

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTER COUNTY
Court of Common Pleas

Paul M. Burch, Circuit Court Judge

Appellate Case No. 2016-001104

RECEIVED

MAY 15 2017

SC Court of Appeals

Heather Rousey Piper,

Respondent,

v.

Kerry Grissinger,
William P. Hardee, and
Paul E. Lesondak,

of whom:
Kerry Grissinger and
Paul E. Lesondak,
are the



Appellants.

RECORD ON APPEAL

RECEIVED

MAR 28 2019

S.C. SUPREME COURT

John Martin Foster
Post Office Box 106
Rock Hill, S. C. 29731-6106
(803) 324-8100
Attorney for Appellants

Jessica C. Crowson
Rogers Lewis
Post Office Box 11803
Columbia, S. C. 29211
(803) 256-1268
Attorneys for Respondent

INDEX

Order dated May 3, 2016, recorded May 9, 2016, with attachment	1
Order dated and filed March 15, 2016	5
Complaint for Declaratory Judgment, filed January 20, 2015, with Exhibits.....	8
<i>Lis Pendens</i> , filed January 20, 2015.....	38
Answer of Defendants Grissinger and Lesondak, dated March 3, 2015	40
Reply to Allegations of Defendant Hardee, filed February 17, 2015.....	41
Amended Answer and Counterclaim of Grissinger and Lesondak, filed June 7, 2015.....	44
Transcript of Hearing, March 14, 2016, Record, p. 7 – 232.....	53
Plaintiff's Exhibits:	
A. Plat of survey 10/30/14.....	279
B. Plat of survey 10/30/14, with markings.....	281
C. Photographs.....	283
D. Plat dated 11/15/1951.....	325
E. Plat dated 11/16/1951.....	327
F. Plat dated 11/27/1951.....	329
G. Plat of survey dated 03/28/2012.....	331
H. Plat of survey dated 06/27/1988.....	333
I. Plat of survey dated 12/09/1997.....	336
J. Deed, recorded at Book 371, Pg 79.....	338
K. Deed recorded at Book 371, Pg 95.....	341
L. Deed recorded at Book 724, Pg 176.....	344
M. Deed recorded at Book 373, Pg 092.....	347
N. Discovery Responses from Hardee, 08/21/15.....	350
O. Letter of Winters dated 10/23/14.....	359
P. Letter of Hudson dated 12/18/14.....	361
Q. Letter of Winters dated 12/11/14.....	363
R. GIS maps.....	365
S. Residential Title Insurance Policy.....	367
T. Affidavit William Severance Lee.....	371
Defendant's Exhibits	
1. Deed of Young to Whitesides and Austin, recorded at Book 827, Pg 38.....	374
2. Deed of Austin to Johnson, recorded at Book 984, Pg 125.....	377
Certificate of Counsel	381

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

IN THE COURT OF COMMON PLEAS

C/A NO: 2015-CP-12-00024

Heather Rousey Piper,

Plaintiff,

v.

Kerry Grissinger, William P. Hardee, and
Paul E. Lesondak

Defendants.

FINAL ORDER

COPY
FILED
MAY - 9 A 11:57
CLERK OF COURT
CHESTER COUNTY
SOUTH CAROLINA

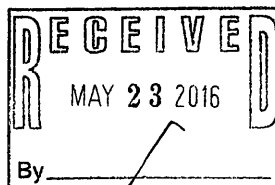
THIS MATTER came before the Court on March 14, 2016 for a bench trial to determine the location of an easement to that certain land locked property located in Chester County, South Carolina, with TMS Number 080-03-04-010-000, owned by Heather Rousey Piper, known in this action as the "Piper Parcel", and as further described in the Complaint.

At the trial, Jessica C. Crowson and Christopher L. Boguski appeared on behalf of the Plaintiff. John Martin Foster appeared on behalf of the Defendants Kerry Grissinger and Paul E. Lesondak, and William P. Hardee appeared *pro se*.

At the trial, the parties presented evidence regarding how the Piper Parcel became landlocked, how the property known as the Piper Parcel has been accessed in the past, and how the Plaintiff and other parties currently access the Piper Parcel. Specifically, evidence was presented regarding three (3) possible easements to the Piper Parcel, including:

- i. The "Gandy Easement", whereby ingress and egress is along, or substantially similar to, that path on Defendant Lesondak's property and marked by dashed lines and labeled as "original access easement used by Gandy to access Gandy prop. (now

Page 1 of 3



PMB

Piper prop.)" as shown on the Exhibit attached hereto¹;

- ii. The "Current Easement", whereby ingress and egress is along Severance Drive and then curving onto both Defendant Grissinger's and Defendant Lesondak's property, along a route which is substantially similar to the path marked by dashed "E" lines, as shown on the Exhibit attached hereto; and
- iii. The "Hardee Easement", whereby ingress and egress is along Severance Drive and along the property line of both Defendant Grissinger's and Defendant Hardee's properties, along a route which is substantially similar to the path marked by straight lines between the Grissinger property and the Hardee property, as shown on the Exhibit attached hereto.

Subsequently, on March 15, 2016, the Court and the above named Parties visited the Piper Parcel to determine the most appropriate and feasible means of access to the Piper Parcel.

Based on the pleadings filed in this action, the testimony of the parties, the exhibits presented at the trial, and a review of the Piper Parcel and the surrounding properties, I find that the means of access known as the "Gandy Easement" is the most appropriate means of access to and from the Piper Parcel, and, therefore,

IT IS ORDERED, ADJUDGED AND DECREED that:

1. The Plaintiff, her heirs, successors, and assigns is hereby granted an easement for ingress and egress, fifteen (15) feet in width, along that path known as the Gandy Easement;

¹ The Exhibit attached hereto was entered into evidence during the trial by counsel for the Plaintiff and was labeled as Plaintiff's Exhibit B. This Exhibit was entered without objection from opposing counsel or the *pro se* Defendant. This Exhibit was referenced repeatedly throughout the trial by both counsel for the Plaintiff, counsel for Defendants Lesondak and Grissinger, and by numerous witnesses during their testimony.

2. That the Plaintiff shall obtain a survey of the Gandy Easement, at the Plaintiff's cost, and have such survey recorded in the Chester County Register of Deeds;
3. That Defendant Lesondak bear all costs related to any clearing or removal of any obstruction on his property required to facilitate the Gandy Easement;
4. That the Plaintiff bear all costs related to any clearing or removal of any obstruction on her property required to facilitate the Gandy Easement;
5. That all parties are permanently restrained from any harassment of the other parties and from blocking the Gandy Easement or impeding the Plaintiff's use of the Gandy Easement in any way;
6. That all parties be responsible for their own costs and expenses related to this action; and
7. That the counterclaims against Plaintiff be dismissed, with prejudice.

IT IS SO ORDERED.


The Honorable Judge Paul M. Burch
Presiding Judge

Date: May 3rd, 2016

FILED
2016 MAY - 9 A 11:57
CLERK OF COURT
CHESTER CO. S.C.

500

FILED
2016 MAY -9 A 11:57

PLAT OF SURVEY FOR
HEATHER D. ROUSEY

CHESTER TOWNSHIP, CHESTER COUNTY, SOUTH CAROLINA

REFERENCES TO MAPS 05-01-010
D.B. 1941 PG 178 & 179 PG 180

261400/2360
ESTABLISHED BY
DEED RECORDS
IN THE OFFICE OF
THE CLERK OF COURTS
FOR THE COUNTY OF
CHESTER, SOUTH CAROLINA
ON 05-01-010
PAGE 178 & 179
D.B. 1941

TALORD-3-4-7
BILLY F. PARKER
D.B. 1941 PG 184

NOTED AS A COMMON ROAD (P. 178 & 179 PG 184)

TALORD-3-4-8
DOROTHY JEAN JOHNSON
D.B. 1941 PG 180 & 181 PG 182

Now: Lesundak

TALORD-3-4-24
GERARD C. ROUSEY
ROUSEY, ROUSEY
D.B. 1941 PG 180
P. 178

TALORD-3-4-17
JOHN RICE
D.B. 1941 PG 184
D.B. 173-185 PG 180

TALORD-3-4-20
FRANK L. BRIGHT-LE
JOHN L. BRIGHT-LE
D.B. 1941 PG 180
D.B. 173-185 PG 180

TALORD-3-4-6
JEFFERY B. RUSSELL
D.B. 1941 PG 171

4.796 ACRES

MAGNETIC NORTH

NO NEW LOTS OR LINES ESTABLISHED

HIPP LAND SURVEYING, INC.
3574 VICTORIAN HILLS DRIVE
RICHBURG, S.C. 29729
PHONE (803) 789 3716



by Gentry to Lesundak
Gentry prop. (Gentry
Prop. 178)

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2015-CP-200924

Heather Roney Piper

Kerry Grissinger, et al.

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), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRCP; ☐ 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:

Case under advisement. Proposed order within 30
(see attached page)

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk :

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)
		\$
		\$
		\$

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.

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on the 15 day of March and copy mailed first class or placed in the appropriate attorney's box on this 15 day of March 2014 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)
CLERK OF COURT

FILED
2014 MAR 15 3 41
CLERK OF COURT
CO S.C.

Court Reporter: _____

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.

days. Parties are hereby restrained from any harassment and the present route of ingress and egress shall be utilized until further Order of this Court

(pub)

COURT OF COMMON PLEAS

DATE March 14, 2016 CASE # 2015 CP1200024

PLAINTIFF: Heather Rousay Piper

VERSUS

DEFENDANT: Kerry Driscoll et al

ATTORNEY FOR PLAINTIFF: Jessica Clancy O'Connor

ATTORNEY FOR DEFENDANT: John Martin Foster

JURORS SERVING

1. _____ 7. _____
2. _____ 8. _____
3. _____ 9. _____
4. _____ 10. _____
5. _____ 11. _____
6. _____ 12. _____

ALTERNATE: _____

WITNESSES

PLAINTIFF

Heather Rousay Piper
William Severance Lee
Dominic C. Rousay
Rose Mary Jackson Rousay

DEFENDANT

Kerry Driscoll
Samuel Price Austin
Paul E. Jon Leonard

CASE TO JURY. Nov. July

VERDICT RENDERED. _____

VERDICT _____

Judge Paul Burch
PRESIDING JUDGE

Hattie O. Gordon
COURT REPORTER

STATE OF SOUTH CAROLINA

COUNTY OF CHESTER

Heather Rousey Piper,

Plaintiff,

v.

Kerry Grissinger, William P. Hardee, and
Paul E. Lesondak

Defendants.

IN THE COURT OF COMMON PLEAS

C/A NO: 2015-CP- 12-00024

**COMPLAINT FOR
DECLARATORY JUDGMENT
(Non-Jury)**

FILED

2015 JAN 20 2 11 PM

CLERK OF COURT
CHESTER CO S.C.

The Plaintiff, herein, complaining of the above named Defendants, would respectfully show
unto this Honorable Court:

PARTIES AND JURISDICTION

1. Plaintiff Heather Rousey Piper ("Plaintiff" or "Piper") owns that certain piece of real property located in Chester County, South Carolina, with TMS Number 080-03-04-010-000, and is

described as follows (the "Landlocked Parcel" or "Piper Parcel"):

All that certain tract of land with any and all improvements thereon situate at the end of Severance Drive, lying to the west of Columbia Road South and containing 4.796 acres, more or less and is shown and designated on that certain plat of survey for Dennis C. Rousey and Rosemary Rousey by Hipp Land Surveying, Inc. recorded May 16, 2012 in Plat Cabinet "D", at Slide 183, at Page 8B and has such courses and distances, metes, and bounds as shown on said plat which said plat is incorporated herein by reference.

2. Defendant Kerry Grissinger ("Grissinger") owns that certain piece of real property located in Chester County, South Carolina with TMS Number 080-03-04-009-000, which borders the Landlocked Parcel (the "Grissinger Parcel").

3. Defendant William P. Hardee owns that certain piece of real property located in Chester County, South Carolina with TMS Number 080-03-04-007-000, which borders the

Landlocked Parcel (the "Hardee Parcel").

4. Defendant Paul E. Lesondak owns that certain piece of real property located in Chester County, South Carolina with TMS Number 080-03-04-008-000, which borders the Landlocked Parcel (the "Lesondak Parcel").

5. That the real property that is the subject of this action is located in Chester County, South Carolina.

6. That this Court has jurisdiction over the parties to and subject matter of this action.

7. That this action is brought pursuant to the South Carolina Uniform Declaratory Judgment Act, S.C. Code Ann § 15-53-10, et. seq., and involves an actual, justiciable controversy between the parties described herein.

Title of Landlocked Parcel, including Unity and Severance

8. A. J. Taylor ("Taylor") held title to an approximate 31.5 acre tract of real property as described further in that certain Deed by and between Thomas C. Taylor, as grantor, and Andrew J. Taylor, as grantee, dated October 20, 1947 and recorded in the Official Records of Chester County, South Carolina in Deed Book 360, at Page 66, on October 20, 1947, (the "Taylor Parcel").

9. The Taylor Parcel abutted a public road now known as Columbia Road or U.S. Highway 321, (hereinafter, "Columbia Road").

10. Throughout his life, Taylor made several transfers of the Taylor Parcel, initially as follows, (collectively, the "Taylor Conveyances"):

- a. A conveyance of 4.25 acres to T. C. Taylor, as grantee, dated November 19, 1951 and recorded in the Official Records of Chester County, South Carolina in Deed Book 371, at Page 79, on November 19, 1951, severing title and transferring the land that is now or substantially similar to the parcel of land known as the Hardee Parcel.

- b. A conveyance of 4.90 acres to Lucille T. Severance, as grantee, dated November 19, 1951 and recorded in the Official Records of Chester County, South Carolina in Deed Book 371, at Page 95, on November 24, 1951, transferring a portion of the land that is now known as the Lesondak Parcel.
- c. A conveyance of 4.65 acres to Zelma Taylor Miller, as grantee, dated October 18, 1952 and recorded in the Official Records of Chester County, South Carolina in Deed Book 373, at Page 92, on November 3, 1952, severing title and transferring the land that is now or substantially similar to the parcel of land known as the Landlocked Parcel; this conveyance severing title and no longer providing legal access to a public road.

11. Lucille T. Severance subsequently transferred 1 acre of land out of the original 4.25 acres to Unice S. Lee, as grantee, as evidenced by that certain Deed dated February 20, 1956 and recorded in the Official Records of Chester County, South Carolina in Deed Book 385, at Page 152, on February 20, 1956, transferring the land that is now or substantially similar to the parcel of land known as the Grissinger Parcel, severing title and no longer providing legal access to a public road.

12. Since the Taylor Conveyances, the Landlocked Parcel and the Grissinger Parcel have been accessed by "Severance Drive" which extends to Columbia Road, such road as described and/or referenced in the Taylor Conveyances through reference to the following plats, (collectively, the "Taylor Plats" and attached hereto as **Exhibit A**):

- a. A Plat dated November 15, 1951¹;
- b. A Plat dated November 16, 1951²; and

¹ Recorded in the Official Records of Chester County, South Carolina in Plat Book I, at Page 1, on November 19. (The year of recording was not visible on this instrument).

c. A Plat dated November 27, 1951³.

13. The Taylor Plats all reference and depict a common roadway or driveway known as Severance Drive.

14. Severance Drive is further depicted through the following instruments, collectively attached hereto as **Exhibit B**:

a. Plat of Survey dated March 28, 2012 and recorded in the Official Records of Chester

County, South Carolina in Plat Book D183, at Page 8B, on May 16, 2012;

b. Plat of Survey dated June 27, 1988 and recorded in the Official Records of Chester

County, South Carolina in Plat Book B102, at Page 2, on June 20, 1988; and

c. Plat of Survey dated December 9, 1997 and recorded in the Official Records of

Chester County, South Carolina in Plat Book C130, at Page 9B, on March 11, 1998.

15. Severance Drive is additionally described or referenced in the following instruments, collectively attached hereto as **Exhibit C**:

a. That certain Deed dated November 19, 1951 and recorded in the Official Records of

Chester County, South Carolina in Deed Book 371, at Page 79, on November 19, 1951, and referencing Severance Drive as a "common roadway";

b. That certain Deed dated November 19, 1951 and recorded in the Official Records of

Chester County, South Carolina in Deed Book 371, at Page 95, on November 24, 1951, and referencing Severance Drive as a "Common Roadway";

c. That certain Deed of Distribution dated October 3, 1997 and recorded in the Official

Records of Chester County, South Carolina in Deed Book 724, at Page 176, on

² Recorded in the Official Records of Chester County, South Carolina in Plat Book I, at Page 4, on November 24, 1951.

³ Recorded in the Official Records of Chester County, South Carolina in Plat Book I, at Page 45, on November 3, 1952.

October 7, 1997, and referencing Severance Drive as a “common roadway”; and

- d. That certain Deed dated October 18, 1952 and recorded in the Official Records of Chester County, South Carolina in Deed Book 373, at Page 92, on November 3, 1952, referencing Severance Drive as a “common driveway”.

16. Upon information and belief, a portion or all of Severance Drive was maintained by Chester County, including the graveling of Severance Drive most recently in 2014, subsequent to the Taylor Conveyances.

17. In 2014, Defendant Grissinger placed various impediments on Severance Drive, including vehicles and a shed, thereby blocking Piper’s access to the Landlocked Parcel from Columbia Road, as previously provided by Severance Drive, such impediments as shown in attached **Exhibit D**.

18. Piper holds title to the Landlocked Parcel, which she obtained by Quitclaim Deed from Dennis Rousey and Rosemary Rousey dated August 19, 2014 and recorded in the Official Records of Chester County, South Carolina in Deed Book 1106, at Page 294, on August 19, 2014.

19. Severance Drive is the only means of access to the Landlocked Parcel, no other road, right-of-way, or other means of access exists.

20. The Landlocked Parcel does not abut a public road or a public right-of-way.

Servient Parcels

21. The Defendants herein named, have or may claim to have some interest in the real property known as Severance Drive which extends from U.S. Highway 321 to the Landlocked Parcel.

22. Defendant Grissinger is the owner of that certain parcel of land as evidenced by that certain Deed dated June 26, 2000 and recorded in the Official Records of Chester County, South Carolina in Deed Book 781, at Page 322, on August 7, 2000, and described as follows:

All that certain piece, parcel or lot of land, with dwelling and any and all other improvements thereon, lying and being situate in the County of Chester, South Carolina, about 2.5 miles South of the City of Chester on the West side of Columbia Road, containing one (1) acre, more or less, and having such courses and distances, metes and bounds, as shown on a plat made by L.H. Melton, C.E. dated August 31, 1955, recorded in Plat Book "J" at Page 44 in the Office of the Clerk of Court for Chester County, and incorporated hereto by reference.

(the "Grissinger Parcel" or "Servient Parcel One")

23. Defendant Hardee is the owner of that certain parcel of land as evidenced by that

certain Tax Deed dated March 19, 1999 and recorded in the Official Records of Chester County,

South Carolina in Deed Book 754, at Page 88, on March 22, 1999, and described as follows:

All that certain piece, parcel or lot of land with any and all improvements thereon containing approximately 4.00 acres, more or less situate, lying and being on Columbia Road, south of the City of Chester, Chester County, S.C. and is bounded now or formerly as follows: on the North by Keenon; on the East by Columbia Road; on the South by Young, Shirley, and Gaddy.

(the "Hardee Parcel" or "Servient Parcel Two")

24. Defendant Lesondak is the owner of that certain parcel of land as evidenced by that

certain Special Warranty Deed dated April 15, 2013 and recorded in the Official Records of Chester

County, South Carolina in Deed Book 1078, at Page 94, on May 6, 2013, and described as follows:

All that certain piece, parcel, or tract of land, with any and all improvements thereon, situate, in the County of Chester, State of South Carolina, about 2.5 miles south of the City of Chester, on Columbia Road, also known as U.S. Highway 321 and being shown on a plat of survey for Frank William Young as a 3.975 acres tract on a plat of survey by Hipp Land Surveying, Inc. dated December 9, 1997, which plat is recorded in Plat Cabinet "C" at Slide 130 at Page 9B and having such courses and distances, metes and bounds, as are shown on the said plat, which plat is incorporated herein by reference.

(the "Lesondak Parcel" or "Servient Parcel Three"); (Servient Parcel One, Servient Parcel Two, and Servient Parcel Three sometimes referred to collectively as the "Servient Parcels").

25. The Landlocked Parcel does not have legal access to a public road or public right-of-way. The nearest public road is Columbia Road. One must cross over and through the Servient Parcels in order to access the public road, Columbia Road, from the Landlocked Parcel.

26. The Servient Parcels are a portion of the Taylor Parcel as devised, as referenced above.

FOR A FIRST CAUSE OF ACTION

(Declaratory Judgment – Easement Implied by Prior Use)

27. Each and every allegation contained in the above paragraphs is realleged as if set forth verbatim herein.

28. Severance Drive was used by Plaintiff and her predecessors in interest to access the Landlocked Parcel from Columbia Road until Defendant placed impediments on Severance Drive blocking access to the Landlocked Parcel.

29. Plaintiff and her predecessors in interests' use of Severance Drive was not merely temporal or casual, was apparent or known, and necessary in that there could be no other reasonable mode of enjoying the Landlocked Parcel, and Plaintiff's predecessors-in-interest indicated an intent to continue to use, and allow any successors-in-interest, including Plaintiff, to continue to use Severance Drive to access the Landlocked Parcel.

30. Based on the foregoing, Plaintiff is entitled to an easement for ingress, egress, and access, both vehicular and pedestrian, over the Servient Parcels to the Landlocked Parcel, by way of Severance Drive, which easement shall run with the land.

FOR A SECOND CAUSE OF ACTION

(Declaratory Judgment – Easement by Necessity)

31. Each and every allegation contained in the above paragraphs is realleged as if set forth verbatim herein.

32. The Taylor Parcel had unity of title with access to a public road, Columbia Road, until the Taylor Conveyances described above were made.

33. By virtue of the conveyance by and between Andrew J. Taylor, as grantor, and Zelma Taylor Miller, as grantee, dated October 18, 1952 and recorded in the Official Records of Chester County, South Carolina in Deed Book 373, at Page 92, on November 3, 1952, title was severed and access to a public road was lost.

34. Zelma Taylor Miller and her successors in interest needed, and it was reasonably and actually necessary, to have an easement of right-of-way over another's land, including the Servient Parcels as they exist today, in order to access a public road. Plaintiff today needs an easement of right-of-way over the Servient Parcels to access a public road, and this is actually and reasonably necessary.

35. By severing the Landlocked Parcel, Taylor had an obligation to provide and intended through implication of law to provide Zelma Taylor Miller and her successors-in-interest, including Plaintiff, a right-of-way over and across those other portions of the Taylor Parcel, including the Servient Parcels, to a public road.

~~36. Based on the foregoing, Plaintiff is entitled to an easement for ingress, egress, and access, both vehicular and pedestrian, over the Servient Parcels to Columbia Road, which easement shall run with the land.~~

FOR A THIRD CAUSE OF ACTION
(Declaratory Judgment – Prescriptive Easement)

37. Each and every allegation contained in the above paragraphs is realleged as if set forth verbatim herein.

38. Plaintiff, and her predecessors-in-interest, have used Severance Drive to access a

public road adversely and under a claim of right continuously for at least sixty-two (62) years.

39. The use of Severance Drive by those with interest in the Landlocked Parcel has been open, notorious, continuous, and uninterrupted.

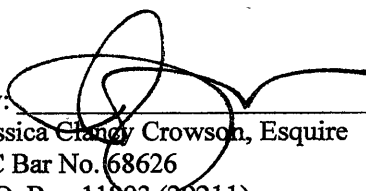
40. Based on the foregoing, Plaintiff is entitled to an easement for ingress, egress, and access, both vehicular and pedestrian, over the Servient Parcels to Columbia Road, which easement shall run with the land.

WHEREFORE, having fully set forth its complaint, Plaintiff prays for judgment against the Defendants as provided by law and as follows:

1. Granting Plaintiff an easement implied by prior use as set forth in Plaintiff's First Cause of Action;
2. Granting Plaintiff an easement by necessity as set forth in Plaintiff's Second Cause of Action;
3. Granting Plaintiff a prescriptive easement as set forth in Plaintiff's Third Cause of Action;
4. For an award of attorney's fees and cost for the maintenance of this action against the Defendant Grissinger which has been occasioned by the Defendant Grissinger's actions and conduct; and
5. For such other and further relief in favor of Plaintiff as this Court may deem just and proper.

[Signature Page Follows]

Rogers Lewis Jackson Mann & Quinn, LLC

By: 
Jessica Clancy Crowson, Esquire
SC Bar No. 68626
P.O. Box 11893 (29211)
1330 Lady Street, Suite 400
Columbia, SC 29201
T: 803-978-2837
F: 803-252-3653
jcrowson@rogerslewis.com
Attorney for Plaintiff

Columbia, South Carolina

January 16, 2015

FILED
2015 JAN 20 2 14:45
CLERK OF COURT
DISTRICT CO S.C.

Exhibit A

Wex

I/1

4:03 P.M.

A. J. TAYLOR & MRS UNICE TAYLOR
ABOUT TO BE CONVEYED TO
MEZ T. YOUNG

JAKE COLVIN
N 66° E
580'

POOK
STAKBY

NEW YORK

TO
CHESLER

562°E 51.1 m
562°E 25.4 m
562°E 57.3 m

4.25 $\pm$ AC.

~~9.4001~~ ~~M. 38N~~
(PART OF COMMON RE. DWY)
SAME)

PLAY OF
PROPERTY BELONGING
TO
A. J. TAYLOR

AND
MRS UNICE TAYLOR
ABOUT TO BE CONVEYED TO
T. C. TAYLOR
CHESTER COUNTY, S. C.

S.C. 14wy. No. 326

580 N
500 R.R.

Nov. 15, 1951

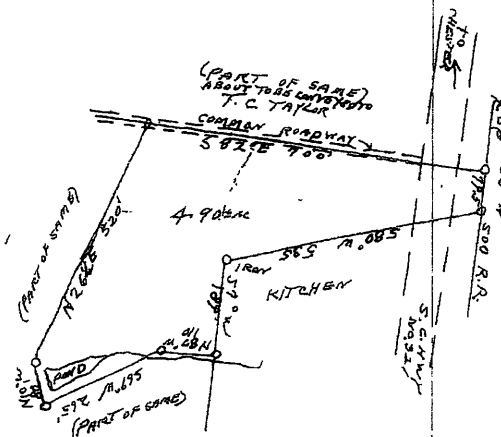
SCALE 1"=200
L. H. MELTON

Recorded
Delivered to
Nov. 19.

I/p4

11:50 AM.

4

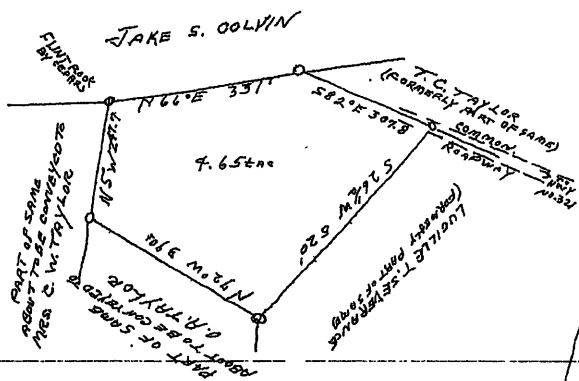


PLAT OF
PROPERTY BELONGING
TO
A.J. TAYLOR
AND
MRS. UNICE TAYLOR
ABOUT TO BE CONVEYED TO
LUCILLE T. SEVERANCE
CHESTER COUNTY, S.C.

NOV. 16, 1951

SCALE 1" = 20'
L.H. MELTON

Recorded
November 24, 1951
Delivered to:



1/1045

11:58 a.m.

PLAT OF
PROPERTY BELONGING
TO
A. J. TAYLOR
AND
MRS. UNICE TAYLOR
ABOUT TO BE CONVEYED TO
MRS. M. H. MILLER
CHESTER COUNTY, S. C.

Nov. 27, 1951

SCALE 1" = 200'
C. H. MELTON

3elma

Recorded November 2, 1952
Rebered Co.

Exhibit B

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

MAGNETIC NORTH

NOTE:
 --- EXISTING IRON PIN
 --- NEW IRON PIN
 --- PK NAIL
 --- RAILROAD SPIKE
 --- P.P. PINCHED PIPE

NO NEW LOTS OR LINES ESTABLISHED
 HIPPI LAND SURVEYING, INC.
 3574 VICTORIAN HILLS DRIVE
 RICHBURG, S.C. 29729
 PHONE (803) 789 3716

T.M.#80-3-4-6
 JEFFERY W. KEENON
 D.B.580 PG.271

T.M.#80-3-4-20
 FRANK L. WRIGHT-LE
 JEAN D. WRIGHT-LE
 D.S.891 PG.102
 CAB.D'S-6 PG.58

T.M.#80-3-4-17
 JOHN RICE
 D.B.1003 PG.194
 CAB.C'S-165 PG.39

T.M.#80-3-4-24
 DENNIS C. ROUSEY
 ROSEMARY ROUSEY
 D.B.602 PG.60; P.B.1 PG.281
 P.B.1 PG.34

T.M.#80-3-4-8
 DOROTHY JEAN JOHNSON
 D.B.864 PG.125; CAB.C'S-130 PG.98

T.M.#80-3-4-9
 KERRY GRASSINGER
 D.B.781 PG.322; P.B.1 PG.4

T.M.#80-3-4-7
 WILLIAM P. HARDEE
 D.B.734 PG.4

HAMILTON, DELANEY & GRIER, P.A.
 ATTORNEYS AT LAW
 P.O. BOX 808
 CHESTER, SC 29705-0808

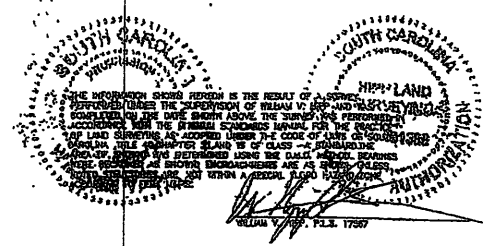
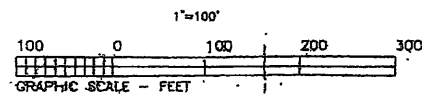
HAMILTON, DELANEY & GRIER, P.A.
 ATTORNEYS AT LAW
 P.O. BOX 808
 CHESTER, SC 29705-0808

PLAT OF SURVEY FOR
 DENNIS C. & ROSEMARY ROUSEY
 CHESTER TOWNSHIP, CHESTER COUNTY, SOUTH CAROLINA

MARCH 28, 2012
 REFERENCES: TAX MAP #80-03-04-010
 D.B.944 PG.278; P.B.1 PG.45

201200072983
 Filed for Record in
 CHESTER COUNTY SC
 SUE K. CARPENTERY, CLERK OF COURT
 05-16-2012 At 03:38:33 pm.
 PLAT 10.00

D-183/8B



102-42

142- P. 2

B.102/2

LUCILLE T. SEVERANC
Deed Book 355, Page 003

CHARLES C. SHIRLEY, JR.
Deed Book 486, Page 619
Plat Book "J", Page 44

ANDREW GANDY, JR.
Deed Book 501, Page 66
Plat Book "J", Page 45

ROSEMARY ROUSEY
Deed Book 323, Page 356
Plat Book "J", Page 34

CLARE
Deed Book 355, Page 003

AREA = 4.012 Acres

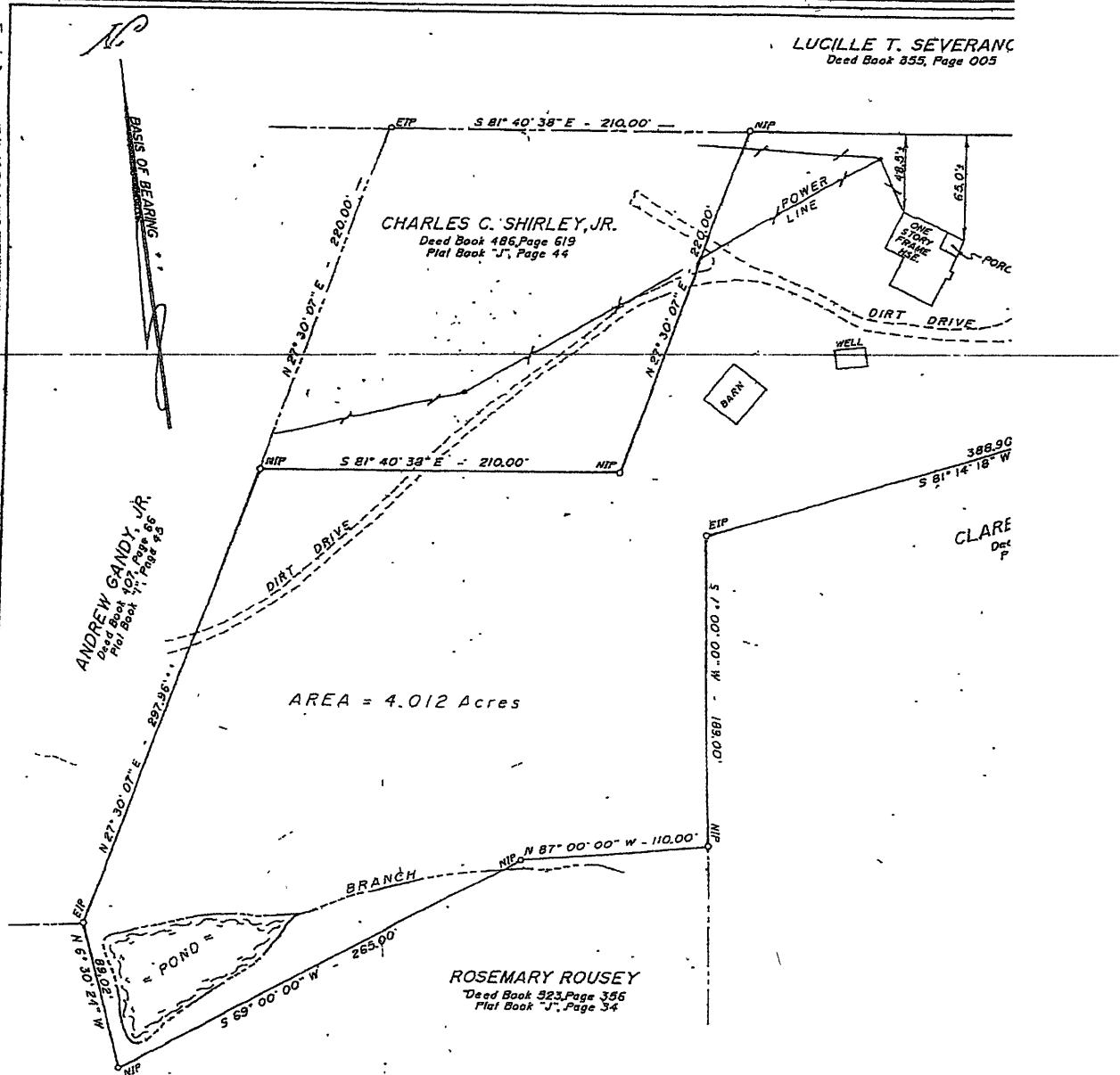
222 SALUDA STREET
ROCK HILL, SOUTH CAROLINA
PHONE: 803-324-2475

NOTE:
EIP = EXISTING IRON FOUND
NIP = NEW IRON REBAR SET

I HEREBY CERTIFY THAT THE RATIO OF
PRECISION OF THE UNADJUSTED FIELD
SURVEY IS 1 IN 10,000 AND THAT THE
AREA WAS COMPUTED BY THE D.M.D.
METHOD.

I HEREBY CERTIFY THAT THIS PLAT REPRESENTS
AN ACTUAL FIELD SURVEY BY ME THIS DATE AND
THAT, TO THE BEST OF MY KNOWLEDGE, THERE
ARE NO ENCROACHMENTS OR PROJECTIONS
OTHER THAN SHOWN AND THAT THE STRUCTURE
SHOWN ARE NOT LOCATED IN A SPECIAL FLOOD
HAZARD ZONE UNLESS NOTED.

Edward F. Woodward
EDWARD F. WOODWARD R.L.S. 8613



C-130/9B

Cakc Slide 130 Pg 9B

Cakc Slide 130 Pg 9B

PLAT OF SURVEY FOR
FRANK WILLIAM YOUNG
REFING A 3.975 ACRF TRACT
LOCATED ON SOUTHERN RAILROAD B U.S. 321
CHESLER COUNTY, SOUTH CAROLINA

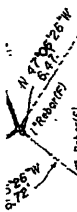
DICTIONARY 9.1907
REFERENCE TAX MAPS 3-4-8
P.B. 794 PG. 17 PG. 17 PG. 4

FILED, RECORDED, INDEXED
02/11/98 02:27
See Fees 10.00 St Fees 0.00
Do Fees 0.00 Pages: 1
Clerk of Court
See L. Carpenter

The subdivision plat shown herein has been approved by the
with the Chester County Land Development Board
has been APPROVED FOR RECORDATION by the
Clerk of Court of Chester County, South Carolina.

3-16-98
S. L. Carpenter
Chester County Planning Commission

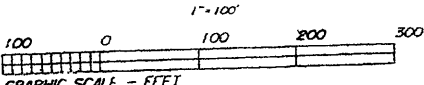
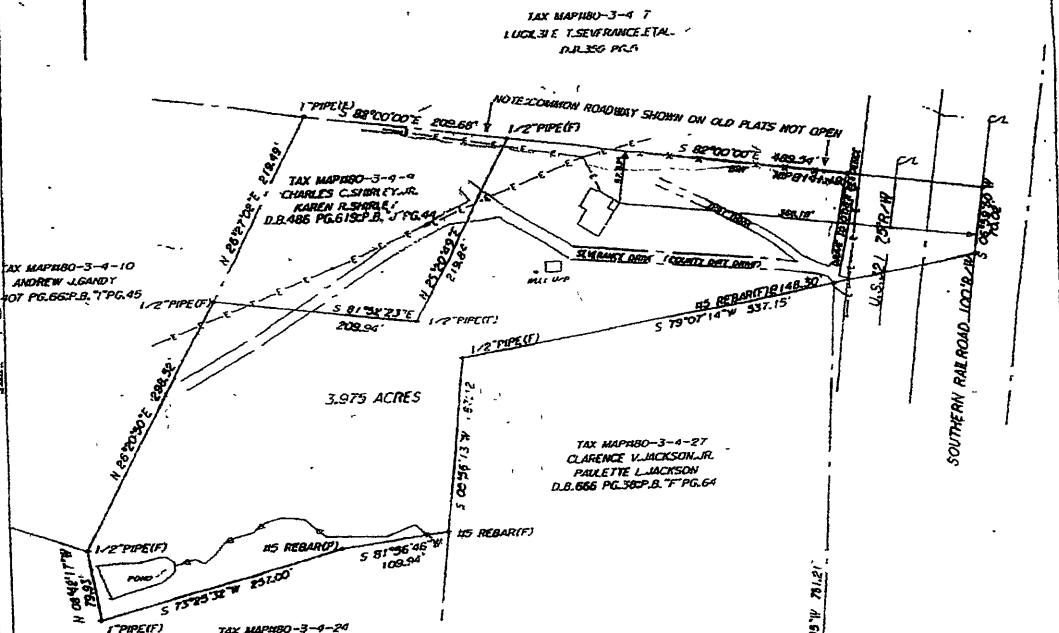
MAGNETIC NORTH



been caused to comply
with the provisions of
the Act of 1904
by Planning Commission

10/10/95
WJ

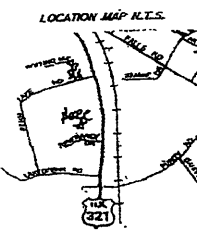
SURVEY
CONDUCTED AND BLS
WAS PERFORMED BY
DR. THE PRACTICE
LAWYER ON SOUTH
STANDARD. THE
METHOD, BEARINGS
SHOWN, DEGREES
1/4 DEGREE



THE INFORMATION SHOWN HEREON IS THE RESULT OF A SURVEY
PERFORMED UNDER THE SUPERVISION OF WILLIAM V. HIPP AND WAS
COMPLETED ON THE DATE SHOWN ABOVE. THE SURVEY WAS PERFORMED IN
ACCORDANCE WITH THE MAPPING STANDARDS ADOPTED FOR THE PRACTICE
OF LAND SURVEYING AS LIMITED UNDER THE CODE OF LAWS OF SOUTH
CAROLINA, TITLE 40, CHAPTER 61, AND IS OF CLASS-A STANDARD. THE
CARE HAS BEEN TAKEN TO DETERMINE USING THE A.M.S. METHOD, BEARINGS
AND DISTANCES (IF SHOWN) AND ENCLOSURES ARE AS SHOWN, UNLESS
OTHERWISE INDICATED. ENCLOSURES ARE NOT WITHIN A SPECIAL, UNLESS
OTHERWISE INDICATED.

W. V. Hipp
DIRECTOR

HIPP LAND SURVEYING
3374 VICTORIAN HILLS DRIVE
RICHBURG, S.C. 29729
PHONE (803) 789 3716



NOTE:
EIP = EXISTING IRON PIN
NIP = NEW IRON PIN
PK = PK NAIL
RR = RAILROAD SPIKE

Exhibit C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-11-01 BY 60322 UCBAW

371/79

TITLE TO REAL ESTATE

✓ Andrew J. Taylor.....

TO

T.C. Taylor.....

STATE OF SOUTH CAROLINA
County of Chester

KNOW ALL MEN BY THESE PRESENTS, That I, Andrew J. Taylor,.....

..... of the County and State aforesaid, in consideration of the ~~assumption~~
~~assumption~~ of the mortgage indebtedness due by me under mortgage recorded Clerk's Office
 Chester County, S.C., Book 309, page 111, love and affection I bear to my son, T.C. Taylor,
 and in further consideration of the sum of \$1.00
 to me paid by T.C. Taylor,.....

of the County of Chester, and State of South Carolina, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release
 unto the said..... T.C. Taylor, however reserving to myself and my wife, Eunice Taylor or
 the survivor, a life estate in and to:

ALL the following described real estate, to wit:

ALL that certain piece, parcel or tract of land, situate in said County and
 State about 2½ miles South of the City of Chester, on the western side of the
 Columbia Road, containing 4.25 acres, together with the dwelling house and other
 improvements thereon, and bounded by said road, lands of M.E. White now or formerly
 and by lands now or formerly of R.M. White, and having the following courses and
 distances, metes and bounds, to wit: Beginning at stake in the Southeast corner
 of said land on Southern Railroad, and running thence across S.C. Hwy 321, along a
 common roadway N. 82° W. 1007.8 ft. to stake on line of lands of Jake Colvin,
 thence along Colvin's line N. 66° E. 580 ft. to stake on corner of .25 acre strip
 to be conveyed to Inez T. Young, thence along said .25 acre strip, S. 62° E. 543.2
 ft. across said S.C. Highway No. 321 to stake on Southern Railroad, thence along
 center of said Southern Railway S. 80° W. 125 ft. to beginning corner, the present
 boundaries according to recent plat being on the North by lands of Inez T. Young,
 East by Southern Railway, South by other lands of Andrew J. Taylor, and West by
 lands of Jake Colvin, all of which will more fully appear by reference to plat
 of same made by L.H. Melton, C.E., dated Nov. 15, 1951, being a part of the
 identical lands conveyed to me by Thomas C. Taylor by deed dated Oct. 20, 1947,
 duly recorded in Clerk's Office Chester County, S.C., in Book 360, page 66.

Plat recorded Plat Book 2, page 1.

however reserving to myself and my wife, Eunice Taylor, or the survivor, a life estate in and to said premises.

Together with, all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in any wise incident or appertaining.

To HAVE AND TO HOLD, All and singular, the said premises before mentioned unto the said T.C. Taylor, his 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 said premises unto the said T.C. Taylor, his heirs and assigns against me and my heirs, and all persons whomsoever lawfully claiming or to claim the same or any part thereof, however, reserving to myself and my wife, Eunice Taylor, or the survivor a life estate in and to said premises.

Witness my hand and seal, this 19 day of November in the year of our Lord one thousand nine hundred and fifty-one, and in the one hundred and 76th year of the independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

Angus H. Macaulay
Jennie M. Oates

Revenue
Stamps
\$
\$

Andrew J. Taylor (L. S.)
(L. S.)
(L. S.)
(L. S.)
(L. S.)
(L. S.)
(L. S.)
(L. S.)

STATE OF SOUTH CAROLINA, } Personally appeared before me, Jennie M. Oates, and made
County of Chester } oath that she saw the within-named Andrew J. Taylor,
sign, seal, and as his her and deed, deliver the within-written Deed, and
that she, with Angus H. Macaulay, witnessed the execution thereof.
Sworn to before Me, this 19 day of November, A. D. 1951.
Angus H. Macaulay (Notary Seal) (SEAL) Jennie M. Oates

STATE OF SOUTH CAROLINA,
County of Chester

RENUNCIATION OF DOWER

1. Angus H. Macaulay, a Notary Public for South Carolina, do hereby certify unto all whom it may concern, that Mrs. Eunice Taylor, the wife of the within-named Andrew J. Taylor, his 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 whomsoever, renounce, release and forever relinquish unto the within-named T.C. Taylor, his heirs and assigns, all her interest and estate, and also all her right and claim of Dower of, in or to, all and singular, the premises within mentioned and released.

Given under my hand and seal, this 19 day of November, A. D. 1951.
Angus H. Macaulay (Notary Seal) (SEAL) Eunice R. Taylor
Notary Public for South Carolina.

11-19-51

371/95

TITLE TO REAL ESTATE

✓ Andrew J. Taylor.....
 ✓ TO
 Lucille T. Severance.....

STATE OF SOUTH CAROLINA
 County of Chester

KNOW ALL MEN BY THESE PRESENTS, That.....L. Andrew J. Taylor,

.....of the County and State aforesaid, in consideration of the sum of
 the love and affection I bear to my daughter, Lucille T. Severance, and in further consideration
 of the sum of \$1.00
 to me.....paid by.....Lucille T. Severance,
 of the County of Chester, and State of South Carolina, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release
 unto the said.....Lucille T. Severance.....

ALL the following described real estate, to wit:

ALL that certain piece, parcel or tract of land, situate in said County and State about 2 1/2 miles South of the City of Chester, on the western side of Columbia Road, containing 4.90 acres, and having the following courses and distances, metes and bounds, to wit: Beginning at stake in center of Southern Railway at the Southeast corner, and running thence across S.C. Hwy. 321 S. 80° W. 535 ft. to stake, iron, thence S. 70° W. 189 ft. to stake, thence N. 87° W. 110 ft. to stake, thence S. 69° W. 265 ft. to stake, thence N. 10° W. 80 ft. to stake, thence N. 26 1/2° E. 520 ft. to stake in common roadway between this lot and lot conveyed to T.C. Traylor; thence along said Common Roadway S. 82° E. 700 ft. across S.C. Hwy. 321 to stake in center of Southern Railway, thence along Southern Railway S. 8° W. 79.5 ft. to stake in center of Southern Railway, the beginning corner, bounded on the North by common roadway between this lot and lands of T.C. Taylor, on the East by Southern Railway, on the South by lands of Kitchen and other lands of Andrew J. Taylor, and on the West by other lands of Andrew J. Taylor, all of which will more fully appear by reference to plat of same made by L.H. Melton, C.E., dated Nov. 16, 1951, and being a part of the lands conveyed to Thomas C. Taylor by deed dated Oct. 20, 1947, duly recorded Clerk's Office Chester County, S.C., in Book 360, page 66.

Plat recorded Plat Book "I" at page 4.

Together with, all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in any wise incident or appertaining.
To HAVE AND TO HOLD, All and singular, the said premises before mentioned unto the said Lucille T. Severance, her 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 said premises unto the said Lucille T. Severance, her heirs and assigns against me and my heirs, and all persons whomsoever lawfully claiming or to claim the same or any part thereof.

Witness my hand and seal, this 19 day of November, in the year of our Lord one thousand nine hundred and fifteen and within the one hundred and 76th year of the independence of the United States of America. Fifty-five

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

Angus H. Macaulay
Jennie M. Oates

Revenue
Stamps
\$
\$

Andrew J. Taylor (L. S.)
(L. S.)
(L. S.)
(L. S.)
(L. S.)
(L. S.)
(L. S.)
(L. S.)

STATE OF SOUTH CAROLINA,
COUNTY OF CHESTER.

PERSONALLY appeared before me, Jennie M. Oates, and made

oath that she saw the within-named Andrew J. Taylor,

sign, seal, and as his act and deed, deliver the within-written Deed, and that she, with Angus H. Macaulay, witnessed the execution thereof.

Sworn to before me, this 19 day of November, A. D. 1915.

Angus H. Macaulay, (NOTARY SEAL) Jennie M. Oates.

Notary Public for South Carolina.

STATE OF SOUTH CAROLINA,
COUNTY OF CHESTER.

RENUNCIATION OF DOWER

I, Angus H. Macaulay,

a Notary Public for South Carolina, do hereby certify unto all whom it may concern, that Mrs. Eunice Taylor, the wife of the within-named

Andrew J. Taylor,

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 whomsoever, renounce, release and forever relinquish unto the within-named Lucille T. Severance, her

heirs and assigns, all her interest and estate, and also all her right and claim of Dower of, in or to, all and singular, the premises within mentioned and released.

GIVEN under my hand and seal, this 19 day of November, A. D. 1915.

Angus H. Macaulay, (Notary Seal) (SEAL)

Eunice A. Taylor

Notary Public for South Carolina.

Audited November 24th, 1915, in Book G, Page 11/26/01 John B. McDowell
Auditor, Chester County, S. C.
Recorded November 24th, 1915, Delivered to

Prepared by: GASTON, GASTON & MARION, P. A.

000583838 BK

724 Pgt. 0176

Atty. at Law
P.O. Box 608
Chester, SC 29706

Phone: (803) 385-2114

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

PROBATE COURT

IN THE MATTER OF EGGLESTON PAUL SEVERANCE, DECEASED

CASE NUMBER 93ES1200056

FILED, RECORDED, INDEXED
10/07/1997 10:22H
Per Fee 10.00 St Fee 0.00
In Fee 0.00 Page 2
Clerk of Court

DEED OF DISTRIBUTION

WHEREAS, the decedent died on the 1st day of August 1987, and,

WHEREAS, the estate of the decedent is being administered in the Probate Court for Chester County, South Carolina in File # 93ES1200056 and,

WHEREAS, the grantee herein is either a beneficiary or heir at law, as appropriate, of the decedent and,

WHEREAS, the undersigned Personal Representative is the duly appointed and qualified fiduciary in this matter, and,

NOW, THEREFORE, in accordance with the laws of the State of South Carolina, the Personal Representative has granted, bargained, sold and released, and by these Presents does grant, bargain, sell and release to:

Name: Ann L. Aimers, f/k/a Ann L. Winters, f/k/a Ann L. Barrinaw, Milidge P.
Address: Lee, s/k/a Paul Lee, Robert Michael Lee and William Severance Lee

the following described property:
ALL that certain piece, parcel or tract of land, situate in said County and State about 2 1/2 miles south of the City of Chester, on the western side of Columbia Road, containing 4.90 acres, and having the following courses and distances, metes and bounds, to-wit:
Beginning at stake in center of Southern Railway at the southeast corner, and running thence across S.C. Highway 321 S 60° W 535 feet to stake, iron, thence S 70° W 189 feet to stake, thence N 87° W 110 feet to stake, thence S 69° W 265 feet to stake, thence N 10° W 80 feet to stake, thence N 26 1/2° E 520 feet to stake in Common roadway between this lot and lot conveyed to T. C. Traylor; thence along said Common roadway S 82° E 700 feet across S. C. Highway No. 321 to stake in center of Southern Railway, thence along Southern Railway S 8° W 79.5 feet to stake in center of Southern Railway, the beginning corner, bounded on the North by common roadway between this lot and lands of T. C. Traylor, on the East by Southern Railway, on the South by lands of Kitchen and other lands of Andrew J. Taylor, and on the West by other lands of Andrew J. Taylor, all of which will more fully appear by reference to plat of same made by L. H. Melton, C.E., dated November 16, 1951, and being the identical property conveyed to Lucille T. Severance by deed of Andrew J. Taylor dated November 19, 1951, recorded November 24, 1951, in Deed Book 371 at Page 95. Plat recorded in Plat Book "I" at Page 4. The said Lucille T. Severance died testate and under Item II of her Last Will and Testament dated October 16, 1972, which is on file in the office of the Probate Judge for Chester County, S. C., in File No. 84ES1200214; she devised the above described property to her husband, Eggleston Paul Severance. The said Eggleston Paul Severance died August 1, 1987, and under Item II of his Last Will and Testament dated October 16, 1972, which is on file in the office of the Judge of Probate for Chester County, S. C., in File No. 93ES1200056, he devised the above described property unto his wife, Lucille Taylor Severance and if she not be alive at the time of his death, under Item IV he devised the above described property unto his grandchildren, Ann L. Barrinaw, Milidge P. Lee, Robert Michael Lee and William Severance Lee. All in the office of the Clerk of Court for Chester County, S. C., unless otherwise specified.

CLARENCE PERIN/3431 Debus Street, West Columbia, South Carolina 29169 (803) 755-4227

Page 1 of 2

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

TO HAVE AND TO HOLD, all and singular, the said Premises/Property unto the said Ann L. Almers, f/k/a Ann L. Winters, f/k/a Ann L. Barrinaw, Milidge P. Lee, a/k/a Paul Lee, Robert Lee, William Severance Lee, their heirs and assigns forever.

IN WITNESS WHEREOF, the undersigned, as Personal Representative of the estate of the decedent, has executed this Deed, this 3rd day of October, 1997.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

Estate of: EGLESTON PAUL SEVERANCE

by Signature: John G. Huskins, Personal Representative

Witness: [Signature] I hereby certify that the within Deed has

been this 9 day of Oct

Witness: Debra R. Bailey A. D. 1997 Recorded in Book 9

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

Edward M. Shuman
PROBATE Auditor
for Chester County

PERSONALLY appeared before me W.L.D. Marion

and made oath that he/she saw the within named

Personal Representative(s) sign, seal, and execute and deed, deliver the within written Deed, and that he/she with Debra R. Bailey witnessed the execution thereof.

SWORN to before me this 3rd day of
October, 1997

Witness Signature: [Signature]

Debra R. Bailey
Notary Public for South Carolina
My Commission Expires: 5/5/99

LESS, that certain tract containing one (1) acre, more or less, and being shown on a plat of the property belonging to Lucille T. Severance by L. H. Melton, dated August 31, 1955, which plat is recorded in Plat Book "J" at Page 44, and being the identical property conveyed by the said Lucille T. Severance to Mrs. Unice S. Lee by deed dated and recorded February 20, 1956, in Deed Book 365 at Page 152 and later conveyed by Eggleston Paul Severance to Michael D. Laws, et al. by deed dated May 28, 1976, recorded June 1, 1976, in Deed Book 481 at Page 77. All recording references being to the office of the Clerk of Court for Chester County, S.C.

CHESTER COUNTY ASSESSOR

DATE: 10-8-97
TAX MAP NO. 9D-3-4-8

FORM 888-C (1-88)

GRAPHIC PRESS/1411 Debra Street, West Columbia, South Carolina 29169/(803) 756-4207

APPROVED BY: [Signature] DATE: 10-8-97

PAGE 2 OF 2

373/92

TITLE TO REAL ESTATE

A. J. Taylor

TO

Mrs. Zelma Taylor Miller

STATE OF SOUTH CAROLINA
County of Chester

KNOW ALL MEN BY THESE PRESENTS, That... I, A. J. Taylor

of the County and State aforesaid, in consideration of the love and affection I bear to my daughter, Zelma Taylor Miller, and in further consideration of the sum of One (\$1.00) DOLLARS to me paid by Zelma Taylor Miller,

of the County of Chester, and State of South Carolina, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said Zelma Taylor Miller.

All the following described real estate, to wit:

ALL that certain piece, parcel or lot of land, situate in said County and State about 2 1/2 miles South of the City of Chester, on the west side of Columbia Road, containing 4.65 acres, and having the following course and distances, metes and bounds, to wit: Beginning at stake in center of Common Driveway to Highway No. 321 on line of lands of T.O. Taylor and of Lucille T. Severance, and running along Severance line S. 86° W. 520 ft. to stake, corner of O. A. Taylor's land, thence with Taylor's line N. 72° W. 360 ft. to stake on corner of Mrs. C.W. Taylor's line thence along Mrs. C.W. Taylor's line N. 5° W. 247.7 ft. to flint rock by cedars, on line of lands of Jake S. Colvin, thence along Colvin's line N. 66° E. 351 ft. to stake on line of T.C. Taylor, thence along T.C. Taylor's line S. 82° E. 307.8 ft. to stake in Common Drive, the Beginning corner, bounded on the North by lands of Jake S. Colvin, on the East by lands of T.C. Taylor and common driveway to S.C. Hwy. 321, on the Southeast by lands of Lucille T. Severance, on the Southwest by lands of O.A. Taylor, and on the West by lands of Mrs. C.W. Taylor, all of which will more fully appear by reference to plat of same made by L. H. Melton, C.E., Nov. 27, 1951, and being a part of the lands conveyed to me by T.C. Taylor by deed dated October 20, 1947, duly recorded Clerk's Office for Chester County, S.C., in Book 360, page 66.

Together with, all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in any wise incident or appertaining.
To HAVE AND TO HOLD, All and singular, the said premises before mentioned unto the said Zelma Taylor Miller, her

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 said premises unto the said Zelma Taylor Miller, her
heirs and assigns against me and my heirs, and all persons whomsoever lawfully
claiming or to claim the same or any part thereof.

Witness my hand and seal, this 18 day of October, in the year of our Lord
one thousand nine hundred and fifty-two, and in the one hundred and 77th year of the
independence of the United States of America.

SIGNED, SEALED AND DELIVERED

IN THE PRESENCE OF

Angus H. Macaulay
Jennie M. Oates

Revenue
Stamps

A. J. Taylor (L. S.)
\$ (L. S.)
\$ (L. S.)
\$ (L. S.)
\$ (L. S.)
\$ (L. S.)
\$ (L. S.)
\$ (L. S.)

STATE OF SOUTH CAROLINA,

COUNTY OF CHESTER.

Personally appeared before me, Jennie M. Oates, and made

oath that she saw the within-named A. J. Taylor

sign, seal, and as his set and deed, deliver the within-written Deed, and
that she, with Angus H. Macaulay, witnessed the execution thereof.

Sworn to before me, this 18 day of October, A. D. 1952.

Angus H. Macaulay (NOTARY SEAL) (SEAL)

Notary Public for South Carolina.

Jennie M. Oates

STATE OF SOUTH CAROLINA,

RENUNCIATION OF DOWER

COUNTY OF CHESTER.

I, Angus H. Macaulay, a Notary Public for South Carolina, do hereby certify unto all whom it may concern, that Mrs.

Junice Taylor, the wife of the within-named A. J. Taylor, 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 whomsoever, renounce,
release and forever relinquish unto the within-named Zelma Taylor Miller, her

heirs and assigns, all her interest and estate, and also all her right and claim of Dower of, in or to, all and singular, the
premises within mentioned and released.

Given under my hand and seal, this 18 day of October, A. D. 1952.

Angus H. Macaulay (Notary Seal) (SEAL)

Notary Public for South Carolina.

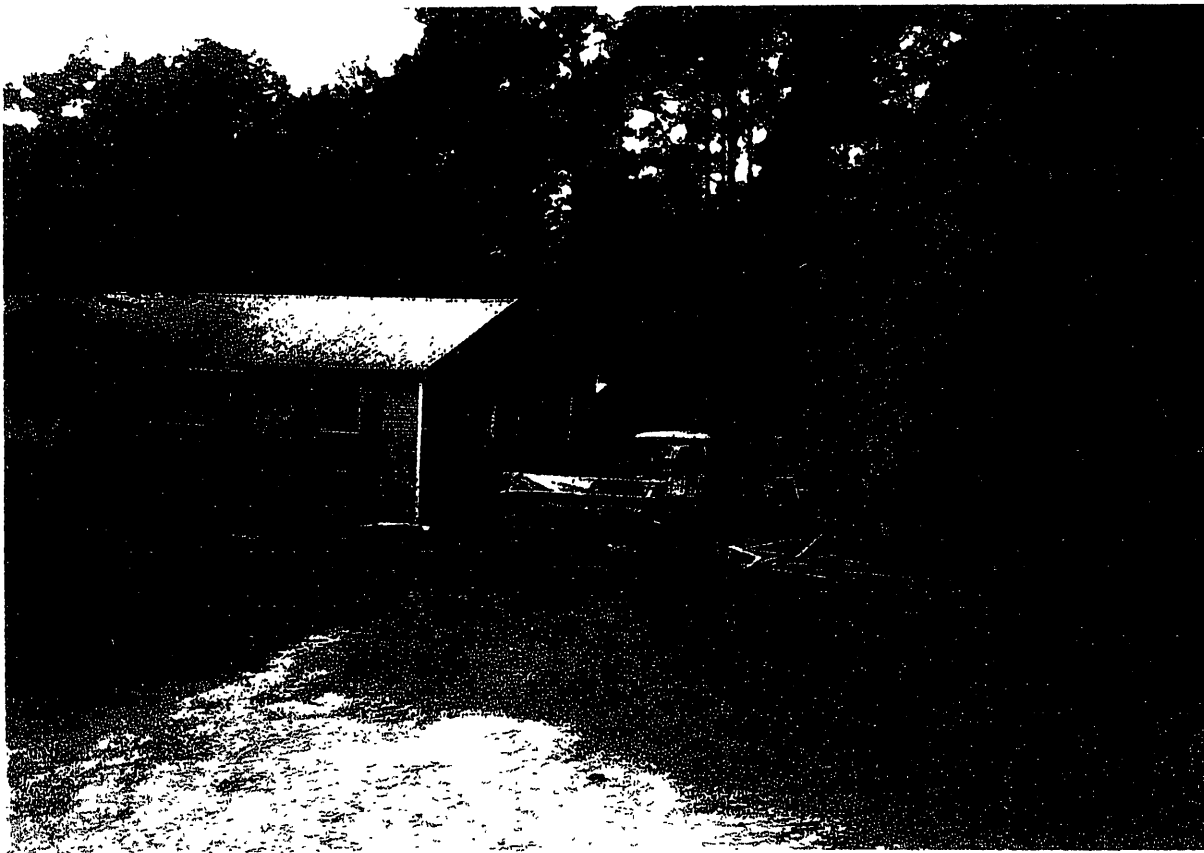
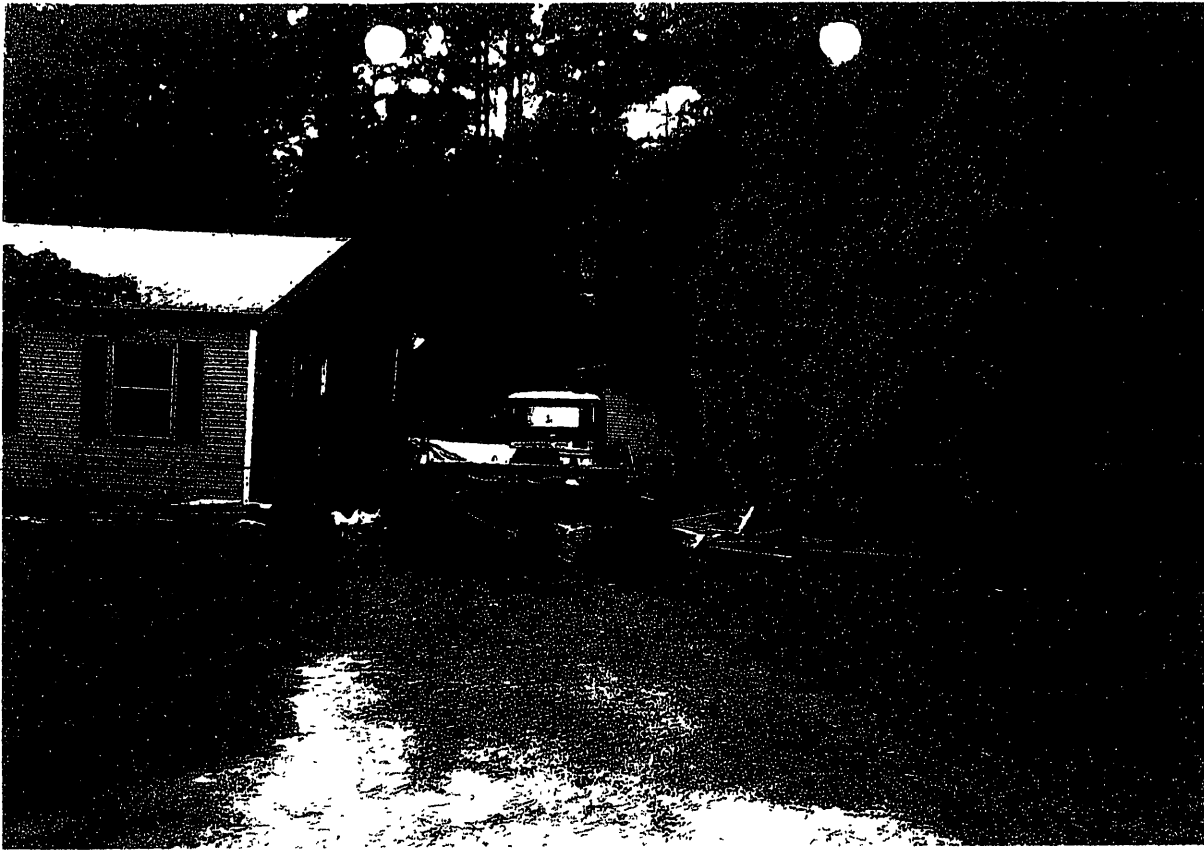
Junice Taylor

Audited. November 3rd, 1952, in Book 2, Page 112 Macaulay C. A. Brawley

Recorded. November 3rd, 1952, Delivered to Macaulay Auditor-Chester County, S. C.

Exhibit D

1. The first part of the document is a list of the names of the persons who were present at the meeting. The names are listed in alphabetical order.



STATE OF SOUTH CAROLINA

COUNTY OF CHESTER

Heather Rousey Piper,

Plaintiff,

v.

Kerry Grissinger, William P. Hardee, and
Paul E. Lesondak

Defendants.

IN THE COURT OF COMMON PLEAS

C/A NO: 2015-^{LP}~~98~~-12-00011

LIS PENDENS

FILED
2015 JAN 20 2 14 PM
CLERK OF COURT
CHESTER CO S.C.

NOTICE IS HEREBY GIVEN that an action has been or will be commenced in the Court of Common Pleas for Chester County upon a Complaint of the above-named Plaintiff against the above-named Defendants to establish the existence of an easement.

The premises covered and affected by this action were, at the time of the making thereof and at the time of the filing of this Notice, described as follows:

Parcel No. 1: All that certain tract of land with any and all improvements thereon situate at the end of Severance Drive, lying to the west of Columbia Road South and containing 4.796 acres, more or less and is shown and designated on that certain plat of survey for Dennis C. Rousey and Rosemary Rousey by Hipp Land Surveying, Inc. recorded May 16, 2012 in Plat Cabinet "D", at Slide 183, at Page 8B and has such courses and distances, metes, and bounds as shown on said plat which said plat is incorporated herein by reference.

DERIVATION: This being the same property conveyed to Heather Rousey, n/k/a Heather Piper Rousey, by Quitclaim Deed from Dennis Rousey and Rosemary Rousey dated August 19, 2014 and recorded in the Official Records of Chester County, South Carolina in Deed Book 1106, at Page 294, on August 19, 2014.

ALSO: All that certain piece, parcel or lot of land, with dwelling and any and all other improvements thereon, lying and being situate in the County of Chester, South Carolina, about 2.5 miles South of the City of Chester on the West side of Columbia Road, containing one (1) acre, more or less, and having such courses and distances, metes and bounds, as shown on a plat made by L.H. Melton, C.E. dated August 31, 1955, recorded in Plat Book "J" at Page 44 in the Office of the Clerk of Court for Chester County, and incorporated hereto by reference.

DERIVATION: This being the same property conveyed to Kerry Grissinger by Deed from Charles C. Shirley, Jr. and Karen R. Shirley a/k/a Karen R. Hurst dated June 26, 2000 and recorded in the

Official Records of Chester County, South Carolina in Deed Book 781, at Page 322, on August 7, 2000.

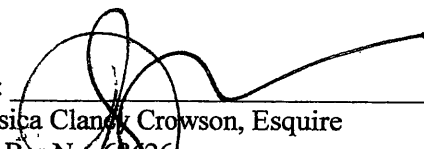
ALSO: All that certain piece, parcel or lot of land with any and all improvements thereon containing approximately 4.00 acres, more or less situate, lying and being on Columbia Road, south of the City of Chester, Chester County, S.C. and is bounded now or formerly as follows: on the North by Keenon; on the East by Columbia Road; on the South by Young, Shirley, and Gaddy.

DERIVATION: This being the same property conveyed to William P. Hardee by Tax Deed from Phyllis C. Wilkes, Delinquent Tax Collector, dated March 19, 1999 and recorded in the Official Records of Chester County, South Carolina in Deed Book 754, at Page 88, on March 22, 1999.

ALSO: All that certain piece, parcel, or tract of land, with any and all improvements thereon, situate, in the County of Chester, State of South Carolina, about 2.5 miles south of the City of Chester, on Columbia Road, also known as U.S. Highway 321 and being shown on a plat of survey for Frank William Young as a 3.975 acres tract on a plat of survey by Hipp Land Surveying, Inc. dated December 9, 1997, which plat is recorded in Plat Cabinet "C" at Slide 130 at Page 9B and having such courses and distances, metes and bounds, as are shown on the said plat, which plat is incorporated herein by reference.

DERIVATION: This being the same property conveyed to Paul E. Lesondak by Special Warranty Deed from JPMorgan Chase Bank, N.A., dated April 15, 2013 and recorded in the Official Records of Chester County, South Carolina in Deed Book 1078, at Page 94, on May 6, 2013.

Rogers Lewis Jackson Mann & Quinn, LLC

By: 
Jessica Clancy Crowson, Esquire
SC Bar No. 68626
P.O. Box 11803 (29211)
1330 Lady Street, Suite 400
Columbia, SC 29201
T: 803-978-2837
F: 803-252-3653
jcrowson@rogerslewis.com
Attorney for Plaintiff

FILED

2015 JAN 20 P 1:44

CLERK OF COURT
CHESTER CO S.C.

Columbia, South Carolina

January 16, 2015

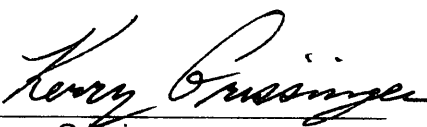
STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SIXTH JUDICIAL CIRCUIT
COUNTY OF CHESTER	)	
	)	Case No.: 2015-CP-12-00024
Heather Rousey Piper,	)	
	)	
Plaintiff,	)	ANSWER OF DEFENDANTS
	)	KERRY GRISSINGER AND
vs.	)	PAUL E. LESONDAK
	)	
Kerry Grissinger, William P. Hardee,	)	(JURY TRIAL REQUESTED)
and Paul E. Lesondak,	)	
	)	
Defendants.	)	

Comes now the Defendants, Kerry Grissinger and Paul E. Lesondak, issuing their Answer to the Plaintiff's Complaint as follows

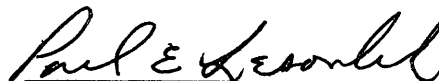
1. All matters set forth in the Complaint which are not hereinafter specifically admitted, are hereby specifically denied.
2. The Defendants admit so much of paragraph 5 as that alleges the property that is the subject of this action is located in Chester County, South Carolina.
3. The Defendants deny the remaining allegations of the Complaint.

WHEREFORE, having fully answered the Complaint of the Plaintiff, the Defendants pray that same be dismissed with costs, and for such further relief as the Court deems appropriate.

Date: 3-3-15


Kerry Grissinger
Defendant

Date: 3-3-15


Paul E. Lesondak
Defendant

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

Heather Rousey Piper,

Plaintiff
vs.

Kerry Grissinger, William P. Hardee,
and Paul E. Lesondak

Defendants

IN THE COURT OF COMMON PLEAS

CASE NO.: 2015-CP-12-00024

REPLY TO ALLEGATIONS IN
PLAINTIFF'S COMPLAINT
FOR DECLARATORY
JUDGEMENT

FILED

2015 FEB 17 P 3:38 PM

CLERK OF COURT
CHESTER CO S.C.

TO: ABOVE NAMED PLAINTIFF:

The Defendant, replying to the allegations of the Plaintiff's Complaint in this action, replies and alleges as follows:

1. Any allegation of the Plaintiff's Complaint not herein admitted, qualified, or explained is denied.
2. Answering the allegations of paragraph 1 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
3. Answering the allegations of paragraph 2 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
4. Answering the allegations of paragraph 3 of Plaintiff's Complaint, the Defendant admits the same.
5. Answering the allegations of paragraph 4 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
6. Answering the allegations of paragraph 5 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
7. Answering the allegations of paragraph 6 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
8. Answering the allegations of paragraph 7 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
9. Answering the allegations of paragraph 8 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
10. Answering the allegations of paragraph 9 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
11. Answering the allegations of paragraph 10a, 10b, 10c of Plaintiff's Complaint, the Defendant has no information to refute the allegations in 10a and 10b. However, Defendant denies the allegation of 10c of Plaintiff's Complaint since there are two plats (dated November 15, 1951 and November 16, 1951) included in the Plaintiff's Complaint which clearly indicate a common roadway to the landlocked parcel.
12. Answering the allegations of paragraph 11 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.

13. Answering the allegations of paragraph 12a, 12b, and 12c of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
14. Answering the allegations of paragraph 13 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
15. Answering the allegations of paragraph 14a, 14b, and 14c of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
16. Answering the allegations of paragraph 15a, 15b, 15c, and 15d of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
17. Answering the allegations of paragraph 16 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
18. Answering the allegations of paragraph 17 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
19. Answering the allegations of paragraph 18 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
20. Answering the allegations of paragraph 19 of Plaintiff's Complaint, the Defendant admits the same.
21. Answering the allegations of paragraph 20 of Plaintiff's Complaint, the Defendant admits the same.
22. Answering the allegations of paragraph 21 of Plaintiff's Complaint, the Defendant admits the same.
23. Answering the allegations of paragraph 22 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
24. Answering the allegations of paragraph 23 of Plaintiff's Complaint, the Defendant admits the same.
25. Answering the allegations of paragraph 24 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
26. Answering the allegations of paragraph 25 of Plaintiff's Complaint, the Defendant denies the same and contends that the landlocked parcel does have access to a public road or public right-of-way. (See attached aerial photograph #1)
27. Answering the allegations of paragraph 26 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
28. Answering the allegations of paragraph 27 of Plaintiff's Complaint, the Defendant realleges every answer above as if set forth verbatim herein.
29. Answering the allegations of paragraph 28 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
30. Answering the allegations of paragraph 29 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
31. Answering the allegations of paragraph 30 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
32. Answering the allegations of paragraph 31 of Plaintiff's Complaint, the Defendant realleges every answer above as if set forth verbatim herein.
33. Answering the allegations of paragraph 32 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
34. Answering the allegations of paragraph 33 of Plaintiff's Complaint, the Defendant denies the same.

35. Answering the allegations of paragraph 34 of Plaintiff's Complaint, the Defendant admits the same.
36. Answering the allegations of paragraph 35 of Plaintiff's Complaint, the Defendant admits the same and contends that Taylor provided a right-of-way to the landlocked parcel as evidenced by plats included in Exhibit B of this of this lawsuit.
37. Answering the allegations of paragraph 36 of Plaintiff's Complaint, the Defendant admits the same.
38. Answering the allegations of paragraph 37 of Plaintiff's Complaint, the Defendant realleges every answer above as if set forth verbatim herein.
39. Answering the allegations of paragraph 38 of Plaintiff's Complaint, the Defendant has no information to refute this allegation. However, the route of access to the landlocked parcel has changed several times over the years. (See enclosed aerial photograph #2).
40. Answering the allegations of paragraph 39 of Plaintiff's Complaint, the Defendant has no information to refute this allegation.
41. Answering the allegations of paragraph 40 of Plaintiff's Complaint, the Defendant admits the same.

Some additional information which I consider pertinent to this case is as follows:

As mentioned above, the access to the landlocked parcel has changed several times over the years. A former owner of the Lesondak parcel (Sam Austin) and I changed the location of Severance Drive to where the plats indicated it should be with half of the right-of-way on the Hardee parcel and half of the right-of-way on the Lesondak parcel. Currently, the right-of-way is where the plats indicate it should be, but is now blocked by one of the landowners.

WHEREFORE, having answered the Plaintiff's Complaint relative to this situation, the Defendant prays that this Honorable Court inquire into the matters set forth and:

1. Grant Plaintiff the requested easement.
2. Leave the easement where it is currently located relative to the Hardee parcel since it is where the plats indicate it should be.
3. Grant such other and further relief as is just and proper.

February 14, 2015

Chester, S. C.

William P. Hardee

William P. Hardee
William P. Hardee
976 Columbia Road
Chester, South Carolina 29706
803-377-1098

DEFENDANT

FILED
2015 FEB 17 P 3 34
CLERK OF COURT
CHESTER CO S.C.

STATE OF SOUTH CAROLINA]
COUNTY OF CHESTER]

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

HEATHER PIPER ROUSEY,]
Plaintiff,]
v.]
KERRY GRISSINGER,]
WILLIAM P. HARDEE, and]
PAUL E. LESONDAK,]
Defendants.]

AMENDED ANSWER

AND COUNTERCLAIM

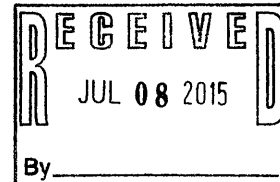
C.A. No. 2015-CP-12-00024

FILED

2015 JUL - 6 P 3:06
CLERK OF COURT
CHESTER CO S.C.

The Defendants KERRY GRISSINGER and PAUL E. LESONDAK (hereafter also "the responding Defendants" and "GRISSINGER and LESONDAK") in amended response to the Complaint of the Plaintiff, allege as follows (all references to paragraphs, unless otherwise identified, are to the Paragraphs of the said Complaint):

FIRST DEFENSE:
GENERAL DENIAL



1. Each allegation of the Complaint which is not admitted, denied or qualified in this pleading is hereby denied, and strict proof demanded thereof.
2. In response to the allegations of Paragraphs 1. through 4., the responding Defendants admit the identification of the real estate in question, and the recited Tax Map Numbers of the said parcels.
3. In response to Paragraph 5., the responding Defendants admit the location of the real estate in question in Chester County.
4. In response to Paragraph 6., the responding Defendants admit the jurisdiction of this Court.
5. The allegations of Paragraph 7. are directional or conclusory only, and on knowledge and information require no response from the responding Defendants.
6. In response to allegations of Paragraphs 8. through 15., and Paragraph 18., the responding Defendants admit so much thereof as accurately reflect the records of the Clerk of Court for Chester County, South Carolina, reference to which is craved.
7. The responding Defendants are without knowledge or information sufficient to respond to the

allegations of Paragraph 15., and therefor deny the same.

8. In response to Paragraph 17., the responding Defendants admit that GRISSINGER placed various items and a storage shed on his real property, which real property (or portion thereof) he denies to be subject to any easement.
9. For the reasons stated herein, the responding Defendants deny the allegations of Paragraphs 19. and 20., and allege affirmatively that the Plaintiff possesses access to her parcel, either through the property of the ROUSEYS, or along any easement that exists along the edge of the real properties of GRISSINGER, LESONDAK and HARDEE.
10. The responding Defendants admit the allegations of Paragraph 21, excepting the description therein of the extent of Severance Drive, which description is denied.
11. In response to allegations of Paragraphs 22. through 24. and Paragraph 26., the responding Defendants admit so much thereof as accurately reflect the records of the Clerk of Court for Chester County, South Carolina, reference to which is craved.
12. For the reasons stated herein, the responding Defendants deny the allegations of Paragraph 25., and allege affirmatively that the Plaintiff possesses access to her parcel, either through the property of the ROUSEYS, or along any easement that exists along the edge of the real properties of GRISSINGER, LESONDAK and HARDEE.
13. The allegations of Paragraph 27. are directional or conclusory only, and on knowledge and information require no response from the responding Defendants.
14. The responding Defendants deny the allegations of Paragraph 28. alleging the use of the existing drive between the properties of the responding Defendants as access to the Plaintiff's real property, and affirmatively allege a lack of such use or attempted use prior to the Plaintiff's acquisition of Tax Map No. 080-03-04-010.
15. For the reasons stated herein, the responding Defendants deny the allegations of Paragraphs 29. and 30., insofar as the same are other than legal conclusions, and allege affirmatively that the Plaintiff possesses access to her parcel, either through the property of the ROUSEYS, or along any easement that exists along the edge of the real properties of GRISSINGER, LESONDAK and HARDEE.
16. The allegations of Paragraph 31. are directional or conclusory only, and on knowledge and information require no response from the responding Defendants.
17. In response to allegations of Paragraphs 32. through 33., the responding Defendants admit so much thereof as accurately reflect the records of the Clerk of Court for Chester County, South Carolina, reference to which is craved.
18. For the reasons stated herein, the responding Defendants deny the allegations of Paragraphs

34. through 36., insofar as the same are other than legal conclusions, and allege affirmatively that the Plaintiff possesses access to her parcel, either through the property of the ROUSEYS, or along any easement that exists along the edge of the real properties of GRISSINGER, LESONDAK and HARDEE.
19. The allegations of Paragraph 37. are directional or conclusory only, and on knowledge and information require no response from the responding Defendants.
20. The responding Defendants deny the allegations of Paragraph 38. alleging the use of the existing drive between the properties of the responding Defendants as access to a public road, and affirmatively allege a lack of such use or attempted use prior to the Plaintiff's acquisition of Tax Map No. 080-03-04-010.
21. For the reasons stated herein, the responding Defendants deny the allegations of Paragraphs 39. through 40., insofar as the same are other than legal conclusions, and allege affirmatively that the Plaintiff possesses access to her parcel, either through the property of the ROUSEYS, or along any easement that exists along the edge of the real properties of GRISSINGER, LESONDAK and HARDEE.

SECOND, ALTERNATIVE DEFENSE AND COUNTERCLAIM

22. All of the allegations herein and consistent with this response and defense are restated by this reference, as fully as if set out herein.
23. On knowledge and information, and based upon the deeds and plats supplied by the Plaintiff as attachments to her Complaint, the only possible easement shown as touching her real Property is that demarked in some documents along the boundary of, respectively, the responding Defendants and Defendant WILLIAM P. HARDEE (hereafter "HARDEE"), which demarked area takes in real property owned, respectively, by the responding Defendants and HARDEE (hereafter also "the demarked area.")
24. The route used by the Plaintiff in her travels and attempted travels over the responding Defendants' real property is not along or in the said demarked area.
25. The said demarked area has never been cleared for use as an easement, and bears heavy vegetation and trees within its limits.
26. Any easement existing in the past over or through the property of the Defendant GRISSINGER has been abandoned for a period in excess of ten (10) years.
27. The route used by the Plaintiff in her travels over the responding Defendants' real property, during and her acquisition of her real property in 2014, lies between the said demarked area

and the Defendant GRASSINGER's house, and runs to the rear of that house, which area contains a part of his driveway and is within a few feet of his house.

28. On knowledge and information, neither by usage nor under those documents of title claimed by the Plaintiff is the area between the demarked area and the house of the Defendant GRISSINGER subject to any easement for the benefit of the Plaintiff.
29. On knowledge and information, neither by usage nor under those documents of title claimed by the Plaintiff is the area between the demarked area and over the other property of the Defendant LESONDAK subject to any easement for the benefit of the Plaintiff.
30. The Plaintiff's use and attempted use of the responding Defendants real property has been accompanied by threats, swearing, the involvement of the Chester County Sheriff's Department and the Plaintiff's repeated discharge of firearms at or near the home of the Defendant GRISSINGER.
31. Based upon the Plaintiff's use and attempted use of the property of the responding Defendants other than that of the demarked area, she is liable to them for their actual damages for her trespass of their real property.
32. Based upon the total lack of any documents establishing an easement or right of way between the demarked area and the Defendant GRISSINGER's house, or between the demarked area and over the other property of the Defendant LESONDAK, the Plaintiff's use and attempted use thereof was wanton, willful and in reckless disregard of the rights of the responding Defendants.
33. Based upon the wanton, willful and in reckless disregard of the rights of the responding Defendants by the Plaintiff, they are entitled to an award of punitive damages against the Plaintiff.

THIRD, ALTERNATIVE DEFENSE AND COUNTERCLAIM

34. All of the allegations herein and consistent with this response and defense are restated by this reference, as fully as if set out herein.
35. Since the demarcation of the said demarked area, the same has never been cleared, and the same bears heavy vegetation and trees.
36. Since the demarcation of the said demarked area, the Defendant GRISSINGER and his predecessors have positioned the well to what is now GRISSINGER's house within the said demarked area.
37. Since the demarcation of the said demarked area, the Defendant GRISSINGER has

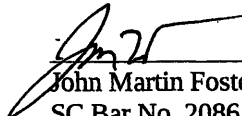
positioned his storage building, or a portion thereof, within the said demarked area.

38. Since the demarcation of the said demarked are, the responding Defendants, the Defendant HARDEE, their predecessors in title and the predecessors in title to the Plaintiff have failed to open or maintain the said demarked area as an easement.
39. Since the demarcation of the said demarked are, the responding Defendants, the Defendant HARDEE, their predecessors in title have used the area generically known as Severance Drive as an easement.
40. On knowledge and information, the acts and omissions cited above, as well as others referenced hereby, are unequivocal and inconsistent with the further assertion of any rights of easement in the demarked area.
41. On knowledge and information, the acts and omissions cited above, as well as others referenced hereby, are and represent an abandonment of any rights of easement in the demarked area.

WHEREFORE, the responding Defendants KERRY GRISSINGER and PAUL E. LESONDAK pray:

1. That this Court inquire into the claims of the Plaintiff and determine what, if any, relief to which she is entitled from the Defendants;
2. That this Court declare the existence or non-existence of any easement rights incident to the real property of the parties;
3. That this Court allow the responding Defendants as judgment their actual damages as alleged and proven against the Plaintiff;
4. That this Court allow the responding Defendants as judgment an award of punitive damages against the Plaintiff by reason of her wanton, willful and reckless disregard of the rights of the responding Defendants;
5. That this Court include herein a prayer for any other relief to which the responding Defendants may be entitled under the facts set out and referenced herein; and

6. For such other and further relief as this Court may deem just and proper.


John Martin Foster
SC Bar No. 2086
Attorney for Defendants
GRISSINGER and LESONDAK

The Guardian Building
223 East Main Street, Suite 520
Rock Hill, S. C. 29730

Post Office Box 106
Rock Hill, S. C. 29731-6106

803 324-8100
J803 324-8109: Fax
jmfoster@comporium.net

FILED
2015 JUL -6 P 3:06
CLERK OF COURT
CHESTER CO. S.C.

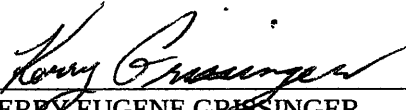
June 26, 2015

Rock Hill, South Carolina

STATE OF SOUTH CAROLINA]
COUNTY OF YORK]

VERIFICATION

Personally appeared before me the undersigned, who, being duly sworn, deposes and says that he or she is the named responding Defendant herein; that he or she has read the allegations of the preceding Amended Answer and Counterclaim and that the allegations of the same are true, except those allegations made upon knowledge and information, and, as to them, he or she verily believes them to be true.


KERRY EUGENE GRISSINGER

SWORN TO and subscribed before me
this 30 day of June, 2015.

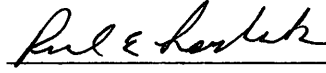

NOTARY PUBLIC FOR SOUTH CAROLINA
My commission expires: 07/20/2019

FILED
2015 JUL - 6 P 3:06
CLERK OF COURT
CHESTER CO S.C.

STATE OF SOUTH CAROLINA]
COUNTY OF YORK]

VERIFICATION

Personally appeared before me the undersigned, who, being duly sworn, deposes and says that he or she is the named responding Defendant herein; that he or she has read the allegations of the preceding Amended Answer and Counterclaim and that the allegations of the same are true, except those allegations made upon knowledge and information, and, as to them, he or she verily believes them to be true.


PAUL E. LESONDAK

SWORN TO and subscribed before me
this 26 day of June, 2015.


NOTARY PUBLIC FOR SOUTH CAROLINA
My commission expires: 07/20/2019

FILED
2015 JUL -6 P 3 06
CLERK OF COURT
CHESTER CO S.C.

STATE OF SOUTH CAROLINA]
COUNTY OF CHESTER]

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

HEATHER PIPER ROUSEY,]

Plaintiff,]

v.]

KERRY GRISSINGER,]
WILLIAM P. HARDEE, and]
PAUL E. LESONDAK,]

Defendants.]

CERTIFICATE OF SERVICE

C.A. No. 2015-CP-12-00024

CLERK OF COURT
CHESTER CO SC
2015 JUL - 6 P

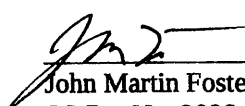
The undersigned, counsel for Defendants GRISSINGER and LESONDAK in the civil action above, hereby certifies that on July 2, 2015 he served copies of the following pleadings or documents in the above-captioned and numbered civil action:

E-mailed agreement in writing to amendment of pleadings;
Amended Answer and Counterclaim, with its attachments; and
this Certificate of Service,

the originals of which were sent to be filed with the Clerk of Court for the court named above,
by depositing the same with the United States Postal Service on the date above, with
sufficient postage affixed and directed to the respective last known address(es) of those
attorney(s) and/or persons set out below, or

by hand delivering copies of the same to the following persons, or by leaving the same at
that person's office with that person's clerk or some other person in charge thereof, or by leaving
it or them in a conspicuous place therein; of if the office was closed or the person to be served
has no office, by leaving a copy or copies at that person's dwelling place or usual place of abode
with some person of suitable age and discretion then residing therein:

Jessica Clancy Crowson, Esq.
Rogers Lewis Jackson Mann & Quinn, LLC
Attorneys for Plaintiff
Post Office Box 11803
Columbia, SC 29211


John Martin Foster
SC Bar No. 2086
Attorney for Defendants
GRISSINGER and LESONDAK

Post Office Box 106
Rock Hill, S. C. 29731-6106

July 2, 2015

Rock Hill, South Carolina

803 324-8100
803 324-8109: Fax
jmfoster@comporium.net

1 (WHEREUPON, Plaintiff's Exhibit Nos. A THROUGH U were
2 marked for identification only.)

3 COLLOQUY

4 THE COURT: All right.

5 MS. CROWSON: Good morning, Judge. We are here for
6 final resolution on the matter pending before this Court.
7 My name is Jessica Crowson. My associate, Chris Lagusti,
8 and I are with the Rogers Lewis Law Firm in Columbia. We
9 represent the Plaintiff, Heather Piper, in this matter.
10 We have a number of witnesses who will testify. This is
11 Heather Piper, my client, sitting next to my right. Her
12 parents are here as well as another witness who can give
13 live testimony for the Court.

14 This boils down, basically, to an issue regarding
15 easement, granting of an easement. Ms. Piper's property
16 is land locked, and we have been in dispute with the
17 Defendants as to where the easement is for her to access
18 her property.

19 Mr. Foster represents two of the three main
20 defendants in this matter, and we have tried to no avail
21 to resolve the matter to determine where the easement
22 runs. So what we are here to do today is put all of our
23 evidence and testimony before the Court for the Court to
24 decide where the easement runs for Ms. Piper to access her
25 land locked property.

1 Mr. Foster and I have worked together a great deal.
2 We have agreed on all but two the exhibits, and two of the
3 exhibits are in dispute from our exhibit list. That's an
4 Exhibit B and Exhibit T are not agreed upon and all the
5 others we are on the same page. We agree and would
6 request the Court consider those admitted for purposes of
7 our trial today.

8 I also believe, and I will allow Mr. Foster to
9 dispute this if I'm incorrect, but I also believe there is
10 no dispute as to whether or not Ms. Piper has or should
11 have an easement to the property. I don't believe that
12 there is any dispute that she is entitled to an easement.
13 But that's the soul and limited nature, but where we do
14 not have an agreement is where the easement is.

15 That's what we will be seeking to put into evidence
16 and testimony before the Court for Your Honor to decide at
17 the end of the day where Ms. Piper's easement is to access
18 her property.

19 THE COURT: All right. Got two defendants. What
20 about the third?

21 MR. FOSTER: Mr. Grissinger, Mr. Lesondak. And Mr.
22 Hardee is pro se. He is a neighboring landowner. Sir, if
23 I may, listening to Ms. Crowson if it would help the Court
24 if they would also have a copy of the trial exhibit list
25 at this point.

1 MS. CROWSON: Absolutely. That's a good idea. I
2 will hand that up to the Court.

3 MR. FOSTER: Your Honor, with the Court's permission
4 let me briefly state our belief. I agree entirely with
5 Ms. Crowson, first year law property case, no one has land
6 locked property. There's no dispute about that.

7 Ms. Crause -- Ms. Piper has the right to get back to her
8 property. The question is how. Ms. Piper does not wish
9 to go over her parent's property which is next door.

10 She does not wish, apparently, to follow the easement
11 which we maintain she has shown on Exhibit A. Also shown
12 on the 65 year-old deeds as existing between roughly my
13 client's property on the one side and Mr. Hardee's on the
14 other.

15 What she wants to do, as I understand it, is to go
16 through both their yards to get to the property. She
17 bases this on some form we used which has been waived or
18 dismissed. That, I believe, is the summary of our view of
19 the situation. Thank you.

20 THE COURT: Thank you. All right.

21 MS. CROWSON: If the Court agrees we will like to
22 call our first witness and I'll call Heather Piper.

23 THE COURT: Come around and be sworn, please.

24 HEATHER PIPER, after being duly sworn, testified as
25 follows:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DIRECT EXAMINATION

BY MS. CROWSON:

Q. Ms. Piper, could I get you to tell us your full name, please, ma'am?

A. Heather Rousey Piper.

Q. And where do you currently live?

A. 540 (undecipherable).

Q. Is that here in Chester County?

A. Yes, ma'am.

Q. Do you own any property here in Chester County?

A. Yes ma'am.

Q. What's the address of that property?

A. 840 Severance Drive.

Q. The 840 Severance Drive, is that property here in Chester County that you acquired from your parents?

A. Yes, ma'am.

Q. Your parents are Dennis and Rosemary Rousey?

A. Yes, ma'am.

Q. Are they sitting in the courtroom here directly behind me?

A. Yes, ma'am.

Q. Now, are you currently living with your parents?

A. No, ma'am.

Q. Okay. You living temporarily with them again?

A. I stay on 548. I'm living in a mobile home, and it's

1 actually on their property.

2 Q. The property that you own the address is 840
3 Severance Drive?

4 A. Yes, Ma'am.

5 Q. What's your intent to use that property for?

6 A. To build a home. I recently got married so we were
7 going to build a home. We have three children.

8 Q. Have you been able to begin preparations to build
9 your home on your property?

10 A. No, ma'am.

11 Q. Why is that?

12 A. When I try to access it I am being blocked, prevented
13 or threatened and my children don't understand. It's been
14 hard to get back there and do anything at this point.

15 Q. What is the understanding to the access you do or do
16 not have to your property at 840 Severance Drive?

17 A. Well, the way it is now they have rerouted and you
18 can only go to the right and go in front of Mr.
19 Grissinger's and behind Ms. Lesondak's and then it goes
20 down to my property.

21 Q. Let's take a few steps back and see if we can show
22 the Court.

23 MS. CROWSON: If Ms. Piper can step down off the
24 witness stand?

25 THE COURT: Sure.

1 BY MS. CROWSON:

2 Q. Ms. Piper, let me show you what has been premarked as
3 Plaintiff's Exhibit A. I need you to speak really loud
4 since you don't have microphone down here. Can you tell
5 me if you have seen this exhibit before?

6 A. Yes, ma'am.

7 Q. What does it depict?

8 A. It's showing the main highway and the way I have to
9 come in and to access to get back here to the property.

10 Q. All right. Can you point for the Court where is your
11 property?

12 A. This one back here.

13 Q. If you will, circle or put a mark, circle, right
14 there your property.

15 MR. FOSTER: If you would use a darker marker.

16 BY MS. CROWSON:

17 Q. That is the property you own and you acquired from
18 your parents?

19 A. Yes, ma'am.

20 Q. And show me if you would any public roads or public
21 right of ways that is shown on the plat?

22 A. The only way to access it, right here on Highway 321.

23 Q. That's Highway 321?

24 A. Yes, ma'am.

25 Q. Do you know any other names that it's called?

1 A. Highway 321.

2 Q. Just so we get our bearings on this map, what is the
3 property above right here? Who owns that property?

4 A. Mr. Hardee.

5 Q. Okay. That's Mr. Hardee that is sitting in the
6 courtroom here, today?

7 A. Yes, ma'am.

8 Q. Okay. What about the next property over here?

9 A. That's the Kennans, I'm not familiar -- I know who
10 they are, but I don't really know who they are.

11 Q. What about the next property?

12 A. That's Mr. Wright. He -- it's like where my property
13 is it would go in basically in my backyard kind of where
14 they meet.

15 Q. All right. Going down, how about the next property?

16 A. I believe that's the one that's on the other side of
17 the house now. They live there, but I don't know. I have
18 never met them, so I don't know.

19 Q. all right. What about the property underneath, who
20 owns that property?

21 A. My parents. It's off of a whole other road.

22 Q. What road runs under your parent's property?

23 A. Once you get to that, Lakeview Glenn Road.

24 Q. Lakeview Glenn Road are not shown on this map?

25 A. No, ma'am.

1 Q. Does your property touch Lakeview Glenn Road?

2 A. No, ma'am.

3 Q. Going around the circle, who owns the next property?

4 A. That would be Lesondak. This lady had it before him.
5 That would be his property.

6 Q. All right. Let's do this for clarity. Why don't you
7 strike through the name Dorothy Jean Johnson since she's
8 the prior owner. Write, 'Lesondak' on there.

9 A. I'm not sure how to spell it.

10 MR. FOSTER: Lesondak, I think it is, D-A-K.

11 BY MS. CROWSON:

12 Q. Just above Mr. Lesondak's property who owns that
13 property?

14 A. Mr. Grissinger.

15 Q. That's Mr. Lesondak and Mr. Grissinger and they are
16 in the courtroom today?

17 A. Yes, ma'am.

18 Q. So we have been all around your property, and I
19 haven't heard or seen any access to roads or public right
20 of ways; is that accurate?

21 A. Yes, ma'am, that's correct.

22 Q. What means of access are you aware of to get to your
23 property?

24 A. The only one that ever existed is to come off of 321
25 and to go on Severance Drive.

1 Q. Is Severance Drive public owned or a publicly
2 maintained road or private road?

3 MR. FOSTER: I think I have to say something at this
4 point assuming the lady has the ability to give us that
5 information. So I object.

6 BY MS. CROWSON:

7 Q. Ms. Piper, are you familiar with the history the
8 ownership of your property and neighboring properties?

9 A. Yes, ma'am.

10 Q. Are you familiar with the history of Severance Drive?

11 A. Yes, ma'am.

12 Q. Do you know who has maintained Severance Drive over
13 the years?

14 A. It's a common roadway, and I think the County kept it
15 up.

16 MS. CROWSON: I am going to renew my objection. This
17 lady is saying what she understands the case. Is she
18 being qualified to she knows who kept the road up in the
19 past?

20 THE COURT: All right. Was your question who is
21 maintaining the road now?

22 MS. CROWSON: I intend to ask her who has and who
23 does maintain the road or if she knows who owns that road.

24 THE COURT: I'll overrule the objection if you're
25 going to limit it to that. Yeah, go ahead.

1 Q. Do you know who owns Severance Drive?

2 A. Severance Drive is actually -- well, it's named after
3 the Severances. They all own the property, and they broke
4 it down between his children and divided it. But that's
5 where the name Severance comes from, and they owned all of
6 his property at one time. And so, that was the roadway
7 that went to all of the houses that their family had lived
8 in on all of his property.

9 Q. And do you know who owns Severance Drive today?

10 A. I don't really know. I don't know. I would take it
11 as -- to me it would be Severance owned, but I don't -- I
12 guess it would be a common County road and they maintained
13 it far as I know as being a child and having been here my
14 whole life. That's how its been.

15 Q. Who is maintaining Severance Drive today?

16 A. At this moment ---

17 MR. FOSTER: Renew my objection.

18 THE WITNESS: --- no one at the moment.

19 THE COURT: Noted. What was that answer?

20 THE WITNESS: At this moment the gravel that is there
21 is there. Since this has started the County has not come
22 out and put any more gravel, but they used to put more
23 gravel and keep it graveled and maintained.

24 THE COURT: Used to?

25 THE WITNESS: Up until all this, and I when I started

1 trying to get my right of way it kind of fell. I don't
2 know.

3 THE COURT: Okay.

4 BY MS. CROWSON:

5 Q. Do you know the last time the County maintained
6 Severance Drive was?

7 A. Maybe just a few years back that I can remember. I'm
8 not exactly sure of the date.

9 Q. All right. So in terms of access to your property
10 show us if you would, please, how you access your
11 property?

12 A. I have to go in off of 321 which is here, and the
13 only way in it comes up at this moment the way it
14 currently is. And you go in and you go around and this
15 would be on the side of Lesondak and then Kerry's is here.
16 The way it is goes around and curves up and then it goes
17 between those two homes and then it kind of whips around
18 and the easement would be going this way.

19 You come this way and the easement goes straight back
20 to my property where these are. That's currently how to
21 access my property the way at this moment open.

22 Q. So the easement that's shown on Plaintiff's Exhibit A
23 coming up on these lines down Severance and along this
24 dash mark is that generally, currently how you access your
25 property?

1 A. Yes, ma'am, that's how I have to access it.

2 Q. Are you aware of any other means of access your
3 property?

4 A. At this moment, there's not any. This is the only
5 way that it is open and clear and available to get there.

6 Q. And describe for the Court when you say open and
7 clear to get there, describe what it looks like, what the
8 condition of the ground is and how open and safe it is for
9 a car to drive through?

10 A. It's a gravel drive that goes down, and it's gravel
11 and comes up. I own a Chrysler 300 and my car goes down
12 it just fine and it goes back down to the driveway that
13 has always existed to go to this property. But the gravel
14 at this moment it stops right up here where I would turn
15 to go down, but the drive is still open and clear, and
16 it's always been clear and open.

17 Q. You obtained ownership of your property in the 2014;
18 is that correct?

19 A. Yes, ma'am.

20 Q. Since 2014 has that been the means of access that you
21 always used to get to your property?

22 A. Yes, ma'am.

23 Q. Have you ever been able to or have you ever gone
24 another way into your property?

25 A. No, ma'am.

1 Q. Are you aware of over the years, historically, how
2 other folks perhaps have accessed your property?

3 A. Yes, ma'am.

4 Q. And who is that, specifically?

5 A. You mean how did it run?

6 Q. Who else do you know of that has accessed your
7 property over the years? Do you know what route they
8 took?

9 A. The Severances, Ms. Gandy. Back here, the home that
10 is currently Lesondak's it used to be -- I used to play
11 with the children that lived in that home, and it was all
12 access by the road has currently been not in use and the
13 way they rerouted it.

14 Q. Where is that road like?

15 A. It comes -- This is Kerry's house -- I mean Mr.
16 Grissinger. I'm sorry. Paul's is kind of -- I mean Mr.
17 Lesondak. I apologize. And his is kind of up here and
18 where this went it originally came on the left side of
19 Lesondak's property and then it met and then it come the
20 same way where it met. And this is the same drive that
21 always went back to it. That was the road.

22 I lived in that area my entire life, and I used to
23 ride my bike up and down the road. I played there as a
24 child, and that was the access to the property.

25 Q. Did any prior owners of your property also use that

1 additional access you are speaking of?

2 A. Oh, yes, ma'am. Ms. Gandy and the ones that live
3 back there, that's how they access the property.

4 Q. And you're familiar with Ms. Gandy having had used
5 that additional access to your property?

6 A. No, ma'am. The only one that I've ever remember
7 being used is the one that went on the left side of
8 Lesondak.

9 Q. And you're familiar with Ms. Gandy having used the
10 additional easement and access that you are describing
11 right now?

12 A. The one that goes this way?

13 Q. Correct. The one that's not shown on this and you're
14 talking about.

15 A. That's the way they always -- that's how they went to
16 their property.

17 MS. CROWSON: At this point, Your Honor, I would show
18 the witness what's been premarked as Plaintiff's Exhibit

19 B. This is not an agreed upon exhibit at this point.

20 BY MS. CROWSON:

21 Q. Ms. Piper. Let me show you Exhibit B. Is it the
22 same map or same plat as that's on Exhibit A is?

23 A. Yes, ma'am.

24 Q. And there are some markings on Plaintiff's Exhibit B,
25 right?

1 A. Yes ma'am.

2 Q. Are These markings that you have seen before?

3 A. Yes, ma'am.

4 Q. These are markings you are familiar with?

5 A. I marked those.

6 Q. Okay. So you were just describing -- can you
7 describe what has been handwritten and marked on there
8 that was not marked on Plaintiff's Exhibit A?

9 A. Yes, ma'am. This is where the actual home is of
10 Lesondak. This road is not shown on the other plat, but
11 when they come off of 321 where they had it where it goes
12 up this way this road went straight. And when you turned
13 in it went straight. All the way to my property it went
14 in between Lesondak and the barn that's still there. And
15 it's still visible where the road was, and it went in and
16 it's still there at this point.

17 And then it went down the driveway down. like this.
18 The home was actually right here but I did -- I took down
19 the home because that is where I was going to build my
20 home because it was an old house. But this was the
21 original access to my land, and that's the one I've always
22 known my entire life.

23 Q. Do all the markings and handwritten notes on
24 Plaintiff's Exhibit B appear to accurately and correctly
25 represent the condition of the property and what you've

1 been describing to the Court this morning?

2 A. The way that it originally was?

3 Q. Yes.

4 A. Yes, ma'am. This is how it was.

5 MS. CROWSON: So, Your Honor, at this point we would
6 move Plaintiff's Exhibit B into evidence in the
7 Plaintiff's case.

8 MR. FOSTER: With Plaintiff's testimony, no
9 objection.

10 THE COURT: All right. It's in.

11 (WHEREUPON, Plaintiff's Exhibit No. B was admitted
12 into evidence.)

13 BY MS. CROWSON:

14 Q. All right. Great. All right. Now, if I can get you
15 to circle again, right here. Again, that's your property.
16 So turning to this dashed line this is the access easement
17 you say Ms. Gandy uses to access her property?

18 A. Yes, ma'am.

19 Q. So who is Ms. Gandy?

20 A. She's the one that owned the property that I own now.

21 Q. Okay. Do you know who she sold the property to?

22 A. My parents.

23 Q. And then your parents in turn transferred the
24 property to you?

25 A. Yes, ma'am, for my wedding present. I got married.

1 I got custody of my step-daughter, and we needed a new
2 house cause I have three children of my own. And so its
3 been almost two years in the making, but this is where I
4 was going to build a home for my family since I got
5 married.

6 Q. And so this note says, "Original access easement used
7 by Gandy to access Gandy property, now Piper property,
8 correct?

9 A. Yes, ma'am.

10 Q. And so If I'm understanding you correctly this dashed
11 line shows the means by which Ms. Gandy used to access her
12 property back when she owned your property, correct?

13 A. Yes, ma'am.

14 Q. Okay. Did Ms. Gandy actually live on the property,
15 on her property?

16 A. Many years ago.

17 Q. Do you know when she owned her property or when she
18 may have lived there?

19 A. It was many years ago. I mean I know that house was
20 there when I was a child, but she hasn't lived there in
21 quite some time. She currently resides in Florida.

22 Q. All right. Now, you say your parents live in the
23 property down here, correctly?

24 A. Yes, ma'am.

25 Q. Have you ever accessed your property from your

1 parent's property?

2 A. There's no way to get there. I mean, it's not even
3 feasible to get there from their property.

4 Q. Has there ever been a clearing or a road or any
5 access from your parent's property to yours?

6 A. No, ma'am.

7 Q. Were your parent's property and your property joined
8 as one larger piece of property at any point?

9 A. No, ma'am.

10 Q. Do you know if the two properties, your parents and
11 yours, were deeded at the same time perhaps?

12 A. No, ma'am.

13 Q. Do you know how long your parents have owned their
14 property?

15 A. We lived in a mobile home. It's a mobile home I
16 think have lived in mobile home since I was ten, and then
17 they built their house down here but it's all I mean it's
18 all their property.

19 Q. So, your parents have owned it for many years you're
20 saying?

21 A. Yes, ma'am. I'm -- 36.

22 Q. And you lived on your parent's property your whole
23 life until you grew up and moved away?

24 A. Yes, ma'am.

25 Q. And they just acquired your property in 2012, is that

1 correct?

2 A. Yes, ma'am.

3 Q. Okay, so in terms of access to the property am I
4 correct in saying that this is the way Ms. Gandy accessed
5 the property when she owned it? This bottom dash?

6 A. Yes, ma'am.

7 Q. Currently you're using a different means of access up
8 along Severance Drive where the dash line is written?

9 A. Yes, ma'am.

10 Q. Were there other means of access or other routes that
11 you have used over the years?

12 A. No, ma'am.

13 Q. Do you know of other means of access that anyone
14 other than you or Ms. Gandy has used over the years?

15 A. Not to my knowledge. No, ma'am.

16 Q. Are you aware of any other method or any other means
17 to get to your property other than the two easements you
18 described? The two easements are one the dashed E and the
19 hand drawn Ms. Gandy Easement?

20 A. That's only two I've ever been aware of.

21 Q. Okay, in terms of any other owners of the property,
22 are you aware of any other ways anyone else has accessed
23 your property over the years?

24 A. That I'm aware of, no, ma'am.

25 Q. Let's talk about this top. There's an additional

1 area I see on this plat and this comes up from US 321
2 connects to what's called Severance Drive and goes
3 straight. And I see it says, "Not open." Do you see that
4 on the map?

5 A. Yes, ma'am.

6 Q. So describe this area and what this is for us,
7 please.

8 A. Okay. This is the way it currently is, and it goes
9 down if you go straight back. And you go to my there on
10 the right side of Mr. Grissinger's house. He has a
11 utility building here amongst other stuff and where it
12 says, 'not open' my understanding after going through this
13 there's a well there. I am not positive. I know there's
14 a utility building amongst other stuff here. That's why
15 it would say, 'not open', but I never remembered this as
16 far as being drive to it. But this the only one I
17 remember.

18 Q. So, this top area you have been describing along
19 Severance drive between Mr. Hardee and Mr. Grissinger's
20 property is this a possible means of access to your
21 property?

22 A. No, ma'am.

23 Q. Why not?

24 A. It's totally unfeasible, the building and all of the
25 objects to do it. It's just not feasible at all. It's

1 not accessible, and there is no way possible to access it.

2 Q. And this square here that says -- it's abbreviated
3 for utility building for you drawn in squared, is that the
4 utility building you are describing on the property here
5 today?

6 A. Yes, ma'am.

7 Q. Is that utility building still sitting inside these
8 lines?

9 A. Yes, ma'am.

10 Q. Are you able to drive around that utility building to
11 get to your property?

12 A. No, ma'am.

13 Q. Why not?

14 A. It's dead in the middle, and I mean it's dead on
15 where if I was to be able I'm not. But it's dead on the
16 driveway. There is woods and his home directly -- woods
17 on this side of his house where he parks and all his other
18 stuff in front of it and you can't get beside it.

19 Q. It's connected to the top corner of your property?

20 A. Yes, ma'am.

21 Q. What is behind your property? What's this whole
22 area?

23 A. Woods, trees.

24 Q. Where were you planning to build a house on your
25 property?

1 A. Down in the opening where the previous home was.
2 There's a well, but the home was right over here where the
3 house was. I was planning on just rebuilding that same
4 clear opening of it.

5 Q. And for the record you pointed to more of the
6 southern area of your property rather than the northern
7 area?

8 A. Yes, ma'am, where the drive comes in and meets to it
9 it's open and clear.

10 Q. All right. So these two easements are shown on the
11 plat the hand drawn one and the one Ms. Gandy used, the
12 Dash Line E. What is the condition of your property in
13 this area, those easements you are continuing to use?

14 A. The drive is still clear and open. I can drive my
15 car back down in it to get back there. It's still open
16 and goes to the property. Nothing is blocking it leading
17 down the drive to get to my property.

18 Q. Ms. Piper, I am going to show you what has been
19 premarked as Plaintiff's Exhibit C. If you would briefly
20 take a look at these and tell me if you recognize what
21 these are.

22 A. Those are pictures that I had taken.

23 Q. And I see some markings and some handwriting on a few
24 of these pictures. Who made those markings and whose
25 handwriting is that?

1 A. It's mine. I did it.

2 Q. Is there any marking or any handwriting on any of
3 these photographs made by anyone other than you?

4 A. No, ma'am.

5 Q. And you recognize all of these?

6 A. Yes, ma'am.

7 Q. If I could I would like to hold up these photographs
8 and have you explain to the Court where on Plaintiff's
9 Exhibit B these photographs represent and what they show
10 if you would, please. So let's look at Plaintiff's C
11 which is also labeled as Rousey One. If you would please
12 tell us what that photograph shows and then tell us where
13 that is.

14 A. Okay. This home that you see right here is the
15 Lesondak's home and what -- I put the red on it so you
16 could see this was daughter's road that's shown on here.

17 Q. The Gandys?

18 A. Um hum, and you can still see where the marks were
19 that the drive went to, and it went straight past on the
20 left side of his home. And this that I've highlighted is
21 the original way that they accessed this house. They came
22 in on this road and went around to the home that is now
23 Lesondak. That's his. That was his original way to
24 actually access his home, and this is the original road.

25 Q. This picture shows the condition of what it looks

1 like today?

2 A. Yes, ma'am.

3 Q. Show you also on Plaintiff's C, labeled Rousey Two,
4 what is this photograph?

5 A. This is coming in off the main Highway, off of
6 321/Severance Drive, and this is the way I'm currently
7 having to come in. And this would be where it curves up
8 through -- this is the way it curves up.

9 Q. And, so, what does that street sign say?

10 A. "Severance Drive."

11 Q. And this white car that I can see in the picture what
12 is it sitting on?

13 A. It's sitting on Severance Drive.

14 Q. And I'll show you also on Plaintiff's C, this is
15 labeled Rousey Three, what is depicted in this photograph?

16 A. That's the one that goes on the side of Paul's house
17 where the road ---

18 Q. Paul Grissinger?

19 A. Lesondak. I'm sorry. But this is how it goes and
20 this is actually where he now parks on the side of his
21 home and then it would go straight back and that's where
22 it would come between -- behind his home and
23 Mr. Grissinger's and you go in right here this way it's
24 shown here. And this is the side right here, on the side
25 of his house.

1 Q. So this photograph was taken where?

2 A. On this side of the drive that I am currently using
3 now, and this is the Lesondak home that's right there if
4 you can see it.

5 Q. Also on Plaintiff's Exhibit C, labeled Rousey Four,
6 where is this, ma'am?

7 A. This is the dotted line that was the original road on
8 the left side on his road -- his property. This is the
9 back view where you can still actually see where the drive
10 marks were and the opening that hasn't always has been
11 that was the original road. You can see how it's still
12 open and clear, and it comes down and it would meet to go
13 straight to my property.

14 Q. These two red marks I see on here, did you put them
15 on here?

16 A. Yes, ma'am, to show where the tire tracks is still
17 at. I just wanted to make sure. I was trying to make
18 them like pin straight, exactly.

19 Q. All right. And, so, where on Plaintiff's Exhibit B
20 was this photograph taken?

21 A. This would be his home. This is the back view. So
22 where I'm having to go in now I stood where it meets to go
23 back to my property I stood right there cause the original
24 road would come down this way and it would actually curve
25 this way to go to my property.

1 Q. And this shows the condition of this area today?

2 A. It was until after this. I have other photographs
3 showing where there has been things placed to try to
4 blockage it.

5 Q. Also on Plaintiff's Exhibit C, this is Rousey Five,
6 where is this photograph and what does it depict?

7 A. This is directly beside Mr. Lesondak's home. It's
8 just off of this road, and it's showing right here where
9 he parks.

10 Q. What is significant about this picture?

11 A. It's showing how I have to go in pass his house to go
12 around to my property. What I was trying to show -- I
13 mean there's only enough drive for one vehicle to enter
14 out at one time.

15 Q. Also on Plaintiff's C, this is labeled Rousey Six,
16 what does this photograph depict?

17 A. This is actually where I was saying this is my drive
18 that goes directly back to my property where I said the
19 gravel stops. This is currently how it looks. Its open
20 and goes around this curve and comes directly to this
21 area.

22 Q. Show us on Plaintiff's B where this photograph was
23 taken?

24 A. You go around that way it currently is where you see
25 the easement in between their property and then it would

1 meet. It's right in here, like right behind the other
2 property along in here because this original road met
3 right here at that point and it went this way. But now
4 the way the easement is I'm having to go in and try to
5 curve to get to my property, which is this.

6 Q. So this is on the easement that you are currently
7 using to access your property?

8 A. Yes, ma'am. I having to go up and try to make a turn
9 and the turn needs to go that way.

10 Q. Also on Plaintiff's C, this was labeled Rousey 7,
11 what is this photograph, ma'am?

12 A. It's the same. It's just showing my road -- my
13 driveway it had been open and accessible. And there is no
14 way to turn to go back.

15 Q. Also on Plaintiff C I'm going to show you what's
16 labeled Rousey 8, Rousey 9, Rousey 10, Rousey 11, and
17 Rousey 12. Can you tell us, please, ma'am, what these
18 pictures depict?

19 A. Mr. Grissinger, that's where -- right here it's
20 showing not open and the utility building and amongst the
21 stuff I was referring to.

22 Q. All right. So in these photographs if you can
23 describe for us what you see?

24 A. This is utility building, a trailer, a bunch of wood.
25 I'm not sure what exactly everything is, but it's a bunch

1 of stuff that he has in that area like in front of the
2 building here on this road beside me.

3 Q. Where on Plaintiff's B do these pictures depict?

4 A. If you were to come right here this would be his
5 home. There's the utility building. It's right here in
6 front of the utility building that goes straight back that
7 I was referring to you the utility building, and that's
8 the utility building.

9 Q. So on Rousey, at least on Rousey 10, this utility
10 building that we can see in the photograph that's the
11 utility building that is hand drawn in by the surveyor on
12 Plaintiff's Exhibit B?

13 A. Yes, ma'am.

14 Q. And the items that are showing that you were
15 describing: The wood, the trailer and the other items,
16 those are beside and around the utility building?

17 A. Yes, ma'am, in front of it on this side which is
18 between his home and the utility building. And there is
19 actually signs and stuff on this out building in the
20 woods. I mean you can see them, but I couldn't get the
21 picture good enough to show them.

22 Q. Right now for you to drive from US 321 up to
23 Severance Drive and back to your property in order to do
24 so you would have to drive through these items and through
25 the utility building that is shown on Plaintiff's Exhibit

1 B?

2 A. Yes, ma'am.

3 Q. Is that something that is feasible for you to do?

4 A. No, ma'am.

5 Q. I'm going to show you Rousey 13, also part of
6 Plaintiff's C. So there are two photographs on here. The
7 top photograph, does that also depict the same area we
8 were just describing?

9 A. Yes, ma'am.

10 Q. All right. So how about the photograph at the
11 bottom? What does that show?

12 A. When I was coming instead of where I took one from
13 here this is showing right here where it curves up showing
14 Highway 321 and how it's -- how you come in off the main
15 highway to get to Severance Drive.

16 Q. So this is on Plaintiff's B where?

17 A. It's right here. Where you turn in right here, and
18 I'm standing in this area right here right before the turn
19 that goes out to 321.

20 Q. And so the condition of this little hook with the
21 three lines that we can see right here it appears to be
22 gravel; is that correct?

23 A. Yes, ma'am.

24 Q. And is this good and wide and clear for a car to
25 drive in?

1 A. Yes, ma'am.

2 Q. Also on Plaintiff's C I'm going to show you what's
3 labeled Rousey 14. What does this picture depict?

4 A. This is actually showing -- if you come in this is
5 where the main road was.

6 Q. That is labeled, 'The Ms. Gandy Easement'?

7 A. And it goes along with the others where I had marked
8 red. And this way is a better view where you can see the
9 old traffic come off the dotted one that was the original
10 road and how they went to their property. This is how it
11 used to be accessed before. I mean it's still there, but
12 they've got it rerouted to go around. But this is the
13 original road and how this house was accessed originally
14 to get to that property.

15 Q. And so this picture depicts a portion of what you
16 have been describing as The Ms. Gandy original easement?

17 A. Yes, ma'am, coming down off this road.

18 Q. And what's the condition of this easement in terms of
19 a car being able to drive through it?

20 A. You can still drive through it.

21 Q. Also on Plaintiff's C, labeled Rousey 15, what does
22 this picture depict?

23 A. It's showing, again, in front of Mr. Lesondak's
24 property. This was the dotted line, the original road
25 that went. You can still see where it existed for all

1 these years and that it's still open, clear and feasible.

2 Q. And this is part of what you have been referring to
3 the Ms. Gandy exhibit -- the Ms. Gandy Easement?

4 A. Yes, ma'am.

5 Q. Also on Plaintiff's C labeled Rousey 16, what does
6 this picture depict?

7 A. It's just another view of coming in the original
8 road, and you can really see good the marks of ere of it
9 went and how they accessed their property.

10 Q. When you say, 'original road', that's the Ms. Gandy's
11 easement?

12 A. Yes, ma'am. And the dotted line that is shown.

13 Q. And Where on Plaintiff B was this picture taken?

14 A. When you turn in it's right here where the road
15 should've been there. It would have started. It's right
16 here and I'm showing how it went and how this one went out
17 this way to access his house.

18 Q. This is the Ms. Gandy's easement that runs behind
19 this house that we see on the photograph?

20 A. Yes, ma'am, I'm on the left side of this house.

21 Q. Also on Plaintiff's C labeled as Rousey 17, what do
22 these pictures depict, please, ma'am?

23 A. This is currently, as you have seen in my previous
24 pictures, that this is open and clear and when we -- when
25 I wanted the original access back due to the fact due to

1 the things that's occurring this was then placed to block
2 the original, which is the dotted line, to go. This was
3 the beginning of objects being placed to try to make it
4 where it would not look feasible at this moment.

5 Q. Where are these pictures taken in terms of
6 Plaintiff's Exhibit B?

7 A. It's going around the road it is now, and this is
8 behind -- this is the barn that's shown right here. This
9 is over here is Lesondak's, the back of his home. And
10 this is the back view from right here showing the barn and
11 the property. This is actually the turn that comes
12 around, and then I would turn to go into my property.
13 They had it blocked where I couldn't actually even turn
14 into my property. So I had to call the officers out and
15 let them see what was going on.

16 Q. You said, 'they' had it blocked? Who had it blocked?

17 A. Well, I shouldn't have said they. Mr. Lesondak,
18 that's his property.

19 Q. Okay. And so the pictures on Rousey 17, they show a
20 portion of the Ms. Gandy's easement?

21 A. Yes, ma'am.

22 Q. Okay. And it's your understanding these logs got
23 here how?

24 A. They were placed there after we began -- the things,
25 there are things we haven't got into yet, but they were

1 placed there after learning that the original road was for
2 my safety to come, and so then they began blocking them.

3 Q. When you say, 'they', who is they?

4 A. Mr. Lesondak. And, originally, they were actually
5 blocking so I couldn't get into my drive so I called to
6 call the officers out and they took pictures. They seen
7 it and they went up there, but they weren't home to speak
8 with them. And they told me that I could move them back
9 so I could access my property.

10 Q. Also on Plaintiff's C that is labeled Rousey 18, the
11 photograph at the top of the page, does that show the same
12 area and the same log that you've been describing?

13 A. Yes, ma'am.

14 Q. How about Plaintiff's, also on the same page, the
15 bottom. What does that depict?

16 A. This is if you came down the original dotted line.

17 Q. Ms. Gandy Easement?

18 A. Yes, ma'am. You're standing now. This is the gravel
19 right here, but I have to go around as I was saying, to go
20 in between the two properties. This is where I have to go
21 in between and curve to go down to my property.

22 Q. All right. So show us on Plaintiff's B where this
23 bottom photographs is, please.

24 A. It's -- this is where Mr. Grissinger's is. So this
25 is the road, and where it curves to go in between their

1 two properties. And it comes -- I'm standing at the top
2 of where my driveway needs to go down to my property.

3 Q. I'm going to show you also part of Plaintiff's C,
4 Rousey 19. Is this the same area of the log that you've
5 been describing?

6 A. Yes, ma'am.

7 Q. And then also on Plaintiff's C, Rousey 20, is that
8 also the area you've been describing with the log blocking
9 your access?

10 A. Yes, ma'am.

11 Q. Also on Plaintiff C, what's labeled Rousey 21, these
12 also depict the same area?

13 A. Yes, ma'am. This is how I'm having to curve to go
14 in, but originally you could see where the original -- the
15 dotted line road, it came down. This is where it met to
16 go back.

17 Q. Also on Plaintiff's C I'm going to show you labeled
18 Rousey 22 and 23. What are these photographs and what do
19 they depict?

20 A. This is another one showing the original road, the
21 dotted line.

22 Q. The Gandy Easement?

23 A. Yes, ma'am. It's showing where it comes in and comes
24 in to go to my garage. And this is the way it currently
25 is. This is how I have to go around and come in and then

1 that's where it curves and goes down. And this one Mr.
2 Lesondak had came down to the property, on my property,
3 and -- to confront my mother and I. He told me that there
4 was a pipe there, but this pipe is made of nothing but
5 plastic and it's just -- they have it there to -- it would
6 drain water from their property across to go down
7 basically on my drive which is here because the pipe runs
8 from right here to right here. But like I said it's just
9 a piece of plastic that's really just for water to runoff.
10 It's not anything that can be moved.

11 Q. I'm going to show you Plaintiff's Exhibit C, labeled
12 Rousey 24. What does that photograph depict, ma'am?

13 A. This is from closer down towards almost the end of my
14 property showing how it is open and it goes up to the top
15 of here where would meet Mr. Grissinger's house. Mr.
16 Grissinger's house is here, and around the curve is
17 Mr. Lesondak's.

18 Q. Is this showing the easement you are currently using
19 or the Ms. Gandy's easement?

20 A. Well, the way both of the easements actually are the
21 original one came down and it met where I was describing
22 earlier at the highway. Instead of turning to curve this
23 way the original easement came down and went this way, but
24 either way in this easement or the original access, it
25 still meets to come down to my drive. This is still the

1 drive they always and has been existed to go to the
2 property.

3 Q. Showing you also Plaintiff's Exhibit C. These pages
4 are labeled as 25, 26, 27, and 28. What do these
5 photographs all depict, ma'am?

6 A. It's just another view showing. I took them from my
7 property all the way up my drive to show that it is clear,
8 and to get out. And this is the way that I am having to
9 currently go where this curve is to go out. And again
10 this is the same one. This is Mr. Grissinger's house, and
11 this is the backyard of Mr. Lesondak's just shows the
12 drive from my home to where it meets up here is open and
13 accessible.

14 Q. So this depicts the easement that you've been labeled
15 on Plaintiff's Exhibit B is drawn as Dash Line E?

16 A. The dash line, yes, ma'am. That's why I said --
17 well, the way it is now they still met at this point to me
18 to come down this way. It used to be where the dotted
19 line that came down on this side to Mr. Lesondak's and it
20 comes this way. But the way it currently is the gravel
21 road on the other side you could see a small portion of
22 it. I'm having to go in between Mr. Lesondak's and
23 directly in front of Mr. Grissinger and come up and then
24 turn to the drive. That's the only drive in there to go
25 to the property.

1 Q. I'm going to show you Plaintiff's Exhibit C, labeled
2 Rousey 29, 30, and 31. What do these pictures depict, Ms.
3 Piper?

4 A. This is the original easement as the dotted line is
5 showing. Again, the logs were the first being placed on
6 Mr. Lesondak's property to begin to try to obstruct it and
7 say it's not feasible. He then placed a small fire pit in
8 between to block the access, and that's the closer I
9 zoomed in with my camera to get a more close view.

10 And, again, that's the same. It's just showing where
11 the road originally was that came down. It's the same
12 space that always has been, but logs were placed and then
13 after that the fire pit was placed.

14 Q. Where on Plaintiff B were these photographs taken?

15 A. This is right here. This is Mr. Lesondak's house,
16 and the barn and the fire pit has now been placed in front
17 of the barn in this area and the logs are down to where it
18 would meet from when I come around this way so that it
19 would make the original access not accessible.

20 Q. And that's the condition of the property today?

21 A. Yes, ma'am, the logs and the fire pit.

22 Q. And it's your belief that Mr. Lesondak placed those
23 there?

24 A. Yes, ma'am. It's on his property.

25 Q. Turn your attention to your last three photographs.

1 Now, these are taken from a different angle. Where were
2 these taken?

3 A. These are actually on my property that borders Mr.
4 Grissinger from behind. This is my property right here.
5 This is his backyard. It's showing where the building is
6 amongst the other stuff all around it as well as in the
7 front and this is the back of Mr. Grissinger's.

8 This, I'm trying to get -- I couldn't get all of the
9 signs over here on the opposite side of the building.
10 This side of the utility building as well, and this is,
11 cause I have been doing work trying to clean, so where the
12 property lines were marked and surveyed I took my ring and
13 put it in those trees to make sure I didn't cross
14 anybody's property and showing where my property actually
15 is and where his begins.

16 Q. So when you took these photographs, looking at
17 Plaintiff's Exhibit B, sounds like you were standing up
18 here behind this utility building?

19 A. Yes, ma'am. I am in this area behind his home and
20 behind this building.

21 Q. And this building we can see in these photographs, is
22 this the actual utility building that's called out on
23 Plaintiff Exhibit B?

24 A. Yes, ma'am.

25 Q. So In order for you to access your property coming

1 through here these pictures depict what you would have to
2 drive through in order to get back to your property from
3 this top route; is that correct?

4 A. Yes, ma'am.

5 Q. And, Ms. Piper, you testified a little bit earlier
6 that you are familiar with the history of your property in
7 terms of prior owners and recorded deeds and plats in the
8 chain and in public record?

9 A. Yes, ma'am.

10 Q. I'm going to show you what's ---

11 MR. FOSTER: Since we're viewing filed documents I
12 don't think we need Ms. Piper's testimony about her
13 understanding. We've accepted those. They may be put
14 into evidence.

15 BY MS. CROWSON:

16 Q. I wanted to get you on a number of these exhibits,
17 Ms. Piper, and I'm holding currently what's been premarked
18 as Plaintiff's Exhibit D through Plaintiff Exhibit M. I'm
19 going to show you these. There are a number of markings
20 on these. If you could, for Court's edification and for
21 ours, as we walk through these and point out specific
22 areas.

23 If you can tell on this map, which is labeled
24 Plaintiff's Exhibit B, where these are. If you would,
25 please, point those out for the Court. Looking at

1 Plaintiff's Exhibit D, this is a recorded plat in your
2 chain of title that you've seen before?

3 A. Yes, ma'am.

4 Q. Okay. And you see on here those words that say,
5 'common roadway'?

6 A. Yes, ma'am.

7 Q. Can I get you to highlight this, please, ma'am.

8 A. (Witness marks on exhibit).

9 Q. And where on Plaintiff's B is this area marked old
10 common roadway that you just marked?

11 A. This is 321. And this is where it comes in this way
12 and this way and it would go pass the Lesondak home and it
13 goes back.

14 Q. And so on this recorded plat, which is Plaintiff's
15 Exhibit D, this area that you just highlighted labeled
16 Common Roadway is the Ms. Gandy Easement?

17 A. Yes, ma'am.

18 Q. Turning to Plaintiff's Exhibit E, this is another
19 recorded plat in your chain of title that you're familiar
20 with?

21 A. Es, ma'am.

22 Q. And do you see on Plaintiff's Exhibit E, does that
23 also call out a common roadway?

24 A. Yes, ma'am.

25 Q. If I can get you to highlight that, please, ma'am.

1 And that common roadway connects also to Highway 321 which
2 is shown on Plaintiff's Exhibit B?

3 A. Yes, ma'am.

4 Q. Are you able to tell, and it's okay if you're not,
5 where this common roadway is on Plaintiff's Exhibit B?

6 A. No, ma'am. Not by the way this is set up.

7 Q. I'm going to show you what's been premarked as
8 Plaintiff's Exhibit F. This is another plat in your chain
9 of title that you've seen and are familiar with?

10 A. Yes, ma'am.

11 Q. Do you see on Plaintiff's Exhibit F where it calls
12 out a common roadway?

13 A. Yes, ma'am.

14 Q. I need you to highlight that, please, ma'am? And are
15 you able to tell on here where that common roadway that
16 connects to the Lucille Severance parcel is?

17 A. No, ma'am. I don't see the 321 on here.

18 Q. I'm going to show you what's pre marked as
19 Plaintiff's Exhibit G. This is a recorded survey which
20 actually looks very, very similar to Plaintiff's Exhibit
21 B, correct?

22 A. Yes, ma'am.

23 Q. Now, the difference between Plaintiff's Exhibit B and
24 Plaintiff's Exhibit G, which I believe you pointed out to
25 me earlier, is that there a house drawn on Plaintiff's G,

1 correct?

2 A. Yes, ma'am.

3 Q. And Do you know whose house that was?

4 A. That was the house that was on my property that I
5 referred to that I had demolished. My intentions were to
6 rebuild there.

7 Q. Was that Ms. Gandy's house?

8 A. Yes, ma'am.

9 Q. Could I get you to highlight that house. Then on
10 Plaintiff's G, on this recorded survey, do you see any
11 recorded easements or means of access to your property?

12 A. There is one over here where there it says a gravel
13 driveway.

14 Q. Highlight that if you would, please, ma'am. Then the
15 dash line with the 'E' is the easement that you've been
16 using?

17 A. Yes, ma'am.

18 Q. Showing you what is premarked as Plaintiff's Exhibit
19 F. This is another recorded survey in your chain of title
20 that you have seen and are familiar with?

21 A. Yes, ma'am.

22 Q. Now, Plaintiff's H depicts a little bit different
23 area is -- than Exhibit B does; is that right?

24 A. Yes, ma'am.

25 Q. I'm going to get you to highlight on Plaintiff's H

1 the easements and means of access to your property that
2 are shown.

3 A. This one is off of 321, and this one showing actually
4 where this is. This drive right here is a road where I
5 have it dotted showing the original road.

6 Q. Ms. Gandy's property.

7 A. And then this is where the circle is coming up this
8 way. This is showing the original access to the Gandy
9 property.

10 Q. And this plat was prepared for E.P. Severance and is
11 dated June 27 of 1988; is this correct?

12 A. Yes, ma'am.

13 Q. Okay. And Just to make sure that I'm clear what you
14 just highlighted here on this recorded survey from 1988,
15 this is the Ms. Gandy Easement that we've been discussing
16 this morning, correct?

17 A. Yes, ma'am.

18 Q. Now, there is a second page to this recorded plat
19 that also appears to show some hash lines for an easement
20 labeled Dirt Drive. Can you tell us what that is, please,
21 ma'am?

22 A. The dirt drive is, again, the easement to the Gandy
23 property. The barn is -- the barn that's over here that
24 is shown and then that's how it comes back and goes to the
25 property.

1 Q. And is this the easement you're using today or is
2 this the Ms. Gandy's easement that's shown?

3 A. The one shown is the Ms. Gandy's easement. I've
4 having to use this easement.

5 Q. Okay. Thank you. If you would highlight the Ms.
6 Gandy Easement, please, ma'am. I'm showing you what's
7 been premarked as Plaintiff's Exhibit I. This is another
8 survey from your chain of title that you are familiar
9 with?

10 A. Yes, ma'am.

11 Q. And on this Plaintiff's I you can see US Highway 321
12 down the right side of the page, correct?

13 A. Yes, ma'am.

14 Q. Does this also depict the means of access to your
15 property?

16 A. Yes, ma'am. This was the original access to the
17 Gandy property. This shows Mr. Lesondak's home here, and
18 then this is where Mr. Grissinger's is. And this is how I
19 was trying to explain how the original road to Ms.
20 Gandy went and then it curved and to the driveway and
21 showed in the pictures it goes back.

22 Q. And this is a survey prepared by Hipp, H.I.P.P, Land
23 Surveying recorded in 1998; is that correct, Ms. Piper?

24 A. Yes, ma'am.

25 Q. Now, there is also a number of deeds in the chain of

1 title related to your property, correct?

2 A. Yes, ma'am.

3 Q. And you've seen these deeds and are familiar with
4 these?

5 A. Yes, ma'am.

6 Q. I'm going to show you Plaintiff's Exhibit J. This is
7 a deed from Andrew J. Taylor to T.C. Taylor, correct?

8 A. Yes, ma'am.

9 Q. And this is from 1951?

10 A. Yes, ma'am.

11 Q.. And this is actually a prior deed in your chain
12 transferring your property when it went from Andrew J.
13 Taylor to T.C. Taylor, correct?

14 A. Yes, ma'am.

15 Q. And are you aware or do you know if there were any
16 easements transferred or references to easements to this
17 document?

18 A. The only one that I know of is where it has in here
19 the common roadway. In the one that was common is the
20 original access.

21 Q. That Ms. Gandy used?

22 A. That Ms. Gandy used.

23 Q. I'm going to get you to highlight where it says, 'and
24 a common roadway'. And the next deed is premarked
25 Plaintiff's Exhibit K. This is a deed from an A.J. Taylor

1 to Lucille T. Severance; is that correct?

2 A. Yes, ma'am.

3 Q. And this deed transferred your property to Lucille T.
4 Severance, and this is dated 1951 as well, correct?

5 A. Yes, ma'am.

6 Q. And do you know when this deed was executed any
7 easements to your property past or references in this
8 deed?

9 A. It's the same common roadway.

10 Q. And do you know where that common roadway was?

11 A. The original Gandy one to the property.

12 Q. Okay. Do you know if Lucille T. Severance has a
13 grandson?

14 A. Mr. William Severance.

15 Q. Who's here in the courtroom today?

16 A. Yes, ma'am.

17 Q. Do you know if her grandson, William Severance, ever
18 lived on the property?

19 A. I think as a child.

20 Q. Turn your attention to what's been premarked as
21 Plaintiff's Exhibit L. This is also a deed in your chain
22 of title that you've seen and are familiar with?

23 A. Yes, ma'am.

24 Q. And this is a deed of distribution of Edwinston Paul
25 Severance who was deceased at the time?

1 A. Yes, ma'am.

2 Q. And when this deed transferred property do you know
3 of any easements or access to your property were
4 accompanied with this deed?

5 A. The property with the common roadway.

6 Q. And do you know what common roadway that was
7 referring to?

8 A. The original access that's goes back to the Gandy
9 property.

10 Q. And I'm going to show you what's been premarked as
11 Plaintiff's Exhibit M. This is a deed in your chain of
12 title that you've seen and are familiar with?

13 A. Yes, ma'am.

14 Q. This is a deed from A.J. Taylor to Ms. Zelma Taylor
15 Miller, and this deed is from 1952, correct?

16 A. Yes, ma'am.

17 Q. And do you know when this deed transferred property
18 if it referenced any easements or access to your property?

19 A. Just the common.

20 Q. This one is called a common driveway, correct?

21 A. Yes, ma'am.

22 Q. Do you know what common driveway this deed is
23 referring to?

24 A. The original access that went back.

25 Q. How is it, Ms. Piper, that you know that the

1 reference to common road, common driveway, common roadway
2 in all these deeds in your chain how is it that you know
3 these are talking about Ms. Gandy's easement?

4 A. It goes back as far as I can remember. That was the
5 only roadway that went back to the property, and like I
6 said I lived there my whole life and I've played on this
7 road pretty much every day as a child.

8 And that was the way it went back to the property,
9 and it was the original way that went to Mr. Grissinger's
10 because I went there to play as well. And Mr. Lesondak
11 had little kids up there I played with.

12 Q. Ma'am, I'm going to show you what's been premarked as
13 Plaintiff's Exhibit R. This is a collected exhibit which
14 contains two aerial views of the property. Are these two
15 documents you've seen before? Notice their stapled
16 together?

17 A. Yes, ma'am.

18 Q. These appear to be aerial views of the property; is
19 that correct?

20 A. Yes, ma'am.

21 Q. Okay. So looking at the first page of Plaintiff's
22 Exhibit R. I see something called Columbia Road on here.

23 A. That's 321.

24 Q. All right. And what do you see on here, Plaintiff's
25 R?

1 A. Here is Severance Drive. Right here is the original
2 easement that goes back to the Gandy property. You can
3 see where it went and came back and then met to go down.
4 This is Mr. Grissinger's home. This is Mr. Lesondak's,
5 and it is to the left of this property.

6 Q. So the property that is outlined and highlighted in
7 blue that's Mr. Grissinger's property?

8 A. I'm pretty sure. Wait a minute. Yeah, yes, ma'am,
9 it is.

10 Q. Okay. And are any of the easements we've been
11 discussing today shown in such a way that we can see them
12 on Plaintiff's Exhibit R?

13 A. Yes ma'am, the original access easement. You can --
14 it's very clear on the aerial view.

15 Q. How about highlight for us if you would where the Ms.
16 Gandy Easement that you've been describing is shown on
17 Plaintiff's R.

18 A. (Witness marks on exhibit).

19 Q. If I could get you to write on Plaintiff's R, maybe
20 draw a line, and write 'Ms. Gandy's easement'?

21 A. (Witness marks on exhibit).

22 Q. And there is a second page of Plaintiff's Exhibit R.
23 If you could describe for us what the second page shows?

24 A. It's showing Severance Drive, that it's a local road
25 and it's coming off of Highway 321 that is a straight

1 road.

2 Q. And this is from South Carolina D.O.T? It's from
3 their street finder website; is that correct?

4 A. Yes, ma'am.

5 Q. I'm showing you, I believe, one final Exhibit. This
6 has been premarked as Plaintiff Exhibit S. This is a
7 document you've seen before and are familiar with?

8 A. Yes, ma'am.

9 Q. This appears to be a residential title insurance
10 policy, correct?

11 A. Yes, ma'am.

12 Q. And, specifically, it says it's for a parcel of
13 property owned by a Mr. Lesondak?

14 A. Yes, ma'am.

15 Q. Now, this title insurance policy, this is not a
16 policy that you took out or obtained for your property,
17 correct?

18 A. Correct.

19 Q. Okay. I see on here it says that exceptions to his
20 title insurance coverage includes Number 11, rights of
21 others and to Severance Drive, which is a County dirt
22 drive as shown on a survey by a Mr. Hipp?

23 A. Yes, ma'am.

24 Q. Then there is a survey attached to this title
25 insurance policy which has a survey attached to it. Do

1 you see that on there?

2 A. Yes, ma'am.

3 Q. And this is actually the same view that we have in
4 one of the other recorded plats in your chain of title
5 that we have already discussed this morning, isn't it?

6 A. Yes, ma'am.

7 Q. Okay. And you see a number of easements and access
8 to your property on this exhibit?

9 A. Yes, ma'am.

10 Q. Can you highlight for us, please, ma'am, the access
11 to your property as shown on Plaintiff's?

12 A. (Witness marks on exhibit).

13 Q. Show any you see to your property, please, ma'am.

14 A. This is the original one that went back, and then
15 this is showing the one that's coming around now. And
16 then the easement and the same cross between two
17 properties, but originally this one here is how it's going
18 here and met again and went back to my property.

19 Q. So this survey that's attached to this title
20 insurance policy that has Mr. Lesondak's name on it for
21 his property; this survey actually shows two easements and
22 two routes of access to your property; is that correct?

23 A. Yes, ma'am.

24 Q. It shows both the original Ms. Gandy's easement; is
25 that correct?

1 A. Yes, ma'am.

2 Q. And it also shows the easement that you are using
3 today to access your property?

4 A. Yes, ma'am.

5 Q. And that's the easement that is shown on Plaintiff's
6 B which comes off of Highway 321 goes up to Severance
7 Drive and down this dashed line with an E; is that
8 correct?

9 A. Yes, ma'am.

10 Q. So this plat attached to Mr. Lesondak's title
11 insurance policy shows two of the easements, both of the
12 easements, you've been discussing this morning, correct?

13 A. Yes, ma'am.

14 Q. So let me get you on Plaintiff's Exhibit S where
15 you've highlighted. If you would please write, 'Ms. Gandy
16 Easement', and then why don't we write 'current easement'
17 so we can call out both.

18 A. (Witness marks on exhibit).

19 Q. You can have a seat if you would, please, ma'am. All
20 right, Ms. Piper, I'm going to show you three more
21 exhibits.

22 MR. FOSTER: Ma'am, I don't mean to be ill mannered.
23 I believe counsel is about to go into documents which we
24 have agreed to which I believe come from government
25 agencies. I don't believe that the witness' knowledge of

1 those government agencies is any different than any other
2 lay person, so I would simply say we have already agreed.

3 MS. CROWSON: Fair enough.

4 THE COURT: Okay.

5 BY MS. CROWSON:

6 Q. Ms. Piper, as we were going through all of the
7 easements and documents in your chain I don't recall
8 seeing any document, any plat, any deed that showed an
9 easement or access from what is currently your parent's
10 property up to your property. Did you see anything like
11 that in documents we went through this morning?

12 A. No, ma'am.

13 Q. And you testified earlier that you're not aware of
14 any means of access from your parent's property up to your
15 property, correct?

16 A. Correct. Yes, ma'am.

17 Q. And explain for the Court why you cannot access your
18 property from your parent's property?

19 A. It's a great deal of woods between and there's lot of
20 hills and gullies and like creeks that built up. It's
21 just not feasible to try to get in from that way.

22 Q. You grew up on your parent's property?

23 A. Yes, ma'am.

24 Q. Your whole life?

25 A. Yes, ma'am.

1 Q. And you said you're 36 today?

2 A. Yes, ma'am.

3 Q. And in your 36 years and your lifelong knowledge of
4 your parent's property and your property, are you aware of
5 anyone ever forging that access or easement for accessing
6 your current property through your parent's property?

7 A. No, ma'am.

8 Q. I don't believe I have any other questions for you,
9 Ms. Piper. What else would you like for the Court to
10 hear? What else do you think is important in the context
11 of us being here this morning?

12 A. Throughout all of this since it began when I got
13 married we gained custody of our stepdaughter, and I live
14 in a mobile home. So it's not a lot of room. And at this
15 point one of my children actually is having to stay at my
16 mom's because we were going to build a house.

17 August will be two years. I haven't been able to get
18 in and out. I can't get a logging truck in there to do
19 anything. There was a few trees that I wanted to
20 maneuver, but it's really impossible for me to even get my
21 own car in there. Every time I have been over there to
22 try to get in over there my car is blocked or Mr.
23 Grissinger is blocking me from getting out of my property.

24 He's come and gotten me and my children, my 10 year
25 old and my 14 year old at the time, face yelling and being

1 very belligerent and threatening and even have my kids
2 crying telling them that they are going to jail. It's
3 been a nightmare.

4 It's gotten me so far in debt and the stress. I've
5 had three strokes and three heart attacks since this has
6 happened, and I'm only 36 years old. And I mean I'm
7 always polite and kind. And I've had to call the law out
8 so many times. And I just don't understand why I would be
9 treated that way or much less my children.

10 And it's so hard trying to keep my family together.
11 And I have to go through this and sending my child to my
12 parents to sleep it's just -- it's been a nightmare, and I
13 want my family back together. Like I said I've got me so
14 far in debt just trying to get to what's legally mine, and
15 I've never bothered anybody.

16 I just -- Mr. Grissinger comes out and just screams
17 and cusses and gets this close to my face, and even my
18 children, my 10 year old son, he's a baby. It's just been
19 a nightmare and I just -- and that's why I'm really
20 needing and wanting the original access by Mr. Lesondak's
21 property because that would eliminate me having to go in
22 front of Mr. Grissinger or anything to do with him all
23 together.

24 And then me and my kids would feel safe and don't
25 have to worry about what he's going to do to me or my

1 kids. And I can just build a home and go home and leave
2 and sleep. And that is the main reason that I was asking
3 for my right of back because every time I try to go over
4 there and do any yard work or do anything he's blocking me
5 in and coming out and jumping in my face and screaming and
6 cussing and making threats. A lot of times I can be so
7 close I can just smell alcohol on him.

8 And I don't know what to do, and I don't feel safe
9 going in front of his house. He really scares me and my
10 kids, my babies. I just want to go to my property and
11 build a home so that we can live and have a family and
12 have peace. And it's just the debt that I'm in now and
13 all of this, it's taking a toll on my health. And so
14 that's why I was trying to get this done so that I can
15 just go to my property and feel safe without all of this.

16 Pretty much, I've had the law out there numerous
17 times. It's just -- it's been a nightmare for almost two
18 years, and that's pretty much what I have been dealing
19 with and going through. And the stress and the tears,
20 it's just been a nightmare.

21 Q. Ms. Piper, have you continued using the access that
22 you've been using to get to your property? You have to go
23 through Mr. Grissinger's property, correct?

24 A. I have to go straight in front of his home to even to
25 get to mine, and he's blocked me so many times. And he's

1 even blocked me when I've been in my property and he
2 wasn't even there. He come home and took his Hummer and
3 deliberately pulled it up to my actual drive -- the actual
4 drive where I come around and go into my drive. And he's
5 blocked me in, and I've had to -- I've asked him nicely to
6 move, and he just cusses me out and told me to call the
7 law out there just so I could get out. And him have to be
8 forced to move to let me out of my own property.

9 And it would be just so much more peace and less
10 threats and less feeling scared if I could just have the
11 original access that was there. It's been there my whole
12 life to go through, to feel safe.

13 Q. And if the Court grants you the original Ms. Gandy
14 Easement you don't have to cross Mr. Grissinger's property
15 at all?

16 A. No, ma'am. I don't have to go in front of his home.
17 I don't have to go near him. I will just go down and go
18 straight back.

19 Q. In terms of accessing your property from this top
20 method that goes between Mr. Hardee and Mr. Grissinger's
21 property if it is determined this is the way to access you
22 property you still have to cross Mr. Grissinger's
23 property; is that correct?

24 A. If I can go the way it is now, yes, ma'am.

25 Q. Or up top?

1 A. Yes, ma'am. That would be directly beside him.

2 Q. And it sounds like you're telling the Court you're
3 concerned for your safety and your family's safety if you
4 would have to continue crossing Mr. Grissinger's property?

5 A. Very much so.

6 MS. CROWSON: I don't have any further questions for
7 the witness, Your Honor.

8 MR. FOSTER: Your Honor, I have 12:00. What does the
9 Court wish to do. I expect to be relatively lengthy. We
10 can go on an hour. Do you wish to take a break? What do
11 you wish to do?

12 THE COURT: Do you think it will take over an hour?

13 MR. FOSTER: No, sir.

14 THE COURT: Let's go ahead.

15 CROSS-EXAMINATION

16 BY MR. FOSTER:

17 Q. Ms. Piper, first there's a problem I have when I talk
18 to the witnesses. I'm either going to be talking too loud
19 or too soft. So if you can't hear me I need you to tell
20 me that, okay?

21 A. Yes, sir.

22 Q. okay. Ma'am, I understand you said -- do I
23 understand you lived in this neighborhood your entire
24 life?

25 A. Yes, sir, pretty much.

1 Q. Did you live on the property that now belongs to your
2 parents next door; the one we're talking about?

3 A. Yes, sir, as a child.

4 Q. And for how -- since you were a child? Did I
5 understand you correctly, ma'am?

6 A. Yes, sir. I lived there since I grew up.

7 Q. Okay. And you knew the Gandys that used to live on
8 the property that we're talking about that you now own?

9 A. Yes, sir.

10 Q. And you knew the access that they had there?

11 A. Yes, sir.

12 Q. As a child?

13 A. Yes, sir.

14 Q. When did the Gandys move away?

15 A. I can't give you a specific time.

16 Q. Let me suggest to you, ma'am, it was about '98 or
17 '99. Would that be about right?

18 A. I'm not sure the exact year.

19 Q. Can you disagree with it, ma'am?

20 A. I can't disagree with it or confirm it.

21 Q. By the time you owned the property, ma'am, the house
22 that they owned that was on there was a complete loss, was
23 it not?

24 A. No sir, the house was still there. I took it down.

25 Q. It was still there because it wasn't worth keeping

1 up?

2 A. Well, I could have remodeled it and fixed a lot of it
3 in there. Yes sir.

4 Q. But you made the economic decision to just tear it
5 down?

6 A. Yes sir, because I have three children.

7 Q. So you lived there at that period. They left. Was
8 anyone accessing the property during that period after
9 they left?

10 A. They would come in and out and check on the property.

11 Q. They? Who is they?

12 A. Well, Ms. Gandy.

13 Q. You saw this?

14 A. As a child.

15 Q. As a child. So after '98, '99 you saw them using the
16 easement you're claiming across both these folk's
17 property, Grissinger and Lesondak, to get on there?

18 A. The one that has always been there not one that's now
19 there that crosses their property.

20 Q. That's not what I'm asking, ma'am. That's not my
21 question, ma'am. I'm asking -- you're testifying under
22 oath, after they moved away, the house was effectively
23 allowed to go to ruin? You saw them going in there?

24 A. As a young person. Not recently. No.

25 Q. That's right. Okay. Ma'am, when did this part of

1 the road across Mr. Lesondak's get closed or changed to
2 the configuration it is now?

3 A. I don't know the exact year, but it was several years
4 ago when the Austins owned it.

5 Q. Would it be approximately 2002 or 2003?

6 A. I'm not sure if it was or not.

7 Q. Let's assume that to be the case, ma'am. So, first
8 of all here's what we're dealing with. You've got this
9 property knowing that the way you're claiming today hasn't
10 effectively been used as of that point since '98, '99 from
11 the time your father and you got it? More than 10 years.

12 A. No, sir. What I can testify to is from the time that
13 my parents got it and then they bought it for me for my
14 wedding present I can testify then that it wasn't being
15 used in that direction because the Austins had remodeled
16 their home. But the road is still feasible and it's still
17 accessible in there.

18 Q. Feasible is one question that you're here in front of
19 the Court to say that you have a legal right to use it.
20 You understand that, ma'am?

21 A. I'm sorry.

22 Q. Ma'am, is it a fact that the road as it used to
23 exist, the uncharted road -- they say it's not ready to
24 be, the road in fact goes next to an extension to the
25 Lesondak's house that Mr. Austin put on there, isn't that

1 right?

2 A. Yes, sir, it's still in the same place.

3 Q. It goes about two or three feet near it??

4 A. I'm not sure exactly how close to it it is.

5 Q. And, ma'am, is it a fact or assumption if I want to
6 stretch that if that road was used you would be going
7 down to roughly where Mr. Grissinger's property is and
8 making a hard right turn, a 90 degree turn, to go back on
9 your property?

10 A. If I were to use the original?

11 Q. Yeah, if you're using the one that is there now,
12 ma'am. If you reopen this map, this easement, and went on
13 to Mr. Grissinger's property to turn to where you now have
14 the property cleared you would have to make a hard right
15 turn?

16 A. No, sir.

17 Q. You would not?

18 A. If we reopen the one that went to Ms. Gandy, the way
19 it comes down the left of Mr. Lesondak's home, it goes
20 down and you would have to make a left turn which is not a
21 sharp turn. It is just a left turn that goes to my
22 property that's remained open to drive through.

23 Q. So what you're asking for, ma'am, is not what's there
24 on the property but what you would prefer to get?

25 A. What I'm asking for is what originally was there

1 because it -- for my safety and for my children's safety,
2 and that is the more -- that is the easiest way to go
3 if -- as far as you're, when you're talking about a
4 complete almost 90 to the right. The way it is now, having
5 to go through -- the front of Mr. Grissinger's, I have to
6 go around and that's when I have to make a sharp right ---

7 Q. Which you have been doing?

8 A. -- to back up and then pull up to get in there.

9 Q. Ma'am, did I understand your testimony to be that,
10 quote, always, quote open and clear?

11 A. Yes, sir. Until they swapped it around.

12 Q. Isn't it a fact, ma'am, that when you started
13 accessing this property, this road, by calling the police
14 and going there you and your family not only laid down sod
15 and grass to make one place you also cut out the trees so
16 that you can get through, isn't that right?

17 A. That's very untrue.

18 Q. No, not at all.

19 A. Yes, sir.

20 Q. So it was completely clear?

21 A. That -- the way that my pictures show you can still
22 see the roots and things that are across there. None of
23 that has ever been moved. None of that has ever been
24 cleared or cut. Now, I did at the very top where I have
25 to go in and before I'd ever done anything because of the

- 1 situation the threats and things I'd call the law out.
2 And at the top of were whether it be either way that's
3 where it meets to go to my drive I had to put a little bit
4 of the dirt there, but it was already there.
5 Q. You laid down the dirt ---
6 A. So my car wouldn't bounce.
7 Q. I'm not interrupting you, ma'am. You laid down the
8 dirt and you cut the vegetation?
9 A. No, sir, I didn't cut anything.
10 Q. You didn't cut any vegetation?
11 A. No, sir.
12 Q. So, it's always been clear?
13 A. Yes, sir.
14 Q. There's never been any cutting of any vegetation to
15 make this thing better?
16 A. I'm not fully understanding. Are you referring to
17 grass and things like that?
18 Q. I'm referring to trees and the brush that grew up out
19 there after '98 and '99?
20 A. The road was open and clear when I began using it.
21 Q. So you never had to cut any brush, and you never had
22 to cut any trees?
23 A. No, sir. I did not take any chain saws and cut any
24 trees. I've never used a lawnmower to cut any grass.
25 Q. That is your testimony, ma'am. So be it.

1 A. As I said I built up a little bit of the dirt, but I
2 also have the pictures showing what I did.

3 Q. Showing the trees that were cut?

4 A. No, sir. I didn't do anything with the trees. As
5 far as dirt to make it where I can get in and not bottom
6 my car out.

7 Q. Ma'am, there is a plot here on Severance Drive that
8 your attorney referred to that's shown in 1951,
9 Plaintiff's Exhibit V I believe.

10 MR. FOSTER: I believe I can state for the Court's
11 information this is the same plat that's stated another on
12 Mr. Grissinger's deed, J44.

13 BY MR. FOSTER:

14 Q. It shows in effect, if I am stating correctly, the
15 drive or a roadway running from 321 back to your property
16 along Lesondak and Hardee and then Grissinger and Hardee?

17 A. I can't tell by this map. Obviously, I can see 321.

18 Q. Well, I presume you are tell by this one, ma'am?

19 A. Yes, on that one I explained.

20 Q. So, it's there?

21 A. Yes, sir.

22 Q. Did I understand you to say that the only reason you
23 cannot use that right of way because of the utility
24 building?

25 A. No, sir, it's completely blocked.

1 Q. It's grown up?

2 A. I don't know that it's ---

3 Q. It's completely grown up.

4 A. To my knowledge I don't ever remember that being an
5 access, but there is the utility building there and he has
6 all his other stuff there, and it's not feasible.

7 Q. What prevents you from cutting that timber?

8 A. What prevents me?

9 Q. What prevents you from cutting that timber and using
10 it as a right of way?

11 A. Well, the right of way, I can't get there because of
12 all the stuff. And as I said this has been going on for
13 two years, and not only that the fear and the threats by
14 him that's putting me directly, literally right ---

15 Q. Yes, ma'am.

16 A. Right ten feet from his home.

17 Q. Since neither I nor the Court can remove your
18 neighbors from you?

19 A. I'm not ---

20 Q. And I assume that the Court is here to be sure that
21 everyone behaves with peace.

22 A. Yes, sir.

23 Q. You're telling me that you can't use it because there
24 are trees there.

25 A. No, sir. The trees -- if the driveway, the way it

1 goes, I'm not sure if you can -- if you seen my pictures
2 then you would understand the layout.

3 Q. The trees have grown up along the right of way?

4 A. Where are you referring to trees?

5 Q. Where I'm pointing.

6 A. That's the drive that currently Mr. Lesondak are
7 using.

8 Q. Ma'am, I am pointing to the 1951 indication?

9 A. No, sir.

10 Q. Ma'am, that's not a question.

11 A. Okay.

12 Q. Ma'am, I am pointing at the 1951 area that is marked
13 as the access to your property. Is there any reason other
14 than the fact that you do not wish to cut the trees that
15 you can't use that area?

16 A. I do not fully -- I'm not really understand. When
17 you're pointing at the road that is now and the trees that
18 is clear and open that's where all of us are using.

19 Q. I'm asking you, ma'am, what's preventing you from
20 opening what's on the map to let you get back there?

21 A. Okay. Where exactly are you pointing at because ---

22 Q. The area here, ma'am, between my clients and Mr.
23 Hardee that leads back to your property. What prevents
24 your use?

25 A. Well, nothing except that road doesn't have trees on

1 it to clear.

2 Q. But you would have to clear them; is that correct?

3 A. There are no trees there to clear. It's an open
4 drive that everyone is using.

5 Q. The one that you wish to use, yes, ma'am. I allow
6 the fact that you may use this part to get onto it, but
7 once you're onto it what prevents you from going back
8 there owning the fact you don't want to clear the trees?

9 A. I'm not -- nothing is preventing me. The thing is
10 none of that has trees on it. It's a drive that Mr.
11 Lesondak, and Mr. Grissinger and I use.

12 Q. So it is easier for you to claim a right of way that
13 exists because you say it does even though people fail to
14 use it from '98 until your parents and you decided to use
15 it again?

16 A. No, sir, I'm not saying that because ---

17 MS. CROWSON: Your Honor, I would object to the
18 question. The witness is trying to answer. It has been
19 asked and asked repeatedly, and he's physically restating
20 the facts that he is trying to get the witness to agree to
21 and she has not yet agreed to.

22 MR. FOSTER: This is cross examination of what I hear
23 is a great deal of altercation, but the Court is running
24 this place.

25 THE COURT: I will overrule the objection at this

1 time. But let's don't be arguing back and forth.
2 Obviously, from what I've already seen here, the tree
3 problem and the outbuilding that in that dedicated,
4 possibly dedicated right of way, is right up on the corner
5 of her property.

6 MR. FOSTER: Yes, sir.

7 THE COURT: I was getting confused when you were
8 saying trees and all there in the part that all of them
9 have been using.

10 BY MR. FOSTER:

11 Q. Ma'am, let me clarify the point. If Mr. Grissinger
12 is in agreement, and there is nothing in the pleadings to
13 indicate otherwise, to move that utility building as
14 needed are we then faced with nothing other than the trees
15 that prevent you from using the property? From using that
16 easement?

17 A. At the corner there are trees there, but the thing is
18 it already has an opening right to it. But, again, the
19 main problem with that is as I have expressed and
20 discussed that you're -- that's putting me directly at his
21 door, and he has already threatened me.

22 Q. But you can get past it?

23 A. Yes, sir. That's where the building is it doesn't
24 show directly his home is right there near the building as
25 it shows in pictures. That's putting me directly beside

1 him and putting me and my children in danger.

2 Q. Yes, ma'am, I appreciate that fact, and we have heard
3 your emotional responses. You do realize, ma'am, that me
4 nor the Court or anyone here has the ability to force Mr.
5 Grissinger to move?

6 A. I'm not asking him to move. I'm sorry.

7 Q. Well, do you think it's going to be worse to go by
8 the side of his house than in front of it?

9 A. Most definitely. That's directly at his door.

10 Q. Okay. Ma'am, to repeat and if I seem to be badgering
11 you, ma'am, I do not intend that. You live in this area,
12 you knew this area, part of Lesondak, was closed off when
13 the road was reconfigured which I tell you was about in
14 2002 or 2003?

15 A. Okay. That's what you tell me, but the road is
16 actually not closed. It's open. It's just not being
17 used.

18 Q. Well, ma'am, that maybe some people's view of what a
19 closed road is. Is part -- this part is in grass now, is
20 it not?

21 A. You see the pictures. It still shows the lines that
22 I'm using.

23 Q. It shows the lines?

24 A. Yes, sir.

25 Q. It shows the lines where you drew it in?

1 A. You can still, on the other pictures, see the actual
2 lines.

3 Q. It's the front yard of Mr. Lesondak's house?

4 A. And it goes beside his house, and also I took back
5 views from it as well.

6 Q. Ma'am, you have testified in terms of the what you
7 wish to say to this Court. You have always been polite
8 and kind in dealing with my client and Mr. Lesondak, is
9 that true?

10 A. Yes, sir. I've never spoke with Mr. Lesondak, but
11 once, and again to me I thought it was a pleasant
12 conversation. Mr. Grissinger, all I asked him to do is
13 please, move your car so I can get out and that's it.
14 I've called the law because I'm not going to argue with a
15 grown man that's in my face and that would threaten me and
16 my children.

17 Q. So your testimony under oath, ma'am, is that you were
18 the one that was threatened?

19 A. Yes, sir.

20 Q. So, ma'am, it is not true that you in fact drew a gun
21 on, respectively, Mr. Lesondak and Mr. Grissinger?

22 MS. CROWSON: Your Honor, I would object.

23 THE WITNESS: I have never ---

24 MS. CROWSON: Ms. Piper. I would object, Your Honor.
25 Anything about guns or violence is completely outside the

1 scope. We are here on a basic property matter.

2 MR. FOSTER: We have a counterclaim in this case for
3 trespass.

4 THE COURT: Wait just a minute. All this issue about
5 the arguing and threats has been testified to. And I
6 don't mind you going in your client's side of all this,
7 but remember now don't bring in something that there's no
8 evidence to back it up.

9 MR. FOSTER: It is subject to future proof. That I
10 certainly allow.

11 THE COURT: Okay. Go ahead.

12 MR. FOSTER: For the record, this is a case claiming
13 trespass, and that's what I wish to examine at this point.

14 BY MR. FOSTER:

15 Q. Ma'am, is it not a fact that both your father earlier
16 and you were asked by Mr. Grissinger and Mr. Lesondak not
17 to get on the property because they, in their view, there
18 was no right to do so?

19 A. Mr. Lesondak never asked me not to come there.

20 Q. Okay.

21 A. And Mr. Grissinger threatened me about I was
22 trespassing, but like I said that I've had the law out
23 many times. They've seen that plat, and they told them
24 that I have right of way to my property and the easement
25 and you cannot land lock me out.

1 Q. The police of Chester County?

2 A. Yes, sir.

3 Q. Made a legal determination based upon this plat, and
4 on the basis told my client ---

5 MS. CROWSON: Objection, Your Honor. This is
6 testimony from defense counsel.

7 MR. FOSTER: I am repeating what she just said, and I
8 would like to have it go into.

9 THE COURT: Go ahead.

10 BY MR. FOSTER:

11 Q. The police of this county told my client, based on
12 your plat, that he had to do something?

13 A. Yes, sir, he told me he had to move his car and let
14 me out. He told him do not obstruct me in any way. There
15 is police reports, and as a matter of fact Sergeant Marsh
16 even went to the judge because of all this and its just
17 continued.

18 Q. Ma'am?

19 A. It's really not called for.

20 Q. Ma'am, is Sergeant Marsh going to testify here today?

21 A. I didn't ask him to.

22 Q. How about the Judge?

23 A. I'm not sure.

24 Q. Well, I congratulate you, ma'am, on the fact that
25 you've been able to make the police go out and take your

1 side of this thing.

2 A. I didn't ask anyone to take my side. They talked to
3 me personally.

4 Q. They took your side to the extent of you telling him
5 not to do something because you said so?

6 A. No, sir.

7 Q. Ma'am, did you -- if you answered then I apologize.
8 I need to know did you or did you not pull a gun at
9 various times on my clients, Mr. Grissinger and Mr.
10 Lesondak?

11 A. No, sir, I have not, would not, and I am not crazy.
12 And if I had wouldn't they have to call the police on me?
13 That's crazy.

14 Q. Thus far, ma'am, I suggest that the police have
15 backed you up?

16 A. I have -- no, sir. That's not true.

17 Q. Ma'am, let me modify the question because I want to
18 be sure we are talking to each other. Did you or did you
19 not arm yourself in their presence?

20 A. No, sir.

21 Q. And make threatening statements to them if they
22 interfered with you any further?

23 A. Absolutely not.

24 Q. Never happened?

25 A. No, sir.

1 Q. You did go ahead on their property and make changes?

2 A. No, sir.

3 Q. Well, ma'am, you said that you put down some sod on
4 the property.

5 A. I never put sod down.

6 Q. Or dirt. Call it what you will.

7 A. I put it on the top of my driveway.

8 Q. Your driveway on their property?

9 A. No, sir.

10 Q. It is their property, is it not?

11 A. This is beyond the -- where it goes in between their
12 homes, this is where, even if the original road or the way
13 it is now where it meets, that is my personal driveway
14 that goes back. I built it up so that my car wouldn't
15 bottom out. And it's very minimum ---

16 Q. You changed ---

17 A. And it was very nice and neat.

18 Q. Did you change their property?

19 A. No, sir.

20 Q. You went on to their property?

21 A. No, sir.

22 Q. Yes, ma'am.

23 THE COURT: Whoa, whoa, whoa. Wait a minute. Now,
24 I've already warned you about this arguing.

25 MR. FOSTER: Pardon. My apologizes.

1 THE COURT: The simplest way to do this is have her
2 step down and ask her where she put the dirt, and let's
3 cut out this arguing.

4 BY MR. FOSTER:

5 Q. Go ahead, ma'am. Show us where you put the dirt.

6 A. This is the drive that goes around and then it comes
7 in and it comes here. And then it meets just as if this
8 road would, and it meets right here which is then the
9 beginning of my drive that goes all the way around to my
10 property which I have pictures that show.

11 And there's the pictures that show a very minimum
12 amount of dirt that I placed there. I didn't put dirt on
13 either side of their property. It was nice and neat.
14 It's very nice and neat just so that I can get my car so
15 it wouldn't bottom out. It didn't affect or alter
16 anyone's property. I did not damage anyone's property.

17 I put dirt from my property back here, very minimal,
18 like I said just to build it up a little bit to where I
19 could get in it because I'm having to make a sharp turn as
20 I said; the 90 degree turn that you were referring to from
21 coming this way.

22 Q. Your understanding is the dirt was placed on your
23 property?

24 A. At the top of my driveway.

25 Q. Once again, ma'am, so that we understand the dirt was

1 place on your property?

2 A. To my understanding, yes, sir.

3 Q. Ma'am, is your property line marked at that place?

4 A. Well, it's marked like in the woods behind his house
5 and there are no marks in that area.

6 Q. Your testimony, ma'am, is that your change of the
7 road in front of Mr. Grissinger's house, which is where it
8 is, was made on your property?

9 A. Yes, sir. Mr. Grissinger's home is over here near
10 the utility building. It goes in front of his home and
11 then it comes up and curves around. Over here as in the
12 pictures it's nowhere near his exact home, where his house
13 is.

14 Q. So, ma'am, If I were to ask the Judge to come out and
15 look at it this afternoon he wouldn't find it there? He
16 would find it only on your property?

17 A. He would find it at the top of my driveway as I
18 explained.

19 Q. As you understand your driveway?

20 A. Yes, sir.

21 Q. Please, take you seat, ma'am.

22 A. Yes, sir.

23 Q. Ma'am, do you have a gun?

24 A. Yes, sir.

25 Q. And I believe you use it, do you not?

1 A. On my property. Nowhere near his home. Back on the
2 other side.

3 Q. In fact I believe you went on Christmas day and
4 decided to shoot it a good bit, you did not? Right there
5 in the back side of his house?

6 A. No, sir.

7 Q. You did not?

8 A. No, sir.

9 Q. You never shot a gun on your property, ma'am?

10 A. On my own property. Nowhere near anyone's home. As
11 a matter of fact the statement that you're making as
12 referring to him saying, well, that's the first that I
13 pulled a gun on him, when I had called the officers out
14 there he told the officer that I came up the driveway
15 shooting is what he told.

16 But I -- the officer asked me where I was shooting.
17 I took him back to my property, and I took him down to the
18 exact place where I was shooting my gun. The other end of
19 the bullet that falls out, it was laying where I was
20 shooting, and again, nowhere near their home. And I would
21 never pull a gun on anyone, and yes, I do own a gun. And
22 I've had a gun put to my head and was carjacked, and I did
23 go purchased me a gun.

24 Q. Now, ma'am, you testified to us that you are, and we
25 will use the language again, always polite and kind?

1 A. Yes, sir, I try to be.

2 Q. You have had some run-ins with the police yourself,
3 ma'am, have you not?

4 A. Referring to what?

5 Q. Well, ma'am, let me try to go through the documents
6 that we've been provided by County's ---

7 MS. CROWSON: Objection, Your Honor. I'm going to
8 object to the police reports that are not in evidence;
9 that potentially, again, have nothing to do with a very
10 limited scope property matter. I think this is well
11 beyond the purview of the Court today.

12 MR. FOSTER: The lady has testified rather
13 emotionally that she is the victim here. She has been
14 threatened by my client, and she is always polite and
15 kind. We have documents sent by discovery and show that
16 she has what I would describe as a very long history of
17 interference with the City police -- the County police.
18 And I think that goes to the relevance and her
19 creditability.

20 THE COURT: Well, I hadn't't had the chance to read
21 the limited portion of the pleadings here. Are there
22 counterclaims or claims for anything other than this
23 property and the property easement dispute?

24 MS. CROWSON: Not from the Plaintiff's side, Your
25 Honor. There is a counterclaim filed. But I do not

1 believe it goes anything along this line of questioning.

2 MR. FOSTER: Again, Your Honor, without trying to
3 make this a back and forth is the lady has testified that
4 she is X. This is the kind of person she is. We have
5 evidence that she is not X. I think that goes to
6 creditability.

7 THE COURT: Okay. Under the rules, I'm going to have
8 to let you go into it, but that doesn't mean, now, that we
9 are going to go back and retry everything that really
10 didn't have anything to do with the essence of this case.

11 But I have to agree with you. She has bought that to
12 light. So I'm going to give you some lead way here. Then
13 you're going to have to follow the rule about how you
14 proceed according to how she responds to your initial
15 question. So, go ahead.

16 MR. FOSTER: Thank you, sir.

17 BY MR. FOSTER:

18 Q. Ms. Piper ---

19 MS. CROWSON: If I could have a standing objection
20 looking at this whole line of questioning.

21 THE COURT: So noted.

22 BY MR. FOSTER:

23 Q. Ms. Piper ---

24 THE COURT: Hold up. She's got to change her paper.
25 Okay. Go ahead.

1 BY MR. FOSTER:

2 Q. Ma'am, I am looking at a report from, I believe it's
3 from 2001. At that time as I understand it you and your
4 mother had a problem with one Crystal Littlemore, you
5 remember that?

6 A. Crystal? I'm not sure who Crystal Littlemore is.

7 Q. You don't recall getting into a fight with her?

8 A. I've never been in a fight with anyone.

9 Q. With anyone?

10 A. I've never been in trouble.

11 Q. With anyone?

12 A. Besides my sister.

13 Q. This is not your sister, I take it?

14 A. No, sir.

15 Q. So, this didn't happen?

16 A. I have never been in a fight with anyone except for
17 my sister, and I have had several abusive relationships
18 and that's neither here or there.

19 Q. So you didn't make any Court about the fight with Ms.
20 Littlemore in 2001?

21 A. Not that I recall. I've never been in a fist fight
22 with anyone. I've never been in trouble.

23 Q. Yes, ma'am. I believe there was also a situation
24 where there was a continuing matter between yourself and
25 the grandparents of your daughter's father, Ms. Barino?

1 That would be in approximately 2006. Do you remember
2 that?

3 A. That case has been sealed and his rights have
4 terminated and that is no longer open. But there was
5 never any physical violence. Of course, going through a
6 custody battle is not easy, but yes, I did have to call
7 the police to get my daughter back cause they refused --
8 the law did tell me that it was Family Court. They could
9 get involved as a peace offering. They talked with her in
10 Greenville, and we went and got her and they handed her
11 over and we went home.

12 THE COURT: All right. I'm going to have to step in
13 here. I'm going to have to stop this. We are not going
14 into all that. If it hadn't got anything to do directly
15 with this case, we are not. No.

16 MR. FOSTER: For the record, I understand the Court's
17 ruling. I do think there are some other indications which
18 I will proffer to the Court in term of what we believe is
19 this lady's tendency to be argumentative and to cause
20 scenes. And I have put that as mildly as I possibly can.

21 THE COURT: Okay. And keep in mind, now, we are not
22 before a jury.

23 MR. FOSTER: I fully understand, Your Honor.

24 BY MR. FOSTER:

25 Q. Ma'am, I'm going to ask you again about a matter that

1 your counsel brought up. Why precisely is it again that
2 you cannot receive easement to your property across your
3 parent's property?

4 A. It's not feasible. There's no way to build a road,
5 but again, that's off of a whole other road and that's my
6 property. Not there's. It has an address off of
7 Severance Drive, which is registered through 91 as 847
8 Severance Drive. That's the access. It always has been
9 into that property.

10 Q. Until it was abandoned. Ma'am, is it more difficult
11 to maintain the access from your parents in, assuming
12 they're willing to give it to you, than it would be to
13 clear your plat, the granted plat area, from 1951?

14 A. Yes, sir.

15 Q. It would be more difficult to get to your parents?

16 A. Yes, sir.

17 Q. Of course, your parents have no obligation to give
18 you this since they weren't what's called in law a
19 dominant estate. Have they offered to give you access,
20 ma'am?

21 A. No, sir. It's not feasible and it has not been
22 drained. I'm not fully understanding.

23 Q. Let me be sure I understand your answer, ma'am. Have
24 they offered to you?

25 A. No, sir.

1 Q. Have you asked?

2 A. No, sir.

3 Q. Were you on this property, ma'am, or in contact with
4 it in years after 1998 until your father bought it?

5 THE COURT: Which property?

6 MR. FOSTER: Sorry?

7 THE COURT: Which property?

8 MR. FOSTER: I'm sorry. The property she now owns.
9 Thank you, sir.

10 A. I honestly can't give you an honest answer. I mean
11 that was so many years ago.

12 Q. And ma'am ---

13 A. Probably not, but I'm not sure.

14 Q. Did you have occasion, ma'am, in the area after 1998
15 and 2002 and see there that this easement had been shut
16 down?

17 A. No, sir, because -- no, sir, because my daughter was
18 born in '98. So, no, sir.

19 Q. So, you just didn't notice that the road was
20 reconfigured?

21 A. I haven't been over there until my parents -- after I
22 grew up until my parents purchased it for me.

23 MR. FOSTER: If the Court would allow me one moment?

24 THE COURT: Sure.

25 BY MR. FOSTER:

1 Q. Ma'am, the way you've been using it, the existing
2 access, which is across from Mr. Grissinger's property and
3 we maintain Mr. Lesondak is your 4-wheeler mainly, isn't
4 that correct?

5 A. No, sir. I have things going on up there that 4
6 wheeling doing yard work, but my car is over there mostly.

7 Q. Yard work of what kind, ma'am?

8 A. When I drive back to my property over there and I'm
9 cleaning up as far as like I said I took the home down and
10 burning it like inside the foundation. Trying to
11 straighten up the yard and make it look nice and
12 presentable. Things to that nature.

13 Q. Ma'am, is it your testimony that Mr. Lesondak or Mr.
14 Grissinger ever threatened you physically?

15 A. No, sir. They have never put their hands on me. No
16 sir.

17 Q. Did they threaten to do so?

18 A. Mr. Grissinger has said a lot to me. I can't recall
19 exact words, but he threatened numerous things with very
20 vulgar language.

21 Q. Did you make complaints about those threats or
22 actions?

23 A. Yes, sir, I have called officers out.

24 Q. Do you have documents to show those, ma'am?

25 A. I have police reports, yes, sir.

1 Q. Can you show them to us?

2 A. My attorney has them.

3 MS. CROWSON: Is there a question posed to me?

4 MR. FOSTER: I believe the lady is indicating that
5 she has such reports. I'm asking to see them.

6 THE COURT: If you've got them that's fine with me.

7 MS. CROWSON: We've produced everything we got.

8 MR. FOSTER: This is trial. I possible should say
9 for the record I don't dispute they've been produced, but
10 I cannot know which reports the witness is referring to
11 not until she verifies them. I can try to find the ones
12 we have if that will help. Your Honor, I apologize.

13 THE COURT: Take your time.

14 MS. CROWSON: Your Honor, I am holding one, two,
15 three police reports Mr. Foster referenced. We produced
16 these to Mr. Foster in discovery. I will continue my same
17 objection to the relevance that I have the same standing
18 objection.

19 THE COURT: I'm going to overrule the objection, but
20 once again, now, we're not before a jury, now, and I think
21 I've got an understanding what the issue is in this case.
22 And don't know what this is accomplishing, but go ahead.

23 MR. FOSTER: Well, I'm always going to go by where
24 the Judge is heading on this. In that event, I'll hand
25 these back. For the record, Your Honor, Mr. Martin was my

1 great grandfather, not me. I appreciate the complement.

2 I have no further questions.

3 MS. CROWSON: Very, very briefly, Your Honor.

4 THE COURT: Go ahead.

5 REDIRECT EXAMINATION

6 BY MS. CROWSON:

7 Q. Ms. Piper, Mr. Foster ---

8 MR. FOSTER: I don't mean to be ill mannered here,
9 but we have Mr. Hardee here as a Defendant. He hasn't
10 been -- cross-examination.

11 THE COURT: You are about absolutely correct, yes.
12 Anything you would to ask, sir?

13 MR. HARDEE: Can I make a statement?

14 THE COURT: No, sir. I will allow you to do that
15 later. If there is anything you would like to ask her
16 that would be -- now would be the time.

17 MR. HARDEE: Let me ask you one thing -- well, two.
18 I've been sitting back here. My eyesight is not the best.
19 I would like to see her dotted line where she is talking
20 about the entrance?

21 THE COURT: Sure.

22 CROSS-EXAMINATION

23 BY MR. HARDEE:

24 Q. Is this it right here? The one you're talking about,
25 the original access?

1 A. Yes, sir. The one that is dotted was the original
2 went on the left side of Lesondak versus going into the
3 right and coming around the way it is now.

4 Q. Did you know where the other one was? You said there
5 were two. There were actually three?

6 A. No, sir.

7 Q. Do you know where the other ones were?

8 A. No, sir. The only one that I was actually aware of,
9 I can contest, too.

10 Q. That would be the one -- probably the one looking at
11 the 1992 aerial photograph which I deal with. I worked
12 with aerial photographs all my life.

13 A. Yes, sir.

14 Q. There is also one that comes, that he was talking
15 about, that comes within two or three feet of this house.
16 That is why it was changed to here back in -- right after
17 Sam Austin built it -- bought the house -- bought the
18 place?

19 A. Yes, sir.

20 Q. Cause he wanted to add on to his house.

21 A. Yes, sir.

22 Q. And this road was too close to his house, so they
23 proposed -- he came to me and asked me about -- he said he
24 found a plat that said that there was a right of way. Me
25 and him and half suppose, to be honest, half to him. He

1 came to me and asked me. I didn't even ask him. I
2 trusted him. Next thing I knew they were cutting trees,
3 but that's when the road was changed. I bought this
4 property in 1999. And I'm not sure exactly when he bought
5 his. But I'm guessing around 2000. I'm not sure, but
6 that's when this was changed.

7 A. Yes. I'm not sure when it was changed. Yes, sir.

8 Q. This is a long time ago.

9 A. That was the original one.

10 Q. The other one came here, here and then turned that
11 way?

12 A. No. No, sir, it don't.

13 Q. That's the latest one. When Sam bought this house
14 that's how you got in here. You came here and close to
15 his house and then it turned back here. This was -- the
16 1992 aerial photograph you can see all three.

17 A. Yes, sir. Can I step down?

18 THE COURT: Sure. I think that's a question. Go
19 ahead.

20 THE WITNESS: Okay. Yes, sir. The original one that
21 came here by -- you're referring to Sam. It's still
22 plenty of room, but it came in and it originally came
23 down. It was the access that went to Mr. Grissinger's
24 home as well. It came down and went to his home and it
25 came -- and it went this a way to my property. It was

1 pretty much a straight shot. A very easy turn into. And
2 it was also the drive that this home used as the pictures
3 I had. Cause it accessed this home, this home and my
4 property and then they rerouted this.

5 And the way it stands now it's open and the easement
6 then comes across this way to the property. Now, that's
7 the only two that I have been aware of that I can be
8 speaking and be honest about that I know of.

9 (WHEREUPON, parties speaking to each other but could
10 not be heard on the record.)

11 THE COURT: All right, now. All of this now that
12 you're doing is off the record because there is no way she
13 can hear what y'all are saying.

14 MR. HARDEE: Okay. I've got an aerial photograph
15 here, Judge.

16 MS. CROWSON: If I might, Judge, what Mr. Hardee is
17 holding we've got in evidence and is premarked as
18 Plaintiff's Exhibit N. I'm going to hand this to Mr.
19 Hardee so he can be referring to an exhibit.

20 MR. HARDEE: That's it, yes, ma'am. And I see two
21 copies of this.

22 MS. CROWSON: All right. I'm handing Mr. Hardee
23 Plaintiff's Exhibit N.

24 MR. HARDEE: It's the same thing as this.

25 (WHEREUPON, parties speaking to each other but could

1 not be heard on the record.)

2 COURT REPORTER: Could you speak up, please.

3 THE WITNESS: Okay. As far as the way -- what he has
4 here this was the original drive and it came here and then
5 it turned and went to my property. This is Grissinger.
6 This is Lesondak. And, again, it's also showing the
7 original road that went to his home as I was just
8 describing as well on this aerial map.

9 But it went past his home, and then where it met in
10 the same spot this road is currently meeting, it met
11 directly at the top and was still the original same drive
12 as far as here. It goes to my property. So whether you
13 go this a way or the original way it still meets at the
14 same exact point when it goes to my property.

15 BY MR. HARDEE:

16 Q. It meets at your property line?

17 A. No, sir. Well, I'm not sure.

18 Q. It does. I drew this in.

19 A. Okay, but this photograph is not showing you exactly
20 -- okay ---

21 Q. No.

22 A. Right here.

23 Q. I drew this in.

24 A. Yes, sir.

25 Q. Cause I got this one in 1992 aerial?

1 A. Yes, sir .

2 Q. --- photograph where you can see it.

3 A. And I have the photo ---

4 Q. I know. In other words, this ---

5 THE COURT: Whoa. Whoa. Whoa. Wait a minute, now.

6 THE WITNESS: I'm just trying to make you aware ---

7 THE COURT: Madam Court Reporter has got to take all
8 of this down, and y'all are in a conversation over there
9 that's not a question and I don't think it's ---

10 THE WITNESS: I don't think it's fully understood.

11 MR. HARDEE: Well, when she says, 'original road',
12 there's only one original, and I'm saying that the
13 original road didn't come -- it came and took a left in
14 this path. Not the path she's talking about. The later
15 road went up by Sam's house, and that's when they -- when
16 he built his addition the road was too close and he
17 changed it here. And that's ---

18 THE WITNESS: If I may.

19 THE COURT: You may.

20 THE WITNESS: I think where the confusion is, and
21 based on the map it's hard to describe, but if you look at
22 my photos you can see exactly where I'm talking about.
23 Whether it be this way or this way the original road, even
24 it comes here -- okay, before it gets back to here, even
25 this way where it comes and the easement comes this way

1 and where I would have to turn to make a sharp right at
2 that point right in here, the original road still met at
3 that same peek at the same point at the very tip top.

4 No matter which way you go it comes in conjunction
5 and meets right there and that is the only one way I have
6 to take that very long place as I've shown in my photos to
7 go to my property that's in the photos. So the aerial
8 maps, I don't think -- that's why I'm trying to make him,
9 not back here.

10 They conjoin right at the corner of Mr. Lesondak's
11 fence, and it circles up in front of Mr. Grissinger's and
12 then it goes down that long length of ---

13 BY MR. HARDEE:

14 Q. No. The only thing I says is the only place those
15 two entrances come back together is at your property line.
16 This comes up here and then turns back just like you say,
17 but they intersect right here at your property.

18 A. Okay, well, then if that is where my property line is
19 then my statement would be true that where I the put the
20 dirt I didn't affect anybody's property. I was on my own
21 drive.

22 Q. There's where it ends.

23 A. Okay. Well, that's how they come through. Again, I
24 was on my property. I didn't affect anybody when I put
25 the dirt to make up my drive. I was on my property.

1 Q. I have one other question.

2 THE COURT: Okay.

3 BY MR. HARDEE:

4 Q. You say right of way and easement. Are you equating
5 those two? Have you considered them to be the same thing?

6 A. Well, the right of way, and correct me if I'm wrong,
7 the right of way is right to access my property. And the
8 easement is which way you're using to access the property.
9 Am I right?

10 Q. You can say that.

11 A. Well, you can correct me, but that's my
12 understanding. If you want to, that's fine.

13 Q. Well, most of the time a power line gets called a
14 right of way. You can call it a right of way, but this
15 says right of way which means right according to the plat.
16 According to the plat there is a right of way there. If
17 you look at it, the way the surveyor drew it, it's
18 actually a little bit over on it.

19 You see the four lines? See how it comes up? And
20 like I say, when Sam and I agreed on it the next thing I
21 knew they were cutting trees. That was just fine. I
22 didn't have a problem with it, but that's why it's like
23 that. But the right of way if you look at it on the plat
24 goes here to your property.

25 A. Okay.

1 Q. Right there.

2 A. All right.

3 Q. All the way.

4 A. Okay, then, see, I'm not familiar with this way, but
5 in any event as I said the original road it was used to
6 where they have me now come to curve in between in Mr.
7 Grissinger and Mr. Lesondak. Where it comes as it curves
8 around in between their properties where I'm going in
9 front of Mr. Grissinger and right here where it's going
10 between their properties before it was in front of Mr.
11 Grissinger.

12 This original road was the road, so it didn't at
13 alter anything as to the easement, that I'm using. The
14 original road went to my property, but it's also the same
15 direction that went around that went to Mr. Grissinger's.
16 So as far as that nothing has changed because that access
17 was the original access to his home as well as his.

18 So the only thing that is changed is where it just
19 curves in front of Mr. Grissinger's a little bit, and it
20 still meets that point of access where the original road
21 was going to his home where now they have it going this
22 way. So it's still -- all this that I'm using, my part
23 was always in existence and there and it's still existent.

24 Q. Got one other thing.

25 A. Yes, sir.

1 Q. The only other thing I would say is those deeds refer
2 to common roadway, way back. Well, a common roadway could
3 be anything. It didn't give a distance. It didn't give
4 a -- it just says common roadway. All the plats give a
5 right of way. I mean and said what's a common roadway,
6 but those common roadways are closed. They're gone. But
7 the right of way is still there. What I'm saying. You
8 got a right of way in here.

9 A. Well, as it stands now the one that is here is open,
10 and as I said it's just a little bit different right here
11 but it's still the same in any event because this came
12 around in the exact same spot where he parks as the way
13 this one is now meeting. So if this one is open and
14 accessible and feasible for me to get to my property, and
15 as I said it's been going for almost two years and I want
16 my family back together.

17 Q. And I understand that, but that's not the right of
18 way that you use. That's not the right of way. This is
19 the right of way down there. And that's your -- that's
20 the corner of your property, my property and Mr.
21 Grissinger's property right there.

22 A. And I can ---

23 Q. That's just the way it is. That's the right of way
24 right there?

25 A. I can attest to ---

1 Q. When your lawyer says you don't have a right of way,
2 you do. There it is. That's it.

3 A. I'm not sure what she referred to, but if I may
4 add the -- just a minute. I lost my train of thought.
5 I'm confused with all of this. The thing is when Sam did
6 this, the attorney, and you can talk with my father, said
7 to him; he told him you can't close the road. You have to
8 give her access, and so when they opened this road here
9 ---

10 MR. FOSTER: I'm going to object to hearsay.

11 THE WITNESS: That pulled me around ---

12 THE COURT: You can't get into what somebody said.

13 THE WITNESS: Just the same way. I don't understand,
14 but its still meets at the same spot. I'm not sure what
15 I'm being asked.

16 THE COURT: Well, neither did I. It's okay.

17 THE WITNESS: I'm confused. Do I stay?

18 THE COURT: It's fine. I think your attorney has got
19 something she wants to ask you that I hope will be a
20 question.

21 MS. CROWSON: It will be.

22 REDIRECT EXAMINATION

23 BY MS. CROWSON:

24 Q. Ms. Piper, when Mr. Foster was questioning you he
25 used the word, 'trespass'.

1 A. Yes, ma'am.

2 Q. Have you ever knowingly or intentionally or on
3 purpose gone on Mr. Lesondak's or Mr. Grissinger's
4 property other than driving to get back to yours easements
5 you have been describing?

6 A. No, ma'am.

7 MS. CROWSON: I don't have any other questions.

8 MR. FOSTER: Your Honor, I have about seven minutes
9 to 1:00. I suppose we are raising eyebrows met focally.

10 THE COURT: Okay. All right, let's break for lunch,
11 and let's be back at 2:00. I know the Summit is up here
12 still. Okay.

13 MS. CROWSON: Can we just take a pause? I might be
14 losing one of my witnesses unless we can go ahead and do
15 him before we break. Can I confer with him briefly,
16 Judge?

17 THE COURT: I certainly don't mind.

18 MR. FOSTER: Go ahead. I'm just trying to.

19 THE COURT: Ignore what I said.

20 MR. FOSTER: I assume Ms. Piper can come down.

21 THE COURT: Yes, you may step down.

22 MS. CROWSON: Your Honor, we have Mr. Severance Lee
23 as one of our witnesses. He won't able to come back after
24 lunch, but he's my shortest witness of the day.

25 THE COURT: Fine. Ignore what I said, Mr. Foster.

1 We're going to do him. A very short witness.

2 MR. FOSTER: That's fine.

3 WILLIAM LEE, after being duly sworn, testified as
4 follows:

5 DIRECT EXAMINATION

6 BY MS. CROWSON:

7 Q. Good afternoon, sir. Can I get you to state your
8 full name for the record, please?

9 A. William Severance Lee.

10 Q. And I hear your middle name is Severance. Is that
11 any relation to the Severance's and Severance Drive that
12 we've been talking about today?

13 A. That's my grandparents.

14 Q. Okay. Describe for us, sir, who your family is.

15 A. Of course, my mother was their child, and we lived on
16 Columbia Road behind them where Kerry is now.

17 Q. Mr. Grissinger?

18 A. Yeah, my mother passed away when I was five years
19 old, and my daddy took us to Charleston. My grandmother
20 lived in Charleston.

21 Q. Okay. And at some point you actually lived on some
22 portion of the property we've been discussing today,
23 correct?

24 A. Yes, I did. I came back my senior year in high school
25 and finished at Chester High and stayed with my

1 grandparents for four years. My grandfather had a
2 plumbing accident and lost his eyesight. So I stayed on
3 to help them out. In 1976 I moved back to Charleston.

4 Q. Your grandmother is Lucille T. Severance?

5 A. Yes, she is.

6 Q. And what was your grandfather's name?

7 A. E.B. Severance.

8 Q. Okay, and so your grandmother, Ms. Lucille T.
9 Severance, she actually is the Severance that Severance
10 Drive is named after?

11 A. Well, it's named after my grandfather.

12 Q. Okay. And then your grandmother owned a portion of
13 the property that's now owned by Mr. Lesondak, correct?

14 A. That's right. The property at -- all that property
15 at one time was my great grandfather's. He split it
16 between his children and some of them left town and moved
17 and some of them, of course, stayed.

18 Q. And ---

19 A. The property behind that she now owns belonged to my
20 aunt which her last name is Miller. And that's all I ever
21 knew about it was Miller. She had a son named Jack Gandy.
22 But, anyway, that was the property that my great
23 grandfather give his daughter.

24 Q. And that's Heather Piper's property that we have been
25 discussing today?

1 A. Right. That's exactly right.

2 Q. And at some point in your life you actually lived on
3 one of these parcels of property, correct?

4 A. Well, I was with my grandparents.

5 Q. Which parcel was that?

6 A. The one right there as you come in the drive.

7 Q. Mr?

8 A. Severance.

9 Q. The property that you lived on is owned by who today?
10 Is it Grissinger or Lesondak?

11 A. Well I don't know who owns the property now.

12 Q. Well, can you tell by looking at Plaintiff's Exhibit
13 B, this map, which one you lived on?

14 A. Were you talking about the drive? It is the first
15 house right there.

16 Q. Okay. So Mr. Grissinger -- if I represent to you
17 that you actually lived on Grissinger's property would you
18 agree with that statement?

19 A. All right. Now, you're talking about the guy here
20 Kerry?

21 Q. Yes, sir.

22 A. Kerry lived there when I was just a baby.

23 Q. Okay. Now ---

24 A. The house was built for my parents. My grandfather
25 built it.

1 Q. And that's the house that's on Mr. Grissinger's
2 property today?

3 A. Yes, it is.

4 Q. Okay. And you actually lived on that property.
5 Would that have been from 1972 to 1976?

6 A. Now, that's -- that property I'm talking about, I
7 lived with my grandparents.

8 Q. Right?

9 A. My mother and father lived in the house behind me.

10 Q. All right. When you lived with your grandparents
11 which of these parcels of property did you live on?

12 A. The house in front.

13 Q. Mr. Grissinger's property?

14 A. No. That was my grandparent's house.

15 Q. All right. Which piece of property did you live on,
16 Mr. Lee?

17 A. We going back in time here, okay.

18 Q. Yes, sir.

19 A. The house that he lives in now.

20 Q. Mr. Grissinger?

21 A. Okay. I lived there as a small child.

22 Q. Okay?

23 A. Okay. Later in life after I come back from
24 Charleston from living down there I lived with my
25 grandparents in 1972.

1 Q. All right. When you lived with your grandparents in
2 1972 which piece of property did you live on?

3 A. I lived with my grandparents.

4 Q. And would that have been on the back property which
5 is now owned by Heather Piper?

6 A. No. I lived in the front house as you come in the
7 drive.

8 Q. Back on Mr. Grissinger's property?

9 A. No. The one in front of him. The house in front of
10 him.

11 Q. Mr. Lesondak's property?

12 A. I guess.

13 Q. Okay. All right. Well, suffice it to say during
14 your lifetime you have been on and around and lived on
15 various portions of these properties?

16 A. Yes, I did.

17 Q. All right. Do you have familiarity with how the
18 property now owned by Ms. Piper has been accessed over the
19 years?

20 A. The drive has always on the left side if you're
21 facing the house coming into the drive. It's always on
22 the left side going down by -- I mean right up to his
23 house and then on the left side, Miller's house. My
24 aunt's house.

25 Q. Okay?

1 A. That's how the property was always as far as I can
2 remember.

3 Q. And this is the access to what's now is Heather
4 Piper's property that you're describing that was always in
5 this area that you just described?

6 A. Exactly.

7 Q. All right. So that access to Heather Piper's
8 property is it shown anywhere on Plaintiff's Exhibit B on
9 this map right here beside me? The access that you always
10 remember being used by everyone whose owned Heather
11 Piper's property? Can you show us, if you would like to
12 step down, please, sir, on Exhibit B where that access is?
13 Are you able to point to it or tell me?

14 A. Well it's complicated. As you come in the drive it
15 would be on your left side. That's the property that I
16 always remembered the road is on.

17 Q. All right. Is that the one that is hand drawn in
18 that we've been referring to as the Ms. Gandy's easement?

19 A. The Gandy Easement, yeah.

20 Q. So your testimony today, Mr. Lee, is that based on
21 your knowledge of this property over your whole life
22 everyone whose ever had to access Heather Piper's property
23 has always used this hand drawn easement that we've been
24 referring to as the Ms. Gandy Easement?

25 A. Yes.

1 Q. Okay. And how familiar or how knowledgeable are you
2 as to the usage of this easement?

3 A. That road right there?

4 Q. Yes, sir.

5 A. My, God, I came up from Charleston to visit with my
6 grandparents over the years, and I would ride my bicycle
7 down it or drive my car to my aunt's house. I mean it's
8 where it was.

9 Q. Whose house used to be on Ms. Piper's property,
10 Heather Piper's property, that you used to visit back
11 here?

12 A. That would be Zelma T. Miller.

13 Q. Zelma T. Miller?

14 A. That was my grandmother's sister.

15 Q. Zelma T. Miller was your aunt?

16 A. The property that Ms. Gandy got was inherited. Her
17 husband died, which was Zelma T. Miller's son's wife.

18 Q. Okay. And so you would come back and visit your
19 aunt, Zelma T. Miller, on the property now owned by
20 Heather Piper?

21 A. Exactly. Many times.

22 Q. How would you get to Heather Piper's property, your
23 aunt, Zelma T. Miller, when you would come on to this
24 property?

25 A. Straight down on the road we just discussed and go

1 down. And I would have to make a left to go to her house
2 to go into his property. Kerry's property you had to go
3 straight.

4 Q. And the access you're describing that you would use
5 to get you Aunt Zelma T. Miller's house on the property
6 now owned by Heather Piper, you would always use the route
7 that's drawn on Plaintiff's Exhibit B, the hand drawn
8 dashed line?

9 A. There was never another way to go.

10 Q. So it's your testimony that everyone who needed to
11 access Heather Piper's property would use this dashed
12 easement we've been calling Ms. Gandy Easement?

13 A. Yes.

14 Q. Okay. How many times have you personally been down
15 this Ms. Gandy Easement to get back to the property that's
16 now owned by Heather Piper?

17 A. Hundreds of times.

18 Q. Hundreds. Plural?

19 A. I mean I've been down the road many times living
20 there over the years and coming back as a teenager.

21 Q. And so you would go down this easement I heard you
22 say on a bicycle?

23 A. Yes, many times.

24 Q. How about in a car?

25 A. Yeah.

1 Q. You would drive back and forth?

2 A. Yeah.

3 Q. How much times would you say you have gone back onto
4 this property owned by Heather Piper?

5 A. Well, I'm about 62 now. Oh, my God. I couldn't
6 -can't count.

7 Q. Hundreds?

8 A. Many times.

9 Q. And every time you have gone back to this property
10 now owned by Heather Piper you would use these dashed
11 easement that we've been calling the Ms. Gandy Easement?

12 A. Yeah.

13 Q. And to your knowledge that's how others would also go
14 back to this property?

15 A. Yeah.

16 Q. Your aunt, Ms. Zelma T. Miller, she actually lived on
17 the property now owned by Heather Piper?

18 A. Right.

19 Q. And Ms. Zelma T. Miller would she also use this
20 dashed Ms. Gandy Easement to get back to her property when
21 she owned it?

22 A. She had to walk. She never drove.

23 Q. Okay. All right. So she would walk it to get back
24 to the property?

25 A. Oh, yeah.

1 Q. Did anyone else live on the property with her?

2 A. Well, yeah, over the years she had a boyfriend. He
3 had to go that way down there, too.

4 Q. All right. Did any other members of your family live
5 on the property now owned by Heather Piper?

6 A. I did have a death. I guess when she went to Florida
7 her brother lived in the house for awhile back there.

8 Q. Zelma T. Miller's brother on there?

9 A. Yes, T.C. Taylor.

10 Q. And, so, your uncle would have been T.C. Taylor?

11 A. Right.

12 Q. And so your uncle at some point lived on the property
13 now owned by Heather Piper?

14 A. Exactly.

15 Q. Do you know how Mr. T.C. Taylor would access and get
16 back to Heather Piper's property when he lived there?

17 A. Car or truck, whatever.

18 Q. And would he also take this route, this easement,
19 we've been calling the Ms. Gandy Easement?

20 A. Right, he did.

21 Q. Okay. And to your knowledge, he used this Ms. Gandy
22 Easement multiple times to get to the property?

23 A. Yes. Cause the house was rented some because any
24 time I went to Florida and stayed for the summer. And she
25 would come back and forth.

1 Q. The period of time we're describing were you have
2 knowledge of members of your family using this Ms. Gandy's
3 easement to get back to what's now Heather Piper's
4 property, what period of time are we talking about?

5 A. Probably 40 years.

6 Q. Forty?

7 A. Well, not 40. My parents died in '85. It's at least
8 35 or 40 years.

9 Q. Okay. And during that time you are aware of you and
10 various members of your family always using this hand
11 drawn in Gandy Easement to get back to the property now
12 owned by Heather Piper?

13 A. Right.

14 Q. Are you aware of the condition of this easement or
15 property today?

16 A. Not really.

17 Q. When was the last time you would have been on these
18 properties?

19 A. My mother was the only child, so we sold this
20 property to Frank Young. I would say that would have been
21 '97. Frank Young bought it from me and my two brothers
22 and my sister.

23 MS. CROWSON: If I could have just a moment, Your
24 Honor?

25 THE COURT: Yes.

1 MS. CROWSON: I don't have anything further, Your
2 Honor.

3 THE COURT: Counsel.

4 CROSS-EXAMINATION

5 BY MR. FOSTER:

6 Q. Mr. Lee, I am a tad deaf so if I didn't hear some of
7 questions I may need to ask you to repeat them.

8 A. Okay.

9 Q. Sir, when did, if you know, when the Gandy's ceased
10 to live on the property that Ms. Piper now occupies -- now
11 owns?

12 A. Well, it was never really of my knowledge over the
13 years in family, we talking family. My aunt was the only
14 one that lived there. The Gandys lived in Florida. Her
15 son and his wife.

16 Q. Let me put it another way.

17 A. Okay.

18 Q. To your knowledge when did someone last use or occupy
19 that house on the property? If you don't know that's what
20 I need to hear.

21 A. I don't know when that would be.

22 Q. Sir, were you aware of the time when Severance Drive
23 was rerouted from what you have discussed with Ms. Crowson
24 where it is now?

25 A. I know there were some changes made after we sold to

1 Frank Young.

2 Q. Do you know the dates of that, sir?

3 A. No, sir.

4 Q. That's all I needed. Thank you, sir.

5 MS. CROWSON: Nothing further, Judge.

6 THE COURT: Thank you.

7 MR. FOSTER: Mr. Hardee.

8 MR. HARDEE: No questions.

9 THE COURT: He said none. All right. 2:15.

10 MR. FOSTER: Might I suggest 2:15 to 2:30.

11 THE COURT: 2:15.

12 MS. CROWSON: Thank you, Judge.

13 THE COURT: Am I rushing anybody, 2:15?

14 MS. CROWSON: Thank you, Judge. I plan to release
15 Mr. Lee and let him leave unless anybody has any need of
16 him further.

17 MR. FOSTER: No, Mr. Lee can be dismissed. He can be
18 relieved.

19 THE COURT: Okay. That's fine. All right. We're in
20 recess for lunch.

21 MS. CROWSON: Thank you, Judge.

22 (WHEREUPON, Court was in recess and reconvened at
23 2:15 p.m.)

24 MS. CROWSON: Thank you, Your Honor. If the Court is
25 ready to call our next witness I will call Mr. Dennis

1 Rousey.

2 DENNIS ROUSEY, after being duly sworn, testified as
3 follows:

4 DIRECT EXAMINATION

5 BY MS. CROWSON:

6 Q. Good afternoon, sir. Can I get you to tell me your
7 name, please.

8 A. Dennis C. Rousey.

9 Q. You live here in Chester County?

10 A. Yes.

11 Q. What's your address, sir?

12 A. 546 Glen Road in Chester.

13 Q. You are married to Rosemary Rousey?

14 A. Yes.

15 Q. You are the father of Heather Rousey Piper?

16 A. Yes.

17 Q. I believe, sir, we heard testimony this morning that
18 you and your wife own and live on a piece of property as
19 shown on Plaintiff's Exhibit B right here where I'm
20 pointing?

21 A. Yes.

22 Q. And how long have you lived there, sir?

23 A. Oh, 40, 44 years.

24 Q. You and your wife bought that property shortly after
25 you got married?

1 A. Well, it was a wedding gift.

2 Q. And you at some point, I believe it was 2012,
3 purchased an additional piece of property that you
4 transferred to your daughter, Heather Piper?

5 A. Yes.

6 Q. And that's the property that I'm pointing to right
7 here, the 4.796 acres as shown on Plaintiff's Exhibit B?

8 A. Yes.

9 Q. And why did you and wife purchase that piece of
10 property?

11 A. We bought it to the give to my daughter to build a
12 house on and then we come up with a problem. I was using
13 the right of way that was there. We were told we could
14 use the right of way until, you know, things happened and,
15 they told me I was trespassing and couldn't come back on
16 his property. But I was using it when I bought it. I was
17 told to start using the right of way. Don't wait to start
18 using it, and that's what I did.

19 Q. Who are you referring to? Who told you could use
20 right of way to your property?

21 MR. FOSTER: That's hearsay.

22 THE WITNESS: Lawyers. It's not hearsay. It's David
23 Hamilton that told me that.

24 MR. FOSTER: It's still hearsay.

25 THE COURT: Okay.

1 BY MS. CROWSON:

2 Q. All right. So let's go back a little bit further.
3 You've owned your property with your name on it down here
4 for 40 something years?

5 A. Yes.

6 Q. And you've lived on your property with your wife the
7 whole time you owned it with your wife the whole entire 40
8 something years?

9 A. Yes.

10 Q. All right. During that time have you known the
11 various folks that owned the property now owned by your
12 daughter, Heather?

13 A. Yes.

14 Q. Okay. Specifically, Ms. Gandy, Marie Gandy, was the
15 one who owned the property and sold it to you and your
16 wife, correct?

17 A. Right.

18 Q. Do you know how long Ms. Gandy owned that property?

19 A. Let's see. I want to say that house was built
20 somewhere around 1952, and I think I might have been Ms.
21 Miller that owned it. I'm not exactly sure when Mr. and
22 Ms. Gandy got it. It might have been in the '60's. I'm
23 not sure.

24 Q. And then Ms. Gandy sold it to you and your wife,
25 Rosemary, in 2012, correct?

1 A. Yes.

2 Q. So, in your 40 years of living on your property do
3 you have knowledge as to how the folks that owned
4 Heather's property over the years have accessed that
5 property?

6 A. The same way as I come and go.

7 Q. Okay. And looking at Plaintiff's Exhibit B is that
8 way that you're talking about that dashed line we've been
9 calling the Gandy Easement?

10 A. I'm going to say it is.

11 Q. I'm not going to ask you to get down. All right. So
12 this is Plaintiff's Exhibit B.

13 A. Okay. Yes, because that was the common road that was
14 closed.

15 Q. Now, what are you pointing to right now?

16 A. This is the way it went when it come around to this
17 side of Severance.

18 Q. And you are pointing to the Gandy Easement?

19 A. Yes.

20 Q. Okay. All right. So while we're talking today I'm
21 going to refer to this one down here as the Gandy
22 Easement?

23 A. Okay.

24 Q. And the one above it is the one Heather is using now
25 and then we've got this top area up here that borders Mr.

1 Hardee's property. Okay. So over your 40 or 44 years of
2 living on your property you just testified that anyone
3 that you've ever known whose owned the property owned by
4 your daughter, Heather, they've always used Gandy Easement
5 to access the property your daughter, Heather, owns?

6 A. Yes. Is that the Severance House on this side of it
7 or the other side? I just want to be sure. Okay. All
8 right. That's on the other side of the Severance House
9 before Sam Austin moved it because this is where Paul
10 lives, and this is the old barn.

11 So now Sam put the road back in from here from where
12 it come around this way and come in like this. But now
13 from here to here is the way I've always been going in
14 where the road was changed. I been going in this way
15 right here.

16 Q. So what you're pointing to so we can get this on the
17 record, and correct me if I'm wrong, you're pointing
18 approximately to the route that Heather is the using now
19 ---

20 A. Yeah. Yeah.

21 Q. --- to access the property?

22 A. Yeah.

23 Q. The one that is coming in on US 321 up here where it
24 says Severance Drive down along this dashed line with the
25 'E' and into her property?

1 A. Yes.

2 Q. So I'm going to swap with you and give you -- I'm
3 just showing him a reduced version of the larger one. So
4 I want to make sure I'm clear on what you're testifying
5 to, Mr. Rousey. Over the years the route that you've
6 known folks to access what's now Heather's property is the
7 route that Heather is using now is to come off 321, up to
8 Severance Drive and then down this dashed line with the
9 'E'?

10 A. Yes. It's been that way for about -- I'm guessing at
11 this. I'm going to say maybe five years. I'm guessing
12 more or less.

13 Q. All right. Now what about the route, that dashed,
14 that we've been calling the Gandy Easement along the ---

15 A. Now, that's the original one I've always known until
16 Sam changed the road around.

17 Q. And do you know -- when you say Sam you mean Sam
18 Austin?

19 A. Yes.

20 Q. Do you know when that happened?

21 A. I say maybe five years or less. I'm not sure.

22 Q. You mean five years ago?

23 A. Yes.

24 Q. Or maybe about 2011ish?

25 A. I'm roughly guessing on it though.

1 Q. All right, going back to the Gandy Easement, we're
2 saying Gandy because that's who y'all bought the property
3 from in 2012, right?

4 A. Yeah.

5 Q. Do you know if Ms. Gandy used the Gandy Easement to
6 get back to the property when it was hers?

7 A. Yes.

8 Q. How do you know that?

9 A. I used to go over there and talk to her husband a lot
10 when I would see somebody over there, and I would kind of
11 watch, you know, just to see if somebody would go in there
12 or something.

13 Q. Right.

14 A. And I would go over there and see who there and then
15 talk to Jack and, you know, and all.

16 Q. All right. And would you routinely go visit the
17 Gandys?

18 A. When he was down, I would.

19 Q. Right. And that's during the time that the Gandy's,
20 obviously, lived on what's now Heather's property?

21 A. Well, he -- they rented that house out and when there
22 wasn't -- his nephews rented it, and I forget who else.
23 But if there wasn't anybody in it Jack came down from
24 Florida and spend the weekend or maybe, I don't know,
25 maybe a week. And I would always go over and speak to him

1 and everything and, you know, and all so.

2 Q. And Jack is Jack Gandy?

3 A. Yes.

4 Q. Okay. All right. So do you know how the Gandys
5 accessed their property when they owned it? Would they
6 use the Gandy Easement or would they go in ---

7 A. That's the way they went in, the Gandy Easement.

8 Q. Okay. The Gandys used this. Did they use the Gandy
9 Easement the entire time they owned the property?

10 A. Yes, that I know of they did.

11 Q. Sir?

12 A. That I know of they did.

13 Q. Would you see them use the Gandy Easement?

14 A. Yeah, I think that's the only way it went into it at
15 that time. What it was it comes down around the Severance
16 house and come up, and he went to the left to go to his
17 property or go right up to -- used to be Charlie Shirley's
18 until Kerry Grissinger bought it.

19 Q. All right. Did you know any of the folks who owned
20 Heather's property before the Gandys?

21 A. No.

22 Q. All right. You didn't know any of the prior owners?

23 A. Well, actually, I think it was Jack's stepmother or
24 something.

25 Q. Do you know how any other folks, other than the

1 Gandys or before the Gandys, accessed what's now Heather's
2 parcel?

3 A. No, not really. I wasn't there when Ms. Miller was
4 there.

5 Q. Okay. All right. Now, in terms of access to what is
6 now Heather's parcel, there was some questions earlier as
7 to whether or not you and your wife can just grant an
8 easement and she can access through your property.

9 A. Well, the problem with that is it's something like
10 black jack down in there. I got my tractor stuck and like
11 to never got it out. I mean I didn't drive it out. And
12 there's a natural creek through there for run off so when
13 it rains the water from Lake and Glen Roads all of it
14 actually runs down like a drainage ditch on the other side
15 of my house and all that water runs down through there.

16 And it has flooded down there.

17 Q. Okay.

18 A. So it would be kind of hard to put a road in the
19 lower end. It stayed just as wet as can be.

20 Q. Has there ever been an access, an easement, or a road
21 of any type, that you know of in your 40 to 44 years, on
22 your property? Has there ever been an access road of any
23 type from your property up to Heather's property?

24 A. No.

25 Q. Has anyone ever used a type of road, easement, access

1 to get to your property up to Heather's property?

2 A. No.

3 Q. Are you aware of any time prior of you owning your
4 property has there been anything you have just abandoned,
5 perhaps?

6 A. No.

7 Q. Okay. All right. So in terms of access to Heather's
8 property, cause you can't come up from yours, what about
9 some of these other properties around and behind hers?

10 A. Well, the one behind her, Frank Wright's property,
11 joins it. Lee Roddy's property joins right there on the
12 front -- on the roadside of mine like where Lake and Glen
13 Road is and down a little bit. Somebody else bought the
14 property between Frank Wright and Lee Roddy. I'm not sure
15 who it was that bought it, but they were going to build a
16 house or something. My understanding is the land was
17 perked or something it's just I don't know who owns it or
18 anything.

19 Q. Okay, but you're not aware of any access or any roads
20 or any easements on any of these other properties to the
21 north, or the west or anything else to the south of
22 Heather's property?

23 A. No.

24 Q. Are you aware of any easements or any access to
25 Heather's property other than the ones we've been talking

1 about today that are on Lesondak property, Grissinger
2 property, and potentially Hardee property?

3 A. No, there's one other piece of property in there that
4 may join mine. I'm not sure. J.T. I think owns it. He
5 sold the house, the two story house there on Pin Lake and
6 it had a bunch of land with it. But whoever bought the
7 house didn't want all the land so they cut it off at --
8 that may touch it. I'm not sure, but I don't think he has
9 a road running towards 321.

10 Q. Okay. And we heard you say that you've owned your
11 property for 40 something years, and y'all bought
12 Heather's property in 2012. These two properties as you
13 look through the chain of titles were never owned by the
14 same owner, were they?

15 A. I'm going to say at one period of time -- I'm going
16 to say Mr. Taylor owned all of that.

17 Q. Right, but they haven't been owned by the same owner
18 for at least more than 40 years?

19 A. Oh, yeah.

20 Q. Correct?

21 A. Yeah.

22 Q. Now, the top route up here, that's at the top of
23 Exhibit B, and you've got a smaller version of the same
24 thing right in front of you, right up top, that's right.
25 Are you aware of anyone using that route to access

1 Heather's property?

2 A. No.

3 Q. Is it possible to use that route to access Heather's
4 property?

5 A. Well, to do that I'm thinking it may be a well back
6 along the right of way because Kerry has I'm going to
7 guess a 12 by 24 building, something like that. And it's
8 sitting there and it's sitting in the middle of the right
9 of way.

10 So in other words you use the old right of way that
11 was there many years ago then he's got to move that
12 building and then got to move the well if I'm right and
13 it's back there behind that building somewhere.

14 Q. Okay. You've seen the photographs that has been
15 introduced as Plaintiff's Exhibit C, all those photographs
16 I walked through with your daughter, Heather, this
17 morning?

18 A. No, I didn't see them I don't think.

19 Q. Okay. I'm going to show you, sir, what's been marked
20 as Plaintiff Exhibit C. I'll show you pages within
21 Exhibit C marked as Rousey 8, 9, and 10. So these are
22 some photographs. Is this the area that you were just
23 describing that shows that route at the top?

24 A. Yes.

25 Q. That borders ---

1 A. This is the top front coming in. And here, that's
2 where you come in and go towards his house.

3 Q. Are those the items that are blocking that top route
4 preventing Heather from using that way to get to her
5 property?

6 A. Yeah.

7 Q. The utility building you've been describing is
8 blocking that route that's shown in those photographs?

9 A. I can't really see. Well, that might be it right
10 there. That's the jeep there. That is the building
11 there.

12 Q. I'm going to show what's been marked as Rousey 11
13 within Plaintiff's Exhibit C. You see that utility
14 building in those photographs?

15 A. Right here.

16 Q. Yes, sir.

17 A. I'm going to say that's the same one. Those two.

18 Q. And those items are currently sitting right there in
19 that top corner right where Mr. Hardee's property,
20 Heather's property, and Mr. Grissinger's property come
21 together, correct?

22 A. Yeah.

23 Q. That's not anything that Heather can drive through,
24 is it?

25 A. A:Well, I'm going to say this. If we were. I'm just

1 saying if he was to forced to give us this right of way.

2 Q. Yes, sir.

3 A. Not saying he is, but my problem would be when I'm
4 coming down through there going to my property is he going
5 to step out in front of my car out of his door because
6 that's how close it would be?

7 Q. You say, 'he', you mean Mr. Grissinger?

8 A. Yeah, you know, whether he may step out in front of
9 it, you know, just for a lawsuit or whatever. I mean to
10 me it would be a -- to me it would be dangerous.

11 Q. All right.

12 A. You know, I'm not saying he would, but I'm saying it
13 would be dangerous.

14 Q. And you worry ---

15 A. I'm not saying he would, but that shows the building
16 good there.

17 Q. Yes, sir. So you worry from a safety perceptive if
18 anybody is using that top route to access Heather's
19 property?

20 A. Yeah, because on this one that building is in the
21 center of the right of way and his house is just on the
22 other side of this trailer. When you come down through
23 here, you know, you're not going to be too far away from
24 his kitchen -- I'm going to say kitchen door. That's the
25 door he uses to come in and go out all the time. It's on

1 the side of the house. And it would, me, you know, I
2 would say it would be safety hazard.

3 Q. And that's Rousey 10 from Exhibit C you were just
4 pointing to, correct?

5 A. Yeah.

6 Q. Now, when you and your wife, Rosemary, purchased
7 Heather's property what was your understanding of what you
8 were purchasing in terms of easements and access?

9 A. Well, that's when I was told you to start using the
10 easement.

11 MR. FOSTER: My objection. Again to hearsay which I
12 believe we are about to hear. My objection secondly to
13 relevance. I do not understand what this gentlemen
14 understood he was getting has anything to do with this
15 case.

16 THE WITNESS: I'll tell you when I bought the land
17 ---

18 THE COURT: Yeah, don't get into anything anybody
19 said.

20 MS. CROWSON: No. I haven't asked that question.

21 THE WITNESS: Okay.

22 MS. CROWSON: I do think, Judge, a former owner of
23 this parcel what he understood and intended to own access
24 and easements is directly on point.

25 MR. FOSTER: I don't mean to interrupt. To hear from

1 the former client, that's fine. I don't see what
2 relevance and what basis it has to hearing what Mr. Rousey
3 understands a former owner has said or to have believed.

4 THE COURT: Just stick to what he actually did.

5 BY MS. CROWSON:

6 Q. Mr. Rousey, when you purchased what's now Heather's
7 property in 2012 what did you believe that you were
8 purchasing from Ms. Gandy?

9 MR. FOSTER: If I might. My objection may be
10 considered?

11 THE COURT: I'm going to allow that. Go ahead.

12 THE WITNESS: I am going to see if I can phrase this
13 to satisfy everybody. When I purchased that land I knew
14 where the right of way was. The easement, when I
15 purchased it I immediately starting using it, and that's
16 what I started doing until Mr. Grissinger, my son, my
17 little nine year old grandson was riding his go cart over
18 to where I was at. He come down there and I seen Mr.
19 Grissinger over there with him.

20 I immediately went up there, and I told him, I said,
21 "Kerry, you do not say nothing to that boy. I said talk to
22 me if you got a problem." I said, "I will handle it."
23 And me and him hugged and upset words, more or less. I
24 went back to what I was doing, and my grandson went on
25 down there with me. You know, he don't need to talk like

1 that to a kid. And I went right on back to work, and when
2 we got ready to leave he left out with me.

3 And, you know, it was two altercations I think like
4 one and then one when a few words, choice words, he used
5 when I went over there to actually talk to him about
6 something. And he was cutting grass and he pulled in and
7 turn around and pulled up beside me and told me I was
8 trespassing get the F off his property and all this right
9 here.

10 I said something. I said, "I'm leaving." I didn't
11 want to do nothing to get in trouble. So I turned my
12 tractor around and went on back home.

13 Q. Now, Mr. Rousey, you said just a second ago that when
14 you bought Heather's property you knew where the right of
15 way was and you're start using it.

16 A. Yes.

17 Q. Where was the right of way that you knew where it
18 was?

19 A. Where the Gandy goes in. I mean after he changed the
20 road where it comes around the curve and comes in, that's
21 the way I've been coming and going.

22 Q. All right. Cause you bought Heather's property in
23 2012, you've been using the Gandy Easement?

24 A. Yes.

25 Q. All right. And when you bought her property in 2012

1 you bought it knowing the Gandy Easement existed and with
2 the intention of using the easement? Is that what you've
3 testified to?

4 A. Yes.

5 Q. All right. Would you have purchased Heather's
6 property if you would have known it was land locked?

7 A. If I was going to purchase it for myself, yeah. I
8 mean far as my personal use, but wouldn't mind it so I had
9 reasons. So, no, I wouldn't have bought it.

10 Q. So your testimony is that you purchased this
11 believing you were also acquiring the Gandy Easement?

12 A. Yes.

13 Q. Along with Heather's property?

14 A. Yes.

15 Q. Did anyone ever tell you at any point when you were
16 purchasing the property or having discussions that you
17 were in fact buying a land locked piece of property?

18 MR. FOSTER: Objection, it is the same thing that you
19 heard him saying, with respect.

20 THE WITNESS: No, I never did.

21 THE COURT: Okay.

22 MR. FOSTER: Could I -- Your Honor made a gesture.
23 Could we get something on the record in response to my
24 motion, with respect?

25 THE COURT: Sustained. I will ignore the answer.

1 MR. FOSTER: Okay. I hope so. Thank you, sir.

2 BY MS. CROWSON:

3 Q. And so you've testified, Mr. Rousey, that when you
4 purchased what's now Heather's property you believed you
5 were also obtaining the Gandy Easement with the property,
6 correct?

7 A. Yes.

8 Q. And so then when you transferred the property to
9 Heather did you also believe at that time you were
10 transferring the Gandy Easement and use thereof to
11 Heather?

12 A. Yes.

13 Q. Now, have you ever been informed by any of the
14 neighbors, specifically, Mr. Hardee ---

15 MR. FOSTER: The same objection.

16 THE COURT: All right. Let's watch all the hearsay,
17 now.

18 MS. CROWSON: Yes, sir.

19 THE COURT: Calm down on that. Sustained.

20 MS. CROWSON: If I might have just a moment, Your
21 Honor?

22 THE COURT: Sure.

23 MS. CROWSON: I don't have any further questions,
24 Your Honor.

25 THE COURT: Go ahead. Your witness.

1 MR. FOSTER: Thank you, sir.

2 CROSS-EXAMINATION

3 BY MR. FOSTER:

4 Q. Mr. Rousey, I don't hope to keep you too long. Let
5 me go through some facts, if I may, sir. When you bought
6 the property that your daughter now owns, I'm gesturing on
7 the map, there was a house on that property; is that
8 right?

9 A. Yes sir, it was.

10 Q. What kind of shape was it in?

11 A. I wouldn't want to have tried to live in it.

12 Q. That's what I am saying?

13 A. It was in bad shape.

14 Q. How long had it been, if you know, sir, that anyone
15 had lived in that house or occupied it?

16 A. I don't know. Last time I could think of anybody
17 lived in that house was, I'm thinking, Mr. Gandy's nephew
18 rented it. I'm going to guess eight or ten years ago.

19 Q. Eighteen years what, sir?

20 A. Eight or ten.

21 Q. From when, sir, to when, sir?

22 A. Till now.

23 Q. Eight or ten years ago?

24 A. Now. Yes, sir.

25 Q. Okay. Sir, you testified about Mr. Austin. He owned

1 the property Mr. Lesondak owns now; is that right?

2 A. Yeah.

3 Q. And he changed the road?

4 A. Yeah.

5 Q. Do you remember, sir, how long after he bought the
6 property he changed the road?

7 A. They did a lot of remodeling on to house. I'm going
8 to guess two years. I'm guessing.

9 Q. Two years after he bought it, sir.

10 A. Yes. Like I said I'm guessing.

11 Q. Okay. Well, sir, I'm going to show you, with
12 counsel's permission, a copy of the deed in Mr. Austin and
13 I presume his girlfriend.

14 A. That would be his wife, Annette.

15 Q. Sir, with what I assume is no objection I'm handing
16 you a copy of the title to real estate for Mr. Young,
17 Annette Whiteside to Samuel Brice Austin?

18 A. Yes.

19 Q. Can we agree, sir ---

20 A. I need to read this.

21 Q. If you can't let me know.

22 MR. FOSTER: I trust it's okay with the Court for me
23 to approach him?

24 THE COURT: Sure.

25

1 THE WITNESS: I'm not sure how long ago it was that
2 Sam bought the property.

3 BY MR. FOSTER:

4 Q. Well, since I believe this is a self-proving
5 document.

6 MS. CROWSON: No objection, Your Honor.

7 MR. FOSTER: I'm going to hand it up to the lady,
8 perhaps.

9 (WHEREUPON, Defendant's Exhibit No. 1 was marked for
10 identification only.)

11 MR. FOSTER: I have not done so formally I proffer
12 this is an exhibit.

13 MS. CROWSON: Without objection.

14 (WHEREUPON, Defendant's Exhibit No. 1 was admitted
15 into evidence.)

16 BY MR. FOSTER:

17 Q. Mr. Rousey, I am telling you what I believe counsel
18 will allow me to do which is that deed is ended with Mr.
19 Austin in October of 2002?

20 A. Okay.

21 Q. So that's a bit earlier I believe than your memory
22 was, sir?

23 A. Well, hey, I said I was guessing.

24 Q. Excuse me, sir?

25 A. I said that I was guessing. I wasn't sure of the

1 exact date.

2 Q. I appreciate your honesty on that point. The part
3 over Mr. Lesondak has been closed since, by your memory,
4 roughly two years after he got the house?

5 A. Let's see. After the bedroom and everything was
6 added on instead of two years I'm going to tell you that
7 change road been changed around -- the lady bought the
8 house. I'm going to say -- I'm going to guess more like
9 five years.

10 Q. Five years?

11 A. I'm thinking about Frank Young sold it to a lady.
12 Wait a minute. Let me get my mind right, now. Yeah,
13 Frank Young sold -- no. Frank Young did sell it to Sam
14 Austin and Annette. Then they sold it to another lady who
15 moved here. She lost the house, and that's when Polly
16 purchased it.

17 Q. And take us back to my question was. Did I
18 understand you correctly it was about two years in your
19 memory after Mr. Austin bought the house that he changed
20 the road?

21 A. That's what I say. I'm going to say five because I
22 thought about it for a minute and realized the way the
23 sales of the house went. I'm going to say more or less,
24 you know, around five years.

25 Q. Five years after he bought it?

1 A. So I'm ---

2 Q. Do I understand your testimony you said it was about
3 five years after he bought it?

4 A. Yeah, like I said, now, I'm not sure. I just
5 estimated there.

6 Q. Okay. It was closed when you bought the property
7 that went to your daughter; is that correct?

8 A. What was closed?

9 Q. The old way across Mr. Lesondak's property?

10 A. Well, before that could actually be closed the other
11 road where he moved it to had to actually be opened up to
12 go back to the other two houses.

13 Q. Well. That's fine, sir. Whichever one happened
14 first that was done before you bought the property, was it
15 not?

16 A. Yes.

17 Q. Okay. And, sir, I believe I've asked. If I haven't
18 I'll ask again. When was the last time, to your memory,
19 did anyone live in the Gandy house?

20 A. I think I answered that awhile ago. I said eight to
21 ten years.

22 Q. Sir, at that point when you bought the property it
23 would be accurate to say, a, the way across Lesondak had
24 already been changed and there had been no one going down
25 to the Gandy house to live there for quite some time;

1 would that be accurate?

2 A. Yes, that would be accurate.

3 Q. Now, sir, you are aware when you're talking about the
4 utility building and well on Mr. Grissinger's property
5 that he's not asserting that as grounds against your using
6 the platted right of way or your daughter using it?

7 A. Well, if I'm looking at this right, the platted right
8 of way, which, you know, goes down the side of the house
9 ---

10 Q. Yes, sir.

11 A. --- the building is in the middle of the right of way
12 so something has got to go. I mean I can't go over here
13 and start cutting and plowing down Mr. Hardee's trees when
14 I'm off where this is actually at.

15 Q. I believe, sir, my question going back to that and
16 trying not to lecture to what I believe what the law is,
17 you are aware that Mr. Grissinger is not asserting that
18 utility building against your daughter's right to use that
19 right of way?

20 A. Okay. Is he willing to move the building?

21 Q. If need be and that's the Judge's order we are
22 prepared, sir, to do that. I can answer a question.

23 A. Well, me personally, you got a right of way there. I
24 don't want to cause him no inconvenience or no problems or
25 get him upset or nothing. He's got power running to his

1 building out there, I believe. And I mean, what's wrong
2 with just using what you already have.

3 Q. Well, sir, that's what we've been getting into. Now,
4 sir, you stated that your recollection of this matter do
5 you have a -- well, let me go back. Do you have a
6 document, sir, or anything that -- where you understand
7 Ms. Grissinger's well is in the middle of this right of
8 way?

9 A. No. That's what I was saying. I'm saying, you know,
10 that ---

11 Q. Okay?

12 A. Well, they wanted us at one time to pay to have his
13 building moved, and to have his well moved. I'm thinking
14 that's where it was at.

15 Q. Which would obviously be a lot less sensible than
16 going to the law about it. Sir, do you have a serious
17 fear that Mr. Grissinger intends to step in front of your
18 car to cause an accident?

19 A. No. I said, you know, there's that possibility. I
20 mean, me personally, I wouldn't want to come down through
21 that and say he, you know, he didn't look and stepped out
22 and I hit him. Now, whose really going to be at fault
23 there?

24 Q. Sir, you're not disputing that this is Mr.
25 Grissinger's property?

1 A. No.

2 Q. Okay.

3 A. I've always told him I didn't want his property. I
4 just wanted to cut across it get back at. That's all I
5 ever wanted to do. I wasn't taking nothing from him.

6 Q. You did have some arguments with Mr. Grissinger, did
7 you not?

8 A. That was his problem.

9 Q. That was his problem? Did you say to him words, sir,
10 such as, "You know I carry a gun?"

11 MS. CROWSON: Objection. These are out of Court
12 statements.

13 THE WITNESS: Well, I'll go ahead and answer that.
14 No.

15 THE COURT: All right. The door is already open.
16 Let me go ahead and hear all the dirty laundry.

17 THE WITNESS: No.

18 THE COURT: Go ahead.

19 THE WITNESS: I did not tell him that.

20 BY MR. FOSTER:

21 Q. Let me finish my question.

22 A. I did not tell him that.

23 Q. Let me finish my question, Mr. Rousey. My
24 understanding is that in response to an argument you had
25 with be Mr. Grissinger you said something to the effect

1 of, "You know I carry a gun and I've killed snakes. You
2 understand what I mean?"

3 MS. CROWSON: Same objection.

4 THE WITNESS: Mr. Grissinger told you that? He's
5 telling you a lie. Do I have a gun permit? Yes. I carry
6 a gun everywhere I go. Now, it's on my side. Sometimes
7 my shirt will ride up and you can see it. But I mean at
8 least I'm on private property. Have I ever pulled that
9 gun on him or pointed it at him or his house or at his
10 property? No, sir, I have not.

11 Q. You have it on you now, sir?

12 A. Oh, no. Not in the courtroom, no.

13 Q. Good. So you never made statements of this kind?

14 A. No, I did not. You accused my daughter of the same
15 thing. It seems like, you know, somebody's got their
16 story going the wrong way.

17 Q. Someone certainly does, sir.

18 A. I think so. The wrong way, because I go over there
19 sometimes and I might shoot my gun. Sometimes I don't
20 even shoot it. You know, I just go over there and piddle
21 around on the property cleaning up stuff.

22 Q. You shot your gun around the property -- I mean on
23 Mr. Grissinger's property, on her property, haven't you,
24 sir?

25 MS. CROWSON: Your Honor, again I object to the

1 entire line of questioning.

2 THE COURT: Your objection is sustained.

3 BY MR. FOSTER:

4 Q. I assume, sir, should the Court should find it has
5 right to restore the old way which is now within I believe
6 is two or three feet within Mr. Lesondak's house he might
7 step out and get hit, too?

8 A. Well, I could jump out of a window.

9 Q. As against Mr. Grissinger just have to step outside
10 the door?

11 A. Well, instead of just walking out he could stumble
12 and fall out. That's why I stated a while ago the road is
13 fine with me. I mean, if you come down through there,
14 leave it like it is, and we just go ahead and get it put
15 in to where we can drive on back there it's not really --
16 I mean the only thing that's changed, I'm going to say,
17 I'm guessing, is about 30 or 50-foot. I don't know.

18 You know, we would have crush and run or pea gravel
19 already there. The pea gravel is already there road was
20 at before. If you scrape it back you can see where the
21 road was at.

22 Q. It's there as far as Mr. Grissinger's house; isn't
23 that right?

24 A. It's all the way back to the property.

25 Q. Its back to Mr. Grissinger's house, I suggest, sir.

1 A. That is the crush and run that they put on it, but
2 when you get to Grissinger's house right here and it goes
3 this way that's all pea gravel right there all the way
4 back. They just started putting that crush and run in a
5 couple of years ago.

6 Q. That they put down. Who is they?

7 A. County.

8 Q. Who is this?

9 A. The County.

10 Q. You saw them do this, sir?

11 A. Yes, I did.

12 Q. The County came in there?

13 A. Yes, they did. The County maintained that road for
14 God knows how many years.

15 Q. No, sir. My question is you testimony under oath is
16 that the County came down and graveled the road from Mr.
17 Grissinger's house back to your daughter's house?

18 A. No, they maintained the road from 321 all the way
19 back to Grissinger's house. And when they stopped, you
20 know, they were told right now, stop right there and leave
21 it alone.

22 And you know, get this in because they had a problem
23 with an ambulance with a woman having a heart attack or
24 something, and they had to get her out and the ambulance
25 got stuck.

1 Q. Which would be another reason to have a straight road
2 then, would it not?

3 A. The road went straight down.

4 Q. This road is.

5 A. Straight from where?

6 Q. From 321.

7 A. Well, I would like for you to take me out there and
8 show me that road.

9 Q. I'm showing it to you on the map.

10 MS. CROWSON: Your Honor ---

11 THE WITNESS: And I'm telling you the road does not
12 go that way.

13 MS. CROWSON: Objection. Feels like a conversation.
14 I don't hear a question in this from Mr. Foster. Is there
15 a question, Mr. Foster?

16 THE WITNESS: Because if you come off of 321.

17 THE COURT:

18 THE WITNESS: Come off of 321 you make a right. Then
19 you go up, and then you go around the curve. Now, there
20 did used to be a little roadway there that went back there
21 to Mr. Hardee's property up there that he owns now. But
22 that goes -- and then that goes on back, but it's not a
23 straight shot from the way that looks from here but I
24 mean.

25 BY MR. FOSTER:

1 Q. Let me ask a question, sir, is there anything that
2 prevents the roadway that's marked on the plat from being
3 clear from 321 back to your daughter's property? Well,
4 we've talked about the utility building and the well.
5 We've talked about that. Anything else?

6 A. Maybe some trees on behind it.

7 Q. Which can be cut, can they not?

8 A. That's what I said. They would have to be cut.

9 MR. FOSTER: That's all I have. Thank you.

10 MS. CROWSON: I was going to see if Mr. Hardee has
11 any questions, and then I have a brief redirect, please,
12 sir.

13 THE COURT: Mr. Hardee, you got any questions?

14 MR. HARDEE: Yes. I am still confused on the
15 entrance.

16 CROSS-EXAMINATION

17 BY MR. HARDEE:

18 Q. When you talk about the Gandy entrance are you
19 talking about the lower one or the one that comes up?

20 A. Well, he's talking about what -- Mr. Hardee, where
21 you come in. The dotted line on this side beside the
22 Severance's house?

23 A. Yeah, that one. He's calling that the Gandy
24 entrance. You know Sam moved the road on the other side.
25 Go up. Go on up. Yeah, right there, and he moved it

1 there and brought it back around through Grissinger's
2 house and then right there where it turns before you go
3 all the way into his house it turns left and then you've
4 got to make a right to go back there to that crossing.

5 Q. Is the one you say you entering on now right there in
6 the grass?

7 A. Yes.

8 Q. Okay.

9 A. It just goes around and come around like this and you
10 have to take a right to go back this way.

11 Q. Yes, sir.

12 MS. CROWSON: If I might just do a brief redirect,
13 sir?

14 THE COURT: Okay.

15 REDIRECT EXAMINATION

16 BY MS. CROWSON:

17 Q. Mr. Rousey, you were asked about times when the
18 Gandys did not live on Heather's property?

19 A. Yes.

20 Q. Was anyone still accessing, to your knowledge, the
21 Gandy's property during the years when the Gandys did not
22 live on their property?

23 A. Their nephews lived there.

24 Q. Right. And how would the Gandy nephews get to the
25 Gandy property?

1 A. Yeah.

2 Q. The Gandy Easement? Okay. And that was during the
3 time period of Mr. and Ms. Gandy who were the owners
4 didn't live on the property, correct?

5 A. No. They lived in Florida at the time.

6 Q. Right. So even during times when the Gandys did not
7 live on their property other folks were still accessing
8 the Gandy property using the Gandy Easement?

9 A. Yeah, there were several different people actually
10 renting their property.

11 Q. Okay. Several renters while the Gandys ---

12 A. Yes, a lot. Matter of fact my brother-in-law was one
13 of them.

14 Q. All right. And your brother-in-law, would he access
15 the property via the Gandy Easement?

16 A. Yes.

17 Q. And that again is during the period that the Gandys
18 owned the property but didn't live it, correct?

19 A. Yeah.

20 Q. Thank you, sir.

21 MS. CROWSON: I have no further questions for this
22 witness.

23 THE COURT: Anything further?

24 MR. FOSTER: No, sir, not from me.

25 THE COURT: Mr. Hardee?

1 MR. HARDEE: No, sir.

2 THE COURT: All right. You may step down.

3 MS. CROWSON: At this time I would like to call

4 Ms. Rosemary Rousey, please, sir.

5 THE COURT: Come around and be sworn, please.

6 ROSEMARY ROUSEY, after being duly sworn, testified as
7 follows:

8 DIRECT EXAMINATION

9 BY MS. CROWSON:

10 Q. Good afternoon, ma'am. Can you tell us your full
11 name, please, ma'am?

12 A. Rosemary Jackson Rousey.

13 Q. And you live here in Chester County?

14 A. I do.

15 Q. You are married to Dennis Rousey?

16 A. I am.

17 Q. You are the mother to Heather Rousey Piper?

18 A. I am.

19 Q. You have been in the courtroom here today and heard
20 the testimony. You heard from both from your daughter and
21 your husband just now?

22 A. Yes.

23 Q. Do you agree with your husband's testimony in regard
24 to the number of years y'all been married, your time at
25 this property, and your purchase of Heather's property to

1 convey it to her as a wedding gift?

2 A. I do.

3 Q. Do you have knowledge, Ms. Rousey, as to access over
4 the years to get to what is now your daughter's property?

5 A. It was straight behind E.P. Grissinger and Ms. Gandy.
6 It went straight down.

7 Q. So what the route that you're describing is that
8 what's shown here on Plaintiff's Exhibit B, the dotted
9 line we have been calling to Gandy Easement?

10 A. Yes, but that was actually called Severance Drive by
11 the County.

12 Q. All right. But is that in the area that is marked
13 our here near the dashed line on Plaintiff's Exhibit B?

14 A. That is correct.

15 Q. In your 40, 44 something years on this property how
16 have you accessed what's now Heather's property over the
17 years?

18 A. I can walk through the woods. I can't drive through
19 there.

20 Q. All right. Have you ever gone down or seen anyone go
21 down to what we are calling the Gandy Easement to get to
22 Heather's property?

23 A. I have.

24 Q. And who would that be? Who have you seen using that
25 easement to get to Heather's property?

1 A. I really don't know their names.

2 Q. All right. Have you ever ---

3 A. His nephews.

4 Q. All right.

5 A. Mr. Gandy would come up and check on the property
6 until he died. Then Ms. Gandy inherited it. She's been
7 paying taxes on it for years. There's is a Duke Power
8 light that's on the property. It has never been shut off
9 so the property was not abandoned cause he's been paying
10 taxes.

11 She knows Dennis. She likes him. When she lost her
12 husband she called him and asked him if he wanted to
13 purchase it.

14 Q. And you're talking about Ms. Gandy?

15 A. Yes.

16 Q. Okay.

17 A. And he got with a lawyer here in town. I know I
18 can't say what was hearsay, but we used that right of way
19 to go to the property.

20 Q. That right of way that you used that's the Gandy
21 Easement?

22 A. I couldn't use that one by Paul's house anymore
23 because Annette had rerouted it. Either way you went
24 Kerry has always gone either, when it was over way
25 straight down he, had to go to the right and left to get

1 in his drive.

2 Q. That's Kerry Grissinger?

3 A. That's correct. And then now from him to go he has
4 to go straight down and then he backs straight into the
5 same place. He usually parks there.

6 Q. All right. So let me take you back little bit, Ms.
7 Rousey. You said you know that Mr. Gandy used to access
8 this property when it belonged to the Gandys.

9 A. Yes.

10 Q. Do you know which of these easements Mr. Gandy used
11 to get to his property when it was his?

12 A. It would be that checkered line because as that time
13 they were not there.

14 Q. So that's the Gandy Easement that Mr. Gandy would use
15 that during the period of time when he and his wife owned
16 that property?

17 A. That is correct.

18 Q. And then you said you knew Ms. Gandy also accessed
19 the property the same way during the same time period?

20 A. Right.

21 Q. Would she also use the Gandy Easement to get back
22 here to what's now Heather's property?

23 A. Right.

24 Q. Okay. We heard a few moments ago that even when the
25 Gandys didn't own their property they rented it out to

1 some tenants?

2 A. Yes, my brother rented it at one time.

3 Q. And what is your brother's name?

4 A. Vernon Jackson.

5 Q. All right. Do you know how your brother, Vernon
6 Jackson, accessed what's now Heather's property when he
7 lived there?

8 A. The same checkered line all the way down.

9 Q. The Gandy Easement. Do you know what time period he
10 lived there and would have used that access?

11 A. Wait. I've been 40 -- I have lived on Columbia Road
12 right beside it. I been there all my life. I've been on
13 Lake and Glen 44. Then I grew up. Twenty years here.
14 The two families had always intertwined. That was a whole
15 piece of property all over. There used to be a road that
16 went straight up the hill to Mr. Taylor's house, but down
17 the road on the other side.

18 Q. All right. So when your brother, Vernon Jackson,
19 lived here on what's now Heather's property you said he
20 used the Gandy Easement to access and get back when he
21 lived here. Do you know the period of time he lived on
22 the property?

23 A. That would have been probably -- he was out of the
24 hospital. He got married young. So that's probably been
25 about 30 years ago, I would imagine.

1 Q. All right. You said there were other tenants in
2 addition to your brother that lived on the Gandy property?

3 A. Yes.

4 Q. Do you know how ---

5 A. I could hear them, but I don't know who they were.

6 Q. Do you know how those other tenants accessed the
7 Gandy property when they lived there?

8 A. Well, the road. The checkered road was still there.

9 Q. The Gandy Easement again?

10 A. Yes.

11 Q. All right. And then after you and your husband
12 purchased the property that Heather now owns, y'all
13 purchased it in 2012, right?

14 A. Right.

15 Q. What you ---

16 A. Cause we knew she wanted to get married and she
17 wanted to the build a house next to us.

18 Q. Okay. How did you and your husband access the
19 property that's now Heather's during the time period you
20 owned it?

21 A. How did we acquire it or how did we get into it?

22 Q. How did you get into it?

23 A. The checkered line.

24 Q. On the Gandy Easement?

25 A. No. Not in the beginning. No. Annette had run it

1 around so by the time we got it we were going around the
2 corner by Kerry's and straight.

3 Q. Is that the route Heather described earlier that she
4 currently uses? The one that comes up and down the dashed
5 line with the 'E'; is that right?

6 A. That's correct.

7 Q. Okay. Are you aware of any other folks over the years
8 that have used either the Gandy Easement or Heather's
9 current easement to get down into the property that
10 Heather now owns?

11 A. Other than us and you I don't know of people going on
12 there. I mean it's in the woods from my house so I don't
13 know of anyone is going in and out over there or not so.

14 Q. Are you familiar with this top route that borders
15 along Mr. Hardee's property?

16 A. There was never a road there, and I lived there about
17 65 years. I grew up as a child there and had holidays
18 there. I knew the Taylors and the Severances. There was
19 never a road there.

20 Q. So in 65 years your testimony is you're never aware
21 of in 65 years anyone ever using this top route along Mr.
22 Hardee's property to get back to Heather's property?

23 A. No.

24 Q. It's never been used as access along the top to get
25 back to Heather's property?

1 A. No.

2 Q. Has it ever been cleared right behind this utility
3 building right here on the corner of the three properties
4 we have been discussing? Has this ever been cleared to
5 get back in the area up in Heather's property?

6 A. No.

7 Q. I don't have any other questions for you, Ms. Rousey.
8 Thank you.

9 A. You're welcomed.

10 CROSS-EXAMINATION

11 BY MR. FOSTER:

12 Q. Ms. Rousey I will be brief. Ma'am, you've lived
13 nearby most of your life. That's what you tell us?

14 A. Yes, sir, all my life.

15 Q. All your life. Ma'am, when you bought the property
16 that is now occupied by your daughter I understood from
17 your husband that the house that was there was in pretty
18 poor shape?

19 A. Yes, it was unlivable.

20 Q. Do you have a memory, ma'am, or any knowledge of how
21 long that house has been abandoned?

22 A. It was not abandoned. Ms. Gandy -- the house was
23 abandoned.

24 Q. Okay.

25 A. But the property was in the possession of Ms. Gandy.

1 Q. How long was the house unoccupied?

2 A. That I don't know.

3 Q. Okay. And you mentioned a change in the road from
4 Severance, roughly, what ya'll say it is to what is now
5 going around this way through Mr. Grissinger's and Mr.
6 Lesondak's property. That was the case when you brought
7 the property. You and your husband bought the property in
8 2012, am I right?

9 A. That's when we went in.

10 Q. Thank you, ma'am. That's all I have.

11 A. Okay.

12 THE COURT: No questions.

13 MS. CROWSON: Nothing further from me.

14 THE COURT: You may step down. Thank you.

15 MS. CROWSON: That will conclude our case in chief,
16 Your Honor. We have no additional witnesses, evidence or
17 testimonies at this time.

18 THE COURT: All right.

19 MR. FOSTER: Your Honor, we would call Mr. Kerry
20 Grissinger.

21 KERRY GRISSINGER, after being duly sworn, testified
22 as follows:

23 DIRECT EXAMINATION

24 BY MR. FOSTER:

25 Q. Sir, state name for the record.

1 A. Kerry Grissinger.

2 Q. And, sir, I believe everyone has agreed that you own
3 this property that I'm indicating on Plaintiff's Exhibit A
4 consisting of one acre and sort of parallelogram?

5 A. Yes.

6 Q. Okay, sir. Sir, I believe that I'm able to state
7 with counsel's permission I'm handing you a copy of the
8 plat recording J44 that is referenced in your deed. And I
9 believe counsel will allow me to say and the deeds prior
10 to you. Have you seen that before, sir?

11 A. Yes.

12 Q. Is it -- it indicates an easement a northern or
13 northeastern border between yourself and Mr. Hardee; is
14 that correct?

15 A. Yes.

16 Q. Is that easement clear, sir?

17 A. No.

18 Q. Sir, have you had some dealings with Ms. Piper on
19 this matter?

20 A. Yes.

21 Q. Okay. Have you had any dealings with her family on
22 this matter, sir?

23 A. Yes.

24 Q. When did this matter first become known to you as a
25 matter contradiction, Mr. Grissinger?

1 A. When they started trespassing on my land.

2 Q. About when was that?

3 A. About four years ago.

4 Q. What did they do?

5 A. They drove a tractor down across my yard and into the
6 woods.

7 Q. Who did that?

8 A. Dennis Rousey.

9 Q. Did you talk to him about it?

10 A. Yes.

11 Q. What was his response?

12 A. He was going to do it anyway.

13 MS. CROWSON: Object. Object to an out of Court
14 statement, Your Honor.

15 MR. FOSTER: I believe it's res justii under the
16 circumstance.

17 THE COURT: Yeah, I will have to overrule that.

18 BY MR. FOSTER:

19 Q. Did he do this more than once, Mr. Grissinger?

20 A. Yes.

21 Q. Did you object on each occasion?

22 A. Every time I could.

23 Q. Okay. And what do you mean by every time you could?

24 A. When I'm not there I'm not aware, but when I'm there,
25 I check.

1 Q. Then are you aware that at some point the property
2 that we're talking about that was transferred to Mr. and
3 Mrs. Rousey to their daughter, Heather Piper?

4 A. Yes, he told me so.

5 Q. He being Mr. Rousey?

6 A. Yes.

7 Q. Did she come across your property, sir?

8 A. Yes.

9 Q. What was the result of that action, sir? What if
10 anything resulted?

11 A. They kept doing it.

12 Q. What were your -- did you have any conversations or
13 confrontations with Ms. Rousey -- with Ms. Piper?

14 A. Yes.

15 Q. Tell me about those.

16 A. Well, one of the first times was about 12:30 at night
17 on Christmas night when her and her son were racing
18 through my yard on four wheeler and a mini bike. And I
19 went out, and I did get -- wasn't loud about it, but it
20 was one o'clock in the morning.

21 I said, "Get out of my yard. You're trespassing."
22 She told me that she had the right to do it and that she
23 was well within her rights. I said, "No, you're not," and
24 I probably did cuss her out at that point after she
25 started cussing me out. She was within her right.

1 Q. Did you have any other confrontations with Ms. Piper?

2 A. Yes.

3 Q. Tell us about those.

4 A. One time her and her mother came up with pruning
5 shears, and I assume pruning the trees along where they
6 thought it was their right of way.

7 Q. Let me stop you. Was this on your property or
8 Mr. Lesondak's property or both?

9 A. It was on my property.

10 Q. Go ahead, sir.

11 A. Several times I've told her, when I catch them being
12 out there, that they're trespassing and I wanted them off
13 my property. The last actual word I had with her -- I
14 don't have time. When my wife came home she was sitting
15 in my driveway. Well, in my yard, and I said, "I don't
16 have time for this. I've got work to do." And I went
17 into the house. She immediately called the police.

18 Q. What was the result of that, sir?

19 A. The police threatened me with jail if I didn't let
20 her go across my property.

21 Q. Did they indicate any authority for that kind of
22 behavior, sir?

23 A. They said that they had decided that after looking at
24 her piece of paper that she was well within her rights.
25 And I had no right to stop her from crossing my yard.

1 Q. Did you ever see this magical piece of paper, sir?

2 A. Not directly, no.

3 Q. Did you received any order from the Court telling you
4 she had the right to do this?

5 A. No, sir.

6 Q. How far in front of your house was she, sir?

7 A. About 40 feet.

8 Q. Okay, sir. Sir, we've had some discussion in this
9 case about changes that Ms. Rousey may have made. Did she
10 make any changes to your yard or that of Mr. Lesondak
11 since this matter began?

12 A. She brought up that dirt, and I believe she must have
13 scraped it a little bit and put that dirt there so she can
14 could get her car over what she considers to be a road.

15 Q. Is it on your property, sir, or Mr. Lesondak's?

16 A. It's on my property.

17 Q. Sir, what would it cost, of your knowledge or your
18 opinion, to restore this situation?

19 MS. CROWSON: I'm going to object to the question. I
20 haven't heard any foundation or knowledge for this witness
21 to testify to cost.

22 MR. FOSTER: I believe any homeowner can testify as
23 to damage to his own property. The value of that
24 testimony is, of course, up to the Court.

25 THE COURT: Yes. You're right. Go ahead.

1 BY MR. FOSTER:

2 Q. Go ahead, sir.

3 A. I'm not really sure how much. It shouldn't be too
4 much because it was just the removal of that dirt and
5 putting it even with the yard again.

6 Q. Did she do anything else, sir, to your property?

7 A. She trimmed down through the -- what she considers to
8 be right of way which actually is a power line right of
9 way. It's for Duke Power. And that's the only people who
10 actually used it at all after those people moved out, and
11 they had only been there, to my knowledge cause I was
12 working a lot, once, maybe twice down through there.

13 Q. Now they ---

14 A. That was ten years ago.

15 Q. They that were there only once or twice, who are we
16 talking about? Duke Power?

17 A. Duke Power.

18 Q. Sir, what was the condition of this power line
19 property before Ms. Rousey trimmed it up?

20 A. It was all overgrown with vines and small trees and
21 that bunch of stuff.

22 Q. Sir, and that was what? Cut by her and her mother or
23 cut by her?

24 A. Her and her father I believe cut most of it, and then
25 they trimmed it out again.

1 Q. Is this along your property, sir, or Mr. Lesondak's
2 or both?

3 A. It would be both because it starts on my property and
4 crosses Mr. Lesondak's property.

5 Q. Did she cut more than Duke Power cut?

6 A. Yes.

7 Q. Would you -- what would you suggest, sir, would be
8 the value of what she did there to restore it?

9 A. I just would ...

10 Q. Sir, I'm sorry.

11 A. I'm not sure.

12 Q. Okay. Sir, how long have you lived on this property?

13 A. Since 1996.

14 Q. And when did you actually acquire it by deed, sir?

15 A. The year 2000.

16 Q. And how does it come about you lived there before you
17 got a deed, sir?

18 A. I was renting to own.

19 Q. Okay. And who is that from?

20 A. Charlie Shirley.

21 Q. Okay. The former owner of the property?

22 A. The bank.

23 Q. Sir, during the time period that you've been there
24 did you ever see any traffic between the area of your
25 house toward what is now Ms. Piper's property?

1 A. In the first year I lived there. There was somebody
2 I believe that lived in that house, and I hardly ever saw
3 them out. I saw some traffic from that there and people
4 going in and out. And then we moved in '97, some place in
5 '97, they just disappeared. I didn't see them there
6 anymore, and I didn't see any more traffic.

7 Q. Sir, between '97 and the time this matter blew up
8 into a confrontation, which I believe you indicated was
9 when Mr. Piper -- pardon. Mr. Rousey got this property in
10 2012, did you observe any traffic along that road?

11 A. No, sir.

12 Q. Did you have any other problems, sir, with Ms. Piper
13 in terms of her coming onto your property?

14 A. A lot of times when they get mad cause I told them
15 they can't trespass on my property she would go behind my
16 house, about 40 feet from the house, and discharge a
17 firearm for awhile. And I didn't say anything for a long
18 time. It didn't bother me. I heard it, but it's right
19 behind my house and they were doing it just to harass me.

20 MS. CROWSON: Objection, Your Honor, as to intend of
21 anybody other than this witness.

22 MR. FOSTER: Well, I presume he is stating his
23 opinion.

24 THE COURT: Right.

25 BY MR. FOSTER:

1 Q. Is it your opinion, sir?

2 A. Yes, it's my opinion.

3 Q. Sir, did you ever have any occasion which Ms. Rousey
4 used or threatened to use firearms with you?

5 A. She never threatened me with a firearm.

6 Q. Did she ever have them around you, sir?

7 A. She had them right behind the house all the time.

8 Q. How about Mr. Rousey, her father?

9 A. Yes.

10 Q. Tell us about that, sir.

11 MS. CROWSON: Again, Judge, I'd object to the line of
12 questioning so that we can stay on a purely property basis
13 about this.

14 MR. FOSTER: I understand the objection with I
15 believe are continuing. We are alleging trespass and
16 we're alleging matters which we believed to be worthy of
17 the Court's consideration of punitive damages whether they
18 get them or not.

19 THE COURT: Well, considering the testimony of the
20 initial witness I'm going to give you some lead way. But
21 let's just don't get out on a tangent on this.

22 BY MR. FOSTER:

23 Q. Did you have any dealings with Mr. Rousey regarding
24 to firearms, sir?

25 A. Yes, sir. He told me that, "He carries a gun for

1 snakes, and that he's not afraid to use it, you understand
2 me, Kerry." Those were his exact words.

3 Q. So you leveled out your property to put in this
4 business about the road? Would that be correct? Part of
5 your property?

6 A. Yes, just sections.

7 Q. Have you ever seen firearms exchanged between any of
8 the Rouseys or the Pipers during the time you dealt with
9 them?

10 A. The time that they -- she came over on the four
11 wheeler. She went out back. I didn't say much. I was
12 still in the house. And then I had my chickens out back,
13 but she went up to the front of the house again. Her
14 father and who I assumed to be her husband came in a white
15 pickup truck and stopped right at my property line.

16 He, her husband, handed Ms. Piper something. I
17 assume to be a gun. She got on her four wheeler and went
18 back around to the back of my house, starting shooting at
19 me. I called the police cause they were blocking me in
20 and fired a gun behind my house.

21 Q. What result was there by calling the police?

22 A. Police came and told me that she had the right to
23 fire the gun on her land and that she had the right to my
24 land and that I would be jailed if I called them again.

25 Q. Again, sir, did they show you any Court order or

1 anything to back this up?

2 A. No, sir.

3 Q. How many times would you say she had the police out
4 there, sir, in all?

5 A. At least five.

6 Q. How many people would come when she called the
7 police?

8 A. Seven officers.

9 Q. Were you ever arrested, sir?

10 A. No, sir. I always complied and went back in the
11 house. A lot of times I wasn't even outside when they
12 arrived. They came and knocked on the door and I had come
13 out.

14 Q. Did they ever discuss with you the problem of using
15 your utility building or your well, sir?

16 A. No, sir.

17 Q. Sir, you understand that Ms. Piper has that right to
18 access her property?

19 A. Yes I do.

20 Q. At the moment she's accessing it through your front
21 yard?

22 A. Yes, she is.

23 Q. If I remember correctly from your description, sir,
24 she comes on your property and makes a right turn and then
25 another right to get on to this right of way of Duke Power

1 line; is that correct?

2 A. She comes down the outside of the driveway off my
3 property. Comes on to my property, then down my driveway,
4 turns left, goes back toward Mr. Lesondak's property.
5 Before she gets there she then turns right and follows
6 those power lines which are directly through my land down
7 through to -- over Mr. Lesondak's property again and then
8 to her property.

9 Q. My memory is correct, sir, that these are two hard
10 turns, 90 degrees?

11 A. Yes.

12 Q. So if, sir, one were bringing any building materials
13 or a mobile home the way that she currently has she has in
14 your front door would present great difficulties in
15 maneuvering area?

16 A. It couldn't be done. You couldn't bring a trailer
17 truck in there.

18 Q. Sir, have you ever threatened Ms. Piper?

19 A. No.

20 Q. Have you ever threatened her children?

21 A. I threatened to call the police one time. I would
22 call the police if she didn't get off my land.

23 Q. What type of language did she use to you, sir?

24 A. Foul language.

25 Q. Sir, I'm going to have you answer any questions

1 Ms. Crowson might have. Thank you.

2 CROSS-EXAMINATION

3 BY MS. CROWSON:

4 Q. Mr. Grissinger, you don't dispute that Heather Piper
5 has the right to get back to her property, do you?

6 A. I don't.

7 Q. And you don't dispute she don't have any other way to
8 get to her property other than these routes we have been
9 discussing today, correct?

10 A. The one that is deeded that is showed on the plat is
11 her right of way to that land. Not the one that's she's
12 using. Not the one you have drawn. She's not using that
13 one at all. There is no such thing there.

14 Q. And the one that is on the plat that you are
15 referring to that's the one along the top right here?

16 A. Right. Which is all, basically, on Mr. Hardee's
17 land.

18 Q. And so your opinion is that Heather Piper's access to
19 her property is along this top route which says Severance
20 Drive, gravel drive, across and this way; is that correct?

21 A. Right. If you came straight down where its already
22 been cleared that is all on Mr. Hardee's property. And
23 that's the way it's supposed to be from what I understand.

24 Q. And yet you've intentionally prevented her from going
25 that way and blocked here by putting utility buildings,

1 trailers, wood, building supplies and other items right
2 here, correct?

3 A. No, ma'am. The utility building is in my -- at the
4 end of my driveway which is 12 feet at least from the
5 property line. And the way it sits in there, it's kinda
6 at an angle to about 8 foot from the property line. The
7 well is about 10 feet from the property line cause I
8 measured it not too long ago onto my property.

9 It has nothing to do with the edge over there. These
10 are not -- that is not the described the right of way for
11 that.

12 Q. And then how about the trailers, wood and the
13 building supplies?

14 A. Those are on my driveway and not on that on easement.

15 Q. Have you seen the photographs that are Plaintiff
16 Exhibit C, sir?

17 A. No, I haven't.

18 Q. Sir, I'm showing you portions of Plaintiff's Exhibit
19 C that are Pages Rousey 10, Rousey 11, Rousey 9, Rousey 8,
20 Rousey 12 and a portion of Rousey 13. Would you take a
21 moment and look at these, please, sir? Have you had an
22 opportunity to look at those, Mr. Grissinger?

23 A. Yes, I did.

24 Q. Looking at Rousey 8 I see an upside down red trailer.
25 Is that your position that that is or is not inside the

1 right of way that you believe is up here?

2 A. That is not. It's at least ten feet from the
3 property line.

4 Q. Ten feet?

5 A. Yeah, those trees, those red tips, are out at least
6 that far.

7 Q. And that red trailer that's upside down is that on
8 your property or Mr. Hardee's property?

9 A. It's on my property well within ten -- it's ten feet
10 from the line at least.

11 Q. And I see a large metal trash barrel. Is that on
12 your property?

13 A. That's not my property.

14 Q. Is it in our outside of the right of way?

15 A. It would be outside. It's at least 15 or 20 feet off
16 the property line. At least 15 I'd say.

17 Q. And I see a large, long pieces of lumber and a large
18 square piece that could be plywood or something similar
19 thereto. Are those in or out of the right of way?

20 A. It would be out of it. It would be in my yard at
21 least 10 feet from the property line.

22 Q. And I see a trailer tilted backwards with an orange
23 pole or something similar in front, that is or is not in
24 the right of way?

25 A. Is not in the right of way.

1 Q. Okay. And then if you look over further I see the
2 side of your house with a ladder leaning up against it.
3 That is or is not in the right of way?

4 A. That is not in the right of way. That's in my
5 driveway.

6 Q. So ---

7 A. So is the trailer.

8 Q. I show you on Plaintiff's Exhibit B. Can you point
9 on Plaintiff's Exhibit B where the items on Rousey 8 and
10 Plaintiff's Exhibit C are located?

11 MR. FOSTER: With a caveat, I presume the witness is
12 not a surveyor.

13 THE WITNESS: Approximately, right here. The
14 building is actually up here. The house is here. This
15 has never existed. And the way they came in now is to go
16 down this way into my driveway, which is here, then back
17 up and then go down the power lines.

18 I owned all this wood over here on the other side of
19 the power lines. They been going down through my property
20 here, through Mr. Lesondak's property, and right through
21 the center of my property.

22 Q. And so your testimony would be that none of the items
23 we can see on Rousey 8, Rousey 9, Rousey 10, Rousey 11,
24 Rousey 12 and Rousey 13, none of those items are blocking
25 the right of way that you say Ms. Piper has shown on the

1 top of this plat?

2 A. Correct.

3 Q. She should be able to drive along here. These items
4 should not be in her way at all, and she should get back
5 to her property? Is that what you're saying?

6 A. If she removed those trees she could use her given
7 access.

8 Q. And you've ---

9 A. That's what Mr. Austin had to do was remove the trees
10 along the line to make that part of the driveway in order
11 to move the road.

12 Q. And so your testimony, sir, is that there are no
13 items blocking Ms. Piper's access to her property once she
14 goes along this part labeled Severance Drive? There's
15 nothing in her way?

16 A. Nothing. All of this that you're showing me is at
17 least 10 feet from my property line on my side of property
18 line. All of it. The building, the well, the wood, the
19 trailer, the landcruiser, all of it is within 10 feet of
20 my actual property line.

21 Q. So Ms. Piper can ride all along here and come above
22 this utility building, contrary to where the surveyor drew
23 it, is not in this right of way? Is that your testimony,
24 sir?

25 A. What I'm saying is that building is not right there

1 either. It's up farther toward 321. That is where the
2 well is, right there. It's 10 feet in and I'm not sure
3 how far off her property line it is. I know it's 10 feet.
4 Approximately 10 to 12 feet in off of the line between me
5 and Mr. Hardee. So is the shed. So is the land cruiser.
6 So is the trailer.

7 Q. So the surveyor that prepared these maps and plats
8 he's just wrong by drawing the utility building inside the
9 right of way?

10 A. Yes.

11 Q. And Heather Piper, Mr. Rousey, Ms. Rousey their just
12 wrong by saying these items in photographs are blocking
13 the right of way? They're wrong as well?

14 A. Right.

15 Q. Okay. So you're the person who's right here today
16 and no one else knows where these items are; is that
17 right?

18 A. I checked it. I live there. I have lived there for
19 20 years, and I put the shed there, but I didn't put the
20 well there. And the shed is 10 feet up off of my
21 property.

22 Q. The well is or is not in the right of way?

23 A. It is not. It's 10 feet, at least, 10 feet off the
24 property line.

25 Q. Okay. So your testimony today is, to make sure I

1 understand, that Ms. Piper should have absolutely no
2 obstruction or problem at all going along this top part
3 and going onto her property?

4 A. Just the trees have to be removed that are on the
5 roadway.

6 Q. And your testimony is also ---

7 A. Or they will end up.

8 Q. --- that the way that Heather has been going to
9 access her property, going up and down along the dashed
10 mark with the E; that she doesn't have a right to that
11 either?

12 A. No, that Duke Power's right of the way. That's not
13 access for anybody else. That's just where the telephone
14 lines are.

15 Q. And your testimony is also that the Gandy Easement
16 we've heard a lot about today, she don't have that either?

17 A. There is no access. That would go around the corner
18 of my property. Not through the middle of it with the
19 power lines. That hasn't been open -- I've never known it
20 to be a road. I've never known it to be a way in. There
21 wasn't never anything there. Just trees.

22 Q. Now, you testified earlier that in your first year
23 living on this property that you saw people accessing not
24 along the right of way on top but they went along the
25 other way?

1 A. They went along the power line.

2 Q. The way that Heather Piper goes now?

3 A. Yes, through the side of my property.

4 Q. You don't see everyone who comes and goes back to
5 what was the Gandy property then the Rousey property and
6 now Heather's property, do you?

7 A. I try to. I'm not home a 100 percent of the time
8 because I have places to go and work, and -- but when I am
9 home which is most of the time because I'm unemployed
10 is -- I see just about everybody that ever goes through
11 there. I know they're the only ones that have gone
12 through since 1997.

13 Q. You said you first lived on this property, sir, in
14 1996?

15 A. Right.

16 Q. You don't know what happened or who accessed or what
17 way they went before that date, correct?

18 A. No. Not at all.

19 Q. So since 1996 you know how everyone accesses what's
20 now Heather Piper's property?

21 A. No one has accessed it since 1997.

22 Q. No one has accessed it since 1997?

23 A. Nobody.

24 Q. So the testimony we have heard today about the
25 Gandys, that's not true?

1 A. They did not go visit. They've never -- I've met
2 Andy Gandy one time. He told me his name was Andy, and I
3 wrote it down that way. Mr. Gandy, I have met one time.
4 He asked me if I was interested in buying the property and
5 I says, "How much would you want for it." He said, "I'll
6 check and find out and I'll check back with you," and I
7 never ---

8 I offered to a keep an eye on the building and the
9 house back there because no one was in it. And he said,
10 "Okay. I'd appreciate that," and I've never seen him
11 after that. Not once.

12 Q. Cause you actually wanted to purchase what is now
13 Heather Piper's property, correct?

14 A. Yes, I did at one time.

15 Q. And you were angry -- you were upset when the
16 Rousey's got it instead of you, weren't you?

17 A. No, I wasn't cause I figured I didn't have the money
18 to purchase it in the first place. So at least somebody
19 has it. It's fine with me.

20 Q. Now, in the past you've given Dennis Rousey
21 permission to ride his tractor on your property, correct?

22 A. No.

23 Q. And you've given him permission and specifically,
24 told him that he could get back to Heather's property
25 however he needed to, correct?

1 A. No, I did not. I can't give that permission. It's
2 not up to me to give that permission because he would have
3 to ask -- at the time that he started doing it he had -- I
4 told him, I says, "You have to ask Mrs. Johnson that
5 owns -- you have to cross her property twice. And I says,
6 "I won't let you cross my property. You can go back and
7 look and see what you got over there."

8 But after that, no. He drug it out and drug it out
9 and drug it out and kept on using it.

10 Q. There was some questioning earlier from Mr. Foster
11 regarding damage to your property by Heather Piper and her
12 father, Dennis Rousey? They're not damaged your property,
13 have they, sir?

14 A. They cut the vines out. You should not be able --
15 allowed to without permission to dig on somebody else's
16 property and make changes to my property without my
17 permission. And the time they did that I was in Myrtle
18 Beach. I found out from my neighbor who videotaped it.

19 Q. And so the damage to your property that you're
20 alleging, I want to make sure I'm clear, the damage is
21 they cut some vines?

22 A. The vines, trees and brought up dirt from -- I'm
23 assuming they scraped it off of what they consider to be
24 the right of way. And brought it up to fill in an area of
25 land that wasn't filled in.

1 Q. So when Heather and her father, Mr. Rousey, say that
2 they never cut any vines, they've never cut any trees on
3 your property, they never dug dirt on your property,
4 that's not true either?

5 A. That's not true. They did. They have -- that is my
6 property. Where they put that dirt is my property. It's
7 right at the beginning of those 'E' lines. That 'E' line
8 right where it -- behind Mr. Lesondak's house.

9 Q. Is cutting vines ---

10 A. The vines were down in the trees.

11 Q. These are important, expensive vines?

12 A. What I'd like to have are the trees and the brush in
13 there for privacy and I just like it. My land. I
14 determine how to use it. Mine.

15 Q. But you didn't see them do these actions yourself,
16 did you?

17 A. I've seen them go down through there and cut things.

18 Q. You've seen them cut things on your property?

19 A. Yes. And I run them out with the tractor. I saw a
20 videotape of that where they dumped the dirt on my land so
21 they could make -- get the car to go across my property
22 and trespass through my yard.

23 MS. CROWSON: I don't have any further questions,
24 Your Honor.

25 THE COURT: I do.

EXAMINATION

1
2 BY THE COURT:

3 Q. And I've got one plat on here that I can't find the
4 date on, but I have another plat which is quite similar.
5 It's date in 1997. It's got Severance Drive which was a
6 County dirt road indicates it runs right through the
7 middle of your property.

8 A. I went down and checked on that and Mr. Austin, too.
9 There is not a County road. It was marked as a 911 thing.
10 And they put that sign there for that because more than
11 one person on a private driveway which the County from my
12 understanding scraped it a few times back when there was
13 somebody there.

14 And then when they quit doing it for years. And then
15 when Mrs. Johnson had her invalid mother there she
16 petitioned the County to put gravel from her -- where she
17 parks her van to the street so that the ambulance wouldn't
18 get bogged down in the ruts.

19 And they scraped that part out there and turned
20 around and went back up in my yard and graded it and they
21 dumped the stone there. And they quit doing that. They
22 did it for -- twice. They did it one time and then they
23 came back two -- a year or two later and dumped stone
24 again cause it was on their schedule.

25 But no one asked him to, and we went down to the

1 County building and asked, and they said that they
2 wouldn't -- they're not -- they'll no longer do it. They
3 only did it for her, and they did it not realizing that
4 she had moved the second time and they wouldn't be back.

5 The burden of maintenance of a private driveway would
6 be that of mine and Mr. Lesondak.

7 Q. Okay. And I noted on the plat that has the utility
8 building located on that northern route, which is the new
9 Severance right of way, that plat was for Miss Piper's
10 property that was not for your property. I don't really
11 have one on your property that ---

12 A. Well, where the actual building is much farther up
13 from the line.

14 Q. So I don't have a plat that really is accurate to
15 your property?

16 A. No, it is not accurate.

17 Q. All right. I've got another question that I'm going
18 to pose to you. I have plats before me that indicate that
19 right of way, or let me correct myself, indicate that dirt
20 road across your property to access Ms. Piper's property,
21 and I have photographic evidence that's here that
22 indicates a similar close route to the dotted line that we
23 have which was called the Gandy Route?

24 A. Okay. The Gandy Route would bypass my land
25 completely.

1 Q. All right.

2 A. That one right there. Now, the way it is actually,
3 in reality goes, Mr. Lesondak's house is more up towards
4 the line and up towards the street even further. And it
5 would have run right next to that, come down and cross
6 about where the power line is. That's where it used to go
7 and go down along the power line. That's where the --
8 they used it the first year I was there.

9 And then when they moved and sometime it disappeared
10 in '97. And it all got overgrown and built up. The power
11 company came out one time and cleared back through there a
12 little bit so they could get a truck on back there for
13 change -- I guess they were there to change a lightbulb,
14 but I don't know exactly why they did it. And then I --
15 that's been 15 years ago, I believe, at least, when they
16 did that. It's still in the '90s, I believe. So it
17 wasn't long after those people had moved.

18 Q. Okay. So I've got photographic evidence of that, and
19 I've got plat evidence of the right of way or the dirt
20 road, I should say, crossing your property, up until this
21 point in this trial I do not have any evidence that there
22 has ever been any access to Miss Piper along that right of
23 way; that Mr. Hardee owns that northern part.

24 And there certainly is no evidence of any right of
25 way coming from the Rousey's property. What do you

1 propose the Court should do to try to remedy this
2 situation?

3 A. All right. What you're calling the Gandy access I
4 believe I heard somebody tell me one time it used to be
5 there. That would not touch my land at all. It goes
6 around my property. What you're calling her right access
7 there to the power lines; that's Duke Power.

8 That's all they're there for. The other one was
9 never open so if they accessed it years and years ago and
10 then allowed it be overgrown on what they have the hash
11 line for that became overgrown. They just scooped down
12 off my driveway and along the wood line which is where
13 those power lines are.

14 That's along the woods of my property right
15 through -- right through it, and they did that for a
16 little bit and then they moved.

17 Q. Is the power line still there?

18 A. Power lines are still there.

19 Q. Okay. So your proposal is that the Court needs to
20 adopt the old Gandy right of way. Is that what you're
21 telling me?

22 A. All I'm saying is the Court should adopt the clear --
23 she should have -- she should clear the trees to that top
24 right of way.

25 Q. But there has never been a right of way used by

1 anybody in history that I have before me going in there.

2 A. That was what was laid out, and that's when Mr.
3 Austin opened up along there when he asked to put -- to
4 move the road so he could extend his house to move the
5 driveway. It's a private driveway used by two houses.

6 Now, there was at one time, apparently, over through
7 the woods that have grown up over the years. And then
8 they, instead of cutting that back down, they went just
9 around through my property when Charlie Shirley owned it.
10 And when I moved into it those people were there for a
11 while and then moved out and that became all overgrown.

12 I was told that that wasn't a real road. I was told
13 it wasn't County at all. I would want to know if they
14 were going to come and scrape the thing or it's -- cause
15 it's just overgrown with grass, now. They told me, no. I
16 would ---

17 Q. And you expect me to issue an order that Miss Piper
18 at her expense is going to have to clear that out? You
19 really expect that?

20 A. Those trees, I don't mind. She's going to bring --
21 come down in order to clear what she's got to have and
22 bring building supplies she's got to bring in trucks.
23 They're going to go right through the middle of my
24 property.

25 Q. Okay. All the evidence is not in. Somebody might

1 can shed some more light on that issue, and it may be Mr.
2 Hardee, but.

3 THE COURT: Any other questions that I may have
4 caused anybody to wish to ask?

5 MS. CROWSON: If I might just for point of
6 clarification.

7 FURTHER REDIRECT EXAMINATION

8 BY MS. CROWSON:

9 Q. Mr. Grissinger, did I hear you say in response to one
10 of the Judge's questions that when you first lived on this
11 property in the 1996, 1997 timeframe that you actually
12 used the Gandy Easement back then?

13 A. No. I used -- I came in what is actually -- what
14 you're considering the Gandy Easement, but that is in the
15 middle or between where you got the lines drawn for the
16 hash mark. And the property line over there it goes up
17 the side of Mr. Lesondak's land. And then where they were
18 actually coming was to -- right to the edge of mine.
19 Right to mine and then down through the middle of mine.

20 Q. If I might I want to make sure we're clear as to what
21 you're saying. Can you point to on here where you used to
22 access the property. I'm not asking about other people.
23 I'm asking about you, originally. Sounds like you don't
24 want to say ---

25 A. Originally, this, what you have hashed here, when I

1 first moved in it went straight back next to the house.
2 Straight back and straight to my house Okay. It's back
3 over this way.

4 Q. And you got to your house on the way you're pointing
5 right now?

6 A. Yes. When I came in those people then got to here
7 and turned and went down here. It actually is right
8 there. That's the straight line right where those wires
9 cross the property line. They came there and then went
10 that way for the first year. I came this way and just
11 went straight to my -- right next to my house. My house
12 is here.

13 Q. So you pointed here and said your first access to
14 your current house ---

15 A. Was through the middle of what is now Mr. Lesondak's
16 house.

17 Q. Point your attention to Plaintiff's Exhibit Five.
18 This is a version of this plat from 1998. This plat was
19 prepared for Frank William Young. Is this the access
20 route that you've been describing?

21 A. Yes.

22 Q. All right? If there was ---

23 A. It was already -- most of this -- this was here in
24 '96. And the people quit using it in '97 when they moved
25 out and then it became overgrown after that and no longer

1 used. And then when the road was moved it was just moved
2 over here so I could get -- have access to my property.

3 Q. So when you first moved onto your property ---

4 A. It was moved from the original -- what was slated to
5 be the access over here. So they had to move the road,
6 the driveway from this up along the edge to Mr. Hardee's
7 land and down that way. And then I curve back this way
8 into my driveway off of the access.

9 The original slated land is actually all on
10 Mr. Hardee's property. Past it. This is an electric line
11 right here. That's Duke Power right of way. To the pole
12 and within ten feet of each side is Duke Power's access is
13 what Duke Power explained to me.

14 Q. So as shown on Plaintiff's Exhibit I this was your
15 original access to your property; what's highlighted
16 connects to your property? Yes or no.

17 A. This one right here?

18 Q. Yes. Right.

19 A. This part here they used it for the first year before
20 I bought the property and then abandoned it. They quit.
21 When they moved that was the end of that, and it got
22 overgrown.

23 Q. And that runs, sounds like you're trying to say not
24 to the exact location as the Gandy Easement, but in this
25 general vicinity down here, and would go up to your

1 property?

2 A. It would be a lot further up with what it used to be.

3 Now, I heard ---

4 Q. Nope. Nope. Nope. Nope. No, thank you. No more
5 questions.

6 MR. FOSTER: No questions.

7 MR. HARDEE: No further questions.

8 THE COURT: Well, that further complicates it because
9 in the last 25 to 30 years and we've had three different
10 entrances to that Piper property.

11 MS. CROWSON: It's the reason we're hear today,
12 Judge.

13 THE COURT: You may step down.

14 THE WITNESS: Thank you, sir.

15 MR. FOSTER: Your Honor, we call Sam Austin.

16 THE COURT: Mr. Austin.

17 CLERK OF COURT: Please, raise your right hand.
18 Please, state your full name.

19 THE WITNESS: Samuel Brice Austin.

20 SAMUEL AUSTIN, after being duly sworn, testified
21 as follows:

22 DIRECT EXAMINATION

23 BY MR. FOSTER:

24 Q. Sir, would you state your name for the record?

25 A. Samuel Brice Austin.

1 Q. Please, sir, I believe that you formerly owned and
2 lived in the house that's now owned by Ms. Lesondak?

3 A. Yes, sir.

4 Q. Sir, you added to that house?

5 A. I did, yes, sir.

6 Q. And, sir, we've already placed in evidence
7 Defendant's One I believe. This is the deed of yourself
8 and Ms. Nanette?

9 A. Yes, ma'am. Yes, sir.

10 Q. That is dated as I understand it October 2002?

11 A. Yes, sir.

12 Q. Does that match your recollection of when you moved
13 in?

14 A. Yes, sir.

15 Q. And, sir, am I correct that after you moved in you
16 added to the house?

17 A. I did.

18 Q. What specifically did you do, sir?

19 A. After my wife and I decided what we wanted to do to
20 the house we realized that the house would be out in the
21 middle of the driveway.

22 Q. The then existing driveway?

23 A. Yes, sir.

24 Q. And so you added towards what is -- roughly indicated
25 here on B?

1 A. Yes, sir.

2 Q. And, sir, am I correct, because we had other
3 testimony, you also rerouted Severance Road?

4 A. I did, yes, sir.

5 Q. And, sir, did you make an attempt to go around and
6 talk to the various landowners before that was done?

7 A. I did, yes, sir.

8 Q. And who did you talked to as you recall, sir?

9 A. I talked to Mr. Hardee. I also talked to Mr.
10 Grissinger and as I bought the land I noticed that there
11 was an easement on the property. So the idea was if I
12 could move the driveway, add on to the house.

13 Q. Sir, was there anyone living in the house back here
14 on what is now Miss Piper's property?

15 A. No, sir.

16 Q. Not in 2002?

17 A. No, sir.

18 Q. Do you know what condition the house was in?

19 A. I walked back there one time. It was in real poor
20 condition. I don't know when the last time somebody lived
21 in it.

22 Q. Was any road or drive back there grown up?

23 A. Yes, sir, there was.

24 Q. Did you ever see anybody during the period you owned
25 the house that's now in litigation?

1 A. No, sir. I never saw anyone.

2 Q. Well, sir, thank you, sir. That's helpful, but I was
3 going to ask did you ever see anybody use that driveway or
4 right of way or road, you call it what you will, to access
5 the property back to what was the Gandy house?

6 A. No, sir.

7 Q. Sir, you sold the property I believe in 2009?

8 A. Yes, sir.

9 Q. That was to Mrs. Dorothy June Johnson?

10 A. Yes, sir.

11 Q. And if I can pick this up. I believe, sir, is this
12 the deed for Mrs. Annette and yourself and Miss Johnson?

13 A. Yes, sir.

14 Q. 2009?

15 A. Yes, sir.

16 MR. FOSTER: I believe without objection we are
17 offering this as evidence.

18 MS. CROWSON: No objection, Your Honor.

19 (WHEREUPON, Defendant's Exhibit No. 2 was marked for
20 identification and received into evidence.)

21 BY SPEAKER 2:

22 Q. Sir, this may have been answered by implication. Did
23 anyone object to your rerouting of Severance Road?

24 A. No, sir.

25 Q. Did have you have conversations at that point with

1 the Rousey or anybody in their family?

2 A. With the Rousey's, no, sir.

3 Q. Okay. They didn't own the property at that point,
4 right?

5 A. That's correct, yes, sir.

6 Q. Did you ever experience, sir, any objection or
7 problem after you rerouted Severance Drive from anybody?

8 A. No, sir.

9 MR. FOSTER: If the Court will allow me.

10 BY MR. FOSTER:

11 Q. It may have been clear, but let me make sure. What
12 you've described is the condition of the property back on
13 what is now Miss Piper's property. The condition of the
14 house which you testified to. The open road, the
15 condition of the road you testified to, that was the case
16 when you moved in?

17 A. Yes, sir.

18 Q. And that did not change during the time you were
19 there?

20 A. No, sir.

21 Q. 2003 to 2009?

22 A. Yes, sir.

23 Q. I don't believe we have any further questions,
24 Mr. Austin.

25 CROSS-EXAMINATION

1 MS. CROWSON: Just briefly, Your Honor.

2 BY MS. CROWSON:

3 Q. And, Mr. Austin, so that I'm clear, you moved into
4 the house that is now the Lesondak house and actually
5 built an extension that went down into the Gandy easement?

6 A. I'm not sure where the Gandy easement is, but are we
7 talking about the driveway? Is that the Gandy easement?

8 Q. Yes, sir.

9 A. Yeah, it went right next -- right to the driveway,
10 but the house would be too close to the driveway. We
11 didn't want to be hit by a car. We didn't want anyone
12 hitting the side of the house. We wanted a front yard as
13 well. We moved it.

14 Q. So you built an extension to your house going down
15 into what has been the access at the time going back to
16 what's now Heather's property?

17 A. Yes, down to it. Not into it.

18 Q. The extension that you built on your house sounds
19 like it got very close to it?

20 A. Yes.

21 Q. But didn't actually go into it? Close to it but not
22 into the Gandy easement?

23 A. Yes.

24 Q. Okay. So the extension to your house doesn't block
25 the Gandy easement?

1 A. No.

2 Q. It just is close to the Gandy easement?

3 A. Yes, ma'am.

4 Q. And to your knowledge is where the house sits today
5 that Mr. Lesondak lives in; it's the same footprint, the
6 same house, the same square footage is what you built and
7 expanded?

8 A. Yes, sir.

9 Q. So as it sits today the original Gandy easement is
10 still passable, it's just close to the house after your
11 extension to the house?

12 A. Yes, ma'am. Just planted grass out over on it.
13 That's all.

14 Q. All right. And the rerouting that you're talking
15 about that you did, that's the way, if I'm understanding
16 correctly, that Heather Piper has been using today. So
17 the rerouting took the easement up here and then down
18 under the power line easement, apparently, under the line
19 mark E?

20 A. I went up in front of the house like you said. I
21 went down the easement all the way behind the fence of the
22 house if that's what that is. I'm not sure about the ---

23 Q. Behind what was ---

24 A. --- power line.

25 Q. --- your house?

1 A. Yes, ma'am. There is a fence in the backyard.

2 Q. Right.

3 A. It went all the way back to the fence where Kerry
4 Grissinger fit his house. I'm not sure where that power
5 line is. I don't see the fence.

6 Q. Now, you moved out of your house in 2009?

7 A. Yes, ma'am.

8 Q. You haven't been back?

9 A. No, ma'am.

10 Q. You don't know what's going on out there since 2009?

11 A. I have no idea.

12 Q. And you didn't live there before 2002?

13 A. No, ma'am.

14 Q. You don't know what happened before 2002? You don't
15 know who used it for what? Who crossed? Who had access?
16 Where they were going before 2002?

17 A. That's correct.

18 Q. So your knowledge is limited exclusively to 2002 to
19 2009?

20 A. Yes, ma'am.

21 Q. All right. And then when you lived on this property
22 from 2002 to 2009 you said that people were obviously
23 using this easement to get back here because you felt the
24 need to reroute this easement, right?

25 A. Yes. Kerry was using it to get to his house and

1 whoever came to see him.

2 Q. Mr. Grissinger was using the Gandy easement at that
3 time?

4 A. Yes, ma'am.

5 Q. All right. To get to his property?

6 A. Yes, ma'am.

7 Q. And so when you rerouted the easement that impacted
8 Mr. Grissinger and then whoever would have needed it to
9 get back here to Heather's property, right?

10 A. Yes, if somebody was to get back there. Yes, ma'am.

11 Q. All right. So when you moved in in 2002 how soon
12 after did you do the expansion to your house?

13 A. Within a year.

14 Q. Within a year?

15 A. Yes, ma'am.

16 Q. So when you moved in in 2002 for at least a year
17 people were using the Gandy easement to get back here to
18 the Gandy property?

19 A. Within the year I had the addition on the house?

20 Q. All right. Do you recall who you would have seen,
21 cause this was near where you were living at the time
22 during that year, who you would have seen in that
23 timeframe going to the Gandy easement to get back here
24 where what was then the Gandy property?

25 A. All I remember seeing is Mr. Grissinger and maybe one

1 or two of his friends. That's all I've ever seen.

2 Q. All right. Now, would you see them go back here to
3 the Gandy property?

4 A. To his property.

5 Q. All right. What about going back to the Gandy
6 property?

7 A. I never seen anybody go back there.

8 Q. All right. When you were living in your house on the
9 property you worked?

10 A. I did.

11 Q. You worked full time?

12 A. I did.

13 Q. And you worked somewhere off of your property?

14 A. I did, yes, ma'am.

15 Q. You don't know when you weren't home to see if people
16 were using this? If they were going back and forth to the
17 Gandy property?

18 A. That's correct.

19 Q. Okay.

20 MS. CROWSON: I don't have any further questions,
21 Your Honor.

22 THE COURT: Yes, sir.

23 CROSS-EXAMINATION

24 MR. HARDEE: Your Honor, I hate to keep bringing this
25 up.

1 BY MR. HARDEE:

2 Q. But either me or somebody you mentioned a while ago
3 that there are three entrances now. There were two to
4 talk about. If you're talking about the Gandy entrance
5 that's -- let me ask you this, Sam. She said, "The Gandy
6 entrance," this was -- was this the way that you got to
7 your house when it came -- when you moved there?

8 A. I way I got to my house was right to the right. You
9 see that right there?

10 Q. Right there. Did it not go here and around Mr.
11 Grissinger's house?

12 A. It went up to Mr. Grissinger's house, but the way ---

13 Q. Right like this by your house right there. Before
14 your house?

15 A. Yes, sir.

16 Q. It's split up?

17 A. Yes, sir.

18 Q. That's the three entrances. This, this was the
19 one -- that's been long gone what y'all are calling the
20 Gandy entrance?

21 A. That's what I'm saying. Everybody is getting the
22 Gandy entrance confused with the one that comes up here
23 and goes to Mr. Grissinger's and now turns to the left and
24 joins back at this point.

25 THE COURT: Is that what he's talking about?

1 THE WITNESS: Yes, sir, this is what he's talking
2 about. The driveway went up. Went to Kerry's house. And
3 the way I got to my house at the time, see that driveway?
4 That's the way I got up to my house. That's where Kerry,
5 Mr. Grissinger, went to his house there. Yes, sir.

6 MR. HARDEE: Thank you.

7 THE COURT: Yes, sir. Thank you.

8 REDIRECT EXAMINATION

9 BY MR. FOSTER:

10 Q. Mr. Austin, I just want to clarify some stuff which
11 may already be clear. When you rerouted the road,
12 whatever you want to call it, the driveway, from below
13 your house up towards the line ---

14 A. Yes, sir.

15 Q. --- would it be fair to say that your rerouting ends
16 at Mr. Grissinger's house?

17 A. Yes, sir. I went all the way to the end of my
18 property line where he can get access to his property.

19 Q. So you didn't do anything beyond his property line?

20 A. No, sir, I did not.

21 Q. And if I understood you correctly, don't let me put
22 words in your mouth, during the period you were there from
23 2002 on you saw no traffic and no access from that point
24 back to what is now Miss Piper's?

25 A. That is correct.

1 Q. Do I understand your testimony to be, sir, that as
2 now configured the old driveway would be within a foot of
3 the existing Lesondak house?

4 A. Yes, sir.

5 Q. Thank you.

6 MS. CROWSON: Nothing further from me, Judge.

7 THE COURT: You may step down.

8 MR. FOSTER: We would call Mr. Paul Lesondak.

9 CLERK OF COURT: Please, raise your right hand.
10 Please state your full name.

11 THE WITNESS: My name is Paul E. Lesondak.

12 PAUL LESONDAK, after being duly sworn, testified
13 as follows:

14 MR. FOSTER: Your Honor, before we get started may
15 Mr. Austin be excused?

16 MS. CROWSON: I have no objection.

17 THE COURT: Thank you, sir.

18 MR. FOSTER: Thank you, sir.

19 DIRECT EXAMINATION

20 BY MR. FOSTER:

21 Q. Sir, would you state your name?

22 A. Paul E. Lesondak.

23 Q. Sir, do you live on the property fronting 321?

24 A. Yes, sir.

25 Q. And how long have you lived there?

1 A. Since May of 2013.

2 Q. Sir, when you moved in what was the condition of the
3 property between yourself and Mr. Grissinger going on back
4 toward Piper?

5 A. You mean where the -- behind my house?

6 Q. Yes, sir.

7 A. There was just tall grass.

8 Q. Any part of it grown up?

9 A. Reask the question, please.

10 Q. I'm asking was it grown up? Was it traveled or not?

11 A. It wasn't traveled.

12 Q. Sir, when you moved in the Severance Drive had
13 already been, as I understand it, reconfigured to run
14 towards your house? Toward or on the line and down to Mr.
15 Grissinger's yard?

16 A. Yes, sir.

17 Q. Okay. Sir, did you ever have any dealings in this
18 controversy with any of the Rouseys or the Pipers?

19 A. Mrs. Piper.

20 Q. Describe that dealing, sir?

21 A. I think it was about a year after I moved in I seen a
22 car go down in through the woods. I didn't know who it
23 was and all. I thought someone was trespassing through
24 the woods. So I walked down through the woods there.

25 Q. Let me stop you, sir, as the risk of interrupting

1 your narrative. To get down to the woods the was this car
2 was going they have to go through your property, would
3 they not?

4 A. Yes, they would.

5 Q. Go ahead, sir?

6 A. So I went down through the woods, and I confronted
7 Mrs. Piper. I think it was her mother who was in the car.
8 I asked who they were and what they were doing on my
9 property. And Mrs. Piper had a gun. She did not pull it
10 on me, but she had a gun in her hand. I don't know if she
11 was back there shooting, target practicing or whatever.
12 And at that time she told her mother to call the cops.

13 Q. This was when she was on your property?

14 A. Yes.

15 Q. Did she give any statements to you, sir, or what was
16 her behavior at that time?

17 A. She just said it was her property she was getting to,
18 and I didn't want to cause a confrontation at that time,
19 and I was not armed or anything. I said, "Well, this is
20 my property." And she goes, "Well, I have a right of way
21 to get through here." And so I just kind of said, "Hey,
22 I'm out," and I just kind of turned around and walked
23 away.

24 Q. Did Ms. Piper in fact all the police on you, sir?

25 A. At that time she did not. No, sir.

1 Q. Did she ever do so?

2 A. Not on me, sir.

3 Q. Okay. Did you have any other dealing with her, sir?

4 A. Non directly.

5 Q. Okay. Sir, you heard Mr. Austin's testimony about
6 how far the old driveway is from the side of your house.

7 Would you say that was correct in terms of his
8 measurement?

9 A. Yes, sir, that part of the driveway from the end of
10 my house to where the woods are in the driveway things
11 drop quite a bit. It goes down probably about 10 feet.
12 It's probably only about 10 or 12 feet wide.

13 Q. Well, now, that's the driveway. How close is the
14 edge of your house?

15 A. My house is right there. The driveway to the end of
16 my house to where that old driveway used to be to where it
17 links down here is only about 12 feet.

18 Q. Has Miss Rousey or Miss Piper -- well, let me say
19 that again. Has Miss Piper made any demand on you, sir,
20 to your knowledge to reopen this driveway unless it's in
21 this lawsuit?

22 A. No.

23 Q. Sir, did you have any dealing with Mrs. Rousey --
24 pardon me, Miss Piper, with regard to some logs on your
25 property?

1 A. Yes. I put the logs across the end of my property
2 right where my fence line is where my swimming pool is
3 closed in.

4 Q. Let me stop you, sir. I know I'm being ill mannered.
5 In fact you have a fence along your boundary line where
6 that driveway went; is that correct?

7 A. Yes, there is a swimming pool fence where the
8 swimming pool is it's closed in; that section of the fence
9 all the way across the yard. Yes, sir.

10 Q. And the fence actually runs across this old driveway,
11 does it not?

12 A. It does not run across the old driveway. It runs
13 along it, but -- and where the driveway is I've heard some
14 four wheelers and I've seen four wheeler tracks. I'm not
15 saying that they were hers. And then I'm -- fence area,
16 like right around the fence area, that is why I put the
17 logs across there cause I did not want anyone to travel on
18 my property?

19 Q. About when did you do this, sir?

20 A. About a year ago.

21 Q. And what was the result?

22 A. I actually had Ms. Piper I think -- I guess call the
23 cops on me for putting the logs there. And they said --
24 well, they didn't come to me at all. She said that they
25 came up to the house which they did not. They came across

1 my property along side my house. My son and I were both
2 home. We were both videoing it because she took her four
3 wheeler and tried to move the logs.

4 But the sheriff come up along side of my house.
5 Never came to my door to see if I was at home or not to
6 question me or anything. Then he went back and talked to
7 them. I don't know what he talked to them about. She
8 tried to use the four wheeler to push the logs out of the
9 way. She got her four wheeler stuck up on the top of it.
10 And then after that she got, I guess, her dad's tractor
11 and she tried to move them by hand, too. Pushing them
12 back out of the way.

13 Q. Did Ms. Piper or anyone with her ever cut any
14 vegetation or brush or trees on your property, sir?

15 A. Well, going down through there there was a lot of
16 brush. I got a four wheel drive tractor, and I can barely
17 get that tractor down through there. Brush on both sides
18 of the road are grown up. Right now there is nothing in
19 there. It's all been cut back, so.

20 Q. Do you have any knowledge of who cut it back, sir?

21 A. I never didn't see anybody.

22 Q. You have any reason to believe it was Duke Power,
23 sir?

24 A. I've never seen Duke Power back there.

25 Q. Did you ever see Ms. Piper or any of her family or

1 friends cutting out there, sir?

2 A. Did not see anyone cutting.

3 Q. Is this along an area that you claim right of way?

4 A. Yes.

5 Q. You have any knowledge, sir, of what kind of damage
6 would take or what it would cost to repair the vegetation
7 that she cut?

8 A. Maybe \$200, \$300. I couldn't say a hundred percent
9 for sure. One thing I'd like to say. When they were --
10 before they were moving the -- pushing the logs away ---

11 MS. CROWSON: Your Honor, he's not responding to a
12 question right now, Judge.

13 BY MR. FOSTER:

14 Q. Well, in response to the question as it was asked by
15 opposing counsel, sir, do you have anything you would like
16 to tell the Court at this time?

17 A. Yes. Before I put the logs there and stuff, when we
18 were talking about them moving dirt and stuff, and that
19 sloosh area -- there's a sloosh that runs through. That's
20 they way I run across. They did take and remove dirt and
21 push dirt around there. We have video of them doing that.

22 Down through the woods there they have taken and
23 scraped all of the -- most of the grass off. They're
24 saying there used to be gravel there. Long as I've been
25 there since 2013 it's always been growing up.

1 Q. Thank you, sir. Please answer any questions of
2 opposing counsel.

3 CROSS-EXAMINATION

4 BY MS. CROWSON:

5 Q. Mr. Lesondak, you don't dispute that Heather Piper
6 has the right to in some way get back to her property,
7 correct?

8 A. Yes, she has a right to get there.

9 Q. And she -- and this is land locked property. It has
10 to have an easement across somebody's property to get back
11 to her property, correct?

12 A. Yes.

13 Q. And based on your knowledge of her property you're
14 not aware of any other access she might have other than
15 the easements that we've been discussing today; is that
16 correct?

17 A. She could get through from her father's land.

18 Q. From her father's land?

19 A. Yes.

20 Q. Are you knowledgeable of her father's land?

21 A. Yes. My land butts up against his land. I walk back
22 there. It's not as bad as it looks. It goes down a
23 little grade. There is a dry creek that runs down there
24 that only runs when it rains. I mean when it really pours
25 and rains. And besides that there is really nothing

1 there.

2 As far as I can see it's solid way. Property line
3 runs to the corner of his property line. I couldn't see
4 the reason why there couldn't be access right there.

5 Q. Do you have any idea how far it is from this point
6 down to the public right of way right on -- the public
7 right of way that runs down here?

8 A. I wouldn't say that it was any further if not closer
9 than what it is from 321 up to Kerry's house.

10 Q. Sir, you're not aware any existing access? Existing
11 easements? Existing right of way or anyone ever having
12 crossed the Rousey property to get up to Heather Piper's
13 property?

14 A. In the years since I've been there, three years since
15 I've been there, I haven't. No. I don't get down there
16 that often.

17 Q. So you said in three years. You purchased your
18 property in 2013?

19 A. Yes.

20 Q. And that's the year that you moved on to your
21 property?

22 A. Yes.

23 Q. You didn't live on any of these properties before
24 2013?

25 A. No.

1 Q. And so you're knowledge as to access, easements,
2 right of way, who got back to the Gandy, the Rousey, the
3 Piper property before 2013 you don't have that information
4 or knowledge, do you?

5 A. No.

6 Q. Your knowledge is based on from 2013 to today since
7 you purchased the property?

8 A. Yes, ma'am.

9 Q. So as you sit here today you don't have any testimony
10 or knowledge as to who may have used the Gandy easement
11 back in the 50's? 60's? 70's? 80's? 90's? Or up or
12 before 2013, right?

13 All right. When you purchased your property in 2013
14 you obtained title insurance, correct?

15 A. That is correct.

16 Q. I'm going to hand you an exhibit which has been
17 premarked as Plaintiff's Exhibit S. Can I get you to take
18 a look at that, sir.

19 MR. FOSTER: I believe we already stipulated to the
20 existence and voracity of this document which we provided
21 to opposing counsel. Beyond that, without trying to
22 interrupt this examination, which I presume is
23 cross-examine, I do not believe that carefulness of real
24 estate attorney will serve to prove the case that we're
25 hearing. That, of course, is up to the Court.

1 THE COURT: Well, go ahead.

2 BY MS. CROWSON:

3 Q. Sir, you're holding Plaintiff's Exhibit S?

4 A. Yes.

5 Q. This is title insurance you obtained when you
6 purchased your property in 2013?

7 A. Yes. They told me when I purchased it that I should
8 get title insurance for it. They purchased it for me.

9 Q. And this is title insurance that you hired someone,
10 presumably an attorney, to prepare and review for you?

11 A. When I bought the property through the realtors they
12 took care of it for me.

13 Q. And so this is a document that was provided to you at
14 your closing when you purchased your property in 2013?

15 A. Yes.

16 Q. This is a document that you saw and reviewed when you
17 were purchasing the property and signing your closing
18 documents?

19 A. I can't for 100 percent sure, but, yeah.

20 Q. Presumably a document that you were given a copy of
21 and probably put in with your other documents when from
22 that day when you purchased your property?

23 A. I would say probably, yes.

24 Q. All right. On the first page of this document, it's
25 called, 'Schedule B'. Says it's residential title

1 insurance policy. One to four family residences. I see
2 there is an office file number with your name, Lesondak.
3 I see a policy number and then a title that says,
4 "Exemptions from coverage." Do you see that, sir?

5 A. Yes.

6 Q. And then it says, "In addition to the exclusions you
7 are not insured against loss, cost, attorney fee expenses
8 resulting from," and then there is a list that goes from
9 one down to 11. Do you see that, sir?

10 A. Um hum.

11 Q. Is that a yes?

12 A. Yes.

13 Q. Can I get you to read Number 11 out loud to the
14 Court, please, sir?

15 A. "Rights of others in and to Severance Drive and a
16 drive, dirt road as contained in the description of the
17 land as shown in the survey of William V. Hipp, PLS, RLS,
18 dated December 1997."

19 Q. So Number 11 that you just read to the Court is an
20 exclusion and an exemption from your title insurance that
21 references and calls out the rights of others in and to
22 Severance Drive, a County dirt drive as contained in the
23 description of the land as shown on a survive of William
24 Hipp dated December 9, 1997; is that correct?

25 MR. FOSTER: Sorry. I'm sorry to have to get up at

1 this stage. If counsel is asking does that exist that's
2 already been asked. If she is asking if a witness what is
3 the legal affect of that document he is not a lawyer. He
4 is not learned in real estate. He can't answer the
5 question.

6 BY MS. CROWSON:

7 Q. Sir, what I just read is that what Number 11 states?

8 A. Read that again, please?

9 Q. Does Number 11 say, "Rights of others in and to the
10 Severance Drive, County dirt drive, as contained in the
11 description of the land and is shown on survey of William
12 V. Hipp, PLS, RLS, dated December 9, 2009?"

13 A. That's what it says. Only thing I would say is it
14 says -- I mean, you know, I don't know who wrote -- did
15 this. It says, "County dirt road." When we went to the
16 district house in Chester here I asked them when I bought
17 the place whether there was a County road or a private
18 drive cause I wanted to know who was going to maintain the
19 driveway. They told me it was a private drive and me and
20 Kerry would have to maintain the driveway.

21 Q. And then if you turn back there is a second page that
22 has a few more numbers. It goes to Number 18, and then
23 attached to that is a third page. Do you have that, sir,
24 attached to Plaintiff's Exhibit S?

25 A. Yes.

1 Q. That third page is the survey that is referenced on
2 Page One in Number 11, correct, sir?

3 A. Yes.

4 Q. It's a survey by Hipp Land Survey dated December 9,
5 1997; is that right?

6 A. Yes.

7 Q. And this survey shows your property, correct, listed
8 as the Jackson property?

9 A. Yes.

10 Q. It shows the Grissinger property listed as the
11 Shirley property; is that correct?

12 A. Yes.

13 Q. It lists the Heather Piper property as the Andrew J.
14 Gandy property?

15 A. Yes.

16 Q. And it shows several easements, access, right of way
17 and dirt drives, correct?

18 A. Yes.

19 Q. You see those are highlighted in the copy that you're
20 holding?

21 A. Yes.

22 Q. Those were highlighted by Miss Piper when I showed
23 her that document earlier today?

24 A. Yes.

25 Q. And those are the easement and access routes --

1 access points shown on Plaintiff's B that we've been
2 discussing over the course of this trial today, right,
3 sir?

4 A. Yes.

5 Q. So when you purchased your property in 2013 these
6 existing easement, access right of ways across your
7 property were called out and noted then, weren't they,
8 sir?

9 A. Yes, they were.

10 Q. And this document specifically says, "You take
11 ownership of your property subject to all this existing
12 easement shown on this plat that you're holding, doesn't
13 it, sir?

14 MR. FOSTER: Same objection. If the opinion holds,
15 regardless of whether Mr. Lesondak knew it, and he's not
16 an attorney to give an opinion about the legal affect of
17 that document.

18 THE COURT: Noted.

19 BY MS. CROWSON:

20 Q. So my question to you, Mr. Lesondak, in light of this
21 title insurance policy, the survey that you're holding
22 that you obtained when you purchased your property I have
23 trouble understanding how you could now say that some of
24 these easements don't exist when they were called out and
25 known in 2013 when you purchased your property?

1 MR. FOSTER: Same objection.

2 THE COURT: Objection noted. He can read plain
3 English.

4 MR. FOSTER: I understand.

5 THE COURT: Counsel.

6 BY MS. CROWSON:

7 Q. So, Mr. Lesondak, when you purchased your property
8 did you know of the existence of these easements?

9 A. All I knew was that the road went around where it
10 goes right now, in all due honesty.

11 Q. There was some questioning about a fence. You talked
12 about a fence somewhere behind your property. It sounds
13 like somewhere behind your house but before you get to
14 Miss Piper's property?

15 A. Not even near Miss Piper's property.

16 Q. Okay. The fence doesn't block the Gandy easement,
17 correct?

18 A. No.

19 Q. It runs along side it, but it doesn't cross it and
20 block it?

21 A. Right.

22 Q. Okay. That's what I'm trying to understand?

23 A. Right.

24 Q. There is no fence that crosses the Gandy easement,
25 right?

1 A. Right.

2 Q. And there is no fence that blocks the route that Miss
3 Piper uses now to come up, come up to Severance Drive and
4 go down the Dash E line, correct?

5 A. No. I mean not really as far as where the mark
6 really is.

7 Q. And there was some question earlier about damage.
8 There has been no damage to your property by Heather Piper
9 or her father, Dennis Rousey, has there?

10 A. Run across the easement in there which they're
11 calling an easement cutting brush and clearing it off. It
12 was all grown up.

13 Q. Your property is damaged if they are the ones that
14 cleared some brush?

15 A. That's what I'm saying.

16 Q. Okay. But you said specifically that you have never
17 seen them cut the brush?

18 A. I have never seen them. They're the only ones I know
19 that have gone back there.

20 Q. Now, there is some discussion earlier about along the
21 route in the vicinity of the Gandy easement, some logs
22 that were put out. You put those logs out?

23 A. That is correct.

24 Q. And a fire pit, you placed a fire pit there?

25 A. The fire pit was there when I built the -- bought the

1 house where my barn is where my wood shop. It was in the
2 way of me getting access to my door and I backed my truck
3 up there. So I moved it out further so I could have
4 better access to my garage.

5 Q. You moved the fire pit and placed it in its current
6 location?

7 A. Yes.

8 Q. And you placed the logs?

9 A. Yes. It's my property.

10 Q. Did you place those in an attempt to block Miss Piper
11 from using that route to get back to her property?

12 A. No. I told you already I put the logs there because
13 I heard four wheelers driving along the side of there down
14 there. So I put them there so I wouldn't have four
15 wheelers driving along the side of my property.

16 Q. Okay. Sir, I'm going to hand you a portion of
17 Plaintiff's Exhibit C, pages labeled Rousey 17, Rousey 18,
18 Rousey 19, Rousey 20 and 21. If you would take a moment
19 and look at those, sir. I'm also going to hand you a
20 portion of Plaintiff's Exhibit C, Rousey 29, Rousey 30 and
21 Rousey 31.

22 A. Okay.

23 Q. You had enough time to look at those?

24 A. I have.

25 Q. Those are the logs and the fire pit that we've been

1 discussing, correct?

2 A. Yes.

3 Q. And those are the items that you placed on your
4 property in what would be the Gandy easement, correct?

5 A. If that's what you call it, yes.

6 Q. And those items are still there today?

7 A. Yes.

8 Q. And those items are placed in such a way that
9 someone, say Heather Piper, would be unable to drive on
10 the public right of way back to her property because in
11 order to do so she has to somehow cross a fire pit and
12 some logs, right?

13 A. As far as I owned that land since 2013 nobody has
14 ever used that right of way at all. They always went up
15 around it to the top part of the road that is located
16 right now.

17 Q. Let me ask the question again. So in order for
18 Heather Piper to drive down the Gandy easement from US 321
19 across your property to get back to hers right now she
20 would have to drive over that fire pit and over those
21 logs, correct?

22 A. If that was the case, yes.

23 Q. So in order for her to freely drive down the Gandy
24 easement to her property the fire pit and the logs would
25 have to be removed, correct?

1 A. Yes.

2 Q. Let me show you a few more portions of Plaintiff's C.
3 This is Rousey 26, 27 and 28. If you will take a moment
4 and look at those.

5 A. Okay.

6 Q. You've had enough time to look at those?

7 A. Um hum.

8 Q. So those show, and correct me if I'm wrong, still on
9 your property, still along the Gandy easement in the
10 vicinity of the logs and the fire pit but further back
11 towards Heather Piper's property; is that correct?

12 A. This looks like it's going down through the woods.

13 Q. All right. So that would be along the Gandy
14 easement?

15 A. No, it wouldn't be. It would be -- this part
16 actually goes down it this way. It would be looking
17 down -- well, the way you have it here looking this way,
18 but like it's actually looking up this way.

19 Q. All right. While you're up there point will you
20 point on here the location of the fire pit and the logs?

21 A. They are probably -- see my house you're saying is
22 right here. This photo is totally wrong because my house
23 is way up here, and that fence goes up along this way.
24 And the logs are right at the end of my fence and the fire
25 pit is way up over here.

1 Q. Okay.

2 THE COURT: He is correct. The plat, I assume is
3 accurate, but the house location and the barn location
4 doesn't match some of these plat.

5 THE WITNESS: That's way out of wack.

6 THE COURT: So but it's the general idea.

7 THE WITNESS: These look like they're looking up
8 through the woods. Not actually on my property at all.
9 Well, my property crosses over here and leads through, but
10 you know not where you were saying.

11 BY MS. CROWSON:

12 Q. Okay.

13 MS. CROWSON: If I might have just a moment, Judge.

14 BY MS. CROWSON:

15 Q. If I might have these photographs back one more time,
16 please, sir. I'm going to show you one more page, sir.
17 Handing you one page from Plaintiff's C labeled Rousey
18 Four. If you would, please, sir, look at that. You
19 recognize that?

20 A. That's the side of my property along the fence where
21 my fence is in.

22 Q. And that's the location where the fire pit and the
23 logs are now, but that shows that location before those
24 items were placed in the right of way, correct?

25 A. Yes.

1 Q. So without the logs and the fire pit that appears to
2 me to be a nice, clear, open area. Would you agree with
3 that.

4 A. Well, I still have a power line going across up here.
5 She wouldn't be able to run a vehicle across there with
6 that power line there.

7 Q. How high is the power line, sir?

8 A. It's only about 7 feet. 6 feet high.

9 Q. Is it a distribution line?

10 A. No, it's just a line going across over to where --
11 it's been there, I imagine, ever since they put it in
12 before I bought the house.

13 Q. The route that we've been discussing today though it
14 doesn't go over that power line, correct?

15 A. Yes, it does. The power line is right there.

16 THE COURT: That's a service line. That's a power
17 line. That's just a service line.

18 MS. CROWSON: I don't have any other questions, Your
19 Honor.

20 MR. FOSTER: Your Honor, no further witnesses.

21 Mr. Lesondak, you may come down from the stand.

22 THE COURT: Mr. Hardee, do you have any questions?

23 MR. HARDEE: No, sir.

24 THE COURT: You may step.

25 COLLOQUY

1 MR. FOSTER: Your Honor, we're getting very close to
2 five o'clock. I'm sure that the Court's patience is thin.

3 THE COURT: Okay. Mr. Hardee.

4 MR. HARDEE: Yes, sir.

5 THE COURT: Are you going to have anything to
6 present.

7 MR. HARDEE: No, sir. I'm through, Your Honor.

8 THE COURT: You're through?

9 MR. HARDEE: Yes, sir.

10 THE COURT: Let me talk to y'all a few minutes before
11 we stop.

12 MR. FOSTER: Can I put one thing on the record before
13 you start, although it may try the patience of this Court.
14 Despite the fact that we've spent the better part of the
15 day talking about it, I still feel that the physical
16 configuration of the property is still of dispute in this
17 case as I heard it described by various people. If it
18 would help the Court, I think it would, to visit the
19 property. I would be obliged to make a motion to that
20 effect. Beyond that, it is in your hands, sir.

21 THE COURT: Well, it's an excellent idea. I was
22 going to make my own motion to do it.

23 MR. FOSTER: I imagine your motion will have more
24 affect than mine.

25 THE COURT: But y'all are experience attorneys. You

1 know what can happen here. You've got several people
2 involved. No matter what I do somebody could leave very
3 satisfied, and somebody is going to leave very
4 disappointed. Or many times, which sometimes I think I
5 get paid for that outcome, everybody will leave upset with
6 the Court when this is over.

7 I'm going to strongly suggest that at least counsel
8 and Mr. Hardee, at least y'all stay here and discuss
9 something so see if some mutual agreement could come up to
10 where everybody puts into the pot and comes up with a
11 resolution to this.

12 Now, you know, if that can't be done ultimately I
13 will have to do something. I mean it could get expensive
14 on whoever's part even if it disappoints somebody and you
15 have an appeal on it that's going to cost, and it's going
16 to just further delay the problem. I can already see from
17 everything that's been presented that I've got to go out
18 there and look at this property to see -- to just get a
19 better idea cause just like the landowner was pointing
20 out, Lesondak -- am I pronouncing that right? Those
21 houses are a little off from the plat.

22 So I'm going to have to go out there and look. So
23 I'm going to be here around -- if I look at this document
24 right it's about two and a half miles out of town. I'm
25 going to be here about 9:30 in the morning and ride out

1 and be ready to take a look at it and come back and then
2 we will close this out.

3 But I don't want y'all to leave here unless you tell
4 me that there is no room to discuss this issue any further
5 until y'all have talked to see if you can come up with
6 something that everybody can put into the pot and try to
7 resolve this because if you don't it could come down more
8 so on one of the three or four that you would not want to
9 have to deal with.

10 One other thing I've got to say, and I'm very
11 stern -- I'm known as one of the most laid back judges in
12 this State. And to love to let the attorneys have a very
13 liberal approach to their cases, but I'm going to tell
14 y'all right now. There is not going to be any further
15 trouble.

16 If somebody comes in here in the morning and there
17 has been any further cursing, if that indeed happen. If
18 somebody comes in here with a video of anybody cursing or
19 causing any problems or hindering the Plaintiff from going
20 in or out of her property until we get this resolved.

21 MR. FOSTER: Or his, I presume.

22 THE COURT: Well, she's got to get in and out no
23 matter what.

24 MR. FOSTER: So do they.

25 THE COURT: Oh, yeah, they can go to theirs. If

1 everybody will just use their common sense it will be all
2 right. We don't want any further trouble. So all of you,
3 all parties are under my verbal order, now, there is not
4 going to be any harassment or any threats whatsoever. The
5 status quo will have to stay. She will use the same route
6 she's been using for the past year or two until we get
7 this resolved with no further anger or any problems, okay.

8 MR. FOSTER: I would pose two questions.

9 THE COURT: Yes, sir.

10 MR. FOSTER: Do you want counsel there in the
11 morning, sir. I fear your face may indicate an answer,
12 sir.

13 THE COURT: Well, let me throw that back at you.
14 Have y'all seen the property?

15 MR. FOSTER: Yes, sir.

16 MS. CROWSON: Yes, sir.

17 MR. FOSTER: Someone, I presume, is going to be
18 needed to point the things as we understand the lines to
19 exist. Of course, you may disagree about what.

20 THE COURT: So I don't have any problem with that,
21 but Mr. Hardee will get to come.

22 MR. HARDEE: I'm supposed to be here tomorrow. I
23 can't be there, but I would like to make a suggestion.

24 THE COURT: Yes, sir.

25 MR. HARDEE: It might not be any good, but I'll make

1 it. The right of way on the north -- on the top side what
2 if I said I would give that side over on me and go back to
3 the corner. I don't know if they are or not on the right
4 of way. I know there would have to be a few trees cut. I
5 don't want to have to pay to cut the trees because they
6 are my trees. But I'll agree to let the side over and
7 come back and go over to where my property corners with
8 the Gandy property.

9 THE COURT: Well, see that's where y'all are going to
10 have to sit down and discuss any issue like that because I
11 haven't seen the property. I don't know how much money
12 would have to be expended to go from that corner down to
13 wherever her residence is. So that's what -- I'm just
14 telling you that y'all need to get together and get your
15 heads together and put into the pot and get the thing
16 resolved or you're going to force me to come up with the
17 easiest route for her to get into there that I can
18 possible follow from previous -- well, no, I don't have to
19 go along.

20 I'll have to come up with the most convenient route
21 for her to get in and out of there. It will be the least
22 expense on everyone. I've listened to all of you. I'm
23 looking at the photographs. I see what's close and what's
24 not. That's why I want to go look in the morning. Okay.
25 So, Mr. Hardee, he says he does not -- he can't be there.

1 So if y'all want to meet us out there it will probably be
2 about 20 till 10:00 or 15 till 10:00.

3 MR. FOSTER: That's fine with me, sir. The second
4 question, sir, assuming that an agreement can't be reached
5 given a case of this kind, would it be any aid to the
6 Court to have briefs from the various parties?

7 THE COURT: Probably will before it's over with cause
8 right now I don't have -- I can't even suggest to you how
9 I man lean on it until I get out there and look at the
10 property. I've got to get a lay of the land. Plats and
11 photographs are one thing, but an actual view is a lot
12 better.

13 But I would encourage y'all to stay here and see if
14 you can find, hate to use this term, common ground.

15 MR. FOSTER: The Court indicates we're done for the
16 day.

17 THE COURT: If ---

18 MS. CROWSON: Judge, would you like the property
19 owners to be present in the morning or just Your Honor and
20 counsel?

21 THE COURT: No. I just want y'all.

22 MS. CROWSON: Okay.

23 THE COURT: Now, if y'all want to meet here and leave
24 with Freddie and I that will be fine or we can meet y'all
25 out there. I'll leave that up to you.

1 MR. FOSTER: What would be convenient for the Court?

2 THE COURT: If you want to meet here at 9:30.

3 MR. FOSTER: I'm saying it's fine with me.

4 THE COURT: Oh, yeah, that's fine. 9:30.

5 MR. FOSTER: That's fine. Thank you, Your Honor.

6 MS. CROWSON: Thank you.

7 THE COURT: Once again, everybody keep cool cause the
8 last thing I want to do is find anybody in contempt on a
9 matter like this.

10 MR. FOSTER: Yes, sir.

11 END OF TRANSCRIPT OF RECORD

12

13

14

15

16

17

18

19

20

21

22

23

24

25

PLAINTIFF'S EXHIBIT A

MAGNETIC NORTH

T.M.180-3-4-20
FRANK L. WRIGHT-LE
JEAN D. WRIGHT-LE
D.B. 691 PG. 102
CAB. D'S-6 PG. 59

T.M.180-3-4-6
JEFFERY MCKEON
D.B. 590 PG. 271

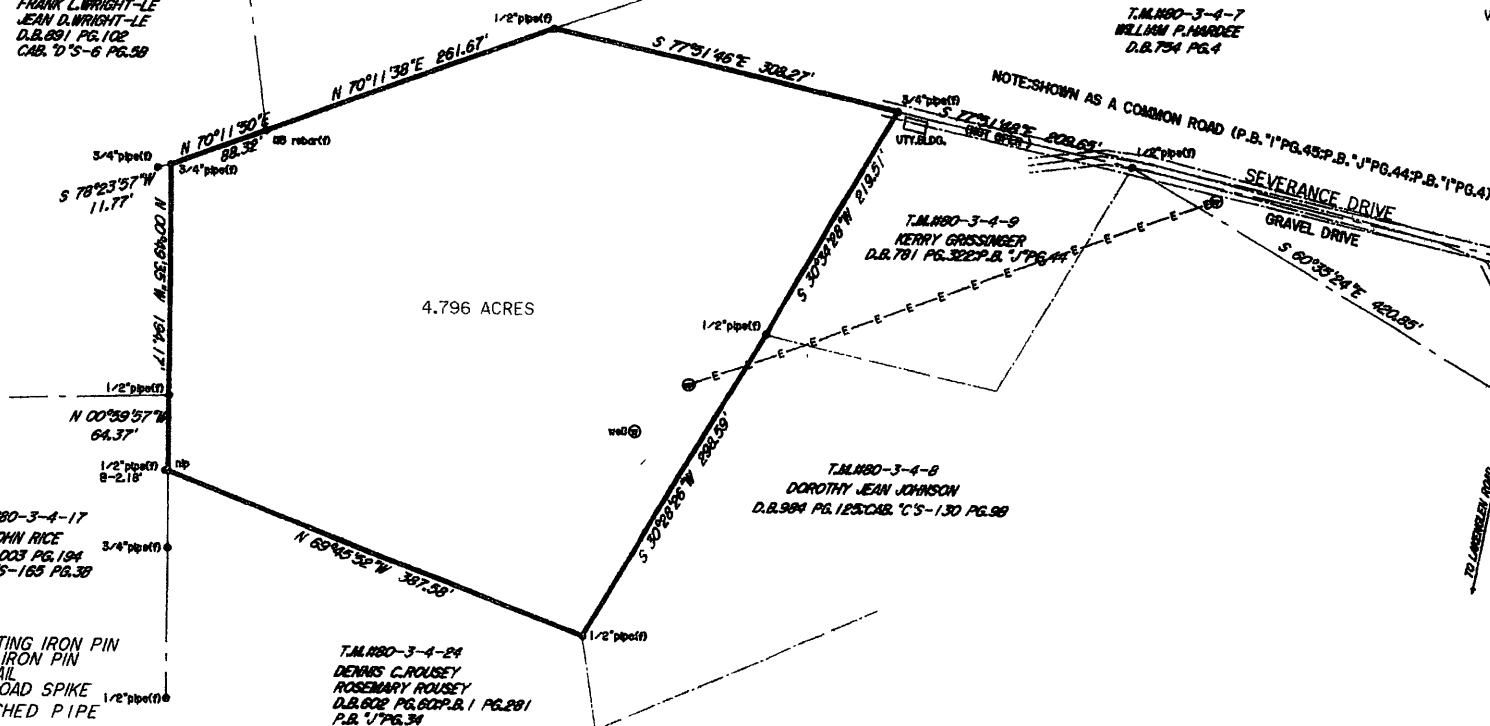
PLAT OF SURVEY FOR
HEATHER D. ROUSEY
CHESTER TOWNSHIP, CHESTER COUNTY, SOUTH CAROLINA
OCTOBER 30, 2014

REFERENCE: TAX MAP 180-03-04-010
D.B. 944 PG. 278 P.B. 1 PG. 43

T.M.180-3-4-7
WILLIAM P. HARDEE
D.B. 754 PG. 4

201400083865
Filed for Record in
CHESTER COUNTY SC
SUE K. CARPENTER, CLERK OF COURT
12-01-2014 At 03:58:34 pm.
PLAT 10.00

Volume _____ Page _____



NOTE:
EIP = EXISTING IRON PIN
NIP = NEW IRON PIN
PK = PK NAIL
RR = RAILROAD SPIKE
P.P. = PINCHED PIPE

NO NEW LOTS OR LINES ESTABLISHED

HIPP LAND SURVEYING, INC.
3574 VICTORIAN HILLS DRIVE
RICHBURG, S.C. 29729
PHONE (803) 789 3716

THE INFORMATION SHOWN HEREON IS THE RESULT OF A SURVEY PERFORMED UNDER THE SUPERVISION OF WILLIAM V. HIPP AND WAS COMPLETED ON THE DATE SHOWN ABOVE. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED UNDER THE CODE OF LAWS OF SOUTH CAROLINA, TITLE 40, CHAPTER 21, AND IS OF CLASS - A STANDARD. THE AREA (IF SHOWN) WAS DETERMINED USING THE D.M.D. METHOD. BEARINGS WERE RECORDED AS SHOWN. ENCROACHMENTS ARE AS SHOWN, UNLESS NOTED STRUCTURES ARE NOT WITHIN A SPECIAL RECORD ZONE ACCORDING TO FEMA MAPS.

WILLIAM V. HIPP, P.L.S. 17587

PLAINTIFF'S EXHIBIT B

MAGNETIC NORTH

T.M.180-3-4-20
FRANK L. WRIGHT-LE
JEAN D. WRIGHT-LE
D.B. 891 PG. 102
CAR. D'S-6 PG. 59

T.M.180-3-4-6
JEFFERY BLAENDON
D.B. 380 PG. 271

N 70°11'50"E 261.67'
S 78°23'57"W 11.77'

T.M.180-3-4-17
JOHN RICE
D.B. 1023 PG. 184
CAR. C'S-165 PG. 39

NOTE:
EIP = EXISTING IRON PIN
NIP = NEW IRON PIN
PK = PK NAIL
RR = RAILROAD SPIKE
P.P. = PINCHED PIPE

T.M.180-3-4-24
DENNIS C. ROUSEY
ROSEMARY ROUSEY
D.B. 602 PG. 602P.B. 1 PG. 281
P.B. 1 PG. 34

T.M.180-3-4-8
DOROTHY JENH JOHNSON
D.B. 984 PG. 12502B. C'S-130 PG. 98

T.M.180-3-4-9
KERRY GROSSINGER
D.B. 781 PG. 322P.B. 1 PG. 44

T.M.180-3-4-7
WILLIAM P. HARDEE
D.B. 754 PG. 4

PLAT OF SURVEY FOR Cab E slide 10 Page 58
HEATHER D. ROUSEY

CHESTER TOWNSHIP, CHESTER COUNTY, SOUTH CAROLINA
OCTOBER 30, 2014

REFERENCES: TAX MAP 180-03-01-010
D.B. 944 PG. 272P.B. 1 PG. 45

201400083368
Filed for Record in
CHESTER COUNTY SC
SUE K. CARPENTER, CLERK OF COURT
12-01-2014 At 03:58:34 pm.
PLAT 10.00

Volume Page

NOTE: SHOWN AS A COMMON ROAD (P.B. 1 PG. 43P.B. 1 PG. 44P.B. 1 PG. 4)
SEVERANCE DRIVE
GRAVEL DRIVE

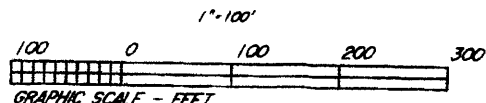
Lesondak House

Barn

Original access
easement used
by Gandy to access
Gandy prop. (now
Piper prop.)

NO NEW LOTS OR LINES ESTABLISHED

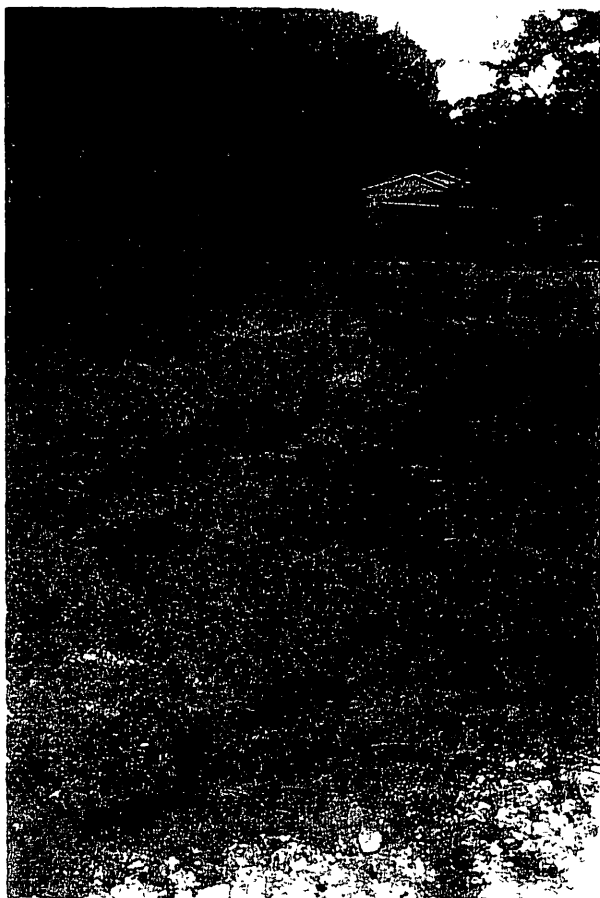
HIPP LAND SURVEYING, INC.
3574 VICTORIAN HILLS DRIVE
RICHBURG, S.C. 29729
PHONE (803) 789 3716



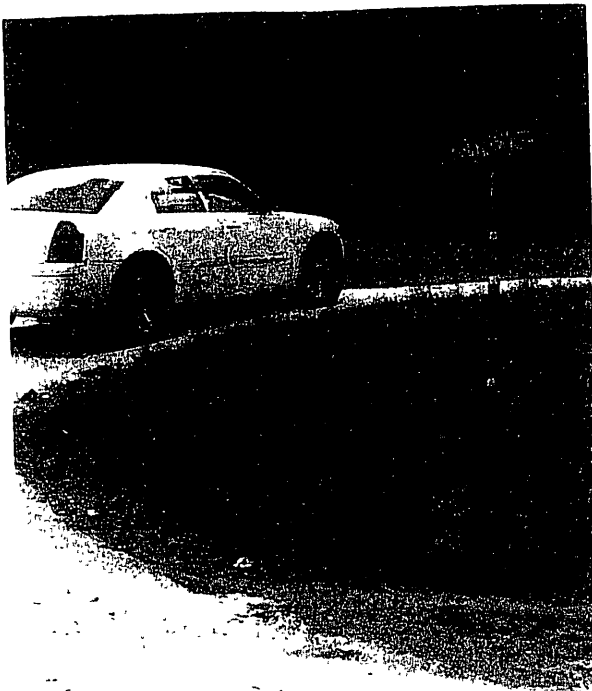
THE INFORMATION SHOWN HEREON IS THE RESULT OF A SURVEY
PERFORMED UNDER THE SUPERVISION OF WILLIAM V. HIPP AND WAS
COMPLETED ON THE DATE SHOWN ABOVE. THE SURVEY WAS PERFORMED IN
ACCORDANCE WITH THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE
OF LAND SURVEYING AS ADOPTED UNDER THE CODE OF LAWS OF SOUTH
CAROLINA, TITLE 40, CHAPTER 21, AND 18 OF CLAUSE 4 STANDARD. THE
AREA (IF SHOWN) WAS DETERMINED USING THE D.M.D. METHOD. BEARINGS
WERE RECKONED AS SHOWN. ENCROACHMENTS ARE AS SHOWN, UNLESS
NOTED OTHERWISE. ARE NOT WITHIN A SPECIAL FLOOD HAZARD ZONE
ACCORDING TO FEMA MAPS.

WILLIAM V. HIPP, P.L.S. 17581

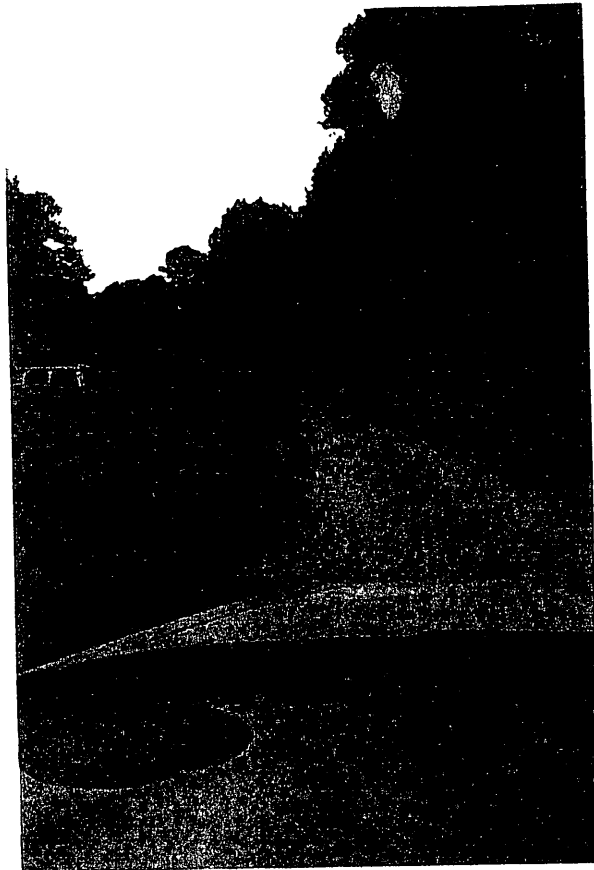
PLAINTIFF'S EXHIBIT C



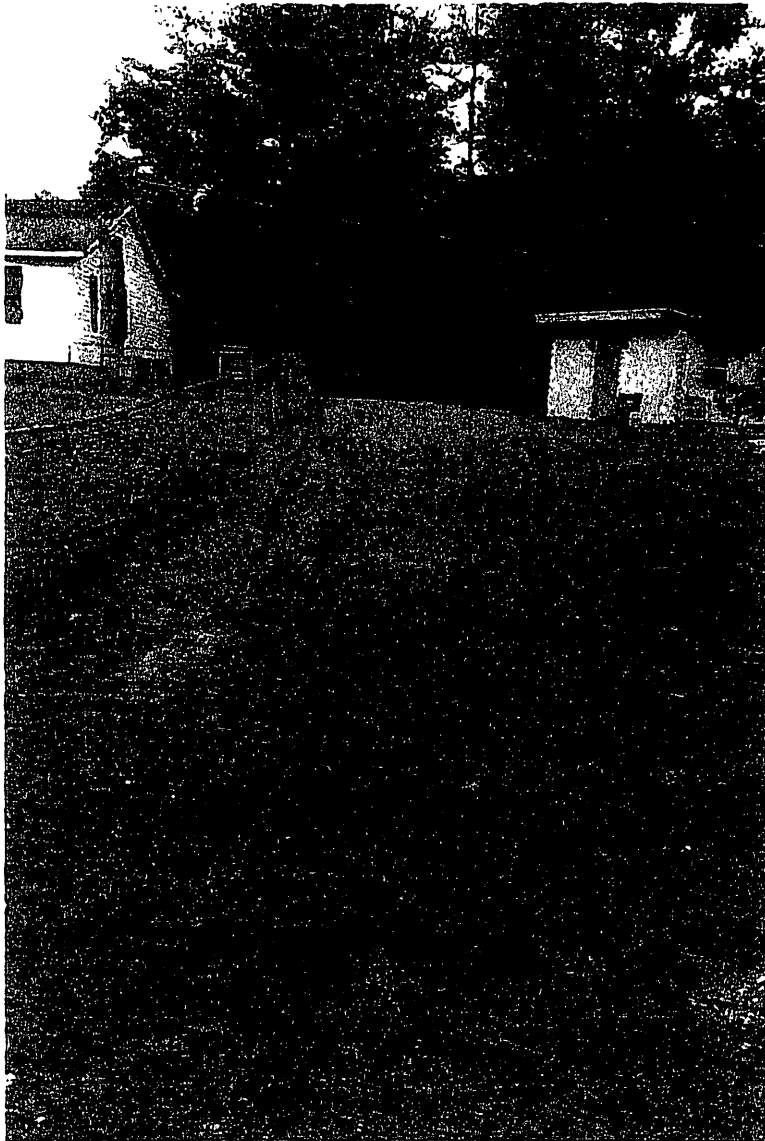
ROUSEY 1



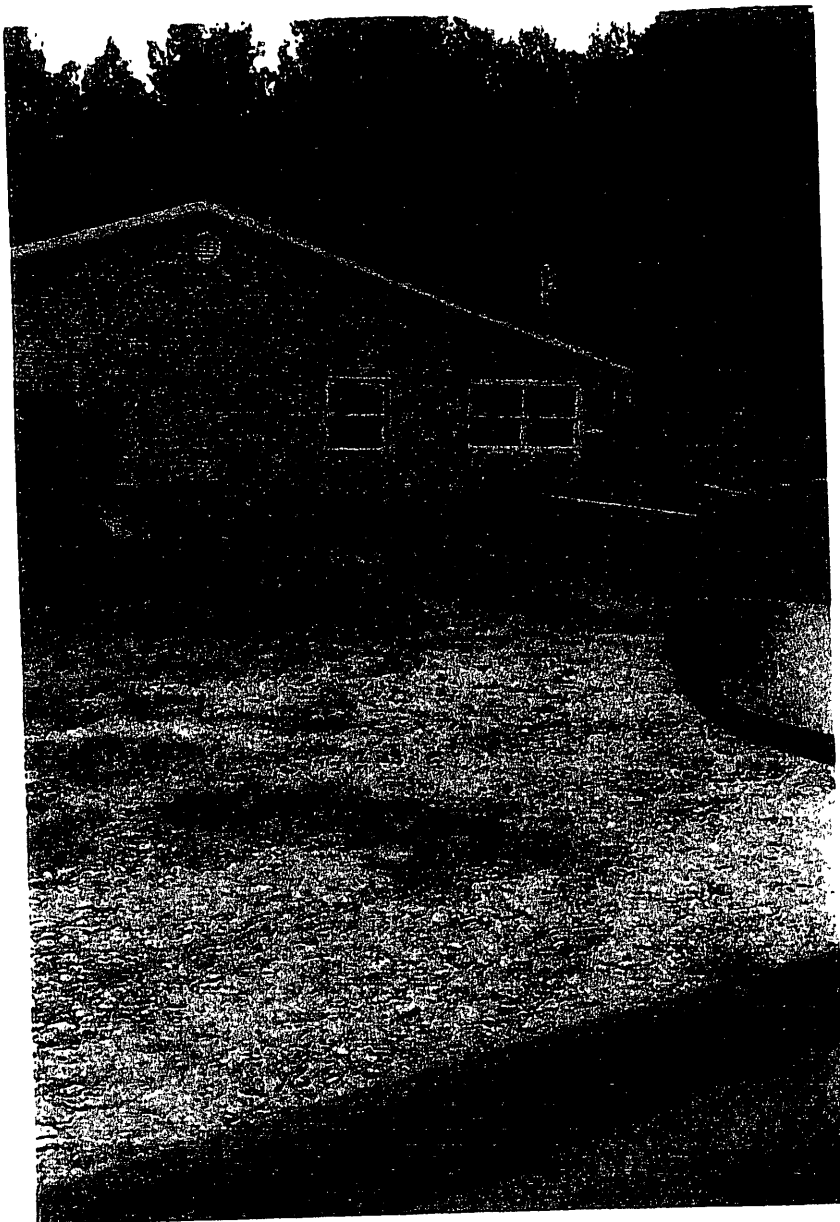
ROUSEY 2



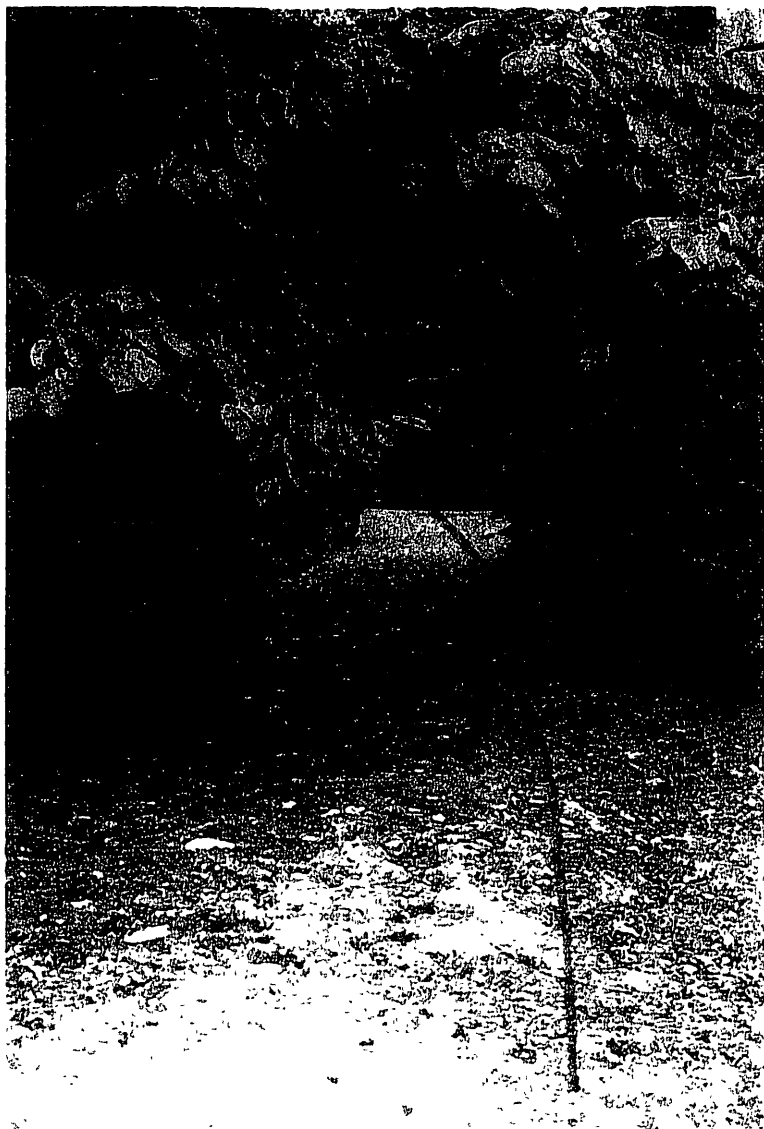
ROUSEY 3



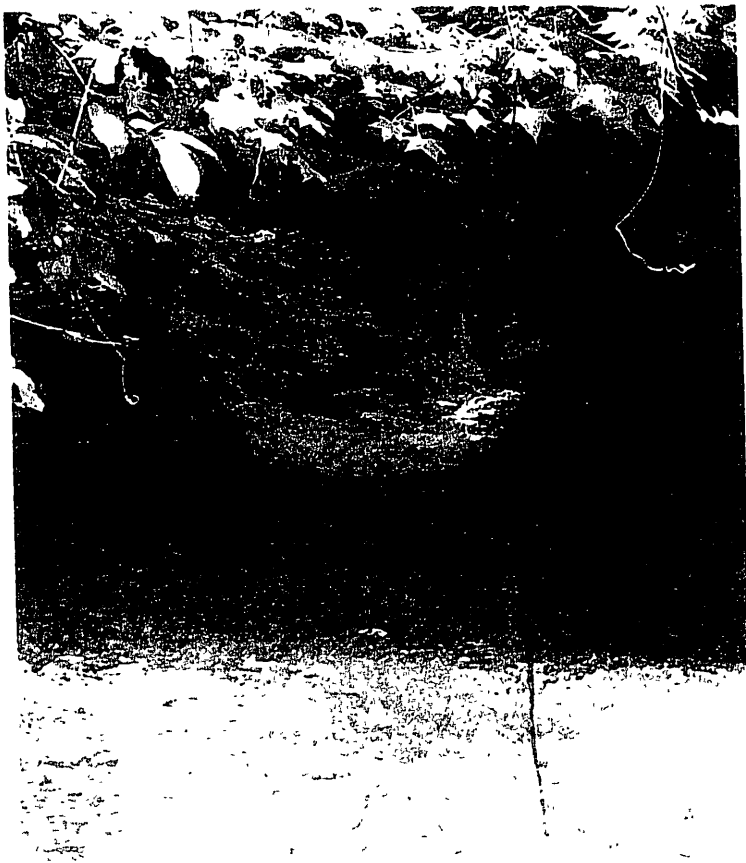
ROUSEY 4



ROUSEY 5



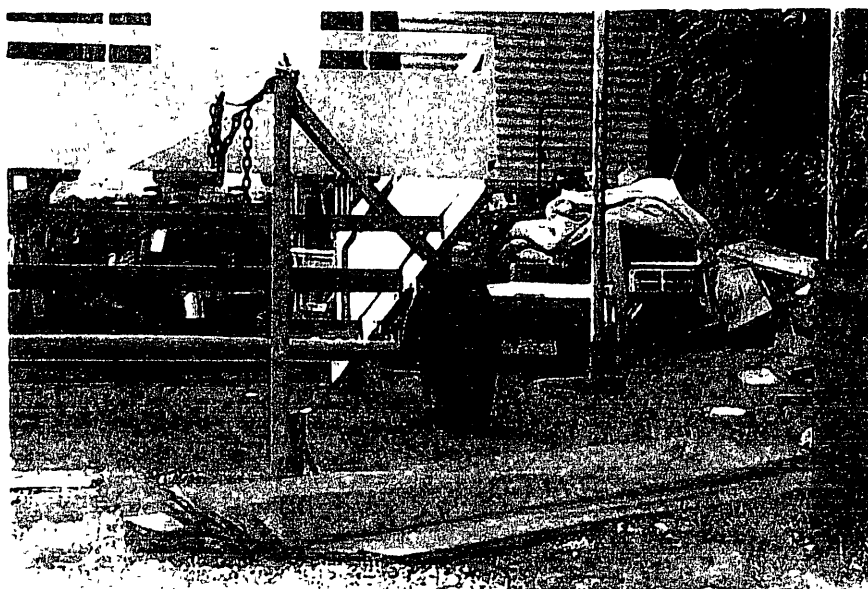
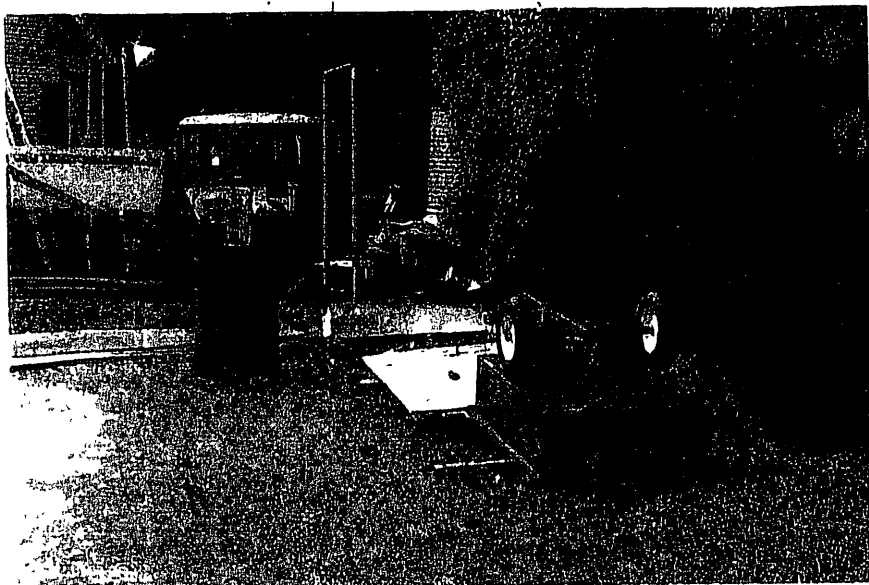
ROUSEY 6



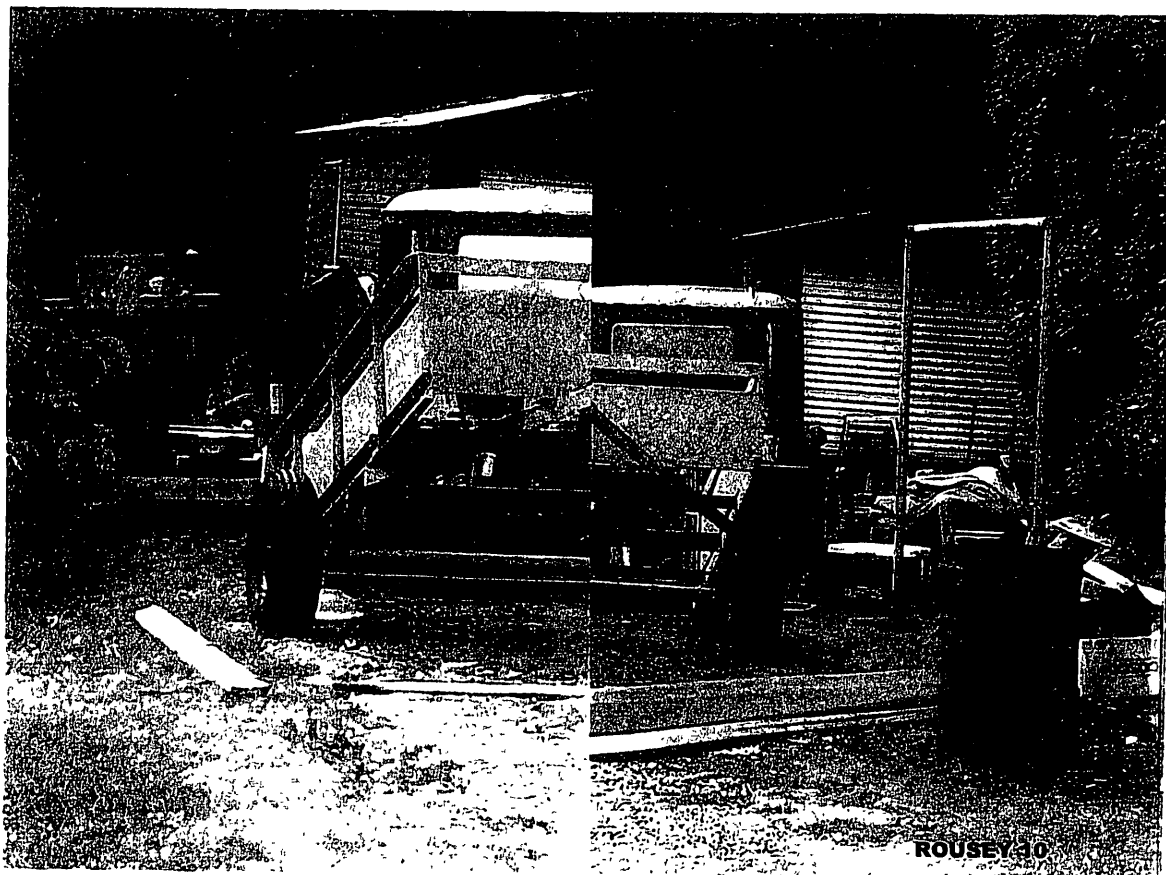
ROUSEY 7

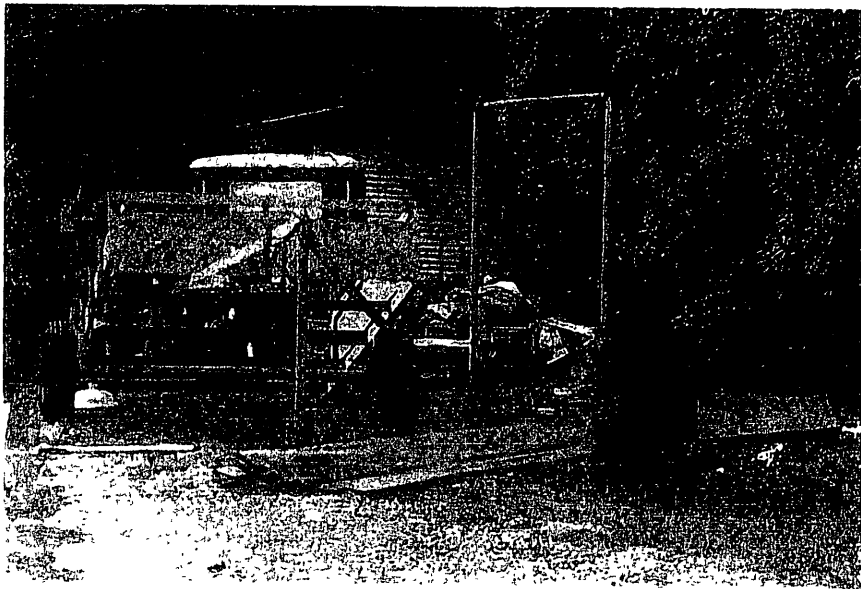


ROUSEY 8

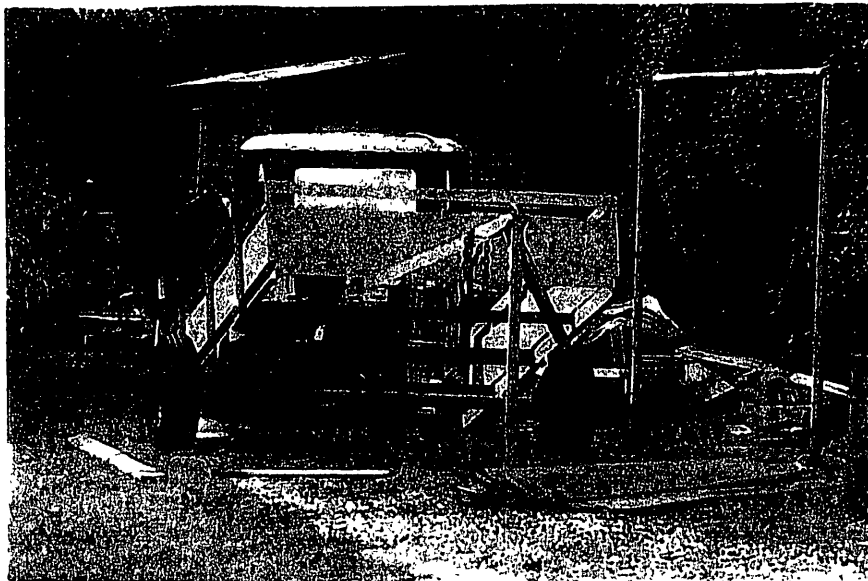


ROUSEY 9





ROUSEY 11



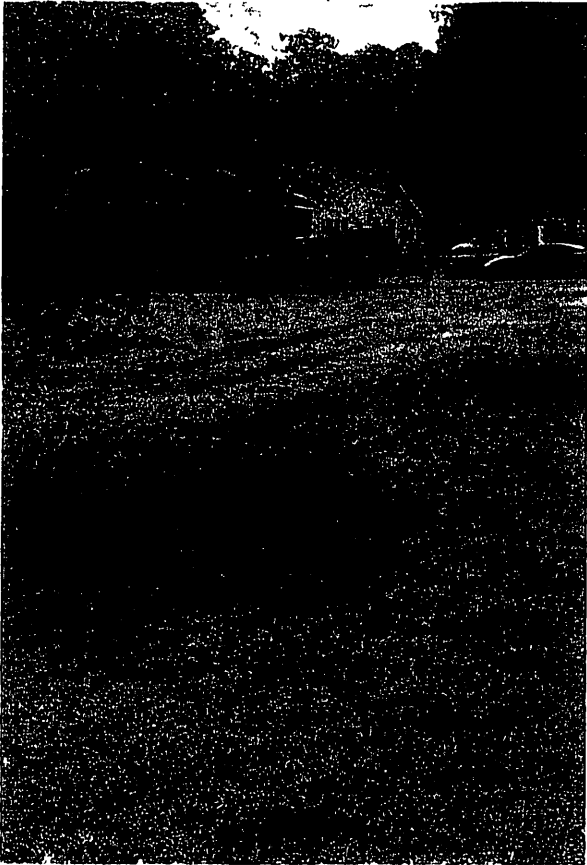


7/10/15 5:05 pm

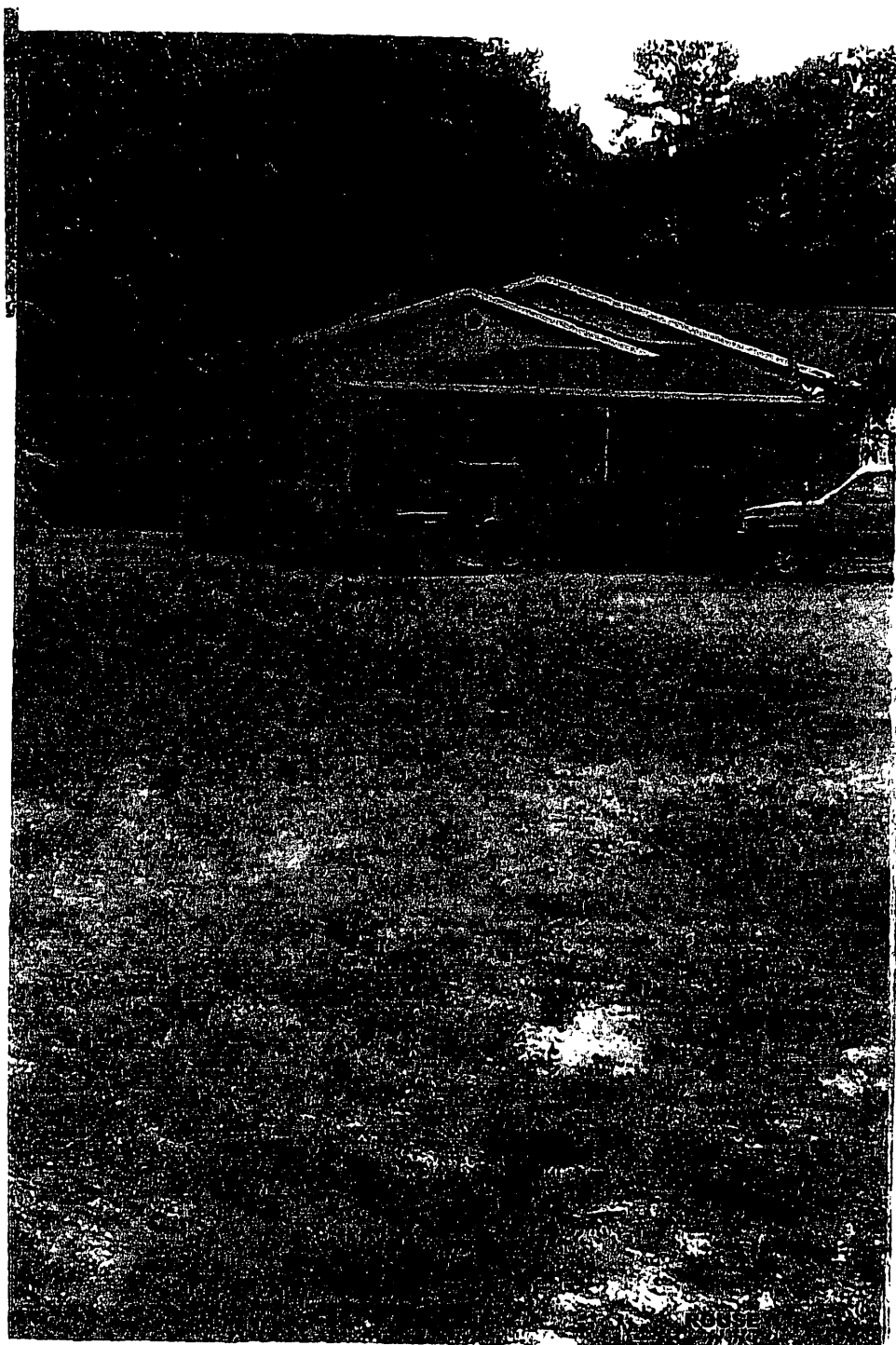


ROUSEY 13

7/16/15 5:05 PM

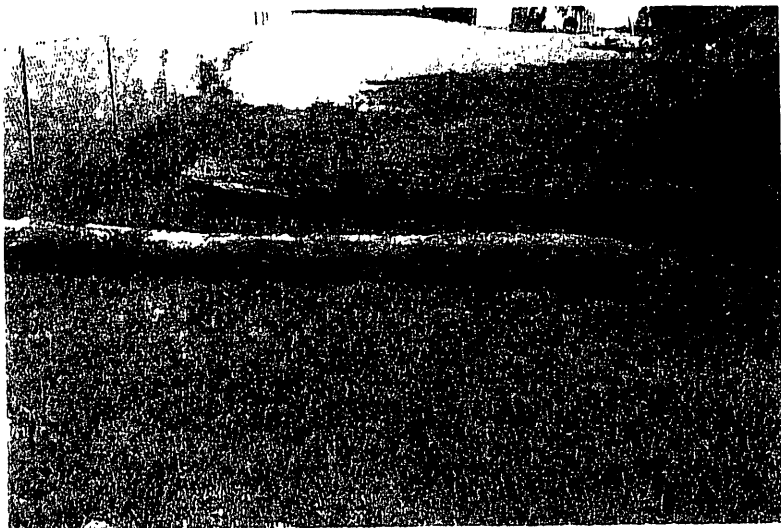


ROUSEY 14





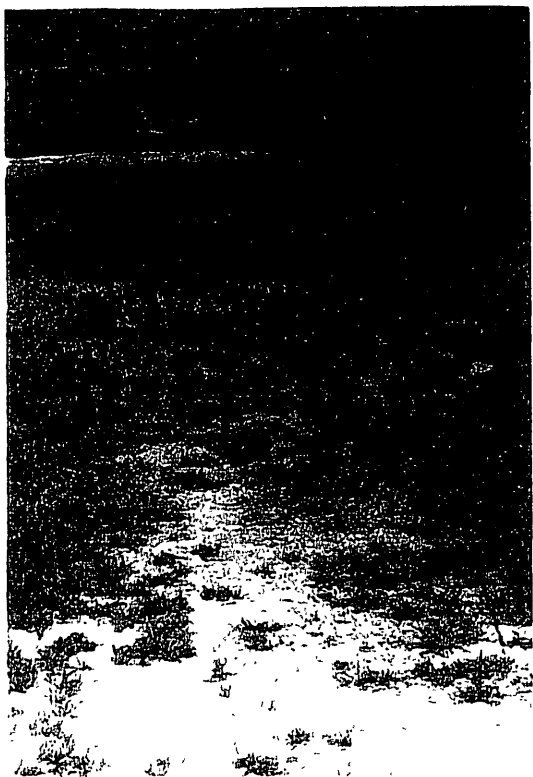
ROUSEY 16



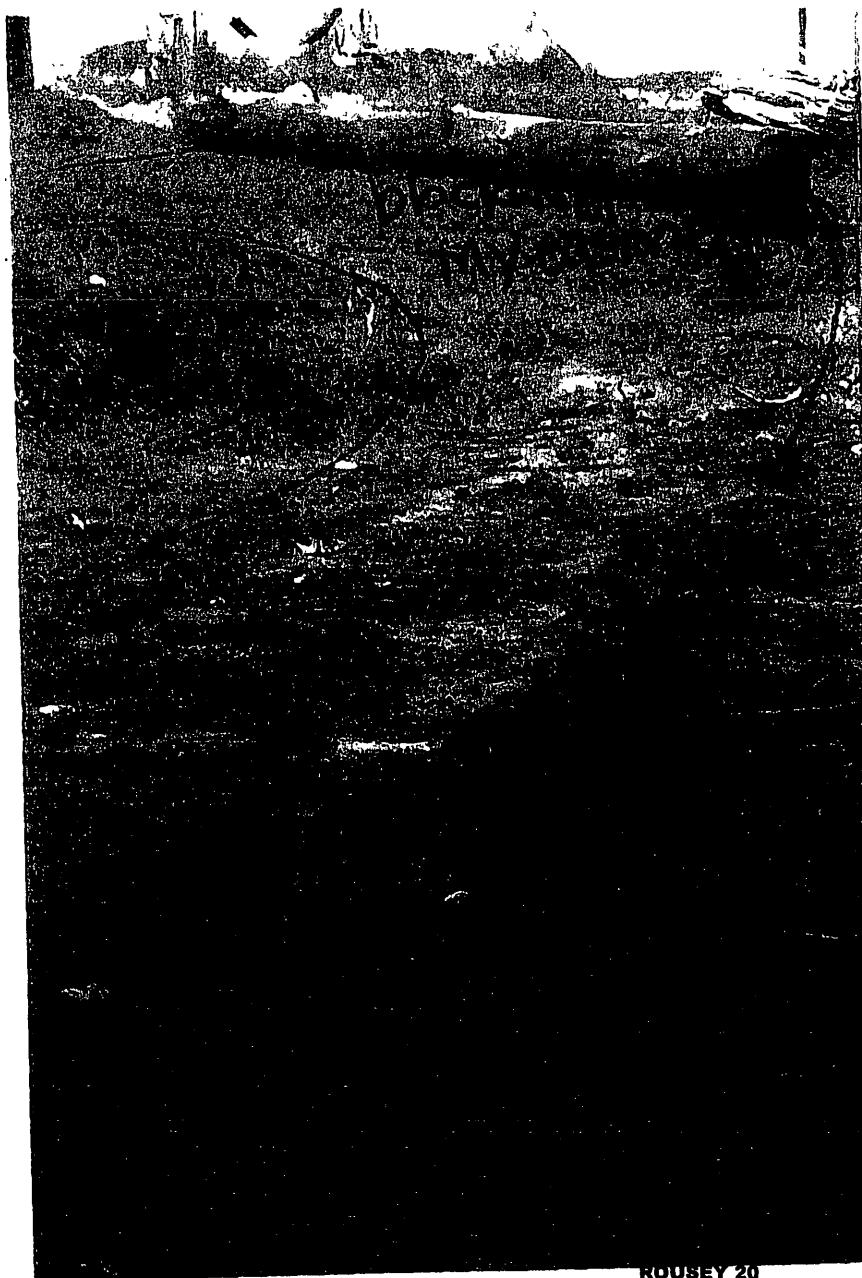
ROUSEY 17



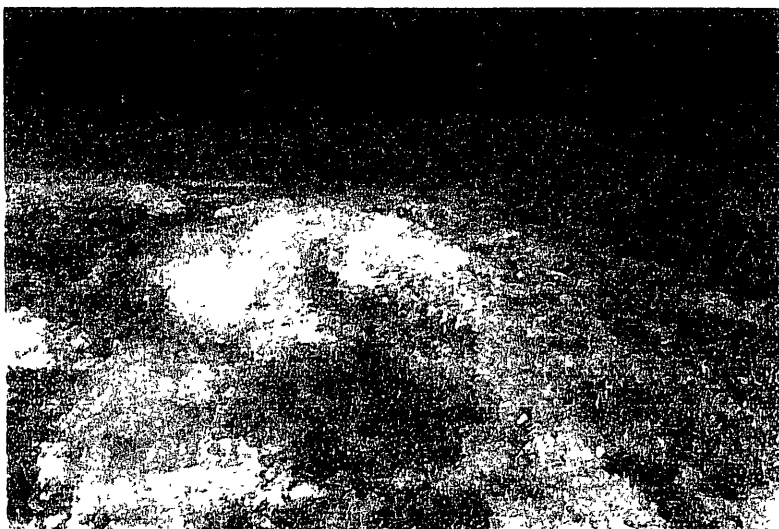
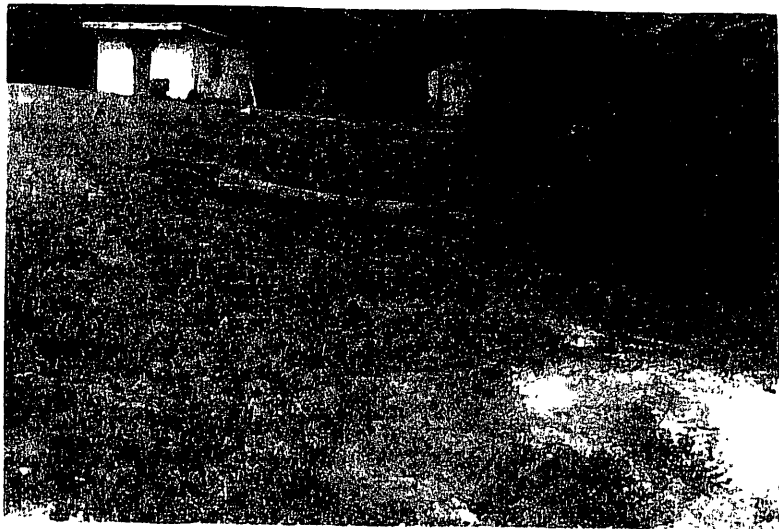
USEY 18



ROUSEY 19



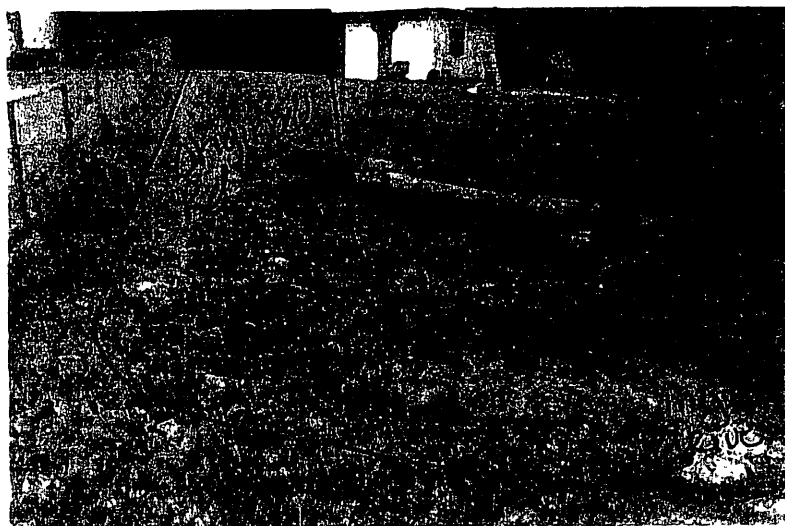
ROUSEY 20



ROUSEY 21



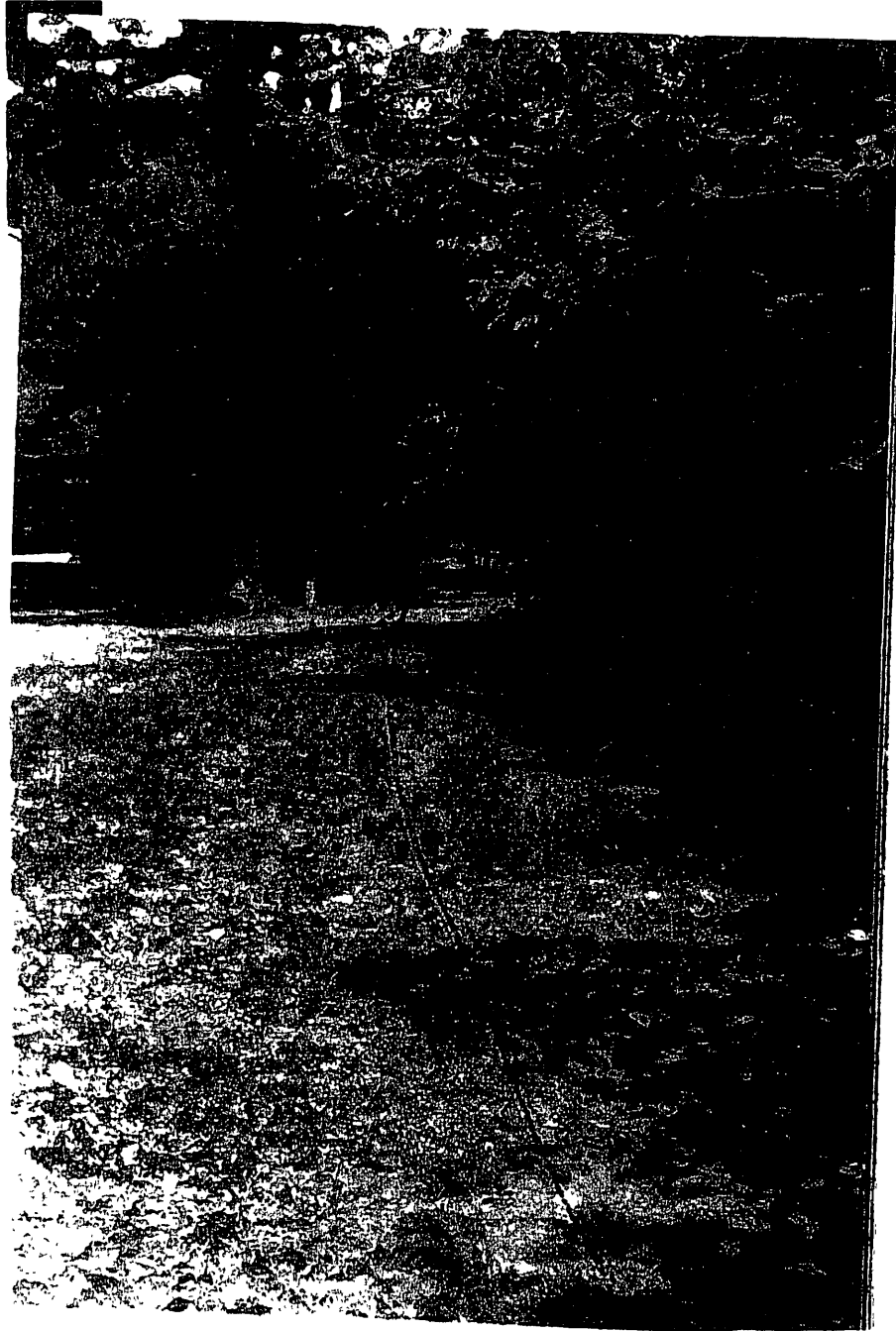
ROUSEY 22

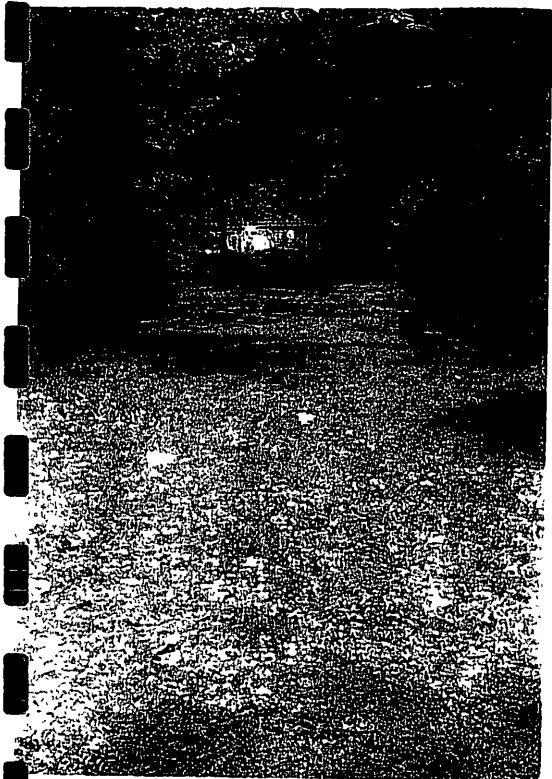


ROUSEY 23



ROUSEY 24

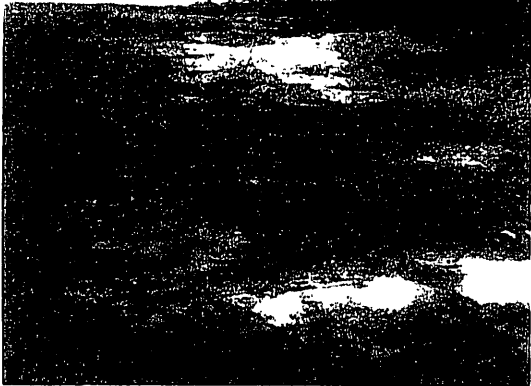




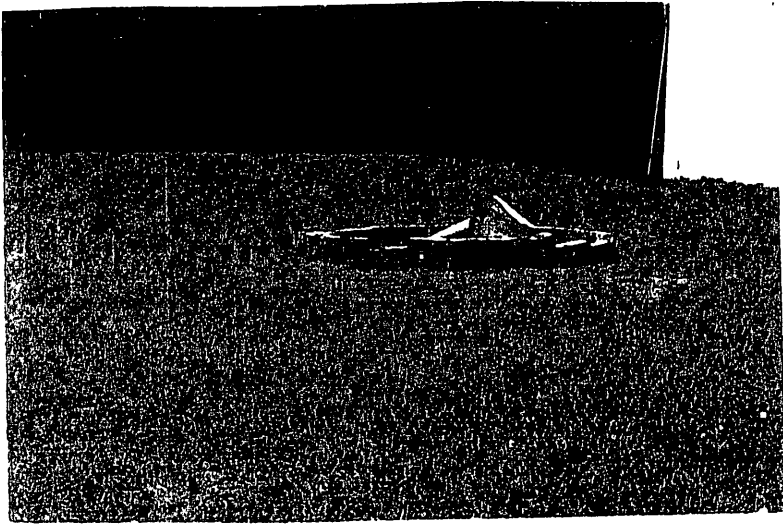
ROUSEY 26



ROUSEY 27



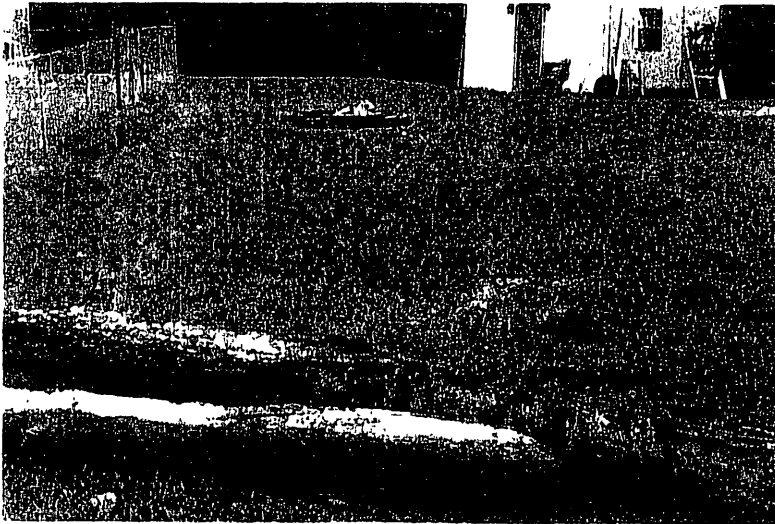
ROUSEY 28



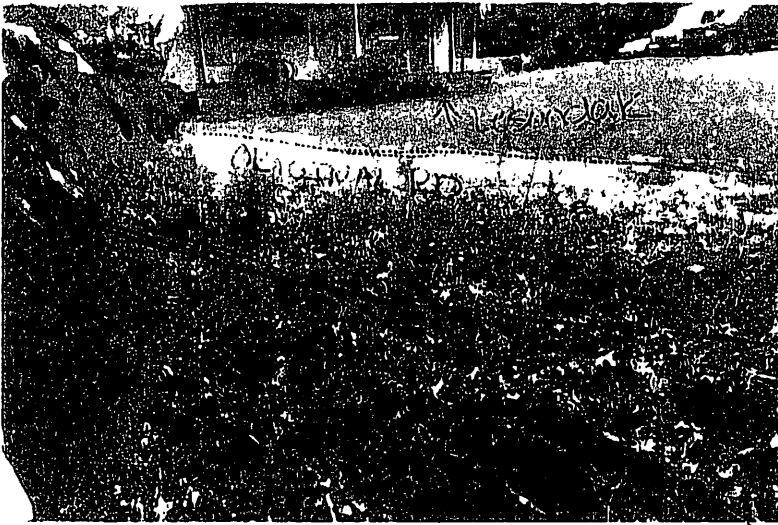
ROUSEY 29



ROUSEY 30



ROUSEY 31



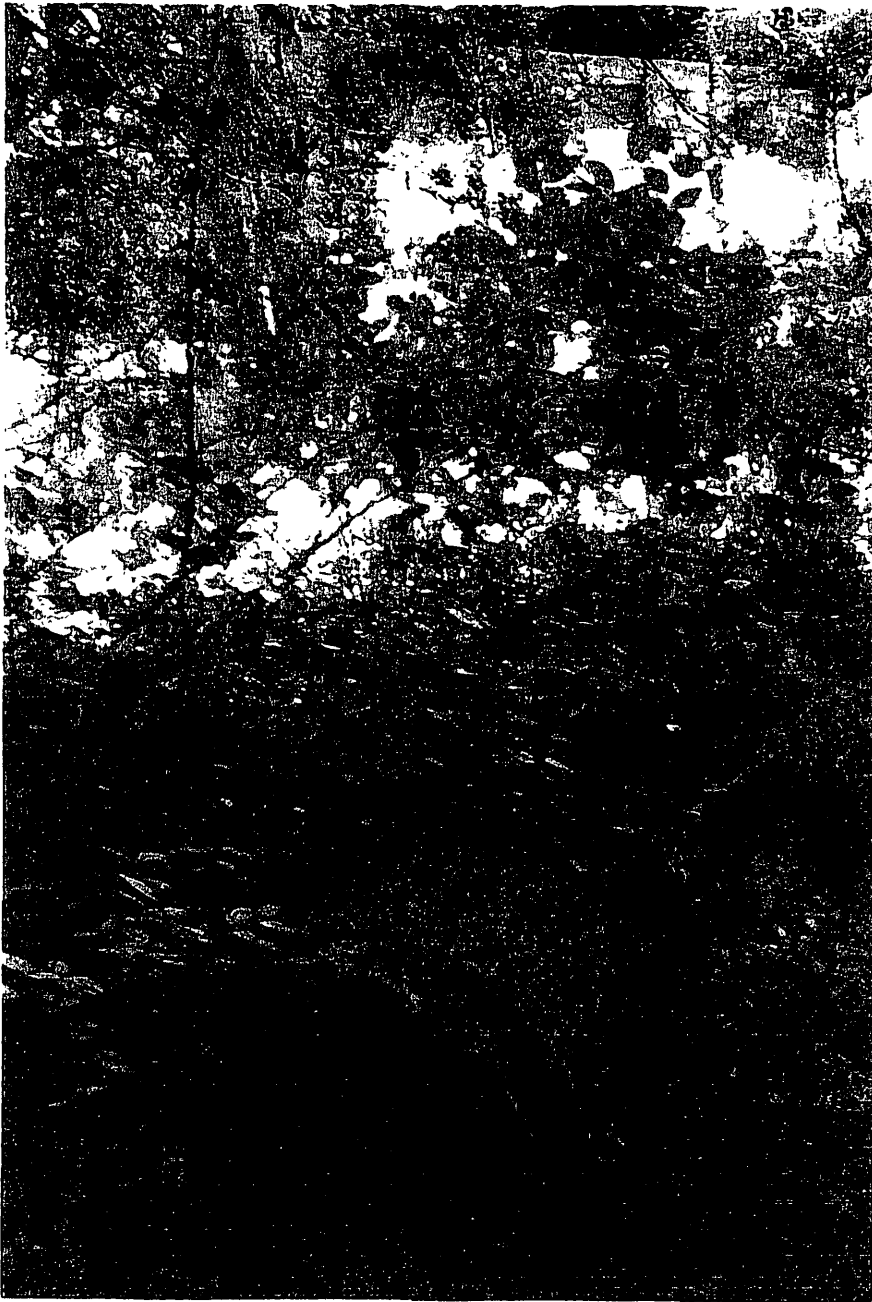
ROUSEY 32



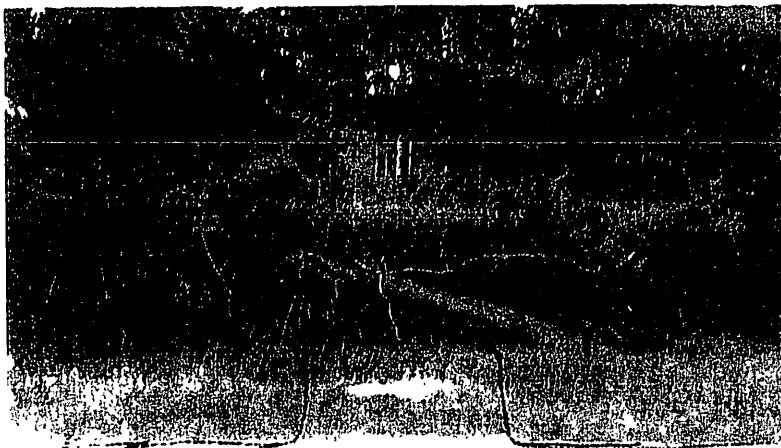
ROUSEY 33



ROUSEY 34



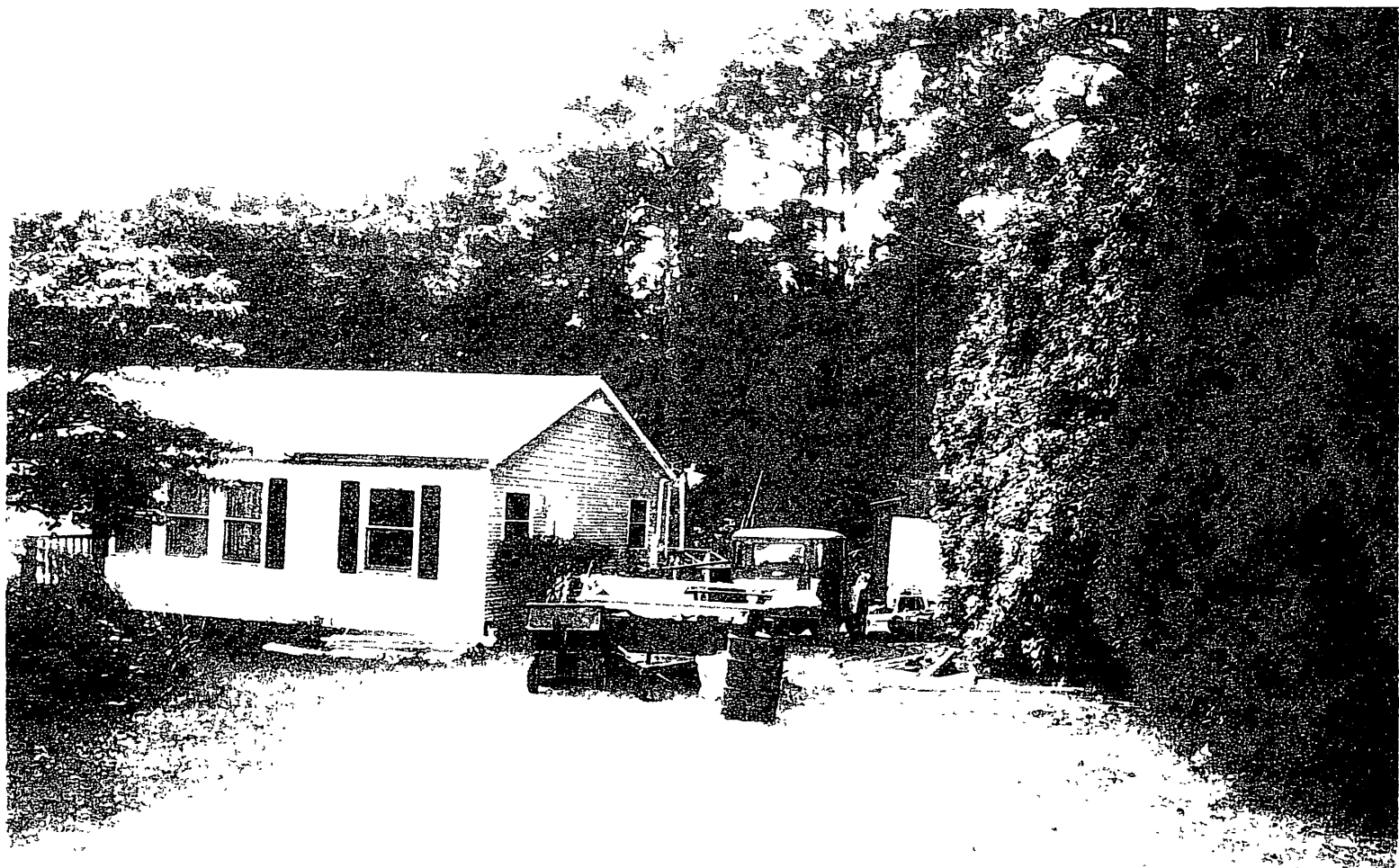
ROUSEY 35



my Aunt's drive.

ROUSEY 36





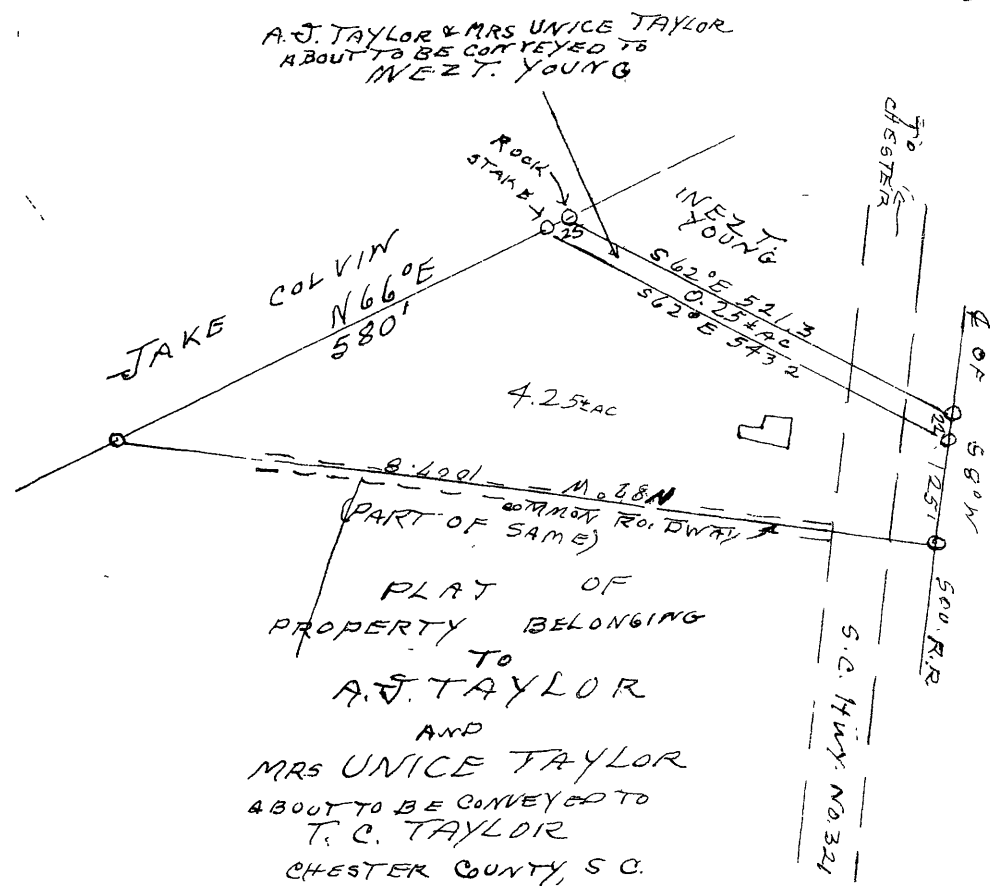






PLAINTIFF'S EXHIBIT D

GL353

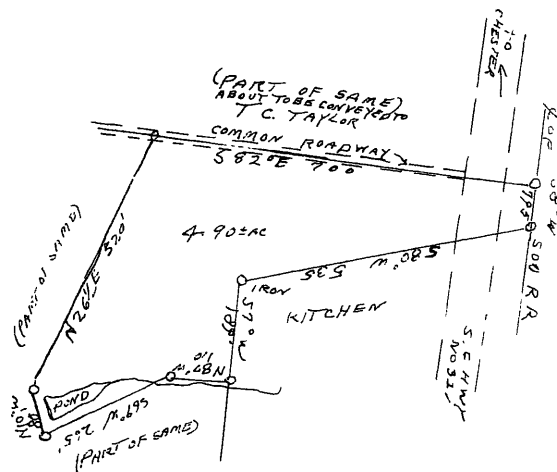


Nov. 15, 1951

SCALE 1" = 200
L. H. MELTON

Recorded Nov. 1951
Delivered To:
H. H. H. H.

PLAINTIFF'S EXHIBIT E



11.50.5 n

PLAT OF
PROPERTY BELONGING
TO
A. J. TAYLOR
AND
MRS UNICE TAYLOR
ABOUT TO BE CONVEYED TO
LUCILLE T. SEVERANCE
CHESTER COUNTY, SC

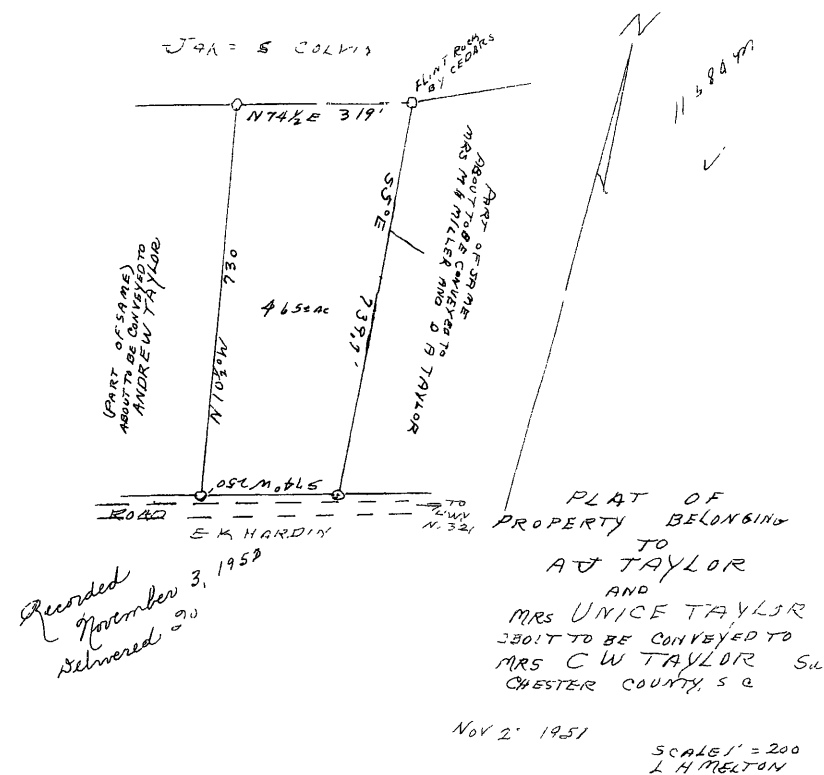
Nov 16, 1951

SCALE 1" = 200'
L. H. MELTON

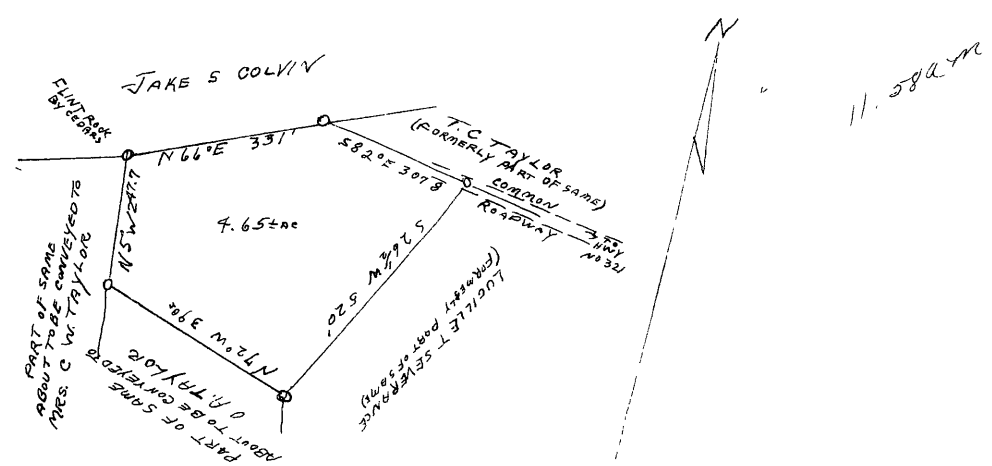
Received
November 24, 1951
Schwered 90

PLAINTIFF'S EXHIBIT F

I/45



I/47



PLAINTIFF'S EXHIBIT G



MAGNETIC NORTH

NOTE:
= EASTING IRON PIN
= NEW IRON PIN
= PK NAIL
= RAILROAD SPIKE
P.P. PINCHED PIPE

NO NEW LOTS OR LINES ESTABLISHED
HIPPI LAND SURVEYING, INC.
3574 VICTORIAN HILLS DRIVE
RICHBURG, S.C. 29729
PHONE (803) 789 3716

T.M.#80-3-4-6
JEFFERY W. KEENON
D.B.580 PG.271

T.M.#80-3-4-20
FRANK L. WRIGHT-LE
JEAN D. WRIGHT-LE
D.B.591 PG.102
CAB. D'S-8 PG.58

T.M.#80-3-4-17
JOHN RICE
D.B.1003 PG.194
CAB. C'S-165 PG.39

T.M.#80-3-4-24
DENNIS C. ROUSEY
ROSEMARY ROUSEY
D.B.602 PG.60 P.B.1 PG.281
P.B. JTPG.34

T.M.#80-3-4-8
DOROTHY JEAN JOHNSON
D.B.584 PG.125; CAB. C'S-130 PG.98

T.M.#80-3-4-8
KERRY GRASSINGER
D.B.781 PG.322 P.B.1 PG.44

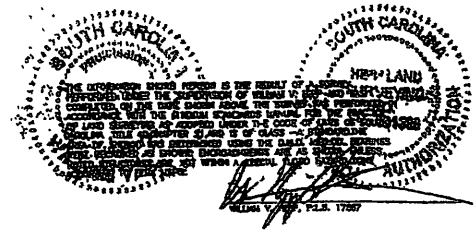
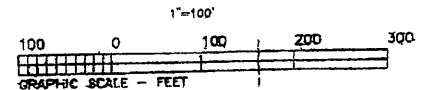
T.M.#80-3-4-7
WILLIAM P. HARDEE
D.B.754 PG.4

HAMILTON, DELANEY & GRIER, P.A.
ATTORNEYS AT LAW
P.O. BOX 608
CHESTER, SC 29705-0808

PLAT OF SURVEY FOR
DENNIS C. & ROSEMARY ROUSEY
CHESTER TOWNSHIP, CHESTER COUNTY, SOUTH CAROLINA

MARCH 28, 2012
REFERENCES: TAX MAP #80-03-04-010
D.B.944 PG.278; S.TPG.45

201200072583
Filed for Record in
CHESTER COUNTY SC
SUE K. CARPENTER, CLERK OF COURT
05-16-2012 At 03:36:33 PM.
PLAT 10.00



D-183/8B

Cab D Side 183 PG 8B

PLAINTIFF'S EXHIBIT H

102- p.2

B.102/2

LUCILLE T. SEVERANCE
Deed Book 355, Page 003

N

BASIS OF BEARING

CHARLES C. SHIRLEY, JR.
Deed Book 486, Page 619
Plat Book "J", Page 44

ANDREW GANDY JR.
Deed Book 407, Page 66
Plat Book "J", Page 49

AREA = 4.012 Acres

ROSEMARY ROUSEY
Deed Book 523, Page 356
Plat Book "J", Page 34

222 SALUDA STREET
ROCK HILL, SOUTH CAROLINA
PHONE: 803-324-2475

NOTE -
ETP = EXISTING IRON FOUND
NIP = NEW IRON REBAR SET

I HEREBY CERTIFY THAT THE RATIO OF
PRECISION OF THE UNADJUSTED FIELD
SURVEY IS 1 IN 10,000 AND THAT THE
AREA WAS COMPUTED BY THE D.M.D.
METHOD.

I HEREBY CERTIFY THAT THIS PLAT REPRESENTS
AN ACTUAL FIELD SURVEY BY ME THIS DATE AND
THAT, TO THE BEST OF MY KNOWLEDGE, THERE
ARE NO ENCROACHMENTS OR PROJECTIONS
OTHER THAN SHOWN AND THAT THE STRUCTURE
SHOWN ARE NOT LOCATED IN A SPECIAL FLOOD
HAZARD ZONE UNLESS NOTED.

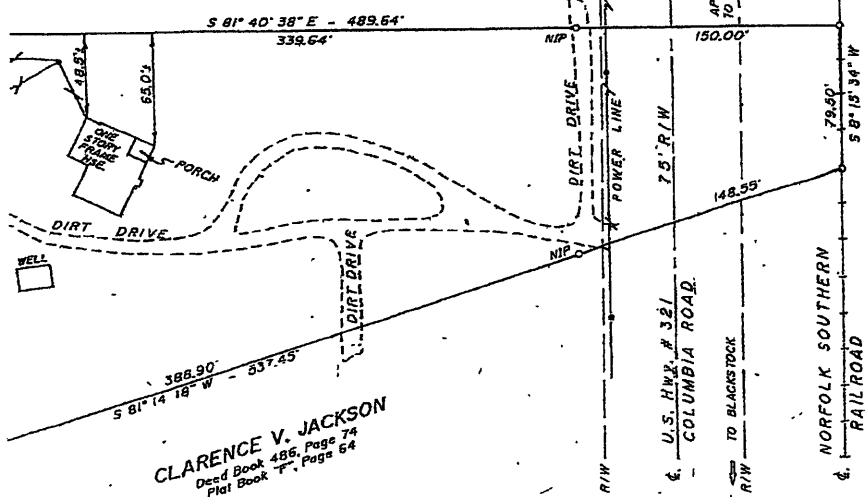
Edward F. Woodward
EDWARD F. WOODWARD R.L.S., 8613

GL177

B-102/2

102-92

LE T. SEVERANCE
ed Book 355, Page 005



LOCATION MAP
NOT TO SCALE

FILED
JUN 30 2 07 PM '88
REC'D 5919 1215 88
CLERK OF COURT
CHESTER COUNTY, S.C.

PLAT OF SURVEY FOR E. P. SEVERANCE

BEING A 4.012 ACRE TRACT
LOCATED ON U.S. # 321

CHESTER TOWNSHIP,
CHESTER COUNTY,
SOUTH CAROLINA

JUNE 27, 1988

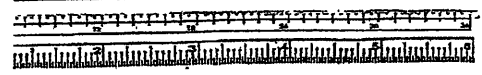
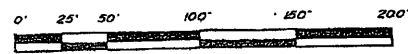
Time 2:07 PM
Recorded as
Map of Survey
Book 102 Page 2
Book of Survey
Chester, S.C.

CERTIFY THAT THE RATIO OF
THE UNADJUSTED FIELD
10,000 AND THAT THE
IMPUTED BY THE D.M.D.

CERTIFY THAT THIS PLAT REPRESENTS
FIELD SURVEY BY ME THIS DATE AND
BEST OF MY KNOWLEDGE, THERE
ANCHMENTS OR PROJECTIONS
SHOWN AND THAT THE STRUCTURES
NOT LOCATED IN A SPECIAL FLOOD
UNLESS NOTED.

Edward R.L.S.
EDWARD R.L.S. 8513

SCALE: 1" = 50'



PLAINTIFF'S EXHIBIT I

Calc Slide 130 Pg 9B

MAGNETIC NORTH

798
 PLAT OF SURVEY FOR
 IRANK WILLIAM YOUNG
 BEING A 3.975 ACRE TRACT
 LOCATED ON SOUTHERN RAILROAD & U.S. 32
 CHESLER (WWW.SW) CHESLER COUNTY, SOUTH CAROLINA
 1997

REFERENCE: TAX MAPS 80-3-4-0
P.D. 724 PG. 178; P.R. 17 PG. 4

FILED, RECORDED, INDEXED
03/11/1998 02:39P
Rec Fee: 10.00
Co Fee: 0.00
Clerk of Court
Sup. J. Carpenter

The subdivisions plat shown hereto has been approved by the Clerk of Court of Chester County, South Carolina.

3/16/98
S. J. Smith
Greene County Planning Unit

1AX AMANHO-3-4 7
1UCL31F T.SEVFRANCE FTA.
D.H.335 PLS

AX MAPH80-3-4-10
ANDREW LGANDY
03 DEC 56 2 8 17 PG.95

219
TAX MAP 180-3-4-0
CHARLES C. SHIRLEY, JR.
KAREN R. SHIRLEY
D.B. 486 PG. 619 P.B. J.F.G. 41

TAX MAP#BO-3-4-27
CLARENCE V. JACKSON, JR.
PAULETTE L. JACKSON
D.B. 666 PG. 38 P.B. "F" PG 64

TAX MAPNBO-3-4-24
DENNIS C.ROUSEY
ROSEMARY ROUSFY
D.B.602 PG.60D B.523 PG.356
P.B."J"PG.34P.B.1 PG.281

THE INFORMATION SHOWN HEREON IS THE RESULT OF A SURVEY
PERFORMED UNDER THE SUPERVISION OF WILLIAM V. HARRIS AND WAS
COMPLETED ON THE DATE SHOWN ABOVE. THE SURVEY WAS PERFORMED IN
ACCORDANCE WITH THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE
OF LAND SURVEYING AS ADOPTED UNDER THE CODE OF LAWS OF THE STATE
OF CAROLINA, TITLE 46, CHAPTER 21, AND IS OF CLASS 1 STANDARD. THE
AREA OF SHOWN, ENCLOSUREMENTS ARE AS SHOWN UNLESS
NOTED OTHERWISE. ENCLOSUREMENTS ARE AS SHOWN UNLESS
NOTED OTHERWISE. NOTED OTHERWISE. NOTED OTHERWISE. NOTED OTHERWISE.
ACCORDING TO FERN MAPS

HIPP LAND SURVEYING
3574 VICTORIAN HILLS DRIVE
RICHBURG, S.C. 29729
PHONE (803) 789 3716

LOCATION MAP N.T.S.

NOTE:
EIP = EXISTING IRON P
NIP = NEW IRON PIN
PK = PK NAIL
RR = RAILROAD SPIKE

PLAINTIFF'S EXHIBIT J

371/79

BOOK NO 371

4:03 PM

TITLE TO REAL ESTATE

✓ Andrew J. Taylor

✓ T.C. Taylor

TO

STATE OF SOUTH CAROLINA
County of Chester

KNOW ALL MEN BY THESE PRESENTS, That I, Andrew J. Taylor,

of the County and State aforesaid, in consideration of the assumption of the mortgage indebtedness due by me under mortgage recorded Clerk's Office Chester County, S.C., Book 309, page 111, love and affection I bear to my son, T.C. Taylor, and in further consideration of the sum of \$1.00 to me paid by T.C. Taylor,

of the County of Chester, and State of South Carolina, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said T.C. Taylor, however reserving to myself and my wife, Eunice Taylor or the survivor, a life estate in and to:

ALL the following described real estate, to wit:

ALL that certain piece, parcel or tract of land, situate in said County and State about 2½ miles South of the City of Chester, on the Western side of the Columbia Road, containing 4.25 acres, together with the dwelling house and other improvements thereon, and bounded by said road, lands of M.E. White now or formerly and by ladds now or formerly of R.M. White, and having the following courses and distances, metes and bounds, to wit. Beginning at stake in the Southeast corner of said land on Southern Railroad, and running thence across S.C. Hwy 321, along a common roadway N. 82° W. 1007.8 ft. to stake on line of lands of Jake Colvin, thence along Colvin's line N. 66° E. 580 ft. to stake on corner of .25 acre strip to be conveyed to Inez T. Young, thence along said .25 acre strip S. 62° E. 543.2 ft. across said S.C. Highway No. 321 to stake on Southern Railroad, thence along center of said Southern Railway S. 8° W. 125 ft. to beginning corner, the present boundaries according to recent plat being on the North by lands of Inez T. Young, East by Southern Railway, South by other lands of Andrew J. Taylor, and West by lands of Jake Colvin, all of which will more fully appear by reference to plat of same made by L.H. Melton, C.E., dated Nov. 15, 1951, being a part of the identical lands conveyed to me by Thomas O. Taylor by deed dated Oct. 20, 1947, duly recorded in Clerk's Office Chester County, S.C., in Book 360, page 66.

Plat recorded Plat Book 2, page 1.

however reserving to myself and my wife, Eunice Taylor, or the survivor, a life estate in and to said premises.

together with, all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in any wise incident or appertaining

To HAVE AND TO HOLD, All and singular, the said premises before mentioned unto the said T.C. Taylor, his

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 said premises unto the said T.C. Taylor, his

heirs and assigns against me and my heirs, and all persons whomsoever lawfully

claiming or to claim the same or any part thereof, however, reserving to myself and my wife, Eunice Taylor, or the

survivor a life estate in, and to said premises, 19 day of November in the year of our Lord

one thousand nine hundred and fifty-one, and in the one hundred and 76th year of the

SIGNED, SEALED AND DELIVERED

IN THE PRESENCE OF

Angus H. Macaulay
Jennie M. Oates

Revenue
Stamps
\$
\$

Andrew J. Taylor

(L S)

(L S)

(L S)

(L S)

(L S)

(L S)

(L S)

(L S)

(L S)

STATE OF SOUTH CAROLINA

PERSONALLY appeared before me

Jennie M. Oates

and made

COUNTY OF CHESTER

oath that she saw the within-named
his

Andrew J. Taylor

sign, seal, and as
Angus H. Macaulay

act and deed, deliver the within-written Deed, and

Sworn to Before Me, This 19 day of

November, A D 1951

Angus H. Macaulay (Notary Seal) (SEAL)

Jennie M. Oates

Notary Public for South Carolina

STATE OF SOUTH CAROLINA,

RENUNCIATION OF DOWER

, a Notary Public for South Carolina, do hereby certify unto all whom it may concern, that Mrs

, the wife of the within-named

did this day appear before me, and, upon being privately and separately

advised by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever, renounce,

use and forever relinquish unto the within-named T.C. Taylor, his

heirs and assigns all her interest and estate, and also all her right and claim of Dower of, in or to, all and singular the

uses within mentioned and released

GIVEN under my hand and seal, this 19

day of

November

, A D 1951

Angus H. Macaulay (Notary Seal) (SEAL)

Eunice R. Taylor

Notary Public for South Carolina

ad November 19th 1951, in Book G, Page

led November 19th, 1951 Delivered to

A. H. Macaulay

John B. McDowell

11/21/51

Auditor Chester County, S C

PLAINTIFF'S EXHIBIT K

195

BOOK NO 371

11.42 A.M.

TITLE TO REAL ESTATE

Andrew J. Taylor

TO
Lucille T. Severance

STATE OF SOUTH CAROLINA
County of Chester

KNOW ALL MEN BY THESE PRESENTS, That I, Andrew J. Taylor,

of the County and State aforesaid, in consideration of the sum

of the love and affection I bear to my daughter, Lucille T. Severance, and in further consideration of the sum of \$1.00

paid by Lucille T. Severance,

of the County of Chester, and State of South Carolina, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said Lucille T. Severance,

All the following described real estate, to wit:

And that certain piece, parcel or tract of land, situate in said County and State about 2 1/2 miles south of the City of Chester on the western side of Columbia Road, containing 4.90 acres, and having the following courses and distances, notes and bounds, to wit: Beginning at stake in center of Southern Railway at the Southeast corner, and running thence across R.R. Hwy. 321 S. 80° W. 535 ft. to stake, iron, thence S. 70° W. 139 ft. to stake, thence N. 37° W. 110 ft. to stake, thence S. 60° W. 265 ft. to stake, thence N. 10° W. 50 ft. to stake, thence N. 26 1/2° E. 520 ft. to stake in Common Roadway between this lot and lot conveyed to T.C. Taylor, thence along said Common Roadway S. 80° W. 700 ft. across R.R. Hwy. 321 to stake in center of Southern Railway, thence along Southern Railway S. 80° W. 715 ft. to stake in center of Southern Railway, the beginning corner, bounded on the North by common roadway between this lot and lands of T.C. Taylor, on the East by Southern Railway, on the South by lands of Kitchen and other lands of Andrew J. Taylor, and on the West by other lands of Andrew J. Taylor, all of which will more fully appear by reference to plat of same made by H.H. Melton, C.E., dated Nov. 10, 1951, and being a part of the lands conveyed to Thomas C. Taylor by deed dated Oct. 20, 1947, duly recorded Clerk's Office Chester County, S.C., in Book 361, page 66.

Plat recorded in Book 11 at page 4.

TO Andrew J. Taylor
From Thomas C. Taylor



371/95

PLAINTIFF'S EXHIBIT L

345

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

TO HAVE AND TO HOLD, all and singular, the said Premises/Property unto the said Ann L. Almers, F/R/a
Ann L. Winters, F/R/a Ann L. Barrigan, Mildred P. Lee, a/k/a Paul's Wife, Robert
Almond, and William Severance Lee,

IN WITNESS WHEREOF, the undersigned, as Personal Representative of the estate of the decedent, has executed this Deed, this 3rd day of October, 1997.

SIGNED, SEALED AND DELIVERED
 IN THE PRESENCE OF

Estate of: EGLESTON PAUL SEVERANCE

by Signature: John C. Huskins

John C. Huskins, Personal Representative

Witness: [Signature]

I hereby certify that the within Deed has

been this 9th day of Oct

Witness: Debra R. Bailey

A. D. 1997 Recorded in Book 7

of Deeds, Volume 177

Edmond M. Thomas Notary

for Chesler County

STATE OF SOUTH CAROLINA
 COUNTY OF CHESTER

PERSONALLY appeared before me W.L.D. Marion

and made oath that he/she saw the within named

Personal Representative(s) sign, seal, and execute and deed, deliver the within written Deed, and that he/she with

Debra R. Bailey

witnessed the execution thereof.

SWORN to before me this 3rd day of
October, 1997

Witness Signature: [Signature]

Debra R. Bailey

Notary Public for South Carolina

My Commission Expires 5/5/99

LESS, that certain tract containing one (1) acre, more or less, and being shown on a plat of the property belonging to Lucille P. Severance by L. H. Malton, dated August 31, 1935, which plat is recorded in Plat Book "J" at Page 44, and being the identical property conveyed by the said Lucille P. Severance to Mrs. Alice S. Lee by deed dated and recorded February 20, 1936, in Deed Book 385 at Page 132 and later conveyed by Eggleston Paul Severance to Michael D. Lee, et al. by deed dated May 28, 1976, recorded June 1, 1976, in Deed Book 481 at Page 77. All recording references being to the office of the Clerk of Court for Chester County, S.C.

CHESTER COUNTY ASSESSOR

DATE 10-8-97

TAX MAP NO. 20-3-4-8

FORM 6000 (1-88)

GRAPHIC PRESS/3411 Deed Book, West Columbia, South Carolina 29169/(803) 798-4207

AMOUNT \$ 154.00 LPS 0132

PLAINTIFF'S EXHIBIT M

11:58 A.M.

TITLE TO REAL ESTATE

A. J. Taylor

TO

Sallie T. Taylor

STATE OF SOUTH CAROLINA
County of Chester

KNOW ALL MEN BY THESE PRESENTS, That I, A. J. Taylor,

of the County and State aforesaid, in consideration of the love and affection I bear to my daughter, Sallie T. Taylor, and in further consideration of the sum of One (\$1.00) DOLLARS

to me paid by Sallie T. Taylor,

of the County of Chester and State of South Carolina, have granted, bargained, sold and released, and by these presents do grant, bargain sell and release unto the said Sallie T. Taylor,

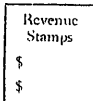
ALL the following described real estate, to wit:

ALL that certain piece or parcel of land situate in said County and State about $2\frac{1}{2}$ miles South of the City of Chester on the west side of Columbia Road, containing 4.65 acres, and having the following courses and distances, metes and bounds, to wit: Beginning at corner of lands of Zelma Taylor Miller on the inner edge of road leading to S.C. Hwy, 321, opposite which are lands of E.K. Hardin and running along said road as the line S. 74° W. 250 ft. to stake, corner of lands of Andrew Taylor, thence along line of Andrew Taylor N. $10\frac{1}{2}^{\circ}$ W. 730 ft. to stake on line of lands of Jake S. Colvin, thence along Colvin's line N. $74\frac{1}{2}^{\circ}$ E. 319 ft. to flint rock by cedars corner of lands of Zelma Taylor Miller, thence along Miller line and line of O.A. Taylor, S. 50° 739.7 ft. to stake on inner edge of road to S.C. Hwy 321, the beginning corner, bounded on the North by lands of Jake S. Colvin, on the East by lands of Zelma Taylor Miller and O.A. Taylor, on the South by road leading to S.C. Hwy 321, opposite which are lands of E.K. Hardin, and on the west by lands of Andrew Taylor all of which will more fully appear by reference to plat of same made by L.H. Melton, C.E., dated Nov. 27, 1951, and being a part of the lands conveyed to me by T.C. Taylor by deed dated October 20, 1947, duly recorded Clerk's Office for Chester County, S.C., in Book 360, page 66.

ther with, all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in any wise incident or appertaining
To HAVE AND TO HOLD, All and singular, the said premises before mentioned unto the said **Sallie T. Taylor, her**
heirs and assigns forever And I do hereby bind myself and my
executors and administrators to warrant and forever defend, all and singular, the said premises unto the said **Sallie T. Taylor, her**
heirs and assigns against me and my heirs, and all persons whomsoever lawfully

ing or to claim the same or any part thereof
WITNESS my hand and seal, this 18 day of October, in the year of our Lord
thousand nine hundred and fifty-two, and in the one hundred and 77th year of the

IN THE PRESENCE OF
Angus H. Macaulay
Jemie M. Oates



A.J. Taylor

(L S)
(L S)
(L S)
(L S)
(L S)
(L S)
(L S)
(L S)

STATE OF SOUTH CAROLINA } PERSONALLY appeared before me **Jennie M. Oates** and made
County of CHESTER } with this she saw the within-named **A.J. Taylor**
sign, seal, and as his act and deed deliver the within written Deed, and
witnessed the execution thereof
Sworn to before me this 18 day of October, A D 1952
Angus H. Macaulay (Notary Seal) (SEAL) **Jennie M. Oates**
Notary Public for South Carolina

STATE OF SOUTH CAROLINA, }
County of CHESTER }
Angus H. Macaulay, a Notary Public for South Carolina, do hereby certify unto all whom it may concern, that **Mrs. Eunice Taylor**
A.J. Taylor 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 whomsoever, renounce,
recede and forever relinquish unto the within named **Sallie T. Taylor, her**
heirs and assigns, all her interest and estate, and also all her right and claim of Dower of, in or to, all and singular, the
within mentioned and released
Given under my hand and seal, this 18th day of October, A D 1952
Angus H. Macaulay, (NOTARY SEAL) (SEAL) **Mrs. Eunice Taylor**
Notary Public for South Carolina

November 3rd, 1952, in Book G
November 3rd, 1952 Delivered to

Page

[Handwritten signature]

C. C. Brawley
Auditor Chester County, S C

PLAINTIFF'S EXHIBIT N

William P. Hardee
976 Columbia Road
Chester, S. C. 29706
August 21, 2015

Jessica Clancy Crowson, Esquire
Rogers Lewis Jackson Mann & Quinn, LLC
P. O. Box 11803 (29211)
1330 Lady Street, Suite 400
Columbia, S. C. 29201

Re: CASE NUMBER: 2015-CP-12-00024

Heather Rousey Piper

Plaintiff

vs.

Kerry Grissinger, William P. Hardee, and
Paul E. Lesondak

Defendants

Dear Ms. Crowson,

Please find enclosed my response to the Plaintiff's First Set of Interrogatories to Defendants and to the Plaintiff's First Set of Requests for Production to Defendants.

Sincerely,

William P. Hardee

William P. Hardee

2015 AUG 24 P 3:10
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

Heather Rousey Piper

Plaintiff

vs

Kerry Grissinger, William P. Hardee,
and Paul E. Lesondak

Defendants

IN THE COURT OF COMMON PLEAS

C/A NO: 2015-CP-12-00024

REPLY TO PLAINTIFF'S FIRST
SET INTERROGATORIES TO
DEFENDANTS

CLERK OF COURT
JULY 27 2015
AUG 24 2 34 07

TO: ABOVE NAMED PLAINTIFF:

The Defendant, replying to the Plaintiff's First set of Interrogatories replies and alleges as follows:

1. Answer to interrogatory Number 1 is as follows:
Kenneth Rowsam
1041 Pineland Ave
Chester, S. C. 29706
No written or recorded statements have been taken so far as I know.
2. Answer to interrogatory Number 2 is as follows:
Deed to property
Photos of tracts involved in suit copied from Chester County GIS maps
3. Answer to interrogatory Number 3 is as follows:
Defendant has no knowledge of any liability insurance coverage relating to the claim
4. Answer to interrogatory Number 4 is as follows:
Defendant does not propose to use any expert witness at the trial of this case.
5. Answer to interrogatory Number 5 is as follows
It is my understanding that Kenneth Rowsam and Kerry Grissinger are acquaintances. Therefore, I assume he knows what is taking place relative to this case.
6. Answer to interrogatory Number 6 is as follows:
This interrogatory was not addressed to the Defendant.

7. Answer to interrogatory Number 7 is as follows:
This interrogatory was not addressed to the Defendant.
8. Answer to interrogatory Number 8 is as follows:
This interrogatory was not addressed to the Defendant.
9. Answer to interrogatory Number 9 is as follows:
Defendant does not contend that any easement has been abandoned.
10. Answer to interrogatory Number 10 is as follows:
Defendant has no knowledge of when Plaintiff has discharged firearms
at or near the home of the Defendant GRISSINGER.

William P. Hardee

William P. Hardee
William P. Hardee
976 Columbia Road
Chester, South Carolina 29706
803-377-1098

DEFENDANT

August 21, 2015

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

Heather Rousey Piper

Plaintiff

vs

Kerry Grissinger, William P. Hardee,
and Paul E. Lesondak

Defendants

IN THE COURT OF COMMON PLEAS

C/A NO: 2015-CP-12-00024

REPLY TO PLAINTIFF'S FIRST
SET OF REQUESTS FOR
PRODUCTION TO DEFENDANTS

TO: ABOVE NAMED PLAINTIFF:

The Defendant, replying to the Plaintiff's First set of Requests for Production to Defendants replies and alleges as follows:

1. Answering requests for production Number 1, I have included a copy of the deed for the Hardee tract and two photos of the tracts involved in the lawsuit copied from Chester County GIS maps.
2. Answering requests for production Number 2, I have not created, reviewed, or exchanged any documents among or between the Defendants or any other person, party, or entity relating to the Landlocked Parcel, the Grissinger Parcel, the Hardee Parcel, or the Lesondak Parcel.
3. Answering requests for production Number 3, I have no contracts, agreements, or other documents between the Plaintiff and Defendant made in connection with or related to the Landlocked Parcel, the Grissinger Parcel, the Hardee Tract, or the Lesondak Parcel
4. Answering requests for production Number 4, I have no documents concerning or related to the Plaintiff.
5. Answering requests for production Number 5, I have not created, reviewed, or exchanged any documents between the Defendant, its employees or agents, relating to the Landlocked Parcel, the Grissinger Parcel, the Hardee Parcel, the Lesondak Parcel, this action, or the claims or defenses therein.
6. Answering requests for production Number 6, I have no inspections or reports performed concerning the Landlocked Parcel, the Grissinger Parcel, the Hardee Parcel, or the Lesondak Parcel.

7. Answering requests for production Number 7, I have no documents provided to, reviewed, or relied upon by any expert witness.
8. Answering requests for production Number 8, I have no insurance policy which provides coverage for the matters alleged in Plaintiff's complaint and which are the subject of this action.
9. Answering requests for production Number 9, I have no Title Reports related to the Landlocked Parcel, the Grissinger Parcel, the Hardee Parcel, or the Lesondak Parcel.
10. Answering requests for production Number 10, I have included the deed for the Hardee Parcel.
11. Answering requests for production Number 11, I have no building permits, receipts, approvals, or other documents for the shed located on the Grissinger Parcel, which is depicted on Exhibit A.
12. Answering requests for production Number 12, I have am enclosing two photos copied from the Chester County GIS maps showing the parcels involved in this lawsuit. I have no other information requested in this paragraph.
13. Answering requests for production Number 13, I have been involved in several civil actions regarding real property as a Defendant since 2000. All of the actions involved attempts to set aside tax sales due to Chester County or the City of Chester not following the law relative to the sale of property for taxes. I have not been involved in any criminal matters since 2000.
14. Answering requests for production Number 14, I have no information of any kind relative to the well located on the Grissinger Parcel.

I contend that the civil actions I have been involved in since 2000 need not be produced for this case since all cases involved whether or not the law was followed by Chester County or the City of Chester in selling property for tax purposes. I was named as a Defendant since I had purchased the property at a tax sale and had received the deed.

William P. Hardee

William P. Hardee

William P. Hardee
976 Columbia Road
Chester, South Carolina 29706
803-377-1098

August 21, 2015

DEFENDANT

754 Pg. 88
CHESTER COUNTY TAX DEED

TAX MAP NUMBER: 80-03-04-007

GRANTEE & ADDRESS:

**William P. Hardee
976 Columbia Road
Chester, SC 29706**

STATE OF SOUTH CAROLINA)

COUNTY OF CHESTER)

FILED, RECORDED, INDEXED
03/22/1999 09:50:29AM
Rec Fee: 10.00 St Fee: 2.60
Co Fee: 1.10 Pages: 3
Clerk of Court
Sue K. Carpenter

TO ALL WHOM THESE PRESENTS MAY CONCERN:

WHEREAS, Phyllis C. Wilkes, Delinquent Tax Collector of Chester County, acting pursuant to the acts and laws of the General Assembly of South Carolina, did as follows in connection with the tax sale of the real estate described on attached Exhibit "A":

Defaulting taxpayer: Lucille T. Severance, et al

Date of execution: March 17, 1997

Real estate posted on: August 30, 1997, by Richard Wessinger

Notice of delinquent property taxes, penalties and cost owed in the amount of \$127.16 for the year(s) 1996 mailed via "Certified Mail, Return Receipt Requested-Deliver to Addressee Only" was mailed on May 9, 1997 to Lucille T. Severance, et al and was not received by the addressee.

WHEREAS, Phyllis C. Wilkes, the Delinquent Tax Collector, did, during the usual hours of sale, after due advertisement, sell the property of the said defaulting taxpayer at public auction to William P. Hardee, the grantee herein, his/her/its heirs and successors and assigns, the same being the highest bidder at such sale, for the sum of \$700.00, and gave a receipt for the total amount of said purchase price to said grantee(s).

Neither more than forty-five (45) days nor less than twenty (20) days prior to the end of the redemption period for the real estate described on attached Exhibit "A" which was sold for taxes, Phyllis C. Wilkes, Delinquent Tax Collector for Chester County, South Carolina did mail a notice by "Certified Mail, Return Receipt Requested-Restricted Delivery" to the owner of record immediately proceeding the end of the redemption period at the best address of the owner available to the said Phyllis C. Wilkes that the real estate described on the notice had been sold for taxes and if not redeemed by paying the taxes, assessments, penalties, cost and interest at the applicable rate on the bid price in the total amount owed on or before twelve (12) months from the date of the sale, that a Tax Title would be delivered to the successful purchaser at the tax sale.

William P. Hardee
976 Columbia Road
Chester, SC 29706

Chester Co. Tax Map No.: 80-03-04-007

EXHIBIT "A"

ALL that certain piece, parcel or lot of land with any and all improvements thereon containing approximately 4 00 acres, more or less situate, lying and being on Columbia Road, south of the City of Chester, Chester County, S.C. and is bounded now or formerly as follows: on the North by Keenon; on the East by Columbia Road; on the South by Young, Shirley, and Gaddy Reference is made to the Estate of Andrew Jackson Taylor found in Compartment 355, Package 5 in the Office of the Probate Court for Chester County, South Carolina.
(WPHard7)

I hereby certify that the within Deed has been
this 23 day of March, A.D. 1979.
Recorded in Book 9 of Deeds.
Edward M. Thomas, Auditor.
for CHESTER COUNTY.

CHESTER COUNTY ASSessor
3-23-79
80-3-47

PLAINTIFF'S EXHIBIT O

WINTERS
Law Firm

October 23, 2014

Heather Rousey
548 Lakenglen Road
Chester, South Carolina 29706

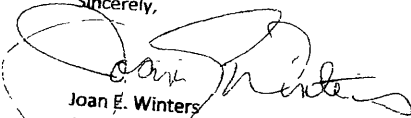
Re: Access to 4.796 acres in Chester County (TMS 080-03-04-010-000)

Dear Ms Rousey:

As you are aware, I serve as the County Attorney for Chester County. We have researched your inquiry regarding access to the above referenced property. It is the opinion of Chester County that this matter is private dispute between individual property owners and as such, Chester County has no jurisdiction or standing in this dispute. An attorney will be able to provide assistance to you in this issue

With kind regards, I am

Sincerely,


Joan E. Winters
County Attorney

JW/hlm

10.23.2014 LetRousey

cc. R. Carlisle Roddey, Supervisor



PLAINTIFF'S EXHIBIT P



Chester County, South Carolina

Department of Planning, Building & Zoning
1476 J. A. Cochran Bypass
Chester, South Carolina 29706

12-18-14

To Whom It May Concern:

The addresses that are located on Severence Drive are: 802-814-824-840.
If you have any questions please feel free to give me a call at 803-581-0942 Ext.1

Thank You,
Sally Hudson
911 Addressing Cordinator

Telephone: 803-581- 0942

Fax: 803- 581-7947

PLAINTIFF'S EXHIBIT Q

WINTERS
Law Firm

December 11, 2014

Jessica Clancy Crowson, Esquire
Rogers Lewis Jackson Mann & Quinn LLC
Post Office Box 11803
Columbia, South Carolina 29211

Re: Severance Drive, Chester County, Chester, South Carolina

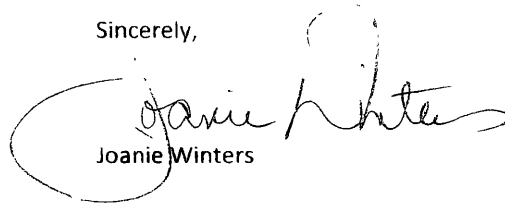
Dear Ms. Crowson

I am the County Attorney for Chester County and have been asked to respond to your inquiry of November 20, 2014, regarding the above referenced matter, received by the County on November 24, 2014

Please be advised that Severance Drive, located in Chester County, South Carolina, is not a County Road and as such, is not maintained by Chester County

With kind regards, I am

Sincerely,

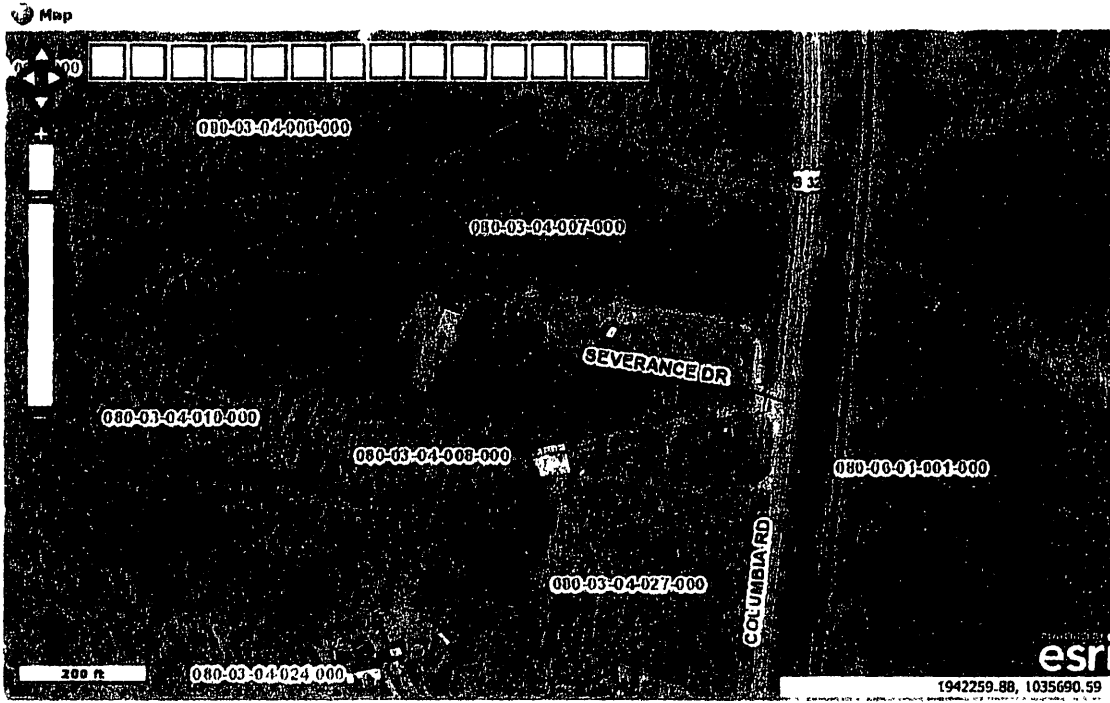

Joanie Winters

JW/cbo
ChesterCountyLetReSeveranceDr

cc: R Carlisle Roddey, Chester County Supervisor

105 Main Street, Chester, SC 29706 • 803 581 8190 • 803 581 8243 • www.winterslawsc.com

PLAINTIFF'S EXHIBIT R



Parcel ID	080-03-04-007-000	Alternate ID	n/a	Owner Address	HARDEE WILLIAM P
Sec/Twp/Rng	n/a	Class	LA		976 COLUMBIA ROAD
Property Address		Acres	4.000		CHESTER SC 29706
District	02				
Brief Tax Description	COLUMBIA RD				

1942259.88, 1035690.59

PLAINTIFF'S EXHIBIT S

RESIDENTIAL TITLE INSURANCE POLICY
ONE-TO-FOUR FAMILY RESIDENCES
CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B

Office File Number: 13-04-060 LESONDAK

Policy Number: 7209740-88978751

EXCEPTIONS FROM COVERAGE

In addition to the Exclusions, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Rights or claims of parties in possession not shown by the Public Records.
2. Any encroachment, encumbrance, violation or adverse circumstances affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
3. Easements, or claims of easements, not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor, or material heretofore furnished, imposed by law and not shown by the Public Records.
5. Taxes and assessments for the year 2013 and all subsequent years, which are a lien, but are not yet due and payable.
6. No insurance is afforded as to the exact amount of acreage contained in the Land.
7. Encroachments, overlaps, boundary line disputes, access, deficiency in quantity of land, and any other matters which would be disclosed by a current and accurate survey and inspection of the land.
NOTE: Upon receipt of a satisfactory survey and surveyor's report, this exception will be eliminated or amended in accordance with the facts shown thereby.
8. Easement to Duke Power Company recorded in Deed Book 379, page 308, Public Records
9. Easement to Duke Power Company recorded in Deed Book 379, page 133, Public Records
10. Plat of survey prepared for Frank William Young by William V. Hipp, PLS, Surveyor, dated December 9, 1997, discloses the following, together with any appropriate easements:
 - (a) pond
 - (b) creek
 - (c) overnight electrical line(s)
 - (d) well
 - (e) Severance Drive (County Dirt Road)
 - (f) dirt drive(s)
 - (g) fence
 - (h) 75' R/W for U.S. 321
 - (i) 100' R/W to Southern Railroad
11. Rights of others in and to the Severance Drive (County Dirt Drive), as contained in the description of the Land and as shown on survey of William V. Hipp, PLS, R.L.S., dated December 9, 1997.

Page 2 of 3

This Policy valid only if Schedule B is attached

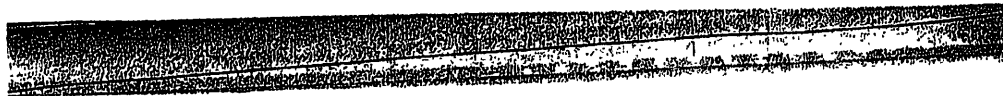
Copyright 2006-2009 American Land Title Association. All rights reserved.

The use of this Form is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited.
Reprinted under license from the American Land Title Association



12. Rights of the public generally in and to the use of that portion of the Land used for ingress and egress purposes.
13. Title to that portion of the Land embraced within the bounds of Severance Drive (County Dirt Drive) and U.S. 321.
14. Rights of the railroad company servicing the railroad siding located on the Land in and to the ties, rails and other properties constituting said railroad siding or in and to the use thereof and also rights of others thereto entitled in and to the use thereof.
15. Rights of servicing in and to the railroad side tracks located on the Land as shown by plat of survey by William V. Hipp dated December 9, 1997.
16. Riparian rights incident to the Land.
17. Rights of upper and lower riparian owners in and to the waters of creek crossing or adjoining the Land, and the natural flow thereof, free from diminution or pollution.
18. Title to that portion of the Land lying between the high and low-water marks of the bank of creek, and rights of upper and lower riparian owners in and to said creek.





Calc Slide 130 Pg 9B

Calc Slide 130 Pg 9B

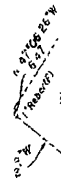
PLAT OF SURVEY FOR
IRANK WILLIAM YOUNG
BEING A 3.975 ACRE TRACT
LIE ADJ ON SOUTHERN RAILROAD & U.S. 32 P007908 Bk:
CH 5118 11/11/1978 CH 5118 11/11/1978 SOUTH CAROLINA
IN COMMERCE 9, 1978
RE: BLANCE TAX MAPS 3-4-8
P.L. 774 P.G. 178 P.L. 77 P.G. 4

FILED, INDEXED
01/11/1978 01:20
Sec Fees 10.00 St Fees 0.00
Co Fees 0.00
Date of Court
Set L. Carpenter

The subdivision plat shows areas that have been in
with the Chester County Land Commission since
has been APPROVED FOR RECORDING in the
Clerk of Court of Chester County South Carolina.

3/16/78
S. J. Carpenter
Chester County Planning Co.

MAGNETIC NORTH

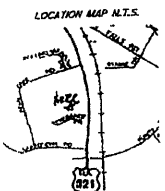
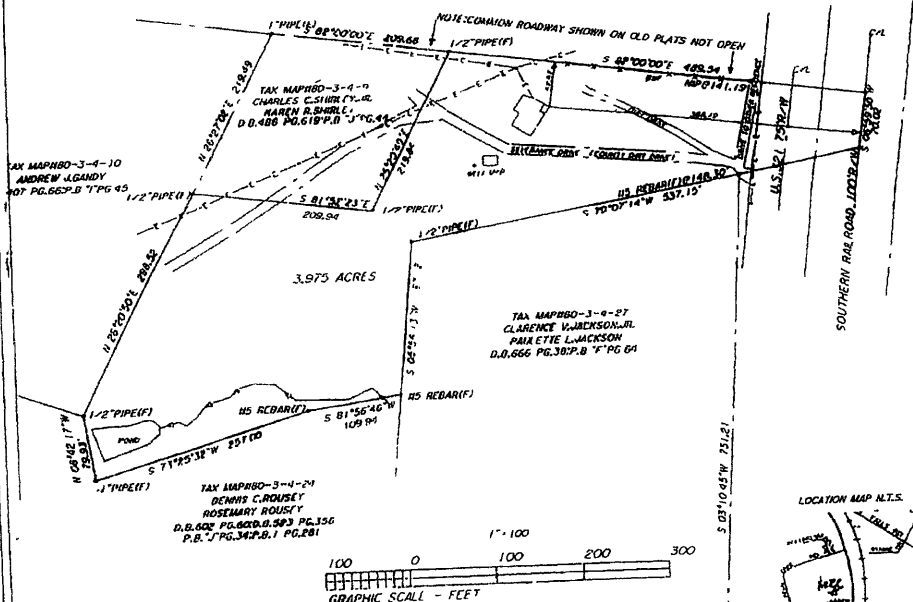


is found to comply
a Population and
in the office of the
Archivist.

1978

REVEY
WARD AND HAS
3 PERMANENT IN
THE PRACTICE
OF SOUTH
ANDARD. THE
MOD. BEARINGS
OWN LICENSES
LAND TONC

TAX MAPS 3-4-7
LUCKY T. SEVENANCE ET AL.
P.L. 354 P.G. 11



NOTE:
EP - EXISTING IRON P
IP - NEW IRON PIN
PK - PK MARK
RT - RAILROAD SPIKE

THE INFORMATION SHOWN HEREON IS THE RESULT OF A SURVEY
PERFORMED UNDER THE SUPERVISION OF WILLIAM V. HIPPO AND WAS
COMPLETED ON THE DATE SHOWN ABOVE. THE SURVEY WAS PERFORMED IN
ACCORDANCE WITH THE DIVISION STANDARD MANUAL FOR THE PRACTICE
OF LAND SURVEYING AS ADOPTED UNDER THE CODE OF LAWS OF SOUTH
CAROLINA, TITLE 46, CHAPTER 21, AND IS OF CLASS-A STANDARD. THE
ALTA (IF ANY) WAS DETERMINED USING THE ALTA SURVEY METHOD. MEASUREMENTS
WERE REPORTED AS BEING, RECOMMENDATIONS AND AS POSSIBLE, LANDS
NOTY STRUCTURES ARE NOT WITHIN A SPECIAL SURVEY-MADE FILE
ACCORDING TO FEMA MAPS

HIPPO LAND SURVEYING
3574 VICTORIAN HILLS DRIVE
RICHMOND, S.C. 29223
PHONE (803) 789 3716

PLAINTIFF'S EXHIBIT T

STATE OF SOUTH CAROLINA

COUNTY OF CHESTER

Heather Rousey Piper,

Plaintiff,

v.

Kerry Grissinger, William P. Hardee,
and Paul E. Lesondak

Defendants.

IN THE COURT OF COMMON PLEAS

C/A NO: 2015-CP-12-00024

**AFFIDAVIT OF
WILLIAM SEVERANCE LEE**

COPY

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit, and I understand such information.
2. I am William Severance Lee and have an address of 1920 Molly Circle
York SC 29745
3. I am familiar with that certain piece of real property located in Chester County, South Carolina, with TMS Number 080-03-04-010-000, and is described as follows (the "Landlocked Parcel" or "Piper Parcel"):

All that certain tract of land with any and all improvements thereon situate at the end of Severance Drive, lying to the west of Columbia Road South and containing 4.796 acres, more or less and is shown and designated on that certain plat of survey for Dennis C. Rousey and Rosemary Rousey by Hipp Land Surveying, Inc. recorded May 16, 2012 in Plat Cabinet "D", at Slide 183, at Page 8B and has such courses and distances, metes, and bounds as shown on said plat which said plat is incorporated herein by reference.

4. I am the grandson of Lucille T. Severance, a prior owner of approximately 4.90 acres of land in Chester County. A portion of this land is now owned by Mr. Paul Lesondak.
5. Lucille T. Severance subsequently transferred 1 acre of land to Unice S Lee, as grantee, as evidenced by that certain Deed dated February 20, 1956 and recorded in the Official Records of Chester County, South Carolina in Deed Book 385, at Page 152, on February 20, 1956, transferring the land that is now or substantially similar to the parcel of land owned by Kerry Grissinger, (the "Grissinger Parcel"), severing title of the Piper Parcel and no longer providing legal access to a public road.
6. I lived with my grandmother, Lucille T. Severance, from approximately

1972 until 1974.

7. During the time I lived with my grandmother, Lucille T. Severance, the Landlocked Parcel was accessed by the route depicted on the attached plat with dashed lines, labeled "original access easement used by Gandy to access Gandy prop."
8. At some point about seven (7) years ago, the Landlocked Parcel and the Grissinger Parcel were accessed by "Severance Drive" which extends to Columbia Road.
9. It is my recollection that Severance Drive was maintained by the county.
10. It is my recollection that an easement or right-of-way always existed allowing access to what is now known as the Landlocked Parcel.

BY:

William T. Lee
William Severance Lee

DATE: 1-27-, 2016

SWORN to before me this 27

day of Jan, 2016.

[Signature]
Notary Public for

My Commission Expires: 3/15/21

DEFENDANT'S EXHIBIT 1

Prepared by: GASTON, GASTON & MARTON, P. A.
Attorneys at Law
134 Gadsden Street
P. O. Drawer 608
Chester, SC 29706
Phone: (803) 385-2114

FILED, RECORDED, INDEXED
10/01/2002 03:32:24PM
Rec Fee: 10.00 St Fee: 195.00
Co Fee: 82.50 Pages: 2
Clerk of Court, Chester County, SC
Sue K. Carpenter

STATE OF SOUTH CAROLINA)
COUNTY OF CHESTER)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS that I, FRANK WILLIAM YOUNG, in consideration of the sum of ONE AND NO/100 (\$1.00) DOLLAR, and other valuable consideration (Affidavit filed) to me in hand paid at and before the sealing of these presents, by NANETTE C. WHITESIDES AND SAMUEL BRICE AUSTIN, 814 Severance Drive, Chester, SC 29706, (the receipt whereof is hereby acknowledged), have granted, bargained, sold and released, and by these Presents NANETTE C. WHITESIDES AND SAMUEL BRICE AUSTIN, their heirs and assigns, the following described property, to-wit:

ALL that certain piece, parcel, or tract of land, with any and all improvements thereon, situate in the County of Chester, State of South Carolina, about 2-1/2 miles south of the City of Chester, on Columbia Road, also known as U.S. Highway 321 and being shown on a plat of survey for Frank William Young as a 3.975 acre tract on a plat of survey by Hupp Land Surveying, Inc. dated December 9, 1997, which plat is recorded in Plat Cabinet "C" at Slide 130 at Page 9B and having such courses and distances, metes and bounds, as are shown on the said plat, which plat is incorporated herein by reference, and being the identical property conveyed to Frank William Young by deed of Ann L. Almers, et al dated October 3, 1997, recorded October 7, 1997 in Deed Book 724 at Page 178.

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 NANETTE C. WHITESIDES AND SAMUEL BRICE AUSTIN, their heirs and assigns forever.

And I do hereby bind myself and my heirs and assigns, to warrant and forever defend all and singular the said premises, unto the said NANETTE C. WHITESIDES AND SAMUEL BRICE AUSTIN, their heirs and assigns, against me and my heirs and all persons

I hereby certify that the within Deed has been this 2 day of Oct, A.D. 2002.
Recorded in Book 1 of Deeds.
Edmund M. Horton
AUDITOR, Chester County

Page 1 of 2

CHESTER COUNTY ASSESSOR
DATE 10-2-02
TAX MAP NO. 20-3-4-8

whomsoever lawfully claiming or to claim the same, or any part thereof.

WITNESS, my hand and seal this 1st day of October, in the year of our Lord, two thousand and two, and in the two hundred twenty-seventh year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered
in the Presence of:

[Signature]
Susan M. Bates

Frank William Young (L.S.)
Frank William Young

STATE OF SOUTH CAROLINA)
COUNTY OF CHESTER)

I, the undersigned Notary Public, do hereby certify that the above named Frank William Young, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal this the 1st day of October, 2002.

[Signature] (SEAL)
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 4/23/07
(Rec'd Notary N-2293 Sent To Sherette C. Whitfield)

DEFENDANT'S EXHIBIT 2

984/125

Instrument 200900068555 Volume Page 984 125

Prepared by: Gaston, Gaston & Marion, P.A.
 Attorneys at Law
 124 Gadsden Street
 P. O. Box 608
 Chester, SC 29706

200900068555
 Filed for Record in
 CHESTER COUNTY SC
 SUE K. CARPENTER
 02-09-2009 At 12:14:53 pm.
 DEED 10.00
 STATE 343.20
 COUNTY 145.20
 Volume 984 Page 125 - 127

State of South Carolina)

TITLE TO REAL ESTATE

County of Chester)

KNOW ALL MEN BY THESE PRESENTS, that Samuel Brice Austin and Nanette C. Austin formerly known as Nanette C. Whitesides, (hereinafter called "Grantor"), in consideration of ONE AND NO/100 (\$1.00) Dollar, and other valuable consideration (Affidavit filed) to the Grantor in hand paid at and before the sealing of these presents, by Dorothy Jean Johnson (hereinafter called Grantee), in the State aforesaid, the receipt of which is hereby acknowledged, has granted, bargained, sold, and released, and by these presents does grant, bargain, sell and release unto

Dorothy Jean Johnson,

ALL that certain piece, parcel, or tract of land, with any and all improvements thereon, situate in the County of Chester, State of South Carolina, about 2-1/2 miles south of the City of Chester, on Columbia Road, also known as U.S. Highway 321 and being shown on a plat of survey for Frank William Young as a 3.975 acre tract on a plat of survey by Hipp Land Surveying, Inc. dated December 9, 1997, which plat is recorded in Plat Cabinet "C" at Slide 130 at Page 9B and having such courses and distances, metes and bounds, as are shown on the said plat, which plat is incorporated herein by reference; and being the identical property conveyed to Nanette C. Whitesides and Samuel Brice Austin by deed of Frank William Young by deed dated October 1, 2002, recorded October 1, 2002, in Deed Book 827 at Page 38. All recording references being to the Office of the Clerk of Court for Chester County, S.C., unless specified otherwise.

This conveyance is made subject to any restrictions, reservations, zoning ordinances or easements that may appear of record on the recorded plats or on the premises.

Grantee's Address: 814 Severance Dr.
Chester, SC 29706

TMS No.: 080-03-04-008

CHESTER COUNTY TAX ASSESSOR
 DATE 2-11-09
 TAX MAP NO. 80-3-4-8

SP
 NOA

GL15

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to said premises belonging or in any wise incident or appertaining;

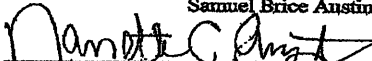
TO HAVE AND TO HOLD all and singular the premises before mentioned unto the Grantee, and the Grantee's heirs and assigns forever. And the Grantor does hereby bind the grantor and the grantor's heirs or successors, executors and administrators to warrant and forever defend all and singular said premises unto the Grantee and the Grantee's heirs or successors and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Any reference to this instrument to the singular shall include the plural, and vice versa. Any reference to one gender shall include the others, including the neuter. Such words of inheritance shall be applicable as are required by the gender of the Grantee.

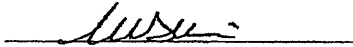
WITNESS the Grantor's hands and seals this the 5th day of February, 2009.

SIGNED, SEALED AND DELIVERED
in the presence of:


Samuel Brice Austin


Nanette C. Austin f/k/a Nanette C. Whitesides





I hereby certify that the within Deed
has been this 11 day of
February, A.D. 2009
recorded in Book J of Deeds.


AUDITOR, CHESTER COUNTY

State of South Carolina)

County of Chester)

PROBATE

PERSONALLY APPEARED BEFORE ME the undersigned witness and made oath that (s)he saw the within-named Samuel Brice Austin and Nanette C. Austin formerly known as Nanette C. Whitesides sign, seal, and, as their act and deed, deliver the within-written Title to Real Estate, and that (s)he, with the other witness subscribed above, witnessed the execution thereof.

SWORN to before me this 5th day of February, 2009.

[Signature] (SEAL)
Notary Public for South Carolina
My Commission Expires: 03/16/2017

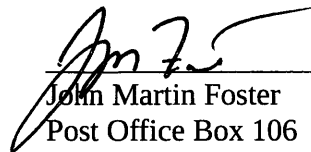
Debra Singleton

(51)
NOA

GL1

CERTIFICATE OF COUNSEL

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



John Martin Foster
Post Office Box 106
Rock Hill, South Carolina 29731
(803) 324-8100
Attorney for Appellants

May 10, 2017

RECEIVED
MAY 15 2017
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTER COUNTY
Court of Common Pleas

Paul M. Burch, Circuit Court Judge

Appellate Case No. 2016-001104

RECEIVED

MAY 15 2017

SC Court of Appeals

Heather Rousey Piper,

Respondent,

v.

Kerry Grissinger,
William P. Hardee, and
Paul E. Lesondak,

of whom:
Kerry Grissinger and
Paul E. Lesondak,
are the

Appellants.

CERTIFICATE OF SERVICE

I certify that I have served one (1) copy of the Record on Appeal, on the following party of record:

Jessica C. Crowson
Rogers Lewis
Post Office Box 11803
Columbia, S. C. 29211
(803) 256-1268
Attorneys for Respondent

by depositing the same with the United States mail, with sufficient first class postage attached, properly addressed to the clerk of the Court, and with a copy also directed to the respective last known address(es) of those attorney(s) and/or persons set out below; or

by hand delivering copies of the same to the following persons, or by leaving the same at that person's office with that person's clerk or some other person in charge thereof, or by leaving it in a conspicuous place therein; or if the office was closed or the person to be served has no office, by leaving a copy at that person's dwelling place or usual place of abode with some

person of suitable age and discretion then residing therein, all pursuant to Rule 233(b),
S.C.A.C.R.



John Martin Foster
Post Office Box 106
Rock Hill, South Carolina 29731
(803) 324-8100
Attorney for Appellants

May 11, 2017