

IN THE COURT OF COMMON PLEAS  
STATE OF SOUTH CAROLINA  
COUNTY OF HORRY

Tidewater Plantation Community  
Association, Inc.,  
Plaintiff,

v. CIVIL ACTION NO. 2021-CP-26-04599  
Suzanne N. Norton, Individually; Kenneth R. Norton,  
Individually; Suzanne N. Norton, as Trustee of the  
Suzanne N. Horton Living Trust dated May 8, 2012;  
and Kenneth R. Horton as Trustee of the Kenneth R.  
Horton Living Trust dated May 8, 2014,  
Defendants.

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REMOTE VIDEOTAPED DEPOSITION OF

MICHAEL G. MAHANEY

TAKEN ON  
THURSDAY, APRIL 2, 2026  
10:11 A.M.

REMOTE - NORTH MYRTLE BEACH, SOUTH CAROLINA

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <div>Page 2</div> <div>1 REMOTE APPEARANCES</div> <div>2</div> <div>3 Appearing on behalf of the Plaintiff:</div> <div>4 TAYLOR L. CARY, ESQUIRE</div> <div>5 Copeland Stair Valz and Lovell LLP</div> <div>6 40 Calhoun Street, Suite 400</div> <div>7 Charleston, South Carolina 29401</div> <div>8 (843) 727-0307</div> <div>9 tcary@csvg1.law</div> <div>10</div> <div>11 Appearing on behalf of the Defendants:</div> <div>12 HOWELL V. BELLAMY, III, ESQUIRE</div> <div>13 Bellamy Law Firm</div> <div>14 1000 29th Avenue North</div> <div>15 Myrtle Beach, South Carolina 29577</div> <div>16 (843) 448-2400</div> <div>17 hbellamyiii@bellamylaw.com</div> <div>18</div> <div>19 Also Present:</div> <div>20 Cathy Weis, Tidewater Plantation Community</div> <div>21 Association Inc. Board Member</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> | <div>Page 4</div> <div>1 EXHIBIT INDEX</div> <div>2 EXHIBIT PAGE</div> <div>3</div> <div>4 1 EMAIL DATED 05.26.2022 29</div> <div>5 2 AGREEMENT 28</div> <div>6</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <div>Page 3</div> <div>1 EXAMINATION INDEX</div> <div>2 PAGE</div> <div>3</div> <div>4 EXAMINATION BY MR. BELLAMY 6</div> <div>5</div> <div>6</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <div>Page 5</div> <div>1 REMOTE VIDEOTAPED DEPOSITION OF</div> <div>2 MICHAEL G. MAHANEY</div> <div>3 TAKEN ON</div> <div>4 THURSDAY, APRIL 2, 2026</div> <div>5 10:11 A.M.</div> <div>6</div> <div>7 THE VIDEOGRAPHER: We are on the record.</div> <div>8 The time is 10:11 a.m. The date is April 2, 2026.</div> <div>9 This is the beginning of the deposition of Mike</div> <div>10 Mahaney. The case caption is Tidewater versus</div> <div>11 Norton.</div> <div>12 Will counsel introduce yourselves and</div> <div>13 state whom you represent?</div> <div>14 MR. BELLAMY: My name is Howell Bellamy.</div> <div>15 I'm an attorney with the Bellamy Law Firm, and I</div> <div>16 represent the Defendants in this matter.</div> <div>17 MS. CARY: Taylor Cary representing</div> <div>18 Tidewater.</div> <div>19 THE VIDEOGRAPHER: The court reporter will</div> <div>20 now swear in the witness.</div> <div>21 THE REPORTER: All right.</div> <div>22 Mr. Mahaney, please raise your right hand.</div> <div>23 Do you affirm, under penalty of perjury,</div> <div>24 that the testimony you are about to give will be the</div> <div>25 truth, the whole truth, and nothing but the truth?</div> |

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1 MR. MAHANEY: I do.  
2 THE REPORTER: Thank you so much.  
3 Counsel, please proceed.  
4 MR. BELLAMY: Okay.  
5 MICHAEL G. MAHANEY, having been first duly affirmed  
6 to tell the truth, was examined, and testified as  
7 follows:  
8 EXAMINATION  
9 BY MR. BELLAMY:  
10 Q. Mr. Mahaney, is it all right to call you  
11 Mike, or what name do you --  
12 A. Sure.  
13 Q. -- go by?  
14 A. Sure.  
15 Q. Is it all right to call you Mike, or what  
16 --  
17 A. Yes. Yes.  
18 Q. All right. Mike, let me ask you: have  
19 you -- have you -- have you ever been deposed  
20 before?  
21 A. Yes.  
22 Q. How many times?  
23 A. Oh, I don't know. A lot.  
24 Q. Okay. Let me -- let me just briefly go  
25 over the rules -- our Rules of Civil Procedure

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1 regarding conduct during depositions.  
2 One of the things I want to make clear is  
3 -- is you can -- obviously, the court reporter is --  
4 is taking down your testimony and my questions, and  
5 she cannot -- obviously, she can't record nonverbal  
6 responses. So anytime I ask a question, I would ask  
7 you to respond verbally "yes" or "no," and -- and  
8 you can explain your answer. You know, shaking your  
9 head up, like, "uh-huh," and sideways, like, "uh-  
10 uh," she can't record that. So I would ask anytime  
11 respond verbally. That's the -- the -- the first  
12 thing that I would ask you to do.  
13 The second thing is -- is that, if I ask a  
14 question, please let me finish my question. You may  
15 anticipate where I'm going, but what we -- what we  
16 don't want to do is talk over each other. So if I  
17 ask -- let me ask my question first. Then you can  
18 respond.  
19 And then to the extent that -- if I ask a  
20 question that is unclear and you don't understand,  
21 you have the right to ask me to restate my question.  
22 And I'll be more than happy to do that. But can we  
23 agree that, if I ask a question and we answer it,  
24 then my understanding would be you understood my  
25 question? Can we agree on that?

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1 A. Yes.  
2 Q. Okay. And you're not -- I don't -- I  
3 don't -- I see that you don't have counsel  
4 representing you right now. But to the extent that  
5 -- one of the things I want to point out is, once  
6 the deposition begins, if you have any questions,  
7 you have to direct them towards me. And if you did  
8 have -- if you did have legal counsel representing  
9 you, they could not advise you or tell -- tell you  
10 how you were doing in your deposition or advise you  
11 how to answer the questions. Once a deposition  
12 begins, the -- you have to seek clarification from  
13 me and -- and nobody else.  
14 And the other thing I want to point out,  
15 too, is if -- opposing counsel, during the  
16 deposition, may object to my questions. And she'll  
17 usually say "object to form." She can't give a  
18 leading objection for the purpose of, you know --  
19 you know, the reason the court frowns on that --  
20 because trying to suggest you have maybe the answer  
21 to the question. So the point I'm trying to make  
22 is, if I ask a question and she objects to form, you  
23 still have to answer. Okay?  
24 A. Sure.  
25 Q. And the only time you would not have to

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1 answer, if your attorney was present and -- and they  
2 indicated that they were asserting some type of  
3 privilege or -- or -- or a protective order based  
4 upon the -- the nature of the question, but I don't  
5 think -- that's not going to be an issue today.  
6 The other thing is if you need to go to  
7 the -- you know, go to the restroom or take a break,  
8 if I've asked a question, I would just ask that you  
9 answer it and then we can take a five or ten-minute  
10 break, whatever you need. It's not necessarily a  
11 marathon, but -- and then -- I'm trying to think if  
12 there's anything. Is there anything you would like  
13 to ask for your -- for clarification or anything  
14 before going forward?  
15 A. No.  
16 Q. Okay.  
17 Did you get -- in preparation of your  
18 deposition today, Mike, did you get a chance, at  
19 least briefly, to look at the -- the exhibits that  
20 my paralegal forwarded to you yesterday?  
21 A. No. I haven't looked at them.  
22 Q. Okay. Okay. Well, it -- during the  
23 deposition, if -- if I ask you something and you --  
24 and you haven't had a chance to review the document,  
25 then please tell me or say "I may need about five or

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1 ten minutes to review the document" because  
2 obviously I want your answers to be accurate and  
3 complete. So if I ask a question from a particular  
4 document, if you haven't had a chance to review it  
5 or read it, I guess you testified that you haven't,  
6 then, you know, I don't mind taking time to go off  
7 the record to let you -- give you an opportunity to  
8 review the documents. Okay?  
9 A. That's fine.  
10 Q. Okay.  
11 Mike, let me -- let me ask you this: did  
12 you -- give us the benefit -- and I'll ask some --  
13 first thing on the -- you know, ask you is go over  
14 your kind of brief personal history. And what I  
15 would first like to ask you to do is: where are you  
16 originally from?  
17 A. I was born in Clifton Forge, Virginia.  
18 Q. Okay. Clifton Forge, Virginia? Okay.  
19 And if you can give me -- briefly describe  
20 your educational background, you know, going through  
21 high school, college, and so on and so forth.  
22 A. I have a civil engineering degree from  
23 Virginia Tech. I have a master's in business  
24 administration from James Madison University. I'm a  
25 registered engineer.

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1 Q. Okay. What -- are you -- you licensed in  
2 South Carolina?  
3 A. No.  
4 Q. Okay. When did you graduate from Virginia  
5 Tech?  
6 A. 1974.  
7 Q. 1974? Okay. All right.  
8 And when did you get your master's from  
9 James Madison in business administration? What  
10 year?  
11 A. I believe that was 1980.  
12 Q. Okay. All right. Let me ask -- the other  
13 thing I would briefly ask you to do is: Mike, do  
14 you possess any other licenses or certifications --  
15 A. No. I do not.  
16 Q. Okay. Can you give me a little brief  
17 history about your -- your -- your employment  
18 background after you got out -- after you graduated  
19 from Virginia Tech and subsequently got your  
20 master's --  
21 A. All right.  
22 Q. -- in business administration?  
23 A. I -- I've been a city manager in various  
24 locations for approximately 50 years.  
25 Q. Okay. And can you briefly kind of

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1 describe, you know, what municipalities in what  
2 states, counties that you were the city manager and  
3 just you kind of approximate between the time  
4 periods, I would -- yeah, you know, starting from  
5 the first, you know, city manager job you had up  
6 until the present one, you know, or ones that you  
7 were previously employed with the City of North  
8 Myrtle Beach. But if you've got a -- give me kind  
9 of a timeline and history of, you know,  
10 municipalities that you worked for like I indicated,  
11 you know, what particular county, state, and so on  
12 and so forth.  
13 A. Well, the first place I would assist in  
14 city manager was in Oberlin, Ohio.  
15 Q. Okay.  
16 A. That was many, many years ago. I -- I  
17 don't remember the -- the year. I remember vividly  
18 that it turned out that Patty Hearst was held  
19 captive there while I was there so --  
20 Q. Okay.  
21 A. -- it was important. You could look that  
22 up. From there, I went to Somerset, Pennsylvania.  
23 I was the manager there for about six years, and  
24 then I moved to Covington, Virginia. I was city  
25 manager there for probably four years. When I left

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1 Covington, Virginia, I went to St. Marys, Georgia.  
2 Q. Okay.  
3 A. I was in St. Marys, Georgia for about 12  
4 years as city manager. And then I came here to  
5 North Myrtle Beach -- the City of North Myrtle Beach  
6 and was city manager here for about 12 years.  
7 Q. Okay. Do you remember what first -- what  
8 was your first year as city manager for the City of  
9 North Myrtle Beach --  
10 A. North Myrtle Beach, it would've been 12 --  
11 probably 2012.  
12 Q. Okay. Do you -- Mike, do you remember who  
13 the mayor was at that time? Was it Marilyn Hatley?  
14 A. Yes. Mayor -- Mayor Hatley.  
15 THE REPORTER: It looks like Mr. Bellamy  
16 just dropped off.  
17 THE VIDEOGRAPHER: Oh, can take us off the  
18 record. Please stand by.  
19 The time is 10:20 a.m., and we are off the  
20 record.  
21 (WHEREUPON, a recess was taken.)  
22 THE VIDEOGRAPHER: The time is 10:24 a.m.,  
23 and we are on record.  
24 BY MR. BELLAMY:  
25 Q. Mike?

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1 A. Yes.

2 Q. Okay. Let me ask you this: would you --

3 when you became the -- the -- the city manager of

4 the City of North Myrtle Beach on or about 2012,

5 could you kind of briefly describe what your -- your

6 duties and responsibilities were?

7 A. Sure. The budget's over \$200 million.

8 There's over 600 employees that are involved in the

9 city. There's 20 million visits a year, so

10 obviously I don't get down into the weeds on any

11 issue. That's why I have, you know, well over a

12 dozen department heads.

13 Q. Sure. Okay. But kind of briefly kind of

14 describe exactly -- generally what your duties and

15 responsibilities were.

16 A. Well, it's -- it's to manage the city.

17 Q. Okay.

18 A. I try to minimize problems.

19 Q. Okay. I know that you -- you currently --

20 you currently reside in Tidewater Plantation,

21 correct?

22 A. Correct.

23 Q. Okay. When you moved here back in 2012,

24 is -- is that -- did you initially purchase a lot

25 and build a house in Tidewater Plantation?

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1 A. We bought a house that already existed in

2 Tidewater.

3 Q. Okay. And what year was that?

4 A. The same year we came.

5 Q. Okay. Okay. All right. And if -- and

6 you're aware of the fact that the -- Tidewater is a

7 PUD, correct?

8 A. Correct.

9 Q. And that -- in -- in the PUD is --

10 essentially the PUD agreement is -- is part of the

11 city zoning ordinance. You don't disagree with

12 that, do you?

13 A. I don't disagree with it. I -- I was

14 never involved with it.

15 Q. Okay. Okay. Did you -- let me ask you

16 this: were you -- did you ever have an opportunity

17 to review the PUD agreement?

18 A. No.

19 Q. Okay. But you're aware of the PUD

20 agreement, aren't you?

21 A. I'm aware of the PUD agreement, but why

22 would I review it? I mean --

23 Q. Well, I'll get to that. I mean, there's

24 an email exchange between you and Cathy Weis, and,

25 you know, I'm just trying to -- trying to give you a

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1 -- lay the foundation, try to give you an

2 opportunity. Because you're talking and she's

3 emailing you about how you measure maximum height,

4 you know, of a residence in a floodplain. And I

5 just assume that, in your going through it and

6 describing 23106 or essentially -- so I would assume

7 that, based upon this communication with Cathy that

8 you would have read the -- you know, the actual

9 governing documents that would apply regarding --

10 MS. CARY: Object --

11 MR. BELLAMY: -- measuring height within a

12 floodplain.

13 MS. CARY: Objection to the form.

14 MR. BELLAMY: You could answer.

15 THE DEPONENT: My answer is absolutely

16 not. I -- I don't have time to read that kind of

17 stuff. Never read it in my life.

18 BY MR. BELLAMY:

19 Q. Okay --

20 A. All I did was facilitate a meeting.

21 Q. What's that?

22 A. All I did was facilitate a meeting at the

23 request of Cathy Weis with the people that were the

24 decisionmakers on that issue.

25 Q. Okay. Was the meeting around June 23,

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1 2021?

2 A. I have no idea. This is over five years

3 ago. I mean, I can look at the document and -- and

4 confirm that, but --

5 Q. Okay.

6 A. It says Tuesday, June 22, 2021.

7 Q. Okay.

8 A. Almost five years ago.

9 Q. All right. Mike, can you publish that for

10 the record, the -- the relevant part of that

11 document? And then I'll have some questions for

12 you.

13 A. Say -- say again.

14 Q. Can you publish the email, okay, for me?

15 MS. CARY: Read it.

16 MR. BELLAMY: Or the --

17 THE DEPONENT: Okay.

18 MR. BELLAMY: Just --

19 THE DEPONENT: I just read it.

20 MR. BELLAMY: Huh?

21 THE DEPONENT: You want me to read it out

22 loud?

23 MR. BELLAMY: Yes. Yes.

24 THE DEPONENT: Oh, okay.

25 "Cathy, we have the plans and staff will

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1 go over your questions in detail. To help below are  
2 the general procedures and staff analysis of the  
3 situation. See you tomorrow. We normally measure  
4 height through the midpoint of the roof, but in  
5 Tidewater PDD, it is to the peak, and it is measured  
6 in flood zones from the first finished floor.  
7 Further, architectural projects can exceed that  
8 height if they are less than 25 percent of the roof  
9 area. The cupola on the plans exceed the 42-inch  
10 height, and it constitutes less than 15 percent of  
11 the road area -- roof area. The plan confirms with  
12 our ordinance."  
13 BY MR. BELLAMY:  
14 Q. Okay. Is that still your position today  
15 as it was back then?  
16 A. Sure. I didn't write that memo, by the  
17 way. That was written by staff.  
18 Q. Okay.  
19 A. All I did was forward it.  
20 Q. But you adopted what -- you adopted the  
21 memo, correct?  
22 MS. CARY: Objection to the form.  
23 MR. BELLAMY: You can answer.  
24 THE DEPONENT: I -- I don't know what you  
25 mean by adopted.

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1 BY MR. BELLAMY:  
2 Q. Well, the point -- what I'm saying is --  
3 is this an email exchange between you and Cathy  
4 Weis, and obviously you're responding to her -- the  
5 -- you know, her questions, okay? And then whether  
6 you prepared it or somebody else prepared it, the  
7 point is -- is that you sent it to her, correct?  
8 A. I sent it to her. That is correct.  
9 Q. Okay. By sending it to her, even if you  
10 didn't write the -- the email, you adopted what was  
11 -- you know, obviously, if you disagreed with what  
12 the email said, you wouldn't have sent it to her,  
13 correct?  
14 A. Correct. So I adopted it --  
15 Q. Okay.  
16 A. -- based on your explanation right there.  
17 Q. Okay. Mike, what I wanted to --  
18 obviously, you were referring to -- you know, to the  
19 midpoint so clearly you're familiar with 23106,  
20 aren't you? That's part of the --  
21 A. Absolutely not. Absolutely not. I don't  
22 have time to get into those kind of details.  
23 Q. Okay. Well, let's -- let -- let me ask  
24 this: were you present when the meeting occurred  
25 between Cathy Weis and staff?

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1 A. I was present at the beginning of it.  
2 Q. Okay.  
3 A. Introduced them to everybody --  
4 Q. Yeah. Okay --  
5 A. -- so that everybody knew everybody, and  
6 then I left.  
7 Q. Okay. Well, can you tell me what you  
8 remember about the meeting and what was said when  
9 you were present?  
10 A. Look, it's over five years ago. I --  
11 Q. I know it is. I'm just asking --  
12 A. I -- I have no recollection. I just  
13 introduced them, said, "This is Kevin Blayton. This  
14 is Delane Stevens. This is Ben Caldwell. This is  
15 Cathy Weis." And I left.  
16 Q. Okay. Essentially, Ben Caldwell -- Ben  
17 Caldwell's a zoning administrator for the City of  
18 North Myrtle Beach, I think, currently. I think he  
19 was a zoning administrator back in June of 2021. Do  
20 you agree with that?  
21 A. I don't think so. I think it was Paul  
22 Blust was the zoning administrator in 2021.  
23 Q. Okay. So he was the assistant zoning  
24 administrator, okay?  
25 A. Yes.

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1 Q. Okay. And Delane Stevens was the chief  
2 building inspector back in 2021 or around June of  
3 2021. Do you agree with that?  
4 A. That is correct.  
5 Q. Okay. Now, do you remember what -- and  
6 this is the email exchange, you know, between you  
7 and Cathy prior to the meeting that occurred on June  
8 23. Do you remember what Cathy's questions were  
9 regarding how you determine or measure maximum  
10 height in a floodplain? I know it's been a while,  
11 but, you know --  
12 A. She didn't ask me any of that.  
13 MS. CARY: Objection to --  
14 THE DEPONENT: Requested that I set up the  
15 meeting.  
16 Q. Okay.  
17 THE REPORTER: Ms. Cary, could you repeat  
18 that?  
19 MS. CARY: I just said objection to the  
20 form.  
21 THE REPORTER: Thank you.  
22 MS. CARY: Thought it got -- okay. Thank  
23 you.  
24 BY MR. BELLAMY:  
25 Q. But -- but it says right here, "Cathy, we

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1 have the plans and staff will go over your questions  
2 in detail. To help you below -- to help below are  
3 general procedures and staff's analysis of the  
4 situation. And then see you tomorrow."  
5 And so the point -- what I'm saying is:  
6 did you have any phone conversations with Cathy  
7 prior to the meeting and were -- because obviously  
8 she lives in Tidewater Plantation. You live in  
9 Tidewater Plantation. And -- and if so, what  
10 discussions prior to the meeting?  
11 A. We had no conversations on this issue.  
12 Q. Okay. After the meeting with -- with  
13 Cathy and that -- as far as Delane Stevens, I think,  
14 Cathy, Ben Caldwell, and, I think -- Mike, who else  
15 did you mention was at the meeting?  
16 A. Kevin Blayton.  
17 Q. Kevin -- okay. Did anything change with  
18 respect -- after the meeting had occurred to where  
19 basically, you know, the content of the email that  
20 you sent out to her back on, I think, June 22, 2021,  
21 did that change in any way?  
22 A. Not to my knowledge.  
23 Q. Okay. Mike, as far as -- you underlined  
24 "the plan conforms with our ordinances," okay? I  
25 understand you didn't write it, but you adopted it.

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1 And see where it -- where it says that the -- where  
2 it's underlined?  
3 A. Yes.  
4 Q. Okay. And -- and for clarification is --  
5 is that Mr. and Mrs. Norton obviously and their  
6 general contractor submitted signed -- the city  
7 signed off on a building permit, and they approved  
8 the plans back in --  
9 MS. CARY: Objection --  
10 BY MR. BELLAMY:  
11 Q. Do you agree with that?  
12 MS. CARY: Objection to the form.  
13 THE DEPONENT: Well, obviously, they --  
14 they signed off and gave them permit.  
15 BY MR. BELLAMY:  
16 Q. Okay. And then they -- and -- and as far  
17 as by giving them a permit, they approved the plans  
18 that Felix Ayres had submitted on behalf of the  
19 Nortons -- Mr. and Mrs. Norton for the city?  
20 Because it says right there -- I'm not -- I'm not  
21 trying to be tricky. It just says, "The plan  
22 conforms with our ordinance," agree?  
23 A. Agreed.  
24 MS. CARY: Objection to the form.  
25 MR. BELLAMY: You could answer.

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1 THE DEPONENT: Agreed.  
2 MR. BELLAMY: Okay.  
3 Jess, can I -- can we pull up the -- the  
4 PUD agreement?  
5 THE VIDEOGRAPHER: Let's see. These are  
6 all -- I see they are premarked, but they -- all of  
7 the PDFs have just long strings of numbers, so would  
8 you prefer to -- I see that it has Defendant's  
9 exhibits currently listed on here.  
10 MR. BELLAMY: Okay.  
11 MS. CARY: Fifty-five -- five.  
12 MR. BELLAMY: Is it --  
13 THE VIDEOGRAPHER: Sure thing.  
14 MR. BELLAMY: Yeah.  
15 MS. CARY: Just a 5.  
16 THE VIDEOGRAPHER: Stand by.  
17 MS. CARY: Oh, I'm sorry. I guess there's  
18 another Exhibit 5. That's not it.  
19 THE VIDEOGRAPHER: And then just to be  
20 clear that I have received five PDFs, and I believe  
21 these are all Defendant's exhibits.  
22 MR. BELLAMY: Right. It's -- it's the one  
23 where it says the planned unit development. It's in  
24 -- I think it's actual PUD agreement.  
25 THE VIDEOGRAPHER: Oh, gotcha. Okay.

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1 Found it. Thank you.  
2 MR. BELLAMY: Yeah.  
3 BY MR. BELLAMY:  
4 Q. Okay. Mike, can you -- can you see what's  
5 on the screen before you?  
6 A. Yes. I can.  
7 Q. Okay. It -- it says, obviously, "The  
8 planned unit development," and it's got in  
9 parenthetical PUD agreement between the City of  
10 North Myrtle Beach, South Carolina and Southern Land  
11 and Golf Company, Limited for the Tidewater Club --  
12 Club -- Club and Plantation. And it indicates that  
13 it was recorded at the RMC office in Horry County on  
14 April 30, 1992. Did I read that correctly?  
15 A. Yes.  
16 Q. Okay. And if we could flip over to the  
17 next page. Okay. And what -- what I want to do is  
18 direct your attention to the top, Mike, and if you  
19 could -- if you could read that into the record.  
20 And I'll just have some follow-up questions.  
21 A. I'm reading section A -- 1-A or what?  
22 Q. No. It says -- where the City of North  
23 Myrtle Beach, South Carolina --  
24 A. Okay.  
25 Q. Yeah.

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1 A. "The City of North Myrtle Beach, South  
2 Carolina, a South Carolina municipal corporation and  
3 Southern Land and Golf Company, Limited, hereinafter  
4 referred to as the developer hereby covenant and  
5 agree to bind their successors and assigns as  
6 follows."  
7 Q. Okay. The -- the relevance in this  
8 sentence -- that sentence is -- is that --  
9 basically, that this PUD agreement bound the city  
10 and its successors and assigns, and also it bound  
11 the development and successors and assigns with  
12 respect to the construction standards set forth in  
13 the -- in PUD agreement. You have any reason to  
14 disagree with that?  
15 A. No.  
16 Q. Okay. Then what I want to do is I want to  
17 direct your attention under section 1. It says,  
18 "Master site plan," and it's got subsection A, 1 and  
19 2. So what I want to do is I want to refer you to  
20 section 1-A, subsection 2. And if you would read  
21 the last sentence into the -- the record of that  
22 paragraph.  
23 A. "Anything not covered in this document  
24 shall be governed by the city zoning ordinance and  
25 section 8 of this agreement."

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1 Q. Okay. Do you have any reason to disagree  
2 with that statement?  
3 A. No. I do not.  
4 Q. Okay. And -- and I'll be more specific.  
5 Are you aware of any amendment that -- that changed  
6 the language of that last sentence on -- on  
7 paragraph 2?  
8 A. No. I am not.  
9 Q. Okay. And then what I want to do is right  
10 -- the last sentence under the second paragraph of  
11 -- of paragraph 2, if you would read that into  
12 the record where it says, "The plan is binding on  
13 the city and the developer" -- or -- or I'll just  
14 read it -- "can be amended by the proper approved  
15 procedure as stated in section 10 of this  
16 agreement." Do you agree with that statement?  
17 A. I agree with that.  
18 Q. Okay. Now, let me -- Mike, let me direct  
19 your attention to 3-D, development standards, and it  
20 starts on page 5 of 13. And I'm not going to ask  
21 you to read all that into the record. I just want  
22 you to -- where it -- where it talks about -- where  
23 it's got large lot, single family, one, and number  
24 two is zero lot line single family, and then it's  
25 got -- you flip over, and you've got three, semi-

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1 detached or duplex. Then you've got -- number four  
2 is the townhouse. And then you've got, number five,  
3 low density multifamily, and then you've got, number  
4 six, medium density multifamily. And then number  
5 seven is a commercial marina, and number eight is  
6 the neighborhood convenience store.  
7 And my specific question is -- and you may  
8 have to read through this real quick, but in -- with  
9 respect to all those different types of structures,  
10 you know, being built within the Tidewater PUD  
11 agreement -- I mean, Tidewater PUD subdivision, is  
12 there any -- any, regarding those particular  
13 structures, that indicates that the uppermost point  
14 of the structure is 41 feet or less?  
15 A. No.  
16 Q. Okay. All right, Mike. What I want to do  
17 now is --  
18 MR. BELLAMY: and let me go ahead and mark  
19 this for the record as Defendant's Exhibit Number 2.  
20 (WHEREUPON, Exhibit 2 was marked for  
21 identification.)  
22 MR. BELLAMY: And then what I'd like to  
23 previously do is that, when we talk about the email,  
24 to go ahead and -- and mark that as Defendant's  
25 Exhibit 1 to your deposition.

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1 (WHEREUPON, Exhibit 1 was marked for  
2 identification.)  
3 MR. BELLAMY: Any objection, Taylor?  
4 MS. CARY: No.  
5 BY MR. BELLAMY:  
6 Q. Okay. So what we're going to do is, for  
7 the record, we're going to mark the PUD agreement as  
8 Defense Exhibit 2, Mike. And so what I want to --  
9 what I want to do is I want to direct you to go to  
10 page 11 of 13 and specifically section A, and its  
11 heading is city regulatory power. And just let me  
12 know when you get there.  
13 A. Section 8, right?  
14 Q. Yeah.  
15 A. I'm there.  
16 Q. Okay. And I'll -- I'll publish it for the  
17 record. It -- quote -- it says, "The city maintains  
18 all regulatory powers as provided by law. This  
19 agreement does not preempt any land use regulations  
20 not specifically and intentionally changed by this  
21 agreement." Okay.  
22 Is there anything -- and you may have to  
23 flip through the agreement, but my question is: is  
24 there anything in the PUD agreement that  
25 specifically states in writing that 23106 does not

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <p>Page 30</p> <p>1 apply in the -- in -- in determining maximum<br/>2 building height in a floodplain in -- in South<br/>3 Island Plantation (sic)?<br/>4 A. Not that I'm aware of.<br/>5 Q. Yeah. Did you -- do you understand my<br/>6 question?<br/>7 A. Yes.<br/>8 Q. Okay. I didn't -- I -- maybe I didn't<br/>9 hear you. My question essentially again is: is<br/>10 that -- I will represent to you there's nothing in<br/>11 the PUD agreement that specifically states that<br/>12 23106 is not applicable or does not apply to the<br/>13 homes being built in South Island Plantation (sic).<br/>14 Do you agree with that statement?<br/>15 MS. CARY: Objection to the form.<br/>16 THE DEPONENT: Not that I'm aware of.<br/>17 BY MR. BELLAMY:<br/>18 Q. Okay. So if you would just -- so if I<br/>19 understand your testimony, there's nothing in the<br/>20 PUD agreement you're aware of where it basically --<br/>21 specifically provides that 23106 is not applicable<br/>22 in determining maximum building height in a<br/>23 floodplain. Is that a fair statement?<br/>24 A. Yes. That's a fair statement.<br/>25 Q. Okay. All right. What I want to look at</p>                            | <p>Page 32</p> <p>1 the transcript?<br/>2 MS. CARY: I'll do an E-tran copy.<br/>3 THE REPORTER: E-tran. All right. Noted.<br/>4 Thank you.<br/>5 THE VIDEOGRAPHER: And, Ms. Cary, Mr.<br/>6 Bellamy is getting the video of today's deposition<br/>7 included with their appearance free. Would you like<br/>8 to order a copy of today's video?<br/>9 MS. CARY: Not at this time, no.<br/>10 THE VIDEOGRAPHER: Okay. Thank you.<br/>11 And with that, the time is 10:45 a.m., and<br/>12 we are off the record.<br/>13 (WHEREUPON, the deposition of MICHAEL G.<br/>14 MAHANEY was concluded at 10:45 a.m.)<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p>                                                                                                                                      |
| <p>Page 31</p> <p>1 -- section 10 deals with -- and this is on page 11<br/>2 of 13. Just go down to the bottom. And it says,<br/>3 "Section 10: expansion and amendments," and then<br/>4 just take a minute to flip over to the next page,<br/>5 and it -- it's got modifications to it. To your<br/>6 knowledge, has this particular PUD agreement been<br/>7 amended to change the maximum building height from -<br/>8 - go from 40 -- from 42 to 41? Have they reduced it<br/>9 from 42 to 41, to your knowledge?<br/>10 A. Not to my knowledge.<br/>11 MR. BELLAMY: Okay. I don't have any<br/>12 further questions at this time.<br/>13 MS. CARY: I do not have any questions.<br/>14 MR. BELLAMY: Okay.<br/>15 THE VIDEOGRAPHER: Okay. Please stand by.<br/>16 This is the end of the deposition of Mike<br/>17 Mahaney. The court reporter will now take orders<br/>18 for the transcript, and then I will take orders for<br/>19 the video.<br/>20 THE REPORTER: All right.<br/>21 Mr. Bellamy, would you like to order the<br/>22 original transcript at this time?<br/>23 MR. BELLAMY: Yes. That'll be -- yes.<br/>24 THE REPORTER: All right. Noted.<br/>25 And, Ms. Cary, would you like a copy of</p> | <p>Page 33</p> <p>1 CERTIFICATE<br/>2<br/>3 I, the undersigned Jess Bryan, am a<br/>4 videographer on behalf of NAEGELI Deposition &amp;<br/>5 Trial. I do hereby certify that I have accurately<br/>6 made the video recording of the deposition of<br/>7 Michael Mahaney, in the above captioned matter on<br/>8 the 2nd day of April, 2026 taken at the location of<br/>9 North Myrtle Beach, SC.<br/>10<br/>11 No alterations, additions, or deletions were<br/>12 made thereto.<br/>13<br/>14 I further certify that I am not related to any<br/>15 of these parties in the matter and I have no<br/>16 financial interest in the outcome of this matter.<br/>17<br/>18 <br/>19<br/>20 Jess Bryan<br/>21<br/>22<br/>23<br/>24<br/>25</p> |

| Page 34                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  | Page 36                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |
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| <p>1 CERTIFICATE</p> <p>2</p> <p>3 I, Sarah Parr, do hereby certify that I</p> <p>4 reported all proceedings adduced in the foregoing</p> <p>5 matter and that the foregoing transcript pages</p> <p>6 constitutes a full, true and accurate record of said</p> <p>7 proceedings to the best of my ability.</p> <p>8</p> <p>9 I further certify that I am neither related to</p> <p>10 counsel or any party to the proceedings nor have any</p> <p>11 interest in the outcome of the proceedings.</p> <p>12</p> <p>13 IN WITNESS HEREOF, I have hereunto set my hand</p> <p>14 this 21st day of April, 2026.</p> <p>15</p> <p>16</p> <p>17 </p> <p>18</p> <p>19 Sarah Parr, CER No. 3985</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |  | <p>1 DECLARATION</p> <p>2 Deposition of: Michael Mahaney Date: 04/02/2026</p> <p>3 Regarding: Tidewater Plantation Community Association vs Suzanne Norton et al.</p> <p>4 Reporter: Sarah Parr</p> <p>5 _____</p> <p>6</p> <p>7 I declare under penalty of perjury the following to be</p> <p>8 true:</p> <p>9</p> <p>10 I have read my deposition and the same is true and</p> <p>11 accurate save and except for any corrections as made</p> <p>12 by me on the Correction Sheet herein.</p> <p>13</p> <p>14 Signed at _____, _____</p> <p>15 on the _____ day of _____, 20____.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Signature: _____</p> <p>24 Michael Mahaney</p> <p>25 Email to: Production@NaegeliUSA.com</p> |  |
| <p>1 CORRECTION SHEET</p> <p>2 Deposition of: Michael Mahaney Date: 4/2/26</p> <p>3 Regarding: Tidewater Plantation vs Norton et al.</p> <p>4 Reporter: Parr/Carfrey</p> <p>5 _____</p> <p>6 Please make all corrections, changes or</p> <p>7 clarifications to your testimony on this sheet,</p> <p>8 showing page and line number. If there are no</p> <p>9 changes, write "none" across the page. Sign this</p> <p>10 sheet on the line provided.</p> <p>11 Page Line Reason for Change</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 Signature: _____</p> <p>24 Michael Mahaney</p> <p>25 Email to: Production@NaegeliUSA.com</p>                                                         |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |

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