

FILE NO. 1000

STATE OF SOUTH CAROLINA :
COUNTY OF GREENVILLE : IN COUNTY COURT

David E. Alexander, :
Plaintiff, :

-vs-

RELEASE

South Carolina State Highway :
Department, :
Defendant. :

WHEREAS, David E. Alexander is the owner of that certain lot known and designated as Lot No. 106 of Avalon Estates, plat of which is recorded in the L.L.C. Office for Greenville County in Plat Book 3, at Page 89; and

WHEREAS, during 1957 and 1958, the South Carolina State Highway Department constructed a new highway near Furman University, in the County and State aforesaid, said highway being known as the Poinsett Highway, (U. S. Highway No. 25 North), which highway runs to the rear of plaintiff's said lot. In the construction of said highway, the defendant installed a 24 inch concrete pipe thereunder and to the rear of plaintiff's property for the purpose of carrying off surface water from in and around plaintiff's property. As a result of a heavy rain on October 9 and 10, 1959, plaintiff's property was flooded as a result of which plaintiff filed an action against the defendant for damages in the amount of \$2500.00 and further prayed for an injunction against the defendant to abate the nuisance. This matter was tried on November 1, 1960, in the County Court for the County and State aforesaid and the jury returned a verdict in favor of plaintiff against the defendant in the amount of \$2100.00. Testimony indicated that plaintiff's property had been flooded at times other than on October 10, 1959, and at the conclusion of said case the defendant made a motion for a

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