at the corner of the Quality Foods Store some time in 2022, the whole world traveled along the paths described in Exhibit E of RG’s Memorandum in Support. Mrs. Gibbs-Hunter also testified about the paths that people would take through her property and along the Defendant’s property. That Exhibit E is part of the record.

C. Exclusivity

The Plaintiff cannot prove exclusivity. The aerial attached as “Exhibit C” of RG’s Memorandum in Support, an Aerial Photograph showing a flight date of February 26, 2016, not

only shows the lack of Plaintiff's house at 203 Earl St, but more importantly, it shows that the disputed parcel of land has been traversed across by foot traffic accessing the grocery store ("Quality Foods" or "QF") since as late as February 26, 2016.

The lack of exclusivity is also shown throughout the depositions of the neighbors Mary Morrisson and Alice Jasper who have been living beside and across from Gibbs-Hunter for approximately 30 years. Their depositions are replete with evidence of lack of exclusivity and hostility. Mary Morrison who lives beside 207 Earle Street testified; (1) people came across the gravel drive up until Raymond Gibbs put up the fence at Quality Foods (about 2 years ago) because people were walking through his yard (p. 22 line 5 – p. 23 line 23); (2) there was a lot of [foot] traffic and trash (p. 25 – p. 26); (3) she never saw any of the Gibbs confront people walking through the property or tell them to stay off the property (p. 31); (4) there were no barricades, no trespassing signs, and no chains (p.31); and (5) the cars usually parked behind 207 Earle St. (p. 33 line 25 – p. 24 line 3). That testimony can be gleaned from Exhibit F of Plaintiff's Memorandum in Support which is part of the record. Alice Jasper testified that; (1) prior to Raymond Gibbs putting up the fence at the Quality Food Store, people cut through the Defendant's lot every day, sometimes late at night until Quality Foods closed for the night around 9:00 pm taking buggies across the lot and then bringing the buggies back (pp. 7-9); (2) that people cut across the Defendant's lot in all sorts of different ways, but the gravel drive was more convenient and that carried on until Mr. Gibbs put up the fence (p. 11-p. 12), (p. 18 l. 7 -1. 13); (3) there were never any no trespassing signs, the area was never fenced off, nobody stored anything on the lot and it was just dirt (p. 25); (4) the Gibbs never ran anyone off and it the Defendant's lot was sort of like a community park (p.30); (5) the Gibbs grilled on the property and took their grill back home at the end of the day (p. 32); (6) someone from Quality Foods

kept a path clear for everyone to walk through to the store (p. 37); (7) No one was ever excluded from walking across the property to the store until the fence got put up and nobody ever stopped any one from walking across the property until the fence got put up and there were several people walking across the property until the fence got put up (p. 45); (8) she never had conversations with Ann about strangers walking though the property (9) that the whole world could walk across the property (p. 48 l. 19 – l. 22); and *inter alia* (10) the whole community used the property (p. 52, line 1-16). (See, Exhibit G of RG’s Memorandum in Support which is part of the record; Deposition of Alcie Jasper)

RAYMOND D. GIBBS , JR’s. CLAIMS

A. **Raymond D. Gibbs, Jr. has not occupied the “Subject Property” for the Statutory Period of time to Claim by Adverse Possession or Presumptive Grant**

Defendant makes reference to its prior arguments and citations regarding the time periods for the continuous occupation periods for both Adverse Possession and Presumptive Grant. Raymond D. Gibbs, Jr. (“RDG”) is the nephew of Anne Louise Gibbs-Hunter. He testified that he was born in Greer, but that he moved to Greenville when he was in third grade. (See, Exhibit H of RG’s Memorandum in Support which is part of the record; Deposition of RDG, p. 6, lines 13-14). He lived at 124 Woodmont Cr. in Greenville until the 9th grade until he went to college. (*Id.* at p. 6 lines 22-25). He went to college in 1994 in Columbia, and graduated in 1999. (*Id.* at p. 8 lines 10-21). After college, he moved to Travelers Rest and then lived with a different aunt, then moved to Villa Road Apartments, moved to Rustcraft Drive sometime after 2005, and that he had never lived with the Co-Plaintiff. (*Id.* at p. 13 line 7 – p. 14 line 10). Gibbs-Hunter testified that RDG only began living with her 3-4 times a month at 203 Earle St. sometime after the 203 Earle Street was built. (See, Exhibit C of RG’s Memorandum in Support which is part of

the record; Deposition of Gibbs Hunter p. 6 line 15 – p. 7 line 11). If RDG was never living around the “Subject Premises”, no reasonable jury could find that he “occupied the Subject Property” for even the statutory period of requisite time, and the Defendant is entitled to summary judgment as to RDG because there is no issue of material fact on this issue.

B. Even if the Court Found that the Common Law Theory of Presumptive Grant was a Viable Cause of Action, Raymond D. Gibbs, Jr. is Not ant Heir to Any Person and Cannot Qualify by Descendant Cast to Claim the Subject Property

There are only six (6) cases in the State of South Carolina that discuss Presumptive Grant and those cases range from the dates of 1882 (*Watts v. Blalock*, 17 S.C 157 (1882)) and the latest being *Sales Intern. Ltd. V. Black River Farms, Inc.* 270 S.C. 391, 242 S.E.2d 432 (1978). In *Sales Intern, Ltd..* An adverse possession commencing prior to the insertion in this section [former Code 1962 § 10-2421] of the ten-year limitation provision, must have continued for the full twenty-year period before it could ripen into a right. *Hodge v Hodge*, 56 SC 263, 34 SE 517 (1899). *Lyles v Roach*, 30 SC 291, 9 SE 334 (1889). *Rehkopf v Kuhland*, 30 SC 234, 9 SE 99 (1889). The presumption stated in this section [former Code 1962 § 10-2421] holds good unless and until someone else goes on the land and occupies it adversely for ten years. *Haithcock v Haithcock*, 123 SC 61, 115 SE 727 (1923). *Love v Turner*, 71 SC 322, 51 SE 101 (1905). It seems, however, that there is really no significant difference between presumptive grant and adverse possession. In *Crotwell v. Whitney*, 229 S.C. 213, 221 (1956) the Court wrote, “[p]laintiffs having established their legal title to the premises, appellant Whitney's claim of title by adverse possession required proof of actual, open, notorious, hostile, continuous and exclusive possession by him, or by one or more persons through whom he claimed, for the full statutory period of ten years, without tacking of possession except by descent cast. Code 1952,

Sections 10-2421, 10–124; *Ellen v. Ellen*, 16 S.C. 132; *Burnett v. Crawford*, 50 S.C. 161, 27 S.E. 645; *Epperson v. Stansill*, 64 S.C. 485, 42 S.E. 426; *Haithcock v. Haithcock*, 123 S.C. 61, 115 S.E. 727; *Terwilliger v. Marion*, 222 S.C. 185, 72 S.E.2d 165; *Gregg v. Moore*, 226 S.C. 366, 85 S.E.2d 279. Successive possessions for less than statutory period cannot be tacked, unless by descent cast. *Weston v. Morgan*, 162 S.C. 177, 160 S.E. 436 (1931). “Descent Cast” is the “devolving of *realty upon the heir on the death of his ancestor intestate*.” Black’s Law Dictionary (6th Ed. 1990) (emphasis added). Two or more unrelated holdings cannot be united in last occupant to make up holding of ten years’ adverse possession. *Weston v. Morgan*, 162 S.C. 177, 160 S.E. 436 (1931). “A party claiming title to land by adverse possession, must show clearly, not only that his possession was adverse, but that it was for the full statutory period. If there be doubt on either of those points, the possessory claim must yield to the legal title.” *Id.* at 445 citing, *Abel v. Hutto*, 8 Rich. 42. “*Lewis v. Pope*, 86 S. C. 285, 68 S. E. 680, 683, wherein the court states: “Before one can succeed in holding lands under a claim of adverse possession, he must prove that he has been in possession for 10 consecutive years, claiming it openly, notoriously, and adversely. He cannot succeed in such claim by living on another tract and cultivating for a few years a small patch on the tract he claims, or by going on such tract and sometimes cutting wood or timber, and hauling it off for use on the tract on which he lives, but he must show that he has been doing that for 10 consecutive years. *Id.* at 445-446. In every action for the recovery of real property or the possession thereof the person establishing a legal title to the premises shall be presumed to have been possessed thereof within the time required by law. The occupation of such premises by any other person shall be deemed to have been under and in subordination to the legal title unless it appears that such premises have been held and possessed adversely to such legal title for ten years before the commencement of such

action. (S.C. Code Ann. § 15-67-210). Even if Presumptive Grant was still a viable cause of action after the enactment of the adverse possession statute, Raymond Gibbs, is not an heir until someone dies and leaves it to him, so his claims fail. Furthermore, because RDG cannot even plausibly be believed to have occupied the “Subject Property” and because he is not an heir to the Co-Plaintiff’s potential claims to the “Subject Property” the Defendant is entitled to Summary Judgment as to RDG.

SUPERSEDURE OF PRESUMPTIVE GRANT

There are only six (6) cases in the State of South Carolina that discuss Presumptive Grant and those cases range from the dates of 1882 (*Watts v. Blalock*, 17 S.C. 157 (1882)) and the latest being *Sales Intern. Ltd. V. Black River Farms, Inc.* 270 S.C. 391, 242 S.E.2d 432 (1978). In *Sales Intern, Ltd.* the court stated, “[a]n adverse possession commencing prior to the insertion in this section [former Code 1962 § 10-2421] of the ten-year limitation provision, must have continued for the full twenty-year period before it could ripen into a right.” *Hodge v Hodge*, 56 SC 263, 34 SE 517 (1899). *Lyles v Roach*, 30 SC 291, 9 SE 334 (1889). *Rehkopf v Kuhland*, 30 SC 234, 9 SE 99 (1889). The presumption stated in this section [former Code 1962 § 10-2421] holds good unless and until someone else goes on the land and occupies it adversely for ten years. *Haithcock v Haithcock*, 123 SC 61, 115 SE 727 (1923). *Love v Turner*, 71 SC 322, 51 SE 101 (1905).

“Supersede is defined in Black's Law Dictionary as “obliterate, set aside, annul, replace, ... [t]o set aside.” *Supersede*, *Black's Law Dictionary* (6th ed. 1990). “A rule of statutory construction is that any legislation which is in derogation of common law must be strictly construed and not extended in application beyond clear legislative intent.” *Doe v. Marion*, 361 S.C. 463, 473, 605 S.E.2d 556, 561 (Ct. App. 2004). Therefore, a statute is not to be construed in derogation of common law rights if another interpretation is reasonable. *Hoogenboom v. City of Beaufort*, 315 S.C. 306, 318 n.5, 433 S.E.2d 875, 884 n.5 (Ct. App. 1992). In this case, subsection 27-6-20(A)(1), containing the statutory expression of the RAP,

does not apply to nondonative transfers. Therefore, it cannot supersede or replace the CLRAP with regard to nondonative transfers, which are expressly excluded.”

Spring Valley Ints., LLC v. Best for Last, LLC, 444 S.C. 281, 287, 907 S.E.2d 124, 127 (Ct. App. 2024), reh'g denied (Oct. 25, 2024), cert. granted (Apr. 2, 2025).

It appears clear to the Court that because of the legislature’s codification of Adverse Possession and omission of previous common law elements, that the legislature intended for the current statute to supersede any common law provisions of “Presumptive Grant” and as such, any theory of claim by Presumptive Grant should be disregarded and dismissed by the court.

For the reasons stated above, RG’s Motion for Summary Judgment on Plaintiffs’ claims for Adverse Possession and Presumptive Grant is GRANTED.

II. THE GIBBS’ MOTION TO AMEND

The Gibbs filed a Motion to Amend their Complaint to add a cause of action for a Prescriptive Easement.

“An easement is a right given to a person to use the land of another for a specific purpose. *Murrells Inlet Corp. v. Ward*, 378 S.C. 225, 232, 662 S.E.2d 452, 455 (Ct.App.2008). “An easement may arise in three ways: (1) by grant; (2) from necessity; and (3) by prescription.” *Kelley v. Snyder*, 396 S.C. 564, 572, 722 S.E.2d 813, 817 (Ct.App.2012). Here, Shirley sought an easement by prescription. “A prescriptive easement is not implied by law but is established by the conduct of the dominant tenement owner.” *Boyd v. BellSouth Tel. Tel. Co.*, 369 S.C. 410, 419, 633 S.E.2d 136, 141 (2006).

To establish a prescriptive easement, one must show: (1) continued and uninterrupted use or enjoyment of the right for a period of twenty years; (2) the identity of the thing enjoyed; **170 and (3) use or enjoyment which is either adverse or under claim of right. *Pittman v. Lowther*, 363 S.C. 47, 50, 610 S.E.2d 479, 480 (2005).

Although the elements of a prescriptive easement are well-established, the standard of proof as to these elements has given rise to confusion among the bench and bar. This confusion is understandable as the majority of the prescriptive easement cases in this state do not specifically enunciate the standard. Instead, our state cases: (1) simply outline the elements of a prescriptive easement and identify

the claimant as having the burden of proving these elements; or (2) analogize the establishment of a prescriptive easement to that of adverse possession, which requires clear and convincing proof. *See, e.g., Morrow v. Dyches*, 328 S.C. 522, 527, 492 S.E.2d 420, 423 (Ct.App.1997) (“The party claiming a prescriptive easement has the burden of proving all elements.”); *Davis v. Monteith*, 289 S.C. 176, 180, 345 S.E.2d 724, 726 (1986) (stating claimant had the burden of proving adverse possession by clear and convincing evidence); *see* 12 S.C. Jur. *Easements* § 10 (Supp.2015) (“A prescriptive easement is analogous to adverse possession.”).”

Bundy v. Shirley, 412 S.C. 292, 304, 772 S.E.2d 163, 169–70 (2015)

As previously discussed in the analysis of Adverse Possession and Presumptive Grant, it is clear to the Court that the Gibbs cannot show (1) continued and uninterrupted use or enjoyment of the right for a period of twenty years; (2) the identity of the thing enjoyed; or (3) use or enjoyment which is either adverse or under claim of right. For the foregoing reasons, the Gibbs’ Motion to Amend is DENIED.

RG’s MOTION TO COMPEL

Because of the dispositive nature of the rulings on RG’s Motion for Summary Judgment and the Gibbs’ Motion to Amend, RG’s Motion to Compel is moot and the Court need not address the matter.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, that RG’s Motion for Summary Judgment on Plaintiff’s claims for Adverse Possession and Presumptive Grant is GRANTED. The Plaintiff’s Motion to Amend is DENIED and RG’s Motion to Amend is unaddressed as moot. The case shall remain active as to RG’s Crossclaims against TNB Financial Services, as Trustee of Gene Mark Brown’s Trust B-2 under The Doris P. Brown Revocable Trust Agreement Dated February 9, 2006, as Amended.

JUDGE’S SIGNATURE PAGE TO FOLLOW



Greenville Common Pleas

Case Caption: Ann Louise Gibbs Hunter , plaintiff, et al vs. Rilion Gracie Greenville LLC , defendant, et al
Case Number: 2024CP2305724
Type: Order/Summary Judgment

So Ordered

The Honorable Courtney Clyburn Pope

Electronically signed on 2026-06-04 11:51:07 page 16 of 16

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	13 th Judicial Circuit
COUNTY OF GREENVILLE	)	
	)	2024-CP-23-05724
Ann Louise Gibbs-Hunter and	)	
Raymond D. Gibbs, Jr.,	)	
	)	
Plaintiffs,	)	
vs.	)	
	)	
Rilion Gracie Greenville, LLC; TNB	)	MEMO IN OPPOSITION
Financial Services, as Trustee of Gene	)	TO RILLION GRACIE'S
Mark Brown's Trust B-2 under The Doris	)	MOTION FOR SUMMARY
P. Brown Revocable Trust Agreement	)	JUDGEMENT
Dated February 9, 2006, as Amended;	)	
Samuel D. Brown as Successor Trustee	)	
under The Doris P. Brown Revocable Trust	)	
Agreement dated February 9, 2006; and	)	
Doris P. Brown as Trustee under The Doris	)	
P. Brown Revocable Trust Agreement	)	
dated February 9, 2006;	)	
	)	
Defendants.	)	
	)	

Plaintiff's present the following Memo in Opposition to Defendant Rilion Gracie's Motion for Summary Judgment.

In most cases applying Rule 56(c), this Court and our court of appeals have applied the "genuine issue of material fact" standard set forth in the Rule, requiring the party opposing the motion show a "reasonable inference" to be drawn from the evidence. See, e.g., Vaughan v. Town of Lyman, 370 S.C. 436, 448, 635 S.E.2d 631, 638 (2006) If "the evidence is susceptible to more than one reasonable inference, [the case] should be submitted to the jury." Id.

In this action, the Plaintiff has the burden of proof to show it had exercised dominion and control over a disputed tract. Millvale Plantation, LLC v. Carrison Fam. Ltd. P'ship, 401 S.C. 166, 176, 736 S.E.2d 286, 291 (Ct. App. 2012) citing Watson v. Suggs, 313 S.C. 291, 294, 437 S.E.2d 172, 173 (Ct.App.1993).

“For the purpose of constituting an adverse possession by a person claiming title not founded upon a written instrument or a judgment or decree, land shall be deemed to have been possessed... [w]hen it has been usually cultivated or improved.” S.C. Code of Laws, § 15-67-250(2) (1976 asamended).

Through discovery it was determined that not only did the Plaintiffs and their ancestors cultivate and improve the section of the property referred to by Rilion Gracie as “the driveway” by maintaining with gravel for in excess of 20 years, but Plaintiff’s also maintained a portion of the property extending beyond the property line for same duration of time.

Plaintiffs need not rely on any other witness than Plaintiff Ann Gibbs-Hunter to provide credible evidence to support this conclusion.

Exhibit “D” of Rilion Gracie’s Motion for Summary Judgment is the deposition of Annie Gibbs-Hunter. Pages 47-50 read as follows:

16 BY MR. MARCHBANKS:
 17 Q. Ms. Annie, how old were you when you got your driver's
 18 license?
 19 A. I think I was 16.
 20 Q. How old were you when you first got your first car?
 21 A. I think I may have been 17.
 22 Q. Okay. And you were born when?
 23 A. Huh?
 24 Q. When were you born, what year?
 25 A. 1961.

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 1 Q. So 1961, 17 years, 1978? Sometime in there, you think,
 2 '79?
 3 A. Maybe. Sometime in there. '77, '78.
 4 Q. Where'd you park your car when you got it?
 5 A. On the gravel right in front of 207.
 6 Q. The gravel area in front of 207?
 7 A. Yes.
 8 Q. Did your mom and dad drive?
 9 A. My dad did, but my mom didn't.
 10 Q. Did your dad have a car?
 11 A. He did.

12 Q. Where did he park his car?
 13 A. He would pull it up in the little driveway and park to
 14 the left, up under a tree.
 15 Q. Was that close to the where the gravel driveway is now?
 16 A. Yes.
 17 Q. Do you know if it was on 203 property or do you know
 18 where the property line was at that point in time?
 19 A. No idea.
 20 Q. Did your uncle drive?
 21 A. He did.
 22 Q. And he had a car?
 23 A. Yes.
 24 Q. Where did he park?
 25 A. In the front right -- gravel area. · If my dad wasn't

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1 parked under the tree, he would park there.
 2 Q. And your brother and sister, when they lived there, did
 3 they have cars? · Any brothers or sisters?
 4 A. Yes.
 5 Q. Where did they park?
 6 A. They would park over on the other side of the yard, but
 7 at the time, it wasn't a carport there.
 8 Q. More kind of towards 203?
 9 A. Yes.
 10 Q. Is that because they didn't have a spot on the gravel
 11 driveway?
 12 A. Yes.
 13 Q. Why would they not have a spot on the gravel driveway to
 14 park?
 15 A. Because other cars have taken it -- have taken the
 16 spots.
 17 Q. Cars driven by Gibbs?
 18 A. Yes.
 19 Q. And would you say that that was consistent from the
 20 time -- how old were you when that started happening,
 21 consistent use of that little gravel piece of driveway
 22 by Gibbs family members?
 23 A. I was -- I was in elementary school, 10, 11.
 24 Q. All right. · So if you were about ten years old, and
 25 you're 64 now. · So would you say -- when did that stop?

Page 50

1 When did you stop parking on that little gravel piece of
 2 driveway?
 3 A. When did I stop parking on it?
 4 Q. Or just, when did y'all stop using that piece of gravel
 5 driveway to park cars?

- 6 A. We didn't. I didn't stop parking on it until 203 was
7 built.
8 Q. Was it continued to be used until that property sold to
9 [Rilion Gracie]?
10 A. It was.

Omitted from Rilion Gracie's Memorandum is the September 22, 2025 deposition of disinterested witness Donald Brown. Don was hired from time to time to bush hog certain areas of the lot shown in Exhibit "A1" of Rilion Gracie's Memorandum in Support of Summary Judgment.

When asked to identify aerial photographs showing where he would bush hog, he wrote the letter "A" on the photograph attached hereto and incorporated herein as Plaintiff's Exhibit "A" and drew a line where he stopped bush hogging on the photograph attached hereto and incorporated herein as Plaintiff's Exhibit "B".

While examining the photograph marked as "Exhibit 4" for the purposes of his deposition, and Exhibit "A" hereto, Mr. Brown stated:

- 11 A. it would be over this area here (indicating) that I
12 would be bush hogging.
13 Q. Correct.
14 A. Right up in here (indicating.)
15 Q. And you're indicating the area that -- where there's
16 kind of a big tree in the middle and a big bunch of
17 brown around it, right?
18 A. Right. Right.
19 Q. Could you circle the area where -- or put it -- put a A
20 on the area that you're describing is where you would
21 bush hog.
22 A. (Witness complies)

Plaintiff's Exhibit "C", Deposition of Donald Brown, Page 16, lines 11-22.

While examining the photograph marked as "Exhibit 7" for the purposes of Mr. Brown's deposition, and Exhibit "B" hereto, Mr. Brown was asked to draw a line on the photograph

where he would stop having to bush hog. After drawing the line, the following was his testimony:

- 17 Q. Okay. And so the line that you've drawn, more or less -
 18 - and I know we're not getting everything perfect here,
 19 and I'm okay with that. But the line that you just drew
 20 is close to where that fence ends, and then kind of
 21 bends back around toward the corner of the store; is
 22 that fair to say?
 23 A. Yes, sir.
 24 Q. And everything on your left was maintained every time
 25 you went out there?
- Page 27
- 1 A. Yes.
 2 Q. Did you ever do anything, or be hired to do anything to
 3 maintain that little area of land?
 4 A. No, sir.
 5 Q. Did you ever touch or set foot on, do you see where this
 6 car is parked on the driveway beside 207?
 7 A. No, sir.
 8 Q. So you never -- and did you know when talking to Harold,
 9 did anybody ever maintain that, other than the people
 10 who lived in that house?
 11 A. No.
 12 Q. And do you know how long they had been doing that for?
 13 A. I have no idea.
 14 Q. Okay. That's all the questions I have.

Mr. Brown also testified he had been out and worked this property for ten (10) years. Plaintiff's Exhibit "C", Page 38, lines 15-17.

Plaintiff's exhibits "A" and "B" when overlaid with the testimony of disinterested witness Donald Brown clearly shows the property in dispute was usually cultivated or improved by the Gibbs family for a period of ten (10) years, and Ann Gibbs-Hunter's testimony extends the time frame to half a century.

Based on the evidence shown, Plaintiffs submit there is certainly evidence upon which a reasonable inference of adverse possession can be drawn, and assert this matter is not appropriate for Summary Judgement, but should be submitted to the jury.

WHEREFORE, Plaintiffs respectfully request this Court deny Defendant Rilion Gracie's Motion for Summary Judgment.

Respectfully submitted,

MARCHBANKS LAW FIRM, LLC

s/ Charles W. Marchbanks, Jr.

Charles W. Marchbanks, Jr.

SC Bar No. 76935

1225 S. Church St.

Greenville, SC 29605

(864) 552-1606

charles@marchbankslawfirm.com

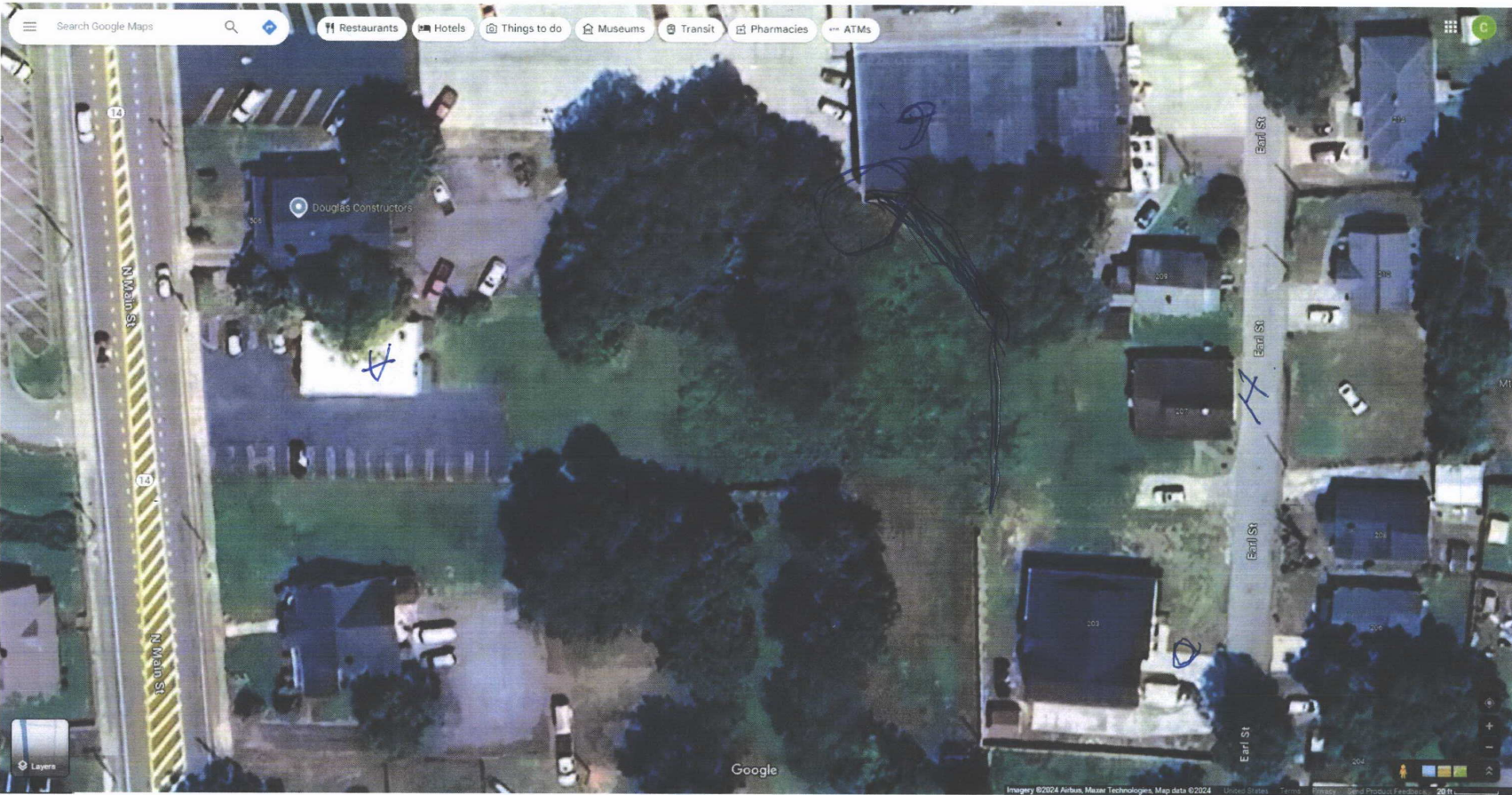
Attorney for Plaintiffs

December 9, 2025
Greenville, South Carolina

Plaintiff's Exhibit "A" to Memo in Opposition



Plaintiff's Exhibit "B" to Memo in Opposition



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STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS
C.A. NO.: 2023-CP-23-05724

ANN LOUISE GIBBS-HUNTER
AND RAYMOND D. GIBBS, JR.,
PLAINTIFFS,

VS.

RILION GRACIE GREENVILLE, LLC
AND TNB FINANCIAL SERVICES,
AS TRUSTEE OF GENE MARK BROWN'S
TRUST B-2 UNDER THE DORIS P. BROWN
REVOCABLE TRUST AGREEMENT DATED FEBRUARY 9, 2006,
DEFENDANT.

D E P O S I T I O N

WITNESS: DONALD BROWN
DATE: SEPTEMBER 22, 2025
TIME: 2:24 P.M.
LOCATION: THE MARCHBANKS LAW FIRM
1225 SOUTH CHURCH STREET
GREENVILLE, SOUTH CAROLINA 29605
REPORTED BY: FOTINI S GREGORY
LEGAL EAGLE
Post Office Box 5682
Greenville, South Carolina 29606
864-467-1373
depos@legaleagleinc.com

Deposition of Donald Brown

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2 1 APPEARANCES: 2 3 CHARLES "CHUCK" W. MARCHBANKS, JR., ESQUIRE 4 THE MARCHBANKS LAW FIRM 5 1225 SOUTH CHURCH STREET 6 GREENVILLE, SOUTH CAROLINA 29605 7 charles@marchbankslawfirm.com 8 ATTORNEY FOR THE PLAINTIFFS, 9 10 WENDELL L. HAWKINS, ESQUIRE 11 WENDELL L. HAWKINS, PA 12 9 BUENA VISTA WAY, SUITE B 13 GREENVILLE, SOUTH CAROLINA 29615 14 wlh@wlhawkinslawfirm.com 15 ATTORNEY FOR THE DEFENDANT, RILION GRACIE 16 GREENVILLE, LLC, 17 18 RACHEL G. MCCONOUGHNEY, ESQUIRE 19 MCCONOUGHNEY LAW FIRM, LLC 20 100 WHITSETT STREET 21 GREENVILLE, SOUTH CAROLINA 20601 22 contact@mcconougheylawfirm.com 23 ATTORNEY FOR THE DEFENDANT, TNB FINANCIAL SERVICES. 24 25	4 1 STIPULATIONS: 2 It is agreed by and between the Counsel for the parties as 3 follows: 4 1. That this deposition is being taken pursuant to Rule 30 5 of the South Carolina Rules of Civil Procedure; 6 2. That the deponent waives the right to read and sign the 7 deposition transcript. 8 Whereupon, 9 DONALD BROWN, 10 first being duly sworn, was examined and testified as 11 follows: 12 E X A M I N A T I O N 13 BY MR. MARCHBANKS: 14 Q. All right. This is the deposition of Don Brown. Don, I 15 am Charles Marchbanks. I represent Annie Gibbs-Hunter 16 and Raymond Gibbs. Seated to my left is 17 Wendell Hawkins, who represents Rilion Gracie, and 18 seated at the end of the table is 19 Rachel McConoughey, who represents TNB Financial 20 Services. The reason we are all here, is because 21 of a dispute over a piece of property called 22 504 North Main Street in Greer. Now, I'm going to 23 ask you some questions about that property, but 24 first, I want to say thank you for being here. 25 If you'll notice that Ms. Nini is taking down
3 1 INDEX 2 3 STIPULATIONS, WAIVER AND OATH 4 4 EXAMINATION BY MR. MARCHBANKS 4 5 EXAMINATION BY MR. HAWKINS 27 6 EXAMINATION BY MS. MCCONOUGHNEY 39 7 EXAMINATION BY MR. MARCHBANKS 48 8 CERTIFICATE OF REPORTER 50 9 10 EXHIBITS 11 PLAINTIFF'S 12 No. 1 PHOTO 8 13 No. 2 PHOTO 10 14 No. 3 PHOTO 11 15 No. 4 PHOTO 14 16 No. 5 PHOTO 17 17 No. 6 PHOTO 19 18 No. 7 PHOTO 23 19 20 21 22 23 24 (THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL 25 IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)	5 1 everything we say, so let's try not to talk over 2 each other. If you don't understand the question 3 I'm asking you, please clarify it before you answer 4 it. 5 A. Okay. 6 Q. If I ask you a yes or no question, if you would respond 7 out loud with a yes or a no instead of a head shake or 8 nod, that makes the record more clear, okay? 9 A. Okay. 10 Q. All right. Now, Don, it's my understanding that you had 11 or have a business that provides bush hog and cleaning 12 services for land, and that is something that you've 13 done as part of your career over the years; is that fair 14 to say? 15 A. Yes. 16 Q. And how long have you done that? 17 A. Oh, well, since I retired about 20 -- over -- over ten 18 years now. 19 Q. Okay. And during that period, had -- it's also my 20 understanding that you would get called out by 21 Greenville East Property Management Company from time to 22 time? 23 A. Yes. 24 Q. Yeah? 25 A. Yes, sir.

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6 1 Q. And who was it that would contact you from Greenville 2 East? 3 A. Harold, the owner. 4 Q. Would that be Harold Jenkins? 5 A. Harold Jenkins, yes, sir. 6 Q. Okay. And would Harold Jenkins ever contact you about 7 coming out and doing work at 504 North Main Street in 8 Greer? 9 A. Yes, to bush hog the property. 10 Q. Okay. And when do you think -- how often would you go 11 out and do the bush hogging of that property? 12 A. Generally, it was once a year, but then when we had a 13 lot of rain, it would be twice a year, because the city 14 of Greer would get after him about it being so tall, so 15 high. 16 Q. Okay. And when did you start? When did you begin, kind 17 of, going out there? Do you remember how long ago it 18 was? 19 A. No, I don't. And I left my receipt book at home. I'm 20 going to say it's been over five years. 21 Q. Okay. And when's the last time you went out there? 22 A. Last summer. 23 Q. Last summer of 2024? 24 A. Uh-huh. 25 Q. Do you remember what month in 2024?	8 1 that open block. 2 Q. Okay. So does looking at this picture -- first, let me 3 have this marked Plaintiff's one. 4 (Whereupon, Plaintiff's Exhibit No. 1 was marked for 5 identification purposes.) 6 BY MR. MARCHBANKS: 7 Q. Okay. Now, if you look at that picture, can you tell in 8 remembering the property, and looking at the side of the 9 store, what -- where was that -- where was the camera 10 person standing? 11 A. Where they're standing would be behind the one yellow 12 house to the -- if you reverse the picture and was 13 looking, it was two houses. They would be over here 14 (indicating) in this yard. 15 Q. Okay. Now, in looking at this picture, does it appear 16 to you -- or tell me what you -- does this look like 17 it's been recently bush hogged? 18 A. Well, it looks like somebody has made an attempt, 19 because they've left part of it. I don't know when this 20 was done, but if I had done it, there wouldn't have been 21 a green here (indicating) in this part of the picture. 22 That would have been gone. 23 Q. Green area in what part of the picture? 24 A. Right -- right here (indicating) in this open area. 25 Q. Could you circle that for me?
7 1 A. I'm going to say in July. Like I said, I left my 2 receipt book in my truck, other truck, or I'd have 3 brought it with me. 4 Q. Now, I'm going to show you a series of pictures, okay? 5 And I'm going to ask you -- first of all, I'm going to 6 ask you if you recognize what the picture shows. Then, 7 I'm going to have you describe it to me, okay? 8 A. All right. 9 Q. Do you recognize what is in that picture? 10 A. Yes. The store is on the right. 11 Q. What store is on the right? 12 A. That's the grocery store, Quality Brands, I think. 13 Q. Okay. 14 A. And then, you can see up through the trees, it looks 15 like a van up there, and behind that clump of trees, is 16 a office building for STI Trucking, I believe. 17 Q. Okay. And would it make sense that a little bit further 18 behind the trees, all the way on the left side of the 19 property, would that be where the building of 504 North 20 Main would be located? 21 A. It would be directly behind the group of trees. 22 Q. Which group of trees? 23 A. Right here (indicating) in the middle. 24 Q. Okay. 25 A. Because to the left of it, is that antique shop with	9 1 A. (Witness complies) 2 Q. Okay. And mark A. Put A by that, okay? 3 A. (Witness complies) 4 MS. MCCONOUGHHEY: Okay. So you're marking the 5 green bushy area on the far right? 6 THE WITNESS: When I was done with it, it was done 7 all the way through. 8 MS. MCCONOUGHHEY: Right. But your marking -- the 9 area that you circled, is on the left side of the photo? 10 THE WITNESS: Yes. Yes. 11 MS. MCCONOUGHHEY: Thank you. 12 BY MR. MARCHBANKS: 13 Q. I'm going to hand it back to you. Do you see where the 14 bush hogging stops and the grass begins? 15 A. Uh-huh. 16 Q. Kind of the grass from the middle of the picture down to 17 the bottom of the picture, and there looks like little 18 gravel and stuff here. Is -- is that grass right there 19 indicative of an area that needs to be bush hogged? 20 A. No. It was a -- somebody had obviously mowed up to 21 where it needed to be bush hogged. 22 Q. Okay. 23 A. They had mowed, because my recollection of the actual 24 property line is a few feet this (indicating) side, 25 where it needed to be bush hogged. It ran straight

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10 1 across the back. 2 Q. Okay. Well, let's look at this again, and go ahead and 3 set that aside. I'm going to show you another picture. 4 A. I was hoping you would. 5 Q. Let's start --- 6 A. Well, if it's from a different angle, it's completely 7 different. 8 Q. Right. And we're going to -- we're going to look at a 9 lot of different perspectives. Now, do you remember -- 10 this is -- 11 MR. MARCHBANKS: Mark this is as Plaintiff's two. 12 (Whereupon, Plaintiff's Exhibit No. 2 was marked for 13 identification purposes.) 14 BY MR. MARCHBANKS: 15 Q. Do you remember at times when you would go out and bush 16 hog, there would be a shed located on the Earle Street 17 side of that property? 18 A. No. I don't remember that building. I remember a new 19 house being built in that area. 20 Q. Okay. But do you recognize the area as where the new 21 house was eventually built, where this shed is located 22 in this picture? 23 A. No. This -- this -- this is really unfamiliar to me, 24 the way this picture is. I don't ever remember a shed. 25 I do know that this area -- the area here in the middle	12 1 photograph -- both -- do both of these photographs 2 depict that shed? 3 A. Yes. 4 Q. Okay. And would it make sense to you that this is kind 5 of a before and after picture, from a similar 6 perspective? 7 A. No. No. 8 Q. Okay. Tell me why. 9 A. Well, for one thing, this -- this doesn't -- this looks 10 like it was mowed with a mower and not bush hogged. And 11 if you look at the two pictures, you can tell the 12 difference in how dead the vegetation is. I would say 13 this was taken up closer to the houses, just to show the 14 -- show this -- this piece here (indicating) is here. 15 Q. So when you're saying this, that -- the other -- when 16 you're looking at what's marked as Plaintiff's 2, and 17 you're saying that that is taken up closer to the 18 houses, instead of Exhibit 3, which is taken from a 19 little further back; is that --- 20 A. Yes. Yes. 21 Q. And Exhibit 3, when you're talking about the tree that 22 you referenced in your testimony a minute ago, are you 23 talking about the tree that is almost in the dead center 24 of the photograph? 25 A. Yeah.
11 1 is -- is not part of this property. There was -- if you 2 had a picture from the front, from Main Street going 3 back, I could show you where the property lines were and 4 where I bush hogged. 5 Q. Okay. Well, let's -- we'll -- we'll get to that. So 6 let's just leave this aside as point of view for a 7 minute. We might come back to it. We might not. 8 MR. MARCHBANKS: Mark this as Plaintiff's three. 9 (Whereupon, Plaintiff's Exhibit No. 3 was marked for 10 identification purposes.) 11 BY MR. MARCHBANKS: 12 Q. Okay. 13 A. Now, that looks more recognizable. 14 Q. Now tell me what you see in what is marked now as 15 Plaintiff's Exhibit 3. 16 A. Well, this appears to be taken from the store side, and 17 to the left of this tree would be where the house is 18 built now. You can see where the bush hogging was done. 19 It kind of angles off from the corner, because where the 20 bush hogging stops up here, is actually the end of the 21 property line on the left. 22 Q. Okay. 23 A. From what I understood was the property line. 24 Q. Now, let me -- let me ask you this. Let's look at 25 Exhibit 2 and 3 together here for a second. Does that	13 1 Q. That the sun is shining on? 2 A. Yes. 3 Q. Okay. 4 A. That is closer to the actual property line. 5 Q. Okay. And if I'm looking -- if we -- if we split this 6 picture on that tree, from that tree to the right side 7 of the picture, is that where 504 North Main Street is 8 located? 9 A. Yes. 10 Q. And --- 11 A. Yes. 12 Q. From the tree to the left side of the picture, is where 13 Earle Street is? 14 A. Yes. 15 Q. That's the -- the direction we're looking at? 16 A. Yes. 17 Q. Right? 18 A. Yes. 19 Q. Okay. And you can see where it was bush hogged and 20 where it was not; is that fair to say? 21 A. Yes. 22 Q. And the stand of grass on the left side of the picture, 23 does that look like it has been regularly maintained in 24 Exhibit 3? 25 A. Yes.

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14 1 Q. Okay. Now, do you recall at some point in 2019 or so, 2 when it was decided that you were going to go out there 3 and do a really, really good -- just shave it down to 4 the ground where it needed to be taken care of? 5 A. Yeah. I did that every time I was there, minus a few 6 tree stumps. 7 Q. Now, I'm going to show you --- 8 MR. MARCHBANKS: Mark this as four. 9 (Whereupon, Plaintiff's Exhibit No. 4 was marked for 10 identification purposes.) 11 BY MR. MARCHBANKS: 12 Q. Now, I'm going to show you a series of pictures that are 13 all from the same perspective. It's an aerial 14 perspective. And do you see the rectangle with the 15 black rectangle right there in the big parking lot 16 surrounding it? 17 A. Uh-huh. 18 Q. What is the name of that store? Do you remember the 19 name of that store? I keep forgetting it. 20 A. Quality Brands. 21 Q. Quality Brands, all right. And then, down to the bottom 22 left hand corner of Quality Brands, you see the two 23 little houses. And so the street in front of those 24 houses, that's Earle Street, right? 25 A. Yes, sir.	16 1 store, or out in front of the store. This --- 2 Q. Let me -- let me -- you take your time. 3 A. No, wait. This is the way -- this picture is not right. 4 It's not right. It really is not right, sir. Wait a 5 minute. I will get it here in a second. 6 Q. Well --- 7 A. This looks like an area here different, because where 8 we're talking about bush hogging, if -- if these are the 9 two little yellow houses --- 10 Q. Right. 11 A. --- it would be over this area here (indicating) that I 12 would be bush hogging. 13 Q. Correct. 14 A. Right up in here (indicating.) 15 Q. And you're indicating the area that -- where there's 16 kind of a big tree in the middle and a big bunch of 17 brown around it, right? 18 A. Right. Right. 19 Q. Could you circle the area where -- or put it -- put a A 20 on the area that you're describing is where you would 21 bush hog. 22 A. (Witness complies) 23 Q. Okay. Now, in looking at that and seeing that, is it 24 making sense from that perspective a little better now? 25 A. Yes, it does.
15 1 Q. Okay. And then, directly behind the house with the 2 brown roof, if you go across to the left, you see the 3 white rectangle? 4 A. Uh-huh. 5 Q. Now, in the parking lot in front of it, is that 6 504 North Main? 7 A. I'm not -- I'm not sure of that. I mean -- if I -- I 8 can't even see Main Street on this picture. It's not 9 that clear. 10 Q. Yeah. The Main Street, unfortunately, is not in this 11 frame. Take your time. 12 A. Oh, well, I'm trying to picture myself as to where the 13 story is. 14 Q. Turn it over. Turn it the other way. 15 A. This thing -- it doesn't seem -- this picture doesn't 16 seem right, because I'm not seeing the paved lot for the 17 store. 18 Q. Let me ask you this. Do you see this rectangle? 19 A. Yes, I do. 20 Q. That's the store. And then here (indicating) on this 21 side with the little red, blue and all this sort of 22 thing, does that appear to be the parking lot for the 23 store? 24 A. No. If -- if -- if I was at the picture the right way, 25 the parking lot should be at the -- at the side of the	17 1 Q. Okay. Now I want you to --- 2 A. But this is a much older picture. I can tell you that. 3 Q. It is. 4 A. Much older. 5 Q. I understand that. And I'm just thinking, I'm going to 6 show you these pictures, and based on your knowledge, in 7 walking and working that property, I want you just to 8 see what you -- what you think. Now, would you agree 9 that from the house with the brown roof, up to where 10 that area that you bush hogged --- 11 A. Yeah. 12 Q. --- would you agree that that is something that's an 13 area that's regularly maintained and not in need of bush 14 hogging? 15 A. Yes. 16 Q. Okay. 17 A. Yes. 18 MR. MARCHBANKS: I'll have that marked as 19 Plaintiff's five. 20 (Whereupon, Plaintiff's Exhibit No. 5 was marked for 21 identification purposes.) 22 BY MR. MARCHBANKS: 23 Q. Now, I wanted to start with that one so you got in your 24 mind the perspective. Okay. Now, if you look at the 25 next -- what's marked as Plaintiff's 5, do you see the

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18 1 house that now appears as if it's got a green roof? 2 A. Yes. 3 Q. Okay. And what would that house be? Would that be 207 4 Earle? 5 A. I guess that's what the number is. There's just the two 6 houses there together. 7 Q. Right. And the street that is a little bit past half, 8 that runs from the top of the photograph down to the 9 bottom of the photograph, does it make sense that that 10 is Earle street? 11 A. Yeah, it would. 12 Q. Draw on there, just a line on there, where you 13 understand Earle Street to be. Mark that with an E. 14 How about that? 15 A. (Witness complies) 16 Q. Okay. All right. Now, if you look at this photograph, 17 do you see where 504 North Main would be? 18 A. Yes, all the way up here (indicating.) 19 Q. Mark that with a N. 20 A. (Witness complies) 21 Q. Okay. You put an M? 22 A. Uh-huh. 23 Q. Okay. So the record show he put an M. All right. Now, 24 in between North Main, 504 North Main, and the house 25 with little green roof, do you see an area where there	20 1 A. (Witness complies) 2 Q. And then, I want you to circle the two little houses 3 that you're familiar with and mark those with an H, kind 4 of in between. 5 A. (Witness complies) 6 Q. So you -- all right. Now, I want you to draw a line 7 from where this shows the property or the grass behind 8 these houses is being maintained. 9 A. (Witness complies) 10 Q. Now, do these pictures that we're looking at reflect 11 your memory when you would go out and you would bush 12 hog? Do the areas in these pictures, where they show 13 overgrowth versus maintained grass, does that jive with 14 your memory as far as what you would go out and mow? 15 A. Yeah. About -- there is -- there is a tree line and a 16 fence in here, that cuts it off from the other office 17 building. 18 Q. Draw that -- draw a thick, marked deep line there. Just 19 scribble it. 20 A. (Witness complies) 21 Q. There you go. 22 A. That is a -- there's a chain link fence right there. 23 Q. And mark that with a T? 24 A. T? 25 Q. Yeah.
19 1 appears to be bushes, trees and whatnot, and then areas 2 where there is grass that is maintained on either side 3 of it? 4 A. Yes. 5 Q. Would you draw a line where you think, just based on 6 your experience, what looks to be maintained versus what 7 is a little bit grown up? 8 A. You want me to box it in? 9 Q. Sure. 10 A. (Witness complies) 11 Q. Okay. All right. Now, I'll show you another 12 photograph. And now that we have --- 13 MR. MARCHBANKS: Mark this as six. 14 (Whereupon, Plaintiff's Exhibit No. 6 was marked for 15 identification purposes.) 16 BY MR. MARCHBANKS: 17 Q. All right. Now, the photograph that I just showed you, 18 it's marked as Plaintiff's Exhibit 6. Turn that around 19 for me to see, to be sure I know which way. 20 A. (Witness complies) 21 Q. Okay. Find your bearings, and --- 22 A. This is a whole lot better here. 23 Q. Okay. Yeah, this is a better photograph. And if you 24 would draw a line down what you what you understand to 25 be Earle street on this drawing. Mark it with an E.	21 1 A. (Witness complies) 2 Q. Okay. 3 A. There's a chain link fence, because I had asked him if I 4 needed to cut on the other side. He said, no. That 5 belongs to STI. You stay out of there, because that -- 6 there's a hole in there that'll turn a tractor over. 7 Q. Okay. So -- okay. Now, let me ask you this. Is there 8 a trail that kind of goes back through there? 9 A. There was a -- the people were cutting at the corner of 10 the building here and going over to the Quality Foods. 11 They have a -- had a path wore, until somebody changed - 12 - blocked the chain link fence up right there. 13 Q. Okay. put a F right where you circled, for fence. 14 A. (Witness complies) 15 Q. Okay. All right. 16 A. Now, the way this lays out, the grass was maintained to 17 about right here (indicating) forward, and the rest of 18 this was bush hogged. 19 Q. Okay. Let me -- draw a line where the grass was 20 maintained to. 21 A. (Witness complies) Right there. That would be out to 22 Main Street. 23 Q. Okay. And write mowed. 24 A. (Witness complies) 25 Q. Okay.

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22 1 A. And then, if you follow this (indicating), this 2 (indicating) way, and then here (indicating), all the 3 way down to this (indicating) corner. 4 Q. All right. So from where you wrote mowed, right there 5 behind 504 North Main, you follow that to, kind of where 6 the tree line stops, and then that's where you would 7 mow? 8 A. Well, there's actually a chain linked fence run over to 9 here (indicating), and then it's open, and then straight 10 back to this (indicating) chain link fence, then in 11 behind it, around here (indicating.) 12 Q. Well, let me ask -- where would you -- would you stop? 13 A. Right about there (indicating.) 14 Q. Right where that -- where that --- 15 A. Where the curve is, yeah. Yeah. It was no need to go 16 out and -- I was no need to go out into the yard, 17 because the grass was only like that (indicating.) 18 Q. So the grass looked like it was pretty -- it was 19 maintained? 20 A. Yeah, in that little, small area, yeah. 21 Q. Yeah. 22 A. But I think the people that lived in the house did that. 23 Q. So the people who -- is your -- was it your 24 understanding that the people who lived in those houses 25 were the ones that maintained that area?	24 1 know we're making a mess here. 2 A. No, we're not. We're going fine. I'm fairly confused. 3 We'll be all right. 4 Q. Okay. Now, this is from a little different perspective. 5 What we're looking at now is Plaintiff's 7. This is 6 from a little different perspective, and the benefit is 7 we can see North Main Street in this picture. Do you 8 see that? Do you see North Main down at the bottom? 9 A. Yeah, well, that's Wade Hampton. No, that's not, that's 10 Main. 11 Q. Yeah, that's Main Street. 12 A. Yeah. Yeah, because it goes down to two lanes. Yeah. 13 There you go. There's your -- there's a trucking 14 office. There's the building out front. There's the 15 antique shop. 16 Q. All right. On the building that's 504 North Main, write 17 an A. 18 A. (Witness complies) Okay. 19 Q. All right. Now, on the two little houses right on Earle 20 Street, just in front of the -- right on the street 21 where you see what you write. 22 A. Yeah. 23 Q. Write an H for the two little houses where you see 24 those. 25 A. (Witness complies) Okay.
23 1 A. It was my -- my understanding what was cut was 2 maintained by them. 3 Q. Okay. 4 A. Even though it wasn't their property, from my 5 understanding. 6 Q. Okay. 7 A. Because the property line run almost -- it was -- it was 8 only -- only -- I don't know, 20 feet off the back the 9 houses. That's all the further property line was. 10 Q. Okay. So during the time that you started working on 11 this property, was that pretty consistent where you 12 would stop mowing? 13 A. Yes, sir. 14 Q. Okay. And was it consistent that the people who own 15 those little houses, or whoever right there, would 16 maintain the property up to that line? 17 A. Yes. 18 Q. Okay. And what, if anything, would you ever do to 19 maintain -- okay. Well, let's -- let's move on to the 20 next one, and I'm going to ask you a question. 21 (Whereupon, Plaintiff's Exhibit No. 7 was marked for 22 identification purposes.) 23 BY MR. MARCHBANKS: 24 Q. We'll let you get your bearings, because this -- this 25 one has a little bit of a different perspective. And I	25 1 Q. All right. And so the property that we're talking about 2 exists in between these two little houses and that 3 office, right? 4 A. Uh-huh. 5 Q. Okay. 6 A. Yes, sir. 7 Q. Do you see the same curved line in this picture, or the 8 similar curved line? 9 A. Yes. 10 Q. Could you draw that curved line out for us? Could you 11 trace that curved line? 12 A. (Witness complies) I don't know if you can see it. 13 Q. And we'll go ahead and mark it up. Mark it up. Be sure 14 -- I want to be able to see that -- see that clearly. 15 Take it all the way over to -- all the way over to the - 16 - where you would stop mowing. 17 A. (Witness complies) 18 Q. And would you mow this area here, too, kind of behind 19 the house with the brown roof? 20 A. Yeah. 21 Q. Draw a line from there, to where you would stop mowing. 22 A. (Witness complies) 23 Q. Okay. 24 A. This -- this -- this -- from this corner the end of the 25 chain link fence up here, right? There was a chain link

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26 1 fence in here, but up into here it was -- the grass was 2 tall enough that they weren't mowing it with a mower. I 3 was having to cut it. 4 Q. Okay. 5 A. And all the way back, because this -- this lot here is 6 clean. There's nothing in this picture, but it -- when 7 I first started bush hogging, it was never clean. 8 Q. So -- so let me ask you this. Where you drew the line 9 from -- do you see the new house, which is 203? 10 A. Yes. 11 Q. All right. Put a circle in that driveway, so we know 12 that you're identifying the new driveway, the new house. 13 A. (Witness complies) 14 Q. All right. Now, do you see the fence that goes back 15 along the back of that new house? 16 A. Uh-huh. 17 Q. Okay. And so the line that you've drawn, more or less - 18 - and I know we're not getting everything perfect here, 19 and I'm okay with that. But the line that you just drew 20 is close to where that fence ends, and then kind of 21 bends back around toward the corner of the store; is 22 that fair to say? 23 A. Yes, sir. 24 Q. And everything on your left was maintained every time 25 you went out there?	28 1 Q. And we don't know where they came from, right? 2 A. I have no earthly idea, other than that I could have 3 done probably better with an old fashioned box camera. 4 Q. And a helicopter, right? 5 A. Maybe. 6 Q. Anyway, you said you worked out there for probably the 7 last ten years or so? 8 A. Uh-huh. 9 Q. Yeah. And that was at the request of Mr. Jenkins? 10 A. Uh-huh. 11 Q. The son or the father? 12 A. Huh? 13 Q. Either the son or the father? 14 A. Yeah, either one of them would let me know when it would 15 -- had to be done. 16 Q. Did you ever get instructions from -- Wayne is the son, 17 right? 18 A. Yes. 19 Q. Did He ever ask you to go out there and cut it himself? 20 A. I think he -- a couple times, Wayne had asked me to go 21 when Harold wasn't available. 22 Q. Look at Plaintiff's 2. It's got a mark on it, looks 23 like this. So it looks like this -- there's a turf 24 line, and there's the line with some bushes, right? 25 A. Well, if -- the way the picture is, if I was standing
27 1 A. Yes. 2 Q. Did you ever do anything, or be hired to do anything to 3 maintain that little area of land? 4 A. No, sir. 5 Q. Did you ever touch or set foot on, do you see where this 6 car is parked on the driveway beside 207? 7 A. No, sir. 8 Q. So you never -- and did you know when talking to Harold, 9 did anybody ever maintain that, other than the people 10 who lived in that house? 11 A. No. 12 Q. And do you know how long they had been doing that for? 13 A. I have no idea. 14 Q. Okay. That's all the questions I have. 15 EXAMINATION 16 BY MR. HAWKINS: 17 Q. All right. Mr. Brown, my name is Wendell Hawkins. I 18 represent Rilion Gracie Greenville, LLC, the folks that 19 own the property now. When you're looking at 20 Plaintiff's 4, 5, 6, well, all of them, do you know -- 21 do you know when these photographs were taken? 22 A. I have no idea when they were taken. 23 Q. Had you ever seen them before? 24 A. No, sir. The only thing I can say about it, that's a 25 poor photographer.	29 1 the way this picture is standing, they're standing 2 facing this (indicating), so it doesn't give the true 3 way it leads. It looks like it's square, but it's not. 4 It's actually running caddy-cornered across the back of 5 the yard. 6 Q. Well, I mean, you don't know anything about -- let's 7 just say the area that appears to be overgrown? 8 A. Yes. 9 Q. And you don't think it was junipers or something, but we 10 don't know what it is, right? You remember the species 11 of plants out there? 12 A. Pardon? 13 Q. Do you remember the species of plants? 14 A. None other than weeds, no. 15 Q. So this tree that's hanging down in the top right hand 16 corner, do you recognize what kind of leaves those are? 17 A. I think that's a pecan tree. 18 Q. You've seen numerous pecan trees out there? 19 A. I think it was just one back there in the corner, one 20 pecan. 21 Q. Do you know --- 22 A. The rest are oak. 23 Q. Do you know it was actually dropping fruit? 24 A. I never paid attention to that. 25 Q. You got any experience with pecan trees?

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30 1 A. I'm afraid so. I've got two of them in my backyard. 2 Q. Do you know it takes two pecan trees of different 3 species in order to make fruit? 4 A. They have to have a male and a female, just like 5 anything else that creates. 6 Q. If you look at Plaintiff's 3, this (indicating) one, did 7 -- did you do that bush hogging? 8 A. I can still see the end of the tree right here, that's 9 the left top -- left corner. 10 Q. Well, do you know if you did this bush hogging work? 11 A. Pardon? 12 Q. Do you know if you did this bush hogging work? 13 A. This here? 14 Q. Yes. 15 A. I don't -- I don't recollect the -- I may have, because 16 this is the first time I've seen the field open. When I 17 first started cutting it, this -- this field wasn't open 18 here to the right, but the last three or four times it 19 had been -- it had been done. But I think the owner on 20 the other that had it, finally had it done. I think 21 they finally got in because I was cutting up to it. 22 Q. I'm sorry. You said the owner --- 23 A. This piece -- this piece of property, in the opening 24 where this has been bush hogged up to a -- up to this 25 corner over here (indicating) on the right, is what I	32 1 can't see the shed, so the shed has to be on the other 2 side of the house. 3 Q. Or gone? 4 A. Or gone, that's right. 5 Q. You said in Plaintiff's 1, you would have never left 6 this clump of dead --- 7 A. No, I wouldn't have left that in there. 8 Q. That wasn't clean, right? 9 A. There were stumps down in there, and I'd mow around them 10 and -- and even take a weed eater to them. 11 Q. You ever seen groundhogs out there? 12 A. No, some big pieces of concrete. 13 Q. When you were out there, did you ever notice people 14 walking from Earle Street across this lot that you -- 15 you were bush hogging, or had --- 16 A. They hadn't walked across it, but they had walked across 17 the corner to the store. 18 Q. You said -- I think you said earlier, you noted some 19 walkways, paths through? 20 A. It was -- it was discernible. You could see they had 21 been walking back and forth, yeah, instead of -- as a 22 shortcut. 23 Q. Let's take a look at Plaintiff's 5. It's this one here. 24 A. I got it. 25 Q. I'm going -- 207 is the little house. 207 is the little
31 1 was bush hogging. This here (indicating), this -- this 2 other piece was never bush hogged until after a couple 3 of years. And I think I had made a comment to somebody, 4 was I supposed to get it? And he said, no. That 5 belongs to that man or the people that owned that white 6 house behind it, and they finally had it cleaned up. 7 Q. Do you think that this white house --- 8 A. Yeah. 9 Q. --- is the new house? 10 A. No. No. That's an old established home. 11 Q. And so is the new white house shown anywhere in this 12 photograph? 13 A. No, it's not in that photograph. The building's plain, 14 but it's not the house between that building and the 15 driveway. 16 Q. What building is that? 17 A. There's a building you see there on the left, the white 18 building, the house is on this side of it that they 19 built. 20 Q. When you say that building, is it the house behind the 21 car; is that what you're talking about? 22 A. No. The house itself is built on this side of the 23 building, in front of that tree, the new house. 24 Q. So where is the shed in relation to the new house? 25 A. Well, when you see the picture of the new house, you	33 1 house that the Gibbs rented. 2 A. Right. 3 Q. And then, the new house is built over here (indicating.) 4 I'll put X on mine. 5 A. That's right. They were coming a little bit of a path 6 right through here (indicating), until somebody put a 7 piece of chain link fence here at the corner to stop 8 them. They were going back and forth across there. 9 Q. Do you know when that was done? 10 A. It was probably done two years ago. 11 Q. But did you see people actively walking all through this 12 area? 13 A. Yeah. 14 Q. Okay. Would it be accurate to say this one -- people 15 were walking through this little piece with the gravel 16 on it? Did you ever see that? 17 A. I've never seen that. I did -- I have seen them come 18 from this corner across. 19 Q. From the store? 20 A. From the store. 21 Q. To Earle Street? 22 A. Yeah. 23 Q. And they would walk around? 24 A. Yeah. 25 Q. That's 507?

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34 1 A. Yeah. 2 Q. That's if the person was walking from the store to Earle street, they would walk on the --- 3 4 A. We -- well, you could see where they'd walk up next to the -- where I would cut, and would come around behind the houses and go that way. That's the one -- I never seen them actually doing, but that's -- you could see where they had been walking. 5 6 7 8 9 Q. Okay. And did the chain link fence seem to slow that down a little bit? 10 11 A. It stopped it, because the chain link fence was five foot high. They couldn't get over it. 12 13 Q. Do you know who put that fence in? 14 15 A. I have no idea. I was informed that maybe the man that built the house might have put it up, but I don't know for sure. 16 17 Q. Did anybody ever try to run you off the property or anything of that nature? 18 19 A. No, sir. 20 21 Q. Anybody give you instructions on what to do, other than Mr. Jenkins? 22 23 A. No. 24 25 Q. You ever had a personal conversation with Mr. Gibbs? 26 27 A. I may have and didn't know who it was, about the property. 28	36 1 A. I couldn't tell you that. 2 3 Q. Did you provide any other services for this property, 504 North Main? 4 5 A. No, sir. 6 7 Q. Okay. 8 9 MR. HAWKINS: Can you find Plaintiff's 3 or the Jose Exhibit 1. 10 11 BY MR. HAWKINS: 12 13 Q. That's not in there. She's got to get it. You don't have it. So this has been marked as Plaintiff's 3 in Max's deposition. It's Plaintiff's 1 in Jose's. Let me point your attention to something. There's a tree. It looks like it's down here by this light pole that he marked. And I can't see what that is. I think it's number two or something. Have you ever encountered that down tree? 14 15 16 17 A. No, I never did encounter that, but that's the pecan that used to be there, if that's the tree you're talking about. 18 19 20 Q. Okay. And --- 21 22 A. This -- this picture represents more what I knew the property lines were. I can tell you that. 23 24 Q. Well, that was pretty bare. It looks like it's in the winter maybe. Huh? 25 26 27 A. Yeah. 28
35 1 Q. Did anybody -- anybody over on Earle street offer to pay you for your services? 2 3 A. No, sir. 4 5 Q. Anybody engage you to cut their grass? 6 7 A. No, sir. 8 9 Q. Did you provide grass cutting services? 10 11 A. I do on occasion. 12 13 Q. Did you ever do it for Mr. Jenkins? 14 15 A. Huh? 16 17 Q. Did you ever do it for Mr. Jenkins? 18 19 A. No, just some of his properties. 20 21 Q. Okay. Do you know who mowed any grass over there? 22 23 A. Have no idea. 24 25 Q. Did you ever speak to the renter in that little house over there? 26 27 A. Never saw them. 28 29 Q. You ever see a young woman with a cast on her leg or anything of that nature? 30 31 A. No, sir. 32 33 Q. When you were over there, did you notice any points in time where there wasn't a car parked in that little gravel area? 34 35 36 A. Sometimes there'd be a car there. Sometimes it wouldn't. I never --- 37 38 Q. Would it always be the same car? 39	37 1 Q. And then, there was -- if you look at what you had marked as Plaintiff's 6. If you would hand her back that Exhibit 3 right there, so it doesn't get lost. 2 3 A. (Witness complies) 4 5 Q. And then, see if you can find Plaintiff's 6. Okay. So this -- do you know who lives here at 209? 6 7 A. No idea. 8 9 Q. Okay. Does that -- I'm going to circle this tree. 10 11 A. That's where the tree was. 12 13 Q. The pecan tree was -- was there, right? 14 15 A. Yeah. 16 17 Q. All right. Can you circle that on Plaintiff's 3? 18 19 A. (Witness complies) 20 21 Q. But it's also -- yes, that's Plaintiffs 3 and that's Jose's 1. 22 23 A. That would be where the -- they have a power pole there. 24 25 Q. Yeah, well, let's just do see this. Let's just mark it on the same exhibit I had, which is your Exhibit 6, that your hands on. Can you mark the same tree for me? 26 27 A. (Witness complies) 28 29 Q. Well, this is what I've marked. 30 31 A. No. No. That's right. I'm sorry. That's the tree right there (indicating.) 32 33 Q. Okay. Can you mark that on your exhibit? 34 35 36 A. (Witness complies) 37

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38 1 MR. MARCHBANKS: Write tree underneath it, so we 2 know -- we can reference that. 3 THE WITNESS: (Witness complies) 4 MR. MARCHBANKS: Thank you. 5 BY MR. HAWKINS: 6 Q. Okay. Has -- have you ever been called out to clean up 7 that tree? 8 A. No, sir. 9 Q. How long -- when's last time you been out there? 10 A. Over a year now. When it -- they told me it was sold, 11 and they didn't need my services anymore out there. I 12 haven't been out there since then. If I had my receipt 13 book with me, I could tell you, because I got the dates 14 in there. 15 Q. Well, you testified you've been out there maybe the past 16 ten years, once a year or twice a year; is that correct? 17 A. Twice a year if we have enough rain to support the weed. 18 Q. Did you clean all the vines out of the trees and things 19 of that nature? 20 A. No, didn't do none of no tree work. 21 Q. You just ran a bush hog or whatever you could? 22 A. Yep. 23 Q. How long you been working for Mr. Jenkins? 24 A. I don't know, ten years, I guess. 25 Q. Okay. That's all I got.	40 1 Q. Would that be the Earle Street side of the property? 2 A. The Earle Street side of the property. 3 Q. Two -- you said two pieces of? 4 A. Concrete. 5 Q. Concrete. Just sitting on top of the ground? 6 A. Well, they'd been dumped there, apparently, from 7 somebody. 8 Q. Were they there the whole time you -- every time you 9 went out there? 10 A. Yes, ma'am. 11 Q. You said they were about two feet high? 12 A. Roughly ten inches high. I'm going to say 18 to two 13 foot wide, and two to three feet long. 14 Q. So they would've been pretty heavy, right? 15 A. Yes. 16 Q. What else? Any other obstacles out there? 17 A. Some old race tires that I hung back up on the fence 18 that I found. 19 Q. Like, car tires? 20 A. Race car tires. 21 Q. Oh, wow. What else? 22 A. That was it, other than some tree limbs that had fallen 23 out of the trees and stuff like that. That's all that 24 was back there. Other than garbage that the people 25 threw out back in the corner coming out of the store.
39 1 EXAMINATION 2 BY MS. MCCONOUGHIEY: 3 Q. All right. Mr. Brown, I've got a few questions for you. 4 Can you explain, briefly, what bush hogging means? 5 A. Well, it's not a grass cutter. It's designed to cut 6 everything up -- up to two inches in diameter, brush, 7 bushes, whatever, and leave it manageable. It's a two 8 bladed cutter. It -- it'd take a person's limb off if 9 they got underneath of it, no trouble. But it's 10 designed to really cut up heavy brush. 11 Q. But not -- not -- not trees or tree stumps, or anything 12 like that? 13 A. No. No. 14 Q. So you said a few minutes ago, that when you would go 15 out there and do bush hogging, there were some tree 16 stumps that you had to go around. Did you become 17 familiar with, like the various obstacles out there? 18 A. Yes, ma'am. I knew where they were all at. 19 Q. Can you describe just what they were? I think you said 20 something about cement blocks as well. 21 A. No. If you went down the right side of the field, up 22 next to chain link fence, there was roughly five tree 23 stumps that I had to mow around. And then, toward the 24 back of the property was two pieces of concrete, two 25 foot by four foot.	41 1 Q. Tell me a little bit more about that garbage. What kind 2 of things did you notice as far as that? 3 A. Liquor bottles, beer cans, paper from food. 4 Q. Uh-huh. Did it seem like the type of thing that people 5 would throw out as they're cutting through using the 6 area as shortcut? 7 A. Yes, ma'am. 8 Q. Okay. Well, did you notice that type of trash every 9 time you went out there? 10 A. Most of it, until they put the chain link fence up at 11 that corner. 12 Q. Would you ever run over the trash with the bush hog? 13 A. Some of it. 14 Q. Would it just make it a mess? 15 A. If it was paper, it would just cut it all up. As far as 16 bottles and stuff, I always kicked them out of the way. 17 I couldn't afford to buy a tractor tire. 18 Q. You -- you mentioned that when you started cutting, 19 doing the work back there, that the field wasn't open 20 yet; is that right? 21 A. The stuff on -- the first time I cut it, the stuff was 22 five or six foot high. It had been cleaned. I think he 23 said he cleaned it a couple years before that. Somebody 24 actually had come in and cleaned it and cut the trees 25 and stuff down, but they didn't take the stumps out.

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42 1 Q. Okay. And then, when you started, it was still there, a 2 lot of trees and stuff kind of growing up towards the 3 middle. And then at some point, someone other than you 4 cleared out that middle part; is that right? 5 A. No, that was cleared out before I got there. 6 Q. That was cleared out before you got there? 7 A. Yes. 8 Q. Okay. So would you say that when you started working 9 out there, would you describe this -- this back area of 10 504 North Main Street, would you describe that as a 11 field, or was -- is that not the right word? 12 A. Well, it would be a lawn up until it got to where the 13 mess was, or whatever you want to call it. I mean, it 14 was a maintained lawn up, I don't know, maybe 30 feet 15 out from behind their parking lot. 16 Q. Behind the parking lot of 504, that commercial building? 17 A. Yeah. It was maintained out to a certain point. 18 Q. So it was lawn, nice grass that was maintained, then a 19 bunch of scrubby shrubs? 20 A. Yes. It was -- it had a definite -- definitive line 21 from side to side where they stopped mowing. 22 Q. And you would go and do the bush hogging in that area 23 behind the lawn? 24 A. Yes. 25 Q. And you went all the way back until you came to the lawn	44 1 Q. What did he tell you about that, that you remember? 2 A. He said, I've been informed that people called me and 3 complained, and so apparently, after they complained to 4 him, the City of Greer apparently told him that it 5 needed to be cut. So that's when I got called in. 6 Q. Okay. How did you know how much of that back area to 7 work on? Did Mr. Jenkins like walk out there with you 8 and show you? 9 A. No. He gave me some points to where the property line 10 was. How it went down the one side with a chain link 11 fence, and how it cut off behind the building, and that 12 the driveway off of Earle was part of the property. 13 Q. Can you say that last part again? 14 A. The driveway coming up off of Earle was part of -- was 15 the right of way into the back of the property. 16 Q. Did you use that driveway? 17 A. No, ma'am. I never used it. I just unloaded it on the 18 Main Street side. 19 Q. And when Mr. Jenkins told you where that -- kind of 20 where the property lines were, did he tell you that when 21 you were both standing out there in person, or did he 22 just tell you kind of over the phone? 23 A. Told me in the office In. 24 Q. Did you ever see any trees that had fallen down in that 25 back area?
43 1 on the other side, which was behind the two small 2 houses? 3 A. Yes. 4 Q. How much did you charge for your bush hogging services? 5 Do you remember? 6 A. Yeah. It's 150 dollars for the first two hours, and 7 then 45 dollars an hour after that. That's my minimum. 8 I'm going to load it and unload it for less than that. 9 Q. Okay. When you finished your work out there, did you 10 always submit an invoice to Greenville East? 11 A. Yes. 12 Q. Would that be paper or electronic? 13 A. Paper. 14 Q. And you said you have a receipt book that keeps all of 15 your dates? 16 A. Some place in my truck. I still have it, yeah. 17 Q. Do you know how many years that receipt book goes back? 18 A. No, I have no idea. I didn't do that much work. So I 19 didn't -- I'm not -- I don't -- I'm not out to make a 20 living doing that. I would just -- that's my extra play 21 money. 22 Q. Sure. I was just curious. Did Mr. Jenkins ever mention 23 anything to you about the rear neighbors complaining 24 about the overgrowth? 25 A. Yes.	45 1 A. No. I saw limbs, but no trees. 2 Q. Did you ever notice that any trees had been removed from 3 the back area? 4 A. No, other than the stumps on the right, that's the only 5 ones I know that were removed. 6 Q. And then, you said -- in your affidavit that you 7 submitted for this case, you said that you noticed that 8 the houses that fronted on Earle Street maintained their 9 yards, but not any part of 504 North Main Street 10 property. How did they maintain their yards? 11 A. Kept the grass cut. 12 Q. Was there always grass in that area? 13 A. As long as I was doing it, it was grass. 14 Q. All right. And you said that you believe their property 15 line -- this would be like 207 Earle Street, the little 16 yellow houses, you said that you -- you thought their 17 property line was just only about 20 feet behind the 18 house? 19 A. Yes, ma'am. 20 Q. And are you saying that they maintained that area, or 21 did they maintain past what you thought the property 22 line was? 23 A. I think they went a little past it. They went on the 24 corner of the -- kept it mowed going to the corner of 25 the building to the store.

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46 1 Q. Did you ever encounter anything out there that prevented 2 you from being able to do the mowing or bush hogging, 3 like a fence or a gate? 4 A. No, ma'am. 5 Q. Did you ever notice any construction debris from when 6 the big house was being built, the house that was on the 7 other side of that driveway on Earle Street? 8 A. Other than a big pile of sand, no. 9 Q. A big pile of sand? Where --- 10 A. They had dumped a pile of sand before -- they were using 11 it for the block, to make the mortar. 12 Q. And where was that pile of sand located? 13 A. I'm going to say it was right in the corner. Let's see. 14 It'd be right there (indicating.) You can still see it. 15 Q. And that's Plaintiff's ?? 16 A. Yep. That was a pile of sand he used to make mortar 17 with. That's the only construction side of stuff I saw. 18 Q. Okay. Did you ever see people walking through that back 19 area behind the little yellow houses when you were out 20 there? 21 A. I might have seen somebody once or two times, but it 22 wasn't -- you know, it wasn't continual. 23 Q. The one -- so the one or two times a year you were out 24 there, you didn't see a lot of people? 25 A. No.	48 1 A. Yes, ma'am. 2 Q. Your very first day you set foot on there? 3 A. Yes, ma'am. 4 Q. Okay. Great. Thank you. That's all I got. 5 E X A M I N A T I O N 6 BY MR. MARCHBANKS: 7 Q. I've got a couple of follow-up questions. In regards to 8 the concrete slabs --- 9 A. It's not slab. They were just pieces of broken up 10 concrete. 11 Q. Pieces -- okay. Pieces of broken up concrete. 12 A. Yeah. 13 Q. Was that in the area that you would bush hog, or was 14 that in the area where --- 15 A. It was in the area that I would bush hog. It was -- 16 it's still -- if it's there, it's still laying right 17 there. 18 Q. And would you say that is on the side of where -- all 19 right. So that's in the middle of the area up to the 20 point -- before you get to the point where the lawn was 21 maintained? 22 A. Yes. 23 Q. On Earle Street? 24 A. Yes. 25 Q. Earle Street?
47 1 Q. How many hours did it take you to do the bush hogging 2 out there? 3 A. I'm going to say at least four. 4 Q. Four hours? 5 A. When it's heavy like that, you don't go through there 6 wide open. Because I didn't -- like I said, 7 encountering the bottles and the other stuff over in the 8 corner, I had to make sure I didn't run over anything. 9 Q. Right. So I just want to be clear on this, because I 10 think I'm still a little bit confused. When you started 11 doing work out there on this back lot, behind 504 -- 12 behind the commercial building at 504 North Main Street, 13 were there still trees growing towards the middle of 14 that back lot area, or were those trees in the middle 15 mostly cleared out and it was mostly brush? 16 A. It was all cleared out. The only trees are in the 17 middle, of what you see here on -- it's on a fence row. 18 Q. But not in the middle of the lot? 19 A. No. 20 Q. Okay. Here's a better way of asking. If you were 21 standing on at the back of the parking lot at 504 North 22 Main Street, looking towards Earle Street. 23 A. Yeah. 24 Q. When you started doing the bush hogging, would you have 25 been able to see clear all the way to Earle Street?	49 1 A. Yes. 2 Q. Now, when you also talked about garbage you kept 3 finding, you know, you find a lot of garbage and a lot 4 of whatever. 5 A. In this corner right here (indicating.) 6 Q. Okay. And that would be the corner where the store is 7 located? 8 A. Yes, sir. 9 Q. Now, you're looking at Plaintiff's Exhibit ?? 10 A. Uh-huh. 11 Q. Draw a big, deep circle where you would find the garbage 12 commonly, and then write a G or something for garbage? 13 A. (Witness complies) Right here. That's right where they 14 would come through to fence. 15 Q. In the area that was mowed behind 207 and 209 Earle 16 Street, would you find garbage there? 17 A. No. 18 Q. No further questions. 19 THE COURT REPORTER: Mr. Hawkins, do you want a 20 copy of this transcript? 21 MR. HAWKINS: E-trans. 22 THE COURT REPORTER: Ms. McConoughey? 23 MS. MCCONOUGHHEY: E-trans. 24 (THERE BEING NOTHING FURTHER, THIS DEPOSITION CONCLUDED AT 25 3:28 P.M.)

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CERTIFICATE OF REPORTER

I, Fotini Gregory, a Notary Public in and for the State of South Carolina, do hereby certify that the foregoing deposition was taken before me on the date and at the time and location stated on page 1 of this transcript.

That the deponent was duly sworn to testify to the truth, the whole truth, and nothing but the truth.

That I am not related to nor the employee of any of the parties hereto, nor related to or employed by any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action.



Fotini Gregory, Reporter

Notary Public for S.C.

Commission Expires: 04/25/34

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	THIRTEENTH JUDICIAL CIRCUIT
	)	
	)	Civil Action No. 2024-CP-23-05724
Ann Louise Gibbs-Hunter and Raymond D. Gibbs, Jr,	)	
	)	
	)	DEFENDANT, RILION GRACIE GREENVILLE, LLC's, MEMORANDUM
Plaintiffs,	)	IN SUPPORT OF MOTION FOR
	)	SUMMARY JUDGMENT AS TO ANN
v.	)	LOUISE GIBBS-HUNTER AND
	)	RAYMOND D. GIBBS, JR.
Rilion Gracie Greenville, LLC and TNB Financial Services, as Trustee of Gene Mark Brown's Trust B-2 under The Doris P. Brown Revocable Trust Agreement Dated February 9, 2006, as Amended,	)	
	)	
Defendants,	)	
	)	
Rilion Gracie Greenville, LLC,	)	
	)	
Cross-Claimant,	)	
	)	
v.	)	
	)	
TNB Financial Services, as Trustee of Gene Mark Brown's Trust B-2 under The Doris P. Brown Revocable Trust Agreement Dated February 9, 2006, as Amended,	)	
	)	
Cross-Claim Defendant	)	
	)	

Defendant, Rilion Gracie Greenville, LLC, (hereinafter, "RG" or "Defendant") present the following Memorandum in Support of Defendant's Motion for Summary Judgment as to Plaintiff's causes of action against RG.

BACKGROUND

On August 7th, 2024 Rilion purchased the following described property:

All that certain piece parcel or lot of land, located on the East Side of N. Main St. and the West side of Earl Street in the City of Greer, County of Greenville, State of South Carolina, being shown and designated as containing 0.901 acres, more or less, on a survey entitled “Plat of a Boundary Survey for Rilion Gracie Greenville, LLC” prepared by Burell & Company Land Surveying and Mapping, LLC, dated July 13, 2024 and recorded in Plat Book 1494 at Page 38 in the Register of Deeds Office of Greenville County, South Carolina. Reference to said plat is hereby made for a more complete metes and bounds description thereof. Said Plat is attached hereto. (“**Exhibit A**”; the Plat) (“**Exhibit B**”; current aerial photograph of Rilion’s Property; *cf.* **Exhibit C**; Greenville County Feb. 2016 Aerial)

This action ensued approximately 6 weeks thereafter. The Plaintiffs complain that they are entitled to ownership of the twenty foot (20’) driveway (the “Driveway”) that sits between the Plaintiffs’ two lots, namely 207 and 203 Earle Street in Greer, SC. The Driveway is owned by Defendant and was conveyed to Defendant Plaintiffs assert that the extends from Earle Street to some unknown area of termination under their causes of action of (1) Quiet Title under adverse possession (Compl. ¶¶ 23-27); and (2) Presumptive Grant (Compl. ¶¶ 28-31). In fact, the Plaintiff’s Complaint identifies the “Subject Property” as the entire tract of Defendant’s land (Compl. ¶¶ 4). Plaintiffs claim ownership by nature of the fact that Ann Louise Gibbs-Hunter or her predecessors in title had periodically parked in that driveway area for the statutory period of time. Deposition testimony of the Plaintiffs was taken on October 13, 2025 and the facts revealed as more fully set forth below leave no genuine issue of fact, but that Plaintiffs cannot meet a burden of proof with respect to their claims of Presumptive Grant or Adverse Possession.

DISCUSSION

MOTION FOR SUMMARY JUDGMENT

(The Kitchen Planners Rule)

Summary judgment is appropriate if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as

to any material fact and that the moving party is entitled to judgment as a matter of law. Rule 56(c), SCRCF; *Hansson v. Scalise Builders of South Carolina*, 374 S.C. 352, 650 S.E.2d 68 (2007); *Helms Realty, Inc. v. Gibson-Wall Co.*, 363 S.C. 334, 611 S.E.2d 485 (2005); *BPS, Inc. v. Worthy*, 362 S.C. 319, 608 S.E.2d 155 (Ct.App.2005). The purpose of summary judgment is to expedite disposition of cases which do not require the services of a fact finder. *Dawkins v. Fields*, 354 S.C. 58, 580 S.E.2d 433 (2003); *Rumpf v. Massachusetts Mut. Life Ins. Co.*, 357 S.C. 386, 593 S.E.2d 183 (Ct.App.2004).

Our Supreme Court has recently clarified the standard for a non-moving party to overcome a motion for summary judgment in cases where the standard of proof is a “preponderance of the evidence.” In *Kitchen Planners, LLC v. Friedman*, 440 S.C. 456, 892 S.E.2d 297 (2023), our Supreme Court revisited the “mere scintilla standard.” The Court wrote,

“Rule 56(c) became effective in 1985. Rule 86(a), SCRCF.⁵ In most cases applying Rule 56(c), this Court and our court of appeals have applied the “genuine issue of material fact” standard set forth in the Rule, requiring the party opposing the motion show a “reasonable inference” to be drawn from the evidence, and we have rejected the “mere scintilla” standard. *See, e.g., Vaughan v. Town of Lyman*, 370 S.C. 436, 448, 635 S.E.2d 631, 638 (2006) (reversing an award of summary judgment and stating “the evidence is susceptible to more than one reasonable inference, and therefore should be submitted to the jury”); *Russell v. Wachovia Bank, N.A.*, 353 S.C. 208, 219 n.4, 578 S.E.2d 329, 334 n.4 (2003) (“The standard for summary judgment ‘mirrors the standard for a directed verdict under Rule 50(a)’ [SCRCF].”⁶ (quoting *Baughman v. Am. Tel. & Tel. Co.*, 306 S.C. 101, 115, 410 S.E.2d 537, 545 (1991))); *Baughman*, 306 S.C. at 115, 410 S.E.2d at 545 (holding a party opposing summary judgment “must ... ‘do more than simply show that there is some metaphysical doubt as to the material facts’ but ‘must come forward with ‘specific facts showing that there is a genuine issue for trial.’ ” (quoting *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586-87, 106 S. Ct. 1348, 1356, 89 L. Ed. 2d 538, 552 (1986)));⁷ *Shelton v. LS & K, Inc.*, 374 S.C. 294, 297, 648 S.E.2d 307, 308 (2007) (“The existence of a mere scintilla of evidence in support of the nonmoving party’s position is not sufficient to overcome a motion for summary judgment.” (citing *Bravis v. Dunbar*, 316 S.C. 263, 265, 449 S.E.2d 495, 496 (1994))); *462 *Dickert v. Metro. Life Ins. Co.*, 306 S.C. 311, 313, 411 S.E.2d 672, 673 (1991), *rev’d in part on other grounds*, 311 S.C. 218, 428 S.E.2d 700 (1993) (stating “the existence of a mere scintilla of evidence in support of the nonmoving party’s position is not sufficient to

overcome a motion for summary judgment”) (citing *Anderson*, 477 U.S. at 252, 106 S. Ct. at 2512, 91 L. Ed. 2d at 214)).⁸ *But see* **301 *Anders v. S.C. Farm Bureau Mut. Ins. Co.*, 307 S.C. 371, 375, 415 S.E.2d 406, 408 (1992) (“At the summary judgment stage of the proceeding, it was only necessary for the Defendant to submit a scintilla of evidence warranting a determination by the jury.” (citing nothing))

Kitchen Planners, LLC v. Friedman, 440 S.C. 456, 460–62, 892 S.E.2d 297, 300–01 (2023)

LAW/ARGUMENT

An adverse possession claim is an action at law. *Miller v. Leaird*, 307 S.C. 56, 61, 413 S.E.2d 841, 843 (1992); *McDaniel v. Kendrick*, 386 S.C. 437, 441, 688 S.E.2d 852, 854 (Ct. App. 2009). A claim by adverse possession carries the highest standard of proof of any civil claim. “In order to establish a claim of adverse possession, the claimant must prove by **clear and convincing evidence** his possession of the subject property was continuous, hostile, actual, open, notorious, and exclusive for the statutory period.” *Millvale Plantation, LLC v. Carrison Fam. Ltd. P'ship*, 401 S.C. 166, 176, 736 S.E.2d 286, 291 (Ct. App. 2012) citing *McDaniel v. Kendrick*, 386 S.C. 437, 442, 688 S.E.2d 852, 855 (Ct.App.2009). “Clear and convincing evidence is that degree of proof which will produce in the mind of the trier of facts a firm belief as to the allegations sought to be established. Such measure of proof is intermediate, more than a mere preponderance but less than is required for proof beyond a reasonable doubt; it does not mean clear and unequivocal.” *Peeler v. Spartan Radiocasting, Inc.*, 324 S.C. 261, 265, 478 S.E.2d 282, 284 (1996) citing *Middleton v. Johnston*, 221 Va. 797, 273 S.E.2d 800, 802. *Accord Clarke v. Cotton*, 207 Ga.App. 883, 429 S.E.2d 291 (1993).

The Plaintiff has the burden of proof to show it had exercised dominion and control over a disputed tract. *Millvale Plantation, LLC v. Carrison Fam. Ltd. P'ship*, 401 S.C. 166, 176, 736 S.E.2d 286, 291 (Ct. App. 2012) citing *Watson v. Suggs*, 313 S.C. 291, 294, 437 S.E.2d 172,

173 (Ct.App.1993) (holding that “[i]n an action of trespass to try title, the defendant in actual possession of the disputed property is regarded as the rightful owner of the property until the plaintiff proves perfect title”); *Getsinger v. Midlands Orthopaedic Profit Sharing Plan*, 327 S.C. 424, 428, 489 S.E.2d 223, 225 (Ct.App.1997) (holding the burden of proof of adverse possession is on the party relying thereon). *Also see*, SC Code of Laws § 15-67-210.

ADVERSE POSSESSION & PRESUMPTIVE GRANT

A. S.C. Code of Laws § 15-67-210 et seq. Requirements

Whether claiming under S.C. Code of Laws § 15-67-210 et seq. (the “Statute”) or under the common law theory of presumptive grant (which is claimed to be abrogated or superseded by the enactment of the Statute), Plaintiffs cannot prove that either of them satisfy the requirements of S.C. Code of Laws § 15-67-250 which provides:

For the purpose of constituting an adverse possession by a person claiming title not founded upon a written instrument or a judgment or decree, land shall be deemed to have been possessed in the following cases only:

- (1) When it has been protected by a substantial enclosure; and
- (2) When it has been usually cultivated or improved.

It is uncontroverted that neither of the Plaintiffs are claiming the disputed lands by way of a written instrument, judgment or decree. As such, Plaintiffs must show that the claimed lands were protected by a substantial enclosure *and* that the lands were usually cultivated or improved. *Id.* Anne Louise Gibbs-Hunter (“Gibbs-Hunter”) testified that there was never any sort of fencing that had enclosed the gravel drive area and that the only thing that was in the area was a gravel drive. (See, **Exhibit D**, Deposition of Ann Louise Gibbs-Hunter, p.20, line 12- p. 21 line1.)

Hawkins examining Gibbs-Hunter

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- Q. Okay. Did you ever have any discussions with any of
 13 your ancestors about whether or not they put up fences?
 14 A. No, I did not.
 15 Q. Did you have any discussions with your ancestors
 16 regarding stopping people from walking across that path?
 17 A. No, I did not.
 18 Q. Okay. Did any of them ever say that they put up a fence
 19 or anything to block anybody from walking through that
 20 property?
 21 A. Not to my knowledge.
 22 Q. So you just had gravel there, right?
 23 A. Yes.
 24 Q. Okay. And have you ever stopped anybody from gaining
 25 access when your car was parked there?

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- 1 A. No.

Gibbs-Hunter was also questioned about what part of the Defendant's land she was claiming by adverse possession.

Hawkins examining Gibbs-Hunter

- 5 Q. Right. So what portion of this property are you all
 6 claiming by adverse possession?
 7 A. The front part, where we parked.
 8 Q. Where you parked? Okay.
 9 A. And to come across and just level from the side where
 10 they have the property surveyed off.
 11 Q. Well, let's do it this way. I'm going to hand you
 12 Defendant's number 8. **[Exhibit E; Walking Paths Defined]** And I'll just -- so
 Raymond says
 13 this little cross hatched area here is where you parked.
 14 And then y'all cut the grass, kind of right in this
 15 area.
 16 A. Uh-huh.
 17 Q. So that's what he told me he was claiming by adverse
 18 possession.
 19 A. Yes.
 20 Q. Would you agree with him?
 21 A. Yes, I do.
 22 Q. Okay. And that's just because you mowed it and kids
 23 played back there; is that right ?

24 A. Yes

Because the lands claimed by the Plaintiffs were never cultivated or improved and there were no substantial enclosures, there is no genuine issue of material fact that could overcome the Defendant's legal ownership, and Defendant is entitled to summary judgment on Plaintiff's adverse possession claim and presumptive grant claim.

"If a claimant asserts title by adverse possession and his or her occupancy is not under color of title, *the claimant must show either fencing or other improvements covering most of the subject land or some other continuous use and exercise of dominion.*" *Millvale Plantation, LLC v. Carrison Fam. Ltd. P'ship*, 401 S.C. 166, 177, 736 S.E.2d 286, 292 (Ct. App. 2012) citing *Frazier v. Smallseed*, 384 S.C. 56, 63, 682 S.E.2d 8, 12 (Ct.App.2009). (emphasis added). ("While the legal owner need not have actual knowledge the claimant is claiming property adversely, the hostile possession should be so notorious that the legal owner by ordinary diligence should have known of it.") and *Jones v. Leagan*, 384 S.C. 1, 13–14, 681 S.E.2d 6, 13 (Ct.App.2009). ("There is no existing proof that any legal owner of the Property would by ordinary diligence have known of the Plaintiff's claim.")

B. Hostility Requirement

There is no proof that the Plaintiffs can meet the hostility requirement of an adverse possession claim. In order to constitute adverse possession which results in obtaining title to property, the possession must be actual, open, notorious, hostile, continuous and exclusive for the whole statutory period. Claimant's possession must be such as to indicate his exclusive ownership of the property. Not only must his possession be without subserviency to, or recognition of, the title of the true owner, *but it must be hostile thereto and to the whole world.*

Mullis v Winchester, 237 SC 487, 118 SE2d 61 (1961). *Gregg v Moore*, 226 SC 366, 85 SE2d 279 (1954). *Lynch v Lynch*, 236 SC 612, 115 SE2d 301 (1960). (emphasis added).

Mrs. Gibbs-Hunter testified in her deposition that until Raymond Gibbs installed a fence at the corner of the Quality Foods Store some time in 2022, the whole world traveled along the paths described in **Exhibit E**; The Walking Paths as described in Depos.

Hawkins Examination of Gibbs Hunter

24 Q. Okay. Let me ask you something, I talked to Ms. Jasper.

25 A. Yes.

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1 Q. Right? And Ms. Jasper lives right across the street
2 from that little gravel entrance, right?

3 A. She does.

4 Q. And she testified that, until Raymond put up that
5 fence, ---

6 A. Yes.

7 Q. --- that all kinds of people would walk through there,
8 until he put that fence there, and then it kind of
9 stopped, right?

10 A. It did.

11 Q. Okay. And especially probably when you built the house
12 at 203, it wouldn't give people much room to walk, they
13 would have to come in that gravel drive, right?

14 A. Exactly.

15 Q. Okay. And when is the last time you noticed that people
16 were walking through with buggies and groceries from the
17 store across your -- what you consider to be, your
18 property? When did that really stop?

19 A. I would probably say 2020, 2022.

20 Q. And that was ---

21 A. Maybe '21. That'd be before the fence got put up.

22 Q. Okay. So they walked through there getting groceries
23 with buggies ---

24 A. Yes.

25 Q. --- even up until the -- put the fence there; is that

Page 10

1 right?

2 A. Yes.

3 Q. Okay. Did you ever confront any of those people and

- 4 tell them to stop walking through your property?
 5 A. No, I didn't.

Mrs. Gibbs-Hunter also testified about the paths that people would take through her property and along the Defendant's property. (**Exhibit E**) She was asked,

Hawkins Examination of Gibbs-Hunter

- 16 Q. Okay. I'm going to show you a drawing here. And so I
 17 was talking to Ms. Jasper about these paths that people
 18 would take, and I think she said they walked from about
 19 here where this gravel drive is, and they kind of like
 20 cut the corner, it seems like, of your house there
 21 pretty tight, right?
 22 A. Uh-huh.
 23 Q. So they'd walk that way and then up to the store; is
 24 that correct?
 25 A. Yes.

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- 1 Q. And then there's another trail that, before you built
 2 your house, they've kind of walked on the blue line; is
 3 that right?
 4 A. Yes.
 5 Q. So they would come on the blue line and red line -- or
 6 the pink line?
 7 A. Yes.
 8 Q. Yeah. And so that didn't stop until the fence got put
 9 in, correct?
 10 A. That's right.
 11 Q. Okay. Did you ever have any conversations with
 12 your -- I would say, predecessors in title, but I'm
 13 trying to think of a better way.
 14 Your ancestors, did you ever have conversations
 15 with them about what they thought they owned on this
 16 property?
 17 A. No, not really.

C. Exclusivity

The Plaintiff cannot prove exclusivity. The aerial attached as ("**Exhibit C**"; Aerial Photograph showing a flight date of February 26, 2016) not only shows the lack of Plaintiff's house at 203 Earl St, but more importantly, it shows that the disputed parcel of land has been

traversed across by foot traffic accessing the grocery store (“Quality Foods” or “QF”) since as late as February 26, 2016.

The lack of exclusivity is also shown throughout the depositions of the neighbors Mary Morrisson and Alice Jasper who have been living beside and across from Gibbs-Hunter for approximately 30 years. Their depositions are replete with evidence of lack of exclusivity and hostility. Mary Morrisson who lives beside 207 Earle Street testified; (1) people came across the gravel drive up until Raymond Gibbs put up the fence at Quality Foods (about 2 years ago) because people were walking through his yard (p. 22 line 5 – p. 23 line 23); (2) there was a lot of [foot] traffic and trash (p. 25 – p. 26); (3) she never saw any of the Gibbs confront people walking through the property or tell them to stay off the property (p. 31); (4) there were no barricades, no trespassing signs, and no chains (p.31); and (5) the cars usually parked behind 207 Earle St. (p. 33 line 25 – p. 24 line 3) (*See, Exhibit F; Deposition of Mary Morrisson*). Alice Jasper testified that; (1) prior to Raymond Gibbs putting up the fence at the Quality Food Store, people cut through the Defendant’s lot every day, sometimes late at night until Quality Foods closed for the night around 9:00 pm taking buggies across the lot and then bringing the buggies back (pp. 7-9); (2) that people cut across the Defendant’s lot in all sorts of different ways, but the gravel drive was more convenient and that carried on until Mr. Gibbs put up the fence (p. 11-p. 12), (p. 18 l. 7 -1. 13); (3) there were never any no trespassing signs, the area was never fenced off, nobody stored anything on the lot and it was just dirt (p. 25); (4) the Gibbs never ran anyone off and it the Defendant’s lot was sort of like a community park (p.30); (5) the Gibbs grilled on the property and took their grill back home at the end of the day (p. 32); (6) someone from Quality Foods kept a path clear for everyone to walk through to the store (p. 37); (7) Noone was ever excluded from walking across the property to the store until the fence got put up and

nobody ever stopped any one from walking across the property until the fence got put up and there were several people walking across the property until the fence got put up (p. 45); (8) she never had conversations with Ann about strangers walking though the property (9) that the whole world could walk across the property (p. 48 l. 19 – l. 22); and *inter alia* (10) the whole community used the property (p. 52, line 1-16). (See, **Exhibit G**; Deposition of Alcie Jasper)

RAYMOND D. GIBBS, JR.'s. CLAIMS

A. **Raymond D. Gibbs, Jr. has not occupied the “Subject Property” for the Statutory Period of time to Claim by Adverse Possession or Presumptive Grant**

Defendant makes reference to its prior arguments and citations regarding the time periods for the continuous occupation periods for both Adverse Possession and Presumptive Grant. Raymond D. Gibbs, Jr. (“RDG”) is the nephew of Anne Louise Gibbs-Hunter. He testified that he was born in Greer, but that he moved to Greenville when he was in third grade. (See, **Exhibit H**; Deposition of RDG, p. 6, lines 13-14). He lived at 124 Woodmont Cr. in Greenville until the 9th grade until he went to college. (*Id.* at p. 6 lines 22-25). He went to college in 1994 in Columbia, and graduated in 1999. (*Id.* at p. 8 lines 10-21). After college, he moved to Travelers Rest and then lived with a different aunt, then moved to Villa Road Apartments, moved to Rustcraft Drive sometime after 2005, and that he had never lived with the Co-Plaintiff. (*Id.* at p. 13 line 7 – p. 14 line 10). Gibbs-Hunter testified that RDG only began living with her 3-4 times a month at 203 Earle St. sometime after the 203 Earle Street was built. (See, **Exhibit C**; Deposition of Gibbs Hunter p. 6 line 15 – p. 7 line 11). If RDG was never living around the “Subject Premises”, no reasonable jury could find that he “occupied the Subject Property” for even the statutory period of requisite time, and the Defendant is entitled to summary judgment as to RDG because there is no issue of material fact on this issue.

B. Even if the Court Finds that the Common Law Theory of Presumptive Grant is a Viable Cause of Action, Raymond D. Gibbs, Jr. is Not ant Heir to Any Person and Cannot Qualify by Descendant Cast to Claim the Subject Property

There are only six (6) cases in the State of South Carolina that discuss Presumptive Grant and those cases range from the dates of 1882 (*Watts v. Blalock*, 17 S.C 157 (1882)) and the latest being *Sales Intern. Ltd. V. Black River Farms, Inc.* 270 S.C. 391, 242 S.E.2d 432 (1978). In *Sales Intern, Ltd.*. An adverse possession commencing prior to the insertion in this section [former Code 1962 § 10-2421] of the ten-year limitation provision, must have continued for the full twenty-year period before it could ripen into a right. *Hodge v Hodge*, 56 SC 263, 34 SE 517 (1899). *Lyles v Roach*, 30 SC 291, 9 SE 334 (1889). *Rehkopf v Kuhland*, 30 SC 234, 9 SE 99 (1889). The presumption stated in this section [former Code 1962 § 10-2421] holds good unless and until someone else goes on the land and occupies it adversely for ten years. *Haithcock v Haithcock*, 123 SC 61, 115 SE 727 (1923). *Love v Turner*, 71 SC 322, 51 SE 101 (1905). It seems, however, that there is really no significant difference between presumptive grant and adverse possession. In *Crotwell v. Whitney*, 229 S.C. 213, 221 (1956) the Court wrote, “[p]laintiffs having established their legal title to the premises, appellant Whitney's claim of title by adverse possession required proof of actual, open, notorious, hostile, continuous and exclusive possession by him, or by one or more persons through whom he claimed, for the full statutory period of ten years, without tacking of possession except by descent cast. Code 1952, Sections 10-2421, 10–124; *Ellen v. Ellen*, 16 S.C. 132; *Burnett v. Crawford*, 50 S.C. 161, 27 S.E. 645; *Epperson v. Stansill*, 64 S.C. 485, 42 S.E. 426; *Haithcock v. Haithcock*, 123 S.C. 61, 115 S.E. 727; *Terwilliger v. Marion*, 222 S.C. 185, 72 S.E.2d 165; *Gregg v. Moore*, 226 S.C. 366, 85 S.E.2d 279. Successive possessions for less than statutory period cannot be tacked, unless by

descent cast. *Weston v. Morgan*, 162 S.C. 177, 160 S.E. 436 (1931). “Descent Cast” is the “devolving of *realty upon the heir on the death of his ancestor intestate*.” Black’s Law Dictionary (6th Ed. 1990) (emphasis added). Two or more unrelated holdings cannot be united in last occupant to make up holding of ten years’ adverse possession. *Weston v. Morgan*, 162 S.C. 177, 160 S.E. 436 (1931). “A party claiming title to land by adverse possession, must show clearly, not only that his possession was adverse, but that it was for the full statutory period. If there be doubt on either of those points, the possessory claim must yield to the legal title.” *Id.* at 445 citing, *Abel v. Hutto*, 8 Rich. 42. “Lewis v. Pope, 86 S. C. 285, 68 S. E. 680, 683, wherein the court states: “Before one can succeed in holding lands under a claim of adverse possession, he must prove that he has been in possession for 10 consecutive years, claiming it openly, notoriously, and adversely. He cannot succeed in such claim by living on another tract and cultivating for a few years a small patch on the tract he claims, or by going on such tract and sometimes cutting wood or timber, and hauling it off for use on the tract on which he lives, but he must show that he has been doing that for 10 consecutive years. *Id.* at 445-446. In every action for the recovery of real property or the possession thereof the person establishing a legal title to the premises shall be presumed to have been possessed thereof within the time required by law. The occupation of such premises by any other person shall be deemed to have been under and in subordination to the legal title unless it appears that such premises have been held and possessed adversely to such legal title for ten years before the commencement of such action. (S.C. Code Ann. § 15-67-210). Even if Presumptive Grant was still a viable cause of action after the enactment of the adverse possession statute, Raymond Gibbs, is not an heir until someone dies and leaves it to him, so his claims fail. Furthermore, because RDG cannot even plausibly be believed to have occupied the “Subject Property” and because he is not an heir to

the Co-Plaintiff's potential claims to the "Subject Property" the Defendant is entitled to Summary Judgment as to RDG.

SUPERSEDURE OF PRESUMPTIVE GRANT

There are only six (6) cases in the State of South Carolina that discuss Presumptive Grant and those cases range from the dates of 1882 (*Watts v. Blalock*, 17 S.C. 157 (1882)) and the latest being *Sales Intern. Ltd. V. Black River Farms, Inc.* 270 S.C. 391, 242 S.E.2d 432 (1978). In *Sales Intern, Ltd.* the court stated, "[a]n adverse possession commencing prior to the insertion in this section [former Code 1962 § 10-2421] of the ten-year limitation provision, must have continued for the full twenty-year period before it could ripen into a right." *Hodge v Hodge*, 56 SC 263, 34 SE 517 (1899). *Lyles v Roach*, 30 SC 291, 9 SE 334 (1889). *Rehkopf v Kuhland*, 30 SC 234, 9 SE 99 (1889). The presumption stated in this section [former Code 1962 § 10-2421] holds good unless and until someone else goes on the land and occupies it adversely for ten years. *Haithcock v Haithcock*, 123 SC 61, 115 SE 727 (1923). *Love v Turner*, 71 SC 322, 51 SE 101 (1905).

"Supersede is defined in Black's Law Dictionary as "obliterate, set aside, annul, replace, ... [t]o set aside." *Supersede*, *Black's Law Dictionary* (6th ed. 1990). "A rule of statutory construction is that any legislation which is in derogation of common law must be strictly construed and not extended in application beyond clear legislative intent." *Doe v. Marion*, 361 S.C. 463, 473, 605 S.E.2d 556, 561 (Ct. App. 2004). Therefore, a statute is not to be construed in derogation of common law rights if another interpretation is reasonable. *Hoogenboom v. City of Beaufort*, 315 S.C. 306, 318 n.5, 433 S.E.2d 875, 884 n.5 (Ct. App. 1992). In this case, subsection 27-6-20(A)(1), containing the statutory expression of the RAP, does not apply to nondonative transfers. Therefore, it cannot supersede or replace the CLRAP with regard to nondonative transfers, which are expressly excluded."

Spring Valley Ints., LLC v. Best for Last, LLC, 444 S.C. 281, 287, 907 S.E.2d 124, 127 (Ct. App. 2024), reh'g denied (Oct. 25, 2024), cert. granted (Apr. 2, 2025).

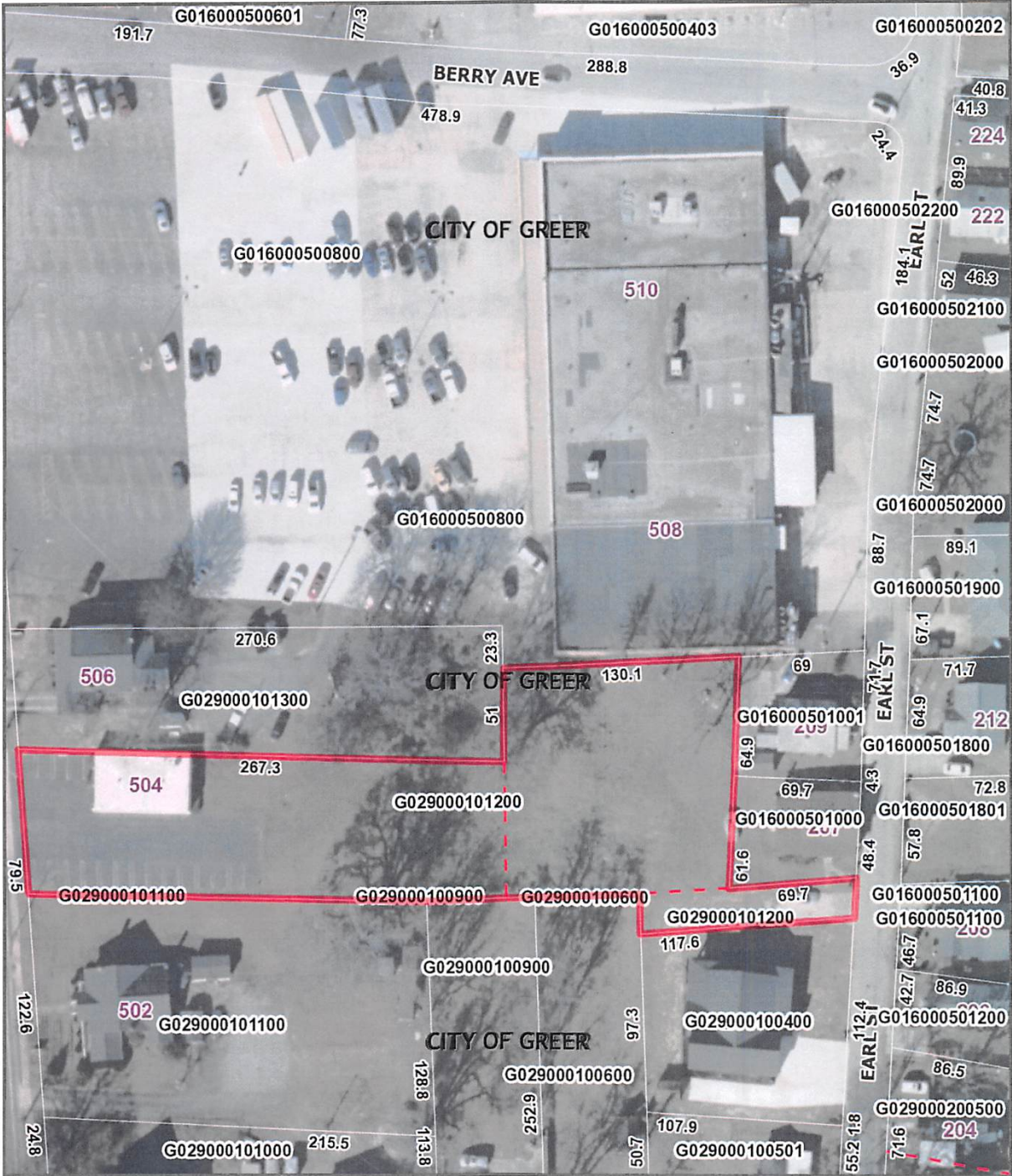
It appears clear to the Defendant that because of the legislature's codification of Adverse Possession and omission of previous common law elements, that the legislature intended for the current statute to supersede any common law provisions of "Presumptive Grant" and as such, any theory of claim by Presumptive Grant should be disregarded and dismissed by the court.

Respectfully submitted,

s/ Wendell L. Hawkins, Esq.
Wendell L. Hawkins (SC Bar # 13583)
9 Buena Vista Way, Ste B Greenville, SC 29615
P (864) 848-9370 F (864) 243-8137
wlh@wlhawkinslawfirm.com
Attorneys for Defendant Rilion Gracie Greenville, LLC

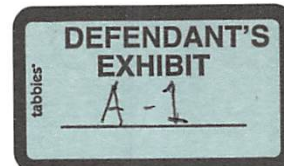
Greenville, South Carolina
December 5, 2025

Greenville County, SC



Disclaimer: This Map is not a LAND SURVEY and is for reference purposes only. Data contained in this map are prepared for the inventory of Real Property found within this jurisdiction, and are compiled from recorded deeds, plats, and other public records. Users of this map are hereby notified aforementioned public primary information sources should be consulted for verification of the information contained in this map. Greenville County assumes no legal responsibility for the information contained in this map.

Map Scale
1 inch = 80 feet
10/4/2024



Flight date: February 26, 2016



STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS
C.A. NO.: 2024-CP-23-05724

ANN LOUISE GIBBS-HUNTER AND RAYMOND D. GIBBS, JR.,
PLAINTIFFS,

VS.

RILION GRACIE GREENVILLE, LLC AND TNB FINANCIAL SERVICES, AS
TRUSTEE OF GENE MARK BROWN'S TRUST B-2
UNDER THE DORIS P. BROWN REVOCABLE TRUST AGREEMENT
DATED FEBRUARY 9, 2006, AS AMENDED,
DEFENDANTS.

D E P O S I T I O N

WITNESS: ANNIE GIBBS-HUNTER
DATE: OCTOBER 13, 2025
TIME: 5:20 P.M.
LOCATION: THE MARCHBANKS LAW FIRM, LLC
1225 SOUTH CHURCH STREET
GREENVILLE, SOUTH CAROLINA 29605
REPORTER: KELLEY PRIMM

LEGAL EAGLE
Post Office Box 5682
Greenville, South Carolina 29606
864-467-1373
depos@legaleagleinc.com

ANN LOUISE GIBBS-HUNTER AND RAYMOND D. GIBBS vs RILION GRACIE GREENVILLE, ET AL.
Gibbs-Hunter, Annie 10/13/2025

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ELECTRONICALLY FILED - 2025 Dec 05 6:29 PM - GREENVILLE - COMMON PLEAS - CASE#2024CP2305724

APPEARANCES: CHARLES W. MARCHBANKS, JR., ESQUIRE THE MARCHBANKS LAW FIRM, LLC 1225 SOUTH CHURCH STREET GREENVILLE, SOUTH CAROLINA 29605 charles@marchbankslawfirm.com REPRESENTING THE PLAINTIFFS WENDELL L. HAWKINS, ESQUIRE WENDELL L. HAWKINS, P.A. 9 BUENO VISTA WAY, SUITE B GREENVILLE, SOUTH CAROLINA 29615 wlh@wlhawkinslawfirm.com REPRESENTING RILION GRACIE RACHEL G. MCCONOUGH, ESQUIRE MCCONOUGH LAW FIRM, LLC 100 WHITSETT STREET GREENVILLE, SOUTH CAROLINA 29601 contact@mconougheyfirm.com REPRESENTING TNB	Page 2	1 STIPULATIONS: 2 It is agreed by and between the Counsel for the parties as 3 follows: 4 1. That this deposition is being taken pursuant to 5 South Carolina Circuit Court Rule No. 30; 6 2. That the deponent waives the right to read and sign the 7 deposition transcript. 8 Whereupon, 9 ANNIE GIBBS-HUNTER, 10 first being duly sworn, was examined and testified as 11 follows: 12 EXAMINATION 13 BY MR. HAWKINS: 14 Q. Ms. Gibbs, I introduced myself, I'm Wendell Hawkins. I 15 represent Rilion Gracie Greenville, LLC. The purpose of 16 the deposition today is to understand what you may 17 testify about at trial. Just a couple loose rules, not 18 really rule rules. 19 If I ask you a question and you don't understand 20 the question, just ask me to rephrase it. Sometimes I 21 don't make sense. That's fine. And when you answer the 22 question, you're going to have to give an affirmative or 23 negative, yes, no. You just can't do the uh-huhs and 24 uh-uhs. And we'll catch you doing it, and I may say, is 25 that a yes, or is that a no? I'm not trying to be
INDEX STIPULATIONS AND OATH 4 EXAMINATION BY MR. HAWKINS 4 EXAMINATION BY MS. MCCONOUGH 21 CROSS-EXAMINATION BY MR. MARCHBANKS 47 REDIRECT EXAMINATION BY MR. HAWKINS 55 RE-CROSS EXAMINATION BY MR. MARCHBANKS 60 FOLLOW-UP EXAMINATION BY MS. MCCONOUGH 61 CERTIFICATE OF REPORTER 66 EXHIBITS DEFENDANT'S (TNB): NO. 2 PHOTOGRAPH 33 NO. 3 AFFIDAVIT OF ANN LOUISE GIBBS-HUNTER 47 REFERENCED EXHIBITS DEFENDANT'S: NO. 1 AERIAL PHOTOGRAPH 12 NO. 8 AFFIDAVIT OF RAYMOND GIBBS, JR. 19 NO. 7 PHOTOGRAPHS 36 DEFENDANT'S (TNB): NO. 1 GIS MAP 17 (THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)	Page 3	Page 5 1 smart, I'm just --- 2 A. Okay. 3 Q. Or disrespectful, I'm just trying -- we got to keep the 4 record straight, okay? 5 Along the same token, you know, your answers are 6 important, right? 7 A. Yes. 8 Q. So just make sure you take time to think about it. 9 Because I can't change -- once you testify, I can't 10 change that, okay? 11 A. Yes. 12 Q. If you need a break, just say, I need a break, okay? 13 A. Okay. 14 Q. You can take a break at any time, use the restroom, 15 whatever you want to do. Just, you cannot discuss your 16 deposition testimony with any other person while you're 17 still under oath, you will be under oath, okay? 18 A. Yes, sir. 19 Q. All right. And there's a natural tendency in humans to 20 kind of talk over each other, because you're going to 21 anticipate my question, but try to let me finish my 22 question before you answer. If I have some kind of 23 compound question with, you know, different answers, 24 just tell me to stop. I'll give you one at a time, 25 okay?

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Page 6 1 A. Okay. 2 Q. So given that, state your name for the record. 3 A. Annie Gibbs-Hunter. 4 Q. Is it Annie or Ann? 5 A. They call me Ann. My real name is Annie. 6 Q. A-n-n-i-e? 7 A. I-e. 8 Q. And we've been over your family's history and ownership 9 with those two lots. 10 And so you lived at 207 until 203 got built; is 11 that right? 12 A. Yes. 13 Q. And then you moved out of 207 and into 203? 14 A. Yes. 15 Q. And Raymond said he stays with you sometimes? 16 A. He does. 17 Q. Okay. And how often does Raymond stay with you? 18 A. Three or four times. 19 Q. Three or four times a week? 20 A. No, not a week. Maybe three or four times a month. He 21 doesn't stay there on a regular basis. 22 Q. He stays there --- 23 A. He stayed there for a while. 24 Q. Well, let me back up, because I want to make sure I 25 understand.	Page 7 1 So he currently stays with you three to four times 2 a month? 3 A. Yes. 4 Q. Okay. And when did he start living there three or four 5 times a month? 6 A. I'm going to say five, six, seven, eight months. 7 Q. And before that, how much was it? 8 A. Probably a couple of times. 9 Q. Just a couple times, just after the house was built or 10 something? 11 A. Yes. 12 Q. Okay. So three to four times a -- he said he had all 13 his clothes there? 14 A. He does. Because he's -- they trying to work things 15 out, they going through -- possibly going through a 16 divorce. 17 Q. So as far as you know, he would be at his 18 Rustcraft Drive address when he's not with you? 19 A. I'm -- I'm assuming that, I can't say that. 20 Q. Okay. You don't know? 21 A. No. 22 Q. Okay. Now, what about when his family moved from Greer 23 to Greenville, how often would Raymond visit you? 24 A. His mother mother lived down the street, and they would 25 visit every weekend. And he would come up then and	Page 8 1 visit every Sunday. 2 Q. Okay. Now, that was his grandmother on his mother's 3 side; is that right? 4 A. Yes. 5 Q. Okay. What about, had -- do you ever recall like 6 sitting on the porch and people walking through the yard 7 with Raymond? 8 A. Yes. 9 Q. Okay. And did you know everybody that walked through 10 the yard? 11 A. Some of them I did, some of them I didn't. 12 Q. Okay. Who were the people that walked through that you 13 knew? 14 A. James, I don't know his last name. And it's a lady 15 walked -- would walk through there all the time, I 16 didn't know her name. A couple of guys walked through 17 there, I didn't really know their name, but they walked 18 through there every day -- or not every day, every other 19 day, going to the store. 20 Q. Okay. And how long ago was that? 21 A. Some years. 22 Q. Okay. Let me ask you --- 23 A. Ten years. 24 Q. Okay. Let me ask you something, I talked to Ms. Jasper. 25 A. Yes.	Page 9 1 Q. Right? And Ms. Jasper lives right across the street 2 from that little gravel entrance, right? 3 A. She does. 4 Q. And she testified that, until Raymond put up that 5 fence, --- 6 A. Yes. 7 Q. --- that all kinds of people would walk through there, 8 until he put that fence there, and then it kind of 9 stopped, right? 10 A. It did. 11 Q. Okay. And especially probably when you built the house 12 at 203, it wouldn't give people much room to walk, they 13 would have to come in that gravel drive, right? 14 A. Exactly. 15 Q. Okay. And when is the last time you noticed that people 16 were walking through with buggies and groceries from the 17 store across your -- what you consider to be, your 18 property? When did that really stop? 19 A. I would probably say 2020, 2022. 20 Q. And that was --- 21 A. Maybe '21. That'd be before the fence got put up. 22 Q. Okay. So they walked through there getting groceries 23 with buggies --- 24 A. Yes. 25 Q. --- even up until the -- put the fence there; is that
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Page 10 1 right? 2 A. Yes. 3 Q. Okay. Did you ever confront any of those people and 4 tell them to stop walking through your property? 5 A. No, I didn't. 6 Q. Okay. Were you present when Raymond might have done it? 7 A. Yes. He have asked a couple of people. 8 Q. Just a couple? 9 A. That I can recall. You know, if --- 10 Q. When was that? 11 A. Before the fence was put up. 12 Q. Okay. 13 A. 2019, 2020, '21. 14 Q. Okay. What about your family, like your uncle built 15 207; is that correct? Your uncle? 16 A. My uncle built 207? 17 Q. I'm asking you if that's true. 18 A. I don't know who built 207 because they was already 19 living there when I was born. 20 Q. Okay. Your family was already living there? 21 A. At 207, yes. 22 Q. Okay. Were you born in the house? 23 A. No. 24 Q. Oh, okay. Are you aware of any of your family members 25 that were born in the house?	Page 12 1 A. Yes. 2 Q. And then how often did he come up from college to visit? 3 A. Every few months. I mean, you know, when you're off in 4 college, --- 5 Q. It just --- 6 A. --- you just stay at college. 7 Q. Every three or four months, maybe? 8 A. Yes. 9 Q. Max? There were people that walked -- let me just show 10 you. Okay. When Raymond came out of college and 11 started living back in the upstate, how often would he 12 visit at that time? 13 A. Every month. 14 Q. Once a month, maybe? 15 A. Sometimes twice. 16 Q. Okay. I'm going to show you a drawing here. And so I 17 was talking to Ms. Jasper about these paths that people 18 would take, and I think she said they walked from about 19 here where this gravel drive is, and they kind of like 20 cut the corner, it seems like, of your house there 21 pretty tight, right? 22 A. Uh-huh. 23 Q. So they'd walk that way and then up to the store; is 24 that correct? 25 A. Yes.
Page 11 1 A. I think it may have been, but I'm not sure. 2 Q. You wouldn't know which one it was? 3 A. Probably some of my older ones that are deceased. 4 Q. Right. Okay. Now, you've lived at 207 for all your 5 life; is that true? 6 A. All my life. 7 Q. Okay. Did you have discussions -- well, who else lived 8 there with you? Let's put it like that. 9 A. When I was born, I guess my mama, my uncle stayed there 10 a while. 11 Q. Which uncle? 12 A. I only have one, Benny Gibbs. 13 Q. Benny? 14 A. My sisters and brothers were there until they went off 15 to college. 16 Q. You went to college too, right? 17 A. I did. 18 Q. When did you go to college? 19 A. '78. 1978 to '82. 20 Q. And where was that at? 21 A. Tuskegee University. Tuskegee, Alabama. 22 Q. And what is your degree in? 23 A. Accounting. 24 Q. When Raymond was young, how often -- well, I think you 25 already told me, he came every Sunday?	Page 13 1 Q. And then there's another trail that, before you built 2 your house, they've kind of walked on the blue line; is 3 that right? 4 A. Yes. 5 Q. So they would come on the blue line and red line -- or 6 the pink line? 7 A. Yes. 8 Q. Yeah. And so that didn't stop until the fence got put 9 in, correct? 10 A. That's right. 11 Q. Okay. Did you ever have any conversations with 12 your -- I would say, predecessors in title, but I'm 13 trying to think of a better way. 14 Your ancestors, did you ever have conversations 15 with them about what they thought they owned on this 16 property? 17 A. No, not really. 18 Q. Okay. And had your family ever had those types of 19 conversations? 20 A. I can recall that my mom had said something about -- 21 because it used to be like a walkway across our way to 22 where 203 was built. And that somebody had stopped by, 23 I don't know who, saying that that walkway was going to 24 have to be pulled up because that was like an access 25 road.

Page 14 1 Q. Are you talking about when there was either asphalt or 2 concrete between the 203 and 207? Is that what you're 3 talking about? 4 A. That's when -- yeah. 5 Q. So your mom told you that somebody made them tear that 6 up? 7 A. Yeah. It was a concrete walk. 8 Q. Okay. And --- 9 A. Like a sidewalk. 10 Q. So that was actually a sidewalk, not a driveway that got 11 tore up? 12 A. Yes. 13 Q. Okay. And -- all right. And was it made of concrete or 14 asphalt? 15 A. What? 16 Q. Do you know if it was made of concrete or asphalt? 17 A. The sidewalk? 18 Q. Uh-huh. 19 A. Concrete. 20 Q. Okay. So that's the only thing you were ever asked to 21 tear up, to your knowledge? 22 A. To my knowledge. 23 Q. Okay. So when you were living at 207, you 24 worked -- were you still working at Mitsubishi then? 25 A. Still work at Mitsubishi Chemical America.	Page 15 1 Q. How long have you been working there? 2 A. 41 years. 3 Q. 41 years? Okay. Let me grab this pen. So what was 4 your work schedule at that time? 5 A. 7:00 p.m. to 7:00 a.m., or 7:00 a.m. to 7:00 p.m. Four 6 days --- 7 Q. 12 hour shifts? 8 A. Four days on, four days off. 9 Q. Oh, wow. That little metal carport, do you know what 10 I'm talking about? There's a little metal carport that 11 sat on 203, or -- yeah, 203. Do you remember that? 12 A. The metal what? 13 Q. It was like a carport. 14 A. Yes. 15 Q. Who parked in there? 16 A. I did, sometimes. 17 Q. You did sometimes? And how often did you park on that 18 little gravel area? 19 A. Every day. 20 Q. But that -- the carport was not on the gravel area, 21 right? 22 A. No, it wasn't. 23 Q. Okay. Can you just take a look at this one here and 24 tell me where that carport sat? It's not in this 25 picture.	Page 16 1 A. It depends on what picture that is. 2 Q. Yeah. Right. But I mean, when the carport was there, 3 it wasn't moved until you built 203; is that correct? 4 A. Exactly. 5 Q. Okay. So where -- can you mark where you parked? 6 A. Where I parked? 7 Q. Yes. Where the carport was. 8 A. I really can't read this picture, but I'm going to say 9 the carport was right in here somewhere. 10 Q. So that was on 203, right? 11 A. Yes. 12 Q. Okay. And you would park there sometimes? 13 A. Uh-huh. 14 Q. Okay. So there were times when nobody was parked in 15 this gravel area, right? It wasn't occupied 24/7, 16 right? 17 A. Well, it just depends on, 24/7 if I'm at work or not. 18 Q. Were you the only one that parked there? 19 A. When I had visitors, they would park there. 20 Q. Okay. That's when you were living at 207? 21 A. Uh-huh. 22 Q. All right. And how did you assert your ownership to 23 that little gravel area? 24 A. I don't understand the question. 25 Q. Well, I mean, you're claiming that you owned it in your lawsuit. A. Well, because that's where -- since I can recall, that's where somebody in my family has always parked. Q. Okay. Did you think that your family had like a deed to it? A. Yes. Q. You thought you owned it; is that correct? A. Yes. Q. And I think Mr. Gibbs -- sorry. These dang exhibits. Oh, it's sitting right in front of me. So this picture here just shows that one -- and I'm looking at Defendant's number 1, which is an Exhibit that Ms. Rachel put in. But this just shows the path across 203; is that correct? A. Yeah. That's what it look like. Q. And then they would come in this way and go up that path, as well? A. Yes. Q. And so behind 203 here, who mowed the grass back there? A. Behind 203? Q. 207, I'm sorry. The small house, the older house. Yeah, that's 207, right? A. I had a couple of people that mowed. Q. Who was that? A. Kenneth -- not Gaffney, excuse me. Kenneth Brewton,
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Page 18 1 sometimes Jermaine Owens, and then when they weren't 2 available, Travis, but I'm not sure of Travis last name. 3 Q. Okay. And did you pay them to do that? 4 A. Yes. 5 Q. Okay. What area of grass did they cut? 6 A. The front of 207, the side of 207, back. This the walk 7 way where they would come through, they would back cut 8 here some to keep the walkway clear, and all of this 9 side. 10 Q. So they actually cut the grass to keep the walkway 11 clear? 12 A. Not the walkway, to keep the pathway -- the grass from 13 piling up. 14 Q. You're talking about --- 15 A. When they walk from this way, on up through here to go 16 to the store, grass was climbing in in this area, they 17 would cut it back so far. So they still had a pathway, 18 because I walked through there myself, too. And then 19 this side, they would cut, and then back this way. 20 Q. And when was the last time -- any of those fellows that 21 cut the grass, when was the last time they were there? 22 A. Probably right -- right -- right before they started 23 building 203. 24 Q. Right before 203? 25 A. Started -- yes.	Page 20 1 A. Not every kid in the neighborhood. 2 Q. All right. That was when Raymond was young? 3 A. Yes. 4 Q. All right. And then when did the kids stop playing back 5 there? 6 A. I don't know. Because I'm going to say from '78 to '84 7 I wasn't there, so I can't say if they were still there 8 then or not. 9 Q. Did the kids continue to play back there once you had 10 moved back into that house? 11 A. I don't think so. 12 Q. Okay. Did you ever have any discussions with any of 13 your ancestors about whether or not they put up fences? 14 A. No, I did not. 15 Q. Did you have any discussions with your ancestors 16 regarding stopping people from walking across that path? 17 A. No, I did not. 18 Q. Okay. Did any of them ever say that they put up a fence 19 or anything to block anybody from walking through that 20 property? 21 A. Not to my knowledge. 22 Q. So you just had gravel there, right? 23 A. Yes. 24 Q. Okay. And have you ever stopped anybody from gaining 25 access when your car was parked there?
Page 19 1 Q. They still kept it clean? 2 A. Yes. 3 Q. They kept that pathway clean? 4 A. Yes. Until the fence was put up. 5 Q. Right. So what portion of this property are you all 6 claiming by adverse possession? 7 A. The front part, where we parked. 8 Q. Where you parked? Okay. 9 A. And to come across and just level from the side where 10 they have the property surveyed off. 11 Q. Well, let's do it this way. I'm going to hand you 12 Defendant's number 8. And I'll just -- so Raymond says 13 this little cross hatched area here is where you parked. 14 And then y'all cut the grass, kind of right in this 15 area. 16 A. Uh-huh. 17 Q. So that's what he told me he was claiming by adverse 18 possession. 19 A. Yes. 20 Q. Would you agree with him? 21 A. Yes, I do. 22 Q. Okay. And that's just because you mowed it and kids 23 played back there; is that right? 24 A. Yes. 25 Q. Okay. Did all the neighborhood kids play back there?	Page 21 1 A. No. 2 Q. What does the word chided mean, C-h-i-d-e-d? 3 C-h-i-d-e-d, Chided. 4 A. I can't -- I can't recall. I don't --- 5 Q. You don't know what that means? 6 A. No, not right off. I can't think of it. No. 7 Q. Well, it's in your affidavit. And I'm just -- how did 8 this affidavit come to be, did you write it yourself? 9 A. I did -- most -- yes. 10 Q. Is that a -- you wrote this yourself? 11 A. I'm not going to say I wrote it, but I told them 12 to -- what was to be said. 13 Q. Have you read it? 14 A. I have. 15 Q. I honestly don't have any more questions. 16 MR. HAWKINS: You can have at it. 17 E X A M I N A T I O N 18 BY MS. MCCONOUGHIEY: 19 Q. Ms. Hunter, thank you for being here today. My name is 20 Rachel McConoughey. I represent TNB Financial, which 21 was the trustee for the sellers of the property who sold 22 it to Mr. Hawkins's clients. Can you -- I'm going to 23 try to make this as fast as possible. 24 Can you tell me your date of birth? 25 A. 3/11/'61.

Page 22 1 Q. March 11, 1961? 2 A. Yes. 3 Q. Are you married? 4 A. A widow. 5 Q. You're a widow? Okay. When did your husband pass? 6 A. Easter Sunday, 20 -- I think it was 2025 -- 2023 -- '24, 7 I think. 8 Q. 2024, you think? 9 A. I think so. 10 Q. Okay. And do you have any children? 11 A. No. 12 Q. Have you ever been involved in any other lawsuits? 13 A. No. 14 Q. Okay. And you said you work for --- 15 A. Mitsubishi Chemical America. 16 Q. Thank you. And what are the names of your parents? 17 A. Thelma Ollie Bell Gibbs. 18 Q. Okay. 19 A. And my father was named William J. Smith. 20 Q. William J. Smith? 21 A. Yes. 22 Q. Is the J like J-a-y? 23 A. Joseph. 24 Q. Joseph. Okay. Thank you. And do you have any 25 siblings?	Page 24 1 them went off to school. 2 Q. Okay. And your did your uncle Benny live there with 3 you? 4 A. He lived there a while -- for a while, then he moved out 5 on his own, then he moved back. 6 Q. When he moved back, did he -- was it just him alone, or 7 did he bring a family with him? 8 A. No. By his self. 9 Q. By his self? Did your mother and father live together 10 at 207 Earl Street? 11 A. They did. 12 Q. They did? Okay. Do you know how long they lived 13 together there? 14 A. I -- I don't. 15 Q. Okay. How are you related to Raymond Gibbs, Jr.? 16 A. That's my nephew. 17 Q. That's your nephew? Okay. Is he your sole heir? 18 A. Yes. 19 Q. Okay. Do you have a will that gives everything you own 20 to him, or is he just -- is he your sole heir because 21 you don't have children, and you've just decided he's 22 your sole --- 23 A. I have a will. 24 Q. You have a will? Do any of your brothers and sisters 25 have children?
Page 23 1 A. I do. 2 Q. How many siblings do you have? 3 A. Two living, three deceased. 4 Q. So five total siblings? 5 A. Yes. 6 Q. Okay. Can you tell me their names? 7 A. George Gibbs. 8 Q. Okay. 9 A. Willy Earl Gibbs. 10 Q. Willy Earl Gibbs? Okay. 11 A. Raymond Gibbs. 12 Q. Okay. 13 A. Mary Snyder, Steve Gibbs. 14 Q. Okay. And this house that we're talking about at 207, 15 has been in your family through your mother's side, 16 Thelma Gibbs, right? 17 A. From my -- yes. From my grandparents, yes. 18 Q. Okay. Did your mother have any siblings? 19 A. One brother. 20 Q. And his name is? 21 A. Benny Gibbs. 22 Q. Benny Gibbs? Okay. When you were growing up in this 23 house, who lived in the house with you? 24 A. My mother, my grandfather, my grandmother, and my 25 sisters and brothers, until they went off -- some of	Page 25 1 A. They do. 2 Q. They do? In your mother's will, Thelma Ollie Bell Gibbs 3 will, the will mentions the house at 207 and a lot. 4 At the time she passed away, did you all refer to 5 the property at 203 Earl Street as, the lot? 6 A. Yes. 7 Q. Did it have a street number at that time? 8 A. It did not. 9 Q. It did not? Do you know when it was assigned the street 10 number of 203? 11 A. When the house started being built. 12 Q. Okay. Did any of your siblings inherit any interest in 13 the lot at 203 Earl Street? 14 A. No. 15 Q. Do you know why? 16 A. Because it was left to me. 17 Q. 203? 18 A. 203. 19 Q. Did they inherit an interest in the house at 20 207 Earl Street? 21 A. No. 22 Q. No? Do you know why? 23 A. I'm thinking, in the will, that it was the house at 24 203 -- at 207 was left to me, also. 25 Q. Okay. Where do you live now?

Page 26 1 A. 203 Earl Street. 2 Q. And how long have you lived there? 3 A. Two years. 4 Q. Two years? And you lived at 207 before; is that right? 5 A. Yes. 6 Q. Do you own or rent the house at 203? 7 A. Own. Raymond -- we own it, it's not --- 8 Q. Do you own the house at 203? 9 A. I own the house at 207. 10 Q. At 207? You live at 203? 11 A. Yes. 12 Q. And who owns 203? 13 A. Raymond. 14 Q. Raymond? Do you pay rent to Raymond for living there? 15 A. No. 16 Q. No? Do you pay the taxes there? 17 A. I help pay the taxes. 18 Q. You help pay the taxes on 203? 19 A. I do. 20 Q. Okay? Who pays the taxes on 207? 21 A. I do. 22 Q. Do you pay the taxes on 207 all by yourself? 23 A. Yes. 24 Q. Okay. Do you have tenants at 207? 25 A. Yes.	Page 28 1 owned those two properties almost entirely yourself. 2 So like why did you deed the properties over to 3 Raymond? 4 A. Because I'm getting older. And that way it'll be left 5 to him for financial wealth for him, and he's young, and 6 he has a family, so that'll be something that they can 7 build on and live off of. 8 Q. Did he ask you to do that, --- 9 A. No, he did not. 10 Q. --- or did you offer? Did you offer to do that? 11 A. Did I offer to do that? I did. 12 Q. Okay. Was it just because you were concerned about 13 getting older? 14 A. Yes. 15 Q. Yeah? Okay. One of the deeds, I think the deed when 16 Raymond conveyed 207 back to you, it says that you paid 17 125,000 dollars for it; is that right? 18 A. Yes. 19 Q. Did you pay him that money? Actually pay him that 20 money? 21 A. I did. 22 Q. Okay. Did you have to take out a loan for it? 23 A. I did. 24 Q. Why did he convey the property back to you for 125,000 25 dollars?
Page 27 1 Q. Who's the tenant right -- do you have tenants right now? 2 A. Yes. 3 Q. Do you know who they are? 4 A. Toma Gibbs. 5 Q. And who is -- is he related to you? 6 A. Not really. His mother was married to my brother, and 7 when -- he was born after my brother had been deceased. 8 So she just put him in her name that she had, Gibbs. 9 Q. Is Toma Raymond Gibbs, Jr's half brother? 10 A. No. They got the same mama, so I would consider them 11 brothers. 12 Q. Brothers? Okay. Does he pay rent to you for staying 13 there? 14 A. Yes. 15 Q. He does? How much rent does he pay? 16 A. 1,000 dollars. 17 Q. Per month? 18 A. Yes. 19 Q. Okay. Did you have tenants there before Toma moved in? 20 A. I did. 21 Q. Do you remember their names? 22 A. I don't remember the girl that was there before. Then 23 there was a guy named Darryl Holmes. 24 Q. What was your understanding with Raymond about the 25 building of the house at 203? Because it seems like you	Page 29 1 A. So we could start building 203. 2 Q. Okay. What was your understanding about who would be 3 living at 203? 4 A. I was going to be living in 203, possibly. 5 Q. Possibly? 6 A. Yes. 7 Q. Okay. So you weren't sure that you were going to be 8 living there? 9 A. But I was -- I was confident that I would be. 10 Q. Did you guys have a written agreement about who would be 11 living at 203? 12 A. No. 13 Q. No? Just -- did you have a verbal understanding about 14 it? 15 A. We do. 16 Q. Okay. And you said he stays there about three or four 17 nights a month? 18 A. Yes. 19 Q. Okay. Do his children ever stay there? 20 A. They do. 21 Q. They do? About how often do they stay there? 22 A. Every month. 23 Q. Every month, like all month? 24 A. No. They'll come a couple of weekends out of the month. 25 Q. Okay. For the tenants who are at 207, where do they

Page 30 1 park right now? 2 A. On the side of 207. 3 Q. When you say the side, can you --- 4 A. It's the gravel drive. They park right here at the side 5 of the house. 6 Q. We had some confusion about this this morning when we 7 asked Alice and Mary. 8 Is the side -- is the gravel driveway in front of 9 the house, or is the gravel driveway on the side of the 10 house? 11 A. Excuse me. The gravel driveway is in the front of the 12 house. 13 Q. Okay. So the front door faces that gravel driveway? 14 A. It does. 15 Q. So when you say the tenants park on the side, do they go 16 between the house at 207 and the big grassy area where 17 people used to cut through to the Quality Foods, is that 18 the side? 19 A. Yeah. This is the gravel driveway, they go up, turn 20 right to the side of 207. 21 Q. Okay. This is Defendant's Exhibit 1 from this morning, 22 can you mark on there, where? 23 A. So this is -- they come up this -- the gravel drive, 24 come up, just -- I'm going to say this is the end of the 25 house.	Page 31 1 Q. Okay. 2 A. They park right here. 3 Q. They park in the grassy field area? 4 A. It's not a grassy field area, it's still 207 property. 5 Q. Okay. So I'm confused. So the white line right here is 6 approximately where the property line is. So do they 7 park on the other side of the property line? 8 A. No. They park -- they park on the 207 property. 9 Q. Okay. Is that where that white car is in the picture? 10 A. Yes. 11 Q. That's where they normally park? 12 A. Yes. 13 Q. Okay. What was on the lot at 203 Earl Street before the 14 house was there? 15 A. A carport and a few trees. 16 Q. A carport and some trees? Was there a driveway on that 17 lot? 18 A. It was a asphalt driveway going into the carport. 19 Q. Okay. On this picture, this is a GIS map satellite 20 photo from 1997. This is Plaintiff's -- excuse me, 21 Defendant's 1, TNB Defendant's 1. 22 Is this circular driveway here, it's partially on 23 203, do you remember when this driveway was here? 24 A. I do. 25 Q. Do you remember where the carport eventually was placed	Page 32 1 on this lot? 2 A. It had to be right here, because cars went in from the 3 gravel driveway in front of the house, go around the 4 carport, and come behind the other side. 5 Q. So the carport was sort of in the middle of this half 6 circle driveway? 7 A. Uh-huh. 8 Q. Okay. You said a little bit ago, that there was -- that 9 you remember your mother talking about someone that the 10 family had to pull up some -- or somebody had to pull up 11 a concrete sidewalk? 12 A. Yes. 13 Q. Is that right? And I only have one copy of this, but is 14 this right here, is this the sidewalk you're talking 15 about? 16 A. Yeah. The sidewalk all the way across to right there. 17 Q. Can you mark on here -- do you know which part of it 18 they had to pull up? 19 A. They pulled up all this right in here. 20 Q. Okay. So they pulled up the part of the sidewalk that 21 went across the driveway? 22 A. Yeah. 23 Q. Is that right? 24 A. They pulled up all this in here, they left that part, 25 and that part was left until ---	Page 33 1 Q. Okay. Was there ever a concrete or asphalt driveway 2 right where the gravel part is? 3 A. No. 4 Q. No? 5 A. Not -- not that I know of. 6 Q. Okay. Thank you. This can be Defendant's 1, I think, 7 or whatever --- 8 MR. HAWKINS: 2. 9 (Whereupon, TNB Defendant's Exhibit No. 2 was marked for 10 identification.) 11 BY MS. MCCONOUGH: 2. 12 Q. Do you remember getting a survey of the property at 207 13 around -- in like the late '90s? 14 A. I think so. 15 Q. Why did you get a survey back then? 16 A. Just to have it appraised. 17 Q. To have it appraised? 18 A. Yes. 19 Q. Okay. Did you know where the property lines were before 20 you got that survey? 21 A. I'm going to say no. Just -- except for -- just by 22 them -- when they had asked us to tear it up, then 23 that's when I just assumed that that's where the 24 property end for 207. 25 Q. Okay. When they came out to do the survey in the '90s,
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Page 34 1 did they put like wooden stakes in the ground, do you 2 remember? 3 A. I don't -- I can't recall. 4 Q. Did having that survey in the '90s, did that change the 5 way that you used the property at all? 6 A. Could you say that again? 7 Q. When you found out where the property corners were after 8 you got the survey in the late '90s, it was 1997, did 9 that change the way that you used the property, like 10 knowing exactly which part of the area --- 11 A. No, it did not. 12 Q. It did not? Okay. How did you use the property at that 13 time? 14 A. No more than just to park. 15 Q. Just to park on it? 16 A. Uh-huh. 17 Q. Okay. And you said that you used this walkway that's 18 shown on there to get to the Quality Foods, along with 19 other people the neighborhood; is that right? 20 A. Yes. 21 Q. Okay. Do you still go to the Quality Foods? 22 A. I do. 23 Q. How do you get there now with this fence there? 24 A. Drive my car or walk around the road. 25 Q. Okay. Did you ask Raymond to put the fence up there at	Page 35 1 the corner of the Quality Foods building? 2 A. No, I did not. 3 Q. Do you know why he put it there? 4 A. To keep down some of the traffic coming through. 5 Q. Okay. You said a few minutes ago that your family would 6 keep -- you know, mow the grass and stuff to keep the 7 pathway clear so that people could use that pathway to 8 get to the Quality Foods; is that right? 9 A. Yes. 10 Q. Why did that change? 11 A. Why did what change? Why did --- 12 Q. Well, why would Raymond want to stop people from using 13 that pathway when previously, your family, including 14 yourself, had used the pathway to get up there? 15 A. He just -- it was stopped after we decided that we was 16 going to build for 203. 17 Q. Okay. So he decided to put the fence up after he 18 decided to build the house at 203? 19 A. Yes. 20 Q. Did it bother him that people were walking through 21 there? Did he talk to you about that? 22 A. He did. 23 Q. He did talk to you about --- 24 A. Yes. 25 Q. --- that it bothered him that people walked through?	Page 36 1 A. Yes. 2 Q. Do you remember what specifically about it --- 3 A. I mean, he just basically said he's -- people walking 4 through and then with me staying in 207 by myself, you 5 know, and it's just a lot of different people than what 6 we normally used to in the neighborhood. Because it's, 7 you know, area's growing, people that we didn't know 8 just coming through all the time. 9 Q. What kind of car do you drive now? 10 A. A 2020 Nissan Maxima. 11 Q. Nissan Maxima? When did you get that car? 12 A. Benson Nissan. 13 Q. I'm sorry. I said, when? 14 A. 20 -- right before COVID hit. 15 Q. Right before COVID? Okay. What car did you drive 16 before that? 17 A. 2003 Nissan Maxima and a 1995 Toyota Corolla. 18 Q. Okay. Was the Corolla like teal blue? 19 A. It was. 20 Q. I've seen pictures of it. Let's see. These are some 21 photos that we got from your attorney. This is 22 Defendant's Exhibit 7 from Raymond's deposition. 23 Can you identify the person here in this first 24 photo at the top of the page? 25 A. Her name is Annie Laura Harrison.	Page 37 1 Q. Can you spell that? 2 A. A-n-n-i-e L-a-u-r-a, Harrison, H-a-r-r-i-s-o-n. 3 Q. Okay. Does she live in Alabama? 4 A. She's deceased. 5 Q. She's deceased? Okay. Are you related to her? 6 A. Yes. 7 Q. Okay. Is that your sister or someone else? 8 A. No, it's not. 9 Q. Not your sister? Okay. When did she pass away? 10 A. I don't recall. 19 -- 1990 something. 11 Q. Okay. Do you know when this photo was taken? 12 A. I'm not sure the year, but it was -- we had a family 13 cookout. 14 Q. So it had to have been before 1997 if she's in it, 15 right? 16 A. Huh? 17 Q. It would have had it been taken before '97 if she's in 18 that photo, and you said she passed away? 19 A. Yeah. It was taken before she passed. 20 Q. Okay. Is the photo below it on the page, is that from 21 the same gathering, do you know? 22 A. It is. They sitting up under the car shield. 23 Q. Under the carport? 24 A. Uh-huh. 25 Q. All right. On the next page, it's the construction
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Page 38 1 photo. On page 3 of this that says happy birthday in 2 the yard next to the carport, is that the same 3 gathering? 4 A. No. 5 Q. No? Do you know when this photo was taken? 6 A. I'm pretty sure it was put for my 60th birthday. 7 Q. Your 60th birthday? 8 A. Uh-huh. 9 Q. Okay. When was that? 10 A. 20 -- 2020 -- 2019, I guess. 11 Q. 2019? 12 A. Yeah. 13 Q. So recently? 14 A. Huh? 15 Q. Recently? 16 A. Yeah. I'm 64, so --- 17 Q. Four years. 18 A. --- it was for my 60th birthday. 19 Q. Okay. The photo that's below it, do you know what this 20 is a picture of? 21 A. When we was having a family gathering, somebody came up 22 the road, ran into the side of the house. 23 Q. And that's what the hole is in the foundation right 24 there? 25 A. Yes, ma'am.	Page 39 1 Q. Okay. And this is page 4 of this Exhibit. Do you know 2 what this photo is? 3 A. I had a baby shower for a friend of mine's son. 4 Q. Okay. Do you know when it was taken? 5 A. Probably this -- well, the little boy is about ten now, 6 so probably 2015, or so. 7 Q. Okay. And these houses in the background, are those 8 across the street from 207? 9 A. They are. 10 Q. Okay. And the photo below it, is that the same baby 11 shower gathering? 12 A. Yes. 13 Q. All right. And those houses in the background, are 14 those the same houses across the street from 207? 15 A. Yes. 16 Q. On page 5 of the Exhibit, do you know when this photo 17 was taken? 18 A. Same time as the other ones, at the baby shower. 19 Q. Around 2015 at the baby shower, both of these photos on 20 this page? 21 A. Uh-huh. 22 Q. Okay. Is this the carport right here next to the tent? 23 A. Yes. 24 Q. Okay. Is that what this is on the other side of the 25 picture below?	Page 40 1 A. Uh-huh. 2 Q. Do you know when the carport was moved? 3 A. 20 -- right before we started building, in 2023. 4 Q. Okay. Did you ever call the City of Greer to complain 5 about the state of that grassy lot behind 207? 6 A. I did. 7 Q. You did? What parts -- well, what kind of complaints 8 did you make? 9 A. That the grass was growing up and then it's -- on this 10 side, it still had some that would just keep coming, and 11 coming, and if nobody did anything about it, you know, 12 it was going to just eventually end up over towards 207. 13 Q. How did you and your family decide which parts of that 14 area you were going to mow, and which parts you were not 15 going to mow? 16 A. By -- just basically by -- because we walked through 17 there to go to the store, and then just because some of 18 the weeds were just close to 207. You know, I just 19 figured that we'll try to keep that area clear, anyway, 20 just because, you know, I just didn't want a messy yard. 21 Q. When you were calling the City of Greer to complain, you 22 knew that you were complaining about property that 23 wasn't yours; is all right? 24 A. Well -- yes. I'll say yes. 25 Q. Okay. Did you know where your property ended and where the -- 2 A. No, I didn't. I didn't. 3 Q. Okay. Did you ever call about trees that needed to be 4 removed back there? 5 A. Not to my knowledge. 6 Q. No? Did you ever call about trash that was back there? 7 A. No. 8 Q. Did you ever call about abandoned vehicles that were 9 back there? 10 A. No, because I didn't see no vehicles. 11 Q. About how often or how many times did you call to 12 complain about the weeds and stuff, do you know? 13 A. Two -- two times, maybe three. 14 Q. Did the landscaping, like weed issues, get fixed after 15 you complained to the city? 16 A. Yes, they had cleared that field. 17 Q. Okay. When was the last time your family added gravel 18 to the driveway in front of 207? 19 A. I'm not sure the year, but it was -- some have been 20 added a couple of times after my uncle passed. And I 21 think it was around 2015, '16, when he passed. 22 Q. Okay. Do you know who decided to add gravel? 23 A. I did, because of the rain. Just when it rained it 24 would be muddy out there. 25 Q. Did you call someone to like -- was there -- did you
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Page 42 1 have a gravel person that you called to come and add the 2 gravel? 3 A. Yes. 4 Q. What was that person's name? 5 A. Kevin Haynes. 6 Q. Kevin Haynes? How much did it cost to have him come out 7 and add gravel? 8 A. I'm -- I'm not sure. Because most of the time, Raymond 9 would pay. 10 Q. Raymond would pay for it? 11 A. Yes. 12 Q. And who -- was gravel added before your uncle Benny 13 passed away? 14 A. Who was doing what? 15 Q. Did anyone ever add gravel before --- 16 A. They did, but I'm not sure who the people was because he 17 always got somebody to do it. 18 Q. Do you remember the last time that gravel was added to 19 the driveway? 20 A. I'd say maybe 2023. 21 Q. Was it Kevin Haynes that added it that time? 22 A. Excuse me? 23 Q. Was it Kevin Haynes who added it that time? 24 A. Yes. 25 Q. You had some other family members who deeded their	Page 43 1 interests in 207 to you in the last five or six years; 2 is that right? 3 A. Yes. 4 Q. Did you pay them for that? 5 A. Yes. 6 Q. Okay. Did you get that done because you were planning 7 on deeding your -- the property to Raymond? 8 A. No. 9 Q. Okay. What caused you to have those interests --- 10 A. I mean, their father had passed, and they were staying 11 in Florida, and I felt like I've been staying there all 12 my life, they hadn't been. I did all the upkeep, I paid 13 the insurance, I paid the taxes. So I just kind of felt 14 like -- that I was entitled, so we just discussed it, 15 and they agreed to deed it over. 16 Q. You said you felt like you were entitled to them deeding 17 their interest to you because you had been living there 18 and had been keeping it up? 19 A. Yes. 20 Q. Okay. And did you get any push back from any of them 21 about that? 22 A. No. 23 Q. They were cooperative? 24 A. They were. 25 Q. When people used to walk through that grassy field area	Page 44 1 to get to the Quality Foods, did they have to ask your 2 permission to walk through there? 3 A. No, not really. But if I'm on the porch and some people 4 come through there, they would ask, would it be okay for 5 them to walk through. 6 Q. And what would you tell them? 7 A. Yeah, that's fine. 8 Q. When you told them that, did you know that you didn't 9 own that property? 10 A. No idea. 11 Q. Okay. So what time period are you talking about? 12 A. Excuse me? 13 Q. What time period are you talking about? 14 A. I don't -- '90s, like early '90s, I guess. 15 Q. Okay. After that time -- are you saying that you didn't 16 know that it was yours because it was before that '97 17 survey? 18 A. Yes. 19 Q. Okay. After 1997, did people ask your permission to 20 walk through there? 21 A. No. 22 Q. Why not? 23 A. No. I'm going to say no. 24 Q. Do you know why they suddenly stopped asking permission? 25 A. No, I don't.	Page 45 1 Q. Did you ever stop anybody from walking through there? 2 A. No, I have not. 3 Q. Did your uncle Benny ever stop anyone from walking 4 through there? 5 A. Not to my knowledge. 6 Q. Did your mother or grandparents ever stop anyone from 7 walking through there? 8 A. I don't know, because I was real small when my 9 grandparents died. I was only four or five when my 10 grandparents died, so I can't answer that. 11 Q. Did you see any other family members ever stop people 12 from walking through there? 13 A. Not to my knowledge. 14 Q. You said earlier that kids used to play like sports and 15 stuff in that grassy area; is that right? 16 A. I didn't say I did. 17 Q. Did you see other children play --- 18 A. Yes. 19 Q. --- sports back there? When was the last time you saw 20 children playing sports back there? 21 A. Probably '80 -- '84, maybe. 22 Q. The last time was 1984; is that right? 23 A. Yes. 24 Q. In your affidavit, there's a --- 25 MS. MCCONOUGHIEY: Do we have that, the affidavit?
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Page 46 1 MR. HAWKINS: I don't know. I never put it in. 2 You got it? 3 MS. MCCONOUGHIEY: Oh, I do have it. 4 BY MS. MCCONOUGHIEY: 5 Q. In your affidavit, you state that children used to walk 6 through, or play sports, or people would walk through on 7 the pathway. But then on paragraph 20, at the bottom of 8 page 3, it says (as read) again, my personal memory as 9 far back as I can go of what I have directly witnessed, 10 is that my family and I have used the very same property 11 Rilion Gracie wants to pave every day, out in the open 12 for all to see after being chided by the properties 13 owners without sharing it with anyone for more than 50 14 years. 15 But aren't there facts in this affidavit that say 16 that your family did share a lot of this property with 17 other people, with the whole neighborhood? 18 A. I mean, people that's walking through. 19 Q. Right. 20 A. Yeah. 21 Q. But you said, without sharing it with anyone. 22 A. Well, I --- 23 Q. It seems like without sharing it with anyone, except the 24 whole neighborhood, is that what you meant to say? 25 A. Yes.	Page 47 1 Q. You meant to say, without sharing it with anyone, except 2 the neighborhood? 3 A. Yes. Because that was -- that was -- no one else to 4 share with. The people just walked through, so. 5 Q. Okay. So you did -- your family did share the property 6 with people who wanted to walk through there and play 7 sports back there; is that right? 8 A. Yes. 9 Q. That's all I have. 10 MR. HAWKINS: Do you want to mark that? 11 MS. MCCONOUGHIEY: Yes, we'll mark the affidavit as 12 number 3. 13 (Whereupon, TNB Defendant's Exhibit No. 3 was marked for 14 identification.) 15 CROSS-EXAMINATION 16 BY MR. MARCHBANKS: 17 Q. Ms. Annie, how old were you when you got your driver's 18 license? 19 A. I think I was 16. 20 Q. How old were you when you first got your first car? 21 A. I think I may have been 17. 22 Q. Okay. And you were born when? 23 A. Huh? 24 Q. When were you born, what year? 25 A. 1961.	Page 48 1 Q. So 1961, 17 years, 1978? Sometime in there, you think, 2 '79? 3 A. Maybe. Sometime in there. '77, '78. 4 Q. Where'd you park your car when you got it? 5 A. On the gravel right in front of 207. 6 Q. The gravel area in front of 207? 7 A. Yes. 8 Q. Did your mom and dad drive? 9 A. My dad did, but my mom didn't. 10 Q. Did your dad have a car? 11 A. He did. 12 Q. Where did he park his car? 13 A. He would pull it up in the little driveway and park to 14 the left, up under a tree. 15 Q. Was that close to the where the gravel driveway is now? 16 A. Yes. 17 Q. Do you know if it was on 203 property or do you know 18 where the property line was at that point in time? 19 A. No idea. 20 Q. Did your uncle drive? 21 A. He did. 22 Q. And he had a car? 23 A. Yes. 24 Q. Where did he park? 25 A. In the front right -- gravel area. If my dad wasn't parked under the tree, he would park there. 2 Q. And your brother and sister, when they lived there, did 3 they have cars? Any brothers or sisters? 4 A. Yes. 5 Q. Where did they park? 6 A. They would park over on the other side of the yard, but 7 at the time, it wasn't a carport there. 8 Q. More kind of towards 203? 9 A. Yes. 10 Q. Is that because they didn't have a spot on the gravel 11 driveway? 12 A. Yes. 13 Q. Why would they not have a spot on the gravel driveway to 14 park? 15 A. Because other cars have taken it -- have taken the 16 spots. 17 Q. Cars driven by Gibbs? 18 A. Yes. 19 Q. And would you say that that was consistent from the 20 time -- how old were you when that started happening, 21 consistent use of that little gravel piece of driveway 22 by Gibbs family members? 23 A. I was -- I was in elementary school, 10, 11. 24 Q. All right. So if you were about ten years old, and 25 you're 64 now. So would you say -- when did that stop?
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Page 50 1 When did you stop parking on that little gravel piece of driveway? 2 3 A. When did I stop parking on it? 4 Q. Or just, when did y'all stop using that piece of gravel driveway to park cars? 5 6 A. We didn't. I didn't stop parking on it until 203 was built. 7 8 Q. Was it continued to be used until that property sold to the brothers? 9 10 A. It was. 11 Q. And that happened last year, in 2024? You would have been 63, so that is roughly 53 years of continuous use by the Gibbs family; is that an accurate statement? 12 13 14 A. Yes. Yes. 15 Q. So this is Defendant's Exhibit 1, okay? I believe Rachel entered this. What I would ask you to do, since the time you were 10 years old, until this property sold last year, I want you to make a drawing around where Gibbs family members park their cars on a daily basis. Draw a shape around it. Okay. Now, and I'm going to put "cars parked", okay? 53 years. 16 17 18 19 20 21 22 Now, did your daddy ever make you mow the grass? 23 A. No, he didn't. 24 Q. He didn't? Did you ever watch him mow the grass? 25 A. I did.	Page 51 1 Q. And did Benny ever mow the grass? 2 A. No, he didn't. 3 Q. He didn't? Going back -- and this is pretty clear, this pathway here, so this is not a bad picture to do this on. 4 5 6 Y'all maintained and cut the grass around 207, is that would think, is that fair to say? 7 8 A. Yes. 9 Q. And now y'all cut the grass around 203, is that fair to say? 10 11 A. Yes. 12 Q. So if I mark out the lot of 203, okay? And the lot of 207 like this, okay? And I'm just going to leave it open in the middle here, because now I'm going to have you finish the drawing. I would like for you to draw, other than what's inside these lines, what part of the rest of this property did the Gibbs maintain? Mow the grass, do the gravel, do the weed eating, do the weeding, plant grass, plant plants, whatever, what area? Okay. 13 14 15 16 17 18 19 20 21 Now, I notice that this is all back to the side of 207. Just for the record, when y'all mowed the grass at 207, when it came to this gravel area here, and the grass behind it, did y'all not maintain that, or did y'all maintain it all the way through? 22 23 24 25	Page 52 1 A. We maintained all the way through. 2 Q. And how old were you when you first have a memory of y'all maintaining this part of this property? Think back. 3 4 5 A. I would say I was -- I can remember far as back, probably to around 11 or 12. 6 7 Q. And you're 64? 8 A. Yes. 9 Q. So can you say with confidence, with absolute confidence, based on your memory, and your presence at this property, more or less your whole life except for Tuskegee for a while, that the Gibbs family used and maintained what you have sketched around on this Exhibit for more than 50 years? 10 11 12 13 14 15 A. Yes. 16 Q. Now, you testified that now that the brothers -- the jiu jitsu brothers came in, this person's been parking to the side of 207; is that correct? 17 18 19 A. Yes. 20 Q. Now, if the jiu jitsu brothers fence off this line and this line, I want you to think about 207, and if they can't use this driveway at all, okay? 21 22 23 A. Say that again. 24 Q. If the jiu jitsu brothers, or the Rilion Gracie brothers put a fence here, and put a fence here, and that is the 25	Page 53 1 line that kind of goes on either side of that gravel drive, right? 2 3 A. Uh-huh. 4 Q. If they do that, and think about it, how would anybody park a car at 207? 5 6 A. You can't put a fence. If they put a fence, it's going to be hard, they'll have to park right there, but they won't be able to park at the side of 207, if they put a fence up. 7 8 9 10 Q. Is there enough room even to make the turn to around to the back of the property? Like to drive back through here, is there enough room to make a turn and park back there, or is it too narrow? 11 12 13 14 A. It's -- it's tight. 15 Q. Once they get back here, is that enough room for them to turn around and pull back out? 16 17 A. No. They either have to back in here, so they'll be headed out, or if they pulled straight in, they back out and then back up so they're headed towards the road. 18 19 20 Q. And they would be pulling out onto Earl Street, right? 21 A. Yes. 22 Q. Maybe a foot or two from the corner of that house, right? 23 24 A. Yes. 25 Q. And that house is only, what, a foot or two off of
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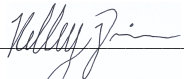
ANN LOUISE GIBBS-HUNTER AND RAYMOND D. GIBBS vs RILION GRACIE GREENVILLE, ET AL.
 Gibbs-Hunter, Annie 10/13/2025 54..57

Page 54 1 Earl Street, right? 2 A. That's right. 3 Q. Based on your knowledge and your experience in living 4 here as long as you have, if Rilion Gracie puts a fence 5 here, right there on the -- if you're facing the gravel 6 drive, if they put a fence on that right side, and they 7 put a fence on the property line going around the corner 8 to the side of the house, would that make that house 9 more or less unusable? 10 MR. HAWKINS: Object to the form. 11 BY MR. MARCHBANKS: 12 Q. Just based on -- you can answer. Just based on what you 13 know, based on your recollection, and your memory, your 14 knowledge of how wide this front yard is, how wide this 15 backyard is, if they put a fence here and here, would 16 anybody ever be able to park a car and pull out safely 17 at 207? 18 A. I would say no. 19 Q. So whatever value that house has now, whatever actions 20 the Rilion Gracie brothers take, could really pull the 21 rug out from the value of whatever that house is worth 22 now, is that fair to say? 23 A. Yes. 24 Q. And if they did that, do you think that they would be 25 responsible to you for replacing value that was lost	Page 56 1 MR. MARCHBANKS: Outline it. 2 BY MR. HAWKINS: 3 Q. Or I can. 4 MR. MARCHBANKS: Yeah. 5 BY MR. HAWKINS: 6 Q. You tell me if I'm wrong, but this is kind of what 7 you've -- the pink line is what you indicated that 8 you've maintained; is that correct? 9 A. And I would say, I maintained some further back. 10 Q. Well, you know, I asked you about what you're claiming 11 by adverse possession, and you agreed with --- 12 A. Yeah. 13 Q. --- Raymond, correct? 14 A. I -- we maintained some back, but I wouldn't -- I would 15 say -- I wouldn't try to claim that far back. I'm only 16 just trying to claim for we will have parking spot for 17 207. 18 Q. All right. Did you think that you owned the property 19 behind 207, as well, within the boundaries of what we've 20 marked here? Did you think you owned that? 21 A. I'm not sure if I thought that or not, but I know it was 22 so close to 207, I didn't -- I didn't see any need for 23 me to cut grass here and let the grass right here grow 24 up on 207. 25 Q. So you just wanted it to be neat?
Page 55 1 based on their actions? 2 MR. HAWKINS: Object to the form. 3 BY MR. MARCHBANKS: 4 Q. Would you expect Rilion Gracie to pick up the tab on how 5 much they devalued that house? 6 A. I probably would. 7 Q. Do you think that'd be fair? 8 A. I think so. 9 Q. Have they treated you fairly thus far? 10 A. I -- I don't think they have. 11 Q. No further questions. 12 REDIRECT EXAMINATION 13 BY MR. HAWKINS: 14 Q. I've got a follow up. I don't think the record is real 15 clear, Ms. Gibbs. I think that your testimony is that 16 this little box here is the portion that your family has 17 maintained; is that correct? 18 A. Yeah. And some -- all of that, and some of the back 19 property where they cut, is like you can see a clear and 20 then you can see where it was like well maintained up in 21 here. Which some of it was maintained by myself at 207, 22 and then some other area, back further than 207, was 23 maintained by Ms. Morrison. 24 Q. Right. Can you draw what -- I just want to make 25 sure ---	Page 57 1 A. Yes. 2 Q. Okay. But you -- I'm just trying to -- I guess my 3 question is, did you think you owned this area back 4 here, as well, the one you shaded in? 5 A. I didn't really know what I owned until it was surveyed 6 off. 7 Q. Right. You really didn't -- you didn't think about it, 8 because nobody was bothering you, right? 9 A. Yeah. Because nobody never bothered us. We just 10 parked, mowed the grass, and nobody -- like I say, I 11 haven't seen or -- anybody, or heard anybody come and 12 say anything since before -- you know, since before -- 13 when my mother told me. 14 Q. It seems to me like a lot of people park on the street. 15 Is there a prohibition against parking on the street, to 16 your knowledge? 17 A. Parking on what street? 18 Q. Earl Street. I've got this Defendant's Exhibit 1, it's 19 my exhibit. There's cars all over the street, yes? 20 A. They could be visiting somebody, and they park on the 21 street. 22 Q. But what I'm asking, there's no no parking sign up 23 there, right? 24 A. No. No. It's no parking sign. 25 Q. Okay. So to your knowledge, parking on the street is an

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Page 58 1 option? 2 A. It could be, but it's so much traffic on this street 3 to -- it's -- it's really not a good idea to park on the 4 street. 5 Q. I understand it's not ideal, but there's no prohibition, 6 right? 7 A. Not to my knowledge. 8 Q. You've got -- 207 is a fairly small house, yes? 9 A. I have what? 10 Q. 207 is a fairly small house and it's got one bathroom, 11 right? 12 A. It does. 13 Q. Okay. How many bedrooms does it have? 14 A. Three. 15 Q. Okay. Are all the bedrooms being used for bedrooms? 16 A. Yes. 17 Q. Who all is staying there? 18 A. Who all is staying there now? 19 Q. At 207. You said you just had Toma in there. 20 A. And his fiancé. 21 Q. Oh, so he's got somebody -- he's got another person in 22 there? 23 A. Yes. 24 Q. So there's two people in there? 25 A. Yes.	Page 60 1 car in front? 2 A. That's possible. 3 Q. Yeah. 4 RE-CROSS EXAMINATION 5 BY MR. MARCHBANKS: 6 Q. Couple of follow up questions. Annie, how far from the 7 edge of Earl Street, to the side wall of 207, how far is 8 it? 9 A. I don't -- I don't know. 10 Q. Less than three feet? 11 A. Possible. 12 Q. Does your car, like the car you drive, does it have 13 doors? 14 A. It do. 15 Q. So if somebody parked on Earl Street in front of, or to 16 the side, of that 207 house, and they put their tires 17 all the way up on the edge of Earl Street, could they 18 open their door and get out? 19 A. With the tires up on it? 20 Q. If Earl Street and the house, if somebody parked their 21 car with their tires all the way up on the side of 22 Earl Street, would they even be able to open their car 23 door and get out? 24 A. You're talking about the main road, right? 25 Q. Earl Street, yeah.
Page 59 1 Q. Okay. They both park on the street, right? 2 A. No, they park in the yard. 3 Q. Well, they can park on the street, right? 4 A. I guess -- I guess they can, but I don't think that's a 5 good idea. 6 Q. And so I'm looking at this Defendant's Exhibit 1 there, 7 it says Morrison at the bottom. 8 How wide is a car? Do you know how wide a car is? 9 A. No, I don't. 10 Q. Okay. Do you see a car in this picture behind the house 11 there? 12 A. Behind the house? 13 Q. Well, I don't know if you call it a side or whatever. 14 There's a circled car there, right? 15 A. Yeah. 16 Q. Okay. And it looks to me like they're not -- they're 17 kind of -- they're more on the house side, correct? 18 A. Yes. 19 Q. All right. And then there's at least another width of 20 at least this kind of car. You could fit another car 21 right there, right? 22 A. I don't think so. 23 Q. It'd be tight, but you could, right? 24 A. I don't know. 25 Q. Or this guy could just back up and you could put another	Page 61 1 A. Okay. 2 Q. Yeah. 3 A. The driver would, if they parked so they can get out on 4 the left hand side. But if they have a passenger on the 5 right side, it's going to be tight for them to get out. 6 Q. Okay. And so the only person that really would be able 7 to easily exit the car would be the person who would be 8 exiting the car into the middle of the street? 9 A. Yes. 10 Q. Okay. I've heard people speed up and down Earl street 11 a pretty good bit, is that --- 12 A. They do. They been speeding and we've been trying to 13 get a petition to see about speed bumps being put --- 14 Q. Well, --- 15 A. --- to slow down the traffic. 16 Q. All right. That's all I have. 17 FOLLOW-UP EXAMINATION 18 BY MS. MCCONOUGH: 19 Q. I have a couple follow ups. Your attorney asked you a 20 few minutes ago, whether you felt like what the 21 jiu jitsu brothers, as he said, I think, whether you 22 thought they had been treating you fairly, and you said, 23 no; is that right? 24 A. Yes. 25 Q. What have they done exactly that you feel like was

Page 62	Page 64
1 unfair? 2 A. I mean, I feel like -- which I haven't just really 3 talked to them, but I feel like if I was in their 4 situation, and I bought property like that, I would have 5 tried to access it, talk to the people that own, and I 6 would try and at least give them just the little area, 7 or sell, or whatever, the little area right there in 8 front of the property, in order for them to still have 9 access and parking for their property. 10 Q. Did you ever offer to purchase that part that you need 11 from them? 12 A. We talked with the people that was before them, and they 13 were the ones that were willing to sell. 14 Q. Who did? Who talked to them? 15 A. Raymond talked to -- I can't recall the person's name. 16 And they was being kept in contact, letting us know, but 17 nobody wanted to just sell a partial, from my 18 understanding. 19 Q. Did you -- or -- well, did you ask either of the Otarola 20 brothers whether they would be willing to sell. 21 A. I haven't talked to either one of them. 22 Q. You've never talked to either one of them? 23 A. No. 24 Q. So how do you know anything about what they think or 25 don't think about what they would be willing or not	1 you know, we want to do this and -- but I know this is 2 so close to your property, I -- whatever -- be willing 3 to do whatever to try to sell, or whatever, this little 4 strip so you can still have access. 5 Q. You don't know what they would be willing to do or not 6 do because you haven't spoken to them? 7 A. No, I have not. 8 Q. Okay. And you said minutes ago, that you didn't know 9 where your property ended until the Otarola brothers had 10 it staked out, is that what you said? 11 A. Yes. 12 Q. But didn't I say earlier that you had a --- 13 A. I surveyed, --- 14 Q. --- survey in 1997, right? 15 A. --- but I mean, it's been so long since the stakes, that 16 I don't really even know where -- where it was. 17 Q. So you just forgot? 18 A. Yes. 19 Q. It's not that you didn't know, it's that you forgot? 20 A. Yes. 21 Q. Okay. That's all I have. 22 THE HAWKINS: I have no further questions. 23 MR. MARCHBANKS: I'm tempted, but I'm going to 24 leave it. 25 THE COURT REPORTER: Mr. Marchbanks, would your
Page 63	Page 65
1 willing to do with the property? 2 A. I didn't say I know what they think. I'm just giving my 3 opinion of how I think. 4 Q. Well, you said you feel like they treated you 5 unfairly --- 6 A. Well, I'm just thinking --- 7 Q. --- but you say you've never spoken to them. 8 A. I haven't. But I'm just saying, I think it's -- to me, 9 I just feel like it's unfair, but. 10 Q. You feel like it's unfair --- 11 MR. MARCHBANKS: And --- 12 MS. MCCONOUGHIE: Hold on. 13 MR. MARCHBANKS: Objection. She has a right to 14 feel like that. 15 BY MS. MCCONOUGHIE: 16 Q. You feel like it's unfair --- 17 MS. MCCONOUGHIE: I'm trying to figure out what she 18 feels is unfair. 19 BY MS. MCCONOUGHIE: 20 Q. You feel like it's unfair that they bought property and 21 they want to keep the property that they bought? 22 A. No. I don't feel like it's unfair that they bought the 23 property. No, I don't. But I just -- like I say, I 24 just feel like if I was in their place, then I would 25 have talked to whoever the property owner, and asked,	1 client like to read and sign? 2 MR. MARCHBANKS: We'll waive. 3 THE COURT REPORTER: Waive? And would you like a 4 copy of the transcript? 5 MR. MARCHBANKS: Yes. 6 THE COURT REPORTER: Ms. McConoughey, would you 7 like a copy of the transcript? 8 MS. MCCONOUGHIE: Yes. E-trans is fine. 9 THE COURT REPORTER: Okay. 10 MR. HAWKINS: I'd like an E-trans copy and I want a 11 sealed copy of hers and a sealed copy of 12 Raymond Gibbs. 13 THE COURT REPORTER: Okay. 14 (THERE BEING NO FURTHER QUESTIONS, THIS DEPOSITION CONCLUDED 15 AT 6:51 P.M.) 16 17 18 19 20 21 22 23 24 25

CERTIFICATE OF REPORTER Page 66 I, Kelley Primm, a Notary Public in and for the State of South Carolina, do hereby certify that the foregoing deposition was taken before me on the date and at the time and location stated on page 1 of this transcript. That the deponent was duly sworn to testify to the truth, the whole truth, and nothing but the truth. That I am not related to nor the employee of any of the parties hereto, nor related to or employed by any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action.  _____ Kelley Primm, Reporter Notary Public for S.C. Commission Expires: 12/15/2035	
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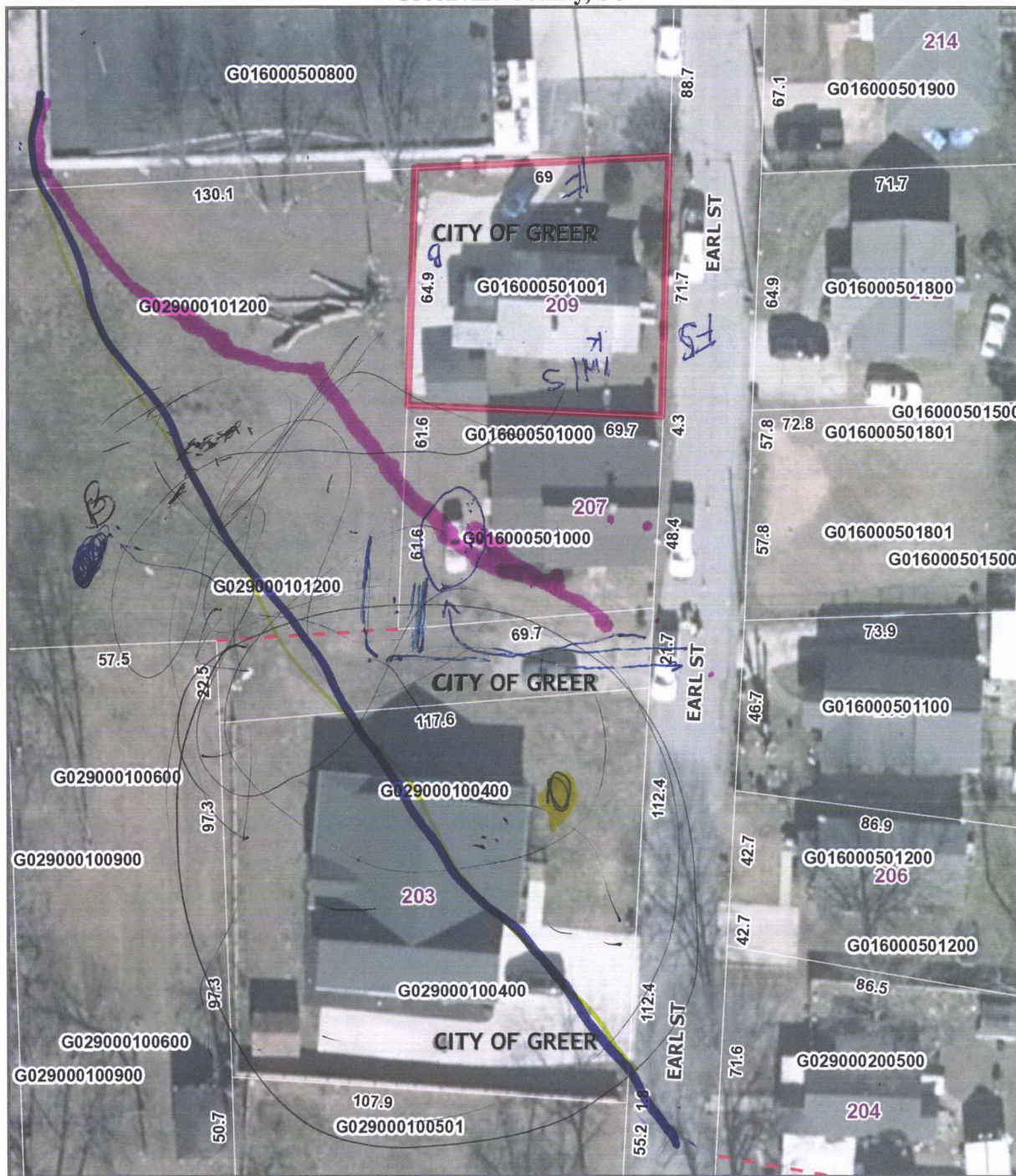
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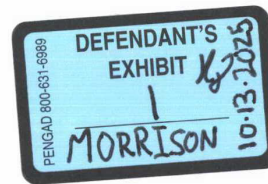
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Greenville County, SC



Disclaimer: This Map is not a LAND SURVEY and is for reference purposes only. Data contained in this map are prepared for the inventory of Real Property found within this jurisdiction, and are compiled from recorded deeds, plats, and other public records. Users of this map are hereby notified aforementioned public primary information sources should be consulted for verification of the information contained in this map. Greenville County assumes no legal responsibility for the information contained in this map.

Map Scale
1 inch = 40 feet
10/12/2025



STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS
C.A. NO.: 2024-CP-23-05724

ANN LOUISE GIBBS-HUNTER AND RAYMOND D. GIBBS, JR.,
PLAINTIFFS,

VS.

RILION GRACIE GREENVILLE, LLC AND TNB FINANCIAL SERVICES, AS
TRUSTEE OF GENE MARK BROWN'S TRUST B-2
UNDER THE DORIS P. BROWN REVOCABLE TRUST AGREEMENT
DATED FEBRUARY 9, 2006, AS AMENDED,
DEFENDANTS.

D E P O S I T I O N

WITNESS: MARY MORRISON
DATE: OCTOBER 13, 2025
TIME: 9:24 A.M.
LOCATION: THE MARCHBANKS LAW FIRM, LLC
1225 SOUTH CHURCH STREET
GREENVILLE, SOUTH CAROLINA 29605
REPORTER: KELLEY PRIMM

LEGAL EAGLE
Post Office Box 5682
Greenville, South Carolina 29606
864-467-1373
depos@legaleagleinc.com

Page 2 APPEARANCES: CHARLES W. MARCHBANKS, JR., ESQUIRE THE MARCHBANKS LAW FIRM, LLC 1225 SOUTH CHURCH STREET GREENVILLE, SOUTH CAROLINA 29605 charles@marchbankslawfirm.com REPRESENTING THE PLAINTIFFS WENDELL L. HAWKINS, ESQUIRE WENDELL L. HAWKINS, P.A. 9 BUENO VISTA WAY, SUITE B GREENVILLE, SOUTH CAROLINA 29615 wlh@wlhawkinslawfirm.com REPRESENTING RILION GRACIE RACHEL G. MCCONOUGH, ESQUIRE MCCONOUGH LAW FIRM, LLC 100 WHITSETT STREET GREENVILLE, SOUTH CAROLINA 29601 contact@mcconoughlawfirm.com REPRESENTING TNB	Page 4 1 STIPULATIONS: 2 It is agreed by and between the Counsel for the parties as 3 follows: 4 1. That this deposition is being taken pursuant to 5 South Carolina Circuit Court Rule No. 30; 6 2. That the deponent waives the right to read and sign the 7 deposition transcript. 8 Whereupon, 9 MARY MORRISON, 10 first being duly sworn, was examined and testified as 11 follows: 12 EXAMINATION 13 BY MR. HAWKINS: 14 Q. Ms. Morrison, my name is Wendell Hawkins. I represent 15 one of the Defendants in this case, which is known as 16 Rilion Gracie. And those are the two brothers, 17 Max and Jose Otarola. 18 Have you ever met those two? 19 A. Uh-uh. 20 Q. Have you ever seen them out there on the property? 21 A. I saw -- somebody was cutting grass. 22 Q. Okay. Let me do -- I've forgotten to do something. So 23 the purpose -- I know you've made an affidavit. The 24 purpose of the of the deposition is to see what you may 25 testify about or testify to the facts of the case if
Page 3 INDEX STIPULATIONS AND OATH 4 EXAMINATION BY MR. HAWKINS 4 EXAMINATION BY MS. MCCONOUGH 34 CROSS-EXAMINATION BY MR. MARCHBANKS 56 CERTIFICATE OF REPORTER 59 EXHIBITS DEFENDANT'S: NO. 1 AERIAL PHOTOGRAPH 6 NO. 2 OWNERSHIP HISTORY 7 NO. 3 AFFIDAVIT OF MARY MORRISON 26 NO. 4 PHOTOGRAPHS 31 PLAINTIFF'S: NO. 1 AERIAL PHOTOGRAPH 57 (THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)	Page 5 1 this case goes to trial. 2 A. Uh-huh. 3 Q. Okay? A couple of rules, it's important that we don't 4 talk over each other. 5 A. Uh-huh. 6 Q. I know you probably can anticipate a question, just like 7 the rest of the human race, so that's something that we 8 have to cover. Just try not to talk over me, and if I 9 talk over you, you stop me, as well. And I'll try and 10 catch myself, and maybe the other lawyers will catch me, 11 as well. If you need a break, just let us know, and you 12 can take a break anytime, it's not an endurance. I 13 don't think you're going to be here very long. 14 But also, when you reply to a question, a lot of 15 people have the tendency to say uh-huh, or uh-uh, or 16 something like that, and that's hard to take down --- 17 A. Yeah. 18 Q. --- on the transcription. So a yes, or no, or something 19 of that nature, would be better than the uh-huhs and 20 uh-uhs. If you go on a break, you can't discuss your 21 deposition testimony with anybody, okay? 22 A. Okay. 23 Q. Until you're done. 24 A. Okay. 25 Q. Okay? All right. I think that's it.

Page 6 1 So you live at 209 Earl Street; is that correct? 2 A. Yes, sir. 3 Q. And your house is right beside the 207 Earl Street? 4 A. Yes, sir. 5 Q. And then 203 Earl Street is the new house? 6 A. Yes, sir. 7 Q. All right. A lot of times I'll -- may refer to them 8 as -- 207, I sometimes refer to as the rental house; is 9 that fair? Do you know that that house has been rented? 10 A. 207? 11 Q. Yes, ma'am. 12 A. I think that's right beside me. 13 Q. Yes, ma'am. 14 A. Yes, somebody live there. 15 Q. Somebody lives there now? 16 A. Yeah. Okay. You see -- on the same side -- Ann and 17 them house is? The big house? 18 Q. Well, let me just do this. All right. Well, I'm just 19 going to hand you this exhibit. 20 (Whereupon, Defendant's Exhibit No. 1 was marked for 21 identification.) 22 BY MR. HAWKINS: 23 A. Okay. 24 Q. It's marked as Defendant's Exhibit 1. 25 So the house in the red square, that's your house,	Page 8 1 Q. It looks like the house was bought from 2 Memorial United Methodist Church, are you aware of that? 3 A. Yes, sir. 4 Q. How old is your mother? 5 A. Oh, she's deceased now. 6 Q. Okay. 7 A. She was 95 when she died. 8 Q. All right. So it's just in the name of Choice Morrison 9 now? 10 A. Uh-huh. 11 Q. Yes? 12 A. Yes, sir. James Morrison and Choice Morrison, they 13 (indiscernible) my mom about the house. James Morrison 14 is my brother, but he -- he's deceased, too. 15 Q. Okay. So you live there with Choice; is that correct? 16 A. No, he doesn't live there. He live in California. 17 Q. Oh, okay. 18 A. Just me and my mother. And James lived there, too, but, 19 you know, he died. Then my mother died, and that left 20 me. 21 Q. Okay. So he owns it and you just live there; is that 22 right? 23 A. Sir? 24 Q. He owns it and you just live there; is that --- 25 A. Yes, sir.
Page 7 1 right? 2 A. Uh-huh. 3 Q. And it says 209 over the top? 4 A. Yes, sir. 5 Q. That's where you live? All right. 6 And you say you've lived there for over 20 7 years; --- 8 A. Yes, sir. 9 Q. --- is that correct? 10 A. Yes, sir. 11 Q. Who have you lived with for 20 years there? 12 A. My mother. 13 Q. Okay. What's her name? 14 A. Maybel Morrison. 15 (Whereupon, Defendant's Exhibit No. 2 was marked for 16 identification.) 17 BY MR. HAWKINS: 18 Q. All right. I'm going to show you this one here. This 19 is kind of -- if you look over here, that's what comes 20 up as the ownership history at the tax office. 21 A. Uh-huh. 22 Q. Who is Choice Morrison? 23 A. It's my nephew. 24 Q. Why is his name showing up on title? 25 A. Because he and my mama bought the house.	Page 9 1 Q. Do you pay rent or anything like that? 2 A. No, I pay the tax on it. 3 Q. So if you turn back to that Defendant's Exhibit 1, this 4 one here. Let's take a look at that. 5 So tell me, what do you consider the front of your 6 house? 7 A. Okay. That's not the front right there. 8 Q. Okay. If you can -- let's look at it together. Can you 9 just mark the -- let me make sure that's -- can you mark 10 the front of your house with an "F"? 11 A. Oh, say -- right in here? 12 Q. Yes, ma'am. Wherever it is. Where do you walk in and 13 walk out when you --- 14 A. Okay. That's the back door, I walk out the back door. 15 Q. Okay. So this is actually the back? 16 A. Uh-huh. That's the kitchen window right there. 17 Q. Okay. I'm going to write a "B" right here where --- 18 A. Okay. 19 Q. --- you said the back was, okay? 20 A. Uh-huh. 21 Q. And it's upside down, so. And is this the -- where is 22 the front? 23 A. The front is over that way. 24 Q. Okay. 25 A. I hardly ever use the front.

Page 10 1 Q. Is that where the front door is? 2 A. Uh-huh. 3 Q. I'm going to put an "F" there, okay? 4 A. Okay. 5 Q. And I'm going to put an "S" on this side that's between 6 the two houses, okay? 7 A. Okay. 8 Q. And I'll just say that's the side. And the part that 9 faces Earl Street, what do you do with that? 10 A. The part -- the front is where -- the front is the one 11 that face Earl Street. 12 Q. Okay. So the first front that I initialed, why are we 13 calling this the front? 14 A. I know this is the front. 15 Q. Okay. 16 A. And this right here, it's -- it's -- it's a side. 17 Q. I'll just put front side. 18 A. Okay. 19 Q. I'll put "FS" on Earl Street, okay? 20 A. Yes, sir. 21 Q. All right. So the side between 209 and 207, what kind 22 of rooms are back here along that side? 23 A. What kind of room? 24 Q. Uh-huh. Bedrooms, kitchen, what? 25 A. Okay. Right here is the kitchen.	Page 12 1 Q. Okay. About right where that "K" is? 2 A. Uh-huh. 3 Q. So you can look out the kitchen window and --- 4 A. Yes. Yes, sir. 5 Q. I'll put a "W" there. So you can look out this window 6 and see the back of the house? 7 A. Yes, sir. 8 Q. Can you see anything else other than the back of the 9 house or the side of 207? 10 A. Well, my living room, I can look out and see 207. 11 Q. Well, where's your living room? 12 A. My living room is past this. It's over in that way, 13 somewhere. 14 Q. It's on the side where I have --- 15 A. Okay. My living -- okay. My living room is right 16 beside -- next to the kitchen. Like this the kitchen, 17 on around is my living room, and then on around is my 18 bedroom. 19 Q. On the side that I have marked "F", that's where the 20 bedrooms are? 21 A. Uh-huh. 22 Q. Okay. And they're all along that side? 23 A. Uh-huh. 24 Q. All right. So when you look out of your kitchen window, 25 what do you see for 207?
Page 11 1 Q. All right. I'm going to put a "K". And does it have a 2 window that looks out --- 3 A. Yeah. 4 Q. --- the side there? 5 A. Uh-huh. 6 Q. So that's the kitchen? 7 A. Uh-huh. 8 Q. All right. And then what about over here? 9 A. That's the back porch right there. That's the back 10 porch. That's where I would go out, the back porch. 11 Q. Okay. 12 A. I hardly ever use the front. 13 Q. All right. But I'm talking about where -- we're inside 14 the house, where the kitchen -- that -- this wall, where 15 the kitchen's on. 16 A. Yes, sir. 17 Q. What else is on that wall, what kind of rooms, bedrooms, 18 bathrooms? 19 A. On this wall, ain't nothing on this wall. 20 Q. No windows? 21 A. Just one window. 22 Q. Just one window? 23 A. Uh-huh. 24 Q. In the kitchen? 25 A. Uh-huh.	Page 13 1 A. When I look out my kitchen window? 2 Q. Uh-huh. 3 A. 207? I don't see none of 207 when I look out my kitchen 4 window. 5 Q. Well, the house -- you can't see beyond the house, can 6 you, beyond 207? 7 A. Okay. When I look -- when I look out my kitchen window, 8 I don't see anything about the house. I just see that 9 big old tree -- that big old tree out there. 10 Q. Well, I'm talking about between the houses. There's no 11 tree --- 12 A. Okay. Between the houses? 13 Q. Yeah. 14 A. Oh, I really don't see nothing. I really -- I really -- 15 I look out my kitchen window -- okay. I've got my 16 kitchen window, I don't see -- I don't see that house. 17 I go in my bedroom -- my living room, that's when I see 18 the house. 19 Q. Okay. So where -- the Earl Street side? 20 A. Earl Street? 21 Q. Yeah, right. I mean, your living room is on the 22 Earl Street side, right? 23 A. Yeah. 24 Q. Okay. So you can look out the window and see 207, 25 right?

Page 14 1 A. Yes. 2 Q. Can you see beyond the house? The 207, can you see 3 beyond it? 4 A. What do you mean beyond it? 5 Q. Well, anything on the other side of 207? 6 A. Oh, uh-uh. 7 Q. No? 8 A. Uh-uh. 9 Q. Okay. So that --- 10 A. No, sir. 11 Q. There's a car that's parked here. You wouldn't be able 12 to see that from your house, would you? 13 A. No, sir. 14 Q. Okay. 15 A. No, sir. 16 Q. And tell me, what -- I suppose you have some sort of 17 daily routine? 18 A. Yes, sir. 19 Q. And what is that? I mean, I don't need to know all the 20 details, but do you go for a walk, or what? 21 A. Oh, I just walk around my house. 22 Q. Just walk around the -- do you walk outside? 23 A. Yes, sir. 24 Q. Do you walk outside? Like exercise, walking outside? 25 A. Yes, sir. Yes, sir.	Page 16 1 Q. Yes. 2 A. All I know, is that they don't supposed to be using that 3 driveway. He comes up that driveway --- 4 Q. What driveway? Which one? 5 A. It's -- he just comes up the driveway, and just turn in 6 there, back in there. Which is -- no one supposed to 7 use it. 8 Q. Are you talking about this driveway? That --- 9 A. 207. I call it a driveway because they have to come up 10 there and back in there, but they can't leave the car. 11 Q. In here? 12 A. Uh-huh. 13 Q. So let me put those down here real quick. So they're 14 coming this way and backing in here? 15 A. Yes, sir. 16 Q. And is that more often than not, or is that just where 17 they regularly park? 18 A. It's where they have to park. 19 Q. So I drew an arrow from the street to this car behind 20 207. 21 And whose car is that? 22 A. I guess it's the people that stay there, I guess. 23 Q. Do you know what kind of car it is? 24 A. No. All I know, it's a gray car. 25 Q. Gray car?
Page 15 1 Q. Okay. And how often do you do that? 2 A. About three times a week, sometimes four times. 3 Q. Okay. Which way do you walk? 4 A. I just go out my back door and just go all the way 5 around the house, about four or five times. That's all 6 I do. 7 Q. About three times? 8 A. Yeah about three or four --- 9 Q. A week? 10 A. Yeah. About three or four times a week. 11 Q. How long have you been doing that? 12 A. Oh, a long time. A long time. I usually do it about 13 three or four times a week. 14 Q. Okay. So you just walk -- go out your back door, walk 15 around the side of the house. Just walk around your 16 house --- 17 A. Walk around my house. 18 Q. Okay. 19 A. Yes, sir. 20 Q. All right. Do you know -- I'm going to show you, this 21 is a car --- 22 A. Yes, sir. 23 Q. --- in the back of 207, I'll circle that. 24 How does that car get there, do you know? 25 A. That's 207, right?	Page 17 1 A. And there be a burgundy car there, too. 2 Q. A burgundy car? 3 A. Uh-huh. 4 Q. Do you know who owns the burgundy car? 5 A. No, sir. I don't even know them. But they're someone 6 related to Ann. 7 Q. And so when you see cars parked between -- well, one 8 time -- 203 is -- do you know when 203 was built? 9 A. 203? 10 Q. Uh-huh. 11 A. I know it's probably on that street, but I don't know 12 where it's at. 13 Q. No. No. No. It's right here, this is where Ms. Ann 14 lives now, I suppose, right? 15 A. Oh, okay. 16 Q. She lives in the new house? 17 A. Yes. 18 Q. Okay. And you're still seeing activity of cars driving 19 through --- 20 A. Yes, sir. 21 Q. --- from Earl Street, back behind the house? 22 A. Yes. Yes, sir. 23 Q. Okay. Do you ever see more than one car parked in this 24 area and where that gravel is? 25 A. They don't park their car there.

Page 18 1 Q. What's that? 2 A. They don't park the car --- the driveway where the 3 gravel at, they don't park no car there, because they 4 don't supposed to. 5 Q. They're not supposed to? 6 A. I don't guess so, because it's that man property. He 7 got that roped off. 8 Q. Right. Okay. So they don't go in there anymore? 9 A. Not that I know of. 10 Q. How are they getting to the back of the house? 11 A. Well, I know -- I know this for a fact. They pull in 12 there, and then they back the car up in there. 13 Q. Back behind the house? 14 A. Uh-huh. 15 Q. Okay. And they've always done it like that? 16 A. Uh-huh. 17 Q. All right. So if you say --- 18 A. Not always. Before this come up, they was parking in 19 their -- just in their driveway. But they can't park 20 there no more. 21 Q. That's where the gravel is? 22 A. Uh-huh. 23 Q. Right? 24 A. Yes, sir. 25 Q. All right. And so you say in your affidavit, you've	Page 20 1 Q. Okay. Have you ever seen them -- and I say, the Gibbs, 2 Raymond Gibbs and Annie. 3 A. Yes, sir. 4 Q. Have you ever seen them fence that area off? 5 A. The Gibbs? 6 Q. Uh-huh. 7 A. What -- well, they did one time, they was roping it off, 8 and I -- see, I didn't know what was going on. And he 9 said, that was his property, you know. 10 Q. When? 11 A. Oh, it's been a while back. They had all that roped 12 off, the Gibbs did, and they said that was their 13 property. And then later on, this man, he roped -- he 14 roped it off. 15 Q. Are you talking about the new owners? 16 A. Uh-huh. 17 Q. He roped it off? 18 A. Yeah. 19 Q. In what way did the Gibbs rope off their -- what they 20 considered to be their property? 21 A. If I can -- as far as I know, it was the same -- the way 22 he got it roped off now. It was the same way these 23 people got it roped off now. 24 Q. And when was that, that you saw it roped off? 25 A. Talking about the Gibbs roped it off? I would say
Page 19 1 seen Gibbs use the gravel area between 207 and 203 every 2 day to park their cars for the entire time I've lived 3 next door to them, yes? 4 A. Yes, sir. 5 Q. Every day? 6 A. Go over it again with me, please. You said now? 7 Q. This says, (as read) they park there every day in the 8 gravel between 207 and 203. 9 A. Yes. Yes. 10 Q. How would you know that? 11 A. Because I be outside sometimes. 12 Q. Sometimes? 13 A. Yeah. 14 Q. But not every day? 15 A. No, sir. 16 Q. So the days that you don't walk around your house, you 17 wouldn't --- 18 A. No, sir. 19 Q. You wouldn't be able to see a car? 20 A. No, sir. No, sir. 21 Q. So on the -- it's just maybe three days a week, you 22 might see a car there? 23 A. Yes, sir. 24 Q. Do you ever walk outside and not see a car there? 25 A. Let me see. Yes, I have. I have.	Page 21 1 about -- about four or five months ago, I guess. 2 Q. That was the first time? 3 A. Yeah. 4 Q. Four or five months ago? 5 A. Yeah, for the Gibbs. 6 Q. Okay. What about any time before that? 7 A. No. It wasn't nothing -- wasn't nothing roped off. 8 Q. Okay. 9 A. No. 10 Q. Did you ever see any no trespassing signs or anything of 11 that nature? 12 A. No. But this man got no trespassing sign there now. 13 Q. The new owner? 14 A. Yes, sir. Yes, sir. 15 Q. Okay. When -- you're aware of the fact that people walk 16 through that field back there, right? 17 A. Yes, sir. 18 Q. Going to the store --- 19 A. Well, they -- they can't do that now, because they got 20 it fenced off. They used to walk -- since they got that 21 house built, Mr. Gibbs, he had a fence put up out there 22 where they can't get through to go to the store. 23 Q. When did that fence get built, do you know? 24 A. Been a long time, pretty good while ago. 25 Q. When you say that, I mean, ten years, five years?

Page 22 1 A. Oh, no, not ten. About -- it's about -- about two 2 years. 3 Q. Two years? 4 A. Yeah. About two -- around two years. 5 Q. And you say that fence went up about the time he built 6 his house? 7 A. Yeah. 8 Q. Or --- 9 A. Right after he got done building his house. Because 10 people was coming through his yard, going to the store. 11 Q. Well, people come through these -- through this way too, 12 right? 13 A. Yes. 14 Q. From Earl Street --- 15 A. Yes, sir. 16 Q. --- across the gravel drive --- 17 A. Yes, sir. 18 Q. --- and then they come all up into this field and get to 19 the store, which would actually be --- 20 A. Yes, sir. 21 Q. --- up on this -- but you're not aware of the fact that 22 there's a gap between that fence and the tree that 23 people can walk through? 24 A. They can't get through there now because the fence is 25 up. If they did ---	Page 24 1 Q. Okay. Well, just draw a line --- 2 A. Like right here? 3 Q. --- with the path they took. Yeah. 4 A. Okay. It's Earl Street? 5 Q. Yes. 6 A. Well, they're just going in -- going in by her mailbox. 7 Coming through by her mailbox and going all the way to 8 the gate. 9 Q. Yeah. Just draw a line of the path. That's a house. 10 A. Yes. I can draw a line right here? 11 Q. Well, they can't walk through a house. 12 A. Gravel. 13 Q. This is where the gravel is here. 14 A. Okay. Let me --- 15 Q. They cut the corner of the house like that? 16 A. They -- wait a minute. They go outside the corner of 17 the house. They go in front of the house, from 18 Mr. Gibb's house. 19 Q. Okay. 20 A. What is this? 21 Q. That's a tree, from what I understand, a down tree. 22 A. Uh-huh. 23 Q. Is it still there? 24 A. Yes, sir. 25 Q. And then this is where they put the fence over here?
Page 23 1 Q. Have you ever been back there? 2 A. No. I can see the fence from my backyard. 3 Q. Okay. So but you're telling me, people used to walk 4 between 207 and 203 to get to the store? 5 A. Uh-huh. 6 Q. And I suppose, those would be the people that 7 live -- I'll say -- I'll put an "X" -- well, if I can. 8 A. Well, other people that didn't live there, they would do 9 that. 10 Q. Who's that? 11 A. I don't know. I see guys, women, like they be coming 12 from the grocery store, they get the buggy, and push the 13 buggy to they house with the food, and then they bring 14 the buggy back through there. 15 Q. Through this? What's -- the gravel drive? 16 A. Uh-huh. 17 Q. Yes. So I'm going to -- let's do this. So I -- you 18 just mark where people walked through. Just draw a 19 line, a pink line. 20 A. Draw a line between what now? 21 Q. Well, you said they're walking from Earl Street across 22 the gravel drive to the store, right? 23 A. Uh-huh. 24 MR. MARCHBANKS: Object to the form. 25 BY MR. HAWKINS:	Page 25 1 A. Yeah. Okay. It was this right here. This is --- 2 Q. This is part -- this is --- 3 A. Yeah. 4 Q. --- the back of the store. This is the entire back of 5 the Quality Foods? 6 A. Uh-huh. 7 Q. Yeah, that's the back of the store. 8 A. But they don't go around to the back. They go -- no, 9 they don't around to the back. They just go -- they 10 come down through by Mr. Gibb's new house, come straight 11 down through that way. And it's -- it was going through 12 that open -- so when he put that gate there, they 13 stopped doing that, because they couldn't get through 14 that. 15 Q. They're still walking from Earl Street, through this 16 gravel drive, to the back? 17 MR. MARCHBANKS: Object to the form. 18 BY MR. HAWKINS: 19 A. They ain't doing it now because they can't get through 20 that. 21 Q. Okay. So when did that stop? 22 A. When he put that fence up, that gate up. 23 Q. A couple years ago? 24 A. It's a gate. Yeah. I'd say about a year. 25 Q. Okay. And then nobody walks through there anymore?

Page 26 1 A. No, sir. 2 Q. There used to be a lot of traffic? 3 A. Yes, sir. Yes, sir. 4 Q. A lot of litter? 5 A. Yeah. They'd put trash out --- 6 Q. Trash? 7 A. Throw trash out there and everything. 8 Q. Who'd clean all that up? 9 A. I don't know who did, who cleaned it. Somebody did, but 10 I don't know who. 11 Q. Had you ever complained to anybody in the city about the 12 grass, or the kudzu, or the trees, or anything like 13 that? 14 A. No. 15 Q. Okay. 16 A. No, I just don't say nothing. 17 Q. Okay. So in your affidavit, you said you didn't think 18 it'd be a good idea to put a road between the houses for 19 a business's customers to constantly use to get to --- 20 MR. HAWKINS: Let's have this marked. 21 (Whereupon, Defendant's Exhibit No. 3 was marked for 22 identification.) 23 BY MR. HAWKINS: 24 Q. So this is your affidavit, marked as Defendant's 3. 25 I'll take that pen back, if you want. Can I get that	Page 28 1 There's one in front of your house, there's one in front 2 of 207, and there's one in front of the gravel drive, do 3 you see that? 4 A. They must just parked there for a few minutes, because 5 the road is -- is real -- ain't that wide. Because cars 6 have come down through there. 7 Q. Okay. So if those cars are on there, it's just 8 temporary; is that right? 9 A. Yes, sir. 10 Q. I mean, it's only one snapshot time, right? 11 A. Yes, sir. 12 Q. All right. I don't suppose people walk through your 13 property to get to the store, do they? 14 A. No, sir. 15 Q. Okay. So your main objective in making this affidavit 16 is, and correct me if I'm wrong, to basically stop a 17 road from going in there? 18 A. Say what, sir? 19 Q. The purpose of your affidavit is you didn't want a road 20 in there, right? 21 A. No. Because that's going to be too much traffic. 22 Q. Okay. So do you know anything about adverse possession? 23 A. No, sir. 24 Q. Ms. Gibbs, Annie, how close are you to her, I mean, 25 personally?
Page 27 1 marker back? 2 A. Sorry. 3 Q. Before we forget it. Sorry. 4 So who told you these folks were going to put a 5 road between the house for the business? 6 A. Ann said they were going to try to put a road through 7 there. 8 Q. Who told you they were going to constantly use it for 9 their business? 10 A. I think she told me that. 11 Q. Okay. So this isn't -- the third part here, this is 12 based on what somebody else told you? 13 A. Yeah. 14 Q. Okay. 15 A. Yes. Yes, sir. 16 Q. And that's paragraph three; is that correct? 17 A. Yes, sir. 18 Q. On Defendant's 1, that you just marked that line on, 19 there's people parking on the street. 20 Do people constantly park on the street, down 21 Earl Street? 22 A. No. 23 Q. Well, there's three cars on Defendant's --- 24 A. Talking about on the side of the road? 25 Q. Yeah. There's three cars parked on the side road.	Page 29 1 A. Well, I just know her. I hardly ever see her, you know, 2 she'll call to check on me sometimes, but -- but I knew 3 her mother real good. But you know, it's a good family. 4 Q. Yeah. 5 A. Nice family. But just knowing -- knowing Ann, I don't 6 know her that well, but I do know her. You know, 7 she -- she had been to my house before. 8 Q. So tell me about who lived at 207, the small house. 9 A. The small house? 10 Q. Yeah. 11 A. You know, I think her cousin lived there. 12 Q. Do you know that person's name? 13 A. No, sir. 14 Q. Okay. And how long had that person lived there? 15 A. Might be about a year. 16 Q. Well, who lived there before that? 17 A. I really don't know, sir. I know this guy and his 18 mother lived there, but they lived there for a while, 19 and then they moved. I -- I don't know their names. 20 Q. Well, where did Ann Gibbs live at that time? 21 A. She lived in the house. 22 Q. She lived at 207? 23 A. Yes, sir. 24 Q. With those other people? 25 A. Let's see, her and -- I think her nephew lived with her.

Page 30 1 Then she -- somebody else lived with her when she lived 2 there. 3 Q. Did Raymond ever live there? 4 A. Who? 5 Q. Raymond. 6 A. Who is that? 7 Q. Raymond Gibbs. 8 A. Is that the one that -- that stay in the house? 9 Q. I have no idea. 10 A. I don't know his -- I know one guy. They -- I call him 11 monkey. I don't know that name, I just called him 12 monkey. 13 Q. Monkey? Okay. 14 A. Oh, yeah. He lived there with her. 15 Q. Raymond? 16 A. I think he's the one that lived with her. 17 Q. It was just some man? 18 A. Uh-huh. 19 Q. Was he younger than her or older than her? 20 A. I think he'd be younger than her. You know, her uncle 21 used to live there with her, but he died. 22 Q. Say again? 23 A. Her uncle used to live there with her, but he died. 24 Q. Yeah. 25 A. Yeah.	Page 32 1 kitchen window; is that right? 2 A. Yeah. 3 Q. Okay. 4 A. Yes, sir. 5 Q. Whose little shed on the top left hand side is that? 6 A. That's -- that's theirs. 7 Q. That's theirs? 8 A. Yes, sir. 9 Q. Yeah. And you can see -- at the bottom picture, can you 10 see the strings there and the stakes? 11 A. Yes, sir. 12 Q. All right. And that's what my clients put up; is that 13 right? 14 A. Yes, sir. 15 Q. And whose car is that in the picture, the tail lights? 16 A. Okay. This one that was renting the house -- but see, 17 they -- that's not the same one that's renting it now. 18 It was another person that rented. It was two ladies, I 19 think. But I didn't see them, because they worked all 20 the time. 21 Q. So that's one of the cars of one of the ladies? 22 A. Yes, sir. 23 Q. And that would have had to have been fairly recent, 24 wouldn't it? 25 A. Sir?
Page 31 1 Q. Do you know his name? 2 A. He's a Gibbs, that's all I know. Mr. Gibbs, that's what 3 I called him. 4 Q. When people were walking through the property, did you 5 ever see either anybody living at 207, and basically 6 confront people, and tell them to stay off the property? 7 A. No, I didn't. 8 Q. All right. And you didn't see any barricades? 9 A. No, sir. 10 Q. No chains? 11 A. No, sir. 12 Q. No no trespassing signs? 13 A. No, sir. 14 Q. Okay. Was there any indication that whoever was living 15 there --- 16 MR. HAWKINS: Well, scratch that. Just take that 17 back. 18 (Whereupon, Defendant's Exhibit No. 4 was marked for 19 identification.) 20 BY MR. HAWKINS: 21 Q. All right. I'm going to hand you what's been marked as 22 Defendant's 4. So what you're looking at there, whose 23 house is that? 24 A. This is 207. 25 Q. Okay. And that's what you see when you look out of your	Page 33 1 Q. This photograph would have to be fairly recent, wouldn't 2 it? 3 A. I think so, yeah. 4 Q. Okay. 5 A. Yes, sir. 6 Q. But you don't know who the ladies were that lived there? 7 A. No. I never did meet them. 8 Q. How long did they live there? 9 A. They lived there just about a year, or two years, 10 something like that. I never even see them, I never 11 even meet them, but I knew it was two ladies. 12 Q. You said they worked all the time? 13 A. Yeah. One -- one worked at home, and the other worked 14 third shift. 15 Q. So you've seen this car move though, right? 16 A. Yes, sir. 17 Q. And it's not there now? 18 A. No, sir. 19 Q. And if it was there, it would have only been there for 20 about a year? 21 A. Yes, sir. 22 Q. Okay. And do you know whether there were other cars 23 that parked there? 24 A. No, sir. I didn't see any. 25 Q. Okay. So the cars, typically, they may access the

Page 34	Page 36
1 property from that area, but they would park behind the 2 207? 3 A. Yes, sir. 4 Q. Okay. I think that's all I have. 5 EXAMINATION 6 BY MS. MCNOUGHEY: 7 Q. Ms. Morrison, my name is Rachel McConoughey. I 8 represent TNB Financial, which was the trustee for the 9 owner of the property, this 504 Main Street, before it 10 was sold to Mr. Hawkins's client. 11 A. Yes, sir -- yes, ma'am. 12 Q. So I just have a couple of questions for you. So when 13 you're looking at Mr. Hawkins' Exhibit number 1, we've 14 been talking about this driveway between the house at 15 207 Earl Street and the house at 203. I think 16 Mr. Hawkins called it the gravel driveway. 17 Is there gravel on it right now? 18 A. Yes, ma'am. 19 Q. Okay. Have you ever seen the Gibbs family add gravel to 20 that driveway? 21 A. No, ma'am. 22 Q. No? 23 A. I haven't. 24 Q. Have you ever seen them --- 25 A. I don't -- I don't even know who put the gravel down	1 A. Just Ann. 2 Q. Did you tell anyone else what you had heard from her 3 about the road? 4 A. No. 5 Q. No? 6 A. No, ma'am. 7 Q. Did you speak with Alice Jasper about it? 8 A. No, ma'am. 9 Q. No? 10 A. Uh-uh. 11 Q. Did you introduce yourself to Jose Otarola after you 12 found out that he was the owner of the property? 13 A. Yeah. When we had that -- that hurricane, see, I was 14 getting these people to clean -- clean all that up. 15 And -- and somebody said that that was his property. So 16 I went up -- went up there and I talked to him about it. 17 He said that he was going to clean it up. But see, at 18 that time, I didn't -- I didn't know that was his 19 property. Somebody told me it was his property. 20 Q. Who told you it was his property? 21 A. Ann told me it was his property. 22 Q. Ann did? Okay. 23 A. And so I went up there, and he's real nice, you know, he 24 said that he was going to get somebody to clean it up. 25 Well, after I found out it was his property, I didn't
Page 35	Page 37
1 there, but I know the gravel's there. 2 Q. You know the gravel is there, but you don't know who put 3 it there? 4 A. No, ma'am. 5 Q. Got it. Okay. And you've never seen them add gravel, 6 is that what you said --- 7 A. No, ma'am. 8 Q. And Mr. Hawkins had asked you about your statement in 9 your affidavit, where you said that -- this is paragraph 10 number three in your affidavit. (As read) I do not 11 think it is a good idea to put a road between these two 12 houses for a business's customers to constantly use to 13 get to and come from this business, our street is 14 already too busy. 15 Who told you that they were going to put a road 16 there? 17 A. I think Ann -- Ann said something about it. 18 Q. Ann told you that the new owners of the property were 19 going to put a road there? 20 A. Yeah. Going to put a road there. 21 Q. Okay. When did she tell you that? 22 A. Oh, honey, it's been a long time. It's been a long 23 time. Just -- about five or six months. 24 Q. Five or six months? Okay. Did you hear that 25 information from anyone else, or just Ann?	1 talk to him about it no more, because I feel like 2 this, if he wanted to clean it up, he could, if he 3 didn't, he didn't have to, because it's his property. 4 So I didn't say anything else to him about it. 5 Q. So when you went to meet him at his martial arts 6 business, --- 7 A. Uh-huh. 8 Q. --- right? Did you ask him about cleaning up the tree, 9 or did you just introduce yourself? 10 A. Yeah. I introduced myself, and I asked him about it. 11 He said he was going to clean it up. And then he put 12 signs up, you know, private property. So I just assumed 13 it's back -- you know, it's his property. If he want to 14 clean it up, he can. If he don't, he don't have to. So 15 I didn't mention it to him no more. 16 Q. Okay. Do you see Mr. Otarola out there cutting the 17 grass? 18 A. Yeah. He was out there cutting the grass. But see, 19 before all this happened, see, I was paying somebody to 20 cut all that grass, you know, not the whole thing, but 21 all the way back to the fence. Because see, I thought 22 that was my property, but --- 23 Q. So you said, you were paying someone --- 24 A. Yeah. 25 Q. --- to cut the grass behind your house ---

Page 38 1 A. Yeah. 2 Q. --- all the way up to the fence? 3 A. Yeah. To the fence, yeah. See, because I thought it 4 was my property. Then I found out when Ann had started 5 roping things off, and I found out it wasn't my 6 property. And so now, when he cut the grass -- he cuts 7 it. He cuts all that that I was paying somebody to cut, 8 so you know. 9 Q. Who did you pay to cut the grass? 10 A. Sometimes I paid my brother-in-law, sometimes somebody 11 be walking in the road with a lawn mower, and I asked 12 them to cut it. 13 Q. Okay. So is it the same person every time, or no? 14 A. Not the same person. But mostly my brother-in-law but, 15 you know, just --- 16 Q. You said, mostly your brother-in-law? 17 A. Uh-huh. 18 Q. What's his name? 19 A. John Davis. 20 Q. And he lives in Greer? 21 A. Uh-huh. 22 Q. Or where does he -- okay. 23 A. Uh-huh. 24 Q. John --- 25 A. Davis.	Page 40 1 Q. Ann's nephew? 2 A. Uh-huh. 3 Q. Okay. Is that Raymond Gibbs? Or do you know his first 4 name? 5 A. No ma'am. 6 Q. You don't? Okay. But you think it's Ann's nephew? 7 A. Yes, ma'am. 8 Q. All right. And you said, he put up a gate? 9 A. I didn't put up a gate, he did. 10 Q. He did? Okay. 11 A. Yes, ma'am. Because I asked -- I thought the store 12 owner, Quality Foods owner, I thought he did it. 13 Q. Okay. 14 A. He said he didn't do it, the man that built the house 15 did it. 16 Q. Okay. Can you point out to me on this right here, where 17 that gate is? 18 A. Is it on here? 19 Q. Or can you tell me, like in relation to the 20 Quality Foods building, where is the gate? 21 A. Quality Foods building? Okay. The gate is -- is the -- 22 is the back of my house, on the side. 23 Q. So is it at the corner of the Quality Foods building? 24 A. Yeah. Yeah. Yeah. Yeah. 25 Q. Along the border with ---
Page 39 1 Q. And how many years has he cut the grass for you? 2 A. I don't know. He cut it a long time, about two or three 3 years. 4 Q. And who cut it before that? 5 A. This guy that lived across the street. His name is -- I 6 can't even think of his name. I can't think of his 7 name. But he lived across the street, he was cutting 8 it. 9 Q. So you've lived in that house for 20 years, right? 10 A. Yeah. Might be a little over 20, I don't know. 11 Q. Have you cut, or paid someone to cut, the grass behind 12 your house all the way to the fence --- 13 A. Yeah. 14 Q. --- for the whole time you've lived there? 15 A. Yeah. 16 Q. But all the way to the fence, you know, the fence you go 17 through to go to the store, all the way to that fence. 18 Actually, can you mark on this Defendant's Exhibit 19 number 1, you were talking about a gate? 20 A. Yeah. 21 Q. Mr. Gibbs put up a gate? 22 A. Yeah. 23 Q. When you say Mr. Gibbs, who do you -- who are you 24 talking about? 25 A. I think it's Ann's nephew.	Page 41 1 A. Yeah. 2 Q. Along, I guess, the same line as your property? 3 A. Yes. 4 Q. Okay. Is it a gate that opens and shuts, or is it a 5 fence, do you know? 6 A. It's a fence. It don't -- I don't think -- it don't 7 open and shut, it's a fence. You can't get through 8 that. 9 Q. Okay. So it's not like a gate that opens --- 10 A. No, ma'am. 11 Q. --- and you can latch, --- 12 A. No, ma'am. 13 Q. --- it's just a like --- 14 A. No, ma'am. 15 Q. --- maybe a partial fence? 16 A. Yes, ma'am. 17 Q. Okay. Do you know what it's made out of? What --- 18 A. It's just a fence. Steel fence, or white fence -- no, 19 it ain't no white fence. It's just a fence. 20 Q. Okay. Just a fence? Okay. 21 A. Yes, ma'am. 22 Q. And you think Raymond Gibbs put it up, --- 23 A. Yeah. 24 Q. --- Ms. Ann's nephew? 25 A. Yes, ma'am.

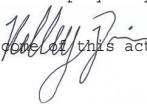
Page 42 1 Q. Okay. Just want to make sure I'm getting that right. 2 When you spoke with Mr. -- with Jose Otarola about, you 3 know, the tree that fell behind your house, --- 4 A. Uh-huh. 5 Q. --- did you ask -- was that before or after you had 6 heard from Ann that the new owners were going to put a 7 road through there? 8 A. That was after, because, see, I didn't know that it was 9 his property, until Ann told me. 10 Q. Okay. Did Ann tell you that it was his property and 11 that he was going to put a road through there at the 12 same time? Was that like in the same conversation? 13 A. I think so. 14 Q. When you spoke with Jose about the trees and stuff, did 15 you ask him whether he was going to pave a road through 16 there? 17 A. No, ma'am. He just said that -- he said he was going to 18 be doing some things with the children, and I was 19 welcome to sit in, you know, I said, well, that's nice. 20 You know, he was real nice, you know, so. 21 Q. Well, if you were concerned about them putting -- like 22 paving a road through there, why wouldn't you ask him 23 about it? 24 A. I don't know. I just didn't. I'm -- I'm a person I 25 don't want nobody getting mad or nothing like that. I	Page 44 1 Q. Just only five or six months? 2 A. Maybe a little more. 3 Q. Did you ever park your car in that grassy area behind 4 your house? 5 A. In the grass? 6 Q. Uh-huh. 7 A. Yeah. But my brother told not to park it there no more 8 because it's trees, not to park up under the trees. 9 Q. Okay. Because -- is it bad for your car? You get 10 like --- 11 A. Yeah. That's what he said, so I stopped. 12 Q. Okay. And you said -- so this is your house --- 13 A. Yes, ma'am. 14 Q. --- 209, we're looking at Exhibit 1 still. 15 A. Yes, ma'am. 16 Q. And you said, this little gray box, you said, this shed 17 is -- belongs to the Gibbs? 18 A. Let me -- I got a shed at my house too. But you said 19 what shed belonged to the Gibbs? The Gibbs got a shed 20 but it's -- it's way on the other side. 21 Q. Okay. So this is the Defendant's Exhibit 4. And then 22 that top photo right here on the left side --- 23 A. Oh, this is my shed right here. 24 Q. That's your shed? 25 A. Yes. Yes, ma'am.
Page 43 1 just didn't say nothing. 2 Q. Okay. So you didn't ask him if it was true? 3 A. No, ma'am. No, ma'am. 4 Q. Okay. Before -- well, let me ask you a question. If we 5 look -- this is still looking at Defendant's Exhibit 6 number 1, this is your house here, 209; is that right? 7 A. Yes, ma'am. 8 Q. Is this white like rectangle section, is that where you 9 park your car? 10 A. Yeah. In the back. 11 Q. In the back? 12 A. Yes, ma'am. 13 Q. Did you ever drive like in an arc all the way behind 14 your house and 207, to get back to Earl Street? 15 A. I used to. 16 Q. You used to? 17 A. Yeah. I used to do it all the time, you know, but I 18 stopped. 19 Q. Why? 20 A. Because most the time, there would be a car parked 21 there, I couldn't get by. 22 Q. Okay. When did you stop doing that? 23 A. Oh, it's been some years. 24 Q. Or do you remember how long you used to do that? 25 A. I did it for about five or six months, I guess.	Page 45 1 Q. Okay. Thank you. 2 A. Yes, ma'am. 3 Q. I just wanted to make sure. And so you believe that all 4 of this property, all of this grassy area -- we're 5 looking at Exhibit 1. Behind your house, all the way to 6 the corner of Quality Foods, you thought all of that was 7 your property? 8 A. Yeah, I did. 9 Q. Okay. Why did you think that? 10 A. I don't know. Because my brother-in-law was cutting the 11 grass, I don't know. 12 Q. Okay. So whoever lived there before you moved in, they 13 were already maintaining that property; is that right? 14 A. Yes, ma'am. 15 Q. Okay. You said your brother-in-law? 16 A. Uh-huh. 17 Q. Okay. 18 A. He was cutting the grass for me. 19 Q. Did your brother-in-law live in that house before you 20 moved in? 21 A. Oh, no, ma'am. 22 Q. Okay. Who lived in that house when you moved in? 23 A. The house was for sale. 24 Q. In your house? 25 A. I mean, before I moved in there?

Page 46 1 Q. Yeah. 2 A. My mom -- my mom and my brother. 3 Q. Your mom and your brother lived there? 4 A. And my dad used to live there before he died. 5 Q. Okay. And did they maintain that grassy area all the 6 way back to that --- 7 A. Yeah, because my brother had a riding lawn mower. 8 Q. Okay. 9 A. He would cut all that, you know, to the fence. 10 Q. Did he cut the area just like directly behind your 11 house, or did he cut all of that grassy area? 12 A. Well, he cut it down to the fence. He cut the whole 13 back yard down to the fence, then he'd leave the fence, 14 he come up like that, like caddy corner like, he'd leave 15 the rest of it. 16 Q. So he would cut it kind of in a triangle? 17 A. Yes, ma'am. 18 Q. Okay. So you've marked this pink line on 19 Defendant's Exhibit 1, showing like kind of where people 20 would walk through. 21 Is this part of the triangle here, where we can see 22 the down tree in it, is that the area that your brother 23 would cut? 24 A. Yeah. He would cut -- he would cut all that. And then 25 like he would come up like caddy corner like come up and	Page 48 1 Q. Okay. So sometimes you do park behind --- 2 A. Yes. Yes. 3 Q. --- the Quality Foods building? 4 A. Yes, ma'am. 5 Q. Okay. 6 A. Yes, ma'am. 7 Q. Do you own that area that you park in, because you park 8 in it, or do you just --- 9 A. Oh, I -- I own it. 10 Q. You do own the area behind Quality Foods? 11 A. It's not behind -- it's behind my house, that's where I 12 parked at. 13 Q. Okay. Do you ever park on the Quality Foods property? 14 A. Yeah, I have. You know, my -- if my brother-in-law is 15 going to cut my grass, and blow -- when he blows, well, 16 I move my car out of my yard and put it down there. 17 Q. Okay. 18 A. And then when he get through, I put it back. 19 Q. Did you ask permission from the Quality Foods owner to 20 park your car there? 21 A. Uh-uh. Because I knew he don't care. He's a good man. 22 Q. But you never asked permission? 23 A. No, ma'am. Because I knew I wasn't going to leave it 24 there, you know. 25 Q. Right.
Page 47 1 do the rest of it. 2 Q. Okay. So he cut most of the grass on this --- 3 A. Uh-huh. 4 Q. Okay. Oh, does your driveway touch Earl Street? 5 A. My driveway? 6 Q. Does your driveway touch Earl Street? 7 A. No. 8 Q. No? Well, how do you get to --- 9 A. Okay. My driveway -- when I back -- come out of my 10 driveway, I come straight back, and then I be in the 11 street, Earl Street. 12 Q. Do you go behind the Quality Foods building to get to 13 Earl Street? 14 A. Yes. I -- I back up, the back of their -- the back of 15 their store. 16 Q. Okay. Do you have to go on their property right there 17 behind their store to get to Earl Street? 18 A. Uh-huh. I go straight down. 19 Q. Okay. 20 A. Yeah. I be on their property a little bit. 21 Q. Do you ever park in that area right behind their 22 building? 23 A. No. Like my brother -- my brother-in-law cut grass, I 24 moved my car down there. So you know, because when you 25 blow it, so it won't get on it.	Page 49 1 A. When he got through, I was going to move it back. 2 Q. Okay. Do you ever see people walking through the grassy 3 area behind your house anymore? 4 A. No, ma'am. 5 Q. Not at all? 6 A. No, ma'am. 7 Q. Do you ever see people walking their dogs back there? 8 A. No, ma'am. 9 Q. You don't -- so you don't see anybody ever? 10 A. No. Just the people that cut the grass. 11 Q. Just the people that cut the grass? 12 A. I don't see nobody walking. No, ma'am. 13 Q. Do you ever see people driving through there? 14 A. No, ma'am. 15 Q. No? Do you ever see police officers parking their car 16 in that area? 17 A. No, ma'am. 18 Q. Did you ever see Jose Otarola or Max Otarola walking 19 their dogs back there before they bought 20 504 North Main Street? 21 A. No, ma'am. 22 Q. Okay. Did you see anyone walking their dogs or throwing 23 their ball for their dogs in that area before the 24 Otarolas bought 504 North Main Street? 25 A. No, ma'am.

Page 50 1 Q. So you've never seen anybody with a dog back there? 2 A. No, ma'am. 3 Q. In the 20 years you've lived there? 4 A. I ain't never seen nobody with a dog. 5 Q. With a dog? Okay. Just making sure. 6 Did you ever see people ride their bikes through 7 there? 8 A. No, ma'am. 9 Q. No? Did you ever see people play softball back there? 10 A. No, ma'am. 11 Q. Did you ever see people play baseball, or soccer, or any 12 other sports? 13 A. No, ma'am. 14 Q. No? Okay. Did you ever see Annie Gibbs out there 15 mowing the grass? 16 A. Yes, ma'am. 17 Q. Okay. 18 A. She cut the grass. 19 Q. Can you show me on this Defendant's Exhibit 1, where she 20 mowed the grass? Did she mow any of the same area that 21 your brother-in-law moved? 22 A. Oh, no. 23 Q. No? 24 A. She just cut the grass behind the house and on the other 25 side of the house, both houses.	Page 52 1 Q. Okay. So just the small area between the back of her 2 house and --- 3 A. Okay. So this is the -- okay. She cut the back of her 4 house and on the side. 5 Q. Okay. So to your knowledge, did she cut beyond any of 6 this large grassy area? 7 A. No, ma'am. 8 Q. No? Okay. Can I have my pen? Thank you. 9 Do you ever see Annie's nephew, Raymond Gibbs Jr.? 10 Do you ever see him cutting the grass behind --- 11 A. No, ma'am. 12 Q. --- 207 and 209? No? 13 A. No, ma'am. 14 Q. Do you ever see him cutting the grass around 203, the 15 new house? 16 A. No, ma'am. They always get somebody to cut it. I see 17 somebody that cut it, but it don't be them. 18 Q. All right. And you said -- okay. So we know that 19 there's a fence behind number 203, the new house back 20 here, right? 21 A. Uh-huh. 22 Q. And you said that Mr. Gibbs put that in when he built 23 the house? 24 A. He what now, ma'am? 25 Q. Did Mr. Gibbs put in this fence right here behind ---
Page 51 1 Q. Can you show me right here with the pen? 2 A. Where's they house at? 3 Q. So this -- number 209, that's your house. And this is 4 207, that's the little house that Annie lived in. And 5 this is 203, that's the new big house. 6 A. Okay. 7 Q. And this is Quality Foods, up on the top. 8 A. This the big house. He cut -- he cut all the way around 9 this house. 10 Q. So they cut around number 203, the new house? 11 A. Yeah, 203. Cut all the way around it, and he got a 12 fence back there, he cut it up to that fence. 13 Q. Okay. But did -- when Annie lived at 207, did she ever 14 cut any of the grass that was directly behind the house 15 at 207? 16 A. No. But somebody else did, you know. Ann didn't. 17 Q. Okay. So you said a few minutes ago that your 18 brother-in-law would cut the grass in kind of a triangle 19 caddy corner? 20 A. Yeah. 21 Q. Okay. So where did Annie cut the grass when she lived 22 at 207? 23 A. Wait a minute. 24 Q. Or did she? I don't mean to confuse you. 25 A. Well, she just -- she just cut the back of her house.	Page 53 1 A. Yeah. 2 Q. --- number 203? 3 A. Yeah. 4 Q. All right. And you said that there was a different 5 fence, a metal fence, that was at the corner of the 6 Quality Foods, right? 7 A. Yes, ma'am. 8 Q. You called that the gate, but then you --- 9 A. Yes, ma'am. 10 Q. -- said there was no gate? 11 A. Yes, ma'am. 12 Q. And was it Mr. Gibbs, the same Mr. Gibbs who put up this 13 fence by the Quality Foods, as well? 14 A. Oh, yeah. 15 Q. Yeah, it was? Okay. And was the fence by the 16 Quality Foods -- when did that go up? 17 A. I guess it's been about a year, or two years, or 18 something like that. 19 Q. A year or two? Did he put up those two fences around 20 the same time? 21 A. The fence that was out there, he just put it up. That's 22 the only one he put up. 23 Q. The one by the Quality Foods? 24 A. Uh-huh. So -- so nobody can walk through that. 25 Q. Did you see him put it up?

Page 54 1 A. No, ma'am. 2 Q. No? Okay. 3 A. But the man at Quality Foods, I thought he put it up. I 4 said -- I said, you did a good job putting that fence 5 up. I said, maybe you -- maybe they'll stop taking your 6 buggies away. He said, oh, I didn't do that. He said, 7 the man that owned the house did it, the new house. 8 Q. So the manager, or the owner of the Quality Foods, do 9 you know his name? 10 A. No, ma'am. I don't. 11 Q. Okay. So that -- but whoever -- someone who works at 12 Quality Foods --- 13 A. Oh, he's the -- he's the boss. 14 Q. The boss? 15 A. Uh-huh. 16 Q. Told you that the person who put up the fence at the 17 corner of the Quality Foods was --- 18 A. Mr. Gibbs. 19 Q. Mr. Gibbs? 20 A. Uh-huh. 21 Q. Okay. So when did you find out that you did not own the 22 grassy area behind your house? 23 A. What's his name? He put up some stars with pink 24 ribbons. 25 Q. The new owner?	Page 56 1 Q. Okay. But you didn't know where your property corners 2 were until --- 3 A. No, ma'am. 4 Q. --- Mr. Otarola had a survey done; is that right? 5 A. No, ma'am -- yes. 6 Q. Okay. And were you surprised to see where your property 7 corners were? 8 A. No. But it -- I mean, I didn't have to pay nobody to 9 cut the grass. But I really didn't care. 10 Q. All right. Okay. I think that's all I have. 11 CROSS-EXAMINATION 12 BY MR. MARCHBANKS: 13 Q. I've got some questions that I just want to clarify a 14 couple of things with you, Ms. Mary. 15 A. Yes, sir. 16 Q. First of all, when you were talking about paying your 17 brother-in-law, John Davis, did you keep -- did you like 18 handwrite a bill, or invoice, --- 19 A. Uh-uh. 20 Q. --- or any --- 21 A. He didn't even want to take money. I had to stick it in 22 his shirt pocket sometimes. 23 Q. Okay. So that was just kind of -- he just --- 24 A. Yeah. He was married to my twin sister and she died, so 25 he just helped me out.
Page 55 1 A. Yes. 2 Q. Jose? 3 A. Yeah. 4 Q. Are you talking about the surveyor stakes? 5 A. Yeah. 6 Q. You can see them in one of these pictures. 7 A. Yeah. He put them like --- 8 Q. Wooden stakes with --- 9 A. Uh-huh. 10 Q. --- pink ribbon? 11 A. Uh-huh. 12 Q. Okay. 13 A. That's what the man at the Quality Foods told me, see, 14 he came through there one day and said that -- he said 15 he was -- what do you call it? Getting his land or 16 something, roping off his land. 17 Q. Surveying? 18 A. Yeah. Yeah. Yeah. Yes, ma'am. Yes, ma'am. 19 Q. So you found out --- 20 A. That's when I found out. 21 Q. --- those back corners of your lot, when the survey 22 occurred? 23 A. Yes, ma'am. 24 Q. That has been like a year or so ago? 25 A. It hasn't been quite a year, I don't think.	Page 57 1 Q. Okay. Now, you know, looking at Defendant's 1, all 2 right? This is the one where we marked -- where you 3 marked -- or Wendell marked, you know, the front of the 4 house, the side of the house, the back of the house. 5 And as you were drawing this purple line, --- 6 A. Yes, sir. Yes, sir. 7 Q. --- do you recall, he kept pointing to where the line 8 was drawn? Now, you also mentioned that the Gibbs -- 9 you were talking about the Gibbs' shed. 10 A. Uh-huh. 11 Q. Now, the Gibbs shed isn't there anymore, is it? 12 A. It's a little -- that little building ain't there no 13 more? 14 Q. Right. 15 A. They had a little building. I don't -- I don't even 16 look over that way, I don't even know. The last time I 17 know that they had a little small building there, it 18 was -- it was a -- like a little new building, or 19 something, that was painted, or something. 20 Q. Well, if we look at a --- 21 MR. MARCHBANKS: I'm going to have this marked as 22 Plaintiff's 1. 23 (Whereupon, Plaintiff's Exhibit No. 1 was marked for 24 identification.) 25 BY MR. MARCHBANKS:

Page 58 1 Q. If we look at a picture that was taken before the new 2 house was built, okay? Now, do you see your driveway 3 right here? 4 A. Uh-huh. 5 Q. And this is your house? 6 A. Yes, sir. 7 Q. If you would put an "M" on your house, on the one that's 8 marked there, just put it, you know --- 9 A. I can't see too good. Okay. 10 Q. Find your house, find your driveway, back of the 11 Quality Foods. Isn't that your driveway right there? 12 A. Oh, yeah. Well, do I --- 13 Q. If that's your driveway, --- 14 A. I think --- 15 Q. --- is that your house? You might want to turn it 16 around, you can do whatever you want to. 17 A. Okay. It doesn't look like my house. That is my house? 18 Q. Okay. Just put an "M" on top of your house, where you 19 see your house in that picture. You see 203, 207? 20 A. I'll just put it right --- 21 Q. That's the Quality Foods. 22 A. Foods, okay. And my house is the back of Quality Foods. 23 Q. Right. This is the front of Quality Foods. 24 A. Okay. 25 Q. This is the side. And so this is Earl Street over here.	Page 60 1 that the Gibbs used to have, this was taken before the 2 new house was built. 3 A. Uh-huh. 4 Q. Does it make sense that the shed is down here? 5 A. I know they moved --- 6 Q. Do you remember that? 7 A. They moved it, it wasn't in the same place. But I don't 8 even know if they still got it or not, I really don't. 9 Q. Well, let me ask you this, then. 10 Do you remember people walking up the driveway, or 11 do you remember people walking around the shed? 12 A. I remember people coming across -- coming across the 13 back of the old house. 14 Q. Kind of where the shed was, or where the house is? 15 A. No, where the house is. 16 Q. Okay. 17 A. They would -- they -- they didn't go around the back of 18 the house. They would come across -- across there, and 19 go to the fence. 20 Q. Okay. Now, in this picture, too, do you see where 21 there's a bunch of underbrush and trees right here? 22 A. Yeah. 23 Q. And you see where the yard looks like it's pretty well 24 kept and it's mowed? 25 A. Yeah.
Page 59 1 A. Yeah. 2 Q. That's Earl Street going down. 3 A. Well, my house has to be right here. 4 Q. Well, if this is Main Street, --- 5 A. Uh-huh. 6 Q. --- and this is Earl Street, okay? 7 A. Yeah. 8 Q. Your house is on Earl Street, right? 9 A. Yes, sir. 10 Q. Does that look like your driveway? 11 A. It look like it. 12 Q. Okay. So that looks like your driveway. So that 13 little -- right there, would that be your house? 14 A. It look like it. I don't --- 15 Q. Well, look and see with Defendant's 1, --- 16 A. Uh-huh. 17 Q. --- you see your driveway? 18 A. Uh-huh. 19 Q. And you see your house? 20 A. Yes, sir. 21 Q. Right? 209. 22 A. Yes, sir. 23 Q. So look at that. Does that look like your house? 24 A. Yes. 25 Q. Put an "M" on top of that house. Okay. Now, the shed	Page 61 1 Q. Back behind your house? 2 A. Uh-huh. 3 Q. Now, you said that you just maintained a triangle kind 4 of, sort of, behind your house? 5 A. Uh-huh. 6 Q. Do you know who maintained the rest of that? 7 A. They did. What's his name? I forgot his name, like the 8 one who owned the property. 9 Q. Are you saying that the -- Mr. Otarola? 10 A. Yeah. I think he would get somebody to cut it. Because 11 I didn't know him. 12 Q. Okay. 13 A. He would get somebody to cut the rest of it. 14 Q. Well, if I told you that that picture was taken about 15 five to ten years ago, before he bought it, who was 16 maintaining it then? 17 A. Oh, I have no idea. 18 Q. Okay. 19 A. I don't know. 20 Q. Okay. That's all I have. 21 MR. HAWKINS: I don't have anything else. 22 THE COURT REPORTER: Mr. Marchbanks, would your 23 client like to read and sign? 24 MR. MARCHBANKS: Ms. Mary, you have the ability to 25 read your deposition and make any corrections to

Page 62 1 spelling or miss written words. You can't change 2 your answers. 3 THE WITNESS: Oh, I ain't going to change my 4 answers. 5 MR. MARCHBANKS: But -- right. But you can read it 6 and then be sure it's all correct, and then sign 7 it, or you can waive it and just trust that 8 Ms. Kelley's got it right. 9 THE WITNESS: Okay. I'll just waive it 10 because --- 11 MR. MARCHBANKS: Okay. 12 THE COURT REPORTER: Mr. Marchbanks, would you like 13 a copy of the transcript? 14 MR. MARCHBANKS: Yes, please. 15 THE COURT REPORTER: Ms. McConoughey, would you 16 like a copy of the transcript? 17 MS. MCCONOUGHIEY: Yes. 18 (THERE BEING NO FURTHER QUESTIONS, THIS DEPOSITION CONCLUDED 19 AT 10:31 A.M.) 20 21 22 23 24 25	
Page 63 CERTIFICATE OF REPORTER I, Kelley Primm, a Notary Public in and for the State of South Carolina, do hereby certify that the foregoing deposition was taken before me on the date and at the time and location stated on page 1 of this transcript. That the deponent was duly sworn to testify to the truth, the whole truth, and nothing but the truth. That I am not related to nor the employee of any of the parties hereto, nor related to or employed by any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action.  _____ Kelley Primm, Reporter Notary Public for S.C. Commission Expires: 12/15/2035	

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STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS
C.A. NO.: 2024-CP-23-05724

ANN LOUISE GIBBS-HUNTER AND RAYMOND D. GIBBS, JR.,
PLAINTIFFS,

VS.

RILION GRACIE GREENVILLE, LLC AND TNB FINANCIAL SERVICES, AS
TRUSTEE OF GENE MARK BROWN'S TRUST B-2
UNDER THE DORIS P. BROWN REVOCABLE TRUST AGREEMENT
DATED FEBRUARY 9, 2006, AS AMENDED,
DEFENDANTS.

D E P O S I T I O N

WITNESS: ALICE JASPER
DATE: OCTOBER 13, 2025
TIME: 10:38 A.M.
LOCATION: THE MARCHBANKS LAW FIRM, LLC
1225 SOUTH CHURCH STREET
GREENVILLE, SOUTH CAROLINA 29605
REPORTER: KELLEY PRIMM

LEGAL EAGLE
Post Office Box 5682
Greenville, South Carolina 29606
864-467-1373
depos@legaleagleinc.com

APPEARANCES: CHARLES W. MARCHBANKS, JR., ESQUIRE THE MARCHBANKS LAW FIRM, LLC 1225 SOUTH CHURCH STREET GREENVILLE, SOUTH CAROLINA 29605 charles@marchbankslawfirm.com REPRESENTING THE PLAINTIFFS WENDELL L. HAWKINS, ESQUIRE WENDELL L. HAWKINS, P.A. 9 BUENO VISTA WAY, SUITE B GREENVILLE, SOUTH CAROLINA 29615 wlh@wlhawkinslawfirm.com REPRESENTING RILION GRACIE RACHEL G. MCCONOUGHHEY, ESQUIRE MCCONOUGHHEY LAW FIRM, LLC 100 WHITSETT STREET GREENVILLE, SOUTH CAROLINA 29601 contact@mcconougheylawfirm.com REPRESENTING TNB	Page 2	1 STIPULATIONS: 2 It is agreed by and between the Counsel for the parties as 3 follows: 4 1. That this deposition is being taken pursuant to 5 South Carolina Circuit Court Rule No. 30; 6 2. That the deponent reserves the right to read and sign 7 the deposition transcript. 8 Whereupon, 9 ALICE JASPER, 10 first being duly sworn, was examined and testified as 11 follows: 12 EXAMINATION 13 BY MR. HAWKINS: 14 Q. Ms. Jasper, my name is Wendell Hawkins. I represent the 15 Defendant's in this case, Rilion Gracie Greenville, LLC, 16 which are the new owners of the property, I believe, is 17 across the street from your house. The purpose of the 18 deposition is to find out what you might testify to at 19 trial, okay? 20 Just to cover some housekeeping issues here, if I 21 ask you a question you don't understand, you can ask me 22 to rephrase the question. I'm not trying to trick you, 23 sometimes I just don't use the best words, okay? 24 A. Uh-huh. 25 Q. When you answer a question, most people have a tendency
INDEX STIPULATIONS AND OATH 4 EXAMINATION BY MR. HAWKINS 4 EXAMINATION BY MS. MCCONOUGHHEY 60 REDIRECT EXAMINATION BY MR. HAWKINS 80 CROSS-EXAMINATION BY MR. MARCHBANKS 81 ERRATA SHEET 91 CERTIFICATE OF REPORTER 92 EXHIBITS DEFENDANT'S: NO. 5 AFFIDAVIT OF ALICE JASPER 32 PLAINTIFF'S: NO. 2 GIS MAP 86 REFERENCED EXHIBITS DEFENDANT'S: NO. 1 AERIAL PHOTOGRAPH 6 NO. 4 PHOTOGRAPHS..... 21 PLAINTIFF'S: NO. 1 AERIAL PHOTOGRAPH 82 (THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)	Page 3	1 to say uh-huh, or uh-uh, or something like that. The 2 Court Reporter can't really discern what that means, so 3 we'll try to -- if you'll just try to use a yes, or a 4 no, or, you know, some other oral answer other than 5 those types of gestures to help keep the record 6 straight, okay? 7 A. Uh-huh. 8 Q. I don't think you're going to be here for a very long 9 time, but if you do need a break, then just let us know, 10 we'll take a break. You can't discuss your deposition 11 testimony with anybody while you're on a break, okay? I 12 think that's everything. 13 So you've given an affidavit in this particular 14 case, correct? 15 A. Yes, sir. 16 Q. And who asked you to make that affidavit? 17 A. He just asked questions, and I told him. 18 Q. So you're referring to Mr. Marchbanks? 19 A. Yes, sir. 20 Q. And you're not represented by a lawyer in this case, are 21 you. 22 A. No, sir. 23 Q. Okay. So these were your answers to his questions? 24 A. Yes, sir. 25 Q. Okay. I want to show you what's been marked as
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		Page 5

Page 6 1 Defendant's Exhibit 1. This is a -- it's just an aerial 2 photograph from the county. I'll let you get your 3 glasses on. 4 A. My reading -- so I can see. 5 Q. All right. So do you know Ms. Morris? 6 A. Ms. Morrison? 7 Q. Yeah. 8 A. Uh-huh. 9 Q. Okay. How long have you known her? 10 A. A long time. 11 Q. Okay. And you're aware of that little gravel drive 12 between what's 207, where Ms. Gibbs used to live, --- 13 A. Oh, yes, sir. 14 Q. --- and then now, she's in that nice new house on 203, 15 right? 16 A. That's right. 17 Q. Ms. Morrison drew that pink line from Earl Street to the 18 back of the Quality Foods, and she described that as the 19 path that people had taken to get over to the 20 Quality Foods. Does that look correct to you? 21 A. Yeah, similar. Yeah. Because they used to go straight 22 through, and go all the way around, and go through right 23 there. 24 Q. Okay. 25 A. Yeah. She right.	Page 8 1 go all the way to Sunnyside with them. 2 Q. Go where? 3 A. Sunnyside. 4 Q. Where is Sunnyside? 5 A. On the other side of town. They would take the buggies 6 all the way -- they would get they groceries and they 7 would just push it on over there in Sunnyside. 8 Q. Down Earl Street? 9 A. Down Earl Street, everywhere, all the way across to 10 main -- you know, the main road. And some of them would 11 go across there with the buggies. 12 Q. Okay. 13 A. Because sometime the man used to have to go gather his 14 buggies because they wouldn't bring them back. 15 Q. So how long ago -- I think Ms. Morrison testified that 16 when they put the fence up, then people stopped cutting 17 through there; is that correct? 18 A. Yes, sir. 19 Q. So before the fence was up, people were coming through 20 every day; is that --- 21 A. Every day, sometimes late at night, until Quality 22 closed. 23 Q. Okay. And you think that was mainly to get groceries? 24 A. They was going to get groceries. 25 Q. Okay.
Page 7 1 Q. So that would --- 2 A. Yeah. 3 Q. --- be where that gravel area is? 4 A. Uh-huh. 5 Q. Yes? 6 A. And then sometime -- yes. And then sometime they used 7 to come to where they house at -- the new house at, 8 sometimes. 9 Q. Well, the new house is on there. 10 A. Yeah. 11 Q. So if you want to draw a green path, some other path 12 they took. 13 A. They took that path and -- but it was a lot of trees. 14 Q. The pink path? 15 A. Yeah. And there is a lot of trees. And different 16 people went different ways. 17 Q. And she also testified that people, before they put the 18 fence up, would bring their buggies through there --- 19 A. That's right. 20 Q. --- and go to their houses down Earl Street; is that 21 correct? 22 A. That's right. And then --- 23 Q. And then they take the buggies back? 24 A. Some of them. Sometimes they wouldn't, they would just 25 drive and -- sometimes some people had their buggies and	Page 9 1 A. Majority of them was getting groceries. 2 Q. And what time does the Quality Foods close? 3 A. It close at 9:00. But sometimes you will see people 4 come through there after 9:00, because they -- they cut 5 through to go home. 6 Q. Okay. Did they drive cars through there? 7 A. No, they walked. 8 Q. Okay. Did you know any of those people? 9 A. Uh-uh. 10 Q. That's a no? 11 A. Some of them, some of them not. 12 Q. Okay. Who did you know that used to cut through there? 13 A. She's dead. She's deceased now. Ms. Bivings, she went 14 to our church. 15 Q. What's her name? 16 A. Ms. Bivings, Rozina Bivings. She's deceased now. She 17 used to come all the time to get her mother's groceries 18 when she was living, and get her own groceries. 19 Q. When did she pass away? 20 A. She been dead now two or three years, about three years, 21 I think because she went to our church. 22 Q. Where do you go to church? 23 A. Cedar Grove in Greer. 24 Q. Cedar Grove? 25 A. 109 Elmer Street.

Page 10 1 Q. 109, what? 2 A. Elmer, E-l-m-e-r, Street. 3 Q. Okay. How about any -- so she used that --- 4 A. Cut through all the time. 5 Q. She'd used that cut through --- 6 A. All the time. 7 Q. --- up until she was dead? 8 A. Until she was dying. 9 Q. Oh, wow. 10 A. Yes, sir. 11 Q. Did she use a cart, too? 12 A. She -- yep. She used a cart. She took the cart all the 13 way to Sunnyside with her, but she brought it back 14 because she came back all the time -- all the groceries. 15 Q. Yeah. Okay. And there was other people --- 16 A. There was other people. 17 Q. --- coming through there, as well, right? 18 A. Yes. 19 Q. And you said -- let's see if we can do -- you said they 20 took other paths, as well? 21 A. Well, sometimes, you know, they'll go through that way, 22 but when the trees was -- or the house was there, the 23 trees was there, they just went through the trees and 24 went that same way, but, you know, they took a different 25 road -- different route.	Page 12 1 A. Different ways, they -- you know. 2 Q. But the gravel would have been a little more convenient, 3 I guess, if you're --- 4 A. Uh-huh. 5 Q. --- driving a buggy, right? 6 A. Yes. 7 Q. Okay. And you're sure that they took both of those 8 paths? 9 A. They took both of them. 10 Q. Okay. 11 A. Yeah. 12 Q. All right. And that carried on until Mr. Gibbs put the 13 fence up; is that correct? 14 A. Yeah. 15 Q. Okay. And how long has that fence been up, do you know? 16 A. No, I don't remember how long the fence been up. 17 Because when he started doing the -- when he started 18 tearing the trees down and all, they still went that 19 way. They started --- 20 Q. And you're talking about the pink line? 21 A. Uh-huh. They started going --- 22 Q. Kind of like the easiest path? 23 A. Uh-huh. Easiest way -- pathway. 24 Q. Okay. 25 A. Because I really didn't like them going this way,
Page 11 1 Q. Okay. Just --- 2 A. You would have to see what the trees was. It's 3 just -- I don't know Ann's new address. Is that Ann's 4 new address? 5 Q. Yeah. It's that 203 right there. 6 A. Oh, okay. Because, see, sometime they would go through 7 that way, and then sometime they would go where the 8 trees was and go the same path that way. 9 Q. Okay. Well, just go ahead and mark that other path for 10 me. 11 A. Yeah. Because some -- yeah. Sometimes they would do 12 that that way. 13 Q. Okay. 14 A. Yeah. 15 Q. That's not even working, is it? 16 A. But after they tore everything down, they started going 17 that way. 18 Q. Let's mark -- try to mark it with this, it's a little 19 easier to see. Be careful, because that's permanent 20 ink. 21 A. Yeah. 22 Q. Okay. 23 A. Go that way, because the trees. 24 Q. Okay. So people cut through there in all different 25 ways; is that correct?	Page 13 1 especially in the dark, because you couldn't see who it 2 was. 3 Q. Yeah. 4 A. Because it was kind of dangerous. 5 Q. Your house is actually straight across the street --- 6 A. Right across the street, where that road at right there. 7 Q. Okay. 8 A. Where y'all talking about --- 9 Q. Yes. Yes, ma'am. 10 A. --- putting something right there? Well, they talking 11 about putting something right there. 12 Q. I don't know anything about that. 13 A. Well, it's inconvenient, I'm just going to tell you. 14 Q. Inconvenient for what? 15 A. What the people talking about where -- right there, 16 because that's right across my house. 17 Q. Yeah. Well, you don't want to see a road there, right? 18 A. No, I don't. 19 Q. Yeah, that's right. 20 A. And plus, that house right there, and then coming 21 out -- you wouldn't want to see it either. Coming out 22 right there, you can't see --- 23 Q. Right. 24 A. I have a hard time sometimes, if somebody parked right 25 there, getting out of my own driveway.

Page 14 1 Q. All right. 2 A. So it's kind of inconvenient. And -- and then because 3 like -- the Christmas parade coming up. When the 4 Christmas parade come up, everybody come this way. 5 Q. Down Earl Street? 6 A. Come down Earl Street. 7 Q. Uh-huh. 8 A. We already have problems with people flying down here 9 going to Quality Foods. We all complained, it ain't 10 doing no good, so you know. 11 Q. You complained to who? 12 A. Huh? 13 Q. Who'd you complain to? 14 A. I've said something to one -- well, that used to be a 15 city councilman. I don't see the one we got now. So -- 16 about the traffic coming down the through here. 17 Q. Who's -- go ahead. 18 A. Wayne Griffin used to be the city council. The city 19 councilman we got now, I don't see him, so I hadn't said 20 nothing to him about it. 21 Q. What's his name? 22 A. I don't even know his name, not the new one. 23 Q. Okay. 24 A. Yeah. But they fly down our street. 25 Q. Yeah.	Page 15 1 A. They go too fast. 2 Q. Well, who told you that there's going to be a road for 3 commercial --- 4 A. What -- I'm looking at the way they got it -- I'm 5 looking at the way they got it staked out. That's what 6 I'm looking at. Because it looked like a road going 7 right there. 8 Q. Okay. Did somebody tell you that the new owners were 9 going to put a road in? 10 A. No, I'm -- I'm looking at the way they got the stake 11 out. 12 Q. Okay. So you --- 13 A. So don't it look like it's going to be a road if you've 14 seen the stakes? 15 Q. Well, I've seen the stakes --- 16 A. Yeah, that's what it look like to me. 17 Q. Okay. It's just the property line, yes? 18 A. It's a property line, but the way they got it looking, 19 it look like it going, you know -- because ain't 20 that -- that's a building up there. Ain't that a 21 business that's up there? 22 Q. 504 Main? 23 A. Yeah. 24 Q. Yes. 25 A. So it look like they -- I'm looking at my own vision.	Page 16 1 Q. Right. 2 A. I'm looking at it like they look like they going to come 3 out -- trying to come out my way, and go out the city 4 way. So if they going --- 5 Q. And they're going to flash their lights in your house, 6 right? 7 A. That's right. 8 Q. If they're coming out. You're going --- 9 A. And then -- because I've seen the man that owned that 10 come up through there, he think I don't see him, but 11 Alice watching. He'll come up through here, he'll go 12 through that road, and he'll go up through that way, 13 then sometime he'll park right here, and he'll watch us. 14 I've seen him do that several times on Sunday. 15 Q. And who is that? 16 A. I don't know who it is, but somebody have to be 17 owning -- he's in a black jeep. 18 Q. A black jeep? 19 A. Black or gray looking Jeep. And he'll -- he'll go right 20 here, and he'll park right here, a lot of times, 21 he'll -- he'll go up through this road where he got it 22 staked off, he'll go up through here, and he'll park. 23 And he'll look, he watches. 24 Because accidentally, I guess, the people that -- 25 in that house across from me, did not know not to park	Page 17 1 in that little stake right there. 2 Q. Well, was --- 3 A. Was it -- well, they -- where there's --- 4 Q. I think this is where they were parking, here, where -- 5 do you see that there's a car there? 6 A. Yeah. Okay. Well, when he was parking right here, he 7 would park, and he would watch. And there was a car 8 parked right there, I guess by mistake or whatever. He 9 had a visitor, and that man stayed there watching that 10 car for a while, then he finally left. 11 Q. Okay. 12 A. See, I be looking. They think I ain't looking, but I'm 13 watching. 14 Q. You don't know who it is, though? 15 A. Nope. 16 Q. Okay. Did you ever call the police about it? 17 A. No, because he leaves. But you don't see it until he 18 come up through here, he'll go through the drive, and 19 he'll just sit there. 20 Now, I know it's a man that owned that property, 21 because ain't nobody going to go on his property, 22 because he got private property on it. 23 Q. Okay. 24 A. It have to be him. 25 Q. So you're -- but you're assuming that, even though ---
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Page 18 1 A. I'm assuming it. 2 Q. Okay. 3 A. Because I see it all the time. I see his car all the 4 time. 5 Q. Does it happen during the day? 6 A. Sometime, yeah. It be during the day. 7 Q. Okay. So when did all of -- and I think we've covered 8 this, but I just want to be sure. All of that foot 9 traffic coming through there did not stop until 10 Mr. Gibbs put up the fence; is that correct? 11 A. Uh-huh. 12 Q. Yes? 13 A. Yeah. 14 Q. All right. These cars parking on the road, do people 15 park on the road that often on Earl Street? 16 A. Yeah, we park on the road sometimes. 17 Q. Okay. 18 A. If you got -- like you've got a function at your house 19 and stuff, they park on the side of the road. 20 Q. Okay. 21 A. Especially during the holidays. 22 Q. All right. 23 A. Because there's nowhere to really park in your yard. 24 Q. So this gravel drive here, how often do people park 25 there? And this -- the gravel drive, is what we're	Page 20 1 Q. --- this other car that's circled, that's a different 2 man; is that true? 3 A. Yeah. 4 Q. What kind of car --- 5 A. That's the one he --- 6 Q. --- is that, do you know? 7 A. He got a Toyota Camry. 8 Q. Okay. And --- 9 A. It look like the model of mine, like a 2000, like I got. 10 That's what it look like. 11 Q. What kind of car does Ms. Annie drive? 12 A. She drive an Altima. I know what kind she got. 13 Q. What color is it? 14 A. It's gray -- I think it's gray -- dark gray. You don't 15 know when she at home, because she in the garage. 16 Q. She parks in her garage now, right? 17 A. Uh-huh. She parks in her garage. 18 Q. Nobody's parking over in that gravel drive now? 19 A. In the -- the old house? 20 Q. Right. Well, I'm just talking about in the gravel in 21 front of the 207, is anybody parking there now? 22 A. Uh-uh. There ain't nobody -- I ain't seen nobody in a 23 while. The only time somebody might park in that 24 gravel, is like he might have a visitor, like his mama 25 might come and they don't be there long and they'll
Page 19 1 talking about, do you see? 2 A. Oh, you're talking about what --- 3 Q. They're going to turn into a road. 4 A. Oh, not that -- not much now. They mostly -- he goes 5 over there on the side now. 6 Q. When you say, he --- 7 A. The person living in the house. 8 Q. Okay. 9 A. He's mostly right there now. 10 Q. Right where the circled car is shown? 11 A. Uh-huh. That's mostly where he at, yeah. Unless he 12 have a visitor, they might do it every blue moon, but 13 not -- not that much like, you know, recently, he ain't 14 been -- I hadn't seen that man parking there in a while, 15 lately. 16 Q. When you say, that man, are you talking about --- 17 A. He's a man. 18 Q. --- the man in the black jeep? 19 A. Yeah, he's a man. 20 Q. Okay. 21 A. I've seen him. 22 Q. All right. 23 A. It's a man. 24 Q. And then --- 25 A. Yeah.	Page 21 1 leave. Or he might have somebody else might go there 2 and leave. 3 Q. Okay. 4 A. But they don't come that much like they was. He parks 5 on the side now, over there. That's where he parks, on 6 the side of the house. 7 Q. I'm going to hand you Defendant's 4. 8 Do you know who's car this is in the bottom 9 picture? 10 A. That was -- I think that was when somebody used to live 11 there. That was -- used to -- they don't live there 12 now. 13 Q. Was that the two ladies that lived in there that, I 14 think one of them worked third shift, and one worked 15 from home, do you know about that? 16 A. No. But they not there right now. 17 Q. They were only there for about a year or so? 18 A. No. It wasn't no year. 19 Q. Well, how long was it? 20 A. It wasn't that long. They -- they didn't live there 21 long. 22 Q. Okay. Well, before that, how often were people parking 23 in that gravel drive? 24 A. Not -- they didn't part there that much, because they 25 mostly parked right there on that side of their house.

Page 22 1 Q. Where that --- 2 A. After they -- after they did all this with the lines, 3 it wasn't parking that much. They tried to go over 4 there on the side. 5 Q. Well, tell me --- 6 A. Now, they did -- she did. 7 Q. Who is she? 8 A. The lady that was living right there first. 9 Q. That was no longer than a year? 10 A. No. 11 Q. Well, what about for the past ten years? 12 A. Ten years? When -- when Ann and them stayed there, 13 that's where they -- they parked. 14 Q. Okay. 15 A. Yeah. When -- when she stayed there, that's where 16 everybody parked, right there. 17 Q. Ann? 18 A. Uh-huh. 19 Q. All right. 20 A. Yeah, everybody parked right there when she stayed 21 there. 22 Q. Everybody parked there? 23 A. Yeah. 24 Q. When you say everybody, who's everybody? 25 A. The people that came there now -- before the -- the new	Page 24 1 here. 2 Q. Are you -- I mean, was the basketball in this area, the 3 basketball in this area, or? 4 A. Where her house was. 5 Q. Behind her house? 6 A. Yeah. About over in here, it was a basketball goal, 7 because my son, and all his friends, and everybody -- 8 when little monkey was little, all them played 9 basketball up in here. Yeah. 10 Q. Now, who is monkey? 11 A. Well, we call him little monkey. 12 Q. Who's that? Who is it? 13 A. Raymond. 14 Q. Raymond is little monkey? Okay. 15 A. That's what we call him, that's his nickname. 16 Q. All right. I can't get --- 17 A. Yeah, because, see, y'all don't -- you don't understand. 18 It used to be all trees --- 19 Q. Yeah. 20 A. Before the house, little trees. And everybody came over 21 they house, sometime they walked, and we walked, and the 22 children played basketball right up in here, up in here 23 in this area. And people parked -- that's where 24 everybody parked, over there, and they had functions, 25 everybody was parked everywhere in this yard.
Page 23 1 house was parked -- before the new house came there, 2 everybody that visited parked right there. They even 3 had a basketball goal right there. Because my son used 4 to --- 5 Q. When you say right there, I don't --- 6 A. Yeah. We had a basketball goal that was right in there. 7 And when my son was little, everybody played basketball 8 and stuff, and that's what we used. 9 Q. Okay. Let me -- I can't see it, so --- 10 A. It was a little basketball goal right up in here. 11 Q. Can you -- like it would probably be easier if you 12 showed me on Defendant's 1 where your basketball goal 13 was. 14 A. Huh? 15 Q. On this, where was your basketball goal? And you can 16 mark it on that. 17 A. It was somewhere up in here, right up in here. 18 Q. That's where that dead tree is. 19 A. Not her house, over in here. 20 Q. Okay. 21 A. We had a basketball goal up in here. 22 Q. Just show me on this Defendant's Exhibit 1, where the 23 basketball goal --- 24 A. It's kind of hard to show you because it's no trees or 25 nothing right up in here. See, we had trees all up in	Page 25 1 Q. So nobody ran anybody off or anything? 2 A. Oh, no. We didn't run people off. 3 Q. Yeah, --- 4 A. We all played together and all that. We didn't 5 know nothing -- you know, nobody knew nothing about 6 this. We just played. 7 Q. Okay. When you say nobody knew --- 8 A. Nobody that we played with knew that that belonged to 9 anybody. 10 Q. So they thought -- I can't really say what other people 11 thought, but you all just thought it was part of the 12 Gibbs' property? 13 A. It was part of the Gibbs' yard. 14 Q. And had anybody ever fenced that area off or anything of 15 that --- 16 A. Nobody. 17 Q. Okay. There was never any no trespassing signs? 18 A. Nope. First time we see -- I seen a trespassing sign, 19 was when they did all this. 20 Q. Nobody stored anything back there? 21 A. No. 22 Q. No construction equipment? 23 A. Uh-uh. 24 Q. I mean, it was just dirt, right? 25 A. It was just dirt.

Page 26 1 Q. Okay. So can you mark where the basketball goal is on 2 this? Because this is the back of 207, 209, and then, 3 of course, this is property that my clients claim they 4 own now. 5 Where was the basketball goal? 6 A. It was over in this part. 7 Q. I understand your -- I can't tell from that, 8 Defendant's 4. 9 A. Well, see, by this, I can't really tell either, because, 10 see, I don't really know. 11 Q. So you don't know whether was basketball goal was on my 12 client's property or --- 13 A. No. I know it was -- we -- it was right up in here, but 14 I didn't know it was your client's property. That's 15 what I'm trying to tell you. 16 Q. Well, yeah, that's fine. 17 A. Uh-huh. Because I know they played basketball right up 18 in here. 19 Q. When you look at this, these are the boundary lines 20 here. 21 A. Uh-huh. 22 Q. This is Ms. Morrison's house, and this is where 23 Annie -- the little house Annie used to live in. 24 A. Uh-huh. 25 Q. Right? And then so my client's property goes like this,	Page 27 1 comes all the way back in here. And I'm just trying 2 to --- 3 A. I could try to estimate. 4 Q. Okay. 5 A. Because it's right there where the trees and stuff was, 6 right up in here. 7 Q. Okay. 8 A. Yeah. 9 Q. Okay. And these --- 10 MR. MARCHBANKS: Do you want to try to use 11 Plaintiff's 1, since they're --- 12 MR. HAWKINS: No, I've got what I need. 13 BY MR. HAWKINS: 14 Q. Was there ever a time where kids played out there that 15 weren't with your children? 16 A. I ain't got but one son. It was different kids in the 17 neighborhood. 18 Q. Okay. But they didn't wait on your son to go play back 19 there, did they? 20 A. No. 21 Q. Everybody just played, right? 22 A. It's just different ones, they just played. 23 Q. Right. 24 A. They just got together and played basketball. 25 Q. And what else did they do back there?	Page 28 1 A. I can't remember, did we play -- did they play softball 2 there or not. But I know they -- we grilled out and all 3 over there, in that yard and stuff. 4 Q. The kids would just come through -- you grilled out over 5 there, too? 6 A. No, I'd go over there. 7 Q. Okay. When somebody else was grilling? 8 A. Uh-huh. 9 Q. Okay. Who was grilling out there? 10 A. They was, the -- the Gibbs. 11 Q. The Gibbs were grilling? 12 A. Uh-huh. 13 Q. Okay. 14 A. Yeah. 15 Q. Was that -- did you go to -- who had their birthday 16 party over there, was it Annie? 17 A. No. But I didn't go, I was busy. 18 Q. You remember that though, right? 19 A. Uh-huh. 20 Q. Do you know when that was? 21 A. No, I don't know. 22 Q. They had a lot of people over there, right? 23 A. Yeah. They always had a lot of gatherings over there. 24 Q. So --- 25 A. Really, everybody over there near them was welcome	Page 29 1 there, but half the time, I didn't go because I was 2 having something in my own house. 3 Q. Nobody was running y'all off, right? 4 A. No. 5 Q. Okay. 6 A. Nobody never ran us off over there. 7 Q. Did you think you owned the property, or were you just 8 using it? 9 A. Did I think I owned the property? 10 Q. Right. 11 A. Oh, I knew I didn't own the property. I just go over 12 there sometimes just sit on the porch and talk to her 13 uncle all the time. 14 Q. Who is her uncle? 15 A. Mr. Benny Gibbs. 16 Q. Oh, okay. That was Ann's uncle? 17 A. Yes, sir. 18 Q. Okay. 19 A. He's deceased now. That was my buddy. 20 Q. It's nice to have somebody talk to. 21 A. Uh-huh. 22 Q. All right. So did you -- well, obviously, you saw 23 people walking across the field from Earl Street, right? 24 A. Yeah. 25 Q. And people would just go play there if they wanted to? I
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Page 30 1 mean, it was just a nice field, it's kind of like having 2 a park there at your house, yes? 3 A. Uh-huh. 4 Q. Okay. And I didn't ask you this, but, I mean, you never 5 saw either Mr. Gibbs or Annie Gibbs running people off, 6 or --- 7 A. Oh, no. They didn't do that. 8 Q. --- anything like that, or saying get off --- 9 A. They never did that. 10 Q. They never said, get off of my property? 11 A. No. They never said get off their property. They never 12 did say that. 13 Q. It's kind of like a community park, is that fair to say? 14 A. Yes. I would say. 15 Q. Okay. Let's --- 16 A. Because her mother was friendly to everybody. 17 Q. Ann's mother? 18 A. Yes, sir. She was friendly to everybody. She -- she 19 really didn't meet no strangers. 20 Q. Right. 21 A. Yeah, she really didn't. 22 Q. I just -- I mean, --- 23 A. Yeah, her mama didn't meet no strangers. 24 Q. I'm trying to go back in time and make history of what 25 the -- I guess the aura around the place was, but -- so	Page 31 1 you never saw Annie, or her mother, or anybody else that 2 lived out there trying to exclude people from using that 3 property? 4 A. Oh, no. 5 Q. Okay. 6 A. No. 7 Q. And they were all, you said, very friendly about people 8 playing back there? 9 A. That's right. 10 Q. Okay. Did you ever hear from Annie or her mother that 11 they believed they owned that property? 12 A. I thought they did. I'm going to tell you truth, I 13 really thought they owned it. 14 Q. Ms. Morrison thought she owned it, too. 15 A. I thought they owned it. This the first time I know 16 that they didn't own the property. 17 Q. Okay. But --- 18 A. Because I thought all that was theirs. 19 Q. Yeah. But there is no hostility about people using that 20 property, right? 21 A. Uh-huh. 22 Q. And some of them, is it fair to say, were just complete 23 strangers you wouldn't even know? 24 A. Uh-huh. 25 Q. Well, when you say uh-uh ---	Page 32 1 A. No. I was -- because I was wondering what was going on 2 over there, myself. 3 Q. Let me rephrase that. I mean, you saw people walk from 4 Earl street, through the gravel area, to the store, or 5 play in the back, have you ever seen people walking 6 their dogs through there? 7 A. No, I ain't never seen no dogs go through there. 8 Q. Okay. And if the Gibbs grilled on that property, they 9 removed their grill at the end of the day, --- 10 A. Oh, yes. 11 Q. --- and then took it back home, correct? 12 A. Yes. 13 Q. Okay. 14 A. Yes, sir. They sure did. 15 Q. Okay. 16 (Whereupon, Defendant's Exhibit No. 5 was marked for 17 identification.) 18 BY MR. HAWKINS: 19 Q. I'm going to hand you what's marked as 20 Defendant's Exhibit 5, this is your affidavit. 21 Now, you say -- in the third paragraph, you say 22 you've seen the Gibbs parking their cars right on the 23 gravel drive every day? 24 A. Yeah. 25 Q. For the entire time?	Page 33 1 A. Uh-huh. That's where they park their cars. The Gibbs 2 did. 3 Q. Was it miss Annie's car, or whose car? 4 A. Well, if they had guests, that's where the guests 5 parked, too. 6 Q. Okay. 7 A. Yeah, to keep from parking on the side of the road. 8 Because sometimes she couldn't get in her driveway if I 9 parked on the side of the road, I couldn't get in my 10 driveway if I parked on the side the road, so. 11 Q. Well, somebody -- if you look at Plaintiff's -- or 12 Defendant's Exhibit 1, somebody's blocking that driveway 13 right there, aren't they? 14 A. Yes. Sometimes they'll come there and park, run in, and 15 come out. 16 Q. Oh, okay. 17 A. Yeah. Or somebody might stop and talk to you, and then 18 they'll leave. Yeah. 19 Q. Now, when you say -- you said your son played softball 20 and football in the area they maintained behind their 21 house when he was a young kid? 22 A. Yeah. Right up -- yeah. 23 Q. When was that? 24 A. When he was small. Now, he'll be 53, his birthday. 25 Q. Okay.
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Page 34 1 A. You've got to understand how long I've been there. I'll 2 be 70, my birthday in two weeks. So that been a long, 3 long, long time ago. 4 Q. Right. I think I've got the history. 5 You've been there more than 20 years? 6 A. Oh, yes, sir. 7 Q. When your son went back there to play softball -- you 8 said he played football and softball? 9 A. They played all through here. 10 Q. You said they maintained the area behind their house? 11 A. It was the -- I call it the side. It's not behind, it's 12 the side of it. 13 Q. Okay. Well --- 14 A. Because the behind is where Ms. Morrison live. I call 15 that behind. 16 Q. Okay. 17 A. You see what I'm saying? It's on this -- it's --- 18 Q. Well, it's --- 19 A. --- that side. 20 Q. It's the path that people are walking 21 through, right? 22 A. Yeah. The path right there. 23 Q. That played in that area? 24 A. Yes. 25 Q. Okay. But you say they maintained that area, how do you	Page 35 1 know that? 2 A. Huh? 3 Q. When you say they maintained the area behind --- 4 A. Well, on the side of the house they mostly -- they had 5 the grass cut. Somebody was cutting the other field 6 back out there, and I've seen people cut way across 7 the -- not where -- not in front of the house. Now, 8 they cut that, you know, but at the back part, somebody 9 did cut that part. I don't know who, but I seen the 10 lawn mower out there sometime, cutting that. 11 Q. And who was driving the lawn mower? 12 A. I don't know who the man was. 13 Q. Do you know Ms. Morrison very well? 14 A. Oh, I know Ms. Morrison. 15 Q. Do you --- 16 A. I know her mama used to stay there. 17 Q. Do you know her brother-in-law, Mr. Davis? 18 A. I've seen him, little skinny man? 19 Q. I don't know what he looks like. 20 A. I don't know his name, but I seen him. 21 Q. Yeah. 22 A. He cuts her grass. Somebody cuts her grass. 23 Q. Somebody -- well, her testimony was, he's cutting the 24 grass behind her house. 25 A. Yeah. He cuts her grass.	Page 36 1 Q. Ms. Morrison's house. 2 A. Yeah, he cuts her grass behind her house. I've seen him 3 do it. 4 Q. And you say there's some other person that may --- 5 A. But it's -- it's a big -- that big field back there, I 6 see somebody cutting that. 7 Q. You seen a bush hog in there? 8 A. Uh-huh. 9 Q. Yes? 10 A. Yes, sir. 11 Q. Is that frequently how it was cut, with a bush hog? 12 A. He -- I don't know what that man called that he was 13 using. But it wasn't that frequent. They cut it more 14 now, than they did when it was out there, because 15 usually it'd be done grown up tall. 16 Q. Yeah. Well, you ever -- yeah. You said it was usually 17 grown up tall? 18 A. Uh-huh. Before they started cutting it. 19 Q. And had you ever complained to anybody about high grass 20 back there? 21 A. No, sir. It wasn't on my property. 22 Q. When the kids went out there to play, did somebody cut 23 the grass for them to play? 24 A. Well, they didn't go that far. They didn't go that far 25 with all that high grass, they didn't go that far.	Page 37 1 Q. Okay. 2 A. No. Because somebody at Quality always kept a path 3 right up in there where they can go through to the 4 store. 5 Q. Behind --- 6 A. I don't know who did it, but on the side, you could 7 see --- 8 Q. Was that --- 9 A. --- where they would have that path clear where they 10 could go through to the store. 11 Q. Was that behind Ms. Morrison's house? 12 A. Yeah. Behind -- yeah. And on the side, where --- 13 Q. All the way down the side of the building? 14 A. Yes, sir. 15 Q. On the second page, you said, (as read) you don't agree 16 with somebody putting a commercial entrance on my 17 residential street. 18 How did you know somebody -- first of all, what is 19 a commercial entrance to you, what does that mean? 20 A. Commercial property. 21 Q. Well, what is the commercial entrance, what's that? An 22 entrance is an entrance, right? 23 A. So you wouldn't think that's a commercial entrance, 24 because -- I say it is a commercial entrance because 25 of -- okay. If you was to come on my street, and you go
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Page 38 1 through -- that business up there, ain't that's 2 commercial? 3 Q. I think that's fair to say. 4 A. Yeah. Okay, then. That's why I call it a commercial 5 entrance. 6 Q. Okay. 7 A. Okay. So if you on a commercial entrance and you going 8 to come down that way, and you going to try to come out 9 to that house, it's hard to see the cars coming up 10 208 Earl Street. Because, see, sometime, I have went 11 across in there just to back up in my driveway. And I 12 have a time trying to see the cars come up that road and 13 they be flying. They don't do -- on our street, they 14 don't drive slow, but when they go across, they drive 15 slow. 16 Q. You say when they go across, what does that mean? 17 A. It's a stop sign. 18 Q. Oh, at the stop sign? 19 A. Yeah. At the stop -- at my street, when they get to the 20 stop sign, they'll stop, and then they'll go slow when 21 they go across. 22 Q. Okay. Yeah. Well, makes sense. 23 A. You know why it makes sense? 24 Q. Because you've got to stop --- 25 A. Black people live on my street, white people live across	Page 39 1 the street. I'm not racist, but that's the way they do. 2 Q. Are you talking about the --- 3 A. When they leave Quality Food, --- 4 Q. Oh. 5 A. --- and they come on our street, they flying. So when 6 they stop at that stop sign, when they go across on the 7 other side, they go slow. 8 Q. Well, that's not very nice. 9 A. No, it's not. It's not. Even though it's -- it's mixed 10 now on our street, so. They still fly, but we've got 11 kids on the street, and I don't like it because if some 12 of them get there, some of them people going to hit 13 them. 14 Q. Yeah, I'm with you. 15 A. Yeah. 16 Q. And so if you turn to the first page, paragraph 5. 17 A. Yes, sir. 18 Q. You said, (as read) I have been told a business moving 19 to Main Street wants to pave the Gibbs park. 20 Who told you that? 21 A. Where do you see that at? 22 Q. On paragraph 5, that's on page 1, I'm sorry. 23 A. Oh, people been talking in the neighborhood. 24 Q. Who? 25 A. Different ones around our neighborhood been talking.	Page 40 1 Told us that that's what that was going to be. 2 Q. Who --- 3 A. Because I've been asking people what it was when I seen 4 all that go up the line -- up the line. 5 Q. The road and the --- 6 A. Uh-huh. There was going to be a road, but I ain't got 7 to see my city council to find out for sure, is that 8 going to be a road. 9 Q. Well, somebody owns the property, right? 10 A. Uh-huh. 11 Q. And it could be a driveway, it could be used for a 12 residential driveway, right? You got a problem with 13 that? 14 A. Could be used for a residential driveway? 15 Q. Right. I mean, the property was laid out that way for 16 some reason, right? 17 A. Uh-huh. 18 Q. Yes. And so suppose these guys want to build a house 19 back there. 20 A. They can build a house, but they need to build it where 21 they can go on Main Street. And you know why I say 22 that? Because it's dangerous coming out that way. 23 Q. Yeah. Well, I mean, it --- 24 A. That's what I see it as. 25 Q. The city's going to regulate that though, right?	Page 41 1 A. Yeah, but I got my rights, so I can complain. 2 Q. Oh, you can complain all you want. 3 A. Yeah. I got my rights because I pay taxes just like 4 everybody else. So I can complain, and I can get a 5 petition to say that, to me, that's unsafe for cars to 6 come out that way, that way, and especially if it's a 7 lot of cars. 8 Q. Well, Ms. Morrison comes out that way, doesn't she? 9 A. No, she don't. Ms. Morrison goes out that way, over 10 where her house at. She don't come out that way. 11 Q. Oh, but she comes from her house to Earl Street, right? 12 A. She comes to Earl street, but she ain't park right 13 there. She don't come out -- well, she don't -- 14 Ms. Morrison do not come out that gravel road. 15 Ms. Morrison be over there by where Quality Foods, and 16 she go up where her house at. 17 Q. Have you ever seen an accident at the gravel drive area, 18 a car accident? 19 A. No, but somebody hit Ann's house. Coming up that road, 20 they hit her house. 21 Q. Wow. 22 A. And they hit two cars that was parked on the side of the 23 road right there at an isle in there that we had at my 24 house -- at the house. 25 Q. Well, the car that's parked on the gravel drive right
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Page 42 1 now, I mean, that car's got to come out, right? They're 2 just going to a house. 3 A. Yeah. They ran in and came out, they didn't stay five 4 minutes. 5 Q. That particular car, right -- you're talking about the 6 one on the street, or the one that's sitting on the 7 gravel? 8 A. The one on the street. 9 Q. You were there? 10 A. The one on the gravel, she still -- they still -- when 11 they in that man's yard that say private property, they 12 have a time coming out. Because sometimes you direct 13 them, let them know, a car ain't coming. 14 Q. Because they might not see? 15 A. They might not -- they can't see around -- but you don't 16 understand, they don't -- you can't hardly see around 17 that house right there. 18 Q. Oh, I mean --- 19 A. Well, Ann old house, you can't hardly see. 20 Q. I'll give you that. 21 A. Yeah, you can't hardly see around that house. I'm 22 serious. 23 Q. No, I don't doubt you. 24 A. You can't hardly see around it. Because I went up in 25 the driveway myself, and had to wait, and one time, my	Page 44 1 way. 2 Q. All right. 3 A. Because to me, it's unsafe. 4 Q. You said you're on city council? 5 A. No. 6 Q. County? 7 A. Uh-uh. 8 Q. Oh, I thought you said you were on council. 9 A. No, I said I don't know who my city councilman is. 10 Q. Oh. 11 A. I don't see my city council now. 12 Q. So you understand that if, in fact, it's unsafe, there's 13 something the city can do about it? 14 A. I hope the city can do something about it. 15 Q. Okay. 16 A. Because the city need to come and check it out to see 17 how unsafe it is for a lot of cars, or whatever y'all 18 plan -- whatever he planning on doing, or whatever, how 19 unsafe it is, and how fast they come up that road. 20 Because --- 21 Q. You don't know that the Gibbs are trying to take that 22 property, they say it's theirs? 23 A. Not -- I don't know. 24 Q. Okay. Well, that is what's going on. They're trying to 25 take my client's property.
Page 43 1 son was across the street in the yard, and I asked him, 2 was a car coming, because I can't hardly see no cars. 3 Q. So you use that area yourself sometimes? 4 A. I did it before, but since he did that right there, I 5 don't hardly go -- I don't do it no more. 6 Q. Right. I'm just talking about for the time that you 7 lived in your house. 8 A. Yeah, I used to do it. 9 Q. You used --- 10 A. Before I found out that that wasn't Ann's and them, I 11 did. Because they didn't say nothing, so I just went up 12 in there and just backed up. 13 Q. Okay. So you used that area, as well? 14 A. Yeah. 15 Q. For the whole time you've been living --- 16 A. Uh-huh. 17 Q. --- at your house? 18 A. I sure did. 19 Q. Okay. Do you know what this lawsuit's about? 20 A. The what? 21 Q. Do you know what this lawsuit's about? 22 A. Uh-uh. 23 Q. Okay. So what's the purpose of your affidavit, just to 24 stop the entrance? 25 A. I -- if I could stop it, I will stop it some kind of	Page 45 1 A. Well, I thought that was theirs. Yeah, I thought it was 2 theirs. 3 Q. Could have been. 4 A. Well, I thought it was theirs, I'm -- I'm serious. 5 Q. But they've never excluded people from walking across 6 the property to the store until the fence got put up, 7 right? Nobody's ever stopped anybody from using the 8 property, right? 9 A. Not that I know of, no. 10 Q. Okay. And until the fence was put up, and the other 11 house was built, it was pretty heavy foot traffic, 12 right? 13 A. It was. 14 Q. And were there people walking across there you didn't 15 know? 16 A. Yeah, a lot of people walked across there that I didn't 17 know. Yes. 18 Q. Did you ever have maybe conversations with Ann about 19 strangers walking through the property? 20 A. Not with Ann, but I seen strangers that I didn't know. 21 Yeah, there's a lot of strangers walk through we didn't 22 know. 23 Q. Okay. 24 A. But I never had a conversation with Ann. 25 Q. Okay. I was just wondering if maybe you were there when

Page 46 1 people were walking through and --- 2 A. Oh, I see them at times at night. You know, when you in 3 the door, you see people walking that you don't know. 4 Q. Across --- 5 A. And that's just like normal streets, you see people you 6 don't know that walks the street. 7 Q. Right. 8 A. Yeah. 9 Q. They just walk through that area and you may not know 10 where they end up, right? 11 A. No. 12 Q. But you know where they came in? 13 A. Uh-huh. 14 Q. Right. Or then they come out? 15 A. Yes, sir. 16 Q. Okay. And if they've got grocery buggies, that's kind 17 of circumstantial evidence they've been shopping, right? 18 A. Uh-huh. 19 Q. Yeah. Okay. I don't think I have anymore questions, 20 Ms. Jasper. 21 MS. MCCONOUGHIEY: Okay. 22 BY MR. HAWKINS: 23 A. I got one. Can I have one? 24 Q. Yes, ma'am. 25 A. Okay. So if ---	Page 47 1 Q. If these lawyers don't object, I'll be glad to --- 2 A. Okay. You saying they trying to take the property? 3 Q. Uh-huh. 4 A. So if that was your client's property, why they waited 5 until now to say it was theirs, and not --- 6 Q. That's --- 7 A. --- years ago? 8 Q. That's an excellent question. I'm asking myself that, 9 and that's why --- 10 A. Because -- I'm just asking because, you had -- they had 11 us thinking it belonged to the Gibbs. 12 MS. MCCONOUGHIEY: When you say they, are you 13 talking about the people who -- like Mr. Hawkins's 14 clients, or are you talking about --- 15 THE WITNESS: His clients. 16 MS. MCCONOUGHIEY: Okay why didn't --- 17 THE WITNESS: Why didn't they come years ago, and 18 they owned the property? Why didn't they come and 19 claim it when her mother and all of them was living 20 years ago? That's what I want to know. 21 BY MR. HAWKINS: 22 Q. My client just bought the property. 23 A. They just bought it? 24 Q. Yeah. 25 A. Oh, okay.	Page 48 1 Q. And they saw the same thing you see -- or had seen, 2 because their business is right beside 504 right now. 3 But the question is not what -- well, the question is 4 not what the owners of the property thought and saw, 5 the question is what the Gibbs thought and saw. 6 And are you telling me that the Gibbs thought they 7 owned the property by --- 8 A. No, the people -- I'm talking about us, as people, you 9 know -- you know, my son and all played, everybody 10 thought that was theirs. 11 Q. Then you didn't really know who it was? 12 A. No, I didn't really know who it was, no. 13 Q. Because nobody ever bothered you? 14 A. No. 15 Q. Right. You play on it, grill on it, --- 16 A. Yeah. 17 Q. --- walk across it --- 18 A. Yeah. 19 Q. I mean, the whole world could do that, right? 20 A. Yes. 21 Q. You didn't know some people that did do it, correct? 22 A. Yes. 23 Q. Okay. 24 A. That's why I was just wondering. 25 Q. Hey, if it ain't broke, don't fix it, right?	Page 49 1 A. Yeah. But if it's mine -- but if it was mine, I 2 would -- I'm paying taxes on it. 3 Q. Yeah. Well, my client pays taxes on that. 4 A. Well, but I paid taxes on it years ago, so why wouldn't 5 they claim my property? 6 Q. I don't know why you wouldn't claim it as your property, 7 you didn't bring a lawsuit. I mean, are you talking 8 about the property -- the field, and the gravel drive, 9 and all that? 10 A. Yeah. 11 Q. And what's your question? 12 A. I just asked. 13 Q. So can you --- 14 A. If they belong -- if that belonged to them a long time 15 ago, it really wasn't the Gibbs'? 16 Q. That's true. 17 A. Why waited so long? 18 Q. Well, do -- I mean, do you understand the difference -- 19 there's paper ownership, like you own your deed, right? 20 A. Uh-huh. 21 Q. That's a deed that's at the courthouse, and you can see 22 that, right? 23 A. Uh-huh. 24 Q. And your property has boundaries. 25 A. Uh-huh.
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Page 50 1 Q. And the Gibbs' property has boundaries. 2 A. Uh-huh. 3 Q. And my clients property just happens to go through the 4 middle of the Gibbs' property, right? 5 A. Uh-huh. 6 Q. On paper. 7 A. On paper. 8 Q. Right. 9 A. So why did they wait now? That's what I'm asking. And 10 if they owned it years ago, why wait until now? If you 11 owned something years ago, why you didn't try to 12 do -- you know. 13 Q. Well, you, I mean --- 14 A. I'm just asking. 15 MS. MCCONOUGH: I mean, I can answer. Because my 16 clients owned it before Mr. Hawkins's clients owned 17 it. 18 THE WITNESS: Uh-huh. 19 MS. MCCONOUGH: And I'll say that they didn't 20 know that anyone else claimed ownership of it, they 21 didn't know that anyone else thought they owned it. You 22 know, my clients knew where their property corners were, 23 and they sent someone to go back there and do the bush 24 hogging from time to time, and they never heard of any 25 problems.	Page 51 1 They, you know, the Gibbs never put up a fence 2 around that grassy area in the back to say, this is 3 ours. Because something like that would have told my 4 clients like, whoa, someone else thinks that our 5 property is their property, like this is a problem. You 6 know, I wasn't -- my clients weren't aware of any issues 7 until the Gibbs filed this lawsuit. 8 BY MR. HAWKINS: 9 Q. Let me ask the question this way. As you look at the 10 property right now, where the gravel drive is, let's 11 say, or the whole thing, but it starts at the gravel 12 drive, all right? And nobody does anything to exclude 13 other people from the property, right? There's no 14 fence, there was never a fence. There were never ropes, 15 or stakes, or anything on that property, right? 16 A. Uh-huh. 17 Q. There was never a no trespassing sign, correct? 18 A. Uh-huh. 19 Q. Nobody fenced it off, correct? Correct? 20 A. Uh-huh. 21 Q. Nobody barricaded it, nobody put up no trespassing 22 signs; is that correct? 23 A. Not until now. 24 Q. Right. Well, now, right? 25 A. Uh-huh.	Page 52 1 Q. Okay. So as the whole world looks at this piece of 2 property that the entire community uses, right? 3 How is anybody supposed to know that some person is 4 claiming that property to their exclusivity? 5 A. But --- 6 Q. How would somebody know? 7 A. Whether somebody thought it or not, it's my property. 8 I'd still put my stakes there, if it were mine. 9 Q. Right. But nobody did that, so how is someone supposed 10 to be on notice -- the record owner, how is someone to 11 be put on notice that somebody else is trying to take 12 their property? 13 The whole community uses it, right? 14 A. Whole community use it. I can't help if the whole 15 community use it. 16 Q. Right. 17 A. But if it's mine, and I knew it was mine years ago, I 18 don't care whether they used it or not, I'd have went 19 and claimed my property. I'm sorry, that's me. That 20 would've been me, because I'm paying taxes on it. 21 So I would have went and claimed my property. 22 Wether if I wasn't going to do nothing with it, I'd 23 still have let them know that this my property. You 24 could either buy it, or whatever, it belong to me. You 25 see what I'm saying?	Page 53 1 Q. Yeah. I mean, --- 2 A. I would've sold it. 3 Q. What if somebody, you know, comes --- 4 A. Because it's mine. 5 Q. If somebody's walking across your property, does that 6 mean they own it? 7 A. It might not mean they own it, but it's my property. 8 So -- but I'd have did what -- what they did now, I'd 9 have did what I did years ago, and let them know that 10 that belonged to me. 11 Q. Were you around when somebody tore up the pavement where 12 that gravel is? Are you aware of that, that somebody 13 made them tear it up? 14 A. Uh-huh. I wasn't aware of that. 15 Q. You weren't aware of that? 16 A. Uh-huh. 17 Q. Okay. 18 A. No. But that's what I'm just asking, I just asked a 19 question. 20 Q. Well, I mean, --- 21 A. You know, I -- you know, because if I claim -- if I own 22 something, I'm going to let you know I own it, because 23 I'm paying my hard earned money for taxes, so I let you 24 know. Either if I don't want it, I sell it, I tell you, 25 you could buy for this amount of money and be done with
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Page 54 1 it. That's me, I -- you know, I'm not like everybody 2 else, but that's me. 3 But I'd have let them know, because, see, when you 4 don't let somebody know it's yours, things happen. You 5 see what I'm saying? So that's what I'd have did. 6 Q. I see what you're saying. 7 A. Huh? 8 Q. I see --- 9 A. You follow me? 10 Q. Yeah. I know what you're saying. 11 A. Because if you --- 12 Q. I don't know that it meets the elements --- 13 A. You know, --- 14 Q. --- of the law. 15 A. --- it been 20 or 30 years or longer, and I always have 16 thought that that belonged to them. 17 Q. Yeah. 18 A. So for me to be paying taxes on something 20 or 30 19 years, whether I sold it to somebody else or not, I 20 still would have claimed my property. 21 Because if the person that be in that car, that 22 little Jeep, if he riding around then, he probably 23 riding around then a long time ago, too, or whatever. 24 Q. I have no idea. 25 A. Huh?	Page 55 1 Q. What about -- there's an empty lot besides you, what's 2 going on over there? 3 A. That ain't empty, that belongs to somebody beside me. 4 That's the -- all they lot. 5 Q. But there's no structure there right now, right? 6 A. Huh? You talking about the house beside me? 7 Q. Yeah. But there's a field between those two, your house 8 and this lady's house; is that --- 9 A. The man -- the lady --- 10 Q. --- Ms. Austin? 11 A. But that's all her -- Ms. Austin? 12 Q. Yeah. 13 A. All that -- that's all hers. 14 Q. Okay. 15 A. They just -- just built that little house right there. 16 But it used to be a lot of junk, he's a junk person, and 17 that -- that still belong to them. 18 Q. Is there a fence in that open field? 19 A. No. It's a fence -- well, my house, and they house. 20 But all that, they can use it, but they don't use it, 21 but it belong to them, all that is they property. 22 Because somebody asked about it, some real estate asked 23 me about it, and I told them that belonged to they 24 house. 25 They just didn't make a big -- big house in there,	Page 56 1 you know. He just built it -- when they tore all that 2 down, he just built it enough for his mama and his 3 nephew could stay in there, and that was it. 4 Q. Well, what's to keep you from fencing this off and 5 claiming you own it? 6 A. I know it ain't mine. I ain't crazy, I know it ain't 7 mine. 8 Q. Okay. 9 A. I know that belong to him. 10 Q. Yeah. 11 A. Yeah, that's why -- that's why I asked you the question. 12 Your client knew that that belonged to them years ago, 13 so why didn't they claim it? I just wanted to know. 14 Because when you --- 15 Q. Who's to say they didn't? 16 A. Huh? 17 Q. Who's to say they didn't claim it? I mean, they're 18 paying taxes on it. 19 A. I don't -- I know. But to keep somebody else from 20 saying -- from us -- everybody around the neighborhood 21 thinking it was theirs, I would've came in there and 22 claimed it, seriously. That's why I just asked the 23 question. You know, I know it ain't none of my 24 business, but I just asked that question. I just threw 25 it out and just asked why they waited this long? You	Page 57 1 see what I'm saying? 2 THE WITNESS: Do y'all see what I'm saying? 3 BY MR. HAWKINS: 4 Q. Because they just got sued. 5 A. Well, if I -- still, if I didn't get sued, I knew it was 6 my property, I still would have claimed my property. 7 Q. You wouldn't have let people walk through, you wouldn't 8 have let the Gibbs park there --- 9 A. I'd be claiming my property. 10 Q. Okay. 11 A. Because I'm paying taxes. 12 Q. Yeah. 13 A. You see what I'm saying? 14 Q. Yeah. 15 A. Anything you paying taxes on, you going to claim it. If 16 it was you, though, I'm saying --- 17 Q. The question is, how do you know somebody else has 18 claimed it? 19 A. You don't know, but still, I might not know -- he own 20 property beside me, and I'm paying taxes, and he got 21 some of my property, I'm going to claim my property. 22 Q. You're going to tell him get his stuff off? 23 A. Uh-huh. I sure am. Yeah, I wouldn't wait no 30, 40, 24 years before I claim it. 25 Q. Properly changes hands, right?
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Page 58 1 A. Yeah, but whether it did or not, but I still would 2 have --- 3 Q. Let me ask you this, if -- do you think -- and I'm just 4 asking you based on your conversations with the Gibbs. 5 Do you think they think they actually own that property? 6 A. They probably did. 7 Q. You got that from this little square, all that property 8 back there? I mean, it's easy for us to look at the map 9 and tell who the county thinks owns it. 10 A. But see, we didn't know nothing about not no map. 11 Q. Yeah. Well, I get it. And if --- 12 A. Yeah. 13 Q. If somebody doesn't go out on my property, and put a 14 fence around it, and put no trespassing signs, how am I 15 supposed to know somebody was trying to take my 16 property? 17 A. You wouldn't know, but you know your property line. So 18 I wouldn't wait on nobody else, I just go claim my 19 property. 20 Q. Who they going to --- 21 A. Put my stuff where I supposed to be -- because it's been 22 over 30, 40 years. Ann mama been dead a good -- shoot, 23 might be longer than that. 24 Let me see, Ann mama died -- Ann mama been dead 25 about 40 years, something like that. It might not be Page 59 1 that long, but she been dead a long time. So I'd have 2 had still had my stakes up, so I let him know that that 3 was mine. 4 Q. Do you have your stakes showing in your yard right now? 5 A. My stakes ain't showing in my yard, but I know my 6 property, and ain't nobody claiming my property. 7 Q. Well, I mean --- 8 A. Because I got a fence around my property, and if 9 somebody tried to claim it, I ain't got that much land 10 no way. 11 Q. Yeah, I understand. 12 A. Yeah. 13 Q. There's a good bit of land there. 14 A. Yeah. But I'm just -- I'm just -- I just asked a 15 question. I just threw out a question. You know, I 16 know it ain't my business, but I just wanted to know. 17 You know, because you the first -- well, y'all the first 18 I know -- majority people I know got property, they -- 19 they claim their property. 20 Q. Yeah. Okay. 21 A. You know, that's why I was just asking. 22 Q. All right. I don't have any more questions. 23 A. Okay. You finished with me? 24 Q. Well, I mean, these guys get to get a little bit of 25 flesh, too.	Page 60 1 A. Oh. 2 EXAMINATION 3 BY MS. MCCONOUGHNEY: 4 Q. Ms. Jasper, my name is Rachel McConoughey. I represent 5 TNB Financial, which is the trustee for the owners of 6 the property who owned it before Mr. Hawkins's clients 7 bought it last summer. 8 MS. MCCONOUGHNEY: So your clients purchased it, I 9 think August 2024, or so? 10 MR. HAWKINS: I don't know. 11 BY MS. MCCONOUGHNEY: 12 Q. It's been a little over a year. So my clients were the 13 ones who owned it that you're asking all these questions 14 about it. So I just have a few questions for you, some 15 of them might overlap with what Mr. Hawkins asked you, 16 so I apologize if there's some overlap. 17 Do you remember when you moved into your house 18 at -- I think you live at 208 Earl Street, you said? 19 A. Earl Street. 20 Q. When did you move in there? 21 A. I don't remember. My mama was living when I moved in, 22 she's deceased now. 23 Q. Okay. And when did she pass away? 24 A. She been dead almost ten years. 25 Q. Okay. And you said your son was 53 years old? Page 61 1 A. He'll be 53 November the 1st. 2 Q. November 1st? Okay. And was he a child when you moved 3 in there? 4 A. He was about -- yeah, he was small when we moved -- when 5 I moved back home, yeah. 6 Q. Okay. So under age 20 when you moved back in? 7 A. Yes. 8 Q. Where did you live before you moved in there? 9 A. We lived in Greenville. 10 Q. In Greenville? 11 A. Apartment. 12 Q. When you moved in to your house that you live in now, 13 who else lived there with you? 14 A. Just me, and my mother, and my son. 15 Q. And who lives in the house with you now? 16 A. Myself. 17 Q. Just -- you live alone? 18 A. Uh-huh. 19 Q. Have you -- your affidavit says that you've seen the 20 Gibbs family use that gravel driveway between 203 and 21 207 Earl Street to park their cars on every day for 20 22 years. 23 A. Uh-huh. 24 Q. Have you ever seen them add gravel? 25 A. I've seen the -- Mr. Benny add gravel before.
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Page 62 1 Q. Okay. Do you remember when that was? 2 A. No, I don't remember. I've seen him put gravel down, 3 though. 4 Q. Mr. Benny, is --- 5 A. He's deceased now. 6 Q. --- Ann's uncle; is that right? 7 A. Uh-huh. 8 Q. Okay. And do you remember when he passed away? 9 A. He's been dead, I think, about three or four years. 10 Q. Three or four years ago he died? 11 A. Uh-huh. 12 Q. Do you remember the last time you saw that gravel had 13 been added to the driveway? 14 A. I don't remember. 15 Q. You don't remember? 16 A. No, ma'am. 17 Q. All right. We were talking a minute ago -- you were 18 talking to Mr. Hawkins a minute ago about the gravel 19 driveway, and the new owners wanting to maybe put in a 20 paved driveway, and you said you thought that was 21 dangerous; is that right? 22 A. Uh-huh. 23 Q. When you say it's dangerous, do you mean the driveway 24 that exists there now is dangerous? 25 A. No, just coming out, trying to get out on the road.	Page 64 1 dangerous, or you wouldn't use it because there's no 2 trespassing or private property signs? 3 A. Because there's no trespassing, private property. 4 Q. But you did use it in the past, right? 5 A. When I thought it was theirs. 6 Q. When you thought it belonged to the Gibbs? 7 A. Uh-huh. 8 Q. Did someone tell you that the new owners of that 9 property back there were going to put a road in? 10 A. Yeah, we heard it around the neighborhood. 11 Q. Who told you that? 12 A. Several of us get together and we talk -- different -- 13 on streets and stuff. 14 Q. Do you remember who you talked to about that, who you 15 heard it from? 16 A. People at church -- at my church. 17 Q. Can you tell me their names? 18 A. Nope. Because they heard it and they just going by 19 hearsay, mostly. 20 Q. So you don't know who they heard it from? 21 A. Uh-huh. I don't know who they heard it from. 22 Q. And you don't know who you heard it from? 23 A. Uh-huh. I just heard it from different ones, I'm being 24 nosy. 25 Q. All right. Are you just -- you don't want to tell me
Page 63 1 Q. So is it dangerous for the Gibbs to use that driveway 2 now? 3 A. No, it ain't dangerous. I'm talking about when the 4 cars -- for the cars to come out -- on -- out on 5 Earl Street, where I'm saying it's dangerous at. That's 6 what I'm talking about. 7 Q. So are you saying it would be dangerous if they moved 8 the driveway from where it is now, or if it -- or only 9 if it became a commercial driveway? I'm confused about 10 what you're saying is dangerous. 11 A. For cars to be -- if a lot of cars come out the driveway 12 to go out, turn left, or turn right, that's what I'm 13 talking about where it's dangerous at. 14 Q. So you're saying just the volume of cars coming out? 15 A. Yeah. 16 Q. Do you think it's dangerous for the Gibbs to use that 17 driveway now? 18 A. I wouldn't use it now if it was me, because he got 19 private property on it. I wouldn't use it. 20 Q. Well, I mean, I'm asking you, do you think it's 21 dangerous for them to use it now just as a residential 22 driveway, the way that they used it in the past? 23 A. No, it's not dangerous, but I wouldn't use it. That's 24 what I'm saying. 25 Q. But you're saying you wouldn't use it because it's	Page 65 1 their names, or you can't remember their names? 2 A. I can't remember their names. I just heard it. 3 Q. So you heard it just from people at church? 4 A. Uh-huh. Talking. 5 Q. Did you tell anybody else that the new owners were going 6 to put a road in there, like did you pass that 7 information on to anyone else? 8 A. Uh-huh. 9 Q. No? 10 A. No. 11 Q. Have you ever seen people walking their dogs in that 12 grassy field area back there? 13 A. Uh-huh. 14 Q. No? Do you ever see people throwing a ball for their 15 dogs back there? 16 A. Uh-huh. Not back there. 17 Q. Do you ever see people riding their bikes back there, 18 like ever in the whole time you've lived in that house? 19 A. I seen them riding bikes up there in that gravel part 20 where that building up there at the top. 21 Q. But do they ride their bikes through to Earl Street? 22 A. Not -- I ain't never seen nobody come down through that 23 road down there on Earl Street on their bike. 24 Q. Have you ever seen anybody drive from North Main Street 25 to Earl Street through this field area?

Page 66 1 A. I've seen that man in that car. 2 Q. Okay. Anyone else? 3 A. That's the only one I've seen. 4 Q. Okay. And has that -- that's been pretty recent; is 5 that right? 6 A. I seen him about a month ago. 7 Q. A month ago? 8 A. Uh-huh. 9 Q. When did you start seeing that man? 10 A. When they start putting that private property on there. 11 Q. Has that been a year, two years? 12 A. Uh-uh. That's been recently, a couple of months. 13 Q. Just a couple months? 14 A. Uh-huh. 15 Q. Do you ever see anybody mowing the grass back there? 16 A. I -- yeah, they do it on Sunday. 17 Q. Okay. And who do you see mowing the grass? 18 A. That same man. 19 Q. The same man from the black jeep? 20 A. Uh-huh. Him and another man be together. 21 Q. Okay. And you said, they mow the grass on Sundays? 22 A. Most the time I see them is on Sunday. 23 Q. Do you ever see those men back there walking their dog? 24 A. I ain't never seen them back there walking a dog. 25 Q. Never seen -- okay.	Page 67 1 A. Uh-uh. 2 Q. Do you see people walk through there to go to the store 3 or to get to the -- just using any of that backfield 4 area as a shortcut? 5 A. No, I ain't seen them lately going through there. We 6 mostly go through -- they go through the road now. 7 Q. They go through the road now? 8 A. Uh-huh. 9 Q. When did they stop using the field area as a shortcut? 10 A. I -- well, I don't think we can get through there now. 11 Q. Why? 12 A. Because I ain't seen nobody go through there. 13 Q. Do you know why? 14 A. Not recently, I haven't. 15 Q. But you used to? 16 A. That was years ago, before they got it blocked off right 17 there, where you go through the -- where the store and 18 all that. Uh-uh. They go to the road. 19 Q. All right. Are you saying that there's something 20 blocking off the --- 21 A. Yeah, it's like they closed the little hole right there, 22 where the store and the little gate right there, or 23 something. 24 Q. Are you talking about the corner of the Quality Foods? 25 A. Yeah.	Page 68 1 Q. Is there a fence there? 2 A. There's something right there, you can't go through it 3 now. 4 Q. Okay. Did you ever use that area as a shortcut? 5 A. I used to use it all the time, sometimes. 6 Q. You used to use that backfield area as a shortcut to get 7 to the Quality Foods? 8 A. Uh-huh. To go to the Quality Foods. 9 Q. Is that a yes? 10 A. Yes. 11 Q. Okay. When did you stop walking through there? 12 A. Well, I've been stopped. I started walking the other 13 way for exercise. 14 Q. Okay. Did you stop because the fence was blocking it? 15 A. No, I just stopped for exercise, started walking. 16 Q. You just took the long way for exercise? 17 A. Uh-huh. 18 Q. Okay. A few minutes ago you were saying that the Gibbs 19 would use some part of the property around their house 20 to like grill out, to park, to have like family 21 gatherings; is that right? 22 A. Uh-huh. 23 Q. All right. And then I think I got confused about -- we 24 were talking about behind versus beside. 25 A. It's the side.	Page 69 1 Q. Okay. Can you mark -- we're looking at Defendant's 2 Exhibit 1 here. So this is the little house at 207, it 3 has number 207 on it, and this is the new house at 203. 4 Was the gathering -- were the family gatherings at 5 203 --- 6 A. All around in there, due to the fact that it wasn't no 7 house right here. 8 Q. Okay. Can you circle the area that you're talking 9 about? 10 A. It wasn't no house right here, when we used to have all 11 the gatherings, it wasn't --- 12 Q. You can draw on there. You can draw on there. 13 A. Yeah. It was no house right here. 14 Q. Okay. So --- 15 A. When -- when they --- 16 Q. --- you just circled 203; is that right? 17 A. Yeah. It wasn't no house right here, it used to be all 18 trees. 19 Q. Okay. So you're saying that the Gibbs would have their 20 family gatherings on --- 21 A. All over here, from the house, all the way over in here. 22 Q. Okay. So --- 23 A. Everywhere. 24 Q. --- behind -- a little bit --- 25 A. Because people parked ---
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Page 70 1 Q. --- behind 207, and all around --- 2 A. All around in here and everywhere else, too. Because 3 people parked right in here, too. 4 Q. Okay. 5 A. Yeah. 6 Q. All right. And you said there was a basketball goal 7 back there? 8 A. Yeah, the basketball goal about right up in here. Yeah. 9 Yeah. 10 Q. Okay. 11 A. Not in the field, because if the weeds be up, and we had 12 a basketball goal right up in here, and they played 13 basketball, they played football, they played softball 14 in this little area right up in here. 15 Q. So they --- 16 A. They played basketball, football, they played the -- the 17 boy and stuff. 18 Q. Was the basketball goal directly behind the house at 19 207, or was it more in the area where 203 is now? 20 A. No, it's about right over here by the house. 21 Q. It was --- 22 A. In the old house. 23 Q. --- directly behind the old house? 24 A. On the -- on the -- bottom right in here where the old 25 house.	Page 71 1 Q. When you say the old house, what do you mean? 2 A. The house right here, this house. 3 Q. 207? 4 A. Yeah. 5 Q. Okay. Can you draw a "B" next to where you think the 6 basketball goal --- 7 A. That's what I did right there, baby. 8 Q. Okay. 9 A. That's it. 10 Q. That dot that you just --- 11 A. Uh-huh. 12 Q. Just -- can you make that a "B"? 13 A. Yeah. 14 Q. Thank you. I'll take that back. Thank you so much. 15 Okay. So the area that you saw people using, the Gibbs 16 family using, was behind 207 and also on 203 where the 17 new house is now, right? 18 A. Yeah, because they park right there, because it's all 19 trees and stuff, and everybody would gather right in 20 here, and right in here, right in here, and everything 21 like that. 22 Q. Did you ever see Ann Gibbs or her nephew, 23 Raymond Gibbs, Jr., tell people to get off of those 24 areas? 25 A. No.	Page 72 1 Q. Did they ever put up no trespassing or keep out signs? 2 A. No. 3 Q. No? Did you ever see Ann or Raymond Gibbs mow the grass 4 back there? 5 A. Back where, right here? 6 Q. In any of the area where they would have their family 7 gatherings and stuff. Well, did you ever see them --- 8 A. Oh, they paid somebody. 9 Q. They paid somebody? 10 A. Uh-huh. 11 Q. Okay. Where did they pay someone to mow the grass? 12 A. Where the grass was, they just paid them, and they cut 13 it. 14 Q. Did they cut that whole field area? 15 A. Well, see, it was trees over here, what you don't 16 understand. Before this house came here, it was all 17 trees. 18 Q. So nobody mowed over there because there was trees? 19 A. Uh-uh. Because there was trees and leaves. You know, 20 when the leaves fall -- they had leaves and trees and 21 stuff all in here. 22 Q. So the Gibbs owned 203, so this -- I'm pointing to 23 Defendant's Exhibit 1. These white lines around this, 24 that's all considered the property at 203, so they own 25 this, and then they own this 207?	Page 73 1 A. Uh-huh. 2 Q. So the part --- 3 A. And see, the trees was right in here. 4 Q. Right. So the part of the property that Mr. Hawkins's 5 client owns, you can only see part of it on this map, 6 but it starts here, and it's this gravel driveway, and 7 comes back, and then it's all this grassy area all the 8 way over here to the Quality Foods, and then up here, 9 there's a commercial building with a parking lot. 10 So I'm asking you, did they mow the grass in any of 11 this area behind 207 Earl Street, behind 12 209 Earl Street? 13 A. They mowed where the side was right here, but see about 14 right in here, where I said basketball goal, all this 15 was weeds had grown up. 16 Q. Okay. 17 A. Yeah. 18 Q. So did they mow all the way up to the front of the 19 Quality Foods? 20 A. Ms. Morrison mowed -- had hers mowed right out in here. 21 Q. Okay. 22 A. Ms. Morrison, where she lived, she mowed -- had -- that 23 man mowed hers. 24 Q. Did Ms. --- 25 A. And then they mowed right up in here.
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Page 74 1 Q. So Ann mowed a little bit behind her house. Did she mow 2 all the way up to the Quality Foods, that far? 3 A. No, that man -- Morrison people did. 4 Q. But I mean, did she -- like if you took the corner of 5 the Quality Foods building and go all the way across, 6 did she mow that far back, do you know? 7 A. Somebody did because it was always mowed. 8 Q. It was always mowed? 9 A. Uh-huh. 10 Q. But you don't know who mowed it? 11 A. Uh-uh. But not the weeds back there, but that was 12 always mowed. I don't know who mowed it. 13 Q. You don't know who mowed it? 14 A. Uh-uh. 15 Q. Have you ever spoken to Raymond Gibbs, Jr.? 16 A. Speaking? 17 Q. Yeah, have you ever talked to him? 18 A. I speak. 19 Q. Like say hello? 20 A. Uh-huh. 21 Q. Do you ever --- 22 A. Half the time I don't see him. 23 Q. You don't? Does he live in 203 in the big house, that 24 new house? 25 A. I see him there. I don't know what -- where he live.	Page 75 1 Q. You don't know where he lives? 2 A. Uh-uh. 3 Q. Do you know if anyone else lives with Ann Gibbs? 4 A. I don't know. 5 Q. You don't know? 6 A. Uh-uh. 7 Q. And you live across the street from her, right? 8 A. I live across the street. I speak and go home. 9 Q. Okay. 10 A. I'm serious. They work, I work. So I -- you know, I am 11 not that nosy. 12 Q. Okay. Ann Gibbs works? 13 A. Yes, she works. 14 Q. Do you know where she works? 15 A. Mitsubishi. 16 Q. Mitsubishi? 17 A. I guess she still work there. 18 Q. Did you ever ask the Gibbs if they owned that grassy 19 field behind their house, behind 207 Earl Street? 20 A. Uh-uh. 21 Q. You never -- you just assumed it was theirs? 22 A. I just assumed it was theirs. 23 Q. Because they use it sometimes? 24 A. Uh-huh. 25 Q. You never heard them say, this is ours; is that right?	Page 76 1 A. Uh-uh. Never. Never. I just assumed all that was 2 theirs. They never said it was theirs, I just assumed. 3 Q. You were saying earlier, that you didn't understand why, 4 you know, the owner knew that people were using it, why 5 they wouldn't claim their property. 6 A. Yeah. I asked a question. 7 Q. Right. Right. But you thought the Gibbs used -- owned 8 it? 9 A. Uh-huh. 10 Q. Is that right? 11 A. I always have thought it. 12 Q. But you saw strangers, and people from the neighborhood, 13 and all kinds of people using it, right? 14 A. What do you mean, strangers? 15 Q. Well, just like you said, people you didn't know, like 16 you see people you don't know on the street. 17 A. Yeah, I seen them come across. 18 Q. Come across? 19 A. Yeah. 20 Q. Through the --- 21 A. But I never -- they never said that they couldn't walk 22 across their property. 23 Q. So --- 24 A. The Gibbs. 25 Q. So how -- I guess, when you were saying, you know, if	Page 77 1 this was my property, I would claim it. What do you 2 mean you would claim it, like put up stakes, put up a 3 fence, what do you mean? 4 A. Do it just like the man did, like they did now. 5 Q. With the --- 6 A. If it was my property, --- 7 Q. With the surveyor stakes? 8 A. Yeah. I'd have claimed my property. 9 Q. Just so people would know that it was --- 10 A. That's my property, yes. That's why I asked you a 11 question. 12 Q. Do you mean you wouldn't let people use it? 13 A. I wouldn't say I wouldn't let them use it. 14 Q. You would just say --- 15 A. But I would let them know that that was mine. 16 Q. Okay. Did you ever --- 17 A. That belong to me. 18 Q. Did you ever see the Gibbs do that, put up stakes to let 19 people know it was theirs? 20 A. No. 21 Q. No? Well, why would you assume it was theirs if they 22 never put up stakes to say what was theirs? 23 A. Why would I assume it? 24 Q. Yeah. 25 A. Why? Because they've been there all them years, so I
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Page 78 1 thought it was theirs. 2 Q. Just because they live behind it? 3 A. Uh-huh. And live right there. And I thought all that 4 was theirs. 5 Q. Just because it was close to their property? 6 A. Yes. 7 Q. Okay. Is there any other reason you thought it belonged 8 to them? 9 A. Uh-uh. That was only reason. 10 Q. Just because it was close to them --- 11 A. It was theirs. 12 Q. Okay. 13 A. If he wouldn't have never did that, what he did, I'd 14 still have thought that that was theirs. 15 Q. What do you mean, what he did? 16 A. The surveyor. If I had never seen a surveyor doing what 17 he did, I'd still have thought it was theirs. 18 Q. Okay. 19 A. That's why I was surprised when I seen that, I was 20 shocked. 21 Q. Just at where the property corners were? 22 A. Uh-huh. Because I thought it all was theirs. I knew 23 that back part wasn't theirs, where the weeds was way at 24 the back, but when I seen all them stakes come down our 25 way, I was shocked.	Page 79 1 Q. But you never saw the Gibbs exclude anybody from the 2 property, --- 3 A. No. 4 Q. --- and you saw somebody mowing, but you're not sure who 5 it was? 6 A. Uh-uh. 7 Q. Okay. And you said that the area that the Gibbs used 8 for family gatherings was on the property they did own 9 at 203 Earl Street, --- 10 A. Uh-huh. 11 Q. --- and a little bit behind that area --- 12 A. Uh-huh. 13 Q. A little bit of the area behind the house at 207; is 14 that correct? 15 A. Yeah. On the side of it. 16 Q. Okay. 17 A. Because it ain't behind, because behind is 18 Ms. Morrison's house. 19 Q. Okay. 20 A. You know, there's -- their house, it's just the way it's 21 built. 22 Q. Is the front door on 207, does it -- does the front door 23 of that house face Earl Street? 24 A. No. 25 Q. No? Okay. So the front door faces that gravel	Page 80 1 driveway? 2 A. Uh-huh. 3 Q. Okay. I think that's part of why I was confused. So if 4 you're looking at the front door of 207, when you say 5 the side, you're talking about that big field --- 6 A. Uh-huh. That field. 7 Q. --- where those people cut through? 8 A. Uh-huh. 9 Q. Okay. Thank you. That's all I have right now. 10 MR. HAWKINS: Can I do one follow up? 11 MR. MARCHBANKS: Yeah, go ahead. 12 REDIRECT EXAMINATION 13 BY MR. HAWKINS: 14 Q. Did Raymond Gibbs ever live with Ann, --- 15 A. I don't know. 16 Q. --- to your knowledge? You don't know? 17 A. I don't know. 18 Q. Did he play with your son? 19 A. Yeah, they played -- he played with my son, yeah. 20 Q. Okay. 21 A. He played with my son. Yeah, he played with my son. 22 They played over there, played with all them, yeah. 23 Q. And --- 24 A. Because that was his grandma's house. 25 Q. Yeah. Did he just kind of come over to visit, or what?	Page 81 1 A. My son always went over there. 2 Q. Yeah, but I'm talking about Raymond Gibbs. To your 3 knowledge, did he just come over to visit, or did he 4 live there? 5 A. I really can't say, because I didn't know. 6 Q. All right. 7 A. Because when I seen him, he was always there. So that's 8 why I can't say. I didn't know. 9 Q. At what age of his age, did you stop seeing him come 10 over there? 11 A. Shoot, I ain't never stopped seeing him. 12 Q. He still comes over? 13 A. Uh-huh. 14 Q. Okay. 15 A. Well, you -- that's the truth. 16 Q. I'm just asking, I --- 17 A. Yeah. He always have came over there, always. Always. 18 Q. He comes in the car, then leaves? 19 A. Always. Uh-huh. Always have came over there. 20 Q. All right. That's all I've got. 21 CROSS-EXAMINATION 22 BY MR. MARCHBANKS: 23 Q. All right. I've got just some -- I want some -- to help 24 clarify some things for me. 25 A. Okay.
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Page 82 1 Q. Because I am confused. 2 A. Okay. 3 Q. Okay? First of all, you understand it's very difficult, 4 because -- how long have you lived at 208? 5 A. I've lived at 208 a long time. 6 Q. But I mean like 30 years? 7 A. Or more. 8 Q. Or more? And it's hard because the way this property 9 has been used, or has -- I mean, things have changed 10 over the years, right? 11 A. Yes. 12 Q. And so we're not just looking at a snapshot of one 13 particular thing. 14 Now, this is something that I introduced when we 15 were talking to Ms. Mary, that is an aerial photo of 16 Earl Street here, and then right there's your house, 17 there's 207, there's Ms. Mary's house. 18 A. That's what I'm used to, right here. 19 Q. Well, that's why I wanted to show you this. 20 A. I'm used to all these trees. 21 Q. Right. 22 A. Yes. 23 Q. Now, could you -- can I borrow the red one? 24 A. All these trees. 25 Q. Or the pink one? All right. Now, on this, what I'm	Page 84 1 Q. And that was pretty common? 2 A. Uh-huh. That was common. 3 Q. Now, when you look at this picture, you say, now 4 there -- these are all the trees, this is what you 5 remember, right? 6 A. Yeah, trees. Yeah, I remember all these trees. 7 Q. Now, from the edge of these trees to the back of these 8 houses, okay? 9 Was that grass mowed on a regular basis? Was that 10 kept up as a lawn, do you remember? 11 A. It was kept up because I remember Benny used to have it 12 cut right up in here. 13 MR. HAWKINS: Can we draw on this one? 14 MR. MARCHBANKS: Yeah. 15 BY MR. MARCHBANKS: 16 A. Cut it right up in here and all. Yeah, it was cut 17 regularly. 18 Q. Okay. 19 A. When it was time to cut the grass. 20 Q. All right. Copy that onto this, sorry. I should have 21 had you drawing on this, Wendell's right. Just copy 22 your lines --- 23 A. Oh. 24 Q. --- that you drew on here, copy over there. 25 A. Okay.
Page 83 1 going to ask you -- now, this -- do you notice this was 2 before the house was built, you see? 3 A. Uh-huh. 4 Q. There's no 203. Do you remember the shed? 5 A. Yeah. It was a shed right here. 6 Q. Okay. 7 A. And they moved it over there after they built their 8 house. 9 Q. Okay. Now, when people -- years ago, now, try to think 10 back. 11 A. Uh-huh. 12 Q. Years ago, when people would go to the Quality Foods, 13 what was the most common path that they would take? 14 A. They would go -- a lot of them would go right there to 15 the Quality Food. 16 Q. And could you draw that on this? 17 A. Yeah. Because they would -- some of them would 18 go -- different ones would go different ways, they ain't 19 go the same way all the time. 20 Q. Okay. Well, just --- 21 A. Because, see, sometime they would come, and some would 22 go straight through like that to go to Quality Food. 23 Q. Right. 24 A. Some of them would go through the driveway to go to 25 Quality Food.	Page 85 1 Q. Okay? 2 A. Uh-huh. 3 Q. There's the driveway right there. 4 A. Yeah, that's where they went, right there. 5 Q. Okay. And then these two little dots, --- 6 A. Yeah. 7 Q. --- what did you mean by these two little dots, when 8 you --- 9 A. Because that's where they had their little gathering and 10 stuff, and they played around in here. 11 Q. Okay. 12 A. Yeah. 13 Q. Okay. So that's what the two little dots means? 14 A. Yeah. 15 Q. Now, let me ask you this, did the -- do you think -- and 16 this is just kind of your understanding and the way you 17 appreciated this property. 18 A. Uh-huh. 19 Q. Did you think that the Gibbs didn't run people off 20 because they couldn't, or because they were just nice 21 people? 22 A. They were nice people. They always was nice. 23 Q. If the Gibbs had told you, listen, we don't want you 24 back here anymore. If they were mean about it, and they 25 said, we don't want you back here anymore, would you

Page 86 1 feel like you had to listen to them? 2 A. Yeah, because that was theirs. 3 Q. Okay. 4 A. That was their property. 5 Q. Now, the question that you asked Mr. Hawkins, I 6 know -- but let me ask you this. All right. If we look 7 at --- 8 MR. MARCHBANKS: Put this in as Plaintiff's 2. 9 (Whereupon, Plaintiff's Exhibit No. 2 was marked for 10 identification.) 11 BY MR. MARCHBANKS: 12 Q. Okay. You see, the yellow line is this piece of 13 property, right? 14 A. Uh-huh. 15 Q. Now, hypothetically, let's say you own this piece of 16 property. Do you think you would notice that somebody 17 had poured a gravel driveway and was using that to park 18 if that was your property? 19 A. Yeah, I'd have noticed it. 20 Q. Okay. 21 A. If it was mine. 22 Q. And do you think that if somebody was mowing grass, and 23 taking care of all this area back here, do you think 24 that if it was your property, you'd look at it and go, 25 wait a minute, what's going on back here? Who's taking	Page 87 1 care of this? 2 Do you think it'd be pretty obvious to you that 3 somebody else was using it? 4 A. Uh-huh. 5 Q. Okay. And how long -- since you've lived right across 6 the street for 30 plus years, how long would you say 7 that it went on, that either Ms. Morrison, or the Gibbs, 8 or whoever, kept mowing all back here, and that driveway 9 was there, and people would park there, and people would 10 have family gatherings there. How long would you say 11 that went on? 12 A. It went a long time. 13 Q. 10 years? 14 A. More. 15 Q. 20 years? 16 A. More. 17 Q. 30 years? 18 A. Over 30 some years. 19 Q. You think somebody would notice? 20 A. Yes. 21 Q. Over 30 years? 22 A. Yes, sir. 23 Q. That something on their property, they might have 24 some -- they might want to ask some questions? 25 A. Yes, sir.	Page 88 1 Q. That's all the questions I have. 2 MR. HAWKINS: I have none. 3 THE COURT REPORTER: Mr. Marchbanks, would you 4 please explain reading and signing to the witness? 5 MR. MARCHBANKS: Oh, okay. Ms. Alice. 6 THE WITNESS: Yes, sir. 7 MR. MARCHBANKS: So Kelley Primm, our lovely court 8 reporter, is very good at what she does. She has 9 been typing out all of our words. 10 THE WITNESS: Okay. 11 MR. MARCHBANKS: You have the right to read 12 everything that Kelley Primm has typed out and then make 13 corrections to spelling and to certain things that are 14 just pretty simple things. 15 You can't change your answers, but you can change 16 specifics, if she got it wrong. You have the right to 17 read all that, then make corrections and sign off on it, 18 or you can trust that Ms. Kelley Primm has done the 19 right thing, and you can waive that right and she will 20 just produce the transcript. 21 It is your choice. I am not your lawyer, I cannot 22 advise you. You get to choose if you would like to read 23 and sign, or waive that right. 24 THE WITNESS: I really don't have to sign? 25 MR. MARCHBANKS: No, you don't have to sign.	Page 89 1 THE WITNESS: Is it a lot for me to read? 2 THE COURT REPORTER: Oh, just the whole transcript. 3 THE WITNESS: Of everything I said? 4 THE COURT REPORTER: Yes, ma'am. 5 MR. MARCHBANKS: Now, you'll get a chance to read 6 it, probably, just out of curiosity. 7 MS. MCCONOUGHNEY: And you don't have to, you can 8 say yes, and you get the option to read and sign 9 for 30 days. And if you don't get around to it in 10 that 30 days, you know, then she'll just send it to 11 us. 12 THE WITNESS: Okay. 13 MS. MCCONOUGHNEY: So you can say yes, but you don't 14 have to do it. 15 THE COURT REPORTER: Would you like to read and 16 sign? 17 MS. MCCONOUGHNEY: Saying yes doesn't commit you to 18 anything. 19 THE WITNESS: Okay. Yes. Okay. 20 THE COURT REPORTER: Okay. 21 THE WITNESS: Because I know I said a lot. 22 THE COURT REPORTER: Mr. Marchbanks, would you like 23 a copy of the transcript? 24 MR. MARCHBANKS: Yes, please. 25 THE COURT REPORTER: And Ms. McConoughey?
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STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS
C.A. NO.: 2024-CP-23-05724

ANN LOUISE GIBBS-HUNTER AND RAYMOND D. GIBBS, JR.,
PLAINTIFFS,

VS.

RILION GRACIE GREENVILLE, LLC AND TNB FINANCIAL SERVICES, AS
TRUSTEE OF GENE MARK BROWN'S TRUST B-2
UNDER THE DORIS P. BROWN REVOCABLE TRUST AGREEMENT
DATED FEBRUARY 9, 2006, AS AMENDED,
DEFENDANTS.

D E P O S I T I O N

WITNESS: RAYMOND D. GIBBS, JR.
DATE: OCTOBER 13, 2025
TIME: 1:32 P.M.
LOCATION: THE MARCHBANKS LAW FIRM, LLC
1225 SOUTH CHURCH STREET
GREENVILLE, SOUTH CAROLINA 29605
REPORTER: KELLEY PRIMM

LEGAL EAGLE
Post Office Box 5682
Greenville, South Carolina 29606
864-467-1373
depos@legaleagleinc.com

APPEARANCES: CHARLES W. MARCHBANKS, JR., ESQUIRE THE MARCHBANKS LAW FIRM, LLC 1225 SOUTH CHURCH STREET GREENVILLE, SOUTH CAROLINA 29605 charles@marchbankslawfirm.com REPRESENTING THE PLAINTIFFS WENDELL L. HAWKINS, ESQUIRE WENDELL L. HAWKINS, P.A. 9 BUENO VISTA WAY, SUITE B GREENVILLE, SOUTH CAROLINA 29615 wlh@wlhawkinslawfirm.com REPRESENTING RILION GRACIE RACHEL G. MCCONOUGHHEY, ESQUIRE MCCONOUGHHEY LAW FIRM, LLC 100 WHITSETT STREET GREENVILLE, SOUTH CAROLINA 29601 contact@mcconougheyllawfirm.com REPRESENTING TNB	Page 2	1 STIPULATIONS: 2 It is agreed by and between the Counsel for the parties as 3 follows: 4 1. That this deposition is being taken pursuant to 5 South Carolina Circuit Court Rule No. 30; 6 2. That the deponent waives the right to read and sign the 7 deposition transcript. 8 Whereupon, 9 RAYMOND D. GIBBS, JR., 10 first being duly sworn, was examined and testified as 11 follows: 12 EXAMINATION 13 BY MR. HAWKINS 14 Q. Mr. Gibbs, my name is Wendell Hawkins. I represent 15 Rilion Gracie Greenville, LLC. The purpose of the 16 deposition today is to understand what you may testify 17 to about the facts of the case, if this case goes to 18 trial. 19 If I ask you a question you don't understand, or 20 you think it's capable of two interpretations, tell me 21 to rephrase it, just tell me you don't understand, and 22 I'll try and rephrase the question so it's intelligent. 23 Also, when I'm asking a question, I know that 24 you're going to anticipate my question and you're going 25 to answer, that's going to happen at one time before I
INDEX STIPULATIONS AND OATH 4 EXAMINATION BY MR. HAWKINS 4 EXAMINATION BY MS. MCCONOUGHHEY 83 CROSS-EXAMINATION BY MR. MARCHBANKS 144 CERTIFICATE OF REPORTER 151 EXHIBITS DEFENDANT'S: NO. 6 PARTIAL CLAIMS MORTGAGE 13 NO. 7 PHOTOGRAPHS 32 NO. 8 AFFIDAVIT OF RAYMOND D. GIBBS, JR 47 NO. 9 AERIAL PHOTOGRAPH 79 NO. 10 HOMEOWNER'S DISCLOSURE STATEMENT 80 DEFENDANT'S (TNB): NO. 1 GIS MAP 141 REFERENCED EXHIBITS DEFENDANT'S: NO. 1 AERIAL PHOTOGRAPH 19 NO. 4 PHOTOGRAPHS 36 (THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)	Page 3	Page 5 1 finish my question, but just, please, let me finish the 2 question, and if we start talking over each other, I'll 3 probably stop, you know, and then start over again. 4 Along the same lines, it's important that 5 The Court Reporter understands your answer. And so a 6 lot of people will find themselves saying uh-huh, or 7 uh-uh, or something like that. That's difficult for her 8 to understand exactly -- we just don't want it to be 9 wrong, right? 10 So if you would, just, yes, no, verbal answers, 11 oral answers, if you would, okay? And then, likewise, 12 if I'm speaking over you, you just put me in my place 13 and tell me I'm speaking over you, and I'll stop, okay? 14 And we might go back and just make sure we got the 15 record right. 16 If you need a break, just tell us you need a break. 17 A. Okay. 18 Q. You can't discuss your deposition testimony with anybody 19 when you're on a break, all right? And once you're done 20 with your deposition, you can say whatever you want to 21 to anybody. 22 A. Gotcha. 23 Q. Okay. I think that's all the rules. 24 That being said, let's start with, what's your date 25 of birth?

Page 6 1 A. 12/26/'74. 2 Q. Oh. 3 A. Unfortunately. 4 Q. I'll tell you a story about that later. 5 So how old are you now? 6 A. I will be 51 in December. 7 Q. What was the year again? 8 A. '74. 9 Q. I put '25. Okay. So the first thing I kind of want to 10 do is go over the history of where you lived, and grew 11 up, and things of that nature. 12 So where were you actually born? 13 A. So I was born in Greer, but we moved from Greer to 14 Greenville when I was in the third grade. 15 Q. And what was your address in Greenville? 16 A. What is it? 17 Q. If you don't know, it's fine. 18 A. Yeah, I can't even remember. It's on -- I think it's 19 124 Woodmont Circle. I know the street is right. The 20 number may be suspect, but I think it's 21 124 Woodmont Circle, Greenville 29605. 22 Q. Okay. And how long did you live at that address? 23 A. From ninth grade on up until I went to college and going 24 up. But from when we moved from Greer to Greenville, 25 and when -- we lived at several different locations kind	Page 7 1 of bouncing around, but that's the most -- you know, 2 when we got stable, per se. 3 Q. Okay. 4 A. So -- but I can tell you the name of the apartment 5 complex. I don't know -- I don't know the address, but 6 I can give you that. 7 Q. So after -- when did you leave Woodmont Circle? 8 A. When I went to college. 9 Q. Okay. 10 A. And I went to college in 1994. When we left -- left 11 Greer and moved to Greenville, we moved to 12 Highland Square apartments. H-i-g-h-l-a-n-d Square 13 Apartments, zip code 29605. 14 Q. That's fine. 15 A. Then we moved from there to Wenmont, W-e-n-m-o-n-t, 16 apartments, I don't know the zip code for that. And 17 then from there, that's when we moved to the 18 124 Woodmont Circle when I was in the ninth grade. 19 Q. Okay. I thought you told me you moved to 20 Woodmont Circle in the third grade. 21 A. No. No, I said we moved to Greenville --- 22 Q. Okay. 23 A. --- when I was in the third grade. And we moved to 24 Greenville in the third grade we stayed in 25 Highland Square ---	Page 8 1 Q. Okay. 2 A. --- apartments. 3 Q. Right. 4 A. We stayed there for several years, and then we moved to 5 Wenmont apartments. And then from Wenmont apartments, 6 we moved to 124 Woodmont Circle when I was in the ninth 7 grade. And we stayed -- well, my mother, she still 8 continued to stay there, but I went off to college 9 at -- at that point. 10 Q. Okay. So you went to college in '94? 11 A. 1994. 12 Q. And you moved down to Columbia; is that --- 13 A. Correct. 14 Q. And did you graduate? 15 A. Correct. Yes. 16 Q. What was your major? 17 A. BS in computer science. 18 Q. Okay. And so you said you were down there maybe five 19 years? 20 A. Five years. I graduated with a BS in computer science 21 in December of 1999. 22 Q. Okay. And then when you got done with college, what did 23 you do? 24 A. Started -- you know, started working. I mean, --- 25 Q. Where were you working at?	Page 9 1 A. So initially, I worked for a small IT company in 2 Traveler's Rest. 3 Q. Okay. 4 A. Then I moved from there, and I started working in the IT 5 department at The Cliffs. 6 Q. Let me ask you this, when you came back and started 7 working in TR, where did you live? 8 A. At that point, when I first -- I lived with my -- my 9 aunt. 10 Q. Ann? Ms. Ann? 11 A. No. 12 Q. Okay. 13 A. A different aunt. It's my -- different aunt. 14 Q. What's her name? 15 A. Her name is Dorothy Howard. She's deceased now. 16 Q. Howard? 17 A. Howard. 18 Q. H-o-w-e-r? 19 A. H-o-w-a-r-d. 20 Q. Okay. And where was that at? 21 A. 413 King Street, in Greer. 22 Q. And then, what about when you were working at 23 The Cliffs, where did you live? 24 A. I lived at Villa, V-i-l-l-a, Road apartments, in 25 Greenville.
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		Page 10			Page 12
1	Q.	Okay. Is that over by that little golf course ---	1	A.	Yes.
2	A.	Correct.	2	Q.	Were you ever in the military?
3	Q.	--- at Par Three?	3	A.	No, my father was. He has the same name. He's a Sr.
4	A.	Yes.	4		and I'm a Jr.
5	Q.	Okay. How long did you live there?	5	Q.	Okay. What's your father's name? Oh, he's Sr.
6	A.	I think I lived there for -- it was either two or three	6	A.	Raymond D. Gibbs, Sr.
7		years. And then I moved from there to some apartments	7	Q.	Yeah. No, I get it. I get it.
8		in Powdersville. I can't -- I can't -- I think it's	8	A.	He died when I was two.
9		called Heritage Trace apartments.	9	Q.	I'm sorry.
10	Q.	How long did you live there?	10	A.	Thank you.
11	A.	I think it was like two years there.	11	Q.	So I picked up this mortgage that -- I thought it was VA,
12	Q.	Okay.	12		but you had an FHA mortgage on Rustcraft that apparently
13	A.	And then from there, I built my own home to where -- it	13		there was a workout on that mortgage, some kind of
14		is 105 Rustcraft, R-u-s-t-c-r-a-f-t, all one word,	14		workout?
15		Drive, Greer.	15	A.	Well, back then, I did -- you know, when everything
16	Q.	How far is Rustcraft Drive from the 203 and	16		collapsed, I did the -- I forgot the -- loan
17		207 Earl Street?	17		modification.
18	A.	It's about 10, 12 minutes.	18	Q.	Right.
19	Q.	Okay. And after Rustcraft, what'd you do after that?	19	A.	Then after the loan modification, just refinanced like
20	A.	Built the property on the family property, the 203.	20		everybody else.
21	Q.	Where do you live now?	21	Q.	That's the year 2000, I suppose? Yeah.
22	A.	I still live at 105 Rustcraft.	22	A.	2000?
23	Q.	Okay. I saw some -- have you sold that, Rustcraft?	23	Q.	Yeah.
24	A.	Uh-uh.	24	A.	No, I didn't build -- I didn't build Rustcraft until
25	Q.	Okay. So I saw the deeds -- well, let me go back before	25		2005, so I'm not quite sure what you're looking at or
		Page 11			Page 13
1		I get to that.	1		referencing.
2		What about when -- you did IT at The Cliffs, and	2		(Whereupon, Defendant's Exhibit No. 6 was marked for
3		then after that, did you change jobs?	3		identification.)
4	A.	I -- when I left The Cliffs, and I started up my own	4		BY MR. HAWKINS:
5		business -- my own -- I was doing my own IT -- IT	5	Q.	That's just Defendant's Exhibit -- that's what I was
6		break/fix work, and I did that for some years. And then	6		looking at, Defendant's Exhibit 6.
7		I went to -- I went to -- I don't remember if I went	7	A.	Okay. But I didn't build -- build Rustcraft until 2005.
8		to -- Verizon, I think, the Verizon call center. And	8	Q.	All right. I get it. This says 2020, I'm sorry, that
9		then once I left Verizon call center, I went to work at	9		partial claims mortgage. That's kind of when
10		Anderson County 911 Emergency Services in the IT	10		everybody -- that was like COVID?
11		department there.	11	A.	Yeah.
12	Q.	And you'd just travel from Greenville to Anderson?	12	Q.	COVID, yeah. So this was just -- this must have been
13	A.	Uh-huh. From Greer to Anderson.	13		whenever you did a refi, I guess. I don't know.
14	Q.	Greer? Okay. And then now you just own your own	14	A.	Yeah.
15		business?	15	Q.	But it wasn't Rustcraft ---
16	A.	Well, from -- once I left Anderson, I went to work at	16	A.	It was a loan modification when -- you know, when the
17		Michelin in the IT department there.	17		market fell for everyone -- ever -- you know, and my
18	Q.	Okay.	18		mortgage company, they actually called me and was like,
19	A.	And once I left Michelin, I went to work in the IT	19		hey, we're doing -- as part of the, I guess the lawsuits
20		department at -- at Advanced America.	20		that Wells Fargo had, because at that time, my mortgage
21	Q.	All right.	21		was with Wells Fargo, so they did the loan modification,
22	A.	And from there, that's when I started -- I've always had	22		tucked it around on the back end.
23		my business on the side, but from there, in 2018, I	23		And so when I got ready to do my refi, you know,
24		started running my business full -- full time.	24		that back end piece that they put on the back was
25	Q.	All right. And that's what you do now; is that correct?	25		gaining interest and unbeknownst to me, so basically

ANN LOUISE GIBBS-HUNTER AND RAYMOND D. GIBBS vs RILION GRACIE GREENVILLE, ET AL.
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Page 14 1 created a separate mortgage that, you know, of course, 2 you do something like that, you don't read the fine 3 print, so. But I just refinanced and -- got everything 4 refinanced and moved on. 5 Q. Okay. So Ms. Ann Gibbs-Hunter is your aunt, correct? 6 A. Correct. 7 Q. So she was your father's sister? 8 A. Correct, she is. 9 Q. Okay. And had you ever lived with her? 10 A. Nope. 11 Q. Okay. 12 A. No. 13 Q. So when you started building 203, I saw some -- she 14 actually deeded 209 -- or, I'm sorry, 207 to you at some 15 point in time, right? 16 A. Correct. 17 Q. And what was the purpose of that? 18 A. So when we put it in for -- for 207, she put it over to 19 me because initially, 203 was going to be in her name. 20 So it was just proactively moving the deed over. But 21 then once we kind of -- the prices on the lumber and 22 everything from kind of post COVID, everything -- the 23 price that we initially planned for to build the house, 24 like almost tripled. So the way to get more money out 25 of the refi of the old family house, was to sell it back	Page 16 1 Q. Did you ever deed 203 back over to Annie? 2 A. Nope. 3 Q. Okay. So I'm just trying to -- you've never inherited 4 207 or 203, correct? 5 A. No. 6 Q. And your father never had any interest in 207 or 203; is 7 that correct? 8 A. I mean, he had interest because he's a -- he was a 9 sibling from my grandmother and all the rest of them, 10 but he died much earlier than anyone else, so he 11 couldn't have an interest because he was deceased. 12 Q. Okay. So I'm -- yeah. So --- 13 A. So he died in like 1976. 14 Q. Right. 15 A. '76 or '77, one of the two. 16 Q. So you personally have never been an heir of either 203 17 or 207? 18 A. No. 19 Q. Okay. 20 A. All of the brothers and sisters were the heirs, and they 21 signed off to -- because everyone else moved from the 22 Greer area. So all the brothers and sisters, no one 23 lives in the area. 24 So my Aunt Annie was the only one living here, so 25 that's why she was the one who got the property in 203
Page 15 1 to her. So I got more by selling it back to her, than I 2 could get for a refinance. 3 Q. Okay. 4 A. So I sold it back to her. 5 Q. And then 203, you put in your name at some point in 6 time, correct? 7 A. It's been in my name the entire time. 8 Q. When you say the entire time, what do you mean by that? 9 A. From the time that I built it. 10 Q. Oh, when you started building? 11 A. Yeah. You saying, you put -- you -- you just said, you 12 put 203 in your name, but I didn't put it in my name, 13 it's been in my name the entire time. I pulled the 14 permits for it. 15 Q. Right. You actually built that house as a homeowner 16 that was going to live there; is that correct? 17 A. Correct. 18 Q. And I saw you filled out one of those disclosures that 19 you were going to build your own house; is that correct? 20 A. Correct. 21 Q. Okay. So you've never lived at 207 or 203, correct? 22 A. I have lived at 203, it is my primary residence. People 23 don't know, but my -- my wife and I are in the process 24 of separating, so that's the reason why that's -- it 25 stayed in my name as a -- as a primary residence.	Page 17 1 and the lot that is now -- well, 207 and the lot that is 2 now 203. Because all of her other siblings elected not 3 to have anything, you know, to do with the property, 4 because they were no longer, you know, primarily in the 5 state. 6 Q. That would be the Gaffneys; is that correct? 7 A. So that is -- the Gaffneys are not the siblings. The 8 Gaffneys are my great uncles, which is my -- Annie's 9 mother's brother, those were his children, and he had a 10 life estate. Well, I think -- I can't remember the 11 proper term. But his one third, or whatever, that he 12 owned for the property that -- for him and my 13 grandmother, he left it to his children. 14 Q. Okay. 15 A. So I think it was -- I can't remember what the 16 percentage is, but Annie had like seven eighths, and 17 they had like one eighth, or something like that. I 18 can't remember the exact percentage, but she had the 19 bulk of that of that -- of that property. 20 Q. All right. And so what I'm trying to figure out is, 21 you've never lived at -- well, 203 is in your name, but 22 you don't live there, correct? 23 A. I -- I do. 24 Q. Oh, okay. 25 A. I do.

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Page 18 1 Q. So --- 2 A. Like I said, my wife and I are having some real 3 problems, so that's where I am, mostly, you know. And 4 of course, there's times where we're trying to kind of 5 work things out, per se, or whatever, so we haven't got 6 to the point to where a divorce is, you know, final or 7 anything like that. 8 But I mean, that's -- that's how things are 9 currently. So that's the reason why my vehicles and 10 things are there, because of -- you know, if you go 11 upstairs in the closet, all of my clothes are there, 12 that's where all of my belongings are. 13 Q. So I didn't -- I think Ms. Jasper testified that you 14 guys used to play in the back there when you were kids? 15 A. Uh-huh. 16 Q. Yeah. So when did you personally, intentionally, try to 17 own -- or, when did you start your claim of adverse 18 possession on this property? 19 A. Well, adverse possession is for -- for our family. 20 My -- my great grandfather built that -- built that 21 house and got that property in the '50s. And so we have 22 always maintained and had that property since the '50s, 23 since he acquired it. 24 And it's always been in our family. And so 25 Annie -- she born in the house there, so she's been	Page 20 1 Q. Did you mark the line at that time? 2 A. Yep. We had them mark it because of the city, before 3 you put a permit -- permit up, you have to put the silk 4 fence, you know, you see the silt fences --- 5 Q. Right. I get it. 6 A. So yeah, we had to put the silt fence up right in front 7 of where the gravel driveway is, up to the -- to the 8 back of the house where the current fence is -- is now. 9 Q. All right. So why wouldn't you just fence off the whole 10 thing if you're claiming ownership? 11 A. Well, because we know that we own that property, and 12 we've been using as adverse possession, but it's not 13 documented with the city. 14 Q. Well, that's right. It's -- you don't own it on paper, 15 right? 16 A. Correct. 17 Q. So you're just saying that you're making an adverse 18 possession claim based on the elements of adverse 19 possession, the legal elements? 20 Do you know what those are, the legal elements? 21 A. Yeah, the legal elements and -- and we've operated as if 22 it was ours since the '50s. 23 Q. Okay. But you've never fenced it off? 24 A. There was no reason to fence it off. 25 Q. Why was there no reason to fence it off?
Page 19 1 there all of her life, all of her life. And the only 2 reason that we're, quote, my name got pulled over to the 3 property, is because we knew we were going to be 4 building for 203 on the empty lot. So we just had to 5 be -- be strategic of how we were going to do things, as 6 far as in terms of, planning, and taxes, and things like 7 that. 8 Q. So you built 203, did you have it surveyed when you 9 built it so you know where the lines were? 10 A. Yep. 11 Q. Okay. 12 A. I'm sorry, yes. I didn't mean to say yep. 13 Q. Yep works. I'm going to show you what I've marked as 14 Defendant's Exhibit 1. 15 Now, the -- I'm going to refer to this area where 16 the gravel drive is, and I think it's about 20 -- how 17 many feet wide does that say it is? 18 A. What -- what are you --- 19 Q. Right here. 20 A. What's that, 21.7? 21 Q. Okay. So it's about 20 feet wide right there. So this 22 kind of what I call the driveway area. 23 And you had it surveyed when you built 203, they 24 would have drawn this line, correct? 25 A. Uh-huh.	Page 21 1 A. We never had any issues to fence it off. Nothing 2 warranted us to fence it off and say, hey, we need to 3 have this private or -- or for what we are doing. 4 Q. And you didn't transfer it in the deeds, right? When I 5 say transfer it, I'm talking about the little driveway 6 strip. 7 A. No. 8 Q. Okay. Why didn't you transfer it in the deeds if you 9 thought you owned it? 10 A. By what you just said, you -- you just said that 11 we're -- legally, on paper, we don't own it, but we 12 operate with adverse possession, so we can't transfer 13 something that doesn't have our name on it now with the 14 courthouse, even though we operated and -- and took care 15 of it and done everything we have since the '50s, 16 but --- 17 Q. Well, you haven't done anything. It's just Ms. Annie 18 lives out there, right? 19 A. Yeah. But even still, it's -- it's -- it's family, so 20 just as I've cut grass out there plenty of times, I've, 21 you know, helped put gravel, spray weeds, have my guys 22 cut the -- cut the grass. 23 I mean, that's a family property, all kids were 24 born in the house, and that's what we do. That's what 25 our -- I don't know about other families, but that's

Page 22 1 what -- how our family operates. 2 Q. Well, that's 207 you're talking about, right? 3 A. Correct. 4 Q. All right. Now, until you built the house and you put 5 up a fence beside the --- 6 A. Quality Foods. 7 Q. --- grocery store, but until that time, just about 8 everybody used this property, didn't they? 9 A. No. Not just about everyone. You had some -- some 10 people that asked -- that asked us permission, hey, do 11 you mind? And it's a small knit community, and we 12 granted certain people that we knew well, to walk 13 through there. Other people that we did not know, if 14 someone started to proceed through there, we would say, 15 hey, that's not a cut through on our property. This is 16 private property. And for the most part, people 17 respected that. 18 Q. And when did you start doing that? 19 A. Since -- ever since I can remember to where even small 20 kids, to where someone -- my uncles, if we were having a 21 family gathering, or we were was just there visiting. 22 Q. Both -- Ms. Morrison, who lives at 209, do you know her? 23 A. Correct. 24 Q. And Ms. Jasper lives over across the street, almost 25 right across from this little gravel drive? _____	Page 24 1 And they started to walk through, and they were stopped. 2 Hey, that's not a cut through. 3 Q. Who stopped them? 4 A. So my uncles when we -- and now that I've gotten older 5 to where -- when I was coming from college and things 6 like that, I would stop someone to where if I asked my 7 aunt to where, hey, do you know that person? And she'd 8 say, oh, no, I don't know -- I don't know him, or I 9 don't know her. Then I would stop them and say, hey, 10 this is private property. You know, this is not a cut 11 through. 12 But if it's someone traditionally from the 13 neighborhood that we know, and that we are comfortable 14 with, because we have a relationship from being a small 15 knit community, they were granted access to walk through 16 there. 17 Q. So everybody that walked through there had to have a 18 conversation with either you or Ms. Ann? 19 A. I'm not going to say -- now you turning my words now. 20 I'm not saying every single person. Of course, you're 21 going to have someone to where we don't know -- at a 22 time to where we're not there, right? 23 Q. Exactly. That's what I'm getting at. 24 A. Right. There may be someone, but the people that walk 25 through there, 99 percent of the people, have been
Page 23 1 A. Uh-huh. 2 Q. They testified that people walked -- until you put this 3 fence up, people walked through this area and across 4 even where the 203 house is right now, they walked 5 across that -- people walked across that area all the 6 time, until you put the fence up and then they stopped; 7 is that true? 8 A. Yes, that's what I just said. People that walked 9 through had our permission to walk through. 10 Q. And how did you go about that? 11 A. By people that we knew in the community. Now, of 12 course, Annie knows more people than I, because she's 13 older. So people that came through, that were 14 traditionally, you know, families that we know, people 15 that we know, if they come walking through and they 16 actually have asked years ago, or, you know, previously, 17 hey, do you mind? And once they -- once they were 18 granted, they kept walking, right? 19 Q. Who did you have that conversation with? 20 A. Well, it's been plenty of people that -- where I've -- 21 you know, to where I've seen them and heard on the porch 22 as a child growing up, to where somebody said, hey, you 23 mind if we walk through? Oh, yeah, go ahead. Ten to -- 24 whoever, right? But then there's other people to where, 25 oh, I don't know them. Oh, I have no idea who that is.	Page 25 1 granted access and have asked us, because we have 2 operated as our property since the '50s. 3 So someone has always, 99 percent of the time, 4 asked, could they walk through there, do you mind? Hey, 5 how you doing, how y'all doing today? That's how we 6 know the people in the community. 7 Q. Well, would you find it strange that Ms. Jasper would 8 say there's all kinds of people walking through there, 9 there's all kinds of people. And it's -- and 10 she -- there's plenty of people she didn't know. 11 A. So --- 12 Q. And she lives there. 13 A. As I stated, you going to have -- you can't -- there's 14 no one that's going to be there -- we're not going to 15 sit on the porch 24 hours out of the day, wouldn't you 16 agree? 17 Q. Yeah. 18 A. So it's going to -- of course, it's going to be some 19 people from the community that comes through that we may 20 not know at some point. But for the bulk of the people 21 that come through there, we know those people, and 22 traditionally, their family has a connection to our 23 family. 24 Q. How many people did you personally talk to about that? 25 Or did you stop and say, this is not cut through?

Page 26 1 A. Oh, I have stopped several people, because the 2 neighborhood has changed now from the traditional people 3 that were in the neighborhood. 4 So one of the reasons that yielded us putting up 5 the fence, is because now, some of these people that 6 live in the neighborhood -- well now, whether it's 7 grandchildren, or people that's not from the area, or 8 whatever that has bought the house now, or whatever, 9 that lives in neighborhood now. Well, we don't know 10 everybody now, you know, you figure, since the '50s, 11 there's no way we can know everyone. 12 Q. Well, I can't talk to most of them --- 13 A. Right. 14 Q. Right? 15 A. I can understand -- I can understand that. 16 Q. So the only ones I guess that's really left are you and 17 Ms. Anne? 18 A. That's it. 19 Q. But from --- 20 A. The only other person that's even close by is my uncle 21 that lives in Clemson, and he hardly ever comes back now 22 because of health conditions. And my -- we have one 23 other aunt that lives in Alabama, and she has some 24 health conditions, as well. She was here recently, but 25 she's on oxygen, and actually, she's in -- she's in ICU	Page 28 1 A. Or the time from King Street to present? 2 Q. Let's just call it King Street. 3 A. I would say, easily, five, six people while I was -- 4 while I was at King Street. 5 Q. Do you know who they are? 6 A. No, that was the point of me stopping in and telling 7 them that they couldn't cut through. 8 Q. And that's just when you were visiting your aunt? 9 A. Correct. 10 Q. So even in 1999, people were still walking through that 11 area there that they've -- that Ms. Morrison and 12 Ms. Jasper described, people were still walking through 13 there, correct? 14 A. Correct. 15 Q. And in fact, they were walking through there all the way 16 up until you put the fence in, correct? 17 A. Correct. It would be people that we've given permission 18 walking through in addition to maybe some new people in 19 the community. 20 Q. So how often did you visit your aunt? 21 A. From what --- 22 Q. Once a week, twice a week? 23 A. From what -- from what period? 24 Q. Well, you certainly didn't do it when you were in 25 college, right?
Page 27 1 now. 2 Q. Is this lady in Alabama? 3 A. Correct. 4 Q. Okay. But you can't -- you couldn't -- I mean, at what 5 age did you start talking to people in this manner where 6 you told them it's not a cut through? What age were you 7 when that all started? 8 A. So I would say, probably like when I came back from 9 college. Once I came back from college, I was around 10 more so, you know, sitting to go -- to visit my aunt, 11 sitting on the porch, and things like that. But before 12 then, you know, I was a child, and after that, I'm in 13 Columbia. So coming back --- 14 Q. When you moved back in '99, you --- 15 A. Correct. 16 Q. --- lived in TR? 17 A. No. 18 Q. Oh, King Street. Gotcha. 19 A. Uh-huh. 20 Q. All right. And then, how many people did you encounter 21 while you were living at King Street? When I say 22 encounter, I mean, how many people did you tell that it 23 wasn't a cut through? 24 A. I mean, from the time I'm living in King Street? 25 Q. Uh-huh.	Page 29 1 A. I came home pretty frequently when I was in college. 2 Q. Okay. 3 A. So let's not make assumptions. 4 Q. I'm asking. But did you find it your place at that time 5 to tell people they couldn't walk through the yard? 6 A. Yes, I did. My -- my aunt does not have any children, 7 she's not -- not married, so it's my -- I felt it's my 8 duty to make sure that my aunt remains safe. 9 Q. But y'all never -- you never fenced it off, you never 10 put up no trespassing signs, you didn't put up 11 barricades, correct? 12 A. Correct. There was not a need to. 13 Q. So how would the whole world know that you have an 14 exclusive claim to this property, if there's nothing out 15 there to tell them? 16 A. Historically, as I mentioned before, to where most of 17 the people in the community, we all, at some point, grew 18 up together, went the church together, they went to -- 19 the high school used to be right there directly across 20 the street from the store. 21 So small knit black community to where from the 22 initial time that where that was segregation and all, so 23 it's very close knit community. So from that point of 24 everyone knowing everyone, that's where a relationship 25 is built, and out of that relationship, certain respects

Page 30 1 are developed, as well. So when you create that 2 relationship and that respect, that's why I said that 3 people ask you, do you mind to walk through? 4 No, of course, you cannot police something 24/7, 5 and it's going to be people in the neighborhood that 6 move in or -- or that grandchildren that's much younger, 7 and you don't know those people. 8 But at some point, when they -- those people do 9 come through, and you say, hey, you know, how you doing? 10 You know, appreciate you not walking through. Oh, yeah, 11 I know -- you know, I know you guys, that's such and 12 such. Oh, you Ms. such and such grandson, or you such 13 and such, and we make that connection, oh, okay. Hey, 14 yeah, we know your whole family, yeah. But there's no 15 way for us to know those younger people that's 16 coming -- that's coming up, that's using that as a cut 17 through. It's just -- it's impossible for us to know 18 those younger people that's kind of out of our age 19 bracket. 20 Even, I'm 50, my aunt is what, 63? So that's a gap 21 for me that some of the people that she knows, I don't 22 know. I was a little kid at that point. So some people 23 that come through to where I'm like, hey, auntie, do you 24 know -- know them? Oh, yeah, that's such and such. I'm 25 like oh, okay. But if she hadn't said, I know that	Page 31 1 person, I would be saying, hey, if you don't mind, this 2 not a cut through. 3 Q. So whenever you're confronting these people, you're just 4 helping her out, is that what you were doing? 5 A. For -- for the family. 6 Q. You weren't making a personal claim to the property, 7 were you? 8 A. Yes, I was. 9 Q. Okay. 10 A. Yes, I was. If I tell them, this is not a cut through, 11 this is our property, don't walk through our property, 12 or, oh, yeah, you can walk through our property, I'm 13 making a personal claim to that property if I'm saying 14 our property, correct? 15 Q. There's just nothing I can see on the ground that would 16 tell me that you were attempting to claim that strip of 17 land as your own, exclusive to the right of all others. 18 A. Okay. Is it okay for me to ask a question? 19 Q. Sure, I don't care. 20 A. So pretty much no one in the area up until recently, had 21 a fence around their property. 22 Q. Okay. 23 A. They still didn't need to make a claim to a hey, that's 24 my property, you knew this by -- that's just like if you 25 don't have a fence in your neighborhood for your	Page 32 1 neighbors, you don't have to tell someone, hey, this is 2 my -- my yard. You don't have to spend the money to put 3 a fence up, do you? They know this, they know where 4 you're -- where you are, and where you cut your grass, 5 and where you're going to stop cutting your grass, 6 correct? Right? 7 Q. I would think so, yeah. 8 A. Yep. Yep. Most people would, you know. 9 Q. This property is a little different, because you've got 10 a -- kind of a strange little strip between -- well, 11 what used to be -- 203 used to be a lot, right? 12 It'd be pretty hard for someone to just see that 13 it's your land, right? 14 A. Well, we put an awning building on that lot, as well, to 15 where we parked additional cars on there, as well. That 16 was there for a very long time before we built that. 17 Q. That's the one that got moved down to --- 18 A. No, that's not an awning lot. 19 Q. Is that a new one? 20 A. No, you pointing to a building, that's a storage 21 building. 22 Q. Okay. 23 A. An awning garage is not -- is not a -- is not a storage 24 building. 25 (Whereupon, Defendant's Exhibit No. 7 was marked for	Page 33 1 identification.) 2 BY MR. HAWKINS: 3 Q. I'm going to hand you what's been marked as Defendant's 4 Exhibit 7. 5 And that's the awning that you're talking about, 6 correct? 7 A. Correct. 8 Q. All right. And where did that thing sit? 9 A. It sat on the side of the driveway -- the gravel 10 driveway in the area to where 203 is built. 11 Q. Okay. So it didn't sit in the middle of the driveway, 12 it was actually probably on the 203 lot? 13 A. Yes. But --- 14 Q. I'm sorry. 15 A. Oh, no, I'm sorry. Go ahead and finish. 16 Q. Well, I'm just looking at the photos, and I'm trying to 17 figure out, I mean, it's somebody's birthday party, I 18 guess it's Ms. Annie, right? Is that her? 19 A. No, that's not Annie. 20 Q. Okay. Whose birthday was it? 21 A. That's my aunt that lives in Alabama. 22 Q. Okay. So it was her birthday party, or she was just 23 there? 24 A. I'm -- I'm not sure who birthday party it is. 25 Q. Oh, you weren't there?
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Page 34 1 A. I don't know if I was there or not, I mean --- 2 Q. Okay. I'm just trying to figure out -- actually, was 3 that photograph -- well, let's look at yours, how's 4 that? So all of these grills right here, they look like 5 they're on the 203 side of that gravel drive; is that 6 correct? 7 A. Correct. 8 Q. Okay. And then this awning that you're talking about, 9 where was -- can you mark that on the 10 Defendant's Exhibit 1? 11 A. It would be in this area here. 12 Q. Okay. 13 A. Because it was no -- this area for the gravel driveway 14 is so narrow, and then on the side of the house it's 15 really not enough room. So for having large gatherings, 16 it makes no sense to be here where you have no room, as, 17 you know, how the property is for this driveway. 18 And the side yard, to where it's almost no room, to 19 where this lot is bigger. To where we come from out the 20 house, prepare the food in the house, some people park 21 here, some people will park there, some people will park 22 behind the awning garage, some people will park over 23 here at the church, some people will park down at -- in 24 front of Quality Foods. 25 So here at 220 Earl Street is my grandmother's	Page 35 1 house on my mother's side, so some people will park down 2 here in her yard at 220. But for us to have this, 3 because you have more space. 4 Q. Okay. That's fine. I'm just going to color this little 5 circle yellow so that that's where you're talking about 6 where that awning was. 7 A. In the -- in the area of the -- of the house, somewhere, 8 like I say, somewhere over in this area. 9 Q. And then --- 10 A. That lot. 11 Q. So when you built the house, you just -- what'd you do 12 with the awning? 13 A. Took the awning down. 14 Q. Okay. Do you know when this birthday party was? 15 A. I -- I do not. 16 Q. Well, this is a photograph, if you turn the page of 17 Exhibit 7. This is a photograph of you actually 18 building the house, correct? 19 A. Correct. 20 Q. That's 20 --- 21 A. 203. 22 Q. 203, right. When did you start building 203? 23 A. In 2022. 24 Q. Okay. Do you know whose car that is parked there? 25 A. That is Annie's car.	Page 36 1 Q. Okay. What kind of car is that? 2 A. Nissan Maxima. 3 Q. Maxima. Okay. And then this -- I'm going to show you 4 Defendant's Exhibit 4, and the picture at the bottom, 5 there's a car rear end there, do you see that? 6 A. Uh-huh. 7 Q. Do you know whose car that is? 8 A. Yes. 9 Q. Who is that? 10 A. That was the tenant that was staying there. 11 Q. What was their name? 12 A. By the last name Bobo. 13 Q. Is it a young lady? 14 A. Correct. 15 Q. You don't know her first name? 16 A. It's like Adriana, something like that. 17 Q. Let me ask you this, if you thought you owned that area 18 where the gravel drive is, why did you ask to buy it? 19 A. Once again, as we already stated, legally, down with the 20 county, they have no record of us owning it. We own it 21 by adverse possession, but Greenville County doesn't 22 have it down as adverse possession. 23 Q. Well, that's something you have to prove, right? 24 A. Correct. 25 Q. Okay. And so far, the only evidence that you've	Page 37 1 mentioned about your exclusive ownership, is talking to 2 people that you don't know the names of. So it begs a 3 question, right? 4 A. It doesn't beg me a question. As I --- 5 Q. I'm just trying -- I'm trying to ask you how you're 6 going to meet the elements of adverse possession. I'm 7 asking for evidence. 8 A. So --- 9 Q. And you -- just let me finish. Example, you can fence 10 it off, you can barricade it, you can put up no 11 trespassing signs. That is more likely to be -- may 12 agree, may not. That's more likely to tell the whole 13 world, this is mine, correct? 14 A. Correct. 15 Q. And so far, what I have right now, the evidence that I 16 have of your exclusivity, or your hostility, is you 17 talking to people and either granting them access or 18 not. And that's when you're there, which is -- in a 19 particular year, may have been, how often, 30 days out 20 of a year? No? 21 A. I'm just letting you talk. 22 Q. I mean, that's a question. You're there maybe 30 days 23 out of the year? 24 A. No, I -- I visit my aunt regularly. 25 Q. How long do you stay there?
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Page 38 1 A. So I don't have to stay to visit. 2 Q. I understand. 3 A. A visit is a visit. Staying overnight -- let's be 4 specific. So are you asking me, do I visit more than 30 5 days, or do I spend the night --- 6 Q. No. 7 A. --- more than 30 days? 8 Q. Visit. 9 A. Yeah, I visit my -- even when I was in college, I was at 10 home probably every -- every three weeks, even in 11 college. In high school -- coming -- we'd visit my 12 grandmother down the street, we have Sunday dinner there 13 at that house every single Sunday, and I come up to 14 visit my aunt every single Sunday. So as a child coming 15 up, I'm constantly at that property. The only time I 16 wasn't constantly there every single week, is when I 17 went to college. 18 But we came from Greenville to back to Greer every 19 single Sunday for Sunday dinners. And from the Sunday 20 dinner, I walk up the street to this 207 Earl Street, 21 and spent time with my father's sister there before we 22 went back to Greenville. 23 Q. Okay. And on those visits, how many hours were you 24 there? 25 A. Probably like two hours.	Page 40 1 Q. Asphalt? 2 A. Asphalt driveway, and it was dug up. 3 Q. Who dug it up? 4 A. The owner. 5 Q. And did the owner at that particular time have any 6 conversations with you about it? 7 A. No, I was a child. 8 Q. Okay. 9 A. But I -- but my aunts and uncles, they remember vividly 10 of when the trucks came out and dug it up while they 11 were standing there on the porch. 12 Q. So the only person that is still living that would be 13 witness to that, would be Ann? 14 A. No. As I stated before, I have an uncle that lives in 15 Clemson that's still alive, and an aunt that lives in 16 Alabama that's still alive. Hence the picture that we 17 just went over, and you asked me who it was. 18 Q. So what is your uncle's name in Clemson? 19 A. Steve Gibbs. 20 Q. You say he's ill right now? 21 A. Yes. 22 Q. Okay. Is he sane and lucid? 23 A. Yes. Yes, he is. 24 Q. So who exactly have you ever asked if you could buy this 25 property?
Page 39 1 Q. Okay. 2 A. Because we would spend the whole entire day -- we would 3 come back, go to church, we would spend the whole entire 4 day back in Greer before I went to -- we went back to 5 Greenville. 6 Q. Did Ann not go to grandma's house, too? 7 A. Two separate sides of the family, as I said --- 8 Q. Okay. 9 A. --- that was my mother's mother --- 10 Q. Okay. 11 A. --- that we went for Sunday dinners to. 12 Q. Okay. 13 A. That's at 220 Earl Street. This is -- Ann is my 14 father's sister, two separate families. 15 Q. Okay. So Ms. Ann didn't come to your mother's side 16 Sunday dinner? 17 A. She would come occasionally, you know, if we invite -- 18 but that's two separate families. 19 Q. All right. 20 A. But also, you mentioned exclusivity in terms of adverse 21 possession. It's been notated that the same driveway 22 that you referenced with the gravel, we paved this 23 driveway. 24 Q. With what? 25 A. It was paved. It was -- it was the black pavement.	Page 41 1 A. So I sent letters to the owner in three separate 2 occasion over the course of years, never got a response 3 back. So from there, once I got in touch with 4 Mr. Harold, me and Mr. Harold discussed the property, 5 and he was the one that told me that he would keep me 6 advised on what's going on because it was in probate. 7 Q. Mr. Harold is the --- 8 A. Property manager of the building. 9 Q. Yeah, and that's -- what's his first name? 10 A. Harold. Harold Jenkins, I think it is. 11 Q. Oh, Harold. 12 A. Yes. 13 Q. Okay. So over -- you sent three letters to the owners? 14 A. Uh-huh. Over the course of -- I sent three separate 15 letters, never got a response. 16 Q. And what period of time was that? 17 A. I probably sent the first letter, probably about 2006, 18 2007, somewhere around up in there. 19 Q. And did you send them yearly, or? 20 A. No. It wouldn't -- it wouldn't be yearly if I've only 21 sent three letters, and it's 2025. 22 Q. Well, what I'm saying is you said you sent three 23 letters, and you said, 2006, 2007, you were sending 24 letters. 25 A. That's why I sent them ---

Page 42 1 Q. But if it was just in that --- 2 A. The -- the first letter. That's when I sent the first 3 letter. 4 Q. Okay. When did you send the second letter? 5 A. And I probably sent the second letter, probably in about 6 2015, somewhere around up in there. 7 Q. Okay. And then when would be the third letter? 8 A. And I sent another letter in 2022. 9 Q. Okay. And was that to whoever was on -- 10 A. Yeah, just pulled it up on Greenville County. 11 Q. The tax records? 12 A. Tax records, yeah. 13 Q. Okay. So you just mailed it to --- 14 A. Uh-huh. It was an address in Oklahoma, if I'm not 15 mistaken, or something like that, somewhere. 16 Q. One of the brothers? 17 A. No, I think it had -- was it -- is it -- if I remember, 18 is it Doris? I can't remember the -- the name, but the 19 name that's on record, that's who I -- who I addressed 20 it to. And based off the information off 21 Greenville County tax records. 22 Q. Now, you've actually met my clients, Jose and his 23 brother, Max; is that correct? 24 A. Uh-huh. 25 Q. And did you ask them if you could buy it? _____	Page 43 1 A. I asked -- initially, I asked the bald head -- the one 2 that does the jiu jitsu, what's --- 3 Q. Jose? I don't know. 4 A. I don't know their names. When I --- 5 Q. Yeah, they both kind of look the same to me. 6 A. But he -- he and I had the initial conversation, and --- 7 Q. What did you say in that conversation? 8 A. So the initial conversation, you know, I just basically 9 told him that we've owned this property since the '50s, 10 and my great grandfather has owned this property, we've 11 always maintained it, we've always used it as ours, 12 pointed to the driveway, the gravel, pointed to, you 13 know, hey, you see the -- see the yard, and, you know, 14 pointed to everything that -- where we treat it as ours. 15 And he was super nice, very, very, very nice guy. And 16 he said, hey, man, I understand. 17 And I told him -- I said, from a -- from a minority 18 perspective, I said, man, you have to appreciate the 19 fact that we've been trying to get this property, you 20 know, since the '50s, and we basically have not been 21 able to get it because the color of our skin. 22 And I told them also, that we're -- hey, you know, 23 they -- my family paved this driveway, and they came and 24 dug it up. And I said, you know, it's one thing for 25 them to -- you know, for someone to come and say, hey,	Page 44 1 you know, you can't do that, that's -- that's yours -- I 2 mean, that's not yours, that's ours. But to spend the 3 resources to come and dig it up, just makes no sense. 4 You would think to where, hey, even if you came, you 5 would just leave it as it is, and say, hey, that's not 6 yours, you know, hey -- but they paid the resources to 7 come and dig it up right there in -- in -- in front of 8 us. 9 But once they dug it up, all we did was just come 10 back and put gravel there and still -- and still kept 11 using it. But I, you know, gave him a little -- little 12 history lesson of what we've done and how long we've had 13 it. And he was very open, he -- I mean, he and I, 14 we -- I thought that we hit it off, and he said, hey, 15 let me talk to my brother about it. 16 So never heard anything back from him. I went up 17 to their business one day to speak with him, but he had 18 some clients in there, so I didn't want to disrupt, you 19 know, his -- his business. So never did hear anything 20 back from him. 21 Then the next time I saw them on the camera, I 22 drove over, came, introduced myself to the other 23 brother, and told him, you know, hey man, never heard 24 anything back. And the other brother specifically said 25 that, yep, if this property has a rear exit, the per	Page 45 1 square foot price goes up significantly, so we're not 2 going to sell it. 3 I said, man, look at this -- I said, you're going 4 to put a driveway -- an exit coming through here, and I 5 said, this is pretty much the only yard that we have. 6 You know, I said, so now you talking about having people 7 driving in and out to where all we have is this 8 little -- little portion for -- for this house. And he 9 said, well, the property value will be significantly 10 higher. 11 So I shook both of their hands, and you can tell 12 the other brother, the one that runs the jiu jitsu, he 13 was uncomfortable by his -- by what his brother was 14 saying. You can see the look on his face, like hey man, 15 sorry, nothing I can do. 16 So I'm -- I'm -- I'm just assuming that the other 17 brother, the -- is the business guy, and he makes the 18 decisions. And so at that point, since he was not open 19 to hearing anything I had to say, anything about 20 allowing me to just run my fence straight across where 21 it currently is, and tied it off to -- to the old house, 22 and they just pave that parking lot out there in the 23 field area, and -- without having an exit, that's not 24 what he wanted, that's not what he wanted to do. So at 25 that point, I had to contact Mr. Marchbanks.
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Page 46 1 Q. So where -- is that when you got your idea about adverse 2 possession? 3 A. No, I already knew that we had adverse possession. I 4 had already talked to a friend of mine about that 5 property when I first sent the -- sent the letter years 6 ago, and even before that. So up until then, I had no 7 knowledge of adverse possession, right? 8 Q. Up until when? 9 A. Up until probably 2003, or 4, maybe, when I was talking 10 to a friend before I got ready to build my house. And 11 so he's an attorney that went to the 12 University of South Carolina with me. And he said, hey, 13 man, technically, y'all own that property. He said, If 14 y'all been maintaining it, treating it as your own, you 15 know, putting down gravel throughout the years, 16 maintaining the grass, restricting any type of access to 17 going through there. He said, that is your property via 18 adverse possession. And so I said, adverse possession? 19 I never heard of that. 20 So that's when I went, took a couple notes, and 21 when I called Mr. Marchbanks specifically, I didn't say, 22 hey, do I have a case, hey, is there anything that can 23 be done? I specifically called him and asked him, do 24 you handle adverse possession, specifically? I didn't 25 ask him, does this case -- something that you would do?	Page 47 1 I specifically asked him, do you handle adverse 2 possession? And that's where the conversation went 3 from -- retaining him as representation. 4 Personally, I think that the other brother that 5 runs the jiu jitsu place, I think he was very open to 6 doing something quick and resolving it. But I think 7 it's the -- it's the other brother that sees -- I guess 8 he sees whatever benefit that he thinks that -- as far 9 as, it's going to raise the value by having a front and 10 a rear exit. So that was -- that's his reasoning for, 11 you know, basically doing -- doing the parking lot and 12 the rear exit. He seems to think that it's going to 13 raise the property value. 14 Q. All right. I want to hand you -- let's gather up these 15 real quick. I just don't want them to get lost. 16 (Whereupon, Defendant's Exhibit No. 8 was marked for 17 identification.) 18 BY MR. HAWKINS: 19 Q. So this is -- I'm handing you what's marked as 20 Defendant's Exhibit 8. This is the affidavit that you 21 made. 22 When you wrote those letters to the owners in 23 '06, 2015, and 2022, those were letters that expressed 24 your interest to buy some property back there? 25 A. Yes.	Page 48 1 Q. Okay. And why wouldn't you have just written the 2 letters and say, we're claiming this by adverse 3 possession, we own it? 4 A. You and I both know, to where you can make a claim, but 5 no matter what, if it's not recorded with the county, 6 they are still going to be the rightful owners. Hence, 7 that's why we are here today. So until we prove -- I 8 could have sent her and said, hey, we own this by 9 adverse possession, and she could have simply dismissed 10 it because, on paper, she owns it, correct? 11 Q. On paper, someone other than your family owns this 12 property? 13 A. Right. So it's no point sending her a letter saying, 14 hey -- because we're going to operate as we own it, 15 regardless of her response. So if she would've 16 responded back and said, hey, I'm willing to sell it to 17 you, hey, great. But even if she would've responded 18 back and said, kick rocks, we still was going to be 19 putting gravel down, as we do every three or four years, 20 we still going to cut that grass up past our property 21 line, we still are going to do all the things we have 22 traditionally done, no matter what her response was 23 going to be. 24 Q. Well, I mean, how's a person supposed to know you have 25 an adverse possession claim if you don't do something	Page 49 1 hostile towards them? 2 A. It's hostile by us putting gravel down after it was dug 3 up. I think that's pretty hostile. To where you dig it 4 up, and we come back right behind you and put gravel 5 down and still continue to park there. So I think it's 6 hostile for even -- to when I was building 7 203 Earl Street, to where I was still putting supplies, 8 and things, and anything that we were going to be using, 9 in that area like it was ours. 10 Q. Or, you're just using it? 11 A. No. 12 Q. Okay. 13 A. That's your assumption. 14 Q. Can you turn to the second page of your affidavit, and 15 this picture under paragraph 3. 16 So you say in this affidavit that your family 17 occupied the whole orange piece, right? That's what 18 your affidavit says, you can read it. 19 A. We have operated all of this area going over to that. 20 So once it comes up, to prevent from getting over there, 21 you have to come through our property in order to get to 22 that property. 23 Q. Right. 24 A. So in order to stop anything from getting through, the 25 easier fix was to stop it at the store side, so then
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Page 50 1 that way you wouldn't worry about anything coming 2 through, at all. And then that still would give us 3 access to where, if we wanted to do something in 4 the -- in the field, or nieces and nephews when they 5 come over and we have any type of gathering, they still 6 can play, throw footballs out there, and do whatever 7 they need to do, instead of having to jump a fence, or 8 climb a fence or do anything like that. We still had 9 access to that lot by doing it from the store side, 10 instead of coming across from this side. 11 Q. Okay. Well, what I'm trying to figure out is, what 12 exactly are you claiming that you own by adverse 13 possession? 14 A. So coming up from the property line, from where here is 15 to where the fence currently is, the wooden fence behind 16 203, coming across. And as you can see in the pictures, 17 that Don Brown, from the mowing, I'm pretty sure you saw 18 that, to where all the pictures of the nice grass versus 19 the field, you can see that we've maintained all that to 20 the edge of where our house is, the old 207. 21 And that's a -- back in the day, used to hang 22 clothes on the -- on the laundry line, it's still a post 23 right there to where, I think, in one of these pictures, 24 you can see the stakes. And from there across, we have 25 already -- always maintained that, and the gravel	Page 51 1 driveway. 2 And on occasions, we have cut this lot, as well. 3 Hence, when I first met Don Brown and I asked him about 4 this -- this property, and he -- could he get me in 5 contact. And he said, hey, yeah. He said, man, I was 6 wondering why they don't call me out as much. 7 He specifically told me, he said, listen, do not 8 cut this lot anymore because once you -- you cut it, 9 they don't call me, and I'm retired, and I'm -- I don't 10 get a chance to make that money. I said, sir, I can 11 respect that. He says, yeah, so -- but it's been 12 several times to where we got ready to cut and if we 13 didn't, my aunt didn't call the city, we just cut it. 14 It was easier to just cut it and cut past what we 15 already normally maintain. 16 Q. So can you draw a line from what you're claiming that 17 you maintained? 18 A. So if this is the property, I'm assuming that this green 19 line is the property line to where the current fence is 20 behind 203, correct? 21 Q. I know what you're talking about. 22 A. You would come here, a straight line over through here, 23 and cutting back to tie in to the edge of 203, hence all 24 the pictures that we have seen. And you can see 25 the -- where the grass -- the way you have, like bush,	Page 52 1 and rough, and all that, and then you got nice, cut, 2 mowed lawn grass. Well, that would be because we've 3 been cutting and maintaining past 207, and going up past 4 to where 203 fence is, and coming to that area. 5 Q. Okay. So your testimony is that the line that you drew 6 is the area that you're claiming? And I'll cross hatch 7 it. That's what you're claiming you own by adverse 8 possession? 9 A. Correct. 10 Q. And that's a cross hatched area. 11 A. And like I say, from the area -- if this is specifically 12 where the green line where the fence -- the fence is 13 currently -- excuse me, at 203 Earl Street, straight 14 line from that fence over to the edge of the house. And 15 the pictures of the mowing, and the aerial pictures, 16 show that you have green, nice, manicured grass, and 17 then it turns to -- turns to bush. 18 Q. Okay. And I think one of the reasons the kids can only 19 play in here is because there was a lot of trees up in 20 here? 21 A. Well, it's not a lot of trees. It's a couple trees over 22 to the -- to the store -- to the store side, it's a 23 couple trees there. Right here, it's another fence that 24 where, I guess -- I don't know if Mr. Dave owned 25 this -- owns this -- he owns this property, but he just	Page 53 1 recently bought it. 2 So I don't know if the fence was put up by him -- 3 by his -- the prior owner from there, or either this 4 house, but it's a -- it's a chain link fence that's 5 right there. And there's some trees over closer to 6 the -- the store side and right behind the building, the 7 brick building, that's -- like a house, where they -- 8 right beside the property that's in question. 9 So it's only trees right here. All this area has 10 always been pretty much kind of open, there's no trees, 11 per se, right here. 12 Q. Okay. 13 A. There's no trees right there. Now, it can get overgrown 14 to where if it hadn't been -- to where like you've seen 15 in some of the pictures, to where it gets overgrown, and 16 then we'll -- you know, and we have to call the city and 17 all that stuff. 18 But if when we're cutting grass, many times, we 19 just go ahead and -- and cut on over. And that's the 20 same way -- Ms. Jeanette, she may only -- she -- her 21 portion from her yard is right there, but she would cut 22 up the same way, and you would see the -- as you can see 23 in the areal pictures and all, the line that comes from 24 here, the curvature is perfect. That shows to where 25 she, and we, both maintain up far above our property
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Page 54 1 lines. 2 Q. So the piece that is cross hatched, you've identified as 3 what you've maintained and what you're claiming by 4 adverse possession. You know that that's just a piece 5 of this entire tax map that Rilion Gracie owns; is that 6 correct? 7 A. Correct. 8 Q. Okay. So it's just a portion of their whole property, 9 right? 10 A. Correct. 11 Q. Okay. 12 A. Prior to them acquiring it, Mr. Harold, he 13 was -- Mr. Harold Jenkins, the property manager, we were 14 discussing buying this entire piece. That's what the 15 initial -- but once the -- your clients purchased it, or 16 whatever, we don't have no -- no -- no -- no problem 17 with them putting a parking lot, but to run us --- 18 Q. I mean, it's their property, they can do whatever they 19 want to it, right? 20 A. Technically. Technically. For -- for -- technically, 21 for that. But to run a driveway from that parking lot 22 to this adverse possession piece that we've owned, just 23 can't stand by and -- and -- and be bullied by that. 24 Q. You feel like my clients were bullying you? 25 A. Yes, I do. Because if I'm going to buy this	Page 55 1 property --- 2 Q. Yes. 3 A. --- and it was marketed, and -- so I'm going to see it 4 from the Main Street side, and I'm going to come around 5 to this side to -- because on the -- when they staked it 6 out and all this stuff, you can see that, well, hey, I 7 got this piece of lot that runs basically through 8 somebody's front porch, basically. 9 If I'm going to buy the property, the first thing 10 I'm going to say -- once I just do my drive through, I'm 11 going to say, man, this property goes right through to 12 where people are parking. It's gravel here, through two 13 residences, and almost on the front porch of this 14 residence, let me find out what's going on. 15 Either I'm going to politely knock on the door say, 16 hey, don't mean to intrude. Hey, thinking about buying 17 this property, just trying to, you know, I see you got 18 this going on, just trying to get some questions -- 19 what -- or, I'm going to ask the person in front of 20 that, Ms. Jasper. Or you can knock on this door and ask 21 this -- ask this person. Or you can knock on 203, and 22 ask this person. 23 It was -- it's one, two, three, four, four 24 residences that you could inquire and say, hey, this 25 looks weird. Wouldn't you agree that this -- that lot	Page 56 1 looks weird? This looks weird. 2 And once that is, I would ask the realtor, hey, 3 listen, all right, we're thinking about buying this lot. 4 This lot is basically going -- going through somebody's 5 front porch, it just looks a little weird. Can you help 6 me out a little bit, explain that to me a little bit? I 7 would at least have that question, but that's just me. 8 I don't know any better, because I don't deal in real 9 estate, right? 10 Q. Well, I mean, you've seen construction sites. When you 11 start a construction site, you have to put gravel in, 12 right? To -- the entrance, a construction entrance. 13 A. Yes. 14 Q. The city makes you do that, they make you put in silt 15 fence. And so somebody could drive by and think that's 16 just part of construction. They may not see a car there 17 at all, right? 18 A. Possibly, but at this point -- point in time, there was 19 no construction going on. When your brother -- when 20 your clients got ready to purchase this property, there 21 was no construction going on. The house, 203, was 22 already done, finished, already done, so. 23 Q. When did you put this fence at -- back at 203, when you 24 built the house, you put that wood fence up there; is 25 that correct?	Page 57 1 A. Finished the house in 2023, I put the fence up in 2024. 2 Q. Okay. Then did you attempt to bring the fence beyond 3 the actual property line? 4 A. So I was going to. I was going to go straight 5 across -- straight across with it as adverse possession. 6 But I'm not a jerk, and I'm -- it just -- it just didn't 7 make sense for me to do that with -- with knowing that 8 Mr. Harold has already said, Raymond, hold tight, it's 9 in probate, you have already -- I've already expressed 10 to the son and whoever else that you want to buy this 11 property, so Raymond, hold tight on everything. He 12 said, this is going to be finished up in probate really 13 soon. They are aware that you want to buy that 14 property. 15 Because I told him that -- well, I said, 16 Mr. Harold, I'm going to take my fence all the way -- 17 all the way across. And so he just said, Raymond, hold 18 tight, things are wrapping up, you should have a 19 decision really soon. So I stopped it, and I stopped it 20 at a point that where I can tie in to it and continue it 21 with -- with relatively minimal -- minimal ease. 22 Q. But you did dig the holes, right, for the posts? 23 A. Yeah, I dig -- I dig -- I dug holes. I dug holes for -- 24 for --- 25 Q. To extend the fence into the cross hatched area that
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Page 58 1 we're talking about? 2 A. Yeah. It's -- it stopped at the property line. 3 Q. Yeah, I get it. But you did dig holes beyond your 4 property corner, right? 5 A. It was one hole dug that was right there because the 6 stake had got broken, and so the guy that built the 7 fence, he -- he went over just a little bit further, 8 because the stake wasn't there. 9 And so the -- somehow the stake had got broken, or 10 whatever the case may be. So once I put the -- put the 11 stake back down in there, that's where it stopped, and 12 that's where it currently -- currently is. But we 13 didn't dig holes all the way up, all the way across. 14 Q. Right. Yeah. You just dug -- I think you testified 15 maybe one hole, yes? 16 A. Correct. 17 Q. Okay. I should have asked you this before, if I didn't, 18 the chain link fence at the corner of the store, when 19 was that installed? 20 A. 2022, when we were -- we were building. 21 Q. Do you think that the installation of that fence alone 22 would put the property owner of this particular property 23 on notice that you intended to take their property? 24 A. No, I don't think that would put them on notice. I 25 think from us putting gravel and maintaining the -- the	Page 60 1 like when you order something from Lowe's --- 2 Q. Oh. 3 A. --- or something, they come out. 4 Q. Kind of like U-Haul? 5 A. Similar, very similar. 6 Q. It's got a -- completely covered in the back? 7 A. Correct. 8 Q. Got it. 9 A. Correct. 10 Q. And that's part of your logistics company? 11 A. Correct. 12 Q. How often did you park those back there? 13 A. I mean, I'll pull back there to -- if some coming in, 14 and I'm -- before we built 203, I would back in and I 15 would just park it in there. But other times, too, I 16 would back in and I would just pull it straight 17 back. Straight back to right here, in this -- in 18 this -- this area past where the driveway is. So 19 therefore, still got enough room to where -- where my 20 aunt would come in, and I still will have enough room 21 to -- to pull out. 22 But over the years, to where we -- let's say we had 23 company, because all this area, it was a lot of trees in 24 203, before we built here, right? So it was minimal on 25 cars if we were going to have -- have any type of
Page 59 1 property past our property line has been put them on 2 notice, years ago. 3 Q. Well, I mean, you received a benefit from that, though, 4 right? Y'all got to play out there, maybe -- there's 5 testimony about a basketball goal out there. 6 A. Yes. Yeah. Correct. 7 Q. Okay. And it looks like there's car parking back there? 8 Even in your photograph, I think, 207, there's a car 9 parked behind the house. It looks like it's kind of 10 straddling the line, do you see that? 11 A. Which one -- which one you talking about? Which page 12 you're on? 13 Q. This right here. 14 A. Oh, I can't even see a car on there. That doesn't look 15 like a car to me, looks like a number. But -- as you 16 have on the -- in the rest of these corners. But yes, 17 we parked there, I park my box trucks in -- up on 18 that -- that top side of that -- that property, we 19 parked cars. 20 Q. That's when you were building it, right? 21 A. No, always. 22 Q. What kind of box trucks? 23 A. 14 foot box truck, 24 foot box truck, but --- 24 Q. When you say a box truck, what do you mean by that? 25 A. A box truck, a smaller semi-truck that has a box on it,	Page 61 1 gathering. 2 So people would park through here, they would pull 3 through here, and we would park through here. And then 4 that way, we would leave the driveway free, so whoever 5 wanted to leave early, no one had to worry about 6 moving -- moving cars. People just came in, they would 7 park, you know, eat dinner, or cookout, or whatever we 8 having, and they would come -- come on back out. 9 Q. Let me ask you this, you knew that Harold Jenkins was 10 managing the property, correct? 11 A. I didn't know that until I met Don Brown. 12 Q. When did you meet Don Brown? 13 A. I met him -- this was in -- he was cutting the grass in 14 2022? Yeah. Because we hadn't finished building the 15 property yet. So I met him in 2022. 16 Q. And that's when the first -- after that, he told you to 17 call Mr. Jenkins? 18 A. Yeah. He gave -- he provided me with Mr. -- 19 Mr. Harold -- Mr. Jenkins's number. 20 Q. Okay. 21 A. And that's when me and Mr. Jenkins began communicating, 22 and I told him, you know, what -- what -- what -- what 23 we would like to do as a family. And he was like, 24 Raymond, I don't think that's going to be any problem. 25 And his exact words from when we -- I first talked to

Page 62 1 him, he said, Raymond, I don't -- I don't -- I don't 2 think there will be any issue, that is a dead lot. That 3 was his exact words. 4 And I said, well -- I said, well, we would like to 5 have this whole lot. I said, the plan would be to build 6 another house right here in this -- the open field lot. 7 And I said, then that way, we would have three Gibbs 8 property for all three of my children in the same area. 9 And he said, Raymond, I don't think that'll end up being 10 an issue. 11 He said, you know, the son's -- he said, got one 12 son that lives here, but the son that -- or close by or 13 something. He said, but that son is not the one that 14 has the property. He said, those sons really don't want 15 to have anything to do with this property. 16 He said, so I don't see any reason why they 17 wouldn't be interested in selling this property, and 18 still, they'll be able to sell the building. He said, 19 Raymond, are you interested in the building? 20 I said, Mr. Harold, I'm going to be honest. I 21 said, if I hadn't built this house, I probably would be 22 interested, you know, in the building, in -- in the 23 building. I said, but right now, you know, financially, 24 it just doesn't -- it doesn't make -- make sense to try 25 to buy that building.	Page 64 1 it as family -- that's the way that we operate. So when 2 we say we, it's not to be I, to where -- it's -- we -- 3 because, quite frankly, they are much older than me, and 4 they lived in the house, directly born there, Annie, 5 she's been there -- she's 63, 64 years, she's never had 6 another residence, except for when she went to college. 7 So she has all of the knowledge and all -- anything 8 that, you know, in terms of what's going on in that 9 property. She's been there her entire life. 10 Q. Let me ask you, when you put the fence in in 2022, did 11 that stop all the foot traffic? 12 A. Correct. 13 (CELL PHONE INTERRUPTION) 14 BY MR. HAWKINS: 15 A. My apologies. I thought I had this on vibrate. 16 Q. All right. So let's turn to page 5 of your affidavit. 17 Who took these pictures? 18 A. I don't know. I guess Mr. Marchbanks did. 19 Q. But that would be sometime recently then, I suppose? 20 A. Yep. After -- once the brothers acquired it, we stopped 21 cutting past what we usually maintain. 22 Q. Well, it would have to be after they bought it, because 23 that's -- if you see, look at that bottom picture, 24 that's where the string and the little red -- or pink 25 flags are, right?
Page 63 1 Q. Who is the fellow that was cutting the grass? 2 A. Don Brown. 3 Q. Right. So at that time, he asked you to stop mowing the 4 grass over there; is that correct? 5 A. Yeah. He -- he asked me to not go up past what we've 6 already been maintaining. So I told him, I said, 7 occasionally, when we get ready to cut grass, if this 8 area here has -- starting to get a little -- little 9 tall, we just go ahead and knock it down. But then in 10 other -- other times, we don't, and it gets overgrown. 11 The city comes out, send Mr. Harold a notice, or 12 whatever, that it needs to be done, or either they're 13 going to do it, and send him a bill, and then he would 14 send Don Brown out, or whatever the case may be. So 15 Don, he was just saying that, well, hey, man, if you 16 are, you know, maintaining past your property area, then 17 I don't get an opportunity to do what I need to do as 18 frequently. 19 Q. I gotcha. And page -- can you turn to page 3 of your 20 affidavit? So on paragraph 6, when you say, (as read) 21 sometime before 1984 we paved the property between 203 22 and 207. 23 When you say we, I mean, you were ten years old? 24 A. My family. Every -- this is family property, to where 25 everybody born in the house by a midwife. So we treat	Page 65 1 A. Correct. That's what I just said. 2 Q. Okay. I'm just reiterating. 3 A. But if you look at any pictures prior, you can clearly 4 see the transition line from field to grass on any 5 pictures prior to when the brothers acquired the 6 property. 7 Q. On page 7, there's a tree down. Do you know what tree 8 that is? 9 A. That's the tree over in front of Ms. Jeanette's house. 10 Q. And that's Ms. Morrison? 11 A. Yes. 12 Q. Do you know who took that picture? 13 A. Mr. Marchbanks. 14 Q. Okay. Did anybody in your family ever cut that tree up? 15 A. No, we did not. 16 Q. Why not? 17 A. Because that's over on Ms. Morrison side. That's -- 18 this -- this picture is taken from a vantage point of 19 right behind the store. So from when you take this 20 picture, through those pictures, you can see the chimney 21 of 207. 22 So this would be behind 207, the spot to where 23 Ms. Morrison maintained herself. So we didn't -- we 24 didn't maintain this side, because this is on her side 25 of the property that she maintained, that's actually

Page 66 1 part of the -- the lot that your -- your clients own. 2 So once again, she cut above her property line, as well. 3 And that's why, in the pictures prior to your -- 4 your -- your clients acquiring the property, you can see 5 a seamless transition of her cutting up to a certain 6 point, much -- much above her property line, and us 7 doing so at 207, as well. But this is from a vantage 8 point of right beside the store, which is blocking 207, 9 and it's behind 207. So we don't maintain this, this is 10 Ms. Morrison's lot. 11 Q. And you're not making claim to that area, right? 12 A. No. The claim of the area is what I drew in the picture 13 coming from the fence, straight across to the back of 14 207. 15 Q. All right. Give me a second, let me make sure I 16 cover -- so what other family members did you personally 17 see, basically, I guess, verifying people's credentials 18 to walk over this area here to get to the store? 19 A. As I stated, so my uncles, when I was younger, to where 20 if it was someone that where they didn't recognize or 21 didn't know, or whatever -- they was there, particularly 22 my uncle that's Steve Gibbs that's in Clemson, or 23 whatever. 24 So he would stop someone and, you know, ask them, 25 hey, you know, who are you? But again, a small knit Page 67 1 community, if that person says, hey, I am XYZ from the 2 such and such family, oh, yeah, we know all your people, 3 oh yeah, or whatever. So it's a community, so that's 4 how we operate. 5 That's even like now, to where it's a -- it's 6 certain people that come down, that walk through the 7 street -- not the street, through the yard, to where if 8 I'm pulling out, and then I know they're walking to the 9 store, I say, hey, come on, get in the car. And I take 10 them around to the store, and I drop them off, or if I'm 11 coming down past Gracies, and I see them leaving 12 Family Dollar or Quality Food, I say, hey, I'll give you 13 a ride. They get in the car, I take them around to the 14 part of the community, to their house, to where they 15 live in. It's just -- that's just how everybody 16 traditionally knows each other. And we have a -- we 17 just have, you know, affinity for each -- each other 18 there. 19 I mean, it's just -- that's just the way that, you 20 know -- that you've known and been in the area so -- so 21 long, to where you know people. 22 Q. So what are the names of the people that you remember? 23 A. The people specifically to what? That I've given rides, 24 or what? 25 Q. No. The families that you've granted permission to walk	Page 68 1 over the property. 2 A. I don't have a specific name, but it's people on 3 the -- on the back street, to where the street 4 that -- that runs behind Earl Street. I don't 5 have -- like one guy, his name is -- goes by a nickname, 6 I can't even remember -- remember his nickname. 7 It's eluding me, but it's people back on the back 8 street, it's people down the street, I mean, it's just 9 more so faces to where you know from the area to where 10 like even now, to where -- when I left Greenville in the 11 third grade and -- there's some people that where I 12 don't know -- I don't know their names, but I know their 13 faces. And I know they're from -- hey, I know they're 14 from that community. Or I know this where, even -- you 15 know, I know that, hey, they're from a neighboring 16 community. 17 Q. But I don't have any way to verify your story, if I 18 don't talk to them. 19 A. I understand. I understand. I'll have to get you 20 their -- you know, their name, per se, but right now -- 21 and I mean, it's faces that I know that where, hey, they 22 live in the community. 23 Q. And how would you go about finding those people? 24 A. What you mean, finding them? 25 Q. Finding them so I can question them. Page 69 1 A. Oh, I mean, typically, they still walk down the street, 2 even though it's blocked off. They -- at some point, 3 they're still going to walk down the street. It's a --- 4 Q. The street? 5 A. Yeah, down Earl Street. 6 Q. Earl Street is blocked off? I'm just asking you, I 7 don't know. 8 A. The -- the walkway to the yard, since we put the fence 9 up, that goes to the store. 10 Q. Right. 11 A. Right? So they -- people still have to walk down 12 Earl Street and walk around to the store. So you still 13 have people walking down, they just can't walk through 14 our property anymore. 15 Q. Well, I'm just trying -- you're telling me that you've 16 personally had conversations with people, and either 17 told them they can cross your property, or they couldn't 18 cross your property, right? 19 A. Correct. 20 Q. And I don't know who those people are, and in order to 21 verify your story, I would need to know who those people 22 are. So you say you might can get some information? 23 A. No, it's no might. I can -- I can get -- get the -- get 24 the names. I can get the names. 25 Q. Okay. And these are people you personally talked to?
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Page 70 1 A. Yeah. People --- 2 Q. Okay. 3 A. --- in this -- particularly the people on the -- the 4 neighboring street. 5 Q. Okay. Can you get those names to Mr. Marchbanks? 6 A. Yes, I could. 7 Q. And how long would it take you to do that? 8 A. Give me a few -- few days. I have some -- some -- some 9 appointments tomorrow, and Wednesday I have some 10 deliveries. But I should be able -- within a couple 11 days, be able to get it -- get it to you. 12 Q. Other than writing some letters to somebody in Oklahoma, 13 did you ever have any conversations with the past owners 14 of the property that you are claiming by adverse 15 possession? 16 A. No, I have not. All my conversations have been with 17 Mr. Harold Jenkins, who is the property management 18 company for the property. 19 Q. When was your first conversation with him? 20 A. In 2022. 21 Q. Okay. What's the occupancy history of 207? 22 A. We've had two tenants. 23 Q. And that would be Ms. Bobo and somebody else? 24 A. And now my brother lives in the -- in the property. 25 Q. What's his name?	Page 71 1 A. Toma Gibbs. 2 Q. T-o-m-a? 3 A. T-o-m-a. We have -- of course, we have separate -- 4 separate fathers, so he's -- he's not Annie's nephew, 5 he's just my -- my brother. 6 Q. But his name is Gibbs? 7 A. Uh-huh. 8 Q. Karuiem Booker, do you know him? 9 A. Karuiem Booker? 10 Q. Is it Karuiem? 11 A. Uh-huh. 12 Q. He's a city councilman; is that correct? 13 A. Correct. 14 Q. Had you or Ann ever talked to him about the grown up 15 grass or anything like that back in that lot? 16 A. No, I haven't, maybe she had, but I did talk to him 17 about the -- the lot -- the -- back there. I talked to 18 him about speed bumps. People come from the store 19 speeding pretty hard, so I've talked to him about 20 getting speed bumps installed on Earl Street. 21 Now, she may have talked to him in terms of, you 22 know, calling him and saying, hey, can you get -- you 23 know, the lot is overgrown, or whatever that's -- you 24 know, that's something that, you know, she done. I 25 don't know if she contacted him or contacted a city	Page 72 1 person directly, she could answer that question better, 2 but I talked to him about the speed bumps. 3 Q. Who's Travis Dogan? 4 A. Travis Dogan is a landscaper that cuts grass, he has his 5 own -- he's -- he has his own landscaping company. 6 Q. Well, did he ever cut grass over at 203 or 207? 7 A. Yes, he has. 8 Q. How long? 9 A. Probably for about two -- two years -- two -- two, three 10 years, something like that. 11 Q. How often did he come out? 12 A. Only when my aunt couldn't get her -- her guy to come 13 cut the grass. 14 Q. Who was her guy? 15 A. I don't know who she used. 16 Q. Okay. 17 A. You have to ask her. 18 Q. Okay. So what kind of machinery did Travis use? 19 A. Zero turn lawnmowers, and --- 20 Q. What color was it? 21 A. I mean, I don't know what color it is. It's --- 22 Q. Have you ever seen him out there cutting grass? 23 A. Yeah. I mean, I know he has some Husqvarna, it's 24 usually orange. I think he has a John Deere, as well. 25 So yeah, I don't -- I don't -- I don't track to see what	Page 73 1 color lawnmower he used. I mean, he has zero turns, he 2 has ride along mowers, he has -- he has push mowers, 3 depending on what the -- what the job entails. 4 Q. I'm just asking if you personally saw him over there 5 cutting grass. 6 A. Yes, I've seen him cut grass because I had to, one, pay 7 him, and, you know, two, I've seen him cut grass to 8 where if I've been there, and he pulled up and, you 9 know, has his truck on the -- on the street or whatever, 10 to -- to cut the grass. 11 Q. Okay. 12 A. I mean, I just don't --- 13 Q. What does he look like? 14 A. A black man. 15 Q. Okay. Is he tall, short, skinny? 16 A. My height, light skin. 17 Q. What about Kevin Haynes -- Haynes? Kevin Haynes? 18 A. Uh-huh. 19 Q. Who is that? 20 A. So he has a concrete company. 21 Q. What did he do? 22 A. And so he poured the concrete for the new house, but he 23 also would come out and put gravel down because prior to 24 my great uncle, Benny Gibbs, that used to live 25 in -- live in the house, he was the one who had his guy
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Page 74 1 come and lay the gravel. But once he passed, Kevin came 2 out and lay -- start laying the gravel. 3 Q. Okay. And when did Benny pass? 4 A. I can't remember the exact year he -- he passed, I'm 5 just going to be -- Annie could be able to tell you. I 6 don't know the exact year he passed. But it's -- it's 7 like -- I don't know. I'm not going to -- going to 8 speculate on what year he passed. 9 But yeah, it was his guy that came out and did the 10 gravel, and once he passed, then I asked Kevin to come 11 do the gravel. And he done -- done the gravel a couple 12 times, and then -- because we only need -- we only do 13 the gravel like -- every like three or four years it -- 14 it lasts, typically, three or four years. 15 Q. What about Kenneth Brewton? 16 A. I -- I know who Kenneth Brewton is, but that's someone 17 that I guess that my -- my aunt was using for something, 18 I don't -- what reference are you making to 19 Kenneth Brewton? 20 Q. He's listed as a witness, but it doesn't say anything 21 about what he's going to testify to. 22 A. Oh. Yeah, I don't -- I don't know -- not sure why -- 23 why -- you know, what he and my Aunt had, like I say, 24 she's the person that live there, so she's going to have 25 way more details than -- than me.	Page 75 1 Q. What about Jermaine Owens? 2 A. I don't even know who that --- 3 Q. You don't know who that is? 4 A. I probably know the -- I probably know the face. So 5 that's somebody that -- that she's given the name -- the 6 name of. But like I said, a lot of times I know 7 people's faces versus to where -- their names. 8 Q. Have you ever provided Mr. Marchbanks with photographs? 9 A. Yes, I have. 10 Q. Okay. And what photographs were those? 11 A. Some photographs of when we was initially doing the 12 construction. 13 Q. Building the house? 14 A. Uh-huh. 15 Q. Okay. But nothing before that? 16 A. My aunt probably did. Annie probably provided what -- 17 she probably has some -- has some photographs and stuff, 18 but. 19 Q. Does she use a cell phone? 20 A. I don't know, you have to ask her. I don't know which, 21 -- which photos you're referencing. 22 Q. No, I'm just asking if she has a photo -- a cell phone 23 that she takes photographs with. 24 A. Oh, I don't know if it's -- she has a cell phone, and of 25 course, all cell phones have the capability of taking	Page 76 1 photos. For whatever photos you're referencing, I don't 2 know. But it could be on her phone, or if -- it could 3 be something historically that where -- was taken, like 4 how you have the picture of my aunt and --- 5 Q. Old school. 6 A. Yeah, so I'm not -- I'm not sure. I can't -- I can't 7 answer a question that -- something I didn't provide. 8 Q. Okay. So I asked this question, after removing the slab 9 that we were talking about -- or the asphalt. 10 A. Okay. 11 Q. Describe the particular people who exercised continuous 12 dominion over the property you're claiming by adverse 13 possession. And I got members of the Gibbs family. 14 What members? 15 A. Annie. 16 Q. Annie Gibbs, that's the only one you know? 17 A. So depending on what you're talking about, the time -- 18 the time frame. So like I said, I was a child when it 19 was done. So depending on the time you're referencing, 20 when it was -- I think when it was done, I think my aunt 21 was still -- my other aunt was still there, I think my 22 oldest uncle, I think he had already moved, and at that 23 time, I think my other uncle was still -- and I'm not 24 sure, but she can answer that question as to who was 25 still living in the home at that point. But she	Page 77 1 definitely was still living in the home at that point. 2 She's never had another -- another residence. 3 Q. So to your knowledge, your aunt Ann lived at 207 for the 4 whole time -- well, up until 203 was built; is that 5 correct? And that's the point at which she rented out 6 203? 7 A. Correct. 8 Q. Okay. 9 A. With the exception of when she went to college. 10 Q. When did she go to college? 11 A. That's gotta be a question for her, so. 12 Q. You've never continuously had a vehicle sit on that 13 gravel, have you? 14 A. My personal vehicle? 15 Q. Yes. 16 A. No. 17 Q. Every now and then you park a box truck back there? 18 A. Not any -- not anymore, because we have 203 to where I 19 park -- I put an extra driveway on the side of 203, and 20 that's where I park my box trucks at now. But up until 21 the new house, 203, was built, that's the only place to 22 park, was that gravel driveway, and that's -- 23 that's -- that's where Annie has always parked. 24 Q. Well, I can show you -- and this is Defendant's Exhibit 25 1.
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Page 78 1 That's a car behind 207, isn't it? 2 A. Yeah 3 Q. Somebody's parking there. Who is that? 4 A. So depending on the date -- so if you --- 5 Q. You don't know who's car that is? 6 A. If you -- if it's not a Maxima, or -- or -- or a 7 Corolla, to where it's my aunt's car, to where if it's 8 after 2023 when 203 Earl Street was built, well, then 9 it's either going to be Bobo's car, the tenant. 10 Q. So you don't know whose car that is? 11 A. Again, depending on the date. So it could be to where 12 it was a visitor visiting my aunt, but if it's after 203 13 was built, it's going to be the tenant and whoever -- 14 maybe whoever they were -- had visiting. 15 But outside of that, before 203, that's where Annie 16 lived and that would be whoever else that where -- come 17 to visit or trying to make room, the driveway is that -- 18 it's that big. So you know, parking there and pulling 19 along to the side gives access for if somebody else is 20 coming, to be able to try to get in and get out. 21 So I don't know who vehicle that is, but I can only 22 tell you that where -- prior to 203 Earl Street getting 23 built, that's where Annie resided, and anybody there 24 would be there visiting Annie. After 203 -- I mean, 25 after 203 was built, it would be Bobo in that picture,	Page 80 1 207 Earl Street, 1967 -- I mean, 1968 is 2 203 Earl Street, the black line would be the gravel 3 driveway that's going through. 4 And I guess this would represent to where you 5 could, you know -- the gravel driveway that's 6 coming through the lot, and could go up to the property, 7 up on -- up on Main Street. 8 Q. But you're just guessing that, yes? 9 A. I mean, there's no -- there's no road and no driveway, 10 anything past what we maintain. So that's what I'm 11 telling you, from this part up here, or whatever, 12 I -- you can only make an assumption to where, if you 13 got a separate black line drawn in a curvature fashion, 14 to where you would assume, if it's starting from here to 15 where the road is, to where it's obviously gravel 16 already, right? But no one uses this as a -- as a road 17 up to -- up to the property that your -- that your 18 clients have in question. 19 Q. But that whole thing is not gravel, it's just that 20 little small part right off Earl Street, right? 21 A. Yeah. The --- 22 Q. We've seen pictures of it, right? 23 A. Correct. 24 Q. All right. Good enough. 25 (Whereupon, Defendant's Exhibit No. 10 was marked for
Page 79 1 or whatever. And now my brother -- my half brother 2 resides in that spot, and he doesn't have -- it look 3 like that's a white car, or something like that. 4 It looks like it's Bobo's car, based off on the 5 same picture that you had backed into the gravel 6 driveway. The white small SUV, or whatever that -- 7 that's -- I'm just assuming that's what it looks like. 8 So again, if it's prior to, or after 203 was built. 9 (Whereupon, Defendant's Exhibit No. 9 was marked for 10 identification.) 11 BY MR. HAWKINS: 12 Q. I'm going to hand you what's been marked as 13 Defendant's 9. That black line that runs from 14 Earl Street back, that's kind of like -- well, it's 15 running all the way back to the asphalt at 16 504 Main Street, right? Can you see that? 17 A. Yeah. 18 Q. What is that supposed to show me? I don't know what the 19 relevance of it is, that's why I'm asking you. 20 A. I don't -- I didn't take this picture. I'm really not 21 sure what you're -- what you're asking. 22 Q. You don't -- I'm asking you what the relevance of that 23 is, if you know? 24 A. Only thing that I -- and this is an assumption, I'm 25 going to be clear that this is an assumption, if 1946 is	Page 81 1 identification.) 2 BY MR. HAWKINS: 3 Q. So I'm going to hand you what's been marked as 4 Defendant's 10. 5 Do you recognize that document? 6 A. Yep. 7 Q. What is that? 8 A. Estate's homeowner's disclosure statement. 9 Q. Did you fill this out and file it? 10 A. Yes, I did. 11 Q. And that's from when you were building 203; is that 12 correct? 13 A. Correct. 14 Q. Do you know a Santino Joseph Lombardi? 15 A. I never --- 16 Q. What's your middle name? 17 A. What's my middle name? 18 Q. Uh-huh. 19 A. Douglas. 20 Q. Okay. And your dad's Douglas, also? 21 A. Correct. 22 Q. Okay. You don't know anything about 23 lot 121 OakCrest Avenue? 24 A. I have no idea what that even is. 25 Q. Well, that's -- isn't that your signature on that

Page 82 1 document? 2 A. Nope, that is not my signature, my middle name is not 3 Daniel. 4 Q. Yeah, that's why I'm just asking. 5 A. Yeah. It was --- 6 Q. That's not you? 7 A. Yeah, but what was the purpose of the question? 8 Q. I'm just asking you, if this is you. 9 A. Okay. 10 Q. Or if you knew that person or not. 11 A. Okay. 12 Q. I didn't know what your middle name was. 13 A. You don't -- you don't know what my middle -- didn't you 14 take my full name? 15 Q. No. 16 A. Oh, okay. 17 Q. I think that's all I got. 18 A. Okay. 19 MS. MCCONOUGHIEY: Do you want to take like a 20 five minute break before we continue? 21 MR. MARCHBANKS: Rachel is going ask you questions, 22 and then I'll do some follow up questions if 23 there's anything that you need to address. 24 THE WITNESS: Let's keep going, man. 25 MR. MARCHBANKS: Let's take a five minute break and	Page 84 1 everybody --- 2 Q. Monkey? 3 A. Yeah, so. 4 Q. Does anybody ever call you little monkey? 5 A. Correct. 6 Q. Okay. So monkey or little -- we heard these names this 7 morning. Okay. Thank you. 8 MR. HAWKINS: I'm not going to call you monkey. 9 BY MS. MCCONOUGHIEY: 10 A. Correct. That's why I had to catch myself. I was like 11 well, legal names, that's the only name I've went by, 12 but coming up in Greer, that's -- I'm known as little 13 monkey, you know. 14 Q. I think one other woman this morning said that -- she 15 said, little monkey. And then we said, are you talking 16 about Mr. Gibbs? And she said, I don't know who 17 Mr. Gibbs is. 18 A. Right. Right. 19 Q. But anyways, all right. Thank you for clarifying. Now 20 we know that you're the same person. 21 A. Right. 22 Q. Okay. What is your primary residence, like your 23 primary, legal residence? 24 A. So my -- on my driver's license, my primary residence is 25 203 Earl Street.
Page 83 1 at least stretch our legs a little bit, and then 2 we'll keep going. 3 (OFF THE RECORD) 4 MS. MCCONOUGHIEY: All right. We are going back on 5 the record, it is 3:45. 6 EXAMINATION 7 BY MS. MCCONOUGHIEY: 8 Q. Mr. Gibbs, my name is Rachel McConoughiey. I represent 9 TNB Financial, which was the trustee for the owner of 10 the property before Rilion Gracie Greenville bought it 11 last summer. 12 I'm just going to ask you a few questions, 13 Mr. Hawkins asked a lot of the questions that I have on 14 my list, so I'm going to try to not repeat questions 15 that you've already been asked, but if I do, forgive me. 16 All right. 17 So you said that your full name is 18 Raymond Douglas Gibbs, Jr.; is that right? 19 A. Correct. 20 Q. Have you ever been known by any other names? 21 A. No, I have not. 22 Q. Okay. And you said that, well --- 23 A. Well, let me correct that. 24 Q. Yes, please. 25 A. Not legal names. My nickname is monkey. That's what	Page 85 1 Q. Okay. I wrote down on my notes that you said earlier 2 that your primary residence is 105 Rustcraft Drive. 3 A. So that's where -- that's where -- so when I first built 4 203, that's my primary. So I built 203 because my wife 5 was already kind of having problems already at that 6 time, and that was like inevitable. 7 Well, we tried to reconcile and all that, now 8 it's -- so that's the reason why -- it used to be 203 9 was taxed at a different price, and my driver's license 10 -- so now it seems like -- it's like we're not going to 11 work things out, per se. 12 And so my driver -- I've changed my driver's 13 license. This has been put as -- you know, as my 14 primary residence on -- you know, on paper and stuff. 15 So that's -- that's where my primary residence is, and 16 it's -- I don't think there's going to be any 17 reconciliation, I mean -- this -- unfortunately. 18 Q. I'm going to ask you a few more questions about that. 19 I'm going to try to make them painless. 20 A. All right. 21 Q. When did you get married? 22 A. 2008. 23 Q. Okay. And what is your wife's name? 24 A. Jorndae Gibbs. 25 Q. Can you spell that?

Page 86 1 A. J-o-r-n-a-e. 2 Q. G-i-b-b-s? 3 A. Correct. 4 Q. And does she live at 105 Rustcraft? 5 A. Correct. 6 Q. Does she work? 7 A. Yes. 8 Q. Where does she work? 9 A. At Aspen Dental. 10 Q. How many times have you been married? 11 A. Once. 12 Q. Do you have any children? 13 A. Two. 14 Q. Two children? How old are they? 15 A. 15 and 10. 16 Q. And do they live with your wife or with you? 17 A. Uh-huh. 18 Q. They live with your wife? 19 A. Uh-huh. At 105. 20 Q. Okay. So just because of the uh-huh, I'm going to 21 clarify. 22 A. I'm sorry. 23 Q. Your children live at 105 with your wife; is that 24 correct? 25 A. Correct.	Page 88 1 case may be. And so I changed my LLC from Gibbs Home 2 Investing to Gibbs Investing, right? 3 And so that's when I, you know, got semi-trucks and 4 stuff, and I was looking at it from investing as, like 5 I'm investing into anything to make a dollar, right? 6 And so now to where I -- investing more so sounds like 7 financial or something like that, to where I changed it 8 from Gibbs Investing to Gibbs Solutions to where it's a 9 little more broad. So yeah, my apologies on that, I'm 10 thinking you said a part of -- where I was like, a 11 member or something. Yeah. So my apologies on that. 12 Q. That's okay. 13 A. I was thinking you said, a part of, to where I was a 14 like a member of something so my apologies. 15 Q. No, that was perfect. I don't know what they are, so I 16 have to ask you. 17 A. Okay. 18 Q. So have you had an ownership interest in any other 19 business or company besides Gibbs Home Investing, LLC, 20 Gibbs -- which became Gibbs Investing, which became 21 Gibbs Solutions? 22 A. I have -- we haven't done anything, but one of my 23 friends, helping her start up a home health business, 24 and I did all that paperwork and all that stuff -- all 25 that for her. But we -- once again, you got big visions
Page 87 1 Q. Thank you. 2 Have you ever been involved in any other lawsuits? 3 A. No. 4 Q. No? Okay. And where do you work full time? 5 A. For Gibbs Solutions, my company. 6 Q. That's your company that you own? 7 A. Uh-huh. 8 Q. Okay. Have you ever owned any other companies besides 9 Gibbs Solutions? 10 A. I have Gibbs Janitorial --- 11 Q. Okay. 12 A. --- Services. Yeah, those -- those are the two LLCs 13 that -- that I -- that I have. 14 Q. Okay. Have you ever been involved in like a real estate 15 investment company or a real estate holding company? 16 A. No, not -- not to my knowledge. Real estate investment 17 company? Not to my knowledge. 18 Q. Okay. What is Gibbs Home Investing, LLC? 19 A. Oh, well, that's -- that's what my business started out 20 as. 21 Q. Okay. 22 A. So in 2005 I started out -- so when you say holding 23 company -- or whatever, I'm thinking -- so in 2005 I 24 started up Gibbs Home Investing to get into flipping 25 properties. Well, that didn't work out, or whatever the	Page 89 1 to do something, but never done anything with it. 2 So it's just an LLC set up, but we never done any 3 type of home health or anything like that. It was just, 4 you know, trying to be proactive to set something up. 5 But you know, we didn't get, you know, any type of 6 business, so it's just kind of like a dead LLC, per se. 7 Q. Yeah. 8 A. I can -- I can pull up -- I can't even remember the 9 name -- the name of it, but yeah. I'm -- I'm the one 10 who filed all the paperwork, but retained a keeping 11 filer. Her name is -- is on there, as well. She's a 12 certified registered nurse, and that's her business. 13 She wanted to be able to do the clinical part, and me 14 being the businessman, do the business side. But that 15 hasn't came to fruition either. 16 Q. I gotcha. All right. You gave us the name of your 17 father, which is the same name as you have, --- 18 A. Correct. 19 Q. --- except he's Sr. and you're Jr., but I don't think 20 you told us the name of your mother. 21 Can you tell us your mother's name? 22 A. Faye, F-a-y-e Sullivan. 23 Q. Faye Sullivan? 24 A. Uh-huh. 25 Q. Is she still alive?

Page 90 1 A. Yes. 2 Q. And does she live -- where does she live? 3 A. At -- I think it's 100 Albert Street. 4 Q. Is that Greenville? 5 A. Greer. 6 Q. Greer? Do you have any -- I know you told us you have a 7 half brother named --- 8 A. Toma. 9 Q. --- Toma. Okay. 10 A. He's the one that's staying at 207, currently. 11 Q. Do you have any other siblings? 12 A. I have a half sister. 13 Q. And what's her name? 14 A. It's Ciara Garrett. 15 Q. Ciara Garrett? 16 A. Garrett. 17 Q. Can you spell that? 18 A. C-i-a-r-a, G-a-r-r-e-t. 19 Q. And where does she live? 20 A. With my mother at the Albert -- Albert Street location. 21 Q. Okay. And you said that your primary, legal residence 22 is currently 203 Earl Street. 23 Do you know when your primary, legal residence 24 changed from 105 Rustcraft, to 203 Earl? 25 A. I don't know the exact date. I can -- it's probably ---	Page 91 1 Q. If you could do like season of the year and year, that 2 would be good enough. 3 A. No, because I -- in order to get it switched with 4 Greenville County, you have to have this -- change your 5 driver's license. So this driver's license was issued 6 on August 6, 20 -- well, no, that's the -- they still 7 have 2019, of when I -- when my driver's license was 8 issued. But it's not the date of when I changed it. 9 Q. Got it. 10 A. So only thing I can do is maybe go and -- go through my 11 paperwork when I -- with Greenville County and see if I 12 got something from that on that date. But that was for 13 when I officially switched it over, it was -- I can't 14 remember if it was the end of last year or the beginning 15 of this year to where I had -- I officially went to the 16 Greenville County. 17 Because that -- that City of Greer document 18 that -- that we did, I thought that automatically listed 19 the property as my primary residence with -- with 20 Greenville County, but that's not the case. You have to 21 actually go and tell them, hey, this -- this is my 22 primary residence. So City of Greer, the form that they 23 have -- have you sign, they don't file that, that's for 24 their records. They don't send this over to the county. 25 Q. Right.	Page 92 1 A. So the county has no way of knowing that when you build 2 a new home, if it's going to be your primary residence 3 or not. You have to show your proof, and that's by your 4 driver's license. And so I had to go change my driver's 5 license. But this has 2019, when my driver's license 6 was first issued, not when -- when I changed the -- the 7 address date. 8 Q. I see. Okay. 9 A. So I would have to try to go back to see --- 10 Q. I think that's good enough. 11 A. Okay. 12 Q. Thank you. When did you decide to build the house at 13 203 Earl Street? 14 A. It's always been like a family vision for us to build a 15 bigger house for when like family comes in and they have 16 -- you know, to stay, because the traditional homestead 17 it's just, you know, one bathroom, right? Kind of hard 18 to host and have company with one bathroom. 19 So it's always a vision -- been a vision. But I 20 would say probably in 2020, '21, you know, maybe 21 something like that, to where I kind of start, you know, 22 really trying to see if we could make -- make that -- 23 you know, make that family vision happen. 24 So maybe somewhere around up in there, you know, 25 2021, or something like that, to where you kind of think	Page 93 1 about, all right, yep, let's -- you know, we can -- we 2 can make this happen after -- you know, after the 3 pandemic, you know, type thing or whatever, so. 4 Q. So what changed with you, personally, because it looks 5 like you're the one who financed it and like really made 6 it happen? 7 A. Uh-huh. 8 Q. What changed for you from having this be like a sort of 9 family dream to being like, I'm going to make this 10 happen? 11 A. I think problems, you know, in my marriage, right? And 12 then my kids getting older, you know, getting a little 13 bit older, my son is 15, my daughter's 10 now. And at 14 that time, I was just like hey, listen, you know, if 15 something were to happen, they would have to have 105 16 and split it, right? And try to split it and, you 17 know -- and I was like, if it was something else, -- if 18 we had something else, then my daughter could have one 19 house, and my son can have one house. 20 And it could be something that where, you know, 21 they get out of college, don't have to get in debt, 22 don't have to get in, you know, student loans and, you 23 know -- you know, just get kind of like what I had to 24 do, as far as, me putting myself through college. 25 So it was just kind of more so just trying to
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Page 94 1 do -- having some type of, you know, generational wealth 2 for -- for the family and, you know, and by 207, my aunt 3 Ann doesn't have any children. So if something happens 4 to her, everything goes to -- to me, you know. So just 5 trying to have that property all tied in to us and my 6 family that's -- I mean, it's been -- you know, been 7 really, really important. 8 And it's -- you know, coming up to now, to where, 9 even though, you know, we know we've been operating on 10 adverse possession, and it's not ideal to spend money 11 on, quote, fighting this, and proving this. I feel 12 like, you know, if I don't, I think my kids are going 13 to -- going to hurt in the long run. So it's -- it's 14 about trying to give the family something when, 15 traditionally, we haven't had much, you know, as a 16 family, generationally, we haven't -- you know, we just 17 haven't had much, you know. 18 And so just trying to -- that's -- that's really 19 what changed, me wanting to be a better father, and try 20 to leave something to where -- my father died when I was 21 two, and I have nothing to kind of tie it in back to 22 him, outside of what my aunt may give me. So that's -- 23 that's really the driving force, is trying to put my 24 kids in a better position than I was, growing up, you 25 know, without a father. Page 95 1 Q. And how did Ann Gibbs-Hunter, your aunt, figure into 2 this? Because it's my understanding that she owned one 3 of these two properties, 100 percent, and most of the 4 other one when you started building the house? 5 A. Yep. 6 Q. So what was the understanding you had with her about 7 building this house and deeding the properties back and 8 forth? 9 A. So the -- so it's always been understood that if 10 anything happened to her, 207 -- and so we were going 11 to, you know, before we got the house built, we were 12 going to go and do some estate planning and all that, 13 and we still in the -- you know, in the process of 14 getting that done. 15 But by her not having any children, basically, I'm 16 her child, she's like a mother to me, more so than my 17 aunt. So 207 is just known in the family to where, you 18 know, my other uncle is deceased, my dad deceased, my 19 other -- my uncle and my -- and my dad both died in the 20 same car wreck. My grandmother had to bury two children 21 at the same time. So like I said, it's pretty tough on 22 the family. Excuse me. I'm --- 23 Q. You can take your time. 24 A. I'm sorry. But my father and my uncle died at the same 25 time in the same car wreck. My other uncle, he moved to	Page 96 1 the Indiana area as a professor. My other aunt, she 2 moved to Alabama. My other uncle, he played football 3 for Clemson, was a four year starter, so when he 4 finished up college, he stayed in Clemson. 5 And so my aunt Ann was the only one who, after 6 college, came back home and stayed at home. And so it's 7 always been the understanding that, by them living in 8 other areas to where, hey, the pipeline is Annie, little 9 monkey, right? Just to honor my father. 10 And so we've always talked about, you know, hey, 11 trying to do something, you know, what can we do? And 12 you know, it's an older house, and so even when I've 13 done renovations in the older house, she never really 14 liked, you know, having people coming in and out trying 15 to get renovations done while she was there. 16 So we only been able to do minimal renovations, and 17 then she works swing shifts at the plant that she works 18 at. So one day she's working days, one day she's 19 working nights, so it's hard to get people in and out. 20 And so you know, we just kind of started discussing, you 21 know, hey, you know, what can we do? Well, the property 22 was tied up, she had like, seven eighths. And my great 23 uncle, Benny Gibbs, he gifted his children, his one 24 eighth portion to be split up from, what, four or five 25 kids, right? Page 97 1 So when it got ready for us to say, you know, hey, 2 listen, that house is free and clear, 207 was free and 3 clear, we own the lot. Well, let's go ahead and refi 4 and pull the money out to go -- go along with what I'm 5 going to pay to build 203. Well, once we got to that 6 point, well, their names were still on there. 7 So we had to get a real estate attorney to help us 8 buy them out and to get the paperwork filed, you know, 9 with my great uncle's children. And so once we got them 10 bought out and everything, we were just going to do a 11 refi on that property to go along with whatever I was 12 going to, you know, do for 203. 13 Well, the lady at the bank, she said that where 14 basically, hey, doing a refi, you only going to get 80 15 percent of that value, right? Of what the appraised 16 value is. He's -- she was like, so the amount that 17 you're going to get on a refi is lower. Well, 18 post-pandemic, two by fours was three times as much what 19 they used to be. So the bill sheet to where it should 20 have cost like 180 to build that property by me, you 21 know, doing it myself, well, ballooned up to like 300, 22 you know. 23 So she was like well, listen, you look like you 24 need every dollar to do that. She said, it's easier to 25 sell the property back to Annie at what the appraised
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Page 98 1 value comes back at. And so we sold it back to her, I 2 got the check, took the check, along with my funds, and 3 started building 203. 4 And so that's the way that we -- you know, we've 5 been operating and, you know, and that's the way 6 that -- that we doing it. So when we do come up and 7 get -- get to the point -- we get past this and get to 8 do the estate planning or whatnot, basically, whatever 9 is -- if whatever is remaining on that mortgage for 207, 10 would just get paid out of her life insurance policy, be 11 free -- be free and clear. And then it'll go back to 12 me, per whatever she has in, you know, the will that we 13 will create and etcetera. 14 Q. So who's paying the mortgage now? 15 A. Annie does. 16 Q. Has that always been the case? 17 A. Yes. But it was -- it was free and clear for several 18 years, until we did that -- that transaction -- 19 transaction for 203. That's always been her residence, 20 she's never had another residence outside of living, you 21 know, when she went to Tuskegee, Alabama for -- for 22 college. 23 Q. Okay. And the loan is on which of the properties? 24 A. 207. 25 Q. The loan is on 207?	Page 99 1 A. Right. For her. 2 Q. Is there a loan on 203? 3 A. Yeah, I have -- I have a loan on 203. 4 Q. And how much is that? 5 A. How much I pay per month? 6 Q. How much is the total amount that you got on it? 7 A. Oh, I think it's 122, something like 124, something like 8 that. 9 Q. Okay. 10 A. It was free and clear. 11 Q. Right. 12 A. I refied it to get my -- get -- well, some of my cash 13 back. And so it's just, you know, running a small 14 business, I needed my cash -- you know, my cash back, to 15 be able to make sure I can cover up anything that -- you 16 know, for my -- my business side. So it was just, you 17 know, my accountant actually said that's probably the 18 best -- best way to kind of get your -- get your cash 19 back and get back, you know, operational, in terms of 20 finances. 21 Q. Did both of those loans go to building the house at 203? 22 A. Yeah. So I had already paid -- well, I guess -- let 23 me -- let me rephrase that. We took the loan out, we 24 did the sale to -- for 207, right? And cash and 25 everything, and, you know, was -- you know, that cash	Page 100 1 and my cash, was going to build 203. And once 203 was 2 built -- built, I refied it. You know -- you know, free 3 and clear to get some of my cash back, to get, you 4 know -- to put it back. 5 Q. Okay. What is your experience with residential 6 construction? 7 A. So residential construction, I've -- you know, I have 8 friends that I've -- you know, I know they flip houses, 9 and I've been out on their sites and, you know, things 10 like that. And then, you know, that's how I kind of 11 acquired guys that I know to help me with 203, based off 12 on friends that flips property. 13 I have a really, really close friend, and he flips 14 property like frequently. And so even sometimes he 15 would ask me, hey, I'm tied up, could you go over there 16 and kind of, you know, see what the guys need and 17 etcetera. So just over the years, and then I have 18 another friend that's a carpenter. One of my cousins up 19 in -- up in Detroit, he's a carpenter. 20 So just over the years, I've just kind of learned, 21 you know, I'm not a general contractor or anything, but 22 I felt confident enough to where I could pull my own 23 permits and build a quality -- quality home, and that's 24 exactly -- exactly what I -- what I done. 25 So I mean, no formal training or anything like	Page 101 1 that, just knowing from, you know, just being on 2 numerous job sites and learning from being, you know, on 3 job sites and learning from my friends. And like I 4 said, I have another friend that's a general contractor 5 that -- he builds, you know, residential and commercial 6 property. And just -- you know, just kind of asking 7 questions and learning and, you know, hey, what's the 8 process from -- hey, what you do first? What you do 9 next? And just kind of going from there. 10 So that's -- I'm a -- I'm a novice, I don't claim 11 to be any -- any type of builder, but I think I did -- 12 for my first rodeo, I think I did a pretty -- pretty 13 good job. 14 Q. Did you build -- I think you said earlier that you built 15 the house at 105 Rustcraft, as well; is that right? 16 A. So I didn't build it through the builder, but I'm the 17 one who, you know, I picked it. You know, when you're 18 doing those subdivision -- you know, I picked out my 19 floor plan, but I tweaked my floor plan, me and the 20 realtor, we tweaked the floor plan. You know, I picked 21 the lot that I wanted. Whenever -- whenever I would go 22 on site, and they would build -- because, you know, it's 23 your first property that you building, you know, that 24 you're purchasing. 25 So whenever I would go on site, if it was something
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Page 102 1 that -- you know, that looked a little sketch, or 2 something -- you know, something that I didn't like, or 3 whatever, I could call the realtor and say, hey -- you 4 know, hey, I don't like the way this looking, or, hey, 5 shouldn't it be XYZ, and things like that. 6 And so, you know, I didn't build it personally, but 7 it was a new construction home that I was there for 8 every step of the way, when I, you know, got into the 9 contract to purchase that property. 10 Q. You're the purchaser, you weren't the builder? 11 A. No. No. 12 Q. You weren't like responsible for the building? 13 A. No. No. No. 14 Q. Okay. I just want to be clear about that. Thank you. 15 A. No, I was not. 16 Q. Who pays taxes on 203 Earl Street? 17 A. So I pay the taxes on 203 Earl Street. 18 Q. And who pays the taxes on 207? 19 A. Annie does, it's in escrow. 20 Q. Okay. When did you start living at 203 Earl Street full 21 time, or do you live there full time? 22 A. So I'm, like I say, still a little bit of going a little 23 back -- because my kids are over there and, you know -- 24 you know, going through that dynamic, it's rough, it's 25 rough with kids or whatever.	Page 104 1 Q. Okay. So you're still kind of in between --- 2 A. Right. 3 Q. --- places? 4 A. Right. Right. It's -- you know, at times it seemed 5 like, hey, things are trending to where it's going to be 6 positive, and then other times it's like hey, you know, 7 we're working on borrowed time here, you know. 8 Q. Okay. When did you find out that the Gibbs family did 9 not own that whole back grassy area behind -- it's 10 actually 209 and 207. When did you find out that the 11 Gibbs family did not own all of that on paper? 12 A. It was probably -- probably, I would say -- probably, 13 when I came home from -- from college, probably 14 somewhere around up in there. To where, you know, as 15 a -- as a kid, you know, you just don't -- you're not 16 privy to a lot of -- you know, to a lot of things, or 17 whatever. But in terms of, you know, we always -- you 18 know, we always operated like it was, you know, ours and 19 stuff, and it was never really like a discussion had 20 with me. Now, I'm pretty sure, you know, the siblings 21 and, you know, before my grandmother passed and stuff or 22 whatnot, or whatever. 23 But probably somewhere around then, when I was like 24 an adult to where I found out to where, hey, that's not 25 -- oh, that's not ours? You know, type of thing.
Page 103 1 But all of my clothes, everything that I -- that 2 I -- I don't have any clothes or anything at 105. 3 All -- you know, I still get mail there, but I still get 4 mail at 203, as well. So in terms of probably moving -- 5 moving there, I would say, probably near the end of 6 2023, somewhere, you know, somewhere around up in there 7 to where, you know, it's kind of like, hey, seems like, 8 you know, we -- we are trending in -- in this direction. 9 Q. So how many nights a week do you spend at 10 203 Earl Street now, typically? 11 A. Probably -- I would say probably like four -- three or 12 four. 13 Q. Three or four nights a week at 203? 14 A. Uh-huh. 15 Q. And where do you spend the other three nights a week? 16 A. 105. 17 Q. Okay. So you still spend 40 percent of your time or 18 so --- 19 A. Yeah. 20 Q. --- at 105 Rustcraft? 21 A. Yeah. I still -- my kids still have to, you know, 22 go -- I still take my kids to school and stuff, you 23 know. Some days I just, you know, I go by, pick them 24 up, other days, you know -- so it's just -- I mean, it's 25 -- it's just tough.	Page 105 1 Q. Okay. So we've talked a little bit about the concrete 2 slab being poured on the driveway in between 203 and 3 207, was that -- did you ever see that concrete slab? 4 A. So, yes. I've -- I've -- I've seen it and -- but like I 5 say, I wasn't there when it was dug up, or anything like 6 that. I remember -- I can't remember -- I was little, 7 right? 8 But I remember because like, even, we used to 9 have -- from that concrete slab, we used to have a 10 walkway, a sidewalk that connected and kind of went 11 to -- went across and then connected back over to the -- 12 to the side. And so I remember that driveway being 13 there when -- you know, when I was little, but I wasn't 14 there when it -- you know, when it was dug up. 15 Q. Is the sidewalk still there? 16 A. The sidewalk from the house -- from the 207 is there. 17 But once we built 203, we dug that portion of the 18 sidewalk up as part of the grading for -- for 203. 19 Q. Okay. Do you remember the sidewalk being poured? 20 A. The sidewalk being --- 21 Q. Like were you there for that? 22 A. No. 23 Q. Okay. 24 A. That's -- that would be a question for Annie. Like I 25 say, you know, there's a 14 year gap between she and I,

Page 106 1 or whatever. And you know, by me being a kid, you know 2 some of the things, you know, you don't -- you don't, 3 kind of worry about as -- details when you're a little 4 child. 5 Q. Right. So you don't -- I have a bunch of questions 6 about the concrete. Do you -- I mean, some of them are 7 like which members of the Gibbs family were told to 8 remove the concrete, do you know? 9 A. So -- so from my under -- understanding -- from my 10 understanding to where -- no, we weren't told from -- 11 this -- from -- this -- this is from my understanding, 12 and this is from, you know, Annie and my -- not my 13 great -- but my Aunt that's in Alabama. They were there 14 or whatever, and they just heard noise, and come out, 15 and it was just being dug up. 16 Q. So it's not that someone told the Gibbs family to remove 17 the concrete and the Gibbs family removed it? You're 18 saying, the owners of 504 just came out one day and --- 19 A. Yeah. 20 Q. --- removed it? 21 A. Yeah. 22 Q. That's your understanding? 23 A. That's my understanding. But like I say, I -- you 24 know --- 25 Q. We can ask Annie.	Page 108 1 or -- I know the faces when I see them. 2 And I know that we're -- like it's two neighboring 3 black communities. So it's the Greentown community 4 that -- where we are, that's called Greentown. Well, 5 right -- a couple streets over, the other black 6 community is Sunnyside, the Sunnyside community, right? 7 Well, considering that's the only -- before they built 8 the Walmart, Quality Foods used to be a different name, 9 but that's the only grocery store that the black 10 community had access to, right? 11 So Sunnyside community people would walk and come 12 to Quality Foods, which would -- used to be 13 Community Cash before it was changed to Quality Foods. 14 So I may not know those people's specific names, but I 15 know they live in XYZ area, or I know -- and as you say, 16 some people, I don't know their faces -- I don't know 17 their faces. And we're like hey, you know, who are you, 18 or whatever. 19 But she can sit -- my -- Annie would be, hey, 20 that's such and such, or hey, you know, you remember? 21 I'm like, no, I don't remember, you know, I don't 22 remember them. But she would try to help me remember, 23 you know -- or you know, sometimes, like we said, you 24 can't -- you know, you can't know everybody when -- 25 since the '50s, or since she was born, of course it's
Page 107 1 A. They would have more knowledge of that than -- than me, 2 because I was a child --- 3 Q. Right. 4 A. --- at that -- at that -- at that point, so. 5 Q. All right. I might just skip the rest of these 6 questions about that and ask Annie. 7 We talked a little bit earlier about who has been 8 excluded from the property, the part that you are 9 claiming, and you said various people from the 10 neighborhood, mainly the people that you didn't know; is 11 that right? 12 A. Yeah. I mean -- correct. Yes. 13 Q. So I want to ask you --- 14 A. Yeah. 15 Q. --- what their names are, but it seems like you said you 16 don't know them? 17 A. Yeah. So that's just like when Wendell asked about 18 somebody on there -- a lot of people, I don't know 19 they're actually names. Now, I know Kenny Brewton's 20 name because, you know, Kenny, he's married to my 21 cousin, so I know his name. 22 But a lot of times I know the faces, because she's 23 grown up with a lot of those folks and more so -- and 24 like I know the faces. I can say, hey, you know, that's 25 such and such cousins, or that's such and such nephew,	Page 109 1 going to be people that you don't know. 2 So it's sometimes to where she would be -- I would 3 say, hey, auntie, do you know who that is? And she 4 would say, you know, no. Now, it's not a lot of times, 5 because the dynamic of the neighborhood doesn't change 6 much, you know, it's from generation to generation, kind 7 of like how -- what we're doing. 8 But occasionally, she may say, oh, I don't know 9 that person, right? I don't know that person. But for 10 the most part, she definitely does. Just because I 11 don't know the person, she definitely knows whether that 12 person is from the community or the adjacent community, 13 or, you know, they're -- you know, somebody that's new 14 to the area, or -- or whatever. And that's -- you know, 15 that's something that she is very, very much more 16 knowledgeable at than me, because rightfully so --- 17 Q. She's been around. 18 A. You know, she's been around more, and I moved to 19 Greenville, and I was coming back and forth, I went to 20 college and -- you know, but once -- I could have built 21 my property, you know -- well, 105, I could have built 22 in Greenville. 23 I could have stayed in Greenville, but I chose to 24 come back to Greer so I can be closer to, at that time, 25 my grandmother on my mother's side was still alive, and

Page 110 1 to be closer to my aunt. And so you know, once we kind 2 of, you know, my business start to do a little better 3 and kind of growing and stuff, and once we got to the 4 point, that's when, you know, it just made sense, 5 instead of trying to, you know, go through a ton of 6 renovations. And do, you know -- try to make that house 7 bigger when you own a --- 8 Q. Tiny lot? 9 A. --- piece of a lot. 10 Q. Yeah. 11 A. Right? It just makes more sense to build a bigger 12 house, and no matter who needs to have a place to stay, 13 they're going to always have a place to stay. Even if 14 my uncle in Columbia -- I mean, in Clemson, to say if 15 his wife were to pass, and now that he's in -- you know, 16 having some health issues, he coming home. 17 And he's not going to come to where we have one 18 bathroom where the door opening is 28 inches and you 19 can't get through there with a wheelchair. Now, you can 20 get to the new family homestead that has 36 inch doors, 21 and ones you can get through on the wheelchair and, you 22 know, multiple bedrooms downstairs and multiple -- it's 23 just -- that's the reason why we did, so no matter who 24 it is, somebody from the family has some place to lay 25 their head if worse comes to worse. Page 111 1 Q. Okay. So I was asking about, you know, people that have 2 been excluded from the property. And the next question 3 I have is, how was anyone ever excluded from that? I'm 4 talking about just the disputed property. So like the 5 kind of field, grassy area behind 207 and 209. 6 And I know that you put up the fence at the corner 7 of the Quality Foods, and you said earlier today that 8 you or other family members would ask certain people 9 like, please don't cut through here. 10 A. Uh-huh. 11 Q. Did you exclude people, or were people excluded from 12 that disputed grassy area in any other ways? 13 A. So the -- the grassy area that you -- that you're 14 referring to, is in the lot side, well, even today, we 15 don't -- you know, we really don't -- don't too much 16 care about that because now that we told people, hey, 17 you know, that we don't know, or whatever. 18 Well, now that the fence is up, nobody can -- 19 nobody's going to cut through there to try to go to the 20 store anyway, right? But even now that the fence is up, 21 you have people coming from the Main Street side, hence 22 to where the brothers have their camera that shows that 23 where people don't come from my side, because it doesn't 24 make sense to come from my side, because you can't 25 get -- get there.	Page 112 1 But they come from the Main Street side on the 2 property to try to cut right behind the -- the brick 3 building, the red brick building -- building right 4 beside where the -- what's that? 504 -- the -- the 5 property in question, it's a red brick building that -- 6 that's adjacent to the parking lot of -- of 7 Quality Foods. 8 Well, you get people, they come from the top side, 9 from 504, and they will cut through the back to the -- 10 you know, the field side, and come through there. And 11 that's where you can see there for the Gracie brothers, 12 or whatever, they have the camera, and it shows to where 13 they're not coming from this way, from where our is, 14 they're coming from this way. 15 Q. Are you saying they come from North Main Street --- 16 A. The Main --- 17 Q. --- to go to Quality Foods? 18 A. Uh-huh. 19 Q. Instead of coming from Earl Street, they come from 20 North Main Street --- 21 A. Correct. 22 Q. --- and kind of cut behind the building at 504 or behind 23 the building next door to 504? 24 A. So they'll come -- obviously they're coming -- if it's 25 capturing from -- now, this is from the -- the video and Page 113 1 stuff that we've -- that we've been provided. So 2 they're coming through 504, right? But then the fence 3 only comes up so far to the parking lot. 4 So I guess when they come through, they come 5 through, and then come behind the red brick building -- 6 building also, and it's right there, the store, the 7 fence stops, 504, the red brick building, and so they're 8 coming down like this to the store. 9 Q. So instead of walking all the way down North Main Street 10 to the corner --- 11 A. Right. 12 Q. --- right in front of --- 13 A. Front of --- 14 Q. --- Quality Foods, --- 15 A. In front --- 16 Q. --- you're saying they cut behind the two properties, 17 504 and whatever's next to that, just to get -- to cut 18 off a little piece of that corner at Main Street in 19 front of Quality Foods? Okay. 20 A. So -- so the videos that the brothers have from the 21 cameras that they put out in the lot, it shows that 22 where they're coming from that way, not this way. 23 Q. So --- 24 A. Because you can tell easily from where the camera is 25 positioned, they're not coming up from our house,
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Page 114 1 they're coming this way. So it only makes -- well, 2 which -- as you said, it makes no sense to where, it's 3 what, an extra minute to walk that you cutting off? I 4 mean, you know, but --- 5 Q. So do you have to exclude those people, or are you 6 telling me that this is kind of not your problem 7 anymore, because they're on the other end? 8 A. Yeah. So those people now or whatnot, to where -- 9 we -- we don't care. 10 Q. Not your problem? 11 A. Yeah. Not --- 12 Q. Okay. 13 A. Because it's on the bush lot portion --- 14 Q. Right. 15 A. --- and not that, so the fence restricted that. But if 16 it were like the people, like -- like a couple of the -- 17 the people on the -- that I -- on the picture, or 18 whatnot, you see that where it's a family to where it's 19 the mother, and the son, and the husband, but mostly 20 it's the mother and the son. 21 Now, they -- they are kind of a little special 22 needs, you know, or whatever, but functional, high 23 functional. But that's what -- they walk Greer all over 24 everywhere you look every day, they're walking, and then 25 they -- you know, they have their grocery bags and	Page 115 1 they're walking off. So they have always walked the 2 area. 3 And so that's like, for people like that, if we 4 didn't have a fence up, we -- I don't know the lady's 5 name, but I bet you my aunt Annie does. But I know them 6 from -- they walk so much, and those are one of the 7 people that's on that camera that -- that -- the video 8 that the brothers got. 9 And like I said, I don't know her name, and I 10 couldn't give you her name, but I know who she is, and I 11 know who her son is to where, I know exactly when I saw 12 those people on the camera. Because they don't have a 13 vehicle, and they always walk there, always walk there. 14 And so -- you know, and that's just -- that's just, 15 you know, what I've been -- that goes to further affirm 16 what I was saying before. You know, you don't know 17 everybody's name, but from a community and people 18 going, you -- you just know faces. You know faces. 19 Q. Well, I asked you a little bit about the fence that you 20 put up at the corner of the Quality Foods. 21 A. Yes, ma'am. 22 Q. What, again, kind of pushed you over the hump -- and I 23 mean, there's been this walkway from the corner of 24 Quality Foods through -- between 203 and 207 at least, 25 for decades.	Page 116 1 What made you decide, like I've had it with this, 2 I'm going to put up a fence, I'm going to put a stop to 3 this, don't ever want this happening again? 4 A. So even before I started to build, one day I was on the 5 porch, and I can't remember if my aunt was gone or she 6 was in the house. It was a young man that came through, 7 younger than me, and I ain't know his face, and so he 8 came walking through. 9 And so he was walking through, I'm sitting on the 10 porch. Typically, people that know us and know the 11 family, hey, Ms. Ann, hey. Or even the older people, 12 hey, little monkey, right? So he came through, no 13 acknowledging or anything. And I said, hey, man, how 14 you doing? He just ignored me. So I let him go, he 15 walked, on his way back, he came back. 16 I came out, I stopped him, I said, hey, man -- I 17 said, I don't know who you are, I said, but this is 18 private property. And I was like, nobody comes through 19 here. And I was like, you know, we'd appreciate if you 20 -- not walk through here. And he just got really 21 confrontational. You can't tell me what to do, you 22 know, just -- you know, I said, man, this is our 23 property, you walking through our property. I said, you 24 see our cars, you see us here. 25 I said, I probably would have even let it slide if	Page 117 1 you would've even just said, hello when I said, hello. 2 You know, I said -- and he just got real 3 confrontational. And so I told my aunt, and she was 4 like yeah. She was like, yeah, I don't know who that 5 was. And so she's getting up in age, you know, not 6 terribly old, but she's getting up in age. And so I 7 just told her, I said, listen, you know, the 8 neighborhood is changing a little bit, the dynamic of 9 the people that we used to know, we don't know everybody 10 anymore. 11 And I was like, you working swing shift, you know, 12 you by yourself and stuff. I was like, I mean, 13 we -- we going to have to do something. We going to 14 have to do something. And so even, like once I started 15 to build -- you know, build the house, I had already 16 been calling a few people, trying to get somebody to -- 17 to come out -- you know, whatever for, you know -- for 18 the fence. And so, finally, Mr. Holder, that's the 19 general manager of the store, of Quality Foods, I walked 20 over and I talked to him, and he said, hey. He said, 21 you some kin to Steve Gibbs? I said, yes, sir, that's 22 my uncle. He say, man, me and your uncle were the best 23 of friends in high school. He said man, we grew up 24 together. He said, man, I've been in your house. He 25 said, I've been in your house several times. He said,
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Page 118 1 man, we played football out there. 2 He said, man -- he's like, I know -- I said, look, 3 man, we're getting ready to build a house. I said, man, 4 the only way to stop people from walking through here, I 5 said, I can't stop everybody myself because I'm not 6 always here. 7 And I said, you know, my aunt, I said, she's not 8 going to get in any type of confrontation with anybody. 9 I said, we got to do something. I said, I want to put 10 up a fence. And I said, this fence will help deter 11 crime, as well. I said, because now if somebody, you 12 know, goes to try to steal something, they can't just 13 take off running on the side of the building or 14 whatever. 15 He said, well, Raymond, he said, I think that's a 16 great idea. I said, do I have permission? He said -- 17 he said, I'll give you a call back. He called me back, 18 he said, Raymond, you know what, that's -- we have no 19 problem with you putting -- putting that fence up. 20 Put the fence up, then I went back in there, and 21 I -- just to tell him, you know, thank you, one day I 22 was, you know, doing some grocery shopping. And he 23 said, Raymond, he said, you know, how much did that 24 fence cost you? I said, well, it cost me 1,500 dollars. 25 He said, hey, man, it's not -- you know, he said, it's	Page 119 1 not your responsibility to eat all of that cost, because 2 we're benefiting from it. 3 He said, I'm going -- I'm going to call and see if 4 we can give you something. And a couple weeks later, he 5 called me and he said, hey, man, I got you a check for 6 500 dollars. He said, it's not much. He said, but I 7 appreciate, you know, you putting that fence up. And 8 he's like, you know, it's made -- it's made a 9 difference. And he gave -- well, Quality Foods, gave me 10 a check for 500 dollars towards, you know, my cost of 11 the 1,500 that I put in. 12 I -- I thought that was, you know, pretty -- but I 13 don't think he would have even went to bat for me by 14 calling to ask, if he wasn't familiar with the family 15 and how we've used it, and the high school being right 16 across the street, and knowing that, you know -- you 17 know, what went on -- what went right there. So I don't 18 think he would have even bothered if it wasn't for, you 19 know, him having the relationship tied to the family. I 20 can't see a reason why he would ask his company to give 21 somebody 500 dollars, you know, to put, I mean, towards 22 the fence, so. 23 Q. All right. And you said you sent some letters to 24 someone in Oklahoma who was maybe the owner, and never 25 heard back?	Page 120 1 A. Like I said, I can't remember the exact -- but whatever 2 it used to be for that property when you look it up 3 on -- on Greenville County. I want to say it was like 4 some -- somewhere out, or whatnot. It wasn't a local 5 address, South Carolina, North Carolina, Georgia, 6 whatnot. 7 If I remember correctly, it's like -- it had it 8 down, and I want to say her name was Doris, was -- isn't 9 it Doris? Yeah. And I think it had a -- it had like a 10 Midwest or something address listed too, and that's the 11 address that -- that I sent it to. Like I said, I can't 12 remember, but when you went to GreenvilleCounty.org, it 13 had, you know, you can say --- 14 Q. Oh, I know what you're talking about. 15 A. Okay. 16 Q. That's my client. 17 A. Okay. 18 Q. Did any of those letters ever get returned to you --- 19 A. No. 20 Q. --- like returned to sender? 21 A. That's the same -- that's the same thing when I told 22 Mr. Harold, when he was like oh, well, she's dead 23 -- dead now. And I said, Mr. Harold, I never got those 24 letters back. I was like, you know, I never got those 25 letters back.	Page 121 1 Q. Okay. Just curious. 2 Did you ever complain to the City of Greer about 3 anything occurring on 504 North Main Street? 4 A. So my aunt would call, yeah. I -- I know she's called 5 the city and complained about the overgrowth. 6 Q. Did you ever call? 7 A. Uh-uh. I never -- I never called. I never called. I 8 just -- most -- for the most part, to where if it hadn't 9 gotten like too high for a zero turn or a riding 10 lawnmower to knock out, or whatnot, we just knock it -- 11 I, you know, just knock it out. 12 Q. Okay. Why didn't you buy the property at 13 504 North Main Street when it was for sale? 14 A. So when I first heard that it -- it was, you know, for 15 sale, and I -- you know, Mr. -- because before 16 Mr. Harold, he was saying, hey, Raymond, you know -- and 17 I'm -- I'm quoting his exact words, that's a dead lot, 18 I'm sure they'll want to do -- they'll want to do 19 something, to take it -- he was like yeah, because it's 20 a -- it's a pain for us to pay somebody to come -- to 21 come mow it, right? Because if you can, you know, as 22 you know, you got the back of 504, that's like how it is 23 on -- on our side, grass -- not -- and then it just 24 turns to --- 25 Q. Mess.
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Page 122 1 A. --- turns the bush, right? So you know, that area, he 2 was saying that to where basically, you know, hey, you 3 know, it's a -- it's a pain to maintain that. And he 4 was like, Raymond, you know, we're in the works. So 5 the -- all the communication that he had -- that he and 6 I had to where I'm thinking that we're -- based off on 7 he's telling me, that were, hey, yep, the son doesn't 8 want anything to do that property. 9 And when it finishes up through probate or 10 whatever, yeah, it's definitely going to be -- going to 11 be gone. And you know, you're going to get first dibs 12 at that -- that lot, because I know that they -- you 13 know, they will be willing to split it up. 14 And so that lot comes over -- that whole lot is not 15 actually the -- to 504, you know, a portion of it where 16 the trees are, is tied to the -- the red brick building, 17 as well, right? 18 Q. I mean, I know where the property lines are. I know 19 that there's probably trees that go --- 20 A. Yeah. 21 Q. --- over different properties. 22 A. I think -- if I'm not -- from what Mr. Harold was saying 23 to where you got, this comes down and then to 24 the -- to -- over to the store, and it comes up to where 25 those trees are. But I think it's -- it's a little Page 123 1 rectangle like little section that's tied to the brick 2 house, that brick house that's right beside it, that's 3 like -- that's separate, right? They're separate. So 4 it's not like the lot at 504 go straight on and straight 5 down against the --- 6 Q. Right. 7 A. Against the -- so he had said that he talked to the 8 owners at the brick -- the brick place. He said he 9 talked to them, and he said that, well, hey, 10 Mr. Raymond he said, hey, yeah, I talked to them, he 11 said that they -- they would be willing to go ahead and 12 get rid of -- get rid of that -- that small portion 13 there, because it's not a large portion. 14 And they will be really willing to get rid of that 15 portion, as well. So in my mind, you know, from -- 16 based on his, I'm sitting tight waiting on it. So then 17 when -- when he called me and said, hey, Raymond, the 18 property is being sold, and they not going to let me 19 list it. He said that well, they're choosing to go with 20 another -- another --- 21 Q. Oh, another realtor? 22 A. Right. Yeah he said --- 23 Q. That's not Howard -- not Mr. Jenkins? 24 A. Right, not Mr. Jenkins. 25 Q. I see.	Page 124 1 A. And so you know, he has, you know, some health issues. 2 And you know already, so you know he was -- whenever I 3 talked to him, oh, Raymond, I just got out the hospital, 4 or not doing too well and things. 5 So he said, well, Raymond, they -- they got another 6 company to list it. And -- and I said, well, you know, 7 are they still going to, you know, sell that back end 8 lot? He said, no, Raymond. He said, they're going to 9 sell it as one piece. And I said, oh man. 10 I said, you know, I'm thinking that we're, you 11 know, maybe, you know, 200,000, you know, something -- 12 and I said, well, Mr. Harold, what they selling it for? 13 And he said, Raymond, he said, they want over 300,000 14 dollars for that property. And I said, whoa, I said, 15 Mr. Harold, I said, I just built the new house. I was 16 like, I don't have that type of money to spend on that. 17 And all I want is the lot, I was like, I don't want the 18 building. 19 I said, you know -- I said, if it was at a 20 reasonable price, maybe. But I said -- but that's -- 21 you know, that's a little bit too much. He said, 22 Raymond, I agree. He said, I think that's too much for 23 that property. He said, if it were me, this is the way 24 that I would do it. He said, soon as it sells, I'll 25 give you a call back. And he said, I will help you talk Page 125 1 to whoever the new owners is, and about selling you that 2 dead -- that dead lot. 3 And so that's what we -- you know, we were 4 waiting -- waiting for. So then once I saw the guys on 5 the camera, and went and talked to them, and so he was 6 like, oh yeah, you know, whatever. And so I called 7 Mr. Harold back. I said, hey, Mr. Harold, I don't need 8 you to -- you know, to -- to find out who -- I know who 9 they are. I said, I know who they are, they're right 10 around the corner, you know, I said, you know, I talked 11 to -- you know, to the owner, at that time I didn't know 12 it was, you know, another brother that was, you know --- 13 Q. Right. 14 A. --- kind of -- I thought it was --- 15 Q. The one guy. 16 A. --- the one that was taking -- he was over everything. 17 And so I said, he seemed, you know, real receptive. I 18 said, man -- I said, we hit it off. I said, he's super 19 nice. I said, you know -- I said we talked for -- 20 talked for a while. 21 I said, you know, I think things are looking -- 22 well, Raymond, I'm glad for you, I'm getting old, I got 23 health problems. He said, I got one foot in, one foot 24 out. That was his exact words. And he said, I'm happy 25 for you, man, I'm glad that that's -- and, as I stated,
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Page 126 1 never did call me back. 2 Q. Right. 3 A. Saw the other brother on there and so it just -- you 4 know, just kind of morphed into -- into -- into this. 5 But you know, Mr. Harold and I were under -- well, I was 6 under the impression that -- that the brother was more 7 than willing to shake that dead -- you know, dead lot, 8 you know, I mean, you know, and just kind of separate 9 it -- separate it out. 10 Q. Let me ask you a different question. 11 When you spoke with Jose and Max that day, did they 12 say they were going to pave anything? 13 A. Yes, ma'am. The brother that runs the jiu jitsu -- 14 well, not -- I guess that's Jose? 15 Q. Yes. 16 A. Or not -- so he was more so reserved, and, you know, 17 kind of deferring. The Max brother, he was -- I forgot 18 what he was doing on the ground, he really wouldn't even 19 look me, kind of -- wouldn't even look me in the eye, 20 more so, and I'm not exaggerating. 21 And so he specifically said that, hey, the -- the 22 property is worth significantly more if it has a rear 23 exit, we're going to put a parking lot and a -- I said, 24 a driveway going through our front yard? Through -- he 25 was like, yeah, it goes up significantly.	Page 127 1 And -- and this should be on the record, when we 2 went to the first initial hearing -- the initial 3 hearing, Mr. Marchbanks stated it, that, hey, that 4 they're talking about putting a parking lot and a drive 5 through in that property. 6 And they said, well, hey, well, we're not going to 7 do it, you know, we agree. And the judge was like -- I 8 forgot what he said. But he said, yeah, can you not 9 work this out? And he's like, yeah, we'll agree not to 10 do -- not to do anything, you know, right -- right now, 11 but you know, we need that to be free, because we may 12 have trucks coming -- coming in -- in and out, like 13 they're going to be doing some type of construction. 14 So they agreed to not do -- and this is -- should 15 be on the record from when we was at the hearing. 16 So they agreed not to do any -- anything for the 17 driveway access and asked that -- well -- I said, 18 well -- we was like, well, hey, we've been parking or 19 the side of the house, or whatever. So if they would 20 have wanted to do, you know, the -- pave the parking 21 lot, or whatever the case may be, or whatever, they 22 were, you know, quote, free to do that. But nothing 23 towards the -- the driveway gravel portion of that. 24 And that was when we went to the hearing and that 25 was said. That's why it was kind of like, hey, you	Page 128 1 know, well, we are to -- at this point when the judge 2 was like, clearly, y'all can work this out amongst 3 yourselves, or whatever. 4 But I said, he -- that's his exact words, 5 specifically, parking lot with a rear exit onto -- onto 6 Earl Street. And at the hearing, that's what -- it was 7 said and discussed there, as well. 8 Q. I'm sorry. Did you say that Max said at the hearing 9 that he was planning on paving the driveway that your 10 aunt used to use? 11 A. So he said, that when he and I was talking, right? And 12 then when we were at the hearing, when -- when Chuck got 13 up to, I guess, address the judge, he told the judge 14 what their intentions was, or whatever. 15 And so when the judge -- when he told the judge, 16 and the judge was like, clearly, you can -- you can -- 17 you can, you know, work that out amongst yourselves. 18 Then it was said on their side, that where hey, yeah, we 19 agree not to do, you know, any -- you know, anything 20 with the -- with the driveway and anything, or whatever. 21 Because I think maybe Chuck said, hey, you don't 22 want to, you know, pave that and then end up having, you 23 know, when we win, you got to, you know, pay to dig that 24 up, or, you know, something -- something of that nature, 25 or whatever the case may be.	Page 129 1 But it was agreed to where, hey, you know that -- 2 that -- what they had planned would be halted until this 3 got resolved, or whatever, the driveway portion. But 4 you know, in terms of them doing the parking lot, I 5 mean, they could've done the parking lot, and then paved 6 that parking lot. But the driveway portion in front of 7 us, and that's -- that's on -- it should be on record. 8 Should be on record. 9 Q. I mean, we deposed both of the -- Max and Jose, they 10 both said that they did not have any plans to pave that 11 area, and that they did not know where that idea came 12 from. 13 A. Well, --- 14 Q. I mean, Max did talk about the property being worth more 15 with a second like access point, but it did not sound 16 like -- they did not say that they had plans, like 17 current plans, to pave any of that area. They said that 18 the parking lot that was up at the front by the 19 commercial building up there was sufficient, and they 20 couldn't afford to pave it anyways, even if they needed 21 to. 22 I mean, so it was a point of confusion for me, like 23 how did this idea of paving a road through there, like 24 where did that even come from? 25 A. I didn't pull it from the sky, so.
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Page 130 1 Q. I don't think you did. 2 A. So yeah. So I think what's crucial -- even when Chuck 3 told me this, I think what's crucial is when we went to 4 that initial hearing, and Chuck stood up in front of 5 there, and what they said, that should be on record. 6 It should be something in there to when -- when 7 Chuck said, hey, yep, they were planning on doing, you 8 know, parking lot and the driveway through there, or 9 whatever. And it was agreed that well, hey, you know, 10 until it's resolved, you know, no driveway, but you 11 know, what -- and then he -- he specifically made -- 12 made -- he made the statement of, hey, yep, you know, if 13 you wouldn't park right there anymore, because we may 14 have some trucks coming through. 15 Q. Okay. How much do you think you were willing -- or how 16 much would you be willing to pay for the part of the 17 property that you want to -- that you want to be in your 18 name on paper? Like is there a price you have in mind? 19 I know you said that over 300,000 was too much, and you 20 were kind of hoping for 200,000? 21 A. Well, no. No. No. I was saying 200,000 when he was 22 saying that -- when I was like -- when he was talking 23 about selling the property, the building, and the lot. I 24 was like --- 25 Q. Oh, okay.	Page 131 1 A. --- yeah. No. Yeah. I mean, 200,000 for -- for that, 2 I mean, at that case, we'd be better off buying a lot, 3 lifting the house up, and putting it some -- putting it 4 somewhere else for 200,000. 5 Well, I mean, I don't know what that -- what the 6 fair market value would look for that stretch across 7 through there. I mean, you know, if -- if he was open 8 when I first initially talked to him, I wouldn't have -- 9 like I said, I was just coming off building a property. 10 I wouldn't dare have solicited his services and 11 paying the type of fees that's associated with this. I 12 would just use that money to go along -- to go towards 13 he and I working -- hey, man, you know what, I'll sell 14 it to you for XYZ dollars, or whatnot. All right. 15 Done. Because more -- it's more so you know, 16 sentimental -- sentimental and -- you know, than 17 anything. But you know, of course, it got to be, you 18 know, within -- within reason or whatever. 19 But that -- I mean, it's such a small stretch, and 20 that's what I can't wrap my brain around to where even 21 if it was me on the other foot and -- the shoe was on 22 the other foot to where, ethically, I just couldn't 23 think about running something through somebody's front 24 yard that only has this much of a front yard already. 25 Q. I mean, is the problem that your family uses this whole	Page 132 1 grassy stretch area for all of the kids and the family, 2 or for some other purpose, or is the problem the 3 driveway that goes in front of 207 and between 207 and 4 203, and like you're afraid of not being able to use it? 5 A. So --- 6 Q. Or something else? 7 A. So it's a combination of both. We want to be able to, 8 you know -- be able to have it, or we run the fence 9 across, and then, you know, hey, the kids can play. You 10 know, just like this weekend, my aunt hosted all of 11 the -- the nieces here, so she's -- he's laughing 12 because she -- she told him about the story. 13 All the nieces and nephews, so he had like this 14 here, locally. So it was like eight kids, you know, my 15 kids, and six others. And to be able to allow them to 16 just run back and forth in there and it be tied off, or 17 whatnot, that's safer in this day and time when people, 18 you know, grabbing children, or -- not saying that 19 that's the type of neighborhood, but anything can 20 happen, right? 21 And, you know -- but then on the flip side, let's 22 say even if we were to say, hey, you know what, we got 23 the new house homestead built, we're not even going to 24 worry about the old house. Who's going to buy that 25 house when a driveway or something is running through	Page 133 1 it, and basically, you don't have a driveway. 2 So what other access do you have -- do we have to 3 that property without going through there? We can't cut 4 through the back of the house because Ms. Jeanette's 5 property and AC unit, and all that stuff. So you can't 6 come in from the back. That is the single, only access 7 to that -- to that -- to the house, from the way that 8 it's situated on, you know -- on the road. 9 And so -- and now even to be able to get to where 10 you going to park on the side of the house, and that's 11 the lot, you know, that's up where we want the fence and 12 whatnot. Even to get there, we have no way to get there 13 except coming --- 14 Q. The driveway? 15 A. Coming through the driveway. And if you think about it 16 from a risk perspective, to where, even if it's like, 17 you know, my brother -- you know, my brother's there 18 now, right? But let's say, if he had small children or 19 whatever, and they put a parking lot, which is fine, but 20 then they put an exit through there, who's to say 21 somebody's not whipping up in the -- late for my 22 appointment, whip up in there, right? And you know, it 23 could be the worst, if you got some kids playing around. 24 So I mean, it's a combination of -- of things, in 25 addition to, we've been using it at -- by adverse
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Page 134 1 possession, but it's the -- you know, the -- the -- the 2 property value on that, to where, you know, you put that 3 driveway or exit, that's going to -- you know, it's 4 going to plummet when gentrification is making the 5 property values in the area go up, you know. 6 So that's going to hurt. Then the fact that well, 7 you know, trying to keep the family safe, per se, that's 8 an issue. And then, you know, not just -- not being 9 able to have -- because even if we don't pursue this, 10 right? 11 Even if we didn't pursue this and we just, hey, 12 take a gentleman's handshake, oh, yeah, you can -- you 13 can always use this property. You can always use this 14 property, oh, no problem. And then all of a sudden, one 15 morning, you wake up and say, man, we going to go ahead 16 and just tie this off, or do whatever. Legally, he has 17 the right to. 18 He can actually put a six foot fence right there to 19 where we have to park on the street, which the 20 City of Greer is not going to allow. But literally, you 21 come off the front porch, you got a six foot fence in 22 front of you. Legally, I guess he could do that, right? 23 It just doesn't make -- it doesn't make sense. I 24 don't -- like for the life of me, I don't -- I would 25 never have spent this money if I didn't have to. Page 135 1 But I -- I don't -- I would never do that to -- I 2 mean, even if I don't -- it just -- looking at that the 3 dynamic of that, and where it is, and how it's located, 4 and the history of you hearing, since the '50s, you 5 know, we've had that. And what -- you know, just -- you 6 know, the -- the story of hey, it's been passed down, we 7 had six kids born in the house, I think. Yeah. Yeah. 8 Yeah. Six -- five, six kids born inside of -- inside of 9 the house. 10 It just kind of -- it kind of means something. It 11 may not mean something to people that got a bunch of 12 money or, you know, somebody that's not from the area or 13 whatnot, but that means something to us that were -- 14 it's -- it's generational, right? 15 And that's -- I mean, you know, we could be 16 fighting and trying to say, oh, we want that whole lot. 17 We play -- play football out there and basketball out 18 there, we've had cookouts out there, we've mowed it, you 19 know, we've -- all this overtime -- but not as much as 20 the gravel in the other part, but we've done some work 21 there. We've -- it's not that -- it's not that serious. 22 We just want to just straight line that fence, tie it 23 off, and be done. That's -- that's all we trying to do. 24 So if that was the case from the beginning, if he 25 had no intentions of saying, or -- you know, he'd sit in	Page 136 1 the parking lot and -- and all that, we could have been 2 settled this. 3 Q. I mean, what if you could get like an agreement that you 4 could use the driveway and use, you know, some of the 5 grassy area, like would that be sufficient for what you 6 needed, or? 7 A. I don't -- not at this point. 8 MR. MARCHBANKS: I would advise him not to answer 9 that. 10 MS. MCCONOUGHIE: Okay. 11 MR. MARCHBANKS: I mean, without talking to his 12 attorney. 13 MS. MCCONOUGHIE: I wouldn't hold him to it. 14 BY MS. MCCONOUGHIE: 15 Q. Did you tell Mary Morrison that Mr. -- that Jose was the 16 new owner of the property? 17 A. I don't even -- I didn't know his name. I wasn't -- so 18 I was told that the --- 19 Q. The martial arts? 20 A. Yeah. Yeah. That they -- that they bought the 21 property. 22 Q. Okay. And is Mary Morrison the same person that you 23 called Ms. Jeanette? 24 A. Yes. Yes. Yes. 25 Q. Okay. Did you tell anyone else that the new owners of Page 137 1 504 North Main Street were going to put in a paved 2 driveway? 3 A. Yes, because that's exactly what Max told me. So yeah. 4 So once they told me that, the first person I told -- I 5 told my -- I came back and I told my aunt exactly what 6 he said. I think when we talked to Ms. -- Ms. Jeanette, 7 I told her, I told Ms. Alice. 8 But those are the -- you know, the -- the -- the 9 stakeholders that would be, you know, impacted by that 10 decision. And you know, of course, you know, told -- 11 you know, I told my aunt in Alabama, my uncle down in 12 Clemson, he -- you know, he was like, man -- he was 13 like, you know, that's -- that's -- that's ours, who -- 14 who cares what they -- what they say. You know, 15 that's -- he's just that type of guy. But -- but, yeah. 16 Q. And can you tell me the name of your friend, you said 17 you went to college with someone who became an attorney 18 who told you about adverse possession? 19 A. Patrick Mangrum. 20 Q. Spell that last name. 21 A. M-a-n-g-r-u-m. 22 Q. M-a-n-g-r-u-m? 23 A. U-m. 24 Q. And you said you were -- you thought about maybe, like 25 if you owned that back grassy area part of
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Page 138 1 504 North Main, you thought about maybe putting a house 2 back there and have it be like another house for the 3 Gibbs family? 4 A. Initially, when I was talking to Mr. Harold, when he 5 kind of saying a dead lot and, you know, hey, Raymond, 6 you know, I -- I -- I think they -- they'll be more than 7 willing to part ways with -- with that, you know, just 8 to not have the upkeep for whoever is going to be owning 9 it. That was -- that was like -- that would have been 10 the dream, to put -- to put another property right 11 there, and it's all tied in together. 12 Q. When you were a kid, do you remember the property, the 13 lot at 203, being used for parking? 14 A. Yeah, for us. 15 Q. Right. For -- yes. For the Gibbs family. 16 A. Uh-huh. That's -- so whenever you have -- like I said, 17 the driveway is only so big. So whenever you have 18 multiple people come -- come in to where you couldn't 19 fit right there, so at that point, you know, there's a 20 couple -- some trees there, but you can still navigate 21 through. 22 So you would come through, you would, you know, 23 some people park on the, you know, backside of the 24 house, you know, over a little bit into the field and 25 spots in between that -- that -- before I built 203 and	Page 140 1 A. Yeah. Yeah. Something -- I can't remember. She could 2 give you the exact date. But when I was little, if we 3 had something going on, you would park there. But I 4 mean, it would be limited space, because it was trees on 5 the property. 6 Q. But the Gibbs own that property, so they could have cut 7 down the trees and made a whole big parking lot, right? 8 A. Yeah. We -- yeah, we cut -- that's -- that's what we 9 done. We cut down and we built 203. 10 Q. Well, but even before that, didn't the driveway, didn't 11 it used to be like a half circle driveway with the 12 carport -- the two car carport in the middle? 13 A. Uh-huh. It wasn't a half circle driveway to where -- it 14 was -- you talking about going from 207 --- 15 Q. I'm talking about 203 16 A. Oh, talking about 203? Yeah. So when you come in to 17 where it's a -- it's -- the asphalt -- the asphalt that 18 was right there coming up, or whatever. When the -- 19 when the awning garage was right there, so you had the 20 awning garage, we had room on -- if you facing the 21 awning garage, room on the left of the awning garage, 22 that's most of the time where you kind of pull in and 23 have that area right there. 24 Then you had like a -- just like a big tree on the 25 right, some more trees in the back, whatnot. So it was
Page 139 1 even cut down the trees, it was a spot that -- where I 2 used to pull through and back -- back my small box truck 3 back there, at 203. And so that's where like 4 traditionally, you park there, over in the 203 area 5 before it was built, you know, and just kind of 6 navigate, you know, through what trees was there. 7 Down at my grandmother's house and in the back of 8 Quality Foods, and even, like where it's a little -- 9 small little church that's -- it looks like a 10 residential but it's actually a church, you know, it's 11 right there on the corner of Vernon and Earl Street. 12 And so people will park right there in -- in there, just 13 because we had no space, no -- you know, nowhere to 14 park. So that's where --- 15 Q. But didn't you have a whole lot where people could park, 16 wasn't 203 basically empty? 17 A. Yeah, that's what I'm saying. But it had trees there. 18 I had to -- before it got a -- it had -- it was trees 19 there. 20 Q. Wasn't there a carport there that you could fit two cars 21 underneath? 22 A. The carport didn't come until after. You said, when I 23 was younger. The carport didn't come until -- until 24 like --- 25 Q. The '90s?	Page 141 1 room to park, but it's depending on how many people you 2 had there to where room would quickly -- quickly shrink. 3 Q. So isn't it actually the case, though, that you building 4 the house at 203 is the reason that 207 has nowhere to 5 park, because you put your house -- or you put that 6 house on the place where people used to park for 207? 7 A. No. 8 Q. You don't think so? 9 A. No. 10 Q. Didn't your great grandparents, or your grandparents own 11 both of those lots? 12 A. Yes. 13 Q. And you just said that people who lived at 207 or came 14 to visit 207 used to park on 203 where there was a big 15 circular driveway and a two car carport? 16 A. No. It wasn't a big circular driveway. 17 Q. If you look at the document I just gave you, which is 18 the GIS map from 1997, can you not see a circular 19 driveway going from -- in between 207 and 203 all the 20 way across onto 203? 21 MS. MCCONOUGHHEY: And this will be my Exhibit 1, 22 and he's got your copy. 23 (Whereupon, TNB Defendant's Exhibit No. 1 was marked for 24 identification.) 25 BY MS. MCCONOUGHHEY:

Page 142 1 A. Oh, so you talking about before the -- before the awning 2 garage. That's --- 3 Q. I mean, do you see a circular driveway right there? 4 A. Yeah, before the -- see, I'm --- 5 Q. Yes. 6 A. See, when you talk about the awning right --- 7 Q. No, I'm talking about the driveway right now. 8 A. So yeah. So you could come through and right -- but 9 even still, like I said, depending on the amount of 10 people, you still had all these trees that was -- that 11 was still -- so you had room to park. I'm not 12 disputing, you are correct. You had -- had the room to 13 room to park -- room to park. But it's not like you 14 could use the entire lot to park, because it was trees 15 in several different spots. 16 Q. My point is, 203 was used for parking for the people who 17 are visiting or living at 207, correct? 18 A. Well, it wasn't -- that's not what it was -- it wasn't 19 used for anything, it was a lot. 20 Q. I mean, I see a driveway on it. 21 A. It wasn't -- but I'm saying -- but it wasn't -- that 22 wasn't what it was -- 203 was just a lot. 23 Q. That people parked on? 24 A. If we had an overflow. If you --- 25 Q. But so yes or no, people who were coming to visit 207 Page 143 1 would park at 203? 2 A. Yes, on occasions. 3 Q. Thank you. 4 A. On occasions. 5 Q. Thank you. And there was a carport on 203 that was used 6 by the people who are living or visiting in 207, yes? 7 A. It was the carport was there after -- after --- 8 Q. But the people who parked in the parking under the 9 carport, where were they going? 10 A. To -- to -- my aunt, yeah. She -- that's where 11 she -- that's where she -- she used to park on 12 occasions. 13 Q. Okay. Thank you. 14 A. But for the most part, I parked right there. 15 Q. You parked right where? 16 A. In -- in the awning -- in the awning garage. I used to 17 do -- I had an old pickup truck that I was restoring, I 18 parked it in the awning garage. I had another car that 19 I parked there in the awning garage. 20 A lot of times I would utilize that, and she would 21 park in the gravel driveway right there in front of the 22 house. Now, on occasions, like when I got my pickup 23 truck, you know, restored and pulled out, she would park 24 there sometimes, but then other times, depending on when 25 she got off work or whatever, she would park right there	Page 144 1 on the gravel. So it was, you know, kind of --- 2 Q. But she had options then? 3 A. Right. 4 Q. She had -- but she doesn't have options anymore; is that 5 right? 6 A. Well, she doesn't need options anymore, but you know, 7 because --- 8 Q. Because she doesn't live like 207 anymore, right? 9 A. Correct. 10 Q. Okay. But do the people at 207 have options anymore? 11 A. They could park over at 203 if they -- if they --- 12 Q. So you would let your tenants at 207 park in your 13 driveway at 203? 14 A. It's my brother. 15 Q. Is that a yes or a no? 16 A. Yes. 17 Q. Okay. That's all. 18 MR. MARCHBANKS: Is that it for you? 19 MS. MCCONOUGHIE: Yes. Yes. I'm done. 20 CROSS-EXAMINATION 21 BY MR. MARCHBANKS: 22 Q. Hey, Raymond, I don't know -- were you aware that the 23 Otarola brothers even said that they might fence in this 24 whole area and make it a dog park? 25 A. No, I'm not aware. Page 145 1 Q. All right. So if -- how convenient would it be for the 2 residents at 207 to park at 203, and there be two six 3 foot fences in between where they park and their front 4 door? 5 A. And you said, how --- 6 Q. If they fence in the whole thing, they put a whole six 7 foot fence here, and a whole six foot fence here --- 8 A. Oh, you --- 9 Q. --- does that mean that, oh, it makes perfect sense to 10 use 203 to park for 207, does that make any sense to 11 you? 12 A. No. No, sir. It does not. 13 Q. It doesn't make any sense to me, either. Okay. Now, 14 let me ask you this, let's look at this picture right 15 here on your affidavit that you submitted. This is on 16 page 4 of 7, it's the photograph that's number 8. Okay. 17 Now -- never mind, I don't want to even focus on these 18 little markers, okay? And don't even worry about 19 Annie's fence there. 20 I just want you to think about this picture before 21 the house was built, before the markers were there. 22 A. Uh-huh. 23 Q. Okay? Just looking at that, does that look like private 24 property to you? 25 A. To me, it does, yes.
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Page 146 1 Q. Okay. So this sidewalk comes out of 207 and it comes 2 over to the gravel, --- 3 A. To the gravel drive. 4 Q. --- right? 5 A. Correct. 6 Q. So does it look like that private property is all 207 to 7 you? 8 A. To me, it does. 9 Q. Would it make sense at all for the world to drive up 10 Earl Street and look at this right here, and say, oh, 11 well, that must be attached to something on Main Street? 12 A. No. I can't see any reason why someone would -- would 13 think that based off on this picture. 14 Q. And the picture shows what exists, correct? 15 A. Correct. 16 Q. And the picture shows what has existed for 40 or 50 17 years, correct? 18 A. Correct. 19 Q. Is it not open and obvious to anybody who drives by 20 there that that's the driveway for that house? 21 A. Correct. 22 Q. It's kind of cool, really, the neighborhood that you 23 described, where you know people and been around them 24 your whole life. You know who's walking through, you 25 know who you know, and you don't know who you don't	Page 147 1 know. And when it was somebody that you guys knew, 2 pretty much, they had permission to walk through there, 3 didn't they? 4 A. Correct. 5 Q. If it was somebody you didn't know, then they would be 6 stopped, turned around, and asked to leave? 7 A. Correct. 8 Q. Now, everybody kind of gets along, everybody kind of 9 works together as a community, because it's different 10 families in these -- what is it --- 11 A. Greentown. 12 Q. Greentown, and the other one? 13 A. Sunnyside. 14 Q. Okay. Y'all have an affinity for each other and respect 15 for each other, is that fair to say? 16 A. Correct. That's right. 17 Q. Two black communities, your great grandfather --- 18 A. Correct. 19 Q. --- purchased the lot that 207 is on in 1946, correct? 20 A. I'm not sure exactly, but it was -- it was -- yeah. 21 Q. And things were different in between black folk and 22 white folk in 1946. 23 A. That is correct. 24 Q. That's quite the accomplishment, don't you think? 25 A. Yes, sir. He was a ---	Page 148 1 Q. Purchased this in 1968, correct? 2 A. Correct. He was a janitor at -- at the bank, and so he 3 was able to navigate a little bit easier than 4 traditional black folks in -- in -- in the area, because 5 he had created relationships working at -- at the bank 6 for so long. 7 Q. So throughout his life, your parents' life, and your 8 life, and your kids' lives, four generations, this has 9 been property that you and your family have used as you 10 see fit? 11 A. Correct. 12 Q. And the neighborhood, kind of together. Y'all are 13 usually kind of together as a group? 14 A. Correct. 15 Q. People that you know. Is it somewhat alarming that two 16 guys purchased it and say they're going to put a road in 17 right here, maybe 18 feet, 17 feet from the front of 18 this house, and basically ruin any access to that house, 19 whatsoever? 20 A. Correct. That is alarming. 21 Q. The house that your great grandfather built in 1948, 22 1950? 23 A. Correct. 24 Q. Jose is pretty cool. Sounded like you might could work 25 something with him.	Page 149 1 A. He was super nice, super nice. 2 Q. Max shut it down, didn't he? 3 A. Gave me no chance. 4 Q. Now, you heard Rachel ask you a question about them 5 testifying in their depositions that, oh, no, we never 6 intended to put anything back there, any road, or any 7 access, or anything, is that different from what they 8 led you to believe at the beginning of this? 9 A. Correct. It is. 10 Q. Okay. 11 A. As I -- as I -- I didn't mean to interrupt. As I 12 stated, it should be some record when we went and you 13 stood up that were -- when you stated that -- what they 14 was -- their intention, there has to be some type of 15 record of that that validates what I'm -- what I'm 16 saying and how we went to the part to where they said, 17 oh yeah, we agree. If you remember. 18 Q. And you remember that having a hearing like that was a 19 pretty big deal, that was a lot of work and a lot of 20 short amount of time. Do you think we -- would you have 21 authorized me to do all that filing if you didn't feel 22 like there's something that needed to happen fast to 23 stop whatever it was they told you they were going to 24 do? 25 A. No, absolutely not.
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Page 150 1 Q. All right. I don't have anymore questions for you. 2 A. All right. 3 MR. HAWKINS: No questions. 4 THE COURT REPORTER: Mr. Marchbanks, would your 5 client like to read and sign? 6 MR. MARCHBANKS: We'll waive it. 7 THE COURT REPORTER: And would you like a copy of 8 the transcript? 9 MR. MARCHBANKS: Yeah. 10 THE COURT REPORTER: Okay. Ms. McConoughey, would 11 you like a copy of the transcript? 12 MS. MCCONOUGHIEY: Yes, e-trans please. 13 MR. HAWKINS: Same for me. 14 THE COURT REPORTER: Yes, sir. 15 (THERE BEING NO FURTHER QUESTIONS, THIS DEPOSITION CONCLUDED 16 AT 5:12 P.M.) 17 18 19 20 21 22 23 24 25	
Page 151 CERTIFICATE OF REPORTER I, Kelley Primm, a Notary Public in and for the State of South Carolina, do hereby certify that the foregoing deposition was taken before me on the date and at the time and location stated on page 1 of this transcript. That the deponent was duly sworn to testify to the truth, the whole truth, and nothing but the truth. That I am not related to nor the employee of any of the parties hereto, nor related to or employed by any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action.  Kelley Primm, Reporter Notary Public for S.C. Commission Expires: 12/15/2035	

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	13TH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	
	)	
Ann Louise Gibbs-Hunter and	)	
Raymond D. Gibbs, Jr.,	)	
	)	
Plaintiffs,	)	
	)	PLAINTIFFS' MOTION
vs.	)	TO AMEND COMPLAINT
	)	
Rilion Gracie Greenville, LLC and TNB	)	
Financial Services, as Trustee of Gene	)	
Mark Brown's Trust B-2 under The Doris	)	
P. Brown Revocable Trust Agreement	)	
Dated February 9, 2006, as Amended,	)	
Defendants.	)	Docket No. 2024-CP-23-05724

COME NOW, Plaintiffs Ann Louise Gibbs-Hunter and Raymond D. Gibbs, Jr., by and through undersigned counsel, and hereby move this Honorable Court for an Order allowing them to amend their Complaint pursuant to Rule 15 of the South Carolina Rules of Civil Procedure, in order to assert a Fourth and Fifth Causes of Action as set forth in the proposed Amended Complaint which is attached hereto as Exhibit A. The grounds for this Motion are as follows:

1. Rule 15 provides that leave to amend "shall be freely given when justice so requires and does not prejudice any other party." S.C.R.C.P. 15(a). "This rule strongly favors amendments and the court is encouraged to freely grant leave to amend." Parker v. Spartanburg Sanitary Sewer Dist., 362 S.C. 276, 286, 607 S.E.2d 711, 717 (Ct. App. 2005). Any party opposing the amendment bears the burden of establishing that it would be prejudiced by the amendment. Id. at 716.

2. Defendant, Rilion Gracie Greenville, LLC, took the depositions of the Plaintiffs, Alice Jasper and Mary Morrison on October 13, 2025. Based on facts gleaned therefrom, Plaintiffs seek to add alternative causes of action for Prescriptive Easement and Implied Easement of Necessity to conform to the evidence. S.C.R.C.P. 15(b).

3. The amendment will rely on facts previously set forth in other pleadings in this matter, and the Plaintiffs do not seek to add another party. Other parties to this action will not suffer the type of prejudice that Rule 15 is designed to prevent. See Soil & Material Eng'r, Inc. v. Folly Assoc., 293 S.C. 498, 501, 361 S.E.2d 779, 781 (Ct. App. 1987) (“An amendment to conform to proof provides the opposing party with no just cause to complain if the opposing party is afforded full opportunity to introduce testimony bearing on the subject of the amendment”).

4. This Motion is based upon and supported by the pleadings and discovery in this matter, applicable law, and such materials as may be provided at or before the hearing of this Motion.

5. Plaintiffs sought the Rule 11 consent of Defendants for this amendment on October 27, 2025 and consented to leaving discovery open, including depositions if necessary. By the close of business October 29, 2025, Defendant Rillion Gracie Greenville, LLC declined consent to Plaintiffs’ Amended Complaint despite open discussions regarding same.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court grant their Motion to amend their Complaint by allowing the inclusion of two additional causes of action.

Respectfully submitted,

MARCHBANKS LAW FIRM, LLC

s/ Charles W. Marchbanks, Jr.

Charles W. Marchbanks, Jr.

SC Bar No. 76935

1225 S. Church St.

Greenville, SC 29605

(864) 552-1606

charles@marchbankslawfirm.com

Attorney for Plaintiffs

October 29, 2025
Greenville, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	13 th Judicial Circuit
COUNTY OF GREENVILLE	)	
	)	2024-CP-23-05724
Ann Louise Gibbs-Hunter and	)	
Raymond D. Gibbs, Jr.,	)	
	)	
Plaintiffs,	)	
vs.	)	
	)	
Rilion Gracie Greenville, LLC; TNB	)	AMENDED COMPLAINT
Financial Services, as Trustee of Gene	)	(NON-JURY QUIET TITLE ACTION)
Mark Brown's Trust B-2 under The Doris	)	
P. Brown Revocable Trust Agreement	)	
Dated February 9, 2006, as Amended;	)	
Samuel D. Brown as Successor Trustee	)	
under The Doris P. Brown Revocable Trust	)	
Agreement dated February 9, 2006; and	)	
Doris P. Brown as Trustee under The Doris	)	
P. Brown Revocable Trust Agreement	)	
dated February 9, 2006;	)	
	)	
Defendants.	)	
	)	

Plaintiffs Ann Louise Gibbs-Hunter and Raymond D. Gibbs, Jr., complaining of Defendants above-named, would respectfully allege and show unto this honorable Court:

1. Pursuant to S.C. Code Ann. § 15-67-10 *et seq.*, the Plaintiffs assert their Complaint for the purpose of quieting title in the name of Defendants concerning the real property located adjacent to 203 Earl Street, Greer, SC 29650 and 207 Earl Street, Greer, SC 29650, which is herein more specifically described and identified.

2. Pursuant to S.C. Code Ann. § 15-53-10 *et seq.*, the Plaintiffs request a judgment from this Court granting the Plaintiffs title to the subject property.

3. The Plaintiffs assert their possession of the subject property has been continuous, hostile, open, actual, notorious, and exclusive beginning at least in 1968, and they request

equitable relief from this Court in the form of establishing title to the subject property and reformation of the deeds associated with same, if required.

4. In the alternative, Plaintiffs assert their use of the subject property has been open, notorious, continuous, uninterrupted, and contrary to the true property owner's rights since at least in 1968, and they request equitable relief from this Court in the form of an easement to the subject property and reformation of the deeds associated with same, if required.

5. In the alternative, Plaintiffs assert an easement upon the subject property is reasonably necessary for the continued use and valuation of property possessed by the Gibbs' family at 207 Earl Street in Greer, South Carolina and they request equitable relief from this Court in the form of an easement to the subject property and reformation of the deeds associated with same, if required.

Legal Description of the Property

6. The "Subject Property" is specifically described as follows:

ALL that certain parcel or lot of land situated on the West side of Earle Street, in the City of Greer, Chick Springs Township, Greenville County, State of South Carolina, and having courses and distances according to a survey and plat of the Berry Estate as follows, to-wit:

BEGINNING at a nail in the center of said street, iron pin on West bank at 12 feet, corner on the lot of George and Bessie Gibbs and the Southeast corner of the lot herein conveyed, and running thence along the Gibbs line S. 88-56 W. 68 feet to an old iron pin; thence along the rear line of the Gibbs lot and the lot of Edna J. White, N. 2-42 E. 124.1 feet to an old iron pin on the Hartness line; thence along said line, S. 88-55 W. 128.3 feet to an iron pin on the Reid line; thence along the Reid line, S. 0-29 E. 48.8 feet to an old iron pin; thence S. 3-09 E. 75.1 feet to an iron pin; thence N. 88-41 E. 67 feet to an old iron pin; thence S. 1-01 E. 20 feet to an iron pin, new corner of another lot belonging to George Gibbs; thence a new line along the Gibbs property, N. 88-56 E. approximately 119 feet to the center of Earle Street; thence along said Street, N. 4-05 E. 20 feet to the beginning corner.

This is the identical tract of property conveyed to the grantors herein by deed of W. Morris Barton and George A. Barton dated November 17, 1978 and recorded in Deed Book 1092 at page 446 in the RMC Office for Greenville County.

7. Plaintiffs are citizens and residents of the County of Greenville, State of South Carolina.

8. On information and belief, Defendant Rilion Gracie Greenville, LLC is a business registered with the South Carolina Secretary of State doing business in the County of Greenville, State of South Carolina.

9. On information and belief, TNB Financial Services, as Trustee of Gene Mark Brown's Trust B-2 under The Doris P. Brown Revocable Trust Agreement Dated February 9, 2006, as Amended, is the Trust and Investment division of Thomasville National Bank (TNB) doing business in the County of Greenville, State of South Carolina.

10. On information and belief, Doris P. Brown as Trustee, followed by Samuel D. Brown as Successor Trustee, under The Doris P. Brown Revocable Trust Agreement Dated February 9, 2006, as Amended, managed property in the County of Greenville, State of South Carolina from February 6, 2006 until October 31, 2022.

11. On information and belief, Doris P. Brown, individually, managed property in the County of Greenville, State of South Carolina from June 30, 1999 until February 6, 2006.

12. The parties hereto and the subject matter hereof are within the jurisdiction of this Court.

Facts

13. On April 6, 1946, the Citizens Building and Loan Association deeded 207 Earl Street, Greer, SC to George Gibbs and Bessie Gibbs.

14. **207** Earl Street, Greer, SC is adjacent to the Subject Property to both the North and the East, and is specifically described as follows:

All that certain lot of land situate, lying and being on the west side of Earl street, in or near the limits of Greer, County of Greenville, State of South Carolina, and having the following courses and distances, to wit:

Beginning at an iron pin on said Earl Street and runs thence with Earl Street N. 2-13 E. 52 feet to iron pin; thence S. 87-57 W. 67.9 feet to iron pin; thence S. 2-13 W. 57 feet to iron pin; thence N. 87-47 E. 68 feet to the beginning corner, according to a survey made by H.S. Brockman, surveyor, dated February 8, 1936.

This being the same property as conveyed to Raymond D. Gibbs, Jr. by deed of Ann Louise Gibbs-Hunter recorded December 21, 2020, in the ROD Office for Greenville County in Deed Book 2611 at Page 4573.

15. Starting in 1946, ownership of 207 Earl Street has been passed down through the Gibbs Family.

16. 207 Earl Street is presently titled to Ann Louise Gibbs-Hunter, a Grandchild of George and Bessie Gibbs.

17. On November 14, 1968, Callie B. Shockley, Frances B. Harley, Martha B. Waddell, and Mildred K. Berry deeded 203 Earl Street, Greer, SC to George Gibbs.

18. **203** Earl Street, Greer, SC rests adjacent to the Subject Property to the South, and is specifically described as follows:

All that certain parcel or lot of land in the City of Greer, Chick Springs Township of Greenville County, South Carolina, lying on the west side of Earl Street, and on the south side of an alley or street reserved, being shown on a plat designated as boundary surveys of property being developed on North Main Street, plat of which was made by John A. Simmons, Surveyor, on January 19, 1965, having the following courses and distances:

BEGINNING on an iron pin on the west side of Earl Street, the corner of street or alley, and runs thence with a margin of said street

or alley S. 88-56 W. 117.2 feet to an iron pin; thence S. 1-01 E. 99.8 feet to an iron pin; thence S. 85-33 E. 107.8 feet to an iron pin on the margin of Earl Street; thence with a margin of said street N. 4-05 E. 110.7 feet to the beginning corner.

19. In the 1970s, the Gibbs Family poured a concrete slab on a portion of the subject property and, at some time known to be prior to 1984, the slab was removed by either Morris and George A. Barton or C. Dan Stovall and Mary H. Stovall, depending on who owned the Subject Property at that specific time.

20. After the removal of the concrete slab, the Gibbs Family poured gravel on the Subject Property and has since maintained and used the Subject Property in a continuous, hostile, open, actual, notorious, and exclusive manner as against all others.

21. Prior to and after the removal of the concrete slab, the Gibbs Family used a portion of the subject property in a manner being open, notorious, continuous, uninterrupted, and contrary to the true property owner's rights for greater than forty (40) years.

22. On August 7, 2024 Defendant TNB Financial Services, as Trustee of Gene Mark Brown's Trust B-2 under The Doris P. Brown Revocable Trust Agreement Dated February 9, 2006, as Amended, sold a parcel of real estate which includes the Subject Property to Rilion Gracie Greenville, LLC.

23. Plaintiffs learned of the sale when representatives of Rilion Gracie Greenville, LLC appeared on the Subject Property and reported that Rilion Gracie Greenville, LLC intended to convert part of the Subject Property running between 203 Earl Street and 207 Earl Street into an ingress and egress to a business located primarily at 504 North Main Street in Greer, South Carolina.

24. In the event the Plaintiffs are not granted use of the subject property by way of an easement, the Gibb's family property located at 207 Earl Street will become inaccessible by

vehicle, and its value will substantially decrease due to: (a) its proximity to Earl Street, (b) its proximity to the house situated at 209 Earl Street, and (c) its proximity to the property line of the Subject Property.

25. Defendant TNB Financial Services, as Trustee of Gene Mark Brown's Trust B-2 under The Doris P. Brown Revocable Trust Agreement Dated February 9, 2006, as Amended knew or should have known the Subject Property was exposed to possible claims or interests of the Plaintiffs and that the Gibbs Family's continuous, hostile, open, actual, notorious, and exclusive possession of the Subject Property – for decades – constitutes a cloud on the title to the Subject Property, which requires action by this Court to correct.

26. Defendant TNB Financial Services, as Trustee of Gene Mark Brown's Trust B-2 under The Doris P. Brown Revocable Trust Agreement Dated February 9, 2006, as Amended knew or should have known the Subject Property was exposed to possible claims or interests of the Plaintiffs due to the Gibbs Family's use of the subject property in a manner being open, notorious, continuous, uninterrupted, and contrary to the true property owner's rights for greater than forty (40) years.

27. Plaintiffs seek an order from this Court: quieting title to the Subject Property in the name of the Plaintiffs; declaring that Defendant TNB Financial Services, as Trustee of Gene Mark Brown's Trust B-2 under The Doris P. Brown Revocable Trust Agreement Dated February 9, 2006, as Amended did not possess the authority to sell the Subject Property fee simple absolute; Rilion Gracie Greenville, LLC and its heirs, successors and assigns have limited or no right, title, or interest in or to the subject Property; and declaring Plaintiffs to either be owner of the Subject Property or the possessor of an easement over the property; and reforming the deeds and property descriptions if required.

FIRST CAUSE OF ACTION
Action to Quiet Title Pursuant to SC Code
§§ 15-3-340; 15-67-240; and 15-67-250 (1976 as amended)

28. Plaintiffs re-allege and incorporate herein by reference all above allegations.

29. Plaintiffs are, and have been, for greater than ten (10) years, in continuous, hostile, open, actual, notorious, and exclusive possession of the Subject Property as described herein.

30. Plaintiffs' adverse possession created a cloud on the title of the Subject Property.

31. Defendant TNB Financial Services, as Trustee of Gene Mark Brown's Trust B-2 under The Doris P. Brown Revocable Trust Agreement Dated February 9, 2006, as Amended knew or should have known of the Plaintiffs' adverse possession and right to title before selling the Subject Property to Rilion Gracie Greenville, LLC.

32. The Plaintiffs therefore assert they are entitled to an order from this Court quieting title to the Subject Property in the name of the Plaintiffs and holding that the Defendant Rilion Gracie Greenville, LLC and its heirs, successors, and assigns have no right, title, or interest in or to the Subject Property.

SECOND CAUSE OF ACTION
Action to Quiet Title Pursuant Due to Presumption of a Grant

33. Plaintiffs re-allege and incorporate herein by reference all above allegations.

34. Plaintiffs are, and have been, for greater than twenty (20) years, in continuous, hostile, open, actual, notorious, and exclusive possession of the Subject Property as described herein.

35. Plaintiffs' adverse possession of the Subject Property for greater than twenty (20) years has matured into the presumption of a grant on the property.

36. The Plaintiffs therefore assert they are entitled to an order from this Court establishing such grant, quieting title to the Subject Property in the name of the Plaintiffs, and holding that the Defendant Rilion Gracie Greenville, LLC and its heirs, successors, and assigns have no right, title, or interest in or to the Subject Property.

**THIRD CAUSE OF ACTION
Declaratory Judgment**

37. Plaintiffs re-allege and incorporate herein by reference all above allegations.

38. As a result of Plaintiff's adverse possession of the Subject Property, a real, substantial, and justiciable controversy exists between Plaintiffs and Defendants regarding Plaintiffs' ownership of the Subject Property.

39. Pursuant to S.C. Code Ann. § 15-53-20 and -30, Plaintiff requests an Order from this Court declaring Plaintiffs to be fee simple owners of the Subject Property as described herein based upon Plaintiffs' presumption of a grant, and that Defendant Rilion Gracie Greenville, LLC and its heirs, successors, and assigns have no right, title, or interest in or to the Subject Property.

**FOURTH CAUSE OF ACTION
Prescriptive Easement**

40. Plaintiffs re-allege and incorporate herein by reference all above allegations to the extent they are not inconsistent with the following.

41. For more than 40 years, Plaintiffs have had adverse, continued, and uninterrupted use or enjoyment of an identifiable section of the Subject Property.

42. Plaintiffs' use of the Subject Property has been open, notorious, continuous, uninterrupted, and contrary to the true property owner's rights for a period greatly exceeding twenty years.

43. Plaintiffs' use of the property was known or should have been known by the title holder and is widely known in the neighborhood.

44. As a result of the above, Plaintiff requests an Order from this Court granting them a prescriptive easement to the Subject Property as described herein based upon the evidence provided and pursuant to the laws of the State of South Carolina.

**FIFTH CAUSE OF ACTION
Implied Easement of Necessity**

45. Plaintiffs re-allege and incorporate herein by reference all above allegations to the extent they are not inconsistent with the following.

46. For more than 40 years, Plaintiffs have had continued and uninterrupted adverse use and enjoyment of an identifiable section of the Subject Property.

47. Plaintiffs' use of the identifiable section is reasonably necessary to access and use the property they own located at 207 Earl Street, Greer, South Carolina.

48. Plaintiffs' use of the identifiable section is reasonably necessary to the market value of the property they own located at 207 Earl Street, Greer, South Carolina.

49. As a result, Plaintiff requests an Order from this Court granting Plaintiffs an implied easement of necessity to the Subject Property as described herein based upon the evidence provided and pursuant to the laws of the State of South Carolina.

WHEREFORE, having fully set forth their Amended Complaint, Plaintiffs pray:

A. For an order from this Court quieting title to the Subject Property in the name of Plaintiffs on the basis of statutory adverse possession and finding that any right, title, claim, interest, or lien in or to the Subject Property arising from any interest of any Defendant herein that is now claimed or may be claimed in the future be wholly extinguished, and that Plaintiffs be

provided a final and complete adjudication of the nature and extent of its title to the Subject Property so they may own and possess the Subject Property fee simple;

B. In the alternative, for an order from this Court quieting title to the Subject Property in the name of Plaintiffs on the basis of their presumptive grant and finding that any right, title, claim, interest, or lien in or to the Subject Property arising from any interest of any Defendant herein that is now claimed or may be claimed in the future be wholly extinguished, and that Plaintiffs be provided a final and complete adjudication of the nature and extent of its title to the Subject Property so they may own and possess the Subject Property fee simple;

C. In the alternative, for an order from this Court granting Plaintiffs a prescriptive easement to the Subject Property as described herein based upon the evidence provided and pursuant to the laws of the State of South Carolina.

D. In the alternative, for an order from this Court granting Plaintiffs an implied easement of necessity to the Subject Property as described herein based upon the evidence provided and pursuant to the laws of the State of South Carolina; and

E. For any other relief this Court deems fair, equitable, just, and proper.

Respectfully submitted,

MARCHBANKS LAW FIRM, LLC

s/ Charles W. Marchbanks, Jr.

Charles W. Marchbanks, Jr.

SC Bar No. 76935

1225 S. Church St.

Greenville, SC 29605

(864) 552-1606

charles@marchbankslawfirm.com

Attorney for Plaintiffs

October 29, 2025
Greenville, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	THIRTEENTH JUDICIAL CIRCUIT
	)	
	)	Civil Action No. 2024-CP-23-05724
Ann Louise Gibbs-Hunter and Raymond D. Gibbs, Jr,	)	
	)	
	)	DEFENDANT, RILION GRACIE GREENVILLE, LLC's, NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT AS TO ANN LOUISE GIBBS-HUNTER AND RAYMOND D. GIBBS, JR.
Plaintiffs,	)	
	)	
v.	)	
	)	
Rilion Gracie Greenville, LLC and TNB Financial Services, as Trustee of Gene Mark Brown's Trust B-2 under The Doris P. Brown Revocable Trust Agreement Dated February 9, 2006, as Amended,	)	
	)	
Defendants,	)	
	)	
Rilion Gracie Greenville, LLC,	)	
	)	
Cross-Claimant,	)	
	)	
v.	)	
	)	
TNB Financial Services, as Trustee of Gene Mark Brown's Trust B-2 under The Doris P. Brown Revocable Trust Agreement Dated February 9, 2006, as Amended,	)	
	)	
Cross-Claim Defendant	)	
	)	

TO: CHARLES W. MARCHBANKS, JR., ESQ., AS COUNSEL FOR PLAINTIFFS,

YOU WILL PLEASE TAKE NOTICE that the undersigned, as attorney for the Defendant, Rilion Gracie Greenville, LLC (hereinafter, "Rilion" or "Defendant"), will appear on the tenth (10th) day after service hereof, or as soon after counsel may be heard, before the presiding Judge, and move for an Order for Summary Judgment upon the grounds herein stated.

YOU WILL FURTHER TAKE NOTICE that Rilion asks this court to grant the Defendant's Motion for Summary Judgment for the following reasons to wit:

1. Defendant, Rilion Gracie Greenville, LLC, took the depositions of the Plaintiffs, Alice Jasper and Mary Morrison on October 13, 2025;
2. Based on the testimony of the witnesses in Paragraph 1 above, the Plaintiffs cannot sustain their burden of proof on their actions of Adverse Possession or Presumptive Grant because they cannot prove the elements of exclusivity or hostility. Furthermore, the Plaintiff, Raymond D. Gibbs, Jr., has no standing because he is not an heir to the property which is the subject of this action.

This motion is based on the South Carolina Rules of Civil Procedure, the statutory and common law of South Carolina, the pleadings, discovery, motions, memoranda and or other materials filed or presented to the court prior to or at the hearing on this motion. Defendant hereby affirms that it has complied with the Rule 11 requirement to consult with opposing counsel prior to the filing of this motion or that it serves no useful purpose.

Respectfully submitted,

s/ Wendell L. Hawkins, Esq.
Wendell L. Hawkins (SC Bar # 13583)
9 Buena Vista Way, Ste B Greenville, SC 29615
P (864) 848-9370 F (864) 243-8137
wlh@wlhawkinslawfirm.com
Attorneys for Defendant Rilion Gracie Greenville, LLC

Greenville, South Carolina
October 21, 2025

STATE OF SOUTH CAROLINA) N THE CIRCUIT COURT
)
COUNTY OF GREENVILLE) THIRTEENTH JUDICIAL CIRCUIT

Ann Louise Gibbs)
Hunter, et al.,)
)
Plaintiff,) Case No. 2024-CP-23-05724
)
vs)
)
Rilion Gracie Greenville,)
LLC, et al.)
)
Defendant.

H E A R I N G

BEFORE THE HONORABLE COURTNEY CLYBURN POPE

DATE: December 10, 2025
LOCATION: South Carolina Circuit Court 13
TRANSCRIBER: Jessica Antonucci

LEGAL EAGLE

Post Office Box

Greenville, South Carolina 29606

(864) 467-1373 -- depos@legaleagleinc.com

APPEARANCES

Charles W.J. Marchbanks, Jr., Esquire
The Marchbanks Law Firm
1225 South Church Street
Greenville, South Carolina 29605

Attorney for the Plaintiff

Wendell L. Hawkins, Esquire
Wendell L. Hawkins, P.A.
9 Buena Vista Way, Suite B
Greenville, South Carolina 29615

Rachel G. McConoughey, Esquire
McCounoughey Law Firm, LLC
100 Whitsett Street
Greenville, South Carolina 29601

Attorneys for the Defendant

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1 CLERK: Judge, the next case is 2024, Ann Louise
2 Gibbs Hunter versus Rilion Gracie. There are three
3 motions, the defendant's motion to compel discovery,
4 defendant's motion for summary judgment, and then the
5 plaintiff's motion to alter or amend the complaint. And
6 then Mr. Hawkins' clients are here in the courtroom with
7 me.

8 THE COURT: All right, very good. Can they hear?
9 Are they able to hear?

10 CLERK: They are able to hear. Can you guys hear
11 good back there? Yes, they can hear.

12 THE COURT: Okay, very good, very good. And I'm
13 sure that Mr. Hawkins will do a wonderful job of
14 explaining to them everything in case they cannot hear
15 us, okay? All right, and so we have Mr. Hawkins.

16 MR. HAWKINS: Present, Your Honor.

17 THE COURT: Yes, sir. And we also have Mr.
18 Marchbanks. One more time, Mr. Marchbanks.

19 MR. HAWKINS: Try mute.

20 THE COURT: I'm not hearing you. Was that you?

21 MR. HAWKINS: No, I was asking is your mute off,
22 Chuck? Your mic's not working.

23 THE COURT: Mic's not working. Ms. Hendricks, can
24 you drop the call line -- the call number, please? Mr.
25 Marchbanks, my law clerk is going to drop the telephone

1 number for audio. You can still leave your camera on,
2 but if you can call in, we'll be able to hear you then.
3 Ms. McConoughey?

4 MS. MCCONOUGHHEY: Yes, Your Honor.

5 THE COURT: Very good. All right. We're just going
6 to give Mr. Marchbanks just a few moments to see if we
7 can get his audio correct. All right, Mr. Marchbanks, do
8 you have a telephone that you can call in on? The access
9 code should be -- oh, the password is also there. Is it
10 asking you for a password? I don't see him on the audio,
11 do you, Ms. Hendricks? Mr. Marchbanks, did you already
12 try to call in? Is it giving you an error message? It
13 just has you on the line?

14 MR. HAWKINS: Try to look in your settings and see
15 if the -- if your settings on your computer is good.

16 THE COURT: Why don't you log off and then log back
17 in and see if that will reset it. Madam Clerk, are these
18 our last three for the afternoon?

19 CLERK: Yes, ma'am.

20 THE COURT: Oh, okay. I was going to try to squeeze
21 something in if we could. Saved the best for last. All
22 right, so I can see that Mr. Marchbanks has come back in,
23 but I don't -- can you all see Mr. Marchbanks?

24 MR. HAWKINS: I can't Your Honor.

25 MR. MARCHBANKS: Now can you hear me?

1 MR. HAWKINS: Yes.

2 THE COURT: Okay, I can hear you. I can't see you,
3 but I will take hearing you over that.

4 MR. MARCHBANKS: I can fix that. But, you know,
5 I've resorted to the old, just the cell phone. And even
6 with the cell phone for whatever reason it took me -- I
7 had to readjust audio configurations in the cell phone to
8 get the audio to work.

9 THE COURT: Oh, goodness. Well, we're glad to hear
10 your voice now.

11 MR. MARCHBANKS: I don't know. Well, I'm here.

12 THE COURT: Yes. And so, I think because we do have
13 three motions to handle, one of which is a motion to
14 compel, we've got the motion for summary judgment, and
15 the motion to amend the complaint. Is there a particular
16 order that you all wish to handle these motions?

17 MR. MARCHBANKS: I'll defer to Wendell.

18 THE COURT: Okay.

19 MR. HAWKINS: Your Honor, it might be easier to do
20 the motion for summary judgment first, so that I can kind
21 of explain to the Court the layout of the case and some
22 of the evidence. I think it would probably make it a lot
23 easier for Your Honor.

24 THE COURT: All right. Very good. So, let's take
25 that up. That motion for summary judgment, is that

1 yours, Mr. Hawkins?

2 MR. HAWKINS: Yes, Your Honor.

3 THE COURT: Or is -- okay, very good.

4 MR. HAWKINS: Yes, Your Honor.

5 THE COURT: I'll hear from you.

6 MR. HAWKINS: Thank you, Your Honor. May it please
7 the Court. Your Honor, I'm going to try and share a
8 document here. This is it right here.

9 THE COURT: Very good.

10 MR. HAWKINS: Now, I can't see -- okay. Can you see
11 this map, Your Honor, that I have?

12 THE COURT: I can.

13 MR. HAWKINS: Okay. And can you see my cursor
14 moving around?

15 THE COURT: I can. Yes, sir.

16 MR. HAWKINS: Okay. So, Your Honor, where my cursor
17 is now, it says City of Greer. This is the house of one
18 of the witnesses, Mary Morrison, I believe. This house
19 down here, 207, this belongs to the plaintiff, Ms. Annie
20 Gibbs Hunter. And then this house over here is where Ms.
21 Gibbs Hunter lives now, and I believe Raymond stays --
22 she testified that her nephew Raymond stays over there
23 about four times a month.

24 THE COURT: Okay.

25 MR. HAWKINS: He's got another house that he lived

1 at with his family. But, Your Honor, the property in
2 question, I believe, although the plaintiff has
3 identified this entire tract as property in question, the
4 testimony is more about this little parking area here
5 where it says -- you can actually see a car and some
6 gravel there. This is the area that they say they've
7 been using for the statutory period of time. And if Your
8 Honor believed that the enactment of the statute did not
9 supersede the presumptive grant theory, then it would be
10 20 years, I suppose. But we've raised the position in
11 our motion that the presumptive grant theory, common law
12 theory, was abrogated by the statute when the statute was
13 enacted.

14 But nevertheless, we're going to talk about these
15 paths and the lack of exclusivity and the lack of
16 hostility that are two elements that are two -- two of
17 the elements that are required to establish adverse
18 possession or presumptive grant under any theory. It's
19 got to be continuous, open, hostile, notorious,
20 exclusive. And the testimony that we're going to go over
21 is that Ms. Morrison, who lives here, she's been there
22 for at least 20 years, I believe. There's Ms. Jasper
23 lives over here across the street, right across from this
24 gravel drive. She's going to testify about these paths
25 taken. And then 203, again, this is where Annie Gibbs

1 Hunter lives. And I think her uncle lives in this house
2 right now and rents from her.

3 But Your Honor, the testimony would be that this
4 store back here is Quality Foods. This is a grocery
5 store. And all of these ladies testified that people
6 would take these paths over here to the grocery store,
7 both down this driveway and across where this house is.
8 The house is brand new. It was just built. So, people
9 used to go this way and they go this way. And I think
10 they're referred to in the depositions as a blue line and
11 a pink line or a red line.

12 So, all of these ladies testified that until Raymond
13 Gibbs built a fence on this corner sometime in, it may
14 have been 2000, there's some testimony it was 2022. But
15 nevertheless, whatever the testimony is, it's going to
16 cut off the 10-year statutory period of time for adverse
17 possession. And I'll go through it, but these ladies
18 testified that people would come through -- all through
19 the neighborhood, all back down on this side is where
20 there's another subdivision called Sunnyside, and that
21 people would come down Earl Street and walk up this path
22 and go into the store with their buggies and their
23 groceries and things of that nature until Mr. Gibbs put
24 that fence up.

25 There's testimony -- and I put the entire

1 depositions in my exhibits, Your Honor, just in case
2 you'd want to see it, but I did take excerpts. And I can
3 just kind of go over that right now, but all of these
4 ladies testified that the whole neighborhood, the whole
5 world used this property. They used it like it was a
6 neighborhood park or something of that nature. But if
7 that kind of helps the Court understand where we are
8 somewhat factually, I think I'll just move on.

9 And I got to see how to get out of this share thing.
10 Well, okay, there we go, Your Honor. So, in our brief,
11 we set out that for adverse possession or presumptive
12 grant, if it's still a viable cause of action, has to be
13 proven by clear and convincing evidence. It's a higher
14 evidentiary standard than most civil cases, as Your Honor
15 well knows. And the plaintiff has to show that -- and
16 has the burden of proof that it exercised dominion and
17 control over the disputed fact. And that would be the
18 Millvale Plantation case, which is 401 S.C. 166, Your
19 Honor.

20 So, going down further, as the adverse possession
21 was codified, and we're in 15-67-210 S.C., and so page 5
22 of our brief, we quote the statute. And the statute says
23 that "For the purpose of constituting an adverse
24 possession by any person claiming title founded upon a
25 written instrument," which this is not, "or a judgment or

1 decree, the land shall be deemed to have been possessed
2 in the following cases only. And those cases are "When
3 it has been protected by a substantial enclosure, and" --
4 the statute says and, "when it has been usually
5 cultivated or improved."

6 Now, I don't think Mr. Marchbanks argues in his
7 responsive memorandum that the property was protected by
8 a substantial enclosure. And to the extent the Court
9 would find that presumptive grant is still alive in this
10 state, we would argue that at least these portions of the
11 statute would further, I guess, supplement those
12 elements, because they're the same elements, whether it's
13 presumptive grant or adverse possession. It's the same
14 (inaudible) continuous, open, hostile, notorious,
15 exclusive, same elements as -- same elements as adverse
16 possession. So, and I've got some case law on that
17 theory later on here in the brief.

18 But Ms. Gibbs Hunter, who's the plaintiff here, she
19 testified that there was never any fencing or enclosed --
20 or that she had the gravel drive enclosed at all, and the
21 only thing that was in the area was a gravel drive. I
22 believe there's testimony that she may have paid somebody
23 once in her lifetime to put gravel on that part, because
24 that's where she parked and she didn't want to get muddy.
25 And that's the extent of the improvement. I don't call

1 that an improvement. It's certainly not cultivation.
2 Typically, cultivation would infer that you're planting
3 crops or something of that nature on the property. There
4 was no testimony regarding that.

5 And she was asked, and this is on page 20, but it's
6 in our brief, I took these excerpts out because they're
7 so demonstrative of the issue here. I asked her whether
8 her ancestors put up any fences, and she said no. I
9 said, "So you just have gravel there, right?" And she
10 said yes. And I asked, "Have you ever stopped anybody
11 from gaining access when your car was parked there?" She
12 said no. Going on further, I was asking her about the
13 part she was claiming by adverse possession, and she
14 testified that it was the gravel drive right there where
15 they had parked all the time. And Raymond Gibbs told me
16 the same thing.

17 Therefore, Your Honor, because they can't prove
18 hostility or exclusivity for the statutory period of
19 time, which their testimony was that everybody walked
20 through that area, everybody in the neighborhood until
21 Mr. Gibbs put that fence up on the corner to keep people
22 from walking across the property. And I think he did
23 that because he had built a new house for Mrs. Gibbs here
24 at 203, which is the bigger new house. That's the
25 testimony. And they have to show that they had a

1 substantial enclosure, that it was exclusive, it was
2 hostile. And by this testimony alone, I don't believe
3 that they can meet that requirement.

4 Now, on the hostility requirement, Your Honor, I
5 took the deposition of Ms. Gibbs Hunter again. I asked
6 her -- I had talked to Ms. Jasper, who lives across the
7 street a little bit earlier in the day, and she testified
8 Ms. Jasper lives across the street, and I said -- she
9 testified that Raymond put up that fence and that all
10 kinds of people would walk through there until he put
11 that fence there and then kind of stopped. And she said
12 it did. And especially when you built the house at 203,
13 it doesn't give people much room to come between the
14 houses other than the gravel drive. She testified
15 "exactly." I said, "When was the last time you noticed
16 people were walking through with buggies and groceries
17 from the grocery store, what you consider to be your
18 property? And when did that really stop?" She answered,
19 "I'd probably say 2020 or 2022." And then she said maybe
20 '21, but nevertheless, whatever the testimony is, it's
21 not a full 10 years and she can't prove hostility or
22 exclusivity, even if you get beyond the statutory
23 provisions that there has to be a substantial enclosure
24 and it has to be improved or cultivated.

25 Now what improved means, I think it's a little more

1 than, I don't think we're going to get case law to tell
2 us exactly what that means, but I think we can revert to
3 the plain language of the statute. I don't think putting
4 gravel out there so you don't get muddy is improving the
5 property. So anyway, that's what -- I asked her again,
6 "They walked through there, were getting groceries with
7 buggies?" "Yes, sir." "Even up until they put the fence
8 there; is that right?" And she says yes. And I asked
9 her if she ever confronted people and tell them not to
10 walk through the property, she testified "No, I didn't."
11 She also testified about the property that the paths
12 where people would take and it's consistent with the
13 diagram that we showed earlier, the map, the tax map
14 number. And in that, it's on page 9, those excerpts are
15 when she testified about the blue line and the pink line
16 and people walking up there, she testified people walked
17 across the gravel because it was easier for them to get
18 their buggies across the gravel than to walk, you know,
19 across regular grass.

20 Also, Your Honor, the element of exclusivity, I
21 think there is a 2016 aerial, I'll get it for you. I'll
22 share this. This is in our -- this exhibit is in our
23 brief as Exhibit C, Your Honor. But you can see that
24 this is the grocery store here, this would be Ms.
25 Morrison's house here, this would be 207 where Ms. Gibbs

1 Hunter lived for at least 20 years I can tell you that,
2 Your Honor. And then what you'll see over here is a
3 little carport, and this is the part where they built
4 their new house. This would be the gravel drive here.
5 And you can see that even in 2016, Your Honor, people
6 were walking all over this property and it was so bad, I
7 mean, they just wore out the grass going all the way back
8 there. And then this is the corner where Raymond Gibbs
9 installed a fence to keep them from coming back there.
10 And I asked her, I said, "So they would come on the blue
11 line and red line or the pink line?" and she said, "Yes."
12 And I said, "That didn't stop until the fence went up,
13 right?" "That's right." "Did you ever have
14 conversations with your predecessors and title the
15 relatives about conversations that they owned the
16 property?" And she said, "No, not really." So, even the
17 plaintiff has admitted that people have been walking all
18 over this property until 2020 or 2022, which is nowhere
19 near the statutory period of time, and using that
20 property to go to the grocery store.

21 One of the -- I think it was Mary Morrison, and this
22 is on page 10 of our brief, Your Honor, Ms. Morrison and
23 -- there's so much evidence, Your Honor, supporting this
24 position that when I speak of Mary Morrison's deposition,
25 which is Exhibit F, I just paraphrased what she said

1 because otherwise I'd have 25 pages of transcript in this
2 brief, Your Honor. And I said Alice Jasper, that's the
3 lady that lives across the street straight in front of
4 the gravel drive, she testified that prior to Raymond
5 Gibbs putting a fence up at the Quality Food store,
6 people cut through the defendant's lot every day,
7 sometimes late at night until Quality Foods closed around
8 9:00 p.m. taking buggies across the lot and bringing
9 buggies back, and that's pages 7 through 9 of her
10 deposition.

11 She also testified that people cut across the
12 defendant's lots in all sorts of different ways, but the
13 gravel drive was more convenient and that carried on
14 until Mr. Gibbs put up a fence, that's page 11, paragraph
15 12 -- or page 11 to page 12. And page 18, line 7 through
16 13, "There were never any no trespassing signs, the area
17 was never fenced, nobody stored anything on the lot, and
18 it was just dirt," and that's on page 25. Ms. Morrison
19 also testified -- or, Alice Jasper, Your Honor, she
20 testified that Gibbs never ran anyone off and the
21 defendant's lot was sort of like a community park. That
22 would be on page 30 of her deposition, Your Honor.

23 She also testified that Gibbs would grill on the
24 property and they took their grill back home at the end
25 of the day, that's page 32. She testified someone from

1 Quality Foods kept a path clear for everyone to walk
2 through the store, page 37. No one was ever excluded
3 from walking across the property to the store until the
4 fence got put up, and nobody ever stopped anyone from
5 walking across the property until the fence got put up,
6 and there were several people walking across the property
7 until the fence got put up, page 45.

8 She never had a conversation with Ann about
9 strangers walking through the property, and that the
10 whole world could walk across the property, that's page
11 48, lines 19 through 22. She also testified the whole
12 community used the property, that's page 52, line 1
13 through 16. That's Exhibit G, deposition of Alice
14 Jasper.

15 So, Your Honor, all three of these ladies that live
16 there testified nobody was ever run off, there was never
17 a fence, there were never any improvements, the whole
18 world used the property until Raymond Gibbs put the fence
19 up. That demonstrates a lack of exclusivity and it
20 demonstrates a lack of hostility.

21 Now, Your Honor, we also have a motion to dismiss
22 (inaudible) every now and then and he may stay there now,
23 he's going through some sort of divorce and that he may
24 stay over, I think he said four times a week and Ms.
25 Gibbs Hunter, his aunt, said four times a month. So, I

1 don't know who's right on that, but still it hasn't been
2 going on until recently when he had some domestic issues.

3 So, Your Honor, Raymond testified, and his
4 deposition is in as Exhibit H, that he moved to
5 Greenville when he was in the third grade. He was born
6 in Greer, moved to Greenville in the third grade until he
7 went to college. Went to college in '94 at USC, I
8 believe, graduated in '99. After that, he moved to
9 Travelers Rest, lived with a different aunt, then he
10 moved to Villa Road Apartments. He moved to Rustcraft
11 Drive, which is still in his name, Your Honor, and that
12 was his family's residence with his wife and his
13 children. Sometime after 2005, he lived there and then
14 he never lived with the co-plaintiff; that's page 13,
15 line 7 through page 14, line 10. Ms. Gibbs Hunter
16 testified that Raymond Gibbs only began living with her
17 three to four times a month at 203, which is the new
18 house. Sometime after that house was built, that would
19 be on page 6, line 15 through 7, line 11. So, Your
20 Honor, if he's never lived around there, then nobody
21 could believe -- no reasonable juror can believe that
22 he's even occupied the subject property, which would be
23 actually the part that they're claiming by adverse
24 possession. No reasonable juror could believe that he's
25 occupied that subject property for a requisite period of

1 time based on his testimony alone.

2 Secondly, Your Honor, in order for Mr. Gibbs to be
3 able to claim or even tack, if you can tack, he would
4 have to be a descendant, Your Honor. And he cannot be a
5 descendant if, first of all, Ms. Gibbs Hunter, who is his
6 aunt, she testified that she intended to leave him the
7 property. However, if he's not a descendant and he's not
8 an heir, then he cannot claim by that descendant caste,
9 which is necessary for him to make a claim. I think he's
10 going to be out on these -- the statute, exclusivity,
11 hostility, nevertheless.

12 However, if he's not a descendant, he's not a proper
13 party because he's never inherited anything. He might in
14 the future, but he hasn't now, and I think for him to be
15 a plaintiff in this action is just going to muddy the
16 waters, and he just can't. Legally, he can't sustain his
17 position, Your Honor. And his deposition is in our brief
18 packet as well, Your Honor.

19 Secondly, Your Honor, I believe that the statute,
20 adverse possession, would supersede the presumptive grant
21 theory. I've set out for the Court, there's about six
22 cases that I can find that talk about presumptive grant.
23 Presumptive grant, I think they tried that so that they
24 could tack, but if there's no heirs, they can't tack.

25 But the case law says that to supersede is to

1 obliterate, set aside, or annul, or replace, and that's
2 just out of Black's dictionary because there's not a
3 whole lot of case law on it. The case law further says,
4 (inaudible) a rule of statutory construction is that any
5 legislation which intends, which is in degradation of
6 common law, must be strictly construed and not extended
7 in application beyond the clear legislative intent, Your
8 Honor.

9 Certainly, we believe that the statute for adverse
10 possession basically required that under any circumstance
11 you have to enclose the property, a substantial
12 enclosure, and you have to cultivate or improve the
13 property. They can't meet those elements, Your Honor,
14 either under adverse possession or presumptive grant. I
15 concede the elements are the same by common law as
16 typical law school, continuous, hostile, open, notorious,
17 exclusive.

18 However, that statute does supplement at least a
19 portion of presumptive grant if the Court believed that
20 presumptive grant was not superseded by the statute.
21 That's our motion, Your Honor. I'd be glad to answer any
22 questions you might have.

23 THE COURT: I don't have any questions at this time,
24 but I will allow opposing counsel to respond.

25 MR. MARCHBANKS: Thank you, your Honor. May it

1 please the Court. Can you hear me?

2 THE COURT: I can, yes, sir.

3 MR. MARCHBANKS: Fabulous. A couple of things that
4 I just want to touch on that Mr. Hawkins discussed that I
5 think very important to the Court's understanding.
6 First, I want to point out that the photograph that he
7 just had on Share, if you look closely at that, you can
8 see that that was an aerial photograph taken in the month
9 of February in Greenville -- Greer. If you're familiar
10 with the upstate, no doubt you are, February's a pretty
11 cold month; not a lot of grass grows, not a lot of stuff
12 happens up here.

13 Now, some of the things that I take issue with, and
14 some of my concerns about where he's headed with some of
15 this is, one, Raymond Gibbs, unfortunately, I think Mr.
16 Hawkins was right, technically, he is not -- he was not
17 necessarily an intestate heir at the beginning of this
18 case. However, unfortunately two weeks ago, Ms. Gibbs
19 Hunter lost her sister who lives in Alabama, and so she
20 has passed. Her brother, Steve Gibbs, who was actually a
21 four-year starter at Clemson for Frank Howard years ago,
22 he passed about six weeks ago. So as we stand currently,
23 Raymond Gibbs is her sole heir. And I hear what Mr.
24 Hawkins is saying as far as tacking is concerned and the
25 tacking of looking at the 20-year statute or looking at

1 presumptive grant.

2 And I think it's important for the Court to know
3 that this was -- the specific house that we're talking
4 about was purchased in 1948 by Ms. Gibbs' parents; Ms.
5 Gibbs Hunter, her parents. It's the house she grew up
6 in. It's the house they raised their family in. And so,
7 when we're speaking of heirs, as far as tacking, we're
8 not necessarily even talking about Ms. Gibbs and Raymond
9 Gibbs -- or Annie Gibbs Hunter and Raymond Gibbs. What
10 we're talking about is the Gibbs family over the course
11 of a couple of generations going back to the mid-20th
12 century.

13 And regardless of all of that, there's a couple of
14 things that from a legal perspective that I just don't
15 know, and I don't know what the Court would do with it.
16 I know that Mr. Hawkins pointed out the code section 15-
17 67-250, and that states that when it's fair for a piece
18 of property to be adversely possessed when it's been
19 protected by a substantial enclosure, and when it's been
20 usually cultivated or improved. Now, but the last
21 amendment to that particular code section, it appears to
22 me from looking at the code online that that occurred in
23 1962. And then if you look at page 7 of Mr. Hawkins'
24 brief where he's quoting Millvale Plantation, LLC, that
25 is a Court of Appeals decision from the year 2012. And

1 that states, and he highlighted it that, "The claimant
2 must either show fencing or other improvements covering
3 most of the subject's land or some other continuous use
4 and exercise of dominion."

5 And so I'm not clear on how that has evolved or
6 where that is right now from a legal perspective. I
7 think that the hostility component to it, I'd submit to
8 the Court, Mr. Hawkins has taken a very narrow view of
9 what hostile means. Hostile does not necessarily, and
10 it's not required by law, to mean that Annie Gibbs Hunter
11 goes out and bows up at somebody who's on the property.
12 You can even see that where something that Mr. Hawkins
13 has also quoted that comes from Millvale Plantation where
14 "The hostile possession should be so notorious that the
15 legal owner by ordinary diligence should have known" of
16 the occupation of the property. And I added that last
17 little bit.

18 But my point is yes, a lot of these ladies testified
19 that people would walk across this property on a regular
20 basis, but anybody that wasn't a Gibbs that was deposed,
21 the neighbors, Ms. Morrison and Miss -- I can't think of
22 her name right now, but both of them believed that that
23 property was the Gibbs property, especially the driveway.
24 And so it's open and notorious to the neighborhood and to
25 the people surrounding them. It is so open and notorious

1 as to imply hostility at a minimum.

2 Now, the exclusivity, and we'll get to my motion to
3 amend our complaint shortly, but the exclusivity is
4 something that through the course of depositions and
5 through the course of generating evidence did begin to
6 make me want to have something added to the complaint
7 based on that element. And so again, we'll get to that,
8 but point being whether or not their occupation and use
9 and exercise of dominion over this little piece of
10 property was exclusive, I submit is a question of fact.
11 Because when you look at that first aerial photograph
12 that Mr. Hawkins showed, the one with all the lines on it
13 in different colors, what you see and what my
14 understanding of the progression of this possession to
15 be.

16 Before the house was built at 203, there was a
17 common pathway that consistently went behind kind of --
18 it would almost make a diagonal straight across where the
19 203 house is now, to the fence at the back of the 203
20 house, and then across to the corner of the Quality Food
21 store. That was the main route. That was where -- and
22 this is an old established community, a lot of people
23 walk, a lot of people go back and forth to the local
24 grocery store.

25 And the vast majority of that occurred up until that

1 new house was built in an area that -- or across a path
2 that the Gibbs' submit is actually kind of where the line
3 should be for this case. That's kind of -- that path is
4 kind of the property line that was established by the
5 community, and everything close to 207 was maintained by
6 the Gibbs.

7 If you look at the photographs that we submitted as
8 a part of my memorandum in opposition, you can see pretty
9 clearly, and I don't have all the fancy stuff that
10 Wendell does. I don't know how to do all that.

11 Obviously I can barely get on the --

12 MR. HAWKINS: I stole it from you.

13 MR. MARCHBANKS: But if you look at, and I think
14 it's a great visual, if you look at what is our Exhibit A
15 in our memo in opposition, and y'all are just going to
16 have to verbally tell me, because I can't even see you at
17 this point in time. I'm just talking into a blank phone.
18 But if you look at that, the big rectangle at the bottom,
19 that's the Quality Foods. And in the top left corner of
20 that big rectangle, the two little houses, the first
21 little house is Mary Morrison's house. The second house
22 with the darker brown roof, that's 207 Earl Street.
23 That's the house -- that's a Gibbs house, okay. And if
24 you look, you see a big brown circle. Well, the big
25 brown circle, according to the guy who would come out and

1 bush hog it, whose deposition is included as our Exhibit
2 C, Donald Brown, the big round circle is where he would
3 bush hog. That was the only place he would bush hog.
4 And everything from basically the green to the left, to
5 the house, where all that green area is, is where the
6 Gibbs maintained. And they maintained that and they
7 cultivated that, a stand of grass, you know. And again,
8 I appreciate Wendell's farming inclinations. However,
9 rows of corn are one thing, but a stand of grass is also
10 something that has been cultivated. And you've got a
11 stand of grass all the way up to the line where the dirt
12 starts. And the only reason you have a stand of grass
13 there and not weeds and stuff that needs to be bush
14 hogged is because since the 1950s, the Gibbs family, one
15 generation or another, has cultivated that as a law. You
16 know, admittedly, it doesn't look as good in February as
17 it does in the photograph that's our Exhibit A. But that
18 is cultivation.

19 The driveway is an improvement. It might not be as
20 fancy as a concrete poured driveway with stonework. But
21 to these folks, that is an improvement. That is
22 something that they continually improved and maintained.
23 You have to refresh this after it goes through a number
24 of years of being driven on and being parked on and all
25 that sort of thing.

1 So, the Gibbs family, really since 1948, the 1960s,
2 they bought the lot where 203 is. And since that time,
3 they have used that property as their own. They have
4 used it in an open and notorious way. The exclusivity
5 piece comes in when really, and a lot of times you even
6 heard Mr. Hawkins say something to the effect of people
7 stopped walking through there when the fence was built.
8 Well, again, this is kind of a progression. We're not
9 talking about a single event like a car accident. We're
10 talking about a span of half a century.

11 Once the 203 house was built, that interrupted the
12 flow of people who would take the common path followed
13 from the neighborhoods who would go to the store. And at
14 that point in time, that is when people began to encroach
15 more in the area that we are claiming that the Gibbs are
16 claiming adverse possession over. And as a result of the
17 most common path being disruptive, and the community
18 beginning to form new path closer to the homes is when
19 Raymond Gibbs built the fence.

20 So, this is not -- admittedly, this is not a
21 situation where a six-foot chain link fence was built
22 around a piece of property and corn was grown inside of
23 it with huge no trespassing signs on it. I get that.
24 But I submit that it creates actually a very interesting
25 question. Because the questions that we're faced with is

1 well what does improved mean? What does cultivated mean?
2 Does improved mean gravel driveway? Does it not mean a
3 gravel driveway? Cultivated grass versus cultivated
4 corn? What does exclusive mean? Does exclusive mean the
5 Gibbs cars being parked there on a daily basis since
6 1968, do they own an exclusive spot where you can't walk
7 where the car is? What does hostile mean? I think these
8 are all questions of fact that I think it's important for
9 a jury to consider and weigh whether or not the
10 continuous, open, obvious, and notorious parking of an
11 automobile for half a century is that exclusive?

12 And to give the Court a little bit of a flavor of
13 that, there's an excerpt from Annie Gibbs Hunter
14 deposition where she parked her car, basically on the
15 very spot where you're looking on these photographs where
16 you see a little gravel piece of driveway and you see a
17 car parked there. She parked there from the time she got
18 a driver's license up until the Rilion -- and the Gibbs
19 family used it up until Rilion Gracie purchased the
20 property.

21 So, I guess all things considered, our submission to
22 the Court is this is something that I feel like jurors
23 need to decide. This is something specific to the
24 neighborhood, specific to the people involved, and this
25 is something that whether or not these elements have been

1 met, there's a question. There's a question as to
2 whether or not these elements are met, and I think that's
3 a question for a fact finder.

4 So we, of course, obvious, is we're going to ask
5 that Mr. Hawkins' motion to be -- for the adverse
6 possession claims and all that to be dismissed -- to be
7 denied. That's all I have.

8 THE COURT: Thank you, Mr. Marchbanks.

9 MR. HAWKINS: If I may briefly, Your Honor.

10 THE COURT: Certainly, Mr. Hawkins.

11 MR. HAWKINS: The question of exclusivity, the
12 assertion that Ms. Gibbs held this property exclusively
13 or claimed it, certainly when they testify that everybody
14 in the neighborhood walked across that property, they
15 testified that they used the gravel path because it was
16 easier for the buggies. They testified they never ran
17 anybody off. They testified the whole community used it
18 as a park. They did whatever they wanted to with it, and
19 that was up until about 2020 and '22.

20 Well, that's pretty obvious that that's not
21 exclusive. That's the whole world using the property,
22 the world that had access to it. That's everybody, and
23 he can't get beyond that testimony. And he can't get
24 beyond that testimony that they never told anybody to get
25 off of that property, and he can't get over the fact

1 there's no substantial enclosure.

2 Now, I think if the legislator meant that cutting
3 grass was cultivation, the legislator could have put in
4 cultivation. I think our standard definition of
5 cultivation is growing beds. I mean, they could have had
6 a tomato garden in there, that's cultivation. They
7 didn't do that. They just cut the grass. And the person
8 claiming the property, it's got to be open to the world
9 that they are claiming that property to the exclusivity
10 of everybody.

11 And I would say that's why the legislature put in
12 the requirement of a substantial enclosure. And that's
13 exactly what they did, and they used the word and. And
14 there is no way that this plaintiff can get beyond the
15 requirement of a substantial enclosure, even if you twist
16 cultivation into cutting grass or improvement into laying
17 down gravel. Even if you could do that, they still
18 cannot meet the substantial enclosure requirement. I
19 don't think they can meet any of the requirements. It
20 doesn't really pass a commonsense test for me to say that
21 cutting grass is cultivation.

22 And there is no testimony that they used it as their
23 own, Your Honor, because I've just gone over the
24 testimony between the three ladies that lived there that
25 everybody used that property. And there's no other

1 testimony that he's put up, Mr. Marchbanks, to oppose the
2 testimony that we put in, and it's his client.

3 So, I don't know how we can get past whether -- it
4 is a question of fact, right? And the question is, are
5 the facts that we have now such that no reasonable juror
6 could believe these, let's just say these two elements.
7 And they certainly can't believe the substantial
8 enclosure part. They cannot meet the requirements of
9 adverse possession or presumptive grant, no matter how
10 much you twist it. They can't do it based on the
11 testimony of the three ladies that have been there for at
12 least 20 years.

13 So, that's the reason we filed a motion directly
14 after the depositions so that we could get rid of this
15 case because it's costing my clients a lot of money, a
16 lot of money to keep their property. And it's not fair
17 that they have to go any further, and we can get into the
18 motion to amend, but it's just not fair that my clients
19 should have to fight this any more than we already have.
20 And I told them, I can't do that until I get some
21 deposition testimony. And when I got my testimony, it
22 was clear to me that we were ripe for summary judgment,
23 Your Honor.

24 THE COURT: All right, Mr. Hawkins, thank you.
25 Thank you for that. Mr. Marchbanks?

1 MR. MARCHBANKS: I agree with Mr. Hawkins. I don't
2 think it's fair to his clients. I think it's the folks
3 that sold it. But that's my opinion and the folks that
4 sold it are also defendants of this action. Now, I don't
5 know how much I'm twisting tomatoes and grass. I mean, I
6 think God probably thinks they're both plants. But I try
7 -- just in general, I just want to say that I try to stay
8 away from saying things like they always do it. The
9 whole world used it. Everybody walked across it. Nobody
10 ever did anything. It was always this way. That's not
11 for me to decide and that's not for Mr. Hawkins to
12 decide.

13 You know, I'm not here to interject (inaudible) for
14 my opinion. I'm here to see if I can't give these folks
15 some relief from what Mr. Hawkins and his clients
16 unfortunately want to do with the property. That's the
17 whole issue. And so, we believe that we absolutely have
18 questions of fact that something that a jury can hear and
19 we can argue either way. I don't think I'm twisting
20 anything. I think it's something that exists for greater
21 than half a century, there's more to it than just a
22 pedestrian, right. And that's all.

23 THE COURT: All right. Thank you, Mr. Marchbanks.
24 Now, with regards to the motion to amend.

25 MR. MARCHBANKS: And that's my motion, Your Honor.

1 And effectively what I added -- and a couple of things,
2 you know I presented this, I was hoping to be able to
3 amend with the leave of Mr. Hawkins and Ms. McConoughey.
4 And I believe that TNB's counsel, if I remember
5 correctly, said that they would consent to the amendment.
6 Mr. Hawkins, I don't believe has. But again, the motion
7 to amend is based on the same kind of reasoning that his
8 motion for summary judgment is based on. After
9 depositions and looking at some of the facts that we're
10 developing, I felt that my client (inaudible) the best
11 way to represent them was to give an alternative cause of
12 action. And so the only -- it relies on the same facts,
13 it's the same parties involved, and it adds a claim for a
14 prescriptive easement, and it adds a claim for an implied
15 easement of necessity.

16 And the critical things about these two easements,
17 most specifically the prescriptive easement, is the
18 elements for a prescriptive easement it has to -- their
19 use of that property the way that they have used it has
20 to have been open, notorious, continuous, uninterrupted,
21 and contrary to the true property owner's rights for a
22 period greatly exceeding 20 years. So -- and that one
23 was actually my language, but the elements were there.
24 What the elements, how they're different from adverse
25 possession, is exclusivity and hostility are not elements

1 to this particular claim and this particular cause of
2 action.

3 So, I just sought to amend our complaint and add
4 those two causes of action. I have not gotten consent
5 from Mr. Hawkins, and so I just ask if I can get leave of
6 this Court to amend our pleadings.

7 THE COURT: Mr. Hawkins?

8 MR. HAWKINS: Your Honor, I think that in Mr.
9 Marchbank's motion he says to the Court he asked for my
10 consent on October 27th, I believe, and then filed a
11 motion on October 29th. I didn't have time to look at
12 his amended complaint and he filed it so here we are.

13 And then as far as the prescriptive easement, he
14 pleads adverse, continuous, uninterrupted, open,
15 notorious, continuous. I mean these are the same
16 elements almost that we're talking about in the adverse
17 possession case. And once again it's just another
18 attempt and -- it's just another attempt to continue this
19 case.

20 And, you know, you talk about an easement by
21 necessity, she could park on the street or her tenants
22 can park on the street. They use the property to back
23 into back behind the house, but you can see on those
24 exhibits people are parking on the street. And there is
25 a way, I think there's enough room for her to get her own

1 driveway at 207 as the one it would be. There's enough
2 room, and so I think the easement by necessity is a bit
3 of a stretch. I guess we can litigate it if he wants to.
4 I think it's a stretch, and again he's saying that it
5 decreases the market value of the property. Well, I'm
6 sorry, you know, I didn't buy the house 50 years ago.
7 But certainly I don't think that he's going to meet the
8 elements. I think it's just an attempt to prolong the
9 case to somehow force my client into giving them property
10 or something of that nature and it's not going to happen
11 that way.

12 THE COURT: All right. Thank you. Ms. McConoughey,
13 anything that you wish to address?

14 MS. MCCONOUGHHEY: Yes, Your Honor. May it please
15 the Court. I'm Rachel McConoughey for TNB, the defendant
16 TNB. I pretty much agree with Mr. Hawkins on all of his
17 arguments. He did a really good job of laying them out.

18 I will say that one additional fact that I think is
19 really relevant here that hasn't been mentioned is that
20 Mr. Gibbs offered to purchase the property from my client
21 before my client sold it to Rilion Gracie, Mr. Hawkins'
22 client. And then right after that purchase, Mr. Gibbs
23 again offered to purchase the property from Rilion
24 Gracie. And I know I've had other adverse possession
25 cases, the one I'm thinking of was in Greenwood County a

1 couple years ago where you don't offer to purchase
2 property that you think that you already own. Like, I
3 mean that doesn't make sense. The whole thing about
4 adverse possession is that you believe that you own it;
5 you're making a claim to ownership of that property. So,
6 I would just point that out, the questioning on that
7 issue of Mr. Gibbs, and also both of the Rilion Gracie
8 owners is in the depositions, I believe, that are in
9 evidence. So, I would just point that out. And I
10 believe that's all.

11 THE COURT: All right, thank you, Ms. McConoughey.
12 All right, gentlemen. Ms. McConoughey, is there anything
13 else that we need to handle while we're on the record
14 here?

15 MR. MARCHBANKS: I know that Mr. Hawkins has a
16 motion to compel. I don't know if we want to address
17 that.

18 THE COURT: That's correct. Yes, I apologize. It's
19 on the first page. Mr. Hawkins?

20 MR. HAWKINS: Thank you, Your Honor. Your Honor,
21 I've submitted to the Court in the motion a discovery
22 deficiency letter, Your Honor, that I sent to Mr.
23 Marchbanks. And the tone of the replies, for instance, I
24 asked who all the renters were in 207. And I got a reply
25 that they were members of the Gibbs family. Well, I

1 don't know who that is, you know, and that's just an
2 improper response. I had many objections. We had a
3 request to produce. I asked about communications between
4 the plaintiff and any municipality or entity, and I
5 didn't get a proper response, Your Honor. I think I got
6 no response, and that was in our deficiency letter. I
7 asked for invoices from contractors, subcontractors,
8 anything like that, that did work on the property. These
9 ladies testified that they paid people to cut grass back
10 there. I didn't get anything on that. And I obviously
11 didn't get a response, there was nothing, and I didn't
12 get anything also from where Raymond Gibbs put the fence
13 up. Didn't get anything on that.

14 I got a response on a request to produce 5 that the
15 information was obtainable from other sources that are
16 more convenient, less burdensome, and less expensive.
17 Request to produce 6, is that he installed a fence, and
18 again, they produced nothing. And the whole thing just
19 goes through that way. I asked about maintenance, really
20 didn't get anything. I asked for receipts, invoices,
21 canceled checks, which evidence any work done for
22 maintenance, improvements, fencing, barricades, no
23 trespassing signs, or any other thing that attempts to
24 create open hostility, exclusion to all others, or
25 continuous occupation of the land you claim by adverse

1 possession, and I got nothing. So, I assume they had
2 nothing.

3 And again, you know, you can go back to who has
4 leased the property in the past. The response to that
5 was that's confidential, it's private information. Ms.
6 Gibbs Hunter did testify that two ladies did live there
7 at one time and rented the property, and now her uncle
8 and somebody else. And I think that if that's the case,
9 I think that his responses need to at least match the
10 deposition testimony. I mean, it just appears to me that
11 we're throwing these standard objections out that our
12 relevance is not a proper objection in discovery, Your
13 Honor. If it's overburdensome then that's one thing.
14 But, I asked for native data. He said they had no native
15 data. They've got photographs. I don't know where they
16 came from, but he says they had no native data.

17 I asked about cars being parked there, and I got a
18 printout from the tax office at Greenville County for, I
19 think, Raymond Gibbs and Ms. Annie. They haven't given
20 me any information about -- I've got 20 cars, I don't
21 know which one was out there, and I think that he should
22 be able to identify it through his responses to our
23 discovery, and not just dismiss my request for discovery.
24 And that goes on throughout the whole thing.

25 In reply to interrogatory number 10, there were

1 frequent confrontations between the Gibbs family member
2 and people walking through their yard. Well, I think
3 that turns out to not be true, but I think he needs to
4 properly respond to the request for the discovery. In
5 response to interrogatory 11, you state that people who
6 exercise continuous dominion over the property claiming
7 by adverse possession or presumptive grant. The answer
8 that I got was members of the Gibbs family. Well, that
9 doesn't tell me anything. You know, I know these two
10 plaintiffs are claiming by adverse possession and
11 presumptive grant, but if they're going to raise issues
12 regarding tacking, then I think he's got to answer that
13 question. And they're probably dead, but he still needs
14 to answer the question. I don't know that it's very
15 relevant anymore because Ms. Gibbs testified that she
16 didn't ever see her parents or ancestors run anybody off
17 or anything of that nature.

18 Testimony is that the whole neighborhood has been
19 using that property as their own for a period until Mr.
20 Gibbs put up a fence. These things were known at the
21 time that there were responses to the request to produce
22 and interrogatories, and they at least need to match up.
23 Saying members of the Gibbs family, I can't send out a
24 subpoena to members of the Gibbs family. And the
25 responses are just complete -- you know, I asked

1 interrogatory 13, any person plaintiffs have ever
2 expressed that they claim hostile ownership? He claims
3 it's overly broad, unduly burdensome, overreaching, and
4 oppressive because the Gibbs lived out there since 1948.
5 Well, that's not a response. Tell me what you do know,
6 not what you don't know. I want to know what you do
7 know. And he said it's impossible to answer the question
8 because it goes back so far. You know, we're only
9 worried about 20 years, maybe.

10 At interrogatory 14, he states 207 Earl is occupied
11 by a Gibbs family member. That doesn't tell me anything.

12 THE COURT: Well, let me ask Mr. Marchbanks to
13 respond. Mr. Marchbanks?

14 MR. MARCHBANKS: Well, Your Honor, certainly my
15 clients -- I sat with my clients, we worked on this for a
16 considerable amount of time in regards to the responses
17 to the discovery. And the responses that we provided to
18 Mr. Hawkins in the discovery was pretty much all the
19 information that we had at the time, which they recalled
20 at the time, that we were able to produce.

21 For an example, he's made an issue of receipts for
22 different items and services that were done for the
23 property. You know, if 10 years ago, if I paid a
24 neighborhood kid 20 bucks to mow the grass or to trim the
25 bushes or to do whatever, I don't have a receipt for

1 that. And when Mr. Gibbs put up the fence in 2022,
2 whenever that was, the fence is maybe 20 feet long. And
3 you've got some metal poles and you've got some chain
4 link in the connectors. I don't even think there's a
5 gate to it. I don't even think Mr. Gibbs remembers if he
6 bought those materials at Lowe's or Home Depot two to
7 four years ago or five years ago. Much less, I mean, you
8 know, it's -- it's not -- you know, I don't know that
9 it's reasonable to expect. And Mr. Hawkins, he fussed at
10 me for not having, it almost sounded like whenever
11 somebody would come on the Gibbs property where they
12 issued citations. I don't know. I mean, we did the
13 absolute best we could. These are real people in real
14 world situations. And admittedly, my letter in response
15 it was a -- okay, maybe I spent a little too much time on
16 a baseball diamond, but I would just in response to that,
17 if the Court takes issue with that, I absolutely
18 understand. But in reading Mr. Hawkins' letter that I
19 was responding to, I believe it would be quite obvious to
20 anybody that I had an invitation.

21 But regardless, we've done the absolute best that we
22 can. And, you know, he's taking depositions now and
23 he's, I think, worked through some of the issues and
24 gotten answers to some of the questions that he had.
25 Hopefully he has. We're not hiding anything, we just

1 don't have it. That's all I have.

2 THE COURT: Okay. All right. Thank you, Mr.
3 Marchbanks. Mr. Hawkins, anything further, sir?

4 MR. HAWKINS: The only thing, Your Honor, if you
5 don't have anything, say, I don't have anything. And if
6 I ask you who rented the property, don't say members of
7 the Gibbs family. And if I ask you, who are you claiming
8 exercised dominion and control over the property and
9 claiming by adverse possession, and your response is
10 members of the Gibbs family. I mean, that's not a proper
11 response.

12 Now, I know that Ms. Gibbs testified in her
13 deposition that her uncle lives there now. There were
14 some ladies living there. They still don't want to give
15 me names. I don't have any names. So, they knew the
16 information at the time I sent the discovery requests.
17 They just didn't want to take the time to do it or think
18 about it. And this case, like I said, this is an
19 expensive case. These cases are not easy because it's
20 all a lot of somewhat, I guess, oral testimony about what
21 happened. But these are some things that they can
22 answer. And I think that they should properly respond.

23 Now, a lot of it is taken care of by the deposition
24 testimony, and the motion to compel was filed long before
25 that. We just hadn't gotten to this hearing yet. And

1 what that illustrates is maybe to answer some of my
2 questions, but it also illustrates that they had the
3 information at the time, and they did not respond
4 properly to the request to produce and request
5 interrogatories. And I believe that that paper trail
6 should match the testimony, at least.

7 THE COURT: All right. All right, gentlemen, I am
8 going to -- gentlemen and Ms. McConoughey, I am going to
9 take this under advisement, but I will get you a ruling
10 just as soon as possible. I want to go back and look at
11 some of the documents that I was given in order to make
12 those decisions. But thank you very much for your
13 arguments. You will hear something from us in the next
14 few weeks.

15 MR. MARCHBANKS: Thank you, Your Honor.

16 THE COURT: All right, thank you.

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22 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED)

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CERTIFICATE OF TRANSCRIBER

State of South Carolina

County of Greenville

I, JESSICA ANTONUCCI, a certified 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 hearing of the captioned case, relative to appeal, in South Carolina Circuit Court 13, Greenville County, South Carolina, on the 10th day of December, 2025.

That I am not related to nor the employee of any of the parties hereto, nor related to or employed by any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action.

August 6, 2026

Jessica N. Antonucci

Jessica N. Antonucci

Transcriber