James Mahurin - Deposition AI Summary Long

Tidewater Plantation Community Association v. Norton • June 10, 2025

What This Document Is

This is a legal deposition — a formal, recorded interview under oath — of James Mahurin, an insurance and risk management consultant. It took place on June 10, 2025, via Zoom, with Mahurin appearing from Franklin, Tennessee. He is testifying as an expert witness on behalf of the Nortons in the same lawsuit between the Tidewater Plantation HOA and Suzanne and Kenneth Norton.

Who Is James Mahurin?

Mahurin has spent his entire career in the insurance industry. After serving in the U.S. Coast Guard, he worked as a property and casualty insurance agent in Louisiana, Kentucky, and West Virginia before settling in Franklin, Tennessee, where he has operated for 29 years. He now works exclusively as a fee-only risk management and insurance consultant — one of only about 300 such consultants in the U.S. and Canada. He has completed advanced insurance curriculum programs (CPCU and ARM), holds no current active insurance licenses, and has served as an expert witness in nearly 200 cases, primarily on flood insurance matters. He spent five years in New Orleans after Hurricane Katrina working on flood-related legal cases.

Why Was He Brought Into This Case?

Mahurin was contacted out of the blue by someone connected to the Nortons' side and asked for his opinions on flood insurance. He had conference calls with the Nortons and later submitted a formal affidavit (dated December 21, 2022). He is testifying specifically about flood insurance — not about the overall height of the building or HOA rules. His core message is simple: you should never build a house in a flood zone at the minimum allowed elevation. He strongly recommends building as high above the base flood elevation as possible to reduce insurance premiums and long-term risk.

What Is the Base Flood Elevation (BFE)?

The Base Flood Elevation is the minimum height FEMA says a home's first floor must reach to reduce flood risk. Federal rules require a home in a flood zone to be built at least 1 foot above the BFE. Mahurin's advice to clients goes much further — he recommends 2, 3, or even 4 feet above BFE because each additional foot significantly lowers flood insurance premiums. The Nortons' lot is in an AE flood zone (previously rated AE12, now AE11), meaning the flood risk is well-established. Mahurin notes that in his experience, flood maps tend to only get stricter over time — elevations go up, not down.

His Expert Opinion in This Case

Mahurin's affidavit argues that the Nortons' decision to build their home higher than the HOA wants is the right thing to do from a flood insurance standpoint. He believes the HOA's Design Review Board has a fiduciary duty — a legal obligation to act in the community's best interest — to follow flood ordinances, and that failing to do so could put all of Tidewater Plantation's homeowners at risk of losing eligibility for the National Flood Insurance Program (NFIP).

The HOA's Attorney's Counter-Argument

The HOA's attorney, Taylor Cary, pressed Mahurin hard on several points. She pointed out that: (1) The DRB denied the Nortons' plans based on the overall maximum height of the house — not on where the first floor was placed relative to the flood elevation. (2) Mahurin admitted that the overall height of a building has no impact on a homeowner's ability to obtain flood insurance coverage. (3) Mahurin acknowledged that Tidewater already requires homes to be built at 1 foot above BFE, in line with federal rules. (4) When asked directly whether the HOA properly denied the plans if they exceed the city's height ordinance, Mahurin deflected, saying his concern is with the lowest floor elevation — not the roof height.

Key Limitations of Mahurin's Testimony

The HOA attorney highlighted several weaknesses in Mahurin's position. He has never worked in South Carolina. He did not review the HOA's governing documents. He prepared his original affidavit with very few documents in hand — maybe one or two. He admitted he does not know the specific relationship between FEMA and NFIP, and that his claim about a 'fiduciary duty' was simply his own opinion, not based on any South Carolina legal authority. Ultimately, his expertise is squarely on flood insurance premiums and risk — not on whether a specific home design complies with a zoning ordinance or HOA rules.

Bottom Line

Mahurin was brought in to bolster the Nortons' argument that building higher makes financial and safety sense from a flood insurance perspective. His core message — build above the minimum flood elevation — is sound advice generally. However, the HOA's attorney effectively showed that his flood insurance expertise doesn't directly address the actual dispute, which is about whether the overall height of the Nortons' house exceeds the legal limit under city zoning rules and the HOA's own agreement.