

1 State of South Carolina) Court of Common Pleas
 2 County of Beaufort) 14th Judicial Circuit
) No.: 2014-CP-07-426

RECEIVED

JUL 07 2016

SC Court of Appeals
HEARING

3
 4 Taiwan R. Scott, et al)
 5)
 6 Plaintiffs,)
 7 vs.)
 8 Ronald E. Ford, et al)
 9 Defendants.)

January 15, 2016

10
 11 Hearing reported by Deborah S. Thomas,
 12 Certified Verbatim Reporter and Notary Public in and
 13 for the State of South Carolina; said hearing held
 14 before the Honorable Marvin H. Dukes, III, Beaufort
 15 County Master in Equity and Special Circuit Court
 16 Judge in accordance with the South Carolina Rules of
 17 Civil Procedure, at the Beaufort County Courthouse,
 18 102 Ribaut Road, Room 212, Beaufort, South Carolina,
 19 on January 15, 2016, at the hour of 11:41 a.m.

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Appearances

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(None were proffered.)

* * * * *

1 This hearing is taken in accordance
2 with the South Carolina Rules of Civil Procedure.

3 JUDGE DUKES: Good morning. We are
4 here on Scott versus Ford. This matter originally
5 came to me pursuant to order of reference of the
6 Clerk of Court back in August of 2014.

7 Subsequently, this Court had a hearing associated
8 with a boundary dispute, essentially, an easement
9 issue.

10 That was ruled upon October 14th, 2014. I
11 believe at some point thereafter the Defendant filed
12 an appeal that was then thereafter I believe
13 dismissed.

14 MR. SCOTT: Yes.

15 JUDGE DUKES: And since that time
16 this Court has entertained a number of the
17 Plaintiff's efforts to have the Defendant comply
18 with my order. I have carried out probably three to
19 five telephone conferences with the parties trying
20 to work something out.

21 We've had several motions here with the
22 parties present, always Ms. Ford, not Mr. Ford I
23 don't think. The Plaintiff has been exceedingly
24 patient I think in this regard. And back September
25 of last year, 2015, filed a motion for civil

1 contempt and enforcement.

2 That was the subject of at least one
3 meeting and conference call to see if the parties
4 could work things out. We are now here today on the
5 15th of January in 2016. Ms. Ford despite notice
6 upon her and despite I believe certainly knowledge
7 that we were going ahead with this thing because we
8 have talked about it on a number of occasions has
9 not appeared. I have called her name three times in
10 the hallway without result. And we have called the
11 telephone number, (843)338-6571, three times, once
12 leaving a message for Ms. Ford and have heard
13 nothing.

14 So we are going to proceed with
15 Mr. Scott's motion for contempt of court.
16 Mr. Scott, I am happy to hear from you, sir.

17 MR. SCOTT: As you have already
18 indicated, it's been two years already just trying
19 to get this resolved, so we would like to move
20 forward with the order to have the fence removed out
21 of the easement.

22 She has already removed the fence out of
23 the -- off of the property lines, the boundary
24 dispute, but the easement is still encroached on,
25 about 17 feet of that fence is still inside the

1 easement.

2 JUDGE DUKES: All right.

3 MR. SCOTT: So that is basically why
4 we are here today, to have something finalized?

5 JUDGE DUKES: All right. I'm
6 inclined to do the following. Allow you to go to a
7 fence company or some construction company of your
8 choice and get an estimate to remove that fence.

9 MR. SCOTT: Okay.

10 JUDGE DUKES: And restore the
11 easement to however it is the order says it should
12 be restored. To supplement this record with that
13 estimate and an affidavit from you stating that on
14 such-and-such a date you got this estimate after
15 conversation with whoever at the fence company.

16 I'm further inclined to grant an order
17 that gives the Fords some fairly short period of
18 time to either accomplish it themselves or I'm going
19 to order the Sheriff's Department to accompany the
20 fence company to remove the fence and restore your
21 easement.

22 And how long do you think it would take
23 you to -- and if you have to do that I'm going to
24 enroll as a judgment against their property whatever
25 it costs you to do that.

1 MR. SCOTT: Okay.

2 JUDGE DUKES: Plus probably a
3 penalty. What is your timeline on how long would it
4 take you do you believe to get an estimate like
5 that?

6 MR. SCOTT: A week.

7 JUDGE DUKES: That is pretty fast.
8 Why don't we give you 10 days because you are at the
9 mercy, of course, of the fence company going out,
10 taking a look at what they are doing and that kind
11 of thing. Please be up front with them that this is
12 an adversarial issue. However, they would be
13 accompanied by the Sheriff's Department if
14 necessary.

15 All right. Anything else for this record?

16 MR. SCOTT: I think that is it. The
17 biggest thing I think in trying to work with her
18 from Day One I've been approached by the adjacent
19 property owners who have been basically on my back
20 asking when is this fence going to be removed.

21 Everybody is driving over our property
22 and, you know, since we started this Ms. Ford has
23 named the road. And so they are not happy with that
24 either. So all of this kind of piggybacks on how
25 soon can we get the fence off the property.

1 JUDGE DUKES: We are going to do it.

2 MR. SCOTT: All right.

3 JUDGE DUKES: So what I'm going to do
4 is have Heather draft an order that essentially
5 gives you 10 days unless you seek an extension to
6 come up with that estimate, present that estimate to
7 the Court. And thereafter I'm going to give them
8 some period of time to either remove it themselves
9 or have it removed, have a judgment ruled against
10 them for whatever it costs you to do it.

11 MR. SCOTT: Okay.

12 JUDGE DUKES: And provided it's
13 reasonable, and I'm sure it will be.

14 MR. SCOTT: Yes. And it's basically
15 just removing. Don't have to put it back up, right?

16 JUDGE DUKES: No. You are just
17 removing it. It's in your easement. It's coming
18 out.

19 MR. SCOTT: Okay.

20 JUDGE DUKES: And so they can do it
21 if they want to do it or you get to do it and you
22 will have a judgment on their property.

23 MR. SCOTT: Okay. I think the only
24 other thing is based on the initial request is once
25 the fence is reerected that she provides a certified

1 survey showing that it's --

2 JUDGE DUKES: Has that not been done?

3 I think that was a part of the order, wasn't it?

4 MR. SCOTT: Yeah, but it hasn't been
5 done because the fence is still encroached in the
6 easement.

7 JUDGE DUKES: Oh, I see.

8 MR. SCOTT: So once the fence has
9 been removed we would like a survey.

10 JUDGE DUKES: Okay. The order will
11 say that nothing herein modifies any requirements
12 set forth in the order. I'll make sure it says
13 that. Even if it doesn't say it, it would be the
14 case.

15 MR. SCOTT: Okay.

16 JUDGE DUKES: So even if I forget.
17 All right. I will work on an order after lunch
18 probably and make sure you get a copy of it and
19 Ms. Ford gets a copy of it. And just go ahead and
20 get a construction company, fence company, or
21 whoever you want. What kind of -- is it chain link?
22 Is it --

23 MR. SCOTT: It's vinyl.

24 JUDGE DUKES: Vinyl? Okay.

25 MR. SCOTT: So it's just sectioned

1 so --

2 JUDGE DUKES: Now, they don't get to
3 keep the fence. They will have to put it on their
4 property somewhere or if Ms. Ford has a place to do
5 it, but it could be certainly removed right up to
6 the line.

7 MS. HEATHER: Ms. Ford just called
8 in. Would you like for me to transfer her?

9 JUDGE DUKES: Sure. Why not. Go
10 ahead.

11 Master's Office.

12 MS. FORD: Yes. How are you?

13 JUDGE DUKES: Fine. Thank you. Is
14 this Ms. Ford?

15 MS. FORD: It is, yes, ma'am -- yes,
16 sir. I'm sorry.

17 JUDGE DUKES: Ms. Ford, we are just
18 concluding here. Mr. Scott is here as you know.
19 And we are on the record.

20 MS. FORD: Okay. Well, I never got a
21 letter telling me that there was a meeting today.
22 Today I'm over here in Jacksonville with my son. We
23 are doing his stuff to go through (inaudible) for
24 the Air Force.

25 JUDGE DUKES: All right.

1 MS. FORD: I wasn't aware that there
2 was a meeting today. The last time we had a meeting
3 scheduled I had Evalina Frasier here. I had
4 Mr. Morrell here. We had paperwork to present to
5 you, but we had a phone interview. And I called
6 back later that afternoon -- later the next
7 afternoon because I thought we had a meeting on the
8 20 -- I can't remember the date exactly, but I
9 called back and left a message and I didn't hear
10 anything after that with Ms. McLeod. I left a
11 message on her answering machine. And also -- no, I
12 just a message that day.

13 JUDGE DUKES: All right.

14 MS. FORD: But I didn't get it until
15 10:00 something at night. And I didn't get a letter
16 telling me about the meeting today.

17 JUDGE DUKES: Well, the letter was
18 sent, Ms. Ford. It was sent to 49 Oakview Road,
19 Hilton Head, South Carolina 29926. Is that your
20 mailing address?

21 MS. FORD: My mailing address is 49
22 Oakview Road, but I didn't get a letter telling me
23 because I would have been in court today.

24 JUDGE DUKES: All right. Well, it
25 was dropped in the mail. And now we've got you on

1 the telephone so -- we sent it. It was scheduled.
2 And quite frankly, I already had this issue under
3 advisement. I didn't even need to have another
4 hearing.

5 MS. FORD: I understand.

6 JUDGE DUKES: And however, as I put
7 on the record earlier, and we are on the record now,
8 I've tried to give you every single opportunity I
9 can possibly think of to resolve this issue because
10 I know that you and Mr. Scott are cousins or somehow
11 related or something. And I thought that would
12 be --

13 MS. FORD: Yes. Everyone involved is
14 cousins. And that is why I had Ms. Frasier, Evalina
15 Frasier, and Mr. Murrell here. And we did paperwork
16 to bring in to you. When you -- when we waited on
17 that phone call and it didn't come that day I told
18 them, well, when they call we will have to schedule
19 a meeting so we can go and present this to them.

20 JUDGE DUKES: Okay. Well, here is
21 what I'm going to do, Ms. Ford. I'm going to do
22 what I probably should have done a year ago. I'm
23 going to order that my order be complied with. And
24 I just put it all on the record, but I'll do it
25 again.

1 I'm going to order the following. That
2 Mr. Scott go out and get an estimate from a
3 construction company or a fence company or whoever
4 he would like to clear that easement. To remove
5 whatever encroaches --

6 MS. FORD: That is not needed either.
7 If I have to remove my part of the --

8 JUDGE DUKES: Please let me finish.
9 Ms. Ford, please let me finish. Okay? And then I'm
10 happy to hear from you. All right. He says he can
11 get that in 10 days. So that is fine. He is going
12 to get that estimate to me in 10 days with an
13 affidavit that says he's gotten this estimate from
14 whoever the company is. I don't care who it is.

15 MS. FORD: Uh-huh.

16 JUDGE DUKES: Once that is there I
17 was then going to send you a copy of that with an
18 order giving you a fairly short period of time to
19 remove it or if you don't I was going to send the
20 Sheriff's Department out with the fence company to
21 remove it.

22 And then whatever it costs Mr. Scott to
23 hire this company I was going to enroll as a
24 judgment against your property. Now, I don't want
25 to do that. And you know I don't because I've been

1 trying to get you all to settle this thing for a
2 year, but I don't know what else to do.

3 MS. FORD: Well, I didn't get a
4 letter so I didn't know that there was a meet
5 meeting today or all of us would have been there
6 with the paperwork that we have on hand.

7 JUDGE DUKES: Okay. Ms. Ford, the
8 problem is this. All of you being here wouldn't
9 have made one bit of difference. There is a court
10 order that must be complied with. And so the whole
11 effort here was to try to get you all to agree to
12 something or come up with something that was as
13 little trouble for everyone as possible. That is
14 the only way I could be convinced to do anything
15 other than comply with the Court order.

16 And I have tried harder on this case than
17 half the cases I've got out there, and I've got
18 thousands of them. And so I don't know what else to
19 do. I have to have the court order complied with.
20 I can't just let it hang out there and not be
21 complied with. So I don't know what else to do.

22 MS. FORD: I understand. I
23 understand you.

24 JUDGE DUKES: Well, if you can --
25 since I've got you on the telephone, I mean if you

1 can get everything out of that easement and clear
2 it -- are you telling me you can do that?

3 MS. FORD: Yes, Mr. Dukes, I am
4 telling you that, but what I have prepared already
5 was something to bring to you to show you what
6 everybody here was in agreeance with. We just
7 haven't spoken with Mr. Scott because he likes to go
8 through you to speak with him about anything.

9 So that is why I got the paperwork
10 prepared for November so that we could bring it and
11 present it.

12 JUDGE DUKES: Well, let me suggest
13 this then.

14 MS. FORD: Because what we are
15 talking about here right now is a portion of the
16 easement. We are not even talking about the entire
17 easement. The easement is the easement in entirety.
18 It's not a portion of the easement that is blocked.
19 There is more of the easement that is blocked. So
20 we aren't talking about a portion of the easement.
21 We are talking about the whole thing. An easement
22 is one easement together.

23 JUDGE DUKES: Well, that is what you
24 all were talking about. I'm just dealing with the
25 court order. I agree with you. I think the

1 easement needs to be open the whole way up. And
2 part of it runs across Mr. Scott's property, but
3 that is not before the Court. All I have before me
4 is this one section that runs across your property.

5 I mean, without even looking at the file,
6 I remember the plat and I remember how the property
7 runs and all of that.

8 MS. FORD: I understand that also,
9 but then again our last phone conversation was
10 Mr. Scott has filed the paperwork now and it's filed
11 correctly. Mr. Scott can't file paperwork by
12 himself when there are four people on that -- on
13 that easement together because we should have to
14 sign. He should have to speak with us and we should
15 have to sign, also.

16 I spoke with an attorney, also, who told
17 me, yes, these are the things that should have been
18 done. And the judge should go through that and see
19 that, but I had all of that for last -- for November
20 when we had the phone -- the phone conversation
21 scheduled and then I didn't get a call that day when
22 I had them here.

23 You called when I was at school at the
24 I.T.T. meeting. So I called back when I got the
25 message and I hadn't heard anything else since then

1 until today my phone just beeped. And I listened to
2 the message and I walked out from my son going
3 through the (inaudible) thing and -- well, not the
4 (inaudible) thing. He's going through the little
5 interview stuff now.

6 JUDGE DUKES: Okay.

7 MS. FORD: I walked out from there
8 and called back because I got that beep on my phone.

9 JUDGE DUKES: Well, and that is
10 because, as you know, I do everything I can to make
11 sure people are not surprised.

12 MS. FORD: I understand that. I
13 understand.

14 JUDGE DUKES: We call everybody we
15 can, but -- so hold on a second, Ms. Ford. Here is
16 what I'm going to do. I'm going to issue this
17 order, but I'm going to give you all 10 days to
18 settle it. And the only way to settle is if both of
19 you sign it. If you can come up with something and
20 you can convince Mr. Scott to agree to something
21 that varies from the Court order, I want both of you
22 to sign it and put it very clearly in writing.

23 If not, I'm going to give him 10 days
24 after that. So I'm now going to say 20 days, he can
25 spend it any way he wants, getting the -- to come up

1 with the estimate to clear the easement because I
2 don't know what else to do. I just can't have any
3 more hearings about it.

4 MS. FORD: I understand that, but I
5 still would like you to look at the paperwork that
6 we had drawn up for November. I would love you to
7 do that because that is why I went and got all of
8 that stuff done so that we could come in court and
9 try to settle it in a calm manner with every -- all
10 parties involved there. That is what I was doing
11 because there's four people on that plat for A, B,
12 C, and D.

13 JUDGE DUKES: Right.

14 MS. FORD: Four people that my
15 grandfather gave the property to his daughters. And
16 I have those people involved who own the property.
17 And we had a conversation and we got paperwork done.
18 And all we had to do was bring it there, set up a
19 meeting with you when that call came back to bring
20 it there so that Mr. Scott could see it.

21 JUDGE DUKES: Well, listen, you
22 don't -- Ms. Ford, hold on. You don't need me to
23 have that meeting. I mean --

24 MS. FORD: It's so much more -- we
25 get so much more done because we can stand and have

1 a meeting for an hour and a half, two hours, and
2 then when we get to court it's a different thing
3 said. So I didn't want to go through that again
4 because we've done that before. We've met out here
5 before. We met out here before and talked about it
6 and went through everything. And then when we get
7 to court or later on, the next couple of weeks I'll
8 get served with paperwork. And we just had this
9 conversation.

10 JUDGE DUKES: All right. Let's do
11 this, Ms. Ford. Here is the thing. I'm required to
12 require enforcement of court orders. I don't have
13 any choice. All right. I've got a court order and
14 have done everything I can to come up with a
15 reasonable solution to it.

16 What you suggest is not a terrible idea,
17 but I can't order Mr. Scott to sit down and reach an
18 agreement with you all.

19 MS. FORD: No, you can't order
20 anybody to do that. I understand that.

21 JUDGE DUKES: All right. And if
22 Mr. Scott wants to sit down with you all he's got
23 your telephone number. I think that would be a fine
24 idea, but I can't order him to do it. All I can do
25 is say we've got an issue with regard to this one

1 little piece of an easement. You have to comply
2 with it.

3 And so I'm going to do what I said a
4 minute ago. I'm going to stretch this out to 20
5 days rather than 10 days. Or if that falls on a
6 weekend I'll add a couple of days, but -- and if you
7 all choose to voluntarily meet and come up with some
8 agreement where everybody signs off on it, trust me,
9 no one is happier than Marvin Dukes, but if you
10 don't then I'm going to let Mr. Scott do what I just
11 said and that is clear out the part of that easement
12 that gets to his house.

13 Now, I don't disagree with you that that
14 doesn't end this problem, but I don't have it before
15 me to deal with the rest of the problem. I'm just
16 going to have to let you all worry about that.
17 Okay? I hope you can come up with a solution.

18 And, Mr. Scott, are you willing to meet
19 with Ms. Ford.

20 MR. SCOTT: Yes. I guess my
21 biggest -- the main question is, you know, Sonya,
22 you mentioned you had the four property owners on
23 that side. I'm being approached by the opposite
24 side of the property where the easement is being
25 driven down.

1 And they are telling me that you have not
2 reached out to them. And we are a --

3 MS. FORD: Well, it was easier for me
4 to get our side done.

5 MR. SCOTT: Well, we are already
6 taken care of. We already have a deeded easement.
7 The issue is not with our easement.

8 MS. FORD: That easement was not
9 deeded until after you went and did the easement.
10 And you can't do a deeded easement after we have
11 four property owners. We have one property owner
12 that goes and corrects it and does it after 20-some
13 years in the court and it wasn't done correctly.
14 No. You have to -- you would have to speak with all
15 of us involved and then go and file that because
16 that is when Freddie Chisolm, my grandfather, did
17 that it was not done correctly.

18 So last year when you do it you were
19 suppose to talk to myself, Evalina, Michael and
20 Julia, and yourself to get that easement done. And
21 everybody should have been in agreement with that
22 easement before you went and got it done. You can't
23 do that alone by yourself.

24 MR. SCOTT: Well, the judge has
25 already ordered the easement as an easement.

1 JUDGE DUKES: You all -- our court
2 reporter can only get one of you at a time. Let me
3 ask you all this. Do you all go to the same church
4 or anything?

5 MR. SCOTT: No.

6 JUDGE DUKES: Do you have -- do you
7 have one person that is a family friend that you all
8 kind of trust? Do you have anybody that could sort
9 of mediate this dispute that you wouldn't have to
10 pay that everybody sort of likes? Nobody? Got to
11 be somebody out there. There is not some cousin
12 that everybody dislikes? Is there not one person?
13 I mean, you all could go hire a mediator, you know,
14 and pay a bunch of money and try and sort this thing
15 out, but I've found that if you can find somebody
16 like that, somebody that is sort of neutral on the
17 whole issue that could facilitate a conversation you
18 all might be able to involve this thing.

19 MR. SCOTT: Well, I think for me the
20 priority right now it's been two years is to have
21 the easement cleared and if there is any type of way
22 that we can come back after that to renegotiate a
23 shared easement with the property owners then we
24 will be more than willing and prepared to sit down
25 and talk with everybody in regard to that when that

1 happens, but as of now I think it's been more than
2 enough time. We have been more than patient.

3 And to be honest before any of this even
4 came up I approached Ms. Ford and I let her know I
5 was going to pay for easements, I was going to pay
6 for surveys, I was going to pay for everything that
7 needed to be done so that we could have something
8 documented in writing showing where the roads were,
9 where the property lines were. And I only asked her
10 to give me one week to have it recorded, a stamped
11 survey in hand. And Ms. Ford took it upon herself
12 to go ahead and erect the fence within that week's
13 timeframe and that is why we are here today. So I
14 think we've been more than --

15 MS. FORD: No, that is not. You came
16 to my home and you asked me, you said, well, you are
17 going to have to leave at least 10 feet -- you said
18 15. I left 16 feet outside of the fence. An
19 easement for five homes only has to be 14.34 feet.
20 That is all the easement has to be. So even if you
21 didn't want to drive on the other side of the
22 people's road, you don't have to. Actually, they
23 drive on a part of my property because when that
24 road starts out it's my property. It's not the
25 other people on the other side. They have a portion

1 of it is there, but most of it is my 16 feet of
2 property. So my part of the easement is out.

3 And I did leave out the 15 feet after you
4 came over and talked to me. Again, I went and I
5 researched it. I spoke with the attorneys. And I
6 also spoke with the Town of Hilton Head and I know
7 what I had to leave out.

8 For an easement for our home, the part of
9 the easement that we have to drive on that you say
10 has to be 30 feet that was not filed correctly in
11 the courthouse that you took upon yourself to file
12 last year when there was four property owners, when
13 Bubba, again, did this easement, Freddie Chisolm to
14 give to the four daughters, he was the sole owner.

15 There is no longer a sole owner. This
16 property has been to these daughters for probably 30
17 years. And I've been an owner for 20-some years.
18 So in order to go and refile that in the courthouse,
19 you needed to get with myself, Julia and Michael
20 Murrell and Evalina Frasier because there are four
21 owners before you can go file anything in the
22 courthouse. So legally that easement -- that
23 30 feet, it was never a legal easement. It's what
24 you assumed to be an easement.

25 JUDGE DUKES: All right. Well, you

1 all are -- let's do this, Ms. Ford, because I
2 understand you are not --

3 MS. FORD: I'm just saying you ruled
4 on something, Judge Dukes, but it was not an
5 easement at that time. And you said last month when
6 we spoke that now Taiwan Scott has gone and filed
7 it. There is no way for him to file that when it's
8 an easement with four properties with four different
9 property owners. That is not legal.

10 JUDGE DUKES: I don't know what I
11 said last month, but anyway I'm relying on the order
12 that I issued last year, but -- and it just is what
13 it is. There is a lot of case law that says if you
14 divide property then the easements appear according
15 to the plats. That is just long settled South
16 Carolina law.

17 MS. FORD: I understand that. What
18 I'm saying is the easement was not an easement at
19 that time. Mr. Scott filed that last month to be an
20 easement and he can't file that by himself. That
21 easement was not an easement at that time. It was
22 an assumed easement because it was not filed
23 correctly. And I have statements from the Court
24 over there, from the Registrar of Deeds saying, no,
25 there is no easement.

1 JUDGE DUKES: Okay. Well, there is
2 an easement now. And it's what we need to do is
3 comply with it. So if you would, Ms. Ford, you know
4 what -- the order is coming. So you are certainly
5 welcome to clear it on your own or, you know, I'm
6 not going to have any choice. Like I said, it's not
7 my preference, you know.

8 MS. FORD: I understand what you are
9 saying.

10 JUDGE DUKES: But if it cost \$2,000
11 to get some construction company to go clear it out,
12 you know, and it costs the Sheriff's Department \$400
13 worth of manpower to watch them do it, you know, I'm
14 not going to have any choice but to have that put as
15 a lien on your property. I don't want to do that,
16 so I'm giving you this opportunity for you all to
17 either settle it or you can clear it out of there,
18 but --

19 MS. FORD: Okay. Well, that is what
20 I was trying to do. I was trying to settle it. I
21 only want what is fair and what is mine. And what
22 is fair is not fair that we got a ruling on a piece
23 of property -- on an easement that wasn't even an
24 easement at the time.

25 Mr. Scott and went and filed for an

1 easement last year. Yeah, the end part or the
2 middle part of last year. And he filed for an
3 easement by himself with four property owners. That
4 is not even legal. So all I want is for a judge and
5 everybody to be fair in the case because it was not
6 an easement. And we've already gotten that
7 established that it was not an easement at the time.
8 If it was he would not have to go and file that as
9 an easement last year.

10 JUDGE DUKES: Let me ask you this,
11 Ms. Ford, do you intend to clear the property
12 according to the order?

13 MS. FORD: If I have to, yes, I do
14 intend to clear it. I cleared the back part of the
15 fence.

16 JUDGE DUKES: Okay.

17 MS. FORD: And put it in compliance
18 to where I had to, but what I'm saying is -- and I
19 know I've already researched it and an easement for
20 five homes -- like I said, I already left it 16 feet
21 out. It's 14.34 feet. And that is it.

22 JUDGE DUKES: Well, let's do this.
23 I've got this order. I've got to have it complied
24 with. I'm going to issue the order that I just
25 stated. I hope you all are able to either clear it

1 or settle something before we have to move to the
2 next step because I'll tell you what, I've bent over
3 backwards to try to avoid that, but I'm at my wits
4 end. I'm not sure what else to do. So I'm glad we
5 were able to get you on the telephone because I
6 really don't like it when somebody is not here and I
7 have to issue an order against them, but anyway --

8 MS. FORD: Well, if I knew about
9 court I would be in court, but I did not know that
10 we had court today.

11 JUDGE DUKES: I am not holding it
12 against you that you weren't here. I'm glad we had
13 you on the telephone and were able to hear from you.
14 So let's do this. You know the order that I'm going
15 to issue. If you are able to clear it all out, that
16 would be great. If you are able to reach an
17 agreement that would be great, but at some point
18 this thing has to end. So I'm going to issue the
19 order that I just stated and I wish you all the best
20 of luck. All right. Anything else, Ms. Ford or
21 Mr. Scott?

22 MR. SCOTT: No. Thank you, Your
23 Honor.

24 JUDGE DUKES: Okay. Ms. Ford?

25 MS. FORD: Thank you.

1 JUDGE DUKES: Okay. You all have a
2 good day and a good weekend.

3 MS. FORD: You, too.

4 JUDGE DUKES: Thanks. Goodbye.

5 (Whereupon, the hearing was concluded
6 at 12:07 p.m.)
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I, Deborah S. Thomas, Certified Verbatim Reporter and Notary Public in and for the State of South Carolina, do hereby certify that I reported the hearing of Scott vs. Ford, on the 15th day of January, 2016: and that the foregoing 30 pages constitute a true and correct transcription of the said hearing.

I further certify that I am neither attorney nor counsel for, nor related to or employed by, any of the parties connected with this action, nor am I financially interested in said cause.

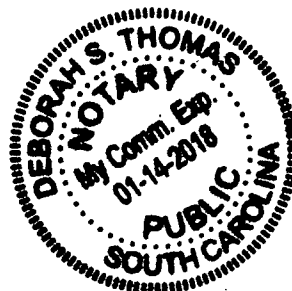
I further certify that the original of said transcript shall be hereafter delivered to Sonya M. Ford, 49 Oakview Road, Hilton Head, South Carolina 29926.

In witness whereof I set my hand and seal this 22nd day of June, 2016.



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