

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Charles B. Simmons, Jr., Master in Equity

Case No. 2016-CP-23-05898  
Appellate Case No. 2018-000340

**RECEIVED**

MAY 16 2019

SC Court of Appeals

Joseph Edward McMullen, ..... Appellant,

v.

Terra Oaks Architectural Committee, Paola Rogers,  
Dwain Cook and John Simpson as putative members of  
the Terra Oaks Architectural Committee, ..... Respondents.

**SUPPLEMENTAL RECORD ON APPEAL**

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Attorneys for Respondents

INDEX

Defendants' Exhibit 29 - Affidavit of John Simpson ..... 1  
Certificate of Counsel ..... 3

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

Joseph Edward McMullen,  
Plaintiff,

Case No.: 2016-CP-23-05898

v.

**AFFIDAVIT  
OF  
JOHN SIMPSON**

Terra Oaks Architectural Committee, Paola  
Rogers, Duane Cook and John Simpson as  
putative members of the Terra Oaks  
Architectural Committee,

Defendants,

NOW COMES THE DEPONENT, John Simpson, and being duly sworn deposes and says:

1. My name is John Simpson, I am over the age of 18, I am otherwise fully competent to make this affidavit and testify to the matters stated herein. This Affidavit is based on my personal knowledge, information, belief, and experience, and facts stated herein are, to the best of my information and belief, true and correct.
2. I am a resident of the Terra Oaks subdivision.
3. I was approached by the Plaintiff in 2010 and asked if I would be interested in serving on the Terra Oaks Architectural Committee.
4. I agreed to serve on the Committee at that time.
5. I later found out that there is a document purportedly signed in December 2008 by the original members of the Architectural Committee appointing me (along with Plaintiff and Paola Rogers) to the Architectural Committee.
6. I found out after this litigation commenced that there is a document that purports to bear my signature as a member of the Terra Oaks Architectural Committee that was executed and filed in June 2009. That document is captioned "Certification." The Certification is filed in the Greenville County Register of Deeds Office in Deed Book 2357 at Page 4301 and again in the same book at Page 4302. The Certification states that I met with the Plaintiff and Paola Rogers and we, as the Architectural Committee for Terra Oaks

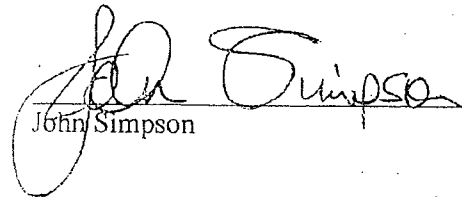
001  
 PENGAD 800-831-6889  
**PLAINTIFF'S  
EXHIBIT**  
 29  
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PENGAD 800-831-6889  
**PLAINTIFF'S  
EXHIBIT**  
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 Rogers 10-5-17

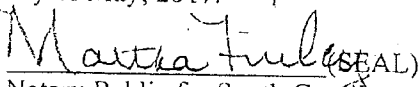
Subdivision approved the re-cutting of lots so that the Plaintiff could buy and/or sell lots.

7. I did not sign the Certification.
8. As stated above, I was not aware that I was on the Architectural Committee until 2010, after the Certification was filed.
9. I could not have signed the Certification because I was out of the country on May 7, 2009 and when I did return to the United States I was in town for only 2-3 days before leaving town again and was again out of town until after, June 1, 2009, the date of filing. I did not meet with Paola Rogers or the Plaintiff during the 2-3 days I was in town.
10. In or about January of 2016 Plaintiff sent a document to me and requested that I sign. That document would allow him to recut lots in Terra Oaks and to add property outside of Terra Oaks to those recut lots.
11. I was aware that I was on the Architectural Committee at that time along with Plaintiff and Paola Rogers.
12. I assumed that the Plaintiff would approve of his own plan for re-cutting lots and I met with Paola Rogers about the issue.
13. Paola Rogers and I agreed to deny the request and we did not give written permission to re-cut any lot.
14. On or about March 2, 2016, Plaintiff invited several residents of Terra Oaks to his home to "discuss ideas for addressing problems with communication and lack of neighborhood." I attended this meeting.
15. At that meeting Plaintiff approved of the temporary addition of Duane Cook to the Committee to decide the issue about the re-cutting of the lots.
16. I met with Paola Rogers and Duane Cook and we agreed to deny the request and we did not give written permission to re-cut any lot.

Further the Affiant sayeth naught.

  
 John Simpson

SWORN to before me this 16<sup>th</sup>  
day of May, 2017.

 (SEAL)  
Notary Public for South Carolina

My Commission Expires:

Nov. 1, 2021

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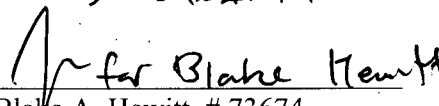
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Terra Oaks Architectural Committee, Paola Rogers,  
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**CERTIFICATE OF COUNSEL**

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.

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May 15, 2019

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