

STATE OF SOUTH CAROLINA,)

) THE SOUTH CAROLINA COURT OF APPEALS

TAIWAN R. SCOTT. et al.,)
Respondent,)

CASE NO: 2016-00245

FINAL BRIEF

vs.)
)

SONYA M. FORD)
Appellant,)

RECEIVED

JUN 28 2017

SC Court of Appeals

FINAL BRIEF OF RESPONDENT

TAIWAN R. SCOTT

5 CANDY DOLL BLUFF

HILTON HEAD ISLAND SC 29928

843-290-0868

PRO SE' RESPONDENT

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Argument

- I. THE CIRCUIT COURT DID NOT ERR, NOR CONTRADICT THE ESTABLISHED LAW OF SOUTH CAROLINA, IN AFFIRMING THE DEEDED APPELLANTS' PREDECESSOR IN

TITLE, FRED CHISOLM IN THE YEAR 1979 ESTABLISHED A 30' ACCESS EASEMENT AS PART OF A PLATTED SUBDIVISION OF PROPERTY LOCATED IN BEAUFORT COUNTY

II. THE CIRCUIT COURT DID NOT ERR, NOR CONTRADICT THE ESTABLISHED LAW OF SOUTH CAROLINA, IN AFFIRMING THE DEEDED APPELLANTS' PREDECESSOR IN TITLE, FRED CHISOLM IN THE YEAR 1979 ESTABLISHED A 30' ACCESS EASEMENT AS PART OF A PLATTED SUBDIVISION OF PROPERTY LOCATED IN BEAUFORT COUNTY

TABLE OF AUTHORITIES

CASES & STATUES

The determination of the existence of an easement is a question of fact in a law action and subject to an any evidence standard of review when tried by a judge without a jury. Slear v. Hanna, 329 S.C. 407, 496 S.E.2d 633 (1998); Pittman v. Lowther, 355 S.C. 536, 586 S.E.2d 149 (Ct. App. 2003); Revis v. Barrett, 321 S.C. 206, 467 S.E.2d 460 (Ct. App. 1996); Smith v. Commissioners of Pub. Works, 312 S.C. 460, 441 S.E.2d 331 (Ct. App. 1994); see also Jowers v. Hornsby, 292 S.C. 549, 357 S.E.2d 710 (1987) (decision of trier of fact as to whether or not easement exists will be reviewed by Supreme Court as an action at law); Hartley v. John Wesley United Methodist Church, 355 S.C. 145, 584 S.E.2d 386 (Ct. App. 2003) (determination of existence of easement is action at law; establishing existence of easement is question of fact in law action). In

an action at law tried without a jury, the judge's findings of fact will not be disturbed on appeal unless there is no evidence to support the judge's finding. Townes Assocs., Ltd. v. City of Greenville, 266 S.C. 81, 221 S.E.2d 773 (1976).

"The determination of the existence of an easement is a question of fact in a law action and subject to an any evidence standard of review when tried by a judge without a jury." Hardy v. Aiken, 369 S.C. 160, 165, 631 S.E.2d 539, 541 (2006) (citation and quotation marks omitted). "In a law case tried by the judge without a jury, this court reviews for errors of law and reviews factual findings only for evidence which reasonably supports the court's findings." Eldridge v. City of Greenwood, 331 S.C. 398, 416, 503 S.E.2d 191, 200 (Ct. App. 1998). "However, the determination of the scope of the easement is a question in equity." Hardy, 369 S.C. at 165, 631 S.E.2d at 541. On appeal in an action in equity, the appellate court may find facts in accordance with its views of the preponderance of the evidence. Grosshuesch v. Cramer, 367 S.C. 1, 4, 623 S.E.2d 833, 834 (2005). Thus, this court may reverse a factual finding by the trial court in such cases when the appellant satisfies us the finding is against the greater weight of the

evidence. *Campbell v. Carr*, 361 S.C. 258, 263, 603 S.E.2d 625, 627 (Ct. App. 2004). This broad scope of review does not require the appellate court to disregard the findings of the trial court, which saw and heard the witnesses and was in a better position to evaluate their credibility. *Ingram v. Kasey's Assocs.*, 340 S.C. 98, 105, 531 S.E.2d 287, 291 (2000). Furthermore, the appellant is not relieved of the burden of convincing this court the trial court committed error in its findings. *Pinckney v. Warren*, 344 S.C. 382, 387-88, 544 S.E.2d 620, 623 (2001)

STATEMENT OF ISSUES ON APPEAL

1. THE TRAIL JUDGE DID NOT ERR IN THE RULING WHEREAS, THE APPELLANT'S PREDECESSOR IN TITLE ESTABLISHED THE 30' EASEMENT IN THE DEED
2. THE TRAIL JUDGE DID NOT ERR IN THE RULING WHEREAS, THE APPELLANT'S PREDECESSOR IN TITLE ESTABLISHED THE 30' EASEMENT IN THE DEED
3. THE TRAIL JUDGE DID NOT ERR IN THE RULING WHEREAS, THE APPELLANT'S PREDECESSOR IN TITLE ESTABLISHED THE 30' EASEMENT IN THE DEED

STATEMENT OF THE CASE

On December 12, 2013 I received a call from the tenant living at 41 Oakview Road..(ie subject property)

stating that Mrs. Ford and gentleman were walking throughout the front yard with equipment which appeared to be for surveying. When I came to the lot I observed the two of them walking throughout the yard. I inquired, and Mrs. Ford stated that she was planning on putting up a fence and that that gentleman was a contractor. I then proceeded to advise her that it would be in her best interest not to erect the fence until we had a surveyor to come out and flag the property lines and the easement. I then told her that I had already ordered a survey and it would be in both of our, best interest, to see the markers prior to any work being done. Mrs. Ford then questioned me regarding the easement. I stated that there is a 30' access easement encumbering our lots which accesses the remaining two lots. She seemed surprised, so I recommended for her to look at the legal description of her lot and she would see that it makes reference to the plat and page book for the easement. I then stated that all four deeds for the lots are written identical. I told her that I did have a copy of the plat but I would need to get, so I left.

I received a call from Mrs. Ford about a hour later asking for me to come back to her house to discuss the easement. When I arrived I was met by her mother and sister and I was questioned about the easement. I explained to them that when the properties were originally sub-divided,

the county insured that they would not be land locked by requiring the 30' easement. That way everyone would always have a legal access to their properties. Mrs. Ford and her mom both stated that they did not believe that a easement exist and they were not going to leave one open.

On December 20, 2013 the surveyor had his flags and stakes located throughout the property showing the property lines and easement. As I drove up I noticed Mrs. Ford's contractor in the process of putting the fence up in the easement and over the property line. When I questioned Mrs. Ford about honoring the stakes, her response was that she did not trust the people who placed the markers and that her mother stated that the stakes were wrong. I requested for her not to allow her contractor to continue to erect the fence until we, at the very least, get the sealed surveyors plat in hand. I also suggested that if she did not trust the licensed agent I hired, to feel free to hire someone she trusted. Mrs. Ford just totally disregarded my request. She stated that she contacted the county and they told her that there was not an easement located on her property. I advised her to speak with an attorney.

On January 20, 2014 Attorney Wiseman sent Mr. and Mrs. Ford a certified letter which included a signed and sealed survey of the property showing the encroachments. Please see attached letter from Atty Wisemann. Around February 1, 2014 I went to Mrs Ford's house and questioned her about the letter. She stated that she had seen the noticed at the post office but, she never signed for the package. I then stated that the letter was also sent via regular mail. She stated that she does not receive mail at her home. On February 5, 2014 I hand delivered another copy of the letter and survey to her house. The fence has still not been removed.


STATEMENT OF THE FACT

PREDECESSOR IN TITLE, FRED CHISOLM IN THE YEAR 1979 ESTABLISHED A 30' ACCESS EASEMENT AS PART OF A PLATTED SUBDIVISION OF PROPERTY LOCATED IN BEAUFORT COUNTY

CONCLUSION

AS EXPALINED MORE FULLY ABOVE, THIS COURT SHOULD AFFIRM THE CIRCUIT COURT'S DECISION AS THE DECISION IS SUPPORTED BY SUSTANTIAL FACTS AND EVIDENCE IN THE RECORD, THE CIRCUIT COURT JUDGE DID NOT MAKE ANY ERRORS OF LAW, AND THE CIRCUIT COURT JUDGE'S DECISION IS NOT CHARACTERIZED BY AN ABUSE OF DISCRETION.

RESPECTFULLY SUBMITTED,

 6-27-17

TAIWAN SCOTT

DATE



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Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of	Assess Year	Pay Year
R510 010 000 0006 0000	00344309	39 OAKVIEW RD, Hilton Head Island	2/15/2014	2013	2013

Current Parcel Information

Owner	MORRALL MICHAEL JULIA M JTROS	Property Class Code	MHVac UnplattedSite SeveredMH
Owner Address	39 OAKVIEW ROAD HILTON HEAD ISL SC 29926	Acreage	.6300
Legal Description	LOT 1 POR MUDDY CRK PL PB28 P178 [B103 P70 *2/05 0.12 AC DITCH ESMT DB2068 P1156 (1840) TOWN OF HH		

Historic Information

Tax Year	Land	Building	Market	Taxes	Payment
2013	\$95,000		\$95,000	\$255.65	\$1,012.67
2012	\$107,100		\$107,100	\$3.10	\$799.69
2011	\$107,100		\$107,100	\$24.82	\$791.88
2010	\$107,100		\$107,100	\$26.31	\$781.72
2009	\$107,100		\$107,100	\$88.96	\$764.10
2008	\$59,900		\$59,900	\$513.23	\$745.98
2007	\$59,900		\$59,900	\$226.42	\$711.97
2006	\$59,900		\$59,900	\$226.55	\$660.00
2005				\$121.12	\$619.74
2004				\$128.30	\$608.09

Sales Disclosure

Grantor	Book & Page	Date	Ex. Vacant	Sale Price
BRYAN LAURA MAE ABDUL-MALIK MUMTAHA	1152 2068	5/17/2005	Fu	\$10
BRYAN LAURA MAE ABDUL-MALIK MUMTAHA	1950 2062	5/4/2004	Ex	\$1
BRYAN THOMAS LAURA MAE	1701 2360	1/23/2003	Ex	\$0
CHISOLM SADIE MAE CLARENCE	350 1836	9/1/1982	Fu	\$0

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CHISOLM SADIE MAE CLARENCE

301.16

5/1/1980

Fu

\$0

12/31/1776

Or

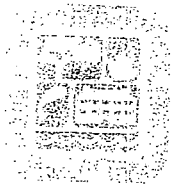
\$0

Improvements

Building	Type	Use Code Description	Constructed Year	Stories	Rooms	Square Footage	Improvement Size
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Features & Exterior Features

Building	Type	Feature Code	Description	No. / Sq.Ft.	Value
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Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of	Assess Year	Pay Year
R510 010 000 006C 0000	00902483	38 OAKVIEW RD, Hilton Head Island	2/15/2014	2013	2013

Current Parcel Information

Owner	FRAZIER EVELINA HERMAN	Property Class Code	ResVac Platted&Unplatted
Owner Address	PO BOX 21034 HILTON HEAD SC 29928	Acreage	.6000
Legal Description	LOT 2 POR MUDDY CRK PL PB28 P178 PB103 P145 *2/05 0.07 AC DITCH ESMT DB2074 P477 (607) TOWN OF H H		

Historic Information

Tax Year	Land	Building	Market	Taxes	Payment
2013	\$36,500		\$36,500	\$12.00	\$494.06
2012	\$59,800		\$59,800	\$29.91	\$590.64
2011	\$59,800		\$59,800	\$35.21	\$585.15
2010	\$59,800		\$59,800	\$262.66	\$577.99
2009	\$59,800		\$59,800	\$10.53	\$559.19
2008	\$42,200		\$42,200	\$0.00	\$538.25
2007	\$42,200		\$42,200	\$121.03	\$565.71
2006	\$42,200		\$42,200	\$92.92	\$467.63
2005	\$42,200		\$42,200	\$85.33	\$439.27
2004	\$42,200		\$42,200	\$216.90	\$433.65

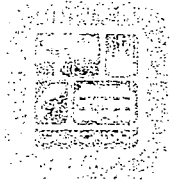
Sales Disclosure

Grantor	Book & Page	Date	Grant	Vacant	Sale Price
FRAZIER EVELINA HERMAN	301 20	5/1/1980	Fu		\$0
		12/31/1776	Or		\$0

Improvements

http://sc-beaufort-county.governmax.com/svc/agency/sc-beaufort-county/tab_summary_re... 2/23/2014

Building	Type	Use Code Description	Constructed Year	Stories	Rooms	Square Footage	Improvement Size
Building	Type	Feature Code	Features & Exterior Features Description		No. / Sq.Ft.	Value	



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Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of	Assess Year	Pay Year
R510 010 000 006B 0000	00902474	41 OAKVIEW RD, Hilton Head Island	2/15/2014	2013	2013

Current Parcel Information

Owner	SCOTT TAIWAN R SCOTT LISA PRESTIFILIPPO	Property Class Code	MHImp UnplattedSite
Owner Address	5 CANDY DOLL BLUFF HILTON HEAD ISLAND SC 29928	Acreage	.6000

Legal Description LT 3 POR MUDDY CRK PL PB28P178 1980 LIBERTY MH/#02L16573/ *MERGED FROM 1009321 FOR 1993* 2/05 0.06 AC DITCH EASEMENT DB2074 P472 (537) TOWN OF H H PB103 P145

Historic Information

Tax Year	Land	Building	Market	Taxes	Payment
2013	\$36,500	\$6,200	\$42,700	\$0.00	\$39.13
2012	\$59,800	\$29,414	\$89,214	\$2.44	\$104.98
2011	\$59,800	\$29,414	\$89,214	\$4.96	\$94.95
2010	\$59,800	\$29,414	\$89,214	\$9.99	\$93.60
2009	\$59,800	\$29,414	\$89,214	\$0.00	\$82.08
2008	\$42,200	\$13,300	\$55,500	\$0.66	\$41.36
2007	\$42,200	\$13,300	\$55,500	\$0.66	\$39.81
2006	\$42,200	\$13,300	\$55,500	\$16.65	\$39.11
2005	\$42,200	\$13,300	\$55,500	\$0.66	\$36.65
2004	\$42,200	\$13,300	\$55,500	\$0.00	\$24.68

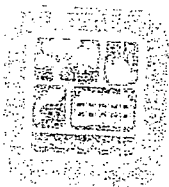
Sales Disclosure

Grantor	Book & Page	Date	Int. Vacant	Sale Price
SCOTT SHIRLEY ANN	3: 92 897	12/12/2013	Qu	\$10
CALHOUN GENEVA	3: 90 2354	12/4/2013	Fu	\$15,000

CALHOUN E F GENEVA	423 762	6/1/1985	QC	\$0
CALHOUN E F GENEVA	301 20	5/1/1980	Fu	\$0
		12/31/1776	Or	\$0

Improvements							Improvement Size
Building	Type	Use Code Description	Constructed Year	Stories	Rooms	Square Footage	
R01	MHOME	Manufactured Home	1980	0	0		

Features & Exterior Features						Value
Building	Type	Feature Code	Description	No. / Sq.Ft.		



Beaufort County, North Carolina

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Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of	Assess Year	Pay Year
R510 010 000 006A 0000	00344979	49 OAKVIEW RD, Hilton Head Island	2/15/2014	2013	2013

Current Parcel Information

Owner	FORD SONYA M FORD RONALD E	Property Class Code	MHImp UnplattedSite
Owner Address	PO BOX 23654 HILTON HEAD ISLAND SC 29925	Acreage	.6000

Legal Description LOT 4 PAR MUDDY CRK PL P28P178 #BKM663 PB104 P111 AC INCL 0.03 AC DRAIN ESMT 1/06 DB2091P2263 (269) TOWN HH

Historic Information

Tax Year	Land	Building	Market	Taxes	Payment
2013	\$36,500	\$36,600	\$73,100	\$12.67	\$377.08
2012	\$59,800	\$75,150	\$134,950	\$19.01	\$755.72
2011	\$59,800	\$75,150	\$134,950	\$249.58	\$587.11
2010	\$85,000		\$85,000	\$0.00	\$462.15
2009	\$85,000		\$85,000	\$0.00	\$445.47
2008	\$85,000		\$85,000	\$0.00	\$1,342.34
2007	\$42,200		\$42,200	\$7.59	\$651.83
2006	\$42,200		\$42,200	\$33.76	\$315.44
2005				\$39.66	\$341.02
2004				\$5.06	\$285.61

Sales Disclosure

Grantor	Book	Page	Date	Sp	vacant	Sale Price
FORD RONALD	3124	2982	2/5/2012	Qu		\$10
FORD RONALD IE SONYA M	3072	1300	6/29/2011	Qu		\$0
JOHNSON HALPERN PARTNERSHIP	2561	990	3/26/2007	Fu		\$85,100
CHISOLM SADIE MAE	2463	815	10/17/2006	Sp		\$57,967

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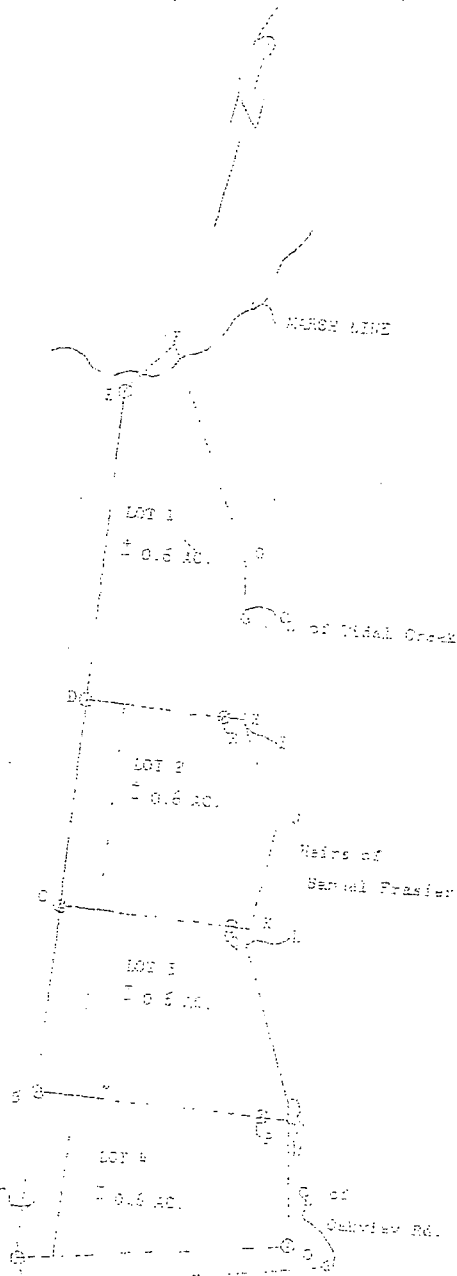
CHISOLM SONYA M	2374 2388	4/12/2006	QC	\$1
CHISOLM SONYA JOHNATHAN	1646 1679	5/8/2001	QC	\$1
CHISOLM CLARENCE SADIE MAE	895 1972	10/16/1996	Fu	\$1
BRYAN THOMAS LAURA MAE	354 1832	9/1/1982	Fu	\$0
BRYAN THOMAS LAURA MAE	324 932	8/1/1980	Fu	\$0
CHISHOLM SADIE MAE CLARENCE	324 936	8/1/1980	Fu	\$0
CHISOLM FREDDIE	301 12	5/1/1980	Fu	\$0
CHISOLM FREDDIE	301 28	5/1/1980	Fu	\$0
		12/31/1776	Or	\$0

Building	Type	Use Code Description	Improvements				Square Footage	Improvement Size
			Constructed Year	Stories	Rooms			
R01	MHOME	Manufactured Home	2005	0	0			

Building	Type	Feature Code	Features & Exterior Features		No. / Sq.Ft.	Value
			Description			

Plot Book 28 5/17/78
 Marvin A. Hunter 5/19/80
 Caping

Line	Bearing	Distance
A-B	N 09°55'W	135.00'
B-C	N 09°56'W	145.00'
C-D	N 09°56'W	163.00'
D-E	N 09°56'W	249.50'
E-F	N 23°33'E	55.00'
F-G	S 36°07'E	127.80'
G-H	S 15°17'E	125.19'
H-I	S 15°17'E	6.62'
I-J	S 37°01'E	26.85'
J-K	S 0°57'E	62.00'
K-L	S 0°57'E	12.92'
L-M	S 33°07'E	117.15'
M-N	S 17°40'E	24.79'
N-O	S 17°40'E	102.21'
O-A	S 71°16'W	220.88'
B-P	N 80°04'E	127.25'
P-Q	N 80°04'E	15.29'
Q-R	N 80°04'E	135.42'
R-K	N 80°04'E	15.46'
D-R	N 80°04'E	113.19'
E-H	N 80°04'E	12.81'



NOTE: Monuments A, G,
 and E are located on
 Bank of Tidal Creek.

A PLAT OF FOUR (4) LOTS LOCATED IN BLAIRSTOWN COUNTY, S. C.
 I CERTIFY THAT IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF
 THE LAND PLATED AND HAS BEEN PREPARED IN ACCORDANCE WITH THE MINIMUM
 STANDARDS AND REQUIREMENTS OF L.L. Miller
 ENGINEER, 1001 W. 13th St., WY 82001

SCALE 1" = 100' - O - OLD C.M.
 15 NOV 1979 - N - NEW C.M.

PREPARED FOR JOHN CHAMBERLAIN

WISEMAN & REILLEY, LLC

ATTORNEYS AND COUNSELORS AT LAW

62 NEW ORLEANS ROAD, SUITE B
POST OFFICE BOX 7605
HILTON HEAD ISLAND, SC 29938
PHONE (843) 842-2750
FAX (843) 842-2760
www.wr-lawfirm.com

CHARLES H. WISEMAN**

*Also admitted in Nebraska

+Also admitted in Ohio

JEFFREY G. REILLEY

January 20, 2014

Sent Via Certified and Regular US Mail

Mr. and Mrs. Ronald Ford
49 Oakview Road
Hilton Head Island, SC 29928

Re: NOTICE TO CURE: Fence Line Encroachments - Lot 3 Muddy Creek Plantation / 30' Access Easement

Dear Mr. and Mrs. Ford:

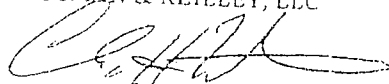
Please be advised that I have been engaged by the owners of Lot 3 to contact you both regarding the recent encroachments of a vinyl fence onto their property, and the thirty foot (30') access easement ("Access Easement") which is in use and utilized by my clients. I have enclosed a recent survey of my client's property (Lot 3) which illustrates these encroachments (highlighted on the enclosed survey).

My clients demand that these encroachments be removed from their property and the Access Easement immediately. Please allow this correspondence to serve as formal written notice that my clients intend to seek all remedies available to them in law and in equity, which may include monetary awards for damages, costs, and reasonable attorney's fees, if these encroachments are not removed within fifteen (15) days from receipt of this notice.

Mr. and Mrs. Ford, please do not allow this relatively minor issue to escalate to the point of civil litigation. I urge you both to contact the surveyor (843.681.3248), or your own counsel to assist you with any questions or to provide any further explanations regarding the ramifications of these encroachment violations.

Sincerely,

WISEMAN & REILLEY, LLC

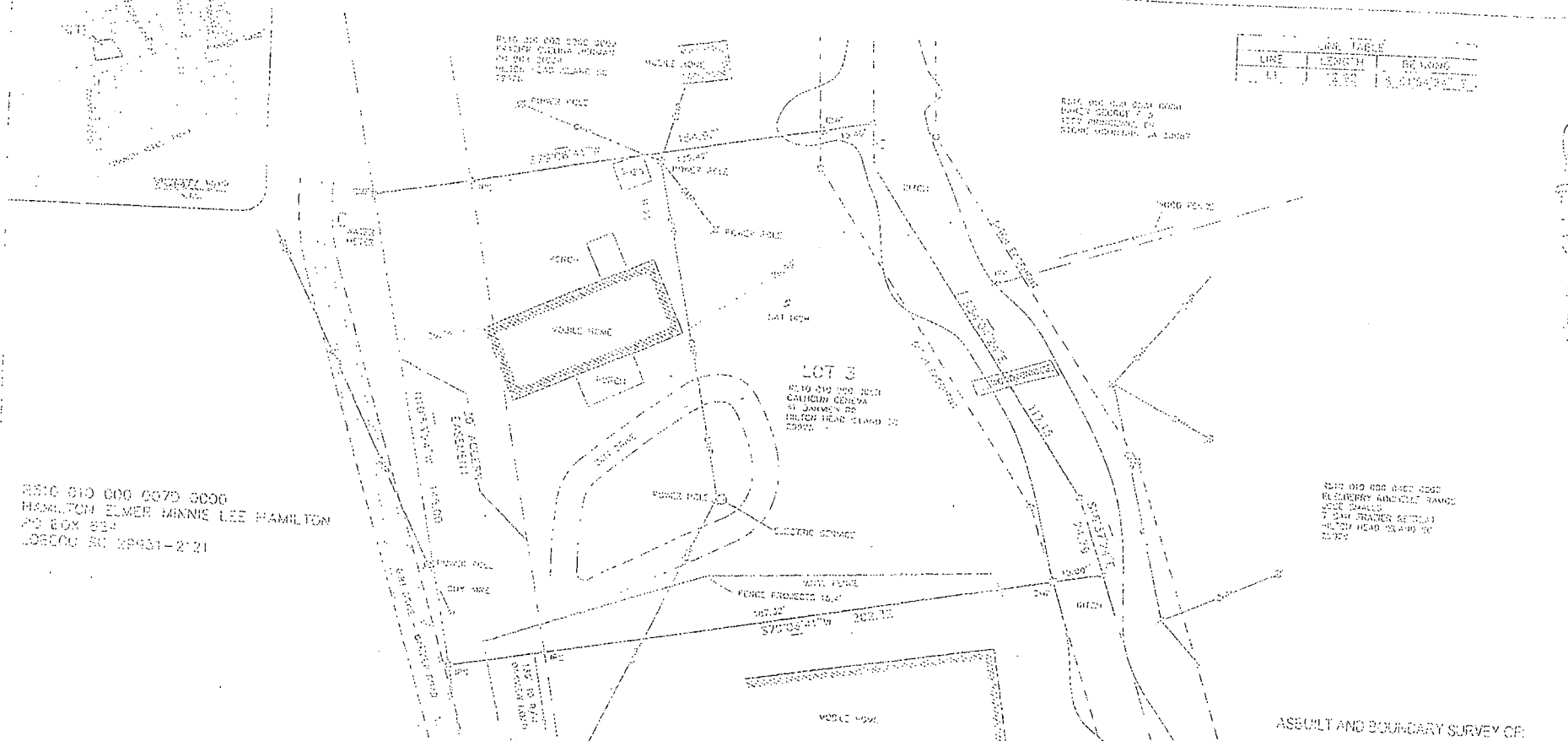


Charles H. Wiseman

Encl.

cc: Taiwan Scott ✓

LINE TABLE		
LINE	LENGTH	BEARING
1-1	2.71	S. 81° 54' 00" W.

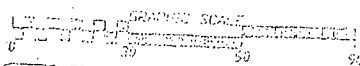


6519 210 000 0075 0000
 HAMILTON ELMER MINNIE LEE HAMILTON
 PO BOX 824
 LORCELO SC 29931-2121

ASBUILT AND BOUNDARY SURVEY OF
 LOT 3, MUDDY CREEK PLANTATION,
 HILTON HEAD ISLAND
 BEAUFORT COUNTY, SOUTH CAROLINA

PREPARED FOR: TAWAN SCOTT

DATE: 08/20/14 SCALE: 1" = 40'



SILS Sea Island Land Survey, LLC
 40 Mathews Court
 Hilton Head Island,
 SC 29928
 Tel: (843) 631-2549
 Fax: (843) 699-5327
 Email: sils@pepnet.com

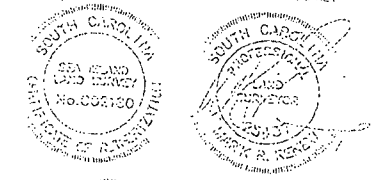
FILE No: 13020 DWG No: S-1302
 COPYRIGHT © 2014 SEA ISLAND LAND SURVEY, LLC DATE: 08/20/14

REFERENCE PLAT
 PLAT OF FOUR (4) LOTS LOCATED IN
 BEAUFORT COUNTY, SOUTH CAROLINA
 BEARING AND BOUNDARY SURVEY
 RECORDED IN BOOK 20, PAGE 176
 6519 210 000 0000, 0010, 0011 & 0012
 IN HILTON HEAD ISLAND, SC

PROPERTY AREA = 0.89 Ac. 25,826.93 S.F.
 ADDRESS: 511 OAKVIEW ROAD
 DISTRICT: 510, MAR 10, PARCEL: 55
 THIS PROPERTY LIES IN F.E.M.A. ZONE A7-1-B
 COUNTY NO. 450350, PANEL: 00070, DATED: 02/28/88

- NOTES**
1. THIS PLAT HAS BEEN PREPARED WITHOUT BENEFIT OF A COMPLETE TITLE SEARCH BY SEA ISLAND LAND SURVEY, LLC.
 2. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS OF RECORD AND COVENANT REQUIREMENTS AS RECORDED IN THE OFFICE OF THE CLERK FOR BEAUFORT COUNTY.
 3. SUBJECT PROPERTY DOES NOT APPEAR TO BE AFFECTED BY THE BEACHRIGHT TENANCY AGREEMENTS OF THE S.C. BEACH PROTECTION ACT OF JULY 1, 1988.
 4. BUILDING SETBACKS, WHETHER CHECKED OR NOT, SHOULD BE VERIFIED BY THE LOCAL BUILDING AGENCY OR ARCHITECTURAL REVIEW BOARD.
 5. USE OF THIS PROPERTY MAY BE AFFECTED BY THE TERMS OF COVENANTS RELATING TO THE PLANNED RESIDENTIAL DEVELOPMENT.

THESE LINES HAVE BEEN DRAWN TO MY KNOWLEDGE, INFORMATION AND BELIEF. THE SURVEY SHOWS NEIGHBORHOOD PLATTINGS WITH THE REQUIREMENTS OF THE SURVEYING STANDARDS APPLICABLE TO THE FIELD OF LAND SURVEYING IN SOUTH CAROLINA AND NEIGHBORHOODS. ALSO THE NEIGHBORHOOD PLATTINGS AT SURVEY AT THE TIME OF THIS SURVEY.



NOT VALID UNLESS EMPLOYED

191

The State of South Carolina,
COUNTY OF BEAUFORT

To All Whom These Presents May Come:

WHEREAS: WE, THOMAS BRYAN AND LAURA MAE BRYAN, SEND GREETING:

1832

NOW, KNOW ALL MEN BY THESE PRESENTS, That we the said Thomas Bryan

and Laura Mae Bryan,

in consideration of the premises and also in consideration of the sum of One (\$1.00) and NO/100th and reciprocal deeds-----
to us in hand paid at and before the sealing and delivery of these presents by CLARENCE CHISOLM

AND SADIE MAE CHISOLM, of Post Office Box 5473, Hilton Head Island, South Carolina 29925

(the receipt whereof is hereby acknowledged) have remise, released and forever quit-claimed, and by these presents do remise, release and forever quit-claim unto the said Clarence Chisolm and Sadie

Mae Chisolm, their Heirs and Assigns, FOREVER, the following described real property, to-wit:

ALL that certain piece, parcel or lot of land situate, lying and being on Hilton Head Island, Beaufort County, South Carolina and being shown and designated as Lot #4 on a plat entitled "A Plat Of Four (4) Lots Located In Beaufort County, South Carolina" dated November 15, 1979 and prepared by Millard W. Dowd, Jr., L. S. NO. 5265 and being recorded in the Office of the Clerk of Court for Beaufort County, South Carolina in Plat Book 28 at Page 178; for a more detailed description as to course, metes and bounds, reference is made to said plat of record.

SAID property is subject to all restrictions and easements of record including any which may be shown on a recorded plat.

THIS being the same property or a portion thereof conveyed to the Grantors herein by deed of Freddie Chisolm dated May 14, 1980 and recorded in said Clerk's Office at Deed Book 301 at Page 28 on May 19, 1980.

THE within deed was prepared by the Law Firm of Vaux, Laurich & Jenkins, P.A., Post Office Drawer 5817, Hilton Head Island, South Carolina 29938 without benefit of title examination.

BEAUFORT COUNTY CLERK OF COURT

FILED	DATE	TIME	CLERK
200	7		FC

The State of South Carolina,

BEAUFORT County.

PERSONALLY appeared before me Linda M. LaChance and made oath that she saw the within named Thomas Bryan and Laura Mae Bryan sign, seal and as their act and deed, deliver the within written Deed; and that she with Karen J. Hill

witnessed the execution thereof.

SWORN to before me, this 16th day of September, A. D. 1982. (SEAL) Karen J. Hill Notary Public for South Carolina My Commission Expires: 8/2/88

Linda M. LaChance

The State of South Carolina,

BEAUFORT County.

RENUNCIATION OF DOWER.

I, Karen J. Hill, a Notary Public for South Carolina, do hereby certify unto all whom it may concern, that Mrs. Laura Mae Bryan the wife of the within named Thomas Bryan did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whatsoever, renounce, release and forever relinquish unto the within named Clarence Chisholm and Sadie Mae Chisholm, their Heirs and Assigns, all her interest and estate, and also all her right and claim of dower, of, in or to all and singular the premises within mentioned and released.

Given under my Hand and Seal, this 16th day of September, Anno Domini, 1982. (SEAL) Laura Mae Bryan Notary Public for South Carolina My Commission Expires: 8/2/88

Quinn T. Knight
The State of South Carolina.
COUNTY OF ~~CHARLESTON~~
LAURA MAE BRYAN & THOMAS BRYAN

MARENCE MHSOLM & MAE MAE
MHSOLM

1835

QUIT-CLAIM DEED

Year 1977
Date Sept 10 1977
Page 3120
and recorded in book 354
Page 1832 Vol. 400
Mary H. [unclear]
[Signature]

Recorded in 3070
Page 365
Auditor *[Signature]*
County, S. C.

22

Taiwan R. Scott,

Plaintiffs,

vs.

Ronald E. Ford, et al.,

Defendants.

FINAL ORDER
(Ending Case)

FILED
OCT 13 2014
CLERK OF SUPERIOR COURT
BEAUFORT COUNTY, NC

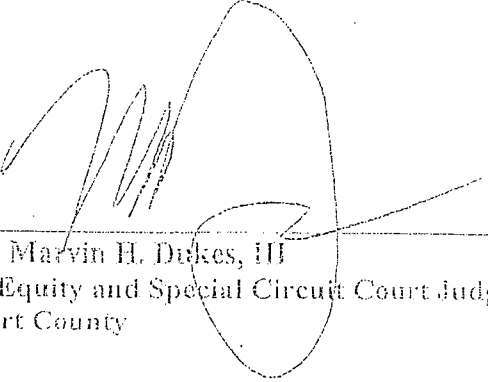
This matter came before me on October 3, 2014 pursuant to an Order of Reference hereafter filed. The parties were present pro-se.

This is an encroachment dispute. Plaintiff and Defendant are the owners of individual parcels of real estate that border on the Plaintiff's South and Defendant's North. After review of the pleadings, the evidence, testimony of Mrs. Ford and Mr. Scott and an application of applicable law, I find as follows

1. Defendants' predecessor in title, Fred Chisolm, in the year 1979 established a 30' access easement as a part of a platted subdivision of property located in Beaufort County.
2. The easement crosses the Western boundary of lot 4, owned now by the Defendants.
3. Defendants have encroached on the easement and on the southern property line of the Plaintiffs.
4. Defendants shall have 45 days from the date of this order to remove said encroachments, ie: the 30' access easement shall not be blocked or encroached upon and the portion of the vinyl fence shown as an encroachment on the Plaintiff's property (in the plat referenced hereinbelow) shall be moved.
5. Defendants shall have 60 days from the date of this order to do the following:
 - a) Pay the Plaintiff court costs, in the amount of \$290.00.

boundary line encroachments as shown on the Plaintiff's Sea Island land Survey plat "Manufactured home site survey: Lot 3, Muddy Creek Plantation, Hilton Head Island, Beaufort County, South Carolina, prepared for Taiwan Scott. Date 8/18/14", which plat appears as Plaintiff's exhibit #7 in the trial exhibits.

IT IS SO ORDERED:



Honorable Marvin H. Dukes, III
Master in Equity and Special Circuit Court Judge
for Beaufort County

October 14, 2014
Beaufort, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS

CASE NO: 2014-CP-07-00426

Taiwan R. Scott,

Plaintiffs,

vs.

Ronald E. Ford, et al.,

Defendants.

ORDER ON CONTEMPT

2016 JAN 15 PM 3:55
JAN 15 2016
CLERK OF COURT
COURT HOUSE
BEAUFORT COUNTY, S.C.

This matter came before me on January 15, 2016 pursuant to Plaintiff Taiwan Scott's Motion for Contempt of Court, filed September 3, 2015. The Plaintiff Taiwan Scott appeared pro-se and the Defendant Sonya Ford appeared pro-se by telephone.

This matter has a long and tortured history and the Defendant has not yet completely complied with the Final Order of this Court dated October 14th, 2014 (Final Order). This Court has repeatedly attempted to assist the pro-se parties (who are related) in crafting a settlement that would avoid further problems between them. Unfortunately, those efforts were without result and it is incumbent upon this Court to insist that the Final Order previously filed be complied with as soon as possible.

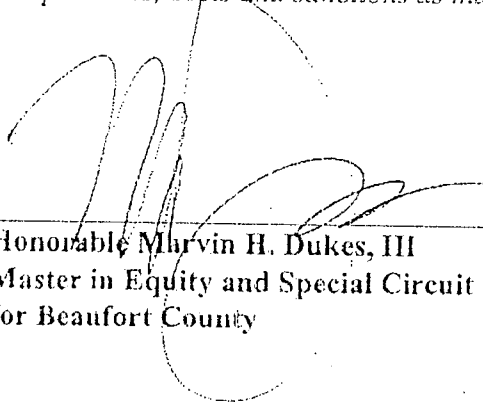
After hearing from parties I rule as follows:

- 1) The Plaintiff shall have 20 days to obtain an estimate from a fence or construction company to clear the easement as Ordered in the Final Order.
- 2) The estimate shall be filed with the Clerk (under this case number) with copies to the Defendant and this Court.
- 3) The Defendant shall have 10 days thereafter to clear the easement and comply with the Final Court Order.
- 4) If the Defendant fails to clear the easement as Ordered, this Court, without further proceedings or notice, will issue an Order of Contempt, including but not limited to the following:

25 *ag 2 v*

- 1) *Authorizing the Beaufort County Sheriff to assist the Plaintiff and his contractor with clearance of the easement.*
- 2) *Ordering that all costs and fees associated with the forced clearance of the easement to established as a judgment against the Defendants to be filed with the Clerk of Court for Beaufort County.*
- 3) *Ordering such other penalties, costs and sanctions as may be appropriate.*

IT IS SO ORDERED:



Honorable Marvin H. Dukes, III
Master in Equity and Special Circuit Court Judge
for Beaufort County

January 15, 2016
Beaufort, South Carolina

26 2 2

