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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas
Marvin H. Dukes, III, Master-in-Equity

Order, of the S.C. Court of Appeals, filed, August 22, 2019
(Rehearing Denied, October 17, 2019)

H. Marshall Hoyler, ...Petitioner,

v.

The State of South Carolina, Merry Land Properties, LLC,
Sherbert Living Trust, Supan Living Trust, Elizabeth R. Levin,
Edward McCray Wise Revoc. Living Trust, Carol Ann DeVries
Wise Revoc. Living Trust, Amelie Cromer, Philip Cromer, Robert Chiavello,
Tocharoen Living Trust, Helen M. Olesak, Lesley Anne Glick a/k/a Lesley Ann Glick,
Shirley G. Lackey, Patricia Banfield, Bertrand Cooper, Jr.,
NHP SH South Carolina I, LLC n/k/a CCP Bayview 7176 LLC,
Oyster Cove Homeowners Ass., Shirley Anne Moyer, Barry D. Malphrus,
Garry D. Malphrus, Donnie Malphrus, Rita Brown, Houston Family Partnership,
Joan Taylor Trustee, Michael Bull, Nancy Bull, Marny H. VonHarten,
Dianne M. Donaldson, Brian R. Evans, Stephen Durbin, Valerie Durbin,
Phillip Marti, Jane Marti, Michael Woodworth, Georgiana M. Cooke,
Daniel B. Walsh Janet E. Walsh, ...Defendants,

Of which The State of South Carolina and
Merry Land Properties, LLC are the,..... Respondents.

APPENDIX
Volume Three

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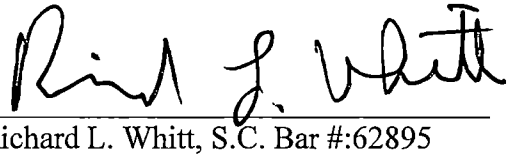
By: 

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November 14, 2019
Irmo, South Carolina

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED
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SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Master-In-Equity

Civil Action No. 2007-CP-07-3212
Appellate Case No.: 2016-001277

H. Marshall Hoyler.....Appellant,

v.

The State of South Carolina, Merry Land Properties, LLC, Sherbert Living Trust, Supan Living Trust, Elizabeth R. Levin, Edward McCray Wise Revoc. Living Trust, Carol Ann DeVries Wise Revoc. Living Trust, Amelie Cromer, Philip Cromer, Robert Chiavello, Tocharoen Living Trust, Helen M. Olesak, Lesley Anne Glick a/k/a Lesley Ann Glick, Shirley G. Lackey, Patricia Banfield, Bertrand Cooper, Jr., NHP SH South Carolina I, LLC n/k/a CCP Bayview 7176 LLC, Oyster Cove Homeowners Ass., Shirley Anne Moyer, Barry D. Malphrus, Garry D. Malphrus, Donnie Malphrus, Rita Brown, Houston Family Partnership, Joan Taylor Trustee, Michael Bull, Nancy Bull, Marny H. VonHarten, Dianne M. Donaldson, Brian R. Evans, Stephen Durbin, Valerie Durbin, Phillip Marti, Jane Marti, Michael Woodworth, Georgiana M. Cooke, Daniel B. Walsh, Janet E. Walsh.....Respondents.

RECORD ON APPEAL
Volume Two

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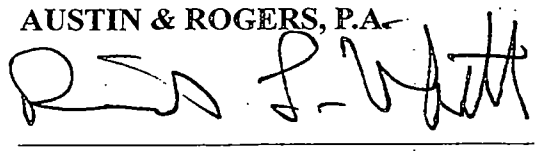
By: 

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A. I can't recall who in our office without reviewing my files to see what names may have worked on this project. I can probably name four or five surveyors we had at the time working with us.

MS. SHAHID: So, Your Honor, just to respond to Mr. Griffith's objections and your rulings, you know, I felt -- I believe that as an engineer supervising the work that he has the -- and material to the project that he's supervising. He's an engineer with a fundamental understanding of surveying parcels and of boundaries, that he is qualified to report what his team determined without dragging some surveyor who was fired in the recession who I don't even know where they are or their identity back in here to provide that testimony.

JUDGE DUKES: But, I mean, didn't we -- I guess I'm trying to remember and I may end up having to review everything, but your surveyor a minute ago said that they had difficulty -- he had difficulty closing it, right? So you've got that testimony. I'm not sure --

MS. SHAHID: The surveyor talked about the steps -- why closure was important and what it means when a parcel doesn't close.

JUDGE DUKES: Uh-huh.

MS. SHAHID: He didn't testify that he couldn't close it.

JUDGE DUKES: All right. But anything that this witness said would be hearsay from a surveyor telling him, we got this real problem. We can't get it to close, right? I mean, that is --

MS. SHAHID: Unless he was with that witness as they were working together entering the boundaries into the machine and saw the result, I don't know that it's hearsay. Let me ask him how it's done if you don't mind, Your Honor.

JUDGE DUKES: Go ahead.

MS. SHAHID: Without asking the result.

BY MS. SHAHID:

Q. How is that determined?

A. We use AutoCAD software. And in that software you would take the bearings and distance of any plat and re-create it.

Q. Okay.

A. Using the information available on that plat so you could enter -- enter the bearings, north, whatever, you know, and it would put that in

with the distance and --

Q. Were you provided a re-created plat as a result of that effort?

A. I believe I was provided an attempt at re-creating a plat.

Q. Okay. And was it successful?

MR. GRIFFITH: Objection.

JUDGE DUKES: Yeah, you are kind of inching into it. Good try though, but, yeah. I mean, surveying is a mathematical professional science.

MS. SHAHID: Okay.

JUDGE DUKES: And so why don't we stop on that one?

MS. SHAHID: Can I make a proffer, Your Honor?

JUDGE DUKES: Certainly.

MS. SHAHID: All right. Mr. Baisch has proffered evidence that not necessarily will be considered, but we are preserving it for the record. That is my rudimentary understanding of it.

BY MS. SHAHID:

Q. What is your knowledge as to whether the boundary could be closed?

A. I was told that it could not close.

MS. SHAHID: Okay. Thank you.

JUDGE DUKES: All right.

MR. SMITH: I've got just a few questions, and maybe they might answer his if I may go ahead.

JUDGE DUKES: Yeah, go ahead. We'll move around.

CROSS EXAMINATION

BY MR. SMITH:

Q. This is Plaintiff's 47. I'm going to ask him to draw on it if you don't mind.

JUDGE DUKES: I think he already drew on it, didn't he?

MR. SMITH: I don't think he drew on this one.

JUDGE DUKES: Oh, he didn't draw on that one?

BY MR. SMITH:

Q. Can you show on 47 where the dock proposed by Merry Land would go, approximately?

COURT REPORTER: Judge, that isn't the official 47. The official 47 is in this pile here.

JUDGE DUKES: Oh, okay.

COURT REPORTER: How do you want to

do that?

MR. SMITH: I'll be happy to --

JUDGE DUKES: Do we want to make that 147-A?

MR. GRIFFITH: Why don't we just make it -- good. Thank you.

JUDGE DUKES: All right. If you would hand it to Deborah real quick so she can make it 47-A. Wait, I think you've got it in your right hand there.

THE WITNESS: This one?

JUDGE DUKES: That one. Any objection to making that one 47-A which is a duplicate of 47? Okay.

(MARKED DEFENDANT'S EXHIBIT NO. 47-A.)

BY MR. SMITH:

Q. Approximately where on 47-A would the dock proposed by Merry Land go?

A. Somewhere in this general vicinity.

Q. Where you've drawn the line?

A. Yeah. And then looking at the --

Q. Okay. I'm not sure I can see the line that you drew. Let me put my glasses on?

A. Oh, maybe it's my --

Q. Okay. I see it. Why don't you draw an arrow to it out in the water?

A. Let me use your pen. I think it will show up a little bit, but somewhere in that area.

Q. Okay. And these dark shaded areas you believe are -- may be below mean low water?

A. Those are just elevation contours that are provided by the LIDAR data. And not having been out there to survey it, I'm not sure exactly what mean high and low is, but it would -- as a planning tool would cause me to probably further investigate it if that is what I was trying to --

Q. Okay.

A. The information I was trying to ascertain from looking at that image.

Q. And which of the -- would it be the dark shaded areas that would indicate --

A. Yeah, there is a number --

Q. -- or the numbers?

A. Each of those -- each one of those blue lines is a contour. And as they get tighter together, it just turns into a big blue blob, but -- you know, so you could follow it going from a two to a one to a zero to a negative one, negative two, negative three, negative four. There is some --

there is obviously some topographic relief amongst that marsh area.

Q. Would negatives suggest possibly being below low water?

A. I mean, I can't say for certain, but as a planning tool it would indicate that there is potential for that.

Q. Would the negative numbers be the ones that would indicate that potential to you?

A. The further negative. I'm not -- I would have to know what exactly mean low is on the '88 data and at this location.

Q. Okay.

A. And when this photo was -- this LIDAR data was taken, but as a planning tool it would -- it would -- it would tell me -- if someone would ask me is there a potential for there to be low water, I would say you should further investigate it because it shows some contours that are pretty deep there.

MR. SMITH: Okay. Thank you.

MR. GRIFFITH: No questions.

JUDGE DUKES: I don't think I have any questions. Anything else?

MS. SHAHID: No. Your Honor, that is my last witness, but I have to tell the court that I

was caught off guard by the ruling, the witness as an expert not being able to testify to things that he would normally rely on as an expert. We've also suffered some prejudice with serious passage of time which is not prejudice that -- the passage of time is not anything that I did, but your underlying ruling was appealed. And determined after a year or two to be interlocutory.

Then you issued another ruling related to a motion to intervene. That was appealed. And I -- given all of that, I would like to keep the record open and make an attempt to find this surveyor who did this to put that testimony in the record.

And I will do it -- I would do it within certain time constraints, but honestly in all fairness to my client, I don't want to close the record without making an effort to try to get that testimony in there. It's very important testimony for our position.

It was my mistake thinking that it could come in through Mr. Baisch as a professional engineer. And, you know, so many years have passed. I've been very patient waiting to get back in front of you, Your Honor.

JUDGE DUKES: It is one of our oldest

cases.

MS. SHAHID: But I am -- my client has been prejudiced by the passage of time. And including the recession where many people that worked in this field and worked on this project were let go.

JUDGE DUKES: Well, let me ask you all this before you respond. I mean, I had this scheduled for two days. I mean, I had sort of planned that we would stop about 3:00 today. And, in fact, I had something I was going to do at 3:00 today. And go on tomorrow. I mean, that's -- but I understand that you've got a difficulty with tomorrow and you probably couldn't even find this person by tomorrow I suppose. Maybe you could. I don't know. But I would hate to say --

MS. SHAHID: Maybe there is somebody else on staff who could do it.

MR. SMITH: Your Honor, the State has no objection to hearing additional testimony later, including by deposition. And I would think that could be done and submitted to Your Honor along with written argument.

JUDGE DUKES: What are your thoughts on all of that, Mr. Griffith?

MR. GRIFFITH: Well, first of all, Your Honor, I'm not sure that exercise of my legal rights -- my clients legal rights and our determination that we felt compelled to appeal those two orders, I'm sorry that it -- the passage of time passed, but we felt we were doing what was in the best interests of our client.

I'm not even sure what we are driving at here. Is it that they had difficulty closing this thing?

MS. SHAHID: Yes. They couldn't close it.

JUDGE DUKES: Maybe you all can talk with Mr. Fanning for a second. I guess I was remembering his testimony that using what he had he was able to come up with his plat. I can't remember if the exact question was asked using these exact numbers that are written here in the 18-whatever plat, if you put these together does it exactly close?

Because if the answer is, not really, maybe you all can stipulate that they would have had problems.

MR. GRIFFITH: Give me a minute.

JUDGE DUKES: Let's do that. We will

be off the record for a minute and you all can talk.

(Recess 4:51 to 5:05.)

JUDGE DUKES: Back on the record in 07-CP-07-3212. First, before we get into some of the pending motions, we had a housekeeping issue with regard to 50.

MS. SHAHID: Yes.

JUDGE DUKES: And I thought I said -- they were objected to. And I thought those were the photographs that were taken. So, yes, those will be Defendant's 50 over Plaintiff's objection.

We had a motion to essentially leave the record open, allow the Defendant to locate a surveyor who was actually involved with Ward Edwards and the planning of this, depose that person. And the Plaintiff objects. And you are happy to renew that objection for the record if you would like.

MR. GRIFFITH: For the record, Your Honor, we object. The very thing that Ms. Shahid has mentioned is that we've been at this a very long time. And she's representing a corporation. I'm representing an individual. He will have to travel back down here perhaps to attend a deposition.

We will have more expense in order to do that deposition. It's -- I don't know that it adds

bunches to the record either. Even if it came in, assuming that it came in, I don't know that it adds a bunch to the record one way or the other.

They couldn't on a CAD machine close a plat from 120 years ago. And so --

JUDGE DUKES: And the testimony that we are talking about is not expert testimony from this person that you seek to elicit. It's basically fact testimony with regard to the difficulty of closing it based on the 1800's plat; is that correct.

MS. SHAHID: Yes, sir.

JUDGE DUKES: Okay. And I understand your objection and how long it's gone on. Of course, we've talked about that on and off the record. It's an old one. So I hate to even say this, but I think a few more -- a month or so isn't going to make a whole lot of difference. And -- so let's do this. I am going to -- and, again, I think I had mentioned on the record earlier before we went off I actually had this set for two days. And I fully anticipated we would be here tomorrow as well. And we've just managed to wrap it up today. So let's do this first. Any other questions for this witness?

MS. SHAHID: No, sir, not from me. I didn't have any redirect.

JUDGE DUKES: Okay. Anything else for this witness?

MR. GRIFFITH: Not for this witness.

JUDGE DUKES: Okay.

MR. SMITH: None, Your Honor.

JUDGE DUKES: All right. You can step on down, sir. Thank you so much.

THE WITNESS: Thank you.

JUDGE DUKES: All right. So what I'm going to do is hold the record open for 45 days to permit the Defendant to depose a yet to be named surveyor with regard to fact matters only, not as an expert. And 15 days after that I would like post-trial briefs from everyone.

And then I would like when you submit those post-trial briefs please coordinate with Heather and let's set a conference call. Heather my assistant. And let's set a conference call roughly two weeks, 15 days, three weeks from the date of submission of the post-trial briefs so we can talk about the post-trial briefs and where we go from then. And we will try to see what we can do.

Yes, sir?

MR. GRIFFITH: I would like to recall Mr. Fanning, two questions.

JUDGE DUKES: All right. Come on back. Still under oath, Mr. Fanning.

MR. GRIFFITH: Maybe four or five.

JUDGE DUKES: Five questions? That's fine. He thought he was going to get to go home.

MR. GRIFFITH: He's correct.

WHEREUPON:

LORICK FANNING, having been duly sworn and cautioned to speak the truth, the whole truth and nothing but the truth, testifies as follows:

DIRECT EXAMINATION

BY MR. GRIFFITH:

Q. Mr. Fanning, you were in the courtroom when Mr. Baisch testified basically. Were you in the courtroom when Mr. Baisch testified?

A. Yes.

Q. And I believe he testified that there were two deficiencies in the 1882 plat, one of which was he couldn't find a point of origin. And, quite frankly, the other one escapes me now, but is there -- is it impossible -- I mean, you went and actually did the survey, correct?

A. Yes.

Q. And when you did the survey you were able to find a beginning point? Were you able to find a beginning point?

A. Yes.

Q. And were you able to find that beginning point from the contemporary data?

A. Yes.

Q. And that data was what? I believe you already testified to this once.

A. Yes. The land lot and section system and the location of the northern point on the plat in relationship -- and the adjoining lands that connect it at that point.

Q. And I believe his other complaint was that there was no way to determine whether the measurements were in feet or chains.

A. That's correct.

Q. Is there a reliable way to determine that?

A. Yes, that was his objection.

Q. Is there a reliable way to determine that?

A. Yes.

Q. How is that?

A. Those are land lot and sections. They are 660-by-660 feet. And the conversion of the chain

measurements on the plat to feet, scale that drawing to exactly 660-by-660 blocks.

Q. And what is the conversion? Is it like a book? Is there a specific number that that you convert --

A. One chain is 66 feet.

MR. GRIFFITH: Okay. Thank you. I have nothing further.

MS. SHAHID: No questions.

MR. SMITH: I've just got one clarifying question.

JUDGE DUKES: Sure. Go ahead.

CROSS EXAMINATION

BY MR. SMITH:

Q. For purposes of your drawing, your plat, I believe it was Exhibit 4, did you use the 1882 plat or the 1891 plat?

A. I mean, I --

Q. Well, let me ask this then. Was there a difference between the two as to the bearings and other features on the plat?

A. I would have to look at them closely. There might have been some minor differences. I know that the copies that I had -- I don't think he's talking about that one. We are not talking

about that one. You are talking about the --

Q. Exhibit 2.

A. Exhibit 2? I think I had mentioned before in my testimony that, you know, there were some differences in adjoining landowners. One said E.H. Crofut and the other one didn't have that filled in. I mean, they appear to be the same. Some of this one I can't read on the copy.

Q. I'm sorry. Say that again, please.

A. Some -- I mean, I can't read some of this down here.

Q. On which plat?

A. It would be the copy 563. It may be legible on the original.

Q. Is that the 1882 plat?

A. This would be the -- well, this one says 1882 and this one says 1882 as well.

Q. There is also an 1891 plat.

A. An 1891?

MR. SMITH: Is the 1891 plat in evidence?

MS. SHAHID: Yes. They are both up there.

THE WITNESS: This is the one that I remember relying on.

BY MR. SMITH:

Q. And which one is that?

A. This would be the 1882, but I used other information of record to support this plat to verify its accuracy.

MR. SMITH: No further questions.

JUDGE DUKES: Anything else of this witness? Just so I know, the 1882 plat is the one referenced in the deed, right, at Page 16, I think. Can I hold them a second.

THE WITNESS: This one says 1882 and this one says 1882.

JUDGE DUKES: Let me see that other one.

THE WITNESS: Right there.

JUDGE DUKES: This is the one referencing the deed, right?

MR. SMITH: The 1891 plat references a 1882 plat, I believe.

JUDGE DUKES: Because this is the one -- this is three. And there is a 16 up here. And isn't the deed reference Page 16? So I'm assuming this is the right one. Anyway, anything else, I'm sorry, for Mr. Fanning? All right, then, subject to the matters we've already discussed that

will conclude today's hearing.

(Whereupon, the hearing was concluded at 5:11 p.m.)

Certificate of Reporter

I, Deborah S. Thomas, Certified Verbatim Reporter and Notary Public in and for the State of South Carolina, do hereby certify that I reported the hearing of Hoyler v. South Carolina, et al, on the 19th day of November, 2015: and that the foregoing 316 pages constitute a true and correct transcription of the said hearing.

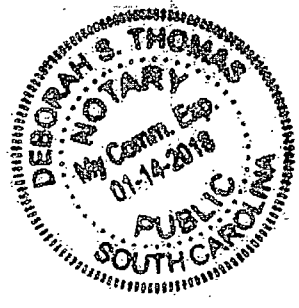
I further certify that I am neither attorney nor counsel for, nor related to or employed by, any of the parties connected with this action, nor am I financially interested in said cause.

I further certify that the original of said transcript shall be hereafter delivered to Mary D. Shahid, Nexsen Pruet, LLC, 205 King Street, Suite 400 (29401), Post Office Box 486 (29402), Charleston, South Carolina.

In witness whereof I set my hand and seal this 12th day of January, 2016.

Deborah S. Thomas, CVRM
and Notary Public for the
State of South Carolina

My Commission
expires 1/4/18



STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT)

H. Marshall Hoyler,)
Plaintiff,)
) Case No.:
) 2007-CP-07-3212
v.)
The State of South Carolina, Merry)
Land Properties, LLC, Sherbert)
Living Trust, Sherbert Living Trust)
Sherbert Living Trust, Supan Living)
Trust, Elizabeth R. Levin, Edward)
McCray Wise Revoc. Living Trust,)
Amelie Cromer, Philip Cromer,)
Robert Chiavello, Tocharoen Living)
Trust, Helen M. Olesak, Lesley Anne)
Glick a/k/a Lesley Ann Glick,)
Shirley G. Lackey, Patricia)
Banfield, Bertrand Cooper, Jr., NHP)
SH South Carolina I, LLC n/k/a CCP)
Bayview 7176 LLC, Oyster Cove)
Homeowners Assn., Shirley Ann)
Moyer, Barry D. Malphrus, Garry D.)
Malphrus, Donnie Malphrus, Rita)
Brown, Houston Family Partnership,)
Joan Taylor Trustee, Michael Bull,)
Nancy Bull, Marny H. VonHarten,)
Dianne M. Donaldson, Brian R.)
Evans, Stephen Durbin, Valerie)
Durbin, Phillip Marti, Jane Marti,)
Michael Woodworth, Georgiana M.)
Cooke, Daniel B. Walsh, Janet E.)
Walsh,)
Defendants.)

CERTIFIED COPY

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DEPOSITION OF: M. JIM GARDNER
DATE TAKEN: Firday, February 26, 2016
TIME: 10:30 A.M.
PLACE: Ward Edwards
119 Palmetto Way, Suite C
Bluffton, South Carolina
REPORTED BY: MARY ANN RIDENOUR, RPR, CLR
Registered Professional Reporter,
Certified LiveNote Reporter
and Notary Public

POST OFFICE BOX 21784
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HARRY DIXON (WITH MR. SMITH)

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STIPULATIONS

It is hereby stipulated and agreed by and between the parties hereto, through their respective counsel, that the reading and signing of the transcript is waived by the Deponent.

(The deposition commenced at 10:47 A.M.)
M. JIM GARDNER, SWORN.
VOIR DIRE EXAMINATION BY MRS. SHAHID:

Q. Mr. Gardner, I'm going to be questioning you. I'm going to move over here, to make it more comfortable for you.

A. Okay.

Q. If you could state your full name for the record.

A. My name is Michael Jim Gardner.

(Discussion held off the record.)

BY MRS. SHAHID:

Q. Mr. Gardner, are you currently employed?

A. I'm self-employed.

Q. All right. And what is your employment?

A. Land surveying.

Q. Okay. And are you a licensed professional surveyor?

A. Yes, ma'am, in Georgia and South Carolina.

Q. Okay. And how long have you held a license in South Carolina?

A. Since January of 1988.

Q. Okay. What's your educational background?

A. High school, some college. I have also an associate's certificate in civil engineer. But I never

did complete college. But I've been to enough survey courses and stuff like that, that I should have, so...

Q. Okay. And you got your license in 1988, in South Carolina?

A. Yes, ma'am.

Q. When did you get it in Georgia?

A. In 1985.

Q. Okay. And let's focus on your South Carolina work. Where did you work from 1988 forward?

A. Well, in 1988, I was working for Union Camp Corporation, as their land surveyor for the Savannah region, which covered Georgia and South Carolina.

Q. Okay. And how long did you stay with Union Camp?

A. Well, I stayed with them until 1999, when International Paper bought them out and let all of us go.

Q. Okay. What were your duties at Union Camp?

A. I was a land surveyor. I was the supervisor of a three-man survey crew. And I did research, went out and met with the folks on boundary disputes. I did assist the crew with surveys. I did drawings, everything you'd do in surveying.

Q. Okay. Then, where did you go to work after 1999?

A. After 1999, me and two -- one of the fellows from Union Camp Corporation started Gardner Williams and Associates. And I worked with them until 2003.

Q. As a professional land surveyor?

A. As a surveyor, yes, ma'am.

Q. What geographic territory were you in?

A. We covered Georgia and South Carolina and the Lowcountry area.

Q. Okay. Did that include Beaufort, the Beaufort County area?

A. Yes, ma'am, we did some stuff over in Beaufort.

Q. Okay. And you were with Gardner and -- was it Gardner --

A. Gardner Williams and Associates.

Q. Okay. Until 2003?

A. Yes, ma'am.

Q. Then, where did you go to work?

A. I went to work with Ward Edwards.

Q. Okay. How long did you work at Ward Edwards?

A. Until -- I think it was October of 2008.

Q. Okay. What position did you hold at Ward Edwards?

A. Land surveyor.

Q. Okay. Were you part of a team of land surveyors? Was there a group of you?

A. Well, there was -- there was several of us. There was -- actually, Ray Cook handled most of the South Carolina stuff at that time and I handled the Georgia stuff, up until 2007, I think, when Ray left. And then I covered both states.

Q. Okay. And what happened in 2008, leaving Ward Edwards?

A. Ward Edwards shut down the survey group and they really downsized. That was a bad year for a lot of surveyors and engineers.

Q. Right. And what did you do following that?

A. I started working for myself.

Q. Okay. And you do that today?

A. Yes, ma'am.

Q. And what area do you work in, what geographic area, primarily?

A. Well, I mostly stay in Georgia because I'm -- I've got one person that helps me now and I try not to come to South Carolina any more than I have to. Occasionally, I do some stuff in Carolina. But it's usually Hardeeville, Ridgeland, that area.

Q. Okay. And both your licenses are still current?

A. Yes, ma'am.

Q. Okay.

MRS. SHAHID: So I would offer Mr. Gardner as an expert witness in professional land surveying.

MR. SMITH: No questions.

MR. GRIFFITH: No questions. I would like to note for the record my continuing general objection to Mr. Gardner's testimony.

MRS. SHAHID: Okay.

MR. SMITH: And I have no objection to his qualifications as an expert.

MR. GRIFFITH: Nor do I.

(Discussion held off the record.)

DIRECT EXAMINATION BY MRS. SHAHID:

Q. Mr. Gardner, did you, in the course of your years of surveying, have any opportunity or experience to review older grants and plats similar to the time frame of the grant and plat in question here, which is the 19th century, 1881 and 1892?

A. Yes.

Q. I'm sorry, 1882 and 1891?

A. Yes, ma'am. We -- working with Union Camp Corporation, we -- in the Savannah region, we had 858,000 acres of land. A lot of it was marshfront lands. And we dealt with -- well, in Georgia, land

grants and, you know, some in South Carolina also, that we would have to look through, try to determine their position and validity, based on our lands.

Q. Okay. So do you have some general familiarity and knowledge as to how measurements were done at that time, the 19th century, and, you know, the surveying methods?

A. Yes, ma'am.

Q. Okay. And have you had experience interpreting surveys that may have been done in chains?

A. Yes, ma'am.

Q. Okay. And, now, when you were at Ward Edwards, did you rely on any -- for any technical support on any other individuals?

A. Yes, ma'am. We had CAD techs or survey technicians that would do a lot of the, you know, mathematics, so to speak, and the technical work, and do the plats, the drawings.

Q. Okay. And was it common practice for you to work with a CAD technician?

A. Very much so, yes, ma'am.

Q. Okay. And what would the duty of a CAD technician be?

A. Well, to take the information first and --

hopefully, like, if we had old plats, they would try to do mathematical closures on them, to see if they did close mathematically, based on the state standards that were in effect at that time. And then they would -- if they didn't, they would get with me and we'd look at it together.

Q. Okay. And was it common practice for you to rely on the tech to enter the data into the computer?

A. Yes, ma'am.

Q. And when I call CAD a computer, is that an accurate description of what CAD is?

A. Well, CAD means computer-assisted drafting.

Q. Okay. Is it a computer program?

A. Yes, ma'am. It's -- it's a -- well, you can get them, programs for engineers and land surveyors, that you enter bearings and distances and so forth in the order you want it to go around the property. And they would tell you, you know, whether it was a good closure or bad closure. And it would -- it would work on curves, the whole nine yards, so...

Q. Okay.

MRS. SHAHID: So let me mark this as an exhibit. This is already a trial exhibit, but this is a blowup. Go ahead and mark it.

MR. GRIFFITH: Just call it Deposition 1.

(Exhibit No. 1 marked for identification.)

BY MRS. SHAHID:

Q. I'm going to show you what's marked as Gardner Exhibit 1, for purposes of your deposition. And I'm going to represent to you that this is an enlarged version of a plat that is already in evidence in the underlying hearing in this case. And are you familiar with this document?

A. Yes, ma'am.

Q. Okay. What is it -- can you identify the name of the CAD tech that you worked with at Ward Edwards?

A. Was Lori Macloszek. M-a-c-l-o-s-z-e-k -- and you're on your own from there on.

Q. Might be S-w-i-k, I think.

Okay. Do you recall being provided this particular plat and the circumstances surrounding it?

A. Yes, ma'am.

Q. Can you tell me what that was? And by "particular plat" I'm talking about Exhibit 1.

A. Well, in -- I think it was 2007, after Ray Cook had left, who was the surveyor for Ward Edwards predominantly on this, we were asked, or I was asked, to try to account for this piece of property on this 1891 survey, which is just, in fact, a copy of the 1882

survey, that of which I had a copy of, best I could tell. And there were some areas where we could not discern the bearings too good or either the distances on the plat, which is calls, on this plat.

Q. Let me go back. You've got a piece of paper here. And that's the 1882 survey --

A. Yes, ma'am.

Q. -- that you were provided. Let's go ahead and mark that as Gardner Exhibit 2.

(Exhibit No. 2 marked for identification.)

MR. SMITH: We don't have a blowup of that?

MRS. SHAHID: Let me just say for the record, this is also in evidence because the historic plat and grant that we put into evidence included both the 1881 -- 1882 and the 1891. But I -- I don't -- let me see. I'll see if we have a blowup, Emory.

MR. SMITH: It's all right. If you don't need it for your purposes, I don't need it for mine.

MRS. SHAHID: Yeah, I don't think we blew that one up. Looks like these are -- nope. I'm going to look at the documents I brought real quickly, just to see, because that would be the cleaner record.

BY MRS. SHAHID:

Q. All right. So looking at Gardner Exhibit 2, you talked about a line. And can you circle for me on

Gardner Exhibit 2 with this pen the line that you're talking about?

A. You mean that we couldn't discern?

MR. GRIFFITH: Can we go off the record?

MRS. SHAHID: Uh-huh.

(Discussion held off the record.)

BY MRS. SHAHID:

Q. So, Mr. Gardner, I provided you very recently some documents in this case.

A. Yes, ma'am.

Q. And that's what Gardner Exhibit 2 is, the older plat?

A. Yes, ma'am.

Q. Okay. And we note that there's a line drawn on Gardner Exhibit 1 that separates Sea Island Chemical Works 18.85 acres, from 95.27 and 100 acres. Do you see that line?

A. Yes, ma'am.

Q. Okay. And did you have an understanding as to whether or not that line existed on the 1882 plat, '81 plat?

A. Not in 2007.

Q. Okay. Well, do you know if it existed on the plat, in the older plat, if that line had been drawn on there or not?

A. Well, when you sent me the 1882 plat, there is a line on there in approximately the same position.

Q. Okay. Now, so when you were provided this information, what information -- what did you do? What did you ask Lori to do?

A. I asked Lori to take and do what she needed to do to try to enter the calls, which is the bearings and distances on this plat, into a -- our CAD program, to see if we could, you know, make it come back together or close.

Q. Okay. And what is the significance of making it come back together or close?

A. Well, you're bound -- in the state of South Carolina, you're bound by a mathematical closure of surveys. And -- well, it's more prevalent in today's surveying than it was back when this was done. And the methods and the equipment used is so much different today than it was back then. And, also, the methods of computing those closures is a lot simpler today than it was back then.

Q. Okay.

A. So, but -- but you -- according to the state, depending on the type of survey that you do, whether it's rural, suburban, urban or whatever, you have a class of closure that the survey should fit inside.

Q. Okay. And I'm going to show you a drawing that came from Ward Edwards' files, and ask you what this drawing represents?

MR. GRIFFITH: Let me enter an objection here now on anything going forward based on the lady's name that we can't explain, his CAD tech -- can't explain, can't spell -- his CAD tech, that anything that he did not personally do is hearsay.

MRS. SHAHID: Okay. All right. So I'm going to lay a little more -- let me just say, I'm going to lay a little more foundation for that, based on the Rules of Evidence in that experts can rely on hearsay information, if it's information they commonly utilized. I think I'm plagiarizing the rule a little bit.

MR. GRIFFITH: The rule says what the rule says.

MR. SMITH: I didn't bring the rule with me. Can we mark this?

(Exhibit No. 3 marked for identification.)

(Discussion held off the record.)

BY MRS. SHAHID:

Q. I'm going to show you Gardner Exhibit 3. Can you tell me what this is?

A. That is the lines that were developed by Lori

Macloszek in the CAD program from the information she had taken, best as she could, from the plat, the 1891 plat.

Q. Okay. Which is Exhibit No. 1?

A. Yes, ma'am.

Q. Okay. And did you -- what instructions did you give her?

A. I told her to do what she could do with it, make us a drawing. And then, once she did that, she did get back with me. And she and I did review this drawing and the plat and everything. She had -- she had taken a copying machine and blowed up portions of this and all, in order to try to read the bearings and distances and some of the calls.

Q. You're pointing at Exhibit 1 when you say she had taken a copy machine and tried to magnify Exhibit 1?

A. Yes, ma'am.

Q. Okay. And the result of her effort is shown on Exhibit 3?

A. Yes, ma'am.

Q. Okay. And Exhibit 3 depicts a shape that has no boundary at the top? If the bottom is the exhibit sticker then the type is up here?

A. Yes, ma'am.

Q. Okay. And what is the explanation for that lack of boundary at the top?

A. Well, according to Lori, and what I saw also when we did review it, was that there were some shortcomings in the bearings and distances that we could discern, that just -- it didn't close.

Q. Okay. And using -- now we're going to use the red pen. Using Exhibit 1, show me where there were shortcomings in the bearings and distances.

A. Well, in -- in this one right here, we couldn't really discern it.

Q. Okay. So you're pointing at a bearing and distance that's on the left of the page to the 95-acre indicator?

MR. SMITH: You want him to make a mark, like A or B, or something like that?

BY MRS. SHAHID:

Q. Yeah. Call that number one. Okay.

A. Okay. And then up in this section, it seemed like there was some -- you can see the lines are much longer. He's calling for 1.55 chains there, best we could determine, which would only be a little over 100 feet. And that's not -- that's number two.

Q. Okay. Number two is -- you're talking about the 1.55 chains?

A. Yes, ma'am.
Q. And I guess I need a little more explanation as to why that created a problem?
A. Well, because the distances are shorter than the length of the line that's shown on the drawing.
Q. The chain distance is referenced at the top?
A. Yes, ma'am. It's 1.55 chains.
Q. Was there any other problem?
A. Some that we couldn't really read and make out. This one was actually some trouble here, this distance. You want me to mark it as number three?
Q. Yeah, number three.
A. And this one here, also. Well, that -- I guess that's one chain. But we weren't sure if it was ten-point-something or whatever.
Q. Okay. That's number four?
A. Yes, ma'am.
Q. And explain if you can the importance of being able to -- is it important to have an accurate determination of the number of chains reflected?
A. Yes, ma'am.
Q. Why is that important?
A. Well, because if you have a break in the survey, it's not going to close mathematically to any effect, which means you just -- it's kind of floating

out there. And you can kind of -- it -- it really corrupts the survey in the fact that you can't continue on with the chain of measurements to see if it closes.
Q. Okay. And is Exhibit 3, the gap at the top of Exhibit 3, is that what you're talking about as a break, up here?
A. Yes, ma'am.
Q. Okay. What is the tolerance of error that a surveyor adheres to when it comes to mathematical closure?
A. Well, like I say, it differs for the area, whether it's a suburban, urban, farm or, you know, type survey. But with the equipment that we have today and use today, anything less than a 1-to-10,000 closure should be dismissed. I'd be doing it again.
Q. Okay. Now, looking at the gap at the top of the parcel depicted in Gardner's Exhibit 3, do you -- is that error within the standard the tolerance error for an urban survey?
A. No, ma'am.
Q. Okay. Do you have any idea how far outside of the tolerance it is?
A. No, ma'am, I don't. That was so far ago, I don't -- I don't remember that.
Q. Okay. Is it -- can you say if it's

significant or not, outside of the 1-in-10,000?
A. It's significant, yes, ma'am.
Q. Okay. And tell me about the work you and Lori did together on this, on this project.
A. On this -- well, like I say, Lori did the initial entering of the data into the computer program. And when it didn't close, she got with me on it. I looked at the same stuff she looked at. And I could not discern the same things that she had problems with. So, therefore, I mean, I just didn't leave it to her to do. I looked at it. I couldn't read it, either. So I said, Well, we just have done what we can do on this one, and that's all.
Q. Okay. Now I'm going to point to you a line on Exhibit 1 which separates the Sea Island Chemical Works parcel from the IM Crowfoot parcel. Do you see that line?
A. Yes, ma'am.
Q. All right. Does -- does that line have any indication on it that allows you to recreate it on a plat?
A. There's no bearing or distance, which means we would have no direction or distance to go in to say where that line went.
Q. Okay. Now, over to the left-hand side of

that line, there's -- can you read that, as best you're able?
A. I believe it's north 30. And I can't make out what that -- I don't know if that's a four or a six or a whatever.
Q. Okay. But is that a bearing or distance that would help establish this line that separates the two parcels?
A. Well, it shows you -- at the end of that bearing and distance, it shows you where that line would begin at.
Q. But what's missing then in terms of --
A. Well, once you get to this point, you don't have a direction or distance to go.
Q. Okay. Once you get to the point that's identified as north 30?
A. Right.
Q. I just want to be clear for the record. Then you indicated you don't have a direction or distance to go, and you were indicating across the line?
A. Yes, ma'am.
Q. Okay.
A. All you know, you'd go generally in an easterly direction. And that's -- that's not on there. That's the reasons for bearings and distances, to tell

you where the survey goes.

Q. Okay. So which bearing and distance might we -- might be missing? Is it the one at the end here or is it something that defines that lines going across?

A. It's the bearings and distance that defines the line going across.

Q. Okay. All right. That's all I have on direct examination.

MR. SMITH: Go ahead.

CROSS-EXAMINATION BY MR. GRIFFITH:

Q. Mr. Gardner, I'm Jeff Griffith. I represent the plaintiff in this case. And I'm going to speak as clearly as I am able, which is sometimes not the best. And I am going to go slow. But if you have any questions for me, stop me, if I -- if you are unclear in your mind about what I'm asking you.

A. Yes, sir.

Q. Please ask me to clarify it. Okay. Let's go back to the beginning here. Let's go way back. Tell me what a survey is.

A. A survey -- are you talking about related to a land survey?

Q. Yes, sir.

A. Because there's phone surveys --

Q. No, sir, I want --

A. -- there's a ship survey.

Q. A survey we've been talking about today.

A. Okay. Land survey is a packet of information concerning the directions or bearings and the distances of the boundary of a piece of property, to be able to define where it goes or where it is, where it goes and how many acres it is.

Q. All right. Would it be fair to call it a representation of a parcel of real property?

A. Sure.

Q. All right. So the representation that you see here shows 95.27 acres, more or less, and 18.85 acres, more or less; is that correct?

A. Yes, sir.

Q. Now, when you were asked to look at what's been marked as Gardner Exhibit 1, why were you asked to do all that? Did y'all represent Mr. Hoyle?

A. That was when I worked at Ward Edwards. And I understand it was -- we were asked to look at it based on our client, who I don't think was the fellow that owned this property at that time.

Q. Okay.

A. To see -- because this -- this kind of came up after our initial surveys had been done at Ward

Edwards. Ray Cook did an alta survey on the adjoining property. And then the question came up about, well, someone owns this and all. So then we were asked to see if we could make heads or tails of that survey.

Q. Okay. Now when you and --

A. Lori.

Q. -- Lori were working together on this, you had Exhibits 1 and 2 at your disposal?

MRS. SHAHID: This is 2.

BY MR. GRIFFITH:

A. Yes, sir. We had a small copy. And then we had copies that we had blown up, to try to be able to read it better.

Q. All right. Now, the problems that you had, were they related to your inability to read it, either the metes and bounds on Exhibits 1 and 2?

A. Yes, sir. There were calls that were not discernable to us. And we tried to blow up the drawings, downsize the drawings. I remember taking a magnifying glass and trying to look at it. And it, -- there was -- any one variance or any one variable that's not in the chain of direction and distances around the thing can blow it apart.

Q. And that's to my point. If you were unable to read with any clarity what's been marked on

Plaintiff's Exhibit No. 1 as red circle number three and red circle number four, and red circle number one, would that impact your ability to get an accurate CAD drawing?

A. Yes, sir.

Q. So it may not be that the plat which is marked as Exhibit 1 is in error, but it may be that it's just so poorly written that you are unable to discern the correct calls?

A. The calls that we did take to put on the -- to put in the CAD --

Q. Yes.

A. -- were the best determination we could make from the drawing --

Q. Okay.

A. -- provided to us.

Q. But to my question, and you can answer it yes or no, then you can explain it all you want to. Looking at where you in particular have described as problem areas three, four and one, any one of those, based on your testimony, could blow this plat up?

A. Yes, sir, especially number two.

Q. Okay. We'll get to number two in just a minute.

A. Okay.

Q. So the original plat may not be in error, but it is simply your inability to read the calls that may have caused your inability to close this plat?

A. Well, if you cannot read it, you cannot truly determine which direction and the distance it goes to. But that still does not mean that the -- you know, these were old, old surveys done with a Jacob staff and a compass and a chain.

Q. And not under the best of conditions?

A. No, sir.

Q. This is in the marsh, isn't it?

A. Right. But, I mean, I don't know -- if I can't do a mathematical closure on a survey plat, I can't tell how good the survey is or how good it isn't.

Q. Okay. So in answer to my question, then, if you can't read it, you don't -- that old computer phrase, trash in/trash out, if you can't -- if you can't put good information in, the information that comes out of your CAD machine is subject to that error?

A. Well, I know two people that were there tried to read it. I don't know if Ray ever did or not. But if we couldn't read it, I wouldn't see why anyone else should be able to read it, to determine the call and distance.

Q. Sure. So I believe you said earlier in your testimony that if you couldn't read something or if it didn't close on the CAD, what would be your next step ordinarily? Would you go to the field?

A. Ordinarily, you would go to the field and do retracement surveying and so forth like that. But that is something we were never asked to do.

Q. So you never did any field work?

A. No, sir.

Q. All right.

A. Not on that parcel.

Q. Okay. Now, there are two distinct parcels here, correct?

A. On this drawing?

Q. In the marsh?

A. Yes, sir.

Q. Let me try again. I was not very clear.

On Gardner 1, there are two distinct parcels of land in the marsh?

A. Yes, sir.

Q. One is 18.85 acres and one is 95.27 acres?

A. Yes, sir.

Q. All right. And the -- on the left side of Exhibit 1, there are parcels which are marked -- excuse me, which are identified with names; is that correct?

A. Yes, sir.

Q. Those parcels are not in the marsh or not represented to be in the marsh?

A. Not on this drawing.

Q. Okay.

A. No, sir.

Q. Okay. Tell me, if you could read -- let's take your red pen again. And if you don't mind, I'm going to circle two bearings and distances which I think you've testified already, but I want to make sure. If you'll do it for me, please, sir, this is -- we'll mark this as number five. And so that we're correct here, can you take this, from where this line would begin, and mark that for me, please, sir? Does that line begin at that little creek?

A. From where -- well, I don't know that.

Q. Okay.

A. I don't know where it begins at. There's no -- unlike here, see he has points --

Q. Right.

A. -- on places? I mean, a defined point or a marked point, that's just a kind of a curve in there, to me.

Q. Okay. Okay. So what I'm driving at is, if you've got five, and if you'll circle from this little

creek to there -- let's mark that six. If you have five and six, which have, for lack of a better term, they have corners on them, on the top of the Exhibit No. 1, corners here and here?

A. Yes, sir.

Q. Would it be unreasonable to draw a line from those two corners to make this line? And let's go ahead and circle that line and call it number seven, so that it's identifiable.

A. Well, if your line's coming up -- if you had a connected chain, connected series of bearings and distances that got you up to that point, and you came all the way around and you had a connected line of bearings and distances that got you up to this point, then you could close between them, force closing.

Q. Right. Define force closing.

A. Well, that means you start here, you go all the way around, you come back to here. And then you calculate from your bearings and distances what bearing and distance you should have on this line here.

Q. Okay.

A. The next step would be to check it in the field. If it was -- if all this was good, it should check exactly with what was in the field, on the ground, the physical measurements.

Q. Yes, sir.
A. But, you know, that -- that's what you do when you force close something.
Q. Okay. What is the tolerance of error that was established when these plats were made?
A. When these plats were made?
Q. Yes, sir.
A. I'm not sure there was one.
Q. Okay.
A. Used to, you know, the county surveyor was the fellow that could, I guess, do a little bit of trigonometry or something like that and all. You know, he ran for the position or whatnot.
Q. Right.
A. But to be -- there wasn't even -- licensing wasn't even in effect at the time these were done, I don't believe.
Q. Okay. So if there was a deed that described 95.27 acres from the state of South Carolina to Mr. Crowfoot, who is represented on that plat, this plat is a representation of that description in the deed; is that correct?
A. I would have to -- you're talking about if there was a deed with these calls and so forth on it?
Q. Well, let me make it clearer. There is a

deed from the state of South Carolina to Mr. Crowfoot. And in that deed, it describes 95.27 acres and gives general boundaries. It also includes a reference to Gardner Exhibit No. 1. This Exhibit No. 1 is merely a representation, then, since there really weren't very many standards of what the state of South Carolina was trying to convey to Mr. Gardner?
A. To Mr. Gardner?
Q. I mean to Mr. --
A. Okay.
Q. -- Crowfoot, sorry.
A. All right. If it were mine, it would already be settled.
This -- the deed that was written probably relied on this plat to give the calls and the acreage, because deeds are usually written, or at that time were written, by an attorney. And unless he had a legal description from the surveyor that did this, he would just look at this and put the calls down in the order they -- or usually a clockwise direction and say this is the property bounded on the north by so-and-so, and in a direction north 30 east 22, chains to a point dense, you know, in a direction and a distance.
Q. Well, I don't have a copy of the deed with me, but I'll represent to you that he did not put the

calls in the deed.
A. Okay.
Q. He made a general description in the deed and then he referenced --
A. He referenced that.
Q. --the plat, yes, sir.
A. Okay.
Q. And so as we established in one of my first questions, this is a representation of 95.27 acres that is in the marsh, between this high land here on the left-hand side of Exhibit 1, and the run of the Beaufort River, which is on the right-hand side of Exhibit 1, correct?
A. Yes, sir.
Q. Okay. I think that's all I have.
MR. SMITH: I've got a few.
CROSS-EXAMINATION BY MR. SMITH:
Q. Do you know where on this plat -- and maybe Counsel doesn't mind assisting for purposes of this question -- approximately where the proposed marina and docks would be located?
(Discussion held off the record.)
BY MR. SMITH:
A. I don't know.
Q. Looking at -- and this is Exhibit 1?

A. Yes, sir.
Q. This bigger one? Okay.
Looking at Exhibit 1 -- and you've marked some areas in red, which you've identified at the -- what's this, the north end of the plat?
A. Yes, sir. Normally, these old plats were drawn with north up the page, usually. And so you've got south, north, west and east.
Q. Okay. Along the southern end of this area below the word "Crowfoot," alongside property marked as, I think, Diveux or Diveux -- Diveux, I believe, Lawton, and Girard and Collins, would the gaps that you have identified make a difference in your being able to determine where this tract is located with respect to those properties, Diveux, Lawton, Girard and Collins?
A. Dependent upon whether or not we had surveys of these tracts, you know, older surveys of these adjoining tracts. If all you had was this plat, which this one here seems like it's --
Q. Which plat? Which?
A. Of the Exhibit 1 --
Q. Yes.
A. -- plat and all. But to answer your question, if you only had to rely on this, yes, there would be a reasonable question as to where these

properties were.

Q. As to where the Collins, Girard, Lawton properties are?

A. As to where their eastern boundaries were.

Q. So you would have a reasonable question then as to where this tract, the Crowfoot tract, would align then with respect to those properties?

A. Yes, sir, with just based on the Crowfoot tract, unless you could find physical, you know, monuments or physical monuments to the line, fences, something like that, and all that, you would -- that everybody, both parties, would say, Yeah, I put a fence up here. And this fellow would say, Yeah, that's fine with me. That's the line.

Q. Okay. Now up here, Exhibit 2, is that -- I mean, not Exhibit 2, the identifier number two on Exhibit 1, where you've got circled in red, is that the approximate location of that gap that's --

A. Yes, that's --

Q. -- in Exhibit 3?

A. --on the other exhibit, yes, sir.

Q. And what --

A. Exhibit 3.

Q. Does that gap make any difference in where the property is located at this southern end?

A. It could, yes, sir.

Q. How is that?

A. Because it -- the plat not closing, not coming back together, in other words, if you started at a point, you're supposed to come around and end at the starting point.

Q. Okay.

A. This survey, if it didn't do that, then everything could be shifted one way or the other. And you wouldn't know where these corners were, truly, without, you know, other surveys specifying adjoining corners or adjacent boundaries.

Q. Okay. Are the bearings and distances listed for the southern part of this plat not sufficient for you to be able to make that determination?

A. Well, all I know is that there's a bearing and a distance there.

Q. Well, where is "there"? Let's mark that.

A. Well, this -- you can see it right here.

Q. It's just -- no, I see where you're pointing. It just when somebody is reading this transcript, they need to be able to locate it.

A. Okay. That will be number seven, then.

MR. GRIFFITH: Seven, yes, sir.

BY MR. SMITH:

A. I'm going to circle it in red.

Q. I thought we already had a seven. That will be number eight.

A. Number eight, okay. Okay, number eight.

Q. Okay. So continuing with that, so what about number eight, how does that --

A. Well, ask me the question again.

Q. Okay. Are the bearings and distances listed on the southern half of this plat, below the word "Crowfoot" sufficient for you to be able to determine where this southern half of the plat is located of the tract?

A. No, sir.

Q. And why is that?

A. Because there's -- in number three, item number three, there's a nondiscernable bearing and distance there.

Q. Okay. And then --

A. And that is south of where -- that's -- that's in the south part of the, you know...

Q. Below the word Crowfoot?

A. Yes, sir.

Q. Okay. Then the number eight. And what were you saying about it? Is that the discernable or not discernable?

A. Well, if -- if one thing is not discernable, that's limiting your directional accuracy. So, I mean, even though you might could read this bearing and distance, if you have a bearing and distance that's close to it, that you can't read, depending on whether the surveyor -- if he started down here and came all the way around, should have wound up back at this same point. Then, still, no, you can't. You've got variables that...

Q. How much -- can you say how much of a possible variable are you talking about as to how this Crowfoot tract is oriented with respect to the mainland? Are we talking about inches? Are we talking about feet? Approximately how many feet, if we are?

A. I -- I don't know, because of the fact that I have not done any field work, you know, in reference to determining this boundary, other than on the plat that Ray had done, and then that I had -- I had done a plat later, which -- where we showed, you know, even in places along this old line here, that there were some monuments that were found out inside the marsh, that when we did our survey we showed them. But we did not call them -- that marsh line the high ground. And the standards were different years ago, as determining mean high water and mean low water, as they would be today.

Q. I think you testified, you did not do any field work out there on this, did you?
A. Not -- not on this 95.27 acres, no, sir.
Q. Okay. If you did do field work out there, would that help you?
A. Well, it -- it -- it would have been -- we -- we did field work where our survey joined, over in here. But not as far as going around and locating this whole, you know, tract here.
Q. Okay. Where? Which survey joined over where?
A. Where -- there's surveys that Ward Edwards had done.
MR. SMITH: Are they in evidence?
MRS. SHAHID: Yeah.
MR. GRIFFITH: I believe they are.
THE WITNESS: Yeah.
MRS. SHAHID: But you can refer to one, if I've picked the right one.
THE WITNESS: That's Ray's alta survey.
MRS. SHAHID: Let's get that marked.
(Exhibit No. 4 marked for identification.)
BY MR. SMITH:
A. You can see along -- now, me, personally, no, sir, I didn't go out there. Our survey crews did. And

I believe Ray did, too. I never set foot on the site.
Q. Okay.
A. Okay.
MR. GRIFFITH: Mr. Gardner?
THE WITNESS: Sir?
MR. GRIFFITH: Let me interrupt, for clarity's sake. You are referring to now Gardner's Exhibit No. 4, and you are on the right-hand side of that exhibit?
THE WITNESS: Yes. Yes, sir. I would be on the eastern side of it.
BY MR. SMITH:
A. And you can see here, sir, if you'll look, see where we called our marsh line? Well, out in here was found an old post.
Q. Where are you talking about "out in here"? You maybe should circle --
A. See right -- see right here?
Q. You're about where the --
A. See where this line goes? That is your bearings and distances for the calls on --
Q. Okay.
A. -- these parcels that we surveyed.
Q. Okay. For purposes of somebody reading this later, what -- how would you describe this line --

A. Well --
Q. -- near the easternmost lines shown on --
A. Yes. Yes, sir. And this is the -- what we call the bluff line. And these points were out in the marsh.
Q. Okay. The bluff line is the --
A. Is the --
Q. -- arrowed line?
A. Yes, sir, with L-27, 26, 25 and so forth on it.
Q. Okay. And so -- and so what was out in the marsh?
A. Well, right there it says 2.5 CMF, which means concrete monument found.
Q. Okay.
A. And up at the top you've got a concrete monument found disturbed.
Q. Okay. And then is this a monument at the 90-degree angle at the -- where the --
A. No, sir.
Q. -- easternmost line?
A. They don't --
Q. What is that?
A. They don't call for a monument there. But they do show that at 94.15 feet east of that. They, I

guess, found an old post --
Q. Okay.
A. -- in there, so --
Q. Okay. And now this just surveys the mainland tracts. It does not survey the Crowfoot tract; is that correct?
A. Correct. But it should be a modern adjacent boundary.
Q. Okay. And do we know where these tracts align with -- these parcels align with Collins, Girard Lawton, on Exhibit 1?
MRS. SHAHID: I can generally represent that they align very close to this southern boundary.
MR. SMITH: Okay.
MRS. SHAHID: But you can't tell exactly if it's --
THE WITNESS: Yes, sir.
MR. SMITH: In the vicinity of Collins and Girard on Exhibit 1?
MRS. SHAHID: Yes.
BY MR. SMITH:
Q. Okay. All right. I think I've just got a few -- oh, can we take this away?
A. Sure.
Q. Maybe it could down to her, rather than go on

the floor.
Number seven on here, this line that is in maybe the northern two-thirds, two-fifths of this property, the line that crosses the Crowfoot tract --
A. Yes, sir.
Q. -- what was the problem there? I know you said --
A. Well, they don't -- they don't show you a direction of travel or a distance --
Q. Okay.
A. -- of that line.
Q. Does that problem affect the orientation of the southern part of the Crowfoot tract?
A. It could, yes, sir.
Q. Okay. Let me just look through my notes. Have you looked at many other surveys from this period of time in the 19th century as to other tracts of land not involved in this suit in the course of your work as a surveyor?
A. Yes, sir.
Q. State grants, any state grants?
A. State grants for -- well, king's grants even from Georgia --
Q. Okay.
A. -- and so forth like that. Some state grants

from South Carolina and so forth like that.
Q. And have you -- how does this plat compare with some of those as to the detail and ability to locate it?
MR. GRIFFITH: Objection as to relevance.
BY MR. SMITH:
A. It's -- sometimes, you know, you say I'd like to know where that surveyor was buried at, so I could go and cuss at him one time and stuff like that, which there's -- you know, when you've got ambiguities and stuff like that. When I started surveying, I had a full head of hair, and now it's gone, so...
Q. There would have to be another explanation for me.
A. Okay. It can be aggravating as to your calls, where you're going. Your client is going to expect you to know exactly where that corner is. And when you've got ambiguitous stuff like this, you can't tell him.
Q. Okay.
A. And it warrants more work, more work, more work, to get to try to prove something.
Q. Okay. Excuse me. Bear with me a minute.
(Discussion held off the record.)
BY MR. SMITH:

Q. Those are all the questions I have. Thank you, sir.
A. Thank you.
MRS. SHAHID: I have a little bit on redirect. I'm going to go ahead and mark this.
(Exhibit No. 5 marked for identification.)
REDIRECT EXAMINATION BY MRS. SHAHID:
Q. Mr. Gardner, I'm going to show you what's in evidence as Defendant's Exhibit 5. This is a piece of paper that you were smart enough to bring with you and I wasn't smart enough to bring with me. But it -- can you -- is this a deed?
A. Well, this is -- it's kind of a deed. It tells you what the state is relinquishing its rights to this individual.
Q. Okay.
A. You know, a piece of property.
Q. Okay.
A. Based on -- and in reference to the survey.
Q. All right. Well, so, I'm going to represent to you that this is already in our court record, in a clearer, better form. But I'm going to ask if you can read that description on Defendant's 5, beginning with "being"?
A. You want me to read it out loud?

Q. Yes.
A. I'll do my best. Being a parcel or tract of land on the Beaufort River in county said, state aforesaid, and lying between high and low water marks on river above mentioned.
Q. Okay. And do you understand that this is the plat that accompanied this grant?
A. Yes, ma'am.
Q. Okay. And when you're attempting to locate the boundaries of this grant, would you rely on this description or would you rely on the description -- and by "this description" I mean the description in the deed, Defendant's Exhibit 5, or the description in the plat, Defendant's Exhibit 1?
A. Well, they kind of counter themselves in the fact that this plat has the acreage on it. But here he says between the high and low water marks on river above mentioned.
Q. Does this plat have boundaries different from the high and low water mark? I mean, does this plat use high and low as boundaries or does it use something else?
A. Well, they don't refer to high water mark and low water mark on that plat.
Q. Okay. Do you know -- do you have an opinion

as whether the information on this plat is more specific than the information in the grant?

A. Well, the information on the plat would have been bearings and distances that were measured in some form or fashion by a surveyor. And since he didn't say, you know, or show mean high water or mean low water on here, I would say this would be what -- you know, this is what the surveyor intended. And from the 1882 survey, this is what they were intending to be this 95 and 27-hundredths of an acre.

Q. This being Defendant's Exhibit 1?

A. Yes, ma'am.

Q. Okay. I don't have anything else.

RECROSS-EXAMINATION BY MR. GRIFFITH:

Q. Let's look at 5 again, please, sir.

A. Okay.

Q. I believe you said that there was no description of the acreage. Can you read -- let's see -- right there where it starts, Containing -- I can't put my finger on it upside down.

A. Containing 90 -- let me pull it to me a little bit.

Q. Yes, sir.

A. Okay, sir. Ninety -- 95, and it looks like 27/100 acres, more or less, yes, sir.

Q. Okay. So the state of South Carolina, in that deed, was deeding 95.27 acres, more or less, correct?

A. More or less, yes, sir.

Q. What does "more or less" mean to you, from a surveying standpoint, not from -- not from a legal standpoint, but from the surveying standpoint?

A. It's supposed to be a small number, a small area inclusive of the survey. I have found "more or less" to be acres, sometimes.

Q. Right.

A. More or less.

Q. Right. So this -- this tract could have contained 95.27 acres, acres more or acres less, than 95.27 acres, correct?

A. Yes, sir. I -- the 95.27 acres would have come from the original surveyor thinking that he could read his own writings, bearings and distances, and do his calculations, and know what was inside the area he surveyed.

Q. So this representation of 95.27 acres on Gardner 1, the surveyor intended for it to represent 95.27 acres; did he not?

A. Yes, sir.

Q. Okay. Earlier, I think in reference to

Gardner 4, which is a substantially more accurate plat -- I've got it here.

A. And --

Q. On the eastern boundary, you referred to that area as a natural monument, I believe?

A. No, sir, I didn't say anything about -- well --

Q. Okay.

A. -- you've got your -- that -- that's your bluff line or high water line.

Q. Okay.

A. Or not high water, but, excuse me, high -- high ground line, whereas the bluff, where you can walk up to it and step in the marsh.

Q. Can you tell me what a natural monument is?

A. A natural monument?

Q. Yes, sir.

A. Would be whether a surveyor had, in doing some property or something, had come up to an old stone here, or else there could have been an old cypress tree or palm tree, something like that there, that that's kind of a natural monument.

Q. Is the high water mark and the low water mark, are they natural monuments?

A. Could be.

Q. Okay. And are those monuments subject to moving as a result of tidal pressures, storms?

A. Yes, sir.

Q. Okay. And all of the problems that you see here on Plaintiff's -- excuse me, on Gardner 1, you would have addressed them by doing field work, correct?

A. Well, that depends on whether our client wanted us to do the field work or not.

Q. Okay. Well, but there's no addressing them from looking at this?

A. Not just looking at paper.

Q. Not looking at --

A. Other than you can't read -- you can't discern the plat that someone else is saying this is my plat and it goes right here.

Q. Okay.

A. Well, I can't tell you exactly where it goes because I can't read part of it.

Q. But the next step for you to resolve those problems would have been field work?

A. Survey field work.

Q. Okay. Thank you. Nothing else.

MR. SMITH: Just very briefly.

RECROSS-EXAMINATION BY MR. SMITH:

Q. You were asked about high water and mean low water. This Defendant's Exhibit 5 refers to high water and low water. Aren't the normal terms mean high water and mean low water?

A. Yes, sir. They -- you know, I mean, there's a difference between high water and low water, and mean high water and mean low water.

Q. What's the difference between mean high and just high water?

A. Well, mean high would be from a study that was done over a period of time, years, or something, like that, as to where the high water mark -- where the high water came to.

Q. Okay.

A. And the same for the low water, where it came to.

Q. Yeah.

A. The high water, you know, you could have an excessively high tide and people would say, well, this is where I want my survey to go, here, because the water's further in, you know? So there is a difference in mean high water and just high water.

Q. So high water could be different on different days of a month, depending upon what was going on with the tides, then, and --

A. Yes, sir.

Q. -- atmospheric pressure and other -- storms and other factors, whereas mean high water would be a figure that we -- would be derived from a study over a period of time?

A. Mean high water would kind of be the average over a long period of study, as to where the water came to.

Q. Okay.

A. High -- the high water came to.

Q. That's -- those are the only questions I have.

MRS. SHAHID: None for me.

MR. GRIFFITH: One follow-up to that, Emory if you don't mind.

MR. SMITH: Yeah.

(Discussion held off the record.)

FURTHER RECROSS-EXAMINATION BY MR. GRIFFITH:

Q. There's no question that the intent of this deed and this plat, which is Gardner 1, is to represent an area of land that, whether it's mean high water or mean low water, or high water and low water, it conveys land that is inundated twice a day; does it not?

A. Yes, sir.

Q. Okay. Thank you.

MRS. SHAHID: I'm done.

MR. SMITH: No further questions.

(The deposition concluded at 11:56 A.M.)

C E R T I F I C A T E

STATE OF SOUTH CAROLINA:
COUNTY OF DORCHESTER:

I, MARY ANN RIDENOUR, Registered Professional Reporter and Notary Public, State of South Carolina at Large, certify that I was authorized to and did stenographically report the foregoing deposition of M. Jim Gardner; and that the transcript is a true record of the testimony given by the witness, and was sworn as such.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

WITNESS MY HAND AND OFFICIAL SEAL this 29th day of February, 2016, in the Town of Summerville, County of Dorchester, State of South Carolina.

Mary Ann Ridenour

Mary Ann Ridenour, RPR, CLR
and Notary Public
My commission expires:
March 14, 2021.

RiverTitle, inc.

CHAIN OF TITLE

Property: 95.27 acres more or less, being a marsh or tract of land on the Beaufort River

Plantation/Area: Beaufort River

Township: City of Beaufort

Deed Book 17 Page 563

	Dtd/Rec'd	Book	Page
$10 Hamilton Marshall Hoyler, Jr.	Signed on Various dates 10-03-79	289	1351
Elizabeth Hooker Hoyler, George Waterhouse, Jr., Frances Waterhouse Smyth (formerly Frances Waterhouse), Mary E. Hoyler Gray (formerly Mary Elinor Hoyler), Georgeia Crofut and Rhoda F. Crofut			
		Will Index 2	129
Georgeia Crofut and Rhoda F. Crofut		Probate File	WC-174
Marguerite Crofut (died 12-28-74)			
(From Whereas clause in DB 289 p 1351) Rhoda F. Crofut, Marguerite Crofut and Georgeia Crofut			
James Alonzo Crofut (Died Intestate 1970)			
In Trust for and during the life of Marguerite Crofut; upon her death remainder shall pass free of trust to Elizabeth Hooker Hoyler (1/3), George Waterhouse, Jr. (1/6), Frances Waterhouse (1/6), Mary Elinor Hoyler (1/6) and Hamilton M. Hoyler, Jr. (1/6)		Probate File	WW-135
Elizabeth Crofut Waterhouse (died 06-08-68)			
James Alonzo Crofut, Elizabeth Crofut Waterhouse, Marguerite Crofut and Georgeia Crofut		Probate File	WC-50
Mary Elizabeth Crofut (died 09-03-1936)			
Mary Elizabeth Crofut		Probate File	WC-24
George Augustus Crofut (died 12-28-1923)			
George Augustus Crofut		Probate File	WC-32
James M. Crofut (died 06-1915)			
James M. Crofut	07-02-1891 08-14-1891	17	562
B. R. Tillman, Governor and Commander in Chief in and for the State of South Carolina			

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RiverTitle, inc.

Restrictions, Easements, Miscellaneous Documents Applicable Specifically to:

Property: **95.27 acres more or less, being a marsh or tract of land on the Beaufort River**

Book	Page	Document
153	213	**Right-of-way Easement from William B. DeLoach to Bay View, Inc., dated 05-09-68; recorded 05-13-68 (Pipeline easement to MWH of Beaufort River for fall-out)**

Note: Unless otherwise indicated:
Book = Deed Book from Book 1 thru Book 627
Book = Record Book from Book 628 forward

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RiverTitle, Inc.

Plats

DB 17 p 563	Plat of 95.27 Acres of Marsh Land on Beaufort River near the Town of Beaufort to be sold to J. M. Crofut, by the State of So. Cal. Dated July 1891; originally surveyed Jan 1882

Adjoining Parcels
From North to South

PB 19 p 145	Spanish Point Subdivision By Palmer & Malone dated May 1959; revised 10-13-61, 10-12-65
PB 106 p 76	Alta/ACSM Land Title Survey prepared for Capstone Realty Advisors, LLC, U. S. Department of Housing and Urban Development, Hr of Bay View, Inc., Bay View Nursing Center, Inc., and Fidelity National Title Insurance Company By David S. Youmans dated April 19, 2005
PB 35 p 192	Oyster Cove, City of Beaufort By R. D. Trogdon, Jr., dated July 17, 1987; revised 09-22-87, 11-09-87, 06-15-88
Unrecorded	The Frank Wright Subdivision, surveyed by A. E. Samuel, Jr., dated February 3, 1948 **(This plat is not recorded with the Beaufort County Register of Deeds and would show the location of Lot 6 Frank Wright Subdivision)(Copy not provided)**
DB 458 p 1741	Plat prepared for Carol W. Robinson, Portion of Lots 7 & 8, Frank Wright Subdivision By R. D. Trogdon, Jr., dated August 1, 1986
PB 12 p 5	Plat showing exact location of Home of Joseph T. Miller in Frank Wright Subdivision By Charles Webb, dated 16 Feb 1959
PB 110 p 74	Boundary Survey prepared for The Waters of Beaufort, LLC Same being lots 10, 11 and a portion of Lot 9, Frank Wight S/D as Shown on a Plat by C. Webb dated February 16, 1959 and recorded in the Office of the Clerk of Court for Beaufort County, South Carolina in Plat Book 12 page 5; and a portion of Lot 49, Sec. 18 1S-1W By David S. Youmans dated May 29, 1998; revised 06-24-05; 12-05-05
PB 108 p 185	A Boundary Survey of 18.43 Acres, Ribaut Road, Sutcliffe Road & Johnny Morrall Circle, Town of Port Royal, prepared for Merry Land Properties By Ward Edwards, Inc., dated 05-02-05

R. Heyward heirs and assigns forever. And we do hereby bind our selves our heirs executors and administrators to warrant and forever defend all and singular the said premises unto the said Thomas R. Heyward his heirs and assigns against us and our heirs and any person or persons lawfully claiming or to claim the same or any part thereof. Witness our hands and seals this first day of November in the year of our Lord one thousand eight hundred and eighty nine and in the 114th year of the Sovereignty and Independence of the United States of America. Julia Pope (LS) Julia Scott (LS) Florence Pope (LS) Katie Blanchard (LS) James F. Pope (LS). Signed Sealed and delivered in the presence of St. Julien Pettigrew Henry L. Bryan Celia A. Stark A. H. Osborn Anna M. Osborn. To Julia Scott Florence Pope Katie Blanchard & James F. Pope.

State of South Carolina Washington County Personally appeared before me Henry L. Bryan and made oath that he saw the within named Julia Pope and Florence Pope sign seal and as their act and deed deliver the within written Deed of Release and that he with St. Julien Pettigrew and Celia A. Stark witnessed the execution thereof. Henry L. Bryan Sworn to before me this third day of January A.D. 1890 (Seal) A. H. Osborn Clk for the State & County aforesaid.

State of South Carolina County of Kings Court of Common Pleas Personally appeared before me Albert H. Osborn and made oath that he saw the within named Julia Scott Florence Pope Katie Blanchard & James F. Pope sign seal and as their act and deed deliver the within deed and that he with A. M. Osborn witnessed the execution thereof. A. H. Osborn Sworn to before me this 14th day of January A.D. 1890 (Seal) William Elliott Osborn Clk for Kings County S. C.

Recd for Record 17th April 91 at 4 o'clock P.M. R. J. Burroughs Clk

State of South Carolina

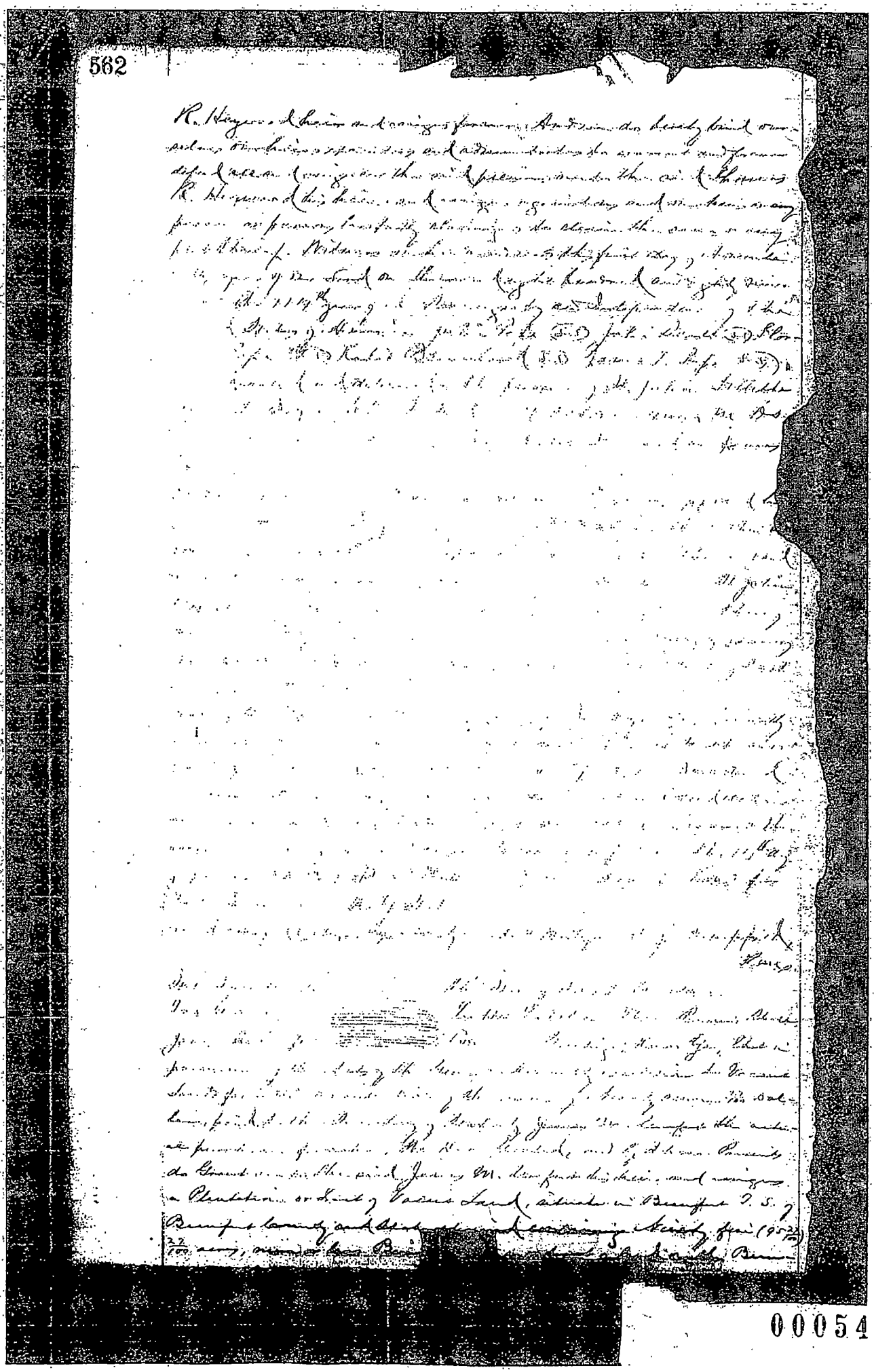
To the Clerk of Court of Common Pleas of Said County

James M. Lenfest

Greeting:

Know Ye, That in pursuance of the Acts of the General Assembly in relation to Vacant Lands for and in consideration of the sum of Ninety seven 33/100 Dollars, paid to the Secretary of State by James M. Lenfest the sole purchaser for whom, We Have Granted, and by these Presents do Grant unto the said James M. Lenfest his heirs and assigns a Plantation or Tract of Vacant Land, situate in Beaufort [illegible]

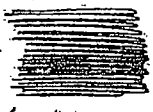
PLAINTIFF'S EXHIBIT #2 11-17-15 SCR



for Rent in County and State aforesaid and lying between high and low water mark on Port Royal Island containing four thousand and ninety six acres more or less (4096) as the same is represented by a Plat of said Land on file in the office of Secretary of State, in Book Z of Public Land Plats page 16, together with all the rights, members, hereditaments, profits, commodities appurtenances and hereditaments whatsoever thereunto belonging or appertaining remaining to the State of South Carolina all manner of Royalties rights of said State of South Carolina to the State aforesaid and ownership of all mines and Royalties of Gold Silver and Copper on the premises hereby granted To Have and To Hold the said Tract of (4096 2/100) acres of Land and all and singular other the premises hereby granted unto the said James M. Longstreet his and assigns forever in fee and common Socage. Given under the seal of the State Witness, His Excellency B. R. Tillman Governor and Commander in Chief and over the said State, at Columbia this twenty seventh day of July Anno Domini one thousand eight hundred and ninety six and in the 116th year of the Independence of the United States of America (Seal) (S.M.S.) B. R. Tillman

J. E. Tindal Secretary of State

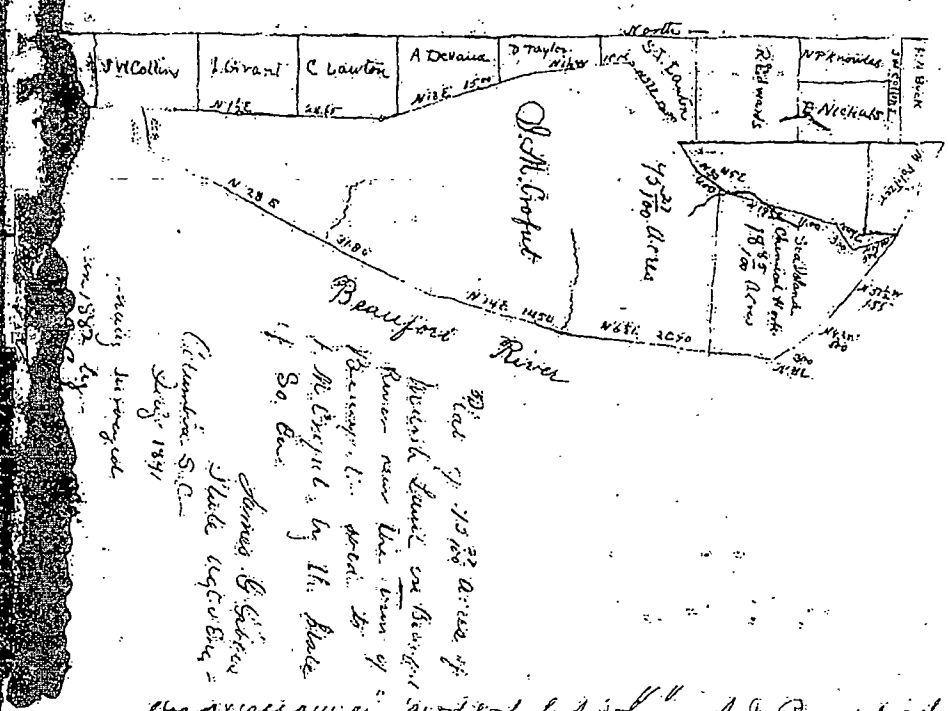
Rec'd & Filed 14th Aug. '91 delivered to A. St. John P. J. Bampfield Atty



Georg Taylor
To
Gilbert Fulton

The State of South Carolina County of Beaufort
Know All Men By These Presents that I
George Taylor of Parris Island in the County
of Beaufort in the State aforesaid for and in consideration of the sum
of Twenty two Dollars to me in hand paid by Gilbert Fulton of the
same place aforesaid the State aforesaid the receipt whereof
is hereby acknowledged have granted bargained sold and released and by
these presents do grant bargain sell and release unto the said Gilbert
Fulton All that certain lot piece parcel or tract of land situate
lying and being on Parris Island in the State of South Carolina Bounded
and described as follows, to wit: On the North by land of Adam
Green, on the East by land of said Gilbert Fulton, on the South by
salt water creek and on the West by land of said Bryan's estate.
The above mentioned and described premises contain four acres
being bought by the Grantor herein from the U. S. Government and
known as Lot (35) Thirty five in Section (5) Five (2) Two South
(1) One West. 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 Gilbert
Fulton his heirs and assigns forever. And I do hereby bind myself

000541



Plat of 75 22/100 Acres of Marsh Land on Beaufort River now the property of P.J. Bampfield Esq. Surveyed Jan 1882 by W. Elliott

Plat of 18 5/10 Acres of Marsh Land on Beaufort River now the property of P. J. Bampfield Esq. Surveyed by W. Elliott Jr. So. Ca.

Thomas G. Gibbes
Public Register
Columbia S.C.
Sept. 1841

Chart of 1/4 Acre 91 deeded to D. Johnson P. J. Bampfield Esq.

George Taylor
To
Gilbert Fulton

The State of South Carolina County of Beaufort.
Know All Men By These Presents That I, George Taylor of Port Royal Island in the County of Beaufort in the State aforesaid for and in consideration of the sum of Twenty Five Dollars to me in hand paid by Gilbert Fulton of the same place aforesaid in the State aforesaid the receipt whereof is hereby acknowledged have granted bargained sold and released and by these presents do grant bargain sell and release unto the said Gilbert Fulton All that certain lot piece parcel or tract of land situate lying and being on Port Royal Island in the State and County aforesaid and described as follows, to wit: On the North by lands of Adam Green, on the East by lands of said Gilbert Fulton, on the South by Salt water creek and on the West by lands of Mrs Bryan's estate The above mentioned and described premises containing four acres being bought of the Grantor herein from the U. S. Government and known as Lot (35) Thirty five in Section (5) Five (2) Township (1) One West. 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 Gilbert Fulton his heirs and assigns forever. And I do hereby bind myself

STATE OF SOUTH CAROLINA
RICHLAND COUNTY

THIS IS TO CERTIFY THAT This and/or the attached is a true and accurate copy of the Deed of Conveyance from the State of South Carolina to James M. Crofut, recorded in records of Beaufort County, Office Register of Mesne Conveyance, Conveyance Book 17, pp. 562-563, now on deposit with South Carolina Department of Archives and History

GIVEN UNDER MY HAND AND THE SEAL OF THE DEPARTMENT THIS

TWENTIETH OCTOBER 2010.

Paul Begley
Reference Services

000543

47

The State of South Carolina.

To all to whom these Presents shall come---Greeting:

KNOW YE, That in pursuance of the Acts of the General Assembly in relation to Vacant Lands, for and in consideration of the sum of Ninety Seven 97/100 dollars paid to the Secretary of State by James M Crofut the actual purchaser for value, WE HAVE GRANTED, and by these Presents do grant, unto the said James M Crofut his heirs and assigns, a Plantation or Tract of Vacant Land, situate in Beaufort S.C. of Beaufort County and State aforesaid containing ninety five (95 27/100) 27/100 acres, more or less, Being a parcel or tract of land on the Beaufort River in County and State aforesaid and lying between high and low water mark on river above mentioned

and a phosphate right of said state of South Carolina in the specimen tract and runs within of are Fyamar and Graphite deposits in the Fyamar County granted

having such shape, form and marks as are represented by a Plat of said land on file in the office of the Secretary of State in Book 2 of Public Land Plats, Page 16, together with all woods, trees, water courses, profits, commodities, appurtenances and hereditaments whatsoever thereunto belonging, to have and to hold the said Tract of (95 27/100) acres of Land, and all and singular other the premises hereby granted unto the said James M Crofut his heirs and assigns, forever, in free and common soccage.

GIVEN UNDER THE SEAL OF THE STATE.

WITNESS, His Excellency B R Tillman Governor and Commander-in-Chief in and over the said State, at Columbia, this Twenty Ninth day of January, Anno Domini one thousand eight hundred and ninety one and in the 116th year of the Independence of the United States of America.

(L. M. S.) B R Tillman

J E Tindal
Secretary of State.

OFFICE COMMISSIONERS OF THE SINKING FUND OF SOUTH CAROLINA,
COLUMBIA, S. C., July 28th 1891

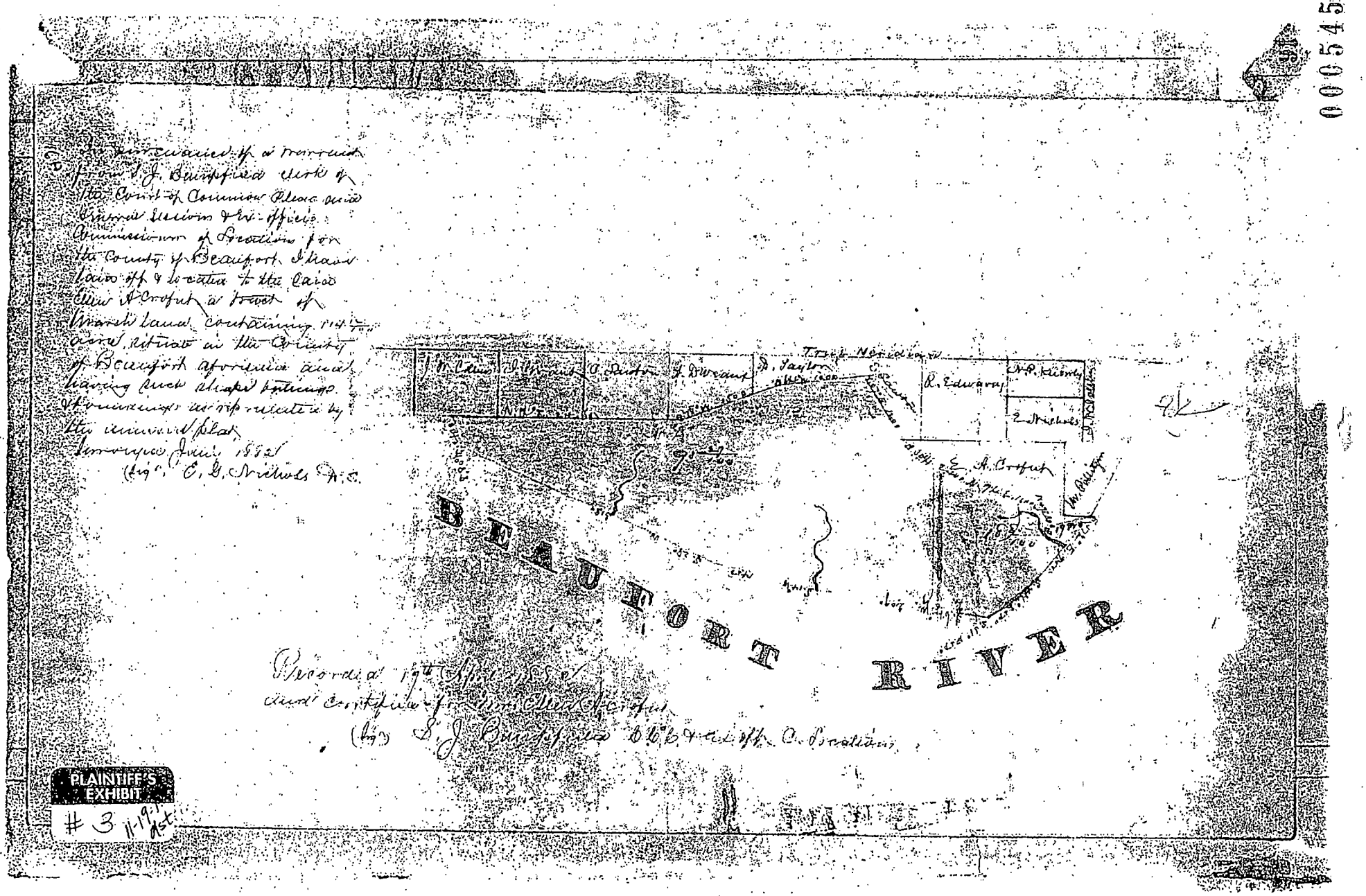
The foregoing Grant is issued in conformity with a Resolution of the Commissioners of the Sinking Fund directing the same, adopted on the 14 day of July 1891

H J C Bates
Secretary of the Sinking Fund Commission.

PLAINTIFF'S EXHIBIT #2A 11-23

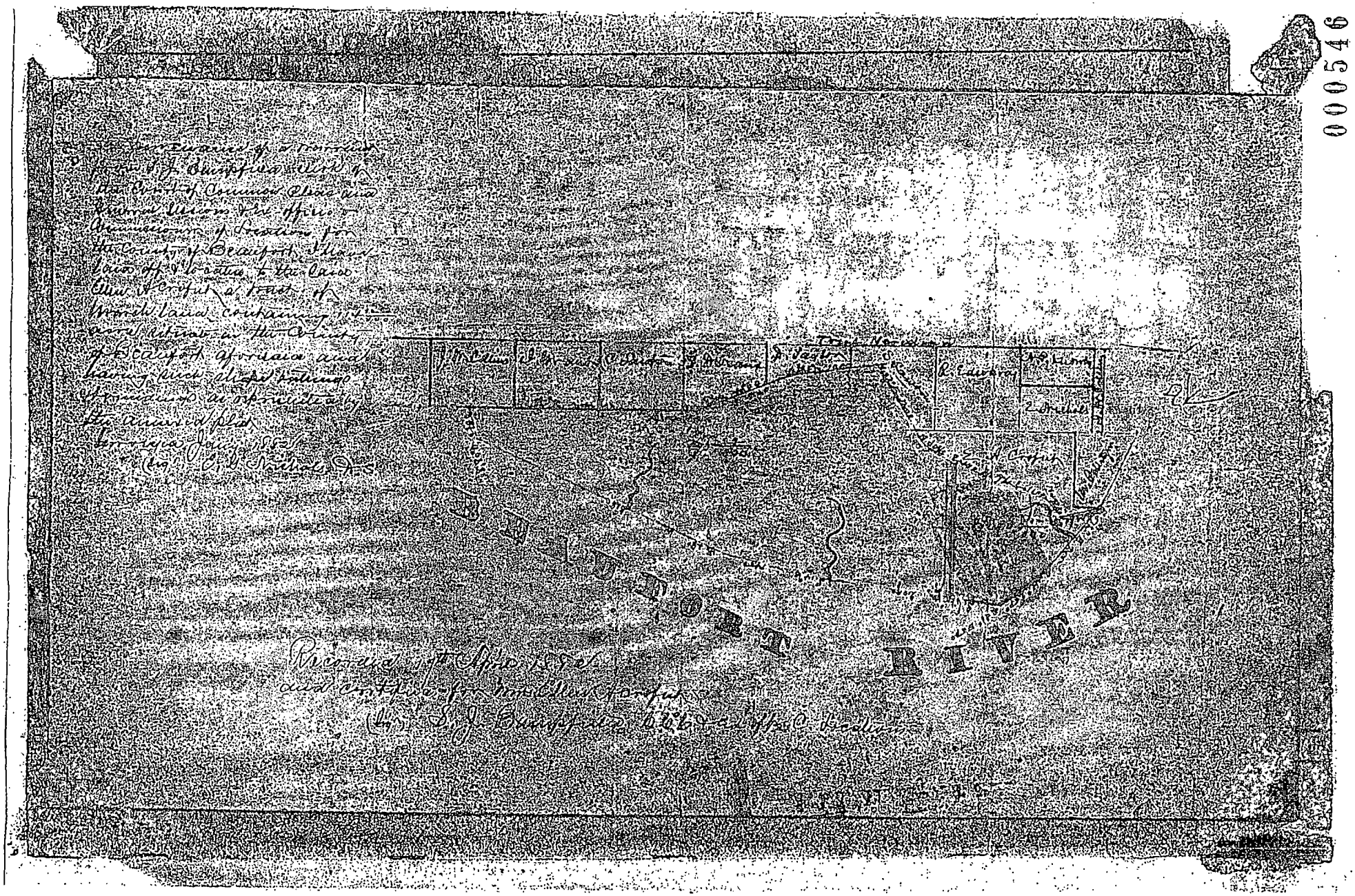
000544

554



Surveyed & warrant from S. J. Bumpstead Clerk of the Court of Common Pleas and General Section of the Office Commissioners of Locations for the County of Beaufort & Laid off & located to the said Ellen A Croft a tract of Marsh land containing 114 1/2 acres situate in the County of Beaufort aforesaid and having such shape bottoms & courses as is represented by the annexed plat.
January 1852
(sig'd) C. G. Nicholls D.C.

PLAINTIFF'S EXHIBIT
3 11-19-01 AST


000546
DORR RIVER

STATE OF SOUTH CAROLINA
RICHLAND COUNTY

THIS IS TO CERTIFY THAT This and/or the attached is a true and accurate copy of a plat of marshland in Beaufort County containing 114 12/100 acres to Ellen A. Grofut,

recorded in records of the Secretary of State, Recorded Instruments, Public Land Plat Books, Vol. 2, pg. 16,

now on deposit with South Carolina Department of Archives and History

GIVEN UNDER MY HAND AND THE SEAL OF THE DEPARTMENT THIS

TWENTIETH OCTOBER 2010.

Paul Begley

Paul Begley
Reference Services

000547

RiverTitle, Inc.

Property: 95.27 acres more or less, being a marsh or tract of land on the Beaufort River

Plantation/Area: **Beaufort River**

Township: **City of Beaufort**

Deed Book **17** Page **563**

Purchasers	
Tax Liens & Judgments	

	Dtd/Rec'd	Book	Page
Hamilton Marshall Hoyler, Jr. and/or Heirs of James Alonzo Crofut (See Summary # 1a) (See Attached Sheet)			

Mechanics Liens	Lis Pendens	Tax Liens & Judgments	UCC
None	None	None	None

Mortgages: **None**

Plats: **DB 17 p 563** Matters of Survey as Indicated See attached sheet(s) if any
This is Marshland on the Beaufort River

Restrictions, Easements, Miscellaneous Documents, Etc.: **See Attached**

Taxes:

District	Map	Submap	Parcel	Block	Week
120	007	000	0632	0000	

Lot	Bldg	Acres	Ratio	Assessed	Appraised
		95	6	60	1,000

2006 Base	With Penalties	Due/Paid	Paid By:	Key #
$12.63		Paid 11-06-06	CK	00234696

2005 By:	2004 By:	2003 By:	2002 By:	2001 By:
CK	CK	CK	CK	CK

PR Base	With Penalties	Due/Paid	Paid By	Key #

Summary:

(1) Title vested: **as cited above**.

a. **This property is Marsh Land between the High and Low water marks of the Beaufort River acquired by James M. Crofut from the State of South Carolina by deed dated July 7, 1891, recorded in DB 17 p 562 on August 14, 1891.**
Between the deed to James M. Crofut in DB 17 p 562 to the deed in DB 289 p 1351 to Hamilton Marshall Hoyler, Jr., title to this property has been passed by wills filed in Probate Files WC-32, WC-24, WC-50, WW-135 and WC-174.
The will of Mary Elizabeth Crofut filed in Probate File WC-50 devised her property to James Alonzo Crofut, Elizabeth Crofut Waterhouse, Marguerite Crofut and Georgeia Crofut.
One of the Whereas Clauses in DB 289 p 1351 reads, "James A. Crofut died intestate in the year 1970 leaving as his sole heirs at law Rhoda F. Crofut, Marguerite Crofut and Georgeia Crofut;" We do not find where his estate was probated in Beaufort County. The deed in DB 72 p 477 for a different piece of property has a Renunciation of Dower from Rhoda F. Crofut the wife of James Crofut. We did find Rhoda F. Crofut's Probate File 85-171 in which there were no children mentioned.

Summary Continued:

TITLE SEARCHED BY **RED** THRU: 7:45 A.M. on **05-10-07 Judg/LP; 06-01-07 all else**
Updated from:

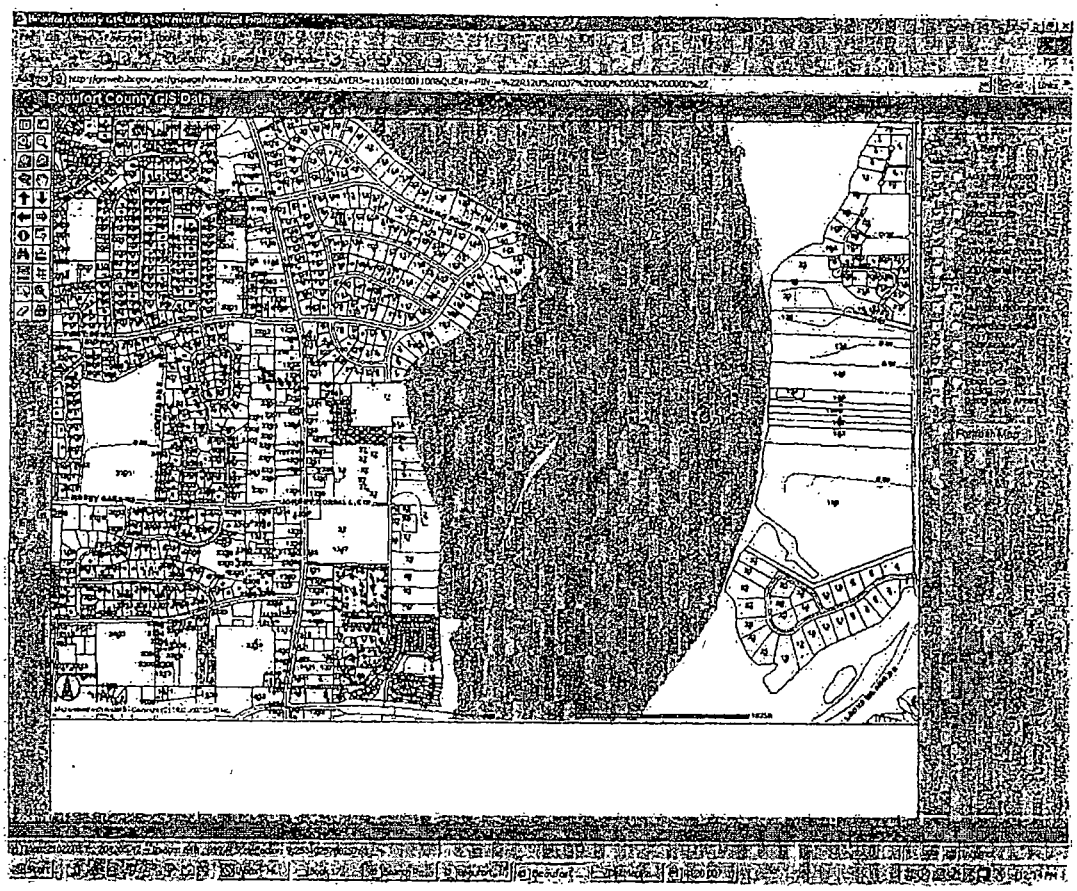
000548

RiverTitle, Inc.

Summary Continued:

(2) Real estate taxes: paid through 2006
(3) Rental personal property taxes none levied.
(4) None Mortgage
(5) Restrictions, Easements, Miscellaneous Documents, plats, etc., as stated above
   a. This property is Marshland between the High and Low water marks of the Beaufort River.
   b. Is this property land locked? We do not find an easement for ingress/egress to this property.
   c. Right-of-way Easement from William B. DeLoach to Bay View, Inc., in DB 153 p.213 places a pipe-line at the high water mark of the Beaufort River. This document was found because of a note on plat in PB 106 p.76 an Alta/ACSM Land Title Survey prepared for Capstone Realty Advisors, LLC, U. S. Department of Housing and Urban Development, Hr of Bay View, Inc., Bay View Nursing Center, Inc., and Fidelity National Title Insurance Company; by David S. Youmans dated April 19, 2005
   d. Does this parcel of marsh prevent the owner of the high ground, adjacent thereto, from getting to the Beaufort River?
(6) Option to repurchase held by: N/A Waiver for Last Sale:

RiverTitle, Inc.



RiverTitle, Inc.

CHAIN OF TITLE

Property: 95.27 acres more or less, being a marsh or tract of land on the Beaufort River

Plantation/Area: Beaufort River

Township: City of Beaufort

Deed Book 17 Page 563

	Dtd/Rec'd	Book	Page
$10 Hamilton Marshall Hoyler, Jr.	Signed on Various dates 10-03-79	289	1351
Elizabeth Hooker Hoyler, George Waterhouse, Jr., Frances Waterhouse Smyth (formerly Frances Waterhouse), Mary E. Hoyler Gray (formerly Mary Elinor Hoyler), Georgela Crofut and Rhoda F. Crofut			
		Will Index 2	129
Georgela Crofut and Rhoda F. Crofut		Probate File	WC-174
Marguerite Crofut (died 12-28-74)			
(From Whereas clause in DB 289 p 1351) Rhoda F. Crofut, Marguerite Crofut and Georgela Crofut			
James Alonzo Crofut (Died Intestate 1970)			
In Trust for and during the life of Marguerite Crofut; upon her death remainder shall pass free of trust to Elizabeth Hooker Hoyler (1/3), George Waterhouse, Jr. (1/6), Frances Waterhouse (1/6), Mary Elinor Hoyler (1/6) and Hamilton M. Hoyler, Jr. (1/6)		Probate File	WW-135
Elizabeth Crofut Waterhouse (died 06-08-68)			
James Alonzo Crofut, Elizabeth Crofut Waterhouse, Marguerite Crofut and Georgela Crofut		Probate File	WC-50
Mary Elizabeth Crofut (died 09-03-1936)			
Mary Elizabeth Crofut		Probate File	WC-24
George Augustus Crofut (died 12-28-1923)			
George Augustus Crofut		Probate File	WC-32
James M. Crofut (died 06-1915)			
James M. Crofut	07-02-1891 08-14-1891	17	562
B. R. Tillman, Governor and Commander in Chief in and for the State of South Carolina			

000551

RiverTitle, Inc.

Restrictions, Easements, Miscellaneous Documents Applicable Specifically to:

Property: **95.27 acres more or less, being a marsh or tract of land on the Beaufort River**

Book	Page	Document
153	213	**Right-of-way Easement from William B. DeLoach to Bay View, Inc., dated 05-09-68; recorded 05-13-68 (Pipeline easement to MWH of Beaufort River for fall-out)**

Note: Unless otherwise indicated:
Book = Deed Book from Book 1 thru Book 627
Book = Record Book from Book 628 forward

000552

RiverTitle, Inc.

Plats

DB 17 p 563	Plat of 95.27 Acres of Marsh Land on Beaufort River near the Town of Beaufort to be sold to J. M. Crofut, by the State of So. Cal. Dated July 1891; originally surveyed Jan 1882

Adjoining Parcels:
From North to South:

PB 19 p 145	Spanish Point Subdivision By Palmer & Malone dated May 1959; revised 10-13-61, 10-12-65
PB 106 p 76	Alta/ACSM Land Title Survey prepared for Capstone Realty Advisors, LLC, U. S. Department of Housing and Urban Development, Hr of Bay View, Inc., Bay View Nursing Center, Inc., and Fidelity National Title Insurance Company By David S. Youmans dated April 19, 2005
PB 35 p 192	Oyster Cove, City of Beaufort By R. D. Trogdon, Jr., dated July 17, 1987; revised 09-22-87, 11-09-87, 06-15-88
Unrecorded	The Frank Wright Subdivision, surveyed by A. E. Samuel, Jr., dated February 3, 1948 **(This plat is not recorded with the Beaufort County Register of Deeds and would show the location of Lot 6 Frank Wright Subdivision)(Copy not provided)**
DB 458 p 1741	Plat prepared for Carol W. Robinson, Portion of Lots 7 & 8, Frank Wright Subdivision By R. D. Trogdon, Jr., dated August 1, 1986
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PB 108 p 185	A Boundary Survey of 18.43 Acres, Ribaut Road, Sutcliffe Road & Johnny Morrall Circle, Town of Port Royal, prepared for Merry Land Properties By Ward Edwards, Inc., dated 05-02-05

000553

289 p 1351

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

TITLE TO REAL ESTATE

1351

WHEREAS, James M. Crofut died testate in or about June, 1915 having devised the property described herein to George Augustus Crofut; and

WHEREAS, George Augustus Crofut died testate on December 28, 1923 having devised the property described herein to Mary Elizabeth Crofut; and

WHEREAS, Mary Elizabeth Crofut died testate on September 3, 1936 having devised the property described herein to James A. Crofut, Elizabeth Waterhouse, Marguerite Crofut and Georgeia Crofut in equal shares; and

WHEREAS, Elizabeth Waterhouse died testate on June 8, 1968 having devised her share of the property described herein to Elizabeth Hooker Hoyler, George Waterhouse, Jr., Frances Waterhouse, Mary Elinor Hoyler, and Hamilton M. Hoyler, Jr.; and

WHEREAS, James A. Crofut died intestate in the year 1970 leaving as his sole heirs at law Rhoda F. Crofut, Marguerite Crofut and Georgeia Crofut; and

WHEREAS, Marguerite Crofut died testate on December 28, 1974 having devised her share of the property described herein to Georgeia Crofut and Rhoda F. Crofut; now

KNOW ALL MEN BY THESE PRESENTS, that we, the said ELIZABETH HOOKER HOYLER, GEORGE WATERHOUSE, JR., FRANCES WATERHOUSE SMYTH (formerly FRANCES WATERHOUSE), MARY E. HOYLER GRAY (formerly MARY ELINOR HOYLER), GEORGEIA CROFUT and RHODA F. CROFUT, in the State aforesaid, in consideration of the sum of TEN AND NO/100 ($10.00) DOLLARS to us in hand paid at and before the sealing of these presents by HAMILTON MARSHALL HOYLER, JR., 800 4th Street, N.W., Capitol Towers, Washington, D.C. 20001, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said HAMILTON MARSHALL HOYLER, JR., HIS HEIRS AND ASSIGNS FOREVER, the following described real estate, to-wit:

L&S
Page 1

7 632

000554

ALL that certain piece, parcel or tract of land situate in Lady's Island Township, Beaufort County, South Carolina, containing fifty (50) acres, more or less, and being the same lands as were conveyed to James M. Crofut by B. R. Tillman, Governor of the State of South Carolina by deed of the State of South Carolina recorded on August 8, 1892 in Book 19 of Deeds at Page 185 in the Office of the Clerk of Court for Beaufort County, South Carolina. This is the same parcel of land designated on the Beaufort County Tax Maps of Lady's Island as Map 14, Parcel 1. 1352

AND ALSO ALL that certain piece, parcel or tract of land situate in Beaufort Township, Beaufort County, South Carolina containing ninety-five and 27/100 (95.27) acres, more or less, being a marsh or tract of land on the Beaufort River, County and State aforesaid, and being the same lands as were conveyed to James M. Crofut by B. R. Tillman, Governor of the State of South Carolina by deed of the State of South Carolina dated July 27, 1891 and recorded on August 14, 1891 in Book 17 of Deeds at Page 562 in the Office of the Clerk of Court for Beaufort County, South Carolina. This is the same parcel of land designated on the Beaufort County Tax Maps of Beaufort Township as Map 7, Parcel 632.

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 HAMILTON MARSHALL HOYLER, JR., His Heirs and Assigns forever.

AND we do hereby bind ourselves, our Heirs, Assigns, Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said HAMILTON MARSHALL HOYLER, JR., His Heirs and Assigns forever, against us and our Heirs, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS the Hand and Seal of ELIZABETH HOOKER HOYLER this 30th day of November in the year of our Lord one thousand nine hundred and seventy-eight and in the two hundred and third year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

Hamilton M. Hoyler

Barbara Stewart

Elizabeth Hooker Hoyler (L.S.)
ELIZABETH HOOKER HOYLER

L.S.

Page 2

000555

STATE OF North Carolina)
COUNTY OF Durham)

PROBATE

1353

PERSONALLY appeared before me Harriet H. Hoyle

and made oath that s/he saw the within named ELIZABETH HOOKER HOYLER sign, seal and as her act and deed, deliver the within written Deed, and that s/he with Sharon Powell witnessed the execution thereof.

Sharon Powell, Notary Public

SWORN to before me this
30 day of Nov, 1978.

Sharon Powell
Notary Public of
My Commission Expires:
9-1-79

WITNESS the Hand and Seal of GEORGE WATERHOUSE, JR. this 13 day of October 1978 in the year of our Lord one thousand nine hundred and seventy-eight and in the two hundred and third year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

Lynn Nadey

Mary Ann Shaw

George Waterhouse, Jr.
GEORGE WATERHOUSE, JR.

STATE OF GEORGIA)
COUNTY OF Dawson)

PROBATE

PERSONALLY appeared before me Mary Ann Shaw

and made oath that s/he saw the within named GEORGE WATERHOUSE, JR. sign, seal, and as his act and deed, deliver the within written Deed, and that s/he with Lynn Nadey witnessed the execution thereof.

Mary Ann Shaw

SWORN to before me this
13 day of October, 1978.

Lynn Nadey
Notary Public of
My Commission Expires: 8-1-81

L&S
Page 3

000556

STATE OF Tennessee }
COUNTY OF Davidson }

RENUNCIATION OF DOWER

[1354

I, Clarence E. Stelzer, a Notary Public for Davidson County do hereby certify unto all whom it may concern, that Mrs. Gloria Waterhouse, the wife of the within named George Waterhouse, Jr., 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 HAMILTON MARSHALL HOYLER, JR., 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 20 day of October, Anno Domini 1978.

Gloria Waterhouse
GLORIA WATERHOUSE

Clarence E. Stelzer
Notary Public of Tennessee
My Commission Expires: 1-4-82

WITNESS the Hand and Seal of FRANCES WATERHOUSE SMYTH (formerly FRANCES WATERHOUSE) this 26 day of September 78 in the year of our Lord one thousand nine hundred and seventy-eight and in the two hundred and third year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

Frances Waterhouse Smyth
FRANCES WATERHOUSE SMYTH

L&S
Page 4

000557

STATE OF)
) PROBATE
COUNTY OF)

PERSONALLY appeared before me [illegible] 1355

and made oath that s/he saw the within named FRANCES WATERHOUSE SMYTH sign, seal and as her act and deed, deliver the within written Deed, and that s/he with [illegible] witnessed the execution thereof.

[illegible]

SWORN to before me this

26 day of September, 1978.

[illegible]
Notary Public of
My Commission Expires:
4-8-84

WITNESS the Hand and Seal of MARY E. HOYLER GRAY (formerly MARY ELINOR HOYLER) this 1st day of October, 1975 in the year of our Lord one thousand nine hundred and seventy-eight and in the two hundred and third year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

[illegible]

[illegible]

Mary E. Hoyler Gray
MARY E. HOYLER GRAY

STATE OF SOUTH CAROLINA)
) PROBATE
COUNTY OF Beaufort)

PERSONALLY appeared before me Georgeanne S. Smith

and made oath that s/he saw the within named MARY E. HOYLER GRAY sign, seal and as her act and deed, deliver the within written Deed, and that s/he with [illegible] witnessed the execution thereof.

[illegible]

SWORN to before me this

[illegible] day of October, 1978.

[illegible]
Notary Public of South Carolina
My Commission Expires: [illegible]

L35
Page 5

000558

568

WITNESS the Hand and Seal of GEORGETA CROFUT this 25th day of August in the year of our Lord one thousand nine hundred and seventy-eight and in the two hundred and third year of the Sovereignty and Independence of the United States of America.

1358

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

Georgeta C. Crofut
GEORGETA CROFUT

STATE OF South Carolina)
COUNTY OF Greenville) PROBATE

PERSONALLY appeared before me [illegible]
and made oath that s/he saw the within named GEORGETA CROFUT sign, seal and as her act and deed, deliver the within written Deed, and that s/he with James A. Grimsley, III witnessed the execution thereof.

SWORN to before me this
25th day of August, 1978.

Notary Public of S.C.
My Commission Expires: 8-2-84

WITNESS the Hand and Seal of RHODA F. CROFUT this 25th day of August in the year of our Lord one thousand nine hundred and seventy-eight and in the two hundred and third year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

[illegible]

Rhoda F. Crofut
RHODA F. CROFUT

135
Page 6

000559

569

STATE OF South Carolina)
COUNTY OF Greenville)

PROBATE.

PERSONALLY appeared before me Madeline Smith 1357
and made oath that s/he saw the within named RHODA F. CROFUT sign, seal and as her act and deed, deliver the within written Deed, and that s/he with James A. Donnan, III witnessed the execution thereof.

Madeline Smith

SWORN to before me this
26th day of October, 1978.

James A. Donnan, III
Notary Public of S.C.
My Commission Expires: 8-27-86

DEED AT	BOOK/PAGE	RECORDED IN
9:40	GREENVILLE S. C.	BOOK 289
O'CLOCK A M	OCT 3 1979	PAGE 1351

Roxanne W. Beverly
CLERK OF COURT OF COMMON PLEAS

L&S
Page 7

000560

Will Index
2 p 129

COMPLETE IN TRIPLICATE AND FILE WITH THE PROBATE COURT
For Estates In Another County: File Separate Form in Triplicate
For R.M.C. Such County
See Sec. Code Reference: Sections 15-481 and 90-153)

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

IN THE PROBATE COURT

RELINQUISHMENT OF REAL ESTATE
AND DESCRIPTION

Estate Of/Estate No.

(1) MARQUETTE GROVER, DECEASED OWNER—AS GRANTOR

TO

DEVISEE(S)-AT-LAW
—AS GRANTEE—

DESCRIPTION

Brief, include sufficient information to describe real and/or personal estate, such as, number of acres, or lots, by number or name of subdivision, street address, city or parish, county, etc.

(1) Georgia A. Crofut

(2) Linda F. Crofut

as tenants in common

(1) 95± acres, more or less, of marsh land on Beaufort River, designated as follows on Beaufort County Tax Records:

Twp 020, Map 0007, Parcel 0037, Block 0000

(2) 50 acres, more or less, of marsh land, designated as follows on Beaufort County Tax Records:

Twp 020, Map 0074, Parcel 0001, Block 0001

RECEIVED
REGISTER OF DEEDS
BEAUFORT COUNTY, S. C.
Recorded in Book D-1136 Page D-134
APR 25 1977

Heirs of J. M. Crofut
c/o Jacob Crofut
Box 476
Beaufort, South Carolina 29902

FILED BY: MARQUETTE GRAVENDER

AS executrix OF THE SUBJECT ESTATE

Date: April 77

01149

000561

571

R. Heyward heirs and assigns forever. And we do hereby bind our-
selves our heirs executors and administrators to warrant and forever
defend all and singular the said premises unto the said Thomas 17 p 562
R. Heyward his heirs and assigns against us and our heirs or any
person or persons lawfully claiming or to claim the same or any
part thereof. Witness our hands and seals this first day of Novembr
in the year of our Lord one thousand eight hundred and eighty nine
and in the 114th year of the Sovereignty and Independence of the
United States of America. Julia Pope (LS) Julia Scott (LS) Flo-
rence Pope (LS) Katie Blanchard (LS) James F. Pope (LS).
Signed sealed and delivered in the presence of St. Julien Fillebe
Henry L. Bryan Chas. S. Sinkler A. H. Osborn Anna M. Os-
born as to Julia Scott Sarah Pope Katie Blanchard and James
Pope

District of Columbia Washington County Personally appeared be-
fore me Henry L. Bryan and made oath that he saw the within
Julia Pope and Florence Pope sign seal and as their act and
deed deliver the within written Deed; and that he with St. Julien
Fillebe and Chas. S. Sinkler witnessed the execution thereof
Henry L. Bryan Sworn to before me this third day of January
A.D. 1890 (Seal) St. Julien Fillebe Comr for the State of South
Carolina at Washton D.C.

State of New York County of Kings City of Brooklyn &c: Personally
appeared before me Albert H. Osborn and made oath that he saw
the within named Julia Scott Sarah Pope Katie Blanchard
and James F. Pope sign seal and as their act and deed deliver
the within deed and that he with A. M. Osborn witnessed the
execution thereof A. H. Osborn Sworn to before me this 14th day
of January A.D. 1890 (Seal) William Edwin Osborn Comr for
South Carolina in N. Y. State

Recd & Entd (17) 18th April 91 & delivd to Genl A. M. Hyatt P. J. Bampfield
Clerk

State of South Carolina
No 3 Grant
James M. Lemprt

The State of South Carolina.
To All To whom These Presents Shall
Come — Greeting; Know Ye, That in
pursuance of the Act of the General Assembly in such case Made
and Provided for and in consideration of the sum of Ninety seven 33/100 Dollars
lawful money, paid to the Secretary of State by James M. Lemprt the said
purchaser for whom We Have Granted, and by these Presents
do Grant unto the said James M. Lemprt his heirs and assigns
a Plantation or Tract of Vacant Land, situate in Beaufort C. H.
Beaufort County and State aforesaid containing Ninety four (94)
33/100 acres more or less Being as more particularly described in the Plat

000562

for Rice & County and State aforesaid and lying between high and low water mark on main shore around Long Point Island from and marks as are represented by a Plat of said Land on file in the office of Secretary of State, in Book L of Public Land Plats page 16, together with all woods, trees, water courses, profits, commodities appurtenances and hereditaments thereunto thereunto belonging or appertaining reversion to the State of South Carolina all mineral and phosphate rights of said State of South Carolina to the reservation and control and ownership of all mineral and phosphate deposits on the premises hereby granted To Have and To Hold the said Tract of (95 22/100) acres of Land and all and singular other the premises hereby granted unto the said James M. Longstreet heirs and assigns forever in fee and common sauge. Given under the seal of the State. Witness, His Excellency B. R. Tillman Governor and Commander in Chief & and over the said State, at Columbia this twenty seventh day of July Anno Domini One thousand eight hundred and ninety one & in the 116th year of the Independence of the United States of America (Seal) (S. M. S.) B. R. Tillman

J. E. Tindal Secretary of State

Rec'd & Cert'd (14th Aug '91 + del'd to Col. John P. J. Bamberg Rec'r

George Taylor
To
Gilbert Fulton

The State of South Carolina County of Beaufort

Know All Men By These Presents that I, George Taylor of Parris Island in the County of Beaufort & the State aforesaid for and in consideration of the sum of Twenty Two Dollars to me in hand paid by Gilbert Fulton of the same place aforesaid & the State aforesaid the receipt whereof is hereby acknowledged have granted bargained and sold released and by these presents do grant bargain sell and release unto the said Gilbert Fulton All that certain tract piece or parcel of land situate lying and being on Parris Island in the State of South Carolina Bounded and described as follows, to wit; On the North by lands of Adam Green, on the East by lands of said Gilbert Fulton, on the South by salt water creek and on the West by lands of Mrs Bryan's estate The above mentioned and described premises contain five acres being bought of the Grantor herein from the U. S. Government and known as Lot (35) Thirty five & Section (5) Five (2) Two South (1) One West. 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 Gilbert Fulton his heirs and assigns forever. And I do hereby bind myself and my heirs Executors and Administrators to warrant and forever defend

000563

W-C-32

C—32

ESTATE OF

James M. Croft

Deceased

WILLS

George A. Croft

Executor

Book 4 Page 157

OFFICE OF PROBATE JUDGE
BEAUFORT COUNTY
BEAUFORT, S. C.

8/1957 000564

Recorded Page
Book
Wills of Sundry Persons

I James M Croft of Beaufort Beaufort County State of South Carolina being in My Seventy second Year in Age and in Sound Mind and Memory do make publish and declare this my last will and testament as follows hereby revoking all former wills. I give devise and bequeath all of my property and Estate wheather Real Personal or mixed wherever the same may be situated of which I may be possessed or in any way entitled absolutely in Fee Simple without any conditions limitations or Exceptions whatever to my only Son Capt George Augustus Croft and to his heirs and assigns forever. Hereby constitute and appoint my Son George Augustus Croft Sole Executor of this will without giving bond or security for the discharge of his duties as Sole owner and Executor In testimony Whereof hereunto signed my name this seconds day of December Eighteen hundred and Seven Sids will to be in full Effect and Force at my death Signed and Sealed in the presence of Witnesses whose Names are attached James Marcin Croft (L.S.)

Then and there signed and sealed and published by James M Croft the testator in the Year of our Lord Eighteen Hundred and Seven for his last Will in the presence of us who at his request and in his presence and in the presence of each other have hereunto set our names as witnesses

Almira S Outhank
Mary E Croft

Marguerite Croft
Elizabeth Croft.

000565

Recorded [illegible] December 2, 1901 (3)

I James M Croft of Beaufort Beaufort County State of South Carolina being in My Seventy Second Year of age and of full Mind and sound health Do make publish and declare this my last will and testament as follows hereby revoking all former wills. I give devise and bequeath all of my property and Estate wheather Real Personal or mixed wherever the same may be situated of which I may be possessed or in any way entitled absolutely in Fee Simple without any conditions limitations or Exceptions whatever to my only Son Capt George Augustus Croft and to his heirs and assigns forever. I hereby constitute and appoint my Son George Augustus Croft sole Executor of this will without giving bond or security for the discharge of his duties as sole owner and Executor In testimony I have hereunto signed my name this second day of December Nineteen hundred and Seven Sid will to have full Effect and Force at my death signed and Sealed in the presence of Witnesses whose Names are attached James Mercer Croft (L.S)

Then and there signed and sealed and published by James M Croft the testator in the Year of our Lord Nineteen Hundred and seven for his last Will in the presence of us who at his request and in his presence and in the presence and in the presence of each other have hereunto set our names as witnesses

Almira S Outhank
[illegible]

Marguerite Croft
Elizabeth Croft

576

000566

Est. J. M. Crofut
George A. Crofut

Receipts stock goods $6 00.00
1 lot sold 140.00
1 lot sold 140.40
Total receipts 880.40

Disbursements
Paid bills attached 769.38
" Probate Judge return
Discharge 5.00
774.38

Balance turned over
to heirs 106.62
880.00

Personally appeared before me
this 19th day of July 1916 George
A. Crofut and made oath
that the above is a correct
account of his doings as

000567

Executor of the Estate of J
M. Corput deceased, Lot 7
Block 207 L C
Sworn to before me this the
19th day of July A.D. 1916
J. M. Strickland Notary Public
Judge of Probate

No. Form No. 177 Court of Probate Probate (Specific)

The State of South Carolina.

COUNTY OF Beaufort

By J. M. Sheltland

PERSONALLY APPEARED before me Amelia S. Outlaw

AUDGE OF PROBATE.

one of the subscribing witnesses to the foregoing instrument of writing, who made oath on the Holy Evangelists of Almighty God, that he saw James Marion Crofut

sign, seal and as [illegible] deliver the same to the said Testator as his last Will and Testament; that he was then of sound and disposing mind, memory and understanding, to the best of deponent's knowledge and belief; and deponent, together with Mary E. Crofut, Marguerite Crofut and Elisabeth Crofut

signed their names as witnesses thereto in the said Testator's presence, and in the presence of each other, and at the request of the said Testator

George Augustus Crofut

Executor

Amelia S. Outlaw

Sworn to before me, this 12 day of June in the year of our Lord one Thousand Nine Hundred and Fifteen and in the one hundred and Forty-fourth year of American Independence.

J. M. Sheltland
Judge of Probate

000569

The State of South Carolina,

COUNTY OF Beaufort

I, George Augustus Croft

do solemnly swear that this writing contains the last Will and Testament of James Mervin Croft deceased, so far as I know or believe and that I will well and truly execute the same by paying first the debts, and then the legacies contained in the said Will, so far as his goods and chattels will thereunder extend, and to bear charge me and that I will make a true and perfect inventory of all such goods and chattels as shall come to my hands or possession belonging to the said Will, and exhibit the same into the Office of the Judge of Probate, and render a just account of my Executorship when lawfully required so to do. So help me God.

SWORN to before me, this twelfth day of June A. D. 1915

George Augustus Croft

J. M. L. Kirkland
Judge of Probate

The State of South Carolina,

COUNTY OF Beaufort

I, J. M. L. Kirkland Judge of Probate

for County and State aforesaid, do hereby certify that the last Will and Testament of James Mervin Croft deceased, was this day admitted to Probate in common form on the oath of Amelia S. Cuthbank one subscribing witness thereto; that the said Will and Testament, and that George Augustus Croft obtained Letters Testamentary.

GIVEN under my hand and seal, this twelfth day of June A. D. 1915 and in the one hundred and thirty-ninth year of American Independence.

J. M. L. Kirkland
Judge Probate.

000570

N-C-24

Will of WILLS

State of South Carolina

C—24

Probate Court.

In Re. Estate of

George Augustus Lorick

Deceased.

Mary Elizabeth Lorick

Executrix

W. F. Stevens

Attorney.

Recorded in Will Book

X 2 Page 154

Filed In Box No.

January 7th 1914

Walker, Evans & Cogswell Co.

000571

Beaufort County
South Carolina
August 1917

I Jno. Croft of Beaufort Beaufort Co - South Carolina - being in my 54th year of age and in full mind and sound health - do make public and declare this my last will and testament as follows - Hereby revoking all former wills

I give devise and bequeath all of my property and estate whether Real or Personal or Mixed wherever the same may be situated or which may be owned or to be in any way entitled to Absolute in fee simple without any conditions or exception whatsoever to my wife Mary Elizabeth Croft and her heirs and assigns forever, I confide all my property to her keeping knowing full well she will use it for the benefit of our children - Elizabeth Marguerite Georgia & James A Croft. More judiciously than I could do if living

I hereby constitute and appoint my wife Mary Elizabeth Croft sole executor of this will without giving Bond or Security for her discharge of her duties as executor

In testimony I have hereunto signed my name this 8 day August 1917 -

Said will to be in force and effect as my last. Jno. Croft [L.S.]

Signed sealed and declared to be my last will & testament by the above named testator in the presence of us who in his presence & in the presence of each other and at his request have hereunto set and subscribed our names -

Emmeline Outlaw
Albert S. Outlaw
Marguerite Croft

Georgia A. Croft

000572

FORM 478 The R. L. Bryan Co., Columbia, S. C.

STATE OF SOUTH CAROLINA,
County of Beaufort.
Ex Parte Mary Elizabeth Crofut,
Petitioner.
In Re Estate of George Augustus Crofut,
Deceased.

IN THE PROBATE COURT.

PETITION TO PROVE WILL IN COMMON FORM OF LAW AND FOR LETTERS.

To Hon. F. P. Colcock, Probate Judge for said County:—

The petition of the undersigned respectfully represents:

1. That George Augustus Crofut, who last dwelt in Beaufort in the County and State aforesaid, died testate on the 23rd day of December in the year of our Lord one thousand nine hundred and twenty-three, possessed of goods and estate to be administered.

2. That said deceased left a will, bearing date 5th day of August, 1914 and ~~no codicil, bearing date day of~~ herewith presented. Your petitioner hereby applies for letters ~~of~~ testament for the reason that she is designated in said will as executrix.

3. That under and by virtue of the terms of the will of the said testat[illegible] therein named as legatees or devisees, whose names, ages, residence and relatio[illegible] following are the beneficiaries the deceased appear below:

Name.	*Age.	Residence.	Relationship to decedent.
Mary Elizabeth Crofut		Bft. S. C.	Wife

*Enter the exact age at date of decedent's death if then living; if not then living, enter in the age column the word "Dead."

4. That the testat[illegible] died seized and possessed of a personal estate of about the value of Five Thousand, seventeen and 33/100 dollars, consisting of the following moneys, goods and chattels:

(a) Cash on hand and in banks	$ 3167.33
(b) Moneys due testat. on account of bonds, mortgages and other securities	$ none
(c) Corporate and governmental bonds and stocks (Liberty Bonds)	$ 1700.00
(d) Open accounts due testat.	$ none
(e) Goods, wares, merchandise, furniture, machinery and equipment used in profession, trade or business	$ none
(f) Household goods	$ none
(g) Farming implements, machinery and equipment	$ none
(h) Farm products	$ none
(i) Mules, horses, cattle, hogs, sheep etc.	$ none
(j) Automobiles, auto trucks, motorcycles, etc.	$ none
(k) Jewelry, silver plate, watches and other personal effects	$ 150.00
(l) Value of all other personal property not listed above	$

5. That the [illegible]or died seized and possessed of real estate of about the value of Fourteen Thousand, Six Hundred, seventy ($ 14,675.00) Dollars, as follows:

(over)

000573

583

DESCRIPTION OF REAL ESTATE AND APPROXIMATE VALUES.

(Enter each tract and lot on a separate line.)

No. of acres or lots. (State whether acres or lots.)	Value of land	No. of buildings.	Value of buildings.	Total value of each lot and tract including buildings.	Exact location.
349 acres	$7180.00	None		$7180.00	Beaufort Town-
686 acres	$5045.00	One	$50.00	$5095.00	Ladies Island
2 Lots	$1,000.00	Two	$800.00	$1800.00	Beaufort, S.C.
12 Lots	$ 600.00	None		$ 600.00	" " "

6. That the testator made transfers which may, upon investigation, be adjudged to have been in contemplation of death as follows:

(Include *all* gifts within five years prior to death and *all* other transfers, real and personal, either where the consideration may appear to have been inadequate or where the transfer was to a relative or personal friend or to any person, firm, association, or corporation in which the decedent was interested, regardless of the consideration. Describe the transfer in full; state the approximate value of the property transferred and the amount of the consideration, if any.)

None

7. That testator devised certain real property to the following named persons, a description of which property follows the name or names of the persons taking the same, the value of which property is set forth in paragraph 5 hereof:

Names.	Description of Property.	Approximate value of each devise.
	Left all of his property to his wife, the said Mary Elizabeth Crofut	

8. That testator bequeathed unto the following named persons legacies of the approximate value as set forth after the name of each legatee below:

Names.	Description of Property	Approximate value of each bequest.

WHEREFORE, your petitioner prays that said will ~~and codicil~~ may be proved and allowed, in common form, and Letters testamentary issued to her.

January 5th, 1924.

Mary Elizabeth Crofut

Petitioner.

STATE OF SOUTH CAROLINA,
County of Beaufort.

PERSONALLY appeared Mary Elizabeth Crofut who, being duly sworn, says that to the best of ~~her~~ knowledge, information and belief, the statements contained in the foregoing petition are true and complete.

Mary Elizabeth Crofut

Sworn to and subscribed before me this 5th day of January, 1924.

W. J. Stevens (L. S.)

Notary Public for S. C.

584

000574

PROOF OF WILL.

THE STATE OF SOUTH CAROLINA,
Beaufort County

IN THE COURT OF PROBATE.

By F. P. Colcock, Esq., Judge of Probate for said County.

Personally appears Emeline T. Croft who, being duly sworn, says that he saw George Augustus Crofut sign, seal, publish and declare the annexed instrument of writing, bearing date the 5th day of August, A. D. 1914, to be and contain his Last Will and Testament; that the said George Augustus Crofut was then of sound and disposing mind, memory and understanding, according to the best of deponents knowledge and belief; and that the said Emeline T. Croft together with Albert S Croft and Marguerit Crofut at the request of the testat. or in his presence, and in the presence of each other, witnessed the due execution thereof.

Sworn to before me, this 5th day of January Anno Domini 1924.

F. P. Colcock
Judge of Probate, Beaufort Co., S. C.

Emeline T. Croft

ORDER ADMITTING WILL TO PROBATE IN COMMON FORM.

On hearing the above Petition of Mary Elizabeth Crofut it is hereby ordered, adjudged and decreed, That the petition be granted and the said Last Will and Testament, with codicils, of George Augustus Crofut, deceased, be entered of Probate in Common Form.

Given under my hand and the seal of the Court of Probate, this 5th day of January 1924.

F. P. Colcock
Judge of Court of Probate.

QUALIFICATION FIDUCIARY

The State of South Carolina,
Beaufort County

I do solemnly swear, that this writing contains the true last Will of the within named and that George Augustus Crofut, deceased, so far as I know or believe; and that I will well and truly execute the same, by paying first the debts, and then the legacies contained in the said Will as far as his goods and chattels will thereunto extend and the law charge me, and that I will make a true and perfect Inventory of all such goods and chattels; So help me God.

Sworn to before me, this 5th day of January Anno Domini 1924.

F. P. Colcock
Judge of Probate, Beaufort Co., S. C.

Mary Elizabeth Crofut

585

000575

(NOTE: Fiduciary must inventory property and take Oath before turning inventory over to Probate Judge. Probate Judge also requires Appraisers to take Oath before appraising property and have Appraisers sign certificate after appraisal is made.)

STATE OF SOUTH CAROLINA
County of Beaufort.

In the Probate Court

Warrant of Appraisement

F. P. Colcock, Esq., *Probate Judge:*

THESE are to authorize and empower you, or any three of you, whose names are here underwritten, to repair to all such parts and places within this County as you shall be directed unto by Mary Elizabeth Crofut, ~~administra~~ executrix, ~~trustee~~, of all and singular the goods, rights, and credits of George Augustus Crofut, late of Beaufort ~~Richland~~ County, deceased, wheresoever any of the goods, chattels or real estate of the said deceased are or do remain within the said parts and places, and which shall be shown unto you by the said ~~Administra~~ Executrix ~~Trustee~~, and there view and appraise all and every of the said goods, chattels, or real estate, being first sworn on the Holy Evangelists of Almighty God, to make a true and perfect inventory and appraisement thereof, and to cause the same to be returned under your hands, or any three or four of you, to the said F. P. Colcock, Probate Judge for Beaufort County, South Carolina, on or before the 5th day of February, 1924.

Dated the 5th day of January Anno Domini 1924, and in the one hundred and forty-eighth year of American Independence.

To A. O. Christensen
C. E. McLeod
W. R. Bristol

or any three of them.

F. P. Colcock
Probate Judge,
Beaufort County, South Carolina.

Oath of Appraisers

(This oath to be taken before appraisement is made.)

STATE OF SOUTH CAROLINA
County of Beaufort.

You, A. O. Christensen, C. E. McLeod and W. R. Bristol

do swear that you will make a just and true appraisement of all and singular the goods, chattels (ready money only excepted) and real estate of George Augustus Crofut deceased, as shall be produced by Mary Elizabeth Crofut the ~~administrat~~, executrix, ~~trustee~~, of the estate of the said George A. Crofut, deceased, and that you will return the same, certified under your hands, unto the Probate Judge of Beaufort County within the time prescribed by law.

Sworn to before me this 5th day of January, A. D. 1924.

F. P. Colcock (L. S.)
Notary Public for S. C.

A O Christensen
W. R. Bristol
C E McLeod

000576

INVENTORY AND APPRAISEMENT OF REAL ESTATE OF ESTATE

OF George Augustus Croft, DECEASED

DESCRIPTION (Show County, Township & School District)	1 Assessed Value for Year of Decedent's Death	2 Appraised Value	3 Appraised Value of Decedent's Interest	CAUTION (Do not write in this space)
349 acres, Beaufort Township, Beaufort County, Beaufort School District,	3,490 00	9698		
3 Lots in Town of Beaufort,	350 00	1900		
2 Buildings,	800 00	1000		
686 acres on Ladies Island, Beaufort County,	2,770 00	4000		
1 Building,	50 00	25		
12 Lots in Higginsonville - part of Beaufort,		360		
Total		$16,383 00		

NOTE: In column 1 insert assessed value as shown by County Auditor's Books. In column 2 insert what in your opinion is the fair marketable value of the entire tract. In column 3 insert what in your opinion is a fair marketable value of decedent's interest.

NOTE: Indicate in the description of the land whether the valuation is based upon undivided interest or upon the value of the entire tract. Where the interest is in an undivided tract of land, so state.

NOTE: Lands and buildings must be appraised separately.

000577

STATE OF SOUTH CAROLINA)
County of Beaufort.) Oath of Fiduciary

Personally appeared before me Mary Elizabeth Crofut, ... who being duly sworn, says that the annexed Inventory is in all respects just and true; that it contains a true statement of all the real and personal property of the said deceased, whether the interest of the deceased be absolute or otherwise, which has come to the knowledge of this deponent, together with a list of all property disposed of by decedent within the last five years that may be found or adjudged to have been in contemplation of death.

Sworn to before me this 5th day of January A. D., 1924
A. O. Christensen (L. S.)
Notary Public for South Carolina

Mary Elizabeth Crofut
Executrix

Certificate of Appraisers

(This certificate to be signed after appraisement is made.)

We, whose names are hereunder signed, appraisers, appointed by the Probate Judge of Beaufort County, South Carolina, having first taken and subscribed the oath hereinbefore inserted, do certify that we have estimated and appraised the property in the annexed inventory contained, exhibited to us, according to the best of our knowledge and ability.

Dated this 9th day of January A. D., 192 4.

A. O. Christensen
H. R. Bristol
C. M. Leod
Appraisers.

Box No. ..... Package No. .....
THE STATE OF SOUTH CAROLINA
County of Beaufort.
IN THE PROBATE COURT
In the Matter of the Estate of:
George Augustus Crofut,
Deceased.
WARRANT OF APPRAISEMENT; INVENTORY, AND RETURN OF APPRAISERS
Filed this ..... day of .....
A.D., 192.....
..... Probate Judge,
Beaufort County, S. C.
Recorded in Inventory and Appraisement Book ....., at page ....., this ..... day of .....
192.....
..... Probate Judge,
Beaufort County, S. C.

Declaration by the Probate Judge

The within affidavits and the schedules have been examined by me and are approved. I do not regard the facts and figures submitted as sufficiently complete and conclusive, within the scope of the appraisal ordered, to serve as the final basis for the determination of values of the estate.

....., S. C....., ...day of ..... 192....

..... Probate Judge,
..... County, South Carolina.

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LETTERS DISMISSORY—S. C. Form 160

The State of South Carolina,

COUNTY OF Beaufort. } In Probate Court

By the Honorable F.P.Colcock. Judge of Probate

for the County of Beaufort, in the State aforesaid.

To all whom these Presents may Come—GREETING:

WHEREAS, at the March Term 192 8 of the Court of Probate for County

on the 23rd day of March in the year of our Lord one

thousand nine hundred and 28 the petition of Mary Elizabeth Crofut

on the estate of George Augustus Crofut.

deceased, late of

Beaufort, Beaufort County, S.C.

in this State, was presented, setting forth that the duties of said Executrix

had been fully discharged, and praying to be released from the same.

AND WHEREAS, the said Mary Elizabeth Crofut

has complied with Section 41 of the Code of Procedure, and published, in conformity to law for at least one month, a Citation calling upon all persons concerned to show cause on or before the 23rd day of March 1928 why said application should not be granted. And whereas, said Citation has been published in Beaufort Gazette a public Gazette in this State, for the space of one month, and no cause being shewn against said application, and it appearing from an examination of the situation of the affairs of the said estate that the petitioner has faithfully and honestly discharged the trust and confidence reposed in him.

NOW, KNOW ALL MEN BY THESE PRESENTS, That

Mary Elizabeth Crofut

is from henceforth and forever discharged and dismissed from all liability as Executrix

as aforesaid.

WITNESS Honorable F.P.Colcock. Judge of Probate

for Beaufort County, the 23rd day of

March in the year of our Lord one thousand nine hundred and twenty eight

Probate Judge (L. S.)

F.P.Colcock
County Judge

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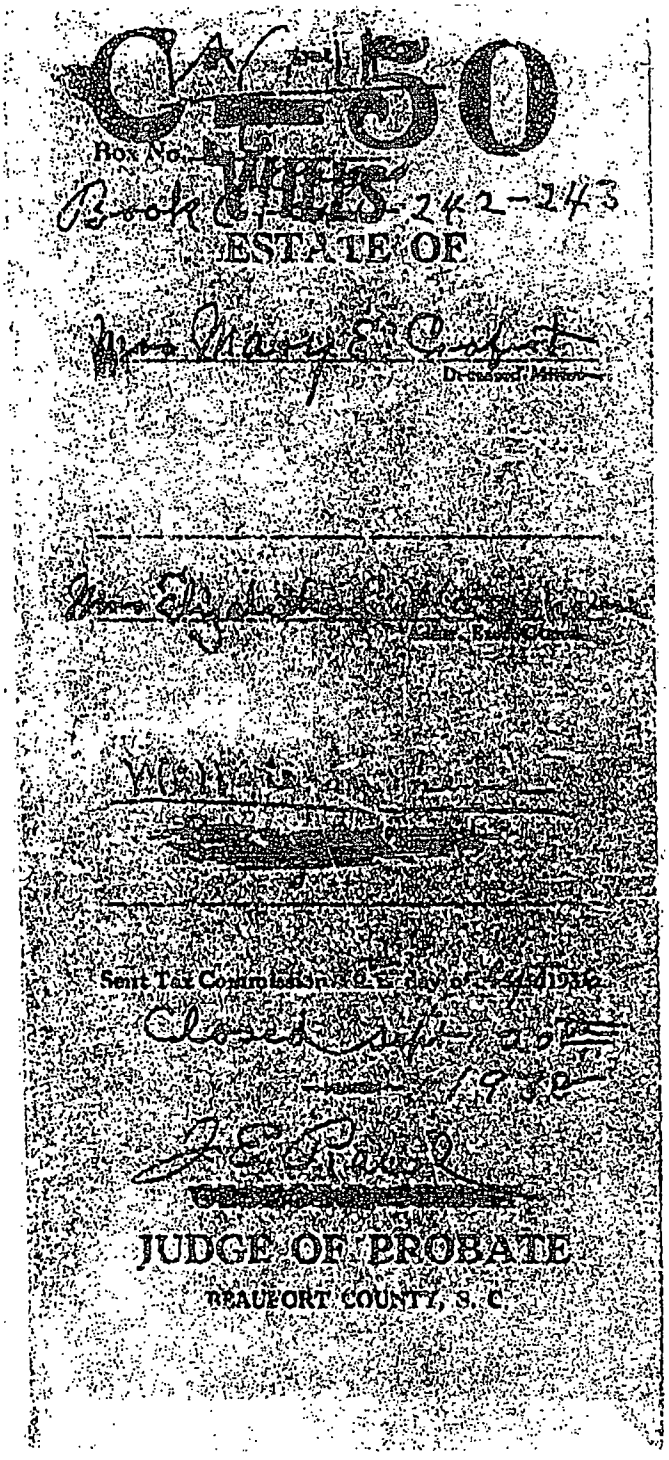
W-C-50


W-C-50
Box No. 18
Book WHS-242-243
ESTATE OF
Mrs Mary E Cuyler
Deceased Minor
Mrs Elizabeth Cuyler
Widow Executrix
Will
Sent Tax Commission
JUDGE OF PROBATE
BEAUFORT COUNTY, S. C.

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STATE OF SOUTH CAROLINA,

COUNTY OF BEAUFORT.

IN THE NAME OF GOD, AMEN:

I, Mary E. Crofut, of Beaufort, State and County aforesaid, being sound of mind and memory, but realizing the uncertainties of life, do make, publish and declare this as and for my last will and testament, hereby revoking all wills and instruments of a testamentary nature heretofore by me made.

ITEM I. I commit my soul to the gracious God who gave it, and direct that my body shall be properly interred, and that all expense incurred therefor be paid out of my Estate.

ITEM II. I will and direct that all of my just debts be paid out of the first money coming into the hands of my executrix hereinafter named.

ITEM III. I will, devise and bequeath to my beloved daughters, Elizabeth Waterhouse, Marguerite Crofut and Georgia Crofut, or the issue of their body, the lot of land with buildings thereon, situated at the corner of Laurens and Pickney streets in the City of Beaufort, in which I now reside, and all of the household goods and effects therein situated, the child or children of a deceased child to take per Stirpes.

M. E. L.
I. d. H.
A. H.
W. H.

ITEM IV. I will devise and bequeath to my beloved

of us, who in her presence, and of each other, at her request, have subscribed our names as witnesses.

Thos. C. Harvey Address Beaufort, S.C.

Addie Youmans " Beaufort, S.C.

H. Dorothy Blamey " Beaufort S.C.

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STATE OF NORTH CAROLINA,

COUNTY OF BEAUFORT.

IN THE NAME OF GOD, AMEN:

I, Mary E. Crofut, of Beaufort, State and County aforesaid, being sound of mind and memory, but realizing the uncertainties of life, do make, ordain, publish and declare this as and for my last will and testament, hereby revoking all wills and instruments of a testamentary nature heretofore by me made.

ITEM I. I commit my soul to the gracious God who gave it, and direct that my body shall be properly interred, and that all expense incurred therefor be paid out of my Estate.

ITEM II. I will and direct that all of my just debts be paid out of the first money coming into the hands of my Executrix hereinafter named.

ITEM III. I will, devise and bequeath to my beloved daughters, Elizabeth Waterhouse, Marguerite Crofut and Georgeia Crofut, or the issue of their body, the lot of land with buildings thereon, situated at the corner of Lawson and Picknoy streets in the City of Beaufort, in which I now reside, and all of the household goods and effects therein situated, the child or children of a deceased child to take per Stirpes.

M.E.L.
T. d. A.
A. Y.
W.B.A.

ITEM IV. I will devise and bequeath to my beloved son, James Alonzo Crofut, that tract of land situated, lying and being in Beaufort Township, County and State aforesaid, known as the Danner tract, containing One Hundred and Sixty acres, more or less.

ITEM V. I will, devise and bequeath to my beloved daughters, Marguerite Crofut and Georgeia Crofut, those lots in the City of Beaufort, State and County aforesaid, with the buildings thereon, on Scott Street between Bay

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[illegible] beloved daughters Marguerite, Georgia & James Crofut each [illegible] tract of land known as "[illegible]" containing Ninety acres, more or less.

ITEM VII. I will, devise and bequeath to my beloved daughter-in-law, Rhoda Crofut, a One Thousand Dollar Bond of the [illegible], and a One Thousand Dollar Bond of the International Telephone and Telegraph Company.

ITEM VIII. I will, devise and bequeath to my beloved grandchildren, George Waterhouse and Honor Waterhouse and Marguerite Waterhouse, all that [illegible], parcel or tract of land situate, lying and being in [illegible] County and State aforesaid and known as "Jack Island

ITEM IX. All the rest and residue of my estate, real, personal or choses in action, of which I might die seized and possessed, I will, devise and bequeath unto my children, Elizabeth Waterhouse, Marguerite Crofut, Georgia Crofut and James Crofut, or their heirs per Stirpes.

ITEM X. I nominate and appoint my daughter, Elizabeth Waterhouse, as Executrix of this my last will and testament.

IN WITNESS WHEREOF, I hereunto set my hand and seal this 4th day of ~~August~~ August, 1930.

Mary E. Crofut (L.S.)

Signed, sealed, published and declared by Mary E. Crofut as and for her last will and testament in the presence of us, who in her presence, and of each other, at her request, have subscribed our names as witnesses.

Thelma L. Harvey Address Beaufort, S.C.

Addie Youmans " Beaufort, S.C.

H. Bentley Harvey " Beaufort S.C.

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STATE OF SOUTH CAROLINA
County of Beaufort
Ex Parte: Wilhelmina C. Waterhouse
Petitioner,
In Re Estate of: Mary E. Crofut
Deceased.

IN THE PROBATE COURT
PETITION TO PROVE WILL IN COMMON FORM OF LAW AND FOR LETTERS

To J. E. Rawl Probate Judge for said County:

The petition of the undersigned respectfully represents:

1. That Mrs. Mary E. Crofut, who last dwelt in Beaufort in the County and State aforesaid, died testate on the 3rd day of September in the year of our Lord one thousand nine hundred and 30, possessed of goods and estate to be administered.

2. That said deceased left a will, bearing date 4th day of August, 1930. and No codicil, bearing date day of herewith presented. Your petitioner hereby applies for letters of testamentary for the reason that she was named in said will as Executrix

3. That under and by virtue of the terms of the will of the said testat. rix the following are the beneficiaries therein named as legatees or devisees, whose names, ages, residence and relationship to the deceased appear below:
(Show all legatees and devisees by divisions into family groups. Bracket off each group and show opposite each bracket the name of the predeceased legatee or devisee through whom they take.)

Name	*Age	Residence	Relationship to decedent
Mr Hebite Crofut	52	Beaufort, S.C.	Daughter
Georgia Augusta Crofut	41	" "	"
Elizabeth Crofut Waterhouse	54	" "	"
James Alonzo Crofut	38	" "	Son
Rhoda F. Crofut		" "	Daughter-in-law
George Waterhouse	27	Charlotte, N.C.	Grandson
Mary Elinor Waterhouse,	23	Beaufort, S.C.	Granddaughter
Marguerite Lee Waterhouse,	20	" "	"
(All take direct under will)			

*Enter the exact age at date of decedent's death if then living; if not then living, enter in the age column the word "Dead."

4. That the testat. rix died seized and possessed of a personal estate of about the value of Fifty-five Hundred dollars, consisting of the following moneys, goods and chattels:

(a) Cash on hand and in banks	$ 161.48
(b) Moneys due testat. rix on account of bonds, mortgages and other securities	$ 3854.75
(c) Corporate and governmental bonds and stocks Am. Tel. & Tel.	$ 526.00
(d) Open accounts due testat. rix, - - -

(Enter each tract and lot on a separate line)

No. of Acres or Lots (State whether acres or lots)	Value of land	No. of Buildings	Value of Bldgs.	Total value of each lot and tract, including buildings.	Exact location (Show County, Township and School District)
1 Lot		2		1000.	Between Bay & Pritchard Sts., Beaufort, S.C.
1 "		1		1000.	Lot #11, 29, " "
1 "		None		25.00	Small lot in Beaufort, S.C., in middle of blk. with no outlet to street no value.
120 acres	Swamp Land	no bldgs.		500.	Banner Tract, Bft. Co., S. C.
10 "	Island	None		1500.	Paukee Island, Beaufort Co., S. C.
20 "	Sandy Reef	None		300.	Jack Island " " "
6 acre lot		None		100.	Near Beaufort, S. C., in Mixsonville.

6. That the testat... made transfers which may, upon investigation, be adjudged to have been in contemplation of death as follows:

(Include *all* gifts within five years prior to death and, *all* other transfers, real and personal, either where the consideration may appear to have been inadequate or where the transfer was to a relative or personal friend or, to any person, firm, association, or corporation in which the decedent was interested, regardless of the consideration. Describe the transfer in full; state the approximate value of the property transferred and the amount of the consideration, if any.)

None

7. That testat... devised certain real property to the following named persons, a description of which property follows the name or names of the persons taking the same, the value of which property is set forth in paragraph 5 hereof:

Names	Description of Property	Approximate value of each devise
Elizabeth C. Waterhouse, Marguerite Crofut, Georgeia A. Crofut, James Crofut	Jointly- Lot 5, Beaufort, S.C. with buildings - home property Banner Tract, in Bft. Co. 160 acres of swamp land;	$ 8,000.00 left to three named jointly. 500.00
To Marguerite Crofut and Georgeia A. Crofut, jointly, lot 3, in Blk 40, with buildings thereon, in Beaufort, S.C.		$ 2,000.00
To Elizabeth C. Waterhouse, Marguerite Crofut, Georgeia A. Crofut and James Crofut - jointly - Paukee Island, in Bft. Co., S.C.		$ 1,500.00
To Granddaughter, Eleanor Waterhouse, Minor Waterhouse and Marguerite Waterhouse, Jointly- Jack Island, in Bft. Co., S.C.		$ 300.00
Residue of real estate (6 acre lot in Mixsonville, valued at 100.00) to Elizabeth C. Waterhouse, Marguerite Crofut, Georgeia A. Crofut and James Crofut		$

8. That testat... bequeathed unto the following named persons legacies of the approximate value as set forth after the name of each legatee below:

Names	Description of Property	Approximate value of each bequest
Rhoda F. Crofut	Bond of the Detroit Bridge Co., par value of $1,000.00; but defaulted and now worthless or of little if any value Also: Bond of International Tel. & Tel. Co.; for $1,000.00 but testatrix sold this bond before her death, and it is therefore not upon the assets of her estate	$
All the balance of personal property she left to her four children - Elizabeth C. Waterhouse, Marguerite Crofut, Georgeia A. Crofut and James Crofut, jointly, or their heirs, per stirpes.		$

WHEREFORE, your petitioner... prays... that said will... and codicil... may be proved and allowed, in common form, and Letters... Testamentary... issued to h... Elizabeth C. Waterhouse

Sept. 23th, 193 6

(The postoffice address of each Fiduciary must be shown.)

Postoffice Address: Beaufort, S. C.

Petitioner.

STATE OF SOUTH CAROLINA,
County of Beaufort.

PERSONALLY appeared Elizabeth C. Waterhouse, who, being duly sworn, says that to the best of his knowledge, information and belief, the statements contained in the foregoing petition are true and complete.

Elizabeth C. Waterhouse

Sworn to and subscribed before me this 23th day of Sept., 193 6.

M. L. Howard (L. S.)
Notary Public for S. C.

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PROOF OF WILL

THE STATE OF SOUTH CAROLINA,
Beaufort County. } IN THE COURT OF PROBATE

By J. E. Rand, Esq., Judge of Probate for said County.

Personally appears Addie Youmans Barber, formerly Addie Youmans, who, being duly sworn, says that he saw Mrs. Mary E. Crofut sign, seal, publish and declare the annexed instrument of writing, bearing date the 4th day of August, A. D. 1936 to be and contain her Last Will and Testament; that the said Mrs. Mary E. Crofut was then of sound and disposing mind, memory and understanding, according to the best of deponent's knowledge and belief; and that the said Addie Youmans Barber (then Addie Youmans) together with W. Brantley Harvey and Thelma L. Harvey at the request of the testatrix in her presence, and in the presence of each other, witnessed the due execution thereof.

Sworn to before me, this 28th day of September, Anno Domini 1936. } Addie Youmans Barber

J. E. Rand
Judge of Probate, for Beaufort Co., S. C.

ORDER ADMITTING WILL TO PROBATE IN COMMON FORM

On hearing the above petition of Mrs. Elizabeth C. Waterhouse it is hereby ordered, adjudged and decreed, That the petition be granted and the said Last Will and Testament ~~xxx~~ codicil, of Mrs. Mary E. Crofut, deceased, be entered of Probate in Common Form.

Given under my hand and the seal of the Court of Probate, this 28th day of September, 1936.

J. E. Rand
Judge of Court of Probate.

QUALIFICATION FIDUCIARY

The State of South Carolina,
Beaufort County.

I do solemnly swear, that this writing contains the true Last Will of the within named ~~xxxxxxxx~~ Mrs. Mary E. Crofut, deceased, so far as I know or believe; and that I will well and truly execute the same, by paying first the debts, and then the legacies contained in the said Will, as far as her goods and chattels will thereunto extend and the law charge me, and that I will make a true and perfect inventory of all such goods and chattels; So help me God.

Elizabeth C. Waterhouse

Postoffice address: Beaufort, S.C.

Sworn to before me, this 28th day of September, Anno Domini 1936. }

J. E. Rand
Judge of Probate, Beaufort Co., S. C.

(The Postoffice address of each Fiduciary must be shown)

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INVENTORY AND APPRAISEMENT OF REAL ESTATE OF ESTATE

OF [illegible] DECEASED

1 DESCRIPTION	2 Assessed Value for Year of Decedent's Death	3 Appraised Value	4 Appraised Value of Decedent's Interest	5 CAUTION (Do not write in this space)
Home lot with buildings, Decedent owned all of			7000 00	
Block 5, Beaufort, S. C.				
1 lot with one building, at corn. Pt. & Republican Sts.			1000 00	
Beaufort, S. C. Being Lot B, in Blk. 49,				
200 acres of swamp land in Bam Fort Co., S. C., known as Pumon Land,			500 00	
1 small lot in center of block				
St. and no outlet to Ribaut Rd. Practically worthless,			100 00	
1-5 acre lot in or near Beaufort, S. C. in what is known as Higginson			100 00	
60 acres of land, being unplatted land in Beaufort Co., S. C. known as Bailey Island, all wood land,			300 00	
Small sandy rock or dune, known as Jack Island, in Beaufort Co., S. C. Containing 20 acres - nothing			50 00	
The decedent returned for taxes in the year 1938, the following				
3½ acres,	2,500 00			
4 lots,	850 00			
[illegible]	[illegible]			
[illegible]	[illegible]			
[illegible]	[illegible]			
[illegible]	[illegible]			
[illegible]	[illegible]			

NOTE: In column 3 insert the value as shown by County Auditor's Books. In column 4 insert what in your opinion is the fair marketable value of the entire tract. In column 5 insert what in your opinion is the fair marketable value of decedent's interest.

NOTE: In stating the description of the land, whether the valuation is based upon undivided interest or upon the value of the entire tract. When the interest is in an undivided tract of land, so state.

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Beaufort, S. C., Sept. 1st, 1938.

I, Elizabeth C. Waterhouse, one of the beneficiaries under the will of Mrs. Mary E. Crofut, deceased, do hereby certify that Elizabeth C. Waterhouse, Executrix of said estate, has turned over to me all of the assets and property of every kind left to me under the terms of said will; and I hereby release the said Elizabeth C. Waterhouse from all further responsibility in connection with said will and said estate of Mrs. Mary E. Crofut, deceased.

Elizabeth C. Waterhouse

Witness:

Beaufort, S. C., Sept. 1, 1938.

I, Marguerite Crofut, one of the beneficiaries under the will of Mrs. Mary E. Crofut, deceased, do hereby certify that Elizabeth C. Waterhouse, Executrix of Estate of said Mrs. Mary E. Crofut, has turned over to me all of the assets and property of every kind left to me under the terms of said will; and I hereby release the said Elizabeth C. Waterhouse from all further responsibility in connection with said will and said estate of Mrs. Mary E. Crofut, deceased.

Marguerite Crofut

Witness:

Beaufort, S. C., Sept. 1, 1938.

I, James A. Crofut, one of the beneficiaries under the will of Mrs. Mary E. Crofut, deceased, do hereby certify that Elizabeth C. Waterhouse, Executrix of the estate of said Mrs. Mary E. Crofut, deceased, has turned over to me all of the assets and property of every kind left to me under the terms of said will; and I do hereby release the said Elizabeth C. Waterhouse from all further responsibility of any kind in connection with said will and said estate of said Mrs. Mary E. Crofut, deceased.

James A. Crofut

Witness:

Beaufort, S. C., Sept. 1, 1938.

I, Rhoda F. Crofut, one of the beneficiaries under the will of Mrs. Mary E. Crofut, deceased, do hereby certify that Elizabeth C. Waterhouse, Executric of the estate of said Mrs. Mary E. Crofut, deceased, has turned over to me all of the assets and property of every kind left to me under the terms of said will; and I do hereby release the said Elizabeth C. Waterhouse from all further responsibility of any kind in connection with said will and said estate of said Mrs. Mary E. Crofut, deceased.

Rhoda F. Crofut

Witness:

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W-W-135

WILLS

W135

STATE OF SOUTH CAROLINA
BEAUFORT COUNTY
OFFICE OF JUDGE OF PROBATE

ESTATE OF

Elizabeth Crafus Waterhouse
Deceased ~~Minor~~.

Edward Hideon Herendeen
Hamilton Marshall Hayes
Co - Executor ~~Administrator Guardian Petitioner~~

Will Book 12 Page 184-187
Date Filed 7-24-68

Date of Will 1-7-67

Date of Death 6-8-68
OK Warrant July 8, 1980
Date recorded 7-24-68
No Real Property
Date dismissed Sept 14, 1980
Petition for Final Discharge: 7/3/80

Receipts-Release: 9/3/80
Mary E. Gray
Eleanor A Waterhouse
Marguerite Herendeen
George Waterhouse Jr.

Property transferred

WALKER, EVANS & GOODWYN CO., CHARLESTON, S. C. 29403.

Last Will and Testament

I, ELIZABETH CROFUT WATERHOUSE, of the City of Beaufort, Beaufort County, South Carolina, being of sound and disposing mind and memory, do hereby make, publish and declare this as my Last Will and Testament, hereby revoking all Wills and Codicils heretofore made by me.

ITEM 1: I direct that all my just debts, funeral expenses and costs of administration of my estate be paid as soon as practicable after my death.

ITEM 2: To my dear daughter-in-law, Ellanor Lockhart Waterhouse, I will and bequeath the sum of Ten Thousand ($10,000.00) Dollars, in cash or in such stocks, or in such combination thereof, as may be selected by her, and in the event she does not survive me, then I will and bequeath such sum to her children in equal shares.

ITEM 3: To my beloved daughter, Mary Elinor Waterhouse Hoyler, I will and bequeath the sum of Ten Thousand ($10,000.00) Dollars, in cash or in such stocks, or in such combination thereof, as may be selected by her, and in the event she does not survive me, then I will and bequeath such sum to her children in equal shares.

ITEM 4: In making the bequests of cash or stocks totalling Thirteen Thousand ($13,000.00) Dollars for each person, made herein to my daughter-in-law, Ellanor Lockhart Waterhouse, and to my daughter, Mary Elinor Waterhouse Hoyler, I am not unmindful of my beloved daughter, Marguerite Lee Waterhouse Herondeen, to whom in my lifetime I have given my one-third (1/3) interest in the family home known as 201 Laurens Street in the City of Beaufort, S. C., which gift I consider to be equivalent to the bequests, referred to in this Item 4, made to my daughter-in-law

Elizabeth Crofut Waterhouse

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and my other daughter.

ITEM 5: To my beloved daughter, Marguerite Lee Waterhouse Herendeen, her heirs and assigns forever, I give and devise the Easternmost one-half of my lot known as Block No. 6 of the City of Beaufort, South Carolina.

ITEM 6: To my beloved daughter, Mary Elinor Waterhouse Hoyler, her heirs and assigns forever, I give and devise the Westernmost one-half of my lot known as Block No. 6 of the City of Beaufort, South Carolina.

ITEM 7: To my beloved sister, Marguerite Crofut, I will and bequeath, my life insurance, my living room and bedroom furniture; and all of the furnishings and equipment in our apartment on New Street in the City of Beaufort, South Carolina.

ITEM 8: To my dear daughter in-law, Ellanor Lockhart Waterhouse, I give and bequeath the silver cathedral candlesticks given to me by the Vestry of St. Helena's Church, the silver and mahogany tray, and the silver and glass pitcher marked with the initials "E.C.".

ITEM 9: To my sons-in-law, Hamilton Marshall Hoyler and Edward Gideon Herendeen, I leave my love along with the hope that from among my possessions each of them may find some article which he would like to keep in remembrance of me.

ITEM 10: There are certain personal items of property which I have not specifically mentioned in this Will and it is my desire that my Executors distribute them according to a note they will find in my lock box at The Peoples Bank of Beaufort, South Carolina.

ITEM 11: All the rest and residue of my estate, real and personal and wheresoever situated, I give, devise

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and bequeath to my sons-in-law, Hamilton Marshall Hoyler and Edward Gideon Herendeen, in trust, for the following uses and purposes: To hold, manage, invest and reinvest in such property, without restriction, as they deem proper, and to pay all the income at times fixed by such Trustees, but at least as often as annually, and if practicable, in regular monthly payments to my beloved sister, Marguerite Crofut, for and during the term of her life, and on her death, the then remaining corpus and the income for the period between the last distribution date and the date of my sister's death shall pass, free of trust as follows: The sum of Three Thousand ($3,000.00) Dollars to my daughter-in-law, Ellanor Lockhart Waterhouse; the sum of Three Thousand ($3,000.00) Dollars to my daughter, Mary Elinor Waterhouse Hoyler; the sum of One Thousand Five Hundred ($1,500.00) Dollars to my beloved sister, Georgiea Augusta Crofut; the sum of Two Hundred Fifty ($250.00) Dollars in cash and the sum of Five Hundred ($500.00) Dollars in stocks to my beloved brother, James Alonzo Crofut; the sum of Two Hundred Fifty ($250.00) Dollars to my dear sister-in-law, Rhoda Foster Crofut; the sum of Two Thousand ($2,000.00) Dollars to the Vestry of St. Helena's Parish, Beaufort, South Carolina, to be used solely to assist some deserving young man in pursuing his studies for the Episcopal ministry, such young man to be preferrably from St. Helena's Parish, but in any event from the Diocese of South Carolina; and the remainder of such trust estate shall pass free of trust to my beloved grandchildren as follows: My precious namesake, Elizabeth Hooker Hoyler shall receive one-third (1/3) thereof and my other grandchildren, George Waterhouse, Jr., Frances Waterhouse, Mary Elinor Hoyler and Hamilton Marshall Hoyler, Jr., shall each receive one-sixth (1/6) thereof, all with my love and deep interest in their future; in the event Ellanor Lockhart Waterhouse does not survive me, then the sum of Three Thousand ($3,000.00) Dollars bequeathed to her in this Item II shall be divided equally among her children living at the time of my death, and in the

Elizabeth Crofut Waterhouse

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event Mary Elinor Waterhouse Hoyler does not survive me, then the sum of Three Thousand ($3,000.00) Dollars bequeathed to her in this Item 11 shall be divided equally among her children living at the time of my death.

ITEM 12: I hereby nominate, constitute and appoint my sons-in-law, Hamilton Marshall Hoyler and Edward Gideon Herendeen, as Co-executors of this my Last Will and Testament, and hereby direct that they shall serve without Bond as such Co-executors.

IN WITNESS WHEREOF, I have set my Hand and Seal at Beaufort, South Carolina, this 7th day of January, 1967, to the Will consisting of this and three preceding pages upon the margins of which preceding pages I have also written my name.

Elizabeth Crofut Waterhouse
ELIZABETH CROFUT WATERHOUSE

SIGNED, SEALED, PUBLISHED AND DECLARED, by ELIZABETH CROFUT WATERHOUSE, the above named testatrix, as and for her Last Will and Testament in our presence, and we, at her request, in her presence and in the presence of each other, have hereunto subscribed our names as witnesses this 7th day of January, 1967.

Claire Walker Hook OF Beaufort, S.C.

Frances M. Hirt OF Beaufort S.C.

T. Reeve Sams OF Beaufort, S.C.

Recorded 7-24-68
Book 12 Page 184-185-186-187
Ew Shelley

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STATE OF SOUTH CAROLINA,
County of BEAUFORT

Ex Parte HAMILTON MARSHALL HOYLER AND EDWARD GIDEON HERENDEEN, Petitioners

In Re Estate of:
ELIZABETH CROFUT WATERHOUSE, Deceased.

IN THE PROBATE COURT
PETITION TO PROVE WILL IN COMMON FORM OF LAW AND FOR LETTERS

To T. LEGARE RODGERS, Probate Judge for said county:

The petition of the undersigned respectfully represents:

1. That ELIZABETH CROFUT WATERHOUSE Age 85, who last dwelt in City of Beaufort in the County and State aforesaid, died testate on the 8th day of June in the year of our Lord one thousand nine hundred and Sixty-Eight, possessed of goods and estate to be administered

2. That said deceased left a will, bearing date 7th day of January, 19 67 and codicil, bearing date day of, 19 herewith presented. Your petitioner hereby applies for letters Testimentary for the reason that they are named as Executors in the Will of the deceased

3. That under and by virtue of the terms of the will of the said testator/testatrix the following are the beneficiaries therein named as legatees or devisees:

(Show all legatees and devisees by divisions into family groups)

Name	Age*	Residence	Relationship to Decedent
Elinor Waterhouse Hoyler	55	Durham, N.C.	Daughter
Marguerite Waterhouse Herendeen	51	Beaufort, S. C.	Daughter
Ellanor L. Waterhouse	55	Charlotte, N. C.	Daughter-in-Law
George Waterhouse, Jr.	20	Charlotte, N. C.	Grand Son
Frances Waterhouse	15	Charlotte, N.C.	Grand Daughter
Molly Hoyler Gray	21	Beaufort, S.C.	Grand Daughter
Hamilton Marshall Hoyler, Jr.	18	Durham, N. C.	Grand Son
Elizabeth H. Hoyler	15	Durham, N.C.	Grand Daughter
Marguerite Crofut	84	Beaufort, S. C.	Sister
Georgeia A. Crofut	72	Medina, Texas	Sister
James A. Crofut	68	Beaufort, S. C.	Brother
Rhoda Foster Crofut	60	Beaufort, S. C.	Sister-in-Law

*Enter the exact age at date of decedent's death. If then living; if not then living, enter in the age column the word "dead." ONE

4. That the ~~XXXXX~~/testatrix died seized and possessed of a personal estate of about the value of SIXTY THOUSAND SIX HUNDRED FORTY AND NO/100 dollars; consisting of the following moneys, goods and chattels:

(a)	Cash on hand and in banks	$ -0-
(b)	Moneys due testator/testatrix on account of bonds, mortgages and other securities	$ -0-
(c)	Corporate ~~XXXXXXXXXXXXXXXXXX~~ stocks	$ 60,000.00
(d)	Open accounts due testator/testatrix	$ -0-
(e)	Goods, wares, merchandise, furniture, machinery and equipment used in profession, trade or business	$ -0-
(f)	Household goods	$ 350.00
(g)	Farming implements, machinery and equipment	$ -0-
(h)	Farm products	$ -0-
(i)	Mules, horses, cattle, hogs, sheep, etc.	$ -0-
(j)	Automobiles, auto trucks, motorcycles, etc.	$ -0-
(k)	Jewelry, silver plate, watches and other personal effects	$ 790.00
(l)	Life or other insurance made payable to the estate	$ -0-
(m)	Value of all other personal property not listed above Piano	$ 500.00

5. That the testator/testatrix died seized and possessed of real estate of about the value of -0- ($) Dollars, as follows:

(over)

This form revised by the South Carolina Tax Commission November 1, 1961.
(To be used in all cases where the decedent died after December 31, 1961.)

000594

Form No. 10—COURT OF PROBATE—
LETTERS TESTAMENTARY
Revised 1925

THE STATE OF SOUTH CAROLINA,
COUNTY OF BEAUFORT

By T. LEGARE RODGERS, Esquire

JUDGE OF PROBATE.

To all whom these presents shall come—GREETING:

KNOW YE, that on the 24th day of July which was in the year of our Lord one thousand nine hundred and Sixty-eight the Last Will and Testament of ELIZABETH CROFUT WATERHOUSE late of Beaufort County in this State, deceased, was proved, approved and allowed of, the said deceased having whilst he lived, and at the time of her death, divers Goods, Rights and Credits within the State aforesaid, by means whereof the approbation and allowing of her Testament and the power of granting the administration of all and singular the Goods, Rights and Credits of the said deceased to me is manifestly known to belong, and that the administration of all and singular the Goods, Rights and Credits of the said deceased, and her Testament, any manner of way concerning, was granted and committed unto Hamilton Marshall Hoyler and Edward Gideon Herendeen

Wills W-135
24, 1968
Evelyn G. Richardson

named Executors in the last Will and Testament, being first sworn on the Holy Evangelists of Almighty God well and faithfully to administer, and make a full and perfect inventory of all and singular the Goods, Rights, and Credits of the said deceased, and to exhibit the same into the Judge of Probate's Office, in Beaufort County, South Carolina, in order to be recorded, on or before the 24th day of August now next ensuing; and to render a just and true account, calculation, and reckoning thereof, when thereunto required.

Court of Probate
RECORDED
Book 7
Page 152

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal, the 24th day of July in the year of our Lord one thousand nine hundred and Sixty-eight and in the 193rd ye. of American Independence.

J. Legare Rodgers
Judge of Probate
Beaufort County, South Carolina

000595

SCHEDULE I

	Description	Transferee	Value
1.	Lot measuring 125' x 203' in City of Beaufort (Eastern 1/2 of Block 6)	Marguerite Herendeen (August 31, 1967)	$ 4,000.00
2.	Lot measuring 125' x 203' in City of Beaufort (Western 1/2 of Block 6)	Elinor W. Hoyler (August 31, 1967)	$ 8,000.00
		TOTAL:	$12,000.00

19

000596

W-C-174

WILLS

C 174

STATE OF SOUTH CAROLINA,
COUNTY OF BEAUFORT

OFFICE OF JUDGE OF PROBATE

ESTATE OF

MARGUERITE CROFT

Deceased

MARGUERITE HERENDEEN

Executor

Attorney Rose Sanders

Fees Paid April 4th 1975

Date Filed March 26th 1975

Date of Death December 28th, 1974

Date of Will February 23rd, 1971

Date Recorded March 26th 1975

Date of Petition March 26th, 1975

Date of Letters March 26th 1975

Date of Notice of Creditors April 3rd 10th 17th 1975

Date of Devise April 15, 1977

Date of Warrant of Appraisement June 1, 1977

Date Sent to Tax Commission Non-taxable

Date of Petition of Discharge June 20th 1977

Date of Accounting Oct. 24, 1977

Date of Letters Dismissory Nov 9, 1977

Cities 3/5

WALKER, EVANS & COGSWELL CO., CHARLESTON, S. C. 88468

000597

Last Will and Testament

KNOW ALL MEN BY THESE PRESENTS: That I, MARGUERITE CROFUT, of the City of Beaufort, County of Beaufort and State of South Carolina, being of sound and disposing mind and memory, do hereby make, publish and declare this as my Last Will and Testament, hereby revoking all Wills and Codicils heretofore by me made.

ITEM ONE.

I desire and direct that all my just debts and funeral expenses, all Federal and State and other taxes due by me and assessed against my estate, and all other charges of administration on my estate, shall be paid by my Executrix, hereinafter named, as soon after my death as may, in her judgment, be consistent with the best interest of my estate.

ITEM TWO.

I give, devise and bequeath all my property, whatsoever and wheresoever situate, whether real, personal or mixed, to which I may be entitled, or over which I may have the power of disposition at my decease, unto my sister, Georgia A. Crofut, and my sister-in-law, Rhoda F. Crofut, in equal shares.

ITEM THREE.

I hereby nominate, constitute and appoint my niece, Marguerite Herendeen as Executrix of this my Will and I relieve her from the necessity of giving bond or filing any returns in connection with my estate.

000598

IN WITNESS WHEREOF, I have hereunto set my Hand and Seal at Beaufort, South Carolina, this 23rd day of February, 1971.

Marguerite Crofut
MARGUERITE CROFUT

SIGNED, SEALED, PUBLISHED AND DECLARED by MARGUERITE CROFUT as and for her Last Will and Testament, in the presence of us, who in her presence, and in the presence of each other, at her request, have subscribed our names as witnesses.

Patrick Colhoun of Beaufort, South Carolina

Mary D. Emmett of Beaufort, South Carolina

T. River Sams of Beaufort, South Carolina

000599

STATE OF SOUTH CAROLINA,
County of BEAUFORT

Ex Parte MARGUERITE HERENDEEN
Petitioner.

In Re Estate of:
MARGUERITE CROFUT
Deceased.

IN THE PROBATE COURT
PETITION TO PROVE WILL IN COMMON FORM OF LAW AND FOR LETTERS

To EVELYN W. SHELLEY Probate Judge for said county:

The petition of the undersigned respectfully represents:

1. That MARGUERITE CROFUT Age 90, who last dwelt in Beaufort in the County and State aforesaid, died testate on the 28th day of December in the year of our Lord one thousand nine hundred and seventy four possessed of goods and estate to be administered.

2. That said deceased left a will bearing date 23rd day of February, 19 71 and ---------- codicil, bearing date ---------- day of ---------- 19---- herewith presented. Your petitioner hereby applies for letters testamentary for the reason that she is named as executrix in the will.

3. That under and by virtue of the terms of the will of the said testator/testatrix the following are the beneficiaries thereto named as legatees or devisees:

(Show all legatees and devisees by divisions into family groups)

Name	Age*	Residence	Relationship to Decedent
Georgeia Crofut	79	Medina, Texas	sister
Rhoda F. Crofut	71	Beaufort, SC	Sister-in-law

Filed
Recorded 10:22 MC-174

*Enter the exact age at date of decedent's death if then living; if not then living, enter in the age column the word "dead."

4. That the testator/testatrix died seized and possessed of a personal estate of about the value of EIGHT THOUSAND FIVE HUNDRED FIFTY AND 33/100 dollars, consisting of the following moneys, goods and chattels:

(a)	Cash on hand and in banks (checking $1,650.33 - First Fed. $5000)	$ $6,650.33
(b)	Moneys due testator/testatrix on account of bonds, mortgages and other securities	$
(c)	Corporate and governmental bonds and stocks 57 shares Incorporated Inc. 10 shares AM T & T.	$ 2,300.00
(d)	Open accounts due testator/testatrix	$
(e)	Goods, wares, merchandise, furniture, machinery and equipment used in profession, trade or business	$
(f)	Household goods	$ 1,500.00
(g)	Farming implements, machinery and equipment	$
(h)	Farm products	$
(i)	Mules, horses, cattle, hogs, sheep, etc.	$
(j)	Automobiles, auto trucks, motorcycles, etc.	$
(k)	Jewelry, silver plate, watches and other personal effects	$ 100.00
(l)	Life or other insurance made payable to the estate	$
(m)	Value of all other personal property not listed above	$

5. That the testator/testatrix died seized and possessed of real estate of about the value of NINETY AND NO/100 ($ 90.00) Dollars, as follows:

(over)

This form revised by the South Carolina Tax Commission November 1, 1961.
(To be used in all cases where the decedent died after December 31, 1961.)

000600

DESCRIPTION OF REAL ESTATE AND APPROXIMATE VALUES
(Enter each tract and lot on a separate line.)

No. of acres or lots (Specify whether lots or lots.)	No. of Contiguous	Total value (Gross) for real estate (including buildings	Decedent's Interest	Exact Location (Show County, Township and School District)
95 acres marsh land		$50.00	one-half	Beaufort Township
50 acres marsh land		$40.00	one-half	Beaufort Township

6. That the testator/testatrix made transfers and gifts within three (3) years prior to date of death as follows: (If None So State)

(Include all gifts within three years prior to death and all other transfers, real and personal, either where the consideration may appear to have been inadequate or where the transfer was to a relative or personal friend or to any person, firm, association, or corporation in which the decedent was interested, regardless of consideration. Describe the transfer in full, state the approximate value of the property transferred and the amount of the consideration stated or claimed, if any.)

none

7. Life Insurance, Annuities and/or Endowment Contracts payable to beneficiaries other than the decedent's estate.

Face Value	Contract Number	Name of Company
none		

NOTE:
Item 8 below, refers to "joint tenancy with right of survivorship". Property held as "tenants in common" must be reported under Items 4 & 5 of this return.

8. That the testator/testatrix died seized and possessed of personal property standing in joint names of him or more persons and payable to either or the survivor as follows: (Sec. 65-403, S.C. Code of Laws, 1952, as amended):

(IF NONE SO STATE)	Fair Market Value at Date of Death
A. U. S. Bonds owned jointly with right of survivorship or "payable on death"	$ none
B. Joint Bank Accounts with right of survivorship	$ none
C. Joint Accounts in Depositories or other Institutions with right of survivorship	$ none
D. Joint Stocks and Bonds with right of survivorship	$ none
E. Miscellaneous property with right of survivorship	$ none

9. TRANSFERS INTENDED TO TAKE EFFECT AT DEATH (Sec. 65-401 of S. C. Code of Laws 1952, as amended): That the testator/testatrix made the following lifetime transfers of property, BOTH REAL AND PERSONAL, reserving unto transferror's self a life estate, income for life or other incidents of ownership that would preclude a fee simple title vesting in the beneficiary until the death of the transferror as follows:

(IF NONE SO STATE)	Fair Market Value at Date of Death
A. Real Estate transferred retaining life estate	$ none
B. Trust created retaining unto self income for life, power to revoke or other incidents of ownership	$ none
C. Other transfers intended to take effect at death	$ none

10. POWERS OF APPOINTMENT (Sec. 65-402 of S. C. Code of Laws 1952, as amended). That the testator/testatrix died seized and possessed of a power of appointment over property, both real and personal, whether testamentary or otherwise, with an estimated fair market value of: none $

(IF NONE SO STATE)

WHEREFORE, your petitioner prays that said will ~~XXXXX~~ may be proved and allowed, in common form, and Letters testamentary issued to MARGUERITE HERENDEEN on March 26th, 19 75

Marguerite Herendeen

(The postoffice address of each Fiduciary must be shown)

Postoffice Address Beaufort, South Carolina

Postoffice Address

Petitioner.

STATE OF SOUTH CAROLINA,
County of BEAUFORT

Personally appeared MARGUERITE HERENDEEN who being duly sworn says that to the best of her knowledge, information and belief, the statements contained in the foregoing petition are true and complete.

Marguerite Herendeen

Sworn to and subscribed before me this 26th day of March, 19 75.

Notary Public for South Carolina
My Commission Expires [illegible]

000601

611

(NOTE: If necessary, attach additional sheets to this return following same ruling as is set up herein.)

INVENTORY AND APPRAISEMENT OF PERSONAL PROPERTY OF THE ESTATE

OF MARGUERITE CROFUT DECEASED

ITEM 2:
The Personal Representative is to complete Item 2, as to "Face Value" and deliver this Inventory to the Appraisers, who shall complete Item 2, as to "Appraised Value"

ARTICLES	FACE VALUE	APPRAISED VALUE
Cash on hand at death	$	$
Cash in banks, depositories, etc. (attach schedule) (See Schedule 1)	4,773 34	1,773 34
Life Insurance payable to estate (attach schedule)	$	$
AT&T Common Stock (10 shares; 44½/share)	249 95	442 50
Incorporated Income Fund Capital Stock (57 shares; $6.73/share)	57 00	383 61
AT&T Debenture (3 3/4%; Maturity date May 15, 2000)	100 00	99 50
TOTAL:	5,180 29	5,598 95

INVENTORY AND APPRAISEMENT OF REAL ESTATE OF ESTATE

OF MARGUERITE CROFUT DECEASED

ITEM 3:
The Personal Representative is to insert description of property under Item 3, and the Appraisers are to complete this form in detail.

DESCRIPTION (Show County, Township and School District)	1 ABSOLUTE VALUE FOR YEAR OF DECEDENT'S DEATH	2 APPRAISED VALUE	3 APPRAISED VALUE OF DECEDENT'S INTEREST	4 CAUTION (Do not write in this space)
95½ acres of Marsh land (¼ interest as tenant-in-common)	50 00	955 00	240 00	
50 acres of Marsh land (¼ interest as tenant-in-common)	40 00	500 00	125 00	
TOTAL:	90 00	1,455 00	365 00	

ITEM 4:

JOINTLY OWNED PROPERTY WITH RIGHT OF SURVIVORSHIP (If None-So State)
(Sec. 65-403, S. C. Code of Laws 1952, as amended)

A. Jointly Owned United States Government Bonds With Right Of Survivorship

Face Value	Series	Exact Names in Which Standing	Value at Date of Death	Decedent's Contribution
$	NONE		$	$

B. Jointly Owned Bank Accounts, Building And Loans, And Other Depository Accounts With Right Of Survivorship

Amount	Name and Location of Institution	Exact Names in Which Standing	Decedent's Contribution
$	NONE		$

000602

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE PROBATE COURT

WARRANT OF APPRAISEMENT

By Evelyn W. Shelley, Probate Judge.

THESE are to authorize and empower you, or any three of you, whose names are hereunder written, to repair to all such parts and places within this County as you shall be directed unto by Marguerite Herendeen

~~Administratrix~~, Executrix, ~~Trustee~~, of all and singular the goods, rights, and credits of Marguerite Crofut, late of Beaufort County, deceased wheresoever any of the goods, chattels or real estate of the said deceased are or do remain within the said parts and places, and which shall be shown unto you by the said ~~Administratrix~~, Executrix, ~~Trustee~~, and there view and appraise all and every of the said goods, chattels, or real estate, being first sworn on the Holy Evangelists of Almighty God, to make a true and perfect inventory and appraisement thereof, and to cause the same to be returned under your hands, or any three or four of you, to the said Evelyn W. Shelley, Probate Judge for Beaufort County, South Carolina on or before the 26th day of April, 19 75.

Dated the 26th day of March, Anno Domini, 19 75, and in the one hundred and 199 year of American Independence.

To Heyward Spinks
Stanley Bond
Wyatt Pringle

or any three of them.

Evelyn W. Shelley
Judge of Probate Court
Beaufort County, South Carolina

OATH OF APPRAISERS

(This oath to be taken before appraisement is made.)

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

You,

do swear that you will make a just and true appraisement of all and singular the goods, chattels (~~ready money only excepted~~) and real estate of Marguerite Crofut deceased, as shall be produced by Marguerite Herendeen

the ~~Administratrix~~, Executrix, ~~Trustee~~, of the estate of the said Marguerite Crofut, deceased, and that you will return the same, certified under your hands, unto the Probate Judge of Beaufort County within the time prescribed by law.

Sworn to before me this 2nd day of June, A. D., 1977

Janice A. Smiley III (L. S.)
Notary Public for South Carolina
My Commission Expires: 8-27-86

Heyward Spinks
Stanley Bond
Wyatt Pringle

ITEM 1:

TRANSFERS WITHIN THREE YEARS PRIOR TO DATE OF DEATH

(Sec. 65-404, S. C. Code of Laws 1952, as amended) (If None So State)

(NOTE: If the fiduciary takes the position that transfers listed below were not made in Contemplation of Death, affidavits sustaining such position must be submitted direct to the Inheritance Tax Division, South Carolina Tax Commission for consideration).

	Description of Property	Transferee	Fair Market Value at Date of Death
1.	NONE		
2.			
3.			
4.			
5.			

This form revised by the South Carolina Tax Commission November 1, 1981.
(To be used in all cases where the decedent died after December 31, 1981.)

JUDGE OF PROBATE
BEAUFORT COUNTY, S. C.
Recorded 11/85 Docket E-174
JUN 2 1977

000603

COMPLETE IN TRIPLICATE AND FILE WITH THE PROBATE COURT.
Where Realty is Located In Another County, File Separate Form in Triplicate
For Each Such County.
(So. Car. Code References: Sections 15-481 and 80-139)

STATE OF SOUTH CAROLINA,
COUNTY OF BEAUFORT

IN THE PROBATE COURT

DEVISE/DESCENT OF REAL ESTATE AND DESCRIPTION

Estate Classification: .....

BY: MARGUERITE CROFUT, DECEASED OWNER—AS GRANTOR

TO: DEVISEE/HEIR-AT-LAW —AS GRANTEE—	DESCRIPTION Briefly include sufficient information to designate and locate real estate, such as number of acres or lots, lot numbers, name of subdivision, street address, city or parish, county, etc.
(1) Georgia A. Crofut (2) Rhoda F. Crofut as tenants in common	(1) 95½ acres, more or less, of marsh land on Beaufort River, designated as follows on Beaufort County Tax Records: Twp 000, Map 0007, Parcel 0632, Block 0000 (2) 50 acres, more or less, of marsh land, designated as follows on Beaufort County Tax Records: Twp 020, Map 0014, Parcel 0001, Block 0001

JUDGE OF PROBATE
BEAUFORT COUNTY, S. C.
Recorded Wills Jacket C-124
MAR 15 1977
Shirley A Donaldson

Send Tax notice to the below person with this address:

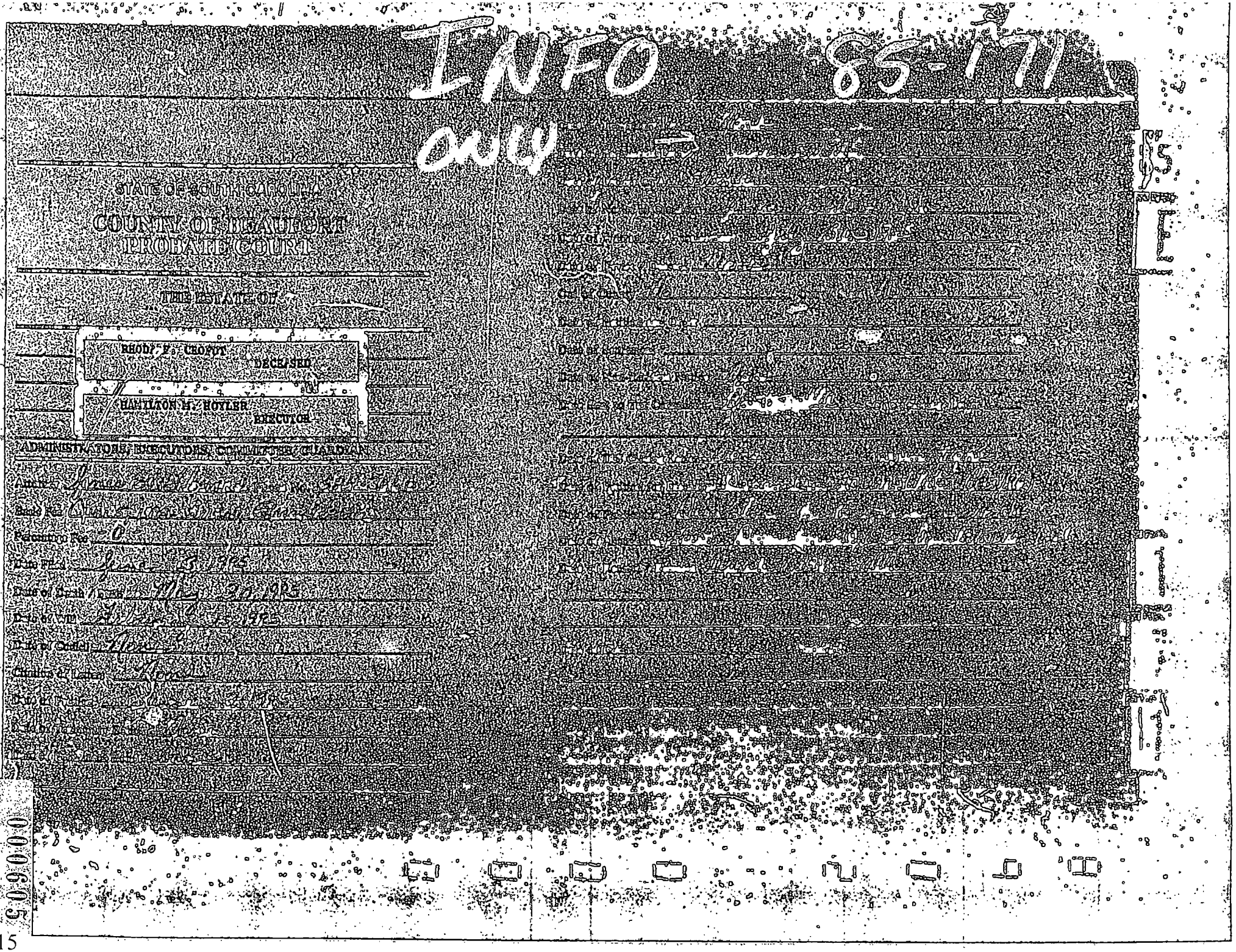
Heirs of J. M. Crofut
c/o James Crofut
Box 476
Beaufort, South Carolina 29902

FILED BY: MARGUERITE HERENDEEN
AS Executrix OF THE SUBJECT ESTATE.

Date: April 12, 77

614

000604


INFO 85-111
STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
PROBATE COURT
THE ESTATE OF
RHODA Z. CROFUT
DECEASED
HAMILTON H. HOYLER
EXECUTOR
ADMINISTRATOR, EXECUTOR'S, COMMITTEE, GUARDIAN

Last Will and Testament

OF

RHODA F. CROFUT

I, RHODA F. CROFUT, a resident of the County of Beaufort, State of South Carolina, being of full age and of sound and disposing mind and memory, do hereby make, publish and declare this instrument to be my Last Will and Testament, hereby expressly revoking all former Wills and Codicils heretofore made by me.

I

I desire and direct that all of my just debts and funeral expenses, all Federal and State and other taxes due by me and assessed against my estate and all other charges of administration on my estate, shall be paid by my Executor hereinafter named from the residue of my estate as may, in his judgment, be consistent with the best interests of my estate.

II

I give and bequeath the sum of TWO THOUSAND AND NO/100 ($2,000.00) DOLLARS to my faithful friend and comforter, EDITH J. SMITH of 810 Monson Street, Beaufort, South Carolina.

III

I give and bequeath my original platinum and diamond mounting and my diamond engagement ring to ELIZABETH H. JACKSON.

IV

I give, devise and bequeath all of my stocks held in my name or for me in my account with the Merrill, Lynch, Pierce, Fenner and Smith investment firm to ELLANOR L. WATERHOUSE.

Rhoda F. Crofut

RHODA F. CROFUT

000606

V

I give, devise and bequeath all of the rest and residue of my property and estate, of whatsoever nature and wheresoever situate, real, personal and mixed, to ELINOR WATERHOUSE HOYLER and MARGUERITE W. BROZ, to be divided between them equally, share and share alike, and in the event either of the above-named beneficiaries shall pre-decease me, then her share shall pass to the surviving beneficiary.

VI

I nominate, constitute and appoint HAMILTON M. HOYLER as Executor of my estate, and I further direct that he shall not be required to furnish bond in the administration of my estate.

VII

By way of illustration and not of limitation and in addition to any inherent, implied or statutory powers, granted to executors or trustees generally, my Executor is specifically authorized and empowered with respect to any property, real or personal, at any time held under any provision of this my Will: to allot, allocate between principal and income, assign, borrow, buy, care for, collect, compromise claims, contract with respect to, hold, improve, sell, convey, exchange, invest, lease, manage, mortgage, grant and sue for, to make distributions in cash or in kind or partly in each without regard to the income tax basis of such asset and in general, to exercise all of the powers in the management of my estate which any individual could exercise in the management of similar property owned in its own right, upon such terms and conditions as my Executor may deem best, and to execute and deliver any and all instruments and to do all acts which my Executor may deem proper or necessary to carry out the purposes of this my Will, without being limited in any way by the specific grants of power made, and without the necessity of a court order.

IN WITNESS WHEREOF, I have set my hand and affixed my seal this 15th day of FEBRUARY, 1985.

Rhoda F. Crofut
RHODA F. CROFUT

SIGNED, SEALED, PUBLISHED AND DECLARED BY RHODA F. CROFUT, the Testatrix above named, as and for her Last Will and Testament, in the presence of us, and each of us, who, at her request and in her presence and in the presence of each other, have hereunto subscribed our names as witnesses the day and year last above written.

Penelope R. Chitty OF BEAUFORT, SOUTH CAROLINA

Kimberly T. Krieger OF BEAUFORT, SOUTH CAROLINA

Roland Sams OF BEAUFORT, SOUTH CAROLINA

I, RHODA F. CROFUT, the Testatrix, sign my name to this instrument this 15th day of FEBRUARY, 1985, and being first duly sworn, to hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Rhoda F. Crofut
RHODA F. CROFUT

We, Penelope R. Chitty and Kimberly T. Krieger the Witnesses, sign our names to this instrument, being first duly sworn and do hereby declare to the undersigned authority that the Testatrix signs and executes this instrument as her Last Will and that she signs it willingly (or willingly directs another to sign for her), and that each of us, in the presence and hearing of the Testatrix, hereby signs this Will as Witness to the Testatrix' signing, and that to the best of our knowledge the Testatrix is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Penelope R. Chitty
WITNESS

Kimberly T. Krieger
WITNESS

(2)

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

Subscribed, sworn to and acknowledged before me by RHODA F. CROFUT, the Testatrix, and subscribed and sworn to before me by Penelope R. Chitty and Kimberly T. Krieger, Witnesses, this 15th day of February, 1985.

Notary Public for South Carolina
My Commission Expires: 3-4-90

JUDGE OF PROBATE
BEAUFORT COUNTY, S. C.
Recorded Jacket 25-171
JUN 3, 1985
Teresa B. Bridges

000609

FORM NO. 150 — PETITION TO PROVE WILL
Walker, Evans & Cogswell — 34567890 — Rev. June 1983

STATE OF SOUTH CAROLINA
County of BEAUFORT

Ex Parte Hamilton M. Hoyler

IN THE PROBATE COURT
PETITION TO PROVE WILL IN COMMON FORM OF LAW AND FOR LETTERS

In the Estate of:
Rhoda F. Crofut

To: Evelyn W. Shelley, Probate Judge for said county:

The petition of the undersigned respectfully represents:

1. That Rhoda F. Crofut Age 83, who last dwelt in Beaufort in the County and State aforesaid, died testate on the 30th day of May in the year of our Lord one thousand nine hundred and eighty five possessed of goods and estate to be administered

2. That said deceased left a will, bearing date 15th day of February, 19 85 and ~~____ codicil, bearing date ____ day of ____, 19____ herewith~~ presented. Your petitioner hereby applies for letters Testamentary for the reason provision in Will

3. That under and by virtue of the terms of the will of the said testator/testatrix the following are the beneficiaries therein named as legatees or devisees:
(Show all legatees and devisees by divisions into family groups.)

Name	Age*	Residence	Relationship to Decedent
Edith J. Smith	60	810 Monson St. Beaufort, SC 29902	Nurse
Ellanor L. Waterhouse	74	Beaufort, SC	Niece
Elinor Waterhouse Hoyler	72	511 Prince St. Beaufort, SC 29902	Niece
Marguerite W. Broz	69	Box 1111 Beaufort, SC 29901	Niece

JUDGE OF PROBATE
BEAUFORT COUNTY, S. C.
Recorded Jacket 85-171
JUN 3, 1985
Teresa R. Burgess

*Enter the exact age at date of decedent's death if then living; if not then living, enter in the age column the word (deceased)

This Form Revised By The South Carolina Tax Commission June 1983.

Basic - 40.00 Add. 74.00 114.00 Certificate already delivered by Judge.

620

000610

4. That the testator/testatrix died seized and possessed of a personal estate of about the value of Nine Thousand Eight Hundred dollars, consisting of the following moneys, goods and chattels:

(a) Cash on hand and in banks $ 6,000.00

(b) Moneys due testator/testatrix on account of bonds, mortgages and other securities $ 0

(c) Corporate and governmental bonds and stocks $ 0

(d) Open accounts due testator/testatrix $ 300.00

(e) Life or other insurance made payable to the estate $ 3,000.00

(f) Value of all other personal property not listed above $ 500.00

Farming implements, machinery and equipment -- farm products, automobiles, livestock, household goods, jewelry, mobile home, etc.)

(g) Tangible personal property having a situs outside of South Carolina

Description	
NONE	$
	$
	$

Attach list if necessary

5. That the testator/testatrix died seized and possessed of real estate of about the value of NONE ($) Dollars, as follows:

DESCRIPTION OF REAL ESTATE AND APPROXIMATE VALUES

(Enter each tract and lot on a seperate line)

This item includes all Real Estate in S. C.

No. of acres or lots. (State whether acres or lots)	No. of buildings	Total Value of each lot and tract including buildings	Decedent's Interest	Exact location. (Show County, Township and School District) All S. C. Property

6. Description and approximate value of real property having a situs outside of South Carolina.

Number of Acres or Lots	Number of Buildings	Total Value	Decedent's Interest	Exact Location

7. That the testator/testatrix made transfers and gifts within three (3) years prior to date of death as follows: (If None - so state)

(Include all gifts within three years prior to death and all other transfers, real and personal, either where the consideration may appear to have been inadequate or where the transfer was to a relative or personal friend or to any person, firm, association, or corporation in which the decedent was interested, regardless of consideration. Describe the transfer in full; state the approximate value of the property transferred and the amount of the consideration stated or claimed, if any.)

NONE

8. Life Insurance, Annuities and/or Endowment Contracts payable to beneficiaries other than the decedent's estate.

Face Value	Contract Number	Name of Company	Beneficiary
1,300.00		Colonial Penn	Marguerite W. Broz

NOTE:
Item 9 below refers to "joint tenancy with right-of-survivorship". Property held as "tenants-in-common" must be reported under items 4, 5, & 6 of this return.

9. That the testator/testatrix died seized and possessed of personal property standing in joint names of two or more persons and payable to either or the survivor as follows:

(IF NONE - SO STATE)	Fair Market Value at Date of Death
A. U. S. Bonds owned jointly with right of survivorship or "payable on death"	None
B. Joint Bank Accounts with right of survivorship	None
C. Joint Accounts in Depositories or other institutions with right of survivorship	None
D. Joint Stocks and Bonds with right of survivorship	None
E. Miscellaneous property with right of survivorship	None

(2)

000612

622

10. TRANSFERS INTENDED TO TAKE EFFECT AT DEATH That the testator/testatrix made the following lifetime transfers of property, BOTH REAL AND PERSONAL, reserving unto transferor a self a life estate, income for life or other incidents of ownership that would preclude a fee simple title vesting in the beneficiary until the death of the transferor as follows:

(IF NONE - SO STATE)

Fair Market Value at Date of Death

A. Real Estate transferred retaining life estate None

B. Trust created retaining unto self income for life, power to revoke or other incidents of ownership None

C. Other transfers intended to take effect at death

11. POWERS OF APPOINTMENT That the testator/testatrix died seized and possessed of a power of appointment over property, both real and personal, whether testamentary or otherwise, with an estimated fair market value of

(IF NONE - SO STATE)

None

WHEREFORE, your petitioner pray s that said will and codicil may be proved and allowed, in common form, and Letters Testamentary issued to June 3, 19 85

(The postoffice address of each Fiduciary must be shown)

Postoffice Address: P.O. Box 1111
Beaufort, SC 29901

Postoffice Address

STATE OF SOUTH CAROLINA,
County of Beaufort

Personally appeared Hamilton M. Hoyler, who being duly sworn says that to the best of his knowledge, information and belief, the statements contained in the foregoing petition are true and complete.

Sworn to and subscribed before me this 3rd day of June, 19 85

Notary Public for South Carolina
4-11-89

000613

PROOF OF WILL ~~SELF-PROVING WILL~~

THE STATE OF SOUTH CAROLINA
_____ County.

IN THE COURT OF PROBATE

By _____, Judge of Probate for said County.

Personally appears _____ who, being duly sworn, says that he saw _____ sign, seal, publish and declare the annexed instrument of writing, bearing date the _____ day of _____, A.D. to be and contain _____ Last Will and Testament; that the said _____ was then of sound and disposing mind, memory and understanding, according to the best of deponent's knowledge and belief; and that the said _____ together with _____, and _____ and at the request of the testat _____ in _____ presence, and in the presence of each other, witnessed the due execution thereof.

Sworn to before me, this _____ day of

_____, Anno Domini 19____

_____ _____

Judge of Probate, _____ County, S. C.

ORDER ADMITTING WILL TO PROBATE IN COMMON FORM

On hearing the above petition of Hamilton M. Boyler it is hereby ordered, adjudged and decreed, that the petition be granted and the said Last Will and Testament, with codicil _____ of RHODA F. CROVUI, deceased, be entered of Probate in Common Form.

Given under my hand and the seal of the Court of Probate, this 3rd day of June, 1985

Judge of Court of Probate

(3)

000614

624

153 p 213

THE STATE OF SOUTH CAROLINA)
) RIGHT OF WAY EASEMENT
COUNTY OF BEAUFORT)

KNOW ALL MEN BY THESE PRESENTS that I, William B. DeLoach, in consideration of the sum of Three Hundred ($300) dollars to me in hand paid by Bay View, Inc. of Beaufort, South Carolina, receipt of which is hereby acknowledged, have granted, bargained, sold, and released, and by these presents do grant, bargin, sell and release unto the said Bay View, Inc., its successors and assigns:

A right of way for the construction of a pipe-line or an out-fall from the property of said Bay View, Inc., to the high water mark of the waters of Beaufort River for the purposes of location, construction, and improving and maintaining the above described pipe-line or fall-out. The right of ingress or egress for the purpose of constructing, maintaining, and repairing such pipe-line at all times. Said right of way to be on the Northern boundary line of lot No. 5 of a Subdivision of Lots 33 and 48 in section 16, Township 1 South, Range 1 West, and being bounded on the North by Lot No. 4 now said to be owned by Alice Cohen, East by the high water mark of Beaufort River, South by the remaining portion of said lot No. 5, and on the West by land now of the said Bay View, Inc. Said right of way to be a width of ten (10) feet.

Special provision of this easement of right of way is that the grantor herein reserves the right to plant any shrubbery or plants, erect any building or fences on the surface of the land over the pipe-line as long as it does not interfere with the operation of the said pipe-line. The grantee herein be responsible to repair, replace, and restore any fences, buildings, shrubberies, or anything else that might be injured or removed in the construction or maintenance of the said pipe-line in as good condition as before.

Together with all and singular, the rights, members, hereditaments, and appurtenances there unto belonging of anywise incident or appertaining. To have and to hold, all and singular, the said right of way and the rights herein and above granted unto the said Bay View, Inc., its successors and assigns forever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 9th day of May, in the year of our Lord, One Thousand Nine Hundred and Sixty-Eight.

Signed, sealed and delivered in the presence of:

Betty Sue Lewis

C. P. Herbert, Jr.

William B. DeLoach

THE STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

Personally appeared Betty Sue Lewis

and made oath that she saw the within named

000615

William B. DeLoach sign, seal and as his act and deed, deliver the within written easement; and that he with C. R. Bookstra witnessed the execution thereof.

Sworn to before me this 9th day of May A. D. 1968.

(L. S.)

Notary Public for South Carolina

THE STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

I, C. R. Bookstra, Notary Public for South Carolina, do hereby certify unto whom it may concern, that Mrs. Nell C. DeLoach, the wife of the within named William B. DeLoach, 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 Bay View, Inc., its successors and assigns, all her interest and estate, and also her right and claim of dower of, in and to, all and singular, the premises within mentioned and released.

Given under my hand and seal, this 9th day of May, Anno Domini, 1968.

Sworn to before me this 9th day of May A.D., 1968.

(L. S.)

Notary Public for South Carolina

THE STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

MORTGAGE RELEASE

KNOW ALL MEN BY THESE PRESENTS, That First Federal Savings and Loan Association of Beaufort does for certain valuable consideration release from the lien and operation of its mortgage the right-of-way conveyed by the within easement, so that the said right-of-way shall be free and unaffected by said mortgage.

Witness this 11th day of May 1968.

In the presence of:

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF BEAUFORT (SEAL)

By President

FILED AT 2:33 O'CLOCK P. M. BEAUFORT COUNTY, S. C. MAY 13 1968

RECORDED IN BOOK 153 PAGE 213

CLERK OF COURT OF COMMON PLEAS

000616

620

72p 177

The State of South Carolina
County of Beaufort,

Whereas our Mother Mary E.Crofut died leaving her property to various heirs according to her will, Recorded in Book 6 on Page 241,which will named certain pieces of property to certain heris and left all the residue to us, Rita,Georgia,James Crofut and Elizabeth Waterhouse

we, Rita Crofut, Georgia Crofut,James Crofut and Elizabeth Waterhouse the four children of the said Mary E.Crofut

Fifty-- DOLLARS

to us J.Young

J.Young

the South Western Portion of Block E35, being the same lot conveyed to our Grandfather J.J. Crofut by his wife E.A.Crofut,by deed recorded in Book 28 on Page 216, and understood to measure 160 feet more or less on its Northern and Southern sides and 129 feet more or less on its Eastern and Western sides.

INSO ONLY

(State of Texas)
(County of Bandera)
(Personally appeared before me J.Meadows who upon)
(oath says that he was present and saw Georgia A.Crofut)
(sign, seal, and as her act and dee. deliver the
within written Deed and that she with J.Benjim
Danienfort witnessed the same. J.Meadows.
(Sworn to before me this 21st
day of Dec 1939
(SEAL) Benjim Danienfort,Notary Public for Texas,

TOGETHER with all ... and appurtenances ... and after him to his

J.Young

And we ourselves and our

Us our and all other persons

WITNESS our hand ... this sixty fourth day of thirty nine and in the one hundred and

(Elizabeth Waterhouse (L.S)
(James Crofut (L.S)
(Rita Crofut
(Georgia Crofut

Calhoun Thomas
W.J.Thomas

Dorothy Meadows, J.B.Danefort

THE STATE OF SOUTH CAROLINA,
Beaufort County.

Calhoun Thomas

he Elizabeth Waterhouse, James Crofut, Rita Crofut

their he wife W.J.Thomas

WITNESS my hand and seal this 16th day of December A.D. 39

Calhoun Thomas

(SEAL) W.J.Thomas (L.S)
Notary Public in and for So Car

THE STATE OF SOUTH CAROLINA,
Beaufort County.

I, Wm J.Thomas, Notary Public in and for So Car

Rhoda F.Crofut wife of the within named James Crofut

did this day appear before me, and upon being privately 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 J.Young

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 16th day of December A.D. 39

Rhoda F.Crofut

(SEAL) Wm J.Thomas (L.S)
Not. Pub. in and for So Car

Recorded the 24th day of August 1951

000617

Form 14—Title to Real Estate
587890 Revised 1976

State of South Carolina,

COUNTY OF BEAUFORT

1994

Info

KNOW ALL MEN BY THESE PRESENTS, THAT

I, REBECCA C. WIGHT

in the State aforesaid for and in consideration of the sum of

ONE DOLLAR AND AND NO/100 DOLLARS,

and natural love and affection for my husband

to me in hand paid at and before the sealing of these presents by FRANKLYN C. WIGHT

P. O. Box 126, Beaufort, South Carolina 29902.

in the State aforesaid the receipt whereof is hereby

acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and

release unto the said FRANKLYN C. WIGHT and REBECCA C. WIGHT, as joint tenants with the right of survivorship:

ALL that certain piece, parcel or lot of land, with all improvements thereon situate, lying and being on Port Royal Island, Beaufort County, South Carolina, and being more particularly bounded and described as follows: Being all of Lots Six (6) and Seven (7) and the Northern forty-five (45) feet of Lot Eight (8) as shown on a plat of the Frank Wright Subdivision, surveyed by A. E. Samuel, Jr. February 3, 1948 and retraced and revised by R. D. Trogden, Sr. on June 14, 1956. Said lots combined form one (1) lot and measures Two Hundred (200) feet, more or less; on its Northern boundary line; Three Hundred (300) feet, more or less on its Eastern boundary line; ThreeHundred Forty Point Five (340.5) feet, more or less on its Southern boundary line; and Three Hundred (300) feet, more or less on its Western boundary line. Bounded on the North by Lot Five (5), now or formerly of William B. DeLoach, on the East by the high water mark of Beaufort River, on the South by the remaining portion of Lot Eight (8) now or formerly of Ned Brown, and on the West by property now or formerly of P. W. Brown.

Not Recorded with ROD

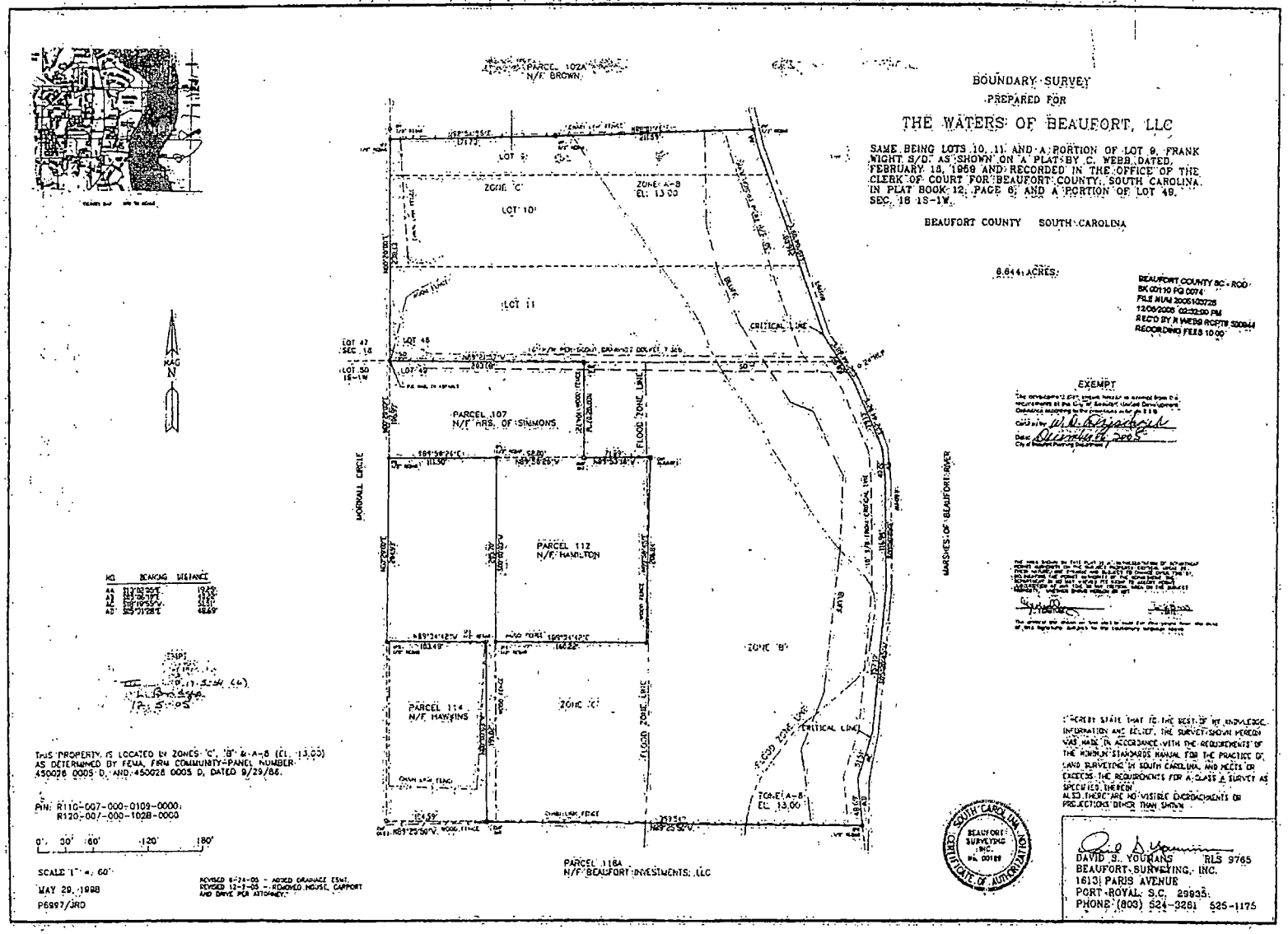
This a portion of the property conveyed by Lillian D. Christensen, et al. to the within Rebecca C. Wight by deed dated December 31, 1947 and recorded in Deed Book 66 at Page 178.

Said lot is a portion of Lot No. Forty-eight (48) in Section 18, Township 1 South, 1 West according to the survey of the Direct Tax Commissioners for South Carolina.

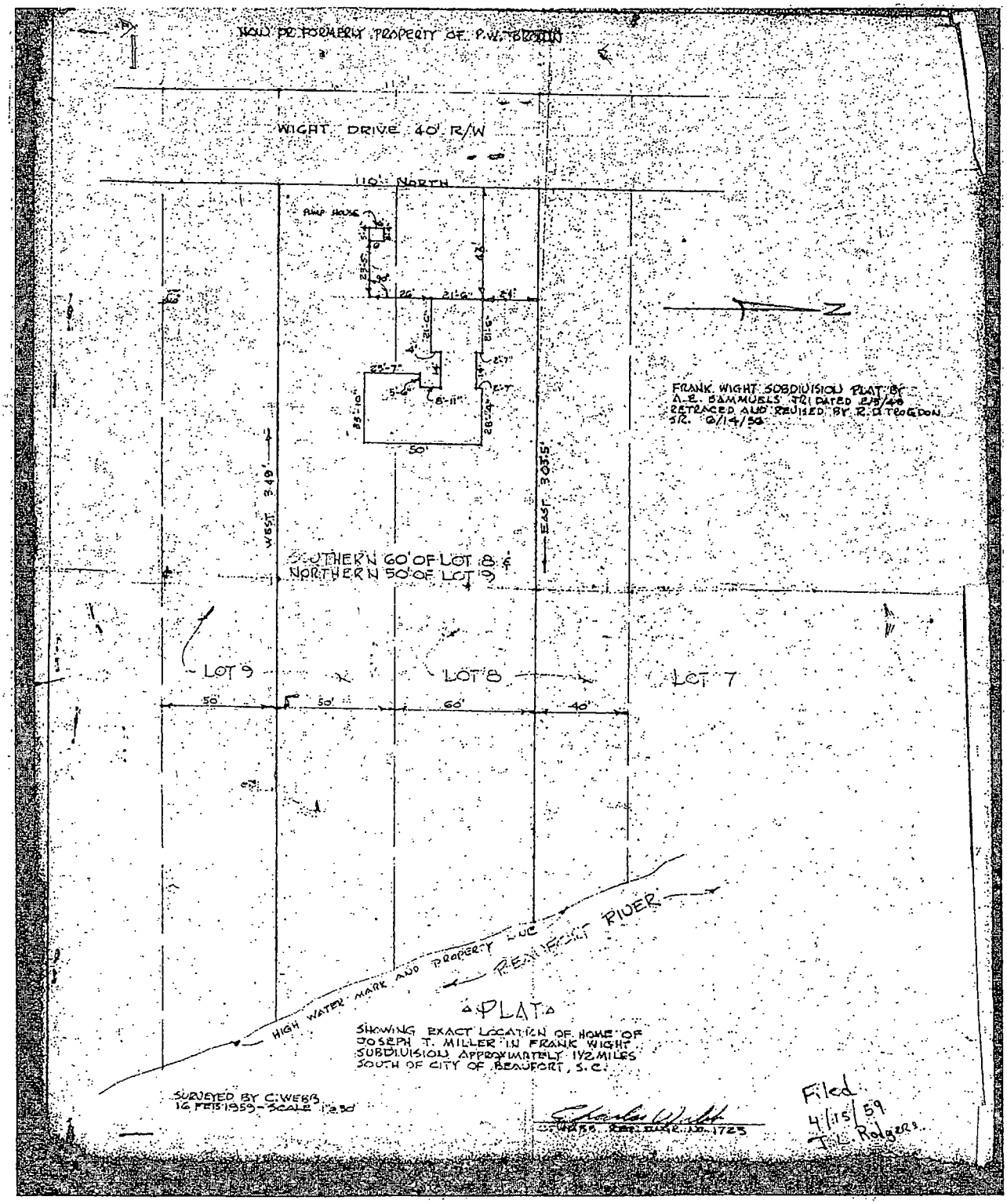
This deed was prepared by the law firm of MOSS, CARTER, BRANTON & BAILEY, P.A. 1501 North Street, Beaufort, South Carolina 29902.

Beaufort County Tax Map Reference
Map 7 Parcel 102 Blk Dist 000

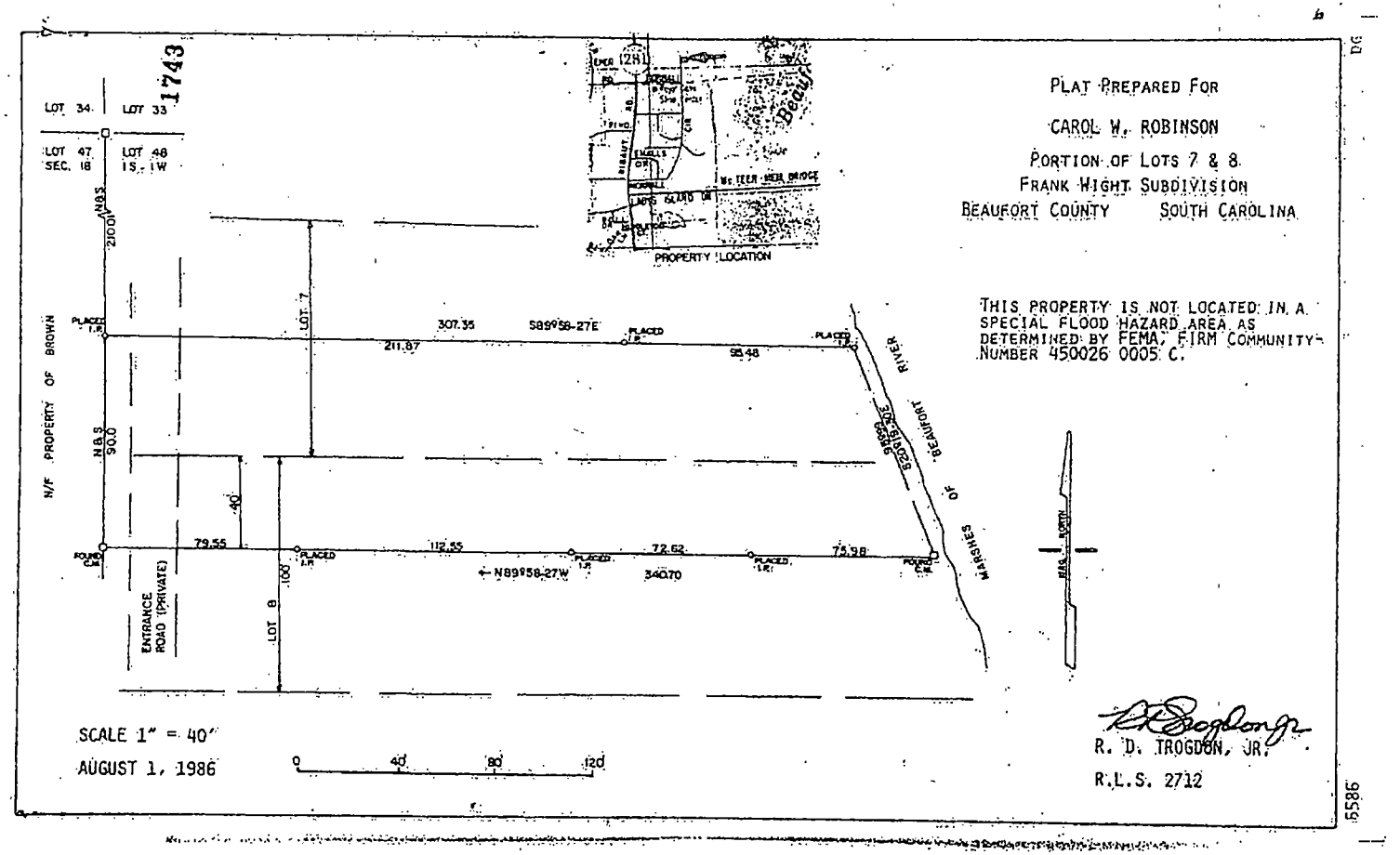
06/05/2007 10:19 BEAUFORT CO ROD 000618


BOUNDARY SURVEY
PREPARED FOR
THE WATERS OF BEAUFORT, LLC
SAME BEING LOTS 10, 11 AND A PORTION OF LOT 9, FRANK WIGHT S/D. AS SHOWN ON A PLAT BY C. WEBB, DATED FEBRUARY 18, 1969 AND RECORDED IN THE OFFICE OF THE CLERK OF COURT FOR BEAUFORT COUNTY, SOUTH CAROLINA, IN PLAT BOOK 12, PAGE 6; AND A PORTION OF LOT 49, SEC. 18 1S-1W.
BEAUFORT COUNTY SOUTH CAROLINA
8.644± ACRES
BEAUFORT COUNTY SC - ROD
BK 02110 PG 0074
FILE NUM 2005103726
12/09/2005 02:32:00 PM
RECD BY R WEBB RCPT# 590644
RECORDING FEES 10.00
EXEMPT
PARCEL 107A N/F BROWN
LOT 9
LOT 10
LOT 11
ZONE 'C'
ZONE A-8 EL. 13.00
CRITICAL LINE
LOT 48
LOT 47 SEC. 18
LOT 50 1S-1W
PARCEL 107 N/F HRS. OF SIMMONS
FLOOD ZONE LINE
MORHALL CIRCLE
PARCEL 112 N/F HAMILTON
ZONE 'B'
MARSHES OF BEAUFORT RIVER
PARCEL 114 N/F HAWKINS
ZONE 'C'
PARCEL 116A N/F BEAUFORT INVESTMENTS, LLC
MAG N
THIS PROPERTY IS LOCATED IN ZONES 'C', 'B' & A-8 (EL. 13.00) AS DETERMINED BY FEMA, FIRM COMMUNITY-PANEL NUMBER 450026 0005 D, AND 450026 0005 D, DATED 9/29/86.
PIN: R110-007-000-0109-0000
R120-007-000-1028-0000
0' 30' 60' 120' 180'
SCALE 1" = 60'
MAY 29, 1998
P6997/3RD
REVISED 8-24-05 - ADDED DRAINAGE ESMT.
REVISED 12-1-05 - REMOVED HOUSE, CARPORT AND DRIVE PER ATTORNEY.
I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN. ALSO, THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.
SOUTH CAROLINA
BEAUFORT SURVEYING INC.
CERTIFICATE OF AUTHORIZATION
DAVID S. YOURANS RLS 9765
BEAUFORT SURVEYING, INC.
1613 PARIS AVENUE
PORT ROYAL, S.C. 29935
PHONE (803) 524-3261 525-1175

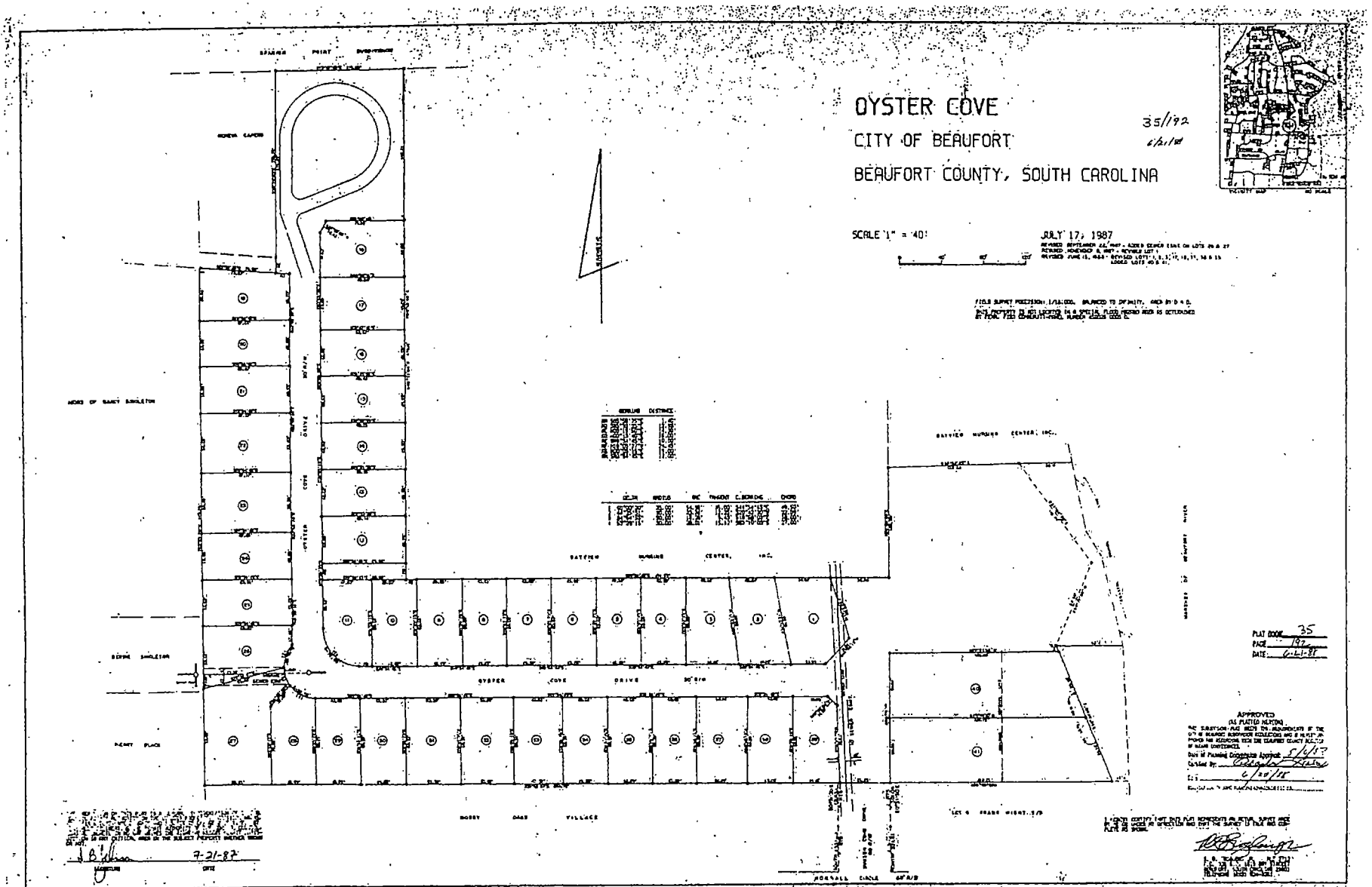
000619


WIGHT DRIVE 40' R/W
110' NORTH
PUMP HOUSE
FRANK WIGHT SUBDIVISION PLAT BY
A.E. SAMMUELS JR. DATED 2/8/40
RETRACED AND REVISED BY R.D. TOOGDON
S.C. 6/14/50
WEST 349'
EAST 303.5'
SOUTHERN 60' OF LOT 8 &
NORTHERN 50' OF LOT 9
LOT 9
LOT 8
LOT 7
50'
50'
60'
40'
HIGH WATER MARK AND PROPERTY LINE
BEAUFORT RIVER
PLAT
SHOWING EXACT LOCATION OF HOME OF
JOSEPH T. MILLER IN FRANK WIGHT
SUBDIVISION APPROXIMATELY 1 1/2 MILES
SOUTH OF CITY OF BEAUFORT, S.C.
SURVEYED BY C. WEBB
16 FEB 1959 - SCALE 1" = 50'
Filed
4/15/59
J.L. Rogers

000620

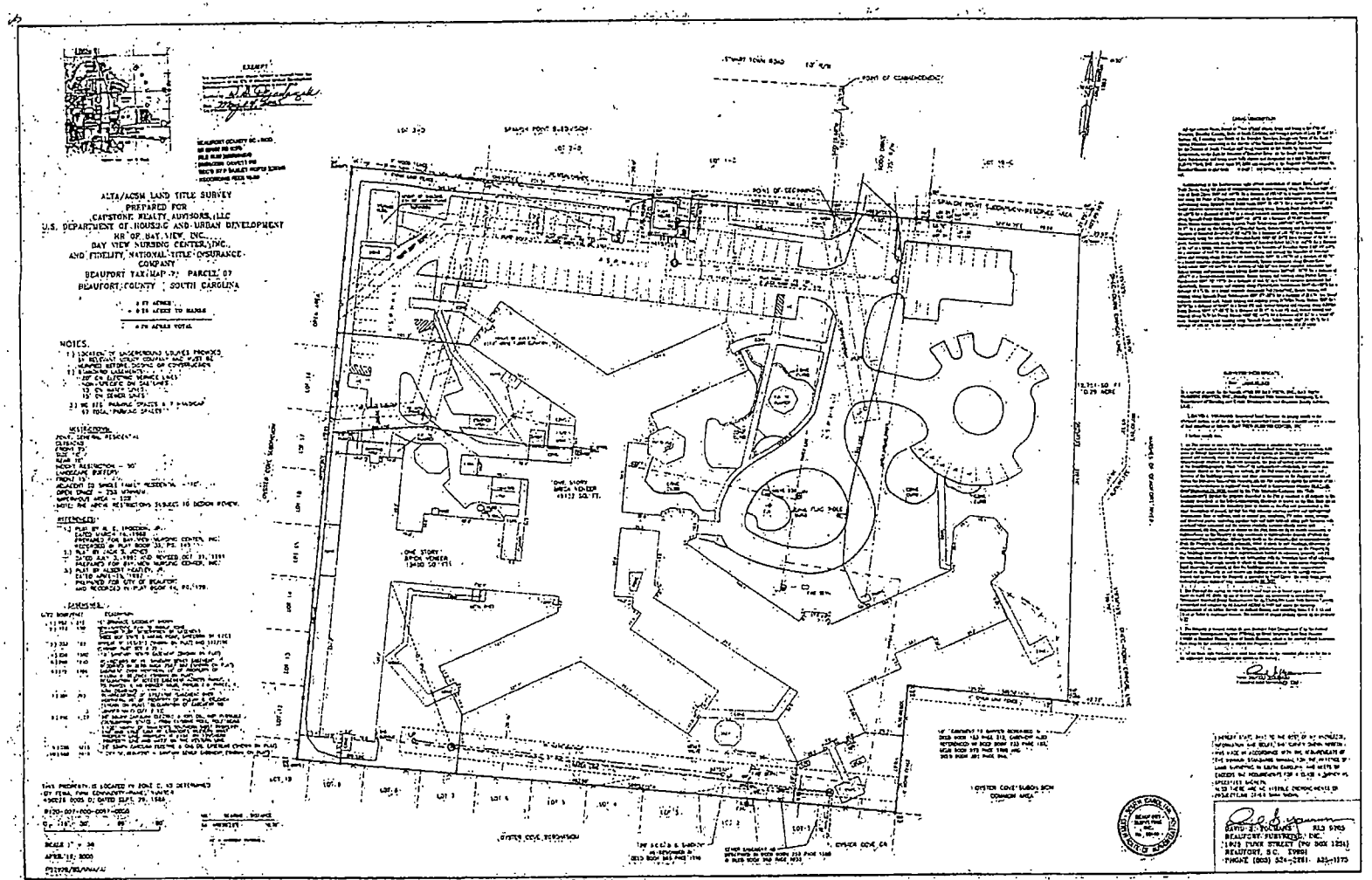

11743
LOT 34
LOT 33
LOT 47
SEC. 18
LOT 48
IS. 1W
N 0 3
210.0'
PROPERTY LOCATION
PLAT PREPARED FOR
CAROL W. ROBINSON
PORTION OF LOTS 7 & 8
FRANK WIGHT SUBDIVISION
BEAUFORT COUNTY SOUTH CAROLINA
THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY FEMA, FIRM COMMUNITY NUMBER 450026 0005 C.
N/F PROPERTY OF BROWN
PLACED I.R.
307.35
S89°58-27E
211.87
95.48
LOT 7
N 0 3
90.0'
40'
79.55
112.55
72.62
75.98
340.70
N89°58-27W
FOUND C.M.
ENTRANCE ROAD (PRIVATE)
LOT 8
100'
BROAD CREEK
BEAUFORT RIVER
MARSHES OF
SCALE 1" = 40'
AUGUST 1, 1986
0
40
80
120
R. D. TROGDON, JR.
R.L.S. 2712
6586

0006621

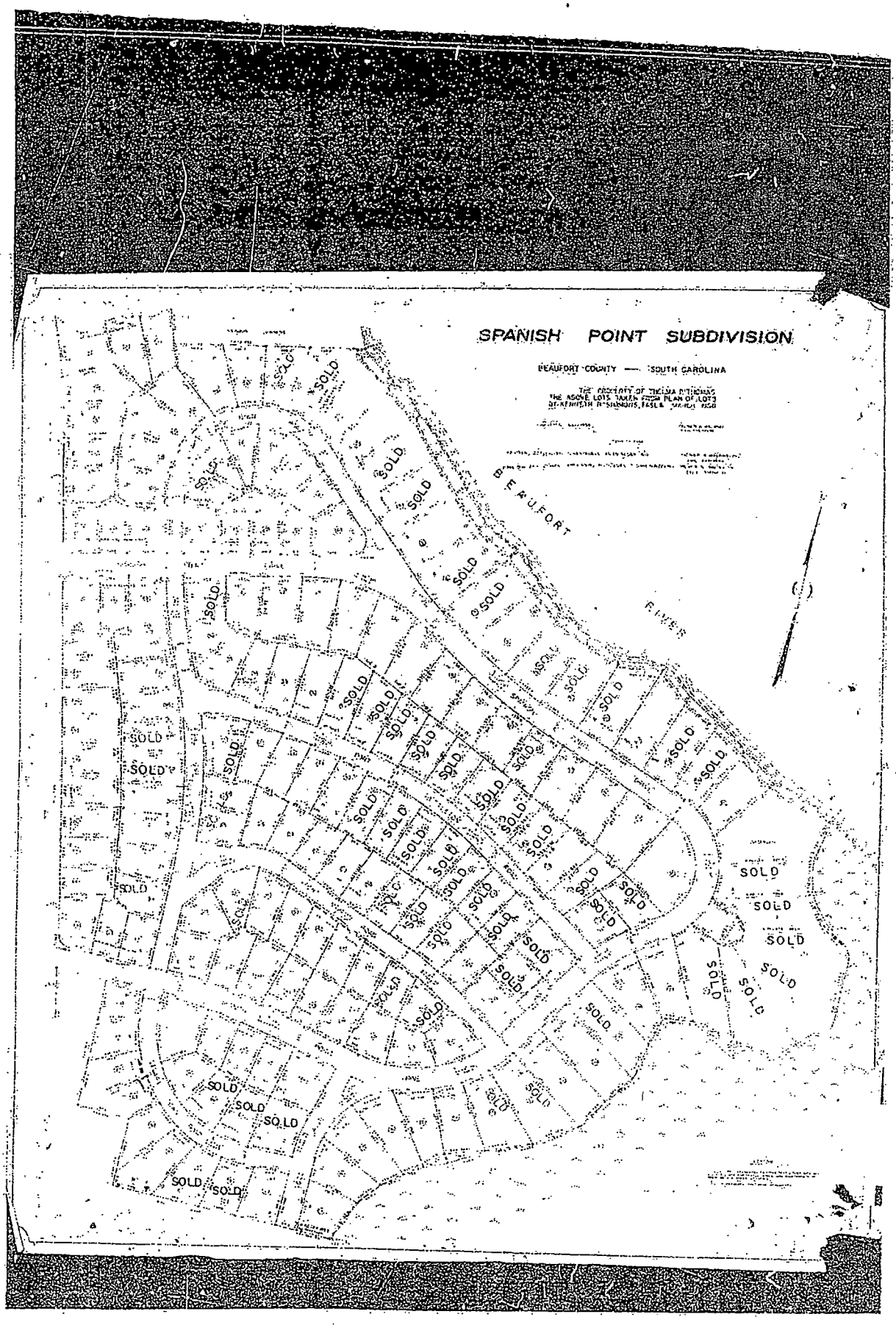


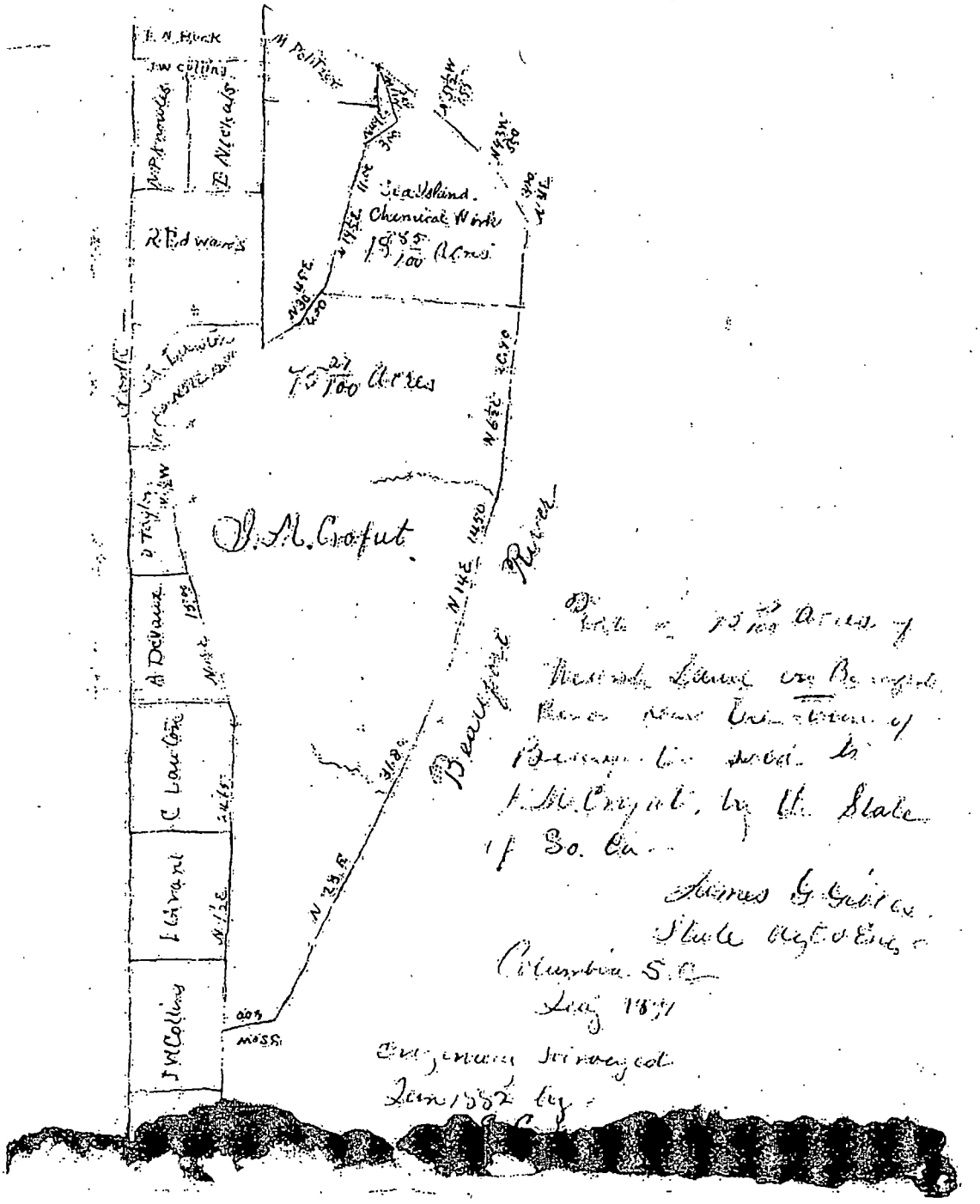
35-S (61-12/63-428)

632 2900662

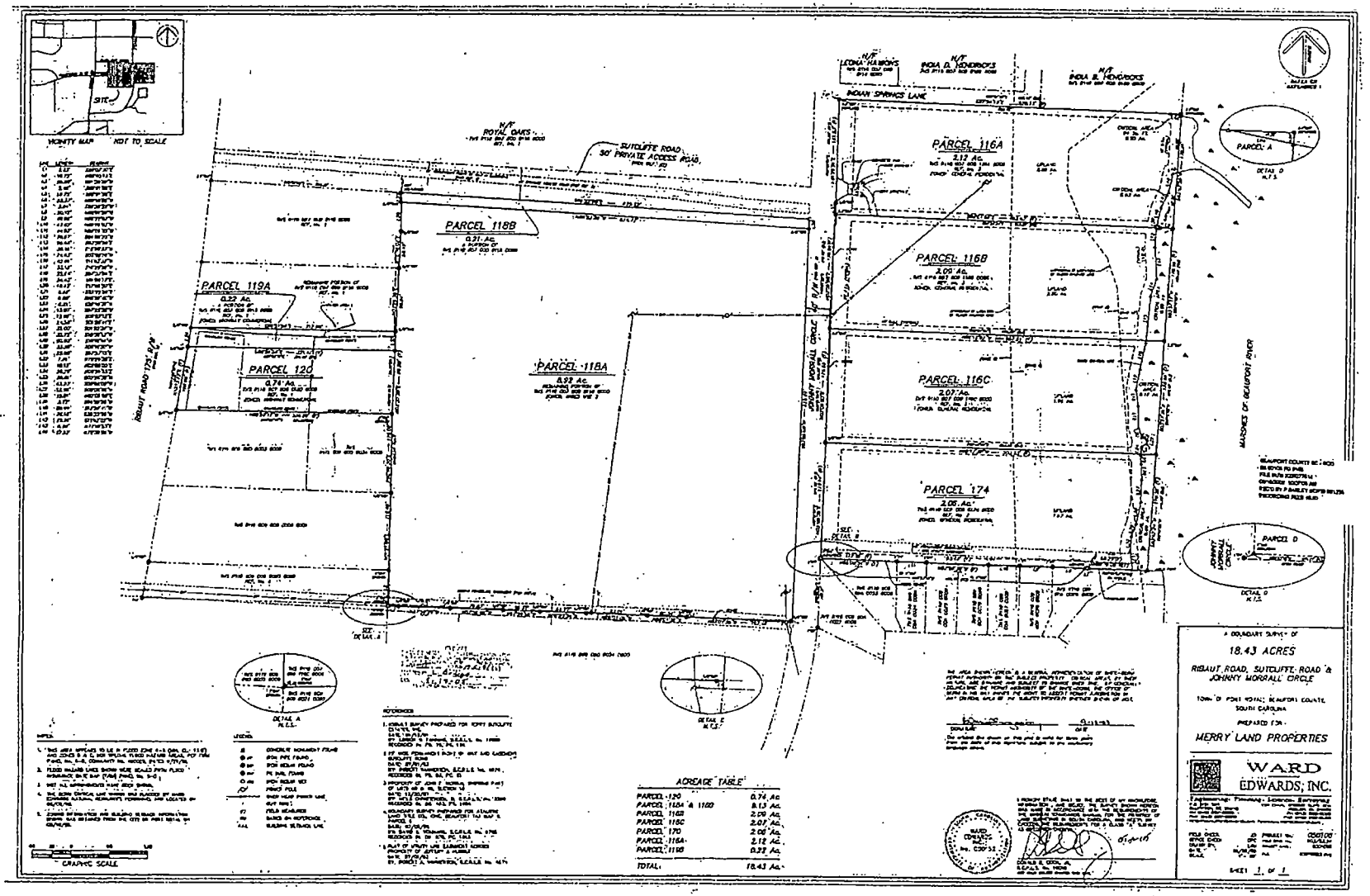

ALTA/ACSM LAND TITLE SURVEY
PREPARED FOR
CAPSTONE REALTY ADVISORS, LLC
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
HR OF BAY VIEW, INC.
BAY VIEW NURSING CENTER, INC.,
AND FIDELITY NATIONAL TITLE INSURANCE COMPANY
BEAUFORT TAX MAP 27 PARCEL 07
BEAUFORT COUNTY SOUTH CAROLINA
NOTICE:
SCALE 1" = 30'
APRIL 18, 2005

000623


SPANISH POINT SUBDIVISION
BEAUFORT COUNTY — SOUTH CAROLINA
BEAUFORT
RIVER
SOLD


E. N. Huck
Sw cutting
W. P. Knowles
E. Nicholas
2 Ed Wards
Seaboard Chemical Works
19 85/100 Acres
To 21/100 Acres
D. M. Cofut
A Devaux
C Lawton
L Girard
J W Collins
Beaufort River
N 14 E 1450
N 23 E
Moss
James G. Gaines
State Agt. of Eng.
Columbia S. C.
Aug 1871
Engineers Survey
June 1882 by

000625


PARCEL 116A
2.12 Ac.
PARCEL 116B
2.00 Ac.
PARCEL 116C
2.07 Ac.
PARCEL 174
2.06 Ac.
PARCEL 118B
0.71 Ac.
PARCEL 118A
0.92 Ac.
PARCEL 119A
0.52 Ac.
PARCEL 120
0.71 Ac.
SUTCLIFFE ROAD
30' PRIVATE ACCESS ROAD
RIBAUT ROAD (125' R/W)
JOHNNY MORRALL CIRCLE
BROWN SPARROW LANE
MARSHES OF BEAUFORT RIVER
VICINITY MAP NOT TO SCALE
GRAPHIC SCALE
ACREAGE TABLE
PARCEL 120 0.74 Ac.
PARCEL 118A & 118B 8.13 Ac.
PARCEL 116B 2.09 Ac.
PARCEL 116C 2.07 Ac.
PARCEL 174 2.06 Ac.
PARCEL 116A 2.12 Ac.
PARCEL 119B 0.52 Ac.
TOTAL: 18.43 Ac.
A BOUNDARY SURVEY OF
18.43 ACRES
RIBAUT ROAD, SUTCLIFFE ROAD & JOHNNY MORRALL CIRCLE
TOWN OF PORT ROYAL, BEAUFORT COUNTY, SOUTH CAROLINA
PREPARED FOR:
MERRY LAND PROPERTIES
WARD EDWARDS, INC.
SHEET 1 OF 1

89008

```
SALEH T116448MAY2407 >0705<
                          S A L E S    H I S T O R Y
 KEY:00234696                          OWNER:HOYLER HAMILTON MARSHALL JR
ACCT:R120 007 000 0632 0000            LEGAL:MARSH
 LOC:
      OWNER                          SALE DATE  BOOK/PAGE DEED QUAL V/I   PRICE
 > <>*HOYLER HAMILTON MARSHALL JR    1979/11/01 0289/1351 GW     U   V 00000000
<> <>                                                                        <
 > <>                                                                        <
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CONTINUE(X): > <
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    MESSAGE:  * * * END OF LISTING * * *                                   >@
09:59:20:01   INPUT REQUEST                              0.00       Page 1
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000627

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RVIEW T116445MAY2407 >0705<
                    R E A L    P R O P E R T Y    V I E W    S C R E E N
  KEY:0234696    YEAR:2007                OWNER:HOYLER HAMILTON MARSHALL JR
 ACCT:R120 007 000 0632 0000                    7 JACOBS POINT RD
  LOC:
  MAP:        DIST: 120   PCA/PCS:6101-11
LEGAL:MARSH                                 WARREN                 RI  02885 0000
                                           MULTI:      PARENT:
                                           AREA:CM01   CITY:NR    BUILDING INFO
  VALUES: ASSESSMENT     APPRAISAL         ACRES:      95.00      TYPE:
    LAND:       1000          1000         LOTS:                  YRBLT:     EFFYR:
    BLDG:                                  BLDGS:                 SQ-FT:
    FEAT:                                  ACTIVITY: 2007/01/06   EXEMPTS:
  MARKET:       1000          1000         LAST-SALE:1979/11/01     "
  AG USE:                                  SALE-AMT:                "
  INCOME:                                  DEED:GW     V/I:V      SPASMT:
                                           BK/PG: 289 - 1351        "
 TAXABLE:       1000          1000         RECORD-DTE:0000/00/00    "
  EXEMPT:                                  MORTGAGE:      QUAL:U    "
ASSESSED:          60                      OWN %:100               NET TAXES:
                                          ADJ#:    DATE:            PAID-TAX:
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    MESSAGE:                                                                    □>@
 09:59:02:08    INPUT REQUEST                                        0.00        Page 1
```

TAXLK I116446MAY2407 >0705<

A C C O U N T T A X I N Q U I R Y

KEY: 00234696 DISTRICT: 120 OWNER:HOYLER HAMILTON MARSHALL JR

ACCT:R120 007 000 0632 0000 PCA:6101-11 LEGAL:MARSH

LOC:

YR	CALC/RD	BASE TAX	T	PAYMENTS	PENALTIES	DELQ COST	TAXES DUE
2006	2006 11 06	12.63	F	12.63			
2005	2005 11 03	12.11	F	12.11			
2004	2004 11 18	15.95	F	15.95			
2003	2003 11 17	20.08	F	20.08			
2002	2002 11 18	19.78	F	19.78			
2001	2001 11 30	18.70	F	18.70			
2000	2000 12 07	14.77	F	14.77			
1999	1999 12 29	14.12	F	14.12			
1998	1998 12 07	13.17	F	13.17			
1997	1997 11 10	16.98	F	16.98			

BILL TO:HOYLER HAMILTON MARSHALL JR TOTAL OUTSTANDING:

7 JACOBS POINT RD

WARREN RI 02885 0000 CONTINUE(X): <

FUNC:> < DATA:> < SUB:> < YEAR:>2007<

MESSAGE:

09:59:08:07 INPUT REQUEST 0.00 Page 1

000629

TDPAY T116447MAY2407 >0705<

T A X P A Y M E N T D E T A I L L I S T I N G

KEY:00234696 YEAR:2007 OWNER:HOYLER HAMILTON MARSHALL JR

PAR:R120 007 000 0632 0000 TAX DISTRICT: 120 MORTG CODE:

LIEN NUMBER:*NONE* LIEN ACTION: LIEN COURT ID:

YR	P-DATE	PI-DATE	RECEIPT	PTY	BASE-TAX	PENALTIES	DELQ COST	AMOUNT-PAID
2006	20061106	20061106	60023469	F	12.63+			12.63
+ BB C PAID BY CHECK								
2005	20051103	20051103	00234696	F	12.11+			12.11+
17 C PAID BY CHECK								
2004	20041118	20041118	00234696	F	15.95+			15.95+
17 C PAID BY CHECK								
2003	20031117	20031117	00234696	F	20.08+			20.08+
17 C PAID BY CHECK								
2002	20021118	20021118	00234696	F	19.78+			19.78+
17 C PAID BY CHECK								
2001	20011130	20011130	00234696	F	18.70+			18.70+
16 C PAID BY CHECK								
2000	20001207	20001207	00023469	F	14.77+			14.77+
CF D PAID BY DEPOSIT SLIP								

FUNC:> < DATA:> < SUB:> < YR:>2007<

MESSAGE: SCREEN IS FULL

09:59:14:16 INPUT REQUEST 0.00 Page 1

000630

49MAY2407 >0705<

A C C O U N T L I S T I N G

> < CONTINUE LISTING

ACCOUNT NUMBER	ML/DT	LOCATION ADDRESS	OWNER	KEY
▷ < PR00234767			MOODY MARION	INACTIV
> < PR00234776			GAY JOHN H J	06148983
> < PR00234785			CHAMBERS HEN	09529343
> < PR00234936			BROWN RITA R	07005359
> < PR00235034			HEILKER PHIL	INACTIVE
> < PR00235043			MCCULLOUGH D	09529352
> < PR00235061			BROWN STEPHE	INACTIVE
> < PR00235105			BEAUFORT HOU	INACTIVE
> < PR00235132			MCPHERSON LE	INACTIVE
> < PR00235150			GREGORY ARNO	10172003
> < PR00235178			CAROLINA MAN	INACTIVE
> < PR00235187			WILLARD SCOT	INACTIVE
> < PR00235203			LEMING LARRY	09529370
> < PR00235221			DIPASQUALE B	INACTIVE
> < PR00235338			ODOM CHARLES	INACTIVE
> < PR00235356			RABCO LLC	INACTIVE
> < PR00235374			MUNGIN WALTE	00648687

FUNC:> < DATA:> < SUB:> < YEAR:> <

MESSAGE: *CAN'T LOCATE SPECIFIC ACCT. NUM. ▷@

09:59:26:27 INPUT REQUEST 0.00 Page 1

000631

A C C O U N T L I S T I N G

> < CONTINUE LISTING

ACCOUNT NUMBER	ML/DT	LOCATION ADDRESS	OWNER	KEY
> < TR00238692			HALL GEORGE	INACTIV
> < TR00238781			BARNHART EDW	INACTIVE
> < TR00239389			GRAY JONATHA	INACTIVE
> < TR00240572			COOSAW L P	INACTIVE
> < TR00240643			WALLING GROV	INACTIVE
> < TR00241312			DANGERFIELD	INACTIVE
> < TR00242320			EASON BRUCE	INACTIVE
> < TR00242348			EASON BRUCE	INACTIVE
> < TR00243329			LINDSAY JOHN	INACTIVE
> < TR00243846			EASON BRUCE	INACTIVE
> < TR00243962			ATTAWAY DORO	INACTIVE
> < TR00244300			MARSHALL DAY	INACTIVE
> < TR00246950			ELLSWORTH DU	INACTIVE
> < TR00255912			BRICKYARD HO	INACTIVE
> < TR00255930			BRICKYARD HO	INACTIVE
> < TR00256341			ARBOR INVEST	INACTIVE
> < TR00259650			HANNA JANE A	INACTIVE

FUNC:> < DATA:> < SUB:> < YEAR:> <

MESSAGE: *CAN'T LOCATE SPECIFIC ACCT. NUM. >@

09:59:33:27 INPUT REQUEST 0.00 Page 1

000632

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ACCTL T116451MAY2407 >0705<
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     ACCOUNT NUMBER     ML/DT LOCATION ADDRESS                    OWNER          KEY
=> < T120 008 000 0307 0000                                       KING ROBERT    INACTIV
> < T120 008 000 0346 0000                                       WEATON RALPH   INACTIVE
> < T120 008 000 0352 0000                                       WELLS RONALD   INACTIVE
> < T120 008 000 0368 0001                                       PEARCE H TIM   INACTIVE
> < T120 008 000 0371 0000                                       PATTERSON MA   INACTIVE
> < T120 008 000 0458 0000                                       ANDERSON WIL   INACTIVE
> < T120 009 000 0042 0000                                       SCANTLING VI   INACTIVE
> < T120 009 000 042H 0000                                       RIVERS DELOR   INACTIVE
> < T120 009 000 042J 0000                                       RIVERS DELOR   INACTIVE
> < T120 009 000 042J 0001                                       RIVERS DELOR   INACTIVE
> < T120 026 000 123A 0000   ML                                  PEOPLES PART   INACTIVE
> < T120 026 000 126H 0000                                       DESAI MAHESH   INACTIVE
> < T120 026 00A 0091 0000                                       CASEY STEPHE   INACTIVE
> < T120 026 00A 0094 0000                                       DEMPSEY JACK   INACTIVE
> < T120 029 000 0004 0000   ML                                  TRASK N W JR   INACTIVE
> < T120 029 000 005A 0000                                       TRASK J M JR   INACTIVE
> < T120 029 000 005A 0001                                       TRASK J M JR   INACTIVE
 FUNC:>       < DATA:>                          < SUB:>          < YEAR:>     <
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 09:59:42:02    INPUT REQUEST                                      0.00        Page 1
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000633

MAY2407 >0705<

A C C O U N T L I S T I N G

> < CONTINUE LISTING

	ACCOUNT NUMBER	ML/DT	LOCATION ADDRESS		OWNER	KEY
▷ <	R120 007 000 0632 0000				HOYLER HAMIL	0023469
> <	R120 007 000 0634 0000		1190	RIBAUT RD	NEIGHBORHOOD	00234712
> <	R120 007 000 0637 0000				KINGSRIDGE H	01838462
> <	R120 007 000 0638 0000		955	OYSTER COVE RD	KITCHEN ROBE	00653411
> <	R120 007 000 0639 0000	BF	953	OYSTER COVE RD	GIOSCIO-TURN	00653395
> <	R120 007 000 0640 0000	BF	951	OYSTER COVE RD	EVISTON SUSA	00653359
> <	R120 007 000 0641 0000	BF	949	OYSTER COVE RD	OLIVE CARTER	00653340
> <	R120 007 000 0642 0000		947	OYSTER COVE RD	PERPETUAL IN	00653331
> <	R120 007 000 0643 0000	BF	945	OYSTER COVE RD	YOUNG PAUL D	00653313
> <	R120 007 000 0644 0000	BF	943	OYSTER COVE RD	WILLIAMS WEA	00653304
> <	R120 007 000 0645 0000		941	OYSTER COVE RD	BIBB CURTIS	00653242
> <	R120 007 000 0646 0000	BF	939	OYSTER COVE RD	PATTERSON ED	00653206
> <	R120 007 000 0647 0000	BF	937	OYSTER COVE RD	BISHOP HEATH	00653199
> <	R120 007 000 0648 0000		935	OYSTER COVE RD	STRADER WILL	00653144
> <	R120 007 000 0649 0000		933	OYSTER COVE RD	PYNN PATRICI	00653135
> <	R120 007 000 0650 0000		931	OYSTER COVE RD	WALTON BABET	00653117
> <	R120 007 000 0651 0000		929	OYSTER COVE RD	KING RONNIE	00653091

FUNC:> < DATA:> < SUB:> < YEAR:> <

MESSAGE: *CAN'T LOCATE SPECIFIC ACCT. NUM. ▷@

09:59:49:46 INPUT REQUEST 0.00 Page 1

000634

6444MAY2407 >0705<

P R O P E R T Y O W N E R L I S T I N G

CONTINUE WITH: >HOYOS ROLANDO 11624041<

OWNER NAME	ADDRESS	KEY	PARCEL NUMBER	SEL
>HOYLER HAMILTON MARSHA	7 JACOBS POINT RD	00234696	R120 007 000 0632 0000	<><
>HOYLER HAMILTON MARSHA	7 JACOBS POINT RD	00259776	R200 014 000 0001 0000	<> <
>HOYOS HERNANDO	5 BRADLEY CIR	12752935	AM08 6B03568BH	<> <
>HOYOS ISABEL	155 DILLON RD APT	10522563	AM02 271PMF	<> <
>HOYOS ISABEL	19A TIDAL BLUFF	12146903	AM10 5A11922HH	<> <
>HOYOS ISABEL	155 DILLON RD 212	10043322	AM02 2A01115HH	<> <
>HOYOS ISABEL	993 MAY RIVER RD.	12763068	AM10 469UBV	<> <
>HOYOS JOHN B	BLDG 674 DEFRANCE	09959869	AM10 851NBP	<> <
>HOYOS NATALIA M	22 CAPERS CREEK D	10196611	AM02 440NEJ	<> <
>HOYOS ROLAND	20 SIMMONSVILLE R	09832167	AM09 1A066352HH	<> <
>HOYOS ROLAND J	20 SIMMONSVILLE R	10097185	AM05 447MDV	<> <
>HOYOS ROLAND J	20 SIMMONSVILLE R	10097194	AM05 259MDV	<> <
>HOYOS ROLAND J	POB 21675 HWY 278	07850854	AM11 451HEG	<> <
>HOYOS ROLAND J	20 SIMMONSVILLE R	11291141	AM05 4H04331HH	<> <
>HOYOS ROLAND JOAQUIN	20 SIMMONSVILLE R	09688224	AM05 1A034735HH	<> <
>HOYOS ROLAND JOAQUIN	20 SIMMONSVILLE R	09688251	AM05 1A034736HH	<> <
>HOYOS ROLANDO	F14 SHADY GLEN	09723677	AM08 466HYN	<> <

FUNC:> < DATA:> < SUB:> < YEAR:> <

MESSAGE: >@

09:58:55:51 INPUT REQUEST 0.00 Page 1

000635

RiverTitle, Inc.

ADDITIONAL CHARGES

Date: 05/24/2007

Property: 95 ACRES
Owner: Hamilton Hoyler
Purchaser:
File No.:
Due Date: 05-24-2007

We are in receipt of your request on the above referenced property. We want to put you on alert that it may require more time than usual to complete this search due to the difficulty that we can foresee will be involved. The cost to you and your client may be more than the standard $200.00 for a full search. It is impossible to give you an exact amount, since we charge by the hour in this instance. Please call the office if you need a ballpark figure. As you know we are always fair and will try to keep the cost as low as possible.

Please sign below to acknowledge receipt and understanding of this notice and permission to search the title and bill accordingly. **Without a signed receipt we will not proceed with the title search.**

Acknowledgment

Date:

000636

Oversized Exhibit

Plaintiff's Exhibit "4"

000637

Oversized Exhibit

Plaintiff's Exhibit "5"

000638

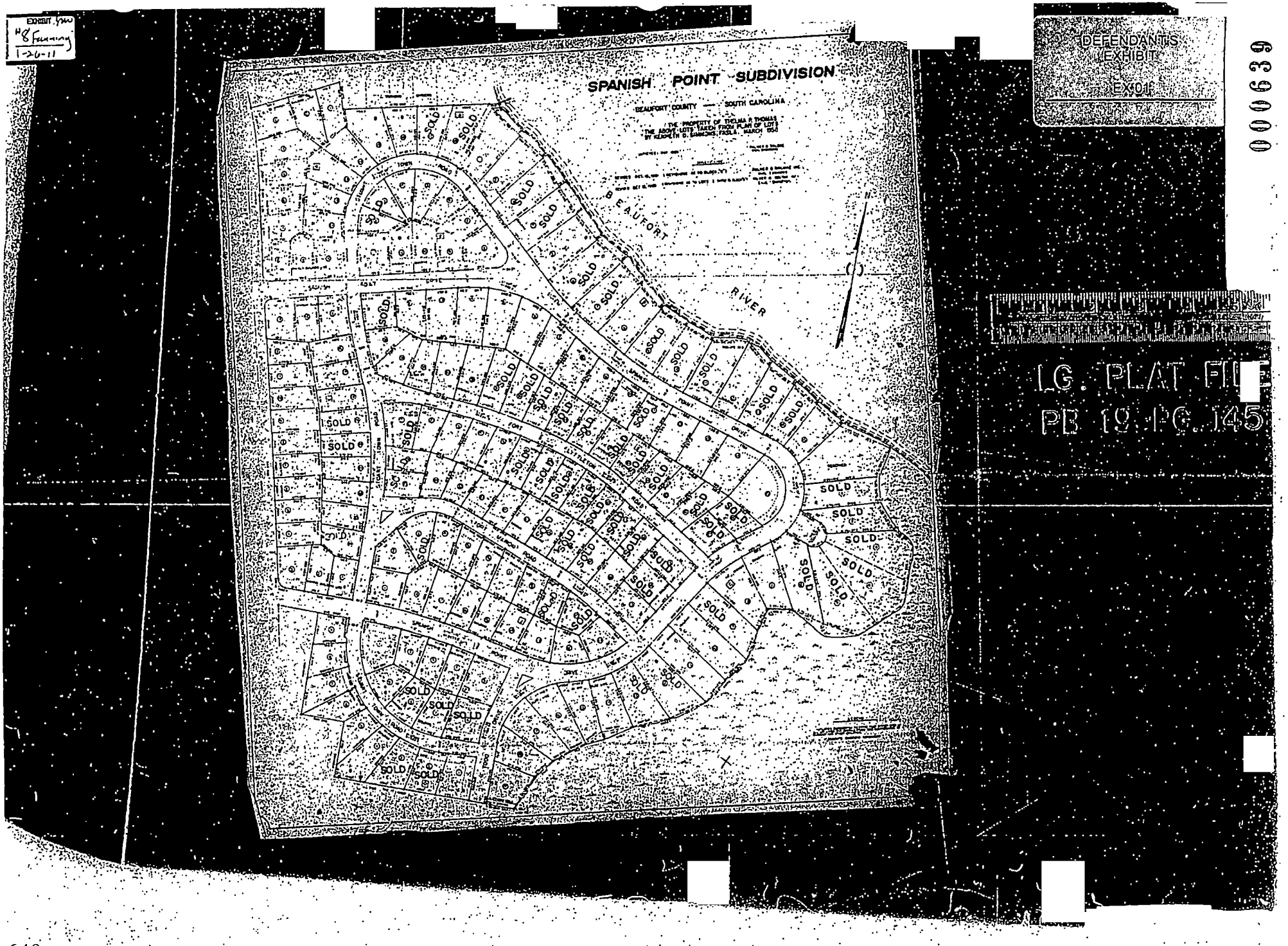
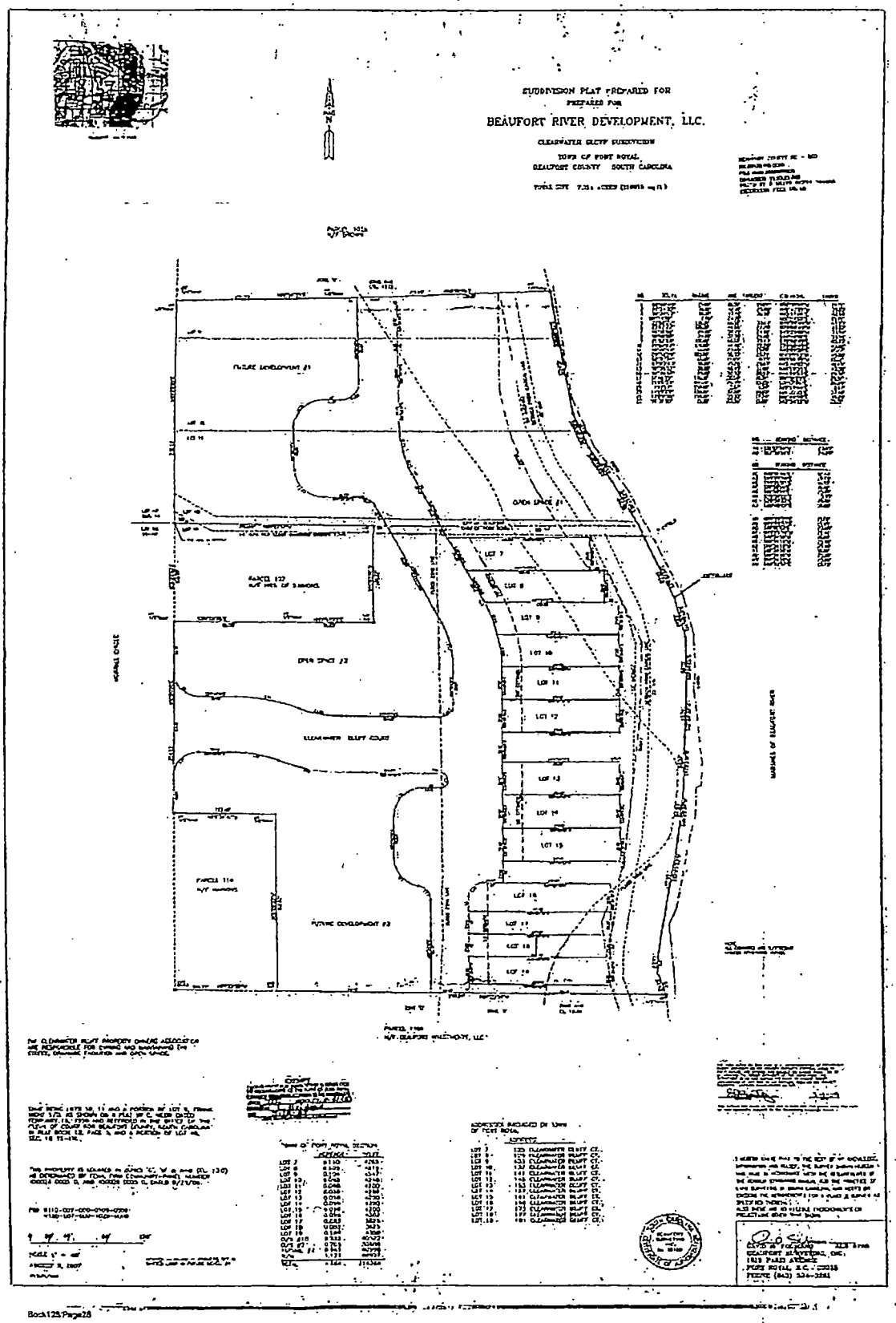


EXHIBIT
#8 Fanning
1-26-11
SPANISH POINT SUBDIVISION
BEAUFORT COUNTY — SOUTH CAROLINA
BEAUFORT
RIVER
SOLD
DEFENDANT'S
EXHIBIT
EX 01
LG. PLAT FIL
PB 19 PG 145
000639

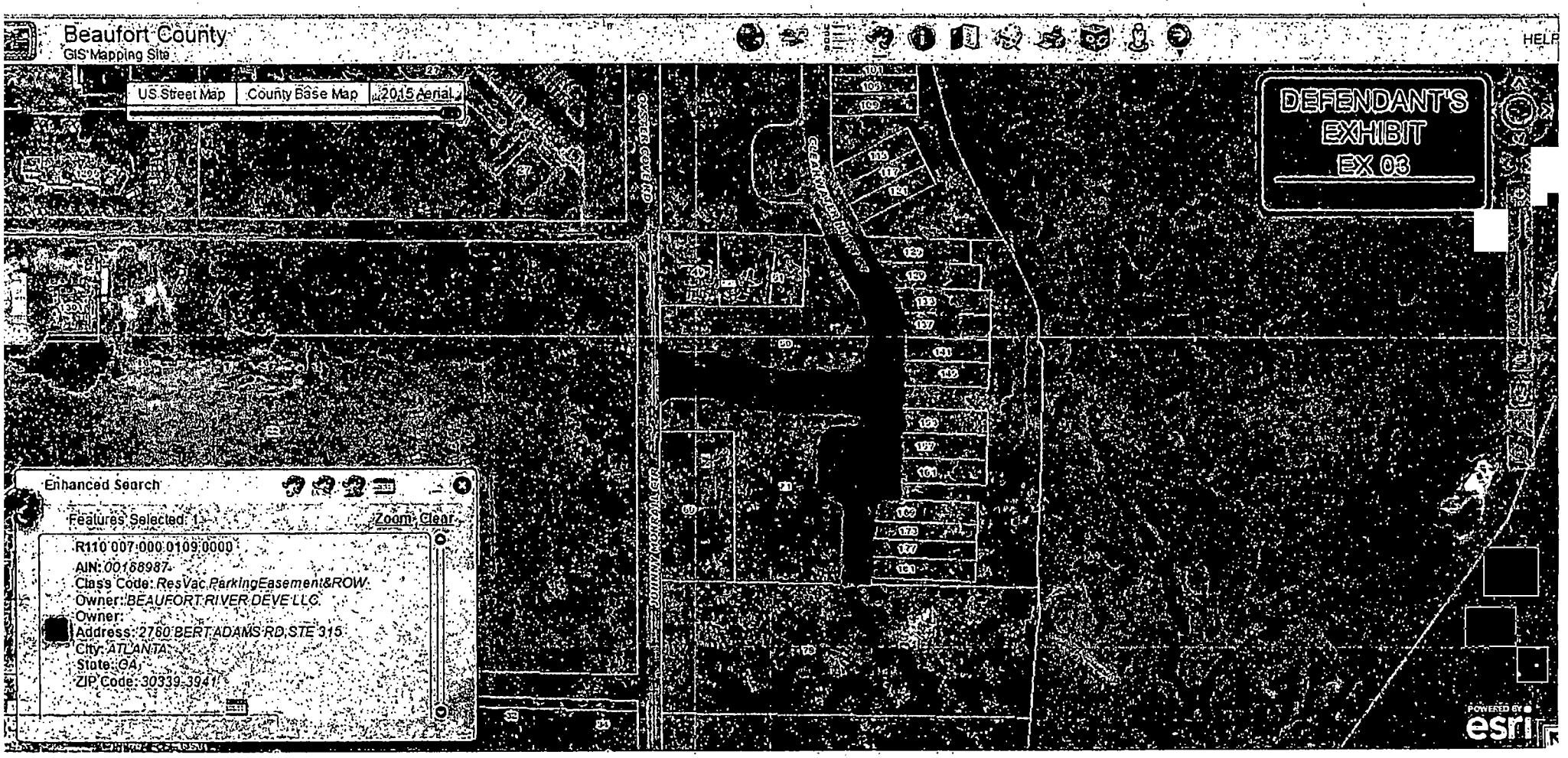
DEFENDANT'S EXHIBIT EX 02



Book123/Page28

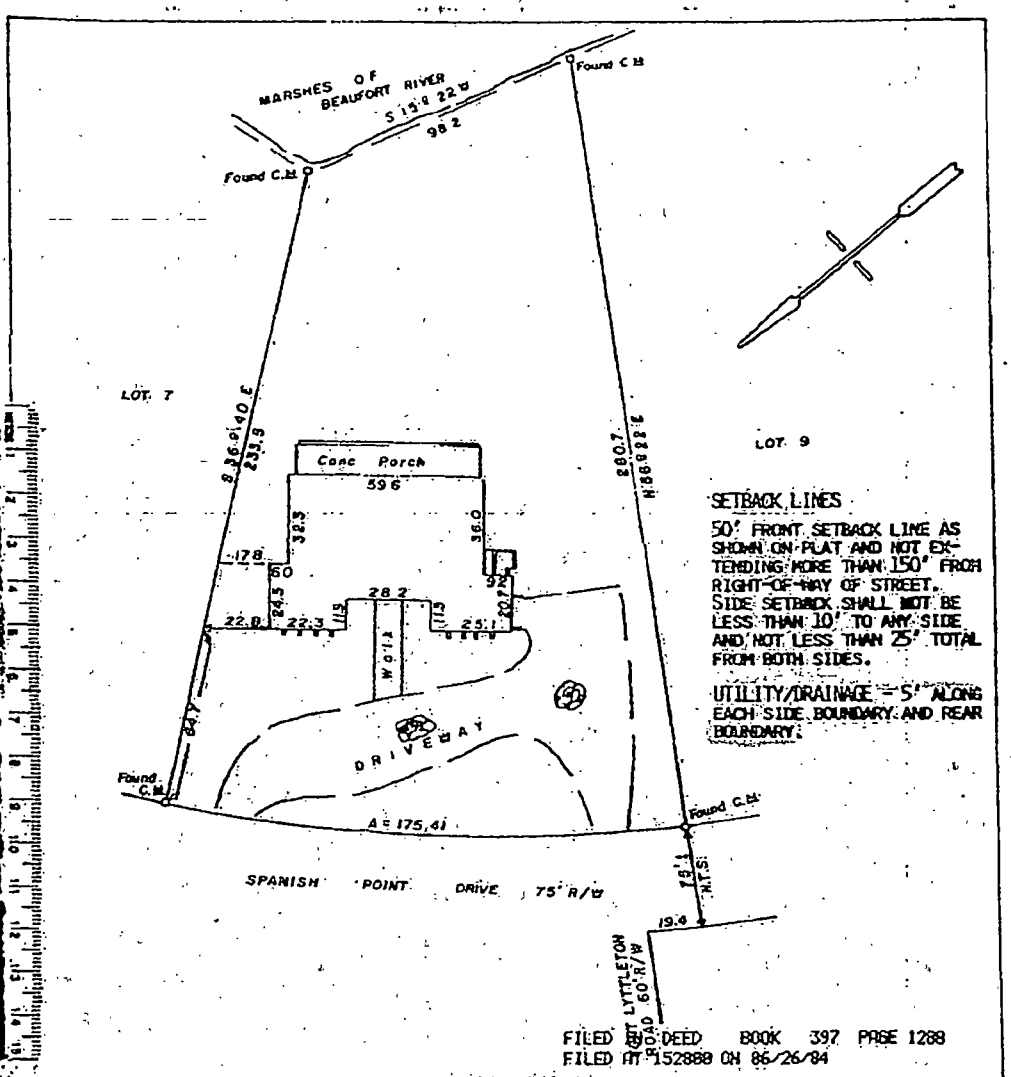
000640

650


Beaufort County
GIS Mapping Site
HELP
US Street Map
County Base Map
2015 Aerial
DEFENDANT'S EXHIBIT EX 03
Enhanced Search
Features Selected: 1
Zoom
Clear
R110 007 000 0109 0000
AIN: 00188987
Class Code: ResVac ParkingEasement&ROW
Owner: BEAUFORT RIVER DEVE LLC
Owner:
Address: 2760 BERT ADAMS RD STE 315
City: ATLANTA
State: GA
ZIP Code: 30339-3941
OYSTER COVE RD
BEAUFORT RIVER DR
POWERED BY esri

0006411

DEFENDANT'S EXHIBIT EX 04



SETBACK LINES

50' FRONT SETBACK LINE AS SHOWN ON PLAT AND NOT EXTENDING MORE THAN 150' FROM RIGHT-OF-WAY OF STREET. SIDE SETBACK SHALL NOT BE LESS THAN 10' TO ANY SIDE AND NOT LESS THAN 25' TOTAL FROM BOTH SIDES.

UTILITY/DRAINAGE - 5' ALONG EACH SIDE BOUNDARY AND REAR BOUNDARY.

FILED IN DEED BOOK 397 PAGE 1288
FILED AT 152888 ON 06/26/84

PLAT PREPARED FOR

SAMAI SUPAN & VRANUCH SUPAN

THE SAME BEING SHOWN AS LOT 8, BLOCK C, SPANISH POINT SUBDIVISION BY PALMER & MALONE, DATED OCTOBER 12, 1965 AND RECORDED IN THE OFFICE OF THE CLERK OF COURT FOR BEAUFORT COUNTY, SOUTH CAROLINA IN PLAT BOOK 19, PAGE 145.

I HEREBY CERTIFY THAT THE MEASUREMENTS ON THIS PLAT ARE CORRECT AND THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY HUD, PANEL H & I - 01; COMMUNITY NUMBER 4500268.

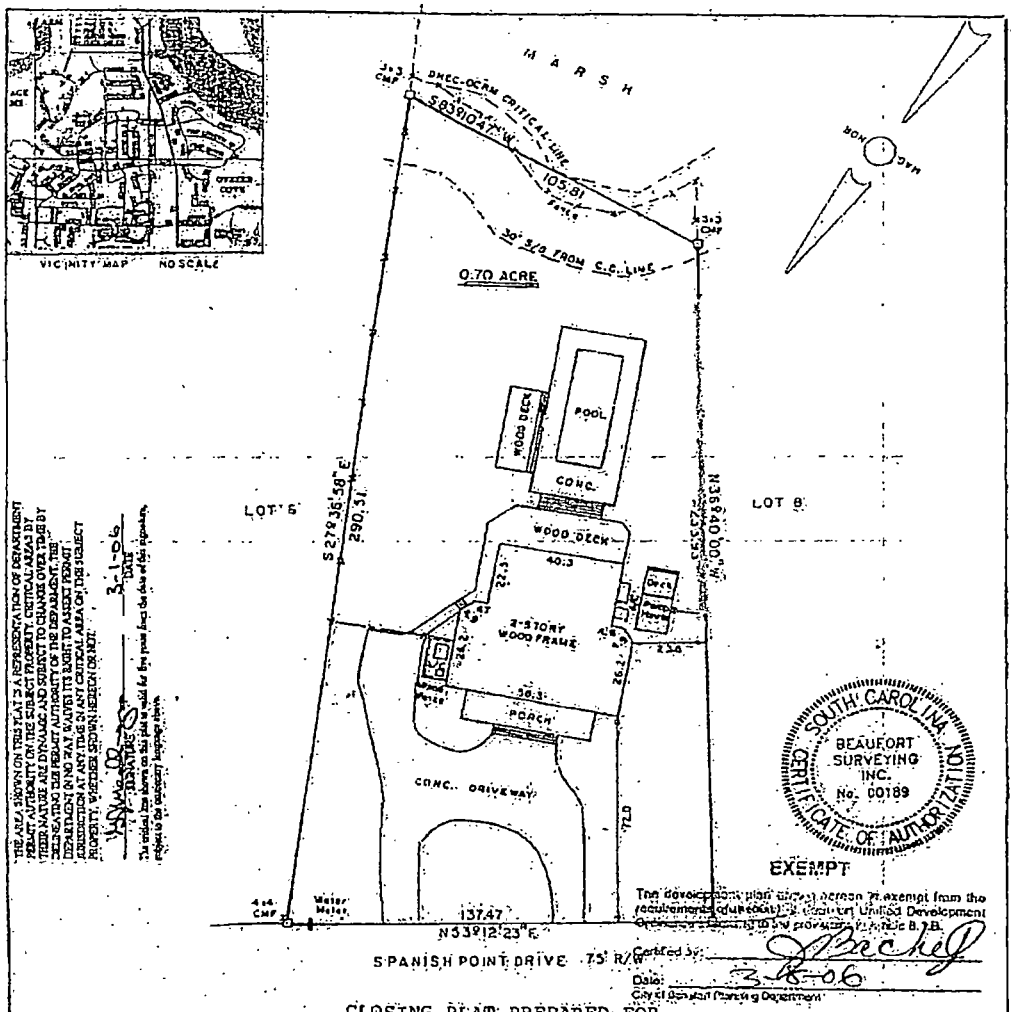
SCALE 1" = 40'
JUNE 22, 1984

R. D. TROGDON, JR.
R. L. S. 2712

000642

Beaufort County
GIS Mapping Site
US Street Map
County Base Map
2015 Aerial
HELP
DEFENDANT'S
EXHIBIT
EX 05
FORD SHELL RD
POPE AVE
100 m
400 ft
POWERED BY
esri

DEFENDANT'S EXHIBIT EX 06



CLOSING PLAT PREPARED FOR
GREGORY WESTERGAARD
PORT ROYAL ISLAND
BEAUFORT COUNTY, SOUTH CAROLINA

THE SAME BEING LOT 7, BLOCK C, SPANISH POINT SUBDIVISION AS SHOWN ON A PLAT BY PALMER & MALONE, DATED OCTOBER 12, 1965, AND RECORDED IN THE REGISTER OF DEEDS OFFICE FOR BEAUFORT COUNTY, SOUTH CAROLINA IN PLAT BOOK 19, PAGE 145.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

THIS PROPERTY IS LOCATED IN ZONE A-8 (ELEV. 13.00) AS DETERMINED BY FEMA, FIRM COMMUNITY-PANEL NUMBER 450026 0005 D, DATED 9/29/86.

PIN:R120-007-000-0361-0000

0 20' 40' 80' 120'
SCALE 1" = 40'

FEBRUARY 27, 2006

12608

DAVID S. YOUMANS R.L.S. 9765
BEAUFORT SURVEYING, INC.
1613 PARIS AVENUE SUITE 213
PORT ROYAL SOUTH CAROLINA 29935
(843) 524-3261 525-1175

Beaufort County
GIS Mapping Site
HELP
US Street Map
County Base Map
2015 Aerial
DEFENDANT'S
EXHIBIT
EX 07
Enhanced Search
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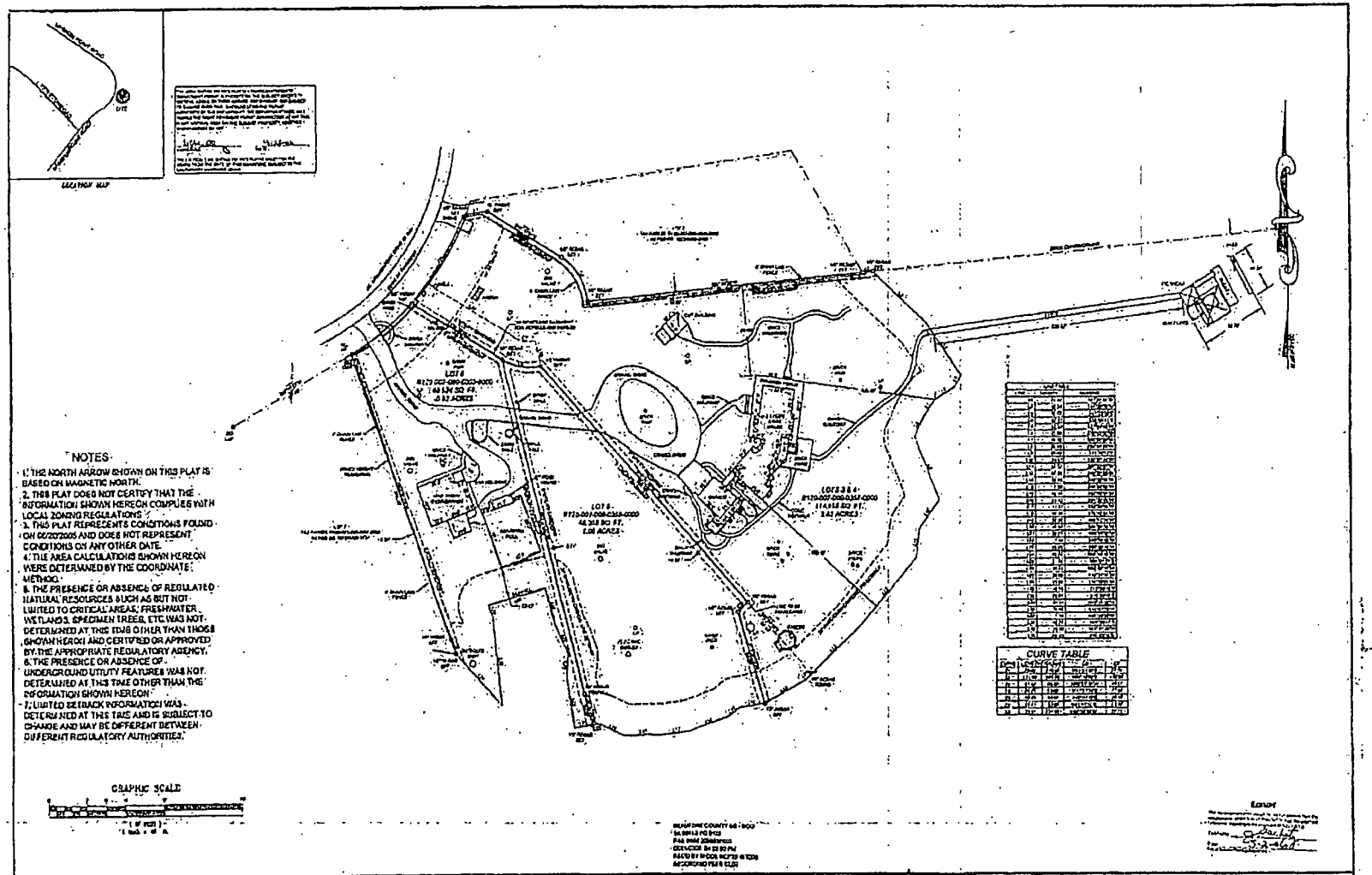
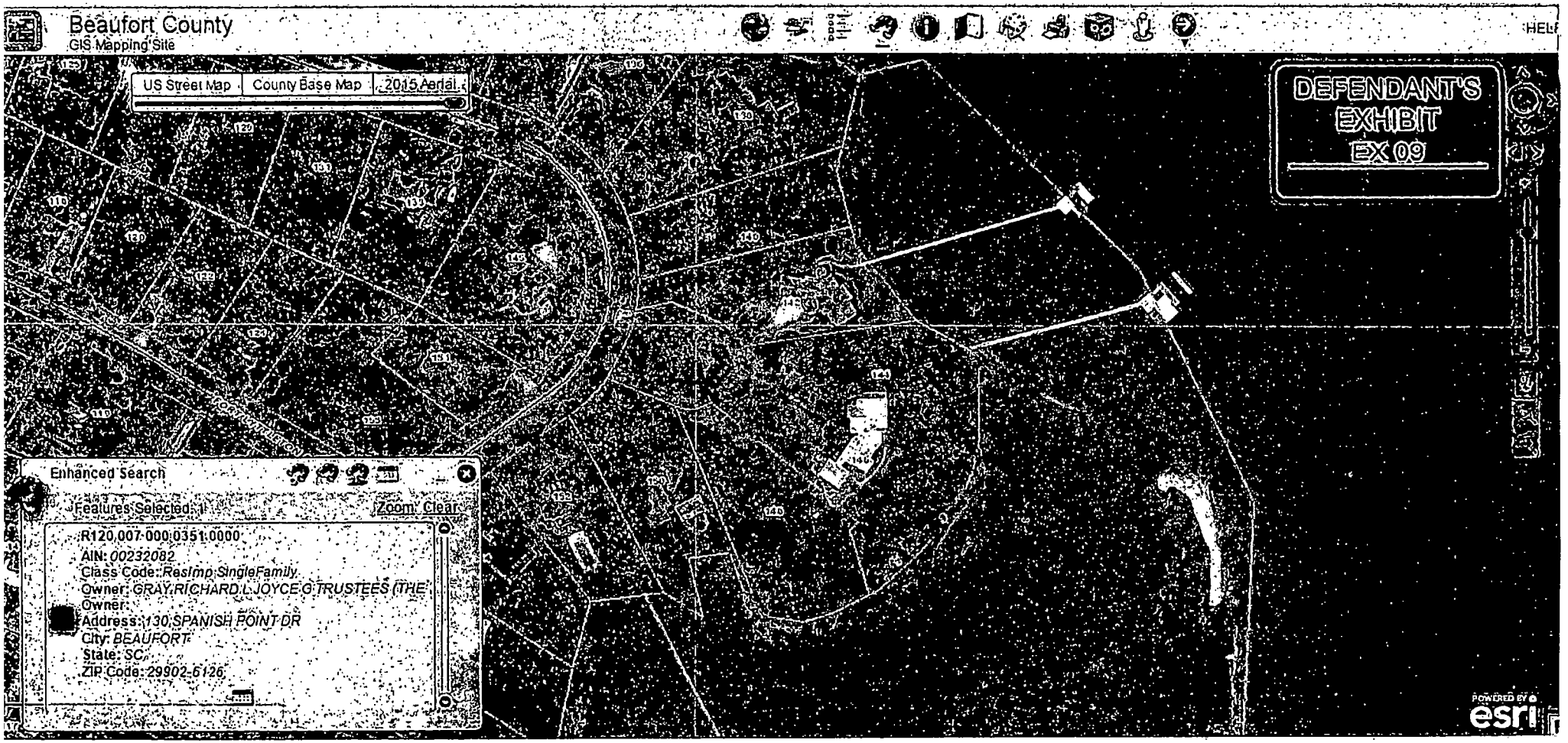
Zoom
Clear
Owner
Address
State
ZIP Code
POWERED
esri

DEFENDANT'S EXHIBIT EX 08

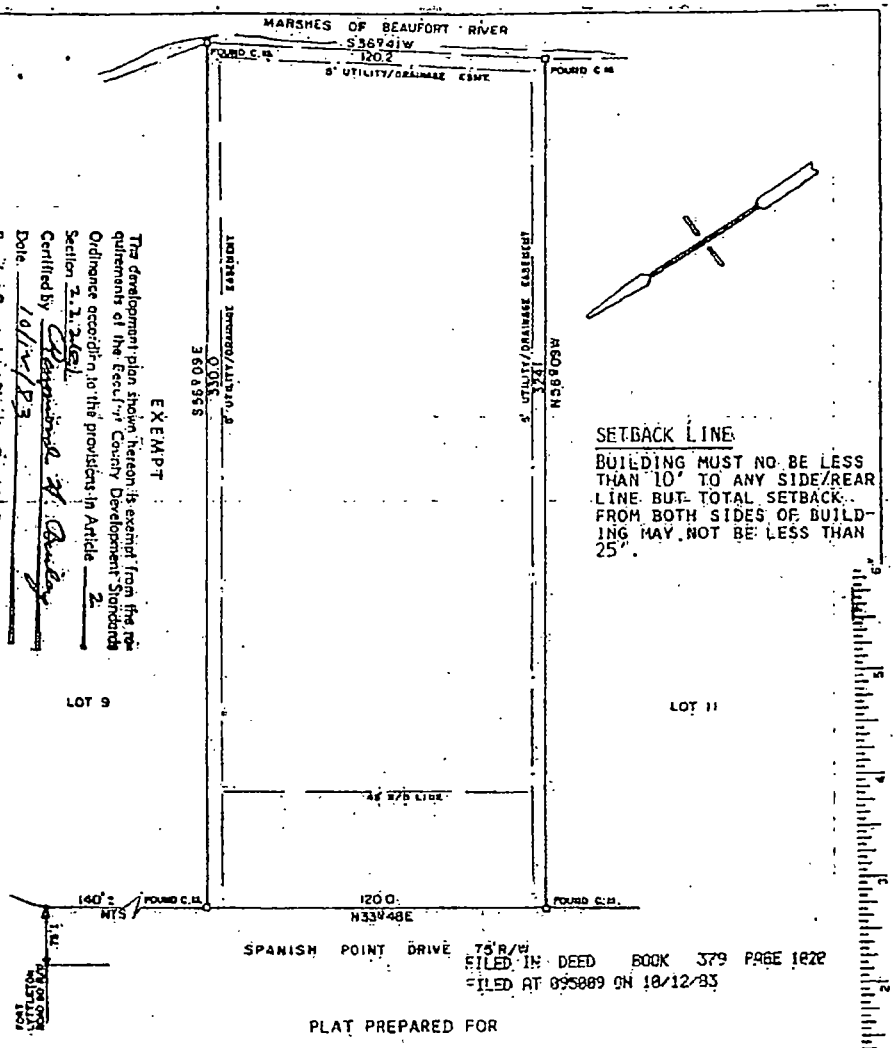


949000


Beaufort County
GIS Mapping Site
US Street Map
County Base Map
2015 Aerial
DEFENDANT'S
EXHIBIT
EX 09
Enhanced Search
Features Selected: 1
Zoom
Clear
R120 007 000 0351 0000
AIN: 00232082
Class Code: ResImp SingleFamily
Owner: GRAY,RICHARD L JOYCE G TRUSTEES (THE
Owner:
Address: 130 SPANISH POINT DR
City: BEAUFORT
State: SC
ZIP Code: 29902-6126
POWERED BY
esri

000647

DEFENDANT'S EXHIBIT EX-10



FILED IN DEED BOOK 379 PAGE 1020
FILED AT 095889 ON 10/12/83

PLAT PREPARED FOR

EDWARD M. WISE & CAROL D. WISE

THE SAME BEING LOT 10, BLOCK C, SPANISH POINT SUBDIVISION AS SHOWN ON A PLAT BY PALMER & MALONE, DATED OCTOBER 12, 1965 AND RECORDED IN THE OFFICE OF THE CLERK OF COURT FOR BEAUFORT COUNTY, SOUTH CAROLINA IN PLAT BOOK 19, PAGE 145.

I HEREBY CERTIFY THAT THE MEASUREMENTS ON THIS PLAT ARE CORRECT AND THAT THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

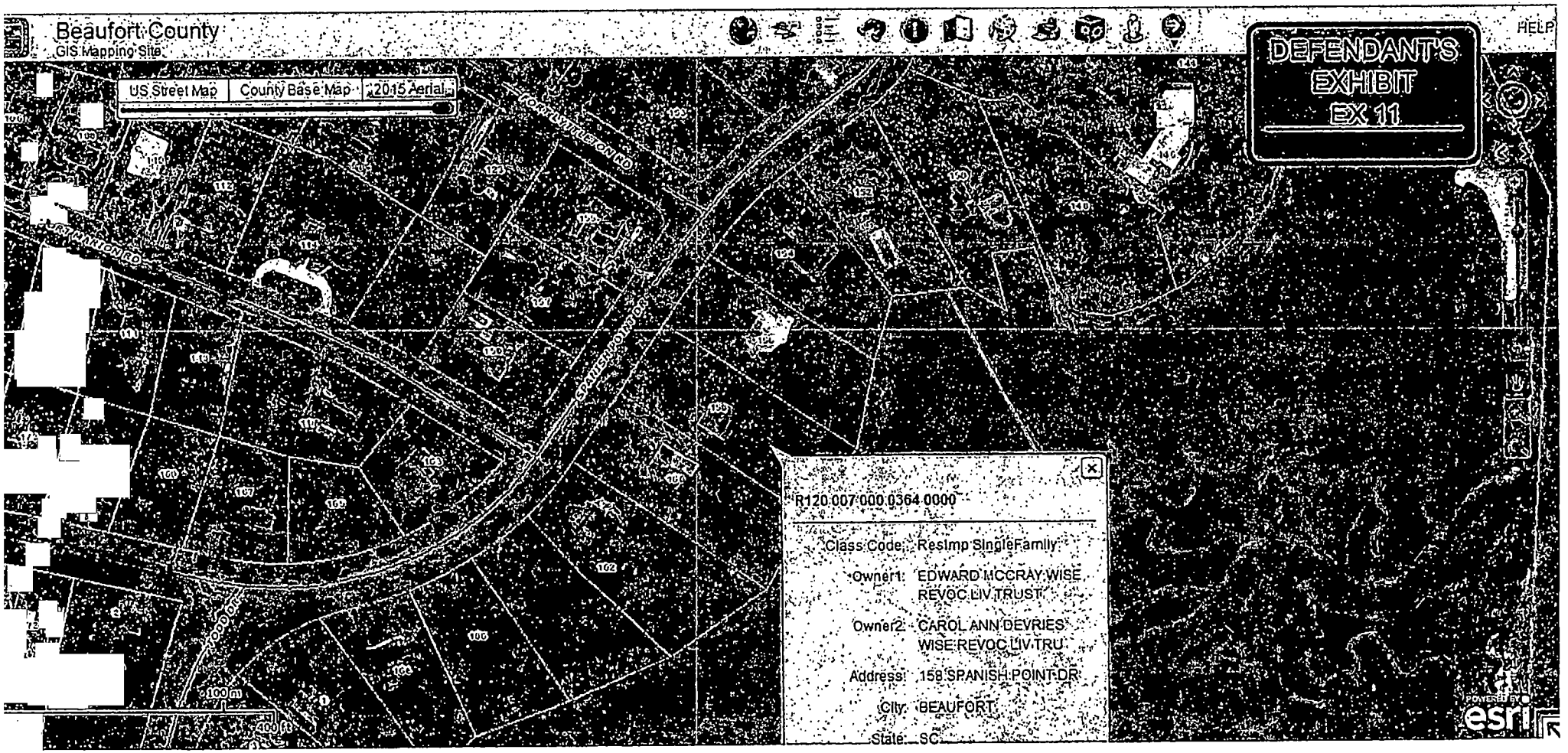
THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY HUD, PANEL H & I - 01; COMMUNITY NUMBER 450026B.

SCALE 1" = 40'
OCTOBER 10, 1983

R. D. TROGDON, JR.
R. L. S. 2712

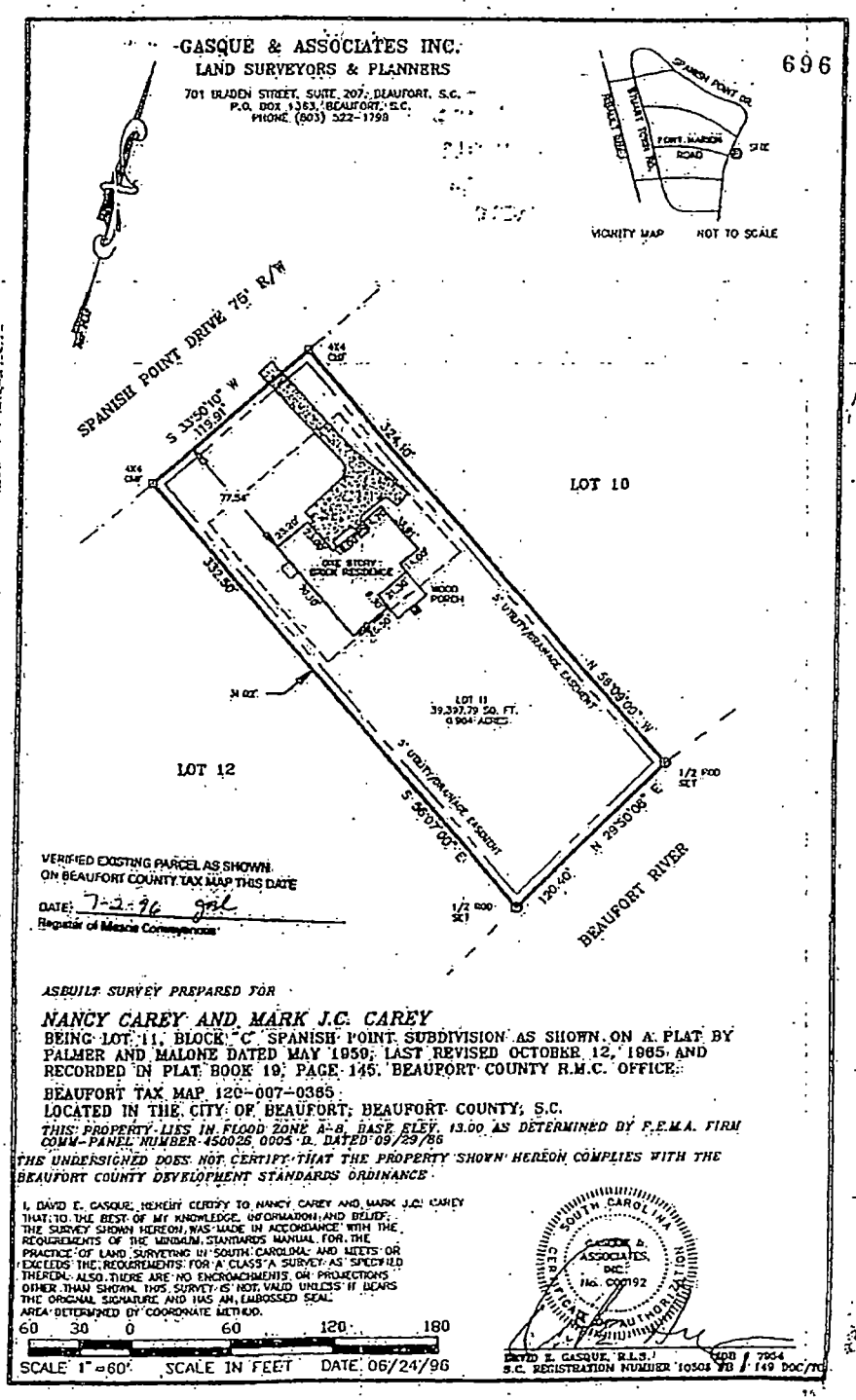
Map Panel 364

000648


Beaufort County
GIS Mapping Site
US Street Map
County Base Map
2015 Aerial
HELP
DEFENDANT'S EXHIBIT EX 11
R120 007 000 0364 0000
Class Code: ResImp SingleFamily
Owner1: EDWARD MCCRAY WISE REVOC LIV TRUST
Owner2: CAROL ANN DEVRIES WISE REVOC LIV TRU
Address: 158 SPANISH POINT DR
City: BEAUFORT
State: SC
esri

0000949

DEFENDANT'S EXHIBIT EX 12



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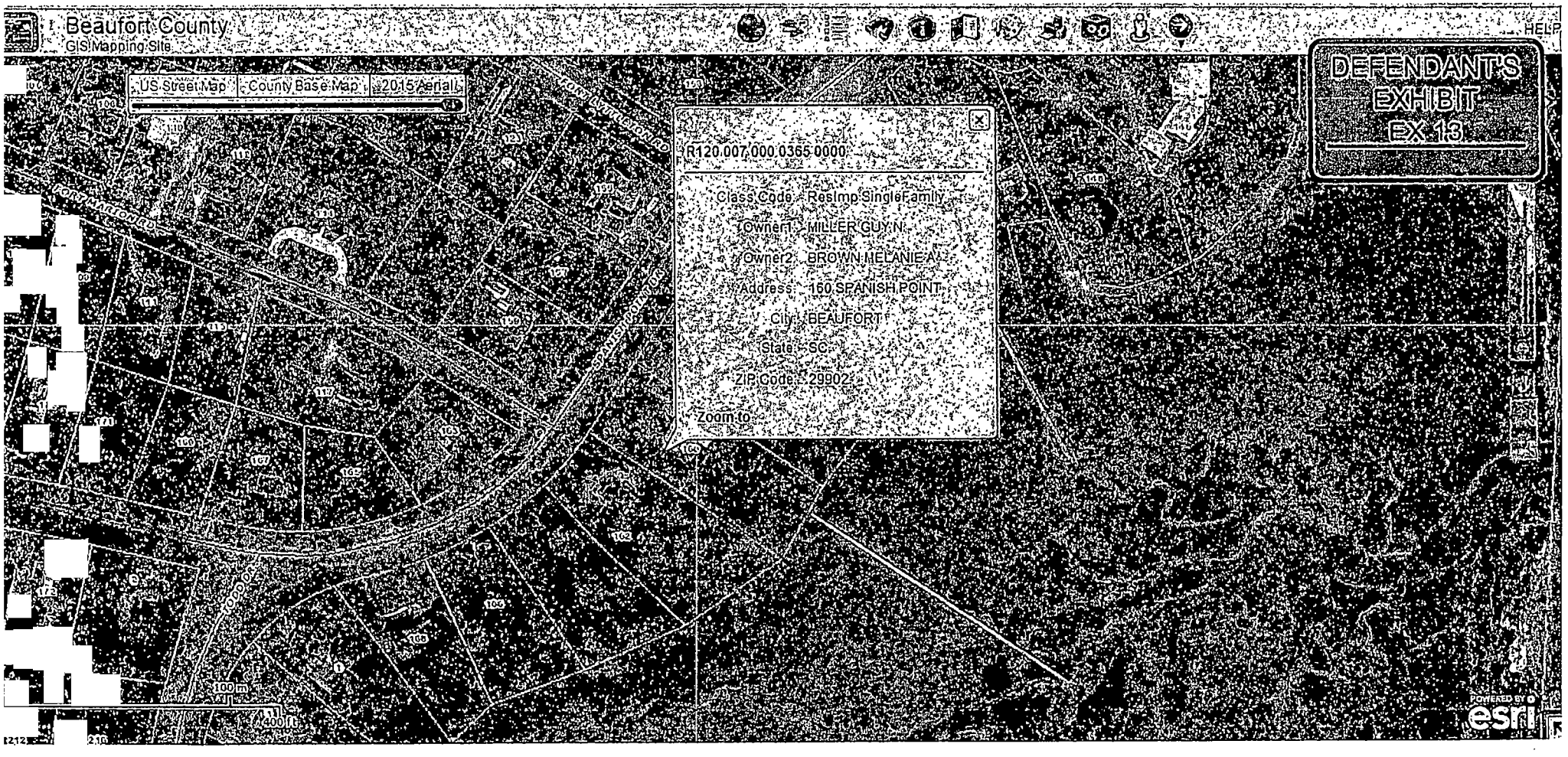
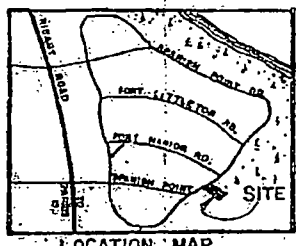

Beaufort County
GIS Mapping Site
HELP
US Street Map
County Base Map
2015 Aerial
DEFENDANT'S EXHIBIT EX 13
R120 007 000 0365 0000
Class Code ResImp SingleFamily
Owner1 MILLER GUY N
Owner2 BROWN MELANIE A
Address 160 SPANISH POINT
City BEAUFORT
State SC
ZIP Code 29902
Zoom to
POWERED BY esri

000951

DEFENDANT'S EXHIBIT EX 16

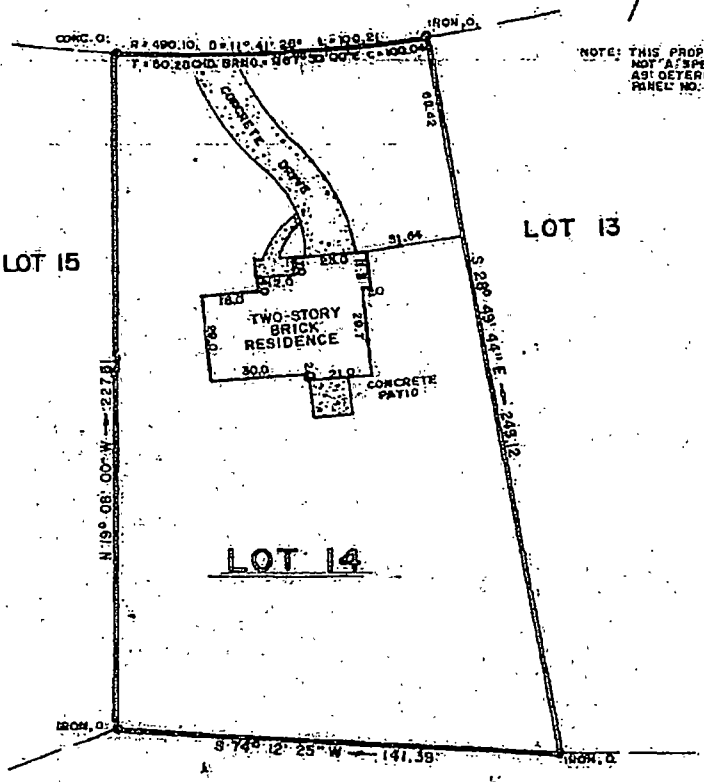
GEORGE A.T. [illegible] INC.
P.O. BOX 897 BEAUFORT, S.C. 29901 803-525-1175
CIVIL • STRUCTURAL • SANITARY • SURVEYS • REPORTS • ANALYSES



LOCATION MAP

SPANISH POINT DRIVE 75' R/W

1811



NOTE: THIS PROPERTY IS LOCATED IN ZONE B, NOT A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY F.I.R.M., COMMUNITY PANEL NO. 450026 0006 D, DATED 9/29/88.

PLAT OF
LOT 14 BLK C
SPANISH POINT DRIVE
A PORTION OF
SPANISH POINT SUBDIVISION
PREPARED FOR
ROBERT M. CHIAVIELLO & ESTHER J. CHIAVIELLO
BEAUFORT, BEAUFORT COUNTY, SOUTH CAROLINA

REFERENCE: PLAT: SPANISH POINT SUBDIVISION - BY: PALMER B. MALONE, CIVIL ENGINEERS DATED: MAY 1959 LAST REVISION: 12 OCT 1965

GRAPHIC SCALE
0 40 80 120

I hereby certify that this is a true and correct survey, made on the ground under my supervision, and that there are no encroachments either way over property lines unless shown hereon.

F.B. # 2 Date: 27 JULY 1987
JOB # 1100 Scale: 1" = 40

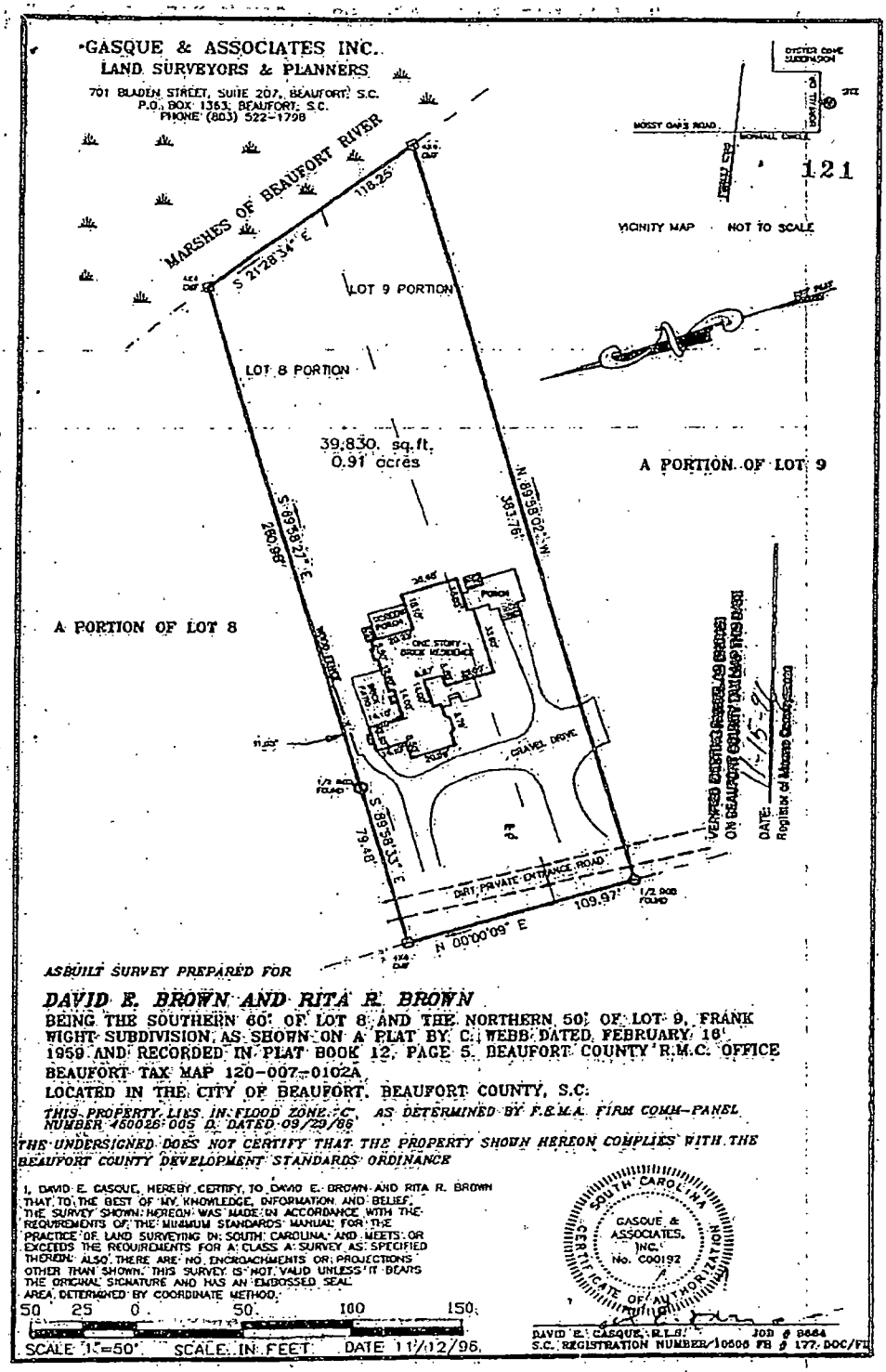
David E. Gaspar, R.L.S.
S.C. Reg. No. 10816

000652

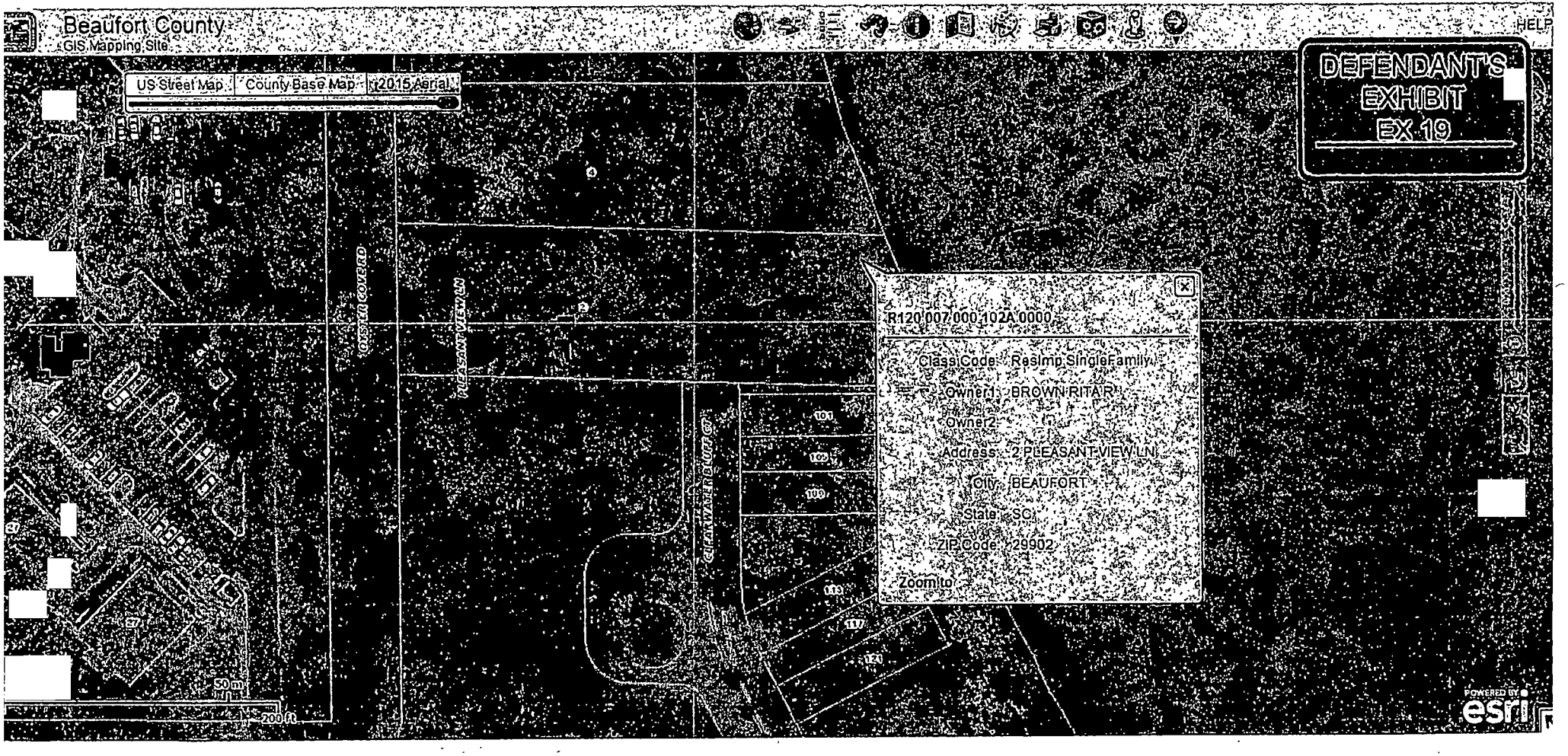
Beaufort County
GIS Mapping Site
US Street Map
County Base Map
2015 Aerial
DEFENDANT'S EXHIBIT EX 17
R120 007 000 0369 0000
Class Code: ResImp SingleFamily
Owner1: TOCHAROEN LIVING TRUST
Owner2:
Address: 168 SPANISH POINT DR
City: BEAUFORT
State: SC
ZIP Code: 29902
Zoom to
STUART POINT RD
100 m
400 ft
esri

0006563

DEFENDANT'S EXHIBIT EX 18



902-121 000654


Beaufort County
GIS Mapping Site
HELP
US Street Map
County Base Map
2015 Aerial
DEFENDANT'S
EXHIBIT
EX 19
R120 007 000 102A 0000
Class Code: ResImp SingleFamily
Owner1: BROWN RITA R
Owner2:
Address: 2 PLEASANT VIEW LN
City: BEAUFORT
State: SC
ZIP Code: 29902
Zoom to
PLEASANT VIEW LN
CRAWFORD CT
OSSLIN COVERED
50 m
200 ft
esri

DEFENDANT'S EXHIBIT EX 20

SOUTH CAROLINA
GASQUE & ASSOCIATES, INC.
No. C00192
CERTIFICATE OF AUTHORIZATION

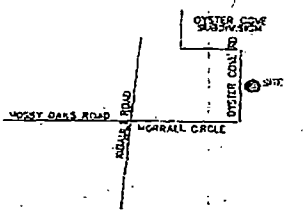
GASQUE & ASSOCIATES INC.
LAND SURVEYORS & PLANNERS
28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.
P.O. BOX 1383, BEAUFORT, S.C.
PHONE (843) 522-1798

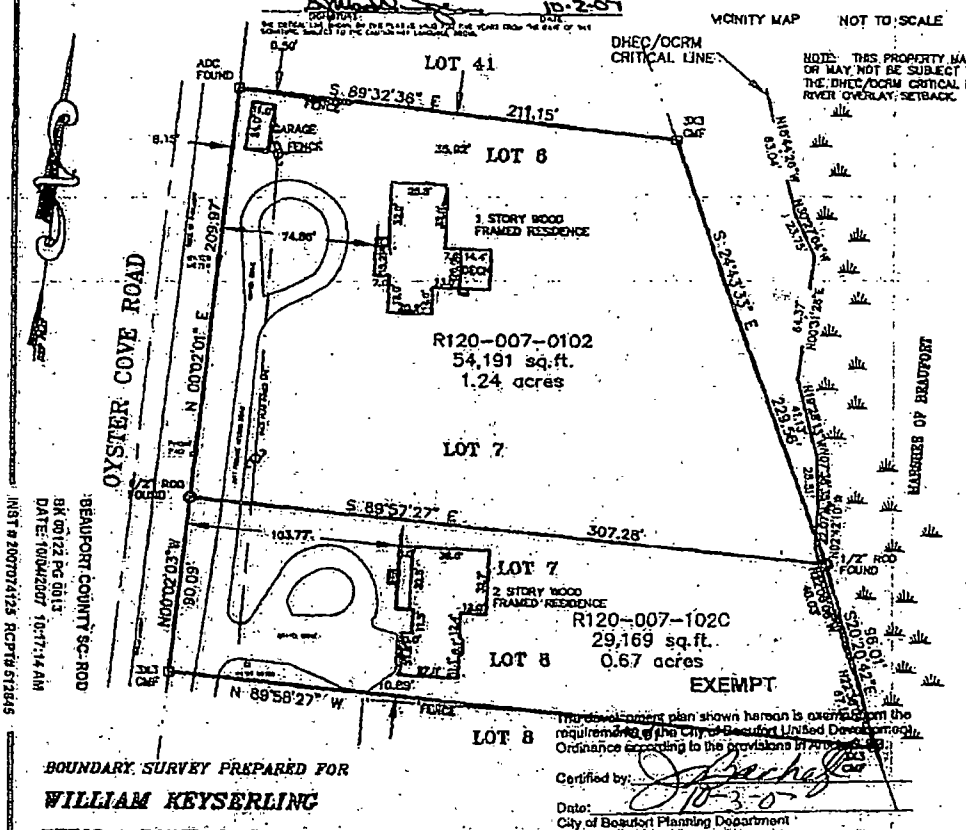
OCRM/DHEC COASTAL LINE

THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DHEC/OCRM PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY BY THE DEPARTMENT, THE DEPARTMENT, IN NO WAY, WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREON OR NOT.

10-2-07
DATE

VICINITY MAP NOT TO SCALE





BEAUFORT COUNTY SC ROD
BK 00122 PG 0013
DATE: 10/04/2007 10:17:14 AM
INST # 2007014123 RCPT# 512845

This development plan shown hereon is exempt from the requirements of the City of Beaufort Unified Development Ordinance according to the provisions in Article 9.3.

Certified by: [signature]
Date: 10-3-07
City of Beaufort Planning Department

BOUNDARY SURVEY PREPARED FOR

WILLIAM KEYSERLING

BEING A PORTION OF LOTS 6, 7, & 8, FRANK WRIGHT SUBDIVISION, AS SHOWN ON A PLAT BY C. WEBB DATED 2/16/59 RECORDED IN PLAT BOOK 12 PAGE 5, AND A PLAT BY R.D. TROGDON, JR. DATED 8/1/86 RECORDED IN DEED BOOK 458 PAGE 1743 BEAUFORT COUNTY RMC OFFICE

TAX MAP 120-007-0102 & 102C

LOCATED IN THE CITY OF BEAUFORT, BEAUFORT COUNTY, SOUTH CAROLINA

THE CERTIFIER HAS NOT INVESTIGATED OR BEEN INSTRUCTED TO INVESTIGATE THE EXISTENCE OR NONEXISTENCE OF ANY OVERLAY DISTRICTS, SUCH AS: AIRPORT, MILITARY, NOISE, CRASH POTENTIAL OR ENVIRONMENTAL ISSUES.

CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HERE ON.

THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.

BEFORE ANY DESIGN WORK OR CONSTRUCTION ON THIS SITE IS STARTED FLOOD ZONE INFORMATION MUST BE VERIFIED BY PROPER BUILDING CODES OFFICIAL.

THIS PROPERTY APPEARS TO BE IN FLOOD ZONES "C" & "AE" (ELEV. 13.00) AS DETERMINED BY FEMA FIRM COMM-PANEL NUMBER 450028 0006 D DATED 9/29/86 (INDEX DATED 11/4/92)

THE UNDERSIGNED DOES NOT CERTIFY THAT THE PROPERTY SHOWN HEREON COMPLIES WITH ANY RESTRICTIVE CONVEYANCES OR ANY CITY AND/OR COUNTY ORDINANCES.

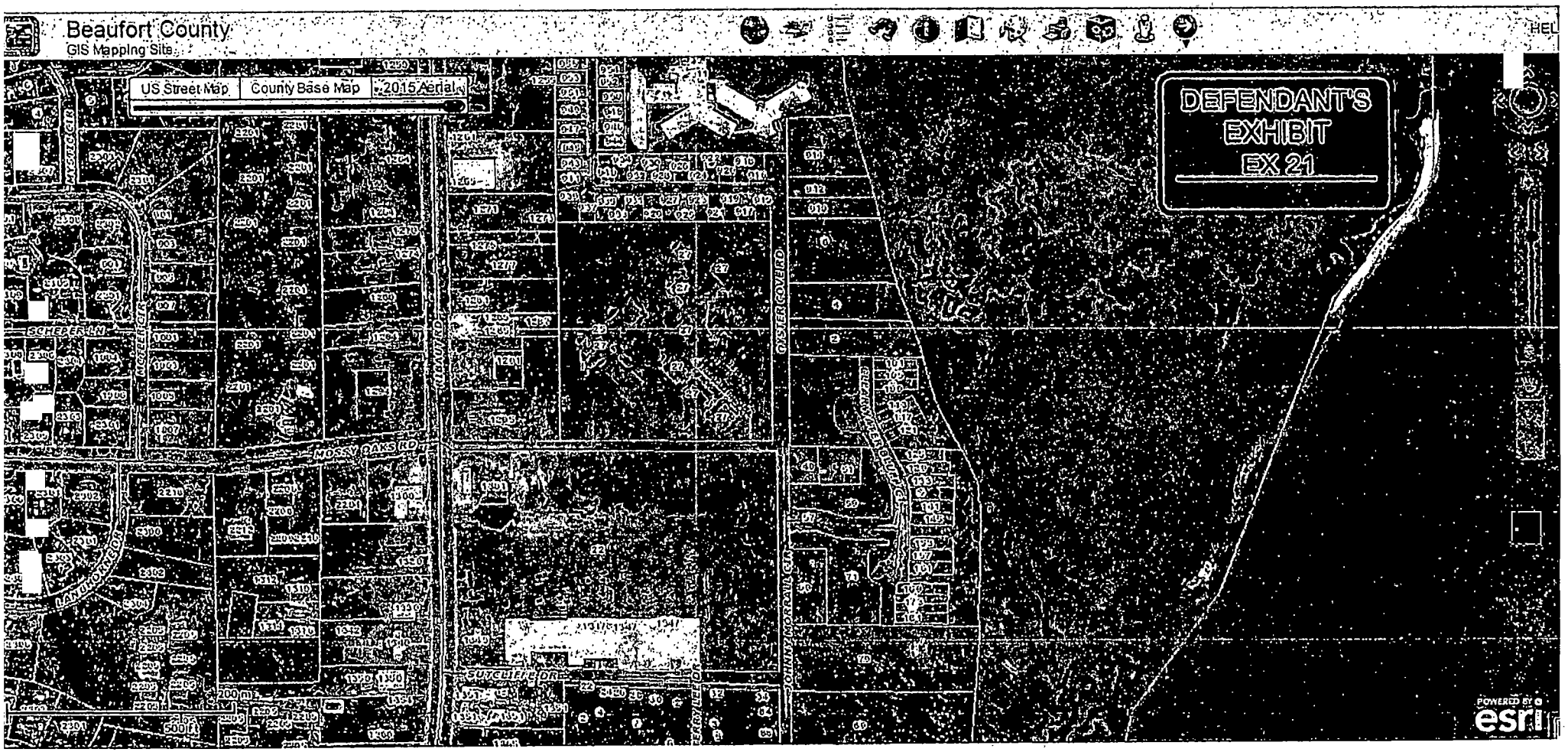
I, DAVID E. GASQUE, HEREBY CERTIFY TO WILLIAM KEYSERLING THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS C SURVEY AS SPECIFIED THEREIN. ALSO, THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THEN SHOWN. THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND HAS AN EMBOSSED SEAL. AREA DETERMINED BY COORDINATE METHOD.

9-28-07

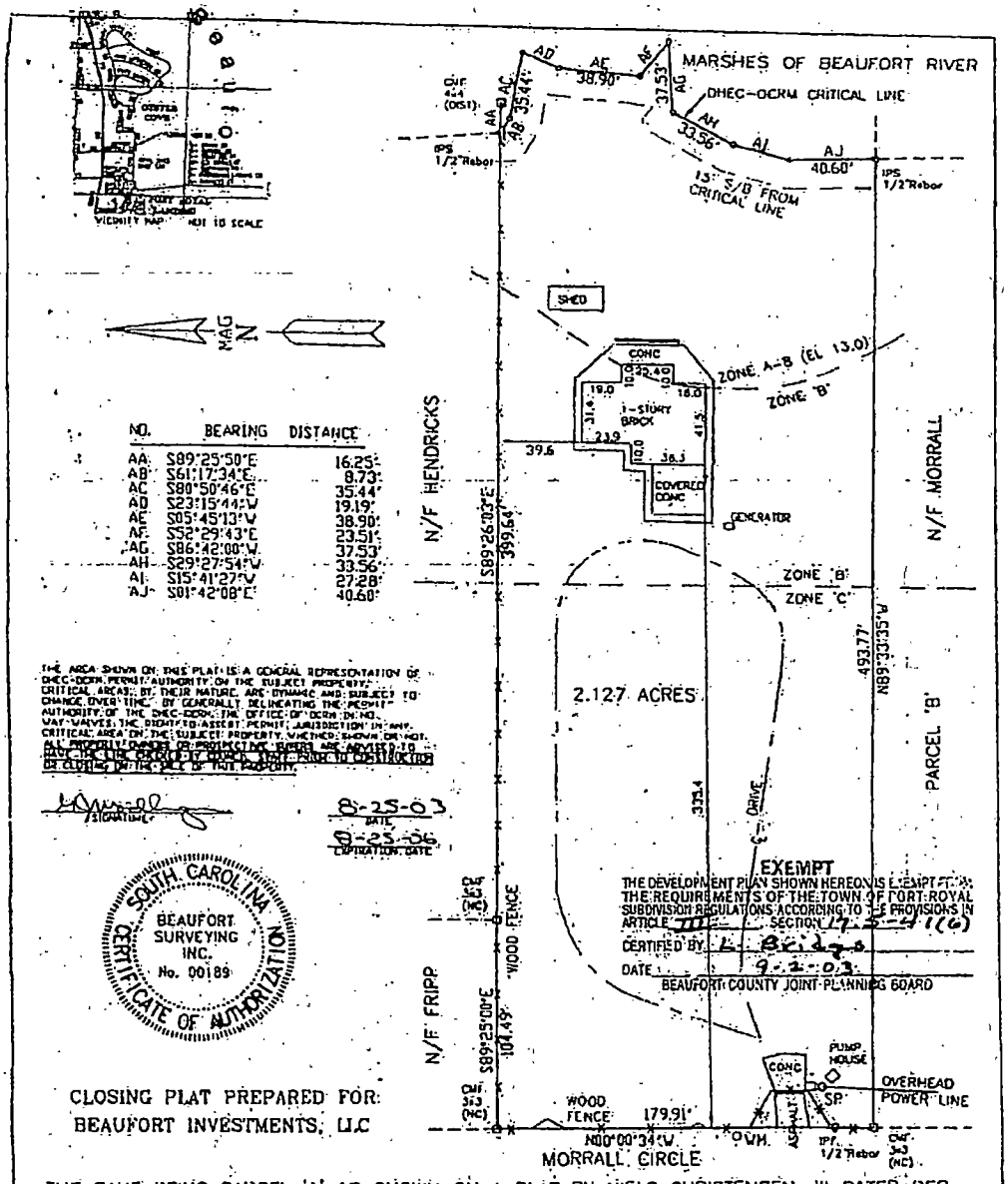
60 30 0 60 120 180
SCALE: 1"=60' SCALE IN FEET DATE: 9/28/07

DAVID E. GASQUE, R.L.S. JOB # 34270
S.C. REGISTRATION NUMBER 10506 FB 660/JEP DSC#32
THIS PLAT IS NOT BINDING UNLESS ACCOMPANIED BY AN ORIGINAL SIGNATURE AND AN EMBOSSED SEAL

122-13 000656


Beaufort County
GIS Mapping Site
US Street Map
County Base Map
2015 Aerial
DEFENDANT'S
EXHIBIT
EX 21
MOSSY OAKS RD
SCHEEER HWY
SUTCLIFFE DR
JOHNNY MORAN CIR
esri

DEFENDANT'S EXHIBIT EX 22



NO.	BEARING	DISTANCE
AA	S89°25'50"E	16.25'
AB	S61°17'34"E	8.73'
AC	S80°50'46"E	35.44'
AD	S23°15'44"W	19.19'
AE	S05°45'13"W	38.90'
AF	S52°29'43"E	23.51'
AG	S86°42'00"W	37.53'
AH	S29°27'54"W	33.56'
AI	S15°41'27"W	27.28'
AJ	S01°42'08"E	40.60'

THE AREA SHOWN ON THIS PLAT IS A GENERAL REPRESENTATION OF DHEC-OCRM PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS, BY THEIR NATURE, ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY GENERALLY DELINEATING THE PERMIT AUTHORITY OF THE DHEC-OCRM, THE OFFICE OF OCRM DOES NOT WAIVE, IN ANY DEGREE, THE RIGHT TO ASSERT PERMIT JURISDICTION IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN OR NOT. ALL PROPERTY OWNERS OR PROSPECTIVE BUYERS ARE ADVISED TO HAVE THE CRITICAL LINE VERIFIED PRIOR TO CONSTRUCTION OR CLOSING ON THE SALE OF THAT PROPERTY.

SIGNATURE 8-25-03 DATE

8-25-06 EXPIRATION DATE

SOUTH CAROLINA CERTIFICATE OF AUTHORIZATION BEAUFORT SURVEYING INC. No. 00189

EXEMPT
THE DEVELOPMENT PLAN SHOWN HEREON IS EXEMPT FROM THE REQUIREMENTS OF THE TOWN OF PORT ROYAL SUBDIVISION REGULATIONS ACCORDING TO THE PROVISIONS IN ARTICLE III SECTION 17.5-4.1(6)
CERTIFIED BY [signature]
DATE 9-2-03
BEAUFORT COUNTY JOINT PLANNING BOARD

CLOSING PLAT PREPARED FOR:
BEAUFORT INVESTMENTS, LLC

THE SAME BEING PARCEL 'A' AS SHOWN ON A PLAT BY NIELS CHRISTENSEN, III DATED DEC. 30, 1987 AND RECORDED IN THE REGISTER OF DEEDS OFFICE FOR BEAUFORT COUNTY, SOUTH CAROLINA IN DEED BOOK 493, PAGE 1466.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY, AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

THIS PROPERTY IS LOCATED IN ZONES B, C, & A-8 (EL 13.0) AS DETERMINED BY FEMA, FIRM COMMUNITY-PANEL NUMBER 450028 0005 D, DATED 9-29-86.

R110-007-000-116A-0000

0 30' 60' 120' 180'

SCALE 1" = 60'

AUGUST 22, 2003
P10768/MMA

DAVID S. YOUMANS RLS 9765
BEAUFORT SURVEYING, INC.
1613 PARIS AVENUE
PORT ROYAL, S.C. 29935
PHONE (843) 524-3261 525-1175

OR BK 01831 PAGE 2602

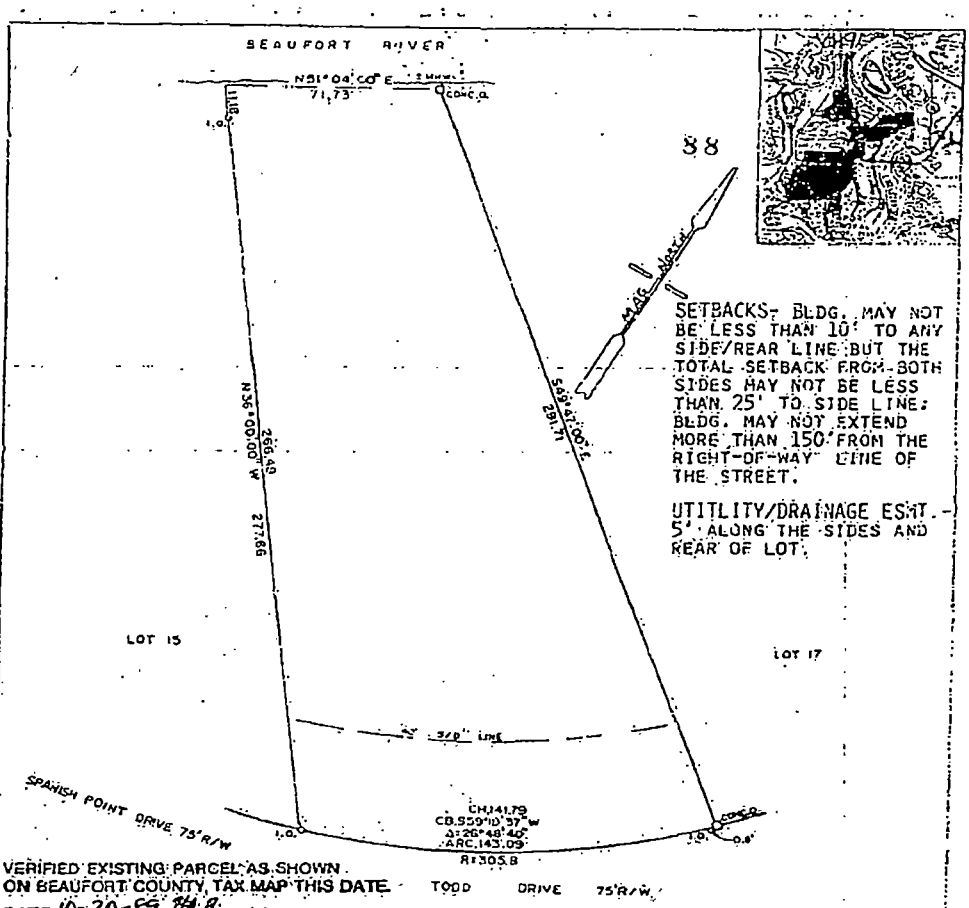
1831-2602

000658

Beaufort County
GIS Mapping Site
US Street Map
County Base Map
2015 Aerial
DEFENDANT'S
EXHIBIT
EX 23
OYSTER COVE RD
CLEAR WATER COURT
SUTCLIFFE DR
100 m
400 ft
esri

000659

DEFENDANT'S EXHIBIT EX 24



VERIFIED EXISTING PARCEL AS SHOWN ON BEAUFORT COUNTY TAX MAP THIS DATE

DATE 10-20-89 By R. Pineclick
Register of Mesne Conveyance

PLAT PREPARED FOR

MEADE J. LUBY & BETTY G. LUBY

THE SAME BEING LOT 16, BLOCK G, SPANISH POINT SUBDIVISION AS SHOWN ON A PLAT BY PALMER & MALONE, DATED OCTOBER 12, 1965 AND RECORDED IN THE OFFICE OF THE CLERK OF COURT FOR BEAUFORT COUNTY, SOUTH CAROLINA IN PLAT BOOK 19, PAGE 145; ALSO KNOWN AS BEAUFORT TAX MAP 7, PARCEL 370.

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THE MEASUREMENTS ON THIS PLAT ARE CORRECT AND THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

THIS PROPERTY IS LOCATED IN ZONE B' AS DETERMINED BY FEMA, FIRM COMMUNITY-PANEL NUMBER 450026 0005 D.

0 40' 80' 120'

SCALE 1" = 40'

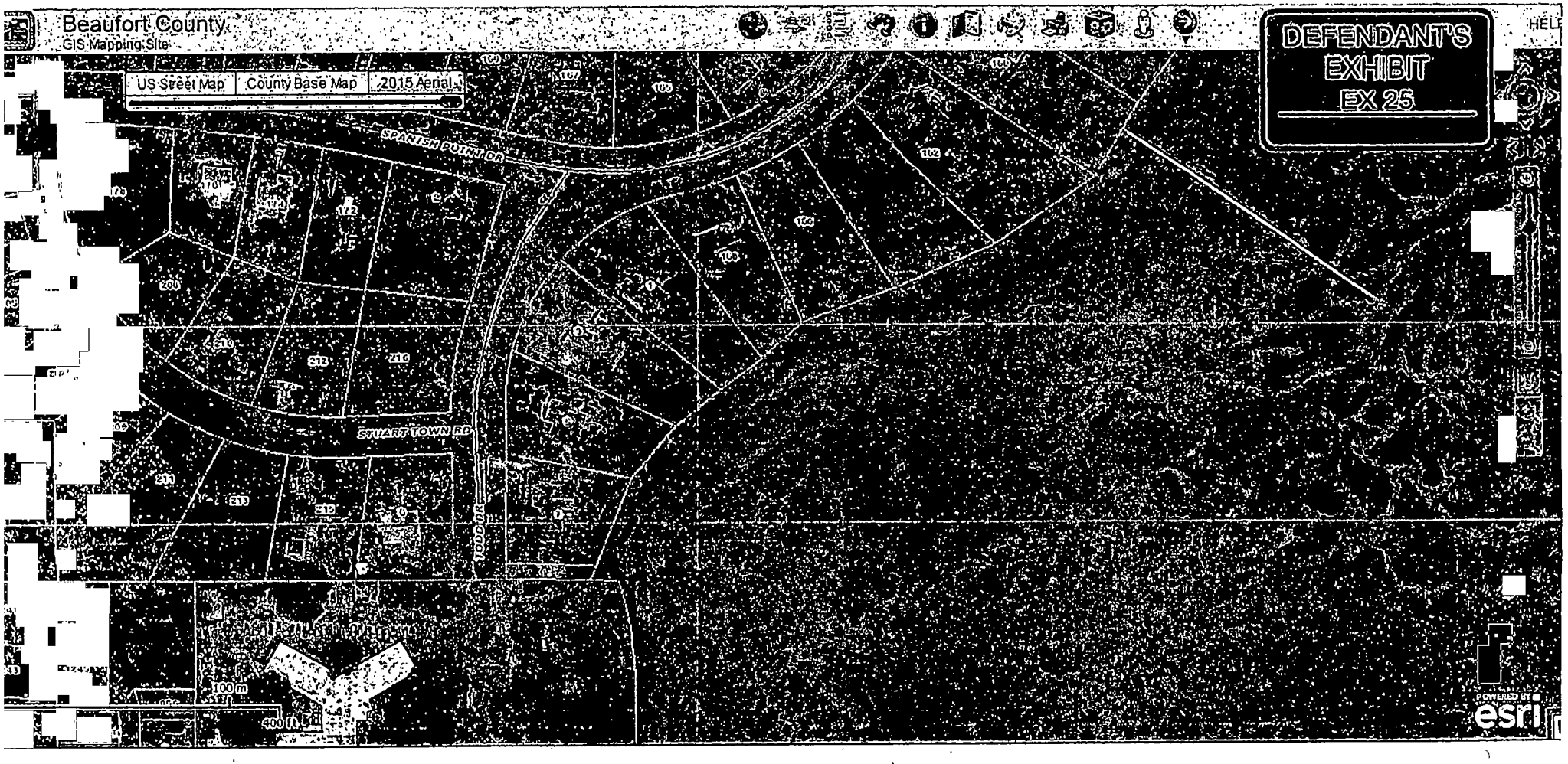
NOVEMBER 9, 1989

R. D. TROGDON, JR., R.L.S. 2712

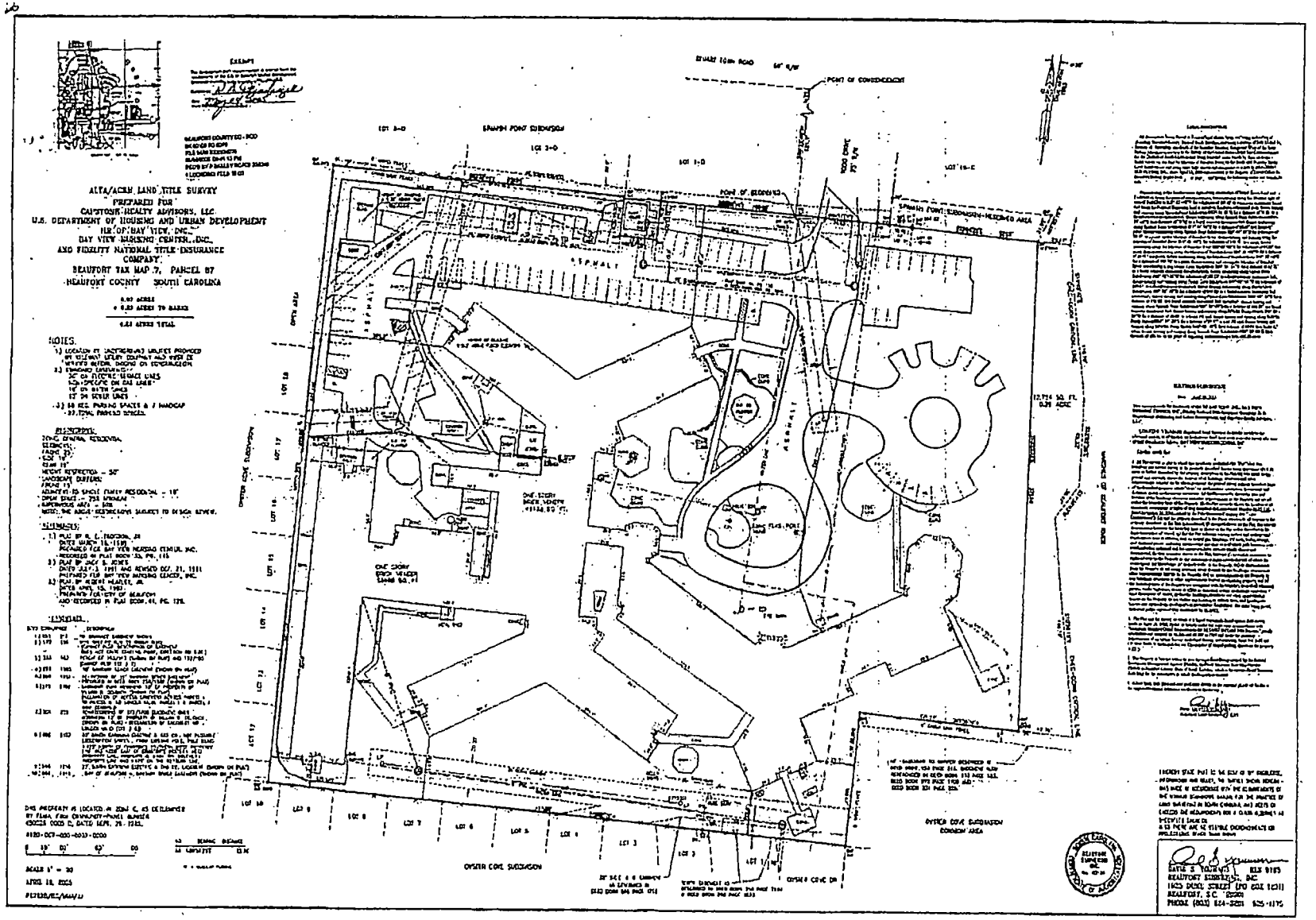
R. D. TROGDON, JR. SURVEYOR, INC.
P. O. Box 612 1613 BAY STREET
BEAUFORT, SOUTH CAROLINA 29901
(803) 524-3261

7538

541-88
000660


Beaufort County
GIS Mapping Site
US Street Map
County Base Map
2015 Aerial
DEFENDANT'S
EXHIBIT
EX 25
SPANISH POINT DR
STUART TOWN RD
TODD DR
100 m
400 ft
esri

000661

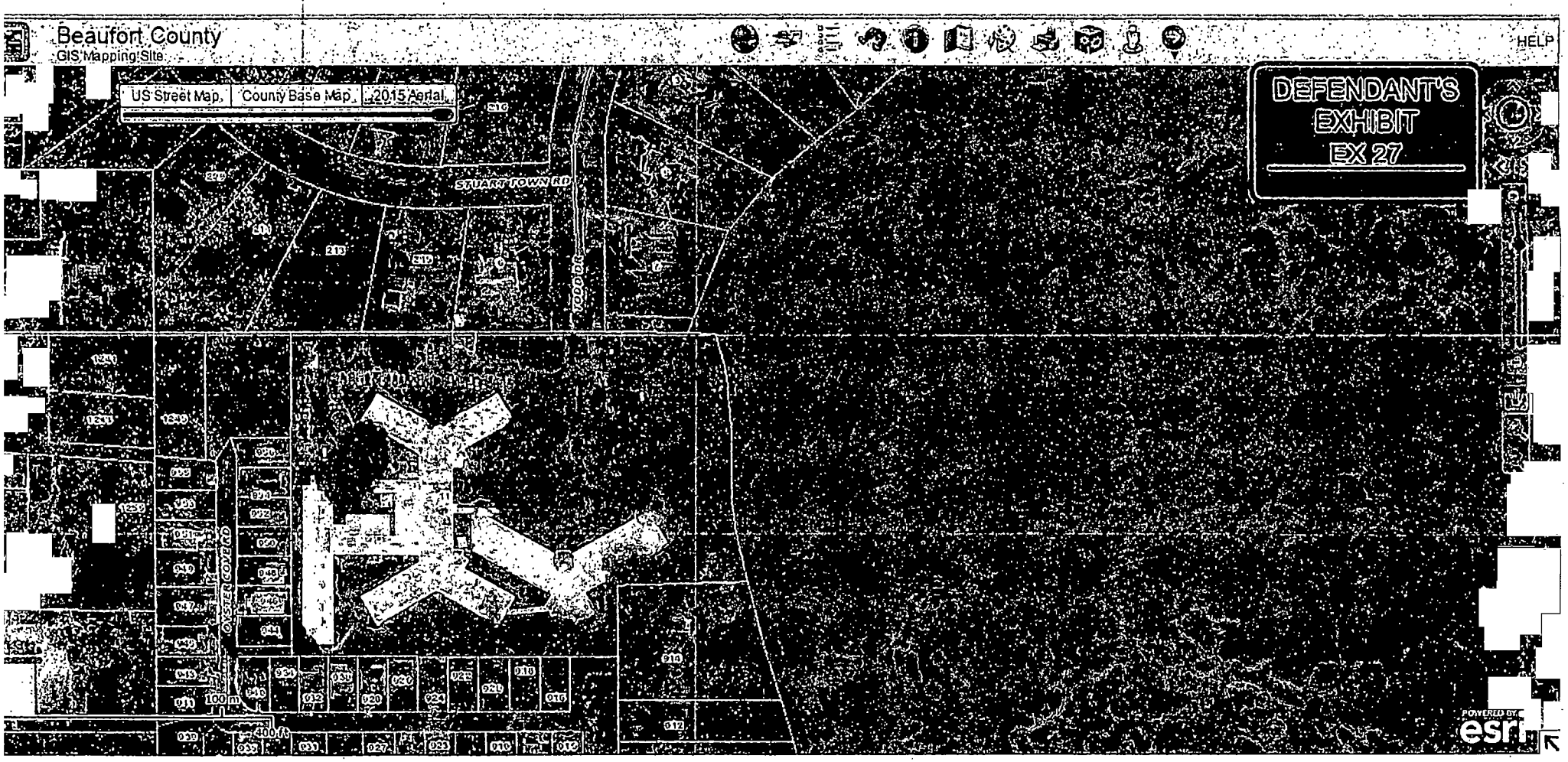


DEFENDANT'S EXHIBIT EX-26

106-76

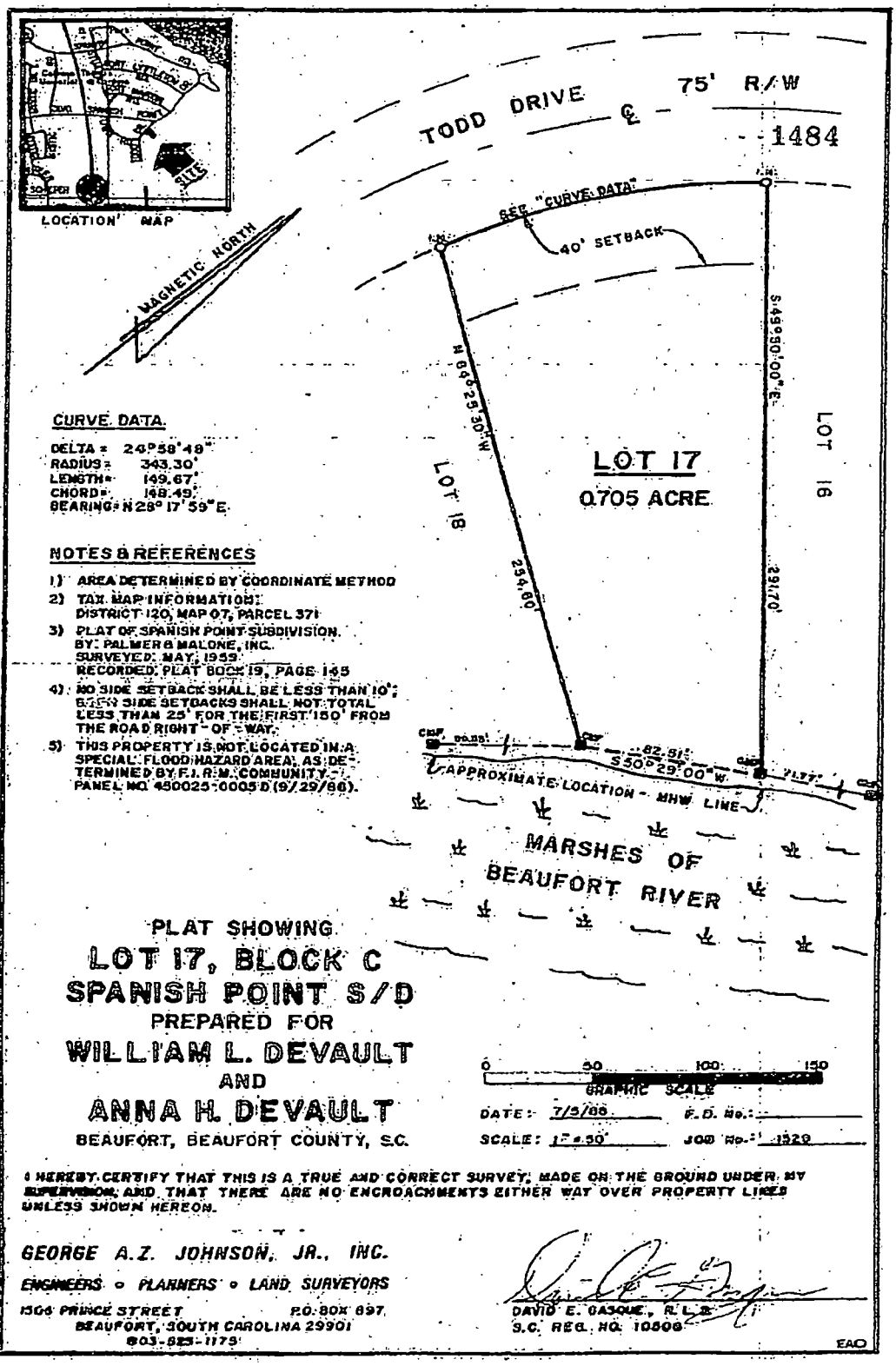
0006662

672


Beaufort County
GIS Mapping Site
HELP
US Street Map
County Base Map
2015 Aerial
DEFENDANT'S
EXHIBIT
EX 27
STUART TOWN RD
TOOD DR
OYSTER COVE RD
100 m
400 ft
esri

E99000

DEFENDANT'S EXHIBIT EX 28



CURVE DATA

DELTA = 24°58'48"
RADIUS = 343.30'
LENGTH = 149.67'
CHORD = 148.49'
BEARING: N 28° 17' 59" E

NOTES & REFERENCES

1) AREA DETERMINED BY COORDINATE METHOD
2) TAX MAP INFORMATION: DISTRICT 120, MAP 07, PARCEL 371
3) PLAT OF SPANISH POINT SUBDIVISION. BY: PALMER & MALONE, INC. SURVEYED: MAY, 1959 RECORDED: PLAT BOOK 19, PAGE 165
4) NO SIDE SETBACK SHALL BE LESS THAN 10'; BOTH SIDE SETBACKS SHALL NOT TOTAL LESS THAN 25' FOR THE FIRST 150' FROM THE ROAD RIGHT-OF-WAY.
5) THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA, AS DETERMINED BY F.I.R.M. COMMUNITY-PANEL NO. 450025-0005 D (9/29/86).

PLAT SHOWING
LOT 17, BLOCK C
SPANISH POINT S/D
PREPARED FOR
WILLIAM L. DEVAULT
AND
ANNA H. DEVAULT
BEAUFORT, BEAUFORT COUNTY, S.C.

DATE: 7/5/88 F.B. No.:
SCALE: 1" = 50' JOB No.: 1529

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT SURVEY, MADE ON THE GROUND UNDER MY SUPERVISION, AND THAT THERE ARE NO ENCROACHMENTS EITHER WAY OVER PROPERTY LINES UNLESS SHOWN HEREON.

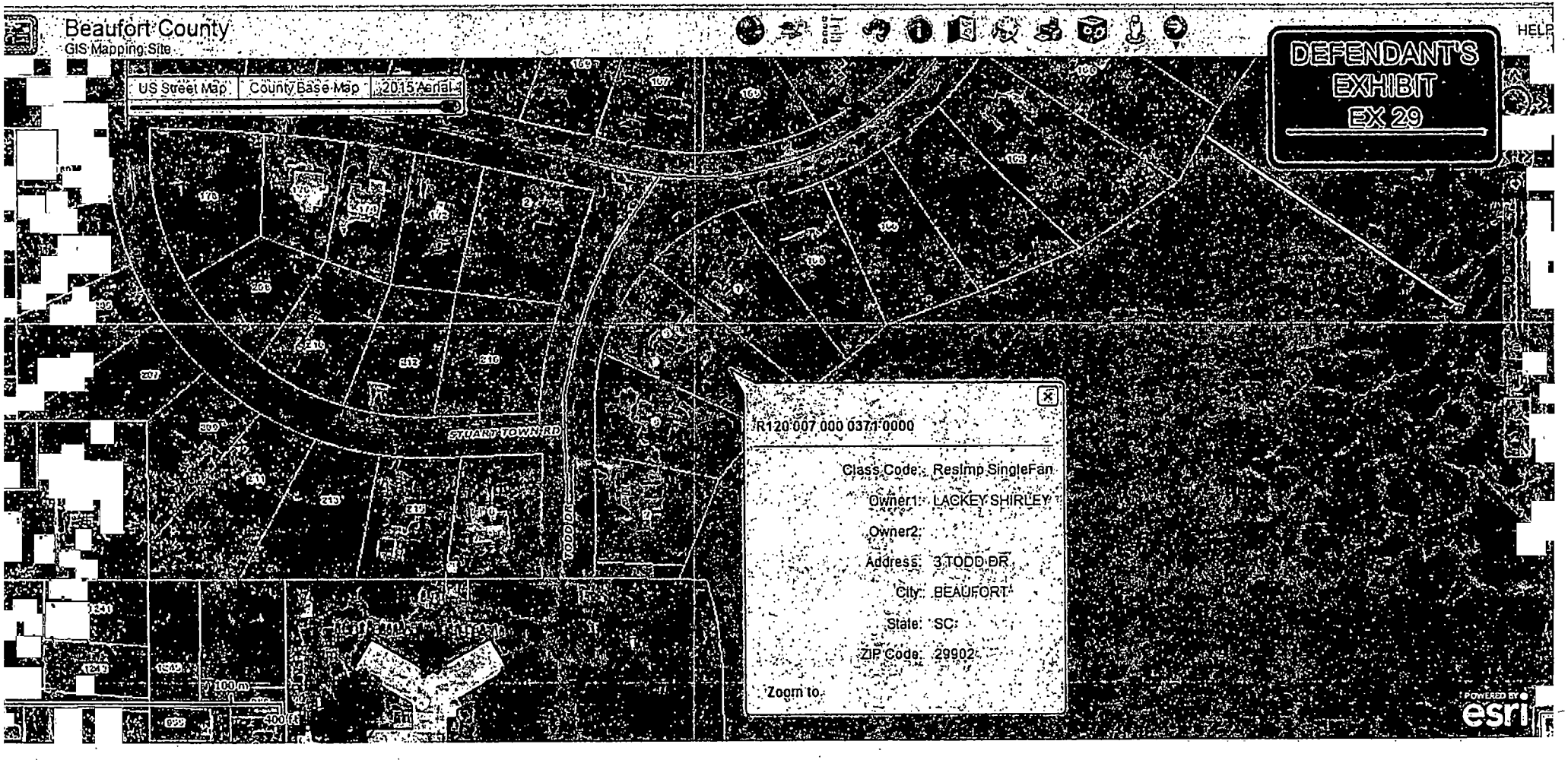
GEORGE A.Z. JOHNSON, JR., INC.
ENGINEERS • PLANNERS • LAND SURVEYORS
1306 PRINCE STREET P.O. BOX 697
BEAUFORT, SOUTH CAROLINA 29901
803-525-1179

DAVID E. GASQUE, R.L.S.
S.C. REG. NO. 10509

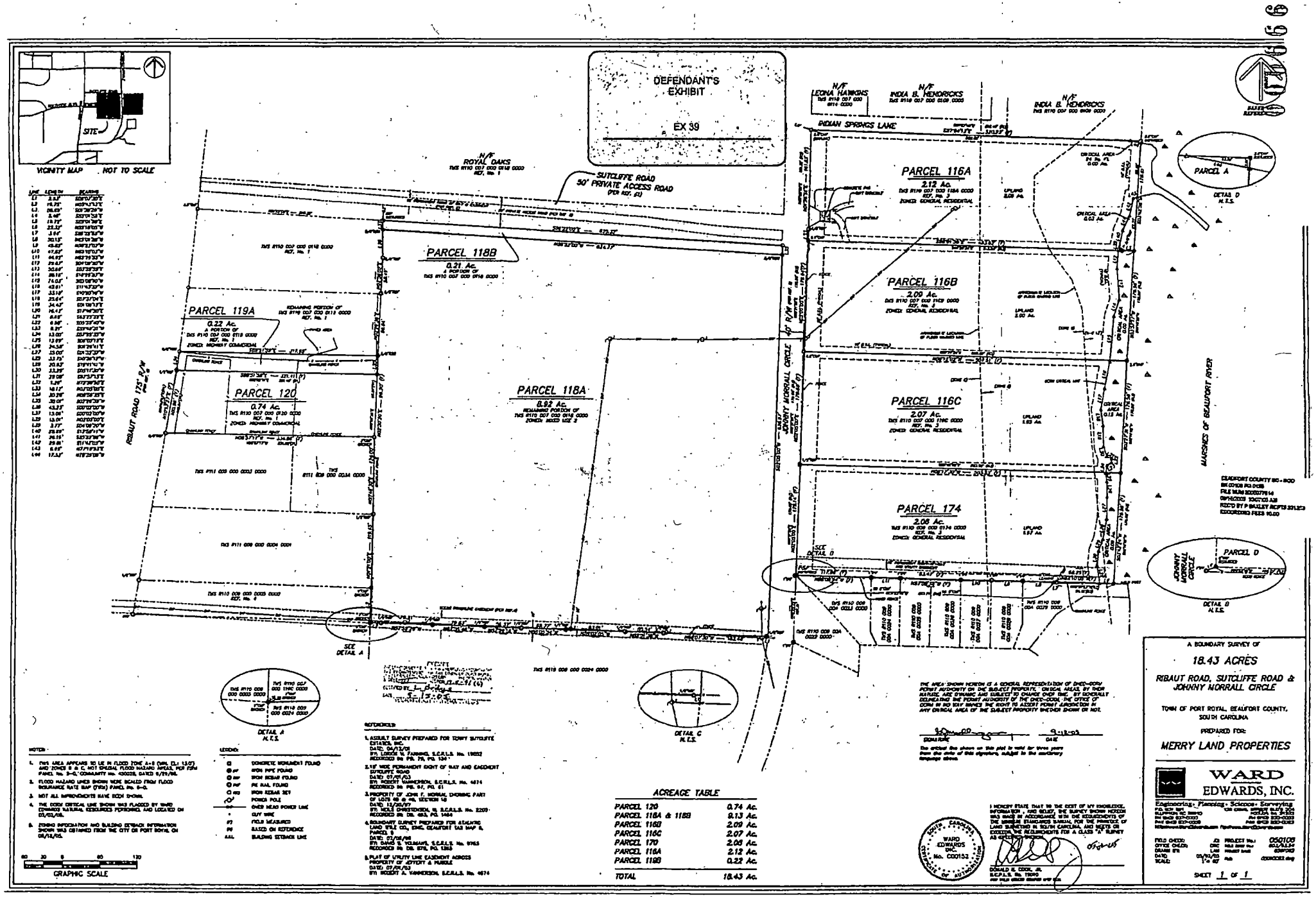
EAO

000664

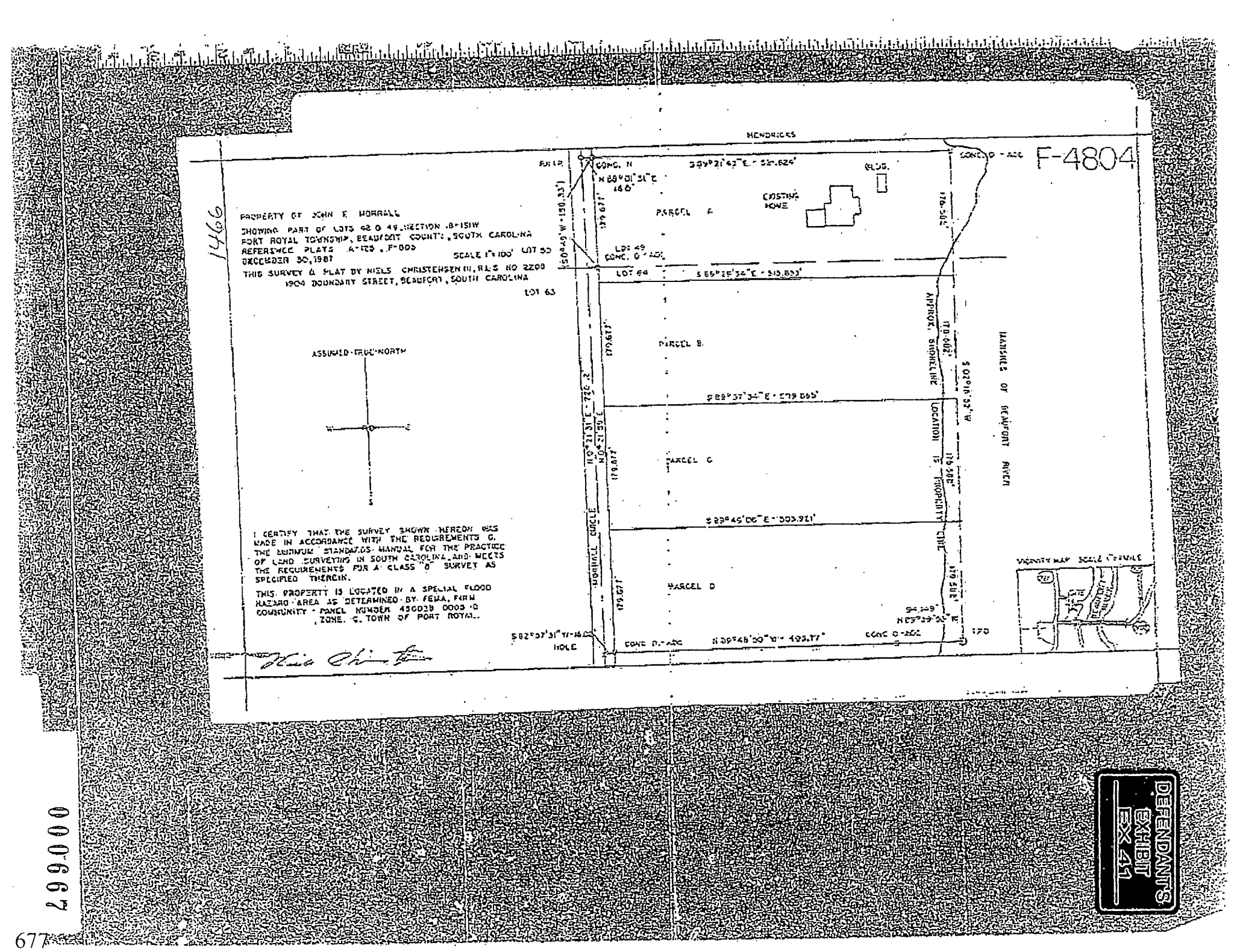
114-1484


Beaufort County
GIS Mapping Site
HELP
US Street Map
County Base Map
2015 Aerial
DEFENDANT'S
EXHIBIT
EX 29
STUART TOWN RD
TODD DR
R120 007 000 037A 0000
Class Code: Reslmp SingleFan
Owner1: LACKEY SHIRLEY
Owner2:
Address: 3 TODD DR
City: BEAUFORT
State: SC
ZIP Code: 29902
Zoom to
100 m
esri

000043


DEFENDANT'S EXHIBIT
EX 39
VICINITY MAP NOT TO SCALE
SITE
PARCEL 116A
2.12 Ac.
PARCEL 116B
2.09 Ac.
PARCEL 116C
2.07 Ac.
PARCEL 174
2.06 Ac.
PARCEL 118B
0.21 Ac.
PARCEL 118A
8.92 Ac.
PARCEL 119A
0.22 Ac.
PARCEL 120
0.74 Ac.
SUTCLIFFE ROAD
50' PRIVATE ACCESS ROAD
RIBAUT ROAD
JOHNNY MORRALL CIRCLE
INDIAN SPRINGS LANE
MARSHES OF BEAUFORT RIVER
ACREAGE TABLE
PARCEL 120 0.74 Ac.
PARCEL 118A & 118B 9.13 Ac.
PARCEL 116B 2.09 Ac.
PARCEL 116C 2.07 Ac.
PARCEL 170 2.06 Ac.
PARCEL 116A 2.12 Ac.
PARCEL 119B 0.22 Ac.
TOTAL 18.43 Ac.
A BOUNDARY SURVEY OF
18.43 ACRES
RIBAUT ROAD, SUTCLIFFE ROAD & JOHNNY MORRALL CIRCLE
TOWN OF PORT ROYAL, BEAUFORT COUNTY, SOUTH CAROLINA
PREPARED FOR:
MERRY LAND PROPERTIES
WARD EDWARDS, INC.
Engineering • Planning • Science • Surveying
SHEET 1 OF 1

676


F-4804
1466
PROPERTY OF JOHN E. HORRALL
SHOWING PART OF LOTS 62 & 63 SECTION B-151W
PORT ROYAL TOWNSHIP, BEAUFORT COUNTY, SOUTH CAROLINA
REFERENCE PLATS A-125, F-809
DECEMBER 30, 1987
SCALE 1"=100'
THIS SURVEY & PLAT BY NIELS CHRISTENSEN III, R.L.S. NO 2209
1904 BOUNDARY STREET, BEAUFORT, SOUTH CAROLINA
HENDRICKS
LOT 63
LOT 64
LOT 62
PARCEL A
PARCEL B
PARCEL C
PARCEL D
EXISTING HOME
ASSUMED TRUE NORTH
HORRALL CIRCLE
APPROX. SHORELINE
MARSHES OF BEAUFORT RIVER
I CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN.
THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY FEMA, FIRM COMMUNITY - PANEL NUMBER 450029 0003 C, ZONE C, TOWN OF PORT ROYAL
VICINITY MAP SCALE 1"=1MILE
DEFENDANT'S EXHIBIT EX 41

0000677

DEFENDANT'S EXHIBIT

Ex 42

BEAUFORT COUNTY RECORDED 90 APR 27 PM 12:59

Bk 0 Pg 135 S.O.

OYSTER COVE

CITY OF BEAUFORT

BEAUFORT COUNTY, SOUTH CAROLINA

SCALE 1" = 40'

JULY 17, 1987

Specialty Sewing Group, Inc. (Declarant) in recording this plat of Oyster Cove has designated certain areas of land as common area, open area, community building and Oyster Cove Drive intended for use by the homeowners in Oyster Cove for recreation and other related activities.

The designated areas are not dedicated hereby for use by the general public but are dedicated to the common use and enjoyment of the homeowners in Oyster Cove as more fully provided in the Declaration of Covenants, Conditions and Restrictions applicable to Oyster Cove dated February 9, 1990.

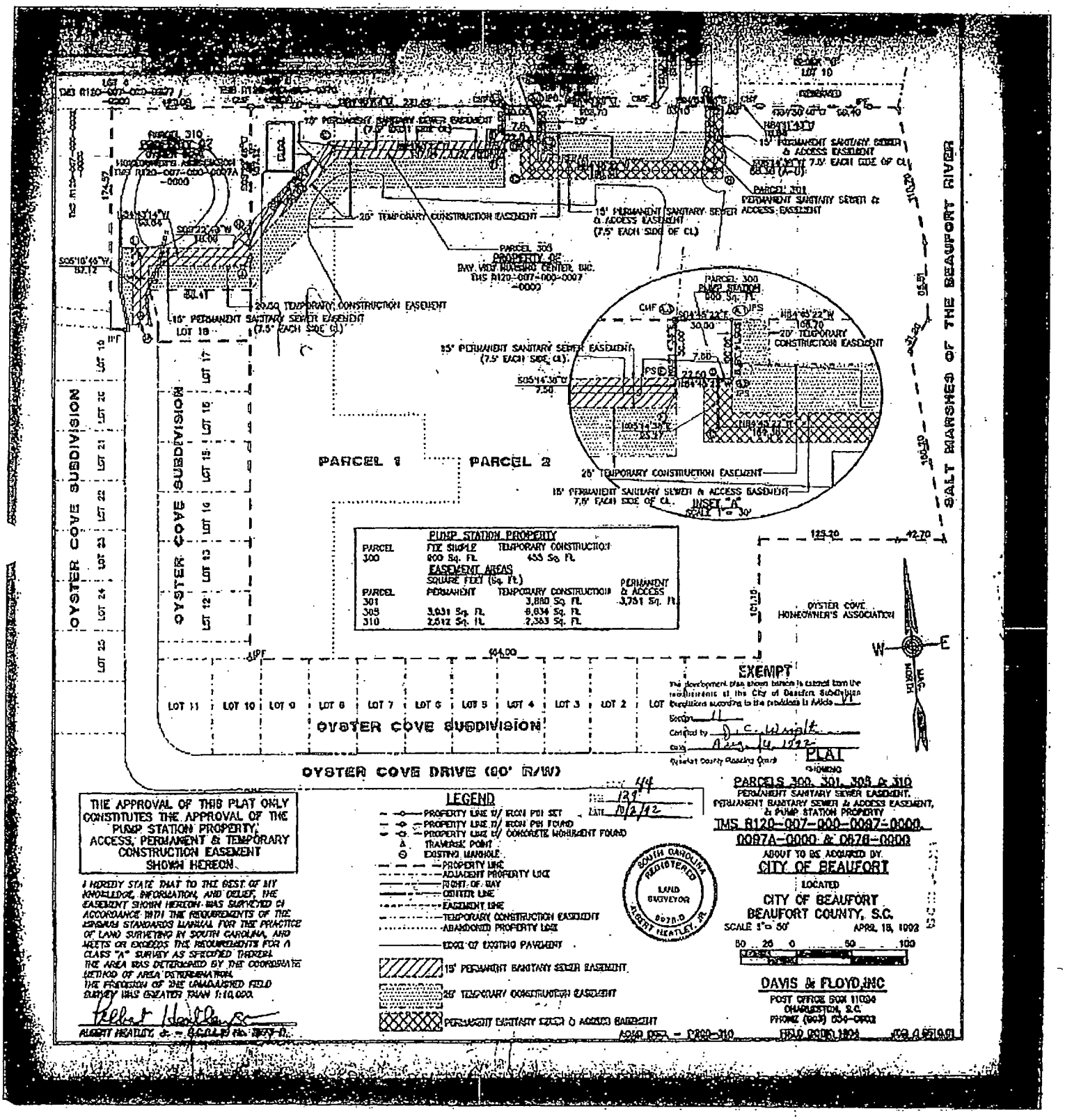
Said Declaration of Covenants, Conditions and Restrictions is hereby incorporated and made a part of this plat.

PLAT BOOK 39
PAGE 126
DATE 4-27-90

VERIFIED EXISTING PARCEL AS SHOWN ON CURRENT TAX MAP THIS DATE
DATE 4-27-90

7-21-87
DATE

DEFENDANT'S EXHIBIT EX 43



PUMP STATION PROPERTY		
PARCEL	FEE SIMPLE	TEMPORARY CONSTRUCTION
300	600 Sq. Ft.	455 Sq. Ft.

EASEMENT AREAS
SQUARE FEET (Sq. Ft.)

PARCEL	PERMANENT	TEMPORARY CONSTRUCTION	PERMANENT & ACCESS
301		3,880 Sq. Ft.	3,751 Sq. Ft.
305	3,931 Sq. Ft.	8,834 Sq. Ft.	
310	2,512 Sq. Ft.	2,383 Sq. Ft.	

EXEMPT
This development plan shown hereon is exempt from the requirements of the City of Beaufort Subdivision Regulations according to the provisions in Article VI Section 11
Certified by D. C. Wright
Date August 14, 1992
Planning Director

PLAT
SHOWING
PARCELS 300, 301, 305 & 310
PERMANENT SANITARY SEWER EASEMENT, PERMANENT SANITARY SEWER & ACCESS EASEMENT, & PUMP STATION PROPERTY
TMS R120-007-000-0097-0000, 0097A-0000 & 0078-0000
ABOUT TO BE ACQUIRED BY
CITY OF BEAUFORT
LOCATED
CITY OF BEAUFORT
BEAUFORT COUNTY, S.C.
SCALE 1"= 50' APRIL 15, 1992

50 25 0 50 100

DAVIS & FLOYD, INC
POST OFFICE BOX 11034
CHARLESTON, S.C.
PHONE (803) 934-0002

THE APPROVAL OF THIS PLAT ONLY CONSTITUTES THE APPROVAL OF THE PUMP STATION PROPERTY, ACCESS, PERMANENT & TEMPORARY CONSTRUCTION EASEMENT SHOWN HEREON.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE EASEMENT SHOWN HEREON WAS SURVEYED IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN. THE AREA WAS DETERMINED BY THE COORDINATE METHOD OF AREA DETERMINATION. THE PRECISION OF THE UNADJUSTED FIELD SURVEY WAS GREATER THAN 1:10,000.

Albert Heatley Jr. - S.C.L.S. No. 8078

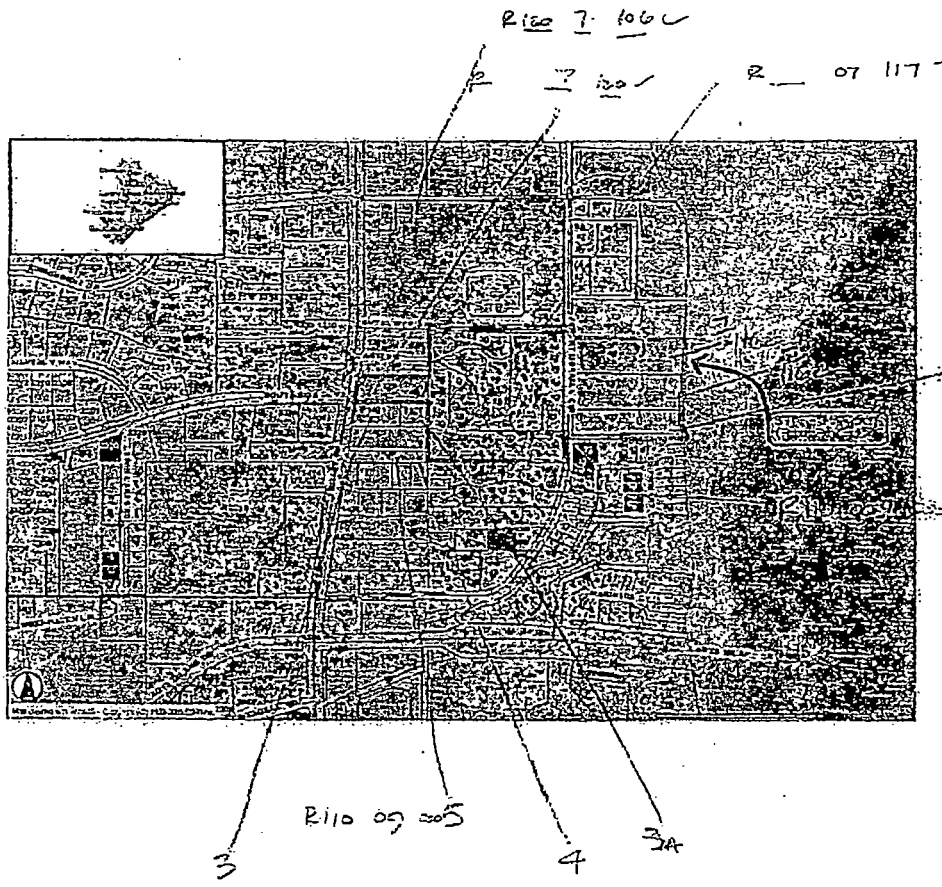
LEGEND
- PROPERTY LINE W/ IRON PIN SET
- PROPERTY LINE W/ IRON PIN FOUND
- PROPERTY LINE W/ CONCRETE MONUMENT FOUND
- TRAVERSE POINT
- EXISTING MANHOLE
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY
- CENTER LINE
- EASEMENT LINE
- TEMPORARY CONSTRUCTION EASEMENT
- ABANDONED PROPERTY LINE
- EDGE OF EXISTING PAVEMENT
- 15' PERMANENT SANITARY SEWER EASEMENT
- 20' TEMPORARY CONSTRUCTION EASEMENT
- PERMANENT SANITARY SEWER & ACCESS EASEMENT

SOUTH CAROLINA REGISTERED LAND SURVEYOR 8078 ALBERT HEATLEY JR.

44
139
DATE 10/2/92

ADD DOC. - 0310-310 FIELD BOOK 1804 FB 0 PG 19-21

000669



Merryland; ALTA/ACSM

050106 4/25/2005

DEFENDANT'S EXHIBIT EX 46

000670

189

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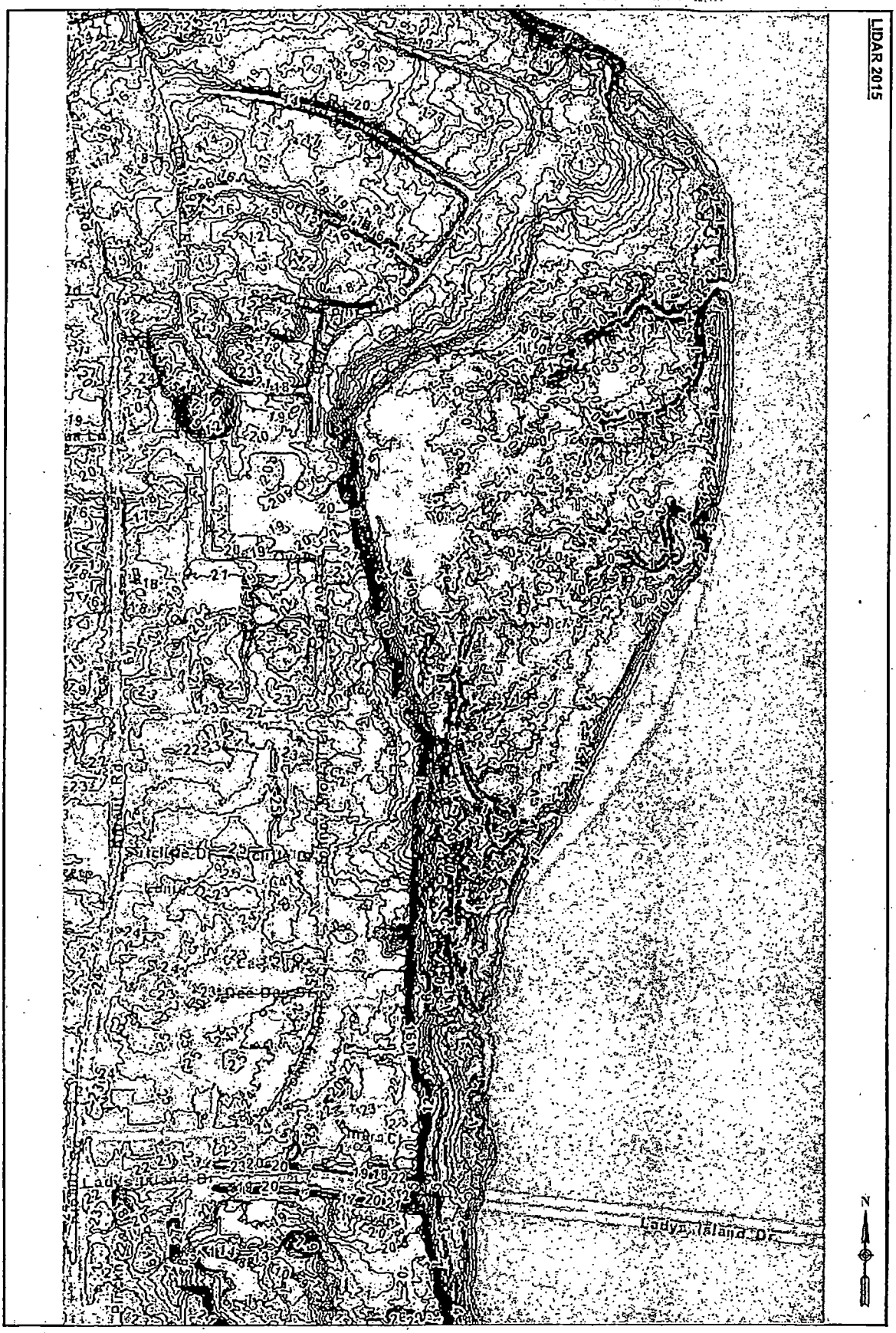
DEFENDANT'S EXHIBIT EX 47



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DEFENDANT'S EXHIBIT 47A 11-19-15 dt

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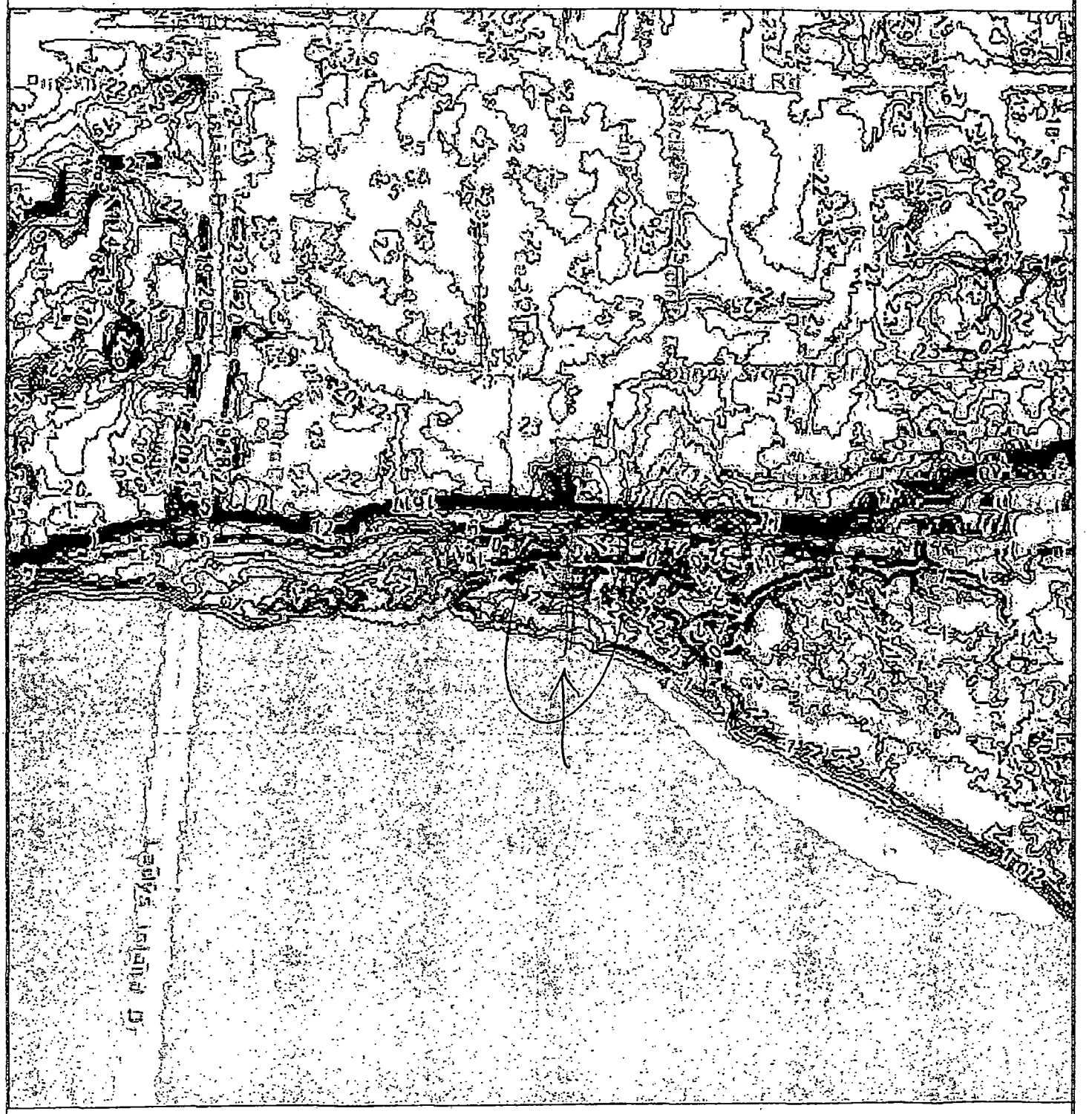

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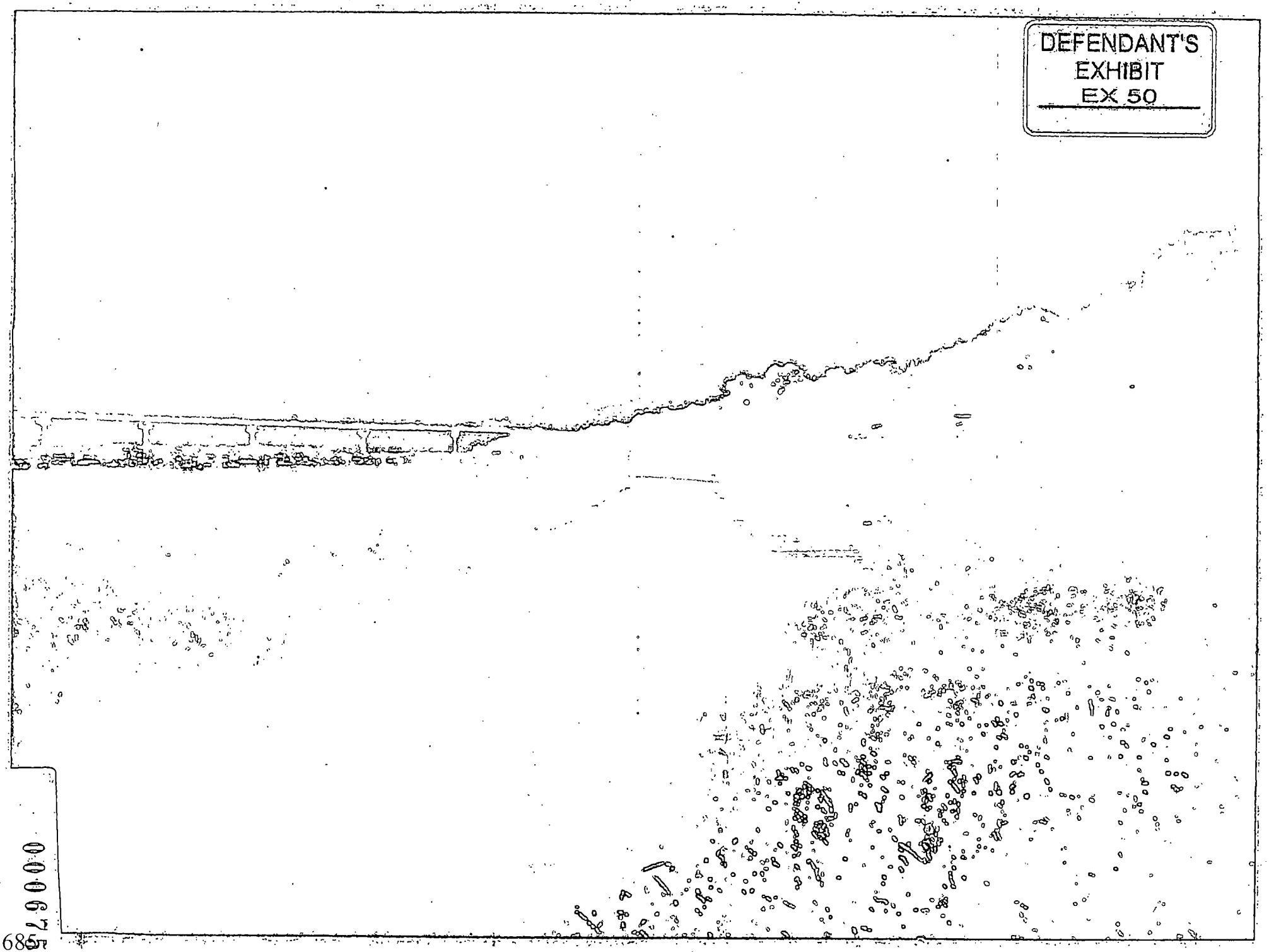
AERIAL AND TAX PARCELS 2015

DEFENDANT'S EXHIBIT
EX 48


DEFENDANT'S
EXHIBIT
EX 50

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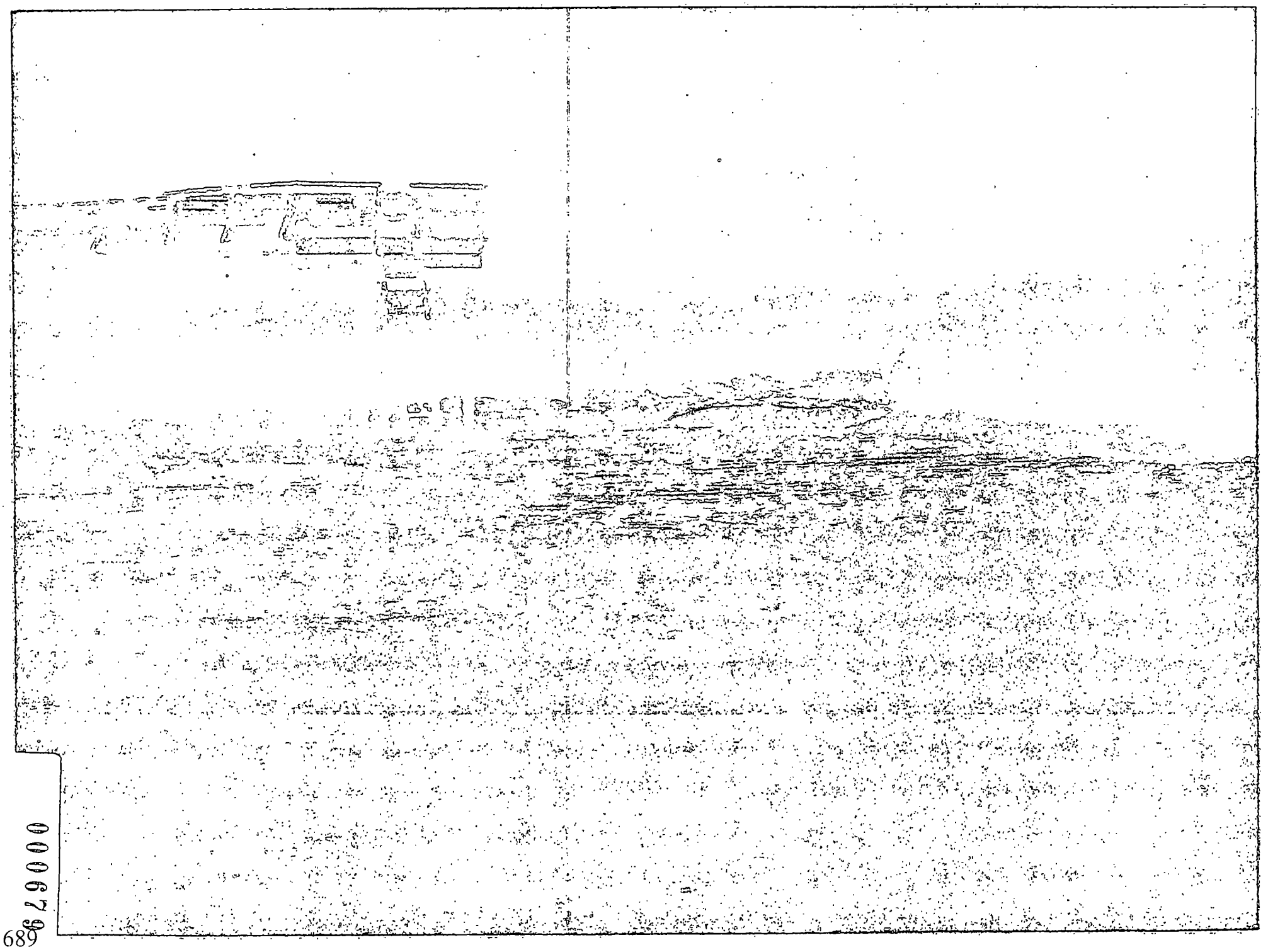

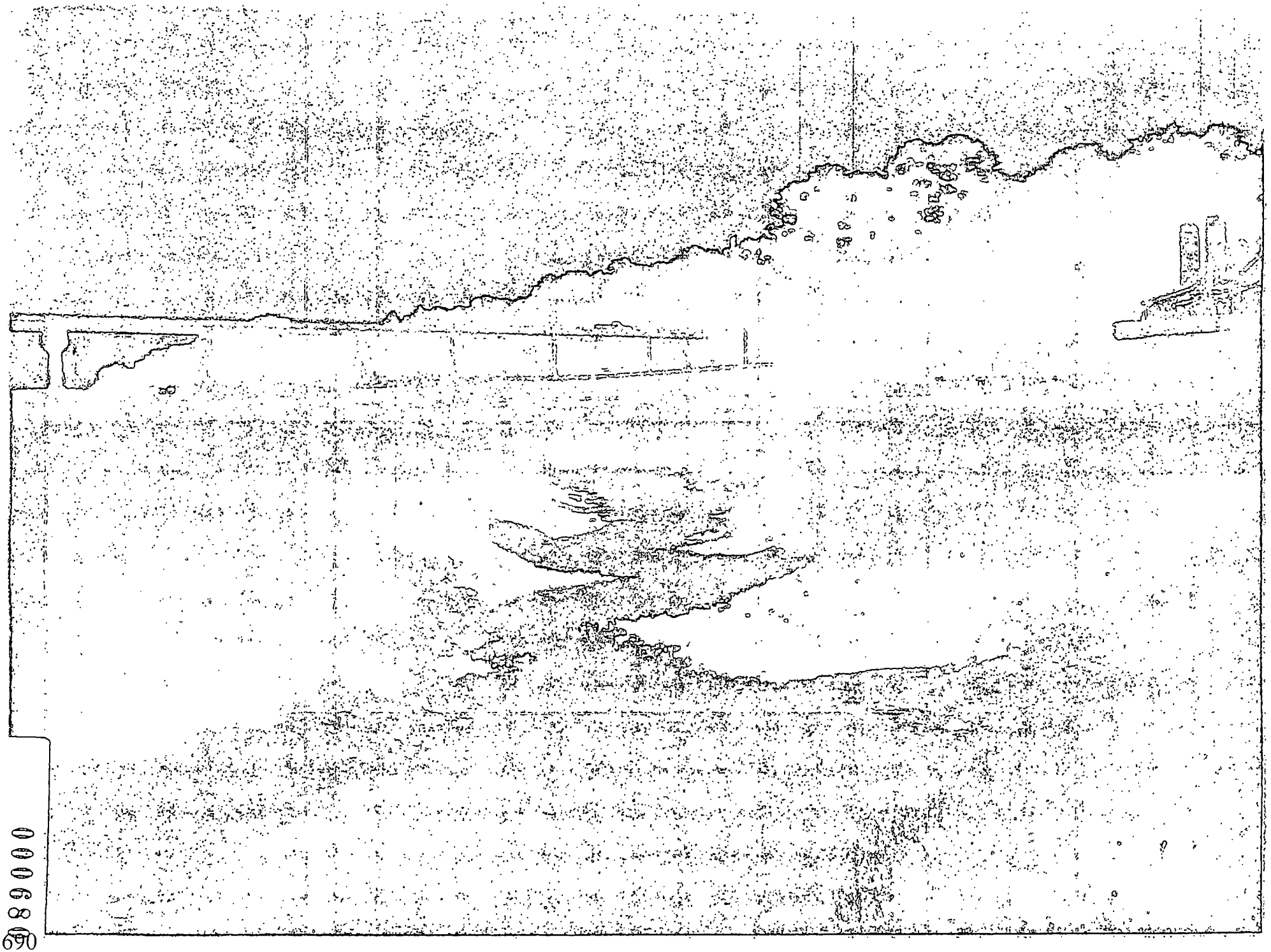

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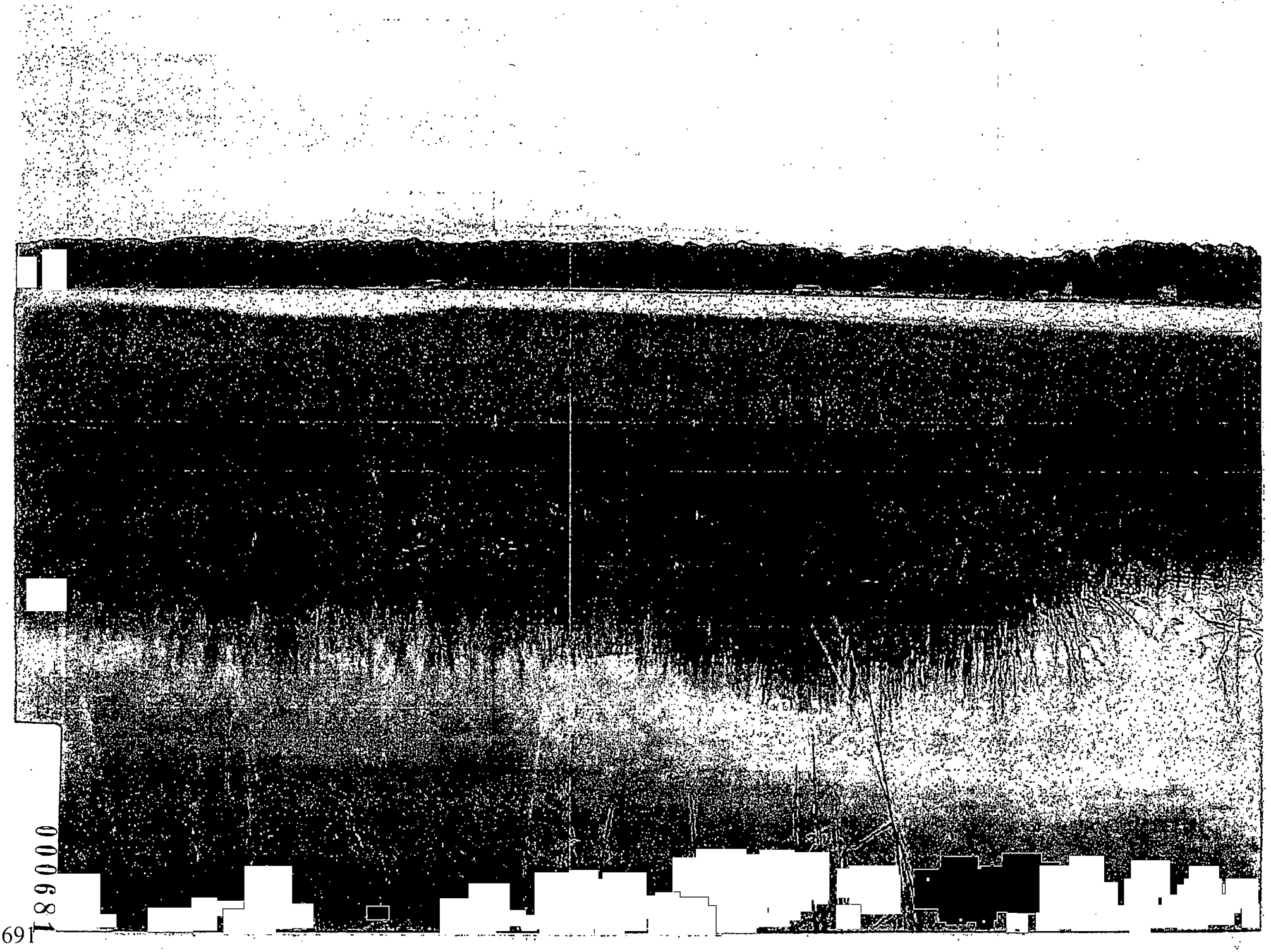

DEFENDANT'S EXHIBIT EX 51

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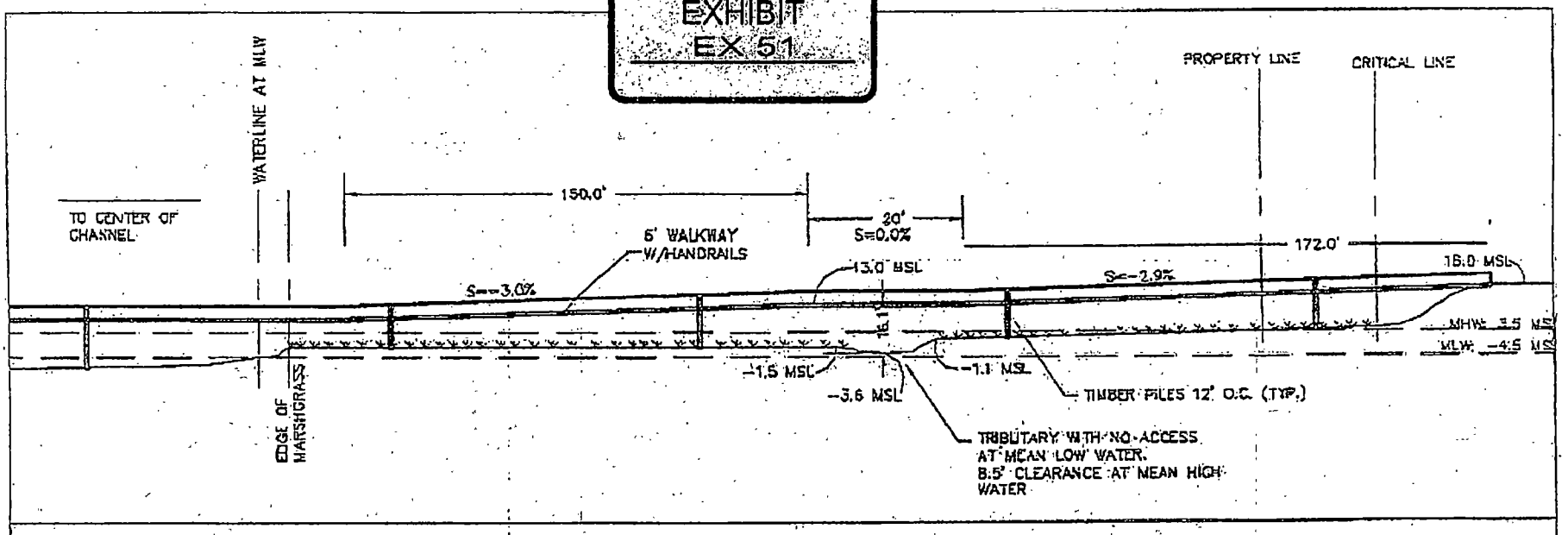

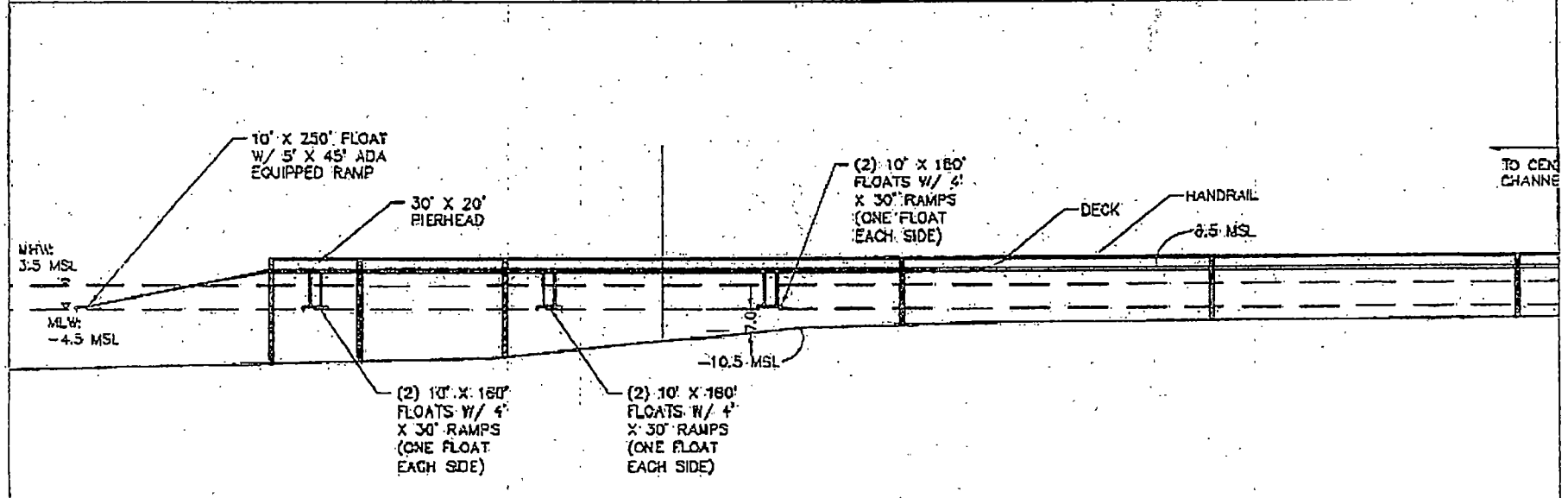

APPLICANT: MERRY LAND PROPERTIES	**LOCATION:** PORT ROYAL	**ADJACENT PROPERTY OWNERS:**
ACTIVITY: PRIVATE MARINA	**SCALE:** 1" = 50'	
P/N:	**COUNTY:** BEAUFORT	
	DATE: SEPTEMBER 12, 2005	

NORTH OF SITE:
1. R11D 007 000A 0029 0000
2. R11D 007 000A 0114 0000

SOUTH OF SITE:
1. R11D 009 000A 0028 0000
2. R11D 009 000A 0027 0000
3. R11D 009 000A 0026 0000
4. R11D 009 000A 0025 0000
5. R11D 009 000A 0024 0000
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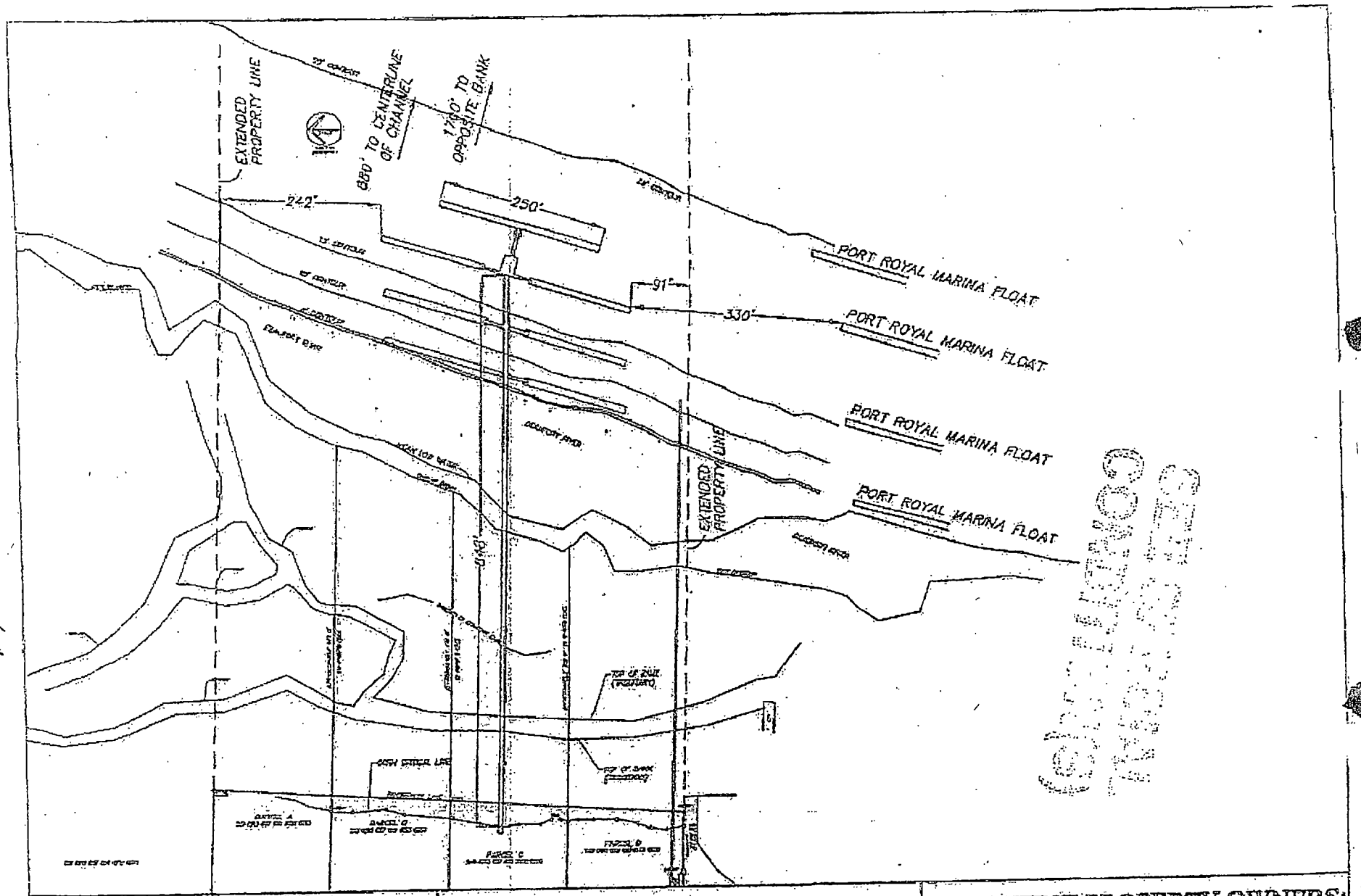
7. R11D 009 000A 0022 0000



APPLICANT: MERRY LAND PROPERTIES

ACTIVITY: PRIVATE MARINA

P/N:

LOCATION: PORT ROYAL
Johnny Mozeall Circle

SCALE: 1" = 200'

COUNTY: BEAUFORT

DATE: SEPTEMBER 12, 2005 Sh. 2 of 4

ADJACENT PROPERTY OWNERS:

9.0.11

0006883

DEFENDANT'S EXHIBIT EX 68

South Carolina Department of Health and Environmental Control
Office of Ocean and Coastal Resource Management

CRITICAL AREA & WATER QUALITY CERTIFICATION PERMIT

Permittee:	Merry Land Properties, LLC
Permit Number:	2005-1W-429-P
Date of Issuance:	May 17, 2006
Expiration Date:	May 17, 2011
Location:	On and adjacent to the Beaufort River on Johnny Morrall Circle, Port Royal, Beaufort County, South Carolina.

SEE SPECIAL CONDITIONS

This permit/certification is issued under the provisions of 25A S.C. Code Ann. Regs. 61-101 (Supp. 2003), *et seq.*, and 23A S.C. Code Ann. Regs. 30-1 through 30-18 (Supp. 2003). Additionally, as required by R.61-101, Department staff have reviewed plans for this project and determined there is a reasonable assurance the project will be conducted in a manner consistent with Certification requirements of Section 401 of the Clean Water Act. We also certify that this project, subject to the indicated conditions, is consistent with applicable provisions of Section 303 of the Clean Water Act, as amended, that there are no applicable effluent limitations under Sections 301(b) and 302, and that there are no applicable standards under Sections 306 and 307.

This permit contains required certification pursuant to Section 401 of the Clean Water Act. Work may not commence under this permit until thirty (30) days after final signature by an OCRM official. No work may be performed under this permit should an administrative appeal be filed within this 30 day period. PLEASE CAREFULLY READ THE ENCLOSED "NOTICE OF APPEAL PROCEDURE."

Please carefully read the project description and any special conditions, which may appear on this permit/certification, as they will affect the work that is allowed. If there are no special conditions, then the work is authorized as described in the project description and as modified by general conditions. The general conditions are also a part of this permit/certification and should be read in their entirety. The S. C. Contractor's Licensing Act of 1999, enacted as Section 40-11-5 through 430, requires that all construction with a total cost of $5,000 or more be performed by a licensed contractor with a valid contractor's license for marine class construction, except for construction performed by a private landowner for strictly private purposes. Your signature on and acceptance of this permit denotes your understanding of the stated law regarding use of licensed contractors. **All listed special and general conditions will remain in effect for the life of the project if work commences during the life of the permit. This applies to permittee, future property owners, or permit assignees.**

DESCRIPTION OF THE AUTHORIZED PROJECT

The permit has been issued as requested, with some restrictions on the use of the boat slips. The plans submitted by you, attached hereto, show the work consists of constructing a marina. A 5' x 848' walkway, with benches at intervals of 150', will lead to a 20' x 30' fixed pierhead. A total of six 4' x 30' ramps leading to six 10' x 160' floating docks will be located on both sides of the pierhead, three on each side. In addition, a 5' x 45' ramp leading to a 10' x 250' floating dock will be located channelward of the

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pierhead. The purpose of the proposed activity is to construct a marina with approximately 80 boat slips for use by owners of the adjacent residential development and the general public.

CRITICAL AREA PERMIT SPECIAL CONDITIONS

1. Provided that a maximum of 25 boat slips at the marina may be reserved for the exclusive use of the residents of the adjacent high-ground residential development. All additional boat slips must be made available to the general public. Residents of the adjacent residential development will not be excluded from using these public slips, but cannot be given preferential treatment for using them.

2. Provided that public restroom facilities must be constructed on the adjacent high ground, to include at a minimum two toilets and one lavatory for women, and one toilet, one urinal, and one lavatory for men. The Marina Operations and Maintenance Manual must be revised to include this requirement before a construction placard will be issued.

3. Provided that adequate public parking must be provided at the marina. The number of public parking spaces must be 55, or fewer if the applicant obtains a variance from the Town of Port Royal's parking ordinance that requires one parking space for each public marina slip, but in no case can be fewer than the 18 public parking spaces required under OCRM's regulations. These parking spaces must be clearly marked as dedicated public parking for users of the marina. The Marina Operations and Maintenance Manual must be revised to include this requirement before a construction placard will be issued.

4. Provided that no walkway support pilings shall be placed in the smaller tributary the walkway will cross over. Adequate clearance must be provided during construction.

5. Provided that an as-built survey of the marina must be submitted to OCRM within 90 days of the expiration date of the final construction placard. The survey must be performed by a registered land surveyor, must show all components of the marina, and must list the starting and ending coordinates of the walkway in the SC State Plane Coordinate System, which can be obtained by using survey-grade Global Positioning System equipment.

6. The operations of the marina shall be reviewed by the Department as deemed appropriate, but at least every five years. Based on this review, the Department may require, among other things, changes or additions to the Operations and Maintenance Manual (manual) to address any water quality or other environmental problems, and a reduction in the size of, or a change in the configuration of, the marina. Such action may be taken at any time the Department determines that significant state water quality compliance or other problems exist, at the time the Department enlarges the closure area, or at the time of a review. The manual submitted for this facility is made a part of this permit and must be followed in the operation of this facility unless otherwise amended in writing by OCRM. The manual must be reviewed and revised to keep it up-to-date with existing facilities and operations. The manual must be in accordance with R. 30-12(E)(6) of the Rules and Regulations for Permitting in the Critical Areas of the Coastal Zone and with OCRM's Marina/Commercial Dock Operations And Maintenance Manual Requirements.

7. A stormwater plan for the marina and associated parking area and other facilities including runoff from the permanent spoil disposal area and adjacent highland development, must be submitted to and approved in writing by the OCRM staff before any work is performed under this permit.

8. Any painting, major engine repair, or other maintenance, which may result in a discharge to the water must be performed in a designated upland site and not in or over the waters of the marina.

9. The discharge of any kind of waste into state waters, including, but not limited to, garbage, refuse, trash or debris, will be prohibited at the marina. Any lease agreement used to rent dock space shall include a statement prohibiting the discharge of these items or general garbage or other deleterious substances into the waters of the marina. It will also stress the need to maintain good water quality within the marina.

10. The storage or disposal of new or used batteries, oil or lubrication containers, fuel containers, solvents, toxic cleaners, paint cans, etc., on the marina docks is prohibited.

11. If power washing of boats is to be conducted at the marina then it must be conducted on a designated upland area and is not allowed over the water. Wastewater from this operation must be properly treated and can not be directly discharged into the adjacent waters.

12. Signs must be posted on all docks, piers and areas adjacent to the facility stating the following:
    i. "It is against both Federal and State Laws to discharge raw, untreated sewage from any description of watercraft into the waters of South Carolina."
13. Signs should be at least 1-1" by 18" in size so they can be read clearly.

14. Plans for any potable water supplied to the marina docks must be approved in writing by SCDHEC and any below ground fuel storage tanks must comply with SCDHEC Underground Storage Tank Regulations (R. 61-92) and be approved in writing by SCDHEC.

15. The marina must have adequate booms or absorbent pads available to isolate any oil or fuel spill around the fuel dock, a leaking boat, or a sunken boat. These booms must be stored in a location where they are quickly and easily accessible.

16. An experienced operator shall be in charge of the marina and be responsible for compliance with the issued Operations and Maintenance Manual and with all conditions of the permit.

17. The marina lease agreement with boat owners must include a provision requiring that boat owners comply with all applicable State and federal regulations. The marina shall ensure that violations are reported promptly to the proper authorities.

18. A complete copy of the marina permit, including any required marina report, the Operations and Maintenance Manual, all conditions or requirements placed on the permit and copies of all water quality monitoring reports required pursuant to the permit, shall be readily available at the marina.

19. The marina shall prominently display and distribute material pertaining to the maintenance of water quality standards at the marina and report violations of such standards to the proper authorities.

20. A water quality monitoring program must be conducted at this marina as required below. This sampling must be performed by a SCDHEC certified laboratory at the expense of the permittee. The results of this sampling must be supplied to the Department.

Sampling will be conducted at one station in the Beaufort River, at the center of the facility near the 30' by 20' pierhead.

Fecal coliform bacterial sampling will be conducted both in the morning and in the afternoon on two consecutive days, once during July and once During August. These two sampling periods must be at least 30 days apart. Samples are to be taken one foot below the water surface. Data regarding date and time, general weather conditions, and tidal stage must also be included in the monitoring report.

The following parameter will be sampled once each year during June - August. This sample will be grab sample of surface sediments collected from the station:
PAH's

All sampling and analysis must be performed by a DHEC certified laboratory according to "Standard Methods" or EPA approved methods. All bacterial samples must be analyzed using the 5 tube dilution (Most Probable Numbers) technique.

Sampling results must be provided to the Division of Water Quality and Shellfish Sanitation and to the Office of Ocean and Coastal Resource Management within two weeks after completion of the analysis of the bacterial samples. Results submitted to DHEC must be signed by the laboratory manager and the Harbormaster.

Prior to implementation of this sampling program, the permittee or his consultant is to contact SCDHEC-EQC to insure that the data collected will be acceptable.

21. Provided all parts of the docking structure are used for water dependent purposes only. No food or beverage service, vending machines, T-shirt sales, concessions, etc. are allowed on or across these dock facilities.

22. All facilities and services within the marina are the responsibility of the marina owner/operator (permittee) unless otherwise legally authorized.

23. If dock boxes are allowed at the marina then they should be of a type that is leak-proof so that any material that spills or leaks inside the box will not leak out onto the marina docks and into the waters of the marina.

24. Provided that nonwater dependent structures, including buildings, houses, or offices that float, shall be prohibited at the marina unless specifically authorized by OCRM. OCRM shall at its discretion determine on a case-by-case basis whether or not a floating structure is a boat and thus exempt from the Act or in fact is a nonwater dependent structure. This shall be based upon the primary function of the floating structure. The mere fact that a structure is registered as a vessel or capable of being propelled does not mean it is exempt from the Department regulations.

25. Provided that in the event that archaeological or paleontological remains are found during the course of work, the applicant should notify the South Carolina Institute of Archaeology and Anthropology (Mr. James Spirek at 803-777-8170) pursuant to South Carolina Underwater Antiquities Act of 1991, (Article 5 Chapter 7, Title 54, Code of Laws of South Carolina, 1976). Archaeological remains consist of any materials made or altered by man, which remain from past historic or prehistoric times (ie, older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools, human burials, historic docks, structures, or non-recent vessel remains. Paleontological remains consist of old animal remains, original or fossilized, such as teeth, tusks, bone, or entire skeletons.

WATER QUALITY SPECIAL CONDITIONS

1. All necessary measures must be taken to prevent oil, tar, trash, debris, and other pollutants from entering the adjacent waters or wetlands during construction.

2. Litter receptacles must be located near all docks and walkways.

3. Any painting, major engine repair, or other maintenance, which may result in a discharge to the water, must be performed in a designated upland site.

4. Signs must be posted on all docks, piers and areas adjacent to the facility stating the following:

   "It is against both Federal and State Laws to discharge raw, untreated sewage from any description of watercraft into the waters of South Carolina."

   Signs should be at least 14" by 18" in size so they can be read clearly.

5. No live aboards are allowed at this facility.

6. Anti-fouling paints must not be used below mean high water on any structure such as bulkheads, pilings, docks or dock supports within the confines of the facility.

7. The applicant must implement the spill prevention and clean up plan for this project as listed in the Operations and Maintenance Manual submitted with the application.

8. No fuel pump or fuel storage tank may be installed at any individual or community dock.

9. Access to the project site must be attained from highland, from a portion of the dock already completed ("end on end construction"), or from floating barges or mats (instead of barge canals or causeways).

10. Construction activities must avoid to the greatest extent practicable, encroachment into any wetland/river bank areas not designated as impact areas.

11. The applicant must implement best management practices in disturbed upland areas that will minimize erosion and migration of sediments on and off the project site during and after construction. These practices should include the use of appropriate grading and sloping techniques, mulches, hay bales, silt fences, or other devices capable of preventing erosion, migration of sediments and bank failure. All disturbed land surfaces and sloped areas must be stabilized and sloped with a minimum 3/1 slope upon project completion.

12. Once the project is initiated, it must be carried to completion in an expeditious manner in order to minimize the period of disturbance to the environment. Upon project completion, all disturbed areas must be permanently stabilized with vegetative cover, or other erosion control methods as appropriate.

PERMITTEE'S ATTENTION IS DIRECTED TO GENERAL CONDITIONS NUMBERS FOUR (4) AND (5), BY ACCEPTANCE OF THIS PERMIT, PERMITTEE IS PLACED ON NOTICE THAT THE STATE OF SOUTH CAROLINA, BY ISSUING THIS PERMIT, DOES NOT WAIVE ITS RIGHTS TO REQUIRE PAYMENT OF A REASONABLE FEE FOR USE OF STATE LANDS AT A FUTURE DATE IF SO DIRECTED BY STATUTE.

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THE PERMITTEE, BY ACCEPTANCE OF THIS PERMIT, AGREES TO ABIDE BY THE TERMS AND CONDITIONS CONTAINED HEREIN AND TO PERFORM THE WORK IN STRICT ACCORDANCE WITH THE PLANS AND SPECIFICATIONS ATTACHED HERETO AND MADE A PART HEREOF. ANY DEVIATION FROM THESE CONDITIONS, TERMS, PLANS AND SPECIFICATIONS SHALL BE GROUNDS FOR REVOCATION, SUSPENSION OR MODIFICATION OF THIS PERMIT AND THE INSTITUTION OF SUCH LEGAL PROCEEDINGS AS THE DEPARTMENT MAY CONSIDER APPROPRIATE.

2005-IW-429-P

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Janice E. Jones — May 26, 2006

(PERMITTEE) — (DATE)

Merry Land Properties Inc

This permit becomes effective when the State official designated to act for the Office of Ocean and Coastal Resource Management has signed below.

Curtis M. Joyner — 6/2/06

(MANAGER, CRITICAL AREA PERMITTING) — (DATE)

Curtis M. Joyner

or his Designee Other Authorized State Official

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GENERAL CONDITION

This construction and use permit is expressly contingent upon the following conditions which are binding on the permittee:

1. That the permittee, in accepting this permit, covenants and agrees to comply with and abide by the provisions and conditions herein and assumes all responsibility and liability and agrees to save the South Carolina Coastal OCRM and the State of South Carolina, its employees or representatives, harmless from all claims of damage arising out of operations conducted pursuant to this permit.
2. That if the activity authorized herein is not constructed or completed within five years of the date of issuance, this permit shall automatically expire. A request, in writing, for an extension of time shall be made not less than sixty days prior to the expiration date.
3. That all authorized work shall be conducted in a manner that minimizes any adverse impact on fish, wildlife and water quality.
4. That this permit does not relieve the permittee from the requirements of obtaining a permit from the U. S. Army Corps of Engineers or any other applicable federal agency, nor from the necessity of complying with all applicable local laws, ordinances, and zoning regulations. This permit is granted subject to the rights of the State of South Carolina in the navigable waters and shall be subject, further to all rights held by the State of South Carolina under the public trust doctrine as well as any other right the State may have in the waters and submerged lands of the coast.
5. That this permit does not convey, expressly or impliedly, any property rights in real estate or material nor any exclusive privileges; nor does it authorize the permittee to alienate, diminish, infringe upon or otherwise restrict the property rights of any other person or the public; nor shall this permit be interpreted as appropriating public properties for private use.
6. That the permittee shall permit the OCRM or its authorized agents or representatives to make periodic inspections at any time deemed necessary in order to ensure that the activity being performed is in accordance with the terms and conditions of this permit.
7. That any abandonment of the permitted activity will require restoration of the area to a satisfactory condition as determined by the OCRM.
8. That this permit may not be transferred to a third party without prior written notice to the OCRM, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit and thereby agreeing to comply.
9. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and special signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.
10. That the permit placard or a copy of the placard shall be posted in a conspicuous place at the project site during the entire period of work.
11. That the structure or work authorized herein shall be in accordance with the plans and drawing attached hereto, and shall be maintained in good condition. Failure to build in accordance with the plans and drawings attached hereto, or failure to maintain the structure in good condition shall result in the revocation of this permit.
12. That the authorization for activities or structures herein constitutes a revocable license. The OCRM may require the permittee to modify activities or remove structures authorized herein if it is determined by the OCRM that such activity or structures violates the public's health, safety, or welfare, or if any activity is inconsistent with the public trust doctrine. Modification or removal under this condition shall be ordered only after reasonable notice stating the reasons therefore and provision to the permittee of the opportunity to respond in writing. When the Permittee is notified that OCRM intends to revoke the permit, Permittee agrees to immediately stop work pending resolution of the revocation.
13. That the OCRM shall have the right to revoke, suspend, or modify this permit in the event it is determined the permitted structure (1) significantly impacts the public health, safety and welfare, and/or is violation of Section 48-39-150, (2) adversely impacts public rights, (3) that the information and data which the permittee or any other agencies have provided in connection with the permit application is either false, incomplete or inaccurate, or (4) that the activity is not in compliance with the drawings submitted by the applicant. That the permittee, upon receipt of the Coastal OCRM's written intent to revoke, suspend, or modify the permit has the right to a hearing. Prior to revocation, suspension, or modification of this permit, the OCRM shall provide written notification of intent to revoke to the permittee, and permittee can respond with a written explanation to the OCRM. (South Carolina Code Section 1-023-370 shall govern the procedure for revocation, suspension or modification herein described).
14. That any modification, suspension or revocation of this permit shall not be the basis of any claim for damages against the OCRM or the State of South Carolina or any employee, agent, or representative of the Coastal OCRM or the State of South Carolina.
15. That all activities authorized herein shall, if they involve a discharge or deposit into navigable waters or ocean waters, be at all times consistent with all applicable water quality standards, effluent limitations and standards of performance, prohibitions, and pretreatment standards established pursuant to applicable federal, state and local laws.
16. That extreme care shall be exercised to prevent any adverse or undesirable effects from this work on the property of others. This permit authorizes no invasion of adjacent or private property, and OCRM assumes no responsibility or liability from any claims of damage arising out of any operations conducted by the permittee pursuant to this permit.

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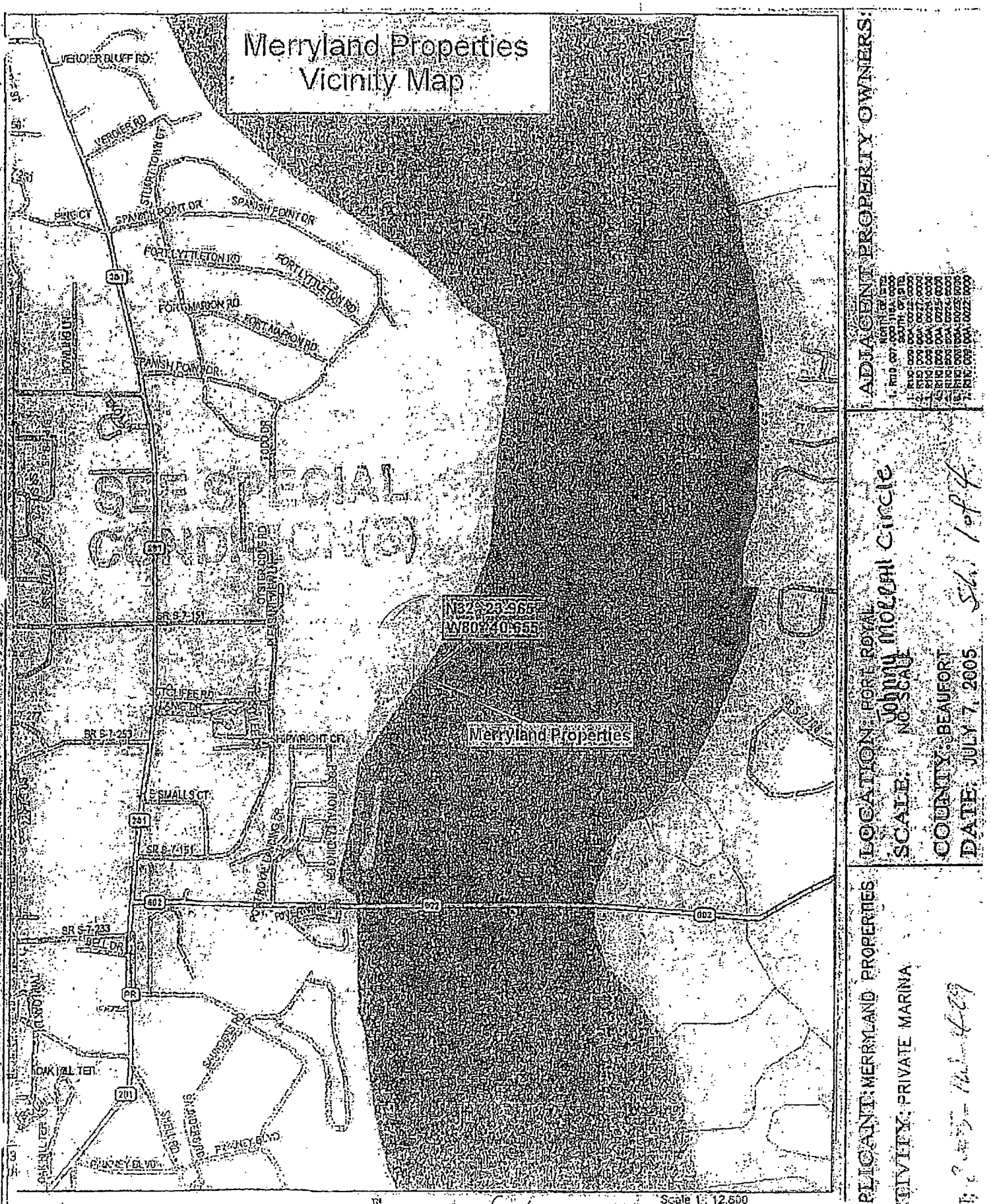

ADJACENT PROPERTY OWNERS:

LOCATION: PORT ROYAL Johnny Mozzell Circle

SCALE: NO SCALE

COUNTY: BEAUFORT

DATE: JULY 7, 2005

PLICANT: MERRYLAND PROPERTIES

TIVITY: PRIVATE MARINA

8 of 11

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701

APPLICANT: MERRY LAND PROPERTIES

ACTIVITY: PRIVATE MARINA

P/N:

LOCATION: PORT ROYAL (Johnny Morrall circle)

SCALE: 1" = 100'

COUNTY: BEAUFORT

DATE: SEPTEMBER 12, 2005

ADJACENT PROPERTY OWNERS:

PARCEL ID	
1. R110 007 000 0001 0000	
2. R110 007 000 0014 0000	
SOUTH OF SITE	
1. R110 009 000 0014 0000	
2. R110 009 000 0027 0000	
3. R110 009 000 0026 0000	
4. R110 009 000 0025 0000	
5. R110 009 000 0024 0000	
6. R110 009 000 0023 0000	
7. R110 009 000 0022 0000	

1 of 1

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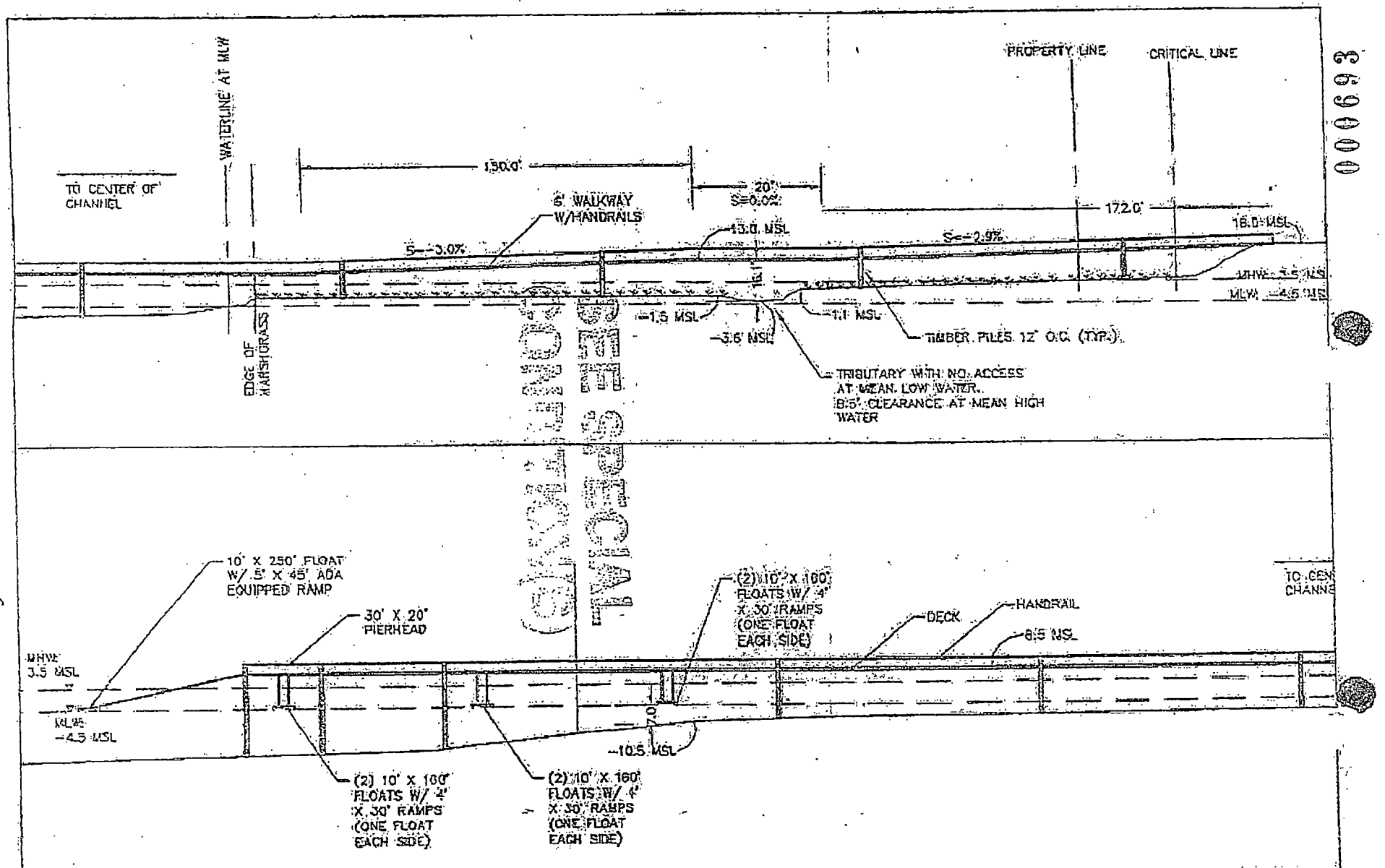
7002



APPLICANT: MERRY LAND PROPERTIES

ACTIVITY: PRIVATE MARINA

P/N:

LOCATION: PORT ROYAL JOHNNY MOBLEY CIRCLE

SCALE: 1" = 50'

COUNTY: BEAUFORT

DATE: SEPTEMBER 12, 2005 Sh. 4 of 4

ADJACENT PROPERTY OWNERS:

NORTH OF SITE:
1. R610 007 000 0000 0000
2. R610 007 000 0114 0000

SOUTH OF SITE:
1. R610 003 00A 0028 0000
2. R610 003 00A 0027 0000
3. R610 003 00A 0026 0000
4. R610 003 00A 0025 0000
5. R610 003 00A 0024 0000
6. R610 003 00A 0023 0000
7. R610 003 00A 0022 0000

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11 of 11

703

DEFENDANT'S EXHIBIT Ex 54

OQUINN MARINE CONSTRUCTION, INC.
95 SHEPPARD RD
Beaufort SC 29907

Number of Copies: 1

AFFIDAVIT OF PUBLICATION

The Post and Courier

RECEIVED
JAN 19 2006
DHEC-OCRM
CHARLESTON OFFICE

State of South Carolina
County of Charleston

Personally appeared before me the undersigned advertising Clerk of the above indicated newspaper published in the City of Charleston, County and State aforesaid, who, being duly sworn, says that the advertisement of

(Copy attached)

appeared in the issues of said newspaper on the following day(s):

01/05/2006

PUBLIC NOTICE

MERRY LAND PROPERTIES, LLC, has applied to the Army Corps of Engineers and the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management, for a permit to construct a community marina located on Port Royal at Ribaut Road and Morrall Circle, Beaufort County, on the Beaufort River. Comments will be received by the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management, at its offices on 1362 McMillan Avenue, Suite 400, Charleston, SC 29405 by January 20, 2006.

RECEIVED
JAN 23 2006
DHEC-OCRM
BEAUFORT OFFICE

at a cost of $ 44.28
Account# C0577483
Order# C220YV5T
P.O. Number: merry
Subscribed and sworn to before me this 9th day of January A.D. 2006

Advertising Clerk

NOTARY PUBLIC, SC
My Commission expires 10/10/13

000694

Form 3020

"Serving Beaufort County Since 1897"

The Beaufort Gazette

P.O. Box 399 • 1556 Salem Road • Beaufort, S.C. 29901

RECEIVED
JAN 11 2006
DHEC-OCRM
CHARLESTON OFFICE

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT) AFFIDAVIT

Personally appeared before me a Notary Public, in and for State and County, aforesaid, Sara Johnson Borton who being duly sworn according to law, deposes and says that she is the Publisher of *The Beaufort Gazette*, a newspaper published Sunday through Saturday every week in Beaufort County, **Merry Land Properties, LLC, public notice to construct a community marina located in Port Royal, off Ribaut Road and Morrall Circle,** was published in the issue(s) of The Beaufort Gazette on January 5, 2006.

PUBLIC NOTICE
Merry Land Properties, LLC, has applied to the Army Corps of Engineers and the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management for a permit to construct a community marina located in Port Royal, off Ribaut Road and Morrall Circle, Beaufort County, on the Beaufort River. Comments will be received by the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management, at its offices on 1362 McMillan Avenue, Suite 400, Charleston, SC 29405 for fifteen days following this publication.
1/5:OMCL

Sara Johnson Borton,
Publisher

Subscribed and sworn to before
me this 5th day of January, 2006.

Notary Public for South Carolina
My Commission Expires 26 Oct 2006

RECEIVED
2006
BEAUFORT OFFICE

Phone: 843-524-3183 • Fax: 843-524-8728 • E-Mail: gazette@beaufortgazette.com

000695

D H E C

PROMOTE PROTECT PROSPER

C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

PUBLIC NOTICE

IW - 429

MERRY LAND PROPERTIES, LLC, PN# 2005-1R-105-P

The following is provided for further description of the proposed project:

The applicant proposes construction of a community marina consisting of a walkway measuring 848 linear feet (with benches at intervals of 150') leading to a 20' x 30' fixed pierhead. Six floating docks will attach by way of six, 4' x 30' ramps to the pierhead, three on either side with dimensions of 10' x 160'. In addition, a channelward floating dock measuring 10' x 250' will be accessed by a 5' x 45' ramp. The total linear docking space will be 2420 feet for providing moorage for approximately 80 boats. The purpose of this activity is for the 'non-exclusive' use of the owners at the proposed 300 multi-family unit, 18.17 acre residential development.

ALSO:

OPERATIONS & MAITNTENANCE MANUAL

The Operations and Maintenance manual for this project is available for review during the normal business hours of 8:30 to 5:00, Monday through Friday at the Charleston OCRM Office, 1362 McMillan Ave, Suite 400, Charleston, Charleston County, South Carolina.

Comments will be received on this public notice until January 21, 2006. For further information, please contact the project manager, Bill Eiser, at 843-747-4323 ext. 120.

December 22, 2005

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Ocean and Coastal Resource Management
Charleston Office • 1362 McMillan Avenue • Suite 100 • Charleston, SC 29405
Phone: (843) 744-5838 • Fax: (843) 744-5847 • www.scdhec.gov

000696

D H E C

PROMOTE PROTECT PROSPER

C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

PUBLIC NOTICE
CLARIFICATION

MERRY LAND PROPERTIES, LLC, PN# 2005-1W-429-P

OCRM placed the above project on original public notice, December 22, 2005. OCRM has been working with involved parties on this project while the comment period has been open. OCRM is clarifying that the proposed marina will have both private, community slips and will also have slips available for the general public. This has been clarified in the updated 'Operations & Maintenance Manual' of March 28, 2006. The manual is available for review during the normal business hours of 8:30 to 5:00, Monday through Friday at the OCRM Office, 1362 McMillan Ave, Suite 400, Charleston, Charleston County, South Carolina.

Comments will be received on this public notice until April 29, 2006. For further information, please contact the project manager, Bill Eiser, at 843-747-4323 ext. 120.

April 14, 2006

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Ocean and Coastal Resource Management
Charleston Office • 1362 McMillan Avenue • Suite 400 • Charleston, SC 29405
Phone: (843) 744-5838 • Fax: (843) 744-5847 • www.scdhec.gov

00697

PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69-A HAGOOD AVENUE
CHARLESTON, SOUTH CAROLINA 29403
and the
S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

REGULATORY DIVISION
Refer to: P/N #2005-1W-429-P

December 23, 2005

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 401 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et.seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

MERRY LAND PROPERTIES, LLC
c/o TENNENT HOUSTON
P.O. BOX 1417
AUGUSTA, GEORGIA 30903

for a permit to construct a marina in the

BEAUFORT RIVER (AIWW)

at a location upstream of the Mcteer Bridge (SC Hwy. 802) and adjacent to the Port Royal Landing Marina in the Town of Port Royal in Beaufort County, South Carolina. (Latitude 32.3974°, Longitude 80.6783°)

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

12 O'CLOCK NOON, MONDAY, 23 JANUARY 2006

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of installing and arranging six floating dock sections, 10' wide x 160' long each, and a 10' wide x 250' long floating pier head, in a manner capable of accommodating approximately 80 boats of various sizes. The purpose of this work is to provide a community marina facility for the private recreational use of the residents of the proposed adjacent residential development. As required by the South Carolina Department of Health and Environmental Control Bureau of Ocean and Coastal Resource Management, the applicant has provided an Operation and Maintenance Manual for the proposed work.

000698

REGULATORY DIVISION
Refer to: P/N #2005-1W-429-P

December 23, 2005

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69-A Hagood Avenue
Charleston, South Carolina 29403

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact approximately 2 acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising of red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The District Engineer has consulted the most recently available information and has determined that the project will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

000699

December 23, 2005

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact me at 843-329-8044 or toll free at 1-866-329 -8187.

Debra King

Debra King
Project Manager
Regulatory Division
U.S. Army Corps of Engineers

000700

Merryland Properties
Vicinity Map

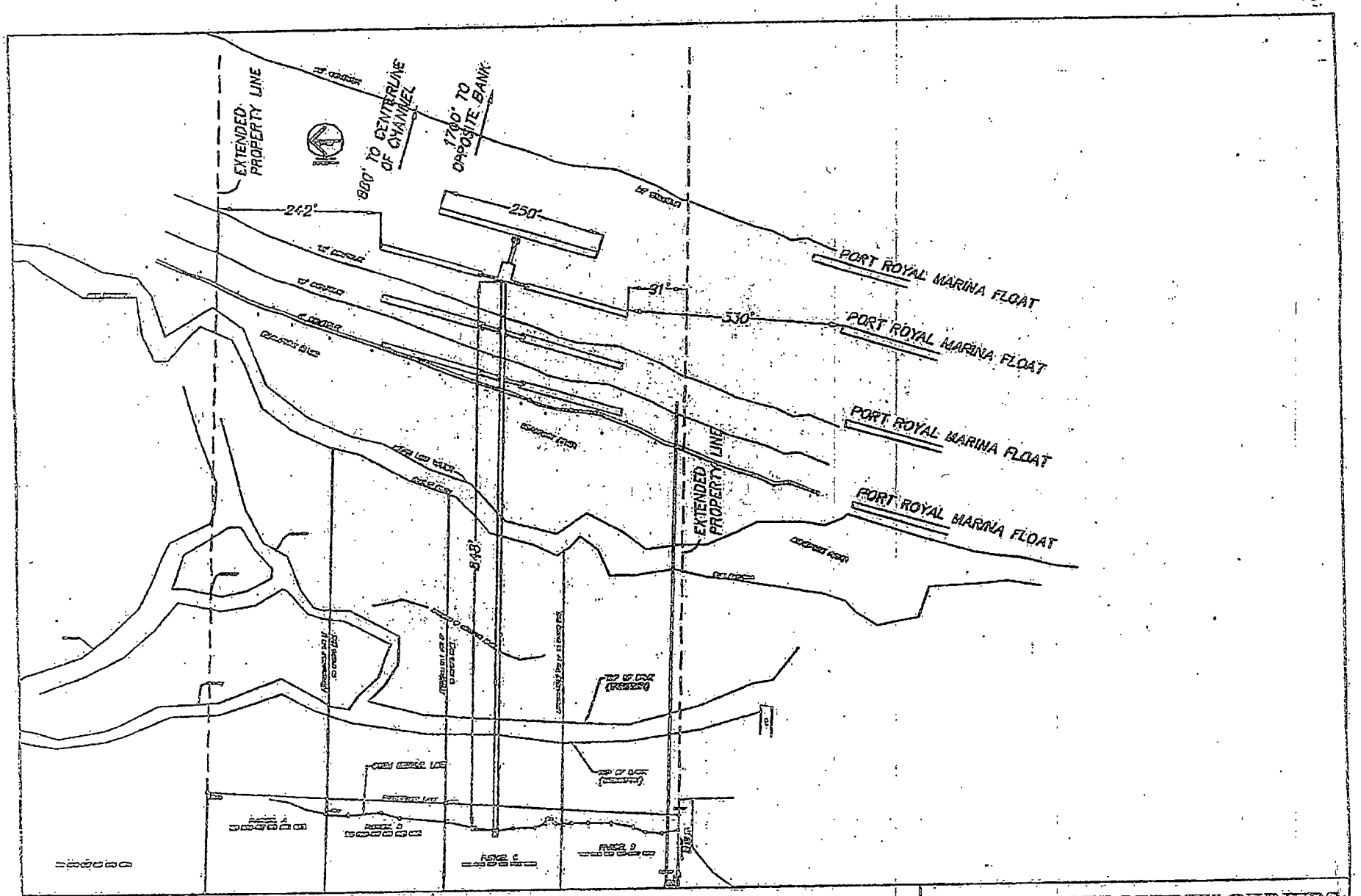
ADJACENT PROPERTY OWNERS	

APPLICANT: MERRYLAND PROPERTIES
CIVITY: PRIVATE MARINA

LOCATION: PORT ROYAL
SCALE: NO SCALE
COUNTY: BEAUFORT
DATE: JULY 7, 2005

N. 2-25-14-429

000701



APPLICANT: MERRY LAND PROPERTIES

ACTIVITY: PRIVATE MARINA

P/N:

LOCATION: PORT ROYAL

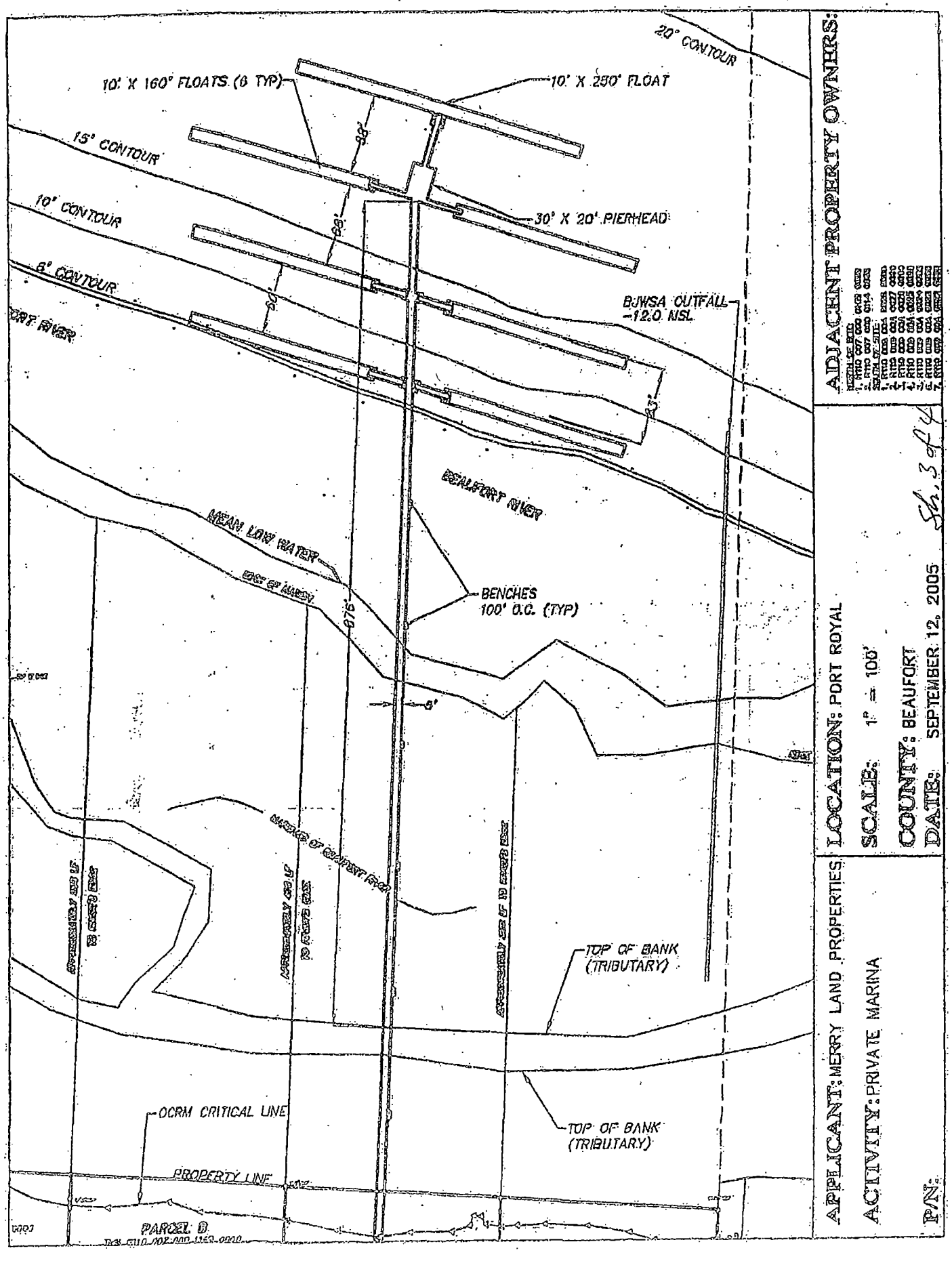
SCALE: 1" = 200'

COUNTY: BEAUFORT

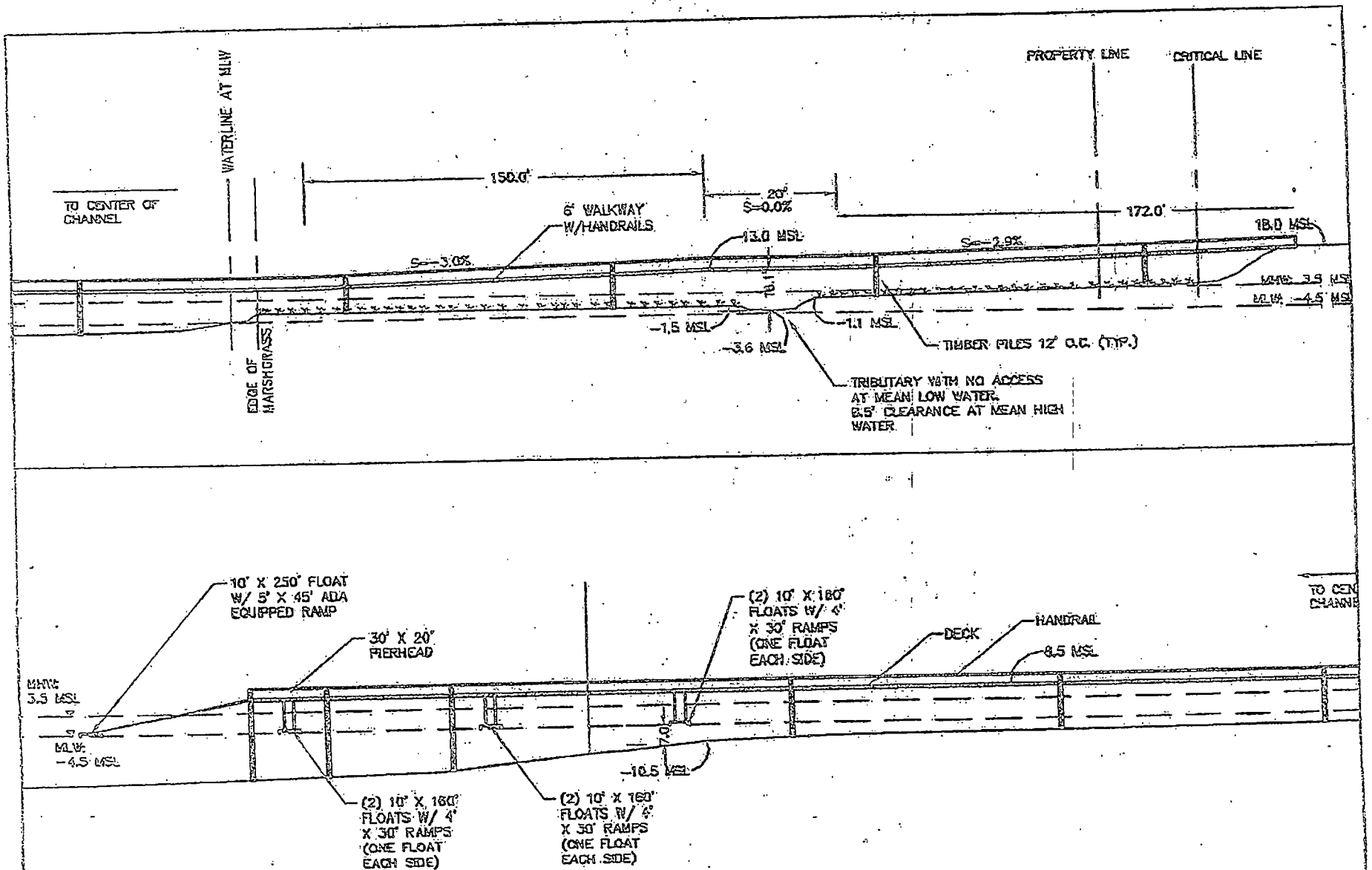
DATE: SEPTEMBER 12, 2005 Sh. 2 of 4

ADJACENT PROPERTY OWNERS:

4 20070002


20' CONTOUR
10' X 160' FLOATS (6 TYP)
10' X 250' FLOAT
15' CONTOUR
10' CONTOUR
30' X 20' PIERHEAD
8' CONTOUR
BJWSA OUTFALL
-12.0 MSL
BEAUFORT RIVER
MEAN LOW WATER
BENCHES
100' O.C. (TYP)
876'
8'
TOP OF BANK
(TRIBUTARY)
OCRM CRITICAL LINE
TOP OF BANK
(TRIBUTARY)
PROPERTY LINE
PARCEL B
ADJACENT PROPERTY OWNERS:
APPLICANT: MERRY LAND PROPERTIES
ACTIVITY: PRIVATE MARINA
P/N:
LOCATION: PORT ROYAL
SCALE: 1" = 100'
COUNTY: BEAUFORT
DATE: SEPTEMBER 12, 2005
Sh. 3 of 4

000703 5



APPLICANT: MERRY LAND PROPERTIES

ACTIVITY: PRIVATE MARINA

P/N:

LOCATION: PORT ROYAL

SCALE: 1" = 50'

COUNTY: BEAUFORT

DATE: SEPTEMBER 12, 2005

Sh. 4 of 4

ADJACENT PROPERTY OWNERS:

NORTH OF SITE:

1. R510 007 000 0000

2. R510 007 000 0114 0000

SOUTH OF SITE:

1. R510 030 00A 0027 0000

2. R510 030 00A 0026 0000

3. R510 030 00A 0025 0000

4. R510 030 00A 0024 0000

5. R510 030 00A 0023 0000

6. R510 030 00A 0022 0000

0007004

714

000705

US Army Corps
of Engineers
Charleston District

RD

U. S. ARMY ENGINEER DISTRICT, CHARLESTON
CORPS OF ENGINEERS
69A HAGOOD AVENUE
CHARLESTON, SOUTH CAROLINA 29403-5107

OFFICIAL BUSINESS

IF NOT DELIVERED IN TEN DAYS, RETURN TO SENDER

UNITED STATES POSTAGE
PITNEY BOWES
02 1A $ 00.37⁰
0004317224 DEC 29 2005
MAILED FROM ZIP CODE 29403

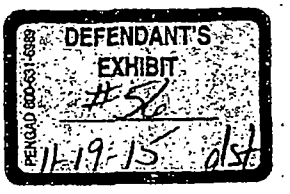
MCNAIR LAW FIRM
MS. MARY SHAHID
P. O. BOX 1431
CHARLESTON, SC 29402

20.9-1

DEFENDANT'S
EXHIBIT
EX 55

Beaufort County

Overview



Owner
1 o

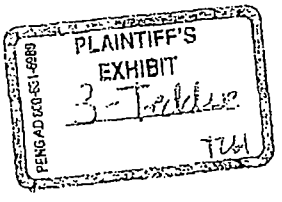
- Overview
- Bird's Eye View
- Parcel
- Land
- Improvements
- Sales Disclosure
- Pay Taxes
- Value History
- GIS / Mapping
- Property ID (PIN)
- Street Address
- Alternate ID (AIN)
- Legal Description
- Sales
- Owner Name
- Homepage
- Real Property
- Personal Property
- Vehicle Tax
- Shopping Cart
- Help
- Feedback
- County Login

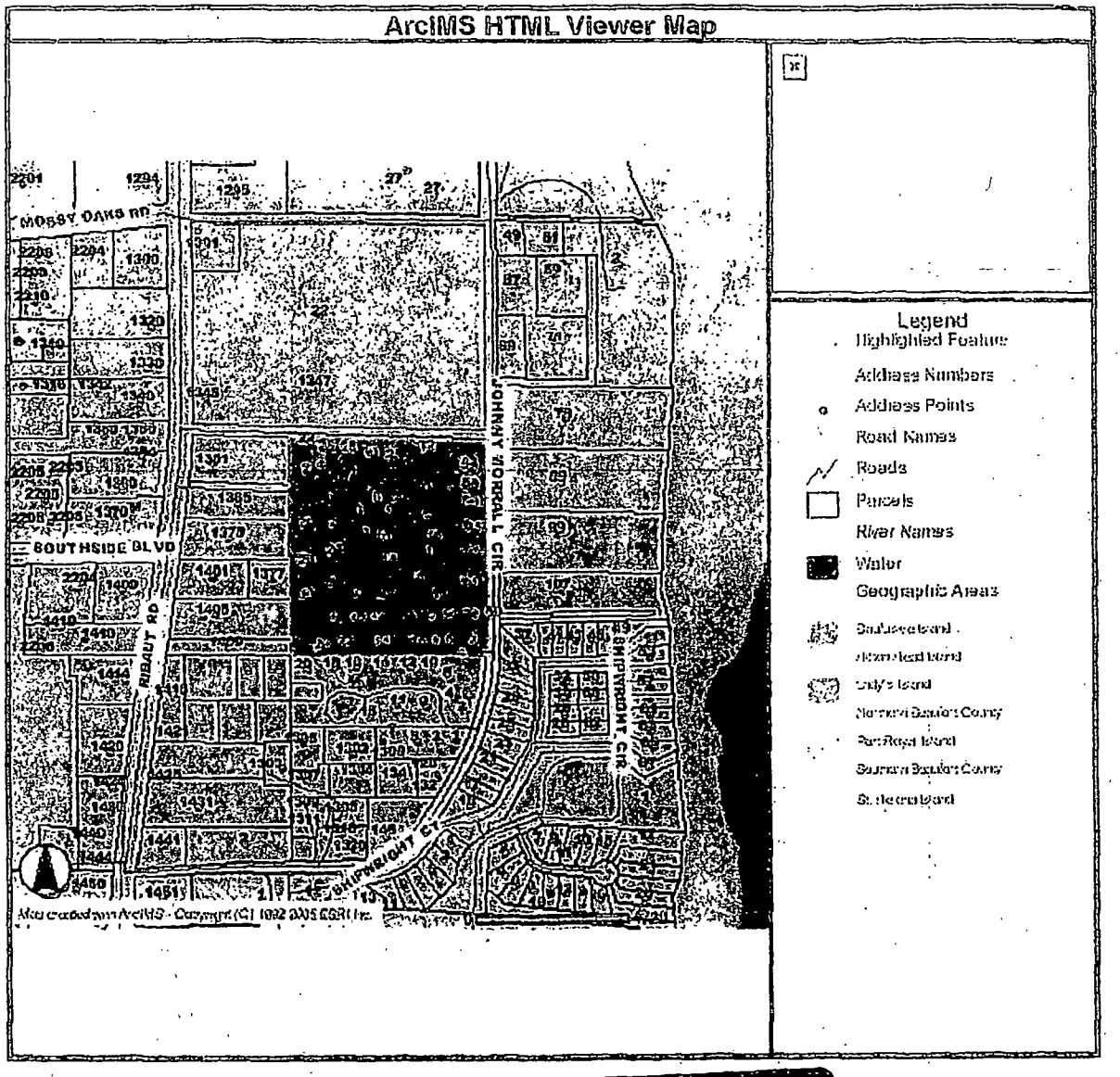
R120 007 000 0632 0000 | 00234696 | 8/20

Owner	HOYLER HAMILTON MARSHALL JR HOYLER H	Property Class Code	ResVac Marginal&Wat
		Acreage	95.0000
Owner Address	7 JACOBS POINT RD WARREN RI 02885		
Legal Description	MARSH		

Tax Year	Land	Building	Market	Taxes	Pa
2009	$1,000		$1,000	$13.29	$
2008	$1,000		$1,000	$14.12	$
2007	$1,000		$1,000	$13.65	$
2006	$1,000		$1,000	$12.63	$
2005	$1,000		$1,000	$12.11	$
2004				$15.95	$
2003				$20.08	$
2002				$19.78	$
2001				$18.70	$
2000				$14.77	$

Grantor	Book & Page	Date	Deed	Vacant	Sale
HOYLER HAMILTON MARSHALL JR HOYLER H	2601 7	7/13/2007	QC		
HOYLER HAMILTON MARSHALL JR HOYLER	2601 1977	7/13/2007	Fu		
HOYLER HAMILTON MARSHALL JR	2601 4	7/13/2007	QC		
HOYLER HAMILTON MARSHALL JR	289 135	11/1/1979	Fu		





DEFENDANT'S EXHIBIT #57 11-19-15 AG

PLAINTIFF'S EXHIBIT I.F. Tedder 9128

1351 - Key # 00181058

1385 - 00184067 > Same

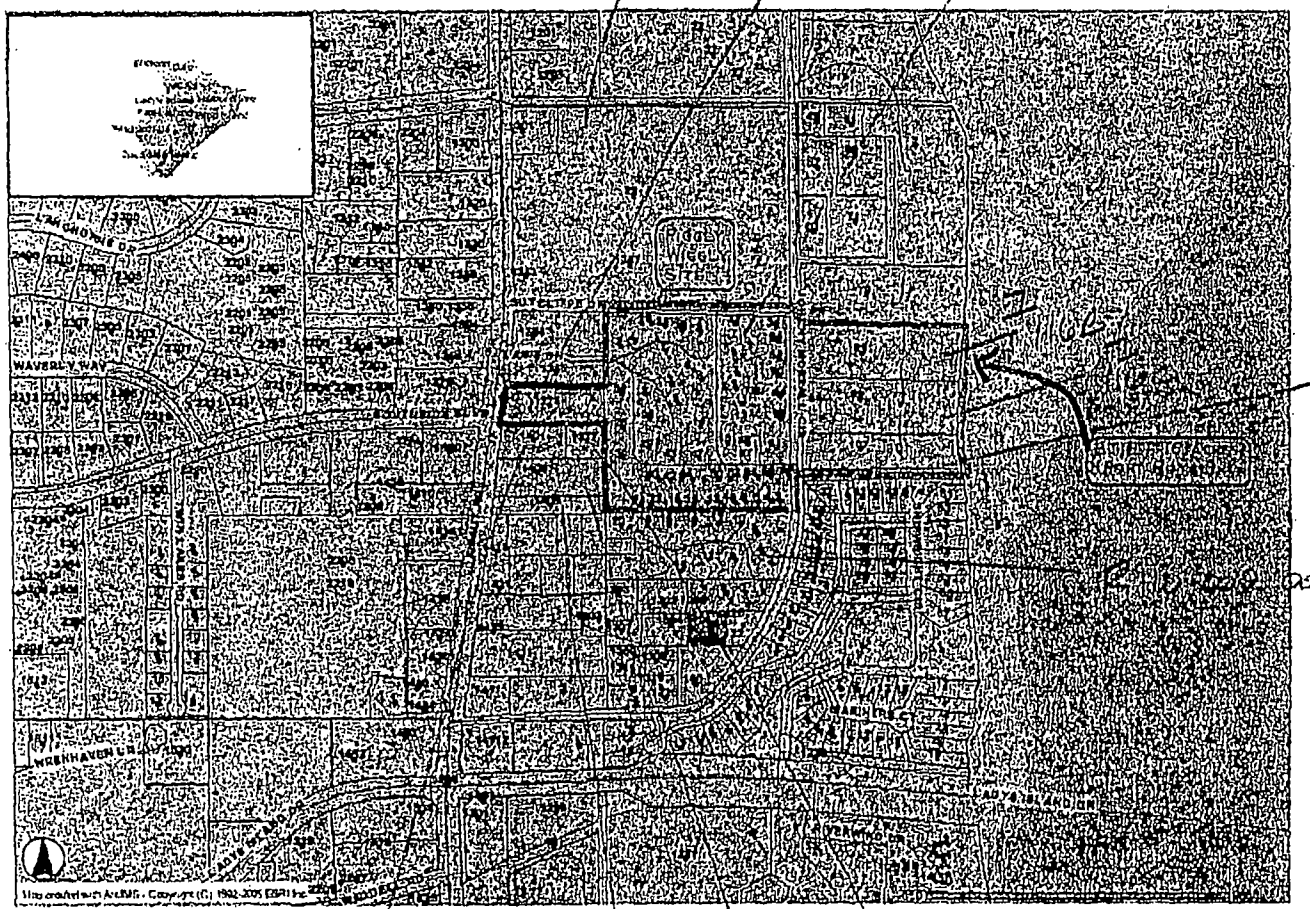
1375 - 00179066

1369 - 00181064

1401 - 00181024

1405 - 00181035

1409 - 00181042



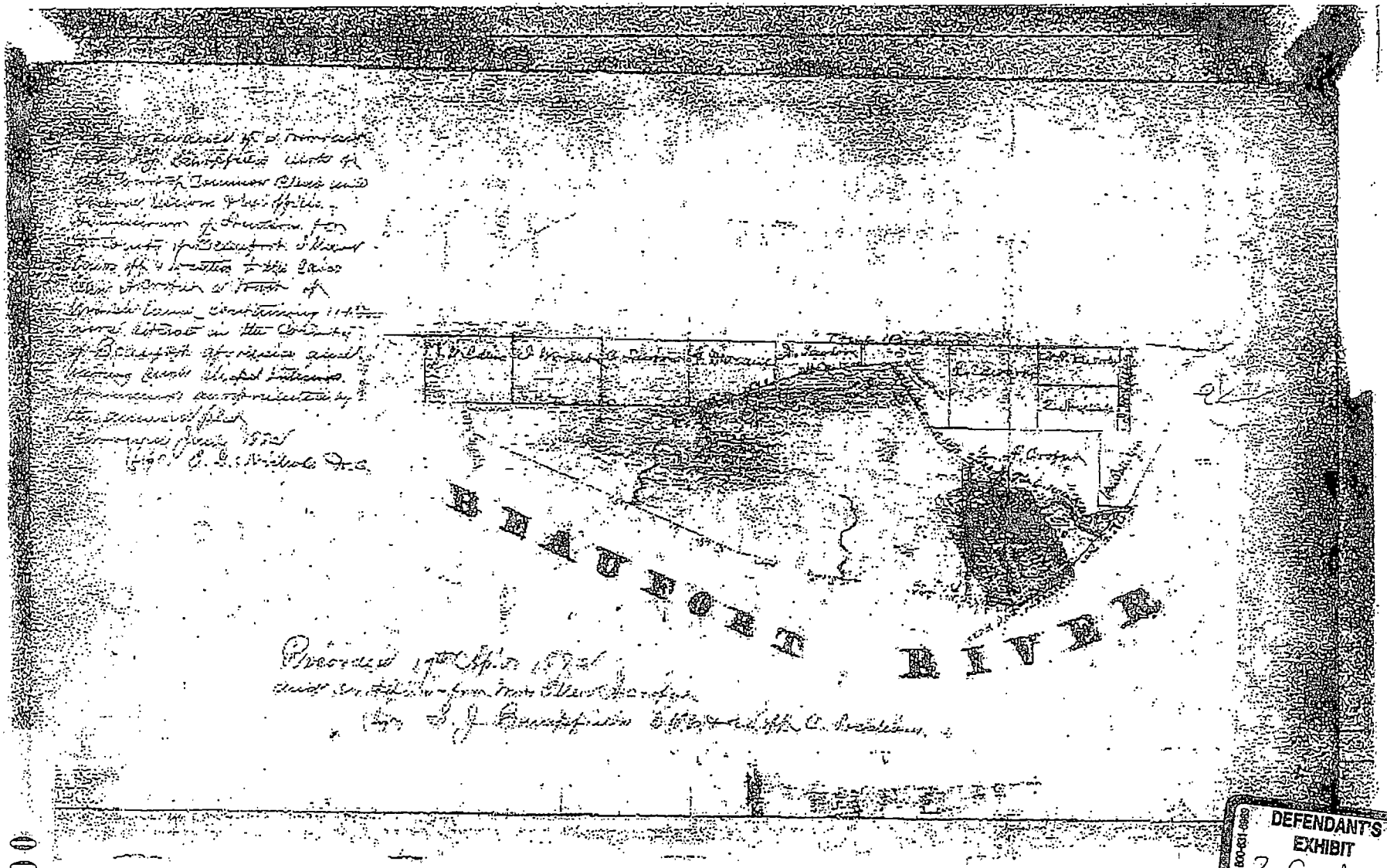
DEFENDANT'S EXHIBIT
#58
11-19-15 dst

MLP 554
0007009

Oversized Exhibit

Gardner Exhibit "1"

000710



DEFENDANT'S EXHIBIT
2 Gardner
2.26.16 MR
PENGAD 800-631-6989

000711

47

The State of South Carolina.

To all to whom these Presents shall come---Greeting:

Know Ye, That in pursuance of the Acts of the General Assembly in relation to Vacant Lands, for and in consideration of the sum of Ninety Cents

90/100 Dollars

paid in the Secretary of State by James M Crawford

the actual purchaser for value,

as herein mentioned, and by these Presents do grant, bargain and release unto James M Crawford his

heirs and assigns, a Plat or Tract of Vacant Land, situate in Beaufort T.S. of Beaufort County and State aforesaid containing Ninety four

94/100 acres, more or less,

Being a parcel or tract of land on the Beaufort River in County and State aforesaid and lying between high and low water mark on said River aforesaid

having such shape, form and marks as are represented by a Plat of said land on file in the office of the Secretary of State in Book I of Public Land Plats, Page 16, together with all woods, easements, profits, appendages, appurtenances and hereditaments whatsoever thereunto belonging to have and to hold the said Tract of Land unto the said James M Crawford his heirs and assigns forever, in fee simple, subject to the Constitution and laws of the State of South Carolina, all mineral rights of said tract of land, and all and singular other the premises hereby granted unto the said James M Crawford his heirs and assigns forever, in fee simple.

GIVEN UNDER THE SEAL OF THE STATE.

Witness, His Excellency B R Tillman Governor and Commander-in-Chief in and over the said State, at Columbia, this Twenty Seventh day of January Anno Domini one thousand eight hundred and ninety one and in the 116th year of the Independence of the United States of America.

(L. S.) B R Tillman

J E Tindal
Secretary of State.

Office Commissioners of the Sinking Fund of South Carolina,
Columbia, S. C., July 28th 1891

The foregoing Grant is issued in conformity with a Resolution of the Commissioners of the Sinking Fund directing the same, adopted on the 14 day of July 1891

W J Crawford
Secretary of the Sinking Fund Commission.

Grant for fifty eight hundredths of one acre of land in Beaufort River in the County of Beaufort and State of South Carolina, as the same appears on the plat of record in the Register of Mesne Conveyance Office for Beaufort County.

DEFENDANT'S EXHIBIT 5 GARDNER 2-26-16 MR

PENGAD 800-631-6989

000712

Oversized Exhibit

Gardner Exhibit "3"

000713

Oversized Exhibit

Gardner Exhibit "4"

000714

Shahid, Mary D.

From: Shahid, Mary D.
Sent: Thursday, February 4, 2016 5:26 PM
To: McLeod, Heather; 'Richard L. Whitt'; 'Carrie A. Schurg'; J. Emory Smith Jr. (agesmith@scag.gov); Steven Smith; 'Roy Boggs'; Adam N. Yount (ayount@hsblawfirm.com); Sharon Bernard for Adam N. Yount (sbernard@hsblawfirm.com); James Grimsley (jimgrimsley@tgdpa.com); Mary Gatch (marygatch@tgdpa.com); Mac White (MWhite@holcombebomar.com); Lori Floyd for Mac White (LFloyd@holcombebomar.com)
Cc: Dukes, Marvin
Subject: RE: H. Marshall Hoyler vs. The State of SC, et.al.; 07-3212 [IWOV-NPCHAR1.FID576510]

Heather: The deposition of Jim Gardner is scheduled for February 26. It is my understanding that the trial record closes with the submittal of this deposition transcript and we have 15 days from the 26th to provide Post-Trial Briefs. By my calculation Post-Trial Briefs are due Saturday, March 12. I'll defer to you as to whether that translates to a due date of Friday the 11th, or Monday the 14th. Thanks!

Mary D. Shahid
Member
Nexsen Pruet, LLC
205 King St, Suite 400
Charleston, SC 29401
Post Office Box 486 (29402)
T: 843.720.1788, F: 843.414.8242, M: 843.345.5838
MShahid@nexsenpruet.com

www.nexsenpruet.com
NEXSEN PRUET

Home | Practice Areas | Attorney | Offices

From: McLeod, Heather [mailto:hmcleod@bcgov.net]
Sent: Wednesday, February 03, 2016 10:50 AM
To: Shahid, Mary D.; 'Richard L. Whitt'; 'Carrie A. Schurg'; J. Emory Smith Jr. (agesmith@scag.gov); Steven Smith; 'Roy Boggs'; Adam N. Yount (ayount@hsblawfirm.com); Sharon Bernard for Adam N. Yount (sbernard@hsblawfirm.com); James Grimsley (jimgrimsley@tgdpa.com); Mary Gatch (marygatch@tgdpa.com); Mac White (MWhite@holcombebomar.com); Lori Floyd for Mac White (LFloyd@holcombebomar.com)
Cc: Dukes, Marvin
Subject: RE: H. Marshall Hoyler vs. The State of SC, et.al.; 07-3212 [IWOV-NPCHAR1.FID576510]

Yes, once the depo is scheduled please let me know so we can set the 15 day deadline. Thank you for the update.

Please contact us immediately if you are waiting on a ruling and it has been more than 30 days.

000715

If you have a motion older than 30 days, needing a hearing, please email me a filed copy and I will work with you on scheduling. Please note, there may be jurisdiction or conflict issues resulting in Judge Dukes' inability to hear a motion.

Thanking You in Advance,

Heather R. H. McLeod,
Judicial Assistant to
Hon. Marvin H. Dukes, III
Beaufort County Master In Equity
And Special Circuit Court Judge
P. (843) 255-5710
F. (843) 255-9505
hmcleod@bcgov.net

Beaufort County Courthouse
Post Office Drawer 1228
Beaufort, SC 29901

102 Ribaut Road, 2nd Floor
(across the hall from the Clerk of Court)
Beaufort, SC 29902

Disclaimer: Neither this office, nor its staff gives legal, financial or other advice. Any information obtained from this office or it's staff, regardless of form, should not be taken as legal or financial advice. Persons seeking to purchase properties from foreclosures or other sales should obtain independent advice as to value, sufficiency of title, tax consequences, other liens, and all other matters related to said purchase. Persons involved in litigation should obtain counsel and may not rely on any information obtained from this office as legal advice. Do not rely on this office for legal advice- always obtain independent legal advice.

From: Shahid, Mary D. [mailto:MShahid@nexsenpruet.com]
Sent: Wednesday, February 03, 2016 10:47 AM
To: McLeod, Heather; 'Richard L. Whitt'; 'Carrie A. Schurg'; J. Emory Smith Jr. (agesmith@scag.gov); Steven Smith; 'Roy Boggs'; Adam N. Yount (ayount@hsblawfirm.com); Sharon Bernard for Adam N. Yount (sbernard@hsblawfirm.com); James Grimsley (jimgrimsley@tgdpa.com); Mary Gatch (marygatch@tgdpa.com); Mac White (MWhite@holcombebomar.com); Lori Floyd for Mac White (LFloyd@holcombebomar.com)
Cc: Dukes, Marvin
Subject: RE: H. Marshall Hoyler vs. The State of SC, et.al.; 07-3212 [IWOV-NPCHAR1.FID576510]

Heather: I am sorry I didn't report to your any sooner. I identified and contacted the witness in late November and followed up with him in early December. He was willing to provide a deposition but asked to review some documents. (His name is Jim Gardner and he is a surveyor in Savannah.) I then began trying to call him back in December and January to schedule the deposition and didn't receive a return phone call. I finally reached out to the individuals who had provided me his name – Greg Baisch and Berry Edwards – and they began trying to call him. I was able to speak with him last week. Evidently his wife had been ill and he was distracted with her illness for several weeks. We are now in the process of scheduling the deposition – I've provided dates, Emory Smith has indicated when he is available, and Jeff Griffith is going to select a date.

It appears that deposition will occur during this month, I'm just not sure yet what date it will occur. I had advised Mr. Hoyler's counsel and Mr. Smith of the problems I was having confirming matters with Mr. Gardner during the month of January, but I apologize for not letting the court know.

Would it be acceptable for me to let you know when the deposition is scheduled, and then for Post-Trial briefs to be submitted 15 days from the date of the deposition?

Mary D. Shahid
Member
Nexsen Pruet, LLC
205 King St, Suite 400
Charleston, SC 29401
Post Office Box 486 (29402)
T: 843.720.1788, F: 843.414.8242, M: 843.345.5838
MShahid@nexsenpruet.com

www.nexsenpruet.com
NEXSEN PRUET

From: McLeod, Heather [mailto:hmcleod@bcgov.net]
Sent: Wednesday, February 03, 2016 10:38 AM
To: 'Richard L. Whitt'; 'Carrie A. Schurg'; Shahid, Mary D.; J. Emory Smith Jr. (agesmith@scag.gov); Steven Smith; 'Roy Boggs'; Adam N. Yount (ayount@hsblawfirm.com); Sharon Bernard for Adam N. Yount (sbernard@hsblawfirm.com); James Grimsley (jimgrimsley@tgdpa.com); Mary Gatch (marygatch@tgdpa.com); Mac White (MWhite@holcombebomar.com); Lori Floyd for Mac White (LFloyd@holcombebomar.com)
Cc: Dukes, Marvin
Subject: H. Marshall Hoyler vs. The State of SC, et.al.; 07-3212
Importance: High

I am reaching out to parties in regards to the above-named case. The trial on this case was before Judge Dukes on Nov. 19-20, 2015. According to my notes, parties had 45 days to depos the last witness and then an additional 15 days to submit Post-Trial briefs. My calculations put the deadline for the Briefs around the end of January/beginning of February. Please advise.

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If you have a motion older than 30 days, needing a hearing, please email me a filed copy and I will work with you on scheduling. Please note, there may be jurisdiction or conflict issues resulting in Judge Dukes' inability to hear a motion.

Thanking You in Advance,

Heather R. H. McLeod,
Judicial Assistant to
Hon. Marvin H. Dukes, III
Beaufort County Master In Equity
And Special Circuit Court Judge
P. (843) 255-5710
F. (843) 255-9505
hmcleod@bcgov.net

Beaufort County Courthouse

000717

Post Office Drawer 1228
Beaufort, SC 29901

102 Ribaut Road, 2nd Floor
(across the hall from the Clerk of Court)
Beaufort, SC 29902

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From: McLeod, Heather
Sent: Tuesday, November 17, 2015 1:51 PM
To: 'Roy Boggs'; 'Richard L. Whitt'
Cc: 'Carrie A. Schurg'; 'garrymalphrus@hotmail.com'; 'malcosc@earthlink.net'; 'Bonnie Richard'
Subject: RE: H. Marshall Hoyler vs. The State of South Carolina, et.al. final hearing (2007-CP-07-3212)

I am writing parties in regards to the above-named case and the trial scheduled before Judge Dukes this week on the 19th & 20th at 9:00 a.m. I wanted to let parties know that while our Court Reporter will be here and available for use on Thursday, she will not be available on Friday. So you will need to get your own Court Reporter for Friday. If you choose to get your own Court Reporter to use for both Thursday and Friday please let me know so I can inform my Court Reporter that she is not needed for Thursday. If you plan to use our Court Reporter on Thursday and get your own for Friday, that is fine as well, just please let me know either way so I can let my Court Reporter.

Please contact us immediately if you are waiting on a ruling and it has been more than 30 days.

If you have a motion older than 30 days, needing a hearing, please email me a filed copy and I will work with you on scheduling. Please note, there may be jurisdiction or conflict issues resulting in Judge Dukes' inability to hear a motion.

Thanking You in Advance,

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information obtained from this office as legal advice. Do not rely on this office for legal advice- always obtain independent legal advice.

From: McLeod, Heather
Sent: Thursday, September 10, 2015 3:50 PM
To: Roy Boggs; Richard L. Whitt
Cc: Carrie A. Schurg; garrymalphrus@hotmail.com; malcosc@earthlink.net; Bonnie Richard
Subject: RE: H. Marshall Hoyler vs. The State of South Carolina, et.al. final hearing (2007-CP-07-3212)

So noted, thank you Roy.

Please contact us immediately if you are waiting on a ruling and it has been more than 30 days.

If you have a motion older than 30 days, needing a hearing, please email me a filed copy and I will work with you on scheduling. Please note, there may be jurisdiction or conflict issues resulting in Judge Dukes' inability to hear a motion.

Thanking You in Advance,

Heather R. H. McLeod,
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Hon. Marvin H. Dukes, III
Beaufort County Master In Equity
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From: Roy Boggs [mailto:roy@royboggslaw.com]
Sent: Thursday, September 10, 2015 3:37 PM
To: Richard L. Whitt
Cc: McLeod, Heather; Carrie A. Schurg; garrymalphrus@hotmail.com; malcosc@earthlink.net; Bonnie Richard
Subject: H. Marshall Hoyler vs. The State of South Carolina, et.al. final hearing (2007-CP-07-3212)

Dear Mr. Whitt:

I represent Barry D. Malphrus, Garry D. Malphrus and Donnie Malphrus in the above referenced matter.

As you are aware Judge Dukes has scheduled the final hearing/trial on this matter for November 19th and 20th.

000719

The purpose of this e-mail is to notify you that pursuant to discussions with my clients, I will not be attending the final hearing/trial. My clients understand they will be bound by the Judge's ruling at the final hearing/trial even though we will not be attending or participating in the hearing/trial.

I have copied Judge Dukes' Judicial Assistant, Heather McLeod, on this e-mail so she can document her file that I have received notice of the hearing dates but will not be present on November 19th.

I have also copied your legal assistant, Carrie A. Schrug, so she can document your file.

If you have any questions or concerns please do not hesitate to contact me.

Sincerely,

Roy W. Boggs

Law Office of Roy W. Boggs, LLC
P.O. Box 5058
Columbia, SC 29250
Phone: 803-765-2113

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Shahid, Mary D.

From: Carrie A. Schurg <CASchurg@AustinRogersPA.com>
Sent: Tuesday, March 1, 2016 1:57 PM
To: Dukes, Marvin
Cc: McLeod, Heather; Shahid, Mary D.; Richard L. Whitt; agesmith@scag.gov; Steven Smith; Roy Boggs; ayount@hsblawfirm.com; sbernard@hsblawfirm.com; jimgrimsley@tgdpa.com; marygatch@tgdpa.com; MWhite@holcombebomar.com; LFloyd@holcombebomar.com; Jeff Griffith - G-Mail
Subject: RE: H. Marshall Hoyler vs. The State of SC, et.al.; 07-3212 [IWOV-NPCHAR1.FID576510]

This email was dictated by Jefferson D. Griffith, III:

Judge Dukes:

We deposed Jim Gardner last Friday. At the deposition Emory Smith asked that he be given until the 28th to submit a post trial brief. I do not object and I don't believe Mary does either. We would therefore ask that you extend that time line to include March 28th.
I would also like the opportunity to make my post trial motions for the record. Since we finished the testimony as of Friday, I would request that opportunity be made after the Briefs are in so that the Court will be refreshed on the previous testimony that took place prior to our hiatus to allow Mr. Gardner's testimony.
Thank you for your consideration and we will look forward to your response.

Regards,
Jeff Griffith

From: McLeod, Heather [mailto:hmcleod@begov.net]
Sent: Wednesday, February 03, 2016 10:50 AM
To: Shahid, Mary D.; Richard L. Whitt; Carrie A. Schurg; J. Emory Smith Jr. (agesmith@scag.gov); Steven Smith; Roy Boggs; Adam N. Yount (ayount@hsblawfirm.com); Sharon Bernard for Adam N. Yount (sbernard@hsblawfirm.com); James Grimsley (jimgrimsley@tgdpa.com); Mary Gatch (marygatch@tgdpa.com); Mac White (MWhite@holcombebomar.com); Lori Floyd for Mac White (LFloyd@holcombebomar.com)
Cc: Dukes, Marvin
Subject: RE: H. Marshall Hoyler vs. The State of SC, et.al.; 07-3212 [IWOV-NPCHAR1.FID576510]

Yes, once the depo is scheduled please let me know so we can set the 15 day deadline. Thank you for the update.

Please contact us immediately if you are waiting on a ruling and it has been more than 30 days.

If you have a motion older than 30 days, needing a hearing, please email me a filed copy and I will work with you on scheduling. Please note, there may be jurisdiction or conflict issues resulting in Judge Dukes' inability to hear a motion.

Thanking You in Advance,

Heather R. H. McLeod,
Judicial Assistant to
Hon. Marvin H. Dukes, III

000721

Beaufort County Master In Equity
And Special Circuit Court Judge
P. (843) 255-5710
F. (843) 255-9505
hmcleod@bcgov.net

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From: Shahid, Mary D. [mailto:MShahid@nexsenpruet.com]
Sent: Wednesday, February 03, 2016 10:47 AM
To: McLeod, Heather; 'Richard L. Whitt'; 'Carrie A. Schurg'; J. Emory Smith Jr. (agesmith@scag.gov); Steven Smith; 'Roy Boggs'; Adam N. Yount (ayount@hsblawfirm.com); Sharon Bernard for Adam N. Yount (sbernard@hsblawfirm.com); James Grimsley (jimgrimsley@tgdpa.com); Mary Gatch (marygatch@tgdpa.com); Mac White (MWhite@holcombebomar.com); Lori Floyd for Mac White (LFloyd@holcombebomar.com)
Cc: Dukes, Marvin
Subject: RE: H. Marshall Hoyler vs. The State of SC, et.al.; 07-3212 [IWOV-NPCHAR1.FID576510]

Heather: I am sorry I didn't report to your any sooner. I identified and contacted the witness in late November and followed up with him in early December. He was willing to provide a deposition but asked to review some documents. (His name is Jim Gardner and he is a surveyor in Savannah.) I then began trying to call him back in December and January to schedule the deposition and didn't receive a return phone call. I finally reached out to the individuals who had provided me his name – Greg Baisch and Berry Edwards – and they began trying to call him. I was able to speak with him last week. Evidently his wife had been ill and he was distracted with her illness for several weeks. We are now in the process of scheduling the deposition – I've provided dates, Emory Smith has indicated when he is available, and Jeff Griffith is going to select a date.

It appears that deposition will occur during this month, I'm just not sure yet what date it will occur. I had advised Mr. Hoyler's counsel and Mr. Smith of the problems I was having confirming matters with Mr. Gardner during the month of January, but I apologize for not letting the court know.

Would it be acceptable for me to let you know when the deposition is scheduled, and then for Post-Trial briefs to be submitted 15 days from the date of the deposition?

Mary D. Shahid
Member
Nexsen Pruet, LLC
205 King St, Suite 400
Charleston, SC 29401
Post Office Box 486 (29402)
T: 843.720.1788, F: 843.414.8242, M: 843.345.5838
MShahid@nexsenpruet.com

www.nexsenpruet.com
NEXSEN PRUET

Home | Practice Areas | Attorneys | Offices

From: McLeod, Heather [mailto:hmcleod@bcgov.net]
Sent: Wednesday, February 03, 2016 10:38 AM
To: 'Richard L. Whitt'; 'Carrie A. Schurg'; Shahid, Mary D.; J. Emory Smith Jr. (agesmith@scag.gov); Steven Smith; 'Roy Boggs'; Adam N. Yount (ayount@hsblawfirm.com); Sharon Bernard for Adam N. Yount (sbernard@hsblawfirm.com); James Grimsley (jimgrimsley@tgdpa.com); Mary Gatch (marygatch@tgdpa.com); Mac White (MWhite@holcombebomar.com); Lori Floyd for Mac White (LFloyd@holcombebomar.com)
Cc: Dukes, Marvin
Subject: H. Marshall Hoyler vs. The State of SC, et.al.; 07-3212
Importance: High

I am reaching out to parties in regards to the above-named case. The trial on this case was before Judge Dukes on Nov. 19-20, 2015. According to my notes, parties had 45 days to depos the last witness and then an additional 15 days to submit Post-Trial briefs. My calculations put the deadline for the Briefs around the end of January/beginning of February. Please advise.

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Thanking You in Advance,

Heather R. H. McLeod,
Judicial Assistant to
Hon. Marvin H. Dukes, III
Beaufort County Master In Equity
And Special Circuit Court Judge
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F. (843) 255-9505
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From: McLeod, Heather
Sent: Tuesday, November 17, 2015 1:51 PM
To: 'Roy Boggs'; 'Richard L. Whitt'
Cc: 'Carrie A. Schurg'; 'garrymalphrus@hotmail.com'; 'malcosc@earthlink.net'; 'Bonnie Richard'
Subject: RE: H. Marshall Hoyler vs. The State of South Carolina, et.al. final hearing (2007-CP-07-3212)

I am writing parties in regards to the above-named case and the trial scheduled before Judge Dukes this week on the 19th & 20th at 9:00 a.m. I wanted to let parties know that while our Court Reporter will be here and available for use on Thursday, she will not be available on Friday. So you will need to get your own Court Reporter for Friday. If you choose to get your own Court Reporter to use for both Thursday and Friday please let me know so I can inform my Court Reporter that she is not needed for Thursday. If you plan to use our Court Reporter on Thursday and get your own for Friday, that is fine as well, just please let me know either way so I can let my Court Reporter.

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Judicial Assistant to
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Beaufort County Master In Equity
And Special Circuit Court Judge
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F. (843) 255-9505
hmcleod@bcgov.net

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From: McLeod, Heather
Sent: Thursday, September 10, 2015 3:50 PM
To: Roy Boggs; Richard L. Whitt
Cc: Carrie A. Schurg; garrymalphrus@hotmail.com; malcosc@earthlink.net; Bonnie Richard
Subject: RE: H. Marshall Hoyler vs. The State of South Carolina, et.al. final hearing (2007-CP-07-3212)

So noted, thank you Roy.

Please contact us immediately if you are waiting on a ruling and it has been more than 30 days.

If you have a motion older than 30 days, needing a hearing, please email me a filed copy and I will work with you on scheduling. Please note, there may be jurisdiction or conflict issues resulting in Judge Dukes' inability to hear a motion.

Thanking You in Advance,

Heather R. H. McLeod,
Judicial Assistant to
Hon. Marvin H. Dukes, III
Beaufort County Master In Equity
And Special Circuit Court Judge
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From: Roy Boggs [mailto:roy@royboggslaw.com]
Sent: Thursday, September 10, 2015 3:37 PM
To: Richard L. Whitt.
Cc: McLeod, Heather; Carrie A. Schurg; garrymalphrus@hotmail.com; malcosc@earthlink.net; Bonnie Richard
Subject: H. Marshall Hoyler vs. The State of South Carolina, et.al. final hearing (2007-CP-07-3212)

Dear Mr. Whitt:

I represent Barry D. Malphrus, Garry D. Malphrus and Donnie Malphrus in the above referenced matter.

As you are aware Judge Dukes has scheduled the final hearing/trial on this matter for November 19th and 20th.

The purpose of this e-mail is to notify you that pursuant to discussions with my clients, I will not be attending the final hearing/trial. My clients understand they will be bound by the Judge's ruling at the final hearing/trial even though we will not be attending or participating in the hearing/trial.

I have copied Judge Dukes' Judicial Assistant, Heather McLeod, on this e-mail so she can document her file that I have received notice of the hearing dates but will not be present on November 19th.

I have also copied your legal assistant, Carrie A. Schrug, so she can document your file.

If you have any questions or concerns please do not hesitate to contact me.

Sincerely,

Roy W. Boggs

Law Office of Roy W. Boggs, LLC
P.O. Box 5058
Columbia, SC 29250
Phone: 803-765-2113

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Carrie Schurg

From: Emory Smith <ESmith@scag.gov>
Sent: Friday, March 25, 2016 12:17 PM
To: Dukes, Marvin; Carrie A. Schurg
Cc: McLeod, Heather; Shahid, Mary D.; Richard L. Whitt; Steven Smith; Roy Boggs; ayount@hsblawfirm.com; sbernard@hsblawfirm.com; jimgrimsley@tgdpa.com; marygatch@tgdpa.com; MWhite@holcombebomar.com; LFloyd@holcombebomar.com; Jeff Griffith - G-Mail
Subject: RE: H. Marshall Hoyler vs. The State of SC, et.al.; 07-3212 [IWOV-NPCHAR1.FID576510]
Attachments: Post-trial Memo of State (00895718xD2C78).pdf

Attached is a brief cover letter for you and the State's Post-trial Memorandum. Thank you for giving us the additional time and for your consideration of this matter.

Respectfully submitted,

Emory Smith

J. Emory Smith, Jr.
Deputy Solicitor General
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
803-734-3642 Direct

From: Dukes, Marvin [mailto:mdukes@bcgov.net]
Sent: Tuesday, March 01, 2016 2:02 PM
To: Carrie A. Schurg
Cc: McLeod, Heather; Shahid, Mary D.; Richard L. Whitt; Emory Smith; Steven Smith; Roy Boggs; ayount@hsblawfirm.com; sbernard@hsblawfirm.com; jimgrimsley@tgdpa.com; marygatch@tgdpa.com; MWhite@holcombebomar.com; LFloyd@holcombebomar.com; Jeff Griffith - G-Mail
Subject: RE: H. Marshall Hoyler vs. The State of SC, et.al.; 07-3212 [IWOV-NPCHAR1.FID576510]

Thanks, no problem on the extension.
I agree that so much time has passed that at least a follow-up conference call if not a supplemental hearing should be held for summation.
I'm happy to do whatever the group would prefer.
Best to all,

Marvin H. Dukes, III
Master-in-Equity for Beaufort County
Beaufort County Courthouse
102 Ribaut Road, Room 212
Post Office Drawer 1228
Beaufort, SC 29901
Office: 843.255.5710
Fax: 843.255.9505

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Shahid, Mary D.

From:	Carrie A. Schurg <CASchurg@AustinRogersPA.com>
Sent:	Monday, March 28, 2016 3:35 PM
To:	Dukes, Marvin; McLeod, Heather
Cc:	Richard L. Whitt; Steven Smith; Roy Boggs; ayount@hsblawfirm.com; sbernard@hsblawfirm.com; jimgrimsley@tgdpa.com; marygatch@tgdpa.com; MWhite@holcombebomar.com; LFloyd@holcombebomar.com; Jeff Griffith - G-Mail; Shahid, Mary D.; agesmith@scag.gov
Subject:	2007-CP-07-3212
Attachments:	post trial brief.pdf
Importance:	High

This email was dictated by Jeff Griffith and Richard Whitt:

Dear Judge Dukes:

1. **Attached is the Plaintiff's Post-Trial Brief,** which is hereby served on all parties of record.

2. **Please note the Plaintiff's objection, as follows.**
In Intervenor Merry Land's Pretrial Brief, Intervenor asserts that the Governor did not have the authority to convey the property under the Statutes then in existence. Plaintiff objects to the introduction of this new matter as it was not pled, nor developed in discovery. Furthermore, Intervenor failed to amend its pleadings and cannot rely on this theory, which procedurally is not before this Court.

3. **Please provide guidance as to Post-Trial Motions, because** we have now completed the Trial by deposing Mr. Gardner.
I believe that we will need to make them to complete the record.

Respectfully Submitted,
Jeff Griffith
Richard Whitt
Attorneys for Plaintiff

000728

Carrie Schurg

From: Emory Smith <ESmith@scag.gov>
Sent: Monday, April 11, 2016 4:01 PM
To: Dukes, Marvin; McLeod, Heather
Cc: Jeff Griffith - G-Mail; Carrie A. Schurg; Richard L. Whitt; RLW Assist; Shahid, Mary D.
Subject: RE:State's Reply to Hoyler and Merry Land briefs
Attachments: Judge Dukes 4.11.16 (00932810xD2C78).pdf; Reply of State to Post-trial Briefs (00933235xD2C78).pdf

Attached, Your Honor is a cover letter to you and the State's Reply. I have also served and filed the Reply by mail today.

I see now that I overlooked changing the caption on it, but it is the State's Reply.

Thank you for your consideration of this case.

Respectfully,

Emory Smith

J. Emory Smith, Jr.
Deputy Solicitor General
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
803-734-3642 Direct

From: Carrie A. Schurg [mailto:CASchurg@AustinRogersPA.com]
Sent: Monday, April 11, 2016 3:56 PM
To: Dukes, Marvin; McLeod, Heather
Cc: Jeff Griffith - G-Mail; Richard L. Whitt; RLW Assist; Shahid, Mary D.; Emory Smith
Subject: Plaintiff's Reply to the State of South Carolina
Importance: High

This email was dictated by Richard Whitt and Jeff Griffith:

Judge Dukes:

> Pursuant to the instructions from the Court, please find Plaintiff's Reply to the State of South Carolina's Memorandum attached.
> Ms. McLeod, please acknowledge receipt of our Reply Brief.

Respectfully Submitted,
Richard Whitt
Jeff Griffith

From: Dukes, Marvin [mailto:mdukes@bcgov.net]
Sent: Tuesday, March 29, 2016 1:25 PM
To: Richard L. Whitt; McLeod, Heather

000729

From: Dukes, Marvin [mailto:mdukes@bcgov.net]
Sent: Thursday, April 21, 2016 4:13 PM
To: Shahid, Mary D.; Emory Smith; McLeod, Heather
Cc: Jeff Griffith - G-Mail; Carrie A. Schurg; Richard L. Whitt; RLW Assist
Subject: RE: State's Reply to Hoyler and Merry Land briefs [IWOV-NPCHAR1.FID576510]

Dear Counsel,

Thank you for allowing me to hear the Hoyler matter.

I would appreciate it if the Defendants would prepare a draft Order denying the Plaintiff's Complaint.

In summary I find:

1) I accept the Plaintiff's contention that the Tillman to Crofut grant was legally permissible and, although was an alienation of the public trust land, was allowed because the grant of land between high water and low water was specifically described in the grant.

2) I reject the Plaintiff's contention that the boundaries of the grant have been proven. The length and placement of the high ground (Western) boundary is of paramount importance, and, I find that the Plaintiff can prove no more than a rough approximation. The granting plat is nothing more than a hand-drawn sketch. I accept the testimony that the survey cannot "close" or be accurately placed and is therefore unacceptable. An accurate description of a grant of property between high and low water in an area so interwoven with navigable watercourses and dozens of small marshy knolls must have more detail and accuracy than is given here. I would be required to resort to guesswork to accurately find the boundaries of the claimed property.

3) Because of the vague and incomplete survey and description, I deny the Plaintiff's petition for quiet title.

Please copy all draft Orders to all, with copies to Heather.

Best to all,

Marvin H. Dukes, III
Master-in-Equity for Beaufort County
Beaufort County Courthouse
102 Ribaut Road, Room 212
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Beaufort, SC 29901
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000729-A

The South Carolina Court of Appeals

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November 09, 2016

Mr. Richard Lee Whitt, Esquire
PO Box 11716
Columbia SC 29211

Mr. Jeff D. Griffith, III, Esquire
PO Box 11716
Columbia SC 29211

Re: H. Marshall Hoyler v. State of South Carolina
Appellate Case No. 2016-001277

Dear Counsel:

Please be advised this appeal is no longer held in abeyance. The appellant's initial brief and designation of matter should be served and filed no later than December 2, 2016.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: J. Emory Smith, Jr., Esquire
Mary Duncan Shahid, Esquire
The Honorable Marvin H. Dukes, III

000730

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Master-In-Equity

Civil Action No. 2007-CP-07-3212
Appellate Case No.: 2016-001277

H. Marshall Hoyler.....Appellant,

v.

The State of South Carolina, Merry Land Properties, LLC, Sherbert Living Trust, Supan Living Trust, Elizabeth R. Levin, Edward McCray Wise Revoc. Living Trust, Carol Ann DeVries Wise Revoc. Living Trust, Amelie Cromer, Philip Cromer, Robert Chiavello, Tocharoen Living Trust, Helen M. Olesak, Lesley Anne Glick a/k/a Lesley Ann Glick, Shirley G. Lackey, Patricia Banfield, Bertrand Cooper, Jr., NHP SH South Carolina I, LLC n/k/a CCP Bayview 7176 LLC, Oyster Cove Homeowners Ass., Shirley Anne Moyer, Barry D. Malphrus, Garry D. Malphrus, Donnie Malphrus, Rita Brown, Houston Family Partnership, Joan Taylor Trustee, Michael Bull, Nancy Bull, Marny H. VonHarten, Dianne M. Donaldson, Brian R. Evans, Stephen Durbin, Valerie Durbin, Phillip Marti, Jane Marti, Michael Woodworth, Georgiana M. Cooke, Daniel B. Walsh, Janet E. Walsh.....Respondents.

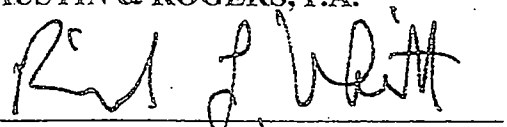
CERTIFICATE OF COUNSEL

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

[Signature Page Follows]

000731

AUSTIN & ROGERS, P.A.

By: 

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March 27, 2017
Columbia, South Carolina