

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lancaster County

The Honorable H. Clayton Walker, Jr., Special Referee

RECEIVED
FEB 21 2017
SC Court of Appeals

Evelyn M. Lowery,

RESPONDENT,

V.

APPELLANT

Eula M. Daniels, Darrell Waiters, Monique Thompson Phinessa R. Waiters, Pearl Mahjoub, Tommie Lee James, John William James, William C. Waiters, Mary L. Bailey, James C. Bell, William Bailey, Charlie Bascomb, Harold Bascomb, Nakia Williams, Nerisse Williams, Carlton McPhaul, Donnell McPhaul, Idell R. Waiters, Ella R. Waiters, Eddie Waiters, Elizabeth Ann Moore, Donald Waiters, Brenda Waiters, Glenda Waiters, Wilric Waiters, Dorothy Johnson, Ruth Jordan, Ronald Sweet, Donald Johnson, David Lee Richardson, Raymond Richardson, Lafayette Richardson, Jr., Robert C. Richardson, Bill Moses, Margaret Jones, Herman Sweet, Jr., Reginal Coleman, Ronald Coleman, Michael Coleman, Sharon Coleman, Tammy Coleman, Bridgette Colemann, Delfreda Coleman, Phillip Hatchet, Iceola Weeks, Charles Burt, Theodore R. Brewer, Estate of Leola Waiters, Betty J. Catoe, Carrie Waiters, Ernest L. Waiters, Irene Carr, Janice Dixon, Donald F. Waiters, Rayford J. Waiters, Carolyn McKenny, Larry Waiters, Denise Allen, Kevin Waiters, Ginger Ann Waiters, Harry Waiters, III, Deshone Waiters, Willie W. Addison, Bessie M. Waiters, Linda D. Addison, Mary E. Coleman, John C. Waiters, Estate of Anna B. Waiters, Anna E. Perkins, Willie James Hall, Lena Tibbs, Levater Hall, Leonard Hall, Leotis Hall, Christine C. Hall, Alma R. Grant, Pearl Hall, Mary Hall, Mark Hall, Kevin Hall, Doris Hall, Iris Hall, Lola Hall, Maggie Hall, Jimmy L. Hall, Jr., Marilyn Hall, Lowarren Hall, Clifton Hall, Dywayne Hall, Novella Hall, Lenonne Addison, Brendetta Hall, NaSheqeca Bekia Hall, Marquavious Tramle Hall, Sabrina McWaters, Renonia Church, Gwen Mc Waters, Jacqueline Mc Waters, Renee Mc Waters, Connie C. Parker, Alice Truesdale, Eliza C. Truesdale, Roy Caskey, Randy Caskey, Maggie Caskey, Leon

Caskey, III, Sharon Harris, Eliza Fergerson, Henry Hall, Oscar Hall, Jr., Laura Mae Hall, Stanford Hall, Anna Hall, Anna Hall, Patricia, H. Bentley, Janie Hall, Janie Douglas, Mary Bradlee, Elizabeth Hall, Teresa Pope, Devron Wright, Dyron J. Hall, Romelle Simpson, Estate of Alma Tilman, Ren Tilman, Chris Waiters, Bennie Evelyn M. Martin, William Martin, Mildred Bell McCray, John Lee Moore, William E. Bell, Minnette Malone Sims, Lorenzo Bell, Blanche B. Bell, Cerento Martin Eccles, Lucinda Bell Miller; and if any of the said Appellats are deceased, then their heirs or devisees at law, and all other persons claiming any right, title, interest in or lien upon the real estate described herein, and any unknown infants or persons in the military service hereby designated as a class John Doe or Jane Roe, (Of Whom Kevin Waiters is Appellant).

APPELLATE CASE NO. 2015-002243

AMENDED RECORD OF APPEAL

M. Rita Metts, Esquire
3531 River Drive
Columbia, SC 29201
(803) 929-0577
Attorney for Appellant

Mark Grier, Jr., Esquire
PO Box 1809
Lancaster, SC 29721
(803) 285-5585
Attorney for Respondent

INDEX

Index	1
Order	2
Second Amended Complaint	13
Trial Transcript	36
Trial Exhibits	190
Certificate of Counsel	270
Proof of Service	272

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF LANCASTER) CIVIL ACTION NO.: 2005-CP-29- 724

Evelyn Lowery,)

PLAINTIFF,)

vs.)

Eula M. Daniels, Darrell Waiters, Monique Thompson,)
Phinessa R. Waiters, Pearl Mahjoub, Tommie Lee James,)
John William James, William C. Waiters, Mary L. Bailey,)
James C. Bell, William Bailey, Harold Bascomb,)
Romona Bascomb, Nakia Williams, Nerisse Williams,)
Carlton McPhaul, Donnell McPhaul, Idell R. Waiters,)
Ella R. Waiters, Eddie Waiters, Elizabeth Ann Moore,)
Donald Waiters, Brenda Wade, Glenda Waiters, Wilric Waiters,)
Dorothy Johnson, Ruth Jordan, Ronald Sweet,)
Donald Johnson, David Lee Richardson, Raymond Richardson)
Lafayette Richardson, Jr., Robert C. Richardson, Bill Moses,)
Margaret Jones, Herman Sweet, Jr., Reginald Coleman,)
Ronald Coleman, Michael Coleman, Sharon Coleman,)
Tammy Coleman, Bridgette Coleman, Delfreda Coleman,)
Phillip Hatchet, Iceola Weeks, Charles Burt,)
Theodore R. Brewer, Leola Waiters, Betty J. Catoe,)
Carrie Waiters, Ernest L. Waiters, Irene Carr, Janice Dixon,)
Donald F. Waiters, Rayford J. Waiters, Carolyn McKenny,)
Larry Waiters, Denise Allen, Kevin Waiters, Ginger Ann Waiters)
Harry Waiters, III, Deshone Waiters, Willie W. Addison,)
Bessie M. Waiters, Linda D. Addison, Angelet Hardin,)
Irene Sanders, Joseph Coleman, Jr., Wyle Mingo,)
Joyce Ann Benjamin, Gary W. Coleman, Jr., Lilyan A. Coleman,)
John C. Waiters, Estate of Anna B. Waiters, Anna E. Perkins,)
Willie James Hall, Lena Tibbs, Janese R. Allen, Leonard Hall, Jr.)
Clinton James Hall, Leotis Hall, Christine C. Hall, Alma R. Grant,)
Pearl Hall, Mary Hall, Mark Hall, Kevin Hall, Doris Hall,)
Iris Hall, Maggie Hall, Jimmy L. Hall, Jr., Marilyn Hall,)
Lowarren Hall, Clifton Hall, Dywayne Hall, Novella Hall,)
Lenonne Addison, Brendetta Hall, NaSheqeca Bekia Hall,)
Marquavious Tramle Hall, Sabrina McWaters, Renonia Church,)
Gwen McWaters, Jacqueline McWaters, Renee McWaters,)
Connie C. Parker, Alice C. Truesdale, Eliza C. Truesdale,)
Roy Caskey, Randy Caskey, Maggie Caskey, Leon Caskey, III,)
Sharon Harris, Eliza Furgerson, David Hall, Robert Hall,)

ORDER

FILED
OFFICE OF CLERK
OF COURT
2015 SEP 16 AM 11:49
CLERK OF COURT
LANCASTER, SC

Joseph Hall, Henrietta Hall, Linda Duncan, M. L. Hall, Alvin Hall,)
 Oscar Hall, Jr., Laura Mae Hall, Stanford Hall, Anna Hall,)
 Patricia H. Bentley, Casey Hall, Janie Hall, Janie Douglas,)
 Mary Bradlee, Elizabeth Hall, Teresa Pope, Devron Wright,)
 Dyron J. Hall, Romelle Simpson, Estate of Alma Tilman,)
 Ren Tilman, Chris Waiters, if living and if any of the said)
 Defendants are deceased, then their heirs or devisees at law,)
 and all other persons claiming any right, title, interest in or lien)
 upon the real estate described herein, and any unknown)
 infants or persons under disability or persons in the military)
 service hereby designated as a class John Doe and Jane Roe,)
DEFENDANTS.)

This matter is before the undersigned Special Referee pursuant to an Order of Reference file on April 28, 2014. A hearing was held on June 20, 2014 to receive evidence and hear arguments from the parties. Based upon the pleadings, the evidence and the arguments of counsel received at that hearing, the court makes the following findings of fact and conclusions of law.

Service was properly made upon all unknown persons by the proper publication of notice in The Lancaster News, and proof of that publication was filed with the clerk of court on August 20, 2013. The parties to this action are all persons who may claim a right, title to or interest in the real property described below.

This is an action to quiet title, to partition real property and for other relief. The real property which is the subject of this action is located in Lancaster County, South Carolina, being all of that property conveyed to Can Waitis (sic) by deed of J.P. Williams filed in the Office of the Clerk of Court for Lancaster County, South Carolina on December 7, 1905 in Deed Book 0-2 at Page 330, and being further described as follows:

All of that certain piece, parcel or tract of land lying, situate and being in Cedar Creek Township, County of Lancaster, State of South Carolina, containing Two Hundred (200) acres, more or less, and being bounded on the East by Stewart Place Road and by lands now or formerly of A.D. Tillman and P.H. McDow; and being bounded on the South by lands now or formerly of C.O. Witts and P.A. McDow; and being bounded on the West by lands now or formerly of Mrs. Annie Wilson.

and including the following tracts of real property derived from said tract:

All of that real property conveyed to William C. Waiters, John C. Waiters, et. al. by deed recorded in Registry of Deeds for Lancaster County, SC in Deed Book D-6 at Page 6067, consisting of 109 acres, more or less, and being further that parcel identified as Tax Map #130-00-28.00; and

ALSO: All of that real property conveyed to William C. Waiters, et. al. by deed recorded in the Registry of Deeds for Lancaster County, SC in Deed Book W-6 at Page 167, Deed Book Z-9 at Page 51, Deed Book O-9 at Page 125 and Deed Book 51 at Page 329, consisting of 30 acres, more or less, and being further that parcel identified as Tax Map # 130-00-28.01; and

ALSO: All of that real property conveyed to Mary L. Bailey, Eula N. Daniel, James C. Bell, Monique Thompson, Darrell Waiters, Phinessa R. Waiters, Dervin Bailey and William G. Bailey by deed recorded in the Registry of Deeds for Lancaster County, SC in Book 139 at Page 82, consisting of 2 acres, more or less, and being further that parcel identified as Tax Map # 146-00-22.01; and

ALSO: All of that real property conveyed to Chris Waiters by deed recorded in the Registry of Deeds for Lancaster County, SC in Deed Book 198 at Page 214, consisting of 2 acres, more or less, and being further that parcel identified as Tax Map # 146-00-23.01.

HOWEVER, LESS AND EXCLUDING: All of that property derived from the aforesaid conveyance from J.P. Williams to Cam Waiters, and being all of said lands lying and being south of Hoke Road, and being all of that piece, parcel and tract of land, being that fifty (50) acres, more or less, conveyed by Rena Stewart to Emanuel and Eliza Bell by deed recorded in the Register of Deeds for Lancaster County in Deed Book A at Page 285. Said property having been partitioned and divided between the heirs of Emanuel and Eliza Bell by Decree of William Catoe, Special Referee in the Court of Common Pleas Case No. 1976-CP-29-629, and said lands are therefore not subject to this action.

The Property described above, less the land identified as tax map number 146-00-23.01, is referred to in this Order as the Property.

The chain of title for the Property is convoluted and complex. A large number of persons hold interests in the Property, and the amounts of those interests vary. Counsel are to be commended for the diligence shown in investigating this issue. Based upon all of the evidence presented at the hearing, including the testimony of John Waiters, the court finds that undivided

interests in the Property are vested in the persons named on the attached exhibit 1 to this Order, and the percentage interest each person holds in the Property is set forth in the final column on the right-hand side of that exhibit.

Each of these persons owns an undivided interest in the entire property. Over the course of many years, several persons have filed deeds which purport to subdivide the property and convey a specific portion to an individual. None of these deeds, which are identified in the legal description above, were properly executed by all of the persons holding an interest in that portion of the Property at the time the deeds were executed.

One of these deeds purports to convey the land designated as tax map number 146-00-23.01. Chris Waiters ("Chris") currently occupies the land, which he purchased from a third party. A prior owner had managed to obtain a mortgage on this land, which was foreclosed upon by Wachovia Bank. A notice of the sale in the foreclosures would have been published, and there is no evidence that any person contested that sale. Chris currently occupies a home located on that land, and title to that parcel should be quieted in his name as a grantor of the purchaser at foreclosure. The remaining deeds of portions of the property are void.

No showing has been made by any other grantor to support a claim of adverse possession. The elements of an adverse possession claim are well-established under South Carolina law, and no other grantor made an effort to defend any title purportedly conveyed by any of the other deeds.

Having identified the Property which is subject to partition and identified the persons who own an interest in the Property, the court must next turn to the question of how to partition the property. The property may either be sold or a distribution in kind may be made to the various owners. The number of owners of the Property make a partition in kind of the entire Property not

practical. Over 100 persons have an interest in the property, and the court does not see a reasonable way to get each of these persons an individual parcel.

Partition is an equitable action, and the procedure must be fair and equitable to all parties. Partition in kind is favored when it can be fairly made. The court is allowed to use equitable considerations such as length of ownership and sentimental attachment to property to guide it. The court may also consider the parties living situations, including whether a party has made significant improvements. The general rule is that a joint tenant who has placed permanent improvements on land is entitled in partition to compensation for those improvements -- the court does not want to enrich one owner at the expense of another. If the court can set off land with improvements for the party who made the improvements without material injury to others, that part should be set off to the improving landowner. See *Campbell v. Jordan*, 382 S.C. 445 (Ct. App. 2009); *Tedder v. Tedder*, 109 S.C. 451 (1918); *Shumaker v. Shumaker*, 234 S.C. 421 (1959).

The court finds that eight parties have residences located on the Property, and some of them have resided here for lengthy periods. The general location of the residences and the identities of those parties appear on the sketch attached to the Order as Exhibit 2. Unrefuted testimony that the parties did not wish to force any person living on the property to leave it was received into evidence. Applying the principles set forth above, and considering the proof received at the hearing, I find that the portion of the property surrounding these eight homes as shown on Exhibit 2 shall be subdivided in kind. The subdivision shall be accomplished in a fashion which leaves each residence in some areas surrounding it with access to a public road sufficient to comply with Lancaster County subdivision regulations. The parcel should be divided among the eight persons based on the percentages of each owner set forth in exhibit 1. If this division creates one or more lots that are not large enough to satisfy applicable subdivision regulations, the surveyor shall have

the discretion to increase the size of that lot or lots as necessary to gain government approval. The surveyor accomplishing this work shall also have discretion in laying out the boundaries of each of the eight lots, taking into account topography and existing driveways and other improvements associated with each residence.

A survey will also be necessary to facilitate a sale of the property under the terms set forth in this order. That cost may be paid out any remaining proceeds from the harvesting of timber on the property or from the proceeds of the sale of the remaining portions of the Property. The court will appoint a trustee to oversee and administer this process.

The remainder of the property shall be subdivided as shown on the sketch attached to this order is Exhibit 2. This sketch creates opportunities for lots of various sizes to be purchased by family members. Persons wanting larger properties may purchase larger parcels, and will also be free to purchase multiple adjacent parcels and combine them. The intent of the court is to create a variety of opportunities for family members who wish to own part of the Property to have that opportunity.

The court finds that the value of the Property without improvements and without timber which has been previously removed from the property is \$1200 per acre. Testimony was received from an expert appraiser, Andy Harper. The court finds Mr. Harper to be qualified to provide an opinion regarding the value of rural unimproved real estate in Lancaster County based upon his education and experience. The witness identified appropriate comparable parcels to assist in his evaluation. After noting that the Property has good road frontage, the witness also acknowledged that there is a very limited market for the property. While the witness provided a range of values up to \$1400 per acre, the court finds the \$1200 per acre estimate to be the appropriate value given the limited marketability of the property.

This court is vested with the discretion to order the sale of the property upon such terms as it shall deem right. Parties have requested that the property be sold at a private auction, and the court agrees that this is an appropriate way to proceed. The auction shall be conducted under the supervision of the trustee to be appointed by the court, who shall have the power to contract with an auctioneer. The trustee is vested with the authority to determine the time the auction will take place, what notice will be given and how that notice will be given.

The auction will be private, and the participants limited to the persons identified on Exhibit 1 and their children by blood or marriage. The auction shall be conducted with a minimum price on each lot, and the amount of that minimum bid shall be determined by the trustee. A minimum bid will be required to eliminate the possibility of collusive bidding, since this is a private auction with a limited number of bidders. The purchasers at the auction shall be required to pay for deed preparation, deed stamps and filing fees assessed by the register of deeds for Lancaster County. Any parcels not sold at the private auction will be sold at a public auction on terms approved by the trustee to be appointed.

Proceeds of the auction will be placed into a common fund under the supervision of the trustee. Proceeds may be used to pay the costs of sale, including the cost of the auctioneer, the cost of providing notice, costs of survey, filing fees for subdivision approval if any, and other reasonable expenses associated with the duties of the trustee and the sale of the property. After paying all of these costs, all remaining funds will be distributed to the persons identified on Exhibit 1 who did not receive a distribution in kind in the proportionate shares shown on that document. Any payment due to Donald Waiters will be distributed pro rata to others until the sums due from him set forth hereinafter are paid in full.

Evidence was presented that in prior years other parties had harvested timber, deposited the proceeds in a bank account and used the proceeds to pay taxes on the property. This harvesting was done for the benefit of all parties and results in no liability of any participant in that harvesting.

The fees and disbursements of counsel in this action shall be paid from a common fund. The actions taken by all counsel have been for and led to the benefit of all property owners. The expenses should therefore be borne by all parties through a common fund.

The factors for the court to consider in determining awards of attorneys' fees and costs are set forth in the seminal Baron Data case. The court will analyze each factor jointly as to counsel Ronald Robbins, Mark Grier and Chris Mills.

Regarding the nature and difficulty of the work in this case, the court has already noted that this was a complex case which placed extensive demands on the time and resources of all counsel. The large number of parties involved in the complex legal issues, with which most lawyers are not generally familiar, would place additional demands on the time of all counsel. Regarding professional standing, all of the attorneys in this case are very experienced and highly regarded. I find that a rate of \$300 per hour would be reasonable under the circumstances for all counsel. The court notes that all of counsel in this case have charged less than this amount for their work. The court has reviewed the time spent by all counsel and the expenses they incurred, and find it to be necessary and reasonable.

The court therefore awards Chris Mills a total of \$5652 for fees and expenses. The court awards Mark Grier \$15,249.83 for fees and costs, and also directs that an additional \$3300 be paid to Plaintiff to reimburse her for added fees and costs that she advanced to Mr. Grier. The court awards Ronald Robbins \$14,974.94 in fees and costs, and also directs that \$4997 be paid to defendant John Waiters for fees and costs advanced by him.

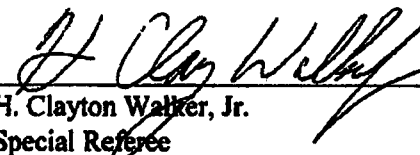
Time devoted to this matter by the special referee at the rate of \$275 an hour results in a total of over \$8500. The special referee is charging a total of \$5000 for all fees and costs associated with services as special referee.

Disbursements for these fees and costs shall be made out of the \$50,000 received for timber harvesting which is being held in the special referee's trust account. The remaining balance of those five shall be turned over to a trustee as soon as one is appointed by the court.

It is therefore ordered, adjudged and decreed that title to the Property be vested in the persons set forth on exhibit 1, that the deeds of portions of the Property be set aside, that title to the land known as tax map number 146-00-23.01 be quieted in the name of Chris Waiters, that the eight persons with homes located on the Property shall have a portion of the Property identified and conveyed to them in kind as set forth above, that the remainder of the Property be subdivided and auctioned as set forth above, that defendants Carrie Waiters and Donald Waiters pay \$8189 into the fund to be established as set forth above, that fees and costs be paid as set forth above and the remaining proceeds from the recent timber harvesting be paid over to the common fund when it is established.

IT IS SO ORDERED.

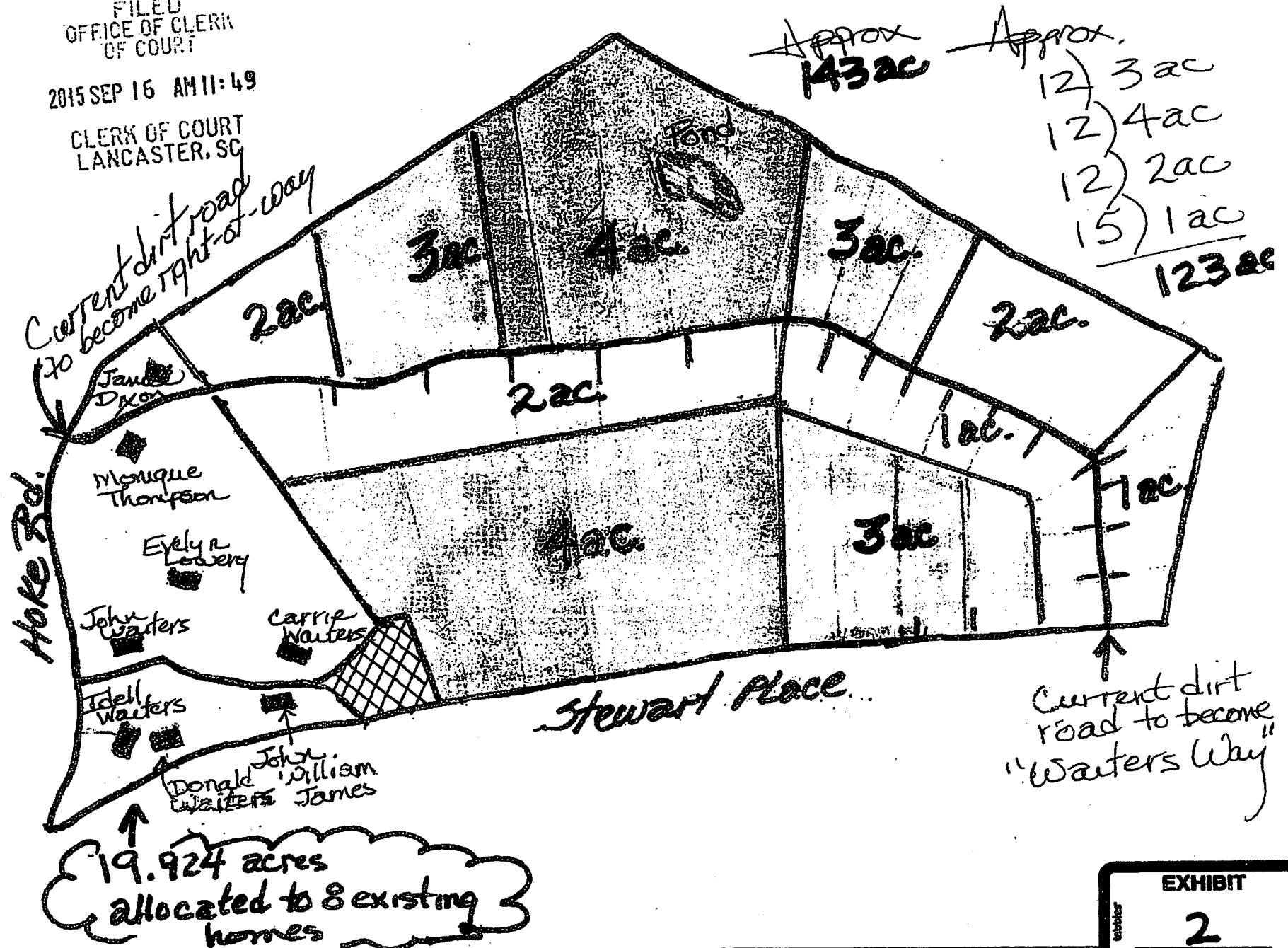
September 11, 2015
Columbia, South Carolina


H. Clayton Walker, Jr.
Special Referee

FILED
OFFICE OF CLERK
OF COURT

2015 SEP 16 AM 11:49

CLERK OF COURT
LANCASTER, SC



**STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER**

**IN THE COURT OF
COMMON PLEAS**

05-CP-29- 724

Evelyn Lowery,

PLAINTIFF,

VS.

**Second Amended
COMPLAINT
Non-Jury**

**Eula M. Daniels, Darrell Waiters,
Monique Thompson, Phinessa R. Waiters,
Pearl Mahjoub, Tommie Lee James,
John William James, William C. Waiters,
Mary L. Bailey, James C. Bell, William Bailey,
Harold Bascomb, Romona Bascomb
Nakia Williams, Nerisse Williams, Carlton McPhaul
Donnell McPhaul, Idell R. Waiters, Ella R. Waiters,
Eddie Waiters, Elizabeth Ann Moore,
Donald Waiters, Brenda Wade, Glenda Waiters,
Wilric Waiters, Dorothy Johnson, Ruth Jordan,
Ronald Sweet, Donald Johnson,
David Lee Richardson, Raymond Richardson,
Lafayette Richardson, Jr., Robert C. Richardson,
Bill Moses, Margaret Jones, Herman Sweet, Jr.,
Reginal Coleman, Ronald Coleman,
Michael Coleman, Sharon Coleman,
Tammy Coleman, Bridgette Coleman,
Delfreda Coleman, Phillip Hatchet, Iceola Weeks,
Charles Burt, Theodore R. Brewer,
Leola Waiters, Betty J. Catoe,
Carrie Waiters, Ernest L. Waiters, Irene Carr,
Janice Dixon, Donald F. Waiters,
Rayford J. Waiters, Carolyn McKenny,
Larry Waiters, Denise Allen, Kevin Waiters,
Ginger Ann Waiters, Harry Waiters, III,
Deshone Waiters, Willie W. Addison,
Bessie M. Waiters, Linda D. Addison,
Angelet Hardin, Irene Sanders,
Joseph Coleman, Jr., Wyle Mingo,
Joyce Ann Benjamin, Gary W. Coleman, Jr.,
Lilyan A. Coleman, John C. Waiters,
Estate of Anna B. Waiters, Anna E. Perkins,
Willie James Hall, Lena Tibbs, Janese R. Allen,
Leonard Hall, Jr., Clinton James Hall, Leotis Hall,
Christine C. Hall, Alma R. Grant, Pearl Hall,
Mary Hall, Mark Hall, Kevin Hall, Doris Hall,**

**FILED
OFFICE OF CLERK
OF COURT
2013 MAY -3 PM 4:44
CLERK OF COURT
LANCASTER, SC**

Iris Hall, Maggie Hall, Jimmy L. Hall, Jr.,)
 Marilyn Hall, Lowarren Hall, Clifton Hall,)
 Dywayne Hall, Novella Hall, Lenonne Addison,)
 Brendetta Hall, NaShegeca Bekia Hall,)
 Marquavious Tramle Hall, Sabrina McWaters,)
 Renonia Church, Gwen McWaters,)
 Jacqueline McWaters, Renee McWaters,)
 Connie C. Parker, Alice C. Truesdale,)
 Eliza C. Truesdale, Roy Caskey, Randy Caskey,)
 Maggie Caskey, Leon Caskey, III, Sharon Harris,)
 Eliza Furgerson, David Hall, Robert Hall,)
 Joseph Hall, Henrietta Hall, Linda Duncan,)
 M. L. Hall, Alvin Hall, Oscar Hall, Jr.,)
 Laura Mae Hall, Stanford Hall, Anna Hall,)
 Patricia H. Bentley, Casey Hall, Janie Hall,)
 Janie Douglas, Mary Bradlee, Elizabeth Hall,)
 Teresa Pope, Devron Wright, Dyron J. Hall,)
 Romelle Simpson, Estate of AlmaTilman,)
 Ren Tilman, Chris Waiters, if living and if any of)
 the said Defendants are deceased, then their heirs)
 or devisees at law, and all other persons claiming)
 any right, title, interest in or lien upon the real)
 estate described herein, and any unknown infants)
 or persons under disability or persons in the)
 military service hereby designated as a class)
 John Doe and Jane Roe,)
DEFENDANTS.)

The Plaintiff would show unto this Court as follows:

1. That the Plaintiff is a resident of Lancaster County, South Carolina.
2. That the Plaintiff and the Defendants are descendants of Can

Waiters or other persons who have or may claim an interest in the real property of the Estate of Can Waiters located in Lancaster County, South Carolina, being all of that property conveyed to Can Waitis (sic) by deed of J.P. Williams filed in the Office of the Clerk of Court for Lancaster County, South Carolina on December 7, 1905 in Deed Book 0-2 at Page 330, and being further described as follows:

All of that certain piece, parcel or tract of land lying, situate and being in Cedar Creek Township, County of Lancaster, State of South Carolina, containing Two Hundred (200) acres, more or less, and being bounded on the East by Stewart Place Road and by lands now or formerly of A.D. Tillman and P.H. McDow; and

being bounded on the South by lands now or formerly of C.O Witts and P.A McDow; and being bounded on the West by lands now or formerly of Mrs. Annie Wilson.

and including the following tracts of real property derived from said tract:

All of that real property conveyed to William C. Waiters, John C. Waiters, et. al. by deed recorded in the Registry of Deeds for Lancaster County, SC in Deed Book D-6 at Page 6067, consisting of 109 acres, more or less, and being further that parcel identified as Tax Map # 130-00-28.00; and

ALSO: All of that real property conveyed to William C. Waiters, et. al. by deed recorded in the Registry of Deeds for Lancaster County, SC in Deed Book W-6 at Page 167, Deed Book Z-9 at Page 51, Deed Book O-9 at Page 125 and Deed Book 51 at Page 329, consisting of 30 acres, more or less, and being further that parcel identified as Tax Map # 130-00-28.01; and

ALSO: All of that real property conveyed to Mary L. Bailey, Eula N. Daniel, James C. Bell, Monique Thompson, Darrell Waiters, Phinessa R. Waiters, Dervin Bailey and William G. Bailey by deed recorded in the Registry of Deeds for Lancaster County, SC in Book 139 at Page 82, consisting of 2 acres, more or less, and being further that parcel identified as Tax Map # 146-00-22.01; and

ALSO: All of that real property conveyed to Chris Waiters by deed recorded in the Registry of Deeds for Lancaster County, SC in Deed Book 168 at Page 214, consisting of 2 acres, more or less, and being further that parcel identified as Tax Map # 146-00-23.01.

HOWEVER, LESS AND EXCLUDING: All of that property derived from the aforesaid conveyance from J. P. Williams to Cam Waiters, and being all of said lands lying and being south of Hoke Road, and being all of that piece, parcel and tract of land, being that fifty (50) acres, more or less, conveyed by Rena Stewart to Emanuel and Eliza Bell by deed recorded in the Register of Deeds for Lancaster County in Deed Book A at Page 285. Said property having been partitioned and divided between the heirs of Emanuel and Eliza Bell by Decree of William Catoe, Special Referee in the Court of Common Pleas Case No. 1976-CP-29-629, and said lands are therefore not subject to this action.

3. Can Waiters died intestate in 1906 in possession of that property described above. Can Waiters was survived by his wife, Serena Waiters and nine (9) children, William Waiters, Maggie Waiters Sweet, Henry Waiters, Manuel Waiters, Eliza Waiters Thompson, Anna Waiters Hall, Annie B. Tilman, Boodley Waiters and Robert Waiters. Upon the death of Can Waiters one-third (1/3) of his

interest in real property passed to his wife, Serena Waiters, and two-thirds (2/3) of his interest in real property passed to his issue.

4. That upon information and belief, Serena Waiters, wife of Can Waiters, died intestate on December 24, 1926, leaving as her sole heirs her children above-named.

5. That upon information and belief, Boodley Waiters and Robert Waiters, sons of Can Waiters, died intestate, unwed and without children, however their date of death is unknown. Therefore, upon information and belief, their interest in the subject real property passed to their seven (7) siblings, William Waiters, Maggie Waiters Sweet, Henry Waiters, Manuel Waiters, Eliza Waiters Thompson, Anna Waiters, Hall and Annie B. Tilman, and their issue.

6. That upon information and belief, William Waiters, son of Can Waiters, died intestate on October 7, 1951 survived by his wife, Mary Waiters and survived by six (6) children, Ella Ree Belk, Willie Mae James, William C. Waiters, Mary L. Bailey, Tommiecona Bascomb and James H. Waiters. Upon the death of William Waiters one-third (1/3) of his interest in real property passed to his wife, Mary Waiters, and two-thirds (2/3) of his interest in real property passed to his children.

a. That the interests of the descendants of William Waiters are subject to that deed executed by Ella Ree Waiters, Mary Lee Waiters Bell, Tommie Cona Waiters Bascomb and Wilhelminia Waiters conveying all of their interest "as heirs-at-law of our deceased father, William Waiters, to and in: "All that piece, parcel or tract of land lying, being and situate in Cedar Creek Township, ...containing Thirty (30) Acres, more or less and bound by other lands of the Estate of Can Waiters, deceased. The said Thirty (30) Acres, more or less, represents and (sic) interest heretofore conveyed to William Waiters prior to his death which said tract of land was never surveyed or set apart from the other lands of Can Waiters during the life time of William Waiters."...to the Estate of Can Waiters by deed dated June 23, 1952 and filed in the Office of the Registry of Deeds for

Lancaster County, South Carolina on June 27, 1952 in Deed Book E4 at Page 574.

b. That upon information and belief, Mary Waiters died intestate on June 4, 1964, leaving as her sole heirs her children above-named.

c. That upon information and belief, Ella Ree Belk, daughter of William and Mary Waiters, died intestate on June 22, 1989 unmarried and survived by one (1) child, Wilhelmina Cook. Wilhelmina Cook, daughter of William and Mary Waiters died testate on September 15, 1999. The Estate of Wilhelmina Cook was administered in the Probate Court of Lancaster County, South Carolina Case Number 2000ES2900079. The interest of Wilhelmina Cook was devised in equal parts to Mary L. Bailey, and her living children James C. Bell, Dervin W. Bailey and William G. Bailey, and to Eula N. Daniels and her living children Darrell Waiters, Monique Thompson and Phinessa R. Waiters.

1) That upon information and belief, Dervin W. Bailey died in April 2003, unmarried and without children leaving his mother Mary L. Bailey as his sole heir.

d. That upon information and belief, Willie Mae James, daughter of William and Mary Waiters, died intestate February 21, 1996 survived by her husband, Wyatt James and five (5) children, Eula M. Daniel, Pearl Mahjoub, Tommie Lee James, John Willie James and Crawford W. James. Upon information and belief, upon the death of Willie Mae James one-half (1/2) of her interest in real property passed to her husband, Wyatt James, and one-half (1/2) of her interest in real property passed to her issue. Upon information and belief, Wyatt James, husband of Willie Mae James, died unmarried and intestate in 1997, the specific date which could not be determined, leaving his children as his sole heirs.

1) That upon information and belief, Crawford W. James died intestate, unmarried and without children, leaving his siblings as his sole heirs.

e. William C. Waiters, son of William and Mary Waiters, is a resident of Lancaster County, South Carolina.

f. Mary L. Bailey, daughter of William and Mary Waiters is a resident of New York, New York.

g. That upon information and belief, Tommiecena Bascomb, daughter of William and Mary Waiters, died intestate after July 1, 1987, however, the specific date could not be determined, survived by her husband, Charlie Bascomb and two (2) children, Harold Bascomb and Romona Bascomb, and predeceased by three (3) children, Cynthia Williams, Yolanda McPhaul and Kathy Bascomb. Upon information and belief, upon the death of Tommiecena Bascomb one-half (1/2) of her interest in real property passed to her husband, Charlie Bascomb, and one-half (1/2) of her interest in real property passed to her issue.

1) That upon information and belief, Cynthia Williams, daughter of Tommiecena Bascomb and Charlie Bascomb, died intestate on January 11, 1990, unmarried and survived by two (2) children, Nakia Williams, and Nerisse Williams, as her sole heirs.

2) That upon information and belief, Yolanda McPhaul, daughter of Tommiecena Bascomb and Charlie Bascomb, died intestate, however, the specific date could not be determined, unmarried and survived by two (2) children, Carlton McPhaul and Donnell McPhaul, as her sole heirs.

3) That upon information and belief, Kathy Bascomb, daughter of Tommiecena Bascomb and Charlie Bascomb, died intestate, however, the specific date could not be determined, unmarried, without children, leaving her father, Charlie Bascomb as her sole heir.

4) That upon information and belief, Charlie Bascomb, died intestate, unmarried, leaving all of his interest in real property to his issue.

h. That upon information and belief, James H. Waiters, son of William and Mary Waiters died intestate on September 9, 2000, survived by his wife Idell R. Waiters, and by six (6) children, Ella R. Waiters, Eddie Waiters, Elizabeth Ann Moore, Donald Waiters, Brenda Wade and Glenda Waiters, and predeceased by one (1) child, Willie James Waiters. Upon information and belief, upon the death of James H. Waiters one-half (1/2) of his interest in real property passed to his wife, Idell R. Waiters, and one-half (1/2) of his interest in real property passed to his issue.

i. That upon information and belief, Willie James Waiters, son of James Henry Waiters and Idell R. Waiters, died intestate March 2, 2003, unmarried, survived by two (2) children, Wilric Waiters and Jaquanda Hammond, as his sole heirs.

1) That upon information and belief, Jaquanda Hammond, daughter of Willie James Waiters, died intestate, unmarried, leaving her brother Wilric Waiters as her sole heir.

7. That upon information and belief, the one-seventh (1/7) undivided interest that William Waiters inherited from the estate of Can Waiters is now owned by the heirs of William Waiters as follows:

Mary L. Bailey	-	5/24
James C. Bell	-	1/48
William Bailey	-	1/48
Eula M. Daniels	-	3/48
Darrell Waiters	-	1/48
Monique Thompson	-	1/48
Phinessa R. Waiters	-	1/48
Pearl Mahjoub	-	1/24
Tommie Lee James	-	1/24
John William James	-	1/24
William C. Waiters	-	5/24
Harold Bascomb	-	1/24
Romona Bascomb	-	1/24
Nakia Williams	-	1/48
Nerisse Williams	-	1/48
Carlton McPhaul	-	1/48
Donnell McPhaul	-	1/48
Idell R. Waiters	-	1/12
Ella R. Waiters	-	1/84

Eddie Waiters	-	1/84
Elizabeth Ann Moore	-	1/84
Donald Waiters	-	1/84
Brenda Wade	-	1/84
Glenda Waiters	-	1/84
Wilric Waiters	-	1/84

8. That upon information and belief, Maggie Waiters Sweet, daughter of Can Waiters, died intestate on January 10, 1949, survived by her husband, William Sweet and survived by six (6) children, Dorothy Johnson, Eva Johnson, Maggie Sweet, Marie Richardson, Clifford Sweet and Herman Sweet. Upon the death of Maggie Waiters Sweet one-third (1/3) of her interest in real property passed to her husband, William Sweet, and two-thirds (2/3) of her interest in real property passed to her children. That upon information and belief, William Sweet died in October 1987 intestate and unmarried.

a. Dorothy Johnson, daughter of Maggie and William Sweet, is a resident of Crossett, Arkansas

b. That upon information and belief, Eva Johnson, daughter of Maggie and William Sweet, died intestate March 5, 1931, unmarried, and was survived by three (3) children, Ruth Jordan, Ronald Sweet and Donald Johnson, as her sole heirs.

c. That upon information and belief, Maggie Sweet, daughter of Maggie and William Sweet, died intestate on December 5, 1948, unmarried, without children, leaving her parents, Maggie and William Sweet, as her sole heirs.

d. That upon information and belief, Marie Richardson, daughter of Maggie and William Sweet, died intestate March 22, 1996, unmarried, and survived by five (5) children, David Lee Richardson, Raymond Richardson, Lafayette Richardson, Jr., Robert C. Richardson and Bill Moses, as her sole heirs.

e. That upon information and belief, Clifford Sweet, son of Maggie and William Sweet, died intestate August 18, 1994, unmarried, a

resident of Las Vegas, Nevada, survived by one (1) child, Margaret Jones, as his sole heir.

f. That upon information and belief, Herman Sweet, son of Maggie and William Sweet, died intestate August 14, 1974, unmarried and survived by one (1) child, Herman Sweet, Jr., as his sole heir.

9. That upon information and belief, the one-seventh ($1/7$) undivided interest that Maggie Waiters Sweet, inherited from the estate of Can Waiters is now owned by the heirs of Maggie Waiters Sweet as follows:

Dorothy Johnson	-	1/5
Ruth Jordan	-	1/15
Ronald Sweet	-	1/15
Donald Johnson	-	1/15
David Lee Richardson	-	1/25
Raymond Richardson	-	1/25
Lafayette Richardson, Jr.	-	1/25
Robert C. Richardson	-	1/25
Bill Moses	-	1/25
Margaret Jones	-	1/5
Herman Sweet, Jr.	-	1/5

10. That upon information and belief, Henry Waiters, son of Can Waiters, died intestate on December 13, 1966 survived by his wife, Bessie Waiters and survived by seven (7) children, Irene Watts, David H. Waiters, Harry L. Waiters, Evelyn M. Lowery, Clairee Addison, Mary E. Coleman and John C. Waiters.

11. That upon information and belief, upon the death of Henry Waiters one-third ($1/3$) of his interest in real property passed to his wife, Bessie Waiters, and two-thirds ($2/3$) of his interest in real property passed to his children. That upon information and belief, Bessie Waiters, died unmarried and intestate on April 24, 1982 leaving her seven (7) children as her lawful heirs.

a. That upon information and belief, Irene Watts, daughter of Henry and Bessie Waiters, died intestate on September 22, 1977 survived by her husband, Lester Watts and survived by one (1) child, Theodore R. Brewer. Thereafter, Lester Watts died unmarried leaving Theodore R. Brewer as his sole heir.

b. That upon information and belief, David Henry Waiters, son of Henry and Bessie Waiters, died intestate on November 14, 1955 survived by his wife, Leola Waiters, and survived by two (2) children, Betty J. Catoe and Tommie L. Waiters. Upon information and belief, upon the death of David Henry Waiters one-third (1/3) of his interest in real property passed to his wife, Leona Waiters, and two-thirds (2/3) of his interest in real property passed to his issue.

1) That upon information and belief, Tommie L. Waiters, son of David Henry Waiters, died intestate on March 1, 1990, unmarried and without children, leaving his mother, Leona Waiters, as his sole heir. Thereafter, upon information and belief, Leona Waiters died intestate and unmarried.

c. That upon information and belief, Harry L. Waiters, son of Henry and Bessie Waiters, died intestate on March 22, 1983 survived by his wife, Carrie Waiters, and survived by eleven (11) children, Ernest L. Waiters, Irene Carr, Janice Dixon, Donald F. Waiters, Rayford J. Waiters, Carolyn McKenny, Larry Waiters, Denise Allen, Kevin Waiters, Ginger Ann Waiters and Harry Waiters, Jr. Upon information and belief, upon the death of Harry L. Waiters one-third (1/3) of his interest in real property passed to his wife, Carrie Waiters, and two-thirds (2/3) of his interest in real property passed to his issue.

1) That upon information and belief, Harry Waiters, Jr., son of Harry L. Waiters, died intestate, unmarried, and survived by (2) children, Harry Waiters, III, and Deshone Waiters, as his sole heirs.

d. Evelyn M. Lowery, the Plaintiff in this action, is the daughter of Henry and Bessie Waiters, and is a resident of Lancaster County, South Carolina.

e. That upon information and belief, Clairee Addison, daughter of Henry and Bessie Waiters, died intestate February 4, 1971, survived by her husband, Willie W. Addison and two (2) children, Bessie M. Waiters

and Linda D. Addison. Upon information and belief, upon the death of Clairee Addison one-third (1/3) of her interest in real property passed to her husband, Willie W. Addison, and two-thirds (2/3) of her interest in real property passed to her issue.

f. Mary E. Coleman, the daughter of Henry and Bessie Waiters, upon information and belief, died intestate, unmarried, and survived by six (6) children, Angelet Hardin, Irene Sanders, Joseph Coleman, Jr., Wyle Mingo, Joyce Ann Benjamin, and Gary Wayne Coleman, as her sole heirs.

1) Gary Wayne Coleman, son of Mary E. Coleman, upon information and belief, died intestate, married, and survived by two (2) children, Gary Wayne Coleman, Jr. and Lilyan A. Coleman. Upon information and belief, upon the death of Gary Wayne Coleman one-half (1/2) of his interest in real property passed to his wife, Cherry Coleman, and one-half (1/2) of his interest in real property passed to his issue.

i) That upon information and believe Gary Wayne Coleman, Jr., son of Gary Wayne Coleman died intestate, survived by his wife Cherry Coleman.

g. John C. Waiters, the son of Henry and Bessie Waiters, is a resident of Lancaster County, South Carolina.

12. That upon information and belief, John H. Coleman and Rosa L. Burk and their descendants are named as defendants because the descendants of John H. Coleman and Rosa L. Burk may claim that John H. Coleman and/or Rosa L. Burk are lawful children of Henry Waiters. However, upon information and belief, as of the date of the filing of this complaint, no one purporting to be a child of Henry Waiters has obtained an Order from any Court of Competent Jurisdiction declaring them to be the child of Henry Waiters. Therefore, John H. Coleman and Rosa L. Burk and their descendants and persons claiming an interest in the subject property through them should be excluded as heirs of Henry Waiters.

13. That upon information and belief, Rosa L. Burt, who may be alleged to be the daughter of Henry Waiters died intestate, unmarried, survived by one (1) son, Charles Burt.

14. That upon information and belief, John H. Coleman, who may be alleged to be the son of Henry Waiters, died intestate on June 22, 1989, unmarried, and survived by three (3) children, Eloise Coleman, Hazel Mae Coleman and Loretta Coleman, and predeceased by four (4) children, John H. Coleman, Jr., Betty Coleman, Nathaniel Coleman and Dave Coleman.

a. That upon information and belief, John H. Coleman, Jr., son of John H. Coleman, died intestate in February 1971, unmarried and without children.

b. That upon information and belief, Betty Coleman, daughter of John H. Coleman, died intestate, June 1, 1991, unmarried and survived by four (4) children, Reginal Coleman, Ronald Coleman, Michael Coleman and Sharon Coleman.

c. That upon information and belief, Nathaniel Coleman, son of John H. Coleman, died intestate on October 16, 1995, unmarried, survived by five (5) children, Tammy Coleman, Bridgette Coleman, Delfreda Coleman, Phillip Hatchet, and Iceola Weeks.

d. That upon information and belief, Dave Coleman, son of John H. Coleman, died intestate and unmarried, and without children.

e. That upon information and belief, Eloise Coleman, daughter of John H. Coleman, died unmarried, survived by two (2) children, Buster Coleman and Eloise Pilson, as her sole heirs.

f. That upon information and belief, Hazel Mae Coleman, daughter of John H. Coleman, died unmarried, survived by one (1) child, name unknown.

15. That Eliza Waiters Thompson, daughter of Can and Serena Waiters, conveyed all of her interest in and to the subject property to Henry Waiters by deed dated August 16, 1948 and filed in the Office of the Registry of Deeds for Lancaster County, South Carolina on June 14, 1971 in Deed Book

A6 at Page 2736. Therefore, upon information and belief, the one-seventh ($1/7$) undivided interest that Eliza Waiters Thompson inherited from the estate of Can Waiters is now owned by the heirs of Henry Waiters. Therefore, the two-sevenths ($2/7$) undivided interest that Henry Waiters inherited from the estate of Can Waiters and acquired from Eliza Waiters Thompson is now owned by the heirs of Henry Waiters as follows:

Theodore R. Brewer	-	$1/7$
Leona Waiters	-	$3/28$
Betty J. Catoe	-	$1/28$
Carrie Waiters	-	$1/21$
Ernest L. Waiters	-	$22/231$
Irene Carr	-	$22/231$
Janice Dixon	-	$22/231$
Donald F. Waiters	-	$22/231$
Rayford J. Waiters	-	$22/231$
Carolyn McKenny	-	$22/231$
Larry Waiters	-	$22/231$
Denise Allen	-	$22/231$
Kevin Waiters	-	$22/231$
Ginger Ann Waiters	-	$22/231$
Harry Waiters, III	-	$11/231$
Deshone Waiters	-	$11/231$
Evelyn Lowery	-	$1/7$
Willie W. Addison	-	$1/28$
Bessie M. Waiters	-	$1/28$
Linda D. Addison	-	$1/28$
Angelet Hardin		$1/42$
Irene Sanders		$1/42$
Joseph Coleman, Jr.		$1/42$
Wyle Mingo		$1/42$
Joyce Ann Benjamin		$1/42$
Cherry Coleman		$1/84$
Lilyan A. Coleman		$1/84$
John C. Waiters	-	$1/7$

16. That upon information and belief, Manuel Waiters, son of Can Waiters, died intestate on January 7, 1919 survived by his wife, Josephine Waiters and survived by one (1) child, Anna B. Waiters. Upon the death of Manuel Waiters one-third ($1/3$) of his interest in real property passed to his wife, Josephine Waiters, and two-thirds ($2/3$) of his interest in real property passed to

his child, Anna B. Waiters. That upon information and belief, Josephine Waiters died intestate and unmarried, leaving Anna B. Waiters as her sole heir.

a. That upon information and belief, Anna B. Waiters, daughter of Manuel and Josephine Waiters, died unmarried and without children in Buffalo, New York.

17. That upon information and belief, the one-seventh ($1/7$) undivided interest that Manuel Waiters inherited from the estate of Can Waiters is now owned by the heirs of Manuel Waiters as follows:

Estate of Anna B. Waiters	-	100%
---------------------------	---	------

18. That upon information and belief, Eliza Waiters Thompson, daughter of Can Waiters, died intestate in 1968, however, the specific date could not be determined, survived by her husband, Phelix Thompson and survived by one (1) child, Robert Thompson. Upon the death of Eliza Waiters Thompson one-third ($1/3$) of her interest in real property passed to her husband, Phelix Thompson, and two-thirds ($2/3$) of her interest in real property passed to her child, Robert Thompson. That upon information and belief, Phelix Thompson died intestate on December 8, 1971, unmarried, leaving Robert Thompson as his sole heir.

a) That upon information and belief, Robert Thompson, son of Eliza and Phelix Thompson, died intestate March 9, 1973, survived by his wife, Ophelia Thompson, and survived by three (3) children, William Paul Thompson, Bobby Ray Thompson and Horace Lee Thompson, and and predeceased by one child, Andrew D. Thompson. Upon information and belief, upon the death of Robert Thompson one-third ($1/3$) of his interest in real property passed to his wife, Ophelia Thompson, and two-thirds ($2/3$) of his interest in real property passed to his issue. That upon information and belief Ophelia Thompson died intestate and unmarried on January 20, 2003, leaving her issue as her sole heirs.

1) That upon information and belief, Andrew D. Thompson, son of Robert and Ophelia Thompson, died intestate

February 17, 1971, unmarried, without children, leaving his mother, Ophelia Thompson, as his sole heir.

19. That Eliza Waiters Thompson conveyed all of her interest in and to the subject property to Henry Waiters by deed dated August 16, 1948 and filed in the Office of the Registry of Deeds for Lancaster County, South Carolina on June 14, 1971 in Deed Book A6 at Page 2736. Therefore, upon information and belief, the one-seventh (1/7) undivided interest that Eliza Waiters Thompson inherited from the estate of Can Waiters is now owned by the heirs of Henry Waiters as set forth in Paragraph 14 hereinabove.

20. That upon information and belief, Anna Waiters Hall, daughter of Can Waiters, died intestate on July 19, 1930, by her husband, James Hall and survived twelve (12) children, Jessie Hall, James Hall, Jr., Roy Hall, Issac Hall, John Hall, Elizabeth Caskey, Eliza Furgerson, Henry Hall, Oscar Hall, Can Hall, Casey Hall and Daniel Hall. Upon the death of Anna Waiters Hall one-third (1/3) of her interest in real property passed to her husband, James Hall, and two-thirds (2/3) of her interest in real property passed to her children. That upon information and belief James Hall died intestate, in December 1973, unmarried, leaving his issue as his sole heirs.

a. That upon information and belief, Jessie Hall, son of Anna Waiters Hall and James Hall, died intestate on May 7, 1991, unmarried, and survived by seven (7) children, Anna E. Perkins, Willie James Hall, Lena Tibbs, Levater Hall, Leonard Hall, Leotis Hall and Cecil Hall, as his sole heirs.

1) That upon information and belief, Cecil Hall, son of Jessie Hall, died intestate March 20, 1982, unmarried, survived by one (1) child, Christine C. Hall, as his sole heir.

2) That upon information and belief, Levater Hall, son of Jessie Hall, died intestate on April 10, 2007, unmarried, survived by one (1) child, Janece R. Allen, as his sole heir.

3) That upon information and belief, Leonard Hall, son of Jessie Hall, died intestate, date unknown, unmarried, survived by

two (2) children, Leonard Hall, Jr. and Clinton James Hall, as his sole heirs.

b. That upon information and belief, James Hall, Jr., son of Anna Waiters Hall and James Hall, died intestate on March 26, 2003, unmarried, survived by one (1) child, Alma R. Grant, as his sole heir.

c. That upon information and belief, Roy Hall, son of Anna Waiters Hall and James Hall, died intestate on April 1, 1997, survived by his wife, Pearl Hall, without children, leaving his wife, Pearl Hall, as his sole heir.

d. That upon information and belief, Issac Hall, son of Anna Waiters Hall and James Hall, died intestate on April 19, 1997, survived by his wife Mary Hall, and four (4) children, Mark Hall, Kevin Hall, Doris Hall and Iris Hall. Upon information and belief, upon the death of Issac Hall one-half (1/2) of his interest in real property passed to his wife, Mary Hall, and one-half (1/2) of his interest in real property passed to his issue.

e. That upon information and belief, John Hall, son of Anna Waiters Hall and James Hall, died intestate on October 19, 1978, survived by his wife, Lola Hall, and two (2) children, Jimmy L. Hall, Sr. and Mary McWaters. Upon information and belief, upon the death of John Hall one-third (1/3) of his interest in real property passed to his wife, Lola Hall, and two-third (2/3) of his interest in real property passed to his issue.

1) That upon information and belief, Lola Hall, wife of John Hall, died intestate, unmarried, survived by two (2) children, Jimmy L. Hall, Sr. and Mary McWaters, as her sole heirs.

2) That upon information and belief, Jimmy L. Hall, Sr., son of John and Lola Hall, died intestate October 28, 1992, survived by his wife, Maggie Hall, and eight (8) children, Jimmy L. Hall, Jr., Lowarren Hall, Clifton Hall, Dywayne Hall, Marilyn Hall, Novella Hall, Lenonne Addison and Brendetta Hall, and predeceased by one (1) child, Stevie Wonder Hall. Upon information and belief, upon the death of Jimmy L. Hall, Sr., one-

half (1/2) of his interest in real property passed to his wife, Maggie Hall, and one-half (1/2) of his interest in real property passed to his issue.

i) That upon information and belief, Stevie Wonder Hall, son of Jimmie L. Hall and Maggie Hall, died intestate in December 1998, unmarried, and survived by two (2) children, NaSheqeca Bekia Hall and Marquaivious Tramle Hall.

2) That upon information and belief, Mary McWaters, daughter of John and Lola Hall, died intestate, unmarried, and survived by (5) children, Sabrina McWaters, Renonia Church, Gwen McWaters, Jacqueline McWaters and Renee McWaters, as her sole heirs.

f. That upon information and belief, Elizabeth Caskey, daughter of Anna Waiters Hall and James Hall, died intestate January 27, 2003, unmarried, survived by five (5) children, Connie C. Parker, Alice C. Truesdale, Eliza C. Truesdale, Roy Caskey and Randy Caskey, and predeceased by one (1) child, Leon Caskey, Jr., leaving her issue as her sole heirs.

1) That upon information and belief, Leon Caskey, Jr., son of Elizabeth Caskey, died intestate June 3, 1996, survived by his wife, Maggie Caskey, and two (2) children, Leon Caskey and Sharon Harris.. Upon information and belief, upon the death of Leon Caskey, Jr., one-half (1/2) of his interest in real property passed to his wife, Maggie Caskey, and one-half (1/2) of his interest in real property passed to his issue.

g. That upon information and belief, Eliza Furgerson, daughter of Anna Waiters Hall and James Bertha Hall, died intestate November 26, 2000, unmarried, and, survived by one (1) child, Casey Furgerson, as her sole heir.

h. That upon information and belief, Henry Hall, son of Anna Waiters Hall and James Hall, is deceased, and his wife Willie B. Hall is also deceased, dates of their deaths are unknown, and they are survived by seven (7) children, David Hall, Robert Hall, Joseph Hall, Henrietta Hall, Linda Duncan, M. L. Hall, Alvin Hall, as their sole heirs..

i. Oscar Hall, Jr., son of Jessie and Bertha Hall, is a resident of Lancaster County, South Carolina.

j. That upon information and belief, Can Hall, son of Anna Waiters Hall and James Hall, died intestate on May 28, 1963, survived by his wife, Laura Mae Hall, and survived by two (2) children, Stanford Hall and Anna Hall. Upon information and belief, upon the death of Can Hall one-third (1/3) of his interest in real property passed to his wife, Laura Mae Hall, and two-thirds (2/3) of his interest in real property passed to his issue.

k. That upon information and belief, Casey Hall, son of Anna Waiters Hall and James Hall, died intestate on December 19, 1986, survived by his wife, Anna Hall, and survived by two (2) children, Patricia H. Bentley and Casey Hall. Upon information and belief, upon the death of Casey Hall one-third (1/3) of his interest in real property passed to his wife, Anna Hall, and two-thirds (2/3) of his interest in real property passed to his issue. Thereafter, upon information and belief, Anna Hall died intestate, and all of her interest in real property passed to her issue.

l. That upon information and belief, Daniel Hall, son of Anna Waiters Hall and James Hall, died intestate on June 16, 1972, survived by his wife, Janie Hall, and survived by five (5) children, Janie Douglas, Mary Bradlee, Elizabeth Hall, Teresa Pope and Jerome Hall. Upon information and belief, upon the death of Daniel Hall, one-third (1/3) of his interest in real property passed to his wife, Janie Hall, and two-thirds (2/3) of his interest in real property passed to his issue.

1) That upon information and belief, Jerome Hall, son of Daniel and Janie Hall, died intestate on June 10, 1997, unmarried,

and survived by (3) children, Devron Wright, Dyron J. Hall and Romelle Simpson, as his sole heirs.

21. That upon information and belief, the one-seventh (1/7) undivided interest that Anna Waiters Hall inherited from the estate of Can Waiters is now owned by the heirs of Anna Waiters Hall as follows:

Anna E. Perkins	-	1/84
Willie James Hall	-	1/84
Lena Tibbs	-	1/84
Janece R. Allen	-	1/84
Leonard Hall, Jr.	-	1/168
Clinton James Hall	-	1/168
Leotis Hall	-	1/84
Christine C. Hall	-	1/84
Alma R. Grant	-	1/12
Pearl Hall	-	1/12
Mary Hall	-	1/24
Mark Hall	-	1/96
Kevin Hall	-	1/96
Doris Hall	-	1/96
Iris Hall	-	1/96
Maggie Hall	-	1/32
Jimmy L. Hall, Jr.	-	1/288
Lowarren Hall	-	1/288
Clifton Hall	-	1/288
Dywayne Hall	-	1/288
Marilyn Hall	-	1/288
Novella Hall	-	1/288
Lenonne Addison	-	1/288
Brendetta Hall	-	1/288
NaSheqeca Bekia Hall	-	1/576
Marquaivious Tramle Hall	-	1/576
Sabrina McWaters	-	1/80
Renonia Church	-	1/80
Gwen McWaters	-	1/80
Jacqueline McWaters	-	1/80
Renee McWaters	-	1/80
Connie C. Parker	-	1/72
Alice C. Truesdale	-	1/72
Eliza C. Truesdale	-	1/72
Roy Caskey	-	1/72
Randy Caskey	-	1/72
Maggie Caskey	-	1/144
Leon Caskey, III	-	1/288
Sharon Harris	-	1/288

Casey Furgerson	-	1/12
David Hall	-	1/84
Robert Hall	-	1/84
Joseph Hall	-	1/84
Henrietta Hall	-	1/84
Linda Duncan	-	1/84
M. L. Hall	-	1/84
Alvin Hall	-	1/84
Oscar Hall, Jr.	-	1/12
Laura Mae Hall	-	1/24
Stanford Hall	-	1/48
Anna Hall	-	1/48
Patricia H. Bentley	-	1/24
Casey Hall	-	1/24
Janie Hall	-	1/36
Janie Douglas	-	1/90
Mary Bradlee	-	1/90
Elizabeth Hall	-	1/90
Teresa Pope	-	1/90
Devron Wright	-	1/270
Dyron J. Hall	-	1/270
Romelle Simpson	-	1/270

22. That upon information and belief, Annie Bell Tilman, daughter of Can Walters, died intestate on February 18, 1919, survived by her husband, Eddie Tilman and survived by one (1) child, Ren Tilman. Upon the death of Annie Bell Tilman one-third (1/3) of her interest in real property passed to her husband, Eddie Tilman, and two-thirds (2/3) of her interest in real property passed to her child, Ren Tilman. That upon information and belief, Eddie Tilman died intestate prior to July 1, 1987, survived by his wife Alma Tilman and by Ren Tilman. Upon information and belief, upon the death of Eddie Tilman one-third (1/3) of his interest in real property passed to his wife, Alma Tilman, and two-thirds (2/3) of her interest in real property passed to his issue. That upon information and belief, Alma Tilman died intestate, prior to July 1, 1987, without children.

a. Ren Tilman, son of Annie Bell Tilman and Eddie Tilman, is a resident of Detroit, Michigan.

23. That upon information and belief, the one-seventh (1/7) undivided interest that Annie Bell Tilman inherited from the estate of Can Waiters is now owned by the heirs of Anna Bell Tilman Waiters as follows:

Estate of Alma Tilman	-	1/9
Ren Tilman	-	8/9

24. That the persons stated hereinabove are the direct descendants of Can Waiters and/or other persons who may claim an interest in the real property to the Estate of Can Waiters. That other persons unnamed herein may have an interest in the subject real property. That a Guardian ad Litem should be appointed to represent the interests of unknown heirs.

25. That the Plaintiff is informed and believes that timber has been taken from the subject property and that monies paid for said timber have been placed in an account for the purpose of paying taxes and expenses for the management of the subject real property, and that the Defendants Carrie Lee Waiters, John Waiters and William Waiters are in possession of said funds.

26. That the Plaintiff is informed and believes that the Court should require that said funds be accounted for and that the Court should take possession of said funds and place the funds in the control of the Court, and that said funds should be applied to the common expenses of the Plaintiff and Defendants in reference to the subject property and to the costs incurred due to the necessity of bringing this action to partition the subject real property.

27. That the Plaintiff is informed and believes that the Defendant Donald F. Waiters has cut and removed timber from the subject property, that said timber is the common property of certain parties hereto, and that the Defendant Donald F. Waiters and all persons should be restrained from cutting or removing timber from the subject property except with the authorization of the Court and that the Defendant Donald F. Waiters and any other person who cuts and removes timber from the subject property be held to account for the value of the timber cut and removed from the subject property.

28. That the Plaintiff and certain other persons are residing upon the subject real property and that certain other persons have attempted to cause the

subdivision of the subject real property and have caused said parcels of the subject real property to be listed in the public records of Lancaster County, South Carolina with exclusive fee simple ownership purported to be as follows:

- a. William C. Waiters, John C. Waiters, et. al.; Tax Map # 130-00-28.00, consisting of 109 acres, reference to Deed Book D-6 at Page 6067; and
- b. William C. Waiters, James H. Waiters, Willie Mae James, Wilhemina W. Cook, Tommie Bascomb, Mary L. Bailey and Pearl James; Tax Map # 130-00-28.01, consisting of 30 acres, reference to Deed Book D-6 at Page 6067, Deed Book W-6 at Page 167, Deed Book Z-9 at Page 51, Deed Book O-9 at Page 125 and Deed Book 51 at Page 329; and
- c. Mary L. Bailey, Eula N. Daniel, James C. Bell, Monique Thompson, Darrell Waiters, Phinessa R. Waiters, Dervin Bailey, William G. Bailey; Tax Map # 146-00-22.01, consisting of 2 acres, reference to Deed Book 139 at Page 82; and
- d. Janice W. Dixon; Tax Map # 146-00-22.02, consisting of 1 acre, reference to Deed Book 134 at Page 144; and
- e. Chris Waiters; Tax Map # 146-00-23.10, consisting of 2 acres, reference to Deed Book 168 at Page 214.

29. That the Plaintiff is informed and believes that the descendants of Can Waiters and those persons claiming an interest in the subject real property derived through Can Waiters are the rightful owners of an undivided fee simple title to the subject real property; and that all claims of exclusive fee simple ownership of parcels of the subject property as set forth in Paragraph 28 hereinabove are without merit and should be declared void as a matter of law; however, the Plaintiff is informed and believes that the Court should recognize the claims of those persons derived by law from Can Waiters to the extent that they do not prejudice the rights in and to the property of the Plaintiff and other persons rightfully claiming an interest in the property.

30. That the Plaintiff requests that the Court determine the respective rights of all parties in and to the subject real property and to have the rights of all parties established by Court Order.

WHEREFORE, Plaintiff prays for the following Judgment, to wit:

A) That the Court determine, adjudge and declare the respective right, title, interest, estate, lien or claim of the parties to this action in and to the real property described in the Complaint; and

B) That the Court void all claims of exclusive fee simple ownership of parcels of said property; and

C) That the Court partition said real property in kind to the extent possible and conduct a private sale to allow the heirs of the Estate of Can Waiters to purchase said property that cannot be partitioned in kind; and

D) That the Court restrain Donald F. Waiters and all persons from cutting or removing timber from the subject real property without authorization of the Court, and require an accounting of all proceeds of the sale of timber from the subject real property, and take possession of said funds and place said funds in trust for payment of the common expenses associated with the property; and

E) That the Court divide the proceeds of the private sale of the subject real property and the proceeds from timber sales from the property among the owners of the property as their respective interests may appear after payment of the attorney's fees and costs and disbursements of this action, including the payment of any liens and taxes due on the subject property and reimbursement of the Plaintiff and the Defendant John Waiters for monies advanced for attorney's fees and costs incurred in this action from the common funds; and

F) That the Court grant such other and further relief as the Court deems just and proper.

Lancaster, South Carolina
April 20, 2013

LoweryIE.cpl18@civ



Mark Grier
Attorney for Plaintiff
Post Office Box 2458
Lancaster, South Carolina 29721-2458
(803) 286-6275

STATE OF SOUTH CAROLINA)
COUNTY OF LANCASTER)

1
IN THE COURT OF COMMON PLEAS
2005-CP-29-0724

EVELYN LOWERY,)
PLAINTIFF,)
-VS-)
EULA DANIELS, ET AL,)
DEFENDANTS.)

TRANSCRIPT OF PROCEEDINGS
LANCASTER, SOUTH CAROLINA
JUNE 20, 2014

COPY

REPORTER: WILLIAM H. WHITE

DALLAS REPORTING, A HUSEBY COMPANY
ROCK HILL, SC
803-328-9640

2

1 Appearances: For the Plaintiff -

2 Mark Grier, Esquire

3 Attorney at Law

4 105 West Dunlap Street

5 Lancaster, South Carolina 29720

6
7 For the Defendants -

8 Ronald E. Robbins, Esquire

9 Ronald E. Robbins, PA

10 38-B Parkway Commons Way

11 Landrum, South Carolina 29356

12
13 For Unknown Defendants -

14
15 Christopher Mills,

16 Guardian Ad Litem

17
18 Kevaofan waiters, Defendant

19 Pro Se

20
21 Donald Frank waiters, Defendant

22 Pro Se

23
24
25
COPY

W I T N E S S E S

1		
2		
3	Testimony of Andy Harper	
4	Examination by Mr. Grier	Page 9
5	Examination by The Court	Page 14
6	Testimony of Phillip Smith	
7	Examination by Mr. Grier	Page 15
8	Examination by Mr. Robbins	Page 20
9	Examination by The Court	Page 21
10	Further Examination by Mr. Robbins	Page 22
11	Testimony of Danny McKittrick	
12	Examination by Mr. Robbins	Page 23
13	Examination by Mr. Grier	Page 32
14	Further Examination by Mr. Robbins	Page 33
15	Examination by The Court	Page 33
16	Further Examination by Mr. Robbins	Page 35
17	Further Examination by Mr. Grier	Page 38
18	Examination by Kevoafan Waiters	Page 38
19	Testimony of John Waiters	
20	Examination by Mr. Grier	Page 41
21	Examination by Mr. Robbins	Page 76
22	Further by The Court	Page 92
23	Examination by Kevoafan Waiters	Page 93
24	Further Examination by Mr. Robbins	Page 97
25		

4

1	Testimony of Guy Samuels	
2	Examination by Mr. Robbins	Page 98
3	Examination by Mr. Grier	Page 101
4	Testimony of Howard Waiters	
5	Examination by Mr. Robbins	Page 104
6	Testimony of Kevaofan Waiters	Page 107
7	Examination by Mr. Robbins	Page 118
8	Examination by Mr. Grier	Page 125
9	Examination by The Court	Page 128
10	Testimony of Donald Frank Waiters	Page 129
11	Examination by The Court	Page 130
12	Examination by Mr. Grier	Page 135
13	Testimony of John Waiters (Recalled)	
14	Examination by Mr. Robbins	Page 140

EXHIBITS

REPORTER'S NOTE: This proceeding was held in 2014 and transcribed in 2016. All exhibits were retained by the court. To obtain copies of the exhibits in 2016, it was necessary to obtain the exhibits from the Lancaster County Clerk of Court's office. Not all exhibits were found in the Clerk's file. *** Denotes exhibits that were not found and not included in this transcript.

Exhibits Referenced on Pages Shown Below

1	Plaintiff -		
2	Exhibit 1A	Title Summary	Page 57
3	Exhibit 1B	Title Summary	Page 57
4	Exhibit 1C	Title Summary	Page 57
5	Exhibit 1D	Title Summary	Page 57
6	Exhibit 1E	Title Summary	Page 57
7	***Exhibit 2	Plaintiff Interests	
8	***Exhibit 3	Aerial Photo Collage	
9	Exhibit 4	Photograph	Page 51
10	Exhibit 5	Photograph	Page 51
11	Exhibit 6	Photograph	Page 51
12	Exhibit 7	Map	Page 14
13	Exhibit 8	Check Photocopy	Page 103
14	Defendant -		
15	Exhibit 1	Timber Cruise Summary	Page 25
16	Exhibit 2	offer	Page 29
17	Exhibit 3	Aerial Photograph	Page 30
18	Exhibit 4	Savings Book	Page 78
19	Exhibit 5	Savings Book	Page 79
20	Exhibit 6	Bank Statement	Page 81
21	Exhibit 7	Tax Receipts	Page 81
22	Exhibit 8	Account Statement	Page 85
23	Exhibit 9	24 Photographs	

24

25

6

P R O C E E D I N G S

BEFORE - THE HONORABLE CLAY WALKER, SPECIAL REFEREE

10:48 A.M.

* * * * *

THE COURT: We are here today in the case of Lowery versus Daniels. This is Case Number 05-CP-29-724. And Mr. Grier, you represent the Plaintiff?

MR. GRIER: I represent the Plaintiff, Your Honor. Your Honor, first of all, I represent Evelyn Lowery, and unfortunately she is incapacitated and unable to attend. She has designated her son, Guy Samuels, as her Power of Attorney, and also she has given authority to Howard Waiters, who is present, to represent her to deal with me on this matter. And so I am acting under the authority of her under -- Mr. Samuels is not here. I believe he is expected to be here. So she is not present, but she has authorized these three to kind of work with -- either her son, Guy Samuels, or Howard Waiters, who is present.

THE COURT: Okay.

MR. GRIER: Secondly, Your Honor, I think it would be appropriate at this point to stipulate to what we determined -- something that needed to be

1 raised in the Second Amended Complaint, and that is
2 reflected on the exhibits, Your Honor. Are the
3 exhibits already admitted or --

4 THE COURT: No, not on the record.

5 MR. GRIER: We have marked the Plaintiff's
6 already. Your Honor, therefore, for the purposes
7 of --

8 THE COURT: Are you referring to what has been
9 marked as Plaintiff's 2?

10 MR. GRIER: Yes, sir. I refer to what's been
11 marked as Plaintiff's 2. And what that document
12 does is, it gives -- articulates the interests of -
13 - that were not correct in the Complaint, wherein
14 the interest of Liza Waiters Thompson was conveyed
15 to Henry Waiters in 1948, and then Henry Waiters
16 conveyed his interest to John H. Coleman and Harry
17 Waiters.

18 And that is the one thing that everyone here
19 is in agreement, that it is John Coleman and Harry
20 Waiters received that interest.

21 THE COURT: What page is Exhibit 2?

22 MR. GRIER: Your Honor, that would be, Your
23 Honor -- They are not marked. Four, five, six --
24 it's on the sixth page, Your Honor, of that
25 exhibit.

8

1 THE COURT: Thank you.

2 MR. GRIER: Your Honor, Mr. Robbins has
3 mentioned something that we had discussed, that
4 everyone who had answered in this case needed to be
5 identified, and I have the -- the Court files would
6 reflect, if my records are correct, that we have
7 had Answers filed back in 2006 by Harry Lee
8 Waiters, by Janice Dixon, by Donald F. Waiters, by
9 Raeford J., I believe, Waiters, by Carolyn
10 McKinney, by Larry B. Waiters, by Kevin Waiters,
11 and by Ginger Ann Waiters, and by John Waiters in
12 2009. And those are the parties who have made
13 appearances, Your Honor.

14 THE COURT: Okay. Thank you.

15 MR. GRIER: I call the first -- Could I just
16 make sure everybody is present from the list?

17 THE COURT: Certainly.

18 MR. GRIER: Is Harry here? Harry Waiters here?
19 He is here. Okay. And Janice Dixon is here.
20 Larry Waiters? He is here. All right. Carolyn?
21 She is here. Kevaofan Waiters is here. And John is
22 here. Thank you.

23 THE COURT: You are welcome.

24 MR. GRIER: I call Andy Harper, Your Honor.
25

1 whereupon -

2 Andy Harper

3 was called as a witness and first being duly sworn,
4 testified as follows:

5 Examination: (By Mr. Grier)

6 Q. Please state your name?

7 A. Andy Harper.

8 Q. Mr. Harper, what occupation are you in?

9 A. I am a real state appraiser and a broker.

10 Q. How long you been doing that?

11 A. About 37 years.

12 Q. Okay. And so do you routinely appraise land
13 and -- developed and undeveloped land?

14 A. Yes.

15 Q. And have I approached you about doing an
16 appraisal for, for purposes of --

17 A. Yes.

18 Q. You're just testifying to the value of what a
19 property is worth is what you were asked to do today,
20 weren't you?

21 A. Yes.

22 Q. Okay. Well, there's a lot of scribbling on
23 this, Mr. Harper, but do you recognize what I am holding
24 out here marked as Court's Exhibit 7?

25 A. Yeah. I believe it's the aerial photograph,

10

1 right here.

2 Q. Okay. What are the tax map numbers that are
3 associated with --

4 A. 130 and Parcel 28, and 130, Parcel 28.01.

5 Q. Okay. And how about the other sub-parcels
6 within the -- that are on the -- how about 2201 and
7 2202?

8 A. I just looked at 28 and 28.01. That's what
9 was in the deed.

10 Q. Okay. And those are the largest parcels of a
11 formerly larger tract?

12 A. Yes. Right. 131-A was one for 109.

13 Q. Okay. Now, is that property that you
14 examined, does it have improvements on it?

15 A. Yes, sir. There's a house, trailer --

16 Q. Were you asked to consider the improvements?

17 A. No.

18 Q. Okay. And were you asked to consider the
19 timber on the property?

20 A. No.

21 Q. Okay. And so what you've been asked to do
22 today is to give a value or just to estimate what the
23 value of that, of the land that you examined, would be
24 without factoring in the timber value?

25 A. Correct.

1 Q. Okay. And did you come to conclusions as a
2 result of examining that?

3 A. Yes. I think the land not counting the timber
4 and stuff would be worth 12 to 1,400 dollars an acre.

5 Q. Okay. How did you arrive at that conclusion?

6 A. I found some sales for similar properties in
7 Heath Springs and Stoneboro. There was one that was one
8 on old Camden Highway. It was 59.5 acres, and it sold
9 7-17 of 2013 for 125,000. That's approximately \$2,000
10 an acre.

11 Then I got another parcel that was on old Stoneboro
12 Road, and it was 146 acres. It sold for 350,000.

13 Q. And that's in that area as well?

14 A. Yes, sir. That was \$2,391.00 an acre, but it
15 was a managed timber tract. He wasn't cutting any
16 timber off it or anything, so -- and it would drop the
17 value of this property down significantly, not counting
18 the timber that's on it.

19 Q. Okay.

20 A. And there's another tract that was in Pleasant
21 Hill, and it was 125 acres. And to me this would be the
22 most similar tract. It has just about the same kind of
23 road frontage that the subject property has, and it sold
24 for 250,000. It's 125.11 acres, and that averaged out
25 to \$1,998.00 an acre.

12

1 And they bought it with the timber on it, and
2 they cut the timber off of it and got \$60,000.00 for
3 that. And that knocked the value down for what they
4 got, and that's why I came up with 12, 1,400 dollars an
5 acre.

6 Q. Okay. All right. Any other factors that go
7 in to distinguishing the differences in those
8 comparables besides the timber?

9 A. That's all that I saw.

10 Q. Okay. How do sales of land in the southern --
11 this is considered the southern part of the county?

12 A. I'd say there about the only people that would
13 be buying land down in there would be either timber
14 companies or people buying it for hunting purposes.

15 There's a pretty big crowd, people out of North
16 Carolina, that have sold a piece, say, up there and they
17 want to reinvest in property, they'll come down here and
18 buy a hunting place. There's some big tracts. So --

19 Q. But is there hot demand for property in that
20 area?

21 A. There is no hot demand.

22 Q. Okay. Well, is there anything else relevant
23 to the value of the property that you could advise the -

24 -

25 A. No. It had good road frontage, and there's a

13

1 small pond on the property. And, like I said, but I
2 didn't consider the timber, but it looked like it had
3 pretty good timber on it.

4 Q. Okay. All right. were you promised to be
5 paid for your participating in this proceeding today?

6 A. Yes, sir.

7 Q. Okay. Who made a promise to you?

8 A. You.

9 Q. Okay. Who are you expecting payment from?

10 A. You.

11 Q. And are you expecting that immediately?

12 A. Well, when I get out of here.

13 Q. Okay. All right. And how much is that
14 promise? What did I agree to pay you?

15 A. \$375.00.

16 Q. \$375.00?

17 A. Uh-huh.

18 MR. GRIER: Okay. Thank you, Mr. Harper.
19 Answer any questions that any of the other
20 participants may have for you.

21 THE COURT: Mr. Robbins?

22 MR. ROBBINS: I don't have any questions for
23 this witness. Thank you.

24 THE COURT: Mr. Mills?

25 MR. MILLS: None, Your Honor.

14

1 Examination: (By The Court)

2 Q. Mr. Harper, how much road frontage?

3 A. I don't know the exact amount, but it's on the
4 plat of the 109 acres, and I do know --

5 Q. Just look at the plat and give me some idea?

6 A. It was several hundred feet.

7 THE COURT: Okay. Thank you.

8 MR. GRIER: That's all, Your Honor. Thank you,
9 Mr. Harper.

10 THE COURT: I assume you have no objection to
11 the witness being excused?

12 MR. ROBBINS: No, no.

13 THE COURT: While we are at a stopping point,
14 Mr. Grier, do you want to go ahead and move Exhibit
15 3 and any other exhibits which we may use?

16 MR. GRIER: Your Honor, I did use Exhibit 2
17 previously. I'd -- well, with Mr. Harper I used
18 what was labeled as Court's Exhibit 7. I move that
19 be admitted.

20 THE COURT: Any objections?

21 MR. ROBBINS: No objections.

22 MR. MILLS: No objections.

23 MR. GRIER: Your Honor, that will be admitted
24 as Plaintiff's Exhibit 7.

25 THE COURT: Okay.

1 MR. GRIER: We call Philip Smith.

2 Whereupon -

3 Philip Smith

4 was called as a witness and first being duly sworn,
5 testified as follows:

6 Examination: (By Mr. Grier)

7 Q. Please state your name for the record?

8 A. Philip G. Smith.

9 Q. Mr. Smith, what is your occupation?

10 A. I am a licensed professional land surveyor.

11 Q. And how long have you been a licensed
12 professional land surveyor?

13 A. Twenty-two years.

14 Q. Are you familiar with the piece of
15 property I am showing you? It's marked as Exhibit --
16 it's Plaintiff's 7.

17 A. Familiar with everything on the north side of
18 Hoke Road.

19 Q. Okay. And is it your understanding that's all
20 that's being considered today?

21 A. Uh-huh.

22 Q. Okay. And how are you familiar with it?

23 A. Well, my father was a surveyor. He used to do
24 a lot of work for the waiters family every year, so I
25 was with him when I was a child and working for him,

16

1 back years ago. I been out there several times myself
2 just to cruise the trees. I been familiar with it all
3 along.

4 Q. Okay. Are you familiar with any of the
5 parties that are in this action? Are you familiar with
6 any of the Waiters family?

7 A. I don't know the particulars. I've met a few.

8 Q. Have you met John Waiters?

9 A. Yes.

10 Q. And how did you come to meet John Waiters?

11 A. Well, used to just bump in to him when we was
12 out there in the field, He'd be outside doing something.

13 Q. Okay. And as a result of y'all's meetings,
14 has there been some conversation and some agreement
15 between you and Mr. John Waiters as to what a reasonable
16 price for a perimeter survey --

17 A. Yes.

18 Q. -- of this tract of land would be?

19 A. Yes, sir.

20 Q. And what have you -- what price did you quote
21 him for a perimeter survey?

22 A. I spoke to him about a year ago and told him a
23 rough price on it, and he had a few questions about it,
24 and I told him it would be at least \$6,000.00 to do the
25 perimeter.

1 Q. Okay. Now, does the perimeter -- would you
2 describe, using Exhibit 7, what you consider to be the
3 perimeter?

4 A. That would be the parcel, 2801 and 28.

5 Q. Okay. Would it include --

6 A. Well, that would include 2801 because it's
7 inside 28.

8 Q. Okay. So it would go around all of the
9 parcels that are marked as separate tax map parcels and
10 use the frontage on Number 12?

11 A. Right. To cut out 2201 would be an additional
12 \$1700.00.

13 Q. Okay. So it would be inclusive of Tax Map
14 Number 2801, 28 -- 130, 28, that is. 130, 2801. And
15 2202, 2201, and 2301. The outside perimeter would
16 include those, simply the outside of those pieces of
17 property?

18 A. For the perimeter.

19 Q. Okay. And what would be a -- what's the
20 standard in the profession for the cost, and what would
21 you charge for additional surveying that might involve
22 subdividing this property?

23 A. It's nearly impossible to charge by acreage.
24 Some surveyors try to do it by \$50.00 an acre, \$100.00
25 an acre. The best way to explain that is like a

18

1 cardboard box. When you survey a box, you take the
2 width of that box, okay? The distance around that box.
3 And you got a certain amount of area in it. And if you
4 go by the area, okay, you get the perimeter of that box.
5 But if you take that same box and squash it flat, you
6 still got the same distance around that box, but no area
7 inside of it. So you can't get it by the area. So I do
8 a property by the foot. So I don't do it by an acreage
9 pricing. I do it by using 43 cents a linear foot around
10 the property.

11 Q. Okay. And is that consistent with people in
12 your profession, what they are doing?

13 A. I charge consistent with my competition.

14 Q. Okay. And would you be -- commit to that
15 price for subdividing this property if that were to be -

16 -
17 A. There's variances. When we run in to creeks
18 we got to add some for that. Takes longer to traverse a
19 creek, due to sometimes you can't get to it and you got
20 to shoot both sides. So this particular parcel we had a
21 \$600.00 additional for the creek that's in the back. So
22 what I did is I got 12,600 linear feet, and that come to
23 \$5,400.00 at 43 cents a foot, and then I added 600 for
24 the creek, and that brings it up to 6,000, and that's
25 how I arrived at that figure. But if you did it the

1 linear-foot way I think you'd come up with \$5,400.00.
2 But the 600 more is for that creek back there. That's
3 how we do that.

4 Q. Okay. Those same variables would govern, you
5 know, if you were to subdivide the property, as well?

6 A. Right.

7 Q. And you can't anticipate, without knowing
8 where --

9 A. Without knowing where the line would end up --
10 I am assuming this would end up the line being the
11 previous number.

12 Q. Okay. Are there any other considerations in
13 what the charge for surveying and subdividing that would
14 be relevant in whether it would be practical to
15 subdivide, and what the overall costs of subdividing
16 this property might be?

17 A. Not for the perimeter, but if I go to
18 subdividing -- say, I got to do this perimeter and the
19 timber's been cleared off of it then it goes a whole lot
20 quicker with no trees on it. Then we might go down a
21 few cents a foot.

22 Q. So --

23 A. That don't mean -- when I say cleared off, lot
24 of times they go in there and clear it off and say they
25 just logged the land, that makes it harder. They leave

20

1 a mess and you can't cross it.

2 Q. Okay.

3 A. I mean, it depends on how it's cleared.

4 Q. Okay.

5 A. I mean, a lot of times my daddy used to double
6 the price if you couldn't walk it to the end. Clearing
7 just makes it worse when you cut it. You can't drive
8 across it when they clear-cut it. They leave stumps
9 everywhere and everything, and it takes a lot more time.

10 Q. Okay. Anything else relevant to what your
11 costs in conducting the survey, either in what you've
12 already testified to about the perimeter or with doing
13 any future subdividing, if you were to undertake that
14 task?

15 A. No, I think that's it.

16 MR. GRIER: Okay. Answer any questions others
17 may have for you.

18 THE COURT: Mr. Robbins?

19 Examination: (By Mr. Robbins)

20 Q. I wonder if you could give us an idea of what
21 the cost per linear foot would be if the property has
22 been cleared properly?

23 A. Oh, roughly 40 cents a linear foot.

24 Q. So 40 for cleared, and 43 --

25 A. Yes, sir. And then drawing the plats up.

1 Every part has to have a plat drawn for it.

2 THE COURT: I've got a few questions.

3 Examination: (By the Court)

4 Q. First of all, I want you to come down here and
5 I want you to trace out on this exhibit exactly where
6 the perimeter is.

7 A. Okay. (Witness complies.)

8 Q. I know you are not a lawyer, but as a surveyor
9 you're generally familiar with the zoning regulations of
10 the county?

11 A. Uh-huh.

12 Q. This property would be subject to zoning,
13 right?

14 A. Uh-huh.

15 Q. If it's going to be subdivided is that
16 probably going to have to get approved by some
17 committee?

18 A. Yes. If I have to go through Planning they
19 charge per lot. You can divide it up any way and, they
20 charge the same thing. They charge me \$25 apiece.

21 Q. Are you familiar with getting zoning approval
22 on stuff like this?

23 A. I can get it through. Main thing I worry
24 about is size, buildings, structures and access for
25 emergency vehicles. I am assuming it's an R45, which

22

1 means the minimum area would be an acre. The minimum
2 width would be 130 feet for any structure to be built.
3 You would have to have at least a 25 foot easement if it
4 is land where you have to travel across the property of
5 another one. You can only put three of those in
6 succession. And you can't stack lots up, you know, have
7 a whole bunch of them and one right-of-way to them --

8 Q. Can't put three lots on top of each other?

9 A. Right. They got a bunch of little rules like
10 that and I am familiar with them, so I tell the customer
11 what we can and can't do on it.

12 Q. But getting zoning approval to subdivide this
13 parcel, if done correctly, you don't think it would --

14 A. Not any problem for me because I know the
15 rules. So I won't survey anything that I know won't get
16 approved, and I have never had a problem getting a
17 subdivide approved.

18 THE COURT: I don't have anymore questions.

19 Further Examination: (By Mr. Robbins)

20 Q. Is there a minimum, at least for a lot size
21 under zoning rules?

22 A. Yes. For R45 it's an acre.

23 Q. An acre?

24 A. An acre would be the minimum.

25 Q. And that's if you want to put a home or a

1 residence on it?

2 A. Well, that's just the rule for anything. Got
3 to be a minimum of an acre.

4 MR. ROBBINS: Nothing further, Your Honor.

5 THE COURT: All right. Again I am assuming
6 it's no objection for the witness to be excused.
7 Thank you for your time.

8 MR. GRIER: Your Honor, having taken care of
9 all our experts I am going to defer to the
10 Defendants to present a witness, unless he objects.

11 THE COURT: I certainly understand. Mr.
12 Robbins?

13 MR. ROBBINS: We call David McKittrick.
14 whereupon -

15 David McKittrick
16 was called as a witness and first being duly sworn,
17 testified as follows:

18 THE COURT: Mr. McKittrick, how do you spell
19 your name?

20 THE WITNESS: M-C-K-I-T-T-R-I-C-K.

21 THE COURT: Thank you.

22 THE WITNESS: Yes, sir.

23 Examination: (By Mr. Robbins)

24 Q. Mr. McKittrick, would you tell the Court about
25 your background as far as working with timber, the

24

1 purchase of timber, surveying property, what your
2 credentials are?

3 A. Yes, sir. Well, my father had a sawmill. We
4 bought timber, and I grew up in the business with him.
5 During the '70s, mid-'80s, I started my own timber
6 company. We shut the sawmill down, and I been buying
7 and harvesting timber ever since. Thirty, thirty-some-
8 odd years.

9 Q. And you've played a role with the Association
10 of Timber Harvesters?

11 A. South Carolina Timber Cruise Association.
12 Actually had a board meeting yesterday. I was past
13 Chairman for four years of the Timber Producers
14 Association, and we are charter members of the American
15 -- the National Association. So I have been on that
16 board since, I think, '04, and we -- Well, actually, we
17 do have our meetings at the Forestry Commission, so we
18 are -- You know, we all work together and, you know,
19 provide landowners assistance and whatever, you know, to
20 the needs of timber folks.

21 Q. Your company purchases tracts of timber?

22 A. Mostly from private planters. Correct.

23 Q. Okay. Did you have an opportunity to look at
24 the Waiters' heir property?

25 A. We did, back in September '13. Brad McGuire,

1 one of my agents, cruised the property. I want to say
2 it was September of 2013.

3 Q. Now, we have a Defendant's Exhibit 1 from the
4 previous hearing. We'd like to go ahead and admit it.
5 This is just a summary sheet, but I'd like to go ahead
6 and admit the whole -- the whole timber cruise survey.
7 Mr. McKittrick, is this a copy of the timber cruise
8 survey --

9 A. It is.

10 Q. -- which was done in August 2013?

11 A. Correct. This is it.

12 MR. ROBBINS: All right. I'd like to introduce
13 the whole survey instead of the summary as
14 Defendant's Exhibit 1, if it is without objection.

15 MR. GRIER: No objection.

16 THE COURT: First, I want these marked.
17 Whereupon - Document was marked Defendant's
18 Exhibit 1.

19 THE COURT: Any objection to Defendant's 1, Mr.
20 Grier?

21 MR. GRIER: No, Your Honor.

22 By Mr. Robbins: (Resuming)

23 Q. Now, Mr. McKittrick, you were asked to do two
24 things. One was to value the timber that's standing,
25 correct?

26

1 A. Correct.

2 Q. And the second was to value the timber that
3 would have been removed?

4 A. Correct.

5 Q. The timber cruise survey -- what -- which of
6 those two did that relate to?

7 A. Well, --

8 Q. The value of the timber standing or the value
9 of the timber removed?

10 A. Both.

11 Q. Okay. All right. Would you explain to the
12 Court what is reflected in the cruise survey? what all
13 it means?

14 A. I will. Well, what you do in timber is,
15 initially we cruise the standing timber. And you just
16 go in -- and I'm sure --

17 Q. I actually know what you're talking about.

18 A. You know exactly what I'm talking about on
19 timber cruise. You know, we go in, we grid it out, we
20 take the land change, we take a plot. Value every tree
21 in every plot that's in there, primarily plot, taking
22 note of the standing timber.

23 Q. Does your summary show that information?

24 A. It does. It does. And we own a program --
25 Once we got that done we enter it all, everything done,

1 we put it on the computer program, and that's what
2 prints out from the computer program. That's on the
3 standing timber. Now --

4 Q. All right. Let me ask you, do you -- did you
5 make a determination in 2013 as to the value of the
6 standing timber and what offer your company would make
7 for the standing timber?

8 A. Yes, we did.

9 Q. And what was that?

10 A. \$50,000 for the remaining timber.

11 Q. All right. And the -- tell me, you're
12 identifying would be all the remaining timber --

13 A. That's correct.

14 Q. -- or just a portion of that?

15 A. Over the 140 acres.

16 Q. Over the 140 acres?

17 A. Correct.

18 Q. Does that take in to consideration -- there's
19 an additional 30 acre tract?

20 A. Yes. This is the 109, then the 31.

21 Q. Both tracts together total the 140 acres, yes?

22 A. Right.

23 Q. All right. There's an exhibit that we had, I
24 believe, that -- this is -- it was marked as Plaintiff's
25 Exhibit Number 3 from the previous hearing. Is this an

28

1 aerial depiction of the area you're talking about, the
2 approximate area you're talking about?

3 A. Yes, from -- well, you can tell the property
4 line goes back, and then they come in here together.

5 Q. So that's represents the 140 acres you're
6 talking about?

7 A. It is.

8 Q. All right. And so there's a considerable
9 amount of standing timber that could be harvested?

10 A. Right. Right. You know, we made it right at
11 \$50,000.

12 Q. I am going to show you what is marked
13 Defendant's Exhibit 2 from the previous hearing. I ask
14 you if you recognize that document?

15 A. Yes, sir.

16 Q. And what is that?

17 A. That is a -- that's my offer to buy the
18 remaining timber for \$50,000.

19 Q. So it's on your letterhead and it's your offer
20 to purchase the standing timber?

21 A. Right. That is correct.

22 MR. ROBBINS: All right. I don't know if
23 anybody has any objection to this, but we'd like to
24 have it marked as Exhibit, Defendant's Exhibit 2
25 for purposes of --

1 MR. GRIER: No objection.

2 THE COURT: Without objection.

3 Whereupon - Document marked Defendant's
4 Exhibit 2.

5 By Mr. Robbins: (Resuming)

6 Q. Now, did you also evaluate the value of what
7 the timber that was removed from the property would be
8 worth?

9 A. Yes, sir. We did.

10 Q. And what did you -- First, can you identify by
11 --

12 A. I can better on this one.

13 Q. All right. He has, for the record, he has a
14 copy, an aerial copy, of the 140 acres, and I would ask
15 him to circle the areas where timber was, the general
16 area where timber was removed before.

17 A. (Witness complies.) That's the general area
18 there. But there was, you know, some spots that was
19 really hard to come up with a GPS acreage that was also
20 removed.

21 Q. All right. I believe this is -- this is
22 probably from GIS or Google Maps or something?

23 A. That's right. That came from the Lancaster
24 County Tax Records Office maps.

25 Q. Okay.

30

1 A. Which, they do Google. That's what it is,
2 Google.

3 MR. ROBBINS: I'd like to have this marked as
4 Defendant's Exhibit -- I believe it would be 4.

5 THE COURT: Exhibit 1 was the entire cruise;
6 Exhibit 2 was the offer to purchase.

7 MR. ROBBINS: And this was the exhibit -- I
8 guess this is Plaintiff's Exhibit 3, Your Honor, of
9 the -- so this would be Defendant's Exhibit 3, Your
10 Honor.

11 Whereupon - Photograph marked Defendant's
12 Exhibit 3.

13 THE COURT: As long as we are talking about
14 Plaintiff's 3, have you already put it in to
15 evidence?

16 MR. GRIER: Yes.

17 By Mr. Robbins: (Resuming)

18 Q. Mr. McKittrick, if you look at -- Let me hand
19 you this, what's been marked as Plaintiff's Exhibit 3,
20 and ask you to look at that and see if that reflects the
21 -- or portrays the 140 acres that we are talking about?

22 A. It does. And just like the other map, I guess
23 you want me to identify those --

24 Q. Circle the areas --

25 A. I mean, they already circled.

1 Q. I believe at the last hearing you circled some
2 areas that you are referring to?

3 A. That's right.

4 Q. Okay. And what you are talking about is the
5 value of the timber that was removed in those areas?

6 A. Correct.

7 MR. ROBBINS: Okay. For the record, this came
8 off of Google Maps and it's a compilation that's
9 been taped together. It's a very poor exhibit, but
10 it's -- I believe it's an aerial depiction, a
11 satellite depiction of the property.

12 THE COURT: Any objection?

13 MR. GRIER: No objection.

14 MR. MILLS: No objection.

15 By Mr. Robbins: (Resuming)

16 Q. What did you determine that the value was,
17 what the cash value would have been, of the timber
18 removed?

19 A. Could I have a look at that?

20 Q. I am handing him Defendant's Exhibit 3.

21 A. I came up with the acres off of the GPS -- I
22 did it the same way you'd look it up on the tax map.
23 And I guess you want the values? We put it at 75 tons
24 per acre. That would be consisting of 40 tons of saw
25 timber and 35 tons of pulpwood per acre that was taken

32

1 off. And that's -- you go by the calculations of the
2 standing timber, because it was real grown up there.
3 And on the low-end value, we came up with \$767.00 per
4 acre.

5 Q. And approximately how many acres?

6 A. We come up with about seven acres or so, about
7 \$10,000 total we would remove.

8 Q. And was that a conservative estimate?

9 A. Very conservative. Very conservative.

10 MR. ROBBINS: I don't have any further
11 questions for the witness.

12 Examination: (By Mr. Grier)

13 Q. Mr. McKittrick, how are the contracts taken
14 care of in terms of the exchange of the funds for the
15 timber? Is that done once the contract is reached? Is
16 the timber cut before there is any exchange of funds?

17 A. No. In this case, we'll do, you know, the
18 \$50,000. We'll do -- we have to get a lawyer, you know,
19 that'll do the title search, and then at the closing
20 they can get the checks. And then, you know, we would
21 at some time after closing, you know, a certain amount
22 of time, another check.

23 Q. Okay. So is a lien or anything put on the
24 timber to protect your interests?

25 A. Yes. On the timber?

1 Q. Yes.

2 A. Yes. The timber lien, it's really all -- what
3 we need.

4 MR. GRIER: All right. Thank you.

5 Further Examination: (By Mr. Robbins)

6 Q. Okay. Just a followup. That would be
7 provided, the \$50,000 ---

8 A. Correct.

9 Q. That was in 2013. Would the number be the
10 same today or different?

11 A. Well, the markets are pretty close to the
12 same. It would most likely be the same.

13 Q. It would not likely be higher than in 2013?

14 A. Correct.

15 MR. ROBBINS: All right. Nothing further.

16 Examination: (By the Court)

17 Q. Mr. McKittrick, I haven't read one of these in
18 a long time --

19 A. Yes, sir.

20 Q. -- but I have in the past. Are you
21 considering all the wood you take off the tract to be
22 all pulpwood and no saw timber?

23 A. No. It was saw timber there. And that's what
24 that reads.

25 Q. Just tell me what -- I am missing it.

34

1 A. It's --

2 Q. And you're on the second page?

3 A. Second page.

4 Q. The yellow pine?

5 A. That's board footage. That is saw timber.

6 THE COURT: Okay.

7 MR. ROBBINS: Your Honor, I can ask him to go
8 through the survey and identify everything.

9 THE COURT: I was just curious about that, and
10 he's -- I just want to be sure that the -- all the
11 family is getting --

12 MR. ROBBINS: It may be, for the record, if I
13 can just go through and say what is the basis for
14 the offer.

15 THE COURT: That'll be fine. Again, this is
16 y'all's case to try.

17 THE WITNESS: This is a break down of what
18 brought that up. This is the actual tree count.
19 This is the log diameters, how many logs in all.
20 This is Virginia pine. This is how they are
21 identified, which, there is some difference. And
22 then this is saw timber.

23 THE COURT: And it looks like this is
24 summarized on the second page?

25 THE WITNESS: On the second page. That's

1 correct. That's your hardwood, pulpwood. That's
2 your tree count.

3 THE COURT: Got it. Thank you.

4 Further Examination: (By Mr. Robbins)

5 Q. Mr. McKittrick, I would ask you if you would
6 just to explain what the timber cruise shows, the first
7 sheet shows. Is that just a summary?

8 A. The first sheet, the very first sheet is just
9 a -- just a recognition of the tract.

10 Q. And then the second sheet?

11 A. That is the -- the total in board footage of
12 the saw timbers. The top numbers would have been yellow
13 pine, and then to the bottom you got the cords of the
14 pine pulpwood and the cords of the pulpwood, at the
15 bottom.

16 Q. Okay. And the pages that follow that, are
17 they the breakdown --

18 A. Basically. I mean, that's the actual tally
19 sheet where we mark each tree in the plot. This just
20 records it.

21 Q. It identifies the diameter of trees, and then
22 a count on the numbers?

23 A. Diameter, height and numbers.

24 Q. All right. And would you just address what
25 your summary shows, what you found from the cruise

36

1 survey in terms of the type of wood that's available?

2 A. We found 54,681 feet of pine, yellow pine, saw
3 timber; 124,000 -- and that's not Virginia pine, that's
4 the small pine. That's the way we brook it down, small
5 pine and large pine, the saw timber. Virginia pine's
6 not what it is. Virginia pine is just the small ---

7 Q. Small, but you can cut lumber out of it?

8 A. Totally, 179,464 feet of total saw timber.

9 Q. Okay.

10 A. And then 1,036 cords of pine pulpwood and 85
11 cords of hard pulpwood.

12 Q. All right. And then there's a different price
13 for the saw timber and --

14 A. Right. We broke that down, you know.

15 Q. And how did you break it down? Does it show
16 on your report?

17 A. Not really. What I actually do, I call each
18 company that the crop is going to, and they'll quote me
19 a price that they currently pay. I do not have that in
20 front of me. But I -- They will honor the prices that
21 they gave me back then. That's why we can leave it at
22 the price we are now.

23 Q. All right. And you -- are you in a position
24 to move forward with cutting timber if the court were to
25 approve that?

1 A. I am.

2 Q. So you could start up within -- how much time
3 would you need?

4 A. Well, we need some time. I mean, you know,
5 we've got to get this lined up, but we would do it as
6 soon as possible.

7 Q. All right. And typically how long do you --
8 before you have the closing, is the whole process?

9 A. It takes -- Once we get the go-ahead on it,
10 it'll take two or three weeks for -- at the closing,
11 from the end of closing.

12 Q. And then how long to do the tract?

13 A. Once we start, normally we do about 20, 25
14 acres a week. So it'd take about six weeks, six or
15 seven weeks to cut it.

16 Q. What kind of condition is the property in when
17 you finish?

18 A. The same plus the roads. In our contract,
19 we have a simple contract on roads, they will be better
20 than when we started. You know, no trash. Our simple
21 contract, it really looks after the landowner. Say we
22 do a new contract and we're starting on it and, say,
23 September we have torrential rains or whatnot, you know,
24 it's up to the landowner -- well, I won't go that far.
25 But the landowner has the option to, you know, call for

38

1 a stoppage. And if it, you know, comes to the point a
2 year is up or, you know, whatever -- whatever time we
3 are out for wet weather, you know -- you know, it's just
4 a simple contract that really protects, you know, the
5 landowner.

6 Q. But what happens to the brush and -- after the
7 pulpwood and the logs have been removed?

8 A. It's generally spread across, you know,
9 throughout the site. Or we put it in piles. You know,
10 whatever -- everybody wants it different. Some people
11 want it in piles; some people want it spread out to go
12 back, you know, in to the soil.

13 MR. ROBBINS: All right. No further questions.

14 THE COURT: Mr. Grier?

15 Further Examination: (By Mr. Grier)

16 Q. Are the trees replanted?

17 A. We do not replant, but we can recommend -- we
18 can refer several names to replant. We can even line
19 that up, you know, if that happens.

20 MR. GRIER: Okay. Nothing further.

21 MR. ROBBINS: Your Honor, I apologize. I do
22 not know the names of -- will you stand, please?

23 MR. KEVAOFAN WAITERS: Kevaofan Waiters.

24 MR. DONALD WAITERS: And Donald Waiters.

25 KEVAOFAN WAITERS: And I just have one question

1 on the cutting of the timber. Your Honor, I --

2 THE COURT: You are entitled to ask questions,
3 and you just go ahead, sir.

4 KEVAOFAN WAITERS: In your estimation of the
5 \$10,000 of cutting the timber, is there a time
6 limit of the timber that is being cut? I mean,
7 what's the estimation based on? Is it -- was it in
8 a short period of time or several years or what do
9 you base that on?

10 THE WITNESS: It was all done within, you know,
11 a pretty short time, you know. The regrowth was
12 all pretty equal.

13 KEVAOFAN WAITERS: Okay. What -- In your
14 estimation, how many truckloads would it take to
15 remove \$10,000 worth of timber?

16 THE WITNESS: Let's see. We figure that -- Let
17 me go back to see if I got that information.

18 KEVAOFAN WAITERS: It doesn't have to be exact,
19 just an estimate.

20 THE WITNESS: All right. Figuring 75 tons per
21 acre that was estimated, it would be an average of
22 about three loads per acre. And at seven acres,
23 that would be 21 loads. And the value would be
24 about \$10,000.

25 KEVAOFAN WAITERS: All right.

40

1 DONALD WAITERS: And how long would one man
2 take to do that?

3 THE WITNESS: One man, you know, he could take
4 -- you know, if he got one load a day, you know,
5 that's take 20 days, you know, 21 days if he got
6 that. I know one man, he got two loads a day, but
7 that wasn't a big truck; it was a small truck, you
8 know. Two loads a day, by himself.

9 DONALD WAITERS: Thank you.

10 THE WITNESS: Yes, sir.

11 THE COURT: Anymore questions?

12 MR. GRIER: Your Honor, may I sort this, the
13 stuff that has been admitted in to evidence from
14 what hasn't? Is that in evidence?

15 THE COURT: I don't think that's been admitted
16 yet.

17 THE COURT: Mr. Robbins, did you want to admit
18 that?

19 MR. GRIER: I just want to get that straight
20 before we get any further, Your Honor.

21 THE COURT: The Plaintiff's Exhibits that are
22 in are Exhibit 3 and Exhibit 7. And Exhibit 7 is
23 right up here.

24 MR. GRIER: Right. So ---

25 THE COURT: Seven was the drawn map.

1 MR. GRIER: I call my next witness, Your Honor,
2 if we are prepared to move on.

3 THE COURT: Okay.

4 MR. GRIER: Mr. Waiters?

5 THE COURT: I need to swear you in, Mr.
6 Waiters.

7 Whereupon -

8 John Waiters
9 was called as a witness and first being duly sworn,
10 testified as follows:

11 Examination: (By Mr. Grier)

12 Q. Please state your name?

13 A. John C. Waiters.

14 Q. Mr. Waiters, --

15 THE COURT: Mr. Waiters, if I could get you to
16 -- it's going to help the Court Reporter if you'll
17 move that microphone over where you can talk in to
18 it.

19 THE WITNESS: Yes, sir.

20 MR. GRIER: Would it be okay if I moved the
21 admitted documents up to your desk where they'll be
22 --

23 THE COURT: Sure.

24 MR. GRIER: -- in front of you, and I can use
25 this space instead of crowding out the witnesses

42

1 here?

2 THE COURT: Sure.

3 By Mr. Grier: (Resuming)

4 Q. Mr. Waiters, these are some documents that --
5 copies were made and you received.

6 MR. GRIER: Did you have a copy of what's now
7 Plaintiff's 1 that was made for the benefit of
8 pretrial that I could use so that you can have one?

9 MR. ROBBINS: I think I made only one copy and
10 taped them together, so you would have a facsimile
11 of that.

12 By Mr. Grier: (Resuming)

13 Q. Mr. Waiters, how long have you lived on the
14 Ken Waiters estate property?

15 A. Eighty years.

16 Q. And were you born on that property?

17 A. I was.

18 Q. Okay. And who are you descended from, Mr.
19 Waiters? Who was your dad?

20 A. Henry Waiters.

21 Q. And did he live on the property as well?

22 A. Yes, he did.

23 Q. Okay. And he -- you grew up in the home site
24 from Ken Waiters?

25 A. Yes.

1 Q. Your dad ended up getting that and you grew up
2 in that house?

3 A. Right.

4 Q. So you've been around and you know the history
5 of this place, don't you?

6 A. I do.

7 Q. And you know all the family?

8 A. I do.

9 Q. Family's gotten pretty big, hasn't it?

10 A. Yes, it has.

11 Q. And it just keeps getting bigger, doesn't it?

12 A. Yes.

13 Q. Are Evelyn Waiters is your sister?

14 A. Yes, sir.

15 Q. And your sister actually, and you, have been
16 trying to clarify problems with the title of the
17 property for some time, haven't you?

18 A. Yes, we have.

19 Q. And going back in to the early '80s, and even
20 the '70s?

21 A. Right.

22 Q. And you've had -- haven't been able to get a
23 resolution on that, have you?

24 A. No.

25 Q. Well, your sister Evelyn moved back to

44

1 Lancaster. She worked in Washington, DC, didn't she?

2 A. Yes.

3 Q. And she was resolved that she was going to get
4 this taken care of, wasn't she?

5 A. Yes, she was.

6 Q. And we -- I met with her a few times, Evelyn,
7 a couple years before it was decided that she wanted us
8 to try to get this case, this situation resolved. Is
9 that true?

10 A. Yes.

11 Q. You were in some of those conversations and
12 were quite often present during the times, the many,
13 many times that we met, weren't you, Mr. Waiters.

14 A. Yes.

15 Q. And so the purpose of Evelyn -- She wanted to
16 do this for the family, didn't she, so every person in
17 the family would -- that had an interest would be able
18 to get their interest, and the people on the property
19 would be able to have good title to their homes --

20 A. Right.

21 Q. -- on the property. And that was what was
22 motivating her, wasn't it?

23 A. Right.

24 Q. She didn't want to take anything away from
25 anybody?

1 A. No.

2 Q. She wanted to give it back to the family,
3 didn't she?

4 A. Yes.

5 Q. She's not able to be here today, is she?

6 A. No.

7 Q. How is she? How is she, health-wise?

8 A. Well, not good.

9 Q. She's just not able to participate?

10 A. Right.

11 Q. Okay. John, you and I and your sister,
12 Evelyn, met many, many times trying to figure out your
13 family history and your family tree, didn't we?

14 A. Yes.

15 Q. And we constantly learned more and more about
16 the family over the years?

17 A. Right.

18 Q. It was a long and protracted process, wasn't
19 it?

20 A. Uh-huh.

21 Q. In fact, we -- I believe you and I discussed
22 it, and we did 18 different drafts over the years of it
23 as new information was developed. Correct?

24 A. Yes.

25 Q. So you became very familiar with the Complaint

46

1 and the document that's before the Court today asking
2 that the Court resolve this issue and partition this
3 property and do what you and your sister wanted to
4 accomplish? Correct?

5 A. Yes.

6 Q. And you participated and you are knowledgeable
7 of, you know, the names of the people and maybe not
8 specifically, but you've been in this and you're
9 familiar with this document, which is the Second Amended
10 Complaint?

11 A. Yeah.

12 Q. Now, the Second Amended Complaint excluded
13 what was known as the Bell property --

14 A. Yeah.

15 Q. -- south of Hoke Road. Correct?

16 A. Right.

17 Q. Now, Mr. Waiters -- Your Honor, Plaintiff's, I
18 believe, Exhibit 1 is the copy -- I have a copy of it,
19 but --

20 THE COURT: It's 7.

21 Q. Seven, excuse me. That's right. You did put
22 it, do it as 7. Mr. Waiters, you --

23 THE COURT: You are welcome to use the exhibit.

24 Q. Well, I have this one marked exactly like you
25 so we could both have one, is my reasoning in doing

1 that.

2 So Mr. Waiters, the area outlined on this document
3 in yellow is what all the land for the Ken Waiters
4 Estate, that originated from the Ken Waiters Estate
5 north of Hoke Road, isn't it?

6 A. Uh-huh.

7 Q. And you've -- You are familiar with this
8 document, the Complaint --

9 A. Uh-huh.

10 Q. -- and all of the people that are named in it
11 --

12 A. Uh-huh.

13 Q. -- And you've been a part in figuring out the
14 percentages and -- that everybody's entitled to.
15 Correct?

16 A. Right.

17 Q. And you heard the stipulation, before we
18 started this proceeding, that the Eliza Thompson -- that
19 portion that went in to Henry Waiters ultimately became
20 the property of John Coleman and Harry Waiters?

21 A. Right.

22 Q. Right?

23 A. Right.

24 Q. So except for that, this document accurately
25 reflect due diligence in figuring out who are the heirs

48

1 to the property? Correct?

2 A. Uh-huh.

3 Q. As a result of that, a spreadsheet was
4 prepared to reduce those numbers and tweak them down to
5 the mathematical percentage that each heir was to
6 receive?

7 A. Right.

8 Q. Do you recognize this document?

9 A. Yes.

10 Q. And that's the spreadsheet that was meant to
11 say who the heirs are and what their interest in this
12 property was. Correct?

13 A. Correct.

14 Q. And this is marked as Plaintiff's Exhibit 2 at
15 this point?

16 A. Uh-huh.

17 MR. GRIER: Your Honor, I would move that this
18 be admitted as --

19 THE COURT: Any objections?

20 MR. ROBBINS: No.

21 By Mr. Grier: (Resuming)

22 Q. To the best certainty that it could be done,
23 this document reflects the heirs and the percentages
24 that each of those heirs would receive, and it
25 accurately reflects the stipulation we made of the -- of

1 the Eliza to Henry to John Coleman and, and Harry
2 Waiters transaction. Right?

3 A. Uh-huh.

4 Q. Mr. Waiters, you and Evelyn and the purpose in
5 the family, and your son Howard's here today, nobody
6 wants to throw anybody off the property, do they?

7 A. No.

8 Q. And the purpose -- what you would like to have
9 accomplished is the Court fashion, give everybody their
10 interests that lives on the property --

11 A. Uh-huh.

12 Q. Correct?

13 A. Correct.

14 Q. And to fashion a solution for splitting the
15 property up that would be most beneficial as possible to
16 all the parties that have an interest in this property?

17 A. True.

18 Q. But you're asking that it be taken in to
19 account to accommodate the interests of the people and
20 the property and to leave them and not bother with the
21 value of their property, --

22 A. Right.

23 Q. -- correct?

24 A. Right.

25 Q. And you're one of those people?

50

1 A. Right.

2 Q. Okay. Now, the other people that live on the
3 property, Mr. Waiters -- Now, this is marked -- this is
4 Plaintiff's Exhibit 7 laid before you.

5 A. Uh-huh.

6 Q. Now, some time ago, a long time ago, you and
7 I, you took me on a tour of the property, didn't you?

8 A. Sure did.

9 Q. We took some pictures, didn't we?

10 A. Sure did.

11 Q. And those pictures -- Now, do you recognize
12 these pictures?

13 A. Yes, I do.

14 Q. Okay. And those -- okay.

15 A. That one, and that one, and that one.

16 Q. Okay. So these three pictures are pictures we
17 took of property that is of the improvements and homes -

18 --

19 A. Uh-huh.

20 Q. -- that sit on the Waiters estate today?

21 A. Uh-huh.

22 Q. And I guess it's with the exception of the
23 home place?

24 A. Right.

25 MR. GRIER: Okay. Now, Your Honor, I'd ask for

1 these to be admitted.

2 THE COURT: That's as Numbers 4, 5 and 6.

3 MR. GRIER: Yes, sir.

4 THE COURT: Mr. Robbins?

5 MR. ROBBINS: No objection. No objection.

6 Whereupon - Photographs were marked as
7 Plaintiff's Exhibit 4, Plaintiff's Exhibit 5
8 and Plaintiff's Exhibit 6.

9 By Mr. Grier: (Resuming)

10 Q. Now, Mr. Waiters, when we -- we put numbers on
11 each of these photos, didn't we?

12 A. Yes.

13 Q. And for each number we put a mark of the
14 approximate location on this map, which Plaintiff's
15 Exhibit 7, correct?

16 A. Uh-huh.

17 Q. So for instance, where it is marked Number 1 -
18 - Can you find that on the property?

19 A. Right here.

20 Q. Okay. Now, that is the home of the -- Idell
21 Waiters, correct?

22 A. That is.

23 Q. Okay. So the picture is marked, or it has a
24 Number 1 under it, that has the name Idell Waiters under
25 it, that's her home, and that home is where Number 1 is

52

1 marked on that Plaintiff's 7 exhibit. Correct?

2 A. Correct.

3 Q. Likewise Donald waiters --

4 A. Uh-huh.

5 Q. --that is marked Number 2. Will you look at
6 Number 2? That is Donald waiters's home. Does he live
7 on --

8 A. Yes, he is.

9 Q. -- on that property?

10 A. Yes.

11 Q. And now, is that Donald Frank waiters or is
12 that --

13 A. Donald.

14 Q. Okay. And Donald waiters is --

15 A. Yes, sir.

16 Q. -- is Idell's son?

17 A. Uh-huh.

18 Q. And does he live in that home now?

19 A. He is.

20 Q. Okay. Now, if you will look at Number 3. Now
21 that -- excuse me. UMBER 3, --

22 A. Uh-huh.

23 Q. On the photograph, the number under the
24 Photograph Number 3, is the name John willie James?

25 A. Uh-huh.

1 Q. Okay. And is that where John Willie James
2 lives?

3 A. That's correct.

4 Q. Okay. Now, Number 4 -- excuse me. It's
5 struck out --

6 A. Okay.

7 Q. -- so that's not -- we're not considering
8 that. Number 4 is not to be considered, --

9 A. Yeah.

10 Q. -- but Number 5, now, I have Larry Waiters on
11 Number 5. Now, can you -- and, now, you don't have a
12 current photograph, and it's kind of hard to see. Your
13 Honor, if I might show him that. Number 5. Who lives
14 in that residence?

15 A. Where at?

16 Q. Right here.

17 A. William right there.

18 Q. Who, then?

19 A. William.

20 Q. Okay. So that's William Waiters's house?

21 A. Uh-huh.

22 Q. Okay. Can I hold that again? Can you
23 recognize -- see these -- okay. Now, Number 7, that's
24 where the old home place was?

25 A. Yes.

54

1 Q. And we are going to be talking about the old
2 home place some more, so where that's marked on that
3 map, that structure is no longer there?

4 A. No.

5 Q. Okay. All right. And so, nobody lives there?

6 A. Right.

7 Q. Okay. Now, on the map can you make out Number
8 8?

9 A. Yeah.

10 Q. Okay. Can you make it out from that or is it
11 too dark?

12 A. That's it.

13 Q. Okay. And it's marked, and that's the home
14 Evelyn built?

15 A. Uh-huh. Evelyn built it.

16 Q. Now, how about Number 9?

17 A. Yeah. That's mine.

18 Q. And that's you?

19 A. That's right.

20 Q. And that's marked Number 9 --

21 A. Yeah.

22 Q. -- on the Exhibit 7, right?

23 A. Right.

24 Q. All right. Now, Number 10, Number 10 is
25 marked Monique Thompson. Okay? So, now, that is also

1 marked -- so that is --

2 A. She live there now.

3 Q. She lives there now, and that is -- that home
4 is located on what is also -- it's on Tract 22.01.
5 Right?

6 A. Uh-huh.

7 Q. On that map. All right. So that's Number 10
8 that's on that part of the property that is mapped as
9 2201 And then -- and Janice Dixon lives where the map is
10 marked 11. Correct?

11 A. That's right. Right.

12 Q. So are those all the folks that live on the
13 property?

14 A. That's all the folks live on the property.

15 Q. All right. Did I go over Number 6? I don't
16 remember Number 6.

17 A. That's Carrie.

18 Q. It's Carrie's? Okay.

19 A. Carrie.

20 Q. Okay. Do we -- I don't remember. Did I skip
21 it?

22 A. Skipped it. Yeah.

23 Q. I skipped it. Okay. well, it looked like
24 there was an X across it, okay, on this dark photo, is
25 what caused me to skip it. Okay. But -- and Number 5

56

1 is on, captioned as -- that home is located on 23.01,
2 and that's William Waiters's home place?

3 A. Uh-huh.

4 Q. Right. Okay. Now, Mr. Waiters, over the
5 years you've been a participant and done a lot of
6 research, and pulling deeds and figuring out, you know,
7 what happened and when it happened, and you know a lot
8 about why it happened. Correct?

9 A. Uh-huh.

10 Q. Now, the tract that is highlighted around it
11 is the same map -- Again, and just a -- And I think it's
12 probably abundantly clear, but just for the record --
13 You know, that is -- what you're looking at is
14 everything that is derived from the Ken Waiters estate,
15 which is north of Hoke Road. Right?

16 A. That's right.

17 Q. Okay. All right. Now, the property that's
18 derived -- It came down through Ken Waiters. Over the
19 years there's been various deeds and -- that have gone
20 out, and people have kind of staked a claim and prepared
21 deeds, and as a result of all of that, there are
22 multiple parts that derived from Ken Waiters's estate
23 that now have separate tax map numbers. Correct?

24 A. Right.

25 Q. Now, the largest of those, and you're looking

1 at those, Plaintiff's Exhibit 7. Now, do you know how
2 to identify the tax map numbers?

3 A. Yeah.

4 Q. All right. Do you see 28?

5 A. Uh-huh.

6 Q. And that's from Tax map 130-28?

7 A. Uh-huh.

8 MR. GRIER: All right. Your Honor, I'd offer
9 the documents titled, Title Summary, Tax Map 130-
10 28, as Plaintiff's Exhibit -- let's see. They were
11 all marked as one exhibit previously, but I think
12 for clarity it would be better to do it separately.
13 Can we go ahead and mark -- well, Tax map 28, Your
14 Honor, this would be Plaintiff's --

15 MR. ROBBINS: Well, we already pre-marked
16 exhibits through Number 8.

17 MR. GRIER: Okay. So this would be -- we could
18 do it this way. We have Plaintiff's Exhibit 1, and
19 it consists of five different summaries, and we
20 could mark them A, B, C, D, E. I'd ask that we
21 mark them that way so that --

22 THE COURT: Get the Reporter to make some
23 stickers.

24 Whereupon - Documents marked Plaintiff's
25 Exhibit 1A, Plaintiff's Exhibit 1B,

58

1 Plaintiff's Exhibit 1C, Plaintiff's Exhibit 1D
2 and Plaintiff's Exhibit 1E.

3 THE COURT: Mr. Reporter, can we go off the
4 record for a minute?

5 (Off the record)

6 By Mr. Grier: (Resuming)

7 Q. Now, these are marked Plaintiff's Exhibits.
8 Do you recognize these documents that we have been
9 through, these title summaries, Mr. Waiters

10 A. Yes.

11 Q. And you are familiar with the deeds and the
12 transaction in these title summaries, okay? Right?

13 A. Yeah.

14 Q. And these title summaries are broken down
15 based on the tax maps?

16 A. Right.

17 Q. Now --

18 THE COURT: This is Plaintiff's Exhibits 1A
19 through 1E?

20 MR. GRIER: Your Honor, I offer those -- Well,
21 I will continue. I didn't mean -- I guess I need
22 to authenticate them a little bit better for you.

23 By Mr. Grier: (Resuming)

24 Q. Those documents were obtained from the Clerk
25 of Court's Office?

1 A. Uh-huh.

2 Q. All of these documents were obtained from the
3 Clerk of Court's Office, Mr. Waiters? Correct?

4 A. Correct.

5 Q. And they're all authentic copies, and they
6 were filed in the Clerk of Court's Office?

7 A. Right.

8 Q. But you've challenged they are legitimate
9 deeds?

10 A. Right.

11 Q. Okay. That's what I want to ask you about,
12 all right?

13 A. Yes.

14 Q. Now, a couple of these title summaries reflect
15 property that has homes on them?

16 A. Uh-huh.

17 Q. And you're not asking anybody to get thrown
18 off of their home. You want them to receive their home
19 and some property with their home?

20 A. Right.

21 Q. You and Evelyn and Howard and the people that,
22 you know -- Mr. Robbins represents you, but I have you
23 as my witness.

24 A. Right.

25 Q. But you want everybody to stay in their home?

60

1 A. Sure.

2 Q. But you want their homes to be, you know, then
3 their interest to be counted against their home?

4 A. Right.

5 Q. Even though they have a tax number and have a
6 tax deed?

7 A. Right.

8 Q. When you look through all these properties
9 the-- you know, the 100 and -- All of those, all of the
10 other four tax maps, Tax Map 2301 -- If you'll look at
11 them, okay? Okay. 2301, 2801, 2201, and 2202, all
12 those are separate tax numbers. All of those are
13 derived from, really, the part that remains, the only
14 part of the original piece that remains that's not a
15 separate tax map number, is now on 130-28. Correct?

16 A. Uh-huh.

17 Q. So, 130-28.01, what is marked as Plaintiff's
18 Exhibit 1 -- okay. What is marked as Plaintiff's
19 Exhibit 1E here, Mr. Waiters, that says that's the title
20 that came from 130-28, right?

21 A. Uh-huh.

22 Q. Now, that property has -- it has not been
23 subdivided. Correct?

24 A. Right.

25 Q. Okay. And that, most certainly, you're not

62

1 Q. I mean, that was not a proper deed?

2 A. No.

3 Q. That was done -- They just cut that out and
4 had a few of the people that do have interest in it,
5 they just went out, had a survey done --

6 A. Yeah.

7 Q. -- cut it out, and haven't done anything with
8 it except that two acre tract at the bottom that they
9 cut off of the original 31 acres, right? The original
10 33 acres?

11 A. Right.

12 Q. It's just sitting there. Nothing's been done
13 with it, and do you challenge that, that being --

14 A. Yeah, I do.

15 Q. Should that be part of the Ken Waiters's
16 Estate, or be part of what all of the heirs are supposed
17 to receive, and whoever is named, you know, as the
18 title, should receive their fair share, but that deed is
19 -- you don't believe that that deed is legitimate, do
20 you?

21 A. No.

22 Q. And you believe that the Court ought to
23 declare that that deed is -- has no force and does not
24 bind all the heirs of the Ken Waiters Estate?

25 A. Yes.

1 Q. Okay. And so you're asking that he set that
2 deed aside?

3 A. Uh-huh.

4 Q. It does not have the heirs giving title to
5 anybody, does it?

6 A. No.

7 Q. Okay. All right. Now, of course, 2301, which
8 is Plaintiff's 1B, that's part of that tract as well,
9 correct?

10 A. Uh-huh.

11 Q. Now, that, that piece of property actually was
12 deeded out to Chris Waiters --

13 A. Uh-huh.

14 Q. -- and went through a foreclosure process, and
15 somehow they got a loan on it, didn't they?

16 A. Yes.

17 Q. Okay. And that's also where that -- there's a
18 William Waiters home site on that tract, correct?

19 A. Yes, sir.

20 Q. And so you have no objection to , you know,
21 them receiving the tract, but they ought, it ought to go
22 against their share as an heir?

23 A. Yeah.

24 Q. They don't own it outright, unless this Court
25 says they own it --

64

1 A. Right.

2 Q. -- is what you believe the Court should do
3 today, declare the title to be null and give it back to
4 them after the interests are considered?

5 A. Uh-huh.

6 Q. You think that would be the fair thing to do?

7 A. Uh-huh.

8 Q. For all the heirs, and --

9 A. Yeah.

10 Q. Okay. All right. The same as to tax map or
11 rather Plaintiff's Exhibit 1A, which on that map is
12 2202?

13 A. Uh-huh.

14 Q. Okay. There were -- It purports to pass
15 title, but the title didn't originate but from -- you
16 know, from -- the heirs didn't participate in doing it.
17 It wasn't a legitimate title --

18 A. Right.

19 Q. -- correct?

20 A. Right.

21 Q. I mean, the interests, you know, purport to be
22 a handful of the heirs, but it most certainly was not
23 exclusive to them. You don't believe that was
24 legitimate title, but you do want to receive the
25 property based on their interest they have inherited?

1 A. Right.

2 Q. Okay. And the same goes as to Plaintiff's
3 Exhibit 1D, which on the map is Tax Map 2201?

4 A. Uh-huh.

5 Q. Okay. You see that on Plaintiff's Exhibit 7?

6 A. Uh-huh.

7 Q. Likewise that purports to convey title, and it
8 was identified as a tax -- a tax map --

9 A. Uh-huh.

10 Q. -- but you believe that should be set aside
11 and the person in possession of that property should
12 receive their interest through the Court as opposed to
13 they would have a legitimate deed, correct?

14 A. Right.

15 Q. And you are asking the Court to set that deed
16 aside?

17 A. Uh-huh.

18 Q. So you are asking the Court to take all of
19 those properties that is derived from Ken Waiters's
20 estate north of Hoke Road, return it to the estate, give
21 everyone -- determine what the interest of each of the
22 heirs is in terms of their -- the amount of property
23 they would receive or the benefit they would receive if
24 they don't get property --

25 A. Uh-huh.

66

1 Q. All persons in possession of homes or living
2 on the property to receive that, and to have their
3 interest that they received as an heir counted against
4 the land that they receive?

5 A. Uh-huh.

6 MR. GRIER: Judge, if I could just have one
7 minute to look at my notes and --

8 THE COURT: Okay.

9 MR. GRIER: judge, I think after conversation
10 with Mr. Robbins, and I haven't consulted with Mr.
11 Mills over there but he looks hungry, I think if we
12 did take a break, I believe we might be able to
13 streamline the process during that time as well,
14 and if I could, determine whether I would rest when
15 we return from lunch or not. I know I had earlier
16 proposed another plan, but I think I'm to the point
17 where, you know, it is time for a break.

18 THE COURT: If that's good with the parties,
19 that's fine. When do y'all want to come back?
20 Take an hour? Folks, we are going to take an hour
21 for lunch. We going to lock the court room up, or
22 -- so if you've got something you are leaving here,
23 we are going to lock the court room up and it's
24 going to be safe, but we'll come back here a little
25 bit before 1:15 and we'll get started again.

1 Before we leave, one more thing. Mr. Waiters,
2 you are still under oath, and you are advised not
3 to talk to anybody about your testimony. I know
4 that's going to be hard, but we hold you to that.
5 Thank you, sir.

6 Whereupon - A lunch recess was taken.

7 MR. GRIER: Your Honor, I think, while we are
8 fresh from our meeting where all the parties were,
9 that were right here, were present or represented -

10 -
11 THE COURT: Right.

12 MR. GRIER: -- about a development in the
13 heirs, of some knowledge that had been learned
14 during the course of this hearing that wasn't in
15 the record. And I think that all the parties agree
16 that it's been determined that, or there's
17 information that has led them to believe, that
18 there are heirs of one of the children of Ken
19 Waiters, whose name was Beaudry, that weren't
20 reflected in the Second Amended Complaint. And it
21 now appears that Beaudry may have had children.

22 In fact, Mr. Donald Frank Waiters knew of him,
23 and Mr. Kevaofan Waiters has apparently met someone
24 professing to be the offspring or descendant of
25 Beaudry Waiters, and that everybody agrees that

68

1 that is going to affect the outcome and the
2 distribution that is essential for someone having
3 an interest that's not represented here. And of
4 course, that brings our Guardian Ad Litem in to the
5 picture, and we ask the Court to accept the
6 stipulation that the interests of the descendants
7 of Beaudry Waiters be protected in the proceedings,
8 and others.

9 And also, my understanding is that we have
10 further determined that there are some -- there's
11 an inaccuracy in the spreadsheet that's been
12 presented. Certainly, if there are descendants of
13 Beaudry, that's going to be inaccurate, but also
14 that then interests of the individual named as
15 Annabelle Hillman in the spreadsheet as well as in
16 the Second Amended Complaint is -- has no surviving
17 descendants.

18 And that information has been discovered
19 through conversations with the family, and that is
20 going to change the calculus somewhat.

21 I think everybody agrees that those are facts
22 that are not in dispute, but we currently don't
23 know what the outcome of the investigation of
24 Beaudry waiters' heirs will be, but it's something
25 that would be required.

1 THE COURT: So the stipulation that Beaudry was
2 survived by issue is that --

3 MR. GRIER: Appears to have been.

4 THE COURT: He was survived by issue?

5 MR. GRIER: That's my understanding. Your
6 Honor, also all the parties with interests have
7 determined, you know, to the extent it may have
8 some bearing on the distribution -- it's going to
9 be a math issue. I think at this point it's
10 determining what that's going to constitute, but
11 one of the -- one of the children of Ken Waiters,
12 Manuel Waiters, he died intestate, and that his
13 wife also died intestate, and that the offspring
14 have died intestate leaving no children. And that
15 would factor in to the calculus as well.

16 THE COURT: And the anticipation is that you
17 are going to prepare another spreadsheet?

18 MR. GRIER: Yes, Your Honor. I believe Mr.
19 Robbins has those materials and, you know, has the
20 capacity to minimize the extent and trouble of
21 doing that.

22 MR. ROBBINS: I have the program that was used
23 to run the numbers for the heirs. It appears that
24 we've broken the heirs down in to six family, sub-
25 family trees, and that an allocation needs to be

70

1 made for one-sixth to each. And then one of those
2 six subsequently convey their interest to other
3 parties. So it will affect the numbers, and I want
4 to do a calculation which would show the
5 descendants for the heirs that are to receive
6 through the proceeding.

7 THE COURT: Okay. And if the stipulations are
8 complete, this would be your witness?

9 MR. GRIER: Yes, sir.

10 THE COURT: I thought you were finished with
11 your direct and --

12 MR. GRIER: No, I believe I had told Your Honor
13 during the break I would consider whether or not I
14 would rest when we came back, and I would like, you
15 know, to continue with additional examination of
16 Mr. Waiters.

17 By Mr. Grier: (Resuming)

18 Q. Mr. Waiters, in the -- This action was
19 initially filed on August 3, 2005.. Correct?

20 A. Uh-huh.

21 Q. And shortly after that there was some timber -
22 - some timber operations were commenced on the property,
23 --

24 A. Yes.

25 Q. -- is that correct?

1 A. Yes.

2 Q. The Lis Pendens had been filed --

3 A. Yes.

4 Q. -- correct?

5 A. Uh-huh.

6 Q. And this means that this lawsuit put a hold on
7 anything that would disadvantage the parties at interest
8 in the property?

9 A. Correct.

10 Q. Now, far as the -- what knowledge do you have
11 of this two thousand -- we ended up filing a -- for a
12 temporary restraining order. Correct?

13 A. Yes.

14 Q. And we ended up stopping that?

15 A. Yes.

16 Q. We had a hearing back in November of -- the
17 end of November of 2005 as a result of that timber --

18 A. Right.

19 Q. -- cutting. Correct? And that ceased at that
20 time?

21 A. Yes.

22 Q. A lot of resources were put in to stopping
23 that timber, that cutting of that timber.

24 A. Yes.

25 Q. Now, who was involved in the -- who initiated

72

1 the cutting of that timber? Are you aware of who was
2 responsible for that?

3 A. Donald, Frank and Kev.

4 Q. And did they -- Had they hired someone?

5 A. Yes.

6 Q. Who was that individual?

7 A. That's Watts.

8 Q. Okay. Was it a Stevenson or was that a Watts?
9 In 2005?

10 A. 2005? That's Watts.

11 Q. Okay.

12 A. No, Stevenson. They was two, two --

13 Q. There were two different incidents involved in
14 that. Right?

15 A. Yes.

16 Q. Okay.

17 A. Stevenson first.

18 Q. Right. Okay. Now, at the time that -- During
19 the initial few years figuring out the direction we were
20 going, the intention was to include the property south
21 of Hoke Road in this matter and to challenge the
22 ownership of the property south of Hoke Road. Is that
23 correct?

24 A. Right.

25 Q. Okay. Now, as, you know -- there was -- that

1 would prove -- that is the Martins, the Ferrell, the
2 Miller property -- that has been excluded form the
3 property. We had to go through considerable proceedings
4 to do that as well --

5 A. Yes.

6 Q. -- correct?

7 A. Correct.

8 Q. They hired an attorney, and this attorney --
9 although we believed we might have merit in continuing
10 that suit, that -- If I understand correctly, it is my
11 discussion with you and Evelyn, those folks are
12 unrelated to the waiters but they had cared for your
13 grandmother --

14 A. Yes.

15 Q. -- and in the -- is that right?

16 A. Yes.

17 Q. And they had -- As a concession to them for
18 taking care of -- excuse me, of your grandfather, your
19 grandmother actually gave -- her intention was that they
20 receive property?

21 A. Right.

22 Q. And although that probably was not done
23 correctly, ultimately the decision was made that this
24 was not going to be challenged --

25 A. Right.

74

1 Q. -- but part of that involved stopping timber
2 while those negotiations and all of that was going on.
3 But that didn't involve, you know, any of your family.

4 A. Right.

5 Q. That was a separate matter, but it did involve
6 quite a bit of effort and work to halt that timber --
7 that was nice hardwood timber land, wasn't it, just,
8 like, virgin?

9 A. Right. Uh-huh.

10 Q. So there were considerable efforts put in to
11 preventing that until all of that could be resolved.

12 A. Right.

13 Q. Okay. Fast forward to 2009. Another timber-
14 harvesting operation commenced. Correct?

15 A. Right.

16 Q. And that's when we -- you began to have
17 communication with, with Mr. Robbins, as well?

18 A. Right.

19 Q. And Mr. Robbins commenced a -- proceeded to
20 contact me, contacted me and we kind of linked forces
21 and, and we commenced and got an order to halt that --

22 A. Uh-huh.

23 Q. -- timber harvesting, which was while this Lis
24 Pendens had been filed and this lawsuit was going on,
25 and it was being done without any authority. Correct?

1 A. Uh-huh. Correct.

2 Q. And who was responsible for cutting that
3 timber?

4 A. Kev and Frank.

5 Q. Okay. Now, was there ever any -- were there --
6 - were the proceeds of that timber harvesting ever
7 shared with anyone else in the family?

8 A. Never.

9 Q. Okay. Were the proceeds of the timber
10 harvesting back in 2005 ever shared or, you know, for
11 the benefit of the family?

12 A. Never.

13 Q. Do you know for certain that taxes were not
14 paid with it, or that some contribution was not made
15 towards the -- towards the benefit for all of the
16 waiters?

17 A. No.

18 Q. Okay. You don't know or you know that those
19 taxes were not paid from those funds?

20 A. Taxes were not paid from the funds.

21 Q. Okay. In our Complaint, we have asked that
22 the Court consider assessing the expenses that were
23 incurred due to folks that were acting contrary to the
24 interests of all the waiters, that they be held
25 responsible for, you know, for the fees and costs that

76

1 were an unnecessary result for cutting timber and that
2 they were not reasonably entitled to do it at that time,

3 --

4 A. No.

5 Q. -- correct?

6 A. Right.

7 MR. GRIER: Okay. All right. Thank you.

8 THE WITNESS: Yes, sir.

9 Examination: (By Mr. Robbins)

10 Q. Was there a family account that was kept, in
11 fact, for the purpose of paying taxes and things of that
12 nature?

13 A. It was.

14 Q. All right. What is your recollection? Do you
15 know when that account was created or who was alive at
16 that time?

17 A. William, Evelyn and, I believe it was, Frank
18 that created it.

19 Q. Okay. Frank took care of it. And where was
20 the account set up?

21 A. Heath Springs.

22 Q. Okay. And did they give you a passbook for
23 that account? Was it a savings account?

24 A. Yeah, it was a savings account.

25 Q. How did you go about -- Did you pay money from

1 that -- Did you use money from that account to pay
2 taxes?

3 A. Yes.

4 Q. How would you go about getting the money from
5 the account to pay the taxes?

6 A. We all three had to sign for it, and Carrie
7 had the book.

8 Q. Okay. So you had to all three be involved in
9 the process?

10 A. True.

11 Q. And was the money from that account used for
12 the payment of real estate taxes or property taxes?

13 A. Right.

14 Q. And at some point did the three people change,
15 the people that were authorized to access the account?

16 A. Beg pardon?

17 Q. At some point did the people change, the
18 people that were authorized to access the account?

19 A. No. They was the ones at the beginning.

20 Q. All right. They started it. Was there ever a
21 change where Frank was named with Carrie, with them
22 having authority over the account?

23 A. No. It was myself, Carrie and William.

24 Q. So it changed to you, Carrie and William?

25 A. Right.

78

1 Q. And at some point William passed away.

2 A. Right.

3 Q. And then who was involved at that point?

4 A. That was Frank.

5 Q. William's son, right?

6 A. That's right.

7 Q. And so you had an account in Heath Springs?

8 A. Right.

9 Q. And then you transferred the account where?

10 A. Wachovia.

11 Q. Wachovia. And at Wachovia, was it a -- I have
12 a book here I want to show you, and deposits. I've got
13 copies of this. I'd like to mark it as an exhibit, make
14 it Defendant's Exhibit 4.

15 Whereupon - Document marked Defendant's
16 Exhibit 4.

17 Q. But it's a copy of these two receipts and a
18 savings book, and I would be happy to show you these
19 things if you'd like to look at it. Now, this Exhibit
20 Number 4, you said you changed it to Wachovia?

21 A. Uh-huh.

22 Q. This indicates a deposit made on January 19,
23 2007. Would that have been the time that you did the
24 transfer from Heath Springs to Wachovia?

25 A. That's correct.

1 Q. And it looks like at that time how much money
2 was left in that account, the family account? Can you
3 tell by the receipt, there?

4 A. Right.

5 Q. Looks like \$3,872.00. Is that correct?

6 A. Right. \$3,872.00.

7 Q. So that's the amount that was on hand in 2007?

8 A. Correct.

9 Q. All right. Now, I have a -- This is just
10 front of one of the savings books, here. I'd like to
11 mark this as the next exhibit.

12 Whereupon - Document marked Defendant's
13 Exhibit 5.

14 Q. This is Defendant's Exhibit Number 5, and this
15 is the front of your wachovia book. Is that right?

16 A. Yes, sir. ✓

17 Q. And whose names are on that?

18 A. John and Carrie.

19 Q. Did the two of you cooperate together in
20 handling that account?

21 A. That's right.

22 Q. Okay. And funds from that account were used
23 for payment of the taxes on the property?

24 A. Right.

25 Q. And what process would you go through to pay

80

1 the taxes?

2 A. Well, draw the money out in a check, like
3 that.

4 Q. All right. Did you go by yourself to --

5 A. Yes, a lots of times I did.

6 Q. Did Howard go with you sometimes?

7 A. No. Renee went.

8 Q. Renee went with you?

9 A. Yeah.

10 Q. And then what happened to the receipts for the
11 tax payments? what would you do with the receipts?

12 A. I'd make a copy, give Carrie one, and I'd keep
13 it.

14 Q. So you both kept a copy?

15 A. Yes.

16 Q. And did that -- I want to show you -- This is
17 the next exhibit, which is just a bank statement from
18 that -- is this a bank statement for that savings
19 account?

20 A. What?

21 Q. From the Wachovia account?

22 A. It is.

23 Q. Okay. And that's the account we are talking
24 about, now, where you and Carrie were named on it --

25 A. That's right.

1 Q. And this is a family account and it's called
2 Waiters Company?

3 A. That's right.

4 Q. All right. And this is Defendant's Exhibit 6.
5 whereupon - Document marked Defendant's
6 Exhibit 6.

7 Q. Now, this exhibit, it shows on here
8 withdrawals being made. There's a withdrawal on
9 October, in October 2006 -- excuse me. October 6. This
10 is for 2010. Excuse me. This is a statement for
11 October through December 2010, correct?

12 A. Right.

13 Q. Was there a withdrawal made in October 2010?

14 A. That's right.

15 Q. How much was the withdrawal? Can you read
16 that?

17 A. I'm sorry, I can't --

18 Q. All right. \$642.00. And I want to hand you,
19 too, a document here and ask you, do you recognize that
20 as a 2010 tax bill?

21 A. Yes.

22 Q. Now, would you get taxes like this every year?

23 A. Every year.

24 whereupon - Document marked Defendant's
25 Exhibit 7.

82

1 Q. This is Defendant's Exhibit 7. And this
2 Exhibit 7 is actually one sheet of paper that has two
3 tax bills on it. And so the top one says \$606.59, and
4 it's for acreage, 109 acres. Is that the Waiters heir
5 property?

6 A. Yes.

7 Q. And then the one below it says 31 acres.
8 That's the tax map number, and the tax amount, \$37.51?

9 A. Yes, sir.

10 Q. All right. And is that -- and every year you
11 would get a tax statement and you, or you with another,
12 would go to the account and get the money to pay the
13 taxes?

14 A. Yes.

15 Q. And did you do that in 2011, as well, the
16 following year?

17 A. Yes.

18 Q. 2012 is the year it went up?

19 A. Yeah, 2012.

20 Q. Well, at some point did you change the bank
21 from Wachovia to another bank?

22 A. Yes.

23 Q. And where did you change it to?

24 A. Founders.

25 Q. And is this a copy of the summary of accounts

1 you had with Founders? Is that the account that you
2 had?

3 A. Right.

4 MR. ROBBINS: And this is the next one, Judge.

5 Q. And is it fair to say that you set up this account
6 some time in 2011?

7 A. Uh-huh.

8 Q. And how much money was deposited -- did you
9 have in the account at the time this statement was made?
10 It's at the bottom, in the balance. Is it \$1,456.00?

11 A. That's right.

12 Q. And that was the amount the account had been
13 reduced to after paying taxes?

14 A. Yes.

15 Q. Was this \$1,456 applied to taxes the following
16 year?

17 A. Right.

18 Q. Okay.

19 A. It wasn't enough.

20 Q. It wasn't enough money?

21 A. No.

22 Q. Okay. So this was the account that was the
23 family account?

24 A. Right.

25 Q. All right. Let's change things up a little so

84

1 I don't get lost in my paperwork. Mr. Waiters, you were
2 aware that there were trees that were being cut and sold
3 and taken off the property while this action was
4 pending?

5 A. Right.

6 Q. Did any of the money from the sale of those
7 trees go in the family amount?

8 A. No.

9 Q. I would ask you if you recognize these
10 photographs here. I've got a series of them. What are
11 those? Are you familiar with those photographs? Do you
12 know what they represent?

13 A. Yes.

14 Q. They represent what?

15 A. Timber.

16 Q. Timber cut by Cecil Watts?

17 A. Yes. All this his equipment.

18 Q. His equipment?

19 A. Uh-huh.

20 Q. What kind of equipment did he have?

21 A. He had loaders and trucks, skidder.

22 Q. He had a skidsteer?

23 A. Right.

24 Q. I understand that you were present when these
25 photographs were taken?

1 A. Yes.

2 Q. And who took the photographs?

3 A. My son, Kevan, take them. And I recognize
4 where they were took.

5 Q. All right. Did you ever call me about it?

6 A. That's when we told them to stop, and they
7 wouldn't stop.

8 Q. And they wouldn't stop. That was in 2009?

9 A. Yes.

10 MR. ROBBINS: All right. I'd like to mark
11 these as an exhibit.

12 Whereupon - Photographs marked as Defendant's
13 Exhibit Number 8.

14 By Mr. Robbins: (Resuming)

15 Q. You mentioned that Stevenson had been cutting
16 in 2005?

17 A. Uh-huh.

18 Q. And was Stevenson, was he made to stop
19 cutting?

20 A. Uh-huh.

21 Q. Yes?

22 A. Yes.

23 Q. Okay. And then later on Cecil Watts started
24 cutting?

25 A. Uh-huh.

86

1 Q. All right. Was he -- Back when Stevenson was
2 involved, was the Plaintiff, Evelyn. involved at that
3 time?

4 A. Yes.

5 Q. How was she involved?

6 A. She tried to stop it.

7 Q. When Stevenson was involved, she tried to stop
8 it?

9 A. Yes.

10 Q. All right. And there was a hearing at that
11 time. There was a temporary restraining order at that
12 time --

13 A. Yes.

14 Q. -- and then there was a hearing on it?

15 A. Yes.

16 Q. And it was acknowledged that the wood was
17 being cut on the property?

18 A. Yes.

19 Q. And then the Court, they issued -- did they
20 issue a temporary injunction --

21 A. Right.

22 Q. -- saying to stop? And at any time after that
23 when they started cutting again, did you go out and try
24 to stop them cutting and ask them not to cut?

25 A. Right.

1 Q. You have to speak a little louder.

2 A. Yes, sir.

3 Q. All right. How many times or occasions did do
4 that?

5 A. How many times I do that?

6 Q. Yes.

7 A. I went out there four times.

8 Q. Four times you tried to get them to stop?

9 A. Well, one time they stopped, and pulled the
10 equipment to the gate. And I guess they talked to
11 Carrie, or somebody, and they brung all they equipment
12 back and started back up. And when I seen they started
13 back cutting, then I talked to them again and they
14 didn't stop. And that's when I went and talked to a
15 lawyer. I showed him those papers and told him what
16 Cecil Watts was saying, and he said they came from
17 Carrie or Harry, one.

18 Q. The trees being hauled out, they were the
19 family's?

20 A. Right. But the truck pull up, loaded, and
21 then run off again, and that's when I approached you to
22 try and get them to stop cutting.

23 Q. All right. And then even after you contacted
24 me and we filed a motion with an order to stop, did they
25 stop?

88

1 A. No.

2 Q. And how many times did you call the sheriff to
3 come out? Twice?

4 A. Yes..

5 Q. And I believe you said that you had talked to
6 Cecil--

7 A. Yes.

8 Q. -- directly and told him to stop?

9 A. Yes.

10 Q. All right. And were you the only person that
11 was telling him that he wasn't permitted to cut the
12 trees?

13 A. No.

14 Q. Who else was telling him that?

15 A. Carolyn.

16 Q. Who's Carolyn?

17 A. Carolyn, she's a gal stay there sometime. I
18 call her Carolyn. Can't recall her real name.

19 Q. Okay. But she was living on the property?

20 A. Yeah, at that time.

21 Q. And so she approached him a couple of times?

22 A. Yeah.

23 Q. And did she call the sheriff's department?

24 A. Yes.

25 Q. Was there any action to try to stop them and

1 get them off the property?

2 A. Yes. We put up a chain.

3 Q. And what happened?

4 A. They'd come in and out and the chain was down.

5 Q. Taken down. And when were they coming in and
6 out?

7 A. From 6:00 o'clock on until over in the night.

8 Q. In the nighttime?

9 A. And they would be all in there then.

10 Q. Did you ever see -- Do you know anything about
11 his son being with him at times?

12 A. No.

13 Q. I don't know what age sons are.

14 A. He was there all the time.

15 Q. So he would watch them while they were
16 working?

17 A. Right.

18 Q. Okay. And then you were there when the
19 sheriff came out once, weren't you?

20 A. I was there several times.

21 Q. Several times?

22 A. Yeah.

23 Q. Would he stop and let the sheriff talk to him?

24 A. No. No.

25 Q. And there are photographs which show -- this

90

1 is from the photographs showing the area where Cecil
2 Watts cut?

3 A. Right. Right.

4 Q. I would like to show you the exhibit that --
5 There are some pictures to look at showing areas where
6 timber had been cut. Are these some of the areas where
7 timber was being cut?

8 A. Right.

9 Q. And this is Defendant's Exhibit 3. Now, as a
10 result of your involvement, what, as far as in this case
11 here -- you've been involved with the actions to stop
12 the cutting, but have you been involved with helping to
13 identify the heirs of the property, who are the heirs,
14 the Waiters heirs?

15 A. Yes, all of it. But a lot of them -- they's
16 more than I know.

17 MR. ROBBINS: Okay. All right. I think I have
18 covered everything that I need to cover. Just one
19 second. Your Honor, the orders -- there should be
20 some orders in the file from the TRO, temporary
21 injunction, and there was an order in August 2010
22 to stop the cutting and a second order in March
23 2012. I don't think Mr. Waiters can testify about
24 those orders, but they were matters that were filed
25 and are of record.

1 THE COURT: I have read them.

2 MR. ROBBINS: Okay. As far as the briefs we
3 have submitted, we've talked about a plan for how
4 to rectify the matter at issue, and we've put
5 together a document for the partition plan, a
6 document that you have a copy of, signed by Mark
7 Grier and myself that we submitted jointly as a
8 proposal for how to correct the issues with the
9 property. That's something we should discuss.

10 THE COURT: Absolutely.

11 By Mr. Robbins: (Resuming)

12 Q. I believe you have read a copy of that deal?

13 A. I have.

14 Q. Okay. And are you in agreement with what was
15 being proposed?

16 A. I am.

17 Q. And you are confident that all the family
18 members are protected?

19 A. Right.

20 Q. And that all the family members that have an
21 interest receive something from the property?

22 A. Right.

23 Q. Now, you have a house on this property. Is
24 that correct?

25 A. Sure.

92

1 Q. And are you interested in having the title
2 quieted so that you know whether or not you're the owner
3 of that property?

4 A. Correct.

5 Q. You'd like to have that done during your
6 lifetime?

7 A. That's right.

8 Q. And you've also paid money for fees in the
9 course of the actions in this case in behalf, on behalf
10 of the family members --

11 A. That's right.

12 Q. -- and you are asking to be reimbursed for
13 that --

14 A. Correct.

15 Q. -- in the amount, I think it was \$3,500 --
16 Well, I don't know the specific amount, but I have got
17 it in my affidavit. But you would ask to be reimbursed
18 for that?

19 A. I paid it. Yes, sir.

20 MR. ROBBINS: Well, thank you for your
21 testimony, and please answer any questions anybody
22 else has.

23 THE COURT: I have a few questions.

24 Examination: (By the Court)

25 Q. Mr. Waiters, I want to be sure I've got the

1 names right.

2 A. I am John Waiters.

3 Q. I know you are John. But you talked about a
4 Frank, and is it Carrie, C-A-R-R-I-E?

5 A. Right.

6 Q. And Frank is Frank?

7 A. Right. Frank is Carrie's son.

8 Q. Frank's last name is?

9 A. Waiters.

10 THE COURT: Thank you. Just wanted to be sure.

11 THE WITNESS: Thank you.

12 THE COURT: Thank you very much, sir.

13 KEVAOFAN WAITERS: I have a question.

14 THE COURT: Yes. John, -- and I apologize for
15 calling you by your first name.

16 THE WITNESS: That's okay.

17 THE COURT: And I apologize for not giving you
18 your turn. But he's filed an Answer and he's
19 allowed to ask questions, too. And I apologize for
20 jumping the gun.

21 KEVAOFAN WAITERS: Your apology is accepted.

22 Examination: (By Mr. Kevaofan Waiters)

23 Q. Mr. Waiters, you stated that you been living
24 on your place for 80 years?

25 A. Yes.

94

1 Q. Okay. Have you eve lived anywhere else?

2 A. Yes.

3 Q. How long did you stay somewhere else?

4 A. Oh, ten years or so.

5 Q. Okay. The ten years that you wasn't here, do
6 you know how the taxes were paid?

7 A. Yes.

8 Q. How were they paid?

9 A. They was paid by family that was still living
10 here.

11 Q. You say it was paid by family that was still
12 living here?

13 A. Yes.

14 Q. Okay. When you said that you stopped some
15 Stevensons from cutting wood, how many loads of wood --

16 A. I didn't stop the Stevensons. Mr. Grier
17 stopped the Stevensons. But I was there during parts of
18 it when they were cutting.

19 Q. Well, how many loads did they cut?

20 A. Well, I don't know.

21 Q. They didn't cut -- they didn't even cut a
22 whole load.

23 A. What?

24 Q. They didn't even cut a load of wood. So the
25 wood that would have been cut, they --

1 A. They did cut. You say they didn't cut?

2 Q. Where did they cut?

3 A. He cut north. On the north he cut plenty of
4 wood. He even cut over to the line, over there by the
5 gate.

6 Q. So when he started cutting, y'all got out
7 there and told him to stop cutting wood.

8 MR. GRIER: Your Honor, I think if he wants to
9 testify -- Mr. Waiters may testify if he wants to
10 testify, but this isn't the time for him to
11 testify.

12 THE COURT: The point that the lawyer is trying
13 to make is, you have to ask a question. This has
14 to be in the form of a question.

15 By Mr. Waiters: (Resuming)

16 Q. And I asked, how many loads of wood did he
17 cut?

18 A. Well, I don't know, but I know he cut quite a
19 bit. How many loads I don't know, but he went down
20 there in the low part and cut loads, all down there.
21 How many I don't even know. He cut all on the other
22 side. I don't want to take nothing, and I don't want
23 nothing taken from the family. I'm doing this for the
24 family.

25 Q. Okay. So, you said that when Cecil watts

96

1 came, you came down and you stopped him from cutting
2 wood?

3 A. I didn't stop him. I asked him to stop.

4 Q. And you called the law and --

5 A. Yes, I did, several times.

6 Q. Okay.

7 A. And you know that.

8 Q. Okay. In time that you approached Cecil
9 Watts, your expert witness testified that there were 20-
10 some loads of wood cut out of there. There were 20-some
11 loads of wood cut in between the time you tried to stop
12 him and he stopped?

13 A. I don't know how many because I didn't count
14 them because somebody was over there at night. I wasn't
15 out there, I was at home, and you know that. You want
16 me to tell you how many loads. I don't know, because I
17 wasn't out there. You know that.

18 Q. Twenty loads?

19 A. That's right?

20 Q. He cut 20 loads of wood?

21 A. I don't know how many loads he cut. I was
22 thinking he estimated it on the profit, didn't he? He's
23 the expert.

24 Q. My point is, one person ain't cut 21 loads of
25 wood. In all, and I been counting, I seen Cecil Watts

1 come out of there with three loads. No more than that.

2 THE COURT: I need to caution you to ask him
3 questions. And you'll be allowed to speak later.
4 Okay?

5 MR. KEVAOFAN WAITERS: Okay. That's all my
6 questions, Your Honor.

7 THE COURT: All right. Mr. Robbins?

8 Further Examination: (By Mr. Robbins)

9 Q. Just one question. You had mentioned that --
10 It was brought to your attention that when Mr. Stevenson
11 was cutting he was cutting on other people -- he was
12 cutting over the line?

13 A. Stevenson cut over the line, and Watts cut
14 over the line.

15 Q. It was some neighbor that had contacted you
16 because of that?

17 A. Yes.

18 Q. All right. So you went and looked at the
19 situation?

20 A. Right.

21 MR. ROBBINS: All right.

22 THE COURT: Anything else? Mr. Waiters, you
23 are welcome to step down.

24 THE WITNESS: Thank you.

25 MR. ROBBINS: I'd like to call Guy Samuels.

98

1 whereupon -

2 Guy Samuels

3 was called as a witness and first being duly sworn,
4 testified as follows:)

5 Examination: (By Mr. Robbins)

6 Q. Mr. Samuels, please tell me who your parents
7 are?

8 A. I am the son of Evelyn Lowery. My father is
9 O.K. Samuels.

10 Q. So, your mother is the Plaintiff in this case
11 or one of the Plaintiffs?

12 A. My mother is the Plaintiff, and she is the
13 daughter of Henry Waiters.

14 Q. Okay. How did it come -- Does she live, or
15 did she live at one point, on the property?

16 A. My mother has a mobile home on this property,
17 yes.

18 Q. And how is it she got involved in this
19 lawsuit?

20 A. I think it all started with she wanted to
21 divide the property, and it started with the division of
22 the property.

23 Q. The partitioning of the property?

24 A. Yes. Yes.

25 Q. She sought to get that title to the property?

1 A. I think she wanted -- because she didn't have
2 a partition for the property, a deed, and when changes
3 were being done to her property, she had no legal
4 recourse. It was heir property, so the heirs has as
5 much rights on the property as she did.

6 Q. Okay. In what way did she attempt to take
7 action to stop it when the timber was being cut?

8 A. I really can't answer that question
9 truthfully. I just know that she had hired, I believe
10 it was Mark Grier, who had -- I know she had gone and
11 hired Mark and the reason was another employee had hired
12 Mark and said he was a fine man. They started to take
13 action to divide the land.

14 Q. In 2005 there was cutting. In 2009 there was
15 more cutting. Were you present or did you come to know
16 about them cutting timber at that time?

17 A. In, I believe it was, September, I had
18 happened to be in South Carolina, and Henry asked me to
19 go across the road at that time, that they were cutting
20 timber. So I witnessed the guy with his equipment and
21 his truck there. And he was told that he could not cut
22 the timber. He wasn't, you know, happy. And he was
23 told -- and I don't know who the guy is or what his name
24 is or whatever. And he was over there. And he had no
25 right to be cutting because he didn't hire him.

100

1 Q. So you're saying that Henry, your cousin, told
2 -- your family member told --

3 A. Told him, yes.

4 Q. -- that he didn't have any right to be there,
5 that he didn't hire him. Did he say who hired him?

6 A. I believe he said that my aunt Carrie had
7 hired him.

8 Q. Okay. And did the sheriff come while you were
9 there?

10 A. The Sheriff came, yes.

11 Q. And did the Sheriff tell them to stop what
12 they were doing?

13 A. No. He told him we didn't have the right to
14 be telling him that because --

15 Q. The sheriff?

16 A. Yes. You know, getting -- he couldn't make
17 him stop, because he didn't --

18 Q. He was under an injunction and couldn't make
19 him stop?

20 A. Right.

21 Q. Right.

22 A. And so -- but they went on.

23 Q. I understand. I talked about the policies.
24 So what -- How did that end up? The sheriff advised him
25 about that, and then what happened after that?

1 A. The sheriff left.

2 Q. The sheriff left. Did they continue cutting?

3 A. Not at that time, no.

4 Q. Okay. Do you know anything else about that?

5 A. No.

6 Q. That's all you know?

7 A. That's all I know.

8 MR. ROBBINS: Okay. Mark Grier has some
9 questions for you.

10 Examination: (By Mr. Grier)

11 Q. What y'all discussed right now, I wanted to
12 ask you something about that, but Mr. Robbins just
13 covered that. Your mom, she stepped forward on this
14 business, and she didn't want to do it for herself; she
15 wanted to do it for her family, didn't she?

16 A. Yes.

17 Q. And we are -- Did she talk to you about that
18 often?

19 A. And she talked to my sister, who was --

20 Q. Deloris?

21 A. -- Deloris, who was helping her to track the
22 heirs, find out who they were, but she passed two years
23 or so ago.

24 Q. Well, Guy, you are aware of the expenses that
25 your mother had paid already previously on this. In

102

1 fact, I have a document -- I have a copy of a check,
2 which she paid \$3,000.00 to me --

3 A. Yes, sir.

4 Q. -- to begin this process. Correct?

5 A. Yes, sir.

6 Q. And also, she -- plus the \$200.00 to have some
7 title work done --

8 A. Yes.

9 Q. -- as well?

10 A. Yes.

11 Q. So these are the monies that she paid towards
12 these -- that have been paid for the attorney's fees and
13 costs to move this along and to partition this action,
14 by your mom, right?

15 A. Yes.

16 Q. Do you believe it was fair that she should be
17 reimbursed, to the family, for your mother to be
18 reimbursed for her expenses? In other words, you have
19 her power of attorney, and, you know, are you asking the
20 Court to reimburse your mom for her expenses?

21 A. Yes, sir. I am. Yes.

22 MR. ROBBINS: Okay. All right. Your Honor, I
23 would offer these as Plaintiff's -- whatever
24 numbers we are on.

25 THE COURT: It should be Plaintiff's 8. Is it

1 pre-marked?

2 MR. GRIER: It's pre-marked 8, but I don't know
3 if we already used that one up, Your Honor.

4 THE COURT: We didn't. Any objection?

5 MR. ROBBINS: No objection.

6 Whereupon - Document marked Plaintiff's
7 Exhibit 8.

8 By Mr. Grier: (Resuming)

9 Q. Now, Mr. Samuels, you have examined that copy
10 of the check?

11 A. Yes, sir.

12 Q. And this is a copy of the documentation that
13 was spent for expenses of the estate as well, correct?

14 A. Correct.

15 MR. GRIER: All right. Thank you. That's all,
16 Your Honor.

17 THE COURT: Mr. Mills? Anybody else?

18 MR. MILLS: No questions.

19 MR. ROBBINS: No further questions of this
20 witness.

21 THE COURT: I do not believe the Plaintiff has
22 ever really rested. I know y'all are trading
23 witnesses back and forth. I don't know who's
24 rested, so I want to know who rests, and I will go
25 to the Plaintiff first.

104

1 MR. GRIER: Yes, sir, Your Honor. I have
2 rested.

3 THE COURT: So you've rested?

4 MR. GRIER: Yes, sir.

5 THE COURT: Mr. Robbins?

6 MR. ROBBINS: Howard Waiters I would like to
7 call as my next witness.

8 Whereupon -

9 Howard Waiters
10 was called as a witness and first being duly sworn,
11 testified as follows:

12 Examination: (By Mr. Robbins)

13 Q. Howard, who are your parents?

14 A. John and Delvina Waiters.

15 Q. John Waiters, that has been testifying?

16 A. Correct.

17 Q. And I take it you are probably going to be
18 very happy when all this is finished with?

19 A. Yes.

20 Q. The reason I wanted to have you come up is
21 just, did you ever go with your father as part of the
22 process of paying taxes? Did you go down to the Tax
23 Collector's office for paying the taxes?

24 A. Yes. I went with my father several times to
25 the courthouse to pay the taxes.

1 Q. And what was the process that you would follow
2 when the two of you would go to pay your taxes?

3 A. Well, we would usually go to the courthouse.
4 If he didn't have the bill that was sent saying what his
5 taxes were, we went to the courthouse and got the notice
6 of the amount. And then dad would withdraw the money,
7 and then we would take it back over, pay the taxes and
8 then come back and follow up with him to give a copy to
9 Carrie so that she would know that the taxes were paid.

10 Q. You gave her a copy of the receipt?

11 A. Yes.

12 Q. Did the money come out of the account that
13 your father referred to, the family account?

14 A. Yes.

15 Q. All right. And when he would take it out, it
16 would be based on the tax liability for that year?

17 A. Correct.

18 Q. All right. And have you done that in recent
19 years?

20 A. The last year that I went with my dad to do it
21 was around the 2011 time frame. That was when it was
22 reassessed and the taxes went way up that year.

23 Q. Right. And tell me, was there insufficient
24 funds in the fund to pay the taxes?

25 A. Yes. It was during that year that it was

106

1 insufficient funds. It was only, like, \$1,400.00, just
2 over \$1,400.00 in the account, and the taxes were 19-
3 something.

4 Q. As part of this proceeding, there was a
5 publication that took place to put people on notice
6 about the lawsuit?

7 A. Yes.

8 Q. Did you incur any cost as a result of that, of
9 the publication?

10 A. Yes, I did.

11 Q. Did you put up part of the money that was
12 required to publish the notification?

13 A. Yes. I received an e-mail for myself that was
14 directed from Mr. Grier, and it stated that money was
15 needed to pay to run that ad in the paper.

16 Q. Okay. Did you expend \$1,470.00 for the
17 publication?

18 A. Yes, I did.

19 Q. All right. And you want to be reimbursed
20 that?

21 A. Yes, sir.

22 MR. ROBBINS: All right. No further questions.

23 MR. GRIER: No questions.

24 THE COURT: Mr. Mills?

25 MR. MILLS: None, Your Honor.

1 THE COURT: Anybody else? Okay. You may step
2 down, sir. Mr. Robbins?

3 MR. ROBBINS: We don't have any further
4 witnesses.

5 THE COURT: Mr. Mills?

6 MR. MILLS: Nobody I want to call.

7 THE COURT: Okay. Now, I know there are two or
8 three people who filed Answers who are here, and if
9 there is anything you want to testify to now is
10 your opportunity to come up and talk about it. And
11 if anybody else is here -- I want to try and get an
12 idea about the time. We have been going for about
13 an hour, and we can take a break if we are going to
14 go very long. Anybody else who's going to testify
15 whose filed An answer in this case? Okay, come on
16 up, sir. And I apologize. I don't know your name.

17 MR. KEVAOFAN WAITER: Kevaofan Waiters.

18 THE COURT REPORTER: What was your first name,
19 sir?

20 MR. WAITERS: It's K-E-V-A-O-F-A-N.

21 Whereupon -

22 Kevaofan Waiters

23 was called as a witness and first being duly sworn,
24 testified as follows:

25 THE COURT: Mr. Waiters, there's nobody to ask

108

1 questions, so you are allowed to talk to me about
2 the facts of the case.

3 MR. WAITERS: Sir, first, my name is Kevaofan
4 Waiters. I am employed with Lancaster County
5 Central Courts, and been living back in Lancaster
6 County for 18 years. I retired from the Marine
7 Corps and moved back home, and now --

8 THE COURT: What year did you move back?

9 MR. WAITERS: In 1992.

10 THE COURT: Thank you.

11 MR. WAITERS: And I been in law enforcement
12 since then. I worked as a detective and a shift
13 supervisor for the Lancaster County Sheriff's
14 Department. And now I am a constable for the
15 Court, the Clerk of Court.

16 A couple of things I want to put in the
17 record. Now, this has been going on for, now, nine
18 years. We are all are ready to come to some, you
19 know, solution to the problem. My mother is 92
20 years old. She have lived on the Waiters estate
21 since --

22 THE COURT: And your mother is?

23 MR. WAITERS: My mother is Carrie Lee Waiters.

24 THE COURT: And I hope you don't mind me
25 interrupting here. I want to make sure I have it

1 straight.

2 MR. WAITERS: No, sir.

3 THE COURT: Go ahead.

4 MR. WAITERS: My mother is Carrie Lee Waiters.
5 My father is Harry Waiters. And my mother and my
6 father and my uncle, John Coleman, had purchased --
7 we talking about the land. They bought the land
8 from my uncle --

9 THE COURT: When you are talking about the
10 land, let's be sure I am clear. Show me on here.

11 MR. WAITERS: Well, when they was breaking it
12 down to the heirs, they purchased an heir property,
13 my father and my uncle, John Coleman.

14 THE COURT: So, anything inside of --

15 MR. WAITERS: Like it was never cut out. It
16 was four or five different places. They never cut
17 it out.

18 THE COURT: So it doesn't have a separate --

19 MR. WAITERS: No, sir.

20 THE COURT: Okay. Got you.

21 MR. WAITERS: Based on that information, we
22 talked to an attorney, and he stated that as long
23 as we didn't cut the land out that she had free
24 reign to cut timber and maintain the property.
25 When I was a child, my father and I, we cut timber

110

1 to pay the taxes. He went and made a deal with
2 Bowater, and we cut small pulpwood timber. And
3 when we cut the timber, he paid taxes on the
4 property.

5 THE COURT: And this was around what period of
6 time.

7 MR. WAITERS: This was during about the '70s.
8 And my father passed away in --

9 THE COURT: Before you left and came back?

10 MR. WAITERS: Yes, sir. And so, the attorney
11 had informed them that long as they didn't cut
12 their land out of the estate that they really would
13 have free reign to cut timber on the property.

14 So when the question came in we couldn't cut
15 any timber, by right my mother did have the right
16 to cut the timber off the property.

17 THE COURT: So when you state the word came in,
18 not to -- you are talking about the last ten years.

19 MR. WAITERS: Yes, Your Honor, the last ten
20 years.

21 THE COURT: Okay. Got it.

22 MR. WAITERS: And in that same time frame there
23 was evidence that was presented that Janice Dixon,
24 who isn't present today but is a Defendant in this
25 case, was -- the family, all of the family heirs

1 that were living at the time signed over to make
2 her the owner. And we are addressing all that
3 here, that that land could not be put back in the
4 estate because it was signed over.

5 THE COURT: Now, I want to be 100 percent sure
6 I understand you.

7 MR. WAITERS: He was numbering up lots, and he
8 didn't -- he didn't give a name on them.

9 THE COURT: We got houses here. Then we got
10 two acres he's cut out, looks like, probably a
11 little over an acre here. Let me make a rough
12 calculation. So you're referring to, you think,
13 the parcel that's got the number 11 in the middle
14 of it?

15 MR. WAITERS: Yes, sir.

16 THE COURT: Parcel 22.02

17 MR. WAITERS: And Number 5.

18 THE COURT: And Number 5 is -- that's the old
19 home place, right?

20 MR. GRIER: Beg pardon? I couldn't hear --

21 THE COURT: Number 5 is the old home place,
22 isn't it? Excuse me. I got it mixed up with
23 something else. Don't worry about it.

24 MR. WAITERS: Number 11, Number 10 and Number
25 5.

112

1 THE COURT: If you would, repeat it and slow
2 down because they can't hear it back there.

3 MR. GRIER: Judge, I believe you were
4 questioning whether Number 5 was the old home
5 place?

6 THE COURT: It's not,

7 MR. GRIER: I was just wanting to say that I
8 did not believe it was.

9 THE COURT: It wasn't. Thank you.

10 MR. WAITERS: The first property on the record
11 was Janice Dixon's, and the heirs that were living
12 at the time signed over her land for a home. It
13 was addressed at our hearing the last time that
14 that land was going to be cut out of the estate.
15 And the same thing with Parcel Number 10. The
16 heirs had signed that land over, and her land was
17 no longer property of the estate. And Parcel
18 Number 5, it was initially willed to William C.
19 Waiters, and it was two acres to put a home on, and
20 the heirs signed over the two acres.

21 Later on, W.C.'s son obtained a loan on the
22 land, on the two acres of land, and when the loan
23 was foreclosed the Bank of Wachovia bought the
24 land. And Larry Waiters purchased the land from
25 Wachovia Bank. And it was ruled in our last

1 hearing that once that land was sold to Wachovia,
2 it was no longer in the Waiters Estate, and that
3 Larry Waiters had obtained ownership of the
4 property. And that once the land was bought from
5 the bank, that those lands could not be included in
6 to this hearing.

7 THE COURT: And the two acres we're talking
8 about, the parcel says 22.01?

9 MR. WAITERS: Yes, sir.

10 THE COURT: All right.

11 MR. WAITERS: And to my understanding we all
12 had agreed upon that in our last hearing, that
13 because those things were actually removed from the
14 estate, and that they wouldn't be included in the
15 hearing, the proceeding of this estate.

16 THE COURT: Okay.

17 MR. WAITERS: Like I say, my mother, Carrie
18 Waiters, has lived on this land. In September, my
19 mother will have been there 73 years. She's been
20 living there for 73 years and never moved. The
21 other land that is surrounding her, and never left
22 the location, is Idell's land, James Waiters's
23 wife. And those two, they have lived there from
24 their marriage, from day one to now. And we've all
25 got to just, basically, give thought and make sure

114

1 that, well, we try to do what is right.

2 But at the same time, the intentions that, you
3 know -- I was taught by my father that, and from my
4 grandfather, was not to sell any property. By not
5 selling property, as long as a Waiters was living
6 and he lived in South Carolina, he had a place to
7 stay. And this has been going on for over 100
8 years, and I am real afraid now that we see that,
9 you know, this is all turning back, but this is
10 going to have to be done.

11 My request to you, sir, is that if possible,
12 when you get through then synopsis of this whole
13 thing, is that where my mama's home is located --

14 THE COURT: Show me.

15 MR. WAITERS: Okay. I think it's going to be
16 Number 6.

17 THE COURT: All right, sir.

18 MR. WAITERS: My other request is that the
19 property that -- Harry Waiters and John C. Waiters
20 and John Coleman, is that it is attached to that
21 property, you know, at a point of entry starting
22 from that property that covers that area. That
23 would help improve her home in that property so we
24 don't have to go through a corner coming off of
25 those, off of -- off that lot, which will be the

1 two acres in front of that corner of her land.

2 THE COURT: Okay. Anything else you want to
3 tell me about what you think would be a fair way to
4 divide it up?

5 MR. WAITERS: Well, I -- we looked at the
6 avenues that they were trying to do, and it's a
7 tough decision to make. We do have a pond that was
8 done in 1965. My father had a pond built that. I
9 can remember. I was a young child, seven years
10 old. At that time, I watched them build it, and
11 next year that pond will be 50 years old. And we
12 have been trying to make sure we maintain that pond
13 and keep it up, you know, where people can enjoy
14 it. We have spent money putting fish in the pond,
15 fertilizing the pond and keeping the area clean
16 around the pond. And I have a nephew and a brother
17 with me today who, you know, we just spent over a
18 thousand dollars in putting new fish in the pond,
19 restocking it.

20 So, you know, it's going to be hard, because
21 where it's located it's in the very back of the
22 property. And so, you know, it's a few acres
23 behind it, and then it hits the line. And there's
24 a pasture and then there's timber. And so, you
25 know, we have always wanted to just treat the

116

1 property, cut the timber and treat the property and
2 re-seed so it could have the opportunity to grow
3 back and keep the taxes on it. Because when I was
4 a teenager, by cutting pulpwood in the woods we was
5 using that to pay taxes on the property.

6 And so, you know, I had initially thought, you
7 know, if this was possible, that we could just try
8 to resolve it by, you know, cutting it for the
9 timber and using it to pay the taxes, pay the fees
10 that everyone had incurred. But the only problem I
11 had was when going through and evaluating
12 everything was that even the \$50,000 from the
13 timber, when we got through with paying for a
14 survey and paying out attorney fees, and we got
15 through paying the taxes, it wasn't going to be
16 anything left of that money. And then we would
17 still have the land, then, and we still going to
18 have a higher tax base. Because once we split the
19 land up, then the land, each individual -- there's
20 six homes on the property that's separate to those
21 three that does not have a -- they are not paying
22 any tax on it, on that property.

23 And I live across the street, which is not a
24 part of the estate, but I pay, on one acre, I pay
25 \$800.00 a year on taxes. Those people would now

1 incur that same tax issue once this is done, and
2 then we would have the other land to separate. So
3 my concern was with a lot of the people, like Miss
4 Idell and Donald waiters, they are disabled and,
5 you know, for those people, they may come out of
6 this with a piece of land. But for those people
7 that are not now having to pay the taxes, how can
8 they afford it? But, if we're going to do this,
9 we're going to increase a higher tax base on the
10 property itself, because I have a separate piece of
11 property. I have 14 acres on Mount Carmel Road,
12 and initially I was paying \$800.00 a year on that,
13 just the land itself and nothing on it. And my
14 concern was that once we split this property up, we
15 are going to have a humongous tax bill that I don't
16 know if the estate can handle it, because riding
17 around this county every day for the last 18 years
18 there's a lot of land for sale, and I don't see a
19 whole lot of buyers standing in line to buy this
20 property. And so the property isn't sold, then
21 someone has to make sure the taxes are paid on the
22 property itself.

23 So my concern was that we was going to
24 increase -- we was going to basically increase a
25 undue hardship on family members. And I think we

118

1 all have to work something out feasible for paying
2 them.

3 And I just wanted the Court to be aware of
4 that. You know, we didn't take in to
5 consideration, you know finances. But then it's a
6 lot of us is living from paycheck to paycheck, and
7 then they going to increase, they going to pay half
8 more than the half they already have to pay, I just
9 know they can't afford it. So that's all I have.

10 THE COURT: Okay. I understand what you're
11 saying, and thank you for your time.

12 THE WITNESS: Yes, sir.

13 MR. ROBBINS: Actually, Your Honor, I have a
14 question.

15 THE COURT: Okay.

16 Examination: (By Mr. Robbins)

17 Q. You talked about this purchase of property that
18 was done by your father?

19 A. That's correct.

20 Q. What it was was, you talked about the purchase
21 of an interest that Liza Waiters owned, and then later
22 Henry Waiters owned. It wasn't a certain tract of land,
23 was it?

24 A. Well, sir, what happened was my aunt offered
25 to sell her share to her brother, and he didn't want it,

1 and she offered to sell to another brother, and he
2 didn't want it. So then my father said, I will buy it.
3 So what happened was, my grandfather had the money and
4 he purchased the property.

5 So when he purchased, it he put it in his name.
6 And it stayed in his name, but then my mother persisted
7 to my father that you need to make sure that property
8 get put in your name, and in your brother's name,
9 because if my father and his brother wanted to sell --
10 John told me hisself, would you be interested in going
11 in with me to purchase the property. So on paper it
12 looked like Henry Waiters purchased the property, which
13 he did, but he actually purchased the property through
14 Carrie Waiters' and John Waiters' money, and it was just
15 maybe a year later is when my mother made sure that's
16 the land got transferred in to their name.

17 Q. Okay. And once it was divided, wherever the
18 line is, whatever his interest was, was it--

19 A. Right. It would be a child's portion of the
20 property. And so we was informed by our attorney that
21 as long as it didn't go to the point and cut the land
22 out, that we could go anywhere on that property.

23 Q. And so your understanding of it, and the
24 family's understanding was that you could go ahead and
25 cut trees wherever you wanted to on the property, even

120.

1 if it was family heirs' property?

2 A. We were part of that heir property.

3 Q. Right.

4 A. But we was the only family that actually had -
5 - we actually hold a child's portion of the property.

6 Q. So you thought your family was different
7 because they had --

8 A. No, I didn't think that. The attorney told us
9 that we had that right. I mean, it wasn't something
10 that we just tried to make up on our own. We was going
11 from the legal information that we received.

12 Q. All right. And even though your family was
13 served -- Carrie and Frank were served with injunction
14 papers, they thought legally that they were still
15 entitled to continue cutting?

16 A. Well, eventually the injunction papers were
17 bad, okay? You had a certain time frame. So how long
18 does an injunction last? And then, from -- It was,
19 like, a two year period, and then it was nothing. So
20 nothing was been helped, and then after a while
21 everything just went blank. Nothing was being done in
22 the court, we wasn't being informed about anything.

23 Q. Did your family move to have the injunction
24 removed?

25 A. The injunction had -- you either had a statute

1 of limitation or you had a time frame. I mean, it just
2 don't happen and then you have an injunction.

3 Q. Now, did the injunction in 2005 and 2010 when
4 it was reiterated, these were documents that were
5 served. Are you aware of the service of any of those
6 documents on your mother and on Frank?

7 A. I didn't actually see the injunction itself.
8 But when we got a five-year time frame from that -- it
9 was a temporary injunction. How long is a temporary
10 injunction? It's either temporary or it's a permanent.

11 Q. I can ask you questions, but I can't give you
12 my opinion or make a statement about it. As far as --
13 you were talking about the various deeds that were
14 signed. Can you tell me if all the heirs signed those
15 deeds that were deeded out?

16 A. At the time that those deeds were signed, it
17 was done by the proper heirs that had the authority to
18 make that decision. And they was old, and you will see
19 that, from the last hearing, that once those deeds were
20 signed by the proper heirs then those became -- those
21 became permanent deeds.

22 Now, they already mentioned that the agreement for
23 people that the deeds being signed, this was in the last
24 hearing, that the land was paid off. The mortgage was
25 paid off. It was supposed to put the land back in to

122

1 the estate, and then the judge ruled that if it wasn't
2 in writing you couldn't do that. And it wasn't anything
3 in writing. It was just, like, a hearsay.

4 Q. We, in introducing things, presented evidence
5 -- we have talked about what the judge did before, what
6 may have been discussed. I don't know. I am not
7 familiar with what you are talking about, but we have to
8 go by what's presented today. As far as to your
9 knowledge, though, did all the family members sign off
10 on these deeds?

11 A. That's correct. The proper family members at
12 the time signed off on it.

13 Q. What do you mean, what do you mean by proper
14 family at the time?

15 A. Well, the members that they could -- the
16 members that they could get in contact with at the time,
17 they was -- the people that had a vested interest in the
18 property were the ones that authorized those deeds to be
19 signed.

20 Q. But you're saying some of the heirs signed off
21 on it?

22 A. From my knowledge the proper people that had
23 the proper right to sign off on the land, signed off on
24 it. When Mr. Grier introduced those things to the judge
25 today, he used lot numbers. He didn't use any names.

1 In the past, we had him name those names, specifically
2 identified. But when we had the previous hearing we was
3 using the names of the individuals.

4 So that's why -- and I didn't object to it because I was
5 -- I wanted to basically bring to the judge's attention
6 on what was happening because initially we were going --
7 saying we was under the understanding that we was going
8 along with a lot of things that was agreed with our
9 previous conversation to save time. And then, now, it
10 seems like those things that we -- that was real
11 important was being -- The question was, he was saying
12 that all the properties, all the deeds, should be put
13 back in to the estate, and then the land divvied up.

14 And that was, that was not what we agreed upon
15 the last time, nor should that be what we agree upon
16 this time, because you have at least three deeds that
17 are there that were properly done. And then, one of the
18 deeds was lost in a foreclosure, and it was purchased by
19 another family member. So that deed automatically is
20 thrown out of the estate. The estate lost that land, so
21 it shouldn't be included in this estate here because
22 it's a separate entity.

23 And then, the other two deeds, Janice Dixon and
24 Monique Thompson's deeds were also introduced, and they
25 were -- and, of course, they were signed by proper

124

1 authorities. Even John waiters signed for that, those
2 deeds. And those deeds cannot be used and be put in to
3 the estate, either.

4 Q. The way I interpret the deeds, and we could --
5 aren't the deeds just binding on the people who signed
6 them?

7 A. The way I interpret it, the way from our
8 previous hearing and still today, and I don't think I am
9 misunderstanding, but those deeds, those particular
10 deeds are legitimate deeds.

11 Q. You think they are binding on people that
12 didn't sign them?

13 A. Sir, all the people that were signed were the
14 ones that, at the time, at the time of the deeds, they
15 was all authorized to sign those.

16 Q. There's no proof that anybody's authorized to
17 do anything.

18 A. They signed the deeds. I mean--

19 Q. No proof they were authorized to sign them,
20 though. There's no proof of that?

21 A. The people that signed the deeds -- My uncle,
22 John waiters had signed the deeds --

23 Q. Right.

24 A. -- and he's saying that -- and my father,
25 Harry waiters, signed the deed, and James waiters signed

1 the deeds. Are you telling them that -- They've lived
2 on the property. They didn't have no authority to sign
3 anything?

4 Q. No. Did they have authority, to bind people
5 that were from other families?

6 A. Sir, at the time those deeds were signed, and
7 from now to then, they have been a legal document, and I
8 don't have anything that will change that. I am not
9 going to make up anything, but everyone that signed
10 those deeds at the time was under the opinion that those
11 people who signed the deeds had the authority to sign
12 the deeds.

13 MR. ROBBINS: Okay. I just question that. It's
14 going to be up to the judge to determine whether
15 they can bind unknown people or other family
16 members that are parties. Mark, do you have any
17 questions?

18 MR. GRIER: I would just like to ask one
19 question.

20 Examination: (By Mr. Grier)

21 Q. Mr. Waiters, I mean, it is your desire that
22 all the property remain in the waiters family. I mean,
23 I am not saying specifically who or what, but nobody who
24 is here today desires to have anything done with this
25 property that's going to turn it over to anybody that's

126

1 not a waiters family member. Is that your
2 understanding? Do you -- I gather that there's some
3 concern that this is going -- this proceeding is going
4 to result in persons other than waiters family, which
5 was your great-grandfather, your grandfather, all
6 intended that it stay in the family. Your desire is
7 that the land stay within your family members forever?

8 A. That's correct.

9 Q. And no one is advocating anything other than
10 that here today. I mean, do you believe that anybody's
11 advocating that persons other -- besides the waiters
12 receive land out of this?

13 A. You know, it was mentioned that the land would
14 be broke up and then would be offered to the waiters
15 heirs to buy it. And then if they didn't, it would be
16 put on the public market.

17 Q. Okay. Well, but would you -- And what I am
18 getting at really is, are you aware of anybody that
19 would object to the Court having an auction which would
20 allow the -- only the descendants of Kenneth waiters for
21 that auction, so that the individuals who have inherited
22 an interest, that are not going to get property because
23 their interest is so small, but they could be
24 compensated out of that fund. It's your desire that
25 somebody that's a descendant of Ken waiters ends up with

1 all the property, correct? And do you believe that an
2 auction is the best method for insuring that? I mean,
3 where you would have a -- and your family would have
4 their interests protected with regard to, for instance,
5 where your mother's -- the structure where your mother
6 resides. If that's protected, that's your primary
7 concern for you, isn't it? And I understand that, and I
8 respect that. But, that is a primary objective of
9 yours, what the Judge does today, correct?

10 A. That's part of it.

11 Q. Okay. For instance, you're in it. You would
12 receive, if you weren't able to participate in an
13 auction, you would receive some monies as a result of it
14 being sold to another waiters heir. Do you understand
15 that?

16 A. I understand it.

17 Q. Okay. Or you could use your portion of the
18 interest to bid and purchase other parts of the waiters
19 estate, if you wanted to do that. You understand all
20 that?

21 A. I understand.

22 Q. Okay. Well, just in interest of making sure
23 that -- I don't think anybody is asking the Court to do
24 something that's going to put anybody that's not a Ken
25 waiters heir on the property. What happens after it

128

1 goes to the next generation, is not in the control of
2 this Court, but I just want to make sure we are on the
3 same page with regard to that.

4 You have no objection to an auction where waiters
5 are able to acquire the property, is the question I want
6 to get to?

7 A. I don't have any objection to that.

8 MR. GRIER: Thank you.

9 Examination: (By the Court)

10 Q. You do understand that there are some people
11 who are inheritants of the property who have never lived
12 on the property?

13 A. Yes, sir. I am looking at the list of --
14 There are some people that I don't even know --

15 Q. Right. And that's a product of -- it's
16 nobody's fault, necessarily, but that's just what the
17 operation of what the law does. You understand?

18 A. Yes, sir.

19 Q. Okay. And you understand that those people,
20 even though they are not present, that they have the
21 right to make a claim on that property. If they came in
22 here, an unknown person could force this kind of
23 proceeding and not be cooperative. Do you understand
24 that?

25 A. Yes, sir.

1 THE COURT: Thank you. That's all I have.

2 MR. ROBBINS: I don't have anymore questions.

3 THE COURT: Okay. We've been going for an hour
4 and a half. I'd like to take ten minutes where
5 everybody can catch their breath and take a break,
6 so be back in here -- It's 18 after, so at 3:28
7 we'll start again. We'll let everybody stretch
8 their legs and catch their breath. Does anybody
9 else here intent to provide testimony? Okay.
10 We're going to take a ten-minute break, and we'll
11 get you up here.

12 Whereupon - A recess was taken.

13 Whereupon -

14 Donald Frank Waiters
15 was called as a witness and first being duly sworn,
16 testified as follows:

17 THE COURT: What's your name, sir?

18 THE WITNESS: My name, my proper name is Donald
19 Frank Waiters.

20 THE COURT: Mr. Waiters, this is your
21 opportunity to testify, so tell me what you want me
22 to know.

23 THE WITNESS: Okay, sir. I been on this case
24 since 1980, and I been in a struggle because
25 everybody said they wanted a piece of this land,

130

1 and we talked about what's real and what's not
2 real. And I fought in the '80s about who have
3 legal deed, and who didn't have a legal deed.
4 I went to Columbia, and it was stated that these
5 are the deeds that are legal, and the rest of the
6 deeds are no good. That was in the '80s.

7 Now, we checked on them. We kept going, we
8 got to the 2000s. I lived away from here. My
9 father died, I was here, and he called all the
10 people on the place and told them that I was at
11 home now, and that I was going to be the one that
12 was taking over his spot, and he died.

13 After he died, I wanted this land and he sold
14 it to me, opened up that account and called it
15 Waiters Company. We started putting money in there
16 to pay the taxes because prior to that my father
17 had been the one responsible the taxes, contrast to
18 what everybody else believes.

19 Examination: (By the Court)

20 Q. When you say we, that was you and who else?

21 A. Me, William Waiters, John Waiters, and I gave
22 my mother the book.

23 Q. And that was in what time?

24 A. This was in 1983.

25 Q. Okay. Got it.

1 A. So I left here in 1984. When I left here in
2 1984, everything was intact. People were able to do
3 whatever they wanted to do with the land. They'd say,
4 we going to do this. I didn't have anything to do with
5 that then. When I came back home in 2005, I informed
6 the people of that, because I figured that while I was
7 away I wasn't in the position to tell anybody to do
8 anything, because I wasn't on the property, so I didn't.

9 But when I came back, I told my uncles and I told
10 my son that I was back. And I was told this. Well, we
11 doing things different now. Why you want be doing
12 things different? I ended up in court. And we been in
13 court every since.

14 Now, my point is just this. I don't want to take
15 anything from anybody. I just want to leave it like it
16 was, a handshake. They made an agreement, everybody
17 lived by that agreement for almost 100 years. But then
18 we all had our own ideas, and everybody wanted this, and
19 everybody wanted that, I want this and I want that. For
20 100 years, the people lived on that agreement. And now
21 all of a sudden we got to have everything one way or
22 this person's way. It's the law.

23 I went down to Columbia where you from and talked
24 to one of the lawyers that handles heir property, and he
25 told me I could take your money, but I won't because the

132

1 laws in the state of South Carolina has give it to them
2 and you might as well accept it. So I didn't hire a
3 lawyer. Everybody else did. We did not hire a lawyer.
4 The Court told me we didn't have any need, but I got
5 something every time, because according to what we were
6 under the impression was, was that we had a right to
7 move in there and cut and plant and do what we wanted to
8 do. We wasn't doing noting.

9 So I was told, you can't do that. Why? Because
10 it's heir property, the same reason I was doing what I
11 was doing.

12 So, now, it's down to this. Let's separate it
13 because it's going to cost this, and it's going to cost
14 that -- Your Honor, ain't nobody going win. We all
15 going to lose, one way or the other. Everybody's going
16 lose.

17 Now, I ask the last time. The best way to do it
18 this way, is to have what belongs to my family cut out
19 from the larger portion of the property. Just cut it
20 out.

21 Q. You're talking about cutting out -- what are
22 you talking about?

23 A. I am talking about we want to keep the --
24 everybody going have their property. I am talking about
25 the part we have, the child's portion that we have.

1 Q. You're not talking about a specific place?

2 A. I'm not talking about a specific place. I am
3 just talking about the child portion that we have, take
4 it out, and if you want to split the rest of it up,
5 fine. But that will stay intact. It won't be moved.
6 Everybody else can go where they wants to go. And then,
7 we going sell it, then we will have the opportunity to
8 bid on it, too, but take ours out. Don't let ours be
9 bid on because we don't want to lose.

10 Q. When you say ours, who are we talking about?

11 A. I am talking about Carrie, Bernice, Irene,
12 myself, Joe Rae, Carolyn, that group. And my uncle, his
13 children live in Winston-Salem, that group. Because we
14 -- we purchased the Eliza portion of it. We going fight
15 it, and we going fight it direct. Now, I was told that
16 this ain't going work unless it's all intact.
17 Everybody's got to participate, but I won't participate
18 with that deal. So I am saying that.

19 So the thing about it is, we lived here all these
20 years. And everybody didn't stay here the whole time.
21 Our father was the one that did. He lived -- He was
22 born here, he lived here and he died here, and he never
23 left here to go nowhere. So, now, I was trying to do
24 what he told me to do. Just -- that's it. And I kept
25 my mouth closed. But everything I tried to do to start

134

1 with, it's blown out of proportion. So I am the bad
2 guy. I accept that role. I will accept that role. But
3 the deal is right here, I just don't want my mother, who
4 is 92, to have disruption, because ---

5 Q. Now, you are Carrie's --

6 A. I am Carrie's son, her second child, second
7 son.

8 Q. Okay. Carrie still lives on the property,
9 doesn't she?

10 A. She lives on the property, yes, sir.

11 Q. Okay.

12 A. My address is Waiters Circle. I still stay
13 there, sir, every day. But everybody else say I don't
14 live there. So, where we going, then? There been a
15 struggle in this family since, I know -- since 1980 to
16 now we been fighting back and forth.

17 Q. You're on the same place as Carrie?

18 A. 4018 Waiters Place.

19 Q. I just wanted to make sure. Thank you.

20 A. Yes, sir. If we going sell it, then you sell
21 -- I been told it's for -- for heirs of the estate only,
22 and that's people that don't live on the property of the
23 estate, so I guess they wouldn't want it, just the
24 people on it.

25 There's people on the place, like I said before,

1 that's been there the whole time they been married.
2 James and my father were two guys that put their
3 families on the place, and they never left, and they
4 raised their kids there. We come up together. And we
5 still lives there. My father - and we call him Jake -
6 never had a quarrel, never said anything against each
7 other, nothing. But that ain't been the case all the
8 time. Not being the case.

9 And we knew -- This morning I was told, let the
10 Lord handle it. You asked that we act in here like we
11 was in church, and we going to treat this the way
12 Christians -- I thank you for that because somebody
13 needs to look at this like it really should be looked
14 at. But seems like, who going get how many lots? I
15 thank you for the opportunity to just say that. I can
16 leave here in peace with myself and not be mad that I
17 didn't say anything. Thank you.

18 THE COURT: You're welcome. And just like every
19 other witness the lawyers and the other parties have a
20 chance to ask questions, too.

21 MR. GRIER: I've got one.

22 Examination: (By Mr. Grier)

23 Q. Mr. Waiters, as far as I recall you have
24 attended every proceeding, haven't you?

25 A. I believe so.

136

1 Q. Okay. And one was a proceeding we had in
2 March of 2012. Do you recall that proceeding, where the
3 issue of the property south of Hoke Road was before the
4 Special Referee? Do you remember that proceeding?

5 A. I remember quite vividly.

6 Q. Okay. Do you remember receiving a subpoena as
7 part of it?

8 A. I received it.

9 Q. Okay. And we are trying to obtain copies of
10 the records that you said you had for -- During the 2005
11 proceeding, we were trying to obtain the records that
12 you said you had for the cutting of the timber and the
13 timber that had been cut. Do you recall that subpoena,
14 where --

15 A. You said that you were trying to recover the
16 records, but -- tell me about that.

17 Q. For timber that you were a participant in
18 having cut.

19 A. Okay. Well, --

20 Q. Before you respond, same question as to last
21 October. You received a subpoena requesting those same
22 records, as well. Correct?

23 A. I believe I did.

24 Q. Okay. All right. Well, you stated that you
25 were maintaining those accounts back in 2005. I mean,

1 do you not have any records or why haven't you produced
2 those?

3 A. I told you when you asked that question the
4 first time, and I told you when you asked that question
5 the second time, and I tell you while I am sitting here
6 today, those records that I had, they was Carrie's.
7 They were her records, so I don't keep them.

8 Q. Okay. All right. Now, she was also served
9 with that subpoena as well, correct?

10 A. I guess she was at that time.

11 Q. And we still haven't received any. Was there
12 a conversation between you and her about, you know,
13 producing those records?

14 A. You knew all that.

15 Q. Well, I am just asking if you and your mama
16 had any conversations about producing the records that
17 you have both said that you were in possession of?

18 A. I never said I had possession of anything,
19 sir.

20 Q. Okay. All right. Did you and your mom ever
21 have a conversation about those records and the monies
22 that may have been in some other account

23 A. You brought the account up.

24 Q. Yes, sir.

25 A. Okay. You brought it up.

138

1 Q. I brought it up.

2 A. There was two accounts, just one account in
3 two different banks. I think there was more in a third
4 bank.

5 Q. Okay.

6 A. I don't know a thing about the third bank. I
7 do know about Heath Springs, and I do know about
8 Wachovia because I put the money in both of them.

9 Q. Okay.

10 A. I put the money in Heath Springs, and when
11 Heath Springs was telling all that stuff about you don't
12 have access at this time I got it out and took the money
13 to Wachovia. It was family money. Now, I want to tell
14 you that we have that account over here at -- whatever.
15 Founders. I think that there was an account at
16 Founders. I don't know anything about that money.

17 Q. Okay. Well, assuming you know something about
18 it, you participated in removing from it?

19 A. Yes.

20 Q. Well, your name was on it? Or, how did you
21 participate in doing that?

22 A. When I opened up the account in 1983, yes,
23 sir, my name was on it.

24 Q. Okay.

25 A. Okay? In 1986 or '87, I was living in

1 California. My name was taken off of it. When I came
2 back to Heath Springs and asked them, they said some
3 thing about, well, you don't -- you don't -- you don't -
4 - wait a minute. I was here when they set it up. They
5 investigated and found out I did. That's what -- that
6 when they released the funds. The wasn't going to, but
7 when they found out that I opened up the account, they
8 allowed me to take it out and I took it over to
9 Wachovia.

10 Q. Okay. That was after you came back?

11 A. That was after I came back.

12 Q. And you came back when?

13 A. 2005.

14 Q. Okay. So --

15 A. I know that. The other thing, my house got
16 burnt up in 2005.

17 Q. Okay. All right. Well, did the bank burn
18 down with all the records, too?

19 A. Well, you should have got that.

20 Q. I beg your pardon?

21 A. You should have got those records. John
22 waiters had access to the bank records.

23 Q. Those at Wachovia?

24 A. All of them.

25 Q. Okay. But you opened the account, right?

140

1 A. Back in 1983, I opened that account.

2 MR. GRIER: Okay. Thank you.

3 MR. MILLS: No questions, Your Honor.

4 MR. ROBBINS: I don't have any questions, Your
5 Honor.

6 THE COURT: I appreciate your time, sir.

7 THE WITNESS: I thank you, sir.

8 THE COURT: Mr. Robbins, Mr. Grier, any
9 rebuttals?

10 MR. GRIER: Your Honor, if I could have a
11 couple of minutes. I've had a few thoughts about
12 that.

13 MR. ROBBINS: I would have a rebuttal witness
14 to call, John Waiters.

15 THE COURT: Mr. Waiters, if you would, come
16 back up, please. Have a seat. You are reminded
17 that you are under oath.

18 Whereupon -

19 John Waiters

20 was recalled as a witness and having been previously
21 sworn, testified as follows:

22 Examination: (By Mr. Robbins)

23 Q. Mr. Waiters, I am just trying to clarify this
24 about the bank account that you testified about. You
25 testified that there was an account set up in 1983?

1 A. Yes.

2 Q. Is that correct?

3 A. Yes.

4 Q. And Frank Waiters was involved in setting up
5 that account, correct?

6 A. Right.

7 Q. And at some point there were three people that
8 were required before --

9 A. Three names, yeah.

10 Q. Pardon?

11 A. It had three names on it, Frank and Carrie and
12 myself, and to write checks -- it was three put it in,
13 and two to draw. That was the bank.

14 Q. So you got money from the trees at that point
15 to go in to the family account?

16 A. Right. Okay. In Heath Springs Bank. And
17 Carrie --

18 Q. Heath Springs Bank?

19 A. Right. And Carrie wanted to move it.

20 Q. Okay.

21 A. Okay. Carrie wanted to move it, and she knew
22 where to put it, so I said all right. So we took it out
23 of Heath Springs and give it to Wachovia. And I went on
24 down there with that crowd, and there was a lady helping
25 us open up an account. Said we could make some money.

142

1 And so she went on, she typed it out. She said, who-all
2 sign it? I said, me and Carrie. She said, you don't
3 have to have two people anymore. She said -- so, Carrie
4 said, I want my name on it.

5 Q. So you're saying it's Carrie's name that's on
6 the Wachovia account?

7 A. Right.

8 Q. And then who transferred the money to the
9 Wachovia account? Did you have two accounts or did you
10 transfer the money from one to --

11 A. Took the money from the Heath Springs bank and
12 put it in the Wachovia.

13 Q. Okay. What happened to the Wachovia account?

14 A. Closed it out.

15 Q. Closed it, and then you transferred to
16 Founders?

17 A. Right.

18 Q. All right. And the money that was in there,
19 no money was put in after -- in 2011, 2005, 2009, 2010?

20 A. No.

21 Q. This was just the money that was ---

22 A. That's correct. When the tax went up so
23 high -- The property tax went up so high. Taxes went
24 up so high. I went up there, and wanted to know, you
25 know -- I don't even remember what the tax was. They

1 broke it down. They had it broke down.

2 Q. So, basically, for purposes of taxes they took
3 houses -- They broke it down for land and houses?
4 Right?

5 A. Yeah. But, no, Carrie and I went to Wachovia
6 and that's all.

7 Q. But there's just the one account that you were
8 transferring from bank to bank?

9 A. Right.

10 MR. ROBBINS: Thank you. That's all, Your
11 Honor. Your Honor, I would ask -- I would like for
12 the exhibits to be introduced through Mr. Waiters
13 be introduced in to evidence as part of the record.

14 THE COURT: One thing at a time. Anybody else
15 have any questions --

16 MR. GRIER: No, Your Honor.

17 THE COURT: Okay. And there is a motion to
18 admit Defense Exhibits 4 through 9. Any objection?

19 MR. GRIER: No objections.

20 THE COURT: Okay. Thank you. Mr. Waiters, we
21 appreciate your time, and you are free to go.

22 THE WITNESS: Thank you, sir.

23 MR. ROBBINS: Your Honor, may I approach on a
24 bookkeeping matter?

25 THE COURT: Yeah. I got some housekeeping

144

1 stuff too, so you can go first.

2 MR. MILLS: We've heard some kind of
3 revelations about some potential new heirs. We
4 have an indication they may be in Pittsburgh, in
5 Pennsylvania somewhere.

6 I am here representing them whoever they are,
7 wherever they are. I don't know what obligations I
8 have at this point. Normally, the process would be
9 finding them and serving them, and I would
10 represent them. But I didn't know if I had to take
11 any affirmative action to try to locate these
12 individuals, or what my responsibilities are at
13 this point.

14 THE COURT: Well, we just found these people
15 based on an encounter - I think it was from 12
16 years ago - from in that vicinity, that may exist.
17 And I think we're going to have to impose on you to
18 make some minimal effort, Internet searches, phone
19 searches, and see if we can get a read on these
20 people.

21 And, frankly, I'd like to speak with Frank
22 before we leave here today, off the record. I
23 understand it's been 12 years, based on off-the-
24 record conversations, but see what we can glean
25 from it, and then we need to make some at least

1 effort of some sort to try to determine who these
2 people are. I am certainly not talking about hiring
3 private investigators. They are kind of expensive.
4 But do all we can do with computers and phone
5 records.

6 MR. MILLS: We know we don't want somebody
7 draining resources that would ultimately go to the
8 larger pie. I have tried that before in other
9 cases, and it --

10 THE COURT: It can be a nightmare.

11 MR. MILLS: -- it can be a sinkhole.

12 THE COURT: Well, we're not going to have a
13 sinkhole.

14 MR. MILLS: Okay. The other thing is, Your
15 Honor, is what do I need for the Court?

16 THE COURT: What I need is an affidavit that
17 addresses the factors. And if you put that in an
18 affidavit form that will be fine. I understand --
19 I know Mr. Robbins submitted an affidavit
20 previously that will need to be supplemented, but
21 anybody who's working on this, just give me an
22 affidavit and just put the various things, the
23 factors, in there. And they all need to be
24 addressed in the affidavits.

25 Now that we know that shares may be split in a

146

1 different fashion, I understand that the
2 spreadsheet, which has been put in evidence, will
3 most probably be modified. Since that is a
4 numerical calculation, we'll wait and see what we
5 can -- what the Guardian can do to identify some
6 heirs. If we can identify them, they are going to
7 need to be incorporated. I understand we are going
8 to perhaps have to shuffle around the shares.

9 So once we get all this cleared up, I
10 understand we will leave the record open so we can
11 submit an additional exhibit which will be a
12 spreadsheet with a revised apportionment. Is that
13 your understanding of the parties?

14 MR. ROBBINS: Yes, Your Honor. On behalf of
15 John Waiters, he's concerned about the need for
16 harvesting the timber before something happens to
17 the timber, and we'd like for that to be an issue.
18 At least it could be considered whether or not any
19 type of order could be issued, or whether it be
20 part of the final order about harvesting of the
21 timber. We know that it will generate funds.

22 His concern is that there could be another
23 hurricane or something that could cause a problem,
24 and then you wouldn't have this valuable timber.
25 It wouldn't be worth as much.

147

1 THE COURT: My expectation is I am going to try
2 to get an order by August. I've got some -- In the
3 next month, I've got two substantial personal
4 obligations that are going to take up a lot of my
5 time. I anticipate it would be August before I can
6 get you an order, and this is the first I have
7 heard of some effort to potentially bifurcate. But
8 I'll give that some consideration.

9 MR. ROBBINS: Your Honor, this is just based on
10 the prior order which said that if the injunction
11 was vacated as to John Waiters if he obtained
12 permission from the Court, he would cut
13 (inaudible) and put it in the hands of the trustee
14 for the benefit of the heirs.

15 THE COURT: Got it. But we don't have a
16 trustee. None has been appointed. There is not a
17 trust fund, so that makes some sense.

18 MR. ROBBINS: Do we need a trustee?

19 THE COURT: Well, we need to think about that,
20 and that's one of the things I want to talk to you
21 about. Funds are going to be generated. Then,
22 particularly if we go ahead and timber now and
23 allocate later, there are going to be funds that
24 are going to have to be held for some period of
25 time. Y'all had kind of favored using a Trustee,

148

1 but you never have identified one. So I don't want
2 to be in the distribution business. I don't know
3 if there is an accountant --- Y'all may want to
4 discuss this off the record and make some
5 suggestions to me. But it would make sense to get
6 someone who is a number person and a check writer.
7 We may can benefit from having a trustee.

8 MR. GRIER: Your Honor, our prior Special
9 Referee had indicated he would -- he had a trustee
10 that he would contemplate appointing and that
11 didn't happen. So we had that conversation about
12 whether we should be doing that. He had indicated
13 he would appoint someone. I don't know if you were
14 aware of that, but we did have it, and he was going
15 to appoint someone --

16 THE COURT: But it never happened.

17 MR. GRIER: Never happened. Your Honor, in
18 that vein, if you agree to contemplate, then, doing
19 some bifurcation and issuing some interim order to
20 expedite the process, if that's feasible. I'd ask
21 that you consider something that is also going --
22 It seems inevitable to me that it's going to be
23 necessary to get a number for what the actual
24 acreage is through a perimeter survey of some sort,
25 and getting that as soon as possible would, you

1 know, get us ahead of the game on --

2 THE COURT: I don't think -- I understood the
3 forester guy to say that he would make an offer
4 today for the timber on the property. It wasn't a
5 per-acre number.

6 MR. GRIER: Well, that's right.

7 THE COURT: So I think you don't need the
8 survey before this, plus you don't have the money
9 to pay for the survey until you get the timber.

10 MR. GRIER: Right. My suggestion is that if
11 you are addressing the timber issue, then getting a
12 jump on the perimeter survey, at least for the
13 property, would just get us a little bit ahead of
14 the ballgame for whatever the plan ultimately is --

15 MR. ROBBINS: You're talking about the 109
16 acres?

17 MR. GRIER: Yes.

18 THE COURT: I understand what you're saying. I
19 just want to clarify a few things. I understand
20 that it's the lawyers' expectations that the
21 expenses of the case are going to be paid out of
22 the common fund, and not be taxed -- weighted
23 against different parties. Am I right?

24 MR. ROBBINS: Yes, Your Honor.

25 THE COURT: The proposal y'all gave me, the

150

1 partition plan, it -- As I read it, it contemplates
2 the Trustee's duty extending to determining the
3 scheme to subdivide the property, and I am not sure
4 I've got the power to delegate that to someone who
5 is not a Referee. So I will tell you I am real
6 reluctant to do that unless y'all can show me
7 something that I have the power to do it. But I
8 invite you to look at that and if you feel like I
9 have the power to delegate that function to
10 someone, you need to probably persuade me that I
11 do.

12 And I have not done any research on it. It
13 just was a concern. And I don't want to go down
14 that road without more confidence than I have now
15 that I am able to do that.

16 Your plan talks about an option only open to
17 descendants of Ken Waiters, and it refers to having
18 minimum pricing designed merely to cover costs of
19 the proceedings. And to the extent that doesn't
20 reflect the value of the property, I am concerned
21 that I'd really -- I'd be treading on some thin ice
22 (inaudible) to minimize the cost to the extent
23 there are a number of heirs out of state and all
24 who have no more interest in it anyway, other than
25 they might get check.

1 MR. ROBBINS: Your Honor, I think one of the
2 things that I am concerned about is that someone's
3 bid needs to be enough to cover the survey for the
4 property and the expenses involved with the sale.

5 THE COURT: So you're talking a minimum.

6 MR. ROBBINS: A minimum.

7 THE COURT: Got you. I understand what you are
8 saying. Now I understand your intent. Your plan
9 also talks about setting aside, probably, the home
10 place and perhaps the pond, as a family park, and
11 again I am going to look at it, but I question
12 whether I have the power to unilaterally do that. I
13 anticipate if something is going to be
14 dedicated like that, it's probably going to have
15 to be purchased by one or more family members
16 with that intent in their heart to do. I will look
17 at that, but that's the other the proposal that
18 I'm reluctant to pursue at this point.

19 Anything else from anybody about housekeeping
20 or the legal issues?

21 MR. GRIER: Do you intend to order a transcript
22 as a matter of necessity, or is -- and I think the
23 court reporter, you know, as far as -- what would
24 be the circumstances where a transcript would
25 be ordered?

152

1 THE COURT: I've taken extensive notes. I
2 don't need a transcript, I think, to prepare an
3 order. The rule actually refers to an action like
4 this, a transcript being filed with the Clerk, but
5 I -- and no offense, Mr. Reporter, but this is not
6 my money, and to the extent I can protect the
7 estate, I want to. So that's something I'll want
8 to think about briefly off the record to see if
9 there's any way I can avoid the expense.

10 MR. GRIER: Thank you, Your Honor. My
11 immediate personal concern is that I think I am the
12 responsible party, and I don't know what the
13 billing arrangements are. And, of course, those
14 bills will be forthcoming, and I am just
15 contemplating whether that's something we might
16 need to have a conversation with the families
17 about. And if there was going to be a transcript
18 ordered, about how we might fund that.

19 THE COURT: All right. Let me look briefly --
20 we don't need to think about it right now, if
21 there's a way to get around it, if we could avoid
22 that. I appreciate your time, and we're off the
23 record.

24 Whereupon - Hearing concluded at 4:28 P.M.
25

1
2 1

3 CERTIFICATE OF REPORTER

4
5 State of South Carolina)

6)

7 County of York)

8 I, William H. White, a Notary Public for the State
9 of South Carolina, do hereby certify that I reported the
10 foregoing proceedings at the time and place herein
11 designated and that the foregoing pages are a true,
12 accurate and correct transcript of the aforesaid
13 proceedings to the best of my ability.

14 I further certify that I am not a relative,
15 employee, attorney or counsel of any of the parties, nor
16 relative or employee of such attorney or counsel, nor in
17 anyway interested in the event of said cause.

18 In witness my hand and official seal this the 24th
19 day of January, 2016, in the City of Rock Hill, County
20 of York, State of South Carolina.

21
22 William H. White

23 Court Reporter/Notary Public

24 My Commission Expires:

25 8-8-2018

PLEASE INSPECT Name, Address, Financial Institution Name and Account, Transit and Starting Numbers.

WAITERS COMPANY
JOHN C WAITERS
CARRIE LEE WAITERS
4888 WAITERS CIR
HEATH SPRINGS, SC 29058

DM B 03 071228 768261 07 01 of 1



11

Do not use this notice as an order form!

D-STP1

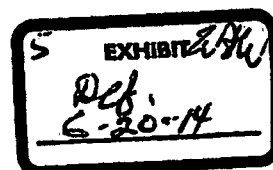


WACHOVIA

Wachovia Bank, N.A.
wachovia.com

Your Satisfaction is Important to Us
If you find a printing error, please call 1.800.692.4328. For
name or address updates call Wachovia at 1.800.622.4394.
Our liability is limited to the replacement of those documents
printed incorrectly.
This box contains 1 book of checks. Orders of more than one
item will ship separately and may not arrive at the same time.

⑆540405259⑆30000887349710⑈





01

3000088734971 008 160

0 0

46,298

192

ACHOVIA

00016912



WAITERS COMPANY
JOHN C WAITERS
CARRIE LEE WAITERS
4866 WAITERS CR
HEATH SPRINGS SC 29058

CB

Business Savings

10/01/2010 thru 12/31/2010

Account number: 3000088734971
Account owner(s): WAITERS COMPANY
JOHN C WAITERS
CARRIE LEE WAITERS

Account Summary

Opening balance 10/01	\$2,093.21
Interest paid	0.19 +
Other withdrawals and service fees	642.93 -
Closing balance 12/31	\$1,450.47

Deposits and Other Credits

Date	Amount	Description
10/29	0.07	INTEREST FROM 10/01/2010 THROUGH 10/31/2010
	0.06	INTEREST FROM 11/01/2010 THROUGH 11/30/2010
12/31	0.06	INTEREST FROM 12/01/2010 THROUGH 12/31/2010
Total	\$0.19	

Interest

Number of days this statement period	92
Annual percentage yield earned	0.05%
Interest earned this statement period	\$0.19
Interest paid this statement period	\$0.19
Interest paid this year	\$0.99

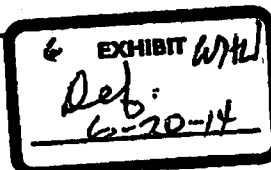
Other Withdrawals and Service Fees

Date	Amount	Description
11/06	642.93	COUNTER WITHDRAWAL
Total	\$642.93	

Daily Balance Summary

Dates	Amount	Dates	Amount
11/06	1,450.28	11/30	1,450.41
11/29	1,450.35	12/31	1,450.47

ACHOVIA BANK, LANCASTER MAIN



page 1 of 2

ISSUED 01/09/12 001086011043 NNNNN NNNNN NNNNN NNNNN NNNNN

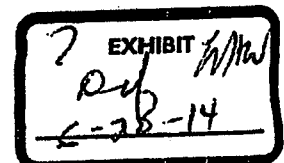
LANCASTER COUNTY						TAX BILL TYPE		MONTH		YEAR	
RECEIPT NUMBER		PROPERTY ASSESSMENT		TAX LEVY	PROPERTY TAX	LESS HOMESTEAD EXEMPTION	LESS L.O.S.T.	SCHOOL TAX CREDIT	NET TAX		
040059-10-3		4,550		262.30	1193.47	.00	51.89	534.89	606.69		
COUNTY OF LANCASTER											
CITY OF											
ES - 109.00		1,290		0130 -00-028.00	4% APPR 110266						
S -					6% APPR 2300						
BUILDINGS	3	3,260		4828 STEWART PLACE							
PERSONAL				DB A006 2736							
TOTAL		4,550									
TAXABLE MARKET VALUE		112,566		CITY NAME (IF ANY)		TAX CREDIT FACTOR		COUNTY	00046100		
CITY NAME AND ADDRESS								CITY			
WAITERS WILLIAM C & JOHN ETAL 4866 WAITERS CIRCLE HEATH SPRINGS SC 29058								PENALTY	+		.00
								COST	+		
								TOTAL AMOUNT PAID			606.69
								DATE PAID			10/07/2010
								PAID THROUGH			
								NOT FOR VEHICLE TAXES 2010			

R.E. ROWELL
P O BOX 720, LANCASTER, S.C. 29721

LANCASTER COUNTY

TAX RECEIPT - KEEP A COPY FOR YOUR RECORDS

R.E. ROWELL P.O. BOX 720, LANCASTER, S.C. 29721		LANCASTER COUNTY		TAX BILL TYPE		MONTH	YEAR
				REAL PROPERTY			10
RECEIPT NUMBER	040043-10-3	PROPERTY ASSESSMENT	TAX LEVY	PROPERTY TAX	LESS HOMESTEAD EXEMPTION	LESS L.O.S.T.	NET TAX
		150	262.30	39.35	.00	1.74	37.61
COUNTY OF LANCASTER							
ALRES.	31.00	150	0130 -00-028.01	4% APPR	3782		
LOTS-							
BUILDINGS			HWY 166				
PERSONAL				DB 2009 0051			
TOTAL	150						
TAXABLE MARKET VALUE		3,782	TAX CREDIT FACTOR	COUNTY	.00046100		
CITY NAME (IF ANY)				CITY			
TAXPAYER NAME AND ADDRESS							
WAITERS JAMES H ETAL % WILLIAM C. WAITERS 4866 WAITERS CIRCLE HEATH SPRINGS SC 29058			MO				
				AC			
				REAL PROPERTY			
				NOT FOR VEHICLE TAXES	2010		
						PENALTY	+
						COST	+
						TOTAL AMOUNT PAID	37.61
						DATE PAID	10/07/2010
						PAID THROUGH	



607 North Main Street
Lancaster, SC 29720
1-800-845-1614
www.foundersfcu.com

ACCOUNT
425036

FROM
10/13/11

THROUGH
10/31/11

194 PAGE
1 of 2

JOHN C WAITERS
4866 WAITERS CIR
HEATH SPRINGS, SC 29058



Lowest Rates EVER

No Origination Fee

More Rates Now Here
Call 1-800-845-1614



Relax...

We have great Auto Loan Rates

Call or visit an office today
to apply for your Auto Loan

SUMMARY OF ACCOUNTS

SUFFIX DESCRIPTION	SUFFIX	BEGINNING BALANCE	TOTAL CREDITS*	TOTAL DEBITS	ENDING BALANCE
REGULAR SHARES	00	0.00	1,458.45	2.45	1,456.00
CHECKING ACCOUNT	70	0.00	51.45	36.36	15.09

* Please note: Loan credits reflect only the principal portion of your payment.

STATEMENT OF ACCOUNT

REGULAR SHARES

SUFFIX 00

BEGINNING BALANCE

ENDING BALANCE

DATE

DESCRIPTION

AMOUNT

BALANCE

10/13

DEPOSIT

7.45

10/25

TFR TO SHARES 425036-70

-2.45

10/31

DEPOSIT

1,451.00

TRUTH IN SAVINGS INFORMATION

JOINT OWNERS

Y-T-D DIVIDENDS

RENEE WAITERS BLACKMON

0.00

TOTAL OVERDRAFT FEES

THIS STATEMENT PERIOD

YEAR TO DATE

TOTAL NSF FEES

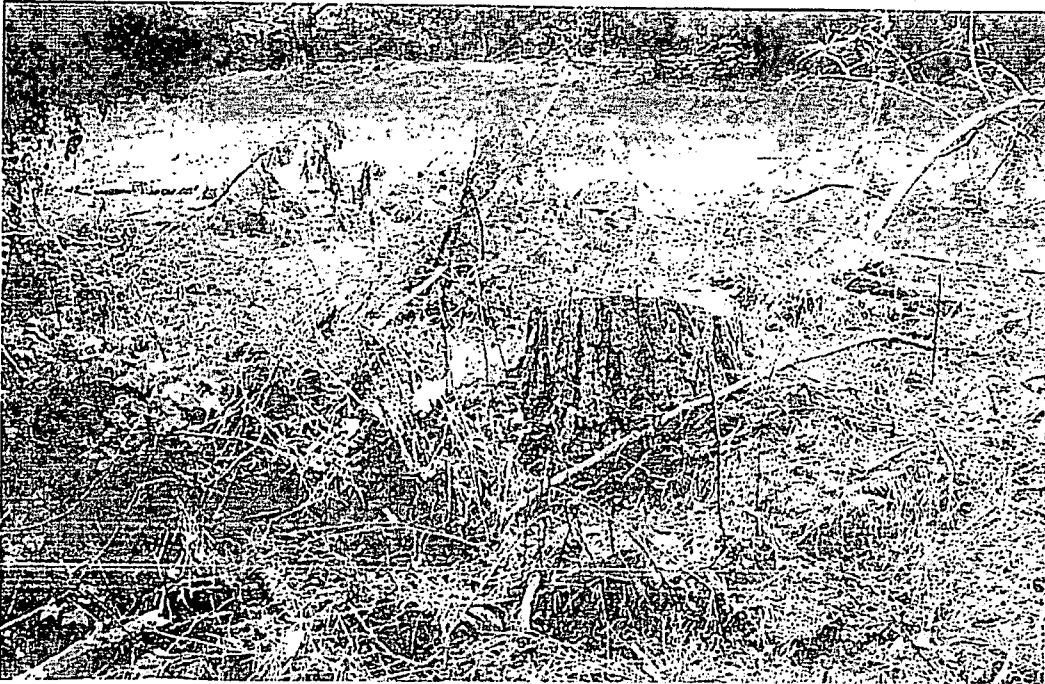
0.00

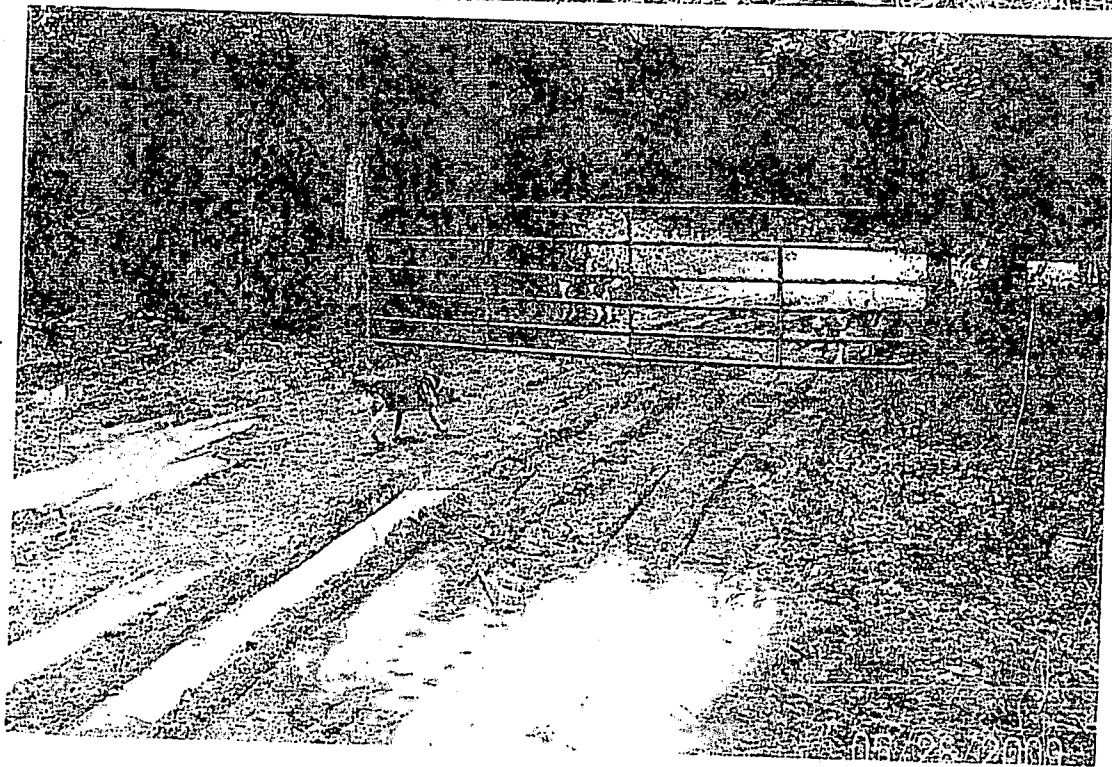
0.00

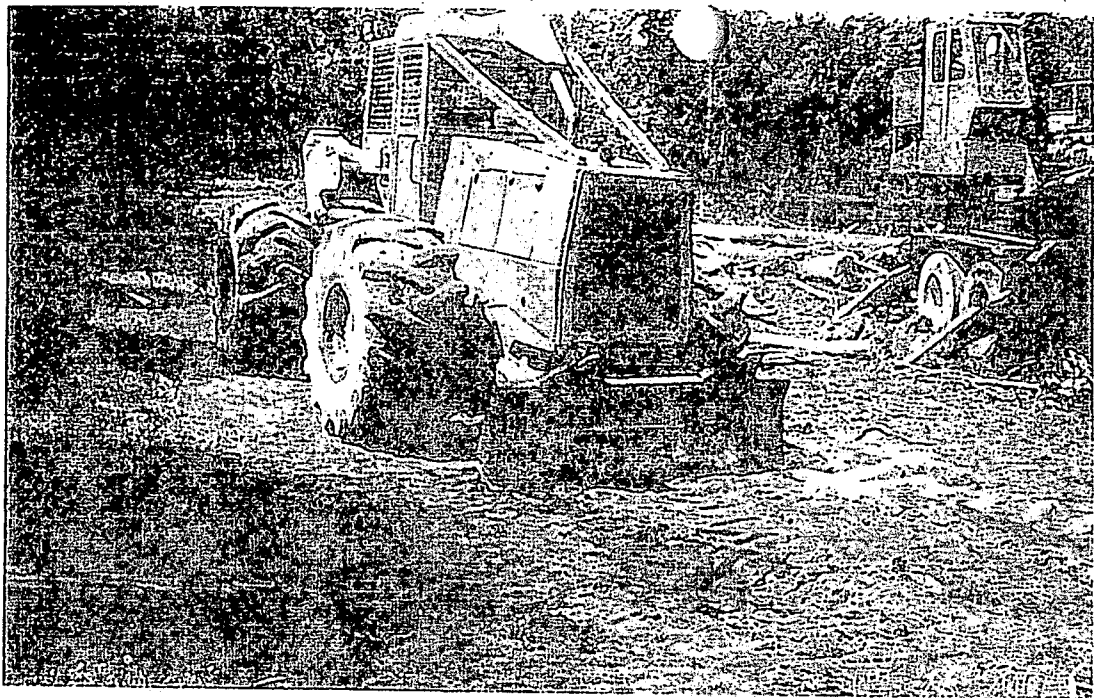
0.00

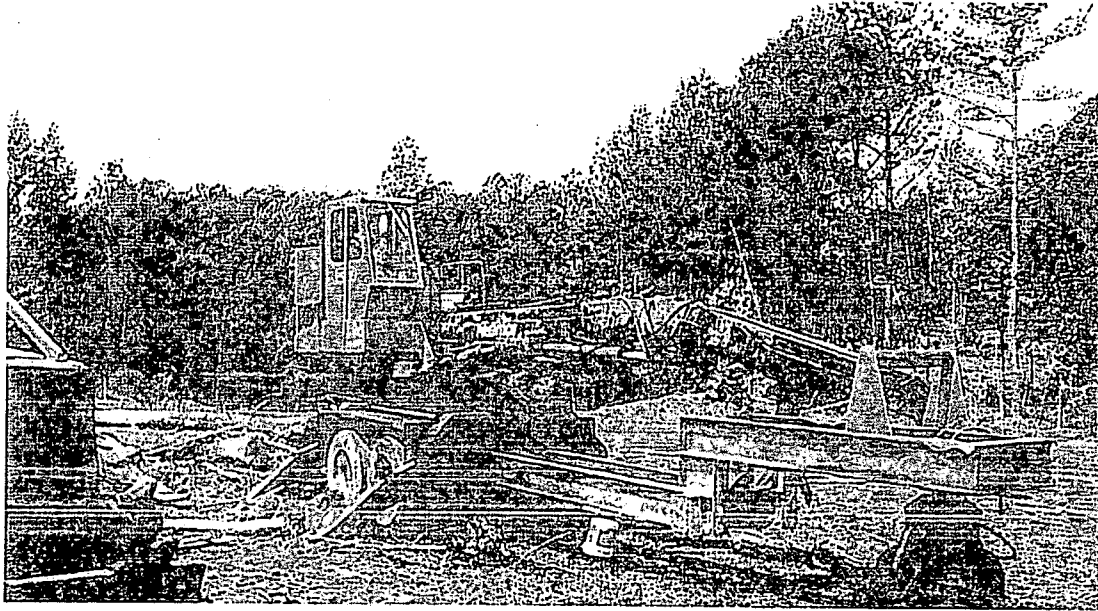
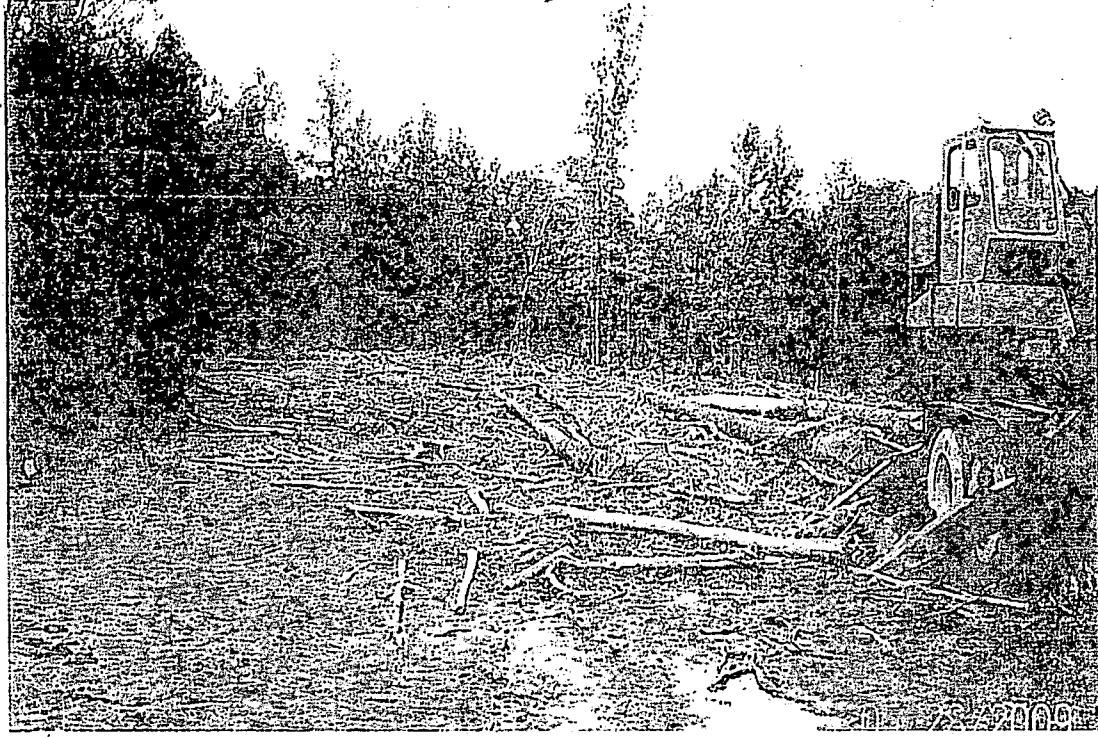
0.00

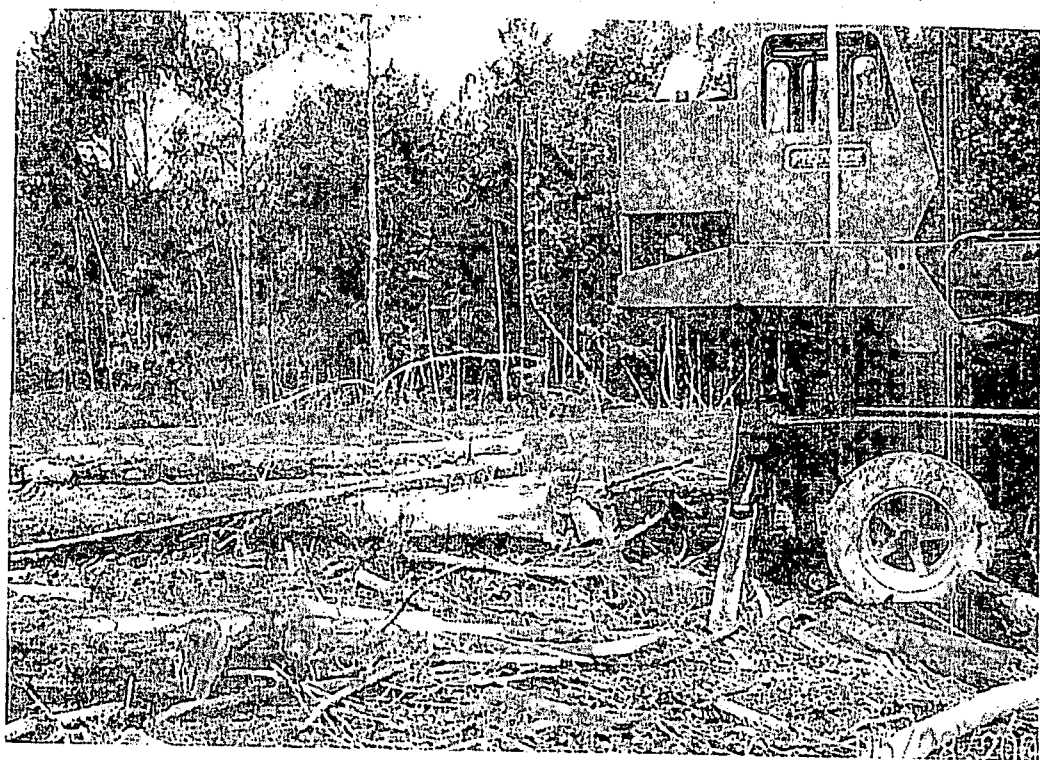
3. EXHIBIT
Def.
6-20-14

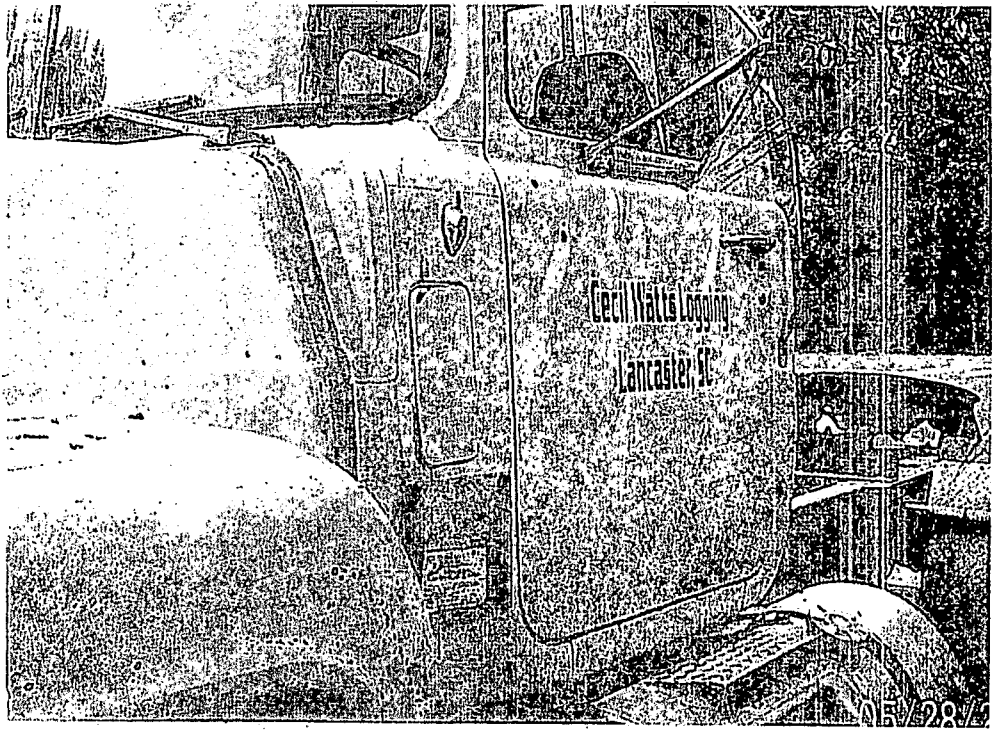












ANNUAL VEHICLE INSPECTION LABEL NO. 7922851

COMPLETED: MONTH 12 YEAR 08

A RECORD OF THIS VEHICLE'S ANNUAL VEHICLE INSPECTION REPORT IS MAINTAINED AT: ☒ MOTOR CARRIER ☐ OTHER ENTITY

Watts Logging
2445 Hwy 13
Lancaster, SC 29320

TELEPHONE

MOTOR CARRIER IDENTIFICATION NUMBER

CERTIFICATION: THIS VEHICLE HAS PASSED AN INSPECTION IN ACCORDANCE WITH 49CFR 396.17 THROUGH 396.23.

VEHICLE IDENTIFICATION: IF THE VEHICLE IS NOT READILY, CLEARLY, AND PERMANENTLY MARKED, CHECK ONE AND COMPLETE.

☐ FLEET UNIT NUMBER

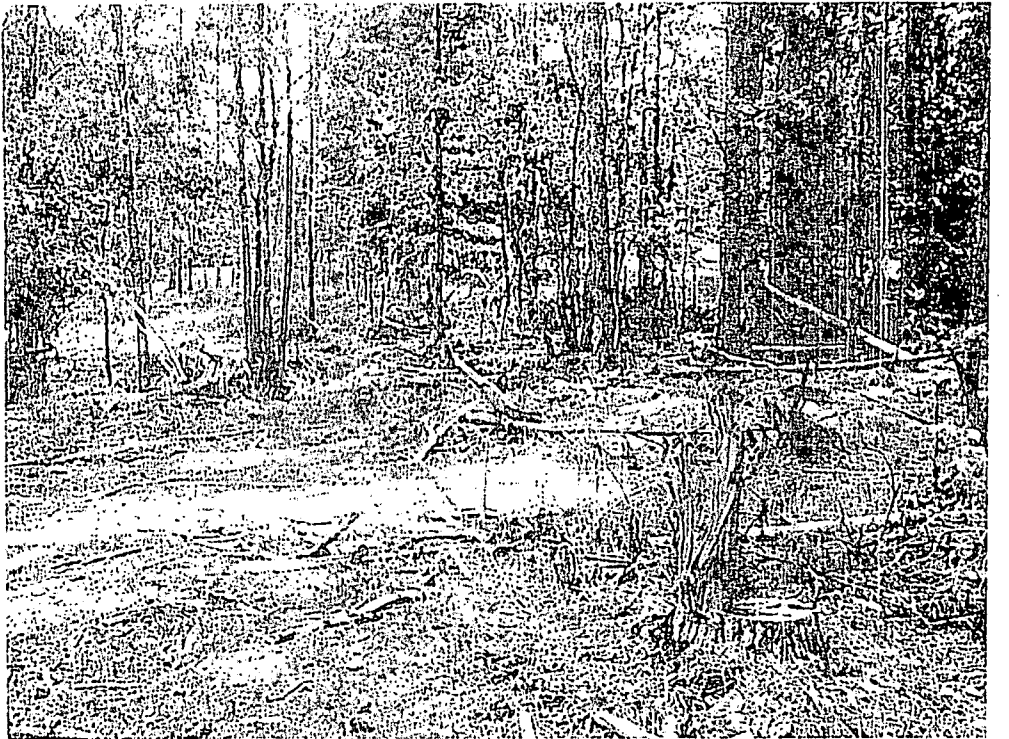
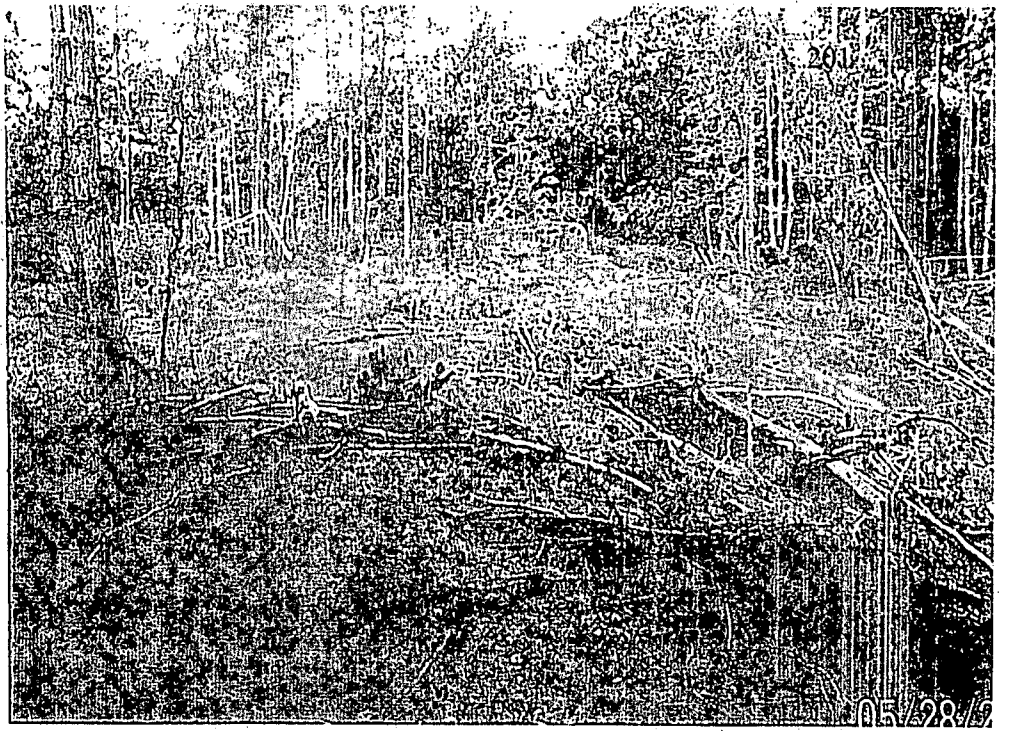
☐ LICENSE / REGISTRATION NUMBER

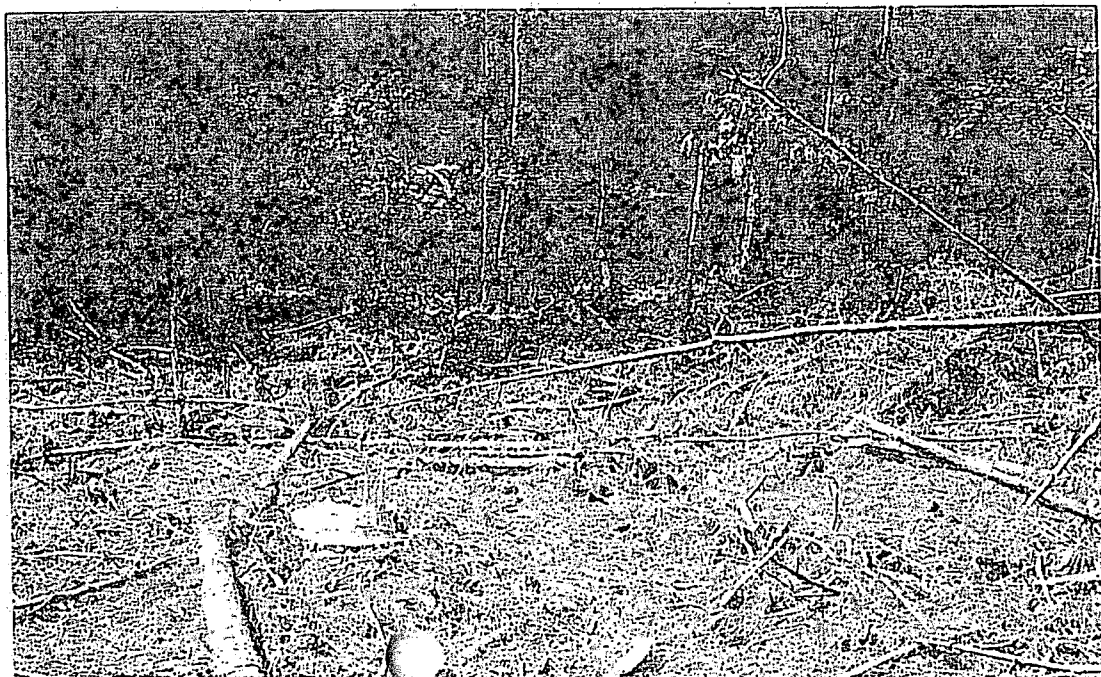
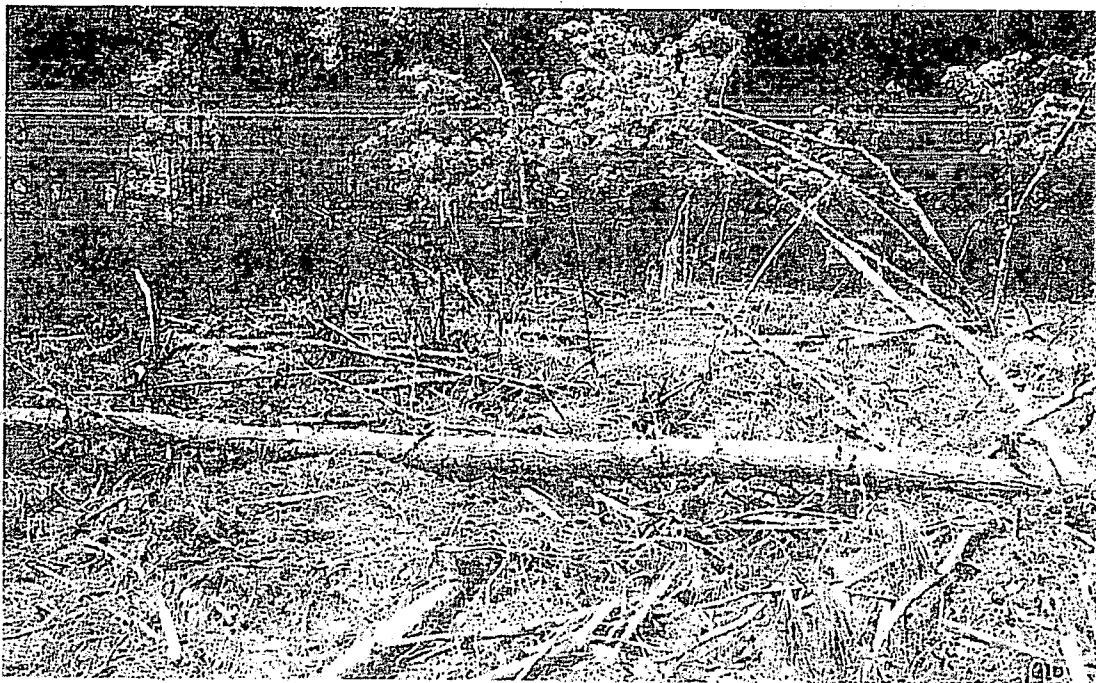
☐ VEHICLE IDENTIFICATION NUMBER

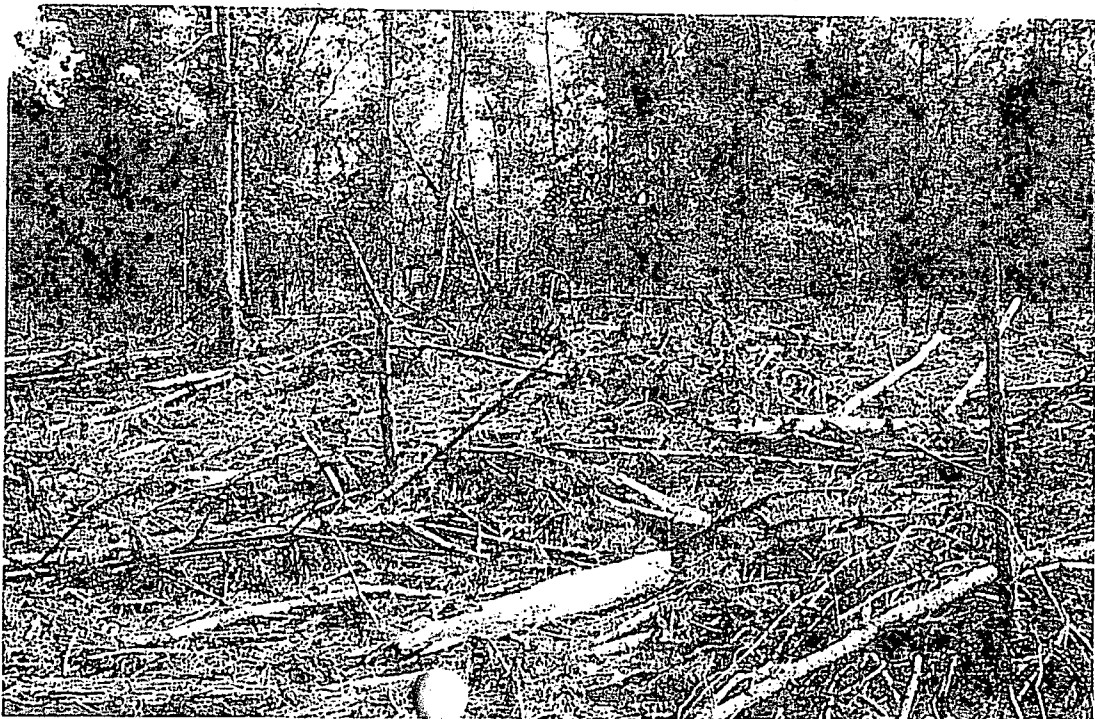
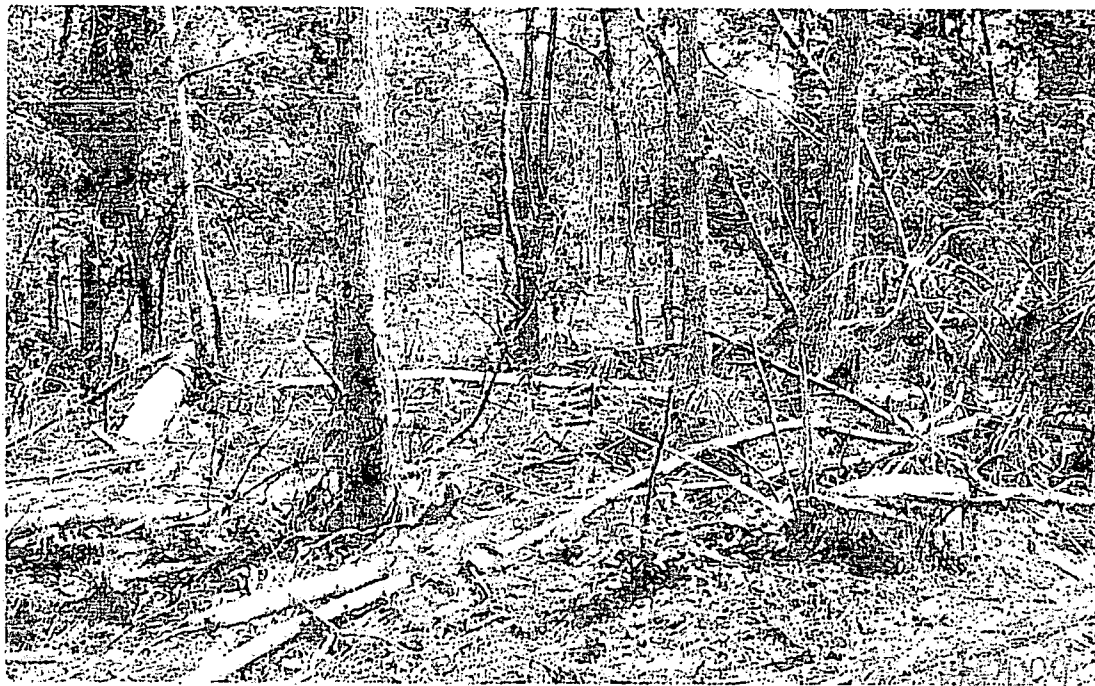
☐ OTHER

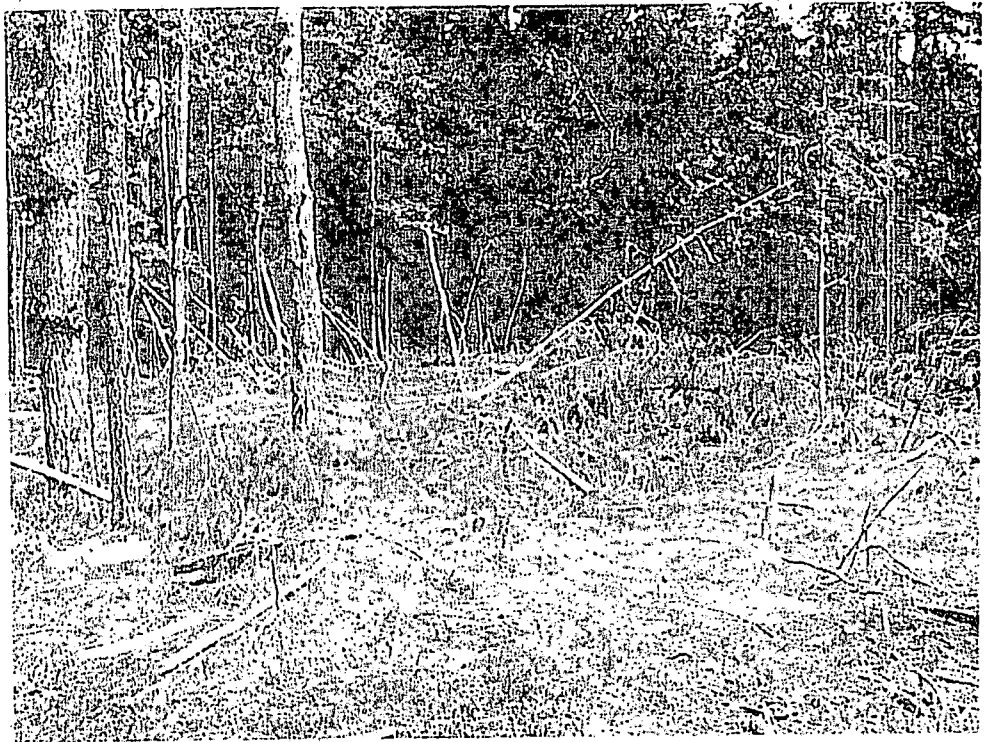
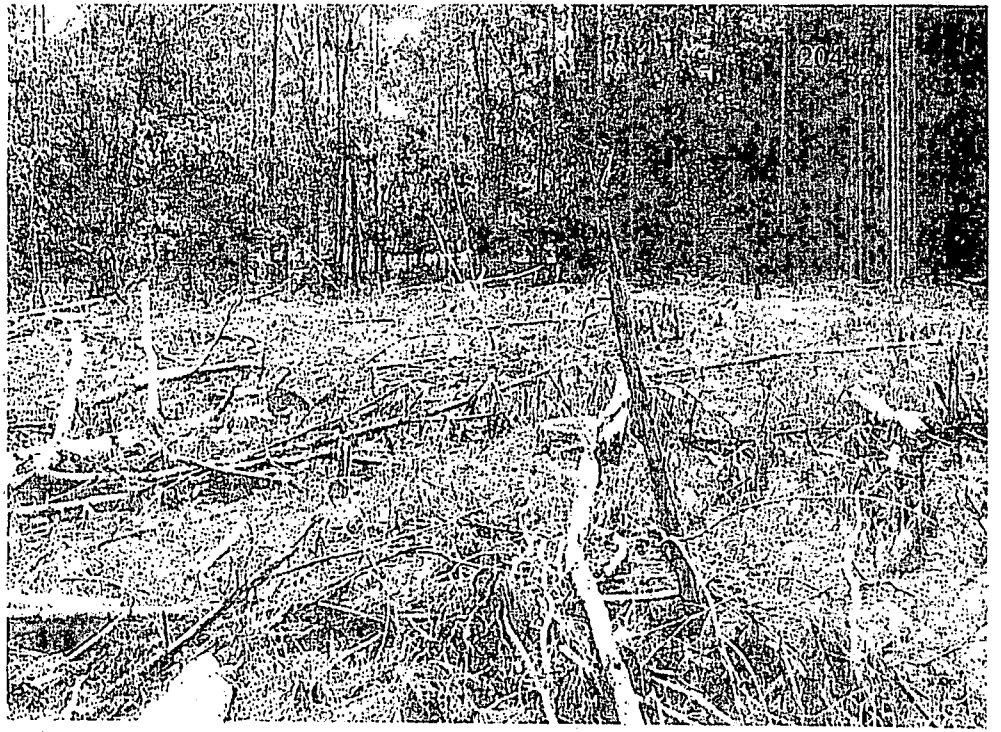
© Copyright 1990 and Published by J. J. KELLER & ASSOCIATES, INC., Neenah, WI 54957-0368

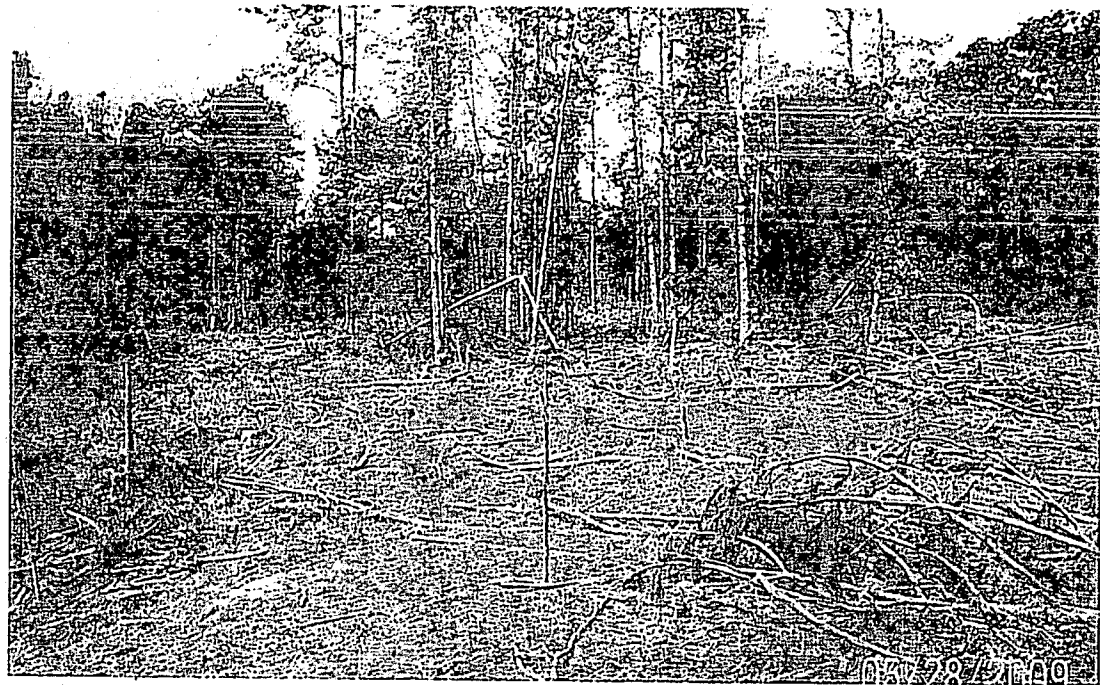
40-321 (Rev. 3/95)

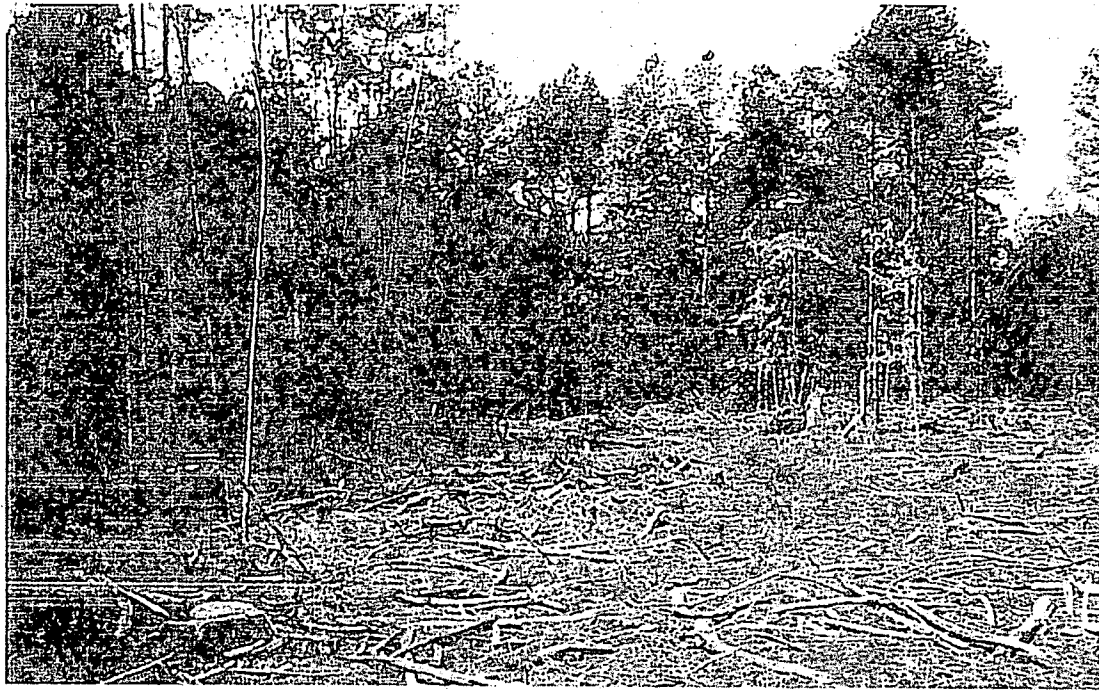
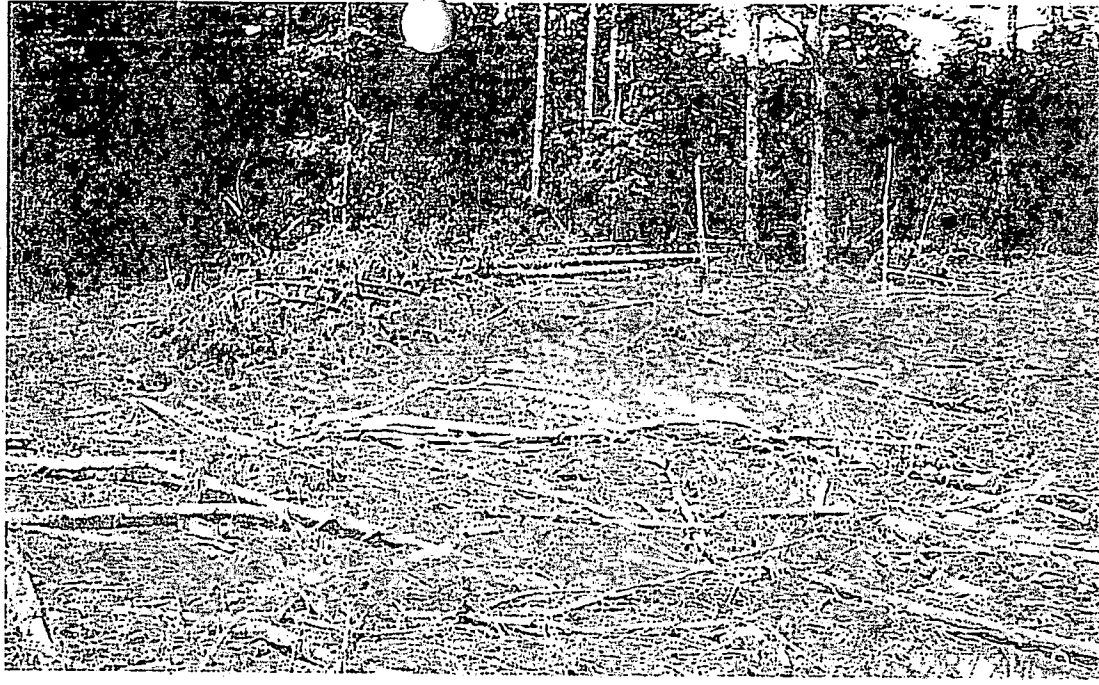


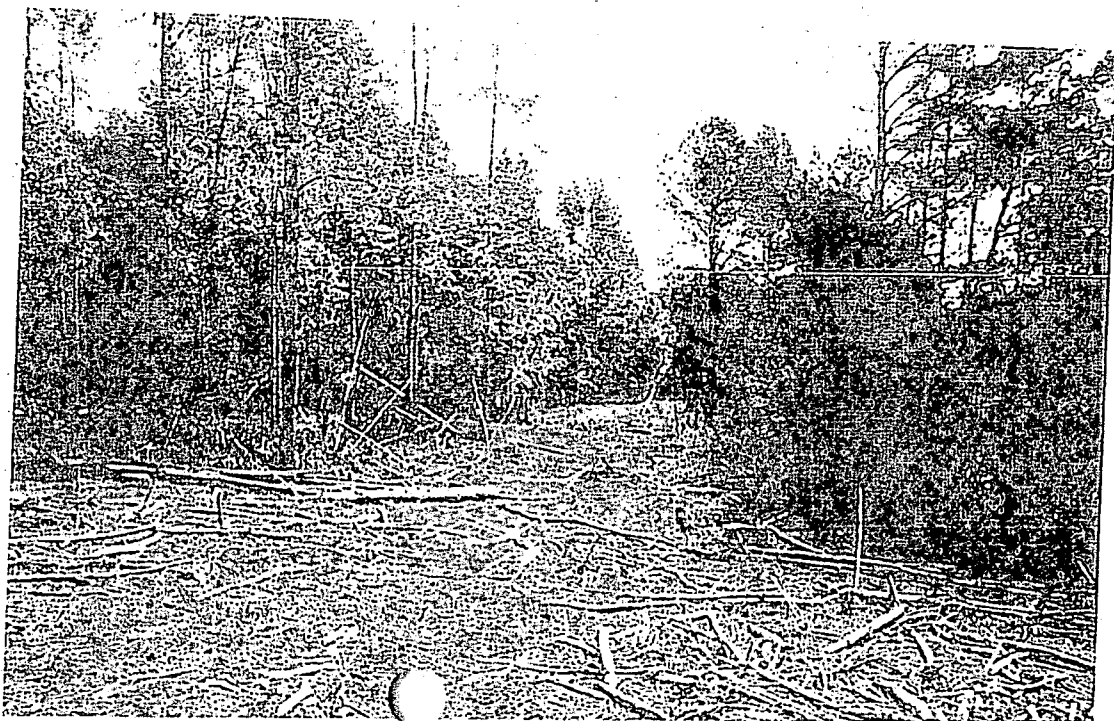
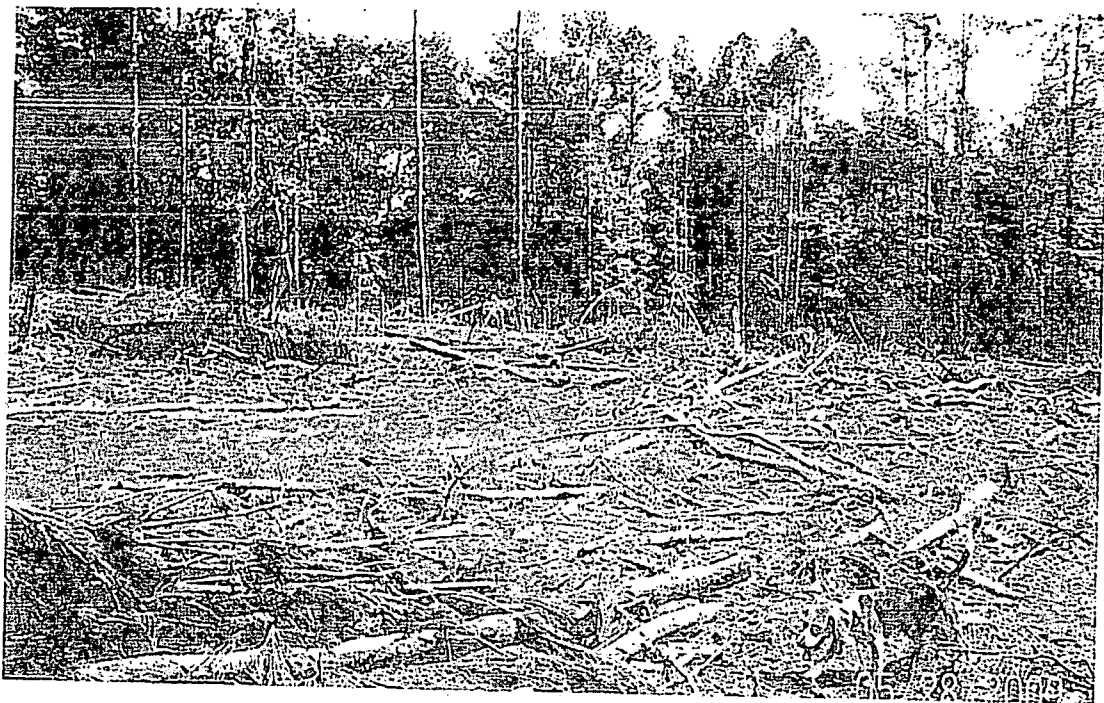


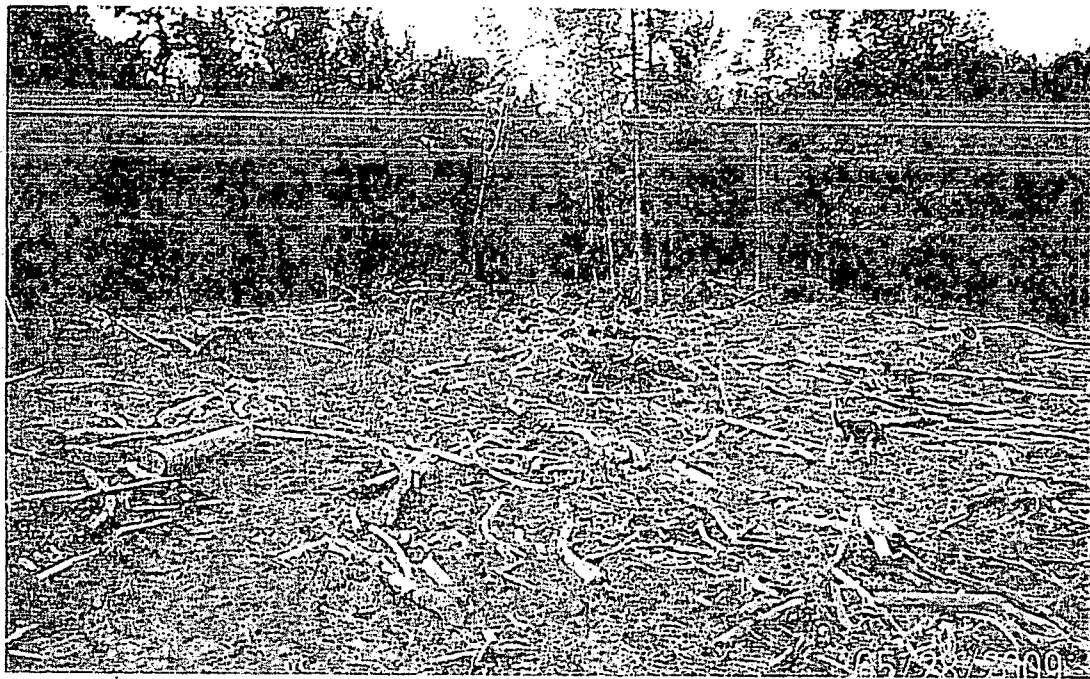








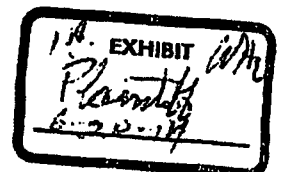




TITLE SUMMARY TM# 146-00-22.02

DATED	RECORDED	DEED/PAGE	GRANTOR/GRANTEE	CONSIDERATION	ACREAGE
11/25/70		A-4/ 1671	Harry L. Waiters /to Larry Dixon, Jr. & Janice Dixon	\$10	¾ acre
Note: Deed references Deed Z-5/1788					
06/29/71		A-6/ 2927	Harry L. Waiters & James H. Waiters & William C. Waiters & John C. Waiters & Willie Mae James & Tommie Cena W. Bascomb & Mary L. W. Bailey & Irene W. Watts & Mary W. Coleman & Evelyn W. Samuel & Bessie Mae Waiters & Tommy L. Waiters /to Larry Dixon, Jr & Janice Dixon	\$10	¾ acre
9/17/01	10/9/01	134/ 144	Larry Dixon /to Janice Dixon	\$1	¾ acre

TT's Exhibit #1



State of South Carolina
COUNTY OF LANCASTER

Know All Men by These Presents, That I, Harry L. Walters, of
Lancaster County

in the State aforesaid, for and in consideration of the
sum of Ten & NO/100 (\$10.00) Dollars, with love and affection
to me paid by Larry Dixon and Janice W. Dixon
in the State aforesaid

have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said

Larry Dixon and Janice W. Dixon:

All that certain piece, parcel or lot of land, lying, being and situate
in Cedar Creek Township, School District #36, Lancaster County, South
Carolina, near Mt. Carmel Church, containing $\frac{3}{4}$ of an acre, more or
less, as set out and shown on a plat of survey made by Paul Clark,
L.S., dated Nov. 10, 1970, and recorded in Plat Book 20 at Page
12. For more complete description reference is craved to said
Plat which is made a part hereof.

See Deed Book Z-5 at Page 1788, wherein property was conveyed
to grantor.

DEED BOOK A-6 PG 1671.1

State of South Carolina

COUNTY OF LANCASTER

Know All Men by These Presents, That I, Harry L. Waiters, James H. Waiters, William C. Waiters, John C. Waiters, Willie Mae James, Bessie Waiters, Betty J. Catoe, John Hazel Coleman, Ella Ree W. Bell, Tommie Cena W. Bascomb, Mary L. W. Bailey, Irene W. Watts, Mary W. Coleman, Evelyn W. Samuel, Bessie Mae Waiters, and Tommy L. Waiters,

in the State aforesaid, for and in consideration of the

sum of Ten and no/100 (\$10.00) dollars, with love and affection

to me paid by Larry Dixon, Jr., and Janice W. Dixon

in the State aforesaid

have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said

Larry Dixon, Jr. and Janice W. Dixon, All our right, title and interest as heirs at law of Can Waiters:

All that certain piece, parcel or lot of land, lying, being and situate in Cedar Creek Township, School District # 36, Lancaster County, South Carolina, near Mt. Carmel Church, containing 3/4 of an acre, more or less, as set out and shown on a Plat of Survey made by Paul Clark, L. S., dated November 10, 1970, and recorded in Plat Book 20 at Page 12. For a more complete description, reference is craved to said Plat which is made a part hereof.

Also, All that certain, piece, parcel or lot of land lying, being and situate in Cedar Creek Township, School District # 36, Lancaster County, South Carolina, near Mt. Carmel Church as set out and shown on the above said Plat and described as follows: Beginning at the Eastern edge of the driveway as shown on said Plat at the intersection of Highway 205 and running Northerly along the Eastern edge of the said driveway for a distance of about 75 feet to the boundary line on said Plat. Thence running Southerly along the boundary line on said Plat about 70 feet to corner. Thence running Easterly S 56°-30° E a distance of about 45

DRAWN BY AND RETURN TO:
 FORQUER, GREEN & BROWN, LLC
 454 S. ANDERSON STREET, SUITE 100
 ROCK HILL, SC 29730

FILED, RECORDED, INDEXED
 10/09/2001 09:00:34AM
 Rec Fee: 11.00 St Fee: 0.00
 Co Fee: 0.00 Pages: 5
 Clerk of Court
 LANCASTER COUNTY, SC

STATE OF SOUTH CAROLINA)

COUNTY OF LANCASTER)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS THAT LARRY DIXON AND JANICE W. DIXON, IN CONSIDERATION OF THE SUM OF ONE DOLLAR (\$1.00), LOVE AND AFFECTION, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, HAS GRANTED, BARGAINED, SOLD AND RELEASED, AND BY THESE PRESENTS GRANTS, BARGAINS, SELLS AND RELEASES UNTO JANICE W. DIXON, THEIR SUCCESSORS AND ASSIGNS FOREVER, THE BELOW DESCRIBED PROPERTY:

SEE ATTACHED LEGAL DESCRIPTION

PARCEL #146-00-22-02

ASSESSOR'S OFFICE

Received 10-9-01
 Tax Map Code 146-22.02
 Or Portion Of _____

PROPERTY ADDRESS: 3268 HOKE ROAD
 HEATH SPRINGS, SOUTH CAROLINA 29721

THIS CONVEYANCE IS MADE SUBJECT TO ANY RESTRICTIONS, RESERVATIONS, ZONING ORDINANCES, OR EASEMENTS THAT MAY APPEAR OF RECORD, ON THE RECORDED PLAT (S), OR ON THE PREMISES.

THIS CONVEYANCE IS MADE TOGETHER WITH ALL AND SINGULAR THE RIGHTS, MEMBERS, HEREDITAMENTS, AND APPURTENANCES TO SAID PREMISES BELONGING OR IN ANY WAY INCIDENT OR APPERTAINING THERETO; TO HAVE AND TO HOLD ALL AND SINGULAR THE PREMISES ABOVE MENTIONED UNTO GRANTEES, AND THEIR HEIRS OR SUCCESSORS AND ASSIGNS FOREVER. THE GRANTORS DO HEREBY BIND THE GRANTORS AND THEIR HEIRS OR SUCCESSORS, EXECUTORS, AND ADMINISTRATORS TO WARRANT AND FOREVER DEFEND ALL AND SINGULAR SAID PREMISES UNTO THE GRANTEES AND THEIR HEIRS OR SUCCESSORS AND AGAINST EVERY PERSON WHOMSOEVER LAWFULLY CLAIMING OR TO CLAIM THE SAME OR ANY PART THEREOF.

WITNESS THE GRANTOR'S HANDS AND SEALS THIS 17TH DAY OF SEPTEMBER 2001.

09 TELEPHONE
 SCHE
 1200

TITLE TO REAL ESTATE

The R. L. Bryan Company, Columbia, S. C.

Form 14

State of South Carolina,

COUNTY OF LANCASTER.

Know All Men by These Presents, That

We, Ella Waiters Belk, William Crawford Waiters, Willie Mae
W. James, Mary W. Bailey, Tommie B. Waiters and James H. Waiters

the State aforesaid,

for and

of Five (\$5.00) Dollars and love and affection,

in consideration of the

us paid by WILHEMIA W. COOK of Lancaster County,

the State aforesaid

granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said

WILHEMIA W. COOK, her heirs and assigns:

"All that piece, parcel or tract of land containing two
(2) acres, more or less, located about two miles West of Mt. Carmel
Campgrounds, in Cedar Creek Township, Lancaster County, South Carolina,
on the North side of Highway No. 205, fronting South on said Highway
for a distance of about four hundred (400') feet, and running back
North in uniform width for a distance of about two hundred (200') feet,
and being bounded on the South by Highway No. 205, West and North by
other lands of William Waiters, Deceased, and East by Tillman Lands
and being a portion of estate lands of William Waiters, who died in-
testate leaving as his sole heirs at law the grantors herein. See
Deed Book A-4, at Page 439."

OS 'REINCE

6 11 19

REC-100

CERTIFIED

IN THE MATTER OF ESTATE OF WILHELMINA W. COOK
CASE NUMBER 2000ES2900079

FILED, RECORDED, INDEXED
12/05/2001 11:27:20AM
Rec Fee: 10.00 St Fee: 0.00
Co Fee: 0.00 Pages: 4
Clerk of Court
LANCASTER COUNTY, SC

DEED OF DISTRIBUTION

WHEREAS, the decedent died on the 15th day of September, 1999; and,

WHEREAS, the estate of the decedent is being administered in the Probate Court for Lancaster County, South Carolina in File #2000ES2900079 and,

WHEREAS, the grantee herein is either a beneficiary or heir at law, as appropriate, of the decedent; and,

WHEREAS, the undersigned Personal Representative is the duly appointed and qualified fiduciary in this matter; and,

NOW, THEREFORE, in accordance with the laws of the State of South Carolina, the Personal Representative has granted, bargained, sold and released, and by these Presents does grant, bargain, sell and release to:

Name: Mary Bailey, Eula N. Daniel, James C. Bell, Monique Thompson, Dartell Waiters, Phinessa R. Waiters, Dervin Bailey, William G. Bailey
Address: c/o 3256 Hoke Road
Heath Springs; South Carolina

the following described property:

All of decedent's interest in all that piece, parcel, or tract of land containing two (2) acres, more or less, located about two miles West of Mt. Carmel Campgrounds, in Cedar Creek Township, Lancaster County, South Carolina, on the North side of Highway No. 205, fronting South on said Highway for a distance of about four hundred (400') feet, and running back North in uniform width for a distance of about two hundred (200') feet, and being bounded on the South by Highway No. 205, West and North by other lands of William Waiters, deceased, and East by Tillman Lands and being a portion of estate lands of William Waiters, who died intestate leaving as his sole heirs at law the grantors herein. See Deed Book A-4, at Page 439.

DERIVATION: This being the same property conveyed to the decedent herein by Deed from Ella Waiters Belk, William Crawford Waiters, Willie Mac W. James, Mary W. Bailey, Tommie B. Waiters and James H. Waiters dated March 25, 1972 and recorded in the Office of the Clerk of Court for Lancaster County, South Carolina in Deed Book A-6 at Page 5069.

Form #400PC (1/89)
12-3-907, 62-3-908

ASSESSOR'S OFFICE
Received 12-5-01
Tax Map Code 146-22.01
Or Portion Of _____

PAGE 1 OF 3

BUILDING RECORD

PROPERTY
ADDRESS

TYPE OF RD.

PAVED

216

ADDITIONAL DESCRIPTION	SPECIAL CONDITIONS

BUILDING PERMIT RECORD				LAND COMPUTATION		PROPERTY FACTORS	
PERMIT NO:	DATE:	PERMIT NO:	DATE:	* Deeds B-G 1719-1923	TOPOGRAPHY		IMPROVEMENTS
COST:	CHECKED BY:	COST:	CHECKED BY:		LEVEL	CITY WATER	
PROJECT:		PROJECT:			HIGH	WET / CROPPING	

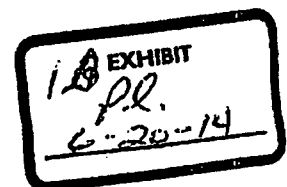
LAND COMPUTATION		PROPERTY FACTORS	
* Deeds B-G 04		TOPOGRAPHY	IMPROVEMENTS
1919-1923 (32)		LEVEL	CITY WATER
		HIGH	WELL/SPRING
		LOW	SEWER/SEPTIC
		ROLLING	GAS
		ROCKY	ELECTRIC
		SWAMPY	ALL UTILITIES
		ST. OR RD.	DISTRICT
		STATE HWY.	IMPROVING
		PAVED	STATIC
		GRAVEL	DECLINING
		PRIMITIVE	BLIGHTED AREA
		SOIL TYPE	FENCES
		LOAM	GOOD
		SAND	FAIR
		CLAY	POOR
		CHERT	NONE

TITLE SUMMARY TM# 146-00-22.01

DATED	RECORDED	DEED/PAGE	GRANTOR/GRANTEE	CONSIDERATION	ACREAGE
1/20/50	1/20/50	A-4/ 439	Henry Waiters /to William Waiters	\$5	33
3/25/72	3/25/72	A-6/ 5069	Ella Walters Belk & William Crawford Waiters & Willie Mae W. James, & Mary W. Bailey & Tommie B. Waiters & James H. Waiters /to Wilhelmina W. Cook	\$5	400' x 200'

Note: This tract is in different location from other William Waiters property claims under deed A-4/439

1/30/01	12/05/01	139/ 82	Estate of Wilhelmina Cook /to Mary Bailey & Eula N. Daniel & James C. Bell & Monique Thompson & Darrell Waiters & Phinessa R. Waiters & Dervin Bailey & William G. Bailey	\$5	400' x 200'
---------	----------	------------	---	-----	-------------



COUNTY OF LANCASTER

TITLE TO REAL ESTATE-A-4

KNOW ALL MEN BY THESE PRESENTS, THAT

I. Henry Walters of Lancaster County.

of the State aforesaid _____ for and

Five and 60/100

...in consideration of the fact of

to £5 in hand paid at and before the sealing of these presents by William Walton, of Lancaster County DOLLARS

of the State aforesaid.

acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said _____ the receipt whereof is hereby

William Walters.

All of my right, title and interest, being the undivided one-half in the fee thereof, in all of that certain piece, parcel or tract of land, in Cedar Creek Township, Lancaster County, South Carolina, containing Thirty-three (33) Acres, more or less, and bounded North by Morrison; east by Tillman lands; South by Robert Bull; and West by Wilson lands, being a part of the Can Walters Place.

[illegible]

TOGETHER with all and singular, the Rights, Members, Hereditaments, and Appurtenances to the said Premises in and to the same in anywise lawfully belonging.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned, unto the said
Heirs and Assigns forever.

AND I do hereby bind myself and my heirs

Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said William Walters, his

Heirs and Assigns, against _____ and _____
and Assigns and all other persons whomsoever lawfully claiming or to claim the same or any part thereof. _____
WITNESSES _____
Heirs, Executors, Administrators _____

WITNESS my Hand and Seal this 20 day of January 1954 in the year of our Lord one thousand nine hundred and Fifty and in the one hundred and Seventy-fourth year of the Independence of the United States of America.

Signed, sealed and delivered in the presence of

John D. Wolfe

Henry Walters (L.S.)

THE STATE OF SOUTH CAROLINA,
COUNTY OF LANCASTER:

PERSONALLY appeared before me T. H. Madison

and made oath that he saw the within named Henry Carter

sign, seal, and as _____ his Act and Deed deliver the within-written Deed; and that _____ he
with _____ John D. _____ witnessed the execution thereof.

Sworn to before me, this 20 day of January, 1950) witnessed the execution thereof.

day of January 19 50 T. H. Under

John J. White (L.S.)

Sec 1 Notary Public for South Carolina

THE STATE OF SOUTH CAROLINA,
COUNTY OF LANCASTER.

L. John D. White, Mayor, Public

RENUNCIATION OF DOWER

all whom it may concern, that Mr. Heaslie Walters
the wife of the within-named Henry Walters

did this day appear before me, and upon being privately and separately examined by me, did declare that she does truly, voluntarily and without any compulsion, dread or fear of any person or persons whomsoever, renounce, release and forever relinquish unto the within-named William David van der

Heirs and Assigns, all her interest and estate, and also all her right and claim of Dower of, in or to all and singular, the premises within mentioned and released.

Given under my hand and seal, this 20 day of January, Anno Domini 1950

Notary Public for South Carolina (L.S.)
 Bruce Walters (L.S.)

Recorded 26th day of January 1950 Lee O. Montgomery (L.S.)

TITLE TO REAL ESTATE	Form 14
The R. L. Bryan Company, Columbia, S. C.	

State of South Carolina,
COUNTY OF LANCASTER.

Know All Men by These Presents, That

We, Ella Waiters Belk, William Crawford Waiters, Willie Mae W. James, Mary W. Bailey, Tommie B. Waiters and James H. Waiters

the State aforesaid, for and in consideration of the
Five (\$5.00) Dollars and love and affection,
has paid by WILHEMIA W. COOK of Lancaster County,
the State aforesaid

granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said
WILHEMIA W. COOK, her heirs and assigns:

"All that piece, parcel or tract of land containing two (2) acres, more or less, located about two miles West of Mt. Carmel Campgrounds, in Cedar Creek Township, Lancaster County, South Carolina, on the North side of Highway No. 205, fronting South on said Highway for a distance of about four hundred (400') feet, and running back North in uniform width for a distance of about two hundred (200') feet, and being bounded on the South by Highway No. 205, West and North by other lands of William Waiters, Deceased, and East by Tillman Lands and being a portion of estate lands of William Waiters, who died in-estate leaving as his sole heirs at law the grantors herein. See Deed Book A-4, at Page 439."

OS
RECORDED
INDEXED

STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER

PROBATE COURT

IN THE MATTER OF ESTATE OF WILHELMINA W. COOK
ASE NUMBER 2000ES2900079

FILED, RECORDED, INDEXED
12/05/2001 11:27:20AM
Rec Fee: 10.00 St Fee: 0.00
Co Fee: 0.00 Pages: 4
Clerk of Court
LANCASTER COUNTY, SC

DEED OF DISTRIBUTION

WHEREAS, the decedent died on the 15th day of September, 1999; and,

WHEREAS, the estate of the decedent is being administered in the Probate Court for Lancaster County, South Carolina in File #2000ES2900079 and,

WHEREAS, the grantee herein is either a beneficiary or heir at law, as appropriate, of the decedent; and,

WHEREAS, the undersigned Personal Representative is the duly appointed and qualified fiduciary in this matter; and,

NOW, THEREFORE, in accordance with the laws of the State of South Carolina, the Personal Representative has granted, bargained, sold and released, and by these Presents does grant, bargain, sell and release to:

Name: Mary Bailey, Eula N. Daniel, James C. Bell, Monique Thompson, Darrell Waiters, Phinessa R. Waiters, Dervin Bailey, William G. Bailey
Address: c/o 3256 Hoke Road
Heath Springs, South Carolina

the following described property:

All of decedent's interest in all that piece, parcel, or tract of land containing two (2) acres, more or less, located about two miles West of Mt. Carmel Campgrounds, in Cedar Creek Township, Lancaster County, South Carolina, on the North side of Highway No. 205, fronting South on said Highway for a distance of about four hundred (400') feet, and running back North in uniform width for a distance of about two hundred (200') feet, and being bounded on the South by Highway No. 205, West and North by other lands of William Waiters, deceased, and East by Fillman Lands and being a portion of estate lands of William Waiters, who died intestate leaving as his sole heirs at law the grantors herein. See Deed Book A-4, at Page 439.

DERIVATION: This being the same property conveyed to the decedent herein by Deed from Ella Waiters Belk, William Crawford Waiters, Willie Mae W. James, Mary W. Bailey, Tommie B. Waiters and James H. Waiters dated March 25, 1972 and recorded in the Office of the Clerk of Court for Lancaster County, South Carolina in Deed Book A-6 at Page 5069.

ASSESSOR'S OFFICE

Form #400PC (1/89)
2-3-907, 62-3-908

Received 12-5-01
Tax Map Code 146-22-01
Or Portion Of _____

PAGE 1 OF 3

BUILDING RECORD
CONSTRUCTION SPECIFICATIONS

PROPERTY ADDRESS

TYPE OF RD.

PAVED

221

[illegible][illegible]

TITLE SUMMARY TM# 130-00-28.01

DATED	RECORDED	DEED/PAGE	GRANTOR/GRANTEE	CONSIDERATION	ACREAGE
1/20/50	1/20/50	A-4/ 439	Henry Waiters /to William Waiters	\$5	33

Note: Tract is a portion of 130-00-28 / see Plat 4950

6/23/52	6/27/52	E-4/ 574	Ella Ree Walters & Mary Lee Waiters Bell & Tommie Cena Waiters Bascomb & Wilhelminia Waiters/ to Estate of Can Waiters	\$5	30
---------	---------	-------------	--	-----	----

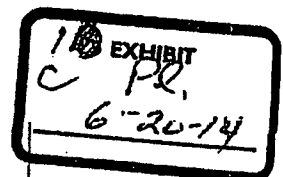
12/12/80	12/22/80	D-6/ 6067	Mary Lee Bailey & Tommisina W. Bascomb & Willie Mae James & James H. Waiters/to William C. Waiters & Ellareen Waiters Belk	\$5	33
----------	----------	--------------	---	-----	----

3/11/87	3/11/87	W-6/ 167	Ellareen Waiters Belk/to William C. Waiters	\$5	33
---------	---------	-------------	--	-----	----

Note:

12/18/90	12/20/90	O-9/ 125	William C. Waiters/to James H. Waiters & Willie Mae Waiters & Wilhemina W. Cook & Tommie Bascomb & Mary Lee Bailey	\$5	Lots 1-5
----------	----------	-------------	---	-----	----------

Note: See Plat 8571



7/11/91

12/11/91

Z-9/

51

William C. Walters/to
James H. Walters &
Willie Mae Walters &
Wilhemina W. Cook &
Tommie Bascomb &
Mary Lee Bailey

\$5

223

Lots 1-5

Note: See Plat 8571

7/9/99

7/9/99

51/

239

William C. Walters/to
Pearl James

\$5

Lot 2

STATE OF SOUTH CAROLINA,

COUNTY OF LANCASTER.

TITLE TO REAL ESTATE—A-4
KNOW ALL MEN BY THESE PRESENTS, THAT

I, Henry Walters of Lancaster County,
of the State aforesaid, for and
Five and 00/100 in consideration of the sum of
to me in hand paid at and before the sealing of these presents by William Walters, of Lancaster County, DOLLARS
of the State aforesaid, the receipt whereof is hereby
acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said
William Walters,

All of my right, title and interest, being the undivided one-half in the fee thereof,
in all of that certain piece, parcel or tract of land, in Cedar Creek Township,
Lancaster County, South Carolina, containing Thirty-three (33) Acres, more or less,
and bounded North by Morrison; east by Tillman lands; South by Robert Hall; and West
by Wilson lands, being a part of the Can Walters Place.

CERTIFIED TO BE A TRUE COPY
REGISTER OF DEEDS
COUNTY OF LANCASTER, S.C.

TOGETHER with all and singular, the Rights, Members, Hereditaments, and Appurtenances to the said Premises belonging, or in any wise
incident or appertaining,
TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned, unto the said
William Walters, his
Heirs and Assigns forever.

AND I do hereby bind myself and my
Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said
William Walters, his
Heirs and Assigns, against all and every
Heirs, Executors, Administrators
and Assigns and all other persons whatsoever lawfully claiming or to claim the same or any part thereof.

WITNESS my Hand and Seal this 20 day of January in the year of our Lord
one thousand nine hundred and Fifty and in the one hundred and Seventy-fourth
year of the Sovereignty and
Independence of the United States of America.
Signed, sealed and delivered in the presence of
John D. Willie, Henry Walters (L.S.)
(L.S.)

THE STATE OF SOUTH CAROLINA,

COUNTY OF LANCASTER.

PERSONALLY appeared before me, T. H. Madra
and made oath that he was the within-named Henry Walters,
sign, seal, and execute his Act and Deed deliver the within-written Deed; and that he
with John D. Willie witnessed the execution thereof.
Sworn to before me, this 20 day of January, 1950
by John D. Willie (L.S.)
T. H. Madra
Notary Public for South Carolina.

THE STATE OF SOUTH CAROLINA,

COUNTY OF LANCASTER.

REMNUNCIATION OF DOWER
I, John D. Willie, Notary Public,
do hereby certify that
all when it was known that Mrs. Beattie Walters
the wife of the within-named Henry Walters
at this day appears before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily and without any
compulsion, dread or fear of any person or persons whatsoever, renounce, release and forever relinquish unto the within-named
William Walters, his
Heirs and Assigns, all her interest and estate, and also all her right and claim of Dower of, in or to
all and singular the premises within mentioned and released, and released the same from and unto the said Henry Walters, his
Given under my hand and seal, this 20 day of January, Anno Domini 1950
John D. Willie (L.S.) Beattie Walters (L.S.)
Notary Public for South Carolina. (L.S.)
Recorded 20th day of January, 1950
Lee O. Montgomery (L.S.)
Clerk

TITLE NOT EXAMINED.

State of South Carolina,
County of Lancaster

TITLE TO REAL ESTATE

Know All Men by These Presents, That We, Mary Lee Bailey and Tommisina W. Bascomb, of the State of New York, and Willie Mae James and James H. Waiters, of Lancaster County, South Carolina,

hereinafter referred to as grantor for and in consideration of the sum of Five and No/100 (\$5.00) Dollars, love and affection,

Dollars

to grantor paid by William C. Waiters and Ellareen Waiters Belk

hereinafter referred to as grantee, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said grantee and grantee's heirs, successors and assigns, the following described property, to wit:

"All that certain piece, parcel or lot of land, with any and all improvements thereon, lying, being and situate about ten miles south of Lancaster, one mile West of Pitman Crossroads, on a dirt road running North from Highway 205 to Highway 166, being a portion of the Can Waiters Estate Lands, containing thirty-three (33) acres, more or less, and being the identical property shown, described and designated on plat of survey entitled "PLAT OF SURVEY FOR WILLIAM WAITERS, Sr. ESTATE", prepared by Jack Smith, RLS, dated September 26, 1980 and recorded in the Office of the Clerk of Court for Lancaster County, South Carolina, as Plat No. 4952. For a more minute description, reference to said plat is craved."

Being the property inherited by Grantors and Grantees as heirs at law of Mary L. Waiters, Deceased; and William Waiters, Sr., Deceased.

ASSESSOR'S OFFICE

Date Recd. 12-22-80
Tax Map Code 130/38
Ac Section of 130/38

FILED

1980 DEC 22 PM 3:42

CERTIFIED TO BE A TRUE COPY
REGISTER OF DEEDS
COUNTY OF LANCASTER

The within-described property is conveyed subject to existing easements and rights of way, whether of record or not, and to restrictions, if any, appearing in the chain of title which said restrictions, if any, are not intended to be reimposed hereby.

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said grantee and grantee's heirs, successors and assigns forever.

225
STATE OF SC
County of KHN

PERSON
sign, seal and
mentioned and

SWORN to be

day of

Notary Public

My Commissi

STATE OF S

County of L

I, the u
it may con
privately an
compulsion,
unto the w
also all her i

Given under

12th day

Notary Put
My Commi

State of South Carolina,
County of Lancaster

IN T
(As)

STAT
COUN

(s)h
writ
othe

and forever defend all and singular the said premises unto the said grantee and grantee's Heirs, Successors and Assigns, against grantor and whomsoever lawfully claiming or to claim, the same or any part thereof.

WITNESS the Grantor's Hand and Seal this

12th day of December

19 80

and in the two hundred and fifth year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered
in the Presence of

[Signature]

Witness

[Signature]

Witness

NEW YORK

STATE OF ~~SOUTH CAROLINA~~

County of ~~KINGS~~

[Signature]
Mary Lee Bailey (Seal)

[Signature]
Tomrisina W. Bascomb (Seal)

[Signature]
Willie Mae James (Seal)

[Signature]
James H. Walters (Seal)

PERSONALLY appeared before me, the undersigned witness, and made oath that (s)he saw the Grantor sign, seal and, as grantor's act and deed, deliver the within-written Deed for the uses and purposes therein mentioned and that (s)he, with the other witness above, witnessed the execution thereof.

SWORN to before me, this

12th day of December, 19 80.

[Signature]
FRANK C. RISAN (Seal)
Notary Public of South Carolina, Commission Expires Oct. 30, 1983
Cert. filed in Kings County

[Signature]
Witness

STATE OF SOUTH CAROLINA,
County of Lancaster.

RENUNCIATION OF DOWER

I, the undersigned Notary Public, a Notary Public of South Carolina, do hereby certify unto all whom it may concern, that the undersigned, wife of the grantor, did this day appear before me and upon being privately and separately examined by me, did declare that she does freely, voluntarily and without any compulsion, dread, or fear of any person or persons whomsoever, renounce, release and forever relinquish unto the within-named grantee and grantee's heirs, successors and assigns, all her interest and estate and also all her right and claim of Dower of, in or to all and singular the premises within mentioned and released.

Given under my Hand and Seal, this

12th day of December, 19 80.

[Signature]
Idelle Walters (Seal)
Notary Public of South Carolina
My Commission Expires: 12-12-80

[Signature]
Idelle Walters (wife of James H. Walters)

State of South Carolina,
County of Lancaster

MARY LEE BAILEY, ET AL.

TO

WILLIAM C. WAITERS

AND
ELIZABETH WAITERS, BEK

TITLE TO REAL ESTATE

I hereby certify that the within Deed was filed for record in my office at 1:40 clock on the 22 day of December 19 80 and was immediately entered upon the proper indexes and duly recorded in Book 10-6 of Deeds, page 6087

Clerk of Court of Common Pleas and General Sessions or Register Mesne Conveyance for the State and County aforesaid.

I hereby certify that the within Deed has been this day of A.D. 19 Recorded in Book of Deeds page

Auditor of the State and County aforesaid

COPYRIGHT 1980

REGISTERED TO BE A TRUE COPY

IN THE PRESENCE OF:
(As to Willie Mae James & James H. Waiters)

Lyman H. Robinson
John H. Black

(Signatures of Willie Mae James &
James H. Waiters on original deed)

STATE OF SOUTH CAROLINA
COUNTY OF Lancaster

PERSONALLY appeared before me, the undersigned witness, and made oath that (s)he saw the Grantor sign, seal and, as grantor's act and deed, deliver the within-written Deed for the uses and purposes therein mentioned and that (s)he, with the other witness above, witnessed the execution thereof.

SWORN TO before me this

22nd day of December, 1980.

Lyman H. Robinson

John H. Black (SEAL)
Notary Public of South Carolina
My Commission Expires: _____

CERTIFIED TO BE A TRUE COPY
REGISTER OF DEEDS
COUNTY OF LANCASTER, SC

DEED DRAWN ONLY.

DO NOT PUBLISH

BOOK W-6 PAGE 167

State of South Carolina, }
County of Lancaster

TITLE TO REAL ESTATE

Know All Men by These Presents, That I, Ellareen Waiters Belk, a widow,

hereinafter referred to as grantor for and in consideration of the sum of

Five and No/100 (\$5.00) Dollars
love and affection,
to grantor paid by William C. Waiters

hereinafter referred to as grantee, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said grantee and grantee's heirs, successors and assigns, the following described property, to wit: All of my right, title and interest, in the following described property, to wit:

"All that certain piece, parcel or lot of land, with any and all improvements thereon, lying, being and situate about ten miles south of Lancaster, one mile West of Pitman Crossroads, on a dirt road running North from Highway 205 to Highway 166, being a portion of the Can Waiters Estate lands, containing thirty-three (33) acres, more or less, and being the identical property shown, described and designated on plat of survey entitled 'PLAT OF SURVEY FOR WILLIAM WAITERS, SR. ESTATE,' prepared by Jack Smith, RLS, dated September 26, 1980, and recorded in the Office of the Clerk of Court for Lancaster County, South Carolina, as Plat No. 4952. For a more minute description, reference to said plat is craved. Being the identical property acquired by the Grantor and Grantee herein as an heir at law of William Waiters, Sr., deceased, and by deed of Mary Lee Bailey, et al. to William C. Waiters and Ellareen Waiters Belk recorded December 22, 1980, in Deed Book D-6, at Page 6067."

Address of Grantee:

Route 3, Box 193 D
Heath Springs, South Carolina 29058

ASSESSOR'S OFFICE

Received 3-11-87
Tax Map Code 130-2801
Or Portion Of _____

FILED
OFFICE OF CLERK
OF COURT
MAR 11 2 27 PM '87
LANCASTER COUNTY, S.C.

The within described property is conveyed subject to existing easements and rights of way, whether of record or not, and to restrictions, if any, appearing in the chain of title which said restrictions, if any, are not intended to be reimposed hereby.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

CERTIFIED TO BE A TRUE COPY
REGISTER OF DEEDS
COUNTY OF LANCASTER, SC

BOOK W-6 PAGE 163

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said grantee and grantee's Heirs, Successors and Assigns forever.

And grantor does hereby bind grantor's Heirs, Successors, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said grantee and grantee's Heirs, Successors and Assigns, against grantor and whomsoever lawfully claiming or to claim, the same or any part thereof.

WITNESS the Grantor's Hand and Seal this 11th day of March, 19 87,

and in the two hundred and eleventh year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered in the Presence of

Ellareen Walters Belk
Witness
Will C. Walters
Witness

Ellareen Walters Belk
(Seal)
Ellareen Walters Belk, a widow

(Seal)

(Seal)

(Seal)

(Seal)

STATE OF SOUTH CAROLINA,
County of Lancaster.

PERSONALLY appeared before me, the undersigned witness, and made oath that (s)he saw the Grantor sign, seal and, as grantor's act and deed, deliver the within-written Deed for the uses and purposes therein mentioned and that (s)he, with the other witness above, witnessed the execution thereof.

SWORN to before me, this 11th

day of March, 19 87

Will C. Walters (Seal)
Notary Public of South Carolina

My Commission Expires: 12/17/89

Will C. Walters
Witness

RECORDED TO BE A TRUE COPY
REGISTER OF DEEDS
COUNTY OF LANCASTER, SC

308
State of South Carolina,
County of Lancaster

Ellareen Walters Belk

TO

William C. Walters

TITLE TO REAL ESTATE

I hereby certify that the within Deed was filed for record in my office at M.O'clock on the day of

19 and was immediately entered upon the proper indexes and duly recorded in Book of Deeds, page

Clerk of Court of Common Pleas and General Sessions or Register Meine Conveyance for the State and County aforesaid.

I hereby certify that the within Deed has been this 11th day of March A.D. 19 87 Recorded in Book of Deeds, page WIS

Auditor of the State and County aforesaid.

Will C. Walters
Auditor
COUNTY OF LANCASTER, SC

DEED DRAWN ONLY.

6289

REV: 0-9 PAGE 125

INST #
State of South Carolina,
County of Lancaster }

TITLE TO REAL ESTATE

FILED
OFFICE OF CLERK
OF COURT
Dec 20 2 28 PM '90
CLERK OF COURT
COUNTY OF LANCASTER, S.C.

Know All Men by These Presents, That I, William C. Waiters,

hereinafter referred to as grantor for and in consideration of the sum of

Five and No/100 (\$5.00) Dollars, love and affection,

Dollars

to grantor paid by James H. Waiters, Willie Mae James, Wilhemina W. Cook, Tommie Bascomb,
and Mary Lee Bailey

hereinafter referred to as grantees, the receipt whereof is hereby acknowledged, have granted, bargained,
sold and released, and by these presents do grant, bargain, sell and release unto the said grantees and
grantee's heirs, successors and assigns, the following described property, to wit:

"All those certain pieces, parcels or tracts of land, lying, being and situate
located about ten miles south of Lancaster, one mile west of Pitman Cross-Roads, on dirt
road running north from Highway 205 to Highway 166, designated as Lots Number 1, 2, 3, 4,
and 5 as shown on plat made by Jack Smith, RLS, on September 26, 1980, recorded in the
Office of the Clerk of Court for Lancaster County, South Carolina, as Plat No. 8571. For
a more complete description reference to said plat is craved. Being a portion of the
property conveyed to William C. Waiters and Ellareen Waiters Belk by deed of Mary Lee
Bailey, et al., recorded December 22, 1980, in Deed Book D-6, at Page 6067; Ellareen
Waiters Belk subsequently conveyed her one half interest to William C. Waiters by deed
recorded March 11, 1987, in Deed Book W-6, at Page 167. (Ellareen Waiters Belk and
William C. Waiters also acquired an interest in this property as an heir at law of
William Waiters, Sr., deceased).

Address of Grantees:
1350—5th Avenue, Apt. 8B
New York, New York 10026

ASSESSOR'S OFFICE

Received 12-21-90

Tax Map Code 130-2801

Or portion of:

The within described property is conveyed subject to existing easements and rights of way, whether
of record or not, and to restrictions, if any, appearing in the chain of title which said restrictions, if any, are
not intended to be reimposed hereby.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said
premises belonging or in anywise incident or appertaining.

CERTIFIED TO BE A TRUE COPY
REGISTER OF DEEDS
COUNTY OF LANCASTER, S.C.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said grantee and grantee's Heirs, Successors and Assigns forever.

BOOK 0-9 PAGE 126

And grantor does hereby bind grantor's Heirs, Successors, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said grantee and grantee's Heirs, Successors and Assigns, against grantor and whosoever lawfully claiming or to claim, the same or any part thereof.

WITNESS the Grantor's Hand and Seal this 18th day of December, 1990, and in the two hundred and fifteenth year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered
in the Presence of

[Signature]
Witness

[Signature] (Seal)
William C. Walters

[Signature]
Witness

(Seal)

(Seal)

(Seal)

(Seal)

STATE OF SOUTH CAROLINA }

County of Lancaster.

PERSONALLY appeared before me, the undersigned witness, and made oath that (s)he saw the Grantor sign, seal and, as grantor's act and deed, deliver the within-written Deed for the uses and purposes therein mentioned and that (s)he, with the other witness above, witnessed the execution thereof.

SWORN to before me, this

18th day of December, 1990.

[Signature] (Seal)
Notary Public of South Carolina

[Signature]
Witness

My Commission Expires: 12/28/99

GREGORY AND GREGORY
ATTORNEYS AT LAW
P. O. DRAWER 967
LANCASTER, SOUTH CAROLINA 29720

State of South Carolina,
County of Lancaster

William C. Walters

TO

Jamies H. Walters, Willie Mae James,
Wilhelmina N. Cook, Tommie Bascomb,
and Mary Lee Bailey

TITLE TO REAL ESTATE

I hereby certify that the within Deed was filed
for record in my office at M. o'clock
on the day of
19 , and was immediately entered upon
the proper indexes and duly recorded in Book
of Deeds, page

Clerk of Court of Common Pleas and General
Sessions of Register Mesne Conveyance for
the State and County aforesaid.

I hereby certify that the within Deed has been
this 21st day of December
A.D. 1990, Recorded in Book 2
of Deeds, page 4-5
Auditor
of the State and County aforesaid.

COMMISSIONER
OF LANDS
AND SURVEYS
SOUTH CAROLINA

REGISTERED TO BE A TRUE COPY
REGISTER OF DEEDS
COUNTY OF LANCASTER, S.C.

INST # 10040

State of South Carolina,
County of Lancaster

TITLE TO REAL ESTATE

"CORRECTIVE DEED"

Whereas, errors were made in previous deeds of this property; and, the purpose of this deed is to correct said errors; Therefore,

Know All Men by These Presents, That I, William C. Walters,

hereinafter referred to as grantor for and in consideration of the sum of

One and No/100 (\$1.00) Dollar, Love and Affection, and correction of deed, found in Deed Book O-9, at Page 125, to grantor paid by James H. Walters, Willie Mae James, ~~Wilhelmina~~ W. Cook, ~~Tommy Bascomb~~ and Mary Lee Bailey

hereinafter referred to as grantees, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said grantees and grantees' heirs, successors and assigns, the following described property, to wit:

"All those certain pieces, parcels or tracts of land, lying, being and situate located about ten miles south of Lancaster, one mile west of Pitman Cross-roads, on a dirt road running north from Highway 205 to Highway 166, designated as Lots Numbered 1, 2, 3, 4, and 5 as shown on plat made by Jack Smith, RLS, on September 26, 1980, recorded in the Office of the Clerk of Court for Lancaster County, South Carolina, as Plat No. 8571. For a more complete description reference to said plat is carved.

Being a portion of the property conveyed to William C. Walters and Ella Ree Walters Belk, erroneously stated as Ellareen Walters Belk by deed of Mary Lee Bailey, et. al., recorded December 22, 1980, in Deed Book D-6, at Page 6067; Ella Ree Walters Belk, erroneously stated as Ellareen Walters Belk subsequently conveyed her one-half interest to William C. Walters by deed recorded March 11, 1987, in Deed Book W-6, at Page 167. Ella Ree Walters Belk, erroneously stated as Ellareen Walters Belk and William C. Walters also acquired an interest in this property as an heir at law of William Walters, Sr., deceased. Hereafter, the correct usage shall be Ella Ree Walters Belk.

Address of Grantee:
1350--5th Avenue, Apt. 88
New York, New York 10026

RECORDED'S OFFICE

Recorded 7-15-91
Book 29 Page 51
Or notation of

The within described property is conveyed subject to existing easements and rights of way, whether of record or not, and to restrictions, if any, appearing in the chain of title which said restrictions, if any, are not intended to be reimposed hereby.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

RECORDED TO BE A TRUE COPY
OF THE ORIGINAL DEED
COUNTY OF LANCASTER, SC

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said grantee and grantee's Heirs, Successors and Assigns forever. BOOK 2-9 PAGE 52

And grantor does hereby bind grantor's Heirs, Successors, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said grantee and grantee's Heirs, Successors and Assigns, against grantor and whomsoever lawfully claiming or to claim, the same or any part thereof.

WITNESS the Grantor's Hand and Seal this 11 day of July, 19 91,
and in the two hundred and sixteenth year of the Sovereignty and Independence of the United States of America. W.C.

Signed, Sealed and Delivered
In the Presence of

Shirley P. Baykin
Witness

W.C. Gregory
Witness

William C. Walters (Seal)
William C. Walters

_____ (Seal)

_____ (Seal)

_____ (Seal)

_____ (Seal)

STATE OF SOUTH CAROLINA,
County of Lancaster. }

PERSONALLY appeared before me, the undersigned witness, and made oath that (s)he saw the Grantor sign, seal and, as grantor's act and deed, deliver the within-written Deed for the uses and purposes therein mentioned and that (s)he, with the other witness above, witnessed the execution thereof.

SWORN to before me, this

11th day of July, 19 91.

Shirley P. Baykin (Seal)
Notary Public of South Carolina

My Commission Expires: 2/25/2001

W.C. Gregory
Witness

GREGORY AND GREGORY
ATTORNEYS AT LAW
P. O. DRAWER 967
LANCASTER, SOUTH CAROLINA 29720

State of South Carolina,
County of Lancaster

William C. Walters

William C. Walters
Mary Lee Bailey, and
James B. Walters, Willie Mae James
W.C.

TITLE TO REAL ESTATE

I hereby certify that the within Deed was filed
for record in my office at M.O'clock
on the day of
19 91, and was immediately entered upon
the proper indexes and duly recorded in Book
of Deeds, page

Clerk of Court of Common Pleas and General
Sessions of Register Means Conveyance for
the State and County aforesaid.

I hereby certify that the within Deed has been
this 12th day of July
A.D. 19 91, Recorded in Book 2-9
of Deeds, page 52

W.C. Gregory Auditor
of the State and County aforesaid.
COMMISSIONER OF THE
LANDS AND MINES
LANCASTER, SC

CERTIFIED TO BE A TRUE COPY
REGISTER OF DEEDS
COUNTY OF LANCASTER, SC

GREGORY AND GREGORY
ATTORNEYS AT LAW
P.O. DRAWER 967
210 WEST MEETING ST.
LANCASTER, SOUTH CAROLINA 29721-0557

FILED, RECORDED, INDEXED
07/09/1999 02:45:12PM
Rec Fee: 10.00 St Fee: 0.00
Co Fee: 0.00 Pages: 4
Clerk of Court
LANCASTER COUNTY, SC

STATE of SOUTH CAROLINA
COUNTY of LANCASTER

WILLIAM C. WAITERS

TO

PEARL JAMES

TITLE TO REAL ESTATE

I hereby certify that the within Deed was filed for in record my office at _____ P. M.
o'clock on the _____ day of _____, 1999, and was immediately entered upon the proper
indexes and duly recorded in Book _____ of Deeds, page _____

Clerk of Court of Common Pleas and General Sessions of Register Mesne Conveyance for the
State and County aforesaid.

I hereby certify that the within Deed has been this _____ day of _____ A.D.
19____, Recorded in Book _____ of Deeds, page _____

Auditor of the State and County aforesaid
RECORDED THIS _____

OF _____ July _____ 19 99

IN BOOK _____ 0 _____ PAGE _____ 501

Chris H. Morgan

Auditor, Lancaster County, S. C.

ASSESSOR'S OFFICE

Received _____ 7-9-99

Tax Map Code _____

Or Portion Of _____ 130-28.01

CERTIFIED TO BE A TRUE COPY
REGISTERED OF DEEDS
COUNTY OF LANCASTER, SC.

Deed Drawn Only / Title Not Examined

0017650 Bk: 0051 Pg: 0240

State of South Carolina
County of Chester

TITLE TO REAL ESTATE

Know All Men by These Presents, That I,

William C. Waiters

hereinafter referred to as Grantor, for and in consideration of the sum of Five-Dollars and no 00/100 \$ 5.00 Dollars, and Love and Affection

to Grantor, hereby paid by Pearl James

hereinafter referred to as Grantees, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these presents grant, bargain, sell and release unto the Grantees and Grantees' heirs, successors, and assigns, the following described property, to wit:

"All that certain piece, parcel or lot of land, lying, being and situate in Lancaster County, South Carolina, located about ten (10) miles south of Lancaster, one (1) mile west of Pitmon Cross-Roads, on a dirt road running north from Hwy. 205 to Hwy. 166, containing five (5) acres, more or less, and being shown, described, and designated as Lot Number Two (2) on Plat of Survey for William Waiters, Sr. Estate made by Jack Smith, RLS, September 26, 1980, revised February 28, 1987, and filed March 10, 1987 in the Office of the Clerk of Court for Lancaster County, South Carolina as Plat Number 8571. For a more minute description reference to said plat is craved."

Being a portion of the property conveyed to William C. Waiters, by Deed of Ellereen Waiters Belk, dated and recorded March 11, 1987 in the Office of the Clerk of Court for Lancaster County, South Carolina in Deed Book W-6, at Page 167.

Grantees' Address:
Pearl James
1246 West 61st Drive
Apartment 2-A
New York, New York 10023

RECORDED TO BE A TRUE
COPY
COUNTY OF LANCASTER, SC

GREGORY AND GREGORY
ATTORNEYS AT LAW
P.O. DRAWER 647
100 WEST MEETING ST.
LANCASTER, SOUTH CAROLINA 29721-0387

0017650 Bk: 0051 Pg: 0241

236

The within described property is conveyed subject to existing easements and rights of way, whether of record or not, and to restrictions, if any, appearing in the chain of title which said restrictions, if any, are not intended to be re-imposed hereby.

TOGETHER with all and singular, the right, members, hereditaments, and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all singular the premises before mentioned unto the said Grantee and Grantee's Heirs, Successors and Assigns forever.

And Grantor does hereby bind Grantor's Heirs, Successors, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Grantee and Grantee's Heirs, Successors and Assigns, against Grantor and whomsoever lawfully claiming or to claim, the same or any part thereof.

Witness the Grantor's Hand and Seal this 9th day of July, 1999 and in the two hundred and twenty-fourth year of the Sovereignty and Independence of the United States of America.

Signed, Sealed, and Delivered
in the Presence of:

Vanessa Vance Pyle
Witness

William C. Waiters (L.S.)
William C. Waiters

William C. Waiters
Witness

William C. Waiters II
Witness

STATE OF SOUTH CAROLINA)
COUNTY OF LANCASTER)

On this 9th day of July 1999 before me personally appeared William C. Waiters, to me known to be the person described herein and who executed the foregoing instrument, and he acknowledged that he voluntarily executed same.

SWORN to before me this 9th
day of July, 1999.

Vanessa Vance Pyle
Vanessa Vance Pyle
Notary Public for South Carolina
My Commission Expires: 12-4-2008

RECORDED TO BE A TRUE COPY
REGISTER OF DEEDS
COUNTY OF LANCASTER, SC

GREGORY AND GREGORY
ATTORNEYS AT LAW
P.O. DRAWER 667
210 WEST MEETING ST.
LANCASTER, SOUTH CAROLINA 29721-6967

0017650 Bk: 0051 Pg: 0242

STATE OF SOUTH CAROLINA)
COUNTY OF LANCASTER) AFFIDAVIT FOR EXEMPT TRANSFERS

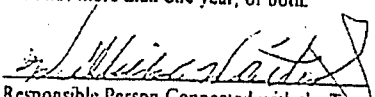
PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on page 2 of this affidavit and I understand such information.
2. Property located at Lancaster County, bearing Lancaster County Tax Map Number 130 / 28.01, was transferred by William C. Waiters. to Pearl James on July 21 1999.

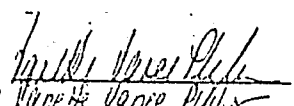
The above transaction is exempt, or partially exempt, from the recording fee as set forth in S.C. Code Ann. Section 12-24-10 et.seq. because the deed is (See page 2 of Affidavit.):
7 Family Member

As required by Code Section 12-24-70, I state that I am a responsible person who was connected with this transaction as: Seller

I further understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.


Responsible Person Connected with the Transaction
William C. Waiters

SWORN to me before this 21
day of July, 1999


Notary Public for South Carolina
My Commission Expires: 12-4-2001

DEEMED TO BE A TRUE COPY
RECORDED
COUNTY OF LANCASTER, SC

Force as shown hereon
area was determined by c

FILED

JRT.

1988 SEP 29 PM 3:54

Plat # 4952

CLERK OF COURT
72907 COUNTY, S.C.

Can Walters Est
TAM 130/28

N 4° 18' 16" W =

Branch 10 R

33.0 Acres

STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER
PLAT OF SURVEY FOR

WILLIAM WAITERS, JR. ESTATE

Located about ten miles south of Lancaster, one mile west of Pitman Cross-Roads, on dirt road running north from Hwy 205 to Hwy 166. Being a portion of the Can Walters Estate lands shown on Tax Map 130, Parcel 28. A deed for 33 acres (with a vague description) was given by Can Walters' son, Henry Walters, to Henry's brother, William Walters, Jr., recorded in A-4 at Page 439. At the request of William Walters, Jr., I have laid off 33 acres including the residence, gardens, and pastures being used by William Walters, Jr., and a portion of wooded lands not being used by anyone else. This is the lands that William, Jr., claims was conveyed by the aforementioned deed.

Scale: 1" = 200'

26 Sept. 1980

Jack Smith, RLS
100 Forest Drive
Lancaster, S. C.

CERTIFIED TO BE A TRUE COPY
REGISTER OF DEEDS
COUNTY OF LANCASTER, SC

FILED 4 15 PM '87
 LANCASTER COUNTY, S.C.

Tract computed for 6 divisions. Not Surveyed.
 28 February 1987
John Smith

I hereby certify that I
 of precision of the field is 1:
 20,000 as shown herein, and the
 area was determined by computer.

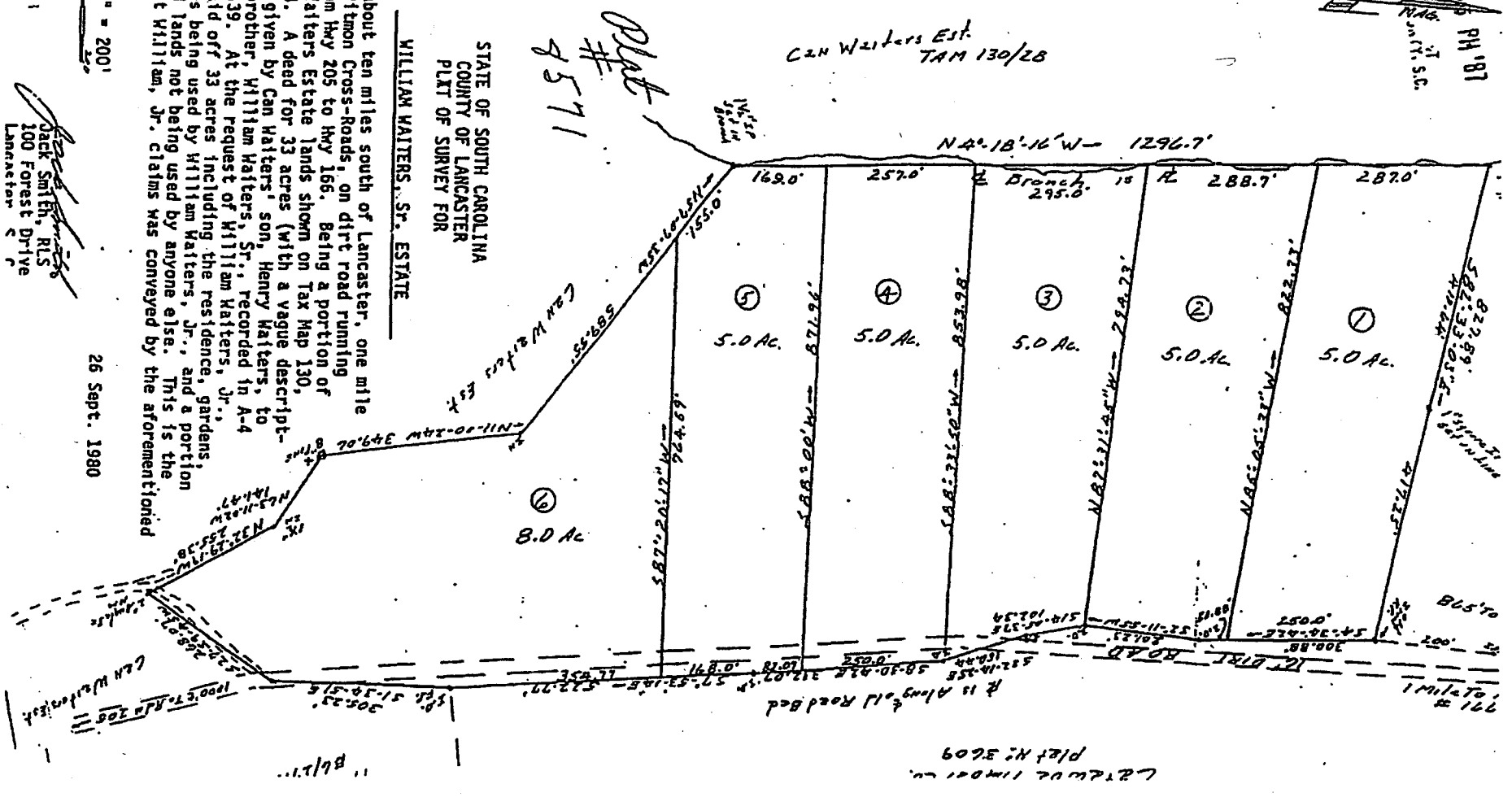
STATE OF SOUTH CAROLINA
 COUNTY OF LANCASTER
 PLAT OF SURVEY FOR
 WILLIAM WAITERS, Sr. ESTATE

Located about ten miles south of Lancaster, one mile west of Pitmon Cross-Roads, on dirt road running north from Hwy 205 to Hwy 166. Being a portion of the Can Waiters Estate lands shown on Tax Map 130, Parcel 28. A deed for 33 acres (with a vague description) was given by Can Waiters' son, Henry Waiters, to Henry's brother, William Waiters, Sr., recorded in A-4 at Page 439. At the request of William Waiters, Jr., I have laid off 33 acres including the residence, gardens, & pastures being used by William Waiters, Jr., and a portion of wooded lands not being used by anyone else. This is the lands that William, Jr. claims was conveyed by the aforementioned deed.

Scale: 1" = 200'

26 Sept. 1980

John Smith
 Jack Smith, RLS
 100 Forest Drive
 Lancaster, S.C.



CERTIFIED TO BE A TRUE COPY
 REGISTER OF DEEDS
 COUNTY OF LANCASTER, SC

PH#
212-876-2504

CARD OF		COUNTY OF: LANCASTER				TOWNSHIP		CITY OR TOWN	
MAP NO.	GROUP	CONT. MAP	PARCEL	HARD	PROPERTY ADDRESS			LAND USE	PROPERTY TYPE
130		130	2801		Hwy 166				
DATE	OWNER'S NAME				BOOK	PAGE	CONSIDERATION	MAILING ADDRESS	
3-11-87					W36	167			
12-12-80	Waiters, William C & Elva R.				1-6	600.7	5.00	Rt 9, Box 193 Heath Springs, S.C.	
7-11-91	~~Elva R. Waiters Belk~~							~~C/O Mary N. Bailey~~	
12-18-90	Waiters, James H. & Elva R.				2-9	51		1350 5th Ave. S.E. In care of	
1-2-99					0-9	125		New York, N.Y. 10006 William C. Waiters	
					51	289		4812 Waiters Cr. Heath Springs, 29058	
SUBDIVISION				FLAT.	PAGE	BLOCK	LOT	DIMENSION	
				8571			1-5		
				4952					
DATE	SOLD PART OF ORIGINAL TRACT TO:						SPECIAL CONDITIONS		
							ZONED		
APPRaisal									
YEAR	LAND	IMPR.	TOTAL REAL		PERSONAL	TOTAL VALUE		%	ASSESSMENT
1982	18715		18715			Add per Ac. 0.04			BOARD
BUILDING PERMIT RECORD									
PERMIT NO.	DATE:		SALES INFORMATION						
COST:	CHECKED BY:								
PROJECT:			CHECKED BY: DATE						
LAND VALUE COMPUTATIONS									
FRONTAGE	DEPTH	DEPTH FACTOR	UNIT VALUE	ACTUAL VALUE	TOTAL		TOTAL		
INFLUENCE									
CLASSIFICATION	NO. OF ACRES	RATE PER ACRE	NO. OF ACRES	RATE PER ACRE	TOTAL		TOTAL		
			1	2000	2000				
			4	800	3200		49.40		
			5	800	4000				
			1.5	500	7500		12.75		
			6	500	3000				
TOTAL ACREAGE									
TOTAL LAND VALUE									
LAND COMPUTATION									
LA-4850-200									
10 000 000									
17 010-2280									
*James H. Waiters									
Willie Mae Jones									
William C. Waiters									
Mong Lee Bailey									
PROPERTY FACTORS									
TOPOGRAPHY					IMPROVEMENTS				
LEVEL					CITY WATER				
HIGH					WELLS/SPRINGS				
LOW					SEWERAGE				
ROLLING					GAS				
ROCKY					ELECTRIC				
SWAMPY					ALL UTILITIES				
ST. OR ROAD					DISTRICT				
STATE HWY.					IMPROVING				
PAVED					STATIC				
GRAVEL					DECLINING				
PRIMITIVE					BLIGHTED AREA				
SOIL TYPE					FENCES				
LOAM					GOOD				
SAND					FAIR				
CLAY					POOR				
CHERT					NONE				

TITLE SUMMARY TM# 146-00-23.01

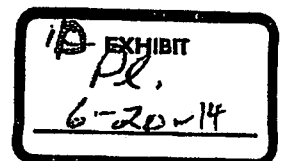
DATED	RECORDED	DEED/PAGE	GRANTOR/GRANTEE	CONSIDERATION	ACREAGE
7/18/61	7/18/61	A-5/ 130	Mary L. Walters & Ella Ree Walters Belk & Willie Mae W. James & Mary Lee W. Bailey & Tommie C. Bascombe & James H. Walters/to William Walters	\$5	2

Note: Tract was part of 33 acres referenced in 130-00-28.01

8/23/02	8/23/02	168/ 214	William Walters /to Chris Walters	\$10	2
---------	---------	-------------	--------------------------------------	------	---

Note: See Plat 2001-39

8/28/06	8/31/06	352/ 180	Citigroup, Inc /to Larry Walters	\$10,001.00	2
---------	---------	-------------	-------------------------------------	-------------	---



State of South Carolina
COUNTY OF LANCASTER

KNOW ALL MEN BY THESE PRESENTS, THAT

Mr. Mary L. Walters, Ella Bea Walters Bullock, Willie Mae W. James, Mary Lee W. Bailey,
Tommie C. Hascombe, James H. Walters
of the State aforesaid, for and _____ in consideration of the sum of
Five (\$5.00) _____ DOLLARS
to us in hand paid at and before the sealing of these presents by _____

of the State aforesaid _____ the receipt whereof is hereby
acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said
William Walters, his heirs and assigns: all our right, title & interest:

"All that piece, parcel or lot of land containing two (2) acres, more or less lying and
being situate in Cedar Creek Township, Lancaster County, South Carolina, located on the
West side of Highway No. 205, fronting on said Highway No. 205 for a distance of 420'
and being the two (2) acre portion lying in the SE corner of that thirty three (33) acre
tract of land described in Deed dated January 20, 1950 and recorded in Deed Book A-4 at page
439; said two acre parcel herein conveyed being bounded on the North by other Walters
lands, East by Highway No. 205, South by lands of Robert Bell and West by other Walters lands."

TOGETHER with all and singular, the Rights, Members, Hereditaments, and Appurtenances to the said Premises belonging, or in anywise incident
or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned, unto the said
William Walters and his
Heirs and Assigns forever.

AND _____ do hereby bind _____ Heirs
Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said
William Walters and his
Heirs and Assigns, against _____ Heirs, Executors, Administrators,
and Assigns and all other persons whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS _____ Hand & Seal, this _____ day of _____ in the year of our Lord
one thousand nine hundred and _____ and in the one hundred and _____ year of the Sovereignty and
Independence of the United States of America.

Signed, sealed and delivered in the presence of

Robert Bell _____ (L. S.)
Tommie C. Hascombe _____ (L. S.)
Mary L. Walters _____ (L. S.)
Ella Bea W. Bullock _____ (L. S.)
Willie Mae James _____ (L. S.)
Mary Lee W. Bailey _____ (L. S.)
James H. Walters _____ (L. S.)

THE STATE OF SOUTH CAROLINA,
COUNTY OF LANCASTER.

PERSONALLY appeared before me _____ Robert Bell
and made oath that _____ saw the within-named _____ Mary L. Walters, Ella Bea W. Bullock,
Willie Mae James, Mary Lee W. Bailey and James H. Walters
sign, seal, and as _____ Act and Deed deliver the within-written Deed; and that _____ he
with _____ witnessed the execution thereof.

Sworn to before me, this _____ day of _____, 1961

_____ (L. S.)
Notary Public for South Carolina.

Robert Bell

THE STATE OF SOUTH CAROLINA,
COUNTY OF LANCASTER.

RENUNCIATION OF DOWER

I, _____ do hereby certify unto
all whom it may concern, that Mrs. _____
the wife of the within-named _____
did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily and without any com-
pulsion, dread or fear of any person or persons whomsoever, renounce, release and forever relinquish unto the within-named _____

William Walters and his

Heirs and Assigns, all her interest and estate, and also all her right and claim of Dower of, in
or to all and singular, the premises within mentioned and released.

Given under my hand and seal, this _____ day of _____, Anno Domini 1961

_____ (L. S.) _____ (L. S.)

Notary Public for South Carolina. _____ (L. S.)

Recorded _____ day of _____, 1961 _____ Clerk

NO TITLE SEARCH PERFORMED

**State of South Carolina
County of Lancaster**

**Title to
Real Estate**

Know all People by These Presents that I, William Waiters, (hereinafter whether singular or plural the "Grantor") in the State aforesaid, for and in consideration of the sum of Ten and No /100 (\$10.00) Dollars, Love and Affection, to the Grantor paid by Chris Waiters, (hereinafter whether singular or plural the "Grantee") the receipt is hereby acknowledged, has granted, bargained, sold, and released, and by these presents does grant, bargain, sell, and release unto the said Grantee the following described property:

"All that piece, parcel or lot of land containing two (2) acres, more or less, lying and being situate in Cedar Creek Township, Lancaster County, South Carolina, located on the West side of Highway No. 205, fronting on said Highway No. 205 for a distance of 420' and being the two (2) acre portion lying in the SE corner of that thirty three (33) acre tract of land described in Deed dated January 20, 1950 and recorded in Deed Book A-4 at page 439; said two acre parcel herein conveyed being bounded on the North by other Waiters lands, East by Highway No. 205, South by lands of Robert Bell and West by other Waiters lands."

Being the identical property conveyed to William Waiters by deed of Mary L. Waiters, Ella Ree Waiters Belk, Willie Mae W. James, Mary Lee W. Bailey, Tommie C. Bascombe and James H. Waiters dated July 18, 1961 and recorded July 25, 1961 in the Office of the Clerk of Court for Lancaster County, South Carolina in Deed Book A-5, at Page 130.

Tax Map Number: 0146-00-023.01 C

Grantee's Address: 4524 Stewart Place Road
Heath Springs, SC 29058

ASSESSOR'S OFFICE

8-23-02
Date 146-23.01
Assessor of

Together with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

THE FOREGOING CONVEYANCE is made subject to all existing recorded and unrecorded rights of way and easements for roads and utilities, and to any restrictions appearing in the chain of title.

STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

THE CIT GROUP/CONSUMER FINANCE,
INC.,
PLAINTIFF,
VS.
CHRIS WAITERS
DEFENDANT.

CASE NO. 2004-CP-29-780

TITLE UNDER ORDER OF COURT

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, Phillip E. Wright, Special Referee, in and for the County aforesaid, SEND
GREETINGS:

WHEREAS, The CIT Group/Consumer Finance, Inc. on or about
August 23, 2004, exhibited its Complaint in the Court of Common Pleas for
the County aforesaid against Chris Waiters, demanding judgment in relation to the real
estate hereinafter mentioned and described; and the cause being at issue came to be
heard on March 30, 2006, and such proceedings were had therein as
resulted in a Decree of the said Court, whereby it was adjudged and decreed that the
said premises hereinafter mentioned and described be sold by Phillip E. Wright, Special
Referee, after having duly advertised the said real estate for sale by public outcry on
June 5, 2006, did then openly and publicly and according to the custom of auctions, sell
and dispose of the same unto Larry Waiters, for the sum of Ten Thousand One and
no/100ths (\$10,001.00) Dollars to me paid by the said Larry Waiters, the receipt of
whereof is hereby acknowledge, HAVE GRANTED, bargained, sold and released by
these Presents DO GRANT, bargain, sell and release unto the said Larry Waiters, his
successors and assigns:

GRANTEE ADDRESS:
4812 Waiters Circle, Lancaster SC 29720

JOHN LANE
REGISTER OF DEEDS
By: LISA CHILDS DEPUTY
BK: DEED 352
PG: 180-182

Recorded
146-23.0
Ex. 10/10/06

All that certain piece, parcel or lot of land together with the
improvements thereon, lying, being and situate in Cedar Creek
Township, Lancaster County, South Carolina, located
approximately ten (10) miles south of Lancaster, located at the
intersection of Waiters Circle and Stewart Place Road, containing
2.0 acres, more or less, being shown, described and designated on
plat of survey entitled 'Plat of Survey for William Waiters' dated
February 5, 2001 and recorded as Plat No. 2001-139 in the
Register of Deeds Office for Lancaster County, South Carolina,
which plat is incorporated hereby and by reference made a part
hereof.

Being the identical property conveyed to Chris Waiters by Deed of
William Waiters recorded in Deed Book 168 Page 214 in the
Register of Deeds Office for Lancaster County, South Carolina.

TOGETHER with all and singular the rights, members, Hereditaments and
Appurtenances to the said premises belonging; or in anywise incident or appertaining;
and all the estate, right title, claim, and interest whatsoever of the parties to the cause
aforesaid, and of each of them, in and to the same; and of all other persons rightfully
claiming, from, under or by these or any of them.

TO HAVE AND TO HOLD, all and singular, the premises, before mentioned unto
the said Larry Waiters, his heirs and assigns forever.

IN WITNESS WHEREOF, I, the said Phillip E. Wright, Special Referee, under
and by virtue of the aforesaid Decree, have hereunto set my Hand and Seal this
25th day of August, 2006 and in the two hundred and thirty-first year of Independence
of the United States of America.

Signed, Sealed and Delivered
in the presence of:

Sheree A. Roberts
George C. Collins

Phillip E. Wright
Special Referee

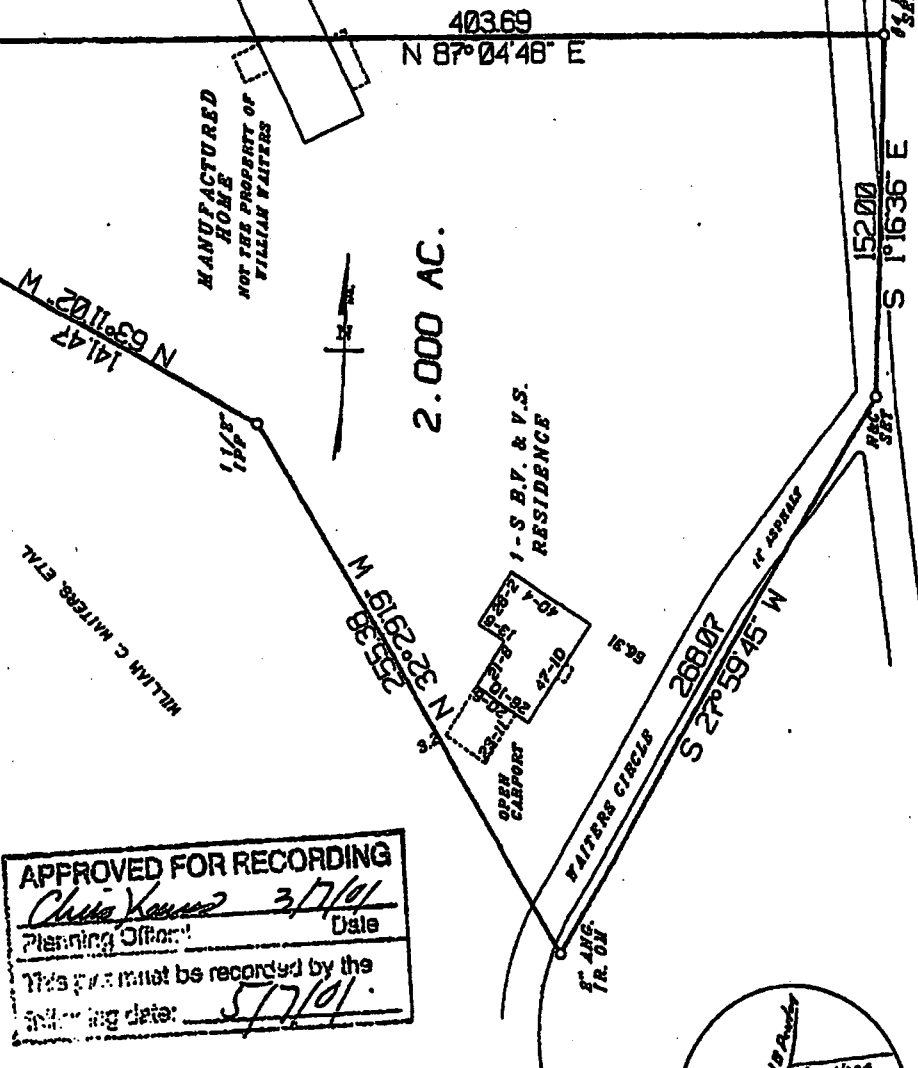
CERTIFIED TO BE A TRUE COPY
REGISTER OF DEEDS
COUNTY OF LANCASTER, SC

CERTIFIED TO BE A TRUE COPY
REGISTER OF DEEDS
COUNTY OF LANCASTER, SC

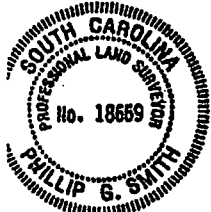
hereon was made in accordance with the A
Standards Manual for the Practice of Land
in South Carolina, and meets the requirements for a
Class A survey as specified herein.

Inst. # 0002091
Plat. Doc# 2001 0139
Filed and Recorded
03/13/2001 02:55P
LANCASTER COUNTY, SC
Clerk of Court

1458 ad
W/ WILLIAM C. WAITERS

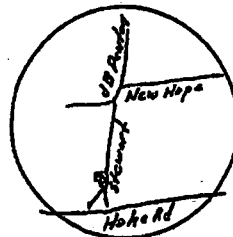


APPROVED FOR RECORDING
Chris K... 3/7/01
Planning Officer: _____ Date
This plat must be recorded by the
following date: *5/7/01*



STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER
PLAT OF SURVEY FOR

WILLIAM WAITERS



LOCATED ABOUT 10 MILES SOUTH OF LANCASTER. 1 MILE WEST OF PITHON CROSSROADS.

I CERTIFY THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN
AND THIS LOT DOES NOT LIE WITHIN A DESIGNATED FLOOD HAZARD AREA.

NOTE: MANUFACTURED HOME IS NOT THE PROPERTY OF WILLIAM WAITERS.

<i>Phillip G. Smith</i>		JACK SMITH		©2001 js	
SURVEYING		SURVEYING			
(803) 283-2646		LANCASTER, SOUTH CAROLINA			
DRAWN BY	SCALE	TAX MAP	FILE	DATE	
SW	1" = 80'	146 / 23.01	WAITERSW	5 FEBRUARY 2001	

PROPER RECORD CARD

CARD NO. 06	COUNTY OF: LANCASTER	23.01	SECTION: 29	REGION: 1.1
DIST. 08	MAP NO. 130746	GROUP 130146	PARCEL 23.0125	WARD
PROPERTY ADDRESS: HWY 166			LAND USE	PRO. TP.
DATE: 8-16-48			OWNER'S NAME: WAITERS, HENRY ET AL	DATE PRINTED: 06/14/77

DATE	OWNER'S NAME	BOOK	PAGE	CONSIDERATION	MAILING ADDRESS
8-16-48	WAITERS, HENRY ET AL	A-2	2736	262	RT 7
	William C. HENRY	A5	301		LANCASTER R.T. 3
8-23-02	Waiters, Chris	1168	214	10 ⁰⁰	4818 Waiters Cir.
8-28-06	Waiters, Larry	352	180	10,001.00	4524 Stuart Place Rd. North Spring 29
					4812 Waiters Circle Lane

SUBDIVISION	PLAT.	PAGE	BLOCK	LOT	DIMENSION	ACRES
						2.1
ADDITIONAL DESCRIPTION				SPECIAL CONDITIONS		

YEAR	LAND	IMPR.	TOTAL REAL	PERSONAL	TOTAL VALUE	%	ASSESSMENT
1973	42390	27370	69760		69760		
1977	1800	6540	8340		8340		
1985	3468	20320			23788	4	

PERMIT NO.	DATE:	PERMIT NO.	DATE:
COST:	CHECKED BY:	COST:	CHECKED BY:
PROJECT:		PROJECT:	

FRONTAGE	DEPTH	DEPTH FACTOR	UNIT VALUE	ACTUAL VALUE	UNIT VALUE	ACTUAL VALUE	TOTAL	TOTAL

INFLUENCE	CLASSIFICATION	NO. OF ACRES	RATE PER ACRE	NO. OF ACRES	RATE PER ACRE	TOTAL
	2 @ 900					1800
	57	0	417			23370
	38	0	340			12920
	46	0	15.0			4670
	1		1560			1500
						1800
						42390

LAND COMPUTATION		PROPERTY FACTORS	
3.57		TOPOGRAPHY	IMPROVEMENT
LEVEL		CITY WATER	
HIGH		WELL/BRING	
LOW		SEWER/SEPTIC	
ROLLING		GAS	
ROCKY		ELECTRIC	
SWAMPY		ALL UTILITIES	
ST. OR ROAD		DISTRICT	
STATE HWY.		IMPROVING	
PAVED		STATIC	
GRAVEL		DECLINING	
PRIMITIVE		BLIGHTED AREA	
SOIL TYPE		FENCES	
LOAM		GOOD	
SAND		FAIR	
CLAY		POOR	
CHERT		NONE	

ALLIED APPRAISAL CO. INC.

TITLE SUMMARY TM# 130-00-28

DATED	RECORDED	DEED/PAGE	GRANTOR/GRANTEE	CONSIDERATION	ACREAGE
11/24/05	12/7/05	0-2/ 330	J. P. Williams/ Can Waiters	\$ 1500.00	200

Note: Original Can Waiters Deed

10/30/25	10/30/25	A-6/ 285	Rena Stewart/ Emanuel and Eliza Bell	\$ 350.00	50
----------	----------	-------------	---	-----------	----

Note: Tract removed by April 2012 Order

8/16/48	8/16/48	A-6/ 2734	Eliza Waiters Thompson/ Henry Waiters	\$ 262.50	140 1/8 Interest
---------	---------	--------------	--	-----------	---------------------

Note: 1/8 interest sold sibling to sibling

9/7/57	9/7/57	Z-4/ 32	Henry Walters/ John Hazel Coleman & Harry Lee Walters	\$ 262.50	140 1/8 interest
--------	--------	------------	---	-----------	---------------------

Note: 1/8 interest sold



330

The State of South Carolina,
 Lancaster County)
 I, I.R. Hayes, N.P. do hereby certify unto all whom it may
 concern, that Mrs. M.R. Williams, the wife of the within named M.R. Williams, did this day
 appear before me, and upon being privately and separately examined by me, did declare
 that she does freely, voluntarily, and without any compulsion, dread or fear of any per-
 son or persons whatsoever, renounce, release and forever relinquish unto the within named
 J.L. Pien, his Heirs and Assigns, all her interest and estate, and also all her right and
 claim of dower, of, in or to all and singular the premises within mentioned and released.
 Given under my Hand and Seal, this 17th. day of Octo. Anno Domini 1905.
 I.R. Hayes, (SAL.) Notary Public for S.C. M.R. Williams
 Recorded Here, 21st. 1905.

Benjamin Graham
 To) Title to Real Estate.
 M. White and J.R. White)

The State of South Carolina.
 KNOW ALL MEN BY THESE PRESENTS, That I, Benjamin Graham of the State of New York, in con-
 sideration of the sum of Eleven Hundred Dollars, to me in hand paid and before the
 sealing of these presents by M. White and J.R. White in the State aforesaid, the receipt
 whereof is hereby acknowledged, have granted, bargained, sold and released, and by these
 presents, do grant, bargain, sell and release unto the said M. White and J.R. White All
 that piece, parcel or tract of land situate, lying and being in the County of Lancaster,
 State of South Carolina, containing Four Hundred and Twenty Five (425) acres, more or
 less, bounded as follows: On the North by lands of Benjamin Graham, bargained to George
 W. McManis; on the East by Lynches River, on the South by lands now or formerly of the
 Scottish American Mortgage Company, Limited, and lands now or formerly belonging to J.R.
 McManis; and on the West by the lands of Tom Cat Branch and George W. McManis.
 Together with all and singular the rights, tenements, hereditaments and appurtenances to
 the said Premises belonging, or in anywise incident or appertaining.
 TO HAVE AND TO HOLD, all and singular the said Premises before mentioned unto the said
 M. White and J.R. White, their Heirs and Assigns forever. And I do hereby bind myself and
 my Heirs, Executors and Administrators, to warrant and forever defend all and singular
 the said Premises unto the said M. White and J.R. White, their Heirs and Assigns, against
 me and my Heirs and all other persons lawfully claiming or to claim the same, or any part
 thereof.
 WITNESS my Hand and Seal this day of in the year of our Lord one thousand
 nine hundred and five and in the one thousand and sixteenth Year of the Sovereignty and
 Independence of the United States of America.
 Signed, sealed and delivered in the presence of) Benjamin Graham (L.B.)
 John H. Keefe
 And L. Bryant

The State of New York)
 New York County) Personally appeared before me John H. Keefe and made oath that he
 saw the within named Benjamin Graham sign, seal and as his Act and Deed, deliver the with-
 in written Deed; and that he with Ade L. Bryant witnessed the execution thereof.
 Sworn to before me, this 27th. day of Nov. A.D. 1905. John H. Keefe
 (SAL.) J.M. French, Commissioner of Deeds for)
 South Carolina in New York.

The State of New York,)
 New York County) I, J.M. French, a Commissioner of Deeds for South Carolina in New
 York, do hereby certify unto all whom it may concern, that Mrs. Mary H. Graham, the wife
 of the within named Benjamin Graham, did this day appear before me, and upon being pri-
 vately and separately examined by me, did declare that she does freely, voluntarily, and
 without any compulsion, dread or fear of any person or persons whatsoever, renounce, re-
 lease and forever relinquish unto the within named M. White and J.R. White, their Heirs
 and Assigns, all her interest and estate, and also all her right and claim of dower, of,
 in, or to all and singular the premises within mentioned and released.
 Given under my Hand and Seal, this twenty seventh day of) Mary H. Graham
 November Anno Domini 1905.
 (SAL.) J.M. French, Commissioner of Deeds for South Carolina)
 in New York.
 Recorded Here, 21st. 1905.

J.P. Williams)
 To) Title to Real Estate.
 Can Walpis)

The State of South Carolina
 KNOW ALL MEN, That I, J. P. Williams, of Lancaster County in said State in consid-
 eration of the sum of Fifteen Hundred & no Fifty Dollars, to me paid by Can Walpis of said
 said County and State (the receipt whereof is hereby acknowledged,) do grant and release
 unto the said Can Walpis, all that piece, parcel or tract of land in Cedar Creek Town-
 ship, County of Lancaster and State of South Carolina, containing Two hundred (200) acres
 more or less, and bounded on the North by estate land of J.S. DeCortell; East by Liberty
 Hill Public Road & lands of A.D. Tillman & P.H. McMan; South by lands of C.O. White and P.A.
 McMan & West by lands of Mrs. Annie Wilson.
 Together with all the rights and appurtenances thereto belonging.
 TO HAVE AND TO HOLD, all and singular the said premises unto the said Can Walpis, his
 Heirs and Assigns forever. And I do hereby warrant said premises unto the said Can Wal-

CONTINUED TO BE A TRUE COPY
 REGISTER OF DEEDS
 COUNTY OF LANCASTER, SC

his, his Heirs and Assigns forever against myself and my Heirs, Executors and Administrators and all persons lawfully claiming, or to claim the same, or any part thereof.

WITNESS my Hand and Seal this First (1st.) day of November in the year of our Lord one thousand nine hundred and five and in the one hundred and thirtieth year of the Sovereignty and Independence of the United States of America.

Signed, sealed and delivered in the presence of)
R.K.Wylie
T.B.Walker

J.P.Williams (L.R.)

Remuneration of Lawyer

State of South Carolina,) W.P.Hudson, Magistrate, do hereby certify unto all whom it may
Lancaster County) concern, that Mrs. M.E.Williams, wife of the within named J.P.Williams, did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whatsoever, renounce and forever relinquish unto the within named Can Latta, his heirs and assigns, all her interest and estate, and also all her right and claim of dower of, in or to all and singular the premises within mentioned and released.

Given under my hand and seal this 24th. day of November Anno Domini 1905.

W.P.Hudson (L.R.) Magistrate.

M.E.Williams (Seal)

State of South Carolina,)

Lancaster County)

Personally appeared before me R.K.Wylie and made oath that he saw the within named J.P.Williams sign, seal, and as his act and deed, deliver the within written Deed, and that he with T.B.Walker, witnessed the execution thereof.

Sworn to before me this 7th. day of Dec. 1905.)

R.K.Wylie

J.P.Gregory, C.C.S.L.C.

Recorded Dec. 7th. 1905.

J.H.Witherspoon

To

Title to Real Estate.

J.H.Carnes

State of South Carolina.

KNOW ALL MEN BY THESE PRESENTS, That I, J.H.Witherspoon of Lancaster County, in the State aforesaid, in consideration of the sum of Thirteen Hundred Dollars, to me in hand paid at and before the sealing of these presents by J.H.Carnes of Lancaster County in the State aforesaid (the receipt whereof is hereby acknowledged,) have granted, bargained, sold, aliened, released, and by these Presents do grant, bargain, sell and release unto the said J.H.Carnes all that piece, parcel or lot of land in the Town of Lancaster, in the County and State aforesaid, beginning at a point two hundred and fifty seven (257) feet west of the intersection of Cemetery and Meeting Streets on the North side of said Meeting Street and running along said Street westerly eighty three (83) feet, thence southerly on a line parallel with Cemetery Street a distance of one hundred and ninety eight (198) feet, thence westerly parallel with Meeting Street, eighty three (83) feet, thence southerly parallel with Cemetery Street one hundred and ninety eight feet to the beginning corner on Meeting Street, the boundaries of said lot of land being as follows: On the North by lot of Mrs. Helen M.Carter, East by lot of W.J.Krues, South by Meeting Street and on the West by lot of J.S.Riddle, said lot being the lot of land recently purchased by me from John C.McNair, deed for which is recorded in office of R.M.C. of Lancaster County in Deed Book "0" page 54.

TOWNSHIP, with all and singular the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the said Premises before mentioned unto the said J.H.Carnes, his Heirs and Assigns forever. And I do hereby bind myself, my Heirs, Executors, and Administrators, to warrant and forever defend all and singular the said Premises unto the said J.H.Carnes, his Heirs and Assigns, against me and my Heirs and all persons whatsoever, lawfully claiming, or to claim the same, or any part thereof.

WITNESS my Hand and Seal this 6th. day of December in the year of our Lord one thousand nine hundred and five and in the one hundred and thirtieth year of the Sovereignty and Independence of the United States of America.

Signed, sealed and delivered in the presence of)

H.K.Coffey
W.McD.Jones

J.H.Witherspoon (L.R.)

The State of South Carolina,)

Lancaster County)

Personally appeared before me W.McD.Jones and made oath that he saw the within named J.H.Witherspoon sign, seal, and as his act and deed, deliver the within written Deed; and that he with H.K.Coffey witnessed the execution thereof.

Sworn to before me this 6th. day of Dec. A.D.1905.)

(SEAL) G.J.Henry, S.F.S.C.

W.McD.Jones

Recorded Dec. 7th. 1905.

CERTIFIED TO BE A TRUE COPY
REGISTER OF DEEDS
COUNTY OF LANCASTER, SC

State of South Carolina,

CITY OF LANCASTER.



KNOW ALL MEN BY THESE PRESENTS, That I, Eliza Walters Thompson, of

in the State aforesaid, for and in consideration of
sum of one hundred and sixty and 50/100 (\$262.50) Dollars
to me paid by Henry Walters of Lancaster County, S. C.
in the State aforesaid

do hereby grant, bargain, sold and released, and by these presents do grant, bargain, sell and release unto the said
Henry Walters; all my right, title and interest as Heir-at-Law of Car
Walters, the same being a 1/8th interest to and in:

"All that piece, parcel or tract of land, lying being and sit-
uate in Cedar Creek Township, near Mt. Carmel colored Camp meeting ground
State and County aforesaid, containing 140 acres more or less, and being
known as the Steward place, and bound as follows: On the North by lands
of Charlie Morris, on the East by the Tillman Estate lands, On the South
by lands of Robert Bell and on the West by Wilson lands."

CERTIFIED TO BE A TRUE COPY
REGISTER OF DEEDS
COUNTY OF LANCASTER, S.C.

**CERTIFIED TO BE A TRUE COPY
REGISTER OF DEEDS
COUNTY OF LANCASTER, SC**

And do hereby bind Heirs, Executors,
Administrators, to warrant and forever defend all and singular the said premises unto the said

Heirs and Assigns, against and Heirs and against every
person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS my Hand and Seal this 16th day of August

in the year of Lord one thousand nine hundred and
and in the one hundred and twenty-third year of the Sovereignty
and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

Hilda M. Baker
O. Roddey Bell

Eliza Waiters Thompson

(SEAL)

STATE OF SOUTH CAROLINA,
Lancaster County.

Personally appeared before me Hilda M. Baker
and made oath that she saw the within-named Eliza Waiters Thompson
sign, seal and, as her act and deed, deliver the within-written Deed for the uses and purposes therein men-
tioned, and that she, with O. Roddey Bell witnessed the
execution thereof.

SUBORN to before me this 16th day of August, 1948

O. Roddey Bell
Notary Public of S. C.

Hilda M. Baker

STATE OF SOUTH CAROLINA,
County.

RENUNCIATION OF DOWER

NONE REQUIRED: GRANTOR FEMININE, do hereby certify
unto all whom it may concern, that Mrs.
the wife of the within-named
did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely,
voluntarily and without any compulsion, dread, or fear of any person or persons whomsoever, renounce, release and for-
ever relinquish unto the within-named

heirs

and assigns, all her interest and estate, and also all her right and claim of Dower of, in or to all and singular the
premises within mentioned and released.

Given under my Hand and Seal, this day of , 194

(L. S.)
Notary Public of S. C.

State of South Carolina
COUNTY OF LANCASTER

KNOW ALL MEN BY THESE PRESENTS, THAT

I, Henry Walters, of Lancaster County,

of the County of _____ for and _____ in consideration of the sum of
Two hundred Sixty-two & 50/100 (\$262.50) DOLLARS
to me in hand paid to and before the signing of these presents by John Hazel Coleman and Harry Lee Walters,

the said sum of money _____ the receipt whereof is hereby
acknowledged, have granted, conveyed and released, and by these presents do grant, convey and release unto the said
John Hazel Coleman & Harry Lee Walters, all my right, title and interest as heir-at-law of Can
Walters as deceased by Eliza Walters Thompson to me; the same being a 1/8 interest, to and in:

"All that place, parcel or tract of land, lying, being and situate in Cedar Creek Township,
near Mt. Carmel colored Camp Meeting Ground, State and County aforesaid, containing One Hundred
Party (160) Acres, more or less, and being known as the Steward place, and bound as follows:
On the North by lands of Charlie, on the East by the Tillman Estate lands, on the South by
lands of Robert Bell, and on the West by Wilson lands."

TOGETHER with all and singular, the Rights, Privileges, Hereditaments, and Appurtenances to the said Premises belonging, or in anywise incident
or appertaining.
TO HAVE AND TO HOLD, all and singular, the said Premises before purchased, unto the said
JOHN HAZEL COLEMAN & HARRY LEE WALTERS, their
Heirs and Assigns forever.

AND I, _____ myself, my _____ Heirs
Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said
JOHN HAZEL COLEMAN & HARRY LEE WALTERS, their
Heirs and Assigns, against _____ and _____ Heirs, Executors, Administrators,
and Assigns and all other persons whomsoever lawfully claiming or to claim the same or any part thereof.
WITNESSES _____ My _____ Hand _____ this _____ 7th _____ day of _____ September _____ in the year of our Lord
and thousand nine hundred and _____ fifty-seven _____ and in the one hundred and _____ eighty-second _____ year of the Sovereignty and
Independence of the United States of America.

Signed, sealed and delivered to the presence of
_____ Roddey L. Bell _____ Henry Walters (L. S.)
O. Roddey Bell _____ (L. S.)

THE STATE OF SOUTH CAROLINA,
County of LANCASTER.

PERSONALLY appeared before me _____ Roddey L. Bell
and made oath that _____ Henry Walters
do, and he _____ his _____ Act and Deed deliver the within-written Deed; and that _____ he
O. Roddey Bell _____ witnessed the execution thereof.

Given to believe me, this _____ 7th _____ day of _____ September A. D. _____ 19 _____ 27
O. Roddey Bell _____ (L. S.)
Notary Public for South Carolina.

THE STATE OF SOUTH CAROLINA,
County of LANCASTER.

DENUNCIATION OF DEED

I, _____ O. Roddey Bell, a Notary Public for South Carolina, _____ do hereby certify unto
all whom it may concern, that Mrs. _____ Bessie G. Walters
the wife of the within-written _____ Henry Walters
did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily and without any
coercion, duress or force of any person or persons place, pressure, violence, threats and favors relinquish unto the within-written
JOHN HAZEL COLEMAN & HARRY LEE WALTERS, their _____

_____ Heirs and Assigns, all her interest and estate, and also all her right and claim of Deeds of to
or to and singular, the premises within mentioned and released
On _____ day of _____ 7th _____ day of _____ September _____ Anno Domini 19 _____ 27
O. Roddey Bell _____ (L. S.)
Notary Public for South Carolina. _____ Bessie G. Walters (L. S.)
HP 3841 _____ Leo O. Montgomery (L. S.)
Witnessed _____ 15th _____ day of _____ December _____ 19 _____ 20

CERTIFIED TO
REGISTER OF DEEDS
COUNTY OF LANCASTER, SC

PROPERTY RECORD CARD

CARD NO. 488 COUNTY OF: LANCASTER

MAP NO. 130 GROUP 130 CONT. MAP 28. PARCEL 28. WARD HWY 166

SECTION: 4329 REGION: 11

LAND USE 11 PRO. TP. 0 DATE PRINTED 06/14/75

DATE	OWNER'S NAME	BOOK	PAGE	CONSIDERATION	MAILING ADDRESS
12-12-80	WAITERS, HENRY ET AL Can William C. & John C. Waiters	22	290	WMC 6007	RT 7 Box 3 LANCASTER HEATH ST. 105
	Waiters, William C. & John C. ET AL				Route 3, Box 93, Heath St. 4866 Waiters Circle, H. S.

SUBDIVISION	PLAT	PAGE	BLOCK	LOT	DIMENSION	ACRES
						1.03 244.0 42.00
ADDITIONAL DESCRIPTION				SPECIAL CONDITIONS		

APPRAISAL						ASSESSMENT	
YEAR	LAND	IMPR.	TOTAL REAL	PERSONAL	TOTAL VALUE	%	BOARD
1973	42390	27370	69760		69760		
1977	42390	21830	64220		64220		
1985	56905	58433			115338		

BUILDING PERMIT RECORD

PERMIT NO. DATE: PERMIT NO. DATE:

COST: CHECKED BY: COST: CHECKED BY:

PROJECT: PROJECT:

LAND VALUE COMPUTATIONS							
FRONTAGE	DEPTH	DEPTH FACTOR	UNIT VALUE	ACTUAL VALUE	UNIT VALUE	ACTUAL VALUE	TOTAL

INFLUENCE					
CLASSIFICATION	NO. OF ACRES	RATE PER ACRE	NO. OF ACRES	RATE PER ACRE	
II-1	37.0	410	1	2000	23270
III-A	38.0	340	4	800	3240
W-3	46.0	100	5	1200	4600
BLD SITE		1500	4.4	4000	16000
TOTAL ACREAGE					56905
TOTAL LAND VALUE					42390

LAND COMPUTATION

490

R-21830

44-42390

JA 77

3m H. on land

1- BASCOMB

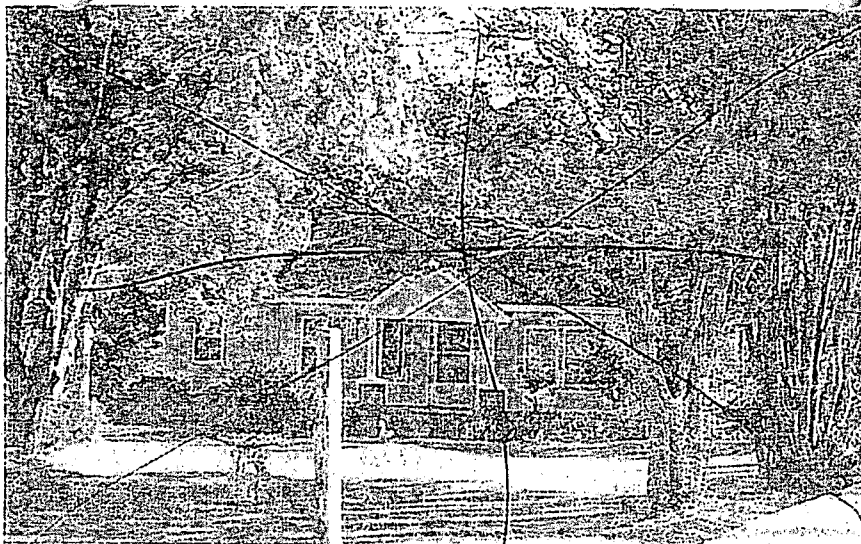
2- LOWERY

3- DON WAITERS

PROPERTY FACTORS

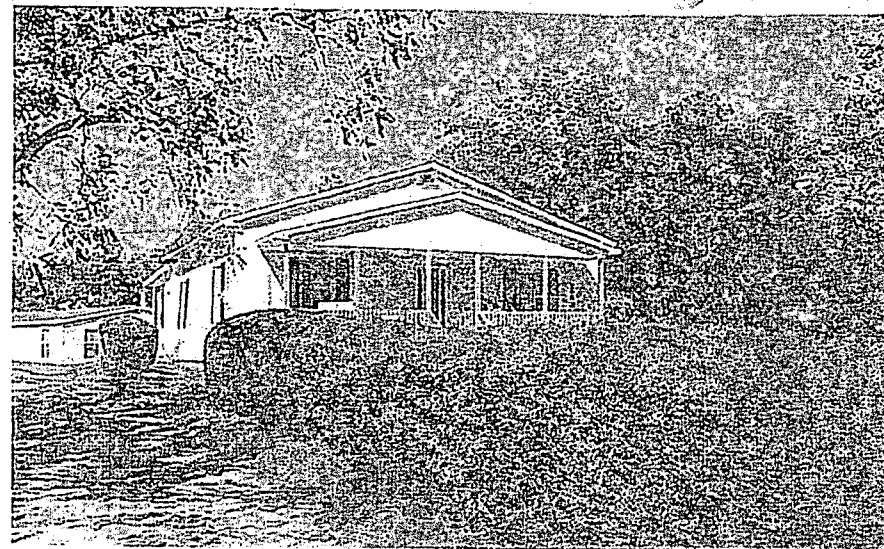
TOPOGRAPHY	IMPROVEMENT
LEVEL	CITY WATER
HIGH	WELL/SEPTIC
LOW	GAS
ROLLING	ELECTRIC
ROCKY	ALL UTILITIES
SWAMPY	
ST. OR ROAD	DISTRICT
STATE HWY.	IMPROVING
PAVED	STATIC
GRAVEL	DECLINING
PRIMITIVE	BLIGHTED AREA
SOIL TYPE	FENCES
LOAM	GOOD
SAND	FAIR
CLAY	POOR
CHERT	NONE

ALLIED APPRAISAL CO. INC.



DSCF0132.JPG

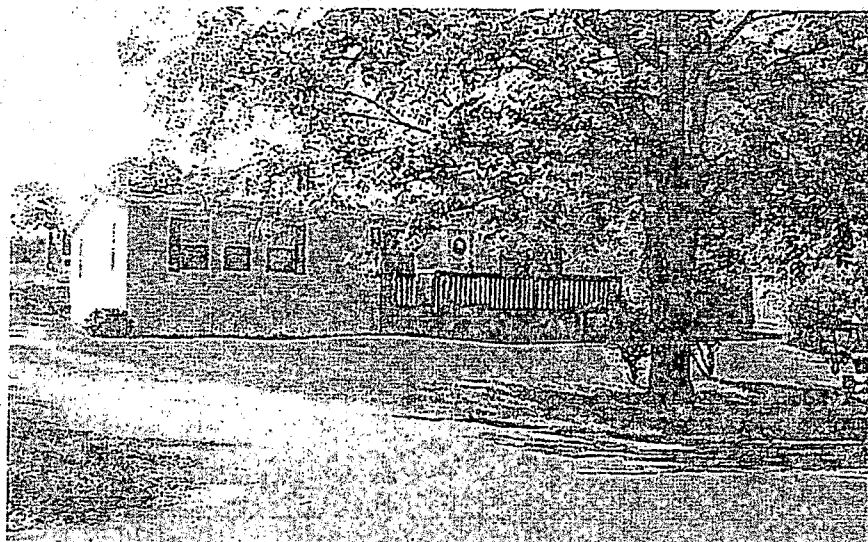
14



DAN WATERS

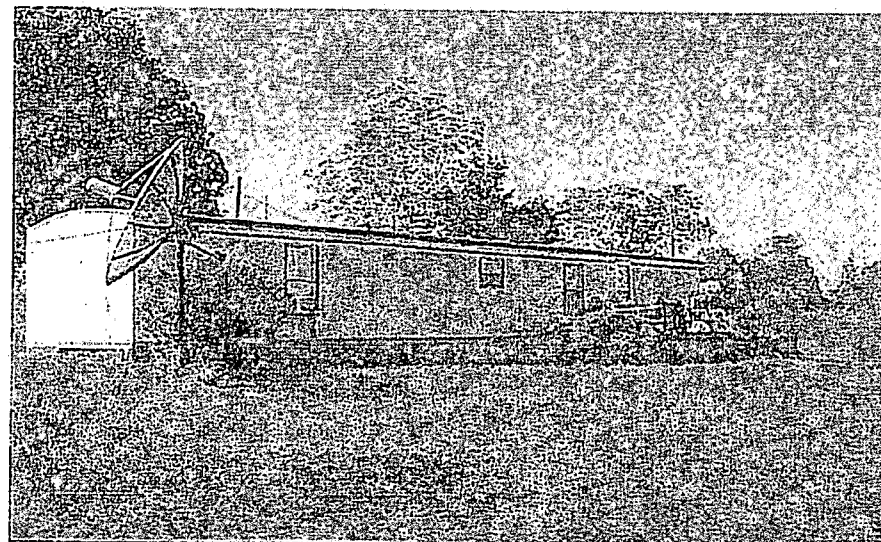
DSCF0116.JPG

1



DAN WATERS

DSCF0117.JPG

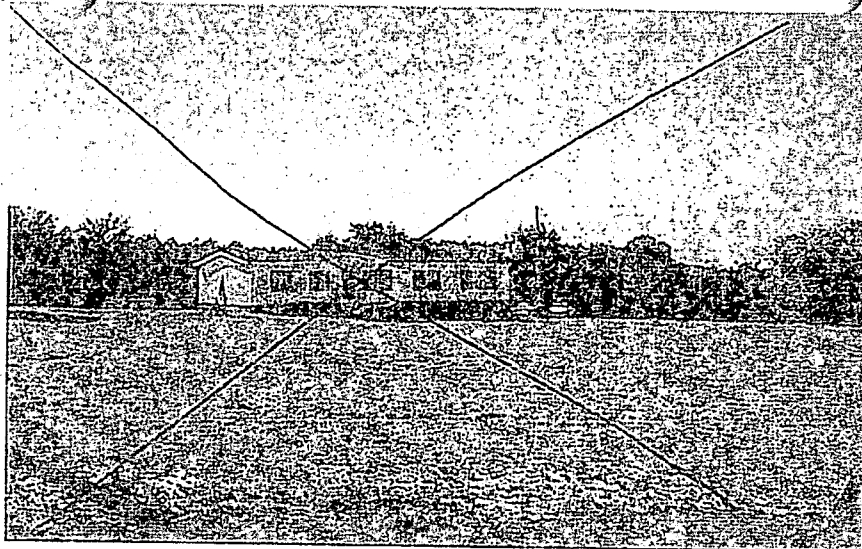


JOHN WILHE JAMES

DSCF0118.JPG

IT's Exhibit #4

EXHIBIT 4
Plaintiff
6-20-14



LARRY WAITERS
(Cousin)

DSCF0119.JPG

#4



LARRY WAITERS

DSCF0120.JPG

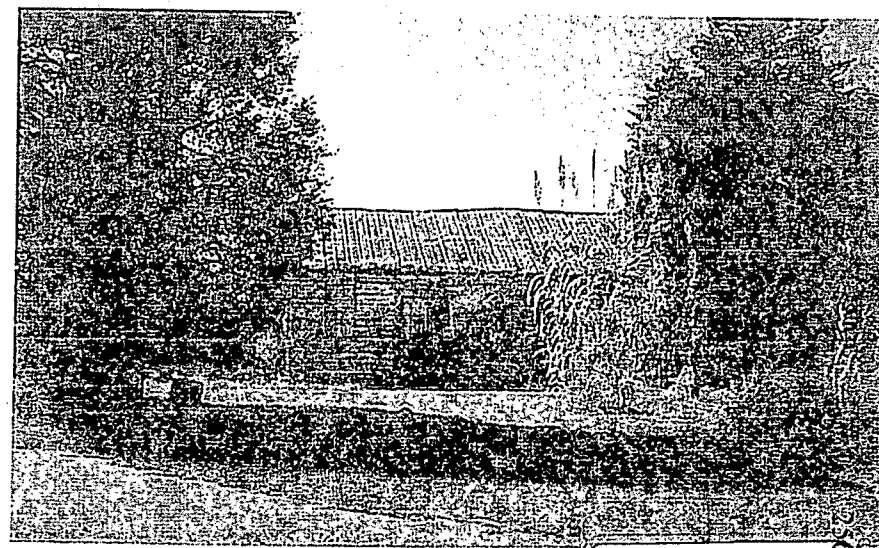
#5



CARRIE WAITERS

DSCF0121.JPG

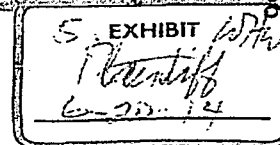
#6

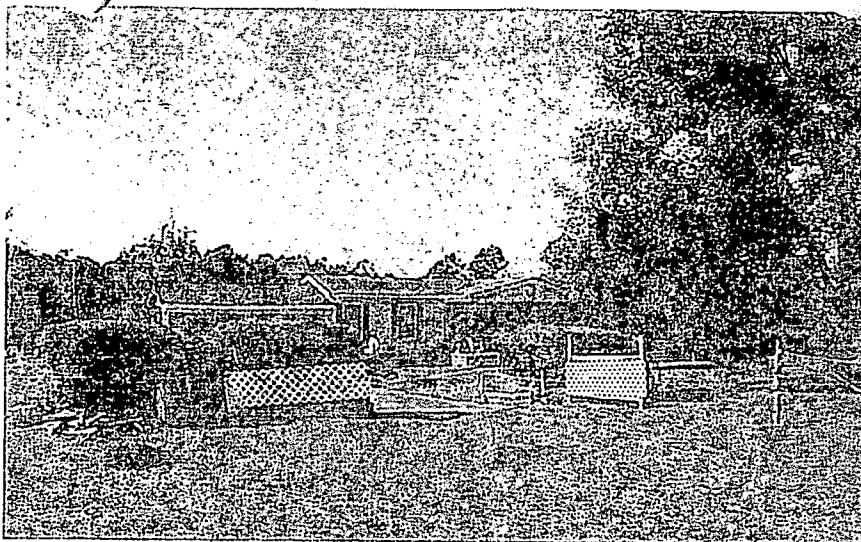


OLD HOME PLACE

DSCF0122.JPG

The Exhibit #5

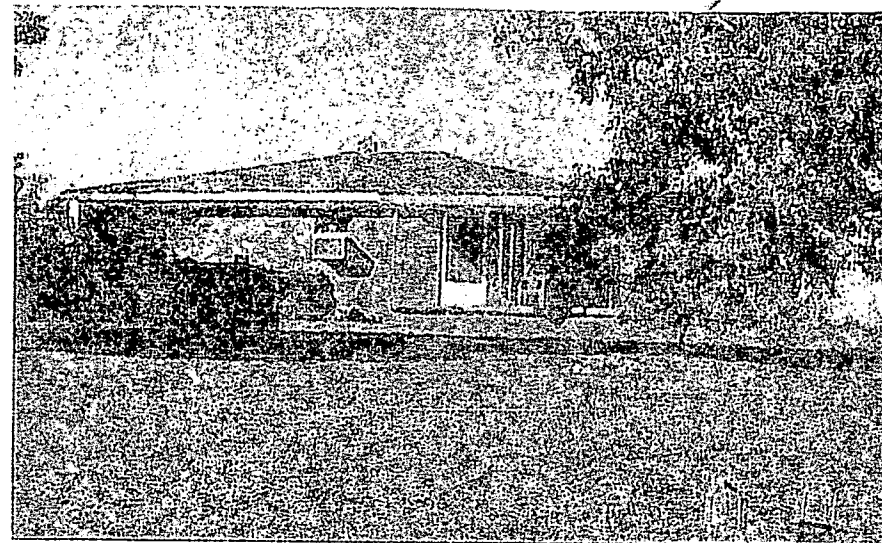




EVELYN LOWERY

DSCF0123.JPG

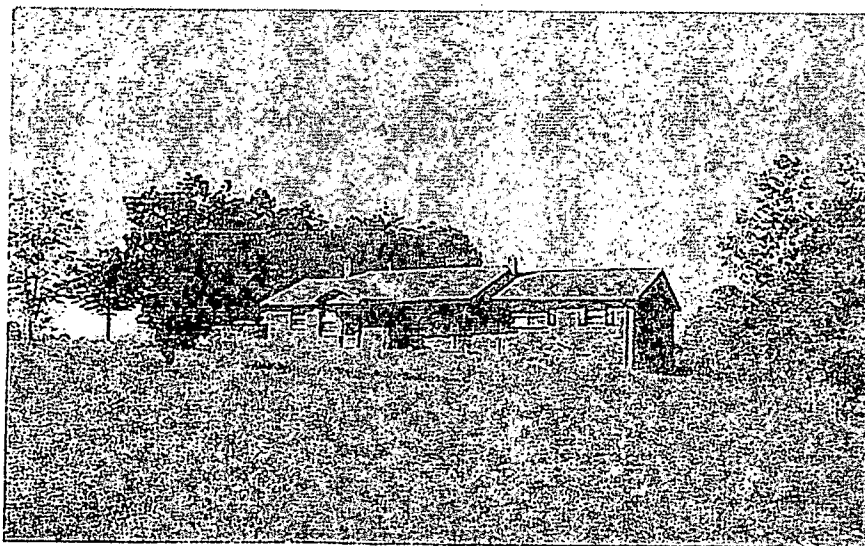
#8



JOHN WAITERS

DSCF0124.JPG

#9



MARQUE THOMPSON

DSCF0125.JPG

#10



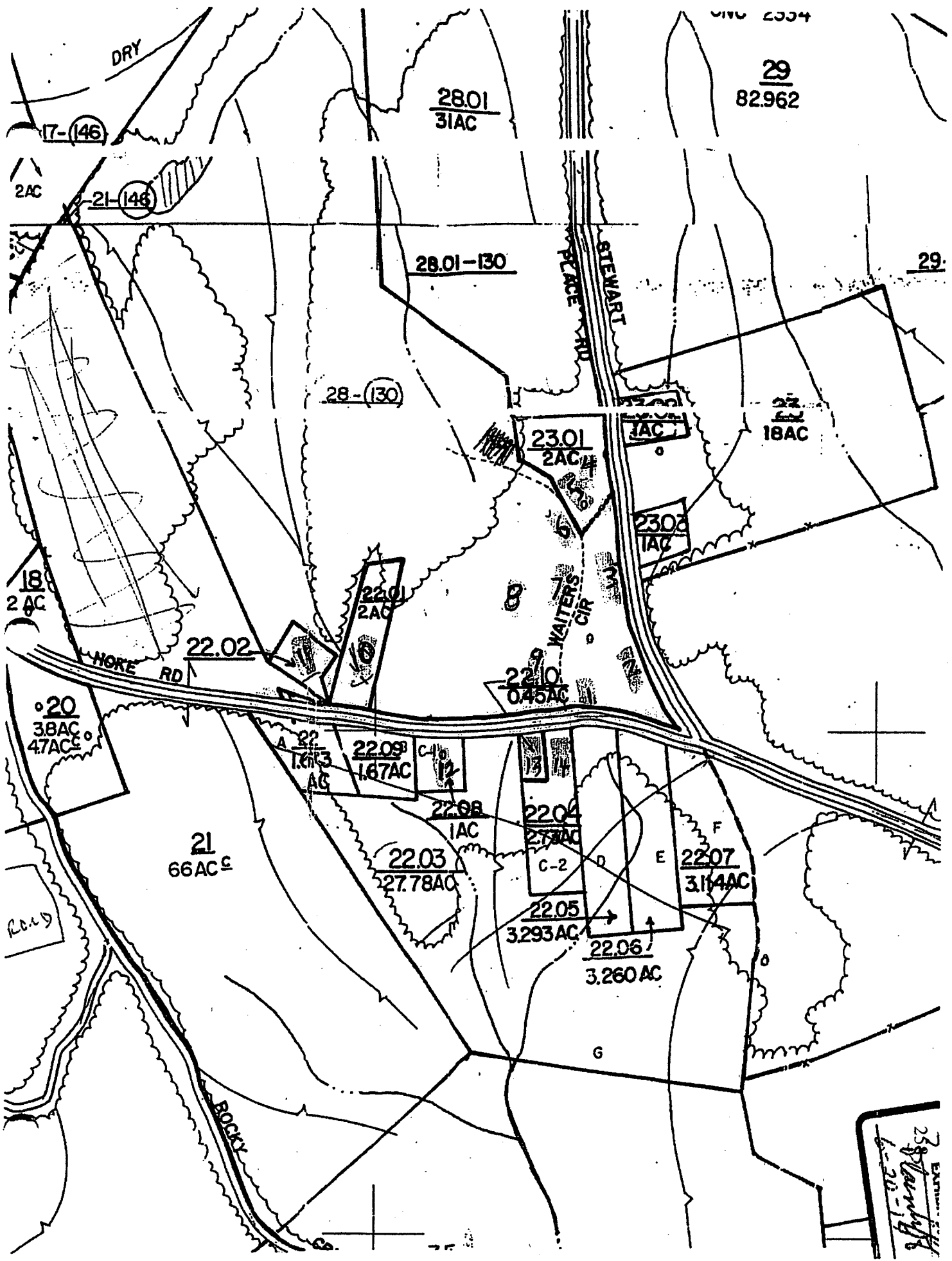
JANICE DIXON

DSCF0126.JPG

#11

It's Exhibit #6

EXHIBIT
Plaintiff
6-20-17



29
82.962

28.01
31AC

28.01-130

28-(130)

22
18AC

23.01
2AC

23.02
1AC

23.03
1AC

22.01
2AC

22.10
0.45AC

22.02

20
38AC
47AC

22.09
1.67AC

22.08
1AC

22.04
2.78AC

22.07
3.14AC

22.03
27.78AC

22.05
3.293AC

22.06
3.260AC

21
66AC

23
1-20-1

EVELYN M. COWERY
SCDL 4318522 PH 803-285-8535
4848 WAITERS CR
HEATH SPRINGS, SC 29058

Date Oct. 17, 00

97-1/532

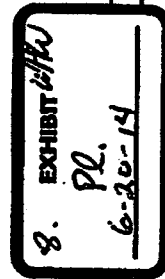
Pay To The Mark Grier \$ 3,000.00
Order Of Three Thousand no/100 Dollars  

WACHOVIA

Wachovia Bank, N.A.
Lancaster, SC 29720

Memo Retainer Fee Cancel Evelyn M. Cowery

© HARLAND 1999

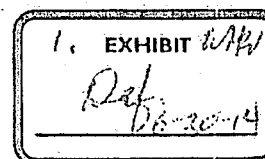


11/3

Tract Information:

TRACT NAME	Stewart Place
COUNTY AND STATE	Lancaster, SC.
TODAY'S DATE	8-22-13
CRUISER(S)	Brad
NUMBER OF PLOTS	23
CRUISE ACRES	51
PRISM FACTOR	20

Ton Conversion



TIMBER CRUISE SUMMARY SHEET

TRACT: Stewart Place
 DATE: 8-22-13
 COUNTY: Lancaster, SC.
 ACRES: 51.00
 PLOTS: 23
 PRISM FACTOR 20
 CRUISER(S) Brad

LOG SCALE: SCRIBNER 78

SPECIES	TRACT VOLUME	VOL/ ACRE	VOL/ TREE	AVERAGE DBH	AVERAGE LOGs
YELLOW PINE	54681 BF.	1072	151	14.0	2.8
VIRGINIA PINE	124783 BF.	2447	50	10.6	1.9
RED OAK	0 BF.	0	0	0	0
WHITE OAK	0 BF.	0	0	0	0
YELLOW POPLAR	0 BF.	0	0	0	0
SWEETGUM	0 BF.	0	0	0	0
HICKORY	0 BF.	0	0	0	0
MAPLE	0 BF.	0	0	0	0
POAST OAK	0 BF.	0	0	0	0
CHESTNUT OAK	0 BF.	0	0	0	0
ASH	0 BF.	0	0	0	0
MISC	0 BF.	0	0	0	0
	179,464	3,519	100	12.3	2.4

	TRACT VOLUME	ACRE VOLUME
PINE BF.	179464	3519
HDW. BF.	0	0
TOTAL BF.	179464	3519

	Cords	Tons
PINE-PULP	1036	#REF!
HDW.-PULP	85	#REF!
HDW-PALLET	0	#REF!
TOTAL	1122	#REF!

[illegible][illegible]

PINE SAWTIMBER TALLIES

267

YELLOW PINE

Dia/logs	1	1.5	2	2.5	3	3.5	4	4.5	5
10									
12				2	1				
14					1				
16				1	3				
18						1			
20									
22									
24									
26									
28									
30									

sum 9

VIRGINIA PINE

Dia/logs	1	1.5	2	2.5	3	3.5	4	4.5	5
10		9	9	5					
12	1	4	4						
14		1	2						
16									
18									
20									
22									
24									
26									
28									
30									

sum 35

PULPWOOD/ PALLETWOOD TALLIES

Hardwood Pulp

[illegible]

Hardwood Pallet

[illegible]

Pine Pulpwood

[illegible]

McKittrick Timber, LLC.

269

3893 Hoke Rd.
Heath Springs, SC 29058

Phone: 803.283.4333
Cell: 803.320.1739
Fax: 803.286.7753
E-mail: logn@comporium.net

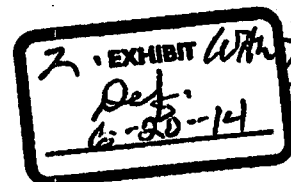


McKittrick Timber, LLC would like to make an offer of \$50,000.00 on the Cam Walters Estate timber. The tract is located on Stewart Place Road Lancaster, SC.

Sincerely,

Danny McKittrick
October 3, 2013

Δ 5



STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lancaster County
The Honorable H. Clayton Walker, Jr., Special Referee

RECEIVED

FEB 21 2017

SC Court of Appeals

Evelyn M. Lowery,

RESPONDENT,

V.

APPELLANT.

Eula M. Daniels, Darrell Waiters, Monique Thompson Phinessa R. Waiters, Pearl Mahjoub, Tommie Lee James, John William James, William C. Waiters, Mary L. Bailey, James C. Bell, William Bailey, Charlie Bascomb, Harold Bascomb, Nakia Williams, Nerisse Williams, Carlton McPhaul, Donnell McPhaul, Idell R. Waiters, Ella R. Waiters, Eddie Waiters, Elizabeth Ann Moore, Donald Waiters, Brenda Waiters, Glenda Waiters, Wilric Waiters, Dorothy Johnson, Ruth Jordan, Ronald Sweet, Donald Johnson, David Lee Richardson, Raymond Richardson, Lafayette Richardson, Jr., Robert C. Richardson, Bill Moses, Margaret Jones, Herman Sweet, Jr., Reginal Coleman, Ronald Coleman, Michael Coleman, Sharon Coleman, Tammy Coleman, Bridgette Coleman, Delfreda Coleman, Phillip Hatchet, Iceola Weeks, Charles Burt, Theodore R. Brewer, Estate of Leola Waiters, Betty J. Catoe, Carrie Waiters, Ernest L. Waiters, Irene Carr, Janice Dixon, Donald F. Waiters, Rayford J. Waiters, Carolyn McKenny, Larry Waiters, Denise Allen, Kevin Waiters, Ginger Ann Waiters, Harry Waiters, III, Deshone Waiters, Willie W. Addison, Bessie M. Waiters, Linda D. Addison, Mary E. Coleman, John C. Waiters, Estate of Anna B. Waiters, Anna E. Perkins, Willie James Hall, Lena Tibbs, Levater Hall, Leonard Hall, Leotis Hall, Christine C. Hall, Alma R. Grant, Pearl Hall, Mary Hall, Mark Hall, Kevin Hall, Doris Hall, Iris Hall, Lola Hall, Maggie Hall, Jimmy L. Hall, Jr., Marilyn Hall, Lowarren Hall, Clifton Hall, Dywayne Hall, Novella Hall, Lenonne Addison, Brendetta Hall, NaSheqeca Bekia Hall, Marquavious Tramle Hall, Sabrina McWaters, Renonia Church, Gwen Mc Waters, Jacqueline Mc Waters, Renee Mc Waters, Connie C. Parker, Alice Truesdale, Eliza C. Truesdale, Roy Caskey, Randy Caskey, Maggie Caskey, Leon Caskey, III, Sharon Harris, Eliza Ferguson, Henry Hall, Oscar Hall, Jr., Laura Mae Hall, Stanford Hall, Anna Hall, Anna Hall, Patricia, H. Bentley, Janie Hall, Janie Douglas, Mary Bradlee,

Elizabeth Hall, Teresa Pope, Devron Wright, Dyron J. Hall, Romelle Simpson, Estate of Alma Tilman, Ren Tilman, Chris Waiters, Bennie Evelyn M. Martin, William Martin, Mildred Bell McCray, John Lee Moore, William E. Bell, Minnette Malone Sims, Lorenzo Bell, Blanche B. Bell, Cerento Martin Eccles, Lucinda Bell Miller; and if any of the said Appellants are deceased, then their heirs or devisees at law, and all other persons claiming any right, title, interest in or lien upon the real estate described herein, and any unknown infants or persons in the military service hereby designated as a class John Doe or Jane Roe, (Of Whom Kevin Waiters is Appellant)

APPELLATE CASE NO. 2015-002243

CERTIFICATE OF COUNSEL

The undersigned certifies that the amended Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

February 17, 2017



M. Rita Metts
Metts Law Firm, LLC
3531 River Drive
Columbia, SC 29201
(O) 803-929-0577