

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM JASPER COUNTY
Court of Common Pleas

R. Thayer Rivers, Jr., Special Referee

Case No. 2018-CP-27-00507
Appellate Case No. 2020-001301

RECEIVED

Mar 25 2021

SC Court of Appeals

Maria Hernandez,

Respondent,

v.

Mary V. Fields,

Respondent,

Dora Bennett,

Respondent,

Shaakira Saffir,

Appellant

RECORD ON APPEAL

Mary Patricia Crawford, Esq.
Post Office Box 654
Walterboro, South Carolina 29488
(843) 810-0405
Attorney for Appellant

Other Counsel of Record:

Drew B. Walker, Esq.
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Attorney for Respondent, Maria Hernandez

Mary V. Fields
651 Pine Arbor Road
Hardeeville, South Carolina 29927
Respondent, Pro Se

Dora Bennett
258 Macedonia Road
Hardeeville, South Carolina 29927
Respondent, Pro Se

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STATE OF SOUTH CAROLINA

COUNTY OF JASPER

Maria Hernandez,

Plaintiff,

vs.

Mary V. Fields, Dora Bennett, Shaakira Saffir
a/k/a Shaakira Saffir Nia Rashad f/k/a Audrey I.
Knight,

Defendants.

IN THE COURT OF COMMON PLEAS

DOCKET NO.: 2018-CP-27-00507

**ORDER GRANTING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT**

THIS CASE COMES BEFORE THE COURT on Plaintiff Maria Hernandez's Motion for Summary Judgment and accompanying exhibits ("Motion") filed September 27, 2019 pursuant to Rule 56, SCRCP, request that she be awarded judgment as a matter of law as to its causes of action for Declaratory Judgment and Permanent Injunction in its Amended Complaint ("Complaint").

The Motion and all hearings pertaining thereto were properly served and noticed as filed with the Clerk of Court's office ("Clerk"). This Court conducted a hearing at my law office on November 5, 2019, where all parties were present along with Plaintiff's counsel, Drew B. Walker, Esq. I granted Plaintiff's Motion and requested that Plaintiff order an updated survey showing the encroachments within the easement that is the subject of this case.

A "Survey prepared for Maria Hernandez by TGS Land Surveying, dated January 9, 2020" ("Survey") was prepared, and a copy of same was served on all Defendants on February 10, 2020 as shown as shown by a Certificate of Mailing filed February 10, 2020. Plaintiff's counsel has or will file the Survey with the Clerk as part of the record in this case.

A re-hearing was heard on July 21, 2020 so that a court reporter could be present to provide a transcript of all arguments of the parties (“Re-hearing”). All parties were provided a Notice of Hearing of the Rehearing as shown by the filings with the Clerk of Court. Present at the Re-Hearing, which was conducted telephonically by Remote Communication Technology as provided for in the Order dated April 3, 2020 by the Supreme Court of South Carolina in Appellate Case No. 2020-000447, were Plaintiff Maria Hernandez and her counsel, Drew B. Walker, Esq., and the *pro se* Defendants Dora Bennett (“Ms. Bennett”) and Shaakira Saffir a/k/a Shaakira Saffir Nia Rashad f/k/a Audrey I. Knight (“Ms. Saffir”). Having heard all arguments of counsel and parties, I grant the Plaintiff’s Motion based on the following.

1. The laws of South Carolina provide that the Plat (as defined in the Complaint) established and created a private easement dedicated to the use by the Plaintiff, its successors in title, and the public pursuant to the placement and recordation of the Plat and Easement (as defined in the Complaint) on the public records of Jasper County, and upon the conveyance of one or more deeds to Lot 3 as set out and described in the Plat as recorded. *See Carolina Land Co. v. Bland*, 265 S.C. 98, 217 S.E.2d 16 (1975).

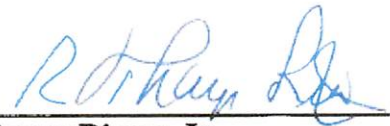
2. I have considered Ms. Saffir’s argument that a physical road was never constructed within the Easement. However, this has no impact on the legal conclusion that an easement exists as ruled upon in Section 1 as a matter of law. I have considered Ms. Saffir’s argument that some of the lot owners in the subdivision were not named in the subject action; however, the real property that is the subject of this action is only the Easement, to which Plaintiff has rights in, and which Ms. Saffir has encroached upon. I take note of Ms. Bennett’s testimony that her sister Ms. Saffir should not have encroached into the Easement that should

serve as a roadway into the subdivision, and that Ms. Bennett has no issue with Ms. Hernandez having access through the Easement.

3. Therefore, Plaintiff is entitled to a declaratory judgment that Plaintiff is entitled to and has the full, free, unfettered, and legal right of use and access of the Easement.

4. Additionally, Plaintiff is entitled to permanent injunctive relief enjoining Defendant Saffir, or other Defendants, to remove the Encroachments (as defined in the Complaint) from the Easement and to refrain from taking any action that would interfere or hinder in any way with the Plaintiff's ability to exercise her, or others, rights under the Easement, including allowing access to Lot 3 and to the cul-de-sac as depicted on the Plat. Defendant Saffir is ordered to immediately remove the Metal Fence and Shed within the Easement as shown on the Survey. Plaintiff is allowed to remove any pine trees within the Easement. Plaintiff is allowed to maintain the easement so that vehicular access can be provided. While Plaintiff does not believe at this time that it will be necessary to remove the Residence in order to allow the Easement to be accessed by her family, visitors, contractors, mail delivery service or any other third parties requiring access, she reserves the right and is entitled to have all Encroachments removed as necessary and under this Court Order in the future.

AND IT IS SO ORDERED.



R. Thayer Rivers, Jr.
Special Referee for Jasper County

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF JASPER

C/A NO: 2018-CP-27-00507

Maria Hernandez,

Plaintiff,

v.

AMENDED SUMMONS

Mary V. Fields, Dora Bennett, Shaakira Saffir a/k/a Shaakira Saffir Nia Rashad f/k/a Audrey I. Knight,

(NON-JURY)

Defendants.

TO: THE DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Amended Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to said Complaint upon the subscriber, at his office by mail at Post Office Box 11803, Columbia, South Carolina 29211 or by hand-delivery at 1901 Main Street, Suite 1200, Columbia, South Carolina 29201, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Amended Complaint.

s/Drew B. Walker

Drew B. Walker, SC Bar No. 78271
Rogers Lewis Jackson Mann & Quinn, LLC
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P.O. Box 1938
Bluffton, SC 29910
(843) 706-8867

Attorneys for the Plaintiff

Dated: May 17, 2019

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF JASPER)	Case No. 2018-CP-27-00507
)	
Maria Hernandez,)	
)	
Plaintiff,)	AMENDED COMPLAINT
)	(NON-JURY)
vs.)	
)	
Mary V. Fields, Dora Bennett,)	
Shaakira Saffir a/k/a Shaakira)	
Saffir Nia Rashad f/k/a Audrey I.)	
Knight,)	
)	
Defendants.)	

COMES NOW Maria Hernandez (hereafter the “Plaintiff”), Plaintiff in the above-styled and numbered cause, by and through her attorneys, and files this Amended Complaint against Mary V. Fields (hereafter “Fields” and collectively with all other Defendants as “Defendants”), Dora Bennett (hereafter “Bennett” and collectively with all other Defendants as “Defendants”) and Shaakira Saffir a/k/a Shaakira Saffir Nia Rashad f/k/a Audrey I. Knight (hereinafter, “Saffir” and collectively with all other Defendants as “Defendants”). and in support thereof would show unto the Court the following matters and facts:

IDENTIFICATION OF PARTIES
JURISDICTION/VENUE

1. Plaintiff is an adult resident of Beaufort County, South Carolina.
2. Plaintiff is the owner of that certain parcel of real estate located at 186 Macedonia Road, Hardeeville, South Carolina, situated in Jasper County, South Carolina, and further described as follows:

All that certain piece, parcel or lot of land being in Jasper County, South Carolina, and being known as Lot 3 (Parcel No. 038-01-00-003 aka Parcel No. 038-01-00-003A) of Hattie Bennett Subdivision as shown on that certain Plat prepared by Harold R. Johnson, R.L.S. No. 2077, as recorded in Plat Book 18 at Page 138 in the Office of Register of Deed, office of the Clerk of Court for Jasper County, South Carolina.

Together with a 1999 Bellcrest Power Mobile Home, Serial #GBHMM32922A&B

This being the same property conveyed to Maria Hernandez, by Title to Real Estate Special Warranty Deed, dated January 31, 2018, and recorded in Book 971 at Page 0290 on March 5, 2018 in the Office of Register of Deed, office of the Clerk of Court for Jasper County, South Carolina.

(hereafter referred to as "Lot 3").

3. Defendant Mary V. Fields is an adult resident of Jasper County, South Carolina.
4. Defendant Fields is the owner of three (3) parcels of real estate located on Macedonia Road, Hardeeville, South Carolina, situated in Jasper County, South Carolina, and further described as follows:

All those certain pieces, parcels or lots of land being in Jasper County, South Carolina, and being known as Lot 4 (Parcel No. 038-01-00-004), Lot 8 (Parcel No. 038-01-00-008), and Lot 9 (Parcel No. 038-01-00-009), of Hattie Bennett Subdivision as shown on that certain Plat prepared by Harold R. Johnson, R.L.S. No. 2077, as recorded in Plat Book 18 at Page 138 in the Office of Register of Deed, office of the Clerk of Court for Jasper County, South Carolina.

(hereafter referred to individually as "Lot 4", "Lot 8" and "Lot 9").

5. Defendant Bennett is the owner of that certain parcel of real estate located on Macedonia Road, Hardeeville, South Carolina, situated in Jasper County, South Carolina, and further described as follows:

All that certain piece, parcel or lot of land being in Jasper County, South Carolina, and being known as Lot 5A (Parcel No. 038-01-00-005A), of Hattie Bennett Subdivision as shown on that certain Plat prepared by Harold R. Johnson, R.L.S. No. 2077, as recorded in Plat Book 18 at Page 138 in the Office of Register of Deed, office of the Clerk of Court for Jasper County, South Carolina.

(hereafter referred to as "Lot 5A").

6. Defendant Shaakira Saffir a/k/a Shaakira Saffir Nia Rashad f/k/a Audrey I. Knight is an adult resident of Jasper County, South Carolina.
7. Upon information and belief, Defendant Saffir is the owner of that certain parcel of real estate located on Macedonia Road, Hardeeville, South Carolina, situated in Jasper County, South Carolina, and further described as follows:

All that certain piece, parcel or lot of land being in Jasper County, South Carolina, and being known as Lot 10 (Parcel No. 038-01-00-010), of Hattie

Bennett Subdivision as shown on that certain Plat prepared by Harold R. Johnson, R.L.S. No. 2077, as recorded in Plat Book 18 at Page 138 in the Office of Register of Deed, office of the Clerk of Court for Jasper County, South Carolina.

(hereinafter referred to as "Lot 10").

8. Upon information and belief, Saffir lives on, controls and may claim an ownership interest in that certain parcel of real estate located on Macedonia Road, Hardeeville, South Carolina, situated in Jasper County, South Carolina, and further described as follows:

All that certain piece, parcel or lot of land being in Jasper County, South Carolina, and being known as Lot 1 (Parcel No. 038-01-00-001), of Hattie Bennett Subdivision as shown on that certain Plat prepared by Harold R. Johnson, R.L.S. No. 2077, as recorded in Plat Book 18 at Page 138 in the Office of Register of Deed, office of the Clerk of Court for Jasper County, South Carolina.

9. (hereinafter referred to as "Lot 1")

10. This is an action by Plaintiff against Defendants for declaratory judgment, injunctive relief and equitable indemnification.

11. This Court is the proper jurisdiction and venue for this action.

FACTS ON WHICH THIS ACTION IS BASED

12. The Plaintiff realleges her previous allegations as if set forth herein verbatim in their entirety.

13. The aforementioned Lots 1, 3, 4, 5A, 8, 9 and 10 together with other numbered lots are located in the neighborhood known and referred to as the "Hattie Bennett Subdivision," established and platted on or after November 17, 1987, which plat was recorded in Plat Book 18 at Page 138 in the Office of Register of Deed, office of the Clerk of Court for Jasper County, South Carolina. (hereafter referred to as the "Plat," a copy of which is attached hereto and incorporated herein as Exhibit "A").

14. Ingress and egress to and from the various lots of the Subdivision is accomplished on and across a fifty (50) foot easement described and depicted on the Plat on and across the subject Subdivision.

15. Following recording of the Plat, deeds of conveyance transferring fee simple title in and to various lots within the said Subdivision were delivered to subsequent titled owners of the subject lots, and recorded, including that certain deed conveying Lot 3

from Hattie M. Bennett and Mary Verdell Bennett Fields to Luther Bennett on August 9, 1999, as recorded in Book 971 at Page 0290 in the Office of Register of Deed, office of the Clerk of Court for Jasper County, South Carolina.

16. On or about August 8, 2017, U.S. National Bank acquired title to Lot 3 by judicial deed recorded in Book 955 at Page 0320 in the Office of Register of Deed, office of the Clerk of Court for Jasper County, South Carolina, following a duly litigated and successful foreclosure action brought by U.S. National Bank in Case No. 2011-CP-27-0080.

17. Defendants in the aforementioned foreclosure action included, among others, the Estate of Luther D. Bennett, Sr., Kimberly Bennett individually and as Personal Representative for the Estate of Luther Bennett, Sr., and Defendant Dora Bennett as an heir of Luther D. Bennett.

18. Plaintiff, for good and valuable consideration, thereafter was granted and conveyed title from U.S. National Bank to Lot 3 by Special Warranty Deed, dated January 31, 2018, and recorded in Book 971 at Page 0290 on March 5, 2018 in the Office of Register of Deed, office of the Clerk of Court for Jasper County, South Carolina (a copy of the said deed is attached hereto and incorporated herein as Exhibit "B").

19. At all times relevant herein, Plaintiff owned an easement for ingress and egress to Lot 3 from a public highway known as Macedonia Road, on and across a fifty (50) foot easement on and across real property specifically described as a "50' R/W" described further as having bearings of N61° 18'W for 680.0 feet, all as depicted and set out on that certain Plat prepared by Harold R. Johnson, R.L.S. No. 2077, as recorded in Plat Book 18 at Page 138 in the Office of Register of Deed, office of the Clerk of Court for Jasper County, South Carolina (hereinafter referred to as the "Easement").

20. Lots 3 and 4 abut one another and are adjacent to and accessed across the Easement.

21. Lots 4 and 5A abut one another and, Lot 8 and Lot 9 are in very close proximity to Lot 3, with all said lots being adjacent to the Easement.

22. Lots 1 and 10 are alongside the public highway known as Macedonia Road and the Easement runs between the two lots.

23. Upon information and belief, Saffir is residing in a residence on Lot 1 and, despite her ownership interest in Lot 10, has placed various structures on Lot 1 including, but not limited to, a dwelling, utility shed, fence, trees, and/or other structures (collectively, the "Encroachments"), which encroach and block all or a portion of the Easement.

24. The Easement is the only means of ingress and egress to and from Lot 3 and the various other lots throughout the Hattie Bennett Subdivision.

25. On or around February 10, 2018, Plaintiff and her husband took possession of Lot 3 and commenced repair work on the mobile home situated thereon.

26. At or about the same time and in the same place, a neighbor who was, upon information and belief, Defendant Saffir, approached Plaintiff and her husband, and angrily and aggressively advised that the Easement did not exist and ordered them off of the Easement.

27. Shortly following the above described confrontation, Plaintiff engaged David S. Youmans of Beaufort Surveying, Inc., to perform a lot-line survey of Lot 3, which upon information and belief, during the surveying work the surveyors were also aggressively approached by Defendant Saffir and ordered off the property.

28. At or about the same time, Plaintiff also engaged Tropical Waste Services to place a waste dumpster on Lot 3, but upon information and belief, efforts to deliver the dumpster failed because the entrance from the highway to the Easement was blocked with a chain and the waste truck driver was denied access by an unidentified female neighbor.

29. On or around August 8, 2018, cease and desist letters from Mr. Bill Sempertegui of WFG National Title Insurance Company dated August 2, 2018, were delivered by UPS to both Defendant Bennett and Defendant Fields, advising of Plaintiff's ownership of Lot 3 and Plaintiff's absolute right of access and use of the Easement, demanding removal of the chain blocking access, and requesting said Defendants contact Bill Sempertegui with any information or claims challenging Plaintiff's right of access to the Easement (Copies of the said letters are attached collectively and incorporated herein as Exhibit "C").

30. On or about August 22, 2018, Plaintiff again engaged Tropical Waste Services to place a waste dumpster on Lot 3, and was present during the waste drivers' efforts to deliver the dumpster at which time the Easement was again blocked with a chain and

Defendant Saffir personally blocked the Easement with her person, aggressively and belligerently insisting that she owned the property, that Plaintiff and those with Plaintiff were “trespassing,” and ordered everyone off the property resulting in Plaintiff and others finding it necessary to leave the premises in order to preserve the peace.

31. Additionally, upon information and belief, portions of the fifty (50) foot Easement are or may be encroached upon by the Encroachments, which obstruct the free and open use of said Easement by Plaintiff and other lot owners in the Subdivision.

32. Upon information and belief, Fields and Bennett may claim that the Plaintiff is not entitled to use the Easement, and Saffir claims that Plaintiff is not entitled to use the Easement and has caused the Encroachments.

33. Saffir has repeatedly refused Plaintiff’s demands to remove the Encroachments and to has continued to interfere with or obstruct Plaintiff’s use and access of the Easement.

34. Upon information and belief Saffir, and possibly other Defendants, individually and in concert with each other, are knowingly, intentionally and wrongfully blocking Plaintiff’s access to the Property, and wrongfully depriving Plaintiff of her lawful use of the Easement and the enjoyment and possession of her property known as Lot 3.

FOR A FIRST CAUSE OF ACTION AGAINST
(Declaratory Judgment; Temporary and Permanent Injunction)

35. The Plaintiff realleges her previous allegations as if set forth herein verbatim in their entirety.

36. This cause of action is brought pursuant to the Uniform Declaratory Judgment Act, S.C. Code Ann. § 15-53-10, et seq.

37. By placing and recording the Plat and Easement on the public records of Jasper County, and upon the conveyance of one or more deeds to the lots as set out and described by the Plat as recorded, the laws of South Carolina provide that the Plat established and created a private easement dedicated to the use of the Subdivision lot owners, their successors in title and the public.

38. Plaintiff rightfully possesses certain legal rights of ownership, usage, and quiet enjoyment to Lot 3 and the Easement.

39. Upon information and belief, the actions of Defendants, individually and/or acting in concert with each other, in obstructing, blocking and preventing Plaintiff's unfettered right to use the Easement violates the South Carolina laws of easements.

40. Plaintiff is suffering irreparable financial harm by being denied use of the Easement and access to her property, specifically Lot 3, by Defendants under threats of physical harm.

41. Accordingly, emergency and exigent circumstances exist such that Plaintiff is in need of a temporary injunction to prevent Defendants from further obstructing and interfering with Plaintiff's use and access of the Easement, and from threatening Plaintiff with a breach of the peace.

42. The issuance of a temporary injunction will restore Plaintiff to her rightful and legal rights of peaceful use and enjoyment of the Easement and Lot 3.

43. Should the temporary injunction not be granted, the Plaintiff will continue to suffer hardship in the continuing losses incurred from the deterioration of the mobile home, the loss of use and possession of the property, and the ongoing loss of rental income from the property, whereas the granting of the temporary restraining injunction on Defendants will have a nominal impact, if any, on Defendants.

44. There is a strong likelihood of Plaintiff's success on the merits in this action based on South Carolina case law regarding easements and property rights.

45. Upon information and belief, Plaintiff is therefore entitled to a declaratory judgment that Plaintiff is entitled to and has the full, free, unfettered and legal right of use and access of the Easement.

46. Further, upon information and belief, Plaintiff is entitled to temporary and permanent injunctive relief enjoining Defendant Saffir, or other Defendant, to remove the Encroachments from the Easement and to refrain from taking any action that would interfere or hinder in any way with the Plaintiff's ability to exercise her, or others, rights under the Easement, including allowing access to Lot 3 and to the cul-de-sac as depicted on the Plat.

47. Further, upon information and belief, Plaintiff is entitled to an order of this Court requiring Defendant Saffir, or other Defendant, to remove the Encroachments from the Easement, at the cost of the Defendants.

48. No bond should be required to be provided by Plaintiff for the issuance of a temporary injunction because there is no likely or potential cost or injury to Defendants in complying with such injunctive relief.

FOR A SECOND CASE OF ACTION AGAINST
(Equitable Indemnity)

49. The Plaintiff realleges her previous allegations as if set forth herein verbatim in their entirety.

50. Upon information and belief, the willful, intentional and wrongful actions of Defendants, individually and/or acting in concert with each other, has caused Plaintiff to suffer damages and losses and made it necessary for Plaintiff to incur expenses, including professional engineering fees, payments to service providers who were ultimately prohibited access to Lot 3 by Defendants, lost rental revenues, deterioration and weather damages to the mobile home on Lot 3 as a result of Plaintiff's inability to adequately secure the premises, loss of property value, loss of marketability of title, inability to utilize the Easement, and attorneys' fees and costs incurred and which will continue to be incurred in pursuing this action to enjoin Defendants from their wrongful violation of Plaintiff's property rights, and are the legal consequences of Defendants' actions.

51. Plaintiff has suffered, and will continue to suffer, losses and damages and incur expenses totaling in excess of twenty-five thousand and 00/100 (\$25,000.00) Dollars.

52. Accordingly, upon information and belief, Plaintiff is entitled to judgment against Defendants, jointly and severally, for equitable indemnity.

WHEREFORE, Plaintiff prays for the following relief:

A. A judgment declaring the Easement granted to Plaintiff to be a valid private easement established by the recording of that certain Plat and by virtue of the conveyance of title to Lot 3 to Plaintiff, enforceable under the laws of the State of South Carolina;

B. A judgment declaring that Plaintiff, as successor in title to Lot 3, is the legal holder of the Easement rights for ingress and egress to Plaintiff's Lot 3;

C. A temporary injunction enjoining Defendants from blocking, obstructing or in any way inhibiting the Plaintiff, other lot owners and the public from the free and open use and access in and across the Easement thereby allowing access to Lot 3 and to the cul-de-sac as depicted on the Plat;

- D. An order waiving the necessity for a bond associated with such temporary injunction;
- E. A permanent injunction enjoining Defendants from blocking, obstructing or in any way inhibiting the Plaintiff, other lot owners and the public from the free and open use and access in and across the Easement;
- F. For an order compelling Defendant Saffir, or other Defendant, to remove the Encroachments from the Easement and to refrain from taking any action that would interfere or hinder in any way with the Plaintiff's ability to exercise her rights under the Easement;
- G. A judgment awarding Plaintiff equitable indemnity and judgment against Defendants, jointly and severally, for all losses, damages and costs directly arising out of Defendants' willful, intentional and wrongful actions in blocking and preventing Plaintiff access to and use of the Easement and Lot 3, and for all attorney's fees, costs and expenses incurred by Plaintiff in protecting her legal Easement and property rights; and,
- H. Such other and further relief as this Honorable Court deems proper.

s/Drew B. Walker
Drew B. Walker, SC Bar No. 78271
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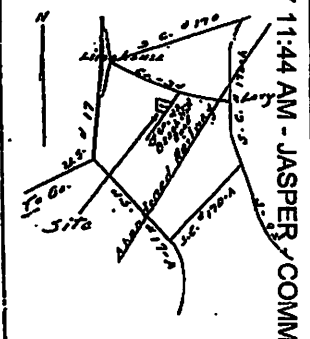
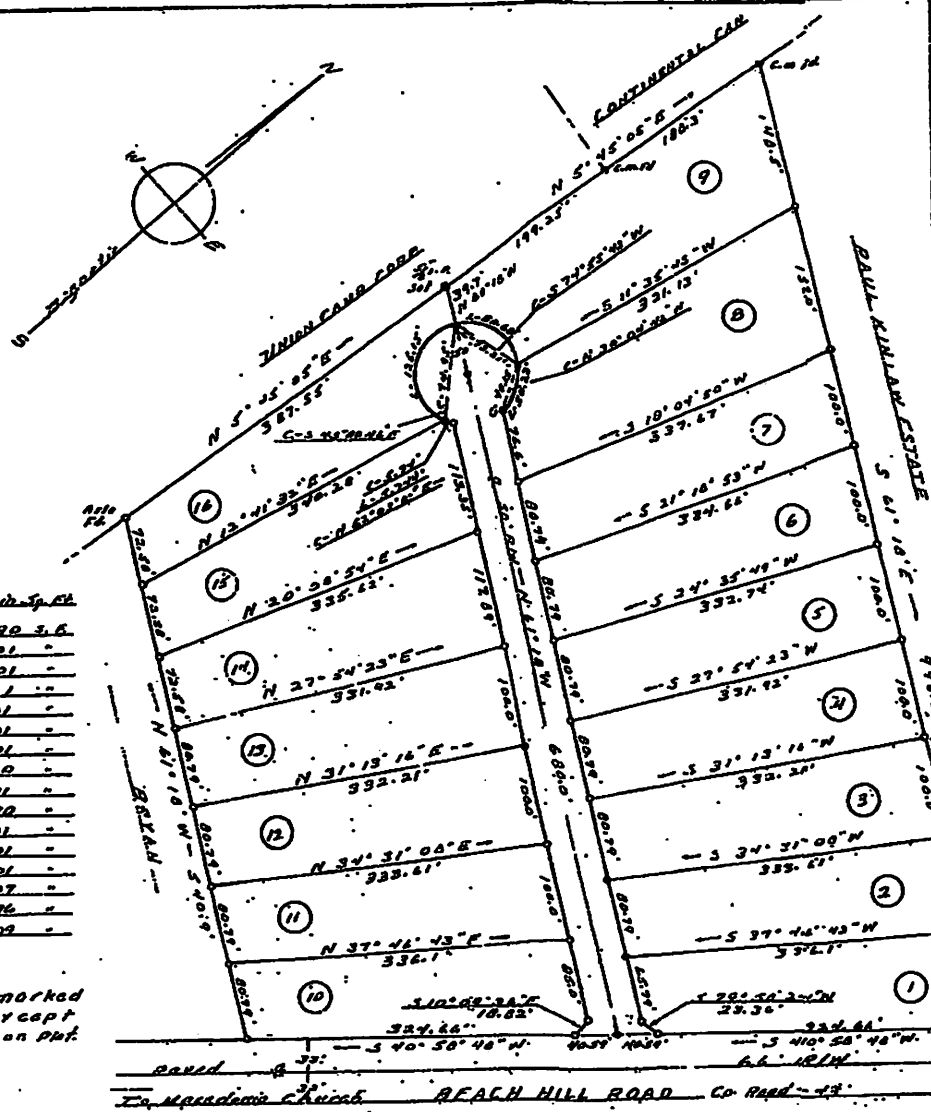
Attorneys for the Plaintiff

May 17, 2019

EXHIBIT A

ELECTRONICALLY FILED - 2019 MAY 17 11:44 AM - JASPER COUNTY COMMON PLEAS - CASE# 2018CP2700507

FILED
 2019 MAY 17 11:44 AM
 JASPER COUNTY COMMON PLEAS
 CLERK OF COURT
 1000 W. 10th St.
 JASPER, SC 29079



Vicinity Map

References
 Plat Book 12, P. 300

Equipment Used
 as Theodolite and P.S.

Acad by P.M.A.
 P.C. 1-20,000

Lot No	Area in Sq. Ft.
1	29,890 3.6
2	30,001
3	30,001
4	30,001
5	30,001
6	30,001
7	30,001
8	30,001
9	30,001
10	29,890
11	30,001
12	30,001
13	30,001
14	31,607
15	31,596
16	31,209

Note:
 All corners marked by 5/8" IRs except where noted on plat

HATTIE BENNETT SUBDIVISION

Total Area - 12,613.06 ACES 16.40%

Located in Levy-Limehouse Area
 Jasper County, South Carolina

Scale: 1 inch = 100 feet



Harold R. Johnson

November 17, 1902
 Harold B. Johnson Co.
 Pl. 3, Vol. No. 3077
 Pl. 1, Vol. 232
 Ringo Co. 2122
 Ch. 912, 230, 522

EXHIBIT B

2/10/18

After recording return to:
Hale and Hale, P.A.
1533 Fording Island Road, Ste 294
Hilton Head Island, SC 29926
File # 5040-02

20180000772 03/03/2018 AT 11:47 AM
OR Book 0971 Page 0290 - 0291
Filed for Record in JASPER COUNTY ROD
Deed Fee: \$10.00
State Tax: \$102.70 Local Tax: \$43.45

DEED BOOK: 0971 PAGE: 1687
DATE: 03/12/2018 11:48:41 AM
Hazel Holmes / ej
AUDITOR JASPER COUNTY, SC

Prepared By:

Albertelli Law Partners North Carolina, P.A.
205 Regency Executive Park Drive, Suite 100
Charlotte, NC 28217

DATE: 03/09/2018 12:09:07 PM
Jasper County Assessor's Office
Tax Map No.: 038-01-00-003
Transfer No.: 18-27-281
Cytierrah Cuytear - JASPER COUNTY, SC

Return to: Grantee

Maria Hernandez - Married, taking as separate property
2 Baywood Ct,
Bluffton, SC, 29910

STATE OF SOUTH CAROLINA)

**TITLE TO REAL ESTATE
SPECIAL WARRANTY DEED**

COUNTY OF JASPER)

The designation Grantor and Grantee as used herein shall include the named parties and their heirs, successors and assigns and shall include singular, plural, masculine, feminine or neuter as required by context.

KNOW ALL MEN BY THESE PRESENTS THAT, U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation, Mortgage Pass-Through Certificates, Series 2005-SC1, with a mailing address of c/o Ocwen Loan Servicing, LLC, 1661 Worthington Rd, Ste 100, West Palm Beach, FL 33409, herein referred to as Grantor(s) for and in consideration of the sum of THIRTY-NINE THOUSAND ONE HUNDRED SIXTY AND NO/100 DOLLARS (\$39,160.00) paid by Maria Hernandez - Married, taking as separate property HEREIN REFERRED TO AS Grantee(s), in the State aforesaid, the receipt of which is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto said Grantee(s), and to the heirs and assigns of said Grantee(s), the following described real estate situated in the County of Jasper of South Carolina, to wit:

All that certain piece, parcel or lot of land being in Jasper County, South Carolina, and being known as Lot 3 of Hattie Bennett Subdivision as shown on that certain Plat prepared by Harold R. Johnson, R.L.S. as recorded in Plat Book 18 at Page 138 in the Office of the Clerk of Court for Jasper County, South Carolina.

TOGETHER with a 1999 Bellcrest Power Mobile Home, Serial # GBHMM32922A&B located thereon.

DERIVATION:

This being the same property conveyed to U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2005-SC1 by Foreclosure Deed of R. Thayer Rivers, Jr. dated July 20, 2017 and recorded in Book 0955, Page 0320, Jasper County, South Carolina.

Jasper County Tax Map No.: 038-01-00-003 and 038-01-00-003A

Common Address: 186 Macedonia Road, Hardeeville, SC 29927

Grantor Address: c/o Ocwen Loan Servicing, LLC, 1661 Worthington Rd, Ste 100, West Palm Beach, FL 33409

Grantee Address: 2 Baywood Ct, Bluffton, SC, 29910

ELECTRONICALLY FILED - 2019 May 17 11:44 AM - JASPER - COMMON PLEAS - CASE#2018CP2700507

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 premises before mentioned unto the said Grantee(s) and to the heirs successors and assigns of said Grantee(s) forever.

AND, SUBJECT TO the matters set forth above; Grantor does hereby bind Grantor and Grantor's heirs, successors and assigns, executors, administrators and other lawful representatives, to warrant and forever defend all and singular the Premises unto Grantee and Grantee's heirs, successors and assigns against Grantor and Grantor's successors lawfully claiming, the same or any part thereof but no others.

AND THE SAID GRANTOR covenants that he has not made done, committed, executed or suffered any act or acts, thing or things whatsoever, whereby or by means whereof, the above mentioned and described premises, or any part or parcel thereof, now are, or at any time hereafter shall or may be impeached, charged or encumbered in any manner or way whatsoever.

WITNESS the Hand and Seal of U.S. Bank National Association, as Trustee for Structured Asset-Securities Corporation, Mortgage Pass-Through Certificates, Series 2005-SC1 this 31 day of JANUARY and in the year, Two Thousand and Eighteen (2018) and in the Two Hundred Forty Second (242nd) year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered
In the presence of: Thania Nunez

[Signature]
Witness No. 1

[Signature]
Witness No. 2

Evette Morales

U.S. Bank National Association, as Trustee for Structured Asset-Securities Corporation, Mortgage Pass-Through Certificates, Series 2005-SC1, by: Ocwen Loan Servicing, LLC, Attorney-in-Fact

By: [Signature] 1/31/18
(Signature)

Printed Name: Beonide Durandisse
Title: Contract Management Coordinator

State of FLORIDA

County of PALM BEACH

I, Rafael Gonzalez, a Notary Public for the State of FLORIDA, do hereby certify that, Beonide Durandisse, as Contract Management Coordinator of Ocwen Loan Servicing, LLC, attorney in fact for U.S. Bank National Association, as Trustee for Structured Asset-Securities Corporation, Mortgage Pass-Through Certificates, Series 2005-SC1, personally appeared before me this day and acknowledged the due execution of the foregoing instrument in the capacity stated.

Witness my hand and official seal, this 31 of JAN 2018

[Signature] Rafael Gonzalez

P.G. 1-31-18

Personally Known To Me

RG 1-31-18

Notary Public for the State of FLORIDA

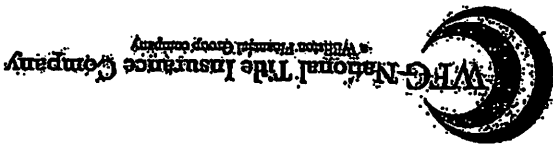
My Commission Expires: —

(SEAL)



POA will be recorded simultaneously herewith

EXHIBIT "C"



Will Semperlegui
National Claims Officer
wsemperlegui@willisbuckham.com

August 2, 2018

Dora Bennett
258 Waresdama Road
Hartsville, SE 29927

Re:

Our File Number 10049294

Our Insured: Maria Hernandez
Property 186 Waresdama Road

Dear Ms. Bennett:

I am a Claims Officer for WFG National The Insurance Company ("WFG") assigned to the above referenced file. WFG issued the insurance to Maria Hernandez for her purchase of the above referenced property.

WFG was recently made aware that you have blocked the entrance to the 30-foot access easement which serves as access to and from the property owned by Ms. Hernandez. I have photos and maps which depict the area that you have blocked.

In reviewing the various maps and deeds, there is no doubt that Ms. Hernandez has the absolute right to use the 30-foot access easement to access her property. The easement was created via the plat, and is shown as the access way for not only Ms. Hernandez but for the other properties in the subdivision. However, due to you blocking the access, you are denying Ms. Hernandez of her legal right of access.

Based on the foregoing, WFG demands that you immediately remove the chain that is currently blocking the access way, so Ms. Hernandez has free and unobstructed use of the easement. If you have any legal reason why you believe you can block the access, or that Ms. Hernandez has no legal right to use the access road, please let me know. As of this date, a search of the title for the subject property reveals no such reason.

I look forward to your anticipated cooperation in this regard.

18700 Valley View, Suite 275, La Mirada, CA 90638
P (562) 217-6644 | F (714) 452-1301

Kind regards,

Bill Scott
Claims Officer

16700 Valley View, Suite 275, La Mirada, CA 90638
P: (562) 217-8624 F: (714) 452-1801

Sam Kirkland

From: UPS Quantum View <pkginfo@ups.com>
Sent: Monday, August 06, 2018 1:08 PM
To: Bill Sempertegui
Subject: UPS Delivery Notification, Tracking Number 1Z7559830297493184



Your package has been delivered.

Delivery Date: Monday, 08/06/2018
Delivery Time: 01:01 PM



[Set Delivery Instructions\[ups.com\]](#) [Get Free Alerts\[ups.com\]](#) [View Delivery Planner\[wwwapps.ups.com\]](#)

At the request of WFG NATIONAL TITLE INS: CO this notice alerts you that the status of the shipment listed below has changed.

Shipment Detail

Tracking Number:	1Z7559830297493184[ups.com]
Ship To:	Dora Bennett 258 MACEDONIA RD HARDEEVILLE, SC 29927 US
UPS Service:	UPS 2ND DAY AIR
Number of Packages:	1
Package Weight:	0.0 LBS
Delivery Location:	FRONT DOOR
Reference Number 1:	200-5003

ELECTRONICALLY FILED - 2019 May 17 11:44 AM - JASPER - COMMON PLEAS - CASE#2018CP2700507



WFG National Title Insurance Company
A World Financial Group Company

Bill Sempertegui
National Claims Officer
bsempertegui@willfamfinancial.com

August 2, 2018

Mary Fields
258 Marcedonia Road
Hardeeville, SC 29927

Re: Our File Number 1009794
Our Insured: Maria Hernandez
Property: 186 Marcedonia Road

Dear Ms. Fields:

I am a Claims Officer for WFG National Title Insurance Company ("WFG") assigned to the above-referenced file. WFG issued title insurance to Maria Hernandez for her purchase of the above referenced property.

WFG was recently made aware that you have blocked the entrance to the 30-foot access easement which serves as access to and from the property owned by Ms. Hernandez. I have photos and maps which depicts the area that you have blocked.

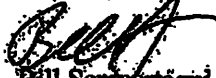
In reviewing the various maps and deeds, there is no doubt that Ms. Hernandez has the absolute right to use the 30-foot access easement to access her property. The easement was created via the plat, and is shown as the access way for not only Ms. Hernandez but for the other properties in the subdivision. However, due to you blocking the access, you are denying Ms. Hernandez of her legal right of access.

Based on the foregoing, WFG demands that you immediately remove the chain that is currently blocking the access way, so Ms. Hernandez has free and unobstructed use of the easement. If you have any legal reason why you believe you can block the access, or that Ms. Hernandez has no legal right to use the access road, please let me know. As of this date, a search of the title for the subject property reveals no such reason.

I look forward to your anticipated cooperation in this regard.

15700 Valley View, Suite 275, La Mirada, CA 90638
P (562) 217-5644 | F (714) 452-1301

Kind regards


Bill Sempertegai
Claims Officer

16700 Valley View, Suite 275, La Mirada, CA 90638
P (562) 217-5644 | F (714) 452-1301

Sam Kirkland

From: UPS Quantum View <pkginfo@ups.com>
Sent: Monday, August 06, 2018 1:08 PM
To: Bill Sempertegui
Subject: UPS Delivery Notification, Tracking Number 1Z7559830299337974

Your package has been delivered.

Delivery Date: Monday, 08/06/2018
Delivery Time: 01:01 PM

[Set Delivery Instructions\[ups.com\]](#) [Get Free Alerts\[ups.com\]](#) [View Delivery Planner\[wwwapps.ups.com\]](#)

At the request of WFG NATIONAL TITLE INS. CO this notice alerts you that the status of the shipment listed below has changed.

Shipment Detail

Tracking Number:	1Z7559830299337974[ups.com]
Ship To:	Mary Fields 258 MACEDONIA RD HARDEEVILLE, SC 29927 US
UPS Service:	UPS 2ND DAY AIR
Number of Packages:	1
Package Weight:	0.0 LBS
Delivery Location:	FRONT DOOR
Reference Number 1:	200-5003

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF JASPER

C/A NO: 2019-

Maria Hernandez,

Plaintiff,

v.

AMENDED LIS PENDENS

Mary V. Fields, Dora Bennett, Shaakira Saffir a/k/a Shaakira Saffir Nia Rashad f/k/a Audrey I. Knight,

Defendants.

NOTICE IS HEREBY GIVEN that an action has been commenced and is pending in this Court upon an Amended Complaint of the above-named Plaintiff against the above-named Defendants seeking declaratory judgment declaring Plaintiff's lawful right of access and use of the easement described herein and for temporary and permanent injunctive relief and judgment for equitable indemnity.

The premises covered and affected by the said action are described as follows:

All that certain piece, parcel or lot of land being in Jasper County, South Carolina, and being known as Lot 3 (Parcel No. 038-01-00-003 aka Parcel No. 038-01-00-003A) of Hattie Bennett Subdivision as shown on that certain Plat prepared by Harold R. Johnson, R.L.S. No. 2077, as recorded in Plat Book 18 at Page 138 in the Office of Register of Deed, office of the Clerk of Court for Jasper County, South Carolina.

Together with a 1999 Bellcrest Power Mobile Home, Serial #GBHMM32922A&B

This being the same property conveyed to Maria Hernandez, by Title to Real Estate Special Warranty Deed, dated January 31, 2018, and recorded in Book 971 at Page 0290 on March 5, 2018 in the Office of Register of Deed, office of the Clerk of Court for Jasper County, South Carolina.

ALSO the easement for ingress and egress to Lot 3 from a public highway known as Macedonia Road, on and across a fifty (50) foot easement on and across real property specifically described as a "50' R/W" described further as having bearings of N61° 18'W for 680.0 feet, all as depicted and set out on that certain Plat prepared by Harold R. Johnson, R.L.S. No. 2077, as recorded in Plat Book 18 at Page 138 in the Office of Register of Deed, office of the Clerk of Court for Jasper County, South Carolina.

s/Drew B. Walker

Drew B. Walker, SC Bar No. 78271
Rogers Lewis Jackson Mann & Quinn, LLC
1901 Main St, Suite 1200
P.O. Box 11803 (29211)
Columbia, SC 29201
Tel: (803) 256-1268
Fax: (803) 978-2832
Email: dwalker@rogerslewis.com

Samuel L. Kirkland, Esq.
P.O. Box 1938
Bluffton, SC 29910
(843) 706-8867

Attorneys for the Plaintiff

Dated: May 17, 2019

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF JASPER

2019 JUL 14 PM 4: 04

CASE NO: 2018CP2700507

Maria Hernandez,

Plaintiff,

v.

Mary Fields, Dora Bennett, Shaakira
Saffir a/k/a Shaakira Saffir Nia Rashad
f/k/a Audrey L. Knight

Defendants.

ANSWER

COMES NOW the Defendant, Shaakira Saffir a/k/a/ Shaakira Nia Rashad f/k/a Audrey L. Knight in answering allegations of the Complaint on file herein, affirms, denies and alleges as follows:

There is no easement nor is their anything that contain an easement granting, ingress, egress or regress.

IDENTIFICATION OF PARTIES
JURISDICTION/VENUE

1. Denied because I have no knowledge.
2. Denied because I have no knowledge.
3. Admitted.
4. Denied as stated.
5. Denied as stated.
6. Admitted.
7. Denied as stated.
8. Admitted
9. Admitted

10. No response required, this is a legal conclusion.

11. No response required, this is a legal conclusions

FACTS ON WHICH THIS ACTION IS BASED

12. No response required, this is a legal conclusion.

13. Admitted

14. Denied, no such easement is depicted on the plat.

15. No answer is required, this is a legal conclusion.

16. No answer is required, this is a legal conclusion.

17. No answer is required, this is a legal conclusion.

18. No answer is required this is legal conclusion.

19. Denied, no such easement is depicted on the plat

20. Denied, there is no such easement.

21. Denied, there is no such easement.

22. Denied, there is no such easement.

23. Denied, there is no such easement.

24. Denied, there is no such easement

25. Denied. I have no knowledge.

26. Denied, there is no easement

27. Denied as stated.

28. Denied there is no such easement.

29. Denied thee is no such easement.

30. Denied there is no such easement.

31. Denied. There is no such easement.

32. Denied. There is no such easement

33. Denied. There is no such easement

34. Denied. There is no such easement.

FOR A FIRST CAUSE OF ACTION AGAINST
(Declaratory Judgement; Temporary and Permanent Injunction)

35. No response required. This is a legal conclusion.

36. No response required. This is a legal conclusion.

37. Denied. There is no easement.

38. Denied. There is no easement.

39. Denied. There is no easement.

40. Denied. There is no easement.

41. Denied. There is no easement.

42. Denied. There is no easement.

43. Denied. There is no easement. Granting this injunction would impose a severe hardship upon defendant as it would create an easement where there was never one.

44. Denied. There is no easement and as a result it is highly unlikely that Plaintiff can succeed on the merits in this action based on South Carolina case law regarding easements and property rights.

45. Denied. There is no easement.

46. Denied. There is no easement.

47. Denied. There is no easement.

48. Denied. There is no easement and this Complaint would work severe harm upon defendant.

FOR A SECOND CASE OF ACTION
(Equitable Indemnity)

49. No response is required.

50. Denied. There is no easement. Strict proof thereof is hereby demanded.

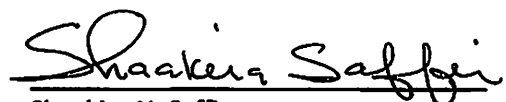
51. Denied. There is no easement. Strict proof thereof is hereby demanded.

52. Denied. There is no easement. Strict proof thereof is hereby demanded.

DEFENSE I – FAILURE TO PROVE CLAIM

Defendant answering the Complaint herein, alleges that all allegations and counts brought forth therein fails to state a claim for which relief can be granted.

WHEREFORE, Defendant prays for and is entitled to judgement, in her favor, and hereby request that plaintiff Amended Complaint be dismissed in its entirety.



Shaakira N. Saffir
214 Macedonia Road
Hardeeville, SC 29927

June 14, 2019

STATE OF SOUTH CAROLINA

COUNTY OF JASPER

Maria Hernandez,

Plaintiff,

vs.

Mary V. Fields, Dora Bennett, Shaakira Saffir
a/k/a Shaakira Saffir Nia Rashad f/k/a Audrey I.
Knight,

Defendants.

IN THE COURT OF COMMON PLEAS

DOCKET NO.: 2018-CP-27-00507

**PLAINTIFF'S NOTICE OF MOTION
FOR SUMMARY JUDGMENT AND
MOTION FOR SUMMARY JUDGMENT**

YOU WILL PLEASE TAKE NOTICE THAT the above-named Plaintiff, by and through its undersigned counsel, will move at a date and time to be set by the Court, but not sooner than ten (10) days after service hereof, for an order pursuant to Rule 56, SCRCP, granting it summary judgment holding that it is entitled to judgment as a matter of law as to its causes of action for Declaratory Judgment and Permanent Injunction in its Amended Complaint ("Complaint"). This motion is based on the following grounds:

1. The laws of South Carolina provide that the Plat (as defined in the Complaint) established and created a private easement dedicated to the use by the Plaintiff, its successors in title, and the public pursuant to the placement and recordation of the Plat and Easement (as defined in the Complaint) on the public records of Jasper County, and upon the conveyance of one or more deeds to Lot 3 as set out and described in the Plat as recorded.

2. Therefore, Plaintiff is entitled to a declaratory judgment that Plaintiff is entitled to and has the full, free, unfettered, and legal right of use and access of the Easement.

3. Additionally, Plaintiff is entitled to permanent injunctive relief enjoining Defendant Saffir, or other Defendants, to remove the Encroachments (as defined in the Complaint) from the Easement and to refrain from taking any action that would interfere or hinder in any way with the Plaintiff's ability to exercise her, or others, rights under the Easement, including allowing access to Lot 3 and to the cul-de-sac as depicted on the Plat.

The Plaintiff has attached the Affidavit of Maria Hernandez as **Exhibit 1** to support this Motion.

Respectfully submitted,

/s/Drew B. Walker

Drew B. Walker, Esq. (SC Bar # 78271)
Rogers Lewis Jackson Mann & Quinn, LLC
1901 Main Street, Suite 1200 (29201)
Post Office Box 11803
Columbia, SC 29211
Telephone (803) 978-2836
E-mail: dwalker@rogerslewis.com

September 27, 2019
Columbia, South Carolina

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF JASPER

C/A NO: 2019-

Maria Hernandez,

Plaintiff,

v.

AMENDED LIS PENDENS

Mary V. Fields, Dora Bennett, Shaakira Saffir a/k/a Shaakira Saffir Nia Rashad f/k/a Audrey I. Knight,

Defendants.

NOTICE IS HEREBY GIVEN that an action has been commenced and is pending in this Court upon an Amended Complaint of the above-named Plaintiff against the above-named Defendants seeking declaratory judgment declaring Plaintiff's lawful right of access and use of the easement described herein and for temporary and permanent injunctive relief and judgment for equitable indemnity.

The premises covered and affected by the said action are described as follows:

All that certain piece, parcel or lot of land being in Jasper County, South Carolina, and being known as Lot 3 (Parcel No. 038-01-00-003 aka Parcel No. 038-01-00-003A) of Hattie Bennett Subdivision as shown on that certain Plat prepared by Harold R. Johnson, R.L.S. No. 2077, as recorded in Plat Book 18 at Page 138 in the Office of Register of Deed, office of the Clerk of Court for Jasper County, South Carolina.

Together with a 1999 Bellcrest Power Mobile Home, Serial #GBHMM32922A&B

This being the same property conveyed to Maria Hernandez, by Title to Real Estate Special Warranty Deed, dated January 31, 2018, and recorded in Book 971 at Page 0290 on March 5, 2018 in the Office of Register of Deed, office of the Clerk of Court for Jasper County, South Carolina.

ALSO the easement for ingress and egress to Lot 3 from a public highway known as Macedonia Road, on and across a fifty (50) foot easement on and across real property specifically described as a "50' R/W" described further as having bearings of N61° 18'W for 680.0 feet, all as depicted and set out on that certain Plat prepared by Harold R. Johnson, R.L.S. No. 2077, as recorded in Plat Book 18 at Page 138 in the Office of Register of Deed, office of the Clerk of Court for Jasper County, South Carolina.

s/Drew B. Walker

Drew B. Walker, SC Bar No. 78271
Rogers Lewis Jackson Mann & Quinn, LLC
1901 Main St, Suite 1200
P.O. Box 11803 (29211)
Columbia, SC 29201
Tel: (803) 256-1268
Fax: (803) 978-2832
Email: dwalker@rogerslewis.com

Samuel L. Kirkland, Esq.
P.O. Box 1938
Bluffton, SC 29910
(843) 706-8867

Attorneys for the Plaintiff

Dated: May 17, 2019

Exhibit 1 to Plaintiff's Motion for Summary Judgment

STATE OF SOUTH CAROLINA

COUNTY OF JASPER

Maria Hernandez,

Plaintiff,

vs.

Mary V. Fields, Dora Bennett, Shaakira Saffir a/k/a Shaakira Saffir Nia Rashad f/k/a Audrey I. Knight,

Defendants.

IN THE COURT OF COMMON PLEAS

DOCKET NO.: 2018-CP-27-00507

AFFIDAVIT OF MARIA HERNANDEZ

PERSONALLY appeared before me Maria Hernandez, who upon first being duly sworn, deposes and states that:

1. I am over the age of 21 and I am competent to make this Affidavit
2. I have knowledge of the matters contained herein and the documents attached hereto.
3. My name is Maria Hernandez, and I am the owner of that certain parcel of real estate located at 186 Macedonia Road, Hardeeville, South Carolina, situated in Jasper County, South Carolina, pursuant to a deed from U.S. National Bank dated January 31, 2018 and recorded in Book 971 at Page 0290 on March 5, 2018 in the Office of Register of Deed, office of the Clerk of Court for Jasper County, South Carolina (a copy of the said deed is attached hereto and incorporated herein as Exhibit "A") and further described as follows:

All that certain piece, parcel or lot of land being in Jasper County, South Carolina, and being known as Lot 3 (Parcel No. 038-01-00-003 aka Parcel No. 038-01-00-003A) of Hattie Bennett Subdivision as shown on that certain Plat prepared by Harold R. Johnson, R.L.S. No. 2077, as recorded in Plat Book 18 at Page 138 in the Office of Register of Deed, office of the Clerk of Court for Jasper County, South Carolina.

Together with a 1999 Bellcrest Power Mobile Home, Serial #GBHMM32922A&B

This being the same property conveyed to Maria Hernandez, by Title to Real Estate Special Warranty Deed, dated January 31, 2018, and recorded in Book 971 at Page 0290 on March 5, 2018 in the Office of Register of Deed, office of the Clerk of Court for Jasper County, South Carolina.

(hereafter referred to as "Lot 3").

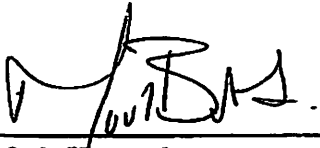
Exhibit 1 to Plaintiff's Motion for Summary Judgment

4. I am the owner of an easement for ingress and egress to Lot 3 from a public highway known as Macedonia Road, on and across a fifty (50') foot easement (hereafter referred to as the "Easement") on and across real property specifically described as a "50' R/W" described further as having bearings of N61° 18'W for 680.0 feet, all as depicted and set out on that certain Plat prepared by Harold R. Johnson, R.L.S. No. 2077, as recorded in Plat Book 18 at Page 138 in the Office of Register of Deed, office of the Clerk of Court for Jasper County, South Carolina (hereafter referred to as the "Plat", a copy of which is attached hereto and incorporated herein as Exhibit "B").
5. There are obstruction within the Easement that violate my Easement rights and access to Lot 3.
6. I believe the obstructions were placed in the Easement, or remain in the Easement, due to Defendant Saffir, and possibly the other Defendants.
7. The encroachments include but are not limited to a utility shed, fence, trees, a portion of a dwelling and a chain. Photographs of the encroachments are attached hereto and incorporated herein as Exhibit "C".
8. Defendant Saffir has also ordered me, my husband, my surveyor and my waste services contractor off of the Easement.
9. Defendant blocked my waste services contractor from the Easement with her person and with a chain on or around August 22, 2018.
10. I desire free and open use of the Easement for its purposes, and that the encroachments be removed to allow same.

(this space left intentionally blank)

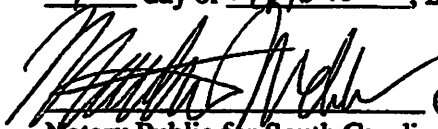
Exhibit 1 to Plaintiff's Motion for Summary Judgment

FURTHER THE AFFIANT SAYETH NAUGHT.



Maria Hernandez

SWORN to before me this
9th day of September, 2019



(L.S.)
Notary Public for South Carolina
My Commission Expires:
March 13, 2029

MATTHEW WEBBER
Notary Public - State of South Carolina
My Commission Expires March 13, 2029

ELECTRONICALLY FILED - 2019 Sep 27 10:45 AM - JASPER - COMMON PLEAS - CASE#2018CP2700507

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 premises before mentioned unto the said Grantee(s) and to the heirs successors and assigns of said Grantee(s) forever.

AND, SUBJECT TO the matters set forth above; Grantor does hereby bind Grantor and Grantor's heirs, successors and assigns, executors, administrators and other lawful representatives, to warrant and forever defend all and singular the Premises unto Grantee and Grantee's heirs, successors and assigns against Grantor and Grantor's successors lawfully claiming, the same or any part thereof but no others.

AND THE SAID GRANTOR covenants that he has not made done, committed, executed or suffered any act or acts, thing or things whatsoever, whereby or by means whereof, the above mentioned and described premises, or any part or parcel thereof, now are, or at any time hereafter shall or may be impeached, charged or encumbered in any manner or way whatsoever.

WITNESS the Hand and Seal of U.S. Bank National Association, as Trustee for Structured Asset-Securities Corporation, Mortgage Pass-Through Certificates, Series 2005-SC1 this 31 day of JANUARY and in the year, Two Thousand and Eighteen (2018) and in the Two Hundred Forty Second (242nd) year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered
In the presence of: Thania Nunez

[Signature]
Witness No. 1

[Signature]
Witness No. 2 Evette Morales

U.S. Bank National Association, as Trustee for Structured Asset-Securities Corporation, Mortgage Pass-Through Certificates, Series 2005-SC1, by: Ocwen Loan Servicing, LLC, Attorney-in-Fact

By: [Signature] 1/31/18
(Signature)
Printed Name: Beonide Durandisse
Title: Contract Management Coordinator

State of FLORIDA

County of PALM BEACH

I, Rafael Gonzalez, a Notary Public for the State of FLORIDA, do hereby certify that, Beonide Durandisse, as Contract Management Coordinator of Ocwen Loan Servicing, LLC, attorney in fact for U.S. Bank National Association, as Trustee for Structured Asset-Securities Corporation, Mortgage Pass-Through Certificates, Series 2005-SC1, personally appeared before me this day and acknowledged the due execution of the foregoing instrument in the capacity stated.

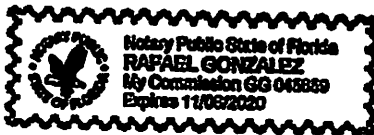
Witness my hand and official seal, this 31 of JAN 2018
[Signature] Rafael Gonzalez P.G. 1-31-18

Personally Known To Me
Raf 1-31-18

Notary Public for the State of FLORIDA

My Commission Expires: —

(SEAL)



POA will be recorded simultaneously herewith

2/10.02

After recording return to: **Exhibit A to Hernandez Affidavit**
Hale and Hale, P.A.
1533 Fording Island Road, Ste 294
Hilton Head Island, SC 29926
File # 5040-02

201800000772 03/05/2018 AT 11:47 AM
OR Book 0971 Page 0290 - 0291
Filed for Record in JASPER COUNTY ROD
Deed Fee: \$10.00
State Tax: \$102.70 Local Tax: \$43.45

Prepared By: Hazel Holmes / ej
AUDITOR JASPER COUNTY, SC

Albertelli Law Partners North Carolina, P.A.
205 Regency Executive Park Drive, Suite 100
Charlotte, NC 28217

DATE: 03/09/2018 12:09:07 PM
Jasper County Assessor's Office
Tax Map No.: 038-01-00-003
Transfer No.: 18-27-281
Cytterrah Cuylear - JASPER COUNTY, SC

Return to: Grantee

Maria Hernandez - Married, taking as separate property
2 Baywood Ct,
Bluffton, SC, 29910

STATE OF SOUTH CAROLINA)
COUNTY OF JASPER)

**TITLE TO REAL ESTATE
SPECIAL WARRANTY DEED**

The designation Grantor and Grantee as used herein shall include the named parties and their heirs, successors and assigns and shall include singular, plural, masculine, feminine or neuter as required by context.

KNOW ALL MEN BY THESE PRESENTS THAT, U.S. Bank National Association, as Trustee for Structured Asset-Securities Corporation, Mortgage Pass-Through Certificates, Series 2005-SC1, with a mailing address of c/o Ocwen Loan Servicing, LLC, 1661 Worthington Rd, Ste 100, West Palm Beach, FL 33409, herein referred to as Grantor(s) for and in consideration of the sum of THIRTY-NINE THOUSAND ONE HUNDRED SIXTY AND NO/100 DOLLARS (\$39,160.00) paid by Maria Hernandez - Married, taking as separate property HEREIN REFERRED TO AS Grantee(s), in the State aforesaid, the receipt of which is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto said Grantee(s), and to the heirs and assigns of said Grantee(s), the following described real estate situated in the County of Jasper of South Carolina, to wit:

All that certain piece, parcel or lot of land being in Jasper County, South Carolina, and being known as Lot 3 of Hattie Bennett Subdivision as shown on that certain Plat prepared by Harold R. Johnson, R.L.S. as recorded in Plat Book 18 at Page 138 in the Office of the Clerk of Court for Jasper County, South Carolina.

TOGETHER with a 1999 Bellcrest Power Mobile Home, Serial # GBHMM32922A&B located thereon.

DERIVATION:
This being the same property conveyed to U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2005-SC1 by Foreclosure Deed of R. Thayer Rivers, Jr. dated July 20, 2017 and recorded in Book 0955, Page 0320, Jasper County, South Carolina.

Jasper County Tax Map No.: 038-01-00-003 and 038-01-00-003A

Common Address: 186 Macedonia Road, Hardeeville, SC 29927

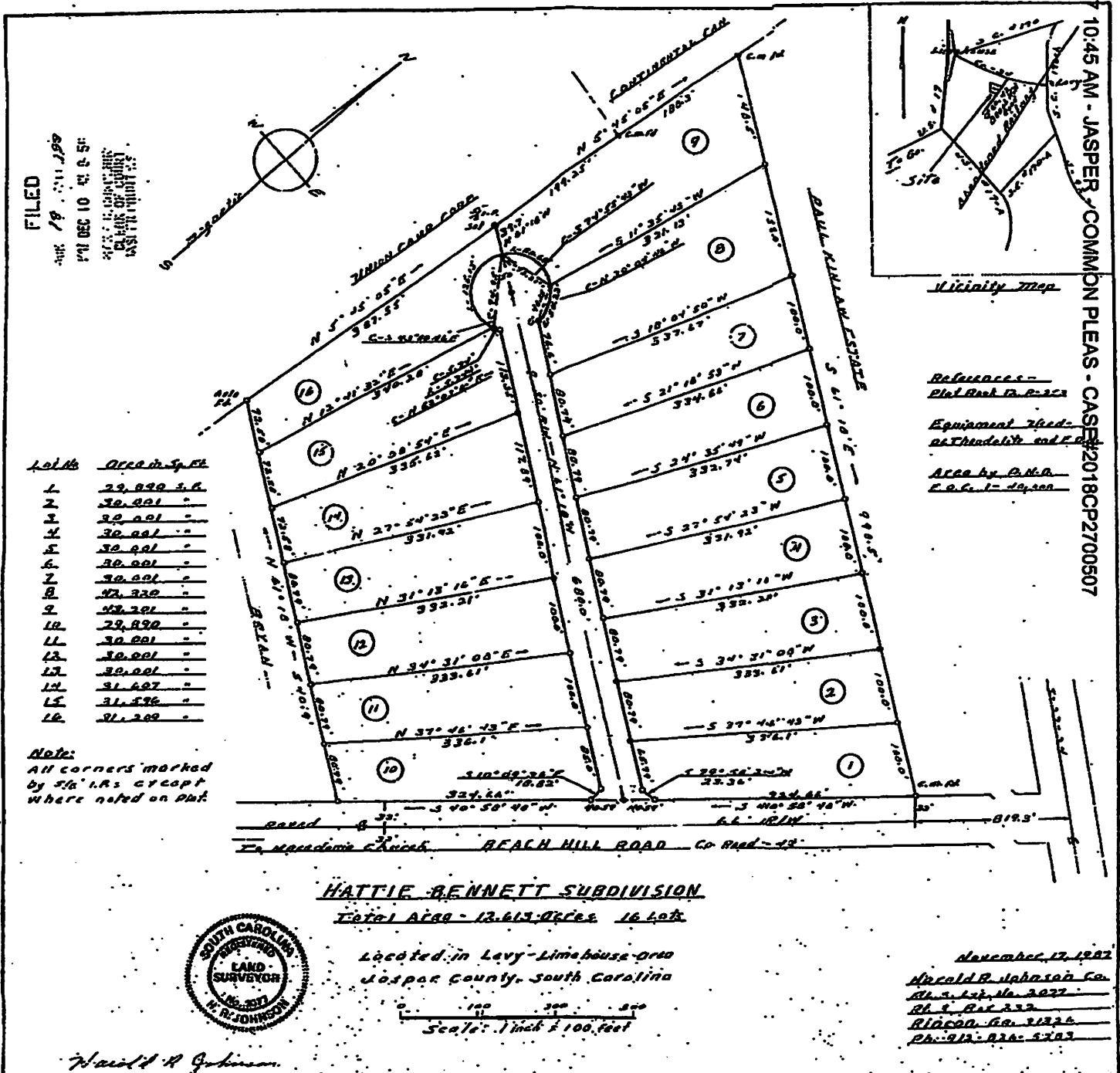
Grantor Address: c/o Ocwen Loan Servicing, LLC, 1661 Worthington Rd, Ste 100, West Palm Beach, FL 33409

Grantee Address: 2 Baywood Ct, Bluffton, SC, 29910

ELECTRONICALLY FILED - 2019 Sep 27 10:45 AM - JASPER - COMMON PLEAS - CASE#2018CP2700507

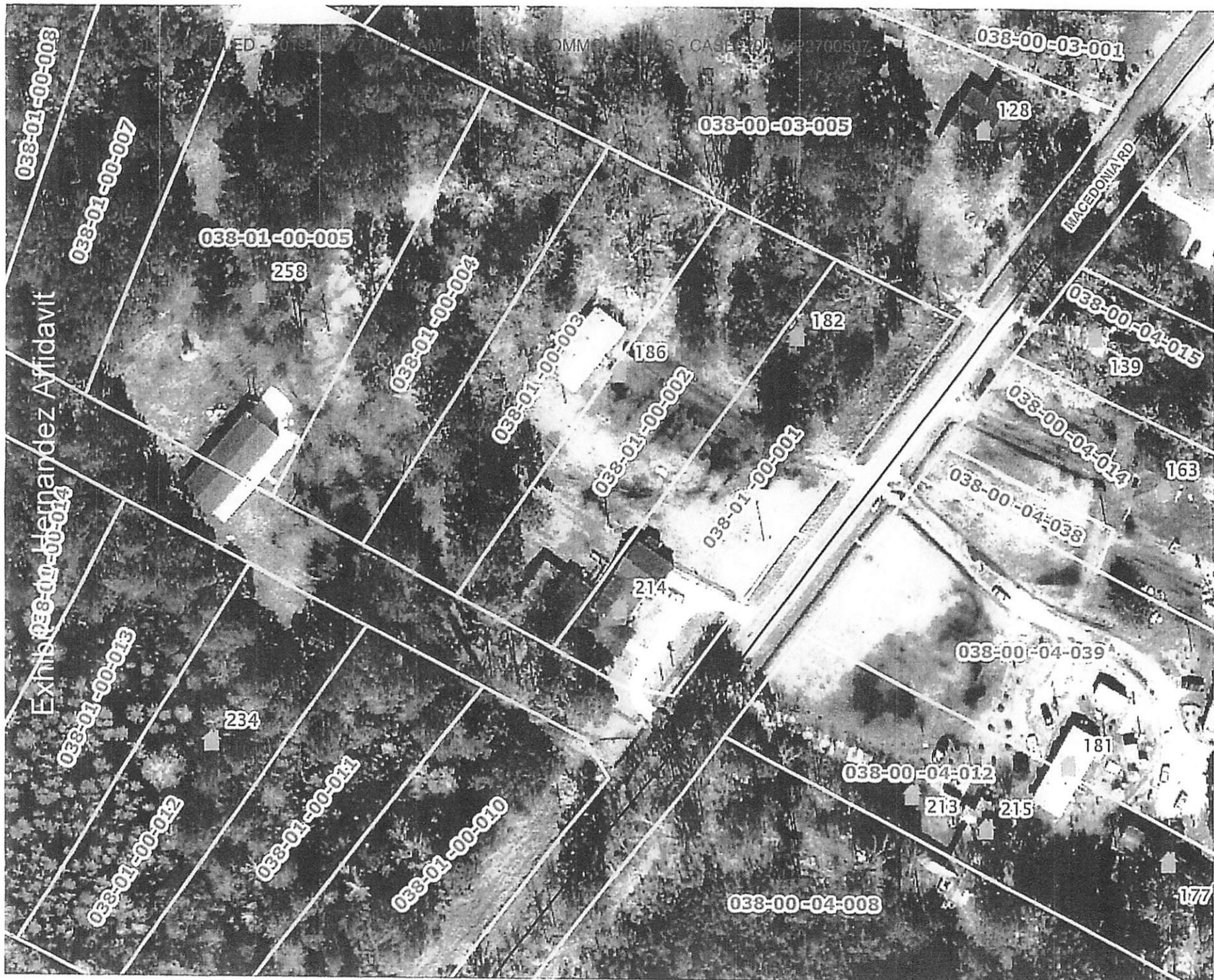
Exhibit B to Hernandez Affidavit

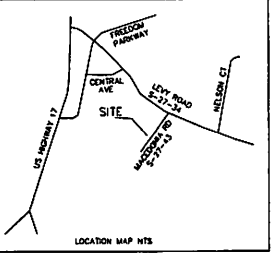
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000040





THIS PLAT PREPARED AT THE REQUEST OF
MARIA HERNANDEZ

A SURVEY OF A PORTION OF
50' ROAD RIGHT OF WAY AS SHOWN
ON PLAT RECORDED IN PLAT BOOK 18 PAGE 138,
LEVY AREA, JASPER COUNTY, SOUTH CAROLINA



LOT 4
N/F MARY V. FIELDS
TM# 038-01-00-004

LOT 3
N/F MARIA HERNANDEZ
TM# 038-01-00-002

LOT 2
N/F MAURICE BENNETT
TM# 038-01-00-002

LOT 1
N/F BENJAMIN JOHNSON
LIFE ESTATE
TM# 038-01-00-001

LOT 12
N/F DELORES BENNETT, ETAL
TM# 038-01-00-012

LOT 11
N/F IDA B. JONES
TM# 038-01-00-011

LOT 10
N/F AUDREY L. KNIGHT
C/O SHAKIRA SAFFIR
TM# 038-01-00-010

I HEREBY STATE TO THE BEST
OF MY KNOWLEDGE, INFORMATION & 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 VISIBLE ENCROACHMENTS
OR PROJECTIONS OTHER THAN SHOWN.

THOMAS G. STANLEY, JR., PLS # 182209

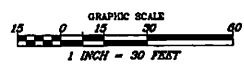
- LEGEND:
- CAF - CONCRETE FOUND
 - RES - 3/4" REBAR SET
 - RSF - REBAR FOUND
 - RP - IRON PIPE FOUND
 - TP - TELEPHONE PEDESTAL
 - OPL - OVERHEAD POWER
 - MTS - NOT TO SCALE
 - R/W - RIGHT OF WAY
 - TC - TELE COMMUNICATIONS
 - C/L - CENTERLINE
 - CP - POWER POLE
 - LP - PROPANE TANK

- TREE LEGEND:
- PIB - 8" PINE
 - WOKR11 - WATER OAK

- REFERENCE
- 1.) PLAT BOOK 18 PAGE 38
 - 2.) PLAT BOOK 36 PAGE 1678
 - 3.) DEED BOOK 971 PAGE 290

JOB # 191318
DATE: JANUARY 9, 2020

TGS LAND SURVEYING
162 SECOND AVENUE
P.O. BOX 2023
RIDGELAND, S.C. 29936
Phone 843-726-9117



BY GRAPHICAL DETERMINATION
NOTE: This Lot Appears To Lie In A Federal Flood Plain
Zone X Minimum Required Elevation N/A FL. NAVD88
FIRM # 45053C0500D 10/18/2019

1 STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
2 COUNTY OF JASPER) DOCKET No: 2018-CP-27-00507

3
4
5
6 Maria Hernandez,)
7)
8 Plaintiff,)

9 vs.) REHEARING
10) JULY 21, 2020

11 Mary V. Fields, Dora Bennett,)
12 Shaakira Saffir a/k/a)
13 Shaakira Saffir Nia Rashad)
14 f/k/a Audrey I. Knight.)
15)
16 Defendants.)

17 _____)

18
19
20 This rehearing before the HONORABLE R. THAYER RIVERS,
21 JR., Jasper County, was taken remotely via Zoom video-
22 conference, on the 21st day of July, 2020 before Janice L.
23 Stanton, Court Reporter and Notary Public in and for the
24 State of South Carolina.

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APPEARANCES:

Representing the Plaintiff:

DREW B. WALKER, ESQUIRE
Rogers Lewis Jackson Mann & Quinn, LLC
1901 Main Street, Suite 1200
Columbia, South Carolina 29201
dwalker@rogerslewis.com

HONORABLE R. THAYER RIVERS, JR., ESQUIRE
252 Russell Street
Ridgeland, SC 29936
Jasper County
riverslaw@gmail.com

ALSO ATTENDING:

Plaintiff: Maria Hernandez
Defendant: Dora Bennett
Defendant: Shaakira Saffir

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EXHIBITS

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- Survey/plat of 50' road right-of-way, recorded in plat
book 18, page 138, Jasper County, South Carolina

COURT REPORTER'S LEGEND:

Garber Reporting
info@garberreporting.com

dashes [--] Intentional or purposeful interruption

... Indicates trailing off

[ph] Denotes phonetically written

[sic] Written as said

1 PREFACE COMMENTS:

2 COURT REPORTER: Did someone else just join the
3 conference?

4 MR. WALKER: Yes, Ms. Maria Hernandez, who is my
5 client, joined the conference I believe. Ms. Hernandez,
6 are you there?

7 MS. HERNANDEZ: Yes, I'm here.

8 JUDGE RIVERS: We've got a real thick file on this.
9 Can you see if you can find it?

10 MR. WALKER: I do not -- I do not anticipate that Ms.
11 Hernandez is going to be testifying, so -- but I will not
12 direct you to swear her in. I think we'll just -- will not
13 swear her in.

14 COURT REPORTER: All right, thank you.

15 WHEREUPON

16 MS. SHAAKIRA SAFFIR, being duly sworn and cautioned
17 to speak the truth, the whole truth and nothing but the
18 truth, testified as follows:

19 MS. DORA BENNETT, being duly sworn and cautioned to
20 speak the truth, the whole truth and nothing but the
21 truth, testified as follows:

22 COURT REPORTER: I am ready to begin. We are on the
23 record. And Judge Rivers, I might have to ask you to
24 speak up just a little bit. You just made a statement and
25 I just -- I caught a little of it, so -- but we're ready

1 to go. We are on the record.

2 JUDGE RIVERS: I'm sorry.

3 COURT REPORTER: No, that's okay. Thank you.

4 STATEMENTS OF THE COURT:

5 JUDGE RIVERS: ~~MR. WALKER:~~ HEARING PROCEEDINGS

6 ARGUMENT BY MR. WALKER:

7 MR. WALKER: Thank you, Judge Rivers. May it please
8 the Court, I am attorney Drew Walker, Bar No. 78271, out
9 of Rogers Lewis Law Firm in Columbia. This is the
10 Plaintiff's Motion for Summary Judgement. It was filed in
11 September of 2019. We had a hearing at Judge Rivers'
12 office in November of 2019, where he granted the Motion.
13 However, I requested a rehearing because we did not have a
14 court reporter at the first hearing. And so in order to
15 have a transcript and to have everything on record, and to
16 give the defendants the benefit of making any argument
17 they want to make on the record, I felt like we needed to
18 proceed with the rehearing. So we are here today, again,
19 on this Motion for Summary Judgement as outlined in the
20 written motion that's filed with the Court, as well as the
21 supporting exhibits. Exhibit 1 is the Affidavit of Maria
22 Hernandez, and then there are three exhibits attached to
23 Ms. Hernandez's Affidavit, which are Exhibits A, B, and C.
24 This is a request for a declaratory judgement which orders
25 that an easement exists which is found on Exhibit B to the

1 Hernandez Affidavit. It is a plat; it's a plat of the
2 Hattie Bennett Subdivision. It's recorded of record in
3 the Jasper County Courthouse, and it clearly establishes a
4 50 foot easement that comes off of Macedonia Church Road
5 into the Hattie Bennett Subdivision, which is comprised of
6 16 lots that she subdivided. My client, Ms. Hernandez,
7 owns lot number 3. She currently cannot access the 50
8 foot easement because of impediments that are extending
9 into the road. We believe those impediments were placed
10 -- were placed there by Ms. Saffir. I believe there is a
11 garage -- or excuse me, a shed -- that's on there that is
12 within the 50 foot easement, as well as part of the home
13 that was improved that's on lot number one, that extends
14 into the easement, as well as a metal fence that is
15 keeping my client from being able to access the easement.
16 So we are asking for access. We believe the South
17 Carolina law provides for that because the easement is
18 dedicated by a plat. There's a reference to the plat in
19 Exhibit B. The case of Carolina Land Company versus Bland
20 (B-L-A-N-D) can be found at 265-SC98, 217 Southeast
21 Second, at 16, a 1975 case that clearly shows that a plat
22 can be indicated by an easement, and that it is
23 irrevocable. I think it is undeniable that Ms. -- that
24 Hattie Bennett intended to have a plat that would serve
25 all 16 lots, and therefore, we feel like we are entitled

1 under our first cause of action to have a judgement
2 declaring that we have an easement, and requiring under
3 the permanent injunction portion of that cause of action,
4 to have Ms. Saffir remove those impediments. At the first
5 hearing in November of 1977, Judge Rivers requested that we
6 order an updated plat which we have done. It was done by
7 a Mr. Thomas G. Stanley, that has been filed with the
8 Court, I'm almost certain. I know it's been served upon
9 the defendant, and it shows that the residence is
10 extending about 25 to 30 feet into the 50 foot easement,
11 as well as a metal fence that encompasses almost the
12 entirety of the easement. So we are asking that the metal
13 fence be removed. There's a shed that extends a few feet
14 into the easement; that would be the western portion of
15 the -- of the easement. And so I believe that my client
16 will be able to -- with some maintenance and some dirt-
17 fill -- will be able to drive a truck -- delivery trucks
18 and what she needs to get through there, without tearing
19 down the residence. We do not necessarily waive any
20 rights to removing every single impediment that is
21 obstructing the easement, but at this time, we don't think
22 we'll be -- we'll need to be able -- that we will have to
23 do that in order to access it how we want to. But we're
24 not waiving any future rights to -- to request that
25 because clearly, things have just been, unfortunately,

1 built into the easement. So we are asking for the relief
2 of what is in the motion, which I hereby incorporate into
3 my argument, and I'm happy to answer any questions that
4 Judge Rivers may have.

5 STATEMENTS OF THE COURT. HEARING PROCEEDINGS

6 JUDGE RIVERS: Well, if you remember from the prior
7 hearing, for a number of years, I was Ms. Bennett's --
8 known to everybody as Sweeney -- I was her lawyer. I did
9 some loans for her at C&S Bank, and I haven't done
10 anything for her in the last 30 years, but I know exactly
11 where the property is. And the subdivision was done and
12 laid out and the plat recorded. And once you record the
13 plat and sell one lot, you can't go back and unscramble
14 the egg; that's what I think the heirs are having a hard
15 time understanding. But I know exactly the property, and
16 when -- I've looked at it again since this got started, so
17 that's exactly what's going on. We've got somebody that
18 built across the easement, and since it wasn't used, they
19 thought there was nothing wrong with it. The problem is,
20 once the lot is sold and Ms. Hernandez buys it, she has a
21 certain bundle of rights that can't be taken away from
22 her. So I need to hear from Ms. Bennett and Ms. Saffir,
23 their positions on this.

24 STATEMENTS BY MS. BENNETT:

25 This is Ms. Bennett, and I'm part of the case. I

1 have nothing to do with that part of the easement because
2 we had told Ms. Hernandez that she could come on the other
3 side and -- and not my side, but there is a -- a driveway
4 which my brother used to use, that she could have went to
5 her house, and -- and ~~HEARING PROCEEDINGS~~ and that would have been fine
6 with us. But the easement must have been -- built on
7 easement, so we wouldn't mind her, if she had came on the
8 other side and went to her house. But she wanted to come
9 through where I had built a -- a driveway, and I tried to
10 tell her. She wasn't the nasty one. Ms. Hernandez
11 wasn't; it was her husband. He was trying to tell me my
12 house was the easement, and you said that it wasn't. And
13 you know I didn't have nothing to do with that because
14 that was built in 2005, and that easement was built in
15 1996. So you know, I had nothing to do with it, Judge,
16 because you were out of this. You don't have nothing to
17 do with it, so you were clear. And that you showed me --
18 showed us the part, and when the people came, I told them,
19 "Okay, I was fine," and they was going to -- she was going
20 to clean out that -- that whole house she got there. And
21 they was going to make a new easement that goes straight
22 down through a golf course. ^{Garber Reporting} I was fine with it. I ain't
_{info@garberreporting.com}
23 had nothing to do with it, because it had -- it had
24 nothing to do with my property. Because for right now, I
25 have to get my property straight because I got -- I'm

1 living in a graveyard.

2 JUDGE RIVERS: Okay, Ms. Bennett. Ms. Saffir?

3 STATEMENTS BY MS. SAFFIR:

4 Okay. First off, like I said before, and I'm going
5 to continue to say, ~~is that this is heirs' property.~~ ^{HEARING PROCEEDINGS} And
6 I talked with an attorney, and this is a Deed of
7 Distribution. Now my mother do have a -- we do not have a
8 easement, and I did a answer to the Complaint, and I --

9 JUDGE RIVERS: Yes, ma'am.

10 MS. SAFFIR: -- and I said then that there was no
11 easement in the plat.

12 JUDGE RIVERS: Okay.

13 MS. SAFFIR: And on that plat, there is a road.

14 Okay. If my mother was intending to put a road there, I
15 think she would have put it there before 2004. I've been
16 living on this piece of property since 1994. After I got
17 out the military, I moved to -- to South Carolina, and
18 that was in 1994 that I put the first home here. The
19 width of my house is the same that -- of the house that I
20 live in now, besides the fact that I put a fence around
21 this house. Okay. The Deed of Distribution I'm told --
22 okay -- by an attorney, ^{Garber Reporting} ~~is that~~ ^{info@garberreporting.com} the property goes -- when
23 my mother left her Will, she did not indicate any children
24 for receiving any of this property. What she did was, she
25 just put it as her issue. And I'm told that this property

1 is not even divided yet -- okay -- because the other areas
2 that -- it belongs to all of us until we actually get
3 deeds to -- in our names for this property. Now
4 Ms. Hernandez have made some statements, and I've never
5 spoken to her but one time, and I do remember speaking to
6 her then. I think her husband came up here, and he was
7 saying, you know -- I just told them that it was heirs'
8 property, and they couldn't come on. I wasn't rude or
9 anything, but yet in her Complaint, she made these false
10 accusations. So now I feel kind of harassed about what's
11 going on because I feel like this is not even legal.
12 You'll have to -- to get on this property, I would think
13 you would have to contact all of the heirs. Now generally
14 --

15 JUDGE RIVERS: No, ma'am.

16 MS. SAFFIR: Now the gentleman was told -- Judge
17 Rivers --

18 JUDGE RIVERS: We've already gone through that. We
19 went through that the first hearing. We dealt with it
20 all.

21 MS. SAFFIR: I didn't -- I didn't interrupt.

22 JUDGE RIVERS: Yes, ma'am ...
Garber Reporting
info@garberreporting.com

23 MS. SAFFIR: I didn't interrupt anybody. I didn't
24 interrupt before. Okay? Judge Rivers said at the last
25 hearing that attorney Drew was supposed to contact my

1 siblings. Okay? And that was never done. Nobody even
2 addressed my answer to the Complaint where I asked for
3 this to be dismissed -- dismissed and then you could bring
4 it against all of us.

5 JUDGE RIVERS: ~~Okay.~~ HEARING PROCEEDINGS

6 MS. SAFFIR: But there is no -- there is no easement
7 down there at that courthouse in the plat. My mother
8 never did divide the land up. It was -- my brother is
9 close to a road to get to his house. I don't have to ride
10 through a road to get to my house. My sister built the
11 road so she could get to her house, but we never did do
12 any type of -- of road to get to these houses because
13 these siblings are not even here; they're not living here.
14 And so I -- I asked that this Complaint against me --
15 myself. Okay?

16 (Telephone rings)

17 MS. SAFFIR: Excuse me just a minute. Because you're
18 asking the wrong person (inaudible) going onto the
19 property.

20 (Telephone continues to ring)

21 COURT REPORTER: Excuse me. Excuse me --

22 MS. SAFFIR: ^{Garber Reporting}Not only that, ^{info@garberreporting.com}but then you're talking
23 about tearing down something that I've been here for so
24 long. So I don't think that -- I want to have a attorney
25 to be able to trust you two guys, so that this can get

1 ironed out directly. Because it's just -- it's not just
2 from telling me that, "You can come in here," after I've
3 been living here over 25 years, for me to tear down
4 something, you know. And so --

5 JUDGE RIVERS: ~~Okay!~~ HEARING PROCEEDINGS

6 MS. SAFFIR: -- that's it. So I just don't think
7 that the Complaint is valid, and I think that if there's
8 going to be a Complaint, it should be a Complaint against
9 the heirs of this property because there's a Will.

10 There's no -- everything that's here, and there's a Deed
11 of Distribution that says that we all own this. And
12 that's it.

13 MS. BENNETT: This is Dora Bennett. Can I speak
14 again?

15 JUDGE RIVERS: Go ahead, Ms. Bennett. I want
16 everybody to get their piece in. Go ahead.

17 CONTINUING STATEMENTS BY MS. BENNETT:

18 Okay. I want you all to know that that -- what my
19 sister is talking about, the road that my dad -- that she
20 talking about, that was the road that went straight to the
21 graveyard. My sister built on that graveyard road. We
22 all would use that road to go straight to the graveyard.
23 She built on it. She built the fence, and she built on --
24 she built garages on that thing, and that's the way it was
25 before. Everybody used that road, and my brother, Luther,

1 had that road going to his house. He didn't use that
2 other road. He used that before that occurred, and then
3 he started using another road. And plus, my sister, Ida,
4 got her house deeded in her name. My brother, Ross -- I
5 mean Benjamin, got his ~~house~~ ^{HEARING PROCEEDINGS} deeded in his name. Isaiah
6 got his deeded in -- in his name. My nephew got a deed
7 that Mary Fields gave up -- gave to him of her own, that
8 they claim that -- it -- it -- it is heirs' property, but
9 five lots are not heir property. Five lots belonged to
10 Mary Fields. She is not here. She gave it to who she
11 wanted to before she passed. It's in the Will. It's in
12 her Will and -- Last Will and Testament. I took it to the
13 Judge. She said I have to get a lawyer and come down
14 there to her so she could get it straightened out; that's
15 what happened. And I told my sister when she came down
16 here was we -- when this pandemic was over, we would go to
17 the Judge, and Mary Fields' property will be distributed
18 to who she distributed it to. But as far as that
19 easement, that easement was the road that my sister built
20 for her. That was the road that went to the graveyard,
21 for -- for Shaakira; that's the road that went to the
22 graveyard, that she built on. ^{Garber Reporting}
^{info@garberreporting.com} And I told her -- speaking
23 to her before -- I didn't have nothing to do with it. But
24 her husband didn't want to hear it. I told them he could
25 have moved in there a long time ago because I told them to

1 come through the -- through the other side, move in his
2 house, and go on about his business. He didn't want to do
3 that. He wanted to come through the property that I live
4 on and come across my grass. But I told him, "Use the
5 other side." My little ~~sister~~ ^{HEARING PROCEEDINGS} Mary, before she died, she
6 told us that he could use the other side. They decided
7 not to use the other side. But they could have been moved
8 in that house because they could have used the other side
9 and got in because nobody lived on that side. And to get
10 to that trailer, there is a way that they can get to that
11 trailer without even having to tear down anything that
12 Shaakira have. There is another way to do it. But like
13 you said, if she tear down the shed, they can make their
14 own road that they can pull that down and go through
15 there. The easement that he dig -- and make another
16 easement that will go to everybody's property because
17 nobody else can get to their property because of the way
18 she built that -- that -- that street and her garages and
19 stuff. I'm finished, sir, and I hope I --

20 MR. WALKER: Your Honor, if I may --

21 MS. SAFFIR: Do I get to say something?

22 MR. WALKER: May I ^{Garber Reporting} ^{info@garberreporting.com} briefly respond to the Argument?

23 JUDGE RIVERS: One motion at a time. Mr. Walker,
24 please talk.

25 ARGUMENT RESUMED BY MR. WALKER

1 Thank you, Judge. Just to respond to something that
2 Ms. Saffir said, I did not have any recollection or notes
3 -- and I would have recalled this and would have made a
4 note if Your Honor had asked me to call her, so I dispute
5 that. The second thing is ~~HEARING PROCEEDINGS~~ and I think Your Honor
6 understands this well and clear -- is that the only
7 property that is subject to this action is the 50 foot
8 easement, and that's not owned by any of the heirs. That
9 is a right-of-way with whoever the 16 lot owners are. And
10 that may be some of the heirs, but we're not -- we're not
11 arguing about any of the lots in question. We're arguing
12 about the easement that accesses those lots, and the
13 property that is within that easement. Those are the only
14 things that are subject to the action. So while there may
15 be some heirs' property in the subdivision, it's not the
16 subject of this action, and so we're asking for the relief
17 that is limited to the easement, and the impediments, and
18 the removal thereof, of the -- within the easement.

19 MS. SAFFIR: Can I speak? This is Shaakira.

20 JUDGE RIVERS: Yes, ma'am.

21 CONTINUING STATEMENTS BY MS. SAFFIR:

22 Okay. There -- there is no easement. When you look
23 at the road, we pay taxes for all of that. That's not the
24 road that's not being taxed -- paid for. Taxes are being
25 paid for -- for all of the property. So the 16 lots is a

1 part of the road because it's not a easement. When you
2 say "easement," there's not a easement recorded at -- at
3 -- at the courthouse. Okay? It's a dusty road that my
4 mother, when she bought this property, she was -- that's
5 how we would have gotten to our home. Okay? It had
6 nothing to do with the county or nothing. She would have
7 had to build that road and everything. It had nothing to
8 do with the county building the road. And so I understand
9 what you're saying about the lots. You know, we're not
10 talking about the lots. We're talking about Ms. Hernandez
11 trying to have access to get to her property. Okay? But
12 there was never no vote, and there was never no intention.
13 My mother left that -- that -- all that information or --
14 or -- in her Will for us to do. And -- and -- she left it
15 the way she wrote this Will. Okay? Maybe you could take
16 a look at the Will to see exactly what I'm trying to
17 explain; that this is -- there is no road. There's never
18 been a road there, and if her intentions were, when she
19 bought the property to -- and said to divide it, she would
20 have had already -- she would have put that road there.
21 But my mother left it so that before she passed, that we
22 would have it -- that we would have to pass in order for
23 even that road to probably get there. Now that's the way
24 she wrote this Will. I'm told this is the Will, the way
25 she wrote it. It -- it's like a old law, but that's the

1 way it is. And just to correct my sister, Dora, because
2 this death of family dispute that she's talking about --
3 and all I can say is she's not really up on what she's
4 talking about, but it's okay, because I'm not here to bash
5 her. Okay? But this is all Hells' property, and then
6 deeds in the courthouse, and there's a Will. Not Mary
7 Fields' Will. Mary Fields was her daughter. Okay? But
8 there's a Will out there that says that Mary Fields didn't
9 have anything that got excluded from -- from this
10 property. So as I was saying before, the way this
11 Complaint is written, it's -- you know, I'm not saying
12 that you all can't come on this property if you do it the
13 correct way. But I feel like the way you're trying to do
14 it -- okay? -- is like harassment and -- and that you're
15 trying to do something because we don't have attorneys
16 here to -- to represent. But if that's what it takes for
17 me to get, then that's what I will get to get this
18 resolved, because right now, I've talked to several
19 attorneys, and we're not the ones that you should be
20 having the Complaint against. It should be against all my
21 siblings.

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22 COURT RULING:

23 JUDGE RIVERS: Well, the one thing I seem to have no
24 ability at all to get you all to understand is this. When
25 Sweeney Bennett does a plat and records the plat in the

1 courthouse, all the proposed roads on that plat become
2 easements. Anybody that buys land off that plat is
3 entitled to every single thing shown on that plat,
4 including proposed roads that have never been opened up.
5 And that's what this ~~is about.~~ ^{HEARING PROCEEDINGS} And in her --

6 MS. SAFFIR: Well --

7 JUDGE RIVERS: -- in her chain of title, it came from
8 Sweeney Bennett. What you all got when Ms. Bennett died
9 and gave you, you got what she had left. But she has left
10 a property where she had sold at least one lot, and they
11 were entitled to everything on that plat. And if you've
12 talked to lawyers, for goodness sakes, I wish you would
13 have brought them in a year ago. In the meantime, you and
14 Mr. Walker draw up an Order granting --

15 MS. SAFFIR: I just want --

16 JUDGE RIVERS: I'm not finished, ma'am -- granting
17 the relief he's asked for, send it to me, and make sure
18 everybody is properly served so they have the proper time
19 to appeal if they so wish. That's my ruling.

20 MR. WALKER: Thank you.

21 JUDGE RIVERS: Thank you all very much for being
22 here.

23 MR. WALKER: Thank you.

24 (There being no further questions, this

25 Rehearing concluded at 2:37 p.m.)

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ATTACHMENT:

By request of attorney Drew Walker, of Rogers Lewis Jackson Mann & Quinn, the following document was attached to this transcript on Friday, July 31, 2020.

DEFENDANT'S EXHIBIT 1 MARKED FOR IDENTIFICATION PURPOSES (1 page) - Survey/plat of 50' road right-of-way, plat book 18, page 138, Jasper County, SC.

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CERTIFICATE OF REPORTER

I, JANICE L. STANTON, COURT REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, HEREBY CERTIFY THAT I REPORTED THIS PROCEEDING, ON TUESDAY, THE 21ST DAY OF JULY, 2020, AND THAT THE FOREGOING 20 PAGES CONSTITUTE A TRUE AND CORRECT TRANSCRIPTION OF MY STENOMASK REPORT OF SAID PROCEEDING.

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.

TRANSCRIPT WAS THEREAFTER SEALED BY ME AND DELIVERED TO DREW B. WALKER, ESQ., ROGERS LEWIS JACKSON MANN & QUINN, LLC, 1901 MAIN STREET, SUITE 1200, COLUMBIA, SOUTH CAROLINA 29201, WHO WILL RETAIN THIS SEALED ORIGINAL TRANSCRIPT AND SHALL BE RESPONSIBLE FOR FILING SAME WITH THE COURT PRIOR TO TRIAL OR ANY HEARING WHICH MIGHT RESULT IN A FINAL ORDER ON ANY ISSUE.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 22ND DAY OF JULY, 2020.

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JANICE L. STANTON, COURT REPORTER

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Mar 25 2021

Certificate of Counsel

SC Court of Appeals

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.

March 25, 2021

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