

Appendix A

**Appellant Lower
Court Final Order**

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SC Court of Appeals

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON
PLEAS

NINTH JUDICIAL CIRCUIT

CASE NO.: 2012-CP-10-6835

JOANNE S. REED,

Plaintiff

vs.

CHRISTINA SALTERS, WESLEY SALTERS,
LULA SALTERS, DOROTHY SALTERS,
JOSEPHINE SALTERS, HAROLD SALTERS,
JOHNNIE SALTERS, LILLIAN SANDERS,
LUCHRIA SANDERS, MARY NELSON, MARTHA
SANDERS, RUTHIE MAE SANDERS BUTLER,
ELIZABETH SANDERS, GEORGE GRANT,
OLIVIA HEYWARD, LISA CANADY, SYLVIA
GRANT HEYWARD, JANICE JONES. ABRAHAM
GRANT III, SAMETTA HEYWARD, JUDY
HEYWARD, GEORGIANA S. STONE, SANDRA
S. BROWN, CAROLYN S. HISSING, GEORGE
SANDERS, WILLIAM SANDERS, PEGGY ANN
WRIGHT, BARBARA S. GRAMPUS, EVALINA
MIDDLETON, JOHN SHERMAN, GERTRUDE
TOWNSEND, HELEN B. TOWNSEND, VERTA
LEE TOWNSEND, VILMA TOWNSEND, AL
TOWNSEND. HERCULES TOWNSEND,
CHRISTINA TOWNSEND, SHEREL TOWNSEND
DEAN TOWNSEND, LINSEY TOWNSEND,
BARBARA TOWNSEND, DARLENE TOWNSEND
ANN TOWNSEND, RONNIE TOWNSEND,
ELIZABETH TOWNSEND, JEROME TOWNSEND
MOSE MIDDLETON, JR., BENJAMIN
MIDDLETON, SR., LEROY MIDDLETON,
SAMUEL MIDDLETON, HERMAN MIDDLETON,
RAYMOND MIDDLETON, RODELL MIDDLETON
FLORENCE MIDDLETON, ELIZA ANN M.
JAMISON, SADIE THORNBERG, MADLYN M.
LASLEY, HENRY MIDDLETON, MAYBELLE M.
WHITE, CATHERINE MIDDLETON, EDIE
MIDDLETON, JESSE JAMES MIDDLETON, JR.,
SAM SMALLS, ELLA M. SMALLS, RELESS
BRYANT, VIOLA TOWNSEND, CLARA GRANT,
LONNIE MAE BRYANT, MARION SMALLS,

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JULIE J. ARISTROTT
CLERK OF COURT

ORDER

met the necessary requirements for a valid adverse possession claim as to certain parts of the Property, specifically as to the entire front portion of the Property up to and abutting the wetlands area.

Upon a review of the record in the matter, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. This action was initially brought to determine the heirs of John Salters. Originally, this action included additional family chains from John Salters. In an amendment to the pleadings, the Plaintiff claimed that only the heirs of John J. Salters (a son of John Salters) were entitled to claim an interest in the Property. This Court entered its interim Order on January 6, 2016, and found that there were two men named John Salters, one the father Johns Salters and the other the son John J. Salters. The Court determined that the John J. Salters who purchased the subject Property shall be known as Grandfather Salters, as he is the grandfather of the Plaintiff JoAnn Reed.
2. Although Mr. Jesse Townsend is related to Mrs. Reed through their great-grandfather John Salters, he does not have the same grandfather as Mrs. Reed - as indicated by Mr. Townsend's and Mrs. Reed's testimony provided at a hearing before this Court on January 11, 2016. By virtue of this family tree and the fact that Defendant Jesse Townsend, Jr. is not a co-tenant on the Property, the legal claim of Ouster is inapplicable, and the Defendant need only show adverse possession to assert title to his tract of land. *See Tr. Trans.* P. 11, L. 16 – 18.
3. As to the geographic features of the subject Property, similar to the property in *Knox v. Bogan*, the front portion is separated from the remainder by a wetland (rather than a



fence). At one point, trees were planted and harvested from the rear portion of the Property. Ernest Townsend testified that his brother, Arthur, planted trees on the back end of the property and that his Great-Uncle Moses used to plant rice in the wetland area. *Tr. Trans.* P. 118, L. 15 – P. 119, L. 3. This testimony was corroborated by Arthur Townsend who indicated that several people used to plant the back portion of the Property and that at one point he planted 2,500 trees there. *Tr. Trans.* P. 126, L. 2 – 24. A portion of the funds generated from the sale of the harvested timber were used to pay property taxes and the remainder was divided between the various families, including the Plaintiff's family and Defendant's family herein. *Tr. Trans.* P. 127, L. 3 – 24. Testimony showed that until the access bridge through the wetlands was washed out, other family members farmed both the front and rear portions of the Property. *Tr. Trans.* P. 93, L. 6 – P. 94, L. 4. The rear portion seems to have been left largely unused since the bridge washout.

4. Mr. Jesse Townsend has possessed Lot C as depicted on Defendant's Exhibit 1 since approximately 1981 when it was created by an unrecorded plat and survey conducted on October 20, 1981. Def. Ex. 1. Lot B was originally created for Ernest Jerome Townsend, who did not file an Answer in this matter. These lots, as shown on Defendant's Exhibit 1, have been identified as separate parcels for more than thirty (30) years.
5. Although Jesse Townsend, by his own admission, entered the land with permission from other heirs, South Carolina law provides that a party may enter land with permission of the owner and then claim adverse possession at a later point. *McDaniel v. Kendrick*, 386 S.C. 437 (2009) citing *Davis v. Monteith*, 289 S.C. 176 (1986) (finding occupation of Property with the owner's tacit permission was not hostile although such possession may

have become hostile when claimant remained on Property after being told to vacate).

6. As part of the Answer and Counterclaim filed in this matter by Jesse Townsend, Jr., adverse possession and equitable relief were raised both in the pleadings and at the hearing held on May 2, 2016. *See Answer & Counterclaim filed Dec. 8, 2014; Tr. Trans.* P. 10, L. 5.
7. The only elements of adverse possession that are at issue in this case are hostility and exclusivity, and the burden of proving adverse possession is solely on the claimant by clear and convincing evidence. *Getsinger v. Midlands Orthopaedic Profit Sharing Plan, et al.*, 327 S.C. 424, 428 (Ct. App. 1998) *citing Weston v. Morgan*, 162 S.C. 177, 192 (1931). I find that all other elements of adverse possession clearly met.

Hostility Element

8. Our Court of Appeals shed light on the hostility requirement in *Knox v. Bogan*, 322 S.C. 64 (S.C. Ct. App. 1996). In that case, the Knox family claimed ownership of certain property designated as the southern tract through adverse possession. An old fence separated the southern tract from Bogan's Property. *Id.* at 69. Testimony showed the Knox family had occupied the southern tract up to the fence line for more than seventy years under the belief the fence line was the boundary between their land and Bogan's. *Id.* at 69. The Supreme Court, addressing the hostility requirement, stated:

The only issue is whether the Knoxes' possession was sufficiently hostile. As we read *Perry v. Heirs at Law* [316 S.C. 224, 449 S.E.2d 250 (1994)] and *Wigfall v. Fobbs* [295 S.C. 59, 367 S.E.2d 156 (1988)] either there is no longer a hostility requirement where the claim is to an entire tract, or South Carolina does in fact follow the majority view that the mental attitude of the possessor of land is *immaterial*. Under the majority view an actual, exclusive, open and notorious possession without the consent of the title owner is both wrongful and adverse and will ripen into perfect title in the usual way when the statute of limitations has run. The majority



view represents the most practical approach to the hostility requirement of adverse possession and is in keeping with the national trend of authority.

Id. at 70-71 (emphasis added) (citations omitted).

9. The Court of Appeals, in construing the *Knox* decision, stated as follows:

The supreme court did not . . . eliminate the hostility requirement when a party claims adverse possession of an entire tract of land. The court simply explained the hostility requirement is not necessarily predicated upon the claimant's conscience intention to possess the property against the true owner's wishes. A claimant may establish adverse possession if he occupies the property under the mistaken belief that it belongs to him.

McDaniel, 386 S.C. at 442-43.

10. South Carolina courts have also held that a purported adverse possessor may adversely possess a portion of a large tract of land. *See Dawkins v. Mozie*, 399 S.C. 290 (Ct. App. 2012) (affirming the trial court's finding of adverse possession of a ".75 acre tract of land that is a portion of a larger 3.5 acre tract of land").
11. The testimony of the Plaintiff and others showed that for more than twenty (20) years Jessie Townsend, Sr. lived on the Property and operated a junkyard thereon until his death in 2005. *Tr. Trans.* P. 28, L. 11 – P. 29, L. 12. For more than ten (10) years thereafter, Defendant Jesse Townsend, Jr. has maintained a fence and gate to the property and, on multiple occasions, Defendant Jesse Townsend, Jr. has denied others, including Plaintiffs on multiple occasions, access to the Property. *Tr. Trans.* P. 63, L. 9-15; P. 84, L.10-15; P. 46 – L. 2 – 24. After the death of Jessie Townsend, Sr., Jessie Townsend, Jr. took over operation of the junkyard and an auto repair business on the front portion of the Property. Vehicles, parts and other salvage materials were stored in various locations on the Property which precluded other persons claiming an ownership interest in the



Property to its use and enjoyment. *Tr. Trans.* P. 68, L. 22 – P. 69, L. 15; P. 75, L. 2-5; P. 75, L. 17 – P.77, L. 8. The business and storage was also done without the permission of others. *Tr. Trans.* P. 77, L.12 – 19; P. 86, L. 17-19; P. 44, L. 23 – P. 45, L.5.

12. Accordingly, the Court finds that Defendant Jesse Townsend, Jr. has met the hostility element required by clear and convincing evidence to establish his adverse possession claim to the front portion of this tract of land.

Exclusive Element

13. As to exclusivity, “[a]n adverse claimant must occupy the land by exclusive possession, which means that adverse possession must be such as to indicate his or her exclusive ownership of the property, and not only must his possession be without subservience to or recognition of the title of the true owner but it must be hostile thereto as to the whole world.” *Curtis v. DesChamps*, 290 S.C. 315, 324-25 (Ct. App. 1986) *citing Mullis v. Winchester*, 237 S.C. 487 (1961). “The exclusive possession necessary to acquire title by adverse possession is not satisfied if occupancy is shared with the owner or with agents of the owner.” *Butler v. Lindsey*, 293 S.C. 466, 472 (Ct. App. 1987) *citing Farella v. Rumney*, 649 P.2d 185 (Wyo. 1982); 3 Am.Jur.2d, *Adverse Possession*, Section 78 (1986). The exclusivity element must also run for the entire statutory period. *Butler*, 293 S.C. at 470.

14. Based upon the testimony of the witnesses at the hearing, the Court finds that clear and convincing evidence exists to show that Defendant Jesse Townsend, Jr. has also met the exclusive element of adverse possession as to the front portion of the Property as described above. Furthermore, Jesse Townsend, Jr. placed a mobile home on this portion of the Property and has lived there and operated his business thereon exclusively



and continuously ever since for well in excess of the statutory period both for himself and, if tacking is considered, by his father's possession as well for over thirty years.

15. Accordingly, the property shall be surveyed and the Court will issue its deed to Jesse Townsend, Jr., as the owner of the front portion of the Property up to and abutting the wetlands, upon the presentation of a plat submitted for approval by Charleston County to this Court.

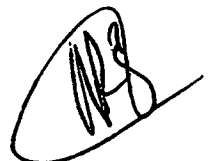
a. Wetlands and Back Portion Residuary

16. The Court finds that clear and convincing evidence of adverse possession has not been shown as to the remaining and larger part of the subject Property; therefore, ownership of the residuary shall be vested in the surviving heirs of Grandfather Salters. The plat to be submitted shall delineate a 20' ingress egress easement appurtenant that benefits the residual tract to the rear so that the heirs of Grandfather Salters (their heirs and assigns) may maintain access and enjoyment to the remaining tract of land.

Based upon the foregoing, it is hereby

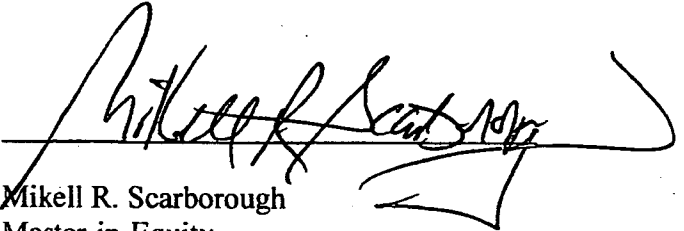
ORDERED, ADJUDGED, AND DECREED that Defendant Jesse Townsend, Jr. has presented clear and convincing evidence that he has adversely possessed the front portion of the subject Property (TMS # 188-00-00-169) up to and abutting the wetlands that he has operated to the exclusion of others for over ten (10) years and this will be further depicted by plat. It is further,

ORDERD, ADJUDGED, AND DECREED that the remaining property shall be vested in the heirs of Grandfather Salters. It is further,



ORDERED, ADJUDGED, AND DECREED that this Order shall be subject to further
Orders of this Court as may become necessary.

AND IT IS SO ORDERED!



Mikell R. Scarborough
Master-in-Equity

This 14 day of July, 2016.
Charleston County, South Carolina

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SC Court of Appeals

Appendix B

**Appellant Transcripts on Court
Dates**

1 MS. BREES: May I approach the witness, Your
2 Honor?

3 THE COURT: You may.

4 MS. BREES: Thank you.

5 EXAMINATION

6 BY MS. BREES:

7 Q. Mr. Townsend, I'm showing you a document, the
8 transcript. If you can please just state for the
9 Court what you see on this first page, if you can
10 just read that into the record, please? It's
11 specifically -- I'm sorry, just this portion right
12 here (indicating).

13 A. Do you want me to read it out loud?

14 Q. Yes. Mr. Townsend, if you can read it into
15 the record.

16 A. "Hearing before the Honorable Mikell R.
17 Scarborough, reported by Christine A. Smith, court
18 reporter and notary public, at 11:26 a.m. on
19 August 17th, 2015, at 100 Broad Street, Charleston,
20 South Carolina."

21 Q. Okay. And Mr. Townsend, do you recall being
22 present for the hearing that took place on
23 August 17th, 2015 in this case?

24 A. Yes, ma'am.

25 Q. And did you provide testimony at that hearing?

1 A. Yes, ma'am.

2 Q. That's a sealed copy of the transcript. I'll
3 refer you to Page 50 of the transcript.
4 Mr. Townsend, if you could hold on to that? If you
5 could start reading, Mr. Townsend, at Line 2, please?

6 THE COURT: I'm sorry? Page and line?

7 MS. BREES: Page 50, Line 2, Your Honor.

8 THE COURT: Page 50, Line 2.

9 THE WITNESS: Okay.

10 "Q. The Town was going to furnish her
11 with a mobile home, was my understanding. She
12 didn't like the home that they were going to
13 give her. They were going to do everything,
14 set the home up for her, but then she didn't
15 want to accept the home, so the Town didn't do
16 anything. The property still was left there."

17 Q. (BY MS. BREES) You can continue to read,
18 Mr. Townsend.

19 A. "Q. Did you do anything to block the
20 mobile home?"

21 A. No, sir. No, sir."

22 Q. Continue.

23 A. "Q. Now, you live in a house -- there's
24 another lot right next door. Was there a
25 house there?"

1 A. Yes. A long time ago there was a
2 house there. I think it was back in '80 or
3 was it '81? I think one of my other
4 brothers -- since the house burned down one of
5 my brothers -- he got permission to put a
6 mobile home there, and he subsequently lived
7 in that mobile home. When I got permission to
8 move there from the heirs that were living --
9 again, her mother or her aunt -- the property
10 was blocked off in lots.

11 Q. Just two lots, right?"

12 Q. You can stop there, Mr. Townsend. Thank you.
13 Mr. Townsend, referring to Lines 13 through 20, will
14 you please clarify for the Court who you received
15 permission from to reside on the property in
16 question?

17 A. The heirs: Moses Middleton, Senior, who was
18 in charge of the property; his cousin; Lula Salters,
19 who was Joanne's aunt and she also helped with the
20 tax bill, and some of the other older heirs.

21 Q. So you had an actual conversation to request
22 permission to reside on the property?

23 A. Right. Because at that juncture my mother --
24 my father was an heir. I wasn't an heir because my
25 father was still living.

1 Q. And on Lines 19 and 20, this is again her
2 mother or her aunt, who is the mother that you're
3 referring to there?

4 A. Ms. Reed.

5 Q. Ms. Reed's mother?

6 A. Uh-huh.

7 Q. And who is the aunt who is referred to there?

8 A. Lula Lucas (sic).

9 Q. Okay.

10 A. I think her last name was Lucas.

11 Q. Did you ever speak with Ms. Reed or anyone
12 else?

13 A. At that time she wasn't there. Her mother was
14 still living.

15 Q. And you spoke with her mother?

16 A. Uh-huh.

17 Q. You did? Do you recall if there was anybody
18 else with you when you had that conversation?

19 A. My father. Again, he was -- along with some
20 of the others they were given the responsibility of
21 being in charge of the property.

22 Q. Was there ever anything documented in writing
23 about your permission to reside on the property?

24 A. Not other than the paperwork with the plat,
25 which had to go through permission from Hollywood for

1 the gate. There's some barrels with the oil and
2 antifreeze that we have collected since -- we have --
3 we haven't done it since.

4 MS. BREES: Okay. That's all I have for you
5 right now, Mr. Townsend. I'll defer to Mr. Davis if
6 he has any questions for you.

7 EXAMINATION

8 BY MR. DAVIS:

9 Q. So the brown-roofed one is what you would
10 consider to be your home?

11 A. No, right here (indicating).

12 Q. Okay. Let me turn it sideways. Okay.

13 A. And this is Lot B.

14 Q. That's Lot B, okay. And you don't get access
15 to the property coming off of Salters Hill Road?

16 A. No.

17 Q. You come in through a relative's property; is
18 that correct?

19 A. Uh-huh.

20 Q. And this is yours?

21 A. No, right there.

22 MR. DAVIS: Okay. No further questions at
23 this time.

24 MS. BREES: Your Honor, at this time I would
25 like to enter in Plaintiff's Exhibit 1.

1 THE COURT: No. 1 in evidence? Okay.

2 MS. BREES: It's been marked.

3 THE COURT: Any objection to that, Mr. Davis?

4 MR. DAVIS: No.

5 THE COURT: It's in evidence.

6 Ms. BREES: And I just have two quick
7 follow-up questions.

8 THE COURT: All right.

9 MR. BREES: It may just be one.

10 EXAMINATION

11 BY MS. BREES:

12 Q. Mr. Townsend, you mentioned that your father
13 was still alive when you moved onto the property; is
14 that accurate?

15 A. Yes, ma'am.

16 Q. Even though your father was still alive you
17 did go ask for permission to reside on the property;
18 is that accurate?

19 A. Yes, ma'am.

20 MS. BREES: Thank you. No further questions,
21 Your Honor.

22 EXAMINATION

23 BY THE COURT:

24 Q. Reverend Townsend, let me ask you, the
25 permission that you sought was because your father

1 was still alive; is that right?

2 A. Yes, sir.

3 Q. At the time, you believed him to be an heir?

4 A. Yes, sir.

5 Q. Did he tell you to go ask for permission, or
6 did you just know to go do that?

7 A. No. He mentioned about getting permission
8 from the other heirs.

9 Q. Right.

10 A. Again, it's my understanding that the property
11 was family property from the beginning, and I guess
12 perhaps it was due to the fact that we are not heirs.

13 The property was conveyed to John Salters, not John
14 J. Salters, which is the Plaintiff's grandfather,
15 John J. Salters. We would be heirs. The fact that
16 she said in her Complaint that she does not know any
17 of us, the children or the wife or the spouse or the
18 children, the whereabouts of the spouse or the
19 children of Jessie Townsend, Senior, when we all
20 lived in the same neighborhood, grew up together, so
21 we all knew each other. In that sense it's a lie,
22 and the fact that she said in the Complaint that the
23 taxes were paid by the heirs of John Salters for the
24 last 30 years. Well, she hasn't paid no taxes on it
25 until last year. We've got documentation. Since I

1 was on the property I made sure the taxes got paid
2 after my father died.

3 Q. When did your father die?

4 A. That was in '85 -- I mean, 2005 I think it
5 was.

6 Q. Your father's name was what?

7 A. Jessie Townsend.

8 Q. He was Senior?

9 A. Yes. His name was on the mailing tax list.
10 He was in charge of the property.

11 Q. So he died in 2005?

12 A. 2005 or 2006. I began paying it in 2006.

13 Q. And you testified that he had -- I think you
14 testified that he had planted the property for a
15 while?

16 A. Well, he along with a whole lot of the other
17 heirs.

18 Q. A lot of the cousins and --

19 A. Some of the other heirs lived on the property.

20 Q. Right.

21 A. Even the Plaintiff lived on the property as
22 well as some of the other family members.

23 Q. Okay. And then I think you testified that he
24 had planted some trees?

25 A. My brother did.

1 He went and maybe talked with his sister the day
2 following. They drove up. First of all, he went and
3 he called an officer. An officer came in and
4 questioned the individuals about it.

5 He told them the story that he -- they were
6 going in his car, and so he told him not to do it.
7 He saw him on the street one day. He told him not to
8 go in the vehicle. So he went and told his sister.

9 The following day they came down. They called
10 another officer and they had a conversation at the
11 front of the property. They told me that he got
12 permission to put the vehicle there from the
13 individuals paying the taxes, which since my father
14 passed -- because I was residing on the property and
15 from the time he was living, he paid -- most of the
16 time he paid the property tax himself on it.

17 THE COURT: He, being your father you're
18 talking about now?

19 THE WITNESS: Right. Yes, sir.

20 THE COURT: Now, who's paying it today?

21 THE WITNESS: Well, right now I'm paying it.
22 I make sure it gets paid. In fact, I just paid the
23 bill this past year. Since he passed I made sure the
24 property got paid.

25 THE COURT: When did your father pass?

1 THE WITNESS: Back in 2005.

2 THE COURT: 2005, okay. Very good.

3 Q. (BY MR. DAVIS) Now, when you were speaking to
4 her brother, were you trying to keep him from coming
5 on the property?

6 A. No, sir. I just told him he didn't need to be
7 going through an individual's vehicle. He has
8 access. There's a gate in the front of the property.
9 Again, with the property, I do not have access to the
10 highway. When my father had it he operated a
11 junkyard. The Town of Hollywood made him put up a
12 fence. So then that's why that gate is there. We
13 have never stopped anybody from going back there if
14 they want to go back there. We just needed to know
15 because again, we have got things there. We just
16 wanted to make sure -- we have never stopped any of
17 the family members from going back there and
18 utilizing the property.

19 Q. Now, Wesley Salters, did he live on the
20 property at some point in time?

21 A. Yes, he lived on the property.

22 Q. Were you living there at the time on the
23 property?

24 A. Yes, I was living there at the time.

25 Q. On the property?

1 A. No, not then.

2 Q. Your father was living on the property?

3 A. No. He wasn't living on the property. They
4 were using the property for farming and other things.

5 Q. Who is they? Who was farming it?

6 A. The family members. The Middletons and the
7 Townsends and the Salters sometimes. It was kind of
8 a community thing, a farm.

9 Q. Did you see people from the Middleton family,
10 which would be your side, actually farming?

11 A. Yes.

12 Q. Did you see any of the Julia Salters Bailey
13 family farming?

14 A. Well, I was kind of young when they were in
15 there, so I really don't know them that well.

16 Q. How about the Clara Salters Smalls family?

17 A. No, I was still kind of young.

18 Q. So really you just saw the John Salters family
19 and your family farming a little bit on the property;
20 is that what you're saying?

21 A. Right.

22 Q. Okay. Now, your father was using the property
23 for storage. How long did he operate the business;
24 do you have any idea?

25 A. It's been a while. I would say back -- in the

1 '90s. Somewhere in that area. Like I said, it was
2 used for a different purpose. They were all using it
3 for a farming purpose.

4 Q. So a lot of people and family members would
5 come in -- did they plant fields or maybe a lot of
6 them had gardens?

7 A. Fields with corn, cotton, beans, what have
8 you.

9 Q. Now, who did you understand originally bought
10 the property?

11 A. It was my understanding that it was John
12 Salters, Senior.

13 Q. This was told to you by your father? Who told
14 you?

15 A. My father and a copy of the information I gave
16 you. The tree was given to me by Ms. Althea Salters.

17 Q. Now, Althea Salters is who?

18 A. That's a first cousin.

19 Q. Okay. Has it always been your understanding
20 that this property was your family's property as well
21 as other family's property?

22 A. It was heirs' property, everyone's family.

23 Q. It wasn't just your -- it wasn't just Lizzie
24 Salters Middleton's heirs?

25 A. No. No. No.

1 Q. It wasn't just John Salters' heirs?
 2 A. No.
 3 Q. And Julia Salters Bailey's heirs, as far as
 4 you knew had owned it, correct?
 5 A. **Right.**
 6 Q. And Clara Salters Smalls?
 7 A. **Right. All of those.**
 8 Q. Did you ever meet Julia Salters Bailey? Do
 9 you remember meeting her? Or Clara?
 10 A. **No. No. No.**
 11 Q. At some point they wanted to put a trailer on
 12 for one of the family members; is that correct?
 13 A. **Yes, for one of my cousins, Blanche Murphy.**
 14 **She -- well, they used to live on the property as**
 15 **well, her and her mother, and after her mother**
 16 **passed then she -- they moved off.**
 17 Q. What did she live in when she was on the
 18 property?
 19 A. **Pardon me?**
 20 Q. What did they live in? Was it a mobile home
 21 or a house?
 22 A. **No, it was a house kind of in one corner of**
 23 **the property. At that time she requested to get some**
 24 **assistance through Hollywood, the Town of Hollywood,**
 25 **and there was a portion of that property that was**

50

1 **blocked off for her for the mobile home there.**
 2 *The Town was going to furnish her with a*
 3 *mobile home, was my understanding. She didn't like*
 4 *the home that they were going to give her. They were*
 5 *going to do everything, set the home up for her, but*
 6 *then she didn't want to accept the home, so the Town*
 7 *didn't do anything. The property still was left*
 8 *there.*
 9 Q. Did you do anything to block the mobile home?
 10 A. **No, sir. No, sir.**
 11 Q. Now, you live in a house -- there's another
 12 lot right next door. Was there a house there?
 A. **Yes. A long time ago there was a house there.**
I think it was back in '80 or was it '81? I think
one of my other brothers -- since the house burned
 16 **down one of my brothers -- he got permission to put a**
 17 **mobile home there, and he subsequently lived in that**
 18 **mobile home. When I got permission to move there**
 19 **from the heirs that were living -- again, her mother**
 20 **or her aunt -- the property was blocked off in lots.**
 21 Q. Just two lots, right?
 22 A. **Well, there were two lots blocked off. The**
 23 **other two were, I guess, joint adjacent lots in front**
 24 **of the property. They were still open and when I**
 25 **got -- so that's when we got the right of way and all**

1 **the little things blocked in there before that.**
 2 Q. Now, the Plaintiff just testified that she had
 3 lived in a house on the property at one point in
 4 time, correct?
 5 A. **She testified to that.**
 6 Q. Do you remember that house being there?
 7 A. **I remember the house. I don't know if -- like**
 8 **I said, I was born in 1949. I'm a lot younger. I**
 9 **have a brother and a sister. They lived -- they are**
 10 **older than I am, so in that regard they know more**
 11 **about that issue than I do. Again, I guess one of**
 12 **the things I think the Plaintiff mentioned in her**
 13 **statement in regards to her uncle -- she mentioned**
 14 **that she was not married -- he was not married. I**
 15 **think she later on said he was married to Rebecca**
 16 **Salters. There's another piece that she mentioned,**
 17 **the fact that her sister, Dorothy, was never married**
 18 **and had no siblings.**
 19 After they received mention that she was
 20 married and she had a husband and Sametta Heyward and
 21 a daughter, Julia.
 22 Q. Okay.
 23 A. **So those are some of the names there. Never**
 24 **at no time have we stopped anyone from coming on the**
 25 **property. We just needed to know who was going there**

52

1 **so we they could be accountable for it.**
 2 Q. So you're asking the Court to find a
 3 one-fourth interest in the chain of Lizzie Salters;
 4 is that what you're saying? And a one-fourth
 5 interest in Clara Salters Smalls? And a one-fourth
 6 interest in Julia Salters Bailey, and a one-fourth
 7 interest in John Salters, Junior and their heirs?
 8 A. **Yes, sir.**
 9 Q. Those are -- and until this lawsuit was
 10 brought have you ever heard any family member claim
 11 that only John Salters, Junior owned the property?
 12 A. **No.**
 13 MR. DAVIS: No further questions of this
 14 witness.
 15 THE COURT: Any questions, Ms. Brees?
 16 MS. BREES: Yes, sir.
 17 EXAMINATION
 18 BY MS. BREES:
 19 Q. Thank you for being here today, Mr. Townsend.
 20 As you know this has been going on for a while, and
 21 we definitely want to get some clarification as to
 22 what went on. So Mr. Townsend, and I apologize if I
 23 cause you to repeat anything you already said to
 24 Mr. Davis. I just want to make sure I understand it
 25 as well.

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SC Court of Appeals

Appendix C

Appellant Appeal Filing By Attorney

Maria Brees

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2012-CP-10-6835

FILED
2016 NOV 18 PM 1:38
JULIE J. ARMSTRONG
CLERK OF COURT

Joanne S. Reed,.....Appellant

vs.

Harold Salters, Johnnie Salters, Darrel Martin, Sametta Heyward, James Salters, Charles Tyler, Margerette Brown, Danny Tyler, Joseph Tyler, Calvin Tyler, Willie Washington, David Tyler, George Grant, Olivia Heyward, Lisa Canady, Sylvia Grant Heyward, Janis Magwood, Tatum Grant, Abraham Grant, III, Lillian Sanders, Latricia Sanders-Roberts, Mary Sanders, Martha Sanders, Ruthie Mae Sanders Butler, Elizabeth Sanders, Georgiana S. Stone, Sandra S. Brown, Carolyn S. Hisson, George Sanders, Jr., William Sanders, Althea Salters, Sam Wes, Matthew Sanders, Eddie Sanders, JOHN DOE AND MARY ROE fictitious names representing unknown minors, incompetents, persons in the military service within the meaning of Title 50, United States Code, commonly referred to as The Service Members Civil Relief Act of 2003, persons imprisoned, and persons under any other legal disability and RICHARD ROE and JANE DOE, fictitious names representing unknown heirs, devisees, distributees, or personal representatives of the following deceased persons The Estate of John Salters, Viola Salters, Evelina Salters Sanders, Christina Salters, Wesley Salters, Lula Salters, Dorothy Salters, James Salters, Mary Salters-Tyler, Josephine Salters, Vermel Martin, Sam Heyward, Helen Tyler, Henrietta Sanders Grant, Abraham Grant, Abraham Grant, Jr., Eddie Sanders, George Leroy Sanders, Dorothy S. Heyward,

of Whom

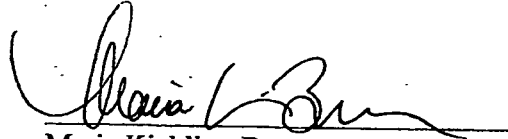
Jesse Townsend, Jr. a/k/a Jessie M. Townsend, Jr.....Respondent.

NOTICE OF APPEAL

The Plaintiff, Joanne S. Reed, hereby appeals the Orders of the Honorable Mikell R. Scarborough Granting Judgment in Favor of the Defendant, Jesse Townsend, Jr. a/k/a Jessie M.

Townsend, Jr. dated July 14, 2016, and the Order Denying Motion to Reconsider dated October 28, 2016, and received by counsel on November 7, 2016.

November 15, 2016



Maria Kiehling Brees
McGee Law Firm, LLC
105 Wappoo Creek Drive, Suite 1-B
Charleston, SC 29412
(843) 724-7707
maria@mcgee-lawfirm.com

Other counsel of Record:

D. Nathan Davis, Esq.
Davis Law SC
12 Carriage Lane, Suite A
Charleston, SC 29407

Kelvin M. Huger, Esq.
Counts & Huger
27 Gamecock Avenue #200
Charleston, SC 29407

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2012-CP-10-6835

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JULIE J. ARMSTRONG
CLERK OF COURT

Joanne S. Reed,.....Appellant

vs.

Harold Salters, Johnnie Salters, Darrel Martin, Sametta Heyward, James Salters, Charles Tyler, Margerette Brown, Danny Tyler, Joseph Tyler, Calvin Tyler, Willie Washington, David Tyler, George Grant, Olivia Heyward, Lisa Canady, Sylvia Grant Heyward, Janis Magwood, Tatum Grant, Abraham Grant, III, Lillian Sanders, Latricia Sanders-Roberts, Mary Sanders, Martha Sanders, Ruthie Mae Sanders Butler, Elizabeth Sanders, Georgiana S. Stone, Sandra S. Brown, Carolyn S. Hissong, George Sanders, Jr., William Sanders, Althea Salters, Sam Wes, Matthew Sanders, Eddie Sanders, JOHN DOE AND MARY ROE fictitious names representing unknown minors, incompetents, persons in the military service within the meaning of Title 50, United States Code, commonly referred to as The Service Members Civil Relief Act of 2003, persons imprisoned, and persons under any other legal disability and RICHARD ROE and JANE DOE, fictitious names representing unknown heirs, devisees, distributees, or personal representatives of the following deceased persons The Estate of John Salters, Viola Salters, Evelina Salters Sanders, Christina Salters, Wesley Salters, Lula Salters, Dorthy Salters, James Salters, Mary Salters-Tyler, Josephine Salters, Vermel Martin, Sam Heyward, Helen Tyler, Henrietta Sanders Grant, Abraham Grant, Abraham Grant, Jr., Eddie Sanders, George Leroy Sanders, Dorothy S. Heyward,

of Whom

Jesse Townsend, Jr. a/k/a Jessie M. Townsend, Jr.....Respondent.

PROOF OF SERVICE

The South Carolina Court of Appeals

Joanne S. Reed, Appellant,

v.

Christina Salters, Wesley Salters, Lula Salters, Dorothy Salters, Josephine Salters, Harold Salters, Johnnie Salters, Lillian Sanders, Luchria Sanders, Mary Nelson, Martha Sanders, Ruthie Mae Sanders Butler, Elizabeth Sanders, George Grant, Olivia Heyward, Lisa Canady, Sylvia Grant Heyward, Janice Jones, Abraham Grant III, Sametta Heyward, Judy Heyward, Georgiana S. Stone, Sandra S. Brown, Carolyn S. Hissing, George Sanders, William Sanders, Peggy Ann Wright, Barbara S. Grampus, Evalina Middleton, John Sherman, Gertrude Townsend, Helen B. Townsend, Verta Lee Townsend, Vilma Townsend, Al Townsend, Hercules Townsend, Christina Townsend, Sherel Townsend, Dean Townsend, Linsey Townsend, Barbara Townsend, Darlene Townsend, Ann Townsend, Ronnie Townsend, Elizabeth Townsend, Jerome Townsend, Mose Middleton, Jr., Benjamin Middleton, Sr., Leroy Middleton, Samuel Middleton, Herman Middleton, Raymond Middleton, Rodell Middleton, Florence Middleton, Eliza Ann M. Jamison, Sadie Thornberg, Madlyn M. Lasley, Henry Middleton, Maybelle M. White, Catherine Middleton, Edie Middleton, Jesse James Middleton, Jr., Sam Smalls, Ella M. Smalls, Reless Bryant, Viola Townsend, Clara Grant, Lonnie Mae Bryant, Marion Smalls, John Bailey, Blanche Murphy Field, Charles Tyler, Margarete Brown, Banny Tyler, Joseph Tyler, Calvin Tyler, Willie Washington and John Doe and Mary Roe fictitious names representing unknown minors, incompetents, persons in the military service within the meaning of Title 50 United States Code, commonly referred to as The Service Members Civil Relief Act of 2003, persons imprisoned, and persons under any other legal disability

JULIE J. ARMSTRONG
CLERK OF COURT

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and Richard Roe and Jane Doe, fictitious names representing unknown heirs, devisees, distributees, or personal representatives of the following deceased persons John Salters, Sarah S. Berin, John J. Salters, Viola Salters, James Salters, Eveline Sanders, Eddie Sanders, Henrietta Sanders Grant, Abraham Grant, Jr., Dorothy S. Heyward, Sam Heyward, George Leroy Sanders, Janie Sanders, Eliza S. Middleton, Victoria Taylor, Lou Bertha Ford, Eva M. Wheeling, William Middleton, Jr., Rebecca Sherman, Elizabeth Townsend Frazier, Leon Townsend, Jessie Townsend, Nathaniel Townsend, Moses Middleton, Jesse James Middleton, Clara S. Smalls, Robert Smalls, Charles Smalls, Joseph Smalls, Alfred Smalls, Sue Smalls, Mary Smalls Bryant, Sylvia Bryant, Richard Bryant, Albertha Anderson, Julia Bailey, Alonso Brown, Jr., Julia (Julla) Brown Carter, Edward Brown, Janie Brown, Cippio Bailey, Laura Baily, Florence Bailey, Elizabeth Murphy, James Murphy, Mary Salters and Helen Tyler, Defendants,

of Whom Jesse Townsend, Jr. a/k/a Jessie M. Townsend, Jr. is the Respondent.

Appellate Case No. 2016-002344

The Honorable Mikell R. Scarborough
Charleston County
Trial Court Case No. 2012CP1006835

ORDER

Appellant has failed to serve the record on appeal, as required by Rule 210 of the South Carolina Appellate Court Rules and this Court's letter dated June 28, 2017. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:
Maria Kiehling Brees, Esquire
D. Nathani Davis, Esquire
Kelvin Maurice Huger, Esquire

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July 18, 2017 S.C.

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SC Court of Appeals

Appendix D

Appellant Petition to Recall Remittitur



The South Carolina Court of Appeals

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August 04, 2017

The Honorable Julie J. Armstrong
100 Broad St Ste 106
Charleston SC 29401-2210

REMITTITUR

Re: Joanne Reed v. Jesse Townsend Jr.
Lower Court Case No. 2012CP1006835
Appellate Case No. 2016-002344

FILED
2017 AUG - 7 PM 12: 01
JULIE J. ARMSTRONG
CLERK OF COURT

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Maria Kiehling Brees, Esquire
D. Nathan Davis, Esquire
Kelvin Maurice Huger, Esquire

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SC Court of Appeals

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1220 Senate St.
Columbia SC 29201