

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS
(Case No. 2014-CP-07-02268)

BARBARA AIMAR GOODWIN, f/k/a)
BARBARA A. GILLEY)

Plaintiff,)

v.)

RONALD L. ROSSETTI, Individually,)
and as Trustee of the RONALD L.)
ROSSETTI TRUST—1989, LINDA A.)
ROSSETTI, as Trustee of the RONALD)
L. ROSSETTI TRUST, THE RONALD L.)
ROSSETTI TRUST, CHRISTOPHER T.)
GODLEY and JADE GODLEY,)

Defendants.)

COMPLAINT
(Jury Trial Demanded)

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SC Court of Appeals

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The Plaintiff, Barbara Aimar Goodwin, complaining of the Defendants,
respectfully alleges the following:

PROLOGUE

1. The Plaintiff, Barbara Aimar Goodwin (herein "the Plaintiff"), is a citizen and resident of Beaufort County, South Carolina.
2. The Plaintiff, then known as Barbara Aimar Gilley, acquired from James A. Cooler, by deed of the Master in Equity for Beaufort County, that certain parcel of real property comprising 2.4 acres, more or less, on Saint Helena Island in Beaufort County, South Carolina, which deed was recorded in the Register of Deeds for Beaufort County, South Carolina (herein after simply "the R.O.D."), on September 25, 1990, in Record Book 561 at Page 1887.

3. The parcel of real property described in paragraph 2 above was formerly a portion of Oaks Plantation; it was the portion where the plantation house was located; the house was built in 1855; and, as a consequence of that antiquity and its scenic beauty, as well as of the efforts of the Plaintiff and others, the property is listed in the National Register of Historic Places.

4. The real property discussed in paragraphs 2 and 3 above is referred to herein below as "the Plaintiff's Historic Parcel" or simply "the Historic Parcel," and it is more fully described in that certain Plat prepared by David S. Youmans dated July 29, 1991, the said plat being recorded at the R.O.D in Plat Book 41 at Page 215.

5. The Plaintiff's Historic Parcel consists not only of the scenic plantation house, but also of a swimming pool, an equipment shed, a double-entry, circular driveway, and various other amenities, including, without limitation, on the northern and western boundaries of the parcel, a view of both the deep water and marshes of Chowan Creek, as well as, along the southern boundary, a view of the adjacent land on Oaks Plantation, which until recent events was an undisturbed, pastoral setting.

6. Because the Historic Parcel containing the plantation house had been severed and/or subdivided from Oaks Plantation, the Historic Parcel was conveyed with an express easement for access that burdened the land remaining in Oaks Plantation adjoining the southern boundary of the Historic Parcel (herein after "the Easement").

7. The Defendants, Ronald L. Rossetti (herein after "R. Rossetti") and Linda A. Rossetti (herein after "L. Rossetti"), are husband and wife; they are citizens and residents of Beaufort County, South Carolina; and both are Trustees of the Defendant, Ronald L. Rossetti Trust—1989, which, upon information and belief, is a trust

established under the laws of the United States and/or some one of its constituent states, on or about October 17, 1989.

8. The Defendant, Ronald L. Rossetti Trust—1989 (herein after "RLR Trust" or "the Defendant Trust"), is the owner of substantially all of the remainder of Oaks Plantation, which comprises approximately 74 acres, including the land burdened by the Easement described in paragraph 6 above, the Defendant Trust having acquired the property by deed from Ronald L. Rossetti, which deed was recorded at the R.O.D. on September 3, 2009, in Record Book 2885 at Page 1674.

9. The Defendant, Christopher Thomas Godley (herein after "C. Godley"), is a citizen and resident of Beaufort County, South Carolina, who owns real property adjoining the eastern boundary of the Plaintiff's Historic Parcel and on the same right-of-way from the state road system (Godley Road) that serves as access to the Easement Area and to the Plaintiff's Historic Parcel.

10. The Defendant, Jade Godley (herein after "J. Godley"), is a citizen and resident of Beaufort County, South Carolina, who is the brother of C. Godley and who resides on the same right-of-way from the state road system (Godley Road) that serves as access to the Easement and to the Plaintiff's Historic Parcel.

11. C. Godley and J. Godley are descendants of one of the former owners of Oaks Plantation.

12. For well over 20 years, the Plaintiff and her predecessors in title to the Historic Parcel had enjoyed the uninterrupted use of the Easement described in paragraphs 6 and 8 above, which was situated just to the south of the southern boundary of the Historic Parcel, which ran generally from the end of Godley Road on

the east to the marshes of Chowan Creek to the west, and which had once been the same road as Godley Road.

13. The Plaintiff and her predecessors in title used the Easement for ingress and egress to and from (a) the eastern access to her circular driveway, (b) the western access to her circular driveway, (c) the access to the existing shed, which at all relevant times housed automobiles, mobile farm equipment and/or boats on trailers, and, finally, (d) a small driveway giving access to the area of the swimming pool.

14. For many years, the Plaintiff had made the Historic Parcel available, free of charge, for charitable events and functions to the Penn Center, the Historic Beaufort Foundation, area churches, schools and others for numerous events, including, without limitation, suppers, oyster roasts, presentations, lectures and other charitable activities.

15. Similarly, the Plaintiff had made the Historic Parcel available, free of charge, to some of the same organizations, as well as to individuals with family ties to the Historic Parcel, for weddings, birthday parties, dances and other celebrations.

16. Facing retirement and hard-pressed to find the money to pay for the maintenance and upkeep for an historic home listed in the National Register, the Plaintiff decided to open, and/or to make the Historic Parcel available for use by, an event planning and staging business, and, with that objective in mind, after giving due and lawful notice, she applied for and received from Beaufort County, a zoning variance to allow that use of the Historic Parcel.

17. Despite never having objected to the use of the Historic Parcel or of Godley Road for the charitable and other events described in paragraphs 14 and 15

above, the Defendants, R. Rossetti, individually and as Trustee of RLR Trust, C. Godley and J. Godley, all opposed the Plaintiff's effort to obtain a zoning variance.

18. Once a variance was obtained by the Plaintiff, the same Defendants filed an appeal to the Beaufort County Zoning Board of Appeals (herein after "the ZBOA"), and, when they lost at that level, they filed an appeal from the decision of the Board, which was essentially a law suit (Case No. 2012-CP-07-03300) requiring Beaufort County and the Plaintiff to convince a judge in the Court of Common Pleas that the Plaintiff was entitled to the variance, which they did.

19. After the Plaintiff had received the variance from Beaufort County, and after it had been confirmed by the ZBOA, commencing on September 9, 2012, the Defendants, R. Rossetti and L. Rossetti, acting both individually and as Trustees of RLR Trust, ordered that the Easement described in paragraphs 6, 8, 12 and 13 above be plowed up, destroying in the process the tire ruts, tire tracks and other evidence of its use as an easement, and rendering passage across the Easement difficult though not impossible, except, perhaps, after periods of rain.

20. On the same date, the same Defendants also ordered the installation of ugly metal fence posts, and, subsequently, on September 11, 2012, the Defendants' employees began to erect bright yellow "NO TRESPASSING" signs under the direction of the Defendants' attorney, who declared, "It looks like a mess here."

21. On September 13, 2012, the Defendants directed that cheap wire fencing be erected to block the Plaintiff's access to the shed on the Historic Parcel, as well as access to the small driveway next to the shed.

22. By September 14, 2012, the Defendants had ordered the building and compacting of mounds of dirt to block further the same two points of access described in paragraph 21, as well as to block access to and from the western most access to the Plaintiff's circular driveway, where ugly wire fencing was subsequently placed as a further obstacle to access.

23. By September 19, 2012, having previously blocked the Plaintiff from access to her mailbox by stringing rope in front of it (on September 11, 2012), the Defendants had ordered the erection of a cheap wire fence to separate the Plaintiff's mail box from the Historic Parcel; they had directed that a circular area immediately adjacent to the only access left open be enclosed in the same cheap wire fencing, with one or more rolls of fencing, as well as construction debris, being left within the enclosed area; they had ordered that the same cheap wire fence be strung for the entire length of the Easement; and they had ordered that the entire area be festooned with bright yellow "NO TRESPASSING" signs.

24. From the remaining access, as well as from any point on the Historic Parcel, the entrance to that parcel had become an ugly tangle of cheap wire and metal posts, with junkyard signs, thereby desecrating an otherwise hallowed, historic area.

FOR A FIRST CAUSE OF ACTION
(Prescriptive Easement by Adverse Possession—Ten Years)

25. The allegations of paragraphs 1 through 8 and 12 and 13 are hereby adopted and by express reference made a part of this First Cause of Action.

26. The Plaintiff has adversely possessed against the Defendants named in this cause of action, including, without limitation, R. Rossetti, individually and as Trustee

of RLR Trust, L. Rossetti, individually and as Trustee of RLR Trust, and RLR Trust (herein after, collectively, sometimes "the Rossetti Defendants"), as well as their predecessors in title, for ten years, all as is required by S.C. Code Ann. § 15-67-210.

27. The Plaintiff's possession has been actual, open, notorious, hostile, continuous and exclusive.

28. The Plaintiff's Historic Parcel has and enjoys an easement by prescription on and over the Easement described in paragraphs 6, 8, 12 and 13 above, to the extent that the same, including all four accesses, lie on or within the land currently owned by RLR Trust.

FOR A SECOND CAUSE OF ACTION
(Prescriptive Easement by Adverse Possession—Color of Title)

25. The allegations of paragraphs 1 through 8 and 12 and 13 are hereby adopted and by express reference made a part of this Second Cause of Action.

26. The Plaintiff has adversely possessed against the Defendants named in this cause of action, including, without limitation, R. Rossetti, individually and as Trustee of RLR Trust, L. Rossetti, individually and as Trustee of RLR Trust, and RLR Trust, as well as their predecessors in title, for ten years, and under color of title, the same being the deed to Barbara Aimar Gilley described in paragraph 2 above and/or the plat by David S. Youmans described in paragraph 4 above, all as is required by S.C. Code Ann. §§ 15-67-220 and 230.

27. The Plaintiff's possession has been actual, open, notorious, hostile, continuous and exclusive.

28. The Plaintiff's Historic Parcel has and enjoys an easement by prescription on and over the Easement described in paragraphs 6, 8, 12 and 13 above, to the extent that the same, including all four accesses, lie on or within the land currently owned by RLR Trust.

FOR A THIRD CAUSE OF ACTION
(Prescriptive Easement by Adverse Possession—Twenty Years)

25. The allegations of paragraphs 1 through 8 and 12 and 13 are hereby adopted and by express reference made a part of this Third Cause of Action.

26. The Plaintiff has adversely possessed against the Defendants named in this cause of action, including, without limitation, R. Rossetti, individually and as Trustee of RLR Trust, L. Rossetti, individually and as Trustee of RLR Trust, and RLR Trust, as well as their predecessors in title, for twenty years.

27. The Plaintiff's possession has been actual, open, notorious, hostile, continuous and exclusive.

28. The Plaintiff's Historic Parcel has and enjoys an easement by prescription on and over the Easement described in paragraphs 6, 8, 12 and 13 above, to the extent that the same, including all four accesses, lie on or within the land currently owned by RLR Trust.

FOR A FOURTH CAUSE OF ACTION
(Slander of Title)

29. The allegations of paragraphs 1 through 8 and 12 through 24 above are hereby adopted and by express reference made a part of this Fourth Cause of Action.

30. The Rossetti Defendants have engaged in both written and oral publication of false statements about the Plaintiff's Historic Parcel, to wit, that the

Plaintiff was, had been and would be "trespassing" by making use of the Easement and that the now closed access points from the Easement were somehow unlawful.

31. The false statements made by the Defendants were derogatory to the Plaintiff's title, disparaging the quality, condition and the value of the Plaintiff's Historic Parcel, thereby causing it to be diminished in the eyes of third parties.

32. The publication was made by the Defendants with malice, that is, with reckless or wanton disregard for the rights of the Plaintiff, and without legal justification.

33. As the direct and proximate result of the slander of title by the Defendants, the Plaintiff has sustained pecuniary loss, and she is entitled to recover special damages in an amount to be determined by the jury.

34. As the direct and proximate result of the slander of title by the Defendants, the Plaintiff has sustained and is entitled to recover other actual damages in an amount to be determined by the jury, including, without limitation, loss of income and expenses, as well as damage to reputation, pain, suffering and mental anguish.

35. The conduct of the Defendants was reckless, willful, wanton and malicious, as well as in conscious disregard for the Plaintiff's rights, and, as a consequence, the Plaintiff is entitled to recover exemplary or punitive damages.

FOR A FIFTH CAUSE OF ACTION
(Abuse of Process)

36. The allegations of paragraphs 1 through 8 and 9 through 24 above are hereby adopted and by express reference made a part of this Fifth Cause of Action.

37. The Rossetti Defendants' purpose and objective in appealing from the granting of the variance and, once that appeal was denied, in bringing the law suit

(Case No. 2012-CP-07-03300), was to coerce the Plaintiff into conveying a portion of the Historic Parcel to the Defendants, or to one or more of them—a transaction in which the Plaintiff had expressly refused to participate beforehand—so that the Defendants could have access to deep water on Chowan Creek for the purpose of building a dock.

38. The Defendants acted with an ulterior purpose and engaged in one or more willful acts not proper in the regular course of the proceeding.

39. As the direct and proximate result of the abuse of process by the Defendants, the Plaintiff has sustained and is entitled to recover actual damages in an amount to be determined by the jury, including, without limitation, loss of income and expenses, as well as damage to her reputation, pain, suffering and mental anguish.

40. The conduct of the Defendants was reckless, willful, wanton and malicious, as well as in conscious disregard for the Plaintiffs' rights, and, as a consequence, the Plaintiff is entitled to recover exemplary or punitive damages.

FOR A SIXTH CAUSE OF ACTION
(Conspiracy)

41. The allegations of paragraphs 1 through 24 and 37 above are hereby adopted and by express reference made a part of this Sixth Cause of Action.

42. R. Rossetti and/or L. Rossetti, individually and as Trustees for the RLR Trust, the RLR Trust, C. Godley and J. Godley combined for the purposes of injuring the Plaintiff, and they did, in fact, succeed in their efforts, with the result that the Plaintiff sustained special damage.

43. Specifically, one or more of the Rossetti Defendants provided incentives to the Godley Defendants to intimidate, if not to terrify, the Plaintiff, her guests and

persons with whom she had contracted by threatening and accosting them, by engaging in assault and/or battery and by firing guns on occasions when guests were visiting the Historic Parcel.

44. As the direct and proximate result of the conspiracy by all of the Defendants, the Plaintiff has suffered special damage, as well as other actual damages in an amount to be determined by the jury, including, without limitation, loss of income and expenses, as well as damage to her reputation, pain, suffering and mental anguish.

45. The conduct of the Defendants was reckless, willful, wanton, malicious and in conscious disregard of the Plaintiff's rights, and, as a consequence, the Plaintiff is entitled to recover exemplary or punitive damages.

WHEREFORE, the Plaintiff, Barbara Aimar Goodwin, prays that the Court inquire into the facts and matters alleged herein; and

(a) Enter judgment in favor of the Plaintiff and against the Rossetti Defendants with respect to the First, Second and/or Third Causes of Action, thereby confirming a lawful easement established by prescription for all four access points to the Historic Parcel;

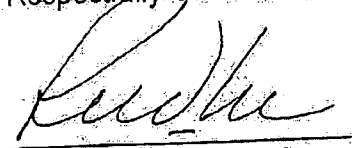
(b) Enter judgment in favor of the Plaintiff and against the Rossetti Defendants with respect to the Fourth and Fifth Causes of Action in such amounts of actual damages (including special damages) and punitive damages as the jury shall award;

(c) Enter judgment in favor of the Plaintiff and against the Rossetti Defendants, as well as against C. Godley and J. Godley, in such amounts of actual damages (including special damages) and punitive damages as the jury shall award; and

(d) Tax all costs of this action against the Defendants.

Respectfully Submitted,

By:



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September 8, 2014

Hilton Head Island, South Carolina.