

**FORM 15
RECORD ON APPEAL**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

Perry H. Gravely, Circuit Court Judge

Case No. 2016-CP-37-00344
Appellant Case No. 2018-000984

RECEIVED
JAN 31 2019
SC Court of Appeals

June H White, as Operating
Member of Chauga Creek
Retreat

Respondent,

v.

Marilyn S. Green

Appellant.

June White, individually and as
Owner/Operator of Mountain
Rest Campground, William M.
White, individually and as
Owner/Operator of Hilltop Bike
Park, James Edward (Ed)
Walker

Respondents,

RECORD ON APPEAL


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STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

IN THE COURT OF COMMON PLEAS
TENTH JUDICIAL CIRCUIT

June H. White, as Operating Member of
Chauga Creek Retreat, LLC,

Case No: 2016-CP-37-0344

Plaintiff,

**ORDER DENYING DEFENDANT'S
MOTION TO ALTER OR AMEND AND
FOR A NEW TRIAL**

v.

Marilyn S. Green,

Defendant,

June White, individually and as
Owner/Operator of Mountain Rest
Campground, William M. White, individually
and as Owner/Operator of Hilltop Bike Park,
James Edward (Ed) Walker,

Third Party Defendants.

This matter comes before the Court upon the Defendant Marilyn S. Green's ("Green") Motion to Alter or Amend Findings of the Court's April 23, 2018 Order pursuant to Rule 59(e), SCRCP. Alternatively, Defendant Green moves for a new trial pursuant to Rule 59(a), SCRCP. After fully considering said Motion, this Court finds that oral argument is not needed for a final determination of this Motion. The Court has reviewed the Motion, its findings, the parties' arguments, and the exhibits offered into evidence at trial and finds that there does not appear to be any additional evidence or grounds to support an amendment to the Order previously filed in this matter. Nor does the Court believe grounds exists for a new trial. Therefore, the Defendant's Motion to Alter or Amend is **DENIED**.

IT IS SO ORDERED.

Perry H. Gravely
Presiding Judge

Oconee, South Carolina

May _____, 2018

STATE OF SOUTH CAROLINA)
)
 COUNTY OF OCONEE)
)
 June H. White, as Operating Member)
 of Chauga Creek Retreat, LLC.)
)
 Plaintiff,)
 vs.)
)
 Marilyn S. Green,)
 Defendant.)
)
 June White, individually and as Owner/)
 Operator of Mountain Rest Campground,)
 William M. White, individually and as)
 Owner/Operator of Hilltop Bike Park, James)
 Edward (Ed) Walker,)
)
 Third Party Defendants.)
)

COURT OF COMMON PLEAS
TENTH JUDICIAL CIRCUIT

CASE NO: 2016-CP-37-334

**MOTION FOR TO ALTER OR AMEND
FINDINGS AND ORDER**

Pursuant to Rule 52 (d) and Rule 59 of the South Carolina Rules of Civil Procedure, the Defendant, by and through her undersigned attorney, moves before the Honorable Gravelly Perry, to amend his findings and Judgment on the attached Order previously filed on April 23, 2018. In the alternative, the Defendant asks for a new trial on the matter. Defendant would respectfully submit the following in support of this motion:

The Court's ruling on this matter is clearly based upon the opinions of Mr. Glenn Hart, which is an abuse of discretion. "An abuse of discretion occurs when the conclusions of the circuit court are either controlled by an error of law or are based on unsupported factual conclusions." State v. Tapp, 398 S.C. 376, 385, 728 S.E.2d 468, 473 (2012) citing State v. Douglas, 369 S.C. 424, 429-30, 632 S.E.2d 845, 848 (2009).

The Court's ruling is based mainly on the testimony of the surveyor Mr. Glenn Hart, who the court found to be an expert over the Defendant's timely objection. The Defendant conceded that Mr. Hart could testify as to what he did and even why he did it, but objected to treating Mr. Hart as an expert as it would affect the weight of his testimony. The Court tabled the objection and address the objection later, which occurred in the Court's written order. Defendant now repeats her objection as Mr. Hart's testimony was not scientific in nature and lacks reliability as his opinions contradicts case law and it is not supported by the evidence. Therefore, the Court should to alter its finding and amend the judgment in Defendant Green's favor by keeping the known boundary line and by removing the 15 foot easement altogether or up to the middle of the road.

A summary of Mr. Hart's opinions includes his belief that the edge of 15 foot easement as shown on the 2000 plat is actually the real property line between Ms. Green property and Issaquena Ridge subdivision. In support of this theory, Mr. Hart cites that his March 1992 plat accurately shows that no part of Defendant Green's property touches the road; that the 15 foot easement area that is omitted¹ in the May 1992 plat was done only by mistake; and that the road jumped ten (10)² feet from the fence to its present location, which is why he believes that the Court should ignore the 1961 plat, especially where it calls for the southern boundary line to be located in the middle of the road.

In Smith v. Du Rant 236 S.C. 80, 113 S.E.2d 349(1960), the Court found parol evidence to be admissible to explain ambiguity in an instrument, but it clarified that parol evidence is

¹

² The distances is calculated based upon the ratio of the road being approximately two-thirds (or 10 feet) of the 15 foot easement as shown on the 2000 plat. If the fence line is the middle of the road, then there is five (5) feet from the middle of the road to its edge and another five (5) feet from the edge of the road to the fence.

should not be used to contradict the document. Yet, Mr. Hart's opinions explicitly contradicts the 1961 and 2000 plats for Ms. Green's property as well as the May 1992 plat that he created for the Issaquena subdivision when he claims that the property line is different than what is apparent on the fact of the document.

Another perspective to this matter, is that for 26 years or since May 1992, there has never been a dispute as to the property line, yet now the Court changed the boundary line to a point that parties could not and did not seek in its pleadings. In *Klapman v. Hook*, 206 S.C. at 57, 32 S.E.2d at 884 (1945) the court stated that "If adjoining landowners occupy their respective premises up to a certain line which they mutually recognize as the boundary line between the tracts, they are precluded from claiming that the boundary line thus recognized and acquiesced in is not the true line between their respective tracts of land."

THE BOUNDARY LINE ARGUEMENTS:

As part of his theory that the road jump ten (10) feet south of its original location, Mr. Hart's stated that when he surveyed the area in March 1992 he found all four corners of Ms. Green's property, but no part of her property touched the road. Mr. Hart claimed that he placed the beginning of the 15 foot easement on the boundary line. If true, then no part of the road should fall inside Ms. Green's property but outside of the 15 foot easement. Yet, the 2000 plat created by Mr. Miller disproves this fact. In the southwestern corner of 2000 plat, it clearly shows that the road extends past the edge of 15 foot easement, meaning Mr. Hart was incorrect in his measurements or his memory when he claimed that Ms. Green's property did not touch the road. This point is strengthened when the 15 foot easement is shortened to compensate for Mr. Hart's error in measuring distance for that boundary line.

Mr. Hart admitted on the record that in 1992 when he measured Ms. Green's boundary line along Hwy 28, he only measured the distance to 264 or 265 feet, which is less than the 269.6 feet as shown on the 1961 plat. Mr. Hart explained that he changed the distance for that side of the property due to a problem he discovered when he surveyed Lloyd King's property, which is the property on the other side of Ms. Green's property. Yet, when examining both the 2000 plat and the 1992 plat that Mr. Hart surveyed for Mr. Lloyd King (attached herein), both plats indicate that their shared corner point (which is the northwestern corner of Ms. Green's property) never changed, and the same I.O. (iron old) pin remained in place between the two surveys. So if the shared corner pin between the Ms. Green's and the King's property never changed location, then why would Mr. Hart believe he should shorten the distance when measuring that side of Ms. Green's property? It makes no sense, and therefore Mr. Hart's choice to shorten that boundary line should have been discarded. Ms. Green's property should have been shown further into the road on Mr. Hart's plats.

When reviewing the May 1992 plat of the subdivision, Mr. Hart omits the area north of the property line. While he claims it was done in error, the plat shows that he had to have gone back out into the field to measure the area minus the area known to be in Ms. Green's property.

When Mr. Hart was questioned as to any evidence on the ground to support his theory that the road moved, he stated there was none and he based his theory only on the fact the eastern boundary line ended at the corner of the fence. It appears that the boundary corner was marked as a witness monument to the point that would be in the road. Ms. Green provided numerous pieces of evidence white that corn should be a witness monument and not the middle of the road.

First Ms. Green provided aerial photos from 1959³, 1965, 1970, and 1979 along with a photo of the 2012 satellite image for the property, all of which shows the road has maintained its present location and never jumped ten (10) feet from the fence line to its present location. To support her position Ms. Green provided photos showing a culvert that allows a small creek to cross under the road just east of her property. The photos were provided to demonstrate that the culvert is a fixed location very close to her southeastern corner of her property. Ms. Green then identified in each of the aerial and satellite photos the location of the culvert along the road, which clearly demonstrates that from 1959 to 2012 the path of the road remained the same. Had the road jumped 10 feet as Mr. Hart stated, then there would have been a noticeable change in the road's path from the 1959 aerial photo to the 2012 satellite photo. Since there was no noticeable change, the road did not jump 10 feet.

Ms. Green then testified that it would be impossible for the fence to have once been the middle of the road. She showed on the 2000 plat how her water well is located in the area where half the road would have been if it was once located along the fence line. Yet, she could identify her water well in the aerial photos, and clearly off of the road.

Ms. Green also testified that the topography in her back yard would make it impossible for vehicles to travel along, if the road had been located on the fence. This topography creates a downward slope that from the fence to the other side of her house that she used to be able to drive down to her basement's porch. Yet, when Ms. White started scraping away berm located on the outside of her fence, her SUV bottoms out at the gate due to the intense angle of the slope.

³ The large aerial photo taken before any house was built on her property was cited to be taken before 1960 and it is believed to be 1959 as it is only other aerial photo available from the USDA that was taken before 1965.

Given all the evidence that disproves Mr. Hart's notion that the road was once located on the fence line, Defendant asks the Court to alter or amend its findings on the matter.

If the road did not jump, then the 1961 plat which calls for the road to be the boundary line should apply, which is supported by case law. "In locating lands, the following rules are resorted to, and generally in the order stated. (1.) Natural boundaries; (2.) Artificial marks; (3.) Adjacent boundaries; (4.) Course and distance. Neither rule, however, occupies an inflexible position, for when it is plain that there is a mistake, an inferior means of location may control a higher." *Smith v. Du Rant* 236 S.C. 80, 92, 113 S.E.2d 349, 356 (1960). "The vital question is the intent of the grantor at the time the deed is executed." *Id.* The 1961 plat clearly shows the intent to make that the southern boundary line for Ms. Green's property to be the same as the road.

THE ARGUMENT AGAINST THE 15 FOOT EASEMENT:

An easement is defined in South Carolina as a right to use the land of another for a specific purpose. The question of whether an easement exists is a factual question in an action at law. *Bundy v. Shirley*, 412 S.C. 292, 302, 772 S.E.2d 163, 168 (2015). An easement is created by express grant when the grantor conveys an easement to the grantee by deed of an easement. *Sandy Island Corp. v. Ragsdale* 246 S.C. 414; 143 S.E.2d 803 (1965). "Generally, when a deed references a plat that contains an easement, an implied easement arises even though the deed itself is silent." *Gooldy v. Storage*, at 7 citing *McAllister v. Smiley*, 301 S.C. 10, 12, 389 S.E.2d 857, 859 (1990). The Court in *Gooldy* clarifies that "[A] presumption of an implied easement arises unless rebutted by a specific, contrary intention by the grantor." Mr. Miller explicitly testified that the owner or buyer of the property asked for the 15 foot easement,

therefore the owner never intended to create it. Therefore once the boundary line theory is disproven then the easement should be removed completely.

No more than ten (10) days have elapsed since Counsel for Defendant received notice on March 17, 2015 of the entry of the order; therefore, this Motion to reconsider is compliant with Rule 59 (e) of the South Carolina Rules of Civil Procedure.

WHEREFORE, DEFENDANT PRAYS FOR THE FOLLOWING RELIEF:

- a) That the court alters and amend its findings judgment in the above referenced matter.
- b) That if the Court believes a further hearing on this motion is necessary, Defendant hereby requests a hearing for this Court to reconsider its prior Order.
- c) For all other and further relief as this Court deems just and proper.

Respectfully Submitted,

/s/ Roberta Barton

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May 3, 2018

Seneca, South Carolina.

Roberta Barton

STATE OF SOUTH CAROLINA)
)
 COUNTY OF OCONEE)
)
 June H. White, as Operating Member of)
 Chauga Creek Retreat,)
)
 Plaintiff,)
)
 vs.)
)
 Marilyn Green,)
)
 Defendant,)
)
)
 June White, individually and as)
 Owner/Operator of Mountain Rest)
 Campground, William M. White,)
 Individually and as Owner/Operator of)
 Hilltop Bike Park, James Edward (Ed))
 Walker,)
)
 Third Party Defendants.)

IN THE COURT OF COMMON PLEAS

Case No.: 2016-CP-37-0344

ORDER

This matter was heard as a non-jury trial on February 27, 2018, before the Honorable Perry H. Gravely. Counsel for all parties stipulated that the trial would be bifurcated and that this initial hearing would be solely for the purpose of determining whether an easement exists across the Defendant Marilyn Green's ("Green") property and the second portion of the trial, if necessary, would be for the determination of any issues raised by the Defendant's counterclaims/cross-claims including the assessment of damages sustained by the Defendant.

The first question is to determine whether an easement exists across property owned by Defendant Green located on the east side of Highway 28 (hereinafter "subject property"). At the trial, the Plaintiff called James Hart, who was qualified as an expert witness in surveying and who had also been involved with subdividing this property in 1992. The Defendant called

Randall Miller, a registered surveyor, who had also been involved in surveys of the subject property. All witnesses testified about the existence of a road which had gone by several different names ("Homeland" and "Nichols"). The Defendant introduced aerial photographs dating back to 1951 showing the road in question. Both surveyors testified about the existence of an easement/road along the south side of the subject property. A summary of relevant evidence introduced at trial is as follows:

- 1) Plat of Issaqueena Ridge (5/28/92) designates southern property line of subject property as center line of "30' street" (Pl. Ex. 2);
- 2) Plat of Watkins (3/23/92) shows a road to the south of the subject property (Pl. Ex. 3);
- 3) Plat of Audy Nichols (12/1/61) shows southern property line as center line of road (Pl. Ex. 7);
- 4) Deed into Ella Mae Nichols, defendant Green's predecessor in title, references 1961 plat (Part of Pl. Ex. 7);
- 5) Plat of McDaniel shows boundary line of subject property as "30' street" (Pl. Ex. 8);
- 6) Plat of Ross (10/16/00) shows southern boundary as center line of "Nichols Lane" and "30' Easement-15' each side of property line". (Pl. Ex. 4);
- 7) Deed to Defendant Marilyn Green references the Ross plat and states that "this conveyance is made subject to any and all recorded rights-of-way, easements.....and is further subject to any of the foregoing which may appear from an inspection of the premises." (Part of Pl Ex 4).

All plats referenced above clearly delineate the existence of an easement, road or street along the southern boundary of the subject property. Thus, the Court finds that the evidence of a road and/or easement is overwhelming if not uncontroverted and was specifically referenced in the

deed to Defendant Green (Pl. Ex. 4). Defendant Green had notice of the existence of the road/easement by virtue of the numerous recorded documents showing the easement/road and as would have been evident from an inspection of the property as shown by the aerial photographs introduced by the Defendant.

The real issue is the location of the road/easement and the rights of the various parties in connection with the road/easement. Defendant Green took title to the subject property by deed from Deutsche Bank National Trust Company, et al. (Deed book 1676 at Page 91-92-Part of Pl. Ex. 4). This deed specifically references the plat prepared by Surveyor Miller for Ross (also a part of Pl. Ex. 4). This plat clearly shows the location of the roadway in reference to the Defendant's house and fence. Based on the testimony of Miller, who was called by the Defendant, and other witnesses, as well as a review of all the evidence, the Court finds that this property sets out the location of the road/easement which is a "30' easement" with 15 feet on Defendant's side of the property, and according to said plat, the Defendant's "fence" appears to be the boundary line on the back portion of the lot.

Finally, the Court must determine the rights of the various parties. "An easement is a right which one person has to use the land of another for a specific purpose, and gives no title to the land on which the servitude is imposed." Snow v. Smith, 416 S.C. 72, 85, 784 S.E.2d 242 (Ct.App. 2016) (quoting Windham v. Riddle, 381 S.C. 192, 201, 672 S.E.2d 578, 582 (2009)). "When the language in a plat reflecting an easement is capable of more than one construction, the construction that least restricts the property will be adopted." Id. (citing Tupper v. Dorchester Cty., 326 S.C. 318, 326, 487 S.E.2d 187, 191 (1997)). "Although the rights of the easement owner are paramount to those of the landowner as to the easement, the easement owner's rights are not absolute but are limited, so both the owners of the easement and the servient tenement may have

reasonable enjoyment." Id. "The owner of an easement has all rights incident or necessary to its proper enjoyment but nothing more." Id.

Here, the deed conveying the property to Ms. Green does not specifically mention the easement; it only references the plat prepared by Surveyor Miller for Ross. Based on the testimony at trial, the road appears to have been used by the Defendant, the Plaintiff, and the Plaintiff's customers for ingress and egress. Therefore, the easement is limited to ingress and egress for the Plaintiff, the Defendant, and the Plaintiff's members, guests, and invitees to their respective properties.

Furthermore, in the absence of an agreement, the owner of the servient tenement is under no duty to maintain and repair an easement for the benefit of the dominant tenement. Hayes v. Tompkins, 287 S.C. 289, 337 S.E.2d 888 (Ct.App. 1985). Ordinarily the owner of the dominant tenement has the duty to keep the easement in repair. Id. However, when both the owner of the dominant tenement and the owner of the servient tenement use the property subject to the easement, such as a gravel road, a court may equitably divide the responsibility for maintenance and repair, and may take into account such factors as the dominant tenement's duty of maintenance and repair, the burden of the easement on the servient tenement, and the extent of the servient tenement's use. Id. In this case, the Plaintiff uses the easement to ingress and egress for its individual enjoyment as well as for its invitees, members, guests, and renters. The Defendant, on the other hand, only uses the easement to ingress and egress from her own property. The Plaintiff owns the dominant tenement and the Defendant owns the servient tenement, which is burdened by the easement. Therefore, equity dictates that the Plaintiff be responsible for the repair and maintenance of the easement. This ruling applies only to the easement as it relates to this case – as shown on Plaintiff's Exhibit 4 (Plat Book A784 at Page 1).

Therefore, in light of these findings, the Court orders as follows:

- 1) That an easement exists as set forth above;
- 2) That Defendant Green is prohibited from obstructing the right of way leading to the Plaintiff's property and it is ordered that Defendant cease harassing, stalking, bothering or obstructing the Plaintiff or its members, invitees, guests, or renters; further, Defendant Green must remove all obstacles from within the easement as designated above; and the Defendant may not replace any obstructions or barricades therein; and
- 3) The Plaintiff shall be responsible for appropriate maintenance of the easement across the subject property.

AND IT IS SO ORDERED.

Perry H. Gravely
Presiding Judge

South Carolina
2018

Electronic Signature Page to Follow



Oconee Common Pleas

Case Caption: June H-Member White , plaintiff, et al VS Marilyn S Green ,
defendant, et al
Case Number: 2016CP3700344
Type: Order/Other

So Ordered

s/ Honorable Perry H. Gravely, #2755

Electronically signed on 2018-04-22 16:23:12 page 6 of 6

ELECTRONICALLY FILED - 2018 Apr 23 9:11 AM - OCONEE - COMMON PLEAS - CASE#2016CP3700344

STATE OF SOUTH CAROLINA)
)
COUNTY OF OCONEE)

IN THE COURT OF
COMMON PLEAS

2016-CP-37-*344*

June H. White, as Operating Member)
of Chauga Creek Retreat, LLC,)

Plaintiff,)

-VS-)

Marilyn S. Green,)

Defendant.)

COMPLAINT

FILED OCONEE COUNTY, SC
BEVERLY H. WHITFIELD
CLERK OF COURT
2016 JUN - 7 A 11:10

The Plaintiff would show unto this Court the following:

1. The parties are all residents of this county, and this Court has jurisdiction.
2. The Plaintiff LLC owns real property serviced by a platted right of way known as Homeland Drive.
3. The Defendant owns real property adjoining said roadway. When the Defendant obtained the property it was subject to a dedicated and platted right of way which had been surveyed and marked.
4. From time to time and on a recurring basis, the Defendant obstructs the right-of-way into the Plaintiff's real property.
5. The Defendant's obstructions have regularly harmed the Plaintiff and her invitees.
6. The Defendant has trespassed upon the right of way to the Plaintiff's property.
7. The Defendant has tortuously obstructed the real property rights of the Plaintiff without just cause or excuse. Her use of steel rods and other obstructions



has harmed the Plaintiff's invitees, and the obstructions are violative of real property rights that the Defendant has no right to obstruct.

8. The Plaintiff is entitled to a permanent restraining order and injunction prohibiting the Defendant from obstructing the platted right of way into the Plaintiff's property.

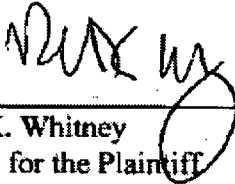
9. The Plaintiff is entitled to the costs of this action and damages from the Defendant for her tortuous interference with real property rights.

Wherefore the Plaintiffs pray for an order of this Court:

1. Granting a permanent restraining order against the Defendant from obstructing the right of way leading to the Plaintiff's property;
2. Granting an order preventing the Plaintiff from harassing, filming, stalking, bothering or obstructing the Plaintiff or its members, invitees, guests or renters;
3. Requiring the Defendant to remove all obstacles from within the right of way servicing the Plaintiff's real property and requiring her not to replace any obstructions or barricades therein; and;
4. Requiring the Defendant to pay damages for her tortuous acts and a reasonable attorney fee for the prosecution of this action as well as the costs of this action.

Whitney Law Firm:

Seneca, South Carolina
June 7, 2016



Robert K. Whitney
Attorney for the Plaintiff
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ORIGINAL

STATE OF SOUTH CAROLINA)
)
 COUNTY OF OCONEE)
)
 June White as Operator Member of)
 Chuga Creek Retreat,)
)
 Plaintiff,)
 vs.)
)
 Marilyn Green,)
 Defendant.)
)
 June White, individually and as)
 Owner/ operator of Mountain Rest)
 Campground, William M. White,)
 Individually and as owner/operator)
 of Hilltop Bike Park, James Edward)
 (Ed) Walker,)
 Third-Party Defendants,)
)

IN THE COURT OF COMMON PLEAS
 TENTH JUDICIAL DISTRICT

Case NO: 2016-CP-37-344

**ANSWER, COUNTERCLAIM AND
 THIRD PARTY COMPLAINT**

FILED OCONEE COUNTY, SC
 BEVERLY H. SMITH/FIELD
 CLERK OF COURT
 2016 JUN 18 P 5:00

The Defendant, responding to the Plaintiff's complaint would respectfully show unto this Honorable Court the following:

For a First Defense

1. Defendant denies each and every allegation contain in Plaintiff's complaint unless specifically admitted herein.
2. Defendant admits paragraph 1 of Plaintiff's complaint.
3. Defendant denies paragraphs 2, 3, 4, 5, 6, 7, 8, and 9 of Plaintiff's complaint and demands strict proof thereof.

Additional Parties

4. Defendant summons additional third-party defendants into this matter.
5. Beyond the original pleading, June White, individually and as owner, operator of Mountain Rest Campground, is a resident and citizen of Sarasota County, Florida.

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 Dss. Other
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6. William M. White, individually and owner/operator of Hilltop Bike Park, is a citizen and resident of Sarasota County, Florida.
7. James Edward Walker, a citizen and resident of Sarasota County, Florida.
8. Mountain Rest Campground and Hilltop Bike Park are unincorporated business located and operated on land owned by Chuga Creek Retreat.
9. Defendant alleges that all actions and conduct took place in Oconee County South Carolina.

For a Second Defense by way of a Counterclaim/ Third Party Claim

10. Defendant Green repeats and reiterates each and every allegation, fact, and defense as if fully set forth and repeated herein verbatim.
11. Defendant Green will show that she owns a piece of property located on the corner of Nichols Lane/Homeland Drive and Highway 28, immediately north of Tunnel Town Express gas station, in the community of Mountain Rest. Ms. Green's property was developed in 1961 and has always included a substandard dirt and gravel road, originally named Nichols Lane, which ran along the south-east boundary line of the property.
12. Defendant Green will show that Plaintiff owns several parcels of land inside the Issaquena Ridge Subdivision, which is located to the south and to the east of Ms. Green's property. Ms. Green's property has never been part of the subdivision and the Plaintiff's property has never touched or adjoined Ms. Green's property.
13. Defendant Green will show that Homeland Drive, which the Plaintiff specifically refers to in her pleadings as her platted right of way, had originally been platted as thirty (30) feet wide and it progresses through the subdivision, and enters into Highway 28 on the south side of Tunnel Town Express gas station all the while never touching Ms. Green's property.

14. Defendant will show that in June 2008 a small section of Homeland Drive, which connected to Highways 28, was unofficially closed for unclear reasons, and Oconee County roads department renamed Nichols Lane as Homeland Drive.
15. Plaintiff is now claiming a real property right to Ms. Green's property on the basis that when Nicholls Lane was renamed into Homeland Drive, then the act renaming of the road to Homeland Drive also transfer all right that the Plaintiff had to the original Homeland Drive into the new location.
16. Defendant Green will show that Plaintiff is more than aware of the renaming of the road, as she had been living in the subdivision for more than a year prior to the name change, and that she still maintains her rights to re-open the original location of Homeland Drive, but has failed to do so and chose to attempt to assert a claim upon my Green's property in order to expand the road to benefit the commercial traffic for the Plaintiff and Third party defendant's benefit.
17. Defendant believes that the Plaintiff's complaint is not only unreasonable but cannot be supported by any statute, case law, or any notion of equity, and therefore Defendant Green requests that the Plaintiff's case be dismissed with prejudice, and she be ordered to pay the defendant all attorney fees and costs in this matter.

For a Third Defense by way of a Counterclaim/ Third Party Claim

18. Defendant Green repeats and reiterates each and every allegation, fact, and defense as if fully set forth and repeated herein verbatim.
19. Defendant will show that the Plaintiff and Third Party Defendants have conducted tortious interference with a real property right by repeated attempts to expand Nichols Lane into her property.

20. Defendant Green admits that Nichols Lane has been in use for so long that the Plaintiff and third party defendant can use the road like any other member of the public. However, as explained above, the Plaintiff and Third Party Defendants do not own any personal interest in any manner to Ms. Green's property.
21. Defendant will show that Nichols Lane is a private substandard road, and that according to a plat prepared by Randall G. Miller, SC RLS #19402, dated October 16, 2000, and recorded in Plat Book A784, Page 1, records of Oconee County, South Carolina, it is approximately two-thirds (2/3) of fifteen (15) feet or around ten (10) feet in width.
22. Therefore every time the Plaintiff and third party defendant attempted to widen past (10) feet in width, then then they are interfering with Ms. Green real property interests.
23. Furthermore, if and when the Plaintiff and third party defendant believe that Nichols Lane is not wide enough to meet their needs, then they should use the original location of Homeland Drive, which according to their plat should be thirty (30) feet wide.
24. For these reasons, Defendant Green ask the court to restrain and enjoin the Plaintiff and Third Party Defendants from widening the road on her property.

For a Fourth Defense by way of a Counterclaim/ Third Party Claim
Plaintiff's conduct violated county ordinances

25. Defendant Green repeats and reiterates each and every allegation, fact, and defense as if fully set forth and repeated herein verbatim.
26. Defendant will show that the Plaintiff and Third Party Defendants have been attempting to widen Nichols Lane into Ms. Green's land for the benefit of their commercial enterprises, and in violation of the county ordinances.

27. Defendant Green will show on the 2000 plat, referenced above, that the south east corner of her home is indicated to be thirty (30) feet from the opposite side Nichols Lane, or that the road is approximately twenty (20) feet away from the corner of Ms. Green's home.
28. Defendant Green will show that Oconee County Ordinance §32-214(b)-(d) and Oconee County Ordinance §38-10.2 require a minimum setback of twenty-five (25) feet from a road's right of way to the building line on that property. While the county allows for substandard roads to be grandfathered in, any attempt to expand or develop the road further would require the minimum performance standards to be followed, which is impossible under its current situation.
29. Since the distance between the road and Ms. Green's home is less than twenty-five (25) feet, then the Plaintiff and Third Party Defendants should be restrained and prohibited from expanding the road on either side.

For a Fifth Defense by way of a Counterclaim/ Third Party Claim
Commercial activity violates county ordinances

30. Defendant Green repeats and reiterates each and every allegation, fact, and defense as if fully set forth and repeated herein verbatim.
31. Defendant Green will show that the Plaintiff and third party defendant direct commercial traffic, including customers, delivery trucks, and building equipment to traverse Ms. Green's property along the substandard road. At certain times of the year, the Plaintiff and third party defendant cause over on hundred (100) vehicles to travel the road in a single day for their commercial enterprises.
32. Defendant Green will show that Oconee County Ordinance under Chapter 26 Roads and Bridges, the county requires private drives that service more than three (3) residential

dwellings to have minimum of a fifty (50) foot right of way¹ in additional to the twenty-five (25) foot setback on each side of the right of way.² Meaning there should be at least one-hundred (100) feet in-between the buildings located on each side of a private road that services more than three residential dwellings. Moreover, for roads that service commercial activity there is a minimum of one-hundred and sixteen (116) feet required to be in-between the buildings located on the side of a road.³

33. Defendant Green will show that the distance between her home the storage rental building, which is the closest structure on the Tunnel Town gas station property, is less than ninety (90) feet.
34. Since the road is substandard, and could never be brought up to minimum standards, then the Plaintiff and Third Party Defendants should be order to direct their commercial traffic through the original location of Homeland Drive.

For a Sixth Defense by way of a Counterclaim/ Third Party Claim
Malicious and Intentional Trespass

35. Defendant Green repeats and reiterates each and every allegation, fact, and defense as if fully set forth and repeated herein verbatim.
36. Defendant will show that the Plaintiff and Third Party Defendants have malicious and intentional trespassed onto Ms. Green's property numerous times by attempting to relocate boundary markers, tear down no trespassing signs, and to cause nuisance.
37. For such reasons, Defendant asks the court awards her damages for each time, the Plaintiff, third party defendant, or one of their friends or agents trespass upon Ms. Green's property.

¹ See generally Oconee County Ordinance § 26-2 Private Road Standards and Regulation.

² See Oconee County Ordinance § 26-1 General Provisions that require Chapter 32 performance standards to be impose on the development of roads.

³ See Oconee County Ordinance 26-4{1}

For a Seventh Defense by way of a Counterclaim/ Third Party Claim
Malicious and Intentional Damage to Real Property

38. Defendant Green repeats and reiterates each and every allegation, fact, and defense as if fully set forth and repeated herein verbatim.
39. Defendant will show that the Plaintiff and Third Party Defendants have malicious and intentional caused damage to real property by the following:
- a. Removing soil and sod and other vegetation from Ms. Green's property in an attempt to expand the road;
 - b. Adding dirt, gravel and rocks onto Ms. Green's property in order to suppress the regrown of grass and other vegetation, in order to expand the road,
 - c. Removing an expressly granted drainage easement on the other side of the road, causing soil erosion, and ruts to develop on the road. Then using the ruts as justification to scrape the road, and Ms. Green's property, or add additional rock and gravel to the road, which also is placed on to Ms. Green's property in an attempt to widen the road.
40. For such reasons, Ms. Green's real property suffered damages, and that the Plaintiff and Third Party Defendants, jointly and severally, should be ordered to pay Defendant Green the amount to correct such damages to her real property. Furthermore, the Plaintiff and Third Party Defendants, jointly and severally, should be ordered to pay punitive damages to Defendant Green for their intentional and malicious actions.

For a Eighth Defense by way of a Counterclaim/ Third Party Claim
Malicious and Intentional Damage to Personal Property

41. Defendant Green repeats and reiterates each and every allegation, fact, and defense as if fully set forth and repeated herein verbatim.
42. Defendant will show that the Plaintiff and Third Party Defendants have malicious and intentional caused damage to personal property.

- a. By purposely driving over Ms. Green's boundary markers, including several times where the drove on the wrong side of the road with the specific intent to run over such boundary markers causing them to break and splinter;
 - b. By throwing the boundary markers throughout Ms. Green's property, including on her roof, her decorative mini-cabin and causing problems her yard, onto her roof, and on Ms. Green's decorative mini cabin.
 - c. Vandalizing Ms. Green property, including where June White grabbed landscape ties and swung them on a tree until they broke, and throwing the landscape ties on the cabin in order to damage it.
43. For such reasons, Ms. Green's personal property suffered damages, and that the Plaintiff and Third Party Defendants, jointly and severally, should be ordered to pay Defendant Green the amount to correct such damages to her property. Furthermore, the Plaintiff and Third Party Defendants, jointly and severally, should be ordered to pay punitive damages to Defendant Green for their intentional and malicious actions.

For a Ninth Defense by way of a Counterclaim/ Third Party Claim
Malicious and Intentional Theft of Property

44. Defendant Green repeats and reiterates each and every allegation, fact, and defense as if fully set forth and repeated herein verbatim.
45. Defendant will show that the Plaintiff and Third Party Defendants have maliciously and intentionally stole Ms. Green's property, including the theft of boundary markers, no trespassing signs, metal objects, and other items located on her property.
46. For such reasons, Ms. Green suffered a loss, and that the Plaintiff and Third Party Defendants, jointly and severally, should be ordered to pay Defendant Green the amount to as to the value of such property. Furthermore, the Plaintiff and Third Party Defendants, jointly and severally,

should be ordered to pay punitive damages to Defendant Green for their intentional and malicious actions.

For a Tenth Defense by way of a Counterclaim/ Third Party Claim
Harassment and intimidation/ Intentional Infliction of Emotional Distress


47. Defendant Green repeats and reiterates each and every allegation, fact, and defense as if fully set forth and repeated herein verbatim.
48. Defendant will show that the Plaintiff and Third Party Defendants, along with others have collectively engaged in conduct with the specific intent to harass, and intimidate Ms. Green with the specific goal to attempt to cause her to abandon her property rights for the benefit of their commercial enterprises.
49. The Plaintiff and Third Party's actions include the prior counterclaims as well as the following additional conduct including yelling, cursing, and threatening Ms. Green when she is outside in her yard; making obscene gestures to Ms. Green and/or her security cameras; honking their car horns by Ms. Green's house, especially at night; parking a truck filled with rotting garbage in her yard cause noxious odors to permeate into Ms. Green's home; driving up and down the road in successive fashion whenever Ms. Green is seen outside by the Plaintiff or Third Party Defendants; parking at the gas station to watch and observe Ms. Green whenever she is outside home; and increase the frequency of actions whenever she seek assistances form law enforcement.
50. Defendant Green alleges that the Plaintiff and Third Party's actions are so extreme and outrageous that that it exceed all possible bounds of decency.
51. As a direct result of the Plaintiff and Third Party's actions, Defendant Green has suffered mental and emotional distress that affected her daily life, including having trouble sleeping, getting depressed, avoiding causing her to abandon basic daily activities, causing to forgo basic

cleaning of the house, and maintenance of the yard, and causing Ms. Green to develop hoarding tendencies, her to abandon the care of her yard and home, the her daily needs, and causing the Ms. Green to begin in hoarding activity in order to avoid continued problems with the Plaintiff and third party defendants.

52. For such reasons, Ms. Green asks the court to order the Plaintiff and Third Party Defendants, jointly and severally, to pay her for such damages including punitive damages as a result of the malicious behavior.

WHEREFORE, Defendant Green in additional to the request made above, prays for the following relief:

- A. Restraining Order prohibiting and restraining the Plaintiff and Third Party Defendants, jointly and severally, from trespassing on her property, expanding the road on either side, and/ or directing their commercial enterprise through Ms. Green's property.
- B. Actual and punitive damages the Plaintiff and Third Party Defendants, jointly and severally, caused Ms. Green to suffer as a direct result of their conduct.
- C. Attorney fees and Costs for filing an action in violation of Rule 11 of SCRPC.
- D. And such other and further relief as this Court deems just and proper.


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July 18, 2016
Seneca, South Carolina

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1 Q. Two and nine, which are very
2 similar, are not the same?

3 A. Right.

4 Q. Below the line -- and at that time
5 it did not have a name, it said a thirty-foot
6 street?

7 A. Right.

8 Q. Where did the thirty-foot street
9 concept come from?

10 A. I understand that Ms. Nichols is the
11 one that gave the county the name for it.

12 Q. His testimony was that he said it's
13 below the Nichols property.

14 A. I said it was below the Nichols
15 property line. It has the old pins. I mean,
16 I tied the old pins in and they matched the
17 old plat. So as far as I was concerned, the
18 property line on the tract plat, which I
19 don't know the -- Exhibit 3, I guess. Yeah.
20 Exhibit 3 is the property line of the
21 property which I surveyed, plus it is the
22 property line of the Nichols plat.

23 There is a plat referenced on here, '62.
24 There is an individual plat of that, plus
25 there is a plat of all this property that at

1 A. Well, at that time I looked up the
2 plats. I have the tax maps and the plats
3 here that I obtained from the courthouse.

4 Q. Simple question, how far back did
5 you actually get with all these old surveys
6 to bring them forward?

7 A. Well, ever what are recorded, that's
8 the plats that I pulled up at the time that I
9 did the survey. But they were recorded in
10 the courthouse and the pins pretty well match
11 the, uh, plats that are there.

12 If you notice, the parts that I left out,
13 there's a plat on record that has those same
14 shapes.

15 Q. You said at some point that the pins
16 that you referenced here went back at least
17 thirty or forty years.

18 A. I think it was 1952, was Mr. Earl's
19 plats.

20 Q. Those pins have been in place for a
21 significant period of time?

22 A. Yes, sir. I would also say that the
23 pin that is questionable where the line is, I
24 think that pin is still there. I went out to
25 locate that pin because I had a distance from

1 Q. It shows half of it is on her
2 property and half of it is below it. Is that
3 correct?

4 A. Yes, sir.

5 Q. You said that you found a pin that
6 -- what pin did you say that you found that
7 had been there for a significant period of
8 time?

9 A. Well, I actually found -- Mr. Miller
10 has a telephone pole shown on his plat. I
11 have a distance like twelve feet to the south
12 of that. It's shown on Exhibit 3.

13 Q. Survey of property bought from the
14 foreclosure sale?

15 A. Yeah.

16 Q. It shows -- tell me what this says.
17 What is that word? Those two words?

18 A. "Gravel drive".

19 Q. Is it your opinion that this is the
20 road that goes in, is named -- is now named
21 Homeland Drive?

22 A. Yes, sir, that's the road. I'm sure
23 by his drawing that is the edge of the road.

24 Q. How long is Homeland Drive as such
25 existed?

1 side of Tract L.

2 Q. Does it encompass any of the Nichols
3 property?

4 A. No, sir, the fifteen-foot right-of-
5 way line on the north was the Mendelson line.

6 Q. Tell me what exists on the bottom --
7 can you read the bottom side of the property
8 in question?

9 A. (No verbal response).

10 Q. Is there a fence?

11 A. There is a chain link fence.

12 Q. Your testimony, I understand, is
13 that the road is below that fence; is that
14 correct?

15 A. Yes, sir. I would say that the
16 chain link fence at one time was put on the
17 property line.

18 Q. So the property -- the survey under
19 which she took title is still showing a
20 fence?

21 A. Yes, sir, it's showing that there's
22 a -- he's saying -- well, let's see, it's a
23 four-foot chain link fence.

24 Q. The survey by which he took title
25 says "a thirty-foot easement, fifteen foot

1 all of these pins. Correct?

2 A. Yes.

3 Q. And you measured -- every one that
4 has an "IO" is an "iron old"?

5 A. That's correct.

6 Q. So you measured from here to here?

7 A. Yes.

8 Q. And here to here?

9 A. Yes.

10 Q. And as we go -- and I'm just hitting
11 on -- the next one is the L2, going down?

12 A. Yeah.

13 Q. Next one -- I think that is an L?

14 A. It's an L1.

15 Q. L1?

16 A. (Affirmative nod).

17 Q. And then you go over here and you
18 say that you found this one; is that correct?

19 A. That's correct.

20 Q. Did you measure this one back here?

21 A. Yes, I did. I have a plat, which is
22 not part of it, because I actually did the
23 King property and had these variances, so I
24 forced an intersection in it to tell you what
25 that distance is.

1 Q. What is that distance that you had
2 in there?

3 A. The distance that I have in there is
4 265.86 feet.

5 Q. Two-sixty-five (265)?

6 A. Um-humm, (affirmative nod).

7 Q. You are aware that on the '61 plat
8 that it was 269 between the point in between
9 these two and that point?

10 A. Yes, it could be. I mean, I've gone
11 out and measured and found more than four
12 feet before.

13 But, again, I forced this closure in from
14 this plat that I had done earlier. I made
15 those variances go in there, and I asked the
16 computer to tell me what it was between those
17 points. So there could have been some type
18 of error in my translation.

19 Q. So you could have made a mistake?

20 A. I could have, because I didn't have
21 any way of closing it other than the
22 computation.

23 Q. But definitely this 1961 plat has
24 it from this pin to this pin as 269.6 feet.
25 Correct?

1 you stop before you get to fifteen, isn't
2 that in the road?

3 A. It is in the road, but you're using
4 his plat that is calling the property line
5 the center of the road and I've been trying
6 to tell you for the last thirty minutes that
7 I offset that road from the property line
8 fifteen feet. This line is pretty much
9 correct with whatever tract the store is on.

10 Q. Well, and I am trying to show some
11 mistakes that are in your calculations.

12 You said that when you set it up here,
13 you had a completely boxed road. But if you
14 look eight years later, it falls within the
15 middle of the road.

16 A. Okay. Let's say that his point is
17 incorrect, that he should be three feet
18 further and that would make everything match;
19 wouldn't it?

20 A. But if he -- if what he measured is
21 282.06 minus the '61, it still falls in the
22 middle of the road. It would line up the
23 way that it was intended.

24 A. Okay. Let's say that he set his
25 nail and cap three feet too far. So we pull

1 MR. WHITNEY: Your Honor, if I might,
2 this is a ---

3 THE COURT: I understand, but this is
4 cross-examination. Let's kind of keep it
5 moving too.

6 MS. BARTON: Well, it's ---

7 THE COURT: I'm just saying.

8 CROSS EXAMINATION CONTINUED

9 BY MS. BARTON:

10 Q. But you're saying that that was a
11 one-time -- what are you saying about this
12 back pin? That it was in the middle of the
13 road or ---

14 A. Today it's not in the middle of the
15 road. It's a fence color, there is a fence
16 there. Somebody else put up a fence, as they
17 call it.

18 Q. What made you make that determina-
19 tion?

20 A. Well, we have plats that were
21 usually used and when you come across it and
22 it says 133.6 feet from this pin to pin --
23 and I usually get that on my plat. I'm
24 usually off as much as an inch or so but I
25 came out exactly with what he had and I was

1 Q. What was the field of evidence that
2 you saw that led you to believe the road
3 moved?

4 A. Because the road is not where the
5 pin is. I'm saying that if the pin was in
6 the center of the road that it had to be that
7 the road has moved, because the pin is still
8 there.

9 Q. So the pin is still there? Above
10 ground?

11 A. Yes, ma'am.

12 Q. And it was above ground even though
13 this other side of the road was buried six
14 inches?

15 A. Yes, ma'am.

16 Q. So the surveyor who buried this one
17 just dug that up above everything, is the
18 theory that you're basing your ---

19 A. No, I think he wrote it down because
20 people were driving over the pin. But
21 somebody else came back in there and re-
22 established it. That is what this plat is
23 for, is putting these pins back in case they
24 are gone.

25 Q. But the pin here that was found was

1 A. Prior to my survey, yes.

2 Q. Yes.

3 A. And I don't know what else a
4 surveyor can do. I found these iron pins old,
5 I found this iron pin here, old, too. But
6 what am I supposed to do? Iron pins move.

7 Q. You said you found that iron pin but
8 when you look at the map it still connects
9 the way that it is unless you used the wrong
10 numbers. The numbers off of someone else's
11 plat, you said the numbers of the person are
12 affected ---

13 MR. WHITNEY: She is saying he used.
14 This is Miller's ---

15 THE COURT: Let's move on.

16 CROSS EXAMINATION CONTINUED

17 BY MS. BARTON:

18 Q. Well, you ---

19 THE COURT: You are just arguing with
20 the witness -- I'm going to look at it. Move
21 on.

22 CROSS EXAMINATION CONTINUED

23 BY MS. BARTON:

24 Q. So on the face of this plat, do you
25 see anything that anything that indicates the

1 The missing pin was on the centerline of
2 the road on the plat. It -- when I was there
3 in 2000, there wasn't any sign of that old
4 road being there.

5 So I found Mr. Hart's survey, Exhibit 9,
6 and also this plat -- which I don't know if
7 you have this as an exhibit or not.

8 MS. BARTON: Is this a part of the
9 exhibits?

10 WITNESS: This is a plat that I ---

11 MS. BARTON: No, no. I'm asking you
12 (Mr. Whitney), is this a plat that you
13 submitted.

14 MR. WHITNEY: Let me see it.

15 (SIDEBAR BETWEEN COUNSEL)

16 MS. BARTON: Your Honor, would you like
17 a spare one?

18 THE COURT: That would be great.

19 MS. BARTON: I should have gave (sic)
20 you some more.

21 THE COURT: That's good.

22 COURT REPORTER: Your Honor, I marked
23 that as Defendant's Exhibit 5.

24 THE COURT: Okay. Defendant's Exhibit
25 5. Any objection?

1 MR. WHITNEY: No, sir.

2 THE COURT: All right.

3 WITNESS: I used Exhibits 9, 7 and 5
4 to do my survey.

5 When I used number seven (Exhibit 7), I
6 did not see centerline of the road -- any
7 sign of the road being there, and this was
8 forty, thirty-nine years after the original
9 survey.

10 When I looked at Mr. Hart's plats,
11 Exhibits 5 and 9, which showed Ella Mae
12 Nichols being the adjoiner on the -- on
13 Exhibit 5 it shows her being the adjoiner and
14 it shows the dark line as the property line
15 with a fifteen-foot each side right-of-way
16 for the roadway. That is also shown on
17 Exhibit 9.

18 MS. BARTON: (Continually coughing).

19 THE COURT: Do you need to take a break
20 for a second?

21 MS. BARTON: I may need to.

22 THE COURT: Let's take a break.

23 MS. BARTON: I'm sorry. That's why I
24 try to keep a big bottle of water.

25 (BRIEF RECESS)

1 MS. BARTON: Thank you, Your Honor.

2 DIRECT EXAMINATION CONTINUED

3 BY MS. BARTON:

4 Q. Please continue.

5 A. I thought that since Mr. Hart had
6 shown the property line being a better
7 solution, since I didn't find any roadway
8 anywhere, I ---

9 Q. I'm sorry, if I may ask you ---

10 A. Yes, ma'am?

11 Q. Did you say that you didn't find a
12 road on the property?

13 A. I didn't see a road running down
14 where this line would be. I calculated where
15 this front pin should be and looked for it
16 there. I did not find it.

17 I knew where it -- where it should be by
18 the old plat, and I looked for it there and
19 the road was over further, not where it was
20 as shown in 1961.

21 Q. And that is using the front pin?

22 A. I calculated where the front pin
23 should be and it pretty much lined up with
24 what -- the chain link fence that I located.
25 There was not any existing sign of the road

1 in the year 2000.

2 Q. Well, ---

3 A. If there, it was on the southern
4 side of the property line, the old property
5 line.

6 Q. Are you telling me that -- let me
7 just get clarification.

8 A. Okay.

9 Q. There was a pin ---

10 A. Correct.

11 Q. --- in the rear ---

12 A. (Affirmative nod).

13 Q. --- by the chain link fence?

14 A. Right.

15 Q. There was a pin on the road?

16 A. No, there was no pin found there. I
17 calculated where that point should be so that
18 I could scan for it with my metal locator and
19 I didn't find anything in the area.

20 But by calculating it, I knew where the
21 point would be. So I looked from there and
22 there wasn't anything down this line in 2000
23 that looked like a road as shown in '61.

24 The road that was there was over as I
25 showed it on my plat.

1 see anything that looked like a road going
2 down. All the road was to the left of the
3 property line, not going down the center of
4 the old property line.

5 Q. Okay. What is the difference
6 between the 1961 plat and the -- I mean the
7 2000 plat.

8 A. Well, when I established what the
9 '61 plat showed for the old corner and didn't
10 see anything, I looked for the records and
11 found James Hart's plat of the property next
12 door. So I found his pins and they matched
13 with the pins I'd found. Based on Exhibit 9
14 and Exhibit 5, I set the property line where
15 it is shown.

16 It is labeled on the plat -- if you
17 notice, Ella Mae Nichols is the adjoiner.
18 That's what we label on a survey as the
19 adjoining property owner. This label is the
20 adjoiner, so I re-established the dark black
21 line on Exhibit 5 and used that as the
22 property line for my -- for the Nichols
23 property.

24 Q. But not the middle of the road.

25 A. I show the middle of the road in

1 section. Right?

2 A. It does but that's a very small
3 distance. You would have to remember that I
4 was surveying the edge of the gravel road, so
5 there is a little bit of ambiguity of the
6 exact point. Some person may try to call it
7 the exact perfect gravel line whereas some
8 people may see a few stones scattered out a
9 bit or so. So it is a little -- as best as I
10 could tell when I was there.

11 Q. Well, I'm just asking, you know, but
12 we know that this right here is fifteen feet.
13 Correct?

14 A. Right, fifteen feet ---

15 Q. You measured up fifteen feet?

16 A. (Affirmative nod).

17 Q. Then you did a calculation and
18 measured out to here, to 12.46 feet.

19 A. Right.

20 Q. Wouldn't that be in the middle of
21 that road?

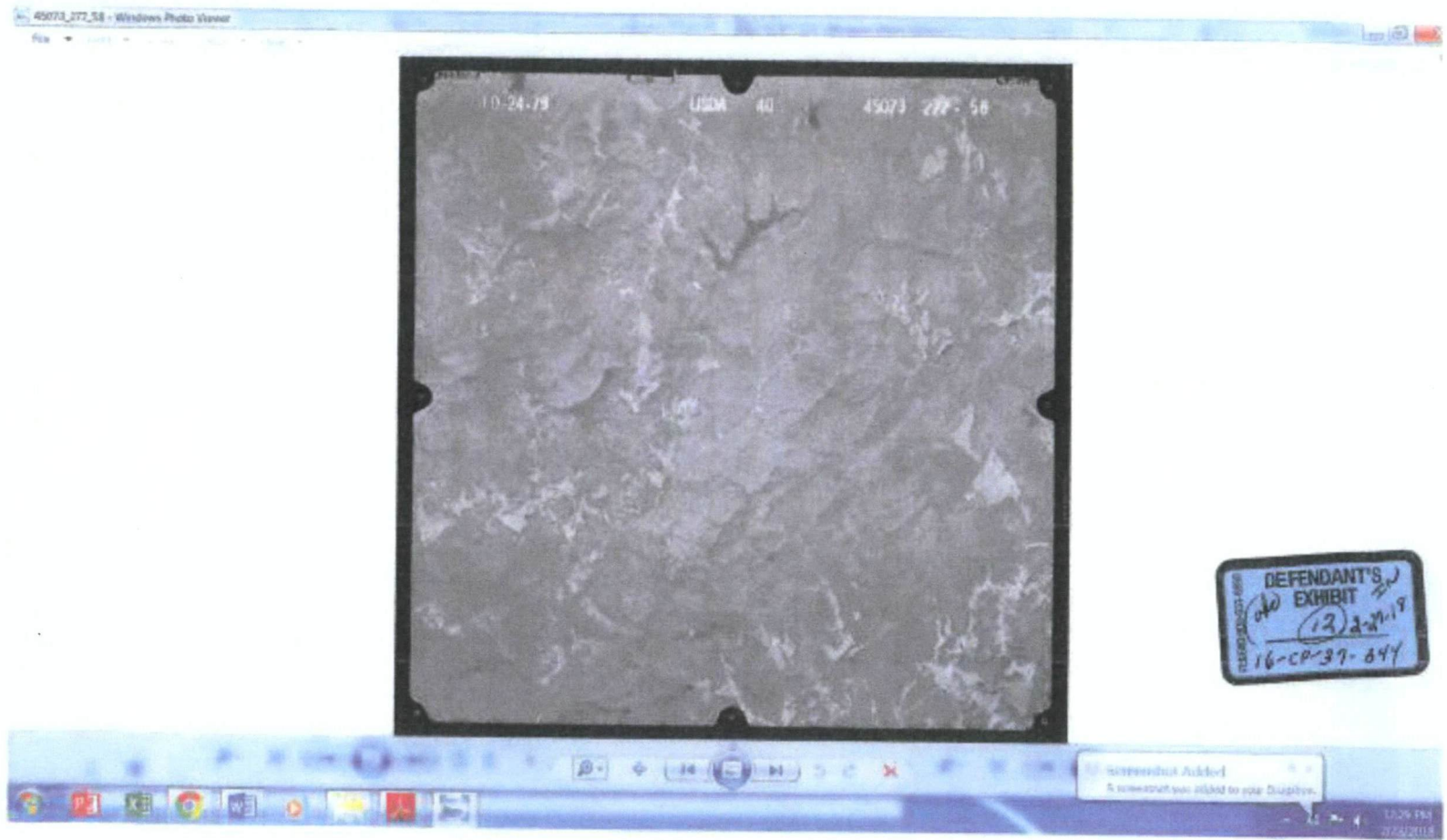
22 A. I would have to sit down and do the
23 math on it, draft it. I couldn't tell you
24 exactly where it would fall.

25 It falls just -- it looks like it might











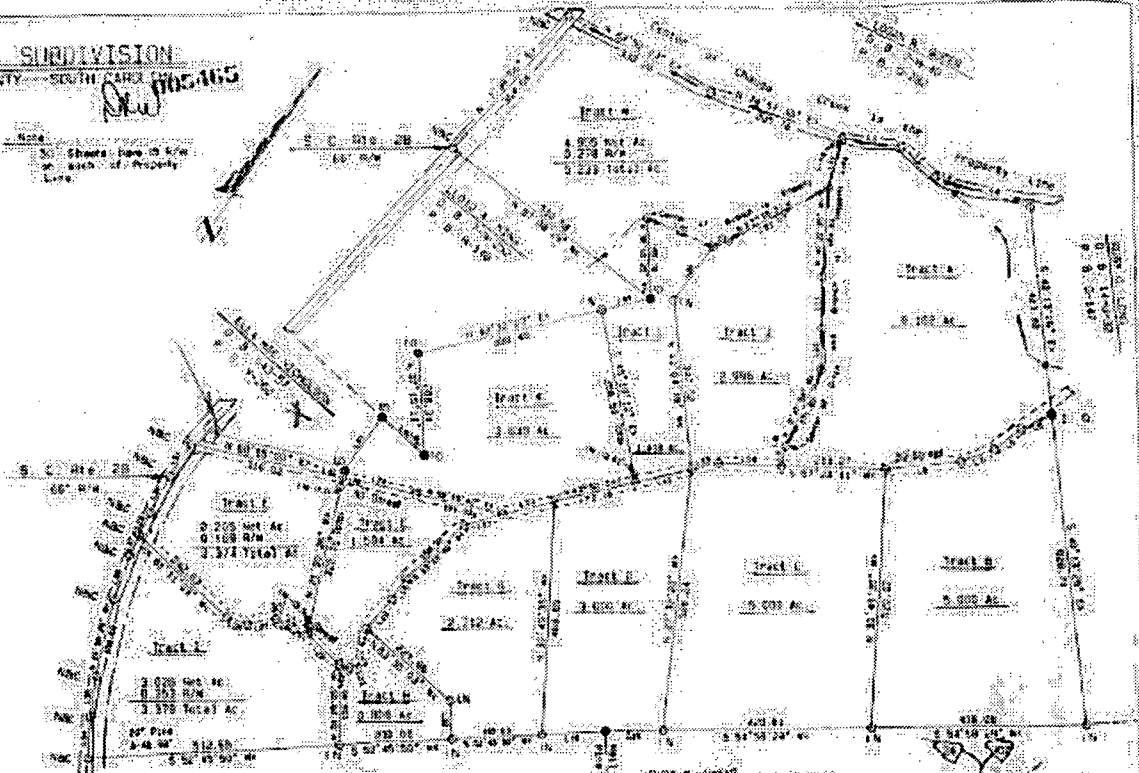
45073_272_58 - Windows Photo Viewer



Windows Photo Viewer interface showing a toolbar with various icons (back, forward, zoom, etc.) and a taskbar at the bottom with application icons (Internet Explorer, Firefox, Chrome, Word, etc.) and system tray information (PM 0:17, 3/25/2018).

Tommy Lee Watkins
ISSAQUEENA RIDGE SUBDIVISION
 CHATTAHOOCIA TOWNSHIP - SCONEE COUNTY - SOUTH CAROLINA
 DATE: MAY 28, 1993
 TAX MAP 125-00-01-12617

LINE	BEARING	DISTANCE
1	N 87° 15' 00" E	121.80
2	S 81° 33' 00" W	47.07
3	N 28° 27' 00" E	47.07
4	N 22° 22' 00" E	11.63
5	S 81° 33' 00" W	11.63
6	N 28° 27' 00" E	28.97
7	N 22° 22' 00" E	71.84
8	S 81° 33' 00" W	159.88
9	N 28° 27' 00" E	41.03
10	N 22° 22' 00" E	84.06
11	N 28° 27' 00" E	125.28
12	N 22° 22' 00" E	159.88
13	N 28° 27' 00" E	159.88
14	N 22° 22' 00" E	159.88
15	N 28° 27' 00" E	159.88
16	N 22° 22' 00" E	159.88
17	N 28° 27' 00" E	159.88
18	N 22° 22' 00" E	159.88
19	N 28° 27' 00" E	159.88
20	N 22° 22' 00" E	159.88
21	N 28° 27' 00" E	159.88
22	N 22° 22' 00" E	159.88
23	N 28° 27' 00" E	159.88
24	N 22° 22' 00" E	159.88
25	N 28° 27' 00" E	159.88
26	N 22° 22' 00" E	159.88
27	N 28° 27' 00" E	159.88
28	N 22° 22' 00" E	159.88
29	N 28° 27' 00" E	159.88
30	N 22° 22' 00" E	159.88
31	N 28° 27' 00" E	159.88
32	N 22° 22' 00" E	159.88
33	N 28° 27' 00" E	159.88
34	N 22° 22' 00" E	159.88
35	N 28° 27' 00" E	159.88
36	N 22° 22' 00" E	159.88
37	N 28° 27' 00" E	159.88
38	N 22° 22' 00" E	159.88
39	N 28° 27' 00" E	159.88
40	N 22° 22' 00" E	159.88
41	N 28° 27' 00" E	159.88
42	N 22° 22' 00" E	159.88
43	N 28° 27' 00" E	159.88
44	N 22° 22' 00" E	159.88
45	N 28° 27' 00" E	159.88
46	N 22° 22' 00" E	159.88
47	N 28° 27' 00" E	159.88
48	N 22° 22' 00" E	159.88
49	N 28° 27' 00" E	159.88
50	N 22° 22' 00" E	159.88



I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS SURVEY AS SPECIFIED THEREIN.

WALTER R. EMERY
 C. S. 589-120
 P. O. 140-1



EMPLOYED BY JAMES G. HART
 REG. L. S. # 8874
 REG. #0 BOX #8874
 SENECA, S.C. 29178
 TELEPHONE 843-5138

PLATIFF'S EXHIBIT
 16-CP-87-129

92
 RECEIVED FROM 2 City of Seneca A.D. 1993
 VOL. 136 PAGE 3 AND CERTAIN
 C.D.P.G.S.
 James C. Smith
 Seneca County, SC

*Ruby Carroll Young (See deed 62)
&
Ethel Augusta Clanton (Pg 34)*

DEED PREPARED FOR TOMMY WATKINS

CHATHAM TOWNSHIP, GREENE COUNTY, SOUTH CAROLINA
DATE: MARCH 22, 1942
TAX MAP: 100-20-01-25-37

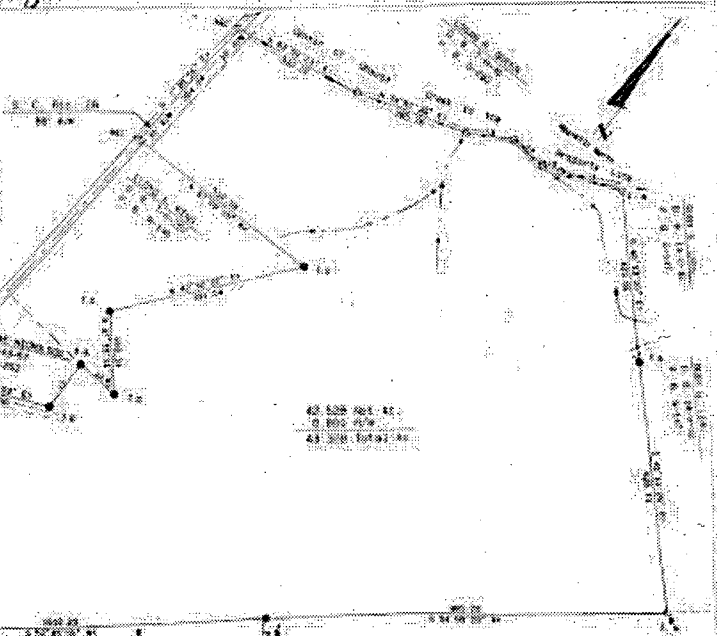
TRAC	ACRES	FRONT	DEPTH	AREA
1	1.00	100.00	100.00	10000.00
2	1.00	100.00	100.00	10000.00
3	1.00	100.00	100.00	10000.00
4	1.00	100.00	100.00	10000.00
5	1.00	100.00	100.00	10000.00
6	1.00	100.00	100.00	10000.00
7	1.00	100.00	100.00	10000.00
8	1.00	100.00	100.00	10000.00
9	1.00	100.00	100.00	10000.00
10	1.00	100.00	100.00	10000.00
11	1.00	100.00	100.00	10000.00
12	1.00	100.00	100.00	10000.00
13	1.00	100.00	100.00	10000.00
14	1.00	100.00	100.00	10000.00
15	1.00	100.00	100.00	10000.00
16	1.00	100.00	100.00	10000.00
17	1.00	100.00	100.00	10000.00
18	1.00	100.00	100.00	10000.00
19	1.00	100.00	100.00	10000.00
20	1.00	100.00	100.00	10000.00
21	1.00	100.00	100.00	10000.00
22	1.00	100.00	100.00	10000.00
23	1.00	100.00	100.00	10000.00
24	1.00	100.00	100.00	10000.00
25	1.00	100.00	100.00	10000.00
26	1.00	100.00	100.00	10000.00
27	1.00	100.00	100.00	10000.00
28	1.00	100.00	100.00	10000.00
29	1.00	100.00	100.00	10000.00
30	1.00	100.00	100.00	10000.00
31	1.00	100.00	100.00	10000.00
32	1.00	100.00	100.00	10000.00
33	1.00	100.00	100.00	10000.00
34	1.00	100.00	100.00	10000.00
35	1.00	100.00	100.00	10000.00
36	1.00	100.00	100.00	10000.00
37	1.00	100.00	100.00	10000.00
38	1.00	100.00	100.00	10000.00
39	1.00	100.00	100.00	10000.00
40	1.00	100.00	100.00	10000.00
41	1.00	100.00	100.00	10000.00
42	1.00	100.00	100.00	10000.00
43	1.00	100.00	100.00	10000.00
44	1.00	100.00	100.00	10000.00
45	1.00	100.00	100.00	10000.00
46	1.00	100.00	100.00	10000.00
47	1.00	100.00	100.00	10000.00
48	1.00	100.00	100.00	10000.00
49	1.00	100.00	100.00	10000.00
50	1.00	100.00	100.00	10000.00

*003-461
Billie ...
James C. ...
Green County, SC*

LOCATION MAP - NO SCALE

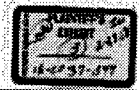
I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MEASUREMENT ACT AND THE REQUIREMENTS FOR BEING FILED IN THE PUBLIC RECORDS OF THE STATE OF SOUTH CAROLINA, AND WERE IN ACCORDANCE WITH THE REQUIREMENTS FOR A CLASS ... SURVEY AS DESCRIBED HEREIN.

PREPARED BY JAMES S. HARRIS
RES. L. S. # 5474
REG. NO. 104 8400
GREENVILLE, S. C. 29615
TELEPHONE 822-7228

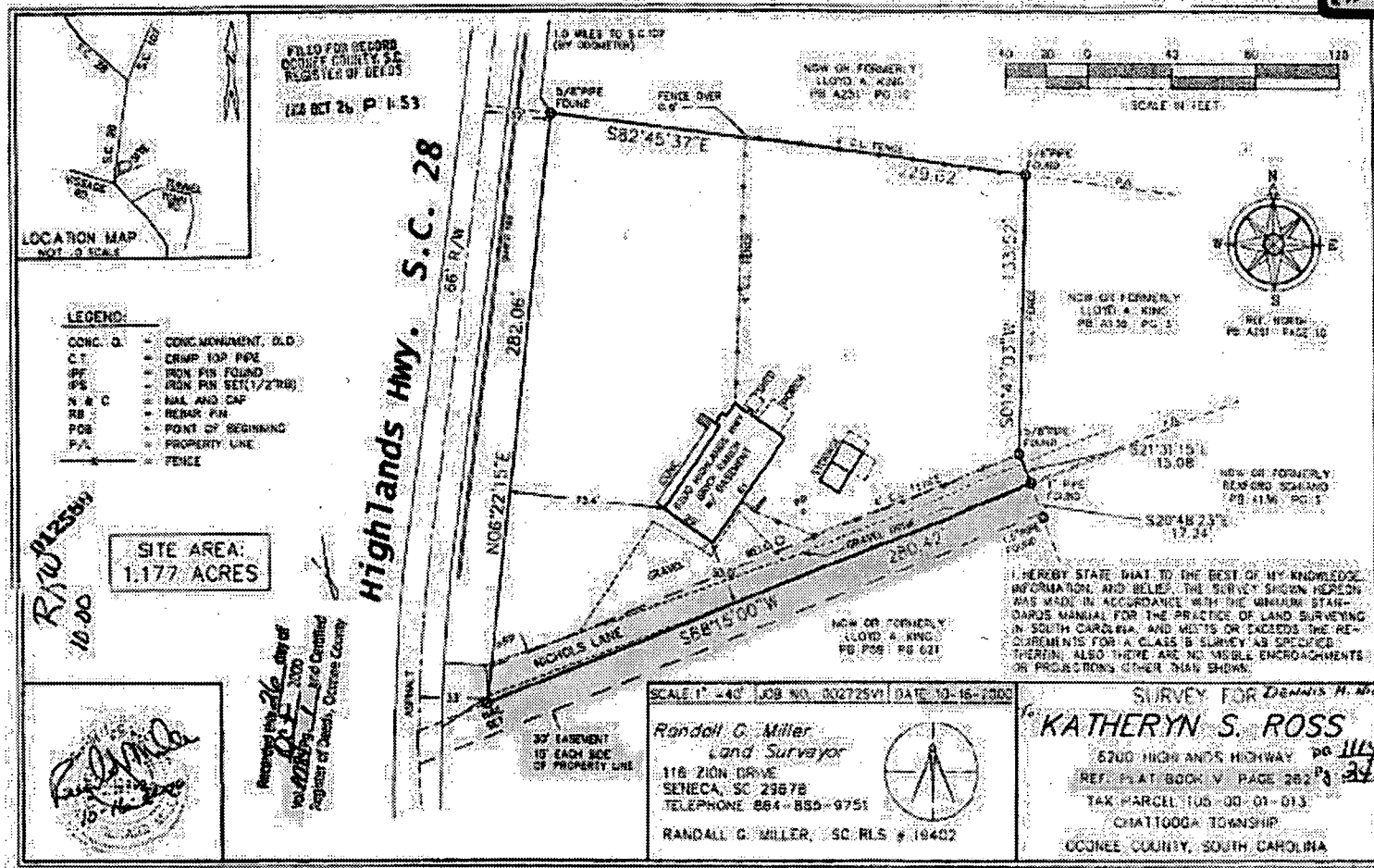


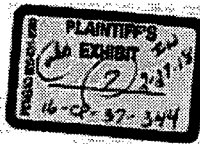
40.520 ACRES
0.800 ACRES
41.320 ACRES

REGISTERED
BY A. ...
P. B. ...



PLAINTIFFS
EXHIBIT
41
18-CP-37-547

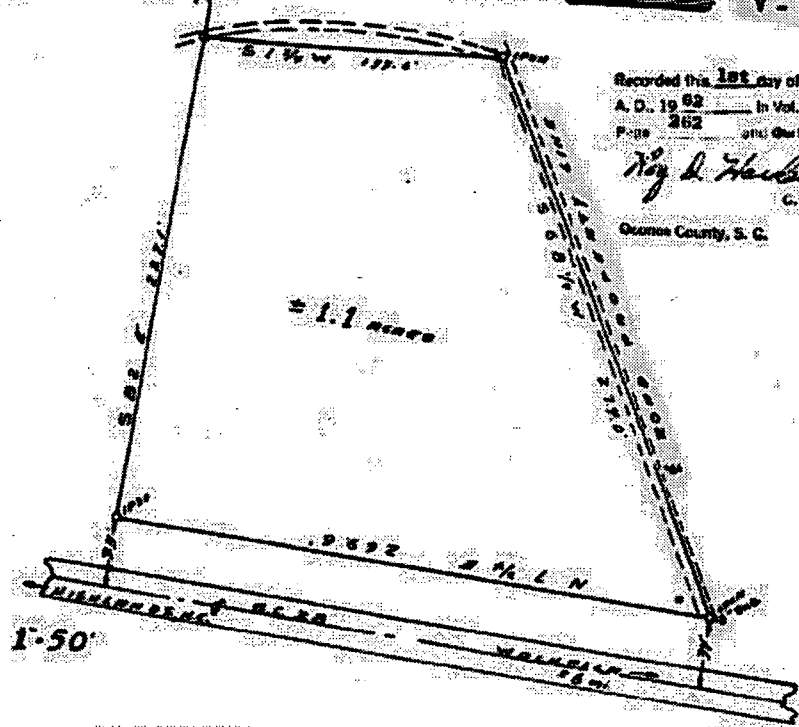




V. Audie Nichols Property - 1.1 Acres, Mt. Best Dist.

V - 262

Recorded this 1st day of Sept.
A. D. 19 62 In Vol. V
Page 262 at the Office of
Roy L. Harlow
C.C.C.P.S.
Oconee County, S. C.



South Carolina
Oconee County
Survey of lot cut from property of
Audie Nichols, about 8 miles from Polkville, S. C.

Dec. 1, 1961
Surveyor: J.H. Earle

Approved:
J. H. Earle
L.S. 643

THE STATE OF SOUTH CAROLINA.

County of GEORGE

RECORDED
SALLIE C. SMITH
DEC 4 1965
CLERK OF COURT
GEORGE COUNTY, S.C.

KNOW ALL MEN BY THESE PRESENTS, That I, W. Annie Nichols

in the state aforesaid, in consideration of the sum of Five Dollars (\$5.00) and Love and affection

to me in hand paid at and before the reading of these presents

by Ella Mae Nichols

(The receipt whereof is hereby acknowledged), have granted, bargained, sold and released, and by

these presents do grant, bargain, sell and release unto the said Ella Mae Nichols

All that certain piece, parcel or lot of land, situate, lying and being in Newtonia East School District No. 51, containing 1.1 acres, more or less, as will appear by plat thereof prepared by J.B. Baskie, approved by Nancy W. Baskie, dated December 1, 1961, recorded in Plat Book 1, page 222, in the office of the Clerk of Court for George County, South Carolina.

For a more complete description by words and bounds, courses and distances reference to the aforesaid plat is hereby invited.

Said lot being a portion of the tract conveyed to W. Annie Nichols by Ella Mae Nichols by deed dated March 9, 1960, recorded in Deed Book 3-C, Page 12, after having conveyed 18.7 acres to L.L. Vinage by deed dated January 23, 1962, recorded in Deed Book 6-F page 215.

FILED FOR RECORD
GEORGE COUNTY
S.C.
DEC 4 9 37 AM '65
SALLIE C. SMITH
CLERK OF COURT

BOOK 437 PAGE 177

CONVEYANCE

State Route
Walkville, NC 27681

TOGETHER with all and singular the Rights, Members, Benefits and Appurtenances to
the said premises belonging, or in anywise incident or appertaining,
TO HAVE AND TO HOLD all and singular the Premises before mentioned unto the said
Ella Mae Stables, her

Heirs and Assigns forever

BOOK 437 PAGE 179

And I do hereby bind myself, my heirs, Executors and Administrators to warrant and forever defend all and singular the said premises unto the said Ella Mae Nichols.

Witness my hand and seal, this 04th day of December in the year of our Lord one thousand nine hundred and eighty-five in the two hundred and ninth year of the Sovereignty and Independence of the United States of America.

Signed, sealed and delivered in the presence of:
Eddie Nichols (S)
Peggy Collins (S)
Mildred Cinnamon (S)

THE STATE OF SOUTH CAROLINA

PERSONALLY appeared before me, Peggy Collins, and made oath that she was the above named Ella Mae Nichols.
Signed, sealed and delivered the within written deed for the uses and purposes therein mentioned, and that she was with Mildred Cinnamon witness the execution thereof.

Given to before me this 4th day of December, A. D. 1985.
Mildred Cinnamon (S)
Notary Public for South Carolina

THE STATE OF SOUTH CAROLINA

RESURGENCIATION OF DOWER

I, Ella Mae Nichols, do hereby certify unto all whom it may concern that Mrs. Ella Mae Nichols, the wife of the within named _____ did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread, or fear of any person or persons whatsoever, renounce, release, and forever relinquish, unto the within named _____

Heirs and Assigns, all her interest and estate, and also all her right and claim of Dower of, to or in, all and singular the Premises within mentioned and released.

Given under my hand and seal, this _____ day of _____ A. D. 19____
Notary Public for South Carolina

Page 4 of 8

457

RECORDS
CLERK OF COURT

DEC 4 9 37 AM '85

SALLIE C. SMITH
CLERK OF COURT

ISSUED TO:
W. HENRY OWEN, JR
P.O. BOX 2983
WYOMING, SC 29691

656297

THE STATE OF SOUTH CAROLINA

COUNTY _____

Y W. Justin Nichols _____
TO

BY _____
Other Route, Columbia, SC 29691

Deed to Real Estate

Filed *4* _____
Dec A. D. 1985
and recorded in *437* Page *177*

By _____
Sallie C. Smith
County Clerk

ENTERED FOR RECORD

In my office this *4* day
of *Dec* A. D. 1985
By *85* Page *2267*
Hannath J. Williams
County Auditor for
County, S. C.

First Book _____
Page No. _____

MISSISSIPPI

Book: 497 Page: 177 Seq: 4

This deed is being re-recorded to clarify that the estate intended to be conveyed to Ella Mae Nichols by deed recorded in Deed Book 437 at Page 177 is a fee simple absolute.

State of South Carolina
COUNTY OF OCONEE

TITLE TO REAL ESTATE *643 PAGE 57*

KNOW ALL MEN BY THESE PRESENTS THAT J. W. Audie Nichols hereinafter, whether one or more, called Grantor, in consideration of the sum of Five and No/100ths (\$5.00) and love and affection Dollars to Grantor in hand paid at and before the reading of these presents by Ella Mae Nichols.

Grantor, whether one or more, called Grantee (the receipt whereof is hereby acknowledged), have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said Grantee and Grantee's heirs, or successors, and assigns forever:

All that certain piece, parcel or lot of land, situate, lying and being in Mountain Rest School District No. 51, containing 1.1 acres, more or less, as will appear by plat thereof prepared by J. D. Earle, approved by Barry V. Earle, dated December 1, 1961, recorded in Plat Book V, page 252, in the office of the Clerk of Court for Oconee County, South Carolina, and having the metes and bounds, courses and distances as so said plat appear, and a more complete description by metes and bounds, courses and distances reference to the aforesaid plat is hereby invited.

Said lot being a portion of the tract conveyed to M. Audie Nichols by Ella Mae Nichols by deed dated March 9, 1962, recorded in Deed Book 6-C, Page 12, after having conveyed 48.7 acres to S. L. Vinsome by deed dated January 25, 1962, recorded in Deed Book 6-C, Page 113.

THIS PROPERTY DESIGNATED AS
MAP 105 BLOCK 01 PARCELS 013

Grantor's Address: 6208 Highlands Highway
Mountain Rest, SC 29564

OONEE COUNTY TAX MAPS

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

TO HAVE AND TO HOLD all and singular the said Premises before mentioned unto the said Grantee and Grantee's heirs, or successors, and assigns forever.

And Grantor does hereby bind Grantor and Grantor's Heirs, Successors, Executors and Administrators to warrant and forever defend all and singular the said premises unto the said Grantee and Grantee's Heirs, Successors and assigns against Grantor and Grantor's Heirs, Successors, Executors, Administrators and Assigns and against every person whatsoever lawfully claiming or to claim the same or any part thereof.

Witness Grantor's hand and seal this 17th day of Jan, A.D. 1991.

Signed, Sealed and Delivered in the Presence of: W. C. Williams

W. C. Williams (Seal)

James L. Morrison (Seal)

FILED FOR RECORD
OONEE COUNTY
JAN 17 1991
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE PROBATE

Personally appeared before me the undersigned witness and made oath that (a) he saw the within named Grantor sign, seal and as Grantor's act and deed deliver the within deed, and that (b) he will the other witness whose name is subscribed above witnessed the execution thereof.

Seems to believe me this 17th day of Jan, A.D. 1991

James L. Morrison (Seal) W. C. Williams

My Commission Expires 7-13-2002

1993 28

After Recording,
Return To:

W. ROBERT OWENS, JR.
P.O. BOX 5763
WALSALGA, SC 29691

Book 643 Page 57

FILED FOR RECORD
SCONEE COUNTY
S.C.
JAN 17 2 29 PM '91
SALLIE C. SMITH
CLERK OF COURT

Page 2 of 2

State of South Carolina
OCEENEE COUNTY

W. ROBERT OWENS, JR.

TO

ELLA MAE NICHOLS

TITLE TO REAL ESTATE
BY AN INDIVIDUAL

I hereby certify that the within Deed has
been this 17 day of
JAN A.D. 1991 recorded
in Book 643 of Deeds, page 57
at 2:53 o'clock P.M.
Sallie C. Smith
Clerk of Court for Oconee County, S.C.

I hereby certify that the within Deed has
been this _____ day of _____
A.D. 19____

of record in my office in Book _____

Page _____

Author for Oconee County, S.C.

FANT'S FORM 643

Recorded this 21
day of Jan 1991
Book 91 Page 263
For H. F. Williams
Author
Oconee County, S.C.

W. ROBERT OWENS, JR.
P.O. BOX 5763
WALSALGA, SC 29691

443 Page: 57 Seq: 2

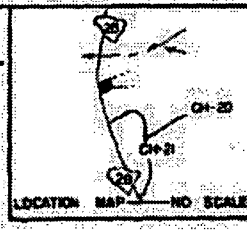
PROPERTY OF F BUNDY MCDANIEL AND JOANN S MCDANIEL

Tommy Lee Watkins to (See deed 685

CHATTG00A TOWNSHIP OCOEE COUNTY SOUTH CAROLINA DATE: MAY 29, 1992

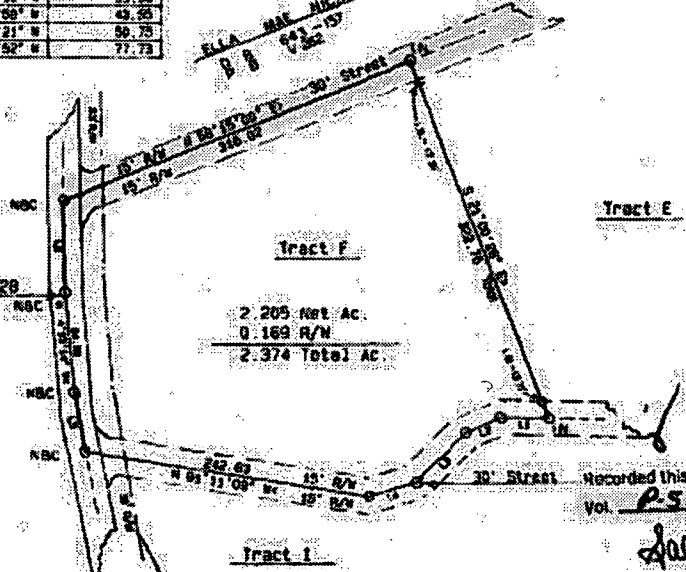
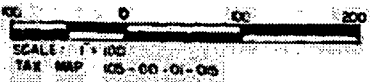
*blw
00-148
P9 11*

LINE	BEARING	DISTANCE
L1	N 88° 20' 00" W	40.53
L2	S 88° 23' 30" W	31.72
L3	S 45° 07' 30" W	50.00
L4	S 74° 17' 00" W	43.25
L5	S 0° 22' 21" W	50.75
L6	N 0° 38' 52" W	77.73



*ALLA MAC MCDONALD
D.B. 943-157*

FILED FOR RECORD
OCONEE COUNTY
JUN 7 3 09 PM '92
CLERK OF COURT

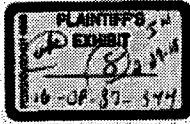


Recorded this 2 day of June A.D. 1992
Vol. P-59 Page 631 and certified
Julie C. Smith C.C.O.P.S.

Deeone County, S.C.
I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE WORKSHOP STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND PERTAINS OR EXCEEDS THE REQUIREMENTS FOR A CLASS E SURVEY AS SPECIFIED THEREIN.
SURVEYED BY JAMES S. HART
RES. L. S. 50074
James S. Hart
306 FRIENDSHIP VALLEY ROAD
GREENVILLE, S. C. 29609

6021

Book: P-59 Page: 621 Seq:



WILLIAM F. DEERICK RICHARD L. HYTER JAMES L. WILLIAMS
Attorneys at Law
SOUTH CAROLINA

095467

Recorded this 2 day of June, A.D. 1992 BOOK 695 PAGE 11
Vol. 695 Page 11 and certified

CCDP&S
STATE OF SOUTH CAROLINA
County of Oconee

THIS PROPERTY DESIGNATED AS
MAP 211 SUB 22 BLK. 91 PARC. 016
ON OCONEE COUNTY TAX MAPS
John A. Williams
OCONEE COUNTY ASSESSOR

TITLE TO REAL ESTATE

5600
10.00
33.00
16.50
CLERK OF COURT
JUN 2 3 49 PM '92

KNOW ALL MEN BY THESE PRESENTS that Tommy Lee Watkins in the state aforesaid, for and in consideration of the sum of Ten dollars and other considerations to me in hand paid by F. Bundy McDaniels and JoAnn S. McDaniels, receipt of which is hereby acknowledged, have granted, bargained, sold and released and by these presents do grant, bargain, sell and release unto the said F. Bundy McDaniels and JoAnn S. McDaniels, their heirs and assigns forever:

ALL that certain piece, parcel or tract of land lying and being situate in Chattooga Township, County of Oconee, State of South Carolina and being known and designated as TRACT P of ISSAQUEENA RIDGE SUBDIVISION containing 2.374 acres, more or less, as shown and more fully described on a subdivision plat thereof prepared by James C. Hart, R.L.S. dated 1-10-92 and recorded of even date herewith in Plat Book H.11 page 3, records of Oconee County, and also on an individual plat thereof prepared by James C. Hart, R.L.S. dated 1-10-92 and recorded of even date herewith in Plat Book P.94 page 101, records of Oconee County, South Carolina.

This being a portion of the property conveyed unto Tommy Lee Watkins by deed of Ruby Carroll Young and Ethel Newhouse Clanton recorded in Deed Book 621, page 341, records of Oconee County, South Carolina.

This conveyance is made subject to covenants and restrictions as recorded upon the public records of Oconee County, South Carolina, in Deed Book 623 of page 3.

This conveyance is further made subject to any and all easements or rights-of-way granted by the Grantor(s) herein or any predecessor in title, as may appear of public record or upon the premises.

Grantors' Address: 2178 Bryan Court, Book H.11, SC 29720

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

OCONEE COUNTY
Doc. Tax in Amt.
of \$ 16.50 Collected



BOOK 695 PAGE 12

TO HAVE AND TO HOLD all and singular, the premises before mentioned unto the said F. Bundy McDaniel and John S. McDaniel, their heirs and assigns forever.

AND I do hereby bind myself and my heirs, executors, and administrators, to warrant and forever defend all and singular the premises before mentioned unto the said F. Bundy, McDaniel and John S. McDaniel, their heirs and assigns, from and against myself and my heirs, executors and assigns, and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS my hand and seal this 1 day of June in the year of our Lord one thousand nine hundred ninety two, and in the two hundred fiftieth year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered in the Presence of:

James P. Fowler

Tommy Lee Watkins [SEAL]
Tommy Lee Watkins

R. Lovett

STATE OF SOUTH CAROLINA

PROBATE

COUNTY OF OCONEE

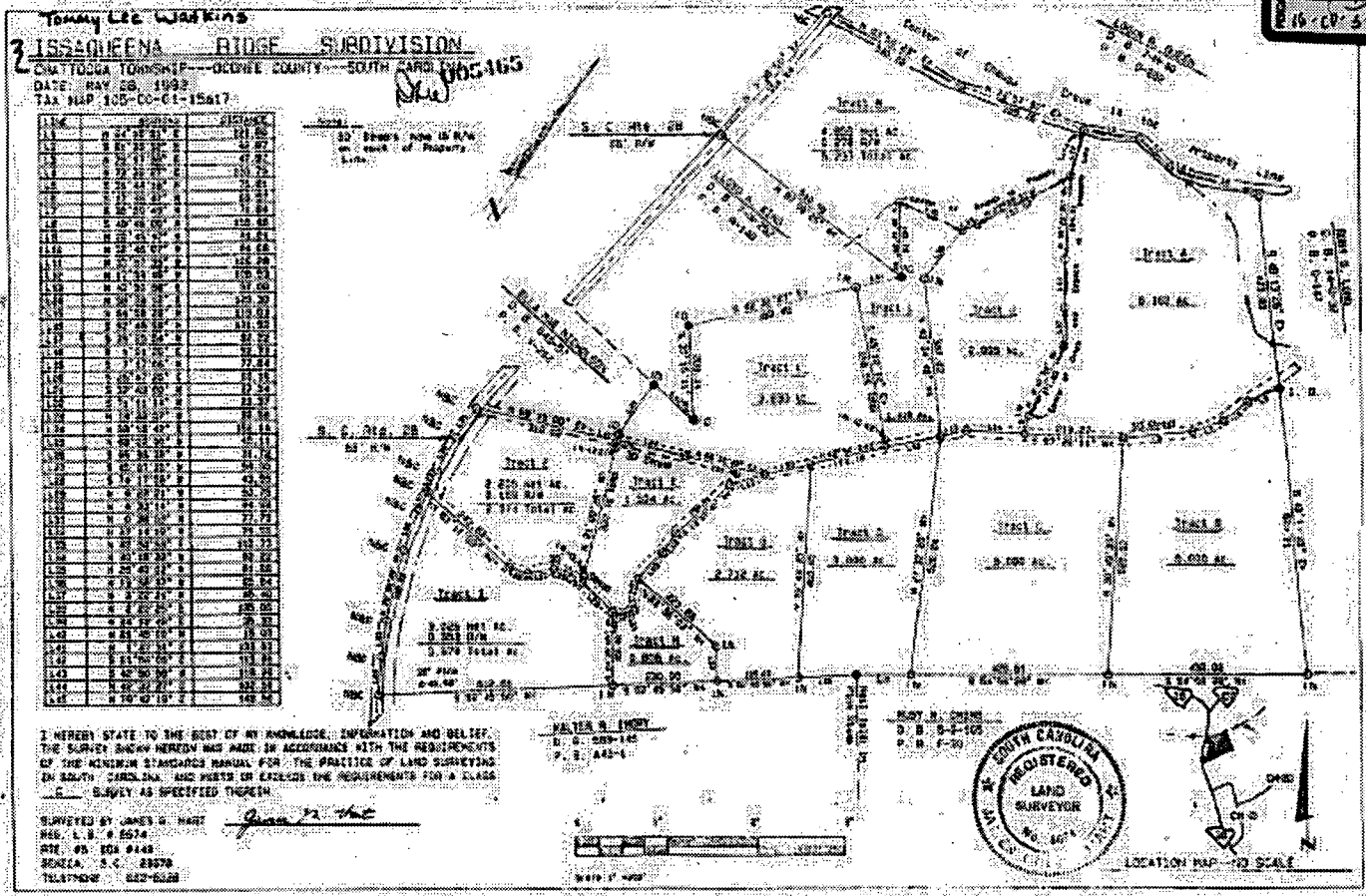
PERSONALLY APPEARED the undersigned Witness, who being duly sworn says that (s)he saw the within named Tommy Lee Watkins sign, seal, and as his act and deed deliver the within written instrument for the uses and purposes therein mentioned, and that the Deponent, together with the second witness above subscribed, witnessed the execution thereof.

James P. Fowler

Sworn to before me this 1 day of June, 1992.

R. Lovett [LS]
Notary Public of South Carolina
My Commission Expires: 10/14/98

PLAINTIFF'S EXHIBIT
 15-CV-57-344



TRACT	ACRES	FRONT	DEPTH	AREA
1	1.12	121.00	111.00	12432.00
2	1.12	121.00	111.00	12432.00
3	1.12	121.00	111.00	12432.00
4	1.12	121.00	111.00	12432.00
5	1.12	121.00	111.00	12432.00
6	1.12	121.00	111.00	12432.00
7	1.12	121.00	111.00	12432.00
8	1.12	121.00	111.00	12432.00
9	1.12	121.00	111.00	12432.00
10	1.12	121.00	111.00	12432.00
11	1.12	121.00	111.00	12432.00
12	1.12	121.00	111.00	12432.00
13	1.12	121.00	111.00	12432.00
14	1.12	121.00	111.00	12432.00
15	1.12	121.00	111.00	12432.00
16	1.12	121.00	111.00	12432.00
17	1.12	121.00	111.00	12432.00
18	1.12	121.00	111.00	12432.00
19	1.12	121.00	111.00	12432.00
20	1.12	121.00	111.00	12432.00

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREOF WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND PERTIN OR EXCEEDS THE REQUIREMENTS FOR A CLASS C SURVEY AS SPECIFIED THEREIN.

SURVEYED BY JAMES H. HART
 REG. L. S. # 5074
 RTE. #5 BOX #448
 BENZIE, S.C. 29570
 TELEPHONE 682-6528

RECORDED THIS 2nd DAY OF June A.D. 1992
 BY A. J. [unclear] CLERK
James C. [unclear]
 Deane County, S.C.

BOOK 694 PAGE 347

FILED FOR RECORD
OCONEE COUNTY
S.C.

JAN 4 3 00 PM '92
SHELDON C. SMITH
CLERK OF COURT

Recorded this 2 day of January, 1992
Vol. 694 Page 347 and certified

Sheldon C. Smith
C.C.O.F.G.
STATE OF SOUTH CAROLINA

09548 PROPERTY DESIGNATED AS

COUNTY OF OCONEE

OCONEE COUNTY

MAP 100 SUBJECT INDEX PARCELS
10-00
10-00
231
115-50
OCONEE COUNTY TAX MAPS

TITLE TO REAL ESTATE

Doc. Tax in Amt. of \$ 115.00 Collected



OCONEE COUNTY ASSURES ALL MEN BY THESE PRESENTS that Ruby Carroll Young and Ethel Newcome Clanton in the state aforesaid, for and in consideration of the sum of Ten dollars and other considerations to us in hand paid by Tommy Lee Watkins, receipt of which is hereby acknowledged, have granted, bargained, sold and released and by these presents do grant, bargain, sell and release unto the said Tommy Lee Watkins, his heirs and assigns forever:

ALL that certain piece, parcel or tract of land lying and being situate in the State of South Carolina, County of Oconee, Chittooge Township, on the eastern side of S.C. Hwy. 24, containing 43.328 acres, more or less, as shown and more fully described on a plat thereof prepared by James G. Hart, S.L.S. dated 3-23-82 and recorded of even date herewith in Plat Book 694, page 2, records of Oconee County, South Carolina.

The aforesaid property being all of an original tract contained unto Tolon E. Clanton and W.C. Young by deed of R. L. Vissage recorded 8-8-68 in Deed Book 19-D, page 37. The said T. E. Clanton conveyed 11.04 acres of the aforesaid property unto W. C. Young by deed recorded in Deed Book 11-D, page 289 and the said W. C. Young conveyed 6.53 acres of the aforesaid property unto T. E. Clanton by deed recorded in Deed Book 11-D, page 308, with the portion of the aforesaid property which was owned by W. C. Young at his death having been devised unto his wife Ruby Carroll Young in fee simple as reference to Probate File 88-ES-77-84, records of Oconee County will more clearly show, and with the portion of the aforesaid property owned by Tolon Ernest Clanton a/k/a T. E. Clanton having been devised unto his wife at his death, Ethel Newcome Clanton in fee simple as reference to Probate File 88-ES-37-18, records of Oconee County will more clearly show. The Grantees herein by execution of this deed do hereby release all their right, title and interest in the aforesaid property which they have acquired under the respective wills of W. C. Young and T. E. Clanton to the Grantee herein.

This conveyance is made subject to covenants and restrictions as may appear upon the public records of Oconee County, South Carolina.

This conveyance is further made subject to any and all easements or right-of-ways granted by the Comator(s) herein or any predecessor in title, as may appear of public record or upon the premises.

Grantors' Address: Route 1 Box 1243
Lenoir, Georgia 30553

TOGETHER with all and singular, the rights, interests, inheritments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular, the premises before mentioned unto the said Tommy Lee Watkins, his heirs and assigns forever.

AND we do hereby bind ourselves and our heirs, executors, and administrators, to warrant and forever defend all and singular the premises before mentioned unto the said Tommy Lee Watkins, his heirs and assigns, from and against myself and my heirs, successors and assigns, and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS our hands and seals this 1 day of June in the year of our Lord one thousand nine hundred thirty two, and in the two hundred fiftieth year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered by the Presence of:

Tommy Lee Watkins
Ruby Carroll Young.....[SEAL]
Ruby Carroll Young
Ethel Newcome Clinton.....[SEAL]
Ethel Newcome Clinton

STATE OF SOUTH CAROLINA

PROBATE


COUNTY OF OCHEE
PERSONALLY APPEARED the undersigned witness, who being duly sworn says that (s)he saw the within named Ruby Carroll Young and Ethel Newcome Clinton sign, seal, and on their act and deed deliver the within written instrument for the uses and purposes therein mentioned, and that the Deponent, together with the second witness above subscribed, witnessed the execution thereof.

Sworn to before me this 1 day of June 1932.
Henry Public [LS]
Henry Public of South Carolina
My Commission Expires: 1-1-1938

Certificate of Counsel

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

January 25, 2019



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