

**RECEIVED**

**Feb 05 2021**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Mikell R. Scarborough  
Circuit Court Case No.: 2015-CP-10-7000

Appellate Case No. 2020-000955

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Thelma Smalls David, Bernard Brown, Benjamin Smalls, Edward Brown, Nicolette James, Robert Brown, Thomas Brown, and Debra Commodore,

Appellants,

vs.

Donna Lee Cox, Robert R. Cox, Jr., Shawn Thackeray, and Lowcountry Highlanders Farm, LLC,

and

Bohicket Farms, LLC,

Respondents.

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**SUPPLEMENTAL RECORD ON APPEAL**

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Ian S. Ford  
Ainsley F. Tillman  
FORD WALLACE THOMSON LLC  
715 King Street  
Charleston, South Carolina 29403  
(843) 266-1289  
*Attorneys for Respondents*

Arthur C. McFarland  
1847 Ashley River Road  
Charleston, SC 29407  
*Attorney for Appellants*

1 THE WITNESS: Regal.

2 THE COURT: Regal, R-E-G-A-L?

3 THE WITNESS: Yes, sir.

4 THE COURT: Okay. Thank you, sir.

5 EXAMINATION

6 BY MR. McFARLAND:

7 Q. Thank you, Mr. Brown. Mr. Brown you are one  
8 of the owners of a certain tract of land located on  
9 Wadmalaw Island. Is Wadmalaw Island where you were  
10 born?

11 A. Yes, sir. Born, bred, and reared.

12 Q. And who were your parents?

13 A. Frank and Hattie Brown.

14 Q. And both Frank and Hattie Brown are deceased;  
15 is that correct? I believe the record reflects that.

16 A. That's correct.

17 Q. How many children did Frank and Hattie Brown  
18 have?

19 A. They had a total of ten.

20 Q. And would you, for the record, just provide  
21 the names of your siblings?

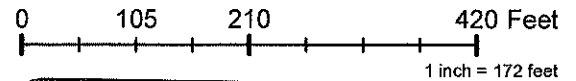
22 A. The living siblings are Irene Brown Kelley,  
23 Ruth Brown James, Thomas Frank Brown, William Jerome  
24 Brown, and me.

25 Q. And that's a total of?



## Charleston County SC

**Parcel ID:** 196000023  
**OWNER1:** LEE DONNA R  
**ACREAGE:** 29.78  
**PLAT\_BOOK\_PAGE:** T-125  
**DEED\_BOOK\_PAGE:** T291-897  
**Jurisdiction:** COUNTY OF CHARLESTON



**Note:** The Charleston County makes every effort possible to produce the most accurate information. The layers contained in the map service are for information purposes only. The Charleston County makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The County explicitly disclaims all representations and warranties. The reader agrees to hold harmless the Charleston County for any cause of action and costs associated with any causes of action which may arise as a consequence of the County providing this information.

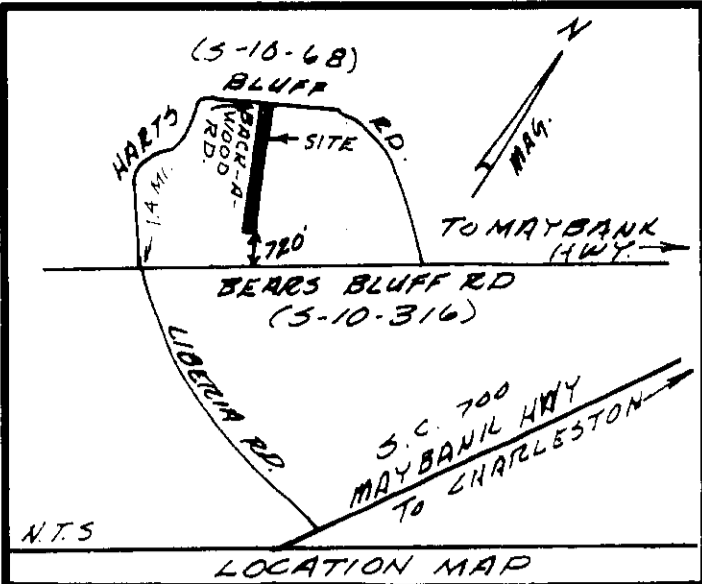
**Author:** Charleston County SC  
**Date:** 10/20/2019

APPROVED FINAL PLAT

John Blaney Fox Jennifer Miller
Director of Planning
Charleston County Planning Commission
19293-F July 6, 2006
Appl. # Date

Charleston, South Carolina
Office of Register Mesne Conveyance
Plat recorded this 7 day of July, 2006 at
3:24 o'clock in Plat Book E.L. Page 896, and tracing cloth
copy filed in File 8, Drawer Folder 28, Drawing No. 31,
Original plat (a White Print) delivered to Chas Co Planning Board
Sheet 1 of 2
Chris Lyford
Register Mesne Conveyance

AREA FOR APPROVAL & RECORDING STAMPS



We hereby dedicate the NEW 20' INGRESS-EGRESS EASEMENTS to the use of the property owners forever. Owners of these lots and their heirs and assigns guarantee its maintenance until such time it is accepted into a public maintenance system.

Herbert Frasier
Thelma J David
Benjamin Smalls
Geneva Shaw
Cecilia Moultrie
Walter Heyward, Jr
Lillian Washington

NOTES:

- 1. Reference Tax Map Number 196-00-00-010 & 057
2. Reference Deed Book Q16, page 170
3. Property Owner: Estate of Daniel Brown (Survey requested by Thelma David)
4. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
5. No underground utilities were located on this survey.
6. Declaration is made to Original Purchaser of the survey. It is not transferable to additional institutions or subsequent owner.
7. Anything shown outside the defined boundary of this survey is for reference only.
8. This survey does not show and is not intended to show the existence of any freshwater wetlands that may be located on this property.
9. The overall density of the property shown hereon is one(1) dwelling unit per acre.(Zoned AGR)
10. The nearest public water & public sewer is approximately 9 1/2 miles.
11. Water will be provided by private wells. Sewer will be provided by private septic tank systems.
12. There are no significant trees located on any lot one acre or less or the new 20' ingress-egress Easement shown hereon.

Special Notes:

- 1. Any further subdivision of this parcel, or road construction or extension of the existing roads shown hereon shall require compliance with the Charleston County Unified Ordinance. Before Charleston County accepts any dedication of roads into the County road system, the property owner shall construct the roads to the County of Charleston Standards.
2. It is hereby expressly understood by the property owner, developer or any subsequent purchaser of any lots shown on the plat that the County of Charleston is not responsible for the maintenance of the streets, road, common areas, drainage systems and any other municipal services which include but not limited to, garbage disposal, public sewage, fire protection or emergency medical service.
3. Be aware that the County of Charleston is not responsible for drainage and flooding problems relevant to the real property and emergency vehicles may have difficulty accessing the property.
4. No public funds shall be used for the maintenance of the roads shown on the plat.
5. This approval in no way obligates the County of Charleston to maintain this road right of way until it has been constructed to County standards and accepted for maintenance by Charleston County Council.

I hereby state that this plat is an action of the property owners, heirs their to or assigns.

Thelma J. David

Sworn to this 10TH Day of APRIL 2006

Notary Public State of SC
My Commission Expires: 6/17/2014

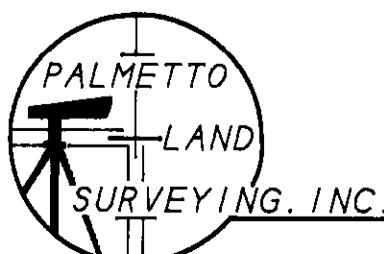
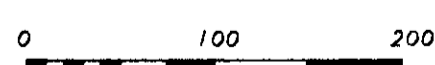
Table with columns: LINE, BEARING, DISTANCE. Contains data for lines L1 and L2.

- LEGEND
o 1/2" IRON ROD NEW
• 1/2" IRON ROD OLD

FINAL PLAT TO SUBDIVIDE 20.47 ACRES Estate of Daniel Brown LOCATED Wadmalaw Island Charleston County, South Carolina

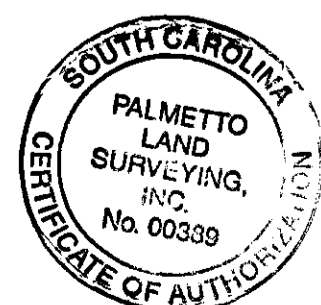
DATE: MARCH 9, 2006
REVISED: APRIL 5, 2006
REVISED: APRIL 10, 2006
REVISED: MAY 8, 2006
REVISED: JUNE 21, 2006

SCALE 1" = 100'



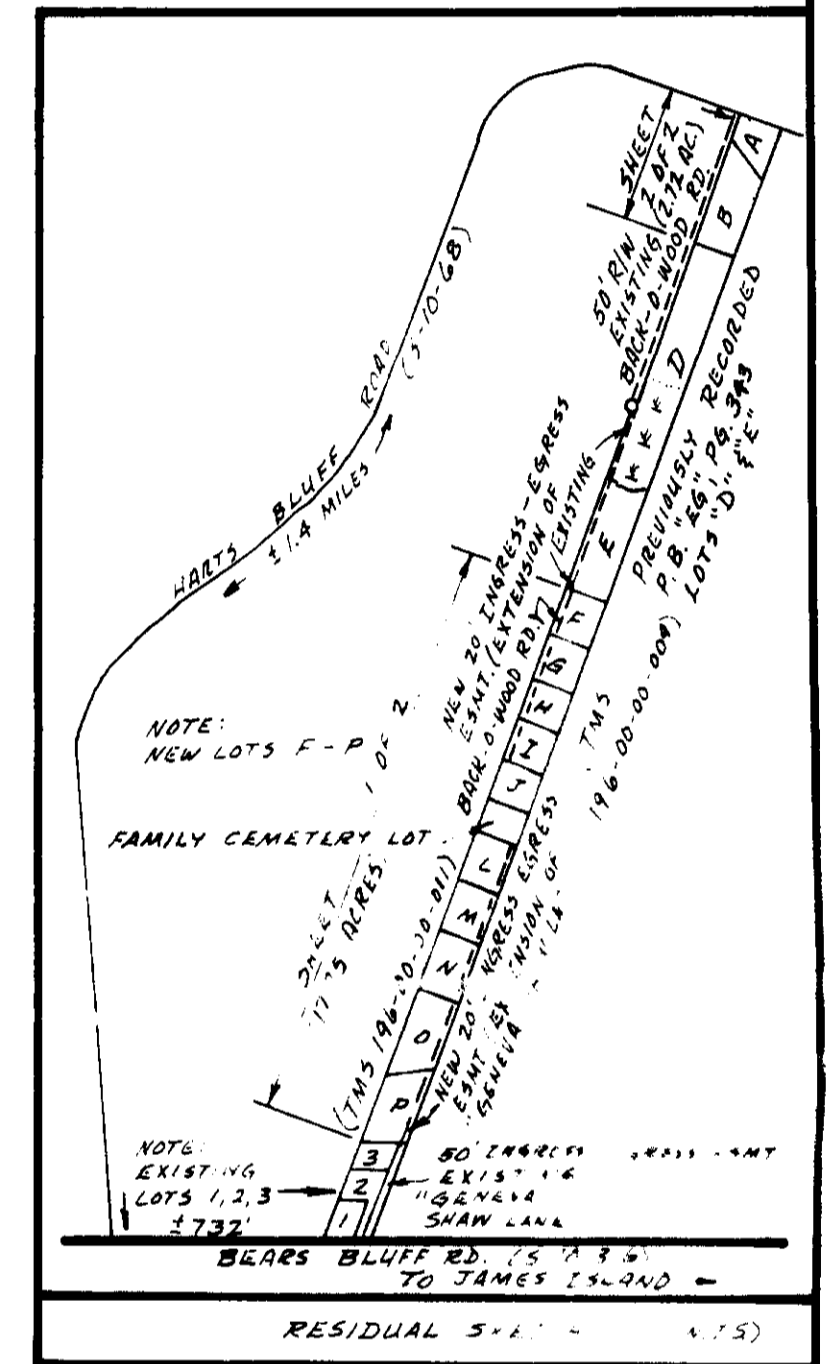
Fax No. (843) 571-7447

2065-D SAVANNAH HIGHWAY
P.O. BOX 31817
CHARLESTON, SC 29417
PHONE(843)571-5191



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 does not exceed the requirements for a Class A survey as specified therein.

James G. Pennington, B.S. No. 10291
Palmetto Land Surveying, Inc.
Charleston, S.C. 29417 571-5191



NOTE: Lots H, O & P do not meet current minimum SC DHEC standards for any type of sub-surface disposal system. However, there is a recorded leased septic tank & tile field easement on Lot L & Cemetery Lot for Lots H, O & P. The details are to be recorded in the Charleston County RMC Office.

dgc  
d.g. m. n. w.  
Bawbt

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

JAMES W. BROWN,

CASE NO. 84-CP-10-1734

Plaintiff

-vs-

HENRY J. LEE, JR.,

Defendant.

**FILED**  
JUL 10 1984  
MORNING A. TAYLOR  
Clerk  
BY: *[Signature]*

A N S W E R

JUL 10 2 07 PM '84

BERNSTEIN & MANOS, P.A., ATTORNEYS AT LAW, CHARLESTON, SOUTH CAROLINA

Comes now the Defendant by and through undersigned counsel and alleges and says unto this Honorable Court as follows:

1. That the Defendant denies each and every allegation not hereinafter specifically admitted.
2. That the Defendant admits Paragraphs 1, 2, 3 and 4 of the Petition.
3. That the Defendant denies Paragraphs 5, 6, 9, 10, 11, 12, 13, 14 and 17 of the Petition.
4. As to Paragraph 7, the Defendant admits erecting a gate across the area in question but denies the remaining allegations of the Paragraph.
5. As to Paragraph 8, the Defendant has no knowledge as to same but for purposes of the Petition, will admit said Paragraph.

6. As to Paragraphs 15 and 16, upon receiving notification from the Plaintiff, the Defendant, on June 14, 1984, opened said gate for free access to Plaintiff.

WHEREFORE, having fully answered the Petition, the Defendant prays that same be dismissed with costs to Plaintiff.

BERNSTEIN AND MANOS, P.A.  
Attorneys for Defendant

BY: 

C. J. MANOS

Charleston, South Carolina

This 6 day of July, 1984.

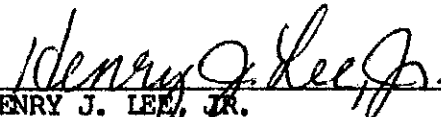
STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

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VERIFICATION

BERNSTEIN & MANOS, P.A., ATTORNEYS AT LAW, CHARLESTON, SOUTH CAROLINA

PERSONALLY appeared before me, Henry J. Lee, Jr., who upon being duly sworn, states that he is the Defendant in the within cause of action, that he has read the foregoing Answer, and that the things therein alleged are true and correct as of his own knowledge and belief.

  
HENRY J. LEE, JR.  
Defendant

SWORN to before me

This 6 day of July, 1984.

  
NOTARY PUBLIC FOR SOUTH CAROLINA  
MY COMMISSION EXPIRES: 5/24/89