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SC Court of Appeals

STATE OF SOUTH CAROLINA  
COUNTY OF CHESTER

IN THE COURT OF COMMON PLEAS

C/A NO: 2015-CP-12-00024

Heather Rousey Piper,

Plaintiff,

v.

Kerry Grissinger, William P. Hardee, and  
Paul E. Lesondak

Defendants.

FINAL ORDER

FILED

2016 MAY -9 A 11:57

CLERK OF COURT  
CHESTER CO S.C.

THIS MATTER came before the Court on March 14, 2016 for a bench trial to determine the location of an easement to that certain land locked property located in Chester County, South Carolina, with TMS Number 080-03-04-010-000, owned by Heather Rousey Piper, known in this action as the "Piper Parcel", and as further described in the Complaint.

At the trial, Jessica C. Crowson and Christopher L. Boguski appeared on behalf of the Plaintiff. John Martin Foster appeared on behalf of the Defendants Kerry Grissinger and Paul E. Lesondak, and William P. Hardee appeared *pro se*.

At the trial, the parties presented evidence regarding how the Piper Parcel became landlocked, how the property known as the Piper Parcel has been accessed in the past, and how the Plaintiff and other parties currently access the Piper Parcel. Specifically, evidence was presented regarding three (3) possible easements to the Piper Parcel, including:

- i. The "Gandy Easement", whereby ingress and egress is along, or substantially similar to, that path on Defendant Lesondak's property and marked by dashed lines and labeled as "original access easement used by Gandy to access Gandy prop. (now

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Piper prop.)" as shown on the Exhibit attached hereto<sup>1</sup>;

- ii. The "Current Easement", whereby ingress and egress is along Severance Drive and then curving onto both Defendant Grissinger's and Defendant Lesondak's property, along a route which is substantially similar to the path marked by dashed "E" lines, as shown on the Exhibit attached hereto; and
- iii. The "Hardee Easement", whereby ingress and egress is along Severance Drive and along the property line of both Defendant Grissinger's and Defendant Hardee's properties, along a route which is substantially similar to the path marked by straight lines between the Grissinger property and the Hardee property, as shown on the Exhibit attached hereto.

Subsequently, on March 15, 2016, the Court and the above named Parties visited the Piper Parcel to determine the most appropriate and feasible means of access to the Piper Parcel.

Based on the pleadings filed in this action, the testimony of the parties, the exhibits presented at the trial, and a review of the Piper Parcel and the surrounding properties, I find that the means of access known as the "Gandy Easement" is the most appropriate means of access to and from the Piper Parcel, and, therefore,

IT IS ORDERED, ADJUDGED AND DECREED that:

1. The Plaintiff, her heirs, successors, and assigns is hereby granted an easement for ingress and egress, fifteen (15) feet in width, along that path known as the Gandy Easement;

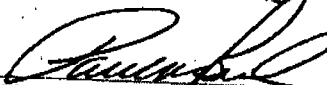
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<sup>1</sup> The Exhibit attached hereto was entered into evidence during the trial by counsel for the Plaintiff and was labeled as Plaintiff's Exhibit B. This Exhibit was entered without objection from opposing counsel or the *pro se* Defendant. This Exhibit was referenced repeatedly throughout the trial by both counsel for the Plaintiff, counsel for Defendants Lesondak and Grissinger, and by numerous witnesses during their testimony.

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2. That the Plaintiff shall obtain a survey of the Gandy Easement, at the Plaintiff's cost, and have such survey recorded in the Chester County Register of Deeds;
3. That Defendant Lesondak bear all costs related to any clearing or removal of any obstruction on his property required to facilitate the Gandy Easement;
4. That the Plaintiff bear all costs related to any clearing or removal of any obstruction on her property required to facilitate the Gandy Easement;
5. That all parties are permanently restrained from any harassment of the other parties and from blocking the Gandy Easement or impeding the Plaintiff's use of the Gandy Easement in any way;
6. That all parties be responsible for their own costs and expenses related to this action;  
and
7. That the counterclaims against Plaintiff be dismissed, with prejudice.

IT IS SO ORDERED.

  
The Honorable Judge Paul M. Burch  
Presiding Judge

Date: May 3rd, 2016

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CLERK OF COURT  
CHESTER COUNTY S.C.

