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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

ORIGINAL

APPEAL FROM BEAUFORT COUNTY
Master in Equity

RECEIVED

The Honorable Marvin H. Dukes III, Master in Equity OCT 01 2015

SC Court of Appeals

Case No. 2015-000342

Maxine Taylor, Respondent,

v.

Heirs of William Taylor, Heirs of E. Washington, Heirs of Phoebe Taylor, Heirs of Albertha Goodwine, and all persons unknown designated as a class; Richard Roe, and Beaufort County, SC, a body politic, Defendants,

Of whom Heirs of William Taylor, Heirs of E. Washington, Heirs of Phoebe Taylor, and Heirs of Albertha Goodwine are the Appellants.

Stanley Taylor, Joe A. Taylor and Martha T. Brown, Respondents,

v.

Heirs of William Taylor, Heirs of E. Washington, Heirs of Phoebe Taylor, Heirs of James Joseph Taylor, Heirs of Josephine Taylor and Georgia Champion, Appellants.

RECORD ON APPEAL
VOLUME I OF II

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Chief Clerk of Court

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FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2011CP0702521

Maxine Taylor

William Taylor
Phoebe Taylor
John Doe
Beaufort County SC

E Washington
Albertha Goodwine
Richard Roe

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: ☐ Plaintiff ☐ Defendant
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ ACTION DISMISSED (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit);
☐ Rule 43(k), SCRPC (Settled); ☐ Other: _____
- ☐ ACTION STRICKEN (CHECK REASON): ☐ Rule 40(j) SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk:

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on the 9th day of February, 2015, and a copy mailed first class or placed in the appropriate attorney's box on the 16th day of February, 2015, to attorneys of record or to parties (when appearing pro se) as follows:

**O'KELLEY, GEORGE H. JR P. O. BOX 1072
BEAUFORT, SC 29901-0000**

ATTORNEY(S) FOR THE PLAINTIFF(S)

Joshua A Gruber Esq Po Drawer 1228 Beaufort, SC 29901-1228

Julian S. Levin PO Box 2358 Beaufort, SC 29901-2358

ATTORNEY(S) FOR THE DEFENDANT(S)

Lynn Geren - Staff

Court Reporter

Jerri Ann Roseneau - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2012CP0702246

Stanley Taylor
Martha T Brown

Joe A Taylor

William Taylor
Phoebe Taylor
Josephine Taylor

E Washington
James Joseph Taylor
Georgia Champion

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: ☐ Plaintiff ☐ Defendant
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit);
☐ Rule 43(k), SCRPC (Settled); ☐ Other: _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL

IT IS ORDERED AND ADJUDGED: ☐ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on the 9th day of February, 2015, and a copy mailed first class or placed in the appropriate attorney's box on the 16th day of February, 2015, to attorneys of record or to parties (when appearing pro se) as follows:

George H. O'Kelley Jr. PO Box 1072 Beaufort, SC 29901

ATTORNEY(S) FOR THE PLAINTIFF(S)

Marc W. Fisher Jr. PO Box 2358 Beaufort, SC 29901-2358

ATTORNEY(S) FOR THE DEFENDANT(S)

Lynn Geren - Staff

Court Reporter

Jerri Ann Roseneau - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)
)
Maxine Taylor)
)
Plaintiff,)
)
vs)
)

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO.: 2011-CP-07-2521

FINAL ORDER

Heirs of William Taylor; Heirs of E.)
Washington; Heirs of Phoebe Taylor;)
Heirs of Albertha Goodwine; and all)
Persons unknown designated as a)
Class; Richard Row, and Beaufort)
County, SC, a body politic.)
)
Defendants.)

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)
)
Stanley Taylor, Joe A. Taylor and)
Martha T. Brown)
)
Plaintiffs)
)
vs.)
)

IN THE COURT OF COMMON PLEAS
CASE NO. 2012-CP-07-2246

FINAL ORDER

Heirs of William Taylor; Heirs of E.)
Washington; Heirs of Phoebe Taylor;)
Heirs of James Joseph Taylor; Heirs)
Of Josephine Taylor and Georgia)
Champion.)
)
Defendants.)

This involves two actions to quiet and confirm title to properties on Warsaw Island in Beaufort County, South Carolina. The actions were consolidated for trial. Plaintiffs are

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represented by George H. O'Kelley, Jr. and Defendants designated as "Champion" are represented by Marc W. Fisher, Jr., both of the Beaufort Bar. Beaufort County is represented by the County Attorney, Joshua A. Gruber.

**FINDINGS OF FACT
AND CONCLUSIONS OF LAW**

1. These matters are properly before this Court and were duly referred for a complete trial and disposition.
2. The subject properties are in Lot 9 of the original subdivision of Warsaw Island and are further designated as Parcels 5, 6, 6A and 49 on the tax maps.
3. Phoebe Taylor obtained title to land in Lot 9 in 1937 by deed duly recorded in Deed Book 53 at Page 501.
4. As to the southern portion of the land (south of the paved road that bisects the land), James Taylor received a deed in 1960, from Phoebe, and recorded in Deed Book 102 at Page 152.
5. James Taylor died and a Deed of Distribution to Parcel 5 (southern part of Lot 9) was given to Plaintiff Maxine Taylor, which is recorded in Record Book 1296 at Page 1, Records of Beaufort County.
6. Maxine Taylor has been in possession of the property since, which is more fully shown on a plat by Gasque and Associates dated May 15, 2009, and submitted as an exhibit at the hearings.
7. Although Defendants Champion filed an answer claiming adverse possession of Maxine's land. No evidence of such was presented at trial.
8. Defendants Champion claimed to own the northern portion, north of the road, of the lands

2015

subject to the quiet title filed by Stanley Taylor, Joe A. Taylor and Martha T. Brown, who are siblings.

9. Evidence was presented that Rufus Taylor, ancestor of Champion, had a home years ago on the subject property. However, James Taylor obtained two tax sale deeds in the late 1990's (Deed Book 909, Page 1390 and Deed Book 1110, Page 17). The deeds reflected execution against Phoebe Taylor as defaulting taxpayer. The parcels on these deeds were shown as 6 and 49, Map 9, District 300. (Later the parcels are shown as 6 and 6A).
10. An earlier quiet title action was done in 1996 and 1997 to what is described as the Rufus Taylor lands (C.A. 96-CP-07-1784). James Taylor was named as a defendant (he died in 1999 before Plaintiffs obtained their deeds).
11. This earlier action was concerning two parcels said to have belonged to Rufus Taylor.
12. The descriptions and plat referenced show the subject property to be in Lot 7 of Warsaw Island, (adjacent and west of Lot 9) and thereafter deeds were given by the Plaintiff's therein to Georgia Champion. Georgia obtained part of Lot 7 to the north of the road and Christopher received Parcel "F" on the south side (adjacent to Maxine's property).
13. The records clearly show the Rufus Taylor heirs obtained properties in Lot 7. There is not enough to attack the Taylors' title in Lot 9.
14. Additionally, on Defendant's plat, the property to the east of theirs (Lot 9) is shown as "N/F Phoebe Taylor".
15. Defendant's could produce no chain of title or deed(s) to Lot 9.
16. James Taylor's tax deeds were received in the late 1990's. The prior quiet title, which started in 1996, did not attack these conveyances. Also, no subsequent action to recover

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the land sold by the Treasurer was done. Section 12-51-160 of the Code of Laws requires any such action for recovery to be maintained within two years from the date of sale.

17. Also, Martha T. Brown has a home on the northern portion of Lot 9, and it has never been challenged. Ms. Georgia Champion was advised her drive may encroach by David Youmans, one of the surveyors. No action was taken by Ms. Champion.
18. Martha T. Brown died during the pendency of this matter. She is survived by two children, Thomas Brown, Jr. and Aries T. Brown.
19. At some point, the tax parcel numbers became switched or incorrectly shown, and it is incumbent on Beaufort County to correct this. Most recently, Maxine's land is shown as Parcel 5. The northern part of Lot 9 is shown as parcels 6 and 6A. Parcel 6 was formerly parcel 49. Tax records showed Albertha Goodwine was shown as owner of the James Taylor land.

Based upon the foregoing, it is:

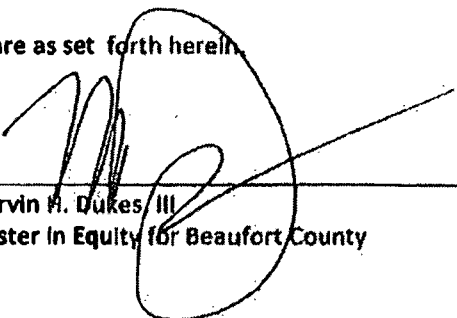
ORDERED, ADJUDGED AND DECREED:

- A. That Plaintiff, Maxine Taylor, is found to be the sole owner of the southern part of Warsaw Island Lot 9, which is below or south of the paved road, all as is shown on the plats of record;
- B. That Stanley Taylor, Joe A. Taylor, Thomas Brown, Jr. and Aries T. Brown are the owners of the northern portion of said Lot 9. Which is to the north of the paved road;
- C. That Beaufort County shall make the necessary adjustments to the parcel numbers to reflect ownership as decreed in this order;

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D. That this Court finds all claims of Defendants in or to the subject properties fails for lack of proof to establish any ownership;

E. The quiet title actions are resolved in favor of the Plaintiffs as set forth herein, and the fee simple owners are as set forth herein.



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

February 9, 2015

5/15 n

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT	)	11 10 16 11:17 CASE NO. 2011-CP-07 2521
	)	
	)	NON-JURY
Maxine Taylor	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	COMPLAINT
Heirs of William Taylor; Heirs of	)	
E. Washington; Heirs of Phoebe	)	
Taylor; Heirs of Albertha Goodwine;	)	
and all persons unknown designated	)	
as a class, John Doe; and all persons	)	
under disability or in military service	)	
designated as a class, Richard Roe,	)	
and Beaufort County, SC, a body	)	
politic.	)	
	)	
Defendant,	)	

THE PLAINTIFF WOULD SHOW unto this Honorable Court:

1. This is a quiet title action to property in Beaufort County, SC. This Court has jurisdiction.
2. The property subject hereto is briefly described as follows:

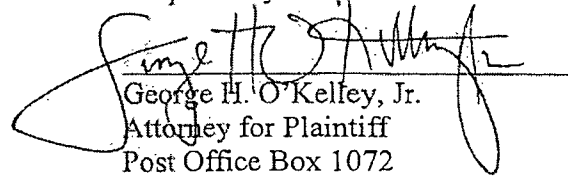
ALL that certain parcel of land situate on Warsaw Island with all improvements, and containing 3.82 acres, as is more fully shown on a plat made by David S. Youmans, RLS, dated November 1, 2007. The property is further designated as Lot 9 and has a TMP number of R300-9-5.
3. That the heirs of E. Washington and Phoebe Taylor are joined as defendants as they may have owned the property many years ago. There are no deeds into E. Washington. However, the A. O. Christensen cards shows an "E. Washington" owning Lot 9. Also, the Heirs of Phoebe Taylor conveyed property to James

Taylor in 1960. This conveyance was for four (4) acres and was said to have been deeded to Phoebe by deed recorded in Deed Book 53, page 501, in 1937.

4. There is a break in the chain back before 1937. This would have been between "E. Washington" and Phoebe Taylor.
5. James Taylor held the property from 1960 until his death in 1999. He lived on the property all those years, and never had anyone claim adversely.
6. James Taylor's will was probated in Beaufort County. He devised his home and the property to Plaintiff. His will was filed on June 25, 1996.
7. That at some point unknown to Plaintiff, Beaufort County changed the panels and who owned the subject property. It was/is listed on the tax records as "James Taylor" in care of Albertha Goodwine. It is believed Ms. Goodwine is deceased. The Plaintiff has joined Beaufort County in order to straighten out this clerical matter.
8. That John Doe and Richard Roe are fictitious names assigned to represent any person's unknown, under disability or in military service.
9. That Plaintiff assents she is the owner of the subject property, and that she or her father have been in possession, both physically and by color of title, for more than 40 years.

WHEREFORE, Plaintiff prays that this Court do inquire into the facts and matters presented and quiet and confirm title to the subject real property in her name, and to grant any other relief as is just and proper.

Respectfully submitted:



George H. O'Kelley, Jr.
Attorney for Plaintiff
Post Office Box 1072
Beaufort, South Carolina 29901

June 1⁴, 2011

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO.: 2011-CP-07-2521

Maxine Taylor)

Plaintiff)

v.)

Heirs of William Taylor; Heirs of E.)
Washington; Heirs of Phoebe Taylor;)
Heirs of Albertha Goodwine; and all)
persons unknown designated as a class,)
John Doe; and all persons under disability)
or in military service designated as a class)
Richard Roe, and Beaufort County, SC,)
a body politic.)

Defendant(s).)

ANSWER

TO: George H. O'Kelley, Jr., Esq., Attorney for the Plaintiff

The Defendants answering the Complaint of the Plaintiff, Maxine Taylor, respectfully show to this Honorable Court:

FOR A FIRST DEFENSE

1. He denies each and every allegation therein contained, except such are hereinafter specifically admitted, qualified, or explained, and he demands strict proof thereof.

FOR A SECOND DEFENSE

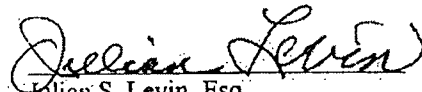
2. Answering Paragraphs 1, 2 and 3 of the Complaint, the Defendant(s) admit upon information and belief the allegations alleged therein.
3. Answering Paragraphs 3 through 7 and Paragraph 9 of the Complaint, the Defendant(s) do not have sufficient knowledge or information to form a belief as to the allegations contained therein, and therefore deny the same.

WHEREFORE, the Defendant(s) pray as follows:

1. That the action be dismissed.
2. That the Defendant(s) be awarded costs; and
3. For such and further relief as this Court may deem just and proper.

LEVIN GILLEY & FISHER, LLC

By:


Julian S. Levin, Esq.

Attorneys for Defendant(s)

Bar Number 3285

811 Craven Street

Beaufort, South Carolina 29902

(843) 522-9000 Telephone

(843) 524-8248 Facsimile

November 17, 2011

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF BEAUFORT)

CASE NO. 2012CP07 - 2246

NON-JURY

Stanley Taylor, Joe A. Taylor
And Martha T. Brown)

Plaintiffs,)

vs.)

Heirs of William Taylor; Heirs of
E. Washington; Heirs of Phoebe
Taylor; Heirs of James Joseph
Taylor; Heirs of Josephine Taylor
and Georgia Champion.)

Defendants.)

COMPLAINT

2012 JUN 19 AM 10:28
CLERK OF COURT
BEAUFORT COUNTY, SC

THE PLAINTIFFS WOULD SHOW unto this Honorable Court:

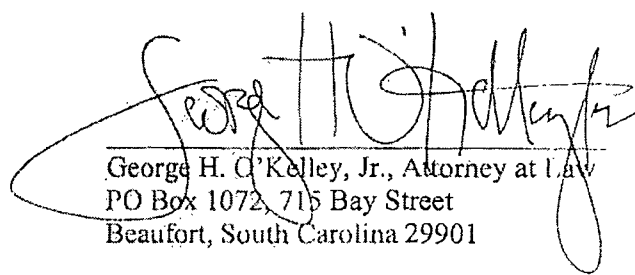
1. This is a quiet title action to property in Beaufort County, South Carolina. This Court has jurisdiction.
2. The property subject hereto is briefly described as follows:

ALL that certain parcel of land situate on Warsaw Island with all improvements, and being in Lot 9. The property is shown in detail on a plat made by Beaufort Surveying, Inc., dated December 18, 2009, and recorded in Plat Book 97, page 73, Office of the Register of Deeds for Beaufort County, South Carolina.
3. That the heirs of E. Washington and Phoebe Taylor are joined as defendants as they may have owned the property many years ago. There are no deeds into E. Washington. However, the A. O. Christensen cards show an "E. Washington" owning Lot 9. Also, the heirs of Phoebe Taylor conveyed property to James Taylor in 1960.
4. There is a break in the chain back before 1937. This may have been between "E. Washington" and Phoebe Taylor.

5. James Taylor held the property from 1960 until his death in 1999. He built a home and lived on the property all those years, and never had anyone claim adversely.
6. James Taylor's will was probated in Beaufort County. He devised to the Plaintiff herein his interest in the real property he owned in the Estate of Phoebe Taylor. The will was duly probated in 1999 in the Probate Court for Beaufort County.
7. Phoebe Taylor obtained a deed from Josephine Taylor in 1937 to five (5) acres, which was for the subject property.
8. James Taylor's deed in 1960 was from the heirs of Phoebe Taylor, namely: Joe Taylor, Henry Taylor, Robbie Taylor, George Taylor, Bessie Coins, Eloise Randell and George Wiggins. That deed was for 11 1/6 acres and included the subject property.
9. That Georgia Champion is the owner of property joining the subject land on the west. In addition, she is using the Plaintiff's land as a driveway (which is shown on the plat.)
10. That John Doe and Richard Doe are fictitious names assigned to represent any persons unknown, under a disability or r in military service.
11. That Plaintiffs seek to quiet title to their property and to have Defendant Champion stop encroaching onto their property. This Defendant has ample road frontage without venturing on to Plaintiff's land. For her to continue to do so affects Plaintiff's value and rights.

WHEREFORE, Plaintiffs pray that this Court do inquire into the facts and:

- A. Confirm and quiet title to the subject property in the Plaintiffs;
- B. Rule that Defendant Champion shall not be allowed to continue encroaching (trespassing) onto the property;
- C. Grant such other relief as may be just and proper.


George H. O'Kelley, Jr., Attorney at Law
PO Box 1072, 715 Bay Street
Beaufort, South Carolina 29901

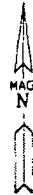
Beaufort, South Carolina

June 15, 2012



BEAUFORT COUNTY, S.C. - FOD

BEAUFORT COUNTY, S.C. - FOD
BY: 00097 PD 0073
DATE: 01/27/2004 04:33:30 PM
INST: 2004000212 RCP: 2:1557



BOUNDARY SURVEY
PREPARED FOR
MARTHA BROWN, STANLEY TAYLOR & JOE A. TAYLOR

ST. HELENA TAX MAP 9, PARCELS 6 & 49
BEAUFORT COUNTY SOUTH CAROLINA
3.06 ACRES TOTAL

NO.	DELTA	RADIUS	ARC TANGENT	C-BEARING	CHORD
1	215°18'	2189.71'	124.32'	62°17'	124.30'
2	225°24'	2189.71'	91.34'	45°50'	91.34'

NO.	BEARING	DISTANCE
A1	S50°26'27"W	17.75'
A2	S45°40'45"W	4.89'
A3	N76°03'03"E	24.55'
A4	N70°03'03"E	34.48'
A5	N64°03'03"E	33.82'
A6	N58°03'03"E	24.12'
A7	N71°03'03"E	2.79'
A8	N74°03'03"E	26.40'
A9	N77°03'03"E	20.27'
A10	N70°03'03"E	21.44'
A11	S70°03'03"E	29.64'
A12	N70°03'03"E	29.64'

THIS PROPERTY IS LOCATED IN ZONE A-10 (EL. 13.0)
AS DETERMINED BY FEMA, FIRM COMMUNITY-PANEL
NUMBER 450025 D100 D, DATED 9-29-88.

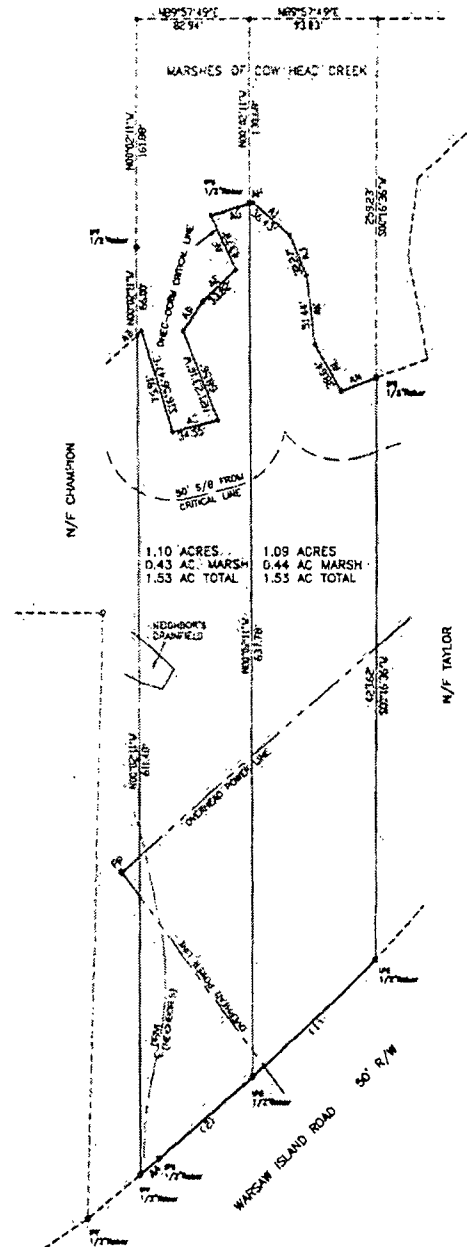
R300-000-000-0006-0000
R300-000-000-0048-0000

0 30' 60' 120' 180'

SCALE 1" = 80'

DECEMBER 18, 2003

P10881/0000



THE AREA SHOWN ON THIS PLAN IS A LEGAL REPRESENTATION OF THE PROPERTY AS OWNED BY THE SURVEYOR. IT IS NOT A GUARANTEE OF THE ACCURACY OF THE SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE SURVEY.

12-10-03
12-10-03
12-10-03

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 2 SURVEY AS SPECIFIED THEREIN. ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.



DAVID S. YOUNG
BEAUFORT SURVEYING, INC.
1610 PARIS AVENUE
BEAUFORT, S.C. 29938
PHONE (843) 824-3261 825-1176

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF BEAUFORT	)	CIVIL CASE NO. 2012-CP-07-02246
	)	
Stanley Taylor, Joe A. Taylor	)	NON-JURY
and Martha T. Taylor,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	ANSWER
	)	
Heirs of William Taylor, Heirs of	)	
E. Washington, Heirs of Phoebe Taylor,	)	
Heirs of James Joseph Taylor, Heirs of	)	
Josephine Taylor, and Georgia Champion,	)	
	)	
Defendants.	)	
	)	

2012 JUL 20 PM 3:45
CLERK OF COURT
JUL 20 2012

TO: George H. O'Kelley, Jr., Esq., Counsel for Plaintiffs:

Defendant Heirs of William Taylor ("Defendants"), one of whom is Defendant Georgia Champion, by and through the undersigned Attorneys, answering the Complaint of the Plaintiffs in the above captioned action allege and say as follows:

1. Each and every allegation contained in Plaintiffs' Complaint ("Complaint") are hereafter denied unless specifically admitted herein.
2. Defendants admit the Complaint prays to quiet title to real property and that this honorable Court has jurisdiction.
3. Defendants are without sufficient information to admit or deny the allegations contained in Paragraph 2, and whether the plat cited therein is an accurate depiction of the real property in controversy and demand strict proof thereof.

4. Defendants are without sufficient information to admit or deny the allegations contained in Paragraphs 4 - 8 of the Complaint and therefore deny the same and demand strict proof thereof.

5. As to Paragraph 9, Defendant Georgia Champion denies any trespass and asserts she and/or her family is the owner of the disputed property and therefore demands strict proof of Plaintiffs' allegations therein.

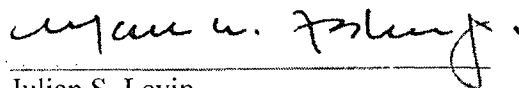
6. As to Paragraph 10, no Answer is required.

7. To the extent Paragraph 11 is an allegation rather than a prayer, Defendant Georgia Champion denies any encroachment onto Plaintiffs' property, and demands strict proof thereof.

WHEREFORE, having fully answered the Complaint, Defendants request that this court dismiss the Complaint and assess all Defendants' costs against Plaintiffs, and order such other and further relief as this Court deems just and proper.

LEVIN GILLEY & FISHER, LLC

July 20, 2012



Julian S. Levin

Marc W. Fisher, Jr.

Attorneys for Defendant Heirs of William Taylor
including Defendant Georgia Champion

811 Craven Street

Beaufort, South Carolina 29902

843.522.9000 (T)

843.524.8248 (F)

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF BEAUFORT	)	CIVIL ACTION NO.: 2011-CP-07-2521
Maxine Taylor	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	AMENDED ANSWER
Heirs of William Taylor; Heirs of	)	OF DEFENDANT HEIRS OF
E. Washington; Heirs of Phoebe Taylor;	)	WILLIAM TAYLOR
Heirs of Albertha Goodwine; and all	)	
persons unknown designated as a class,	)	
John Doe; and all persons under disability	)	
or in military service designated as a class;	)	
Richard Roe, and Beaufort County, SC,	)	
a body politic.	)	
	)	
Defendants.	)	
	)	

2013 JUN 20 AM 10:54
 BEAUFORT COUNTY, S.C.
 CLERK OF COURT

TO: George H. O'Kelley, Jr., Esq., Attorney for the Plaintiff

The Defendants Heirs of William Taylor, answering the Complaint of the Plaintiff, Maxine Taylor, would respectfully show to this Honorable Court:

FOR A FIRST DEFENSE

General Denial

1. Defendants deny each and every allegation therein contained, except such are hereinafter specifically admitted, qualified, or explained, and they demand strict proof thereof.
2. Answering Paragraphs 1 and 2 of the Complaint, the Defendants admit upon information and belief the allegations alleged therein.

3. Answering Paragraph 3 of the Complaint, the Defendants admit the existence of the deed, but deny that the property referenced in the deed is located where claimed by Plaintiff.
4. Answering Paragraphs 4 through 7 and Paragraph 9 of the Complaint, the Defendants do not have sufficient knowledge or information to form a belief as to the allegations contained therein, and therefore deny the same.
5. That any claimed deeds into James Taylor or the heirs of James Taylor refer to property whose location is not as claimed by Plaintiff.

FOR A SECOND DEFENSE AND FIRST COUNTER-CLAIM

Adverse Possession

6. The allegations contained in the Paragraphs 1 through 5 are repeated here as if stated verbatim.
7. A portion of the property claimed by Plaintiffs, to wit, approximately the eastern one-half (1/2) of said property, was occupied for more than 40 years by Rufus and Mary Taylor and their heirs, all of whom are heirs of William Taylor.
8. That such occupation by heirs of William Taylor included farming the property and raising livestock on the property.
9. That such occupation and use of the property were and are well known to Plaintiff and numerous members of the Warsaw Island community.
10. That such occupation and use of the property were continuous, hostile, adverse, notorious and exclusive for more than 40 years.

FOR A THIRD DEFENSE AND SECOND COUNTER-CLAIM

Trespass

11. The allegations contained in the Paragraphs 1 through 10 are repeated here as if stated verbatim.
12. For more than 40 years, Defendants have been in actual possession of the property and/or have been entitled to possession of the property.
13. Nonetheless, Plaintiff parks vehicles on the property and interferes with the Heirs of William Taylor when any of such heirs seek to bush-hog or cut grass on the property.
14. That Plaintiff's actions are without Defendants' consent and against the will of Defendants.
15. The use by Plaintiff of this property adversely affects the value of Defendants' property and interferes with Defendants' full use and enjoyment of the property.

WHEREFORE, the Defendant(s) pray as follows:

1. That the action be dismissed.
2. That the Court quiet title in the Heirs of William Taylor.
3. That the Defendant(s) be awarded attorneys' fees and costs; and
4. For such and further relief as this Court may deem just and proper.

LEVIN GILLEY & FISHER, LLC

By: Marc W. Fisher, Jr.

Julian S. Levin, Esq.
Marc W. Fisher, Jr., Esq.
Attorneys for Defendant Heirs
of William Taylor
811 Craven Street
Beaufort, South Carolina 29902
(843) 522-9000 Telephone
(843) 524-8248 Facsimile

6/13, 2013

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF BEAUFORT	)	CIVIL CASE NO. 2012-CP-07-02246
	)	
Stanley Taylor, Joe A. Taylor	)	NON-JURY
and Martha T. Taylor,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	AMENDED ANSWER
	)	OF DEFENDANTS HEIRS OF
Heirs of William Taylor, Heirs of	)	WILLIAM TAYLOR AND
E. Washington, Heirs of Phoebe Taylor,	)	GEORGIA CHAMPION
Heirs of James Joseph Taylor, Heirs of	)	
Josephine Taylor, and Georgia Champion,	)	
	)	
Defendants.	)	
	)	

2013 JUN 20 AM 10:54
 JAMES ROSENEAU
 BEAUFORT COUNTY, S.C.
 CLERK OF COURT

TO: George H. O'Kelley, Jr., Esq., Counsel for Plaintiffs:

Defendant Heirs of William Taylor ("Defendants"), one of whom is Defendant Georgia Champion, by and through the undersigned Attorneys, answering the Complaint of the Plaintiffs in the above captioned action allege and say as follows:

FOR A FIRST DEFENSE

General Denial

1. Each and every allegation contained in Plaintiffs' Complaint ("Complaint") are hereafter denied unless specifically admitted herein.
2. Defendants admit the Complaint prays to quiet title to real property and that this honorable Court has jurisdiction.

- 1
3. Defendants are without sufficient information to admit or deny the allegations contained in Paragraph 2, and whether the plat cited therein is an accurate depiction of the real property in controversy and demand strict proof thereof.
 4. Defendants are without sufficient information to admit or deny the allegations contained in Paragraphs 4 - 8 of the Complaint and therefore deny the same and demand strict proof thereof.
 5. As to Paragraph 9, Defendant Georgia Champion denies any trespass and asserts she and/or her family is the owner of the disputed property and therefore demands strict proof of Plaintiffs' allegations therein.
 6. As to Paragraph 10, no Answer is required.
 7. To the extent Paragraph 11 is an allegation rather than a prayer, Defendant Georgia Champion denies any encroachment onto Plaintiffs' property, and demands strict proof thereof.
 8. That any claimed deeds into James Taylor or the heirs of James Taylor refer to property whose location is not as claimed by Plaintiffs.

FOR A SECOND DEFENSE AND FIRST COUNTER-CLAIM

Adverse Possession

9. The allegations contained in the Paragraphs 1 through 8 are repeated here as if stated verbatim.
10. The property claimed by Plaintiffs has only within the last several years been occupied by Plaintiffs and, prior to Plaintiffs' occupation, was occupied for more than

40 years by Rufus and Mary Taylor and their heirs, all of whom are heirs of William Taylor.

11. That such occupation by heirs of William Taylor included maintaining a house on the property, farming the property, and raising livestock on the property.
12. That Defendant Georgia Champion was raised on the property by her grandparents, Rufus and Mary Taylor, and by her mother, Rebecca Taylor, and the said Georgia Champion grew up in the house referred to in Paragraph 10, above.
13. That such occupation and use of the property were and are well known to Plaintiffs and numerous members of the Warsaw Island community.
14. That such occupation and use of the property were continuous, hostile, adverse, notorious and exclusive for more than 40 years.

FOR A THIRD DEFENSE AND SECOND COUNTER-CLAIM

Trespass

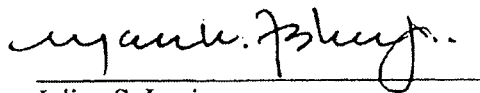
15. The allegations contained in the Paragraphs 1 through 14 are repeated here as if stated verbatim.
16. For more than 40 years, Defendants have been in actual possession of the property and/or have been entitled to possession of the property.
17. Nonetheless, less than 10 years ago, Plaintiffs placed on Defendants' property a mobile home.
18. That Plaintiffs did so without Defendants' consent and against the will of Defendants.

19. Upon Plaintiffs moving the mobile home onto the property, Defendants promptly informed Plaintiffs that the mobile home was wrongly placed on Defendants' property and requested that Plaintiffs remove the mobile home.
20. Nonetheless, Plaintiffs refused to so move the mobile home.
21. The continued presence of Plaintiffs' mobile home on Defendants' property adversely affects the value of Defendants' property and interferes with Defendants' full use and enjoyment of the property.

WHEREFORE, having fully answered the Complaint, Defendants request that this Court dismiss the Complaint, quiet title in the subject real property in Defendant Heirs of William Taylor, order Plaintiffs to remove their mobile home from the property, assess all Defendants' attorneys' fees and costs against Plaintiffs, and order such other and further relief as this Court deems just and proper.

LEVIN GILLEY & FISHER, LLC

6/13, 2013



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Attorneys for Defendant Heirs of William Taylor
including Defendant Georgia Champion
811 Craven Street
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843.522.9000 (T)
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MAXINE TAYLOR,)
)
 Plaintiff,)
)
 -versus-) Civil Action Number
) 2011-cp-07-2521
 HEIRS OF WILLIAM TAYLOR; HEIRS OF)
 E. WASHINGTON; HEIRS OF PHOEBE)
 TAYLOR; HEIRS OF ALBERTHA GOODWINE;)
 and ALL PERSONS UNKNOWN DESIGNATED)
 AS A CLASS; RICHARD ROW; and)
 BEAUFORT COUNTY, S.C., a body)
 politic.)
)
 Defendants.)

STANLEY TAYLOR, JOE A. TAYLOR and)
MARTHA T. BROWN,)
)
Plaintiffs,)
)
-versus-) Civil Action Number
) 2012-CP-07-2246
HEIRS OF WILLIAM TAYLOR; HEIRS OF)
E. WASHINGTON; HEIRS OF PHOEBE)
TAYLOR; HEIRS OF JAMES JOSEPH)
TAYLOR; HEIRS OF JOSEPHINE TAYLOR,)
and GEORGIA CHAMPION,)
)
Defendants.)
)

HEARING held before the Honorable Marvin H. Dukes III, on the 29th day of July 2013, at the Master in Equity Court, Beaufort County Courthouse, 102 Ribaut Rd, Beaufort, South Carolina, commencing at approximately 9:48 a.m.

029

APPEARANCES

For the Appellants: Marc W. Fisher, Jr., Esquire
Julian S. Levin, Esquire
LEVIN, GILLEY & FISHER, LLC
P.O. Box 2358
Beaufort, S.C. 29901-2358

For the Defendants: George H. O'Kelley, Jr., Esquire
ATTORNEY AT LAW
P.O. Box 1072
Beaufort, S.C. 29901

Reported by: Debbie Criscitiello
Professional Verbatim Reporter

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Beaufort, South Carolina

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Beaufort, South Carolina

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1 THE COURT: Good morning. We're here in
2 Maxine Taylor versus Heirs of William Taylor, et al,
3 and Stanley Taylor, Joe Taylor and Martha Taylor
4 versus Heirs of William Taylor, et al. These are
5 consolidated cases 11-CP-07-2521 and 12-CP-07-2246.

6 ---o0o---

7 DAVID GASQUE, called as a witness, having
8 been first duly sworn by the Court, was examined and
9 testified as follows:

10 DIRECT EXAMINATION

11 BY MR. O'KELLEY:

12 Q. Your full name, please?

13 A. David Edwin Gasque.

14 Q. And what do for a living?

15 A. I'm a land surveyor.

16 Q. Are you registered or certified by the State of
17 South Carolina?

18 A. Yes, sir.

19 Q. And you're an official RLS?

20 A. Yes, sir.

21 Q. How long have you been doing surveying?

22 A. As an RLS, 28 years.

23 Q. How long you been doing it in Beaufort?

24 A. About 24.

25 Q. Okay. In your role as a surveyor, were you

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David Gasque
Direct by Mr. O'Kelley

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1 contacted by members of the Taylor family concerning some
2 property out on Warsaw Island?

3 A. Yes, sir. I was contacted through a Jim Wegmann,
4 attorney, at the time.

5 Q. All right. This is Exhibit Number 1. It's
6 already been marked. And if you'll hold that end, David,
7 and open this up. Is that your firm's work -- or your
8 work?

9 A. Yes, sir, it is.

10 Q. And what does that show?

11 A. It shows the property we were surveying at the
12 time for Maxine Taylor.

13 Q. And what is -- to back up a bit, are the
14 properties on Warsaw Island -- first of all, is that in
15 Beaufort County?

16 A. Yes, sir.

17 Q. I believe what, St. Helena Township?

18 A. Yes, sir. Warsaw Island.

19 Q. And then are those lots numbered historically
20 with a system of surveying or division?

21 A. Yes, sir. The lots were numbered by -- it was a
22 tracing of the Judd plat and the lines pretty much run
23 east, west, north, south.

24 Q. And does the lot that you -- or lots that you
25 were called upon to survey, what master lot was that in?

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David Gasque
Direct by Mr. O'Kelley

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1 A. It was Lot 9.

2 Q. Okay. What's the lot immediately west of Lot 9,
3 which would be this way?

4 A. We have 6 to the southwest.

5 Q. 6 is to the southwest, okay.

6 A. I didn't number the lot to the direct west of it.

7 Q. All right. Well, if this is 6 and this 8 and
8 this is 9, do you know whether or not --

9 A. It should be 7.

10 Q. Should be 7, okay. Now, I'm gonna hand this back
11 up to the Judge to look at. Open yours, please. I believe
12 it should be a mirror image. It's the same thing.

13 MR. O'KELLEY: I'm just handing you this
14 one, Judge. Or that's the one that's introduced and
15 this is --

16 THE COURT: This was referred to as Exhibit
17 1 without objection?

18 MR. FISHER: Without objection, Your Honor.

19 (WHEREUPON, a document was introduced as
20 Plaintiffs' Exhibit Number 1 for identification.)

21 MR. O'KELLEY:

22 Q. Now, I'm looking at a copy.

23 MR. O'KELLEY: And, Marc, you have a copy?

24 MR. FISHER: I do. There's two of them
25 here. You want to see one?

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David Gasque
Direct by Mr. O'Kelley

Beaufort, South Carolina
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1 MR. O'KELLEY: All right. You want to see
2 one?

3 MR. FISHER: Sure.

4 MR. O'KELLEY: There's two of them. I'm
5 gonna hand a copy to Marc Fisher -- Mr. Fisher, I
6 should say.

7 BY MR. O'KELLEY:

8 Q. And who contacted you to do this?

9 A. Jim Wegmann, on behalf of Maxine Taylor.

10 Q. And that's her name listed as the -- who it's
11 prepared for?

12 A. Yes, sir.

13 Q. What's the date of the final?

14 A. The survey date was 1/28/09.

15 Q. Now, what did you find in Lot 9 when you did the
16 survey?

17 A. Well, in my previous surveys I have done out
18 there, the long line at the bottom is a east-west line that
19 was called out on the Judd plat, where --

20 Q. Wait. What are you referring to when you say the
21 "Judge plat"?

22 A. Well, the Judd plat is a tracing of the lots out
23 at Warsaw Island.

24 Q. And -- oh, by Judd -- J-U-D-D, not Judge?

25 A. J-U-D-D, right.

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David Gasque
Direct by Mr. O'Kelley

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1 Q. Okay. I'm sorry for the --

2 A. That's all right. Anyway, from that we were able
3 to find corners and recreate the lots that were laid out by
4 the Judd plat.

5 Q. And when was the Judd plat done? Do you know?

6 A. It's around 1890. It's early 1900s.

7 Q. Okay. So using the section and lot lines, you
8 were able to get to the property?

9 A. Yes, sir. I was able to -- once we established
10 the east-west line, the tie points, we were able to then
11 turn -- and going up the northern property lines on the
12 northern direction we were able to find corners that worked
13 with the Judd plat.

14 Q. What do those heavy or solid black lines
15 represent?

16 A. On my plat it represents the actual lines I
17 surveyed as far as purporting to be the lines of occupation
18 or deeds or what have you.

19 Q. And what structures, if any, were on any of those
20 pieces you surveyed in Lot 9?

21 A. When I surveyed it, we found a brick house, which
22 indicates on the plat. We also found a mobile home, and we
23 also found -- it appeared to be a little bit of a
24 neighbor's drain field coming over the line.

25 Q. Now, when you say "neighbor's drain field,"

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David Gasque
Direct by Mr. O'Kelley

Beaufort, South Carolina
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1 you're pointing to an area. What is that where it says
2 "neighbor's drain field"?

3 A. Neighbor's drain field now forming a Champion.

4 Q. All right. So that little sideways u-shape is a
5 drain field?

6 A. The best we could tell.

7 Q. Okay. Did you do anything to determine, like
8 looking in the courthouse, to see whose names -- or whose
9 name or names the property was in or did you need to do
10 that?

11 A. Some of the -- the title work was provided us by
12 Jim Wegmann at the time. But, you know, we pulled deeds
13 and adjacent plats.

14 Q. Okay. The deeds and the plats that you looked
15 at, was there anything that did not jive with what your
16 final product was?

17 A. No, sir.

18 MR. O'KELLEY: All right. Would you answer
19 any questions that Mr. Fisher might have? And you can
20 leave that open.

21 CROSS-EXAMINATION

22 BY MR. FISHER:

23 Q. Mr. Gasque, you're not offering any opinion of
24 the ownership of these properties in Lot 9, are you?

25 A. No, sir. I don't offer title opinions.

1 Q. Okay. When you went out, you were basically
2 confirming -- I think when you told me lines on the ground
3 is for David Youmans' earlier plat?

4 A. We relied on some of David Youmans' earlier
5 plats, yes.

6 Q. Okay. And in these -- on the north of Warsaw
7 Road, you relied on some plats -- or some deeds, tax deeds?
8 Do you remember?

9 A. I relied on really two things. There was a plat,
10 the Judd plat, that presented that line running north-south
11 through there, and then any plats I had at the time. I
12 even referenced what plats I used.

13 Q. Okay.

14 MR. O'KELLEY: And just for the record, Your
15 Honor, he just pointed to the top left of the
16 highlighted property where it says "Martha Brown and
17 Stanley Taylor," with arrows drawn. That's where he
18 pointed.

19 BY MR. FISHER:

20 Q. Now, other than the brick house south of Warsaw,
21 and the mobile home north of Warsaw, was there any other
22 evidence that the James Taylor or Maxine Taylor family
23 occupied any other portions?

24 A. Not that I remember.

25 Q. Okay. Now, you basically, it looks like,

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1 outlined the boundaries. Did you go at all into the
2 interior of the Martha Brown and Stanley Taylor pieces
3 you've showed them?

4 A. I went -- I walked crisscross of the property I
5 surveyed.

6 Q. Okay. Do you remember seeing the remnants of a
7 old home in there, a tin roof?

8 A. No, sir.

9 Q. Do you have a recollection of that?

10 A. I don't, sir.

11 Q. All right. Did you see -- when you went and did
12 your deed work, or looked at the deeds provided by Mr.
13 Wegmann, did you find any deeds into James Taylor or his
14 estate for more than -- greater than 4 acres?

15 A. I don't remember right now.

16 Q. Did you look -- did you look at any AOC cards for
17 Lot 9?

18 A. I looked at a lot of 'em. I would have to just
19 start digging and pull them up.

20 Q. Do you remember seeing an AOC card for 6 acres in
21 the Heirs of William Taylor?

22 A. No, sir, I don't remember. It could be there, I
23 just don't remember.

24 Q. All right. We'll use another witness for that.
25 And then the last question is, do you know the tax map --

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1 or would you confirm that the tax map parcels at some point
2 in the history of this property were switched?

3 A. There appeared to be some type of tax map
4 irregularities going on, yes, sir.

5 Q. Okay. Would you remember that offhand what those
6 were?

7 A. No, sir.

8 Q. Okay.

9 A. I just remember there was something peculiar
10 about the tax map.

11 MR. FISHER: George, do you have your tax as
12 exhibits that show the tax maps? Or are you gonna
13 offer them through a different witness?

14 MR. O'KELLEY: I'm not sure exactly what
15 you're asking for.

16 MR. FISHER: Well, there's the original tax
17 map that shows 6 as the big chunk. Parcel 5 as the
18 big --

19 MR. O'KELLEY: I'll have to look.

20 MR. FISHER: Right.

21 MR. O'KELLEY: Bear with me just a moment.

22 MR. FISHER: Sure. And I'll --

23 MR. O'KELLEY: I have this, Marc. I have
24 this. Is that what you're asking?

25 MR. FISHER: Yeah.

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1 MR. O'KELLEY: That's the only one I have.

2 MR. FISHER: That's Plaintiffs' Number 6.

3 MR. O'KELLEY: And I can hand up the
4 original of that and I can give you a copy.

5 MR. FISHER: Let's just see if he --

6 MR. O'KELLEY: No. I'll go ahead and hand
7 it up so the Judge can --

8 MR. FISHER: Okay.

9 MR. O'KELLEY: This is Number 6, already
10 marked.

11 THE COURT: All right. We're skipping
12 around a little here.

13 MR. O'KELLEY: Yeah, sorry.

14 THE COURT: Plaintiffs' 6 without objection,
15 which is a tax map.

16 (WHEREUPON, a document was entered as
17 Plaintiffs' Exhibit Number 6 for identification.)

18 MR. O'KELLEY: And Mr. Gasque has a copy in
19 front of him.

20 THE COURT: All right. This one was dated
21 1954, revised 1965, is what I've been given.

22 BY MR. FISHER:

23 Q. Do you recall seeing this?

24 A. I remember seeing it.

25 Q. Okay. But do you remember -- any recollection of

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1 seeing this and seeing an AOC card that showed that Parcel
2 5, 6 acres plus or minus, being in the Heirs of William
3 Taylor?

4 A. No, sir, I wouldn't remember it, I mean, without
5 going back and looking and digging through the notes.

6 Q. So just to summarize then, you don't have any
7 recollection of seeing any deeds into James Taylor, Maxine
8 Taylor, Martha Brown, Stanley Taylor that would total 10
9 acres?

10 A. Without going through my notes and digging, I
11 couldn't say. I mean, I saw deeds into their names.

12 Q. Okay.

13 A. But I can't --

14 Q. Okay. We'll use the title abstracter.

15 MR. O'KELLEY: Just one little bit on
16 redirect, Your Honor.

17 REDIRECT EXAMINATION

18 BY MR. O'KELLEY:

19 Q. Mr. Gasque, what is -- the parcel that you
20 surveyed, which is on Exhibit Number 1, what is the tax map
21 parcel number?

22 A. I call it Par 300, Map 9, Parcel 5.

23 Q. All right. Parcel 5. And that's shown as Parcel
24 5 on what you surveyed?

25 A. Yes, sir.

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1 Q. Now, on the old tax maps, looking at the same
2 piece, what does it show?

3 A. It shows -- reflecting my 5, it shows 6, 6A,
4 and 5.

5 MR. O'KELLEY: But, now, Your Honor, I've
6 sent number -- what's that number again, Your Honor?
7 The tax map?

8 THE COURT: The tax map is 6, Plaintiffs'
9 6.

10 MR. O'KELLEY: It's Exhibit 6?

11 THE COURT: It is.

12 MR. O'KELLEY: All right. Well, if you look
13 at Exhibit 6, and for Marc's reference and everyone's,
14 Exhibit 6, the number is different. It shows 6, and
15 Mr. Gasque pulled it up as 5. So it's -- therein is
16 one of the problems.

17 All right. I don't have any other
18 questions.

19 MR. FISHER: Mind if I have a moment?
20 (Counsel peruses notes.) Nothing further.

21 MR. O'KELLEY: And may Mr. Gasque be
22 excused?

23 THE COURT: I have a couple of quick
24 questions.

25 MR. O'KELLEY: Oh, sorry.

EXAMINATION

BY THE COURT:

Q. On the piece of property 6 -- I guess the northwest portion, for want of a better term --

A. Yes, sir.

Q. -- you did, of course, noted the mobile home, the drain field. How do you know that it's a drain field under there? Is the ground bulged up or something?

A. Usually, you know, we were suspect of it and you could see like the difference in the grass color, the greener or what have you.

Q. Was that area, do you remember, was it heavily wooded? Was it a field? Or do you --

A. I don't think it was heavily wooded at the time.

Q. Okay. A minute ago you were asked about some structures other than the mobile home there, and I think your answer was you don't remember there being structures. What is the line for you as far as what you would put as a structure? I mean, if there's an old chimney or something, you'd put that?

A. Not necessarily. If it's a house or a feature, we would normally do it. But a lot of times if it's a ruin down, we don't necessarily do it unless we're asked to.

Q. Okay.

A. 'Cause this was -- the purpose of this was a

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1 boundary survey, not an as-built --

2 Q. I gotcha.

3 A. -- showing features.

4 Q. You have put -- or I don't know if it was using
5 your data or other data, the reduction for the marsh here
6 in the -- and it looks like that's a little over an acre
7 and a half worth of marsh. Is that deducted from the total
8 there? I'm looking at an acreage chart there for the area
9 in marsh. Is that the total area in marsh inside the
10 larger square or --

11 A. Yeah. Yes, sir. That would be the total area of
12 marsh up in that area.

13 Q. Okay. So if that were to be deducted -- I guess
14 I'm trying to come up with the acreage as less the marsh.
15 So in 6A, is there a number somewhere that shows you how
16 many acres there are minus the marsh or is -- so the 2.15
17 there is -- that's including the marsh; is that right?

18 A. Yes, sir.

19 Q. Okay. So and that appears to be about a third
20 marsh there, I guess, and then the other one is probably
21 about the same, maybe a third marsh. I mean, is there a
22 way to -- I guess the only way to do it is to add 3.37 and
23 2.15, and then subtract 1.63, and hope the ratios are about
24 the same?

25 A. Yes.

1 Q. Is that -- okay. All right.

2 A. Well, what you have, you have the area within the
3 right-of-ways, as you see, and then we've got one total for
4 the area within the marsh.

5 Q. I see. Okay. All right. Anything else?

6 MR. FISHER: Yes, sir.

7 RECROSS-EXAMINATION

8 BY MR. FISHER:

9 Q. I just note that area -- it must just border the
10 marsh where you found an AOC monument --

11 A. Yes, sir.

12 Q. -- in the northwest?

13 A. Northeast. We found an AOC right near the marsh.

14 Q. That's a good marker between 9 -- Lot 9 and Lot
15 11, then?

16 A. I consider that a good marker.

17 Q. That's a good marker. Is that a 6x6 --

18 A. Yes, sir.

19 Q. -- with the AOC on it?

20 REEXAMINATION

21 BY THE COURT:

22 Q. In your experience with regard to the Judd plat
23 and this area, do these parcels of land, the deeds in or
24 out, include the marshland or not? Or is there -- is there
25 any rhyme or reason to it?

1 A. They're included. I mean, it was just
2 rectangulars and they didn't really get into the marsh back
3 then. It's just a rectangular system.

4 Q. So, I mean, a deed might say 10 acres, but it's
5 really 4 acres or 2 acres or something?

6 A. It could have been, yes, sir.

7 Q. Okay. They just drew a square, and it may or may
8 not have included buildable land?

9 A. Yes, sir.

10 Q. Okay.

11 THE COURT: All right.

12 MR. FISHER: I don't have any questions.

13 MR. O'KELLEY: May Mr. Gasque be excused?

14 THE COURT: Absolutely.

15 MR. O'KELLEY: Can we ask the other David to
16 come in, please?

17 THE COURT: I'll be glad to.

18 MR. O'KELLEY: We call David Youmans next,
19 Your Honor.

20 THE COURT: All right.

21 MR. FISHER: Are you going to use the same
22 exhibits?

23 MR. O'KELLEY: Sir?

24 MR. FISHER: Were you going to use the same
25 exhibits?

1 MR. O'KELLEY: I was going to use his.

2 MR. FISHER: Okay.

3 ---o0o---

4 DAVID YOUMANS, called as a witness, having
5 been first duly sworn by the Court, was examined and
6 testified as follows:

7 DIRECT EXAMINATION

8 BY MR. O'KELLEY:

9 Q. And state your full name, please, sir.

10 A. David Samuel Youmans.

11 Q. And what do you do for a living?

12 A. I'm a land surveyor.

13 Q. Are you registered with the state?

14 A. Yes, sir, I am.

15 Q. How long have you been doing this work?

16 A. Almost 30 years. I was registered in 1983.

17 Q. And is this your exclusive profession?

18 A. It is.

19 Q. And is there something peculiar or different
20 about the property we're talking about as regards to where
21 you might live?

22 A. It's right around the corner from where I live.

23 Q. Okay. You live -- if you look at that sketch up
24 on the board, where the Warsaw Road comes together with
25 Gardner Road, where do you live? I know it's not shown.

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1 A. Up above there.

2 Q. Okay. So you pass this way a lot?

3 A. Every day.

4 Q. Now, were you asked to do some surveys on more
5 than one occasion in this area?

6 A. Oh, yes, sir.

7 Q. All right. Now, first thing I'm gonna show you
8 what has been marked as Exhibit Number 3.

9 MR. O'KELLEY: I'll give a copy to Mr.
10 Fisher and let you look at that one. And, Your Honor,
11 I'm gonna hand up the original. I just gave identical
12 copies to the witness and to the Defendants' attorney.

13 THE COURT: Any objections to Plaintiffs' 3?

14 MR. FISHER: No, Your Honor.

15 THE COURT: Entered as Exhibit 3.

16 (WHEREUPON, a document was entered as
17 Plaintiffs' Exhibit Number 3 for identification.)

18 BY MR. O'KELLEY:

19 Q. Now, looking at this plat, please, sir -- first
20 of all, when was that done?

21 A. This was done in July of 1996.

22 Q. And who did you do that for?

23 A. Heirs of Rufus and Geneva Taylor.

24 Q. And it shows it looks like three full lots as you
25 look across it. Do you know what numbers those were? Can

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1 you tell?

2 A. This was all a portion of Lot 7. This is a
3 subdivision of that Lot 7.

4 Q. Now, you have different parcels, I assume, that
5 you labeled like A, B, C?

6 A. A, B, C, D, E and F, yes.

7 Q. Did you do this survey to facilitate a quiet
8 title action?

9 A. Yes, sir, I did.

10 Q. And the quiet title action, did you actually go
11 out and survey it? Did you draw the map, do everything in
12 conjunction with this?

13 A. I had a field crew that did the field work and I
14 did the calculating and the draft -- or facilitated for the
15 draft.

16 Q. All right. And then let's talk first about
17 Parcel E, which is for Marc, that's the piece in the
18 southeast corner of this survey; is that right, David?

19 A. Correct.

20 Q. And it has a 36 on it. What does that mean?

21 A. That's the tax parcel number.

22 MR. O'KELLEY: Your Honor, does your have 36
23 on it?

24 THE COURT: It says 36 and Parcel F on mine.

25 MR. O'KELLEY: Yeah. But 36 handwritten in

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1 there?

2 THE COURT: It does, but it's not an E.

3 WITNESS: Oh, you're right. It is Parcel F.

4 MR. O'KELLEY: That's what I meant. Did I
5 say E?

6 WITNESS: Yeah.

7 THE COURT: Yeah.

8 MR. O'KELLEY: I'm sorry.

9 THE COURT: Anyway, it's all straight. 36
10 is written -- handwritten on Parcel F.

11 BY MR. O'KELLEY:

12 Q. 36 is written in and that's the parcel number?

13 A. Correct. Yes, sir.

14 Q. All right. And immediately to the east of there,
15 what is that parcel written in?

16 A. 5.

17 Q. And do you know who owns that piece?

18 A. I do. If you'll give me a minute, I'll find it.
19 It's the Taylors' property.

20 Q. Do you know which Taylor, 'cause we've got
21 several Taylors?

22 A. Maxine Taylor.

23 Q. All right. And have you done surveys for her in
24 that same area?

25 A. I have, yes, sir.

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1 Q. All right. While you've got that survey, I'm
2 gonna show you one that's a little more detailed, and this
3 is Exhibit Number 4. I've got a copy marked. And if
4 you'll look at that, please, sir.

5 MR. O'KELLEY: And I'll hand the original up
6 to the Court.

7 THE COURT: Plaintiffs' 4 without objection,
8 Mr. Fisher?

9 MR. FISHER: Without objection, Your Honor.

10 (WHEREUPON, a document was entered as
11 Plaintiffs' Exhibit Number 4 for identification.)
12 BY MR. O'KELLEY:

13 Q. Now, is that an individual plat, if you will, of
14 something that is shown on Exhibit Number, I think, 3, and
15 if so, what is it?

16 A. This is the original boundary survey of Lot 7.

17 Q. And is that -- where would that be on the other
18 exhibit, which is 3?

19 A. I'm not sure if I understand.

20 Q. Okay. Exhibit 3 looks like it shows about three
21 or four different lots, and you've got them numbered Parcel
22 E, Parcel F, etcetera.

23 A. Right.

24 Q. And then this piece appears -- it says it's a
25 portion of Lot 7; correct?

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1 A. Right.

2 Q. Well, I want to know -- I want to know if that on
3 4 can be identified on 3?

4 A. It is. It's the total parcel that this was
5 subdivided from.

6 Q. All right. So this plat that's Number 3 was done
7 when?

8 A. July 29, 1996: That's when we did the boundary.

9 Q. So the first -- so Exhibit 4 is a boundary
10 survey, and Exhibit 3 is a subdivision of that property; is
11 that right?

12 A. That's correct, yes, sir.

13 Q. And about the numbers. Did you find anything
14 unusual or strange about the parcel numbers being -- from
15 year to year at some point being switched or messed up?

16 A. Not on this parcel, no. This was originally
17 Parcel 36.

18 Q. Okay. And you show it as -- you show a piece of
19 that as Parcel 36 on Exhibit 3? Or somebody does.

20 A. Somebody does, right.

21 Q. Yeah.

22 A. That's a number that's assigned with the
23 assessor's office.

24 Q. The numbers that are written in from the
25 assessor's that show 5 and 6 over to the east of 36, what

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1 lot is that?

2 A. That's in Lot 9 of Warsaw Island.

3 Q. Mr. Gasque referenced something called the Judd
4 plat.

5 A. Right.

6 Q. What was the Judd plat?

7 A. It's a plat done by H.G. Judd in 1886 or '96 --
8 1886, subdividing the northern portion of Warsaw Island
9 into lots.

10 Q. Is that where these Lot 7, Lot 9 and all that
11 came from?

12 A. That's correct, yes, sir.

13 Q. And is there any question that Lot 9 and Lot 7
14 are where they're supposed to be or not where they're
15 supposed to be?

16 A. No question in my mind, no, sir.

17 Q. All right. And when you surveyed them, did you
18 rely on other previous references like surveyors that had
19 gone before?

20 A. Right. There was a Niels Christensen plat that
21 we used as one of our references.

22 Q. Okay. And then any others?

23 A. I think that was the only one that we used at the
24 time.

25 Q. And the survey that you did for Rufus and Geneva

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1 Taylor -- and I asked you if that was to facilitate a quiet
2 title action. Were you involved in the quiet title action
3 as a witness or a surveyor?

4 A. I don't think so.

5 Q. All right.

6 A. Not that I recall.

7 Q. I'm gonna show you what is marked as Exhibit 12,
8 please, sir. And Exhibit 12 --

9 MR. O'KELLEY: Give me just a minute and
10 I'll separate it, Your Honor. Marc, your copy.

11 BY MR. O'KELLEY:

12 Q. Exhibit 12, which is entitled "Order Quieting and
13 Confirming Title," Your Honor, and was filed it looks like
14 on February the 28th, 1997, Beaufort County Clerk of Court;
15 is that correct?

16 A. That's correct, yes, sir.

17 Q. Now, this order quiets and confirms title. Tell
18 me who the plaintiffs were in that action, please, sir.

19 A. Isaac Taylor, Rebecca Taylor and Walter Taylor.

20 Q. And as a part of that, there's two legal
21 descriptions on page 4. Do you see that?

22 A. Yes, sir.

23 Q. And it references a July 1996 plat prepared by
24 David Youmans?

25 A. Correct.

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1 Q. And is that plat attached?

2 A. Yes, sir, it is.

3 Q. Now, is that -- is that the same plat we've been
4 talking about?

5 A. It is, yes, sir.

6 Q. So Exhibit 4, which is the total piece, is the
7 same plat that is attached to the quiet title action as
8 Parcel 36?

9 A. That's correct, yes, sir.

10 Q. All right.

11 MR. O'KELLEY: Your Honor, I'll go ahead and
12 present this. And just for reference, I think Marc
13 will agree, there are two pieces quieted, and one of
14 the pieces is in a different area of Warsaw and is not
15 -- and is a plat -- a portion of a plat for that, and
16 that doesn't -- and that's not what we're here about
17 today.

18 THE COURT: When I glanced at that earlier
19 it had an A and B. Is this one A or B? Or the one
20 next door?

21 MR. FISHER: It's 7.

22 THE COURT: It's 7. Lot 7 is A.

23 MR. O'KELLEY: Here's the plat. It's A.

24 MR. O'KELLEY:

25 Q. And the plat, David, is the same as we've

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1 introduced that shows property -- the 3 and 4 property?

2 A. Correct, yes, sir.

3 Q. All right. Now --

4 MR. FISHER: If I may, someone has written
5 something on this plat. I don't know where that came
6 from. In the plats I've seen previously, that's not
7 there.

8 MR. O'KELLEY: What is that number? Is that
9 on mine?

10 MR. FISHER: This is your 7. I don't know
11 if it's on the one you gave the Judge.

12 THE COURT: Is that 7? You mean 4?

13 MR. FISHER: It's your PE 12.

14 THE COURT: This one?

15 MR. O'KELLEY: This Exhibit 4? It's not on
16 that one.

17 MR. FISHER: No, it was on --

18 MR. O'KELLEY: On the quiet title. You got
19 the quiet title? If I could just look at that for a
20 second?

21 MR. FISHER: Can we -- I'd suggest you
22 disregard that notation?

23 MR. O'KELLEY: Yeah. I don't know who wrote
24 that on there.

25 THE COURT: I don't -- what are you talking

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1 about?

2 MR. O'KELLEY: There's something that looks
3 like the word "home" written right there. I don't
4 know.

5 THE COURT: All right. Why don't we put a
6 big X through that or something.

7 MR. FISHER: That'd be fine.

8 MR. O'KELLEY: Strike it out. So that's
9 been stricken. That has no bearing on the case.

10 THE COURT: Got it. Thank you.

11 BY MR. O'KELLEY:

12 Q. Now, Mr. Youmans, I show you Exhibit 5. Exhibit
13 Number 5 is another plat. Now, is this plat in the same --

14 THE COURT: Let me just so we can keep this
15 straight. We've got Plaintiffs' 12 without objection,
16 and now we've got Plaintiffs' 5 without objection?

17 MR. FISHER: That's correct.

18 (WHEREUPON, documents were entered as
19 Plaintiffs' Exhibit Numbers 5 and 12 for
20 identification.)

21 MR. O'KELLEY:

22 Q. And Plaintiffs' 5, Mr. Youmans, what is that?

23 A. That's a plat I prepared for Maxine Taylor.

24 Q. And where is -- is that shown on any of the other
25 plats that -- well, first of all, where is this? Where is

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1 the property?

2 A. This is on Warsaw adjoining the Rufus and Maxine
3 Taylor plat we were just talking about.

4 Q. And what is it bounded by?

5 A. It's bounded by on the north and the east by
6 roads. Warsaw Island Road on the north, Gardner Drive on
7 the east, and Lot 7, Christopher Champion, a portion of Lot
8 7 on the west, and Brenda Smalls on the south by a portion
9 of Lot 9, Warsaw Island.

10 Q. All right. Did you find any structures on the
11 property you surveyed for Maxine?

12 A. Yes, sir. There's a brick house on there.

13 Q. And it's shown on there on the plat?

14 A. Yes, sir, it is.

15 Q. And when was this plat done?

16 A. This was done in 2007.

17 Q. At whose request?

18 A. Maxine Taylor's.

19 Q. Now, going back to Exhibit 3 and looking at the
20 current exhibit, where would this parcel be in regard to
21 what's on Number 3?

22 A. It's where the Parcel 5 has been written in on
23 this plat.

24 Q. Right.

25 A. To the east of Lot 7, the Parcel F.

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1 Q. Which is also shown with a handwritten 36 on it?

2 A. Correct, yes, sir.

3 Q. All right. And the line between Lot 7 and Lot 9,
4 you see that line?

5 A. Yes, sir.

6 Q. And this line that's shown on all of them, on all
7 the plats that you have studied or made, are those lines
8 consistent?

9 A. Yes, sir.

10 Q. I mean, did you ever find where it --

11 A. It should have been somewhere else?

12 Q. Where it went somewhere else?

13 A. No, sir.

14 Q. All right. Now, at my request, did you go on the
15 property when we were there, and I think Mr. Levin was
16 there, and we looked at the property and you showed me your
17 survey markers and all?

18 A. Yes, sir.

19 MR. O'KELLEY: Your Honor, I have what is
20 marked as Exhibit 2, which are a series of
21 photographs.

22 THE COURT: All right. Is there any
23 objection?

24 MR. FISHER: No objection.

25 MR. O'KELLEY: Okay.

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1 (WHEREUPON, photographs were entered as
2 Plaintiffs' Exhibit Number 2 for identification.)

3 MR. O'KELLEY: Why don't we do this.

4 THE COURT: How many photographs?

5 MR. O'KELLEY: Sir?

6 THE COURT: How many total photographs?

7 MR. O'KELLEY: Well, I'm not sure I'm going
8 to introduce them all.

9 THE COURT: All right.

10 MR. O'KELLEY: But what I'll -- they're all
11 labeled as Exhibit Number 2, and I just thought that
12 we'll put an A, B, C. 2A, 2B, 2C on the ones we talk
13 about.

14 THE COURT: Okay. But at some point we just
15 need to decide how many and label them, just for the
16 sake of the record.

17 MR. O'KELLEY: And I'm going to. But I want
18 to --

19 THE COURT: All right.

20 MR. O'KELLEY: Some of them might be
21 redundant, so I'm just gonna --

22 THE COURT: Okay. Whatever you want to do.

23 MR. O'KELLEY: All right.

24 BY MR. O'KELLEY:

25 Q. The first I'll label as 2A on the back. And, Mr.

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1 Youmans, what does that show?

2 A. That's one of the tall -- what we call a tall
3 stake. It's a 1x1 by 4-feet long that we were requested to
4 put on the line between parcels 36 and Parcel 5, as
5 indicated on Exhibit 3.

6 Q. And what is this bright looking thing out here?
7 What is that?

8 A. That's Warsaw Island Drive.

9 Q. Okay. And I'll label this one as --

10 THE COURT: Can you put your finger on where
11 that would be on the plat?

12 MR. O'KELLEY: You can use this plat.

13 THE COURT: And can you rotate that one
14 around, north up? I'm too simple. I don't understand
15 them when they're north down.

16 WITNESS: I was confused when I first looked
17 at it just now, too.

18 MR. O'KELLEY: Yeah, they switched it around
19 on us.

20 WITNESS: This is the line that was flagged.

21 THE COURT: Okay.

22 WITNESS: The flag right here by the road
23 was right up here by this iron.

24 THE COURT: Uh-huh.

25 WITNESS: And this was, oh, I don't know, 60

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1 or 80 feet further back. Somewhere in this general
2 area.

3 THE COURT: All right.

4 BY MR. O'KELLEY:

5 Q. All right. 2B shows -- it looks like a edge of a
6 road and some mailboxes.

7 A. Correct. That's standing on Warsaw Island Road,
8 looking at the property.

9 Q. Well, 2A shows a bit of a mailbox, and then is
10 that the same --

11 A. That's the same mailbox.

12 Q. -- mailbox?

13 A. Yes.

14 Q. This is just from a different direction?

15 A. Correct, yes, sir.

16 Q. Now, I notice to the -- which would be to the
17 east, I think, some of that property appears to be cleared
18 or cut.

19 A. It was; still is.

20 Q. Do you know who's doing the cutting?

21 A. It was my impression that Christopher Champion
22 had cleared it.

23 Q. And did something happen to the survey stakes
24 that you put out there?

25 A. They lasted for a while, but then they were --

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1 they're gone now.

2 Q. This shows -- 2C just shows those mailboxes, but
3 it just -- does that show where somebody's cut or cleared?

4 A. It does, yes, sir.

5 Q. When you originally went out there to do this
6 survey in '07, was that cleared then?

7 A. No, sir, it was not.

8 Q. It's been cleared since then?

9 A. Correct.

10 Q. Do you know -- and what was the last number we
11 had there? C? Let's make this 2D. And that appears to
12 show a corpse of woods near a partial clearing; is that
13 right?

14 A. It does.

15 Q. Is that -- looking at 2B, would that be the woods
16 we're looking at on 2B, where I'm pointing?

17 A. Yes, sir, it would be.

18 Q. All right. So the cutting goes over past the
19 mailboxes?

20 A. Correct.

21 Q. But the property line is to the west of the
22 mailboxes?

23 A. To the west of the mailboxes; correct.

24 MR. O'KELLEY: Give me just one moment,
25 please, and let me see if there's anything. I think

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1 most of these others would just be duplications. So
2 what do, Your Honor, is I'll put all of these in here,
3 and there's just four of them, at least for now.

4 THE COURT: All right.

5 MR. O'KELLEY: And that's Exhibit 2A, B, C
6 and D.

7 THE COURT: Got it. Without objection.
8 Okay.

9 BY MR. O'KELLEY:

10 Q. Now, David, did you have a conversation with a
11 lady named Ms. Georgia Champion about property on the north
12 side of Warsaw Island Road?

13 A. I have, yes, sir.

14 Q. Did you do any survey work for her?

15 A. Not for her di -- well, yeah, I guess I did.
16 When she put her mobile home out there, I think we flagged
17 the corners for her.

18 Q. Do you know about when that was?

19 A. No, I really don't. I'm not even positive that
20 we did.

21 Q. All right. Did you have any conversation with
22 her at any time about her driveway? Do you remember?

23 A. We did when we did the parcel to the east of
24 hers, that we discovered that her driveway went across the
25 property line.

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1 Q. Now, when you say "her driveway went across the
2 property line," on Exhibit 3, where would that be on
3 Exhibit 3, please, sir, approximately? Well, I tell you
4 what. Let's get that big plat.

5 THE COURT: You want 3 back?

6 MR. O'KELLEY: No, sir. I've got a copy
7 here.

8 THE COURT: This big one.

9 MR. O'KELLEY: I'm gonna use this big one,
10 if I could, 'cause it shows more on it. Or you have a
11 plat that shows?

12 WITNESS: Yes, sir.

13 THE COURT: Let's mark it on the official
14 one.

15 MR. O'KELLEY: This is the -- you want to
16 come look at this one?

17 THE COURT: Is that a different one?

18 MR. O'KELLEY: Yeah, it's a different plat.

19 BY MR. O'KELLEY:

20 Q. Who -- you did this for these people listed?

21 A. Yes.

22 Q. Martha Brown, Stanley Taylor and Joe Taylor?

23 A. Yes.

24 Q. And when was this done?

25 A. This is also in '07.

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1 Q. All right. And what do you show here?

2 A. We show -- this is the property east of Ms.
3 Champion's property.

4 Q. Does that show up on Mr. Gasque's plat?

5 A. Yes, it does.

6 Q. And which piece on the Gasque plat are we talking
7 about?

8 A. We're talking about this piece right here.

9 Q. All right.

10 A. Which is the mobile home.

11 Q. Where the mobile home is on it.

12 A. Correct.

13 Q. And I notice yours says "proposed mobile home."

14 A. Right. We did the --

15 Q. Now, going back --

16 A. -- site plan.

17 Q. -- to the driveway we were talking about. Where
18 is that?

19 A. This is the center of the driveway right here,
20 and it curves across onto the neighbor's property, and then
21 back onto her property and up where her mobile home is.

22 Q. And it shows in parenthesis the word "neighbors"?

23 A. Correct.

24 Q. All right.

25 MR. O'KELLEY: Your Honor, I'll give that

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1 back to you. And I did not have this plat. Do you
2 have any objection to this?

3 MR. FISHER: No.

4 MR. O'KELLEY: What's the next number,
5 please?

6 COURT REPORTER: 16.

7 MR. O'KELLEY: All right. We're going to
8 mark this one.

9 THE COURT: We're skipping around a little.
10 All right. That'll be Plaintiffs' 16 without
11 objection.

12 MR. O'KELLEY: Yeah, I didn't have that one.

13 THE COURT: Let's pause one second and get a
14 sticker.

15 MR. O'KELLEY: That may be one that got
16 ruined in the flood in my office.

17 (Brief off-the-record conversation.)

18 THE COURT: All right. That'll be
19 Plaintiffs' 16 without objection.

20 (WHEREUPON, a document was entered as
21 Plaintiffs' Exhibit Number 16 for identification.)

22 BY MR. O'KELLEY:

23 Q. Plaintiffs' 16. And this was done for the
24 Plaintiffs in one of the quiet title actions this morning.
25 Martha, Stanley and Joe Taylor -- Martha Brown and Stanley

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1 and Joe Taylor. And your office did it in '07?

2 A. That's correct.

3 Q. All right. Once again, do those lines,
4 particular the western boundary for the Brown and Taylor
5 property, do those lines match up with, for example, the
6 lines on Exhibit 1 and Exhibit 3?

7 A. Yes, sir, they do.

8 Q. And are they -- was there anything you saw in
9 here other than the driveway going to the neighbors that
10 could possibly be indicated or exhibited as a encroachment
11 or something that caught your eye?

12 A. Part of the drain field for their septic system
13 is across the property line a little bit.

14 Q. And I believe that's shown on Exhibit 1, isn't
15 it, Mr. Gasque's plat? Do you know?

16 A. I don't recall.

17 MR. O'KELLEY: Let's see that, please, Your
18 Honor. Got to go back and forth.

19 BY MR. O'KELLEY:

20 Q. Mr. Gasque shows --

21 A. Yes.

22 Q. -- something that refers, it says, "Neighbor's
23 drain field." Is that the same thing?

24 A. It is.

25 Q. And you found it, too?

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1 A. Yes, sir.

2 Q. Did you find any derelict, dilapidated or torn
3 down or falling in structures at all?

4 A. No, sir.

5 Q. And I'm referring to stuff on this piece of
6 property on Exhibit 16. And you didn't see anything?

7 A. No, sir, we didn't.

8 Q. Okay. And the proposed mobile home, that would
9 have been for one of these people who the plat was made
10 for?

11 A. That's correct, yes, sir.

12 Q. All right. I think I've already introduced that
13 one. Did you look at any records -- property records or
14 courthouse records to assist you?

15 A. Yes, sir, I did. I looked at several deeds.

16 Q. And based upon your review and research -- and
17 I'm not holding you to being a title abstractor -- did
18 anything in your research countermand or change your
19 opinion as to where those property lines were?

20 A. No, sir, not really.

21 Q. Okay.

22 A. Some of the deeds were vague as far as where to
23 place 'em, but there was nothing that made me want to
24 change what we had going on, no, sir.

25 Q. The deeds being vague, you mean as to in essence

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1 more property being more or less, or defined by adjacent
2 property owners instead of plats?

3 A. Right. Described by adjacent property owners.
4 And they'd be the same property owners from 1880s or '90s,
5 whenever the deed was first written, and the same
6 descriptions used when it was -- when it changed hands
7 again. Just makes it kind of confusing to try to place
8 them.

9 Q. Did you find this property referred to as the
10 Judd plat? Did you find this property matched or coincided
11 with what was shown on that plat?

12 A. Yes, sir, I did.

13 Q. And how about subsequent plats? There's been
14 talk that maybe Niels Christensen did a plat out there, and
15 maybe a AOC, or other Arthur Christensen. Did they all
16 pretty much line up right?

17 A. As best they -- that anybody could that followed
18 the Judd plat.

19 Q. All right. And is the Judd plat still used
20 today?

21 A. Oh, yes, sir.

22 MR. O'KELLEY: All right. I think that's
23 it. Would you answer any questions that Mr. Fisher or
24 The Court might have, please, sir?

25 WITNESS: Certainly.

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CROSS-EXAMINATION

BY MR. FISHER:

Q. Mr. Youmans, first of all, I guess, on your -- let's start with your -- when you look at your Exhibit 3, I believe it is, the as-built survey for Maxine.

A. Okay.

MR. O'KELLEY: Exhibit 3?

MR. FISHER: No, I beg your pardon, 5.

WITNESS: 5, okay.

MR. O'KELLEY: Is that this one, Marc?

MR. FISHER: Yes.

THE COURT: I guess 5 is the upside down one.

MR. FISHER: 5 is the upside down one.

MR. O'KELLEY: Yeah, he's got it. The upside down. All right. We know what it is.

BY MR. FISHER:

Q. Did you -- and, really, I'm gonna reference this whole of 9, which is 10 acres; is that right -- more or less?

A. Okay.

Q. Let me attack this from a different angle here. Let me show you Plaintiffs' 1.

MR. O'KELLEY: This is the Gasque plat?

MR. FISHER: This is the Gasque plat.

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1 MR. O'KELLEY: Okay.

2 BY MR. FISHER:

3 Q. This is the Gasque plat which confirms your
4 lines. Does that look familiar?

5 A. Yes, sir.

6 Q. It's all of 9. It shows the southern portion --
7 my back is to the Judge here -- that's containing 3.86
8 acres.

9 A. 3.86 acres; correct.

10 Q. We've got a piece into Maxine to the north of
11 Warsaw on the east.

12 MR. O'KELLEY: Well, Your Honor, I just
13 object. I think he's misspoke. Maxine is to the
14 south.

15 MR. FISHER: Okay. It's titled here as
16 Maxine, as well --

17 MR. O'KELLEY: All right. Well, that's --

18 MR. FISHER: -- on this.

19 MR. O'KELLEY: That's a misstep.

20 MR. FISHER: Okay.

21 BY MR. FISHER:

22 Q. And then we've got Martha and Stanley also to the
23 north of Warsaw, to the northwest.

24 A. Correct.

25 Q. These are your lines that have been adopted by

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1 David Gasque; is that right?

2 A. Yes, sir.

3 Q. Okay. Now, you indicated to the Court that you
4 did your courthouse work, and presumably took these lines
5 from deeds and tax documents and the like that you found at
6 the courthouse; is that fair to say?

7 A. From all available evidence.

8 Q. Okay. What condition would say the deeds for Lot
9 were in?

10 A. I don't recall.

11 Q. Do you remember -- if I told that when you and I
12 have talked about this you described them as a mess for Lot
13 9, would that be fair?

14 A. I really don't recall without looking back
15 through --

16 Q. Okay.

17 A. -- my file.

18 Q. Do you recall that the only deeds for this
19 property referenced four acres initially, from Josephine
20 Taylor to Phoebe Taylor? Does that ring a bell?

21 A. Just a minute and I'll answer that a little bit
22 better. Okay. 5 acres from Josephine Taylor, wife of Ben
23 Taylor.

24 Q. All right. And it said 5 acres, now 4 acres due
25 to erosion, and it was dated 1937 --

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1 A. Correct.

2 Q. -- is that right?

3 A. Right.

4 Q. Okay. And from the other deeds, there was one
5 from Phoebe Taylor to Joseph Taylor for one and one/sixth
6 acres.

7 A. Right.

8 Q. And two tax sale deeds to Joseph Taylor, each for
9 1.3 acres.

10 A. That's correct.

11 Q. Okay. So roughly speaking, that's no more than
12 four acres; is that right?

13 A. Right.

14 Q. Because that one and one/sixth acre, and each of
15 the 1.3 acres, came out of the 1937 deed from Josephine
16 Taylor to Phoebe Taylor for 5 acres, now 4, due to erosion.

17 A. Correct.

18 Q. Does that ring a bell?

19 A. Yes, sir, it does.

20 Q. Okay. So now we look at Plaintiffs' Exhibit 1
21 for Lot 9, you've surveyed that 10 acres, 3.86, 2.15, 3.37.
22 That adds up to way more than 4 acres; does it not?

23 A. Yes, it does.

24 Q. Did you find any other deeds into Joseph Taylor
25 or Maxine Taylor or Martha Brown or Stanley Taylor, other

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1 than the 4 acres that we've already talked about?

2 A. I don't recall right now, Mr. Fisher. (Witness
3 peruses notes.) No, sir, I don't recall finding anything
4 other than that.

5 Q. Did you find any AOC cards that would put any
6 more than 4 acres -- let me go back to that -- that would
7 put any more than 4 acres into Joseph Taylor, or his
8 children, Martha, Maxine or Stanley?

9 A. Not that I can recall, no, sir. That Parcel 5,
10 was Heirs of William Taylor, Plat Book 62 at 624.

11 Q. All right.

12 A. For 10 acres.

13 Q. Say that again, please?

14 A. Heirs of William Taylor, Plat Book 62 at page
15 624, from Heirs of Josiah Brown to Willie Taylor, 10 acres.

16 Q. All right. Let me talk about Heirs of William
17 Taylor, because I imagine you ran into this. Do you recall
18 looking at the tax maps and finding that they'd been
19 switched?

20 A. Right. From way back.

21 Q. Right.

22 A. I'm not sure if I have a copy of the old one or
23 not, but I do recall seeing that.

24 Q. Would it have looked something like this sketch I
25 made up there on the --

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1 A. As best I can remember, yes, sir. Something
2 similar to that.

3 Q. And 5 was to the north. Do you recall --

4 A. Right.

5 Q. -- if Parcel 5 is north, 6 acres, plus or minus?
6 And I think we have it in evidence.

7 A. I don't think I have a copy of it.

8 THE COURT: Which one are you looking for?
9 The tax map?

10 MR. FISHER: Yes. It's 6.

11 THE COURT: It's 6, yeah.

12 MR. FISHER: Do you have a copy of 6?

13 MR. O'KELLEY: I don't know. What is 6?

14 MR. FISHER: It's the old tax map.

15 THE COURT: 6 is the tax map showing the --

16 MR. O'KELLEY: I'm not sure I --

17 THE COURT: -- properties on that.

18 MR. O'KELLEY: Yeah, I do.

19 MR. FISHER: Yeah, okay.

20 BY MR. FISHER:

21 Q. Would you look at Plaintiffs' 6, Mr. Youmans?

22 MR. O'KELLEY: This is a copy of the
23 original 6.

24 Q. And in your research, did you see that this was
25 how the tax parcels were originally noted in the county tax

1 records? Is that correct?

2 A. Yes, sir.

3 Q. Okay. And it showed 5 was containing 6 acres,
4 more or less.

5 A. Right.

6 Q. 6 was south of Warsaw Road?

7 A. Correct.

8 Q. And there was a piece out of 6.

9 A. 6A.

10 Q. You referenced as 6A; right?

11 A. Right. Also south of the road.

12 Q. And then did you also find in your research that
13 Parcel 5 was being taxed to Heirs of William Taylor?

14 A. Right, right.

15 Q. Is that correct?

16 A. That's correct, yes, sir.

17 Q. And did you also find an AOC card that showed 5
18 and 6 acres, also referencing Heirs of William Taylor as
19 the owners?

20 A. I did not see that, no, sir.

21 Q. Didn't see it? Okay. Would it surprise you
22 to --

23 A. No, sir.

24 Q. -- learn that that existed?

25 A. No, it would not.

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1 Q. And that would be reflected in the tax documents
2 that you saw showing Heirs of William Taylor being taxed
3 for that 6 acres --

4 A. Right.

5 Q. -- under Parcel 5? Okay.

6 A. But at some point, the parcels were flip-flopped,
7 and I don't know why --

8 Q. Right.

9 A. -- they were that way originally or why they were
10 switched. I have no idea.

11 Q. There's no information that you were able to find
12 that would explain that?

13 A. No, sir.

14 Q. The chain of title, just to confirm this, for Lot
15 7 to the west, where the quiet title action was and where
16 Georgia Champion lives?

17 A. Correct.

18 Q. And 11, those chains of title are good; right?

19 A. Correct.

20 Q. From your research?

21 A. Right.

22 Q. 5 was -- do you agree that 5 was not well
23 documented?

24 THE COURT: Did you mean Lot 9?

25 MR. FISHER: 9.

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1 A. Lot 9; correct.

2 Q. Okay. And just to clarify then, the tax sale
3 deeds were issued after the tax parcels were flipped; is
4 that right?

5 A. Correct, yes, sir.

6 Q. And that's why you're showing in Plaintiffs' 16
7 and on Plaintiffs' 1, that is reflecting the tax sale
8 descriptions of the property as being in tax parcel 6, as
9 it now exists.

10 A. Correct.

11 Q. All right.

12 THE COURT: What year was the tax sale?

13 MR. O'KELLEY: '95. And the deed was given
14 in '96, I think, Your Honor. I've got those deeds.

15 THE COURT: Okay. Yeah, I figured they'd be
16 introduced at some point. And those were for which
17 parcels?

18 MR. O'KELLEY: They were for what we allege
19 the parcel north of the road.

20 THE COURT: I mean, what do the deeds say
21 were the parcels that were sold?

22 MR. O'KELLEY: It says, Your Honor -- give
23 me a minute, I'll go ahead and fine 'em. There were
24 two of 'em, and this says that it was a levy against
25 Phoebe Taylor. And it says, That certain parcel on

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1 St. Helena Island District containing 1.3 acres and
2 being the western portion of Parcel 6. And then it
3 says, Bounded on the north -- on the east by the
4 remainder of Parcel 6, Phoebe Taylor on the south by
5 the highway, and the west by Geneva and Rufus Taylor.
6 That's one of 'em.

7 THE COURT: On the -- where was the highway
8 again?

9 MR. O'KELLEY: I'm sorry, what?

10 THE COURT: Where was the highway again?

11 MR. O'KELLEY: It says, Bounded on the north
12 by marsh.

13 THE COURT: Okay.

14 MR. O'KELLEY: On the east by the remainder
15 of Parcel 6.

16 THE COURT: Okay.

17 MR. O'KELLEY: And then it has a comma,
18 Phoebe Taylor.

19 THE COURT: All right. So is this 6A, the
20 one you're describing?

21 MR. O'KELLEY: Sir?

22 THE COURT: Is that 6A?

23 MR. O'KELLEY: Actually, on this one it
24 shows Parcel 49, so I don't know.

25 THE COURT: All right.

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1 MR. FISHER: Just -- would you read that
2 again slowly so the Judge can hear the western
3 boundary?

4 MR. O'KELLEY: All right. It says it's
5 containing 1.3 acres and being the western portion of
6 Parcel 6, bounded on the north by marsh.

7 MR. FISHER: So in the --

8 MR. O'KELLEY: I'm still reading, hang on.

9 MR. FISHER: Could I just -- do you mind if
10 I interrupt?

11 MR. O'KELLEY: No, go ahead.

12 MR. FISHER: So 6, dated 6 now is above --

13 MR. O'KELLEY: Well, the Judge wanted to
14 hear this and I didn't --

15 THE COURT: Well, yeah. Let him -- go ahead
16 and finish, George, and then, Marc, I'm happy to hear
17 from you.

18 MR. FISHER: Okay.

19 THE COURT: Go ahead, George.

20 MR. O'KELLEY: North by the marsh, east by
21 the remainder of Parcel 6, Phoebe Taylor, on the south
22 by the highway, on the west by Geneva and Rufus
23 Taylor, Parcel 36. Now, that's one of 'em.

24 The other one says that it's 1.3 acres
25 bounded on the north by the marsh of Lucy Creek, on

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1 the east by lands of James Taylor, on the south by a
2 roadway, and on the west by lands of James Taylor.

3 So this would have been the eastern part of
4 that property that was sold.

5 THE COURT: And what tax map did they call
6 that one?

7 MR. O'KELLEY: They called this one -- well,
8 you have a good question there, Your Honor. I'm
9 looking. Map 9, Parcel -- I think it says 6.

10 MR. FISHER: Yes, I think it says 6.

11 MR. O'KELLEY: I think that 6, Your Honor.

12 THE COURT: The other one said 49.

13 MR. O'KELLEY: Yeah, but that -- but let me
14 see -- let me see what it says on the other page. I
15 was looking at the stamp at the bottom, Your Honor.
16 Let me see if it's got another reference. It says
17 Parcel 6 in the body of this thing. Down here I guess
18 they gave it another number, because --

19 THE COURT: 'Cause they write it somewhere,
20 don't they, on the --

21 MR. O'KELLEY: Well, they wrote it down
22 here.

23 THE COURT: Oh, okay. Here we go.

24 MR. O'KELLEY: But they didn't have it
25 there. But this on the back shows 6.

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1 THE COURT: All right. So that one's 6 and
2 this one's 6?

3 MR. O'KELLEY: Yes, sir. Which is --

4 THE COURT: I thought they usually did a
5 little extra somewhere.

6 MR. O'KELLEY: Well, again, this one shows
7 49 for some reason. Maybe they -- maybe that's when
8 they started to deviate.

9 THE COURT: Well, it could have been 49
10 somewhere else. I don't know.

11 MR. O'KELLEY: No. But on the document
12 itself it clearly shows 6.

13 THE COURT: Yeah. All right.

14 MR. O'KELLEY: Those are exhibits.

15 THE COURT: I'm gonna give you those back
16 until you're ready for them. I just wanted to -- I
17 was curious.

18 MR. FISHER: So that could indicate on the
19 first of those read to the Court a boundary -- a
20 western boundary with property owned by Rufus and
21 Geneva Taylor, and we'll learn more that she was a
22 sibling of Rufus.

23 WITNESS: Uh-huh.

24 MR. FISHER: But that could be the -- this
25 could be the 4 acres here. This is 6.

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1 THE COURT: Where would the other one be?

2 MR. FISHER: It would be to the east. If
3 you put them together there would be a line -- a line
4 like that.

5 MR. O'KELLEY: And that's referred to as
6 James Taylor, to the east, Your Honor.

7 MR. FISHER: Which is our point from the
8 start.

9 THE COURT: All right. I'm sorry, I forgot
10 where we were. We're at cross?

11 MR. FISHER: I think -- yes, sir.

12 MR. O'KELLEY: Marc had the witness.

13 THE COURT: Okay.

14 MR. FISHER: Are you going to offer the deed
15 from James, Joe -- the Heirs into --

16 MR. O'KELLEY: I'm gonna offer some deeds.

17 MR. FISHER: -- the one and one/sixth
18 parcel?

19 MR. O'KELLEY: I've got that here, this
20 is --

21 MR. FISHER: Yeah. I'm trying to keep --

22 MR. O'KELLEY: That's going to James Taylor,
23 our --

24 THE COURT: Why don't we take a five minute
25 break while y'all go figure that out. I'm interested

1 in looking at the file in Judgment Roll 102178, is
2 that other quiet title. So maybe we'll take a quick
3 break. I'll run across the way, see if I can grab
4 that.

5 MR. O'KELLEY: Well, before we finish --
6 before you take a break, I think I've got a tax map
7 here that will clarify that thing about Lot Number 49.

8 THE COURT: Okay. All right. Go ahead.

9 MR. O'KELLEY: If I may.

10 REDIRECT EXAMINATION

11 BY MR. O'KELLEY:

12 Q. Mr. Youmans, did you bring this portion of a tax
13 map with you?

14 A. I did, yes, sir.

15 Q. Is this a current tax map, or do you know?

16 A. As current as they are, yes, sir.

17 MR. LEVIN: 1948?

18 MR. O'KELLEY: No, that's not '48. Marc,
19 the reason I -- that shows 49. They've added --
20 they've changed it to 49 when they split -- sold that.

21 MR. FISHER: However would you know that?

22 MR. O'KELLEY: Huh?

23 MR. FISHER: How would you know that from
24 this scribbling?

25 MR. O'KELLEY: Well, it looks like David put

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1 a 49, or somebody put a 49 on there.

2 WITNESS: 49 on it, and when he bought
3 both of them, the line went away and Parcel 49 went
4 away.

5 MR. O'KELLEY: Okay.

6 THE COURT: Don't we have a witness from the
7 treasurer's office coming at some point?

8 MR. O'KELLEY: No, I don't think so.

9 MR. FISHER: No, not from the treasurer's
10 office.

11 MR. O'KELLEY: But David just said that it
12 was 49, and they had it labeled as 49, but when he
13 bought both parcels, 49 went away and it became 6
14 again on this tax map.

15 MR. FISHER: Right. Well -- and can we
16 continue the questioning? I know you wanted to take a
17 break. I'll just finish up with this.

18 THE COURT: All right.

19 RECROSS-EXAMINATION

20 BY MR. FISHER:

21 Q. David, just looking at that tax map that you
22 brought that's now unmarked, you're saying when 6 and 6A
23 were combined, they became --

24 A. No. 6 was originally 2.3 acres. When it was
25 split for the tax sale, the western half was given a

1 number, which appears to be 49.

2 Q. Okay.

3 A. Then when he bought both pieces, the line between
4 the two went away -- you know, the west half and the
5 eastern half, and combined them into one, so Parcel 49 went
6 away. But when it was created, it had to have it's own
7 identifying number.

8 Q. Okay. After we come back I'll ask you about how
9 it was created.

10 A. Okay.

11 THE COURT: All right. Let's do this then.
12 Let's take a five, no more than -- we'll call a 10
13 minute break. How many more questions do we have for
14 Mr. Youmans? 'Cause what I don't want to do is --

15 MR. O'KELLEY: I have very little. In fact,
16 like one or two.

17 THE COURT: All right. Let's finish up then
18 with him so he can go and won't have to wait on us.

19 MR. O'KELLEY: You got any more?

20 MR. FISHER: Oh, I do.

21 MR. O'KELLEY: All right. Go ahead.

22 MR. FISHER: Where we left off was I was
23 asking you, do you have the one and one/sixth deed
24 that you're gonna offer?

25 MR. O'KELLEY: Yeah. It's Number 8.

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1 MR. FISHER: May I see it? May I use it for
2 the witness?

3 MR. O'KELLEY: Sure. You -- here's the
4 original, here's you a copy.

5 MR. O'KELLEY: Your Honor, this is Exhibit
6 Number 8, and Mr. Fisher wants to introduce it now, I
7 think.

8 THE COURT: All right. That'll be
9 Plaintiffs' 8, 'cause that's the way it's marked, even
10 though you're defendants.

11 MR. FISHER: Right.

12 (WHEREUPON, a document was entered as
13 Plaintiffs' Exhibit Number 8 for identification.)

14 BY MR. FISHER:

15 Q. Mr. Youmans, let me ask you about this. Do you
16 recognize this?

17 A. Yes, sir, I do.

18 Q. This is one of the deeds that you found in your
19 research?

20 A. It is, yes.

21 Q. And it is the first conveyance out from the 4
22 acres, into Phoebe Taylor from Josephine Taylor; is that
23 right?

24 A. Correct.

25 Q. Okay. And it's a parcel containing one and

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1 one/sixth acres more or less?

2 A. Correct.

3 Q. Into James Taylor; is that right?

4 A. Correct.

5 Q. Okay. Now, what I'd like to ask you about is the
6 call here to see -- obviously, one of the issues -- the
7 principal issue here -- well, one of the principal issues,
8 is where are the parcels, all right. I want to propose to
9 you that this parcel -- would you say this parcel -- well,
10 let me just walk you through it here. It begins at a point
11 where the lands of Gardner meet this tract on the public
12 road; is that correct?

13 A. Yes, that's what it says.

14 Q. Now, if we look at --

15 MR. FISHER: Are you going to offer that? I
16 think you had this marked, also.

17 MR. O'KELLEY: I don't -- I don't think so.

18 MR. FISHER: This is --

19 MR. O'KELLEY: Well, maybe I do. I just
20 didn't have that yellow. I do.

21 MR. FISHER: Okay.

22 THE COURT: Use George's or which one do you
23 want to --

24 MR. O'KELLEY: Well, I -- if that's the same
25 thing -- is it? I have it marked as 15.

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1 MR. FISHER: Yeah, okay.

2 BY MR. FISHER:

3 Q. So let me show you Plaintiffs' 15. This is the
4 Judd -- did you call it sketch or plat? Or what did you
5 call this?

6 A. It was a plat by H.G. Judd.

7 Q. Okay. And this is the one you referred to -- is
8 this the one that you referred to earlier as sort of the
9 starting point?

10 A. This is one of them, yes, sir.

11 Q. All right. And we're talking here about Lot 9;
12 right?

13 A. Correct.

14 Q. That's the subject in controversy here. And
15 looking -- and it says E. Washington. And I think both
16 parties can stipulate we don't know who E. Washington was;
17 right?

18 A. Right. I couldn't find anything on him.

19 Q. But if you look southeast to Lot 10, you see
20 property belonging to Gardner on this.

21 A. Correct.

22 Q. All right. So let's look back at the one and
23 one/sixth acres into James Taylor. It begins at a point
24 where the lands of Gardner meet his tract on a public road.

25 A. Okay.

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1 Q. And I would suggest, and tell me if you would
2 agree, that that could start in our southeast corner of Lot
3 9.

4 A. Okay.

5 Q. It then -- the call then is northerly for a
6 distance of 418 feet.

7 A. Okay.

8 Q. Is that correct?

9 A. That's correct.

10 Q. And due west for 146 feet.

11 A. Okay.

12 Q. And to the lands of --

13 A. William Taylor.

14 Q. -- William Taylor. Then south along the lands of
15 Taylor for 418; is that correct?

16 A. Correct.

17 Q. To the lands of Gardner, and then east for a
18 distance of it looks like 140 --

19 A. Right.

20 Q. -- to the point of beginning; is that right?

21 A. Correct.

22 Q. So that describes a rectangle right where the
23 property that the house is that you've shown on your other
24 plats of James Taylor, now Maxine Taylor; is that right?

25 A. The way you depicted it, yes, sir, that's where

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1 it would be.

2 Q. Okay. And if we look -- then ask you to look at
3 the rendering -- the old tax map rendering. There's a
4 suggestion of a rectangle there, too, that was the old 6;
5 is that right?

6 A. That's correct.

7 Q. Now, I come back then to my original point. From
8 your research, the only deeds into James Taylor and the
9 Heirs of James Taylor total no more than 4 acres; is that
10 correct?

11 A. James Taylor? What was the deed to James Taylor?

12 Q. It was actually started in 1937 as a deed from
13 Josephine Taylor, now Josephine Black, into Phoebe Taylor
14 for 4 acres.

15 A. Okay.

16 THE COURT: Is that the one that references
17 the erosion?

18 MR. FISHER: Yes, sir.

19 Q. That's at Book 53, at page 501.

20 A. Right. July of '37, Josephine Taylor, Ben Taylor
21 -- wife of Ben Taylor. Right. The Heirs of Phoebe. You
22 have one and one/sixteenth to James. Correct.

23 Q. You found nothing more than 4 acres into that
24 family?

25 A. That's all I found, yes, sir. It's not at all

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1 unusual to have a deed that says 4 acres more or less, or 5
2 acres more or less, and find out -- especially anything
3 that's on the water, and with an accurate survey to find
4 out that that 4 or 5 acres is incorrect by more or less.

5 Q. That's right. But you've gone from deeds showing
6 4 acres, to all of Lot 9 being into Taylor -- the James
7 Taylor or Estate of James Taylor on your plat; is that
8 correct?

9 A. By the current deeds, yes, sir.

10 Q. Mr. Youmans, let me show you Defendants' 1. Now,
11 you're obviously familiar with the property out there
12 'cause you drive by it, as you said, daily. And is that,
13 to the best of your knowledge, a depiction of --

14 MR. FISHER: Give the Judge a copy.

15 THE COURT: Okay. Thank you.

16 Q. -- of where Warsaw Road and Gardner Road meet?

17 A. Yes, I believe it is.

18 Q. And I'm just gonna look over your shoulder here.

19 A. Uh-huh.

20 Q. Is this aerial photograph -- does this depict how
21 the property looks now?

22 A. Not at all.

23 Q. And is that because the property now is heavily
24 wooded?

25 A. Yes, sir.

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1 Q. Okay. Now, based on your plat and your survey of
2 the property, do you see a road running north and south?

3 A. Correct.

4 Q. And about a little better than a third way up the
5 page a house?

6 A. Correct.

7 Q. All right. And then we've got -- would you agree
8 that this is Warsaw that runs into that coming from the --
9 what would be a southwesterly direction?

10 A. Correct.

11 Q. Okay. And you see some other structures halfway
12 up the page. Do you know, are those the Heyward houses?

13 A. I can't really tell. You talking right at the
14 intersection?

15 Q. Exactly.

16 A. It's hard to say if those are structures or if
17 those are trees. I think they may be trees by the road
18 with a structure back behind it possibly.

19 Q. Okay. How long --

20 A. I'm not sure.

21 Q. -- have you lived out there?

22 A. About 15 years.

23 Q. Okay.

24 MR. FISHER: Well, I think for the moment,
25 that will do. Thank you, Your Honor.

1 MR. O'KELLEY: Just briefly in follow up.

2 REDIRECT EXAMINATION

3 BY MR. O'KELLEY:

4 Q. First of all, David, is it unusual or not unusual
5 for old time property descriptions in the form of acreage,
6 when it says more or -- particularly when it says more or
7 less, for it to be off?

8 A. Oh, yes.

9 Q. Have you seen it off by a number of acres?

10 A. I have, yes.

11 Q. And is Warsaw inclined to be more accurate or
12 more indefinite?

13 A. More indefinite.

14 Q. Now, Mr. Fisher talked to you about Exhibit
15 Number 8, which is a deed from James Taylor and others to
16 James Taylor for what is called 1.16 acres.

17 MR. FISHER: One and one/sixth.

18 Q. One and one/sixth acres. And he talked about a
19 triangular shape here and he mentioned --

20 MR. FISHER: No, no. it was rectangular.

21 MR. O'KELLEY: I am so sorry. You're right.
22 I don't know where I got that.

23 Q. A rectangle. And he mentions lands of Gardner,
24 and then he referenced Plaintiffs' Exhibit Number 15, which
25 shows -- on here it shows a Ben Gardner; correct?

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1 A. Correct.

2 Q. It also shows a James Gardner; is that right?

3 A. It does, yes.

4 Q. And is Gardner a fairly common name out on
5 Warsaw?

6 A. Yes, it is.

7 Q. So at one -- he says that based upon this
8 description this would be in Lot 9; correct?

9 A. Correct.

10 Q. But, now, it is somewhat confusing, because if
11 you look at -- and it says to the lands of Gardner, and
12 then east, when it's coming on the bottom part, for a
13 distance of 140 feet. But Gardner would actually touch it
14 just on a point; is that correct?

15 A. That's correct.

16 Q. And the description would not run along the lands
17 of Gardner on the southern part of Lot 9, would it? Is
18 that right?

19 A. If it was -- well, let me see. Let me read
20 the --

21 Q. All right. Right here it says, South along the
22 lands of Taylor for a distance of 418 feet more or less, to
23 lands of Gardner, and then east for a distance of 140 feet
24 more or less, to the public road.

25 A. Lands of Taylor to the lands of Gardner.

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1 Q. Yeah.

2 A. Right.

3 Q. And, of course, when this deed was prepared in
4 1960, that wouldn't necessarily reference who the property
5 owners were at that time, would it, on Exhibit 15?

6 A. No, sir.

7 Q. Do you know when this Arthur Christensen map was
8 done?

9 A. I don't.

10 Q. But wasn't it -- Arthur Christensen, was he still
11 surveying in 1960? Do you know?

12 A. Yes, sir, he was.

13 Q. But --

14 A. He wasn't doing a lot, but he was still in
15 practice.

16 Q. But he -- you don't know when he might have made
17 this?

18 A. I have no idea.

19 Q. All right.

20 THE COURT: Is there another -- is there a
21 copy of that deed that's been --

22 MR. O'KELLEY: I'm gonna give it -- I'm
23 gonna hand you the original Exhibit 8 and 15, Your
24 Honor.

25 THE COURT: All right. 8 is the deed.

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1 MR. O'KELLEY: And 15 is that sketch.

2 THE COURT: I think I've got two 15s now.

3 MR. O'KELLEY: Well, you may have a copy.

4 THE COURT: You already given those up.

5 MR. O'KELLEY: That's the original. No, I
6 just gave it to him.

7 MR. FISHER: I probably gave a copy then.

8 MR. O'KELLEY: The other one's automobile
9 accident copy.

10 THE COURT: You already had a 15 or not?

11 COURT REPORTER: I had it down here that
12 we've put it in.

13 MR. O'KELLEY: No, you -- that's Marc's.

14 THE COURT: Oh, I understand. I'm just
15 trying to make sure.

16 MR. O'KELLEY: That's Marc's copy. He
17 handed it up to you to look at. But that's the --

18 THE COURT: Well, let's just make sure our
19 court reporter, though, doesn't have two 15s. What do
20 you have as a 15?

21 COURT REPORTER: I just had it referenced
22 that we'd introduced it. I thought we had introduced
23 it already.

24 THE COURT: All right. Without objection,
25 15 is entered.

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1 (WHEREUPON, a document was entered as
2 Plaintiffs' Exhibit Number 15 for identification.)

3 BY MR. O'KELLEY:

4 Q. Okay. Now, the AOC map that we were just looking
5 at, is that a plat or is that just kind of a sketch now?

6 A. That's a sketch. It's traced by Arthur
7 Christensen from the H.G. Judd plat.

8 Q. So the H.G. Judd plat was done in the 1880s or
9 thereabouts?

10 A. Yes, sir.

11 Q. So the names on here may have been from the
12 1880s?

13 A. Possibly. I'm not sure.

14 MR. O'KELLEY: Thank you, sir. That's all I
15 have.

16 MR. FISHER: Let me just offer Defendants'
17 Number 1, the aerial overhead.

18 THE COURT: Okay.

19 MR. O'KELLEY: Again, Your Honor, subject to
20 my objection. This was not produced. This document
21 was not produced.

22 THE COURT: What is it? Oh, the 1955
23 aerial?

24 MR. O'KELLEY: And I would -- my objection
25 would also go to the fact that there's a handwritten

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1 1955 on there. We don't know when the picture might
2 have been taken. We don't know if it was taken in
3 1955, filed in 1955, or what. And it wasn't produced.
4 So those are my objections to that.

5 THE COURT: Well --

6 MR. O'KELLEY: I understand you're gonna --

7 THE COURT: Yeah, I'll allow it, for what
8 it's worth. I mean, it's not worth that much.

9 (WHEREUPON, a document was entered as
10 Defendants' Exhibit Number 1 for identification.)

11 MR. O'KELLEY: All right. May Mr. Youmans
12 be excused?

13 THE COURT: He may, yes. Thank you.

14 MR. O'KELLEY: Thank you, sir. My title
15 abstractor is next, Your Honor. And you had mentioned
16 something about wanting to taking a break and I'm good
17 either way.

18 THE COURT: How long is your title
19 abstractor gonna take?

20 MR. O'KELLEY: As short a time as I can make
21 it, Your Honor. She's obviously going to --

22 THE COURT: All right.

23 MR. O'KELLEY: Sometime between -- some
24 distance between maybe what Mr. Youmans and --

25 THE COURT: Is she here now?

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1 MR. O'KELLEY: Yes, sir. She's outside.

2 THE COURT: Okay. Yeah, let's bring her on
3 in and get started. Go ahead and get her seated while
4 I try to find that file. We'll just keep on rolling.

5 COURT REPORTER: So go off for a minute?

6 THE COURT: Yeah. Just a minute while she
7 comes in.

8 (Off the record momentarily.)

9 MR. O'KELLEY: If you would, please swear in
10 Ms. Cindy Spencer.

11 ---o0o---

12 CINDY SPENCER, called as a witness, having
13 been first duly sworn by the Court, was examined and
14 testified as follows:

15 DIRECT EXAMINATION

16 BY MR. O'KELLEY:

17 Q. State your full name, please.

18 A. Cindy Spencer.

19 Q. And what is your occupation, Ms. Spencer?

20 A. I'm a real estate title abstractor.

21 Q. And where do you work?

22 A. Paralegal Services, Incorporated.

23 Q. I'm gonna ask you to kinda turn this way so the
24 Judge and the reporter can hear you, and Mr. Fisher and I,
25 I think, can work on that. You speak kinda softly. I

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1 don't want the Judge to miss anything.

2 How long have you been doing that sort of work?

3 A. I have been searching titles in Beaufort County
4 for 28 years.

5 Q. Have you testified in court before concerning
6 your title work?

7 A. Many times.

8 Q. All right. And have you had any special training
9 or on-the-job -- or who trained you to do this?

10 A. Kathy Altman trained me for about 13 years, and
11 then George Lenhart, when I went to work at Paralegal
12 Services, until he passed away.

13 Q. And have you --

14 A. Oh, I'm sorry. And I also have a certificate
15 from Technical College of the Lowcountry.

16 Q. And what is that certificate about? What's it
17 for?

18 A. It's for real estate title abstracting.

19 Q. Okay. Did you, at my request, search some
20 property on Warsaw Island, specifically Lot 9?

21 A. I did.

22 Q. And I'm going to kinda let you do a narrative as
23 to what you looked at and what you found, with emphasis on
24 ownership, property lines, and also the question of whether
25 there was a mixup in the parcel numbers.

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1 A. To make a little correction, I didn't literally
2 search title to the properties. I did examine the records,
3 because we had some time constraints. What I did was
4 search the records to the extent of trying to find
5 documents establishing ownership of the parcels that are
6 situated in Lot 9, Warsaw Island.

7 What I found was, according to various records I
8 was able to find, Lot 9, Warsaw Island, is now comprised of
9 tax parcels 6 and 6A, and formerly Parcel 49, which is now
10 tied into Parcel 6 -- oh, and Parcel 5. Sorry.

11 My first question from you was to try to
12 establish how it was that the Heirs of William Taylor were
13 on the tax rolls for St. Helena Map 9, Parcel 5. I was
14 unable to find any deeds into a William Taylor for property
15 in that area. And having exhausted that, I went back and
16 looked at the tax records and different older records that
17 I could maybe find going from the older times forward.

18 The original property record cards, which were
19 how the assessor's office identified who the owners of each
20 parcel were, were first made up in 1954. The very first
21 time Parcel 5 was ever identified with an owner, it was
22 identified as owned by the Heirs of William Taylor, so I
23 knew at that point that a William Taylor had to have taken
24 title prior to 1954. There were no deeds establishing
25 that.

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1 So I went back in time and established that
2 Samuel Mattis, by Deed Book 4, page 497, recorded in 1870,
3 took title to the portion of Warsaw Island identified as
4 the 284 acres located in Section 12, 1 south, 1 west.

5 I knew that I could start there and look for
6 out-conveyances from Samuel Mattis for Lot 9. Found none.

7 Arthur Christensen, who was a prolific surveyor
8 in Beaufort County in the early 1900s, while his records
9 are not technically recorded in the register of deeds
10 office, they are available to abstractors there. And he
11 made copious notes on owners of properties he surveyed,
12 properties he didn't survey. He traced some old plats that
13 can now not be found, and added information as he came
14 across it.

15 Arthur Christensen's map 23, and there are three
16 versions of it, in all three versions he identifies the
17 owner of Lot 9 as E. Washington. No first name was ever
18 found anywhere. So I decided to start there, try to find a
19 deed into or out of a E. Washington, for Lot 9. Nothing
20 other than Arthur Christensen's records shows E. Washington
21 as the owner of Lot 9.

22 MR. O'KELLEY: And just to interrupt a
23 minute, Your Honor. That has been introduced. That's
24 the AOC sketch map. Yes, sir.

25 THE COURT: Yeah, that's Plaintiffs' 15.

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1 WITNESS: Okay.

2 A. Once I exhausted every tool in my possession in
3 trying to establish a chain of title, I had to come to the
4 conclusion that I could not prove, nor disprove that "the
5 Heirs of William Taylor" were the owners of Parcel 5, that
6 portion of Lot 9, Warsaw Island.

7 The other parcels -- the other portion of Lot 9,
8 Warsaw Island, was taxed as Parcel 6. I was able to
9 establish a chain of title with several breaks in it for
10 the Parcel 6, which was later subdivided by tax deeds and
11 became also Parcel 6A and Parcel 49.

12 I found that Phoebe Taylor acquired 4 acres that
13 was formerly 5 acres, by Deed Book 53, page 501, in 1938.

14 Q. Now, let me interrupt you for just a second,
15 please, and show you what -- I show you that deed. Is that
16 the deed you just mentioned?

17 A. Yes, it is.

18 Q. And there's some handwritten stuff that's been
19 added. Is that you?

20 A. That's all my writing, yes.

21 Q. You wrote those notes?

22 A. Yes.

23 Q. All right. I'm sorry to interrupt.

24 MR. O'KELLEY: And, Your Honor, I'll --

25 THE COURT: What deed is that?

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1 MR. O'KELLEY: This is a deed -- she
2 referenced Phoebe Taylor in 1937, it's Exhibit Number
3 11. I'm handing up the original.

4 THE COURT: This is Plaintiffs' 11, without
5 objection?

6 MR. FISHER: No objection.

7 (WHEREUPON, a document was entered as
8 Plaintiffs' Exhibit Number 11 for identification.)

9 BY MR. O'KELLEY:

10 Q. And you gave me that deed with the research you
11 produced; right?

12 A. Yes, I did.

13 Q. And you're looking at a copy of it, and the Judge
14 has the original. Go ahead. Now, you were talking about
15 Phoebe Taylor.

16 A. Their explanation in this deed for it formerly
17 being 5 acres, and now being 4 acres, was that there was
18 constant erosions, and it is on a river. So that kind of
19 explains why they're claiming it used to be 5 and was now 4
20 acres.

21 She acquired that from the Heirs -- or the sole
22 Heir of Ben Taylor. I was not able to establish a deed
23 into Ben Taylor for any portion of Lot 9, so that's a break
24 in the chain.

25 Q. But, now, when was that deed done?

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1 A. This is dated 1937, recorded in 1938.

2 Q. Okay.

3 A. So I wasn't able to establish a chain of title
4 behind that.

5 Q. But Phoebe's -- to paraphrase, then, Phoebe's
6 title would have at least started in 1937?

7 A. Correct.

8 Q. Okay.

9 A. So moving forward, I find a deed from some
10 individuals claiming to be the Heirs of Phoebe Taylor.
11 Went to Probate Court. There is no estate filed in Probate
12 Court for Phoebe Taylor, and I was not able to find any
13 other information disputing or proving that those were,
14 indeed, her heirs.

15 Nonetheless, in 1960, in Deed Book 102, page 152,
16 there's a deed from people claiming to be the Heirs of
17 Phoebe Taylor to James Taylor for one and one/sixth acre,
18 and claiming that that is the southern portion of the
19 property acquired by Phoebe in Deed Book 53, page 501.

20 The next thing that I find recorded involving
21 this property that stems from the Deed Book 53, page 501,
22 is there were two tax deeds against Phoebe Taylor where the
23 taxes weren't paid and they went to tax sale, and the
24 buyers were then issued a tax deed.

25 The first one is Deed Book 909, page 1390,

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1 recorded in 1996. That property was conveyed by the
2 treasurer to James Taylor, and that was called 1.3 acres,
3 being the western portion of Parcel 6.

4 MR. O'KELLEY: Your Honor, we have already
5 gone over these. I don't know if it's officially been
6 introduced. But this is when we were looking to try
7 and find out what parcel number was on it. And this
8 is Exhibit Number 9, the deed she just said was
9 recorded in Book 909, at page 1390.

10 THE COURT: All right. So this will be
11 Plaintiffs' 9, without objection.

12 MR. O'KELLEY: And this is the one -- and
13 we'd previously said it referenced -- inside it
14 referenced Parcel 6, but it has that 49 stamped on the
15 front, and we've already heard explanation as to why
16 that was.

17 MR. FISHER: Which? This is a tax map?

18 MR. O'KELLEY: It's the tax deed.

19 MR. FISHER: A tax deed.

20 MR. O'KELLEY: I gave you a copy right here.

21 THE COURT: And attached to this exhibit are
22 some tax receipts and whatnot. Are those intended to
23 be attached to this exhibit?

24 MR. O'KELLEY: I guess so, Your Honor.

25 THE COURT: Well, Plaintiffs' Exhibit -- any

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1 objection to the --

2 MR. FISHER: My copy does not have any tax
3 receipts.

4 MR. O'KELLEY: I'm not sure --

5 THE COURT: Okay.

6 MR. O'KELLEY: You have a tax receipt?
7 Well, it might have just gotten stapled on there, Your
8 Honor.

9 MR. FISHER: Yeah, it's probably not
10 recorded with those.

11 MR. O'KELLEY: It got inserted in there.

12 THE COURT: No problem. So 9 is just the
13 deed, without the receipts; right?

14 MR. O'KELLEY: I think so. Let me just make
15 sure. Yeah, those got -- a couple of pages got
16 inadvertently put there. Probably should have been
17 somewhere else.

18 MR. FISHER: Was this the first of the two
19 tax deeds?

20 MR. O'KELLEY: Yes. It's the first one I've
21 given her. Got another one. Go ahead. You've got
22 the tax deed?

23 THE COURT: Are they chronologically in this
24 order, then?

25 MR. O'KELLEY: There are two of them. The

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1 next one is in 1110. That's in 909.

2 MR. FISHER: Okay.

3 MR. O'KELLEY: And I'll go ahead and hand up
4 the one in 1110, at page 17, also, Your Honor. She
5 had mentioned two tax deeds, and she's got them in
6 front of her and I've given you the original ones with
7 the exhibit number on 'em.

8 THE COURT: All right. So this would be
9 Plaintiffs' 10 without objection, as well.

10 MR. FISHER: Without objection, Your Honor.

11 (WHEREUPON, documents were entered as
12 Plaintiffs' Exhibit Numbers 9 and 10 for
13 identification.)

14 BY MR. O'KELLEY:

15 Q. All right. Ms. Cindy, go ahead. You found these
16 two deeds.

17 A. Yes.

18 Q. And one's in Book 909, at page 1390, and then the
19 other one's in -- where's that other one?

20 A. Right here.

21 Q. -- 1110, at page 17.

22 A. Correct. The second tax deed was also to James
23 Taylor for 1.3 acres, identified as the eastern portion of
24 the previous Parcel 6. That's recorded in 1998, in Book
25 1110, page 17. As of that date, James Taylor held title to

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1 all the portions of the original Parcel 6, which are now
2 subdivided as Parcel 6A being the first one and
3 one/sixteenth -- or one and one/sixth acres he took title
4 to in 1960, and then Parcel 49 that he acquired in '96, and
5 Parcel 6 that he acquired in '98.

6 James Taylor died in 1999. His estate was
7 probated in Probate Court at Folder 99290. His heirs as
8 established by that estate -- or that probate file are
9 Maxine Taylor, Martha Brown, Stanley Taylor, and Joe
10 Taylor.

11 There were two deeds of distribution recorded.
12 The first in Deed Book 1296 -- or Record Book, I'm sorry --
13 1296, page 1, in the year 2000, where Maxine Taylor was
14 devised the one and one/sixth acres taxed as Parcel 6A.

15 The second deed of distribution is in Record Book
16 1296, page 8, also recorded in 2000, where the remaining
17 heirs Martha Brown, Stanley Taylor and Joe Taylor were
18 conveyed the two 1.3 acres, taxed as Parcel 6 and 49.

19 MR. O'KELLEY: And, Your Honor, I have
20 Plaintiffs' Exhibit 7 and 8. 7 is the deed of
21 distribution to Maxine Taylor and 8 is the deed of
22 distribution Martha Brown, Stanley Taylor, and Joe A.
23 Taylor.

24 BY MR. O'KELLEY:

25 Q. And that's from the Estate of James Taylor?

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1 A. Yes, it is.

2 Q. And you've, I believe, indicated that the four
3 people I named, three on one deed and one on the other,
4 were the Heirs of -- identified as the Heirs of James
5 Taylor in Probate Court?

6 A. Correct.

7 Q. And when was that deed done -- or those deeds?

8 THE COURT: Hold on a second.

9 MR. O'KELLEY: Yeah.

10 THE COURT: I've been given Plaintiffs' 8
11 and Plaintiffs' 7, without objection; is that correct?

12 MR. FISHER: Right, Your Honor. Just for
13 housekeeping, I thought 8 was the deed of one and
14 one/sixth acres. I thought that might have already
15 been put in.

16 MR. O'KELLEY: Well --

17 THE COURT: Hold on a second. Do we already
18 have a --

19 MR. FISHER: 9 and 10 were the tax deeds.

20 COURT REPORTER: I have 8 right here, yeah.

21 THE COURT: I have the deed as 9.

22 MR. FISHER: And that's the next one.

23 What's that?

24 THE COURT: That's 11.

25 MR. O'KELLEY: Let me see that and make sure

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1 that's it. No, that's not it. Sorry.

2 THE COURT: Are we still looking then?

3 MR. O'KELLEY: I know what deed he's talking
4 about.

5 THE COURT: Yep, we have two 8s. This is
6 Taylor 8, that's already in. This is the 4 -- that's
7 this one right here.

8 MR. FISHER: Right.

9 THE COURT: And that one's already
10 Plaintiffs' 8.

11 MR. O'KELLEY: So let's change this one.

12 MR. FISHER: Wait a minute. 8 alpha and 8
13 bravo?

14 MR. O'KELLEY: You want to do it that way?

15 COURT REPORTER: I wrote them wrong. I'm
16 sorry.

17 MR. FISHER: The deeds of distribution?
18 'Cause we're not gonna have any objections.

19 MR. O'KELLEY: The last one was 16. We can
20 make this 17.

21 THE COURT: Why don't we make it 17.

22 COURT REPORTER: No, we have a 17.

23 THE COURT: All right. Just make it 18.

24 MR. O'KELLEY: Whatever the next one is,
25 let's make I that way. Confusing, I know.

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1 COURT REPORTER: I'm sorry I mis-marked one.

2 MR. O'KELLEY: We just want to make them
3 right. All right. The deed of distribution to the
4 three children, Martha, Stanley and Joe, is now 18.

5 (WHEREUPON, a document was entered as
6 Plaintiffs' Exhibit Number 18 for identification.)

7 BY MR. O'KELLEY:

8 Q. I'm sorry, Ms. Cindy. Now, you said those were
9 the heirs and they got deeds of distribution. And what
10 year was that?

11 A. 2000.

12 Q. All right. Please go on.

13 A. So to summarize, Lot 9, Warsaw Island, in the
14 year 2000 was taxed as St. Helena Map 9, Parcels 5, 6, 6A
15 and 49. After the year 2000, when you had the same owners
16 holding title to the Parcel 6 and 49, which were adjacent
17 to each other, those parcels were combined, so now we show
18 just Parcel 6. 49 was merged back into Parcel 6.

19 There are some discrepancies when we look at the
20 old original 1954 tax maps moving forward to the ones that
21 we do have available to us, and that is that the 1954 tax
22 map and the 1965 tax map, which actually shows the road a
23 little bit better, Parcel 6 and 6A are shown as south of
24 the road, the Warsaw Island Road.

25 The next tax maps that I actually had available

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1 to me was the 1986 tax maps, where 6 and 6A are shown north
2 of the road, and 5 as south of the road.

3 If you look at the description for Parcel -- I'm
4 sorry, give me one second. Oh. Going back to Deed Book
5 102, page 152, to James Taylor from the Heirs of Phoebe,
6 they were saying that the one and one/sixth acres that he
7 got was the southern portion of those 4 acres in Deed Book
8 53, page 501.

9 Now, that's not saying that it lies south of the
10 road, it's just saying it's the southern portion of the 4
11 acres. And there's not enough description to really
12 properly identify and locate the parcel just based on those
13 descriptions.

14 The other two deeds to James Taylor, the tax
15 deeds in Record Book 909, page 1390, and 1110, page 17,
16 both of those do say that they are bounded on the north by
17 the water. I can't remember if they say marsh or river.
18 But those do make it clear that they are on the north side
19 of Warsaw Island Road.

20 There's a huge lack of recorded surveys for that
21 area up until more modern times, so I was unable to find a
22 survey for Parcel 5, which going back was the Heirs of
23 William Taylor, up until we get to -- well, actually, I'm
24 not sure I have a recorded plat for Parcel 5.

25 MR. FISHER: (Shows document to witness.)

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1 WITNESS: Yeah, but it's not recorded.

2 MR. FISHER: Okay. But it's a plat.

3 A. I do have -- I do have in my possession a plat by
4 David Youmans dated November 1st, 2007, but it's not yet
5 recorded.

6 MR. O'KELLEY: But that's been introduced,
7 Your Honor.

8 WITNESS: Okay.

9 MR. O'KELLEY: That's the one that you
10 referred to as being upside down.

11 THE COURT: Well, it is.

12 MR. O'KELLEY: Well, yeah.

13 THE COURT: North is backwards, so it's
14 upside down.

15 MR. O'KELLEY: Yeah. And that's this one,
16 Marc.

17 MR. FISHER: Yeah.

18 MR. O'KELLEY: So it's in evidence.

19 A. And as far as the Parcel 6A and 6, which used to
20 be 6 and 49, we have recorded the other two David Youmans'
21 plats, which are recorded in Plat Book 97, page 73, and
22 Plat Book --

23 WITNESS: (To Mr. O'Kelley) Oh, I gave it to
24 you. The one I gave you.

25 MR. O'KELLEY: Those have also been --

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1 A. Oh. Plat Book 120, page 12.

2 MR. O'KELLEY: They've been introduced, Your
3 Honor.

4 MR. FISHER: This is where we've got the lot
5 line corrections.

6 WITNESS: Right.

7 MR. O'KELLEY: That's the one that shows lot
8 line corrections, Exhibit Number 16.

9 THE COURT: All right. Is that 16?
10 Plaintiffs' 16, without objection. The only 16 we
11 got; right?

12 MR. O'KELLEY: That's one Mr. Youmans
13 referenced, but he may or may not have taken with him?

14 MR. O'KELLEY: Might have walked out with
15 it.

16 THE COURT: Okay.

17 BY MR. O'KELLEY:

18 Q. Okay. Now, Cindy, did you, at my request, also
19 check the property immediately to the west, now of
20 Champion, formerly of maybe Taylor?

21 A. I did.

22 Q. And did you find a quiet title action that was
23 done about 1998?

24 A. I did. Actually, the decree was recorded
25 February 28th, 1997, in Judgment Roll 102178.

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1 Q. And was there a plat done and attached to that
2 quiet title?

3 A. Yes, there was.

4 Q. And done by who? Mr. Youmans?

5 A. Prepared by David Youmans and dated July 29th,
6 1996.

7 Q. And after that, that quiet title, were there some
8 deeds issued by the -- or a deed or deeds, plural, issued
9 by the plaintiff -- the plaintiffs in that action? I
10 specifically will hand you a deed that's recorded in Book
11 1034 at page 577. It's Plaintiffs' Exhibit 13.

12 A. Yes. The Judgment Roll 102178 quieted title to
13 7.862 acres, shown on the plat recorded with the decree in
14 the names if Isaac Taylor, Rebecca Taylor, and Walter
15 Taylor, in Record Book 1034, page 577, recorded in 1998.

16 Q. Now, what was the description of that? This
17 appears to be where the plaintiffs were -- the three
18 plaintiffs were conveying it to one of them?

19 A. Yes. The three plaintiffs conveyed to an Isaac
20 Taylor.

21 Q. And what was the description of that property,
22 please?

23 A. They describe it as 1.036 acres, described as
24 Parcel F, as in Frank, on Plat Book 64, page 120.

25 Q. Is that -- I'm showing you a copy of that plat.

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1 Is that the plat?

2 A. That is it.

3 Q. And is that shown as -- it's got a 36 on there?

4 A. Yes.

5 MR. O'KELLEY: Your Honor, that's already
6 been introduced with the -- the handwritten --

7 MR. FISHER: The plat was previously
8 introduced separately; is that right?

9 MR. O'KELLEY: Yes.

10 MR. FISHER: Okay.

11 THE COURT: What was the number again?

12 MR. O'KELLEY: I don't know the number of
13 the introduction, Your Honor, but I can find it. Let
14 me look.

15 THE COURT: Well, just tell me what it looks
16 like.

17 MR. O'KELLEY: It's -- I'll show it. This
18 is what it looks like. It's got the handwritten --

19 THE COURT: All right. I gotcha.

20 MR. O'KELLEY: The handwritten documentation
21 on it.

22 THE COURT: That's it.

23 MR. O'KELLEY: What number's that, Your
24 Honor?

25 THE COURT: That is Taylor 3.

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1 BY MR. O'KELLEY:

2 Q. Exhibit Number 3, Cindy, is in Plat Book 64 at
3 120, and you have the -- on Exhibit 13, it references what
4 parcel?

5 A. Parcel F, as in Frank.

6 Q. All right. And there's some writing on this
7 plat, some handwritten documentation or notations. Did you
8 do that?

9 A. Those are all my notations, yes.

10 Q. All right. It shows, for example, Parcel F as
11 36. What does that mean?

12 A. That is St. Helena Map 9, tax parcel 36.

13 Q. And is that also shown on the warranty deed I
14 just introduced?

15 A. It is.

16 Q. All right. Now, that deed has been recorded;
17 correct?

18 A. Yes.

19 Q. And that went to --

20 A. To Isaac Taylor.

21 Q. -- Isaac Taylor?

22 A. Uh-huh.

23 Q. All right. Did there come a time when Mr.
24 Taylor --

25 MR. O'KELLEY: This is Exhibit 13, Your

1 Honor. I'll hand it up.

2 THE COURT: Thank you. 13 without
3 objection, I presume?

4 MR. FISHER: Yes, sir.

5 MR. O'KELLEY: This is theirs.

6 (WHEREUPON, a document was entered as
7 Plaintiffs' Exhibit Number 13 for identification.)

8 BY MR. O'KELLEY:

9 Q. Did there come a time when Mr. Isaac Taylor
10 conveyed that property to someone else?

11 A. Yes. In Record Book 2597, page 1245, recorded in
12 2007, Isaac Taylor conveyed the same 1.036 acres,
13 identified as Parcel F on Plat Book 64, page 120, to
14 Christopher Champion, and the deed is also stamped by the
15 assessor's office identified as tax parcel 36.

16 MR. O'KELLEY: That's Exhibit 18, Your
17 Honor.

18 THE COURT: It can't be 18.

19 MR. O'KELLEY: Uh-oh. Well --

20 THE COURT: What do we want to call this
21 one? Did we --

22 MR. FISHER: How'd we get mixed up like
23 this?

24 COURT REPORTER: Do we have an 18 already?

25 MR. O'KELLEY: Whatever the next number is.

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1 COURT REPORTER: Do you have this as
2 something else?

3 MR. FISHER: No. But we just made the deed
4 of distribution for Martha, Stanley and Joe as 18, so
5 this will be 19.

6 MR. O'KELLEY: Do you have a deed of
7 distribution as Number 18 up there, Your Honor?

8 THE COURT: I have the deeds of
9 distribution. Let me see what we called those. Yes,
10 18 and 7, according to what we ended up.

11 MR. O'KELLEY: This is now 19, then, Your
12 Honor. It's the deed from Isaac Taylor to Christopher
13 Champion, that Ms. Spencer was just talking about.

14 (WHEREUPON, a document was entered as
15 Plaintiffs' Exhibit Number 19 for identification.)

16 MR. O'KELLEY:

17 Q. Just so -- that deed was properly recorded;
18 right?

19 A. Yes, it was.

20 Q. And it's what parcel number?

21 A. 36.

22 Q. And again, it was shown as 1.036 acres, and it
23 references the plat -- the same plat we've been talking
24 about?

25 A. Right. Plat Book 64, page 120.

1 Q. Okay.

2 MR. O'KELLEY: Now, before I show you this
3 one, I'll ask the reporter, am I correct that we --
4 this would be 17? It's a deed from -- it's a deed to
5 Georgia Champion.

6 COURT REPORTER: I certainly hope so.

7 THE COURT: Chronological order has just
8 gone out the window.

9 MR. O'KELLEY: Well, I numbered them -- some
10 of them this morning, but my witnesses --

11 MR. FISHER: Our grantors are Isaac?

12 MR. O'KELLEY: Well, actually, I have 14
13 into Isaac, and then I have 17 out of Isaac to Georgia
14 Champion. 14 is the deed out to Isaac, and then 17 is
15 to Georgia.

16 MR. FISHER: Okay. I think we've already
17 recorded --

18 MR. O'KELLEY: We already have this in?

19 MR. FISHER: We already have this as 13. I
20 think that's shown as 13.

21 MR. O'KELLEY: Well, now --

22 MR. FISHER: 1034 at 577.

23 MR. O'KELLEY: Okay. All right.

24 MR. FISHER: Parcel F.

25 MR. O'KELLEY: Then this one is 17, which

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1 is --

2 BY MR. O'KELLEY:

3 Q. What is that deed, please, Cindy?

4 A. Record Book 1034, page 567, recorded 1998, is
5 from the three plaintiffs in the quiet title action Isaac
6 Taylor, Rebecca Taylor and Walter Taylor to Georgia
7 Champion, for 1.00 acres, identified as Parcel D, as in
8 David, on Plat Book 64, page 120, and the assessor's office
9 transferred it as tax parcel 60.

10 Q. And 60 on that plat is shown as what I refer to
11 as like a flag lot?

12 A. Correct.

13 MR. O'KELLEY: And you have that plat, I
14 think, Your Honor, Parcel 60. And here's the deed,
15 which is Number 17.

16 BY MR. O'KELLEY:

17 Q. The parcels obtained by Christopher Champion and
18 Georgia Champion --

19 THE COURT: Let me stop you real quick
20 before you get into those questions, Mr. O'Kelley.
21 What is your time frame, 'cause a minute ago we were
22 saying this witness would just be a couple of minutes.

23 MR. O'KELLEY: She's about through. I'm
24 about through.

25 THE COURT: All right. Go ahead. And then

1 we'll just hold the cross for after.

2 BY MR. O'KELLEY:

3 Q. The property that I asked you to look up
4 concerning the Heirs of Taylor -- Maxine and Martha and the
5 brothers -- where is it in relation to the two pieces
6 deeded to Christopher and Georgia?

7 A. They share the eastern boundary of these parcels
8 D and F.

9 Q. So my clients are on the east side of these two
10 parcels?

11 A. Correct.

12 Q. Did you find any evidence where lines were
13 different or people had title that was different from what
14 is platted?

15 A. What I found was, between all the recorded plats
16 and the AOC maps, and the old tax maps, all the lot lines
17 for Warsaw Island run true north to south.

18 Q. Did you find any evidence where any of them that
19 we're talking about in the subject properties did any
20 different?

21 A. I did not.

22 Q. Okay.

23 MR. O'KELLEY: Answer any questions, please,
24 that Mr. Fisher may have.

25 MR. FISHER: I think the Judge --

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1 THE COURT: Well, let's -- we're gonna go
2 ahead and break for lunch, come back at 1:30. Please
3 don't discuss your testimony with anyone, and we'll
4 go.

5 (Lunch break)

6 THE COURT: Back on the record in the Taylor
7 versus Heirs of cases. And you are still under oath.
8 Mr. Fisher?

9 MR. FISHER: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. FISHER:

12 Q. Ms. Spencer, you testified that you were tasked
13 with documenting or establishing ownership for as much as
14 you could in Lot 9.

15 A. Correct.

16 Q. That was the initial task; is that right?

17 A. (Witness nods affirmatively; no verbal response.)

18 Q. Okay. And if I understood your testimony
19 correctly then, you -- how would you describe the condition
20 of the deeds for your search for Lot 9?

21 A. Well, nonexistent for the portion taxed as Parcel
22 5. For the portion taxed as Parcel 6, and then divided
23 into 6, 6A and 49, the deeds are pretty much what you
24 generally expect in that area. They cite an acreage and
25 boundary owners, and the boundary owners may or may not be

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1 the people who actually hold title to the boundaries. But
2 they are all very difficult to identify and locate the
3 parcels conveyed by the descriptions.

4 Q. So the location of the parcels is a principal
5 issue from your search; is that right?

6 A. Generally speaking. There were a couple of them
7 that when they said bounded on the north by marshes or on
8 the north by the river, you know, that -- you can pretty
9 much place that that's where they are.

10 Q. Okay. So let's talk about the first deed from
11 1937/1938, where Josephine Taylor conveyed to Phoebe Taylor
12 the 4 acres.

13 A. Uh-huh.

14 Q. And that is -- calls out 4 acres bordered on the
15 north by marshes or river?

16 A. No. This one is --

17 Q. Or that's the one by Sam Mattis?

18 A. Right. North by the estate of Sam Mattis.

19 Q. And did you, from your research here or
20 elsewhere, were you able to determine that Sam Mattis owned
21 the next parcel across the creek?

22 A. Sam Mattis actually owned all 284 acres of Warsaw
23 Island that's located in Section 12.

24 Q. Okay.

25 A. Some of Warsaw Island is in Section 13. He just

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1 owned the portion in Section 12, so he was everywhere.

2 Q. All right. And the call on the acreage there is
3 clear, 4 acres?

4 A. Yes.

5 Q. Okay. Now, the next deed in your search was the
6 one and one/sixth acres precisely shown in that deed. And
7 that was the conveyance -- the first conveyance into Joseph
8 Taylor; is that right?

9 A. James Taylor.

10 Q. James Taylor.

11 A. Correct. That's Deed Book 102, page 152.

12 Q. All right. And the call on that is that that is
13 the southern portion of the 4 acres conveyed by Josephine
14 Taylor to Phoebe Taylor; is that right?

15 A. Correct.

16 Q. Okay. So that -- can you say if that would be
17 south of what's now Warsaw Road or not?

18 A. I can't. The part that threw me going back to
19 the Deed Book 53, page 501, is it says it's bounded on the
20 north by the Estate of Sam Mattis. But then it also says
21 that it changed from 5 acres to 4 acres due to erosion,
22 which leads you to believe that it's on the river. So I
23 couldn't -- I couldn't justify either way.

24 Q. Okay. But hypothetically speaking, if this was
25 all 9, and this was 4 acres of 9 that was conveyed by

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1 Josephine to Phoebe, that northern portion could be up here
2 by the river or the marshes?

3 A. The Deed Book 102, page 152 calls for the
4 southern portion.

5 Q. Okay. But I'm talking about the 53 and 501 of 4
6 acres.

7 A. Based on the descriptions, I can't make that
8 call. I cannot determine where it's located.

9 Q. But I'm suggesting that it's a possibility.

10 A. Anything's possible.

11 Q. Okay. And then the next -- if that were true,
12 then the one and one/sixth acres that was the first
13 conveyance to Joseph Taylor --

14 MR. O'KELLEY: James.

15 A. No, it's all James.

16 Q. James Taylor, I'm sorry. -- would be somewhere
17 down here?

18 A. I can't make that call.

19 Q. Right.

20 A. I can't say that the 4 acres conveyed to Phoebe
21 Taylor ran from the water to the southern part of Lot 9.
22 There's not enough evidence to suggest --

23 Q. Okay.

24 A. -- that it did or did not.

25 Q. Well, let me ask --

1 A. There was no plats.

2 Q. Well, let me ask you this. Is there -- did you
3 find anything into Joseph Taylor -- did I have -- that's
4 what I'm doing wrong here.

5 A. Yeah, that's all James Taylor.

6 Q. In your search, did you find any deeds for more
7 than 4 acres into Phoebe Taylor or James Taylor in this Lot
8 9?

9 A. No.

10 Q. Not 5, not 6, not 7, and certainly not 10; is
11 that correct?

12 A. Right. That's correct.

13 Q. Now, in your search you also found that the tax
14 map parcels had been switched; correct?

15 A. Correct.

16 Q. Showing you a diagram that shows Parcel 5
17 occupying all of the northern portion of Lot 9, 6
18 southeastern, and 6A cut out of 6; is that correct?

19 A. Correct.

20 Q. And this Parcel 5 also is connected to the what
21 would be the western half of the southern piece of 9;
22 right?

23 A. Correct.

24 Q. Now, with regard to that, who -- did you find any
25 evidence of who owned Parcel 5?

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1 A. Parcel 5 has always been taxed since 1954 at
2 least to the Heirs of William Taylor.

3 Q. Okay. Not the Heirs of Joseph Taylor?

4 MR. O'KELLEY: Object to the form.

5 MR. FISHER: Thank you. James.

6 Q. Not the Heirs of --

7 A. Not James either.

8 Q. Not the Heirs of James Taylor. Not James Taylor
9 himself.

10 A. Correct.

11 Q. The Heirs of William Taylor?

12 A. Correct.

13 Q. Okay. And were you able to confirm that both by
14 AOC card and tax records?

15 A. Not William Taylor. AOC made no references to
16 William Taylor at all as far as Warsaw Island is concerned.
17 That is based solely on the original property record cards.

18 Q. All right. Let me show you what's been marked
19 Defendants' Exhibit 2. And, actually, you provided that to
20 me.

21 A. Oh, okay.

22 Q. I do believe. Does that look familiar?

23 A. Yes, sorry. Let's see. I've got a note about
24 that here. That is the original property record card.
25 That's what we call the original property record card where

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1 they just -- they handwrote things and typed onto large
2 index cards before they had them printed.

3 Q. Okay. Now we're going to provide that to the
4 Judge, but can you read to the Judge what the acreage is
5 cited with the parcel and who the owner is?

6 A. Sure. It says, "St. Helena" and it's got "9/5"
7 which indicates Map 9, Parcel 5, "Heirs of William (Number
8 1) Taylor, care of Rita Coley, Frogmore, South Carolina,
9 (Warsaw) 6 acres." It also has a notation on here of a
10 "62? 624," which is generally how they wrote on there in
11 the old days that they believed that he is taxed on here
12 because of that deed, and I established that that is an
13 incorrect deed reference if, indeed, that's what they
14 intended that to be.

15 Q. Okay. But there is some reference to a deed,
16 however incorrect it is?

17 THE COURT: So what have I just been handed
18 here?

19 MR. FISHER: It's Defendants' 2, Your Honor.

20 MR. O'KELLEY: Defendants' 2?

21 MR. FISHER: It's the property card.

22 THE COURT: Without objection, okay?

23 MR. O'KELLEY: No objection.

24 (WHEREUPON, a document was entered as
25 Defendants' Exhibit Number 2 for identification.)

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1 BY MR. FISHER:

2 Q. Let me ask you about the -- we've got three deeds
3 that we've talked about -- or actually we've talked about
4 four, but let me talk about the last two, the tax deeds.
5 From your experience, who writes those legal descriptions
6 on tax deeds?

7 A. I believe the treasurer's office does.

8 Q. Okay.

9 A. The county attorney, perhaps. I'm personally not
10 certain of who writes the descriptions.

11 Q. Is there ever -- is there ever any reference on
12 the descriptions as to wrote them, the way there is for
13 attorney drawn deeds?

14 A. If you're referring to a preparation clause --

15 Q. Right.

16 A. -- which is generally what you see on a
17 traditional warranty deed, I believe the treasurer's deeds
18 do not.

19 Q. And to what extent in your experience have the
20 treasurer's deeds incorrectly or vaguely described the
21 property being conveyed?

22 A. (No response.)

23 Q. Do you see that as part of --

24 A. That's a difficult question, because they base
25 the treasurer's deed descriptions on the descriptions in

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1 the deeds by which the parcel is taxed that's being sold at
2 the tax sale. So if the description in the deed for the
3 taxpayer is poor, then the description in the treasurer's
4 deed generally is also poor. They don't -- they don't
5 improve on the description.

6 Q. These deeds then, these tax deeds seem to add
7 information that would not have been contained in the
8 original 4 acre deed into Phoebe Taylor. Did you find that
9 to be the case?

10 A. True. I believe what they probably did was they
11 described them, the parcels, as they're shown on the tax
12 maps, which the drawing that you have displayed there is
13 only on the 1965 tax maps. They changed --

14 Q. But when they changed them --

15 A. They changed in 19 -- it's sometime between '65
16 and '86. These descriptions are based on the more modern
17 placement of the tax parcels.

18 Q. Okay. And you don't know from your research why
19 those tax maps reflect --

20 A. I found absolutely nothing. I do know way back
21 in the early days that people could come in and verbally
22 say that's not where my property is.

23 Q. And if they had a friend in the office, it might
24 get switched?

25 A. I don't know if that's how they did it or if the

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1 mapping office sent people out to investigate and question
2 people. I don't know:

3 Q. Okay.

4 A. But I found nothing recorded that showed that the
5 1965 tax map was correct or the reason that they changed it
6 to the 1986 tax map.

7 Q. Okay. So, then, the ultimate conclusion then on
8 these properties in -- dare I say it -- James Taylor, it
9 never amounted to more than 4 acres?

10 A. Correct.

11 Q. And the card, the property card in the Heirs of
12 William Taylor was for 6 acres, which totaled 10; is that
13 correct?

14 A. Correct. Which would reflect the original Lot 9,
15 Warsaw Island.

16 MR. FISHER: Thank you. That was somewhat
17 tortured, but thank you for bearing with me.

18 MR. O'KELLEY: Just briefly.

19 REDIRECT EXAMINATION

20 BY MR. O'KELLEY:

21 Q. Cindy, Mr. Fisher asked you about "only 4 acres."
22 Have you run into situations on Warsaw, St. Helena, all
23 this area where the 4 acres or the 10 acres or whatever
24 could be not only off some, but off significantly?

25 A. All the time.

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1 MR. O'KELLEY: Thank you. No further
2 questions. And if the Court has -- I'm sorry. Do you
3 have some more?

4 RECROSS-EXAMINATION

5 BY MR. FISHER:

6 Q. At the risk of overdoing this, I'm gonna show you
7 a copy of Plaintiffs' Exhibit 5, showing a 3.2 acre parcel
8 on Lot 9. And you've answered this question in a variety
9 of ways, but as to this parcel, did you find any deed into
10 James Taylor or his heirs that would reference a 3.8 acre
11 piece of property south of Warsaw?

12 A. No, I did not. And this plat by David Youmans
13 dated November 1st, 2007, which is not recorded in the ROD,
14 actually shows tax parcel 5, which is taxed to the Heirs of
15 William Taylor.

16 Q. Thank you.

17 MR. FISHER: Now I'm finished, George.
18 Thank you.

19 MR. O'KELLEY: Okay. May Ms. -- if the
20 Court has no questions, may I ask that Ms. Spencer be
21 allowed to depart, Your Honor?

22 THE COURT: Yes. Thank you so much.

23 MR. O'KELLEY: I have the Plaintiffs, Your
24 Honor, and there are two of them. They're going to be
25 relatively short.

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1 THE COURT: All right.

2 MR. O'KELLEY: Ms. Martha Brown. Please let
3 the Judge swear you in.

4 ---o0o---

5 MARTHA BROWN, called as a witness, having
6 been first duly sworn by the Court, was examined and
7 testified as follows:

8 DIRECT EXAMINATION

9 BY MR. O'KELLEY:

10 Q. Please state your full name.

11 A. Martha T. Brown.

12 Q. And, Ms. Brown, where do you live?

13 A. 219 Warsaw Island Road.

14 Q. Are you one of the plaintiffs in one of these
15 quiet title actions?

16 A. Yes, sir.

17 Q. Who are the other two plaintiffs? Stanley and
18 Joe, who are they?

19 A. They're my brothers.

20 Q. And who is Maxine in relation to you?

21 A. My sister.

22 Q. Okay. Now, how old are you?

23 A. I'm 58.

24 Q. And where were you born?

25 A. On Warsaw Island.

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1 Q. Where have you lived all your life?

2 A. Warsaw Island.

3 Q. All right. It might be better if I use Mr.

4 Fisher's drawing or one of the plats. Do you live above
5 the road or below the road?

6 A. Below the road.

7 Q. Now, wait a minute. Think about that.

8 A. Wait.

9 Q. You live north of the road?

10 A. I don't know north. Above.

11 Q. Is it okay if I turn this so we can all see the
12 properties described here? Okay. Now, this sketch shows
13 James Taylor and it shows a house there on the bottom. Do
14 you see that?

15 A. Yes.

16 Q. Now, where do you live?

17 A. Above.

18 Q. You live above there?

19 A. Yes.

20 Q. Now, on some of these plats it showed a mobile
21 home was gonna be placed --

22 MR. O'KELLEY: Your Honor, you have the plat
23 exhibits. I think it's that one.

24 Q. This is Exhibit Number 16. And you see right
25 here, this is the road?

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1 A. Yes.

2 Q. And then it says, "Proposed mobile home." Is
3 that your mobile home?

4 A. Yes, sir.

5 Q. Now, over here it shows Champion. Which Champion
6 is that that's to the west or to the left of you?

7 A. Ms. Georgia Champion.

8 Q. Georgia Champion. Okay. Now, it shows a
9 neighbor's driveway. Is that Ms. Champion's driveway?

10 A. Yes, sir.

11 Q. And where is that driveway? Is it on your
12 property or not?

13 A. Yes, I believe it's on my property.

14 Q. Okay. And did she ask to put that driveway
15 there?

16 A. No, sir.

17 Q. All right. Tell me, when y'all -- when you were
18 a little girl, where did you live?

19 A. On Warsaw.

20 Q. Whereabouts, though, I mean? I know you lived on
21 Warsaw.

22 A. Oh, on Gardner Drive.

23 Q. Did you live in that house that's shown on there?

24 A. Yes, sir.

25 Q. Is that house still there today?

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1 A. Yes, sir.

2 Q. And who owns that piece of the property?

3 A. Maxine Taylor.

4 Q. Now, when you were growing up, did your mother
5 and father live in that house?

6 A. Yes, sir.

7 Q. And all your siblings, your brothers and sister
8 lived there?

9 A. Yes, sir.

10 Q. And what did your -- when did your daddy build
11 that house? Do you know?

12 A. (No response.)

13 Q. There's been evidence that he got --

14 A. No, I didn't --

15 Q. That he got a deed in deed in 1960. Do you know
16 -- when were you born?

17 A. '54.

18 Q. And as long as you can remember back, was that
19 your home?

20 A. Yes.

21 Q. In that same place?

22 A. Yes.

23 Q. What did y'all -- what did your daddy and y'all
24 do on that property?

25 A. He used to farm it with vegetables and stuff.

1 Q. So what kind of vegetables did he grow?

2 A. Like peanuts and watermelon and cantaloupe and
3 okra.

4 Q. Did he have any livestock?

5 A. Yes. We had some chickens and cows and pigs.

6 Q. And he kept them on that property?

7 A. Yes, sir.

8 Q. Okay. And did anybody ever come along and say
9 y'all are on our property, or you're on the wrong piece of
10 property, or that's mine, or anything like that?

11 A. No, sir.

12 Q. To your knowledge.

13 A. To my knowledge, no one came up.

14 Q. Now, are you familiar with the tax deeds where
15 your father bought some property on Warsaw at a tax sale in
16 the mid nineties?

17 A. I am familiar right now with it.

18 Q. Yes, ma'am. Is that the property where you live
19 now?

20 A. Yes.

21 Q. And is that would you say north or south of the
22 road? Above it or below it?

23 A. Above it.

24 Q. Okay. So it's -- on that map, it would be up on
25 the top side; right?

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1 A. Yes.

2 Q. And you've put a mobile home in there?

3 A. Yes.

4 Q. And who pays the taxes on it?

5 A. I do.

6 Q. Okay. And what do you do for a living?

7 A. I'm a scanner tech at Beaufort Memorial.

8 Q. All right. And who was Phoebe Taylor?

9 A. Phoebe Taylor was my grandmother.

10 Q. And was she your father's or your mother's
11 mother?

12 A. My father mother.

13 Q. And your father, of course, being James?

14 A. Yes.

15 Q. And you've heard evidence today that Phoebe got a
16 deed to it in 1937?

17 A. Yes.

18 Q. And which piece of that property, to your way of
19 thinking, did your grandmother get and convey to your
20 daddy?

21 A. The one that I'm living on now.

22 Q. The one you're living on or the one Maxine owns?

23 A. Okay, I'm sorry. The one Maxine is on.

24 Q. Okay. And that's always been your family
25 property?

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1 A. Yes.

2 Q. And nobody else has fussed with it?

3 A. No.

4 Q. Have you -- did you commission one of the
5 surveyors to do a plat for you?

6 A. Yes.

7 Q. Which has been introduced into evidence?

8 A. Yes.

9 Q. And as far as you know, does the plat accurately
10 show your property?

11 A. Yes, sir.

12 Q. Anything else?

13 A. No, sir.

14 Q. Okay.

15 MR. O'KELLEY: Answer any questions that Mr.
16 Fisher might have, please.

17 MR. FISHER: How are you today?

18 WITNESS: I'm fine.

19 MR. FISHER: Good.

20 CROSS-EXAMINATION

21 BY MR. FISHER:

22 Q. Ms. Brown, you grew up --

23 MR. FISHER: We're gonna mark this as
24 Defendants' 3.

25 MR. O'KELLEY: Marc, this is a sketch.

1 Realizing, A, it's not to scale; B, it was prepared by
2 Mr. Fisher or someone in his office; and C, there's
3 some notations on it that we don't necessarily admit
4 are accurate as far as totals of acreage.

5 THE COURT: All right.

6 MR. O'KELLEY: With that caveat, no
7 objection.

8 THE COURT: All right, without objection.

9 (WHEREUPON, a document was entered as
10 Defendants' Exhibit Number 3 for identification.)

11 MR. FISHER: Thank you.

12 BY MR. FISHER:

13 Q. You grew up in the house labeled James Taylor; is
14 that right?

15 A. Yes.

16 Q. And you agree, as we've heard perhaps time and
17 time again today, that a total of 4 acres came into your
18 father James Taylor through deeds.

19 A. To my knowledge.

20 Q. Okay. Now, you grew up south of Warsaw Road or
21 below on the sketch Warsaw Road; right?

22 A. Yes.

23 Q. And your father farmed around -- in and around
24 the house? Chickens were around the house, pigs and so
25 forth around the house; is that right?

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1 A. Yes.

2 Q. Now, you had some playmates when you were growing
3 up who are my clients; is that right?

4 A. Yes.

5 Q. Okay. And they're here today. Georgia Champion;
6 right?

7 A. Yes.

8 Q. And Willie Mae Stewart?

9 A. Yes.

10 Q. Right. They lived on the other side of the road
11 from you above Warsaw; is that right?

12 A. Yes.

13 Q. Now, you see where we've marked the Rufus and
14 Mary Taylor house. Rufus -- do you see where I've marked
15 that?

16 A. I see it, yes.

17 Q. Okay. Who were Rufus and Mary Taylor?

18 A. I believe they was their grandparents.

19 Q. Okay. And did Rufus and Mary Taylor raise Willie
20 Mae and Georgia?

21 A. To my knowledge, I believe so.

22 Q. Okay. I mean, when you were young, you guys all
23 played together, didn't you?

24 A. Yes.

25 Q. And y'all -- and you went to their house and they

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1 came to your house?

2 A. Yes.

3 Q. Okay. Now, all around the house, including where
4 your mobile home is now placed, isn't it true that Rufus
5 and Mary Taylor farmed that area?

6 A. I can't answer that, 'cause I don't know.

7 Q. You don't know?

8 A. I don't know if they farmed that area or not.

9 Q. Okay. How long did you live in the James Taylor
10 house?

11 A. All my life.

12 Q. Okay. So you never left? You went through high
13 school and so forth, never left to go in the service or
14 moved --

15 A. Oh, I moved away. I moved away.

16 Q. Okay. And how old were you when you moved away?

17 A. 21.

18 Q. Okay. And where did you go to?

19 A. First I got married and moved with my husband,
20 and then I moved to Jersey.

21 Q. Okay. And that was when you were 21 years old?

22 A. Yes.

23 Q. Okay. So you lived in that house up till the
24 time that you were 21 and you're saying now that you don't
25 know who farmed that land around Rufus and Mary Taylor's

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1 house?

2 A. As to my knowledge, I don't know if they farmed
3 around there.

4 Q. Okay. What did Rufus do for a living?

5 A. I didn't never met Mr. Rufus. I only know Ms.
6 Mary.

7 Q. All right. Pretty much everybody farmed in the
8 Warsaw community?

9 A. Yes.

10 Q. Okay. Do you remember the house that you would
11 play in with Georgia and Willie Mae?

12 A. There was a house there, yes.

13 Q. And where I've depicted it?

14 A. Yes.

15 Q. Okay.

16 A. The old house was there.

17 Q. And was it a two-story house?

18 A. I don't remember. To my knowledge, I can't
19 remember if it was a two-story house, but I know one was
20 there.

21 Q. Now, when you moved your mobile home onto that
22 property, did you get a visit very shortly thereafter by
23 some of my folks complaining about where you'd put the
24 mobile home?

25 A. Not -- no, sir, I did not get a visit from them.

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1 Q. So you were never visited by Georgia?

2 A. Georgia Champion called me and said that I was on
3 her property.

4 Q. Okay. And how about Marjory Kemp? Did she talk
5 to you about that mobile home?

6 A. She never talked to me about that mobile home.

7 Q. Never complained that that mobile home was --

8 A. No, sir.

9 Q. -- on the wrong property? And how about --
10 there's a lady named Goodwine, I think.

11 A. No, sir.

12 Q. They never came and complained --

13 A. They never came and complained about that mobile
14 home, no, sir.

15 Q. So the only person that complained about the
16 mobile home was Georgia Champion --

17 A. When I --

18 Q. -- and her complaint was that you'd essentially
19 put it on the land that was the Heirs of William Taylor; is
20 that correct?

21 A. By my knowledge, yes. But when I put it there,
22 my father had bought off sheriff's sale.

23 Q. Okay. Now, you're claiming -- it seems from the
24 pleadings that you and your sister and brother are claiming
25 the full 10 acres, all of Lot 9; is that correct?

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1 A. I am --

2 Q. Or are you just claiming your 4 acres that come
3 through the deeds?

4 A. I am claiming whatever James Taylor, my father,
5 left us.

6 Q. Okay. And you agree the testimony has shown that
7 he's left you 4 acres?

8 A. I can't say he left me 4 acres. He might have
9 left more. I can't say that. I can only say what my
10 trailer is on.

11 Q. Well, let me ask you this, then. Do you know of
12 any deeds that show more than 4 acres?

13 A. Not to my knowledge.

14 Q. Can you tell the court whether or not you know of,
15 the ruins of that house on the property? In other words,
16 have you seen or has anybody told you about the old metal
17 roof that's the remains of that house?

18 A. No, sir.

19 Q. Okay. When Georgia called you, did she tell you
20 that the remains were there that showed where the old house
21 was?

22 A. No. No, sir.

23 Q. Now, when you paid taxes, between you and your
24 sister and others have paid taxes on the property, going
25 back to when your father paid taxes, do you have any

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1 evidence that you paid taxes for the full 10 acres?

2 A. The -- I paid taxes on my property, and my sister
3 paid taxes on her property.

4 Q. Okay. And the total acreage on that is 4 acres;
5 is that right?

6 A. For my property. I don't know what my sister.

7 Q. Well, the total through the deeds is only --

8 A. Well, go by the deeds, but...

9 MR. FISHER: All right. Thank you, Your
10 Honor. Thank you, George.

11 MR. O'KELLEY: Thank you, ma'am. One more
12 witness and that's Maxine.

13 (Mr. Youmans enters courtroom.)

14 MR. O'KELLEY: Mr. Youmans brought his
15 purloined exhibit.

16 MR. YOUMANS: I was just about to get the
17 sheriff on me.

18 THE COURT: We just substituted a copy, but
19 thank you for bringing it back.

20 MR. O'KELLEY: We just substituted a copy.

21 MR. YOUMANS: Okay. I got to going through
22 my files putting it away, I said, "Oh, my gosh." I'm
23 sorry.

24 MR. FISHER: Thank you so much.

25 THE COURT: What did we call that one?

1 MR. O'KELLEY: This is 16, and it's the one
2 that shows the driveway. And we'll -- we've already
3 put a -- but we'll hand this up to you, Your Honor.

4 THE COURT: All right. Thank you, Mr.
5 Youmans. I'll just attach it to this 16. Thank you.

6 MR. O'KELLEY: All right. So we have two
7 16s, apparently.

8 THE COURT: I'm gonna make them one by
9 attaching them together. All right.

10 MR. O'KELLEY: If you'll swear in Ms.
11 Taylor, please?

12 ---o0o---

13 MAXINE TAYLOR, called as a witness, having
14 been first duly sworn by the Court, was examined and
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MR. O'KELLEY:

18 Q. Please state your full name.

19 A. Maxine Taylor.

20 Q. And where do you live?

21 A. I live in Quantico, Virginia, Triangle, Virginia.

22 Q. And where did you grow up?

23 A. I grew up on Warsaw Island.

24 Q. And where on Warsaw did you grow up?

25 A. On 141 Gardner Drive.

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1 Q. We've been talking about various parcels on
2 Warsaw today. Where on Gardner Drive or on Warsaw is your
3 property?

4 A. It's the brick house that is depicted under James
5 Taylor on the picture.

6 Q. You're referring to the sketch.

7 MR. O'KELLEY: What did you number that,
8 Marc? 3?

9 MR. FISHER: 3, yes, sir.

10 BY MR. O'KELLEY:

11 Q. The sketch that's Number 3, you're referring to
12 it as -- it shows James Taylor?

13 A. Uh-huh.

14 Q. What kind of house is that?

15 A. It's a brick house.

16 Q. How long has it been there?

17 A. I was born in 1961, so it's been there before I
18 was born.

19 Q. And from the time you were old enough to
20 remember, is that where you've lived?

21 A. Yes, sir.

22 Q. Who lived there with you?

23 A. My family lived there with me. My sister, my
24 brothers, my mom.

25 Q. And who owns that piece of property today?

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1 A. I own that piece of property today.

2 Q. We have an exhibit introduced that's actually two
3 deeds of distribution, one to you and one to your three
4 siblings. The one to you is to that southernmost piece in
5 Lot 9?

6 A. Yes, sir.

7 Q. I say southernmost, but the bottom half I'll call
8 it?

9 A. Yes.

10 Q. Where the brick house is?

11 A. Yes.

12 Q. Now, when you were growing up, what sort of
13 activities took place on that property?

14 A. Well, my father like farmed. He had chickens,
15 pigs, we had cows. He'd garden, you know, cucumber,
16 tomatoes. He had pigs and we also had a pig farm. And he
17 had a horse. A lot of animals.

18 Q. Did he use the whole extent of that property
19 that's shown as the bottom or the lower part of --

20 A. Yes, he used the whole extent. There was also a
21 big oak tree that we used to play under.

22 Q. And the oak tree, I believe, is shown in some of
23 those pictures we introduced.

24 A. Yes.

25 Q. And was it on your property?

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1 A. Yes, sir.

2 Q. And the house that's on there, was there ever any
3 other living quarters on there?

4 A. There was never no other living quarters, just my
5 family.

6 Q. What about a mobile home?

7 A. There was no mobile home. I mean, on that side
8 of the property, there's like a dilapidated mobile home
9 now.

10 Q. There's a dilapidated mobile home?

11 A. Yeah.

12 Q. All right. How did you first find out that there
13 was a question about the parcel numbers, Maxine?

14 A. I received a call from my sister stating that Ms.
15 Kemp had came on to her at the time she was staying in the
16 house, that this is our -- I don't know. This is something
17 my sister said to me, you know. And I asked my sister what
18 are you talking about. I said we've been living on this
19 property all these years. And I said no, I was not aware
20 of anybody else, just my family own this piece of property.
21 That's when she came by and said --

22 Q. Did there come a time when somebody from codes
23 enforcement --

24 A. Yeah. Code enforcement came by and state that,
25 you know, some car -- it was I guess abandoned cars.

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1 Q. An abandoned car or cars?

2 A. Cars.

3 Q. Was that on your property?

4 A. Yes, sir.

5 Q. And how long had they been there?

6 A. They'd been there since, you know, my father's
7 been there. Some of the cars was -- they was a old antique
8 car, and there was one or two cars.

9 Q. And when was that approximately? Approximately
10 when was that? I mean year.

11 A. I would say back -- I mean, had to been in 2006
12 or 3. I can't --

13 Q. Sometime in early 2000?

14 A. Yeah.

15 Q. Is that when you found out that the property
16 parcel numbers were mixed up?

17 A. Yes.

18 Q. Is that how you found out?

19 A. Yes, that's how I found out.

20 Q. How did you come to find out that --

21 A. Well, I came down -- after my sister called, I
22 came down and then went to the courthouse, and then I
23 talked to the zoning -- one of the zoning officer and I
24 inquired. I said there's something wrong. And she was
25 like no, this is -- I said there's the house there. And

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1 she's showing that at that time -- and I said no, we've
2 been paying -- my father had been paying tax on that land
3 at 141 Gardner Drive all his life. So that's how I found
4 out.

5 And then in the process of trying to figure out,
6 I went in, tried to pull some papers. Then I contact, you
7 know, people trying to find out, you know -- making --
8 trying to inquire more about the --

9 Q. And is that -- do you remember the name of the
10 person they had listed as supposedly on that parcel?

11 A. They had a Goodwine -- Albertha.

12 Q. Ms. Goodwine?

13 A. Yeah.

14 Q. And that's -- she's joined -- Ms. Albertha
15 Goodwine is joined as a defendant in this matter?

16 A. Yeah. Because I was -- I was not aware all this
17 time if there was --

18 Q. But any property that Ms. Goodwine may have had
19 was not on y'all's parcel?

20 A. Correct.

21 Q. All right. Now, the property up above, on the
22 north side of Warsaw Road, how did your daddy come to get
23 that property?

24 A. I believe he got it off a sheriff's sale.

25 Q. And when he passed away several years after that,

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1 who was the administrator or personal representative of his
2 estate?

3 A. I was the executor of his estate.

4 Q. And did you have an attorney help you?

5 A. No, I did not.

6 Q. Okay. Did you prepare the deeds of distribution?

7 A. I went to -- yeah. I went to a paralegal.

8 Q. Okay. But --

9 A. That's all.

10 Q. -- the deeds show that you got the southern part,
11 and I believe your three siblings got the northern part; is
12 that correct?

13 A. Uh-huh. I believe so, yes.

14 Q. And is that based upon your father's will or
15 what?

16 A. Yes. You know, to the best of my knowledge, yes.

17 Q. He did have a will?

18 A. Yes.

19 Q. And you probated it right here in this county?

20 A. Correct.

21 Q. And based upon that is why you issued the deeds
22 of distribution that you did?

23 A. Yes, sir.

24 Q. And have you and your siblings been paying taxes
25 on your respective property, as far as you know --

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1 A. Yes, sir.

2 Q. -- since your father died?

3 A. Yes, sir.

4 Q. And he died when, '99?

5 A. 1999.

6 THE COURT: Mr. O'Kelley, is there more to
7 the deeds of distribution than was handed to me?

8 MR. O'KELLEY: I don't know, Your Honor.
9 I'm not --

10 THE COURT: I've just got the -- see if I
11 can find it. I think maybe they were missing page --

12 MR. O'KELLEY: Let me look.

13 THE COURT: -- of descriptions. Maybe the
14 descriptions themselves are incorporated here.

15 MR. O'KELLEY: You know, on these deeds of
16 distribution, they don't require much. It says,
17 "Please see attached deed."

18 THE COURT: Well, that's what I was
19 wondering about. Then --

20 MR. O'KELLEY: And I --

21 THE COURT: Not much here.

22 MR. O'KELLEY: I don't seem to have that.

23 THE COURT: I'm just curious if there was
24 more.

25 MR. O'KELLEY: Well, there may -- you know,

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1 some of this I took off at Mr. Fisher's request -- or
2 at your request, saying -- I think maybe that was what
3 they attached.

4 THE COURT: Oh, no. The thing we took off
5 earlier was a tax bill, a property tax bill.

6 MR. O'KELLEY: But it had something else
7 with it, too. Maybe a book and page number.

8 THE COURT: Well, let's -- since we're
9 talking about those, maybe we can take a quick look
10 and see.

11 MR. O'KELLEY: I will have to -- I'll just
12 have to be allowed to --

13 THE COURT: Maybe this is all there was.

14 MR. O'KELLEY: -- get -- I'd be glad to get
15 copies of it.

16 THE COURT: Okay. Yeah, we just removed the
17 tax --

18 MR. O'KELLEY: They have the R number on it,
19 R300-9-6 on that one. And I apologize if I missed --

20 THE COURT: Well, that's all right.

21 MR. O'KELLEY: And I'll be glad to run that
22 off from the website and get a copy to you and to --
23 the whole thing to you and to Mr. Fisher, Your Honor.

24 THE COURT: This may be it. I don't know.
25 I was just --

1 MR. O'KELLEY: And it may be. I don't --
2 now I don't know.

3 THE COURT: Okay. Well, anyway, go on. I'm
4 sorry. I just thought it would be a good time for
5 that.

6 MR. O'KELLEY: No, it's all right. That's a
7 good point. I'll make a note. Bear with me just a
8 minute, Your Honor. I kinda got sideways.

9 BY MR. O'KELLEY:

10 Q. All right. How often do you come from the
11 Quantico area to Beaufort?

12 A. I come a lot. Like usually three, four time a
13 year, you know, come in, you know, to visit my family.

14 Q. Did there come a time when you discovered that
15 somebody was bush hogging or mowing or something over on a
16 part of your property, as we've shown in those pictures
17 today?

18 A. Yes. Again, my sister called me and informed me
19 that somebody was mowing a section of my property.

20 Q. And when did you first know that that was going
21 on?

22 A. I believe it was last -- about a year, year and a
23 half ago.

24 Q. About a year ago?

25 A. Yeah.

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1 Q. And before that, had anybody ever encroached onto
2 your property?

3 A. No, sir.

4 Q. And I think, if I may borrow this plat here, Your
5 Honor, and I'll just let Mr. Fisher see it, I think this is
6 your house; right?

7 A. Yes, sir.

8 Q. The brick house. And I think it would be right
9 up in this area here, right off the road?

10 A. Yes. Right off the road, kinda connecting into,
11 you know.

12 MR. O'KELLEY: She just pointed right in
13 here, Your Honor, and that's shown in the pictures.

14 Q. And has anybody ever -- has anybody ever come to
15 you saying get off my property, or this is my property, or
16 I'm claiming this, or anything of that nature?

17 A. No, sir.

18 Q. Okay.

19 MR. O'KELLEY: Thank you. Answer any
20 questions that Mr. Fisher might have, please, ma'am.

21 CROSS-EXAMINATION

22 BY MR. FISHER:

23 Q. Ms. Taylor, when you're referring to this piece
24 of property that you grew up on, you're talking about the
25 property around the house that says James Taylor on

1 Plaintiff Exhibit 3; correct?

2 A. No. , I'm talking about the entire property.

3 Q. Okay. So you're saying that your father and
4 family used all that property south of Warsaw Road?

5 A. Yes, sir.

6 Q. Okay. Now, do you have any deeds that show more
7 than 4 acres coming into your family?

8 A. I don't know. I don't have any -- to the best of
9 my knowledge, I don't have any.

10 Q. Okay.

11 A. I just have what my father told me was his
12 property.

13 Q. And north -- now, you're younger than your sister
14 Martha?

15 A. Yes.

16 Q. Did you play at all with Georgia Champion or --

17 A. Yes.

18 Q. -- Connie and all the cousins that would come
19 down from New York? Did you play with them?

20 A. I don't know all them.

21 Q. Right.

22 A. I don't know all the cousin that come down, but I
23 played with, you know, Willie Mae and Georgia -- Ms.
24 Champion and Stewart.

25 Q. And you agree that Rufus and Mary raised Willie

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1 Mae and raised Georgia Champion in that house?

2 A. I agree there was a house there, yeah.

3 Q. Okay. And do you remember Rufus farming that
4 land north?

5 A. No.

6 Q. Okay. Now, you're saying, though, I think your
7 father farmed the land south of Warsaw Road; is that right?

8 A. Where the house? That's what you --

9 Q. Yeah.

10 A. Yeah, that entire area, yes.

11 Q. Not any north of the road?

12 A. Not to my knowledge.

13 Q. Okay. And when did you leave the Warsaw
14 community?

15 A. I was 28 when I left.

16 Q. So '89?

17 A. Yeah, '89, '90.

18 Q. Okay. And the house was still there when you
19 left then?

20 A. No, not -- which house?

21 Q. I'm sorry. The Rufus and Mary Taylor.

22 A. I don't believe it was.

23 Q. It had had a fire or a storm?

24 A. I don't know.

25 Q. You just don't know?

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1 A. No.

2 Q. Okay. Where were you living after you got
3 married?

4 A. I'm not married.

5 Q. I'm sorry. That was your sister.

6 A. Yes.

7 Q. Okay. So you lived in that house --

8 A. Until I left home.

9 Q. -- until you left when you were 28?

10 A. Yes.

11 Q. All right. Now, do you know -- do you recall
12 Rufus and Mary Taylor's daughter taking control of the
13 Rufus and Mary Taylor house and renting it out?

14 A. No.

15 Q. Do you have any knowledge of that?

16 A. No knowledge.

17 Q. All right. So I asked your sister this. Are you
18 claiming the full 10 acres of Lot 9 and she said you're
19 claiming whatever the Judge grants you, is that --

20 A. No. We're claiming the full 10 acres.

21 Q. You are claiming the full 10 acres?

22 A. Yes.

23 Q. Okay. Now, your claim to the property north of
24 Warsaw is through the tax sale descriptions?

25 A. I don't understand your question.

1 Q. Okay. I'll repeat it. Your claim to the
2 property north of Warsaw Road --

3 A. Which is north is?

4 Q. The above. The above part.

5 A. Okay.

6 Q. -- is through the tax sale deeds? For instance,
7 your sister's mobile home.

8 A. If her tax sale deed is that, I believe so.

9 Q. Your concentrating on the southern portion, below
10 where you have the house?

11 A. Yes.

12 Q. And this first came to light for you, the dispute
13 over the property lines, when Marjory Kemp called, visited,
14 or complained to your sister and your sister related that
15 to you?

16 A. Yes, sir.

17 Q. And the complaint was that the mobile home was on
18 the Heirs of William Taylor property, and incorrectly
19 placed?

20 A. No. The complaint was regarding the brick house,
21 on that property.

22 Q. The brick house?

23 A. Yes.

24 Q. Okay.

25 A. That's where she was --

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1 Q. That was what you understood?

2 A. That's what I understood, yeah. That's what the
3 complaint.

4 Q. The house that you would play with Georgia and
5 Willie Mae, was that -- do you remember that house well
6 enough to describe it?

7 A. No, sir.

8 MR. FISHER: Okay. I think that takes care
9 of my questions.

10 MR. O'KELLEY: You finished?

11 MR. FISHER: I think so.

12 MR. O'KELLEY: All right. Thank you.
13 That's our case, Your Honor. Subject to the -- go
14 ahead.

15 THE COURT: Let me just ask a couple of
16 quick questions.

17 EXAMINATION

18 BY THE COURT:

19 Q. So the house, as you look at that Exhibit 3, I
20 think.

21 MR. O'KELLEY: Yes, sir.

22 THE COURT: I think it's 3.

23 Q. The mobile home is on there. I don't know if
24 that's exactly the way it is, but then --

25 MR. O'KELLEY: No, the mobile home is not on

1 there, Your Honor.

2 MR. FISHER: Yeah, there's an M.H.

3 MR. O'KELLEY: Well, that's not the one
4 we're talking about. That's Ms. Champion's mobile
5 home.

6 WITNESS: No, that's --

7 MR. FISHER: No.

8 THE COURT: No, that's --

9 MR. FISHER: Martha just testified that that
10 was hers.

11 MR. O'KELLEY: No, no. If you'll -- no,
12 that's --

13 THE COURT: Well, can I finish my question,
14 Mr. O'Kelley?

15 MR. O'KELLEY: Well, yes, sir. I'm sorry.

16 BY THE COURT:

17 Q. Ma'am, you had testified the Rufus -- right
18 there, you've got the house on the upper left quadrant.
19 You had testified as to that house. Is that -- do you
20 remember that house?

21 A. Now, well, is he talking -- now, which property
22 -- now, you've confused me.

23 MR. FISHER: Are you talking about that,
24 Your Honor?

25 WITNESS: You're talking about which house?

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1 BY THE COURT:

2 Q. Here's -- where's your sister's mobile home on
3 that? Ignore all marks on there. Assume that is the
4 property that we're talking about here. Where on that
5 property is your sister's mobile home?

6 A. It's -- if we're going by that line?

7 MR. O'KELLEY: May she look at this, Your
8 Honor?

9 THE COURT: Please, go ahead. For the
10 record, what is --

11 MR. O'KELLEY: This is the first one, I
12 think, Your Honor. Give me a second, I'll tell you.
13 It's Exhibit Number 1. This is a little bit better.

14 A. My sister mobile home is right next to -- right
15 near Ms. Champion's drainage field.

16 Q. Okay.

17 A. Okay.

18 Q. And where's the -- so MH there, is that more or
19 less where it is?

20 MR. O'KELLEY: Well, Your Honor, if I may.
21 That is different from this.

22 THE COURT: I get it. That's a hand-drawn
23 thing that Mr. Fisher has drawn.

24 MR. O'KELLEY: No. But what I'm suggesting
25 is, James Taylor, according to this, is this. It

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1 doesn't have -- this line should not be here.

2 THE COURT: Right. I know that.

3 MR. O'KELLEY: This is all 9.

4 THE COURT: I know.

5 MR. O'KELLEY: All right. Well, that's
6 confusing when you --

7 WITNESS: Right. 'Cause --

8 MR. O'KELLEY: -- put that line down the
9 middle of Maxine's property.

10 THE COURT: I understand.

11 BY THE COURT:

12 Q. Anyway, so there's a mobile home there that's
13 your sister's mobile home, that's underneath your finger
14 right now in Exhibit 1, is that --

15 A. Exhibit -- right, okay.

16 Q. My question is this: You had testified as to a
17 house you remembered there. Is it no longer there or it's
18 still there?

19 A. There's no house here. But I was -- by looking
20 at that map, it's showing that what he's saying, that the
21 house is on this property, which I'm under the impression
22 that the house was more over on this side. If that's what
23 you're asking me.

24 Q. That's what I was curious about.

25 A. Right.

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1 Q. 'Cause I never got that --

2 A. Right.

3 Q. I never quite understood that. So where is the
4 house that you remember? There was some testimony earlier
5 about maybe -- or I think it was testimony -- about a house
6 with -- that some people grew up in.

7 A. With some --

8 Q. Maybe your friends grew up in.

9 A. With some tin roof or --

10 Q. Something like that.

11 A. Yeah.

12 Q. Where's that house?

13 A. I don't know. I think this house was more over
14 here, in maybe that angle, 'cause I don't know exactly
15 where. I can't recall, but it could have been more -- or
16 either right on the line or it could be over here.

17 Q. Okay. So if we take the left line of what you're
18 looking at there.

19 A. This line -- which line?

20 Q. That line.

21 A. This line here?

22 Q. Right.

23 A. Oh, okay.

24 Q. And then use that as the left line there.

25 A. It would be more over on the other side.

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1 Q. All right. So my question then is, there's a box
2 there that says Rufus and Mary Taylor, Heirs of William
3 Taylor.

4 A. No, I don't recall a house being in that area.
5 Yeah, I'm thinking it's the box -- the house is over on the
6 other side of the property.

7 Q. Okay. Now, the house you grew up in is the James
8 Taylor house?

9 A. Right. That whole entire section, which is
10 there's no line, which is now --

11 Q. I understand, yeah, that line. Okay. And that
12 house is depicted on there.

13 A. And, see, there's a line here which he doesn't
14 have there.

15 Q. Uh-huh.

16 A. So this is --

17 Q. All right.

18 A. So I'm thinking the house is over on this side,
19 not in this section.

20 Q. And the house you're talking about is the one --
21 whose house do you call that house? Whose house is
22 that?

23 A. If a house was there, it would have been the
24 Champion and the Stewart house.

25 Q. All right. Do you remember a house on this

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1 portion of the property other than the mobile home that's
2 there now?

3 A. No, not to the best of my -- no.

4 Q. Okay. What is the -- on the marsh side, on the
5 north side, is that -- how far -- does the water get deep
6 in there? Or is it marsh?

7 A. Up here?

8 Q. Yes, ma'am.

9 A. It get deep. Like a couple weeks ago I came
10 home, the last time I was --

11 Q. And I guess it got deep everywhere a few weeks
12 ago, high tide and full moon.

13 A. Yeah. When I came home earlier it was high tide
14 and I happened to go out on and walked the --

15 Q. There was just some talk of erosion.

16 A. Yeah.

17 Q. I was just curious about the land out there.

18 A. Right here. Because I walked out on Ms. Taylor
19 backyard and I walked into --

20 Q. Okay.

21 THE COURT: Any questions of this witness in
22 the wake of my questions?

23 MR. O'KELLEY: Not from me, Your Honor.

24 THE COURT: All right. Anything else of
25 this witness?

RECROSS-EXAMINATION

BY MR. FISHER:

Q. I'm not sure if you recall the house that you played in with Georgia and Willie Mae. Do you remember if it was a one-story? If it had a loft?

A. No, I don't remember.

Q. You just don't remember?

A. No.

Q. Okay. So your recollection of the house is after all these years somewhat vague, I guess? Is that fair to say?

A. Fair to say.

MR. FISHER: Okay.

MR. O'KELLEY: Thank you. That's our case, Your Honor.

THE COURT: Thank you very much.

MR. O'KELLEY: You may step down.

THE COURT: Anything else from the Plaintiffs?

MR. O'KELLEY: No, Your Honor.

THE COURT: All right.

MR. O'KELLEY: And I'd just like to leave open in the event that we do need to get that complete deed of distribution if we're missing some of it.

THE COURT: All right. Any objection to

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1 that, Mr. Fisher?

2 MR. FISHER: No, none.

3 MR. O'KELLEY: Actually, both deeds of
4 distribution I said. I'm sorry. I said singular, but
5 it's plural.

6 THE COURT: All right. Plaintiffs rest?

7 MR. O'KELLEY: Yes, sir.

8 THE COURT: Let me ask a quick question of
9 y'all. I'm trying to keep up here and see what the
10 thinking on this. The tax deeds, let me see if there
11 is dispute on this, and I suppose there probably is.
12 The first tax deed was that 909, page 1390. And that
13 was Phoebe Taylor, 1.3 acres, which was the western
14 portion of 6. And to the north was the marsh, to the
15 left was Geneva and Rufus Taylor. To the right, the
16 east, was the remainder of 6, and they were carving
17 off a piece of 6. It's on the left side of 6.

18 MR. O'KELLEY: And 6 being the tax parcel.

19 THE COURT: Right, exactly. To the south
20 was the highway. All right. And that was the first
21 tax sale.

22 All right. The second tax sale was the one
23 in '97. That was at 1110 at page 17. All right. At
24 that point, to the north was the marsh, to the south
25 was the roadway, to the left was James Taylor. Now,

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1 that -- when I say the "left," I mean the west -- that
2 was the James Taylor portion that he had purchased in
3 the previous tax sale.

4 MR. O'KELLEY: Correct.

5 THE COURT: Is there any question other than
6 that?

7 MR. O'KELLEY: Correct, Your Honor.

8 THE COURT: Okay. And let me see if I can
9 find the file I was thinking about. And then to the
10 right is also James Taylor. The only thing I could
11 match up in the south was the roadway, and it
12 describes that part as the eastern half. They don't
13 say an eastern portion or anything. Eastern half of
14 Parcel 6 and the remaining 1.3 acres of 2.6 acres
15 previously sold.

16 All right. So and then we refer to lot line
17 correction plat, which is Plaintiffs' 16, and that's,
18 you know, pretty close to that acreage of upland. Is
19 there any question but that this was the parcel sold
20 at the tax sale? That the same property --

21 MR. O'KELLEY: The two tax sales, yes, sir.

22 THE COURT: No, I know. But the -- I'm
23 sorry. The combined total, this was the 2.6 acres.
24 There's no question. That part is disputed or not?

25 MR. FISHER: There's no dispute that there

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1 was 2.6 acres conveyed. The dispute is where the 2.6
2 acres should lie on Lot 9.

3 THE COURT: All right. And I'm trying to
4 figure out where else it could possibly be, because
5 this matches perfectly, doesn't it?

6 MR. FISHER: Well, I don't -- we don't think
7 it does. Because that lays right in the land that is
8 Heirs of William Taylor and cannot be, unless it is --
9 unless it's referring to this, to this piece here.

10 THE COURT: But that wouldn't work because
11 then to the east would be -- it wouldn't work. It'd
12 be the wrong --

13 MR. FISHER: But to the west. See, it's got
14 to come out of the 4 acres originally into Josephine
15 Taylor and then Phoebe Taylor.

16 MR. O'KELLEY: Well, it doesn't necessarily
17 have to, Your Honor. I mean --

18 THE COURT: Well, but -- I'll just finish
19 the point.

20 MR. FISHER: Well, it's got -- I mean,
21 here's what we got. We've got three conveyances out
22 of up to 4 acres, so it's a jigsaw puzzle as to where
23 it is. The first conveyance out references to the
24 west the Estate of William Taylor. I think that's
25 gonna be down here. If it's 4 acres --

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1 THE COURT: Wait. Now, William Taylor was a
2 heir on the parcel next door that -- this case which I
3 have the file now on.

4 MR. FISHER: For 7.

5 THE COURT: For 7. But he was an heir of 7.

6 MR. FISHER: Yeah.

7 THE COURT: So the west could have referred
8 to Parcel 7. Wasn't he in --

9 MR. FISHER: But this where -- you're gonna
10 hear testimony from our side that this all, as
11 referenced on the tax map, that's all 6 acres, William
12 Taylor, connected down to here. That's what --

13 THE COURT: Well, that's why I wanted to see
14 this file and see why they named Phoebe Taylor.

15 MR. FISHER: There are two Phoebe Taylors.

16 MR. O'KELLEY: Oh, we disagree.

17 THE COURT: Well, it doesn't matter who. It
18 was Phoebe Taylor that lost it at the tax sale.

19 MR. O'KELLEY: She lost it.

20 MR. FISHER: Right.

21 THE COURT: And so one Phoebe Taylor or
22 another lost it looks like this -- that it matches, I
23 mean, it looks like perfectly, the upper left-hand
24 corner of this.

25 MR. FISHER: But if this property was

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1 effectively owned and farmed and occupied by Rufus and
2 Mary Taylor, their daughter at some point, their
3 grandchildren, then conveying that out as part of --
4 it could not be conveyed out by the treasurer as part
5 of the tax sale.

6 THE COURT: Well, okay. Let me do this. I
7 just was trying to figure out whether there was a
8 consensus on where some of this was, but it sounds
9 like there's not. So let me go ahead and see if we
10 can get -- we can move into the Defendants' case.
11 Anybody need a break before we begin or do y'all just
12 want to start?

13 MR. FISHER: I'll start, Your Honor.

14 THE COURT: All right. Call your first
15 witness.

16 MR. FISHER: Let me start with Cherise
17 Chisolm, if she can come in.

18 ---o0o---

19 CHERISE CHISOLM, called as a witness, having
20 been first duly sworn by the Court, was examined and
21 testified as follows:

22 DIRECT EXAMINATION

23 BY MR. FISHER:

24 Q. Cherise, would you state your full name and
25 occupation?

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1 A. Cherise Chisolm, and I'm a title researcher.

2 Q. All right. And how long have you been doing
3 that?

4 A. Approximately 18 years.

5 Q. And could you estimate how many title abstracts
6 you've prepared over that time?

7 A. Thousands, over thousands.

8 Q. Okay. Have you testified in court before, as
9 well?

10 A. Yes.

11 Q. Okay. Not so many times as that, though?

12 A. No.

13 Q. All right. Did you perform a title search at our
14 request concerning Lot 9 on Warsaw Island?

15 A. Yes.

16 Q. Okay. And we've had a pretty detailed report on
17 that already, so I'm not gonna ask you to go through in too
18 great detail. And I'll just walk you through it and tell
19 me if I'm correct here. Did you find -- was the first deed
20 you found for 4 acres from Josephine Taylor -- referred to
21 in the deed as Josephine Taylor, now Black -- to Phoebe
22 Taylor for 4 acres?

23 A. Yes.

24 Q. Okay. And did you find that out of that 4 acres
25 there were three conveyances. One to James Taylor of one

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1 and one/sixth acres?

2 A. Yes.

3 Q. And then two others by tax deed, each for 1.3
4 acres?

5 A. Yes.

6 Q. And so did you reach a conclusion as to how many
7 acres were in James Taylor or James Taylor's family in Lot
8 9, based on your deed work?

9 A. Well, there were 2.6 acres that went up for a tax
10 sale, and approximately one and one/sixth acres conveyed to
11 James Taylor. So it would be approximately 4 acres, plus
12 or minus.

13 Q. Did you find anything in your research that would
14 indicate that James Taylor or his family would have up to
15 10 acres, or all of Lot 9 by deed?

16 A. No. I found no other in conveyances to James
17 Taylor or any of his heirs that are listed of record for
18 any more property within Lot 9.

19 Q. Okay. Now, when you looked at the totality of
20 what you found, did you come to any conclusions about the
21 location of any of those parcels into James Taylor or his
22 -- and then later on to his children through deeds of
23 distribution?

24 A. Well, the first deed for 4 acres into Phoebe
25 Taylor, the description was pretty vague, but I believe I

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1 was able to at least pinpoint an approximate starting area,
2 which would be to the north -- I'm sorry, the southeast
3 corner of Lot 9, as shown on an old plat. H.G. Judd plat,
4 I think it's referred to.

5 Q. All right. Give us a moment to dig that up.

6 MR. FISHER: That's Plaintiffs' 15, Your
7 Honor.

8 THE COURT: Which one?

9 MR. FISHER: Plaintiffs' 15, it's the Judd
10 plat.

11 Q. All right. And working from there, where did
12 you --

13 A. Working from there -- and I'm referring to the
14 deed in Deed Book 102, at page 152.

15 Q. Okay.

16 A. And the legal description, "Containing one and
17 one/sixth acres more or less, and being more particularly
18 bounded and described as follows, to wit: Beginning at a
19 point where the lands of Gardner meet this tract on a
20 public road." Looking at the Judd plat, I saw in the
21 vicinity where lands of -- designated as Lot 10, owned by a
22 Ben Gardner, intersect this property on the southeast
23 point, and I also saw on one of the '54 tax maps, I believe
24 this is, where there is a public road shown on the tax map,
25 but not the plat, to establish a corner.

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1 Being that the descriptions are very vague, I
2 kind of pinpointed that beginning place on this plat to
3 correspond with the legal description in the deed. And
4 then it says that, "Thence northerly for a distance of 418
5 feet." So I proceeded from that point and went north for
6 approximately 418 feet, not to scale. So just by that
7 starting point, and also at the last part of the conveyance
8 it says, "Said land hereby conveyed at the southern portion
9 of the same land conveyed to Phoebe Taylor," I just kind of
10 pinpoint that general vicinity of the property conveyed
11 would be in the southeast portion of Lot 9.

12 Q. Okay. So if you look at Defendants' Exhibit 3,
13 that would encompass where the square is that says James
14 Taylor; is that right?

15 A. Correct.

16 Q. And it would be a rectangle within the rectangle
17 of Lot 9?

18 A. Correct.

19 Q. All right. And that's one and one/sixth acres;
20 right?

21 A. Correct. According to the deed into James
22 Taylor.

23 Q. Now, when you look at the tax deeds and their
24 location, as shown on the Youmans' plat -- I don't know if
25 you've seen that.

1 MR. FISHER: Can I have Plaintiffs' 1?

2 MR. O'KELLEY: That's the Gasque plat.

3 MR. FISHER: That's right. We'll use that.

4 Q. I'm showing you Plaintiffs' Exhibit 1, a plat
5 prepared by David Gasque. And you see references on the
6 property north of Warsaw -- I'm not sure these have the
7 actual reference here. Can you either there or on 3, from
8 your research, tell where the property out of the tax sale
9 has been placed by the treasurer's office?

10 A. It has been placed by the treasurer's office, it
11 appears, north of Warsaw Island Road.

12 Q. Okay. So we've got one call that encompasses the
13 house that's James Taylor's, and then we've got tax deeds
14 that cover north of Warsaw; is that correct, from your
15 research?

16 A. I can say that the tax deed covers north of
17 Warsaw Island Road. However, that's where they are placed
18 on the tax maps.

19 Q. Okay. Now, all this property was only coming out
20 of a 4 acre -- originally a 4 acre conveyance from
21 Josephine Taylor to Phoebe Taylor.

22 A. Correct. The deed into Phoebe Taylor only
23 conveyed 4 acres.

24 Q. Okay. And if you would just look at that -- and
25 you may remember it. On that 4 acre conveyance, used to be

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1 5, now 4 acres due to constant erosion, would you place
2 that up in the marshes because of the reference to erosion,
3 is my first question? Or -- let me tack something on. Or,
4 because it also calls for bounded on the north by Sam
5 Mattis, would you put that 4 acres bounding somewhere up in
6 this region?

7 A. No, I would not.

8 Q. What is -- when it calls for to the north by Sam
9 Mattis or the Estate of Sam Mattis what was that --

10 A. I found that during my course of research, just
11 because a legal description would list a property owner
12 bounded by the north, does not necessarily mean, especially
13 in these older deeds, that the property lies immediately
14 north of the parcel. It could be to owners up north, it
15 could across the marsh north. Any place north, but not
16 necessarily continuous or immediately north.

17 Q. Exactly. Okay. Now, did you have the Judd plat?
18 And do we have any references to Sam Mattis anywhere?

19 A. Not a Sam Mattis. I see a Sam Mathews. The
20 names with these older deeds are not exactly the same all
21 the time. I see a Sam Mattis to the southwest of the
22 property, a couple of lots down, but not immediately
23 touching the property.

24 Q. Okay.

25 A. That's it.

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1 Q. All right. So is it safe to say that you
2 concluded -- I'm looking at your abstract -- that the two
3 1.3 acre tracts conveyed out of the tax sale appear to be
4 in the wrong location?

5 A. That's how it appears; correct.

6 Q. And can you just summarize for the Court why you
7 concluded that?

8 A. Well, yes. Bear with me one minute, please.

9 Q. If you have it already.

10 A. Well, first of all, the deed into Phoebe Taylor,
11 of course conveyed 4 acres approximately. The deed into
12 James Taylor conveying the one and one/sixth acres that has
13 the measurements in metes and bounds put the property in
14 the general vicinity of which I stated previously in the
15 southeast corner of Lot 9. Being that the entire Lot 9
16 contained approximately 10 acres more or less, probably
17 less due to erosion, and the fact that the James Taylor
18 property is measuring 418 on its eastern boundary, I
19 believe through my research and the vagueness of the deeds,
20 comparing plats and tax maps, that the tax sale property
21 could not -- did not appear to go across the road because
22 the property did not encumber north of the road.

23 MR. FISHER: Okay. Thank you. Would you
24 answer any questions that Mr. O'Kelley may have?

25 MR. O'KELLEY: Leave those out, please.

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1 Thank you.

2 CROSS-EXAMINATION

3 BY MR. O'KELLEY:

4 Q. Ms. Chisolm, I want to go back and, first of all,
5 let's look at the deed that I believe was into Phoebe
6 Taylor that described -- is this it?

7 A. Yes.

8 Q. And it described -- and this is recorded in Book
9 53. Where's the one that said it was formerly -- all
10 right. This says on the north by lands now or formerly of
11 the Estate of Sam Mattis; correct?

12 A. Correct.

13 Q. And then we couldn't find a Sam Mattis right on
14 here, could we?

15 A. Right here.

16 Q. But that's way over somewhere else.

17 A. Absolutely.

18 Q. Okay. Now, one deed said about a Gardner, but
19 that would just touch at the very kitty-corner part of it.

20 A. Correct.

21 Q. The deed -- which deed did you refer to that had
22 distances? You had a deed in there that talked about
23 distances. There we go. And this is the deed to James
24 Taylor; correct?

25 A. Correct.

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1 Q. All right. Now, this says, "Beginning a point
2 where the lands of Gardner meet this tract on the public
3 road." So the lands of Gardner meet this tract on a public
4 road. That doesn't really happen on the old plat, does it?

5 A. It doesn't. That's why in my testimony I said I
6 compared the old plat with the old tax map to pinpoint
7 where that public road would have been during that time
8 period.

9 Q. Okay. Now, this calls for one stretch of it to
10 be 418 feet, doesn't it?

11 A. Correct.

12 Q. And if you look at the more recent plat in 2007
13 by Mr. Youmans, that kinda gives because one side is 395
14 and one side is 423 feet; correct?

15 A. Correct.

16 Q. And that's -- and that would be what we're
17 referring to as the southern parcel of Lot 9. On that
18 sketch it shows James Taylor with the house.

19 A. Okay.

20 Q. That's the southern part.

21 A. Okay.

22 Q. So if this is -- if this -- if James Taylor --
23 did you hear the testimony of my two clients that said that
24 house is where they grew up?

25 A. No.

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1 Q. Okay. Well, if I tell you they said that's where
2 they grew up, and this was their daddy's house on the
3 southern side of Warsaw Island Road, and if it shows 418
4 feet on one side and 418 feet on the other, and this is not
5 quite 418 -- a little more on side and a little less on the
6 other; correct?

7 A. Correct.

8 Q. And then on the -- it shows 304 across the
9 bottom, according to that plat.

10 A. Okay.

11 Q. You see that?

12 A. This being Warsaw Island Road right there?

13 Q. The road's right here.

14 A. Okay.

15 Q. This would be back in the back.

16 A. Okay.

17 Q. And under what you said, or what this said, then
18 the Gardner property would be back over here.

19 A. Correct.

20 Q. Really on the other side of the road.

21 A. Correct.

22 Q. The Gardner Road. Now, you agree that the
23 predecessor in title to my clients, their father James
24 Taylor, bought two pieces at the tax sale.

25 A. Correct.

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1 Q. And they have been -- those have been introduced.
2 And you agree also that the tax sale was for property north
3 of the road?

4 A. I don't agree.

5 Q. Ma'am?

6 A. I don't agree.

7 Q. You don't agree?

8 A. I can't -- no, I don't, because at one point the
9 remaining portion of Parcel 6 went up for tax sale. At one
10 point that parcel was located to the south of the road.

11 Q. Okay.

12 A. And then at another point it was located to the
13 north of the road. Wherever Parcel 6 existed at the time,
14 I believe that was the tax sale property.

15 Q. Okay. So you're not -- but you're not sure where
16 it is?

17 A. I'm not 100 percent sure where it is. However --

18 Q. Would you agree that --

19 THE COURT: Let her finish her answer.

20 MR. O'KELLEY: I'm sorry.

21 A. I'm not 100 percent sure where it is. However,
22 by comparing deeds in the chain of title, the original tax
23 maps, the metes and bounds, I would probably say that it
24 would be part of the 4 acres that was originally conveyed
25 to Phoebe Taylor, which I don't believe runs across the

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1 road.

2 Q. Would you agree that according to Mr. Youmans'
3 plat on the south side of the road, is 3.82 acres, which is
4 almost 4 acres?

5 A. I'll turn it that way. We'd be confused.

6 Q. No, you can't read it that way.

7 A. I can't read upside down. Approximately 4 acres,
8 yes.

9 Q. It says 3.82 right there on the --

10 A. Well, I can't testify --

11 Q. But you're not disagreeing --

12 A. I only go by what --

13 Q. -- with the surveyor?

14 A. I'm not disagreeing with the surveyor. I am only
15 testifying as to what the deed says.

16 Q. Okay. But if this is everything in Lot 9 on the
17 southern side of the Warsaw Island Road, you agree that Mr.
18 Youmans, the surveyor, shows that it's 3.82 acres?

19 A. Yes, the survey says 3.82 acres.

20 Q. Tell me what deeds or what your research revealed
21 that shows that Christopher Champion or Georgia Champion or
22 anybody else owns any of that property that we're talking
23 about here.

24 A. I found no deeds into Christopher Champion or
25 Georgia Champion for property in Lot 9.

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1 Q. You found deeds to them in Lot 7, though?

2 A. Yes.

3 Q. Okay.

4 MR. O'KELLEY: No further questions.

5 MR. FISHER: Just one here.

6 REDIRECT EXAMINATION

7 BY MR. FISHER:

8 Q. Referring to the deed for one and one/sixth acres
9 into James Taylor, Mr. O'Kelley walked you through the 418
10 feet north, 146 feet west. And who does that deed say
11 after 146 feet is the adjoining property owner?

12 A. Estate of William Taylor.

13 MR. FISHER: Thank you. No further
14 questions, Your Honor.

15 MR. O'KELLEY: And just briefly.

16 RECROSS-EXAMINATION

17 BY MR. O'KELLEY:

18 Q. As to when this deed was prepared, about 1937, or
19 '61, whichever, and when the Judd plat was prepared, and
20 the names on it, there's no -- there's not necessarily a
21 correlation that the same people owned it during all of
22 this; right?

23 A. Okay.

24 Q. In other words, we don't know -- we don't know
25 when these names were placed on this AOC plat, which was

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1 based on the Judd plat.

2 A. Right.

3 Q. And we don't know if these were owners in the
4 1880s, or 1900 or what.

5 A. I agree.

6 MR. O'KELLEY: Okay. Thank you.

7 MR. FISHER: Nothing further, Your Honor.

8 THE COURT: Just a couple of quick
9 questions.

10 EXAMINATION

11 BY THE COURT:

12 Q. I think I heard earlier, and see if you can
13 verify this -- of course we have the Judd plat, and the
14 Judd plat refers to this Tract 9 as E. Washington, but
15 there's no information about E. Washington; is that
16 correct?

17 A. Correct.

18 Q. With regard to Tract 9, were you able to find any
19 deeds that divided what appears to be originally a 10 acre
20 tract into anything? Are there any deeds that predate the
21 1938 deed that have anything to do with Tract 9 that you
22 were able to find?

23 A. No, sir.

24 Q. Okay. So would you conclude -- what would --
25 would you draw any sort of conclusion from that?

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1 A. The conclusion that I draw from this is that out
2 of the 10 acre Lot 9, more or less, that 4 acres was
3 conveyed out by Phoebe Taylor, and the property that's
4 owned now by the Heirs of James Taylor encumbers -- is
5 within that 4 acres of property.

6 Q. What about the balance of Tract 9?

7 A. I don't know.

8 Q. So it could be owned by one side, it could be
9 owned by the other side? You're unable to say?

10 A. I didn't find any deeds. Correct, Your Honor.

11 Q. All right. And you looked, I suppose, for outs
12 from E. Washington?

13 A. I did not find any out conveyances from E.
14 Washington. I did not find any in conveyances into James
15 Taylor other than what's shown in the title, any of James
16 Taylor's heirs to add more property.

17 Q. Let me ask you, and I don't know if you looked at
18 this or not, but you discussed earlier how Sam Mattis was
19 the original owner of the property depicted on the Judd
20 plat. I think you said that.

21 MR. O'KELLEY: No. Ms. Cindy Spencer --

22 MR. FISHER: I think it was Cindy.

23 MR. O'KELLEY: -- said he owned 240
24 something acres there, I think, Your Honor.

25 THE COURT: Okay. All right. Then you're

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1 probably the wrong person to ask, but I'll ask you
2 anyway. You know what? No, I won't ask you that.
3 That's not something you can testify about. I guess I
4 can do the math myself. So it was 240 acres was what
5 Mattis had?

6 MR. O'KELLEY: Something like that.

7 THE COURT: And I'm just curious if the salt
8 marsh which appears north of Parcel 9 was counted as
9 property of the Estate of Mattis. But just out loud
10 speculation.

11 Anyway, I don't have any further questions.

12 REDIRECT EXAMINATION

13 BY MR. FISHER:

14 Q. Did you find -- Cindy Spencer testified to this.
15 Did you find any property cards showing 6 acres or the
16 balance of the Lot 9 in the Estate of William Taylor?

17 A. I did.

18 Q. That's fine. That's all I -- that'll be
19 sufficient, I think.

20 A. Okay.

21 THE COURT: And the problem I've got, and
22 maybe y'all can tie this together, is that that AOC
23 card doesn't say it's this 6 acres. And they owned
24 other property on the island; right? I mean, there's
25 not -- there's nothing here that ties anything

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1 together.

2 MR. FISHER: Well, that's why we're gonna
3 have the family testify, Your Honor.

4 THE COURT: All right. Thank you so much.

5 WITNESS: Thank you.

6 MR. FISHER: And we'd ask that Ms. Chisolm
7 be excused.

8 THE COURT: Absolutely. Have a nice
9 afternoon.

10 WITNESS: Thank you.

11 MR. FISHER: Our next witness would be
12 Georgia Champion.

13 ---o0o---

14 GEORGIA CHAMPION, called as a witness,
15 having been first duly sworn by the Court, was
16 examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. FISHER:

19 Q. Ms. Champion, would you state your name and tell
20 the Court where you live?

21 A. My name is Georgia A. Champion. I live on 203
22 Warsaw Island Road, St. Helena Island.

23 Q. Okay. Now, I'd like to direct your attention to
24 Defendants' Exhibit 3, the sketch up here. On that sketch,
25 I'm gonna point over to where there's writing, Josephine

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1 and Heirs of William Taylor. Roughly, would say this is
2 where your house is, in that area?

3 A. Yes.

4 Q. I know you haven't seen this before.

5 A. No.

6 Q. Okay. You live on Lot 7; right?

7 A. Yes.

8 Q. And this dispute involves Lot 9; right?

9 A. Right.

10 Q. All right. Now, who raised you?

11 A. My grandparents, Rufus and Mary Taylor.

12 Q. Okay. And how long did you live with them?

13 A. All my life, till I graduated from high school.

14 Q. Okay. And what year did you graduate from high
15 school?

16 A. 1972.

17 Q. Okay. So on this depicted a square and labeled
18 it Rufus and Mary Taylor.

19 A. Uh-huh.

20 Q. Recognizing it's not to scale. But did you --
21 did the house that you grew up in, was that roughly in that
22 area above Warsaw Road and to the east of your -- where
23 your house is now, in Lot 9?

24 A. Yes.

25 Q. Okay. Can you describe for the Court the house

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1 and your upbringing? Let's start with the house.

2 A. Okay. My grandparents -- I was raised by my
3 grandparents, Rufus and Mary Taylor. And my grandparents
4 owned a two-story house, upstairs and downstairs house over
5 there. And we raised hogs, cows, pigs, we farmed, we did
6 everything over there on that side and across the street
7 also, as well, at my grandparents's house.

8 Q. Okay. Let me show you another depiction of Lot
9 9, and I'll label that Defendants' 4.

10 (WHEREUPON, a document was introduced as
11 Defendants' Exhibit Number 4 for identification.)
12 BY MR. FISHER:

13 Q. And again, I know you haven't seen this. But
14 that is another depiction of Lot 9. This area labeled
15 Parcel 5, connected south of Warsaw, showing 6 acres plus
16 or minus, and a square showing the house you grew up in.
17 Was this where your grandparents did all their farming and
18 raising of the livestock?

19 A. Well, they did both side of the road. On the
20 east -- that would be the east side?

21 Q. That'd be east. You can go left, right if that'd
22 be easier for you.

23 A. Okay.

24 MR. O'KELLEY: That's the west.

25 A. Well, east, west, but either way, my

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1 grandparents, they farmed on both sides of the road, okay?

2 Q. Right.

3 A. Behind where I stay at now was a stable there,
4 and where Ms. Brown is now was a hog pen there.

5 Q. Okay. So just -- so we confirmed your family
6 farmed all of that, occupied all of that?

7 A. Yes.

8 Q. And where the mobile home -- MH, showing where
9 the mobile home is --

10 A. Yes. Where Ms. Brown mobile home.

11 Q. Ms. Brown's mobile home is. That was -- tell me
12 again what that was?

13 A. That was a hog pen.

14 Q. Okay.

15 A. That's where Ms. Brown house is right now. That
16 was our hog pen there.

17 Q. Okay.

18 A. And across the street from what Ms. Maxine Taylor
19 is claiming, that was our cotton field. We plant cotton
20 over there right next to a big oak tree. The oak tree
21 divides Maxine's and William Taylor.

22 Q. So tell me where that is. You say "across the
23 street," 'cause I'm not sure which direction you're going.

24 A. Okay. Well --

25 Q. Was it up here to the north of Warsaw or over

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1 here, next to the James Taylor house?

2 A. Next to James Taylor house, yeah.

3 Q. Okay. So tell me again what your people grew
4 there?

5 A. Cotton.

6 Q. Cotton there?

7 A. Yes.

8 Q. Okay.

9 A. Cotton field. And Ms. Brown, Ms. Maxine, they
10 all know that we farmed -- we grew cotton over there. We
11 all grew up, played together, eat in the same house, slept
12 in the same house.

13 I'll take you a little further back. I remember
14 their house that they had, their first -- very first house
15 that their father had was a upstairs and downstairs house.
16 We played in that house also. We ate there, we did
17 everything there, and they did everything in our house. So
18 going a little further back because I'm a little older than
19 she is.

20 Q. Okay.

21 A. But we all played together.

22 Q. All right. Now, you, of course -- you said you
23 lived in this house till you were 18. And tell the Judge
24 the history of the house after 18. Where did you go, and
25 then tell us about the history of the house.

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1 A. My grandfather -- my grandmother died in 1972,
2 the same year I graduated from high school. After she
3 died, my mom and my uncle, which is sitting right there
4 now, they rented the house out to different people. And
5 the last person they had it rented out to, his name was
6 Willie -- I forgot his last name, but his first name was
7 Willie. And the house caught fire, so he had to move out.
8 So the house was kinda dilapidated after it caught fire.

9 So when I moved back home from --

10 Q. And when was that?

11 A. In 1997, I moved back from New York City. And I
12 went to Lady's Island fire department and contact Chief
13 Ellis, who was a friend of mine through my cousin, Frances,
14 who knew him, and I asked him could he come out and, you
15 know, do something with the house for me. So he --

16 Q. Because the house was sort dangerous --

17 A. Right.

18 Q. -- after that fire?

19 A. Right.

20 Q. It was dilapidated and a danger?

21 A. Right. 'Cause that's where I wanted to put my
22 house at first. So Chief Ellis came out, he brought his
23 crew out and they did a fire drill test and they burnt the
24 house down for me. And he told me that at that time he
25 couldn't remove the rubble because they weren't allowed to

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1 do it. So I told him I didn't want the rubble to be
2 removed, I wanted the rubble to stay there so it can be a
3 reminder to let my kids and my grandchildren know, and also
4 myself to know where I grew up at, and so that's why I left
5 all of the rubble right there, and it's still there today.

6 Q. Okay. Now, this area has become wooded --

7 A. Yes.

8 Q. -- since that time.

9 A. Yes.

10 Q. Okay. And that rubble and the tin roof was still
11 there?

12 A. The red tin top is still there.

13 Q. Okay. Now, if you -- the claim has been that
14 your driveway infringes on --

15 A. Ms. Brown.

16 Q. -- Martha Brown's property.

17 A. Right.

18 Q. Relative to your driveway, do you have to walk
19 into the woods now to get -- from left to right -- to walk
20 onto Lot 9 to see where the rubble and the tin roof are
21 now?

22 A. No, you don't, huh-uh.

23 Q. Can you see it?

24 A. Yeah. You have to go up in there to see it. You
25 can't see it from the road.

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1 Q. Okay. Now, there's another marker on the
2 property that marks it as --

3 A. Yes.

4 Q. -- Heirs of William Taylor.

5 A. Yes.

6 Q. And that's a water meter; right?

7 A. Yes.

8 Q. Can you --

9 A. My grandmother married Taylor. The water meter
10 was in her name. When I moved there, I didn't have to put
11 in a water meter because one was already existing. So what
12 I did was tapped in from that water meter back to my house.

13 Q. Okay.

14 A. And there also was a driveway there. I heard the
15 conversation that it was never a road there. The driveway
16 was always there by Beaufort County put it there, so I
17 didn't even have to put a driveway in.

18 Q. Okay. And is the water meter right off of -- you
19 walk through the ditch and then the water meter is right
20 there --

21 A. Yes.

22 Q. -- at this southern portion? Okay. Now, when
23 Ms. Brown moved the mobile home onto this property, did you
24 or anybody else go to visit her --

25 A. Yes.

1 Q. -- that you know of? From your own -- talk about
2 your own personal experience.

3 A. Myself, Margie Kemp and Albertha Goodwine, who is
4 my aunt, she's deceased now, went to Martha Brown's house.
5 She was living in the brick house across the street, that
6 what Maxine Taylor owns now. She was living there. We
7 went to her and told her when they start clearing the
8 property out that they were on the wrong piece of property.
9 Ms. Brown slammed the door in my aunt's face and said she
10 did not want to talk about it, so we left.

11 Q. Okay. At that time, had the mobile home been
12 placed up there yet at that point?

13 A. No, not at that point. We --

14 Q. Okay. But they started clearing --

15 A. Right.

16 Q. -- in anticipation of that?

17 A. Right. So we made several attempts to talk to
18 her. She refused to talk to us. So they went on after
19 clearing the property, she went on and put the mobile home
20 there. We came back again, myself, Margie and Albertha, we
21 came back again. And at that time, her brother Stanley
22 Taylor was home at the time, so we talked with him. We
23 also spoke with Ms. Brown's son, Tommy Brown. So he came
24 out. He was the only one that made some kind of sense.
25 And my aunt told him that he can go ahead on and clear, you

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1 know, the property 'cause, you know, since he wanted to get
2 his mom some place to stay.

3 So she said, "Well, you're on the wrong piece of
4 property, but just don't clear anymore, you know, stuff
5 down." But Ms. Brown did not want to talk to us.

6 Q. Okay. Now, do you know of any deeds into the
7 Heirs of William Taylor or to Rufus or Mary Taylor for the
8 balance of the 6 acres of this Lot 9?

9 A. Yes. When I move home, I also -- my grandfather
10 and Mary -- Rufus Taylor and Mary Taylor, they owned 12 and
11 a half acres of property, and I contact Fred Kuhn office to
12 do -- to take care of it, to do a title research and, you
13 know, to get it out of heirs property.

14 Q. So that was the quiet title action --

15 A. Right.

16 Q. -- for Lot 7?

17 A. Right.

18 Q. Out of which you got a parcel and your son Chris
19 got a parcel?

20 A. Right. And that came out of Rufus and Geneva
21 Taylor.

22 Q. All right. Would you tell the Court who Geneva
23 Taylor was?

24 A. Geneva Taylor and Rufus Taylor, they were
25 cousins. Well, no. Geneva Taylor and William Taylor were

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1 sisters.

2 Q. Sister and brother?

3 A. Sister and brother. They were sister and
4 brother.

5 Q. All right. But that was strictly with regard to
6 Lot 7.

7 A. Right.

8 Q. And for your whole life -- were you born in the
9 house or were you born at the hospital?

10 A. I was born at Beaufort Memorial, but that's the
11 only home I know all my life.

12 Q. Okay. And --

13 A. I take that back. I don't know. I wasn't born
14 at the hospital. I think I was born a midwife. My aunt
15 Albertha delivered me.

16 Q. Okay. Everybody else knew the answer to that
17 question. That's because they're older than you; right?
18 Okay. Good.

19 And, to your knowledge, have taxes -- do you
20 recall the earlier sketch showing the 6 acres in the Heirs
21 of William Taylor, to your knowledge, has your family been
22 paying the taxes on that since forever?

23 A. Forever and a day. Ever since I had, you know,
24 sense to know. My Aunt Bertha, she took care of all of the
25 property because she was like the bigger sister for all of

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1 them, and she went to school higher than they did, so they
2 kinda put her in charge of everything.

3 Q. Okay.

4 A. So she took care of the taxes. And ever since I
5 had sense to know that, she took care of the William Taylor
6 estate and she took care of Geneva and Rufus Taylor estate.

7 Q. Did James Taylor, to your knowledge, ever farm
8 north of Warsaw?

9 A. No.

10 Q. He never used any of that property north of
11 Warsaw --

12 A. No.

13 Q. -- to your knowledge?

14 A. No.

15 Q. And as to his farming, was it confined to this
16 roughly 4 acre piece --

17 A. Right.

18 Q. -- to your recollection?

19 A. Right. It's where his house now, and there's a
20 dilapidated trailer in that area. He used to farm over in
21 that area, and he farm up to the oak tree and back.

22 And also I want to stipulate on this. Maxine
23 brought it up. The county sent us a letter stating that we
24 had to move those cars off of the property. The letter
25 came to Albertha Goodwine.

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1 Q. Right.

2 A. The letter did not come to Maxine Taylor.

3 Q. So y'all took it down to them?

4 A. Right. And we had them to remove the car. They
5 had to remove the car because they were on a portion of
6 William Taylor estate.

7 Q. All right, good. Right. I think that's --

8 A. And that letter can be proved by a court -- by
9 His Honor, if they need to.

10 MR. FISHER: All right. That covers my
11 questions.

12 MR. O'KELLEY: Good afternoon.

13 WITNESS: Good afternoon. How are you?

14 MR. O'KELLEY: Good.

15 CROSS-EXAMINATION

16 BY MR. O'KELLEY:

17 Q. All right. You live on Lot 7?

18 A. I reckon.

19 Q. Which is -- that's the property where you got
20 your deed?

21 A. Right.

22 Q. Right?

23 A. Right.

24 Q. The deed that came from Isaac and Rebecca and
25 Walter?

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1 A. Right. But we're not in question of that, are
2 we?

3 Q. Just bear with me.

4 A. Okay.

5 Q. You -- no question that you live on Lot 7?

6 A. Right.

7 Q. Now, who is Christopher? Is he your son?

8 A. Yes.

9 Q. And he lives on the bottom side of Lot 7?

10 A. Yes.

11 Q. And according to Mr. Fisher's sketch up here, Ms.
12 Champion -- I know he's got lines drawn in here -- but I
13 think he'll agree with me that all of this is Lot 9 on the
14 sketch. Forget about that line in there, but all of this
15 is Lot 9; correct?

16 MR. O'KELLEY: Correct, Marc?

17 MR. FISHER: Yes.

18 MR. O'KELLEY:-

19 Q. Okay. Now, you live --

20 A. Wait, hold on, hold on. You trying to trick me?
21 Give me time, I can't see. I'm almost 60 years old.

22 Q. Your lawyer --

23 A. I'm almost old as you. Give me time to think.

24 Q. Yes, ma'am.

25 A. Yes, yes. I haven't --

1 MR. FISHER: Georgia's never seen this
2 sketch before.

3 A. I never seen that sketch, so, you know, just give
4 me time where I could focus.

5 Q. Well, your lawyer made the sketch, so I thought
6 you probably had seen it.

7 A. No, I wasn't available at the time.

8 Q. Mr. Fisher will agree with me that this is
9 supposed to be Lot 9.

10 A. Yes.

11 Q. All right. And Lot 7 is to the west or this side
12 of it?

13 A. Right.

14 Q. And that's where you live, right over here.

15 A. Yes.

16 Q. And there's some plats that we've already
17 introduced that show where your drain field and all that
18 is. Now --

19 A. Was.

20 Q. Well, you still have it, don't you?

21 A. Was.

22 Q. Okay.

23 A. I still have a drain field, but it's not where
24 you say it is.

25 Q. Well, I didn't say where it was.

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1 A. Well, where the --

2 Q. The surveyor put it on the plat.

3 A. The surveyor said it is, but the surveyor was
4 wrong, 'cause it's not there.

5 Q. All right. And Christopher owns the piece
6 directly across from you?

7 A. Yes.

8 Q. Now, you said something that I think helps
9 everybody, and you talked about the old oak tree.

10 A. Yes.

11 Q. And it's a big old live oak tree, isn't it?

12 A. Yes.

13 Q. And I'm gonna show you three -- these have not
14 been introduced, but I will, and they'll be a part of that
15 Exhibit 2, whatever sub numbers we have on 'em, Your Honor.

16 COURT REPORTER: You have four pictures in
17 there, so it would E, F on the --

18 MR. O'KELLEY: When we get there. We'll get
19 to that.

20 THE COURT: Okay. Thank you.

21 MR. O'KELLEY: And you're welcome to come
22 look.

23 BY MR. O'KELLEY:

24 Q. Now, if I tell you that -- you were out there
25 that day when we were out there looking at the property,

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1 weren't you?

2 A. Yeah.

3 Q. You and Mr. Levin?

4 A. Right.

5 Q. And if I tell you that this is the edge of the
6 road looking south, and this is --

7 A. There's my chicken mailbox.

8 Q. That's your mailbox?

9 A. Yes.

10 Q. You got the Carolina mailbox?

11 A. Yes.

12 Q. All right.

13 A. But I don't see that oak tree.

14 Q. Well, hang on. If I tell you that that's the oak
15 tree back there. Now, I'm gonna show you some closer-ups.
16 Here's one that's -- you see these? These are the markers.
17 You see the tree right here?

18 A. Uh-huh.

19 Q. And then this is another one of the markers and
20 you see the tree right there.

21 A. Uh-huh.

22 Q. So, now, the oak tree is on the James Taylor
23 side.

24 A. It's on both sides.

25 Q. Well, it hangs over, but --

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1 A. No. The oak tree's on both sides. The oak tree
2 -- let me explain this to you now 'cause I'm going old
3 school on you. The oak tree, this is the oak tree.

4 Q. Okay.

5 A. Okay. I'm using this.

6 WITNESS: You following me?

7 THE COURT: I'm following you. That's why
8 I'm standing right here.

9 A. This the oak tree.

10 Q. Okay.

11 A. Okay. This is Maxine's house on this side over
12 here.

13 Q. Yes, ma'am.

14 A. Follow me, now.

15 Q. I got it.

16 A. All right. This is William Taylor property on
17 this side.

18 Q. Which is now --

19 A. Yeah. There still a oak tree.

20 Q. Which is now Christopher's?

21 A. Yeah, right. There's still a oak tree, now.

22 Q. Okay. All right.

23 A. Okay. On this side is James Taylor, this side is
24 William Taylor.

25 Q. Okay. And where's the oak tree? Over here?

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1 A. No. The oak tree right here.

2 Q. Right in the middle?

3 A. Yeah. My hand is the oak tree.

4 Q. So --

5 A. So the property butts up to each other.

6 Q. All right. So if this survey line is going back
7 there to it, just as these are -- it's heading right --

8 A. The survey line is over to -- is on this side.
9 The survey line --

10 Q. You're saying the survey line is wrong?

11 A. Yes. The survey line should have been on the
12 opposite side of the oak tree.

13 Q. All right. But that's that's the oak tree you've
14 been talking about?

15 A. Right.

16 Q. All right.

17 A. And my uncle over there, he's older than I am, so
18 he --

19 MR. O'KELLEY: I'd like these in that
20 Exhibit, please, sir.

21 THE COURT: All right. Why don't we -- so
22 that would be 2 --

23 MR. O'KELLEY: E, F and G. Doesn't matter
24 which is which.

25 WITNESS: And, see, I learnt about the --

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1 MR. O'KELLEY: Wait. Hold on a second. She
2 can't get that down.

3 THE COURT: When she gets back on, I'm gonna
4 get you to find the oak tree.

5 WITNESS: Okay.

6 MR. O'KELLEY: It's not gonna show on that.

7 THE COURT: I know.

8 MR. O'KELLEY: Oh, you gonna try to -- okay.

9 (WHEREUPON, photographs were marked as
10 Plaintiffs' Exhibit Number 2E, 2F, and 2G for
11 identification.)

12 BY MR. O'KELLEY:

13 Q. Now, this is the line we're talking about right
14 here. These stakes here are lined up on this line.

15 A. Uh-huh.

16 Q. Now, I know you might not agree with it, but the
17 surveyor says this is the line and he says these stakes are
18 on that line, and then there would be the oak tree back
19 there.

20 A. That's wrong.

21 Q. The oak tree's wrong or the stakes are wrong?

22 A. No, the stakes are wrong. And the reason why I
23 said that is because -- well, we got the tax -- the letter
24 from the zoning showing that those cars was over on William
25 Taylor property.

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1 Q. Yes, ma'am.

2 A. They had to be removed, so those cars was over on
3 this side.

4 Q. Well, that doesn't have a thing to do with where
5 the line is or where the oak tree is.

6 A. Yeah, but the line -- the property lines butt up
7 to each other.

8 Q. Well, sure they do.

9 A. This is the oak tree.

10 Q. The oak tree's actually further back in the
11 field, isn't it --

12 A. Okay.

13 Q. -- all the way way?

14 A. Right. So the oak tree on both sides.

15 Q. Okay.

16 A. James Taylor and William Taylor property butt up
17 to the oak tree.

18 Q. Okay. So you agree with me that the oak tree's
19 right about where the line is?

20 A. No. I'm saying this line here shouldn't have
21 been on this side of the oak tree, should have been on this
22 side of the oak tree. That's what I'm saying.

23 Q. Well, that would give my people more property
24 than they're asking for if you're moving the line way.

25 A. No, no, no. I'm not moving the line. I'm saying

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1 they -- okay. If their property, from what I'm showing
2 here, what I'm seeing here, we are giving them more
3 property than they're supposed to have. You're taking --
4 you're embarging (sic) on my piece of property.

5 Q. Well, I'm not --

6 A. They're supposed to --

7 Q. I'm not doing a thing. I'm just --

8 A. Well, you're not doing it, but you know what I'm
9 talking about.

10 Q. I'm just saying that this is what -- the surveyor
11 says --

12 A. But that's wrong.

13 Q. -- this line is this line.

14 A. That's wrong.

15 Q. Okay. Thank you.

16 A. There go Mr. Taylor. He can vouch for that.

17 Q. All right. That's fine.

18 A. Okay.

19 Q. You don't agree with the survey?

20 A. No.

21 MR. O'KELLEY: And here you go, Judge, and
22 these are the new exhibits.

23 A. For what I've been raised on and picked cotton
24 there.

25 Q. All right. And you planted -- you planted cotton

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1 -- not you, but your family.

2 A. My grandfather.

3 Q. Somebody planted cotton on your side of the oak
4 tree; is that what you're saying?

5 A. Uh-huh.

6 Q. All right. I think that clears it up. You
7 worked in the treasure's office?

8 A. Yes.

9 Q. How long approximately?

10 A. Six years.

11 Q. Ma'am?

12 A. Six.

13 Q. Were you working there in '95, '97, along in
14 there?

15 A. No.

16 Q. Okay. But you don't deny that James Taylor got a
17 treasurer's deed for the property where Martha has her
18 trailer, do you?

19 A. Well, I would tell you something about the
20 treasury deed, being that I worked in the treasurer's
21 office for six years under Joy Logan. When we did a tax
22 sale deed --

23 Q. Yes, ma'am.

24 A. -- it's not a guaranteed deed.

25 Q. I understand that.

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1 A. And it's not a researched deed. We only go by
2 what the tax paper that we send out from the assessor's
3 office each year. So whatever the assessor's office
4 record, whether it's right or wrong, that's what we
5 gonna go and put those treasury deed back into that name.
6 Any --

7 Q. Besides the deed from -- into you and into your
8 son Christopher, and the deeds after the quiet title into
9 Isaac and Rebecca and Walter Taylor, do you know of any
10 other deeds that your family has to any of the property
11 y'all own?

12 A. Yes, William Taylor.

13 Q. Where is that? Where's that deed?

14 A. There should be a deed for William Taylor. We've
15 been paying taxes on it.

16 Q. Well, I understand that.

17 A. We've been paying taxes --

18 Q. But do you have a deed? Do you have a copy of
19 the deed?

20 A. No. Do you have a copy?

21 Q. No, ma'am.

22 A. Okay.

23 Q. That's why --

24 A. So that's why we sitting here.

25 Q. Well, you heard the title researchers, didn't

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1 you?

2 A. Yes, I did.

3 MR. O'KELLEY: No further questions. Thank
4 you, ma'am.

5 THE COURT: Just a couple of quick
6 questions.

7 EXAMINATION

8 BY THE COURT:

9 Q. You are -- I'm looking at Case 96-CP-07-1784,
10 which is the case over Parcel 7. The Plaintiffs in that
11 case were Isaac Taylor, Rebecca Taylor, and Walter Taylor.

12 A. Yes.

13 Q. How are you related to those three?

14 A. Walter and Isaac is my uncle, and Rebecca is my
15 mother.

16 Q. Okay.

17 A. She is deceased, and also Walter.

18 Q. And according to the order, those three took
19 because at the time of his death, Rufus Taylor was the
20 owner of these two pieces of property, actually. One of
21 them was Parcel 7.

22 A. Yes.

23 Q. And so I guess in that case, both the Plaintiffs'
24 attorney for the Plaintiffs and the Judge made reference to
25 a plat dated October 3rd, 1996, by David Youmans, it

1 appears unfiled except for the fact that it was in this
2 case, that refers to Parcel 9 as now or formerly of Phoebe
3 Taylor. Now, a minute ago somebody said, well, there are
4 several Phoebe Taylors.

5 A. Yes.

6 Q. Who are the Phoebe Taylors?

7 A. My grandmother, her name was Phoebe Mattis
8 Taylor. And Ms. Brown grandmother, her name was Phoebe --
9 she was married -- she got married to a Taylor, so she was
10 not from Warsaw. But my grandmother, Phoebe Mattis, she
11 was originally from Warsaw and she married into the Taylor
12 family, so that's how both of us have the same --
13 grandmothers have the same name, Phoebe Taylor. But they
14 both married into the Taylor family.

15 Q. So the first one, Phoebe Mattis Taylor --

16 A. That's my great-great-grandmother.

17 Q. Your great-great-grandmother?

18 A. Yes.

19 Q. Which was -- well, then her heirs would have
20 included Rufus, then; is that right?

21 A. Yes.

22 Q. Okay.

23 A. And William.

24 Q. So she'd be taken care of there. Who was the
25 other Phoebe?

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1 A. Phoebe Taylor is Ms. Brown's great-grandmother.
2 Her -- she was married into the Taylor family also.

3 Q. Now, that's the Phoebe from the other side, then;
4 right?

5 A. Yeah.

6 Q. All right. So the Phoebe Taylor that you're
7 talking that was your ancestor was a long time ago, before
8 Rufus. That was Rufus's mother?

9 A. Yeah, Rufus mother.

10 Q. Okay. And when about did she pass? Do you have
11 any idea? It would have been --

12 A. I can't -- been nowhere around this, but those
13 people --

14 Q. No, no. I'm just curious if it was before the
15 old Mattis --

16 UNNAMED PARTICIPANT: About 1900, I think.

17 WITNESS: Yeah. No, not that -- 1900.

18 Well, you know I wouldn't know that.

19 Q. All right. So she would have predeceased the
20 Judd plat then, okay. All right. I'm just trying to
21 figure out who all the Phoebes are. All right.

22 THE COURT: I don't have any other questions
23 of this witness.

24 MR. FISHER: We'll just walk that down,
25 then.

REDIRECT EXAMINATION

BY MR. FISHER:

Q. So Phoebe Mattis Taylor was Rufus's mother?

A. Yes.

Q. And he would have taken this property through her?

A. Yes.

Q. And so --

A. And William.

Q. And William.

A. And William; right.

Q. But there was a deed -- no, there was a plat in the quiet title action for Lot 7 where the adjoining property, which is 9, it says -- I think it says, "Now or formerly Phoebe Taylor."

A. Right.

Q. And your testimony would be that's Phoebe Mattis Taylor?

A. Right.

Q. Which is how Rufus Taylor comes to have a house and farm the property?

A. Right, in that area. And that's -- to answer Mr. O'Kelley, that's how my property came out of that.

MR. O'KELLEY: I hear you. I disagree, but I hear you.

1 WITNESS: Okay. We friends now?

2 MR. FISHER: Thank you.

3 MR. O'KELLEY: Huh?

4 WITNESS: We friends now?

5 MR. O'KELLEY: Never have been otherwise.

6 MR. FISHER: That completes my questioning
7 of Ms. Champion, Your Honor.

8 THE COURT: All right. I'm just trying to
9 figure out when that Phoebe Taylor passed away.

10 MR. FISHER: Well, we'll ask some of these
11 other witnesses.

12 MR. O'KELLEY: Somebody did an aside from
13 the audience that -- gave us an answer, but --

14 THE COURT: Confusing. All right. Thank
15 you so much.

16 MR. O'KELLEY: Thank you, ma'am.

17 WITNESS: You are quite welcome.

18 THE COURT: Who's next?

19 MR. FISHER: We'll next call Willie Mae
20 Stewart.

21 THE COURT: All right.

22 ---o0o---

23 WILLIE MAE STEWART, called as a witness,
24 having been first duly sworn by the Court, was
25 examined and testified as follows:

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DIRECT EXAMINATION

BY MR. FISHER:

Q. Would you state your full name?

A. Willie Mae Bee Stewart.

Q. And, Ms. Stewart, where do you live?

A. Warsaw.

Q. Now, you're a sister to Georgia Champion?

A. Yes.

Q. Okay. And are you a younger sister?

A. Yes.

Q. Okay. So how long did -- and were you raised in Rufus and Mary Taylor's house?

A. Yes.

Q. By your grandparents?

A. Yes.

Q. All right. And were you born there or were you born --

A. I was born there.

Q. Okay. And what year was that?

A. '56.

Q. '56, all right. And how long did you live in that house?

A. For 16 years.

Q. Okay.

A. Until '72. That's when my grandmother died.

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1 Q. Okay. And where did you go from there?

2 A. To my mother.

3 Q. And did she live --

4 A. She lived farther up the road.

5 Q. Okay. But she was -- so you still lived on
6 Warsaw?

7 A. On Warsaw, yes.

8 Q. Okay. Now, when you were growing up -- I'm just
9 gonna confirm what Georgia told us. When you were growing
10 up, was there farming being done by your family in this
11 area where the mobile home is now and where the house is?

12 A. Yes.

13 Q. Okay. How about south of Warsaw?

14 A. Yes.

15 Q. Okay.

16 A. My grandparents farmed on both sides.

17 Q. Okay. And was all of the upper portion of Lot 9
18 farmed by your grandparents?

19 A. Far as I know.

20 Q. And did you -- well, did you work on the farm --

21 A. Yes. I picked --

22 Q. -- as a youngster?

23 A. I picked many cottons in that field.

24 Q. And was that basically the routine? If you
25 weren't in school, you were working on the farm?

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1 A. No. I went to school, but --

2 Q. Right. But if you were not in school --

3 A. Not in school, yes.

4 Q. -- your time away from school was working on the
5 farm?

6 A. Yes.

7 Q. And where the mobile home is now, that was a
8 pigsty?

9 A. Yes.

10 Q. Okay. And even now, are there -- where the marsh
11 is, are there stakes out in --

12 A. Yes.

13 Q. -- the marsh still today?

14 A. Yes.

15 Q. And what were those stakes for?

16 A. Our cow pasture.

17 Q. The cow pasture?

18 A. Yes.

19 Q. So that was to keep the cows from going in --
20 getting in the pluff mud and getting in trouble?

21 A. Yes. So they wouldn't run away.

22 Q. All right. And wire -- is that wire, too?

23 A. There should be some still there.

24 Q. Still some wire there. Okay. Now, when you
25 moved up the road, your grandmother had passed?

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1 A. Uh-huh.

2 Q. Okay. And what happened to the house? Is it as
3 Georgia has told us? Was the house rented?

4 A. Somebody was living in the house. I think his
5 name was Willie.

6 Q. Willie?

7 A. I think that was his name.

8 Q. Okay. And so your mother --

9 A. But when he was living there, I wasn't here. I
10 had already left home at that time.

11 Q. Okay. Well, then don't let me put words in your
12 mouth, then, okay. The house was rented, though, after
13 your grandmother died, by your mother; is that correct?

14 A. That's what they tell me.

15 Q. All right. So you don't have any further
16 knowledge about that?

17 A. Huh-uh.

18 Q. Okay. And you grew up playing with --

19 A. Yes.

20 Q. -- Maxine or Martha or both?

21 A. Both.

22 Q. All right. And they grew up in the house called
23 the James Taylor house on this?

24 A. Yes.

25 Q. And they came to your house?

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1 A. Yes.

2 Q. All right. And is the house correctly depicted
3 in Lot 9, rather than outside of Lot 9?

4 A. No. It's in Lot 9.

5 Q. It should be in Lot 9 where I've got it?

6 A. Yes.

7 Q. Okay. And do you agree that there's still the
8 metal roof showing where that --

9 A. Yes.

10 Q. Showing where that is?

11 A. Yes.

12 Q. And the water meter is still --

13 A. Yes.

14 Q. -- on Warsaw Road? Okay. As landmarks, okay.
15 Anything else that you wanted to add about the history of
16 the property that I haven't asked you about?

17 A. Like my sister say, the survey man, where the
18 line was, should be behind that oak tree not in front of
19 that oak tree, because my grandparents farmed that land
20 that's in front of that oak tree.

21 Q. So let me show you Defendants' 4. So if this is
22 the James Taylor house, and we've heard about a deed where
23 the northern boundary goes 146 feet, and then down 418
24 feet, this -- the property to the left of that is the
25 property that your grandparents farmed --

1 A. Yes.

2 Q. -- on the south side of Warsaw Road?

3 A. Uh-huh. Also where Chris trailer is, our
4 grandparents farmed that property, too.

5 Q. Okay. Because they had quite a bit of acreage.

6 A. Yes.

7 Q. It wasn't just Lot -- this 6 acres on Lot 9, it
8 included acreage in Lot 7 that the quiet title action; is
9 that right?

10 A. Yes.

11 Q. So they farmed all that?

12 A. Yes.

13 Q. Okay. I'm gonna show you a copy of what's been
14 marked as Defendants' Exhibit 1, and that's an overhead
15 photograph taken many years ago. Are you able to make any
16 -- I'm going to -- let me orient it for you --

17 A. That's the road there.

18 Q. -- so like that. If that is Warsaw and this is
19 Gardner, and that's where they meet --

20 A. That's our house right there.

21 Q. Okay.

22 A. That's Martha and them house, that's the Heyward
23 house.

24 MR. FISHER: Judge, do you have what's been
25 marked as Defendants' 1? It's the aerial photograph?

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1 THE COURT: Oh, the aerial? Defendants' 1,
2 right here.

3 MR. FISHER: Okay.

4 BY MR. FISHER:

5 Q. Let's use this one. From what you make of that,
6 I'm gonna --

7 MR. O'KELLEY: Well, I would prefer and
8 object if Mr. Fisher's gonna be testifying. The
9 witness really needs to identify whatever he's --

10 MR. FISHER: I was just gonna circle it.

11 MR. O'KELLEY: Well, I object.

12 THE COURT: Why don't you get her to circle
13 whatever it is you want.

14 MR. O'KELLEY: Get her to tell you what's
15 what.

16 MR. FISHER: Okay.

17 A. This my grandparents' house right here, and this
18 is the Taylor -- James Taylor's, and this is the Heyward.

19 MR. O'KELLEY: That's the what? I'm sorry.

20 MR. FISHER: Heyward.

21 A. That's on the curve, and this is Rufus and Mary
22 Taylor house right here.

23 Q. Okay. So you're putting an RT there.

24 A. Rufus and --

25 Q. That's fine. We just need --

1 A. -- Mary.

2 Q. What did you just write? Slow down just one
3 minute. What did you just write there?

4 A. Rufus and Mary.

5 Q. Okay. R and M?

6 A. Uh-huh.

7 Q. Okay. Put a J for James Taylor's house.

8 A. James Taylor.

9 Q. And an H for --

10 A. And this is the Heyward.

11 Q. -- Heyward property. Okay. Thank you.

12 THE COURT: Is Rufus -- what you've marked
13 Rufus's house, is that the red roof house?

14 WITNESS: Yes.

15 THE COURT: Or the remains of it that are
16 that are there today?

17 WITNESS: Yeah. That's Rufus and Mary, my
18 grandparents.

19 BY MR. FISHER:

20 Q. And there's another structure back here.

21 A. This was our stable, our cow stable, the barn
22 like.

23 Q. The barn?

24 A. Yes.

25 Q. Okay.

1 A. Stable.

2 Q. Okay. Put a circle and put a B.

3 A. B.

4 Q. Okay. Thank you.

5 MR. FISHER: I have no further questions for
6 this witness, Your Honor. Thank you.

7 CROSS-EXAMINATION

8 BY MR. O'KELLEY:

9 Q. Now, Ms. Stewart, just a few questions. Isaac
10 Taylor, Rebecca Taylor, and Walter Taylor, were they the
11 children of Rufus?

12 A. Yes. We all grew up in the same house.

13 Q. All right. Now, so the Rufus Taylor property is
14 the house you say you grew up in?

15 A. Yes.

16 Q. And that's the house you just identified on that
17 aerial map?

18 A. Yes.

19 Q. Now, the family, Isaac, and Rebecca, and Walter
20 did a quiet title action in 1997. Are you familiar with
21 that?

22 A. No.

23 Q. Did you know they -- that's an action like we're
24 here today, to quiet and clear up the title. Did you know
25 about that?

1 A. No. But I'm hearing about it now.

2 Q. Well, can you think of any reason why they would
3 clear the title to Lot 7 and not clear Lot 9, if you say
4 they owned it?

5 A. (No response.) }

6 Q. Ma'am?

7 A. I have no idea.

8 Q. Okay. Let me borrow the photographs, please,
9 Your Honor. There's been talk of an oak tree that was
10 along the line. These are some photographs out there along
11 the line. There's -- Ms. Champion identified that as her
12 mailbox, with the rooster on it.

13 A. Uh-huh.

14 Q. Now, do you see way back in the distance that oak
15 tree?

16 A. Uh-huh.

17 Q. You've got to answer.

18 A. Yes.

19 Q. Okay. 'Cause the lady has to get it, and if you
20 say um, she might not --

21 A. Yes, yes.

22 Q. Okay. Thank you. And then you see again the
23 picture of the mailbox?

24 A. Yes.

25 Q. This is Number 2F, and you see the oak tree?

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1 A. Yes.

2 Q. Now, do you see the oak tree with the survey
3 steak going up towards it?

4 A. Yes.

5 Q. Would you -- and here's another one showing the
6 survey stakes. This is 2E, and it shows about three of
7 those flagging things with the oak tree back there.

8 A. Yes.

9 Q. Do you agree that that's correct or you disagree?

10 A. It's wrong, because my grandparents farmed that
11 area where the stake is. Like I said, it's not supposed to
12 be --

13 Q. They farmed on which side?

14 A. In the front of the oak tree.

15 Q. In the front of the oak tree.

16 A. The stakes should be behind the oak tree.

17 Q. Okay. In the front of the oak tree and the
18 stakes should be behind the oak tree?

19 A. Yes. My grandparents farmed in front of the oak
20 tree.

21 Q. But the line goes from the road straight on back,
22 like Mr. Fisher's got it on your map up there.

23 A. Well, my grandparents farmed that area in front
24 of that oak tree.

25 Q. Okay. But you're not -- you're not in dispute

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1 with where the surveyor finds the lines to be between Lot 7
2 and Lot 8, are you?

3 MR. FISHER: Lot 7 and 9?

4 MR. O'KELLEY: 9. Excuse me, 9.

5 Q. Do you know where that line is?

6 A. Where is it?

7 Q. Well, I showed you the photographs and you
8 said --

9 A. It's wrong.

10 Q. It's wrong?

11 A. Like I said, it's supposed to be behind the oak
12 tree, not in front of the oak tree.

13 Q. Well, if it goes towards the oak tree and goes on
14 past it, you wouldn't agree that that's correct?

15 A. Long as it's behind the oak tree.

16 Q. Okay. And you don't know why the quiet title
17 wouldn't have included any other property that these folks
18 owned at the time that they drafted it?

19 A. I have no idea.

20 MR. O'KELLEY: Okay. No further questions.
21 Thank you very much.

22 MR. FISHER: Any question from you, Judge?

23 THE COURT: I don't have any questions.

24 MR. FISHER: Okay. We'll call Ms. Constance
25 Cooper.

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1 THE COURT: Do the parties have any other
2 aerials? The GIS department has done a great job of
3 taking pictures every single year to show every
4 rooftop and every single thing. Is there anything
5 else on this red roof issue that I don't have?

6 MR. FISHER: No. And I'm not really -- I
7 don't remember testimony that it was red, just a tin
8 roof. Maybe somebody did say --

9 MR. O'KELLEY: I thought I heard red myself.

10 MR. FISHER: But I think that may have
11 been interjected --

12 THE COURT: It hardly matters, but I'm just
13 curious whether -- what side it's --

14 MR. O'KELLEY: I don't know, Your Honor. We
15 can --

16 THE COURT: I mean, I'm pretty sure they
17 take satellite photos every -- this is like a really
18 early one, but they do it a lot.

19 MR. FISHER: I know we had the fire, so I
20 don't know if they -- what they had back then.

21 THE COURT: I thought there was rubble
22 there, as we speak. But, anyway. But I'll -- let's
23 do this. All right, let's go ahead and swear the
24 witness.

25 ---oOo---

1 CONNIE BARNWELL COOPER, called as a witness,
2 having been first duly sworn by the Court, was
3 examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. FISHER:

6 Q. Would you state your full name for the record,
7 please?

8 A. Constance Barnwell Cooper.

9 Q. And, Ms. Cooper, where do you live?

10 A. I live in Brooklyn, New York.

11 Q. All right.

12 A. [REDACTED].

13 Q. And are you related to Rufus and Mary Taylor?

14 A. Rufus is my uncle, my mother's brother.

15 Q. And when you were growing up, you didn't grow up
16 in Beaufort County; is that right?

17 A. Oh, no. But we visited every year -- every
18 summer.

19 Q. Okay. So would you just tell the Court about
20 those visits and where it was that Rufus and Mary lived?

21 A. Well, they lived right in front of where Georgia
22 Mae's house is, that lot. We would come in the summer and
23 play and run around, do everything.

24 Q. Okay. And would you also play with Martha and
25 Maxine?

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1 A. I don't remember them as children there.

2 Q. All right. And was the house as you remember it
3 then on Lot 9?

4 A. Yes.

5 Q. And as we've discussed, if this were the house,
6 then Georgia's house would be over here in Lot 7; is that
7 right?

8 A. Yes.

9 Q. Okay. And how many summers would you say you
10 came down?

11 A. From a small child to maybe 14. Come every
12 summer.

13 Q. Do you recall what was farmed on that property at
14 all or do you just recall the house?

15 A. I know there was farming. We would go out and
16 pick things for my aunt to cook. There were animals
17 around.

18 Q. Okay.

19 A. There was a nice large-size well. We used to go
20 and get water and bring it back up.

21 Q. Okay.

22 A. Those are the things I remember.

23 Q. All right. Good. And at that time was Georgia
24 when you would come --

25 A. She was little.

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1 Q. Was little?

2 A. Little, yeah.

3 Q. And then Willie Mae, was she even littler?

4 A. She was -- yeah, really tiny.

5 Q. Right, okay.

6 A. Really tiny. And also my cousin was there. I
7 had a couple cousins that lived there along with who Rufus
8 and Mary helped bring up, yeah.

9 Q. And who were the other cousins?

10 A. Marjory Kemp's mom was there.

11 Q. Okay.

12 A. I have another cousin, Albertha Goodwine's
13 daughter, she was there. There were lots.

14 Q. Are you comfortable that the house as depicted on
15 these sketches is correctly on Lot 9?

16 A. Yes, uh-huh. When I went and Georgia Mae pointed
17 out where it was, I remembered, you know. It was little
18 different. The roads were different. It was a long, long
19 time ago, but it was there.

20 Q. Okay.

21 MR. FISHER: All right. No further
22 questions.

23 MR. O'KELLEY: No questions.

24 WITNESS: No?

25 MR. FISHER: She's disappointed.

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1 THE COURT: One question, ma'am.

2 WITNESS: Yes.

3 EXAMINATION

4 BY THE COURT:

5 Q. Have you been out to the property recently?

6 A. Oh, yes.

7 Q. You've heard some talk about the old house, the
8 two-story house.

9 A. Oh, yes.

10 Q. If we were to drive out there right now, what
11 would you see?

12 A. What would I say about it?

13 Q. What would I see if I were to drive out there?

14 A. Oh, well, right now it's all -- a lot of grown up
15 trees than when I used to come as a kid and then later. It
16 was clear, it was a lot of farmland, so you could see from
17 like from one end of the island to the other.

18 Q. So you're saying at some point --

19 A. It started to grow up.

20 Q. -- someone completely removed it? It's not there
21 at all?

22 A. Oh, no, no. The rubble was there. Oh, I've seen
23 it.

24 Q. I heard talk of a metal roof. Is the metal roof
25 still --

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1 A. Yes, it's there. I saw it, yes.

2 Q. So the metal roof is on top of the rubble,
3 essentially?

4 A. Well, I don't know if it's on top of the rubble,
5 but you can see it.

6 Q. I mean, this is a significant thing.

7 A. Yes, you'll see it.

8 Q. It can't be missed?

9 A. Definitely see it.

10 Q. Okay.

11 A. Definitely see it.

12 Q. And what color is the roof?

13 A. It's overgrown with trees. It's dark -- you
14 know, dark like.

15 Q. Okay. I was just trying to think if I'd made up
16 red. Is it red?

17 A. It's dark.

18 Q. It's metal?

19 A. Yeah, you can see it's metal, yeah.

20 Q. All right. But right now, as far as you know,
21 all of that -- the remnants of a two-story house --

22 A. Yes.

23 Q. -- including the metal roof, is still there?

24 A. Right there. Definitely the top of the roof.

25 Q. Do you remember when the house was burned and all

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1 of that?

2 A. No. Well, I know that Georgia Mae told me the
3 fire department had used it as a practice, you know. But
4 after I had gotten older, I used to bring my mother. My
5 mother used to come. It had -- a lot of stuff had grown up
6 around it, so we really didn't see --

7 Q. When was the last time you remember it being a
8 house that was intact?

9 A. Oh, my goodness. I'd say it was like in the
10 sixties, I guess, that I remember. But I know it was know
11 it was there to about seventy-something. You know, I was
12 back and forth.

13 Q. So you didn't follow this whole thing with the
14 renter and all that --

15 A. Oh, no, no, no.

16 Q. -- back when you were here?

17 A. No.

18 Q. Okay.

19 THE COURT: All right. Thank you. That's
20 all, unless these attorneys have any questions for
21 you.

22 MR. FISHER: No. Thanks, Ms. Cooper. Next
23 we call Ms. Hillyard.

24 THE COURT: Good afternoon.

25 MS. HILLYARD: Good afternoon.

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JOAN BARNWELL HILLYARD, called as a witness,
having been first duly sworn by the Court, was
examined and testified as follows:

DIRECT-EXAMINATION

BY MR. FISHER:

Q. Would you state your full name?

A. My name is Joan Barnwell Hillyard.

Q. And where do you live?

A. I live in [REDACTED] [REDACTED]
[REDACTED]

Q. All right. And how are you related to this
matter?

A. My mother, Rebecca Barnwell, is Rufus's sister.

Q. And are you Connie's --

A. Sister? Yes.

Q. Sister?

A. Yes.

Q. Younger?

A. Yes.

Q. And are you -- I think Connie's retired, but are
you retired or are you working?

A. I'm working.

Q. All right. And can you tell the Court what you
do for a living?

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1 A. I work for the Connecticut State Police and I
2 manage a computer system that's used by law enforcement to
3 check warrants and missing persons. It's a similar system
4 that you have here in South Carolina that the officers use
5 when they want to run plates and find out if someone is
6 wanted in the state or anywhere across the country.

7 Q. And they can run that from their patrol cars?

8 A. Yes.

9 Q. And you're the manager of that system?

10 A. I am.

11 Q. Now, can you tell the Court what your connection
12 with the Rufus and Mary Taylor property is?

13 A. I am an heir of Rebecca Barnwell, who is an heir
14 of this property.

15 Q. And would you come down with your sister or
16 separately in the summers to visit?

17 A. My father made it a religious practice to come
18 down every year and to bring his children. His mother
19 lived on Hilton Head, but he would always make it his
20 business to bring us over to Warsaw to visit our aunt and
21 uncle in the home that was described or depicted on your
22 map.

23 Q. And can you describe for the Judge what you
24 remember of the house, the house and the surroundings?

25 A. It was a two-story house. On the first floor

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1 there was a kitchen, there was a bedroom, there was a
2 living room, and there was also an upstairs. I never went
3 upstairs, but there was an upstairs second floor.

4 Q. Okay. And would you come over and stay for a
5 couple days and play or would you maybe day visits? Or
6 they'd be both?

7 A. If I was with my father, it would just be a day
8 visit. If I were with my mother, my mother came down maybe
9 every three to four years. If I came down with my mother,
10 it would be a day or two in this house because she had
11 other family members that she would visit in the area, so
12 she would always stay with her brother a day or two.

13 Q. Was that also on Warsaw that she had --

14 A. Yes.

15 Q. -- people? Okay. And so would you -- who would
16 you play with when you would come down? Maxine or Martha?
17 Or Georgia?

18 A. I don't remember the two young ladies here. I
19 know there were other children, but I don't remember their
20 names.

21 Q. All right. And from what you recall, that was
22 all -- the area around that house was all farmed by Rufus
23 and Mary?

24 A. Yes. It was all flat land, it was all farmed.

25 Q. All right.

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1 A. It's very -- the landscape is very different
2 today than it was back then.

3 Q. Right, okay. Now, the Judge asked Connie this
4 question. From your recollection now, what's your last
5 memory of the house when it was standing?

6 A. You know, I don't remember the last time I saw
7 the house standing, but I do know that even when I was in
8 my twenties, I would come down with my father and the house
9 was there and we would -- we wouldn't go into the house
10 because it was not occupied, but we would visit family
11 members in the area and we did see the house.

12 Q. So this is after Rufus had passed and --

13 A. Yes.

14 Q. All right. Good. And today, have you gone out
15 at any time since this action has started, which was
16 probably 2010, to see what remains of the house?

17 A. Several times.

18 Q. Okay. And can you describe that to the Judge?

19 A. The house -- the area where the roof is laying at
20 this point is very, very wooded. It's grown up a lot. In
21 order to get in there to see the actual roof, you'd really
22 have to chop down the trees that are there. But you can
23 look in and you can see the actual metal roof from the
24 house and you would be able to recognize it as a roof.

25 Q. Did you say red roof?

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1 A. No.

2 Q. Just a roof?

3 A. A roof.

4 MR. FISHER: All right. Good. I don't have
5 any further questions. Mr. O'Kelley might.

6 MR. O'KELLEY: I don't have any.

7 MR. FISHER: And the Judge may?

8 THE COURT: No questions. Thank you. Who's
9 next?

10 MR. FISHER: Let's call Marjory Kemp,
11 please.

12 ---o0o---

13 MARJORY KEMP, called as a witness, having
14 been first duly sworn by the Court, was examined and
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MR. FISHER:

18 Q. Ms. Kemp, would you state your full name and
19 address for the record?

20 A. Marjory W. Kemp, [REDACTED]
21 [REDACTED].

22 Q. And with regard to the Rufus and Mary Taylor and
23 Heirs of William Taylor property, how are you connected
24 with the family?

25 A. I am the Heirs of William Taylor. William Taylor

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1 was my great-grandmother's father.

2 Q. Okay.

3 A. And Phoebe Taylor was the grandmother.

4 Q. Okay. And how about Rufus and Mary Taylor, then?

5 A. They were my grand-aunt and uncle. My
6 great-grand-aunt and uncle.

7 Q. Okay. Now, are you familiar with this property
8 that we're talking about?

9 A. Yes, I am.

10 Q. And how is it that you're familiar with the
11 property?

12 A. I remember as a kid visiting, and I would go to
13 Warsaw to my -- I lived with my great-grandmother, which
14 was Rufus Taylor's sister, Rosetta Green, and we would go
15 over and visit. And you had this big, wide clear area
16 where you had the ponds, and you'd go back to the river
17 where the horses and stuff was. They had a two-story house
18 that I really liked because Aunt Mary had this porch, and
19 on the porch you could see the bedroom, and in the bedroom
20 she had these white dolls that she would really let nobody
21 play with, but I would go inside and play with them, so I
22 thought I was special, so that's why I remembered.

23 Q. Okay. Now, you see where I've depicted the house
24 on these exhibits, Defendants' Exhibit 4 is what showing it
25 there now. Within the boundaries of Lot 9, as you recall,

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1 is that correctly -- did I correctly place the --

2 A. I don't have my glasses.

3 Q. You don't have your glasses on?

4 A. No.

5 Q. Okay. If this is Warsaw Road, this is Gardner
6 Road.

7 A. Right.

8 Q. Let's start here.

9 A. Okay.

10 Q. Is this the James Taylor property, where Maxine
11 and --

12 A. Right.

13 Q. -- Martha were raised?

14 A. That would be, right.

15 Q. And were you of an age that you would play with
16 them at all when you came to visit?

17 A. I was of a -- yeah. I knew where they lived and
18 I was of an age to know who was who, because Stanley and I
19 were of the same and we were classmates, yeah.

20 Q. And would you agree if this is the Rufus -- this
21 square is the Rufus and Mary Taylor property, and it is
22 within the Lot 9 boundaries?

23 A. Yes.

24 Q. This conveys that way?

25 A. Correct.

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1 Q. Now, were you in the area when the house had the
2 fire?

3 A. I recall that.

4 Q. Do you recall that?

5 A. I do recall the house having a fire, yes, I do.

6 Q. And was that -- after the fire, did -- was that
7 the last time that there was any renters in that house?

8 A. That I can recall, yes.

9 Q. All right. Good. Now, when -- we've heard some
10 testimony, and I'd like to hear your version of it. At
11 some point did it become apparent to you that as it turned
12 out Martha was going to place a mobile home near the house
13 of Rufus and Mary Taylor?

14 A. Yes, there was.

15 Q. Okay. And did you ever speak to her?

16 A. I did. I actually went with my aunt, Albertha
17 Goodwine, because she was the other -- the tax paper came
18 to the Estate of William Taylor -- came to the care of
19 Albertha Goodwine, and so we were made aware of it. And I
20 took my aunt with me and we went to talk to Martha, which
21 she at that time, she lived in the brick house, to let her
22 know what was going on, but she declined to speak with my
23 aunt at that time.

24 Q. And what were you going to tell her if you got to
25 speak to her?

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1 A. To let her know that actually where she wanted to
2 put her trailer was the Heirs of William Taylor. That was
3 not the correct spot.

4 Q. Okay. And do you have any disagreement with the
5 evidence -- the testimony so far that indicated that Rufus
6 and Mary Taylor farmed all this piece above Warsaw and more
7 or less half of the piece south? Do you have any -- if you
8 have no knowledge of that, then you should say so.

9 A. I'm gonna say I don't have. I have some, but to
10 be safe, I'm neutral.

11 Q. All right. No personal knowledge of that?

12 A. No, not of that.

13 Q. All right. Now, somewhere here I've got tax
14 receipts and I'm gonna mark them, if you'll just give me a
15 moment.

16 Q. All right. I'm gonna show you what's been marked
17 Defendants' Exhibit 5. And it will be no secret that these
18 are tax receipts for Lot 9. I know you don't have your
19 glasses.

20 A. I can see close up, it's just distance.

21 Q. Okay.

22 A. Thank you.

23 Q. Would you tell the -- run through for the Court
24 here --

25 MR. FISHER: What you got, George?

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1 MR. O'KELLEY: I'm not sure that this
2 witness has been qualified to identify these. If she
3 paid them, if they came to her, I might not object to
4 them --

5 MR. FISHER: Okay.

6 MR. O'KELLEY: -- if he wants to try to
7 introduce them. But I don't believe that this is the
8 proper witness that would --

9 MR. FISHER: Let me lay a foundation.

10 MR. O'KELLEY: Unless he has a foundation,
11 it --

12 THE COURT: Well, let's give him a shot.

13 MR. O'KELLEY: All right.

14 MR. FISHER: All right.

15 BY MR. FISHER:

16 Q. Do you recognize those?

17 A. Oh, yes.

18 Q. Okay.

19 A. I can do more than that.

20 Q. And did you bring them to me?

21 A. I brought it to you. Not only that, I was the
22 executor of Albertha Goodwine's estate. When she came of
23 age, I conducted all her business and paid all the taxes.

24 Q. Okay.

25 A. And when it's tax time, I collect from all the

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1 Heirs of William Taylor to make sure the tax is paid
2 correctly.

3 MR. O'KELLEY: All right.

4 MR. FISHER: That's the right way to
5 introduce --

6 MR. O'KELLEY: The foundation appears to be
7 laid, Your Honor,

8 MR. FISHER: -- the documents. All right.

9 BY MR. FISHER:

10 Q. So these tax receipts, first your aunt, and then
11 you ensured that they were paid?

12 A. Correct.

13 Q. Have they been paid through last year?

14 A. Absolutely. Always on time.

15 Q. Okay. And I want to say the earliest one in that
16 packet is from 1976.

17 A. Right.

18 Q. Okay.

19 A. Actually, I had some '72s, but I guess --

20 Q. Okay. You may have some going back as far as
21 '72?

22 A. Yes.

23 Q. All right. Now, can you tell from that how many
24 acres is being taxed?

25 THE COURT: What's the map and parcel?

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1 A. 6 acres.

2 Q. Okay. And the map and parcel number is what?

3 Can you read that for the Judge?

4 A. 9, Parcel 5, Block 3.

5 Q. And you say that's for 6 acres?

6 A. 6 acres.

7 Q. Okay. And would you look through that -- I know
8 you've already seen it, but look through it just to
9 confirm. The taxpayer listed is who?

10 A. Okay. Initially, it started with Heirs of
11 William Taylor to Rita Coley.

12 Q. Okay. And that's -- and then are they each for 6
13 acres? So just go through and just confirm that those are
14 all the Heirs of William Taylor for 6 acres, and that
15 they're Lot 9, Parcel 5.

16 A. (Witness peruses exhibit.)

17 THE COURT: What's the R300 of this? Could
18 you read the whole thing out to me?

19 WITNESS: One moment. R300 009 00 0005
20 0003.

21 THE COURT: Thank you.

22 A. Okay. They all say 6 acres.

23 Q. And all to the Heirs of William Taylor?

24 A. All to the Heirs of William --

25 Q. And they're all for Parcel 5?

1 A. Correct.

2 MR. FISHER: You want to keep those?

3 MR. O'KELLEY: I do.

4 MR. FISHER: All right.

5 MR. O'KELLEY: Bear with me just for a
6 minute, Your Honor.

7 MR. FISHER: Any objection?

8 MR. O'KELLEY: Well, I renew my objection
9 that this -- again, these were not produced.

10 MR. FISHER: Not timely.

11 MR. O'KELLEY: Subject to your order, they,
12 again, were not produced.

13 THE COURT: I'll allow it, but maybe there's
14 gonna be more. It's gonna be hard to figure out this
15 thing with just this. But anyway, I'll allow it.

16 MR. FISHER: Thank you.

17 (WHEREUPON, documents were entered as
18 Defendants' Exhibit Number 5 for identification.)

19 MR. FISHER: All right. Thank you. I have
20 no further questions. Mr. O'Kelley may have some
21 questions.

22 MR. O'KELLEY: Just a few. Your Honor, may
23 I borrow those to question when you're -- after you're
24 finished?

25 THE COURT: Yeah, go ahead.

CROSS-EXAMINATION

BY MR. O'KELLEY:

Q. Tell me, please, who is Rita Coley?

A. That was before my time.

Q. Well, it's -- you've identified --

A. My aunt --

Q. Let me ask the question.

A. Sure.

Q. You've identified these as taxes that you would have paid.

A. Yes.

Q. And it says, "William Taylor Number 1, Heirs of William Taylor Number 1, care of Rita Coley, P.O. Box 46, Frogmore." Who -- I'm asking you, you don't know who Rita Coley is?

A. In 1977, my aunt was in charge of that, so she would have --

Q. So some of this that you've identified --

A. I've seen it.

Q. -- you were not in charge of?

A. I've seen it and I was in receipt of it make sure, I kept up with the records for her.

Q. So when did you become in charge of paying these?

A. I began around 2002, somewhere in that area.

Q. So all of these that -- before 2002, you did not

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1 -- you did not have anything to do with?

2 A. Oh, yeah. I wrote the check for her.

3 Q. All right. And then at some point -- I'm looking
4 for a -- it looks like about '89 and '91, along in there,
5 it switches to William Taylor -- Heirs of William Taylor 1,
6 care of Albertha Goodwine.

7 A. Absolutely.

8 Q. Now, who is Albertha Goodwine?

9 A. Albertha Goodwine is one of the heirs -- well,
10 she's deceased now, but she was the Heirs of William
11 Taylor.

12 Q. All right. Are you familiar with the fact that
13 part of this case today deals with the tax parcel numbers
14 being written wrong?

15 A. Oh, yeah. I was one of the very first ones to
16 realize what went wrong.

17 Q. Okay. Now, these all show, I think, as Parcel
18 Number 5, isn't that right?

19 A. Yes.

20 Q. And you've identified that.

21 A. Right.

22 Q. And so this is 6 acres somewhere identified as
23 Parcel 5, Heirs of William Taylor Number 1. Do you know
24 who William Taylor Number 2 is? Or Number 3? Or anything
25 like that?

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1 A. I never heard of a William 2 or 3. I just know
2 Heirs of William Taylor.

3 Q. But apparently there must have been more than one
4 William Taylor if they've got this one designated as 1.
5 And are you -- when did Ms. Goodwine pass away?

6 A. 2005.

7 Q. About 2005, okay. Won't hold you to exactly, but
8 you --

9 A. Somewhere in that area.

10 Q. But she died before this, and then -- before this
11 action started, and then --

12 A. No. Well, no, she did not die before this action
13 started.

14 Q. Well, this action didn't start until 2010 or so.

15 A. Well, when you got into the legal part of it,
16 yes, correctly.

17 Q. Well, that's what I mean by the action.

18 A. Okay. That's fine.

19 Q. Now, did Ms. Goodwine live out there?

20 A. No, she did not, but she was born and raised
21 there.

22 Q. Where did she live?

23 A. She lived on St. Helena Island, and then she
24 eventually moved to Lady's Island.

25 Q. Okay. And can you look at a tax map or a plat

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1 and say this was Ms. Goodwine's and this was not, and this
2 was taxed wrong? Do you have that ability?

3 A. I looked at the taxes. When I read the tax and
4 I'm like, okay, this is not right. The reason it came to
5 my attention, when I got an affidavit from the court asking
6 me to remove dilapidated cars from the house.

7 Q. That's when it hit you?

8 A. That's like, wait, that's not the correct
9 property. So the parcel was not recorded correctly in the
10 courthouse.

11 Q. And the cars were actually on the Taylor
12 property?

13 A. Right. It was on the Taylor property, but they
14 were saying it was Heirs of William Taylor.

15 Q. That's when everybody started realizing that they
16 had the wrong --

17 A. Absolutely.

18 Q. -- parcel on --

19 A. Was not correct, absolutely.

20 MR. O'KELLEY: I don't have any other
21 questions, Your Honor.

22 THE COURT: Let me see if I understand this.

23 EXAMINATION

24 BY THE COURT:

25 Q. The taxes have been paid -- these were marked

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1 Defendants' 5 -- on Parcel 5?

2 A. Yes.

3 Q. And we know where tax parcel 5 -- actually, tax
4 parcel 5-0003. Do you know where that is? Do you know
5 what you've been paying taxes on?

6 A. Well, I walked it with my aunt. You know, how
7 older people, they walk you through and give you the
8 history of what was what. If I was to walk it, I could say
9 yes, but to say it on paper is a whole different story.

10 Q. All right. So if I were to give you a plat, you
11 wouldn't be able to identify?

12 A. I could to a certain extent.

13 Q. Do you have any tax receipts for anything other
14 than R300 009 0005 0003?

15 A. All the numbers match up, but when I got to the
16 last one about the vehicles had to be moved it didn't
17 cosign together. Then I realized it was a red flag that
18 something definitely was wrong, so that's when I start
19 reaching out and I made some calls, and I also talked to
20 some of the folks in the county, and they said there was a
21 probability that the land was switched inadvertently.

22 Q. Do you have any idea why the property started
23 being taxed under the names of Heirs of William Taylor?

24 A. Because it's always been heirs property. It's
25 never had a true title, from what I can understand, and

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1 down through the years and listening to the history of the
2 older folks.

3 Q. Who originally got title as far as you know?

4 A. I know of no title, sir. I just know the Heirs
5 of.

6 THE COURT: I don't have any other questions
7 of this witness.

8 REDIRECT EXAMINATION

9 BY MR. FISHER:

10 Q. In the oral history of the property, is it your
11 understanding -- or how does Phoebe Mattis Taylor fit in?

12 A. Okay. Phoebe Mattis, okay. My great-grandmother
13 was Rosetta Green. Phoebe Mattis was her mother. That's
14 where the history start, and then becomes William Taylor --
15 the Heirs of William Taylor. And William Taylor was Rufus
16 Taylor's dad.

17 Q. All right. The Judge asked before when Phoebe
18 Mattis Taylor died.

19 A. Uh-huh.

20 Q. Do you know the answer to that?

21 A. No.

22 Q. Okay. We'll ask Ms. Gardner next.

23 MS. COOPER: I can tell you, what my mother
24 told me.

25 MR. FISHER: Okay.

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1 MR. O'KELLEY: She still under oath?

2 MR. FISHER: Right, you're still under oath.

3 THE COURT: Well, you sent her back, so
4 let's do it right. Any further questions?

5 MR. FISHER: Okay. We'll come back to that.
6 I think other witnesses can tell us that. I know the
7 answer.

8 MR. O'KELLEY: We don't.

9 MR. FISHER: No, I have no further
10 questions, Your Honor.

11 THE COURT: Thank you very much.

12 WITNESS: You're welcome. Thank you.

13 THE COURT: Call your next witness, please.

14 MR. FISHER: Okay. Why don't we recall
15 Connie, then. Constance Cooper.

16 THE COURT: Ms. Cooper, you're still under
17 oath.

18 MS. COOPER: Okay.

19 ---o0o---

20 CONSTANCE BARNWELL COOPER, recalled as a
21 witness, having been first duly sworn by the Court,
22 was examined and testified as follows:

23 REDIRECT EXAMINATION

24 BY MR. FISHER:

25 Q. Do you know if Phoebe Mattis -- when Phoebe

1 Mattis Taylor passed away?

2 A. Okay. 1911. My mother was two years old. She
3 was the youngest of the six children from William and
4 Phoebe.

5 Q. Okay.

6 A. And Rufus was also a sibling also.

7 Q. Right.

8 A. They all six stayed in that home and on that
9 property until each one started to go get married. Rufus
10 stayed there, my mother and Rufus were like the last ones
11 there. And my grandfather passed in 1918.

12 Q. So Rufus --

13 A. Well, my mother was nine years old.

14 Q. So Rufus himself grew up on this property?

15 A. Yeah.

16 Q. Okay. So if there's -- if the deed could be
17 found, we think it would be into -- it would be into --

18 A. See, this is the thing. I don't know. You know,
19 back then property was passed on to -- in the family, to
20 children.

21 Q. Right.

22 A. And then they farmed the lands and stayed there.
23 I guess it was kinda understood who the -- you know, the
24 families were on the properties.

25 Q. Right. And do you happen to know how old Phoebe

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1 Mattis Taylor would have been in 1911, when she passed?

2 A. Okay. My mother was the youngest of six. I
3 don't know. Maybe forties or something like that.
4 Thirties, forties, something like that.

5 MR. FISHER: All right. Thank you.

6 WITNESS: Uh-huh.

7 MR. FISHER: Oh, and see if Mr. O'Kelley has
8 any questions.

9 MR. O'KELLEY: I just want to make sure. It
10 kinda got twisted.

11 RECROSS-EXAMINATION

12 BY MR. O'KELLEY

13 Q. The answer is that Phoebe Mattis Taylor died in
14 1911?

15 A. Uh-huh.

16 MR. FISHER: Correct.

17 MR. O'KELLEY: Thank you.

18 MR. FISHER: Good. Thank you.

19 WITNESS: She was the wife of William.

20 THE COURT: Thank you very much.

21 COURT REPORTER: You said she was the wife
22 of William?

23 WITNESS: William.

24 MR. FISHER: Mr. Isaac Taylor, you've been
25 sitting down there all day. Would you like to come

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1 and tell us a little bit about this property? It
2 won't be but a few questions.

3 THE COURT: Good afternoon, sir.

4 ---o0o---

5 ISAAC TAYLOR, called as a witness, having
6 been first duly sworn by the Court, was examined and
7 testified as follows:

8 DIRECT EXAMINATION

9 BY MR. FISHER:

10 Q. Sir, would you state your full name for the
11 record?

12 A. Isaac Taylor.

13 Q. You're gonna need to speak up so that --

14 A. Isaac Taylor.

15 Q. Thank you. The Judge needs to hear you, and the
16 court reporter needs to hear you, and Mr. O'Kelley and I
17 need to hear you, and Mr. Levin needs to hear you.

18 All right. Who were your parents, Mr. Isaac
19 Taylor?

20 A. Rufus Taylor.

21 Q. Rufus Taylor and Mary?

22 A. Mary Taylor.

23 Q. Okay. And so you grew up in this house?

24 A. Yeah.

25 Q. And your -- tell us about the farming. Was it --

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1 there probably wasn't an asphalt road there when you grew
2 up?

3 A. No. They put that road across a side of my
4 property.

5 Q. You need to speak up now.

6 A. That's my property across the ditch in the road.
7 Them two property, that's my property across the ditch.
8 Right from that oak tree, come on back to the road. That's
9 my daddy property.

10 Q. Okay. So let me see if we can learn about that.
11 If this was the house that you grew up in, and this is all
12 Lot 9 that you've heard us talk about --

13 A. Yes.

14 Q. -- your daddy farmed all this?

15 A. Yeah.

16 MR. O'KELLEY: Now, Your Honor, I've kinda
17 let this go, but Mr. Fisher is really testifying here,
18 and --

19 THE COURT: Try not to lead, Mr. Fisher.

20 MR. FISHER: All right.

21 BY MR. FISHER:

22 Q. Did your father farm both sides of Warsaw or just
23 one side of Warsaw?

24 A. One side.

25 Q. Was that towards the --

- 1 A. Across the road.
- 2 Q. Okay. Across the road.
- 3 A. Across the road -- two side.
- 4 Q. Two sides?
- 5 A. Yeah.
- 6 Q. Both sides of the road?
- 7 A. Yeah, both sides of the road.
- 8 Q. And tell us about the house.
- 9 A. The house I live right across the road. It were
- 10 a two-story house.
- 11 Q. Okay.
- 12 A. We live in that house.
- 13 Q. And, to your knowledge, did your father grow up
- 14 on this property in that house or an earlier house on the
- 15 property?
- 16 A. My father owned that.
- 17 Q. Okay. And did he grow up in that property?
- 18 A. (Witness nods affirmatively; no verbal
- 19 response.)
- 20 Q. All right. And how old are you, sir?
- 21 THE COURT: You need to answer audibly, sir.
- 22 MR. FISHER: Right. You have to say yes or
- 23 no.
- 24 WITNESS: Yes, sir.
- 25 MR. FISHER: He grew up.

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1 BY MR. FISHER:

2 Q. And can you tell us how old you are?

3 A. 80.

4 Q. 80 years old. All right. And where do you
5 currently live?

6 A. I live on Warsaw, but I don't live on that piece
7 of land no more.

8 Q. How long did you live on Warsaw?

9 A. All my life.

10 Q. Okay. Where do you live now?

11 A. Savannah.

12 Q. Savannah?

13 A. Uh-huh.

14 Q. All right. Now, do you remember James Taylor or
15 Cephus Taylor?

16 A. That's my brother.

17 (Talk among participants.)

18 A. James Taylor, that's my cousin.

19 Q. James Taylor's your cousin?

20 A. Yeah. Walter Taylor is my brother.

21 Q. All right. Do you remember James Taylor farming
22 anywhere on Warsaw Island?

23 A. I never seen him. He never farm out there. No,
24 I didn't know what all his business on Warsaw in my life.
25 I never see him do no farming.

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1 MR. FISHER: Okay. No further questions.

2 MR. O'KELLEY: Mr. Taylor, I'm George
3 O'Kelley. I represent your younger cousins here.

4 WITNESS: Yeah.

5 CROSS-EXAMINATION

6 BY MR. O'KELLEY

7 Q. Do you recall when you and Rebecca and Walter
8 Taylor brought a quiet title action back about 1996, '97?

9 A. I don't remember.

10 Q. Sir? You don't remember that?

11 A. Everybody forget.

12 Q. Do you remember when your lawyer was Fred Kuhn?

13 A. Oh, yeah.

14 THE COURT: He needs to speak up.

15 MR. O'KELLEY: Sir?

16 THE COURT: He just needs to raise his
17 voice.

18 MR. O'KELLEY: You got to raise your voice,
19 Mr. Taylor.

20 WITNESS: Yeah.

21 MR. O'KELLEY: He's got to hear you.

22 Q. You remember when your lawyer was Fred Kuhn?

23 A. Yeah.

24 Q. And y'all brought an action to clear up title --

25 A. Yeah.

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1 Q. -- to some property out there?

2 A. Yeah, yeah.

3 Q. Now, this action was to clear up property in Lot
4 -- which is known as Lot 7.

5 A. Uh-huh.

6 Q. And Lot 7 is next to Lot 9. Would you agree with
7 that? If I showed you a plat, would you be able to
8 recognize the property?

9 A. Let me see the plat.

10 Q. Let me see it. Let me see if you can. All
11 right, sir. Now, you hold that end for me. You see right
12 here where it says Lot 9?

13 A. Uh-huh.

14 Q. You see where it says brick house?

15 A. Uh-huh.

16 Q. Would you agree that that's James Taylor's brick
17 house? Here's Gardner Road and here's Warsaw Island Road.

18 A. Yeah.

19 Q. That's where they come together.

20 A. That brick house is James.

21 Q. Is James's ?

22 A. Yeah.

23 Q. James Taylor?

24 A. James Taylor.

25 Q. Yes, sir.

1 A. Yeah.

2 Q. Now, where was y'all's house? Here's where the
3 roads come together. Where was y'all's house in regard to
4 that?

5 A. Right across the road.

6 Q. Across the road?

7 A. Yeah.

8 Q. Can you identify on here where across the road?
9 Which lot it was in?

10 A. It been on my daddy lot.

11 Q. Well, I know. But which -- that's what I'm
12 trying to figure out. Here's -- if I help you out here.
13 Here's where Ms. Georgia Champion -- about right in here is
14 where she has her mobile home today. Now, and here's --
15 and there's been talk about the big oak tree that's right
16 back here.

17 A. Yeah.

18 Q. Now, using that and the intersection and the
19 brick house and the mobile home, can you show where your
20 daddy and mama lived?

21 A. My daddy and mama lived cross the road. And you
22 talk about the oak tree, that's where my daddy property at.

23 Q. All right. That's back -- that's on the other
24 side.

25 A. Yeah.

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1 Q. But y'all live across the road?

2 A. Cross the road.

3 Q. But can you identify on this plat where that
4 house was?

5 A. Corner of the road. Right across the road.

6 Q. Right across the road?

7 A. Yeah. With a red top on it.

8 Q. It had a red top?

9 A. Red top.

10 Q. He said that.

11 A. Red top. Two-story.

12 Q. All right. But you can't pinpoint on here
13 exactly where that was?

14 A. Can't.

15 Q. Sir? Okay. That's fine. Just checking. Now,
16 when did you move from Warsaw?

17 A. I can't remember. Been 20 something years.

18 Q. So you weren't living on Warsaw when y'all did
19 the quiet title action on Lot 7, were you?

20 A. No.

21 Q. Sir?

22 A. No.

23 Q. But you -- and do you remember when you conveyed
24 a deed first to -- first you got the property, and then you
25 conveyed it to Georgia Champion, and then also a piece went

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1 to Christopher?

2 A. Uh-huh, yeah.

3 Q. And Georgia's was across the road where ya'll's
4 house was?

5 A. Yeah, that's my nephew.

6 Q. And Christopher is your nephew?

7 A. Yeah.

8 Q. And he got a piece on the same side as James
9 Taylor's property; is that right?

10 A. Yeah.

11 MR. O'KELLEY: Okay. Thank you, sir.
12 Appreciate it.

13 THE COURT: Any other questions of this
14 witness?

15 MR. FISHER: No.

16 THE COURT: Okay. Thank you very much.

17 MR. FISHER: Thank you.

18 WITNESS: Okay.

19 MR. FISHER: We'll call Charles Gardner,
20 Your Honor.

21 THE COURT: Good afternoon, Mr. Gardner.

22 ---o0o---

23 CHARLES GARDNER, called as a witness, having
24 been first duly sworn by the Court, was examined and
25 testified as follows:

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DIRECT EXAMINATION

BY MR. FISHER:

Q. Sir, would you state your name?

A. Charles Gardner.

Q. And where do you live?

A. [REDACTED]

Q. And where did you grow up?

A. Warsaw Island.

Q. Okay. Are you familiar with the property we've been talking about?

A. Yes, sir.

Q. Okay. And that's Rufus and Mary's property and the Heirs of William Taylor's property?

A. Right.

Q. Okay. How is it that you know that property?

A. Well, Rufus Taylor is my grand-uncle. My grandmother's brother.

Q. Okay. And would you have spent time either visiting or working on the farm there? What sort of things did you do on the property?

A. I used to help Big Boy and them when I was a kid, bring the horse and the cow from the pasture. They had a pasture that you called Big Wood, where the cows and them live at now. And I used to help them pick cotton, 'cause my father didn't too much farming.

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1 Q. Okay. And what did you call Mr. Isaac Taylor?

2 A. I called him Big Boy.

3 Q. Big Boy? That's his nickname in the family?

4 A. Nickname, yeah.

5 Q. All right. So how many years did you live on
6 Warsaw originally? At some point did you leave?

7 A. I lived there till 1960, and I left and went to
8 New York for a couple of months with my cousin Connie and
9 them. Then I went in the Air Force.

10 Q. Okay. And then at what point did you come back?

11 A. Well, I always came back. When I was in the
12 service, I always come back every year.

13 Q. And how long were you in the service?

14 A. Almost four years.

15 Q. And then after that, where did you live?

16 A. I lived in Brooklyn, New York.

17 Q. And would you visit back home?

18 A. Every summer.

19 Q. Every summer?

20 A. Sometimes twice a year.

21 Q. All right. So do feel your familiar with this
22 property that we're talking about?

23 A. Yes.

24 Q. Okay. Now, looking at Defendants' Exhibit 3, was
25 Rufus and Mary Taylor's house in the boundaries of Lot 9 --

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1 A. Yes.

2 Q. -- as you've heard that discussed today?

3 A. Right.

4 Q. Okay. And would you describe the house?

5 A. It was a two-story house, with a stair step, just
6 like she describe it. You had your porch in the front, and
7 you had a bedroom over there. There's a little hallway,
8 then you had the living room there. When you walk back,
9 you had the kitchen, then you had another room in the back,
10 then you had, like I said, a upstairs. You could look from
11 both -- you could see James -- well, it was Joe Taylor
12 then, their grandfather. Joe Taylor house. You could see
13 Big Boy -- I mean, Big Wood on your left where the cow
14 pasture was.

15 Q. And where it says MH now, on that drawing, what
16 was there when you were growing up?

17 A. MH? What --

18 Q. On this -- you got your glasses?

19 A. Yes.

20 Q. So here's Warsaw.

21 A. Right.

22 Q. Mr. James Taylor.

23 A. Right.

24 Q. If that's where Martha's mobile home is, what was
25 there when you were working the farm and Rufus and Mary

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1 were there?

2 A. They used to farm all this area here, till they
3 get almost to a lady called Addie house.

4 Q. Where was the pigsty?

5 A. The pigs was back there -- somewhere back there.
6 Then you had the barn, and this was I guess the sand and
7 the big wood and the pasture and all that.

8 Q. All right. Now, I'm gonna show you -- you can go
9 have a seat, but you may want to keep your glasses on.
10 Couple more questions here. I'm gonna show you Defendants'
11 Exhibit 1, this overhead. And does that -- if we orient it
12 so this is Warsaw Road, and this is Gardner.

13 A. Right.

14 Q. Do you recognize where the James Taylor house
15 would have been?

16 A. It would have been right here.

17 Q. Okay. Let's mark JT.

18 A. Right.

19 Q. Okay. And how about the Heyward family?

20 A. They right on the end of the road where it split
21 up at, where the road --

22 Q. Where the sorta cross is there?

23 A. Right.

24 Q. Okay. And that's where the H -- someone's put an
25 H there.

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1 A. Yeah. This is Warsaw Road.

2 Q. Right.

3 A. Like you said. The Taylor house would have been
4 there. Well, this road go all the way down to Main.

5 Q. Towards where you lived?

6 A. Right.

7 Q. Yeah. And then --

8 A. The Taylor house would have been right there,
9 this is the Gardner Drive, and this was -- Uncle Buddy
10 house would have been -- this should have been where they
11 -- they used to plant over there, back here, and all over
12 in there.

13 Q. Okay. Uncle Buddy was Rufus?

14 A. Rufus, yes.

15 Q. And was there a pond?

16 A. Yeah. They had a pond there where used to bring
17 the cow and the horse and watered. Then they had a well
18 there.

19 Q. And was there also a barn behind the house?

20 A. There was a barn right behind their house, then
21 the hog pen been further back. But they used to plant back
22 all back there, like I said, on this side and that side.

23 Q. Okay. To your knowledge, did the James Taylor
24 family plant at all north?

25 A. Not as I know. I know he used to plant -- when I

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1 used to come back home, him and my father -- he used to use
2 my father tractor. He used to -- like his house, he used
3 to plant mostly on this side, and then the back.

4 Q. Okay.

5 A. And then they used to plant -- then where his
6 brother live at, Ben Taylor used to plant further up there,
7 you know, on this -- back there somewhere.

8 Q. All right. I think you've described it well. I
9 don't think I have any further on that.

10 And I think you also agree that Phoebe Mattis
11 Taylor died in 1911? I think you were -- were you raising
12 your hand back here?

13 A. Yeah. Like that's my grandmother mother.

14 Q. Right. Okay.

15 MR. FISHER: I think that covers the
16 questions I have for you.

17 WITNESS: Okay.

18 MR. FISHER: Thank you. But Mr. O'Kelley
19 may have some.

20 CROSS-EXAMINATION

21 BY MR. O'KELLEY:

22 Q. Did you participate at all in the quiet title
23 action concerning the family property that was done in
24 1997?

25 A. No.

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1 Q. Okay.

2 MR. O'KELLEY: Thank you. Nothing else.
3 Appreciate it.

4 WITNESS: Okay. Thank you.

5 MR. FISHER: Judge, any questions?

6 THE COURT: No questions of this witness.
7 Thank you.

8 MR. FISHER: Next I'd like to call Thomas
9 Brown.

10 ---o0o---

11 THOMAS BROWN, called as a witness, having
12 been first duly sworn by the Court, was examined and
13 testified as follows:

14 DIRECT EXAMINATION

15 BY MR. FISHER:

16 Q. Mr. Brown, would you state your name for the
17 record, please?

18 A. Thomas Brown, sir.

19 Q. And where do you live?

20 A. Presently, I live in [REDACTED].

21 Q. Okay. And you and I only met this morning.

22 A. Yes, sir.

23 Q. Yes. So that was nice of you to come. Can you
24 tell the Court what's your relationship with this property?

25 A. Okay. You've heard the word "Heyward" mentioned

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1 a couple times.

2 Q. Yes.

3 A. I was raised by the Heywards.

4 Q. Okay.

5 A. So I was raised right in the middle of both
6 families.

7 Q. All right. Let me show you this Defendants'
8 Exhibit 1. And again, I'll orient you. This is Warsaw.

9 A. Okay.

10 Q. And this is Gardner. Can you take a moment and
11 just orient yourself with that?

12 A. This H, this for the Heyward's house?

13 Q. Okay. Would you -- let me ask you to point out
14 the -- are you pointing out the house that you were raised
15 in?

16 A. Yeah. It's right on the corner. That's where I
17 was raised.

18 Q. Okay. That's where Gardner Road --

19 A. Yes, sir, where it intersects.

20 Q. -- intersects with Warsaw?

21 A. Yes.

22 Q. Okay. So how long did you live there?

23 A. I lived there till I was 18.

24 Q. And what years would that have been?

25 A. I left in 1966, after high school graduation.

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1 Q. All right. And are you familiar with the
2 properties that we've been talking about? The James Taylor
3 property and the Rufus and Mary Taylor property?

4 A. I'm familiar with the property to the extent of
5 growing up. We played there, I knew where it was located.
6 I cannot tell this court as to say this was this person's
7 land or that person's land. But I can tell you with a
8 surety that we grew all up, all of us, Martha, Maxine,
9 Georgia Mae, Willie Mae, we all grew up together, one big
10 extended family. We played together, we ate together, we
11 worked together.

12 Q. All right. And did you -- were you involved in
13 the farming?

14 A. Oh, yes.

15 Q. Labor?

16 A. Very much.

17 Q. Everybody did; right?

18 A. Yes. And when it comes to the farming part, I
19 spent a lot of time, like I said, with both houses. Lot of
20 time I was playing, watching TV, I was mainly with Maxine
21 -- I'm sorry, June. I'm used to calling her Maxine. June,
22 because of her middle, and Martha. And when it was time to
23 work, it was only Willie Mae and her sister Georgia Mae,
24 and then the younger brother. So a lot of time I would
25 help them with the chores or in the field.

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1 Q. Okay.

2 A. In the cotton field, tomato field, the horses.

3 Q. So were you familiar with the land, then, that
4 Rufus and Mary farmed?

5 A. Oh, yes.

6 Q. And can you tell the Court, did it extend north
7 of Warsaw Road?

8 A. Yes, sir. They planted that entire side.

9 Q. Okay. So the whole north part here they planted?

10 A. Yes. Cotton, tomatoes, sugar cane, sugar melon,
11 watermelon.

12 Q. And did they have pigs and cattle?

13 A. Oh, yes. A lot of pigs.

14 Q. Okay.

15 A. Horses. Actually, we called Isaac Big Boy. We
16 called him the first black cowboy, because he would ride
17 the horse to get the cows out of the pasture.

18 Q. Round 'em up?

19 A. Yes. And we would have to help them to make sure
20 that they stayed -- that we didn't lose any.

21 Q. Okay.

22 A. So it was fun for us as kids, yes.

23 Q. And, also, did Rufus and Mary also raise south of
24 Warsaw Road?

25 A. Yes, they also did. They plant tomatoes and they

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1 plant some cotton on that side of the road also.

2 Q. All right. So where did James Taylor -- where
3 did he raise?

4 A. He planted closer to his house. And, like
5 Charles said, further up where his brother Ben lived, he
6 planted up in that area, that side.

7 Q. So James Taylor planted closer to the house?

8 A. Yes.

9 Q. That's sort of depicted here. And he had other
10 property away --

11 A. Yes.

12 Q. -- from this whole area?

13 A. Yes.

14 Q. And what did James Taylor raise?

15 A. Pretty much everybody raised cotton. But he
16 didn't do the cotton, but tomatoes, you know, vegetables,
17 corn. A regular farm.

18 Q. All right. Good. And you remember the house?

19 A. Oh, yes.

20 Q. Okay.

21 A. Oh, yes, I remember the house.

22 Q. And have we depicted the location of the house
23 accurately, as you remember?

24 A. Yeah, y'all did a very good job.

25 Q. Okay. And do you see that -- you've pointed out

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1 the Heyward property here at the intersection. Can you see
2 on that map -- and I can give you a different one -- as to
3 where the Rufus --

4 A. It would be somewhere in this area right there.

5 Q. All right.

6 A. In that vicinity.

7 Q. And was there also a barn in the back?

8 A. There was a barn in the back and there was a
9 pond. We used to go there and play. Sometime when it --
10 during the wintertime it would freeze up. We would sneak
11 away from our parents and kind of skate on it a little bit.
12 And there was a big well. Once we brought the cows out of
13 the pasture, we had to, you know, get them to water. A
14 large well.

15 Q. Okay.

16 A. It was -- all of us did this together.

17 Q. Okay. And did you -- when you left the area,
18 where did you go?

19 A. I went to California for a couple years and then
20 I was drafted in the military. I went to Vietnam.

21 Q. Okay. And after that did you go back to
22 California? Or come to Georgia?

23 A. Well, I made the military a career.

24 Q. Okay.

25 A. But I would come home and see my family and

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1 visit.

2 Q. All right. And when you saw your family, you
3 would also visit with your extended family?

4 A. Well, we were one big family. Matter of fact,
5 those are my sisters, those are my sisters. I love them
6 both.

7 MR. FISHER: Okay. That's very nice. Thank
8 you.

9 WITNESS: You're welcome.

10 MR. FISHER: Can Mr. Gardner be excused,
11 Your Honor?

12 THE COURT: Absolutely. Anybody else need
13 to be excused?

14 (Brief off-the-record conversation.)

15 MR. O'KELLEY: I don't have any questions.

16 MR. FISHER: All right. I thank you for
17 your service. And see if the Judge has any questions.

18 WITNESS: Thank you, sir.

19 THE COURT: I don't have any questions.
20 Thank you very much.

21 MR. FISHER: If I could take a recess, there
22 are a couple other witnesses, but I'm not sure that
23 they're not -- I want to make sure that they add
24 something new to the discussion.

25 THE COURT: Sure. Take a couple minutes.

1 No problem.

2 (Off the record momentarily.)

3 MR. FISHER: Your Honor, we rest.

4 THE COURT: Okay.

5 MR. O'KELLEY: We're not gonna -- I was
6 thinking about rebutting, but we're not.

7 THE COURT: All right. Here's part of my
8 problem. I am thinking about leaving the record open
9 to allow y'all to bring in what I believe to be in
10 existence aerial photos from GIS.

11 MR. O'KELLEY: I'll be glad to try and do
12 that, Your Honor.

13 THE COURT: I'm also trying to figure out
14 whether or not we need to call a witness from the
15 treasurer's office to give us some explanation, if
16 they have that within their records, that first of
17 all, why Parcel 5 started getting taxed in the name it
18 did, and why the name of the parcels were shifted at
19 some point in the past, and exactly when that occurred
20 relative to the validity of the tax sale that
21 occurred.

22 MR. O'KELLEY: I talked to the folks in the
23 assessor's office. I think Margie was still -- hadn't
24 retired. And I talked when we started this, and about
25 all I could get was we don't know.

1 THE COURT: All right..

2 MR. O'KELLEY: So I don't know if you can
3 find out. I'm sure Marc and Junie did some work, too.

4 MR. FISHER: Right. We spoke to the more
5 current generation and there's no record as to the
6 why.

7 THE COURT: Which why?

8 MR. FISHER: The why --

9 MR. O'KELLEY: The reason the parcels were
10 changed.

11 THE COURT: Okay. But do we agree on and
12 stipulate exactly what year that occurred?

13 MR. O'KELLEY: I don't --

14 MR. FISHER: I think we may be able to do
15 that.

16 MR. O'KELLEY: We may be able to -- we may
17 be able to, if we sit down and scratch our heads.

18 THE COURT: All right.

19 MR. O'KELLEY: I don't know. Ms. Goodwine
20 -- see, Ms. Goodwine is deceased, and she was getting
21 the tax notice, Heirs of, care of Albertha Goodwine.
22 I believe Ms. Goodwine was still alive when I brought
23 this action. When did Ms. Goodwine die?

24 MS. KEMP: Around 2004.

25 MR. O'KELLEY: Oh, maybe not.

1 THE COURT: I mean, we're talking about tax
2 sales in '95 and '97.

3 MR. O'KELLEY: That's right. But --

4 THE COURT: So I guess I'm curious. When
5 did these change? Was it the year of the tax sale?

6 MR. FISHER: No, no. I think it was -- I'm
7 gonna say it was '86, but we can get --

8 THE COURT: Okay. So well before the tax
9 sale.

10 MR. FISHER: Yes, sir.

11 THE COURT: So for 10 years the parcels had
12 been taxed under those tax numbers before the tax
13 sale, more or less. Not holding you to it, but
14 roughly 10 years. All right.

15 And then my other question -- and again,
16 y'all verify that and get back to me, if you would.
17 But then my other question is, why did Parcel 5 begin
18 getting taxed in the name it was getting taxed in?
19 And maybe y'all have asked that and maybe there's no
20 answer to that. Maybe you can find an answer to that
21 and stipulate to it. If not, we might need to leave
22 the record open.

23 So I guess what I would like to do is leave
24 the record open with regard to aerals, because I'm
25 pretty sure they've got them regularly, at least every

1 five or 10 years.

2 MR. O'KELLEY: I think a paralegal can help
3 us with that -- or help me with it, and I'm sure --

4 MR. FISHER: Yeah.

5 MR. O'KELLEY: I don't know.

6 THE COURT: Yeah. A computer will give you
7 the most recent.

8 MR. O'KELLEY: Yes, sir.

9 THE COURT: They've got -- GIS has amazing
10 stuff over there.

11 MR. O'KELLEY: But I'm not sure. I don't
12 want to put either one of us on the spot and say we'll
13 find out about when this record changed, 'cause I'm
14 not sure we can pin it down exactly.

15 THE COURT: The answer may be there's no
16 available data. I mean, I don't -- it would be a
17 waste of everyone's time to subpoena somebody from the
18 treasurer's office to say what we can all agree is
19 gonna be nothing.

20 MR. FISHER: Right.

21 THE COURT: So I wouldn't put you all to
22 that.

23 MR. O'KELLEY: When did the car thing come
24 up? When was the thing with the cars, code
25 enforcement?

1 MS. KEMP: I think it was 2006.

2 MR. O'KELLEY: About 2005 or 6 is when they
3 first realized there might be a situation, because
4 that's when the --

5 MR. FISHER: Right. That was --

6 MR. O'KELLEY: I know it was -- but I'm
7 talking about when my clients realized. 'Cause that's
8 when codes enforcement said y'all got to move these
9 cars. And Ms. Goodwine's people said that's --
10 they're not on our property.

11 THE COURT: Uh-huh.

12 MR. O'KELLEY: And then my people found out
13 that somehow that -- but that was around 2005 or so,
14 when they found out.

15 THE COURT: I understand. Have y'all had an
16 opportunity to explore trying to figure out a way to
17 settle this thing? I mean, we got sort of the heirs
18 locked down, we've got, you know, really if the people
19 at this table could come to an agreement, you know,
20 y'all may be able to figure it out.

21 I mean, you know, y'all kind of know what I
22 think. I mean, there's -- well, you don't know what I
23 think, because there's a lot of it that I still can't
24 figure out. Because there are no deeds. The burden
25 of adverse possession is a very high burden and

1 difficult to meet. It involves certain factors being
2 met. I'm not sure if I've heard any of them today.

3 MR. O'KELLEY: I agree.

4 THE COURT: But, then again, you can't just
5 give somebody property 'cause they want it, and
6 there's no deed, and there's no adverse possession.
7 And so I don't know. I mean, it's really strange that
8 there are no deeds out of Mattis or what was his name?
9 The original guy --

10 MR. O'KELLEY: The guy that owned 200 and
11 something acres?

12 THE COURT: Yeah. I mean, it's very
13 strange.

14 MR. O'KELLEY: Well, Warsaw is like that, as
15 you may well know, Your Honor. And I'm sure Junie's
16 seen it for years. Coosaw was like that also for --

17 MR. FISHER: And the storms --

18 MR. O'KELLEY: And the storm went over
19 Coosaw. It probably went over Warsaw. And some
20 people didn't come back. And those that did come back
21 might have moved into the wrong place.

22 THE COURT: But still, the paperwork ought
23 to be out there somewhere, but apparently it's not.

24 MR. O'KELLEY: Not if you don't -- not if
25 you don't transfer it by deed.

1 THE COURT: Well, that's true. But I was
2 thinking of the original developer transferring out,
3 because that was well after all the records got
4 destroyed. It was the year 1900. And so that's when
5 the plat -- the Judd plat was filed. So I'm just -- I
6 don't understand why there's no -- there are no
7 records.

8 But anyway, I understand y'all all looked
9 and had professionals look for them and they just
10 don't exist.

11 MR. O'KELLEY: Couldn't find an out from
12 this guy. And he may have died and people just
13 started squatting, like they did on Coosaw.

14 THE COURT: I didn't realize that's what
15 happened on Coosaw. But that's --

16 MR. O'KELLEY: Yeah.

17 THE COURT: But, yeah, that --

18 MR. O'KELLEY: Well, Phillip Allen and
19 others, and there was a Mattis on Coosaw that owned a
20 lot of property.

21 THE COURT: Well, anyway, I've got more
22 questions than I would possibly be able to come with
23 answers, so maybe I'll know a little bit more if we
24 can figure out where the house was and hopefully
25 figure out some of this tax stuff.

1 MR. O'KELLEY: Well, I'll be glad to get
2 with Marc. And I'll also, Your Honor, and maybe this
3 would be a good idea is if we do a brief, particularly
4 if we can find anything else and share it that way.

5 THE COURT: Let me tell you what I'm --

6 MR. O'KELLEY: I mean, I hate to bring all
7 these people back when maybe we can --

8 THE COURT: No, I don't want you to bring
9 anybody back.

10 MR. O'KELLEY: -- do it by --

11 THE COURT: But looking at that, and
12 understand that not necessarily everybody agrees to
13 that, the upper left-hand corner, the northwest
14 corner, I think was the subject of those tax sales.
15 There's almost no question in my mind. The acreage
16 matches, the descriptions match. And the lower
17 right-hand corner I think is the subject of that deed.
18 It's 418, it's 140, it matches around the house.

19 The parts that are a complete mystery to me
20 are the lower left-hand corner, which if you go by the
21 deed, that's -- the 418 by 140 describes that as
22 property of the Defendants. And the upper right-hand
23 corner, which doesn't seem to have anything, but in
24 the tax deeds describes it as James Taylor.

25 But again, deeds, no. No deeds. No adverse

1 possession under the law of evidence any way you look
2 at it, other than maybe a brick house being there.
3 But there's a deed to that.

4 So it's a mystery to me. And so I guess I'm
5 curious on the part below Warsaw Road on the lower
6 left as to where the location of that house was,
7 'cause I had a lot of testimony about right across the
8 street we did a bunch of farming. Well, was it across
9 the street from where that house is sitting in that
10 plat or was it across the street across the line? I
11 don't know. Because that certainly makes a difference
12 if everybody remembers it being across the street.

13 As to the upper right-hand portion? I don't
14 know. I guess I'll just look at everything and try to
15 figure it out. But a very odd result could be
16 dividing it some. I don't know.

17 MR. FISHER: Right. Because it's all got to
18 come out of the 4 -- at least for the James Taylor
19 piece, is it's all gonna come out of that -- it's
20 gonna fit into a 4 acre --

21 THE COURT: But I'm not relying on --

22 MR. O'KELLEY: No, it's not. That's not --
23 I mean, you can't go by -- if they say 4 acres, you
24 can't -- it's not necessarily 4 acres, Your Honor.

25 THE COURT: Oh, I agree.

1 MR. O'KELLEY: It could be 5 or 6. I mean,
2 it's --

3 MR. FISHER: Except that it adds up --

4 MR. O'KELLEY: Yeah, it could be -- it could
5 be most anything.

6 MR. FISHER: The three parcels, though, add
7 to 4.

8 THE COURT: Unless, of course, there are two
9 Phoebe Taylors. And in that case, maybe the 4 acres
10 comes out of one Phoebe Taylor and the tax sale was
11 against the other Phoebe Taylor.

12 MR. O'KELLEY: But there's only one Phoebe
13 Taylor getting a deed and giving a deed.

14 THE COURT: No, no, I understand that. But
15 the tax sale could have been against the other Phoebe
16 Taylor, which everybody -- some people described as
17 another Phoebe Taylor and that maybe she was the
18 adjacent property owner. If so, then the property
19 taxed and lost at the tax sale was Phoebe Taylor's.
20 Maybe that's the Phoebe Taylor that lost it at the tax
21 sale. It doesn't matter, as long as it one Phoebe
22 Taylor or another, and the tax sale was more than two
23 years ago, so it can't be challenged.

24 So I don't know. I mean, the whole thing is
25 confusing. But I'd be interested to know where that

1 red roof is.

2 MR. O'KELLEY: We're gonna try to find out
3 about the rubble pile, if we can, Your Honor. We'll
4 check on that.

5 THE COURT: Yeah. Anything you can figure
6 out. What I'm gonna do is leave the record open for
7 that information. And for today's purposes, then, I
8 think we're finished. Anything else for the record
9 before we close this out?

10 MR. O'KELLEY: No. But again, I don't know
11 if a brief will help on our respective positions.

12 THE COURT: Well, why don't we wait until we
13 close the record out and then maybe I might ask for
14 that. But what I want to do is hand all of the
15 exhibits to madam court reporter and let her give them
16 across the way, doing whatever it is they require.

17 COURT REPORTER: Give it to the clerk?

18 THE COURT: Yeah. They put it in the --

19 COURT REPORTER: Before there's even a
20 transcript?

21 THE COURT: Uh-huh.

22 MR. O'KELLEY: You're not gonna necessarily
23 go through this and do a transcript.

24 COURT REPORTER: No, no, right.

25 THE COURT: 'Cause we're leaving the record

1 open.

2 MR. O'KELLEY: It's fine with me if the
3 reporter holds them.

4 THE COURT: Okay. I'm handing them to you.
5 We are off the record.

6 (WHEREUPON, the hearing was concluded, with
7 the record being held open, at approximately 4:55 p.m.

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1 State of South Carolina) Court of Common Pleas
) 14th Judicial Circuit
 2 County of Beaufort) No.: 2011-CP-07-2521 and
 2012-CP-07-2246
 3

4 Maxine Taylor,)
)
 5 Plaintiff,)
) HEARING
 6 vs.)
)

7 Heirs of William)
 Taylor; Heirs of E.)
 8 Washington; Heirs of)
 Phoebe Taylor; Heirs of)
 9 Albertha Goodwine; and)
 all Persons unknown)
 10 designated as a Class;)
 Richard Row, and)
 11 Beaufort County, SC, a)
 body politic,)
 12) April 8, 2014
 Defendants.)

13)
 Stanley Taylor, Joe A.)
 14 Taylor and Martha T. Brown)

15 Plaintiffs,)
)
 16 vs.)
)

17 Heirs of William)
 Taylor; Heirs of E.)
 18 Washington; Heirs of)
 Phoebe Taylor; Heirs of)
 19 Josephine Taylor and)
 Georgia Champion,)
 20)
 Defendants.)

21)
 22
 23
 24
 25

1 Hearing reported by Deborah S. Thomas,
2 Certified Verbatim Reporter and Notary Public in and
3 for the State of South Carolina; said hearing held
4 before the Honorable Marvin H. Dukes, III, Beaufort
5 County Master in Equity and Special Circuit Court
6 Judge in accordance with the South Carolina Rules of
7 Civil Procedure, at the Beaufort County Courthouse,
8 102 Ribaut Road, Room 212, Beaufort, South Carolina,
9 on April 8th, 2014, at the hour of 9:59 a.m.

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

4 JUDGE DUKES: We are here in
5 2011-CP-07-2521 and 2012-CP-07-2246 which have been
6 consolidated. And we previously have heard parts of
7 this. What I'm going to do is ask the attorneys to
8 give me brief summaries of where we are, where we've
9 been, and where we're going. So happy to hear from
10 you, Mr. O'Kelley.

11 MR. O'KELLEY: Thank you, Your Honor.
12 We tried this for a day. This concerns property on
13 Wassaw Island, actually two parcels. Maxine Taylor
14 in the first case owns the southern part of Lot 9.
15 And we allege that Martha Brown, her sister, and
16 Martha's brothers, their brothers Stanley and Joe,
17 own on the other side of the road, the northern
18 part.

19 And we've introduced plats. And we have
20 another one, a copy here, that I think has already
21 been introduced. We tried the case for about a day.
22 Martha Brown has died since we were here before.

23 JUDGE DUKES: What date was that that
24 you were here before?

25 MR. O'KELLEY: I'll have to find

1 that, Judge.

2 JUDGE DUKES: That's okay.

3 MR. O'KELLEY: It was several months
4 ago. We think it was in August. I would have to
5 look back on my calendar. I need to get the exact
6 date.

7 JUDGE DUKES: All right.

8 MR. O'KELLEY: Martha died survived
9 by two children. Tommy Brown and Aries Brown. And
10 they are here in the back. So they are -- they are
11 now in the place of Martha who passed away this
12 year, about three months ago.

13 When we were last here there was evidence
14 brought up by the Defendants that there was a house
15 on Martha's property, an old abandoned house. And
16 you wanted -- you wanted us to find out about that.
17 And we have been out there and walked the property
18 and done stuff and taken pictures that Marc has.
19 And so, in fact, there is an old house, the remnants
20 are there.

21 JUDGE DUKES: I think we discussed
22 the aerial photos going back that the County does
23 for years.

24 MR. O'KELLEY: Yes, sir. And Marc
25 has got a whole bunch of stuff that he can present.

1 My clients' father, collectively clients, he got the
2 property at a tax sale in the mid-'90s, '95, '96,
3 along in there. And he had previously lived on the
4 southern part and has a house there which is still
5 standing.

6 He died about 1999. And his will conveyed
7 the southern portion to Martha. And it devised the
8 northern portion to Martha and Joe and Stanley.
9 And, as I say, Martha is now deceased. So Tommy and
10 Aries are the heirs. And that is kind of where we
11 are.

12 We introduced a whole bunch of exhibits
13 that would tie all of what I'm saying together, Your
14 Honor.

15 JUDGE DUKES: Okay. All right.
16 Thank you for the refresher. And, Mr. Fisher,
17 anything --

18 MR. FISHER: Yes, Your Honor. I
19 would just refresh Your Honor our presentation at
20 the last hearing, Your Honor. Our contention as we
21 defend these actions is that the northern portion of
22 this land is the land of the heirs of William
23 Taylor. My clients are the heirs of William Taylor.

24 And that but for the tax map parcels being
25 switched at sometime, possibly 1970s or early '80s,

1 the parcels that were purchased by James Taylor at
2 two different tax sales, one was a '95 tax sale, one
3 was a '97 tax sale, should have been located by the
4 treasurer's office when they did the deeds south of
5 Wassaw Road.

6 The testimony that you heard, and perhaps
7 some testimony today, will show you that the parcel
8 north of Wassaw was lived on, farmed, cultivated,
9 cattle were raised by first Billy Taylor who was a
10 freed slave who purchased the property in
11 approximately 1964, according to the family history.
12 1864. 1864.

13 And every generation since that has been
14 raised on that including Georgia Champion. She
15 testified that she was raised on that property.
16 That that house that we have aerials, fresh aerials
17 that you recommended we get, show the house. And
18 that we as the Defendants claim that property
19 through these generations of occupation.

20 We also showed that the property owned by
21 James Taylor and his either mother or grandmother
22 Phoebe Taylor could only consist of four acres total
23 because the deed into Phoebe Taylor was for four
24 acres.

25 From that four acres in 1960 the heirs of

1 Phoebe Taylor deeded to James Taylor one and 1/6th
2 acres. And that is the property south of Wassaw
3 where he built his house. And you will see on the
4 aerials where that house is and how it was expanded
5 over time.

6 Then in '95 and '97 the remaining portions
7 of that original four acres went up for tax sale.
8 It was Phoebe's property that went up for tax sale,
9 Phoebe Taylor. And a lady from the Treasurer's
10 Office will authenticate the tax files on that. So
11 that James Taylor, being the successful bidder at
12 the tax sale, received at each of those sales
13 1.3 acres. And that adds up pretty closely to the
14 four -- the original four acres into Phoebe Taylor.

15 So our contention is that the Plaintiffs
16 can only have a total of four acres. They cannot
17 have the four acres south of Wassaw that they
18 currently occupy, or some of them occupy, plus up to
19 six acres that was occupied, farmed, cultivated,
20 cattle were raised north of Wassaw.

21 And, in fact, you are going to see on the
22 tax -- the tax map documents that we introduce
23 shortly that the property that was the heirs of
24 William Taylor was not only the northern portion,
25 but was tied into a piece of the southern portion of

1 Lot 9.

2 JUDGE DUKES: Okay.

3 MR. FISHER: And but for the tax map
4 parcels being switched, that threw everything out of
5 kilter because when the tax sale occurred, the tax
6 sale was based on the tax map parcels. What had
7 been 6 south of Wassaw Road was now north of Wassaw
8 Road. And that is what -- after the tax sale was
9 complete, that is what the Treasurer's Office wrote
10 the deed on as if that property had always been
11 north of Wassaw.

12 JUDGE DUKES: And what year did the
13 switch occur according to the Plaintiffs?

14 MR. FISHER: You are going to hear
15 that they don't know. I've got a document that
16 shows as late as 1985, Parcel 5 at six acres was in
17 the name of the heirs of William Taylor. So the
18 best guess I think you are going to hear is late
19 '70s or maybe mid-'80s based on that document, that
20 the --

21 JUDGE DUKES: So when you say
22 switched, one became 6. What did the other one
23 become?

24 MR. FISHER: It was a flip. Five
25 became 6. Five was originally to the north with a

1 tie-in to a piece in the south. It was flipped. It
2 all of a sudden became the parcel south of Wassaw.
3 And 6, owned by Phoebe Taylor, moved to the north of
4 Wassaw. And then when she stopped paying taxes on
5 it, that is what went up for tax sale because the
6 treasurer's office just goes off the tax map parcel
7 numbers.

8 So they put 6 up. James Taylor bid on 6.
9 And then when the deed was drawn, it was drawn to
10 the property that the Plaintiffs now claim that is
11 north of Wassaw. They just flipped.

12 JUDGE DUKES: All right. And I guess
13 we will have some testimony as to that theory.

14 MR. FISHER: All right.

15 MR. O'KELLEY: We disagree with some
16 of that, but --

17 JUDGE DUKES: Oh, of course. I know.
18 I'm just trying to figure out where we are and
19 refresh my recollection since last August and
20 hundreds of hearings ago. So I think I remember
21 this now, where we are. All right. Whose case were
22 we on? I don't remember that part.

23 MR. FISHER: I've got the evidence --
24 the answer to your questions that you last posed.
25 The first witnesses I wanted to call were Debbie

1 Standifer and Ed Hughes. And Ed, of course, is the
2 assessor. He wanted to be in here for that
3 testimony because Debbie is close friends with the
4 Plaintiffs' family. So I don't know if we could
5 just make a space for him.

6 MR. O'KELLEY: Absolutely. He can --

7 MR. FISHER: Okay. All right. Are
8 you going to get them?

9 MR. O'KELLEY: Yeah.

10 MR. FISHER: Oh, thank you. Debbie
11 Standifer and Ed.

12 JUDGE DUKES: Who is your witness?

13 MR. FISHER: My witness will be
14 Debbie Standifer. Okay. Debbie, why don't you go
15 sit up there. And, Ed, you can have a seat right
16 here.

17 MR. HUGHES: Okay. Thanks.

18 JUDGE DUKES: Ms. Standifer, how are
19 you?

20 MS. STANDIFER: I'm fine. And you.

21 JUDGE DUKES: Good, thanks. Can you
22 hold your hand up for me. Do you swear or affirm to
23 tell the truth, the whole truth, and nothing but the
24 truth so help you God?

25 MS. STANDIFER: Yes, sir.

Debbie Standifer—Direct Examination by Mr. Fisher

1 JUDGE DUKES: Okay. Please answer
2 the questions Mr. Fisher has.

3 THE WITNESS: Yes, sir.

4 WHEREUPON:

5 DEBBIE STANDIFER, being duly sworn
6 and cautioned to speak the truth, the whole truth
7 and nothing but the truth, testifies as follows:

8 DIRECT EXAMINATION

9 BY MR. FISHER:

10 Q. Would you first state your -- state your
11 complete name and spell your last.

12 A. Justine H. Standifer, S-t-a-n-d-i-f-e-r.

13 Q. And where do you work?

14 A. For the Beaufort County Assessor's Office.

15 Q. And what is your position there?

16 A. My position is a real property transfer
17 clerk.

18 Q. And how long have you held that position?

19 A. Over 30 years.

20 Q. All right. Now, I understand that you are
21 friends with the Maxine and Martha Taylor family; is
22 that right?

23 A. Yes, sir.

24 Q. Okay. But you understand that you are
25 going to put that friendship aside today and --

1 MR. FISHER: Objection, Your Honor.
2 This is -- this is not necessary to counsel the
3 witness implying that she might favor one side or
4 the other.

5 JUDGE DUKES: Well, I mean, I didn't
6 take it as something that was designed to be
7 insulting, but I think probably -- she's under oath.
8 I think she understands that.

9 MR. FISHER: I did not mean it to be
10 insulting at all.

11 JUDGE DUKES: Right. And I didn't
12 take it that way, but -- anyway, so go ahead. Just
13 please answer any questions Mr. Fisher may have.

14 MR. FISHER: Thank you, sir.

15 BY MR. FISHER:

16 Q. Did you conduct a search of tax records at
17 my request relative to Parcels 5 and 6 of Lot 9, the
18 R-300 tax map?

19 A. With your presence, yes.

20 Q. Did you conduct a search outside of my
21 presence, too?

22 A. No. Only what was requested by my boss.

23 Q. Okay. In your search were you able to
24 confirm that Parcels 5 and 6 were switched, one for
25 each other, at some point in the Assessor's Office

1 records?

2 A. Yes, sir.

3 Q. And by switched, can you describe for the
4 Judge how they were treated?

5 A. Parcel -- from memory, Parcel 5 were on
6 the south -- I'm sorry. The north, on the road.
7 And 6 and 6-A was on the south of the Wassaw Road
8 along with part of 5 coming down to the left edge.
9 And it was later switched. And the years we don't
10 know, but it was switched over to the opposite side
11 where 6-A and 6 now sits on the north of the Wassaw
12 Road and 5 sits on the south of the road.

13 Q. All right. Thank you. Now, let me show
14 you a document that I will get marked. It appears
15 to be --

16 MR. FISHER: Do you want to mark it
17 now?

18 JUDGE DUKES: Yeah. Let's go ahead.
19 Let me ask this, does anyone know where we left off
20 with exhibits from last August because I know we had
21 a different court reporter. But --

22 MR. FISHER: My list isn't perfect.

23 MR. O'KELLEY: I have a list. I've
24 got copies here, and I have a list in here, Judge,
25 if you will bear with me.

1 JUDGE DUKES: Well, we could do Day
2 2-1.

3 COURT REPORTER: Mine will have --
4 mine have the dates on them, so whatever -- the date
5 is going to be different from --

6 JUDGE DUKES: All right. We'll just
7 go with that. We will start at 1 and go from there.
8 So this is actually Defendant's 1 with today's date.
9 How about that, Mr. O'Kelley? That will --

10 MR. O'KELLEY: Well, fine. And I
11 show that we had at least 13 before. I made a list
12 of them, Your Honor.

13 JUDGE DUKES: We will just start over
14 with today's date.

15 MR. O'KELLEY: Okay.

16 JUDGE DUKES: Make it a little
17 easier.

18 (MARKED DEFENDANT'S EXHIBIT NO. 1.)

19 BY MR. FISHER:

20 Q. All right. Ms. Standifer, I'm going to
21 show you what has been marked Defendant's 1 with
22 today's date on it and ask, can you identify that
23 for the court?

24 A. This is a revised 1965 tax map.

25 Q. Okay. And does that show Parcel 5 to the

1 north of Wassaw as you've just described?

2 A. Yes, sir.

3 Q. And 6 and 6-A south of Wassaw Road?

4 A. Yes, sir.

5 Q. Thank you. I think you've indicated that
6 you could not determine with any precision when
7 those parcel numbers were switched; is that right?

8 A. Right. We could not determine that.

9 Q. Okay. Let me just show you --

10 MR. O'KELLEY: Probably going to need
11 a bunch of those.

12 COURT REPORTER: It's easier for me
13 to keep up if I can do it --

14 MR. FISHER: One at a time?

15 COURT REPORTER: Yes.

16 MR. FISHER: Okay.

17 (MARKED DEFENDANT'S EXHIBIT NO. 2.)

18 BY MR. FISHER:

19 Q. Let me show you Defendant's Exhibit 2 with
20 today's date and ask if you would identify that for
21 the court.

22 A. This is a property record card. It says
23 heirs of William Taylor Number 1.

24 Q. And --

25 A. And it's dated 1954.

1 Q. All right. And how many acres does that
2 show?

3 A. Six acres.

4 Q. And that is for Parcel 5?

5 A. Five.

6 Q. All right. So that would have been the
7 property card as of 1954 going forward for that
8 parcel; is that correct?

9 A. Uh-huh.

10 Q. Thank you.

11 JUDGE DUKES: And, Ms. Standifer,
12 just yes or no.

13 THE WITNESS: Yes, sir.

14 JUDGE DUKES: Okay. Thanks.

15 THE WITNESS: You are welcome.

16 (MARKED DEFENDANT'S EXHIBIT NO. 3.)

17 BY MR. FISHER:

18 Q. Next I'm going to show you Defendant's
19 Exhibit 3 with today's date and ask if you can
20 identify that?

21 A. It is of Phoebe Taylor, Parcel 6.
22 Three acres. This property record card is from
23 1954.

24 Q. All right.

25 (MARKED DEFENDANT'S EXHIBIT NO. 4.)

1 BY MR. FISHER:

2 Q. Next I'm showing the Defendant Exhibit 4
3 with today's date and ask if you can identify that
4 for the court?

5 A. This is what we called an appraisal sheet
6 back in the days when we used to use it. This is a
7 1985 record where they take a house off for tax
8 purposes.

9 Q. And whose record is that? What is the
10 property owner listed?

11 A. Heirs of William Taylor Number 1.

12 Q. Okay. And that is dated 1985?

13 A. Yes, sir.

14 Q. And does that show or if you would tell
15 the court which parcel that shows.

16 A. Map -- I'm sorry. District 300, Map 9,
17 Parcel 5.

18 Q. Okay. Thank you.

19 A. And the town is Bluffton.

20 JUDGE DUKES: Did that show acreage?
21 I'm sorry.

22 THE WITNESS: I don't see the
23 acreage. Yes. Six acres. And before the house was
24 taken out there was one building.

25 JUDGE DUKES: How many acres?

1 THE WITNESS: It looks like six. It
2 is six. Yes, sir.

3 (MARKED DEFENDANT'S EXHIBIT NO. 5.)

4 BY MR. FISHER:

5 Q. Ms. Standifer, next I'm showing you
6 Defendant's Exhibit 5 of today's date. And ask if
7 you can identify that for the court?

8 A. This is showing six acres, five north of
9 the highway and a little portion south of the Wassaw
10 Road. And this looks like the 1954 tax map.

11 Q. And there is a second page to that, if you
12 would look at that?

13 A. This is a 1954 tax map showing the exact
14 thing.

15 Q. Okay. Thank you.

16 A. Wait. Hold on. Hold on. Yes.

17 Q. Now, do you know, did you make this -- on
18 the first page there are notations on there that you
19 won't need the magnifying glass for. The
20 handwritten notations, do you know --

21 A. No, I don't know whose writing is that.

22 Q. Okay. I didn't know if it was yours?

23 A. No. It's not mine. No, sir.

24 Q. All right. And do you recognize the
25 handwriting?

1 A. No, sir.

2 Q. Okay. Because this was provided pursuant
3 to a subpoena from the Assessor's Office.

4 A. I don't know whose writing that is.

5 Q. All right. Now, did you also pursuant to
6 my request look at the tax bills that were going to
7 the heirs of William Taylor after the -- after the
8 switch of the tax map parcel numbers?

9 A. No tax bills.

10 Q. You did not see any tax bills?

11 A. Uh-uh.

12 Q. Okay.

13 A. No, sir.

14 Q. If I -- and they may be in evidence
15 already. If I told you that the tax bills,
16 including within the last decade -- in other words,
17 after the switch between 5 and 6 had been made
18 placing 6 up north of Wassaw Road and 5 south of
19 Wassaw Road. If I told you that those tax bills
20 continued to contain the acreage of six acres, could
21 you explain why that is?

22 A. Because -- because the acreage follows the
23 parcel number. We -- when the switch was done you
24 are just switching the parcel numbers. The acreage
25 follows the number.

1 Q. Okay. Just to confirm, were you able to
2 find any evidence of when the parcel numbers were
3 switched?

4 A. No, sir.

5 Q. Were you able to find any record as to why
6 the parcel numbers were switched?

7 A. No, sir.

8 Q. Would the change in tax map parcel numbers
9 change the ownership of those parcels at all?

10 A. No, sir.

11 Q. And am I correct that you did a very
12 thorough search when I asked you to do this?

13 A. As best as I can, yes, sir.

14 Q. You went back and looked at linen maps or
15 looked for linen maps?

16 A. Looked for linen maps.

17 Q. And what preceded the linen maps that you
18 looked for?

19 A. 1954.

20 Q. Okay. All right. Very well. Just one
21 moment, please. Were you able -- it may have been
22 Pamela Holmes, but were you able to determine
23 what -- why the Assessor's Office was taxing the
24 heirs of William Taylor for that land? Did you have
25 any involvement in that?

Debbie Standifer—Cross Examination by Mr. O'Kelley

1 A. No, sir.

2 MR. FISHER: Okay. All right. I
3 think we have other evidence on that. All right.
4 Ms. Standifer, thank you. For right now I don't
5 have any further questions, but Mr. O'Kelley may.

6 THE WITNESS: Yes, sir.

7 CROSS EXAMINATION

8 BY MR. O'KELLEY:

9 Q. Debbie?

10 A. Yes, sir.

11 Q. You said you checked and searched. Did
12 you find where Parcel 6 was one time in the name of
13 someone named Albertha Goodwine?

14 A. No, sir.

15 Q. You didn't find it or you didn't --
16 weren't looking for that or --

17 A. Weren't looking for that.

18 Q. You weren't looking for that?

19 A. No, sir.

20 Q. All right. So you were tasked just to
21 find out about Parcels 5 or 6 or 6-A?

22 A. Yes, sir.

23 Q. And you don't know who Albertha Goodwine
24 might be?

25 A. No, sir.

1 Q. Do you have anything to do with the tax
2 sales?

3 A. No, sir.

4 MR. O'KELLEY: Okay. That is all.

5 JUDGE DUKES: Just real quickly,
6 whose name is 6-A in or was 6-A in your research?

7 MR. FISHER: I believe James Taylor,
8 Your Honor.

9 MR. O'KELLEY: James Taylor was the
10 father of my clients.

11 MR. FISHER: Right. I don't know if
12 we can enter a stipulation, but I think 6-A may be
13 the first -- that one and 1/6th acres devised out by
14 deed of the heirs --

15 MR. O'KELLEY: Just as a refresher,
16 Your Honor, James -- and these were introduced as I
17 think Exhibits 10 and 11 previously, the tax deeds.

18 JUDGE DUKES: All right.

19 MR. O'KELLEY: And one of them was
20 from the -- against Phoebe Taylor to James Taylor.
21 And it refers to R-300, Map 9, Parcel 6. The other
22 one refers to Parcel 49, both against Phoebe Taylor.
23 Those are the tax deeds that James got?

24 MR. FISHER: 6-A I think then is
25 probably the 1960 deed into James Taylor from the

1 heirs of Phoebe Taylor.

2 MR. O'KELLEY: Well, there is -- yes,
3 there is a deed to that effect, too, Your Honor, but
4 that was before they put tax parcel numbers on
5 deeds. In the '60s they didn't do that.

6 JUDGE DUKES: Ms. Standifer, what is
7 involved in and why would a number be switched? I
8 mean, under what process would a number like that be
9 switched? Is there an error form somebody fills out
10 or what -- tell me how that can happen and why.

11 THE WITNESS: Today we will do it
12 with records to support it like plats as of today,
13 but years ago I could not tell you how they did
14 things because they use what limited record they
15 had. So I couldn't tell you what they did years
16 ago.

17 JUDGE DUKES: All right. So in your
18 experience -- and you've been there how long? I'm
19 sorry.

20 THE WITNESS: Over 30 years.

21 JUDGE DUKES: Okay. So during that
22 30 years, I mean, have you had occasion to see a
23 situation or be a part of a situation where there
24 was an error and it was modified?

25 THE WITNESS: Yes, sir. I've been in

1 with Margie Miller where she have had factual
2 records like plats or old deeds. And they had good
3 distances or either good boundaries. And she was
4 able to make switches like that.

5 JUDGE DUKES: And what usually --
6 and, again, I understand I'm asking you a very vague
7 question over 30 years of possibilities on how
8 things might occur, so I'm not focusing on a
9 specific example, but if you can remember examples
10 or categories or ways this happened? I mean, for
11 instance, did -- was this usually initiated by a
12 property owner saying something -- go ahead and just
13 tell me in your own words.

14 THE WITNESS: It could either be a
15 property owner or maybe a deed came in and it might
16 have had a property description that we could not
17 recognize. And what we would have done was contact
18 the attorney. And in the process of contacting the
19 attorney we in form would pull documents to support
20 the surrounding property. And sometimes we will
21 find plats. Sometimes we will just use a legal
22 description. That is it.

23 JUDGE DUKES: Okay. So the switch of
24 a number is a process?

25 THE WITNESS: Yes, sir.

1 JUDGE DUKES: Okay. Ordinarily? All
2 right. Okay. But this specific one obviously you
3 don't have any memory of or recollection of --

4 THE WITNESS: No.

5 JUDGE DUKES: -- is my understanding
6 of your testimony. Okay. Any questions of this
7 witness responsive to my questions?

8 MR. FISHER: No, sir.

9 MR. O'KELLEY: No, sir.

10 JUDGE DUKES: All right. I don't
11 have anything further of this witness then.

12 MR. O'KELLEY: Thank you.

13 JUDGE DUKES: All right. Thank you
14 all very much.

15 MR. FISHER: Thank you, Ms.
16 Standifer.

17 THE WITNESS: You are welcome.

18 MR. O'KELLEY: Is it okay that she be
19 released and go back to work?

20 MR. FISHER: Yes, absolutely. We
21 would next call Mr. Barry Rea from G.I.S.

22 JUDGE DUKES: If you need a break
23 just let us know. Did you need a break now?

24 COURT REPORTER: Can I just leave the
25 room for a second?

Barry Rea—Direct Examination by Mr. Fisher

1 JUDGE DUKES: Okay. All right. Be
2 off the record for a second.

3 (Recess 10:27 to 10:34.)

4 JUDGE DUKES: All right. Sir, can
5 you hold your right hand up for me, please. Do you
6 swear or affirm to tell the truth, the whole truth,
7 and nothing but the truth so help you God?

8 MR. REA: I do.

9 JUDGE DUKES: All right. Please
10 answer any questions Mr. Fisher may have of you.

11 WHEREUPON:

12 BARRY REA, being duly sworn and
13 cautioned to speak the truth, the whole truth and
14 nothing but the truth, testifies as follows:

15 DIRECT EXAMINATION

16 BY MR. FISHER:

17 Q. Mr. Rea, would you state your full name
18 for the record and spell your last name?

19 A. Constantine Barry Rea, R-e-a.

20 Q. All right. And could you tell the court
21 where you work and what you do.

22 A. I work for Beaufort County G.I.S.
23 Department, make maps from aerial photographs.
24 Pretty much G.I.S. parcel there.

25 Q. Okay. And at my request did you prepare

1 some aerial photos for some parcels out on Wassaw
2 Island?

3 A. I did.

4 Q. And those would be Parcels particularly 5
5 and 6 of Lot 9?

6 A. Yes.

7 (MARKED DEFENDANT'S EXHIBIT NO. 6.)

8 BY MR. FISHER:

9 Q. Let me start with Defendant's Exhibit
10 Number 6 and ask if you can identify that for the
11 court?

12 A. Yes. It's an aerial -- a 1954 aerial of
13 where Parcel 5 and Parcel 6 is, the Wassaw area.

14 Q. Okay. That was circa 1954?

15 A. Yes, I believe.

16 Q. Okay. And you labeled that in pen and put
17 your initials; is that right?

18 A. Yes, I did.

19 (MARKED DEFENDANT'S EXHIBIT NO. 7.)

20 BY MR. FISHER:

21 Q. Okay. And likewise I'm going to show you
22 Defendant's Number 7 with today's date. And if you
23 can identify that for the court?

24 A. This is one I made of a later aerial, a
25 1978 aerial.

1 Q. Of the same land?

2 A. Same area. Wassaw, yes. Same area.

3 (MARKED DEFENDANT'S EXHIBIT NO. 8.)

4 BY MR. FISHER:

5 Q. Okay. All right. And you've brought with
6 you today what I'm going to show you as Defendant's
7 Exhibit 8. And if I can identify that for the
8 court?

9 A. Okay. This is a copy of the tax plat -- I
10 went to the warehouse yesterday -- 1965 tax map.

11 Q. Okay.

12 A. Aerial for -- linen sheet.

13 Q. So you used that as a guide for honing
14 in -- for finding the aerials that you reprint; is
15 that correct? Is that a fair statement?

16 A. I didn't use this for that.

17 Q. Oh, you did not?

18 A. No.

19 Q. Okay.

20 A. It's just a copy of -- well, there was
21 little difference. So we are trying to see where it
22 might have changed. This is a copy of the '65
23 County tax map.

24 Q. Okay. All right. Was there some
25 significance to you bringing this today?

1 A. I just wanted as much information as
2 possible. I just brought it.

3 Q. You just wanted as much --

4 A. I mean, I just wanted to have as much
5 information as possible. I wasn't sure of the
6 questions, so I copied the 2013 map just in case it
7 was needed.

8 Q. Okay. I think we will leave it at that.
9 All right.

10 (MARKED DEFENDANT'S EXHIBIT NO. 9.)

11 BY MR. FISHER:

12 Q. Next I'm showing you Defendant's
13 Exhibit 9. If you would identify that?

14 A. Okay. This is a 1978 aerial with the
15 current tax parcel overlaid.

16 Q. All right. So in -- if you can, in the --
17 there are two parcels labeled Parcel 6 that are
18 north of Wassaw Road; is that right?

19 A. Yes.

20 Q. And in the eastern such parcel is there a
21 building depicted in this aerial photograph?

22 A. No, not on the eastern.

23 Q. This is north?

24 A. On the western.

25 Q. On the western. Right. Thank you.

Barry Rea—Cross Examination by Mr. O'Kelley

1 A. On the western side there is.

2 Q. You are absolutely right. Thank you.

3 North of Wassaw Road and on the western of the two
4 parcels labeled 6; is that right?

5 A. Yes.

6 Q. Okay. Thank you. When you made these or
7 printed out these aerals did you do so using
8 standard procedures set forth in your office?

9 A. Yes. Yes, I did.

10 Q. And in your opinion do those aerial
11 photographs accurately represent the aerial records
12 that are kept by Beaufort County for these parcels?

13 A. Yes. The aerial photograph is accurate,
14 is correct.

15 MR. FISHER: All right. Mr. Rea,
16 thank you. I don't have any further questions for
17 you, but Mr. O'Kelley may.

18 CROSS EXAMINATION

19 BY MR. O'KELLEY:

20 Q. Yes. Mr. Rea?

21 A. Yes, sir.

22 Q. This latest exhibit, which is Number 9 --

23 A. Yes, sir.

24 Q. -- the parcel -- and this being Lot Number
25 9, correct? All of this is Lot 9 or do you know?

1. A. I know the parcels. I'm not sure if it's
2 Number 9.

3 Q. Okay. Well, if I tell you that all of
4 this is Lot 9 --

5 A. Yes, sir.

6 JUDGE DUKES: And you are indicating
7 what is marked on that is 5, the two 6s, and are you
8 including 6-A?

9 MR. O'KELLEY: Two 6s I believe, Your
10 Honor. I'm not sure about 6-A. I know -- and I
11 have this plat here. This is a plat that has
12 previously been introduced. And see where it says
13 Lot 9?

14 THE WITNESS: I see it.

15 BY MR. O'KELLEY

16 Q. And if I tell you that that house is this
17 house --

18 A. Yes, sir.

19 Q. All right. And this shows as Parcel
20 Number 5 --

21 A. Yes, sir.

22 Q. Right? Now, is there a time where this
23 was Parcel 6?

24 A. I believe --

25 Q. Do you have it on something as six?

1 A. Yes, sir.

2 Q. And it may be six now. Let's look on the
3 tax map. And that is Exhibit --

4 MR. FISHER: This is Exhibit
5 Number 8.

6 BY MR. O'KELLEY:

7 Q. Exhibit Number 8, sir. And we are talking
8 about this piece right here?

9 A. Yes, sir.

10 Q. Is shown as 6?

11 A. Yes, sir.

12 Q. And then 5 is shown where 6 is now?

13 A. Yes, sir.

14 Q. And 6 is shown as being divided, correct,
15 on Number 9?

16 A. Yes, sir.

17 Q. And 6 is not shown as being divided on
18 Number 8 which is a revised tax map for 1965?
19 Parcel Number 5 --

20 A. Yes, Parcel Number 5.

21 Q. -- on here which is north of the road and
22 Parcel Number 6 here which is north of the road,
23 they are shown as -- with the parcel numbers being
24 switched?

25 A. Yes, they were switched.

1 Q. And you don't know anything about why that
2 would happen, do you?

3 A. That was before my time.

4 Q. Okay. This shows it's a 1978 aerial?

5 A. Yes, sir.

6 Q. And you over laid the current --

7 A. Yes, sir.

8 Q. -- tax map, parcel numbers illustrated by
9 the red lines?

10 A. Yes, I did.

11 Q. Now, is there a more -- is there a newer
12 aerial you could have used or did they really -- it
13 haven't really changed that much?

14 A. Yes. I mean, I -- probably throughout the
15 area have newer.

16 Q. Okay. Mr. Fisher has got one that shows
17 2013?

18 A. Yes, sir.

19 Q. And I guess the vegetation would be
20 changed somewhat, wouldn't it?

21 A. Yes. Yes, it is.

22 Q. But this is the 2013 aerial?

23 A. Yes.

24 Q. This house where I'm pointing to in Number
25 5 is the same house on this Number 5, correct?

1 A. Yes, it is, sir.

2 Q. And Number 36 would be to the west of the
3 house portion. And, again --

4 MR. FISHER: Could you say that again
5 so I can see?

6 MR. O'KELLEY: I'm sorry. Number 36
7 is to --

8 JUDGE DUKES: Why don't we mark --
9 are we going to mark -- have we premarked such that
10 it will mess us up marking that one or --

11 MR. O'KELLEY: Well, is this
12 already -- this hasn't been introduced?

13 JUDGE DUKES: No.

14 MR. O'KELLEY: Maybe we better
15 introduce it then since --

16 MR. FISHER: Do you want it? I don't
17 think I need it.

18 MR. O'KELLEY: It can be it. It can
19 be you.

20 JUDGE DUKES: Well, I just -- we will
21 make it a court's exhibit if you all neither one
22 wants to mark it.

23 MR. O'KELLEY: I don't care.

24 JUDGE DUKES: I just -- if he's going
25 to refer to it, I would like to mark it.

1 MR. O'KELLEY: It can be mine. It's
2 Mark's document, but it can be mine.

3 JUDGE DUKES: Okay. Plaintiff's 1.
4 All right. So it will be in the record.

5 (MARKED PLAINTIFF'S EXHIBIT NO. 1.)

6 MR. O'KELLEY: That is Aerial Photo
7 Number 13 is Plaintiff's Number 1 in this hearing,
8 Your Honor.

9 BY MR. O'KELLEY:

10 Q. And the two Parcels Number 6 north of the
11 Wassaw Road, if that is what we are calling it, are
12 the same on both?

13 A. Yes, they are.

14 Q. Okay. Except on Number 6 of the newer one
15 there is a house now on Number 6, correct?

16 A. Yes. Yes, there is.

17 Q. And there is not one back there on that
18 part?

19 A. On the '78 there wasn't.

20 Q. In '78. Now, is that a house there, do
21 you know, on the bottom portion of Number 6?

22 A. It looks like a structure.

23 Q. But you don't know?

24 A. I wouldn't know.

25 Q. Okay.

1 A. It looks like a structure. And I'm pretty
2 sure it is probably a house.

3 MR. O'KELLEY: Okay. That is all.
4 That is all I have, Your Honor.

5 JUDGE DUKES: All right. Any other
6 questions?

7 MR. FISHER: I don't have any further
8 questions for Mr. Rea.

9 JUDGE DUKES: Okay. All right then.
10 I don't have any questions. May I see this for a
11 second?

12 MR. FISHER: I don't know what this
13 is.

14 THE WITNESS: These are mine?

15 MR. FISHER: I'll need some of those
16 for my next witness, Your Honor.

17 JUDGE DUKES: All right. Sorry.

18 MR. FISHER: I appreciate it. It's
19 okay. You can go back to work. Thank you very
20 much.

21 JUDGE DUKES: All right. Who is
22 next?

23 (Discussion off the record.)

24 JUDGE DUKES: How are you, ma'am?

25 MS. COOPER: Fine.

Constance Cooper—Direct Examination by Mr. Fisher

1 JUDGE DUKES: Hold your hand up for
2 me. Do you swear to tell the truth, the whole
3 truth, and nothing but the truth so help you God?

4 MS. COOPER: I do.

5 JUDGE DUKES: All right. Please
6 answer any questions Mr. Fisher may have.

7 WHEREUPON:

8 CONSTANCE COOPER, being duly sworn
9 and cautioned to speak the truth, the whole truth
10 and nothing but the truth, testifies as follows:

11 DIRECT EXAMINATION

12 BY MR. FISHER:

13 Q. Ms. Cooper, would you -- you are the same
14 Constance Cooper that testified in the earlier
15 session of this court; is that right?

16 A. Yes.

17 Q. And you are one of the Plaintiffs?

18 A. Yes.

19 Q. All right. And you are one of the heirs
20 of --

21 A. Uh-huh.

22 Q. Let me ask the question first. Of the
23 original Billy Taylor. And who is Billy Taylor?

24 A. Billy Taylor is my mother's grandfather.

25 Q. Okay.

1 A. His son is William. That is my mother's
2 father.

3 Q. And through the family history that has
4 been handed down from generation to generation, was
5 the land that is in dispute here as far as you know
6 Billy Taylor's land?

7 A. Yes.

8 Q. And when would he have held that land?

9 A. Okay. My mother said after the war --

10 Q. The Civil War?

11 A. Yes.

12 Q. The War Between the States?

13 A. Yes. After the war --

14 JUDGE DUKES: When they fired the big
15 guns.

16 THE WITNESS: When the Confederates
17 left, the Union came and they offered the lands to
18 the ex-slaves. My mother always said they paid one
19 cent an acre. And my great grandfather was able to
20 purchase six.

21 BY MR. FISHER:

22 Q. Okay.

23 A. And there they stayed all these
24 generations.

25 Q. Okay. So as far as you know through the

1 family history, the oral history of the family, the
2 property that is in dispute here has been Billy
3 Taylor's, then William Taylor's, and then the heirs
4 of William Taylor's property all of these years?

5 A. Yes.

6 JUDGE DUKES: Can we be specific on
7 the property in dispute?

8 MR. FISHER: Yes.

9 JUDGE DUKES: Are we talking about 5,
10 6, and 6-A? Both 6s? 5? Which --

11 BY MR. O'KELLEY:

12 Q. Okay. Let me hand you Defendant's
13 Exhibit 8 of today's date. And I'm not sure that
14 you will recognize this or not. But when we -- when
15 I -- if I show you this and tell you it's a tax map
16 circa 1965 --

17 MR. O'KELLEY: May I be more -- just
18 interrupting, maybe perhaps use an aerial -- a more
19 current aerial may be better because this is
20 different yet from --

21 JUDGE DUKES: Maybe we can use it all
22 together.

23 MR. FISHER: Well, let me start with
24 this.

25 MR. O'KELLEY: Okay. Go ahead.

1 BY MR. FISHER:

2 Q. The property in dispute that we are
3 referring to is six acres referred to as Parcel
4 Number 5, both north of Wassaw Road and tied into
5 the south; is that correct?

6 A. As far as I know, yes.

7 Q. Okay. So when you use that term, the
8 property in dispute --

9 A. Yes. I understand.

10 Q. -- is that what you are referring to?

11 A. Yes.

12 Q. Okay. And you testified earlier at the
13 previous hearing that you would visit that property
14 all through your years?

15 A. Oh, yes.

16 Q. I'm going to show you Defendant's
17 Exhibit 7 of today's date. And ask you if -- I
18 guess I'll use that. If you recognize what this
19 aerial depicts?

20 A. No, I really don't.

21 JUDGE DUKES: Show her where the main
22 road is. I think that would be --

23 BY MR. O'KELLEY:

24 Q. If this is Wassaw Road and --

25 MR. FISHER: This is Gardner Road.

1 MR. O'KELLEY: Thank you.

2 BY MR. O'KELLEY:

3 Q. And this is Gardner, would this have been
4 the house that you visited? And you can use the
5 magnifying glass.

6 A. Okay.

7 Q. That was then lived in by your Uncle Rufus
8 and his wife Mary?

9 A. Uh-huh. And Mary.

10 Q. All right. So if I circle that -- okay.
11 And I'm going to show you Defendant's Number 9. And
12 this depicts the same aerial photograph; is that
13 correct, as 7?

14 A. Yes.

15 Q. Okay. All right. And, again, the same
16 house that I've circled here and you've identified
17 as Rufus and Mary Young's house, is that also shown
18 on Exhibit 9?

19 A. Yes.

20 Q. Okay. I'm going to circle that in blue
21 ink, also. And your testimony is that is -- that
22 home of Rufus and Mary Taylor?

23 A. Uh-huh.

24 JUDGE DUKES: You need to answer yes
25 or no, ma'am.

1 THE WITNESS: Yes.

2 MR. FISHER: Okay. That's all right.

3 No problem. I'm take those back or do you need
4 them?

5 MR. O'KELLEY: Yeah, if you would.

6 I'm going to refer to them.

7 BY MR. O'KELLEY:

8 Q. Now, Connie, sometime in the fall, this
9 past fall, did you and Mr. O'Kelley and me and
10 Georgia Champion, one of the Defendants here, visit
11 this property?

12 A. Uh-huh.

13 Q. And what were we out there for?

14 A. To confirm that there was a house there.
15 And we were looking for the roof that -- part of the
16 rubble that was left there from when the house was
17 used by the fire department for practice. So they
18 left the roof. And we went in there to see it.

19 Q. All right. And what was found there?

20 A. We found the roof, metal roof. And we
21 found a chimney also that was there, the structure
22 of the bricks and chimney that was used, uh-huh.

23 (MARKED DEFENDANT'S EXHIBIT NO. 10.)

24 BY MR. FISHER:

25 Q. All right. Let me show you some

1 photographs from that visit beginning with
2 Defendant's Exhibit 10 of today's date. What does
3 that depict from that visit?

4 A. Okay. That is the roof, the metal roof.

5 MR. O'KELLEY: That is me.

6 BY MR. FISHER:

7 Q. And the gentleman with the machete is Mr.
8 O'Kelley?

9 A. Yes. Mr. O'Kelley.

10 (MARKED DEFENDANT'S EXHIBIT NO. 11.)

11 BY MR. FISHER:

12 Q. And I'm handing you Defendant's Exhibit 11
13 of today's date.

14 A. And that is Georgia Mae Champion. She is
15 pointing out the roof.

16 (MARKED DEFENDANT'S EXHIBIT NO. 12.)

17 BY MR. FISHER:

18 Q. All right. And I'm handing you
19 Defendant's Exhibit 12. And can you tell the court
20 what that depicts? It's not the highest quality.
21 And I apologize for that.

22 A. Again, you see the roof. I'm trying to
23 see if this is the part where the fireplace -- the
24 brick fireplace used to -- you could see it, but
25 this --

1 Q. Even if it is not well depicted in my
2 photographs, you distinctly remember the fireplace
3 and the foundation for the house?

4 A. Definitely.

5 (MARKED DEFENDANT'S EXHIBIT NO. 13.)

6 BY MR. FISHER:

7 Q. And I'm handing you Defendant's 13 of
8 today's date. Do you recall what that depicts?

9 A. Uh-huh. Again the top of the roof. The
10 wiring that we showed that the electrical wires that
11 was running through here.

12 (MARKED DEFENDANT'S EXHIBIT NO. 14.)

13 BY MR. FISHER:

14 Q. I'm handing you Defendant's Exhibit 14.

15 A. This is a long time ago that the water
16 meter that went into the property.

17 (MARKED DEFENDANT'S EXHIBIT NO. 15.)

18 BY MR. FISHER:

19 Q. And Defendant's 15?

20 A. This is a person that helped them cut it
21 down. And there is the meter again.

22 Q. He's pointing to the water meter?

23 A. Uh-huh.

24 Q. And that is the road there is Wassaw?

25 A. Yes.

Constance Cooper—Cross Examination by Mr. O'Kelley

1 Q. Basically in front of the property?

2 A. Yes.

3 MR. FISHER: All right. Thank you.

4 I have no further questions, but Mr. O'Kelley may.

5 MR. O'KELLEY: Yes, ma'am. I'm going
6 to -- Marc, I'm going to hand you these since I want
7 to go to this.

8 CROSS EXAMINATION

9 BY MR. O'KELLEY:

10 Q. Now, initially, Ms. Cooper, on the -- when
11 Mr. Fisher showed you a tax map --

12 A. Okay.

13 Q. With 6 and 5. Parcel 5 and Parcel 6, 5
14 being above the road. Now, he then showed you a
15 1978. And, again, here is the road on Exhibit
16 Number 8. And Parcel 5 is above the road. Do you
17 see that? And Parcel 6 is below?

18 A. I see letters and that, yes.

19 Q. And then you see here on this aerial it
20 shows Parcel 6 above the road and Parcel 5 below.
21 No, you've got to turn it the other way.

22 A. Okay.

23 Q. Here is the Wassaw Road.

24 A. Okay.

25 Q. Here is the old house you pointed out.

1 A. All right. Okay. This is the road that
2 came from the bridge?

3 MR. FISHER: The main road.

4 BY MR. O'KELLEY:

5 Q. Yes, ma'am. It comes from the causeway.

6 A. Uh-huh.

7 Q. And then it comes on in to the north of
8 the island.

9 A. Uh-huh.

10 Q. And this is the house you identified as
11 belonging to I believe you said --

12 A. My uncle.

13 Q. -- Uncle Rufus?

14 A. Rufus Taylor.

15 Q. And the pictures that we just saw, that
16 was that house?

17 A. Yes.

18 Q. It's all --

19 A. Yes.

20 Q. It's been all grown up since then?

21 A. Oh, yes.

22 Q. You can't see it unless you walk in there,
23 can you?

24 A. Only because of the --

25 Q. Ma'am?

1 A. It's grown up, yeah. It's grown up.

2 JUDGE DUKES: Can you all -- I want
3 you all to put one full second between the question
4 and then the answer and then the next question if
5 you could just for Deborah's purposes.

6 THE WITNESS: It's overgrown, uh-huh.

7 BY MR. O'KELLEY:

8 Q. The house that we saw in those photographs
9 is -- you could no longer see it from the air I
10 wouldn't think, would you?

11 A. No. Because of the overgrowth, yes.

12 Q. Because it's grown up. And there was
13 another --

14 MR. O'KELLEY: You had a current one
15 of these, Marc?

16 MR. FISHER: Yes.

17 MR. O'KELLEY: 2013.

18 BY MR. O'KELLEY:

19 Q. This is the 2013 you see right there?

20 A. Uh-huh.

21 Q. And this is the 2000 -- I mean the 1978?

22 A. Uh-huh.

23 Q. Okay. Now, you see here where this is
24 Number 5 here, right? And it's Number 5 here?

25 JUDGE DUKES: Now, are you looking

1 for actual answers here, Mr. O'Kelley?

2 BY MR. O'KELLEY:

3 Q. I'm asking her is that correct? Is that
4 correct?

5 A. I'm going by what you --

6 Q. Well, I'm pointing to this. Does that
7 show a five, ma'am?

8 A. That is five, yes.

9 Q. Okay. Now this -- I'm sorry. This is a
10 house back here on Number 6. The old house was up
11 here --

12 A. Uh-huh.

13 Q. -- in this thicket. Whose house is this?

14 A. Are you referring to Georgia Mae Champion
15 or --

16 Q. No. Georgia Mae would be over here..

17 A. All right. Okay.

18 Q. Do you know whether or not this would be
19 Martha's house, Martha Brown?

20 A. Approximately, you know, I really --

21 MR. FISHER: I'll stipulate that is
22 Martha Brown's.

23 BY MR. O'KELLEY:

24 Q. Okay. He said that he will stipulate that
25 that is Martha's house.

1 A. Okay.

2 Q. Now, do you know -- do you know James --
3 did you know James Taylor?

4 A. No, I didn't know him personally.

5 Q. Do you know where his house is?

6 A. As you turn on Gardner Lane?

7 Q. If I point right here to this house, would
8 that be his?

9 A. It's a brick house.

10 Q. Yes, ma'am.

11 JUDGE DUKES: All right. You all are
12 kind of doing it again. So, Mr. O'Kelley -- ma'am,
13 if you would wait until Mr. O'Kelley completely
14 stops his question, wait one second, and then answer
15 audibly, yes or no. And then, Mr. O'Kelley, if you
16 would wait one second after she finishes --

17 MR. O'KELLEY: I'll do my best.

18 JUDGE DUKES: -- her answer to start
19 your next question that would be great and very
20 helpful for Deborah, I think.

21 BY MR. O'KELLEY:

22 Q. Let's do it this way. I'm pointing at the
23 triangle or the notch where Gardner Road and Wassaw
24 Road come together..

25 A. Uh-huh.

1 Q. And I'm pointing to that on both of these
2 maps.

3 A. Okay.

4 Q. Okay? Now, if you go down Gardner Road,
5 go south down Gardner Road you run into a house on
6 each one of these pictures.

7 A. The brick house here.

8 Q. Ma'am?

9 A. The brick house.

10 Q. Now, is that -- was that James' house?

11 A. As far as I know from the family.

12 Q. That's right. And is that where Maxine
13 now owns that?

14 A. I could not tell you.

15 Q. Okay. But you know Maxine?

16 A. Yes. I know her -- I know of her, yes.

17 Q. Okay. And these -- this map here -- I'm
18 coming. I'm trying to locate it. This tax map
19 which was 1965 --

20 A. Okay. I was a little girl. Go ahead.

21 Q. All right. And the parcel below or south
22 shows Parcel 6, correct? You see the 6?

23 A. Yes.

24 Q. And here is the notch of that road right
25 here that we were talking about here.

1 A. Okay.

2 Q. So if you came -- that piece is shown as 5
3 on the aerials. You see that? But it's shown as 6
4 on the map in '65.

5 A. All right. Okay.

6 Q. And then it's just switched. Here is 6
7 above the road on the aerial and here is 5 above the
8 road on the tax map. You see how they are switched?
9 Do you agree with me on that?

10 A. I've seen the records showing that it was
11 switched. Uh-huh.

12 Q. Okay. Now, who -- and you said -- you
13 referred to Billy Taylor. Is that the same as
14 William Taylor?

15 A. No. That is his dad -- that is his
16 father.

17 Q. But it was a William?

18 A. William is -- yes.

19 Q. William is what?

20 A. My grandfather.

21 Q. William is your grandfather?

22 A. Uh-huh.

23 Q. Well, was he also known as William Taylor
24 Number 1 or do you know?

25 A. As far as I know William Taylor Number 1,

1 I guess.

2 Q. Well, if I tell you sometimes the County
3 listed them as 1 and 2 if there were more than one
4 name.

5 A. Oh, okay.

6 Q. Do you know if there was more than one
7 William Taylor?

8 A. No. No, I don't believe there was more
9 than --

10 Q. All right. Who was Phoebe Taylor?

11 A. William Taylor's -- my grandmother. My
12 mother's mother's name was Phoebe, also.

13 Q. Well, let's try to link that in.

14 MR. FISHER: Can I just help? If you
15 will ask what was your Phoebe Taylor's full name.

16 THE WITNESS: She was a Maddis.

17 MR. O'KELLEY: Oh.

18 MR. FISHER: Phoebe Maddis. You may
19 remember this from earlier.

20 THE WITNESS: She was a Maddis.

21 BY MR. O'KELLEY:

22 Q. So I'm trying to find out about Phoebe
23 Taylor. And if I tell you that at one point the
24 County records on this parcel up here shows as
25 Phoebe Taylor.

1 A. Okay.

2 Q. And not Rufus or Billy. Does that
3 conflict with what you know?

4 A. Billy is my grandfather's father that
5 purchased this land --

6 Q. I understand. But the records at some
7 point show this as being owned by a Phoebe Taylor.
8 And not Phoebe Maddis, but Phoebe Taylor.

9 A. Okay. My grandmother passed away in 1911.
10 And my mother was two years old.

11 Q. And what was her name?

12 A. Who?

13 Q. The grandmother in 1911.

14 A. Phoebe.

15 Q. Phoebe Taylor?

16 A. She is married to William Taylor.

17 MR. FISHER: Phoebe Maddis Taylor.

18 THE WITNESS: Yeah. Maddis.

19 MR. O'KELLEY: Okay. Wait just one
20 moment. Thank you. That is all I have, Your Honor.

21 JUDGE DUKES: All right.

22 MR. O'KELLEY: Sorry for the talking
23 over each other.

24 JUDGE DUKES: Mr. Fisher, do you have
25 any more questions of this witness?

Georgia Champion—Direct Examination by Mr. Fisher

1 MR. FISHER: Can I just -- I don't
2 think so.

3 JUDGE DUKES: Okay. All right.
4 Thank you very much.

5 MR. O'KELLEY: Thank you, ma'am.

6 MR. FISHER: I would like to call for
7 one re-call, Georgia Champion, for one or two
8 questions.

9 JUDGE DUKES: All right. Let me ask
10 Deborah, Deborah, do you need a break?

11 (Discussion off the record.)

12 JUDGE DUKES: Ready to go. Swear to
13 tell the truth, the whole truth, and nothing but the
14 truth so help you God?

15 MS. CHAMPION: So help me God.

16 JUDGE DUKES: All right. Have a
17 seat. Please answer any questions Mr. Fisher has.

18 MS. CHAMPION: Okay.

19 WHEREUPON:

20 GEORGIA CHAMPION, being duly sworn
21 and cautioned to speak the truth, the whole truth
22 and nothing but the truth, testifies as follows:

23 DIRECT EXAMINATION

24 BY MR. FISHER:

25 Q. Ms. Champion, you are the same Georgia

1 Champion that testified at the first hearing on this
2 case; is that right?

3 A. Yes.

4 Q. And you are a plaintiff in this case?

5 A. Yes.

6 MR. O'KELLEY: No. No. No.

7 MR. FISHER: As you were.

8 MR. O'KELLEY: You said that before.

9 I think she's a defendant.

10 MR. FISHER: Did I say that twice?

11 BY MR. FISHER:

12 Q. You are a defendant in this case?

13 A. Yes.

14 Q. Yes., Thank you.

15 MR. O'KELLEY: What Marvin -- I mean,
16 Judge Dukes knows.

17 MR. FISHER: My apologies.

18 BY MR. FISHER:

19 Q. Okay. I'm showing you Defendant's
20 Exhibits 9 of this date, the 1978 Beaufort County
21 aerial photograph. I'd like you to look at this and
22 circled in blue in the western-most parcel now
23 numbered 0006 is a structure that is north of Wassaw
24 Road. Do you see that?

25 A. Uh-huh.

1 Q. Can you tell the court what that is?

2 A. This is my grandmother's house.

3 Q. Is this the house you were raised in?

4 A. Yes.

5 Q. All right. This is the house that you
6 testified about working on the farm and raising the
7 cattle --

8 A. Yes.

9 Q. -- and doing all of that --

10 A. Yes.

11 Q. -- in your youth?

12 A. Yes.

13 Q. All right. And so this is the house of
14 Rufus and Mary Taylor?

15 A. Taylor.

16 Q. Thank you. Now, Mr. O'Kelley asked Ms.
17 Cooper about who Phoebe Taylor was.

18 A. Okay. Phoebe --

19 Q. Having -- having grown up on that
20 property, can you tell the court who the Phoebe
21 Taylor is that is related to James Taylor?

22 A. Okay. The Phoebe Taylor that is related
23 to James Taylor, I believe her name was Phoebe
24 Barnwell, I believe. And she got married to Joe
25 Taylor who is James Taylor's father and mother.

Georgia Champion—Cross Examination by Mr. O'Kelley

1 Q. Okay.

2 A. And my grandmother --

3 Q. Okay. We'll just stick with my questions
4 right now, for now.

5 A. Okay.

6 Q. So Phoebe Taylor was James Taylor's mother
7 as far as you know?

8 A. Yes.

9 MR. FISHER: Okay. That is really
10 all I need to know about that. And I don't have any
11 further questions for you, but Mr. O'Kelley may.

12 THE WITNESS: Okay.

13 MR. O'KELLEY: I'll be right with
14 you. I've got to go search out the pictures again,
15 if you will bear with me. 2013.

16 CROSS EXAMINATION

17 BY MR. O'KELLEY:

18 Q. All right. This picture that Mr. Fisher
19 showed you Ms. Champion, and he pointed to this
20 house which he put a blue circle around --

21 A. Uh-huh.

22 Q. You see where I'm pointing?

23 A. Right.

24 Q. And you indicated that that was the old
25 house of your grandparents'?

1 A. Uh-huh. Yes.

2 Q. Which is the one that -- you've seen the
3 pictures -- it's now nothing but shambles in the
4 woods now, right?

5 A. Yes. It's rubble.

6 MR. O'KELLEY: And it's the pictures
7 that were introduced as Exhibits 10 through 15, Your
8 Honor.

9 BY MR. O'KELLEY:

10 Q. All of those -- no question there was an
11 old structure there. And it's now rubble?

12 A. Yes, because I had the house burnt down by
13 Ladys Island Fire Department.

14 Q. Okay.

15 A. And I left the rubble there to be a
16 reminder of where I grew up at and where I could
17 show my grandchildren this is where I grew up at.
18 So I never removed the rubble, the tin top. It had
19 a brick structure. Everything still there.

20 Q. When did the fire department tear it down
21 or burn it down or whatever they did?

22 A. I moved back from New York in 1997, almost
23 early part of 19 --

24 Q. Okay.

25 A. Well, '98, almost early part of '99. And

1 I had Chief Ellis come and --

2 Q. Clayton Ellis?

3 A. Yeah.

4 Q. All right. Now, you see next door to it
5 this strip here. And it goes back to a bigger area.
6 And for purposes of identification I think the real
7 estate people call this a flag lot?

8 A. Uh-huh.

9 Q. Because it looks kind of like a flag, you
10 see?

11 A. Uh-huh.

12 Q. Now, is this your house over here now on
13 that flag lot?

14 A. Yes.

15 Q. All right. And I'll show you the 2013
16 maps. And, once again, you see here is the flag
17 lot?

18 A. Uh-huh.

19 Q. And my question to you is is this your
20 house? The old house would be up here somewhere.

21 A. Yeah, the old house is in there.

22 Q. Okay.

23 A. And this should be my house right there.

24 Q. That is your house?

25 A. Yes.

1 Q. Okay. So it's on what is referred to as
2 Parcel 59?

3 A. Uh-huh.

4 Q. And do you ever -- is that right?

5 A. I believe so. I haven't seen this plat so
6 I don't know.

7 Q. Okay. Well, here is your driveway. You
8 see where I'm pointing? You see that --

9 A. Yes.

10 Q. -- white sand looking thing?

11 A. Uh-huh.

12 Q. Is that your driveway?

13 A. Yes.

14 Q. And it would go straight to your house?

15 A. Yes.

16 Q. Now, whose house is this over on Number 6
17 where I'm pointing?

18 A. Ms. Brown's.

19 Q. Martha Brown?

20 A. Yes.

21 Q. Okay. And how long has her house been
22 there?

23 A. Say about going on five years. Four
24 years, five years.

25 Q. Okay. If I told you it had been there

1 maybe 10 -- almost 10 years, would you disagree with
2 me?

3 A. No, it hasn't been there 10 years.

4 Q. Okay. And they've got Parcel 6 shown
5 as -- in two parcels with a split down the middle.
6 Do you agree with that? But both of them are
7 numbered 6?

8 A. I really don't know. I can't answer.

9 Q. Well, you can see those --

10 A. I see it, but I can't --

11 Q. And they both say 6, don't they?

12 A. Right.

13 Q. Or they are numbered 6?

14 A. Right.

15 Q. Now, let's go down here to Number 5 which
16 is numbered 5 now right here. And who -- I'm
17 pointing to the house on Number 5. Whose house is
18 that?

19 A. Their father's, James Taylor.

20 Q. James Taylor?

21 A. Uh-huh.

22 Q. And you indicated that James was a son of
23 Phoebe?

24 A. Uh-huh.

25 Q. And that is a yes?

1 A. Yes. Sorry.

2 Q. Okay. And I believe Number 36 over here
3 is owned by your son?

4 A. Yes.

5 Q. And did you convey that property to him?

6 A. Yes.

7 Q. And while I'm on that, this is -- if I
8 tell you this is Lot Number 9, I'm not sure if it's
9 7 or 8 on the other side.

10 MR. O'KELLEY: Do you know, Marc?

11 MR. FISHER: No, I don't.

12 BY MR. O'KELLEY:

13 Q. Well, the 8 is there. I think that might
14 be 7. If this is Land Lot 9 right here, you heard
15 testimony -- I believe Ms. Connie said that the
16 Union forces divided up the property during or after
17 the war between the states. You know about that?

18 A. Yeah, I know a little bit, but not much.

19 Q. Okay. Well, you would agree with me that
20 the property on Wassaw was all divided up in these
21 long lots like this?

22 MR. FISHER: I think that's really
23 beyond the witness' expertise on this. And, plus --

24 MR. O'KELLEY: Well, but I'm trying
25 to get her to -- I'm just looking for a number.

1 And -- for her son's property that she conveyed to
2 him. So that is not beyond her expertise. I'm
3 just -- I just don't want to misstate, but we will
4 just call it --

5 BY MR. O'KELLEY:

6 Q. If this is Lot Number 9, then the next one
7 over where 36 and 59 and 60 are would be the --
8 whatever that number is, correct? I don't know what
9 it is right off my head.

10 MR. O'KELLEY: I have a sketch of it
11 somewhere if you will bear with me, Judge, that
12 shows it. Okay. And I can introduce this. It may
13 have been introduced before, Your Honor, but I'll --
14 you see this --

15 MR. FISHER: Yeah.

16 JUDGE DUKES: Why don't we -- Mr.
17 Fisher, have you seen that? Do you have any problem
18 with it? And mark it as --

19 MR. O'KELLEY: We've had it before.
20 I just -- I don't know if it was introduced before,
21 Your Honor.

22 JUDGE DUKES: If it was we've got it
23 twice, but it's not the end of the world.

24 MR. FISHER: I think it was in
25 probably your abstract or in my abstract.

1 MR. O'KELLEY: We'll just put it in
2 as a number now.

3 JUDGE DUKES: All right.

4 MR. O'KELLEY: What is that, Number
5 2, Debbie?

6 (MARKED PLAINTIFF'S EXHIBIT NO. 2.)

7 BY MR. O'KELLEY:

8 Q. Okay. Now this, this is a little abstract
9 because it doesn't show the road, but you see -- you
10 see where I show Lot Number 9 right there? Well, I
11 don't, but it shows Number 9?

12 A. Uh-huh.

13 Q. And next door to it is Number 7?

14 A. Uh-huh. Yes.

15 Q. All right. So if we say -- if I tell you
16 that this is Number 9 here where James Taylor's
17 house is on, that that is Number 9, then this over
18 here would be Number 7, correct?

19 A. I really can't answer that question
20 because I'm seeing 5 and I'm seeing 6, so --

21 Q. No. No. Those are parcel numbers. These
22 are the lot numbers. Got two different numbers.

23 A. Okay. But you said I will see 9 and 7
24 over here, but I don't see them.

25 Q. Okay. Look on this one. You see 9 right

1 there?

2 A. Right.

3 Q. And 7, it would be just to the west or to
4 the left of it?

5 A. Right.

6 Q. Okay. If I tell you that 9 -- Lot Number
7 9 that was done way, way back is part -- shown on
8 here as Tax Parcel Number 5, correct? You see the
9 5? And you see James Taylor's house?

10 A. So where was that done.

11 Q. The County makes these numbers.

12 A. Okay. So --

13 Q. It doesn't change the lot number. This is
14 just a parcel number.

15 A. Okay. So what you are saying is that the
16 parcel number was changed by the County, correct?

17 Q. Yes, ma'am.

18 A. Okay.

19 Q. It was -- they are made by the County.

20 A. Right.

21 Q. And so here is -- you see here is your
22 flag lot?

23 A. Uh-huh.

24 Q. And here is your house?

25 A. Uh-huh.

1 Q. Would you agree with me though that if all
2 of this is original Lot Number 7, that your son's
3 property and your property is all on that Lot Number
4 7?

5 A. From looking at this the way it's designed
6 on this it looks like it's all one.

7 Q. Yes, ma'am. And it goes -- it goes from
8 back here at the bottom or the south all the way
9 up --

10 A. To the marsh.

11 Q. -- including your house?

12 A. Right.

13 Q. And it includes that flag lot. Do you
14 know why that flag lot was made like that?

15 A. I couldn't answer that question.

16 Q. Okay. But that is clearly your driveway
17 as it comes in to your house?

18 A. Yes.

19 Q. Okay. And Number 58 over here, is that
20 yours also?

21 A. Yes.

22 Q. Okay. So -- so you own what is numbered
23 now as 58, 59, and 60 and your son owns 36?

24 A. Uh-huh. And my sister has got 57.

25 Q. Over here?

1 A. Uh-huh.

2 Q. Okay. All right. Well, that is not
3 really in contest here, but --

4 A. Right.

5 Q. -- that is pretty lined up with the way
6 the lot numbers were originally set out, correct?

7 A. Right.

8 Q. Okay.

9 A. So could I have a question? Could I ask a
10 question?

11 Q. I guess so.

12 MR. FISHER: No. Probably the better
13 thing is to ask me the question.

14 THE WITNESS: Okay.

15 MR. O'KELLEY: Well, I don't mind if
16 she does, but that's --

17 THE WITNESS: No. That is all right.

18 MR. O'KELLEY: -- up to you.

19 BY MR. O'KELLEY:

20 Q. Okay. So Phoebe -- Phoebe was married to
21 Joe Taylor. And they were the parents of James?

22 A. Yes.

23 Q. And James owned -- had this house that
24 Maxine has now?

25 A. Yes.

Georgia Champion—Redirect Examination by Mr. Fisher

1 MR. O'KELLEY: Okay. Thank you,
2 ma'am.

3 REDIRECT EXAMINATION

4 BY MR. FISHER:

5 Q. I want to show you Exhibits 14 and 15, the
6 photographs that Ms. Cooper identified and ask if
7 you can identify those for the court also?

8 A. Okay. This is the water meter.

9 Q. That would be 14? Exhibit 14 shows a
10 water meter?

11 A. Yes.

12 Q. And 15, does that show one of your
13 neighbors pointing to the water meter?

14 A. Yes.

15 Q. And this is from when we were all out with
16 Mr. O'Kelley and his clients --

17 A. Yes.

18 Q. -- this past fall?

19 A. Yes.

20 Q. Okay. And you testified about the water
21 meter in the earlier session of this -- earlier
22 hearing of this case, I believe?

23 A. Uh-huh.

24 Q. If this -- I'm now showing you Defendant's
25 Exhibit Number 9. You've identified the house with

1 the blue circle around it as being where you grew
2 up?

3 A. Right.

4 Q. Approximately where would the water meter
5 have been relative to that, where the house stands?

6 A. Okay. The water meter will be --

7 Q. Here is Wassaw Road.

8 A. Yeah. The water meter will be somewhere
9 up in here.

10 Q. This is -- okay. This is after the turn.

11 A. No. Okay. This is after the turn? Well,
12 it should be somewhere -- this is the house.

13 Q. Right.

14 A. The water meter should be somewhere --

15 Q. It's on Wassaw Road, right?

16 A. Right. This is Wassaw Road, right?

17 Q. Yes.

18 A. So the water meter should be somewhere up
19 in here, I believe.

20 Q. Okay. So if I put an X there, that is
21 approximately where the water meter is as depicted
22 in these photos?

23 A. Uh-huh.

24 Q. Okay. That is all I wanted to ask you. I
25 forgot to ask you that the first time around.

1 A. Uh-huh.

2 JUDGE DUKES: All right.

3 MR. FISHER: Mr. O'Kelley may have a
4 question in light of mine. I don't know.

5 JUDGE DUKES: Can I borrow the 2013
6 aerial?

7 MR. FISHER: Uh-huh.

8 JUDGE DUKES: Thank you.

9 BY MR. FISHER:

10 Q. Let me -- while the Judge is looking at
11 that let me ask you one more question. Even though
12 the property has become over grown, have you
13 considered it your family duty to watch over the
14 property --

15 A. Yes.

16 Q. -- since you had that -- the house taken
17 down.

18 A. Yes.

19 Q. And I think you indicated you wanted the
20 house taken down because it became a danger because
21 of an earlier fire?

22 A. Right. They had an earlier fire there at
23 the house. We was renting it out. My mom was
24 renting it out. And the gentleman who she rented
25 to, I guess he got -- he was drinking and he -- the

1 house caught on fire.

2 Q. But you -- so you don't feel in any way
3 that you've abandoned this property?

4 A. No.

5 Q. Even though it's become overgrown?

6 A. No. I still make sure that it's -- you
7 know, even though it has rubble and, you know, a lot
8 of stuff there, and I left it there purposely, but
9 so far as trash or anything, I make sure there is --
10 the area keeps clean and then in summer months I
11 normally keep the grass around that side trimmed
12 down pretty neat.

13 Q. And if I recall correctly, you and Margie
14 Kemp, another of the Defendants, Albertha Goodwine
15 all objected to Martha putting the mobile home on
16 the property as soon as she did it; is that correct?

17 A. Yes.

18 Q. And Mr. O'Kelley asked somebody who was
19 Albertha Goodwine. Was she your aunt?

20 A. She was my aunt.

21 MR. FISHER: Okay. I have just one
22 more witness, Your Honor.

23 JUDGE DUKES: All right. Thank you
24 very much. Anything else for this witness, Mr.
25 O'Kelley?

Georgia Champion—Recross Examination by Mr. O'Kelley

1 | RECROSS EXAMINATION

2 BY MR. O'KELLEY:

3 Q. Did Albertha Goodwine live on this
4 property?

5 A. Yes. She grew up there.

6 Q. Which piece? Where did she live?

7 A. On -- where the old homestead is.

8 O. And was her name on the title sometime?

9 A. Yeah. She was like the head of the
10 household to make sure the taxes get paid and pay
11 the bills and whatnot, but she grew up there also.

12 Q. Do you know about the fact that Albertha's
13 tax parcel and the Taylor's -- James Taylor's tax
14 parcel got switched between 5 and 6? Do you know
15 anything about that?

16 A. I know the property was switched.

17 Q. Okay. The tax --

18 A. I don't know who switched it.

19 Q. The numbers?

20 A. I don't know who switched it. It had to
21 come from the courthouse. I was told by one of
22 the --

23 MR. FISHER: That would be hearsay.

24 MR. O'KELLEY: That is fine. Thank
25 you. That is all.

Kimberly Chesney—Direct Examination by Mr. Fisher

1 JUDGE DUKES: Okay. Thank you very
2 much, ma'am.

3 THE WITNESS: You are welcome.

4 JUDGE DUKES: Who have you got?

5 MR. FISHER: The last witness is
6 Kimberly Chesney from the Treasurer's Office.

7 JUDGE DUKES: All right.

8 (Discussion off the record.)

9 JUDGE DUKES: Can you hold your right
10 hand up for me, please. Do you swear or affirm to
11 tell the truth, the whole truth, and nothing bullet
12 truth so help you God?

13 MS. CHESNEY: I do.

14 JUDGE DUKES: Please answer any
15 questions Mr. Fisher may have.

16 WHEREUPON:

17 KIMBERLY CHESNEY, being duly sworn
18 and cautioned to speak the truth, the whole truth
19 and nothing but the truth, testifies as follows:

20 DIRECT EXAMINATION

21 BY MR. FISHER:

22 Q. Ms. Chesney, thank you for your patience.
23 Would you state your full name and spell your last
24 for the court reporter?

25 A. It's Kimberly Chesney, C-h-e-s-n-e-y.

1 Q. And would you tell the Judge where you
2 work and what your current position is?

3 A. I work at the Treasurer's Office. And I'm
4 the tax collector.

5 Q. And how long have you worked at the
6 Treasurer's Office?

7 A. I've worked at the Treasurer's Office for
8 almost nine years.

9 Q. All right. And are you familiar with
10 delinquent tax sale files?

11 A. I am.

12 (MARKED DEFENDANT'S EXHIBIT NO. 16.)

13 BY MR. FISHER:

14 Q. I'm going to hand you what has been marked
15 Defendant's Exhibit 16 of today's date, and ask if
16 you can identify this as the two delinquent tax sale
17 files. Take a moment to go through that.

18 A. Yeah. Most of this is what would
19 typically be in a tax sale file. And there are two
20 of them here; a tax sale from 1995 and then also
21 from 1997.

22 Q. And can you tell the court what parcel
23 numbers were sold at tax sale from those files?

24 A. It looks the same. Parcel R-3,
25 00900000060000. And that is for both; in '95 and

1 '97, same parcel.

2 Q. All right. And who was the delinquent
3 taxpayer in each of those tax sales?

4 A. Phoebe Taylor.

5 Q. Okay. And can you tell from going through
6 those where the notices were sent to for the
7 delinquent tax payer? Is there a Gardner Road
8 address?

9 A. Rural route, but let me make sure. Rural
10 Route 5, Box 140 if I can read that correctly. That
11 might be a three.

12 JUDGE DUKES: It's okay to use the
13 magnifying glass if that would help.

14 THE WITNESS: Oh, is that what that
15 is for? Just a scan copy.

16 BY MR. FISHER:

17 Q. Do you see a reference in there as you are
18 going through to --

19 A. Rural Route 3.

20 Q. Okay. To Phoebe Taylor in care of James
21 Taylor?

22 A. Yes, I do.

23 Q. And including notices I think to 140 or
24 141 Gardner Drive?

25 A. Yeah, I see that.

1 Q. Okay. So the delinquent taxpayer was
2 Phoebe Taylor. The notices were sent in care of
3 James Taylor; is that correct?

4 A. That's correct. That is what I'm seeing
5 here.

6 Q. Okay. Now, these -- let me just ask you.
7 Do these -- does this exhibit appear to be copies
8 from your official Treasurer's Office files?

9 A. Yes, it does.

10 Q. Okay. And from the exhibit in front of
11 you, can you tell the court who purchased those
12 properties at each of those tax sales?

13 A. On both of them it's James J. Taylor at
14 141 Gardner Lane.

15 Q. All right. And you've told us one of the
16 sales was in '95 and one in '97?

17 A. That's correct.

18 Q. All right. And the deeds would have been
19 issued when then for those? Do you know that?

20 A. For the '95 sale, over a year later --
21 let's see here.

22 Q. After the redemption period.

23 A. Yeah, a year after the redemption period.
24 I see when it was recorded. January of '97. Is
25 that what the first -- recorded 14th of January of

1 '97.

2 Q. All right.

3 A. Yeah. And that sounds about right.

4 Q. And the second one would have been a year
5 after --

6 A. A year after.

7 Q. A year after the '97 tax sale?

8 A. Yeah. After the second tax sale. Which
9 it was recorded the 6th of January of '99 which
10 would follow suit.

11 Q. While you have your fingers there on the
12 deeds, can you tell the court what the acreage was
13 that was conveyed on these tax sales to James
14 Taylor?

15 A. Uh-huh. On the first one, the first tax
16 sale deed to James Taylor it's 1.3 acres.

17 Q. All right.

18 A. And on the second tax sale it went as
19 2.6 acres.

20 Q. If you look at that again, it was 1.3 the
21 second time?

22 A. To begin with. And then with the
23 remaining 1.3 acres of the original 2.6-acre tract.

24 Q. So referred back to the first tax sale of
25 1.3 acres, and then the second tax sale is the

1 remaining 1.3 acres?

2 A. Yes, sir.

3 Q. Okay now --

4 JUDGE DUKES: Let me make sure I
5 understand the testimony. So the 2.6 acres that you
6 just referenced in the second tax sale, half of that
7 was the same property as in the '95 transaction.

8 THE WITNESS: That is the way --
9 according to the property description, that is what
10 I'm seeing.

11 JUDGE DUKES: Okay. All right.

12 BY MR. FISHER:

13 Q. Now, when the Treasurer's Office is
14 conducting a tax sale, and it is the Treasurer's
15 Office that conducts those; is that correct?

16 A. Yes, sir.

17 Q. Where does the Treasurer's Office get its
18 information to describe the property that is to be
19 sold?

20 A. From our software.

21 Q. Okay. And who -- who inputs the
22 information such as the tax map parcel number into
23 the software?

24 A. The Assessor's Office.

25 Q. Okay. So the Treasurer's Office is

1 relying on what the Assessor's Office has entered
2 when it comes time for a tax sale?

3 A. That is correct.

4 Q. Okay. And in this case you, I believe,
5 described this as -- both of these parcels that were
6 sold where Phoebe Taylor was the delinquent taxpayer
7 as being Parcel 6; is that correct?

8 A. That is correct.

9 Q. Okay. So that would -- so coming full
10 circle, that would have been based on whatever the
11 assessor had put in for Phoebe Taylor's property?

12 A. Yes, sir.

13 Q. Okay. And then after the sale when the
14 deed is drawn up it likewise is relying on whatever
15 information the Assessor's Office has put in; is
16 that correct?

17 A. That is correct.

18 Q. Okay. Can you tell from the
19 descriptions -- the legal descriptions on the deed
20 if the property sold was located north of Wassaw
21 Road on Wassaw Island? It may not.

22 A. Can you repeat the question?

23 Q. Does the legal description describe where
24 the property is that is relative to Wassaw Road?

25 A. Not specifically to Wassaw Road.

1 Q. Okay.

2 A. Yeah, not on either one.

3 Q. Now, the court has received evidence from
4 witnesses who work at the Assessor's Office that at
5 some time, possibly 1978 or the mid-'80s that the
6 tax map parcel numbers for these two parcels
7 identified as 6 were switched. Had they -- can you
8 tell had they not been switched -- maybe I need to
9 give you some more information -- what property
10 would have been sold? Would it have been different
11 property?

12 A. I wouldn't be able to answer that.

13 Q. I'm going to show you Defendant's Exhibit
14 Number 8. And that has been identified as 1954 tax
15 map revised in 1965. And working in the treasurer's
16 office you are familiar with the tax maps, right?

17 A. Uh-huh.

18 Q. All right. I'm going to draw your
19 attention to what is depicted here as Parcel Number
20 5 consisting of six acres north of Wassaw Road, if I
21 tell you this is Wassaw Road --

22 A. Uh-huh.

23 Q. -- tied into a piece south of Wassaw Road.
24 All right? And then here is Parcel 6 all south of
25 Wassaw Road. If these were flipped and then 6 went

1 to tax sale, this would have been the property sold
2 at tax sale renumbered from 5 to 6; is that correct?

3 A. If this was switched and described as
4 Parcel 6 then, yes, that is what we took to tax
5 sale, if that is what you are asking me.

6 Q. That is exactly what I was asking you.

7 A. Yeah.

8 Q. So if 5 and 6 had not been switched, and
9 Phoebe Taylor stopped paying the taxes on 6, as it's
10 depicted in Defendant's Exhibit 8, then the parcel
11 south of Wassaw Road depicted at 6 would have been
12 the parcel that went up for tax sale? Is that
13 question correct?

14 A. Yes, Parcel 6 did go up for tax sale. If
15 it was here, then that is the parcel that would have
16 went.

17 Q. Okay. By "here" you mean south of Wassaw
18 Road?

19 A. Yes, sir.

20 Q. As depicted on the '94 -- the 1954 tax map
21 revised in 1965?

22 A. That's correct.

23 Q. Thank you. I know that was a little
24 tedious. Thank you for bearing with me.

25 A. That's okay. No problem.

Kimberly Chesney—Cross Examination by Mr. O'Kelley

1 MR. FISHER: Mr. O'Kelley may have
2 some questions for you.

3 MR. O'KELLEY: Yes, I do. And if I
4 can have those, please, sir.

5 CROSS EXAMINATION

6 BY MR. O'KELLEY:

7 Q. Okay. My name is George O'Kelley.

8 A. Okay. Nice to meet you.

9 Q. And you took Hershall's place? You are
10 the new --

11 A. The new one right now.

12 Q. All right. Just trying to place you.

13 A. Yes, sir.

14 Q. Okay. I'm going to show you an aerial
15 with tax parcels drawn out on it.

16 A. Uh-uh.

17 Q. This is -- that was 1965. This is 2013.

18 A. Okay.

19 Q. Now, the first thing we will do is go back
20 and look at that first 1.3 acres that you have
21 there.

22 A. Yes, sir.

23 Q. And I have a copy of it. And you said you
24 couldn't really -- and, oh, by the way, you see here
25 down below the road is 5?

1 A. Right.

2 Q. And up above the road there are two 6s?

3 A. Uh-huh.

4 Q. All right. Now, on that where James
5 Taylor bought it it says 1.3 acres. And it refers
6 to Parcel 6; is that correct?

7 A. Yes, that's correct.

8 Q. All right. And you said you couldn't
9 really tell exactly where it was, but let's try
10 to -- let's try to figure that out.

11 A. No problem.

12 Q. It says it's the western portion of Parcel
13 6.

14 A. Okay.

15 Q. So if this is the 6 they are selling, this
16 would be to the west?

17 A. That's correct.

18 Q. And it says 1.3 acres. And then it says
19 it's bound on the north by the marsh. Well, this
20 would be north, then the marsh would be up here,
21 correct?

22 A. I would say that is correct.

23 Q. And then it says on the east by the
24 remainder of Parcel 6 and on the west by Geneva and
25 Rufus Taylor. You see that on the description?

1 A. I see that on the description.

2 Q. Okay. And at some point, it doesn't say
3 it on that one, but if we go to the next one, which
4 again shows 1.3, you can put your hands on that
5 description.

6 A. There we go.

7 Q. You are getting close.

8 A. Closer.

9 Q. Okay. That again shows 1.3 acres,
10 correct?

11 A. That is correct.

12 Q. And down at the last sentence it says,
13 this being the eastern half of Parcel 6 and the
14 remaining 1.3 of the original 2.6?

15 A. Uh-huh.

16 Q. And that says it's bounded on the north by
17 the marsh?

18 A. That's correct.

19 Q. And it says bounded on the south by a
20 roadway?

21 A. That is correct.

22 Q. So it would be this piece here it seems,
23 don't you think?

24 A. I agree with you --

25 Q. Okay.

1 A. -- from this description.

2 Q. So these two tax sales, if you go by the
3 description, it would be these two pieces?

4 A. I can agree with that.

5 Q. Okay. Was the tax sale -- and I guess
6 Hershall was doing it back in those days because
7 that was before your time. Did Mr. Fisher have you
8 pull that stuff and make copies or did he provide
9 them or what?

10 A. No, I think the copies were -- I'm not
11 sure who gave him the copies, but it happened before
12 I took the position.

13 Q. Okay.

14 A. But they are identical to the copies I
15 have in my file.

16 Q. And you've looked through them?

17 A. Yes, sir.

18 Q. And was the tax sale properly conducted --
19 the levy and the sale and the issuance of a deed,
20 was that all properly conducted as you looked
21 through it?

22 A. From what I saw, yes.

23 Q. Notice was given, the property was posted,
24 et cetera?

25 A. Yes, sir.

Kimberly Chesney—Redirect Examination by Mr. Fisher

1 Q. And advertisement run in the paper and --

2 A. Yes, sir.

3 Q. -- a year waited, et cetera?

4 A. Yes, sir.

5 MR. O'KELLEY: Okay. I don't have
6 any further questions. Thank you very much.

7 THE WITNESS: No problem.

8 JUDGE DUKES: Mr. Fisher, anything
9 else?

10 REDIRECT EXAMINATION

11 BY MR. FISHER:

12 Q. The legal descriptions that Mr. O'Kelley
13 had you review, again -- well, I'm not even sure
14 what we asked. You didn't draw those up. Do you
15 have any idea who drew those?

16 A. No.

17 Q. Is there any reference in the deed to who
18 drew them?

19 A. No, sir.

20 Q. So those would have been based on the
21 information placed into the record by the Assessor's
22 Office naming namely the switch of the parcel
23 numbers?

24 A. I can only assume that, yes, sir.

25 Q. Okay. All right. Having seen the tax map

1 from '65 and these new numbers, that is what you
2 would assume?

3 A. Yes, sir.

4 Q. That is your professional opinion on that?

5 A. Yes, sir.

6 MR. FISHER: Okay. Thank you.

7 JUDGE DUKES: Anything else from
8 anyone for this witness?

9 MR. O'KELLEY: No, sir.

10 MR. FISHER: No, sir.

11 JUDGE DUKES: Thank you very much.

12 MR. FISHER: Thank you, ma'am.

13 MR. O'KELLEY: And we have no
14 objection to her being excused.

15 JUDGE DUKES: All right. Thanks.
16 And we are just going to take a quick break. We
17 will all take 15.

18 (Recess 11:46 to 11:54.)

19 JUDGE DUKES: You've got some
20 witnesses?

21 MR. O'KELLEY: Yes, sir. I would
22 call Tommy Brown, please, sir.

23 JUDGE DUKES: All right. Come on
24 around, Mr. Brown. Hold your right hand up for me.
25 Do you swear or affirm to tell the truth, the whole

Tommy Brown, Jr.—Direct Examination by Mr. O'Kelley

1 truth, and nothing but the truth so help you God?

2 MR. BROWN: Yes, sir.

3 JUDGE DUKES: Have a seat please.

4 State your whole name for the record.

5 MR. BROWN: Thomas Brown, B-r-o-w-n,
6 Junior.

7 MR. O'KELLEY: All right. Pull up a
8 little bit so everybody can see you.

9 WHEREUPON:

10 TOMMY BROWN, JR., being duly sworn
11 and cautioned to speak the truth, the whole truth
12 and nothing but the truth, testifies as follows:

13 DIRECT EXAMINATION

14 BY MR. O'KELLEY:

15 Q. Where do you live, Mr. Brown?

16 A. 219 Wassaw Island Drive.

17 Q. In regard to the properties we've been
18 talking about today, where is your house?

19 A. On Wassaw.

20 Q. I know, but where specifically on Wassaw
21 do you all live?

22 A. Right by Ms. Champion, around the curve a
23 little bit, you know. Our properties border each
24 other.

25 Q. The maps that we've been showing that Mr.

1 Fisher introduced, I'll just borrow Exhibit Number
2 1, Plaintiff's Exhibit Number 1. And I'll show you
3 this, please, sir. I know you probably haven't seen
4 it, but I'll tell you this is the road, Wassaw Road,
5 and this is Gardner Road. Okay?

6 A. Uh-huh.

7 Q. And there is a -- you see parcel -- two
8 Parcel Number 6?

9 A. Uh-huh.

10 Q. Is that your house right there?

11 A. Yes, sir.

12 Q. All right. And that is the same place
13 your mother lived?

14 A. Yes, sir.

15 Q. And then where does Ms. Champion live?

16 A. To the left of --

17 Q. You are pointing at a house that is mainly
18 on Parcel 59?

19 A. Yes, sir.

20 Q. And then whose house is this down here on
21 parcel -- what is labeled as Number 5?

22 A. That is my grandfather's house, James
23 Taylor.

24 Q. Who has it now?

25 A. My aunt Maxine Taylor.

1 Q. All right. Maxine's house is here?

2 A. Uh-huh.

3 Q. And how long have you lived in the
4 house -- what I'll refer to as Martha's house?

5 A. Well, it was put there in '06.

6 Q. Okay. So it's been there about --

7 A. Going on eight years.

8 Q. Eight years?

9 A. Yes, sir.

10 Q. Now, there was testimony earlier
11 concerning the placement of that house and what, if
12 any, Ms. Champion might have had with you or your
13 mom. Was there ever any conversation or complaint
14 about it?

15 A. Well, with me, I got that land surveyed in
16 '04. And I actually didn't put the mobile home on
17 the property until '06. So within that two-year
18 period nothing was said to me about, you know,
19 surveying or cleaning it up or anything. Once the
20 trailer was purchased and my mother was already
21 living in it, I guess that is when they had an issue
22 of can we discuss whatever they discussed.

23 Q. Well, was -- were you party to any
24 discussion?

25 A. No, not me. I wasn't.

1 Q. Now, your mother, I believe, has passed
2 away?

3 A. Correct.

4 Q. When did she die?

5 A. January 30th of this year.

6 Q. And who are her heirs?

7 A. I am and my sister Aries Brown.

8 Q. Ms. Aries Brown and Thomas Brown?

9 A. Correct.

10 Q. The only two heirs?

11 A. Correct.

12 Q. She didn't have a husband?

13 A. No husband. She was divorced.

14 Q. No husband living?

15 A. No.

16 Q. And -- all right. Did you know Phoebe?

17 A. No, I never met my great grandmother.

18 Q. Phoebe was your great grandmother?

19 A. Yes.

20 Q. All right. And you met your grandfather
21 James I take it?

22 A. Yes, sir.

23 Q. And you are familiar with him purchasing
24 the property at the tax sale?

25 A. From all of this going on, yes, sir.

Tommy Brown, Jr.—Cross Examination by Mr. Fisher

1 Q. Okay. And state whether or not the only
2 issue of any contention was whether the driveway of
3 Ms. Champion came partially over onto you all's
4 land? Was that ever discussed?

5 A. With who?

6 Q. With Ms. Champion.

7 A. Ms. Champion -- Ms. Champion is the one
8 that discussed the land. We never went to
9 Ms. Champion about the road.

10 Q. Okay.

11 A. You know, she -- I guess she thought once
12 the structure was put on there that, you know, the
13 road was her road, you know.

14 MR. O'KELLEY: Okay. Answer any
15 questions that Mr. Fisher or the court might have
16 for you, please. I'll just leave this right here.

17 MR. FISHER: Okay.

18 CROSS EXAMINATION

19 BY MR. FISHER:

20 Q. Mr. Brown, did you grow up in the property
21 at 141 Gardner Drive?

22 A. No, I did not. I didn't grow up there,
23 but I spent some summers there.

24 Q. Okay.

25 A. I grew up in New Jersey. Every summer I

1 would come to Beaufort.

2 Q. Okay.

3 A. So I did occasionally grow up on that
4 property.

5 Q. And what year were you born?

6 A. '78. 1978.

7 Q. Okay. So you are of a different
8 generation than Ms. Champion --

9 A. Correct.

10 Q. -- and her people growing up on that land.
11 If I understand correctly then, Phoebe Taylor was
12 your great grandmother?

13 A. Yes, sir.

14 Q. Your father -- your mother was Martha.
15 And accept our condolences at her passing.

16 A. I appreciate it.

17 Q. Her father was James Taylor?

18 A. Correct.

19 Q. And James Taylor's mother was Phoebe
20 Taylor?

21 A. Correct.

22 Q. Okay. Thank you. And you -- you did
23 confirm I think that after your mother placed the
24 mobile home on this property that Ms. Champion
25 objected to it as far as you know, to the placement

1 of it?

2 A. She objected to my mother.

3 Q. To your mother?

4 A. Her -- Ms. Champion, Ms. Canton, and
5 Ms. Goodwine attempted to knock on my mother's door
6 and have a conversation about it, but my mother
7 didn't want to discuss it.

8 Q. Okay.

9 A. That is what happened.

10 Q. Okay. Yeah. I think that confirms what
11 their testimony was at the last hearing.

12 MR. FISHER: May I have one moment?
13 I don't have any further questions of this witness.

14 JUDGE DUKES: All right.

15 MR. O'KELLEY: I don't either.

16 JUDGE DUKES: All right. Thank you
17 very much, sir.

18 MR. O'KELLEY: I have Maxine Taylor,
19 but she just walked out. I'll grab her.

20 JUDGE DUKES: All right.

21 MR. O'KELLEY: Sorry.

22 JUDGE DUKES: That is all right.
23 Take a couple quick seconds break.

24 (Discussion off the record.)

25 MR. O'KELLEY: Maxine, go up and have

Maxine Taylor—Direct Examination by Mr. O'Kelley

1 a seat up there.

2 MS. TAYLOR: How are you doing today?

3 JUDGE DUKES: Good. Do you swear or
4 affirm to tell the truth, the whole truth, and
5 nothing but the truth so help you God?

6 MS. TAYLOR: Yes.

7 JUDGE DUKES: All right. Have a seat
8 and answer any questions, please, Mr. O'Kelley may
9 have.

10 WHEREUPON:

11 MAXINE TAYLOR, being duly sworn and
12 cautioned to speak the truth, the whole truth and
13 nothing but the truth, testifies as follows:

14 DIRECT EXAMINATION

15 BY MR. O'KELLEY:

16 Q. State your full name, please, ma'am.

17 A. My name is Maxine Taylor.

18 Q. And where do you live?

19 A. I live in Virginia. And I come home
20 sometimes.

21 Q. And you were raised where?

22 A. I was raised in this house here.

23 Q. And you are pointing to --

24 A. Nineteen, yeah. I was raised in this
25 house on --

1 Q. You are pointing to what has been referred
2 to as the brick house?

3 A. The brick house on this piece -- entire
4 piece of property.

5 Q. Now, who owns that parcel right now?

6 A. I own this parcel right now.

7 Q. And where did you get it?

8 A. My father left it to me.

9 Q. And when did your father get it?

10 A. My father got it from his sister's and
11 family members back in I want to say 1960 -- I'm not
12 sure exactly what --

13 Q. 1960-something?

14 A. Yes.

15 MR. O'KELLEY: And we've introduced
16 the deed on that, Your Honor, for this parcel that
17 came via James.

18 BY MR. O'KELLEY:

19 Q. And James bought other parcels at a tax
20 sale?

21 A. Yes.

22 Q. And the tax sale was heirs of Phoebe
23 Taylor. That was who it was against?

24 A. Yes.

25 Q. And Phoebe once again was who?

1 A. Was my grandmother.

2 Q. And did Phoebe own this property up here?

3 A. Yes.

4 Q. Okay. And did you remember the house
5 where Rufus Taylor lived, the one that has been talk
6 about today and has been shown --

7 A. Yes, I remember the house. We remember a
8 house being there. There was a house there.

9 Q. Okay. Was that on Phoebe's land or do you
10 know?

11 A. It was on Phoebe's land. That's right
12 there.

13 Q. Okay. And do you know where Phoebe got
14 the property?

15 A. No. I think they said somebody by the
16 name of Black or someone back in -- I'm not familiar
17 with --

18 Q. Way back?

19 A. Yeah.

20 Q. And are you familiar at all with when
21 Martha put her mobile home here on what is Parcel
22 Number 6?

23 A. Yeah. When she put her mobile home there,
24 you know, on Parcel 6, she -- like her son stated,
25 he surveyed the land. And as they surveyed it they

1 found out that part of Ms. Champion's road was on
2 partial of Martha's property.

3 Q. And is that where I'm pointing here, the
4 white strip of a driveway and a red line running
5 through it?

6 A. No. It's more over here on this side.
7 This is her driveway here, but partial --

8 Q. This is Parcel 6?

9 A. Yes. Parcel 6 is -- it comes over this
10 way.

11 Q. Okay. It comes over into that a little
12 bit?

13 A. Into it.

14 Q. Okay. So it's even more -- now, it's even
15 more over this way?

16 A. Yes.

17 Q. Okay. And you are familiar with
18 Ms. Champion?

19 A. Yes.

20 Q. And you know where her house is?

21 A. Yes, sir.

22 Q. And do you know who owns this property
23 down next to you?

24 A. Her son owns the property next to me.

25 Q. And I believe his name is Christopher?

Maxine Taylor—Cross Examination by Mr. Fisher

1 A. Christopher.

2 Q. And he owns this piece here?

3 A. Yes.

4 Q. And she owns this up here?

5 A. Yes.

6 Q. Where I'm pointing, the flag -- what I
7 call the flag lot and this other property?

8 A. Correct.

9 Q. And do you know if she was an heir of
10 Rufus Taylor?

11 A. I only know what -- yeah, what they say in
12 the books.

13 MR. O'KELLEY: Okay. All right. I
14 don't believe I have any other questions.

15 MR. FISHER: All right. Thank you.

16 CROSS EXAMINATION

17 BY MR. FISHER:

18 Q. Ms. Taylor, the deed into Phoebe Taylor
19 that you referred to from someone named Black was
20 for four acres; is that right?

21 A. I don't know. I just know that that
22 was -- you know.

23 Q. We know we have the exhibits from the
24 previous -- let me see if I can --

25 MR. O'KELLEY: Well, I have them, and

1 I can try to find it. You are looking for the deed
2 into Phoebe Taylor?

3 MR. FISHER: Yes.

4 MR. O'KELLEY: I'll see if I have it.

5 MR. FISHER: I'm sure I have it. I
6 just can't put my hands on it.

7 MR. O'KELLEY: I have one here. I
8 have one here not marked.

9 MR. FISHER: Do you think that is it?

10 MR. O'KELLEY: It's to Phoebe Taylor.
11 I haven't really looked at it.

12 JUDGE DUKES: Hold on one second.

13 MR. O'KELLEY: Do you think that is
14 it?

15 MR. FISHER: Yeah, I do.

16 MR. O'KELLEY: I'm glad I kept my
17 exhibits in one package.

18 MR. FISHER: I'll get this marked.

19 (MARKED DEFENDANT'S EXHIBIT NO. 17.)

20 BY MR. FISHER:

21 Q. All right. Ms. Taylor, I'm going to show
22 you Defendant's Exhibit 17. And I imagine you've
23 seen this before. It comes out of Deed Book 53 at
24 Page 501. And it's a deed from Josephine Taylor now
25 Black --

1 A. Okay.

2 Q. -- to Phoebe Taylor of Wassa, filed
3 W-a-s-s-a, it was described then. Describing
4 property that originally contained five acres, but
5 is now considered to be four acres more or less.

6 A. Okay.

7 Q. If you would just look at that. That is
8 the deed into Phoebe Taylor from which your land
9 comes; is that right?

10 A. I believe so, yes, sir.

11 Q. Okay. It is for four acres; is that
12 right?

13 A. If that is what it says here on this
14 paper.

15 Q. Okay. If you will trust me that it does
16 having just read it aloud.

17 A. Okay.

18 Q. All right. Now, you are claiming, and
19 before your sister passed she was claiming, all of
20 this parcel shown on the 2013 aerial as Parcel 5.
21 And would you agree with me that that could be four
22 or five acres in and of itself as depicted here on
23 this aerial?

24 A. I can't -- I think the survey -- yeah, I
25 think they said that the survey stated --

1 Q. Yeah, think you are right now that you
2 mention it. The survey looked at it. And above
3 Wassaw could be another four or five, roughly?

4 A. Roughly. If that is what the survey said.

5 Q. All right. So you heard the testimony
6 earlier today that the tax sales were for two
7 parcels of 1.3 acres each totaling 2.6 of what was
8 Phoebe Taylor's property. You heard that testimony?

9 A. Yeah, for the upper part, for the two --

10 Q. Well, that is where they placed it.
11 Right.

12 A. Okay. For the upper part.

13 Q. Right. The part that you are claiming.
14 And you recall in your testimony to Mr. O'Kelley
15 that there was a conveyance out to your father about
16 1960 from his siblings of one and 1/6th acre. Does
17 that sound familiar?

18 A. Uh-huh.

19 Q. And that is where he built his house, now
20 the brick house. It was a smaller house originally.
21 It's now a larger brick house?

22 A. No, it was always the same size.

23 Q. Oh, it was the same size?

24 A. Yeah.

25 Q. Okay. And that -- so if we say -- we will

1 say one and one-sixth, we will call that another
2 1.3 acres roughly. So in 1960 there was the
3 conveyance to your father from Phoebe, the heirs of
4 Phoebe Taylor, of about 1.3 acres. And then the tax
5 sales totaling 2.6. That comes to 3.9 acres, right?

6 A. I haven't calculated it, but by looking at
7 the entire lot -- I mean, what you are saying, I
8 think these are like Lot 9. And I'm showing that on
9 one side is supposed to be the survey put three or
10 close to roughly four acres and on the other side is
11 the 1.2 which comes a total of my grandmother had
12 purchased. So there are two different --

13 Q. Okay. But don't --

14 A. I'm looking at two different -- I'm not
15 looking at -- is -- I think you are trying to merge
16 it together?

17 Q. No. Let me just ask the basic question.
18 Let me show you my calculations. If your father got
19 1.3 acres in 1960 --

20 JUDGE DUKES: Can you point to which
21 acreage you are talking about on 2013 -- on the 2013
22 aerial?

23 BY MR. FISHER:

24 Q. It would be where he built his house. It
25 would be south of Wassaw Road.

1 A. My father got this acre, 1.3 acres. These
2 are the acres.

3 Q. He couldn't have got that in 1960 because
4 that is where -- that is where William Taylor's
5 heirs have been living since 1864.

6 A. Okay. So in 19 -- on this side in 1960?

7 Q. 1960.

8 A. Okay. I don't --

9 Q. The deed from his siblings to him where he
10 built the house --

11 A. Okay.

12 Q. Was set -- obviously he was south of
13 Wassaw, right? This is the house you grew up in?

14 A. Correct.

15 Q. All right. You played with Georgia
16 Champion across the road in the house that we've
17 shown in the other aerials, right?

18 A. Yes.

19 Q. All right. Okay. Phoebe Taylor got a
20 deed for four acres total. She conveyed out 1.3 to
21 your father through her children in 1960. And then
22 your father through the tax sales got another
23 2.6 acres. It was her property that went up for tax
24 sale. Regardless of where it was, it was her
25 property that went up for tax sale. That totals

1 3.9 acres, right?

2 A. Okay.

3 Q. Which is really close to the four acres
4 that was the original deed to Phoebe Brown in 1937
5 or '38 that called for four acres that the judge is
6 looking at, right?

7 A. Right.

8 Q. So the total acres -- the total acreage
9 that you can claim, it all comes through Phoebe
10 Taylor and it totals four acres, correct?

11 A. I dis -- I mean, I -- if you say -- I
12 don't think so. I mean, if it's four acres, but
13 it's more than four acres, but --

14 Q. It's more than four acres that you are
15 claiming?

16 A. That's it, you know. Because it says more
17 or less.

18 Q. Right. But it doesn't mean -- when it
19 says more or less it doesn't mean twice as much or
20 more than twice as much?

21 A. Are we sure?

22 Q. I'm pretty sure.

23 A. Okay. It says more or less, so more or
24 less to me could be anything.

25 Q. Okay. If you are -- would you agree with

1 me then if all of this property, the tax sale
2 property and the property your father first got,
3 comes out of Phoebe Taylor, and there are no other
4 deeds other than those that I've described here --

5 A. Well, if there are no other deeds -- I
6 mean, there is only our deed because there is no
7 other deed if you are saying that.

8 Q. Right. So in total --

9 A. So there is only our deed.

10 Q. And it totals four acres because it all
11 comes out of Phoebe Taylor?

12 A. Well, this acre on the other side is 2.3
13 and the other acre. So it's more than one acre.
14 That is more or less. You know, that is what I read
15 on the paper, so it could be more or less.

16 Q. You are -- in summary then you are
17 claiming we will say eight to 10 acres through
18 Phoebe Taylor when her deed only calls for
19 four acres. Is that a fair statement?

20 A. Yes.

21 Q. You are claiming the property both south
22 of Wassaw and north of Wassaw?

23 A. Lot 9.

24 Q. And Lot 9. And Lot 9 is -- we will look
25 up the surveys that were done there and introduce

1 into evidence, but they are about let's say between
2 eight and 10 acres. And I think it closer to
3 10 acres?

4 A. Well, I guess it's roughly between the
5 marsh land that was already corroded. Because it's
6 two separate I can claim on this side the acre more
7 or less, but my sibling is on the other side. So
8 it's more or less like you said.

9 Q. But it all -- it can't total more than
10 four acres if the deed into Phoebe is for four
11 acres?

12 MR. O'KELLEY: Well, Your Honor, that
13 is a legal opinion on Mr. Fisher's part. And I
14 would object to -- if he's asking a question of my
15 witness and he says it can't total more than because
16 of a 1937 deed.

17 BY MR. FISHER:

18 Q. Are there any other deeds into Phoebe
19 Taylor that you know of other than this one?

20 A. Just the one my brothers, they have, that
21 was in Phoebe Taylor.

22 Q. That is --

23 A. But I don't -- I'm not aware.

24 Q. From the tax sale?

25 A. I'm not aware at this time of any other

1 deed.

2 MR. FISHER: Okay. All right. I
3 have no further questions. Thank you, ma'am.

4 JUDGE DUKES: All right. Mr.
5 O'Kelley, any other questions?

6 MR. O'KELLEY: That is all we have,
7 Your Honor.

8 JUDGE DUKES: Let me ask you all
9 briefly while I've got you here. You can go. But
10 what do you think that deed refers to, Mr. Fisher?
11 And then I'm curious, Mr. O'Kelley what you think it
12 refers to on this plat?

13 MR. FISHER: In the exhibits when we
14 first started on this I think it refers to one of
15 two things. It either refers to four acres that
16 would be south of Wassaw where James Taylor built
17 his house or it refers to a narrow strip like this
18 which would be the eastern-most part of Lot 9 that
19 contains four acres because there is just no denying
20 that this property north of Wassaw and some portion
21 south were occupied for generation after generation
22 and farmed, cattle were raised.

23 If you go back and look at the testimony
24 of our witnesses, this property north of Wassaw, and
25 that little stretch down there, were occupied by the

1 heirs of William Taylor. And that is the -- that is
2 the family history passed down from generation to
3 generation.

4 And Georgia Taylor -- Georgia Champion
5 discussed that in detail growing up on that property
6 when it was still farmed. So it's got -- and
7 clearly there are four acres that belong to the
8 Plaintiffs' families. We don't dispute that at all,
9 but that is all it can be. It can't be four plus
10 two. It can't be six. It can't be eight. And it
11 certainly can't be 10.

12 That was -- when the surveyors testified,
13 they are basically showing it as the Plaintiffs'
14 have alleged up to 10 acres that this four acres has
15 morphed into. And it just can't -- it just can't
16 be.

17 JUDGE DUKES: Well, let me ask you.
18 You've got two theories under which you would come
19 up with the right acreage from that deed. The
20 second one -- I mean, the first one I don't
21 understand how you would justify the language in
22 there that it has been reduced by erosion.

23 MR. FISHER: Right.

24 JUDGE DUKES: So it really couldn't
25 be the first one. Is that a fair assessment of the

1 situation?

2 MR. FISHER: Yes.

3 MR. O'KELLEY: Reduction by erosion
4 has to be this.

5 MR. FISHER: There has got to be a
6 piece up here. And that's -- I think I did a -- I
7 had the easel here and I did a drawing that showed
8 that piece because this also has to fit into it.
9 This has -- this piece -- there is a narrow piece
10 here in 1960 that has to fit into the four acres.
11 So that is why that was my first choice here, that
12 it would come up this way, maybe be 150 feet wide by
13 some 800 feet in length.

14 And that would explain why we've got the
15 reference to erosion that would be the marsh. It
16 would account for where James Taylor built his house
17 based on the 1960 deed. And it would also explain
18 the family history for the William Taylor heirs.
19 Over here the remainder of what has now been
20 renumbered 6 and 6, and of course we are including
21 this little piece down here. That to me is the best
22 explanation for the -- and the jigsaw puzzle of
23 putting this together.

24 JUDGE DUKES: And then, Mr. O'Kelley,
25 do you agree or disagree?

1 MR. O'KELLEY: As Your Honor well
2 knows, property when it was passed from heirs to
3 heirs, in the old days they didn't necessarily have
4 surveys. They just figured more or less what the
5 acreage might be.

6 The one thing that is constant, this is
7 Lot 9, what I'm showing you here. Five and 6 is all
8 Lot 9. And this is 7. And the surveyors, we've had
9 two surveyors that we've introduced stuff, both
10 Gasquey and Yeomans. And from '96, '98 and further.
11 All of those lines match what the County shows.

12 And even one of the surveys shows this
13 flag -- as I call it, the flag lot of Ms. Champion.
14 There is just no question in my mind that Lot 9 was
15 what Phoebe Taylor got and then passed it on. And
16 the siblings of James conveyed this to him. And the
17 tax sale, James bought these two pieces. And I
18 believe we can show that.

19 I would really ask that Your Honor let us
20 brief this --

21 JUDGE DUKES: Oh, definitely.

22 MR. O'KELLEY: And I would prefer to
23 brief it when I've had time to go through all of
24 this and point out the exhibits that I want to refer
25 to. And, once again, I've seen a piece of property

1 one time that was described as seven or so acres
2 more or less and it turned out to be 70. And, Your
3 Honor, probably has seen that type thing.

4 So I'm not persuaded by the fact that it
5 says, well, it was five acres or four acres. I'm
6 persuaded by what has been on the ground and what
7 has been the original Wassaw lots as they were split
8 up, the old A.O.C. map that shows it the same way.
9 David Yeomans shows it that way. David Gasquey
10 shows it that way.

11 And even on the plats they show the piece
12 here. The plats show now formerly of Phoebe Taylor,
13 this piece here.

14 MR. FISHER: Well, that is because
15 they are referring to the tax deeds.

16 MR. O'KELLEY: One of these was done
17 before the tax deeds.

18 MR. FISHER: After -- not Yeomans and
19 not Gasquey.

20 MR. O'KELLEY: Yeah. One of Yeomans
21 was done in '96.

22 JUDGE DUKES: Why don't we do this.
23 I thought I might, because I know it is complicated
24 and I know you all want to get everything
25 together --

1 MR. O'KELLEY: '96 it was shown that
2 way.

3 JUDGE DUKES: What is a reasonable
4 period of time to come up with -- we could either do
5 a brief by way of closing and then I could maybe get
6 us all back together and us all means the attorneys
7 and me or anybody else that wants to come, but --
8 and we could -- you all could do it by way of
9 off-the-record closing or explain your briefs or be
10 a question-and-answer session, however you want to
11 do it.

12 There is a lot to go over here. And I
13 want to give you all plenty of time to put together
14 whatever you wanted to do.

15 MR. O'KELLEY: I don't need 30 days,
16 but I will be guided by what Marc needs.

17 MR. FISHER: Thirty would be good
18 because I've got a full --

19 JUDGE DUKES: Why don't we do that.
20 Put together whatever you want in writing in 30
21 days. And I'll tell you what would help me is a
22 timeline. I love a good timeline. So if you could
23 do a good timeline on what the exhibits show.

24 MR. O'KELLEY: What happened when? ✓

25 JUDGE DUKES: What happened when,

1 exactly. And, you know, with references to deeds
2 and this and what the testimony showed happened here
3 and there. And then let's get back together once
4 you all get those in. And maybe it will just be an
5 informal meeting so you can discuss your briefs. If
6 you would like to do it on the record, we will do it
7 on the record, but I'll leave that to you all and
8 we'll make that call once the briefs are in.

9 MR. O'KELLEY: Are you going to keep
10 this file out? The only reason I ask is I've got a
11 list of exhibits. And I only got like 13 or 16 on
12 the first go around. It might be that I would need
13 to come up here and make sure I've got the numbers,
14 correct, Judge.

15 JUDGE DUKES: Well, what I'm going to
16 do, the files are right there. And those are going
17 back to the clerk's office. The original exhibits
18 are probably filed in the exhibits part of the
19 clerk's office, but you can get those.

20 MR. O'KELLEY: Well, I think I can do
21 it, but I --

22 MR. FISHER: Should we come up
23 together?

24 MR. O'KELLEY: Sir?

25 MR. FISHER: Should we come up

1 together because I would like to --

2 JUDGE DUKES: Whatever you all want
3 to do. I don't have them, but anyway they are
4 probably across the hall.

5 MR. O'KELLEY: I would say that is a
6 good way to proceed, Your Honor.

7 JUDGE DUKES: I try to keep as little
8 as possible so I --

9 MR. O'KELLEY: I don't blame you. I
10 just wondered --

11 MR. FISHER: It keeps it from getting
12 lost.

13 MR. O'KELLEY: -- during the 30-day
14 period if you were going to keep it?

15 JUDGE DUKES: No. I was just going
16 to wait and then we'll pull it all back out. It's
17 easier for me. So why don't we make sure Deborah
18 has all of the exhibits for today's purposes?

19 MR. O'KELLEY: I think -- I don't
20 have any in my possession, but Marc has got a bunch
21 under his thing.

22 JUDGE DUKES: Okay. Anything else
23 for this record before we have to stop talking?

24 MR. O'KELLEY: No, Your Honor.

25 MR. FISHER: No, Your Honor.

1 JUDGE DUKES: All right. Thank you
2 all very much.

3 (Whereupon, the hearing was concluded
4 at 12:24 p.m.)
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