

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ABBEVILLE COUNTY
Court of Common Pleas

Eugene C. Griffith, Jr., Circuit Court Judge

Case No.: 2013-001064

Patrick Bowie,

Respondent,

v.

Woodbine Estates, LLC

Appellant.

RECORD ON APPEAL

Fletcher N. Smith, Jr.
P.O. Box 10496
Greenville, S.C. 29603
864-232-6541
Attorney for Appellant

R. Jamison Tinsley, Jr.
212 Oak Avenue
Greenwood, S.C. 29646
Attorney for Respondent

RECEIVED

NOV 12 2013

SC Court of Appeals

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Official Record Pg.
Nos. – Bottom Center

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STATE OF SOUTH CAROLINA)
COUNTY OF ABBEVILLE)
PATRICK BOWIE)
Plaintiff)
vs.)
DR. BOBBY L. CROSBY AND)
WOODBINE ESTATES, LLC)
Defendants.)

IN THE COURT OF COMMON PLEAS
EIGHTH JUDICIAL CIRCUIT
CIVIL ACTION NO.: 2011-CP-01-112
AMENDED COMPLAINT
(JURY TRIAL DEMANDED)

COPY

Plaintiff would respectfully allege and show unto the court that:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff is a citizen and resident of the County of Abbeville, State of South Carolina.
2. Upon information and belief, the Defendant Dr. Bobby L. Crosby is a citizen and resident of the County of Abbeville, State of South Carolina.
3. Upon information and belief, the Defendant Woodbine Estates, LLC is a limited liability company organized under the laws of the State of South Carolina.

FACTUAL ALLEGATIONS

4. At some time during 2010, the Defendants purchased real property at 101 Mill St. in Abbeville County, South Carolina, ("101 Mill St.") during a tax sale, and it is now titled in the name of the Defendant "Woodbine Estates, LLC."
5. At that time, the Plaintiff had his worldly possessions of personal property, which are itemized in Exhibit A, inside the house at 101 Mill St.

6. The previous owner, the Plaintiff's cousin Raymond Bowie, had allowed Plaintiff to store his worldly possessions in that house until the Plaintiff could move into the home and share the costs. (Please see Exhibit B, which is Raymond Bowie's affidavit.)

7. Defendants changed the locks on the house at 101 Mill St. so that the Plaintiff could not access his personal property.

8. Plaintiff had mutual friends contact the Defendant Dr. Bobby L. Crosby to try to allow the Plaintiff to pick up his personal property, and the Defendant Dr. Bobby L. Crosby refused to do so. (Please see Exhibit C, which is John Porter's affidavit.)

9. Plaintiff also personally called the Defendant Dr. Bobby L. Crosby and requested he allow the Plaintiff to retrieve his personal property, which the Defendant Dr. Bobby L. Crosby refused.

10. In June or July 2010, the Defendants threw several items of the Plaintiff's personal property out in the street without ever notifying the Plaintiff that he could retrieve his items. Plaintiff mitigated his damages at this time by salvaging what items he could from the street. (Please see Exhibit D, which is Jeff Bragg's affidavit.)

11. Upon information and belief, the Defendants still have several items of the Plaintiff's personal property, including a 1984 Harley Davidson motorcycle.

CAUSE OF ACTION (Conversion)

12. Plaintiff reiterates and realleges Paragraphs 1-11 as though set forth herein verbatim.

13. Defendants' actions constituted an unauthorized assumption and exercise of the right of ownership over goods and personal chattels belonging to the Plaintiff, the true owner, to the alteration of their condition and to the exclusion of the Plaintiff's absolute ownership rights.

13. Defendants wrongfully detained the Plaintiff's personal property without justification or excuse by refusing to surrender the possession of the goods after demand for possession by the Plaintiff, who was the true owner and entitled to possession.

14. Defendants willfully, intentionally, and recklessly converted the Plaintiff's personal property with knowledge of and conscious indifference to the Plaintiff's lawful and absolute ownership rights in the property.

WHEREFORE, Plaintiff prays for the following relief:

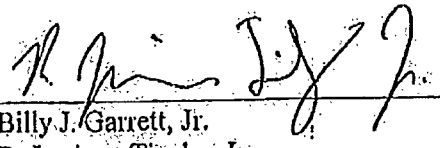
1. Defendants return all items of the Plaintiff's personal property that are still in the Defendants' possession pursuant to the claim and delivery statute (S.C. Code Ann. §15-69-10, et seq.);

2. Actual damages requiring the Defendants pay the highest market value of the Plaintiff's personal property that they sold, destroyed, or discarded with interest up to the time of trial;

3. Punitive damages for the Defendants' willful and malicious refusal to allow this mentally challenged human being to retrieve his lifetime of worldly possessions;

4. Defendants pay all court costs and the Plaintiff's attorney's fees; and

5. Such other relief as the Court shall deem just and proper.


Billy J. Garrett, Jr.
R. Jamison Tinsley Jr.
109 Oak Avenue
Greenwood, SC 29646
Phone: (864) 229-8000
Fax: (864) 229-8001

Date: 7/5, 2011
Greenwood, South Carolina

FILED
STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE
2011 JUL 5 PM 4 49
EMILY MCMAHAN
CLERK OF COURT

EXHIBIT A

1 QUANTITY	DESCRIPTION OF ITEM	PAID	REPLACEMENT COST
2	1984 Harley Davidson Motorcycle	8000	\$ 10,000.00
3	Saddle Bags/Leather Acc/Tool Bags W/Tools		
4	2 Extra tail pipes and mufflers		\$ 589.90
5	Leather Pants, Jacket, Scarves, Face Mask	200	\$ 200.00
6	1 1950 Motor Cycle Helmet	135	\$ 1,135.00
7	Spare Parts for Harley	30	\$ 30.00
8	Modern Full Face Helmet	100	\$ 377.99
1-Pair	Biker Boots		\$ 94.95
9	20 Collection of CSX train mags @ \$12.95 each		\$ 25.98
10	CSX Time Tables, Rule Books, Hasmat Bks		\$ 50.00
11	Train Line-ups, Train Handling, OP Manuals		\$ 25.00
12	Rule Signals		\$ 5.00
13			
14	SUITCASE CONTENTS		
15	2 Antique Time Tables Out of Print (OP)		\$ 5.00
16	7 Operating Manuals for GP-30, GP-35, GP-40, SD/SP4-40		
17	SAL Locomotive Operating Manual for Deisel Loc, SCL Loco,		\$ 14.00
18	SCL Air Brake Guide (OP)		
19	Collection CSX Time Tables		
20	Collection CSX Rule Books		
21	Collection CSX Hasmat Books		
22	6-Yr Collection of Train Line-Ups and Bulletins		
23	Collection of CSX Train Handling Rule Books		
24	Collection of CSX Locomotive Operating Manuals:		
25	CW-40-8, SD-80 MAC, CW-44-9, SD-40-2, CW-60-AC,		
26	CW-44-AC		
27	Paperwork from Abbeville Depot: SCL, FLS, SS		\$ 200.00
28			
29	FURNITURE		
30	Blue Print Table	\$ 100.00	\$ 100.00
31	Antique Dresser 6 Drawer	\$ 85.00	\$ 100.00
32	Antique Dresser 9 Drawer	\$ 180.00	\$ 420.00
33	Dresser (4-Drawer)	\$ 110.00	\$ 145.00
34	3 Hand made Model Trn Dispay Shelves	\$ 50.00	\$ 50.00
35	End Table		\$ 55.00
36	STOVE Knee High 2-eye wood brn w/pipe et al	\$ 455.00	\$ 475.95
37	End Table	\$ 20.00	\$ 35.00
38	Sewing Machine Table	\$ 50.00	\$ 50.00
39	Shelves, Wood & Metal W/Wall Hangers	\$ 50.00	\$ 50.00
40	2 Shelves, Wood & Glass, Enclsd Cab W/Lights	\$ 300.00	\$ 300.00

41	\$-Level Semi Encisd Shelf 12X16"H	\$	100.00	\$	100.00
42	Antique Coffee Pot	\$	15.00	\$	20.00
43	Antique Iron	\$	100.00	\$	100.00
44	PHOTOGRAPH COLLECTION			\$	1,500.00
300-Rolls	FILM (300+ Roles) 3-Yrs US RR History			\$	50.00
	1000 1000 Photos and Slides-30-Yrs U.S., Abb RR History			\$	100.00
	200 200 Photos and Slides of Family History				
	BOXES OF BOOKS AND MAGAZINES				
2-Sets	Encyclopedia Collection	\$	500.00	\$	800.00
1-Set	Bible Encyclopedias	\$	150.00	\$	150.00
	12 RR History and Science @ \$10 ea.	\$	120.00	\$	120.00
	8 Construction Techniques	\$	45.00	\$	45.00
	2 Civil War History	\$	60.00	\$	60.00
	2 Star Trek	\$	60.00	\$	60.00
	15 Magazine Collection of RR MDL Crafts, MDL RR, TRNS	\$	150.00	\$	150.00
	10 Miscellaneous Books	\$	50.00	\$	50.00
	1 Track Planning for Realistic Operation (1st Edition)	\$	21.95	\$	21.95
	POSTCARD COLLECTION				
	POSTCARDS Strm Twn (no longer available)	\$	30.00	\$	30.00
	California Seam Engine Post Card				
	ACTUAL RR ANTIQUES AND COLLECTABLES				
	10 SAL Date Spikes 1932-40's				
	7 N&W Railroad Date Spikes				
	2 CSX Safety Class Awards (Triangle 3-Blade Knife)				
	CSX Safety Pins: Operation Red Block, Operation Life Saver				
	Temperature Safety Class				
	1 Switch Stand Reflector				
46	1 3-Light Signal Head: Red, Yellow, Green				
	1 3-Light Signal Head: Red, Lunar, Blank				
	2 Rail Road Locomotive Class Light				
	Army GP-40 Locomotive Windshield Wiper Motor				
47	2 Rail Road Crossing Cross Bucks				
48	3-Track Sign				
	2-Track Sign				
49	Rail Road Crossing Light parts				
	Rail Road Lantern w/Seaboard on Glass (poor Shape)				
50	RR Crossing Light Assemblies				

- 51 RR Lantern
 52 7 Collection of RR Rail Cross Sections (Various Sizes)
 53 Collection of Tie Plates (6 Different sizes)
 54 7 Collection of RR Spikes (7-Sizes)
 55 Collection of Track Spikes
 56 Collection of Switch Locks w/Keys
 4 Collection of Locks for RR Signal Equip w/keys
 Cross Section 3" thickness of Telegraph Pole
 Collection of RR Telegraph Insulators
 Arm from Telegraph Pole W/Metal Corn Cobs
 1/2 Arm from Telegraph Pole W/Wood Corn Cobs
 Lever Plate from US Military RR cars
 57 1 Builder Plate off Army RR car
 58 1 Lever Plate off Army RR car
 59 1 Abbeville RR Depot sign
 60 1-Each White RR Flag
 61 Red Abbeville Switcher RR Flag
 Red RR Flag (Homemade)
 62 8 Collection of RR Ball Caps et others
 63 3 Collection of RR Watches
 1 Winch Bar Car Roller
 2 RR Turfedders
 2 RR Flares

\$ 500.00

1-Box	MODEL TRAIN ACCS and TOOLS	\$	130.00	\$	180.00
1-Set	Badger Air Brush Kit W/Wooden Box	\$	55.00	\$	56.19
1-Set	Xacto Knife Set in Box W/Asst of Blades	\$	17.00	\$	17.65
1-Set	Small Wrench Set W/Case	\$	18.30	\$	18.90
1-Set	Small Screwdriver Set W/Case	\$	18.85	\$	20.00
1-Set	Small Nutdriver Set W/Case	\$	8.95	\$	10.00
1-Pr Each	Scissors	\$	5.18	\$	5.25
	Precision Tweezers	\$	40.00	\$	40.00
15-Bottles	Bottles SCL, SAL Paint Colors	\$	20.00	\$	20.00
8-Sets	Decals for SAL & SCL Locomotives and Cab	\$	7.00	\$	7.00
	1 Steel Roller, Straight Edge	\$	8.00	\$	8.75
	1 Scale Roller	\$	30.00	\$	40.00
3-Pr	Hemostats (1-Straight and 2-Curved)	\$	20.00	\$	23.00
	Paint Brushes	\$	8.00	\$	9.50
	Magnifying Glasses	\$	83.00	\$	89.00
	Dremal Tool W/Case and Spare Tips				

MODEL LOCOMOTIVES

GP-40 SAL Green Hornet W/Chip #1 Atlas (LE)	\$	120.00	\$	120.00
GP-40 SAL Green Hornet W/Chip #2 Atlas (LE)	\$	120.00	\$	120.00
Atlas SDP-35 SAL w/Chip (LE)	\$	135.00	\$	135.00
Athem 2-8-2 SAL Micado	\$	300.00	\$	300.00
Spectrum 2-10-0 SAL Russian Decaped	\$	300.00	\$	300.00
Athem P-40 Amtrack	\$	280.00	\$	280.00
Athum CW 44-9 CSX #1	\$	200.00	\$	200.00
Athum CW 44-9 CSX #2	\$	200.00	\$	200.00
Athum CW 44-9 CNW	\$	200.00	\$	200.00
Bauchman Hand Painted SCL GP-30 One of a Kind	\$	100.00	\$	100.00
Bauchman Unpainted GP-30	\$	80.00	\$	80.00
Bauchman Spectrum CW-40-8 #1 CSX	\$	165.00	\$	165.00
Bauchman Spectrum CW-40-8 #2 CSX	\$	165.00	\$	165.00
Athum SD50 CSX	\$	80.00	\$	80.00
Athum SC 45 SAL	\$	45.00	\$	45.00
CSX GP 38 Operation Life Saver (Athem)	\$	200.00	\$	200.00
SS GP38 (Athem)	\$	35.00	\$	35.00
FLS GP 38 (Athem)	\$	35.00	\$	35.00
Athum GP-38-ACL	\$	35.00	\$	35.00
Athum GP-40-2 CSX	\$	45.00	\$	45.00
Athum SW1500 N.S. CSX	\$	45.00	\$	45.00
Lifelike SD-35 ATSF	\$	85.00	\$	85.00
Stewart Baldwin VO-1000 Switcher SAL	\$	115.00	\$	115.00
Atlas C-36-7 CSX	\$	85.00	\$	85.00
Atlas C-36-7 SCL	\$	85.00	\$	85.00
Atlas C-36-7 FLS	\$	85.00	\$	85.00
CSX SD 50 (Athem)	\$	65.00	\$	65.00
Athum 45 SDP-45 CSX	\$	65.00	\$	65.00
2 Athum Express Box Car SAL	\$	180.00	\$	180.00
4 Walthers Bud Coaches	\$	180.00	\$	180.00
4 Walthers Bud Streamline 10-6 Sleeper un-painted	\$	45.00	\$	45.00
Walthers Bud Streamline Dinner un-painted	\$	45.00	\$	45.00
Walthers Bud Streamline Observation un-painted	\$	45.00	\$	45.00
Walthers Bud Streamline 52-Seat Coach un-painted	\$	45.00	\$	45.00
Walthers Bud Streamline 52-Seat Coach SCT un-pntd	\$	39.00	\$	35.00
Walthers AmGleet Coach	\$	39.00	\$	35.00
Walthers AmFleet Buffet	\$	50.00	\$	59.00
Walthers Amtrack Super Liner Passenger Car	\$	33.00	\$	39.98
Walthers Bud Streamline Lounge Car SAL	\$	63.50	\$	63.50
Brass Car Sides				

- 2 Laser Kit SAL Wooden Caboose Kit, Assembled
- 2 Laser Jit SAL Plywood Kit
- 2 Athum FLS Ext C. P. Caboose Kit
- Athum Hnd Pantd SAL Caboose Kit Frm Taura
- CSX CW-44-9 (Athum)
- SAL SDP-35 w/Chip
- SAL SDP-45 (Athum)
- ACL GP-35 (Athum)
- Baldwin SAL Switcher V-100G
- RSC-3 SAL Stewart
- 2 NS River St Rambler (Athum)
- CSX GP 40-2 (Athum)
- FLS C 36-7 (Athum)
- SCL C 36-7 (Athum)
- CSX C 36-7 (Athum)
- CNW CW-44-9 (Athum)
- BNSF CW-49-9 (Athum)
- 2 CSX Operation Red Block GP 38 (Athum)
- 9" Rnd Metal/Porcelain Sign
- 2 SAL 40 Trailers @ \$5 each
- 30 Containers @ \$5 each (Different Road Names)

\$	93.30	\$	93.90
\$	33.00	\$	93.90
\$	30.00	\$	30.00
\$	100.00	\$	100.00
\$	150.00	\$	150.00
\$	200.00	\$	200.00
\$	185.00	\$	185.00
\$	185.00	\$	185.00
\$	185.00	\$	185.00
\$	185.00	\$	185.00
\$	185.00	\$	185.00
\$	185.00	\$	185.00
\$	185.00	\$	185.00
\$	185.00	\$	185.00
\$	185.00	\$	185.00
\$	185.00	\$	185.00
\$	80.00	\$	112.00
\$	16.53	\$	16.59
\$	10.00	\$	24.96
		\$	899.40
\$	170.00	\$	170.00
		\$	150.00
		\$	50.00
		\$	110.00
		\$	50.00
		\$	15.00
		\$	30.00
\$	45.00	\$	45.00
\$	21,986.55		

- CLOTHES
- 5-Pair Levis Jeans @ \$34 each Purchase Price
- 15 Tee Shirts
- 30-Pair Socks
- 1-Pair Cowboy Boots
- 4 Sweat Shirts @ \$12.50 each
- 2 Long Underwear Pants @ \$7.50 each
- 4 Long Underwear Shirts @ \$7.50
- 1 Military BDU Jacket

\$ 30,875.16

Exhibit B

FILED
STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE
2011 APR 27 PM 3 57
EMILY Y MCMAHAN
CLERK OF COURT

AFFIDAVIT

I, Raymond Bowie, swear that all the property on the following list belongs to Patrick Bowie.

s Anthony Ray Bowie

Date 12-22-2010

Notary [Signature]

1/15/2014
Date of Expiration

FILED
STATE OF SOUTH CAROLINA
COUNTY OF ADOBEVILLE
2011 APR 27 PM 3 57
EMILY Y MCMAHAN
CLERK OF COURT

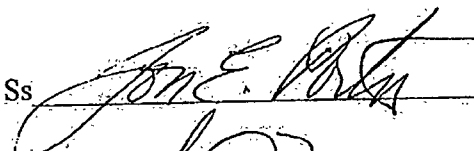
Exhibit C

FILED
STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE
2011 APR 27 PM 3 57
EMILY Y MCMAHAN
CLERK OF COURT

I, John Porter, did call Dr. Robert (Bobby) Crosby, on behalf of Patrick Bowie, to ask if Patrick could get his property out of the house, formerly owned by Patrick's cousin, Ray Bowie, which Dr. Crosby purchased at a tax sale.

Patrick has helped me in my place of business, Abbeville Body Shop, and I consider him to be a friend. Because Dr. Crosby had brought one of his tractors to my shop to be painted, and I didn't think, when Patrick asked me to call Dr. Crosby, he would have any problem about returning Patrick's belongings, once he knew the property was not owned by the previous home owner. Dr. Crosby did not agree to let Patrick have his property back.

Ss



Jane D. Moore
ROTARY PUBLIC
South Carolina
My Commission Expires 5/25/2015

Date: March 22, 2011

Expiration Date: May 25, 2015

FILED
STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE
2011 APR 27 PM 3 57
EMILY Y MCMAHAN
CLERK OF COURT

Exhibit D

FILED
STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE
2011 APR 27 PM 3 57
EMILY Y MCMAHAN
CLERK OF COURT

FILED
STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE

2011 APR 27 PM 3 57

EMILY Y MCMAHAN

CLERK OF COURT

I, Jeff Bragg, in my duty as a sanitation truck driver for the city of Abbeville, witnessed people picking through and removing items they wanted to keep, of property belonging to Patrick Bowie, that appeared to have been discarded by Dr. Robert (Bobby) Crosby, after he took possession of the house at 102 Mill Street that he had recently purchased at a tax sale. The house was previously owned by Patrick's cousin Ray Bowie..

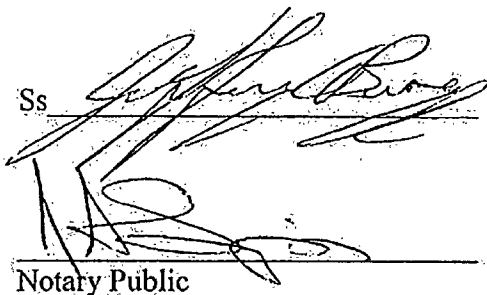
Patrick's property was in such disarray, with furniture broken, and articles lying next to broken bureau drawers, etc., it appeared, to me, to have been thrown, with abandon, from the porch, onto the lawn, sidewalk and even partially in the road in front of 102 Mill Street.

Residents of the city of Abbeville must sort what they want to city to pick up for the purpose of disposal. However, the property around the front of the house was never piled up or sorted by the home's new owner.

For the purpose of maintaining our standards of cleanliness and after discussing the problem with my boss, created when the property owner left the mess, I had to sort it myself.

I knew the property belonged to Patrick Bowie, and told my boss the property belonged to Patrick. We were in agreement that we didn't want to haul Patrick's property off, under the circumstances, if there was any chance Patrick might be able to salvage anything of value. We delayed picking it up as long as we felt we reasonably could.

Ss


Notary Public

Date:

3-22-11

Expiration Date

3-29-2016

STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN CIVIL CASE

CASE NO. 2011-CP-01-112

PATRICK BOWIE

WOODBINE ESTATES, LLC

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

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

DISPOSITION TYPE (CHECK ONE)

- ☒ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(n), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

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

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional information for the Clerk:

JURY VERDICT FOR PLAINTIFF

STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE

Filed 4-18 A.D. 2013

9:35 AM
Clerk of Court

INFORMATION FOR THE JUDGMENT INDEX

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

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
PATRICK BOWIE	WOODBINE ESTATES, LLC	\$15,000.00
		\$
		\$

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

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

Eugene C. Griffith, Jr., Presiding Judge

2154
Judge Code

Apr. 18, 2013
Date

For Clerk of Court Office Use Only

This judgment was entered on the 23 day of April, 2013 and a copy mailed first class or placed in the appropriate attorney's box on this 23 day of April, 2013 to attorneys of record or to parties (when appearing pro se) as follows:

R. Jamison Tinsley, Jr.

Marvin Watson

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

EMILY Y. MCMAHAN

CLERK OF COURT

Court Reporter: Joy Holston

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

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

STATE OF SOUTH CAROLINA

COUNTY OF ABBEVILLE

PATRICK BOWIE,

Plaintiff

v.

WOODBINE ESTATES, LLC

Defendant.

IN THE COURT OF COMMON PLEAS

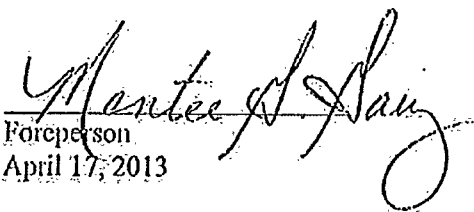
Case No.: 2011-CP-01-0112

VERDICT FORM

DID THE PLAINTIFF PROVE THAT A CONVERSION WAS COMMITTED BY
WOODBINE ESTATES, LLC?

YES ☒ NO ☐

IF YOU FIND THAT A CONVERSION OCCURRED, THEN WHAT DAMAGES
ARE OWED TO THE PLAINTIFF? \$ 15,000 Actual Damages


Foreperson
April 17, 2013

STATE OF SOUTH CAROLINA)
COUNTY OF ABBEVILLE)

IN THE COURT OF COMMON PLEAS

Patrick Bowie)
Plaintiff,)

-vs-)

Dr. Bobby L. Crosby)
Defendant.)

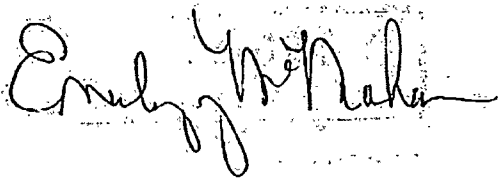
AFFIDAVIT OF MAILING

2011-CP-01-112

FILED
STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE
2011 JUN 7 PM 3 01
EMILY Y MCMAHAN
CLERK OF COURT

C. Michelle Lollis, being first duly sworn, says that she is the secretary for Marvin R. Watson, Attorney at Law, Greenwood, South Carolina; that on June 7, 2011 she mailed in a sealed envelope, postage prepaid, a copy of the attached Answer, Verification, and Affidavit of Mailing to the following named person at his address, to wit:

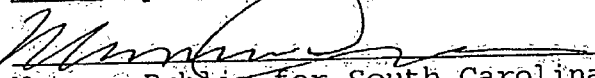
Billy J. Garrett, Jr.
R. Jamison Tinsley, Jr.
Attorneys at Law
109 Oak Avenue
Greenwood, SC 29646



C. Michelle Lollis
C. Michelle Lollis
Secretary to Marvin R. Watson

SWORN to before me this the

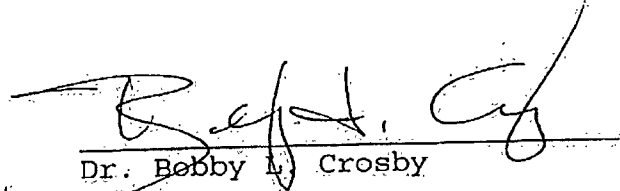
7 day of June, 2011


Notary Public for South Carolina
My Commission Expires: 12/10/20

STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE

VERIFICATION
2011-CP-01-112

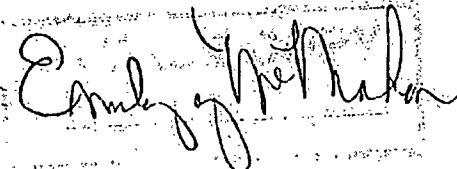
Dr. Bobby L. Crosby being duly sworn says he is the Defendant in the above entitled action, that he has read the foregoing Answer and knows the contents thereof, and that the same is true and correct to his own knowledge, except as to those matters therein stated upon information and belief, and as to those matters he believes it to be true.


Dr. Bobby L. Crosby

SWORN to before me this the

7 day of June, 2011

Christina M. Lolo (LS)
Notary Public for South Carolina
My Commission Expires: 11/28/19



FILED
STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE
2011 JUN 7 PM 3 01
EMILY MCMAHAN
CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNTY OF ABBEVILLE)

IN COURT OF COMMON PLEAS

Patrick Bowie

Plaintiff,

vs.

Dr. Bobby L. Crosby

Defendant.

ANSWER

2011-CP-01-112

EMILY Y. MCMAHAN
CLERK OF COURT

2011 JUN 7 PM 3 01

FILED
STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE

The Defendant answering the Complaint of the Plaintiff respectfully shows unto the Court and alleges:

FOR A FIRST DEFENSE

1. Denies each and every allegation of Plaintiff's Complaint except the allegations here admitted, qualified, or explained.
2. Admits paragraph 1 and 2 of said Complaint.
3. Denies paragraph 3 of said Complaint.
4. Denies information sufficient to form and belief as to paragraphs 4, 5, and 6 therefore denies the same.
5. Denies paragraph 7, 8, 9, 10, 11, 12, 13, and 14 of said Complaint.

FOR A SECOND DEFENSE

6. Defendant alleges that the owner of Lot No. 7 of Abbeville Mills Village, according to the records in the Office of the Clerk of Court, Abbeville County is WOODBINE ESTATE, LLC as shown by Deed recorded in Deed Book 281 at Page 349.
7. The Deed to WOODBINE ESTATE, LLC indicates that the

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County of Abbeville filed Notice of Seizure on the premises on September 3, 2008. This property was sold at public sale at the Courthouse door Abbeville on sales day November 3, 2008. According to the records at the Abbeville County Courthouse Notice of Redemption period was mailed to the property owner of record on October 15, 2009. The delinquent taxes and costs were not paid, therefore, Dorothy W. Coats, Tax Collector for Abbeville County executed a Deed to WOODBINE ESTATES, LLC. dated January 28, 2010 conveying said property in accordance to the laws of the State of South Carolina which Deed was recorded of record on January 28, 2010 in Deed Book 281 at Page 69 in the Office of the Clerk of Court for Abbeville County.

The suit against the Defendant in this Action should be dismissed with prejudice because he is not the title owner of record for the property which is the subject of this Action.

FOR A THIRD DEFENSE

8. Upon information and belief the Defendant named above, even though he is not legally liable in this Action, alleges that there is no recorded evidence in the Courthouse for Abbeville County showing any agreement between Raymond Bowie and Patrick Bowie which would require the land owner or its agent to notify Patrick Bowie or Raymond Bowie that the land owner intended to clean up, modify, or repair any deficiencies in the said property once a deed was executed to the rightful owner.

#2
CW

FOR A FOURTH DEFENSE

9. Upon information and belief the Defendant named above alleges even though he is not legally liable in this Action that the Plaintiff in this Action or his relative Raymond Bowie had sufficient time to remove any and all personal property from the premises prior to WOODBINE ESTATES, LLC receiving a deed from the Tax Collector of Abbeville County; therefore, they are estopped from asserting any right to their property or any damage from their property as alleged in this Action.

FOR A FIFTH DEFENSE

10. Upon information and belief the Defendant named above alleges even though he is not legally liable in this Action that he did not visit the premises until February 2010 at which time it was discovered that considerable damages had been done to the house by reason of leaks, that the house had been broken into and possible items removed from the said house and that there was considerable damage to the roof. The house required considerable cleaning and repairs. Sometime after February the Defendant received a call from a cousin of Raymond Bowie alleging that he wanted to search the house for items which may belong to him. Defendant related to the caller that it was impossible for him to come to the premises as he had workman trying to repair the house and that it would be dangerous. He did not know the individual calling and it was not the prior

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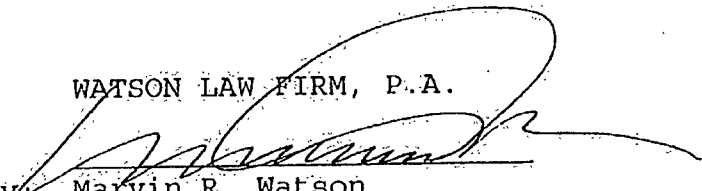
land owner. It would have been a proper procedure for the alleged caller to have Raymond Bowie a previous owner along with some proper authority come to the premises and attempt to identify and secure any properties in which he may claim an interest.

WHEREFORE, the Defendant having Answer the Complaint of the Plaintiff the prays for relief as follows:

FIRST: That the Plaintiff's Complaint be dismissed against him with prejudice and for the costs incurred in this Action.

SECOND: For such other and further relief as may be just and proper.

WATSON LAW FIRM, P.A.


By: Marvin R. Watson
Attorney for Defendant
333 Main Street
Greenwood, SC 29646
864-229-2569

GREENWOOD, SOUTH CAROLINA

June 7, 2011

#4

1 Q And how long have you lived in Abbeville County?

2 A I moved here when I was 10.

3 Q What do you do for a living?

4 A Electrician.

5 Q Do you work for one company or do you work under
6 someone?

7 A I have a couple of companies I work for.

8 Q Who do you work for?

9 A Ace Heating and Cooling and Crawford and Crawford
10 Plumbing Services and I get called out by homeowners that
11 need me to help them.

12 Q Okay. Tell me about when you decided to move all of
13 your items into someone's house.

14 A I was working out of town, I had all of my stuff
15 stored in my cousin's property in Cedar Springs Highway.
16 I was informed that he was selling that property and we
17 had to move it so he wanted to move it back into his
18 original house that he had been living in originally.

19 Q What cousin is this?

20 A Ray Bowie.

21 Q And this house that you were talking about moving it
22 into, where is that?

23 A It is on Mill Street.

24 Q Do you know the physical address?

25 A I don't, no sir.

1 Q So when did this happen that you had to move the
2 stuff into the Mill Street house?

3 A I can't remember the exact date, I think it was
4 around September 2009 or something.

5 MR. WATSON: I didn't understand what he said, 2005?

6 MR. TINSLEY: 2009.

7 Q Did you say 2009?

8 A I believe so.

9 Q To the best of your memory it was September of 2009?

10 A Probably.

11 Q Okay. All right, and how did you go about moving
12 this stuff?

13 A I was out of town so my cousin and a friend of his,
14 Darryl Kuenzer, had made previous trips loading my stuff
15 in the residence on Cedar Springs Highway over to the
16 house on Mill Street. When I came into town I was

17 involved in the last trip, we used my van and his truck
18 and his trailer and moved the last of it into the house.

19 Q But they had made previous trips moving it?

20 A Yes, sir.

21 Q Okay. And I am going to show you a list of items,
22 are you familiar with this list?

23 A Yes, sir.

24 Q Okay. And just generally speaking, not going through
25 every item individually, are these the items that were in

1 the Cedar Springs house that you moved into your cousin's
2 house on Mill Street?

3 A Yes, sir.

4 Q Did you have anything else, did you own anything
5 other than these items?

6 A Well, this is the stuff that I can remember, there
7 was stuff that I couldn't remember.

8 MR. TINSLEY: The plaintiff's will move for this list
9 to be entered as Plaintiff's exhibit 1 and I will go
10 through the items.

11 THE COURT: Any objection, Mr. Watson?

12 MR. WATSON: Well I assume he has got some kind of
13 basis to value his stuff. Anybody can come up with a
14 list.

15 MR. TINSLEY: Yes, we will go through the values.

16 MR. WATSON: I don't know if he has any evaluation
17 from anybody or is that just his opinion.

18 THE COURT: All right, we will see if they can lay a
19 foundation. Let's mark it for identification purposes.
20 Plaintiff's exhibit 1 is not admitted until they lay a
21 foundation.

22 (Whereupon, Plaintiff's Exhibit 1 was marked for
23 identification only.)

24 Q What is the first item on there?

25 A It is a 1984 Harley Davidson motorcycle.

1 Q Do you recognize this document that I just asked you?

2 A Yes, sir. It is the title for that motorcycle.

3 Q That is for the same 1984 Harley Davidson?

4 A Yes, sir.

5 MR. TINSLEY: I would now move at this time for this
6 title to be entered as plaintiff's exhibit number 2.

7 MR. WATSON: I don't know the value of it, maybe he
8 has got one.

9 THE COURT: I will let him place number 2, let's put
10 in a copy of that so we won't have the original title.
11 That one is admitted.

12 (Whereupon, Plaintiff's Exhibit 2 was admitted into
13 evidence.)

14 Q Have you investigated how much it would cost you to
15 buy a replacement of a 1984 Harley Davidson?

16 A Yes sir, we did. We did some research on the
17 internet.

18 Q How much did your investigation show that would cost
19 you to purchase a 1984 Harley Davidson?

20 A I think the price was \$16,000.00, we have got
21 \$10,000.00 on here.

22 Q Okay. Well, so the list says \$10,000.00 dollars?

23 A Yes, sir.

24 Q Then there, what are these items below it, are these
25 accessory items. Can you kind of go through that?

1 A The saddle bags and accessory bags and tool bags,
2 that was included in the price, that was included in that
3 \$10,000.00. Under that you have two extra tail pipes, and
4 mufflers, leather pants, jacket, scarves and face mask.
5 \$589.90 and \$200.00 for those.

6 Q Can you continue going through the accessories?

7 A 1950 motorcycle helmet, antique. There was spare
8 parts for a Harley, there was a Modern full face helmet,
9 there was biker boots. And that would be as far as the
10 motorcycle stuff. Then we start getting into the trains.

11 Q Did you value these items as well to find how much
12 they would cost you?

13 A Yes, sir. The boots I valued at \$94.00. The spare
14 parts for the Harley, I valued them at \$377.00. The
15 motorcycle helmet is probably worth more but I had \$30.00
16 dollars. And I think it was \$1,135.00 total for the
17 pants, the scarves, face mask, extra tail pipes and
18 mufflers and stuff.

19 Q And now you have mentioned something about train
20 stuff. Can you just generally describe to us how you have
21 acquired all of this train material?

22 A Yes, sir. Model trains I have had some since I was
23 younger. Lot of it I would go and buy. I had sixty
24 something locomotives, probably 30 passenger cars,
25 hundreds of break cars, details, work and what you would

1 call museum quality, it is what you would run around a
2 train set. Some of them came with computer chips in them,
3 some of them are designed that had computer chips put in
4 them and some of them were older stuff. I would say
5 standard DC. Some of them was scratch built, a lot of it
6 was store bought. I also bought a collection from another
7 fellow that his daddy had built dated back to the '40's or
8 '50's that was brass cars and brass locomotives. I had no
9 idea what the value on that is.

10 Q Can you go through this first set of train stuff?

11 A The train magazines, the books, it was years and
12 years of reading and collecting magazines. There is also
13 friends of mine that worked for the railroad would give me
14 books and magazines and stuff.

15 Q Did you place a value on these items?

16 A Let me see, I put like \$25.00 dollars. I figure
17 something about \$5.00 dollars a piece for the books. I
18 had antique time tables, I had operating manuals for
19 antique locomotives that don't even exist any more. I
20 figure those, around \$14.00 dollars a piece. But I think
21 they go for more than that when you buy them on the
22 internet.

23 Q I see over here on your list you have got PR,R, what
24 does that stand for in your items?

25 A Okay. Let me see. I have R's for recovered and PR

1 is partial recovery and SNR is another one that it was
2 seen but it wasn't recovered because, when he took the
3 stuff out it was broken or damaged or unrecoverable.

4 Q Okay. And so you went back and checked once you
5 realized everything you collected and you made alterations
6 to this list and the values you were claiming based on
7 that?

8 A Yes, sir.

9 Q Now can you just go through the furniture and how you
10 valued that stuff?

11 A All right. I had a blueprint table, I bought it, I
12 know I paid a \$100.00 for it, I don't know what it was
13 worth, it was an antique. I had antique dressers, a six
14 drawer dresser. I just put \$100.00 dollars replacement
15 value on it. I had a nine drawer antique dresser, I
16 figured it was around \$420.00. I had a four drawer
17 dresser which from early childhood which was train stuff
18 stored in it. I put \$145.00 on it. I had three handmade
19 model trains display cases. What I would do, being the
20 poor man I was, I would find scrap by the side of the road
21 like glass windows from cabinets and I made these display
22 cases to display my trains in. And I had three of them
23 that I made, you know, depends on how the price is, I put
24 \$50.00 dollars out for that. End table, I put \$55.00.
25 There was a Knee High stove, one of those low two eye

1 ones, it was a gift. But I did go to tractor farm supply
2 and looked and they were around \$475.00 for that. I had a
3 sewing machine table but it didn't have the sewing machine
4 in it. I figure it was worth about \$50.00 because it was
5 an antique. I had various shelves, wood and metal around
6 the house just for general purpose. I figured \$50.00 for
7 that. Two of the shelves I have described already, I
8 think I had them down for \$150.00 a piece and \$300.00
9 dollars for the whole thing. I had an antique coffee pot.
10 I had a shelf that was about 16 feet long that I had made.
11 I ended up displaying trains. And I valued it at \$100.00
12 dollars. The antique coffee pot, it was a gift from a
13 friend of mine, I figured \$20.00 dollars, I don't know.
14 All I could find was replicas, I couldn't find an antique.
15 I had an antique iron, I figured that was around \$100.00.
16 Q So that is the end of your furniture. Did you put a
17 value on your photograph collection?

18 A Yes, sir.

19 Q Well, first of all, how long had you been collecting
20 this?

21 A I had collected photographs probably dated back when
22 I was 14 years old. I had a good series of photographs
23 for six years before Abbeville had moved the train crews
24 to Greenwood. And I caught the last six years of activity
25 at the depot. I figured \$750.00 is what I have done. I

1 had described as 300 rolls of film. I had 1,000
2 photographs that was developed and stuff. And I had at
3 least 200 photographs and stuff that was brought down in
4 family history.

5 Q And then I see the next set of items, boxes and books
6 and magazines. Can you describe this collection you had
7 and how much it would cost you to replace each item.

8 A They were all boxed up, it was a collection, I
9 probably had three different sets of Encyclopedia's, they
10 were all hand-me downs but I figured \$800.00 to try to
11 replace that. I had bibles and encyclopedias that were
12 given to me by friends, I had research material. I
13 figured \$150.00 on it. Let me see, I had 12 books on
14 railroad history and science. I figured around \$10.00
15 dollars a piece. I had 8 books on construction
16 techniques. Two on civil war history, two on Star Trek.
17 I had a magazine collection, railroad, train magazines. I
18 would go order magazines a month at least for a three or
19 four year period in that. I had some miscellaneous books,
20 I can't remember exactly what they are. Might have been
21 old bibles and stuff like that, might have been antique
22 books that people had given me that was just sitting on a
23 shelf collecting dust. I couldn't tell you much about
24 them. One book was on track planning. I had a postcard
25 collection. One of being a steam engine and one from

1 Steamtown which is when it was in New Hampshire, it is not
2 there now.

3 Q And then I see the next set of items is actual
4 railroad antiques you collected?

5 A Right.

6 Q Okay. And can you describe how you came to acquire
7 this and the replacement value that you placed on this
8 total set of items. You don't have to go through each
9 item individually.

10 A Basically what these are are items that would have
11 come from the railroad that friends of mine had given to
12 me. I am not allowed to sell so you can't buy and sell
13 this stuff so there is no prices on there, it was to be
14 donated to a museum. Some of them probably would have
15 been sent to the State of South Carolina Museum.

16 Q And how long would you say it took you to acquire all
17 of these antiques?

18 A I would say the greatest majority of them, probably
19 in the last 10 or 15 years, I did have some stuff from my
20 childhood but the biggest part of this was recent history.

21 Q And then the next set of items I see are model train
22 accessories and tools. Can you kind of generally tell us
23 what all of this is?

24 A This would have been the tools that you needed if you
25 are doing modeling hobbies, the knives, the wrenches,

1 screwdrivers, lazy Susan's, soldering equipment, decals,
2 paint, paint brushes, dremel tools, xacto knives,
3 magnifying glasses and stuff like that.

4 Q Was this a hobby of yours collecting these things?

5 A Yes, this was a hobby of mine. And these prices for
6 that came out of the Walter's Catalog.

7 Q So you, these prices you have listed for replacement
8 value you found upon investigation how much it would cost
9 you to replace these items?

10 A Right. If you can find them, some things were a
11 special edition like some of the paints and you might not
12 be able to find that any more.

13 Q But otherwise to the best of your ability, you
14 investigated to find out how much it would cost you to
15 replace these items?

16 A Yes, sir.

17 Q Okay. And the next set I see is brass locomotives
18 and cars that you have valued, replacement value at
19 \$800.00 dollars. Could you kind of tell us what that is?

20 A Okay. Let me see, I had Bud Coaches. There was
21 13,000.00 cars for a series, for years it was available
22 for a collection of identical of those cars. I had to
23 paint them and decal them and stuff. Just the regular
24 car, I had four unpainted 10-6 sleepers. \$33.00 dollars.
25 I had Bud Coach, for all of those it was \$33.00. I had

1 the unpainted dining car for that, that was \$33.00
2 dollars. I had an observation lounge car, \$33.00 dollars.
3 I had an unpainted 52 seat coach, I also had that same
4 coach in the Seaboard Coastline paint job. There was a
5 O-Gauge Marx Train Set that had belonged to my brother.
6 It was a Riveria Steam Locomotive, is what they call the
7 Big Boy. And that was like \$350.00 for it. I had what
8 they would call Proto 2000 Seaboard Airline EA, it is a
9 model number, it is a type of passion locomotive. I had
10 E-A, E-7's, E-B's, E-A&B types, they were around \$130.00 a
11 piece. Like I say, these were museum quality. They were
12 set up and ready to have chips put in them. Someone of
13 them were and some of them weren't, depends on when I
14 bought them. I got a GP-30 Seaboard GP-7, Seaboard GP-7,
15 GP-9, Seaboard Coastline GP-7, Proto 2000 GP-18, I think I
16 had the last two of \$80.00 dollars. I found them at
17 discount Proto 2000, CSX SD-40 at \$120.00. Proto 2000
18 FAFB Seaboard Airline, they were \$45.00 dollars a piece.
19 Both of them would be \$85.00, I found those on discount.
20 I got the Stewart RSC-3 Seaboard Airline, they were
21 \$170.00 dollars, excuse me, I have got that wrong. That
22 \$170.00 was for the FAFB, it was a match set, Seaboard
23 Airline. The Stewart, SM #1 and #2, I have got \$170.00
24 and \$120.00. I would assume it was more like \$120.00 a
25 piece for those. I have a GP-38 SCX Operation Life Saver.

1 The newer ones were \$120.00. Amfleet Coach, \$35.00
2 dollars. Amfleet Buffet, \$35.00 dollars. A brass car
3 with car foundation, the brass car size, if I was going to
4 take the kit that they sell, I bought that car. But I
5 bought brass to go with it and that would turn that car
6 into a specific car with Seaboard. I priced that at
7 \$33.00 dollars. Coach, \$35.00 dollars. Buffet, \$35.00
8 dollars. A brass car with a car foundation, brass car
9 sides if I was going to take a kit that they sell, I
10 bought that car plus I bought brass to go with it that
11 would turn that car into a specific car that Seaboard had.
12 And let me get back to where I was. I priced that at
13 \$33.00 dollars. I had the Seaboard Caboose Kit, it was a
14 kit. When I bought it it was \$10.00 dollars. I repainted
15 it and put in decals and everything. Probably more but I
16 asked \$50.00 for that. I have four more Caboosees like
17 that that I was going to modify.

18 Q Can you give us some context about all of these
19 different items you are talking about, how big was one car
20 on these locomotives?

21 A In the scale it is, one inch would equal 87 inches.
22 One foot would equal 87 feet. So one locomotive would run
23 a 75 foot locomotive would slightly be less than a foot.

24 Q You are talking about how, putting this stuff
25 together. How long would it take you to put one of these

1 sets together?

2 A Well sometimes it would take weeks because I would
3 work on it after work and stuff, you know, paint. I got
4 one locomotive I worked on probably took two weeks to do
5 it. The cabooses and stuff, probably around two weeks.

6 Q And I see you have got two more pages of brass
7 locomotives and cars and various model locomotives. They
8 have got similar values to what you just described on this
9 one set to me. Are these accurate--

10 MR. WATSON: Objection to being accurate, they can
11 only be his opinion to what the value might be. Hasn't
12 got anything so they are accurate to anything.

13 THE COURT: That is correct. Sustained to the
14 question.

15 Q Let me rephrase it. Is this what your investigation
16 revealed to you that it would cost you to replace it?

17 A Yes, sir.

18 Q All of these values on pages four, five and six are
19 replacement costs are what you found?

20 A Yes, sir.

21 Q And then clothes, you have clothes on the last page.
22 Can you describe what all you lost there?

23 A I didn't hear you.

24 Q Can you describe what all of your clothing that you
25 had in storage?

1 A It was clothing I had in storage and it was usable
2 clothing. I had intended to get it. I was working out of
3 town and I only needed a truck load of stuff. Clothes and
4 suitcase worth, all the rest was in storage.

5 Q And these values that you have listed are what it
6 would cost you to buy new clothes similar to what you
7 lost?

8 A Yes, sir.

9 Q Okay.

10 MR. TINSLEY: Your Honor, I would renew my motion to
11 have this list entered.

12 MR. WATSON: The best would be just his opinion is
13 what he thinks the value is, there is nothing to show that
14 it is actual value. And as I understand the rule is that
15 he can testify as to what he thinks the property is worth
16 but that doesn't mean that is the value of it.

17 THE COURT: I think what I am going to do is modify
18 the caption on here. I am going to take a break, a short
19 break. I will ask you to go to the jury room, I will be
20 right back out here in just a couple of moments.

21 (Whereupon, the jury was excused from open court for
22 a break.)

23 THE COURT: How can we characterize the replacement
24 cost, the opinion of the plaintiff to replace the cost.

25 MR. WATSON: That is just his opinion.

1 THE COURT: Right.

2 MR. TINSLEY: It is an accurate--

3 MR. WATSON: Whether it is accurate or anything else,
4 it is just his opinion which that is kind of like these
5 land transfers. You can give an opinion, as I understand
6 it of any value that you want to put on it. But that
7 don't mean that it is correct.

8 THE COURT: The way it is characterized on there now,
9 is that inaccurate or can we agree that it is an opinion
10 from the plaintiff to the value of the stuff.

11 MR. WATSON: That is all I can say, we can agree that
12 that is his testimony as to what he believes the value is.

13 THE COURT: And that is a summary of it so can he use
14 the exhibit or not, is your argument, I think he can.

15 MR. WATSON: That's right.

16 THE COURT: So it comes in but it is not, it is an
17 opinion as to the value of the personal property.

18 MR. WATSON: That is his opinion.

19 THE COURT: That's fair. The owner can testify to
20 the value of anything they own, whether it be land or
21 personal. All right, it is in evidence.

22 (Whereupon, Plaintiff's Exhibit 1 was admitted into
23 evidence.)

24 MR. WATSON: Basically it is summarizing his
25 testimony, that is what it is.

1 THE COURT: That is fair, that is what it is. We
2 will stand at ease for a few minutes.

3 (Whereupon, a short break was taken.)

4 THE COURT: Let's bring the jury in, please.

5 (Whereupon, the jury came into open court at
6 approximately 3:45 p.m.)

7 THE COURT: All right, during this break we were
8 considering a document that is marked as exhibit number 1.
9 Exhibit number 1 has been admitted but my instructions to
10 you is, all of those items in there are items owned by Mr.
11 Bowie. And he has provided his opinion as to the value he
12 has placed on those items. So with that instruction as
13 y'all see that exhibit in the jury room during
14 deliberations for your consideration. All right,
15 continue.

16 MR. TINSLEY: Thank you, Your Honor.

17 CONTINUE DIRECT EXAMINATION

18 By Mr. Tinsley:

19 Q One last question on this valuation. Can you tell
20 the Court the value of replacement that you put on all the
21 items?

22 A It came to \$29,556.28.

23 Q All right. And you found out that your cousin had
24 lost this house and not paid the taxes and Woodbine Estate
25 or Dr. Crosby owned it, what did you do at that point.

1 A I called him to ask him about returning my stuff or
2 allowing me to retrieve my stuff out of the house.

3 Q Who did you call?

4 A I called Dr. Bobby Crosby.

5 Q And were you allowed to go in and retrieve your
6 stuff?

7 A No, sir. He told me that his insurance company would
8 not allow me on the property to retrieve my stuff.

9 Q Is that, did he give you any other reasons why?

10 A Well, he explained he couldn't tell the difference
11 what was mine and what was my cousin's, that I might be in
12 there trying to get my cousin's stuff out. He also
13 explained later on when I asked, when do you plan on
14 putting this stuff out on the street, that is when he told
15 me he wasn't, that he owned everything in the house.

16 Q Did you take any other steps to try to retrieve your
17 items from 101 Mill Street?

18 A Yes, sir. I got in touch with Jon Porter, got him to
19 call Mr. Crosby. He had worked on Mr. Crosby's tractor
20 and done some paint work on his tractor. I figured he
21 knew him and he would call and he was a friend of mine. I
22 figured he could call Mr. Crosby. I also called another
23 friend of mine, James Jackson, and he and Mr. Crosby is a
24 friend. And I asked him to see about getting my stuff
25 back. I called my cousin to get him to call Mr. Crosby to

1 explain that there was his stuff in the house and there
2 was also my stuff in the house. And he would like to get
3 that back.

4 Q As a result of these steps that you took to try to
5 get your items back, were you allowed to get in the house
6 on Mill Street and get these, get your things back?

7 A No, sir. I wasn't allowed back, he hung up on me.
8 And he gave different excuses, I don't know exactly what
9 he told my friends but basically it was, he wasn't going
10 to allow me to get my stuff back.

11 Q Okay. And did there come a point where the items
12 were put out on the street?

13 A Yes, sir. That would have been in the middle of
14 June. I can't say what year it is, I am so
15 scatterbrained. But I just remember it was hot, I was
16 informed that the stuff was being put out on the street by
17 a friend of mine. I went over there, I spent four days
18 trying to recover everything I could. What was recovered
19 I recovered. What wasn't recoverable I left there for the
20 City to pick up.

21 Q I am going to show you a set of photographs.

22 MR. WATSON: Let me look at them.

23 MR. TINSLEY: These are the ones that I emailed to
24 you.

25 MR. WATSON: You want to introduce these?

1 boxes and boxes that were all nice and neat were dumped
2 out and scattered. I couldn't even tell you what I hadn't
3 or had recovered.

4 Q How about these other items on the list, this train
5 memorabilia and model cars and motorcycles. Did you see
6 any of that out on the street?

7 A No, sir. I didn't, anything that is on the list I
8 didn't see it but once I recovered some stuff I did mark
9 it off the list once I recovered it. The ones I realized
10 I recovered, like I said, I was going through boxes, I was
11 picking stuff up throwing it in, getting what I could. I
12 found five cars. The other cars, three weren't on the
13 list, two were, we took those off the list, they were two
14 cabooses, \$90.00 dollars. So, yes, that was like three or
15 four weeks ago I found them.

16 Q Did you investigate to try to find the motorcycle?

17 A Yes, sir. I got friends I talked to and there were
18 rumors and they say and so and so has it, nothing
19 definite.

20 Q I mean when you were out there did you investigate to
21 see if the motorcycle was going to be put on the street?

22 A Yes, sir. That day in June I walked up and inquired
23 around and the general opinion--

24 MR. WATSON: We object to hearsay on that.

25 THE COURT: I sustain.

1 A No, sir.

2 Q And you never contacted him until after you found out
3 he actually had a deed to the property and changed the
4 lock on the door?

5 A That is the first I even knew about him was when the
6 locks were changed.

7 Q And when you went out, you say it was in June before
8 he put it on the street?

9 A I believe it was June, yes sir, it was pretty darn
10 hot.

11 Q And do you know the gentleman who cleaned the house
12 out for you?

13 A I knew one of them. I knew Greg Gray.

14 Q Gray is the one who cleaned it out, isn't he?

15 A There was other people there.

16 Q But Gray is the man in charge and he cleaned out
17 houses for a lot of people in Abbeville County, hadn't he?

18 A I don't know that.

19 Q But you knew him?

20 A I seen him there, he was helping moving stuff around.

21 Q Helped move it around?

22 A Well, when I got there he was picking up stuff off
23 the sidewalk and putting it in a box.

24 Q Now, have you ever told anybody that your motorcycle
25 burned?

1 them?

2 A Well I have known Patrick about 20 years, we were in
3 the National Guard together. And I have been knowing Dr.
4 Crosby since I was in the ninth grade, he was my ninth
5 grade teacher.

6 Q Do you have a good relationship with each of them?

7 A I think I do.

8 Q Do you consider each of them friends of yours?

9 A Yes, I do.

10 Q All right. And Patrick in his testimony that he had
11 you call Dr. Crosby on his behalf about these items. Is
12 that accurate?

13 A Yes. Patrick, I don't know exactly when it was but
14 he called me, he asked me if I would call Dr. Crosby and I
15 did. And I asked Dr. Crosby, at the time Dr. Crosby, he
16 didn't have no contract with Patrick or anything. So he
17 told us he don't recall having a contract with Patrick, he
18 didn't have anything that belonged to him. So we kept
19 talking and he said, I told him, he said he had some stuff
20 in the house that he had from a tax sale. And I said I
21 think that is what he was talking about. And Dr. Crosby
22 explained to me, he said that the liability that he had on
23 him, the house was caving in and if someone went in there
24 and got hurt the liability would be on him. And that was
25 it and I called Patrick back and I told Patrick that Dr.

1 Crosby said the risk, the liability.

2 Q Did he either admit or deny there was items in that
3 house?

4 A No, we didn't discuss that.

5 Q He just said he couldn't let anybody in?

6 A Right.

7 Q Do you have any other knowledge about pieces of items
8 in this house?

9 A No, I didn't even know where the house was. The only
10 house that I could remember that Patrick, I was renovating
11 a house on Whitehall and Patrick, I think this might have
12 been the time. I don't know the time, Patrick asked me to
13 call Dr. Crosby but Patrick was staying in the house right
14 across from me and I think the City had condemned it I
15 believe. And we talked a little then and after that I
16 didn't see Patrick for quite a while.

17 Q Just the one phonecall to Dr. Crosby?

18 A That is it.

19 Q Answer any questions that Mr. Watson has.

20 CROSS-EXAMINATION

21 By Mr. Watson:

22 Q You say Dr. Crosby got the impression that Patrick
23 wanted to rent that house?

24 A No, no. I said Dr. Crosby did not have, when I
25 called him he didn't have a contract or written to Patrick

1 Q So you work for the City of Abbeville?

2 A That's right.

3 Q What do you do for the City?

4 A I drive a boom truck.

5 Q What department of the City?

6 A I work for the street department.

7 Q You drive the boom truck and when you are called to
8 this house on Mill Street back in June, the summer of 2010
9 to clean some of it up?

10 A Well I noticed it was being thrown out and strewn
11 through the yard, around the yard and on the sidewalk. I
12 stopped and asked what was going on, if they wanted, I
13 asked Dr. Crosby what was going on. I didn't know him at
14 the time but I talked to him. And so I called my boss and
15 told him about it and he looked into it.

16 Q When you say you talked to Dr. Crosby, was he there
17 present at the scene?

18 A Yes.

19 Q And when you called your boss what did he have you
20 do?

21 A Well, we had to pick it up, we went down and picked
22 it up, it had to be separated. It was just strewn every
23 where, from the porch all the way to the sidewalk and into
24 the road, it was just a mess.

25 Q And you saw the people actually throwing it out onto

1 the street?

2 A Oh, yes.

3 Q Did you know who these people were?

4 A No, not the first time. When I first saw them, I saw
5 Greg Gray later, a couple of days later, I believe.

6 Q Greg Gray was the one doing the throwing out on the
7 street?

8 A No, I didn't actually see him. I saw him pull up and
9 go into the house and get something and put it on his
10 truck.

11 Q Did you know what it was?

12 A No, it was in a box.

13 Q How big of a box are we talking about?

14 A Pretty big box. But I didn't know it was Patrick's
15 stuff at the time.

16 Q And was Dr. Crosby kind of overseeing what was going
17 on when you talked to him?

18 A Oh, yes.

19 Q And he was in charge?

20 A Yes.

21 MR. WATSON: Objection, draws a conclusion.

22 THE COURT: Rephrase your question.

23 Q Did he seem to be directing what was going on?

24 A Yes.

25 Q And did you know Patrick at this time?

- 1 A Oh, yes.
- 2 Q And did you talk to Patrick once you found out it was
- 3 stuff being thrown out?
- 4 A Yes.
- 5 Q Did you talk to him at the scene?
- 6 A At the scene.
- 7 Q Okay. What was Patrick doing?
- 8 A Trying to get every little bit of his stuff he could.
- 9 Q And how long did it take y'all to sort of pick up
- 10 what you could?
- 11 A It took a couple of days. They would throw something
- 12 out there and then pick it up and then they would throw
- 13 out more. And then finally my boss had to bring a garbage
- 14 truck--
- 15 MR. WATSON: Objection to what his boss said.
- 16 THE COURT: Sustained.
- 17 Q Don't tell us what your boss told you to do. What
- 18 did you eventually do?
- 19 A I was telling you what my boss did and--
- 20 Q Oh, okay. What your boss did. Okay. So he drove
- 21 the garbage truck out there?
- 22 A He was in the garbage truck, yes.
- 23 Q And you were in it too?
- 24 A No, I was in the boom truck.
- 25 Q Okay. And so everything that was left, was it put in

1 the garbage truck?

2 A The clothes had to be put in the garbage truck. The
3 furniture and all we picked up with the boom truck.

4 Q Did Patrick just leave stuff lying around that was
5 salvable without making any attempts to retrieve it?

6 A Not at all.

7 Q Was he out there on the days you were out there?

8 A Not the first time I went by there. But pretty much
9 every time after that.

10 Q Did you see any of this railroad memorabilia
11 equipment, did you see any of that being thrown out on the
12 streets?

13 A Yes.

14 Q Did Patrick receive what he could of that?

15 A Yes.

16 Q And how about a 1984 Harley Davidson motorcycle?

17 A No, at that time I didn't see.

18 Q Did you ever see the motorcycle?

19 A Yes.

20 Q Where did you see the motorcycle?

21 A I saw the motorcycle at the house he stayed in on
22 Whitehall.

23 Q So sometime before this house?

24 A Yes.

25 Q And when they were throwing stuff out you never saw

1 the motorcycle?

2 A No.

3 Q Did y'all try to help Patrick in any way you could?

4 A Yes.

5 Q What did y'all do to help him?

6 A Picked up every little thing that looked like it was
7 connected to trains or anything that was connected with
8 him. And pictures, there were a lot of pictures.

9 Q And he retrieved whatever he could?

10 A Yes.

11 Q Did y'all ever give him any extra time to get this
12 stuff, kind of, like let it sit longer than you normally
13 would have while he was trying to collect what he could?

14 A Well we usually do, when something like that happens
15 we don't know what is going on so I will call my boss and
16 let him find out what is going on.

17 Q So would you say that y'all gave Patrick as much time
18 as you could to get what he could?

19 A Well, like I said, the first time I didn't know who
20 it was or what. I just asked Dr. Crosby what was going
21 on, tried to get an answer from him anyway.

22 Q Okay. And it took y'all a few days during this time,
23 after the first time Patrick was--

24 A I think it was actually the next day before we picked
25 up anything. Later that day I found out.

1 Q And it took you more than just that next day to
2 complete the job?

3 A Yes, I think it was three days before we actually got
4 it all cleaned up.

5 Q And after that first time he was out there every
6 time?

7 A Right.

8 Q No further questions. Answer any questions Mr.
9 Watson may have.

10 CROSS-EXAMINATION

11 By Mr. Watson:

12 Q Do you know Mr. Gray that does that type of work?

13 A My name is Mr. Bragg.

14 Q I said do you know Mr. Gray?

15 A Yes.

16 Q Who cleans up houses and stuff like that?

17 A Yes.

18 Q Does he do that on a regular basis?

19 A Now he seems to, yes.

20 Q So it wouldn't have been unusual for him to be out
21 there cleaning up a house for somebody who might have
22 bought one at a tax sale?

23 A No, but I never saw him cleaning up the house.

24 Q You never saw him?

25 A I saw him go into the house and get something and

1 Q So you didn't notice anything at the end of January
2 when they changed the locks in 2010 until June?

3 A No, I didn't notice nothing.

4 Q But then in June of 2010 you alerted Patrick when you
5 saw them put the stuff out?

6 A Yes, sir.

7 Q Did you walk over there and go through the stuff or
8 anything like that?

9 A No, sir.

10 Q Did you see Patrick over at the house trying to
11 salvage stuff after you let him know?

12 A Yes, sir.

13 Q And how long was Patrick over there?

14 A He was over there about to dark and then he come back
15 the next day and the next day and the next day.

16 Q So you say he was getting everything he possibly
17 could?

18 A He was getting everything he possibly could, he put
19 some of it over in my yard over there because he didn't
20 have nothing but his van and he had to go get another
21 truck. I told him it would be all right in my yard.

22 Q And did you see what kinds of items he was
23 retrieving?

24 A No, sir. I was just sitting on the porch.

25 Q Did you see a motorcycle put out in the yard?

1 what you remember hauling from Cedar Springs Highway to
2 Mill Street in Abbeville?

3 A Yes, sir. There was some boxes. I remember boxes of
4 trains and clothes and he had a grafting table and some
5 chester drawers and mattresses and a couple of chairs. It
6 seemed like a big radio, antique radio and a motorcycle.
7 There was the last day, we moved his motorcycle, parts and
8 a couple of front ends and tires and different things.

9 Q And how did y'all actually move the motorcycle?

10 A It was in the back room of a trailer so it was kind
11 of like a workshop. It was a back door we rolled it out
12 onto the ground into the truck.

13 Q Okay. And how did you get it into the house on Mill
14 Street?

15 A Rolled it into the backdoor. It was maybe a step as
16 big as this to the backdoor and we rolled it up in there.

17 Q There has been testimony that there was some roof
18 damage and a leak in that house on Mill Street?

19 A Yes, sir. There was one hole in the backroom next to
20 the bathroom but I had a blue tarp on it when I was living
21 there. It wasn't in bad shape.

22 Q Did you put all of Patrick's stuff, the motorcycle,
23 all of that anywhere where it was going to get hit by the
24 leak?

25 A No, sir. In the living room and then there is a

1 bedroom and a side bedroom and then there is a room with
2 the leak and then there is the bathroom and the kitchen.
3 And stuff like the grafting table and the boxes, trains
4 and a chester drawers and all was put in the side bedroom,
5 beside the living room.

6 Q And the motorcycle was also--

7 A It was put in the back room but it was put in the
8 back corner back there where it wouldn't get rained on.

9 Q Okay. There has also been mention of some burglars,
10 were burglars there previous to moving this stuff in?

11 A Yes, sir. I think it might have been my
12 ex-girlfriend that come in it and got some of our stuff.

13 Q Did y'all take measures to lock this property down
14 and secure it?

15 A Yes, sir. I put glass on the front door and backdoor
16 and boarded up the bathroom windows and screwed them with
17 woodscrews.

18 Q And all of this was done prior to Patrick's stuff?

19 A Yes, sir. Me and Darryl went over there and cleaned
20 up and was trying to, I was working out of town in North
21 Carolina at Sky Valley, was working on townhouses. I was
22 out of town working and I was trying to get back and forth
23 where I could get the power on, I was trying to get it up
24 to code and all of that. I was trying to get the roof
25 fixed and everything.

1 Q So then you lose the house for taxes?

2 A While I was out of town, yes sir. I didn't know that
3 the house was going up for taxes. If I had of known that,
4 it was only \$700.00 and some odd dollars. I would have
5 paid the \$700.00 and some odd dollars if I had of known my
6 house was going to be took from me. That would not have
7 been a problem. I just didn't have an idea. I was out of
8 town, nobody, they said it was put in the newspaper but I
9 didn't see the newspaper, I didn't get no letters or
10 nothing.

11 Q Okay. Where were you working again?

12 A North Carolina Sky Valley next to Highlands, North
13 Carolina.

14 Q When did you find out that there was a problem with
15 paying the taxes on the house that you owned?

16 A Right after I sold my property on, in 2009. I had
17 called, I was going to try to get all of my taxes--

18 MR. WATSON: Your Honor, we object to hearsay
19 testimony.

20 THE COURT: I sustain to hearsay. Rephrase your
21 question.

22 Q The question, just answer the question of when you
23 found out that there was a problem with the taxes?

24 A As soon as the locks come off of the door.

25 Q In January of 2010?

1 never, ever offered that at one time, ever. I was like
2 tripping out, I was like how can they, how can it go up
3 for auction. When I find out that it went up for auction
4 and he had bought it, when we found out, when Curtis told
5 us they were changing the locks. I was like tripping out,
6 I said I can't believe that they are selling this house
7 over that little bit of money.

8 Q So was it in January of 2010 that you found out the
9 locks had been changed?

10 A Yes, sir.

11 Q And did you have any contact with Dr. Crosby or
12 anyone?

13 A No.

14 Q So then, I think that Ray had testified that you,
15 y'all went out there, is that correct?

16 A Yes, sir.

17 Q Any interaction you had with any of this property?

18 A Yes, we were out there the same, the first day we
19 found out they were throwing the stuff out. Just like Ray
20 said, there was nothing of Ray's that was worth anything.
21 They just threw the furniture out there, busted legs off
22 of it so there was no need for Ray, he kept all the little
23 stuff he could find, personal things. Like he told you,
24 there was a lot of family photos and a lot of Patrick's
25 train photos, lots of rolls of film that Patrick had

1 taken, undeveloped film, just little stuff. None of the
2 stuff was worth anything, you know. Nothing that Mr.
3 Crosby would want to keep.

4 Q Well Patrick's stuff, the railroad stuff, did you
5 see, was that being thrown out?

6 A No, sir.

7 Q You never saw any of that?

8 A Never saw any of that good stuff.

9 Q The Harley Davidson, did you ever see that?

10 A No, sir.

11 Q And did you see, was Patrick salvaging what he could?

12 A Yes, I was helping him, we were picking through
13 everything there was, even old Hot Wheel cars.

14 Q Did you see the people who were throwing stuff out on
15 the street?

16 A No. All I ever did was stay at the street and help
17 Patrick find stuff. It was a big old pile.

18 Q That is all I have.

19 CROSS-EXAMINATION

20 By Mr. Watson:

21 Q How do you pronounce your last name?

22 A Kuenzer, silent U, it is Kuenzer.

23 Q Let me ask you this. I want to make sure I
24 understand your testimony. I am not trying to, but you
25 say, as I understood you to say that in 2009, in September

1 of 2009 the Bowie's found out the house had been sold for
2 taxes?

3 A No, he sold his house on Cedar Springs Road.

4 Q Well you said that was about the time he found out
5 about this house?

6 A No, in January.

7 Q You say he didn't know anything about this house?

8 A He didn't know anything about it until January 1.

9 Q When did you talk with the people downstairs about
10 paying the taxes?

11 A When we found out we were going to sell that house,
12 he found out--

13 Q Get some money in September of 2009?

14 A 2009 and I called up here and the lady told me that,
15 yes, money was owed and it was, the total was \$700.00 and
16 something dollars.

17 Q So he knew in September of 2009 that he owed taxes on
18 this property on Mill Street?

19 A But usually if you call they will tell you if you
20 need to be paying rather quickly.

21 Q But you didn't have any contact with Dr. Crosby as
22 saying that, go pay the taxes, he knew he had the taxes?

23 A She never told me who bought it.

24 Q But you and he are blaming the County for not getting
25 in touch with him about paying his taxes?

1 A Not really. But I have never seen a notice in all of
2 them years, we have been to that house a couple of
3 different times and never seen nothing on the door,
4 nothing.

5 Q Well, let me ask you this.

6 A Nothing in the paper because we didn't live here. I
7 live in Hodges.

8 Q But somebody sent the tax notices to somebody. Now,
9 let me ask you this. If the record shows that the
10 property was seized for tax purposes on September the 3rd
11 of 2008 where would Mr. Bowie had been?

12 A He was living with me.

13 Q Whereabouts?

14 A In Hodges.

15 Q In Hodges?

16 A Yes, sir.

17 Q In South Carolina in Abbeville County or Greenwood
18 County?

19 A Greenwood County.

20 Q Then it was put up for public sale and sold on
21 November the 3rd of 2008, where would he had been living?

22 A With me.

23 Q Still in Greenwood or Abbeville County?

24 A Yes, he has been with me ever since '08.

25 Q And then you say you found out in January of 2010

1 that the property was sold?

2 A Correct.

3 Q Now he sold his property down on Cedar Springs Road
4 in 2009?

5 A Correct.

6 Q And he had some money at that time?

7 A Correct.

8 Q And that is when you say you contacted the people
9 about his back taxes?

10 A Before the sale.

11 Q Before the sale. Did he have to pay some taxes on
12 the property down at 2009, I mean the property he sold in
13 2009?

14 A Paul Agnew took care of all of that.

15 Q But anyway you prorate the taxes when you sell
16 property, isn't that a basic fact that you have to prorate
17 the taxes?

18 A I have never sold property.

19 Q All right. And so Paul Agnew handled the sale down
20 there on that property at Cedar Springs?

21 A According to the record.

22 Q Yes. Now, when did you find out, Mr. Bowie's
23 property was on the street, was it in June or July or
24 something like that?

25 A Sometime in the hot summer.

1 Q How did you find out about it?

2 A Patrick or somebody called us and we immediately went
3 over there.

4 Q You immediately went over there to see what was going
5 on?

6 A To see what was going on.

7 Q And you started moving his property?

8 A I didn't move nothing then, I just, anything Patrick
9 wanted to keep we put in a box.

10 Q I have no further questions.

11 THE COURT: Redirect?

12 MR. WATSON: Judge, can we take about a five minute
13 recess.

14 MR. TINSLEY: Nothing, Your Honor.

15 THE COURT: We will take a break, you can step in the
16 jury room. Don't talk about the case.

17 (Whereupon, the jury was excused from open court to
18 take a break.)

19 (Whereupon, a short break was taken.)

20 THE COURT: Bring the jury in, please.

21 (Whereupon, the jury came into open court at
22 approximately 10:30 a.m.)

23 THE COURT: Mr. Tinsley, call your next witness.

24 MR. TINSLEY: The plaintiff calls Jon Porter to the
25 stand.

1 JON PORTER, being
2 first duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 By Mr. Tinsley:

5 Q Please state your name.

6 A Jon Porter.

7 Q How old are you, Mr. Porter?

8 A 56.

9 Q And how long have you lived in Abbeville?

10 A Since 1991, 20 something years.

11 Q What do you do for a living?

12 A I paint and repair cars.

13 Q And do you know both Patrick Bowie and Dr. Bobby
14 Crosby?

15 A Yes, sir.

16 Q Can you explain how you know each of them?

17 A Patrick does a lot of work for me, electrical work
18 and different odd jobs. And Dr. Crosby, painted his
19 tractor one time, I think we painted a tractor for him,
20 some kind of work got done for him.

21 Q And so did you say you have a pretty good
22 relationship for both of them?

23 A Yes, I would think so.

24 Q And how did you get involved with this case about
25 Patrick's property?

1 A Well, I have heard that Mr. Crosby had bought Ray's
2 old house and Patrick had told me that his stuff was over
3 there. And I said, well, I know Mr. Crosby, I will call
4 him and see what, if I can talk to him. So I called Mr.
5 Crosby and asked him about the house and about Ray,
6 Patrick's stuff in there. And Mr. Crosby's response was,
7 I bought the house and everything in it.

8 Q So he took possession and Patrick couldn't get his
9 stuff.

10 MR. WATSON: Object, all he can testify to is what
11 Crosby told him, not what possession he took.

12 Q He told you that he owned everything in the house--

13 MR. WATSON: No, that wasn't what he asked him.

14 THE COURT: Wait a minute, y'all come up here a
15 minute.

16 (Whereupon, a bench conference was held in the
17 presence of the jury but out of the hearing of the
18 jury.)

19 Q Did he tell you anything about Patrick's stuff?

20 A No.

21 Q Okay. Was that, what did he tell you when you asked
22 him?

23 A I called him and I asked him, I said Patrick had some
24 stuff that was being stored in that house. And I said he
25 would like to get it back and Crosby replied to me, I

1 bought that house and everything in it.

2 Q Was that the end of your involvement?

3 A I just told Patrick what the man told me.

4 Q And you never talked to Dr. Crosby but this one time?

5 A That was it.

6 Q No further questions.

7 CROSS-EXAMINATION

8 By Mr. Watson:

9 Q Do you know about when you talked to Dr. Crosby?

10 A During the time Patrick found out that the house was
11 sold and wanted to get his stuff, I think Mr. Crosby had
12 already bought the house.

13 Q Was it sometime between January and June?

14 A It has been a long time ago, I just remember calling
15 him and asking him about Patrick's stuff and the man told
16 me, I bought the house and everything in it and there
17 wasn't really much for me and him to talk about.

18 Q But he didn't take the stuff, he put it out on the
19 street?

20 A No, he didn't, I don't know what was there, I don't
21 know anything about all of that.

22 Q You bought a commode that was there?

23 A I don't know.

24 Q And he bought maybe, was there any other items in
25 there other than what was put on the street?

1 have room to get my lawnmower in and out. I just don't
2 let him, there is no way anything else will fit in there.

3 Q Okay. No further questions.

4 MR. WATSON: Nothing further, Judge.

5 THE COURT: You may step down.

6 MR. TINSLEY: The Plaintiff rests.

7 MR. WATSON: We have a motion to make.

8 THE COURT: All right, we will take a break, I have
9 got some legal matters to take up so y'all step in the
10 jury room. Don't talk about the case.

11 (Whereupon, the jury was excused from open court for
12 a break.)

13 THE COURT: All right, Mr. Watson.

14 MR. WATSON: If it please the Court, the defendant
15 moves for a non-suit or a directed verdict. I think that
16 is the new term that we now use, directed verdict instead
17 of non-suit when it is brought up in the old system on
18 several issues. The first issue being that Dr. Crosby
19 individually should be dismissed as a party defendant,
20 there is nothing to tie him in as ownership of the
21 property or any evidence that he obtained any benefit from
22 the property which alleges has been confiscated or
23 converted to its use. You will notice in the pleadings
24 that the suit was originally filed against Dr. Crosby then
25 an amended complaint was made naming the, actually the

1 owner of the property which is a holding company, Woodbine
2 Estates, LLC. And so it seems to me pretty obvious that
3 he should be dismissed as a party defendant and if the
4 case were to go to the jury it would be strictly against
5 Woodbine, LLC Corporation which is a limited Corporation.
6 Number two, you know, I have been at this business a long
7 time and this is the first case I have ever tried strictly
8 on the idea of conversion. If you look at his complaint,
9 his sole cause of action is conversion. Now, I know there
10 is a lot of law that is a little bit in question, I could
11 not find an exact case in point but conversion apparently
12 has several different ideas about it. One is that you
13 have to be willingly to take the property that belongs to
14 someone else and convert it to your own use. And it is
15 understood that there is a benefit for it. You either
16 have to get money for it, you have to have, a lot of them
17 may be landline type cases where you have a building on a
18 house, on a piece of property that you have to have some
19 benefit from it. The second issue in this case is very
20 obvious that the plaintiff in this action would be a
21 uninvited guest or a person who did not have any right to
22 be on the property. There is nothing that has been
23 established that he had a right to come on the property
24 and if he did have a right to come on the property it was
25 gone at the time the County of Abbeville issued its deed

1 to Woodbine Estates. Now that being the case I don't
2 think that Woodbine Estates owes him any special
3 consideration or historical/distorsious, (phonetic), goods
4 or to take care of any of his property because there is no
5 privity between them at that particular time. If he had
6 been renting the property or if he had come down and said
7 he wanted to rent the property for several months, that he
8 got his stuff out or whatever you might have. It appears
9 to me that all, about ninety-five percent or all of the
10 allegations by the plaintiff is based on some negligence
11 and I point out to you that there is no cause of action
12 for negligence in his complaint. Maybe hindsight is
13 one-hundred percent sometime and maybe that is the way
14 that the actions should be brought. But he brought the
15 suit on conversion and based on conversion and the law of
16 conversion there is no evidence in the case that would
17 allow the Court to send the case to a jury on that
18 particular issue. And we would move that it be dismissed
19 and that Dr. Crosby would be dismissed as a party
20 defendant. After you address that issue then we would
21 move that Woodbine be dismissed because of the type of
22 case that he filed and also based on the testimony. All
23 of the testimony appears to be based on some kind of
24 negligent actions instead of converting the property to
25 his own use for some benefit, that he was to be obtained

1 down the road. Nobody has said that he actually got any
2 benefit from it. If they could prove that he had the
3 property at this time or he sold the motorcycle or he put
4 it on eBay, some of these trains and all that kind of
5 stuff, he had got it or still has it in his possession or
6 in the possession of Woodbine Estates than it would be a
7 different story. But based on the testimony that is not
8 the case. And we would ask that the matter be dismissed.

9 THE COURT: Mr. Tinsley.

10 MR. TINSLEY: May it please the Court, Your Honor.
11 To Mr. Watson's first point, I believe Dr. Crosby is
12 individually involved in this thing. He was out there
13 overseeing the workers, there has been testimony. While
14 they were A, throwing stuff on the street. And B, one
15 worker was loading stuff into a truck according to one
16 witness. And I don't believe it is just the owner of the
17 property who can be involved before the conversion,
18 converting another's property. And as for the conversion
19 cause itself, I believe all we need for conversion is
20 proof that there was an unauthorized detention of
21 another's property after demand for possession. And I
22 believe we have several witnesses testify that there was
23 Patrick to get his stuff back. Mr. Bowie testified, he
24 talked to him. Mr. Porter called and Mr. Bowie's cousin
25 called and Mr. Jackson called. So we had four different

1 phone calls to Dr. Crosby for Patrick to get his stuff
2 back. And I don't believe that, you know, he can't just
3 tell these people, no, I own everything in the house, I
4 bought it all in a tax sale. You get the real property
5 and the fixtures at a tax sale. I don't believe all of
6 this stuff would fall into that category. This is just
7 personal property lying there and when Mr. Bowie and his
8 people called Dr. Crosby and put him on notice that this
9 third party had property stored on this 101 Mill Street
10 that Woodbine Estate now owned, that Dr. Crosby and
11 Woodbine Estates had, they had a duty to get it to him.
12 And they didn't even allow him to come get it himself.
13 They took no steps and I think that is conversion. I
14 don't think that we have to prove that he sold the stuff
15 or anything like that. But there is evidence that his
16 agent was carrying stuff off, a box off in a truck.

17 MR. WATSON: You know, when you have got a
18 corporation you don't have, you have got to have somebody
19 who is an agent for the corporation. You know, a
20 corporation is not an identity if it goes out there and
21 does the work. So when he starts arguing about the fact
22 that the property by Woodbine and he should be personally
23 liable, I meant to me that is not much an argument. And
24 the second thing is, he is a trespasser. And his
25 testimony was that he went, he got some advice, he went to

1 the sheriffs office and the Magistrate's office or
2 whatever he did and they told him to take a claim and
3 delivery which he could have. And I point out to you, and
4 I know this is an argument on the facts but I am talking,
5 but he has brought this up. The property, he got a deed
6 in January but the property wasn't set out on the street
7 until June at least, maybe July. So he had plenty of time
8 to take whatever legal action he wanted to take if he
9 thought that Woodbine Estates was not acting legally in
10 any manner whatsoever and somebody gave him good advice
11 but he didn't follow it. And that being the case he can't
12 come back in here now and say, well, I should have done it
13 but I didn't do it and I want to blame Woodbine Estate or
14 Crosby for it. I think it is pretty obvious, the first
15 motion I made and the second motion, the Court has got to
16 determine their definition of conversion. And based on
17 what I understand about conversion you have got to be a
18 wrongful taking. It is almost a criminal case, it is a
19 wrongful taking and it has got to be a proffer or a
20 benefit involved in it. And those issues have not been
21 addressed or evidence put up to the fact of that matter
22 and I think we are entitled to our non-suit.

23 MR. TINSLEY: Briefly, if I may respond to the claim
24 and delivery argument. I believe they are trying to
25 shorten the statute of limitations at this point to six

1 months or however when he contacted Dr. Crosby and his
2 stuff was put out on the street. I think claim and
3 delivery falls under the conversion umbrella and he is
4 well within the statute of limitations to bring such case.

5 MR. WATSON: He chose his actions. Hindsight is
6 one-hundred percent.

7 THE COURT: All right, I am going to step down. Do
8 you have a case?

9 MR. TINSLEY: One case, Oxford Finance Company versus
10 Burgess just supports my argument that a claim for
11 conversion can be based on an unauthorized detention of
12 property after demand for possession.

13 MR. WATSON: There is, if it is legal. You still got
14 to get around the question of whether or not he had a
15 legal right to keep the property, to keep his property on
16 this man's property after he receives the deed.

17 THE COURT: We will stand at ease.

18 (Whereupon, a short break was taken.)

19 THE COURT: Mr. Tinsley, tell me the connection again
20 as to what the facts have been testified to. It was
21 admitted in the pleadings that Woodbine Estates is the
22 owner of the property.

23 MR. WATSON: That's correct.

24 THE COURT: What's the connection between Dr. Crosby
25 and Woodbine.

1 MR. WATSON: They own the Woodbine Estates.

2 THE COURT: I know that but I want Mr. Tinsley's
3 prospective. What facts have you presented that would
4 cause me not to go ahead and grant that motion of Dr.
5 Crosby individually. No question he was there but when he
6 was there he pointed around and he was in the yard and he
7 was seen and he was acting on behalf of. I mean, what was
8 he doing specifically. I don't think I heard anything
9 whether he was doing one way or the other.

10 MR. TINSLEY: Specifically, I think the most specific
11 testimony we have had is from what he was doing while this
12 was going on was from Jeff Bragg, the City worker who said
13 basically that he was overseeing the work being done. Now
14 I don't think anybody, there has been any testimony that
15 anybody saw him personally carrying any of this stuff away
16 or around, just that he was overseeing his workers and
17 some things were being thrown out in the street. And
18 according to Jeff Bragg somebody was loading a box of
19 stuff into a truck. And I do think that is the only tie
20 to that direct incident and all of these people, you know,
21 they didn't go looking for Woodbine Estates, they just
22 called Dr. Crosby and in their minds is who owned it and
23 all conversations were with him. But those are the facts
24 as I understand how they have been presented.

25 THE COURT: I think Crosby comes out because,

1 Woodbine LLC, Woodbine Estates, LLC, whatever that actual
2 Corporation that owns it, owned the property when it was
3 purchased. I think Crosby, the motion for a directed
4 verdict for Crosby be dismissed as a party defendant be
5 granted. Now as far as conversion goes, this is the
6 oddest case I have seen factually.

7 MR. WATSON: Well, Judge, hindsight is always
8 one-hundred percent. All the allegations really in
9 testimony relate to negligent acts of failure to do
10 something, which would cause negligence. And he did not
11 file a suit for negligence. Normally you would expect a
12 suit like this to be filed where you filed one cause of
13 action for negligence and one for conversion. But that is
14 not in any pleadings. And for that reason, that is the
15 reason we contend that we are entitled to a directed
16 verdict on the issue of conversion. If we had an issue of
17 negligence involved in it I think it would be enough
18 evidence to probably send it to the jury but there is no
19 allegations of negligence in his complaint. And that is
20 what we are, like I say, I have been at this thing a long
21 time and I have never had a case exactly like it to try on
22 conversion. And I read all the cases, I couldn't find
23 anything really, a good case on point other than there
24 seems the cases say that you have got to have a benefit of
25 some kind when you convert other person's property to your

1 own use or through your benefit. If he had of had a sale
2 out on the yard out there selling all of the stuff or they
3 had evidence that he sold these trains on eBay or Woodbine
4 got some money from the eBay on them or anything like
5 that. But all the evidence is that it was just set out on
6 the road at a later date to be picked up by the City.

7 THE COURT: All right, I have got that. All right,
8 this Oxford Finance versus Burgess, if the facts as I
9 understand them and presented, Woodbine Estates, LLC came
10 into the property, possession of the property lawfully,
11 not unlawfully and resumed the house, he lawfully bought
12 it. No question that he acquired it lawfully. He didn't
13 go take it and detain it. He came into it lawfully. And
14 then the demand is made for possession of it from the
15 plaintiff. Is that enough to get to the jury.

16 MR. TINSLEY: I think it is, Your Honor.

17 THE COURT: I understand that. What do you think,
18 Mr. Watson.

19 MR. WATSON: I don't think it is and he is a
20 trespasser, he had no privity with the Woodbine Estates.
21 If he was a renter from Woodbine Estates, for instance
22 when you file a suit in the Magistrate's court for
23 judgment. If he leaves stuff in the property you can kick
24 him out of the house but if he lives in the house that
25 belongs to him he has got a right to either claim it and

1 file an action to get it back or ask the Court to give him
2 a certain period of time to do it. But he had no contact
3 whatsoever with Woodbine Estates. Now, it might be a
4 different story for the Bowie, Mr. Bowie who actually
5 owned the property. There might be a fine line there and
6 he could have demanded some stuff because of the fact that
7 he was a previous owner. But the man who brought the
8 lawsuit had no rights whatsoever to the property, he had
9 no lease with Bowie, he had no lease with Woodbine
10 Estates. And he certainly had adequate time to file any
11 kind of actions he wanted to get his property after he
12 found out the property had been sold.

13 THE COURT: It seems like I ran across this in
14 Newberry when I was City attorney, that a house be sold
15 for a tax sale, old car is in the back yard. Similar
16 situation. Hauled those cars off. I wish y'all had a
17 copy of these cases, y'all have really been no help at all
18 on the research.

19 MR. WATSON: I looked at them, there is not one.

20 MR. TINSLEY: I have got a copy of one case which I
21 don't know if it is really for a legal matter, how helpful
22 it is.

23 MR. WATSON: I looked at them, I could not find one.
24 The only cases that I found basically said two things, one
25 is for conversion. You have got to have a wrongful taking

1 and it has got to be some kind of benefit to the person
2 that takes it.

3 THE COURT: I am having trouble getting onto my stuff
4 so y'all be quiet for a second. Stand at ease.

5 (Whereupon, a short break was taken.)

6 THE COURT: Regarding the directed verdict on the
7 conversion, I am going to deny it at this time. It seems
8 to me there is going to be a question of fact as to after
9 the defendant came into lawful possession of the property
10 did he wrongfully detain or what was there. I mean, there
11 is a question of fact for me as to what he had when he
12 came in lawful possession. That is a question of fact
13 right there. And I, when I say, he, I mean the
14 Corporation, LLC. But it is, conversion can be simple and
15 most of the cases are not, all the cases I read very
16 quickly are not on factual specific point. I think it is
17 a jury question of whether, what property was in the house
18 that he came in lawful possession because there has been
19 testimony about what was in there and you won't get a
20 directed verdict on that. All right.

21 MR. WATSON: We will renew it again. But I don't
22 think there is any question he had some stuff in the
23 house.

24 THE COURT: Right.

25 MR. WATSON: The question is, what obligation was in

1 the LLC owing after he saved some kind of notice that he
2 had stuff in the house. And I think that is really based
3 on negligence, not conversion. And we would ask you to
4 keep that in mind.

5 THE COURT: All right, I think that is a fair request
6 to keep that in mind. Are you ready to go forward?

7 MR. WATSON: Yes but it is 12:00 o'clock. The first
8 witness I will put up, see if she is downstairs.

9 THE COURT: If she is not downstairs we will take a
10 lunch break. I wish I had known this was going to take me
11 that long to get the computer to work like I wanted and we
12 would have sent the jury out for a lunch and come back in.

13 MR. WATSON: 1:30?

14 THE COURT: Can we eat in an hour, let's be back in
15 here at 1:00. Send them to lunch. That will give you
16 time to get the witnesses.

17 MR. WATSON: So I understand you are dismissing him
18 individually as a party to the defendant and Woodbine
19 Estates is still in as far as a defendant.

20 THE COURT: Yes. The jury is going to lunch and we
21 are going to lunch.

22 (Whereupon, a lunch break was taken.)

23 THE COURT: Bring the jury in, please.

24 (Whereupon, the jury came into open court at
25 approximately 1:05 p.m.)

1 THE COURT: All right, we are ready for the defense
2 case. Mr. Watson, call your first witness.

3 MR. WATSON: Are you going to announce any of your
4 decisions before we start on that one issue?

5 THE COURT: No, I have already done it on the record.

6 MR. WATSON: All right.

7 THE COURT: We did that.

8 MR. WATSON: I know you have but I was wondering that
9 you were going to tell the jury what you did on that
10 issue.

11 THE COURT: No.

12 MR. WATSON: Okay. The defense calls Dorothy Coates
13 to the stand.

14 DOROTHY COATES, being
15 first duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 By Mr. Watson:

18 Q Give us your name, please.

19 A My name is Dorothy W. Coates.

20 Q And do you live in Abbeville County?

21 A Yes, I do.

22 Q Do you work for Abbeville County?

23 A Yes, I do.

24 Q And how long have you worked for Abbeville County?

25 A Coming on 26 years.

1 Q Thank you. But it was sold in November and you gave
2 the deed in 2010, is that correct?

3 A Right. That is when the deed was actually done.

4 Q I have no further questions.

5 THE COURT: You may step down. Call your next
6 witness.

7 MR. WATSON: We call Dr. Bobby Crosby to the stand.

8 DR. BOBBY CROSBY, being

9 first duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 By Mr. Watson:

12 Q Dr. Crosby, I want you to look at this jury and speak
13 out loud enough so everybody can hear you. But would you
14 state your name, please?

15 A Bobby Crosby.

16 Q Do you live in Abbeville County?

17 A Yes, I do.

18 Q Have you lived in Abbeville County all of your life?

19 A All of my life.

20 Q Give us a little bit of background. How old are you
21 now?

22 A 66.

23 Q And give us a little bit of background of your
24 education and work in Abbeville County?

25 A Education, I was educated in local public schools and

1 graduated at the old high school. I have a BS from South
2 Carolina State College, a Master's from Clemson University
3 and a Doctorate at Southeastern in Florida. And my
4 background, professional background has been in real
5 estate and education. I was a teacher and school
6 administrator at Abbeville School District 60 and as well
7 as my part-time position I was doing on the side which I
8 have been doing about 50 years.

9 Q And I believe that you have indicated to me that you
10 grew up in the family that did a lot of work on houses and
11 that sort of thing?

12 A We worked on houses and we did repairs, worked with
13 my grandfather and on the side we also did farming. I do
14 have some expertise in really almost all forms of
15 construction.

16 Q Did you, where do you live in Abbeville County?

17 A I live on the same farm I grew up on which is on
18 Stevenson Road about five miles outside of Abbeville
19 between Abbeville and Greenwood.

20 Q And you still live there?

21 A I still live there, yes.

22 Q When did you retire as a school teacher?

23 A I retired as an administrator in, I believe in 1996.

24 Q Now, did you know any of the Bowie's in this case?

25 A I do not know any of the people in this case.

1 Q Now, do you occasionally buy property, I believe you
2 have a, who owns this company you have got, Woodbine
3 Estates, Incorporated?

4 A Woodbine Estates, LLC is a partnership and my wife
5 and myself, we are fifty/fifty.

6 Q It is a limited liability corporation?

7 A A limited liability corporation and we are fifty
8 percent partners each.

9 Q All right. And this is sort of your sideline to
10 supplement your income?

11 A It is.

12 Q Now did you have an occasion to buy this property on
13 Mill Street?

14 A Yes, I did.

15 Q You bought, do you remember what month you bought it?

16 A It would be November on the tax sale date.

17 Q November of 2009?

18 A 2009, I believe, yes. I think it was first sold in
19 2008.

20 Q So anyway on the tax sale in 2008?

21 A Yes.

22 Q And tell the jury what you did after you bought the
23 property?

24 A I purchased the property at the tax sale and I didn't
25 do anything because the people, the defaulting taxpayer

1 has one year to redeem the property. So as a result I
2 don't touch a property until I actually receive the deed.
3 When I received the deed on this particular property and
4 when inspected the property the property was not secure.

5 Q Now what do you mean by not secured?

6 A There were no locks on the door and when I started
7 into the house, in fact I almost fell myself, I realized
8 there was a dangerous situation. It is raining on that
9 day, the rain was coming through the roof. On that
10 particular roof which represents roughly maybe twenty
11 percent of the house had collapsed. You could look
12 straight up from daylight, it was wet and damp inside. I
13 saw stacks of various boxes and so forth. We did secure
14 the house.

15 Q What do you mean by secure, what did you do to
16 secure?

17 A We put locks on the house, we put up a no trespassing
18 sign because we didn't want anyone to enter the premises
19 as a result of the condition of it.

20 Q What else happened?

21 A Following that I had to insure the house. And I was
22 told by the Agent--

23 Q Now, you can't go into what somebody told you. But
24 did you get any kind of--

25 A I was refused insurance on the house because of the

1 condition.

2 Q All right.

3 A Prior to that I had to do repairs. So I employed Mr.
4 Gray to actually go and clean out the house, to remove the
5 items from the house.

6 Q Was there a lot of items in the house?

7 A There was a lot of stuff, there was stacks of boxes
8 and he was instructed to remove everything to the street.

9 Q Has he done work for you before on these types of
10 situations?

11 A He has worked for me over twenty years.

12 Q Do you know that he does this type of work for other
13 people in Abbeville County?

14 A Yes, he works for various people, that is what he
15 does. He works for individuals doing various kinds of tax
16 construction, repair, those kinds of things.

17 Q Now, when is the first time you heard from anybody
18 that they were making a claim against you or against your
19 company for items left in the building?

20 A The first time that I heard anything was I received a
21 telephone call from Mr. Bowie saying that he had property
22 in the house. Now this was sometime ago but as I
23 attempted to recall the contents of the conversation was,
24 had things in the house and he wanted to enter the house.
25 My reply was to him that I would not permit him to enter

1 the house because of liability concerns. And if there was
2 a problem he should talk to the County. Because first of
3 all I had no idea who owned anything, I wasn't given any
4 instructions from the County whatsoever as to the contents
5 of the house, who it may have belonged to. Anybody could
6 come in and make a claim and say, this is my property. So
7 there was, I didn't see it as my responsibility to try to
8 make that decision.

9 Q You told him to contact Abbeville County?

10 A I told him to contact Abbeville County.

11 Q Did Abbeville County ever contact you as a result of
12 him talking to Abbeville County?

13 A They never did.

14 Q Now, how long after that did you decide you had to do
15 something about cleaning up the house?

16 A Well, there was some time had passed, in fact at that
17 point when I received the call the house was already
18 cleaned out. In fact stuff was on the street and I assume
19 that is probably why he called me.

20 Q Well tell us about, did you call anybody at the City
21 about cleaning out the house?

22 A I did. Knowing that the items were going to go on
23 the street I actually called the City and asked them to
24 pick it up.

25 Q Did they pick it up?

1 A They did not pick it up initially. I didn't know why
2 they didn't pick it up initially which is why I felt some
3 things that ended being, a box was being tampered with. I
4 noticed from the affidavit from one of the witnesses on
5 the stand, Jeff Bragg, and I received this initially.

6 MR. TINSLEY: Objection.

7 Q You are talking about these papers that were served
8 on you?

9 A Those were the papers that were served on me, yes.

10 Q And attached to the summons and complaint was in the
11 affidavit from a particular person?

12 A That's right.

13 MR. WATSON: Judge, you want to look at the original
14 paper?

15 THE COURT: I have got the pleadings.

16 MR. WATSON: Well, look at the original pleadings if
17 you have any questions about it.

18 Q Now is this affidavit right here, was that served on
19 you when you got the papers?

20 A That was served on me, yes sir.

21 Q And that is the one you brought to me?

22 A Yes.

23 Q Is that right?

24 A Yes, sir.

25 Q Now this affidavit that you referred to, that was

1 made a part of the suit that was filed against you?

2 A Yes.

3 Q And with the Court's permission I am going to ask
4 that you be allowed to read it because this gentleman has
5 testified in court and this is part of the pleadings that
6 he served on you.

7 MR. WATSON: Any objection?

8 MR. TINSLEY: No objection.

9 Q All right, now read that affidavit.

10 A I am going to read the--

11 Q You read it all.

12 A Read all of it. I, Jeff Bragg, in my duty as
13 sanitation truck driver for the City of Abbeville
14 witnessed people picking through and removing items they
15 wanted to keep. A property that belonged to Patrick Bowie
16 that appears to have been discarded by Dr. Robert (Bobby),
17 I am not named Robert, after he took possession of the
18 house at 102 Mill Street that he had recently purchased at
19 a tax sale. The house was previously owned by Patrick's
20 cousin, Ray Bowie. Patrick's property was in such array,
21 disarray with furniture broken and items damaged to broken
22 and it appeared to me to have been thrown with abandon
23 from the porch onto the lawn, sidewalk and even partially
24 in the road in front of 102 Mill Street. Actually the
25 address is 101 Mill Street. Residents of the City of

1 Abbeville must sort what they want the City to pick up for
2 the purpose of disposal. However the property around the
3 front of the house was never assorted by the home. For
4 the purpose of maintaining our standards and cleanness and
5 after discussing the problem with my boss, the property
6 was left a mess, I had to sort it myself. I knew the
7 property belonged to Patrick Bowie and told my boss the
8 property belonged to Patrick. We were in agreement that
9 we didn't want to haul off Patrick's property under the
10 circumstances if there was any chance Patrick might be
11 able to salvage anything of value. We delayed picking it
12 up as long as we felt we recently could. It is signed,
13 Jeffrey Bragg. Date, 3/22/11 and notarized.

14 Q Now, you hired Mr. Gray to put the property out on
15 the street, is that correct?

16 A Yes, sir.

17 Q Did you call the City of Abbeville and tell them
18 there was a problem with picking it up?

19 A Yes, I did. And I also received a call back saying
20 that there was a problem with the boxes and so forth being
21 in disarray. I sent Mr. Gray back to box it again because
22 this was caused by the delay by people going and picking
23 through the boxes. And we sent him back to box them again
24 and he did.

25 Q So there was some number of days where the City of

1 Abbeville, apparently Mr. Bragg which must be a friend of
2 his, gave him an opportunity to go through all of the
3 goods out on the street and picked out what he wanted?

4 A Apparently.

5 Q And then you had to go back to the house or send an
6 employee back of the Woodbine Estates to redo the job?

7 A Yes.

8 Q Now, have you done anything to the property since
9 then?

10 A We did, we repaired the roof, we closed it in to keep
11 the rain out. We put a new roof on the house and we
12 started some interior things, we still have to replace
13 some items that were gone from the bathtub. I have the
14 tub but not installed.

15 Q So there were, there were certain items taken out of
16 the house like a bathtub?

17 A The tub, the sink, the house was vandalized, it was
18 ransacked.

19 Q And you say there was no locks on the doors when you
20 went over there?

21 A There was no locks on the doors, there was a lock on
22 the front door but the door was not locked.

23 Q But you put locks on the doors?

24 A We replaced the locks but we did not have a key for
25 that current lock.

1 Q You replaced the locks?

2 A We replaced the locks, yes.

3 Q Had anybody called you or talked to you about this
4 situation when you did not refer them to the County of
5 Abbeville?

6 A Everyone who called me, that was my standard reply.
7 Within that period of time I received many calls during
8 the day, I cannot recall a conversation with the City
9 individuals over that period of time. Say, this person
10 may have called. My standard reply was to refer the
11 person to the County of Abbeville. I was trying not to
12 get involved with the situation where I didn't feel like I
13 had legal right to negotiate.

14 Q You bought the house, not the contents?

15 A I bought the house from whenever the County gave me.
16 I mean I was just going by what was on the deed. I did
17 not know, I was not, the contents were not in the contract
18 as such. It just said the house and what was on the deed,
19 I didn't even know there were contents.

20 Q But did you take any, did Woodbine Estates take any
21 property out of the house and keep it?

22 A Woodbine Estates did not keep any property. Mr. Gray
23 was instructed to put everything on the street, he has
24 worked over twenty years for me and every time he has
25 removed something there has never been a problem.

1 Q But you didn't take any of the property?

2 A I didn't take any of the property.

3 Q Did you ever see a motorcycle on the property?

4 A No, sir. Did not see a motorcycle.

5 Q Did Woodbine Estates get any money from the sale of
6 anything that might have been in the house?

7 A We did not get any money from the sale of anything
8 that was in the house.

9 Q Do you know if anyone else, do you have any knowledge
10 of anyone else picking up items and selling them?

11 A I have no knowledge of any items that was sold from
12 that property.

13 Q Now, you said there was boxes in there, is that
14 right?

15 A Yes, I saw boxes.

16 Q And there were a lot of papers, I believe?

17 A A lot of papers.

18 Q And were they wet or not wet?

19 A Everything appeared mildewed because the rain was
20 actually blowing in.

21 Q And what about windows, were they opened or closed?

22 A The windows were closed, there were some broken
23 windows. There had been, I believe in the left bedroom,
24 maybe one window appeared to have been opened. And in the
25 bathroom area there was a missing window.

1 Q Is there anything else you can tell me on behalf of
2 Woodbine Estates that happened that you know anything
3 about that is related to the allegations made by Mr. Bowie
4 in this lawsuit?

5 A Not that I can think of right now.

6 Q Did you ever take an inventory of anything in the
7 building?

8 A No, we didn't see anything really. I didn't see
9 anything really of value to take an inventory of. And no
10 inventory was given to me by the County. In fact there
11 was no mention of contents they inventoried.

12 Q Now, you put up a trespass sign because you don't
13 want nobody falling through the floor or getting hurt on
14 your property, is that it?

15 A That's correct.

16 Q And you tried to insure it but nobody would insure
17 it?

18 A They would not insure it.

19 Q And eventually you got Mr. Gray to go out there and
20 remove the items?

21 A Removed the items.

22 Q And you notified the city that you were going to
23 remove the items?

24 A We notified the City.

25 Q And some days, some time later they wanted you to go

1 out and restack it?

2 A We had to go back and restack it because of the
3 change.

4 Q Anything else you want to tell the jury about the
5 case?

6 A Well, the only thing that I have to say about the
7 case is something we have been doing for quite a long
8 time. And we try to do things the way you are suppose to
9 be done, to follow the letter of the law in doing so. And
10 we placed everything, well, we felt like it was suppose to
11 be since we had no recourse as to who, what belonged to
12 who. We were not given any instructions on that.

13 Q Mr. Tinsley will ask you some questions.

14 CROSS-EXAMINATION

15 By Mr. Tinsley:

16 Q Woodbine Estates purchased this property through a
17 tax sale for, I believe she testified, \$1,080.00 dollars
18 or something or about?

19 A Whatever she said I will agree.

20 Q And sometime after you got the deed, paid the money
21 and got the deed, isn't it true that Mr. Patrick Bowie
22 called you as you testified to ask about your stuff, about
23 his stuff that was stored there?

24 A Yes.

25 Q And I think you testified that you told him, you

1 didn't know about any third parties, for all you knew it
2 was somebody that was trying to get some free stuff?

3 A That is not the statement I gave to the County.

4 Q Well, you were referring to the County but you also
5 said anybody could call and say that my stuff was in the
6 house?

7 A I didn't say that to Mr. Bowie.

8 Q But you thought that, anybody can call you and say--

9 A Well, that is in reality.

10 Q Okay. But that is the way it is, all right. Isn't
11 it true then that his cousin, the owner, Anthony Ray Bowie
12 called you to let you know, yes, there is a third party,
13 my cousin has got some personal property that is in that
14 house?

15 A I am not remembering that conversation.

16 Q Are you saying that that conversation didn't happen?

17 A I am not familiar with it.

18 Q He didn't call you and offer to pay the taxes and try
19 to get his house back?

20 A Now I remember an offer to pay the taxes. When we
21 purchase property, Woodbine Estates is a profit company so
22 when we buy a property from taxes we don't sell it back
23 for taxes.

24 Q You try to turn a profit.

25 A Yes, sir.

1 Q Okay. And if I represent to you that on the
2 Abbeville County website they value this property at
3 \$18,500.00 dollars, does that sound right?

4 A That is not right, no.

5 Q What is it worth--

6 A What do I think it is worth?

7 Q The Abbeville County taxes?

8 A It may be valued at that, I am not sure what it is
9 valued at. I haven't looked at the GIS on that lately.

10 Q All right. But if I represented to you and to the
11 Court that is what it says you don't dispute that?

12 A I wouldn't agree with it unless I look at it.

13 Q Okay. Isn't it true that Patrick Bowie, when he
14 called you that he asked you to at least let him know when
15 you are going to put the stuff on the street?

16 A I am not sure that I recall that as being the context
17 of the conversation. But I would not have been in the
18 position to give someone special privilege unless I
19 acknowledge or instructed by a legal source to say that I
20 can provide to that individual.

21 Q So you didn't give him any help with retrieving any
22 property even out on the street?

23 A Well, out on the street we have no authority. Once
24 it is placed on the street we have no authority
25 whatsoever. I did attempt to extend authority to the

1 street.

2 Q I am going to show you some photographs of boxes and
3 items that he did recover off the street that were thrown
4 out there and let you look through them briefly, he
5 testified to this yesterday. And you say any of these
6 photographs show items that were water damaged or strictly
7 mildewed at this point?

8 A I can't say that, in fact I cannot even authenticate
9 these photographs. They are closeups and there is not
10 information photographically for me to make that kind of
11 assessment.

12 Q So you don't see any evidence of water damage in
13 these photographs?

14 A I am not a photograph analyst, I don't want to make
15 that conclusion.

16 Q Okay. About the state of the house, were you the
17 first person to go to the house once you gained title to
18 the possession to it or did you send Greg Gray?

19 A No. I was the first person to actually go to the
20 house.

21 Q Okay. And how long after you went to it did you see,
22 did you send Greg to clean it up?

23 A It may have been a period of weeks. It was not like
24 the next day I don't think.

25 Q Would you dispute that it was sometime in the

1 summertime?

2 A It was some time.

3 Q And what do you remember seeing when you went in the
4 house as far as these items?

5 A I just saw a bunch of boxes is what I saw.

6 Q Empty boxes?

7 A I don't know, I didn't look through the boxes, no.
8 Dealing with old houses, usually when a house has been
9 vacant for years and sitting there and usually is junk, I
10 don't have any place to store it. So I have no reason to
11 go through the boxes.

12 Q So you say there was just a bunch of junk that was in
13 there?

14 A That was my assumption. And since I have somewhat of
15 a fear of snakes and rats I usually just don't go through
16 an old house and start going through boxes.

17 Q And you testified you had to send Greg Gray back out
18 there after he initially threw the stuff out to resort it?

19 A Well, from what I see they didn't throw the stuff
20 out. They had hand trucks to roll it out. And if you are
21 familiar with the property and that statement was made by
22 someone, the property is almost in the street, very close
23 to the street. It would not have been practical to toss
24 anything off the porch of that property into the yard or
25 into the street. So that was just not a practical

1 approach to do it. So they carried it out like they
2 normally do.

3 Q So you were there supervising them while they were
4 doing this work?

5 A No, I wasn't there but that is what they normally do.
6 And with that track record I assume that they carried it
7 out.

8 Q So you don't actually know how they did this job, you
9 are just going off what you--

10 A I am just going off of their track record.

11 Q Why would Greg Gray have to go out there and resort
12 this stuff if Jeff Bragg testified he had to do it
13 himself, the City worker?

14 A I really don't why Jeff Bragg testified.

15 Q You don't think he is telling the truth?

16 A Well, I am not going to get into what he is telling
17 but I don't know why he testified. I didn't talk to him.

18 Q But you did talk to two other people about your stuff
19 besides Patrick and his cousin, Jon Porter and James
20 Jackson?

21 A I remember Jon Porter, he painted a tractor for me.
22 I don't remember conversations with him. James Jackson
23 was one of my students, he also does electrical work for
24 me. I probably talk to James Jackson on a fairly regular
25 basis. Now whether that conversation was ever mentioned,

1 he mentioned the fact that I said it was a liability issue
2 at some point. I don't necessarily recall referencing
3 specific references to this particular case. So we do
4 talk.

5 Q Despite all of these conversations you never took any
6 steps to help this man get any of his property back out of
7 the house?

8 A And when you say steps--

9 Q -- did you do anything to help him get it back?

10 A I didn't know Woodbine Estates had a judiciary
11 responsibility on a house that was purchased from the
12 County to protect property that was placed, that was not
13 given permission, not by the County or me. I wasn't aware
14 of that.

15 Q So you didn't help him, do anything to help him get
16 his stuff back?

17 A I didn't have proof it was his stuff.

18 Q But you didn't do anything to help him get anything,
19 any of his stuff back?

20 A I had no written or legal implication as to or what
21 anything belonged to.

22 Q So you didn't help him get any stuff back, yes or no?

23 A It is not a yes or no question.

24 Q Would you please answer the question.

25 A Sir?

1 Q Would you answer the question?

2 A What is the question.

3 Q Yes or no, did you help this man get any items out of
4 his house?

5 A Define what you mean by help.

6 Q Did you do, did you say, hey--

7 A I referred him back to the County, that was my help.

8 Q That was the only help you gave him, to call the
9 County?

10 A I said call the County.

11 Q No further questions.

12 THE COURT: Redirect?

13 MR. WATSON: No further questions.

14 THE COURT: You may step down.

15 MR. WATSON: Call Mr. Gray.

16 GREG GRAY, being

17 first duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 By Mr. Watson:

20 Q Now, Mr. Gray, I am going to ask you to do what I ask
21 everybody to do and that is to look at the jury when you
22 testify, speak loud enough so everybody can hear you. Can
23 you give us your name?

24 A My name is Gregory Gray.

25 Q Do you live in Abbeville County?

1 A Yes.

2 Q And how long have you lived in Abbeville County?

3 A 49 years.

4 Q And what kind of employment or business type work do
5 you do?

6 A Landscape.

7 Q Landscape?

8 A Yes, sir.

9 Q Do you have people that work for you?

10 A Sometimes.

11 Q Do you know Mr. Crosby?

12 A Yes.

13 Q Have you done work for him the past?

14 A Yes.

15 Q Did you know the Bowie's?

16 A Yes.

17 Q How long have you known Mr. Bowie?

18 A 30 something years.

19 Q Have you ever done any work for him?

20 A Not that I remember, no.

21 Q Did you and he ever have a fight or an argument about
22 anything?

23 A No, not that I remember.

24 Q But you say y'all are reasonably good friends?

25 A Yes.

1 Q Now, in this case on Mill Street, were you employed
2 to do a job for a company that owned the property?

3 A Yes.

4 Q You know about what time it was?

5 A No.

6 Q Was it in, it has been testified that maybe in June
7 of 2010, does that sound about right?

8 A I don't know.

9 Q But you did, did you go out and clean out the
10 property at the request of Dr. Crosby?

11 A Yes.

12 Q Did you see Mr. Bowie at the property at any time?

13 A Yes.

14 Q Did you have any conversations with him?

15 A Yes.

16 Q Tell us what you did about cleaning out the property,
17 how did you go about it?

18 A It is called a hand truck, like a L framed piece of
19 metal welded together and two wheels on it. And it lifts
20 and rolls and moves heavy objects from one location to
21 another.

22 Q Were there a lot of objects in the house that you
23 were trying to move?

24 A Yes.

25 Q Tell us what all was in the house if you remember and

1 how you moved it?

2 A I don't know, I just started, I mean rolling it out.

3 Q Did you throw anything off the porch?

4 A I couldn't.

5 Q You couldn't?

6 A It wasn't mine.

7 Q So you couldn't throw anything off the porch?

8 A No.

9 Q Well did you take it as good as you could and put it
10 on the street?

11 A Sure.

12 Q Did you stack it on the street?

13 A Yes.

14 Q Did you stack according to how the City had told you
15 to stack it before?

16 A Yes.

17 Q And how long did it take you to clean out the house
18 if you remember?

19 A Several days.

20 Q And did you have some help out there with you at the
21 time?

22 A Yes.

23 Q Do you remember when Mr. Bowie came to talk to you,
24 was it the first day you were doing work or the last days
25 you were doing work?

- 1 A I don't remember.
- 2 Q But he did come and talk to you?
- 3 A Yes.
- 4 Q Do you remember what his conversation was with you?
- 5 A He said he wanted to get his things back.
- 6 Q What did you tell him?
- 7 A That was fine with me, he would get them off the
- 8 street, he couldn't come in the house.
- 9 Q So you wouldn't let him in the house?
- 10 A I couldn't. It was not my house.
- 11 Q But he could get everything off the street, did he
- 12 start getting stuff off of the street?
- 13 A Yes.
- 14 Q Did he have some help getting stuff off of the
- 15 street?
- 16 A I don't remember.
- 17 Q Did you ever see a motorcycle at that place?
- 18 A No.
- 19 Q Did he ever ask you about a motorcycle?
- 20 A No.
- 21 Q Have you ever had a conversation with him about a
- 22 motorcycle?
- 23 A Yes.
- 24 Q When did you have a conversation with him about a
- 25 motorcycle?

1 A He was out there, when he was on Whitehall, he was
2 living in a house and he was out and making some
3 adjustments on the carburetor at that time. I don't
4 remember what day it was, day or year it was.

5 Q And what else did he tell you happened on that day?

6 A I don't remember.

7 Q Did he ever tell you the motorcycle caught fire?

8 A Yes.

9 Q When he was working on it?

10 A Yes.

11 Q What did he say that he did to put out the fire?

12 A He ran it in a creek.

13 Q Is that what he told you?

14 A Yes.

15 Q Now, did he make any comment about a motorcycle or
16 ask you about a motorcycle when you were cleaning out the
17 house?

18 A I don't remember.

19 Q Well, if he had asked you about a motorcycle do you
20 think you would have remembered, that is a big item?

21 A Would you repeat that.

22 Q If he had asked you about a motorcycle would that be
23 something that you might remember that was in the house?

24 A Yes.

25 Q Well, did you see a motorcycle in the house?

1 A No.

2 Q Did you or any of your employees take any items out
3 of that house for your own personal use?

4 A No.

5 Q Now were there other people going through the
6 property that was set outside other than the gentleman
7 here?

8 A Yes.

9 Q Did you or any one of your employees take any items
10 home or sell any items that came out of this particular
11 house on Mill Street?

12 A No.

13 Q In fact if you had of done something like that you
14 wouldn't be working with all the people for twenty years
15 in Abbeville County.

16 MR. TINSLEY: Objection, speculation.

17 Q I will withdraw it. And you say Mr. Bowie and you
18 are reasonably good friends?

19 A Yes.

20 Q And you have known him for how many years?

21 A It has been a lot of years, over thirty.

22 Q And did you have to go back to redo your job, restack
23 over there at the place?

24 A Yes.

25 Q And who told you you had to do that?

1 A Dr. Crosby.

2 Q In other words, the old saying, you had to go back
3 and lick your calf again to do it right, is that it?

4 A That's it.

5 Q And you went back over there and did it the second
6 time, how many times did you do after that?

7 A I think it was just one.

8 Q And did you do the, the first time you did it did you
9 do it like you have been doing for years with the City?

10 A Yes.

11 Q And did you throw anything off the porch or damage
12 any property?

13 A No.

14 Q And you told this gentleman here he could get
15 everything he wanted but he would have to get it off the
16 street, is that right?

17 A Yes.

18 Q You couldn't let him go in the house?

19 A No.

20 Q I have no further questions.

21 CROSS-EXAMINATION

22 By Mr. Tinsley:

23 Q You loaded some kind of box on a truck or a trailer
24 at some point, on that first day when you were unloading
25 stuff, there has been testimony to that, is that true?

- 1 A Yes, it was my brother, Otis', box. He was walking
- 2 down the road and I picked him up to ask him to come help
- 3 me to move some stuff out of the house and put on the
- 4 road.
- 5 Q You loaded a box for Otis onto this, was it on a
- 6 trailer?
- 7 A It was a truck, I have a truck.
- 8 Q So in the back of a truck?
- 9 A I don't remember.
- 10 Q So you loaded a box for your brother. What was in
- 11 this box?
- 12 A Bags of beans and rice and can goods.
- 13 Q I am a little confused at your testimony. Did you
- 14 not remember seeing a motorcycle or did you not see a
- 15 motorcycle?
- 16 A No, I didn't see a motorcycle there.
- 17 Q Let's go back to this Whitehall Road incident when
- 18 you were talking about the motorcycle. Did you see the
- 19 motorcycle at that point?
- 20 A Yes.
- 21 Q Does this look like an accurate picture?
- 22 A I don't remember.
- 23 Q You don't know whether that is it or not?
- 24 A No.
- 25 Q Was it a Harley Davidson motorcycle?

- 1 A Yes.
- 2 Q You didn't break any items on this job?
- 3 A No.
- 4 Q None of this stuff got broken?
- 5 A I didn't break it.
- 6 Q Who was helping you on this job?
- 7 A Otis Gray, my brother.
- 8 Q Okay. And did you see the City worker, Jeff Bragg,
- 9 out there having to sort through items?
- 10 A He wasn't sorting through them, he was looking
- 11 through them.
- 12 Q So he didn't have to sort like he testified to and
- 13 like he put in his affidavit?
- 14 A I think he was working and I think he was out looking
- 15 through them.
- 16 Q So he didn't have to do your job, resorting stuff?
- 17 A No.
- 18 Q What kind of stuff did you see as you were unloading
- 19 this stuff from the house to the street?
- 20 A I don't remember.
- 21 Q You don't remember anything?
- 22 A It was dark, I don't remember.
- 23 Q You were doing this work at night?
- 24 A No.
- 25 Q Rainy day?

1 A It could have been raining one day.

2 Q It was dark, it was too dark to see?

3 A There was light through the windows.

4 Q You couldn't even see it when you took it outside?

5 A I couldn't see to read or look through the boxes, no.

6 Q You couldn't tell one single item in any of these
7 boxes was that you threw out?

8 A No.

9 Q And is it true that Patrick and whatever help he had,
10 they went through and salvaged what they could?

11 A I guess.

12 Q No further questions.

13 MR. WATSON: No further questions.

14 THE COURT: You may step down.

15 MR. WATSON: That is the defense case. We will renew
16 our motion if you want to hear it or note it, whatever you
17 might want to do.

18 THE COURT: Let's take a quick break. Go to your
19 jury room and we will be right back in a minute and we
20 will conclude this case.

21 (Whereupon, the jury was excused from open court for
22 a break.)

23 THE COURT: Let's hear your motion.

24 MR. WATSON: If it please the Court, we would renew
25 the motion we made for a directed verdict based on what we

1 previously stated and the issues which you had some
2 question about certainly hadn't been resolved by the case.
3 So we don't have any idea of what is there, what was there
4 or what was anything else. And I don't see how a jury can
5 make a legitimate inquiry of what is there when nobody
6 knows what was there.

7 THE COURT: Well, I think that is what the jury does
8 so I am going to let the jury evaluate what was there as a
9 question of fact. And if anything was there let them
10 convert it and let them figure it out. So my intent is to
11 charge them on conversion only, very simply what if
12 anything was converted and if so what was the damages.
13 That is going to be the question. All right. And since
14 y'all didn't have any case law on the law of conversion I
15 am certain y'all will let me charge the general conversion
16 as long as I got it in my instructions which is not
17 extensive and not long. So this charge is brief.

18 MR. TINSLEY: I would just ask, I do have one charge.

19 THE COURT: I am not going to charge, it seems to me
20 it would be simpler to charge conversion in light of the
21 defendant acquired the property lawfully, not unlawfully
22 because there is no testimony that the corporation
23 obtained it unlawfully. It came in possession of it
24 somehow if it came into possession of anything.

25 MR. TINSLEY: Which is a question of fact.

1 THE COURT: Which is a question of fact.

2 MR. TINSLEY: I would just ask that, and I don't know
3 the language you are charging, an unauthorized detention
4 of property after possession.

5 MR. WATSON: I didn't hear you.

6 MR. TINSLEY: Unauthorized detention.

7 THE COURT: Here is what it is. The plaintiff claims
8 the defendant converted to personal property. Personal
9 property is anything that is not real property.
10 Conversion is the unauthorized exercise of control over
11 personal property belonging to another. In order to prove
12 conversion the plaintiff must first prove the plaintiff
13 owned or in a right to possess certain real, certain
14 personal property. Must then show the defendant gained
15 control and possession of the property or prevented the
16 plaintiff from using the property. The plaintiff said the
17 defendant did this without the plaintiff's permission.
18 Now also if the plaintiff expressly or implied, they
19 agreed to or approved the defendant's taking the use or
20 intention of this position the plaintiff cannot recover.
21 That is the law. So there is three ways conversion can
22 arise if the defendant wrongfully gets the property, not
23 the case here. If the defendant legally got the property
24 then improperly disposed of it, conversion takes place
25 when the property improperly disposed of. Conversion is

1 when the defendant lawfully gets the property and refuses
2 to give it back when asked. I don't know which one of
3 those this is, that is a question of fact in my
4 understanding of the testimony.

5 MR. WATSON: The third one I am not, I think you have
6 to prove that, I am not sure I understand what you are
7 talking about.

8 THE COURT: I will read the instructions.

9 MR. WATSON: That third one is the one that--

10 THE COURT: Conversion takes place when the defendant
11 legally got the property then refused to give it back when
12 asked. That is basically when the conversion occurred.

13 MR. TINSLEY: That is my understanding.

14 THE COURT: Okay.

15 MR. WATSON: Well, the only thing that I thought the
16 case, Judge, sort of had an inference to and I am sure you
17 have got, I don't know if you have got in there but, there
18 has got to be some kind of motive for profit or benefit to
19 the person who takes the property.

20 THE COURT: I have not been able to find that, the
21 benefit. I have been listening and looking and reading.

22 MR. WATSON: Well, I think that it is sort of
23 understood in the cases, I don't know it specifically,
24 like I told you and I couldn't find a case on it.

25 THE COURT: I don't read that as a requirement and I

1 have been looking for that because I thought it was also.
2 I think conversion might just be simpler. Somebody had it
3 wrongfully or someone has someone else's property and
4 refuses to give it back or dispose of it for their
5 benefit.

6 MR. WATSON: It has got to be a benefit involved in
7 it.

8 THE COURT: No. Y'all look for that while we are on
9 break here, look for that benefit.

10 MR. TINSLEY: I think benefit is a very general term,
11 I don't think it necessary means profit.

12 MR. WATSON: I didn't say he had to make money. I
13 say he has got to get a benefit from it.

14 THE COURT: I think, based on the facts you can argue
15 the benefit was negative, he didn't pay money to get rid
16 of this stuff. That is fact, that was testified to. I
17 mean it cost him for the benefit.

18 MR. WATSON: Judge, we will agree if it is subject to
19 the Court's approval that I will take the first argument
20 and he will take the last argument and we won't have three
21 arguments.

22 THE COURT: We will take a few minutes so we can take
23 a break.

24 MR. WATSON: Okay.

25 (Whereupon, a short break was taken.)

1 (Whereupon, all jurors raised their hand.)

2 THE COURT: Very good. Ladies and gentlemen, folks,
3 we will pick one more jury in the morning. Be here at
4 9:30. Thank you and we will see you in the morning at
5 9:30.

6 (Whereupon, the jury was excused from open court at
7 approximately 3:58 p.m.)

8 THE COURT: Any posttrial motions, we can either make
9 them now or we can submit them in writing.

10 MR. WATSON: I would rather make them now.

11 THE COURT: All right.

12 MR. WATSON: I move for the Court to reconsider the
13 motion previously made for a directed verdict on behalf of
14 the defendant. And number two, we move for, in favor for
15 the Court, render a judgment NOV in this case. And I
16 don't appeal cases, Judge, I want to make sure all of the
17 defendant's rights are protected on appeal. And I want to
18 make sure that all the rights for appeal are protected for
19 the defendant and I believe those are the two things that
20 I have to make at this time. Is that correct?

21 THE COURT: Out of abundance of caution perhaps a new
22 trial absolute.

23 MR. WATSON: New trial absolute.

24 THE COURT: In addition to JNOV.

25 MR. WATSON: Yes.

1 THE COURT: I would expect those two motions filed as
2 based upon your arguments summarizing your directed
3 verdict argument argued at the close of the plaintiff's
4 case as it was at the close of the entire case and in
5 particular regarding the instruction that the Court failed
6 to give regarding the benefit of element in a conversion
7 action.

8 MR. WATSON: All right.

9 THE COURT: That would be my understanding of the
10 motion.

11 MR. WATSON: I just want to make sure. I don't
12 appeal cases as you know. This case probably will be
13 appealed and for that I want to make sure he is protected
14 on any appeal that he might want to take.

15 THE COURT: Nothing from you, Mr. Tinsley?

16 MR. TINSLEY: Nothing from me, Your Honor.

17 THE COURT: I will let you know my ruling.

18 MR. TINSLEY: Do I need to submit anything, Your
19 Honor?

20 THE COURT: No you don't.

21 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

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4 CERTIFICATE OF REPORTER5 State of South Carolina)
6)
7)8 County of Newberry)
9)
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11 I, Joy E. Holston, Official Court Reporter for the
12 Eighth Judicial Circuit of the State of South Carolina, do
13 hereby certify that the foregoing is a true, accurate and
14 complete transcript of record of the proceedings had and
15 evidence introduced in the trial of the captioned case,
16 relative to appeal, in the County of Abbeville, South
17 Carolina on the 16th day of April, 2013.

18 I do further certify that I am neither of kin,
19 counsel nor interest to any party hereto.
20

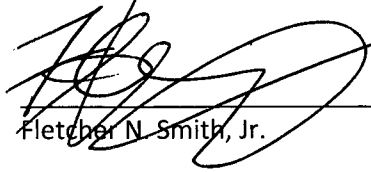
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Joy E. Holston, Court Reporter

My Commission expires: March 13, 2016

CERTIFICATE OF COUNSEL

Appellant hereby certifies to the best of his knowledge that the record contains all material proposed to be included by any other parties and not any other material.



Fletcher N. Smith, Jr.

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ABBEVILLE COUNTY
COMMON PLEAS COURT

The Honorable Eugene C. Griffith

Case No. : 2013-001064

PATRICK BOWIE

Appellant

Certificate of Service

vs.

WOODBINE ESTATES, LLC

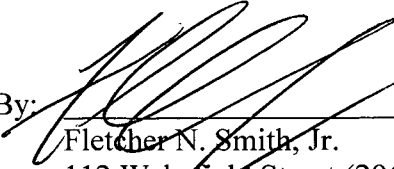
Respondent.

I, Fletcher N. Smith, Jr., hereby certify that I have this 8th day of November 2013 served a copy of the herein below listed documents to the addressees listed below by depositing a copy of same in the United States Postal System postage prepaid, and mailing same to:

PLEADING(S): Original and 14 copies of the Record on Appeal and Brief On Court of Appeals and 3 copies of the Record and Brief to Respondent's Counsel

PARTY SERVED: The Honorable Jenny A. Kitchings
SC Court of Appeals Clerk of Court
PO Box 11629
Columbia, SC 29211

R. Jamison Tinsley, Jr., Esq
Tinsley & Tinsley, PC
PO Box 49145
Greenwood, SC
Fax: (864) 229-8001

By: 

Fletcher N. Smith, Jr.
112 Wakefield Street (29601)
P.O. Box 10496 F.S.
Greenville, SC 29603
(864) 232-6541

ATTORNEYS FOR THE APPELLANT

Greenville, South Carolina
Dated: November 8, 2013