THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTER COUNTY
Court of Common Pleas

Paul M. Burch, Circuit Court Judge

Appellate Case No. 2016-001104

Heather Rousey Piper, Respondent,

v.

Kerry Grissinger,
William P. Hardee, and
Paul E. Lesondak,

of whom:
Kerry Grissinger and
Paul E. Lesondak,
are the Appellants.

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SC Court of Appeals

RECORD ON APPEAL

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INDEX

Order dated May 3, 2016, recorded May 9, 2016, with attachment 1

Order dated and filed March 15, 2016 5

Complaint for Declaratory Judgment, filed January 20, 2015, with Exhibits..... 8

Lis Pendens, filed January 20, 2015..... ...38

Answer of Defendants Grissinger and Lesondak, dated March 3, 2015 40

Reply to Allegations of Defendant Hardee, filed February 17, 2015..... 41

Amended Answer and Counterclaim of Grissinger and Lesondak, filed June 7, 2015..... 44

Transcript of Hearing, March 14, 2016, Record, p. 7 – 232..... ...53

Plaintiff's Exhibits:

A. Plat of survey 10/30/14..... ..279
B. Plat of survey 10/30/14, with markings..... ..281
C. Photographs..... ..283
D. Plat dated 11/15/1951..... ..325
E. Plat dated 11/16/1951..... ..327
F. Plat dated 11/27/1951..... ..329
G. Plat of survey dated 03/28/2012..... ..331
H. Plat of survey dated 06/27/1988..... ..333
I. Plat of survey dated 12/09/1997..... ..336
J. Deed, recorded at Book 371, Pg 79..... ..338
K. Deed recorded at Book 371, Pg 95..... ..341
L. Deed recorded at Book 724, Pg 176..... ..344
M. Deed recorded at Book 373, Pg 092..... ..347
N. Discovery Responses from Hardee, 08/21/15..... ..350
O. Letter of Winters dated 10/23/14..... ..359
P. Letter of Hudson dated 12/18/14..... ..361
Q. Letter of Winters dated 12/11/14..... ..363
R. GIS maps..... ..365
S. Residential Title Insurance Policy..... ..367
T. Affidavit William Severance Lee..... ..371

Defendant's Exhibits

1. Deed of Young to Whitesides and Austin, recorded at Book 827, Pg 38..... ..374
2. Deed of Austin to Johnson, recorded at Book 984, Pg 125..... ..377

Certificate of Counsel 381

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

IN THE COURT OF COMMON PLEAS

C/A NO: 2015-CP-12-00024

Heather Rousey Piper,

Plaintiff,

v.

Kerry Grissinger, William P. Hardee, and Paul E. Lesondak

Defendants.

FINAL ORDER

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THIS MATTER came before the Court on March 14, 2016 for a bench trial to determine the location of an easement to that certain land locked property located in Chester County, South Carolina, with TMS Number 080-03-04-010-000, owned by Heather Rousey Piper, known in this action as the "Piper Parcel", and as further described in the Complaint.

At the trial, Jessica C. Crowson and Christopher L. Boguski appeared on behalf of the Plaintiff. John Martin Foster appeared on behalf of the Defendants Kerry Grissinger and Paul E. Lesondak, and William P. Hardee appeared *pro se*.

At the trial, the parties presented evidence regarding how the Piper Parcel became landlocked, how the property known as the Piper Parcel has been accessed in the past, and how the Plaintiff and other parties currently access the Piper Parcel. Specifically, evidence was presented regarding three (3) possible easements to the Piper Parcel, including:

i. The "Gandy Easement", whereby ingress and egress is along, or substantially similar to, that path on Defendant Lesondak's property and marked by dashed lines and labeled as "original access easement used by Gandy to access Gandy prop. (now

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Piper prop.)" as shown on the Exhibit attached hereto[1];

ii. The "Current Easement", whereby ingress and egress is along Severance Drive and then curving onto both Defendant Grissinger's and Defendant Lesondak's property, along a route which is substantially similar to the path marked by dashed "E" lines, as shown on the Exhibit attached hereto; and

iii. The "Hardee Easement", whereby ingress and egress is along Severance Drive and along the property line of both Defendant Grissinger's and Defendant Hardee's properties, along a route which is substantially similar to the path marked by straight lines between the Grissinger property and the Hardee property, as shown on the Exhibit attached hereto.

Subsequently, on March 15, 2016, the Court and the above named Parties visited the Piper Parcel to determine the most appropriate and feasible means of access to the Piper Parcel.

Based on the pleadings filed in this action, the testimony of the parties, the exhibits presented at the trial, and a review of the Piper Parcel and the surrounding properties, I find that the means of access known as the "Gandy Easement" is the most appropriate means of access to and from the Piper Parcel, and, therefore,

IT IS ORDERED, ADJUDGED AND DECREED that:

1. The Plaintiff, her heirs, successors, and assigns is hereby granted an easement for ingress and egress, fifteen (15) feet in width, along that path known as the Gandy Easement;

---

1 The Exhibit attached hereto was entered into evidence during the trial by counsel for the Plaintiff and was labeled as Plaintiff's Exhibit B. This Exhibit was entered without objection from opposing counsel or the *pro se* Defendant. This Exhibit was referenced repeatedly throughout the trial by both counsel for the Plaintiff, counsel for Defendants Lesondak and Grissinger, and by numerous witnesses during their testimony.

2. That the Plaintiff shall obtain a survey of the Gandy Easement, at the Plaintiff's cost, and have such survey recorded in the Chester County Register of Deeds;

3. That Defendant Lesondak bear all costs related to any clearing or removal of any obstruction on his property required to facilitate the Gandy Easement;

4. That the Plaintiff bear all costs related to any clearing or removal of any obstruction on her property required to facilitate the Gandy Easement;

5. That all parties are permanently restrained from any harassment of the other parties and from blocking the Gandy Easement or impeding the Plaintiff's use of the Gandy Easement in any way;

6. That all parties be responsible for their own costs and expenses related to this action; and

7. That the counterclaims against Plaintiff be dismissed, with prejudice.

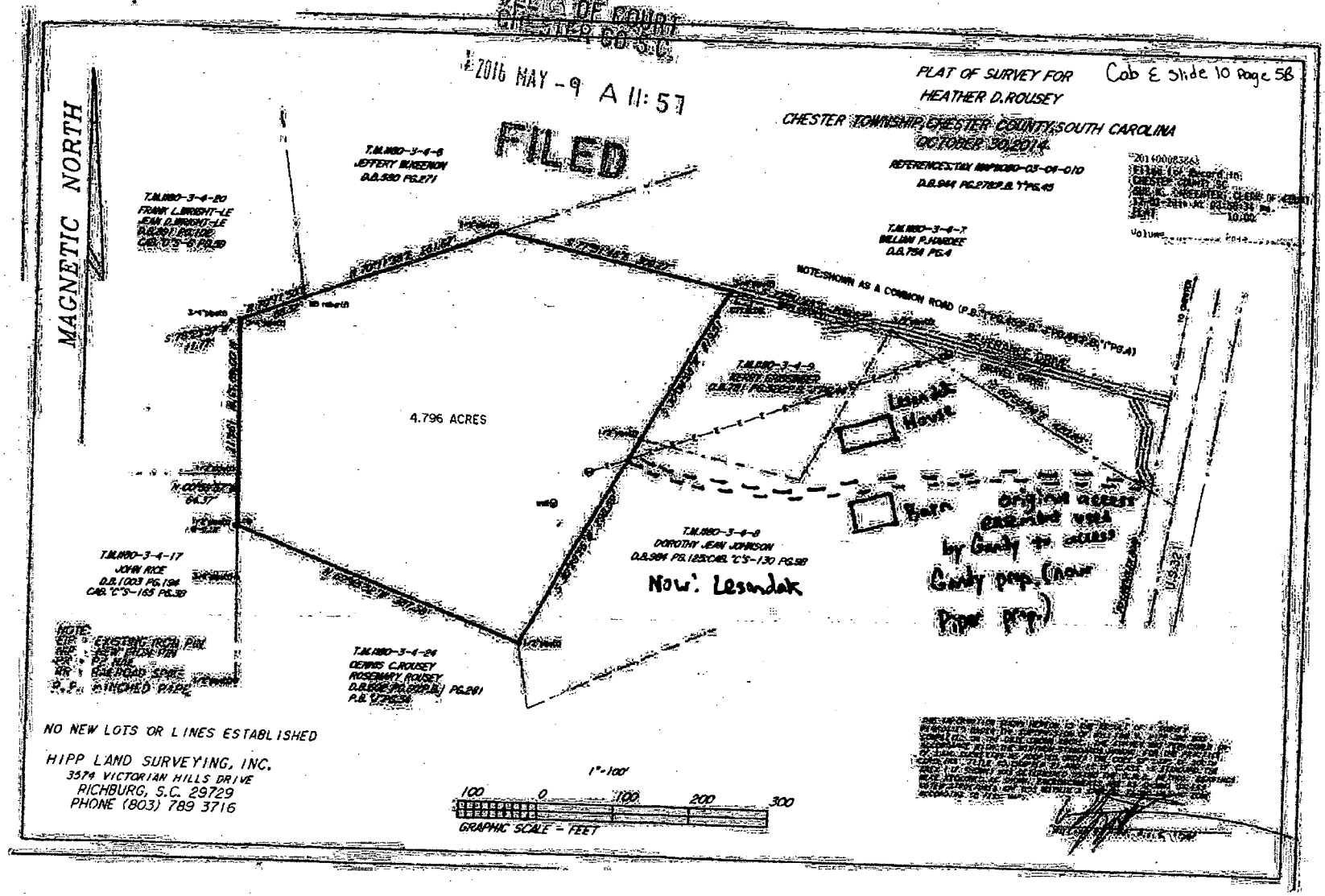
IT IS SO ORDERED.

The Honorable Judge Paul M. Burch
Presiding Judge

Date: May 3rd, 2016

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CLERK OF COURT
CHESTER CO. S.C.

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CHESTER, S.C.
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FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF [illegible]
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NO. 2015-CP-[illegible]/200124

Heather Rowe Piper
PLAINTIFF(S)

Kenny Grissinger, et al.
DEFENDANT(S)

Submitted by:	Attorney for : ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

FILED
2016 MAR 15 P 3:[illegible]
CLERK OF COURT
[illegible] CO S.C.

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

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

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☑ Statement of Judgment by the Court: Case under advisement. Proposed orders within 30 (see attached page)

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.
Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

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

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

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

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

[signature] — **Circuit Court Judge**

2048 — **Judge Code**

3/15/2016 — **Date**

For Clerk of Court Office Use Only

This judgment was entered on the 15 day of March 2019 and a copy mailed first class or placed in the appropriate attorney's box on this 15 day of March 2019 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

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2019 MAR 15 P 3:41
CLERK OF COURT
CO.S.C.

Court Reporter:

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

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

days. Parties are hereby restrained from any harassment and the present rules of engagement and egress shall be utilized until further Order of this Court.

(pwb)

COURT OF COMMON PLEAS

DATE March 14 2016 CASE # 2015CP1200024

PLAINTIFF: Heather Rousey Piper

VERSUS

DEFENDANT: Kerry Griesinger et al

ATTORNEY FOR PLAINTIFF: Jessica Clancy Crowson

ATTORNEY FOR DEFENDANT: John Martin Foster Phil Hardee, Proxee

JURORS SERVING

1. _____ 7. _____
2. _____ 8. _____
3. _____ 9. _____
4. _____ 10. _____
5. _____ 11. _____
6. _____ 12. _____

ALTERNATE: _____

WITNESSES

PLAINTIFF:	DEFENDANT:
Heather Rousey Piper	Kerry Griesinger
Yolelliam Segrarc Lee	Samuel Brice Austin
Dennis C. Rousey	Paul L. Jr Loomdale
Rose Mary Jackson Rousey	

CASE TO JURY: Non-Jury VERDICT RENDERED: _____

VERDICT _____

Judge Paul Burch
PRESIDING JUDGE

Hattie O. Gordon
COURT REPORTER

0792x/JSD

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF CHESTER	C/A NO: 2015-CP- 12-00024
Heather Rousey Piper, Plaintiff, v. Kerry Grissinger, William P. Hardee, and Paul E. Lesondak Defendants.	**COMPLAINT FOR DECLARATORY JUDGMENT (Non-Jury)**

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2015 JAN 20 P 1:14
CLERK OF COURT
CHESTER CO S.C.

The Plaintiff, herein, complaining of the above named Defendants, would respectfully show unto this Honorable Court:

PARTIES AND JURISDICTION

1. Plaintiff Heather Rousey Piper ("Plaintiff" or "Piper") owns that certain piece of real property located in Chester County, South Carolina, with TMS Number 080-03-04-010-000, and is described as follows (the "Landlocked Parcel" or "Piper Parcel"):

> All that certain tract of land with any and all improvements thereon situate at the end of Severance Drive, lying to the west of Columbia Road South and containing 4.796 acres, more or less and is shown and designated on that certain plat of survey for Dennis C. Rousey and Rosemary Rousey by Hipp Land Surveying, Inc. recorded May 16, 2012 in Plat Cabinet "D", at Slide 183, at Page 8B and has such courses and distances, metes, and bounds as shown on said plat which said plat is incorporated herein by reference.

2. Defendant Kerry Grissinger ("Grissinger") owns that certain piece of real property located in Chester County, South Carolina with TMS Number 080-03-04-009-000, which borders the Landlocked Parcel (the "Grissinger Parcel").

3. Defendant William P. Hardee owns that certain piece of real property located in Chester County, South Carolina with TMS Number 080-03-04-007-000, which borders the

Landlocked Parcel (the "Hardee Parcel").

4. Defendant Paul E. Lesondak owns that certain piece of real property located in Chester County, South Carolina with TMS Number 080-03-04-008-000, which borders the Landlocked Parcel (the "Lesondak Parcel").

5. That the real property that is the subject of this action is located in Chester County, South Carolina.

6. That this Court has jurisdiction over the parties to and subject matter of this action.

7. That this action is brought pursuant to the South Carolina Uniform Declaratory Judgment Act, S.C. Code Ann § 15-53-10, et. seq., and involves an actual, justiciable controversy between the parties described herein.

Title of Landlocked Parcel, including Unity and Severance

8. A. J. Taylor ("Taylor") held title to an approximate 31.5 acre tract of real property as described further in that certain Deed by and between Thomas C. Taylor, as grantor, and Andrew J. Taylor, as grantee, dated October 20, 1947 and recorded in the Official Records of Chester County, South Carolina in Deed Book 360, at Page 66, on October 20, 1947, (the "Taylor Parcel").

9. The Taylor Parcel abutted a public road now known as Columbia Road or U.S. Highway 321, (hereinafter, "Columbia Road").

10. Throughout his life, Taylor made several transfers of the Taylor Parcel, initially as follows, (collectively, the "Taylor Conveyances"):

a. A conveyance of 4.25 acres to T. C. Taylor, as grantee, dated November 19, 1951 and recorded in the Official Records of Chester County, South Carolina in Deed Book 371, at Page 79, on November 19, 1951, severing title and transferring the land that is now or substantially similar to the parcel of land known as the Hardee Parcel.

b. A conveyance of 4.90 acres to Lucille T. Severance, as grantee, dated November 19, 1951 and recorded in the Official Records of Chester County, South Carolina in Deed Book 371, at Page 95, on November 24, 1951, transferring a portion of the land that is now known as the Lesondak Parcel.

c. A conveyance of 4.65 acres to Zelma Taylor Miller, as grantee, dated October 18, 1952 and recorded in the Official Records of Chester County, South Carolina in Deed Book 373, at Page 92, on November 3, 1952, severing title and transferring the land that is now or substantially similar to the parcel of land known as the Landlocked Parcel; this conveyance severing title and no longer providing legal access to a public road.

11. Lucille T. Severance subsequently transferred 1 acre of land out of the original 4.25 acres to Unice S. Lee, as grantee, as evidenced by that certain Deed dated February 20, 1956 and recorded in the Official Records of Chester County, South Carolina in Deed Book 385, at Page 152, on February 20, 1956, transferring the land that is now or substantially similar to the parcel of land known as the Grissinger Parcel, severing title and no longer providing legal access to a public road.

12. Since the Taylor Conveyances, the Landlocked Parcel and the Grissinger Parcel have been accessed by "Severance Drive" which extends to Columbia Road, such road as described and/or referenced in the Taylor Conveyances through reference to the following plats, (collectively, the "Taylor Plats" and attached hereto as **Exhibit A**):

a. A Plat dated November 15, 1951[1];

b. A Plat dated November 16, 1951[2]; and

[1] Recorded in the Official Records of Chester County, South Carolina in Plat Book I, at Page 1, on November 19. (The year of recording was not visible on this instrument).

c. A Plat dated November 27, 1951[3].

13. The Taylor Plats all reference and depict a common roadway or driveway known as Severance Drive.

14. Severance Drive is further depicted through the following instruments, collectively attached hereto as **Exhibit B**:

a. Plat of Survey dated March 28, 2012 and recorded in the Official Records of Chester County, South Carolina in Plat Book D183, at Page 8B, on May 16, 2012;

b. Plat of Survey dated June 27, 1988 and recorded in the Official Records of Chester County, South Carolina in Plat Book B102, at Page 2, on June 20, 1988; and

c. Plat of Survey dated December 9, 1997 and recorded in the Official Records of Chester County, South Carolina in Plat Book C130, at Page 9B, on March 11, 1998.

15. Severance Drive is additionally described or referenced in the following instruments, collectively attached hereto as **Exhibit C**:

a. That certain Deed dated November 19, 1951 and recorded in the Official Records of Chester County, South Carolina in Deed Book 371, at Page 79, on November 19, 1951, and referencing Severance Drive as a "common roadway";

b. That certain Deed dated November 19, 1951 and recorded in the Official Records of Chester County, South Carolina in Deed Book 371, at Page 95, on November 24, 1951, and referencing Severance Drive as a "Common Roadway";

c. That certain Deed of Distribution dated October 3, 1997 and recorded in the Official Records of Chester County, South Carolina in Deed Book 724, at Page 176, on

[2] Recorded in the Official Records of Chester County, South Carolina in Plat Book I, at Page 4, on November 24, 1951.
[3] Recorded in the Official Records of Chester County, South Carolina in Plat Book I, at Page 45, on November 3, 1952.

October 7, 1997, and referencing Severance Drive as a "common roadway"; and

d. That certain Deed dated October 18, 1952 and recorded in the Official Records of Chester County, South Carolina in Deed Book 373, at Page 92, on November 3, 1952, referencing Severance Drive as a "common driveway".

16. Upon information and belief, a portion or all of Severance Drive was maintained by Chester County, including the graveling of Severance Drive most recently in 2014, subsequent to the Taylor Conveyances.

17. In 2014, Defendant Grissinger placed various impediments on Severance Drive, including vehicles and a shed, thereby blocking Piper's access to the Landlocked Parcel from Columbia Road, as previously provided by Severance Drive, such impediments as shown in attached **Exhibit D**.

18. Piper holds title to the Landlocked Parcel, which she obtained by Quitclaim Deed from Dennis Rousey and Rosemary Rousey dated August 19, 2014 and recorded in the Official Records of Chester County, South Carolina in Deed Book 1106, at Page 294, on August 19, 2014.

19. Severance Drive is the only means of access to the Landlocked Parcel, no other road, right-of-way, or other means of access exists.

20. The Landlocked Parcel does not abut a public road or a public right-of-way.

Servient Parcels

21. The Defendants herein named, have or may claim to have some interest in the real property known as Severance Drive which extends from U.S. Highway 321 to the Landlocked Parcel.

22. Defendant Grissinger is the owner of that certain parcel of land as evidenced by that certain Deed dated June 26, 2000 and recorded in the Official Records of Chester County, South Carolina in Deed Book 781, at Page 322, on August 7, 2000, and described as follows:

All that certain piece, parcel or lot of land, with dwelling and any and all other improvements thereon, lying and being situate in the County of Chester, South Carolina, about 2.5 miles South of the City of Chester on the West side of Columbia Road, containing one (1) acre, more or less, and having such courses and distances, metes and bounds, as shown on a plat made by L.H. Melton, C.E. dated August 31, 1955, recorded in Plat Book "J" at Page 44 in the Office of the Clerk of Court for Chester County, and incorporated hereto by reference.

(the "Grissinger Parcel" or "Servient Parcel One")

23. Defendant Hardee is the owner of that certain parcel of land as evidenced by that certain Tax Deed dated March 19, 1999 and recorded in the Official Records of Chester County, South Carolina in Deed Book 754, at Page 88, on March 22, 1999, and described as follows:

All that certain piece, parcel or lot of land with any and all improvements thereon containing approximately 4.00 acres, more or less situate, lying and being on Columbia Road, south of the City of Chester, Chester County, S.C. and is bounded now or formerly as follows: on the North by Keenon; on the East by Columbia Road; on the South by Young, Shirley, and Gaddy.

(the "Hardee Parcel" or "Servient Parcel Two")

24. Defendant Lesondak is the owner of that certain parcel of land as evidenced by that certain Special Warranty Deed dated April 15, 2013 and recorded in the Official Records of Chester County, South Carolina in Deed Book 1078, at Page 94, on May 6, 2013, and described as follows:

All that certain piece, parcel, or tract of land, with any and all improvements thereon, situate, in the County of Chester, State of South Carolina, about 2.5 miles south of the City of Chester, on Columbia Road, also known as U.S. Highway 321 and being shown on a plat of survey for Frank William Young as a 3.975 acres tract on a plat of survey by Hipp Land Surveying, Inc. dated December 9, 1997, which plat is recorded in Plat Cabinet "C" at Slide 130 at Page 9B and having such courses and distances, metes and bounds, as are shown on the said plat, which plat is incorporated herein by reference.

(the "LesondakParcel" or "Servient Parcel Three"); (Servient Parcel One, Servient Parcel Two, and Servient Parcel Three sometimes referred to collectively as the "Servient Parcels").

25. The Landlocked Parcel does not have legal access to a public road or public right-of-way. The nearest public road is Columbia Road. One must cross over and through the Servient Parcels in order to access the public road, Columbia Road, from the Landlocked Parcel.

26. The Servient Parcels are a portion of the Taylor Parcel as devised, as referenced above.

FOR A FIRST CAUSE OF ACTION
(Declaratory Judgment – Easement Implied by Prior Use)

27. Each and every allegation contained in the above paragraphs is realleged as if set forth verbatim herein.

28. Severance Drive was used by Plaintiff and her predecessors in interest to access the Landlocked Parcel from Columbia Road until Defendant placed impediments on Severance Drive blocking access to the Landlocked Parcel.

29. Plaintiff and her predecessors in interests' use of Severance Drive was not merely temporal or casual, was apparent or known, and necessary in that there could be no other reasonable mode of enjoying the Landlocked Parcel, and Plaintiff's predecessors-in-interest indicated an intent to continue to use, and allow any successors-in-interest, including Plaintiff, to continue to use Severance Drive to access the Landlocked Parcel.

30. Based on the foregoing, Plaintiff is entitled to an easement for ingress, egress, and access, both vehicular and pedestrian, over the Servient Parcels to the Landlocked Parcel, by way of Severance Drive, which easement shall run with the land.

FOR A SECOND CAUSE OF ACTION
(Declaratory Judgment – Easement by Necessity)

31. Each and every allegation contained in the above paragraphs is realleged as if set forth verbatim herein.

32. The Taylor Parcel had unity of title with access to a public road, Columbia Road, until the Taylor Conveyances described above were made.

33. By virtue of the conveyance by and between Andrew J. Taylor, as grantor, and Zelma Taylor Miller, as grantee, dated October 18, 1952 and recorded in the Official Records of Chester County, South Carolina in Deed Book 373, at Page 92, on November 3, 1952, title was severed and access to a public road was lost.

34. Zelma Taylor Miller and her successors in interest needed, and it was reasonably and actually necessary, to have an easement of right-of-way over another's land, including the Servient Parcels as they exist today, in order to access a public road. Plaintiff today needs an easement of right-of -way over the Servient Parcels to access a public road, and this is actually and reasonably necessary.

35. By severing the Landlocked Parcel, Taylor had an obligation to provide and intended through implication of law to provide Zelma Taylor Miller and her successors-in-interest, including Plaintiff, a right-of-way over and across those other portions of the Taylor Parcel, including the Servient Parcels, to a public road.

36. Based on the foregoing, Plaintiff is entitled to an easement for ingress, egress, and access, both vehicular and pedestrian, over the Servient Parcels to Columbia Road, which easement shall run with the land.

FOR A THIRD CAUSE OF ACTION
(Declaratory Judgment – Prescriptive Easement)

37. Each and every allegation contained in the above paragraphs is realleged as if set forth verbatim herein.

38. Plaintiff, and her predecessors-in-interest, have used Severance Drive to access a

public road adversely and under a claim of right continuously for at least sixty-two (62) years.

39. The use of Severance Drive by those with interest in the Landlocked Parcel has been open, notorious, continuous, and uninterrupted.

40. Based on the foregoing, Plaintiff is entitled to an easement for ingress, egress, and access, both vehicular and pedestrian, over the Servient Parcels to Columbia Road, which easement shall run with the land.

WHEREFORE, having fully set forth its complaint, Plaintiff prays for judgment against the Defendants as provided by law and as follows:

1. Granting Plaintiff an easement implied by prior use as set forth in Plaintiff's First Cause of Action;

2. Granting Plaintiff an easement by necessity as set forth in Plaintiff's Second Cause of Action;

3. Granting Plaintiff a prescriptive easement as set forth in Plaintiff's Third Cause of Action;

4. For an award of attorney's fees and cost for the maintenance of this action against the Defendant Grissinger which has been occasioned by the Defendant Grissinger's actions and conduct; and

5. For such other and further relief in favor of Plaintiff as this Court may deem just and proper.

[*Signature Page Follows*]

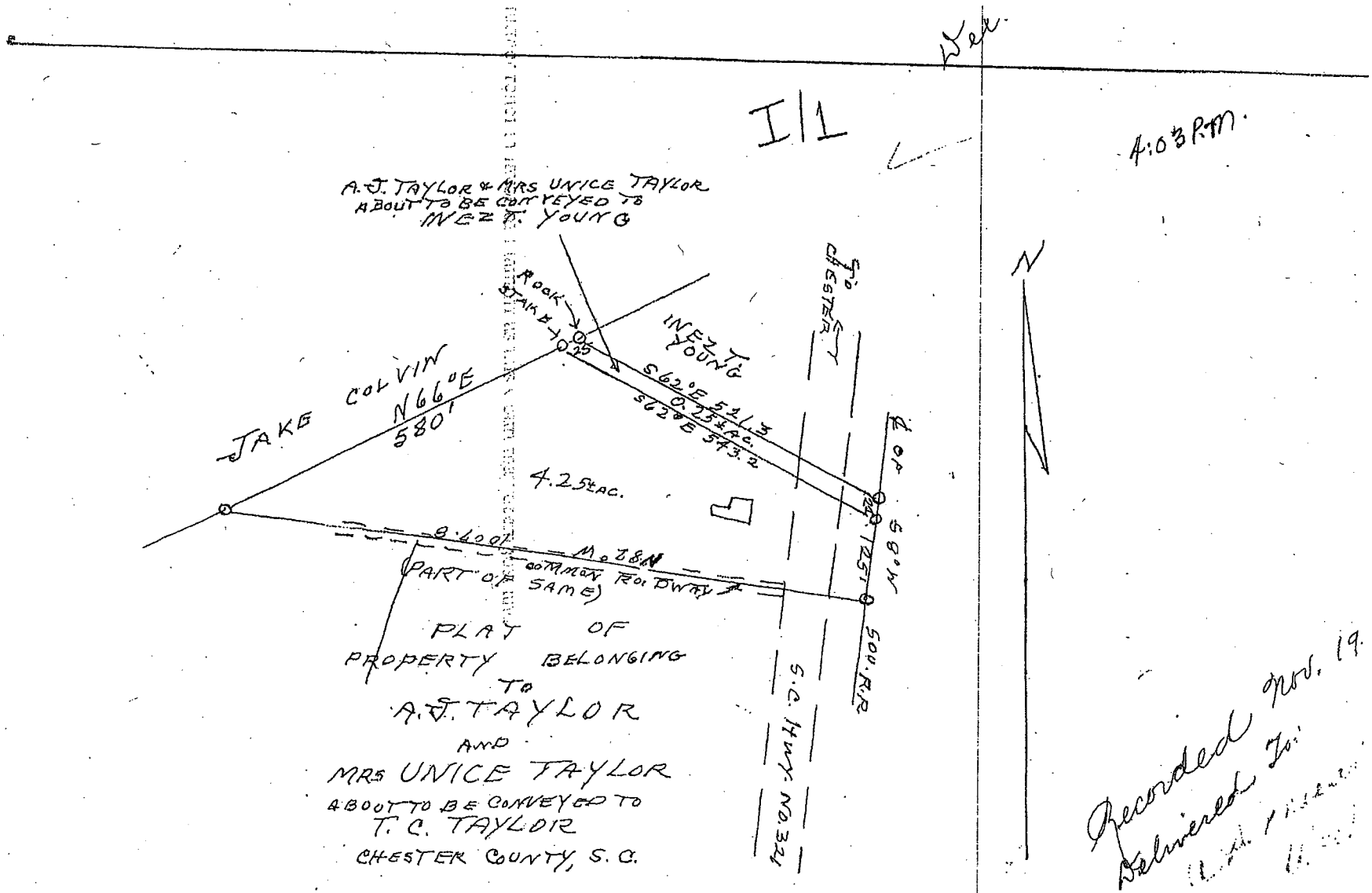
Rogers Lewis Jackson Mann & Quinn, LLC

By: _____
Jessica Clancy Crowson, Esquire
SC Bar No. 68626
P.O. Box 11803 (29211)
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Columbia, SC 29201
T: 803-978-2837
F: 803-252-3653
jcrowson@rogerslewis.com
Attorney for Plaintiff

Columbia, South Carolina
January 16, 2015

CLERK OF COURT
CHESTER CO S.C.
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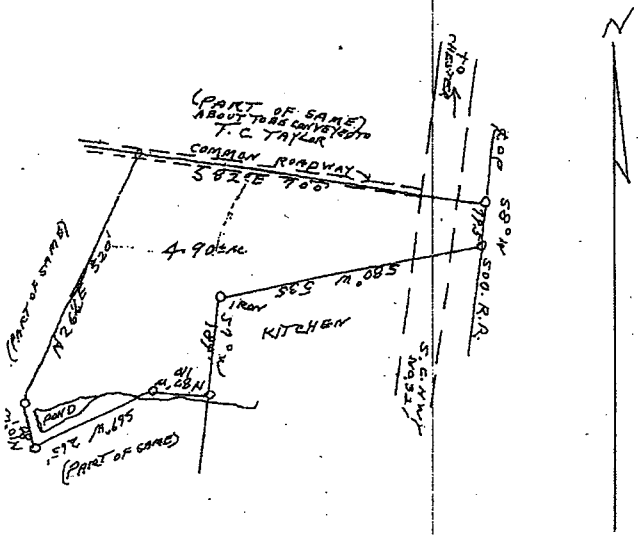
Exhibit A


I 1
A. J. TAYLOR & MRS UNICE TAYLOR
ABOUT TO BE CONVEYED TO
INEZ F. YOUNG
Rock
Stake
INEZ YOUNG
S62.5°E 521.4
0.25 Ac.
S62°E 543.2
JAKE COLVIN
N66°E
580'
4.25 Ac.
S.C. HWY. NO. 21
S 68° W
500.8'
0.100 Ac.
M. & R.
(PART OF SAME)
PLAT OF
PROPERTY BELONGING
TO
A. J. TAYLOR
AND
MRS UNICE TAYLOR
ABOUT TO BE CONVEYED TO
T. C. TAYLOR
CHESTER COUNTY, S. C.
Nov. 15, 1951
SCALE 1" = 200
L. H. MELTON
N
4:03 P.M.
Recorded Nov. 19
Delivered To:

I/p 4

11:50 A.m.

4



PLAT OF
PROPERTY BELONGING
TO
A.J. TAYLOR
AND
MRS. UNICE TAYLOR
ABOUT TO BE CONVEYED TO
LUCILLE T. SEVERANCE
CHESTER COUNTY, S.C.

NOV. 16, 1951

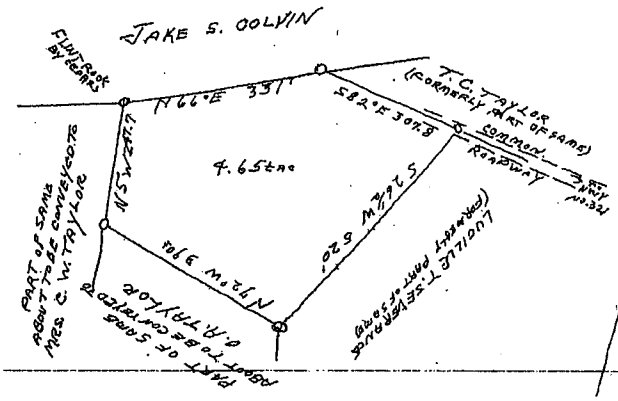
SCALE 1" = 200'
L.H. MELTON

Recorded
November 24, 1951
Delivered To:

20

-/p45

11:58 a.m.



PLAT OF
PROPERTY BELONGING
TO
A.J. TAYLOR
AND
MRS. UNICE TAYLOR
ABOUT TO BE CONVEYED TO
MRS. M. H. MILLER
CHESTER COUNTY, S.C.

Nov. 27, 1951

SCALE 1" = 200'
C. H. MELTON

Zelma

Recorded 27 November 3, 1952
Delivered To:

Exhibit B

D-183/8B

Cab D Slide 183 Pg 8B

PLAT OF SURVEY FOR

DENNIS C. & ROSEMARY ROUSEY

CHESTER TOWNSHIP, CHESTER COUNTY, SOUTH CAROLINA

MARCH 28, 2012

REFERENCES; TAX MAP #080-03-04-010

D.B.944 PG.278; P.B."I"PG.45

201200072583
Filed for Record in
CHESTER COUNTY SC
SUE K. CARPENTER, CLERK OF COURT
05-16-2012 At 03:38:33 pm.
PLAT 10.00
Volume Page

MAGNETIC NORTH

T.M.#80-3-4-6
JEFFERY W.KEENON
D.B.580 PG.271

T.M.#80-3-4-20
FRANK L.WRIGHT-LE
JEAN D.WRIGHT-LE
D.B.891 PG.102
CAB."D"S-6 PG.5B

T.M.#80-3-4-7
WILLIAM P.HARDEE
D.B.754 PG.4

HAMILTON, DELLENEY & GRIER, P.A.
ATTORNEYS AT LAW
P.O. BOX 808
CHESTER, SC 29706-0808

N 70°11'50" E 261.67'

S 77°51'46" E 308.27'

N 70°11'50" E 88.32'

S 78°23'57" W 11.77'

N 00°59'37" W 194.17'

N 00°59'37" W 64.37'

N 68°45'52" W 387.58'

S 30°34'28" W 218.61'

S 30°28'26" W 298.58'

4.796 ACRES

NOTE; SHOWN AS A COMMON ROAD (P.B."I"PG.45; P.B."J"PG.44; P.B."I"PG.4)

SEVERANCE DRIVE

GRAVEL DRIVE

S 60°35'21" E 420.88'

T.M.#80-3-4-9
KERRY GRISSINGER
D.B.781 PG.322; P.B."J"PG.44

T.M.#80-3-4-8
DOROTHY JEAN JOHNSON
D.B.984 PG.125; CAB."C"S-130 PG.98

frame house

HAMILTON, DELLENEY & GRIER, P.A.
ATTORNEYS AT LAW
P.O. BOX 808
CHESTER, SC 29706-0808

T.M.#80-3-4-17
JOHN RICE
D.B.1003 PG.194
CAB."C"S-165 PG.3B

T.M.#80-3-4-24
DENNIS C.ROUSEY
ROSEMARY ROUSEY
D.B.602 PG.60; P.B.1 PG.281
P.B."J"PG.34

TO CHESTER

TO LANCASTER ROAD

U.S.321

NOTE:
EIP = EXISTING IRON PIN
NIP = NEW IRON PIN
PK = PK NAIL
RR = RAILROAD SPIKE
P.P. PINCHED PIPE

NO NEW LOTS OR LINES ESTABLISHED

HIPP LAND SURVEYING, INC.
3574 VICTORIAN HILLS DRIVE
RICHBURG, S.C. 29729
PHONE (803) 789 3716

1"=100'

100 0 100 200 300

GRAPHIC SCALE - FEET

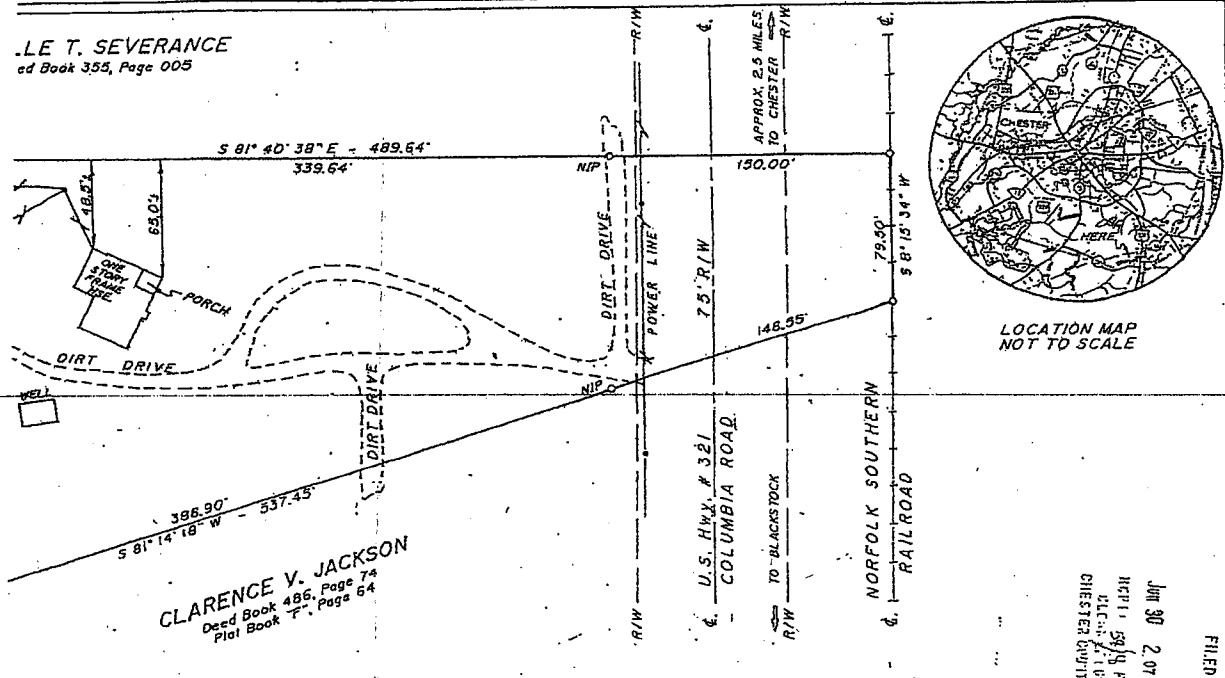
SOUTH CAROLINA
HIPP LAND
SURVEYING
AUTHORIZATION

THE INFORMATION SHOWN HEREON IS THE RESULT OF A SURVEY PERFORMED UNDER THE SUPERVISION OF WILLIAM V. HIPP AND WAS COMPLETED ON THE DATE SHOWN ABOVE. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED UNDER THE CODE OF LAWS OF SOUTH CAROLINA, TITLE 40, CHAPTER 21, AND IS OF CLASS A STANDARD USE AREA OF 4.796 ACRES WAS DETERMINED USING THE D.M.D. METHOD. BEARINGS AND/OR DISTANCES AS SHOWN, ENCROACHMENTS ARE AS SHOWN. UNLESS NOTED, STRUCTURES ARE NOT WITHIN A SPECIAL FLOOD HAZARD AREA AS SCALED BY FEMA MAPS.

WILLIAM V. HIPP, P.L.S. 17567

B-102/2

102-92



FILED

Jun 30 2 07 PM '88

CHESTER COUNTY, S.C.

PLAT OF SURVEY FOR

E. P. SEVERANCE

BEING A 4.012 ACRE TRACT
LOCATED ON U.S. # 321

CHESTER TOWNSHIP,
CHESTER COUNTY,
SOUTH CAROLINA

JUNE 27, 1988

Time 2:07 PM
Recorded 30 Day June 1988
Book 221 Page 2
Clerk of Court
Chester, S.C.

SCALE: 1" = 50'

0' 25' 50' 100' 150' 200'

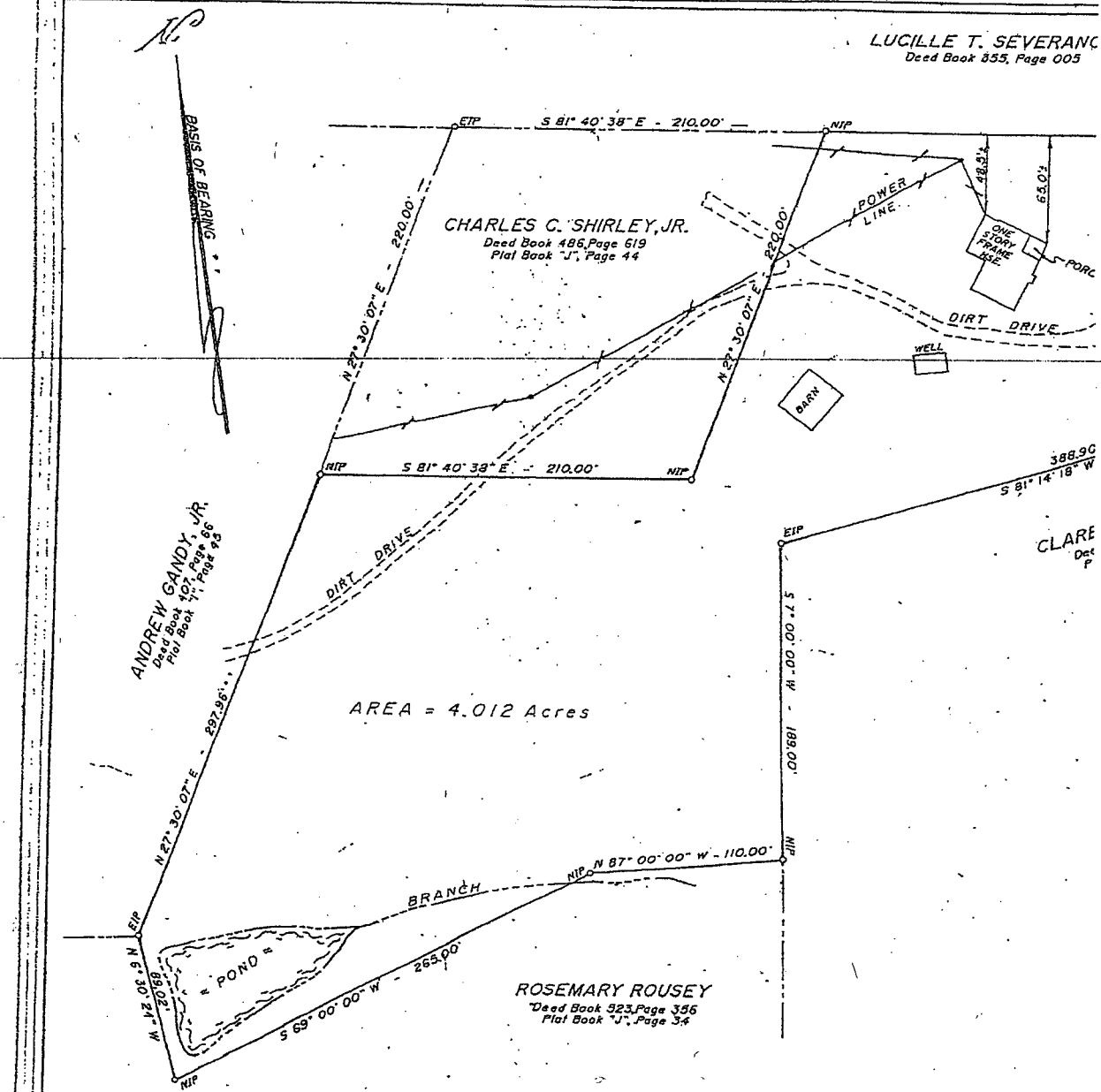
RTIFY THAT THE RATIO OF
THE UNADJUSTED FIELD
110,000 AND THAT THE
MPUTED BY THE D.M.D.

RTIFY THAT THIS PLAT REPRESENTS
IELD SURVEY BY ME THIS DATE AND
BEST OF MY KNOWLEDGE, THERE
OACHMENTS OR PROJECTIONS
SHOWN AND THAT THE STRUCTURES
NOT LOCATED IN A SPECIAL FLOOD
UNLESS NOTED.

ODWARD R.L.S. 8513

162-02

B-102|2



I HEREBY CERTIFY THAT THE RATIO OF PRECISION OF THE UNADJUSTED FIELD SURVEY IS 1 IN 10,000 AND THAT THE AREA WAS COMPUTED BY THE D.M.D. METHOD.

I HEREBY CERTIFY THAT THIS PLAT REPRESEN AN ACTUAL FIELD SURVEY BY ME THIS DATE AN THAT, TO THE BEST OF MY KNOWLEDGE, THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN AND THAT THE STRUCTURE SHOWN ARE NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE UNLESS NOTED.

EDWARD F. WOODWARD R.L.S. 8613

222 SALUDA STREET
ROCK HILL, SOUTH CAROLINA
PHONE: 803-324-2475

NOTE :
EIP = EXISTING IRON FOUND
NIP = NEW IRON REBAR SET

C-130/9B

Cab C Slide 130 Pg 9B

Cab C Slide 130 Pg 9B

PLAT OF SURVEY FOR
FRANK WILLIAM YOUNG
BEING A 3.975 ACRE TRACT
LOCATED ON SOUTHERN RAILROAD & U.S. 321
CHESTER TOWNSHIP, CHESTER COUNTY, SOUTH CAROLINA
DECEMBER 9, 1997

REFERENCE: TAX MAP #80-3-4-8
D.B. 724 PG. 178 P.B. "J" PG. 4

FILED, RECORDED, INDEXED
03/11/1998 02:39P
Rec Fees: 10.00 St Fees: 0.00
Co Fees: 0.00 Pages: 1
Clerk of Court
Sue C. Carpenter

Book: 0007908 Pg:

The subdivision plat shown hereon has been found to comply with the Chester County Land Development Regulations and has been APPROVED FOR RECORDING in the Clerk of Court of Chester County, South Carolina.

3/16/98
Chester County Planning Commission

MAGNETIC NORTH

R/W

TAX MAP #80-3-4-7
LUCILLE T. SEVERANCE ET AL.
D.B. 356 PG. 6

1" PIPE(F)

S 82°00'00" E 209.68'

NOTE: COMMON ROADWAY SHOWN ON OLD PLATS NOT OPEN

1/2" PIPE(F)

S 82°00'00" E 485.34'

MAG NAIL FOUND

TAX MAP #80-3-4-9
CHARLES C. SHIRLEY, JR.
KAREN R. SHIRLEY
D.B. 486 PG. 619 P.B. "J" PG. 44

N 25°27'02" E 218.19'

N 25°20'53" E 218.84'

166.18'

SEVERANCE DRIVE (COUNTY DIRT DRIVE)

MAG NAIL FOUND

MAG NAIL FOUND

U.S. HWY. 321

S 03°10'45" W 791.21'

TAX MAP #80-3-4-10
ANDREW J. GANDY
307 PG. 66 P.B. "J" PG. 45

1/2" PIPE(F)

S 81°56'23" E 209.94'

1/2" PIPE(F)

#5 REBAR(F) S 48.30'

S 79°07'14" W 537.15'

1/2" PIPE(F)

N 25°20'30" E 238.52'

3.975 ACRES

TAX MAP #80-3-4-27
CLARENCE V. JACKSON, JR.
PAULETTE L. JACKSON
D.B. 666 PG. 36 P.B. "F" PG. 64

S 08°56'13" W 617.12'

#5 REBAR(F)

#5 REBAR(F)

S 81°56'46" W 109.94'

1/2" PIPE(F)

POND

N 08°48'17" W 79.93'

S 73°45'32" W 257.00'

1" PIPE(F)

TAX MAP #80-3-4-24
DENNIS C. ROUSEY
ROSEMARY ROUSEY
D.B. 602 PG. 60 D.B. 523 PG. 356
P.B. "J" PG. 34 P.B. 1 PG. 281

1" = 100'

100 0 100 200 300

GRAPHIC SCALE - FEET

N 47°09'26" W 6.41'

1" Pipe(F)

#5 Rebar(F)

S 42°50'26" W 22.76'

LOCATION MAP N.T.S.

TROLL RD

HWY 321

MT. LAKEMORE ROAD

THE INFORMATION SHOWN HEREON IS THE RESULT OF A SURVEY PERFORMED UNDER THE SUPERVISION OF WILLIAM V. HIPP, AND WAS COMPLETED ON THE DATE SHOWN ABOVE. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED UNDER THE CODE OF LAWS OF SOUTH CAROLINA, TITLE 40, CHAPTER 21, AND IS OF CLASS-A STANDARD. THE CAROLINA, TITLE 40, CHAPTER 21, AND IS OF CLASS-A STANDARD. THE AREA (IF SHOWN) WAS DETERMINED USING THE D.M.D. METHOD. BEARINGS WERE RECKONED AS SHOWN. ENCROACHMENTS ARE AS SHOWN, UNLESS NOTED STRUCTURES ARE NOT WITHIN A SPECIAL FLOOD HAZARD ZONE ACCORDING TO FEMA MAPS.

NOTE:
EIP = EXISTING IRON PIN
NIP = NEW IRON PIN
PK = PK NAIL
RR = RAILROAD SPIKE

HIPP LAND SURVEYING
3574 VICTORIAN HILLS DRIVE
RICHBURG, S.C. 29729
PHONE (803) 789 3716

Exhibit C

BOOK NO. 371 4:03 PM 371/79

TITLE TO REAL ESTATE

Andrew J. Taylor

TO

T.C. Taylor

STATE OF SOUTH CAROLINA
County of Chester

KNOW ALL MEN BY THESE PRESENTS, That I, Andrew J. Taylor, of the County and State aforesaid, in consideration of the assumption of the mortgage indebtedness due by me under mortgage recorded Clerk's Office Chester County, S.C., Book 309, page 111, love and affection I bear to my son, T.C. Taylor, and in further consideration of the sum of $1.00 to me paid by T.C. Taylor,

of the County of Chester, and State of South Carolina, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said T.C. Taylor, however reserving to myself and my wife, Eunice Taylor or the survivor, a life estate in and to:

ALL the following described real estate, to wit:

ALL that certain piece, parcel or tract of land, situate in said County and State about 2½ miles South of the City of Chester, on the Western side of the Columbia Road, containing 4.25 acres, together with the dwelling house and other improvements thereon, and bounded by said road, lands of M.E. White now or formerly and by lands now or formerly of R.M. White, and having the following courses and distances, metes and bounds, to wit: Beginning at stake in the Southeast corner of said land on Southern Railroad, and running thence across S.C. Hwy 321, along a common roadway N. 82° W. 1007.8 ft. to stake on line of lands of Jake Colvin, thence along Colvin's line N. 66° E. 580 ft. to stake on corner of .25 acre strip to be conveyed to Inez T. Young, thence along said .25 acre strip S. 62° E. 543.2 ft. across said S.C. Highway No. 321 to stake on Southern Railroad, thence along center of said Southern Railway S. 8° W. 125 ft. to beginning corner, the present boundaries according to recent plat being on the North by lands of Inez T. Young, East by Southern Railway, South by other lands of Andrew J. Taylor, and West by lands of Jake Colvin, all of which will more fully appear by reference to plat of same made by L.H. Melton, C.E., dated Nov. 15, 1951, being a part of the identical lands conveyed to me by Thomas C. Taylor by deed dated Oct. 20, 1947, duly recorded in Clerk's Office Chester County, S.C., in Book 360, page 66.

Plat recorded Plat Book 'L' page 1

**however reserving to myself and my wife, Eunice Taylor, or the survivor, a life estate in and to said premises.

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 T.C. Taylor, his** 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 T.C. Taylor, his heirs and assigns against me and my heirs, and all persons whomsoever lawfully claiming or to claim the same or any part thereof, however, reserving to myself and my wife, Eunice Taylor, or the survivor a life estate in and to said premises.

Witness my hand and seal, this 19 day of November in the year of our Lord one thousand nine hundred and fifty-one, and in the one hundred and 76th year of the independence of the United States of America.

Signed, Sealed and Delivered in the Presence of

Angus H.Macaulay
Jennie M. Oates

Revenue Stamps $ $

Andrew J. Taylor (L. S.)

STATE OF SOUTH CAROLINA, County of Chester.

Personally appeared before me Jennie M. Oates and made oath that she saw the within-named Andrew J. Taylor his sign, seal, and as act and deed, deliver the within-written Deed, and that she, with Angus H.Macaulay, witnessed the execution thereof.

Sworn to Before Me, This 19 day of November, A. D. 1951

Angus H.Macaulay (Notary Seal) (SEAL)
Notary Public for South Carolina.

Jennie M. Oates

STATE OF SOUTH CAROLINA, County of Chester.

RENUNCIATION OF DOWER

I, Angus H.Macaulay, a Notary Public for South Carolina, do hereby certify unto all whom it may concern, that Mrs. Eunice Taylor the wife of the within-named Andrew J. Taylor, his 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 T.C. Taylor, 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 19 day of November, A. D. 1951

Angus H.Macaulay (Notary Seal) (SEAL)
Notary Public for South Carolina.

Eunice R. Taylor

r 11-19-51

BOOK NO. 371 11:49 A.M. 371/95

TITLE TO REAL ESTATE

✓Andrew J. Taylor

✓ TO

Lucille T. Severance

STATE OF SOUTH CAROLINA
County of Chester

KNOW ALL MEN BY THESE PRESENTS, That I, Andrew J. Taylor, of the County and State aforesaid, in consideration of the aforesaid the love and affection I bear to my daughter, Lucile T. Severance, and in further consideration of the sum of $1.00 to me paid by Lucille T. Severance, of the County of Chester, and State of South Carolina, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said Lucille T. Severance,

ALL the following described real estate, to wit:

ALL that certain piece, parcel or tract of land, situate in said County and State about 2½ miles South of the City of Chester, on the western side of Columbia Road, containing 4.90 acres, and having the following courses and distances, metes and bounds, to wit: Beginning at stake in center of Southern Railway at the Southeast corner, and running thence across S.C. Hwy. 321 S. 80° W. 535 ft. to stake, iron, thence S. 7° W. 189 ft. to stake, thence N. 87° W. 110 ft. to Stake, thence S. 69° W. 265 ft. to stake, thence N. 10° W. 80 ft. to stake, thence N. 26½° E. 520 ft. to stake in Common roadway between this lot and Lot conveyed to T.C. Traylor; thence along said Common Roadway S. 82° E. 700 ft. across S.C. Hwy. 321 to stake in center of Southern Railway, thence along Southern Railway S. 8° W. 79.5 ft. to stake in center of Southern Railway, the beginning corner, bounded on the North by common roadway between this lot and lands of T.C. Taylor, on the East by Southern Railway, on the South by lands of Kitchen and other lands of Andrew J. Taylor, and on the West by other lands of Andrew J. Taylor, all of which will more fully appear by reference to plat of same made by L.H. Melton, C.E., dated Nov. 16, 1951, and being a part of the lands conveyed to Thomas C. Taylor by deed dated Oct. 20, 1947, duly recorded Clerk's Office Chester County, S.C., in Book 360, page 66.

Plat recorded Plat Book "I" at page 4.

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 Lucille T. Severance, her 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 Lucille T. Severance, her heirs and assigns against me and my heirs, and all persons whomsoever lawfully claiming or to claim the same or any part thereof.

Witness my hand and seal, this 19 day of November, in the year of our Lord one thousand nine hundred and Fifty-five and in the one hundred and 76th year of the Independence of the United States of America.

Signed, Sealed and Delivered in the Presence of:

Angus H. Macaulay

Jennie M. Oates

Revenue Stamps $ $

Andrew J. Taylor (L. S.)

(L. S.)

(L. S.)

(L. S.)

(L. S.)

(L. S.)

(L. S.)

(L. S.)

(L. S.)

STATE OF SOUTH CAROLINA, County of Chester.

Personally appeared before me Jennie M. Oates and made oath that she saw the within-named Andrew J. Taylor, sign, seal, and as his act and deed, deliver the within-written Deed, and that she, with Angus H. Macaulay, witnessed the execution thereof.

Sworn to Before Me, This 19 day of November, A. D. 195 1.

Angus H. Macaulay (NOTARY SEAL) (SEAL) Jennie M. Oates

Notary Public for South Carolina.

STATE OF SOUTH CAROLINA, County of Chester.

RENUNCIATION OF DOWER

I, Angus H. Macaulay, a Notary Public for South Carolina, do hereby certify unto all whom it may concern, that Mrs. Eunice Taylor, the wife of the within-named Andrew J. Taylor 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 Lucille T. Severance, her 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 19 day of November, A. D. 195 1.

Angus H. Macaulay (Notary Seal) (SEAL) Eunice R. Taylor

Notary Public for South Carolina.

Audited November 24th, 195 1., in Book G, Page 626 John H. McDowell
Auditor Chester County, S. C.

Recorded November 24th, 195 1. Delivered to A. T.

Prepared by: GASTON & MARION, P. A.
Attorneys at Law
P. O. Drawer 608
Chester, SC 29706
Phone: (803) 385-2114

00059838 Bk 724 Pgs. 4 Pgs. 0176

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

PROBATE COURT

IN THE MATTER OF: EGLESTON PAUL SEVERANCE, DECEASED

CASE NUMBER 93ES1200056

FILED, RECORDED, INDEXED
10/07/1997 10:22R
Rec Fees 10.00 St Fees 0.00
Co Fees 0.00 Pages 2
Clerk of Court
BY: Carpenter

DEED OF DISTRIBUTION

WHEREAS, the decedent died on the 1st day of August 19 87 and,

WHEREAS, the estate of the decedent is being administered in the Probate Court for Chester County, South Carolina in File # 93ES1200056 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: Ann L. AImers, f/k/a Ann L. Winters, f/k/a Ann L. Barrinau, Milidge P.
Address: Lee, a/k/a Paul Lee, Robert Michael Lee and William Severance Lee

the following described property:

ALL that certain piece, parcel or tract of land, situate in said County and State about 2½ miles south of the City of Chester, on the western side of Columbia Road, containing 4.90 acres, and having the following courses and distances, metes and bounds, to-wit: Beginning at stake in center of Southern Railway at the southeast corner, and running thence across S. C. Highway 321 S 60° W 535 feet to stake, iron, thence S 70° W 189 feet to stake, thence N 87° W 110 feet to stake, thence S 69° W 265 feet to stake, thence N 10° W 80 feet to stake, thence N 26½° E 520 feet to stake in Common roadway between this lot and lot conveyed to T. C. Traylor; thence along said Common roadway S 82° E 700 feet across S. C. Highway No. 321 to stake in center of Southern Railway, thence along Southern Railway S 8° W 79.5 feet to stake in center of Southern Railway, the beginning corner, bounded on the North by common roadway between this lot and lands of T. C. Taylor, on the East by Southern Railway, on the South by lands of Kitchen and other lands of Andrew J. Taylor, and on the West by other lands of Andrew J. Taylor, all of which will more fully appear by reference to plat of same made by L. H. Melton, C.E., dated November 16, 1951, and being the identical property conveyed to Lucille T. Severance by deed of Andrew J. Taylor dated November 19, 1951, recorded November 24, 1951, in Deed Book 371 at Page 95. Plat recorded in Plat Book "I" at Page 4. The said Lucille T. Severance died testate and under Item II of her Last Will and Testament dated October 16, 1972, which is on file in the office of the Probate Judge for Chester County, S. C., in File No. 84ES1200214, she devised the above described property to her husband, Egleston Paul Severance. The said Egleston Paul Severance died August 1, 1987, and under Item II of his Last Will and Testament dated October 16, 1972, which is on file in the office of the Judge of Probate for Chester County, S. C., in File No. 93ES1200056, he devised the above described property unto his wife, Lucille Taylor Severance and if she not be alived at the time of his death, under Item IV he devised the above described property unto his grandchildren, Ann L. Barrinau, Milidge P. Lee, Robert Michael Lee and William Severance Lee. All in the office of the Clerk of Court for Chester County, S. C., unless otherwise specified.

FORM RMPC (7/98)
GRAPHIC PRESS/3431 Dutch Square, West Columbia, South Carolina 29169/(803) 796-0207

0005030 Bk: 0724 Pg: 0177

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises/Property belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises/Property unto the said Ann L. Almers, f/k/a Ann L. Winters, f/k/a Ann L. Barrineau, Milidge P. Lee, a/k/a Paul Lee, Robert Michael Lee and William Severance Lee, their heirs and assigns forever.

IN WITNESS WHEREOF, the undersigned, as Personal Representative of the estate of the decedent, has executed this Deed, this 3rd day of October 19 97

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Estate of: EGLESTON PAUL SEVERANCE

by Signature: John G. Huskins

John G. Huskins, Personal Representative

Witness: [signature]

Witness: Debra R. Bailey

I hereby certify that the within Deed has been this 9 day of Oct A. D. 19 97 Recorded in Book 9 of Deeds, District No.

Edward W Thomas Auditor

PROBATE for Chester County

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

PERSONALLY appeared before me W.L.D. Marion

and made oath that he/she saw the within named Personal Representative(s) sign, seal, and as his act and deed, deliver the within written Deed, and that he/she with Debra R. Bailey witnessed the execution thereof.

SWORN to before me this 3rd day of October 19 97

Witness Signature: [signature]

Debra R. Bailey
Notary Public for South Carolina
My Commission Expires: 5/5/99

LESS, that certain tract containing one (1) acre, more or less, and being shown on a plat of the property belonging to Lucille T. Severance by L. H. Melton, dated August 31, 1955, which plat is recorded in Plat Book "J" at Page 44, and being the identical property conveyed by the said Lucille T. Severance to Mrs. Unice S. Lee by deed dated and recorded February 20, 1956, in Deed Book 385 at Page 152 and later conveyed by Egleston Paul Severance to Michael D. Laws, et al. by deed dated May 28, 1976, recorded June 1, 1976, in Deed Book 481 at Page 77. All recording references being to the office of the Clerk of Court for Chester County, S.C.

CHESTER COUNTY ASSESSOR
DATE 10-8-97
TAX MAP NO. 90-3-4-8

FORM SSCPC (1/98)

GRAPHIC PRESS/3431 Dutch Square, West Columbia, South Carolina 29169/(803) 796-4207

PAGE 2 OF 2

BOOK NO. 678 11:58 A.M. 373/92

TITLE TO REAL ESTATE

A. J. Taylor

TO

Mrs. Zelma Taylor Miller

STATE OF SOUTH CAROLINA
County of Chester

KNOW ALL MEN BY THESE PRESENTS, That I, A. J. Taylor of the County and State aforesaid, in consideration of the love and affection I bear to my daughter, Zelma Taylor Miller and in further consideration of the sum of One ($1.00) DOLLARS to me paid by Zelma Taylor Miller, of the County of Chester, and State of South Carolina, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said Zelma Taylor Miller,

ALL the following described real estate, to wit:

ALL that certain piece, parcel or lot of land, situate in said County and State about 2½ miles South of the City of Chester, on the west side of Columbia Road, containing 4.65 acres, and having the following courses and distances, metes and bounds, to wit: Beginning at stake in center of Common Driveway to Highway No. 321 on line of lands of T.C. Taylor and of Lucille T. Severance, and running along Severance line S. 86½° W. 520 ft. to stake, corner of O. A. Taylor's land, thence with Taylor's line N. 72° W. 300 ft. to stake on corner of Mrs. C.W. Taylor's line thence along Mrs. C.W. Taylor's line N. 5° W. 247.7 ft. to flint rock by cedars, on line of lands of Jake S. Colvin, thence along Colvin's line N. 66° E. 351 ft. to stake on line of T.C. Taylor, thence along T.C. Taylor's line S. 82° E. 307.8 ft. to stake in Common Drive, the Beginning corner, bounded on the North by lands of Jake S. Colvin, on the East by lands of T.C. Taylor and common driveway to S.C. Hwy. 321, on the Southeast by lands of Lucille T. Severance, on the Southwest by lands of O.A. Taylor, and on the West by lands of Mrs. C.W. Taylor, all of which will more fully appear by reference to plat of same made by L. H.Melton, C.E., Nov. 27, 1951, and being a part of the lands conveyed to me by T.C. Taylor by deed dated October 20, 1947, duly recorded Clerk's Office for Chester County, S .C., in Book 360, page 66.

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 Zelma Taylor Miller, her 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 Zelma Taylor Miller, her heirs and assigns against me and my heirs, and all persons whomsoever lawfully claiming or to claim the same or any part thereof.

Witness my hand and seal, this 18 day of October, in the year of our Lord one thousand nine hundred and fifty-two, and in the one hundred and 77th year of the independence of the United States of America.

Signed, Sealed and Delivered in the Presence of
Angus H. Macaulay
Jeanie M. Oates

Revenue Stamps $ $

A. J. Taylor (L. S.)

STATE OF SOUTH CAROLINA, County of Chester.

Personally appeared before me Jennie M. Oates and made oath that she saw the within-named A. J. Taylor sign, seal, and as his act and deed, deliver the within-written Deed, and that she, with Angus H. Macaulay, witnessed the execution thereof.

Sworn to Before Me, This 18 day of October, A. D. 1952

Angus H. Macaulay (NOTARY SEAL) (SEAL) Jennie M. Oates

Notary Public for South Carolina.

STATE OF SOUTH CAROLINA, County of Chester.

RENUNCIATION OF DOWER

I, Angus H. Macaulay, a Notary Public for South Carolina, do hereby certify unto all whom it may concern, that Mrs. Eunice Taylor, the wife of the within-named A. J. Taylor 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 Zelma Taylor Miller, her 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 18 day of October, A. D. 195 2

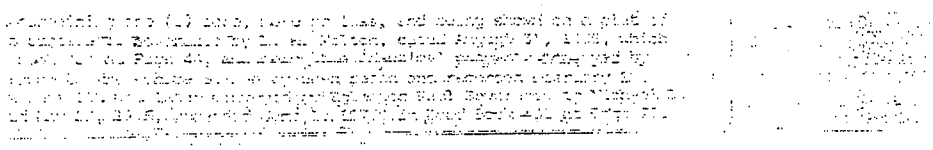
Angus H. Macaulay (Notary Seal) (SEAL) Eunice Taylor

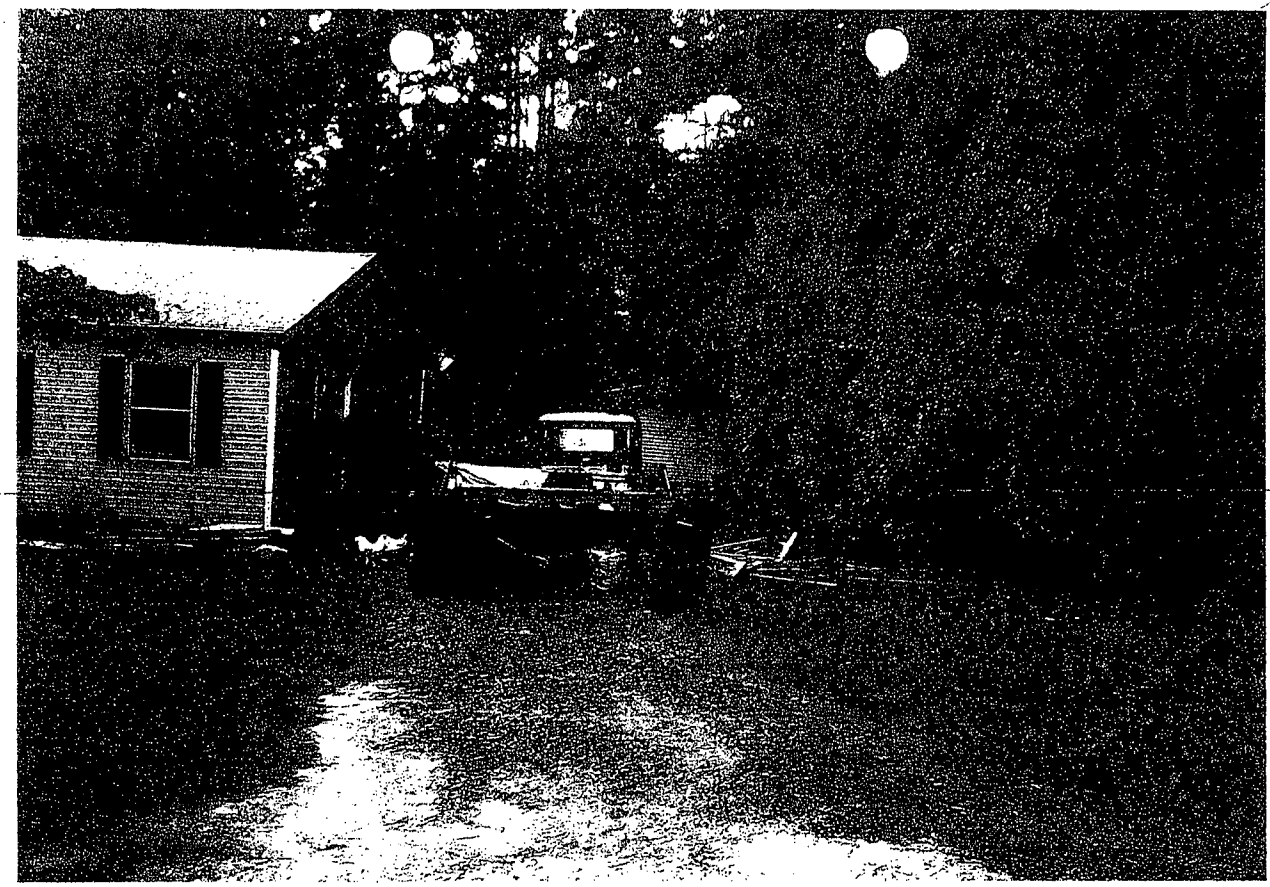
Notary Public for South Carolina.

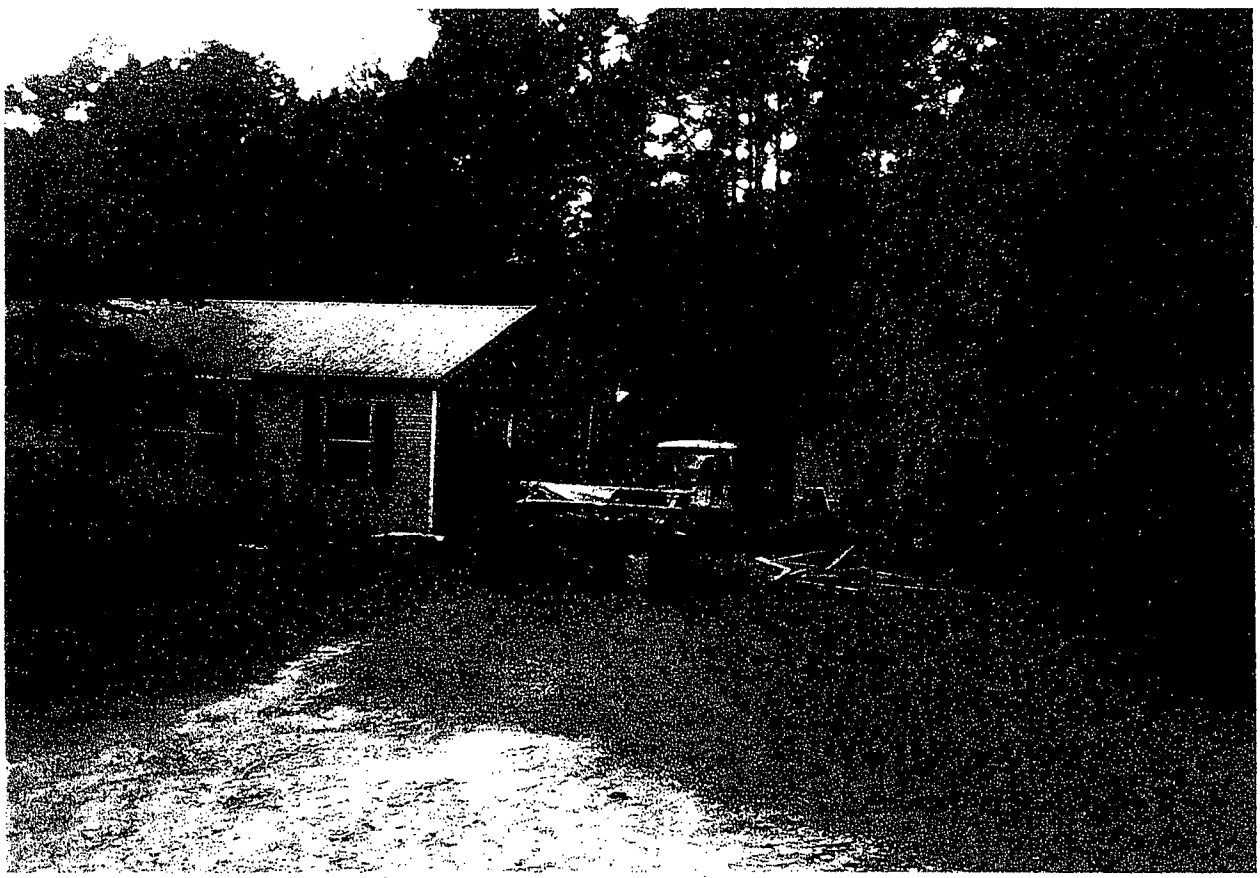
Audited November 3rd, 195 2, in Book 9, Page 152 C. B. Brawley
Auditor Chester County, S. C.

Recorded November 3rd, 195 2. Delivered to

Exhibit D







STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF CHESTER	C/A NO: 2015-CP- 12-00011
Heather Rousey Piper, Plaintiff, v. Kerry Grissinger, William P. Hardee, and Paul E. Lesondak Defendants.	**LIS PENDENS**

FILED
2015 JAN 20 P 1:44
CLERK OF COURT
CHESTER CO., S.C.

NOTICE IS HEREBY GIVEN that an action has been or will be commenced in the Court of Common Pleas for Chester County upon a Complaint of the above-named Plaintiff against the above-named Defendants to establish the existence of an easement.

The premises covered and affected by this action were, at the time of the making thereof and at the time of the filing of this Notice, described as follows:

Parcel No. 1: All that certain tract of land with any and all improvements thereon situate at the end of Severance Drive, lying to the west of Columbia Road South and containing 4.796 acres, more or less and is shown and designated on that certain plat of survey for Dennis C. Rousey and Rosemary Rousey by Hipp Land Surveying, Inc. recorded May 16, 2012 in Plat Cabinet "D", at Slide 183, at Page 8B and has such courses and distances, metes, and bounds as shown on said plat which said plat is incorporated herein by reference.

DERIVATION: This being the same property conveyed to Heather Rousey, n/k/a Heather Piper Rousey, by Quitclaim Deed from Dennis Rousey and Rosemary Rousey dated August 19, 2014 and recorded in the Official Records of Chester County, South Carolina in Deed Book 1106, at Page 294, on August 19, 2014.

ALSO: All that certain piece, parcel or lot of land, with dwelling and any and all other improvements thereon, lying and being situate in the County of Chester, South Carolina, about 2.5 miles South of the City of Chester on the West side of Columbia Road, containing one (1) acre, more or less, and having such courses and distances, metes and bounds, as shown on a plat made by L.H. Melton, C.E. dated August 31, 1955, recorded in Plat Book "J" at Page 44 in the Office of the Clerk of Court for Chester County, and incorporated hereto by reference.

DERIVATION: This being the same property conveyed to Kerry Grissinger by Deed from Charles C. Shirley, Jr. and Karen R. Shirley a/k/a Karen R. Hurst dated June 26, 2000 and recorded in the

Official Records of Chester County, South Carolina in Deed Book 781, at Page 322, on August 7, 2000.

ALSO: All that certain piece, parcel or lot of land with any and all improvements thereon containing approximately 4.00 acres, more or less situate, lying and being on Columbia Road, south of the City of Chester, Chester County, S.C. and is bounded now or formerly as follows: on the North by Keenon; on the East by Columbia Road; on the South by Young, Shirley, and Gaddy.

DERIVATION: This being the same property conveyed to William P. Hardee by Tax Deed from Phyllis C. Wilkes, Delinquent Tax Collector, dated March 19, 1999 and recorded in the Official Records of Chester County, South Carolina in Deed Book 754, at Page 88, on March 22, 1999.

ALSO: All that certain piece, parcel, or tract of land, with any and all improvements thereon, situate, in the County of Chester, State of South Carolina, about 2.5 miles south of the City of Chester, on Columbia Road, also known as U.S. Highway 321 and being shown on a plat of survey for Frank William Young as a 3.975 acres tract on a plat of survey by Hipp Land Surveying, Inc. dated December 9, 1997, which plat is recorded in Plat Cabinet "C" at Slide 130 at Page 9B and having such courses and distances, metes and bounds, as are shown on the said plat, which plat is incorporated herein by reference.

DERIVATION: This being the same property conveyed to Paul E. Lesondak by Special Warranty Deed from JPMorgan Chase Bank, N.A., dated April 15, 2013 and recorded in the Official Records of Chester County, South Carolina in Deed Book 1078, at Page 94, on May 6, 2013.

Rogers Lewis Jackson Mann & Quinn, LLC

By: _____
Jessica Clancy Crowson, Esquire
SC Bar No. 68026
P.O. Box 11803 (29211)
1330 Lady Street, Suite 400
Columbia, SC 29201
T: 803-978-2837
F: 803-252-3653
jcrowson@rogerslewis.com
Attorney for Plaintiff

FILED
2015 JAN 20 P 1:44
CLERK OF COURT
CHESTER CO S.C.

Columbia, South Carolina
January 16, 2015

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SIXTH JUDICIAL CIRCUIT
COUNTY OF CHESTER	)	
	)	Case No.: 2015-CP-12-00024
Heather Rousey Piper,	)	
Plaintiff,	)	ANSWER OF DEFENDANTS KERRY GRISSINGER AND PAUL E. LESONDAK
vs.	)	
	)	
Kerry Grissinger, William P. Hardee, and Paul E. Lesondak,	)	**(JURY TRIAL REQUESTED)**
Defendants.	)	

Comes now the Defendants, Kerry Grissinger and Paul E. Lesondak, issuing their Answer to the Plaintiff's Complaint as follows

1. All matters set forth in the Complaint which are not hereinafter specifically admitted, are hereby specifically denied.

2. The Defendants admit so much of paragraph 5 as that alleges the property that is the subject of this action is located in Chester County, South Carolina.

3. The Defendants deny the remaining allegations of the Complaint.

WHEREFORE, having fully answered the Complaint of the Plaintiff, the Defendants pray that same be dismissed with costs, and for such further relief as the Court deems appropriate.

Date: 3-3-15

Kerry Grissinger
Defendant

Date: 3-3-15

Paul E. Lesondak
Defendant

STATE OF SOUTH CAROLINA COUNTY OF CHESTER	)	IN THE COURT OF COMMON PLEAS
	)	CASE NO.; 2015-CP-12-00024
Heather Rousey Piper,	)	
Plaintiff	)	REPLY TO ALLEGATIONS IN
vs.	)	PLAINTIFF'S COMPLAINT
	)	FOR DECLARATORY
Kerry Grissinger, William P. Hardee, and Paul E. Lesondak	)	JUDGEMENT
	)	
Defendants	)	

FILED
2015 FEB 17 P 3:04
CLERK OF COURT
CHESTER CO S.C.

TO: ABOVE NAMED PLAINTIFF:

The Defendant, replying to the allegations of the Plaintiff's Complaint in this action replies and alleges as follows:

1. Any allegation of the Plaintiff's Complaint not herein admitted, qualified, or explained is denied.
2. Answering the allegations of paragraph 1 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
3. Answering the allegations of paragraph 2 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
4. Answering the allegations of paragraph 3 of Plaintiff's Complaint, the Defendant admits the same.
5. Answering the allegations of paragraph 4 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
6. Answering the allegations of paragraph 5 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
7. Answering the allegations of paragraph 6 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
8. Answering the allegations of paragraph 7 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
9. Answering the allegations of paragraph 8 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
10. Answering the allegations of paragraph 9 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
11. Answering the allegations of paragraph 10a, 10b, 10c of Plaintiff's Complaint, the Defendant has no information to refute the allegations in 10a and 10b. However, Defendant denies the allegation of 10c of Plaintiff's Complaint since there are two plats (dated November 15, 1951 and November 16, 1951) included in the Plaintiff's Complaint which clearly indicate a common roadway to the landlocked parcel.
12. Answering the allegations of paragraph 11 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.

13. Answering the allegations of paragraph 12a, 12b, and 12c of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
14. Answering the allegations of paragraph 13 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
15. Answering the allegations of paragraph 14a, 14b, and 14c of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
16. Answering the allegations of paragraph 15a, 15b, 15c, and 15d of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
17. Answering the allegations of paragraph 16 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
18. Answering the allegations of paragraph 17 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
19. Answering the allegations of paragraph 18 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
20. Answering the allegations of paragraph 19 of Plaintiff's Complaint, the Defendant admits the same.
21. Answering the allegations of paragraph 20 of Plaintiff's Complaint, the Defendant admits the same.
22. Answering the allegations of paragraph 21 of Plaintiff's Complaint, the Defendant admits the same.
23. Answering the allegations of paragraph 22 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
24. Answering the allegations of paragraph 23 of Plaintiff's Complaint, the Defendant admits the same.
25. Answering the allegations of paragraph 24 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
26. Answering the allegations of paragraph 25 of Plaintiff's Complaint, the Defendant denies the same and contends that the landlocked parcel does have access to a public road or public right-of-way. (See attached aerial photograph #1)
27. Answering the allegations of paragraph 26 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
28. Answering the allegations of paragraph 27 of Plaintiff's Complaint, the Defendant realleges every answer above as if set forth verbatim herein.
29. Answering the allegations of paragraph 28 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
30. Answering the allegations of paragraph 29 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
31. Answering the allegations of paragraph 30 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
32. Answering the allegations of paragraph 31 of Plaintiff's Complaint, the Defendant realleges every answer above as if set forth verbatim herein.
33. Answering the allegations of paragraph 32 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
34. Answering the allegations of paragraph 33 of Plaintiff's Complaint, the Defendant denies the same.

35. Answering the allegations of paragraph 34 of Plaintiff's Complaint, the Defendant admits the same.
36. Answering the allegations of paragraph 35 of Plaintiff's Complaint, the Defendant admits the same and contends that Taylor provided a right-of-way to the landlocked parcel as evidenced by plats included in Exhibit B of this of this lawsuit.
37. Answering the allegations of paragraph 36 of Plaintiff's Complaint, the Defendant admits the same.
38. Answering the allegations of paragraph 37 of Plaintiff's Complaint, the Defendant realleges every answer above as if set forth verbatim herein.
39. Answering the allegations of paragraph 38 of Plaintiff's Complaint, the Defendant has no information to refute this allegation. However, the route of access to the landlocked parcel has changed several times over the years. (See enclosed aerial photograph #2).
40. Answering the allegations of paragraph 39 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
41. Answering the allegations of paragraph 40 of Plaintiff's Complaint, the Defendant admits the same.

Some additional information which I consider pertinent to this case is as follows:

As mentioned above, the access to the landlocked parcel has changed several times over the years. A former owner of the Lesondak parcel (Sam Austin) and I changed the location of Severance Drive to where the plats indicated it should be with half of the right-of-way on the Hardee parcel and half of the right-of-way on the Lesondak parcel. Currently, the right-of-way is where the plats indicate it should be, but is now blocked by one of the landowners.

WHEREFORE, having answered the Plaintiff's Complaint relative to this situation, the Defendant prays that this Honorable Court inquire into the matters set forth and:

1. Grant Plaintiff the requested easement.
2. Leave the easement where it is currently located relative to the Hardee parcel since it is where the plats indicate it should be.
3. Grant such other and further relief as is just and proper.

February 14, 2015

Chester, S. C.

William P. Hardee

William P. Hardee

William P. Hardee
976 Columbia Road
Chester, South Carolina 29706
803-377-1098

DEFENDANT

FILED
2015 FEB 17 P 3:34
CLERK OF COURT
CHESTER CO S.C.

STATE OF SOUTH CAROLINA	]	IN THE COURT OF COMMON PLEAS
	]	
COUNTY OF CHESTER	]	SIXTH JUDICIAL CIRCUIT
	]	
HEATHER PIPER ROUSEY,	]	
	]	
Plaintiff,	]	AMENDED ANSWER
v.	]	
	]	AND COUNTERCLAIM
KERRY GRISSINGER,	]	
WILLIAM P. HARDEE, and	]	
PAUL E. LESONDAK,	]	C.A. No. 2015-CP-12-00072
	]	
Defendants.	]	

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2015 JUL -6 P 3:06
CLERK OF COURT
CHESTER CO S.C.

The Defendants KERRY GRISSINGER and PAUL E. LESONDAK (hereafter also "the responding Defendants" and "GRISSINGER and LESONDAK") in amended response to the Complaint of the Plaintiff, allege as follows (all references to paragraphs, unless otherwise identified, are to the Paragraphs of the said Complaint):

RECEIVED
JUL 08 2015
By_____

FIRST DEFENSE:
GENERAL DENIAL

1. Each allegation of the Complaint which is not admitted, denied or qualified in this pleading is hereby denied, and strict proof demanded thereof.
2. In response to the allegations of Paragraphs 1. through 4., the responding Defendants admit the identification of the real estate in question, and the recited Tax Map Numbers of the said parcels.
3. In response to Paragraph 5., the responding Defendants admit the location of the real estate in question in Chester County.
4. In response to Paragraph 6., the responding Defendants admit the jurisdiction of this Court.
5. The allegations of Paragraph 7. are directional or conclusory only, and on knowledge and information require no response from the responding Defendants.
6. In response to allegations of Paragraphs 8. through 15., and Paragraph 18., the responding Defendants admit so much thereof as accurately reflect the records of the Clerk of Court for Chester County, South Carolina, reference to which is craved.
7. The responding Defendants are without knowledge or information sufficient to respond to the

allegations of Paragraph 16., and therefor deny the same.

8. In response to Paragraph 17., the responding Defendants admit that GRISSINGER placed various items and a storage shed on his real property, which real property (or portion thereof) he denies to be subject to any easement.
9. For the reasons stated herein, the responding Defendants deny the allegations of Paragraphs 19. and 20., and allege affirmatively that the Plaintiff possesses access to her parcel, either through the property of the ROUSEYS, or along any easement that exists along the edge of the real properties of GRISSINGER, LESONDAK and HARDEE.
10. The responding Defendants admit the allegations of Paragraph 21, excepting the description therein of the extent of Severance Drive, which description is denied.
11. In response to allegations of Paragraphs 22. through 24. and Paragraph 26., the responding Defendants admit so much thereof as accurately reflect the records of the Clerk of Court for Chester County, South Carolina, reference to which is craved.
12. For the reasons stated herein, the responding Defendants deny the allegations of Paragraph 25., and allege affirmatively that the Plaintiff possesses access to her parcel, either through the property of the ROUSEYS, or along any easement that exists along the edge of the real properties of GRISSINGER, LESONDAK and HARDEE.
13. The allegations of Paragraph 27. are directional or conclusory only, and on knowledge and information require no response from the responding Defendants.
14. The responding Defendants deny the allegations of Paragraph 28. alleging the use of the existing drive between the properties of the responding Defendants as access to the Plaintiff's real property, and affirmatively allege a lack of such use or attempted use prior to the Plaintiff's acquisition of Tax Map No. 080-03-04-010.
15. For the reasons stated herein, the responding Defendants deny the allegations of Paragraphs 29. and 30., insofar as the same are other than legal conclusions, and allege affirmatively that the Plaintiff possesses access to her parcel, either through the property of the ROUSEYS, or along any easement that exists along the edge of the real properties of GRISSINGER, LESONDAK and HARDEE.
16. The allegations of Paragraph 31. are directional or conclusory only, and on knowledge and information require no response from the responding Defendants.
17. In response to allegations of Paragraphs 32. through 33., the responding Defendants admit so much thereof as accurately reflect the records of the Clerk of Court for Chester County, South Carolina, reference to which is craved.
18. For the reasons stated herein, the responding Defendants deny the allegations of Paragraphs

34. through 36., insofar as the same are other than legal conclusions, and allege affirmatively that the Plaintiff possesses access to her parcel, either through the property of the ROUSEYS, or along any easement that exists along the edge of the real properties of GRISSINGER, LESONDAK and HARDEE.

19. The allegations of Paragraph 37. are directional or conclusory only, and on knowledge and information require no response from the responding Defendants.

20. The responding Defendants deny the allegations of Paragraph 38. alleging the use of the existing drive between the properties of the responding Defendants as access to a public road, and affirmatively allege a lack of such use or attempted use prior to the Plaintiff's acquisition of Tax Map No. 080-03-04-010.

21. For the reasons stated herein, the responding Defendants deny the allegations of Paragraphs 39. through 40., insofar as the same are other than legal conclusions, and allege affirmatively that the Plaintiff possesses access to her parcel, either through the property of the ROUSEYS, or along any easement that exists along the edge of the real properties of GRISSINGER, LESONDAK and HARDEE.

SECOND, ALTERNATIVE DEFENSE AND COUNTERCLAIM

22. All of the allegations herein and consistent with this response and defense are restated by this reference, as fully as if set out herein.

23. On knowledge and information, and based upon the deeds and plats supplied by the Plaintiff as attachments to her Complaint, the only possible easement shown as touching her real Property is that demarked in some documents along the boundary of, respectively, the responding Defendants and Defendant WILLIAM P. HARDEE (hereafter "HARDEE"), which demarked area takes in real property owned, respectively, by the responding Defendants and HARDEE (hereafter also "the demarked area.")

24. The route used by the Plaintiff in her travels and attempted travels over the responding Defendants' real property is not along or in the said demarked area.

25. The said demarked area has never been cleared for use as an easement, and bears heavy vegetation and trees within its limits.

26. Any easement existing in the past over or through the property of the Defendant GRISSINGER has been abandoned for a period in excess of ten (10) years.

27. The route used by the Plaintiff in her travels over the responding Defendants' real property, during and her acquisition of her real property in 2014, lies between the said demarked area

and the Defendant GRISSINGER's house, and runs to the rear of that house, which area contains a part of his driveway and is within a few feet of his house.

28. On knowledge and information, neither by usage nor under those documents of title claimed by the Plaintiff is the area between the demarked area and the house of the Defendant GRISSINGER subject to any easement for the benefit of the Plaintiff.
29. On knowledge and information, neither by usage nor under those documents of title claimed by the Plaintiff is the area between the demarked area and over the other property of the Defendant LESONDAK subject to any easement for the benefit of the Plaintiff.
30. The Plaintiff's use and attempted use of the responding Defendants real property has been accompanied by threats, swearing, the involvement of the Chester County Sheriff's Department and the Plaintiff's repeated discharge of firearms at or near the home of the Defendant GRISSINGER.
31. Based upon the Plaintiff's use and attempted use of the property of the responding Defendants other than that of the demarked area, she is liable to them for their actual damages for her trespass of their real property.
32. Based upon the total lack of any documents establishing an easement or right of way between the demarked area and the Defendant GRISSINGER's house, or between the demarked area and over the other property of the Defendant LESONDAK, the Plaintiff's use and attempted use thereof was wanton, willful and in reckless disregard of the rights of the responding Defendants.
33. Based upon the wanton, willful and in reckless disregard of the rights of the responding Defendants by the Plaintiff, they are entitled to an award of punitive damages against the Plaintiff.

THIRD, ALTERNATIVE DEFENSE AND COUNTERCLAIM

34. All of the allegations herein and consistent with this response and defense are restated by this reference, as fully as if set out herein.
35. Since the demarcation of the said demarked area, the same has never been cleared, and the same bears heavy vegetation and trees.
36. Since the demarcation of the said demarked area, the Defendant GRISSINGER and his predecessors have positioned the well to what is now GRISSINGER's house within the said demarked area.
37. Since the demarcation of the said demarked area, the Defendant GRISSINGER has

positioned his storage building, or a portion thereof, within the said demarked area.

38. Since the demarcation of the said demarked are, the responding Defendants, the Defendant HARDEE, their predecessors in title and the predecessors in title to the Plaintiff have failed to open or maintain the said demarked area as an easement.
39. Since the demarcation of the said demarked are, the responding Defendants, the Defendant HARDEE, their predecessors in title have used the area generically known as Severance Drive as an easement.
40. On knowledge and information, the acts and omissions cited above, as well as others referenced hereby, are unequivocal and inconsistent with the further assertion of any rights of easement in the demarked area.
41. On knowledge and information, the acts and omissions cited above, as well as others referenced hereby, are and represent an abandonment of any rights of easement in the demarked area.

WHEREFORE, the responding Defendants KERRY GRISSINGER and PAUL E. LESONDAK pray:

1. That this Court inquire into the claims of the Plaintiff and determine what, if any, relief to which she is entitled from the Defendants;
2. That this Court declare the existence or non-existence of any easement rights incident to the real property of the parties;
3. That this Court allow the responding Defendants as judgment their actual damages as alleged and proven against the Plaintiff;
4. That this Court allow the responding Defendants as judgment an award of punitive damages against the Plaintiff by reason of her wanton, willful and reckless disregard of the rights of the responding Defendants;
5. That this Court include herein a prayer for any other relief to which the responding Defendants may be entitled under the facts set out and referenced herein; and

6. For such other and further relief as this Court may deem just and proper.

John Martin Foster
SC Bar No. 2086
Attorney for Defendants
GRISSINGER and LESONDAK

The Guardian Building
223 East Main Street, Suite 520
Rock Hill, S. C. 29730

Post Office Box 106
Rock Hill, S. C. 29731-6106

803 324-8100
]803 324-8109: Fax
jmfoster@comporium.net

FILED
2015 JUL -6 P 3:06
CLERK OF COURT
CHESTER CO S.C.

June 26, 2015

Rock Hill, South Carolina

STATE OF SOUTH CAROLINA]
]
COUNTY OF YORK]

VERIFICATION

Personally appeared before me the undersigned, who, being duly sworn, deposes and says that he or she is the named responding Defendant herein; that he or she has read the allegations of the preceding Amended Answer and Counterclaim and that the allegations of the same are true, except those allegations made upon knowledge and information, and, as to them, he or she verily believes them to be true.

Kerry Grissinger

KERRY EUGENE GRISSINGER

CLERK OF COURT
CHESTER CO S.C.
2015 JUL -6 P 3:06
FILED

SWORN TO and subscribed before me
this 30 day of June, 2015.

NOTARY PUBLIC FOR SOUTH CAROLINA
My commission expires: 07/20/2019

STATE OF SOUTH CAROLINA]
]
COUNTY OF YORK]

VERIFICATION

Personally appeared before me the undersigned, who, being duly sworn, deposes and says that he or she is the named responding Defendant herein; that he or she has read the allegations of the preceding Amended Answer and Counterclaim and that the allegations of the same are true, except those allegations made upon knowledge and information, and, as to them, he or she verily believes them to be true.

Paul E. Lesondak

PAUL E. LESONDAK

SWORN TO and subscribed before me
this 26 day of June, 2015.

Notary Public for South Carolina
My commission expires: 07/20/2019

FILED
2015 JUL -6 P 3:06
CLERK OF COURT
CHESTER CO. S.C.

STATE OF SOUTH CAROLINA COUNTY OF CHESTER	]]	IN THE COURT OF COMMON PLEAS SIXTH JUDICIAL CIRCUIT
HEATHER PIPER ROUSEY, Plaintiff, v. KERRY GRISSINGER, WILLIAM P. HARDEE, and PAUL E. LESONDAK, Defendants.	]]]]]]]]]]	CERTIFICATE OF SERVICE C.A. No. 2015-CP-12-00024

FILED
2015 JUL -6 P 2:
CLERK OF COURT
CHESTER CO., S.C.

The undersigned, counsel for Defendants GRISSINGER and LESONDAK in the civil action above, hereby certifies that on July 2, 2015 he served copies of the following pleadings or documents in the above-captioned and numbered civil action:

E-mailed agreement in writing to amendment of pleadings;
Amended Answer and Counterclaim, with its attachments; and
this Certificate of Service,

the originals of which were sent to be filed with the Clerk of Court for the court named above,

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July 2, 2015

Rock Hill, South Carolina

(WHEREUPON, Plaintiff's Exhibit Nos. A THROUGH U were marked for identification only.)

COLLOQUY

THE COURT: All right.

MS. CROWSON: Good morning, Judge. We are here for final resolution on the matter pending before this Court. My name is Jessica Crowson. My associate, Chris Lagusti, and I are with the Rogers Lewis Law Firm in Columbia. We represent the Plaintiff, Heather Piper, in this matter. We have a number of witnesses who will testify. This is Heather Piper, my client, sitting next to my right. Her parents are here as well as another witness who can give live testimony for the Court.

This boils down, basically, to an issue regarding easement, granting of an easement. Ms. Piper's property is land locked, and we have been in dispute with the Defendants as to where the easement is for her to access her property.

Mr. Foster represents two of the three main defendants in this matter, and we have tried to no avail to resolve the matter to determine where the easement runs. So what we are here to do today is put all of our evidence and testimony before the Court for the Court to decide where the easement runs for Ms. Piper to access her land locked property.

Mr. Foster and I have worked together a great deal. We have agreed on all but two the exhibits, and two of the exhibits are in dispute from our exhibit list. That's an Exhibit B and Exhibit T are not agreed upon and all the others we are on the same page. We agree and would request the Court consider those admitted for purposes of our trial today.

I also believe, and I will allow Mr. Foster to dispute this if I'm incorrect, but I also believe there is no dispute as to whether or not Ms. Piper has or should have an easement to the property. I don't believe that there is any dispute that she is entitled to an easement. But that's the soul and limited nature, but where we do not have an agreement is where the easement is.

That's what we will be seeking to put into evidence and testimony before the Court for Your Honor to decide at the end of the day where Ms. Piper's easement is to access her property.

THE COURT: All right. Got two defendants. What about the third?

MR. FOSTER: Mr. Grissinger, Mr. Lesondak. And Mr. Hardee is pro se. He is a neighboring landowner. Sir, if I may, listening to Ms. Crowson if it would help the Court if they would also have a copy of the trial exhibit list at this point.

MS. CROWSON: Absolutely. That's a good idea. I will hand that up to the Court.

MR. FOSTER: Your Honor, with the Court's permission let me briefly state our belief. I agree entirely with Ms. Crowson, first year law property case, no one has land locked property. There's no dispute about that. Ms. Crause -- Ms. Piper has the right to get back to her property. The question is how. Ms. Piper does not wish to go over her parent's property which is next door.

She does not wish, apparently, to follow the easement which we maintain she has shown on Exhibit A. Also shown on the 65 year-old deeds as existing between roughly my client's property on the one side and Mr. Hardee's on the other.

What she wants to do, as I understand it, is to go through both their yards to get to the property. She bases this on some form we used which has been waived or dismissed. That, I believe, is the summary of our view of the situation. Thank you.

THE COURT: Thank you. All right.

MS. CROWSON: If the Court agrees we will like to call our first witness and I'll call Heather Piper.

THE COURT: Come around and be sworn, please.

HEATHER PIPER, after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. CROWSON:

Q. Ms. Piper, could I get you to tell us your full name, please, ma'am?

A. Heather Rousey Piper.

Q. And where do you currently live?

A. 540 (undecipherable).

Q. Is that here in Chester County?

A. Yes, ma'am.

Q. Do you own any property here in Chester County?

A. Yes ma'am.

Q. What's the address of that property?

A. 840 Severance Drive.

Q. The 840 Severance Drive, is that property here in Chester County that you acquired from your parents?

A. Yes, ma'am.

Q. Your parents are Dennis and Rosemary Rousey?

A. Yes, ma'am.

Q. Are they sitting in the courtroom here directly behind me?

A. Yes, ma'am.

Q. Now, are you currently living with your parents?

A. No, ma'am.

Q. Okay. You living temporarily with them again?

A. I stay on 548. I'm living in a mobile home, and it's

actually on their property.
Q. The property that you own the address is 840 Severance Drive?
A. Yes, Ma'am.
Q. What's your intent to use that property for?
A. To build a home. I recently got married so we were going to build a home. We have three children.
Q. Have you been able to begin preparations to build your home on your property?
A. No, ma'am.
Q. Why is that?
A. When I try to access it I am being blocked, prevented or threatened and my children don't understand. It's been hard to get back there and do anything at this point.
Q. What is the understanding to the access you do or do not have to your property at 840 Severance Drive?
A. Well, the way it is now they have rerouted and you can only go to the right and go in front of Mr. Grissinger's and behind Ms. Lesondak's and then it goes down to my property.
Q. Let's take a few steps back and see if we can show the Court.
MS. CROWSON: If Ms. Piper can step down off the witness stand?
THE COURT: Sure.

BY MS. CROWSON:
Q. Ms. Piper, let me show you what has been premarked as Plaintiff's Exhibit A. I need you to speak really loud since you don't have microphone down here. Can you tell me if you have seen this exhibit before?
A. Yes, ma'am.
Q. What does it depict?
A. It's showing the main highway and the way I have to come in and to access to get back here to the property.
Q. All right. Can you point for the Court where is your property?
A. This one back here.
Q. If you will, circle or put a mark, circle, right there your property.
MR. FOSTER: If you would use a darker marker.
BY MS. CROWSON:
Q. That is the property you own and you acquired from your parents?
A. Yes, ma'am.
Q. And show me if you would any public roads or public right of ways that is shown on the plat?
A. The only way to access it, right here on Highway 321.
Q. That's Highway 321?
A. Yes, ma'am.
Q. Do you know any other names that it's called?

A. Highway 321.
Q. Just so we get our bearings on this map, what is the property above right here? Who owns that property?
A. Mr. Hardee.
Q. Okay. That's Mr. Hardee that is sitting in the courtroom here, today?
A. Yes, ma'am.
Q. Okay. What about the next property over here?
A. That's the Kennans, I'm not familiar -- I know who they are, but I don't really know who they are.
Q. What about the next property?
A. That's Mr. Wright. He -- it's like where my property is it would go in basically in my backyard kind of where they meet.
Q. All right. Going down, how about the next property?
A. I believe that's the one that's on the other side of the house now. They live there, but I don't know. I have never met them, so I don't know.
Q. all right. What about the property underneath, who owns that property?
A. My parents. It's off of a whole other road.
Q. What road runs under your parent's property?
A. Once you get to that, Lakeview Glenn Road.
Q. Lakeview Glenn Road are not shown on this map?
A. No, ma'am.

Q. Does your property touch Lakeview Glenn Road?
A. No, ma'am.
Q. Going around the circle, who owns the next property?
A. That would be Lesondak. This lady had it before him. That would be his property.
Q. All right. Let's do this for clarity. Why don't you strike through the name Dorothy Jean Johnson since she's the prior owner. Write, 'Lesondak' on there.
A. I'm not sure how to spell it.
MR. FOSTER: Lesondak, I think it is, D-A-K.
BY MS. CROWSON:
Q. Just above Mr. Lesondak's property who owns that property?
A. Mr. Grissinger.
Q. That's Mr. Lesondak and Mr. Grissinger and they are in the courtroom today?
A. Yes, ma'am.
Q. So we have been all around your property, and I haven't heard or seen any access to roads or public right of ways; is that accurate?
A. Yes, ma'am, that's correct.
Q. What means of access are you aware of to get to your property?
A. The only one that ever existed is to come off of 321 and to go on Severance Drive.

Q. Is Severance Drive public owned or a publicly maintained road or private road?

MR. FOSTER: I think I have to say something at this point assuming the lady has the ability to give us that information. So I object.

BY MS. CROWSON:

Q. Ms. Piper, are you familiar with the history the ownership of your property and neighboring properties?

A. Yes, ma'am.

Q. Are you familiar with the history of Severance Drive?

A. Yes, ma'am.

Q. Do you know who has maintained Severance Drive over the years?

A. It's a common roadway, and I think the County kept it up.

MS. CROWSON: I am going to renew my objection. This lady is saying what she understands the case. Is she being qualified to she knows who kept the road up in the past?

THE COURT: All right. Was your question who is maintaining the road now?

MS. CROWSON: I intend to ask her who has and who does maintain the road or if she knows who owns that road.

THE COURT: I'll overrule the objection if you're going to limit it to that. Yeah, go ahead.

Q. Do you know who owns Severance Drive?
A. Severance Drive is actually -- well, it's named after the Severances. They all own the property, and they broke it down between his children and divided it. But that's where the name Severance comes from, and they owned all of his property at one time. And so, that was the roadway that went to all of the houses that their family had lived in on all of his property.
Q. And do you know who owns Severance Drive today?
A. I don't really know. I don't know. I would take it as -- to me it would be Severance owned, but I don't -- I guess it would be a common County road and they maintained it far as I know as being a child and having been here my whole life. That's how its been.
Q. Who is maintaining Severance Drive today?
A. At this moment ---
MR. FOSTER: Renew my objection.
THE WITNESS: --- no one at the moment.
THE COURT: Noted. What was that answer?
THE WITNESS: At this moment the gravel that is there is there. Since this has started the County has not come out and put any more gravel, but they used to put more gravel and keep it graveled and maintained.
THE COURT: Used to?
THE WITNESS: Up until all this, and I when I started

trying to get my right of way it kind of fell. I don't know.

THE COURT: Okay.

BY MS. CROWSON:

Q. Do you know the last time the County maintained Severance Drive was?

A. Maybe just a few years back that I can remember. I'm not exactly sure of the date.

Q. All right. So in terms of access to your property show us if you would, please, how you access your property?

A. I have to go in off of 321 which is here, and the only way in it comes up at this moment the way it currently is. And you go in and you go around and this would be on the side of Lesondak and then Kerry's is here. The way it is goes around and curves up and then it goes between those two homes and then it kind of whips around and the easement would be going this way.

You come this way and the easement goes straight back to my property where these are. That's currently how to access my property the way at this moment open.

Q. So the easement that's shown on Plaintiff's Exhibit A coming up on these lines down Severance and along this dash mark is that generally, currently how you access your property?

A. Yes, ma'am, that's how I have to access it.
Q. Are you aware of any other means of access your property?
A. At this moment, there's not any. This is the only way that it is open and clear and available to get there.
Q. And describe for the Court when you say open and clear to get there, describe what it looks like, what the condition of the ground is and how open and safe it is for a car to drive through?
A. It's a gravel drive that goes down, and it's gravel and comes up. I own a Chrysler 300 and my car goes down it just fine and it goes back down to the driveway that has always existed to go to this property. But the gravel at this moment it stops right up here where I would turn to go down, but the drive is still open and clear, and it's always been clear and open.
Q. You obtained ownership of your property in the 2014; is that correct?
A. Yes, ma'am.
Q. Since 2014 has that been the means of access that you always used to get to your property?
A. Yes, ma'am.
Q. Have you ever been able to or have you ever gone another way into your property?
A. No, ma'am.

Q. Are you aware of over the years, historically, how other folks perhaps have accessed your property?
A. Yes, ma'am.
Q. And who is that, specifically?
A. You mean how did it run?
Q. Who else do you know of that has accessed your property over the years? Do you know what route they took?
A. The Severances, Ms. Gandy. Back here, the home that is currently Lesondak's it used to be -- I used to play with the children that lived in that home, and it was all access by the road has currently been not in use and the way they rerouted it.
Q. Where is that road like?
A. It comes -- This is Kerry's house -- I mean Mr. Grissinger. I'm sorry. Paul's is kind of -- I mean Mr. Lesondak. I apologize. And his is kind of up here and where this went it originally came on the left side of Lesondak's property and then it met and then it come the same way where it met. And this is the same drive that always went back to it. That was the road.

I lived in that area my entire life, and I used to ride my bike up and down the road. I played there as a child, and that was the access to the property.
Q. Did any prior owners of your property also use that

additional access you are speaking of?
A. Oh, yes, ma'am. Ms. Gandy and the ones that live back there, that's how they access the property.
Q. And you're familiar with Ms. Gandy having had used that additional access to your property?
A. No, ma'am. The only one that I've ever remember being used is the one that went on the left side of Lesondak.
Q. And you're familiar with Ms. Gandy having used the additional easement and access that you are describing right now?
A. The one that goes this way?
Q. Correct. The one that's not shown on this and you're talking about.
A. That's the way they always -- that's how they went to their property.
MS. CROWSON: At this point, Your Honor, I would show the witness what's been premarked as Plaintiff's Exhibit B. This is not an agreed upon exhibit at this point.
BY MS. CROWSON:
Q. Ms. Piper. Let me show you Exhibit B. Is it the same map or same plat as that's on Exhibit A is?
A. Yes, ma'am.
Q. And there are some markings on Plaintiff's Exhibit B, right?

A. Yes ma'am.
Q. Are These markings that you have seen before?
A. Yes, ma'am.
Q. These are markings you are familiar with?
A. I marked those.
Q. Okay. So you were just describing -- can you describe what has been handwritten and marked on there that was not marked on Plaintiff's Exhibit A?
A. Yes, ma'am. This is where the actual home is of Lesondak. This road is not shown on the other plat, but when they come off of 321 where they had it where it goes up this way this road went straight. And when you turned in it went straight. All the way to my property it went in between Lesondak and the barn that's still there. And it's still visible where the road was, and it went in and it's still there at this point.

And then it went down the driveway down. like this. The home was actually right here but I did -- I took down the home because that is where I was going to build my home because it was an old house. But this was the original access to my land, and that's the one I've always known my entire life.

Q. Do all the markings and handwritten notes on Plaintiff's Exhibit B appear to accurately and correctly represent the condition of the property and what you've

been describing to the Court this morning?
A. The way that it originally was?
Q. Yes.
A. Yes, ma'am. This is how it was.
MS. CROWSON: So, Your Honor, at this point we would move Plaintiff's Exhibit B into evidence in the Plaintiff's case.
MR. FOSTER: With Plaintiff's testimony, no objection.
THE COURT: All right. It's in.
(WHEREUPON, Plaintiff's Exhibit No. B was admitted into evidence.)
BY MS. CROWSON:
Q. All right. Great. All right. Now, if I can get you to circle again, right here. Again, that's your property. So turning to this dashed line this is the access easement you say Ms. Gandy uses to access her property?
A. Yes, ma'am.
Q. So who is Ms. Gandy?
A. She's the one that owned the property that I own now.
Q. Okay. Do you know who she sold the property to?
A. My parents.
Q. And then your parents in turn transferred the property to you?
A. Yes, ma'am, for my wedding present. I got married.

I got custody of my step-daughter, and we needed a new house cause I have three children of my own. And so its been almost two years in the making, but this is where I was going to build a home for my family since I got married.

Q. And so this note says, "Original access easement used by Gandy to access Gandy property, now Piper property, correct?

A. Yes, ma'am.

Q. And so If I'm understanding you correctly this dashed line shows the means by which Ms. Gandy used to access her property back when she owned your property, correct?

A. Yes, ma'am.

Q. Okay. Did Ms. Gandy actually live on the property, on her property?

A. Many years ago.

Q. Do you know when she owned her property or when she may have lived there?

A. It was many years ago. I mean I know that house was there when I was a child, but she hasn't lived there in quite some time. She currently resides in Florida.

Q. All right. Now, you say your parents live in the property down here, correctly?

A. Yes, ma'am.

Q. Have you ever accessed your property from your

parent's property?
A. There's no way to get there. I mean, it's not even feasible to get there from their property.
Q. Has there ever been a clearing or a road or any access from your parent's property to yours?
A. No, ma'am.
Q. Were your parent's property and your property joined as one larger piece of property at any point?
A. No, ma'am.
Q. Do you know if the two properties, your parents and yours, were deeded at the same time perhaps?
A. No, ma'am.
Q. Do you know how long your parents have owned their property?
A. We lived in a mobile home. It's a mobile home I think have lived in mobile home since I was ten, and then they built their house down here but it's all I mean it's all their property.
Q. So, your parents have owned it for many years you're saying?
A. Yes, ma'am. I'm -- 36.
Q. And you lived on your parent's property your whole life until you grew up and moved away?
A. Yes, ma'am.
Q. And they just acquired your property in 2012, is that

correct?
A. Yes, ma'am.
Q. Okay, so in terms of access to the property am I correct in saying that this is the way Ms. Gandy accessed the property when she owned it? This bottom dash?
A. Yes, ma'am.
Q. Currently you're using a different means of access up along Severance Drive where the dash line is written?
A. Yes, ma'am.
Q. Were there other means of access or other routes that you have used over the years?
A. No, ma'am.
Q. Do you know of other means of access that anyone other than you or Ms. Gandy has used over the years?
A. Not to my knowledge. No, ma'am.
Q. Are you aware of any other method or any other means to get to your property other than the two easements you described? The two easements are one the dashed E and the hand drawn Ms. Gandy Easement?
A. That's only two I've ever been aware of.
Q. Okay, in terms of any other owners of the property, are you aware of any other ways anyone else has accessed your property over the years?
A. That I'm aware of, no, ma'am.
Q. Let's talk about this top. There's an additional

area I see on this plat and this comes up from US 321 connects to what's called Severance Drive and goes straight. And I see it says, "Not open." Do you see that on the map?

A. Yes, ma'am.

Q. So describe this area and what this is for us, please.

A. Okay. This is the way it currently is, and it goes down if you go straight back. And you go to my there on the right side of Mr. Grissinger's house. He has a utility building here amongst other stuff and where it says, 'not open' my understanding after going through this there's a well there. I am not positive. I know there's a utility building amongst other stuff here. That's why it would say, 'not open', but I never remembered this as far as being drive to it. But this the only one I remember.

Q. So, this top area you have been describing along Severance drive between Mr. Hardee and Mr. Grissinger's property is this a possible means of access to your property?

A. No, ma'am.

Q. Why not?

A. It's totally unfeasible, the building and all of the objects to do it. It's just not feasible at all. It's

not accessible, and there is no way possible to access it.
Q. And this square here that says -- it's abbreviated for utility building for you drawn in squared, is that the utility building you are describing on the property here today?
A. Yes, ma'am.
Q. Is that utility building still sitting inside these lines?
A. Yes, ma'am.
Q. Are you able to drive around that utility building to get to your property?
A. No, ma'am.
Q. Why not?
A. It's dead in the middle, and I mean it's dead on where if I was to be able I'm not. But it's dead on the driveway. There is woods and his home directly -- woods on this side of his house where he parks and all his other stuff in front of it and you can't get beside it.
Q. It's connected to the top corner of your property?
A. Yes, ma'am.
Q. What is behind your property? What's this whole area?
A. Woods, trees.
Q. Where were you planning to build a house on your property?

A. Down in the opening where the previous home was. There's a well, but the home was right over here where the house was. I was planning on just rebuilding that same clear opening of it.
Q. And for the record you pointed to more of the southern area of your property rather than the northern area?
A. Yes, ma'am, where the drive comes in and meets to it it's open and clear.
Q. All right. So these two easements are shown on the plat the hand drawn one and the one Ms. Gandy used, the Dash Line E. What is the condition of your property in this area, those easements you are continuing to use?
A. The drive is still clear and open. I can drive my car back down in it to get back there. It's still open and goes to the property. Nothing is blocking it leading down the drive to get to my property.
Q. Ms. Piper, I am going to show you what has been premarked as Plaintiff's Exhibit C. If you would briefly take a look at these and tell me if you recognize what these are.
A. Those are pictures that I had taken.
Q. And I see some markings and some handwriting on a few of these pictures. Who made those markings and whose handwriting is that?

A. It's mine. I did it.
Q. Is there any marking or any handwriting on any of these photographs made by anyone other than you?
A. No, ma'am.
Q. And you recognize all of these?
A. Yes, ma'am.
Q. If I could I would like to hold up these photographs and have you explain to the Court where on Plaintiff's Exhibit B these photographs represent and what they show if you would, please. So let's look at Plaintiff's C which is also labeled as Rousey One. If you would please tell us what that photograph shows and then tell us where that is.
A. Okay. This home that you see right here is the Lesondak's home and what -- I put the red on it so you could see this was daughter's road that's shown on here.
Q. The Gandys?
A. Um hum, and you can still see where the marks were that the drive went to, and it went straight past on the left side of his home. And this that I've highlighted is the original way that they accessed this house. They came in on this road and went around to the home that is now Lesondak. That's his. That was his original way to actually access his home, and this is the original road.
Q. This picture shows the condition of what it looks

like today?
A. Yes, ma'am.
Q. Show you also on Plaintiff's C, labeled Rousey Two, what is this photograph?
A. This is coming in off the main Highway, off of 321/Severance Drive, and this is the way I'm currently having to come in. And this would be where it curves up through -- this is the way it curves up.
Q. And, so, what does that street sign say?
A. "Severance Drive."
Q. And this white car that I can see in the picture what is it sitting on?
A. It's sitting on Severance Drive.
Q. And I'll show you also on Plaintiff's C, this is labeled Rousey Three, what is depicted in this photograph?
A. That's the one that goes on the side of Paul's house where the road ---
Q. Paul Grissinger?
A. Lesondak. I'm sorry. But this is how it goes and this is actually where he now parks on the side of his home and then it would go straight back and that's where it would come between -- behind his home and Mr. Grissinger's and you go in right here this way it's shown here. And this is the side right here, on the side of his house.

Q. So this photograph was taken where?
A. On this side of the drive that I am currently using now, and this is the Lesondak home that's right there if you can see it.
Q. Also on Plaintiff's Exhibit C, labeled Rousey Four, where is this, ma'am?
A. This is the dotted line that was the original road on the left side on his road -- his property. This is the back view where you can still actually see where the drive marks were and the opening that hasn't always has been that was the original road. You can see how it's still open and clear, and it comes down and it would meet to go straight to my property.
Q. These two red marks I see on here, did you put them on here?
A. Yes, ma'am, to show where the tire tracks is still at. I just wanted to make sure. I was trying to make them like pin straight, exactly.
Q. All right. And, so, where on Plaintiff's Exhibit B was this photograph taken?
A. This would be his home. This is the back view. So where I'm having to go in now I stood where it meets to go back to my property I stood right there cause the original road would come down this way and it would actually curve this way to go to my property.

Q. And this shows the condition of this area today?
A. It was until after this. I have other photographs showing where there has been things placed to try to blockage it.
Q. Also on Plaintiff's Exhibit C, this is Rousey Five, where is this photograph and what does it depict?
A. This is directly beside Mr. Lesondak's home. It's just off of this road, and it's showing right here where he parks.
Q. What is significant about this picture?
A. It's showing how I have to go in pass his house to go around to my property. What I was trying to show -- I mean there's only enough drive for one vehicle to enter out at one time.
Q. Also on Plaintiff's C, this is labeled Rousey Six, what does this photograph depict?
A. This is actually where I was saying this is my drive that goes directly back to my property where I said the gravel stops. This is currently how it looks. Its open and goes around this curve and comes directly to this area.
Q. Show us on Plaintiff's B where this photograph was taken?
A. You go around that way it currently is where you see the easement in between their property and then it would

meet. It's right in here, like right behind the other property along in here because this original road met right here at that point and it went this way. But now the way the easement is I'm having to go in and try to curve to get to my property, which is this.

Q. So this is on the easement that you are currently using to access your property?

A. Yes, ma'am. I having to go up and try to make a turn and the turn needs to go that way.

Q. Also on Plaintiff's C, this was labeled Rousey 7, what is this photograph, ma'am?

A. It's the same. It's just showing my road -- my driveway it had been open and accessible. And there is no way to turn to go back.

Q. Also on Plaintiff C I'm going to show you what's labeled Rousey 8, Rousey 9, Rousey 10, Rousey 11, and Rousey 12. Can you tell us, please, ma'am, what these pictures depict?

A. Mr. Grissinger, that's where -- right here it's showing not open and the utility building and amongst the stuff I was referring to.

Q. All right. So in these photographs if you can describe for us what you see?

A. This is utility building, a trailer, a bunch of wood. I'm not sure what exactly everything is, but it's a bunch

of stuff that he has in that area like in front of the building here on this road beside me.
Q. Where on Plaintiff's B do these pictures depict?
A. If you were to come right here this would be his home. There's the utility building. It's right here in front of the utility building that goes straight back that I was referring to you the utility building, and that's the utility building.
Q. So on Rousey, at least on Rousey 10, this utility building that we can see in the photograph that's the utility building that is hand drawn in by the surveyor on Plaintiff's Exhibit B?
A. Yes, ma'am.
Q. And the items that are showing that you were describing: The wood, the trailer and the other items, those are beside and around the utility building?
A. Yes, ma'am, in front of it on this side which is between his home and the utility building. And there is actually signs and stuff on this out building in the woods. I mean you can see them, but I couldn't get the picture good enough to show them.
Q. Right now for you to drive from US 321 up to Severance Drive and back to your property in order to do so you would have to drive through these items and through the utility building that is shown on Plaintiff's Exhibit

B?
A. Yes, ma'am.
Q. Is that something that is feasible for you to do?
A. No, ma'am.
Q. I'm going to show you Rousey 13, also part of Plaintiff's C. So there are two photographs on here. The top photograph, does that also depict the same area we were just describing?
A. Yes, ma'am.
Q. All right. So how about the photograph at the bottom? What does that show?
A. When I was coming instead of where I took one from here this is showing right here where it curves up showing Highway 321 and how it's -- how you come in off the main highway to get to Severance Drive.
Q. So this is on Plaintiff's B where?
A. It's right here. Where you turn in right here, and I'm standing in this area right here right before the turn that goes out to 321.
Q. And so the condition of this little hook with the three lines that we can see right here it appears to be gravel; is that correct?
A. Yes, ma'am.
Q. And is this good and wide and clear for a car to drive in?

A. Yes, ma'am.
Q. Also on Plaintiff's C I'm going to show you what's labeled Rousey 14. What does this picture depict?
A. This is actually showing -- if you come in this is where the main road was.
Q. That is labeled, 'The Ms. Gandy Easement'?
A. And it goes along with the others where I had marked red. And this way is a better view where you can see the old traffic come off the dotted one that was the original road and how they went to their property. This is how it used to be accessed before. I mean it's still there, but they've got it rerouted to go around. But this is the original road and how this house was accessed originally to get to that property.
Q. And so this picture depicts a portion of what you have been describing as The Ms. Gandy original easement?
A. Yes, ma'am, coming down off this road.
Q. And what's the condition of this easement in terms of a car being able to drive through it?
A. You can still drive through it.
Q. Also on Plaintiff's C, labeled Rousey 15, what does this picture depict?
A. It's showing, again, in front of Mr. Lesondak's property. This was the dotted line, the original road that went. You can still see where it existed for all

these years and that it's still open, clear and feasible.
Q. And this is part of what you have been referring to the Ms. Gandy exhibit -- the Ms. Gandy Easement?
A. Yes, ma'am.
Q. Also on Plaintiff's C labeled Rousey 16, what does this picture depict?
A. It's just another view of coming in the original road, and you can really see good the marks of ere of it went and how they accessed their property.
Q. When you say, 'original road', that's the Ms. Gandy's easement?
A. Yes, ma'am. And the dotted line that is shown.
Q. And Where on Plaintiff B was this picture taken?
A. When you turn in it's right here where the road should've been there. It would have started. It's right here and I'm showing how it went and how this one went out this way to access his house.
Q. This is the Ms. Gandy's easement that runs behind this house that we see on the photograph?
A. Yes, ma'am, I'm on the left side of this house.
Q. Also on Plaintiff's C labeled as Rousey 17, what do these pictures depict, please, ma'am?
A. This is currently, as you have seen in my previous pictures, that this is open and clear and when we -- when I wanted the original access back due to the fact due to

the things that's occurring this was then placed to block the original, which is the dotted line, to go. This was the beginning of objects being placed to try to make it where it would not look feasible at this moment.

Q. Where are these pictures taken in terms of Plaintiff's Exhibit B?

A. It's going around the road it is now, and this is behind -- this is the barn that's shown right here. This is over here is Lesondak's, the back of his home. And this is the back view from right here showing the barn and the property. This is actually the turn that comes around, and then I would turn to go into my property. They had it blocked where I couldn't actually even turn into my property. So I had to call the officers out and let them see what was going on.

Q. You said, 'they' had it blocked? Who had it blocked?

A. Well, I shouldn't have said they. Mr. Lesondak, that's his property.

Q. Okay. And so the pictures on Rousey 17, they show a portion of the Ms. Gandy's easement?

A. Yes, ma'am.

Q. Okay. And it's your understanding these logs got here how?

A. They were placed there after we began -- the things, there are things we haven't got into yet, but they were

placed there after learning that the original road was for my safety to come, and so then they began blocking them.

Q. When you say, 'they', who is they?

A. Mr. Lesondak. And, originally, they were actually blocking so I couldn't get into my drive so I called to call the officers out and they took pictures. They seen it and they went up there, but they weren't home to speak with them. And they told me that I could move them back so I could access my property.

Q. Also on Plaintiff's C that is labeled Rousey 18, the photograph at the top of the page, does that show the same area and the same log that you've been describing?

A. Yes, ma'am.

Q. How about Plaintiff's, also on the same page, the bottom. What does that depict?

A. This is if you came down the original dotted line.

Q. Ms. Gandy Easement?

A. Yes, ma'am. You're standing now. This is the gravel right here, but I have to go around as I was saying, to go in between the two properties. This is where I have to go in between and curve to go down to my property.

Q. All right. So show us on Plaintiff's B where this bottom photographs is, please.

A. It's -- this is where Mr. Grissinger's is. So this is the road, and where it curves to go in between their

two properties. And it comes -- I'm standing at the top of where my driveway needs to go down to my property.
Q. I'm going to show you also part of Plaintiff's C, Rousey 19. Is this the same area of the log that you've been describing?
A. Yes, ma'am.
Q. And then also on Plaintiff's C, Rousey 20, is that also the area you've been describing with the log blocking your access?
A. Yes, ma'am.
Q. Also on Plaintiff C, what's labeled Rousey 21, these also depict the same area?
A. Yes, ma'am. This is how I'm having to curve to go in, but originally you could see where the original -- the dotted line road, it came down. This is where it met to go back.
Q. Also on Plaintiff's C I'm going to show you labeled Rousey 22 and 23. What are these photographs and what do they depict?
A. This is another one showing the original road, the dotted line.
Q. The Gandy Easement?
A. Yes, ma'am. It's showing where it comes in and comes in to go to my garage. And this is the way it currently is. This is how I have to go around and come in and then

that's where it curves and goes down. And this one Mr. Lesondak had came down to the property, on my property, and -- to confront my mother and I. He told me that there was a pipe there, but this pipe is made of nothing but plastic and it's just -- they have it there to -- it would drain water from their property across to go down basically on my drive which is here because the pipe runs from right here to right here. But like I said it's just a piece of plastic that's really just for water to runoff. It's not anything that can be moved.

Q. I'm going to show you Plaintiff's Exhibit C, labeled Rousey 24. What does that photograph depict, ma'am?

A. This is from closer down towards almost the end of my property showing how it is open and it goes up to the top of here where would meet Mr. Grissinger's house. Mr. Grissinger's house is here, and around the curve is Mr. Lesondak's.

Q. Is this showing the easement you are currently using or the Ms. Gandy's easement?

A. Well, the way both of the easements actually are the original one came down and it met where I was describing earlier at the highway. Instead of turning to curve this way the original easement came down and went this way, but either way in this easement or the original access, it still meets to come down to my drive. This is still the

drive they always and has been existed to go to the property.

Q. Showing you also Plaintiff's Exhibit C. These pages are labeled as 25, 26, 27, and 28. What do these photographs all depict, ma'am?

A. It's just another view showing. I took them from my property all the way up my drive to show that it is clear, and to get out. And this is the way that I am having to currently go where this curve is to go out. And again this is the same one. This is Mr. Grissinger's house, and this is the backyard of Mr. Lesondak's just shows the drive from my home to where it meets up here is open and accessible.

Q. So this depicts the easement that you've been labeled on Plaintiff's Exhibit B is drawn as Dash Line E?

A. The dash line, yes, ma'am. That's why I said -- well, the way it is now they still met at this point to me to come down this way. It used to be where the dotted line that came down on this side to Mr. Lesondak's and it comes this way. But the way it currently is the gravel road on the other side you could see a small portion of it. I'm having to go in between Mr. Lesondak's and directly in front of Mr. Grissinger and come up and then turn to the drive. That's the only drive in there to go to the property.

Q. I'm going to show you Plaintiff's Exhibit C, labeled Rousey 29, 30, and 31. What do these pictures depict, Ms. Piper?

A. This is the original easement as the dotted line is showing. Again, the logs were the first being placed on Mr. Lesondak's property to begin to try to obstruct it and say it's not feasible. He then placed a small fire pit in between to block the access, and that's the closer I zoomed in with my camera to get a more close view.

And, again, that's the same. It's just showing where the road originally was that came down. It's the same space that always has been, but logs were placed and then after that the fire pit was placed.

Q. Where on Plaintiff B were these photographs taken?

A. This is right here. This is Mr. Lesondak's house, and the barn and the fire pit has now been placed in front of the barn in this area and the logs are down to where it would meet from when I come around this way so that it would make the original access not accessible.

Q. And that's the condition of the property today?

A. Yes, ma'am, the logs and the fire pit.

Q. And it's your belief that Mr. Lesondak placed those there?

A. Yes, ma'am. It's on his property.

Q. Turn your attention to your last three photographs.

Now, these are taken from a different angle. Where were these taken?

A. These are actually on my property that borders Mr. Grissinger from behind. This is my property right here. This is his backyard. It's showing where the building is amongst the other stuff all around it as well as in the front and this is the back of Mr. Grissinger's.

This, I'm trying to get -- I couldn't get all of the signs over here on the opposite side of the building. This side of the utility building as well, and this is, cause I have been doing work trying to clean, so where the property lines were marked and surveyed I took my ring and put it in those trees to make sure I didn't cross anybody's property and showing where my property actually is and where his begins.

Q. So when you took these photographs, looking at Plaintiff's Exhibit B, sounds like you were standing up here behind this utility building?

A. Yes, ma'am. I am in this area behind his home and behind this building.

Q. And this building we can see in these photographs, is this the actual utility building that's called out on Plaintiff Exhibit B?

A. Yes, ma'am.

Q. So In order for you to access your property coming

through here these pictures depict what you would have to drive through in order to get back to your property from this top route; is that correct?

A. Yes, ma'am.

Q. And, Ms. Piper, you testified a little bit earlier that you are familiar with the history of your property in terms of prior owners and recorded deeds and plats in the chain and in public record?

A. Yes, ma'am.

Q. I'm going to show you what's ---

MR. FOSTER: Since we're viewing filed documents I don't think we need Ms. Piper's testimony about her understanding. We've accepted those. They may be put into evidence.

BY MS. CROWSON:

Q. I wanted to get you on a number of these exhibits, Ms. Piper, and I'm holding currently what's been premarked as Plaintiff's Exhibit D through Plaintiff Exhibit M. I'm going to show you these. There are a number of markings on these. If you could, for Court's edification and for ours, as we walk through these and point out specific areas.

If you can tell on this map, which is labeled Plaintiff's Exhibit B, where these are. If you would, please, point those out for the Court. Looking at

Plaintiff's Exhibit D, this is a recorded plat in your chain of title that you've seen before?
A. Yes, ma'am.
Q. Okay. And you see on here those words that say, 'common roadway'?
A. Yes, ma'am.
Q. Can I get you to highlight this, please, ma'am.
A. (Witness marks on exhibit).
Q. And where on Plaintiff's B is this area marked old common roadway that you just marked?
A. This is 321. And this is where it comes in this way and this way and it would go pass the Lesondak home and it goes back.
Q. And so on this recorded plat, which is Plaintiff's Exhibit D, this area that you just highlighted labeled Common Roadway is the Ms. Gandy Easement?
A. Yes, ma'am.
Q. Turning to Plaintiff's Exhibit E, this is another recorded plat in your chain of title that you're familiar with?
A. Es, ma'am.
Q. And do you see on Plaintiff's Exhibit E, does that also call out a common roadway?
A. Yes, ma'am.
Q. If I can get you to highlight that, please, ma'am.

And that common roadway connects also to Highway 321 which is shown on Plaintiff's Exhibit B?
A. Yes, ma'am.
Q. Are you able to tell, and it's okay if you're not, where this common roadway is on Plaintiff's Exhibit B?
A. No, ma'am. Not by the way this is set up.
Q. I'm going to show you what's been premarked as Plaintiff's Exhibit F. This is another plat in your chain of title that you've seen and are familiar with?
A. Yes, ma'am.
Q. Do you see on Plaintiff's Exhibit F where it calls out a common roadway?
A. Yes, ma'am.
Q. I need you to highlight that, please, ma'am? And are you able to tell on here where that common roadway that connects to the Lucille Severance parcel is?
A. No, ma'am. I don't see the 321 on here.
Q. I'm going to show you what's pre marked as Plaintiff's Exhibit G. This is a recorded survey which actually looks very, very similar to Plaintiff's Exhibit B, correct?
A. Yes, ma'am.
Q. Now, the difference between Plaintiff's Exhibit B and Plaintiff's Exhibit G, which I believe you pointed out to me earlier, is that there a house drawn on Plaintiff's G,

correct?
A. Yes, ma'am.
Q. And Do you know whose house that was?
A. That was the house that was on my property that I referred to that I had demolished. My intentions were to rebuild there.
Q. Was that Ms. Gandy's house?
A. Yes, ma'am.
Q. Could I get you to highlight that house. Then on Plaintiff's G, on this recorded survey, do you see any recorded easements or means of access to your property?
A. There is one over here where there it says a gravel driveway.
Q. Highlight that if you would, please, ma'am. Then the dash line with the 'E' is the easement that you've been using?
A. Yes, ma'am.
Q. Showing you what is premarked as Plaintiff's Exhibit F. This is another recorded survey in your chain of title that you have seen and are familiar with?
A. Yes, ma'am.
Q. Now, Plaintiff's H depicts a little bit different area is -- than Exhibit B does; is that right?
A. Yes, ma'am.
Q. I'm going to get you to highlight on Plaintiff's H

the easements and means of access to your property that are shown.

A. This one is off of 321, and this one showing actually where this is. This drive right here is a road where I have it dotted showing the original road.

Q. Ms. Gandy's property.

A. And then this is where the circle is coming up this way. This is showing the original access to the Gandy property.

Q. And this plat was prepared for E.P. Severance and is dated June 27 of 1988; is this correct?

A. Yes, ma'am.

Q. Okay. And Just to make sure that I'm clear what you just highlighted here on this recorded survey from 1988, this is the Ms. Gandy Easement that we've been discussing this morning, correct?

A. Yes, ma'am.

Q. Now, there is a second page to this recorded plat that also appears to show some hash lines for an easement labeled Dirt Drive. Can you tell us what that is, please, ma'am?

A. The dirt drive is, again, the easement to the Gandy property. The barn is -- the barn that's over here that is shown and then that's how it comes back and goes to the property.

Q. And is this the easement you're using today or is this the Ms. Gandy's easement that's shown?
A. The one shown is the Ms. Gandy's easement. I've having to use this easement.
Q. Okay. Thank you. If you would highlight the Ms. Gandy Easement, please, ma'am. I'm showing you what's been premarked as Plaintiff's Exhibit I. This is another survey from your chain of title that you are familiar with?
A. Yes, ma'am.
Q. And on this Plaintiff's I you can see US Highway 321 down the right side of the page, correct?
A. Yes, ma'am.
Q. Oes this also depict the means of access to your property?
A. Yes, ma'am. This was the original access to the Gandy property. This shows Mr. Lesondak's home here, and then this is where Mr. Grissinger's is. And this is how I was trying to explain how the original road to Ms. Gandy went and then it curved and to the driveway and showed in the pictures it goes back.
Q. And this is a survey prepared by Hipp, H.I.P.P, Land Surveying recorded in 1998; is that correct, Ms. Piper?
A. Yes, ma'am.
Q. Now, there is also a number of deeds in the chain of

title related to your property, correct?
A. Yes, ma'am.
Q. And you've seen these deeds and are familiar with these?
A. Yes, ma'am.
Q. I'm going to show you Plaintiff's Exhibit J. This is a deed from Andrew J. Taylor to T.C. Taylor, correct?
A. Yes, ma'am.
Q. And this is from 1951?
A. Yes, ma'am.
Q. And this is actually a prior deed in your chain transferring your property when it went from Andrew J. Taylor to T.C. Taylor, correct?
A. Yes, ma'am.
Q. And are you aware or do you know if there were any easements transferred or references to easements to this document?
A. The only one that I know of is where it has in here the common roadway. In the one that was common is the original access.
Q. That Ms. Gandy used?
A. That Ms. Gandy used.
Q. I'm going to get you to highlight where it says, 'and a common roadway'. And the next deed is premarked Plaintiff's Exhibit K. This is a deed from an A.J. Taylor

to Lucille T. Severance; is that correct?
A. Yes, ma'am.
Q. And this deed transferred your property to Lucille T. Severance, and this is dated 1951 as well, correct?
A. Yes, ma'am.
Q. And do you know when this deed was executed any easements to your property past or references in this deed?
A. It's the same common roadway.
Q. And do you know where that common roadway was?
A. The original Gandy one to the property.
Q. Okay. Do you know if Lucille T. Severance has a grandson?
A. Mr. William Severance.
Q. Who's here in the courtroom today?
A. Yes, ma'am.
Q. Do you know if her grandson, William Severance, ever lived on the property?
A. I think as a child.
Q. Turn your attention to what's been premarked as Plaintiff's Exhibit L. This is also a deed in your chain of title that you've seen and are familiar with?
A. Yes, ma'am.
Q. And this is a deed of distribution of Edwinston Paul Severance who was deceased at the time?

A. Yes, ma'am.
Q. And when this deed transferred property do you know of any easements or access to your property were accompanied with this deed?
A. The property with the common roadway.
Q. And do you know what common roadway that was referring to?
A. The original access that's goes back to the Gandy property.
Q. And I'm going to show you what's been premarked as Plaintiff's Exhibit M. This is a deed in your chain of title that you've seen and are familiar with?
A. Yes, ma'am.
Q. This is a deed from A.J. Taylor to Ms. Zelma Taylor Miller, and this deed is from 1952, correct?
A. Yes, ma'am.
Q. And do you know when this deed transferred property if it referenced any easements or access to your property?
A. Just the common.
Q. This one is called a common driveway, correct?
A. Yes, ma'am.
Q. Do you know what common driveway this deed is referring to?
A. The original access that went back.
Q. How is it, Ms. Piper, that you know that the

reference to common road, common driveway, common roadway in all these deeds in your chain how is it that you know these are talking about Ms. Gandy's easement?

A. It goes back as far as I can remember. That was the only roadway that went back to the property, and like I said I lived there my whole life and I've played on this road pretty much every day as a child.

And that was the way it went back to the property, and it was the original way that went to Mr. Grissinger's because I went there to play as well. And Mr. Lesondak had little kids up there I played with.

Q. Ma'am, I'm going to show you what's been premarked as Plaintiff's Exhibit R. This is a collected exhibit which contains two aerial views of the property. Are these two documents you've seen before? Notice their stapled together?

A. Yes, ma'am.

Q. These appear to be aerial views of the property; is that correct?

A. Yes, ma'am.

Q. Okay. So looking at the first page of Plaintiff's Exhibit R. I see something called Columbia Road on here.

A. That's 321.

Q. All right. And what do you see on here, Plaintiff's R?

A. Here is Severance Drive. Right here is the original easement that goes back to the Gandy property. You can see where it went and came back and then met to go down. This is Mr. Grissinger's home. This is Mr. Lesondak's, and it is to the left of this property.

Q. So the property that is outlined and highlighted in blue that's Mr. Grissinger's property?

A. I'm pretty sure. Wait a minute. Yeah, yes, ma'am, it is.

Q. Okay. And are any of the easements we've been discussing today shown in such a way that we can see them on Plaintiff's Exhibit R?

A. Yes ma'am, the original access easement. You can -- it's very clear on the aerial view.

Q. How about highlight for us if you would where the Ms. Gandy Easement that you've been describing is shown on Plaintiff's R.

A. (Witness marks on exhibit).

Q. If I could get you to write on Plaintiff's R, maybe draw a line, and write 'Ms. Gandy's easement'?

A. (Witness marks on exhibit).

Q. And there is a second page of Plaintiff's Exhibit R. If you could describe for us what the second page shows?

A. It's showing Severance Drive, that it's a local road and it's coming off of Highway 321 that is a straight

road.
Q. And this is from South Carolina D.O.T? It's from their street finder website; is that correct?
A. Yes, ma'am.
Q. I'm showing you, I believe, one final Exhibit. This has been premarked as Plaintiff Exhibit S. This is a document you've seen before and are familiar with?
A. Yes, ma'am.
Q. This appears to be a residential title insurance policy, correct?
A. Yes, ma'am.
Q. And, specifically, it says it's for a parcel of property owned by a Mr. Lesondak?
A. Yes, ma'am.
Q. Now, this title insurance policy, this is not a policy that you took out or obtained for your property, correct?
A. Correct.
Q. Okay. I see on here it says that exceptions to his title insurance coverage includes Number 11, rights of others and to Severance Drive, which is a County dirt drive as shown on a survey by a Mr. Hipp?
A. Yes, ma'am.
Q. Then there is a survey attached to this title insurance policy which has a survey attached to it. Do

you see that on there?
A. Yes, ma'am.
Q. And this is actually the same view that we have in one of the other recorded plats in your chain of title that we have already discussed this morning, isn't it?
A. Yes, ma'am.
Q. Okay. And you see a number of easements and access to your property on this exhibit?
A. Yes, ma'am.
Q. Can you highlight for us, please, ma'am, the access to your property as shown on Plaintiff's?
A. (Witness marks on exhibit).
Q. Show any you see to your property, please, ma'am.
A. This is the original one that went back, and then this is showing the one that's coming around now. And then the easement and the same cross between two properties, but originally this one here is how it's going here and met again and went back to my property.
Q. So this survey that's attached to this title insurance policy that has Mr. Lesondak's name on it for his property; this survey actually shows two easements and two routes of access to your property; is that correct?
A. Yes, ma'am.
Q. It shows both the original Ms. Gandy's easement; is that correct?

A. Yes, ma'am.
Q. And it also shows the easement that you are using today to access your property?
A. Yes, ma'am.
Q. And that's the easement that is shown on Plaintiff's B which comes off of Highway 321 goes up to Severance Drive and down this dashed line with an E; is that correct?
A. Yes, ma'am.
Q. So this plat attached to Mr. Lesondak's title insurance policy shows two of the easements, both of the easements, you've been discussing this morning, correct?
A. Yes, ma'am.
Q. So let me get you on Plaintiff's Exhibit S where you've highlighted. If you would please write, 'Ms. Gandy Easement', and then why don't we write 'current easement' so we can call out both.
A. (Witness marks on exhibit).
Q. You can have a seat if you would, please, ma'am. All right, Ms. Piper, I'm going to show you three more exhibits.

MR. FOSTER: Ma'am, I don't mean to be ill mannered. I believe counsel is about to go into documents which we have agreed to which I believe come from government agencies. I don't believe that the witness' knowledge of

those government agencies is any different than any other lay person, so I would simply say we have already agreed.

MS. CROWSON: Fair enough.

THE COURT: Okay.

BY MS. CROWSON:

Q. Ms. Piper, as we were going through all of the easements and documents in your chain I don't recall seeing any document, any plat, any deed that showed an easement or access from what is currently your parent's property up to your property. Did you see anything like that in documents we went through this morning?

A. No, ma'am.

Q. And you testified earlier that you're not aware of any means of access from your parent's property up to your property, correct?

A. Correct. Yes, ma'am.

Q. And explain for the Court why you cannot access your property from your parent's property?

A. It's a great deal of woods between and there's lot of hills and gullies and like creeks that built up. It's just not feasible to try to get in from that way.

Q. You grew up on your parent's property?

A. Yes, ma'am.

Q. Your whole life?

A. Yes, ma'am.

Q. And you said you're 36 today?
A. Yes, ma'am.
Q. And in your 36 years and your lifelong knowledge of your parent's property and your property, are you aware of anyone ever forging that access or easement for accessing your current property through your parent's property?
A. No, ma'am.
Q. I don't believe I have any other questions for you, Ms. Piper. What else would you like for the Court to hear? What else di you think is important in the context of us being here this morning?
A. Throughout all of this since it began when I got married we gained custody of our stepdaughter, and I live in a mobile home. So it's not a lot of room. And at this point one of my children actually is having to stay at my mom's because we were going to build a house.

August will be two years. I haven't been able to get in and out. I can't get a logging truck in there to do anything. There was a few trees that I wanted to maneuver, but it's really impossible for me to even get my own car in there. Every time I have been over there to try to get in over there my car is blocked or Mr. Grissinger is blocking me from getting out of my property.

He's come and gotten me and my children, my 10 year old and my 14 year old at the time, face yelling and being

very belligerent and threatening and even have my kids crying telling them that they are going to jail. It's been a nightmare.

It's gotten me so far in debt and the stress. I've had three strokes and three heart attacks since this has happened, and I'm only 36 years old. And I mean I'm always polite and kind. And I've had to call the law out so many times. And I just don't understand why I would be treated that way or much less my children.

And it's so hard trying to keep my family together. And I have to go through this and sending my child to my parents to sleep it's just -- it's been a nightmare, and I want my family back together. Like I said I've got me so far in debt just trying to get to what's legally mine, and I've never bothered anybody.

I just -- Mr. Grissinger comes out and just screams and cusses and gets this close to my face, and even my children, my 10 year old son, he's a baby. It's just been a nightmare and I just -- and that's why I'm really needing and wanting the original access by Mr. Lesondak's property because that would eliminate me having to go in front of Mr. Grissinger or anything to do with him all together.

And then me and my kids would feel safe and don't have to worry about what he's going to do to me or my

kids. And I can just build a home and go home and leave and sleep. And that is the main reason that I was asking for my right of back because every time I try to go over there and do any yard work or do anything he's blocking me in and coming out and jumping in my face and screaming and cussing and making threats. A lot of times I can be so close I can just smell alcohol on him.

And I don't know what to do, and I don't feel safe going in front of his house. He really scares me and my kids, my babies. I just want to go to my property and build a home so that we can live and have a family and have peace. And it's just the debt that I'm in now and all of this, it's taking a toll on my health. And so that's why I was trying to get this done so that I can just go to my property and feel safe without all of this.

Pretty much, I've had the law out there numerous times. It's just -- it's been a nightmare for almost two years, and that's pretty much what I have been dealing with and going through. And the stress and the tears, it's just been a nightmare.

Q. Ms. Piper, have you continued using the access that you've been using to get to your property? You have to go through Mr. Grissinger's property, correct?

A. I have to go straight in front of his home to even to get to mine, and he's blocked me so many times. And he's

even blocked me when I've been in my property and he wasn't even there. He come home and took his Hummer and deliberately pulled it up to my actual drive -- the actual drive where I come around and go into my drive. And he's blocked me in, and I've had to -- I've asked him nicely to move, and he just cusses me out and told me to call the law out there just so I could get out. And him have to be forced to move to let me out of my own property.

And it would be just so much more peace and less threats and less feeling scared if I could just have the original access that was there. It's been there my whole life to go through, to feel safe.

Q. And if the Court grants you the original Ms. Gandy Easement you don't have to cross Mr. Grissinger's property at all?

A. No, ma'am. I don't have to go in front of his home. I don't have to go near him. I will just go down and go straight back.

Q. In terms of accessing your property from this top method that goes between Mr. Hardee and Mr. Grissinger's property if it is determined this is the way to access you property you still have to cross Mr. Grissinger's property; is that correct?

A. If I can go the way it is now, yes, ma'am.

Q. Or up top?

A. Yes, ma'am. That would be directly beside him.
Q. And it sounds like you're telling the Court you're concerned for your safety and your family's safety if you would have to continue crossing Mr. Grissinger's property?
A. Very much so.

MS. CROWSON: I don't have any further questions for the witness, Your Honor.

MR. FOSTER: Your Honor, I have 12:00. What does the Court wish to do. I expect to be relatively lengthy. We can go on an hour. Do you wish to take a break? What do you wish to do?

THE COURT: Do you think it will take over an hour?

MR. FOSTER: No, sir.

THE COURT: Let's go ahead.

CROSS-EXAMINATION

BY MR. FOSTER:
Q. Ms. Piper, first there's a problem I have when I talk to the witnesses. I'm either going to be talking too loud or too soft. So if you can't hear me I need you to tell me that, okay?
A. Yes, sir.
Q. okay. Ma'am, I understand you said -- do I understand you lived in this neighborhood your entire life?
A. Yes, sir, pretty much.

Q. Did you live on the property that now belongs to your parents next door; the one we're talking about?
A. Yes, sir, as a child.
Q. And for how -- since you were a child? Did I understand you correctly, ma'am?
A. Yes, sir. I lived there since I grew up.
Q. Okay. And you knew the Gandys that used to live on the property that we're talking about that you now own?
A. Yes, sir.
Q. And you knew the access that they had there?
A. Yes, sir.
Q. As a child?
A. Yes, sir.
Q. When did the Gandys move away?
A. I can't give you a specific time.
Q. Let me suggest to you, ma'am, it was about '98 or '99. Would that be about right?
A. I'm not sure the exact year.
Q. Can you disagree with it, ma'am?
A. I can't disagree with it or confirm it.
Q. By the time you owned the property, ma'am, the house that they owned that was on there was a complete loss, was it not?
A. No sir, the house was still there. I took it down.
Q. It was still there because it wasn't worth keeping

up?
A. Well, I could have remodeled it and fixed a lot of it in there. Yes sir.
Q. But you made the economic decision to just tear it down?
A. Yes sir, because I have three children.
Q. So you lived there at that period. They left. Was anyone accessing the property during that period after they left?
A. They would come in and out and check on the property.
Q. They? Who is they?
A. Well, Ms. Gandy.
Q. You saw this?
A. As a child.
Q. As a child. So after '98, '99 you saw them using the easement you're claiming across both these folk's property, Grissinger and Lesondak, to get on there?
A. The one that has always been there not one that's now there that crosses their property.
Q. That's not what I'm asking, ma'am. That's not my question, ma'am. I'm asking -- you're testifying under oath, after they moved away, the house was effectively allowed to go to ruin? You saw them going in there?
A. As a young person. Not recently. No.
Q. That's right. Okay. Ma'am, when did this part of

the road across Mr. Lesondak's get closed or changed to the configuration it is now?
A. I don't know the exact year, but it was several years ago when the Austins owned it.
Q. Would it be approximately 2002 or 2003?
A. I'm not sure if it was or not.
Q. Let's assume that to be the case, ma'am. So, first of all here's what we're dealing with. You've got this property knowing that the way you're claiming today hasn't effectively been used as of that point since '98, '99 from the time your father and you got it? More than 10 years.
A. No, sir. What I can testify to is from the time that my parents got it and then they bought it for me for my wedding present I can testify then that it wasn't being used in that direction because the Austins had remodeled their home. But the road is still feasible and it's still accessible in there.
Q. Feasible is one question that you're here in front of the Court to say that you have a legal right to use it. You understand that, ma'am?
A. I'm sorry.
Q. Ma'am, is it a fact that the road as it used to exist, the uncharted road -- they say it's not ready to be, the road in fact goes next to an extension to the Lesondak's house that Mr. Austin put on there, isn't that

right?
A. Yes, sir, it's still in the same place.
Q. It goes about two or three feet near it??
A. I'm not sure exactly how close to it it is.
Q. And, ma'am, is it a fact or assumption if I want to stretch that if that road was used you would be going down to roughly where Mr. Grissinger's property is and making a hard right turn, a 90 degree turn, to go back on your property?
A. If I were to use the original?
Q. Yeah, if you're using the one that is there now, ma'am. If you reopen this map, this easement, and went on to Mr. Grissinger's property to turn to where you now have the property cleared you would have to make a hard right turn?
A. No, sir.
Q. You would not?
A. If we reopen the one that went to Ms. Gandy, the way it comes down the left of Mr. Lesondak's home, it goes down and you would have to make a left turn which is not a sharp turn. It is just a left turn that goes to my property that's remained open to drive through.
Q. So what you're asking for, ma'am, is not what's there on the property but what you would prefer to get?
A. What I'm asking for is what originally was there

because it -- for my safety and for my children's safety, and that is the more -- that is the easiest way to go if -- as far as you're, when you're talking about a complete almost 90 to the right.The way it is now, having to go through -- the front of Mr. Grissinger's, I have to go around and that's when I have to make a sharp right ---

Q. Which you have been doing?

A. -- to back up and then pull up to get in there.

Q. Ma'am, did I understand your testimony to be that, quote, always, quote open and clear?

A. Yes, sir. Until they swapped it around.

Q. Isn't it a fact, ma'am, that when you started accessing this property, this road, by calling the police and going there you and your family not only laid down sod and grass to make one place you also cut out the trees so that you can get through, isn't that right?

A. That's very untrue.

Q. No, not at all.

A. Yes, sir.

Q. So it was completely clear?

A. That -- the way that my pictures show you can still see the roots and things that are across there. None of that has ever been moved. None of that has ever been cleared or cut. Now, I did at the very top where I have to go in and before I'd ever done anything because of the

situation the threats and things I'd call the law out. And at the top of were whether it be either way that's where it meets to go to my drive I had to put a little bit of the dirt there, but it was already there.

Q. You laid down the dirt ---

A. So my car wouldn't bounce.

Q. I'm not interrupting you, ma'am. You laid down the dirt and you cut the vegetation?

A. No, sir, I didn't cut anything.

Q. You didn't cut any vegetation?

A. No, sir.

Q. So, it's always been clear?

A. Yes, sir.

Q. There's never been any cutting of any vegetation to make this thing better?

A. I'm not fully understanding. Are you referring to grass and things like that?

Q. I'm referring to trees and the brush that grew up out there after '98 and '99?

A. The road was open and clear when I began using it.

Q. So you never had to cut any brush, and you never had to cut any trees?

A. No, sir. I did not take any chain saws and cut any trees. I've never used a lawnmower to cut any grass.

Q. That is your testimony, ma'am. So be it.

A. As I said I built up a little bit of the dirt, but I also have the pictures showing what I did.
Q. Showing the trees that were cut?
A. No, sir. I didn't do anything with the trees. As far as dirt to make it where I can get in and not bottom my car out.
Q. Ma'am, there is a plot here on Severance Drive that your attorney referred to that's shown in 1951, Plaintiff's Exhibit V I believe.

MR. FOSTER: I believe I can state for the Court's information this is the same plat that's stated another on Mr. Grissinger's deed, J44.

BY MR. FOSTER:
Q. It shows in effect, if I am stating correctly, the drive or a roadway running from 321 back to your property along Lesondak and Hardee and then Grissinger and Hardee?
A. I can't tell by this map. Obviously, I can see 321.
Q. Well, I presume you are tell by this one, ma'am?
A. Yes, on that one I explained.
Q. So, it's there?
A. Yes, sir.
Q. Did I understand you to say that the only reason you cannot use that right of way because of the utility building?
A. No, sir, it's completely blocked.

Q. It's grown up?
A. I don't know that it's ---
Q. It's completely grown up.
A. To my knowledge I don't ever remember that being an access, but there is the utility building there and he has all his other stuff there, and it's not feasible.
Q. What prevents you from cutting that timber?
A. What prevents me?
Q. What prevents you from cutting that timber and using it as a right of way?
A. Well, the right of way, I can't get there because of all the stuff. And as I said this has been going on for two years, and not only that the fear and the threats by him that's putting me directly, literally right ---
Q. Yes, ma'am.
A. Right ten feet from his home.
Q. Since neither I nor the Court can remove your neighbors from you?
A. I'm not ---
Q. And I assume that the Court is here to be sure that everyone behaves with peace.
A. Yes, sir.
Q. You're telling me that you can't use it because there are trees there.
A. No, sir. The trees -- if the driveway, the way it

goes, I'm not sure if you can -- if you seen my pictures then you would understand the layout.
Q. The trees have grown up along the right of way?
A. Where are you referring to trees?
Q. Where I'm pointing.
A. That's the drive that currently Mr. Lesondak are using.
Q. Ma'am, I am pointing to the 1951 indication?
A. No, sir.
Q. Ma'am, that's not a question.
A. Okay.
Q. Ma'am, I am pointing at the 1951 area that is marked as the access to your property. Is there any reason other than the fact that you do not wish to cut the trees that you can't use that area?
A. I do not fully -- I'm not really understand. When you're pointing at the road that is now and the trees that is clear and open that's where all of us are using.
Q. I'm asking you, ma'am, what's preventing you from opening what's on the map to let you get back there?
A. Okay. Where exactly are you pointing at because ---
Q. The area here, ma'am, between my clients and Mr. Hardee that leads back to your property. What prevents your use?
A. Well, nothing except that road doesn't have trees on

it to clear.
Q. But you would have to clear them; is that correct?
A. There are no trees there to clear. It's an open drive that everyone is using.
Q. The one that you wish to use, yes, ma'am. I allow the fact that you may use this part to get onto it, but once you're onto it what prevents you from going back there owning the fact you don't want to clear the trees?
A. I'm not -- nothing is preventing me. The thing is none of that has trees on it. It's a drive that Mr. Lesondak, and Mr. Grissinger and I use.
Q. So it is easier for you to claim a right of way that exists because you say it does even though people fail to use it from '98 until your parents and you decided to use it again?
A. No, sir, I'm not saying that because ---
MS. CROWSON: Your Honor, I would object to the question. The witness is trying to answer. It has been asked and asked repeatedly, and he's physically restating the facts that he is trying to get the witness to agree to and she has not yet agreed to.
MR. FOSTER: This is cross examination of what I hear is a great deal of altercation, but the Court is running this place.
THE COURT: I will overrule the objection at this

time. But let's don't be arguing back and forth. Obviously, from what I've already seen here, the tree problem and the outbuilding that in that dedicated, possibly dedicated right of way, is right up on the corner of her property.

MR. FOSTER: Yes, sir.

THE COURT: I was getting confused when you were saying trees and all there in the part that all of them have been using.

BY MR. FOSTER:

Q. Ma'am, let me clarify the point. If Mr. Grissinger is in agreement, and there is nothing in the pleadings to indicate otherwise, to move that utility building as needed are we then faced with nothing other than the trees that prevent you from using the property? From using that easement?

A. At the corner there are trees there, but the thing is it already has an opening right to it. But, again, the main problem with that is as I have expressed and discussed that you're -- that's putting me directly at his door, and he has already threatened me.

Q. But you can get past it?

A. Yes, sir. That's where the building is it doesn't show directly his home is right there near the building as it shows in pictures. That's putting me directly beside

him and putting me and my children in danger.
Q. Yes, ma'am, I appreciate that fact, and we have heard your emotional responses. You do realize, ma'am, that me nor the Court or anyone here has the ability to force Mr. Grissinger to move?
A. I'm not asking him to move. I'm sorry.
Q. Well, do you think it's going to be worse to go by the side of his house than in front of it?
A. Most definitely. That's directly at his door.
Q. Okay. Ma'am, to repeat and if I seem to be badgering you, ma'am, I do not intend that. You live in this area, you knew this area, part of Lesondak, was closed off when the road was reconfigured which I tell you was about in 2002 or 2003?
A. Okay. That's what you tell me, but the road is actually not closed. It's open. It's just not being used.
Q. Well, ma'am, that maybe some people's view of what a closed road is. Is part -- this part is in grass now, is it not?
A. You see the pictures. It still shows the lines that I'm using.
Q. It shows the lines?
A. Yes, sir.
Q. It shows the lines where you drew it in?

A. You can still, on the other pictures, see the actual lines.
Q. It's the front yard of Mr. Lesondak's house?
A. And it goes beside his house, and also I took back views from it as well.
Q. Ma'am, you have testified in terms of the what you wish to say to this Court. You have always been polite and kind in dealing with my client and Mr. Lesondak, is that true?
A. Yes, sir. I've never spoke with Mr. Lesondak, but once, and again to me I thought it was a pleasant conversation. Mr. Grissinger, all I asked him to do is please, move your car so I can get out and that's it. I've called the law because I'm not going to argue with a grown man that's in my face and that would threaten me and my children.
Q. So your testimony under oath, ma'am, is that you were the one that was threatened?
A. Yes, sir.
Q. So, ma'am, it is not true that you in fact drew a gun on, respectively, Mr. Lesondak and Mr. Grissinger?
MS. CROWSON: Your Honor, I would object.
THE WITNESS: I have never ---
MS. CROWSON: Ms. Piper. I would object, Your Honor. Anything about guns or violence is completely outside the

scope. We are here on a basic property matter.

MR. FOSTER: We have a counterclaim in this case for trespass.

THE COURT: Wait just a minute. All this issue about the arguing and threats has been testified to. And I don't mind you going in your client's side of all this, but remember now don't bring in something that there's no evidence to back it up.

MR. FOSTER: It is subject to future proof. That I certainly allow.

THE COURT: Okay. Go ahead.

MR. FOSTER: For the record, this is a case claiming trespass, and that's what I wish to examine at this point.

BY MR. FOSTER:

Q. Ma'am, is it not a fact that both your father earlier and you were asked by Mr. Grissinger and Mr. Lesondak not to get on the property because they, in their view, there was no right to do so?

A. Mr. Lesondak never asked me not to come there.

Q. Okay.

A. And Mr. Grissinger threatened me about I was trespassing, but like I said that I've had the law out many times. They've seen that plat, and they told them that I have right of way to my property and the easement and you cannot land lock me out.

Q. The police of Chester County?
A. Yes, sir.
Q. Made a legal determination based upon this plat, and on the basis told my client ---
MS. CROWSON: Objection, Your Honor. This is testimony from defense counsel.
MR. FOSTER: I am repeating what she just said, and I would like to have it go into.
THE COURT: Go ahead.
BY MR. FOSTER:
Q. The police of this county told my client, based on your plat, that he had to do something?
A. Yes, sir, he told me he had to move his car and let me out. He told him do not obstruct me in any way. There is police reports, and as a matter of fact Sergeant Marsh even went to the judge because of all this and its just continued.
Q. Ma'am?
A. It's really not called for.
Q. Ma'am, is Sergeant Marsh going to testify here today?
A. I didn't ask him to.
Q. How about the Judge?
A. I'm not sure.
Q. Well, I congratulate you, ma'am, on the fact that you've been able to make the police go out and take your

side of this thing.
A. I didn't ask anyone to take my side. They talked to me personally.
Q. They took your side to the extent of you telling him not to do something because you said so?
A. No, sir.
Q. Ma'am, did you -- if you answered then I apologize. I need to know did you or did you not pull a gun at various times on my clients, Mr. Grissinger and Mr. Lesondak?
A. No, sir, I have not, would not, and I am not crazy. And if I had wouldn't they have to call the police on me? That's crazy.
Q. Thus far, ma'am, I suggest that the police have backed you up?
A. I have -- no, sir. That's not true.
Q. Ma'am, let me modify the question because I want to be sure we are talking to each other. Did you or did you not arm yourself in their presence?
A. No, sir.
Q. And make threatening statements to them if they interfered with you any further?
A. Absolutely not.
Q. Never happened?
A. No, sir.

Q. You did go ahead on their property and make changes?
A. No, sir.
Q. Well, ma'am, you said that you put down some sod on the property.
A. I never put sod down.
Q. Or dirt. Call it what you will.
A. I put it on the top of my driveway.
Q. Your driveway on their property?
A. No, sir.
Q. It is their property, is it not?
A. This is beyond the -- where it goes in between their homes, this is where, even if the original road or the way it is now where it meets, that is my personal driveway that goes back. I built it up so that my car wouldn't bottom out. And it's very minimum ---
Q. You changed ---
A. And it was very nice and neat.
Q. Did you change their property?
A. No, sir.
Q. You went on to their property?
A. No, sir.
Q. Yes, ma'am.
THE COURT: Whoa, whoa, whoa. Wait a minute. Now, I've already warned you about this arguing.
MR. FOSTER: Pardon. My apologizes.

THE COURT: The simplest way to do this is have her step down and ask her where she put the dirt, and let's cut out this arguing.

BY MR. FOSTER:

Q. Go ahead, ma'am. Show us where you put the dirt.

A. This is the drive that goes around and then it comes in and it comes here. And then it meets just as if this road would, and it meets right here which is then the beginning of my drive that goes all the way around to my property which I have pictures that show.

And there's the pictures that show a very minimum amount of dirt that I placed there. I didn't put dirt on either side of their property. It was nice and neat. It's very nice and neat just so that I can get my car so it wouldn't bottom out. It didn't affect or alter anyone's property. I did not damage anyone's property.

I put dirt from my property back here, very minimal, like I said just to build it up a little bit to where I could get in it because I'm having to make a sharp turn as I said; the 90 degree turn that you were referring to from coming this way.

Q. Your understanding is the dirt was placed on your property?

A. At the top of my driveway.

Q. Once again, ma'am, so that we understand the dirt was

place on your property?
A. To my understanding, yes, sir.
Q. Ma'am, is your property line marked at that place?
A. Well, it's marked like in the woods behind his house and there are no marks in that area.
Q. Your testimony, ma'am, is that your change of the road in front of Mr. Grissinger's house, which is where it is, was made on your property?
A. Yes, sir. Mr. Grissinger's home is over here near the utility building. It goes in front of his home and then it comes up and curves around. Over here as in the pictures it's nowhere near his exact home, where his house is.
Q. So, ma'am, If I were to ask the Judge to come out and look at it this afternoon he wouldn't find it there? He would find it only on your property?
A. He would find it at the top of my driveway as I explained.
Q. As you understand your driveway?
A. Yes, sir.
Q. Please, take you seat, ma'am.
A. Yes, sir.
Q. Ma'am, do you have a gun?
A. Yes, sir.
Q. And I believe you use it, do you not?

A. On my property. Nowhere near his home. Back on the other side.

Q. In fact I believe you went on Christmas day and decided to shoot it a good bit, you did not? Right there in the back side of his house?

A. No, sir.

Q. You did not?

A. No, sir.

Q. You never shot a gun on your property, ma'am?

A. On my own property. Nowhere near anyone's home. As a matter of fact the statement that you're making as referring to him saying, well, that's the first that I pulled a gun on him, when I had called the officers out there he told the officer that I came up the driveway shooting is what he told.

But I -- the officer asked me where I was shooting. I took him back to my property, and I took him down to the exact place where I was shooting my gun. The other end of the bullet that falls out, it was laying where I was shooting, and again, nowhere near their home. And I would never pull a gun on anyone, and yes, I do own a gun. And I've had a gun put to my head and was carjacked, and I did go purchased me a gun.

Q. Now, ma'am, you testified to us that you are, and we will use the language again, always polite and kind?

A. Yes, sir, I try to be.
Q. You have had some run-ins with the police yourself, ma'am, have you not?
A. Referring to what?
Q. Well, ma'am, let me try to go through the documents that we've been provided by County's ---
MS. CROWSON: Objection, Your Honor. I'm going to object to the police reports that are not in evidence; that potentially, again, have nothing to do with a very limited scope property matter. I think this is well beyond the purview of the Court today.
MR. FOSTER: The lady has testified rather emotionally that she is the victim here. She has been threatened by my client, and she is always polite and kind. We have documents sent by discovery and show that she has what I would describe as a very long history of interference with the City police -- the County police. And I think that goes to the relevance and her creditability.
THE COURT: Well, I hadn't't had the chance to read the limited portion of the pleadings here. Are there counterclaims or claims for anything other than this property and the property easement dispute?
MS. CROWSON: Not from the Plaintiff's side, Your Honor. There is a counterclaim filed. But I do not

believe it goes anything along this line of questioning.

MR. FOSTER: Again, Your Honor, without trying to make this a back and forth is the lady has testified that she is X. This is the kind of person she is. We have evidence that she is not X. I think that goes to creditability.

THE COURT: Okay. Under the rules, I'm going to have to let you go into it, but that doesn't mean, now, that we are going to go back and retry everything that really didn't have anything to do with the essence of this case.

But I have to agree with you. She has bought that to light. So I'm going to give you some lead way here. Then you're going to have to follow the rule about how you proceed according to how she responds to your initial question. So, go ahead.

MR. FOSTER: Thank you, sir.

BY MR. FOSTER:

Q. Ms. Piper ---

MS. CROWSON: If I could have a standing objection looking at this whole line of questioning.

THE COURT: So noted.

BY MR. FOSTER:

Q. Ms. Piper ---

THE COURT: Hold up. She's got to change her paper. Okay. Go ahead.

BY MR. FOSTER:

Q. Ma'am, I am looking at a report from, I believe it's from 2001. At that time as I understand it you and your mother had a problem with one Crystal Littlemore, you remember that?

A. Crystal? I'm not sure who Crystal Littlemore is.

Q. You don't recall getting into a fight with her?

A. I've never been in a fight with anyone.

Q. With anyone?

A. I've never been in trouble.

Q. With anyone?

A. Besides my sister.

Q. This is not your sister, I take it?

A. No, sir.

Q. So, this didn't happen?

A. I have never been in a fight with anyone except for my sister, and I have had several abusive relationships and that's neither here or there.

Q. So you didn't make any Court about the fight with Ms. Littlemore in 2001?

A. Not that I recall. I've never been in a fist fight with anyone. I've never been in trouble.

Q. Yes, ma'am. I believe there was also a situation where there was a continuing matter between yourself and the grandparents of your daughter's father, Ms. Barino?

That would be in approximately 2006. Do you remember that?

A. That case has been sealed and his rights have terminated and that is no longer open. But there was never any physical violence. Of course, going through a custody battle is not easy, but yes, I did have to call the police to get my daughter back cause they refused -- the law did tell me that it was Family Court. They could get involved as a peace offering. They talked with her in Greenville, and we went and got her and they handed her over and we went home.

THE COURT: All right. I'm going to have to step in here. I'm going to have to stop this. We are not going into all that. If it hadn't got anything to do directly with this case, we are not. No.

MR. FOSTER: For the record, I understand the Court's ruling. I do think there are some other indications which I will proffer to the Court in term of what we believe is this lady's tendency to be argumentative and to cause scenes. And I have put that as mildly as I possibly can.

THE COURT: Okay. And keep in mind, now, we are not before a jury.

MR. FOSTER: I fully understand, Your Honor.

BY MR. FOSTER:

Q. Ma'am, I'm going to ask you again about a matter that

your counsel brought up. Why precisely is it again that you cannot receive easement to your property across your parent's property?

A. It's not feasible. There's no way to build a road, but again, that's off of a whole other road and that's my property. Not there's. It has an address off of Severance Drive, which is registered through 91 as 847 Severance Drive. That's the access. It always has been into that property.

Q. Until it was abandoned. Ma'am, is it more difficult to maintain the access from your parents in, assuming they're willing to give it to you, than it would be to clear your plat, the granted plat area, from 1951?

A. Yes, sir.

Q. It would be more difficult to get to your parents?

A. Yes, sir.

Q. Of course, your parents have no obligation to give you this since they weren't what's called in law a dominant estate. Have they offered to give you access, ma'am?

A. No, sir. It's not feasible and it has not been drained. I'm not fully understanding.

Q. Let me be sure I understand your answer, ma'am. Have they offered to you?

A. No, sir.

Q. Have you asked?
A. No, sir.
Q. Were you on this property, ma'am, or in contact with it in years after 1998 until your father bought it?
THE COURT: Which property?
MR. FOSTER: Sorry?
THE COURT: Which property?
MR. FOSTER: I'm sorry. The property she now owns. Thank you, sir.
A. I honestly can't give you an honest answer. I mean that was so many years ago.
Q. And ma'am ---
A. Probably not, but I'm not sure.
Q. Did you have occasion, ma'am, in the area after 1998 and 2002 and see there that this easement had been shut down?
A. No, sir, because -- no, sir, because my daughter was born in '98. So, no, sir.
Q. So, you just didn't notice that the road was reconfigured?
A. I haven't been over there until my parents -- after I grew up until my parents purchased it for me.
MR. FOSTER: If the Court would allow me one moment?
THE COURT: Sure.
BY MR. FOSTER:

Q. Ma'am, the way you've been using it, the existing access, which is across from Mr. Grissinger's property and we maintain Mr. Lesondak is your 4-wheeler mainly, isn't that correct?
A. No, sir. I have things going on up there that 4 wheeling doing yard work, but my car is over there mostly.
Q. Yard work of what kind, ma'am?
A. When I drive back to my property over there and I'm cleaning up as far as like I said I took the home down and burning it like inside the foundation. Trying to straighten up the yard and make it look nice and presentable. Things to that nature.
Q. Ma'am, is it your testimony that Mr. Lesondak or Mr. Grissinger ever threatened you physically?
A. No, sir. They have never put their hands on me. No sir.
Q. Did they threaten to do so?
A. Mr. Grissinger has said a lot to me. I can't recall exact words, but he threatened numerous things with very vulgar language.
Q. Did you make complaints about those threats or actions?
A. Yes, sir, I have called officers out.
Q. Do you have documents to show those, ma'am?
A. I have police reports, yes, sir.

Q. Can you show them to us?
A. My attorney has them.
MS. CROWSON: Is there a question posed to me?
MR. FOSTER: I believe the lady is indicating that she has such reports. I'm asking to see them.
THE COURT: If you've got them that's fine with me.
MS. CROWSON: We've produced everything we got.
MR. FOSTER: This is trial. I possible should say for the record I don't dispute they've been produced, but I cannot know which reports the witness is referring to not until she verifies them. I can try to find the ones we have if that will help. Your Honor, I apologize.
THE COURT: Take your time.
MS. CROWSON: Your Honor, I am holding one, two, three police reports Mr. Foster referenced. We produced these to Mr. Foster in discovery. I will continue my same objection to the relevance that I have the same standing objection.
THE COURT: I'm going to overrule the objection, but once again, now, we're not before a jury, now, and I think I've got an understanding what the issue is in this case. And don't know what this is accomplishing, but go ahead.
MR. FOSTER: Well, I'm always going to go by where the Judge is heading on this. In that event, I'll hand these back. For the record, Your Honor, Mr. Martin was my

great grandfather, not me. I appreciate the complement. I have no further questions.

MS. CROWSON: Very, very briefly, Your Honor.

THE COURT: Go ahead.

REDIRECT EXAMINATION

BY MS. CROWSON:

Q. Ms. Piper, Mr. Foster ---

MR. FOSTER: I don't mean to be ill mannered here, but we have Mr. Hardee here as a Defendant. He hasn't been -- cross-examination.

THE COURT: You are about absolutely correct, yes. Anything you would to ask, sir?

MR. HARDEE: Can I make a statement?

THE COURT: No, sir. I will allow you to do that later. If there is anything you would like to ask her that would be -- now would be the time.

MR. HARDEE: Let me ask you one thing -- well, two. I've been sitting back here. My eyesight is not the best. I would like to see her dotted line where she is talking about the entrance?

THE COURT: Sure.

CROSS-EXAMINATION

BY MR. HARDEE:

Q. Is this it right here? The one you're talking about, the original access?

A. Yes, sir. The one that is dotted was the original went on the left side of Lesondak versus going into the right and coming around the way it is now.
Q. Did you know where the other one was? You said there were two. There were actually three?
A. No, sir.
Q. Do you know where the other ones were?
A. No, sir. The only one that I was actually aware of, I can contest, too.
Q. That would be the one -- probably the one looking at the 1992 aerial photograph which I deal with. I worked with aerial photographs all my life.
A. Yes, sir.
Q. There is also one that comes, that he was talking about, that comes within two or three feet of this house. That is why it was changed to here back in -- right after Sam Austin built it -- bought the house -- bought the place?
A. Yes, sir.
Q. Cause he wanted to add on to his house.
A. Yes, sir.
Q. And this road was too close to his house, so they proposed -- he came to me and asked me about -- he said he found a plat that said that there was a right of way. Me and him and half suppose, to be honest, half to him. He

came to me and asked me. I didn't even ask him. I trusted him. Next thing I knew they were cutting trees, but that's when the road was changed. I bought this property in 1999. And I'm not sure exactly when he bought his. But I'm guessing around 2000. I'm not sure, but that's when this was changed.

A. Yes. I'm not sure when it was changed. Yes, sir.

Q. This is a long time ago.

A. That was the original one.

Q. The other one came here, here and then turned that way?

A. No. No, sir, it don't.

Q. That's the latest one. When Sam bought this house that's how you got in here. You came here and close to his house and then it turned back here. This was -- the 1992 aerial photograph you can see all three.

A. Yes, sir. Can I step down?

THE COURT: Sure. I think that's a question. Go ahead.

THE WITNESS: Okay. Yes, sir. The original one that came here by -- you're referring to Sam. It's still plenty of room, but it came in and it originally came down. It was the access that went to Mr. Grissinger's home as well. It came down and went to his home and it came -- and it went this a way to my property. It was

pretty much a straight shot. A very easy turn into. And it was also the drive that this home used as the pictures I had. Cause it accessed this home, this home and my property and then they rerouted this.

And the way it stands now it's open and the easement then comes across this way to the property. Now, that's the only two that I have been aware of that I can be speaking and be honest about that I know of.

(WHEREUPON, parties speaking to each other but could not be heard on the record.)

THE COURT: All right, now. All of this now that you're doing is off the record because there is no way she can hear what y'all are saying.

MR. HARDEE: Okay. I've got an aerial photograph here, Judge.

MS. CROWSON: If I might, Judge, what Mr. Hardee is holding we've got in evidence and is premarked as Plaintiff's Exhibit N. I'm going to hand this to Mr. Hardee so he can be referring to an exhibit.

MR. HARDEE: That's it, yes, ma'am. And I see two copies of this.

MS. CROWSON: All right. I'm handing Mr. Hardee Plaintiff's Exhibit N.

MR. HARDEE: It's the same thing as this.

(WHEREUPON, parties speaking to each other but could

not be heard on the record.)

COURT REPORTER: Could you speak up, please.

THE WITNESS: Okay. As far as the way -- what he has here this was the original drive and it came here and then it turned and went to my property. This is Grissinger. This is Lesondak. And, again, it's also showing the original road that went to his home as I was just describing as well on this aerial map.

But it went past his home, and then where it met in the same spot this road is currently meeting, it met directly at the top and was still the original same drive as far as here. It goes to my property. So whether you go this a way or the original way it still meets at the same exact point when it goes to my property.

BY MR. HARDEE:

Q. It meets at your property line?

A. No, sir. Well, I'm not sure.

Q. It does. I drew this in.

A. Okay, but this photograph is not showing you exactly -- okay ---

Q. No.

A. Right here.

Q. I drew this in.

A. Yes, sir.

Q. Cause I got this one in 1992 aerial?

A. Yes, sir .
Q. --- photograph where you can see it.
A. And I have the photo ---
Q. I know. In other words, this ---
THE COURT: Whoa. Whoa. Whoa. Wait a minute, now.
THE WITNESS: I'm just trying to make you aware ---
THE COURT: Madam Court Reporter has got to take all of this down, and y'all are in a conversation over there that's not a question and I don't think it's ---
THE WITNESS: I don't think it's fully understood.
MR. HARDEE: Well, when she says, 'original road', there's only one original, and I'm saying that the original road didn't come -- it came and took a left in this path. Not the path she's talking about. The later road went up by Sam's house, and that's when they -- when he built his addition the road was too close and he changed it here. And that's ---
THE WITNESS: If I may.
THE COURT: You may.
THE WITNESS: I think where the confusion is, and based on the map it's hard to describe, but if you look at my photos you can see exactly where I'm talking about. Whether it be this way or this way the original road, even it comes here -- okay, before it gets back to here, even this way where it comes and the easement comes this way

and where I would have to turn to make a sharp right at that point right in here, the original road still met at that same peek at the same point at the very tip top.

No matter which way you go it comes in conjunction and meets right there and that is the only one way I have to take that very long place as I've shown in my photos to go to my property that's in the photos. So the aerial maps, I don't think -- that's why I'm trying to make him, not back here.

They conjoin right at the corner of Mr. Lesondak's fence, and it circles up in front of Mr. Grissinger's and then it goes down that long length of ---

BY MR. HARDEE:

Q. No. The only thing I says is the only place those two entrances come back together is at your property line. This comes up here and then turns back just like you say, but they intersect right here at your property.

A. Okay, well, then if that is where my property line is then my statement would be true that where I the put the dirt I didn't affect anybody's property. I was on my own drive.

Q. There's where it ends.

A. Okay. Well, that's how they come through. Again, I was on my property. I didn't affect anybody when I put the dirt to make up my drive. I was on my property.

Q. I have one other question.

THE COURT: Okay.

BY MR. HARDEE:

Q. You say right of way and easement. Are you equating those two? Have you considered them to be the same thing?

A. Well, the right of way, and correct me if I'm wrong, the right of way is right to access my property. And the easement is which way you're using to access the property. Am I right?

Q. You can say that.

A. Well, you can correct me, but that's my understanding. If you want to, that's fine.

Q. Well, most of the time a power line gets called a right of way. You can call it a right of way, but this says right of way which means right according to the plat. According to the plat there is a right of way there. If you look at it, the way the surveyor drew it, it's actually a little bit over on it.

You see the four lines? See how it comes up? And like I say when Sam and I agreed on it the next thing I knew they were cutting trees. That was just fine. I didn't have a problem with it, but that's why it's like that. But the right of way if you look at it on the plat goes here to your property.

A. Okay.

Q. Right there.
A. All right.
Q. All the way.
A. Okay, then, see, I'm not familiar with this way, but in any event as I said the original road it was used to where they have me now come to curve in between in Mr. Grissinger and Mr.Lesondak. Where it comes as it curves around in between their properties where I'm going in front of Mr. Grissinger and right here where it's going between their properties before it was in front of Mr. Grissinger.

This original road was the road, so it didn't at alter anything as to the easement that I'm using. The original road went to my property, but it's also the same direction that went around that went to Mr. Grissinger's. So as far as that nothing has changed because that access was the original access to his home as well as his.

So the only thing that is changed is where it just curves in front of Mr. Grissinger's a little bit, and it still meets that point of access where the original road was going to his home where now they have it going this way. So it's still -- all this that I'm using, my part was always in existence and there and it's still existent.
Q. Got one other thing.
A. Yes, sir.

Q. The only other thing I would say is those deeds refer to common roadway, way back. Well, a common roadway could be anything. It didn't give a distance. It didn't give a -- it just says common roadway. All the plats give a right of way. I mean and said what's a common roadway, but those common roadways are closed. They're gone. But the right of way is still there. What I'm saying. You got a right of way in here.

A. Well, as it stands now the one that is here is open, and as I said it's just a little bit different right here but it's still the same in any event because this came around in the exact same spot where he parks as the way this one is now meeting. So if this one is open and accessible and feasible for me to get to my property, and as I said it's been going for almost two years and I want my family back together.

Q. And I understand that, but that's not the right of way that you use. That's not the right of way. This is the right of way down there. And that's your -- that's the corner of your property, my property and Mr. Grissinger's property right there.

A. And I can ---

Q. That's just the way it is. That's the right of way right there?

A. I can attest to ---

Q. When your lawyer says you don't have a right of way, you do. There it is. That's it.
A. I'm not sure what she referred to, but if I may add the -- just a minute. I lost my train of thought. I'm confused with all of this. The thing is when Sam did this, the attorney, and you can talk with my father, said to him; he told him you can't close the road. You have to give her access, and so when they opened this road here ---

MR. FOSTER: I'm going to object to hearsay.

THE WITNESS: That pulled me around ---

THE COURT: You can't get into what somebody said.

THE WITNESS: Just the same way. I don't understand, but its still meets at the same spot. I'm not sure what I'm being asked.

THE COURT: Well, neither did I. It's okay.

THE WITNESS: I'm confused. Do I stay?

THE COURT: It's fine. I think your attorney has got something she wants to ask you that I hope will be a question.

MS. CROWSON: It will be.

REDIRECT EXAMINATION

BY MS. CROWSON:

Q. Ms. Piper, when Mr. Foster was questioning you he used the word, 'trespass'.

A. Yes, ma'am.
Q. Have you ever knowingly or intentionally or on purpose gone on Mr. Lesondak's or Mr. Grissinger's property other than driving to get back to yours easements you have been describing?
A. No, ma'am.
MS. CROWSON: I don't have any other questions.
MR. FOSTER: Your Honor, I have about seven minutes to 1:00. I suppose we are raising eyebrows met focally.
THE COURT: Okay. All right, let's break for lunch, and let's be back at 2:00. I know the Summit is up here still. Okay.
MS. CROWSON: Can we just take a pause? I might be losing one of my witnesses unless we can go ahead and do him before we break. Can I confer with him briefly, Judge?
THE COURT: I certainly don't mind.
MR. FOSTER: Go ahead. I'm just trying to.
THE COURT: Ignore what I said.
MR. FOSTER: I assume Ms. Piper can come down.
THE COURT: Yes, you may step down.
MS. CROWSON: Your Honor, we have Mr. Severance Lee as one of our witnesses. He won't able to come back after lunch, but he's my shortest witness of the day.
THE COURT: Fine. Ignore what I said, Mr. Foster.

We're going to do him. A very short witness.

MR. FOSTER: That's fine.

WILLIAM LEE, after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. CROWSON:

Q. Good afternoon, sir. Can I get you to state your full name for the record, please?

A. William Severance Lee.

Q. And I hear your middle name is Severance. Is that any relation to the Severance's and Severance Drive that we've been talking about today?

A. That's my grandparents.

Q. Okay. Describe for us, sir, who your family is.

A. Of course, my mother was their child, and we lived on Columbia Road behind them where Kerry is now.

Q. Mr. Grissinger?

A. Yeah, my mother passed away when I was five years old, and my daddy took us to Charleston. My grandmother lived in Charleston.

Q. Okay. And at some point you actually lived on some portion of the property we've been discussing today, correct?

A. Yes, I did. I came back my senior year in high school and finished at Chester High and stayed with my

grandparents for four years. My grandfather had a plumbing accident and lost his eyesight. So I stayed on to help them out. In 1976 I moved back to Charleston.

Q. Your grandmother is Lucille T. Severance?

A. Yes, she is.

Q. And what was your grandfather's name?

A. E.B. Severance.

Q. Okay, and so your grandmother, Ms. Lucille T. Severance, she actually is the Severance that Severance Drive is named after?

A. Well, it's named after my grandfather.

Q. Okay. And then your grandmother owned a portion of the property that's now owned by Mr. Lesondak, correct?

A. That's right. The property at -- all that property at one time was my great grandfather's. He split it between his children and some of them left town and moved and some of them, of course, stayed.

Q. And ---

A. The property behind that she now owns belonged to my aunt which her last name is Miller. And that's all I ever knew about it was Miller. She had a son named Jack Gandy. But, anyway, that was the property that my great grandfather give his daughter.

Q. And that's Heather Piper's property that we have been discussing today?

A. Right. That's exactly right.
Q. And at some point in your life you actually lived on one of these parcels of property, correct?
A. Well, I was with my grandparents.
Q. Which parcel was that?
A. The one right there as you come in the drive.
Q. Mr?
A. Severance.
Q. The property that you lived on is owned by who today? Is it Grissinger or Lesondak?
A. Well I don't know who owns the property now.
Q. Well,can you tell by looking at Plaintiff's Exhibit B, this map, which one you lived on?
A. Were you talking about the drive? It is the first house right there.
Q. Okay. So Mr. Grissinger -- if I represent to you that you actually lived on Grissinger's property would you agree with that statement?
A. All right. Now, you're talking about the guy here Kerry?
Q. Yes, sir.
A. Kerry lived there when I was just a baby.
Q. Okay. Now ---
A. The house was built for my parents. My grandfather built it.

Q. And that's the house that's on Mr. Grissinger's property today?
A. Yes, it is.
Q. Okay. And you actually lived on that property. Would that have been from 1972 to 1976?
A. Now, that's -- that property I'm talking about, I lived with my grandparents.
Q. Right?
A. My mother and father lived in the house behind me.
Q. All right. When you lived with your grandparents which of these parcels of property did you live on?
A. The house in front.
Q. Mr. Grissinger's property?
A. No. That was my grandparent's house.
Q. All right. Which piece of property did you live on, Mr. Lee?
A. We going back in time here, okay.
Q. Yes, sir.
A. The house that he lives in now.
Q. Mr. Grissinger?
A. Okay. I lived there as a small child.
Q. Okay?
A. Okay. Later in life after I come back from Charleston from living down there I lived with my grandparents in 1972.

Q. All right. When you lived with your grandparents in 1972 which piece of property did you live on?
A. I lived with my grandparents.
Q. And would that have been on the back property which is now owned by Heather Piper?
A. No. I lived in the front house as you come in the drive.
Q. Back on Mr. Grissinger's property?
A. No. The one in front of him. The house in front of him.
Q. Mr. Lesondak's property?
A. I guess.
Q. Okay. All right. Well, suffice it to say during your lifetime you have been on and around and lived on various portions of these properties?
A. Yes, I did.
Q. All right. Do you have familiarity with how the property now owned by Ms. Piper has been accessed over the years?
A. The drive has always on the left side if you're facing the house coming into the drive. It's always on the left side going down by -- I mean right up to his house and then on the left side, Miller's house. My aunt's house.
Q. Okay?

A. That's how the property was always as far as I can remember.
Q. And this is the access to what's now is Heather Piper's property that you're describing that was always in this area that you just described?
A. Exactly.
Q. All right. So that access to Heather Piper's property is it shown anywhere on Plaintiff's Exhibit B on this map right here beside me? The access that you always remember being used by everyone whose owned Heather Piper's property? Can you show us, if you would like to step down, please, sir, on Exhibit B where that access is? Are you able to point to it or tell me?
A. Well it's complicated. As you come in the drive it would be on your left side. That's the property that I always remembered the road is on.
Q. All right. Is that the one that is hand drawn in that we've been referring to as the Ms. Gandy's easement?
A. The Gandy Easement, yeah.
Q. So your testimony today, Mr. Lee, is that based on your knowledge of this property over your whole life everyone whose ever had to access Heather Piper's property has always used this hand drawn easement that we've been referring to as the Ms. Gandy Easement?
A. Yes.

Q. Okay. And how familiar or how knowledgeable are you as to the usage of this easement?
A. That road right there?
Q. Yes, sir.
A. My, God, I came up from Charleston to visit with my grandparents over the years, and I would ride my bicycle down it or drive my car to my aunt's house. I mean it's where it was.
Q. Whose house used to be on Ms. Piper's property, Heather Piper's property, that you used to visit back here?
A. That would be Zelma T. Miller.
Q. Zelma T. Miller?
A. That was my grandmother's sister.
Q. Zelma T. Miller was your aunt?
A. The property that Ms. Gandy got was inherited. Her husband died, which was Zelma T. Miller's son's wife.
Q. Okay. And so you would come back and visit your aunt, Zelma T. Miller, on the property now owned by Heather Piper?
A. Exactly. Many times.
Q. How would you get to Heather Piper's property, your aunt, Zelma T. Miller, when you would come on to this property?
A. Straight down on the road we just discussed and go

down. And I would have to make a left to go to her house to go into his property. Kerry's property you had to go straight.

Q. And the access you're describing that you would use to get you Aunt Zelma T. Miller's house on the property now owned by Heather Piper, you would always use the route that's drawn on Plaintiff's Exhibit B, the hand drawn dashed line?

A. There was never another way to go.

Q. So it's your testimony that everyone who needed to access Heather Piper's property would use this dashed easement we've been calling Ms. Gandy Easement?

A. Yes.

Q. Okay. How many times have you personally been down this Ms. Gandy Easement to get back to the property that's now owned by Heather Piper?

A. Hundreds of times.

Q. Hundreds. Plural?

A. I mean I've been down the road many times living there over the years and coming back as a teenager.

Q. And so you would go down this easement I heard you say on a bicycle?

A. Yes, many times.

Q. How about in a car?

A. Yeah.

Q. You would drive back and forth?
A. Yeah.
Q. How much times would you say you have gone back onto this property owned by Heather Piper?
A. Well, I'm about 62 now. Oh, my God. I couldn't -can't count.
Q. Hundreds?
A. Many times.
Q. And every time you have gone back to this property now owned by Heather Piper you would use these dashed easement that we've been calling the Ms. Gandy Easement?
A. Yeah.
Q. And to your knowledge that's how others would also go back to this property?
A. Yeah.
Q. Your aunt, Ms. Zelma T. Miller, she actually lived on the property now owned by Heather Piper?
A. Right.
Q. And Ms. Zelma T. Miller would she also use this dashed Ms. Gandy Easement to get back to her property when she owned it?
A. She had to walk. She never drove.
Q. Okay. All right. So she would walk it to get back to the property?
A. Oh, yeah.

Q. Did anyone else live on the property with her?
A. Well, yeah, over the years she had a boyfriend. He had to go that way down there, too.
Q. All right. Did any other members of your family live on the property now owned by Heather Piper?
A. I did have a death. I guess when she went to Florida her brother lived in the house for awhile back there.
Q. Zelma T. Miller's brother on there?
A. Yes, T.C. Taylor.
Q. And, so, your uncle would have been T.C. Taylor?
A. Right.
Q. And so your uncle at some point lived on the property now owned by Heather Piper?
A. Exactly.
Q. Do you know how Mr. T.C. Taylor would access and get back to Heather Piper's property when he lived there?
A. Car or truck, whatever.
Q. And would he also take this route, this easement, we've been calling the Ms. Gandy Easement?
A. Right, he did.
Q. Okay. And to your knowledge, he used this Ms. Gandy Easement multiple times to get to the property?
A. Yes. Cause the house was rented some because any time I went to Florida and stayed for the summer. And she would come back and forth.

Q. The period of time we're describing were you have knowledge of members of your family using this Ms. Gandy's easement to get back to what's now Heather Piper's property, what period of time are we talking about?
A. Probably 40 years.
Q. Forty?
A. Well, not 40. My parents died in '85. It's at least 35 or 40 years.
Q. Okay. And during that time you are aware of you and various members of your family always using this hand drawn in Gandy Easement to get back to the property now owned by Heather Piper?
A. Right.
Q. Are you aware of the condition of this easement or property today?
A. Not really.
Q. When was the last time you would have been on these properties?
A. My mother was the only child, so we sold this property to Frank Young. I would say that would have been '97. Frank Young bought it from me and my two brothers and my sister.
MS. CROWSON: If I could have just a moment, Your Honor?
THE COURT: Yes.

MS. CROWSON: I don't have anything further, Your Honor.

THE COURT: Counsel.

CROSS-EXAMINATION

BY MR. FOSTER:

Q. Mr. Lee, I am a tad deaf so if I didn't hear some of questions I may need to ask you to repeat them.

A. Okay.

Q. Sir, when did, if you know, when the Gandy's ceased to live on the property that Ms. Piper now occupies -- now owns?

A. Well, it was never really of my knowledge over the years in family, we talking family. My aunt was the only one that lived there. The Gandys lived in Florida. Her son and his wife.

Q. Let me put it another way.

A. Okay.

Q. To your knowledge when did someone last use or occupy that house on the property? If you don't know that's what I need to hear.

A. I don't know when that would be.

Q. Sir, were you aware of the time when Severance Drive was rerouted from what you have discussed with Ms. Crowson where it is now?

A. I know there were some changes made after we sold to

Frank Young.

Q. Do you know the dates of that, sir?

A. No, sir.

Q. That's all I needed. Thank you, sir.

MS. CROWSON: Nothing further, Judge.

THE COURT: Thank you.

MR. FOSTER: Mr. Hardee.

MR. HARDEE: No questions.

THE COURT: He said none. All right. 2:15.

MR. FOSTER: Might I suggest 2:15 to 2:30.

THE COURT: 2:15.

MS. CROWSON: Thank you, Judge.

THE COURT: Am I rushing anybody, 2:15?

MS. CROWSON: Thank you, Judge. I plan to release Mr. Lee and let him leave unless anybody has any need of him further.

MR. FOSTER: No, Mr. Lee can be dismissed. He can be relieved.

THE COURT: Okay. That's fine. All right. We're in recess for lunch.

MS. CROWSON: Thank you, Judge.

(WHEREUPON, Court was in recess and reconvened at 2:15 p.m.)

MS. CROWSON: Thank you, Your Honor. If the Court is ready to call our next witness I will call Mr. Dennis

Rousey.

DENNIS ROUSEY, after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. CROWSON:

Q. Good afternoon, sir. Can I get you to tell me your name, please.

A. Dennis C. Rousey.

Q. You live here in Chester County?

A. Yes.

Q. What's your address, sir?

A. 546 Glen Road in Chester.

Q. You are married to Rosemary Rousey?

A. Yes.

Q. You are the father of Heather Rousey Piper?

A. Yes.

Q. I believe, sir, we heard testimony this morning that you and your wife own and live on a piece of property as shown on Plaintiff's Exhibit B right here where I'm pointing?

A. Yes.

Q. And how long have you lived there, sir?

A. Oh, 40, 44 years.

Q. You and your wife bought that property shortly after you got married?

A. Well, it was a wedding gift.
Q. And you at some point, I believe it was 2012, purchased an additional piece of property that you transferred to your daughter, Heather Piper?
A. Yes.
Q. And that's the property that I'm pointing to right here, the 4.796 acres as shown on Plaintiff's Exhibit B?
A. Yes.
Q. And why did you and wife purchase that piece of property?
A. We bought it to the give to my daughter to build a house on and then we come up with a problem. I was using the right of way that was there. We were told we could use the right of way until, you know, things happened and, they told me I was trespassing and couldn't come back on his property. But I was using it when I bought it. I was told to start using the right of way. Don't wait to start using it, and that's what I did.
Q. Who are you referring to? Who told you could use right of way to your property?
MR. FOSTER: That's hearsay.
THE WITNESS: Lawyers. It's not hearsay. It's David Hamilton that told me that.
MR. FOSTER: It's still hearsay.
THE COURT: Okay.

BY MS. CROWSON:

Q. All right. So let's go back a little bit further. You've owned your property with your name on it down here for 40 something years?

A. Yes.

Q. And you've lived on your property with your wife the whole time you owned it with your wife the whole entire 40 something years?

A. Yes.

Q. All right. During that time have you known the various folks that owned the property now owned by your daughter, Heather?

A. Yes.

Q. Okay. Specifically, Ms. Gandy, Marie Gandy, was the one who owned the property and sold it to you and your wife, correct?

A. Right.

Q. Do you know how long Ms. Gandy owned that property?

A. Let's see. I want to say that house was built somewhere around 1952, and I think I might have been Ms. Miller that owned it. I'm not exactly sure when Mr. and Ms. Gandy got it. It might have been in the '60's. I'm not sure.

Q. And then Ms. Gandy sold it to you and your wife, Rosemary, in 2012, correct?

A. Yes.
Q. So, in your 40 years of living on your property do you have knowledge as to how the folks that owned Heather's property over the years have accessed that property?
A. The same way as I come and go.
Q. Okay. And looking at Plaintiff's Exhibit B is that way that you're talking about that dashed line we've been calling the Gandy Easement?
A. I'm going to say it is.
Q. I'm not going to ask you to get down. All right. So this is Plaintiff's Exhibit B.
A. Okay. Yes, because that was the common road that was closed.
Q. Now, what are you pointing to right now?
A. This is the way it went when it come around to this side of Severance.
Q. And you are pointing to the Gandy Easement?
A. Yes.
Q. Okay. All right. So while we're talking today I'm going to refer to this one down here as the Gandy Easement?
A. Okay.
Q. And the one above it is the one Heather is using now and then we've got this top area up here that borders Mr.

Hardee's property. Okay. So over your 40 or 44 years of living on your property you just testified that anyone that you've ever known whose owned the property owned by your daughter, Heather, they've always used Gandy Easement to access the property your daughter, Heather, owns?

A. Yes. Is that the Severance House on this side of it or the other side? I just want to be sure. Okay. All right. That's on the other side of the Severance House before Sam Austin moved it because this is where Paul lives, and this is the old barn.

So now Sam put the road back in from here from where it come around this way and come in like this. But now from here to here is the way I've always been going in where the road was changed. I been going in this way right here.

Q. So what you're pointing to so we can get this on the record, and correct me if I'm wrong, you're pointing approximately to the route that Heather is the using now ---

A. Yeah. Yeah.

Q. --- to access the property?

A. Yeah.

Q. The one that is coming in on US 321 up here where it says Severance Drive down along this dashed line with the 'E' and into her property?

A. Yes.
Q. So I'm going to swap with you and give you -- I'm just showing him a reduced version of the larger one. So I want to make sure I'm clear on what you're testifying to, Mr. Rousey. Over the years the route that you've known folks to access what's now Heather's property is the route that Heather is using now is to come off 321, up to Severance Drive and then down this dashed line with the 'E'?
A. Yes. It's been that way for about -- I'm guessing at this. I'm going to say maybe five years. I'm guessing more or less.
Q. All right. Now what about the route, that dashed, that we've been calling the Gandy Easement along the ---
A. Now, that's the original one I've always known until Sam changed the road around.
Q. And do you know -- when you say Sam you mean Sam Austin?
A. Yes.
Q. Do you know when that happened?
A. I say maybe five years or less. I'm not sure.
Q. You mean five years ago?
A. Yes.
Q. Or maybe about 2011ish?
A. I'm roughly guessing on it though.

Q. All right, going back to the Gandy Easement, we're saying Gandy because that's who y'all bought the property from in 2012, right?
A. Yeah.
Q. Do you know if Ms. Gandy used the Gandy Easement to get back to the property when it was hers?
A. Yes.
Q. How do you know that?
A. I used to go over there and talk to her husband a lot when I would see somebody over there, and I would kind of watch, you know, just to see if somebody would go in there or something.
Q. Right.
A. And I would go over there and see who there and then talk to Jack and, you know, and all.
Q. All right. And would you routinely go visit the Gandys?
A. When he was down, I would.
Q. Right. And that's during the time that the Gandy's, obviously, lived on what's now Heather's property?
A. Well, he -- they rented that house out and when there wasn't -- his nephews rented it, and I forget who else. But if there wasn't anybody in it Jack came down from Florida and spend the weekend or maybe, I don't know, maybe a week. And I would always go over and speak to him

and everything and, you know, and all so.
Q. And Jack is Jack Gandy?
A. Yes.
Q. Okay. All right. So do you know how the Gandys accessed their property when they owned it? Would they use the Gandy Easement or would they go in ---
A. That's the way they went in, the Gandy Easement.
Q. Okay. The Gandys used this. Did they use the Gandy Easement the entire time they owned the property?
A. Yes, that I know of they did.
Q. Sir?
A. That I know of they did.
Q. Would you see them use the Gandy Easement?
A. Yeah, I think that's the only way it went into it at that time. What it was it comes down around the Severance house and come up, and he went to the left to go to his property or go right up to -- used to be Charlie Shirley's until Kerry Grissinger bought it.
Q. All right. Did you know any of the folks who owned Heather's property before the Gandys?
A. No.
Q. All right. You didn't know any of the prior owners?
A. Well, actually, I think it was Jack's stepmother or something.
Q. Do you know how any other folks, other than the

Gandys or before the Gandys, accessed what's now Heather's parcel?

A. No, not really. I wasn't there when Ms. Miller was there.

Q. Okay. All right. Now, in terms of access to what is now Heather's parcel, there was some questions earlier as to whether or not you and your wife can just grant an easement and she can access through your property.

A. Well, the problem with that is it's something like black jack down in there. I got my tractor stuck and like to never got it out. I mean I didn't drive it out. And there's a natural creek through there for run off so when it rains the water from Lake and Glen Roads all of it actually runs down like a drainage ditch on the other side of my house and all that water runs down through there.

And it has flooded down there.

Q. Okay.

A. So it would be kind of hard to put a road in the lower end. It stayed just as wet as can be.

Q. Has there ever been an access, an easement, or a road of any type, that you know of in your 40 to 44 years, on your property? Has there ever been an access road of any type from your property up to Heather's property?

A. No.

Q. Has anyone ever used a type of road, easement, access

to get to your property up to Heather's property?
A. No.
Q. Are you aware of any time prior of you owning your property has there been anything you have just abandoned, perhaps?
A. No.
Q. Okay. All right. So in terms of access to Heather's property, cause you can't come up from yours, what about some of these other properties around and behind hers?
A. Well, the one behind her, Frank Wright's property, joins it. Lee Roddy's property joins right there on the front -- on the roadside of mine like where Lake and Glen Road is and down a little bit. Somebody else bought the property between Frank Wright and Lee Roddy. I'm not sure who it was that bought it, but they were going to build a house or something. My understanding is the land was perked or something it's just I don't know who owns it or anything.
Q. Okay, but you're not aware of any access or any roads or any easements on any of these other properties to the north, or the west or anything else to the south of Heather's property?
A. No.
Q. Are you aware of any easements or any access to Heather's property other than the ones we've been talking

about today that are on Lesondak property, Grissinger property, and potentially Hardee property?
A. No, there's one other piece of property in there that may join mine. I'm not sure. J.T. I think owns it. He sold the house, the two story house there on Pin Lake and it had a bunch of land with it. But whoever bought the house didn't want all the land so they cut it off at -- that may touch it. I'm not sure, but I don't think he has a road running towards 321.
Q. Okay. And we heard you say that you've owned your property for 40 something years, and y'all bought Heather's property in 2012. These two properties as you look through the chain of titles were never owned by the same owner, were they?
A. I'm going to say at one period of time -- I'm going to say Mr. Taylor owned all of that.
Q. Right, but they haven't been owned by the same owner for at least more than 40 years?
A. Oh, yeah.
Q. Correct?
A. Yeah.
Q. Now, the top route up here, that's at the top of Exhibit B, and you've got a smaller version of the same thing right in front of you, right up top, that's right. Are you aware of anyone using that route to access

Heather's property?
A. No.
Q. Is it possible to use that route to access Heather's property?
A. Well, to do that I'm thinking it may be a well back along the right of way because Kerry has I'm going to guess a 12 by 24 building, something like that. And it's sitting there and it's sitting in the middle of the right of way.

So in other words you use the old right of way that was there many years ago then he's got to move that building and then got to move the well if I'm right and it's back there behind that building somewhere.

Q. Okay. You've seen the photographs that has been introduced as Plaintiff's Exhibit C, all those photographs I walked through with your daughter, Heather, this morning?
A. No, I didn't see them I don't think.
Q. Okay. I'm going to show you, sir, what's been marked as Plaintiff Exhibit C. I'll show you pages within Exhibit C marked as Rousey 8, 9, and 10. So these are some photographs. Is this the area that you were just describing that shows that route at the top?
A. Yes.
Q. That borders ---

A. This is the top front coming in. And here, that's where you come in and go towards his house.
Q. Are those the items that are blocking that top route preventing Heather from using that way to get to her property?
A. Yeah.
Q. The utility building you've been describing is blocking that route that's shown in those photographs?
A. I can't really see. Well, that might be it right there. That's the jeep there. That is the building there.
Q. I'm going to show what's been marked as Rousey 11 within Plaintiff's Exhibit C. You see that utility building in those photographs?
A. Right here.
Q. Yes, sir.
A. I'm going to say that's the same one. Those two.
Q. And those items are currently sitting right there in that top corner right where Mr. Hardee's property, Heather's property, and Mr. Grissinger's property come together, correct?
A. Yeah.
Q. That's not anything that Heather can drive through, is it?
A. A:Well, I'm going to say this. If we were. I'm just

saying if he was to forced to give us this right of way.
Q. Yes, sir.
A. Not saying he is, but my problem would be when I'm coming down through there going to my property is he going to step out in front of my car out of his door because that's how close it would be?
Q. You say, 'he', you mean Mr. Grissinger?
A. Yeah, you know, whether he may step out in front of it, you know, just for a lawsuit or whatever. I mean to me it would be a -- to me it would be dangerous.
Q. All right.
A. You know, I'm not saying he would, but I'm saying it would be dangerous.
Q. And you worry ---
A. I'm not saying he would, but that shows the building good there.
Q. Yes, sir. So you worry from a safety perceptive if anybody is using that top route to access Heather's property?
A. Yeah, because on this one that building is in the center of the right of way and his house is just on the other side of this trailer. When you come down through here, you know, you're not going to be too far away from his kitchen -- I'm going to say kitchen door. That's the door he uses to come in and go out all the time. It's on

the side of the house. And it would, me, you know, I would say it would be safety hazard.

Q. And that's Rousey 10 from Exhibit C you were just pointing to, correct?

A. Yeah.

Q. Now, when you and your wife, Rosemary, purchased Heather's property what was your understanding of what you were purchasing in terms of easements and access?

A. Well, that's when I was told you to start using the easement.

MR. FOSTER: My objection. Again to hearsay which I believe we are about to hear. My objection secondly to relevance. I do not understand what this gentlemen understood he was getting has anything to do with this case.

THE WITNESS: I'll tell you when I bought the land ---

THE COURT: Yeah, don't get into anything anybody said.

MS. CROWSON: No. I haven't asked that question.

THE WITNESS: Okay.

MS. CROWSON: I do think, Judge, a former owner of this parcel what he understood and intended to own access and easements is directly on point.

MR. FOSTER: I don't mean to interrupt. To hear from

the former client, that's fine. I don't see what relevance and what basis it has to hearing what Mr. Rousey understands a former owner has said or to have believed.

THE COURT: Just stick to what he actually did.

BY MS. CROWSON:

Q. Mr. Rousey, when you purchased what's now Heather's property in 2012 what did you believe that you were purchasing from Ms. Gandy?

MR. FOSTER: If I might. My objection may be considered?

THE COURT: I'm going to allow that. Go ahead.

THE WITNESS: I am going to see if I can phrase this to satisfy everybody. When I purchased that land I knew where the right of way was. The easement, when I purchased it I immediately starting using it, and that's what I started doing until Mr. Grissinger, my son, my little nine year old grandson was riding his go cart over to where I was at. He come down there and I seen Mr. Grissinger over there with him.

I immediately went up there, and I told him, I said, "Kerry, you do not say nothing to that boy. I said talk to me if you got a problem." I said, "I will handle it." And me and him hugged and upset words, more or less. I went back to what I was doing, and my grandson went on down there with me. You know, he don't need to talk like

that to a kid. And I went right on back to work, and when we got ready to leave he left out with me.

And, you know, it was two altercations I think like one and then one when a few words, choice words, he used when I went over there to actually talk to him about something. And he was cutting grass and he pulled in and turn around and pulled up beside me and told me I was trespassing get the F off his property and all this right here.

I said something. I said, "I'm leaving." I didn't want to do nothing to get in trouble. So I turned my tractor around and went on back home.

Q. Now, Mr. Rousey, you said just a second ago that when you bought Heather's property you knew where the right of way was and you're start using it.

A. Yes.

Q. Where was the right of way that you knew where it was?

A. Where the Gandy goes in. I mean after he changed the road where it comes around the curve and comes in, that's the way I've been coming and going.

Q. All right. Cause you bought Heather's property in 2012, you've been using the Gandy Easement?

A. Yes.

Q. All right. And when you bought her property in 2012

you bought it knowing the Gandy Easement existed and with the intention of using the easement? Is that what you've testified to?

A. Yes.

Q. All right. Would you have purchased Heather's property if you would have known it was land locked?

A. If I was going to purchase it for myself, yeah. I mean far as my personal use, but wouldn't mind it so I had reasons. So, no, I wouldn't have bought it.

Q. So your testimony is that you purchased this believing you were also acquiring the Gandy Easement?

A. Yes.

Q. Along with Heather's property?

A. Yes.

Q. Did anyone ever tell you at any point when you were purchasing the property or having discussions that you were in fact buying a land locked piece of property?

MR. FOSTER: Objection, it is the same thing that you heard him saying, with respect.

THE WITNESS: No, I never did.

THE COURT: Okay.

MR. FOSTER: Could I -- Your Honor made a gesture. Could we get something on the record in response to my motion, with respect?

THE COURT: Sustained. I will ignore the answer.

MR. FOSTER: Okay. I hope so. Thank you, sir.
BY MS. CROWSON:
Q. And so you've testified, Mr. Rousey, that when you purchased what's now Heather's property you believed you were also obtaining the Gandy Easement with the property, correct?
A. Yes.
Q. And so then when you transferred the property to Heather did you also believe at that time you were transferring the Gandy Easement and use thereof to Heather?
A. Yes.
Q. Now, have you ever been informed by any of the neighbors, specifically, Mr. Hardee ---
MR. FOSTER: The same objection.
THE COURT: All right. Let's watch all the hearsay, now.
MS. CROWSON: Yes, sir.
THE COURT: Calm down on that. Sustained.
MS. CROWSON: If I might have just a moment, Your Honor?
THE COURT: Sure.
MS. CROWSON: I don't have any further questions, Your Honor.
THE COURT: Go ahead. Your witness.

MR. FOSTER: Thank you, sir.

CROSS-EXAMINATION

BY MR. FOSTER:

Q. Mr. Rousey, I don't hope to keep you too long. Let me go through some facts, if I may, sir. When you bought the property that your daughter now owns, I'm gesturing on the map, there was a house on that property; is that right?

A. Yes sir, it was.

Q. What kind of shape was it in?

A. I wouldn't want to have tried to live in it.

Q. That's what I am saying?

A. It was in bad shape.

Q. How long had it been, if you know, sir, that anyone had lived in that house or occupied it?

A. I don't know. Last time I could think of anybody lived in that house was, I'm thinking, Mr. Gandy's nephew rented it. I'm going to guess eight or ten years ago.

Q. Eighteen years what, sir?

A. Eight or ten.

Q. From when, sir, to when, sir?

A. Till now.

Q. Eight or ten years ago?

A. Now. Yes, sir.

Q. Okay. Sir, you testified about Mr. Austin. He owned

the property Mr. Lesondak owns now; is that right?
A. Yeah.
Q. And he changed the road?
A. Yeah.
Q. Do you remember, sir, how long after he bought the property he changed the road?
A. They did a lot of remodeling on to house. I'm going to guess two years. I'm guessing.
Q. Two years after he bought it, sir.
A. Yes. Like I said I'm guessing.
Q. Okay. Well, sir, I'm going to show you, with counsel's permission, a copy of the deed in Mr. Austin and I presume his girlfriend.
A. That would be his wife, Annette.
Q. Sir, with what I assume is no objection I'm handing you a copy of the title to real estate for Mr. Young, Annette Whiteside to Samuel Brice Austin?
A. Yes.
Q. Can we agree, sir ---
A. I need to read this.
Q. If you can't let me know.
MR. FOSTER: I trust it's okay with the Court for me to approach him?
THE COURT: Sure.

THE WITNESS: I'm not sure how long ago it was that Sam bought the property.

BY MR. FOSTER:

Q. Well, since I believe this is a self-proving document.

MS. CROWSON: No objection, Your Honor.

MR. FOSTER: I'm going to hand it up to the lady, perhaps.

(WHEREUPON, Defendant's Exhibit No. 1 was marked for identification only.)

MR. FOSTER: I have not done so formally I proffer this is an exhibit.

MS. CROWSON: Without objection.

(WHEREUPON, Defendant's Exhibit No. 1 was admitted into evidence.)

BY MR. FOSTER:

Q. Mr. Rousey, I am telling you what I believe counsel will allow me to do which is that deed is ended with Mr. Austin in October of 2002?

A. Okay.

Q. So that's a bit earlier I believe than your memory was, sir?

A. Well, hey, I said I was guessing.

Q. Excuse me, sir?

A. I said that I was guessing. I wasn't sure of the

exact date.
Q. I appreciate your honesty on that point. The part over Mr. Lesondak has been closed since, by your memory, roughly two years after he got the house?
A. Let's see. After the bedroom and everything was added on instead of two years I'm going to tell you that change road been changed around -- the lady bought the house. I'm going to say -- I'm going to guess more like five years.
Q. Five years?
A. I'm thinking about Frank Young sold it to a lady. Wait a minute. Let me get my mind right, now. Yeah, Frank Young sold -- no. Frank Young did sell it to Sam Austin and Annette. Then they sold it to another lady who moved here. She lost the house, and that's when Polly purchased it.
Q. And take us back to my question was. Did I understand you correctly it was about two years in your memory after Mr. Austin bought the house that he changed the road?
A. That's what I say. I'm going to say five because I thought about it for a minute and realized the way the sales of the house went. I'm going to say more or less, you know, around five years.
Q. Five years after he bought it?

A. So I'm ---
Q. Do I understand your testimony you said it was about five years after he bought it?
A. Yeah, like I said, now, I'm not sure. I just estimated there.
Q. Okay. It was closed when you bought the property that went to your daughter; is that correct?
A. What was closed?
Q. The old way across Mr. Lesondak's property?
A. Well, before that could actually be closed the other road where he moved it to had to actually be opened up to go back to the other two houses.
Q. Well. That's fine, sir. Whichever one happened first that was done before you bought the property, was it not?
A. Yes.
Q. Okay. And, sir, I believe I've asked. If I haven't I'll ask again. When was the last time, to your memory, did anyone live in the Gandy house?
A. I think I answered that awhile ago. I said eight to ten years.
Q. Sir, at that point when you bought the property it would be accurate to say, a, the way across Lesondak had already been changed and there had been no one going down to the Gandy house to live there for quite some time;

would that be accurate?
A. Yes, that would be accurate.
Q. Now, sir, you are aware when you're talking about the utility building and well on Mr. Grissinger's property that he's not asserting that as grounds against your using the platted right of way or your daughter using it?
A. Well, if I'm looking at this right, the platted right of way, which, you know, goes down the side of the house ---
Q. Yes, sir.
A. --- the building is in the middle of the right of way so something has got to go. I mean I can't go over here and start cutting and plowing down Mr. Hardee's trees when I'm off where this is actually at.
Q. I believe, sir, my question going back to that and trying not to lecture to what I believe what the law is, you are aware that Mr. Grissinger is not asserting that utility building against your daughter's right to use that right of way?
A. Okay. Is he willing to move the building?
Q. If need be and that's the Judge's order we are prepared, sir, to do that. I can answer a question.
A. Well, me personally, you got a right of way there. I don't want to cause him no inconvenience or no problems or get him upset or nothing. He's got power running to his

building out there, I believe. And I mean, what's wrong with just using what you already have.
Q. Well, sir, that's what we've been getting into. Now, sir, you stated that your recollection of this matter do you have a -- well, let me go back. Do you have a document, sir, or anything that -- where you understand Ms. Grissinger's well is in the middle of this right of way?
A. No. That's what I was saying. I'm saying, you know, that ---
Q. Okay?
A. Well, they wanted us at one time to pay to have his building moved, and to have his well moved. I'm thinking that's where it was at.
Q. Which would obviously be a lot less sensible than going to the law about it. Sir, do you have a serious fear that Mr. Grissinger intends to step in front of your car to cause an accident?
A. No. I said, you know, there's that possibility. I mean, me personally, I wouldn't want to come down through that and say he, you know, he didn't look and stepped out and I hit him. Now, whose really going to be at fault there?
Q. Sir, you're not disputing that this is Mr. Grissinger's property?

A. No.
Q. Okay.
A. I've always told him I didn't want his property. I just wanted to cut across it get back at. That's all I ever wanted to do. I wasn't taking nothing from him.
Q. You did have some arguments with Mr. Grissinger, did you not?
A. That was his problem.
Q. That was his problem? Did you say to him words, sir, such as, "You know I carry a gun?"
MS. CROWSON: Objection. These are out of Court statements.
THE WITNESS: Well, I'll go ahead and answer that. No.
THE COURT: All right. The door is already open. Let me go ahead and hear all the dirty laundry.
THE WITNESS: No.
THE COURT: Go ahead.
THE WITNESS: I did not tell him that.
BY MR. FOSTER:
Q. Let me finish my question.
A. I did not tell him that.
Q. Let me finish my question, Mr. Rousey. My understanding is that in response to an argument you had with be Mr. Grissinger you said something to the effect

of, "You know I carry a gun and I've killed snakes. You understand what I mean?"

MS. CROWSON: Same objection.

THE WITNESS: Mr. Grissinger told you that? He's telling you a lie. Do I have a gun permit? Yes. I carry a gun everywhere I go. Now, it's on my side. Sometimes my shirt will ride up and you can see it. But I mean at least I'm on private property. Have I ever pulled that gun on him or pointed it at him or his house or at his property? No, sir, I have not.

Q. You have it on you now, sir?

A. Oh, no. Not in the courtroom, no.

Q. Good. So you never made statements of this kind?

A. No, I did not. You accused my daughter of the same thing. It seems like, you know, somebody's got their story going the wrong way.

Q. Someone certainly does, sir.

A. I think so. The wrong way, because I go over there sometimes and I might shoot my gun. Sometimes I don't even shoot it. You know, I just go over there and piddle around on the property cleaning up stuff.

Q. You shot your gun around the property -- I mean on Mr. Grissinger's property, on her property, haven't you, sir?

MS. CROWSON: Your Honor, again I object to the

entire line of questioning.

THE COURT: Your objection is sustained.

BY MR. FOSTER:

Q. I assume, sir, should the Court should find it has right to restore the old way which is now within I believe is two or three feet within Mr. Lesondak's house he might step out and get hit, too?

A. Well, I could jump out of a window.

Q. As against Mr. Grissinger just have to step outside the door?

A. Well, instead of just walking out he could stumble and fall out. That's why I stated a while ago the road is fine with me. I mean, if you come down through there, leave it like it is, and we just go ahead and get it put in to where we can drive on back there it's not really -- I mean the only thing that's changed, I'm going to say, I'm guessing, is about 30 or 50-foot. I don't know.

You know, we would have crush and run or pea gravel already there. The pea gravel is already there road was at before. If you scrape it back you can see where the road was at.

Q. It's there as far as Mr. Grissinger's house; isn't that right?

A. It's all the way back to the property.

Q. Its back to Mr. Grissinger's house, I suggest, sir.

A. That is the crush and run that they put on it, but when you get to Grissinger's house right here and it goes this way that's all pea gravel right there all the way back. They just started putting that crush and run in a couple of years ago.

Q. That they put down. Who is they?

A. County.

Q. Who is this?

A. The County.

Q. You saw them do this, sir?

A. Yes, I did.

Q. The County came in there?

A. Yes, they did. The County maintained that road for God knows how many years.

Q. No, sir. My question is you testimony under oath is that the County came down and graveled the road from Mr. Grissinger's house back to your daughter's house?

A. No, they maintained the road from 321 all the way back to Grissinger's house. And when they stopped, you know, they were told right now, stop right there and leave it alone.

And you know, get this in because they had a problem with an ambulance with a woman having a heart attack or something, and they had to get her out and the ambulance got stuck.

Q. Which would be another reason to have a straight road then, would it not?
A. The road went straight down.
Q. This road is.
A. Straight from where?
Q. From 321.
A. Well, I would like for you to take me out there and show me that road.
Q. I'm showing it to you on the map.
MS. CROWSON: Your Honor ---
THE WITNESS: And I'm telling you the road does not go that way.
MS. CROWSON: Objection. Feels like a conversation. I don't hear a question in this from Mr. Foster. Is there a question, Mr. Foster?
THE WITNESS: Because if you come off of 321.
THE COURT:
THE WITNESS: Come off of 321 you make a right. Then you go up, and then you go around the curve. Now, there did used to be a little roadway there that went back there to Mr. Hardee's property up there that he owns now. But that goes -- and then that goes on back, but it's not a straight shot from the way that looks from here but I mean.
BY MR. FOSTER:

Q. Let me ask a question, sir, is there anything that prevents the roadway that's marked on the plat from being clear from 321 back to your daughter's property? Well, we've talked about the utility building and the well. We've talked about that. Anything else?
A. Maybe some trees on behind it.
Q. Which can be cut, can they not?
A. That's what I said. They would have to be cut.
MR. FOSTER: That's all I have. Thank you.
MS. CROWSON: I was going to see if Mr. Hardee has any questions, and then I have a brief redirect, please, sir.
THE COURT: Mr. Hardee, you got any questions?
MR. HARDEE: Yes. I am still confused on the entrance.

CROSS-EXAMINATION

BY MR. HARDEE:
Q. When you talk about the Gandy entrance are you talking about the lower one or the one that comes up?
A. Well, he's talking about what -- Mr. Hardee, where you come in. The dotted line on this side beside the Severance's house?
A. Yeah, that one. He's calling that the Gandy entrance. You know Sam moved the road on the other side. Go up. Go on up. Yeah, right there, and he moved it

there and brought it back around through Grissinger's house and then right there where it turns before you go all the way into his house it turns left and then you've got to make a right to go back there to that crossing.

Q. Is the one you say you entering on now right there in the grass?

A. Yes.

Q. Okay.

A. It just goes around and come around like this and you have to take a right to go back this way.

Q. Yes, sir.

MS. CROWSON: If I might just do a brief redirect, sir?

THE COURT: Okay.

REDIRECT EXAMINATION

BY MS. CROWSON:

Q. Mr. Rousey, you were asked about times when the Gandys did not live on Heather's property?

A. Yes.

Q. Was anyone still accessing, to your knowledge, the Gandy's property during the years when the Gandys did not live on their property?

A. Their nephews lived there.

Q. Right. And how would the Gandy nephews get to the Gandy property?

A. Yeah.
Q. The Gandy Easement? Okay. And that was during the time period of Mr. and Ms. Gandy who were the owners didn't live on the property, correct?
A. No. They lived in Florida at the time.
Q. Right. So even during times when the Gandys did not live on their property other folks were still accessing the Gandy property using the Gandy Easement?
A. Yeah, there were several different people actually renting their property.
Q. Okay. Several renters while the Gandys ---
A. Yes, a lot. Matter of fact my brother-in-law was one of them.
Q. All right. And your brother-in-law, would he access the property via the Gandy Easement?
A. Yes.
Q. And that again is during the period that the Gandys owned the property but didn't live it, correct?
A. Yeah.
Q. Thank you, sir.
MS. CROWSON: I have no further questions for this witness.
THE COURT: Anything further?
MR. FOSTER: No, sir, not from me.
THE COURT: Mr. Hardee?

MR. HARDEE: No, sir.

THE COURT: All right. You may step down.

MS. CROWSON: At this time I would like to call Ms. Rosemary Rousey, please, sir.

THE COURT: Come around and be sworn, please.

ROSEMARY ROUSEY, after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. CROWSON:

Q. Good afternoon, ma'am. Can you tell us your full name, please, ma'am?

A. Rosemary Jackson Rousey.

Q. And you live here in Chester County?

A. I do.

Q. You are married to Dennis Rousey?

A. I am.

Q. You are the mother to Heather Rousey Piper?

A. I am.

Q. You have been in the courtroom here today and heard the testimony. You heard from both from your daughter and your husband just now?

A. Yes.

Q. Do you agree with your husband's testimony in regard to the number of years y'all been married, your time at this property, and your purchase of Heather's property to

convey it to her as a wedding gift?
A. I do.
Q. Do you have knowledge, Ms. Rousey, as to access over the years to get to what is now your daughter's property?
A. It was straight behind E.P. Grissinger and Ms. Gandy. It went straight down.
Q. So what the route that you're describing is that what's shown here on Plaintiff's Exhibit B, the dotted line we have been calling to Gandy Easement?
A. Yes, but that was actually called Severance Drive by the County.
Q. All right. But is that in the area that is marked our here near the dashed line on Plaintiff's Exhibit B?
A. That is correct.
Q. In your 40, 44 something years on this property how have you accessed what's now Heather's property over the years?
A. I can walk through the woods. I can't drive through there.
Q. All right. Have you ever gone down or seen anyone go down to what we are calling the Gandy Easement to get to Heather's property?
A. I have.
Q. And who would that be? Who have you seen using that easement to get to Heather's property?

A. I really don't know their names.
Q. All right. Have you ever ---
A. His nephews.
Q. All right.
A. Mr. Gandy would come up and check on the property until he died. Then Ms. Gandy inherited it. She's been paying taxes on it for years. There's is a Duke Power light that's on the property. It has never been shut off so the property was not abandoned cause he's been paying taxes.

She knows Dennis. She likes him. When she lost her husband she called him and asked him if he wanted to purchase it.
Q. And you're talking about Ms. Gandy?
A. Yes.
Q. Okay.
A. And he got with a lawyer here in town. I know I can't say what was hearsay, but we used that right of way to go to the property.
Q. That right of way that you used that's the Gandy Easement?
A. I couldn't use that one by Paul's house anymore because Annette had rerouted it. Either way you went Kerry has always gone either, when it was over way straight down he, had to go to the right and left to get

in his drive.
Q. That's Kerry Grissinger?
A. That's correct. And then now from him to go he has to go straight down and then he backs straight into the same place. He usually parks there.
Q. All right. So let me take you back little bit, Ms. Rousey. You said you know that Mr. Gandy used to access this property when it belonged to the Gandys.
A. Yes.
Q. Do you know which of these easements Mr. Gandy used to get to his property when it was his?
A. It would be that checkered line because as that time they were not there.
Q. So that's the Gandy Easement that Mr. Gandy would use that during the period of time when he and his wife owned that property?
A. That is correct.
Q. And then you said you knew Ms. Gandy also accessed the property the same way during the same time period?
A. Right.
Q. Would she also use the Gandy Easement to get back here to what's now Heather's property?
A. Right.
Q. Okay. We heard a few moments ago that even when the Gandys didn't own their property they rented it out to

some tenants?
A. Yes, my brother rented it at one time.
Q. And what is your brother's name?
A. Vernon Jackson.
Q. All right. Do you know how your brother, Vernon Jackson, accessed what's now Heather's property when he lived there?
A. The same checkered line all the way down.
Q. The Gandy Easement. Do you know what time period he lived there and would have used that access?
A. Wait. I've been 40 -- I have lived on Columbia Road right beside it. I been there all my life. I've been on Lake and Glen 44. Then I grew up. Twenty years here. The two families had always intertwined. That was a whole piece of property all over. There used to be a road that went straight up the hill to Mr. Taylor's house, but down the road on the other side.
Q. All right. So when your brother, Vernon Jackson, lived here on what's now Heather's property you said he used the Gandy Easement to access and get back when he lived here. Do you know the period of time he lived on the property?
A. That would have been probably -- he was out of the hospital. He got married young. So that's probably been about 30 years ago, I would imagine.

Q. All right. You said there were other tenants in addition to your brother that lived on the Gandy property?
A. Yes.
Q. Do you know how ---
A. I could hear them, but I don't know who they were.
Q. Do you know how those other tenants accessed the Gandy property when they lived there?
A. Well, the road. The checkered road was still there.
Q. The Gandy Easement again?
A. Yes.
Q. All right. And then after you and your husband purchased the property that Heather now owns, y'all purchased it in 2012, right?
A. Right.
Q. What you ---
A. Cause we knew she wanted to get married and she wanted to the build a house next to us.
Q. Okay. How did you and your husband access the property that's now Heather's during the time period you owned it?
A. How did we acquire it or how did we get into it?
Q. How did you get into it?
A. The checkered line.
Q. On the Gandy Easement?
A. No. Not in the beginning. No. Annette had run it

around so by the time we got it we were going around the corner by Kerry's and straight.

Q. Is that the route Heather described earlier that she currently uses? The one that comes up and down the dashed line with the 'E'; is that right?

A. That's correct.

Q. Okay. Are you aware of any other folks over the years that have used either the Gandy Easement or Heather's current easement to get down into the property that Heather now owns?

A. Other than us and you I don't know of people going on there. I mean it's in the woods from my house so I don't know of anyone is going in and out over there or not so.

Q. Are you familiar with this top route that boarders along Mr. Hardee's property?

A. There was never a road there, and I lived there about 65 years. I grew up as a child there and had holidays there. I knew the Taylors and the Severances. There was never a road there.

Q. So in 65 years your testimony is you're never aware of in 65 years anyone ever using this top route along Mr. Hardee's property to get back to Heather's property?

A. No.

Q. It's never been used as access along the top to get back to Heather's property?

A. No.
Q. Has it ever been cleared right behind this utility building right here on the corner of the three properties we have been discussing? Has this ever been cleared to get back in the area up in Heather's property?
A. No.
Q. I don't have any other questions for you, Ms. Rousey. Thank you.
A. You're welcomed.

CROSS-EXAMINATION

BY MR. FOSTER:
Q. Ms. Rousey I will be brief. Ma'am, you've lived nearby most of your life. That's what you tell us?
A. Yes, sir, all my life.
Q. All your life. Ma'am, when you bought the property that is now occupied by your daughter I understood from your husband that the house that was there was in pretty poor shape?
A. Yes, it was unlivable.
Q. Do you have a memory, ma'am, or any knowledge of how long that house has been abandoned?
A. It was not abandoned. Ms. Gandy -- the house was abandoned.
Q. Okay.
A. But the property was in the possession of Ms. Gandy.

Q. How long was the house unoccupied?
A. That I don't know.
Q. Okay. And you mentioned a change in the road from Severance, roughly, what ya'll say it is to what is now going around this way through Mr. Grissinger's and Mr. Lesondak's property. That was the case when you brought the property. You and your husband bought the property in 2012, am I right?
A. That's when we went in.
Q. Thank you, ma'am. That's all I have.
A. Okay.
THE COURT: No questions.
MS. CROWSON: Nothing further from me.
THE COURT: You may step down. Thank you.
MS. CROWSON: That will conclude our case in chief, Your Honor. We have no additional witnesses, evidence or testimonies at this time.
THE COURT: All right.
MR. FOSTER: Your Honor, we would call Mr. Kerry Grissinger.
KERRY GRISSINGER, after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. FOSTER:
Q. Sir, state name for the record.

A. Kerry Grissinger.
Q. And, sir, I believe everyone has agreed that you own this property that I'm indicating on Plaintiff's Exhibit A consisting of one acre and sort of parallelogram?
A. Yes.
Q. Okay, sir. Sir, I believe that I'm able to state with counsel's permission I'm handing you a copy of the plat recording J44 that is referenced in your deed. And I believe counsel will allow me to say and the deeds prior to you. Have you seen that before, sir?
A. Yes.
Q. Is it -- it indicates an easement a northern or northeastern border between yourself and Mr. Hardee; is that correct?
A. Yes.
Q. Is that easement clear, sir?
A. No.
Q. Sir, have you had some dealings with Ms. Piper on this matter?
A. Yes.
Q. Okay. Have you had any dealings with her family on this matter, sir?
A. Yes.
Q. When did this matter first become known to you as a matter contradiction, Mr. Grissinger?

A. When they started trespassing on my land.
Q. About when was that?
A. About four years ago.
Q. What did they do?
A. They drove a tractor down across my yard and into the woods.
Q. Who did that?
A. Dennis Rousey.
Q. Did you talk to him about it?
A. Yes.
Q. What was his response?
A. He was going to do it anyway.
MS. CROWSON: Object. Object to an out of Court statement, Your Honor.
MR. FOSTER: I believe it's res justi under the circumstance.
THE COURT: Yeah, I will have to overrule that.
BY MR. FOSTER:
Q. Did he do this more than once, Mr. Grissinger?
A. Yes.
Q. Did you object on each occasion?
A. Every time I could.
Q. Okay. And what do you mean by every time you could?
A. When I'm not there I'm not aware, but when I'm there I check.

Q. Then are you aware that at some point the property that we're talking about that was transferred to Mr. and Mrs. Rousey to their daughter, Heather Piper?
A. Yes, he told me so.
Q. He being Mr. Rousey?
A. Yes.
Q. Did she come across your property, sir?
A. Yes.
Q. What was the result of that action, sir? What if anything resulted?
A. They kept doing it.
Q. What were your -- did you have any conversations or confrontations with Ms. Rousey -- with Ms. Piper?
A. Yes.
Q. Tell me about those.
A. Well, one of the first times was about 12:30 at night on Christmas night when her and her son were racing through my yard on four wheeler and a mini bike. And I went out, and I did get -- wasn't loud about it, but it was one o'clock in the morning.

I said, "Get out of my yard. You're trespassing." She told me that she had the right to do it and that she was well within her rights. I said, "No, you're not," and I probably did cuss her out at that point after she started cussing me out. She was within her right.

Q. Did you have any other confrontations with Ms. Piper?
A. Yes.
Q. Tell us about those.
A. One time her and her mother came up with pruning shears, and I assume pruning the trees along where they thought it was their right of way.
Q. Let me stop you. Was this on your property or Mr. Lesondak's property or both?
A. It was on my property.
Q. Go ahead, sir.
A. Several times I've told her, when I catch them being out there, that they're trespassing and I wanted them off my property. The last actual word I had with her -- I don't have time. When my wife came home she was sitting in my driveway. Well, in my yard, and I said, "I don't have time for this. I've got work to do." And I went into the house. She immediately called the police.
Q. What was the result of that, sir?
A. The police threatened me with jail if I didn't let her go across my property.
Q. Did they indicate any authority for that kind of behavior, sir?
A. They said that they had decided that after looking at her piece of paper that she was well within her rights. And I had no right to stop her from crossing my yard.

Q. Did you ever see this magical piece of paper, sir?
A. Not directly, no.
Q. Did you received any order from the Court telling you she had the right to do this?
A. No, sir.
Q. How far in front of your house was she, sir?
A. About 40 feet.
Q. Okay, sir. Sir, we've had some discussion in this case about changes that Ms. Rousey may have made. Did she make any changes to your yard or that of Mr. Lesondak since this matter began?
A. She brought up that dirt, and I believe she must have scraped it a little bit and put that dirt there so she can could get her car over what she considers to be a road.
Q. Is it on your property, sir, or Mr. Lesondak's?
A. It's on my property.
Q. Sir, what would it cost, of your knowledge or your opinion, to restore this situation?

MS. CROWSON: I'm going to object to the question. I haven't heard any foundation or knowledge for this witness to testify to cost.

MR. FOSTER: I believe any homeowner can testify as to damage to his own property. The value of that testimony is, of course, up to the Court.

THE COURT: Yes. You're right. Go ahead.

BY MR. FOSTER:
Q. Go ahead, sir.
A. I'm not really sure how much. It shouldn't be too much because it was just the removal of that dirt and putting it even with the yard again.
Q. Did she do anything else, sir, to your property?
A. She trimmed down through the -- what she considers to be right of way which actually is a power line right of way. It's for Duke Power. And that's the only people who actually used it at all after those people moved out, and they had only been there, to my knowledge cause I was working a lot, once, maybe twice down through there.
Q. Now they ---
A. That was ten years ago.
Q. They that were there only once or twice, who are we talking about? Duke Power?
A. Duke Power.
Q. Sir, what was the condition of this power line property before Ms. Rousey trimmed it up?
A. It was all overgrown with vines and small trees and that bunch of stuff.
Q. Sir, and that was what? Cut by her and her mother or cut by her?
A. Her and her father I believe cut most of it, and then they trimmed it out again.

Q. Is this along your property, sir, or Mr. Lesondak's or both?
A. It would be both because it starts on my property and crosses Mr. Lesondak's property.
Q. Did she cut more than Duke Power cut?
A. Yes.
Q. Would you -- what would you suggest, sir, would be the value of what she did there to restore it?
A. I just would ...
Q. Sir, I'm sorry.
A. I'm not sure.
Q. Okay. Sir, how long have you lived on this property?
A. Since 1996.
Q. And when did you actually acquire it by deed, sir?
A. The year 2000.
Q. And how does it come about you lived there before you got a deed, sir?
A. I was renting to own.
Q. Okay. And who is that from?
A. Charlie Shirley.
Q. Okay. The former owner of the property?
A. The bank.
Q. Sir, during the time period that you've been there did you ever see any traffic between the area of your house toward what is now Ms. Piper's property?

A. In the first year I lived there. There was somebody I believe that lived in that house, and I hardly ever saw them out. I saw some traffic from that there and people going in and out. And then we moved in '97, some place in '97, they just disappeared. I didn't see them there anymore, and I didn't see any more traffic.

Q. Sir, between '97 and the time this matter blew up into a confrontation, which I believe you indicated was when Mr. Piper -- pardon. Mr. Rousey got this property in 2012, did you observe any traffic along that road?

A. No, sir.

Q. Did you have any other problems, sir, with Ms. Piper in terms of her coming onto your property?

A. A lot of times when they get mad cause I told them they can't trespass on my property she would go behind my house, about 40 feet from the house, and discharge a firearm for awhile. And I didn't say anything for a long time. It didn't bother me. I heard it, but it's right behind my house and they were doing it just to harass me.

MS. CROWSON: Objection, Your Honor, as to intend of anybody other than this witness.

MR. FOSTER: Well, I presume he is stating his opinion.

THE COURT: Right.

BY MR. FOSTER:

Q. Is it your opinion, sir?
A. Yes, it's my opinion.
Q. Sir, did you ever have any occasion which Ms. Rousey used or threatened to use firearms with you?
A. She never threatened me with a firearm.
Q. Did she ever have them around you, sir?
A. She had them right behind the house all the time.
Q. How about Mr. Rousey, her father?
A. Yes.
Q. Tell us about that, sir.

MS. CROWSON: Again, Judge, I'd object to the line of questioning so that we can stay on a purely property basis about this.

MR. FOSTER: I understand the objection with I believe are continuing. We are alleging trespass and we're alleging matters which we believed to be worthy of the Court's consideration of punitive damages whether they get them or not.

THE COURT: Well, considering the testimony of the initial witness I'm going to give you some lead way. But let's just don't get out on a tangent on this.

BY MR. FOSTER:

Q. Did you have any dealings with Mr. Rousey regarding to firearms, sir?
A. Yes, sir. He told me that, "He carries a gun for

snakes, and that he's not afraid to use it, you understand me, Kerry." Those were his exact words.

Q. So you leveled out your property to put in this business about the road? Would that be correct? Part of your property?

A. Yes, just sections.

Q. Have you ever seen firearms exchanged between any of the Rouseys or the Pipers during the time you dealt with them?

A. The time that they -- she came over on the four wheeler. She went out back. I didn't say much. I was still in the house. And then I had my chickens out back, but she went up to the front of the house again. Her father and who I assumed to be her husband came in a white pickup truck and stopped right at my property line.

He, her husband, handed Ms. Piper something. I assume to be a gun. She got on her four wheeler and went back around to the back of my house, starting shooting at me. I called the police cause they were blocking me in and fired a gun behind my house.

Q. What result was there by calling the police?

A. Police came and told me that she had the right to fire the gun on her land and that she had the right to my land and that I would be jailed if I called them again.

Q. Again, sir, did they show you any Court order or

anything to back this up?
A. No, sir.
Q. How many times would you say she had the police out there, sir, in all?
A. At least five.
Q. How many people would come when she called the police?
A. Seven officers.
Q. Were you ever arrested, sir?
A. No, sir. I always complied and went back in the house. A lot of times I wasn't even outside when they arrived. They came and knocked on the door and I had come out.
Q. Did they ever discuss with you the problem of using your utility building or your well, sir?
A. No, sir.
Q. Sir, you understand that Ms. Piper has that right to access her property?
A. Yes I do.
Q. At the moment she's accessing it through your front yard?
A. Yes, she is.
Q. If I remember correctly from your description, sir, she comes on your property and makes a right turn and then another right to get on to this right of way of Duke Power

line; is that correct?
A. She comes down the outside of the driveway off my property. Comes on to my property, then down my driveway, turns left, goes back toward Mr. Lesondak's property. Before she gets there she then turns right and follows those power lines which are directly through my land down through to -- over Mr. Lesondak's property again and then to her property.
Q. My memory is correct, sir, that these are two hard turns, 90 degrees?
A. Yes.
Q. So if, sir, one were bringing any building materials or a mobile home the way that she currently has she has in your front door would present great difficulties in maneuvering area?
A. It couldn't be done. You couldn't bring a trailer truck in there.
Q. Sir, have you ever threatened Ms. Piper?
A. No.
Q. Have you ever threatened her children?
A. I threatened to call the police one time. I would call the police if she didn't get off my land.
Q. What type of language did she use to you, sir?
A. Foul language.
Q. Sir, I'm going to have you answer any questions

Ms. Crowson might have. Thank you.

CROSS-EXAMINATION

BY MS. CROWSON:

Q. Mr. Grissinger, you don't dispute that Heather Piper has the right to get back to her property, do you?

A. I don't.

Q. And you don't dispute she don't have any other way to get to her property other than these routes we have been discussing today, correct?

A. The one that is deeded that is showed on the plat is her right of way to that land. Not the one that's she's using. Not the one you have drawn. She's not using that one at all. There is no such thing there.

Q. And the one that is on the plat that you are referring to that's the one along the top right here?

A. Right. Which is all, basically, on Mr. Hardee's land.

Q. And so your opinion is that Heather Piper's access to her property is along this top route which says Severance Drive, gravel drive, across and this way; is that correct?

A. Right. If you came straight down where its already been cleared that is all on Mr. Hardee's property. And that's the way it's supposed to be from what I understand.

Q. And yet you've intentionally prevented her from going that way and blocked here by putting utility buildings,

trailers, wood, building supplies and other items right here, correct?

A. No, ma'am. The utility building is in my -- at the end of my driveway which is 12 feet at least from the property line. And the way it sits in there, it's kinda at an angle to about 8 foot from the property line. The well is about 10 feet from the property line cause I measured it not too long ago onto my property.

It has nothing to do with the edge over there. These are not -- that is not the described the right of way for that.

Q. And then how about the trailers, wood and the building supplies?

A. Those are on my driveway and not on that on easement.

Q. Have you seen the photographs that are Plaintiff Exhibit C, sir?

A. No, I haven't.

Q. Sir, I'm showing you portions of Plaintiff's Exhibit C that are Pages Rousey 10, Rousey 11, Rousey 9, Rousey 8, Rousey 12 and a portion of Rousey 13. Would you take a moment and look at these, please, sir? Have you had an opportunity to look at those, Mr. Grissinger?

A. Yes, I did.

Q. Looking at Rousey 8 I see an upside down red trailer. Is that your position that that is or is not inside the

right of way that you believe is up here?
A. That is not. It's at least ten feet from the property line.
Q. Ten feet?
A. Yeah, those trees, those red tips, are out at least that far.
Q. And that red trailer that's upside down is that on your property or Mr. Hardee's property?
A. It's on my property well within ten -- it's ten feet from the line at least.
Q. And I see a large metal trash barrel. Is that on your property?
A. That's not my property.
Q. Is it in our outside of the right of way?
A. It would be outside. It's at least 15 or 20 feet off the property line. At least 15 I'd say.
Q. And I see a large, long pieces of lumber and a large square piece that could be plywood or something similar thereto. Are those in or out of the right of way?
A. It would be out of it. It would be in my yard at least 10 feet from the property line.
Q. And I see a trailer tilted backwards with an orange pole or something similar in front, that is or is not in the right of way?
A. Is not in the right of way.

Q. Okay. And then if you look over further I see the side of your house with a ladder leaning up against it. That is or is not in the right of way?
A. That is not in the right of way. That's in my driveway.
Q. So ---
A. So is the trailer.
Q. I show you on Plaintiff's Exhibit B. Can you point on Plaintiff's Exhibit B where the items on Rousey 8 and Plaintiff's Exhibit C are located?
MR. FOSTER: With a caveat, I presume the witness is not a surveyor.
THE WITNESS: Approximately, right here. The building is actually up here. The house is here. This has never existed. And the way they came in now is to go down this way into my driveway, which is here, then back up and then go down the power lines.
I owned all this wood over here on the other side of the power lines. They been going down through my property here, through Mr. Lesondak's property, and right through the center of my property.
Q. And so your testimony would be that none of the items we can see on Rousey 8, Rousey 9, Rousey 10, Rousey 11, Rousey 12 and Rousey 13, none of those items are blocking the right of way that you say Ms. Piper has shown on the

top of this plat?
A. Correct.
Q. She should be able to drive along here. These items should not be in her way at all, and she should get back to her property? Is that what you're saying?
A. If she removed those trees she could use her given access.
Q. And you've ---
A. That's what Mr. Austin had to do was remove the trees along the line to make that part of the driveway in order to move the road.
Q. And so your testimony, sir, is that there are no items blocking Ms. Piper's access to her property once she goes along this part labeled Severance Drive? There's nothing in her way?
A. Nothing. All of this that you're showing me is at least 10 feet from my property line on my side of property line. All of it. The building, the well, the wood, the trailer, the land cruiser, all of it is within 10 feet of my actual property line.
Q. So Ms. Piper can ride all along here and come above this utility building, contrary to where the surveyor drew it, is not in this right of way? Is that your testimony, sir?
A. What I'm saying is that building is not right there

either. It's up farther toward 321. That is where the well is, right there. It's 10 feet in and I'm not sure how far off her property line it is. I know it's 10 feet. Approximately 10 to 12 feet in off of the line between me and Mr. Hardee. So is the shed. So is the land cruiser. So is the trailer.

Q. So the surveyor that prepared these maps and plats he's just wrong by drawing the utility building inside the right of way?

A. Yes.

Q. And Heather Piper, Mr. Rousey, Ms. Rousey their just wrong by saying these items in photographs are blocking the right of way? They're wrong as well?

A. Right.

Q. Okay. So you're the person who's right here today and no one else knows where these items are; is that right?

A. I checked it. I live there. I have lived there for 20 years, and I put the shed there, but I didn't put the well there. And the shed is 10 feet up off of my property.

Q. The well is or is not in the right of way?

A. It is not. It's 10 feet, at least, 10 feet off the property line.

Q. Okay. So your testimony today is, to make sure I

understand, that Ms. Piper should have absolutely no obstruction or problem at all going along this top part and going onto her property?

A. Just the trees have to be removed that are on the roadway.

Q. And your testimony is also ---

A. Or they will end up.

Q. --- that the way that Heather has been going to access her property, going up and down along the dashed mark with the E; that she doesn't have a right to that either?

A. No, that Duke Power's right of the way. That's not access for anybody else. That's just where the telephone lines are.

Q. And your testimony is also that the Gandy Easement we've heard a lot about today, she don't have that either?

A. There is no access. That would go around the corner of my property. Not through the middle of it with the power lines. That hasn't been open -- I've never known it to be a road. I've never known it to be a way in. There wasn't never anything there. Just trees.

Q. Now, you testified earlier that in your first year living on this property that you saw people accessing not along the right of way on top but they went along the other way?

A. They went along the power line.
Q. The way that Heather Piper goes now?
A. Yes, through the side of my property.
Q. You don't see everyone who comes and goes back to what was the Gandy property then the Rousey property and now Heather's property, do you?
A. I try to. I'm not home a 100 percent of the time because I have places to go and work, and -- but when I am home which is most of the time because I'm unemployed is -- I see just about everybody that ever goes through there. I know they're the only ones that have gone through since 1997.
Q. You said you first lived on this property, sir, in 1996?
A. Right.
Q. You don't know what happened or who accessed or what way they went before that date, correct?
A. No. Not at all.
Q. So since 1996 you know how everyone accesses what's now Heather Piper's property?
A. No one has accessed it since 1997.
Q. No one has accessed it since 1997?
A. Nobody.
Q. So the testimony we have heard today about the Gandys, that's not true?

A. They did not go visit. They've never -- I've met Andy Gandy one time. He told me his name was Andy, and I wrote it down that way. Mr. Gandy, I have met one time. He asked me if I was interested in buying the property and I says, "How much would you want for it." He said, "I'll check and find out and I'll check back with you," and I never ---

I offered to a keep an eye on the building and the house back there because no one was in it. And he said, "Okay. I'd appreciate that," and I've never seen him after that. Not once.

Q. Cause you actually wanted to purchase what is now Heather Piper's property, correct?

A. Yes, I did at one time.

Q. And you were angry -- you were upset when the Rousey's got it instead of you, weren't you?

A. No, I wasn't cause I figured I didn't have the money to purchase it in the first place. So at least somebody has it. It's fine with me.

Q. Now, in the past you've given Dennis Rousey permission to ride his tractor on your property, correct?

A. No.

Q. And you've given him permission and specifically, told him that he could get back to Heather's property however he needed to, correct?

A. No, I did not. I can't give that permission. It's not up to me to give that permission because he would have to ask -- at the time that he started doing it he had -- I told him, I says, "You have to ask Mrs. Johnson that owns -- you have to cross her property twice. And I says, "I won't let you cross my property. You can go back and look and see what you got over there."

But after that, no. He drug it out and drug it out and drug it out and kept on using it.

Q. There was some questioning earlier from Mr. Foster regarding damage to your property by Heather Piper and her father, Dennis Rousey? They're not damaged your property, have they, sir?

A. They cut the vines out. You should not be able -- allowed to without permission to dig on somebody else's property and make changes to my property without my permission. And the time they did that I was in Myrtle Beach. I found out from my neighbor who videotaped it.

Q. And so the damage to your property that you're alleging, I want to make sure I'm clear, the damage is they cut some vines?

A. The vines, trees and brought up dirt from -- I'm assuming they scraped it off of what they consider to be the right of way. And brought it up to fill in an area of land that wasn't filled in.

Q. So when Heather and her father, Mr. Rousey, say that they never cut any vines, they've never cut any trees on your property, they never dug dirt on your property, that's not true either?

A. That's not true. They did. They have -- that is my property. Where they put that dirt is my property. It's right at the beginning of those 'E' lines. That 'E' line right where it -- behind Mr. Lesondak's house.

Q. Is cutting vines ---

A. The vines were down in the trees.

Q. These are important, expensive vines?

A. What I'd like to have are the trees and the brush in there for privacy and I just like it. My land. I determine how to use it. Mine.

Q. But you didn't see them do these actions yourself, did you?

A. I've seen them go down through there and cut things.

Q. You've seen them cut things on your property?

A. Yes. And I run them out with the tractor. I saw a videotape of that where they dumped the dirt on my land so they could make -- get the car to go across my property and trespass through my yard.

MS. CROWSON: I don't have any further questions, Your Honor.

THE COURT: I do.

EXAMINATION

BY THE COURT:

Q. And I've got one plat on here that I can't find the date on, but I have another plat which is quite similar. It's date in 1997. It's got Severance Drive which was a County dirt road indicates it runs right through the middle of your property.

A. I went down and checked on that and Mr. Austin, too. There is not a County road. It was marked as a 911 thing. And they put that sign there for that because more than one person on a private driveway which the County from my understanding scraped it a few times back when there was somebody there.

And then when they quit doing it for years. And then when Mrs. Johnson had her invalid mother there she petitioned the County to put gravel from her -- where she parks her van to the street so that the ambulance wouldn't get bogged down in the ruts.

And they scraped that part out there and turned around and went back up in my yard and graded it and they dumped the stone there. And they quit doing that. They did it for -- twice. They did it one time and then they came back two -- a year or two later and dumped stone again cause it was on their schedule.

But no one asked him to, and we went down to the

County building and asked, and they said that they wouldn't -- they're not -- they'll no longer do it. They only did it for her, and they did it not realizing that she had moved the second time and they wouldn't be back.

The burden of maintenance of a private driveway would be that of mine and Mr. Lesondak.

Q. Okay. And I noted on the plat that has the utility building located on that northern route, which is the new Severance right of way, that plat was for Miss Piper's property that was not for your property. I don't really have one on your property that ---

A. Well, where the actual building is much farther up from the line.

Q. So I don't have a plat that really is accurate to your property?

A. No, it is not accurate.

Q. All right. I've got another question that I'm going to pose to you. I have plats before me that indicate that right of way, or let me correct myself, indicate that dirt road across your property to access Ms. Piper's property, and I have photographic evidence that's here that indicates a similar close route to the dotted line that we have which was called the Gandy Route?

A. Okay. The Gandy Route would bypass my land completely.

Q. All right.
A. That one right there. Now, the way it is actually, in reality goes, Mr. Lesondak's house is more up towards the line and up towards the street even further. And it would have run right next to that, come down and cross about where the power line is. That's where it used to go and go down along the power line. That's where the -- they used it the first year I was there.

And then when they moved and sometime it disappeared in '97. And it all got overgrown and built up. The power company came out one time and cleared back through there a little bit so they could get a truck on back there for change -- I guess they were there to change a lightbulb, but I don't know exactly why they did it. And then I -- that's been 15 years ago, I believe, at least, when they did that. It's still in the '90s, I believe. So it wasn't long after those people had moved.

Q. Okay. So I've got photographic evidence of that, and I've got plat evidence of the right of way or the dirt road, I should say, crossing your property, up until this point in this trial I do not have any evidence that there has ever been any access to Miss Piper along that right of way; that Mr. Hardee owns that northern part.

And there certainly is no evidence of any right of way coming from the Rousey's property. What do you

propose the Court should do to try to remedy this situation?

A. All right. What you're calling the Gandy access I believe I heard somebody tell me one time it used to be there. That would not touch my land at all. It goes around my property. What you're calling her right access there to the power lines; that's Duke Power.

That's all they're there for. The other one was never open so if they accessed it years and years ago and then allowed it be overgrown on what they have the hash line for that became overgrown. They just scooped down off my driveway and along the wood line which is where those power lines are.

That's along the woods of my property right through -- right through it, and they did that for a little bit and then they moved.

Q. Is the power line still there?

A. Power lines are still there.

Q. Okay. So your proposal is that the Court needs to adopt the old Gandy right of way. Is that what you're telling me?

A. All I'm saying is the Court should adopt the clear -- she should have -- she should clear the trees to that top right of way.

Q. But there has never been a right of way used by

anybody in history that I have before me going in there.
A. That was what was laid out, and that's when Mr. Austin opened up along there when he asked to put -- to move the road so he could extend his house to move the driveway. It's a private driveway used by two houses.

Now, there was at one time, apparently, over through the woods that have grown up over the years. And then they, instead of cutting that back down, they went just around through my property when Charlie Shirley owned it. And when I moved into it those people were there for a while and then moved out and that became all overgrown.

I was told that that wasn't a real road. I was told it wasn't County at all. I would want to know if they were going to come and scrape the thing or it's -- cause it's just overgrown with grass, now. They told me, no. I would ---

Q. And you expect me to issue an order that Miss Piper at her expense is going to have to clear that out? You really expect that?
A. Those trees, I don't mind. She's going to bring -- come down in order to clear what she's got to have and bring building supplies she's got to bring in trucks. They're going to go right through the middle of my property.
Q. Okay. All the evidence is not in. Somebody might

can shed some more light on that issue, and it may be Mr. Hardee, but.

THE COURT: Any other questions that I may have caused anybody to wish to ask?

MS. CROWSON: If I might just for point of clarification.

FURTHER REDIRECT EXAMINATION

BY MS. CROWSON:

Q. Mr. Grissinger, did I hear you say in response to one of the Judge's questions that when you first lived on this property in the 1996, 1997 timeframe that you actually used the Gandy Easement back then?

A. No. I used -- I came in what is actually -- what you're considering the Gandy Easement, but that is in the middle or between where you got the lines drawn for the hash mark. And the property line over there it goes up the side of Mr. Lesondak's land. And then where they were actually coming was to -- right to the edge of mine. Right to mine and then down through the middle of mine.

Q. If I might I want to make sure we're clear as to what you're saying. Can you point to on here where you used to access the property. I'm not asking about other people. I'm asking about you, originally. Sounds like you don't want to say ---

A. Originally, this, what you have hashed here, when I

first moved in it went straight back next to the house. Straight back and straight to my house Okay. It's back over this way.

Q. And you got to your house on the way you're pointing right now?

A. Yes. When I came in those people then got to here and turned and went down here. It actually is right there. That's the straight line right where those wires cross the property line. They came there and then went that way for the first year. I came this way and just went straight to my -- right next to my house. My house is here.

Q. So you pointed here and said your first access to your current house ---

A. Was through the middle of what is now Mr. Lesondak's house.

Q. Point you attention to Plaintiff's Exhibit Five. This is a version of this plat from 1998. This plat was prepared for Frank William Young. Is this the access route that you've been describing?

A. Yes.

Q. All right? If there was ---

A. It was already -- most of this -- this was here in '96. And the people quit using it in '97 when they moved out and then it became overgrown after that and no longer

used. And then when the road was moved it was just moved over here so I could get -- have access to my property.

Q. So when you first moved onto your property ---

A. It was moved from the original -- what was slated to be the access over here. So they had to move the road, the driveway from this up along the edge to Mr. Hardee's land and down that way. And then I curve back this way into my driveway off of the access.

The original slated land is actually all on Mr. Hardee's property. Past it. This is an electric line right here. That's Duke Power right of way. To the pole and within ten feet of each side is Duke Power's access is what Duke Power explained to me.

Q. So as shown on Plaintiff's Exhibit I this was your original access to your property; what's highlighted connects to your property? Yes or no.

A. This one right here?

Q. Yes. Right.

A. This part here they used it for the first year before I bought the property and then abandoned it. They quit. When they moved that was the end of that, and it got overgrown.

Q. And that runs, sounds like you're trying to say not to the exact location as the Gandy Easement, but in this general vicinity down here, and would go up to your

property?
A. It would be a lot further up with what it used to be. Now, I heard ---
Q. Nope. Nope. Nope. Nope. No, thank you. No more questions.
MR. FOSTER: No questions.
MR. HARDEE: No further questions.
THE COURT: Well, that further complicates it because in the last 25 to 30 years and we've had three different entrances to that Piper property.
MS. CROWSON: It's the reason we're hear today, Judge.
THE COURT: You may step down.
THE WITNESS: Thank you, sir.
MR. FOSTER: Your Honor, we call Sam Austin.
THE COURT: Mr. Austin.
CLERK OF COURT: Please, raise your right hand. Please, state your full name.
THE WITNESS: Samuel Brice Austin.
SAMUEL AUSTIN, after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. FOSTER:
Q. Sir, would you state your name for the record?
A. Samuel Brice Austin.

Q. Please, sir, I believe that you formerly owned and lived in the house that's now owned by Ms. Lesondak?
A. Yes, sir.
Q. Sir, you added to that house?
A. I did, yes, sir.
Q. And, sir, we've already placed in evidence Defendant's One I believe. This is the deed of yourself and Ms. Nanette?
A. Yes, ma'am. Yes, sir.
Q. That is dated as I understand it October 2002?
A. Yes, sir.
Q. Does that match your recollection of when you moved in?
A. Yes, sir.
Q. And, sir, am I correct that after you moved in you added to the house?
A. I did.
Q. What specifically did you do, sir?
A. After my wife and I decided what we wanted to do to the house we realized that the house would be out in the middle of the driveway.
Q. The then existing driveway?
A. Yes, sir.
Q. And so you added towards what is -- roughly indicated here on B?

A. Yes, sir.
Q. And, sir, am I correct, because we had other testimony, you also rerouted Severance Road?
A. I did, yes, sir.
Q. And, sir, did you make an attempt to go around and talk to the various landowners before that was done?
A. I did, yes, sir.
Q. And who did you talked to as you recall, sir?
A. I talked to Mr. Hardee. I also talked to Mr. Grissinger and as I bought the land I noticed that there was an easement on the property. So the idea was if I could move the driveway, add on to the house.
Q. Sir, was there anyone living in the house back here on what is now Miss Piper's property?
A. No, sir.
Q. Not in 2002?
A. No, sir.
Q. Do you know what condition the house was in?
A. I walked back there one time. It was in real poor condition. I don't know when the last time somebody lived in it.
Q. Was any road or drive back there grown up?
A. Yes, sir, there was.
Q. Did you ever see anybody during the period you owned the house that's now in litigation?

A. No, sir. I never saw anyone.
Q. Well, sir, thank you, sir. That's helpful, but I was going to ask did you ever see anybody use that driveway or right of way or road, you call it what you will, to access the property back to what was the Gandy house?
A. No, sir.
Q. Sir, you sold the property I believe in 2009?
A. Yes, sir.
Q. That was to Mrs. Dorothy June Johnson?
A. Yes, sir.
Q. And if I can pick this up. I believe, sir, is this the deed for Mrs. Annette and yourself and Miss Johnson?
A. Yes, sir.
Q. 2009?
A. Yes, sir.
MR. FOSTER: I believe without objection we are offering this as evidence.
MS. CROWSON: No objection, Your Honor.
(WHEREUPON, Defendant's Exhibit No. 2 was marked for identification and received into evidence.)
BY SPEAKER 2:
Q. Sir, this may have been answered by implication. Did anyone object to your rerouting of Severance Road?
A. No, sir.
Q. Did have you have conversations at that point with

the Rousey or anybody in their family?
A. With the Rousey's, no, sir.
Q. Okay. They didn't own the property at that point, right?
A. That's correct, yes, sir.
Q. Did you ever experience, sir, any objection or problem after you rerouted Severance Drive from anybody?
A. No, sir.
MR. FOSTER: If the Court will allow me.
BY MR. FOSTER:
Q. It may have been clear, but let me make sure. What you've described is the condition of the property back on what is now Miss Piper's property. The condition of the house which you testified to. The open road, the condition of the road you testified to, that was the case when you moved in?
A. Yes, sir.
Q. And that did not change during the time you were there?
A. No, sir.
Q. 2003 to 2009?
A. Yes, sir.
Q. I don't believe we have any further questions, Mr. Austin.

CROSS-EXAMINATION

MS. CROWSON: Just briefly, Your Honor.
BY MS. CROWSON:
Q. And, Mr. Austin, so that I'm clear, you moved into the house that is now the Lesondak house and actually built an extension that went down into the Gandy easement?
A. I'm not sure where the Gandy easement is, but are we talking about the driveway? Is that the Gandy easement?
Q. Yes, sir.
A. Yeah, it went right next -- right to the driveway, but the house would be too close to the driveway. We didn't want to be hit by a car. We didn't want anyone hitting the side of the house. We wanted a front yard as well. We moved it.
Q. So you built an extension to your house going down into what has been the access at the time going back to what's now Heather's property?
A. Yes, down to it. Not into it.
Q. The extension that you built on your house sounds like it got very close to it?
A. Yes.
Q. But didn't actually go into it? Close to it but not into the Gandy easement?
A. Yes.
Q. Okay. So the extension to your house doesn't block the Gandy easement?

A. No.
Q. It just is close to the Gandy easement?
A. Yes, ma'am.
Q. And to your knowledge is where the house sits today that Mr. Lesondak lives in; it's the same footprint, the same house, the same square footage is what you built and expanded?
A. Yes, sir.
Q. So as it sits today the original Gandy easement is still passable, it's just close to the house after your extension to the house?
A. Yes, ma'am. Just planted grass out over on it. That's all.
Q. All right. And the rerouting that you're talking about that you did, that's the way, if I'm understanding correctly, that Heather Piper has been using today. So the rerouting took the easement up here and then down under the power line easement, apparently, under the line mark E?
A. I went up in front of the house like you said. I went down the easement all the way behind the fence of the house if that's what that is. I'm not sure about the ---
Q. Behind what was ---
A. --- power line.
Q. --- your house?

A. Yes, ma'am. There is a fence in the backyard.
Q. Right.
A. It went all the way back to the fence where Kerry Grissinger fit his house. I'm not sure where that power line is. I don't see the fence.
Q. Now, you moved out of your house in 2009?
A. Yes, ma'am.
Q. You haven't been back?
A. No, ma'am.
Q. You don't know what's going on out there since 2009?
A. I have no idea.
Q. And you didn't live there before 2002?
A. No, ma'am.
Q. You don't know what happened before 2002? You don't know who used it for what? Who crossed? Who had access? Where they were going before 2002?
A. That's correct.
Q. So your knowledge is limited exclusively to 2002 to 2009?
A. Yes, ma'am.
Q. All right. And then when you lived on this property from 2002 to 2009 you said that people were obviously using this easement to get back here because you felt the need to reroute this easement, right?
A. Yes. Kerry was using it to get to his house and

whoever came to see him.
Q. Mr. Grissinger was using the Gandy easement at that time?
A. Yes, ma'am.
Q. All right. To get to his property?
A. Yes, ma'am.
Q. And so when you rerouted the easement that impacted Mr. Grissinger and then whoever would have needed it to get back here to Heather's property, right?
A. Yes, if somebody was to get back there. Yes, ma'am.
Q. All right. So when you moved in in 2002 how soon after did you do the expansion to your house?
A. Within a year.
Q. Within a year?
A. Yes, ma'am.
Q. So when you moved in in 2002 for at least a year people were using the Gandy easement to get back here to the Gandy property?
A. Within the year I had the addition on the house?
Q. All right. Do you recall who you would have seen, cause this was near where you were living at the time during that year, who you would have seen in that timeframe going to the Gandy easement to get back here where what was then the Gandy property?
A. All I remember seeing is Mr. Grissinger and maybe one

or two of his friends. That's all I've ever seen.
Q. All right. Now, would you see them go back here to the Gandy property?
A. To his property.
Q. All right. What about going back to the Gandy property?
A. I never seen anybody go back there.
Q. All right. When you were living in your house on the property you worked?
A. I did.
Q. You worked full time?
A. I did.
Q. And you worked somewhere off of your property?
A. I did, yes, ma'am.
Q. You don't know when you weren't home to see if people were using this? If they were going back and forth to the Gandy property?
A. That's correct.
Q. Okay.
MS. CROWSON: I don't have any further questions, Your Honor.
THE COURT: Yes, sir.

CROSS-EXAMINATION

MR. HARDEE: Your Honor, I hate to keep bringing this up.

BY MR. HARDEE:
Q. But either me or somebody you mentioned a while ago that there are three entrances now. There were two to talk about. If you're talking about the Gandy entrance that's -- let me ask you this, Sam. She said, "The Gandy entrance," this was -- was this the way that you got to your house when it came -- when you moved there?
A. I way I got to my house was right to the right. You see that right there?
Q. Right there. Did it not go here and around Mr. Grissinger's house?
A. It went up to Mr. Grissinger's house, but the way ---
Q. Right like this by your house right there. Before your house?
A. Yes, sir.
Q. It's split up?
A. Yes, sir.
Q. That's the three entrances. This, this was the one -- that's been long gone what y'all are calling the Gandy entrance?
A. That's what I'm saying. Everybody is getting the Gandy entrance confused with the one that comes up here and goes to Mr. Grissinger's and now turns to the left and joins back at this point.
THE COURT: Is that what he's talking about?

THE WITNESS: Yes, sir, this is what he's talking about. The driveway went up. Went to Kerry's house. And the way I got to my house at the time, see that driveway? That's the way I got up to my house. That's where Kerry, Mr. Grissinger, went to his house there. Yes, sir.

MR. HARDEE: Thank you.

THE COURT: Yes, sir. Thank you.

REDIRECT EXAMINATION

BY MR. FOSTER:

Q. Mr. Austin, I just want to clarify some stuff which may already be clear. When you rerouted the road, whatever you want to call it, the driveway, from below your house up towards the line ---

A. Yes, sir.

Q. --- would it be fair to say that your rerouting ends at Mr. Grissinger's house?

A. Yes, sir. I went all the way to the end of my property line where he can get access to his property.

Q. So you didn't do anything beyond his property line?

A. No, sir, I did not.

Q. And if I understood you correctly, don't let me put words in your mouth, during the period you were there from 2002 on you saw no traffic and no access from that point back to what is now Miss Piper's?

A. That is correct.

Q. Do I understand your testimony to be, sir, that as now configured the old driveway would be within a foot of the existing Lesondak house?
A. Yes, sir.
Q. Thank you.
MS. CROWSON: Nothing further from me, Judge.
THE COURT: You may step down.
MR. FOSTER: We would call Mr. Paul Lesondak.
CLERK OF COURT: Please, raise your right hand. Please state your full name.
THE WITNESS: My name is Paul E. Lesondak.
PAUL LESONDAK, after being duly sworn, testified as follows:
MR. FOSTER: Your Honor, before we get started may Mr. Austin be excused?
MS. CROWSON: I have no objection.
THE COURT: Thank you, sir.
MR. FOSTER: Thank you, sir.

DIRECT EXAMINATION

BY MR. FOSTER:
Q. Sir, would you state your name?
A. Paul E. Lesondak.
Q. Sir, do you live on the property fronting 321?
A. Yes, sir.
Q. And how long have you lived there?

A. Since May of 2013.
Q. Sir, when you moved in what was the condition of the property between yourself and Mr. Grissinger going on back toward Piper?
A. You mean where the -- behind my house?
Q. Yes, sir.
A. There was just tall grass.
Q. Any part of it grown up?
A. Reask the question, please.
Q. I'm asking was it grown up? Was it traveled or not?
A. It wasn't traveled.
Q. Sir, when you moved in the Severance Drive had already been, as I understand it, reconfigured to run towards your house? Toward or on the line and down to Mr. Grissinger's yard?
A. Yes, sir.
Q. Okay. Sir, did you ever have any dealings in this controversy with any of the Rouseys or the Pipers?
A. Mrs. Piper.
Q. Describe that dealing, sir?
A. I think it was about a year after I moved in I seen a car go down in through the woods. I didn't know who it was and all. I thought someone was trespassing through the woods. So I walked down through the woods there.
Q. Let me stop you, sir, as the risk of interrupting

your narrative. To get down to the woods the was this car was going they have to go through your property, would they not?
A. Yes, they would.
Q. Go ahead, sir?
A. So I went down through the woods, and I confronted Mrs. Piper. I think it was her mother who was in the car. I asked who they were and what they were doing on my property. And Mrs. Piper had a gun. She did not pull it on me, but she had a gun in her hand. I don't know if she was back there shooting, target practicing or whatever. And at that time she told her mother to call the cops.
Q. This was when she was on your property?
A. Yes.
Q. Did she give any statements to you, sir, or what was her behavior at that time?
A. She just said it was her property she was getting to, and I didn't want to cause a confrontation at that time, and I was not armed or anything. I said, "Well, this is my property." And she goes, "Well, I have a right of way to get through here." And so I just kind of said, "Hey, I'm out," and I just kind of turned around and walked away.
Q. Did Ms. Piper in fact all the police on you, sir?
A. At that time she did not. No, sir.

Q. Did she ever do so?
A. Not on me, sir.
Q. Okay. Did you have any other dealing with her, sir?
A. Non directly.
Q. Okay. Sir, you heard Mr. Austin's testimony about how far the old driveway is from the side of your house. Would you say that was correct in terms of his measurement?
A. Yes, sir, that part of the driveway from the end of my house to where the woods are in the driveway things drop quite a bit. It goes down probably about 10 feet. It's probably only about 10 or 12 feet wide.
Q. Well, now, that's the driveway. How close is the edge of your house?
A. My house is right there. The driveway to the end of my house to where that old driveway used to be to where it links down here is only about 12 feet.
Q. Has Miss Rousey or Miss Piper -- well, let me say that again. Has Miss Piper made any demand on you, sir, to your knowledge to reopen this driveway unless it's in this lawsuit?
A. No.
Q. Sir, did you have any dealing with Mrs. Rousey -- pardon me, Miss Piper, with regard to some logs on your property?

A. Yes. I put the logs across the end of my property right where my fence line is where my swimming pool is closed in.
Q. Let me stop you, sir. I know I'm being ill mannered. In fact you have a fence along your boundary line where that driveway went; is that correct?
A. Yes, there is a swimming pool fence where the swimming pool is it's closed in; that section of the fence all the way across the yard. Yes, sir.
Q. And the fence actually runs across this old driveway, does it not?
A. It does not run across the old driveway. It runs along it, but -- and where the driveway is I've heard some four wheelers and I've seen four wheeler tracks. I'm not saying that they were hers. And then I'm -- fence area, like right around the fence area, that is why I put the logs across there cause I did not want anyone to travel on my property?
Q. About when did you do this, sir?
A. About a year ago.
Q. And what was the result?
A. I actually had Ms. Piper I think -- I guess call the cops on me for putting the logs there. And they said -- well, they didn't come to me at all. She said that they came up to the house which they did not. They came across

my property along side my house. My son and I were both home. We were both videoing it because she took her four wheeler and tried to move the logs.

But the sheriff come up along side of my house. Never came to my door to see if I was at home or not to question me or anything. Then he went back and talked to them. I don't know what he talked to them about. She tried to use the four wheeler to push the logs out of the way. She got her four wheeler stuck up on the top of it. And then after that she got, I guess, her dad's tractor and she tried to move them by hand, too. Pushing them back out of the way.

Q. Did Ms. Piper or anyone with her ever cut any vegetation or brush or trees on your property, sir?

A. Well, going down through there there was a lot of brush. I got a four wheel drive tractor, and I can barely get that tractor down through there. Brush on both sides of the road are grown up. Right now there is nothing in there. It's all been cut back, so.

Q. Do you have any knowledge of who cut it back, sir?

A. I never didn't see anybody.

Q. You have any reason to believe it was Duke Power, sir?

A. I've never seen Duke Power back there.

Q. Did you ever see Ms. Piper or any of her family or

friends cutting out there, sir?
A. Did not see anyone cutting.
Q. Is this along an area that you claim right of way?
A. Yes.
Q. You have any knowledge, sir, of what kind of damage would take or what it would cost to repair the vegetation that she cut?
A. Maybe $200, $300. I couldn't say a hundred percent for sure. One thing I'd like to say. When they were -- before they were moving the -- pushing the logs away ---
MS. CROWSON: Your Honor, he's not responding to a question right now, Judge.
BY MR. FOSTER:
Q. Well, in response to the question as it was asked by opposing counsel, sir, do you have anything you would like to tell the Court at this time?
A. Yes. Before I put the logs there and stuff, when we were talking about them moving dirt and stuff, and that sloosh area -- there's a sloosh that runs through. That's they way I run across. They did take and remove dirt and push dirt around there. We have video of them doing that.
Down through the woods there they have taken and scraped all of the -- most of the grass off. They're saying there used to be gravel there. Long as I've been there since 2013 it's always been growing up.

Q. Thank you, sir. Please answer any questions of opposing counsel.

CROSS-EXAMINATION

BY MS. CROWSON:

Q. Mr. Lesondak, you don't dispute that Heather Piper has the right to in some way get back to her property, correct?

A. Yes, she has a right to get there.

Q. And she -- and this is land locked property. It has to have an easement across somebody's property to get back to her property, correct?

A. Yes.

Q. And based on your knowledge of her property you're not aware of any other access she might have other than the easements that we've been discussing today; is that correct?

A. She could get through from her father's land.

Q. From her father's land?

A. Yes.

Q. Are you knowledgeable of her father's land?

A. Yes. My land butts up against his land. I walk back there. It's not as bad as it looks. It goes down a little grade. There is a dry creek that runs down there that only runs when it rains. I mean when it really pours and rains. And besides that there is really nothing

there.

As far as I can see it's solid way. Property line runs to the corner of his property line. I couldn't see the reason why there couldn't be access right there.

Q. Do you have any idea how far it is from this point down to the public right of way right on -- the public right of way that runs down here?

A. I wouldn't say that it was any further if not closer than what it is from 321 up to Kerry's house.

Q. Sir, you're not aware any existing access? Existing easements? Existing right of way or anyone ever having crossed the Rousey property to get up to Heather Piper's property?

A. In the years since I've been there, three years since I've been there, I haven't. No. I don't get down there that often.

Q. So you said in three years. You purchased your property in 2013?

A. Yes.

Q. And that's the year that you moved on to your property?

A. Yes.

Q. You didn't live on any of these properties before 2013?

A. No.

Q. And so you're knowledge as to access, easements, right of way, who got back to the Gandy, the Rousey, the Piper property before 2013 you don't have that information or knowledge, do you?
A. No.
Q. Your knowledge is based on from 2013 to today since you purchased the property?
A. Yes, ma'am.
Q. So as you sit here today you don't have any testimony or knowledge as to who may have used the Gandy easement back in the 50's? 60's? 70's? 80's? 90's? Or up or before 2013, right?
All right. When you purchased your property in 2013 you obtained title insurance, correct?
A. That is correct.
Q. I'm going to hand you an exhibit which has been premarked as Plaintiff's Exhibit S. Can I get you to take a look at that, sir.
MR. FOSTER: I believe we already stipulated to the existence and voracity of this document which we provided to opposing counsel. Beyond that, without trying to interrupt this examination, which I presume is cross-examine, I do not believe that carefulness of real estate attorney will serve to prove the case that we're hearing. That, of course, is up to the Court.

THE COURT: Well, go ahead.
BY MS. CROWSON:
Q. Sir, you're holding Plaintiff's Exhibit S?
A. Yes.
Q. This is title insurance you obtained when you purchased your property in 2013?
A. Yes. They told me when I purchased it that I should get title insurance for it. They purchased it for me.
Q. And this is title insurance that you hired someone, presumably an attorney, to prepare and review for you?
A. When I bought the property through the realtors they took care of it for me.
Q. And so this is a document that was provided to you at your closing when you purchased your property in 2013?
A. Yes.
Q. This is a document that you saw and reviewed when you were purchasing the property and signing your closing documents?
A. I can't for 100 percent sure, but, yeah.
Q. Presumably a document that you were given a copy of and probably put in with your other documents when from that day when you purchased your property?
A. I would say probably, yes.
Q. All right. On the first page of this document, it's called, 'Schedule B'. Says it's residential title

insurance policy. One to four family residences. I see there is an office file number with your name, Lesondak. I see a policy number and then a title that says, "Exemptions from coverage." Do you see that, sir?

A. Yes.

Q. And then it says, "In addition to the exclusions you are not insured against loss, cost, attorney fee expenses resulting from," an then there is a list that goes from one down to 11. Do you see that, sir?

A. Um hum.

Q. Is that a yes?

A. Yes.

Q. Can I get you to read Number 11 out loud to the Court, please, sir?

A. "Rights of others in and to Severance Drive and a drive, dirt road as contained in the description of the land as shown in the survey of William V. Hipp, PLS, RLS, dated December 1997."

Q. So Number 11 that you just read to the Court is an exclusion and an exemption from your title insurance that references and calls out the rights of others in and to Severance Drive, a County dirt drive as contained in the description of the land as shown on a survive of William Hipp dated December 9, 1997; is that correct?

MR. FOSTER: Sorry. I'm sorry to have to get up at

this stage. If counsel is asking does that exist that's already been asked. If she is asking if a witness what is the legal affect of that document he is not a lawyer. He is not learned in real estate. He can't answer the question.

BY MS. CROWSON:

Q. Sir, what I just read is that what Number 11 states?

A. Read that again, please?

Q. Does Number 11 say, "Rights of others in and to the Severance Drive, County dirt drive, as contained in the description of the land and is shown on survey of William V. Hipp, PLS, RLS, dated December 9, 2009?"

A. That's what it says. Only thing I would say is it says -- I mean, you know, I don't know who wrote -- did this. It says, "County dirt road." When we went to the district house in Chester here I asked them when I bought the place whether there was a County road or a private drive cause I wanted to know who was going to maintain the driveway. They told me it was a private drive and me and Kerry would have to maintain the driveway.

Q. And then if you turn back there is a second page that has a few more numbers. It goes to Number 18, and then attached to that is a third page. Do you have that, sir, attached to Plaintiff's Exhibit S?

A. Yes.

Q. That third page is the survey that is referenced on Page One in Number 11, correct, sir?
A. Yes.
Q. It's a survey by Hipp Land Survey dated December 9, 1997; is that right?
A. Yes.
Q. And this survey shows your property, correct, listed as the Jackson property?
A. Yes.
Q. It shows the Grissinger property listed as the Shirley property; is that correct?
A. Yes.
Q. It lists the Heather Piper property as the Andrew J. Gandy property?
A. Yes.
Q. And it shows several easements, access, right of way and dirt drives, correct?
A. Yes.
Q. You see those are highlighted in the copy that you're holding?
A. Yes.
Q. Those were highlighted by Miss Piper when I showed her that document earlier today?
A. Yes.
Q. And those are the easement and access routes --

access points shown on Plaintiff's B that we've been discussing over the course of this trial today, right, sir?

A. Yes.

Q. So when you purchased your property in 2013 these existing easement, access right of ways across your property were called out and noted then, weren't they, sir?

A. Yes, they were.

Q. And this document specifically says, "You take ownership of your property subject to all this existing easement shown on this plat that you're holding, doesn't it, sir?

MR. FOSTER: Same objection. If the opinion holds, regardless of whether Mr. Lesondak knew it, and he's not an attorney to give an opinion about the legal affect of that document.

THE COURT: Noted.

BY MS. CROWSON:

Q. So my question to you, Mr. Lesondak, in light of this title insurance policy, the survey that you're holding that you obtained when you purchased your property I have trouble understanding how you could now say that some of these easements don't exist when they were called out and known in 2013 when you purchased your property?

MR. FOSTER: Same objection.
THE COURT: Objection noted. He can read plain English.
MR. FOSTER: I understand.
THE COURT: Counsel.
BY MS. CROWSON:
Q. So, Mr. Lesondak, when you purchased your property did you know of the existence of these easements?
A. All I knew was that the road went around where it goes right now, in all due honesty.
Q. There was some questioning about a fence. You talked about a fence somewhere behind your property. It sounds like somewhere behind your house but before you get to Miss Piper's property?
A. Not even near Miss Piper's property.
Q. Okay. The fence doesn't block the Gandy easement, correct?
A. No.
Q. It runs along side it, but it doesn't cross it and block it?
A. Right.
Q. Okay. That's what I'm trying to understand?
A. Right.
Q. There is no fence that crosses the Gandy easement, right?

A. Right.
Q. And there is no fence that blocks the route that Miss Piper uses now to come up, come up to Severance Drive and go down the Dash E line, correct?
A. No. I mean not really as far as where the mark really is.
Q. And there was some question earlier about damage. There has been no damage to your property by Heather Piper or her father, Dennis Rousey, has there?
A. Run across the easement in there which they're calling an easement cutting brush and clearing it off. It was all grown up.
Q. Your property is damaged if they are the ones that cleared some brush?
A. That's what I'm saying.
Q. Okay. But you said specifically that you have never seen them cut the brush?
A. I have never seen them. They're the only ones I know that have gone back there.
Q. Now, there is some discussion earlier about along the route in the vicinity of the Gandy easement, some logs that were put out. You put those logs out?
A. That is correct.
Q. And a fire pit, you placed a fire pit there?
A. The fire pit was there when I built the -- bought the

house where my barn is where my wood shop. It was in the way of me getting access to my door and I backed my truck up there. So I moved it out further so I could have better access to my garage.

Q. You moved the fire pit and placed it in its current location?

A. Yes.

Q. And you placed the logs?

A. Yes. It's my property.

Q. Did you place those in an attempt to block Miss Piper from using that route to get back to her property?

A. No. I told you already I put the logs there because I heard four wheelers driving along the side of there down there. So I put them there so I wouldn't have four wheelers driving along the side of my property.

Q. Okay. Sir, I'm going to hand you a portion of Plaintiff's Exhibit C, pages labeled Rousey 17, Rousey 18, Rousey 19, Rousey 20 and 21. If you would take a moment and look at those, sir. I'm also going to hand you a portion of Plaintiff's Exhibit C, Rousey 29, Rousey 30 and Rousey 31.

A. Okay.

Q. You had enough time to look at those?

A. I have.

Q. Those are the logs and the fire pit that we've been

discussing, correct?
A. Yes.
Q. And those are the items that you placed on your property in what would be the Gandy easement, correct?
A. If that's what you call it, yes.
Q. And those items are still there today?
A. Yes.
Q. And those items are placed in such a way that someone, say Heather Piper, would be unable to drive on the public right of way back to her property because in order to do so she has to somehow cross a fire pit and some logs, right?
A. As far as I owned that land since 2013 nobody has ever used that right of way at all. They always went up around it to the top part of the road that is located right now.
Q. Let me ask the question again. So in order for Heather Piper to drive down the Gandy easement from US 321 across your property to get back to hers right now she would have to drive over that fire pit and over those logs, correct?
A. If that was the case, yes.
Q. So in order for her to freely drive down the Gandy easement to her property the fire pit and the logs would have to be removed, correct?

A. Yes.
Q. Let me show you a few more portions of Plaintiff's C. This is Rousey 26, 27 and 28. If you will take a moment and look at those.
A. Okay.
Q. You've had enough time to look at those?
A. Um hum.
Q. So those show, and correct me if I'm wrong, still on your property, still along the Gandy easement in the vicinity of the logs and the fire pit but further back towards Heather Piper's property; is that correct?
A. This looks like it's going down through the woods.
Q. All right. So that would be along the Gandy easement?
A. No, it wouldn't be. It would be -- this part actually goes down it this way. It would be looking down -- well, the way you have it here looking this way, but like it's actually looking up this way.
Q. All right. While you're up there point will you point on here the location of the fire pit and the logs?
A. They are probably -- see my house you're saying is right here. This photo is totally wrong because my house is way up here, and that fence goes up along this way. And the logs are right at the end of my fence and the fire pit is way up over here.

Q. Okay.

THE COURT: He is correct. The plat, I assume is accurate, but the house location and the barn location doesn't match some of these plat.

THE WITNESS: That's way out of wack.

THE COURT: So but it's the general idea.

THE WITNESS: These look like they're looking up through the woods. Not actually on my property at all. Well, my property crosses over here and leads through, but you know not where you were saying.

BY MS. CROWSON:

Q. Okay.

MS. CROWSON: If I might have just a moment, Judge.

BY MS. CROWSON:

Q. If I might have these photographs back one more time, please, sir. I'm going to show you one more page, sir. Handing you one page from Plaintiff's C labeled Rousey Four. If you would, please, sir, look at that. You recognize that?

A. That's the side of my property along the fence where my fence is in.

Q. And that's the location where the fire pit and the logs are now, but that shows that location before those items were placed in the right of way, correct?

A. Yes.

Q. So without the logs and the fire pit that appears to me to be a nice, clear, open area. Would you agree with that.

A. Well, I still have a power line going across up here. She wouldn't be able to run a vehicle across there with that power line there.

Q. How high is the power line, sir?

A. It's only about 7 feet. 6 feet high.

Q. Is it a distribution line?

A. No, it's just a line going across over to where -- it's been there, I imagine, ever since they put it in before I bought the house.

Q. The route that we've been discussing today though it doesn't go over that power line, correct?

A. Yes, it does. The power line is right there.

THE COURT: That's a service line. That's a power line. That's just a service line.

MS. CROWSON: I don't have any other questions, Your Honor.

MR. FOSTER: Your Honor, no further witnesses. Mr. Lesondak, you may come down from the stand.

THE COURT: Mr. Hardee, do you have any questions?

MR. HARDEE: No, sir.

THE COURT: You may step.

COLLOQUY

MR. FOSTER: Your Honor, we're getting very close to five o'clock. I'm sure that the Court's patience is thin.

THE COURT: Okay. Mr. Hardee.

MR. HARDEE: Yes, sir.

THE COURT: Are you going to have anything to present.

MR. HARDEE: No, sir. I'm through, Your Honor.

THE COURT: You're through?

MR. HARDEE: Yes, sir.

THE COURT: Let me talk to y'all a few minutes before we stop.

MR. FOSTER: Can I put one thing on the record before you start, although it may try the patience of this Court. Despite the fact that we've spent the better part of the day talking about it, I still feel that the physical configuration of the property is still of dispute in this case as I heard it described by various people. If it would help the Court, I think it would, to visit the property. I would be obliged to make a motion to that effect. Beyond that, it is in your hands, sir.

THE COURT: Well, it's an excellent idea. I was going to make my own motion to do it.

MR. FOSTER: I imagine your motion will have more affect than mine.

THE COURT: But y'all are experience attorneys. You

know what can happen here. You've got several people involved. No matter what I do somebody could leave very satisfied, and somebody is going to leave very disappointed. Or many times, which sometimes I think I get paid for that outcome, everybody will leave upset with the Court when this is over.

I'm going to strongly suggest that at least counsel and Mr. Hardee, at least y'all stay here and discuss something so see if some mutual agreement could come up to where everybody puts into the pot and comes up with a resolution to this.

Now, you know, if that can't be done ultimately I will have to do something. I mean it could get expensive on whoever's part even if it disappoints somebody and you have an appeal on it that's going to cost, and it's going to just further delay the problem. I can already see from everything that's been presented that I've got to go out there and look at this property to see -- to just get a better idea cause just like the landowner was pointing out, Lesondak -- am I pronouncing that right? Those houses are a little off from the plat.

So I'm going to have to go out there and look. So I'm going to be here around -- if I look at this document right it's about two and a half miles out of town. I'm going to be here about 9:30 in the morning and ride out

and be ready to take a look at it and come back and then we will close this out.

But I don't want y'all to leave here unless you tell me that there is no room to discuss this issue any further until y'all have talked to see if you can come up with something that everybody can put into the pot and try to resolve this because if you don't it could come down more so on one of the three or four that you would not want to have to deal with.

One other thing I've got to say, and I'm very stern -- I'm known as one of the most laid back judges in this State. And to love to let the attorneys have a very liberal approach to their cases, but I'm going to tell y'all right now. There is not going to be any further trouble.

If somebody comes in here in the morning and there has been any further cursing, if that indeed happen. If somebody comes in here with a video of anybody cursing or causing any problems or hindering the Plaintiff from going in or out of her property until we get this resolved.

MR. FOSTER: Or his, I presume.

THE COURT: Well, she's got to get in and out no matter what.

MR. FOSTER: So do they.

THE COURT: Oh, yeah, they can go to theirs. If

everybody will just use their common sense it will be all right. We don't want any further trouble. So all of you, all parties are under my verbal order, now, there is not going to be any harassment or any threats whatsoever. The status quo will have to stay. She will use the same route she's been using for the past year or two until we get this resolved with no further anger or any problems, okay.

MR. FOSTER: I would pose two questions.

THE COURT: Yes, sir.

MR. FOSTER: Do you want counsel there in the morning, sir. I fear your face may indicate an answer, sir.

THE COURT: Well, let me throw that back at you. Have y'all seen the property?

MR. FOSTER: Yes, sir.

MS. CROWSON: Yes, sir.

MR. FOSTER: Someone, I presume, is going to be needed to point the things as we understand the lines to exist. Of course, you may disagree about what.

THE COURT: So I don't have any problem with that, but Mr. Hardee will get to come.

MR. HARDEE: I'm supposed to be here tomorrow. I can't be there, but I would like to make a suggestion.

THE COURT: Yes, sir.

MR. HARDEE: It might not be any good, but I'll make

it. The right of way on the north -- on the top side what if I said I would give that side over on me and go back to the corner. I don't know if they are or not on the right of way. I know there would have to be a few trees cut. I don't want to have to pay to cut the trees because they are my trees. But I'll agree to let the side over and come back and go over to where my property corners with the Gandy property.

THE COURT: Well, see that's where y'all are going to have to sit down and discuss any issue like that because I haven't seen the property. I don't know how much money would have to be expended to go from that corner down to wherever her residence is. So that's what -- I'm just telling you that y'all need to get together and get your heads together and put into the pot and get the thing resolved or you're going to force me to come up with the easiest route for her to get into there that I can possible follow from previous -- well, no, I don't have to go along.

I'll have to come up with the most convenient route for her to get in and out of there. It will be the least expense on everyone. I've listened to all of you. I'm looking at the photographs. I see what's close and what's not. That's why I want to go look in the morning. Okay. So, Mr. Hardee, he says he does not -- he can't be there.

So if y'all want to meet us out there it will probably be about 20 till 10:00 or 15 till 10:00.

MR. FOSTER: That's fine with me, sir. The second question, sir, assuming that an agreement can't be reached given a case of this kind, would it be any aid to the Court to have briefs from the various parties?

THE COURT: Probably will before it's over with cause right now I don't have -- I can't even suggest to you how I man lean on it until I get out there and look at the property. I've got to get a lay of the land. Plats and photographs are one thing, but an actual view is a lot better.

But I would encourage y'all to stay here and see if you can find, hate to use this term, common ground.

MR. FOSTER: The Court indicates we're done for the day.

THE COURT: If ---

MS. CROWSON: Judge, would you like the property owners to be present in the morning or just Your Honor and counsel?

THE COURT: No. I just want y'all.

MS. CROWSON: Okay.

THE COURT: Now, if y'all want to meet here and leave with Freddie and I that will be fine or we can meet y'all out there. I'll leave that up to you.

MR. FOSTER: What would be convenient for the Court?

THE COURT: If you want to meet here at 9:30.

MR. FOSTER: I'm saying it's fine with me.

THE COURT: Oh, yeah, that's fine. 9:30.

MR. FOSTER: That's fine. Thank you, Your Honor.

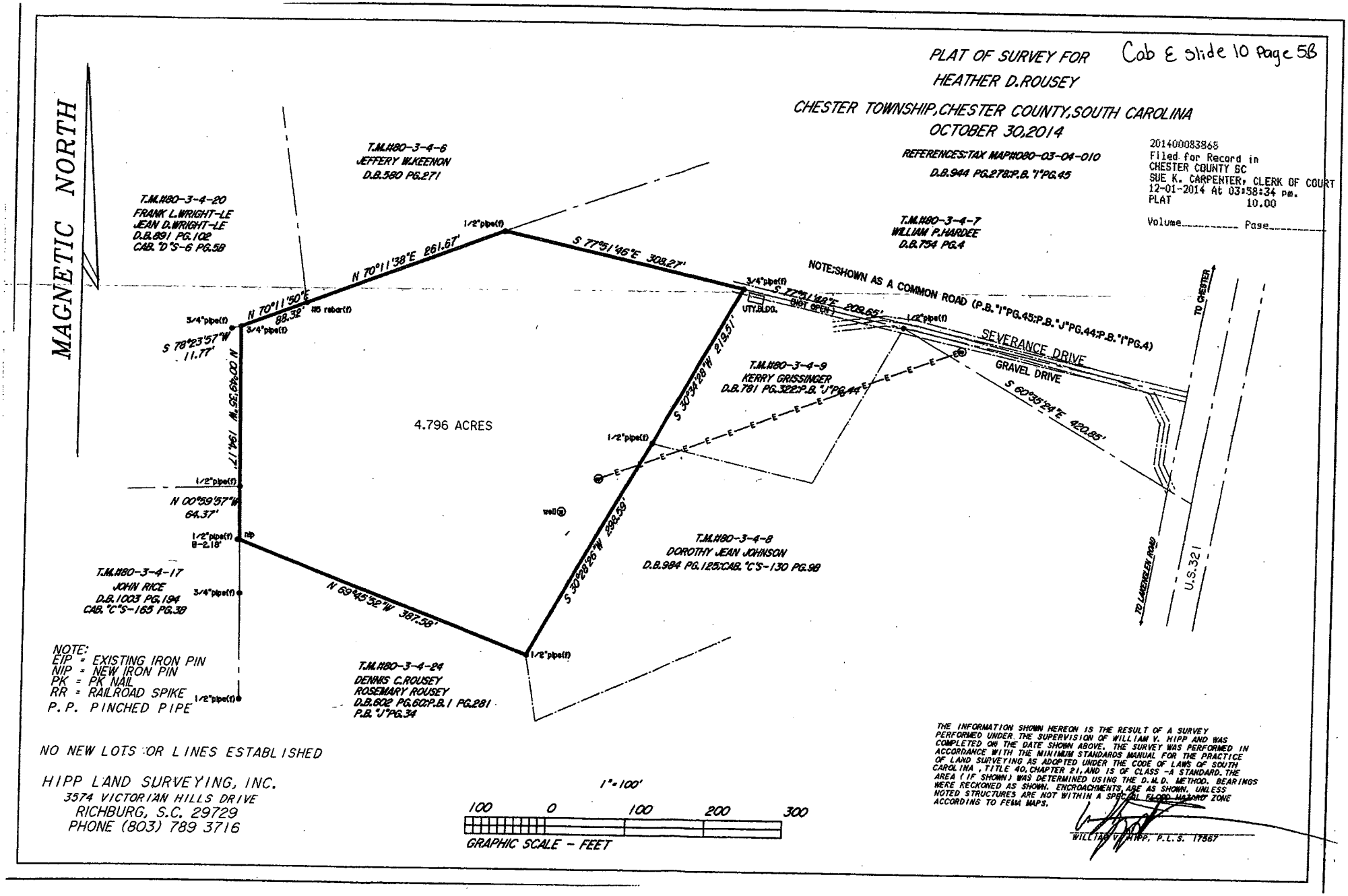
MS. CROWSON: Thank you.

THE COURT: Once again, everybody keep cool cause the last thing I want to do is find anybody in contempt on a matter like this.

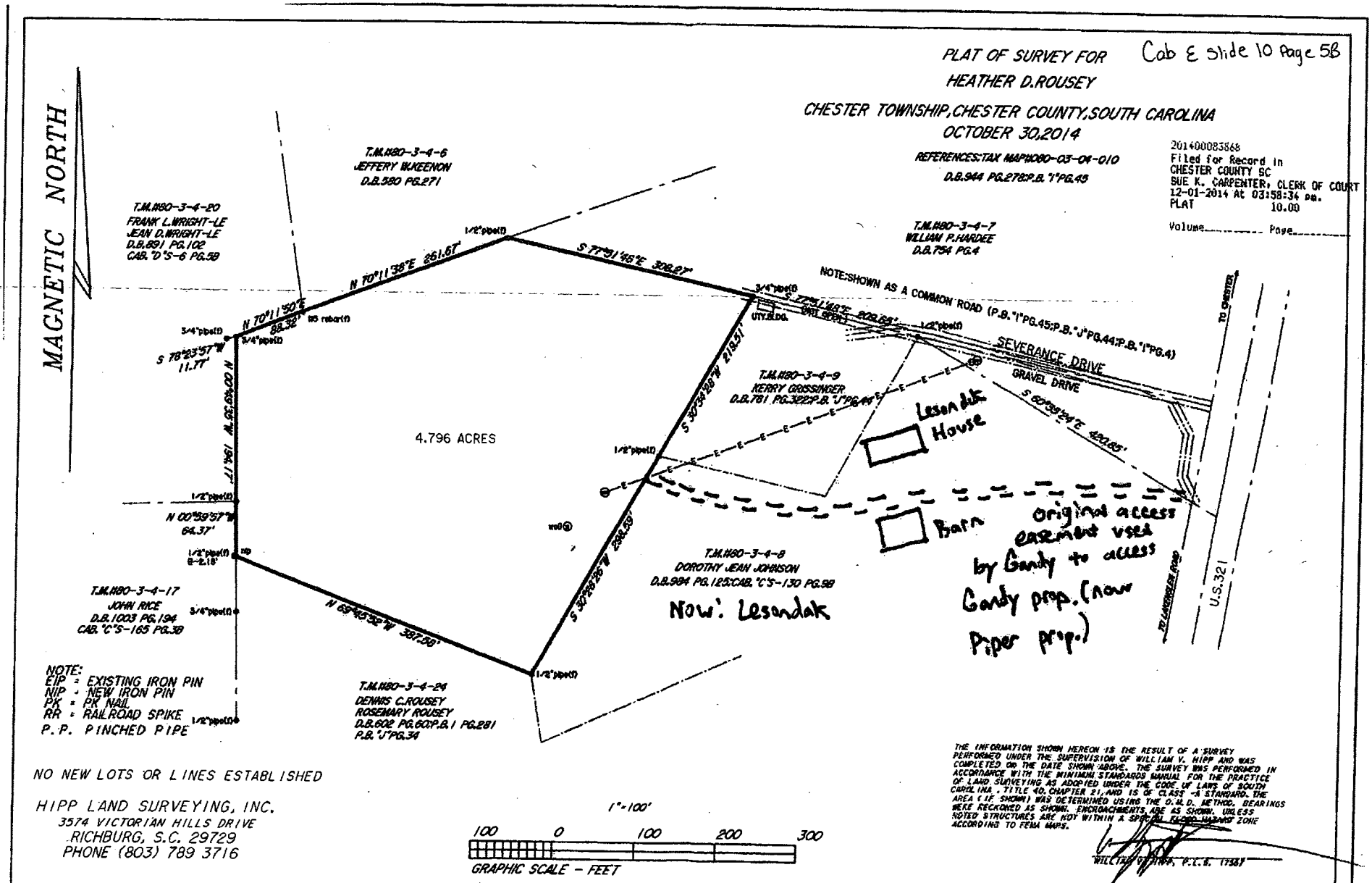
MR. FOSTER: Yes, sir.

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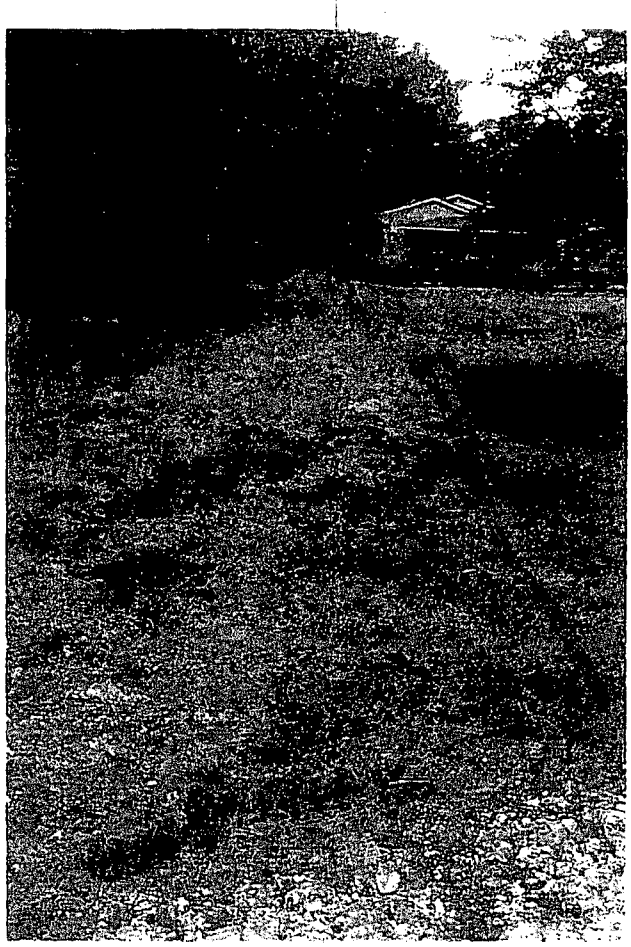
PLAINTIFF'S EXHIBIT A


PLAT OF SURVEY FOR
HEATHER D.ROUSEY
CHESTER TOWNSHIP,CHESTER COUNTY,SOUTH CAROLINA
OCTOBER 30,2014
Cab E Slide 10 Page 58
REFERENCES:TAX MAP#080-03-04-010
D.B.944 PG.278;P.B. "I"PG.45
201400083868
Filed for Record in
CHESTER COUNTY SC
SUE K. CARPENTER, CLERK OF COURT
12-01-2014 At 03:58:34 pm.
PLAT 10.00
Volume Page
MAGNETIC NORTH
T.M.#80-3-4-6
JEFFERY W.KEENON
D.B.580 PG.271
T.M.#80-3-4-20
FRANK L.WRIGHT-LE
JEAN D.WRIGHT-LE
D.B.891 PG.102
CAB. "D"S-6 PG.58
T.M.#80-3-4-7
WILLIAM P.HARDEE
D.B.754 PG.4
1/2"pipe(f)
N 70°11'38"E 261.67'
S 77°51'46"E 308.27'
3/4"pipe(f)
N 70°11'50"E
88.32'
#5 rebar(f)
3/4"pipe(f)
S 78°23'57"W
11.77'
N 00°49'35"W 194.17'
1/2"pipe(f)
N 00°59'57"W
64.37'
1/2"pipe(f)
@-2.18'
nip
4.796 ACRES
UTY.BLDG.
S 77°51'46"E 209.65'
(NOT OPEN)
NOTE:SHOWN AS A COMMON ROAD (P.B."I"PG.45;P.B."J"PG.44;P.B."I"PG.4)
SEVERANCE DRIVE
GRAVEL DRIVE
TO CHESTER
S 30°34'28"W 219.51'
T.M.#80-3-4-9
KERRY GRISSINGER
D.B.781 PG.322;P.B."J"PG.44
S 60°35'24"E 420.85'
well
S 30°28'26"W 298.59'
T.M.#80-3-4-8
DOROTHY JEAN JOHNSON
D.B.984 PG.125;CAB."C"S-130 PG.98
TO LANDRUM RD
U.S.321
T.M.#80-3-4-17
JOHN RICE
D.B.1003 PG.194
CAB."C"S-165 PG.38
3/4"pipe(f)
N 69°45'52"W 387.38'
1/2"pipe(f)
T.M.#80-3-4-24
DENNIS C.ROUSEY
ROSEMARY ROUSEY
D.B.602 PG.60;P.B.1 PG.281
P.B."J"PG.34
NOTE:
EIP = EXISTING IRON PIN
NIP = NEW IRON PIN
PK = PK NAIL
RR = RAILROAD SPIKE
P.P. PINCHED PIPE
NO NEW LOTS OR LINES ESTABLISHED
HIPP LAND SURVEYING, INC.
3574 VICTORIAN HILLS DRIVE
RICHBURG, S.C. 29729
PHONE (803) 789 3716
1"=100'
100 0 100 200 300
GRAPHIC SCALE - FEET
THE INFORMATION SHOWN HEREON IS THE RESULT OF A SURVEY PERFORMED UNDER THE SUPERVISION OF WILLIAM V. HIPP AND WAS COMPLETED ON THE DATE SHOWN ABOVE. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED UNDER THE CODE OF LAWS OF SOUTH CAROLINA, TITLE 40, CHAPTER 21, AND IS OF CLASS -A STANDARD. THE AREA (IF SHOWN) WAS DETERMINED USING THE D.M.D. METHOD. BEARINGS WERE RECKONED AS SHOWN. ENCROACHMENTS ARE AS SHOWN. UNLESS NOTED STRUCTURES ARE NOT WITHIN A SPECIAL FLOOD HAZARD ZONE ACCORDING TO FEMA MAPS.
WILLIAM V. HIPP, P.L.S. 17567

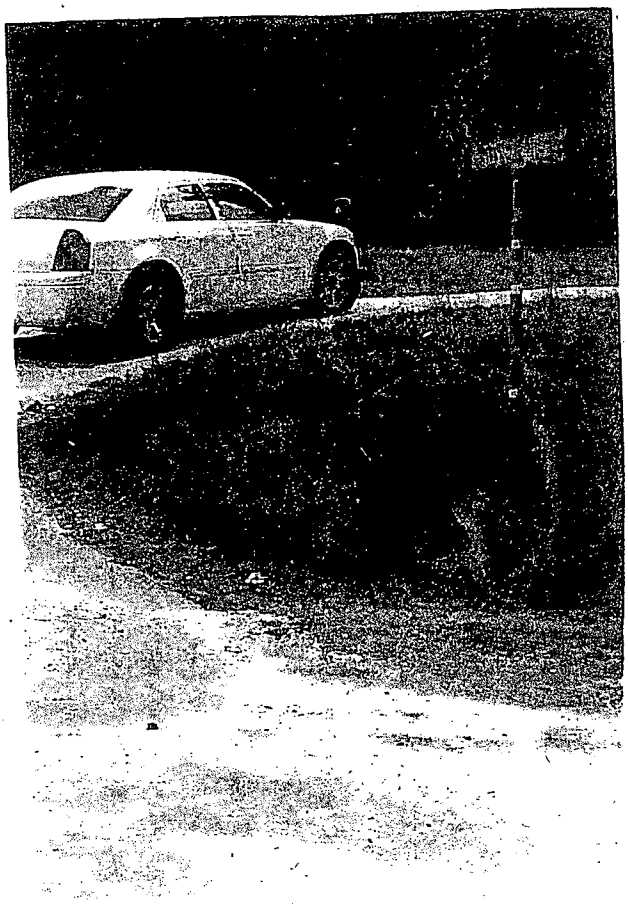
PLAINTIFF'S EXHIBIT B


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CHESTER TOWNSHIP,CHESTER COUNTY,SOUTH CAROLINA
OCTOBER 30,2014
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GRAVEL DRIVE
S 60°59'24"E 420.85'
TO CHESTER
U.S.321
TO LANDRUM ROAD
Barn
original access easement used by Gandy to access Gandy prop. (now Piper prop.)
N 00°59'57"W 64.37'
T.M.#80-3-4-17
JOHN RICE
D.B.1003 PG.194
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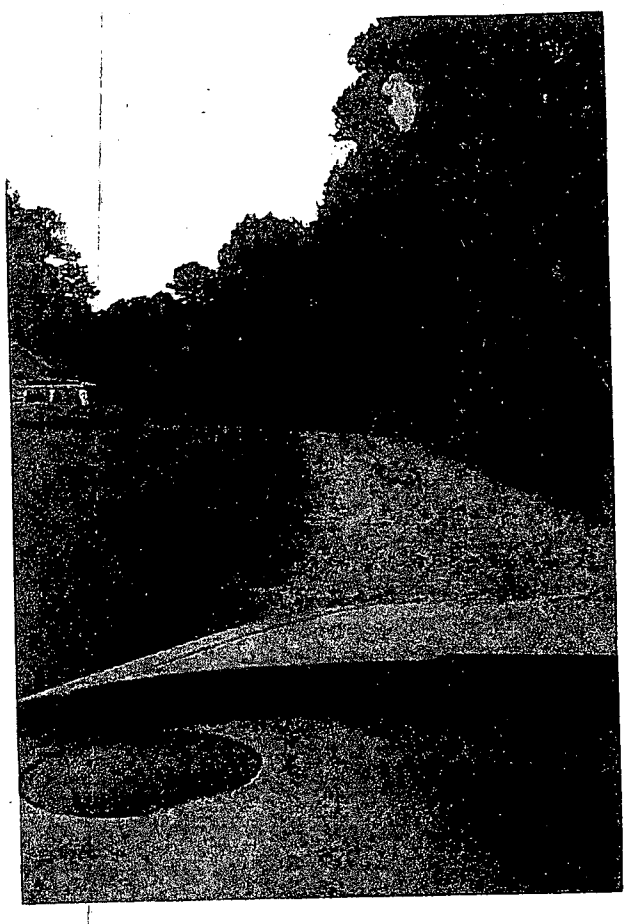
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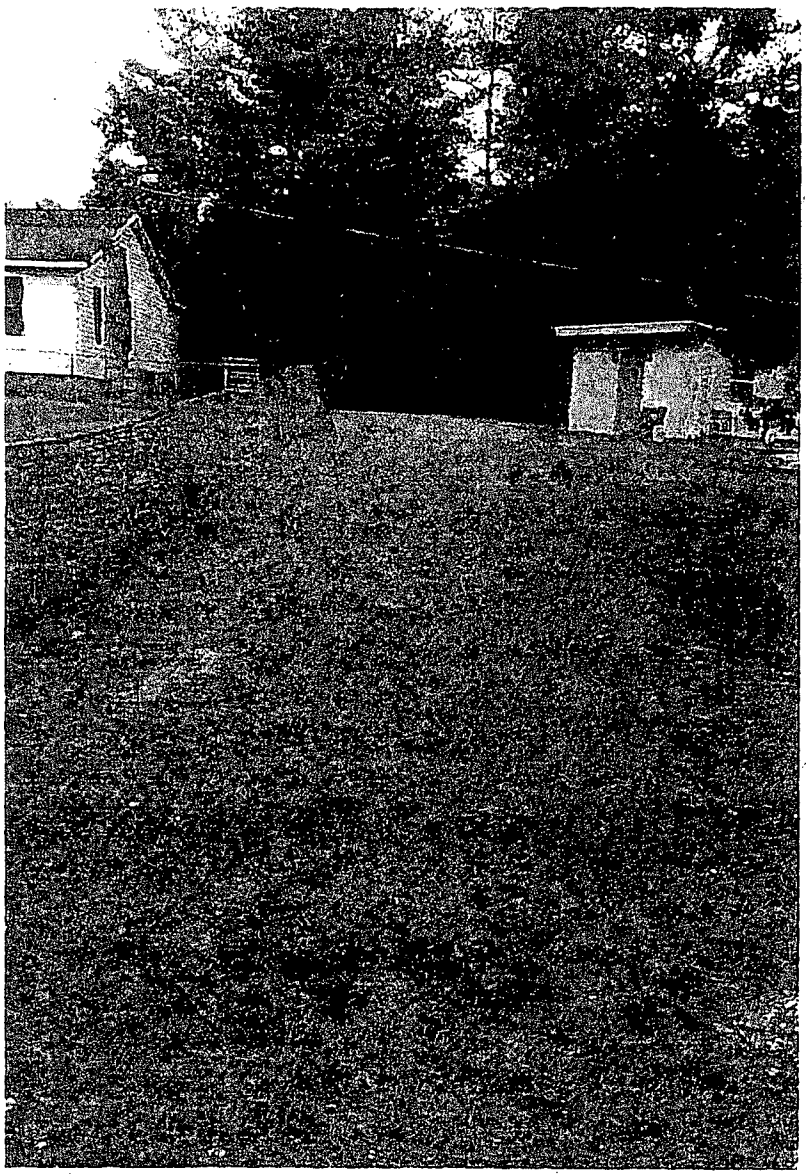
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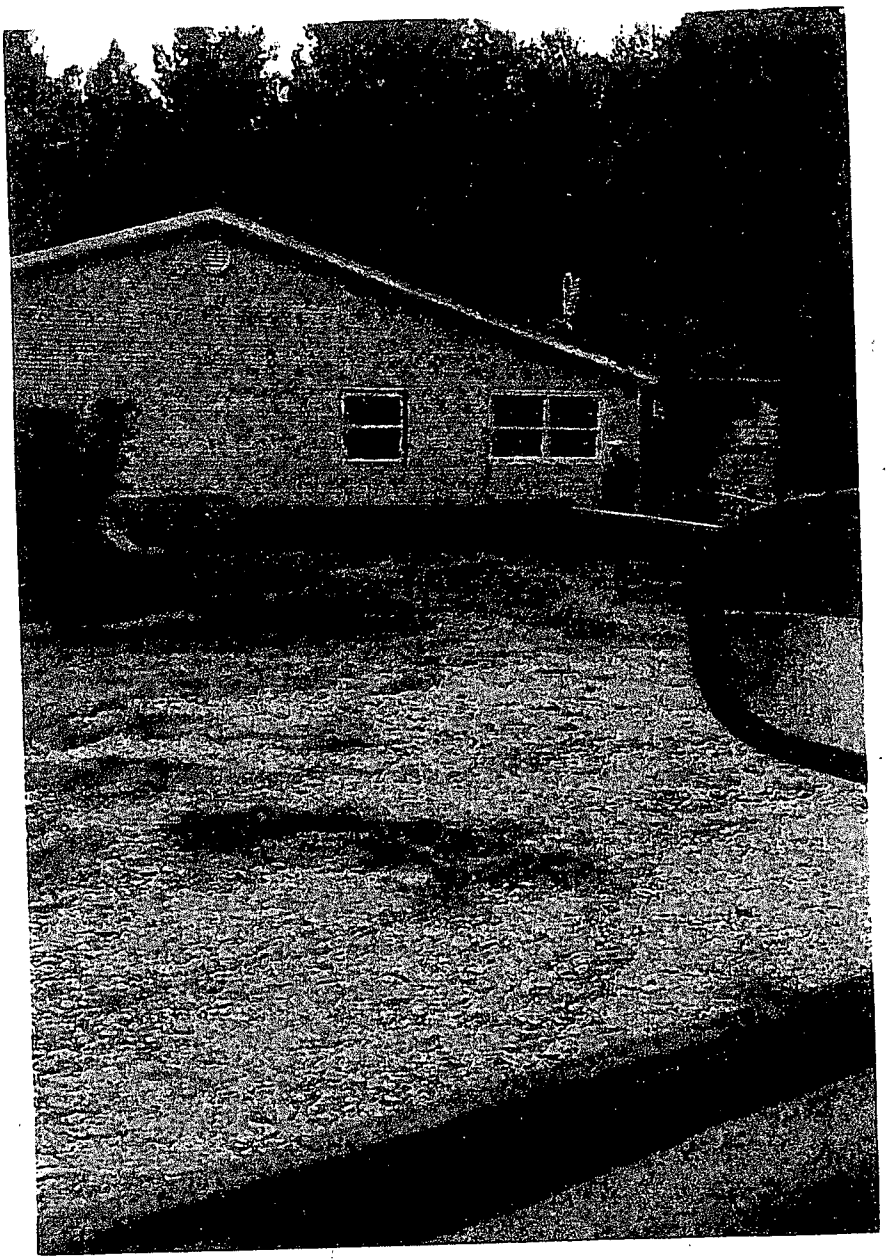
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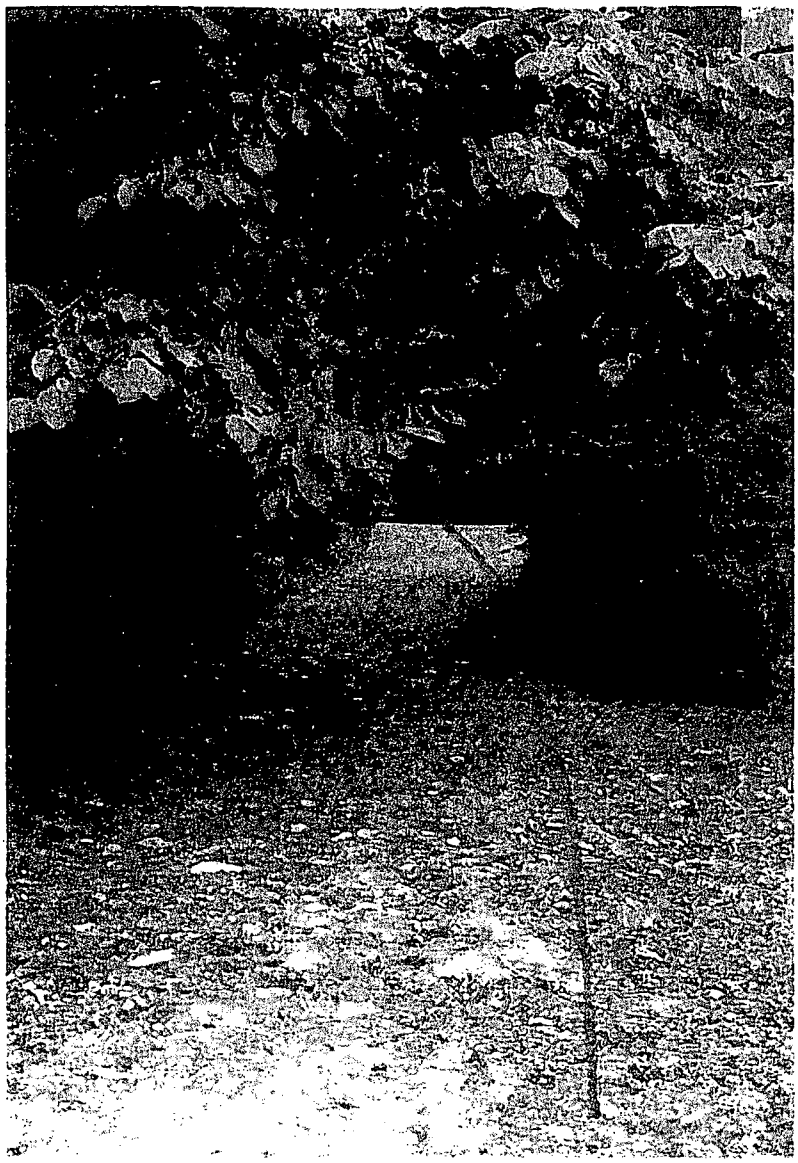
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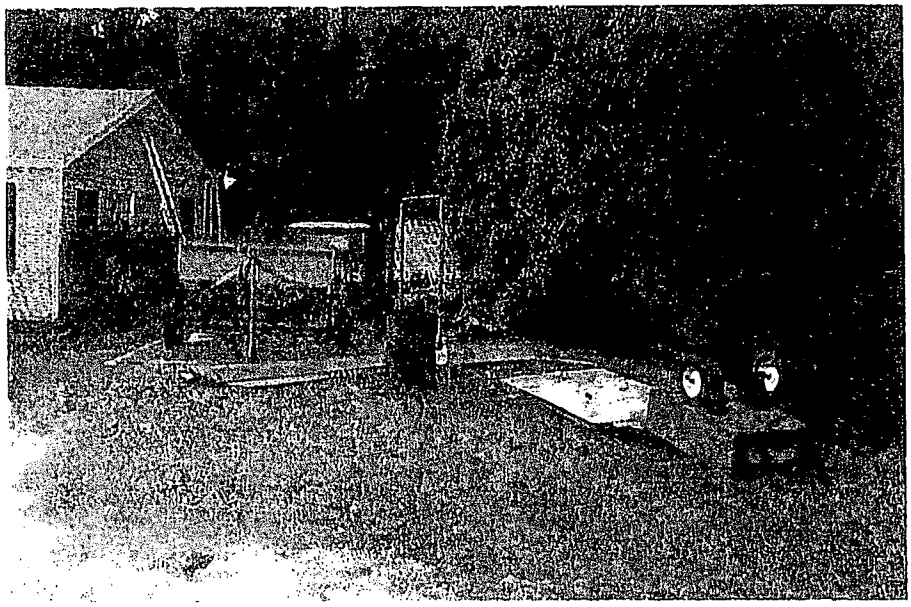


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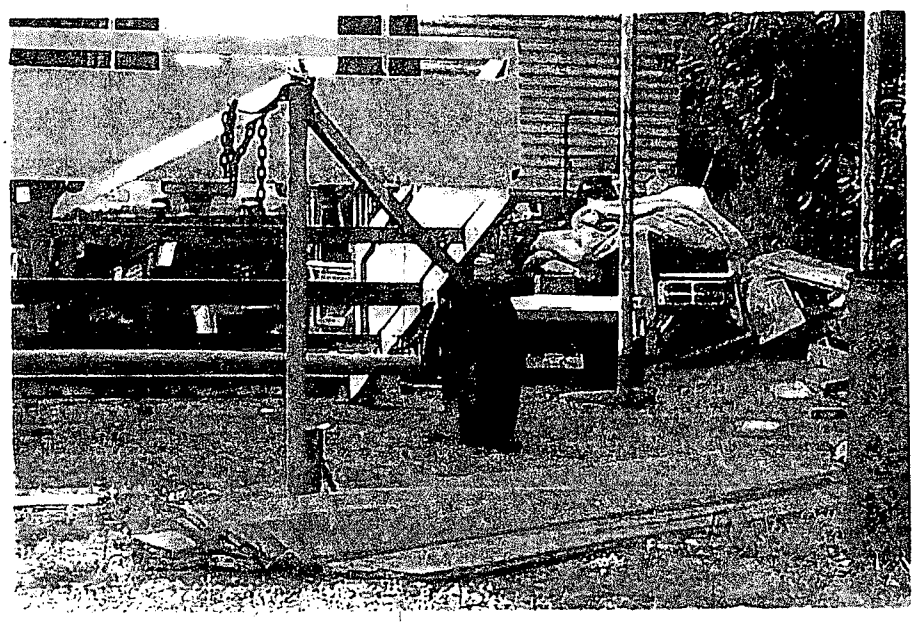
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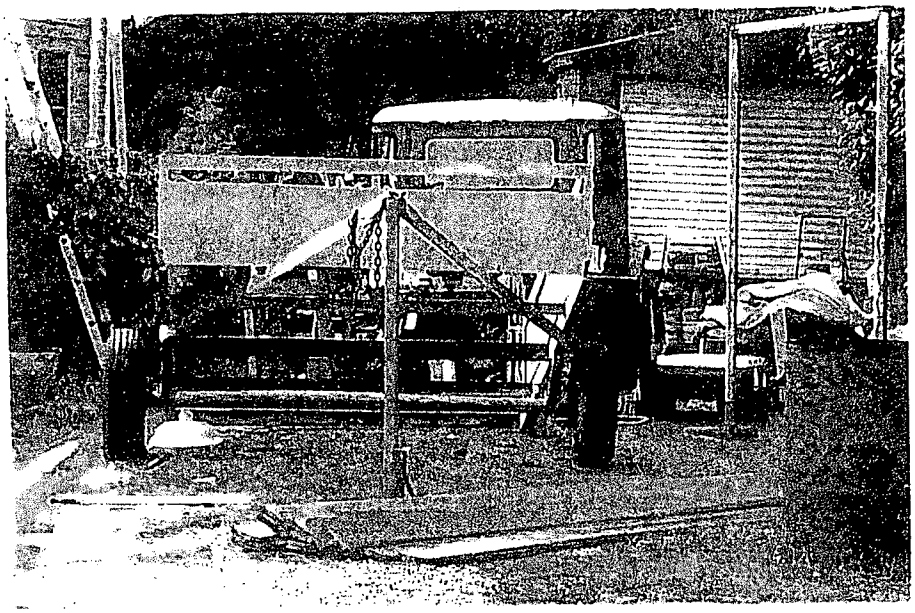


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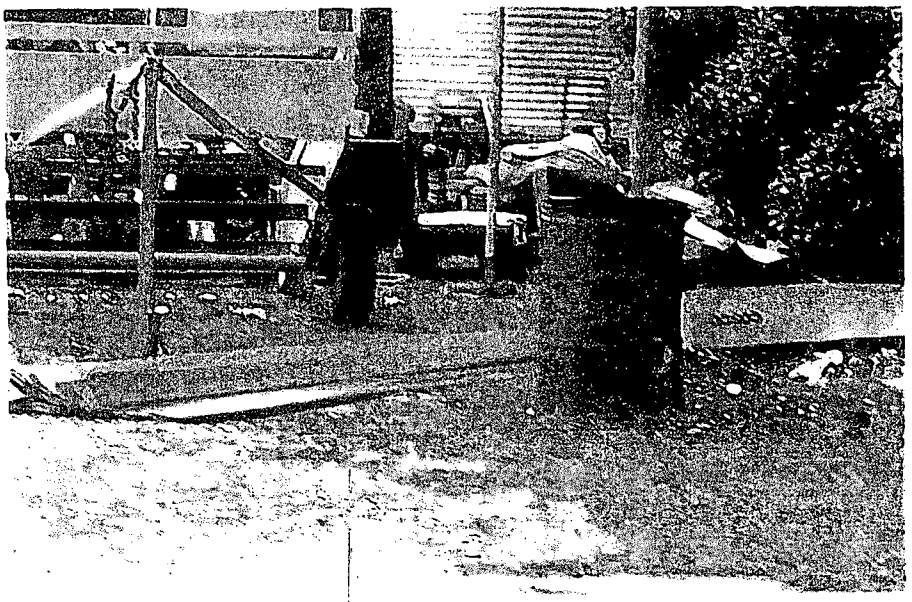


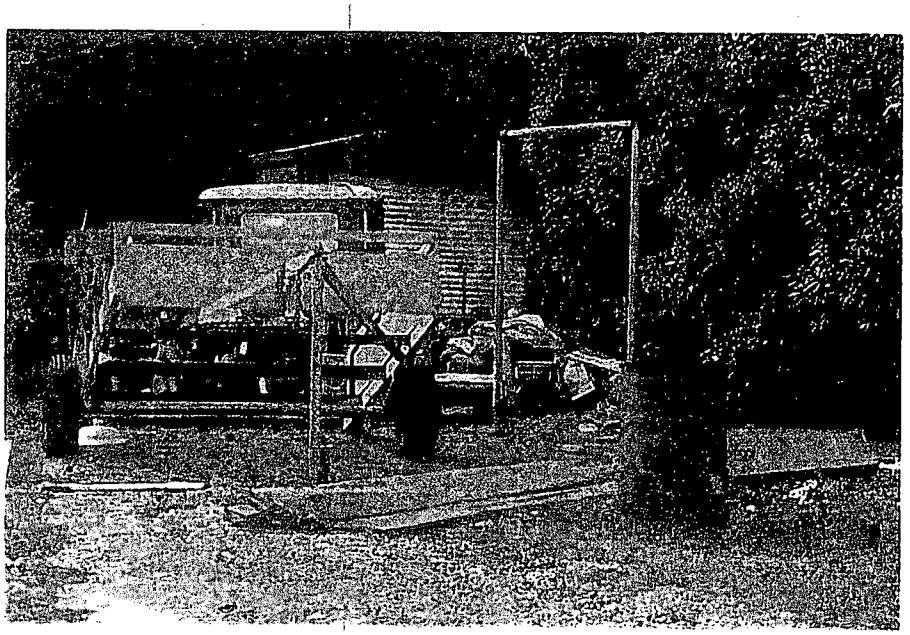


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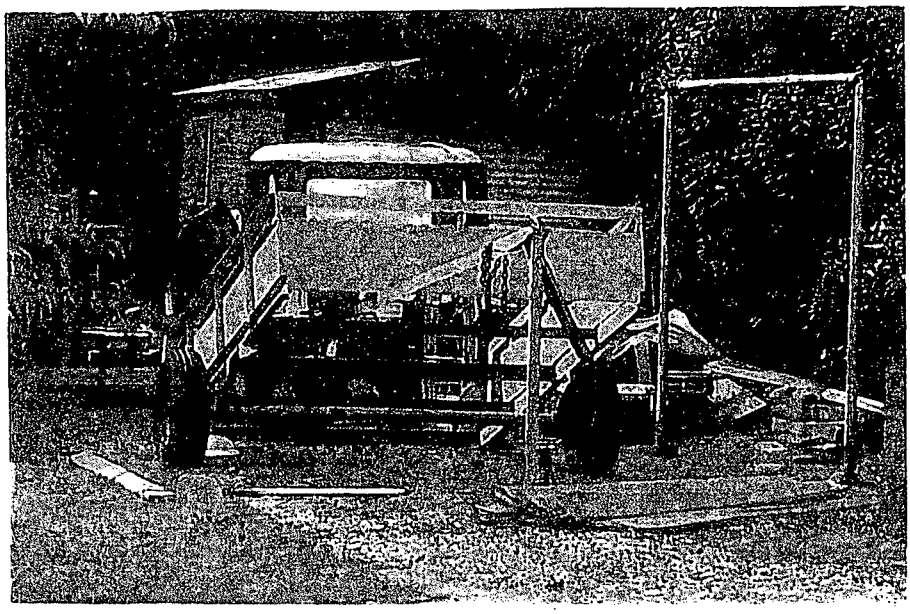



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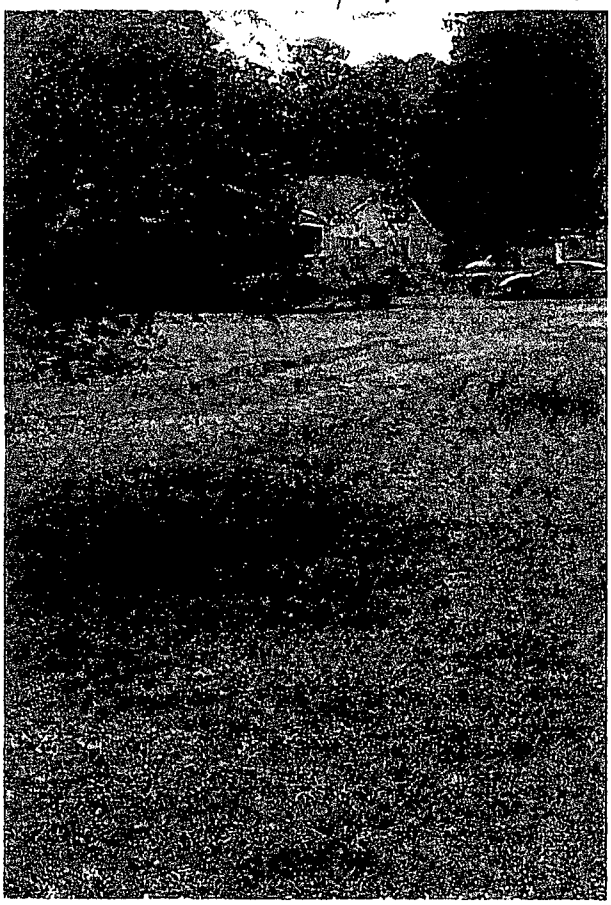


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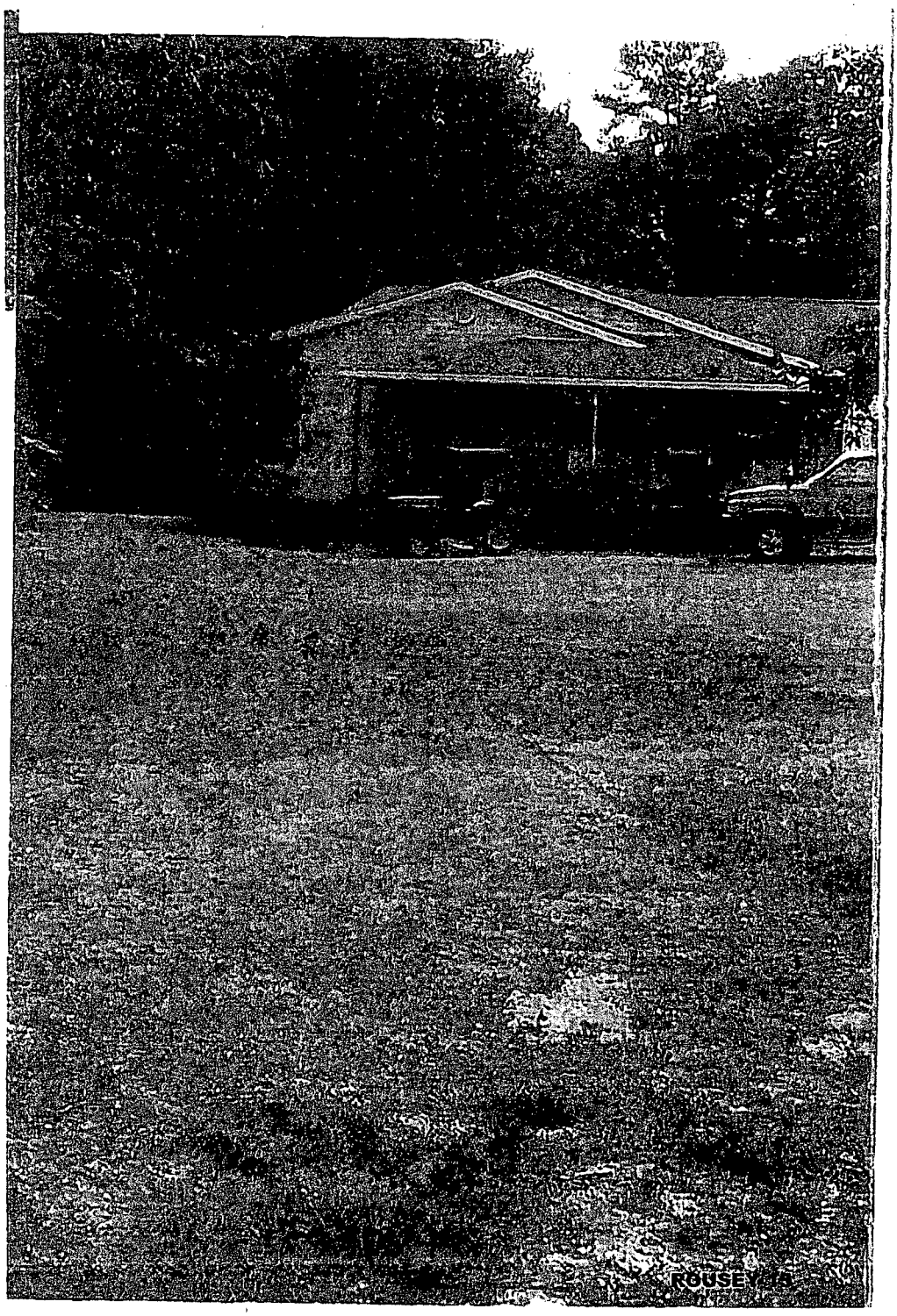


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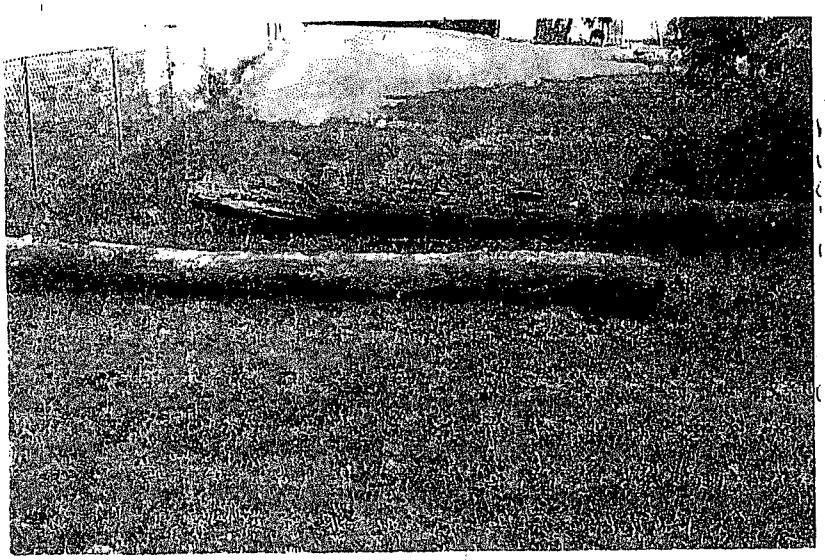


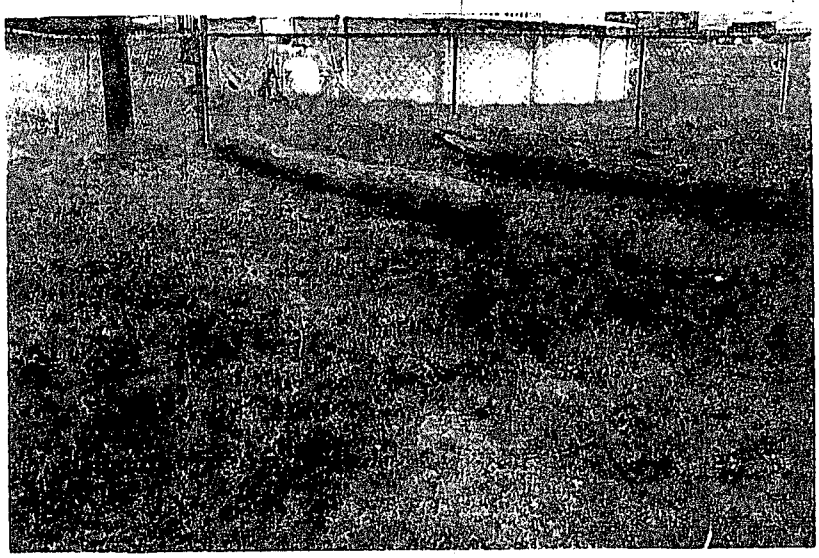
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ROUSEY



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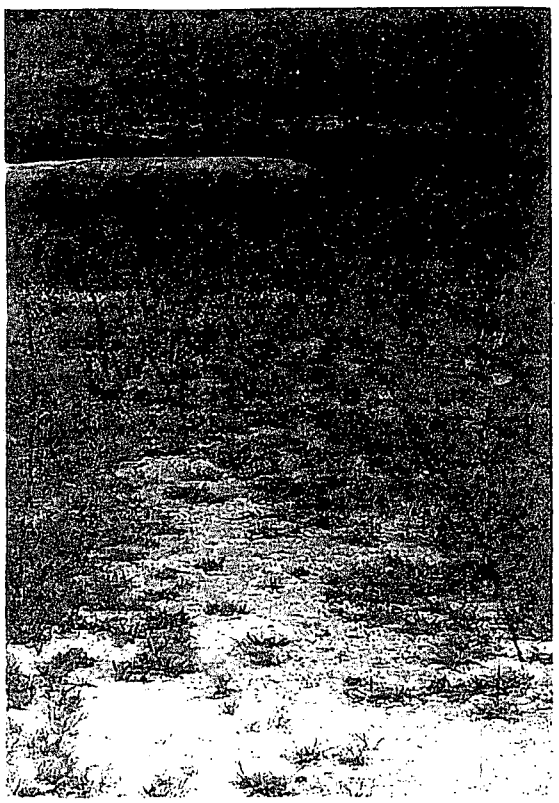


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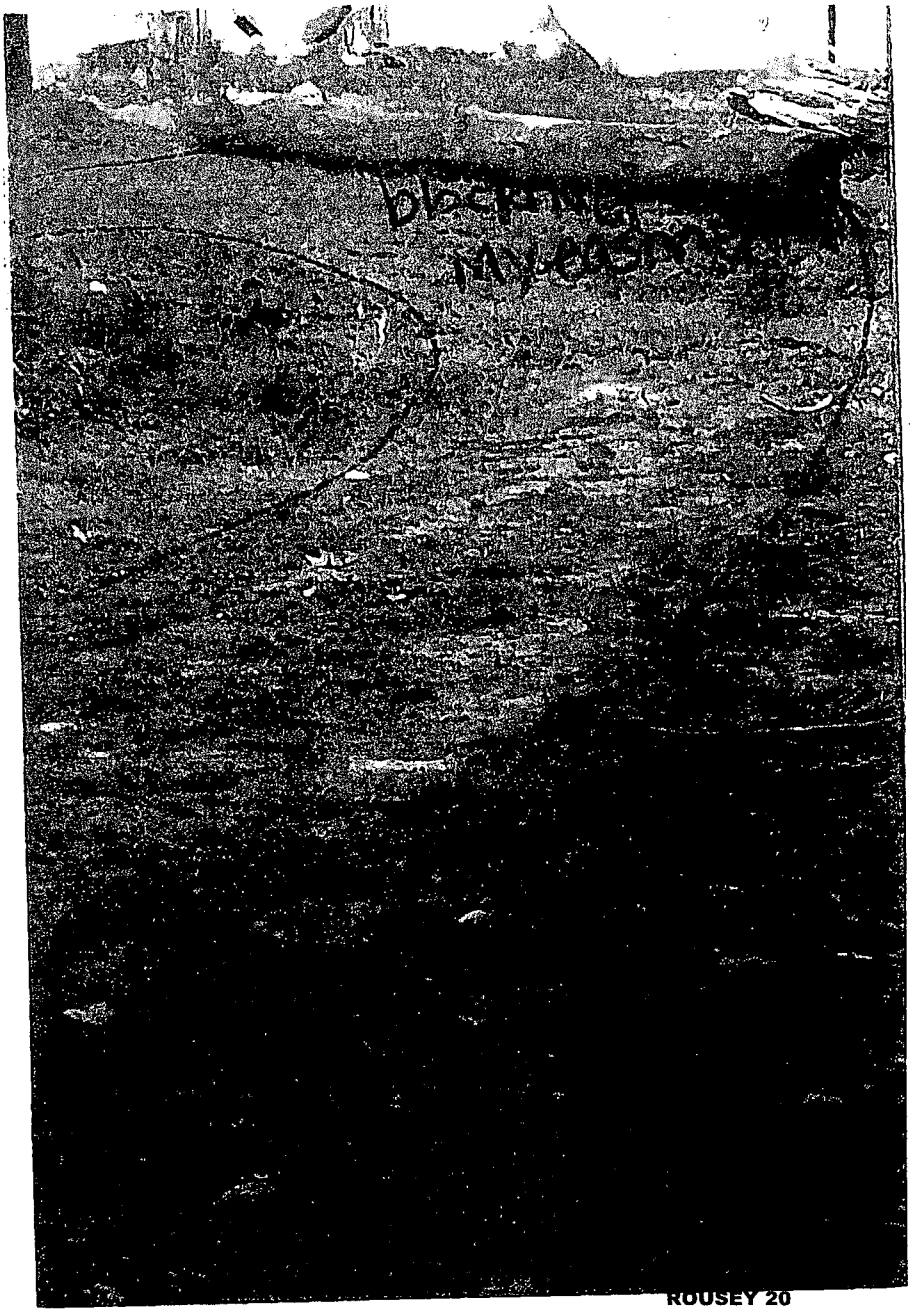




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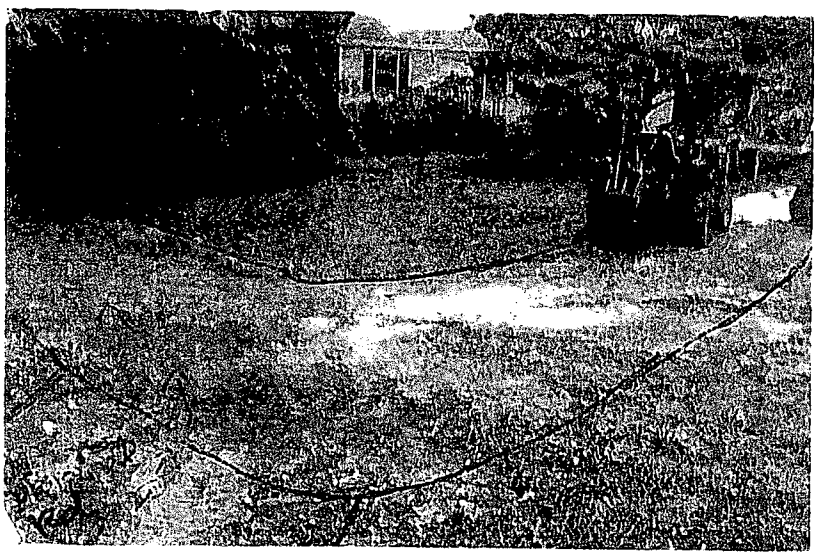

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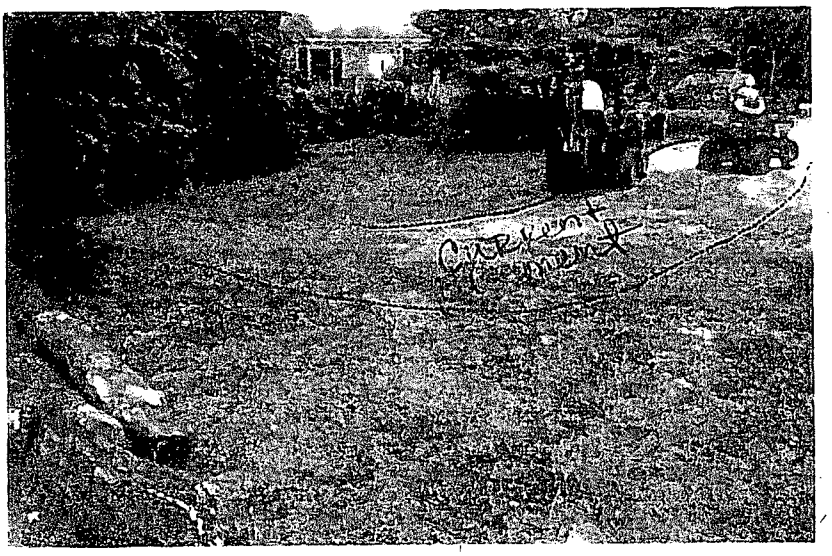
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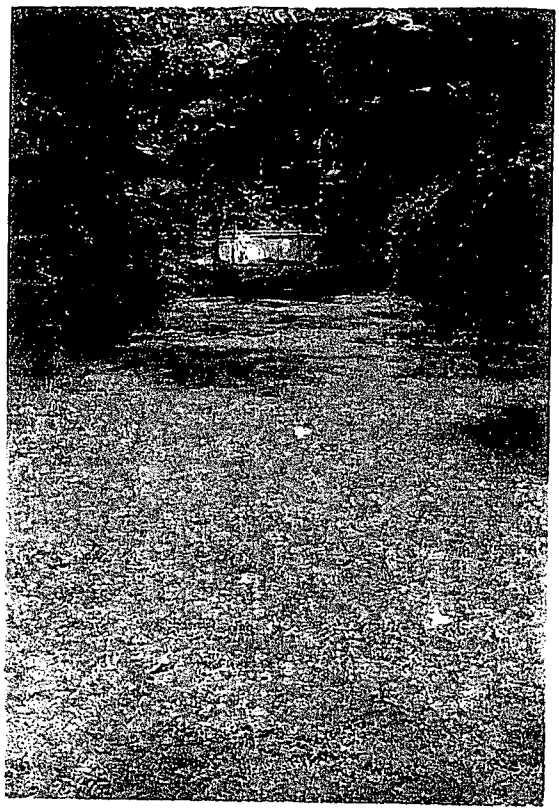




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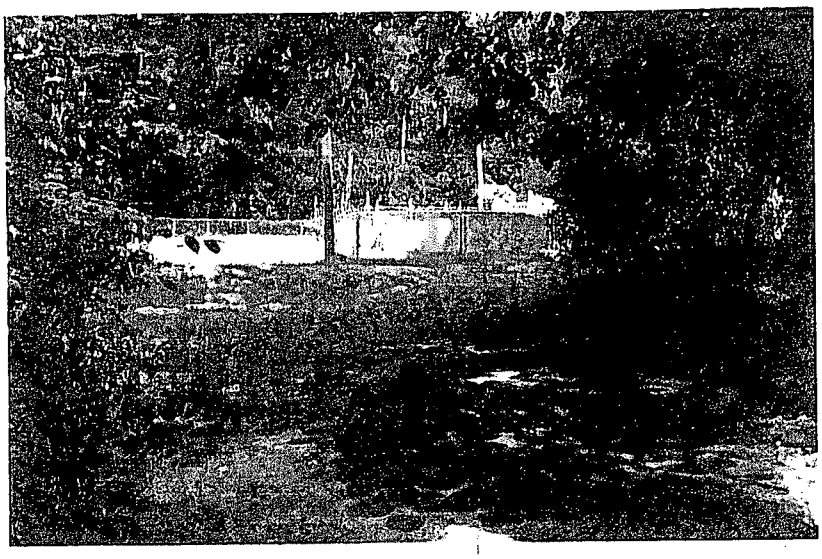


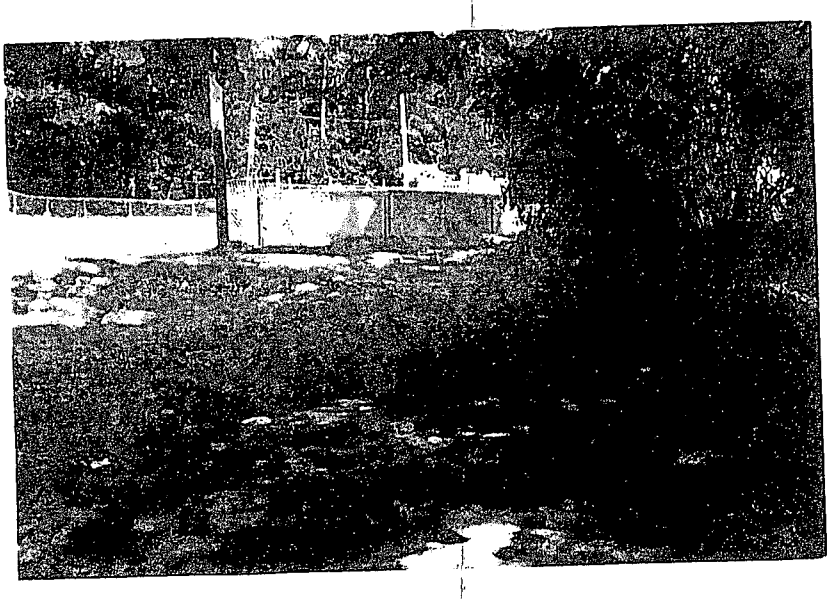
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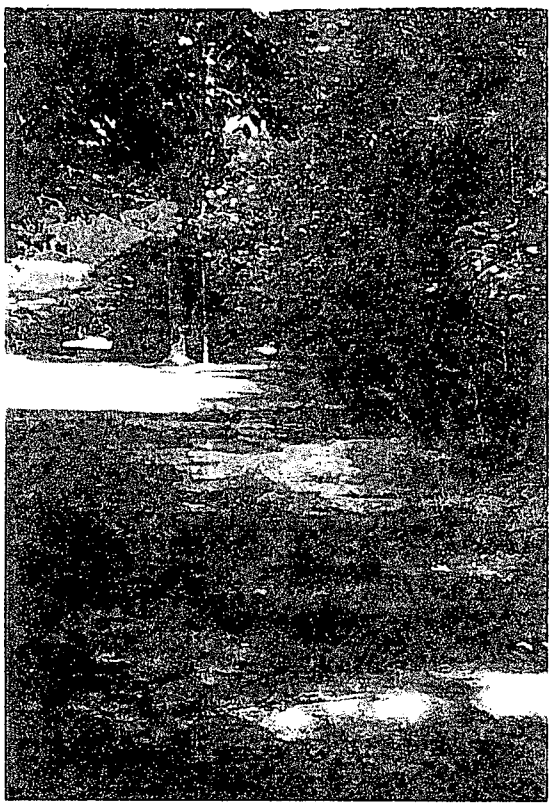


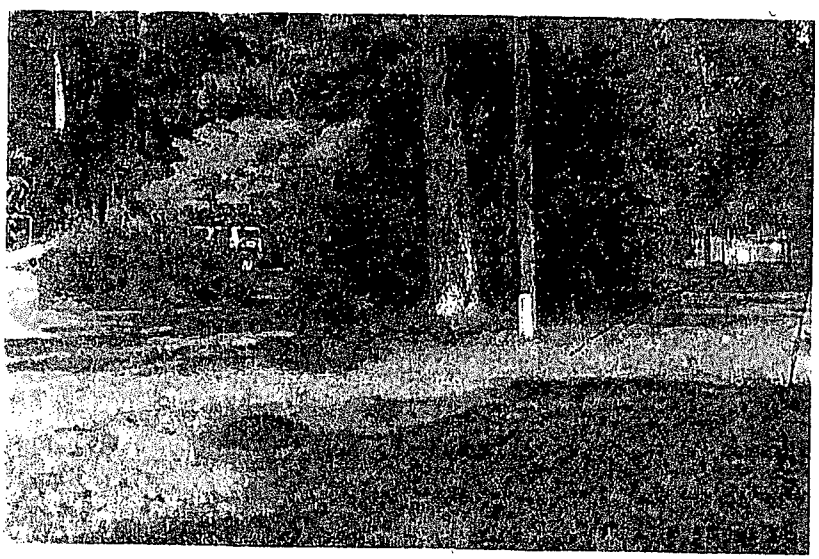
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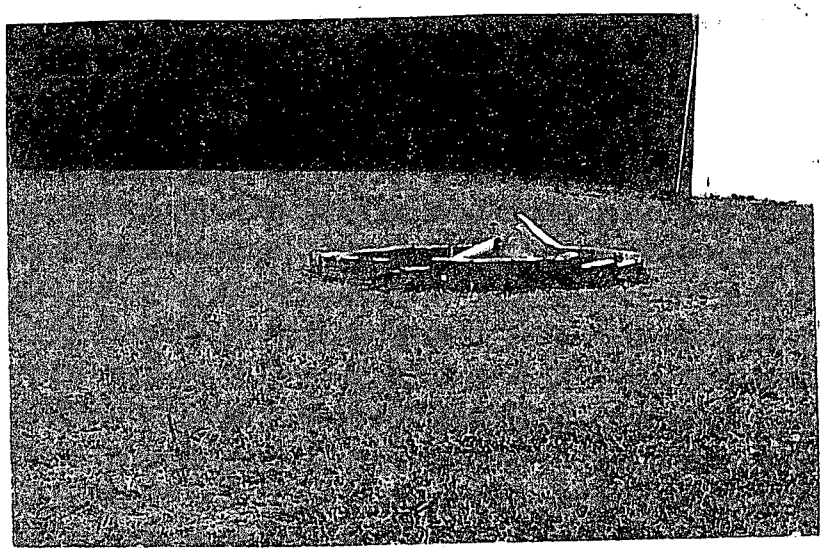


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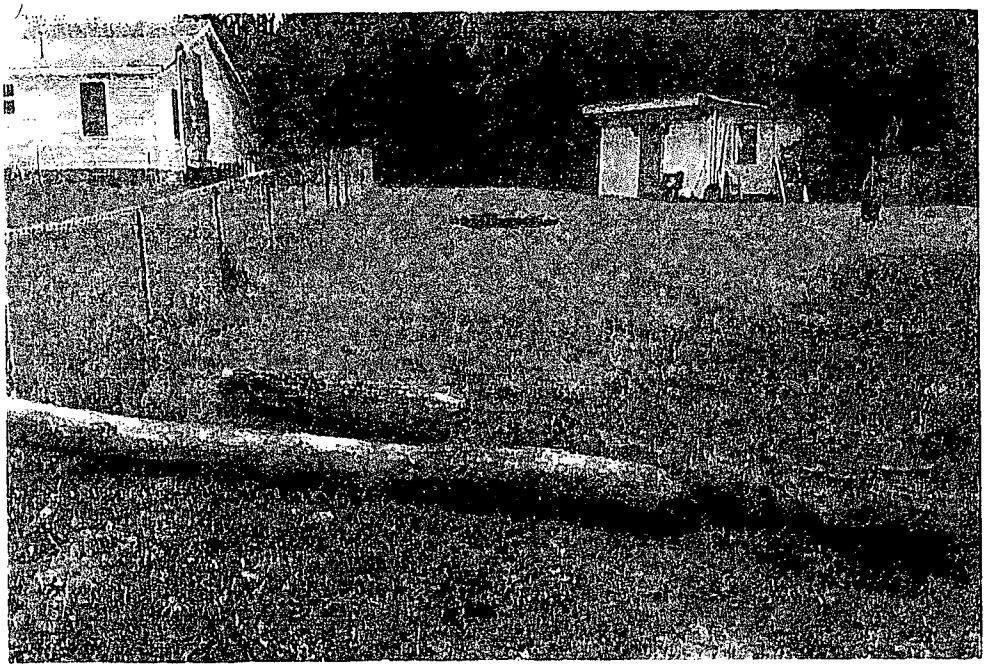




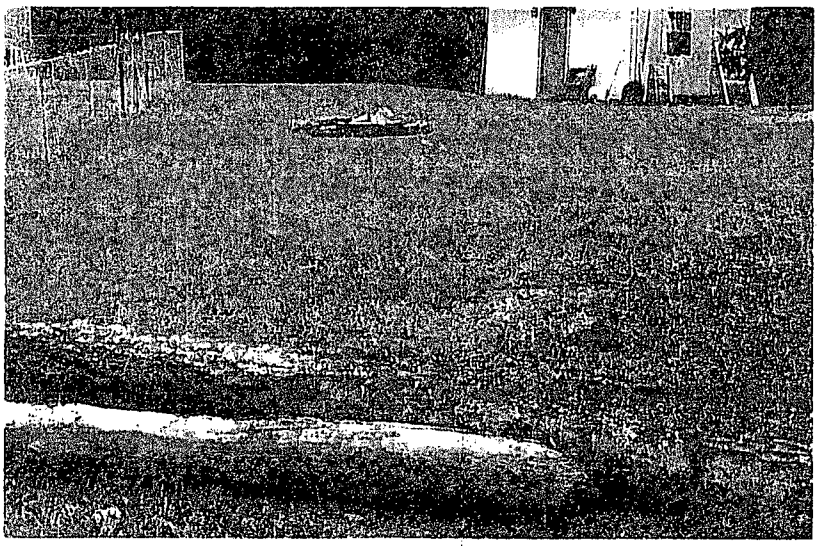
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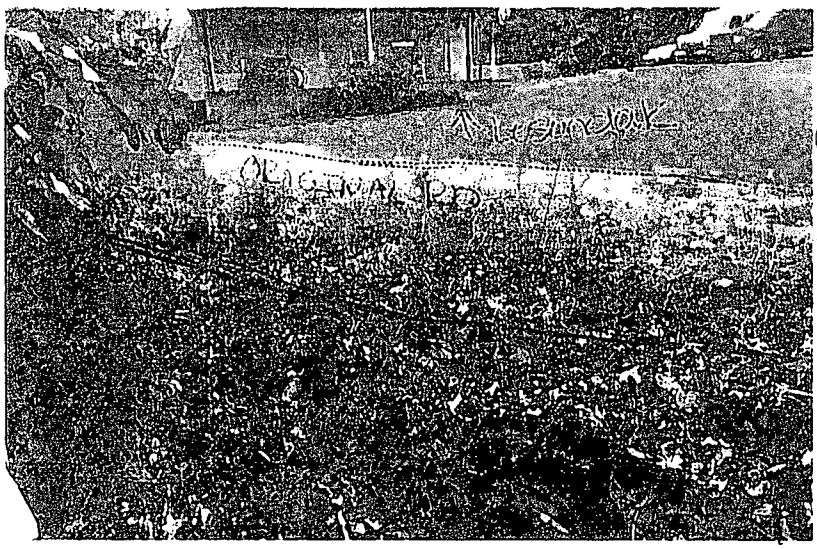
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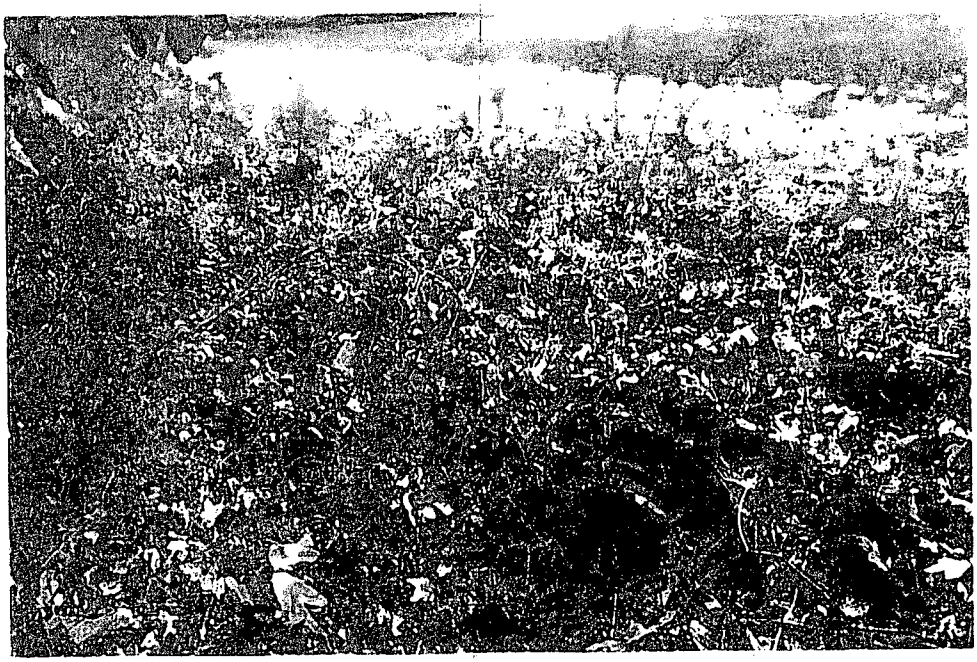
ROUSEY 30



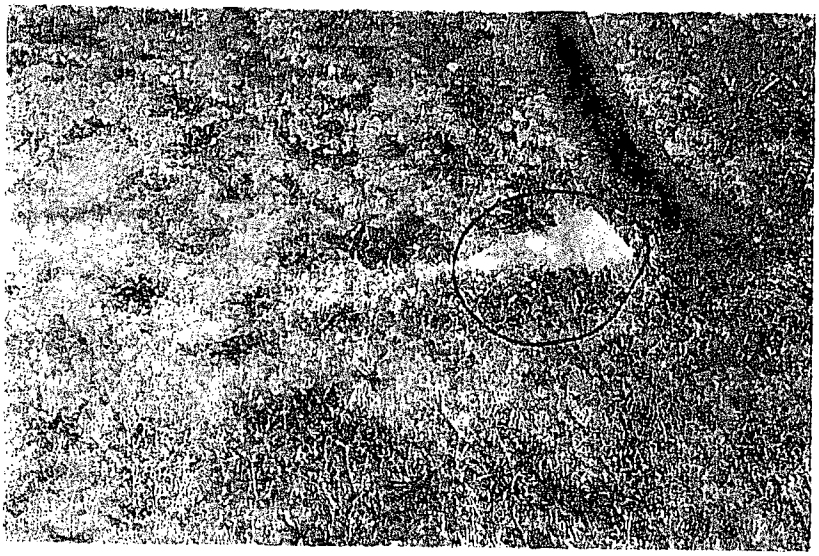
ROUSEY 31



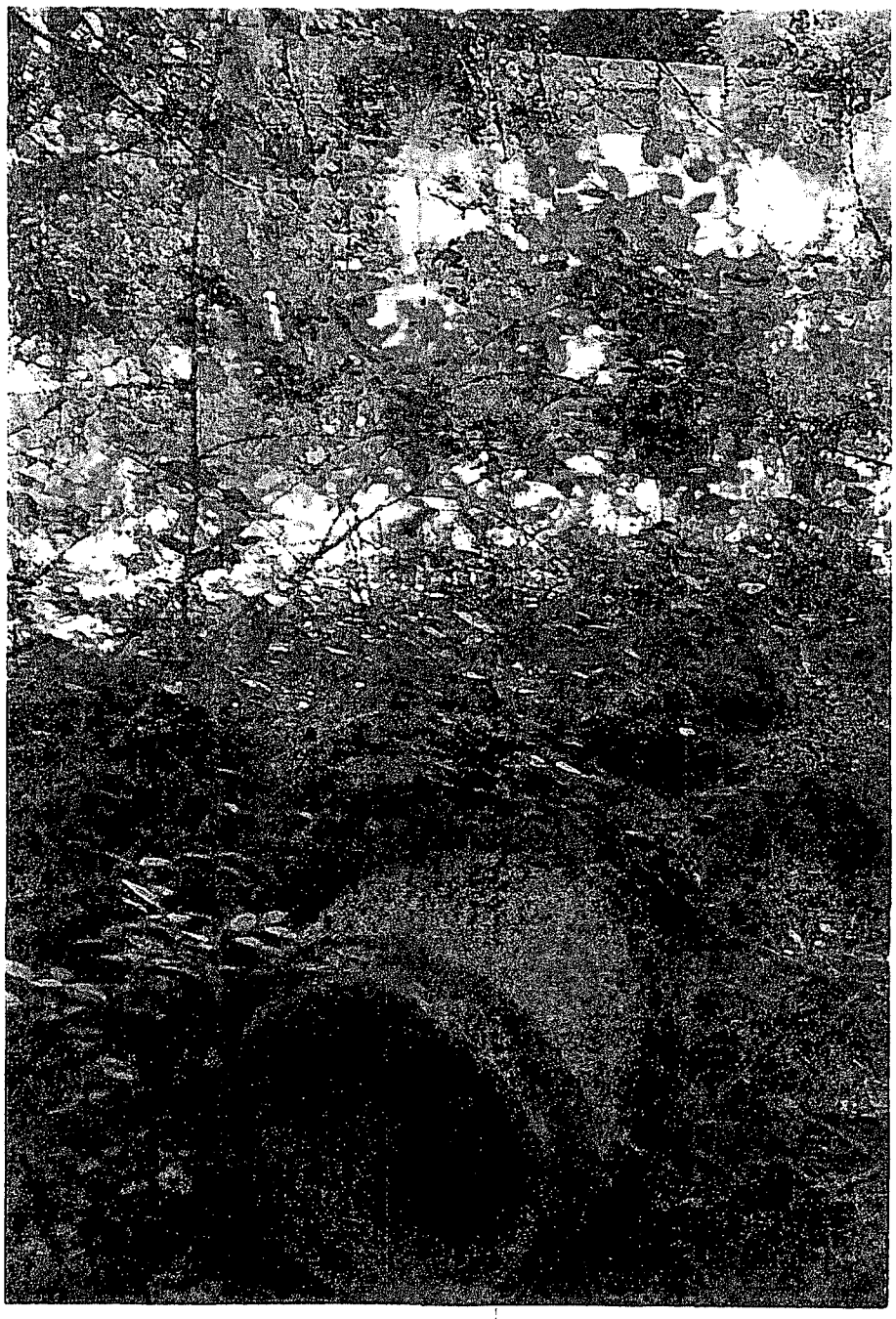
ROUSEY 32



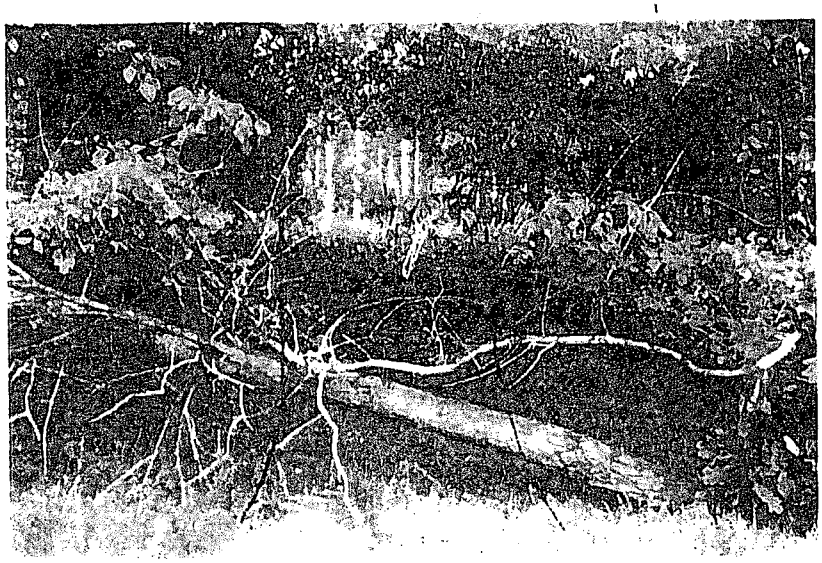
ROUSEY 33



ROUSEY 34



ROUSEY 35





My Aunt's drive

ROUSEY 36

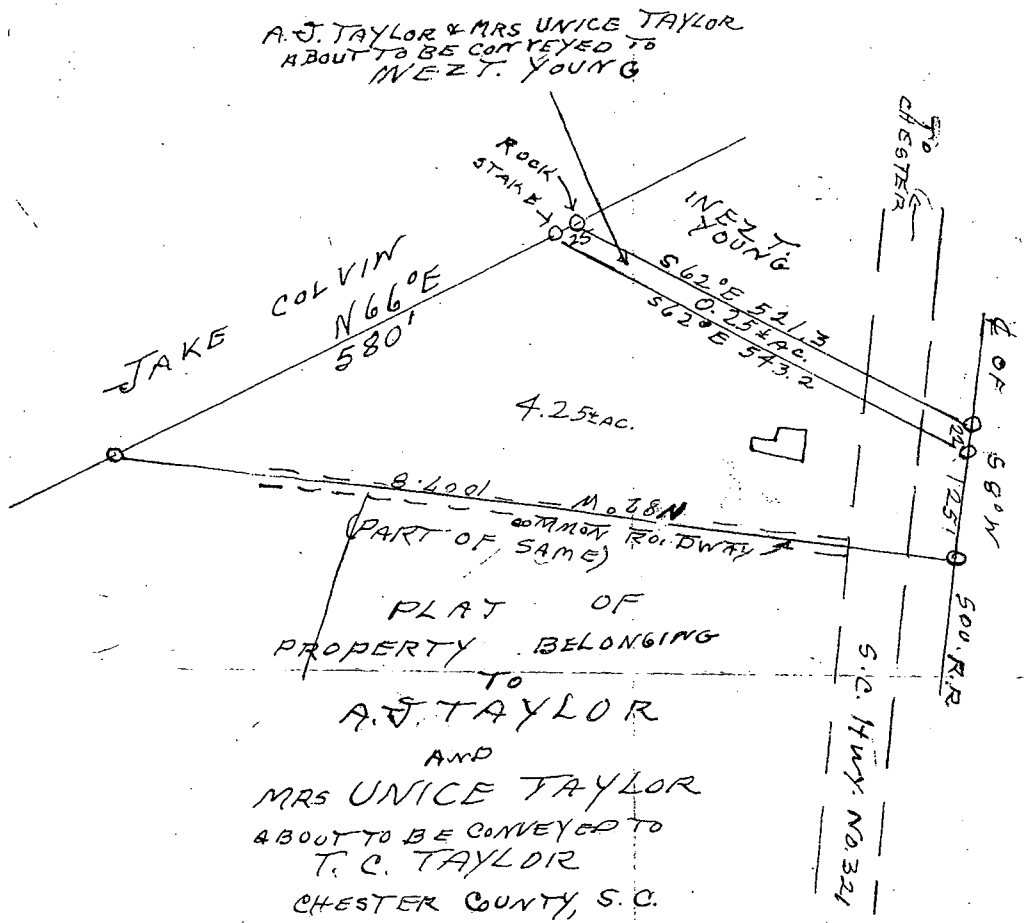


PLAINTIFF'S EXHIBIT D

GL353

Welw

4:03 P.M.

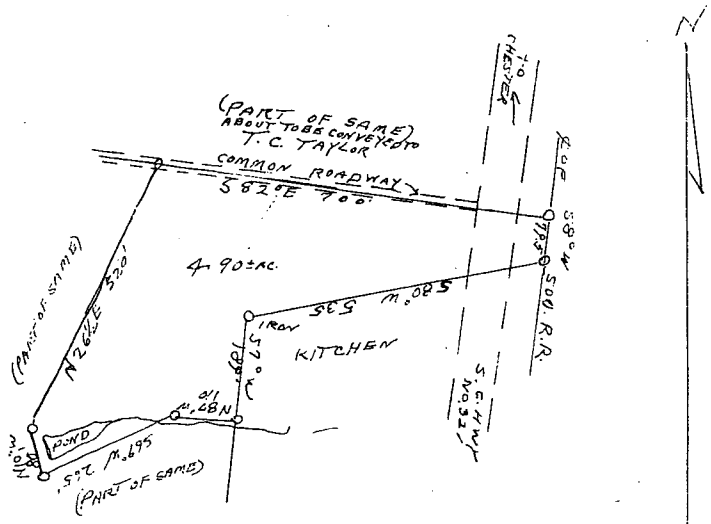


Recorded Nov. 19/1
Delivered To

PLAINTIFF'S EXHIBIT E

I/4

11:50 A.M.



N

PLAT OF
PROPERTY BELONGING
TO
A.J. TAYLOR
AND
MRS. UNICE TAYLOR
ABOUT TO BE CONVEYED TO
LUCILLE T. SEVERANCE
CHESTER COUNTY, S.C.

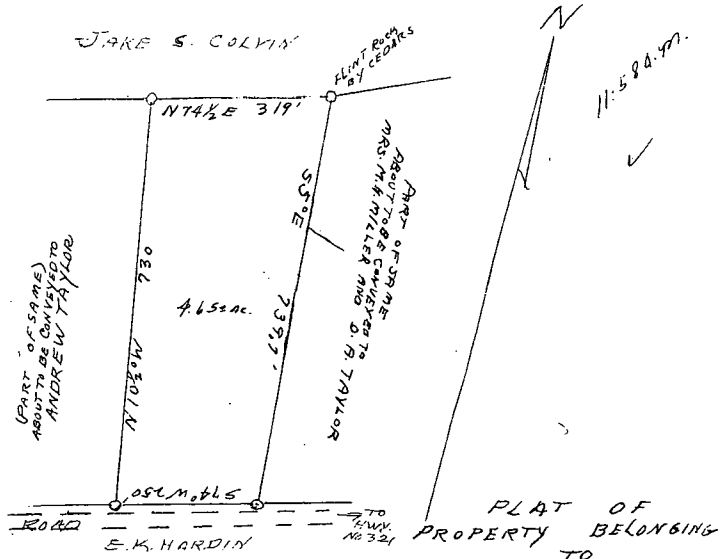
NOV. 16, 1951

SCALE 1" = 200'
L.H. MELTON

Recorded
November 24, 1951
Delivered to:

PLAINTIFF'S EXHIBIT F

I/45



Recorded November 3, 1950 Delivered 2p:

PLAT OF PROPERTY BELONGING TO A.D. TAYLOR AND MRS. UNICE TAYLOR ABOUT TO BE CONVEYED TO MRS. C. W. TAYLOR Su CHESTER COUNTY, S. C.

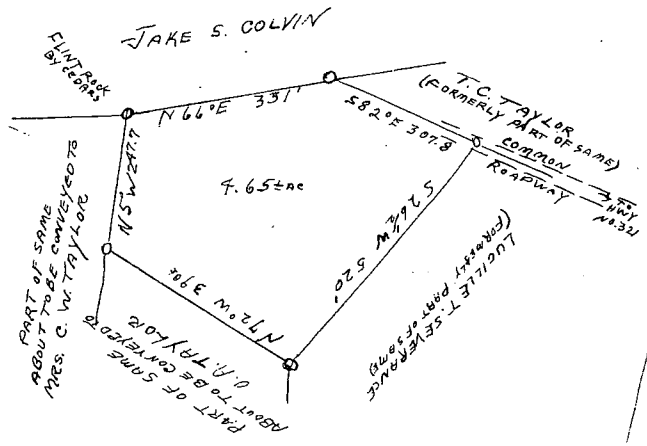
NOV. 27, 1951

SCALE 1" = 200
L. H. MELTON

N

11:58 a.m.

I/45



N

11:58 a.m.

PLAINTIFF'S EXHIBIT G

D-183/8B

Cab D Slide 183 Pg 8B

PLAT OF SURVEY FOR

DENNIS C. & ROSEMARY ROUSEY

CHESTER TOWNSHIP, CHESTER COUNTY, SOUTH CAROLINA

MARCH 28, 2012

REFERENCES: TAX MAP #080-03-04-010

D.B.944 PG.278; P.B."T"PG.45

201200072583
Filed for Record in
CHESTER COUNTY SC
SUE K. CARPENTER, CLERK OF COURT
05-16-2012 At 03:36:33 pm.
PLAT
10.00

Volume Page

HAMILTON, DELLENEY & GRIER, P.A.
ATTORNEYS AT LAW
P.O. BOX 608
CHESTER, SC 29706-0608

MAGNETIC NORTH

T.M.#80-3-4-6
JEFFERY W.KEENON
D.B.580 PG.271

T.M.#80-3-4-20
FRANK L.WRIGHT-LE
JEAN D.WRIGHT-LE
D.B.691 PG.102
CAB."D"S-6 PG.5B

T.M.#80-3-4-7
WILLIAM P.HARDEE
D.B.754 PG.4

N 70°11'38"E 281.67'

S 77°51'46"E 308.27'

N 70°11'50"E 68.32'

S 78°23'57"W 11.77'

N 00°49'35"W 196.17'

N 00°59'57"W 64.37'

N 68°45'52"W 387.58'

S 30°34'28"W 218.91'

S 30°28'28"W 288.59'

S 60°35'24"E 420.85'

NOTE: SHOWN AS A COMMON ROAD (P.B."T"PG.45; P.B."J"PG.44; P.B."T"PG.4)

SEVERANCE DRIVE

GRAVEL DRIVE

4.796 ACRES

T.M.#80-3-4-9
KERRY GRISSINGER
D.B.781 PG.322; P.B."J"PG.44

T.M.#80-3-4-8
DOROTHY JEAN JOHNSON
D.B.984 PG.125; CAB."C"S-130 PG.98

HAMILTON, DELLENEY & GRIER, P.A.
ATTORNEYS AT LAW
P.O. BOX 608
CHESTER, SC 29706-0608

frame house

well

TO CHESTER

TO LANCASTER

U.S.321

T.M.#80-3-4-17
JOHN RICE
D.B.1003 PG.194
CAB."C"S-165 PG.3B

T.M.#80-3-4-24
DENNIS C.ROUSEY
ROSEMARY ROUSEY
D.B.502 PG.60; P.B.1 PG.281
P.B."J"PG.34

NOTE:
EIP = EXISTING IRON PIN
NIP = NEW IRON PIN
PK = PK NAIL
RR = RAILROAD SPIKE
P.P. PINCHED PIPE

NO NEW LOTS OR LINES ESTABLISHED

HIPP LAND SURVEYING, INC.
3574 VICTORIAN HILLS DRIVE
RICHBURG, S.C. 29729
PHONE (803) 789 3716

1"=100'

100 0 100 200 300

GRAPHIC SCALE - FEET

SOUTH CAROLINA
HIPP LAND SURVEYING
AUTHORIZATION

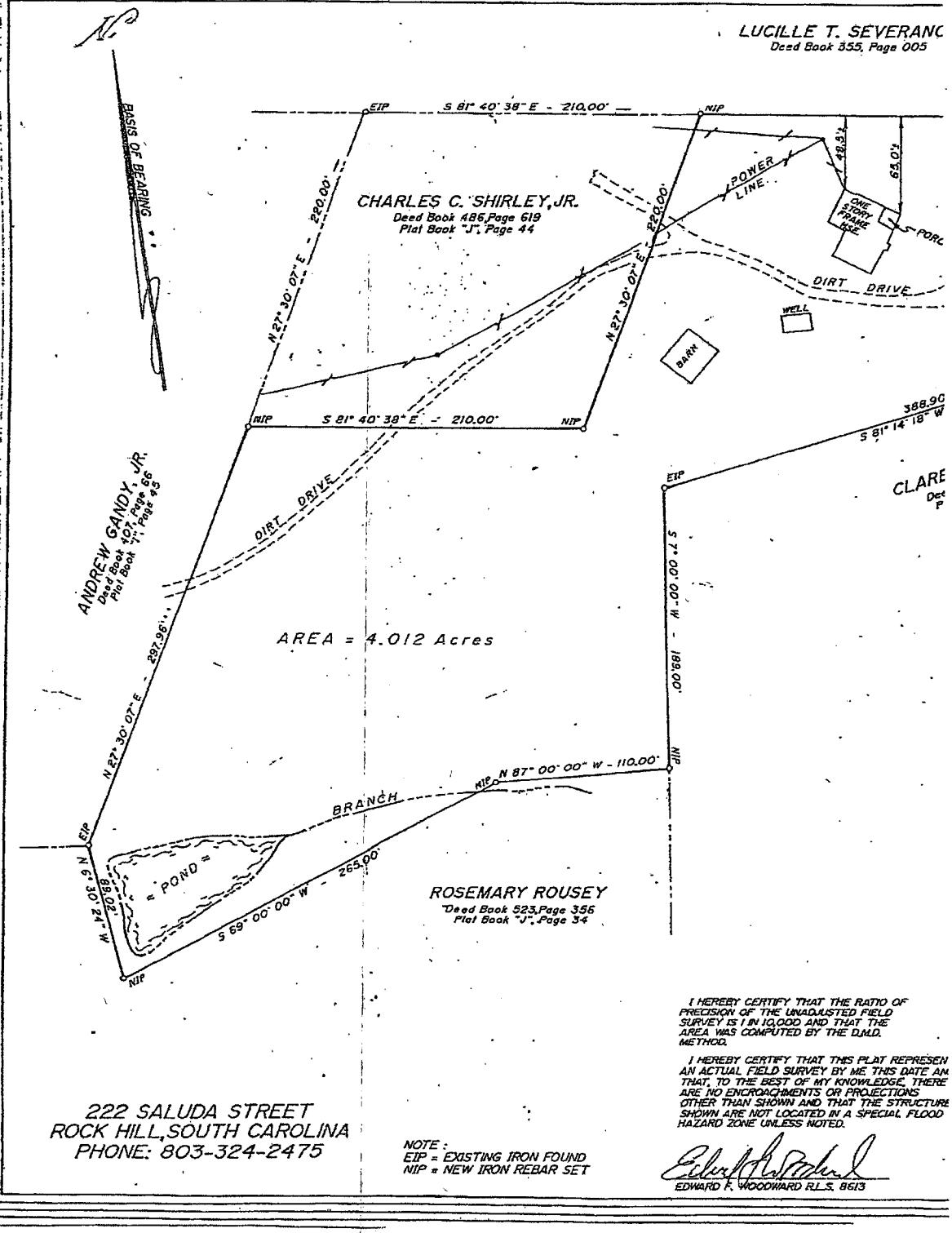
THE INFORMATION SHOWN HEREON IS THE RESULT OF A SURVEY PERFORMED UNDER THE SUPERVISION OF WILLIAM V. HIPP AND WAS SURVEYED AND COMPLETED ON THE DATE SHOWN ABOVE. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED UNDER THE CODE OF LAWS OF SOUTH CAROLINA, TITLE 40, CHAPTER 21, AND IS OF CLASS "A" STANDARD. THE AREA OF SHOWN WAS DETERMINED USING THE U.S.G.S. MAP. ALL BEARINGS AND DISTANCES ARE AS SHOWN UNLESS NOTED OTHERWISE. STRUCTURES ARE NOT WITHIN A SPECIAL FLOOD HAZARD ZONE AS SCALED BY ME.

WILLIAM V. HIPP, P.L.S. 17557

PLAINTIFF'S EXHIBIT H

B-102|2

162 - pp. 2



I HEREBY CERTIFY THAT THE RATIO OF PRECISION OF THE UNADJUSTED FIELD SURVEY IS 1 IN 10,000 AND THAT THE AREA WAS COMPUTED BY THE D.M.D. METHOD.

I HEREBY CERTIFY THAT THIS PLAT REPRESEN AN ACTUAL FIELD SURVEY BY ME THIS DATE AN THAT, TO THE BEST OF MY KNOWLEDGE, THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN AND THAT THE STRUCTURE SHOWN ARE NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE UNLESS NOTED.

EDWARD F. WOODWARD R.L.S. 8613

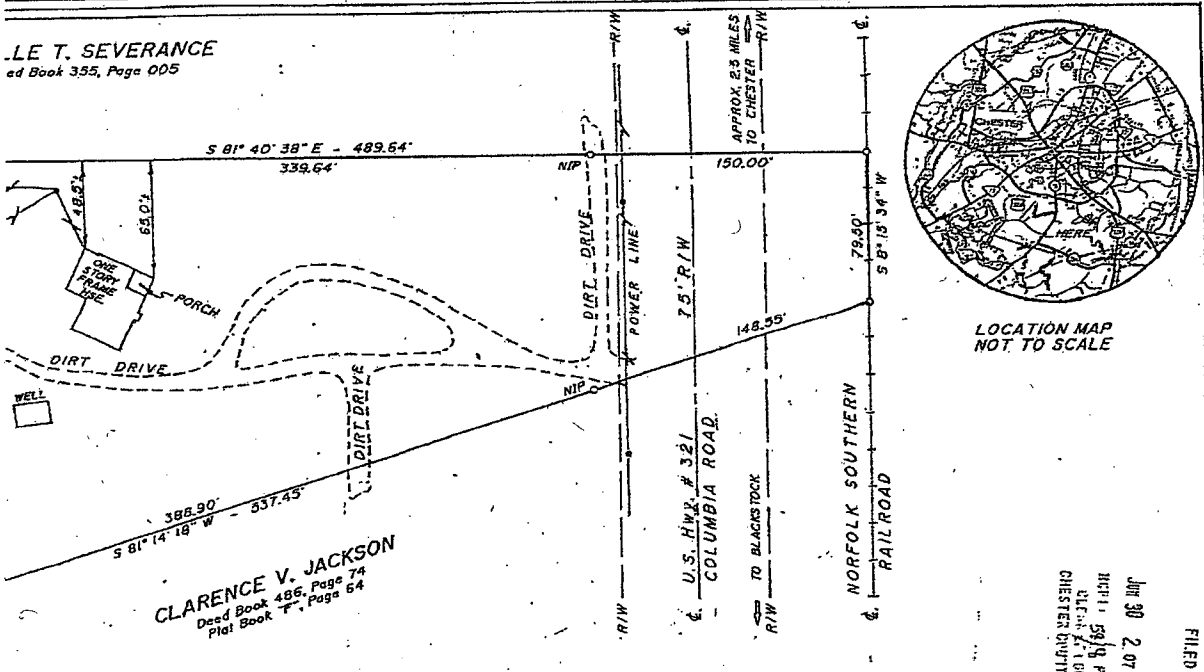
222 SALUDA STREET
ROCK HILL, SOUTH CAROLINA
PHONE: 803-324-2475

NOTE:
EIP = EXISTING IRON FOUND
NIP = NEW IRON REBAR SET

GL177

B-102/2

102-p.21



JUN 30 2 07 PM '88
RECEIVED $9.00 FEES
CLERK OF COURT
CHESTER COUNTY, S.C.

FILED

PLAT OF SURVEY FOR
E. P. SEVERANCE

BEING A 4.012 ACRE TRACT
LOCATED ON U.S. # 321

CHESTER TOWNSHIP,
CHESTER COUNTY,
SOUTH CAROLINA

JUNE 27, 1988

Time 2:07 P.M.
Recorded 30 Month June Date 1988
Book 202 Page 2
Clerk of Court
Chester, S.C.

SCALE: 1" = 50'

0' 25' 50' 100' 150' 200'

RTIFY THAT THE RATIO OF
THE UNADJUSTED FIELD
10,000 AND THAT THE
MPUTED BY THE D.M.D.

RTIFY THAT THIS PLAT REPRESENTS
ELD SURVEY BY ME THIS DATE AND
BEST OF MY KNOWLEDGE, THERE
OACHMENTS OR PROJECTIONS
SHOWN AND THAT THE STRUCTURES
OT LOCATED IN A SPECIAL FLOOD
UNLESS NOTED.

OODWARD R.L.S. 8513

GL176

PLAINTIFF'S EXHIBIT I

Cab C Slide 130 Pg 98

Cab C Slide 130 Pg 98

PLAT OF SURVEY FOR
FRANK WILLIAM YOUNG
BEING A 3.975 ACRE TRACT
LOCATED ON SOUTHERN RAILROAD & U.S.321
CHESTER TOWNSHIP, CHESTER COUNTY, SOUTH CAROLINA
DECEMBER 9, 1997

REFERENCE: TAX MAP#80-3-4-8
D.B.724 PG.178; P.B. "I" PG.4

0007908 Bk: Pg:

FILED, RECORDED, INDEXED
03/11/1998 02:19P
Rec Fees 10.00 St Fees 0.00
Co Fees 0.00 Pages: 1
Clerk of Court
Sue K. Carpenter

The subdivision plat shown hereon has been found to comply with the Chester County Land Development Regulations and has been APPROVED FOR RECORDING in the office of the Clerk of Court of Chester County, South Carolina.

3/16/98
Chester County Planning Director

MAGNETIC NORTH

TAX MAP#80-3-4-7
LUCIA E. T. SEVERANCE ET AL.
D.B.355 PG.5

NOTE: COMMON ROADWAY SHOWN ON OLD PLATS NOT OPEN

1"PIPE(F) S 82°00'00"E 209.68'
1/2"PIPE(F)
S 82°00'00"E 489.54'
NIP@141.19'
SOUTHERN RAILROAD
364.19'
SEVERANCE DRIVE (COUNTY DIRT DRIVE)
MILL W/R
N 26°27'02"E 219.49'
N 25°20'30"E 218.82'
TAX MAP#80-3-4-9
CHARLES C. SHIRLEY, JR.
KAREN R. SHIRLEY
D.B.486 PG.619; P.B. "J" PG.44
TAX MAP#80-3-4-10
ANDREW J. GANDY
407 PG.66; P.B. "I" PG.45
1/2"PIPE(F)
S 81°52'23"E 209.94'
1/2"PIPE(F)
N 26°20'30"E 238.32
1/2"PIPE(F)
S 79°07'14"W 537.15'
U.S. 321 25' R/W
S 06°49'30"W 100.82'
SOUTHERN RAILROAD
3.975 ACRES
TAX MAP#80-3-4-27
CLARENCE V. JACKSON, JR.
PAULETTE L. JACKSON
D.B.666 PG.38; P.B. "F" PG.64
S 05°55'13"W 5".2
5/8 REBAR(F)
1/2"PIPE(F)
5/8 REBAR(F)
S 81°56'46"W 109.94
POND
N 08°42'17"W 79.93'
S 73°25'32"W 257.00
1"PIPE(F)
TAX MAP#80-3-4-24
DENNIS C. ROUSEY
ROSEMARY ROUSEY
D.B.602 PG.60; D.B.523 PG.356
P.B. "J" PG.34; P.B.1 PG.281
S 03°10'45"W 251.21'
INT LAKEGLEN ROAD

1" = 100'
100 0 100 200 300
GRAPHIC SCALE - FEET

LOCATION MAP N.T.S.
U.S. 321

THE INFORMATION SHOWN HEREON IS THE RESULT OF A SURVEY PERFORMED UNDER THE SUPERVISION OF WILLIAM V. HIPP AND WAS COMPLETED ON THE DATE SHOWN ABOVE. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED UNDER THE CODE OF LAWS OF SOUTH CAROLINA, TITLE 40, CHAPTER 21, AND IS OF CLASS-A STANDARD. THE CAROLINA, TITLE 40, CHAPTER 21, AND IS OF CLASS-A STANDARD. THE AREA (IF SHOWN) WAS DETERMINED USING THE O.M.D. METHOD. BEARINGS AREA (IF SHOWN) WAS DETERMINED USING THE O.M.D. METHOD. BEARINGS WERE RECORDED AS SHOWN. ENCROACHMENTS ARE AS SHOWN. UNLESS NOTED STRUCTURES ARE NOT WITHIN A SPECIAL FLOOD-HAZARD ZONE ACCORDING TO FEMA MAPS.

WILLIAM V. HIPP, JR., S.C. 13547

NOTE:
EIP = EXISTING IRON P...
NIP = NEW IRON PIN
PK = PK NAIL
RR = RAILROAD SPIKE

HIPP LAND SURVEYING
3574 VICTORIAN HILLS DRIVE
RICHBURG, S.C. 29729
PHONE (803) 789 3716

PLAINTIFF'S EXHIBIT J

371/79

BOOK NO. 371

4:03 PM

TITLE TO REAL ESTATE

Andrew J. Taylor

TO

T.C. Taylor

STATE OF SOUTH CAROLINA
County of Chester

KNOW ALL MEN BY THESE PRESENTS, That I, Andrew J. Taylor,

of the County and State aforesaid, in consideration of the assumption of the mortgage indebtedness due by me under mortgage recorded Clerk's Office Chester County, S.C., Book 309, page 111, love and affection I bear to my son, T.C. Taylor, and in further consideration of the sum of $1.00 to me paid by T.C. Taylor,

of the County of Chester, and State of South Carolina, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said T.C. Taylor, however reserving to myself and my wife, Eunice Taylor or the survivor, a life estate in and to:

life estate conveyed 384-197

ALL the following described real estate, to wit:

ALL that certain piece, parcel or tract of land, situate in said County and State about 2½ miles South of the City of Chester, on the Western side of the Columbia Road, containing 4.25 acres, together with the dwelling house and other improvements thereon , and bounded by said road, lands of M.E. White now or formerly and by ladds now or formerly of R.M. White, and having the following courses and distances, metes and bounds, to wit: Beginning at stake in the Southeast corner of said land on Southern Railroad, and running thence across S.C. Hwy 321, along a common roadway N. 82° W. 1007.8 ft. to stake on line of lands of Jake Colvin, thence along Colvin's line N. 66° E. 580 ft. to stake on corner of .25 acre strip to be conveyed to Inez T. Young, thence along said .25 acre strip S. 62° E. 543.2 ft. across said S.C. Highway No. 321 to stake on Southern Railroad, thence along center of said Southern Railway S. 8° W. 125 ft. to beginning corner, the present boundaries according to recent plat being on the North by lands of Inez T. Young, East by Southern Railway, South by other lands of Andrew J. Taylor, and West by lands of Jake Colvin, all of which will more fully appear by reference to plat of same made by L.H.Melton, C.E., dated Nov. 15, 1951, being a part of the identical lands conveyed to me by Thomas O. Taylor by deed dated Oct. 20, 1947, duly recorded in Clerk's Office Chester County, S.C., in Book 360, page 66.

Plat recorded Plat Book L, page 1.

however reserving to myself and my wife, Eunice Taylor, or the survivor, a life estate in and to said premises.

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 T.C. Taylor, his** 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 T.C. Taylor, his heirs and assigns against me and my heirs, and all persons whomsoever lawfully claiming or to claim the same or any part thereof, however, reserving to myself and my wife, Eunice Taylor, or the survivor a life estate in and to said premises.

Witness my hand and seal, this 19 day of November in the year of our Lord one thousand nine hundred and fifty-one, and in the one hundred and 76th year of the Independence of the United States of America.

Signed, Sealed and Delivered in the Presence of

Angus H.Macaulay
Jennie M. Oates

Revenue Stamps $ $

Andrew J. Taylor (L. S.)

State of South Carolina, County of Chester.

Personally appeared before me Jennie M. Oates and made oath that She saw the within-named Andrew J. Taylor his sign, seal, and as his act and deed, deliver the within-written Deed, and She, with Angus H.Macaulay, witnessed the execution thereof.

Sworn to Before Me, This 19 day of November, A. D. 1951.

Angus H.Macaulay (Notary Seal) (SEAL)
Notary Public for South Carolina.

Jennie M. Oates

State of South Carolina, County of Chester.

RENUNCIATION OF DOWER

I, Angus H.Macaulay, a Notary Public for South Carolina, do hereby certify unto all whom it may concern, that Mrs. Eunice Taylor, the wife of the within-named Andrew J. Taylor, his 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 T.C. Taylor, 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 19 day of November, A. D. 1951.

Angus H.Macaulay (Notary Seal) (SEAL)
Notary Public for South Carolina.

Eunice R. Taylor

Recorded November 19th 1951, in Book G, Page

John B. McDowell
Auditor Chester County, S. C.

Filed November 19th, 1951. Delivered to A. H. Macaulay 11/21/51

PLAINTIFF'S EXHIBIT K

371-95

195

BOOK NO. 371

11:49 A.M.

TITLE TO REAL ESTATE

Andrew J. Taylor

TO

Lucille T. Severance

STATE OF SOUTH CAROLINA
County of Chester

KNOW ALL MEN BY THESE PRESENTS, That I, Andrew J. Taylor,

of the County and State aforesaid, in consideration of the sum of the love and affection I bear to my daughter, Lucile T. Severance, and in further consideration of the sum of $1.00

to me paid by Lucille T. Severance,

of the County of Chester, and State of South Carolina, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said Lucille T. Severance,

ALL the following described real estate, to wit:

ALL that certain piece, parcel or tract of land, situate in said County and State about 2½ miles South of the City of Chester, on the western side of Columbia Road, containing 4.90 acres, and having the following courses and distances, metes and bounds, to wit: Beginning at stake in center of Southern Railway at the Southeast corner, and running thence across S.C. Hwy. 321 S. 80° W. 535 ft. to stake, iron, thence S. 70° W. 189 ft. to stake, thence N. 87° W. 110 ft. to Stake, thence S. 69° W. 265 ft. to stake, thence N. 10° W. 80 ft. to stake, thence N. 26½° E. 520 ft. to stake in Common roadway between this lot and lot conveyed to T.C. Traylor; thence along said Common Roadway S. 82° E. 700 ft. across S.C. Hwy. 321 to stake in center of Southern Railway, thence along Southern Railway S. 8° W. 79.5 ft. to stake in center of Southern Railway, the beginning corner, bounded on the North by common roadway between this lot and lands of T.C. Taylor, on the East by Southern Railway, on the South by lands of Kitchen and other lands of Andrew J. Taylor, and on the West by other lands of Andrew J. Taylor, all of which will more fully appear by reference to plat of same made by L.H. Melton, C.E., dated Nov. 16, 1951, and being a part of the lands conveyed to Thomas C. Taylor by deed dated Oct. 20, 1947, duly recorded Clerk's Office Chester County, S.C., in Book 360, page 66.

To Andrew J. Taylor
From Thomas C. Taylor

Plat recorded Plat Book "I" at page 54.

371/95

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 Lucille T. Severance, her 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 Lucille T. Severance, her heirs and assigns against me and my heirs, and all persons whomsoever lawfully claiming or to claim the same or any part thereof.

Witness my hand and seal, this 14 day of November, in the year of our Lord one thousand nine hundred and fifty-one, and in the one hundred and 76th year of the independence of the United States of America.

Signed, Sealed and Delivered in the Presence of

Angus H. Macaulay
Jennie M. Oates

Revenue Stamps $.....
$.....

Andrew J. Taylor (L. S.)

STATE OF SOUTH CAROLINA, County of Chester. Personally appeared before me Jennie M. Oates and made oath that she saw the within-named Andrew J. Taylor sign, seal, and as his act and deed, deliver the within-written Deed, and that she, with Angus H. Macaulay witnessed the execution thereof.

Sworn to Before Me, This 19 day of November, A. D. 1951.

Angus H. Macaulay (NOTARY SEAL) (SEAL) Jennie M. Oates

Notary Public for South Carolina.

STATE OF SOUTH CAROLINA, County of Chester.

RENUNCIATION OF DOWER

I, Angus H. Macaulay, a Notary Public for South Carolina, do hereby certify unto all whom it may concern, that Mrs. Eunice Taylor the wife of the within-named Andrew J. Taylor 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 Lucille T. Severance, her 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 19 day of November, A. D. 1951.

Angus H. Macaulay (Notary seal) (SEAL) Eunice M. Taylor

Notary Public for South Carolina.

Audited November 24th, 1951, in Book 3, Page ..... John B. McDowell
Auditor Chester County, S. C.

Recorded November 24th, 1951. Delivered to .....

PLAINTIFF'S EXHIBIT L

Prepared by: GASTON, GASTON & MARION, P. A.
Attorney at Law
P. O. Drawer 608
Chester, SC 29706
Phone: (803) 385-2114

0005038 Bk: 0724 Pg: 0176

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

PROBATE COURT

IN THE MATTER OF: EGLESTON PAUL SEVERANCE, DECEASED

CASE NUMBER 93ES1200056

FILED, RECORDED, INDEXED
10/07/1997 10:22A
Rec Fees: 10.00 St Fees: 0.00
Co Fees: 0.00 Pages: 2
Clerk of Court
By: L. Carpenter

DEED OF DISTRIBUTION

WHEREAS, the decedent died on the 1st day of August 19 87 and,

WHEREAS, the estate of the decedent is being administered in the Probate Court for Chester County, South Carolina in File # 93ES1200056; 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: Ann L. Almers, f/k/a Ann L. Winters, f/k/a Ann L. Barrineau, Millidge P. Lee, a/k/a Paul Lee, Robert Michael Lee and William Severance Lee
Address:

the following described property:

ALL that certain piece, parcel or tract of land, situate in said County and State about 2½ miles south of the City of Chester, on the western side of Columbia Road, containing 4.90 acres, and having the following courses and distances, metes and bounds, to-wit: Beginning at stake in center of Southern Railway at the southeast corner, and running thence across S. C. Highway 321 S 60° W 335 feet to stake, iron, thence S 70° W 189 feet to stake, thence N 87° W 110 feet to stake, thence S 69° W 265 feet to stake, thence N 10° W 80 feet to stake, thence N 26½° E 520 feet to stake in Common roadway between this lot and lot conveyed to T. C. Traylor; thence along said Common roadway S 82° E 700 feet across S. C. Highway No. 321 to stake in center of Southern Railway, thence along Southern Railway S 8° W 79.5 feet to stake in center of Southern Railway, the beginning corner, bounded on the North by common roadway between this lot and lands of T. C. Taylor, on the East by Southern Railway, on the South by lands of Kitchen and other lands of Andrew J. Taylor, and on the West by other lands of Andrew J. Taylor, all of which will more fully appear by reference to plat of same made by L. H. Melton, C.E., dated November 16, 1951, and being the identical property conveyed to Lucille T. Severance by deed of Andrew J. Taylor dated November 19, 1951, recorded November 24, 1951, in Deed Book 371 at Page 95; Plat recorded in Plat Book "I" at Page 4. The said Lucille T. Severance died testate and under Item II of her Last Will and Testament dated October 16, 1972, which is on file in the office of the Probate Judge for Chester County, S. C., in File No. 84ES1200214, she devised the above described property to her husband, Egleston Paul Severance. The said Egleston Paul Severance died August 1, 1987, and under Item II of his Last Will and Testament dated October 16, 1972, which is on file in the office of the Judge of Probate for Chester County, S. C., in File No. 93ES1200056, he devised the above described property unto his wife, Lucille Taylor Severance and if she not be alived at the time of his death, under Item IV he devised the above described property unto his grandchildren, Ann L. Barrineau, Millidge P. Lee, Robert Michael Lee and William Severance Lee: All in the office of the Clerk of Court for Chester County, S. C., unless otherwise specified.

Page 1 of 2

FORM 9000PD (1/98)
93-0407, 93-2-006

GRAPHIC PRESS/3431 Dakota Avenue, West Columbia, South Carolina 29169/(803) 794-0207

Bk: 0724 Pg: 0177

GL37

0005030 Bk: 0724 Pg: 0177

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises/Property belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises/Property unto the said Ann L. Almers, F/k/a Ann L. Winters, F/k/a Ann L. Barrineau, Milidge P. Lee, a/k/a Paul Lee, Robert Michael Lee and William Severance Lee, their heirs and assigns forever.

IN WITNESS WHEREOF, the undersigned, as Personal Representative of the estate of the decedent, has executed this Deed, this 3rd day of October, 19 97

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Estate of: EGLESTON PAUL SEVERANCE

by Signature: John G. Huskins

John G. Huskins, Personal Representative

Witness: [signature]

Witness: Debra R. Bailey

I hereby certify that the within Deed has been this 9 day of Oct A.D. 19 97 Recorded in Book 9 of Deeds, Volume No. [illegible]

Edward M. Thomas PROBATE Auditor for Chester County

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

PERSONALLY appeared before me W.L.D. Marion

and made oath that he/she saw the within named Personal Representative(s) sign, seal, and as his act and deed, deliver the within written Deed, and that he/she with Debra R. Bailey witnessed the execution thereof.

SWORN to before me this 3rd day of October, 19 97

Witness Signature: [signature]

Debra R. Bailey
Notary Public for South Carolina
My Commission Expires: 5/5/99

LESS, that certain tract containing one (1) acre, more or less, and being shown on a plat of the property belonging to Lucille T. Severance by L. H. Melton, dated August 31, 1955, which plat is recorded in Plat Book "J" at Page 44, and being the identical property conveyed by the said Lucille T. Severance to Mrs. Unice S. Lee by deed dated and recorded February 20, 1956, in Deed Book 385 at Page 152 and later conveyed by Egleston Paul Severance to Michael D. Laws, et al. by deed dated May 28, 1976, recorded June 1, 1976, in Deed Book 481 at Page 77. All recording references being to the office of the Clerk of Court for Chester County, S.C.

CHESTER COUNTY ASSESSOR
DATE 10-8-97
TAX MAP NO. 00-3-4-8

FORM 6000 (1/98) GRAPHIC PRESS/3611 Dutch Square, West Columbia, South Carolina 29169/(803) 796-1107 PAGE 2 OF 2

GL37

PLAINTIFF'S EXHIBIT M

92 missing X

BOOK NO. 373 /93

11:58 A.M.

TITLE TO REAL ESTATE

A. J. Taylor

TO

Sallie T. Taylor

STATE OF SOUTH CAROLINA
County of Chester

KNOW ALL MEN BY THESE PRESENTS, That I, A.J.Taylor,

of the County and State aforesaid, in consideration of the ~~same~~ love and affection I bear to my daughter, Sallie T. Taylor, and in further consideration of the sum of One ($1.00) DOLLARS to me paid by Sallie T. Taylor, of the County of Chester, and State of South Carolina, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said Sallie T. Taylor,

ALL the following described real estate, to wit:

ALL that certain piece or parcel of land situate in said County and State about 2½ miles South of the City of Chester on the west side of Columbia Road, containing 4.65 acres, and having the following courses and distances, metes and bounds, to wit: Beginning at corner of lands of Zelma Taylor Miller on the inner edge of road leading to S.C. Hwy, 321, opposite which are lands of E.K.Hardin and running along said road as the line S. 74° W. 250 ft. to stake, corner of lands of Andrew Taylor, thence along line of Andrew Taylor N. 10½° W. 730 ft. to stake on line of lands of Jake S. Colvin, thence along Colvin's line N. 74½° E. 319 ft. to flint rock by cedars corner of lands of Zelma Taylor Miller, thence along Miller line and line of O.A. Taylor, S. 5° 739.7 ft. to stake on inner edge of road to S.C. Hwy 321, the beginning corner, bounded on the North by lands of Jake S. Colvin, on the East by lands of Zelma Taylor Miller and O.A. Taylor, on the South by road leading to S.C. Hwy 321, opposite which are lands of E.K.Hardin, and on the West by lands of Andrew Taylor all of which will more fully appear by reference to plat of same made by L.H.Melton, C.E., dated Nov. 27, 1951, and being a part of the lands conveyed to me by T.C. Taylor by deed dated October 20, 1947, duly recorded Clerk's Office for Chester County, S.C., in Book 360, page 66.

ether 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 Sallie T. Taylor , her heirs and assigns forever. And I do hereby bind myself and my s, executors and administrators to warrant and forever defend, all and singular, the said premises unto the said Sallie T. Taylor, her heirs and assigns against me and my heirs, and all persons whomsoever lawfully ning or to claim the same or any part thereof.

Witness my hand and seal, this 18 day of October, in the year of our Lord thousand nine hundred and fifty-two, and in the one hundred and 77th year of the pendence of the United States of America.

GNED, SEALED AND DELIVERED IN THE PRESENCE OF

Angus H. Macaulay

Jennie M. Oates

Revenue Stamps $..... $.....

A.J.Taylor (L. S.)

(L. S.)

(L. S.)

(L. S.)

(L. S.)

(L. S.)

(L. S.)

(L. S.)

TE OF SOUTH CAROLINA, County of Chester.

Personally appeared before me Jennie M. Oates and made oath that she saw the within-named A.J.Taylor sign, seal, and as his act and deed, deliver the within-written Deed, and s he, with Angus H.Macaulay, witnessed the execution thereof.

Sworn to Before Me, This 18 day of October, A. D. 195 2

Angus H.Macaulay (Notary Seal) (SEAL)
Notary Public for South Carolina.

Jennie M. Oates

TE OF SOUTH CAROLINA, County of Chester.

RENUNCIATION OF DOWER

I, Angus H.Macaulay, a Notary Public for South Carolina, do hereby certify unto all whom it may concern, that Mrs. Eunice Taylor, the wife of the within-named A.J.Taylor did this day appear before me, and, upon being privately and separately ined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever, renounce, se and forever relinquish unto the within-named Sallie T. Taylor, her 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 ises within mentioned and released.

Given under my hand and seal, this 18th day of October, A. D. 195 2

Angus H. Macaulay, (NOTARY SEAL) (SEAL)
Notary Public for South Carolina.

Mrs. Eunice Taylor

ted November 3rd, 195 2, in Book G, Page 11/10

C. B.Brawley
Auditor Chester County, S. C.

rded November 3rd, 195 2. Delivered to

PLAINTIFF'S EXHIBIT N

William P. Hardee
976 Columbia Road
Chester, S. C. 29706
August 21, 2015

Jessica Clancy Crowson, Esquire
Rogers Lewis Jackson Mann & Quinn, LLC
P. O. Box 11803 (29211)
1330 Lady Street, Suite 400
Columbia, S. C. 29201

FILED
2015 AUG 24 P 3:10
CLERK OF COURT
CHESTER CO. S.C.

Re: CASE NUMBER: 2015-CP-12-00024

Heather Rousey Piper

Plaintiff

vs.

Kerry Grissinger, William P. Hardee, and
Paul E. Lesondak

Defendants

Dear Ms. Crowson,

Please find enclosed my response to the Plaintiff's First Set of Interrogatories to Defendants and to the Plaintiff's First Set of Requests for Production to Defendants.

Sincerely,

William P. Hardee

William P. Hardee

STATE OF SOUTH CAROLINA COUNTY OF CHESTER	)	IN THE COURT OF COMMON PLEAS
	)	C/A NO: 2015-CP-12-00024
Heather Rousey Piper	)	
Plaintiff	)	REPLY TO PLAINTIFF'S FIRST SET INTERROGATORIES TO DEFENDANTS
vs	)	
Kerry Grissinger, William P. Hardee, and Paul E. Lesondak	)	
Defendants	)	

CLERK OF COURT
CHESTER CO S.C.
2015 AUG 24 P 3:07
FILED

TO: ABOVE NAMED PLAINTIFF:

The Defendant, replying to the Plaintiff's First set of Interrogatories replies and alleges as follows:

1. Answer to interrogatory Number 1 is as follows:
   Kenneth Rowsam
   1041 Pineland Ave.
   Chester, S. C. 29706
   No written or recorded statements have been taken so far as I know.

2. Answer to interrogatory Number 2 is as follows:
   Deed to property
   Photos of tracts involved in suit copied from Chester County GIS maps

3. Answer to interrogatory Number 3 is as follows:
   Defendant has no knowledge of any liability insurance coverage relating to the claim.

4. Answer to interrogatory Number 4 is as follows:
   Defendant does not propose to use any expert witness at the trial of this case.

5. Answer to interrogatory Number 5 is as follows:
   It is my understanding that Kenneth Rowsam and Kerry Grissinger are acquaintances. Therefore, I assume he knows what is taking place relative to this case.

6. Answer to interrogatory Number 6 is as follows:
   This interrogatory was not addressed to the Defendant.

7. Answer to interrogatory Number 7 is as follows:
This interrogatory was not addressed to the Defendant.

8. Answer to interrogatory Number 8 is as follows:
This interrogatory was not addressed to the Defendant.

9. Answer to interrogatory Number 9 is as follows:
Defendant does not contend that any easement has been abandoned.

10. Answer to interrogatory Number 10 is as follows:
Defendant has no knowledge of when Plaintiff has discharged firearms at or near the home of the Defendant GRISSINGER.

William P. Hardee

FILED
2015 AUG 24 P 3:01
CLERK OF COURT
CHESTER CO. S.C.

William P. Hardee

William P. Hardee
976 Columbia Road
Chester, South Carolina 29706
803-377-1098

DEFENDANT

August 21, 2015

STATE OF SOUTH CAROLINA COUNTY OF CHESTER	)	IN THE COURT OF COMMON PLEAS
	)	C/A NO: 2015-CP-12-00024
Heather Rousey Piper	)	
Plaintiff	)	REPLY TO PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION TO DEFENDANTS
vs	)	
Kerry Grissinger, William P. Hardee, and Paul E. Lesondak	)	
Defendants	)	

FILED
2015 AUG 24 P 3:11
CLERK OF COURT
CHESTER CO. S.C.

TO: ABOVE NAMED PLAINTIFF:

The Defendant, replying to the Plaintiff's First set of Requests for Production to Defendants replies and alleges as follows:

1. Answering requests for production Number 1, I have included a copy of the deed for the Hardee tract and two photos of the tracts involved in the lawsuit copied from Chester County GIS maps.

2. Answering requests for production Number 2, I have not created, reviewed, or exchanged any documents among or between the Defendants or any other person, party, or entity relating to the Landlocked Parcel, the Grissinger Parcel, the Hardee Parcel, or the Lesondak Parcel.

3. Answering requests for production Number 3, I have no contracts, agreements, or other documents between the Plaintiff and Defendant made in connection with or related to the Landlocked Parcel, the Grissinger Parcel, the Hardee Tract, or the Lesondak Parcel.

4. Answering requests for production Number 4, I have no documents concerning or related to the Plaintiff.

5. Answering requests for production Number 5, I have not created, reviewed, or exchanged any documents between the Defendant, its employees or agents, relating to the Landlocked Parcel, the Grissinger Parcel, the Hardee Parcel, the Lesondak Parcel, this action, or the claims or defenses therein.

6. Answering requests for production Number 6, I have no inspections or reports performed concerning the Landlocked Parcel, the Grissinger Parcel, the Hardee Parcel, or the Lesondak Parcel.

7. Answering requests for production Number 7, I have no documents provided to, reviewed, or relied upon by any expert witness.

8. Answering requests for production Number 8, I have no insurance policy which provides coverage for the matters alleged in Plaintiff's complaint and which are the subject of this action.

9. Answering requests for production Number 9, I have no Title Reports related to the Landlocked Parcel, the Grissinger Parcel, the Hardee Parcel, or the Lesondak Parcel.

10. Answering requests for production Number 10, I have included the deed for the Hardee Parcel.

11. Answering requests for production Number 11, I have no building permits, receipts, approvals, or other documents for the shed located on the Grissinger Parcel, which is depicted on Exhibit A.

12. Answering requests for production Number 12, I have am enclosing two photos copied from the Chester County GIS maps showing the parcels involved in this lawsuit. I have no other information requested in this paragraph.

13. Answering requests for production Number 13, I have been involved in several civil actions regarding real property as a Defendant since 2000. All of the actions involved attempts to set aside tax sales due to Chester County or the City of Chester not following the law relative to the sale of property for taxes. I have not been involved in any criminal matters since 2000.

14. Answering requests for production Number 14, I have no information of any kind relative to the well located on the Grissinger Parcel.

I contend that the civil actions I have been involved in since 2000 need not be produced for this case since all cases involved whether or not the law was followed by Chester County or the City of Chester in selling property for tax purposes. I was named as a Defendant since I had purchased the property at a tax sale and had received the deed.

William P. Hardee

William P. Hardee

William P. Hardee
976 Columbia Road
Chester, South Carolina 29706
803-377-1098

August 21, 2015

DEFENDANT

FILED
2015 AUG 24 P 3:11
CLERK OF COURT
CHESTER CO. S.C.

754 Pg. 88

CHESTER COUNTY TAX DEED

TAX MAP NUMBER: 80-03-04-007

GRANTEE & ADDRESS:
William P. Hardee
976 Columbia Road
Chester, SC 29706

STATE OF SOUTH CAROLINA)
COUNTY OF CHESTER)

FILED, RECORDED, INDEXED
03/22/1999 09:50:29AM
Rec Fee: 10.00 St Fee: 2.60
Co Fee: 1.10 Pages: 3
Clerk of Court
Sue K. Carpenter

TO ALL WHOM THESE PRESENTS MAY CONCERN:

WHEREAS, Phyllis C. Wilkes, Delinquent Tax Collector of Chester County, acting pursuant to the acts and laws of the General Assembly of South Carolina, did as follows in connection with the tax sale of the real estate described on attached Exhibit "A":

FILED
2018 AUG 24 P 3:1
CLERK OF COURT
CHESTER CO S.C.

Defaulting taxpayer: Lucille T. Severance, et al

Date of execution: March 17, 1997

Real estate posted on: August 30, 1997, by Richard Wessinger

Notice of delinquent property taxes, penalties and cost owed in the amount of $127.16 for the year(s) 1996 mailed via "Certified Mail, Return Receipt Requested-Deliver to Addressee Only" was mailed on May 9, 1997 to Lucille T. Severance, et al and was not received by the addressee.

WHEREAS, Phyllis C. Wilkes, the Delinquent Tax Collector, did, during the usual hours of sale, after due advertisement, sell the property of the said defaulting taxpayer at public auction to William P. Hardee, the grantee herein, his/her/its heirs and successors and assigns, the same being the highest bidder at such sale, for the sum of $700.00, and gave a receipt for the total amount of said purchase price to said grantee(s).

Neither more than forty-five (45) days nor less than twenty (20) days prior to the end of the redemption period for the real estate described on attached Exhibit "A" which was sold for taxes, Phyllis C. Wilkes, Delinquent Tax Collector for Chester County, South Carolina did mail a notice by "Certified Mail, Return Receipt Requested-Restricted Delivery" to the owner of record immediately proceeding the end of the redemption period at the best address of the owner available to the said Phyllis C. Wilkes that the real estate described on the notice had been sold for taxes and if not redeemed by paying the taxes, assessments, penalties, cost and interest at the applicable rate on the bid price in the total amount owed on or before twelve (12) months from the date of the sale, that a Tax Title would be delivered to the successful purchaser at the tax sale.

Such redemption notice was mailed on October 30, 1998 to Lucille T. Severance, et al and was not received by the addressee.

WHEREAS more than twelve (12) months have elapsed since the date of said sale, and the defaulting taxpayer(s), and any grantee from the defaulting taxpayer or mortgagee or judgment creditor has failed to redeem said property sold for taxes.

NOW, THEREFORE, KNOW ALL MEN BY THE PRESENTS that I, Phyllis C. Wilkes, Delinquent Tax Collector of and for Chester County, South Carolina, in consideration of the premises, and the sum of $700.00 Dollars, to me in hand paid by the said grantee(s), William P. Hardee, have granted, sold and released by these presents do grant, sell, bargain and release unto the said Grantee(s), his/her/its heirs, successors and assigns the real estate which is described on attached Exhibit "A"; 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 hold all the singular the premises before mentioned to the grantee(s), and the grantee(s) heirs and successors and assigns, forever, according to the form in force and effect of the laws and usages of the State of South Carolina in such cases made and provided.

WITNESS my hand and seal this 19th day of March, 1999.

WITNESSES:

Juanita D. Daile

Mary R. Wilkerson

Phyllis C. Wilkes

Phyllis Wilkes, Tax Collector for
Chester County, South Carolina

STATE OF SOUTH CAROLINA)

COUNTY OF CHESTER)

PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that s/he saw the within-named Phyllis C. Wilkes, Chester County Tax Collector, sign, seal and as her act and deed, deliver the within-written Tax Deed for the uses and purposes therein mentioned and that s/he with the other witness whose signature appears above witnessed the execution thereof.

SWORN to before me this 19th day of March, 1999.

Mary R. Wilkerson

NOTARY PUBLIC FOR SC
My Commission Expires: 2/8/2000

Juanita D. Daile

(Co23)

William P. Hardee
976 Columbia Road
Chester, SC 29706

Chester Co. Tax Map No.: 80-03-04-007

EXHIBIT "A"

ALL that certain piece, parcel or lot of land with any and all improvements thereon containing approximately 4.00 acres, more or less situate, lying and being on Columbia Road, south of the City of Chester, Chester County, S.C. and is bounded now or formerly as follows: on the North by Keenon; on the East by Columbia Road; on the South by Young, Shirley, and Gaddy. Reference is made to the Estate of Andrew Jackson Taylor found in Compartment 355, Package 5 in the Office of the Probate Court for Chester County, South Carolina.
(WPHard7)

I hereby certify that the within Deed has been this 23 day of March, A.D. 1999.
Recorded in Book 0 of Deeds.
Edward M Kennedy, AUDITOR.
for CHESTER COUNTY.

CHESTER COUNTY ASSESSOR
DATE 3-23-99
TAX MAP NO. 80-3-47

PLAINTIFF'S EXHIBIT O

WINTERS
Law Firm

www.winterslawsc.com
803.581.8243 (fax)
803.581.8190 (office)
Chester, SC 29706

October 23, 2014

Heather Rousey
548 Lakenglen Road
Chester, South Carolina 29706

Re: Access to 4.796 acres in Chester County (TMS 080-03-04-010-000)

Dear Ms. Rousey:

As you are aware, I serve as the County Attorney for Chester County. We have researched your inquiry regarding access to the above referenced property. It is the opinion of Chester County that this matter is private dispute between individual property ownersand as such, Chester County has no jurisdiction or standing in this dispute. An attorney will be able to provide assistance to you in this issue.

With kind regards, I am

Sincerely,

Joan G. Winters
County Attorney

JW/hlm
10.23.2014LetRousey
cc: R. Carlisle Roddey, Supervisor

PLAINTIFF'S EXHIBIT
tabbies
O

PLAINTIFF'S EXHIBIT P

Chester County, South Carolina
Department of Planning, Building & Zoning
1476 J. A. Cochran Bypass
Chester, South Carolina 29706

12-18-14

To Whom It May Concern:

The addresses that are located on Severence Drive are: 802-814-824-840.
If you have any questions please feel free to give me a call at 803-581-0942 Ext.1

Thank You,
Sally Hudson
911 Addressing Cordinator

Telephone: 803-581- 0942 Fax: 803- 581-7947

PLAINTIFF'S EXHIBIT Q

WINTERS
Law Firm

December 11, 2014

Jessica Clancy Crowson, Esquire
Rogers Lewis Jackson Mann & Quinn LLC
Post Office Box 11803
Columbia, South Carolina 29211

Re: Severance Drive, Chester County, Chester, South Carolina

Dear Ms. Crowson:

I am the County Attorney for Chester County and have been asked to respond to your inquiry of November 20, 2014, regarding the above referenced matter, received by the County on November 24, 2014.

Please be advised that Severance Drive, located in Chester County, South Carolina, is not a County Road and as such, is not maintained by Chester County.

With kind regards, I am

Sincerely,

Joanie Winters

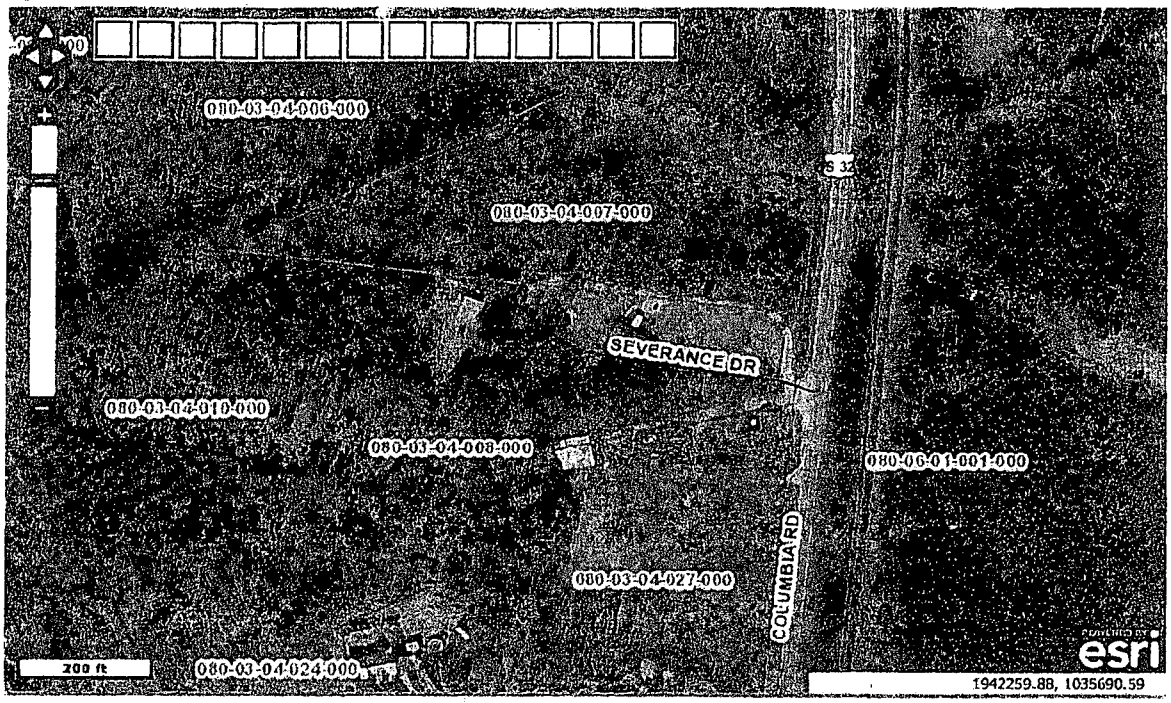
JW/cbo
ChesterCountyLetReSeverenceDr

cc: R. Carlisle Roddey, Chester County Supervisor

105 Main Street, Chester, SC 29706 ■ 803.581.8190 (office) ■ 803.581.8243 (fax) ■ www.winterslawsc.com

PLAINTIFF'S EXHIBIT R

Map



Parcel ID	080-03-04-007-000	**Alternate ID**	n/a	**Owner Address**	HARDEE WILLIAM P
Sec/Twp/Rng	n/a	**Class**	LA		976 COLUMBIA ROAD
Property Address		**Acreage**	4.000		CHESTER SC 29706
District	02				
Brief Tax Description	COLUMBIA RD				

(Note: Not to be used on legal documents)

Last Data Uploaded: 2/13/2015 8:33:04 PM

PLAINTIFF'S EXHIBIT S

RESIDENTIAL TITLE INSURANCE POLICY
ONE-TO-FOUR FAMILY RESIDENCES

CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B

Office File Number: 13-04-060 LESONDAK **Policy Number: 7209740-88978761**

EXCEPTIONS FROM COVERAGE

In addition to the Exclusions, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Rights or claims of parties in possession not shown by the Public Records.
2. Any encroachment, encumbrance, violation or adverse circumstances affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
3. Easements, or claims of easements, not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor, or material heretofore furnished, imposed by law and not shown by the Public Records.
5. Taxes and assessments for the year 2013 and all subsequent years, which are a lien, but are not yet due and payable.
6. No insurance is afforded as to the exact amount of acreage contained in the Land.
7. Encroachments, overlaps, boundary line disputes, access, deficiency in quantity of land, and any other matters which would be disclosed by a current and accurate survey and inspection of the land. NOTE: Upon receipt of a satisfactory survey and surveyor's report, this exception will be eliminated or amended in accordance with the facts shown thereby.
8. Easement to Duke Power Company recorded in Deed Book 379, page 308, Public Records.
9. Easement to Duke Power Company recorded in Deed Book 379, page 133, Public Records.
10. Plat of survey prepared for Frank William Young by William V. Hipp, PLS, Surveyor, dated December 9, 1997, discloses the following, together with any appropriate easements:

    (a) pond
    (b) creek
    (c) overnight electrical line(s)
    (d) well
    (e) Severance Drive (County Dirt Road)
    (f) dirt drive(s)
    (g) fence
    (h) 75' R/W for U.S. 321
    (i) 100' R/W to Southern Railroad

11. Rights of others in and to the Severance Drive (County Dirt Drive), as contained in the description of the Land and as shown on survey of William V. Hipp, PLS, R.L.S., dated December 9, 1997.

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AMERICAN LAND TITLE ASSOCIATION

900 canon 06/05/2015 21:20 FAX 18035814169

12. Rights of the public generally in and to the use of that portion of the Land used for ingress and egress purposes.

13. Title to that portion of the Land embraced within the bounds of Severance Drive (County Dirt Drive) and U.S. 321.

14. Rights of the railroad company servicing the railroad siding located on the Land in and to the ties, rails and other properties constituting said railroad siding or in and to the use thereof and also rights of others thereto entitled in and to the use thereof.

15. Rights of servicing in and to the railroad side tracks located on the Land as shown by plat of survey by William V. Hipp dated December 9, 1997.

16. Riparian rights incident to the Land.

17. Rights of upper and lower riparian owners in and to the waters of creek crossing or adjoining the Land, and the natural flow thereof, free from diminution or pollution.

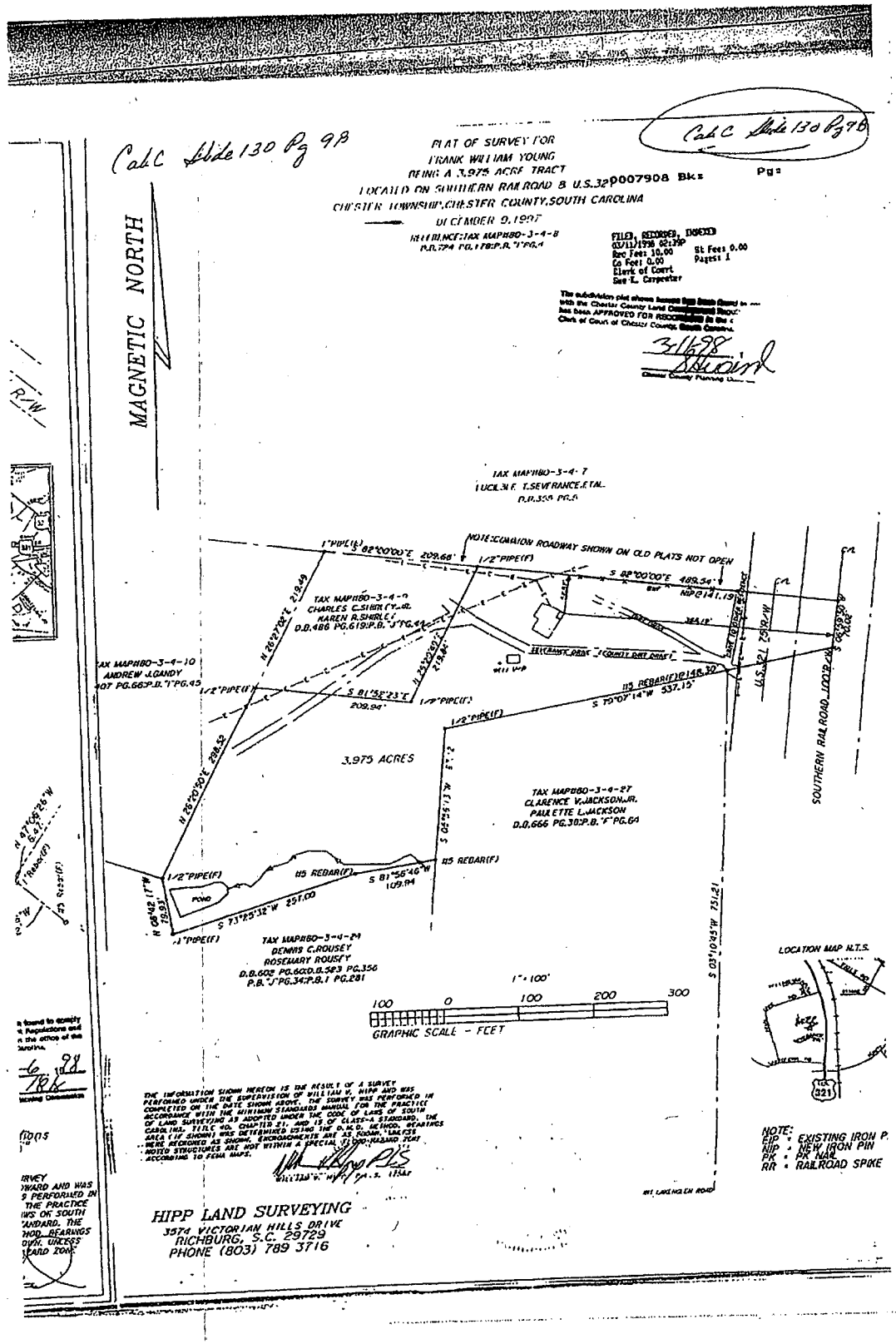
18. Title to that portion of the Land lying between the high and low-water marks of the bank of creek, and rights of upper and lower riparian owners in and to said creek.

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AMERICAN LAND TITLE ASSOCIATION

007 06/05/2015 21:20 FAX 18035814169 canon


Cab C Slide 130 Pg 98
Cab C Slide 130 Pg 98
PLAT OF SURVEY FOR
FRANK WILLIAM YOUNG
BEING A 3.975 ACRE TRACT
LOCATED ON SOUTHERN RAILROAD & U.S.321
CHESTER TOWNSHIP, CHESTER COUNTY, SOUTH CAROLINA
DECEMBER 9, 1997
REFERENCE: TAX MAP#80-3-4-8
D.B. 774 PG. 178; P.B. "I" PG. 4
Bk: 007908 Pg:
FILED, RECORDED, INDEXED
03/11/1998 02:39P
Rec Fees 10.00
Co Fees 0.00
Clerk of Court
Sue L. Carpenter
St Fees 0.00
Pages 1
MAGNETIC NORTH
R/W
TAX MAP#80-3-4-7
LUCILLE T. SEVERANCE, ET AL.
D.B. 355 PG. 6
NOTE: CONALTON ROADWAY SHOWN ON OLD PLATS NOT OPEN
1" PIPE(F)
S 82°00'00" E 209.68'
1/2" PIPE(F)
S 82°00'00" E 489.34'
NIP @ 141.19'
TAX MAP#80-3-4-9
CHARLES C. SHIRLEY, JR.
KAREN B. SHIRLEY
D.B. 486 PG. 619; P.B. "J" PG. 44
N 26°27'04" E 219.49
N 25°20'52" E 218.84'
SET REBAR CAP
365.18'
S 82°58'58" E 76.02'
SOUTHERN RAILROAD
U.S. 321
TAX MAP#80-3-4-10
ANDREW J. GANDY
407 PG. 667; P.B. "I" PG. 45
1/2" PIPE(F)
S 81°52'23" E
209.94'
1/2" PIPE(F)
S 79°07'14" W 537.15'
N 79°20'20" E 238.53
3.975 ACRES
TAX MAP#80-3-4-27
CLARENCE V. JACKSON, JR.
PAULETTE L. JACKSON
D.B. 666 PG. 30; P.B. "F" PG. 64
S 02°55'13" W 5.12'
S 03°10'45" W 751.21'
1/2" PIPE(F)
POND
N 08°42'17" W 29.51'
S 81°56'46" W 109.94
S 73°25'32" W 257.00
1" PIPE(F)
TAX MAP#80-3-4-29
DENNIS C. ROUSEY
ROSEMARY ROUSEY
D.B. 602 PG. 60; D.B. 583 PG. 356
P.B. "J" PG. 34; P.B. 1 PG. 281
1" = 100'
100 0 100 200 300
GRAPHIC SCALE - FEET
LOCATION MAP N.T.S.
NOTE:
EIP = EXISTING IRON P.
NIP = NEW IRON PIN
PK = PK NAIL
RR = RAILROAD SPIKE
THE INFORMATION SHOWN HEREON IS THE RESULT OF A SURVEY PERFORMED UNDER THE SUPERVISION OF WILLIAM V. HIPP AND WAS COMPLETED ON THE DATE SHOWN ABOVE. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED UNDER THE CODE OF LAWS OF SOUTH CAROLINA, TITLE 40, CHAPTER 21, AND IS OF CLASS-A STANDARD. THE AREA (IF SHOWN) WAS DETERMINED USING THE D.M.D. METHOD. BEARINGS WERE RECORDED AS SHOWN. ENCROACHMENTS ARE AS SHOWN. UNLESS NOTED STRUCTURES ARE NOT WITHIN A SPECIAL FLOOD HAZARD ZONE ACCORDING TO FEMA MAPS.
HIPP LAND SURVEYING
3574 VICTORIAN HILLS DRIVE
RICHBURG, S.C. 29729
PHONE (803) 789 3716
MT. LAKE CHURCH ROAD

421

PLAINTIFF'S EXHIBIT T

STATE OF SOUTH CAROLINA COUNTY OF CHESTER Heather Rousey Piper, Plaintiff, v. Kerry Grissinger, William P. Hardee, and Paul E. Lesondak Defendants.	IN THE COURT OF COMMON PLEAS C/A NO: 2015-CP-12-00024 **AFFIDAVIT OF WILLIAM SEVERANCE LEE**

COPY

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit, and I understand such information.

2. I am William Severance Lee and have an address of 1920 Molly Circle York SC 29745

3. I am familiar with that certain piece of real property located in Chester County, South Carolina, with TMS Number 080-03-04-010-000, and is described as follows (the "Landlocked Parcel" or "Piper Parcel"):

   All that certain tract of land with any and all improvements thereon situate at the end of Severance Drive, lying to the west of Columbia Road South and containing 4.796 acres, more or less and is shown and designated on that certain plat of survey for Dennis C. Rousey and Rosemary Rousey by Hipp Land Surveying, Inc. recorded May 16, 2012 in Plat Cabinet "D", at Slide 183, at Page 8B and has such courses and distances, metes, and bounds as shown on said plat which said plat is incorporated herein by reference.

4. I am the grandson of Lucille T. Severance, a prior owner of approximately 4.90 acres of land in Chester County. A portion of this land is now owned by Mr. Paul Lesondak.

5. Lucille T. Severance subsequently transferred 1 acre of land to Unice S. Lee, as grantee, as evidenced by that certain Deed dated February 20, 1956 and recorded in the Official Records of Chester County, South Carolina in Deed Book 385, at Page 152, on February 20, 1956, transferring the land that is now or substantially similar to the parcel of land owned by Kerry Grissinger, (the "Grissinger Parcel"), severing title of the Piper Parcel and no longer providing legal access to a public road.

6. I lived with my grandmother, Lucille T. Severance, from approximately

1972 until 1974.

7. During the time I lived with my grandmother, Lucille T. Severance, the Landlocked Parcel was accessed by the route depicted on the attached plat with dashed lines, labeled "original access easement used by Gandy to access Gandy prop."

8. At some point about seven (7) years ago, the Landlocked Parcel and the Grissinger Parcel were accessed by "Severance Drive" which extends to Columbia Road.

9. It is my recollection that Severance Drive was maintained by the county.

10. It is my recollection that an easement or right-of-way always existed allowing access to what is now known as the Landlocked Parcel.

BY: William S. Lee
William Severance Lee

DATE: 1-27-, 2016

SWORN to before me this 27
day of Jan, 2016.

Notary Public for North Carolina
My Commission Expires: 3/15/21

DEFENDANT'S EXHIBIT 1

000018333 Bk: 00827 Ps: 00038 GL 1150

FILED, RECORDED, INDEXED
10/01/2002 03:32:24PM
Rec Fee: 10.00 St Fee: 195.00
Co Fee: 82.50 Pages: 2
Clerk of Court, Chester County, SC
Sue K. Carpenter

Prepared by: GASTON, GASTON & MARION, P. A.
Attorneys at Law
134 Gadsden Street
P. O. Drawer 608
Chester, SC 29706
Phone: (803) 385-2114

STATE OF SOUTH CAROLINA)

COUNTY OF CHESTER)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS that I, FRANK WILLIAM YOUNG, in consideration of the sum of ONE AND NO/100 ($1.00) DOLLAR, and other valuable consideration (Affidavit filed) to me in hand paid at and before the sealing of these presents, by NANETTE C. WHITESIDES AND SAMUEL BRICE AUSTIN, 814 Severance Drive, Chester, SC 29706, (the receipt whereof is hereby acknowledged), have granted, bargained, sold and released, and by these Presents NANETTE C. WHITESIDES AND SAMUEL BRICE AUSTIN, their heirs and assigns, the following described property, to-wit:

ALL that certain piece, parcel, or tract of land, with any and all improvements thereon, situate in the County of Chester, State of South Carolina, about 2-1/2 miles south of the City of Chester, on Columbia Road, also known as U.S. Highway 321 and being shown on a plat of survey for Frank William Young as a 3.975 acre tract on a plat of survey by Hipp Land Surveying, Inc. dated December 9, 1997, which plat is recorded in Plat Cabinet "C" at Slide 130 at Page 9B and having such courses and distances, metes and bounds, as are shown on the said plat, which plat is incorporated herein by reference; and being the identical property conveyed to Frank William Young by deed of Ann L. Almers, et al dated October 3, 1997, recorded October 7, 1997 in Deed Book 724 at Page 178.

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 NANETTE C. WHITESIDES AND SAMUEL BRICE AUSTIN, their heirs and assigns forever.

And I do hereby bind myself and my heirs and assigns, to warrant and forever defend all and singular the said premises, unto the said NANETTE C. WHITESIDES AND SAMUEL BRICE AUSTIN, their heirs and assigns, against me and my heirs and all persons

I hereby certify that the within Deed has been this 2 day of Oct, A.D. 2002. Recorded in Book 3 of Deeds.
Edward M. Thomas
AUDITOR, Chester County

CHESTER COUNTY ASSESSOR
DATE 10-2-02
TAX MAP NO. 30-3-4-8

GL19

whomsoever lawfully claiming or to claim the same, or any part thereof.

WITNESS, my hand and seal this 1st day of October, in the year of our Lord, two thousand and two, and in the two hundred twenty-seventh year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered
in the Presence of:

Frank William Young (L.S.)
Frank William Young

Susan M. Dates

STATE OF SOUTH CAROLINA)
COUNTY OF CHESTER)

I, the undersigned Notary Public, do hereby certify that the above named Frank William Young, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal this the 1st day of October, 2002.

(SEAL)
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 4/23/07

(Real Estate R-3293 Deed To Mumbbo C. Whitesides)

GL2

DEFENDANT'S EXHIBIT 2

984/125

Instrument 200900058555 Volume 984 Page 125

200900058555
Filed for Record in
CHESTER COUNTY SC
SUE K. CARPENTER
02-09-2009 At 12:14:53 pm.
DEED 10.00
STATE 343.20
COUNTY 145.20
Volume 984 Page 125 - 127

Prepared by: Gaston, Gaston & Marion, P.A.
Attorneys at Law
124 Gadsden Street
P. O. Box 608
Chester, SC 29706

State of South Carolina)
)
County of Chester)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that Samuel Brice Austin and Nanette C. Austin formerly known as Nanette C. Whitesides, (hereinafter called "Grantor"), in consideration of ONE AND NO/100 ($1.00) Dollar, and other valuable consideration (Affidavit filed) to the Grantor in hand paid at and before the sealing of these presents, by Dorothy Jean Johnson (hereinafter called Grantee), in the State aforesaid, the receipt of which is hereby acknowledged, has granted, bargained, sold, and released, and by these presents does grant, bargain, sell and release unto

Dorothy Jean Johnson,

ALL that certain piece, parcel, or tract of land, with any and all improvements thereon, situate in the County of Chester, State of South Carolina, about 2-1/2 miles south of the City of Chester, on Columbia Road, also known as U.S. Highway 321 and being shown on a plat of survey for Frank William Young as a 3.975 acre tract on a plat of survey by Hipp Land Surveying, Inc. dated December 9, 1997, which plat is recorded in Plat Cabinet "C" at Slide 130 at Page 9B and having such courses and distances, metes and bounds, as are shown on the said plat, which plat is incorporated herein by reference; and being the identical property conveyed to Nanette C. Whitesides and Samuel Brice Austin by deed of Frank William Young by deed dated October 1, 2002, recorded October 1, 2002, in Deed Book 827 at Page 38. All recording references being to the Office of the Clerk of Court for Chester County, S.C., unless specified otherwise.

This conveyance is made subject to any restrictions, reservations, zoning ordinances or easements that may appear of record on the recorded plats or on the premises.

Grantee's Address: 814 Severance Dr.
Chester, SC 29706

TMS No.: 080-03-04-008

CHESTER COUNTY TAX ASSESSOR
DATE 2-11-09
TAX MAP NO. 80-3-4-8

GP NCA

GL19

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to said premises belonging or in any wise incident or appertaining;

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the Grantee, and the Grantee's heirs and assigns forever. And the Grantor does hereby bind the grantor and the grantor's heirs or successors, executors and administrators to warrant and forever defend all and singular said premises unto the Grantee and the Grantee's heirs or successors and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Any reference to this instrument to the singular shall include the plural, and vice versa. Any reference to one gender shall include the others, including the neuter. Such words of inheritance shall be applicable as are required by the gender of the Grantee.

WITNESS the Grantor's hands and seals this the 5th day of February, 2009.

SIGNED, SEALED AND DELIVERED
in the presence of:

Samuel Brice Austin

Nanette C. Austin f/k/a Nanette C. Whitesides

I hereby certify that the within Deed has been this 11 day of February, A.D. 2009 recorded in Book J of Deeds.

AUDITOR, CHESTER COUNTY

Instrument 200900058563 Volume 984 Page 127

State of South Carolina)
)
County of Chester)

PROBATE

PERSONALLY APPEARED BEFORE ME the undersigned witness and made oath that (s)he saw the within-named Samuel Brice Austin and Nanette C. Austin formerly known as Nanette C. Whitesides sign, seal, and, as their act and deed, deliver the within-written Title to Real Estate, and that (s)he, with the other witness subscribed above, witnessed the execution thereof.

SWORN to before me this 5th day of February, 2009.

_____ (SEAL)

Notary Public for South Carolina
My Commission Expires: 03/16/2017

SD
NA

GL1

CERTIFICATE OF COUNSEL

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

John Martin Foster
Post Office Box 106
Rock Hill, South Carolina 29731
(803) 324-8100
Attorney for Appellants

May 10, 2017