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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Case No.: 2014-CP-39-00613

Charles Thomas Hobbs and Mary
Hobbs,

v.

Fairway Oaks Homeowners
Association,

Respondent.

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Appellants,
JUL 22 2016
SC Court of Appeals

SUPPLEMENTAL RECORD ON APPEAL

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1 so he said, "Well, I'll help you." So -- so we
2 just set up a time to go cut it.

3 Q. Okay. So he asked you to do a tree project, and
4 you tell him that you would need a second hand;
5 and he said I'll be that second hand and help
6 you?

7 A. Yeah.

8 Q. And was he there that day to help you, to be that
9 second hand?

10 A. Right.

11 Q. Is that correct?

12 A. Yes.

13 Q. Okay. And did you tell them that you owned a
14 chainsaw, that you owned a conventional saw; or
15 how did that conversation go?

16 A. I really don't recall.

17 Q. You just told him you could get the limb down?

18 A. You know, I guess, I let him know somehow I had a
19 saw --

20 Q. Okay.

21 A. -- to do it with.

22 Q. Did you use any of Mr. Hobbs' equipment that day?

23 A. No.

24 Q. Whose ladder did you use?

25 A. My own.

1 ladder. Was Tommy working underneath the ladder?

2 A. No. He was standing off to the side.

3 Q. What was he doing while you began to take the
4 branches down?

5 A. As far as I know, he was standing off to behind
6 me.

7 Q. And is that closer to Benny Roper's condo?

8 A. No. It was more to the left.

9 Q. Okay.

10 A. Benny's condo was more to the south and --

11 Q. I have a photograph here of, I think, what shows
12 the accident scene. Do you recognize that?

13 A. Yeah.

14 Q. Okay.

15 A. Yeah.

16 Q. And we'll mark this Exhibit No. 1. Can you point
17 to me where you indicated to the west where Tommy
18 Hobbs was standing as he began to --

19 A. It would be out this direction.

20 Q. Okay. And there's a Sharpie right here. Could
21 you make a mark where you think Tommy was
22 standing before the tree limb came down?

23 A. About in here somewhere.

24 Q. Okay. Could you make a -- just make an "X", just
25 to make it a little bit darker?

1 Q. Okay.

2 A. Okay? And then I'd come down, and I walked out
3 here. And by this time, the landscaper was
4 there, the guy that does the mowing.

5 Q. Is that Daniel Lappin?

6 A. Yeah, he and his helper Ray. They were standing
7 over here in this area where I have marked for
8 Tommy.

9 Q. Okay.

10 A. And so we stood there and talked a little bit.
11 Just what we talked about, I'm not sure. But
12 anyway, this tree limb was standing, still
13 standing up against this ladder and the tree.
14 Okay. So to get it down, it had to be tipped out
15 towards the house. And so I -- these guys were
16 all standing over in here, I would say, at least
17 25 to 30 feet away from where the limb was
18 standing up against the tree. And I walked in
19 behind that big limb to tip it out, to get it on
20 the ground. And it was so thick in there, that
21 when I -- I never saw Tommy move. I thought he
22 was still over here on the side, but apparently
23 he walked -- well, he had to. He walked in
24 there.

25 Q. Can you put an arrow towards where he walked --

1 Q. And then like a long arch, it tipped over?

2 A. Correct.

3 Q. And that's when the branch fell and hit Tommy
4 Hobbs in the head?

5 A. Yeah. That splintered end hit him on the top of
6 the head.

7 Q. And was it the end that was attached to the tree
8 trunk?

9 A. Yeah.

10 Q. Okay. So it sort of did a somersault when you
11 pushed it and hit him on top of the head; is that
12 right?

13 A. Yeah.

14 Q. Okay.

15 A. Yeah. It just sort of flipped on out.

16 Q. At the time of the accident, when you pushed the
17 branch forward and it hit Mr. Hobbs, how far
18 apart was Tommy Hobbs and Daniel Lappin standing?

19 A. I would guess at least 20 feet.

20 Q. Okay. So there was 20 feet between Lappin and
21 Hobbs. Could you see where they were standing
22 through all the branches when you pushed the tree
23 forward?

24 A. Not really, but --

25 Q. Were the tree branches and leaves blocking your

1 Q. And was there anybody like working with you to
2 make sure nobody was in the way?

3 A. No.

4 Q. And you said that you think the only thing that
5 the HOA did wrong was not hiring a professional.
6 What do you think would have been done
7 differently if they had hired a professional?

8 A. Who knows, I don't know. They probably would
9 have come with a boom truck that has a lift on
10 it. And those guys, they tend to cut pieces,
11 like they may have cut part of the limb out on
12 the end and worked back towards the main trunk of
13 the tree. I'm just guessing that they could have
14 done that. And they may have just cut the whole
15 thing off like I tried to do, but --

16 Q. Do you think that they would have had somebody
17 there on the ground to keep people out, to keep
18 people away from the danger --

19 A. Well, they -- you know, they do that stuff every
20 day. And they get hurt too occasionally, just
21 had a guy in Easley about a year ago got killed
22 by a falling tree or a limb. You probably heard
23 about that, that Gantt. Yeah, it's a -- it's
24 dangerous work, no doubt about it.

25 Q. Did you actually see the limb hit Tommy?

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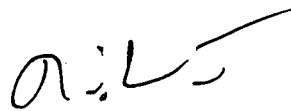
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CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material.



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