

# SOUTH CAROLINA LAWYERS WEEKLY

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## Darlington Landowners Win \$540,000 Verdict In Easement Dispute With Power Company

■ BY S.C. LAWYERS WEEKLY STAFF

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### \$540,000 Verdict

In August 2002, Progress Energy Corporation notified Dr. Pickens K. Moyd Sr. that it intended to run a high-voltage power line through his family's farm in Darlington County. As this would be the third public utility easement taken on the farm, the Moyds objected. In October 2003, Progress Energy offered a total of \$31,640 for three easements totaling 162.03 acres across the farm. This did not include strips clear-cut of "danger trees," or timber damages. Progress Energy condemned the Moyds' land in December 2003, and built a 230kv transmission line through the family farm. The Moyds and their four grown sons challenged Progress Energy's damages assessment, and the case went to a jury.

Principal injuries (in order of severity): Progress Energy has the easements "forever." The transmission lines tower structures required clear-cutting through the Moyds' game preserve, diagonally across one of their agricultural fields and adjacent to a decades-old cultivated duck pond. The Moyd family farm is also their homeplace, and, since the late 1960s, they have done extensive rural land management of their land. The eminent domain law gives a jury the right to set damages.

### SETTLEMENT REPORT— EASEMENT

**Special damages:** n/a

**Tried or settled:** Tried

**County where tried or settled:**  
Darlington

**Case name and number:** Progress Energy Carolinas, Inc. v. Moyd, Civil Action No. 04-CP-16-0063/0064/0065

**Date concluded:** May 5, 2006

**Name of judge:** J. Michael Baxley

**Amount:** \$540,000

**Insurance carriers:** n/a

**Expert witness & area of expertise:**  
Landowner: H. Rogers Cobb, rural real estate appraisal; Condemnor: Andrew Fowler, real estate appraisal.

**Attorneys for landowners:** J. Edward Bell III, of Georgetown; Martin S. Driggers Sr., of Hartsville; and Elise F. Crosby, of Georgetown.

**Other useful info:** n/a

**Submitted by:** J. Edward Bell III