

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

DEPOSITION

PERSONALLY APPEARED before me LAWRENCE F. BROOKS and his wife, HELEN G. S. BROOKS, who first being duly sworn, state, set forth and depose, together and in singular and in the presence of the witnesses whose signatures are hereunto subscribed, as follows, to-wit:-

(1) THAT they are the same Lawrence F. Brooks and wife, Helen G. Brooks, whose names appear as the Parties of the Second Part in a Deed made the 25th. Day of March, A. D. 1938 by N. N. Jackson and his wife, Ethel C. Jackson, Parties of the First Part, conveying unto the said Lawrence F. Brooks and his wife, Helen G. Brooks, the deponents hereof, a tract of land known as lots Nos. 45, 46 and 47 of the Holmes Hill section of the Lake Lanier subdivision situated in part in Glassey Mtn. township of the County of Greenville, State of South Carolina and in part in Tryon township, County of Polk, State of North Carolina, said lots being duly recorded on a plat of said subdivision by the Tryon Development Company in office of the Register of Deeds for Polk County, N. C. and in the R. M. C. Office of Greenville County, S. C. and said Deed being duly recorded in Book 66 of Deeds, on Page 335 in the Office of the Register of Deeds for Polk County North Carolina, and

(2) THAT from on or about the date of the execution of the aforesaid date until on or about the 10th. Day of July, A. D. 1943, said deponents hereof were in permanent and continuous residence on the premises of the aforesaid lots Nos. 45, 46 and 47, and

(3) THAT during their said residence upon said premises, they, their friends, the employees of the public utilities, laundries, dry cleaners, merchants and various and sundry persons of the general public, afoot or in vehicles, had, enjoyed and constantly made use of a driveway extending from the rear of said premises, over, through and across a lot designated as No. 88 on the aforesaid plat of the Tryon Development Company, to, and entering upon, a public road known as the Upper Lake Drive and being the R. F. D. mail route, for the purpose of attaining ingress to and egress from said tract of lands Nos. 45, 46 and 47 in the pursuit of business and pleasure, and

(4) THAT at no time during their and the said others' use of said driveway during deponents said residence upon said premises, were they hindered, prohibited, denied or or in any manner whatsoever restrained from using said driveway. Nor to the best of their knowledge and belief, was the said use of said driveway, by them or the persons described, even, in any manner protested by the Richards Realty Company, then owners of the said Lake Lanier subdivision or by any other firm, corporation or individual, and

(5) THAT, to the best of deponents knowledge and belief, said use of said driveway was, and is, one of "the privileges, appurtenances, hereditaments, rights, members and easements" of said premises conveyed unto them by said Deed and thereafter conveyed by them by Deed to the succeeding owners of said lots Nos. 45, 46 and 47.

IN WITNESS WHEREOF they set hereunto their hands and seals this 28th day of August, A. D. 1944.

IN THE PRESENCE OF:

Charles W. Cox

Florence M. Cox

Lawrence F. Brooks (SEAL)

Helen S. Brooks (SEAL)

SWORN AND SUBSCRIBED TO before me, this 28th day of August, A. D. 1944 at Lake Lanier, Glassey Mtn. Township, State and County first aforesaid.

Charles Cobia West (SEAL)

Notary Public, So. Car.



STATE OF NORTH CAROLINA
COUNTY OF GREENVILLE.

Personally appeared before me Florence M. Cox and made oath that she saw the within