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M. RICHARDSON HYMAN, JR.
P.O. Box 127
CHARLESTON, SOUTH CAROLINA 29402

MRHCHAS@COMCAST.NET

RECEIVED

JUN 27 2016

SC Court of Appeals

June 24, 2016

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Mildred Ann Kinghorn v. George Sakakini
Appellate Case No.: 2016-001278

Dear Ms. Kitchings:

Per your letter of 17 June 2016, please find enclosed a copy of the Complaint.
Respondent's counsel is being carbon copied.

If I can be of further assistance, please let me know. I am and remain,

Sincerely,

A handwritten signature in black ink, appearing to be "M. Richardson Hyman, Jr.", written over a horizontal line.

M. Richardson Hyman, Jr.
SC Bar No.: 64867
Post Office Box 127
Charleston, South Carolina 29402
(843) 416-1047
Attorney for Appellant

cc: C. Scott Graber, Esquire
605 Carteret Street
Beaufort, South Carolina 29902
Attorney for Respondent
(843) 524-8204

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)
)
 MILDRED ANNE KINGHORN AS)
 TRUSTEE FOR THE MILDRED ANNE)
 KINGHORN TRUST, DATED)
 APRIL 28, 2004,)
)
 Plaintiff,)
)
 -versus-)
)
 GEORGE C. SAKAKINI,)
)
 Defendant.)
)
 _____)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 CASE NO. 2014-CP-07-577

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2015 JUN 27 2016

SC Court of Appeals

COMPLAINT

JUN 27 2016
 10 11:03 AM
 CLERK OF COURT

Plaintiff, complaining of Defendant, would allege and say the following:

- (1) The Mildred Anne Kinghorn Trust, dated April 28, 2004, is the owner and possessor of real property described as Lot 44, Picket Fences Subdivision as shown on a plat prepared by David E. Gasque, RLS, dated February 9, 2000, and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina in Plat Book 75 at Page 142.
- (2) Defendant George C. Sakakini is a resident of Beaufort County South Carolina, owning and possessing that real property described as Lot 43, Picket Fences Subdivision, as shown on a plat prepared by David E. Gasque, RLS, dated February 9, 2000 and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina in Plat Book 75 at Page 142.
- (3) Plaintiff believes that this Honorable Court has jurisdiction of these matters and of this dispute as that dispute is detailed below.

(4) Defendant acquired title to Lot 43, Picket Fences Subdivision on January 21, 2004 by way of a General Warranty Deed wherein the description in the said deed cited the plat recorded in Plat Book 75 at Page 142.

(5) Plaintiff acquired fee simple title to Lot 44, Picket Fences Subdivision on August 28, 2013, by way of a general warranty deed having a description citing Plat Book 75 at Page 142, as well as an individual plat prepared by David E. Gasque, RLS, dated January 8, 2013 and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina in Book 3221 at Page 1454.

(6) After Plaintiff acquired Lot 44 in August of 2013, Defendant trespassed, encroached and entered upon Lot 44 numerous times, but in particular:

(a) in the spring of 2014 a stone border was constructed by Defendant's agent that encroached northward into Lot 44, and also

(b) in the spring of 2014 Defendant, or Defendant's agent, claiming that a hazelnut seedling was on Lot 43, placed a wire cage over the said seedling.

(7) In December of 2014 Plaintiff hired David Gasque, RLS, to locate and mark the boundary between Lots 43 and 44. David Gasque came upon the properties and confirmed the location of the boundary by putting orange ribbons on the Eastern and Western ends of the boundary.

(8) On December 22, 2014, Defendant called Plaintiff saying that the orange ribbon on the Eastern end was "probably in the right place"; but told Plaintiff that David Gasque's orange ribbon on the picket fence (marking the Western end) was in the wrong place.

(9) On or about December 27, 2014 and on or about February 7, 2015 Defendant, or Defendant's agent, put compost, or yard debris approximately 8 feet into Lot 44.

(10) On February 14, 2015 Defendant or Defendant's agent planted a tree (near the river bank) on Lot 44. This tree was approximately eight (8') feet into the lot.

(11) On January 23, 2015, Defendant wrote a letter to Plaintiff saying that he objected "to any and all of your agent's surveyor's pins, ribbons, stakes, etc" and that he viewed this as "trespass upon my property". Defendant went on to say:

I am sure by now you must realize and agree how absurd it was when the marks placed by your surveyor failed to conform to the pattern and practice of all the other lots on our street as was originally established by Richard Pingree and Ed Wallace (deceased), Picket Fences' developers when the two established and developed the community of Picket Fences. Their intent was recorded in the original plat record filed in Beaufort County Register of Deeds. Surely you recognize and do not disagree that it is clear from the way the developers of Picket Fences placed the fence on the lot where my home was constructed, that the area immediately surrounding and adjoining this fence line was my property.

(12) Plaintiff verily believes that these plantings, encroachments and incursions by Defendant, or Defendant's agent, as detailed above, constitute trespass inasmuch as the Plaintiff was in peaceable possession of Lot 44 on and after August, 2013; that Defendant or Defendant's agent entered upon Lot 44 as specified above; that these entries and encroachments were without the Plaintiff's permission.

(13) Plaintiff has suffered actual damages in that she has lost her peaceable possession; has been unable to utilize parts of her yard; She has lost a part of her access to the water; she has been agitated, annoyed and distressed.

FOR A SECOND CAUSE OF ACTION

(14) This action is also brought pursuant South Carolina's Uniform Declaratory Judgment Act; also known as §15-53-10 et. seq. of the Code of Laws of South Carolina, 1976, as amended.

(16) Plaintiff and Defendant are owners of adjacent lots in the Picket Fences Subdivision, Beaufort County, South Carolina.

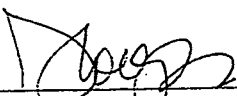
(17) Plaintiff and Defendant disagree about the location of the boundary line between Lots 43 and 44, Picket Fences Subdivision, Beaufort County, South Carolina as detailed above.

(18) Plaintiff believes that Defendant's actions are an interference with her rights of exclusive and peaceable possession and his entry was without her permission and constitutes trespass.

(19) Plaintiff further prays for an Order preventing the Defendant from further incursions, excursions and entries into Lot 44.

WHEREFORE, Plaintiff prays that this Court inquire into these matters and confirm the boundary line (between Lots 43 and 44) as platted by David E. Gasque, R.L.S. on February 9, 2000 and January 8, 2013; that this Court further find that Defendant has repeatedly trespassed over the boundary line as confirmed by David E. Gasque, R.L.S.; that this Court award actual damages to the Plaintiff to be proved by the Plaintiff in the trial of this matter; that this Court issue an Order enjoining any further encroachment over the boundary line as confirmed by David Gasque, R.L.S.; by Defendant; and for such other relief as is just and proper.

RESPECTFULLY SUBMITTED,

by: 
C. Scott Graber, Esquire
Attorney for the Plaintiff
605 Carteret Street
Beaufort, South Carolina 29902
(843) 524-8204

3/10, 2015
Beaufort, South Carolina