

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Marvin H. Dukes, III, Circuit Court Judge

Case No. 2009-CP-07-2573
Appellant Case No.: 2012-213579

Cashman Properties, LLC, ... Respondent,

v.

WNL Properties, LLC; E. Oswald Lightsey Trust f/b/o
Louise Lightsey Baughman; the Trust Under Will of
E. Oswald Lightsey dated August 8, 1958, and codicil dated
March 23, 1976, for the Benefit of Lillian Lightsey Drawdy;
and the Trust Under Will of E. Oswald Lightsey for the Benefit
of Claudia Lightsey Ware, ... Appellants.

SUPPLEMENTAL RECORD ON APPEAL

J. Ashley Twombly
Karl D. Twenge
TWENGE + TWOMBLY LAW FIRM
311 Carteret St.
Beaufort, SC 29902
(843) 982-0100

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STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO.: 2009-CP-07-2573

Cashman Properties, LLC

Plaintiff,

v.

WNL Properties, LLC; E. Oswald Lightsey
Trust f/b/o Louise Lightsey Baughman; the
Trust Under Will of E. Oswald Lightsey Dated
August 8, 1958, and Codicil Dated March 23,
1976, for the Benefit of Lillian Lightsey
Drawdy; and the Trust Under Will of E.
Oswald Lightsey for the Benefit of Claudia
Lightsey Ware,

Defendants.

ORDER ON COSTS

2012 JUL 10 PM 4:02
CLERK OF COURT
BEAUFORT COUNTY, S.C.

This matter is before the Court for a determination of the expenses that Plaintiffs shall be required to pay Defendants. After hearing from the parties and witnesses, and further considering the evidence before the Court, I find as follows:

1. Although the Cashmans presented evidence that they provided some maintenance for the pier and pier head, the majority of all maintenance related to the pier and pier head were paid by the Lightseys for which they never requested reimbursement from the Cashmans, and consequently, the Cashmans never offered reimbursement. The Lightseys listed the expenses incurred in Defendants' Dock Expenses, which is attached hereto as Exhibit A. In my order dated December 19, 2011 and filed on December 22, 2011 I ruled that the Cashmans shall be responsible for their share of expenses since the filing of the Complaint. Therefore, the Cashmans shall be required

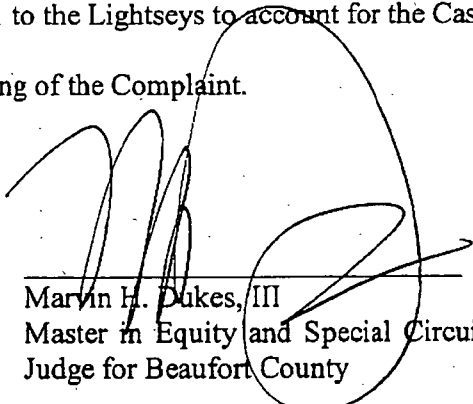
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to pay the Lightseys one half of all maintenance expenses incurred since the filing of the Complaint (May 29, 2009) for a total of \$214.18.

2. With respect to property taxes, I find that it is difficult to resolve this issue with mathematical certainty. However, I find the testimony provided by Ed Hughes, Beaufort County Assessor, instructive. Mr. Hughes determined the property taxes associated with the dock. Mr. Hughes' calculations are attached to the email correspondence to the Parties, which is attached hereto as exhibit A. In my order dated December 19, 2011 and filed on December 22, 2011 I ruled that the Cashmans shall be responsible for their share of expenses since the filing of the Complaint. After considering all of these factors and the arguments of the parties, I find that the Cashmans should pay for one-half the property taxes since the filing of the Complaint (May 29, 2009) for a total of \$247.83.

Therefore, the Cashmans shall pay \$462.01 to the Lightseys to account for the Cashmans' share of expenses related to the Dock since the filing of the Complaint.

AND IT IS SO ORDERED.


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

7/10, 2012
Beaufort, South Carolina

Exhibit A

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT	)	CIVIL ACTION NO: 2009-CP-07-2573
CASHMAN PROPERTIES, LLC,	)	
Plaintiff,	)	
vs.	)	
WNL PROPERTIES, LLC, E. OSWALD	)	DEFENDANTS' DOCK EXPENSES
LIGHTSEY TRUST f/b/o LOUISE	)	
LIGHTSEY BAUGHMAN, THE TRUST	)	
UNDER WILL OF E. OSWALD	)	
LIGHTSEY DATED AUGUST 8, 1958,	)	
AND CODICIL DATED MARCH 23,	)	
1976, FOR THE BENEFIT OF LILLIAN	)	
LIGHTSEY DRAWDY, AND THE	)	
TRUST UNDER WILL OF E. OSWALD	)	
LIGHTSEY FOR THE BENEFIT OF	)	
CLAUDIA LIGHTSEY WARE,	)	
Defendants.	)	

TO: MARK S. BERGLIND, ESQUIRE, ATTORNEY FOR PLAINTIFFS:

Without waiving any objection and reserving all rights, Defendants' submit the following expenses related to the dock at issue in the captioned action, pursuant to the December 22, 2011

Order of The Honorable Marvin H. Dukes, III:

1961	Initial Construction (est)	\$20,000.00
1985	Waterline 300 feet	\$1,000.00
1985	Sink	\$500.00
Mar-86	Ansley Marine	\$715.00
Nov-87	Crew	\$208.80
Jun-88	Crew	\$766.75
Jul-88	Crew	\$168.40
Mar-91	Crew	\$117.70
Aug-92	Lowsouth Holdings	\$391.16
Aug-92	Lowsouth Holdings	\$44.35

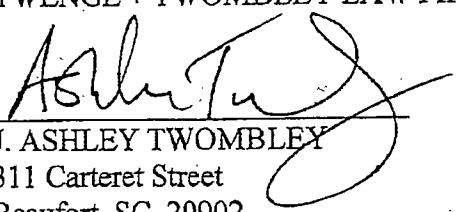
Aug-92	Lowsouth Holdings	\$653.01
Aug-92	Ansley Marine	\$3,400.00
Apr-93	Chapman	\$720.00
Mar-94	Randy West	\$1,750.00
Mar-99	Norris	\$379.36
Mar-00	Neil Lax	\$731.77
May-00	Atlantic Marine	\$5,600.00
Sep-04	Norris	\$278.65
Nov-05	Norris	\$669.33
Oct-06	Knox Roofing	\$2,000.00
Jul-09	Norris	\$364.47
Aug-09	Dennis	\$63.88
TY 2011	Beaufort County taxes	\$6,794.50
TY 2010	Beaufort County taxes	\$6,733.90
TY 2009	Beaufort County taxes	\$6,607.24
TY 2008	Beaufort County taxes	\$6,526.11
TY 2007	Beaufort County taxes	\$6,252.28
TY 2006	Beaufort County taxes	\$5,687.35
TY 2005	Beaufort County taxes	\$5,292.85
TY 2004	Beaufort County taxes	\$5,133.80

TOTAL:

\$89,550.66

TWENGE + TWOMBLEY LAW FIRM

BY:


J. ASHLEY TWOMBLEY

311 Carteret Street
Beaufort, SC 29902

Telephone: (843) 982-0100

Facsimile: (843) 982-0103

www.twlawfirm.com

Attorney for Defendants

Beaufort, South Carolina

January 18, 2012

Exhibit B

Mark Berglind

From: Hughes, Ed <ehughes@bcgov.net>
Sent: Thursday, April 12, 2012 11:21 AM
To: Mark Berglind
Cc: Rumsey, Clifford
Subject: RE: Pier on Parcel 0126

Mr. Berglind:

Below is the email I sent to Ashley Twombly on April 5, 2012 regarding the dock property taxes associated with parcel 126 for the tax year period 2001-2011.

Ashley,
Below are the dock property taxes associated with the subject property.
Ed

TAX YEAR	LAND VALUE	IMP VALUE	TOTAL VALUE	DOCK VALUE ONLY	ASSESS. RATIO	DOCK ASSESSED VALUE (rounded)	MILLAGE	DOCK T, \$
2001	63,000	71,360	134,360	13,360	6%	800	198.50	158.8
2002	63,000	71,360	134,360	13,360	6%	800	212.30	169.8
2003	63,000	71,360	134,360	13,360	6%	800	220.50	176.4
2004	416,000	110,000	526,000	12,000	6%	720	161.40	116.2
2005	416,000	110,000	526,000	12,000	6%	720	166.30	119.7
2006	416,000	110,000	526,000	12,000	6%	720	178.80	128.7
2007	416,000	110,000	526,000	12,000	6%	720	196.70	141.6
2008	416,000	110,000	526,000	12,000	6%	720	205.20	147.7
2009	459,000	225,927	684,927	14,723	6%	900	180.69	162.6
2010	459,000	225,927	684,927	14,723	6%	900	184.18	165.7
2011	459,000	225,927	684,927	14,723	6%	900	185.85	167.2

Tax Years 2009-2011 Dock value is capped for tax purposes

Ed Hughes
Beaufort County Assessor

PO Box 458
Beaufort, SC 29902
843-255-2400 Voice
843-255-9404 Fax
Ehughes@bcgov.net

Ed Hughes
Beaufort County Assessor
PO Box 458
Beaufort, SC 29902
843-255-2400 Voice
843-255-9404 Fax
Ehughes@bcgov.net

From: Mark Berglind [<mailto:mark.berglind@vaux-marscher.com>]

Sent: Thursday, April 12, 2012 11:13 AM

To: Hughes, Ed

Cc: Roberts Vaux; 'Jim Scheider'

Subject: Pler on Parcel 0126

Mr. Hughes,

I spoke with Mr. Rumsey on the telephone today regarding this matter and he requested that I send you an email request. As you know we are trying to determine the taxes for a pier located across the street from parcel 0126 in Bluffton. I am in receipt of your letter dated March 16, 2012 to Mr. Twombly, but learned that another valuation was done subsequent to that letter. Could you please forward me the valuation and any correspondence you sent to Mr. Twombly?

Thank you for your time in this matter.

Sincerely,

Mark Berglind

Mark S. Berglind, Esq.

Vaux & Marscher

ATTORNEYS

1251 May River Road

PO Box 769

Bluffton, SC 29910

(843) 757-2888

(843) 757-2889 Fax

CONFIDENTIALITY NOTICE: This email may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you have received this communication in error, please notify the sender immediately by email and delete the message and any file attachments from your computer.

TAX YEAR	LAND VALUE	IMP VALUE	TOTAL VALUE	DOCK VALUE ONLY	ASSESS. RATIO	DOCK ASSESSED VALUE (rounded)	MILLAGE	DOCK TAXES \$
2001	63,000	71,360	134,360	13,360	6%	800	198.50	158.80
2002	63,000	71,360	134,360	13,360	6%	800	212.90	169.84
2003	63,000	71,360	134,360	13,360	6%	800	220.50	176.40
2004	416,000	110,000	526,000	12,000	6%	720	161.40	116.21
2005	416,000	110,000	526,000	12,000	6%	720	166.30	119.74
2006	416,000	110,000	526,000	12,000	6%	720	178.80	128.74
2007	416,000	110,000	526,000	12,000	6%	720	196.70	141.62
2008	416,000	110,000	526,000	12,000	6%	720	205.20	147.74
2009	459,000	225,927	684,927	14,723	6%	900	180.69	162.62
2010	459,000	225,927	684,927	14,723	6%	900	184.18	165.76
2011	459,000	225,927	684,927	14,723	6%	900	185.85	167.27

Tax Years 2009-2011 Dock value is capped for tax purposes

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO.:

VERIFIED COMPLAINT

ELIZABETH M. SMITH
BEAUFORT COUNTY S.C.
CLERK OF COURT

2009 MAY 29 PM 4:46

E.O. Lightsey Trust and Wachovia Bank, N.A., as Personal Representative and/or Trustee of the Estate of the E.O. Lightsey Trust,

Defendants.

PARTIES AND JURISDICTION

1. The Plaintiffs own property in Beaufort County, South Carolina.
2. Upon information and belief, the Defendant Estate owns property in Beaufort County, South Carolina, located at 31 Oyster Street, Bluffton, SC, 29226 and/or the Defendant Wachovia Bank, N.A., holds title to property located at 31 Oyster Street, Bluffton, SC, 29226, for the benefit of Defendant Estate (see Exhibit "A").
3. This Court has jurisdiction of the parties and the subject matter alleged herein.

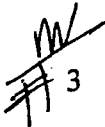
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INTRODUCTION AS TO THE FACTS AND BACKGROUND

4. The Plaintiffs incorporate all allegations and statements contained in this Complaint by reference as if fully set forth herein verbatim.
5. The Plaintiffs and Defendants own real property adjacent to one another located on Oyster Street, Beaufort County, South Carolina.
6. The real property pertinent to this Complaint was originally deeded from Thomas O. Lawton and C.E. Ulmer to: (i) W. Fred Lightsey ("Lot 1"); (ii) L.T. Waters ("Lot 2"); and, (iii) J.O. Cashman ("Lot 3") on August 31, 1931 (see deed recorded in the Beaufort County Register of Deeds Office in Book 54, Page 227, attached as Exhibit "B").
7. W. Fred Lightsey conveyed Lot 1 to Louise Cleland Lightsey pursuant to that certain deed recorded in the Beaufort County Register of Deeds Office in Book 394, Page 1272.
8. The Plaintiffs acquired Lot 3 by deed recorded in the Beaufort County Register of Deeds Office in Book 01592, Page 1617.
9. The Plaintiffs acquired Lot 2 by deed from Anthony Ryan, Jr., and Tawana Ryan dated April 7, 1999 recorded in the Beaufort County Register of Deeds Office in Book 54, Page 227 (attached as Exhibit "C"). Upon information and belief, the Ryan family purchased the property from the Carter family who purchased the property from the Waters family.
10. The Defendant Estate and Plaintiffs' families have owned Lots 1 and 3 for close to eighty (80) years.
11. Across Oyster Street from the Defendant and Plaintiffs' property is a small plot of land, roughly one-tenth (1/10) an acre in size (hereinafter described as the "Common Area"), which, upon information and belief, the Plaintiffs are entitled to use (see Exhibit "B"). The Common Area provides deep water access to Lots 1, 2, & 3.

[Handwritten signature]
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12. In the early 1930s Eugene Cashman's grandfather and Dr. Waters constructed a dock (hereinafter referred to as "Dock 1"), which extended from the Common Area into the May River.
13. The Cashman and Waters families allowed the neighboring family, the Lightseys, to use Dock 1.
14. Upon information and belief, Dock 1 was destroyed in a storm in or about 1944.
15. In or about 1946, the Cashman family constructed Dock 2 in the same vicinity as the now destroyed Dock 1 having gained permission to use the land from Mr. Lawton. The Lightsey family assisted in providing building material for the dock.
16. The Cashman family permitted the Lightsey and Carter families' use of Dock 2.
17. The Cashman, Lightsey and Carter families maintained Dock 2 until the 1960s when Dock 2 was destroyed beyond repair by a storm
18. The Lightsey family constructed a new dock (Dock 3) in the same vicinity as Dock 2 following the storm. Dock 3 consisted of a gate and walkway that lead to a pier head with two attached floating docks.
19. The families continued joint use of the walkway and pier head.
20. The Plaintiffs' and their family constructed, maintained and regularly used the floating dock located to the east of the walkway and pier head.
21. That, upon information and belief, the Defendants constructed, maintained and regularly used the floating dock located to the west of the walkway and pier head.
22. The two families used the walkway and pier head jointly without the permission of the other to access the floating docks.

 3

23. The Plaintiffs' and their family provided electricity and water to Dock 3; the electricity ran from the Plaintiffs' property under Oyster Street to the dock; the water line was connected to the Plaintiffs' property and ran through a drain under Oyster Street to the Dock 3.
24. In about 2004 or 2005 the floating dock located on the east side and maintained by the Plaintiffs and their families was damaged by a storm.
25. The Plaintiffs intended to repair the damaged floating dock and engaged the services of a firm to do so; however, prior to commencement of the repairs the Defendant placed a lock on the gate to Dock 3.
26. After more than seventy-five (75) years of using the Common Area and adjoining docks, in March of 2005 a member of the Lightsey family notified the Plaintiffs that they were no longer allowed to use the walkway that led to the floating docks.
27. The Plaintiffs continue to maintain the electricity to the dock.
28. Upon information and belief, the Defendants do not own exclusive rights to Dock 3, and therefore, cannot exclude the Plaintiffs from using Dock 3.
29. Upon information and belief, the Defendant Wachovia is attempting to sell the property and include Dock 3 in the sale of the property (see Exhibit "D").

FOR A FIRST CAUSE OF ACTION
(Declaratory Judgment)

30. The Plaintiffs incorporate into this Cause of Action all of the allegations and statements contained in this Complaint by reference thereto as if fully set forth herein verbatim.

mw
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31. That the Plaintiff and the estate are, by virtue of the facts set forth in the preceding paragraphs, the joint owners, as tenants in common, of the fixture (i.e. the walkway and pier head) located on and emanating from the Common Property.

WHEREFORE, the Plaintiffs pray that this Honorable Court issue an Order finding the Plaintiffs and Estate are joint owners of the fixture affixed to the Common Area as tenants in common and for such other relief as this Court may find just and proper.

FOR A SECOND CAUSE OF ACTION
(Prescriptive Easement)

32. The Plaintiffs incorporate into this Cause of Action all of the allegations and statements contained in this Complaint by reference thereto as if fully set forth herein verbatim.
33. The Plaintiffs and their family claimed ownership of Dock 1 and Dock 2 and joint ownership of Dock 3 with the Lightsey family.
34. The Plaintiffs maintained Dock 3 and constructed the floating dock and its ramp located on the east side of the walkway.
35. The Plaintiffs and their family used the walkway to access their floating dock without interruption from the Defendant or the Defendant's family until March of 2005.
36. The Plaintiffs and their family's use of the dock is under a claim of right based on the agreement entered into between the two families.
37. The Plaintiffs and the Cashman family's use of the Common Area is under claim of right for close to eighty (80) years.
38. The Plaintiffs have acquired a prescriptive easement over the Common Area, the walkway, pier head and floating dock, and therefore, joint legal ownership with the Defendants.

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39. Due to the Defendants actions, the Plaintiffs have incurred damages from loss of use and enjoyment of property rightfully owned.

WHEREFORE, the Plaintiffs pray that this Honorable Court determine ownership rights of the dock at issue; grant the Plaintiffs actual and punitive damages for loss of use and enjoyment of their property; grant the Plaintiffs costs incurred, including but not limited to attorneys' fees, for bringing this action and for such other relief as this Court may find just and proper.

FOR A THIRD CAUSE OF ACTION
(Resulting Trust)

40. The Plaintiffs incorporate into this Cause of Action all of the allegations and statements contained in this Complaint by reference thereto as if fully set forth herein verbatim.
41. The Plaintiffs, Estate, and their families used, maintained and enjoyed the walkway and pier head.
42. The Plaintiffs, among other things, maintained the electricity and water to the walkway and pier head, and thence to both floating docks.
43. The Lightsey family enjoyed and benefited from the maintenance and use of the dock.
44. Even if the Defendants held legal title to the dock, they hold such title in trust for the benefit of the Plaintiffs because of the continuing improvements the Plaintiffs made to the dock in question.
45. It is inequitable for the Defendants to impede the Plaintiffs' access to the walkway and floating dock after benefiting from the Plaintiffs' improvements.

WHEREFORE, the Plaintiffs pray that this Honorable Court determine ownership rights of the dock at issue; grant the Plaintiffs actual and punitive damages for loss of use and

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enjoyment of the their property; grant the Plaintiffs costs incurred, including but not limited to attorneys' fees, for bringing this action; and for such other relief as this Court may find just and proper.

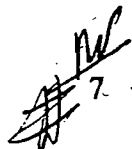
FOR A FOURTH CAUSE OF ACTION
(Temporary and Permanent Injunction)
(as to the use of the dock)

46. The Plaintiffs incorporate into this Cause of Action all of the allegations and statements contained in this Complaint by reference thereto as if fully set forth herein verbatim.
47. The Defendants refuse to allow the Plaintiffs access to what is rightfully theirs.
48. The Defendants, by locking the gate to the dock, is depriving the Plaintiffs of the use and enjoyment of their property.
49. The Plaintiffs are in need of a temporary injunction enjoining the Defendants from prohibiting Plaintiffs' access to the walkway and pier head until the Court can determine ownership rights to the property.

WHEREFORE, the Plaintiff prays that this Honorable Court issue a temporary and permanent injunction enjoining the Defendants from prohibiting, in any way, the Plaintiffs use and enjoyment of the dock at issue; and such further relief this Court deems just and proper.

FOR A FIFTH CAUSE OF ACTION
Adverse Possession (as to the walkway, pier head, and floating dock)

50. The Plaintiffs incorporate into this Cause of Action all of the allegations and statements contained in this Complaint by reference thereto as if fully set forth herein verbatim.
51. The Plaintiffs constructed the floating dock located east of the walkway and pier head; the Plaintiffs used the walkway and pier head to access their floating dock.

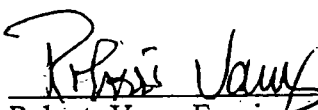


52. The Plaintiffs and the Plaintiffs' family have used and enjoyed the walkway, pier head and floating dock continuously and exclusively for more than forty (40) years, and therefore, own title to the walkway, pier head and floating dock through adverse possession.

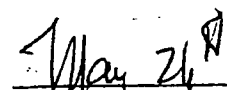
53. The Plaintiffs' have used and enjoyed the floating dock located to the east of the walkway and pier head continuously and exclusively for more than forty (40) years, until it was destroyed and Plaintiffs could not repair the dock due to the Defendants' actions.

WHEREFORE, the Plaintiffs pray that this Honorable Court determine ownership rights of the land at issue in the Plaintiffs' Fifth Cause of Action; determine that the Plaintiffs' own an undivided interest in and to the walkway, pier head, and floating dock through adverse possession; and for such other relief as this Court may find just and proper.

VAUX & MARSCHER, P.A.



Roberts Vaux, Esquire
Mark S. Berglind, Esquire
Attorneys for the Plaintiffs
Post Office Box 769
Bluffton, South Carolina 29910
(843) 757-2888


_____, 2009
Bluffton, South Carolina

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STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 CIVIL ACTION NO.:

Eugene Keeny Cashman, Jr., as Trustee)
 of the Eugene Keeny Cashman, Jr.,)
 Revocable Trust, and Kathleen Gilmore)
 Cashman, as Trustee of the Kathleen)
 Gilmore Cashman Revocable Trust)

Plaintiffs,)

v.)

Estate of Louise Cleland Lightsey and)
 Wachovia Bank, N.A., as Personal)
 Representative and/or Trustee of the Estate)
 of Louise Cleland Lightsey,)

Defendants.)

Verification of Eugene K. Cashman, Jr.

PERSONALLY appeared before me, Eugene K. Cashman, Jr. who being duly sworn, deposes and says that he has read the foregoing Verified Complaint, and all of the allegations contained therein are true of his own knowledge, and as to those things alleged upon information and belief, he believes the same to be true.


 Eugene K. Cashman, Jr.

SWORN TO and subscribed before me

This 23rd day of April, 2009


 Notary Public for Tennessee

My Commission Expires:

My Commission Expires on

September 15, 2012

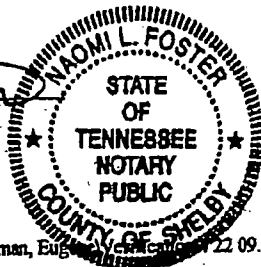


Exhibit "A"



The Beaufort County Assessor's office makes every effort to produce the most accurate information possible.
No warranties, expressed or implied are provided for the data herein, its use or interpretation. All data is subject to change.

PID #: R600 039 00C 0126 0000

Key #: 507507

Owner Info

LIGHTSEY LOUISE CLELAND
WACHOVIA BANK N A ETAL
% TRUST REAL ESTATE DEPT 1426 MAIN ST 16 FL
COLUMBIA, SC 29226
Location: 31 OYSTER ST

Legal Info

LOTS 1-2-3A S 1/2 LOT 4A

Land Data

Year: 2009
Neighborhood Code: P014
Acres: 0.00
Agriculture Use: 0
Income Value: 0
PCS: 11 PCA: 6116

Historic Info

Year	Land	Building	Features	Market*	Assessed	Taxes	Payment
2008	\$416,000	\$98,000	\$12,000	\$526,000	\$31,560	\$6,526.11	\$0.00
2007	\$416,000	\$98,000	\$12,000	\$526,000	\$31,560	\$6,252.28	\$6,252.28
2006	\$416,000	\$98,000	\$12,000	\$655,460	\$31,560	\$5,687.35	\$5,687.35
2005	\$416,000	\$98,000	\$12,000	\$655,460	\$31,560	\$5,292.85	\$5,292.85
2004	\$416,000	\$98,000	\$12,000	\$655,460	\$31,560	\$5,133.80	\$5,133.80
2003	\$63,000	\$58,000	\$13,360	\$134,360	\$8,062	\$1,817.71	\$1,817.71
2002	\$63,000	\$58,000	\$13,360	\$134,360	\$8,062	\$1,751.60	\$1,751.60
2001	\$63,000	\$58,000	\$13,360	\$134,360	\$8,062	\$1,640.33	\$1,640.33
2000	\$63,000	\$58,000	\$13,360	\$134,360	\$8,062	\$1,604.33	\$1,604.33
1999	\$63,000	\$58,000	\$13,360	\$134,360	\$8,062	\$1,523.72	\$1,523.72
1998	\$63,000	\$58,000	\$13,360	\$134,360	\$8,062	\$1,378.59	\$1,378.59
1997	\$30,000	\$71,300	\$6,150	\$107,450	\$6,447	\$1,438.67	\$1,438.67
1996	\$30,000	\$71,300	\$6,150	\$107,450	\$6,447	\$1,427.09	\$1,427.09

Sales Info

Owner	Book	Page	Date	Inst.	Qualif	Vacant/Impr	Sale Price
LIGHTSEY LOUISE CLELAND	2234	494	20050907	DD	E	I	\$1.00
LIGHTSEY LOUISE CLELAND	1947	1026	20040429	DD	E	I	\$1.00
LIGHTSEY LOUISE CLELAND	394	1272	19831201	GW	A	I	\$0.00

Building Characteristics

Number	Improvement Type	Year Built	Stories	Rooms	SQFT	Living Area
1	RRS20WPH	1930	2.0	8	2904	1848
2	RRS20WPH	1930	2.0	0	1071	504

Building Area

Number	Description	SQFT
1	SCR POR ROOF POST SCR TO FLR	208
1	BASE	924
2	BASE	504

Exemptions

Year	Amount
	\$0.00

*Market: This is either the assessor's market value as of the last countywide reappraisal, value effective 12/31/2002 or the Assessable Transfer of Interest (ATI) market value as per SC Code section 12-37-3150, value effective 12/31/2007.

12 RB
Wachovia
2009

RECORDED
2004 May -25 03:37 PM
Sharon D. Burns
BEAUFORT COUNTY AUDITOR

2319.1

[Brighton Beach House and Oak Point Lots]
[BEAUFORT COUNTY, SOUTH CAROLINA]

STATE OF SOUTH CAROLINA

PROBATE COURT

COUNTY OF HAMPTON

IN THE MATTER OF THE ESTATE OF E. OSWALD LIGHTSEY

CASE NUMBER: PACKAGE 5598

BEAUFORT COUNTY SC-ROD

BK 01947 PGS 1028-1031

DATE: 04/30/2004 02:11:11 PM

INST # 2004027898 RCPT# 240292

DEED OF DISTRIBUTION

WHEREAS, the decedent, E. Oswald Lightsey, died on the 15th day of August, 1979; and,

WHEREAS, the estate of the decedent is being administered in the Probate Court for Hampton County, South Carolina, in Package #5598; and,

WHEREAS, each Grantee hereinafter named is a beneficiary 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, Wachovia Bank, N.A., as Successor to the South Carolina National Bank as Personal Representative of the Estate of E. Oswald Lightsey has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release to the following (hereinafter referred to collectively as "Grantee"), in equal shares as tenants-in-common:

1. Wachovia Bank, N.A., as Trustee under the Last Will and Testament of E. Oswald Lightsey for the benefit of Louise Lightsey Baughman;
2. Wachovia Bank, N.A., as Trustee under the Last Will and Testament of E. Oswald Lightsey for the benefit of Lillian Lightsey Drawdy; and
3. Wachovia Bank, N.A., as Trustee under the Last Will and Testament of E. Oswald Lightsey for the benefit of Claudia Lightsey Ware.

Grantee's Address: c/o Trust Real Estate Department
1426 Main Street, 16th Floor
Columbia, South Carolina 29226

the real properties described on Exhibit "A" attached hereto and made a part hereof.

After this conveyance, each Grantee will own an undivided one-sixth (1/6) interest in and to the properties on Exhibit "A".

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the Properties belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the Properties unto Grantee, its heirs, successors and assigns forever.

IN WITNESS WHEREOF, the undersigned, as Personal Representative of the estate of the decedent, has executed this Deed of Distribution, this 29th day of April, 2004.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

ESTATE OF E. OSWALD LIGHTSEY
BY WACHOVIA BANK, N.A., AS
SUCCESSOR TO THE SOUTH CAROLINA
NATIONAL BANK AS PERSONAL
REPRESENTATIVE (SEAL)

Witness: Elizabeth A. Kewin

Witness: Cynthia S. Edwards

By: Randall L. Fisher
Name: Randall L. Fisher
Its: Vice President

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within-named Personal Representative sign, seal, and as its act and deed, deliver the within written Deed of Distribution, and that (s)he with the other witness who signature appears above witnessed the execution thereof.

Elizabeth A. Kewin
[Witness]

SWORN to before me this 29th
day of April, 2004.

Cynthia S. Edwards (L.S.)
Notary Public for South Carolina

My Commission Expires: March 2, 2014

THIS INSTRUMENT WAS PREPARED BY SHERRILL & ROOF, LLP.
NO TITLE EXAMINATION WAS ACCOMPLISHED, AND
NO REPRESENTATIONS WERE MADE AS TO THE QUALITY OF TITLE.

EXHIBIT "A"
BEAUFORT COUNTY

AN UNDIVIDED ONE-HALF (½) INTEREST IN AND TO:

ALL those certain lots, tracts or parcels of land situate, lying and being in Beaufort County, South Carolina, near Bluffton, known as Lots One (1), Two (2), Three (3) and the Southern half of Lot Four (4), Block A, Brighton Beach Subdivision, as shown on a plat or survey of said subdivision made by James C. Covington dated January 2, 1926, recorded in the Office of the Clerk of Court for Beaufort County, South Carolina.

TMS# 600-039-06C-126

ALSO

TMS# R700-030-000-004; R700-039-000-0009; R700-040-000-0001.

ALL that certain piece, parcel or tract of land situate, lying and being on Keans Neck, in the County of Beaufort and State of South Carolina, and being a portion of what is known as Oak Point, bounded on the North by Wimby Creek; on the East and South by lands now or formerly of Charleston Mining and Manufacturing Company, and on the West by lands now or formerly of the Estate of Richard Jenkins, containing One Hundred and Fifty (150) acres, more or less, being better known as the Barnes Tract, and being the same property conveyed to Francis Howell McSweeney, by Miles P. McSweeney by deed dated August 12, 1935, and recorded in the Office of the Clerk of Court for Beaufort County, South Carolina, in Book 52 of Deeds, at Page 185.

The aforesaid property having been conveyed to W. N. Lightsey and E. O. Lightsey by deed from Francis Howell McSweeney dated May 13, 1946, recorded in Book 64, Page 125, in the Office of the Clerk of Court of Beaufort County, South Carolina.

AND ALSO:

ALL that certain piece, parcel or tract of land situate, lying and being in Sheldon Township, Beaufort County, South Carolina, containing Forty-Two (42) acres, more or less, and more fully bounded as follows: On the North by North Wimbee Creek; on the East by North Wimbee Creek; on the South by lands of W. Norris Lightsey and Oswald Lightsey, formerly lands of Miles P. McSweeney; and on the East by Salt Water Creek.

This being the same tract of land conveyed by Von Etta E. Rainey by deed recorded in the Clerk's Office for Beaufort County, South Carolina, on May 30, 1942, in 59D-234, and by deed of J. E. McTeer, Sheriff of Beaufort County, South Carolina, to Von Etta E. Rainey by deed recorded in the Clerk's Office on November 15, 1929, in 46D-170; and by deed from Jenkins to George Miles recorded in Clerk's Office on November 30, 1908, in 29D-145; and by deed from Daniel Goodson to Jenkins recorded in Clerk's Office on January 15, 1879, in 11D-124, 125. The deed from Mrs. Spann to Daniel Goodson was recorded in the Clerk's Office on December 30, 1874, in 9D-616.

The above is the chain of title of deeds to the tract of land herein conveyed. All deeds being of record in the Office of the Clerk of Court for Beaufort County, South Carolina.

The aforesaid property having been conveyed to W. Norris Lightsey and E. Oswald Lightsey by deed from Leslie H. Hanna and J. Harry Hanna, executors and trustees of the Will of Leslie E. Hanna, deceased, Maude P. Hanna and Hugh O. Hanna, a widower, dated January 17, 1961, recorded in Book 108, Page 224, in the Office of the Clerk of Court of Beaufort County, South Carolina.

EXHIBIT "A"
BEAUFORT COUNTY

AN UNDIVIDED ONE-HALF (½) INTEREST IN AND TO:

AND ALSO:

All that certain tract or plantation of land situate near Dale, in Sheldon Township, Beaufort County, South Carolina, described according to the survey and plat of same made by C. B. Pinckney, Surveyor, dated September 12, 1914, as commencing at a live oak tree on the edge of the marsh of Wimbee Creek, and running thence North 79° 35' West 1391.6 feet, to a stake, thence North 10° 25' East 354 feet, to a dam, thence North 12° 45' West 152 feet, to a creek, thence North 86° 35' West 1165.6 feet, to a live oak stump, thence South 10° 35' East 743 feet, thence South 64° 25' West 1282 feet to an iron axle, thence South 80° 10' West 290 feet, to an iron axle, thence South 1215 feet to a live oak tree on the edge of the marsh of Wimbee Creek, said plantation containing Two Hundred Thirty-Four (234) acres of high land and, according to said plat, is bounded: On the Northwest by lands of Elsie Simmons, formerly estate of J. L. Spann and land of Pattie White; on the North by lands of Edward Barnwell and Cato Brooks and the Oak Point Mines Plantation; on the South and East by salt water marsh of Wimbee Creek; and, on the West by lands of Jacob Simmons, formerly estate of C. B. Spann.

Being the unsold portion of that tract of land originally containing Two Hundred Eighty-Eight (288) acres conveyed to J. Lawrence Spann by Caroline B. Spann by deed dated December 3, 1875, recorded September 22, 1876, in the Clerk of Court and R. M. C. Office for Beaufort County, South Carolina, in Book 10 at Page 336.

AND ALSO:

All that certain plantation or tract of land known as "Oak Point" Plantation, situate, lying and being at the confluence of the North Wimbee and South Wimbee Creeks on the neck of land known as Kean's Neck, in said County and State, measuring and containing One Thousand Fifty (1,050) acres, more or less, of high land and Three Hundred Forty-Three (343) acres, more or less, of marsh land, said land having the following boundaries, to-wit: A small portion of the North is bounded by lands of the estate of Richard Jenkins, Parris Glover and the estate of Daniel Gadsden, formerly lands of the estate of T. H. Spann, deceased, and generally North and Northeast on North Wimbee Creek; South and Southwest on South Wimbee Creek and lands of the estate of T. H. Spann, deceased; West on lands, now or formerly, of the estate of Edward Barnwell, deceased; and, on the East coming to a point at the confluence of the North Wimbee and South Wimbee Creeks. The said tract of land having been conveyed to the Charleston, South Carolina Mining and Manufacturing Company by Charles E. Steele by deed dated January 24, 1906, and recorded in the Office of the Clerk of Court for Beaufort County in Book No. 27 at Page 166, the said land being sold by the parcel and not by the acre, the acreage stated in the description being estimated only.

Being lands described as "Oak Point" Plantation and conveyed to Henry Legare Sanders by Charleston South Carolina Mining & Manufacturing Company by deed dated November 4, 1926, recorded November 16, 1926, in the Clerk of Court and R. M. C. Office for Beaufort County, South Carolina, in Book 45 at Page 2.

This deed is made subject to the exceptions and reservations contained in the aforesaid deed from Charleston South Carolina Mining & Manufacturing Company to Henry Legare Sanders.

EXHIBIT "A"
BEAUFORT COUNTY

AN UNDIVIDED ONE-HALF (½) INTEREST IN AND TO:

AND ALSO:

Tract No. 1: All that certain piece, parcel or tract of land containing Three Hundred Fifty-Four and One-Half (354-1/2) acres, more or less situate, lying and being on Chisolms Island Road about Nineteen (19) miles from the City of Beaufort, in Sheldon Township, County of Beaufort, State of South Carolina, having such shapes, metes, courses and distances as will more fully appear by reference to a plat thereof made by McCrady Bros. and Cheves, Surveyors, on September 17, 1917, which is recorded in the Office of the Clerk of Court for Beaufort County in Plat Book 2 at Page 36, said plat being of the entire Keans Neck Plantation, of which said tract is the Eastern half, this Eastern half of Keans Neck Plantation, now known as Barnwell Pecan Farm, bounded: On the North by Barnwell Creek; on the East by Point Island Creek, which separates it from the Oak Plantation and Oak Point Plantation; on the South by lands of the estate of Spann, from which it is separated by the Chisolms Island Public Road; and, on the West by the Western half of said Kean's Neck Plantation, now belonging to Rivers L. Varn, all of which is fully shown by a copy of said map attached to the abstract now on file with the Federal Land Bank of Columbia, and reference to which is hereby made. Being the same lands conveyed by E. B. Rodgers, Clerk of Court for Beaufort County, to Federal Intermediate Credit Bank of Columbia by deed dated November 18, 1927, recorded November 21, 1927, in the Office of the Clerk of the Court and R. M. C. for Beaufort County, South Carolina in Book 45 at page 96.

Tract No. 2: All that certain piece, parcel or tract of land containing Three Hundred Ten (310) acres, more or less, and being the Western half of the tract formerly known as Kean's Neck Plantation, but now as Barnwell Pecan Farm, situate, lying and being on Chisolms Island Road about Nineteen (19) miles from the City of Beaufort, in Sheldon Township, County of Beaufort, and State of South Carolina, having such shapes, metes, courses and distances as will more fully appear by reference to a plat or map thereof made by McCrady Brothers and Cheves, Surveyors, on September 17, 1917, which is recorded in the Office of the Clerk of the Court for Beaufort County in Plat Book 2 at Page 36, bounded: On the North by Barnwell Creek, which separates it from the Indian Hill Tract; on the East by the Eastern half of Barnwell Pecan Farm, now owned by John W. Varn; on the South by lands of the estate of Spann, from which it is separated by Chisolms Island Public Road; and, on the West by the Indian Hill Tract. Being the same lands conveyed by E. B. Rodgers, Clerk of Court for Beaufort County, to Federal Intermediate Credit Bank of Columbia by deed dated November 18, 1927, recorded November 21, 1927, in the Office of Clerk of Court and R. M. C. for Beaufort County, South Carolina in Book 45 at Page 97.

AND ALSO:

Tract No. 1: All that certain piece, parcel or tract of land situate, lying and being in Sheldon Township, in the County of Beaufort and State of South Carolina, containing Eight (8) acres, more or less, and bounded as follows: On the North by lands of Flora Walker; on the East by lands of Dan Williams; on the South by lands of Renty Pinckney; and, on the West by a dam separating Keans Neck Plantation from Spann Plantation, said tract being a part of what is commonly known as the Keans Neck Plantation and being the same premises described in deed to R. L. Varn by J. E. McTeer, Sheriff of Beaufort County, South Carolina, dated December 23, 1932, recorded December 29, 1932, in the Office of the Clerk of Court for Beaufort County, South Carolina in Book 50 at Page 54.

,EXHIBIT "A"
BEAUFORT COUNTY

AN UNDIVIDED ONE-HALF (½) INTEREST IN AND TO:

Tract No. 2: All that certain piece, parcel or tract of land, and the buildings thereon, situate, lying and being in Sheldon Township, Dale Section, County of Beaufort and State of South Carolina, containing Fourteen (14) acres, more or less, being the same lands as were conveyed by William Middleton, et al., to Jane Phoenix on October 17, 1931, recorded and certified on January 22, 1932, in Book 48 at Page 143 in the Office of the Clerk of Court, City of Beaufort, County of Beaufort, State of South Carolina, (Register of Conveyances) being more particularly described and designated as follows, to-wit: - Quote from above named record: -

"That certain portion of land aforesaid containing Thirteen and Eight-Tenths (13.8) acres, beginning at stake on the County Road between Dale and Oak Point and a road, running thence along the road South Four (4) degrees East Fifteen Hundred and Eighty-Four (1584) feet to iron axle, thence North Eight-Three (83) degrees Forty-Five (45) minutes East Three Hundred and Sixty-One and Thirty-Five Hundredths (361.35) feet to stake; thence North Two (2) degrees Ten (10) minutes West Fifteen Hundred and Twenty (1520) feet to stake; thence South Eighty-Seven (87) degrees West Four Hundred and Twenty-Three and Twenty-Five Hundredths (423.25) feet to point of beginning, all of which will appear from a plat made by H. K. McGee, November 1, 1930."

Being the same premises as described in a deed to R. L. Varn, Agt., by J. E. McTeer, Sheriff of Beaufort County, South Carolina, dated May 26, 1937, recorded May 27, 1937, in the Office of the Clerk of Court for Beaufort County, South Carolina in Book 50 at Page 425.

Tract No. 3: All that certain piece, parcel or tract of land situate, lying and being in Sheldon Township, Dale Section, County of Beaufort and State of South Carolina, containing Twelve (12) acres, more or less, being the same lands as were conveyed by William Middleton, et al., to Marie Butler by deed dated April 17, 1931, and recorded and certified on May 6, 1932, in Book 48 at Page 157, Register of Conveyance, in the Office of the Clerk of Court, City of Beaufort, County of Beaufort, State of South Carolina, being more particularly designated and described as follows; to-wit: - Quote from above named record: -

"That certain portion of the land aforesaid containing Twelve and Thirty-Two Hundredths (12.32) acres, beginning at a stake on the County road between Dale and Oak Point and running thence South Three (3) degrees Fifteen (15) minutes West Thirteen Hundred and Eighty (1380) feet to a stake, thence North Eighty-Three (83) degrees, Forty-Five (45) minutes East Three Hundred and Sixty-One and Thirty-Five Hundredths (361.35) feet to iron axle, thence North Six (6) degrees Thirty (30) minutes East Thirteen Hundred and Twenty (1320) feet to iron axle on County road, thence South Eighty-Seven (87) degrees West Four Hundred and Twenty-Three and Twenty-Five Hundredths (423.25) feet to point of beginning, all of which will appear from a

plat made by H. K. McGee, November 1, 1930."

Being the same premises described in a deed to R. L. Varn, Agt. by J. E. McTeer, Sheriff of Beaufort County, South Carolina, dated May 26, 1937, recorded May 27, 1937, in the Office of the Clerk of Court for Beaufort County, South Carolina, in Book 50 at Page 424.

Being the same lands conveyed to Dorothy D. Hutton by R. L. Varn, et al., by deed of March 11, 1940, recorded in the Office of the Clerk of Court for Beaufort County, South Carolina, in Book 54 at Page 256.

Said property being a portion of that property conveyed to W. Morris Lightsey and E. Oswald Lightsey by deed from Dorothy D. Hutton dated August 28, 1942, and recorded in the Office of the Clerk of Court of Beaufort County, South Carolina, in Book 83, Page S-279 to 287.

ADD DMP Record 5/25/2004 10:27:00
 -> Book/Page O BK 1947 PG 1032A
 BEAUFORT COUNTY TAX MAP REFERENCE

Dist	Map	SMap	Parcel	Block	Week
R700	030	000	0004	0000	00

ADD DMP Record 5/25/2004 10:27:00
 -> Book/Page O BK 1947 PG 1032A
 BEAUFORT COUNTY TAX MAP REFERENCE

Dist	Map	SMap	Parcel	Block	Week
R600	039	00C	0126	0000	00

ADD DMP Record 5/25/2004 10:27:00
 -> Book/Page O BK 1947 PG 1032A
 BEAUFORT COUNTY TAX MAP REFERENCE

Dist	Map	SMap	Parcel	Block	Week
R700	030	000	0004	0000	00

ADD DMP Record 5/25/2004 10:27:00
 -> Book/Page O BK 1947 PG 1032A
 BEAUFORT COUNTY TAX MAP REFERENCE

Dist	Map	SMap	Parcel	Block	Week
R700	039	000	0009	0000	00

ADD DMP Record 5/25/2004 10:27:00
 -> Book/Page O BK 1947 PG 1032A
 BEAUFORT COUNTY TAX MAP REFERENCE

Dist	Map	SMap	Parcel	Block	Week
R700	040	000	0001	0000	00

Exhibit 18

1-803-9573147

Herman Hubbard Piledriving & Dock Work
Box 22 B
Bluffton, S. C. 29910

April 11, 1977

Mr. E. E. Cashman

Savannah, Ga.

Dear Mr. Cashman:

I can build you a 10'x 16' floating dock, and a 31/2'x 24' ramp, for a cost of \$1,830.00. This is \$7.50 a sq. ft. for floating dock and ramp, and includes 2 floating dock piling.

Also, to pull up the 3 old piling will be \$50.00 each, or if they cannot be pulled, I can locate the floating dock between the old piling.

Sincerely,

Herman Hubbard

Herman Hubbard

Exhibit 35

2/10/08
JW

19874

BEAUFORT COUNTY, S.C.
RECORDING FEES COLLECTED
TRANSFER FEES \$
COUNTY \$ STATE \$

906

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT) TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, THAT

We, ANTHONY V. RYAN, JR. and TAWANA P. RYAN, in the State aforesaid, for and in consideration of the sum of TWO HUNDRED TWELVE THOUSAND and No/100ths (\$212,000.00) DOLLARS, and other valuable consideration to us in hand paid at and before the sealing of these presents by EUGENE K. CASHMAN, JR. and KATHLEEN G. CASHMAN whose mailing address is Memphis, TN, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said EUGENE K. CASHMAN, JR. and KATHLEEN G. CASHMAN, as joint tenants with rights of survivorship, and not as tenants in common, their heirs and assigns, forever, the following described property, to wit:

SEE ATTACHED EXHIBIT "A" INCORPORATED HEREIN.

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 EUGENE K. CASHMAN, JR. and KATHLEEN G. CASHMAN, as joint tenants with rights of survivorship, and not as tenants in common, their heirs and assigns, forever.

AND we do hereby bind ourselves and our Heirs, Assigns and Personal Representatives, to warrant and forever defend all and singular the said Premises unto the said EUGENE K. CASHMAN, JR. and KATHLEEN G. CASHMAN as hereinabove provided against ourselves and our Heirs and against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

BEAUFORT COUNTY TAX MAP: 600/039/00C/0127/0000

[Handwritten signature]

WITNESS our Hands and Seals this 23 day of April, 1999.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

<u><i>James B. Shortz</i></u> (Witness) <u><i>Matthew G. McManis</i></u> (Notary)	<u><i>Anthony V. Ryan, Jr.</i></u> ANTHONY V. RYAN, JR. <u><i>Tawana P. Ryan</i></u> TAWANA P. RYAN
---	---

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

ACKNOWLEDGEMENT

I, the undersigned notary public, do hereby certify that ANTHONY V. RYAN, JR. and TAWANA P. RYAN, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 23 day of April, 1999

Matthew G. McManis
Notary Public for South Carolina
My commission expires: 12-21-07

Copyright © 2000

EXHIBIT "A"

PARCEL 1: ALL that certain piece, parcel or lot of land situate, lying and being at Brighton Beach, in Bluffton Township, Beaufort County, South Carolina, triangular in shape, containing all of Lots 10 and 11 and portions of Lots 12 and 13 and more particularly described as follows: Beginning at a point where the line separating Lots 13 and 14 touches an unnamed road, then extending in a southerly direction along said road for a distance of two hundred fifteen (215') feet, more or less, to the southernmost tip of Lot 2 on said road; thence northeasterly direction for a distance of one hundred seventy-five and one-half (175.5') feet, more or less, to the northernmost point of the line separating Lots 4 and 6; and thence in a northwesterly direction for a distance of one hundred thirty-one (131') feet, more or less to the point of beginning; bounded on the North, East and South by the lands of Lightsey and that of Louise Boyd Carter, a/k/a Louise B. Carter, and on the West by an unnamed road, as will more fully appear by reference to a Map of Brighton Beach made for T.O. Lawton and C. E. Ulmer, January 2, 1926 by Jas. C. Covington, as recorded in the Beaufort County Registry of Deeds, Beaufort, South Carolina.

PARCEL 2: AND ALSO that certain piece, parcel or lot of land situate, lying and being in said Township of Bluffton, County of Beaufort, known as the North half of Lot Number Four (4) in Block A of said Brighton Beach, measuring twenty-five (25') feet on Oyster Street and running back one hundred (100') feet, and bounded on the North by Lot Number Five (5), on the East by Oyster Street, on the South by the remaining portion of Lot Four (4) property of W. Fred Lightsey, and on the West by Lot Number Eleven (11) (as contained in "Parcel 1" above). For a more detailed description, reference is hereby craved to the above noted plat of survey, of record, made by Jas. C. Covington, January 2, 1926, in said Beaufort County Registry of Deeds, Beaufort, South Carolina.

ALSO, ALL of that certain parcel, lot or tract of land, known as Lot Number Five (5) in Block A (with a three (3) room cottage thereon), situate, lying and being in said Brighton Beach Subdivision and being bounded as follows: On the North by Lot Number Six (6) of said subdivision, on the East by Oyster Street, on the South by Lot Number 4 of same, and on the West by Lots Number Eleven (11) and Twelve (12), of same. Said Lot being rectangular in shape and fronting on Oyster Street a distance of fifty (50') feet, more or less, and running back in a southern direction a distance of one hundred (100') feet to said Lots 11 and 12 as will more fully appear by reference to the above and within noted plat made by Jas. C. Covington, January 2, 1926.

This being the same property conveyed to the within Grantors, Anthony V. Ryan, Jr. and Tawana P. Ryan by deed dated June 20, 1996 and recorded in the Beaufort County Registry of Deeds, Beaufort, South Carolina, in Book 875 at Page 667.

This Deed was prepared in the Law Office of Vaux & Marscher, P.A., Post Office Box 769, Bluffton, South Carolina; by William F. Marscher, III.

C:\wp61\00\00000000.d

Vant
FILED 1507
JULY 13 2007
99 APR 13 AM 4:23
BK 1159
FOLDER# PG 906

909

RECORDED THIS 17 DAY
OF May 19 99
IN BOOK AF PAGE 532
Sharon G. Bennis
AUDITOR, BEAUFORT COUNTY, S.C.

Exhibit 61 (excerpt)

Deposition of EUGENE KEENY CASHMAN, JR., taken March 12, 2010

SHEET 13 PAGE 49

1 permit for the -- or the drawing of the floating dock being
2 added to the pier.

3 Q Now, at the time of this application in 1977,
4 there was one floating dock already attached to this pier;
5 is that correct?

6 A To the best of my knowledge, yes, and it was on
7 the -- what I call the south. I guess it would be the west
8 if you were going north, east, south and west, but it was
9 on the west side.

10 Q All right. And --

11 A In other words, if I were looking at this
12 exhibit, there was a floating dock here.

13 Q Yes, sir. And do you know why your father was
14 wanting to put a second floating dock there?

15 A Sure. Just for the convenience and use.

16 Q And was the floating dock that was there -- was
17 it being used to the extent that a second dock was required
18 or --

19 A Yeah. We had several boats. The Lightseys had
20 several boats. There wasn't any reason to believe that you
21 wouldn't have dockage for all the fleets that everybody
22 had.

23 Q And the second floating dock was ultimately
24 permitted and put in place?

25 A To the best of my knowledge, it's in place, or

PAGE 51

1 to previous discussions, that dealt with some security.

2 On the Cashman floating dock, there was a -- what I refer
3 to as a "party barge," that was permanently tied up to it.

4 It was used to, you know, float, drift, or crab, or what
5 have you, but it was permanently tied. But it didn't
6 preclude the dock -- or that boats couldn't be tied to that
7 craft, as well as -- at one point, I had WaveRunners up on
8 that barge craft.

9 Q And who paid for the floating dock that was the
10 subject of the 1977 application?

11 A My father.

12 Q Now, at some point in time, did something happen
13 to the floating dock that your father put on there in '77?

14 A Several times.

15 Q Tell me about that.

16 A Well, storms would -- back then, those floating
17 dock were erected or built with styrofoam underbellies, and
18 those would need to be replaced. They broke loose and
19 would go into the marsh, or you could retrieve them down
20 the river. And they were just, you know, I would think,
21 like everybody else's. They were under constant repair --
22 retrieval and repair.

23 Q Was it ever totally destroyed so that it had to
24 be completely replaced?

25 A One complete replacement, and, yes, totally

PAGE 50

1 was.

2 Q And so for a time, we had two floating docks
3 attached to the pier?

4 A Correct.

5 Q And how were those docks used? Did everybody use
6 both of them, or did one family use one and one family use
7 the other? Or how did that work, as far as you know, if
8 you know?

9 A Well, I do. Ninety-eight percent of the time,
10 the Cashman craft would be attached to the floating dock
11 that's referenced in this exhibit, and the other part of
12 the time, the Lightsey floating dock was used by the
13 Lightsey craft, and/or someone like Neil Lax, who had a
14 boat tied up there. And that's, you know -- and if you
15 came in and there were boats there -- I mean, it wasn't
16 like there was a restriction on either party's part to the
17 use of the floating docks. But, I mean, I'm just saying
18 that the floating dock referenced here was used primarily
19 by the Cashmans, but didn't preclude that the Lightseys or
20 others couldn't use it.

21 Q Were boats tied up there on a permanent basis, or
22 on a day basis, or how did that work?

23 A I'd say that on the Lightsey side, for a period
24 of time -- I can't give you specific dates, but for a
25 period of time there were boats of Neil Lax, for reference

PAGE 52

1 destroyed.

2 Q And when was that?

3 A I can't give you a specific date. I can remember
4 tearing one apart and having it hauled off by beaching it
5 and -- you know, putting it on the beach, which was the
6 period of time before the request to have the dock -- that
7 we were making for this other incident that took place --
8 to replace it.

9 And another time was when a, you know, storm
10 broke it up and it was beached before it could be repaired
11 and put back in place. When it was put back in place,
12 instead of having three pilings secure it, there were two
13 pilings.

14 But all of that would have been in the period of
15 the, you know, seventies, eighties, nineties, over a
16 30-year period of time.

17 Q Do you know how many times that the floating dock
18 had to be actually replaced as opposed to repaired?

19 A Just once, as I recall.

20 Q And what's your best estimate of when --
21 guesstimate of when that was?

22 A I don't know. I've got some photographs that
23 might conjure up a date or a time associated with a storm.
24 I can recall one major storm which destroyed a lot of
25 things. But I'm going to say that that would have probably

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Deposition of EUGENE KEENY CASHMAN, JR., taken March 12, 2010

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1 been in the eighties, early eighties.
 2 Q Did that replacement require a permit?
 3 A I don't have any idea if a permit was secured for
 4 replacing it or not -- or replacing and repairing. The
 5 part I recall were the -- the original had no extenders on
 6 the piling, and the floating dock actually floated off the
 7 piling. And the extenders, or metal rods or bars, were put
 8 up at the top to give it a higher state of buoyancy. And
 9 that's the part I'm talking about that I recall. And when
 10 that was floated off, that -- when I say "replaced," it was
 11 probably found and repaired and then put back with two
 12 instead of one piling -- three piling.
 13 Q And remind me again, which side of the pierhead
 14 is --
 15 A It's -- I refer to it as the east. But if you
 16 look at that document, you'll see that it had plans that
 17 did not locate the pierhead. But it's the exact same
 18 drawing. It's just what's been added is the pier to the
 19 east.
 20 Q If I am standing --
 21 A What I'm also not seeing on here is that, to the
 22 best of my knowledge, there was also a pier on the west.
 23 It's not shown there, but there was a pier on the west.
 24 Q A pier or a floating dock?
 25 A Excuse me. Floating dock. I'm sorry. Floating

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1 dock.
 2 Q All right. Now, the one we're talking about
 3 here, the one that your father put in there in the
 4 seventies, if I were standing on the pier facing the river,
 5 that would be to my left?
 6 A Yes.
 7 Q And is there a floating dock there today?
 8 A No. The piling are there.
 9 Q And what happened to the floating dock, the last
 10 floating dock, that was there at that location?
 11 A It needed to be replaced. It was beached. And
 12 that's the one I was saying that I disassembled and had
 13 carted off.
 14 Q All right. And why was that one not replaced?
 15 A Because when it came time to replace it, I was
 16 denied access to the end of the dock, because the gate was
 17 locked, the first time I had known it to be locked.
 18 Q Did you just -- I mean, did you have any prior
 19 knowledge of the lock being put in place, or did you just
 20 discover it one day when you were out there?
 21 A I discovered it when I went out there to actually
 22 take people to give me the estimate for the replacement.
 23 Q And who were you taking out there to estimate the
 24 cost to replace the floating dock?
 25 A An individual who represented a company who was

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1 going to do the work.
 2 Q Do you remember who that was?
 3 A No. It was probably -- it was either Ansley or
 4 Nanny Roberts, who were the people who were building
 5 floating docks and doing that kind of work, but I don't
 6 recall the name. I just know that I had them in hand after
 7 a long search to try to get somebody to meet me in Bluffton
 8 to go out there, and when I got there with them, the gate
 9 was locked.
 10 Q And what did you do?
 11 A I called Norris Laffitte.
 12 Q And do you know when that was?
 13 A 2005.
 14 Q And did you speak with Mr. Laffitte?
 15 A Um-hum. Yes, I did.
 16 Q And what did he say?
 17 A He said, "Oh, we've got a lock on there. I'll
 18 send you the keys."
 19 Q And did he send you a key?
 20 A Yes.
 21 Q And then what happened next?
 22 A He called me and said, "I've been told that I
 23 can't do what I just did," and that, "You don't have
 24 permission to go out on the dock." We talked for a few
 25 minutes. I had not opened the envelope that he sent me.

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1 I wrote him a letter. And he had indicated in the phone
 2 call that he needed the key back, and I sent it back to
 3 him.
 4 Q When he requested that you send the key back to
 5 him, was that in -- by letter, or by phone call, or
 6 conversation? How was that request communicated to you?
 7 A He told me on the telephone. And he was upset
 8 and without explanation, because he had none. He made the
 9 request and I trusted our relationship. And I realized
 10 that he could have put himself in a bind with his family,
 11 and I was not going to, you know, put him at any greater
 12 risk, and I sent the letter and the envelope.
 13 Q How long did you have the key before he requested
 14 that you return it?
 15 A Well, I got it one day and he called me that day,
 16 and it was returned, you know, in the next mail.
 17 MR. LAUGHLIN: Mark this, please.
 18 (WHEREUPON, a document was marked as
 19 Defendant's Exhibit Number 8 for Identification to
 20 the Cashman Deposition.)
 21 BY MR. LAUGHLIN:
 22 Q You have in front of you Defendant's Exhibit 8.
 23 What is that, sir?
 24 A March 21, 2005. It's a letter from Norris to me.
 25 "At the family meeting, it was decided that the Lightseys

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Marvin H. Dukes, III, Circuit Court Judge

Case No. 2009-CP-07-2573
Appellant Case No.: 2012-213579

Cashman Properties, LLC, ... Respondent,

v.

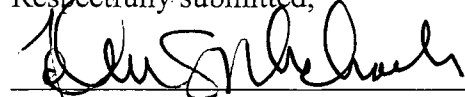
WNL Properties, LLC; E. Oswald Lightsey Trust f/b/o
Louise Lightsey Baughman; the Trust Under Will of
E. Oswald Lightsey dated August 8, 1958, and codicil dated
March 23, 1976, for the Benefit of Lillian Lightsey Drawdy;
and the Trust Under Will of E. Oswald Lightsey for the Benefit
of Claudia Lightsey Ware, ... Appellants.

CERTIFICATE OF COUNSEL

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

February 3, 2014

Respectfully submitted,



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