

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Robert E. Watson. – Master-in-Equity

RECEIVED
OCT 19 2015
SC Court of Appeals

APPELLATE CASE NUMBER 2014-002580

Clyde Morris.....Respondent,

v.

Joseph V. Johnson, III, Joseph V. Johnson, Sr., Mildred R. Johnson, Joseph V.
Johnson, Jr., William Johnson and Allen R. Barnette, Defendants,

of whom Joseph V. Johnson, Sr. and Joseph V. Johnson Jr.,
are the Appellants

RECORD ON APPEAL

Other Counsel of Record:

Willie B. Heyward
Heirs' Property Law Center, LLC
27 Gamecock Ave., Suite 200
Charleston, SC 29407
(843) 225-8754
Attorney for Appellant, Joseph V.
Johnson, Sr. and Joseph V. Johnson Jr.

Clyde Morris
156 Doodle Hill Lane
St. Stephens, SC 29479
Respondent / Pro Se

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STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

IN THE COURT OF COMMON PLEAS
OF THE NINTH JUDICIAL CIRCUIT.
CIVIL ACTION NUMBER: 2012-CP-08-²⁸⁴

Clyde Morris,)
)
PLAINTIFF,)

VS.)

Joseph V. Johnson, III, Joseph V.)
Johnson, Sr., Mildred R. Johnson,)
Joseph V. Johnson, Jr., William)
Johnson, Allen R. Barnette, and)
Elizabeth Wright Barnette,)
)
DEFENDANTS.)

SUMMONS

(Non-Jury –Declaratory Judgment)

FILED
2012 FEB -1 AM 10:55
MARY P. SQUAWA
CLERK OF COURT
BERKELEY COUNTY, SC

TO: THE DEFENDANTS ABOVE-NAMED:

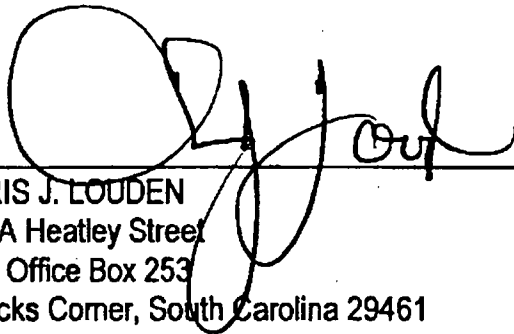
YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the Plaintiff or its attorney, Chris J. Loudon, P. C., 223-A Heatley Street, Post Office Box 253, Moncks Corner, South Carolina, 29461, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to do so, judgment by default will be rendered against you for the relief demanded in the Complaint.

YOU WILL PLEASE TAKE NOTICE that the undersigned attorney, on behalf of the Plaintiff herein, will seek the agreement and stipulation of all parties not in

default for an Order of Reference to the Master-In-Equity for Berkeley County, South Carolina, stipulating that said Master-In-Equity may enter a final judgment in this case.

YOU WILL PLEASE TAKE NOTICE that should you fail to answer the foregoing Summons, the Plaintiff will move for a general Order of Reference of this cause to the Master-In-Equity for this County, which Order shall, pursuant to Rule 53(a) of the South Carolina Rules of Civil Procedure, specifically provide that the said Master-In-Equity is authorized and empowered to enter a final judgment in this cause.

Dated at Moncks Corner, South Carolina, on the 31 day of January 2012.

A handwritten signature in black ink, appearing to read "Chris J. Loudon", is written over a horizontal line. The signature is stylized and cursive.

CHRIS J. LOUDEN
223-A Heatley Street
Post Office Box 253
Moncks Corner, South Carolina 29461
(843) 761-8787

Attorney for Plaintiff

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

IN THE COURT OF COMMON PLEAS
OF THE NINTH JUDICIAL CIRCUIT
CIVIL ACTION NUMBER: 2012-CP-08-284

Clyde Morris,)
)
PLAINTIFF,)

VS.)

Joseph V. Johnson, III, Joseph V.)
Johnson, Sr., Mildred R. Johnson,)
Joseph V. Johnson, Jr., William)
Johnson, Allen R. Barnette, and)
Elizabeth Wright Barnette,)
)
DEFENDANTS.)

COMPLAINT

(Non-Jury –Declaratory Judgment)

2012 FEB -1 AM 10:55
CLERK OF COURT
BERKELEY COUNTY, SC
LEED

The Plaintiff, by and through his undersigned attorney does hereby state as follows:

1. The Plaintiff is a citizen of Berkeley County and a resident of 156 Doodle Hill Lane, South Carolina.
2. Upon information and belief, the Defendants are citizens and residents of Berkeley County, State of South Carolina and also either utilize, reside on, own property on or have some interest in a 30 foot easement known as Doodle Hill Lane, located in Berkeley County, South Carolina.
3. The Plaintiff brings this action against the above named Defendants pursuant to the provisions of South Carolina Code of Laws, 1976, as amended, Section 15-67-10, et seq.; Section 15-53-10, et seq. (known as the Uniform Declaratory Judgments

Act); to determine the size, location, scope of use and the parties rights and responsibilities
Morris v. Johnson, et al.
Complaint
January 2012
Chris J. Loudon, Esquire
Page 1 of 4

in and to that certain 30 foot easement known as Doodle Hill Lane, located in Berkeley County, State of South Carolina.

4. Effie Annie Mae Johnson acquired a 97.1 acre tract of land located in 2nd St. Stephen Parish, County of Berkeley, State of South Carolina from E.P. Keller, Sr. by way of deed dated January 20, 1962, and recorded on January 20, 1962 at Book A123 at Page 150.

5. Effie Annie Mae Johnson, or her predecessors in interest imposed on the 97.1 acre tract of land an easement thirty feet (30') in width(hereinafter "Doodle Hill Lane") by recording a plat entitled "MAP OF LAND OWNED BY MRS. EFFIE ANN MAE JOHNSON", prepared by E. A. Dennis, dated July 18, 1955, and recorded in the Berkeley County Clerk of Court's Office on January 20, 1962, Book K at Page 200, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

6. Effie Annie Mae Johnson then conveyed a one-half interest in the 97.1 acre tract of land to Lucius W. Johnson, Sr. by way of deed dated March 31, 1982, and recorded on May 11, 1982 in Book A468 at Page 78.

7. Effie Annie Mae Johnson and Lucius W. Johnson sold to the Plaintiff a one acre (1.0) tract of land located on and contiguous to Doodle Hill Lane by way of deed dated October 3, 1983, and recorded in the Berkeley County Register of Deeds Office on January 26, 1984 in Book A542, at Page 86.

8. The Defendants acknowledged and reaffirmed the existence of Doodle Hill Lane by the recording of a plat entitled "PLAT SHOWING THE COMBINATION OF TMS

037-00-01-010, TMS 036-00-04-036 AND TMS 036-00-04-011 TO CREATE TRACT C (116.21 ACRES) PROPERTY OF JOSEPH V. JOHNSON, LOCATED IN 2ND ST. STEPHEN PARISH, BERKELEY COUNTY, SOUTH CAROLINA" prepared by Robert J. Sample, P.E., R.L.S. dated May 20, 2008 and recorded in the Berkeley County Register of Deeds Office on June 2, 2008, in Plat Cabinet N at Page 124Q, a copy of which is attached hereto as Exhibit "B" and incorporated herein by reference.

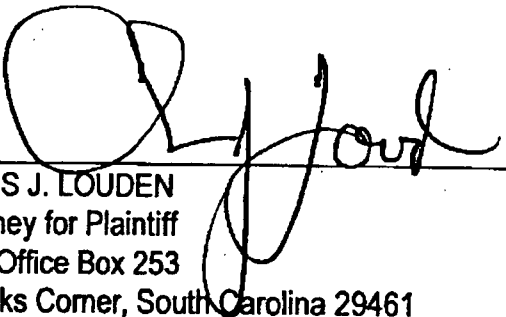
9. The Plaintiff and his guests, invitees, licensees, as well as emergency personnel and utility workers and vehicles utilize Doodle Hill Lane for ingress and egress from Betaw Road to and from Plaintiff's property.

10. Plaintiff is informed and believes that one or more of the Defendants or their agents, contractors or assigns have restricted the Plaintiff's use of Doodle Hill Lane by planting and plowing a portion of Doodle Hill Lane and placing obstructions along Doodle Hill Lane, reducing the width of Doodle Hill Lane to less than 30 feet, and otherwise interfering with the Plaintiff and the Plaintiff's invitees, guests, and contractors' use of Doodle Hill Lane.

11. Plaintiff is informed and believes he is entitled to an Order of this Court setting forth the size, location, and use of Doodle Hill Lane, restricting the Defendants from obstructing or limiting the size and use of Doodle Hill Lane, authorizing the removal of any obstructions currently placed on or along Doodle Hill Lane, and for the Defendants to pay the Plaintiff's attorney's fees and costs necessary to bringing this action.

WHEREFORE, having fully set forth his Complaint, the Plaintiff prays for an Order of this Court for the following relief:

- a. setting forth the size, location, and use of Doodle Hill Lane, and
- b. restricting the Defendants or anyone acting through the Defendants from obstructing or limiting the use of Doodle Hill Lane; and
- c. authorizing the removal of any obstructions on or along Doodle Hill Lane; and
- d. directing the assistance of the Berkeley County Sheriff's Department to enforce the provisions of this Order; and
- e. for the Defendants to pay all of the Plaintiff's attorney's fees and costs incurred in this action; and
- f. for such other and further relief as this Court may deem just, wise and proper.


CHRIS J. LOUDEN
Attorney for Plaintiff
Post Office Box 253
Moncks Corner, South Carolina 29461
(843) 761-8787

Dated this 31 day of January 2012

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 CLYDE MORRIS,)
)
 Plaintiff,)
)
 -versus-)
)
 JAMES V. JOHNSON, III, JOSEPH V.)
 JOHNSON, SR., MILDRED R. JOHNSON,)
 JOSEPH V. JOHNSON, JR., WILLIAM)
 JOHNSON, ALLEN R. BARNETTE)
 and ELIZABETH WRIGHT BARNETTE)
)
 Defendants.)
)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT
 CASE NUMBER: 2012-CP-08-284

**ANSWER OF DEFENDANTS
 JOSEPH V. JOHNSON, SR. and
 JOSEPH V. JOHNSON III**

2012 MAR -5 11:11:35
 CLERK OF COURT
 CHARLESTON COUNTY, SC

THE DEFENDANTS, JOSEPH V. JOHNSON, SR. and JOSEPH V. JOHNSON,

III above-named, through their undersigned attorney, **WILLIE B. HEYWARD**, answering the Complaint of the Plaintiff would respectfully show unto this Honorable Court:

FOR A FIRST DEFENSE

1. Paragraphs 1 and 3 of the Plaintiff's Complaint constitutes a part of Plaintiff's Complaint to which the Defendants are not required to respond. Defendants deny each and every allegation of said Complaint not hereinafter specifically admitted, modified or explained and demands strict proof thereof.
2. Paragraphs 4, 5, 6 and 7 refers to public records and craves reference to same. Plaintiffs deny any assertion that conflicts with said public records.

FOR A SECOND DEFENSE AND BY WAY OF COUNTERCLAIM

3. Defendant reiterates all of the above allegations as if repeated herein.

W.B.H.

7 *W*

4. Defendants are informed and believe that Plaintiff's Exhibit B: "Plat Showing The Combination Of TMS 036-00-04-011 to Create Tract C (116.21 Acres) Property Of Joe V. Johnson, located in 2nd St. Stephen Parish, Berkeley County, South Carolina", dated May 20, 2008 has errors and/or missing information and as such do assert that the designation of on said Plat indicating Doodle Hill Lane as having a width of 30 feet was added, by the surveyor, without the permission nor the consent of the Plaintiff(s).

5. Defendants deny any allegations in Paragraph 2 and 10 of Plaintiff's Complaint references Doole Hill Lane as having a "30 foot easement" for Plaintiff's access to his property.

6. Defendants deny the allegations in Paragraph 10 of the Plaintiff's Complaint and categorically deny that they, nor their agents, have ever restricted, blocked or hindered the Plaintiff's use of Doodle Hill Lane to access his property.

7. Defendant, Joe Johnson, has always used Doole Hill Lane to access his property and Plaintiff's allegations raise questions as to the scope of his rights as it relates to the use of Doole Hill Lane for said access. Defendants therefore denies the allegations in Paragraph 11 of Plaintiff's Complaint.

8. Defendant has retained counsel to defend his property rights in regards to Doole Hill Lane and do to the false allegations of the Plaintiff and therefore asks that Plaintiff bear the cost of said attorney fee and the costs of defending this action.

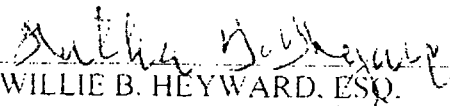
9. Defendant, Joseph V. Johnson, Sr. and Joseph V. Johnson, III are father and son and farm the land adjacent surrounding Doodle Hill Lane.

PRAYER

Wherefore, Defendant prays that this Court look into this matter and issue an Order as follows:

1. That the Master-In-Equity authorize a land survey and determine the dimensions of Doole Hill Lane; and
2. That the Plaintiff be required to reimburse Defendants for the costs of this action to include all attorney fees incurred as a result Plaintiff's allegations.
3. And for any other relief that the Court finds equitable, just and proper.

Dated this 2 day of March, 2012, at Charleston, South Carolina.



WILLIE B. HEYWARD, ESQ.
Heirs' Property Law Center
27 Gamecock Ave. Suite 200
Charleston, SC 29407
(843) 225-8754
Attorney for Defendants

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)
CLYDE MORRIS,)
Plaintiff,)
-versus-)
JAMES V. JOHNSON, III, JOSEPH V.)
JOHNSON, SR., MILDRED R. JOHNSON,)
JOSEPH V. JOHNSON, JR., WILLIAM)
JOHNSON, ALLEN R. BARNETTE)
and ELIZABETH WRIGHT BARNETTE)
Defendants.)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NUMBER: 2012-CP-08-284

**AMENDED
ANSWER OF DEFENDANTS
JOSEPH V. JOHNSON, SR. and
JOSEPH V. JOHNSON, JR.**

2012 MAR 25 PM 1:31
CLERK OF COURT
BERKELEY COUNTY, SC

THE DEFENDANTS, JOSEPH V. JOHNSON, SR. and JOSEPH V. JOHNSON, JR., above-named, through their undersigned attorney, **WILLIE B. HEYWARD**, answering the Complaint of the Plaintiff would respectfully show unto this Honorable Court:

FOR A FIRST DEFENSE

1. Paragraphs 1 and 3 of the Plaintiff's Complaint constitutes a part of Plaintiff's Complaint to which the Defendants are not required to respond. Defendants deny each and every allegation of said Complaint not hereinafter specifically admitted, modified or explained and demands strict proof thereof.
2. Paragraphs 4, 5, 6 and 7 refers to public records and craves reference to same. Defendants deny any assertion that conflicts with said public records.

FOR A SECOND DEFENSE AND BY WAY OF COUNTERCLAIM

3. Defendant reiterates all of the above allegations as if repeated herein.

12

10

4. Defendants are informed and believe that Plaintiff's Exhibit B: "Plat Showing The Combination Of TMS 036-00-04-011 to Create Tract C (116.21 Acres) Property Of Joe V. Johnson, located in 2nd St. Stephen Parish, Berkeley County, South Carolina", dated May 20, 2008 has errors and/or missing information and as such do assert that the designation on said Plat indicating Doodle Hill Lane as having a width of 30 feet was added, by the surveyor, without the permission nor the consent of the Defendant(s).

5. Defendants deny any allegations in Paragraph 2 and 10 of Plaintiff's Complaint that references to Doole Hill Lane as having a "30 foot easement" for Plaintiff's access to his property.

6. Defendants deny the allegations in Paragraph 10 of the Plaintiff's Complaint and categorically deny that they, nor their agents, have ever restricted, blocked or hindered the Plaintiff's use of Doodle Hill Lane to access his property.

7. Defendant, Joe Johnson Sr., has always used Doole Hill Lane to access his property and Plaintiff's allegations raise questions as to the scope of his rights as it relates to the use of Doole Hill Lane for said access. Defendants therefore denies the allegations in Paragraph 11 of Plaintiff's Complaint.

8. Defendants have retained counsel to defend their property rights in regarding to Doole Hill Lane due to the false allegations of the Plaintiff and therefore asks that Plaintiff bear the cost of said attorney fee and the costs of defending this action.

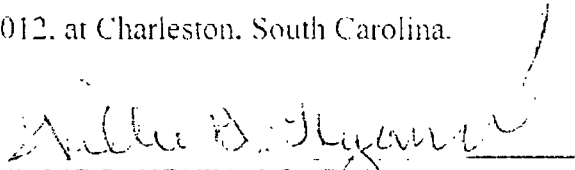
9. Defendant, Joseph V. Johnson, Sr. and Joseph V. Johnson, Sr. are father and son and farm the land and the adjacent property surrounding Doodle Hill Lane.

PRAYER

Wherefore, Defendants pray that this Court look into this matter and issue an Order as follows:

1. That the Master-In-Equity authorize a land survey and determine the dimensions of Doole Hill Lane; and
2. That the Plaintiff be required to reimburse Defendants for the costs of this action to include all attorney fees and costs incurred as a result Plaintiff's allegations.
3. And for any other relief that the Court finds equitable, just and proper.

Dated this 5 day of March, 2012, at Charleston, South Carolina.


WILLIE B. HEYWARD, ESQ.
Heirs' Property Law Center
27 Gamecock Ave. Suite 200
Charleston, SC 29407
(843) 225-8754
Attorney for Defendants

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

IN THE COURT OF COMMON PLEAS
OF THE NINTH JUDICIAL CIRCUIT
CIVIL ACTION NUMBER: 2012-CP-08-00284

Clyde Morris)
)
Plaintiff,)

v.)

Joseph V. Johnson, Sr., individually)
and as the Guardian ad *litem* for the)
minor child, Joseph V. Johnson, III,)
Mildred R. Johnson, Joseph V.)
Johnson, Jr., William Johnson, and)
Allen R. Barnette";)

DEFENDANTS.)

ORDER

(Non-Jury –Declaratory Judgment)

2013 AUG 20 AM 11:54
CLERK OF COURT
BERKELEY COUNTY, SC

ABC

PROCEDURAL HISTORY

Plaintiff instituted this action by filing a Summons and Complaint on February 1, 2012 pursuant to the Uniform Declaratory Judgments Act. Plaintiff sought a declaration establishing Doodle Hill Lane located in Berkeley County, South Carolina as a 30 foot easement, prohibiting the Defendants from limiting or obstructing the Plaintiff's use of Doodle Hill Lane, authorizing the removal of obstructions along Doodle Hill Lane and other related relief. The Defendants Joseph V. Johnson, Sr. and Joseph V. Johnson, Jr. timely filed and served their answer and counterclaim in which they sought an order of the Court authorizing a survey of Doodle Hill Lane, reimbursement of litigation costs and attorney's fees and other related relief. The remaining Defendants failed to file or serve an answer or

otherwise respond and are in default. The issues having been joined, this matter came before the Court on February 19, 2013 for a hearing on the merits.

FINDINGS OF FACTS

During the trial the Court had an opportunity to hear testimony from the witnesses and observe their demeanor. The Court also received into evidence numerous surveys, plats, photographs and deeds presented by the parties. Based upon the evidence presented I make the following findings of facts:

1. Prior to the trial the parties had entered into a written stipulation that Doodle Hill Lane is 30 feet in width.
2. This stipulation is overwhelmingly supported by the surveys, deeds and other evidence.
3. Doodle Hill Lane provides access to several homes, including homes of the Plaintiff and Joseph V. Johnson, Sr. and Joseph V. Johnson, Jr.
4. Historically, the individuals living along Doodle Hill Lane have used less than the entire 30 feet in width of Doodle Hill Lane to access their properties. Power poles have been placed within the 30 foot width of Doodle Hill Lane in addition to fence posts and fencing.
5. I find that the evidence presented clearly establishes that Doodle Hill Lane as it was being used at the time of the hearing does not obstruct, restrict or limit Plaintiff's access to his property.

6. I find that one or more of the Defendants have placed metal posts directly in front of the Plaintiff's home and within Doodle Hill Lane as it was currently being used and the Defendants should immediately and permanently remove these metal posts.

7. I find that neither the Plaintiff nor the Defendants presented a survey or other evidence to establish the width of Doodle Hill as it was being used at the time of the hearing.

CONCLUSIONS OF LAW

8. Taking into consideration the interests of both the dominant and servient estates I find that Doodle Hill as it is presently being used is reasonably necessary and convenient for the Plaintiff to have access to his property with as little burden to the servient estate as possible. Hill v. Carolina Power & Light Company Co., 204 S.C. 83, 96, 28 S.E.2d 545, 549 (1943).

9. The parties should agree on a surveyor to survey the width of Doodle Hill Lane as it was being used at the time of the hearing. The costs should be equally shared by the parties. If the parties cannot agree on a surveyor then the Court will appoint a surveyor upon motion of either party with the cost of the surveyor to be determined.

10. The Defendants shall immediately and permanently remove the metal posts in the front of the Plaintiff's property.

11. I find that each party shall bear responsibility for their own attorney's fees and costs related to this matter.

NOW, THEREFORE, based upon the above I hereby

ORDERED ADJUDGED AND DECREED that Doodle Hill Lane as it was being used at the time of the hearing is reasonably necessary and convenient for the Plaintiff to have access to his property with as little burden to the servient estate as possible; and it is also

ORDER ADJUDGE AND DECREED that the parties should mutually agree upon a surveyor to survey Doodle Hill Lane as it is presently being used and the parties will equally bear the costs of the surveyor; and it is also

ORDERED ADJUDGED AND DECREED that in the event the parties cannot agree upon a surveyor the Court will, upon motion of either party, appoint a surveyor and the cost of the surveyor will be determined; and it is also

ORDERED ADJUDGED AND DECREED that the Defendants will immediately and permanently remove the metal posts in front of the Plaintiff's property; and it is further

ORDERED ADJUDGED AND DECREED that each party shall bear responsibility of their own attorney's fees and costs in this action; and

IT IS SO ORDERED this 16 day of August 2013, Moncks Corner, South Carolina.



Robert E. Watson, Judge
Berkeley County Master In Equity

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

IN THE COURT OF COMMON PLEAS
OF THE NINTH JUDICIAL CIRCUIT
CIVIL ACTION NUMBER: 2012-CP-08-00284

Clyde Morris)
)
Plaintiff,)

v.)

Joseph V. Johnson, Sr., individually)
and as the Guardian *ad litem* for the)
minor child, Joseph V. Johnson, III,)
Mildred R. Johnson, Joseph V.)
Johnson, Jr., William Johnson, and)
Allen R. Barnette";)

DEFENDANTS.)

ORDER APPOINTING SURVEYOR

2014 JAN - 17 PM 4:27
CLERK OF COURT
BERKELEY COUNTY, SC

(Non-Jury --Declaratory Judgment)

This matter came before the Court for a hearing on the Plaintiff's motion to appoint a surveyor to survey Doodle Hill Lane and require the Defendants to remove metal stakes in front of the Plaintiff's property. A hearing was held on December 5, 2013. Based upon the documents presented at the hearing, argument of counsel and all matters of record, I make the following findings of fact:

1. Doodle Hill Lane is a right-of-way thirty (30') feet in width and provides the Plaintiff and other landowners with ingress/egress and other access to their property.
2. The Court initially held a hearing on February 19, 2013, on the merits on the allegations raised in the pleadings. At that time the Court heard evidence and considered photographs, surveys and deeds regarding Doodle Hill Lane. The Court issued its order on August 16, 2013 finding that although Doodle Hill Lane was a 30 foot right of way the

parties had historically used less than 30 feet. The Court ordered the parties to agree on a surveyor to survey the width of Doodle Hill Lane as it was being used on February 19, 2013. The Court further ordered that if the parties could not agree on a surveyor the Court would appoint a surveyor with the Plaintiff being responsible for one half ($\frac{1}{2}$) of the survey costs and the Defendants being responsible for the other half. Finally, the Court ordered that the Defendants immediately and permanently remove all metal stakes or posts in front of the Plaintiff's property.

3. The evidence submitted by the Plaintiff in support of his motion shows that since the initial hearing on February 19, 2013, the character of Doodle Hill Lane has changed in that the width of Doodle Hill Lane was less than what was being maintained at the time of the February 19, 2013 hearing.

4. After the hearing counsel informed the Court they had agreed that Homer P. Mason will perform the survey of Doodle Hill Lane and the Defendants waive any objections they may have regarding a conflict of interest involving Mr. Mason.

5. The Defendants have failed to remove the metal posts or stakes in front of the Plaintiff's property.

Based upon the findings I hereby,

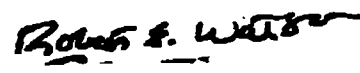
ORDERED ADJUDGED AND DECREED that Homer P. Mason is hereby appointed by the Court to survey the width of Doodle Hill Lane as it was being used in February 2013. Mr. Mason should ensure that the boundaries of Doodle Hill Lane are contiguous with the

property boundaries of all tracts of land utilizing Doodle Hill Lane for ingress/egress and other access; and it is further

ORDERED that the Plaintiff shall bear one-half of Mr. Mason's expense and the Defendants shall bear the other one-half of Mr. Mason's expense; and it is further

ORDERED that the Defendants shall immediately and permanently remove any and all metal stakes, metal posts directly in front of the Plaintiff's property.

AND IT IS SO ORDERED this 6 day of January 2014, Moncks Corner, South Carolina.



Robert E. Watson, Judge
Berkeley County Master In Equity

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF BERKELEY)

Clyde Morris)

CASE NO.
2012-CP-08-00284

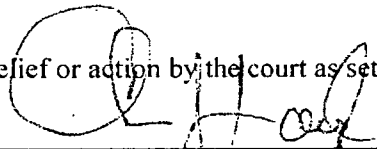

Plaintiff)

MOTION AND ORDER INFORMATION
FORM AND COVER SHEET

v.)

James V. Johnson, ~~IV~~ James V. Johnson, Sr. Et Al.)

Defendant.)

Plaintiff's Attorney: Chris J. Loudon, Bar No. 0066374 Address: 223-A Heatley Street, Moncks Corner, SC 29461 phone: 843-761-8787 fax: 843-761-8771 e-mail: other:	Defendant's Attorney: , Bar No. Address: phone: fax: e-mail: other:
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information Nature of Motion: MOTION TO DETERMINE BOUNDARIES OF DOODLE HILL LANE Estimated Time Needed: 15 MINUTES Court Reporter Needed: <input type="checkbox"/> YES / <input checked="" type="checkbox"/> NO	
SECTION II: Motion/Order Type <input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> 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 <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant Date submitted  5-19-14	
SECTION III: Motion Fee <input checked="" type="checkbox"/> PAID - AMOUNT: 25.00 <input type="checkbox"/> EXEMPT: <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support (check reason) <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> 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: <input type="checkbox"/> Other:	
JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other:	JUDGE _____ CODE: _____ Date: _____
CLERK'S VERIFICATION Date Filed: _____ Collected by: _____ <input type="checkbox"/> MOTION FEE COLLECTED:  <input type="checkbox"/> CONTESTED - AMOUNT DUE: _____	

2014 MAY 23 16
 COUNTY OF BERKELEY
 CLERK OF COURT

me

B

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

IN THE COURT OF COMMON PLEAS
OF THE NINTH JUDICIAL CIRCUIT
CIVIL ACTION NUMBER: 2012-CP-08-00284

Clyde Morris,)
)
PLAINTIFF,)

VS.)

**MOTION TO DETERMINE THE
BOUNDARIES OF DOODLE
HILL LANE**

Joseph V. Johnson, Sr., individually)
and as the Guardian ad *litem* for the)
minor child, Joseph V. Johnson, III,)
Mildred R. Johnson, Joseph V.)
Johnson, Jr., William Johnson,)
and Allen R. Barnette)
)
DEFENDANTS.)

(Non-Jury –Declaratory Judgment)

2011 JAN 23 AM 10:16
CLERK OF COURT
BERKELEY COUNTY, SC
BW

TO: WILLIE B. HEYWARD, ESQUIRE, ATTORNEY FOR DEFENDANTS Joseph V. Johnson, Sr., Joseph V. Johnson, Jr. and Joseph V. Johnson, III, ABOVE NAMED.

PLEASE TAKE NOTICE that the Plaintiff, Clyde Morris, by and through his undersigned attorney, will move before the Berkeley County Master In Equity, Moncks Corner, South Carolina, ten (10) days from the date hereof at 10:00 a.m. or as soon thereafter as counsel can be heard, for an order to determine the boundaries of Doodle Hill Lane as follows:

1. From the intersection of Doodle Hill Lane and Betaw Road extending to the southern property corner labeled "Joseph V. Johnson, Sr. TMS 037-00-01-010" on the survey attached hereto as Exhibit "A" and incorporated herein by reference that the right of way be contiguous with the property boundaries of the William Ryan

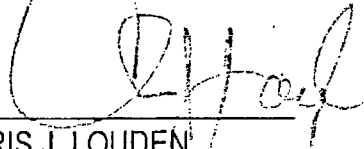
Morris tract and Joseph V. Johnson, Sr. tract and extend a width of 25 feet or to the existing power poles referenced on said plat, whichever is less.

2. From the southern property corner of the tract designated as "Joseph V. Johnson, Sr. TMS 037-00-01-010" to the northern property corner of the Clyde Morris tract the right of way extend from the power poles designated on the survey for a width of 25 feet.
3. From the northern property corner of the tract designated as "Clyde Morris TMS 037-00-01-050" to the southern property corner of the same tract the right of way be contiguous with the property boundary and extend a width of 25 feet.

The undersigned hereby affirms that prior to filing this motion he has communicated, orally or in writing, with opposing counsel and has attempted in good faith to resolve the matter contained in this motion, to no avail.

You are invited to attend and take part as is fit and proper.

CHRIS J. LOUDEN PC



CHRIS J. LOUDEN
COUNSEL FOR THE PLAINTIFF
223-A HEATLEY STREET
POST OFFICE BOX 253
MONCK'S CORNER, SC 29461
(843) 761-8787

Moncks Corner, South Carolina
May 17 2014

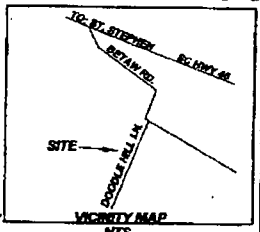


LEGEND:

- IPF=IRON PIPE FOUND
- RBF=REBAR FOUND
- R/W=RIGHT OF WAY
- P=POWER LINE
- PP=POWER POLE
- PL=PROPERTY LINE
- PROP. COR.=PROPERTY CORNER
- NTS=NOT TO SCALE
- X=FENCE

NOTE:

THE NEW BOUNDARY OF DOODLE HILL SHALL BE CONTIGUOUS WITH THE PROPERTY BOUNDARIES OF ALL TRACTS OF LAND UTILIZING DOODLE HILL LANE FOR ingress/egress AND OTHER ACCESS.

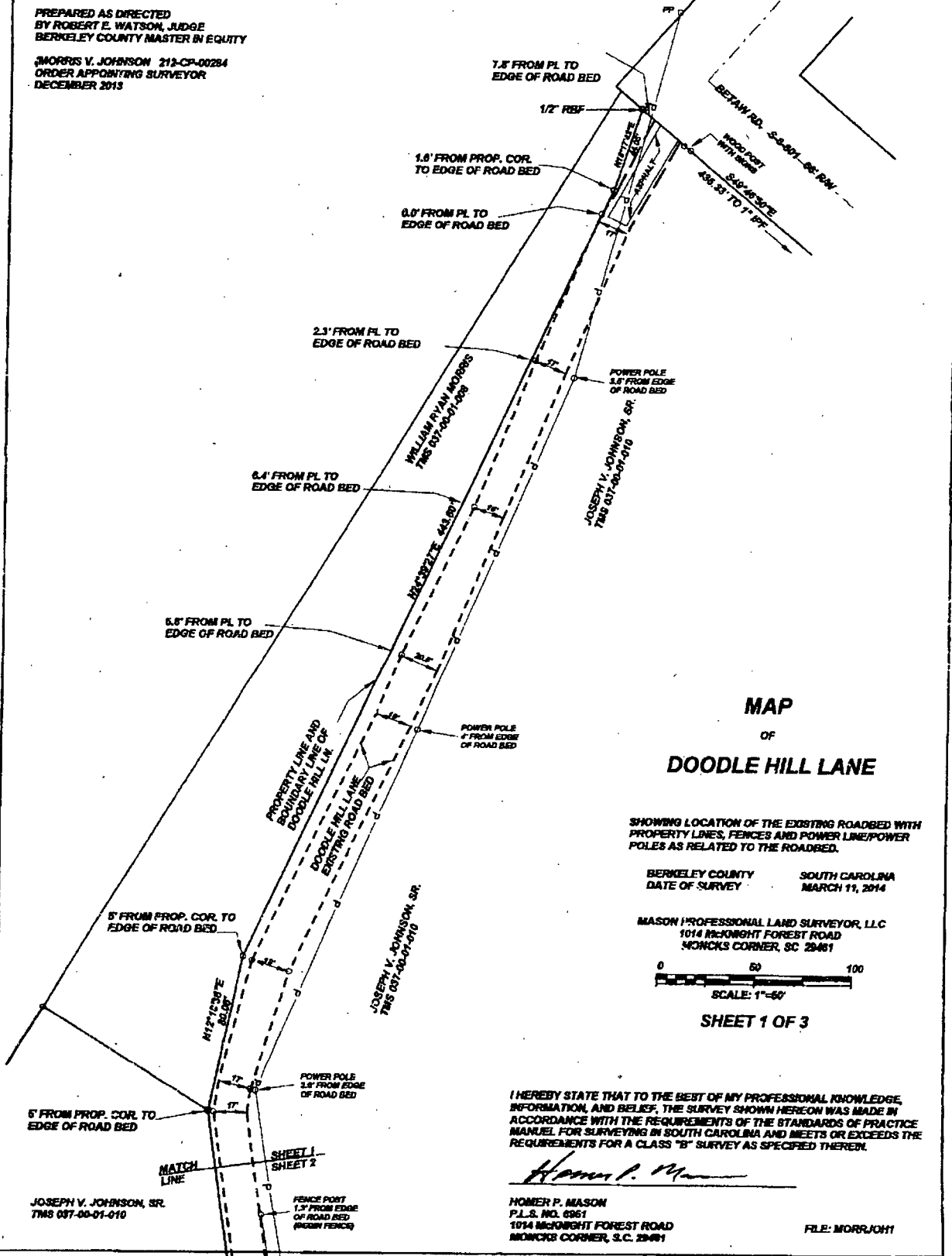


CHRIS J. LOUDEN
ATTORNEY AT LAW
POST OFFICE BOX 253
MONCK'S CORNER SC 29461

NOTE:

PREPARED AS DIRECTED
 BY ROBERT E. WATSON, JUDGE
 BERKELEY COUNTY MASTER IN EQUITY

JMORRIS V. JOHNSON 213-CP-00284
 ORDER APPOINTING SURVEYOR
 DECEMBER 2013



MAP
 OF
DOODLE HILL LANE

SHOWING LOCATION OF THE EXISTING ROADBED WITH PROPERTY LINES, FENCES AND POWER LINE/POWER POLES AS RELATED TO THE ROADBED.

BERKELEY COUNTY SOUTH CAROLINA
 DATE OF SURVEY MARCH 11, 2014

MASON PROFESSIONAL LAND SURVEYOR, LLC
 1014 McFIGHT FOREST ROAD
 MONCK'S CORNER, SC 29461



SHEET 1 OF 3

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN.

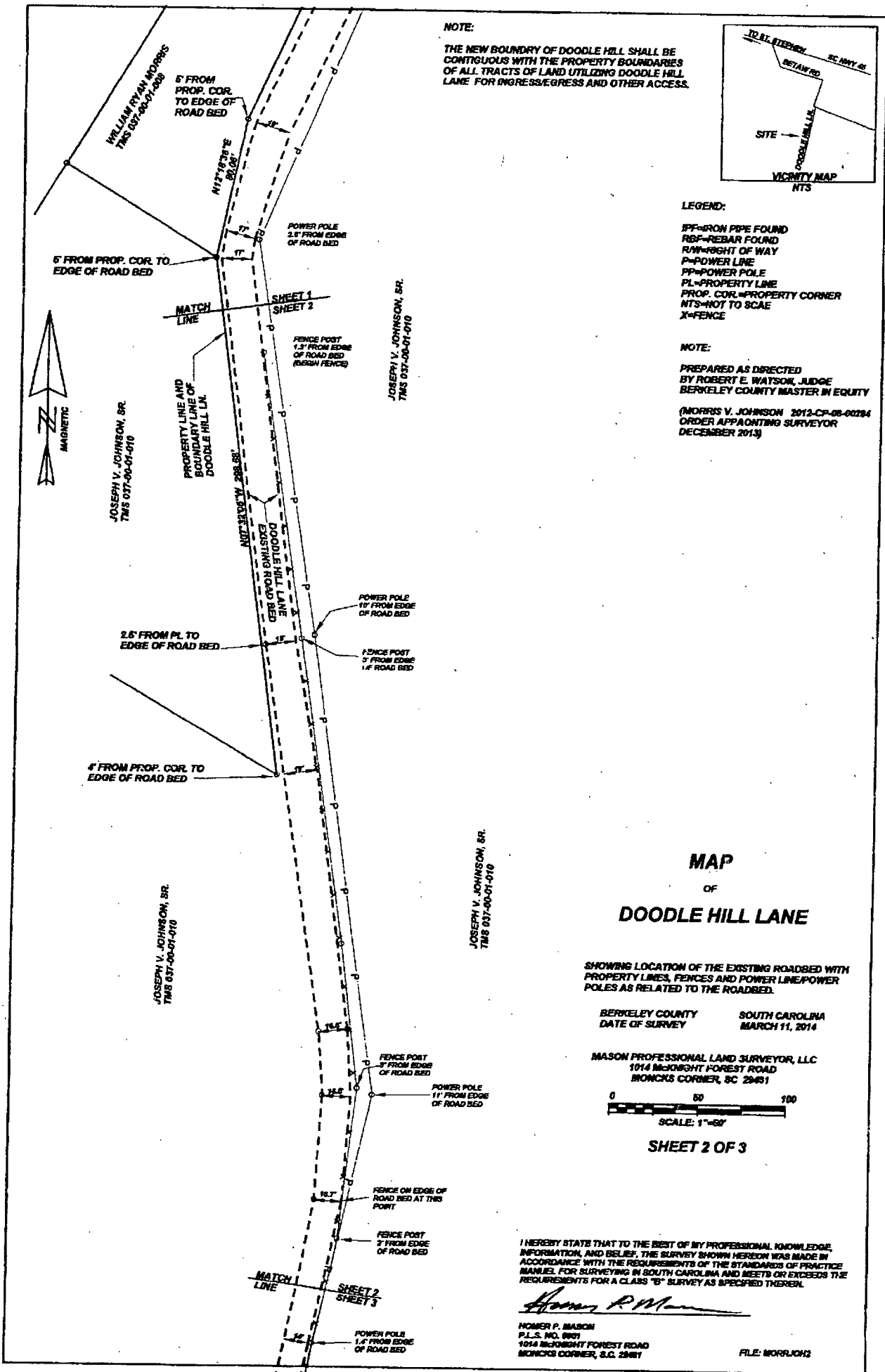
Homer P. Mason

HOMER P. MASON
 P.L.S. NO. 6361
 1014 McFIGHT FOREST ROAD
 MONCK'S CORNER, S.C. 29461

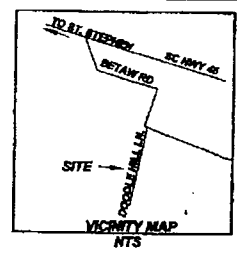
FILE: MORRJOH1

JOSEPH V. JOHNSON, SR.
 TMS 037-00-01-010

FENCE POST
 1.3' FROM EDGE
 OF ROAD BED
 (FROM FENCE)



NOTE:
 THE NEW BOUNDARY OF DOODLE HILL SHALL BE CONTIGUOUS WITH THE PROPERTY BOUNDARIES OF ALL TRACTS OF LAND UTILIZING DOODLE HILL LANE FOR INGRESS/EGRESS AND OTHER ACCESS.



LEGEND:
 RPF=IRON PIPE FOUND
 RBF=REBAR FOUND
 RAW=RIGHT OF WAY
 P=POWER LINE
 PP=POWER POLE
 PL=PROPERTY LINE
 PROP. COR.=PROPERTY CORNER
 NTS=NOT TO SCALE
 X=FENCE

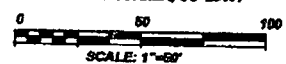
NOTE:
 PREPARED AS DIRECTED
 BY ROBERT E. WATSON, JUDGE
 BERKELEY COUNTY MASTER IN EQUITY
 (MORRIS V. JOHNSON 2012-CF-08-00284
 ORDER APPOINTING SURVEYOR
 DECEMBER 2013)

**MAP
 OF
 DOODLE HILL LANE**

SHOWING LOCATION OF THE EXISTING ROADBED WITH PROPERTY LINES, FENCES AND POWER LINE/POWER POLES AS RELATED TO THE ROADBED.

BERKELEY COUNTY SOUTH CAROLINA
 DATE OF SURVEY MARCH 11, 2014

MASON PROFESSIONAL LAND SURVEYOR, LLC
 1014 McJONHT FOREST ROAD
 MONCK'S CORNER, SC 29631



SHEET 2 OF 3

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN.

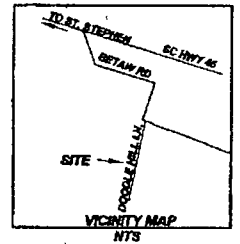
Homer P. Mason
 HOMER P. MASON
 P.L.S. NO. 0001
 1014 McJONHT FOREST ROAD
 MONCK'S CORNER, S.C. 29631

FILE: MORR1013

24



NOTE:
 THE NEW BOUNDARY OF DOODLE HILL SHALL BE CONTIGUOUS WITH THE PROPERTY BOUNDARIES OF ALL TRACTS OF LAND UTILIZING DOODLE HILL LANE FOR INGRESS/EGRESS AND OTHER ACCESS.



LEGEND:

- IPF=IRON PIPE FOUND
- RBF=REBAR FOUND
- R/W=RIGHT OF WAY
- P=POWER LINE
- PP=POWER POLE
- PL=PROPERTY LINE
- PROP. COR.=PROPERTY CORNER
- NTS=NOT TO SCALE
- X=FENCE

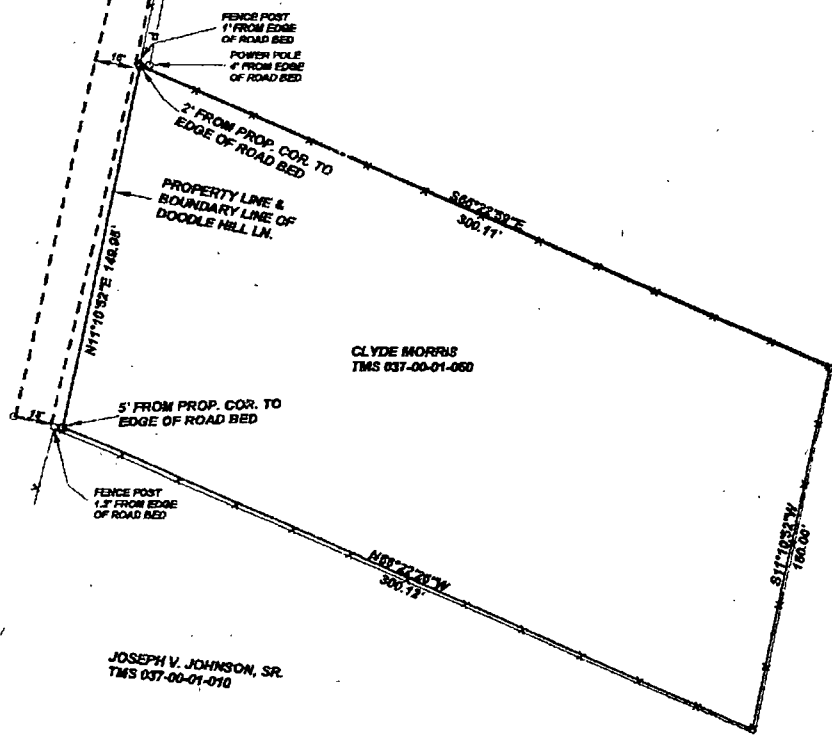
NOTE:

PREPARED AS DIRECTED
 BY ROBERT E. WATSON, JUDGE
 BERKELEY COUNTY MASTER IN EQUITY

(MORRIS V. JOHNSON 2013-CF-08-00284
 ORDER APPOINTING SURVEYOR
 DECEMBER 2013)

JOSEPH V. JOHNSON, SR.
 TMS 037-00-01-010

JOSEPH V. JOHNSON, SR.
 TMS 037-00-01-010

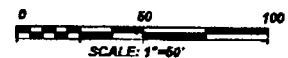


MAP
 OF
DOODLE HILL LANE

SHOWING LOCATION OF THE EXISTING ROADBED WITH
 PROPERTY LINES, FENCES AND POWER LINE/POWER
 POLES AS RELATED TO THE ROADBED.

BERKELEY COUNTY SOUTH CAROLINA
 DATE OF SURVEY MARCH 11, 2014

MASON PROFESSIONAL LAND SURVEYOR, LLC
 1014 MCKNIGHT FOREST ROAD
 MONCKS CORNER, SC 29461



SHEET 3 OF 3

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE,
 INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN
 ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE
 MANUAL FOR SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE
 REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN.

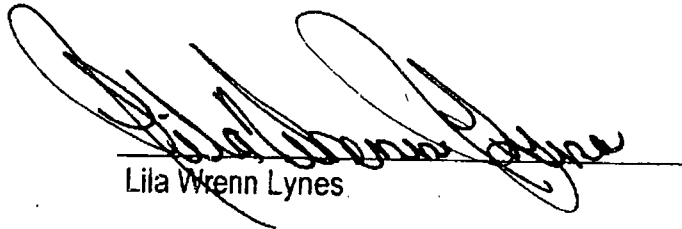
Homer P. Mason

HOMER P. MASON
 P.L.S. NO. 8981
 1014 MCKNIGHT FOREST ROAD
 MONCKS CORNER, S.C. 29461 FILE: MORRJOHNS

CERTIFICATE OF SERVICE

This is to certify that I have served the parties below in the foregoing matter with a copy of the MOTION TO DETERMINE BOUNDARIES OF DOODLE HILL LANE by depositing in the U. S. Mail, a copy of same in a properly addressed envelope with adequate postage thereon, this 19th day of MAY 2014, as follows:

Willie B. Heyward, Esquire
The Heirs Property Law Center
27 Gamecock Avenue – Suite 200
Charleston, South Carolina 29407



Lila Wrenn Lynes

Moncks Comer, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

IN THE COURT OF COMMON PLEAS
OF THE NINTH JUDICIAL CIRCUIT
CIVIL ACTION NUMBER: 2012-CP-08-00284

Clyde Morris)
)
Plaintiff,)
)
v.)
)
Joseph V. Johnson, Sr., individually)
and as the Guardian *ad litem* for the)
minor child, Joseph V. Johnson, III,)
Mildred R. Johnson, Joseph V.)
Johnson, Jr., William Johnson, and)
Allen R. Barnette";)
)
DEFENDANTS.)

FINAL ORDER

2014 AUG 19 PM 2:57
CLERK OF COURT
BERKELEY COUNTY, SC

FILED
SUC

(Non-Jury -Declaratory Judgment)

This matter came before the Court on a motion filed by the Plaintiff to determine the boundaries of Doodle Hill Lane. In support of his motion the Plaintiff submitted a survey entitled "Map of Doodle Hill Lane showing location of the existing roadbed with property lines, fences and power lines/power poles as related to the roadbed" prepared by the Court appointed surveyor, Homer P. Mason and dated March 11, 2014. By way of relief the Plaintiff requested an order of the Court determining that the width of Doodle Hill Lane be set at a uniform Twenty-five (25') feet in width and that Doodle Hill Lane be contiguous with the boundaries of all parcels of property lying along Doodle Hill Lane.

At the hearing the Court considered Mr. Mason's survey, the testimony of Mr. Mason and Joseph V. Johnson, Sr., various exhibits by counsel and argument of counsel.

This case has a long history. During the numerous hearings the Court has exhausted all efforts to have the parties reach an agreement on the boundaries of Doodle Hill Lane so that everyone could live peaceably with one another. The efforts of the Court have failed and it is necessary for the Court to now enter its order to bring finality to this dispute.

Based upon all matters of record I make the following findings of fact and conclusions of law.

1. All prior orders of this Court are incorporated herein without modification.
2. The parties have stipulated that Doodle Hill Lane is thirty (30') feet in width and I find that this stipulation is overwhelmingly supported by all surveys, deeds and other evidence submitted.
3. I find that historically the property owners along Doodle Hill Lane and individuals using Doodle Hill Lane for ingress and egress have used less than the entire thirty (30') feet in width.
4. I find that either Joseph V. Johnson, Sr., Joseph V. Johnson, Jr. or one or more of their agents or contractors have attempted to restrict the use of Doodle Hill Lane by placing obstructions in the roadbed, erecting fencing and fence poles and plowing and planting crops in the roadbed.
5. I find that Doodle Hill Lane should be and is hereby declared twenty-five (25') feet in width. I find that twenty-five (25') feet is reasonably necessary and convenient for the property owners along Doodle Hill Lane for ingress and egress to their property and

creates the least amount of burden to the servant estate as possible.

6. I find that Doodle Hill Lane should be contiguous with the property boundary of each parcel of land lying along Doodle Hill Lane.

7. I find that Homer P. Mason should prepare a survey in recordable form establishing Doodle Hill Lane as twenty-five (25') feet in width beginning at Betaw Road (S-8-391) and terminating at the southern boundary of the Clyde Morris tract (TMS#: 037-00-01-050). I find that Mr. Mason's survey should be recorded in the Berkeley County Register of Deeds Office.

8. I find that Joseph V. Johnson, Sr., Joseph V. Johnson, Jr., their heirs, assigns, agents, and contractors shall not attempt to interfere, restrict, or impede the use of Doodle Hill Lane by the property owners or their heirs, assigns, successors in interest, family, contractors, invitees by placing obstructions, poles, fencing, plowing, planting or attempting in any way to reduce the width of Doodle Hill Lane to less than twenty-five (25') feet.

9. I find that Joseph V. Johnson, Sr., Joseph V. Johnson, Jr., their heirs and assigns, are hereby ordered to immediately and permanently remove any obstructions within the twenty-five (25') foot Doodle Hill Lane, including but not limited to any poles, fencing, plowing or crops.

10. I find that the parties should be equally responsible for the additional fees submitted by Homer P. Mason and such fees shall be paid within ten (10) days of receipt of Mr. Mason's invoice.

NOW, THEREFORE, based upon the above I hereby
ORDERED ADJUDGED AND DECREED all prior orders of this Court are
incorporated herein without modification; and it is further

ORDERED ADJUDGED AND DECREED that Doodle Hill Lane be and is hereby
declared twenty-five (25') feet in width; and it is further

ORDERED that Doodle Hill Lane should be contiguous with the property boundary
of each parcel of land lying along Doodle Hill Lane; and it is further

ORDERED that Homer P. Mason prepare a survey in recordable form establishing
Doodle Hill Lane as twenty-five (25') feet in width beginning at Betaw Road (S-8-391) and
terminating at the southern boundary of the Clyde Morris tract (TMS#: 037-00-01-050). I
find that Mr. Mason's survey be in recordable form and recorded in the Berkeley County
Register of Deeds Office; and it is further

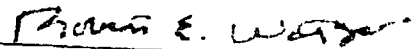
ORDERED that Joseph V. Johnson, Sr., Joseph V. Johnson, Jr., their heirs,
assigns, agents, and contractors shall not attempt to interfere, restrict, or impede the use
of Doodle Hill Lane by the property owners or their heirs, assigns, successors in interest,
family, contractors, invitees by placing obstructions, poles, fencing, plowing, planting or
attempting in any way to reduce the width of Doodle Hill Lane to less than twenty-five (25')
feet; and it is further

ORDERED that Joseph V. Johnson, Sr., Joseph V. Johnson, Jr., their heirs and
assigns, are hereby ordered to immediately and permanently remove any obstructions
within the twenty-five (25') foot width of Doodle Hill Lane, including but not limited to any

poles, fencing, plowing or crops; and it is further

ORDERED that the parties be equally responsible for the additional fees submitted by Homer P. Mason and such fees shall be paid within ten (10) days of receipt of Mr. Mason's invoice.

IT IS SO ORDERED this 18 day of August 2014, Moncks Corner, South Carolina.



Robert E. Watson, Judge
Berkeley County Master In Equity

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BERKELEY)
)
 CLYDE MORRIS)
 _____)
 Plaintiff,)
 vs.)
)
 JOSEPH V. JOHNSON, ET AL.)
 _____)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT

CASE NO.: 12-CP-08-00284

**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

Plaintiff's Attorney: CHRIS J. LOUDEN, Bar No. _____ Address: 223-A OFFICE BOX 253 MONCKS CORNER, SC 29461 Phone: 843-761-8787 Fax _____ E-mail: info@loudenlawfirm.com Other: _____	Defendant's Attorney: WILLIE B. HEYWARD, Bar No. 11063 Address: 27 GAMECOCK AVE., SUITE 200 CHARLESTON, SC 29407 Phone: 843-225-8754 Fax _____ E-mail: heywarddwichth@msn.com Other: _____
--	--

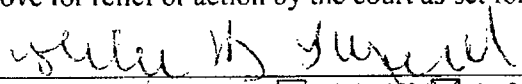
MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: _____
 Estimated Time Needed: _____ 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

Date submitted: 09/18/2014
 BERKELEY COUNTY, SC

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, SCRCP)
- 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: JSM Date Filed: 25-00
 MOTION FEE COLLECTED: 25-00
 CONTESTED - AMOUNT DUE: \$ _____

JSM

W/ME
32

STATE OF SOUT. CAROLINA)
COUNTY OF BERKELEY)
Clyde Morris)
Plaintiff,)
vs.)

IN THE COURT OF COMMON PLEAS
OF THE NINTH JUDICAL CIRCUIT
CIVIL ACTION NUMBER 2012-CP-08-00284

Joseph V. Johnson, Sr., individually)
And as the Guardian ad litem for the)
Minor child, Joseph V. Johnson, III,)
Mildred R. Johnson, Joseph V.)
Johnson, Jr., William Johnson, and)

MOTION FOR RECONSIDERATION

2014 SEP 25 PM 3:30
CLERK OF COURT
BERKELEY COUNTY, SC

TSM

In support of Defendant's Motion for Reconsideration, the undersigned counsel shows the Court the following:

BACKGROUND / INTRODUCTION

1. This matter came before the Court to "Determine the Boundaries of Doodle Hill Lane". Present at the hearing was the Plaintiff, his attorney Christopher Loudon, the Defendants Joe Johnson, Sr., his son, Joe Johnson, Jr. and their attorney, Willie. Bruce Heyward.
2. The Court issued an order, that authorized Homer P. Mason, a licensed surveyor, to survey the roadbed of Doodle Hill Lane to determine its location so that the Plaintiff would have defined access over Doodle Hill Lane to the nearest public right of way; that being Betaw Road.
3. A survey of the roadbed was completed and submitted to the parties for their review. There were a number of objections by the Defendants; including the title of the survey itself which stated is was to adjust the boundaries of Doodle Hill Lane, the omission of another parcel along Doodle Hill Lane and the omission of a State culvert from the plat.
4. Plaintiff's Motion asked that the Court determine the boundaries of Doodle Hill Lane from the intersection of Doodle Hill Lane and Betaw Road to the Defendant Johnson's property

and that the right of way be contiguous with the property boundaries of the Plaintiff's tract and the Joseph V. Johnson, Sr. tract.

5. Plaintiff also asked that the width of Doodle Hill Lane be extended to 25 feet or to the existing power poles, whichever is less.

4. As a result of the Motion Hearing, upon the Court's own Motion, the prior Order of the Court was re-visited and the current Order issued that authorized Homer P. Mason to again survey Doodle Hill Lane and established Doodle Hill Lane as a twenty-five (25') foot right of way for the benefit of the Plaintiff to access Betaw Road.

5. The Court based its ruling on the findings enumerated below and decreed that all prior orders were also incorporated therein, without modification.

6. The Court found that either Joseph V. Johnson, Sr., Joseph V. Johnson Jr. or someone acting on their behalf placed "obstructions in the roadbed, erecting fencing and fence poles and plowing and planting crops in the roadbed".

7. Since the prior order was issued there have not been any obstructions placed in the roadbed nor have any obstructions been noted on the plat of the roadbed prepared by Homer P. Mason.

8. Additionally, the court found that twenty-five (25") feet was "reasonably necessary and convenient for the property owners along Doodle Hill Lane for ingress and egress". The other two property owners, to include the Defendant Johnsons, along Doodle Hill Lane have not now or every expressed a concern about the lack of access.

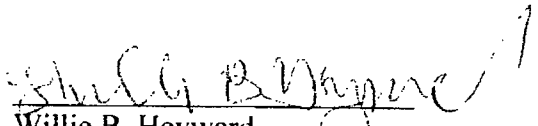
9. The plat of the re-survey pursuant to the order has not been submitted to the Defendants as yet but the stakes in the ground marking the new boundary of Doodle Hill Lane is approximately nine (9') feet into the Johnson's bean field and also substantially encroaches on

his corn field. There are also power poles, tress that have been in place for thirty years, mature azalea bushes and fencing that has been in place for years. The Plaintiff even admits that he helped place some of these now so-called obstructions in place.

CONCLUSION

For the reasons set forth above, the Defendants asks that the Court reconsider its order in view of the above and let the prior survey of the roadbed define the dimensions of Doodle Hill Lane.

Dated: September 22, 2014


Willie B. Heyward
Heirs Property Law Center, LLC.
27 Gamecock Ave, Ste. 200
Charleston, SC 29407 •
(843) 225-8754

Attorney for Defendants

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)

IN THE COURT OF COMMON PLEAS
OF THE NINTH JUDICIAL CIRCUIT
CIVIL ACTION NUMBER: 2012-CP-08-00284

Clyde Morris,)
PLAINTIFF.)

VS.)
Joseph V. Johnson, III, Joseph V.)
Johnson, Sr., Mildred R. Johnson,)
Joseph V. Johnson, Jr., William)
Johnson, and Allen R. Barnette.)
DEFENDANTS.)

**ORDER DENYING
MOTION FOR
RECONSIDERATION**

(Non-Jury –Declaratory Judgment)

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

2014 OCT 17 AM 10:25

FILED

THIS MATTER came before the Court on October 10, 2014 for a hearing on a motion for reconsideration filed by the Defendants Joseph V. Johnson, Sr. and Joseph V. Johnson, III. The Court heard the motion by way of telephone conference with Plaintiff's Counsel and Counsel for Joseph V. Johnson, Sr. and Joseph V. Johnson, III.

The Defendants filed their motion for the Court to reconsider its final order dated August 18, 2014 pursuant to Rule 59 SCRPC. The Defendants argued that the Johnson's have agricultural crops within Doodle Hill Lane and that there are power poles, trees, bushes and fencing within Doodle Hill Lane.

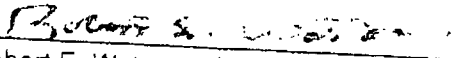
I find that the Defendants' motion is not timely. Pursuant to Rule 59 SCRPC a motion for a new trial or to alter or amend a judgment must be filed within 10 days after

receipt of written notice of the entry of the order. The final order which is the subject of this motion was entered on August 19, 2014. The Defendants filed their motion for reconsideration on September 25, 2014. Since the Defendants filed their motion more than ten (10) days of the entry of the final order I find that the motion must be dismissed.

The Court takes this opportunity to clarify its Final Order. Joseph V. Johnson, Sr. and Joseph V. Johnson, III, must immediately remove any obstructions from Doodle Hill Lane as set forth in the Court's order but such obstructions do not include utility or power poles.

NOW, THEREFORE, the Defendants' motion for reconsideration is hereby dismissed.

And it is so ORDERED this 13 day of October 2014.



Robert E. Watson
Master In Equity for Berkeley County, South Carolina

OCTOBER 13 2014
Moncks Corner, South Carolina

A-P-P-E-A-R-A-N-C-E-S

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For the Plaintiff:

Louden Law Firm
By: Chris J. Loudon, Esquire
223-A Heatley Street
Moncks Corner, SC 29461

For the Defendants:

Heirs' Property Law Center
By: Willie B. Heyward, Esquire
27 Gamecock Avenue
Charleston, SC 29407

Also Present: Joseph Johnson, Sr.
Joseph Johnson, Jr..
Allen Barnette

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INDEX

WITNESS:

Clyde Morris (sworn)

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Reporter's Certificate	34

EXHIBITS

Defendant's:	Marked
1 Survey Plat Dated 5/4/12	23
2 Photo	27
3 Photo	28
4 Photo	29
5 Photo	29
6 Photo	30
7 Photo	30

1 (Clyde Morris, having been first duly sworn,
2 testified as follows:)

3 EXAMINATION BY MR. HEYWARD:

4 Q. Good morning, Mr. Morris. My name is Attorney
5 Willie Heyward. I represent Mr. Joseph Johnson,
6 who is a defendant in this action. This action is
7 a civil action. That number is 2012-CP-08-248.
8 Caption: Clyde Morris versus Joseph V. Johnson,
9 III; Joseph V. Johnson Sr.; Mildred R. Johnson;
10 Joseph V. Johnson, Jr.; William Johnson; Allen R.
11 Barnette and Elizabeth Wright Barnette.

12 Mr. Morris, have you attended a
13 deposition or been deposed before?

14 A. No.

15 MR. LOUDEN: We're taking your deposition. We
16 don't allow people to do head shakes, so yes and
17 no. Uh-huh's and that sort of thing are very hard
18 for the court reporter to take down. So if you
19 just make sure your answer is verbal so she can
20 get that down.

21 Q. I'm going to be asking you some questions. We're
22 going to ask you to be truthful in responding to
23 those questions. Beforehand, I want to know, are
24 you under the influence of any drugs or alcohol
25 that would prohibit you from answering truthfully?

2

1 A. No.

2 MR. HEYWARD: Your attorney has the right to
3 object to any question. If your attorney has any
4 questions, he will object and we'll deal with that
5 at a later date, whether it's admissible in court
6 or not. But we ask you to answer those questions
7 as truthfully as possible. I also would like to
8 indicate that there are other people in the room.
9 If you could identify yourself. This is my client
10 Mr. Joseph V. Johnson. If you could identify
11 yourself.

12 MR. LOUDEN: Is this Mr. Johnson, Sr.?

13 MR. JOHNSON SR: Yes.

14 MR. JOHNSON JR: Joseph Johnson Jr.

15 MR. BARNETTE: Allen R. Barnette.

16 MR. HEYWARD: I would also like to caution
17 everybody that I will be asking the questions of
18 Mr. Morris, no comments from anyone else in the
19 room. If you have a question for me, I will take
20 a small break later on and we can clarify
21 anything. But anything you have to say for me,
22 just hold it until that time. No comments from
23 anyone else besides the deponent, Mr. Morris.

24 Q. Mr. Morris, how old are you?

25 A. Sixty-six.

- 1 Q. What do you do for a living, Mr. Morris?
- 2 A. I survey.
- 3 Q. How long have you been a surveyor?
- 4 A. Probably about 45 years.
- 5 Q. Do you have your own surveying business?
- 6 A. No. I work with my brother-in-law.
- 7 Q. What is your brother-in-law's name?
- 8 A. Buddy Dehay.
- 9 Q. That would be B-U-D-D-Y and Dehay would be
- 10 D-E-H-A-Y?
- 11 A. Yes.
- 12 Q. Do you have a surveyor's license?
- 13 A. No. He works under somebody else who has their
- 14 own license.
- 15 Q. Do you have a surveyor's license?
- 16 A. No, sir.
- 17 Q. To your knowledge, does your brother-in-law, Buddy
- 18 Dehay, have a surveyor's license?
- 19 A. No, sir.
- 20 Q. Do you work primarily in Berkeley County?
- 21 A. Yes, sir.
- 22 Q. Have you ever surveyed the property or surrounding
- 23 properties where you presently live?
- 24 A. Yes, sir.
- 25 Q. How long ago was that?

- 1 A. Probably about five years ago.
- 2 Q. The property that you surveyed five years ago,
3 exactly what property was that, Mr. Morris?
- 4 A. The Johnson property.
- 5 Q. So the defendant, William Johnson's property, you
6 surveyed that about five years ago?
- 7 A. About that.
- 8 Q. Did you survey that yourself, or did Mr. Dehay
9 survey it?
- 10 A. Mr. Dehay.
- 11 Q. Did Mr. Dehay survey that at your request?
- 12 A. No. Joe had it done.
- 13 Q. By Joe, you mean the defendant, Mr. Joseph
14 Johnson, Sr.?
- 15 A. Uh-huh (yes).
- 16 Q. Did you assist Mr. Dehay in that survey?
- 17 A. Yes, sir.
- 18 Q. What is your address, Mr. Morris?
- 19 A. 156 Doodle Hill Lane.
- 20 Q. Doodle Hill lane. Could you spell that for the
21 reporter? Is that one word?
- 22 A. Doodle Hill Lane.
- 23 Q. You have lived at this address for how long?
- 24 A. About 27 years.
- 25 Q. There's a house or a mobile home at you residence

- 1 where you live?
- 2 A. A mobile home.
- 3 Q. Is the mobile on a permanent foundation, or is it
- 4 still on wheels?
- 5 A. It's jacked up on blocks. It's on a foundation.
- 6 Q. Who lives at 166 Doodle Hill Lane besides
- 7 yourself, Mr. Morris?
- 8 A. My wife and son.
- 9 Q. How old is your son?
- 10 A. Twenty-seven.
- 11 Q. Mr. Morris, do you still go to work every day?
- 12 A. No, sir. I don't work regular. I work every now
- 13 and then.
- 14 Q. So you just work part-time or intermittent work?
- 15 A. Yes, sir.
- 16 Q. Do you go to your house by way of Doodle Hill
- 17 Lane?
- 18 A. Yes.
- 19 Q. Everyone else in your household does the same, by
- 20 way of Doodle Hill Lane?
- 21 A. Yes.
- 22 Q. How big of a parcel or how large is that parcel
- 23 upon which you live?
- 24 A. An acre.
- 25 Q. When you moved there 27 years ago, was it an acre

1 or has it been reduced or enlarged?

2 A. No. I bought an acre.

3 Q. If I were to say Doodle Hill is two words,
4 D-O-O-D-L-E and then Hill, H-I-L-L, would that be
5 correct?

6 A. Uh-huh (yes).

7 Q. When you first purchased that property at 166
8 Doodle Hill Lane did you have -- retract that.
9 You had adequate access when you first purchased
10 that property? You had adequate access to your
11 mobile home?

12 A. Yes. I had a 30 foot easement that the county
13 maintained.

14 Q. When you conveyed that property, did you have an
15 easement or did you have a right of way?

16 A. Easement.

17 Q. From whom did you purchase the property?

18 A. Mrs. Effie Johnson.

19 Q. How much did you pay for that property?

20 A. I believe it was \$1300.

21 Q. Do you know how much of an easement you said you
22 had to get to your property? What were the
23 dimensions; what was the access; what were the
24 dimensions of it?

25 A. Thirty feet.

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- 1 Q. Since the time of your purchase and having that
2 mobile home -- let me ask you this. How long
3 after you purchased the property did you put the
4 mobile home on the property?
- 5 A. About two years.
- 6 Q. So two years after purchase, then you put the
7 mobile home and you started living on the
8 property?
- 9 A. Uh-huh (yes).
- 10 Q. Since that time, have you had any problems with
11 access to your parcel, to your lot?
- 12 A. Yes.
- 13 Q. First of all, when did any problems start with
14 access to your lot?
- 15 A. About two years ago.
- 16 Q. This is 2013. Around 2011, you say?
- 17 A. Right.
- 18 Q. What kind of problems did you have accessing your
19 lot?
- 20 A. Fences, started putting up fences.
- 21 Q. Do you know who put up these fences?
- 22 A. Junior and Joseph.
- 23 Q. So Joseph Johnson, Sr., and Joseph Johnson, Jr.?
- 24 A. Right.
- 25 Q. Where were these fences located?

- 1 A. One was right in front of my house and the rest on
2 the side.
- 3 Q. Mr. Johnson [sic], I want you to have a look at a
4 document that is not a document, but a survey. It
5 is entitled maps of land owned by Mrs. Effie Annie
6 Mae Johnson, St. Stephen Parish, School District
7 Number -- it looks like a fraction -- Berkeley
8 County, South Carolina, dated July 18th, 1955.
9 Have you seen this document before, this map?
- 10 A. Yes, sir.
- 11 Q. On that map, does it show your property?
- 12 A. No, sir, I don't see it.
- 13 Q. Does it show the road on which you live?
- 14 A. Yes, sir, right here (indicating).
- 15 Q. If you could for me, mark on that map, indicate on
16 that map the road that you live on. First of all,
17 the road that you live on, does it have a name?
- 18 A. Yes. Doodle Hill Lane.
- 19 Q. Do you see Doodle Hill Lane on this map?
- 20 A. No, sir.
- 21 Q. Do you see something that says 30-foot county
22 road?
- 23 A. I see 30-foot.
- 24 Q. They have also an arrow that shows that this
25 30-foot county road leads to Harris Town Road. Do

1 you also see that? Over to the right where it
2 ends, where it says John Rand (ph) Estate.

3 A. No. I just see 133 here leading off this way.

4 Q. But you don't see where it says "to Harris Town
5 Road".

6 MR. LOUDEN: I think it's actually on the
7 left.

8 A. Yes. It's right there.

9 Q. You also notice around along this 30-foot county
10 road it has something that looks like TLB barn or
11 tobacco barn or something to that nature along
12 this 30-foot county road?

13 A. Yeah. I reckon that would be the barn there.

14 Q. Could this 30-foot county road be Doodle Hill
15 Lane?

16 A. No. It's going back down Harris Town way.

17 Q. At one time did Doodle Hill Lane go through, all
18 the way through?

19 A. Yes, sir.

20 Q. Was Doodle Hill Lane ever closed?

21 A. The end of it was from Joe's house on back.

22 Q. To clarify, did Doodle Hill Lane terminate at
23 Mr. Johnson Senior's property?

24 A. Right. At his house, it stops and it closes. It
25 used to be Doodle Hill Lane all the way.

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- 1 Q. How long ago was it closed?
- 2 A. I'd say about 10 or 12 years ago.
- 3 Q. So from 10 or 12 years ago up to this point,
- 4 Doodle Hill Lane terminated at Mr. Johnson's
- 5 property?
- 6 A. No, sir. At his house spot.
- 7 Q. Going down Doodle Hill Road toward Mr. Johnson's
- 8 property, would you pass your house?
- 9 A. No. It was closed from his house back to mine.
- 10 Q. But you could get your house, is what I'm asking?
- 11 A. Yes.
- 12 Q. If I went from the highway to Mr. Johnson's house,
- 13 I would pass your house?
- 14 A. Yes.
- 15 Q. Looking at that map you couldn't really identify
- 16 where your house is along that road?
- 17 A. No.
- 18 Q. Mr. Morris, I want you to look at a survey titled:
- 19 Survey plat showing center line of old private
- 20 farm road. In parentheses is "Dirt." Surveyed at
- 21 the request of Joseph V. Johnson, Sr., 2nd
- 22 St. Stephen Parish, Berkeley County, South
- 23 Carolina. That is dated may 4th, 2012. Have you
- 24 seen this survey before, Mr. Morris?
- 25 A. No.

1 Q. If you would indulge me by looking at this survey.
2 Do you see a parcel that is labeled with the TMS
3 number 037-00-050 and has the name Clyde Morris on
4 it?

5 A. Yes.

6 Q. You also see, it looks like the adjacent parcel is
7 037-00-01-010 and that is labeled Joseph V.
8 Johnson, Sr., et al, life estate. Do you see that
9 one also?

10 A. Yes.

11 Q. The parcel that is labeled Clyde Morris and ends
12 in 050, is that your parcel that you presently
13 live on?

14 A. Yeah.

15 Q. You stated previously that your access had been
16 blocked by fences that were put up by Mr. Johnson,
17 Sr., and Mr. Johnson, Jr.?

18 A. Yeah.

19 Q. On that survey, on that plat, could you show me
20 more or could you indicate where those fences were
21 put up along this Doodle Hill Lane road?

22 A. Yeah. They've got fences running like this way
23 (indicating) and this way and got some in front of
24 my house here (indicating).

25 Q. If you could just mark where those fences are that

1 block your access. If you could put your initials
2 by that line, I would appreciate it. So it's your
3 contention that right in front of your house a
4 fence has been erected by one of the Johnsons.
5 What kind of fence is it?
6 A. It's an iron post.
7 Q. An iron post fence?
8 A. Yes.
9 Q. Once again, how long has it been up?
10 A. About a year and a half.
11 Q. An iron post fence is still there today?
12 A. Yes.
13 Q. To be a little bit more specific, how did this
14 iron post fence restrict your coming and going to
15 your parcel?
16 A. You can't back a boat out of my yard.
17 Q. Do you have a boat, Mr. Morris?
18 A. Yes.
19 Q. Your contention is you can't back the boat out of
20 your yard because this fence restricts your
21 ability to do so?
22 A. Right. You can back into anything, without a
23 boat, if you don't watch it.
24 Q. Is there anything else besides the boat that
25 restricts your access to your parcel?

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- 1 A. No. It's hard to back a car out of there too.
- 2 Q. What kind of car do you have, Mr. Morris?
- 3 A. I've got a Ford pickup and a Townhouse [sic]
- 4 Lincoln. My boy got a Chevrolet pickup.
- 5 THE WITNESS: What's that car you've got?
- 6 MRS. MORRIS: Honda CRV.
- 7 Q. Besides this iron fence, is there any other fence
- 8 or obstacle in your way to accessing your parcel?
- 9 A. Going back next to Betaw Road here.
- 10 Q. There are obstacles when you go back towards Betaw
- 11 Road?
- 12 A. Yes.
- 13 Q. What kind of obstacles are there between your
- 14 house and Betaw Road?
- 15 A. Fence posts, lamp posts.
- 16 Q. On that same map that I showed you, could you
- 17 indicate where those fence posts and light posts
- 18 are approximately along that route to Betaw Road?
- 19 A. They're setting all over the place in there. I
- 20 mean, you ain't got the 30 feet in here.
- 21 Q. I didn't hear you.
- 22 A. You ain't got the 30 feet in here.
- 23 Q. Why don't you have the 30 feet? Is something
- 24 blocking the 30 feet?
- 25 A. Yeah, posts and stuff.

- 1 Q. What kind of posts?
- 2 A. Fence posts.
- 3 Q. Wooden fence posts?
- 4 A. Yes.
- 5 Q. What else?
- 6 A. Got some light poles in there.
- 7 Q. Metal light poles?
- 8 A. No, sir.
- 9 Q. Like electric poles?
- 10 A. Yeah.
- 11 Q. Anything else?
- 12 A. No.
- 13 Q. Is the wooden fence within the right of way?
- 14 A. Yes.
- 15 Q. Is the light pole within the right of way?
- 16 A. Some of them.
- 17 Q. Who erected -- first, let's go back to the iron
- 18 fence. Who erected the iron fence, to your
- 19 knowledge?
- 20 A. Allén did.
- 21 Q. Who erected the wooden fence, to your knowledge,
- 22 and the wooden light poles?
- 23 A. Joe had the poles put in.
- 24 Q. You also mentioned in your complaint that there
- 25 was some sort of planting and plowing of a portion

- 1 of this right of way that prevented your access?
- 2 A. Oh, yeah. They plant right in the road.
- 3 Q. Your contention is they were planting within the
- 4 right of way?
- 5 A. Yes.
- 6 Q. When did that occur?
- 7 A. During planting season. They do it every planting
- 8 season.
- 9 Q. So for the last two years' planting season, they
- 10 have been planting in the road?
- 11 A. Yeah.
- 12 Q. Do you do any planting, Mr. Morris?
- 13 A. No.
- 14 Q. When you say your access was restricted, did you
- 15 still have access to your house, to your parcel,
- 16 or was in making access difficult for you?
- 17 A. It was difficult getting in and out, especially
- 18 passing cars.
- 19 Q. Especially passing cars, meaning two cars passing
- 20 in the right of way?
- 21 A. Yes.
- 22 Q. Two cars could pass in that right away?
- 23 A. Yes, two cars can pass but you have to watch it.
- 24 Q. Would you say two trucks can pass, two pickup
- 25 trucks?

- 1 A. Yes. I think it would be close.
- 2 Q. This boat that you have, Mr. Morris, is it on a
3 trailer?
- 4 A. Yes.
- 5 Q. How long of a trailer is it?
- 6 A. 16-foot.
- 7 Q. 16-foot boat or trailer?
- 8 A. 16-foot boat.
- 9 Q. You don't know how long the trailer is?
- 10 A. About 16-foot.
- 11 Q. Have you ever had a chance to talk to Mr. Johnson,
12 Sr., concerning access or any obstructions in the
13 road?
- 14 A. Yeah. When he was putting it up, I asked him why
15 was he taking 20 foot of the road.
- 16 Q. And you asked him what? I didn't hear that part.
- 17 A. He took ten foot of the road, and I asked him why
18 he was doing it. He said nobody don't need but 20
19 foot.
- 20 Q. So your contention is he took 10 feet of the right
21 of way by placing obstacles or planting?
- 22 A. Yeah, down there by Barnette. He took 10 feet
23 down there by Barnette's.
- 24 Q. When you say he took 10 feet down there by
25 Barnette's, does that portion of the road that you

- 1 are referencing show on this map that you have in
2 front of you?
- 3 A. Right in here.
- 4 Q. Could you indicate there by putting the number two
5 and put there "Barnette," just where he is placing
6 that obstruction down by Mr. Barnette's place.
7 You said he took that 10 feet. Put the number two
8 and just initial there for me. Thank you, sir.
9 Other than those two portions of the right of
10 away, are there any other parts of the road that
11 restrict your ability to access your parcel?
- 12 A. Ain't 30 foot anywhere along there.
- 13 Q. There isn't 30 feet anywhere along there?
- 14 A. No.
- 15 Q. When the mailman comes, does the mailman come down
16 this road or he stops at Betaw Road?
- 17 A. Stops at Betaw Road.
- 18 Q. If someone was to deliver a package, say FedEx or
19 UPS, do they come up Doodle Hill Lane?
- 20 A. Yeah.
- 21 Q. Has anyone ever expressed to you that they had
22 difficulty getting to your house because of the
23 width of Doodle Hill Lane?
- 24 A. No.
- 25 Q. Have you ever gotten any deliveries from UPS or

- 1 FedEx within the last two years?
- 2 A. Yeah.
- 3 Q. Is there anyone else that can also testify, that
4 you're planning on calling to testify, to also
5 state that Doodle Hill Lane has been decreased in
6 width?
- 7 A. My wife.
- 8 Q. How do you get along with Mr. Johnson?
- 9 A. We put up with one another.
- 10 Q. You also have in your complaint that guests,
11 licensees, as well as emergency personnel and
12 utility workers and vehicles utilize Doodle Hill
13 Lane for ingress and egress, meaning coming and
14 going. Has anyone else besides you and your wife
15 indicated to you that they have had problems
16 accessing your parcel from Betaw Road?
- 17 A. Yeah. I hear people say it's hard to pass on that
18 road.
- 19 Q. Who are these people?
- 20 A. I don't know. People I talk to.
- 21 Q. Someone coming to your house?
- 22 A. Yeah.
- 23 Q. Were they guests of yours?
- 24 A. No.
- 25 Q. You are asking, in your complete -- let me ask you

- 1 the question: What are you asking for in your
2 complaint? What do you want? What kind of
3 remedy do you want?
- 4 A. I'm asking for my 30 feet.
- 5 Q. You want 30 feet to access your property?
- 6 A. On Betaw Road.
- 7 Q. You've mentioned planting, that Mr. Johnson
8 plants. Does he plant in front of your house?
- 9 A. He was planting in front of the house till he put
10 the fence up.
- 11 Q. Does he still plant there, to the best of your
12 knowledge?
- 13 A. Yeah.
- 14 Q. Has he always planted there for the duration that
15 you have lived there?
- 16 A. Yeah.
- 17 Q. There is no precipitating event within the last
18 two years where things would change between you
19 and Mr. Johnson, the relationship between you and
20 Mr. Johnson?
- 21 A. No.
- 22 Q. Do you have cable television at all?
- 23 A. Yeah.
- 24 Q. What do you have, cable or satellite?
- 25 A. Satellite.

1 Q. How long have you had it, the satellite?

2 A. Ever since we've been in there.

3 Q. Do you have electricity?

4 A. Yeah.

5 Q. Do you have a well or do you have water?

6 A. Well.

7 Q. Do any utility workers or the satellite people,
8 have they ever had a chance to come to your house
9 within the last two years?

10 A. I don't remember nothing within the last two
11 years.

12 MR. HEYWARD: I would like to ask that this be
13 admitted as Defendant's Exhibit 1.

14 MR. LOUDEN: No objection.

15 (Defendant's Exhibit No. 1 marked.)

16 Q. Just so we are clear, I want you to have another
17 look at what has been marked as Defendant's
18 Exhibit 1, which is that survey by Thomas L.
19 Westbury, dated May 4th, 2012, survey plat showing
20 the center line of this old farm road. We have
21 agreed that this is in fact Doodle Hill Lane.
22 Besides the portions that you have marked as being
23 problematic, you also stated that there is not 30
24 feet along any portions of Doodle Hill Lane, but
25 especially problematic are the two portions you

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- 1 have marked on the map, which is the portion
2 directly in front of your house and then further
3 down the road you've also marked that portion as
4 having lost ten feet of that?
- 5 A. Yes, sir.
- 6 Q. Are there any other problem areas for you to
7 access -- that interferes with your access to get
8 to Betaw Road or Doodle Hill Lane road that you
9 haven't already marked there?
- 10 A. Well, it's not 30 foot all the way through there;
11 that's what my complaint is.
- 12 Q. Your access is from your house, if I'm not
13 mistaken, to Betaw; is that correct?
- 14 A. Yes.
- 15 Q. So your assertion then is from your house to Betaw
16 Road is not 30 feet anywhere along there?
- 17 A. Right.
- 18 Q. But particularly in front of your house and that
19 other portion that you have marked interferes with
20 your access because you can't get your boat out?
- 21 A. I shouldn't have marked that because it doesn't
22 matter. Ain't none of it 30 feet through there.
- 23 Q. Once again, the portion that you have marked, you
24 said the fence out in front of your house
25 interferes with you bringing your boat out of

- 1 yours?
- 2 A. Yeah, the post in front the house.
- 3 Q. The other portion was particularly egregious in
- 4 the fact that it had taken ten feet away?
- 5 A. Yeah.
- 6 Q. Mr. Johnson is a planter, farmer, he continuously
- 7 farms?
- 8 A. Uh-huh (yes).
- 9 Q. When he farms, does he farm himself or does he
- 10 hire some people?
- 11 A. His boy does the farming.
- 12 Q. When they farm, have you ever seen him actually
- 13 farm?
- 14 A. Yes.
- 15 Q. When he farms, does he use farm equipment?
- 16 A. Yes.
- 17 Q. You said some of his fields are in front of your
- 18 house?
- 19 A. Yeah.
- 20 Q. When he accesses those fields, does he bring the
- 21 farm equipment across Doodle Hill Lane, down
- 22 Doodle Hill Lane to get to the field?
- 23 A. Yeah.
- 24 Q. When was the last time you or your agent or
- 25 someone on your behalf measured Doodle Hill Road

1 to determine its exact dimensions?

2 A. We had a survey done.

3 Q. When was this done?

4 A. Probably four months ago.

5 Q. Do you have a copy of that survey?

6 A. I ain't got it on me.

7 Q. Do you know if that has been recorded?

8 A. Yes, sir.

9 Q. Do you think you could get me that book and page
10 number?

11 A. I would think.

12 Q. Do you know who did the survey?

13 A. Pudgy Mason.

14 Q. Do you know if Pudgy Mason has a license?

15 A. Yeah.

16 (Deposition went off the record for a brief
17 period of time.)

18 Q. Mr. Morris, I have a series of pictures that I'm
19 going to give you and ask if you can identify
20 where these pictures were taken. I'm going to ask
21 if you recognize that location.

22 A. That is the end of the fence going back to my
23 house.

24 Q. Is that the same fence that you referenced in
25 Defendant's Exhibit No. 1 that was blocking your

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1 access?

2 A. Yes.

3 Q. And that's the fence that's preventing you from
4 bringing the boat out of your driveway?

5 A. No, sir. It's the one over here, the iron fence
6 post.

7 Q. This doesn't show the iron fence post?

8 A. No, sir. All these fences all are in the 30 foot.

9 MR. LOUDEN: His question was: Does that
10 photograph show the iron fence posts?

11 THE WITNESS: I see. No.

12 Q. It doesn't show the iron fence post that you
13 referenced in Exhibit 1?

14 A. No, sir.

15 Q. That dirt road, is that Doodle Hill Lane road?

16 A. Yes.

17 Q. That is the road that goes in front of your house?

18 A. Yeah.

19 MR. HEYWARD: I'd like to mark this
20 photograph, that Mr. Morrison just identified, as
21 Defendant's 2, please.

22 (Defendant's Exhibit No. 2 marked.)

23 Q. I'd like you to look at the next photograph, if
24 you would, Mr. Morris, and tell me if you can
25 identify where that is located.

1 A. Yes. That is going to my house.

2 Q. Does it also show fencing on the side of the road?

3 A. Yeah.

4 Q. Your contention is also that those fences are in
5 the right of way?

6 A. Yeah.

7 MR. HEYWARD: I'd like to enter as Defendant's
8 3 the photograph that Mr. Morris just identified.

9 (Defendant's Exhibit No. 3 marked.)

10 Q. Mr. Morris, I have a few more. If you can look at
11 that and see if you can identify that location.

12 A. Yes. That's Joe's old house spot, going to the
13 house.

14 Q. That's Mr. Johnson's old house spot you said,
15 Senior?

16 A. Yeah. Both of them lived there at one time.

17 Q. That's also Doodle Hill Lane?

18 A. Yeah.

19 Q. It also shows fences on both sides of the road.
20 Your contention, that those are also in the right
21 of way?

22 A. Yes, sir.

23 MR. HEYWARD: I'd like to enter the
24 photograph, that Mr. Morris just identified, as
25 Exhibit 4.

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1 (Defendant's Exhibit No. 4 marked.)

2 Q. If you could look at this photograph and tell me
3 if you recognize where that was taken.

4 A. That's down there right in front of Allen
5 Barnette's.

6 Q. So this is by Mr. Barnette's house. Is that close
7 or is that the area that you also marked on
8 Defendant's 1 as having some of the access
9 restricted or taken away?

10 A. Yeah.

11 Q. I see a house in that picture. Is that house
12 still there?

13 A. Yeah.

14 Q. Whose house is that?

15 A. That was Bubba Johnson but now it belongs to Ryan
16 Morris.

17 MR. HEYWARD: I'd like to enter as Exhibit 5,
18 the photograph that Mr. Morris just identified.

19 (Defendant's Exhibit No. 5 marked.)

20 Q. If you could look at this photograph. Tell me if
21 you recognize where along the road that was taken.

22 A. That is below the Barnette track.

23 Q. That is close to Mr. Barnette's house?

24 A. Yes, sir. That's about in front of Allen
25 Barnette's.

1 Q. That's also in that area that you noted earlier
2 that the access had been decreased, diminished?

3 A. Yes.

4 MR. HEYWARD: I'd like to enter the
5 photograph, that Mr. Morris just identified, as
6 Defendant's 6.

7 (Defendant's Exhibit No. 6 marked.)

8 Q. This is the last one, Mr. Morris. Tell me if you
9 recognize that area that was taken in, please.

10 A. Yeah. That's the head of Betaw Road.

11 Q. Is that the turn in off of Betaw to Doodle Hill
12 Lane?

13 A. Yeah.

14 Q. When you turn in, is Betaw Road paved?

15 A. Yeah.

16 Q. And Doodle Hill Lane, what is the composition of
17 Doodle Hill Lane; is it dirt, gravel?

18 A. Dirt.

19 MR. HEYWARD: I'd like to lastly enter the
20 photograph, that Mr. Morris has identified, as
21 Defendant's 7.

22 (Defendant's Exhibit No. 7 marked.)

23 Q. I'm going to thank you for your time and patience,
24 Mr. Morris. I have a few more questions. You
25 also mentioned that Johnson Senior was a farmer

- 1 and you noticed him farming over the years that
2 you've been neighbors and that he moves his farm
3 equipment over Doodle Hill Lane to his fields. Am
4 I correct in that statement?
- 5 A. Yes.
- 6 Q. Are you familiar with farm equipment at all?
- 7 A. Yeah.
- 8 Q. I'm not. Could you tell me, does he pull a
9 tractor or a truck?
- 10 A. He pulls disks and stuff with the truck.
- 11 Q. Do you know how wide those disks are?
- 12 A. No.
- 13 Q. Any other equipment besides a disk that you see
14 him pull with the tractor?
- 15 A. He's got a combine.
- 16 Q. Do you know how wide the combine is?
- 17 A. No.
- 18 Q. Do you notice any difficulty Mr. Johnson having in
19 moving his equipment back and forth over Doodle
20 Hill Lane road to his fields?
- 21 A. He takes up the whole road when he goes down it.
- 22 Q. Do you notice any difficulty with him moving his
23 equipment back and forth?
- 24 A. No.
- 25 Q. Those fences and posts that you mentioned earlier

- 1 that were infringing on your access -- when you
2 bought that property, you indicated you had it
3 some time -- were there any electric poles already
4 there in existence?
- 5 A. Yeah.
- 6 Q. Are all those poles still there?
- 7 A. One.
- 8 Q. Have they been replaced?
- 9 A. The whole line has.
- 10 Q. Are they in the same position that they were when
11 you first purchased your parcel?
- 12 A. No.
- 13 Q. They have been moved from where they were when you
14 first purchased your parcel?
- 15 A. Yeah.
- 16 Q. Also, when you first purchased that parcel, was
17 Doodle Hill Lane a private road or a public road,
18 to your knowledge?
- 19 A. Public.
- 20 Q. And it subsequently was closed?
- 21 A. It was a county maintained road at the time.
- 22 Q. Now it terminates, as you said, at Mr. Johnson's
23 property?
- 24 A. Right.
- 25 MR. HEYWARD: Mr. Morris, I want to thank you

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for your time and showing up. I appreciate your
diligence in answering my questions. Please
answer any questions your lawyer may have for you.

MR. LOUDEN: I don't have any questions.

(Deposition concluded at 12:16 p.m.)

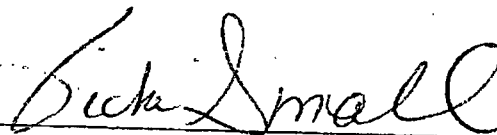
71

1 STATE OF SOUTH CAROLINA)
 2 : C-E-R-T-I-F-I-C-A-T-E
 3 COUNTY OF CHARLESTON)
 4

5 I, Vicki Small, Court Reporter and Notary Public,
 6 certify that I did have Clyde Morris to appear before me
 7 at 11:06 a.m. on Friday, January 25, 2013, at the Louden
 8 Law Firm, 223-A Heatley Street, Moncks Corner, South
 9 Carolina; that the witness was sworn and cautioned to
 10 tell the truth; these pages constitute a true and
 11 accurate transcript of the testimony given at that time
 12 and place.

13 I further certify that I am not of counsel or kin to
 14 any of the parties to this cause of action, nor am I
 15 interested in any manner in its outcome.

16 IN WITNESS WHEREOF, I have hereunto set my hand and
 17 seal this the 4th day of February, 2013.
 18

19 
 20

21 Vicki Small

22 Notary Public for South Carolina

23 My Commission Expires: 03/27/22
 24
 25



DEFENDANT'S
EXHIBIT
2 Morris
1/25/13 &



DEFENDANT'S
EXHIBIT
3 Morris
1/25/13 &



DEFENDANT'S
EXHIBIT
4 Morris
1/25/13



DEFENDANT'S
EXHIBIT
5 Morris
1/25/13

74



DEFENDANT'S
EXHIBIT
6 Morris
125113 88

PENICAD 800-631-6989



DEFENDANT'S
EXHIBIT
7 Morris
125113 88

PENICAD 800-631-6989

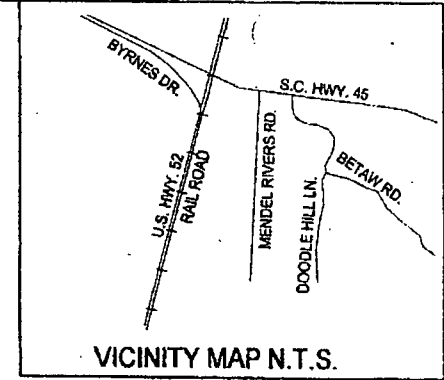
75

00011570
 PLAT CABINET
 Filed and Recorded
 May 17, 2012 11:23A
 Cynthia B. Forte
 Registrar of Deeds Berkeley Co. SC

PAGE 147-Q

Berkeley County Planning & Zoning
 Received As Information
 Admin Officer
 Date 5/17/12

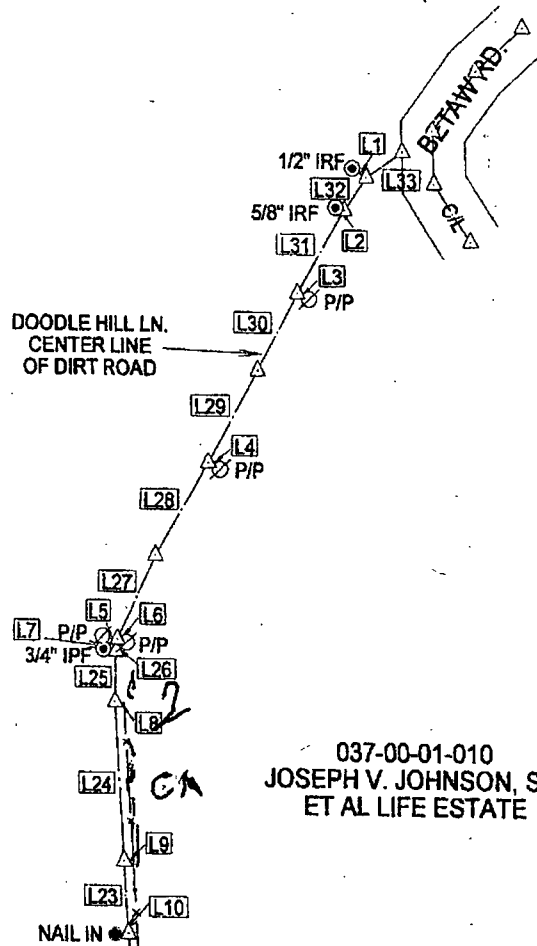
- NOTES: (1): THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL FLOOD HAZARD ADMINISTRATION FLOOD HAZARD BOUNDARY MAP, AND FIND THE SURVEY DESCRIBED IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.
- (2): AREA WAS DETERMINED BY THE COORDINATE METHOD AND ALL INFORMATION SHOWN ON THIS PLAT OUTSIDE THE SURVEYED PROPERTY LINES IS FOR DESCRIPTIVE INFORMATION ONLY.
- (3): ALL REFERENCED MATERIALS ON THIS PLAT WERE USED TO PERFORM THIS SURVEY ONLY, THERE HAS NOT BEEN ANY TITLE SEARCH TO ACQUIRE THE INFORMATION SHOWN.
- (4): THERE HAS BEEN NO SURVEY DONE TO DETERMINE WETLANDS AND/OR UNSEEN STRUCTURES TO PROHIBIT DEVELOPEMENT OF THIS PROPERTY.
- (5): SET BACK REQUIREMENTS ARE 35' ON THE FRONT 15' ON THE SIDES, AND 30' ON THE REAR.



TMS# 037-00-01-010
 DEED REF.: BOOK 8358 @ PG. 86
 PLAT REF.: CAB. M @ PG. 124-Q

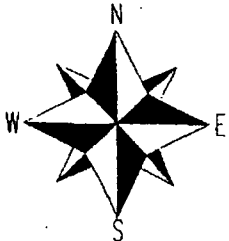
- IRF: IRON ROD FOUND
- IRS: IRON ROD SET
- IPF: IRON PIPE FOUND
- IPS: IRON PIPE SET
- CMF: CONCRETE MONUMENT
- △: CALCULATED POINT
- P/P: POWER POLE
- - - : FENCE

LAND ZONED "F-1"



037-00-01-010
 JOSEPH V. JOHNSON, SR.
 ET AL LIFE ESTATE

037-00-01-010
 JOSEPH V. JOHNSON, SR.
 ET AL LIFE ESTATE



9/11/12

037-00-01-010
JOSEPH V. JOHNSON, SR.
ET AL LIFE ESTATE

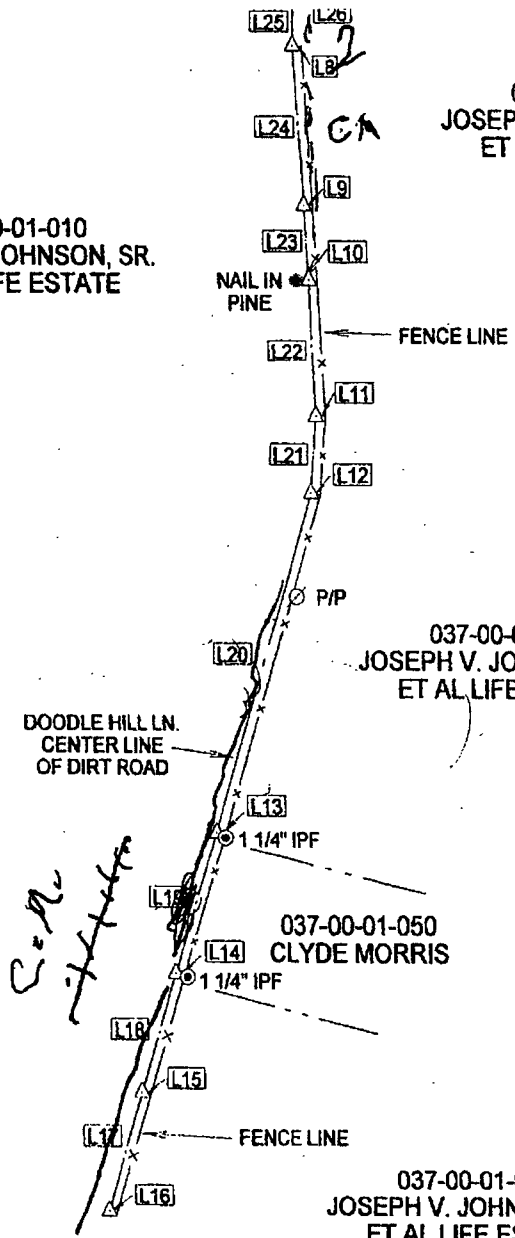
037-00-01-010
JOSEPH V. JOHNSON, SR.
ET AL LIFE ESTATE

037-00-01-010
JOSEPH V. JOHNSON, SR.
ET AL LIFE ESTATE

037-00-01-010
JOSEPH V. JOHNSON, SR.
ET AL LIFE ESTATE

037-00-01-050
CLYDE MORRIS

037-00-01-010
JOSEPH V. JOHNSON, SR.
ET AL LIFE ESTATE



Id	Bearing	Distance
L1	S 58°25'15" E	17.83'
L2	S 70°14'52" E	9.63'
L3	S 63°52'08" E	13.82'
L4	S 61°29'17" E	13.97'
L5	S 76°51'11" E	26.60'
L6	S 72°45'00" E	9.83'
L7	S 81°15'54" E	13.82'
L8	S 88°30'11" E	9.37'
L9	N 85°58'57" E	9.40'
L10	N 87°01'15" E	13.38'
L11	S 88°48'44" E	10.54'
L12	S 80°03'10" E	10.04'
L13	S 69°16'11" E	9.61'
L14	S 73°34'09" E	13.22'
L15	S 71°21'32" E	9.22'
L16	S 73°00'24" E	8.56'
C/L RD. - L17	S 16°47'30" W	129.78'
C/L RD. - L18	S 17°05'20" W	128.16'
C/L RD. - L19	S 17°16'25" W	151.73'
C/L RD. - L20	S 16°23'16" W	367.07'
C/L RD. - L21	S 04°05'20" W	79.15'
C/L RD. - L22	S 02°34'16" E	143.45'
C/L RD. - L23	S 03°08'22" E	76.47'
C/L RD. - L24	S 03°14'39" E	166.10'
C/L RD. - L25	S 00°49'54" W	53.45'
C/L RD. - L26	S 07°33'00" W	12.50'
C/L RD. - L27	S 24°14'39" W	95.56'
C/L RD. - L28	S 29°57'53" W	110.88'
C/L RD. - L29	S 28°22'21" W	109.04'
C/L RD. - L30	S 27°30'06" W	91.81'
C/L RD. - L31	S 29°20'02" W	100.10'
C/L RD. - L32	S 34°29'35" W	41.78'
C/L RD. - L33	N 55°07'16" E	45.80'

**SURVEY PLAT SHOWING CENTER LINE
OF OLD PRIVATE FARM ROAD (DIRT)
SURVEYED AT THE REQUEST OF:**

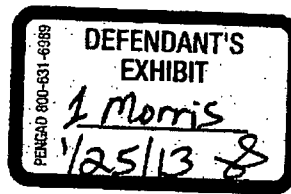
I HEREBY STATE TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "C" SURVEY AS SPECIFIED THEREIN.

JOSEPH V. JOHNSON, SR.
ET AL LIFE ESTATE

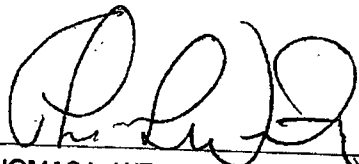
SURVEY PLAT SHOWING CENTER LINE
OF OLD PRIVATE FARM ROAD (DIRT)
SURVEYED AT THE REQUEST OF:
JOSEPH V. JOHNSON, SR.
2ND ST. STEPHEN PARISH
BERKELEY COUNTY, SOUTH CAROLINA

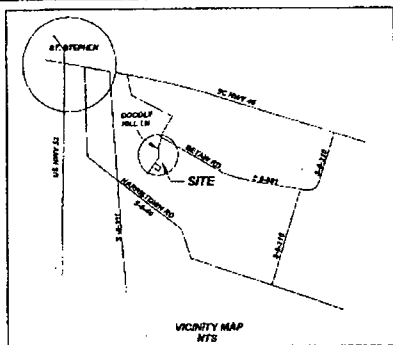
MAY 4, 2012

SCALE 1" = 200'
0 100 200



I HEREBY STATE TO THE BEST OF MY KNOWLEDGE
AND BELIEF THAT 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 "C"
SURVEY AS SPECIFIED THEREIN.


THOMAS L. WESTBURY SCPLS# 23571
202 COUNTRY CLUB BLVD.
ST. GEORGE, S.C. 29477
(843) 560-2623



NOTE:
DOODLE HILL LANE IS 35' IN WIDTH
AND CONTAINS 0.31 ACRE.

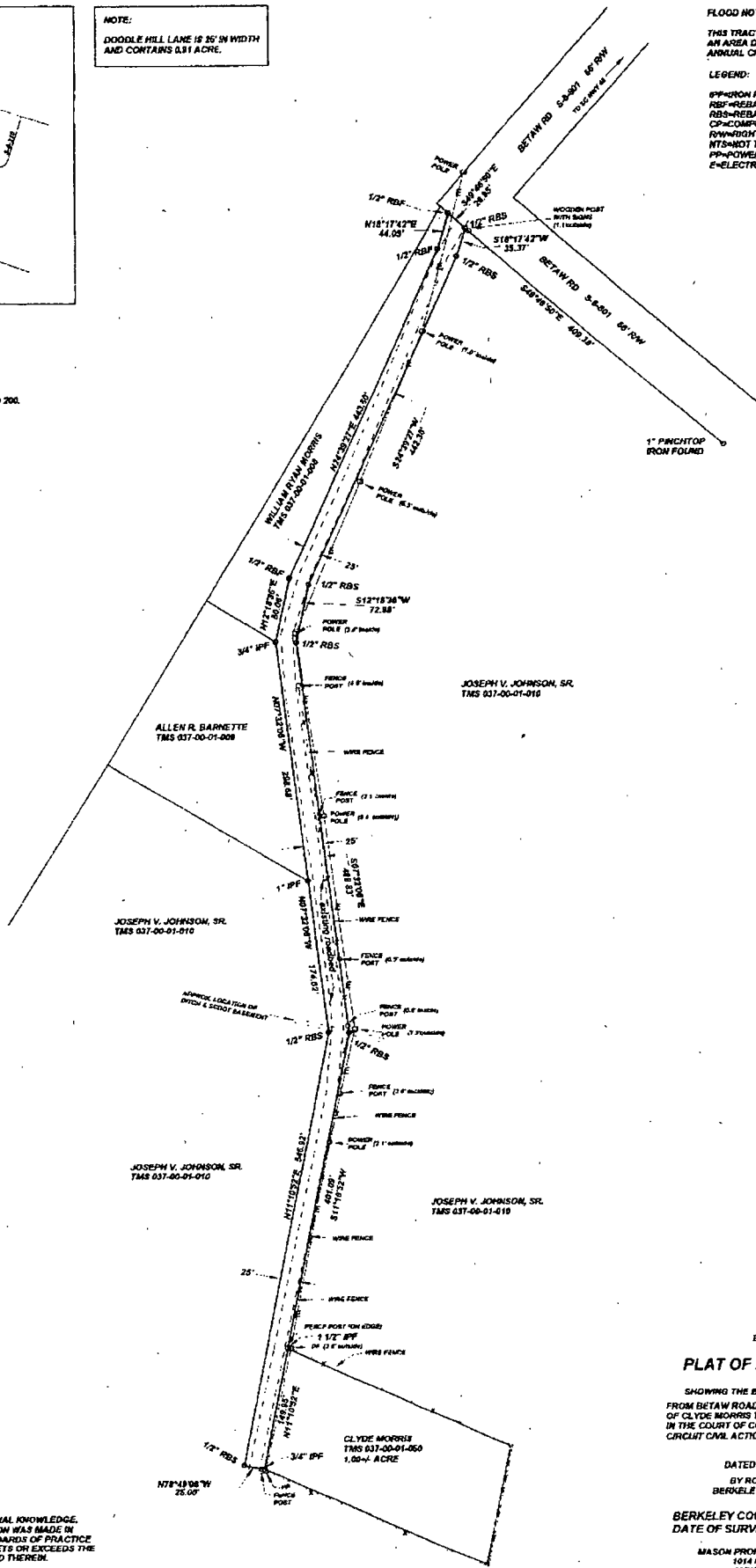
FLOOD NOTE:
THIS TRACT APPARENTLY LIES IN FLOOD ZONE "X",
AN AREA DETERMINED TO BE OUTSIDE THE 0.2%
ANNUAL CHANCE FLOOD ZONE.

LEGEND:
RPP=IRON PIPE FOUND
RSP=REBAR FOUND
RBS=REBAR SET
CP=COMPUTED POINT
RWN=RIGHT OF WAY
NTS=NOT TO SCALE
PP=POWER POLE
E=ELECTRICAL LINE



NOTE:
TMS 037-00-01-010
TMS 037-00-01-060
ZONED P-1

- REFERENCE:
- 1-MAP BY E. A. DENNIS, RLS TITLED "MAP OF LAND OWNED BY MRS. EFFIE ANNE MAE JOHNSON" DATED JULY 18, 1855 AND RECORDED PLAT BOOK K Pg 200.
 - 2-PLAT BY JAMES E. PAULER, RLS TITLED "PLAT OF LAND OWNED BY EFFIE A. JOHNSON ABOUT TO BE CONVEYED TO JAMES F. AND SYLVIA E. HUNBERT", DATED SEPTEMBER 8, 1976 AND RECORDED PLAT BOOK T Pg 85
 - 3-PLAT BY J.B. ELLIS, SR., RLS TITLED "MAP OF 0.88 ACRE LAND SHOWING THE LOCATION OF IMPROVEMENTS AND OWNED BY WILLIAM JOHNSON" DATED SEPT. 7, 1986.
 - 4-PLAT BY ROBERT J. SAMPLE, PE & RLS TITLED "PLAT SHOWING THE COMBINATION OF TMS 037-00-01-010, TMS 036-00-04-026 & TMS 036-00-04-011 TO CREATE TRACT C (116.21 ACRES), PROPERTY OF JOSEPH V. JOHNSON", LOCATED IN 3RD ST. STEPHEN PARISH, BERKELEY COUNTY, SC DATED MAY 30, 2008 AND RECORDED IN PLAT CABINET M Pg 124-Q.
 - 5-PLAT BY J. HUGH CAMPBELL, RLS TITLED "PLAT OF LAND, 1.03 AC, OWNED BY ALLEN R. & JUDY A. BARNETTE", DATED JULY 22, 1978 AND RECORDED PLAT CABINET D Pg 8.



00026444
PLAT CABINET R PAGE 396-P
Filed and Recorded
Nov 14, 2014 09:08A
Candice B. Forte
Register of Deeds Berkeley Co. SC

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN.

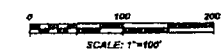
Homer P. Mason

HOMER P. MASON
P.L.S. NO. 6861
1014 MCKNIGHT FOREST ROAD
MONCK'S CORNER, S.C. 29481

FILE: MORRIS2
BOOK 43

Berkeley County Planning & Zoning
Received As Information
[Signature] Admin Officer
11/13/14 Date

BOUNDARY SURVEY
PLAT OF DOODLE HILL LANE
SHOWING THE BOUNDARY OF DOODLE HILL LANE
FROM BETAW ROAD (S-8-381) TO THE SOUTHERN BOUNDARY
OF CLYDE MORRIS TRACT (TMS 037-00-01-060) AS ORDERED
IN THE COURT OF COMMON PLEAS OF THE NINTH JUDICIAL
CIRCUIT CIVIL ACTION NUMBER: 2013-CP-08-00284.
FINAL ORDER
DATED: 18th DAY OF AUGUST 2014
BY ROBERT E. WATSON, JUDGE
BERKELEY COUNTY MASTER IN EQUITY
BERKELEY COUNTY SOUTH CAROLINA
DATE OF SURVEY OCTOBER 30, 2014



79

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Robert E. Watson. – Master-in-Equity

RECEIVED
OCT 19 2015
SC Court of Appeals

APPELLATE CASE NUMBER 2014-002580

Clyde Morris.....Respondent,

v.

Joseph V. Johnson, III, Joseph V. Johnson, Sr., Mildred R. Johnson, Joseph V. Johnson, Jr., William Johnson and Allen R. Barnette, Defendants,

of whom Joseph V. Johnson, Sr. and Joseph V. Johnson Jr.,
are the..... Appellants

CERTIFICATE OF COUNSEL

Other Counsel of Record:

Willie B. Heyward
Heirs' Property Law Center, LLC
27 Gamecock Ave., Suite 200
Charleston, SC 29407
(843) 225-8754
Attorney for Appellant, Joseph V.
Johnson, Sr. and Joseph V. Johnson Jr.

Clyde Morris
156 Doodle Hill Lane
St. Stephens, SC 29479
Respondent / Pro Se

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by the parties and not any other material under Rule 210, SCACR.

SIGNATURE PAGE FOLLOWS

October 15, 2015

WILLIE B. HEYWARD
HEIRS PROPERTY LAW CENTER, LLC
27 Gamecock Ave., Suite 200
Charleston, SC 29407
(843) 225-8725
(843) 225-8756 Facsimile
Attorney for Appellant