

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

ORIGINAL

APPEAL FROM THE BEAUFORT COUNTY COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT

MARVIN H. DUKES, III, PRESIDING JUDGE

CASE NO: 2011-CP-07-2148

BRUCE MILLER,

Appellant,

vs.

COLUMBIA FOREST, INC.
FOREST HATCH and IDA M.
SINGLETON,

Respondents.

RECORD ON APPEAL

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FEB 07 2014

SC Court of Appeals

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STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

BRUCE MILLER,

Plaintiff,)

v.)

COLUMBIA FOREST, INC.,)
FOREST HATCH AND IDA M.)
SINGLETON,)

Defendants.)

IN THE COURT OF COMMON PLEAS

CASE NUMBER: 2011-CP-07-_____

2011 MAY 12 PM 4:23

JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

ORDER AND RULE TO SHOW CAUSE

TO: COLUMBIA FOREST, INC. AND FOREST HATCH, DEFENDANTS HEREIN:

It appears to this Court, from a thorough reading of the verified *Summons & Complaint* filed of record this date with the Court of Common Pleas, that the complete destruction and waste of the Plaintiff's property is in the process of occurring, in complete disregard of the agreement under which Plaintiff has operated his business on real estate currently being timbered by Columbia Forest, Inc. and/or Forest hatch, for the past 25 years. Should such destruction and waste of the automobiles located on said real estate, the Plaintiff will suffer significant and irreparable financial injury for, at a minimum, the salvage value of the metal located in said automobiles in an approximate sum of \$50,000 to \$75,000, without any consideration for the value of parts from said automobiles.

It further appears that the requirements for the issuance of a *Temporary Restraining Order* without notice prior to its entry, as set forth in *Rule 65 of the South Carolina Rules of Civil Procedure*, have been met by this Plaintiff.

NOW, THEREFORE, it is

HEREBY ORDERED that the Defendants above named be, and hereby are, restrained from, in any manner, coming onto the property of the Plaintiff, Bruce Miller; and

IT IS HEREBY FURTHER ORDERED that the Defendants be, and hereby are, restrained from removing any of the personal property of Plaintiff from any of the said property until further Order of this Court; and

IT IS HEREBY FURTHER ORDERED that the Defendants be required to show cause, if any they can, on the 17th day of May, 2011 at 8:30 a.m., before this Honorable Court, at 102 Ribaut Road, Beaufort, South Carolina 29902, as to why this should not be made a permanent Order of this Court.

IT IS SO ORDERED.

Beaufort, South Carolina
May 12, 2011

4/11/17 PM

5 -

HONORABLE MARVIN H. DUKES, III
MASTER-IN-EQUITY

Defendants may request
a hearing before the
scheduled date by
contacting the Court
at 873-255-5710

292

002

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

BRUCE MILLER,)
)
Plaintiff,)
)
v.)
)
COLUMBIA FOREST, INC.,)
FOREST HATCH AND IDA M.)
SINGLETON,)
)
Defendants.)

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2011-CP-07-2148

CONSENT ORDER

2011 MAY 25 PM 3:23
JENNIFER ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

This matter came on to be heard on the 17th day of May, 2011 at 8:30 a.m. at my offices at the Beaufort County Courthouse. Appearing at the hearing were James H. Moss, attorney for the Plaintiff, Bruce Miller, and Bentley D. Price, attorney for the Defendants, Forest Hatch and Columbia Forest, Inc. No attorney appeared for the Defendant, Ida M. Singleton, who was duly served by Certified Mail, Return Receipt Requested, and had knowledge of the proceeding.

This Court previously issued a Temporary Restraining Order and Rule to Show Cause, which was duly served on the Defendants, Columbia Forest, Inc. and Forest Hatch, on the 12th day of May, 2011. The Order was issued pursuant to a Verified Complaint requesting the relief of the Defendants being required to show cause before me on the 17th day of May, 2011. The Order basically set forth that "the Defendants above named be, and hereby are, restrained from, in any manner, coming onto the property of the Plaintiff, Bruce Miller;" "that the Defendants be, and hereby are, restrained from removing any of the personal

property of Plaintiff from any of the said property until further Order of this Court; and, lastly, "that the Defendants be required to show cause, if any they can, on the 17th day of May, 2011 at 8:30 a.m., before this Honorable Court, at 102 Ribaut Road, Beaufort, South Carolina 29902, as to why this should not be made a permanent Order of this Court." The Order and Rule to Show Cause was signed at 4:17 p.m. on the 12th day of May, 2011.

It appears at this time that the Plaintiff and the Defendants have entered into a temporary agreement, which is done without prejudice to a subsequent hearing in this matter involving the same issues on May 31, 2011 at 8:30 a.m.

The Plaintiff and the Defendants have further agreed to conduct themselves as follows until May 31, 2011 at 8:30 a.m.

1. That the Defendant, Forest Hatch, d/b/a Columbia Forest, Inc., shall fill all holes which were dug, keeping the Plaintiff from having access to the property and to his vehicles and other property.
2. That the Defendant, Forest Hatch, d/b/a Columbia Forest, Inc., shall remove all trees or timber that are across any of the access ways used by the Plaintiff herein to remove his vehicles and other property from the premises.
3. That the Plaintiff agrees that he will start moving his vehicles as soon as possible, and his removal of the vehicles shall not be impaired by the Defendants.
4. That certain cars are already located in a container, which is being delivered to a company for destruction. These vehicles appear in various photographs, and are to be taken to the compacting location, and placed in the name of the Plaintiff, Bruce Miller.

Bruce Miller will receive all funds from the compacting of the vehicles, which had previously been placed in a container.

5. That all parties to this action reserve any and all claims as set forth in the original Complaint, and any other claims involving adverse possession, civil actions, damages, contempt actions, if any, violations of any Order, and any other rights either party to this matter may have.

6. That the Plaintiff and the Defendant, Forest Hatch d/b/a Columbia Forest, Inc., are encouraged at this time to cooperate in allowing each other ingress and egress over the property through the gate owned by the Plaintiff, and such ingress and egress is not to interfere with the Plaintiff's activities of removing his vehicles.

7. That the Defendant, Forest Hatch d/b/a Columbia Forest, Inc., shall not harvest timber over the vehicles until the vehicles have been removed from that location. Harvesting of timber away from the vehicles is approved and permitted.

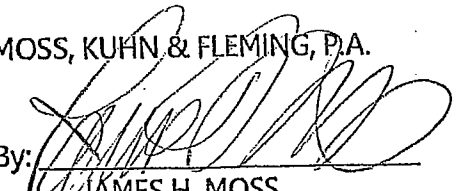
8. That this matter shall be further reviewed by the Court, with all parties reserving their rights, at 8:30 a.m. on May 31, 2011.


MARVIN H. DUKES, III
MASTER-IN-EQUITY

Beaufort, South Carolina
May 24, 2011

I MOVE:

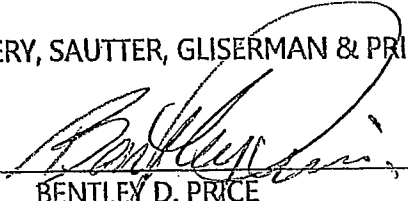
MOSS, KUHN & FLEMING, P.A.

By: 

JAMES H. MOSS

I CONSENT:

QUERY, SAUTTER, GLISERMAN & PRICE, LLC

By: 

BENTLEY D. PRICE

Blank

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

BRUCE MILLER,)

Plaintiff,)

v.)

COLUMBIA FOREST, INC.,)

FOREST HATCH AND IDA M.)

SINGLETON,)

Defendants.)

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2011-CP-07-2148

AFFIDAVIT OF DEFAULT

11 JUN 27 PM 4:09
JENNIFER ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

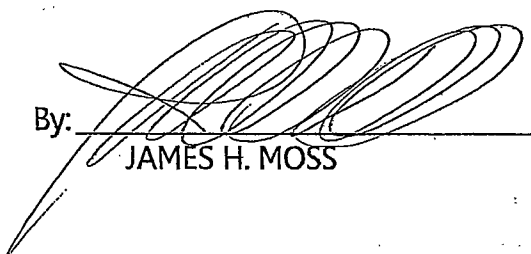
I, JAMES H. MOSS, Attorney at Law for the County of Beaufort, State of South Carolina, do hereby certify that a Summons and Complaint in the above entitled matter was served on the Defendant, Columbia Forest, Inc., via Certified Mail, Return Receipt Requested, on its Registered Agent, Corporation Service Company, on May 16, 2011, and that more than thirty (30) days have elapsed since the service of said Summons and Complaint, and that, although Bentley D. Price, Esquire appeared on behalf of this Defendant, no Answer has been filed on behalf of Defendant, Columbia Forest, Inc., and the said Defendant is, therefore, in default herein. A copy of the Summons and Complaint was also sent via facsimile transfer to the Registered Agent on May 13, 2011.

I also certify that a Summons and Complaint in the above entitled matter was served on the Defendant, Forest Hatch, by personal service to him, on May 12, 2011, and that more than thirty (30) days have elapsed since the service of said Summons and Complaint, and that, although Bentley D. Price, Esquire appeared on behalf of this Defendant, no Answer

has been filed on behalf of Defendant, Forest Hatch, and the said Defendant is, therefore;
in default herein.

I also certify that a Summons and Complaint in the above entitled matter was served
on the Defendant, Ida M. Singleton, via certified mail, return receipt requested, on May 16,
2011, and that more than thirty (30) days have elapsed since the service of said Summons
and Complaint, and that the Defendant, Ida M. Singleton, has failed and refused to give
Notice of Appearance or Answer, and the said Defendant is, therefore, in default herein.

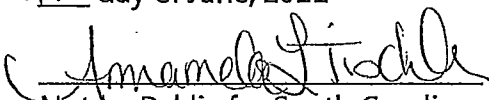
MOSS, KUHN & FLEMING, P.A.

By: 

JAMES H. MOSS

Beaufort, South Carolina
June 27, 2011

SWORN to before me this
27 day of June, 2011


Notary Public for South Carolina
My Commission Expires:

**STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)**

**IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2011-CP-07-2148**

BRUCE MILLER,

Plaintiff,

v.

**COLUMBIA FOREST, INC.,
FOREST HATCH AND IDA M.
SINGLETON,**

Defendants.)

ORDER OF DEFAULT

2011 JUN 30 PM 3:17
JENNIFER ROSEBAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

It appearing to this Court in and by that certain Affidavit of Default of James H. Moss, Esquire, counsel for the Plaintiff herein, that a Summons and Complaint was served on the Defendant, Columbia Forest, Inc., via Certified Mail, Return Receipt Requested, on its Registered Agent, Corporation Service Company, on May 16, 2011, and a copy of the Summons and Complaint was also sent via facsimile transfer to the Registered Agent on May 13, 2011.

It also appearing to this Court in and by that certain Affidavit of Default of James H. Moss, Esquire, counsel for the Plaintiff herein, that a Summons and Complaint in the above entitled matter was served on the Defendant, Forest Hatch, by personal service to him, on May 12, 2011.

It also appearing to this Court in and by that certain Affidavit of Default of James H. Moss, Esquire, counsel for the Plaintiff herein, that a Summons and Complaint in the above

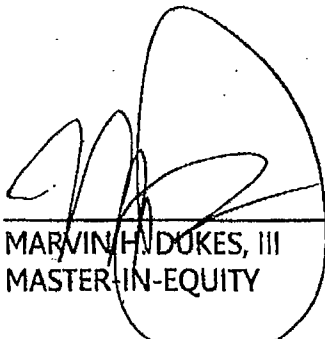
entitled matter was served on the Defendant, Ida M. Singleton, via Certified Mail, Return Receipt Requested, on May 16, 2011.

It further appearing that more than thirty (30) days have elapsed since the service of the Summons and Complaint in this matter on the Defendants, without an Answer filed on behalf of the Defendants, although Bentley D. Price, Esquire appeared on behalf of the Defendants, Columbia Forest, Inc. and Forest Hatch, and that said Defendants are in default herein.

NOW, THEREFORE, on the Motion of James H. Moss, Esquire, counsel for the Plaintiff, it is

HEREBY ORDERED, that the above entitled matter be and the same is declared to be in default, and that the same be scheduled by the Master-in-Equity for a hearing to be held on the 3rd day of August, 2011 at 9:00 A.M., at the Beaufort County Courthouse, 102 Ribaut Road, Beaufort, SC 29902 for purposes of obtaining the relief requested in the previously filed pleadings herein, with appropriate notification to the Defendants, Columbia Forest, Inc., Forest Hatch and Ida M. Singleton.

IT IS SO ORDERED.


MARVIN H. DUKES, III
MASTER-IN-EQUITY

Beaufort, South Carolina
June 19, 2011

Ppgs. 011 - 017 Removed from *Record on Appeal* as a
result of printing error.

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

BRUCE MILLER)

Plaintiff,)

v.)

COLUMBIA FOREST, INC.,)
FOREST HATCH AND IDA M.)
SINGLETON,)

Defendants.)

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2011-CP-07-2148

ORDER

2011 AUG -4 PM 4:53
CLERK OF COURT
BEAUFORT COUNTY, S.C.

This matter came on to be heard on the 3rd day of August, 2011 at 9:00 a.m. at my offices at the Beaufort County Courthouse. Appearing at the hearing were James H. Moss, attorney for the Plaintiff, Bruce Miller, Brenda M. Miller, the Plaintiff's wife, and John D. Hareage, a witness. No other Defendants appeared, other than Ida M. Singleton with regards to the claim of adverse possession.

Upon the reading of the pleadings and advice of the Court, the Court decided to bifurcate these matters and take up the issue concerning the damages to Bruce Miller and to make a determination concerning the claim of adverse possession separately. It appears that Ida M. Singleton understood this, and was requested to obtain the services of an attorney. The Court will set that matter concerning the issue of adverse possession at a separate hearing in the near future.

This matter was commenced by the filing of a Summons and Complaint entitled "Bruce Miller v. Columbia Forest, Inc., Forest Hatch and Ida M. Singleton," Case Number: 2011-CP-07-2148. It was filed on May 12, 2011. As stated above, this matter has been

Certified - A True Copy

Jerri Ann Roseneau - Clerk of Court
Beaufort County, SC

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bifurcated, and the adverse possession issue cannot be discussed at this time other than to say the Defendants have not filed an Answer or other pleadings concerning the same.

At this time, the Court took up a second cause of action upon which the Defendants failed to file an Answer, Counterclaim, or any other pleadings. This Court did issue a Temporary Consent Order dated May 25, 2011. The attorney, Bentley D. Price, appeared at that time, and James H. Moss has informed the Court that he called Mr. Price, and Mr. Price acknowledged he was not going to file an Answer, that he was not representing the individual again, and was no longer in the case. An Affidavit of Default was duly filed on June 27, 2011, after no Answer, Counterclaim or pleadings were filed on behalf of Forest Hatch, Columbia Forest, Inc. and/or Ida M. Singleton.

Forest Hatch was served by personal service on May 12, 2011, and more than thirty (30) days have elapsed since the service of the Summons and Complaint. Although Bentley D. Price appeared on behalf of Forest Hatch, he filed no Answer, Counterclaim or Cross-Claim. The remaining parts of the Affidavit of Default relate to Ida M. Singleton, which this Court is not going to consider at this time.

Also, by Affidavit of JoAnne Crawford dated May 17, 2011, Corporation Service Company, the Registered Agent for Columbia Forest, Inc., 1703 Laurel Street, Columbia, South Carolina 29201, was served on May 16, 2011.

The Complaint sets forth as follows:

"2. That the Defendant, Columbia Forest, Inc., is a corporation organized and existing under and by virtue of the laws of the State of South Carolina, and owns property and does business in Beaufort County, State of South Carolina.

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3. That the Defendant, Forest Hatch, at all times herein, was the agent, servant and employee of the Defendant, Columbia Forest, Inc., and is a resident of Beaufort County, South Carolina, but is claiming an ownership interest on property where the Plaintiff stored his vehicle for over twenty-five (25) years."

Columbia Forest Inc & Forest Hatch
The Defendants, not having appeared or filed an Answer in this matter, these statements are deemed to be true. Rule 8(d) of the South Carolina Rules of Civil Procedure provides:

"Effect of Failure to Deny. Averments in a pleading to which a responsive pleading is required, other than those as to the amount of damage, are admitted when not denied in the responsive pleading. Averments in a pleading to which no responsive pleading is required or permitted shall be taken as denied or avoided."

The Plaintiff, Bruce Miller, was the primary witness called in this matter, and testified that the Defendant, Forest Hatch, came upon his property and immediately began destroying his cars, stacking them one on top of the other, running over them with his heavy equipment, including a steam shovel, picking the vehicles up with the steam shovel and, otherwise, damaging or destroying his vehicles. Mr. Miller not only has a high school education, but he also received additional professional training in the field of body repair of vehicles, and has been the owner of a salvage yard for over twenty-five (25) years. He testified he is most familiar with the value of the vehicles that were destroyed, as well as the parts that go into these vehicles, and the use of those parts, as well as the value of those parts. He testified he was working on many of the vehicles that were actually destroyed, and was in the process of placing engines in some of the vehicles, and was also in the process of repairing damage to some of the vehicles that were destroyed. The Defendant, Forest Hatch, not only destroyed the property to which he testified, but hired Simmons Demolition to help demolish the vehicles, and place them in containers. Mr. Hatch was very

3/8/9
A portion of the property referred to as owned by the Plaintiff may be of contested title.

arrogant about the actions he was taking, and even cut down trees, which fell on and destroyed vehicles owned by the Plaintiff. These exhibits were placed in the record as follows:

Exhibit 1 - A drawing showing the area where the wrecked cars were stored prior to the Defendants coming to the property, and showing the road systems of the property.

Exhibit 1A - A drawing showing areas where the Plaintiff's cars were destroyed, which is the property the Plaintiff is claiming.

Exhibit 2 - A drawing showing the Plaintiff's property where his business is located.

Exhibit 3 - The back of the Plaintiff's property and the area of the property where the Plaintiff stored his cars.

Exhibit 4 - Aerial photos showing the storage of the cars.

Exhibit 5 - The road Plaintiff used to store his vehicle, and a tree across the road.

Exhibit 5A - Mechanical items that were inundated with dirt.

Exhibit 5B - Similar items.

Exhibit 5C - Similar items.

Exhibit 5D - Similar items.

Exhibit 5E - A photo showing the trees cut and damage to the road system and/or vehicles.

Exhibit 6 - A backhoe used by the Defendant, his agents, servants or employees.

Exhibit 7 - A tree across Plaintiff's vehicle, plus ditch preventing removal.

Exhibit 7A - Ditches preventing removal.

Exhibit 8A - Damaged vehicles, and additional ditches dug by the Defendant.

4-8-20

Exhibit 8B - Vehicles stacked on top of each other, and other damage by the Defendant.

Exhibit 8C - Similar damage.

Exhibit 8D - Similar damage.

Exhibit 8E - Damage from trees willfully chopped on the Plaintiff's claimed land.

Exhibit 8F - Additional holes dug by the Defendant to prevent the Plaintiff's ingress and egress.

Exhibit 8G - Trees blocking the Plaintiff's ingress and egress, as well as damaging vehicles.

Exhibit 8H - Additional damage to the ingress and egress.

Exhibit 8I - Simco vehicle damaging vehicles.

Exhibit 8J - Simco vehicle damaging vehicles.

Exhibit 8K - Simco vehicle damaging vehicles.

Exhibit 8L - Simco vehicle damaging vehicles.

Exhibit 8M - Miscellaneous damages as a result of fallen trees, which were cut by the Defendant.

Exhibit 8N - Additional pictures of Simco vehicle.

Exhibit 8O - Fallen trees on vehicles.

Exhibit 8P - Additional holes dug to prevent Plaintiff's ingress and egress, and trees cut and falling across vehicles.

Exhibit 8Q - Tractor thrown in ditch.

Exhibit 8R - Trees cut and damaging vehicles.

Exhibit 8S - Gaping hole to prevent ingress and egress.

- Exhibit 8T - Trees cut, damaging ingress and egress.
- Exhibit 8U - Damage to vehicles.
- Exhibit 8V - Damage to vehicles.
- Exhibit 8W - Damage to vehicles.
- Exhibit 8X - Substantial damage to vehicle, which was previously in excellent shape.
- Exhibit 8Y - Damage to vehicle, almost totally destroyed, top and bottom pictures.
- Exhibit 8Z - Similar damage from trees being felled.
- Exhibit 8AA - Substantial damage to vehicle from falling trees.
- Exhibit 8BB - Large fallen tree.
- Exhibit 8CC - Gaping holes preventing ingress and egress.
- Exhibit 8DD - Trees cut, preventing ingress and egress.
- Exhibit 8EE - Large trees cut.
- Exhibit 8FF - Simco vehicle hired by Defendants.
- Exhibit 8GG - Two (2) Simco vehicles.
- Exhibit 8HH - Simco vehicle with tree cut.
- Exhibit 9 - Photo of backhoe used to remove vehicles.
- Exhibit 10 - Drawing showing holes that were dug on the premises.
- Exhibit 11 - Drawing showing area where improvements were made to the premises, and where cars were stored.
- Exhibit 12 - Photo showing Simmons Demolition Service on the property as evidenced from the trucks and backhoe.
- Exhibit 13 - Document showing the number of vehicles inventoried on the Plaintiff's property that he had stored.

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Exhibit 14 - Estimate of damage from the Plaintiff in this case.

The Court finds that the Plaintiff, Bruce Miller, is an expert in the area of evaluating vehicles, including wrecked vehicles, new vehicles, used vehicles, vehicle parts, costs of repairs and rebuilding of vehicles. Not only does Mr. Miller have substantial education in this area, but he has twenty-five (25) years of experience. Exhibit 13 shows the number of vehicles inventoried on Mr. Miller's property that he had stored, and the number appears to be at least two hundred and forty-eight (248). On Exhibit 14, Mr. Miller estimated the damages suffered from the loss of the vehicles and the cleanup costs. From the loss of vehicles, Mr. Miller's total damages were \$76,369.00, with cleanup costs of \$3,660.83, or a total of \$80,029.83. Mr. Miller further testified that he did get back some salvage from these vehicles on the ones that could be salvaged, and the first check he received was \$6,206.00, and the second check was about \$1,600.00. This was a total credit that he got back of \$7,806.00. The difference between \$80,029.83 and \$7,806.00 is \$72,223.83, the total amount of damages.

Bruce Miller also testified, along with John D. Hareage, that even after the Court Order, Mr. Hatch continued his actions of blocking the Plaintiff from his property, contrary to the Order, and continued to damage his vehicles. It is clear that the actions of the Defendants in this case were reckless and intentional. In addition to the actual damages awarded in the amount of \$72,223.83, the Court awards punitive damages in the amount of \$5,000.00, for a total award of \$77,223.83.

With regards to the punitive damages, the Court finds by clear and convincing evidence that, in fact, the Plaintiff is entitled to these damages, as clearly the Defendant was asked repeatedly to stop cutting trees on the Plaintiff's property, to stop digging holes on

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the Plaintiff's property, and to stop damaging his vehicles, or otherwise taking the same for his own use. Additionally, as a result of the actions of the Defendant, which continued even after this Court's Order, the Plaintiff in this case was prevented from even getting to his vehicles. The Court has considered the factors of the Defendant's degree of culpability which, in this case, the Court believes is great. The Court also considered the duration of the conduct which, in this case, continued after the Court's Consent Order, as well as the Defendant's awareness of what he was doing, as he had obviously been served with a Summons and Complaint. There is no evidence of similar past conduct; however, the Defendant continued after the Court's Order, and the Court's award of punitive damages should deter others from such conduct and, hopefully, deter this Defendant, Forest Hatch, from similar conduct as, although he hired somebody for the Temporary Consent Order, he failed to, thereafter, Answer or even show up again to correct damages to the property. Obviously, the award of punitive damages is related to the harm, which is a result of his conduct. The Defendant was the agent of a large company at the time this occurred and, apparently, did have the ability to pay, as he did initially hire numerous other companies to assist and an attorney. See Weir v. Citicorp Natural Services, 312 S.C. 511, 435 S.E.2d 864; Gamble v. Stevenson, 305 S.C. 104, 406 S.E.2d 350.

WHEREFORE, pursuant to the above Findings of Fact and Conclusions of Law, the Court finds that the Defendant, Forest Hatch, in a careless and reckless manner and fashion, converted the property of the Plaintiff to his own use and, additionally, damaged substantial assets of the Plaintiff by his willful, wanton, careless and reckless conduct. The total compensatory damages amount to \$72,223.83, and the Plaintiff is entitled to judgment against the Defendants, Forest Hatch and Columbia Forest, Inc., in that amount.

-8-9

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for compensatory damages. Additionally, this Court finds, by clear and convincing evidence, that the actions of the Defendants allow this Plaintiff to obtain an additional verdict of punitive damages in the amount of \$5,000.00.

WHEREFORE, it is

HEREBY ORDERED

that the Plaintiff be awarded judgment against the Defendants, Columbia Forest, Inc. and Forest Hatch, in the amount of \$77,223.83.

IT IS SO ORDERED.

Beaufort, South Carolina
August 7, 2011

MARVIN H. DUKES, III
MASTER-IN-EQUITY

COPY

909 9

STATE OF SOUTH CAROLINA

EXEMPLIFIED COPY

COUNTY OF BEAUFORT

Bruce Miller

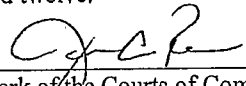
vs

Columbia Forest, Inc.

RE: 2011-CP-07-02148

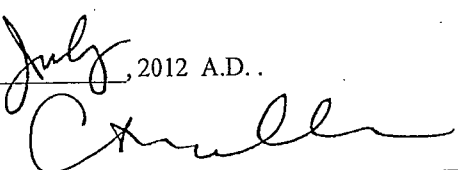
I, Jerri Ann Roseneau, Clerk of the Courts of Common Pleas, General Sessions and Family Courts in and for the County of Beaufort, State of South Carolina, having by law, the custody of the seal and all the records, books, documents and papers of, or appertaining to said Court, do hereby certify that the foregoing papers are true copies of papers, appertaining to said Court, and on file or of record in the office of said Court, all of which we have caused by these present to be exemplified, and the seal of our said Court to be affixed.

In Witness Whereof, I have hereunto set my hand and affixed the Official Seal of said Court, the 24 day of July in the year of our Lord, two thousand and twelve.


Clerk of the Courts of Common Pleas,
General Sessions and Family Courts,
For Beaufort County, South Carolina.

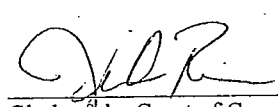
I, CARMEN T. MULLEN, Judge of the 14th Judicial Circuit in and for the County of Beaufort, State of South Carolina, do hereby certify that Jerri Ann Roseneau, whose signature is subscribed to the preceding exemplification, is the Clerk of said Courts of Common Pleas, General Sessions and Family Courts of the County of Beaufort, State of South Carolina and that full faith and credit are due to her official acts. I further certify that the seal affixed to the exemplification is the seal of our said Courts, and that the attestation is in due form, and according to the form of attestation used in this State.

Dated at Beaufort, SC, this 30 day of July, 2012 A.D..


Judge of the 14th Judicial Circuit
For Beaufort County, South Carolina

I, Jerri Ann Roseneau, Clerk of the Courts of Common Pleas, General Sessions and Family Courts in and for the County of Beaufort, State of South Carolina, do hereby certify that Honorable CARMEN T. MULLEN whose name is subscribed to the preceding certificate, is the Presiding Judge of said Court, duly elected, sworn and qualified, and that the signature of said Judge to said certificate is genuine.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the said Court, this 31 day of July, 2012 A.D..


Clerk of the Court of Common Pleas,
General Sessions and Family Courts,
Beaufort County, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

BRUCE MILLER,)
)
Plaintiff,)
vs)
)
COLUMBIA FOREST, INC.,)
FOREST HATCH AND IDA M.)
SINGLETON,)
)
Defendants.)
_____)

IN THE COURT OF COMMON PLEAS
CASE NUMBER 2011-CP-07-2148

ORDER VACATING JUDGMENT

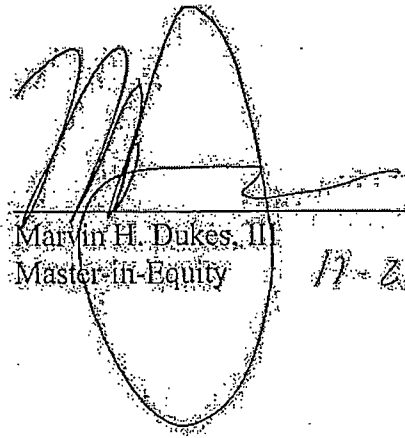
2011 OCT 13 AM 10:31
JEROME A. RUSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

This case involves a claim of conversion against the Defendants, Columbia Forest, Inc. and Forest Hatch, and a claim for adverse possession against the Defendant, Ida M. Singleton. The parties failed to answer and an Order of Default was signed by me on June 29, 2011.

The Defendant, Ida M. Singleton, is 92 years old and resides in California. She was advised by her co-defendants that they would file an answer for her. Ms. Singleton traveled from California to Beaufort, South Carolina, for the trial and only then did she learn that the Defendants had failed to file any responsive pleadings. The Defendant, Ida M. Singleton, has owned the land and paid taxes for over 20 years and it appears that she has a meritorious defense to this action.

THEREFORE, IT IS ORDERED that the default against the Defendant, Ida M. Singleton, in this action be set aside and vacated. The Defendant, Ida M. Singleton, is granted twenty (20) days from the date of this Order to answer and or otherwise plead in this action.

AND IT IS SO ORDERED.


Marvin H. Dukes, III
Master-in-Equity 17-2278

Beaufort, South Carolina

October 13, 2011

COPY

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

BRUCE MILLER,)

Plaintiff,)

vs)

COLUMBIA FOREST, INC.,)
FOREST HATCH AND IDA M.)
SINGLETON,)

Defendants.)

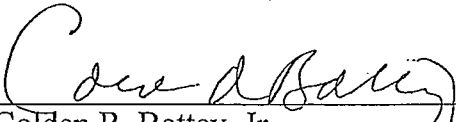
IN THE COURT OF COMMON PLEAS

CASE NUMBER 2011-CP-07-2148

CERTIFICATE OF MAILING

The undersigned attorney for the Defendant, Ida M. Singleton, certifies that on the 17th day of October 2011; a copy of the Order Vacating Judgment was served on the Plaintiff by placing same in the United States Mail, postage prepaid, addressed to the following:

James H. Moss, Esquire
Moss, Kuhn & Fleming, P.A.
P.O. Box 507
Beaufort, SC 29901-0507


Colden R. Battey, Jr.

Beaufort, South Carolina

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT) CASE NUMBER 2011-CP-07-2148

BRUCE MILLER,

Plaintiff,

vs

COLUMBIA FOREST, INC.,
FOREST HATCH AND IDA M.
SINGLETON,

Defendants.

ORDER

The Plaintiff Bruce Miller brought this action against Columbia Forest, Inc., Forest Hatch and Ida M. Singleton. The case was an action for damages against the Defendants Columbia Forest, Inc. and Forest Hatch and an action for adverse possession against the Defendant Ida M. Singleton. On June 29, 2011, I signed an Order of Default against all Defendants. The case was heard on August 3, 2011. At that time, the Defendant Singleton, who had traveled from California, was present at the trial. The Defendant Singleton advised the court that she had not filed responsive pleadings as she had been advised that the co-defendants would file these pleadings for her. The court determined to bifurcate the matter and to hear the damage portion of the claim. The court advised the Defendant Singleton to obtain the services of an attorney and the issue concerning adverse possession would be heard at a separate hearing in the future. The court proceeded with the damage claim and awarded the Plaintiff compensatory damages in the amount of \$72,233.83 and punitive damages in the amount of \$5,000.00 against the Defendants Columbia Forest, Inc. and Forest Hatch.

On October 13, 2011, this Court issued its Order vacating the default judgment dated June 29, 2011 and granting the Defendant Singleton 20 days to answer or otherwise plead.

On October 27, 2011, the Defendant Singleton filed her Answer in this matter.

In his Complaint the Plaintiff claimed that he had fenced a portion of the Plaintiff's property, had parked vehicles in various locations on the property and that for more than 25 years his claim had been continuous, hostile, open, adverse, notorious and exclusive under a claim of adverse possession.

The Defendant, by her Answer alleged that she as Trustee of the Singleton Family Trust was the owner of the property and denied the allegations of the Plaintiff's Complaint. In addition, she alleged that the Plaintiff had advised Beaufort County and others that he was storing his automobiles on the Defendant's property with her consent.

This matter was heard by me on July 26, 2012. At that time the Plaintiff introduced a plat prepared by David Youmans, RLS, dated August 3, 2011. Mr. Youmans was called by the Plaintiff and testified that on August 3, 2011 he found cars and debris in the area shown on his plat. On cross examination, Mr. Youmans testified that he could not say that the cars had been in that location for 1 day, 1 year, 5 years, much less 10 years. He stated that he had no way of knowing if cars had been parked in any location on the property for the last ten years. The Youmans plat of August 3, 2011 did not show any fence on the property and Mr. Youmans testified that he did not see any fences on the property when he surveyed it in August of 2011.

The Plaintiff Miller then testified that he had been in business for more than 25 years and that he began putting cars on a portion of the Defendant's property. He would sell cars to individuals and to a commercial entity that would buy cars and crush them for scrap. Other than the August 3rd plat prepared by David Youmans, he did not identify any particular portion of the Defendant's property on which he had placed any vehicles.

instead they were transient inventory associated with an ongoing salvage business. The photos in evidence indicate a haphazard storage of vehicles against trees in a moderately wooded area. I find that the best testimony regarding fencing is from the Plaintiff's surveyor, Mr. David Youmans, who placed no fences on his plat dated August 3, 2011 and testified that he did not see any fences on the property when he surveyed in August of 2011. I therefore find that the property had not been fenced as claimed by the Plaintiff.

An additional requirement to prove adverse possession is that the possession be hostile. To be hostile the possession must be with intent to claim and hold the land against the true owner and the whole world. Haithcock v. Haithcock, 123 SC 61, 115 SE 727 (1923). A possession in recognition of the true owner is insufficient ever to ripen into title. Carr v. Mouzon, 86 SC 461, 68 SE 661 (1910). In 2006 the Plaintiff was cited for failing to store cars in a fenced area. Mark Giles, a law enforcement officer for Beaufort County, testified that the Plaintiff advised him and the Magistrate for Beaufort County that he knew that the cars were on the Defendant's property but that he had permission to store the cars on the property. I find that the testimony of Mr. Giles is credible and that the Plaintiff had advised county officers that he had permission to use the Defendant's property for storage and consequently Plaintiff has failed to establish that his adverse possession claim was hostile.

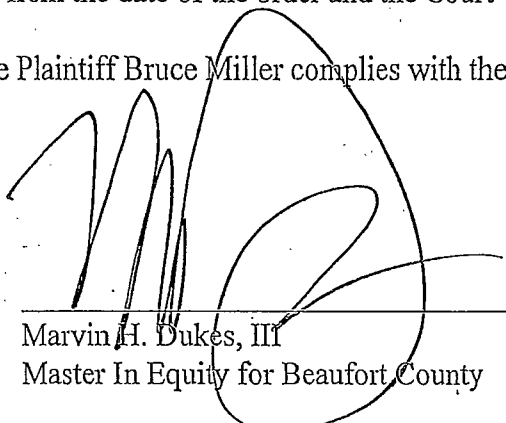
As stated above, one claiming land has the burden of proving adverse possession by clear and convincing evidence. Davis v. Monteith, 289 S.C. 176, 345 S.E. 2d 724 (1986); Lusk v. Callahan, 287 S.C. 459, 339 S.E. 2d 156 (Ct. App. 1986).

CONCLUSION

The Plaintiff has failed to offer clear and convincing evidence that his claim for adverse

possession was actual, open, notorious, exclusive, continuous and hostile for the required period and his claim for adverse possession must fail. I therefore Order that the prayer of the Plaintiff Bruce Miller against the Defendant Ida M. Singleton and Ida M. Singleton as Trustee of the Singleton Family Trust be denied.

I further Order that the Plaintiff Bruce Miller shall remove all automobiles and debris from the Defendant's property within sixty (60) days from the date of the order and the Court specifically retains jurisdiction of this matter until the Plaintiff Bruce Miller complies with the provisions of this Order.



Marvin H. Dukes, III
Master In Equity for Beaufort County

Beaufort, South Carolina

10/21, 2012

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

BRUCE MILLER,)

Plaintiff,)

vs)

COLUMBIA FOREST, INC.,)
FOREST HATCH AND IDA M.)
SINGLETON,)

Defendants.)

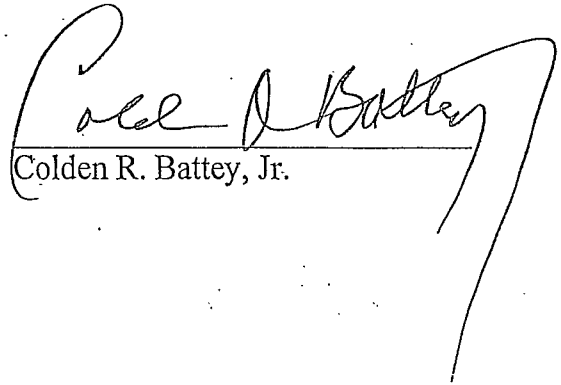
IN THE COURT OF COMMON PLEAS

CASE NUMBER 2011-CP-07-2148

CERTIFICATE OF MAILING

The undersigned attorney for the Defendant, Ida M. Singleton, certifies that on the 10th day of October 2012, a copy of the Order was served on the Plaintiff by placing same in the United States Mail, postage prepaid, addressed to the following:

James H. Moss, Esquire
Moss, Kuhn & Fleming, P.A.
P.O. Box 507
Beaufort, SC 29901-0507


Colden R. Battey, Jr.

Beaufort, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF BEAUFORT	)	CASE NUMBER 2011-CP-07-2148
BRUCE MILLER,	)	
	)	
Plaintiff,	)	
vs	)	ORDER
	)	
COLUMBIA FOREST, INC.,	)	
FOREST HATCH AND IDA M.	)	
SINGLETON,	)	
	)	
Defendants.	)	
	)	

This matter comes before me upon motion of the Plaintiff Bruce Miller for reconsideration of my Order dated October 4, 2012.

Present at the hearing held by me on December 19, 2012 were James H. Moss, attorney for the Plaintiff Bruce Miller and Colden R. Battey Jr., attorney for the Defendant Ida M. Singleton. After hearing arguments from both counsel and after reconsidering the evidence, this Court declines the Plaintiff's request to overturn the Order of this Court dated October 4, 2012 and affirms its Order denying the Plaintiff's claim of adverse possession.

In his motion for reconsideration and at the hearing on December 19, 2012, the Plaintiff's attorney argued that my Order of October 4, 2012 was unclear as to whether the Court held that the Defendant Ida M. Singleton was granted an interest in 2 acres of land claimed by the Plaintiff Bruce Miller.

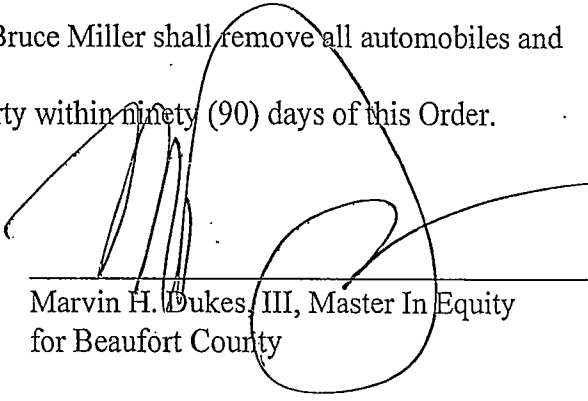
I have reviewed my Order of October 4, 2012 and the pleadings in this matter. The Defendant Ida M. Singleton was the record holder of 7.52 acres of land. The Plaintiff Bruce Miller alleged that he was the owner of a portion of the Defendant's 7.52 acres of land by adverse possession. For the reasons stated in my Order, I found that the Plaintiff had not established a

claim for adverse possession of any portion of the Defendant Ida M. Singleton's 7.52 acres of land.

At the hearing it was found that the Plaintiff Bruce Miller has not removed all of his vehicles from the Defendant Singleton's land.

It is therefore ORDERED that Plaintiff's motion for reconsideration is denied.

It is further ORDERED that the Plaintiff Bruce Miller shall remove all automobiles and debris from the Plaintiff Ida M. Singleton's property within ninety (90) days of this Order.



Marvin H. Dukes, III, Master In Equity
for Beaufort County

Beaufort, South Carolina

1/30, 2013

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

BRUCE MILLER,

IN THE COURT OF COMMON PLEAS

2011 MAY 12 PM 1:16

JERRY ANN ROSS
Plaintiff, BEAUFORT COUNTY, S.C.
CLERK OF COURT
2011-CP-07-2148

vs.

COLUMBIA FOREST, INC., FOREST HATCH
AND IDA M. SINGLETON,

Defendants.

(Please Print)

Submitted By: James H. Moss

Address: Post Office Box 507

Beaufort, South Carolina 29901-0507

SC Bar #: 4220

Telephone #: 843-524-3373

Fax #: 843-524-1302

Other:

E-mail: jim@mossandkuhn.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

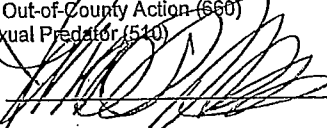
DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☒ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

Contracts ☐ Constructions (100) ☐ Debt Collection (110) ☐ Employment (120) ☐ General (130) ☐ Breach of Contract (140) ☐ Other (199)	Torts - Professional Malpractice ☐ Dental Malpractice (200) ☐ Legal Malpractice (210) ☐ Medical Malpractice (220) Previous Notice of Intent Case # 20-CP- ☐ Notice/File Med Mal (230) ☐ Other (299)	Torts - Personal Injury ☐ Assault/Slander/Libel (300) ☐ Conversion (310) ☐ Motor Vehicle Accident (320) ☐ Premises Liability (330) ☐ Products Liability (330) ☐ Personal Injury (350) ☐ Wrongful Death (360) ☒ Other (399) ☐ Conversion	Real Property ☐ Claim & Delivery (400) ☐ Condemnation (410) ☐ Foreclosure (420) ☐ Mechanic's Lien (430) ☐ Partition (440) ☐ Possession (450) ☐ Building Code Violation (460) ☒ Other (499) ☐ Restraining Order
Inmate Petitions ☐ PCR (500) ☐ Mandamus (520) ☐ Habeas Corpus (530) ☐ Other (599)	Judgments/Settlements ☐ Death Settlement (700) ☐ Foreign Judgment (710) ☐ Magistrate's Judgment (720) ☐ Minor Settlement (730) ☐ Transcript Judgment (740) ☐ Lis Pendens (750) ☐ Transfer of Structured Settlement Payment Rights Application (760) ☐ Other (799)	Administrative Law/Relief ☐ Reinstatement Driver's License (800) ☐ Judicial review (810) ☐ Relief (820) ☐ Permanent Injunction (830) ☐ Forfeiture - Petition (840) ☐ Forfeiture - Consent Order (850) ☐ Other (899)	Appeals ☐ Arbitration (900) ☐ Magistrate-Civil (910) ☐ Magistrate-Criminal (920) ☐ Municipal (930) ☐ Probate Court (940) ☐ SCDOT (950) ☐ Worker's Comp (960) ☐ Zoning Board (970) ☐ Public Service Commission (990) ☐ Employment Security Comm (991) ☐ Other
Special/Complex /Other ☐ Environmental (600) ☐ Automobile Arb. (610) ☐ Medical (620) ☐ Other (699) ☐ Pharmaceuticals (630) ☐ Unfair Trade Practices (640) ☐ Out-of State Depositions (650) ☐ Motion to Quash Subpoena in Out-of-County Action (660) ☐ Sexual Predator (510)			

Submitting Party Signature: 

Date: 5/12/11

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY

Allendale, Anderson, Beaufort, Colleton, Florence, Greenville,
Hampton, Horry, Jasper, Lexington, Pickens (Family Court Only), and Richland

**SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN
ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.**

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

BRUCE MILLER,)

Plaintiff,)

v.)

COLUMBIA FOREST, INC.,)

FOREST HATCH AND IDA M.)

SINGLETON,)

Defendants.)

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2011-CP-07-2148

2011 MAY 12 PM 1:16

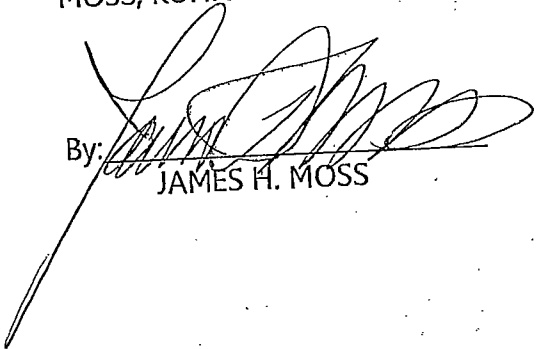
JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

SUMMONS

TO: COLUMBIA FOREST, INC., FOREST HATCH AND IDA M. SINGLETON, DEFENDANTS
HEREIN:

YOU ARE HEREBY SUMMONED and required to Answer the Complaint in this action,
a copy of which is herewith served upon you, and to serve a copy of your Answer upon the
subscriber at his office, MOSS, KUHN & FLEMING, P.A., Post Office Drawer 507/1501 North
Street, Beaufort, South Carolina 29901-0507, within thirty (30) days from the date of service
hereof; exclusive of the day of such service; and if you fail to answer the Complaint within
the time aforesaid, the Plaintiff in this action will apply to the Court for a judgment by
default and the relief demanded in the attached Complaint.

MOSS, KUHN & FLEMING, P.A.

By: 

JAMES H. MOSS

Beaufort, South Carolina
May 12, 2011

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

BRUCE MILLER,)
Plaintiff,)

v.)

COLUMBIA FOREST, INC.,)
FOREST HATCH AND IDA M.)
SINGLETON,)
Defendants.)

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2011-CP-07- 2148
2011 MAY 12 PM 1:16

JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

COMPLAINT
(Jury Trial Requested)

The Plaintiff, complaining of the Defendants, alleges:

FOR A FIRST CAUSE OF ACTION

1. That the Plaintiff is a resident of Beaufort County, State of South Carolina.
2. That the Defendant, Columbia Forest, Inc., is a corporation organized and existing under and by virtue of the laws of the State of South Carolina, and owns property and does business in Beaufort County, State of South Carolina.
3. That the Defendant, Forest Hatch, at all times herein, was the agent, servant and employee of the Defendant, Columbia Forest, Inc., and is a resident of Beaufort County, South Carolina, but is claiming an ownership interest on property where the Plaintiff stored his vehicle for over twenty-five (25) years.
4. That the Defendant, Ida M. Singleton, is the alleged or record owner of part of the property upon which the Plaintiff's automobiles have been located for twenty (20+) plus years. The property, the subject of this action, is located in Beaufort County, South Carolina. (See Deed - Plaintiff and Defendant).

5. That the Plaintiff is the owner of "All that piece, parcel and lot of land defined as being two (2) acres at 29 Lawson Road in Beaufort County, State of South Carolina," where he has been running a legal business for twenty-five (25) years and has been so licensed by Beaufort County.

6. That the Defendants above named, Columbia Forest, Inc. and Forest Hatch, its agent, servant and employee, attempted to claim the property for the purpose of removing trees, and have also stated that they would have someone crush the cars on the property so that they could remove the trees.

7. That the Plaintiff is the owner of all vehicles on the property, which can be shown from a bird's eye view.

8. That apparently Ida M. Singleton, by way of quitclaim deed recorded in Book 618 at Page 28, owned some interest in this property, but the Plaintiff claims part of this land by adverse possession, and is definitely the sole owner of all of the vehicles upon the property. A quiet title action was apparently subsequently brought not naming the Plaintiff herein as a Defendant. A deed was subsequently issued in Book 608 at Page 28 pursuant to that action.

9. That the Plaintiff has claimed and fenced said land, upon which the vehicles are located, continuously, hostilely, openly, adversely, notoriously and exclusively for the last twenty-five (25) years, and believes he is the owner of the property, which can be located by a berm and a drainage ditch and fences.

10. That, in addition to the two (2) acres he owns by virtue of the deed, the Plaintiff is also the owner of the land that he claims by adverse possession, and is

unquestionably the owner of the vehicles upon the land, which the Defendants are trying to take and asport, or convert to the Defendants' own use.

11. That due to the fact that the Defendants arrived upon the Plaintiff's residence unannounced and are now claiming an interest therein, the Plaintiff herein believes he is entitled to a temporary injunction and, eventually, a permanent injunction, enjoining these Defendants from coming onto said premises and, particularly, from removing any said vehicles that have been there for over twenty (20+) plus years, until a further Order of the Court.

12. That attached hereto is a copy of the information from Beaufort County showing the ownership of the two (2) acres, basically a bird's eye view, showing the number of vehicles that have been stored on the property for an extended period of time, and includes more than two (2) acres.

13. That the Plaintiff further believes he is entitled to a permanent Order awarding to him the property in question by virtue of adverse possession for over twenty (20) years, as he has claimed and been licensed by the County, which attached Affidavits show that he has been the owner of the property for over twenty (20+) plus years.

WHEREFORE, the Plaintiff prays as to the First Cause of Action:

- a. For a temporary injunctive relief and Rule to Show Cause to be issued initially by this Court;
- b. For an Order of the Court awarding to this Plaintiff the property encompassed, as will be shown by a plat on the basis of adverse possession for over twenty (20) years;

c. For an Order of the Court permanently enjoining the named Defendants herein from removing the vehicles and coming on to the property of the Plaintiff until further Order of the Court;

d. For a temporary and permanent injunction of the same, including an Order of the Court awarding to the Plaintiff herein the property he has been claiming for a period of over twenty-five (25) years.

FOR A SECOND CAUSE OF ACTION

14. That the allegations of the First Cause of Action are re-alleged and adopted as a part of this Cause of Action as if stated verbatim herein.

15. That the Defendants named herein have come to the property of the Plaintiff, Bruce Miller, and attempted to take the personal property, being wrecked cars located on the property, have the same impacted, and sold for salvage, without any permission from the Plaintiff herein.

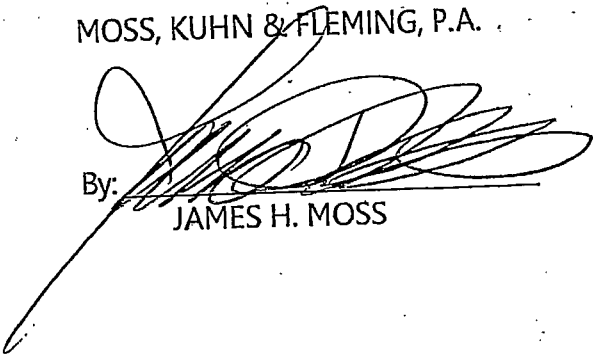
16. That the actions of the Defendants amount to a conversion under the law of the State of South Carolina, for which the Defendants would be liable for actual and punitive damages.

17. That the Plaintiff herein believes he is entitled to a judgment against the Defendants for actual and punitive damages as a result of the removal of any personal property upon the real estate and compacting of the same, without permission or the consent of the Plaintiff herein.

WHEREFORE, the Plaintiff prays as to the Second Cause of Action:

a. For judgment in the amount of actual and punitive damages against the Defendants.

MOSS, KUHN & FLEMING, P.A.

By: 

JAMES H. MOSS

Beaufort, South Carolina
May 12 2011

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

VERIFICATION

2011 MAY 12 PM 1:16

JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

PERSONALLY, appeared before me, BRUCE MILLER, who, upon being duly sworn deposes and states that he is the Plaintiff in the foregoing Complaint, that he has read the Complaint and all matters stated therein are true of his own knowledge, except those matters stated upon information and belief, and as to those matters he verily believes them to be true.

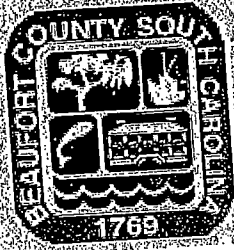
Bruce E. Miller
BRUCE MILLER

SWORN to before me this

12 day of May 2011

[Signature]
Notary for the State of South Carolina

My Commission Expires: 8/28/2014

Owner Name
1 of 1Data
refreshed
as of

5/6/2011

Overview

Records

Overview

Bird's Eye View

Parcel

Land

Improvements

Sales Disclosure

Pay Taxes

Vehicle Tax Page

Value History

GIS / Mapping

Search by

Property ID (PIN)

Street Address

Alternate ID (AIN)

Legal Description

Sales

Owner Name

Functions

County Home

Welcome

Real Property

Personal Property

Vehicle Tax

Shopping Cart

Help

Feedback

County Login

Property ID
(PIN)Alternate ID
(AIN)

Parcel Address

R100 024 000
016A 0000

00146906

29 LAWSON RD,

Current Parcel Information

Owner	MILLER BRUCE	Property Class Code	ResImp SingleFamily
Owner Address	33 LAWSON ROAD LAUREL BAY SC 29902	Acreage	2.0000

Legal Description POR LOT 53 SEC 29 1N2W PLAT FILE WITH JR#56549

Historic Information

Tax Year	Land	Building	Market	Taxes	Payment
2010	\$53,600	\$83,067	\$136,667	\$392.22	\$403.99
2009	\$53,600	\$83,067	\$136,667	\$383.43	\$383.43
2008	\$20,000	\$35,000	\$55,000	\$364.60	\$375.54
2007	\$20,000	\$35,000	\$55,000	\$342.75	\$342.75
2006	\$20,000	\$35,000	\$55,000	\$353.53	\$481.57
2005	\$20,000	\$35,000	\$55,000	\$327.79	\$327.79
2004	\$20,000	\$35,000	\$55,000	\$279.96	\$279.96
2003	\$10,000	\$31,200	\$41,200	\$311.53	\$311.53
2002	\$10,000	\$31,200	\$41,200	\$296.37	\$296.37
2001	\$10,000	\$31,200	\$41,200	\$261.44	\$261.44

Sales Disclosure

Grantor	Book & Page	Date	Deed	Vacant	Sale Price
THOMPSON ISAAC	5-6549	11/1/1985	Sp		\$0
THOMPSON ISAAC	435 1875	11/1/1985	Fu		\$6,500
THOMPSON ISAAC	4003 1081	3/1/1978	Ot		\$0
		12/31/1776	Or		\$0

Improvements

Building	Type	Use Code	Constructed	Stories	Rooms	Square	Improvement

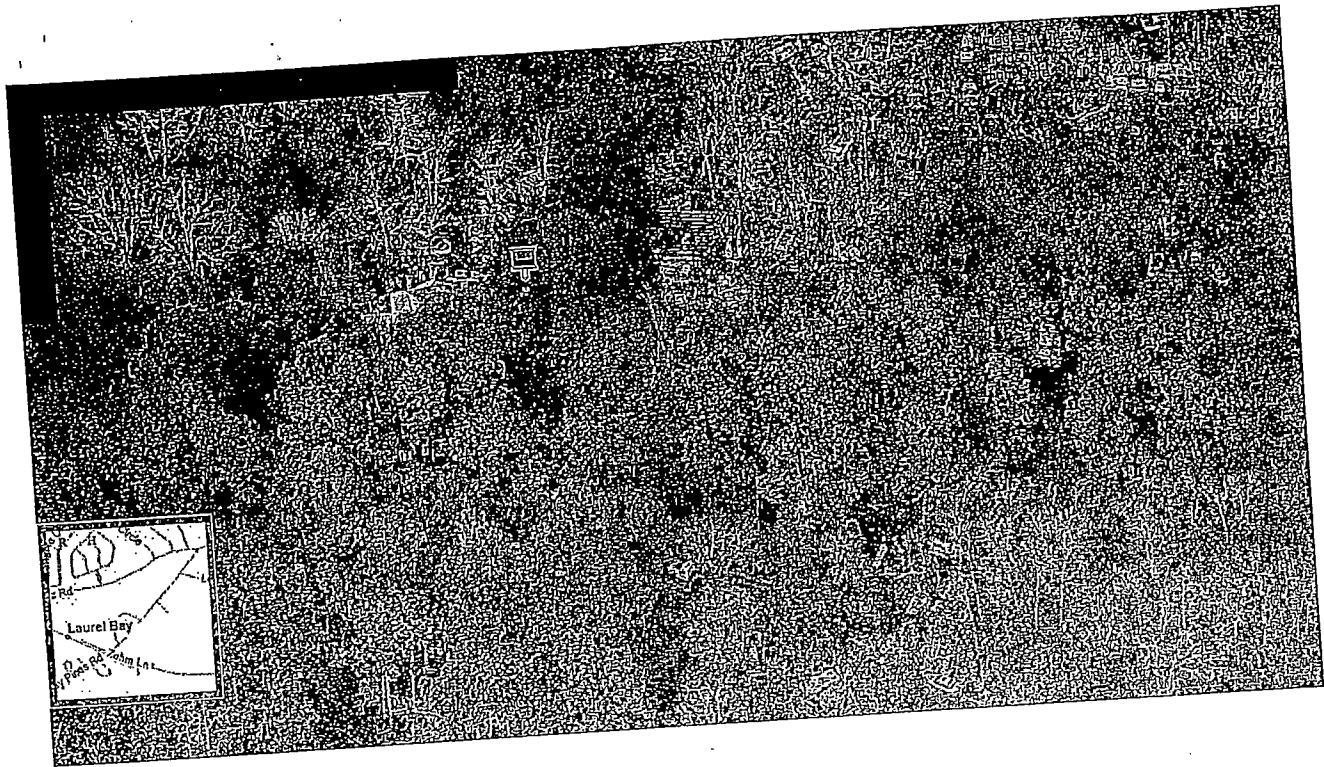
Beaufort County, South Carolina

		Description	Year			Footage	Size
R01	DWELL	Dwelling	1971	1.0	03	960	
R02	DWELL	Dwelling	0000	1.0	03	612	

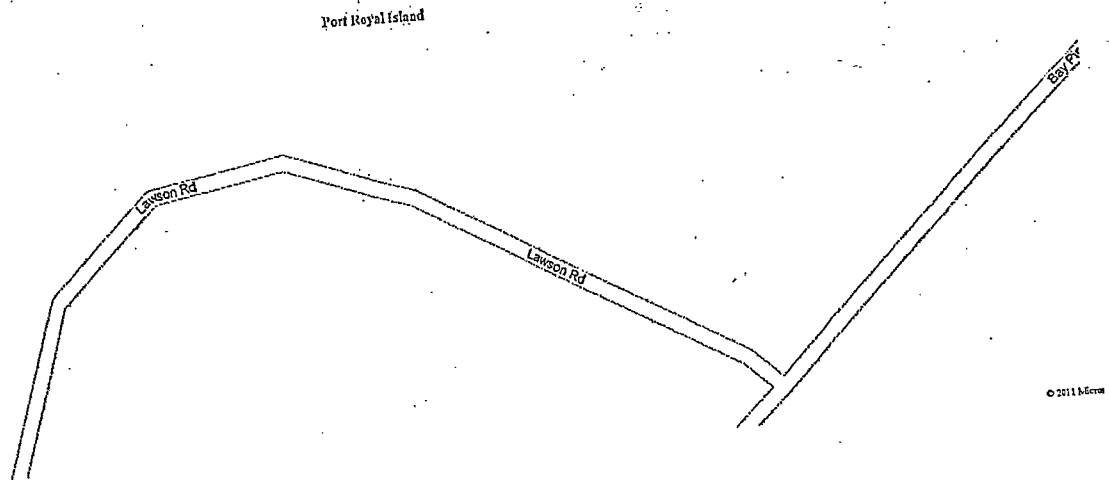
Features & Exterior Features					No. / Sq.Ft.	Value
Building	Type	Feature Code	Description			
R01	DWELL	COOLING	None		1	\$0
R01	DWELL	EXT. COVER	Hardboard		1	\$0
R01	DWELL	FOUNDATION	Full Slab		1	\$0
R01	DWELL	HEATING	Forced hot air		40	\$960
R01	DWELL	OMP	Open Masonry Porch		1	\$0
R02	DWELL	COOLING	None		1	\$0
R02	DWELL	EXT. COVER	Hardboard		1	\$0
R02	DWELL	FOUNDATION	Full Slab		1	\$0
R02	DWELL	HEATING	Forced hot air		1	\$0

Beaufort County makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. All data is subject to change.

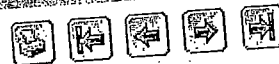
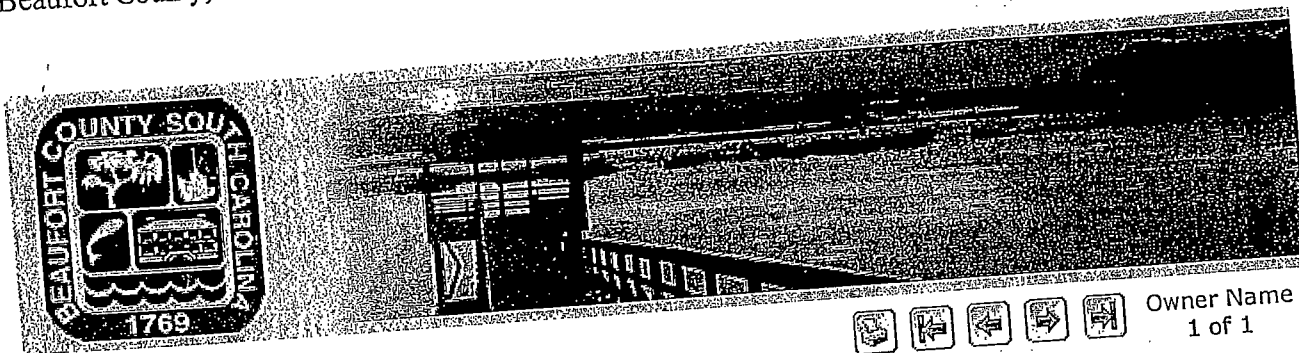
Print Print List First Previous Next Last



Images courtesy of:
Microsoft® Virtual Earth™ 2008
Flight Date: Spring of 2007



050



Owner Name
1 of 1

Data
refreshed
as of

5/6/2011

Parcel

Records

Overview

Parcel

Land

Improvements

Sales Disclosure

Pay Taxes

Vehicle Tax Page

Value History

GIS / Mapping

Property ID
(PIN)

R100 024 000
016A 0000

Alternate ID
(AIN)

00146906

Parcel Address

29 LAWSON RD,

Owner Information

Owner

MILLER BRUCE

Owner Address

33 LAWSON ROAD
LAUREL BAY SC 29902

Sale Date

435 1875

Deed

Reference

Location Information

Search by

Property ID (PIN)

Street Address

Alternate ID (AIN)

Legal Description

Sales

Owner Name

Tax District Name 100 100-BEAUFORT
UNINCORP

Parcel Address 29 LAWSON RD,
Acreage 2.0000

Routing No.

Legal Description POR LOT 53 SEC 29
1N2W PLAT FILE WITH
JR#56549

Parcel Information

Property Class Code ResImp SingleFamily Level

High

Low

Rolling

Swampy

Flood Hazard

Waterfront Property Type

Topography

N

N

N

N

N

Functions

County Home ➔

Welcome

Real Property

Personal Property

Vehicle Tax

Shopping Cart

Help

Feedback

County Login

Assessment Information

2010 Current Year

2011

Prior Year

Appraised Value Land

53,600 Appraised Value Land 0

Appraised Value Improvements

83,067 Appraised Value Improvements 0

Total Appraised Value

136,667 Total Appraised Value 0

Limited (Capped) Appraised
Value Total

63,196 Limited (Capped) Appraised
Value Total 0

Exemption Amount

0 Exemption Amount 0

051

Beaufort County, South Carolina

Taxable Value	2,530	Taxable Value
Assessment Ratio	4%	Assessment Ratio
Assessed Value	2,530	Assessed Value

0
0
0

*Contact zoning office for official zoning.

Print List First Previous Next Last

052

618p28

ppv

3255

28

Recording Requested By and
When recorded return to and
MAIL TAX STATEMENTS TO:

IDA M. SINGLETON
5402 ONACREST DR.
LOS ANGELES, CA 90043

QUITCLAIM DEED

The undersigned declare that the documentary transfer tax is -0-.
Exempt: not a sale, transfer to trustees.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby
acknowledged, IDA M. SINGLETON

hereby grants to

IDA MAY SINGLETON, TRUSTEE, 5402 ONACREST DR., LOS ANGELES, CA
90043
THE SINGLETON FAMILY TRUST,
DATED: DECEMBER 2, 1992

the beneficiaries of which is the Grantor, the following described
real property in the County of Beaufort, State of South Carolina:

See EXHIBIT "A" attached hereto.

Assessor's Parcel Number: (100-24-16 & 17A)

THE TRUSTEE AND ANY SUCCESSOR TRUSTEE(S) SHALL HAVE FULL RIGHT TO
SELL OR ENCUMBER THE PROPERTY DESCRIBED HEREIN.

Dated: 1-7, 1993

Ida M. Singleton
IDA M. SINGLETON

This document was prepared by Joseph Nevels, 7427 Crenshaw Blvd.,
Los Angeles, CA 90043. This quitclaim deed was prepared for Ida May
Singleton. *J. Joseph Nevels* 1/6/93

STATE OF CALIFORNIA)

: SS.

COUNTY OF LOS ANGELES)

BEAUFORT COUNTY TAX MAP REFERENCE

Dist	Map	Submap	Parcel	Block
100	24		16	

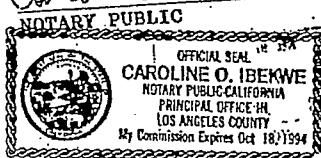
17A

059

On 1-7, 1993, before me, the undersigned, a Notary Public in and for said County and State, personally appeared IDA M. SINGLETON, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

WITNESS my hand and official seal.

Caroline O. Ihekwe



*notary witness
Roger Hachua*

WITNESS

Cornel Wacton

WITNESS

EXHIBIT "A"

Parcel 1:

All that certain tract of land in the Laurel Bay Section of Beaufort County containing 7.52 acres, more or less, and being all of Lot 53, Section 29 TWP 1N2W save and excepting 2.48 acres, the southwestern portion of said lot, which has been previously conveyed. This 7.52 acre parcel is shown on a plat prepared by George A. Z. Johnson, Jr., Inc., Land Surveyors for the Estate of Andrew Murray dated December 1, 1988.

Parcel 2:

All that certain tract of land in the Laurel Bay Section of Beaufort County containing 4.68 acres, more or less, and being the eastern portion of Lot 55, Section 29, TWP 1N2W. This 4.68 acre parcel is shown on a plat prepared by George A. Z. Johnson, Jr., Inc., Land Surveyors for the Estate of Andrew Murray dated December 1, 1988. Together with an easement for ingress and egress 20 ft. in width along the northern boundary of the western portion of Lot 55, Section 29, to provide access to the public road known as Bridge Road.

Parcel 1 is a portion of the tract acquired by Andrew Murray by Deed from N. Christianson and Frederick H. Christianson dated October 5, 1910, and recorded in Deed Book 31, at Page 95 in the records of Beaufort County, SC. Parcel 2 is a portion of the tract acquired by Andrew Murray by Deed from N. Christianson, dated October 7, 1902, and recorded in Deed Book 24, at Page 500 in the records of Beaufort County, SC.

30

93 FEB 14 AM 11:26

93 FEB -1 AM 11:29

I. M. Singleton

FILED AT	BEAUFORT COUNTY S.C.	RECORDED
11:29	FEB 1 1993	618
U.S. MARSHAL		PAGE
A		28

7 Nov 8/MLC

REGISTER OF THESE CONVEYANCES

RECORDED THIS 18th DAY
OF February 1993
IN BOOK 3 PAGE 84
FEES \$

Walter H. Gray
CLERK, BEAUFORT COUNTY, S.C.

602 p 1413

1002 19967

THE STATE OF SOUTH CAROLINA,

1413

TO ALL TO WHOM THESE PRESENTS SHALL COME OR BE MADE KNOWN:
 Or whom the same may in anywise concern, I, Thomas Kemmerlin, Jr., Master in Equity
 in the said State—SEND GREETING:

of the County of Beaufort
 WHEREAS,

on or about the 2nd day of November in the year one thousand
 nine hundred and eighty-eight did exhibit a Summons and Complaint
 in the County of Beaufort
 and State aforesaid seeking to quiet the title and partition the parcels of land hereinafter
 described.

BEAUFORT COUNTY TAX MAP REFERENCE

Dist	Map	Submap	Parcel	...	...
100	24		16+17A		

And the Cause, being at issue before the Honorable the Court aforesaid, came on to be heard on the 2nd
 day of March and the 11th day of December one thousand nine hundred and
 eighty-nine when the said Court, after a full hearing thereof, and mature
 deliberation in the Premises, Did Order, Adjudge and Decree that the real property
 hereinafter

mentioned and described, should be sold at public auction by the Master in Equity at the Courthouse
 for Beaufort County (where property is situated) on the terms and for the purposes mentioned in
 said Decretal Order, as by reference thereto,

on file in the said Court, will appear; and the said Master in Equity after having duly advertised the
 said real property hereinafter described for sale by Public outcry,
 on the 5th day August in the year of our Lord one thousand nine
 hundred and ninety-one, DID then, openly and publicly, and according to the
 custom of auction, sell and dispose of the said property

below described, unto Ida M. Singleton

for One Thousand (\$1,000.00) and No/100 Dollars, she
 being, at that price, the highest bidder for the same.

Address of Grantee, Ida M. Singleton is: 5402 Onacrest Drive (95)
 Los Angeles, CA 90043

NOW, KNOW ALL MEN, That I, the said Thomas Kemmerlin, Jr., Master in Equity
in consideration of the premises, and also in consideration of
the sum of One Thousand (\$1,000.00) and No/100 Dollars
paid me by the said Ida M. Singleton, the receipt whereof is
hereby acknowledged, HAVE granted, bargained, sold and released, and by these Presents, DO grant, bargain,
sell and release unto the said Ida M. Singleton, her
Heirs and Assigns,

PARCEL 1:

All that certain tract of land in the Laurel Bay Section of Beaufort County
containing 7.52 acres, more or less, and being all of Lot 53, Section 29 TWP 1N2W
save and excepting 2.48 acres, the southwestern portion of said lot, which has
been previously conveyed. This 7.52 acre parcel is shown on a plat prepared by
George A. Z. Johnson, Jr., Inc., Land Surveyors for the Estate of Andrew Murray
dated December 1, 1988.

PARCEL 2:

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containing 4.68 acres, more or less, and being the eastern portion of Lot 55,
Section 29, TWP 1N2W. This 4.68 acre parcel is shown on a plat prepared by
George A. Z. Johnson, Jr., Inc., Land Surveyors for the Estate of Andrew Murray
dated December 1, 1988. Together with an easement for ingress and egress 20 ft.
in width along the northern boundary of the western portion of Lot 55, Section 29,
to provide access to the public road known as Bridge Road.

Parcel 1 is a portion of the tract acquired by Andrew Murray by Deed from
N. Christianson and Frederick H. Christianson dated October 5, 1910, and
recorded in Deed Book 31, at Page 95 in the records of Beaufort County, SC.
Parcel 2 is a portion of the tract acquired by Andrew Murray by Deed from
N. Christianson, dated October 7, 1902, and recorded in Deed Book 24, at Page
500 in the records of Beaufort County, SC

This Deed prepared by W. Brantley Harvey, Jr., Esq. of the law firm of Harvey &
Battey, P.A., 1001 Craven Street, Beaufort, SC 29902.

TOGETHER with all and singular the rights, members, hereditaments and appurtenances whatsoever,
to the said premises
belonging, or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof; and
also all the estate, right, title, interest, dower, possession, property, benefit, claim and demand whatsoever, both
at law and in equity, of the said real property
and of all the parties to the said suit and of all other persons rightfully claiming or to claim the same, or any
part thereof, by, from or under them, or either of them.

1415

TO HAVE AND TO HOLD, the said real property herein described
with its hereditaments, privileges and appurtenances unto the said Ida M. Singleton, her
Heirs and Assigns forever.

IN WITNESS WHEREOF, I, the said Thomas Kemmerlin, Jr., Master in Equity
under and by virtue of the said Decree, have hereunto set my Hand and Seal
at Beaufort this 9th day of July
in the year of our Lord one thousand nine hundred and ninety-two
and in the one hundred and sixteenth
Sovereignty and Independence of the United States of America.

Sealed and Delivered in
Presence of

W. Brantley Harvey, Jr.
James B. McDonald

Thomas Kemmerlin, Jr., Master in Equity

THE STATE OF SOUTH CAROLINA,
COUNTY,

BEAUFORT

PERSONALLY before me

W. Brantley Harvey, Jr.

and made oath that he saw the
act and deed,

came

within named Thomas Kemmerlin, Jr., Master in Equity, sign, seal, and as

deliver the within written Deed; and that he, with

James B. McDonald
witnessed the execution thereof.

SWORN to before me, this 9

19 92

day of July

James B. McDonald
Notary Public, State of South Carolina

W. Brantley Harvey, Jr.

My Commission Expires: 9/29/92

HARVEY & BATTEY, P.A.
1001 Craven St.
Beaufort, SC 29902

WBHjr.
12967

State of South Carolina,

RECEIVED
THERESA A. GOULD
R.M.C.
BEAUFORT COUNTY, SC
92 JUL -9 PM 12:28

TO

IDA M. SINGLETON

Singleton
TITLE TO REAL ESTATE

Filed 9 day
of July A. D. 1992
at 12:28 o'clock P M.,
and recorded in Book 602

Page 1413 Fee, \$
Theresa A. Gould Mill
R. M. C. or Clerk Court C. P. & G. S.

Beaufort County, S. C.
Recorded this 3 day

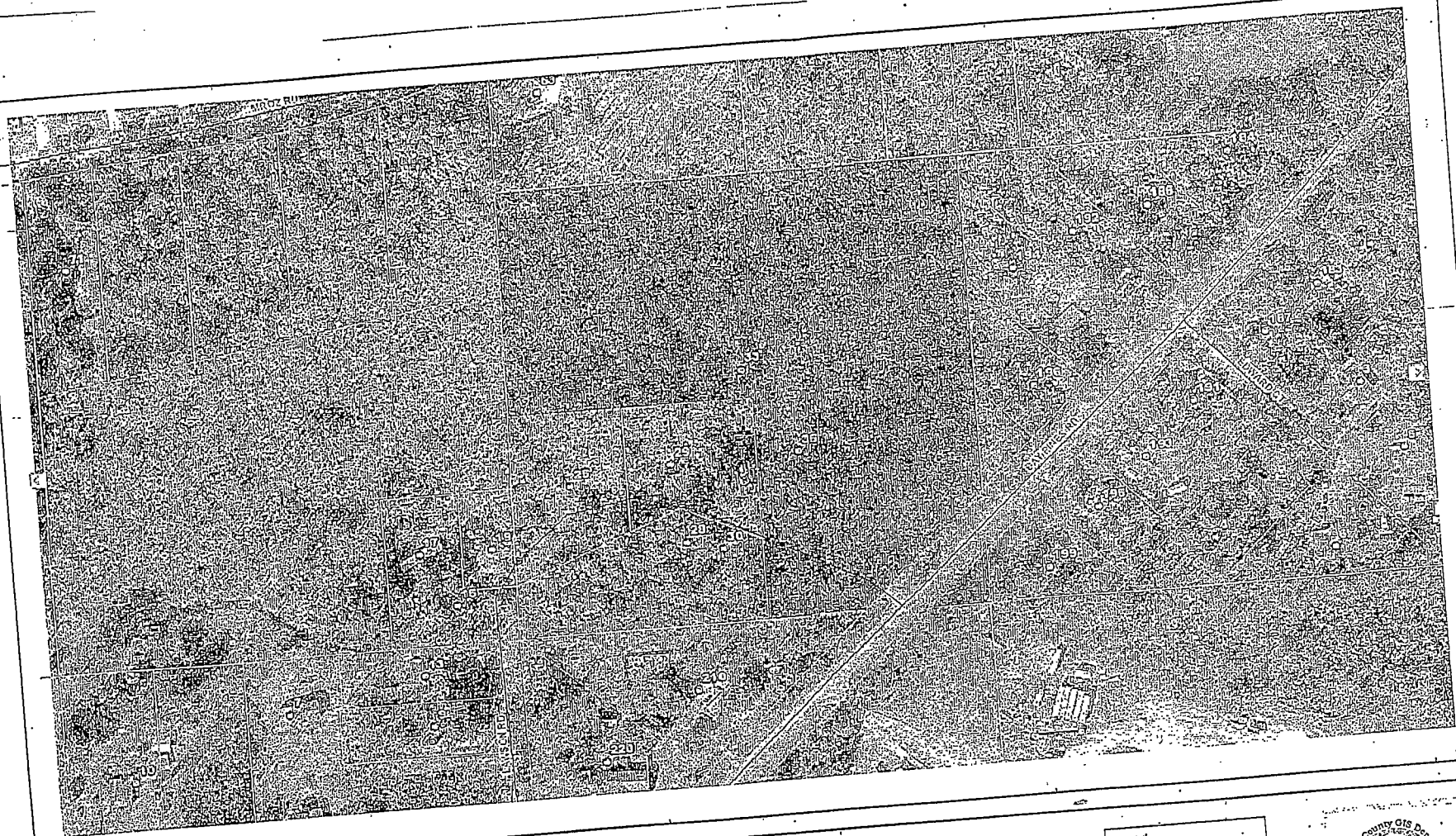
of August 1992
in Book 4 Page 526

Fee, \$

May A. Gray
Auditor Beaufort County, S. C.

STAPLER, TAYNE & CORWELL CO.
CHARLOTTE, N.C.

1416



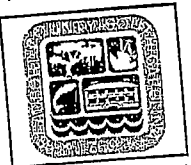
BEAUFORT COUNTY GIS WEB SITE/DATA USE POLICY

The information contained on this web site is made available to the public as a service of the Beaufort County GIS Department. This data is intended for general reference purposes only. Although the Beaufort County GIS Department strives to maintain/obtain the most accurate data possible, some errors and inconsistencies may still exist within the maps and data contained on this site.

Therefore, Beaufort County makes this service, as well as all the data and information pertaining to this service, available to the public AS IS WITHOUT WARRANTY OF ANY KIND. It is the responsibility of the users of this data to contact the necessary public entity for verification of the information obtained from this site.

Legend

County Outline	State Hwy
Address Points	US Hwy
Streets	Interstate
Canal	Water
Parcels	
Traffic Camera	
Satellite Layer	



Printed: May 12, 2011

March 2006

I Bruce Miller (Brewster's Repair) am collecting names of individuals that can testify that I have had a business at 33 Lawson Road Beaufort S.C. 29906. My business has consisted of auto salvage, auto repair and welding. The following people will also confirm the fact that I have had my business at this location for 20 plus years.

Name Of Owner Printed Bruce A Miller

Name Of Owner Signed Bruce A. Miller

Name Of Witness Printed GARY BRIGHT CARQUEST AUTO PARTS
B+T AUTOMACHINE

Name Of Witness Signed [Signature]

Notary Name Printed Jeff Hraban

Name of Notary Signed [Signature]

March 2006

I Bruce Miller (Brewster's Repair) am collecting names of individuals that can testify that I have had a business at 33 Lawson Road Beaufort S.C. 29906. My business has consisted of auto salvage, auto repair and welding. The following people will also confirm the fact that I have had my business at this location for 20 plus years.

Name Of Owner Printed Bruce A Miller

Name Of Owner Signed Bruce A. Miller

Name Of Witness Printed Henry Mitchell next door

Name Of Witness Signed Henry Mitchell

Notary Name Printed Jeff Graham

Name of Notary Signed Jeff Graham
Henry Mitchell

March 2006

I Bruce Miller (Brewster's Repair) am collecting names of individuals that can testify that I have had a business at 33 Lawson Road Beaufort S.C. 29906. My business has consisted of auto salvage, auto repair and welding. The following people will also confirm the fact that I have had my business at this location for 20 plus years.

Name Of Owner Printed Bruce A Miller

Name Of Owner Signed Bruce A. Miller

Name Of Witness Printed DAVID WOODRUFF

Name Of Witness Signed David Woodruff

Notary Name Printed Jeffrey A. Kraban

Name of Notary Signed Jeffrey A. Kraban

March 2006

I Bruce Miller (Brewer's Repair) am collecting names of individuals that can testify that I have had a business at 33 Lawson Road Beaufort S.C. 29906. My business has consisted of auto salvage, auto repair and welding. The following people will also confirm the fact that I have had my business at this location for 20 plus years.

Name Of Owner Printed Bruce A. Miller

Name Of Owner Signed Bruce A. Miller

Name Of Witness Printed ANGELA C. HARRAN - STOKES mITSUBISHI

Name Of Witness Signed Angela C. Harran

Notary Name Printed David Norman

DAVID P. NORMAN
NOTARY PUBLIC SOUTH CAROLINA
MY COMMISSION EXPIRES: 03/24/10

Name of Notary Signed David Norman

March 2006

I Bruce Miller (Brewer's Repair) am collecting names of individuals that can testify that I have had a business at 33 Lawson Road Beaufort S.C. 29906. My business has consisted of auto salvage, auto repair and welding. The following people will also confirm the fact that I have had my business at this location for 20 plus years.

Name Of Owner Printed Bruce A Miller

Name Of Owner Signed Bruce A. Miller

Name Of Witness Printed JOE FRIEDMAN TRANSMISSION PHYSICIAN

Name Of Witness Signed [Signature]

Notary Name Printed Jeff A. Traban

Name of Notary Signed [Signature]

March 2006

I Bruce Miller (Brewster's Repair) am collecting names of individuals that can testify that I have had a business at 33 Lawson Road Beaufort S.C. 29906. My business has consisted of auto salvage, auto repair and welding. The following people will also confirm the fact that I have had my business at this location for 20 plus years.

Name Of Owner Printed Bruce A Miller

Name Of Owner Signed Bruce A. Miller

Name Of Witness Printed Tina Nelson (CarQuest)

Name Of Witness Signed Tina Nelson

Notary Name Printed Jeff Hraban

Name of Notary Signed Jeff Hraban

March 2006

I Bruce Miller (Brewster's Repair) am collecting names of individuals that can testify that I have had a business at 33 Lawson Road Beaufort S.C. 29906. My business has consisted of auto salvage, auto repair and welding. The following people will also confirm the fact that I have had my business at this location for 20 plus years.

Name Of Owner Printed Bruce A Miller

Name Of Owner Signed Bruce A. Miller

Name Of Witness Printed DAVID W. Edmonds (Advanco Auto Paint)

Name Of Witness Signed David W. Edmonds

Notary Name Printed Jeffrey Attkaban

Name of Notary Signed Jeffrey Attkaban

March 2006

I Bruce Miller (Brewster's Repair) am collecting names of individuals that can testify that I have had a business at 33 Lawson Road Beaufort S.C. 29906. My business has consisted of auto salvage, auto repair and welding. The following people will also confirm the fact that I have had my business at this location for 20 plus years.

Name Of Owner Printed Bruce A Miller

Name Of Owner Signed Bruce A. Miller

Name Of Witness Printed Dwaine Lockhart (Barnard. Tice)

Name Of Witness Signed Dwaine Lockhart

Notary Name Printed Jeff Hrabap

Name of Notary Signed Jeff Hrabap

March 2006

I Bruce Miller (Brewer's Repair) am collecting names of individuals that can testify that I have had a business at 33 Lawson Road Beaufort S.C. 29906. My business has consisted of auto salvage, auto repair and welding. The following people will also confirm the fact that I have had my business at this location for 20 plus years.

Name Of Owner Printed Bruce A Miller

Name Of Owner Signed Bruce A Miller

Name Of Witness Printed Ronald H. Bernard

BARNARD
TIRE CO.

Name Of Witness Signed

Notary Name Printed Jeff Houban

Name of Notary Signed

Jeff Houban

LAW OFFICES

MOSS, KUHN & FLEMING, P.A.

JAMES H. MOSS
H. FRED KUHN, JR.
CORY H. FLEMING*

KIMBERLY L. SMITH
EVE M. FLEMING

*ALSO MEMBER OF GA BAR

1501 North Street P.O. Drawer 507 ~ Beaufort, South Carolina 29901-0507
TELEPHONE 843-524-3373
FAX 843-524-1302

May 13, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ms. Ida M. Singleton
5402 Onacrest Drive
Los Angeles, California 90043

Re: Bruce Miller v. Columbia Forest, Inc., Forest Hatch and Ida M. Singleton
Case Number: 2011-CP-07-2148

Dear Ms. Singleton:

Enclosed please find a Summons and Complaint and Order and Rule to Show Cause in the above-captioned matter, which we hereby serve upon you.

With kindest regards, I am

Very truly yours,

MOSS, KUHN & FLEMING, P.A.

James H. Moss

JHM/jc

Enclosure

7007 2560 0000 6574 7752

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	Postmark Here 5/13/11
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To <u>Ms. Ida M. Singleton</u>	
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	
PS Form 3800, August 2005 See Reverse for Instructions	

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

BRUCE MILLER,)

Plaintiff,)

v.)

COLUMBIA FOREST, INC.,)
FOREST HATCH AND IDA M.)
SINGLETON,)

Defendants.)

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2011-CP-07-2148

CERTIFICATE OF SERVICE

2011 MAY 19 PM 3:51
JENNIFER ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

This is to certify that I sent by Certified Mail, Return Receipt Requested on May 13, 2011 the Summons and Complaint in the above captioned matter to:

Ms. Ida M. Singleton
5402 Onacrest Drive
Los Angeles, California 90043

by placing a copy of same in the United States Mail with sufficient postage affixed thereon.

The Certified Mail, Return Receipt Requested Card is attached which was signed for on May 16, 2011.


JoAnne Crawford

Beaufort, South Carolina
May 19, 2011

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

BRUCE MILLER,)

Plaintiff,)

v.)

COLUMBIA FOREST, INC.,)
FOREST HATCH AND IDA M.)
SINGLETON,)

Defendants.)

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2011-CP-07-2148

CERTIFIED MAIL - RETURN RECEIPT
REQUESTED CARD

Re: Miller

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. - Print your name and address on the reverse so that we can return the card to you. - Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☐ Agent ☒ Addressee <i>Ida M. Singleton</i>	
1. Article Addressed to:		B. Received by (Printed Name)	
<i>Ms. Ida M. Singleton</i>		<i>Ida M. Singleton</i>	
<i>5402 Onacrest Dr</i>		C. Date of Delivery	
<i>Los Angeles, CA</i>		<i>5/16/11</i>	
<i>90043</i>		D. Is delivery address different from item 1? ☐ Yes ☒ No	
		If YES, enter delivery address below:	
2. Article Number		3. Service Type	
(Transfer from service label)		☒ Certified Mail ☐ Express Mail	
		☐ Registered ☐ Return Receipt for Merchandise	
		☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☒ Yes	
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	
		7007 2560 0000 6574 7752	

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)
BRUCE MILLER,)
Plaintiff,)
v.)
COLUMBIA FOREST, INC.,)
FOREST HATCH AND IDA M.)
SINGLETON,)
Defendants.)

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2011-CP-07-2148

11 JUN 27 PM 4:08
JEREMY ANN ROSENEAU
CLERK OF COURT S.C.

AFFIDAVIT OF DEFAULT

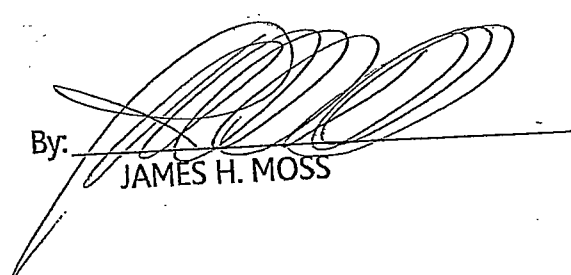
I, JAMES H. MOSS, Attorney at Law for the County of Beaufort, State of South Carolina, do hereby certify that a Summons and Complaint in the above entitled matter was served on the Defendant, Columbia Forest, Inc., via Certified Mail, Return Receipt Requested, on its Registered Agent, Corporation Service Company, on May 16, 2011, and that more than thirty (30) days have elapsed since the service of said Summons and Complaint, and that, although Bentley D. Price, Esquire appeared on behalf of this Defendant, no Answer has been filed on behalf of Defendant, Columbia Forest, Inc., and the said Defendant is, therefore, in default herein. A copy of the Summons and Complaint was also sent via facsimile transfer to the Registered Agent on May 13, 2011.

I also certify that a Summons and Complaint in the above entitled matter was served on the Defendant, Forest Hatch, by personal service to him, on May 12, 2011, and that more than thirty (30) days have elapsed since the service of said Summons and Complaint, and that, although Bentley D. Price, Esquire appeared on behalf of this Defendant, no Answer

has been filed on behalf of Defendant, Forest Hatch, and the said Defendant is, therefore, in default herein.

I also certify that a Summons and Complaint in the above entitled matter was served on the Defendant, Ida M. Singleton, via certified mail, return receipt requested, on May 16, 2011, and that more than thirty (30) days have elapsed since the service of said Summons and Complaint, and that the Defendant, Ida M. Singleton, has failed and refused to give Notice of Appearance or Answer, and the said Defendant is, therefore, in default herein.

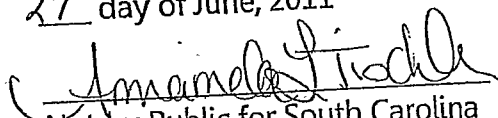
MOSS, KUHN & FLEMING, P.A.

By: 

JAMES H. MOSS

Beaufort, South Carolina
June 27, 2011.

SWORN to before me this
27 day of June, 2011


Notary Public for South Carolina
My Commission Expires:

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

BRUCE MILLER,)

Plaintiff,)

v.)

COLUMBIA FOREST, INC.,)
FOREST HATCH AND IDA M.)
SINGLETON,)

Defendants.)

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2011-CP-07-2148

CERTIFICATE OF SERVICE

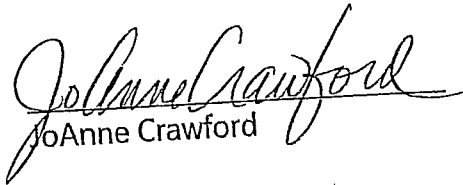
11 MAY 17 PM 3:43
JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

This is to certify that I sent by Certified Mail, Return Receipt Requested on May 13, 2011 the Summons and Complaint in the above captioned matter to:

Corporation Service Company
Registered Agent for
Columbia Forest, Inc.
1703 Laurel Street
Columbia, South Carolina 29201

by placing a copy of same in the United States Mail with sufficient postage affixed thereon.

The Certified Mail, Return Receipt Requested Card is attached which was signed for on May 16, 2011.


JoAnne Crawford

Beaufort, South Carolina
May 17, 2011

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

BRUCE MILLER,)

Plaintiff,)

v.)

COLUMBIA FOREST, INC.,)
FOREST HATCH AND IDA M.)
SINGLETON,)

Defendants.)

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2011-CP-07-2148

CERTIFIED MAIL - RETURN RECEIPT
REQUESTED CARD

11 MAY 17 PM 3:43
JEROME H. ROSENEAU
BEAUFORT COUNTY S.C.
CLERK OF COURT

Re: Miller

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. - Print your name and address on the reverse so that we can return the card to you. - Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X <i>M. Reid</i>	☒ Agent ☐ Addressee
1. Article Addressed to: <i>Corporation Service Co. Registered Agent for Columbia Forest, Inc. 1703 Laurel St. Columbia, SC 29201</i>		B. Received by (Printed Name) <i>M. Reid</i>	C. Date of Delivery <i>5/16/11</i>
		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No	
2. Article Number (Transfer from service label)		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
PS Form 3811, February 2004		4. Restricted Delivery? (Extra Fee) ☒ Yes	
Domestic Return Receipt		7007 2560 0000 6574 7622	
		102595-02-M-1540	

* * * Communication Result Report (May. 13. 2011 10:06AM) * * *

2}

Date/Time: May. 13: 2011 9:51AM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
5482 Memory TX	13026365454	P. 37	OK	

*faxed to
Registered Agent*

Reason for error
E. 1) Hang up or line fall
E. 3) No answer
E. 5) Exceeded max. E-mail size

E. 2) Busy
E. 4) No facsimile connection

LAW OFFICES
MOSS, KUHN & FLEMING, P.A.

JAMES H. MOSS
H. FRED KUHN, JR.
CORY H. FLEMING

150 North Street P.O. Drawer 507 - Beaufort, South Carolina 29901-0507
TELEPHONE 843-524-3373
FAX 843-524-1302

KIMBERLY L. SMITH
EVE M. FLEMING

May 13, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

VIA FACSIMILE TRANSFER
1-302-636-5454

Corporation Service Company
Registered Agent for
Columbia Forest, Inc.
1703 Laurel Street
Columbia, South Carolina 29201

Re: Bruce Miller v. Columbia Forest, Inc., Forest Hatch and Ida M. Singleton
Case Number: 2011-CP-07-2148

Gentlemen:

Enclosed please find a Summons and Complaint and Order and Rule to Show Cause in the above-captioned matter, which we hereby serve upon you as the Registered Agent for Columbia Forest, Inc.

With kindest regards, I am

Very truly yours,

MOSS, KUHN & FLEMING, P.A.

James H. Moss

JHM/jc

Enclosure

077

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

Bruce Miller

Plaintiff,

v.

Columbia Crest, Inc

Forest Hatch, IDA

M. Singleton

Defendant.

IN THE COURT OF:

- ☒ COMMON PLEAS
☐ GENERAL SESSIONS
☐ MAGISTRATE'S COURT
☐ U.S. DISTRICT COURT
☐ FAMILY COURT
☐ WORKER'S COMPENSATION

CASE NO.: 11-CP-07-2148

AFFIDAVIT OF SERVICE

PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED, WHO BEING DULY SWORN, STATES THAT HE SERVED:

- ☒ SUMMONS AND COMPLAINT
☐ AMENDED SUMMONS AND COMPLAINT
☒ RULE TO SHOW CAUSE
☐ SUBPOENA
☒ ORDER Rule to Show Cause
☐ ORDER OF DEFAULT
☐ OTHER

IN THIS ACTION ON, Forest Hatch, BY

☒ PERSONAL DELIVERY TO HIM/HER

☐ REGISTERED AGENT FOR _____, A PERSON OF DISCRETION RESIDING IN THE SAME RESIDENCE AND PRESENT IN SUCH RESIDENCE AT THE TIME OF SERVICE;

AND LEAVING WITH HIM/HER COPIES OF THE SAME AT 33 Lism Lane Beaufort SC ON THE 12 DAY OF May, 2011 AT 4:50 P M., AND THAT DEPONENT IS NOT A PARTY TO THIS ACTION.

SWORN to and subscribed before me this 13th day of May, 2011.

Dan King
Notary Public for South Carolina

My Commission Expires: 7/20/17

[Signature]
SIGNATURE OF PROCESS SERVER

2011 MAY 13 AM 11:10
JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

BRUCE MILLER,)

Plaintiff,)

v.)

COLUMBIA FOREST, INC.,)

FOREST HATCH AND IDA M.)

SINGLETON,)

Defendants.)

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2011-CP-07-2148

CERTIFICATE OF SERVICE

2011 MAY 19 PM 3:51
J. ANN ROSEMEAU
BEAUFORT COUNTY S.C.
CLERK OF COURT

This is to certify that I sent by Certified Mail, Return Receipt Requested on May 13,
2011 the Summons and Complaint in the above captioned matter to:

Ms. Ida M. Singleton
5402 Onacrest Drive
Los Angeles, California 90043

by placing a copy of same in the United States Mail with sufficient postage affixed thereon.

The Certified Mail, Return Receipt Requested Card is attached which was signed for on
May 16, 2011.


JoAnne Crawford

Beaufort, South Carolina
May 19, 2011

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

BRUCE MILLER,)

Plaintiff,)

v.)

COLUMBIA FOREST, INC.,)

FOREST HATCH AND IDA M.)

SINGLETON,)

Defendants.)

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2011-CP-07-2148

CERTIFIED MAIL - RETURN RECEIPT
REQUESTED CARD

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		<i>Re: Miller</i> A. Signature ☐ Agent ☒ Addressee B. Received by (Printed Name) <i>Ida M. Singleton</i> C. Date of Delivery <i>5/16/11</i> D. Is delivery address different from item 1? ☐ Yes ☒ No If YES, enter delivery address below: 3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☒ Yes	
1. Article Addressed to: <i>Ms. Ida M. Singleton</i> <i>5402 Onacrest Dr</i> <i>Los Angeles, CA</i> <i>90043</i>			
2. Article Number (Transfer from service label)		7007 2560 0000 6574 7752	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

LAW OFFICES

MOSS, KUHN & FLEMING, P.A.

JAMES H. MOSS
H. FRED KUHN, JR.
CORY H. FLEMING*

KIMBERLY L. SMITH
EVE M. FLEMING

*ALSO MEMBER OF GA BAR

1501 North Street P.O. Drawer 507 ~ Beaufort, South Carolina 29901-0507
TELEPHONE 843-524-3373
FAX 843-524-1302

July 5, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ms. Ida M. Singleton
5402 Onacrest Drive
Los Angeles, California 90043

Re: Bruce Miller v. Columbia Forest, Inc., Forest Hatch and Ida M. Singleton
Case Number: 2011-CP-07-2148

Dear Ms. Singleton:

Enclosed please find an Order of Default in the above-captioned matter, which we hereby serve upon you. Please note the hearing has been scheduled for August 3, 2011 at 9:00 a.m. before the Honorable Marvin H. Dukes, III, at the Beaufort County Courthouse.

With kindest regards, I am

Very truly yours,

MOSS, KUHN & FLEMING, P.A.

James H. Moss

JHM/jc

Enclosure

7009 0820 0002 3451 3358

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only, No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here 7/5/11	
Sent To Ms. Ida M. Singleton	
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	
PS Form 3800, August 2006 (See reverse for instructions)	

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

BRUCE MILLER,)

Plaintiff,)

v.)

COLUMBIA FOREST, INC.,)

FOREST HATCH AND IDA M.)

SINGLETON,)

Defendants.)

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2011-CP-07-2148

CERTIFICATE OF SERVICE

2011 JUL 14 AM 10:58
JENNIFER A. ROSE
CLERK OF COURT
BEAUFORT COUNTY, S.C.

This is to certify that I sent by Certified Mail, Return Receipt Requested on July 5, 2011 the Order of Default in the above captioned matter to:

Ms. Ida M. Singleton
5402 Onacrest Drive
Los Angeles, California 90043

by placing a copy of same in the United States Mail with sufficient postage affixed thereon.

The Certified Mail, Return Receipt Requested Card is attached which was signed for on July 8, 2011.


JoAnne Crawford

Beaufort, South Carolina
July 14, 2011.

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

BRUCE MILLER,)

Plaintiff,)

v.)

COLUMBIA FOREST, INC.,)

FOREST HATCH AND IDA M.)

SINGLETON,)

Defendants.)

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2011-CP-07-2148

CERTIFIED MAIL - RETURN RECEIPT
REQUESTED CARD

Re: Miller

SENDER COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
☒ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ☒ Print your name and address on the reverse so that we can return the card to you. ☒ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature <i>IDA M. SINGLETON</i> ☐ Agent ☒ Addressee B. Received by (Printed Name) <i>IDA</i> C. Date of Delivery <i>7-8-11</i> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No
1. Article Addressed to: <i>Ms. Ida M. Singleton 5402 Onacrest Dr. Los Angeles, CA 90043</i>	3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☒ Yes
2. Article Number (Transfer from service label)	7009 0820 0002 3451 3358

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

BRUCE MILLER,)

Plaintiff,)

vs)

COLUMBIA FOREST, INC.,)

FOREST HATCH AND IDA M.)

SINGLETON,)

Defendants.)

IN THE COURT OF COMMON PLEAS

CASE NUMBER 2011-CP-07-2148

**NOTICE OF MOTION
AND MOTION**

2011 AUG 17 PM 3:46

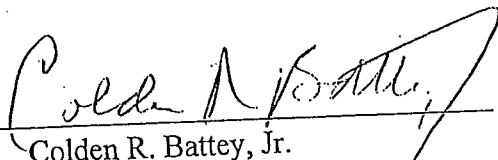
PLEASE TAKE NOTICE that the Defendant Ida M. Singleton will move the Court at such date, time and place set by the Court allowing the Defendant to answer or otherwise plead in this matter.

The Defendant is 93 years of age and received the Summons and Complaint by mail at her home at 5402 Onacrest Drive, Los Angeles, California 90043. This action involves certain trees that were cut on the disputed property. Mrs. Singleton was advised by the tree company that they would file all of the necessary papers for her. When she received notice of a hearing held on August 3, 2011, she traveled from California to attend the hearing and did attend the hearing thinking that a responsive pleading had been filed for her but found that both she and the tree company are in default. She was advised at the hearing that she should seek counsel.

The Complaint, in addition to seeking damages against the other defendants, is a claim for adverse possession of the Defendant's land. The Defendant disputes this claim of adverse possession and asks that she be allowed to file an answer in this matter.

This motion is based on the pleadings and documents filed in this case together with the affidavit of Ida May Singleton which is attached hereto and made a part of this motion.

HARVEY & BATTEY, P.A.

By: 
Colden R. Battey, Jr.
P.O. Box 1107
Beaufort, SC 29901-1107
843-524-3109 (telephone)
843-524-6973 (facsimile)
Attorneys for the Defendant
Ida May Singleton

Beaufort, South Carolina

August 17, 2011

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

AFFIDAVIT OF IDA MAY SINGLETON

I am Ida May Singleton, I am 92 years old and I reside at 5402 Onacrest Drive, Los Angeles, California 90043. I have owned Parcel R100 024 000 0016 0000, having acquired it from Thomas Kemmerlin, Jr. by deed dated November 2, 1988, a copy of which is attached hereto. I conveyed it to The Singleton Family Trust by deed dated January 7, 1993, a copy of which is attached hereto.

I received a Summons and Complaint in this action but I was told by the timber representative that they would answer for me. I understand that they did not and I would ask the Court to allow me to file an answer in this matter.

Ida May Singleton
Ida May Singleton

SWORN to before me this 16th day
of August, 2011.

Paul A. Dally
Notary Public for South Carolina
My Commission Expires: _____

602, 1413

100 19967

THE STATE OF SOUTH CAROLINA,

1413

TO ALL TO WHOM THESE PRESENTS SHALL COME OR BE MADE KNOWN:

Or whom the same may in anywise concern, I, Thomas Kemmerlin, Jr., Master in Equity

in the said State—SEND GREETING:

of the County of Beaufort

WHEREAS,

on or about the 2nd
 nine hundred and eighty-eight
 in the Court of Common Pleas
 and State aforesaid seeking to quiet the title and partition the parcels of land hereinafter
 described.

day of November
 did exhibit a Summons and Complaint
 in the County of Beaufort

in the year one thousand

BEAUFORT COUNTY TAX MAP REFERENCE

* Dist	Map	Submap	Parcel	...	...
100	24		16+17A		

And the Cause, being at issue before the Honorable the Court aforesaid, came on to be heard on the 2nd
 day of March and the 11th day of December one thousand nine hundred and
 eighty-nine when the said Court, after a full hearing thereof, and mature
 deliberation in the Premises, Did Order, Adjudge and Decree that the real property

mentioned and described, should be sold at public auction by the Master in Equity at the Courthouse
 for Beaufort County (where property is situated) *Quincy*, on the terms and for the purposes mentioned in
 said Decretal Order, as by reference thereto,

on file in the said Court, will appear; and the said Master in Equity
 said real property hereinafter described after having duly advertised the
 on the 5th day August for sale by Public outcry,
 hundred and ninety-one in the year of our Lord one thousand nine
 custom of auction, sell and dispose of the said property
 below described, unto Ida M. Singleton

for One Thousand (\$1,000.00) and No/100 Dollars, she
 being, at that price, the highest bidder for the same.

Address of Grantee, Ida M. Singleton is:

5402 Onacrest Drive (95)
 Los Angeles, CA 90043

NOW, KNOW ALL MEN, That I, the said Thomas Kemmerlin, Jr., Master in Equity

in consideration of the premises, and also in consideration of

the sum of One Thousand (\$1,000.00) and No/100 Dollars

paid me by the said: Ida M. Singleton

, the receipt whereof is

hereby acknowledged, HAVE granted, bargained, sold and released, and by these Presents, DO grant, bargain, sell and release unto the said Ida M. Singleton, her

and

Heirs and Assigns,

PARCEL 1:

All that certain tract of land in the Laurel Bay Section of Beaufort County containing 7.52 acres, more or less, and being all of Lot 53, Section 29 TWP 1N2W save and excepting 2.48 acres, the southwestern portion of said lot, which has been previously conveyed. This 7.52 acre parcel is shown on a plat prepared by George A. Z. Johnson, Jr., Inc., Land Surveyors for the Estate of Andrew Murray dated December 1, 1988.

PARCEL 2:

All that certain tract of land in the Laurel Bay Section of Beaufort County containing 4.68 acres, more or less, and being the eastern portion of Lot 55, Section 29, TWP 1N2W. This 4.68 acre parcel is shown on a plat prepared by George A. Z. Johnson, Jr., Inc., Land Surveyors for the Estate of Andrew Murray dated December 1, 1988. Together with an easement for ingress and egress 20 ft. in width along the northern boundary of the western portion of Lot 55, Section 29, to provide access to the public road known as Bridge Road.

Parcel 1 is a portion of the tract acquired by Andrew Murray by Deed from N. Christianson and Frederick M. Christianson dated October 5, 1910, and recorded in Deed Book 31, at Page 95, in the records of Beaufort County, SC. Parcel 2 is a portion of the tract acquired by Andrew Murray by Deed from N. Christianson, dated October 7, 1902, and recorded in Deed Book 24, at Page 500 in the records of Beaufort County, SC

This Deed prepared by W. Brantley Harvey, Jr., Esq. of the law firm of Harvey & Battey, P.A., 1001 Craven Street, Beaufort, SC 29902.

TOGETHER with all and singular the rights, members, hereditaments and appurtenances whatsoever, to the said premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest, dower, possession, property, benefit, claim and demand whatsoever, both at law and in equity, of the said real property and of all the parties to the said suit and of all other persons rightfully claiming or to claim the same, or any part thereof, by, from or under them, or either of them.

1415

TO HAVE AND TO HOLD, the said real property herein described
with its hereditaments, privileges and appurtenances unto the said Ida M. Singleton, her
Heirs and Assigns forever.

IN WITNESS WHEREOF, I, the said Thomas Kemmerlin, Jr., Master in Equity
under and by virtue of the said Decree, have hereunto set my Hand and Seal
at Beaufort this 9th day of July
in the year of our Lord one thousand nine hundred and ninety-two
and in the one hundred and sixteenth year of the
Sovereignty and Independence of the United States of America.

Sealed and Delivered in
Presence of

W. Brantley Harvey, Jr.
James B. McDonald

Thomas Kemmerlin, Jr.
Thomas Kemmerlin, Jr., Master in Equity

THE STATE OF SOUTH CAROLINA,

BEAUFORT

COUNTY,

PERSONALLY before me

W. Brantley Harvey, Jr.

came and made oath that he saw the
within named Thomas Kemmerlin, Jr., Master in Equity, sign, seal, and as his act and deed,
deliver the within written Deed; and that he, with James B. McDonald
witnessed the execution thereof.

SWORN to before me, this 9

day of July

19 92

James B. McDonald
Notary Public, State of South Carolina

W. Brantley Harvey, Jr.

My Commission Expires: 9/29/92

State of South Carolina,

TO

IDA M. SINGLETON

TITLE TO REAL ESTATE

Page 1413 Fee, \$
S. J. Perese, Jr.
 R. M. C. or Clerk Court C. P. & G. S.

But County, S. C.

Recorded this 3rd day

of August, 1942

40 Page 526

in Book _____

Fee, \$ Five & 1/2

Barry, W. T. County S. C.

STANLEY, THOMAS J. CRIMINAL RECORDS
CHICAGO, ILL.

1416

000

618p28

ppc

3255

28

Recording Requested By and
When recorded return to and
MAIL TAX STATEMENTS TO:

IDA M. SINGLETON
5402 ONACREST DR.
LOS ANGELES, CA 90043

QUITCLAIM DEED

The undersigned declare that the documentary transfer tax is -0-.
Exempt: not a sale, transfer to trustees.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby
acknowledged, IDA M. SINGLETON

hereby grants to

IDA MAY SINGLETON, TRUSTEE, 5402 ONACREST DR., LOS ANGELES, CA
90043
THE SINGLETON FAMILY TRUST,
DATED: DECEMBER 2, 1992

the beneficiaries of which is the Grantor, the following described
real property in the County of Beaufort, State of South Carolina:

See EXHIBIT "A" attached hereto.

Assessor's Parcel Number: (100-24-16 & 17A)

THE TRUSTEE AND ANY SUCCESSOR TRUSTEE(S) SHALL HAVE FULL RIGHT TO
SELL OR ENCUMBER THE PROPERTY DESCRIBED HEREIN.

Dated: 1-7, 1993 Ida M. Singleton
IDA M. SINGLETON

This document was prepared by Joseph Nevils, 7427 Crenshaw Blvd.,
Los Angeles, CA 90043. This quitclaim deed was prepared for Ida May
Singleton. P. Joseph Nevils 1/6/93

STATE OF CALIFORNIA)
: ss.
COUNTY OF LOS ANGELES)

BEAUFORT COUNTY TAX MAP REFERENCE

Dist	Map	Submap	Parcel	Block
100	24		16	17A

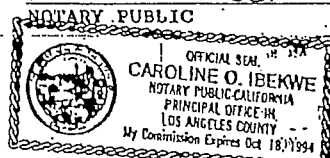
On 1-7-, 1993, before me, the undersigned, a Notary Public in and for said County and State, personally appeared IDA M. SINGLETON, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

WITNESS my hand and official seal.

Caroline O. Ibekwe

notary witness

Roger Hochman



WITNESS

WITNESS

EXHIBIT "A"

Parcel 1:

All that certain tract of land in the Laurel Bay Section of Beaufort County containing 7.52 acres, more or less, and being all of Lot 53, Section 29 TWP 1N2W save and excepting 2.48 acres, the southwestern portion of said lot, which has been previously conveyed. This 7.52 acre parcel is shown on a plat prepared by George A. Z. Johnson, Jr., Inc., Land Surveyors for the Estate of Andrew Murray dated December 1, 1988.

Parcel 2:

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Parcel 1 is a portion of the tract acquired by Andrew Murray by Deed from N. Christianson and Frederick H. Christianson dated October 5, 1910, and recorded in Deed Book 31, at Page 95 in the records of Beaufort County, SC. Parcel 2 is a portion of the tract acquired by Andrew Murray by Deed from N. Christianson, dated October 7, 1902, and recorded in Deed Book 24, at Page 500 in the records of Beaufort County, SC.

93 FEB 11 AM 11:26

93 FEB -1 AM 11:29

30

T. M. Sullivan

FILED AT	DEALERS COUNTY S.C.	RECORDED BY
112A	FEB 1 1993	618
CHECK		PAGE
A		28

W. J. Miller

REGISTER OF DEEDS CONVEYANCES

RECORDED THIS 18 DAY
OF February 1993
IN BOOK 3 PAGE 84
FEES \$ 1.00

Mary A. Gray
DEALERS COUNTY S.C.

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

BRUCE MILLER,)

Plaintiff,)

vs.)

COLUMBIA FOREST, INC.,)
FOREST HATCH AND IDA M.)
SINGLETON)

Defendants.)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO. 2011-CP-07- 2148

CERTIFICATE OF MAILING

2011 AUG 17 PM 3:40
CLERK OF COURT
SOUTH CAROLINA

The undersigned employee of the law firm of Harvey & Battey, P. A. hereby certifies that she placed a true and accurate copy of the Notice of Motion and Motion in the United States Mail, postage prepaid, on the 17th day of August, 2011, addressed to the following attorney for the Plaintiff:

James H. Moss, Esquire
Moss, Kuhn & Fleming, P.A.
P.O. Drawer 507
Beaufort, SC 29901-0507


Dianne B. Deer
Assistant to Colden R. Battey, Jr.
Attorney for the Plaintiff

Beaufort, South Carolina

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF BEAUFORT)

2011 OCT 28 PM 3:29

CASE NUMBER 2011-CP-07-2148

BRUCE MILLER,

JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

Plaintiff,

vs

**ANSWER OF THE DEFENDANT
IDA M. SINGLETON**

COLUMBIA FOREST, INC.,
FOREST HATCH AND IDA M.
SINGLETON,

Defendants.

The Defendant, Ida M. Singleton, answering the Complaint of the Plaintiff herein states:

1. She denies each and every allegation of the Complaint not hereinafter specifically admitted.
2. Paragraph 1 of the Complaint is admitted.
3. The Defendant, Ida M. Singleton, does not have sufficient knowledge or information to form a belief as to the allegations of paragraph 2 and therefore denies the allegations of paragraph 2.
4. Paragraph 3 of the Complaint is denied.
5. The Defendant, Ida M. Singleton, admits so much of paragraph 4 that alleges that she is the record owner of the property which is the subject of this action and that the said property is located in Beaufort County, South Carolina.
6. The Defendant, Ida M. Singleton, does not have sufficient knowledge or information to form a belief as to the allegations of paragraphs 5, 6 and 7 of the Complaint and therefore denies the same and demands proof of the said allegations.

7. Answering paragraph 8 of the Complaint, the Defendant, Ida M. Singleton, alleges that a quiet title action #88-CP-07-1900 was brought by Ferris Singleton against Bruce Miller, et al. That as a result of this action, title to 2.48 acres was confirmed in Bruce Miller as a Grantee from Isaac Thompson. The remaining parcels of land were ordered by Thomas W. Kemmerlin, Jr. to be sold at public auction. By deed dated July 9, 1992, and recorded in Deed Book 602 at page 1413, Thomas Kemmerlin, Jr., as Master-in-Equity for Beaufort County, conveyed to the Defendant, Ida M. Singleton 7.52 acres of land, a portion of which is the subject of this action. That by deed dated January 7, 1993, Ida M. Singleton conveyed the property to Ida M. Singleton, Trustee of the Singleton Family Trust, which is the current owner of the 7.52 acres. The Defendant denies the remaining allegations of paragraph 8 of the Complaint.

8. Paragraphs 9 and 10 of the Complaint are denied.

9. The Defendant, Ida M. Singleton, does not have sufficient knowledge or information to form a belief as to the allegations of paragraph 11 and therefore denies the same.

10. Paragraphs 12 and 13, the remaining paragraphs of the First Cause of Action, are denied.

11. That the Defendant, Ida M. Singleton, does not have sufficient knowledge or information to form a belief as to the allegations of Paragraphs 14, 15, 16 and 17 and therefore denies the same.

FOR A SECOND DEFENSE

12. Paragraphs 1 through 11 are realleged as if fully written.

13. As a result of Complaints filed by members of the general public and an investigation by the Beaufort County Codes Enforcement Department, a citation was issued to

the Plaintiff, Bruce Miller, of a zoning violation and requiring him to meet with the office of Zoning and Development Administration for Beaufort County on March 2, 2006.

14. That during the investigation on February 13, 2006, the Plaintiff, Bruce Miller, advised the inspecting official that he had a verbal agreement with the Defendant, Ida M. Singleton, to use portions of her property for temporary storage.

15. That no adverse possession of property is effective unless the possession is hostile. Permissive entry is not hostile and therefore there can be no adverse possession.

FOR A THIRD DEFENSE

16. Paragraphs 1 through 15 are realleged as if fully written.

17. As a result of a meeting between the Plaintiff, Bruce Miller, and Hillary Austin, the Administrator of Zoning and Development for Beaufort County, held on March 2, 2006, Ms. Austin found that the Plaintiff's use of his property was grandfathered and approved his current use of the property as a Non-Conforming Grandfathered use with the following conditions:

1. Property shall be screened with a privacy fence.
2. Vehicles must be removed from the adjacent property of Defendant, Ida M.

Singleton.

3. Property shall be cleared of all debris not associated with the premises.

18. Upon reinspection of the property held on June 12, 2006, it was found that the conditions of the permit had not been met in that the property had not been screened with a privacy fence and that vehicles were still being stored on adjacent property owned by Ida M. Singleton, Trustee for the Singleton Family Trust. He was issued a citation for these violations and ordered to appear in court on June 29, 2006.

19. On June 29, 2006, the Plaintiff, Bruce Miller, was found guilty on all counts, including storing vehicles on property of Defendant, Ida M. Singleton and paid a fine of \$650.00. He was again ordered to erect a privacy fence and to remove all vehicles from the adjoining property of the Singleton Family Trust.

20. On June 24, 2009, the property was again inspected and citation #1312 was issued for violation of his zoning permit and he was ordered to appear in court on June 29, 2009.

21. On June 29, 2009, the Plaintiff, Bruce Miller, appeared in court and pled guilty to all counts. He assured the court that he had complied with the zoning permit requirements and that he had removed the cars from the Singleton property. Accordingly, his fine was reduced to \$55.00.

22. That having been ordered by the Magistrate's Court of Beaufort County on two occasions to remove automobiles from the Defendant Singleton's property and having advised the court that he had removed the automobiles, the Plaintiff, Bruce Miller, now claims that his violations of the Court's Order give rise to a claim of adverse possession.

FOR A FOURTH DEFENSE

23. Paragraphs 1 through 22 are realleged as if fully written.

24. That the Plaintiff, Bruce Miller, has sold automobiles that had been stored on the Defendant's property and has continued to add automobiles to the Defendant's property over the years and therefore it is impossible to determine what, if any, automobiles have been on the Defendant's property for a period of ten years.

25. That automobiles have been moved as they are sold for scrap and there is no showing that any automobiles have been in the same location on the Defendant Singleton's land

in their current location for a period in excess of ten years.

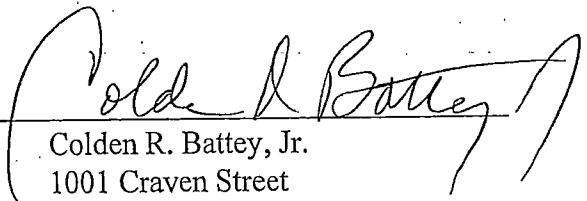
26. That a plat or map purporting to show the current location of the automobiles is no evidence of the automobiles having been in that location for the past ten years.

WHEREFORE, having fully answered the Complaint of the Plaintiff herein, the Defendant prays:

- 1) That the prayer of the Complaint as to the Defendant, Ida M. Singleton and Ida M. Singleton as Trustee of the Singleton Family Trust be dismissed;
- 2) That the Plaintiff, Bruce Miller, be ordered by this Court to remove all vehicles from the Defendant Singleton's property within a reasonable time to be determined by the court;
- 3) For such other and further relief as this Court would deem just and proper.

HARVEY & BATTEY, P.A.

By:


Colden R. Battey, Jr.
1001 Craven Street
P.O. Box 1107
Beaufort, SC 29901-1107
843-524-3109 (telephone)
843-524-6973 (facsimile)
Attorneys for the Defendant
Ida M. Singleton

Beaufort, South Carolina

Oct 27, 2011

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

BRUCE MILLER,

Plaintiff,

vs.

COLUMBIA FOREST, INC.,
FOREST HATCH AND IDA M.
SINGLETON

Defendants.

IN THE COURT OF COMMON PLEAS

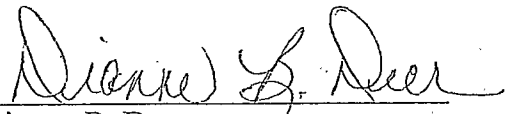
2011 OCT 28 PM 3:29
CIVIL ACTION NO. 2011-CP-07-2148

JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

CERTIFICATE OF MAILING

The undersigned employee of the law firm of Harvey & Battey, P. A. hereby certifies that she placed a true and accurate copy of the Answer of Defendant Ida M. Singleton in the United States Mail, postage prepaid, on the 27th day of October, 2011, addressed to the following attorney for the Plaintiff:

James H. Moss, Esquire
Moss, Kuhn & Fleming, P.A.
P.O. Drawer 507
Beaufort, SC 29901-0507



Dianne B. Deer
Assistant to Colden R. Battey, Jr.
Attorney for the Defendant, Ida M.
Singleton

Beaufort, South Carolina

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

BRUCE MILLER,)

Plaintiff,)

v.)

COLUMBIA FOREST, INC.,)
FOREST HATCH AND IDA M.)
SINGLETON,)

Defendants.)

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2011-CP-07-2148

MOTION TO RECONSIDER

2012 OCT 22 PM 3:55
BEAUFORT COUNTY, S.C.
CLERK OF COURT

TO: COLDEN R. BATTEY, JR., ESQUIRE, ATTORNEY FOR IDA M. SINGLETON, DEFENDANT:

PLEASE TAKE NOTICE that the Plaintiff, Bruce Miller, by and through his attorney, James H. Moss, would move before This Honorable Court for an Order of the Court to Reconsider the Order signed by the Honorable Marvin H. Dukes, III, Beaufort County Master-in-Equity, on October 4, 2012, but not received by our office until October 11, 2012, on the following grounds:

1. The Court erred in allowing the Defendant, Ida M. Singleton, out of the default, as an Order of Default had been signed by the Honorable Court prior to the hearing that only involved damages in regards to the Defendant, Ida M. Singleton.

2. The Court disregarded the testimony of the Defendant, Ida M. Singleton, in that she had basically abandoned this property, had not been on the property for over twenty (20) years, and had no contact with the property, as she was living in California, and never, at any time, had she requested the Plaintiff to get off of the property.

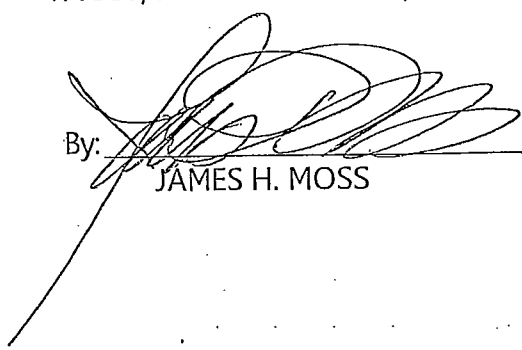
3. The Court erred by not finding that the Plaintiff had the property by way of adverse possession, as he had continuously been on the property for over twenty-five (25) years, and had occupied the same, as shown by a plat prepared for the hearing by RLS Youmans.

4. The Court erred in not finding that the possession included the word "hostile" when the Plaintiff remained on the property for over twenty-five (25) years, without any request to vacate the same. He used dogs, no trespassing signs, and fences to keep others off of the property, as confirmed by the person contacted by the County concerning the use of the property.

5. The Court erred in not recognizing that Beaufort County served this Plaintiff with notices concerning the obstruction of his business, and numerous Affidavits were submitted to the County showing how long he had been on the property, that his possession was continuous, adverse, open, hostile, notorious, and exclusive in regards to this property.

6. The Court erred in not awarding to the Plaintiff the two (2) acres he actually owned and was situate on.

MOSS, KUHN & FLEMING, P.A.

By: 

JAMES H. MOSS

Beaufort, South Carolina
October 22, 2012

CERTIFICATE OF SERVICE

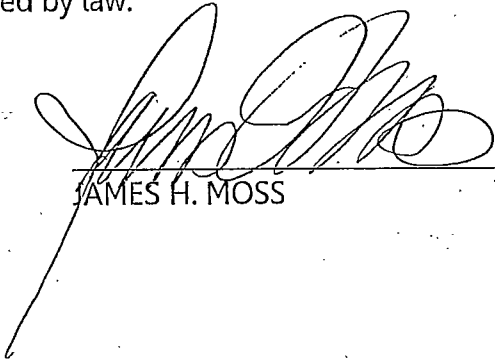
This is to certify that I have this date served a copy of the within and foregoing **MOTION TO RECONSIDER** upon opposing counsel:

Colden R. Battey, Jr., Esquire
Harvey & Battey, P.A.
Post Office Drawer 1107
Beaufort, South Carolina 29901-1107

(Courtesy copy to)
The Hon. Marvin H. Dukes, III
Beaufort County Courthouse
102 Ribaut Road
Beaufort, South Carolina 29902

2012 OCT 22 PM 3:55
CLERK OF COURT
BEAUFORT COUNTY, S.C.

by placing copies of the same in the United States Mail, properly addressed and with sufficient postage affixed thereto as required by law.



JAMES H. MOSS

Beaufort, South Carolina
October 22, 2012

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

BRUCE MILLER,

Plaintiff,

vs.

COLUMBIA FOREST, INC., FOREST HATCH
AND IDA M. SINGLETON,

Defendant.

IN THE COURT OF COMMON PLEAS
14th JUDICIAL CIRCUIT

CASE NO.: 2012-CP-07-2148

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

2012 OCT 22 PM 3:55
CLERK OF COURT
BEAUFORT COUNTY, S.C.

Plaintiff's Attorney:

James H. Moss, Bar No. 4220

Address:

P.O. Drawer 507, Beaufort, SC 29901-0507

Phone: 524-3373 Fax 524-1302

E-mail: jim@mossandkuhn.com Other: _____

Defendant's Attorney:

Colden R. Battey, Jr., Bar No. _____

Address:

P. O. Drawer 1107, Beaufort, SC 29901-1107

Phone: 524-3109 Fax 524-6973

E-mail: _____ Other: _____

- ☒ **MOTION HEARING REQUESTED** (attach written motion and complete **SECTIONS I and III**)
☐ **FORM MOTION, NO HEARING REQUESTED** (complete **SECTIONS II and III**)
☐ **PROPOSED ORDER/CONSENT ORDER** (complete **SECTIONS II and III**)

SECTION I: Hearing Information

Nature of Motion: Motion to Reconsider

Estimated Time Needed: 30 min

Court Reporter Needed: ☒ **YES** / ☐ **NO**

SECTION II: Motion/Order Type

☒ Written motion attached

☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for ☒ Plaintiff / ☐ Defendant

10/22/12
Date submitted

SECTION III: Motion Fee

☐ PAID - AMOUNT: \$ _____

☒ EXEMPT:

(check reason)

☐ Rule to Show Cause in Child or Spousal Support

☐ Domestic Abuse or Abuse and Neglect

☐ Indigent Status ☐ State Agency v. Indigent Party

☐ Sexually Violent Predator Act ☐ Post-Conviction Relief

☐ Motion for Stay in Bankruptcy

☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRPC)

☐ Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter: _____

☐ Other: _____

JUDGE'S SECTION

☐ Motion Fee to be paid upon filing of the attached order.

☐ Other: _____

JUDGE CODE _____

Date: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____

☐ MOTION FEE COLLECTED: \$ _____

☐ CONTESTED - AMOUNT DUE: \$ _____

1 STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
2 COUNTY OF BEAUFORT) CASE NO.: 11-CP-07-2148

3
4
5 BRUCE MILLER,
6 Plaintiff,

7 v.

8 COLUMBIA FOREST, INC.,
9 HATCH FOREST, AND
10 IDA M. SINGLETON,
11 Defendants.
12

13 Reference Hearing held before the Honorable
14 Marvin H. Dukes, III, Master in Equity and Special
15 Circuit Judge for Beaufort Common Pleas, in his
16 chambers at the Beaufort County Courthouse, Room
17 212, 102 Ribaut Road, Beaufort, South Carolina,
18 commencing at approximately 10:00 a.m. on the 26th
19 day of July, 2012.
20
21
22
23
24
25

1
2
3 APPEARANCES

4 For the Plaintiff:

Colden Battey, Esquire
Post Office Drawer 1107
Beaufort, South Carolina 29901

6
7 For the Defendant:

James H. Moss, Esquire
Post Office Box 507
Beaufort, South Carolina 29901

8
9
10
11 Reported by:

Joanne B. McDonald, CVR

1
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1 COURT: Good morning everyone. We are
2 here in Bruce Miller vs. Columbia Forest,
3 Inc., Columbia Forest, Inc., Ida Singleton.
4 This is Case 11-CP-07-2148. Mr. Moss is
5 here. Mr. Battey is here for Ms. Singleton.
6 I understand a judgment has already been
7 rendered against Columbia Forest and Forest
8 Hatch; is that correct?
9

10 MR. BATTEY: Yes.

11 COURT: The issues today involve solely
12 those issues between Plaintiff Miller and
13 Defendant Singleton. Happy to hear from you
14 Mr. Miller.
15

16 MR. MILLER: Your Honor, Mr. Moss is
17 here with me too as well.

18 COURT: Okay I am sorry, I apologize.

19 BRUCE MILLER, called as a witness,
20 after being duly sworn, testified as
21 follows:
22

23 BY MR. MOSS:

24 Q. Are you Bruce Miller?

25 A. Correct.

Q. And Mr. Miller where do you currently reside?

1 A. 33 Lawson Road.

2 Q. And how long have you lived at 33 Lawson Road in
3 Beaufort County, South Carolina?

4 A. Twenty-six going on 27 years.

5 Q. Okay and prior to that where were you - do you
6 have a business at that location?

7 A. I do now yes.

8 Q. Okay and how long has your business been there?

9 A. Since I have lived there.

10 Q. Twenty-six years?

11 A. Uh huh.

12 Q. Okay now prior to that did you have a business
13 somewhere else in Beaufort County?

14 A. Yes.

15 Q. And where was that?

16 A. Out by Poppy Hill.

17 Q. In Beaufort County?

18 A. In Beaufort County.

19 Q. And what kind of business was it?

20 A. I had a salvage yard.

21 Q. You had a what?

22 A. Salvage yard.

23 Q. Salvage yard, okay. And when you came to Lawson
24 Road did you also start a salvage yard at that time?
25

1 A. Right, I moved the things from over there. I
2 moved the stuff from Poppy Hill.

3 Q. You moved what from Poppy Hill?

4 A. A lot of cars and salvage items, steel desks and
5 wall lockers and pipe and metal.

6 Q. Now when you came to the present location of your
7 business, what did you do with all of the items you
8 brought from Poppy Hill?

9 A. I stored them on the property.

10 Q. On the property?

11 A. Right.

12 Q. Now I show you a plat that was prepared by David
13 Youmans. If we could call that Exhibit 1 Your Honor.

14 (WHEREUPON, PLAINTIFF'S

15 EXHIBIT NUMBER 1 WAS MARKED

16 AND ENTERED INTO EVIDENCE).

17
18 BY MR. MOSS:

19 Q. That's a plat that was prepared by David Youmans.

20 Mr. Battey doesn't agree with everything on that as I

21 understand it, but he agrees that that is a plat that

22 surveys your property. Is that -- in any event Mr.

23 Miller that was a plat that we had prepared concerning

24 your property is that correct?

25 A. That's correct.

1 Q. Now you see the outer bounds of that plat is that
2 correct?

3 A. Correct.

4 Q. Is that -- does that encompass where you kept your
5 cars?

6 A. Yes.

7 Q. And how many years have you stored cars there on
8 that property?

9 A. Twenty-five or 26 years.

10 Q. Twenty-six years. And has that been continuous?

11 A. Yes, sir.

12 Q. Has it been open? In other words have people been
13 able to see your cars that you have there?

14 A. Yes, sir.

15 Q. Have you in fact been notified by the County
16 concerning the use of that property that is the fencing
17 in of the vehicles and so forth?

18 A. Yes, sir.

19 Q. And I show you Exhibit 2. Is this a copy of where
20 the County had notified you about some action they were
21 taking?

22 A. Yes, sir.

23 COURT: Do you object to that?

24 MR. BATTEY: No.

1 COURT: All right, let's mark that
2 as 2.

3 (WHEREUPON, PLAINTIFF'S EXHIBIT
4 NUMBER 2 WAS MARKED AND ENTERED
5 INTO EVIDENCE).

6 BY MR. MOSS:

7 Q. Now what is the salvage business? What do you do
8 in the salvage business?

9 A. I buy vehicles and buildings and whatever and
10 recycle them.

11 Q. So if I want to buy parts to a car, I might come
12 to your place to try to find the parts?

13 A. Correct.

14 Q. Or if I had a mobile home and wanted to buy -- if
15 you had old mobile homes you would sell me parts?

16 A. Sell parts off of it.

17 Q. Do you also -- are you also in the business of
18 restoring property for people? In other words, if
19 somebody comes with a car do you do the work on the
20 car?
21

22 A. Yes, sir.

23 Q. Do you do body type work?

24 A. Yes both parts on, body, fender, welding.
25

1 Q. Now I notice on the plat there's some berms on the
2 property. Do you know what a berm is?

3 A. Yes, sir.

4 Q. Who put those berms there?

5 A. I did.

6 Q. And why did you put those berms there?

7 A. To fix it so people couldn't see them from behind
8 and to -- like a fence around the cars.

9 Q. Did you do that as a result of the County or did
10 you do that on your own before the County ever got in
11 touch with you?

12 A. I had done a lot of it on my own.

13 Q. On your own?

14 A. Yes, sir.

15 Q. Okay, now do you also have some of this property
16 fenced, is that correct?

17 A. Yes, sir.

18 Q. And I show you a document here Exhibit 3 and I am
19 going to ask you to go through these - they are all one
20 document - the signs that you have had on the premises.

21 MR. BATTEY: I don't object to the
22 signs but as to you going to locate
23 where he put them on his fence or his
24 property --
25

MR. MOSS: I will ask him that.

COURT: Offered and received.

(WHEREUPON, PLAINTIFF'S

EXHIBIT NUMBER 3 WAS MARKED

AND ENTERED INTO EVIDENCE).

BY MR. MOSS:

Q. I show you a document that has got various posted signs Beware of Dog, etc., etc. Are those signs that you placed on this property?

A. Yes, sir.

Q. And where on this property did you place those signs?

A. They are all around it.

Q. All around it?

A. Yes, sir.

Q. In the back?

A. On the sides by the roads, on the fence.

Q. On the fence?

A. In the front, yes.

Q. Okay is it on the property that is next to the piece that you actually purchased?

A. Yes, sir.

1 Q. Now when you started storing cars there, did
2 anybody come and ever tell you to remove the cars or
3 get off or anything like that?

4 A. No.

5 Q. And you have claimed that property for twenty-six
6 years?

7 A. Yes, sir.

8 MR. BATTEY: I object to leading.

9 COURT: It is a little leading.

10 BY MR. MOSS:

11 Q. Well how long have you been storing cars on this
12 entire piece that is shown on that plat, Exhibit 1?
13

14 A. Over twenty years.

15 Q. And has anybody contacted you other than the
16 County to get you to correct things on that property?

17 A. No, sir.

18 Q. When did the County start getting involved do you
19 know?
20

21 A. About 2006 or '07.

22 Q. And what did they want you to do? They issued
23 tickets to you, didn't they?

24 A. Right.

25 Q. And what did they require you to do?

1 A. Clean up down along the road and put up a fence or
2 a berm.

3 Q. Put a fence or berm?

4 A. Uh huh.

5 Q. Okay, now how did the back of this property on the
6 plat, Exhibit 1, how was that separated or was it? Why
7 did it stop there on Exhibit 1?

8 A. Why did it stop what?

9 Q. Is that where your cars went to the end of that?
10 Was there anything there separating that, a berm or
11 anything else?
12

13 A. There's a ditch down on this side and this went
14 over to that.

15 Q. Okay, well I understand there is a ditch on the
16 right and that's where the berm was placed, is that
17 correct?

18 A. I put the berm in the back.

19 Q. And there was a berm in the back?
20

21 A. Uh huh.

22 Q. So your boundary could be determined by the berm
23 in the back?

24 A. Right.

25 Q. Okay, I am going to show you numerous pictures and
I am trying to get the ones that show the length of

1 this property and the roads. Now when did you first
2 know that somebody was cutting trees on this property,
3 on your property?

4 A. May of last year.

5 Q. Okay and how did that come about?

6 A. A guy came out and was marking with ribbons
7 boundaries and different - marking the timber I guess.

8 Q. And what did you do as a result of that? Did you
9 tell him to leave your property?

10 A. Yes. I told him his markers weren't right.

11 Q. And what did he do after you got in touch with him
12 about that? Did he do anything or he just kept going?

13 A. He just kept going. The car crusher -- started
14 crushing my cars and damaged customers' cars and tore
15 down a bunch of the fence and destroyed it.

16 Q. And you recall we filed an action in this Court,
17 is that correct?

18 A. Correct.

19 Q. And we got a restraining order, is that correct?

20 A. Correct.

21 MR. MOSS: Your Honor I would ask
22 the Court to take judicial notice of
23 that without putting all those documents
24 in.
25

1 COURT: I think it's already in the
2 file.

3 MR. MOSS: Okay.

4 BY MR. MOSS:

5 Q. And as a result of that he stopped, is that
6 correct?

7 A. Several days later.

8 Q. Several days later?

9 A. Yeah.

10 Q. Now I have got a drawing here and I know it's not
11 to scale, but I am going to give you this. If you
12 could mark this -- would that be number 4?

13 (WHEREUPON, PLAINTIFF'S

14 EXHIBIT NUMBER 4 WAS MARKED

15 AND ENTERED INTO EVIDENCE).

16
17 BY MR. MOSS:

18 Q. Do you see that drawing there that was made? Was
19 that a drawing that was made in preparation of the
20 first trial in this matter?

21 A. Yes.

22 Q. Who made this drawing? Did you make it?

23 A. No.

24 Q. Was that drawing made in your presence with you
25 directing what was where?

1 A. Yes, sir.

2 Q. Does that drawing adequately show the roads that
3 were in there -- that had been there in your junk yard
4 for a number of years?

5 A. Yes, sir. There's a little more now, yes.

6 Q. Now I will show you another document here which
7 and mark this please if you could. Does that document
8 show the area of the holes -- in other words that's
9 just a rough drawing showing the area of the holes that
10 were placed there by Mr. Hatch?

11 A. Yes, sir. That permit me from accessing my
12 property so they could come in and --
13

14 Q. Who -- Hatch the guy that we sued that was the one
15 that cut the timber? I will show you another document
16 that was apparently drawn by you and ask you if you can
17 identify that document? That document is a document
18 indicating the number of cars or cars on the property?
19

20 A. Yes, sir.

21 Q. Did you prepare that document?

22 A. I worked on it.

23 Q. You worked on it. And who worked on it with you
24 in preparing that?

25 A. Nicki Mellon drew a lot of that and went around
and --

1 Q. Is that a representation that shows basically the
2 cars on your property?

3 A. Yes, sir.

4 Q. All right now I see on the left a lot of those
5 cars kind of go down a line straight line. Why is
6 that?

7 A. There's roads down through there.

8 Q. There is a road through there?

9 A. Yes.

10 Q. Okay and there's no road on the other side of
11 those cars in other words?

12 A. There's roads. All of the cars are lined up along
13 roads pretty much.

14 Q. Now I show you some documents here. Did Mr.
15 Hatch, the gentleman that was out there doing this did
16 he ever at any time show you any contract or document
17 indicating that he had some right to go there?

18 A. No.

19 Q. Never showed you anything?

20 A. No.

21 Q. Did you call the police at one point in time?

22 A. Yes.

23 Q. And what did the police do if anything?

24 A. Made him stop.

1 Q. Okay. And I show you -- marked that -- Is that -
2 - did he in fact start cutting trees across -- falling
3 across your cars?

4 A. Across the cars and yes, sir.

5 Q. And stop ingress and egress to your property?

6 A. And stop me from getting to my property.

7 Q. I want you to identify that picture if you could
8 and tell us where that is.

9 A. That's behind my house, the road that goes toward
10 the back down the left side of the property.

11 Q. That's the left side where you have those cars in
12 line?

13 A. Uh huh.

14 Q. Okay and that's a fair representation of the way
15 it looked at the time when he came out there? Is that
16 a fair representation of the way it looked when --

17 A. When he came.

18 Q. When he came?

19 A. Yes.

20 Q. I will show you -- what number was that?

21 JOANNE: 8.

22 BY MR. MOSS:

23 Q. Number 8, okay. I will show you number 9 and ask
24 you to identify that. Is that a fair representation?
25

1 A. Yes, sir.

2 Q. And what does that show?

3 A. A tree across one of my trucks. One of the holes
4 they dug to --

5 Q. Keep you from having access?

6 A. Yes.

7 Q. Okay.

8 A. That's my -- They tore down the fence. They came
9 inside my fenced area.

10 Q. Inside the fenced area. Inside everywhere?

11 A. Yeah.

12 Q. Okay and now you've -- have you claimed this land
13 for 26 years?
14

15 A. Yes, sir.

16 MR. BATTEY: Object. What land are
17 we talking about?

18 MR. MOSS: We are talking about the
19 land contained on Mr. Youmans' plat.
20

21 A. Yes, sir.

22 Q. You have. And have you ever had to call the
23 police on any other times for people vandalizing or
24 coming onto the property?

25 A. Yes, sir.

1 Q. And how long have you had to do that? How many
2 years have you done that? Called the police?

3 A. For years -- anytime something was stolen. You
4 know they stole a car right out of the yard with a
5 wrecker and different things. Things vandalized,
6 radios stolen.

7 Q. Now the warning signs there, could you tell me in
8 particular to a degree the one up there on the left,
9 what does it say? The red one?

10 A. "Posted - No Trespassing."

11 Q. Okay, where is that sign located?

12 A. Down on a fence near a gate I believe.

13 Q. Near the gate?

14 A. This one's right beside the gate where the sign
15 was -- out of the junk and it was kind of neat we put
16 it up there. It was about trespassing.

17 Q. Have you had junk yard dogs out there also?

18 A. Yes, sir.

19 Q. And how many dogs did you have on the property?

20 A. Different amounts, different times. I got four
21 big dogs now.

22 Q. Four big dogs. Now does the property that they
23 protect include not only the area close to the fence,
24 but does it include the whole junk yard there?
25

1 A. Pretty much.

2 Q. Pretty much?

3 A. Back in the back.

4 Q. They go all the way to the back? They run --

5 A. Some of them run loose.

6 Q. The roads, okay. Now on those -- let me ask you --

7 - were these cars and these junk mobile homes and cars

8 visible readily from the road? In other words you

9 could see from the road all the way back?

10 MR. BATTEY: Objection. What road?

11 BY MR. MOSS:

12 Q. Could you see from Lawson Road, the road you were
13 on?
14

15 A. Right.

16 Q. Was it visible and obvious that you could see
17 these cars and that there was a -- basically a salvage
18 yard there?
19

20 A. Yes.

21 Q. Do you have to have a permit to get a salvage yard
22 or not?

23 A. You don't have to.

24 Q. Didn't have to?

25 A. Years ago, no.

Q. All right.

1 A. I don't think you can get one now.

2 Q. Can't get one now, okay. And you were
3 grandfathered in, I assume.

4 A. Yes, sir.

5 Q. Now you have owned this and claimed this
6 exclusively by yourself? Nobody else?

7 A. Nobody else.

8 Q. And you have been operating that business on it
9 for how long?

10 A. On that location 26 years.

11 Q. All I've got. No let me ask one other. Did the
12 owner -- did anybody that claimed ownership of this
13 property or claim this property at all ever come to you
14 about this property and say get off my property?
15 Anything like that?

16 A. Never.

17 Q. In fact quite to the contrary you were telling
18 people to leave and get off and take your stuff?

19 A. Yes, sir.

20 Q. I don't have anything further.

21 BY MR. BATTEY:

22 Q. Mr. Miller let me ask you this. If somebody had
23 come on to Ms. Singleton's property -- you knew this
24 property around yours was Ms. Singleton's?
25

1 A. Yes.

2 Q. If somebody had come on to Ms. Singleton's
3 property, would your dogs attack them?

4 A. The dogs were chained up.

5 Q. Excuse me?

6 A. They have been known to.

7 Q. You have got vicious dogs that would attack people
8 who came on to Ms. Singleton's property?

9 A. Not anymore.

10 Q. One of them attacked the surveyor that Mr. Youmans
11 sent out there, didn't they?

12 A. Wasn't my dog.

13 Q. It wasn't your --

14 A. That was the neighbor's dog.

15 Q. That wasn't your dog that he had to beat silly
16 that attacked him when he came on to try to survey the
17 property?
18

19 A. That dog belonged down the road. He got loose.
20

21 Q. Now the pictures that you showed here, these and
22 the others that you have shown; all of these pictures
23 were taken on the property that's owned by Ms.

24 Singleton that you are now claiming? They are not on
25 your property were they?

A. I claim it.

1 Q. But it's over on Ms. Singleton's property. All
2 this happened on Ms. Singleton's property?

3 A. No.

4 Q. And Ms. Singleton -- did you know that Ms.
5 Singleton had given a contract to people to cut that
6 timber?

7 A. When they came out and started marking around
8 there, yes.

9 Q. And they told you that Ms. Singleton that they had
10 a contract to come cut the timber?

11 A. That's what they told me. They never showed me
12 anything.

13 Q. But they told you that? Now these cars that you
14 have, am I correct that you use some of them you sell
15 parts on some of them don't you?

16 A. Yes, sir.

17 Q. And some of them you can repair?

18 A. Yes, sir.

19 Q. And some that you sell for scrap or crush, they
20 crush them up and take them away?

21 A. Yes, sir.

22 Q. And they move them around all the time? I mean
23 you have cars stored when the crusher comes up you haul
24
25

1 them all to the crusher and they take them off, is that
2 right?

3 A. Uh huh.

4 Q. So this drawing that you've got with these cars in
5 here and I am not sure exactly what number the exhibit
6 is, but this one that's where the cars were on one
7 specific day, weren't they?

8 A. That's what?

9 Q. At one specific time that's where you had cars?

10 A. Some of those cars were there for 15 or 20 years.

11 Q. But you would take the used cars and crush them
12 wouldn't you?

13 A. I never crushed cars for years. The price for of
14 steel went down and I never crushed anything for years.
15 I had cars there for over 20 years.

16 Q. Didn't you actually in 2006 when the County got on
17 you, didn't you tell them that you had them coming to
18 get your cars and you were going to crush used cars and
19 they didn't come because you didn't have a 100 cars and
20 that's why you were storing all these old used cars in
21 front so they could come crush them? You remember
22 that?

23 A. I don't remember.
24
25

1 Q. If any of them cars moved around had you crushed
2 them and sold them, you moved them around?

3 A. Well I would maybe take one out and I would put a
4 different one back.

5 Q. So this doesn't represent the whole time -- this
6 is what it was on one day, is that right?

7 A. And that was years ago.

8 Q. Years ago. Now --excuse me Your Honor, I do have
9 an extra plat here. You knew that this property around
10 you, this plat that you have --- let me show you this
11 plat again, you knew that the piece of property that
12 you owned is shown on that plat, isn't it?

13 A. Correct.

14 Q. And it's .66 acres?

15 A. That's what it says.

16 Q. And you knew that when you put cars off of it that
17 you were trespassing on somebody else's land to put
18 those cars, didn't you?

19 A. I pay taxes on over two acres.

20 Q. You don't pay taxes on Ms. Singleton's property do
21 you?

22 A. Uh huh.

23 Q. You pay taxes on Ms. Singleton's property?

24 A. Correct.

1 Q. Where is it? You got the tax bill? I will
2 introduce it. Offer as an Exhibit. You can mark it.

3 (WHEREUPON, DEFENDANT'S
4 EXHIBIT NUMBER 1 WAS
5 MARKED AND ENTERED INTO
6 EVIDENCE).

7 BY MR. BATTEY:

8 Q. That says you pay taxes on two acres, is that
9 right?

10 A. Yes, sir.

11 Q. And Ms. Singleton's property is seven and a half
12 acres. The two acres you paid is pieces cut out down
13 here, is it not? You have two acres right in here.
14 Isn't that what you pay taxes on?

15 A. No, this back here.

16 Q. You pay taxes on that?

17 A. Yes.

18
19 MR. MOSS: Note that he's chosen
20 the back part of the property.
21

22 BY MR. BATTEY:

23 Q. You pay taxes on that. Where is -- so if there's
24 two acres, this is -- all this is ten acres.

25 A. That's clear across the road and back over here.

Q. Do you have any deed to that property?

1 A. Yes, sir I have a deed to it.

2 Q. And so the deed is what you -- they took your
3 property that you have the deed to, that's what you pay
4 taxes on?

5 A. And more.

6 Q. You pay taxes on more than what your deed says?

7 A. Yes, sir.

8 Q. All right. Have you ever paid any taxes on this?
9 If Mrs. Singleton has to pay taxes on this piece and
10 owns it, you are claiming that you pay taxes on this?

11
12 MR. MOSS: If I recall adverse
13 possession I don't think taxes really
14 has much to do with that.

15 COURT: Well I would be happy to
16 hear the testimony. Go ahead and
17 answer.

18 A. Yes, sir.

19 BY MR. BATTEY:

20
21 Q. Are you claiming that you did not put any cars on
22 Ms. Singleton's property?

23 A. Well I could have back then.

24 Q. And that wasn't your property?

25 A. I claimed it.

1 Q. How did you -- why did you -- you knew it wasn't
2 yours. You was just taking somebody's and saying it's
3 mine knowing it's not mine?

4 A. I needed more room.

5 Q. So you went to somebody else's and took their land
6 so you needed more room?

7 A. I put cars somewhere.

8 Q. You don't have to put them on somebody else's land
9 do you?

10 A. I didn't know where exactly the boundaries were
11 back then.

12 Q. So you didn't intend to put anything on her land?

13 A. Well I put them there and used it for years.

14 Q. Why did you do it? Why did you take somebody
15 else's land?

16 A. To have room for my cars for my business.

17 Q. Did you take them because somebody wasn't there?
18 And you thought you could get away with it? Did you
19 take it because this person was a woman that owned it?
20 Absentee owner?

21 A. I didn't know who owned it.

22 Q. And you didn't care? You just trespassed and put
23 your cars there? That's right?

COURT: He didn't answer all of

those.

BY MR. BATTEY:

Q. Answer this one.

A. Huh?

Q. Answer it. You trespassed; you didn't care who owned that property?

A. I used it for years.

Q. Excuse me?

A. I used it for years.

Q. I am not asking you that. I am asking did you care who owned that property?

A. No.

Q. It didn't make any difference to you? Whether she was old, whether they paid taxes on it? You just took it to use it.

COURT: For the court reporter you need to say yes or an audible.

A. Yes.

Q. Now let me ask you this. Did -- I believe in 2006 the Code Enforcement officer of Beaufort County contacted you, did they not?

A. Yes, sir.

1 Q. And at that time did you have any permit to use
2 that property for your property I am talking about your
3 .6 acres the one that you got a deed for. Did you have
4 any permit to use that for a junk yard?

5 A. You didn't have to have one.

6 Q. Weren't you written up by the Code Enforcement
7 Office for having a junk yard?

8 A. Not really. He wrote me a ticket first littering
9 and for some other things.

10 Q. Didn't you have to go in front of Ms. Hillary
11 Austin who is the zoning officer to get a permit for
12 your junk yard?
13

14 A. A business license.

15 Q. A business license?

16 A. Correct.

17 Q. And with that -- well let me show you this. It
18 says permit.
19

20 A. A permit for a business license.

21 Q. And this is the one I think you entered in. This
22 is the document that was given to you when you got your
23 permit for your business license?

24 A. Yes.
25

1 Q. And it has some conditions attached to it, doesn't
2 it? Could you read for me those conditions that it has
3 got attached?

4 A. Secured by -- property shall be inspected for
5 compliance in 90 days from date. Property shall be
6 secured with privacy fence. Only salvage vehicles
7 shall be allowed.

8 Q. What does it mean only salvage vehicles?

9 A. Huh?

10 Q. What does that mean only salvage vehicles?

11 MR. MOSS: If that's an exhibit --
12 if he's going to have this gentleman
13 testify if that's his exhibit maybe he
14 can --

15 MR. BATTEY: You've already put it
16 in.

17 COURT: I will let him testify. Is
18 it marked already?

19 MR. BATTEY: It's already marked
20 and I marked it again as 1. I think Jim
21 had it marked. It is the same thing.

22 BY MR. BATTEY:

1 Q. Let me ask you, what is a salvageable vehicle?

2 Say you only had a permit for salvage, what does that
3 mean to you?

4 A. I am not sure. Salvageable?

5 Q. Yes. Salvageable vehicles it says.

6 A. Salvage vehicle.

7 Q. You don't know what that means?

8 A. Okay salvaged vehicles shall be allowed as part of
9 business.

10 Q. Only. Let me have that if you got one right
11 there. It says "only salvaged vehicles". What does
12 that mean "only salvaged"? That means you can't keep
13 junk on it? What is a salvaged vehicle?

14 A. Salvage is any car that I go buy that is
15 salvageable or could be recycled as junk or parts sold
16 off of it or --

17 Q. All right read what the next one is, number three.

18 A. No vehicles shall be stored on adjacent property.
19 Property shall be clean of all debris not associated
20 with business.

21 Q. Now the only adjacent property did you -- was that
22 Ms. Singleton's property? Isn't that what they meant
23 that you couldn't store vehicles there?

24 A. I guess.

1 Q. And after you were told that you couldn't store
2 them did you continually leave them on her property?

3 MR. MOSS: Your Honor I think the
4 document speaks for itself.

5 MR. BATTEY: No it doesn't. I am
6 asking what he did.

7 MR. MOSS: I don't think he can
8 interpret what it means.

9 BY MR. BATTEY:

10 Q. I am asking if after the document was done, did
11 you continue to keep your vehicles on Ms. Singleton's
12 property?
13

14 A. Yeah.

15 Q. And when you went down you never told them that
16 you were claiming the property? You told them -- they
17 told you to get off of the adjacent property, didn't
18 they?

19 A. I guess.
20

21 Q. And did you remove the vehicles?

22 A. No.

23 Q. Did they come back again and issue you a citation?

24 A. They issued me a business license.

25 Q. Well let me show you actually these two things I
think it is marked as Exhibit 2. Let me show you the

1 first one here if this is a citation where you were
2 taken to Court and fined for not moving the vehicles
3 off Ms. Singleton's property?

4 MR. MOSS: Objection. It doesn't
5 have anything to do with Ms. Singleton's
6 property.

7 MR. BATTEY: Of course it does.

8 MR. MOSS: It doesn't mention Ms.
9 Singleton's property.

10 COURT: All he is asking if he
11 knows or not.

12 MR. MOSS: He doesn't know. If you
13 want to call your witness you can, but
14 he doesn't know.

15
16 BY MR. BATTEY:

17 Q. Didn't you pay a fine? Weren't you found guilty
18 and pay a fine for not complying with that permit which
19 said you had to move the vehicles off the adjacent
20 property?

21
22 A. I didn't -- this was, I don't know this was before
23 or after. It seems like they wrote me a ticket for
24 littering and for having a trailer out there and I tore
25 the trailer down.

Q. And you paid them a fine of \$625.00, didn't you?

1 A. Uh huh.

2 Q. And when you -- and they told you then that you
3 had to move the cars back onto your own property -- the
4 property that you owned didn't you? Is that right?

5 MR. MOSS: Your Honor, I object to
6 this. This permit has got nothing to do
7 with him moving --

8 MR. BATTEY: I am asking him what -
9

10 COURT: I think it is proper, go
11 ahead.
12

13 BY MR. BATTEY:

14 Q. Didn't they tell you that you had to move the cars
15 back onto your property?

16 A. Yeah.

17 Q. You couldn't leave it on Ms. Singleton's property
18 or Mr. Ravenal's property or anybody else's property,
19 it had to be on your property?
20

21 A. I have cars still on Mr. Ravenal's property.

22 Q. Didn't they tell you though you had to move it on
23 your property? Doesn't that permit say that you had to
24 put it on your property, that it had to be moved off of
25 the adjacent property?

A. Yeah, I didn't do it.

1 Q. So you violated the order of the Court?

2 A. It wasn't anything to do with Court.

3 Q. Well you had to go to Court. They took you down
4 to the Court where they fined you in front of the
5 Magistrate. He told you, didn't he?

6 A. I was fined for not complying.

7 Q. Then they told you you had to comply and you
8 didn't. You didn't do what the Magistrate told you?
9 Do you recall when you went down there you told them
10 that you had some cars that you were going to sell for
11 scrap. Do you recall that? And if you had to move
12 them --
13

14 MR. MOSS: Your Honor, he is asking
15 about a permit to stay on a property
16 that -- and it doesn't have anything to
17 do with this case.

18 MR. BATTEY: It does have to do
19 with it.
20

21 MR. MOSS: If he has somebody he
22 wants to call -- he wants to call.

23 COURT: Let him cross-examine him.

24 MR. BATTEY: Let me cross-examine
25 the man.

BY MR. BATTEY:

1 Q. In 2006 didn't you tell the Magistrate that you
2 were going to sell some cars for scrap and you had to
3 bring them down and told to crush them?

4 MR. MOSS: Objection. He is asking
5 didn't he tell the Magistrate. I mean
6 if he is wanting to prove it --

7 BY MR. BATTEY:

8 Q. In 2006 did you sell some cars to crush them?

9 A. I believe so.

10 Q. And do you recall telling them that you had stored
11 these cars down by the road where they could come pick
12 them up on Bay Pines Road because it was closer to the
13 road? Do you recall that?

14 A. I don't recall but I might have.

15 Q. Is that what you would do when you did sell them,
16 bring them down there?

17 A. Sometimes, yes.

18 Q. And you recall telling them that you had verbal
19 permission from Mrs. Singleton and Mr. Ravenal to store
20 the cars on their property?

21 A. I had permission from Mr. Ravenal. I didn't know
22 Ms. Singleton.

23 Q. Did you tell them that you had verbal permission
24 from Ms. Singleton?
25

1 A. Not that I recall.

2 Q. You don't recall. You might have but you don't
3 recall?

4 A. I don't think so. I have never known Mrs.
5 Singleton.

6 Q. But you told them that and you told them that you
7 was going to be --

8 MR. MOSS: Objection. He said he
9 did not tell them that. He said he told
10 them about the other gentleman but not
11 her and that's mischaracterizing the
12 testimony on question.
13

14 COURT: Go ahead and proceed.

15 BY MR. BATTEY:

16 Q. Regarding these tickets, you pled guilty to those
17 didn't you?

18 A. I don't think I did. I think I plead innocent.
19 They found me guilty anyway.
20

21 Q. You were found guilty on all counts. Now let me
22 ask you, after this and when you were in front of the
23 Court, you never said that the cars that were on the
24 adjacent property were not on the adjacent property
25 that they were all on your property?

A. No.

1 Q. Now were you later charged again in May of 2009?

2 A. I don't know.

3 Q. And were you charged again with placing cars on
4 Ms. Singleton's property, the adjacent property?

5 MR. MOSS: Objection. It says the
6 same thing --

7 COURT: But he didn't answer the
8 question.

9 MR. BATTEY: It is her property.

10 COURT: Overruled, go ahead.

11 BY MR. BATTEY:

12 Q. All right were you charged with placing cars on
13 Ms. Singleton's property again in 2009?

14 A. I never moved them.

15 Q. And you were charged with placing them or having
16 them on her property?

17 A. I used her property.

18 Q. And were you issued a citation for that?

19 A. I don't remember.

20 Q. And were you found guilty?

21 A. Probably.

22 Q. For having cars on somebody else's property?

23 MR. MOSS: Objection. Your Honor
24 that's not what it says, okay.
25

1 COURT: Well he can say, no, yes or
2 explain.

3 MR. MOSS: Mr. Battey is
4 testifying, Your Honor.

5 MR. BATTEY: No I am asking him.

6 MR. MOSS: I understand it is
7 cross-examination but it doesn't allow
8 you to misrepresent.

9 COURT: Overruled, go ahead Mr.
10 Battey.

11 BY MR. BATTEY:

12 Q. When you went to this second violation in 2009 and
13 I believe this one again is shown by this Plaintiff's
14 Exhibit 2 this was back in November when you were found
15 guilty on that one. That's the last one on the side,
16 do you see that? And you went in front of Judge
17 Sproat. This one here where it says \$55.00 and see it
18 found guilty.
19

20 A. What was it for?

21 Q. It was --

22 MR. MOSS: Your Honor, I don't know
23 what he is showing him. I don't know
24 what they say.
25

1 COURT: Let Mr. Moss take a look of
2 it.

3 MR. MOSS: They are not exhibits
4 and I would object to them.

5 MR. BATTEY: They are exhibits. I
6 have already offered them.

7 MR. MOSS: Well you may have
8 offered them, but I haven't admitted
9 them. I haven't agreed to these.

10 COURT: What number are they? Are
11 they marked?

12 MR. BATTEY: They are marked. I
13 don't know if Joanne -- what's the first
14 ones I gave you.

15 MR. MOSS: I think he's going to
16 have a witness that's going to testify
17 what they are for.

18 COURT: Well the ticket is issued
19 to the Plaintiff. I think it is
20 appropriate for him to be able to
21 testify to the extent that that's what
22 they are and he can identify them as
23 tickets given to him.
24
25

MR. MOSS: Well I assume they were.

I don't know.

MR. BATTEY: I showed them to you
Jim.

MR. MOSS: It says a zoning permit
violation and abandonment of unsafe
structures. That doesn't have anything
to do with what you were talking about.

MR. BATTEY: What is --

MR. MOSS: Well let's put them in
as evidence if you are going to put them
in.

MR. BATTEY: I already put them in.

MR. MOSS: I want what you are
questioning him on. It is not in yet,
put them in and --

COURT: Let's take quick look at
what we have got in and marked.

JOANNE: We have four and five.

COURT: You've got four and five?
Is it the same as the documents you got
there?

JOANNE: But I am not sure.

1 COURT: All right, let's take a
2 quick look.

3 MR. MOSS: Well I would like to
4 mark this in my case. You can go mark
5 yours in your case but I would like to
6 have this marked now because this is
7 what he is cross-examining him from.

8 COURT: All right, it is not in
9 evidence yet, is that correct?

10 MR. MOSS: Yes and that's what I am
11 saying.

12 COURT: Off the record for a second
13 and we will straighten the exhibits out.

14 COURT: Go back on the record for a
15 second to discuss Defendant's 1. What's
16 that?

17 MR. MOSS: Well he is cross-
18 examining him on most of this. What I
19 would like to do at this time is have
20 them marked next in line. We are just
21 going to have separate numbers for
22 exhibits or --

23 MR. BATTEY: They are all marked as
24 1. You can mark A and B if you want.
25

1 MR. MOSS: Well I would like to
2 mark them next in order with his exhibit
3 which is the one he introduced. What
4 number is that? The last one you are
5 looking at?

6 JOANNE: Over here, 9.

7 MR. BATTEY: We are going to get all
8 messed up if you do that. I don't think
9 that's the way the court reporter keeps
10 them. Ordinarily it is Plaintiff's
11 Exhibits numbered and Defendant's
12 Exhibits numbered. I think we could get
13 into a real mess there.
14

15 MR. MOSS: I just want to make sure
16 that these are --

17 COURT: Let's hear from the person
18 that's really important here.

19 JOANNE: I think this will clear it
20 up. Defendant's Number 1 was three
21 different pieces of paper. One being
22 his new permit and then the various
23 summons from the Magistrate's Court.
24 Okay, or judgment from Magistrate's
25

1 Court which was another two pages. And
2 1, 2, 3, 4 Summons.

3 COURT: Do we have a Defendant's 2
4 yet?

5 JOANNE: Oh, yeah. Now we could
6 mark this as 1A and 1B. We will take
7 the Summons and do that.

8 MR. BATTEY: I have got the Mr.
9 Gasque. Can I put him up real quick?

10 COURT: Why don't we finish this
11 first.

12 MR. BATTEY: It may be awhile.

13 COURT: All right and go ahead and
14 do that. Defendant's 1 is going to
15 become Defendant's 1A and 1B, is that
16 correct.

17 JOANNE: Well we can do it that
18 way.

19 COURT: Or however you want.

20 JOANNE: Defendant's 1 is going to
21 be the -- Defendant's 1A is going to be
22 the zoning permit.

23 MR. MOSS: Which we have already
24 put into evidence.
25

1 JOANNE: Well that may be but --

2 COURT: Just trying to keep it all
3 straight.

4 JOANNE: Then 1B is going to be
5 Summons number 1021 and 1312. Then 1C
6 will be the Summons 944 and 1020.

7 MR. BATTEY: And I would offer the
8 Summons as we have already testified in
9 2006 and then would offer the one in
10 2009.

11
12 A. The one in 2009 I think was for a mobile home that
13 I had and I tore it down and --

14 BY MR. BATTEY:

15 Q. Well we will get to that and I will ask you that.

16 COURT: Okay on the record we were
17 off the record for a moment, Defendant's
18 1 actually consisted of several pages.
19 It has now been marked Defendant's 1A,
20 1B and 1C and is not separate exhibits .

21
22 MR. MOSS: And there is also
23 Plaintiff's 5.

24 COURT: Yes we may have it.
25 Plaintiff's 5 and Defendant's 1A.

1 MR. MOSS: Plaintiff's 2, excuse
2 me, Plaintiff's 2. Yeah I object to
3 both of them until they are
4 authenticated.

5 COURT: I will allow them.

6 BY MR. BATTEY:

7 Q. With regard to the one that is Plaintiff's Exhibit
8 1B, this one is the one for \$55.00 which was in 2009?

9 A. Correct.

10 Q. Do you recall being in front of the Magistrate
11 Judge Sproat?

12 A. Yes, that was for not tearing down a second half
13 of a mobile home that I had used for storage.

14 Q. And that's all you recall. You don't recall them
15 coming and actually giving you notice of a violation of
16 the permit by storing vehicles on other premises? You
17 don't recall that?

18 A. That wasn't what it was for.

19 Q. Now let's jump to 2007, Mr. Miller. When they
20 came to cut the timber again that plat which has
21 already been marked. What is it, I think it is one of
22 those plats, Plaintiff's Exhibit -- there it is.

23 A. One.

24 Q. One and all of the trees that were cut --

1 A. All of what?

2 Q. The trees that were cut, were they -- all you see
3 where these dotted line is around this plat?

4 A. Right.

5 Q. Were all the trees cut inside that dotted line?

6 A. No trees were -- they came and fell trees across
7 my cars to keep me from assessing that back there.

8 Q. Answer my question, please.

9 A. Okay.

10 Q. Were all the trees that were cut, were they inside
11 where this dotted line is in here, this 7½ acres? Is
12 that where the trees were cut in here?

13 A. Pretty much.

14 Q. They weren't cut on top of your property?

15 A. Yeah, back there.

16 Q. So there was some cut on your property? Were they
17 cut on that 4.6 acres?

18 A. One.

19 Q. Huh?

20 A. I believe one.

21 Q. One -- the trees --

22 A. They only cut down about five or six.

23
24
25

1 Q. The trees that were cut and the damage was done
2 was on this property back in here that's shown as 7 1/2
3 acres in here. That's where the trees were cut?

4 A. The trees were cut to prevent me from accessing
5 that property and getting my cars.

6 Q. The trees were cut -- they were being sold for
7 timber. Isn't that why the trees were cut?

8 A. No the timber hasn't been cut.

9 Q. Wasn't that what they were going to cut. They cut
10 the trees so they could sell the property -- sell the
11 timber in 2011? Did the tree man come down to cut
12 trees so he could --
13

14 A. No he never cut any trees for that reason. He
15 never cut any trees for timber.

16 Q. Did you run him off?

17 A. Yes.

18 Q. But they came to cut trees for timber, didn't
19 they?
20

21 A. No they came to mark the property line and steal
22 my cars.

23 Q. And your cars that were damaged in this thing you
24 now have got a judgment for \$77,000 for those cars
25 haven't you?

A. For part of the cars that I have.

1 Q. Well you got a judgment for \$77,000 for the --

2 A. Yes, but I haven't got any money yet.

3 Q. But you got that \$77,000 judgment for cars that
4 were damaged as a result of this cutting the timber?

5 A. Yes.

6 Q. And the cars that were damaged were cars that were
7 on the property of Ms. Singleton's? Is that right?

8 A. My property. The cars are my property. I bought
9 them all.

10 Q. The cars were yours but the cars were on Ms.
11 Singleton's dirt, weren't they?
12

13 A. Who said?

14 Q. Excuse me? Weren't they on Ms. Singleton's dirt?
15 I am asking you.

16 A. I claimed it.

17 Q. But it was hers. You may be claiming that if it
18 was hers. You knew it was hers, didn't you? You knew
19 that was her property?
20

21 A. I knew it was somebody's.

22 Q. You knew it was somebody's and you didn't care
23 who's? But you knew it was somebody's. You knew it
24 wasn't yours. You may be claiming it, but you knew it
25 wasn't yours.

A. I pay taxes on most of that property and I -

1 Q. If you pay taxes on most of this property and you
2 only pay taxes on two acres, how do you pay taxes --
3 where is the tax bill for anything more than two acres?

4 A. Well I didn't know how much it was.

5 Q. Well how can you say you paid it if you don't know
6 how much it was? You paid for two acres.

7 A. Right.

8 Q. And this is two acres -- 2 ½ acres down in here.
9 That doesn't include any of this other part, does it?

10 A. What's that?

11 Q. If you pay for two acres, this is a --

12
13 MR. MOSS: That's why he has
14 claimed that property.

15 BY MR. BATTEY:

16 Q. This is a ten acre plot.

17 A. Okay.

18 Q. And that's about two and a half acres there. And
19 you pay taxes for two acres. You don't pay taxes for
20 any of this other property?

21 A. No, I pay taxes for this area. This belongs to
22 Ben Reed, and this belongs to Ben Reed and this belongs
23 to Frank Ravenal.
24
25

1 Q. And the taxes that you pay -- just so -- let's
2 clear this up. You showed me a document where you paid
3 the taxes.

4 A. I don't see it in here.

5 Q. It has two acres on it.

6 MR. BATTEY: Is it in evidence?

7 JOANNE: It is Number 10 of
8 Plaintiff's Exhibit with a yellow
9 sticker.

10 MR. BATTEY: This is it right here.

11 MR. MOSS: Is it marked?

12 MR. BATTEY: It is marked
13 Plaintiff's Exhibit 10.

14
15 BY MR. BATTEY:

16 Q. All right showing you Plaintiff's Exhibit 10 it
17 shows what you paid taxes on and it shows this 0168.
18 You see that?

19 A. Right.

20
21 Q. That is the number is it not of the property that
22 you pay taxes on?

23 A. Yeah.

24 Q. And --
25

1 MR. MOSS: Your Honor, they are
2 going to be here forever. Can we
3 possibly get Mr. Battey --

4 BY MR. BATTEY:

5 Q. And do you see that this here is parcel 0168 and -
6 -- see that and that is what you pay taxes on.

7 A. Right.

8 Q. If this has another number, you don't pay taxes on
9 anything. This tax notice right here is for 0168? Is
10 that correct? Look through them I don't want to
11 mislead you now.

12 A. Yeah.

13 Q. So if that's what you pay taxes on is on that
14 piece?

15 A. That's why I had this drawn up.

16 Q. But that's the parcel number. This is the parcel
17 number and that's what you pay taxes on, isn't that
18 right?

19 A. That's the parcel number and that goes way over
20 here.

21 Q. No, the parcel number goes right here.

22 MR. MOSS: Your Honor, the taxes
23 don't have anything to do with --
24
25

1 MR. BATTEY: I will move on with
2 that.

3 MR. MOSS: Could we bring Mr.
4 Gasque in very quickly? It won't take
5 him five minutes I don't think.

6 MR. BATTEY: I got about five - ten
7 minutes more.

8 COURT: I mean do you care Mr.
9 Battey?

10 MR. BATTEY: I don't care if you
11 want to bring him. I don't care.

12 MR. MOSS: It's just that one
13 exhibit he's going to identify and say
14 what he did.

15 COURT: All right. I guess it
16 would be more than that. Let's do that.
17 It is a little unconventional but we are
18 going to break. Just sit in here and
19 don't discuss your testimony with
20 anybody during Mr. Gasque's testimony
21 and we will go ahead and get Mr. Gasque.

22 JOANNE: I thought it was Youmans,
23 not Gasque?

24 MR. MOSS: Mr. Youmans, I am sorry.
25

1 COURT: All right, let's bring him
2 on in.

3 DAVID SAMUEL YOUNMANS, called as a
4 witness, after being duly sworn,
5 testified as follows:

6 BY MR. MOSS:

7 Q. State your full name please.

8 A. David Samuel Youmans.

9 Q. And Mr. Youmans what occupation do you enjoy?

10 A. Land surveying.

11 Q. And how long have you been doing that in Beaufort
12 County, South Carolina?

13 A. Since early '70's I guess. I was licensed since
14 1983.

15 Q. And we have an Exhibit 1 up there which I believe
16 is a plat that you prepared?

17 A. It is.

18 Q. And at my request did you go to the property in
19 question and prepare a plat of the area where the
20 vehicles -- the salvaged vehicles were located?

21 A. We did, yes sir.

22 Q. And is that plat a pretty fair representation of
23 what we -- or what you did?

24 A. Yes, sir it is.
25

1 Q. And if you could, explain to me initially the --
2 you've got something down here on the right side over
3 there that is a berm, indicates a berm in front of a
4 ditch?

5 A. Right.

6 Q. And that berm runs the length of the property to
7 the back?

8 A. That was the ditch. Yeah, the berm was pretty
9 much along the back of the northern side like somebody
10 took a front end loader and kind of pushed a little
11 wall to make a containment area sort of thing, but up
12 from there from the dirt berm on the north side down
13 the east side along that ditch until we hit the right-
14 of-way of Bay Pines Road. That pretty well summarized
15 the area that was being utilized with the vehicles and
16 vehicle parts.
17

18 Q. Is it a fair statement to say that that area that
19 you have enclosed there was pretty well inundated with
20 vehicles of various makes and models over the years?
21

22 A. Oh yeah.

23 Q. And I think I had sent you some photographs of the
24 area too? Initially I don't know whether I did.

25 A. I don't think so.

1 Q. A little note I guess, okay. Your Honor, I think
2 that's it..

3 COURT: Mr. Battey?

4 BY MR. BATTEY:

5 Q. Let me ask you one thing first. I notice on this
6 plat you have got Bruce Miller Parcel 16-8.

7 A. Correct.

8 Q. And that's the parcel that's paid by Bruce Miller?
9 I believe he has a tax thing and it is 16-8. These
10 taxes would be for this parcel right here?

11 A. Yes, that's correct.

12
13 Q. So the tax parcel there is in his name but did you
14 determine who owned the rest of this property -- this
15 other 7 ½ acres going around?

16 A. I am sure we looked the name of it up but I don't
17 recall it at the time.

18 Q. Now when you were there the vehicles -- do you
19 recall what day you were there?

20 A. It was in August of last year. I can tell you --
21 August 2nd, 2011.

22 Q. And that's this area here generally where vehicles
23 were on that day when you saw it?

24 A. Vehicles and vehicle parts and all sorts of --
25

1 Q. And do you know or did Mr. Miller tell you that he
2 sold some of these cars for scrap that they would come
3 up and crush them and take them away?

4 A. I don't think I ever talked to Mr. Miller when we
5 were out there. Some of his employees were around, but
6 --

7 Q. You don't know that?

8 A. No, I don't know.

9 Q. Now these cars that were there, have you ever been
10 on this property before?

11 A. No, sir.

12 Q. So you wouldn't have any idea where these cars
13 were located say a year before this?

14 A. No, sir.

15 Q. And certainly you wouldn't know two years before
16 this, or five years? This is only a representation of
17 one day as of August the 2nd, 2011?

18 A. That's the only thing I can testify to other than
19 the way some of them were, some of the material that
20 was out there to me it looked like it had been there
21 for a while.

22 Q. But you have no idea? You couldn't say it has been
23 there five years or six years?

24 A. No, sir.

1 Q. Ten years or any particular time?

2 A. No.

3 Q. Or whether it had been moved around; whether
4 anything had been out there?

5 A. Uh huh. No, sir.

6 Q. Your map is a representation of what you found on
7 one day?

8 A. Correct.

9 Q. Now did you find any fencing in here?

10 A. I don't recall any fencing.

11 Q. Did you recall any fencing around Mr. Miller's
12 property itself?

13 A. I don't remember; I don't recall.

14 Q. But you don't recall any fencing at all?

15 A. No, sir. Let me look at one thing, first.

16 Q. I know you didn't show any on the plat.

17 A. I think there was a chain link fence down maybe
18 this western side of Mr. Miller's property.

19 Q. That's the .66 acres?

20 A. Correct.

21 Q. Yeah and that was the only fence you found?

22 A. That's all that I can say that I found.

23 Q. You don't recall seeing any other fences then?

24 A. Not to those entries, no sir.

1 Q. Did you see any signs there, do you recall?

2 A. Any signs?

3 Q. Yeah saying keep off, keep out?

4 A. I don't recall that either.

5 Q. And do you recall you or someone in your employ
6 being attacked by a dog?

7 A. I certainly do remember that. There was several
8 pit bulls out there running around. We had to be very
9 careful and mindful of where you were at all times.

10 Q. I don't think I have anything else.

11 MR. MOSS: Should he be excused

12 Your Honor.

13 COURT: I have just a couple quick
14 questions. How did you choose the lines
15 that are drawn around what is labeled
16 portion of Parcel 16?

17 MR. YOUNG: We took Mr. Miller's
18 western line extended it up to where the
19 dirt berm line was and went over to the
20 ditch or just shy of the ditch and came
21 back down in a southeastern direction to
22 Bay Pines Road and that pretty much
23 encompassed where all of the vehicles
24 were.
25

1 COURT: And IPS I believe is iron
2 pipe set?

3 MR. YOUMANS: Correct, yes.

4 COURT: And as far as this plat, I
5 see that one, two, three, four, five --
6 I see five iron pipes set. Those were
7 set the day that you were there?

8 MR. YOUMANS: Probably the next
9 day. We went and did the initial work,
10 calculated it up and went back and set
11 the pipes.
12

13 COURT: But none of those were
14 found or otherwise I guess they would be
15 out, is that correct?

16 MR. YOUMANS: Correct, right.

17 COURT: IPS?

18 MR. YOUMANS: Right, they would be
19 IPS.
20

21 COURT: You testified the fence you
22 remembered was along the western edge of
23 what's labeled Bruce Miller Parcel 68.66
24 acres, is that correct?

25 MR. YOUMANS: Best I can remember
right now, yes sir.

1 COURT: Okay, but you don't recall
2 any other fence around that line that
3 you drew? I mean for instance that line
4 was not drawn to follow a fence line, is
5 that your testimony?

6 MR. YOUMANS: Correct.

7 COURT: Okay. Do you -- did you --
8 would you have marked any or did you see
9 any improvements on the part that is
10 marked 3.91 acres?

11 MR. YOUMANS: I don't recall.
12 Seemed like there was some dilapidated
13 storage type buildings or something but
14 nothing that I would call a real
15 improvement.
16

17 COURT: I don't have anything
18 further unless you all have some
19 questions.
20

21 MR. MOSS: No questions.

22 COURT: All right, thank you very
23 much sir.

24 MR. YOUMANS: Yes, sir. Thank you.

25 BY MR. BATTEY:

1 Q. Just one question Mr. Miller. Mr. Youmans

2 testified the timber again that was cut was not cut on
3 your 1.66 acres is maybe one tree, is that right? He
4 said one tree was.

5 A. On the two acres that I pay taxes on all the trees
6 were cut.

7 Q. The trees that were cut and what is encompassed by
8 these dotted lines here, weren't they back in that area
9 there?

10 A. Yes.

11 Q. That's seven and a half acres. Now you are not
12 contending that Ms. Singleton didn't have the right to
13 cut timber on her property are you?

14 A. What's that?

15 Q. You are not contending that Mrs. Singleton did not
16 have the right to cut timber on her own property?

17 A. They haven't come and cut the timber.

18 Q. Well if they did come you wouldn't say that she
19 wouldn't have the right to cut timber on her own
20 property?

21 A. No.

22 Q. She could cut timber?

23 A. Yes.

1 Q. Now when you met with Ms. Austin and the code
2 enforcement people and with Judge Sproatt and you had
3 to pay a fine because of storage of vehicles on
4 adjacent property, did you ever tell anyone --

5 MR. MOSS: Objection to that. That
6 isn't what it says.

7 MR. MILLER: That isn't what it
8 was.

9 COURT: Right, rephrase the
10 question.
11

12 BY MR. BATTEY:

13 Q. When you were in front of the code enforcement
14 officer or Ms. Hillary Austin or Judge Sprott, did you
15 ever tell them that the cars that they said were on
16 adjacent property and I am talking about the permit,
17 did you ever tell them that that was your property and
18 not Ms. Singleton's?
19

20 A. I believe so.

21 Q. Who did you tell?

22 A. I don't remember. That isn't what the fine -- the
23 ticket was for a storage building that was up by the --
24 up here.

25 Q. The first tickets were for. The first ticket was
a violation of the --

1 A. The second ticket as well. Which were -- I had a
2 storage building up here that looked messy and they
3 wanted it tore down and --

4 Q. None of the tickets to you were for storing cars
5 on other property -- on adjacent property?

6 A. I don't think so, no.

7 Q. Now you've heard Mr. -- well did you ever fence
8 any of Mrs. Singleton's property?

9 A. I have a fence all the way down here, all the way
10 down this road and all the way back that way and a
11 berm.

12 Q. Apparently Mr. Youmans didn't see that?

13 A. Apparently what?

14 Q. Mr. Youmans didn't see it. He testified he didn't
15 see any fence.

16 A. I've got pictures of it right now.

17 Q. You realize that your claim for adverse possession
18 is based on your trespass on Ms. Singleton's property
19 don't you?

20 A. I guess.

21 Q. You don't claim that you own any of this property?
22 You never got a deed to any of this property?

23 A. I have a deed to that property and it is paid for.
24
25

1 Q. You don't have a deed to anything other than that
2 property that is shown there? You don't have a deed to
3 anything in this seven and a half acres do you?

4 A. No.

5 Q. You are trespassing on it? And you are trying to
6 claim and take her property because of your trespass?

7 MR. MOSS: Adverse possession.

8 A. Adverse possession.

9 Q. But it is because you trespassed on the property
10 which would give you that? That's what you did. You
11 went on somebody else's property that you knew wasn't
12 yours and now you claim it. Isn't that true?

13 A. I guess.

14 Q. And why did you do that?

15 A. I needed more room.

16 Q. You needed more room so you took what you needed
17 from somebody else?

18 A. No one ever objected.

19 Q. You knew it wasn't yours and you just took it.
20 Isn't that true because you thought you needed it?

21 MR. MOSS: He said nobody objected.

22 A. Nobody objected.

23 Q. They object now. They objected now and you took
24 it and what you say it's okay now because it is yours?

1 You knew it wasn't yours? I don't have anything
2 further.

3 COURT: Mr. Moss anything further?

4 BY MR. MOSS:

5 Q. You are familiar with that plat, Exhibit 1, I
6 think?

7 A. Right.

8 Q. Now that plat shows -- it shows loss of road,
9 right?

10 A. Correct.

11 Q. Okay, now you said that you had a fence all the
12 way down Lawson Road, okay. I will show you exhibits
13 and ask you if you can identify those.

14 A. That's the fence and it goes all the way down.

15 Q. It goes all the way down Lawson Road. These are
16 the exhibits showing that fence and by Lawson Road I am
17 talking about on this Exhibit 1 I am talking about from
18 this point here or I guess this point here all the way
19 down.
20

21 A. It goes all the way around.

22 Q. So you've got all of Lawson Road is fenced?

23 A. Pretty much, yeah. I have trailers parked and a
24 fence down this way. It used to go all the way down.
25 They tore a bunch of it down.

1 Q. Who's they?

2 A. They have a fence that goes back this way all the
3 way back into here and I have a berm out here.

4 Q. You put that berm in there?

5 A. The county put some of it back here. They dug a
6 ditch and put a berm up and I put some of it up here
7 and moved the ground and I put the berm back here.

8 Q. Could you put an x on there where this fence is
9 located?

10 A. This fence is this area down like this. It comes
11 from somewhere in here --

12 Q. Just put an x on that line -- in the middle of the
13 line where it is. Okay and that's the fence that I am
14 showing you here. Which one is that? I mean I am
15 asking you which picture are you talking about?

16 A. Both of them they go together.

17 Q. Let's mark these.

18 COURT: Any objection if we mark
19 them collectively as Defendant's
20 whatever their next number is?

21 MR. BATTEY: Mark them A and B
22 because I think one of them is different
23 than the other one.
24
25

COURT: All right let's mark them.

We will mark them together. What's the
next number?

JOANNE: Eleven.

A. There's one of the signs that said No Trespassing
and there's another one right beyond here.

BY MR. MOSS:

Q. There's a No Trespassing sign there?

A. No Trespassing signs out here, down through here.

Q. Nothing further Your Honor.

COURT: Anything further Mr.

Battey?

MR. BATTEY: Yes.

BY MR. BATTEY:

Q. Mr. Youmans said that he saw a fence along the
side of your property here. Isn't that what this fence
is? Doesn't that go along the side of your property
and isn't that the gate going into your property?

A. I am calling it my property. That's this.

Q. I am talking about this. He said you --

A. I have a driveway and a house up here.

Q. He said that he didn't see any fence except the
fence along the side of your property and I am asking

1 you isn't this the fence the one alongside your
2 property and isn't this an entrance to your property?

3 A. Yeah, and it is right there. This entrance is
4 right about here.

5 Q. And this Lawson Road is a public road that you've
6 got a fence across it locked where nobody can come into
7 Lawson Road?

8 A. Lawson Road is --

9 MR. MOSS: This is along Lawson
10 Road.
11

12 A. This is Lawson Road and this is the fence.

13 Q. But this is an entrance. This shows where you
14 drive in. Where is that?

15 A. This is Lawson Road out here.

16 Q. All right and that's an entrance into your
17 property isn't it?

18 A. Yeah, it's right there. This entrance is right
19 about there.

20 Q. When were these pictures -- when did you put these
21 fences in? Have you put them up since Mr. Youmans has
22 been out there?

23 A. Oh, no. These fences have been there for years.
24 And there were fences back there were old barb wired
25 fences that they tore down when they come in and

1 crushed cars. These fences have been there since -- I
2 don't know late '80's early '90's.

3 Q. And you have no speculations as to why Mr. Youmans
4 who came out and surveyed it didn't see it?

5 A. This is not along Lawson Road. He said on the
6 west side.

7 Q. He said that's the only fence he saw.

8 A. I --

9 Q. I don't have anything further.

10 BY MR. MOSS:

11 Q. You said something about a barb wired fence that
12 you found in the back?

13 A. There was an old barb wired fence down along the
14 ditch area that had been there I don't know how many
15 years.

16 Q. Okay. I don't have anything further.

17 A. Fifty years maybe.

18 BY MR. BATTEY:

19 Q. That wasn't somebody else's fence. That was a
20 fence on Mrs. Singleton's property that had been there
21 and that told you somebody was fencing that property
22 back there, wasn't there?

23 A. I thought it was my property line.
24
25

1 Q. When you found it there? You didn't think you
2 owned that all the way back in there, didn't you? You
3 know where your property line the way it is. You knew
4 you were on Ms. Singleton's property, didn't you?

5 A. Maybe a little bit back there in the very back.

6 Q. Yeah I don't have anything else.

7 COURT: Mr. Miller a couple of
8 questions. As I understand your
9 testimony of course you had a deed to
10 parcel 16A there.

11 MR. MILLER: Correct.

12 COURT: And at some point because
13 of need for additional space you moved
14 across that line, is that right?

15 MR. MILLER: Yes, sir.

16 COURT: Previously you had a
17 facility on Poppy Hill, is that correct?

18 MR. MILLER: Yeah I rented property
19 on Poppy Hill.

20 COURT: When did that facility
21 close?

22 MR. MILLER: '86? But the property
23 is still there but crushed all the cars
24 and --
25

1 COURT: Okay. At some point you
2 said you needed to move across the line
3 to summarize your testimony. The line
4 that surrounds the .66 acres?

5 MR. MILLER: Right.

6 COURT: How did that start?

7 MR. MILLER: There were some dirt
8 roads back in there. I didn't know
9 where the back line exactly was and I
10 put cars back there and then we just
11 made the roads go up there and moved --
12 put more cars back there over the years.

13 COURT: I don't have anything else.
14 Any questions or responses because of
15 my questions.
16

17 BY MR. BATTEY:

18 Q. When you first started putting cars back there,
19 did you think you were putting them on your property?
20

21 A. Of course.

22 Q. And I mean on that property that you had bought,
23 paid for?

24 A. Yeah.

25 Q. So you never intended to go on anybody else's
property?

1 A. Well I guess I did later on because I just kept
2 going further back and --

3 Q. When did you decide later on that you were going
4 to put on somebody else's?

5 A. '87 or '88 I don't know.

6 COURT: Mr. Moss?

7 BY MR. MOSS:

8 Q. You have been on that property continuously since
9 1987, 1988 and have stored those cars there, is that
10 correct?

11 A. Yes, sir. I probably was crossed the line in '85.

12 Q. Can you see the cars from the road, from Lawson
13 Road?

14 A. Not really.

15 Q. In other words is it open?

16 A. Yes, I have a fence there. I was required to
17 fence it.

18 Q. And you continued to claim this area for twenty
19 some years?

20 A. Yes, sir.

21 Q. And you are the only person that's claimed this
22 property for that period of time?

23 MR. BATTEY: I object.

24 BY MR. MOSS:

1 Q. Are you the only person that's claimed it?

2 MR. BATTEY: I object.

3 A. Yes.

4 COURT: I will allow you to cross.

5 BY MR. BATTEY:

6 Q. You knew when you went across the line?

7 MR. MOSS: Did he object to my
8 question or what was --

9 COURT: Well what was the
10 objection? His question is not --

11 MR. BATTEY: The objection is it
12 was leading and phrased the answer.

13 COURT: Well I think he fixed that
14 in the second question, so go ahead.

15 Anything further?

16 MR. MOSS: Nothing further.

17 BY MR. BATTEY:

18 Q. When you say nobody claimed it, you don't know if
19 anybody claimed it or not? They could have claimed it
20 to the world. They didn't claim it to you, is what you
21 are saying, is that correct?

22 A. I guess. No one ever came and told me that it was
23 theirs or that I couldn't use it or anything.

24 Q. The County didn't tell you that?
25

1 A. No.

2 Q. If the County had told you that, would you have
3 taken it off?

4 A. If the County told me what?

5 Q. If the County had told you that wasn't your
6 property and you couldn't put cars on it, would you
7 have taken them off?

8 A. They were my cars.

9 Q. Would you have taken them off and put them
10 somewhere else if they had told you that it wasn't your
11 property and that you couldn't store cars on that
12 property. Would you have take them off?

13 A. I guess. I guess I would have to.

14 Q. And if you were told by the County that is
15 something that you would have to do?
16

17 A. I guess so.

18 Q. I don't have anything further.
19

20 COURT: Mr. Moss anything else?

21 MR. MOSS: Nothing further.

22 COURT: Just one more for me just
23 so I am clear. At some point you moved
24 to the .66 acres in 1984 thereabouts
25 something like that?

MR. MILLER: Right.

1 COURT: And at some point you
2 filled that .66 acres with cars and then
3 you began an expansion out further?

4 MR. MILLER: Well I expanded off of
5 that probably the first year.

6 COURT: The first year? But how
7 far did you go?

8 MR. MILLER: All the way to Lawson.
9 All the way down Lawson Road and all the
10 way down Bay Pine Road. All this area
11 and all back in.-- halfway back there.

12 COURT: Did you make any
13 improvements to any of that property and
14 I am talking about the property that is
15 labeled portion of Parcel 16 occupied by
16 Bruce Miller -- the 3.91 acres?

17 MR. MILLER: All right.

18 COURT: Are there any improvements
19 on that property?

20 MR. MILLER: I don't understand.
21 Improvements? I've been cleaning up the
22 brush and --
23
24
25

1 COURT: I mean are there any
2 structures? Did you build a house back
3 there?

4 MR. MILLER: I have had several
5 mobile homes on that and --

6 COURT: And I understood you to say
7 that you kept mobile homes as part of
8 your work but this is something that you
9 sell parts?

10 MR. MILLER: And I had mobile homes
11 that people lived in over the years back
12 there.

13 COURT: Where?

14 MR. MILLER: On the side over here
15 I had one back here at one time, back
16 over in this area over here. Besides
17 the ones I dismantled and selling.

18 COURT: Were these mobile homes
19 that were registered with County and
20 permits and that sort of thing?

21 MR. MILLER: Not really.

22 COURT: Any questions from my
23 questions?
24
25

BY MR. BATTEY:

1 Q. There's no mobile homes there now, are there, that
2 anybody's living in?

3 A. No.

4 Q. And they haven't lived in there for some time,
5 have they?

6 A. Not for a year.

7 BY MR. MOSS:

8 Q. Not for a year?

9 A. Yeah.

10 Q. How long did they live there? The people that
11 lived there?

12 A. Different ones, several years. Probably over a
13 period of fifteen years.

14 Q. Over fifteen years people have been living there?

15 A. Yeah.

16 BY MR. BATTEY:

17 Q. And these are the ones that you had to disassemble?

18 A. No. Those were properties that we fixed up and
19 later sold.

20 Q. And again you were bringing this on Ms.
21 Singleton's property that you knew you didn't own?

22 MR. MOSS: Asked and answered
23 several times.
24
25

1 COURT: I don't know if he answered
2 several times but that is fine. All
3 right, I don't have anything else.

4 MS. WALKER, called as a witness,
5 after being duly sworn, testified as
6 follows:

7 BY MR. MOSS:

8 Q. Ms. Walker where do you live?

9 A. I live at 1713 Battery Park Drive in Port Royal,
10 South Carolina.

11 Q. And do you know Bruce Miller, the gentleman here?

12 A. I do.

13 Q. And how long have you known Bruce?

14 A. Probably about twenty-five years I would suspect.

15 Q. And are you familiar with the location where he
16 and his wife live out of town this property?

17 A. Yes.

18 Q. And have you been to the property Bruce Miller's
19 business there? His business property?

20 A. Yes.

21 Q. And how long have you been going there?

22 A. Probably about twenty years.

23
24
25

1 Q. And during the time that you have been going
2 there, has he been running and operating a salvage
3 business there and a salvage yard?

4 A. Yes.

5 Q. Okay and it has been -- that location has been
6 there for over twenty years to your knowledge?

7 A. Yes.

8 Q. And has Bruce posted that land? Have you seen
9 posted signs on the land?

10 A. Yes.

11 Q. And have you -- does he also use dogs to guard the
12 land to your knowledge?

13 A. Yes.

14 Q. He does use dogs?

15 A. Yes he does.

16 Q. And has he himself claimed that land over the
17 twenty years to your knowledge?

18 MR. BATTEY: I object.

19 COURT: Sustained.

20 MS. WALKER: What does that mean?

21 MR. MOSS: That means you can't
22 answer it right now.

23 COURT: I assume leading was the
24 objection.
25

BY MR. MOSS:

1 Q. Who to your knowledge has claimed this land over
2 those twenty years?

3
4 A. I have only seen Bruce on it.

5 MR. BATTEY: I object.

6 COURT: What's the objection on
7 that one?

8 MR. BATTEY: Well number one I think
9 that when you say claimed I don't know
10 what that -- I don't think it's a term
11 that can mean to say when you claim it.

12
13 BY MR. MOSS:

14 Q. To your knowledge have you witnessed who has used
15 or been on that property for the last twenty years?

16 A. I have only seen Bruce live on that.

17 Q. And has he operated a business there to your
18 knowledge?

19 A. I know he sold parts and done work there the whole
20 time I have known him there.

21
22 Q. And have you witnessed the cars on the property,
23 numerous cars that have been placed on the property
24 over the years?

25 A. Yes, sir.

1 Q. Okay and could you describe how large that area is
2 where the cars are located?

3 A. Frankly I never walked the whole thing but I have
4 been back oh I am going to take a guess of -- I don't
5 know 1500 yards up?

6 Q. Yeah.

7 A. I don't know. I mean it went way back but I never
8 walked like around the whole thing.

9 Q. Right and what did you observe when you were back
10 there?

11 A. Vehicles, parts. There were areas where the dogs
12 were chained cause you avoid -- I mean you had paths to
13 go around them so I know that the dogs were back there.
14 You know you could definitely see paths that were
15 traveled and vehicles and parts.

16 Q. So there was basically a road around there, a dirt
17 road around throughout where the cars were parked?

18 A. Right. That's how you would get -- you know if
19 you were searching for a particular make or model and
20 you were looking for a particular part. You know you
21 might have to walk back but I never went through the
22 whole thing.
23
24
25

1 Q. I understand. How often would you visit this
2 property over the twenty years? I mean how many times
3 a month, a day, a year or whatever.

4 A. I would say average once every six months on
5 average.

6 Q. You friends with Mrs. Miller?

7 A. I am.

8 Q. And of course Bruce?

9 A. Yes.

10 Q. Has anyone else to your knowledge ever run any
11 type of business or done anything with that property to
12 your knowledge?
13

14 A. Not to my knowledge.

15 Q. Did you ever live near the property at any time?
16 Did you ever actually live out there at any time?

17 A. No.

18 Q. Is it known in the community out there that he
19 owns the property?
20

21 MR. BATTEY: Objection.

22 COURT: On what grounds?

23 MR. BATTEY: Objection.

24 COURT: Hearsay.

25 MR. MOSS: I don't have anything

further.

BY MR. BATTEY:

1 Q. Ms. Walker, would you trespass on somebody's
2 property and take something that wasn't yours?
3

4 A. No sir.

5 Q. That would be dishonest, wouldn't it?

6 A. If I knew it I sure would not.

7 Q. Thank you. Thank you Ms. Walker.

8 COURT: Ms. Walker I just have a
9 couple of questions real quick. This
10 has been described as an operating
11 salvage yard of some kind. Do you have
12 a plat in front of you?
13

14 MR. BATTEY: There's a plat right
15 there.

16 MS. WALKER: Yes but I need my
17 glasses. I am blind.

18 COURT: Is there an office? Where
19 would one find the proprietor of this
20 salvage yard to pay for parts and that
21 sort of thing?
22

23 MS. WALKER: For a long time you
24 would find him at the home and now he's
25 got a couple other buildings erected

1 that you know if he's not at one he's
2 usually at the other.

3 COURT: And so where are the few --
4 are you good with plats or you -- does
5 that plat make any sense to you in front
6 of you?

7 MS. WALKER: I am not that good
8 with them. If somebody could tell me
9 where his house is on here, I might be
10 better with it.

11 COURT: Well unfortunately we let
12 the surveyor go. All right I don't have
13 anything else. Any questions from the
14 responses to my questions?
15

16 MR. MOSS: No.

17 MS. MILLER, called as a
18 witness, after being duly sworn,
19 testified as follows:
20

21 BY MR. MOSS:

22 Q. State your name please, ma'am for the record.

23 A. Michelle Miller.

24 Q. And you are married to Bruce Miller?

25 A. I am.

Q. And how long have you all been married?

1 A. 15 years.

2 Q. And did you know him before you all got married
3 for any length of time?

4 A. Yeah, a couple of years.

5 Q. And so that would be about seventeen years you
6 have known him?

7 A. About.

8 Q. Where was the business he had at the time you all
9 started dating?

10 A. On Austin Road.

11 Q. Where it is now?

12 A. Yes.

13 Q. And at the time you started dating was it a
14 salvage yard at that time there?

15 A. Yes.

16 Q. Okay and did it pretty well include the area as
17 shown on Exhibit 1 that plat that I have shown you
18 there?
19

20 A. Yes.

21 Q. And cars were located within that area?

22 A. Yes, sir.

23 Q. And has Bruce continued to use it as a salvage
24 yard since that period of time?
25

A. Yes, sir.

1 Q. Do you recall Beaufort County coming out on
2 occasion and talking to Bruce about berms or putting up
3 fences or removing certain cars?

4 A. I recall Bruce Miller talking; I was not present
5 at the time.

6 Q. Okay, okay. And you were aware of when this event
7 started in 2011 when this gentleman came there and
8 started chopping trees down?

9 A. Yes, sir.

10 Q. He wasn't chopping the trees as I understand it to
11 get the timber; he was chopping them to block Bruce?

12 A. Yes, sir.

13 Q. Bruce has got a diagram in there showing the
14 various roads that go through there. Have those roads
15 been there since you have been married to Bruce, the
16 dirt roads?
17

18 A. They have and he has built more.

19 Q. Built more?

20 A. Yes, sir.

21 Q. And has he posted that property to your knowledge,
22 put no trespassing signs up?
23

24 A. Yes, sir.

25 Q. That would include Lawson Road and the whole area
out there?

MR. BATTEY: Objection, leading.

BY MR. MOSS:

Q. Well what areas would the posted signs include?

A. There's some at the front gate. There's some right where you turn in Lawson Road off Bay Pine Road. There's a no trespassing sign right here on that bend.

Q. Okay, so as you would approach your property there would be no trespassing signs?

A. Yes.

Q. All right and dogs have been used for security over the years?

A. They have.

Q. And how many times or -- how long do you remember dogs being used as security since you have been married to Bruce?

A. He's had -- he had dogs when I met him.

Q. And do dogs normally bark when somebody tries to enter the property?

A. They do.

Q. Now did anybody ever come to you and/or Bruce and claim that they owned the property?

A. No, sir.

Q. And is the public aware of your all's location there as a salvage yard?

1 A. This location, yes. Yeah, he has it posted on
2 there.

3 Q. Ms. Miller, you wouldn't trespass on somebody's
4 property, take anything off of it would you?

5 A. I don't think so.

6 Q. Because it would be dishonest to go on somebody
7 else's property to take something?

8 A. Yes.

9 Q. Thank you. Nothing further.

10 COURT: Ms. Miller do you assist in
11 the business?

12 MS. MILLER: A little bookkeeping
13 but I am employed outside the home. I
14 have a job.

15 COURT: And as part of the
16 bookkeeping do you keep an inventory of
17 what you have there at the business?

18 MS. MILLER: There was a better
19 inventory before this happened. Where
20 each car was located versus now there is
21 really not as much now. I keep up with
22 the sales for tax purposes.

23 COURT: Okay.

24 MS. MILLER: And answer the phones.

1 COURT: And I understand I think
2 from your testimony at least
3 conversation that periodically a car
4 crusher will arrive and the cars will be
5 sold to the car crusher?

6 MS. MILLER: I don't know him. I
7 have been with him for fifteen years. I
8 don't -- I work nights and sleep during
9 the days. To my knowledge cars have
10 been crushed twice in that time. Once
11 when -- like he was saying 2006 or
12 something and then when cars were forced
13 to be crushed last year because they
14 were run over, to my knowledge.

15 COURT: All right, so the cars that
16 were crushed last year were how many
17 cars?
18

19 MS. MILLER: I don't know.
20

21 COURT: How many in '06 do you
22 remember?

23 MS. MILLER: Maybe four or five
24 hundred.

25 COURT: And was that the inventory
-- the idea you accumulate a certain

1 number and then have them crushed? Is
2 that how the business works or do you
3 know?

4 MS. MILLER: To make more room yeah
5 and it's for cash flow.

6 COURT: They give you money I guess
7 for the steel?

8 MS. MILLER: Yes.

9 COURT: Do you have any documents
10 evidencing the crushing of the cars?

11 MS. MILLER: Not -- do you have
12 them? Yes, we have documents on
13 everything -- there was also a list of
14 every car that was on the property.

15 COURT: And when was that list put
16 together?

17 MS. MILLER: That list was put
18 together in 2010.

19 COURT: And how many cars were on
20 the property in 2010?

21 MS. MILLER: I can't -- I really --
22 I don't know maybe 1,000. I really -- I
23 can't honestly say. I am employed. I
24
25

1 have a full time job and that's really
2 his business.

3 COURT: Any questions of this
4 witness in response to my questions?

5 BY MR. MOSS:

6 Q. There's an exhibit in there and it shows the
7 number of cars and it's not that one --

8 A. Yeah, that one.

9 MR. BATTEY: I object. She said
10 she doesn't know. This is an exhibit
11 that she didn't prepare.

12 MR. MOSS: It is already in.

13 MS. MILLER: I am familiar with
14 this. This is a circle and the number.
15 This was like a -- I guess we type out
16 and each number and then the list was
17 the inventory of the car. It's got like
18 1, 2 and then --

19 COURT: What exhibit is that, I am
20 sorry?

21 MS. MILLER: Exhibit 6. And then
22 there was several pages that had what
23 type of car it was and what year and
24 what type and this is just like the
25

1 numbers of where it was located on the
2 property.

3 COURT: Does that list tell you how
4 many cars were on the property at the --

5 MS. MILLER: If you counted every
6 circle, absolutely it would.

7 BY MR. MOSS:

8 Q. Are you familiar with the inventory that we had?

9 A. That's the inventory that goes with this list
10 right here.

11 Q. Okay, well let me pass it up to you. I am going
12 to make this an exhibit Your Honor. She's got to mark
13 it.

14 A. This goes with this.

15 COURT: If you don't mind hand that
16 to me too on this next exhibit.

17 BY MR. MOSS:

18 Q. That is Exhibit -- what is that?

19 A. 13.

20 Q. Exhibit 13 is that what you were referring to as
21 an inventory that was done?

22 A. Yes.

23 Q. Do you know when that inventory was actually done?

24 A. About 2010.

1 Q. 2010 okay. And that is the number of cars that
2 would have been on there at that time?

3 A. Yes, sir..

4 Q. Now as I understand it, this mass sale of vehicles
5 that he had that Bruce had, your husband, was a result
6 of this gentleman coming in and digging holes and
7 dropping trees and had people take your cars?

8 A. Yes, sir.

9 Q. And as a result of that because of the damage to
10 the cars Bruce decided to have them sold at that time?
11

12 MR. BATTEY: I object.

13 A. Well he didn't decide to have them sold, they were
14 crushed. I mean they were crushed -- all the cars were
15 crushed. I mean some of these cars were to be restored
16 or in the process of being restored. He had bought a
17 yellow Mercedes because I wanted to own a Mercedes. He
18 was restoring it for me and it got ran over. It got
19 crushed.
20

21 Q. They crushed it?

22 A. Yes, sir.

23 Q. So a lot of these were crushed not by Bruce but by
24 Simco that came in and --

25 A. By Simco, yes.

Q. And took them off and crushed them?

1 A. Yes.

2 Q. I don't have anything further.

3 BY MR. BATTEY:

4 Q. And for these crushed cars your husband got
5 \$77,000.00?

6 A. We have not received a penny yet.

7 Q. That was the judgment you got against them.

8 A. That was our judgment but we haven't received a
9 penny.

10 COURT: How many cars are on the
11 inventory that you got as --

12 MS. MILLER: Okay, according to
13 this --

14 COURT: 13.

15 MS. MILLER: 253.

16 COURT: 253 cars.

17 MS. MILLER: According to this,
18 yes.

19 COURT: And that's an inventory in
20 2010; is that correct?

21 MS. MILLER: Yes, sir.

22 COURT: Okay is the inventory -- I
23 understand you had drawn a map that has
24
25

1 shown roughly where the cars were. Is
2 that correct?

3 MS. MILLER: I did not draw the map
4 but I was familiar with the map and
5 where they went to.

6 COURT: All right and I guess what
7 I am trying to figure out is this
8 roughly -- is the map which is
9 Plaintiff's Exhibit 6 correspond in any
10 way with the plat which I believe is
11 Plaintiff's 1?
12

13 MR. MOSS: Yes, Plaintiff's 1.

14 BY MR. MOSS:

15 Q. For instance I think it's got Lawson Road now you
16 can see it. On the left --

17 A. Yes. This looks like maybe it's a picture of that
18 gate and the cars are back there at the back of the
19 property.
20

21 COURT: Where is the house -- on
22 Plaintiff's Exhibit --

23 MS. Miller: It is not on this
24 because it would be toward the front.

25 COURT: Any questions off of this?

BY MR. BATTEY:

1 Q. Let me just ask you if I can, Ms. Miller, what --
2 with regard to this plat, where is the house located?

3 A. Up there.

4 Q. Is it on that .66 acres?

5 A. Uh huh.

6 Q. And is that also where the office is with the --

7 A. There is an office here. There is a garage about
8 here.

9 Q. But there's an office there too, isn't there?

10 A. Well there is office furniture but there's a
11 garage here where he does most of his business.

12 Q. Thank you. I don't have anything further.

13
14 MR. MOSS: We would rest at this
15 time Your Honor.

16 COURT: I am sure you got some
17 Motions, after lunch anyway. Ten
18 minutes of twelve. I want to try to
19 come back about 1:15 is that --
20

21 MR. MOSS: That will be fine.

22 MR. MOSS: Well you don't want to
23 take Mr. Giles and come back.

24 COURT: I forgot about him back
25 there. I tried to get him out of here
first. Yes, let's go ahead and take

1 him. We are going to take him out of
2 order Mr. Battey and with respect to you
3 preserving any Motions -- Mr. Giles take
4 him out of order as part of the defense
5 case. Mr. Giles come around here if you
6 would. Ma'am do you have a question?

7 MS. MILLER: I was going to ask if
8 I needed to come back at 1:00.

9 MR. MOSS: No, no you can go.

10 COURT: You can leave now if you
11 want.

12 MR. MOSS: You can leave now if you
13 want.

14 COURT: If you are going to leave I
15 would prefer you go before we start.

16 MS. MILLER: Okay, I will go.

17 COURT: You don't have to go but --
18 --

19 MS. MILLER: No that's fine as long
20 as I am done, okay.

21 A. Yeah, that one.

22 MR. MOSS: Yes, Plaintiff's 1.
23
24
25

1 COURT: For instance I think it has
2 got Lawson Road on there where you can
3 see.

4 MARK DAVID GILES, called as a
5 witness, after being duly sworn,
6 testified as follows:

7 BY MR. BATTEY:

8 Q. Mr. Giles give us your full name please sir.

9 A. Mark David Giles.

10 Q. And where do you live Mr. Giles?

11 A. 47 Varsity Street on Lady's Island.

12 Q. And how old are you, sir?

13 A. Forty-nine.

14 Q. And are you employed?

15 A. Yes, sir.

16 Q. And what is your occupation?

17 A. I am a code enforcement officer for Beaufort
18 County.
19

20 Q. And how long have you been a code enforcement
21 officer?
22

23 A. For six years.

24 Q. And tell me what you do as a code enforcement
25 officer.

1 A. Our main duty is to enforce the zoning development
2 standards ordinance and we also -- other ordinances
3 such as junk vehicles and trash order, unsafe
4 structures.

5 Q. Now Mr. Giles in your occupation as code
6 enforcement officer, were you in January of 2006 asked
7 to inspect a junk or salvage yard on Bay Pines Road?

8 A. Bay Pines Road.

9 Q. Bay Pines Road.

10 A. Yes, sir.

11 Q. Now in connection with this, did you prepare some
12 notes for this inspection and subsequent action to it?

13 A. I did.

14 Q. And do you have them with you?

15 A. I do.

16 Q. And are they in your handwriting?

17 A. Yes, sir they are.

18 Q. And if you would like to refer to those notes we
19 would like you to if you could. Were they done
20 contemporaneously with when you took action?
21

22 A. Yes, sir.

23 Q. Let me ask you then -- with referring to those
24 notes tell me when you were -- how you were notified
25 and what you did with regard to that.

1 A. I was notified by my supervisor Audrey Antonocci
2 that there was a complaint that had come in apparently
3 through the public information officer concerning a
4 junk yard on Bay Pines Road. A bunch of cars had been
5 brought up by the road so she sent me out there to look
6 at the scene and see what was going on.

7 Q. And was the property that you went that you
8 inspected, what did you find when you went there?

9 A. What I found out there was numerous cars. I
10 didn't have an exact count. I would estimate at the
11 time maybe sixty or seventy cars out there at the time.
12 There was also some trailers, mobile homes along Lawson
13 Road that goes in there. Lawson is at that point is a
14 private road that goes in past a couple of residences
15 and from that point on it becomes a county road to
16 where it intersects Bay Pines further down.

17 Q. So the portion of it is county and a portion of it
18 is private?
19

20 A. Yes, sir.

21 Q. And did you find out was the owner of the salvage
22 yards?
23

24 A. Well at the time we weren't aware that there was a
25 salvage yard back there. I mean where the majority of
the cars were located was along Bay Pines Road. They

1 had been brought out -- or they were out there and we
2 knew recently they hadn't been. So we looked in our
3 system, found out where the parcel was and at the time
4 that property where these particular vehicles were
5 belonged to a Singleton Family Trust with Ida Mae
6 Singleton as the Trustee. There was also some other --
7 along the road there was also a Frank Ravenal that was
8 listed as some of the cars were over on the other side
9 of Lawson Road.

10 Q. And let me -- Joanne this has been marked I don't
11 have the number of it. It is the last one in this.
12 You just marked --
13

14 MR. MOSS: Are these the ones you
15 are looking for?

16 MR. BATTEY: No I got them. They
17 are right here. I guess they are all
18 marked as part of Exhibit 10, 9'
19 Defendant's 10. Defendant's 10 consists
20 of 1, 2, 3, 4, 5 pages.
21

22 JOANNE: If they were stapled, I
23 just marked them as 1.

24 MR. MOSS: Let me see those. I
25 have to see them to know what you are
talking about.

BY MR. BATTEY:

1 Q. Let me show you what has been marked as
2 Defendant's Exhibit 10 and this was the fifth page.

3 Can you identify that Mr. Giles?
4

5 A. Yes, sir. This is -- I pulled this off the GIS's
6 system for the County and this is how I marked it.

7 Q. All right tell us what you it shows.

8 MR. MOSS: Are you talking now or
9 later or back then?

10 MR. GILES: This is back then, yes,
11 sir.
12

13 A. It shows ---

14 Q. Back then - 2006?

15 A. 2006. January of 2006. It shows property
16 belonging to Ida Mae or Ida Singleton, Frank Ravenal
17 and Bruce Miller.

18 Q. And this was taken off the County records?

19 A. Yes, sir it is.
20

21 Q. And I would offer that just now. Who owned if you
22 will or what transpired.

23 A. Okay once -- we found that the majority of the
24 cars that were on the property belonged to the
25 Singleton Family Trust and at that time we issued a
notice of violation to the Singleton Family Trust, Ms.

1 Singleton and at the time she was living in California
2 and sent that out there. It was quite a period of time
3 -- it was about two almost three weeks we heard from
4 somebody on February 13th of 2006 heard from someone
5 named Mattie Jenkins who said that she was a local
6 representative of the Singleton Family Trust. She was
7 unaware exactly the location I am speaking of. I told
8 her the approximate vicinity and we arranged to meet
9 two days later on the 15th of February at the skating
10 rink there.
11

12 Q. Did you meet?

13 A. We did. We met with her and then we proceeded
14 over to the property at that time.

15 Q. And when you got to the property what did -- what
16 transpired then?

17 A. Well at the time was - she did know which property
18 we were speaking of after that and she knew the
19 vehicles in question were not hers. So she did tell us
20 that a piece of the property they knew had been sold to
21 -- let me see I do have it in my notes how she phrased
22 it. If you could give me just a moment. Yeah, she
23 told us that somebody by the name of Isaac Thompson who
24 was within the family had sold a portion of the
25

1 property to a man named Miller. She did not know the
2 person's first name.

3 Q. Did you later learn this was Bruce Miller?

4 A. We did. I actually went up there to the location
5 she -- she indicated where this was at -- was up in
6 there and I did go up in there and I met with Mr.
7 Miller at 33 Lawson Road and he identified himself as
8 the owner operator of Brewster's Repair and he actually
9 gave me a business card.

10 Q. And what type business was he in?

11 A. He was in a salvage - it was a repair and welding
12 I believe.

13 Q. Did you ask him whether he currently had any
14 business license?

15 A. I did. He stated he did not. He said he was not
16 aware that he needed one. He thought he was
17 grandfathered in.

18 Q. And he was living on that property?

19 A. He was. He was living on the property at the time
20 and it was him and I think there was maybe one or two
21 of his employees were out there.

22 Q. And what transpired after that?

23 A. We did some investigation and he said that he had
24 been on the property since approximately '84 or '85 and
25

1 that he did live on the property and he stated that he
2 had approximately two acres of property and he said
3 that what the reason those cars were out there was they
4 had been stored further back on the property and he had
5 a car crushing company that was coming in to crush the
6 cars and that's why he had brought them out to the
7 front and placed them on the Singleton property. Now
8 he did tell us that he had some sort of verbal
9 agreement with Frank Ravenal and at the time Mr.
10 Singleton to use the property temporarily?
11

12 Q. He said he had permission to use the property
13 temporarily?

14 A. Temporarily.

15 Q. And then what transpired after that?

16 A. Well we did some more investigation and he said
17 that the reason there had been a delay is there was
18 actually he believed 70 or 72 cars plus engine blocks
19 and other unusable parts that were out there. He said
20 the crushing company had told them that they wouldn't
21 come out for less than they what called a hundred car
22 weight so there was some delay in them immediately
23 coming but he did anticipate them coming in -- it was
24 going to be some delay in time. We did do some
25 investigation and found out that he did not have a

1 business license or a zoning permit to be at that
2 location so he was issued a notice of violation for not
3 having a zoning permit, not having a business license
4 and he was also cited for trash and litter and for junk
5 vehicles and unsafe structures. There were several
6 mobile homes or -- and I say several -- there were
7 mobile homes along the roadway that were in an unsafe
8 condition.

9 Q. And as a result of that violation that was issued,
10 what happened after that?

11 A. After that he did come in and he met with Hillary
12 Austin to discuss the business itself and he did get a
13 temporary -- she would not originally grandfather the
14 salvage yard because he couldn't at the time prove that
15 he had been there twenty years. She did go ahead and
16 give him a temporary permit for the welding part. Now
17 he was able to obtain numerous affidavits from folks
18 that he had been doing business with to show that he
19 had in fact been in business for approximately twenty
20 years, twenty one years. I think at the time is what
21 he was claiming, twenty-one years. So she did issue
22 him a zoning permit for the business and that he did
23 obtain a business license. There were I believe some
24 stipulations put on the zoning permit.
25

1 Q. I am going to hand you what has been marked as
2 Plaintiff's Exhibit 1. Is that a copy of the zoning
3 permit that was issued to him?

4 A. Yes, sir it is.

5 Q. And you say it was issued with conditions?

6 A. Yes, sir.

7 Q. And what were those conditions?

8 A. The conditions are listed. It says, "The property
9 shall be inspected for compliance within ninety days
10 from the date of the permit", and the permit is dated
11 March 10th of 2006. "Said the property shall be
12 screened with a privacy fence. Only salvage vehicles
13 shall be allowed to be a part of the business. No
14 vehicles shall be stored on adjacent property and the
15 property shall be cleaned of debris not associated with
16 the business."
17

18 Q. And did he admit at that time that he put cars on
19 the Singleton property?
20

21 A. Yes, sir.

22 Q. Did he make a statement to you?

23 A. Yes.

24 Q. Did he admit that he put cars on the Singleton
25 property?

1 A. He did tell us that the part along the front did
2 belong to the Singletons but he had told us that there
3 was some agreement for him to use it temporarily.

4 Q. That he had permission from them?

5 A. That he had permission. We did not corroborate
6 that one way or the other.

7 Q. Did you re-inspect the property?

8 A. I did sir.

9 Q. And he was to -- it was re-inspected in ninety
10 days?

11 A. Yes, sir.

12 Q. And was it inspected ninety days later?

13 A. It was.

14 Q. If you can go on and tell us what you did and what
15 you found.

16 A. Okay on the 12th of June of 2006 I did do a re-
17 inspection of the property and I did make notes that
18 say the conditions of the zoning permit had not been
19 met. The property has not been screened with a privacy
20 fence. There are still vehicles stored on the adjacent
21 property belonging to the Singleton Family Trust, Ida
22 Mae Singleton, Trustee and the property was not cleaned
23 of all debris not associated with the business. There
24 was a large berm that had been placed along the front
25

1 of the property which was also in question. It was
2 mainly debris from like tree clearing companies and
3 stuff had been put along the front. He had said that
4 there originally was a wax myrtle grove. I guess you
5 want to call it or a hedge along the front and when
6 they had done some ditch work that had been knocked
7 down so he took it upon himself to put this berm up.

8 Q. And as a result was he given a citation?

9 A. Yes, sir. He was issued three citations on the
10 14th of June. I met with him in person and issued him a
11 citation for zoning permit violation for not complying
12 with the conditions of the zoning permit, for trash and
13 litter control and for abatement of unsafe structures
14 and a court date was set for the 29th of June at 9:00
15 a.m.

16
17 Q. And did he appear there on the 29th?

18 A. Yes, sir he did.

19
20 Q. And what was a result of that time?

21 A. He was found guilty of the zone permit violation
22 and fined \$250.00.

23 Q. What was that violation of the zoning permit?

24 A. For not complying with the conditions. There were
25 still -- some of the vehicles were still out on the
property.

1 Q. Out on the Singleton property?

2 A. Yes, sir.

3 Q. There had been -- I think numerous had been
4 removed. I did take note on the 13th of April I did
5 notice a car crushing company out there removing cars
6 from the scene. And there was also see what the -- yes
7 I believe that was it with the -- he had not removed
8 all the vehicles and there was still other debris. I
9 do recall there was a sailboat out there and just some
10 other -- there was a small camper like a pull behind
11 camper that was still out there.
12

13 Q. And he had been instructed by the County to remove
14 those things from Ms. Singleton's property?

15 MR. MOSS: Objection. Form a
16 question.

17 BY MR. BATTEY:

18 Q. As a result of the permit one of the conditions
19 was he had to remove cars and other things from Ms.
20 Singleton's property?
21

22 MR. MOSS: Objection again. The
23 form of the question. The permit speaks
24 for itself.

25 MR. BATTEY: Well I am asking him
the question.

COURT: Well I will allow it, go

ahead.

BY MR. BATTEY:

Q. As a result of the permit, one of the conditions was he was required to remove cars and other structures from Ms. Singleton's property?

MR. MOSS: Objection.

BY MR. BATTEY:

Q. Go ahead and answer.

COURT: Go ahead.

A. Yes, he was. The idea was that he was supposed to put up a privacy fence. There was a chain link fence along there and he had taken fabric and placed along there. We allowed that with the condition that he did move everything behind that fenced area.

Q. And then that fence that he put was along this piece of property that he owned the .66 acres?

A. Yes, sir. It was along -- as you come in it's probably 100 feet -- 150 feet along here to where you come to an area that there's a chain link fence that runs along this section of the property here and he did go along and place fabric along this. I did not go on the back side so I am not sure if it was completely covered or not.

1 Q. But the chain link fence was placed along his line
2 -- the line he has?

3 A. Yes, sir. I believe that fence was already there
4 when I went out there. This fence was already here.
5 He just used the fabric which is not really within the
6 ordinance but we allowed it.

7 Q. What we are talking about is the fence that went
8 along in here?

9 COURT: Why don't we mark that.

10 MR. BATTEY: Plaintiff's Exhibit --
11 what is that number 1. If you would
12 mark where the fence was.
13

14 A. Okay. This fence runs along here and I am just
15 using approximately so I don't know exactly. It
16 becomes wooded back here so it is kind of hard to see
17 back but right here is where the fence was that I know
18 of.

19 BY MR. BATTEY:
20

21 Q. And there was a fence there in 2006?

22 A. Yes, sir it was in 2006.

23 COURT: Why don't you write the
24 date.

25 BY MR. BATTEY:

1 Q. And that is what the fence was for; it put all the
2 cars behind that fence?

3 A. Yes, sir. Yes, sir.

4 Q. And where was the cars when you went out there?
5 They were scattered around where?

6 A. The cars let's see this is Bay Pines Road and the
7 majority of the cars were right in this area and you
8 could see some others scattered up here because this is
9 a very wooded --

10 MR. MOSS: What area is he talking
11 about? He just says that --

12
13 A. This is along Bay Pines Road. There is a little
14 road that goes in here off of Bay Pines.

15 Q. That's Lawson.

16 A. I am sorry?

17 Q. Yeah.

18 A. Yea, it is Lawson Road and the majority of the
19 cars were in here. They had been pulled up here
20 waiting for the crusher.

21
22 Q. Close to the road?

23 A. There were other things right in here but back
24 here I don't know. We didn't know whether there was
25 anything back there. I don't think it really came into
question. Our main concern was the part that was

1 visible from the County road and these were supposed to
2 have been, if they were not removed moved into the area
3 that was --

4 Q. All of the cars that were on somebody else's
5 property were to be moved into the area?

6 A. Yes, sir.

7 Q. On this Plaintiff's Exhibit, does that look like
8 the fence that you saw on the road?

9 A. It's the style of fence but the location of this I
10 cannot -- I can't testify to. Do you want me to go on
11 with the charges?

12 Q. Yes, go on.

13 A. There was also with the trash and litter he was
14 found guilty and charged \$125.00 and on the abatement
15 of the unsafe structure which was the mobile home in
16 question that was along Lawson Road that was still
17 present and he was found guilty and charged \$250.00.

18 Q. For not having it on his property?

19 A. Yes.

20
21 MR. MOSS: Objection. That wasn't
22 what it was for. It was for unsafe
23 structure.
24

25 COURT: What was he found guilty
for?

1 A. He was found guilty for not removing the mobile
2 home that was along Lawson Road. It was in disrepair
3 and in bad shape and he claimed he was using it as a
4 storage building but it was in bad repair and actually
5 there were no permits for it to start with for it even
6 being there.

7 BY MR. BATTEY:

8 Q. And on Lawson Road was that on the county part of
9 Lawson Road or was that on Ms. Singleton's or the --

10 A. That's on the private section so I don't know who
11 has claim to that road.
12

13 Q. But it was not on his?

14 MR. MOSS: Objection.

15 A. I don't know.

16 Q. Not inside his --

17 A. It was not inside the fenced area.

18 Q. And he plead guilty and paid the fines?

19 A. Yes, sir. As far as I know he paid the fines. I
20 assume he did.
21

22 Q. All right now did you have any other occasion to
23 go back or to deal with this property again?

24 A. This came back up May 18 of 2009. I don't know
25 how we came -- I don't know if it was a complaint but I
did go back out there and there was some cars placed

1 out on the adjoining property and as I do restate that
2 I did see the cars out there. There were two cars
3 there was a small -- there were two small cars that
4 were out there for sale and I think there was some
5 other things if I can --

6 Q. If you don't know you don't know.

7 A. There were a couple of cars that were out there so
8 this was brought up again and he was given a warning
9 notice to remove those cars. Met him, give him a
10 notice.

11 Q. Let me show you what is Defendant's Exhibit 6.
12 Those are pictures I think you got the dates you took
13 that in 2009?
14

15 A. Yes, sir. That's it. There's this -- it is a
16 small car and I think there actually was two and then
17 there was also a camper and some other items along the
18 roadway of Lawson Road -- the private part of Lawson
19 Road outside of Mr. Miller's property.
20

21 MR. MOSS: Without objection.

22 Q. Now you say that you gave a notice of violation.
23 Let me show you this.

24 MR. MOSS: Yea I don't have a
25 problem with that.

BY MR. BATTEY:

1 Q. Let me give you this. Defendant's Exhibit 7, was
2 that the notice of violation that was given to Mr.
3 Miller?

4 A. Yes, sir.

5 Q. All right and what were the -- what does a notice
6 of violation do?

7 A. It gives him a period of time. It notifies him
8 that there is a violation on the property and gives him
9 a period of time to --

10 Q. What was the violation?

11 A. It was for a zoning permit violation. It was a
12 violation of the zoning permit.

13 Q. For what specifically?

14 A. For having the cars out on the property and I did
15 -- I had met with him so I did know that they were in
16 fact his cars that he had out there for sale. He was
17 given a period of time until this was issued on May 18th
18 and he was given until June 21st of 2009 to remove those
19 cars.
20

21 Q. Did you go back and take some additional pictures?

22 A. Yes, sir. This was taken on the 22nd of January,
23 2009 and the cars in question were still there as well
24 as the camper.
25

Q. And then what was the result of that?

1 A. He was given a citation to appear before the
2 magistrate with a court date of the 29th of June.

3 Q. And did he appear in court?

4 A. He did Your Honor. I am sorry, he did, sir.

5 Q. And --

6 MR. MOSS: Your Honor I don't think
7 any of this is relevant. Quite frankly
8 I don't know what Mr. Battey is trying
9 to do but the fact that he's got a
10 zoning violation doesn't have a thing to
11 do with this case. Although it does
12 establish that my guy is on the property
13 which it continues to establish.
14

15 COURT: I will allow the testimony.

16 BY MR. BATTEY:

17 Q. Let me ask you this Mr. Singleton, you tell me
18 what that is?

19 A. It says it is from the Beaufort Magistrate. It is
20 a case history for Case No. 1312.
21

22 MR. MOSS: Is that a document that
23 he prepared?

24 MR. GILES: No this is from the --
25 apparently from the Magistrate's Court.

BY MR. BATTEY:

1 Q. Were you there when he appeared in Magistrate's
2 Court, Mr. Giles?

3 A. I was.

4 Q. And did he appear in Magistrate' Court and was he
5 fined \$55.00 for the violation?

6 A. Yes, sir he was.

7 Q. And the violation was a zoning violation with the
8 zoning violation a specific violation of --

9 MR. MOSS: Leading question.

10 BY MR. BATTEY:

11 Q. The specific violation as I understand it and you
12 can tell me yes or no.
13

14 MR. MOSS: Let him testify to what
15 it is. Colin you lead him every time.

16 MR. BATTEY: I am not leading him if
17 you let him answer my question and then
18 you can object when it is over.
19

20 COURT: Let him finish the
21 question. He can lead him so far but
22 let's see where he is going. Go ahead.

23 BY MR. BATTEY:

24 Q. The violation was a zoning violation is that
25 correct?

A. That's correct.

1 Q. And am I correct that the specific violation yes
2 or no was for failing to move the vehicles off the
3 Singleton property?

4 MR. MOSS: Objection. That is
5 leading.

6 COURT: Just ask him if he knows
7 what the --

8 BY MR. BATTEY:

9 Q. Do you know what the zoning violation was?

10 A. Yes, I do.

11 Q. And what was that?

12 A. It was for having the vehicles outside of the
13 defined area for the business inside of the fenced area
14 which was Lawson Road.

15 Q. When you -- did Mr. Miller ever tell you that the
16 verbal permission he had gotten from Mr. Ravenal -- Ms.
17 Singleton had been revoked?
18

19 MR. MOSS: Objection. Leading
20 question. Number one the statement is
21 leading and number two he is giving him
22 the answer.
23

24 COURT: Well anything you answer
25 with a yes or no is always suspect on
the leading issue so yes if you could

1 make it a little less leading if you
2 could?

3 BY MR. BATTEY:

4 Q. Did Mr. -- in your conversations with Mr. Miller,
5 did he ever discuss whether or not the permission that
6 had been given by Mr. Singleton, Ms. Singleton ever --

7 MR. MOSS: Just ask him if he ever
8 discussed it.

9 COURT: Well let him finish the
10 question and then go ahead.

11 BY MR. BATTEY:

12 Q. You testified Mr. Giles that Mr. Miller told you
13 that he had verbal permission to store his cars from
14 Mr. Ravenal and Mr. Singleton from Los Angeles. Is
15 that correct?
16

17 MR. MOSS: We object to that.

18 BY MR. BATTEY:

19 Q. Did he ever tell you later that that position had
20 been revoked?
21

22 A. No.

23 MR. MOSS: Objection again.

24 COURT: I will allow it, go ahead.

25 MR. BATTEY: I don't have anything
 further right now.

COURT: Anything else of Mr. Giles?

1 BY MR. MOSS:

2 Q. Mr. Giles, do you have a copy of these documents
3 that were in your file you said Hillary Austin approved
4 his permit for the use of the property for welding or
5 some sort of business there after receiving numerous
6 affidavits from people?
7

8 A. Yes, sir I do have these in my file.

9 Q. And those are those affidavits I think I got --
10 those are the originals I believe. I would like to
11 mark these Your Honor collectively.
12

13 MR. BATTEY: I have no objection.

14 (WHEREUPON, PLAINTIFF'S EXHIBIT
15 NUMBER 14 WAS MARKED AND ENTERED
16 INTO EVIDENCE).
17

18 BY MR. MOSS:

19 Q. What basically these people said is that he had
20 been out there since 1986 or so had been on the
21 premises and these were the ones that he delivered to
22 her so that she gave him the permit. Is that correct?

23 A. Yes, sir as I understand yes, sir.

24 Q. Okay now let me go over these. You keep talking
25 about this ordinance. You didn't do any title search

1 of the property at the courthouse other than going on
2 line and determining who owned what is that, correct?

3 A. Yes, sir.

4 Q. All right so everything you did was based on what
5 an online search would show by pulling parcel numbers
6 and tax numbers. You all have that available to you?

7 A. Yes, we do.

8 Q. And that's where you did that?

9 A. Yes, sir.

10 Q. To determine the line, okay. The objection that
11 the County has is when we take salvaged vehicles or
12 damaged vehicles and just leave them out on the road,
13 correct, so people can see them?

14 A. I don't know that there was any -- I think that
15 was the major issue that they were out there where they
16 could be seen and that's what generated the complaint,
17 I am assuming a neighbor --

18 Q. I can't just put a totally wrecked car or several
19 of them in my front yard and just leave them there
20 forever. I know I can do it temporarily probably but
21 not forever, can I?

22 A. Well you wouldn't even be able to do it
23 temporarily.

24 Q. You can't even do it temporarily?
25

1 A. If it is not in road ready condition and which
2 includes being licensed and insured and in drivable
3 condition, you cannot have that within view on your
4 property.

5 Q. Within view of the public on your property?

6 A. Yes, sir. It has to be screened from view.

7 Q. Okay, now and that's the primary purpose of the
8 zoning law, is that correct? Or one of the primary
9 purposes of it?

10 A. I am not sure I understand your question.

11 Q. Okay, well I want to go over this thing. He has
12 been -- he was charged with abandonment of an unsafe
13 structure, correct?

14 A. That's correct. There was a mobile home along
15 Lawson Road.

16 Q. And it was an unsafe structure?

17 A. Yes, sir.

18 Q. Now he had to either make it safe or remove it,
19 correct?

20 A. Yes, sir.

21 Q. It didn't have to do with whether he owned the
22 land or somebody else owned the land, he was the one
23 that owned the structure and he had to either make it
24 safe or get rid of it, right?
25

1 A. Basically, yes sir.

2 Q. And then we had -- one of them was trash and
3 litter content. I guess that's this one 6/29, what
4 does that involve; the one on the right.

5 A. It shows other things that had been placed along
6 as a berm.

7 Q. On Lawson Road?

8 A. Well actually along Bay Pines. I don't know
9 whether it went -- it did not go down the first part
10 going into Lawson Road, I do not believe it did.

11 Q. Now I noticed you drew the fence up the side of
12 this one piece of property?

13 A. Yes, sir.

14 Q. Could in fact the fence had been from that corner
15 further down Lawson Road and then going backwards?

16 A. Are you talking -- can you show me where you are?

17 Q. Yeah, what I am talking about over here is -- what
18 I am showing you is and I think if you go there today
19 you will see it. Where are those exhibits -- here it
20 is. This fence here. This fence and this fence
21 basically go together.

22 A. Uh huh.

23 Q. Okay and the testimony is that this comes down and
24 this fence --
25

1 MR. BATTEY: I object you asking --
2 are you going to ask him what he thinks.

3 BY MR. MOSS:

4 Q. This is a fence and the testimony was --

5 MR. BATTEY: Objection about the
6 testimony.

7 BY MR. MOSS:

8 Q. Are you sure where you saw that or do you know if
9 you saw that at all?

10 A. I know there is a fence here. I do not know where
11 these are at. That's what I testified to.

12 Q. Well then could there be a fence that goes down
13 this line and then another fence that goes back in this
14 direction?

15 A. I probably got some photographs in my file from
16 Lawson Road.

17 Q. Do you have them?

18 A. I probably do.

19 Q. Okay, let me see that.

20 A. I think that is taken from Bay Pines Road right at
21 the entrance of Lawson Road.

22 Q. Bay Pines looking ---

23 A. And that apparently from what I see is that fence
24 right there along the property.
25

COURT: Is Lawson Road a dirt road?

1 A. It is a dirt road.

2
3 BY MR. MOSS:

4 Q. This is Bay Pines and this is Lawson.

5 A. Yes, this is Bay Pines and this -- I believe right
6 around in here Your Honor it becomes a county road.

7 There's a couple more roads and this is here and from
8 this point on it is a paved road.

9 Q. I don't see a fence here. Do you see a fence
10 there?

11 A. It runs right here along the back side. I believe
12 that's approximately where that is.

13 Q. Well, if a fence ran up here parallel to that
14 fence and there was an entrance gate here, do you have
15 something showing that? Did you take anything from
16 Lawson Road?
17

18 MR. BATTEY: Well if it was shown
19 here, it was there.
20

21 A. Well this is -- I mean this is taken from -- this
22 is right at Lawson Road at Bay Pines and the only fence
23 I see is this one fence that runs along here. Now what
24 maybe there now, I can't tell you.
25

1 Q. I understand but if it ran parallel to that fence,
2 it could be the fence that was before you got to that
3 fence. Let me see where you are talking about.

4 A. Are you trying to say that there's another fence
5 behind this one?

6 Q. Right.

7 A. That I don't know sir. I don't know.

8 Q. Could I keep this part, Your Honor?

9 COURT: Do you need to return that
10 to your official file?

11 A. This actually is slated for destruction.

12 COURT: Let's mark that as whatever
13 Plaintiff's next exhibit is.

14 (WHEREUPON, PLAINTIFF'S EXHIBIT
15 NUMBER ? WAS MARKED AND ENTERED
16 INTO EVIDENCE).

17 BY MR. MOSS:

18 Q. The State has a law requiring certain fences of
19 junk vehicles correct and also the County has a law?
20

21 A. I don't know about the State. I do know the
22 County does.

23 Q. You know the County does. Okay, so in other words
24 you either have to put up a berm or you got to put up a
25

1 fence or you got to do something to shield it from the
2 public?

3 A. Yes, sir.

4 Q. Let me see if you have got to have this one.

5 A. That's 2006. That's taken just inside of Lawson
6 Road off of Bay Pines. That's approximately the same
7 location I was at on that other photograph.

8 Q. Is that a fence right there? Top of a fence
9 there?

10 A. It is. There was a fence there and it -- well
11 actually this fence must go along here also which would
12 be that little section there.

13 Q. My question is assuming there is a fence that went
14 from here with a gate here and it went down to here --
15 almost to here then went up is that --

16 A. I never did go inside of that fenced area. So
17 that I do not know if there is another fence inside of
18 that fenced area.

19 Q. Only the outside?

20 A. Well at the time I mean there's obviously not.
21 There's no fence there in the photographs.

22 Q. Now no question that Bruce Miller was operating a
23 business there and there's no question that Bruce
24 Miller had been doing it for twenty some years and
25

1 there's no question that he had these cars all stored
2 in the back. He never denied that he had these cars --

3 MR. BATTEY: I object. I object to
4 that. That is --

5 COURT: Try to stick to one
6 question at a time.

7 BY MR. MOSS:

8 Q. Did he ever deny that the salvaged vehicles or the
9 vehicles belonged to him?

10 A. No, sir. He told us that they were his vehicles
11 and that he was running a salvage yard.

12 Q. Did you ever go back up in the property up there
13 to see how many cars were there?

14 A. No, sir we did not. We did not.

15 Q. You all were basically concerned about keeping up
16 appearances out front?

17 A. I did.

18 Q. Who filed the initial complaint?

19 A. It came through an email and it was a person named
20 J. Pederock and it came from a state -- I believe it
21 was a state email.

22 JPederock@departmentofsocialservices.state I don't
23 recall if it is a man or a woman.
24
25

1 Q. Okay I don't think I am -- is the place located
2 where the public could see it? You could see it from
3 the road?

4 A. You mean originally when I went out there?

5 Q. Yes.

6 A. Oh it was very visible right from Bay Pines Road.

7 Q. Okay. I don't have anything further. Thank you,
8 sir.

9 BY MR. BATTEY:

10 Q. Mr. Giles, Mr. Miller always contended that the
11 cars were his, did he not?
12

13 A. Yes.

14 Q. Did he ever tell you that he owned any property
15 other than that .66 acres of his?

16 MR. MOSS: Objection.

17 A. No sir. He actually told me that he had
18 approximately two acres there.

19 Q. Did he ever tell you that he owned any of that 7.5
20 acres of Ms. Singleton's property?
21

22 MR. MOSS: Objection.

23 COURT: I will allow it, go ahead.

24 A. No, sir, he didn't.

25 Q. He never made any claim to that?

1 A. No, sir. Other than to tell me that Mr. Singleton
2 had an agreement with him to allow him to --

3 Q. Give him permission on a temporary basis.

4 A. On a temporary basis.

5 Q. And let me ask you this, this is I think this is
6 on Page 4 of the notes here. I have a copy of it. And
7 these notes were made contemporaneous with the
8 transaction there the same day or so?

9 A. Yes, sir.

10 Q. And on the same day which is in there you have in
11 your notes --

12
13 MR. MOSS: What date are we talking
14 about?

15 MR. BATTEY: On 2 --

16 MR. GILES: Hold on just a second.

17 On Page 3 2/15 of '06.

18 BY MR. BATTEY:

19 Q. And on 2/15 of '06 you got a Mr. Singleton of Los
20 Angeles told you that --

21
22 MR. MOSS: Objection.

23 BY MR. BATTEY:

24 Q. Excuse me, excuse me. Mr. Miller told you that
25 Mr. Singleton had given him permission for temporary
storage?

1 A. That's what I have in my notes. It says that he
2 states referring to Mr. Miller that he has a verbal
3 agreement with Mr. Ravenal and Mr. Singleton of Los
4 Angeles to use portions of their property for temporary
5 storage.

6 MR. BATTEY: I would like to
7 introduce a copy of his notes.

8 MR. MOSS: Object. He has
9 testified to it.

10 MR. BATTEY: I would offer it up, a
11 copy of his notes to show that --

12 COURT: Are these your notes in the
13 ordinary course of business?

14 MR. GILES: Yes, sir they are.

15 MR. BATTEY: Mark that for me
16 Joanne? I don't have anything further.

17 (WHEREUPON, DEFENDANT'S
18 EXHIBIT NUMBER 17 WAS
19 MARKED AND RECEIVED INTO
20 EVIDENCE.)

21 MR. MOSS: I don't have any
22 questions.

23 MR. BATTEY: Thank you Mr. Giles.
24
25

1 COURT: All right why don't we
2 break for lunch and I understand we
3 still haven't gotten to the Motion
4 issues subsequent to closing the
5 Plaintiff's case. We can take those up
6 first when we get back and then we can
7 launch into the rest of your case. It
8 is 12:36. It is very difficult to leave
9 this building and actually return in
10 under an hour and fifteen minutes. How
11 much time do you think we are going to
12 need for your case Mr. Battey?

13
14 MR. BATTEY: I don't anticipate
15 more than an hour and a half.

16 COURT: Okay, you've got Ms.
17 Singleton?

18 MR. BATTEY: I've got Ms. Singleton
19 and I've got her niece and they are
20 going to be the longest witness I have
21 is Mr. Giles. I don't think it will be
22 more than an hour an hour and a half.
23

24 COURT: Okay, good. Good. We
25 would probably be safe coming back at
2:00? 2:00 would work?

MR. MOSS: That's fine.

MR. BATTEY: I think that would be fine.

COURT: A little hour and fifteen minutes give or take. All right let's do that then. We will see everybody back. Do I have any objections to excuse Mr. Giles?

MR. MOSS: No.

MR. BATTEY: Thank you Mr. Giles.

COURT: After a lunch break we were taking the witnesses a little bit out of order so we are now back to essentially the conclusion of the Plaintiff's case. Are there any motions?

MR. BATTEY: Yes, Your Honor, the Defendant Ida Mae Singleton would move for a Directed Verdict on a couple of grounds. On the first ground it would be when Mr. Miller was ordered by the County to move cars from the adjacent property to his property, he told Mr. Giles who was the code enforcement officer that he owned the cars but that

1 the property was Ms. Singleton's
2 property. It was clear that he put it
3 on Ms. Singleton's property and he knew
4 it and having said that, this would
5 defeat any claims for adverse possession
6 because it has to be hostile and it has
7 to be exclusive and when he admits that
8 he put it on Ms. Singleton's property,
9 at that point which was 2006 would
10 defeat a claim for adverse possession.
11

12 COURT: All right and we understand
13 you have two points there. Do you want
14 to --

15 MR. MOSS: Your Honor, you want me
16 to comment on those or not?

17 COURT: Why don't we go ahead and
18 get the second one.

19 MR. BATTEY: I have a second one as
20 well. The second one is that there is
21 no showing where on the property the
22 cars are located over here. Mr. Youmans
23 testified that the cars were located in
24 a specific space indicated on the plat
25 on one day in August of 2011 when he

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surveyed the plat. There was absolutely no showing that the cars had been in that area or any area for ten years or longer. Matter of fact the showing is that the cars have been moved around from time to time for sale or either for use or for the crusher so that they had been on the property but there's absolutely no showing as to where the cars have been for a period of ten years. Mr. Youmans said he couldn't testify whether it was a year or two years or three years. Some of them looked like they had been there for a while but he didn't have any idea and based on that I would argue that it would be impossible to grant an adverse possession because there is no showing where it was. In addition to that Your Honor, there is a -- it is a requirement for adverse possession for it to be exclusivity. No question that during this time there was -- Ms. Singleton owned a portion of the property. He

1 didn't even claim that he owned all of
2 it and he has a claim for somewhere
3 where the cars were. What that means is
4 that both of them were claiming some
5 area of the property and where that is
6 done -- where there's both -- two
7 parties claiming the property to the
8 same property one record title holder is
9 the one that has the better claim and
10 therefore not having exclusivity would
11 defeat a claim for adverse possession.
12 Now I have a third one Your Honor,
13 however, the third one involves somewhat
14 Mr. Giles' testimony. He has taken it
15 but I don't know if he took before this
16 so you tell me ---
17

18 COURT: That is probably not
19 appropriate at this stage since I guess
20 typically these Motions we wouldn't have
21 heard unless --
22

23 MR. BATTEY: I won't argue that.

24 COURT: So happy to hear from you
25 Mr. Moss.

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MR. MOSS: Well Your Honor I think
it is clear that this map was prepared
in anticipation - this plat - of this
hearing and of course a hearing that we
had before to show the area where the
cars were located which he's testified
to, that that's what he used from the
time he came in there in '84 until
present and the cars are still there.
Now there was a hiatus because I think
his testimony was that he sold some of
it for scrap. We even got this document
here that's got all the cars numbered.
We also have the document -- we came up
with an inventory sheet and we had the
inventory sheet showing the inventory of
all the cars that were in there and he's
testified repeatedly where they were,
where the berms were, where the gates
were, where the fences were and it is
clear to me that he owned this by
continuously, hostilely, openly,
notoriously, adversely and exclusively.
I don't think there is any question

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about it. There's no testimony at least
in the record that anybody from this
other family ever came on there or did
anything. Mr. Battey is relying on a
statement that my client is going to
respond to the one that we first heard
today from a gentleman now where he says
that my client told him he had some
temporary agreement. He did from the
gentleman over there by him, Mr. Lawson
but he didn't from this -- he didn't
make any statement about this was done
by these people having temporary
permission. You know that's just --
that's going to be disputed but in any
event that is just part of the case. It
shows here that you start from the date
that it began and it began at the latest
you can say is 1987. He not only owned
that property he constructed berms on
it, he put fences up, he posted it. He
put dogs in. I don't think you can do
any better than putting a junk yard dog
in to protect your property. I mean I

1 don't think you can be any more hostile
2 than that and so I think he's complied
3 with all the elements, continuous,
4 hostile, open, notorious, adverse and
5 exclusive. I think he has done all of
6 those and I think we have shown that
7 Your Honor and I understand the burden
8 is on us to show that but of course the
9 trial is not over yet. He can make
10 another Motion at the end of the trial
11 but we've got other information I think
12 that we will show the Court and I am
13 anxious to see what they've got to say.

14
15 MR. BATTEY: Your Honor, if I might
16 reply just briefly. Mr. Miller
17 testified that when he came there he
18 started moving on the property. He
19 moved some there by the road and he
20 moved some further up. There is
21 absolutely no showing that that area
22 that's marked was occupied for ten years
23 which it has to be. As a matter of fact
24 the testimony is clear that his cars
25 were moved back and forth and there is

1 no showing -- that was the only time one
2 day in 2011 where the cars were then
3 when there's showing the day before.

4 They may have been on there somewhere; I
5 assume they were, but there's no showing
6 that's where they were and the

7 requirement is, is where both people are
8 claiming it had to be exclusive. You

9 can't go in there and simply say this is
10 where they are today and they've been
11 there forever because they are not.

12 Testimony is they were sold and moved
13 around continuously.
14

15 COURT: Well as you both know the
16 standard for directed verdict at this
17 stage in the trial is pretty high and so
18 I am going to allow the trial to proceed

19 but I mean I got to say that I am a

20 little bit concerned about the boundary

21 issue that you have raised Mr. Battey,

22 particularly based on the testimony of

23 the man that drew the boundaries which

24 seem to be relatively random based on

25 the testimony, but anyway I am going to

1 deny the Motions and we can proceed. So
2 we already got in the record Mr. Giles'
3 testimony but please call your next
4 witness.

5 MR. BATTEY: I would call the
6 Plaintiff Ida Mae Singleton.

7 COURT: Ms. Singleton, proceed.

8 Mr. BATTEY: Joanne, have you got
9 these exhibits marked? They have
10 already been marked I just --

11 JOANNE: This is your stack and
12 what are you looking for?
13

14 IDA MAE SINGLETON, called as a
15 witness, after being duly sworn,
16 testified as follows:

17 BY MR. BATTEY:

18 Q. Ms. Singleton give me your full name please.

19 A. Ida Mae Singleton.
20

21 Q. Now where do you live Ms. Singleton?

22 A. 5402 Anacrest Drive, Los Angeles, California
23 90043.

24 Q. And how old are you Ms. Singleton?

25 A. Ninety-three.

1 Q. Ms. Singleton I assume you are retired now is that

2 --

3 A. Yes, I am retired.

4 Q. Tell us what you did before you retired. What
5 sort of work you done?

6 A. I was a retail clerk which is -- grocery clerk,
7 working in a grocery store.

8 Q. In California?

9 A. In California. In New York and California.

10 Q. Now Ms. Singleton when did you arrive in Beaufort
11 County this time?

12 A. On Monday.

13 Q. On Monday.

14 A. What was that, the 23rd?

15 Q. Now I will ask you in 1992 did you acquire some
16 land in Beaufort County and I will show you a copy of
17 the deed which is marked Defendant's Exhibit 11?

18 A. Yes, I did.

19 Q. And can you tell me whose name is the land in now?

20 A. It should be in mine.

21 Q. In your name?

22 A. Oh here it is, they have it as Ida M.

23 Q. Ida M. Singleton?

24 A. Yes.

1 Q. And Ms. Singleton what is the date of that? The
2 date of the deed is the 9th of July, 1992. Now Mrs.
3 Singleton in this piece of property -- well how much
4 property is it? Are you aware how many acres is
5 included in this property?

6 A. In this one, 7.25 or something like that --

7 Q. Did you later transfer the property to someone
8 else from your personal name? And I will show you
9 Defendant's Exhibit 12 and that's another deed.

10 A. A quit claim deed?

11 Q. Yes and I think that is to the Trust.

12 A. I had to transfer it over to me. They got the
13 whole thing, yeah.

14 Q. This is a deed transferring from you to the Ida M.
15 Singleton Trust?

16 A. The Trust yes.

17 Q. Okay and that's Defendant's Exhibit 12. All
18 right, do you still own the land Mrs. Singleton?

19 A. I hope so, I am paying taxes on it.

20 Q. Well let me show you then Defendant's Exhibit 13
21 and tell me if you can tell me what that is?

22 A. This is my tax bill, isn't it?

23 Q. Yes.

24 A. Yes.

1 Q. And for what year is that?

2 A. 11 -- 1/10/11.

3 Q. And have you paid --

4 A. It's got my check number on it.

5 Q. All right and have you paid taxes through 2011 on
6 this property?

7 MR. MOSS: Objection Your Honor. I
8 don't think that has to --

9 COURT: Well I will allow it.

10 BY MR. BATTEY:

11 Q. Have you paid taxes through 2011?

12 A. Yes, I have.

13 Q. Now let me show you another which is marked as
14 another page as to 2012. This is a history of taxes.
15 Can you tell me how long you've paid taxes on this
16 property?
17

18 A. Yeah, this is --

19 MR. MOSS: Again I would object, Your
20 Honor.
21

22 COURT: All right.

23 A. Yeah, this is the amount of taxes that I paid.

24 Q. And what was the last taxes that you paid?

25 A. Started 2001 through whatever 76.

1 Q. All right and what was the amount of taxes that
2 you paid in this past year -- last year that you paid
3 in 2011?

4 A. \$1,275.57.

5 Q. And you continually paid these taxes since you
6 owned the property?

7 A. Yes, I have.

8 Q. Let me show you Defendant's Exhibit 15 Ms.
9 Singleton and here it shows a 7.52 acre piece of land
10 and it shows as well as down here is that 7.52 acre
11 piece of land your land?

12 A. Yes, right here.

13 Q. Yeah and that's shown on Plaintiff's Exhibit 15.
14 Now Mrs. Singleton in 2011 were you contacted by a
15 timber company to purchase timber on this property?

16 A. Uh yes I was.

17 Q. And let me show you Exhibit 14 and it has --

18 MR. MOSS: I object to that.

19 That's not been signed. That is a blank
20 document. It's not signed by anybody.
21 I object to that.

22 MR. BATTEY: I want to ask about it.

23 She can certainly testify to it. You
24 can object to it.
25

1 MR. MOSS: I don't know how you can
2 testify to a blank document?

3 MR. BATTEY: Well you want to sign
4 now? It is for her signature.

5 COURT: She can testify as to
6 negotiations she had with some third
7 party at some period in time if she
8 wants. I don't know if the document
9 even makes any difference, but --

10 MR. MOSS: Well she can testify to
11 that Your Honor that somebody called her
12 but I am talking about he is trying to
13 introduce a document that is unsigned
14 and I doubt if this guy -- this joker if
15 it was good if it had been signed
16 either quite frankly so I don't know --

17 MR. BATTEY: He didn't, it is only
18 for her signature. If you want her to
19 sign it she can sign it.

20 MR. MOSS: Well I am not asking her
21 to sign it now. The question is,
22 Colden, did she sign it and send it back
23 and keep a copy or --
24
25

1 MR. BATTEY: Well you can ask her
2 that. I don't know.

3 COURT: Well ask her if she can
4 identify it first.

5 MR. BATTEY: All right.

6 BY MR. BATTEY:

7 Q. First off can you identify what is shown right
8 there?

9 A. Yeah.

10 Q. Can you tell me what that is?

11 A. That's for cutting the trees down on this
12 property.

13 Q. And that's the people that contacted you?

14 A. Right.

15 Q. All right let me show you this.

16 MR. MOSS: What is that a copy of
17 the card?

18 MR. BATTEY: That is a copy of the
19 card.

20 MR. MOSS: Well let's put that in
21 separate from the other one. I don't
22 have a copy of that card? Let's put
23 that in separate in from the other.
24
25

1 COURT: A copy of what card? Yeah
2 we can certainly make that another
3 exhibit if you want to separate them.

4 MR. BATTEY: If you want to
5 separate them.

6 BY MR. BATTEY:

7 Q. Let me show you this and ask you if you can tell
8 me what that is?

9 A. This is the agreement that I signed with the
10 timber company.

11 MR. MOSS: Note my objection, not
12 signed.

13
14 BY MR. BATTEY:

15 Q. And did the timber company agree to pay you for
16 the timber on this property?

17 A. Yes, they did.

18 Q. And how much did they agree to pay you?

19 A. \$2,131.00.

20 Q. And did you sign a copy of that and send it back
21 to them?

22 A. Yes I did.

23 Q. And you kept this copy? This is your copy?

24 A. Yes.
25

1 MR. BATTEY: Your Honor I would
2 offer that for --

3 MR. MOSS: I object to it Your
4 Honor. He could have obtained a signed
5 copy if there was one and I don't know
6 why she doesn't have a signed copy.

7 MR. BATTEY: Well it is only signed
8 by her.

9 MR. MOSS: I would object to it as
10 being a contract that was signed when it
11 is not signed. He didn't --
12

13 COURT: I am going to allow it. I
14 don't even know if it makes a difference
15 but I am going to allow it. Your
16 objections are noted.

17 (WHEREUPON, DEFENDANT'S
18 EXHIBITS 14 AND 16 WERE
19 ENTERED INTO EVIDENCE.)
20

21 BY MR. BATTEY:

22 Q. Now later who did you deal with generally with
23 regard to this?

24 A. His name was Jack Daniels.

25 Q. He was with this timber company?

A. Yes Jack Daniels.

1 Q. And did you later receive some papers from Mr.

2 Moss, a Summons and a Complaint? Some papers from him?

3 A. Yes.

4 Q. And did you discuss this with Mr. Daniels?

5 A. I did.

6 Q. And what did he tell you?

7 A. Not to worry.

8 Q. Did he tell you he would take care of it?

9 A. That he would take care of it.

10 Q. And then were you in Beaufort for the trial
11 against the timber company sometime last year?

12 A. Yes I was.

13 Q. And I believe later than that you contacted me?

14 A. That's when I contacted you after I left.

15 Q. Now Mrs. Singleton in 2006 did you have an
16 occasion to give Mr. Miller permission to store cars on
17 your property?

18 A. In 2006?

19 Q. 2006.

20 A. To store --

21 Q. Temporarily --

22 A. Just giving him temporarily to store.

23 Q. And you gave him permission?

MR. MOSS: Objection. Leading

question.

A. Just temporarily.

MR. MOSS: Your Honor?

COURT: I will allow it.

BY MR. BATTEY:

Q. Now --

COURT: You don't have to lead so much. I understand a certain amount is always a little bit helpful just to get through a trial, but try.

BY MR. BATTEY:

Q. Mrs. Singleton, have you always claimed this seven and a half acres as your property?

MR. MOSS: Objection, leading.

COURT: I don't have a problem with that question. Go ahead.

BY MR. BATTEY:

Q. Go ahead.

A. Yes. I claimed it.

Q. And as a result of this -- is that why you signed the timber contract?

A. That's right, yes.

Q. Please answer any questions Mr. Moss might have.

BY MR. MOSS:

1 Q. Ms. Singleton you have not used this property in
2 over twenty-five years yourself have you?
3

4 A. No I haven't.

5 Q. You haven't been on it in twenty-five years have
6 you?

7 A. No, I haven't.

8 Q. And do you know Bruce Miller?

9 A. No, I don't.

10 Q. I didn't think you did. He is a stranger to you,
11 is he not?
12

13 A. Well he was until last year.

14 Q. He was until last year. He was a stranger until
15 you got served with the papers, is that right?

16 A. Yes.

17 Q. And when you were served with the papers, what did
18 you do with them? You didn't give them to the attorney
19 or call Colden Battey then or what did you do with
20 them? When you received the lawsuit -- the papers?
21

22 A. I appeared in court. I came to court.

23 Q. Okay, I understand you came to Court but nobody
24 ever answered the Complaint for you, did they? Nobody
25 ever answered for you in the Complaint? You didn't
hire an attorney, did you?

1 A. I don't believe so.

2 Q. Okay. So you didn't hire an attorney but you did
3 come to Beaufort because you got notice of the hearing,
4 right?

5 A. Right.

6 Q. They sent you notice of that. Now did you have an
7 attorney when you got here to Beaufort? For that first
8 hearing before Judge Dukes when we had that hearing?

9 A. No I didn't.

10 Q. You didn't, okay. You first went and got an
11 attorney after that hearing, that would be the hearing
12 that was held the first time before Judge Dukes?

13 A. Correct.

14 Q. Okay, now who is Jack Daniels? This guy you
15 referred to?

16 A. He represents the lumber company.

17 Q. What lumber company, do you know?

18 A. Wood Forest as far as I know.

19 Q. Did he represent Wood Forest or did he represent a
20 larger company, do you know?

21 A. That I couldn't say.

22 Q. Okay, so the card that you got is not from him.

23 The card you got is from a Mr. Hatch, right?

24 A. Exactly.

1 Q. Did Mr. Daniels ever send you a card or any
2 identification?

3 A. No he didn't. I just conferred him over the phone
4 several times.

5 Q. Okay, now you testified that you believed you
6 talked to Mr. Miller in 2006 or sometime, is that
7 correct?

8 A. Yes.

9 Q. Mr. Miller says he doesn't know you and never
10 talked to you but you say you talked to him you believe
11 in 2006?

12 A. Correct.

13 Q. Why would Mr. Miller have called you in 2006?

14 A. That I don't know. I understand he was having --
15 something about his cars or whatever.

16 Q. Something about his cars?

17 A. Uh huh.

18 Q. Okay and do you know what number that call would
19 have been made to? What phone number you had in 2006?

20 A. My phone number is -- you want my phone number?

21 Q. Yes, ma'am. For Los Angeles where he would have
22 called you.

23 A. Area code 323-292-4253.
24
25

1 Q. 53 okay. And that's the number he would have
2 called you, is that correct?

3 A. Yes.

4 Q. Do you know where he was calling from?

5 A. I assume from Beaufort here.

6 Q. You assume from Beaufort?

7 A. Yes.

8 Q. And what are you saying that he told you at that
9 time?

10 A. That he just wanted -- that he was having trouble
11 with his cars and what not if he could have time to --

12 Q. To remove them?

13 A. To remove them and I told him yes.

14 Q. Okay so he was just wanting extended time to
15 remove his cars?

16 A. To remove his cars yes.

17 Q. Okay, now did you know twenty-five years ago that
18 he had started storing cars on this property?

19 A. No, I did not.

20 Q. So you never came here and checked?

21 A. No.

22 Q. And nobody in your family checked?

23 A. No.

24 Q. Okay so this was kind of abandoned property?

MR. BATTEY: Objection.

COURT: Go ahead.

A. Well I wouldn't say abandoned but all I know is that I had the property came to me and I continued to pay my taxes on it.

Q. But other than that you never used it?

A. I never used it.

Q. And nobody in your family used it?

A. My husband passed away and he had plans to do but I didn't. After he passed away I just paid the taxes.

Q. But he never used it though?

A. No, he never used it.

Q. And nobody else in your family used it?

A. No.

Q. It just sat there in other words?

A. Uh huh.

Q. I don't have anything further Your Honor.

COURT: Anything else Mr. Battey?

MR. BATTEY: Give me one second. I lost my train of thought. I don't have anything further Your Honor.

COURT: I don't have any questions Ms. Singleton. Call your next witness.

1 MATTIE SINGLETON JENKINS, called as
2 a witness, after being duly sworn,
3 testified as follows:

4 BY MR. BATTEY:

5 Q. Give me your name please ma'am.

6 A. Mattie Singleton Jenkins.

7 Q. And where do you live Ms. Jenkins?

8 A. 434 Lawson Road, Beaufort, South Carolina 29906.

9 Q. And how old are you Ms. Jenkins?

10 A. Seventy.

11 Q. Do you work or are you retired?

12 A. Disability.

13 Q. Disability and what relation if any are you to
14 Mrs. Singleton?

15 A. She is my Aunt.

16 Q. She is your Aunt and were you contacted in 2006 by
17 Mr. Giles the code enforcement officer about this
18 property?

19 A. Yes.

20 Q. And what did he tell you when he contacted you?

21 MR. MOSS: Your Honor I object. It
22 is hearsay unless he is going to testify
23 to that.

24 COURT: Go ahead.
25

1 A. About the land needed to be cleaned off and I told
2 him we didn't own the land so I met him at the skating
3 rink and we went down there and sure enough the cars
4 were there. So I told him he would have to talk to the
5 man that lived there that owned the cars Mr. Miller.

6 Q. And the cars were not your cars or anybody in your
7 family's cars?

8 A. No.

9 Q. And they were on Ms. Singleton's land?

10 A. Yes.

11 Q. And did you contact Ms. Singleton and advise her
12 of this?

13 A. I told her about the ordinance that was it because
14 after Mr. Giles said that he would talk to Mr. Miller
15 about cleaning it up because it looked bad close to the
16 highway and I haven't had anything else to do with it.

17 Q. And the next thing you knew was when this trial
18 came up and you heard Mr. Giles testify today?

19 A. Yes.

20 Q. I don't have any other questions.

21 MR. MOSS: I don't have any
22 questions of this witness.

23 MR. BATTEY: That's the Defendant's
24 case Your Honor.
25

COURT: All right.

MR. MOSS: I have a little rebuttal
Your Honor that we are going to --

COURT: Okay, go ahead.

BY MR. MOSS:

Q. Mr. Miller you heard the testimony today of Mr.
Giles about a fence. So that it is unequivocal in the
record I have asked you to draw on a copy of Exhibit 1
which we intend to introduce --

A. Right.

Q. -- the location of the fence that was there and
has been there --

A. That Mr. Giles took a picture of?

Q. Yes, that Giles took a picture of that has been
there for how many years?

A. Fifteen, twenty years.

Q. Fifteen to twenty years. Okay, and I have asked
you to highlight it in yellow there and if you could
show that I am going to call this Exhibit what's that
next exhibit in order ma'am 16 or 17? This is a copy
of Exhibit 1 that's in evidence. I am going to call it
17 and I want you to show to the Court what you are
talking about as far as the location of the fence that
has been there over 15 years.

1 A. It was there about fifteen when he took pictures
2 of it. It has probably been there twenty years or more
3 now.

4 Q. Twenty okay.

5 COURT: When I look at Plaintiff's
6 Exhibit 17 there is some writing on
7 there.

8 MR. MOSS: Yea, that's my writing
9 Your Honor. I am explaining that this
10 is the fence, this has been a fence in
11 the yard.

12 MR. BATTEY: Your Honor, I object
13 to all this. The man has testified; he
14 was called as a rebuttal. I don't know
15 what his rebuttal is.

16 MR. MOSS: Well it is. What he
17 says he is claiming the fence he saw was
18 right here and he took the picture from
19 over here.

20 COURT: I will allow the question.
21 I am somewhat concerned that he has
22 drawn where he wants the fence to be.

23 MR. MOSS: Your Honor, I am not
24 drawing it where I want. Did you in
25

fact direct me and show me where it was?

Did I ask you to take this at lunch and

draw where it was?

A. Yea.

MR. MOSS: Okay.

A. We've got pictures of it from -- in there that was

from last year and he's got pictures of it from 2006.

MR. MOSS: But he is totally wrong
telling you all that the fence he saw he
thought was up here.

MR. BATTEY: I object to it. We've
got testimony. I object to the whole
thing.

COURT: Well let's do this. I will
allow him to ask the questions. Go
ahead Mr. Moss.

BY MR. MOSS:

Q. And in this area is where the gate and the fence
were located, the area that is in yellow that's marked
on this 17, is that correct?

A. Yes, sir.

Q. And you did that? I didn't make this up?

A. No.

Q. And you have been out there for thirty years?

1 A. Yes a long time.

2 Q. Now have you ever spoken to this lady here that's
3 here today in regards to this matter?

4 MR. BATTEY: Objection.

5 A. I met her last year when she came to Court. That
6 was the first time I ever saw her.

7 Q. Is that the only time you ever seen Ida Mae
8 Singleton?

9 A. Yes, sir.

10 Q. Have you ever called Ida Mae Singleton at any time
11 on the phone in California for any reason?

12 A. No. I didn't even know her name.

13 Q. Did you know where she lived?

14 A. No.

15 Q. If somebody called her, it was not you?

16 A. Correct.

17 Q. And now you heard the testimony additionally of
18 the gentleman who came in here who was the
19 investigator, Mr. Giles, is it?
20

21 A. Yes.

22 Q. That came in here and said you told me that you
23 had some kind of temporary permission. Did you ever
24 make a statement like that to him?
25

A. Not that I know of. No.

1 Q. Okay, now you did have permission from the man
2 across the street, is that correct?

3 A. Yes, sir.

4 Q. What's his name?

5 A. Frank Ravenal.

6 Q. And he's the one that had also given you
7 permission, is that correct?

8 A. Yes, sir.

9 Q. Wasn't any question about that? No question that
10 Frank Ravenal had given you permission?
11

12 A. Right, he gave me permission.

13 Q. Now what they were trying to do was to get you to
14 take these vehicles sitting out front and get rid of
15 them?

16 MR. BATTEY: I object to that
17 leading.

18 COURT: I don't even know who they
19 are.
20

21 MR. BATTEY: I don't either.

22 BY MR. MOSS:

23 Q. What did the County want you to do?

24 A. They wanted me to clean up the stuff that was
25 outside that fence and there was a burnt trailer --
half of a burnt -- it was a double wide -- there was a

1 burnt trailer there. I tore it down and cleaned it up.
2 They wrote me a ticket for littering because there was
3 a bag of trash laying by the fence that somebody threw
4 there. It didn't have any identification in it. There
5 was a garbage can right inside the gate. That was what
6 the tickets were for was cleaning up the area along the
7 road.

8 Q. I don't have anything further.

9 A. Can I get down?

10 MR. BATTEY: Let me ask you a few
11 questions if I can, sir.
12

13 BY MR. BATTEY:

14 Q. You knew this trial was going to be today, didn't
15 you? How long have you known that?

16 A. About three days ago.

17 Q. And you've had this plat since last -- or copies
18 of this plat since your last trial a year ago, didn't
19 you? Have you?

20 A. Since last --
21

22 Q. Since last year?

23 A. Quite a while.

24 Q. Yeah and yet you didn't make any attempt to locate
25 any fences on this until after the people who testified
until today did you?

1 A. I have berms on there too. Those lines that --

2 Q. I am not asking you that. I am asking you, you
3 didn't make any attempt to locate on this plat these
4 fences until after the testimony -- until after the
5 testimony of both Mr. Giles and Mr. Youmans?

6 MR. MOSS: No, he testified to those
7 fences in his original testimony but
8 apparently --

9 COURT: Well his question goes to
10 the plat. Go ahead you can ask.

11 BY MR. BATTEY:

12 Q. You didn't have any of these fences shown on this
13 plat at all today until after you finished testifying
14 after these other people testified, did you?

15 A. That fence was there.

16 Q. All right when Mr. --

17 A. This is a berm back here. It says berm right on
18 there.

19 Q. When Mr. Youmans went out there, he testified he
20 didn't see any other fences except this other one,
21 didn't he?

22 A. He saw this fence in the front.
23
24
25

1 Q. He testified on this plat there weren't any other
2 fences and he didn't put any fences on the plat because
3 he didn't see them. Do you recall that?

4 MR. MOSS: Mr. Battey thinks I am not
5 sure of something but I think something's
6 there.

7 COURT: Well I will allow it.

8 MR. MOSS: I just object to the
9 characterizing of the testimony.

10 COURT: Well yeah but I think --

11 BY MR. BATTEY:

12 Q. Did Mr. Youmans testify he did not see any fences
13 on this property?

14 A. There's a big pile of trees right there that the
15 timber guys knocked down.

16 Q. Did he testify he didn't see any fences on this
17 property except the ones right around here?

18 A. I don't think that's what he said. He said he
19 didn't see any back there. There's a pile of berms
20 back there.

21 Q. And do you recall Mr. Giles saying he didn't see
22 any fences in this area?

23 A. He showed a picture during this testimony of that
24 fence.

1 Q. He said it was this fence. He didn't say it was
2 this fence. He said the only one he saw was this
3 fence.

4 A. That's the only one there.

5 Q. There's a fence back by your area your .66 acres
6 isn't there?

7 A. No, sir.

8 Q. There's no fence there?

9 A. No.

10 Q. In any event Mr. Giles testified the fence was
11 right here?

12
13 A. Well that's not where it is. You can tell from
14 the picture he is standing right here in this road and
15 you can look at it and this is to scale and it is about
16 fifty feet from right there to that fence and he stood
17 right here and took a picture and it's in your thing
18 right there of the picture of that fence right there.

19 Q. Let me ask you this. Are you denying that you
20 told Mr. Giles you got permission from Ms. Singleton
21 for temporary storage?

22
23 A. I never told Mr. Giles that.

24 Q. So you deny that?

25 A. No.

1 Q. And when you testified didn't you say you weren't
2 sure you didn't know -- didn't remember?

3 A. I know I told him that Frank Ravenal gave me
4 permission to use the property. I don't believe that I
5 told him that, don't know Ms. Singleton.

6 MR. BATTEY: I don't have anything
7 further.

8 COURT: All right anything else
9 from your point?

10 MR. MOSS: No, Your Honor.

11 (WHEREUPON, the hearing
12 was concluded.)
13
14
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25

C E R T I F I C A T E

I, Joanne B. McDonald, Certified Court
Reporter and Notary Public in and for the State
of South Carolina, do hereby certify that the
foregoing One Hundred Seventy-Four (174) Pages
of typewritten testimony were taken down by me,
then reduced to transcript with computer-aided
transcription; that the same is a true, correct
and complete transcript of the proceedings as
stated in the caption.

I further certify that I am not of kin nor
counsel to any of the parties hereto and,
further, that I have no interest whatsoever in
the outcome of said proceedings.

SO WITNESS MY HAND AND SEAL this 11th day
of June, 2013.

Notary Public/Court Reporter

My Commission Expires 09/27/2022

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE BEAUFORT COUNTY COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT

MARVIN H. DUKES, III, PRESIDING JUDGE

CASE NO: 2011-CP-07-2148

BRUCE MILLER,

vs.

COLUMBIA FOREST, INC.
FOREST HATCH and IDA M.
SINGLETON,

Appellant

Respondents.

NOTICE OF INTENTION TO APPEAL & APPEAL

James H. Moss, Esquire
MOSS, KUHN & FLEMING, P.A.
Post Office Drawer 507
Beaufort, South Carolina 29901-0507
[843] 524-3373
[843] 524-1302 FX
jim@mossandkuhn.com

Attorneys for Appellant

JENNIFER ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

2013 MAR -5 PM 4:20

NOTICE IS HEREBY GIVEN that the Appellant above named, by and through his undersigned counsel, appeals to the South Carolina Court of Appeals from [1] the *Order* dated October 4, 2012, and [2] *Order [Denying Plaintiff's Motion to Reconsider dated October 22, 2012]* dated January 30, 2013, received by Plaintiff's counsel on February 6th, 2013.

MOSS, KUHN & FLEMING, P.A.

By: 

James H. Moss, Esquire

Beaufort, South Carolina

March 4, 2013

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF BEAUFORT)

CASE NUMBER 2011-CP-07-2148

BRUCE MILLER,)

Plaintiff,)

vs)

ORDER

COLUMBIA FOREST, INC.,)

FOREST HATCH AND IDA M.)

SINGLETON,)

Defendants.)

The Plaintiff Bruce Miller brought this action against Columbia Forest, Inc., Forest Hatch and Ida M. Singleton. The case was an action for damages against the Defendants Columbia Forest, Inc. and Forest Hatch and an action for adverse possession against the Defendant Ida M. Singleton. On June 29, 2011, I signed an Order of Default against all Defendants. The case was heard on August 3, 2011. At that time, the Defendant Singleton, who had traveled from California, was present at the trial. The Defendant Singleton advised the court that she had not filed responsive pleadings as she had been advised that the co-defendants would file these pleadings for her. The court determined to bifurcate the matter and to hear the damage portion of the claim. The court advised the Defendant Singleton to obtain the services of an attorney and the issue concerning adverse possession would be heard at a separate hearing in the future. The court proceeded with the damage claim and awarded the Plaintiff compensatory damages in the amount of \$72,233.83 and punitive damages in the amount of \$5,000.00 against the Defendants Columbia Forest, Inc. and Forest Hatch.

On October 13, 2011, this Court issued its Order vacating the default judgment dated June 29, 2011 and granting the Defendant Singleton 20 days to answer or otherwise plead.

On October 27, 2011, the Defendant Singleton filed her Answer in this matter.

In his Complaint the Plaintiff claimed that he had fenced a portion of the Plaintiff's property, had parked vehicles in various locations on the property and that for more than 25 years his claim had been continuous, hostile, open, adverse, notorious and exclusive under a claim of adverse possession.

The Defendant, by her Answer alleged that she as Trustee of the Singleton Family Trust was the owner of the property and denied the allegations of the Plaintiff's Complaint. In addition, she alleged that the Plaintiff had advised Beaufort County and others that he was storing his automobiles on the Defendant's property with her consent.

This matter was heard by me on July 26, 2012. At that time the Plaintiff introduced a plat prepared by David Youmans, RLS, dated August 3, 2011. Mr. Youmans was called by the Plaintiff and testified that on August 3, 2011 he found cars and debris in the area shown on his plat. On cross examination, Mr. Youmans testified that he could not say that the cars had been in that location for 1 day, 1 year, 5 years, much less 10 years. He stated that he had no way of knowing if cars had been parked in any location on the property for the last ten years. The Youmans plat of August 3, 2011 did not show any fence on the property and Mr. Youmans testified that he did not see any fences on the property when he surveyed it in August of 2011.

The Plaintiff Miller then testified that he had been in business for more than 25 years and that he began putting cars on a portion of the Defendant's property. He would sell cars to individuals and to a commercial entity that would buy cars and crush them for scrap. Other than the August 3rd plat prepared by David Youmans, he did not identify any particular portion of the Defendant's property on which he had placed any vehicles.

The Defendant called Mark Giles, an enforcement officer for Beaufort County, who testified that in 2006 the Plaintiff Miller was cited for a violation for placing cars on the Singleton property. Giles testified that Plaintiff had advised him and the Magistrate hearing the matter that the property was owned by the Defendant Singleton but that he had permission from Ms. Singleton to store cars on this property. On cross examination the Plaintiff Miller did not deny making this statement but stated that he did not remember making the statement.

**FINDINGS OF FACT
AND
CONCLUSIONS OF LAW**

In an action for adverse possession, the burden of proof is on the party asserting adverse possession and he must establish his claim by clear and convincing evidence. Davis v. Monteith, 289 S.C. 176, 345 S.E. 2d 724 (1986); Lusk v. Callaham, 287 S.C. 459, 339 S.E. 2d 156 (Ct. App. 1986).

I find that the Defendant Ida M. Singleton was the record holder of the 7.52 acres of land, a portion of which the Plaintiff Miller is claiming by adverse possession. When one claims title by adverse possession and his occupancy is not under claim of title, he must show either fencing or other improvements covering most of the subject land or some other continuous use and exercise of dominion. King v. Hawkins, 282 S.C. 508, 319 S.E. 2d 361 (Ct. App. 1984); Walker v. Oswald, et al, 156 S.C. 424, 153 S.E. 286 (1930).

In this case the claimed area is, at best, an estimation of an unfenced area surrounding an alleged number of automobiles. It is undisputed and I find that the vast majority of the automobiles were placed on the Defendant's wooded property with the intent that they be sold or used for parts and then crushed. I find that the automobiles were not improvements or fixtures,

instead they were transient inventory associated with an ongoing salvage business. The photos in evidence indicate a haphazard storage of vehicles against trees in a moderately wooded area. I find that the best testimony regarding fencing is from the Plaintiff's surveyor, Mr. David Youmans, who placed no fences on his plat dated August 3, 2011 and testified that he did not see any fences on the property when he surveyed in August of 2011. I therefore find that the property had not been fenced as claimed by the Plaintiff.

An additional requirement to prove adverse possession is that the possession be hostile. To be hostile the possession must be with intent to claim and hold the land against the true owner and the whole world. Haithcock v. Haithcock, 123 SC 61, 115 SE 727 (1923). A possession in recognition of the true owner is insufficient ever to ripen into title. Carr v. Mouzon, 86 SC 461, 68 SE 661 (1910). In 2006 the Plaintiff was cited for failing to store cars in a fenced area. Mark Giles, a law enforcement officer for Beaufort County, testified that the Plaintiff advised him and the Magistrate for Beaufort County that he knew that the cars were on the Defendant's property but that he had permission to store the cars on the property. I find that the testimony of Mr. Giles is credible and that the Plaintiff had advised county officers that he had permission to use the Defendant's property for storage and consequently Plaintiff has failed to establish that his adverse possession claim was hostile.

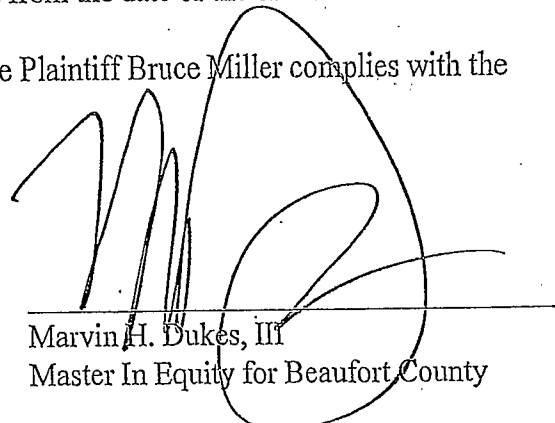
As stated above, one claiming land has the burden of proving adverse possession by clear and convincing evidence. Davis v. Monteith, 289 S.C. 176, 345 S.E. 2d 724 (1986); Lusk v. Callahan, 287 S.C. 459, 339 S.E. 2d 156 (Ct. App. 1986).

CONCLUSION

The Plaintiff has failed to offer clear and convincing evidence that his claim for adverse

possession was actual, open, notorious, exclusive, continuous and hostile for the required period and his claim for adverse possession must fail. I therefore Order that the prayer of the Plaintiff Bruce Miller against the Defendant Ida M. Singleton and Ida M. Singleton as Trustee of the Singleton Family Trust be denied.

I further Order that the Plaintiff Bruce Miller shall remove all automobiles and debris from the Defendant's property within sixty (60) days from the date of the order and the Court specifically retains jurisdiction of this matter until the Plaintiff Bruce Miller complies with the provisions of this Order.



Marvin H. Dukes, III
Master In Equity for Beaufort County

Beaufort, South Carolina

10/11, 2012

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

BRUCE MILLER,)

Plaintiff,)

vs)

COLUMBIA FOREST, INC.,)
FOREST HATCH AND IDA M.)
SINGLETON,)

Defendants.)

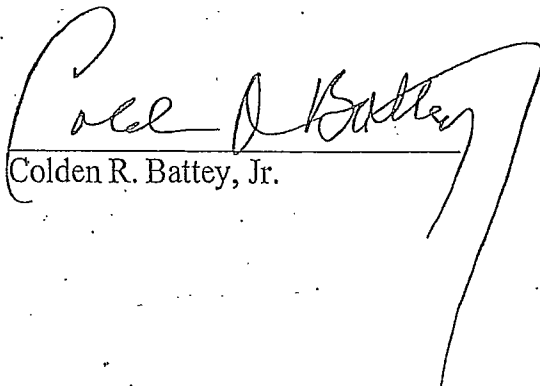
IN THE COURT OF COMMON PLEAS

CASE NUMBER 2011-CP-07-2148

CERTIFICATE OF MAILING

The undersigned attorney for the Defendant, Ida M. Singleton, certifies that on the 10th day of October 2012, a copy of the Order was served on the Plaintiff by placing same in the United States Mail, postage prepaid, addressed to the following:

James H. Moss, Esquire
Moss, Kuhn & Fleming, P.A.
P.O. Box 507
Beaufort, SC 29901-0507


Colden R. Battey, Jr.

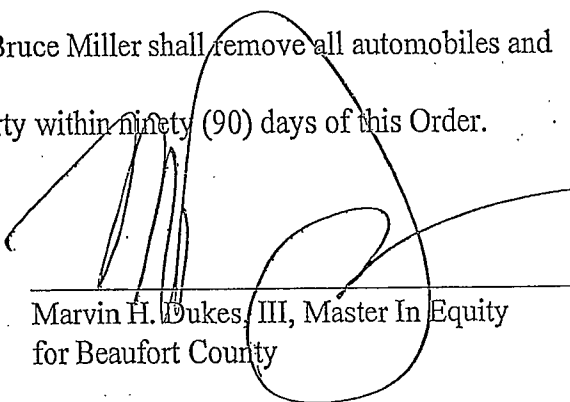
Beaufort, South Carolina

claim for adverse possession of any portion of the Defendant Ida M. Singleton's 7.52 acres of land.

At the hearing it was found that the Plaintiff Bruce Miller has not removed all of his vehicles from the Defendant Singleton's land.

It is therefore ORDERED that Plaintiff's motion for reconsideration is denied.

It is further ORDERED that the Plaintiff Bruce Miller shall remove all automobiles and debris from the Plaintiff Ida M. Singleton's property within ninety (90) days of this Order.



Marvin H. Dukes, III, Master In Equity
for Beaufort County

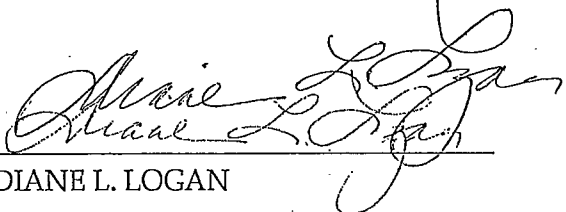
Beaufort, South Carolina

1/30, 2013

CERTIFICATE OF SERVICE

I, DIANE L. LOGAN, Paralegal to James H. Moss, counsel of record for the Plaintiff in the foregoing action, do certify that on the 1st day of March, 2013, I caused to be deposited in the United States Mails, postage pre-paid, and via facsimile, a service copy of the within *Notice of Intention to Appeal & Appeal*, with the same being addressed to opposing counsel of record as follows, to wit:

Colden R. Battey, Jr., Esquire
Harvey & Battey, P.A.
Attorneys at Law
Post Office Drawer 1107
Beaufort, South Carolina 29901-1107


DIANE L. LOGAN

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

EXHIBITS

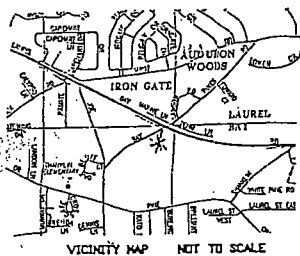
Plaintiff(s) Bruce Miller
 vs.
 Defendant(s) Columbia Forest, Inc., et al.

PLAINTIFF'S EXHIBITS	DEFENDANT'S EXHIBITS	COURT'S EXHIBITS
1 Boundary Survey	1A zoning permit	1
2 Zoning Permit	21B court summons	2
3 photos of signs	21C court summons	3
4 google maps photo	4A photos	4
5 google maps photo	63 zoning permit	5
6 lawson road map	84 court summons	6
7 Junkyard photos	75 court summons	7
8 Junkyard photos	86 photos	8
9 Junkyard photos	87 notice warning Violation	9
10 beaufort county property records printout	108 photos	10
11 Junkyard photo	9 magistrate court case history	11
12 Junkyard photo	1210 photos	12
13 car inventory list	1311 deed	13
14 notarized witness statements	1412 quitclaim deed	14
15 photos	1513 property tax bill	15
16 compliant history	1614 woodforest business card (copy)	16
17 boundary survey	1715 plat	17
18	1816 woodforest purchase & sales agreement	18
19	19	19
20	20	20

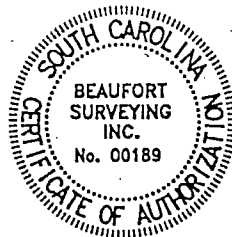
Court
 Reporter
 Clerk of Court

Joanne McDonald Trial Judge Marvin H. Dukes, II

Date Received by Clerk of Court on 1/15/14



NO.	BEARING	DISTANCE
AA	N56°22'55"W	81.57'



LOT 43 LOT 44

LOT 54 LOT 53
SEC. 29
1N-2W



N/F REED

N/F RAVENEL

DIRT BERM
IPS
1/2" Rebar

N75°06'20"E
285.69'

N04°10'17"E
242.59'

S85°39'27"E
184.99'

BRUCE MILLER
PARCEL 16A
0.66 ACRES

N04°10'17"E
173.17'

S76°52'18"W
119.90'

S04°00'20"W
81.57'

CMF
4x4

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RESIDUAL IN
PARCEL 16
±3.61 ACRES

PORTION OF PARCEL 16
OCCUPIED BY BRUCE MILLER
3.91 ACRES

IPS
1/2" Rebar

IPS
1/2" Rebar

IPS
1/2" Rebar

IPS
1/2" Rebar

BAY PINES ROAD

BOUNDARY SURVEY
PREPARED FOR
BRUCE MILLER
BEAUFORT COUNTY, SOUTH CAROLINA

THE SAME BEING A PORTION OF LOT 53, SECTION 29, 1N-2W AS SHOWN ON A PLAT BY
DAVID E. GASQUE DATED DEC. 1, 1988, REVISED DEC. 21, 1988.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE
SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE
MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA,
AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN;
ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

THIS PROPERTY IS LOCATED IN ZONE C AS DETERMINED BY FEMA, FIRM COMMUNITY-PANEL
NUMBER 450025 0035 D, DATED 9-29-86.

R100-024-000-016A-0000
R100-024-000-0016-0000

0 50' 100' 200' 300'

SCALE 1" = 100'

AUGUST 3, 2011
P14671/MMA



DAVID S. YOUmans RLS 9785
BEAUFORT SURVEYING, INC.
1613 PARIS AVENUE
PORT ROYAL, S.C. 29935
PHONE (843) 524-3261

291

Beaufort County, South Carolina
ZONING PERMIT
Zoning & Development Administration

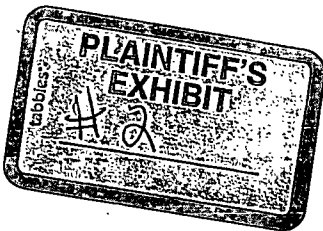
Permit Number 17797 Zone RURAL Date Issued 3-10-06
Applicant's Name BREWSTER'S Repair Salvage
Property Owner's Name BRUCE A. MILLER
Address 33 LAWSON Road, BEAUFORT, SC
District/Map/Parcel Number 100-24-16A Approved Use Non-Conforming Grandfathered Use.

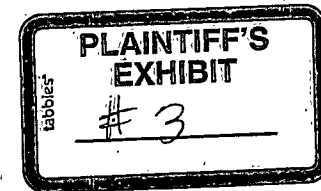
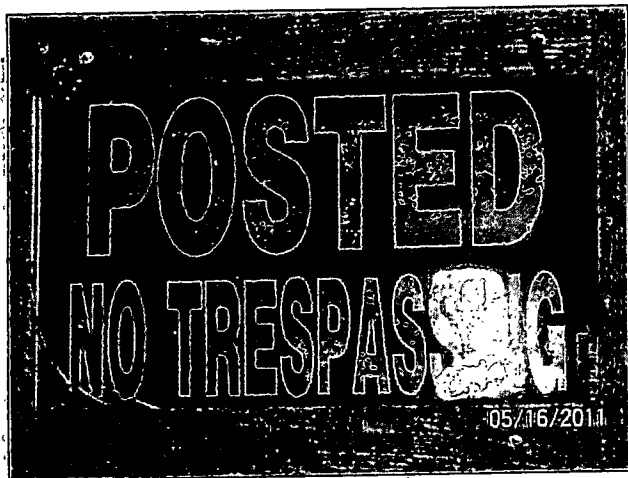
THIS PERMIT CERTIFIES THAT THE ABOVE NAMED
HAS MET AND IS ACCORDANCE WITH THE BEAUFORT
COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE

BY: Hillary A. Austin

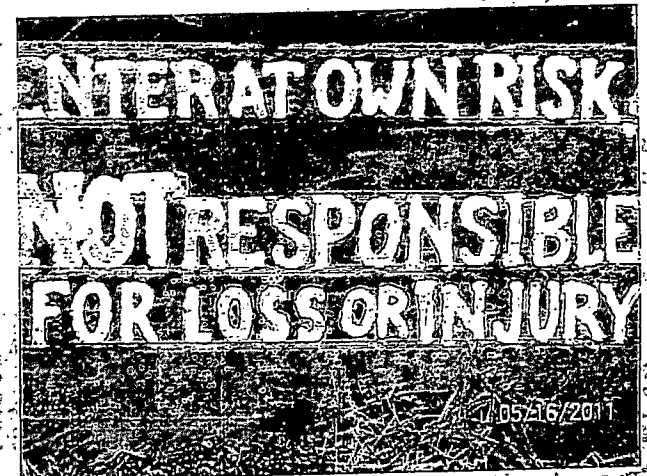
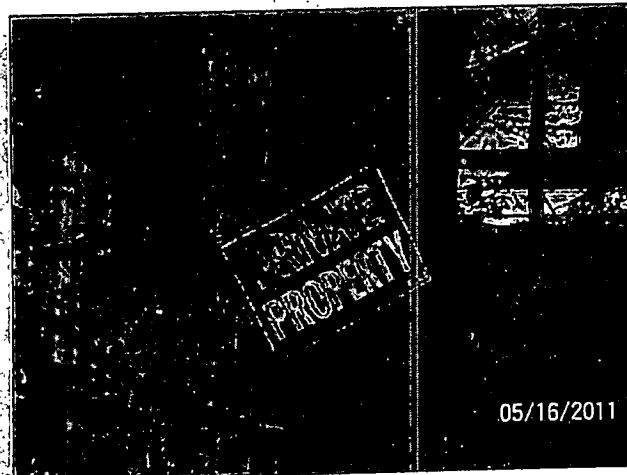
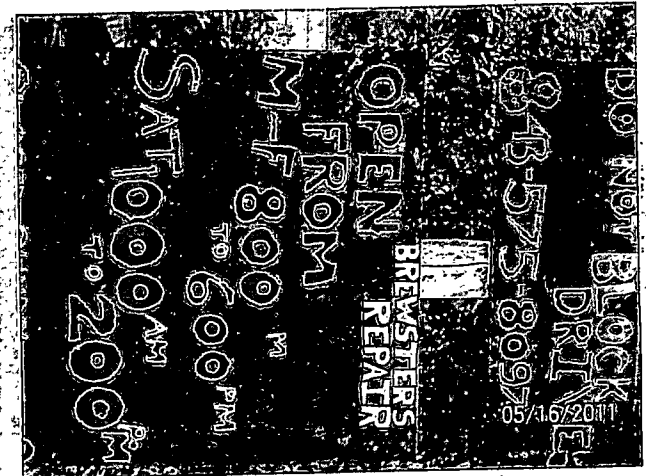
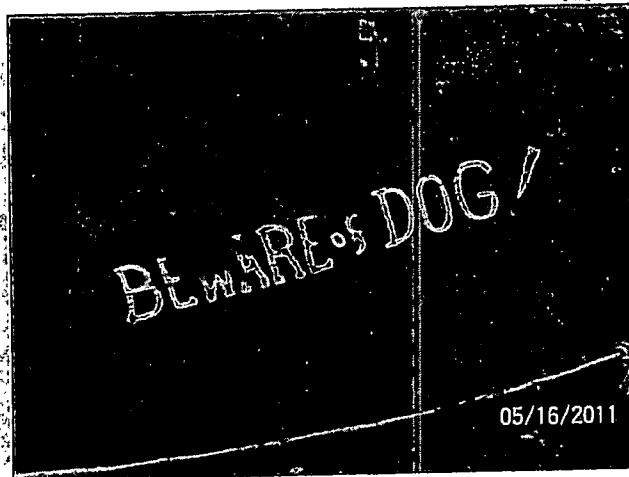
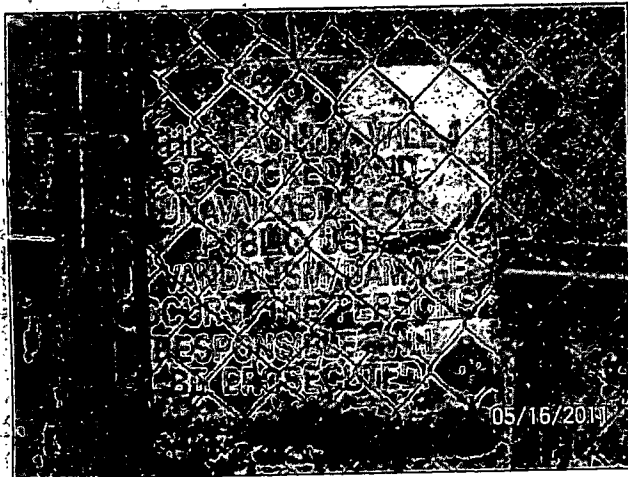
CONDITIONS OF PERMIT APPROVAL: - Property shall be inspected for compliance 90 days
from date of permit.

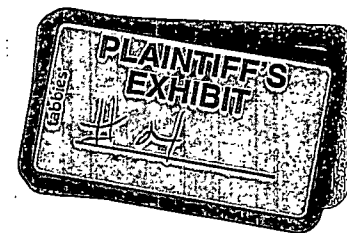
1. PROPERTY shall be SCREENED with Privacy Fence.
2. ONLY salvaged vehicles shall be allowed as part of business.
3. No vehicles shall be stored on adjacent properties.
4. Property shall be cleaned of all debris not associated with business.



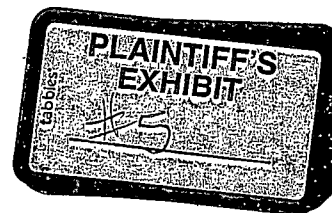


662





EXB 7

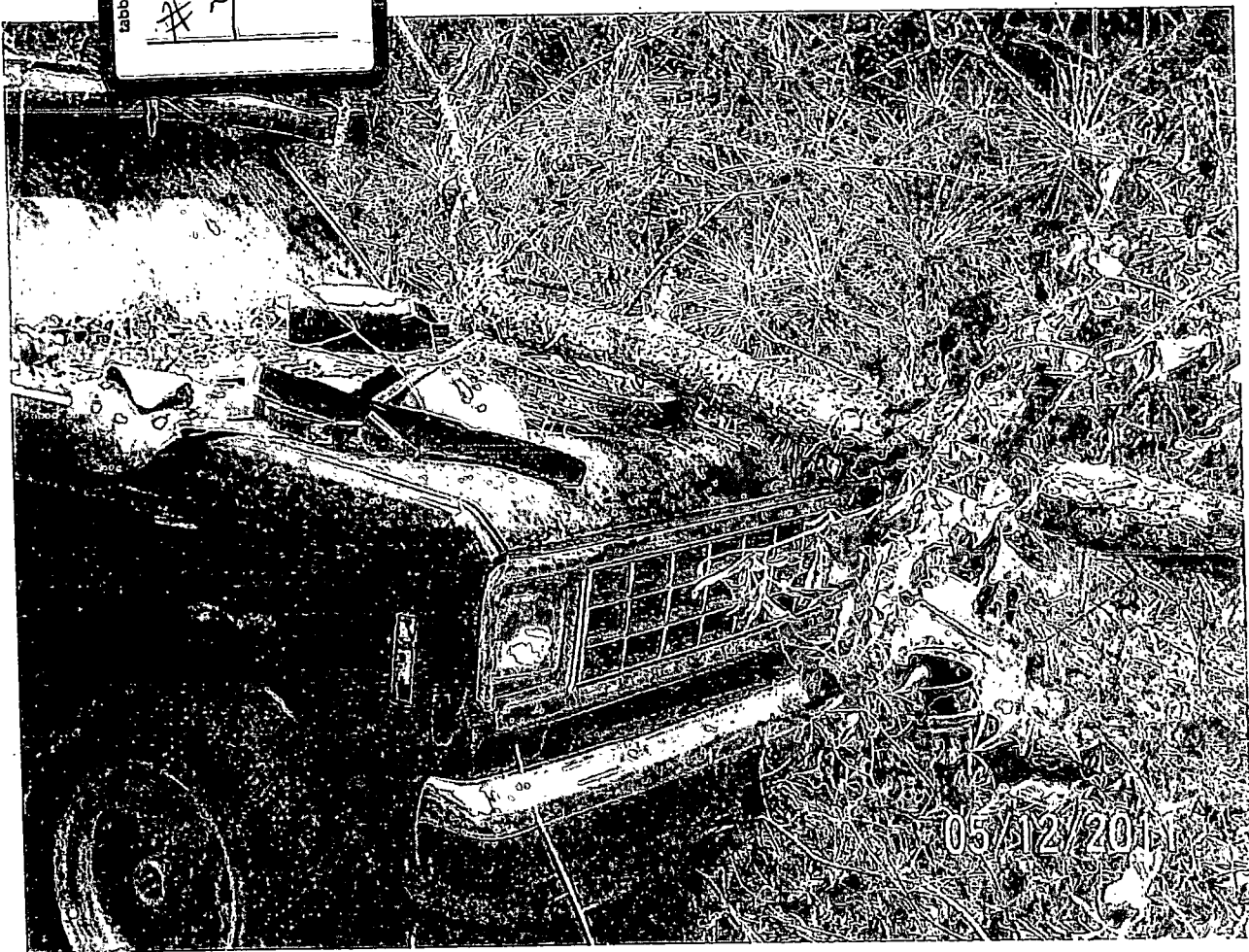


SIX 6 HOLES (X)





PLAINTIFF'S
EXHIBIT
7

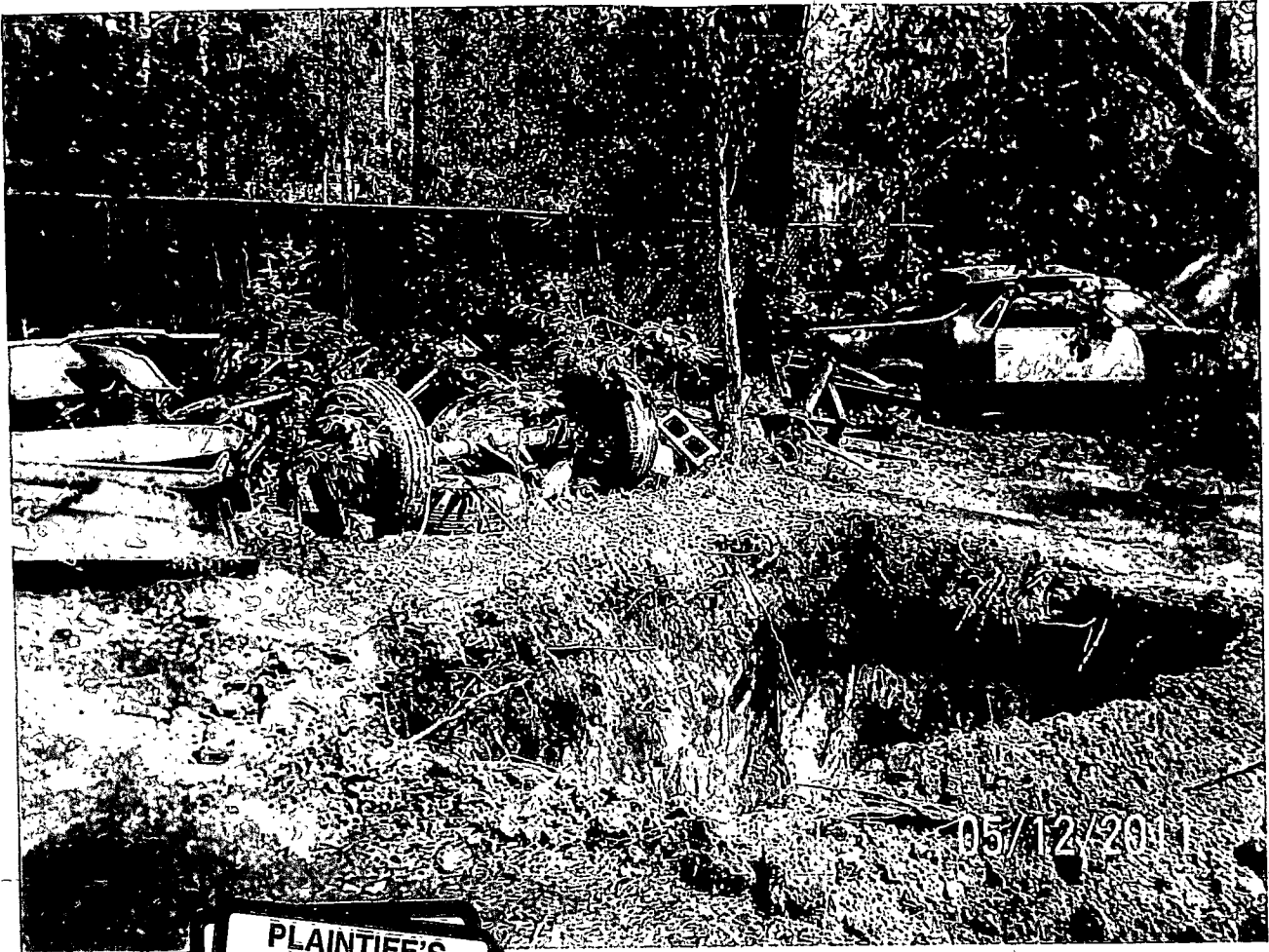




PLAINTIFF'S
EXHIBIT

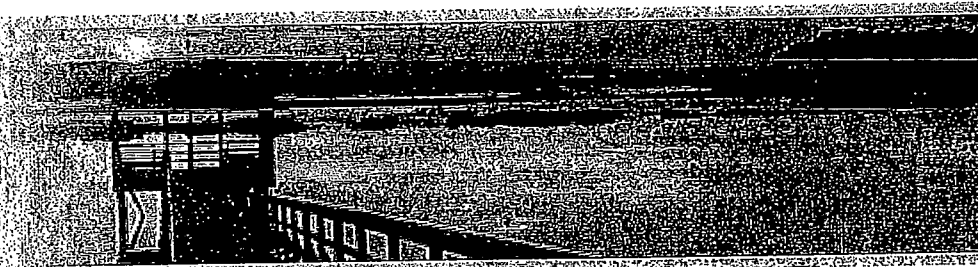
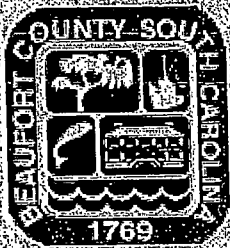
#8





tabbles
**PLAINTIFF'S
EXHIBIT**
9





Parcel



Owner Name
1 of 1

Records

Overview

Parcel

Land

Improvements

Sales Disclosure

Pay Taxes

Vehicle Tax Page

Value History

GIS / Mapping

Property ID
(PIN)

Alternate ID
(AIN)

Parcel Address

Data
refreshed
as of

R100 024 000
016A 0000

00146906

29 LAWSON RD,

5/6/2011

Owner Information

Owner

MILLER BRUCE

Owner Address

33 LAWSON ROAD
LAUREL BAY SC 29902

Sale Date

435 1875

Deed

Reference

Search by

Property ID (PIN)

Street Address

Alternate ID (AIN)

Legal Description

Sales

Owner Name

Location Information

Tax District Name

100 100-BEAUFORT
UNINCORP

Routing No.

Legal Description POR LOT 53 SEC 29
1N2W PLAT FILE WITH
JR#56549

Parcel Address

29 LAWSON RD,

Acreage

2.0000

Parcel Information

Property Class Code ResImp SingleFamily

Level

High

Low

Rolling

Swampy

Flood Hazard

Waterfront Property Type

Topography

N

N

N

N

N

Functions

County Home

Welcome

Real Property

Personal Property

Vehicle Tax

Shopping Cart

Help

Feedback

County Login

Assessment Information

Prior Year

2010

Current Year

2011

Appraised Value Land

53,600

Appraised Value Land

0

Appraised Value Improvements

83,067

Appraised Value Improvements

0

Total Appraised Value

136,667

Total Appraised Value

0

Limited (Capped) Appraised
Value Total

63,196

Limited (Capped) Appraised
Value Total

0

Exemption Amount

0

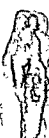
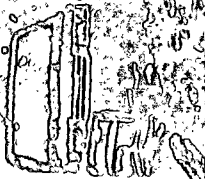
Exemption Amount

0



PLAINTIFFS
EXHIBIT
#11

05/11/2011



tabbles
PLAINTIFF'S
EXHIBIT
#12

05/11/2011

#	Code	Year	Make	Model	(Serial Number)	Color	Disp#	Engine
1		1999	Dodge	Intrepid		silver		2.7L
2			Ford	Explorer		dark green		
3			Ford	Econoline 150		blue/white		
4			Dodge					
5	C				(5th Wheel)			
6		1995	Chevrolet	(van)		white		
7	L		Chevrolet	Camaro		black/silver		
8	P		Chevrolet	1500				
9	C				(Tag Along)			
10			Ford	Econoline 350		white		
11	C				(Camper) - Nikki			
12			Pontiac	Parisienne		white		
13			Chevrolet	Suburban LS		gold		
14				((GM pickup s10?))		orange		2.5L
15			GMC	Suburban 1500		silver		
16		1985	Chrysler	Lebaron		red		
17		1997	Plymouth	Breeze		black		
18	LT		Isuzu	Amigo		silver		
19	L		Toyota	(Pickup)		white		
20		1991	Ford	Explorer	(Nikki)	white		
21			Chevrolet	S10		blue		2.8L
22		1985	Toyota	MR2		silver		
23	K	1990	Toyota	Land Cruiser		red		
24	T	1973	Chevrolet	El Camino Conquista		brown		
25	K		BMW	733i		silver		



<u>#</u>	<u>Code</u>	<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>(Serial Number)</u>	<u>Color</u>	<u>Disp#</u>	<u>Engine</u>
26	P		Jeep			white		
27	K		Oldsmobile	Cutlass		blue		
28	K	1989	Ford	Crown Victoria LX		silver		
29	T		Toyota	Pickup		dark grey		
30	P		Chevorlet	Cheyenne				
31	P		Ford			white		
32		1978	Chevorlet	Silverado Custom Deluxe		red		
33	K	1977	Ford	F150 Ranger		blue		
34	C		Williamsburg		(Pop Up)			
35	O		Ford	Bronco		brown		
36			Oldsmobile	(Pickup)		dark green		
37		1995	Ford	Econoline E150		dark green	#20	
38		1979	Ford	Van/Camper		white	#66	
39			GMC	Jimmy		black		
40	TK	1985	Cadillac	Fleetwood Elegance		primer grey		
41	K	1966	Ford	Mustang		yellow		
42	L		Chevorlet	Silverado Z71		red		
43	K		Ford	F100 Ranger		black		
44			Chevorlet	Silverado		white		
45	K	1984	Chevorlet	Camaro		primer grey		
46	B		Starcraft	1700	SC 5672 AM			
47	K		Jeep	Cherokee Laredo		red		
48		1973	VW	Super Beetle		blue		
49			Ford	Mustang		white		
50	K	1989	Ford	Bronco II		red	58	

<u>#</u>	<u>Code</u>	<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>(Serial Number)</u>	<u>Color</u>	<u>Disp#</u> <u>Engine</u>
51	P		Toyota	4Runner		grey	
52	K		Mazda	8200		red	#57
53	B		Renken		SC 232 RM		
54	B		Glassmaster		SC 48 DM		
55		1986	Chevorlet	Camaro		silver	
56			Pontiac	Firebird		blue	#56/36
57	TK	1983	Chevorlet	Camaro		white	
58		1990	Ford	Ranger XLT		blue	
59			Isuzu	Rodeo		silver	
60	K	1995	Isuzu	Rodeo		green	
61	B		Neweert				
62	K		Chevorlet	Cust. 1.0 350		primer grey	
63	K	1983	Chrysler	Dodge Ram		primer grey	
64	K	1992	Chevorlet	Astrovan		white	
65	K	1976	Dodge	Ram Charger		black	#41
66	K	1979	Ford	F100 Custom		blue	#52
67	KTP	1991	Nissan	SE		black	
68			Ford	Bronco		black	
69	K		Mercedez			silver	
70	B		Eurosport	190 Sunbird	SC 4014 AL		
71	K	1988	Toyota	4Runner		silver	
72	KP	1977	MG			red	
73	P		Jeep	Wrangler		red	
74	B		Sterncraft		SC 311 TP		
75	B		SportCraft		SC 1849 UB		

<u>#</u>	<u>Code</u>	<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>(Serial Number)</u>	<u>Color</u>	<u>Disp#</u>	<u>Engine</u>
76	B			"The Bug"	C-359-LF			
77	B		Renken		SC 177 LM			
78	P	1990	Ford	F150 XLT Lariat		white		
79	P		GMC	Jimmy		blue	#13	
80		1977	VW			blue		
81	LK		Pontiac	Firebird		red		
82			Dodge	Ram		blue		
83		1994	Mercury	Villager		red	#75	
84	KP	1993	Ford	F150?		white		
85	K		Chevorlet	350		green		
86	K	1989	Mazda	RX7 GXL		blue		
87	K	1990	Chevorlet	Cheyenne		blue		
88		1980	Toyota			red		
89	K	Sep-90	Ford			brown		
90			GMC	Jimmy SLE		white		
91				(old car)		primer		
92	K	1995	Isuzu	Rodeo		silver		
93	L		Chevorlet	Blazer 4x4		black/grey		
94	L		GMC	Jimmy		black		
95			Chevorlet	Silverado		red	#43	
96	K		Chevorlet	Astro CS		red	#42	
97	K	1982	BMW			Black		
98	K		Chevorlet	S10 (& cap)		grey/red		4.3L
99			Chevorlet	Suburban Silverado		blue		
100	L		Ford	Ranger		white		

<u>#</u>	<u>Code</u>	<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>(Serial Number)</u>	<u>Color</u>	<u>Disp#</u>	<u>Engine</u>
101				Rambler 232 six		black		
102	P		Chevorlet			white		
103		1985	Ford			primer grey		
104	K		Chevorlet	Custom Deluxe 4x4		brown		
105			Chevorlet			black		
106			Chevorlet			primer grey		
107		1989	Ford	Tempo GL		silver		
108		1993	Ford	F150 XLT		grey		
109	K	1987	Ford	Ranger		black		
110			Chevorlet			black		
111	K	1987	Toyota	Supra		white		
112	B				SC 43 RD			
113	B				SC 2200			
114	B				SC 851 PW			
115	K		VW			silver		
116	K	1983	Toyota			red		
117	P		Ford			blue	#33	
118	K	1996	Cadillac	Deville		white		
119	K	1972	Ford			white		
120	K	1972	Ford			black		
121	K		Chevorlet	Custom Deluxe		white		
122	K	1982	Ford			red	#29	
123	P	1982	Ford	(cab)		white		
124	L		Ford	F250		white		
125	L		Chevorlet	S10		white		

<u>#</u>	<u>Code</u>	<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>(Serial Number)</u>	<u>Color</u>	<u>Disp#</u>	<u>Engine</u>
126	K		Ford	F100 Custom		red/white		
127			VW	Beetle/Bug		primer grey		
128			Ford	(old bus)		primer grey		
129			Chevorlet	Nova		blue		
130		1970	Dodge	Van 200		blue		
131		1999		(infinity?)		blue		
132	L		Chevorlet	Blazer		black		
133			GM	Monza Spyder		white		
134		1992	Oldsmobile			green		
135			Chevorlet	1		black		
136				custom 1 pickup		green	#21	
137			Ford					
138		1996	Mercury	Sable GS		white	#18	
139			Chevorlet			blue	#19	
140			Ford	Mustang		blue/grey		
141	O	1987	Ford	Bronco XLT 4x4		blue		
142		1984	Ford	F100 XL		black/blue/white		
143			Ford	LTD		brown		
144		1988	Ford	Ranger		black		
145	K	1995	Ford	Ranger		red		
146		1995	Nissan	Quest XE		grey		
147		Sep-87	Dodge	Ram		white		
148	K		Chevorlet	S10 Tahoe		grey		
149	K	1996	Dodge	Caravan		blue		
150	K	1994	Ford	Aerostar		green		

<u>#</u>	<u>Code</u>	<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>(Serial Number)</u>	<u>Color</u>	<u>Disp#</u>	<u>Engine</u>
151	C		Galaxy	mobile home				
152	C							
153	C							
154			Chevorlet	S10		purple		
155		1999	Chevorlet	Cavalier		green		
156	L		Honda	Passport v6 24v		red		
157		2000	Ford	Explorer		brown		
158		1998	Chevorlet	S10 LS		blue		
159			GMC	S15 Sierra Classic		white		
160	B		Larson		SC 305 FK			
161	P		Chevorlet	S10 cab		white		
162			Chevorlet	CST 20 350		white		
163		1994	Jeep	Grand Cherokee Laredo		white		
164	K					blue		
165	K		Chevorlet	Scottsdale 10		primer grey		
166		Sep-69	VW	Bus/Camper		white		
167	B		Bayliner	Capri	GA 6092 RS			
168	K		Ford	F150		yellow		
169			Ford	Mustang Cobra		silver		
170	K		Chevorlet	Silverado		blue		
171			Ford	Falcon		grey		
172	B		Bonito		SC 107 TN			
173	B		Caravelle		NY 8176 PC			
174			Chevorlet	Blazer		gold/black	#40	
175	B				SC 7731 BC			

<u>#</u>	<u>Code</u>	<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>(Serial Number)</u>	<u>Color</u>	<u>Disp#</u>	<u>Engine</u>
176			Ford			red/white		
177		1990	Chevrolet	Blazer		white		
178	K	1983	Buick			black		
179	L		Mitsubishi	Eclipse GS		white		
180	K		Chevrolet	Custom Deluxe		white		
181			Pontiac	Fiero SE		red		
182		1992	Pontiac	Firebird		green		
183			Plymouth	Reliant K		silver		
184	K		Ford	F350 Custom		white		
185			Chevrolet			black		
186		1973				green		
187			Chevrolet	Cheyenne		black		
188	K	1987	Chevrolet	Blazer		white		
189		1973	Chevrolet			black		
190		1988	Mazda	B2200		red		
191			Opel	GT		blue		
192	B		Renken		SC 227 MB			
193	B				SC 1856 UA			
194	B		Browning					
195	B				SC 886 NJ			
196			Chevrolet	Scottsdale		black		
197	K	1976	Ford	Custom		red		
198		1981	Datsun			black		
199		1972	Dodge	Charger		yellow		
200	B				SC 543 RV			

<u>#</u>	<u>Code</u>	<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>(Serial Number)</u>	<u>Color</u>	<u>Disp#</u>	<u>Engine</u>
201	P		Ford			white		
202		1977	Mercedez			yellow	#70	
203			Chevorlet	Silverado Suburban		orange		
204		1983	Plymouth	Sundance RS		red		
205			Honda	Accord		white		
206	K	1985	Ford	Stepside		black		
207		1983	Ford	F150				
208	K	1976	Oldsmobile	Cutlass Supreme		yellow		
209	K	1984	Chevorlet	Cavalier Convertible		red	#86	
210		1979	Honda	Civic 1200		blue/grey	#74	
211		1999	Ford	Explorer		black		
212			Jeep	J10		camo		
213	L		Ford	Crown Victoria LX		blue		
214		1995	Ford	Taurus		white		
215	O		VW	(van)		blue		
216	K		Ford	(swamp thing)		blue		
217	B		Starcraft		SC 8619 AF			
218	C		Jayco	(pop-up)				
219	P		Jeep	Wrangler		white		
220			Ford	(w/tractor tires)		black		
221			Chevorlet	S10		blue		
222	K	1985	Pontiac	Fiero		red		
223		1982	Toyota	4WD		blue		
224			Chevorlet			yellow		
225	KO	1981	Nissan	280ZX		silver		

<u>#</u>	<u>Code</u>	<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>(Serial Number)</u>	<u>Color</u>	<u>Disp#</u>	<u>Engine</u>
226	K	1989	Mercury	Cougar		red		
227	L			Tradesman 200		blue		
228	K	1991	Ford	Escort		green	#9	
229		1994	Chrysler	Lebaron GTC convertible		red		
230	B				SC 127 TU			
231	L		Chevorlet	Camaro		red		
232	C			Holiday				
233			Jeep	Wrangler		red		
234	L		Chevorlet	S10		grey		
235	TK	1986	Toyota	MR2		blue		
236			Chevorlet	Spectrum		gold	#11	
237	K	1985	Chevorlet	Spectrum		copper	#10	
238			Chevorlet			white	#12	
239	B				SC 405 DK			
240			Chevorlet	Scottsdale		grey		
241			Chevorlet	Custom 10 350		red		
242		1982	Chevorlet	S10		white	#14	
243		1982	Chevorlet	S10		red		
244		1998	Honda	Passport		black		
245		1987	Ford	F		white		
246	K		Dodge	Ram Stepside		red		
247	B		Aerocraft		SC 9554 BC			
248	P		Dodge	Neon		red		
		1992	Isuzu	Rodeo		blue		
		1989	Chevorlet	Cheyenne		gold		
		1994	Chevorlet	Silverado 3500		white		
		1995	Jeep	Cherokee Laredo		grey		
		1994	Pontiac	Grand Prix		white		

March 2006

I Bruce Miller (Brewter's Repair) am collecting names of individuals that can testify that I have had a business at 33 Lawson Road Beaufort S.C. 29906. My business has consisted of auto salvage, auto repair and welding. The following people will also confirm the fact that I have had my business at this location for 20 plus years.

Name Of Owner Printed Bruce A Miller

Name Of Owner Signed Bruce A. Miller

Name Of Witness Printed Tina Helton (CARQUEST)

Name Of Witness Signed Tina Helton

Notary Name Printed Jeff Hrabar

Name of Notary Signed Jeff Hrabar



March 2006

I Bruce Miller (Brewster's Repair) am collecting names of individuals that can testify that I have had a business at 33 Lawson Road Beaufort S.C. 29906. My business has consisted of auto salvage, auto repair and welding. The following people will also confirm the fact that I have had my business at this location for 20 plus years.

Name Of Owner Printed Bruce A Miller

Name Of Owner Signed Bruce A. Miller

Name Of Witness Printed IDA FRIEDMAN TRANS PHYSICIAN

Name Of Witness Signed IDA FRIEDMAN

Notary Name Printed Jeffrey A Hagan

Name of Notary Signed Jeffrey A Hagan

March 2006

I Bruce Miller (Brewster's Repair) am collecting names of individuals that can testify that I have had a business at 33 Lawson Road Beaufort S.C. 29906. My business has consisted of auto salvage, auto repair and welding. The following people will also confirm the fact that I have had my business at this location for 20 plus years.

Name Of Owner Printed Bruce A. Miller

Name Of Owner Signed Bruce A. Miller

Name Of Witness Printed Carmer Harris

Name Of Witness Signed Carmer Harris

Notary Name Printed Gregory A. Haberman

Name of Notary Signed Gregory A. Haberman

March 2006

I Bruce Miller (Brewster's Repair) am collecting names of individuals that can testify that I have had a business at 33 Lawson Road Beaufort S.C. 29906. My business has consisted of auto salvage, auto repair and welding. The following people will also confirm the fact that I have had my business at this location for 20 plus years.

Name Of Owner Printed Bruce A Miller

Name Of Owner Signed Bruce A. Miller

Name Of Witness Printed ANGELA CHRYSTIAN STOKES MITSUBISHI

Name Of Witness Signed

[Signature]

Notary Name Printed

David Norman

DAVID P. NORMAN
NOTARY PUBLIC SOUTH CAROLINA
MY COMMISSION EXPIRES: 07/24/10

Name of Notary Signed

[Signature]

March 2006

I Bruce Miller (Brewster's Repair) am collecting names of individuals that can testify that I have had a business at 33 Lawson Road Beaufort S.C. 29906. My business has consisted of auto salvage, auto repair and welding. The following people will also confirm the fact that I have had my business at this location for 20 plus years.

Name Of Owner Printed Bruce A Miller

Name Of Owner Signed Bruce A. Miller

Name Of Witness Printed David Woodruff

Name Of Witness Signed David Woodruff

Notary Name Printed Jiffrey A. Harbarn

Name of Notary Signed [Signature]

March 2006

I Bruce Miller (Brewster's Repair) am collecting names of individuals that can testify that I have had a business at 33 Lawson Road Beaufort S.C. 29906. My business has consisted of auto salvage, auto repair and welding. The following people will also confirm the fact that I have had my business at this location for 20 plus years.

Name Of Owner Printed Bruce A Miller

Name Of Owner Signed Bruce A. Miller

Name Of Witness Printed GARY FRIGHT CARDPOST Auto PARTS
BET AUTO MACHINE

Name Of Witness Signed [Signature]

Notary Name Printed Jeff Hraban

Name of Notary Signed [Signature]

March 2006

I Bruce Miller (Brewster's Repair) am collecting names of individuals that can testify that I have had a business at 33 Lawson Road Beaufort S.C. 29906. My business has consisted of auto salvage, auto repair and welding. The following people will also confirm the fact that I have had my business at this location for 20 plus years.

Name Of Owner Printed Bruce A Miller

Name Of Owner Signed Bruce A. Miller

Name Of Witness Printed Henry Mitchell

Name Of Witness Signed Henry Mitchell

Notary Name Printed Jeff Hraban

Name of Notary Signed Jeff Hraban
Henry Mitchell

March 2006

I Bruce Miller (Brewter's Repair) am collecting names of individuals that can testify that I have had a business at 33 Lawson Road Beaufort S.C. 29906. My business has consisted of auto salvage, auto repair and welding. The following people will also confirm the fact that I have had my business at this location for 20 plus years.

Name Of Owner Printed Bruce A Miller

Name Of Owner Signed Bruce A. Miller

Name Of Witness Printed David W. Edmonds (Advances Auto Parts)

Name Of Witness Signed David W Edmonds

Notary Name Printed Jeffrey A. Hoban

Name of Notary Signed Jeffrey A. Hoban

March 2006

I Bruce Miller (Brewter's Repair) am collecting names of individuals that can testify that I have had a business at 33 Lawson Road Beaufort S.C. 29906. My business has consisted of auto salvage, auto repair and welding. The following people will also confirm the fact that I have had my business at this location for 20 plus years.

Name Of Owner Printed Bruce A Miller

Name Of Owner Signed Bruce A. Miller

Name Of Witness Printed Dwayne Ruffin (Dawned to)

Name Of Witness Signed Dwayne Ruffin

Notary Name Printed Jeff Hraban

Name of Notary Signed Jeff Hraban

March 2006

I Bruce Miller (Brewter's Repair) am collecting names of individuals that can testify that I have had a business at 33 Lawson Road Beaufort S.C. 29906. My business has consisted of auto salvage, auto repair and welding. The following people will also confirm the fact that I have had my business at this location for 20 plus years.

Name Of Owner Printed Bruce A Miller

Name Of Owner Signed Bruce A. Miller

Name Of Witness Printed Ronald L. Barnard

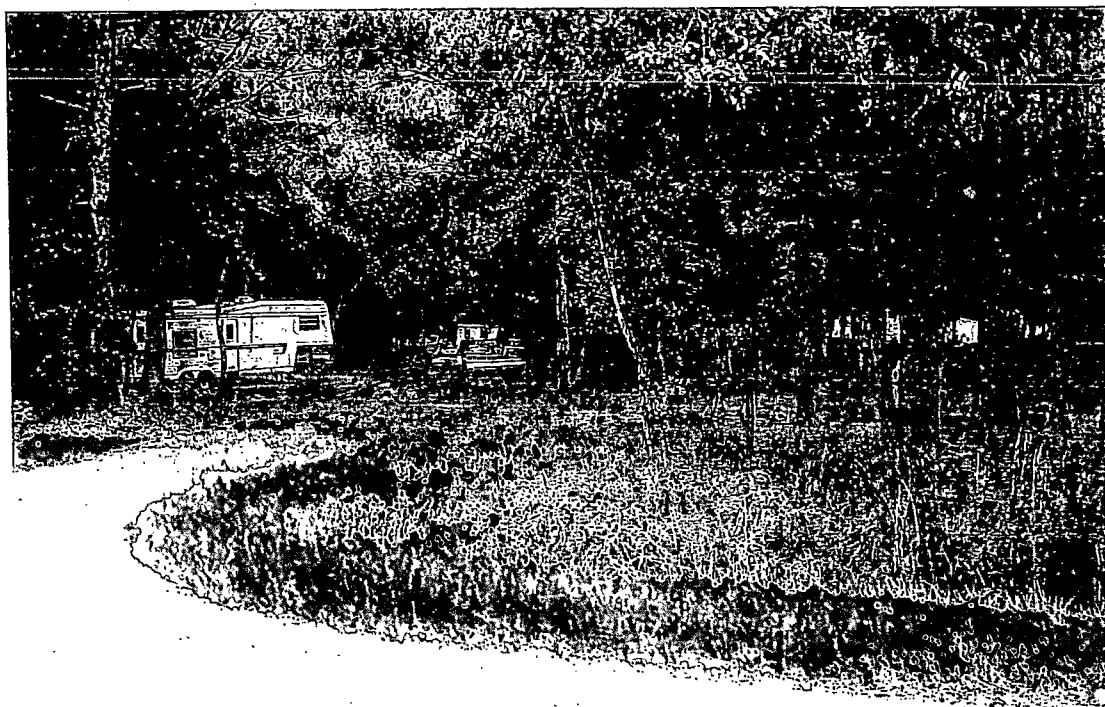
Name Of Witness Signed _____

Notary Name Printed Jeff Hrapa

Name of Notary Signed Jeff Hrapa



06/22/2009 09:19



06/22/2009 09:19



COMPLIANT HISTORYDATECOMPLIANT

Property as well as that of Frank Ravenell. He states that he has a verbal agreement with Mr. ~~Ravenell~~ Ravenell + Mr. Singhetin (of Los Angeles) to use portions of their property for temporary storage. He stated that in the late 1980's he went through an ordeal similar to this with Bft. County and at the time planted a hedge of Wax Myrtles along the road, but SCDOT cut them when they did maintenance on the ditch.

Scattered about the property are numerous JV cars + trucks. There are also numerous piles of trash scattered about as well as junk auto parts. There were also several Abandoned/Junk trailers.

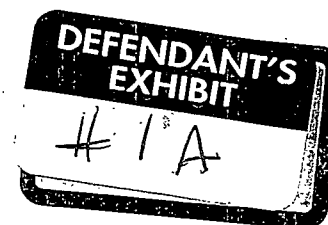
02-15-06/1400 I returned to the property + met w/ Bruce Miller. I explained that he was being issued NOV 1919 For no zoning permit + no business license. He was to make an appointment with Zoning within 5 days. I provided him with the

(4)

324







Beaufort County, South Carolina
ZONING PERMIT
Zoning & Development Administration

Permit Number 17797 Zone Rural Date Issued 3-10-06
Applicant's Name BREWSTER'S Repair Salvage
Property Owner's Name BRIEF A. MILLER
Address 33 LAWSON Road BEAUFORT SC
District/Map/Parcel Number 100-24-16A Approved Use Non-Conforming Grand-fathered Use

THIS PERMIT CERTIFIES THAT THE ABOVE NAMED
HAS MET AND IS ACCORDANCE WITH THE BEAUFORT
COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE

BY: Mellany A. Austin

CONDITIONS OF PERMIT APPROVAL: - Property shall be inspected for compliance 90 days
FROM date of permit.

1. PROPERTY shall be SCREENED WITH Privacy Fence.
2. ONLY salvaged vehicles shall be allowed as part of business
3. No vehicles shall be stored on adjacent properties.
4. Property shall be cleaned of all debris not associated with business.

UNIFORM ORDINANCE SUMMONS NO. 1021 COUNTY/CITY OF BEAUFORT VERSUS

Miller - Bruce A.
Last Name First Name Middle Name
33 Lawson Rd Burton SC 29906
Street Address City State Zip Code
P.O. Box 1100-024-000-016A-0000
Birth Date Race Sex Ht. Wt. Hair Eyes

YOU ARE SUMMONED TO APPEAR BEFORE THE COURT

I Magistrate
I Municipal Judge
v. Arthur Home Bldg
241 Ribault Rd Beaufort SC 29906
Street Address Room City

Mailing Address (if different) City SC Zip Code

FOR TRIAL CONCERNING VIOLATION OF

County/City of Beaufort
4.1.1. Abatement of Unsafe Structures
Ordinance Sec. No. Ordinance Description
10-14-06 10:00 A.M. 10:00 P.M. R100-024-000-016A
Citation Date Citation Time Citation Location
Nature of violation to be recorded on reverse side
if different from citation date: R100-024-000-016A
12-15-06 3:00 A.M. 3:00 P.M. Burton SC 29906
Violation Date Violation Time Violation Location
M.D. Giles Codes Enforcement 206580 #1,08750
Issuing Officer Title/Employee ID No. Suggested Bond Amt.

Bond Received Date Received by
Presiding Judge Disposition Date
Defendant Did Not Did Appear
Forfeited Bond Dismissed Nolle Prosequi
Pled Guilty Nolo Contendere
Bench Trial Jury Trial Guilty Not Guilty
2500 \$ BW \$ \$ \$
Fine Imposed Suspended Assessments Total Collected

Jail Term Suspended Committed to
Certified Correct by Date 6/29/06
OFFICER'S COPY
379
W1

UNIFORM ORDINANCE SUMMONS NO. 1312 COUNTY/CITY OF BEAUFORT VERSUS

Miller - Bruce A.
Last Name First Name Middle Name
33 Lawson Rd Beaufort SC 29906
Street Address City State Zip Code
Birth Date Race Sex Ht. Wt. Hair Eyes

YOU ARE SUMMONED TO APPEAR BEFORE THE COURT

I Magistrate
I Municipal Judge
Beaufort Magistrate
Arthur Home Building
241 Ribault Rd Beaufort SC 29902
Street Address Room City

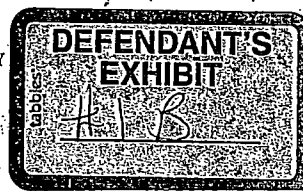
Mailing Address (if different) City SC Zip Code

FOR TRIAL CONCERNING VIOLATION OF

County/City of Beaufort
106-732 Zoning Permit Violation
Ordinance Sec. No. Ordinance Description
06-24-09 0725 A.M. 0725 P.M. Certified Mail
Citation Date Citation Time Citation Location
Nature of violation to be recorded on reverse side
if different from citation date: Beaufort 33 Lawson Rd
05-18-09 0855 A.M. 0855 P.M. Beaufort SC
Violation Date Violation Time Violation Location
M.D. Giles Codes Enforcement 206580 #1,09250
Issuing Officer Title/Employee ID No. Suggested Bond Amt.

Bond Received Date Received by
Presiding Judge Disposition Date
Defendant Did Not Did Appear
Forfeited Bond Dismissed Nolle Prosequi
Pled Guilty Nolo Contendere
Bench Trial Jury Trial Guilty Not Guilty
55 \$ \$ \$ \$
Fine Imposed Suspended Assessments Total Collected

Jail Term Suspended Committed to
Certified Correct by Date 7-16-09
OFFICER'S COPY
379
327



FORM ORDINANCE SUMMONS NO. 944
COUNTY/CITY OF BEAUFORT VERSUS #
Muller - Bruce A.
Name First Name Middle Name
331 Lawson Rd Burton SC 29906
Street Address City State Zip Code
Parcel # R100-024-000-016A-0000
Date Race Sex Ht. Wt. Hair Eyes

YOU ARE SUMMONED TO APPEAR BEFORE THE COURT
Magistrate
Municipal Judge
06-29-06 10:00 P.M.
Trial Date Trial Time
Arthur Hume Building
1st Robert Rd Beaufort SC 29906
Street Address Room City
Mailing Address (if different) City SC Zip Code

FOR TRIAL CONCERNING VIOLATION OF
County/City of Beaufort
106-732 ZDSO(94/12)
Ordinance Sec. No. Ordinance Description
06-14-06 10:00 A.M. X
Citation Date Citation Time Citation Location
Nature of violation to be recorded on reverse side
if different from citation date: R100-024-000-016A
02-15-06 3:00 P.M. X
Violation Date Violation Time Violation Location
M.D. Gil's Code Enforcement ZDSO #1027
Issuing Officer Title/Employee ID No. Suggested Bond Amt.

Bond Received Date Received by
Presiding Judge Disposition Date
Defendant ☐ Did Not ☒ Did Appear
☐ Forfeited Bond ☐ Dismissed ☐ Nolle Prosequi
☐ Pled Guilty ☐ Nolo Contendere
☐ Bench Trial ☒ Jury Trial ☒ Guilty ☐ Not Guilty
250.00 \$ BW \$ \$
Fine Imposed Suspended Assessments Total Collected

Jail Term Suspended Committed to
Certified Correct by [Signature] Date 6/29/06
OFFICER'S COPY

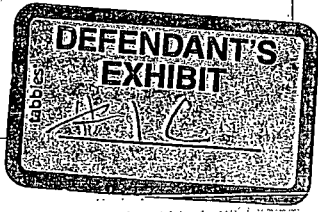
UNIFORM ORDINANCE SUMMONS NO. 1020
COUNTY/CITY OF BEAUFORT VERSUS #
Miller - Bruce A.
Last Name First Name Middle Name
331 Lawson Rd Burton SC 29906
Street Address City State Zip Code
Parcel # R100-024-000-016A-0000
Birth Date Race Sex Ht. Wt. Hair Eyes

YOU ARE SUMMONED TO APPEAR BEFORE THE COURT
☒ Magistrate
☐ Municipal Judge
06-29-06 10:00 P.M.
Trial Date Trial Time
Arthur Hume Building
1st Robert Rd Beaufort SC 29906
Street Address Room City
Mailing Address (if different) City SC Zip Code

FOR TRIAL CONCERNING VIOLATION OF
County/City of Beaufort
38-32 Trash & Litter Control
Ordinance Sec. No. Ordinance Description
06-14-06 10:00 A.M. X
Citation Date Citation Time Citation Location
Nature of violation to be recorded on reverse side
if different from citation date: R100-024-000-016A
02-15-06 3:00 P.M. X
Violation Date Violation Time Violation Location
M.D. Gil's Code Enforcement ZDSO #543
Issuing Officer Title/Employee ID No. Suggested Bond Amt.

\$ Bond Received Date Received by
Presiding Judge Disposition Date
Defendant ☐ Did Not ☒ Did Appear
☐ Forfeited Bond ☐ Dismissed ☐ Nolle Prosequi
☐ Pled Guilty ☐ Nolo Contendere
☐ Bench Trial ☒ Jury Trial ☒ Guilty ☐ Not Guilty
125.00 \$ BW \$ \$
Fine Imposed Suspended Assessments Total Collected

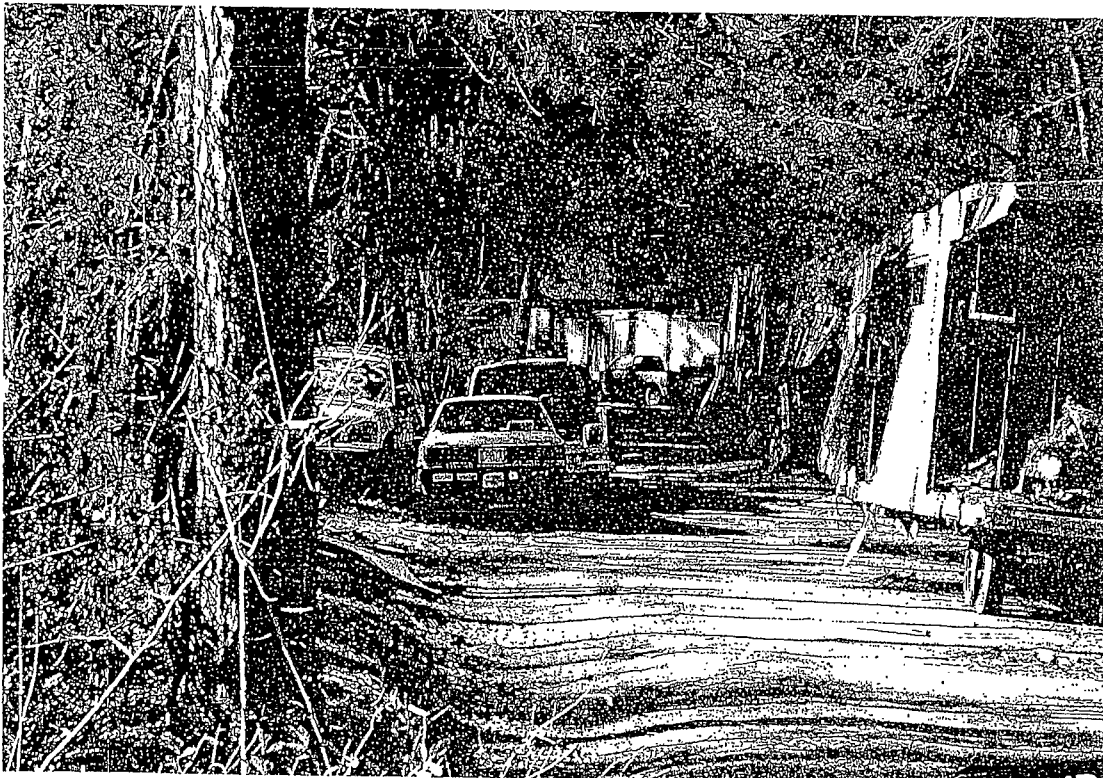
Jail Term Suspended Committed to
Certified Correct by [Signature] Date 6/29/06
OFFICER'S COPY



R100-024-000-011A-0000

01-18-06 06329

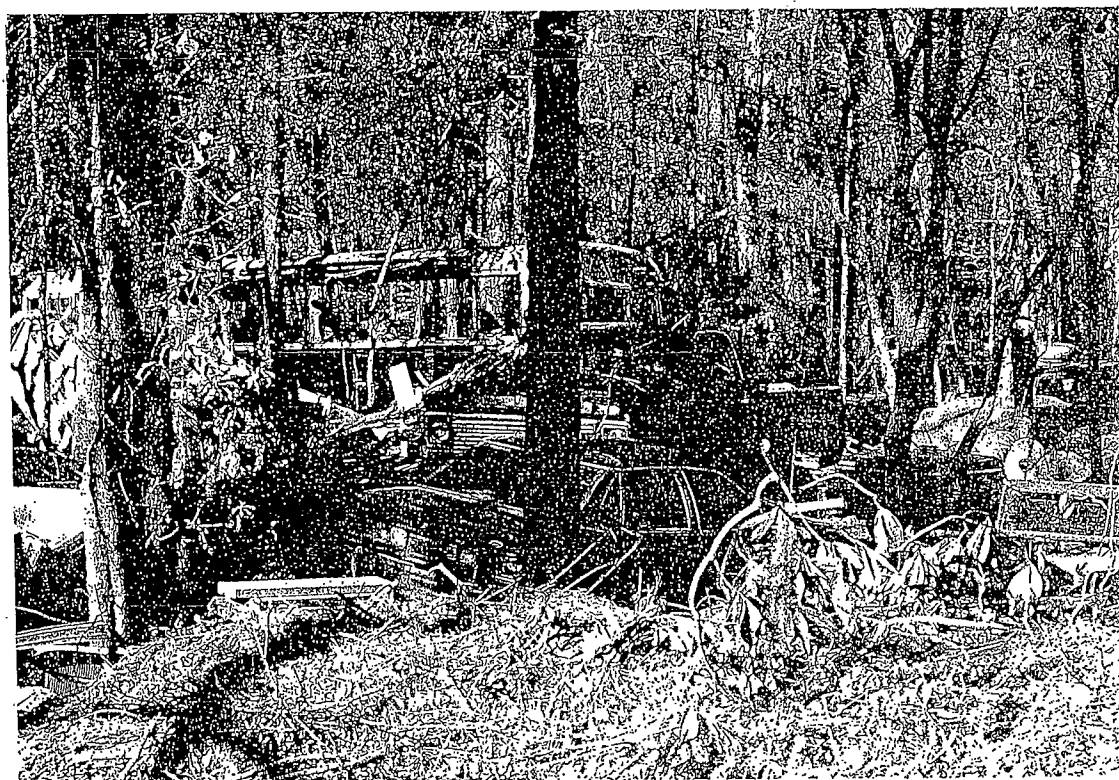
Lawson Rd
Burtan SC

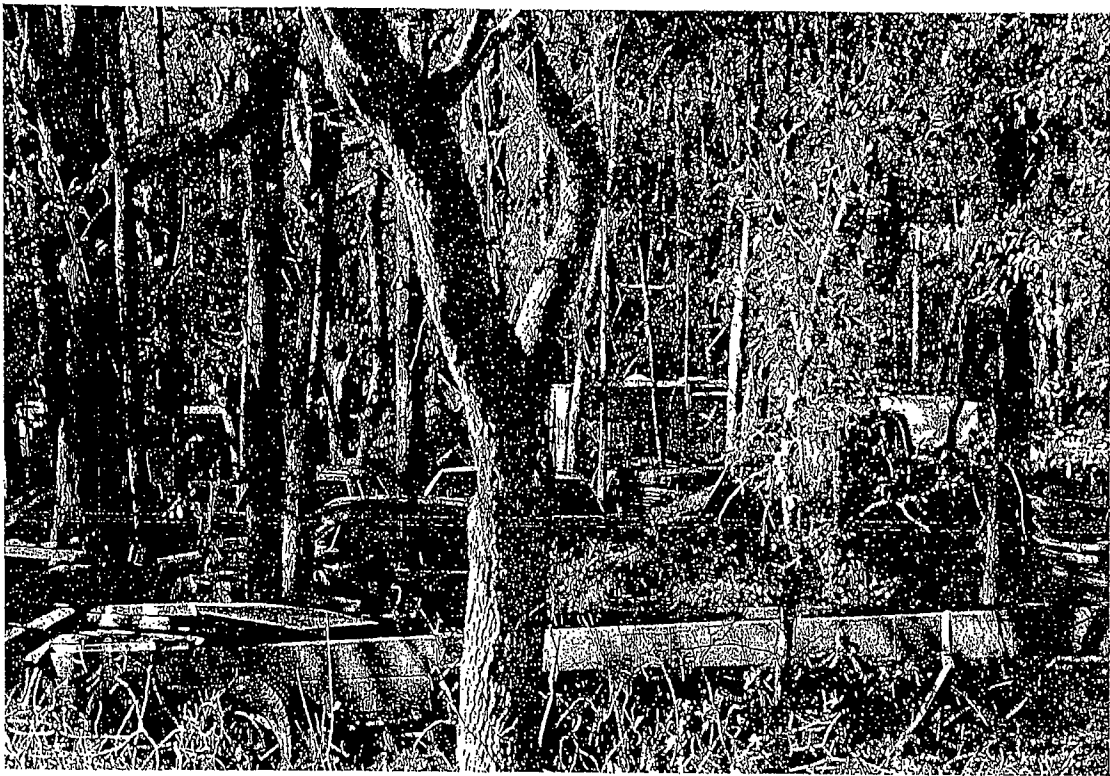


DEFENDANT'S
EXHIBIT

329

#2

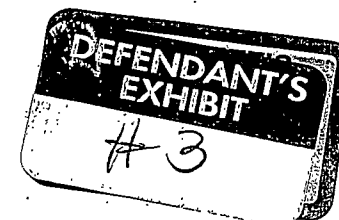












Beaufort County, South Carolina
ZONING PERMIT
Zoning & Development Administration

Permit Number 17797 Zone Rural Date Issued 3-10-06
 Applicant's Name BREWSTER'S Repair / Salvage
 Property Owner's Name BRUCE A. MILLER
 Address 33 LAWSON Road, BEAUFORT, SC
 District/Map/Parcel Number 100-24-16A Approved Use Non-Confirming Grand-fathered Use.

THIS PERMIT CERTIFIES THAT THE ABOVE NAMED
HAS MET AND IS ACCORDANCE WITH THE BEAUFORT
COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE

BY: Hillary A. Ruston

- CONDITIONS OF PERMIT APPROVAL: - Property shall be inspected for compliance 90 days FROM date of permit.
1. PROPERTY shall be SCREENED WITH Privacy Fence.
 2. ONLY salvaged vehicles shall be allowed as part of business.
 3. No vehicles shall be stored on adjacent properties.
 4. Property shall be cleaned of all debris not associated with business.

NIFORM ORDINANCE SUMMONS NO. 944
COUNTY/CITY OF BEAUFORT VERSUS #

Miller - Bruce A.
Last Name First Name Middle Name
33 Lawson Rd Burton SC 29906
Street Address City State Zip Code
Parcel# R100-024-000-016A-0000
Birth Date Race Sex Ht. Wt. Hair Eyes

YOU ARE SUMMONED TO APPEAR BEFORE THE COURT

☒ Magistrate
☐ Municipal Judge
06-29-06 10:00 A.M.
Trial Date Trial Time P.M.
Arthur Horne Building
104 Ribault Rd Beaufort SC 29906
Street Address Room City
Mailing Address (if different) City SC Zip Code

FOR TRIAL CONCERNING VIOLATION OF

County/City of Beaufort
106-732 ZDSO(99/12) Violation
Ordinance Sec. No. Ordinance Description Zone 12 Permit
06-14-06 10:00 A.M. ☒ L. Lawson Rd
Citation Date Citation Time P.M. ☐ Burton SC 29906
Citation Location
Nature of violation to be recorded on reverse side
if different from citation date: R100-024-000-016A
Lawson Road
02-15-06 300 A.M. ☐ Burton SC 29906
Violation Date Violation Time P.M. ☒
Issuing Officer M.D. Giles Codes Enforcement ZD6580 #1087
Title/Employee ID No. Suggested Bond Amt.

Bond Received Date Received by

Presiding Judge Disposition Date
Defendant ☐ Did Not ☒ Did Appear
☐ Forfeited Bond ☐ Dismissed ☐ Nolle Prosequi
☐ Pled Guilty ☐ Nolo Contendere
☐ Bench Trial ☐ Jury Trial ☒ Guilty ☐ Not Guilty
\$250 \$ BW \$ \$
Fine Imposed Suspended Assessments Total Collected

Jail Term Suspended Committed to
Certified Correct by [Signature] Date 6/29/06

Case #
06-379

OFFICER'S COPY

UNIFORM ORDINANCE SUMMONS NO. 1020
COUNTY/CITY OF BEAUFORT VERSUS #

Miller - Bruce A.
Last Name First Name Middle Name
33 Lawson Rd Burton SC 29906
Street Address City State Zip Code
Parcel# R100-024-000-016A-0000
Birth Date Race Sex Ht. Wt. Hair Eyes

YOU ARE SUMMONED TO APPEAR BEFORE THE COURT

☒ Magistrate
☐ Municipal Judge
06-29-06 10:00 A.M.
Trial Date Trial Time P.M.
Arthur Horne Building
104 Ribault Rd Beaufort SC 29906
Street Address Room City

Mailing Address (if different) City SC Zip Code

FOR TRIAL CONCERNING VIOLATION OF

County/City of Beaufort
38-32 Trash & Litter Control
Ordinance Sec. No. Ordinance Description R100-024-000-016A
06-14-06 10:00 A.M. ☒ L. Lawson Rd
Citation Date Citation Time P.M. ☐ Burton SC 29906
Citation Location
Nature of violation to be recorded on reverse side
if different from citation date: R100-024-000-016A
Lawson Rd
02-15-06 3:00 A.M. ☐ Burton SC 29906
Violation Date Violation Time P.M. ☒
Issuing Officer M.D. Giles Codes Enforcement ZD6580 #543
Title/Employee ID No. Suggested Bond Amt.

Bond Received Date Received by

Presiding Judge Disposition Date
Defendant ☐ Did Not ☒ Did Appear
☐ Forfeited Bond ☐ Dismissed ☐ Nolle Prosequi
☐ Pled Guilty ☐ Nolo Contendere
☐ Bench Trial ☐ Jury Trial ☒ Guilty ☐ Not Guilty
\$125 \$ BW \$ \$
Fine Imposed Suspended Assessments Total Collected

Jail Term Suspended Committed to
Certified Correct by [Signature] Date 6/29/06

OFFICER'S COPY

DEFENDANT'S EXHIBIT
11

UNIFORM ORDINANCE SUMMONS NO. 1021

COUNTY/CITY OF BEAUFORT VERSUS

Miller - Bruce A.
 Last Name First Name Middle Name
 33 Lawson Rd Burton SC 29906
 Street Address City State Zip Code
 Permit # R100-024-000-016A-0000
 Birth Date Race Sex Ht. Wt. Hair Eyes

YOU ARE SUMMONED TO APPEAR BEFORE THE COURT

☒ Magistrate
☐ Municipal Judge
 Arthur Horne Bldg
 104 Ribault Rd Beaufort SC 29906
 Street Address Room City
 Mailing Address (if different) City Zip Code

FOR TRIAL CONCERNING VIOLATION OF

County/City of Beaufort
 4.1.1. Abatement of Unsafe Structures
 Ordinance Sec. No. Ordinance Description
 06-14-06 10:00 A.M. ☒ R100-024-000-016A
 P.M. ☐ Burton SC 29906
 Citation Date Citation Time Citation Location
 Nature of violation to be recorded
 on reverse side
 if different from citation date: R100-024-000-016A
 Lawson Rd
 02-15-06 3:00 A.M. ☐ Burton SC 29906
 P.M. ☒
 Violation Date Violation Time Violation Location
 M.D. Giles Codes Enforcement #1,087⁵⁰
 Issuing Officer Title/Employee ID No. Suggested Bond Amt.

\$ Bond Received Date Received by

Presiding Judge Disposition Date
 Defendant ☐ Did Not ☒ Did Appear
☐ Forfeited Bond ☐ Dismissed ☐ Nolle Prosequi
☐ Pled Guilty ☐ Nolo Contendere
☐ Bench Trial ☐ Jury Trial ☒ Guilty ☐ Not Guilty
 \$250⁰⁰ \$ BW \$ \$
 Fine Imposed Suspended Assessments Total Collected

Jail Term Suspended Committed to
 Certified Correct by [Signature] Date 6/29/06

OFFICER'S COPY

Case #
 06-379

UNIFORM ORDINANCE SUMMONS NO. 1312

COUNTY/CITY OF BEAUFORT VERSUS

Miller - Bruce A.
 Last Name First Name Middle Name
 33 Lawson Rd Beaufort SC 29906
 Street Address City State Zip Code
 Birth Date Race Sex Ht. Wt. Hair Eyes

YOU ARE SUMMONED TO APPEAR BEFORE THE COURT

☒ Magistrate
☐ Municipal Judge
 Beaufort Magistrate
 Arthur Horne Building
 104 Ribault Rd Beaufort SC 29902
 Street Address Room City
 P.O. Box 2207 Beaufort SC 29901
 Mailing Address (if different) City Zip Code

FOR TRIAL CONCERNING VIOLATION OF

County/City of Beaufort
 106-732 Zoning Permit Violation
 Ordinance Sec. No. Ordinance Description
 06-24-09 0725 A.M. ☒ Certified
 P.M. ☐ Mail
 Citation Date Citation Time Citation Location
 Nature of violation to be recorded
 on reverse side
 if different from citation date: Brewster Brown / Salsky
 33 Lawson Rd
 Beaufort SC
 05-18-09 0855 A.M. ☒ R100-024-16A
 P.M. ☐
 Violation Date Violation Time Violation Location
 M.D. Giles Codes Enforcement #1,092⁵⁰
 Issuing Officer Title/Employee ID No. Suggested Bond Amt.

\$ Bond Received Date Received by

Presiding Judge Disposition Date
 Defendant ☐ Did Not ☒ Did Appear
☐ Forfeited Bond ☐ Dismissed ☐ Nolle Prosequi
☐ Pled Guilty ☐ Nolo Contendere
☐ Bench Trial ☐ Jury Trial ☒ Guilty ☐ Not Guilty
 \$55 \$ \$ \$
 Fine Imposed Suspended Assessments Total Collected

Jail Term Suspended Committed to
 Certified Correct by [Signature] Date 7-16-09

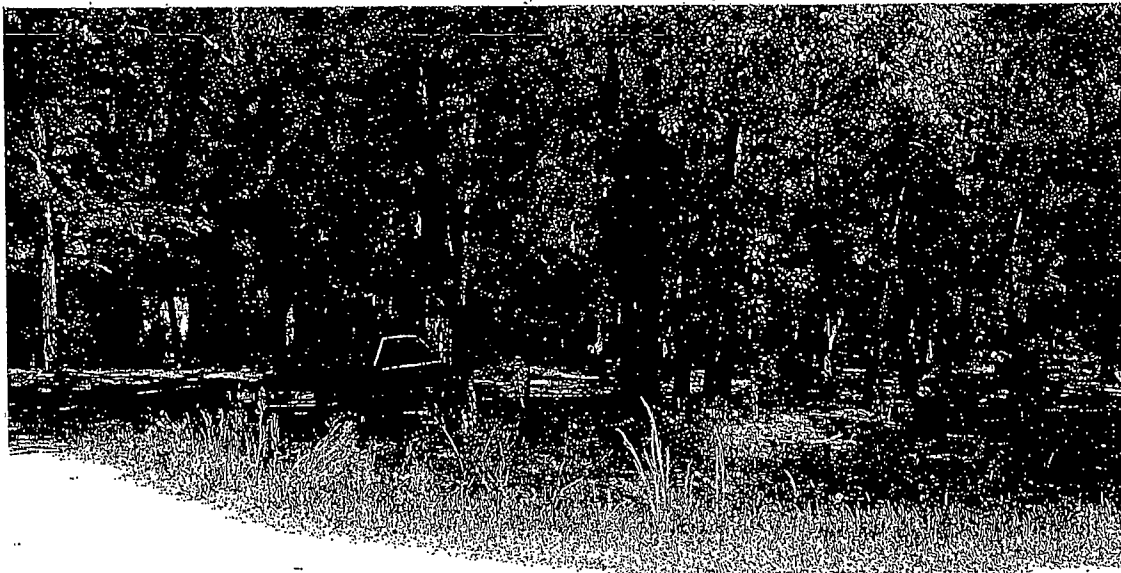
OFFICER'S COPY

DEFENDANT'S
 EXHIBIT

#5

33

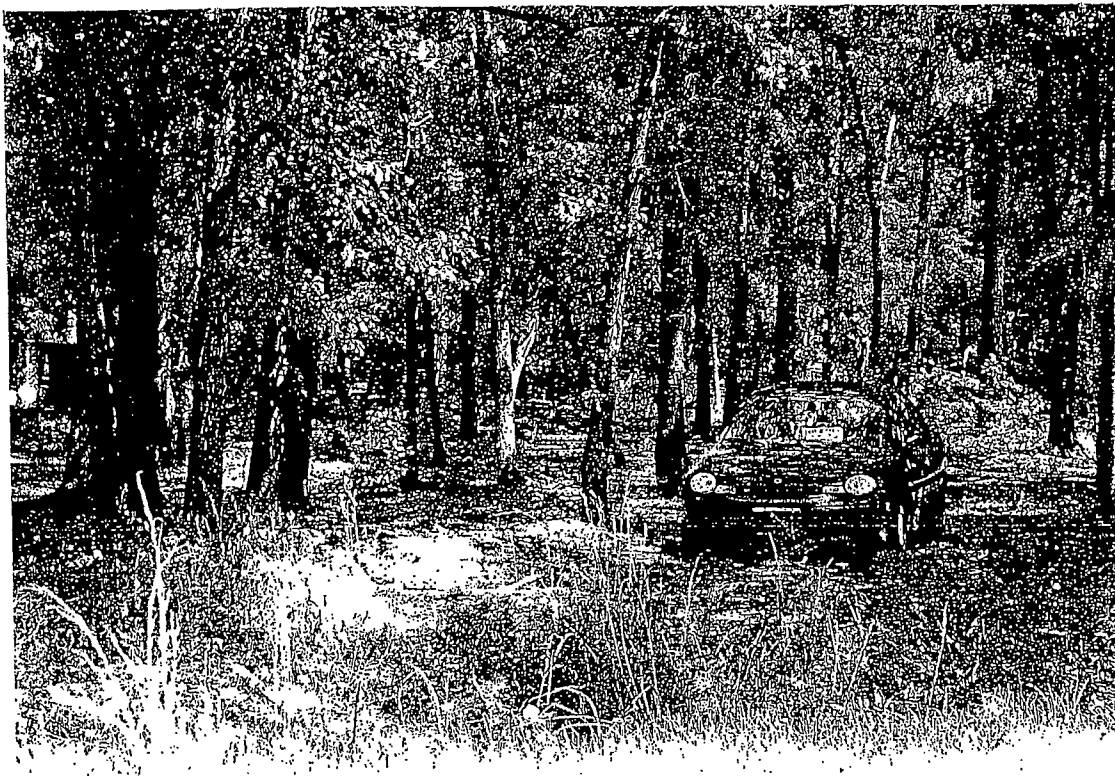
05-18-07 1000
Brewsters Repair/Salvage

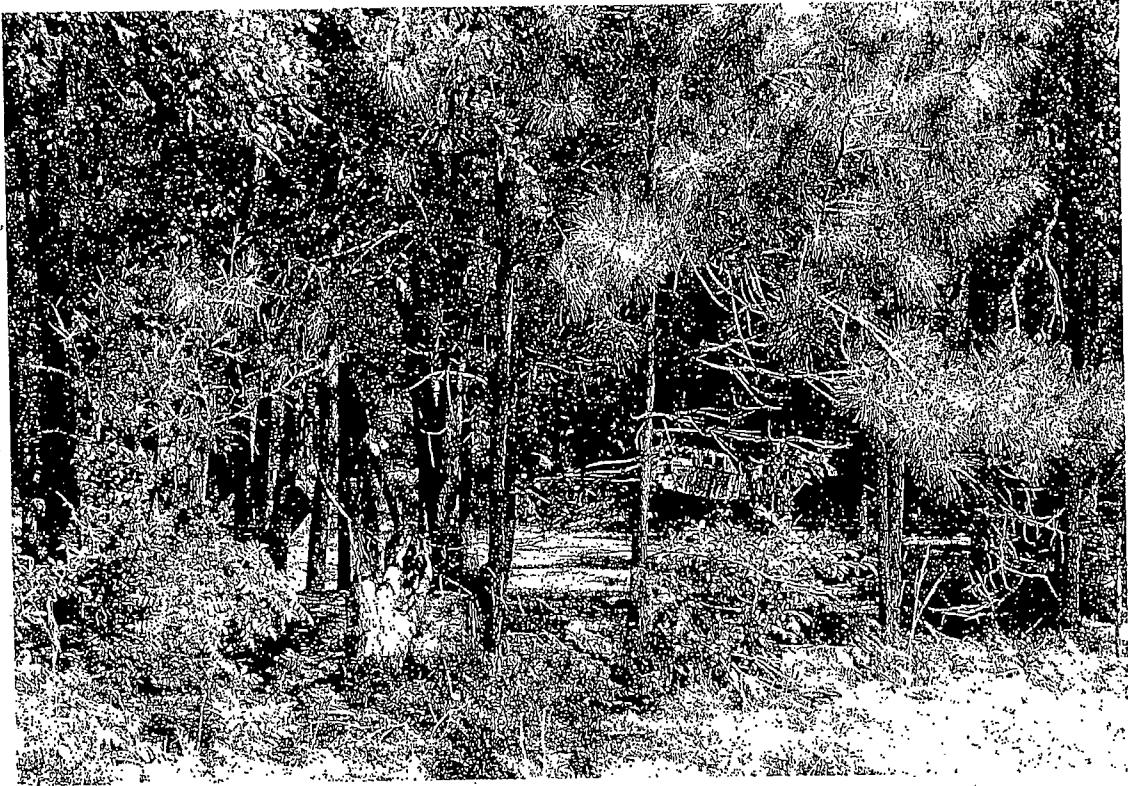


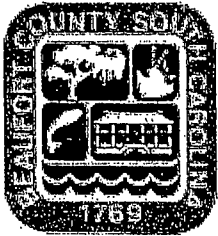
DEFENDANT'S
EXHIBIT

6

338







COUNTY COUNCIL OF BEAUFORT COUNTY

BEAUFORT COUNTY CODES ENFORCEMENT

Administration Building, 100 Ribaut Road
P.O. Drawer 1228, Beaufort, SC 29901-1228
Phone: (843) 470-2597 FAX: (843) 470- 2686

NOTICE & WARNING OF VIOLATION

YOU ARE HEREBY SERVED NOTICE OF A VIOLATION(S) OF THE BEAUFORT COUNTY BUSINESS LICENSE ORDINANCE AND THE CORRECTIVE ACTION THAT MUST BE TAKEN. FAILURE TO TAKE CORRECTIVE ACTION WITHIN THE TIME PERIOD SPECIFIED WILL RESULT IN PROSECUTION ACTION FOR ORDINANCE VIOLATION.

PROPERTY IDENTIFICATION:

R100-024-000-016A-0000

PHYSICAL LOCATION OF PROPERTY:

33 Lawson Rd, Burton, SC 29906

LANDOWNER OF PROPERTY:

Bruce A. Miller

BUSINESS: (OPERATION/OWNER):

Brewster's Repair / Salvage

TYPE OF VIOLATION

- A zoning permit shall be required prior to receiving a development permit, when applicable, or a building permit for all uses permitted by right. This permit ensures the proposed development complies with this chapter's standards and has other required permits for access, water, sewer, or other required permits.

DATE ACTION MUST BE COMPLETED

- You are hereby ordered to comply with the Beaufort County Zoning and Development Standards Ordinance, Section 106-732, Zoning Permit # 17797 issued to you on March 10, 2006. You must comply with all sections of this permit by June 21, 2009. (Copy of permit provided.)

Failure to comply with this order within the time period specified will result in a summons being issued to appear in court for violation of each or all of the above listed violations.

CODES ENFORCEMENT OFFICER: M.D. Giles

CASE NUMBER: 06-379

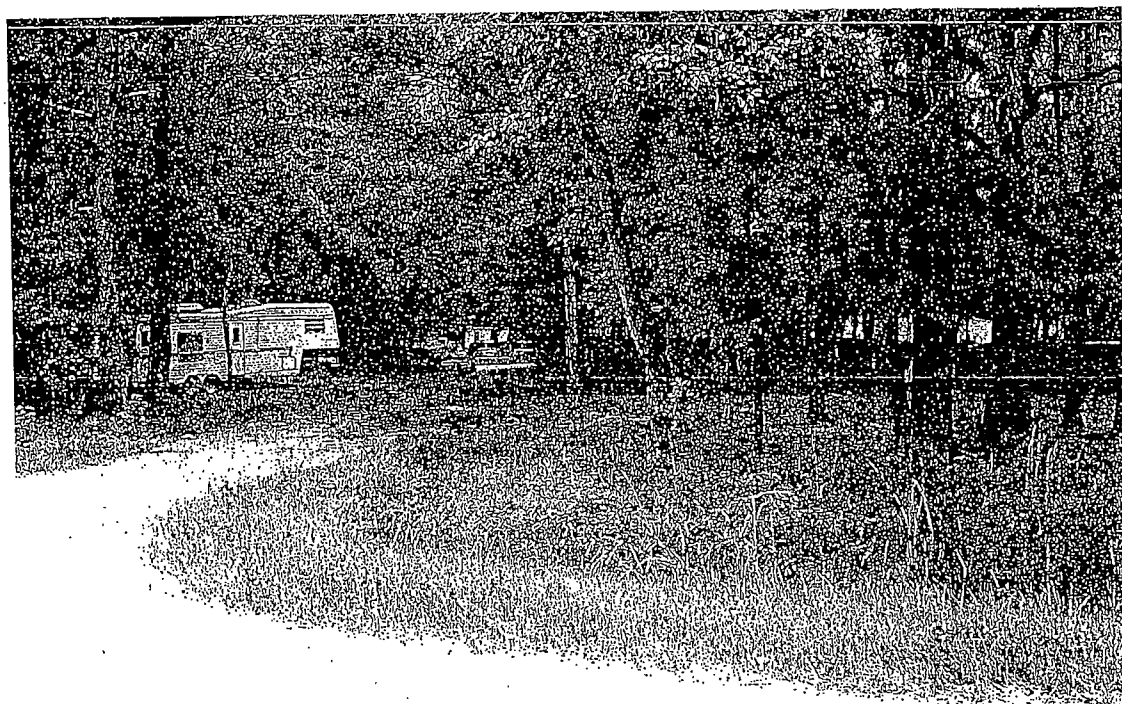
DATE: May 18, 2009

**DEFENDANT'S
EXHIBIT**

7



06/22/2009 09:19



06/22/2009 09:19

DEFENDANT'S
EXHIBIT

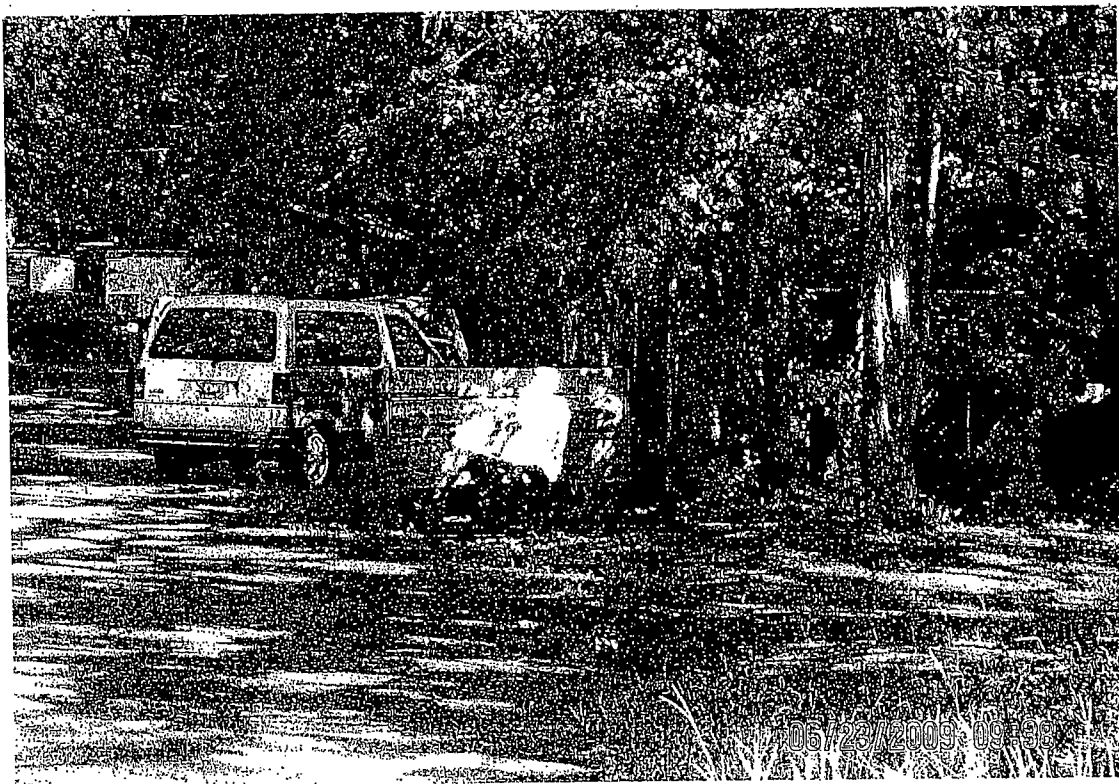
#8



06/23/2009 09:38



06/23/2009 09:38





CASE HISTORY FOR CASE 1312

The State of South Carolina Vs Bruce Alan Miller

FILED DATE: 6/26/2009

CASE TYPE: CR

STATUS: Disposed

JUDGE: Smith, Darlene

ARRESTING AGENCY: Beaufort Zoning

CASE PARTIES:

Defendant Miller, Bruce Alan

33 Lawson Road, Beaufort, SC 29906

Officer Giles, M.

100 Ribaut Road, Beaufort, SC 29950

CASE HISTORY FOR CASE 1312**Miller, Bruce Alan**

33 Lawson Road

Age: 60

DL#: 003224949

DOB: 10/10/1950

SSN: 000-00-0000

Beaufort, SC 29906

CHARGE	VIOL. DATE	DISPOSITION	DISP. DATE
07101106732 Ordinance / Zoning Permit	5/18/2009	Pled Guilty	7/16/2009

SENTENCING

Fine and Jail Time

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Charge: Ordinance / Zoning Permit				
Fine to General Fund	\$0.00	\$0.00	\$0.00	999
Victim Services Asm 38.0013% / 5.783	0.00	0.00	0.00	999
Victim Conviction Surcharge \$100 / \$2	25.00	0.00	25.00	999
Law Enforcement Funding Surcharge \$	25.00	0.00	25.00	999
SC Criminal Justice Academy Training	5.00	0.00	5.00	999
State Assessment	0.00	0.00	0.00	999
Total:	\$55.00	\$0.00	\$55.00	

DATE	TIME	EVENT DESCRIPTION
07/16/2009	7:08 pm	Court event: Criminal/Traffic Court
07/16/2009	7:08 pm	Received payment of \$55.00 from Bruce Alan Miller for Bruce Alan Miller. Printed receipt #9766442.

Print Date: 08/23/2011
Print Time: 3:36:27PM
Requested By: JVIDO

CaseHistory.rpt

**DEFENDANT'S
EXHIBIT**

#9

Page 1 of 1

346



07/15/2009 10:31



07/15/2009 10:31

DEFENDANT'S
EXHIBIT

#10

347





NO 0028 1713

102

19967

THE STATE OF SOUTH CAROLINA,

1413

TO ALL TO WHOM THESE PRESENTS SHALL COME OR BE MADE KNOWN:

Or whom the same may in anywise concern, I, Thomas Kemmerlin, Jr., Master in Equity

of the County of Beaufort

in the said State--SEND GREETING:

WHEREAS,

on or about the 2nd day of November in the year one thousand
nine hundred and eighty-eight did exhibit a Summons and Complaint
in the Court of Common Pleas in the County of Beaufort
and State aforesaid seeking to quiet the title and partition the parcels of land hereinafter
described.

BEAUFORT COUNTY TAX MAP REFERENCE				
* Dist.	Map	Submap	Parcel	...
100	24		16+17A	

And the Cause, being at issue before the Honorable the Court aforesaid, came on to be heard on the 2nd
day of March and the 11th day of December one thousand nine hundred and
eighty-nine when the said Court, after a full hearing thereof, and mature
deliberation in the Premises, Did Order, Adjudge and Decree that the real property
hereinafter
mentioned and described, should be sold at public auction by the Master in Equity at the Courthouse
for Beaufort County (where property is ~~located~~ situated) on the terms and for the purposes mentioned in
said Decretal Order, as by reference thereto,
on file in the said Court, will appear; and the said Master in Equity
after having duly advertised the
said real property hereinafter described for sale by Public outcry,
on the 5th day August in the year of our Lord one thousand nine
hundred and ninety-one, DID then, openly and publicly, and according to the
custom of auction, sell and dispose of the said property

below described, unto Ida M. Singleton

for One Thousand (\$1,000.00) and No/100 Dollars, she
being, at that price, the highest bidder for the same.

Address of Grantee, Ida M. Singleton is: 5402 Onacrest Drive (95)
Los Angeles, CA 90043

DEFENDANT'S
EXHIBIT

#11

NOW, KNOW ALL MEN, That I, the said Thomas Kemmerlin, Jr., Master in Equity

in consideration of the premises, and also in consideration of the sum of One Thousand (\$1,000.00) and No/100 Dollars paid me by the said Ida M. Singleton, the receipt whereof is hereby acknowledged, HAVE granted, bargained, sold and released, and by these Presents, DO grant, bargain, sell and release unto the said Ida M. Singleton, her

PARCEL 1:~~xxx~~

Heirs and Assigns,

All that certain tract of land in the Laurel Bay Section of Beaufort County containing 7.52 acres, more or less, and being all of Lot 53, Section 29 TWP 1N2W save and excepting 2.48 acres, the southwestern portion of said lot, which has been previously conveyed. This 7.52 acre parcel is shown on a plat prepared by George A. Z. Johnson, Jr., Inc., Land Surveyors for the Estate of Andrew Murray dated December 1, 1988.

PARCEL 2:

All that certain tract of land in the Laurel Bay Section of Beaufort County containing 4.68 acres, more or less, and being the eastern portion of Lot 55, Section 29, TWP 1N2W. This 4.68 acre parcel is shown on a plat prepared by George A. Z. Johnson, Jr., Inc., Land Surveyors for the Estate of Andrew Murray dated December 1, 1988. Together with an easement for ingress and egress 20 ft. in width along the northern boundary of the western portion of Lot 55, Section 29, to provide access to the public road known as Bridge Road.

Parcel 1 is a portion of the tract acquired by Andrew Murray by Deed from N. Christianson and Frederick H. Christianson dated October 5, 1910, and recorded in Deed Book 31, at Page 95 in the records of Beaufort County, SC. Parcel 2 is a portion of the tract acquired by Andrew Murray by Deed from N. Christianson, dated October 7, 1902, and recorded in Deed Book 24, at Page 500 in the records of Beaufort County, SC

This Deed prepared by W. Brantley Harvey, Jr., Esq. of the law firm of Harvey & Battey, P.A., 1001 Craven Street, Beaufort, SC 29902.

TOGETHER with all and singular the rights, members, hereditaments and appurtenances whatsoever, to the said premises belonging, or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest, dower, possession, property, benefit, claim and demand whatsoever, both at law and in equity, of the said real property and of all the parties to the said suit and of all other persons rightfully claiming or to claim the same, or any part thereof, by, from or under them, or either of them.

TO HAVE AND TO HOLD, the said real property herein described
with its hereditaments, privileges and appurtenances unto the said Ida M. Singleton, her

Heirs and Assigns forever.

IN WITNESS WHEREOF, I, the said Thomas Kemmerlin, Jr., Master in Equity
under and by virtue of the said Decree, have hereunto set my Hand and Seal
at Beaufort this 9th day of July
in the year of our Lord one thousand nine hundred and ninety-two
and in the one hundred and sixteenth year of the
Sovereignty and Independence of the United States of America.

Sealed and Delivered in
Presence of

W. Brantley Harvey, Jr.
James B. McDonald

Thomas Kemmerlin, Jr.
Thomas Kemmerlin, Jr., Master in Equity

THE STATE OF SOUTH CAROLINA,

BEAUFORT

COUNTY,

PERSONALLY before me

W. BRANTLEY HARVEY, JR.

came

and made oath that he saw the

within named Thomas Kemmerlin, Jr., Master in Equity, sign, seal, and as his act and deed,
deliver the within written Deed; and that he, with James B. McDonald

witnessed the execution thereof.

SWORN to before me, this 9

day of July

19 92

James B. McDonald
Notary Public, State of South Carolina

W. Brantley Harvey, Jr.

My Commission Expires: 9/29/92

HARVEY & BATTEY, P.A. WBHjr.
1001 Craven St. 12967
Beaufort, SC 29902

State of South Carolina,

TO

IDA M. SINGLETON *Singleton*

TITLE TO REAL ESTATE

Filed 9 day
of July A. D. 1992
at 12:28 o'clock P M.,
and recorded in Book 602

Page 1413 Fee, \$
Theresa A. Gould Mill
R. M. C. or Clerk Court C. P. & G. S.

Bt County, S. C.

Recorded this 3 day
of August, 1992
in Book 4 Page 526

Fee, \$ *Theresa A. Gould Mill*

Auditor *Beaufort* County, S. C.

RECEIVED
THERESA A. GOULD
R.M.C.
BEAUFORT COUNTY, SC
92 JUL -9 PH12: 28

1416

DB 618, 28

pos

3255

28

Recording Requested By and
When recorded return to and.
MAIL TAX STATEMENTS TO:

IDA M. SINGLETON
5402 ONACREST DR.
LOS ANGELES, CA 90043

QUITCLAIM DEED

The undersigned declare that the documentary transfer tax is -0-.
Exempt: not a sale, transfer to trustees.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby
acknowledged, IDA M. SINGLETON

hereby grants to

IDA MAY SINGLETON, TRUSTEE, 5402 ONACREST DR., LOS ANGELES, CA
90043
THE SINGLETON FAMILY TRUST,
DATED: DECEMBER 2, 1992

the beneficiaries of which is the Grantor, the following described
real property in the County of Beaufort, State of South Carolina:

See EXHIBIT "A" attached hereto.

Assessor's Parcel Number: (100-24-16 & 17A)

THE TRUSTEE AND ANY SUCCESSOR TRUSTEE(S) SHALL HAVE FULL RIGHT TO
SELL OR ENCUMBER THE PROPERTY DESCRIBED HEREIN.

Dated: 1-7, 1993

Ida M. Singleton
IDA M. SINGLETON

This document was prepared by Joseph Nevils, 7427 Crenshaw Blvd.,
Los Angeles, CA 90043. This quitclaim deed was prepared for Ida May
Singleton.

Joseph Nevils 1/6/93

STATE OF CALIFORNIA)

: ss.

COUNTY OF LOS ANGELES)

BEAUFORT COUNTY TAX MAP REFERENCE

Dist	Map	Submap	Parcel	Block
100	24		16	
			17A	

DEFENDANT'S
EXHIBIT

#12

354

On 1-7-, 1993, before me, the undersigned, a Notary Public in and for said County and State, personally appeared IDA M. SINGLETON, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

WITNESS my hand and official seal.

Caroline O. Ibekwe
 NOTARY PUBLIC
 OFFICIAL SEAL
 CAROLINE O. IBEKWE
 NOTARY PUBLIC-CALIFORNIA
 PRINCIPAL OFFICE IN
 LOS ANGELES COUNTY
 My Commission Expires Oct. 18, 1994

*notary witness
Roger Hochman*
 WITNESS
Cornell Wacton
 WITNESS
 EXHIBIT "A"

Parcel 1:

All that certain tract of land in the Laurel Bay Section of Beaufort County containing 7.52 acres, more or less, and being all of Lot 53, Section 29 TWP 1N2W save and excepting 2.48 acres, the southwestern portion of said lot, which has been previously conveyed. This 7.52 acre parcel is shown on a plat prepared by George A. Z. Johnson, Jr., Inc., Land Surveyors for the Estate of Andrew Murray dated December 1, 1988.

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93 JAN 14 AM 11:26

93 FEB -1 AM 11:29

30

T. M. Johnston

FILED IN	BEAUFORT COUNTY S.C.	RECORDED IN
1129	FEB 1 1993	1618
BOOK	PAGE	
A	28	

REGISTER OF DEEDS CONVEYANCES

7/10/93/mlc

RECORDED THIS 18th DAY
OF February 1993
IN BOOK 3 PAGE 84
FEES \$ 2

Mary A. Gray
CLERK, BEAUFORT COUNTY, S.C.



Beaufort County Treasurer
PO Drawer 487
BEAUFORT, SC 29901-0487

Property Owner: SINGLETON IDA MAY TRUSTEE (THE SINGLETON FAMILY T
Property ID/AN ID: R100 024 000 0016 0000 00145854

2010 BEAUFORT COUNTY PROPERTY TAX BILL

FORWARDING SERVICE REQUESTED

*pk 11/10/11
CL 6455*

71883 1 MB 0.382

SINGLETON IDA MAY TRUSTEE (THE SINGLETON FAMILY TR
5402 ONACREST DR
LOS ANGELES CA 90043-2732

071883
71883
321

INSTALLMENT TAX INFORMATION

TO APPLY FOR THE REAL PROPERTY TAX INSTALLMENT PAYMENT PLAN NEXT YEAR, YOU MUST SUBMIT THE ENCLOSED APPLICATION TO THE COUNTY TREASURER.

IF YOU HAVE PAID YOUR 2010 TAXES BY INSTALLMENT, THIS BILL IS FOR YOUR BALANCE DUE.

APPLICATIONS MUST BE SUBMITTED BETWEEN 12/1/2010 and 1/15/2011.

2009 Tax/Fees: \$1,275.57
2010 Installment Payments: \$0.00

TAX YEAR	PROPERTY ID	PROPERTY CLASS	DISTRICT
2010	00145854	R100 024 000 0016 0000	100-BEAUFORT UNINCOR
REAL PROPERTY	Res Vac Platted & Unplatted		5.00% 8.00

33 LAWSON RD LOT 53 SEC 29 1N2W PLAT WITH JR#79653 6-12-91

TAX YEAR	TAX DUE	PENALTY	TREASURER FEES	TOTAL
2010	1,292.86	0.00	0.00	1,292.86
PRIOR		0.00	0.00	0.00
TOTAL	1,292.86	0.00	0.00	1,292.86

THE AMOUNT OF MONEY FROM YOUR 2010 PROPERTY TAX BILL THAT GOES TOWARD EACH TAX FUND IS CALCULATED BY TAKING THE ASSESSED VALUE TIMES THE MILLAGE, EXCEPT WHEN THERE IS A FLAT FEE APPLIED.

DESCRIPTION	MILLAGE	ASSESSED VALUE	TAX/FEES
COUNTY	0.04754	4,970	236.27
SCHOOL - OPER	0.09026	4,970	448.59
SCHOOL - DEBT	0.02633	4,970	130.86
FIRE DISTRICT	0.06140	4,970	305.15
STORMWATER FEE			171.99
TOTALS	0.22553		1,292.86

MARKET VALUE	105,600
TAXABLE VALUE	82,800
HOMESTEAD EXEMPTION	0
OTHER EXEMPTIONS	0
HOMESTEAD ASSESSED	0

TAXABLE VALUE	82,800
HOMESTEAD EXEMPTION -	0
OTHER EXEMPTIONS -	0
TAXABLE VALUE LESS EXEMPTIONS	82,800
ASSESSMENT RATIO X	6.00%
ASSESSED VALUE	4,970
MILLAGE RATE X	0.22553
TAX AMOUNT	1,120.87
INSTALLMENT PAYMENTS -	0.00
SCHOOL TAX CREDIT SAVINGS - ONLY 4% RESIDENTS -	0.00
FEES +	171.99
PRIOR UNPAID TAXES/FEES/PENALTIES +	0.00

TOTAL AMOUNT DUE \$1,292.86

**DEFENDANT'S
EXHIBIT**

#13



Overview

Property ID
1 of 1

Records

Overview

Bird's Eye View

Parcel

Land

Improvements

Sales Disclosure

Pay Taxes

Value History

GIS / Mapping

Property ID
(PIN)Alternate ID
(AIN)

Parcel Address

Data
refresh
as ofR100 024 000
0016 0000

00145854

33 LAWSON RD,

8/6/2

Current Parcel Information

Owner

SINGLETON IDA MAY
TRUSTEE (THE SIN

Property Class Code

ResVac Platted&Unp

Acreage

8.0000

Owner Address

5402 ONACREST DRIVE
LOS ANGELES CA 90043

Legal Description LOT 53 SEC 29 1N2W PLAT WITH JR#79653 6-12-91

Search by

Property ID (PIN)

Tax Year

Land

Historic Information

Building

Market

Taxes

Pay

Street Address

2010

\$105,600

\$105,600

\$1,292.86

\$1,2

Alternate ID (AIN)

2009

\$105,600

\$105,600

\$1,275.57

\$1,2

Legal Description

2008

\$72,000

\$72,000

\$1,232.99

\$1,2

Sales

2007

\$72,000

\$72,000

\$1,171.49

\$1,1

Owner Name

2006

\$72,000

\$72,000

\$1,084.65

\$1,0

2005

\$72,000

\$72,000

\$884.05

\$8

2004

\$879.06

\$8

2003

\$594.58

\$5

2002

\$574.72

\$5

2001

\$528.92

\$5

Functions

County Home →

Welcome

Real Property

Personal Property

Vehicle Tax

Shopping Cart

Help

Feedback

County Login

Grantor

SINGLETON IDA M

MURRAY ANDREW HRS OF
SINGLETON FERR

MURRAY ANDREW HRS OF

MURRAY ANDREW HRS OF

MURRAY ANDREW HRS OF

Sales Disclosure

Book & Page

Date

Deed

Vacant

Sale

618 28

1/7/1993

Ex

602 1413

7/9/1992

Ma

\$1

527 130

4/1/1989

QC

524 2428

3/1/1989

QC

524 2424

2/1/1989

QC

12/31/1776 Or

Improvements						
Building	Type	Use Code Description	Constructed Year	Stories	Rooms	Square Footage

Features & Exterior Features			
Building	Type	Feature Code	Description

No. / Sq.Ft.

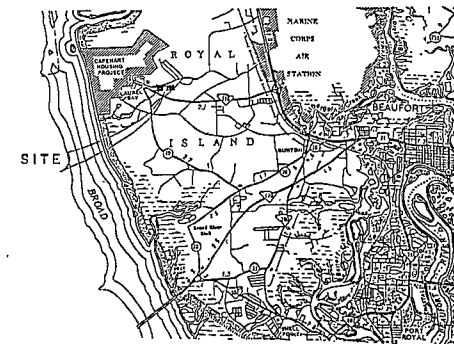
Beaufort County makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. data is subject to change.

Print Print First First Previous Next Last



DEFENDANT'S
EXHIBIT

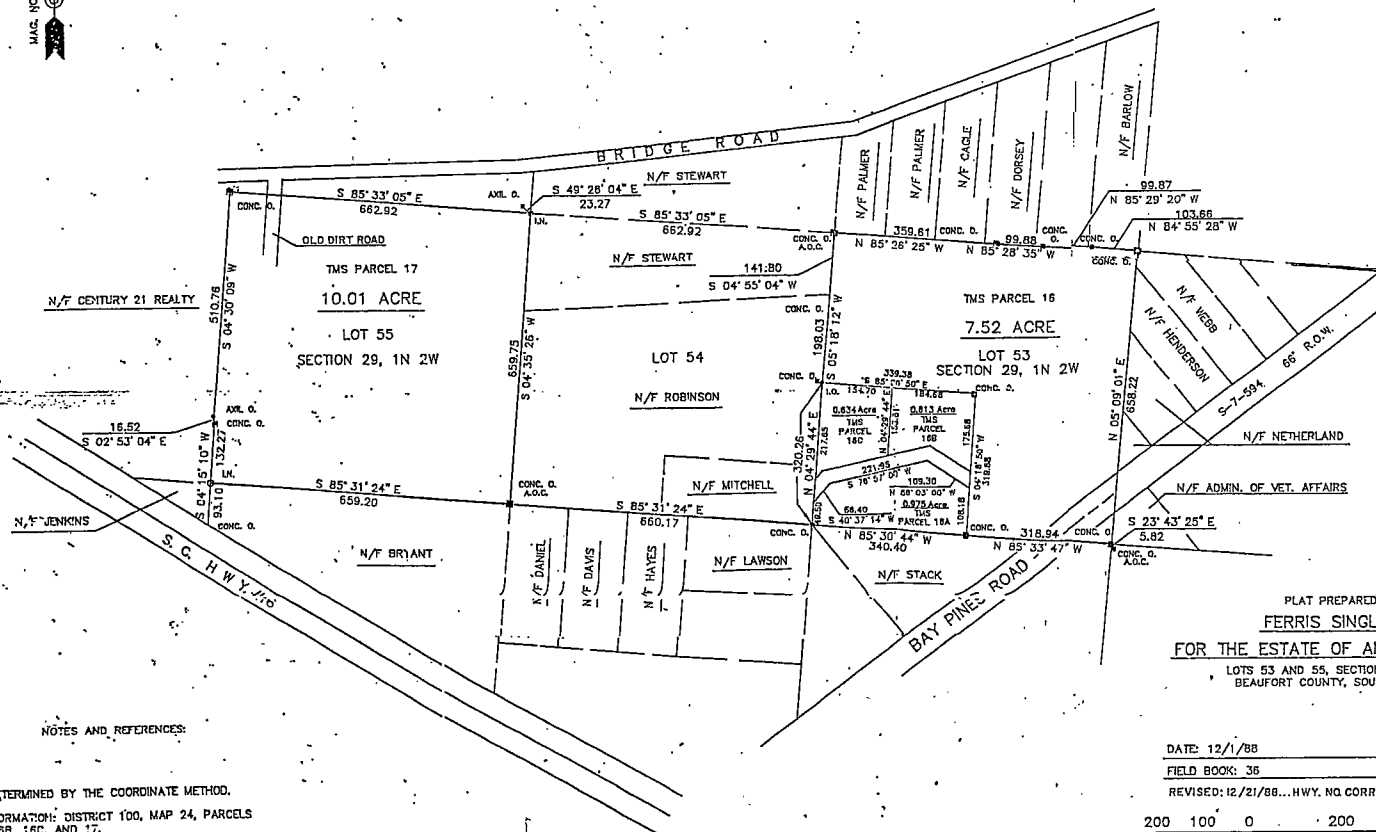
#14



LOCATION MAP

DEFENDANT'S
EXHIBIT
#15

361



PLAT PREPARED FOR
FERRIS SINGLETON
FOR THE ESTATE OF ANDREW MURRAY
LOTS 53 AND 55, SECTION 29, 1N 2W
BEAUFORT COUNTY, SOUTH CAROLINA

DATE 12/1/88 SCALE: 1" = 200'
FIELD BOOK: 36 PROJECT NO.: 1695
REVISED: 12/21/88... HWY. NO. CORRECTED; DIRT ROAD ADDED

200 100 0 200 400 600
SCALE IN FEET

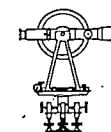
NOTES AND REFERENCES:

1. AREA DETERMINED BY THE COORDINATE METHOD.
2. TAX INFORMATION: DISTRICT 100, MAP 24, PARCELS 16, 18A, 16B, AND 17.
3. PLAT PREPARED FOR MARY ELLEN MACK BY R.D. TROGDON, JR., DATED JANUARY 18, 1981 REVISED DECEMBER 3, 1984. RECORDED IN BEAUFORT COUNTY DEED BOOK 442, PAGE 752.
4. PLAT PREPARED FOR NOAH AND JEANA STEWART BY NIELS CHRISTENSEN, DATED AUGUST 5, 1970 RECORDED IN BEAUFORT COUNTY PLAT BOOK 177, PAGE 27.
5. PLAT PREPARED FOR WILLIE R. DANIEL, JR. RECORDED IN BEAUFORT COUNTY DEED BOOK 448, PAGE 864.
6. LOTS 53 AND 55, SECTION 29, TOWNSHIP 1 NORTH, RANGE 2 WEST.
7. PLAT OF RANGING ACRES SUBDIVISION PREPARED BY R.D. TROGDON, R.L.S. DATED JANUARY 17, 1974.
8. PLAT OF PROPERTY OF ESTELLE THOMPSON PREPARED BY NIELS CHRISTENSEN DATED NOVEMBER 10, 1973.
9. PLAT OF PROPERTY OF BEN REED PREPARED BY NIELS CHRISTENSEN DATED DECEMBER 29, 1972.

ENGINEERS/SURVEYORS CERTIFICATE

I, DAVID E. GASQUE, A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH CAROLINA, HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY SHOWN HEREON, THAT THIS PLAT SHOWS ITS TRUE DIMENSIONS, THAT ALL NECESSARY MARKERS HAVE BEEN INSTALLED AND THAT THE PRECISION OF THE SURVEY IS 1:10,000.

DAVID E. GASQUE, R.L.S.
S.C. REG. NO. 10508



GEORGE A.Z. JOHNSON, JR., INC.

ENGINEERS • PLANNERS • LAND SURVEYORS

207 CALHOUN STREET
CHARLESTON, S.C. 29403
803 - 722 - 3892

P.O. BOX 89
1506 PRINCE STREET
BEAUFORT, S.C. 29901
803 - 652 - 3015

WOOD FOREST

PURCHASERS OF TIMBER

Prepared by and return to: Wood Forest, Inc., 1800 Camden Rd, Ste. 107204, Charlotte, NC 28203
Office: 877-459-0743 Fax: 800-863-6785 www.buymytimber.com

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

Tax Map #R100 024 000 017A & Key # 5055986

Tax Map #R100 024 000 0017 & Key # 145863

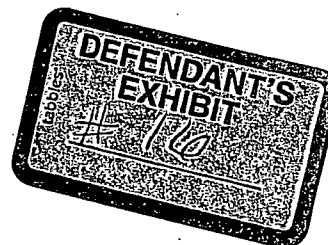
Date: April 8, 2011

TIMBER PURCHASE AND SALES AGREEMENT

The undersigned, **IDA MAY SINGLETON**, individually and on behalf of any heirs, undivided interest owners of **THE SINGLETON FAMILY TRUST** (hereinafter referred to as the "Seller"), with a mailing address of 5402 Onacrest Drive, Los Angeles, CA 90043-2732; having the full authority and right to convey and sell the timber and trees on property in Beaufort County, South Carolina; in consideration of the one-time lump sum payment of Two Thousand One Hundred Thirty One (\$2,131.00) Dollars, and other good and valuable considerations, said payment constitutes the full consideration for all timber; paid by **WOOD FOREST, INC.** a North Carolina corporation, qualified in South Carolina (hereinafter referred to as the "Buyer") with a corporate office mailing address of 1800 Camden Rd, Ste. 107204, Charlotte, NC 28203 and a local mailing address of P O Box 21212, Charleston, SC 29413; the receipt of which is hereby acknowledged, the Seller does hereby grant, bargain, sell and convey unto the Buyer, its successors and assigns, with general warranty of title, the timber the Buyer desires to cut that is merchantable, marketable and practical to conventionally harvest, including any adjacent timber tracts that buyer may purchase, being all of the timber and trees of every species, kind and description, standing, lying or growing on the following described property:

All those certain tracts or parcels of timber, located in Beaufort County, South Carolina, shown on the land records of the Tax Assessor Office of Beaufort County, SC, as Tax Map #R100 024 000 017A & Key # 5055986, consisting of 4.68 acres, more or less, and Tax Map #R100 024 000 0017 & Key # 145863, consisting of 10.0 acres, more or less, as referenced in the Register of Deeds Office in Beaufort County, South Carolina at Deed Book 718, page 932 and Deed Book 618, page 28.

Landowner Initials



Terms and Conditions:

1. Buyer shall have twenty-four (24) months from the date of signing of this agreement to harvest, transport and remove the timber. In the event the timber is not removed during the initial period, Seller agrees to automatically grant the Buyer an additional ninety days if needed due to market or wet weather.
2. Buyer agrees to indemnify and hold harmless Seller from any and all damages, losses, expenses, suits or claims to any person including, but not limited to, Buyer's agents or employees for personal injury or property damage occurring on the tract or parcel.
3. Seller and Buyer agree that this is a one-time lump sum up front payment for the sale of the Timber only.
4. Buyer agrees to maintain and restore the access roads to a reasonable condition as found prior to logging. This offer to purchase is subject to logger and procurement manager approval. Logger will inspect the site to confirm harvesting and access is practical and that property lines are clearly marked upon receipt of signed agreement. This offer is also subject to clear and marketable title with practical logging access to remove the timber. Upon approval by logging manager, payment will be made to landowners.
5. Seller acknowledges that he has the right to sell the timber, that he owns the timber free and clear, along with a practical legal right of way to the property, that he will indemnify the Buyer and hold it harmless with respect to any claims made by any person, or government entity claiming an interest in the timber or its access to the timber, that he hereby warrants good and sufficient title to the timber products and access and that he will forever defend said title against the claims of all persons whomsoever at Sellers' expense.
6. Seller acknowledges and warrants that this timber agreement contains the entire agreement of the parties, there are no representations, inducements, guarantees or other promises made or expected other than those expressed in writing herein. That there are no promises made or expected outside the four corners of this timber agreement. That this agreement contains the entire understanding of the seller and buyer; that neither have made any promises orally or written other than those expressly set forth herein in the four corners of this document. Upon signing of this agreement, the terms of this document are binding upon the Seller and that the Seller cannot unilaterally void or cancel said agreement without the express written consent of the Buyer.
7. This agreement contains the entire understanding of the seller and buyer; that either have made any promises orally or written other than those expressly set forth herein.
8. Arbitration: In the event any dispute arises as to the terms of this timber agreement, the parties hereto agree to Arbitration under South Carolina Code Section 15.48-10. If any heir, family member or any person that owns or claims a legal interest in the property causes a stoppage of work or any governmental rule, ordinance, law or regulation; or any access issue, which threaten or restricts the Buyer from cutting and removing the timber, Seller hereby agrees to reimburse the purchase price to the Buyer immediately.
9. It is understood and agreed between the parties that a "memorandum of timber purchase agreement", signed by the buyer, may be recorded in the aforesaid Register of Deeds office to notice the public of this unrecorded timber agreement.

_____ Landowner Initials

WITNESS the following signature and seal this _____ day of April 2011.

_____(SEAL)
Ida May Singleton, Individually
And on behalf of The Singleton Family Trust

I, the undersigned Witness, do hereby certify the foregoing timber agreement was acknowledged before me by Ida May Singleton, of her own free will.

Witness my hand and seal this _____ day of April 2011.

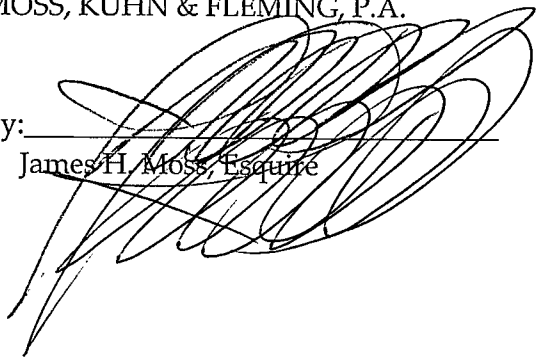
Witness Signature

Printed Name: _____

CERTIFICATE OF COUNSEL

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

MOSS, KUHN & FLEMING, P.A.

By: 

James H. Moss, Esquire

Beaufort, South Carolina

January 23, 2014

RECEIVED

FEB 07 2014

SC Court of Appeals

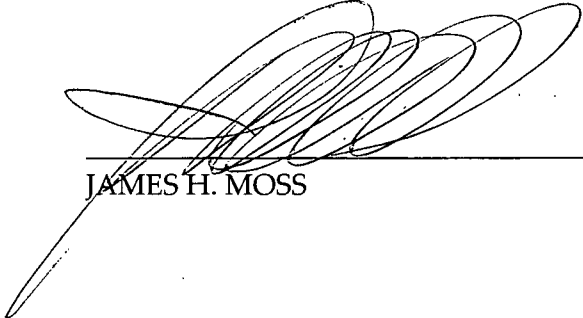
CERTIFICATE OF SERVICE

This is to certify that I have this date served a copy of the within and foregoing

RECORD ON APPEAL upon opposing counsel:

Colden R. Battey, Jr., Esquire
Harvey & Battey, P.A.
Post Office Drawer 1107
Beaufort, South Carolina 29901-1107

by hand delivery a copy of the same to counsel's office in Beaufort, South Carolina.



JAMES H. MOSS

Beaufort, South Carolina

January 27, 2014

RECEIVED

JAN 31 2014

SC Court of Appeals