

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF BEAUFORT

)
)

CASE NO.: 2023-CP-07-_____

303 ASSOCIATES, LLC AND
BEAUFORT INN, LLC,

)
)

PLAINTIFFS,

)
)

SUMMONS

V.

)
)

(JURY TRIAL DEMANDED)

GRAHAM B. TRASK, GEORGE G. TRASK,
BEAUTIFUL BEAUFORT ALLIANCE, INC.,
MIX FARMS, LLC AND
WEST STREET FARMS, LLC,

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DEFENDANTS.

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TO: THE DEFENDANTS NAMED ABOVE:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to said Complaint upon the subscriber at his office, whose street address is 1221 Main Street, Suite 1800, Columbia, South Carolina 29201, and whose mailing address is Post Office Box 11390, Columbia, South Carolina 29211, within thirty (30) days after service hereof, exclusive of the day of service. If you fail to answer the Complaint within the time aforesaid, the plaintiff will apply to the Court for the relief demanded therein, and judgment by default will be rendered against you for the relief demanded in the Complaint.

Dated: July 17, 2023

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Attorneys for Plaintiffs

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| |) | |
| DEFENDANTS. |) | |
| _____ |) | |

Plaintiffs Beaufort Inn, LLC (“Beaufort Inn”) and 303 Associates, LLC (collectively, “303”, “Beaufort Inn” or “Plaintiffs”) hereby complain of the Defendants, Graham B. Trask, George G. Trask, Beautiful Beaufort Alliance, Inc. Mix Farms, LLC and West Street Farms, LLC (collectively, “Defendants”) as follows:

INTRODUCTION TO THE PARTIES AND CONSPIRATORS

1. This lawsuit arises from the improper conduct of Graham B. Trask and his father, George G. Trask, partially by and through Beautiful Beaufort Alliance, Inc., a non-profit company they control, as part of a concerted effort to delay the development opportunities and deny the development rights of 303 in order to further enrich themselves.

2. As part of their schemes, the Trasks used an online publication calling itself a newspaper, *The Beaufort Tribune*, which is operated by George Trask, to spread disinformation about 303 and its development projects in the City of Beaufort, South Carolina. Graham Trask

was in favor of the Projects for years, but suddenly his endorsements changed only after 303 refused to allow him to participate in their Projects.

3. Further, the Trasks fed disinformation to the Historic Beaufort Foundation, which, through a willing accomplice in its Executive Director, Cynthia Jenkins, participated in a conspiracy and scheme to derail and stop the approved development projects.

4. 303, fed up with the illegal conduct of these conspirators, and financially and reputationally damaged by the improper interference to their developments, have filed this lawsuit in response.

5. Plaintiffs are real estate investment companies formed by long-time Beaufort citizen Richard (“Dick”) Stewart. Plaintiffs and Mr. Stewart have renovated, restored and redeveloped numerous historic structures as well as constructed a number of new buildings in the City of Beaufort. They have received awards recognizing them for their historic preservation and appropriate new construction efforts, including positive recognition by the Historic Beaufort Foundation.

6. For the last decade, Plaintiffs have envisioned a much-needed downtown hotel (“Hotel Project”) and parking garage (“Parking Garage Project”) for the City of Beaufort (“City.”) These efforts have been welcomed by the City for years. The City needs downtown parking, and Plaintiffs were able to offer a portion of the garage parking to be made available to the public. The City of Beaufort, as early as October of 2012, had a study by Structured Parking Solutions (“SPS”) recommending sites for downtown garages, including one site at what was to become the location of the Parking Garage Project.

7. 303 also has sought to develop the Cannon Building to provide apartments to make more residential housing available in the City's Historic District ("Cannon Building" or "Apartment Project.")

8. The Hotel Project, Parking Garage Project, and Apartment Project (collectively, "Projects") were publicly vetted repeatedly for years, with no objections and with the approval of all stakeholders, including various governmental units of the City of Beaufort and the Historic Beaufort Foundation.

9. That is, until the Defendants, because of greed, personal pride, and willful maliciousness, got involved, as outlined below.

10. Plaintiffs are South Carolina companies that are located and operate in the City. The events complained of herein occurred in the City. Therefore, venue and jurisdiction are proper in this Court.

11. Defendant Graham B. Trask is, upon information and belief, a resident of Switzerland and Staatsburg, New York. He is, upon information and belief, an owner of commercial and residential property in the City and considers himself a part-time resident. Graham Trask professes to be the largest "commercial real estate owner, with over 40 tenants" in the historic district of the City of Beaufort, and has described himself as follows at a February 8, 2023 presentation in the City by the National Park Service:

"My name is Graham Trask, I'm 54-years-old. I grew up in Beaufort. I grew up on Bay Street. My grandfather owned thousands of acres. Thousands. He ruled. ...I'm a real estate developer. I own more commercial real estate in the Core Commercial District than anyone, including Dick Stewart. That's not a lie. That's the facts."

12. Defendant George G. Trask is, upon information and belief, a citizen and resident of Beaufort County. George Trask, upon information and belief, is the sole owner and publisher of an online publication called *The Beaufort Tribune*, which claims it is “Beaufort's hometown local newspaper since 1874,” but, in reality, is simply an occasionally published online blog expressing the views of the Trasks on various subjects when it meets their needs. Upon information and belief, *The Beaufort Tribune* has no employees or staff other than Trask, and uses only information provided by Defendants or their allies. *The Beaufort Tribune* is not listed as a company or non-profit with the South Carolina Secretary of State’s office. *The Beaufort Tribune* is neither a newspaper nor an objective news source, no matter what it calls itself.

13. Between Graham and George Trask, they control at least twenty-six corporate entities registered in South Carolina.

14. Defendant Beautiful Beaufort Alliance, Inc. (“BBA”) is a South Carolina not for profit company doing business in Beaufort County, South Carolina, which, upon information and belief, was created by Graham Trask and George Trask to further their personal agendas, including the tortious activity as alleged below. The very purpose of the BBA is to stop the Projects, as on its website, BBA states:

“The Beautiful Beaufort Alliance was created in February 2021 as it became clear to concerned Beaufort stakeholders that the Beaufort City government’s former planning department director, David Prichard, with the support of Beaufort’s former City manager, Bill Prokup, and today’s City Council, was apparently intent on destroying Beaufort’s Landmark Historic District by breaking Beaufort’s own City laws to allow the construction of a Marriott affiliated hotel and associated parking garage in Beaufort’s core historic commercial district.”

Upon information and belief, the BBA was operated as an unincorporated entity by the Trasks until they incorporated it as a South Carolina 501(c)(3) charity on September 6, 2022.

15. Defendant Mix Farms, LLC (“Mix Farms”) is, upon information and belief, a South Carolina company owned directly or indirectly by the Trasks, and doing business in Beaufort County, South Carolina.

16. Defendant West Street Farms, LLC (“West Street Farms”) is, upon information and belief, a South Carolina company owned directly or indirectly by the Trasks, and doing business in Beaufort County, South Carolina.

17. Defendants Mix Farms and West Street Farms are vicariously liable for the acts of their agents, the Trasks, and as themselves participants in the schemes and conspiracies outlined below.

18. The Historic Beaufort Foundation, Inc. (“HBF,”) is a not-for-profit company that, upon information and belief, has existed in one form or another since 1944. HBF has, for most of its existence, been a positive advocate for historic preservation in the City. Throughout its history, HBF had operated with the practical understanding that the City is not awash with millionaires who would take huge monetary losses to fix up and maintain older structures with no return on their investment expected. In this way, HBF, in the past, had encouraged responsible development in the City and recognized that such was needed and inevitable.

19. However, two things changed HBF’s successful approach. First, the Trasks began opposing the Projects in early 2021. Second, the Trasks found a willing accomplice in HBF’s Executive Director, Cynthia Jenkins. The three became co-conspirators and used HBF to wage a proxy battle against the Projects, even though in prior years HBF had signaled approval of the Projects again, and again, and again.

20. HBF is not currently a named defendant in this matter because it has been used as a pawn by the Trasks, with the acquiescence and assistance of HBF's Executive Director, Jenkins.

THE FORMATION OF THE CONSPIRACY AND THE IMPROPER ACTS

I. The Defendants' Initial Knowledge and Approval of the Projects

21. The Projects were complex and took years to bring to fruition, as 303 had to navigate the many requirements of the City of Beaufort, recognizing the historic context in which the projects would exist. Indeed, after the projects were introduced to the City, the City and Beaufort Inn entered into a Memorandum of Understanding on March 22, 2017 ("MOU") that contained provisions demonstrating the commitment of the City and Beaufort Inn to the process. The MOU¹ provided that the City would cooperate with Plaintiffs in the development of a parking garage and, in exchange, the City would be granted public parking in said garage when it was completed. Additionally, the MOU contemplated that the City would take over ownership of Scott Street from SCDOT to facilitate the colonnade of the Hotel Project, which the City subsequently has done.

22. The Projects were well publicized in the City for years. For example:

- a. **On August 3, 2013**, *The Beaufort Gazette* published an article, "80-room hotel proposed for downtown Beaufort." The article described plans for a "five-story, 80-room hotel in downtown Beaufort on a block where a former Piggly Wiggly

¹ A copy of the MOU is attached to the Answer of Beaufort Inn to a lawsuit filed by Trask owned entities in Beaufort County on April 5, 2021 encaptioned "*West Street Farms, LLC and Mix Farms, LLC v. City of Beaufort, Beaufort Inn, LLC, and 303 Associates*," Civil Action No. 2021-CP-07-00663. The Trask entities recently lost that lawsuit, as noted below.

grocery store now stands and the city's master plan calls for a parking garage....The building would stand 55 feet high, according to the plans, the maximum height allowed in the historic district." The subject property was owned in part by the Trask family at this time. This same site was ultimately bought by Plaintiffs.

- b. On **October 9, 2013**, *The Beaufort Gazette* published an article, "Development, construction projects to be considered by Beaufort historic board." The article highlighted plans for development on the corner of Port Republic and Scott Streets (the site of the Hotel Project).
- c. On **October 12, 2013**, *The Beaufort Gazette* published an article, "Developer eyes opportunities on 3 blocks on downtown Beaufort." The article highlighted Plaintiffs' plans for the area.
- d. On **December 16, 2013**, Plaintiffs purchased Port Republic Square, a/k/a the Garage Site, from the Trask Family, specifically Port Republic Square, LP and the Estate of Flora G. Trask. Both George Trask and Graham Trask were aware of the sale.
- e. On **December 18, 2013**, *The Beaufort Gazette* published an article, "Trask parking lot sale closes; 303 moves ahead with renovation, development plans."
- f. On **February 21, 2014**, *The Beaufort Gazette* published an article, "Parking-garage company eyes Port Republic Square, to meet with residents." The article discussed the proposed parking garage project on the Parking Garage Project site.
- g. On **February 27, 2014**, SPS and 303 held a series of public meetings about the Parking Garage Project with, among others, the City and Main Street Beaufort.

- h. On **March 6, 2014**, *The Beaufort Gazette* published an article, “Open minds needed on parking garage issue” about the Parking Garage Project.
- i. On **April 21, 2014**, *The Beaufort Gazette* published an article, “Downtown Beaufort parking garage talks continue” about the Parking Garage Project.
- j. On **July 11, 2014**, SPS and Plaintiffs met with the HBF’s Preservation Committee to discuss the Parking Garage Project.
- k. On **August 1, 2014**, Plaintiffs met with HBF’s Preservation Committee regarding the Hotel Project.
- l. On **September 9, 2014**, *The Beaufort Gazette* published an article, “Beaufort City Council, developer work on solution for city parking lot downtown.” The article discussed relocating parking from the Hotel Project site to another location.
- m. On **June 11, 2015**, the City’s Parking Task Force presented its recommendations to City Council at a public meeting, which included the recommendation of a garage at the site of the Parking Garage Project.
- n. On **June 5, 2016**, *The Beaufort Gazette* published an article, “Beaufort Inn planning to get a lot bigger” in which Plaintiffs’ downtown development plans were discussed.
- o. On **August 4, 2016**, *The Beaufort Gazette* published an article, “Private Beaufort parking garage proposal goes to public meeting” promoting a public meeting about the Parking Garage Project.
- p. On **August 5, 2016**, *The Beaufort Gazette* published an article, “Downtown Beaufort parking garage pitched by developer” summarizing the public meeting

regarding the Parking Garage Project. The article noted that the Garage is a four-floor, three-story garage for “almost 500 spaces.”

- q. On **August 16, 2016**, *The Beaufort Gazette* published an article “Beaufort parking garage plans head for historic review panel” about the August 17, 2016 Historic Review Board review of the Parking Garage Project. The article noted that the structure would be a “three-story garage, which would include four floors and 496 spaces.”
- r. On **August 17, 2016**, *The Beaufort Gazette* published an article, “Beaufort parking garage: Is need worth the scale?” The article summarized the Historic Review Board meeting and, again, described size of the structure. The article noted, “the size fits city zoning requirements, but the historic review panel charged with protecting the look of the historic district wrestled with how to judge such a large structure.”
- s. On **September 15, 2016**, *The Beaufort Gazette* published an article, “Proposed downtown Beaufort hotel would target conventions, large events.” The article referenced both the Hotel Project and the Parking Garage Project.
- t. On **May 12, 2017**, *The Beaufort Gazette* published an article, “Interested in downtown Beaufort nightlife or parking? You’ll want to be here.” The article discussed a forum hosted by Main Street Beaufort and noted that it was bringing together “key players in the downtown area for a discussion on parking and nightlife.” Those key players included Dick Stewart and Graham Trask who participated on the panel on May 15th and discussed downtown parking, among other things.

- u. On **July 7, 2017**, *The Beaufort Gazette* published an article, “Proposals for two new downtown buildings could change the look of Beaufort” about the upcoming Historic Review Board review of the Hotel Project and Parking Garage Project.
- v. On **July 17, 2017**, *The Beaufort Gazette* published an article, “Beaufort parking garage goes back to the drawing board” as a follow-up to the Historic Review Board meeting. Maxine Lutz, Executive Director of HBF at the time, was quoted therein as saying, “Now we’re feeling maybe it should look more like a parking garage, that it might feel more authentic.”
- w. By this point, the public was well aware of the Parking Garage Project and the Hotel Project as the public hearings began in earnest.

II. The Public Hearings When the Projects were Approved

23. The development ordinances of the City have, for decades, per state law required the demolition, significant rehabilitation, and construction of buildings in the Historic District to be approved by a citizen board appointed by City Council known as the Historic Review Board. Without Historic Review Board approval, no project like the ones proposed by Plaintiffs can be built in the City’s Historic District. Meetings of the Historic Review Board are publicly advertised with agendas so that the public will know what the Historic Review Board is to consider at each meeting.

24. The Parking Garage Project went through many public hearings and City approvals, to wit:

- a. On **August 17, 2016**, the City’s Historic Review Board (“Historic Review Board”) at a public hearing gave conceptual approval for that Project, and specifically the

height, mass and scale, which was to include the potential demolition of structures located at 918 Craven and 310 West Street being for the Parking Garage Project.

- i. During the lengthy meeting, about 15 members of the public spoke, as well as Maxine Lutz, the then-Executive Director of HBF. Ms. Lutz noted HBF “is not opposed to a garage downtown,” and “this seems like a wonderful way to develop this parcel, ...but it’s “most important to respect the property owners across the street at Tabernacle Baptist Church.’ ”
 - ii. Also during the meeting, Chuck Symes, the HBF representative on the Historic Review Board, reported that during HBF’s Preservation Committee meeting, Rob Montgomery (then an HBF Board member and an architect) “had said one way to help the line of (this) huge building” is to take out six parking spaces and “bring it back in a little bit,” so there is “some character and movement to the wall.” Symes added that more depth “will help it look less like one huge building,” and will “add some character to it.”.... Symes said that while he understood the public’s concerns “about a massive building in the Historic District,” he believed “*it’s vital to have a building like this to get people to come here, spend their money, and make this town survive.*” (Italics added.)
 - iii. The decision of the Historic Review Board to approve was unanimous, including the vote of the HBF representative.
- b. On **November 9, 2016** at a public hearing of the Historic Review Board, the Historic Review Board granted approval of the 310 West Street demolition. This

demolition was required for the Parking Garage Project, and the vote was unanimous, including the vote of the HBF representative.

- c. On **February 15, 2017**, the relocation of the 918 Craven Street building (instead of demolition) was approved by the Historic Review Board at a public hearing. The decision of the Historic Review Board to approve was unanimous, including the vote of the HBF representative.
- d. On **June 20, 2017**, Beaufort Inn obtained "Final Approval" for the demolition of the existing structure on 918 Craven, if necessary, by the Historic Review Board at a public hearing. The decision of the Historic Review Board was unanimous, including the vote of the HBF representative. Either relocation or demolition was required for the Parking Garage Project.
- e. On **July 12, 2017**, at a public meeting, the Historic Review Board approved "all height requirements" for the Parking Garage Project.
 - i. Nine members of the public spoke, as well as Maxine Lutz, then Executive Director of HBF. Ms. Lutz noted "there are now too many facades, and it's "too broken up" and "too busy." She stated that the HBF Preservation Committee decided "maybe it should look more like a parking garage," and it would be "more authentic" if some cars were visible."
 - ii. The Historic Review Board thereafter provided recommendations for design improvements.
- f. On **September 20, 2017**, the Historic Review Board at its public meeting provided Preliminary Approval for the Parking Garage Project effective that date. The Approval specifically approved the height, mass, and scale of the building. The

decision of the Historic Review Board for approval was unanimous, including the vote of the HBF representative.

- g. On **June 9, 2021**, after some extensions, including a COVID-19 related extension, the Historic Review Board in a public meeting granted Final Approval of the Parking Garage Project. It was during this meeting that George Trask threatened Stewart saying “this will be your best day.”
25. Likewise, the Hotel Project went through many public hearings and approvals, which included:
- a. On **May 22, 2014**, Plaintiffs met with the City to discuss the Hotel Project. On **May 27, 2014**, the City’s Technical Review Committee reviewed the project. On **August 1, 2014**, Plaintiffs met with HBF’s Preservation Committee to discuss and review plans for the Hotel Project.
 - b. On **September 14, 2016**, the Historic Review Board, at a public meeting, first reviewed the Hotel Project and offered numerous suggestions regarding the design of the project, which the Plaintiffs incorporated.
 - c. On **May 23, 2017**, Plaintiffs again met with the City’s planning department, the City’s Technical Review Committee, and HBF’s Preservation Committee.
 - d. On **July 12, 2017**, at a public meeting, the Historic Review Board gave Preliminary Approval to the Hotel Project. The decision of the Historic Review Board for approval was unanimous, including the vote of the HBF representative.
 - e. On **October 19, 2019**, at a public meeting, the Historic Review Board granted Final Approval of the Hotel. Chuck Symes, HBF’s then representative on the Historic Review Board, noted “HBF is happy with the process as it is now...They also

appreciate the different facades on the building.” The Final Approval passed unanimously, including Mr. Symes’ vote.

- f. On **November 13, 2019**, at a public meeting, the Historic Review Board approved the demolition of 812 Port Republic Street, necessary for construction of the Hotel Project. During the public hearing, Maxine Lutz, then-Executive Director of HBF, introduced Cynthia Jenkins, the new Executive Director of HBF. Ms. Lutz said, “HBF had no concerns about the building demolition.” The motion passed unanimously, including an affirmative vote from HBF’s representative.
- g. On **December 10, 2020**, Plaintiffs submitted a Change after Certification request to the City to add a rooftop bar to the Hotel.
- h. On **February 10, 2021**, the Historic Review Board at a public meeting granted Preliminary Approval of the Change after Certification request to add a rooftop bar to the Hotel. HBF’s Historic Review Board representative voted in favor of approval.
- i. On **June 9, 2021**, the Historic Review Board at a public meeting granted Final Approval to the Change after Certification request to add a rooftop bar to the Hotel. The vote was 3-1, with the HBF representative not present.

26. HBF has a designated member seat on the Historic Review Board. A staff member from HBF typically speaks during the public comment section of all Historic Review Board meetings about all reviewed projects. Additionally, Plaintiffs met with HBF’s Preservation Committee and staff members multiple times. Thus, HBF had ample opportunity to express its approval or disapproval of the Parking Garage Project prior to 2021. In the six public Historic Review Board meetings prior to the June 2021 meeting, the vote of the Historic Review Board

was unanimous approving these stages of the Parking Garage Project. To that end, the HBF member of the Historic Review Board voted to approve the Parking Garage Project at these stages each of those six times.

27. Likewise, the Historic Review Board had the opportunity to express its approval or disapproval of the Hotel Project as it required Historic Review Board approval. In the five public Historic Review Board meetings prior to the June 2021 meeting, the vote of the Historic Review Board was unanimous approving the stages of the Hotel Project. To that end, the HBF member of the Historic Review Board voted to approve the Hotel Project as these stages each of those five times.

28. The Cannon Building/Apartment Project was the latest of Plaintiffs' projects, and it also received all required approvals:

- a. On **February 10, 2021**, the Historic Review Board at its public meeting granted Conceptual Approval to the Cannon Building Apartment Project. HBF's Historic Review Board representative voted in favor of approval, and the vote was unanimous. The vote regarding the demolition of the existing building (necessary to construct the new one) was deferred.
- b. On **March 10, 2021**, the Historic Review Board, at a public meeting, approved the demolition request of 209 Charles Street, the building currently located on the site of the proposed Cannon Building. The vote was unanimous, including that of the HBF representative.

- c. On **August 9, 2021**, the City of Beaufort Zoning Board of Appeals at a public hearing granted a Special Exception to permit the “large footprint building,” as defined under the Beaufort Code, for the Cannon Building project.²
- d. On **December 8, 2021**, the Historic Review Board, at a public meeting, granted Preliminary Approval to the Apartments Project. The vote was unanimous, including that of the HBF representative.
- e. On **April 13, 2022**, the Historic Review Board, at a public meeting, voted 3-2 to grant Final Approval to the Apartments Project. This was the first and only instance the HBF representative (notably Maxine Lutz, HBF’s former Executive Director and colleague of HBF’s current Executive Director, Cynthia Jenkins), voted against the approval.

29. Prior to early 2021, Plaintiffs were aware of no indication that the Trasks opposed the Parking Garage Project and the Hotel Project.

30. There is only one reason that all three Projects are not under full construction presently: the Trasks’ scheme and related conspiracy to use improper means to destroy the Projects.

² The “large footprint building” requirement of the Beaufort Code applied to the Cannon Building only, as there was no such requirement in the City’s prior Unified Development Code, under which the Hotel Project and Parking Garage Project were approved (and thus grandfathered.) As noted below, the Trasks filed a lawsuit against 303 Associates and the City claiming that the two older projects were large footprint buildings, but lost that case.

III. The Trasks' Prior Knowledge of the Mass and Scale of the Projects

31. The Projects and their size were no surprise to Graham Trask. Indeed, he at one time wanted to participate in their development.

32. On **June 28, 2015**, Plaintiffs were contacted by a representative of Beaufort Design Build to schedule a meeting with its client, Graham Trask, to discuss Trask's proposed project at 209 West Street, adjacent to the Hotel Project site and proximate to the Parking Garage Project site. The meeting was held on **July 7, 2015**, after which Trask responded, "[w]e appreciated the discussion and look forward to discussing more on future projects and collaboration."

33. Thereafter, in **January and February of 2016**, Dick Stewart and Graham Trask exchanged emails regarding the Parking Garage Project.

34. On **August 6, 2016**, in response to the multiple *Beaufort Gazette* articles and public meetings, Trask emailed Stewart stating: "Hi Dick – good morning. Good stuff about the parking and the hotel. Assuming things don't get overly bogged down in bureaucratic crap, do you have an estimate on ground breaking on the parking and the hotel? *We should also chat to see if there's synergy in incorporating my West Street parking lot space into the accommodations project.*" (Italics added.)

35. On **August 6, 2016**, Stewart emailed Trask providing him an elevation of the Hotel Project, which clearly showed an elevation of three stories. (See Email attached at Exhibit 1.)

36. On **August 7, 2016**, Stewart emailed Trask copies of Parking Garage Project documents, including, plans that *clearly show a four-level garage and elevations almost identical*

to what was ultimately approved by the Historic Review Board in 2021. (See Email attached at Exhibit 2.)

37. On **August 18, 2016**, following the initial Historic Review Board meeting on the Parking Garage Project, Graham Trask emailed Stewart:

“From the paper’s reporting, sounds as if yesterday’s hearing went relatively well. Your video clip comes across very well. Goes without saying, but nice job to date!”

Stewart responded in part:

“They approved the configuration so now its details and articulation. Your building behind old bull was mentioned as an example of permitting buildings that reduced parking supply and increased parking demand. I still would like to see the dimensions to see if we can do something with your site and our hotel. Hope to see you soon.

Trask then replied:

“Hi Dick – great stuff on the parking garage. You will need elevations from me on my West Street parking lot, correct? I will track those down this morning. *I’d be interested in discussing how what your plans for your property and my plans for my property can be coordinated so that each is synergistic and complementary for the benefit of the other. This could mean more hotel rooms on my property with retail or restaurant on the first floor with the planned courtyard flowing onto your property.* Seems as if there’s an opportunity to discuss and collaborate for the benefit of each of us.”

(Emphasis added.)(See Email chain, attached at Exhibit 3.)

38. On **August 24, 2016**, Trask emailed Stewart to request a meeting to discuss “how we could coordinate on your Scott/Port Republic and my West Street property....Was hoping at this point to have a conceptual and high level discussion to share ideas and see if there’s mutual alignment for further discussions.” Trask shared that his plans for 209 West Street and the meeting was scheduled for September 6, 2016. (See email attached at Exhibit 4.)

39. On **September 6, 2016**, Graham Trask emailed Plaintiffs to discuss the management of Trask's property at 221 West. Trask also sought to "discuss the initial, proposed terms under which you'd consider taking my property on and how you might think about incorporating it into the Beaufort Inn offering." (See Email at Exhibit 5.)

40. On **September 16, 2016**, Plaintiffs met with Trask and Trask's architect, regarding Plaintiffs' plans, specifically the Projects.

41. Later in September and into **October of 2016**, Graham Trask on behalf of his company, West Street Farms, LLC, entered into a management agreement with Beaufort Inn for reservation services for Trask's small short term rental venture at 221 West. As of this time, there was an ongoing contractual relationship between the two entities until the contract was breached by Trask in November of 2020, as noted below.

42. In **December of 2016 through January of 2017**, Trask and Plaintiffs had multiple conversations and emails discussing Trask's plans for his proposed project on West Street, adjacent to the Hotel Project site and proximate to the Parking Garage Project site. Additionally, Trask shared plans that included "hotel style rooms" on the second floor of a building owned by Trask (701 Bay Street, also known as "Fordhams") as part of a hospitality project. (See Email chain of January 17, 2017, attached at Exhibit 6.)

43. In **February and March of 2017**, Trask and Plaintiffs continued to discuss Trask's desire for a hospitality project in his buildings.

44. Upon information and belief, at some time after this point, Graham Trask begins to realize that the competition generated by the Hotel Project would be harmful to him financially.

45. Upon information and belief, perhaps even more aggravating, Graham Trask saw that Dick Stewart and the Plaintiffs were poised to succeed in helping revitalize the Historic District and receive credit for it—credit that Trask believed he was entitled to because of his family's last name.

IV. Graham Trask's Attitude towards the Projects Suddenly Changes

46. By appearances, it seems to have all begun with a dispute over a tree.

47. In **mid-December 2020**, Plaintiffs contacted Graham Trask about three trees on his property abutting 812 Port Republic, which was set for demolition. Some of the trees leaned over Trask's 221 West Street property but the roots were believed to be growing underneath the building. Plaintiffs were concerned the trees would become unstable upon demolition and fall and/or potentially damage Trask's property. Plaintiffs contacted Trask with this concern. Both sides believed they had an agreement on how to proceed.

48. Regardless, the demolition contractor hired by Plaintiffs removed a portion of a tree on Trask's property, but then took down virtually the entire tree when it appeared to have become unstable, which Trask later said is not what he agreed to do, despite an email previously granting such approval.

49. Also in early **January of 2021**, Beaufort Inn sent an invoice to Graham Trask regarding damages related to the breach of the contract with Beaufort Inn to manage reservations for his short term rental at 221 West Street.

50. On **January 11, 2021**, Trask emailed Stewart about these issues. Stewart responded.

51. On **January 13, 2021**, Trask again emailed, stating in pertinent part:

“The recent interactions with your team on the tree removal at West Street and on my ending of the Beaufort Inn’s management agreement of 221 West Street have left me puzzled and frustrated. It appears that you’re not interested in understanding my perspective. Nevertheless – my understanding from Rob is that the remaining section of the tree trunk on my property will be removed and the stump ground down as was originally agreed and then agreed again by your team last week. Jonathan has sent through his recap of what he believes the Beaufort Inn is due in respect to my ending the Beaufort Inn’s management contact. I’m not in agreement with his recap for the reasons I’m sure he has shown you. *As you and I will be involved in downtown Beaufort for decades to come, we can’t lose sight of the big picture over small \$ amounts, in that respect, to me it’s important for us both to feel good about interactions with each other. That’s not how I’m feeling right now and my sense is that’s not the way some of your team is feeling either.*” (Italics added)

52. Stewart responded and noted the many difficulties caused by Trask’s breach of contract and sudden termination of the agreement before Thanksgiving, which had the effect of requiring the Beaufort Inn staff to work overtime during the holidays to serve the needs of guests left with no accommodations.

53. Trask and Stewart exchanged emails and letters about their disputes with escalating mutual disdain through **January 22, 2021**, where upon Stewart received a letter from an attorney hired by Trask about the tree-cutting. The relationship, such as it was, had deteriorated beyond repair. Upon information and belief, Graham Trask felt “disrespected” by Stewart, and he was determined to seek retribution from Stewart and Plaintiffs.

V. **The Historic Beaufort Foundation Reverses Course on the Projects**

54. Within two weeks of the falling out between Trask and Plaintiffs, HBF's attitude about the Projects suddenly—and unexpectedly—sour.

55. This was a complete turnaround from HBF's generally positive and collaborative attitude towards the Projects for the prior five years. As noted above, the HBF representative on the Historic Review Board, who had complete information on each Project, voted for each Project every time until 2021.

56. Plaintiffs worked to make sure HBF was informed of the status of the Projects.

57. For example, on **June 15, 2020**, Plaintiffs met with Jenkins and Lise Sundria, both of HBF, to provide an overview of 303's downtown plans, including the Hotel Project and the Parking Garage Project. HBF expressed no objections to the Projects at this meeting.

58. Thereafter, on **November 9, 2020**, Plaintiffs had lunch with Jenkins and Lise Sundria to further discuss downtown plans. HBF expressed no objections to the Projects at this meeting either.

59. As noted above, Graham Trask and Stewart had a major falling out in the third week of **January 2021**, when Stewart did not comply with Trask's demands.

60. Just a week later, on **February 4, 2021**, Jenkins emailed the South Carolina State Historic Preservation Office ("SHPO") asking, "Can a member of the Review Board request the city to review a single project or a number of projects and the potential effect on the historic district?" Upon information and belief, Jenkins was seeking advice on whether HBF's

representative on the Historic Review Board could ask for reconsideration of an entire project that had been previously vetted, and in particular, Plaintiffs' Projects.

61. SHPO is technically part of a state agency, the South Carolina Department of Archives and History ("SCAH"). Jenkins was then, and is now, the President of the SCAH Foundation, the non-profit charged with fundraising for SHPO. As such, Jenkins has close connections and influence with SHPO. Upon information and belief, Jenkins used those connections to influence the state agency's decisions and policy for the benefit of the Trasks and HBF in order to damage 303.

62. On **February 8, 2021**, Jenkins emailed members of the HBF Board of Trustees regarding the upcoming Historic Review Board meeting at which the Hotel's Change after Certification was to be reviewed. Jenkins stated:

"Lise and I are still working on the postscript addressing the issues – as usual – is more difficult than first thought plus we are trying to write it in a manner that is not negative – well too negative. I agree the roof top addition looks a bit like George Jetson met Roy Rogers. Also wonder if this brings into question overall height, mass, scale and absolute size as outlined in Milner. That it needs to start the review process over as it is a different building. This is such a piecemeal approach and certainly does not evoke good design. I am beginning to feel as though the city is lost and we are just wasting our time."

Upon information and belief, this email and the prior email from Jenkins demonstrate her intent to change the prior course of HBF's prior approvals and begin to challenge the Projects.

63. Of course, by this time Plaintiffs had spent an enormous amount of time and effort and hundreds of thousands of dollars in development costs in reliance on the numerous prior public approvals of the Projects. This apparently did not concern HBF.

64. On **February 9, 2021**, HBF emailed Plaintiffs and indicated that the HBF Preservation Committee and Board would oppose the Apartment Project because they were “concerned about the overall impacts of the 5 new infill structures that are in various stages of planning and review for Port Republic Street – 211 Charles, 905 Port Republic, 918 Craven, 812 Port Republic and 809 Port Republic.” This was quite surprising to Plaintiffs, as these properties were all part of the projects that had been discussed publicly and approved at numerous Historic Review Board meetings, with the positive vote of the HBF representative every time.

65. Unbeknownst to 303, HBF and the Trasks’ coordinated conspiracy efforts were just getting started.

VI. The Trasks and Historic Beaufort Foundation Begin a Disinformation Campaign

66. On **February 22, 2021**, Jenkins emailed Lise Sundria of HBF a redlined version of the verbiage for an upcoming social media campaign against the Projects.

67. On **February 25, 2021**, HBF begins a “Change is Coming” social media campaign. The first, “The Port Republic Street we know today and have known over the last 100+ years is about to change” sets the stage for HBF’s criticisms of Plaintiffs’ long-in-the-works Projects.

68. Also on **February 25, 2021**, Maxine Lutz, former Executive Director of HBF and current Historic Review Board member (who had previously been involved with all prior reviews and approvals of the Projects), sent a draft of an OpEd for *The Beaufort Gazette* critical of the projects to Jenkins, Lise Sundria of HBF, and John Troutman, Chair of HBF’s Board of Trustees, for review and input.

69. On **March 1, 2021**, HBF continued its “Change is Coming” social media campaign. Its latest post disapproved of the Plaintiffs’ downtown projects by stating in part:

“The current planned and proposed developments for Port Republic between Scott’s to Charles Streets are not in keeping with the conceptual vision set forth in either the Civic Design Master plan or the Beaufort Preservation Manual. If these developments move forward as proposed, the streetscape along Port Republic Street and our beloved vista and skyline will be forever altered.”

70. There were many subsequent posts to this effect. The entire HBF campaign failed to mention to the public that HBF had a seat at the table for every step of the Projects and, to date, had voted to approve at every step.

71. On **March 3, 2021**, Jenkins emailed members of the HBF Board of Trustees noting: “The “sketch up” program that Cooter used on his Bay St project is going to be done of Port Republic by Graham Trask. Not sure when we will have them. Hopefully soon.” At this point Jenkins and Trask are overtly conspiring.

72. Consistently then, on **March 4, 2021**, Lise Sundria of HBF emailed Trask, stating “Cynthia (Jenkins) asked that I forward the attached minutes.” Minutes from the August 2016 and September 2017 Historic Review Board meetings were attached to that email. The Projects were discussed in those meetings.

73. On **March 5, 2021**, Graham Trask emailed first-draft renderings of the Hotel Project to Jenkins. The renderings are the equivalent of lies, as they are intentionally deceptive and falsely depict the mass, scale and height of the Hotel Project in an obvious attempt to inflame the viewer. The renderings have been called the “Red Menace”.



74. Later that day, Jenkins, from her personal (not HBF) email, shared Trask's inaccurate and intentionally misleading renderings of the Hotel Project with others. In particular:
- a. Jenkins emailed Trask's Red Menace drawings to the HBF Board. Members of the Board indicated they were concerned with the accuracy of the drawings. Even though Jenkins knew the drawings were from Graham Trask, she told the Board that they are from the Beautiful Beaufort Alliance. Jenkins also distributed the drawings before her Board had a chance to confirm the accuracy. The Board never did.
 - b. Jenkins, from her HBF email address, emailed Trask's Red Menace drawings to SHPO, stating: "Images by Beautiful Beaufort Alliance. This is why I asked the city to seek a review from your office!!!!" Eric Emerson, Director of SHPO, responded, "Thanks for the image, which I am copying to Elizabeth, Brad, and Dan."
 - c. Jenkins yet again emails Emerson with SHPO. The title of the email is "Scale model." It, again, contains Trask's inaccurate and intentionally misleading images. She encourages Emerson to check the HBF Facebook page for the drawings. Upon information and belief, Jenkins had performed no verification that the Red Menace drawings were to scale when the email was sent.

75. Upon information and belief, the only verification of the scale of the Red Menace drawings was to ask their author if they were accurate. If any real modeling had been performed, it would have demonstrated the Red Menace drawings created false depictions.

76. Upon information and belief, HBF and the Trasks knew or should have known that the Red Menace drawings of the Hotel Project were the equivalent of lies. In a Preservation Advocacy Alert sent by HBF to its email list on **March 6, 2021**, included was a copy of the official drawings to scale of the Hotel submitted by Plaintiffs to the Historic Review Board, as shown below.



77. It is impossible to review the actual conceptual drawings submitted as part of the public record to the Historic Review Board in comparison to the Red Menace drawings and not see that the Red Menace drawings are intentionally inaccurate, inflammatory, and false.

78. Other comparisons of the Red Menace drawings (of various iterations) to the real architectural drawings are shown below:

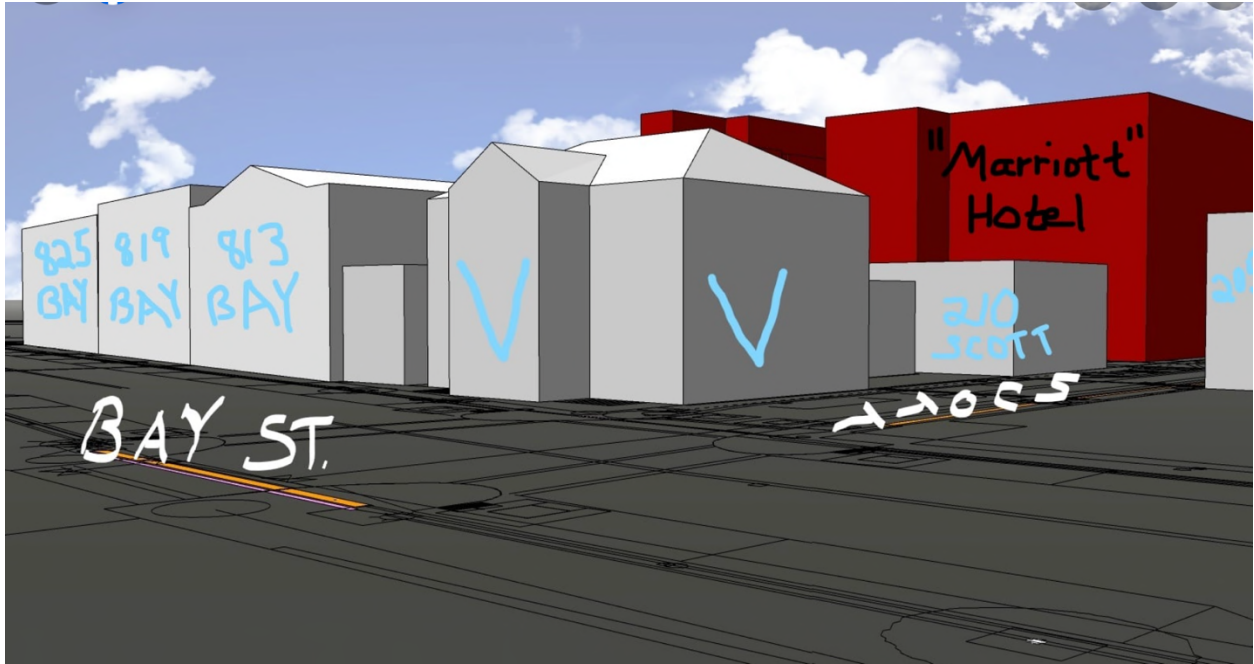
Red Menace: **FALSE**



ACTUAL SCALE: TRUE



Red Menace: **FALSE**



ACTUAL SCALE: TRUE (building depiction on back right):



79. A further analysis of the false nature of the Red Menace drawings is attached at Exhibit 7.

80. In yet another example of the disingenuous propaganda HBF started circulating, on **March 7, 2021** *The Beaufort Gazette* published an OpEd critical of 303 Associates' projects by Maxine Lutz, former Executive Director of HBF and current Historic Review Board member, titled "Are large-scale construction projects really what downtown Beaufort needs?" Lutz stated, "I predict the totality of these projects will pose the greatest impact on traffic congestion and on neighboring businesses and residences, on infrastructure, and on the National Historic Landmark District at any time in history, including the Great Fire of 1907." *Of note, Lutz participated in the Historic Review Board reviews of these Projects, and even spoke in favor of the Garage Project's current design during an Historic Review Board meeting.* This was not disclosed in her OpEd piece.

81. At this point in time, George Trask officially inserted himself into the public discourse on the Projects, and emailed the Historic Review Board and City Mayor Stephen Murray, on **March 8, 2021**, his request that the City issue a moratorium on projects in the Historic District. The emails contain the false Red Menace drawings developed by Graham Trask.

82. The Mayor emailed back his skepticism of the accuracy of the Red Menace drawings and asked for more accurate drawings, drawing the ire of Graham Trask, who responded with more false drawing explanations and claims of size by volume, as if the proposed buildings were buckets of water.

83. George Trask, on **March 9, 2021**, forwarded his son's emails with the Mayor to dozens of people, including members of City Council and City staff. (See emails attached at Exhibit 8.)

84. Fed up with the lies of the Trasks and the irresponsibility of HBF, Dick Stewart was forced to reply by a **March 9, 2021** letter addressed to John Troutman, the then Chair of the HBF Board, which stated in pertinent part that he was writing:

“to correct some misleading statements about our downtown plans and to restate the invitation to join with us and others in preserving important buildings and property rights.” “Recently HBF, under your leadership, has embarked on a campaign of misinformation and deceit. This campaign is designed to cast doubt on the propriety of our investments in the core commercial area of Downtown Beaufort. This is shameful, immoral and demeans HBF. Simply because a few elitists imply that we should have been more forthcoming does not make it true. HBF implies that we have been less than open about our plans. That's hogwash, and you, as a Chairman and Board Member, should know it. We have been completely open and transparent. There have been at least 28 articles published in the Gazette since 2013 describing our plans. We have discussed our plans in public forums and in presentations. There have been numerous meetings with the Historic Review Board (HRB). Not only has HBF staff had the opportunity to speak at each of these reviews, HBF has a designated appointee on the Historic Review Board. What is true is that HBF has had, literally, a seat at the table and was represented during every step of the review process. The simple truth is that HBF is being used by a few people with a personal agenda. Is the HBF Board really TOO BUSY to check the facts? Is HBF's Board seeking to cast doubts on the process they helped establish?”

This letter was mailed to HBF, delivered to Troutman, placed as an ad in the *Island News*, and posted in the windows of 209 Charles Street.

85. On that same day, **March 11, 2021**, Graham Trask emailed Stewart and stated in pertinent part: “Like you, I have a lot invested in downtown Beaufort and I'm intent on protecting the investment from the value destruction that these two projects, most particularly, will bring to my investments and the entirety of downtown historic Beaufort.” What Trask failed to state was

his concern that the Beaufort Inn's growth would legitimately and legally hurt existing business investments of Trask if the Hotel Project was successful, as noted below.

86. Also on **March 11, 2021**, Graham Trask emailed Kacen Bayless of *The Beaufort Gazette*. The email is titled, "Historic Beaufort to become Dick Stewart's Las Vegas." Trask forwarded the email to George Trask and Jenkins stating, "Here's the one beginning of an article that the *Beaufort Gazette* can write. Kacen is the reporter with whom I've been discussing this issue. I took the liberty of starting the article for him."

87. On **March 13, 2021**, Graham Trask forwarded an email to Jenkins and George Trask and encouraged them to resend it. The forwarded email is from Trask to Bill Prokop, then-City Manager, David Prichard, then-City of Beaufort Planning Director, and members of the Historic Review Board, threatening legal action about the prior approvals of the Projects. Jenkins, using her personal email address, forwarded the email to members of HBF's Board.

88. On **March 13, 2021**, Trask's attorney submitted a Freedom of Information request to the City of Beaufort requesting all information on Plaintiffs' downtown projects, including the Garage, Hotel, Tabby Place event venue expansion, the Chambers Cottage, and the Cannon Building.

89. A day later, Graham Trask forwarded that FOIA request to Jenkins and George Trask.

90. In **March, April and May of 2021**, *The Beaufort Tribune* published nearly 30 articles and opinion pieces critical of the Projects, and in some cases of Mr. Stewart personally. (Although every "article" in the *Beaufort Tribune* is really an opinion piece by or at the behest of

the Trasks.) Included in the articles at times were the false Red Menace drawings created by Graham Trask.

VII. The Trasks and Jenkins Attempt to Bypass the City using SHPO

91. On **September 20, 2016**, Lauren Kelly, City Planner, confirmed with SHPO that, per established South Carolina state policy, an archeological study would not be required for the Hotel or the Parking Garage Project sites. This would prove to be a decision the conspirators would attempt to reverse using Jenkins' influence.

92. On **March 5, 2021**, Jenkins, from her HBF email, emailed Director Eric Emerson of SHPO stating, "Need your help. I asked city for archeological study and to post the site to keep off a week ago. Nothing yet! People are scavenging the site also." Jenkins is referring to the Hotel Project site, which was not required to have an archeological study as previously determined by SHPO.

93. On **March 12, 2021**, in concert with the Trasks' efforts at that time, Jenkins emailed David Prichard, then Planning Director for the City of Beaufort, stating:

"I spoke with Dr. Eric Emerson briefly earlier today about the question of archeological sites that would be "on the list". He confirmed that no sites that were under a building would be on the list. Once a building comes down though the site has the potential of providing historic information that may be likely to yield information. Anything within the downtown is likely to yield both historic or pre-historic evidence. Let me know if I can add anything. Clearly, I think the safe thing to do is seek a determination immediately."

With this, Jenkins invented a new SHPO policy she wanted imposed on the Historic District that would make all developments in the Historic District more difficult and costly—without any evidence or legislation supporting such a policy.

94. On **March 13, 2021**, in concert with the Trasks' efforts at that time, Jenkins emailed Prichard again, encouraging him to contact the Institute of Archeology in regard to the Hotel and Parking Garage Projects.

95. On **March 16, 2021, April 7, 2021, and April 8, 2021** Jenkins doggedly followed up with Prichard again on alleged archeological site requirements. Prichard, in response to the April 7th email, responded in part that:

"I have referenced the South Carolina Institute of Archaeology and Anthropology and the South Carolina Department of Archives and History's online cultural resource information system for the state of South Carolina, which combines data from the state's archaeological and built heritage. There was no expected archaeological significance designated for the property on the SC Arch Site Just to be clear, based on the data available to me, there was no indication to warrant an archaeological survey."

96. Prichard was correct. However, Jenkins would use her influence to change that policy.

97. On **April 26, 2021**, Jenkins again emailed Prichard requesting a determination be made of the archeological assessment for the Hotel and Parking Garage sites. But she had more influence to bear.

98. Also on **April 26, 2021**, Director Emerson of SHPO called Prichard and followed up with an email. The call and email were principally about concerns of the National Park Service (see below), but Emerson offered to assist Prichard with the archeological database search.

99. On **April 27, 2021**, Director Emerson of SHPO provided Jenkins with a screenshot of the SHPO database for historic properties in the Beaufort Historic District that would be subject to an archeological assessment. Neither the Hotel Project site nor the Parking Garage Project site were listed in areas of concern.

100. This did not deter Jenkins.

101. On **April 29, 2021**, Jenkins emailed Director Emerson of SHPO requesting information from 2016 regarding SHPO's determination that archeological studies were not required for the Hotel or Parking Garage Projects.

102. On **April 30, 2021**, Director Emerson with SHPO emailed Jenkins in response to Jenkins' sharing the 2016 SHPO determination that archeological studies were not required for the Hotel and Garage Project sites. His email noted that archeological studies should now be required for the Hotel and Garage Sites, reversing course from the April 27, 2021 map he shared showing these sites were not subject to such, and now stating, among other things,:

"It is not clear from the record exactly what information contributed to the staff member's recommendations, particularly as historic structure are noted in the vicinity of the tracts, and the National Register of Historic Places nomination for the Beaufort Historic District describes the high potential for archeological sites. ...We are updating our previous guidance to recommend that archeological investigations should occur on these tracts.

Upon information and belief, this was a remarkable reversal and unique change to the SHPO policy by its Director, as it failed to utilize any analysis or study as to assess whether or not such a policy change was practicable or even advisable.

103. On **June 2, 2021**, Director Emerson with SHPO emailed the City's Prichard, and stated that archeological studies should now be required for the Hotel and Parking Garage Sites. Of note – the text of his email is identical to his April 30, 2021 email to Jenkins.

104. On **June 3, 2021**, Prichard, emailed back questioning why he was receiving this email. SHPO did not explain, but simply followed up with a formal letter rather than an email,

again containing identical verbiage to SHPO's April 30, 2021 email to Jenkins. Emerson of SHPO also forwarded this letter to Jenkins and HBF.

105. On **June 4, 2021**, Jenkins emailed Prichard, stating in part: "Now that you have the letter in hand to you directly from Dr. Emerson, South Carolina SHPO, regarding archeology related to the sites proposed for development, when can we expect the city to take action?" Jenkins of course wanted archeological action on the Project sites in hopes of findings which would contribute to further delays.

106. Upon information and belief, Jenkins, as President of the chief fundraising arm for SHPO, caused Emerson of SHPO to take the unusual step of overruling SHPO policy that had been in place for at least five years. The new policy pushed by SHPO is ridiculously broad and unworkable, as any site in the Historic District would now qualify for a requirement of an archeological study, even with absolutely no evidence that the site itself had any historical significance.

107. Upon information and belief, there is not such a broad SHPO designation in any other land in South Carolina.

108. By **February 2, 2022**, during all the delays to the Projects caused by the conspirators, 303 Associates privately had archeological studies performed on all three sites, and as expected, nothing of archeological significance was discovered on the sites.

109. Jenkins' disinformation campaign continued. On **March 3, 2023**, she emailed Director Emerson of SHPO claiming that 303 Associates planned on tearing down a historic tabby wall located near the Project on property near 807 Bay Street. This was a lie.

VIII. The Trasks and HBF Attempt to Bypass the City using the National Park Service

110. Jenkins' undue influence on SHPO was not the only effort by the conspirators to bypass the City's permitting of the Projects.

111. Graham Trask was active as well.

112. During this time, Trask contacted a childhood friend, Will Cook, who is Special Counsel to Cultural Heritage Partners, PLLC, a Washington D.C. based advocacy group. Cook leveraged his connections with the National Park Service ("NPS") and contacted Cynthia Walton with the National Park Service and Elizabeth Johnson of SHPO about Trasks' hyperbolic claims regarding the Projects.

113. On **March 25, 2021**, Director Emerson of SHPO emailed Jenkins, forwarding this correspondence between Cook, Walton and Johnson. Cook stated in his email he warns of:

"significant threats to the heart of the Beaufort NHL and the NHL District portion of the Reconstruction Era National Monument. In full disclosure, I'm a Beaufort native, so I know the town well. A childhood friend and historic district property owner there, Graham Trask, has already contacted you at the SHPO's recommendation, but I wanted to see if your office would consider issuing a warning letter to the local government regarding threats to the NHL's integrity should it continue to approve the proposed projects, as well as threats to the Reconstruction Era National Monument. For example, I was shocked to learn that the local historic preservation commission gave full approval to the proposed Marriott in October 2019 and I believe has given preliminary approval to a large parking deck."

(See emails attached at Exhibit 9.)

114. The NPS oversees the Beaufort National Historic Landmark and the National Historic Landmark District portion of the Reconstruction Era National Monument in the Historic District of the City.

115. On **April 8 and 9, 2021**, Graham Trask also emailed Senators Tim Scott and Lindsay Graham and House Representative Nancy Mace complaining about the Projects and seeking formal NPS intervention. As stated in his email to Jenkins:

“I have therefore also been in contact with Cynthia A. Walton who is the Branch Manager for The National Park Service, Interior Region 2. Cynthia is concerned with what’s going on in Beaufort. She and the NPS require a request from an elected official (Senator Tim Scott, for example) for the National Park Service to launch an investigation on how the proposed infill buildings will affect the National Historic Landmark District and Reconstruction Era National Historic Park.”

116. On **April 26, 2021**, Jenkins emailed the HBF Board stating that:

“I received a call from Cynthia Walton, Branch Manager of Archeological and Historic Preservation, in the Atlanta office of the National Park Service. The Park Service has been contacted by two Beaufort natives and former residents expressing concern that the National Landmark District is being threatened with potential developments not in character with the height, mass, or scale of the historic district...The Park Service is particularly concerned because as was said to me “the Park Service now has skin in the game in Beaufort” with the Reconstruction Monument. The request to us is that we send a letter outlining the proposals and potential threat to the District.”

117. Upon information and belief, Jenkins, at that time, did not reveal to the HBF Board that the interest of the NPS was solely due to the efforts of Graham Trask, and his boyhood friend, lobbyist Cook, even though she had known of their involvement for weeks.

118. Further emboldened and in concert with Trask’s strategy, also on **April 26, 2021**, Jenkins emailed Bill Prokop, then City Manager, letting him know that:

“I received a call last week from the Atlanta office of the National Park Service letting me know that they have been contacted regarding potential development threats to the Beaufort National Landmark District. The Park Service contacted Dr. Eric Emerson, SC State Historic Preservation Officer, and members of his staff regarding Beaufort’s status. The SHPO suggested to NPS that the Historic Beaufort Foundation be contacted as the local preservation organization.”

119. Again, Jenkins did not mention that the Trasks were behind this, although eventually Trask and Cook went public with their involvement in an opinion piece in *The Beaufort Tribune* and *The Beaufort Gazette* on **May 24, 2021**.

120. On **May 10, 2021**, Lise Sundria of HBF emailed HBF's Board to remind them of an upcoming meeting on May 12. She noted: "The purpose of this meeting is to discuss among other items the recent decision by the National Park Service regarding the status of HBF's [sic] Historic District designation and a recent discussion with George and Graham Trask." Clearly, the Trasks and HBF were coordinating a NPS strategy together at this point.

121. The Trasks and Jenkins would repeatedly reference that NPS review in their public remarks to various City review boards as reasons for the review boards to deny and/or revoke permits to 303.

122. The NPS then commissioned a study of the condition of the Beaufort National Historic Landmark and the National Historic Landmark District portion of the Reconstruction Era National Monument in the Historic District.

123. On **February 8, 2022**, the NPS had a public meeting for comments on their draft assessment of the Beaufort National Historic Landmark District. During the meeting, Graham Trask made multiple misrepresentations regarding the mass, scale and height of the Projects, and rejected out of hand the multitude of Historic Review Board approvals. 303 representatives refuted Trask's commentary at the meeting.

IX. SHPO Mysteriously Interferes with a SCDHEC Permit

124. Part of the development of real property in South Carolina is navigating a large number of local, state and federal approvals for required approvals. One of those required approvals for the Parking Garage Project was from the South Carolina Department of Health and Environmental Control (“SCDHEC”).

125. On **November 19, 2021**, Plaintiffs’ request for a SCDHEC Land Disturbance Permit / Coastal Zone Consistency (CZC) (“Permit”) for the Parking Garage Project was submitted to and received by SCDHEC.

126. After (yet another) public notice period expired in December of 2021, and after an unusually long review time without response, Plaintiffs, in **March of 2022**, began repeatedly requesting information from SCDHEC on the status of the Permit.

127. 303 continued to ask the SCDHEC employee who was processing the Permit about the status of the Permit through **August of 2022**, but received no response,

128. Finally, on **August 29, 2022**, Plaintiffs spoke with the SCDHEC employee about the Permit. The employee told Plaintiffs that the Permit was ready to be issued, but things were being “held up.” The employee reported she had received a call from someone “high up” in SHPO indicating that they did not want this project to go through. She stated “there are people who don’t want this to happen.” The employee stated that nothing else was holding up the Permit.

129. The next day, **August 30, 2022**, the SCDHEC employee emailed 303, noting SHPO requested the following: "To facilitate our review of this project for DHEC-OCRM please provide the following: Report(s) from any archaeological/cultural resources investigations of the project

location; A completed SHPO DHEC-OCRM Project Review Form Site plan and elevation drawings; Copies of any City of Beaufort architectural review board review(s)."

130. The SCDHEC employee noted this was not a typical SHPO request.

131. On **September 9, 2022**, after further contact with SCDHEC and providing additional information in response to SHPO requests, SCDHEC issued the Permit to Plaintiffs.

132. Upon information and belief, the conspirators, likely through Jenkins and her contacts as SHPO, used SHPO to further disrupt and interfere with the normal SCDHEC permitting process for issuance of the Permit, delaying Plaintiffs' receipt of the Permit for months. Upon information and belief, this was done maliciously to harm Plaintiffs and benefit the conspirators.

X. The Flurry of Lawsuits by the Trasks and HBF Seeking to Stop the Projects

133. Not content to simply spread disinformation, falsehoods, and propaganda by their other actions alleged above, the Trasks and HBF, through Jenkins, took the additional steps of misusing the court system to delay, damage, and try to prevent from coming to fruition the approved Projects and harm the Plaintiffs.

134. Every citizen that has standing may seek relief in the courts of the United States, and in South Carolina, its courts. This is a fundamental right of citizens of this country. However, like all rights, this right can be abused. Many public or private interest organizations have used the court system to stall and attempt to defeat real estate development projects. This has become a common tool of advocacy groups, whether they be concerned about environmental issues or historic preservation issues. As long as citizens and such groups use the court system with legitimate complaints with the real purpose of obtaining relief from the courts, the system works

as designed. However, there are those with some collateral purpose they are trying to receive, which is an abuse of process and undermines the legitimacy of other complaints.

135. In this case, the Trasks, with the collaboration of Cynthia Jenkins, the Executive Director of HBF, have improperly used the legal process for the main purpose of enriching themselves, both financially and reputationally, at the expense of 303, Beaufort Inn, and Mr. Stewart. Additionally, the Trasks have spuriously used the court system as simply an adjunct to their public relations campaign carried out in part by their use of *The Beaufort Tribune* and BBA, as well as their proxy, the HBF.

136. On **April 5, 2021**, Trask filed a lawsuit on behalf of two of his many companies “*West Street Farms, LLC and Mix Farms, LLC v. City of Beaufort, Beaufort Inn, LLC, and 303 Associates, LLC*,” in the Beaufort County Court of Common Pleas, Civil Action No. 2021-CP-07-00663. (“First Lawsuit.”)

- a. The subject matter of the lawsuit was a claim that the Hotel Project, the Parking Garage Project, and the Apartment Project each were “large footprint buildings” under the Beaufort Code, and, thus, each project could not go forward without a Special Exception from the City’s Zoning Board of Appeals.
- b. The Trasks raised the same issues as part of their Second Lawsuit, see below, which was an appeal of the Historic Review Board’s June 9, 2021 decisions granting Final Approval to the Parking Garage Project and granting a Change after Certification for the Hotel Project.

- c. The Second Lawsuit was decided before the First Lawsuit in favor of 303 Associates, Beaufort Inn, and the City of Beaufort.
- d. On **June 9, 2023**, South Carolina Circuit Court Judge R. Scott Sprouse ruled against the Trasks and dismissed the First Lawsuit, stating that the issues had previously been decided by South Carolina Circuit Court Judge Bentley Price in the Second Lawsuit, as noted below.
- e. The Trasks have appealed that order to the South Carolina Court of Appeals. They have also publicly stated that, should the South Carolina Court of Appeals not reverse the decisions of Judge Price and Judge Sprouse, they would continue to appeal both cases to the South Carolina Supreme Court.

137. On **July 9, 2021**, Trask filed an appeal of the Historic Review Board's June 9, 2021 decisions granting Final Approval to the Parking Garage Project and granting a Change After Certification for the Hotel Project in "*West Street Farms, LLC and Mix Farms, LLC v. City of Beaufort, City of Beaufort Historic District Review Board, and The Beaufort Inn, LLC,*" Civil Action No. 2021-CP-07-01231.

- a. Of significance is that Trask raised the large footprint building issue that was the subject of the First Lawsuit before the Historic Review Board as a reason to deny the approvals. The Historic Review Board obviously disagreed.
- b. Judge Price heard the appeal on January 6, 2022 and issued an Order denying the Appeal on **January 20, 2022**. In the Order, Judge Price rejected the exact large

footprint building claims the Trasks made for the Hotel and Parking Garage Projects, calling them “specious.”

138. In concert and part of its conspiracy with the Trasks, also on **July 9, 2021**, HBF filed a nearly identical appeal of the June 9, 2021 Historic Review Board decisions, “*Historic Beaufort Foundation v. City of Beaufort, City of Beaufort Historic District Review Board, and The Beaufort Inn, LLC*,” Civil Action No. 2021-CP-07-01241 (“Third Lawsuit.”)

- a. Judge Price disposed of the Historic Review Board appeal in the same fashion as the Trask appeal, denying the appeal by Order of January 20, 2022.
- b. HBF has also appealed that decision to the South Carolina Court of Appeals.

139. On **September 8, 2021**, the Trask entities filed another case, “*West Street Farms, LLC and Mix Farms, LLC v. City of Beaufort, City of Beaufort Board of Zoning Appeals, and 303 Associates, LLC*,” Civil Action No. 2021-CP-07-01639 pending in Circuit Court in Beaufort County (“Fourth Lawsuit.”)

- a. In this case, the Trask companies appealed the granting by the City’s Zoning Board of Appeals (“ZBOA”) for the Cannon Building/Apartment Project.
- b. The appeal is a bit ironic as one of the subjects of the First Lawsuit was a complaint that the Cannon Building/Apartment Complex *did not have* a Special Exception, which it has since received.

140. Also on **September 8, 2021**, the HBF filed an appeal of the same ZBOA decision, in “*Historic Beaufort Foundation v. City of Beaufort, City of Beaufort Board of Zoning Appeals, and 303 Associates, LLC*,” Civil Action No. 2021-CP-07-01644. (Fifth Lawsuit.)

- a. This is the identical case to the Fourth Lawsuit filed by Trask in 2021-CP-07-01639.

141. On **January 7, 2022**, the Trask entities filed a lawsuit “*West Street Farms, LLC and Mix Farms, LLC v. City of Beaufort, Beaufort Historic Review Board, and 303 Associates, LLC*,” No. 2022-CP-07-00-0039 (“Sixth Lawsuit.”)

- a. In this latest lawsuit, the Trasks appealed the grant of Preliminary Approval to the Cannon Building/Apartment Project by the Historic Review Board. The Cannon Building/Apartment Project has since received Final Approval from the Historic Review Board.

142. Besides being meritless, both HBF lawsuits were unnecessary because the Trasks were going to appeal any decision anyway. Upon information and belief, the only reason the HBF filed the two lawsuits was to provide public support and cover for the Trasks as part of their conspiracy.

XI. Overt Acts, False Acts, and Illegal Acts

143. In addition to the improper actions alleged above, the conspirators engaged in other improper activities in furtherance of the conspiracy to harm the Plaintiffs.

144. The conspirators repeatedly publicly accused 303, Beaufort Inn, and Mr. Stewart of criminal conduct connected with the application and receipt of the many, many approvals at public hearings for the Projects.

145. Throughout their recent opposition to the Projects, the Trasks claimed, without evidence, that 303 had improperly manipulated City employees and governing bodies in an effort to discredit 303 and distract from the Defendants' weak positions. The Defendants, sometimes personally in public forums or emails and sometimes through *The Beaufort Tribune* or BBA, distributed scandalous accusations of impropriety and claims of lack of competency against City officials, City attorneys, and any other person who might disagree with their inflammatory rhetoric. This "bully" mentality was part of the Defendants' overall scheme of retribution to destroy the Projects and accomplish their ulterior motives.

146. On **August 16, 2021**, Jenkins drafted an appeal to HBF "members and friends" for donations to offset HBF's legal costs associated with the HBF's appeal of the June 9, 2021 Historic Review Board decision approving 303's projects. An initial draft noted:

We need your help in meeting the costs of this appeal. Members of our Board of Trustees are in complete agreement that this is a necessary action for us to honor our mission to preserve and protect Beaufort's historic and architectural legacy. *An anonymous donor has stepped forward and offered \$25,000 to be matched by \$25,000 from other sources.* I have every confidence we will meet this challenge and more in the coming days and weeks. Please join me in supporting this important advocacy effort. One of the most important our precious town has ever faced." (Italics added)

147. Later drafts did not have this verbiage. Upon information and belief, the Trasks, directly or indirectly, were the "anonymous donor." If true, this is further evidence of the Trasks' use of HBF at a proxy to legitimize the Trasks' fight against the Projects.

148. On **March 2, 2023**, Graham Trask threatened Plaintiff's contractor and 303 with criminal prosecution for cutting portions of trees that were located on Trask's property but which overhung Plaintiff's property. Trask went so far as to put this in writing in an email by stating, in pertinent part: "I am even more baffled why my trees have been recently cut without my permission. As I stated in our phone call, my understanding is that this is both a criminal and civil offense." It is not a civil or criminal offense for a property owner to cut tree limbs overhanging that owner's property. Plaintiff had provided Trask, through counsel, prior notice of its planned activities.

149. Upon information and belief, Graham Trask attempted to swear out a criminal warrant for the tree trimming against Dick Stewart, but was refused.

150. The use of the courts as a device to achieve a purpose collateral to the actual court proceeding is a tool that Graham and George Trask are not afraid to use. Thus, Graham Trask's improper use of the courts is capable of repetition. For example, at a **May 11, 2022** Historic Review Board meeting unrelated to any of the Projects, Trask demanded to speak about the Historic Review Board's "process." In a recorded conversation with Mike Sutton, Chair of the Historic Review Board, Trask revealed his *modus operandi*:

"I am going to stay on topic and I am going to make one point very clear, Mike, or whatever your name is. If you don't give me an opportunity to talk, I will appeal this until the cows come home. So, you have a choice – if you're not going to hear me, then I will appeal it, and this poor man (the applicant), this poor developer will be caught up in court for years."

Mr. Sutton responds, "The threatening nature, the way you operate, sir, makes it to where you don't have the right to come here and do that to people."

Trask replied, "Oh, I do, because you're not letting me talk. So I'm going to talk about this project as I intended to before you rudely cut me off."

151. Thus, Trask was willing to appeal a completely unrelated project and punish a “poor developer” unless the Historic Review Board succumbed to his wishes to speak on a topic that was not part of the topics at the publicly noticed meeting attended by citizen volunteers out of pure vindictiveness.

152. Upon information and belief, another improper purpose of the conspiracy was the use of the false allegations and disinformation by HBF to create public outrage, with the goal of obtaining an increase in donations to HBF. This scheme was apparently successful; federal tax records indicate that the contributions to HBF increased by 70% from fiscal year 2020 to 2021.

XII. The Trasks’ Secret Profit Motives

153. Upon information and belief, after his falling out with Dick Stewart in late January of 2021, Graham Trask determined the Hotel Project would detract from his plans for hospitality operations, short-term rentals, and accommodations he had planned for several of his properties within the Historic District, and this would have a negative financial impact on him.

154. Further, upon information and belief, George and Graham Trask were directly or indirectly partial owners of the Best Western hotel, located at 1015 Bay St, Beaufort, only a few blocks from the Hotel Project site. The Hotel Project, when completed, would inevitably draw customers from the Best Western, thereby hurting its bottom line—and the finances of the Trasks.

155. Upon information and belief, the Trasks never disclosed their financial special interests favoring the failure of the Projects to HBF or City Council.³

XIII. Plaintiffs have been significantly damaged by the Defendants Wrongful Acts

156. Plaintiffs have been significantly damaged by the acts and omissions of the Defendants. The delay of the Projects has, among other things, caused Plaintiffs to lose:

- a. Years of net profit from customer room and facility rentals in the new Hotel caused by the delays created Defendants' acts and omissions;
- b. Increased construction costs caused by the delays as such costs have increased through inflation over time;
- c. Higher financing costs caused by the delays as interest rates have gone up;
- d. Defense costs of the lawsuits;
- e. And other damages proximately caused by the Defendants' tortious conduct.

157. Plaintiffs are informed and believe that they have suffered at least **Forty Million Two Hundred and Twenty-Seven Thousand, Ninety-Seven (\$40,227,097) Dollars and no/cents** in damages caused by Defendants' improper conduct, with that amount growing daily. Including treble damages for the SCUTPA claim, Plaintiffs are owed at least **One Hundred and**

³ The Trasks were part of a family squabble/lawsuit regarding the ownership of the Best Western, among innumerable other disputes, in "*In the Matter of Flora G. Trask, Deceased; John M. Trask and Fredrick Trask as Trustees v. George G. Trask, Graham B. Trask, et al.*," Case No. 2022-CP-07-01622 filed in the Beaufort County Court of Common Pleas, that was apparently settled in December of 2022.

Twenty Million, Six Hundred and Eighty One Thousand, Two Hundred and Ninety One (\$120,681,291) Dollars and no/cents by Defendants.

THE CLAIMS

FOR A FIRST CAUSE OF ACTION
(Abuse of Process)

158. The above allegations are incorporated herein by reference thereto.

159. Defendants had ulterior purposes as the primary reasons for the lawsuits they filed and caused to be filed against the Plaintiffs.

160. As stated, Defendants, and in particular Graham Trask, supported the Projects for years and sat on the sidelines for years while 303 invested millions of dollars in the Projects. That only changed after the very personal “falling out” between Trask and Stewart in early 2021. Nothing about the scale, mass or height of the Projects changed between 2016 and 2021. Therefore, the only reason for the Defendants to suddenly oppose the Projects and cause the six lawsuits to be filed is an ulterior motive.

161. These ulterior purposes were the promotion of Defendants’ own profits from their businesses, a desire to hurt and damage Dick Stewart and the Plaintiffs, and a need to reassert themselves as the dominant property owners and influential power brokers in the City.

162. The Defendants committed numerous willful and knowing acts outside of the context of the lawsuits, including but not limited to the distribution of the false Red Menace drawings, constant threats to public officials and others, allegations of criminal wrongdoing, conspiracy to improperly manipulate the conduct of state agencies, and other acts.

163. Defendants' abuse of process proximately caused the actual damages alleged.

164. For Defendants' willful, wanton, and malicious conduct, Plaintiffs should also be awarded punitive damages in an amount to be determined by the jury.

FOR A SECOND CAUSE OF ACTION
(Civil Conspiracy)

165. The above allegations are incorporated herein by reference thereto.

166. Graham Trask, George Trask, BBA, and the HBF through Jenkins conspired to commit an unlawful act or a lawful act by unlawful means for the purpose of injuring Plaintiffs and Stewart.

167. There are two components of the conspiracy. The first component is that the conspirators, including the Defendants, conspired to commit the torts of abuse of process, intentional interference with prospective contractual relations, and malicious prosecution.

168. The second component of the conspiracy is that the Defendants, through the use of *The Beaufort Tribune* and the BBA website, along with the HBF using its large membership, had a special and peculiar power of coercion, and their force in numbers gave them credibility that they may have otherwise lacked individually. The conspirators also used this force of numbers by filing multiple lawsuits without proper motives. Finally, the conspirators used their undue influence on SHPO officials to intervene in the Projects to an unprecedented degree and beyond their normal scope of duties as public servants.

169. The widespread dissemination of false Red Menace drawings by the Defendants were overt acts in furtherance of the conspiracy.

170. The conduct of the conspirators was intended to injure Plaintiffs and Stewart, as alleged above.

171. The conspiracy proximately caused the damages alleged herein.

172. Because of their conspiracy, the Defendants are liable to Plaintiffs for all Plaintiffs' actual damages.

173. For Defendants' willful, wanton, and malicious conduct, Plaintiffs should also be awarded punitive damages in an amount to be determined by the jury.

FOR A THIRD CAUSE OF ACTION
(Intentional Interference with Prospective Contractual Relations)

174. The above allegations are incorporated herein by reference thereto.

175. Plaintiffs reasonably expected to earn substantial net profits from the opening of the Hotel Project. The net profits would come from Hotel guests, which include both consumers renting individual rooms, as well as event rentals such as weddings and conferences.

176. Defendants, who are in the hospitality business themselves, knew Plaintiffs expected to receive income from the Hotel operations, as well as ancillary facilities rental income. Defendants knew their interference in the Projects would cause substantial delays in the Project and result in losses of future revenue by Plaintiffs.

177. Defendants interfered in the Projects by improper means by distributing the false Red Menace drawings and publicizing disinformation about the Projects, and the other alleged improper acts, all of which contributed to the delays to the Projects and the damages suffered by Plaintiffs.

178. Defendants interfered in the Projects for improper purposes by distributing the false Red Menace drawings and publicizing disinformation about the Projects, and the other alleged improper acts, all of which contributed to the delays to the Projects and the damages suffered by Plaintiffs.

179. Defendants' interference proximately caused the actual damages alleged.

180. For Defendants' willful, wanton, and malicious conduct, Plaintiffs should also be awarded punitive damages in an amount to be determined by the jury.

FOR A FOURTH CAUSE OF ACTION
(Unfair Trade Practices)

181. The above allegations are incorporated herein by reference thereto.

182. The aforementioned acts of all Defendants of, among other things, making unfair, false and deceptive statements and acts, in violation of the South Carolina Unfair Trade Practices Act, S.C. Code of Laws, Section 39-5-10 *et seq.*

183. The aforementioned acts of all Defendants are against public interest and these acts and practices are capable of repetition of and imposition on other members of the public. Further, the improper use of judicial process to use a collateral benefit is capable of repetition as Graham Trask has expressly threatened to do so outside of the context of his disputes with Plaintiffs.

184. The Defendants' actions were willful and wanton, and the Defendants knew, or should have known, that their conduct was unfair and deceptive and, therefore, in violation of this State's statutes concerning unfair and deceptive acts and practices.

185. As a result of the Defendants' violation of the South Carolina Unfair Trade Practices Act, Plaintiffs have been damaged, and continue to suffer damage, including but not limited to, the loss of money and the use thereof.

186. As a result of the Defendants' unfair and deceptive acts or practices in violation of this State's statute, Plaintiffs are entitled to their actual damages, together with punitive damages, not to exceed three (3) times their actual damages, together with attorney's fees, costs and expenses of this action.

FOR A FIFTH CAUSE OF ACTION
(Malicious Prosecution)

187. Plaintiffs incorporate herein by reference thereto the prior allegations.

188. Defendants filed or caused to be filed six lawsuits against Plaintiffs as alleged above for malicious purposes.

189. Plaintiffs have won two of the lawsuits thus far.

190. Defendants did not have probable cause to file or continue some of the lawsuits.

191. Defendants' malicious prosecution of the lawsuits proximately caused the actual damages alleged.

192. For Defendants' willful, wanton, and malicious conduct, Plaintiffs should also be awarded punitive damages in an amount to be determined by the jury.

WHEREFORE, Plaintiffs pray that the Court grant the following relief to them from Defendants:

- A. All actual and punitive damages against the Defendants, jointly and severally;
- B. All actual damages, treble damages and their attorneys' fees and costs in for Defendant's unfair trade practices; jointly and severally, and
- C. For such other and further relief as the Court deems just and proper.

Respectfully submitted,

Dated: July 17, 2023

BURR & FORMAN LLP

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Attorneys for Plaintiffs
303 Associates, LLC and Beaufort Inn, LLC

EXHIBIT 1

Dick Stewart

From: Dick Stewart
Sent: Sunday, August 7, 2016 8:40 AM
To: grahamtrask@gmail.com
Subject: Fwd: Scott-Port Republic

Graham. This is an early elevation. We are improving the corner entryway. The view is as I'd you were looking from the side of the library towards the corner of Scott and Port Republic Streets. We will have more info available soon. Ill sending parking structure info separately.

Tks

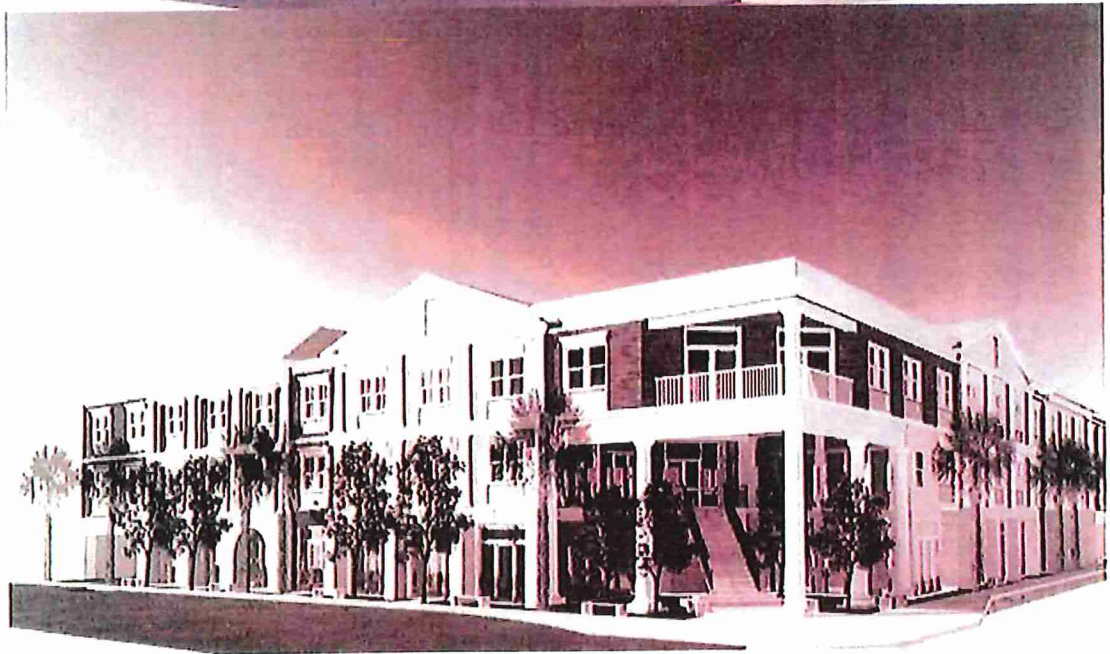
This is the early conceptual drawing for the hotel on our other parking lot. We can have copies available if helpful.

Tks

Sent from my iPad

Begin forwarded message:

From: Roscoe Chambers <roscoechambers5256@gmail.com>
Date: August 2, 2016 at 3:44:17 PM EDT
To: Dick Stewart <dstewart@303associates.com>
Subject: Re: Scott-Port Republic



R.W. Chambers, Architect
roscoechambers5256@gmail.com

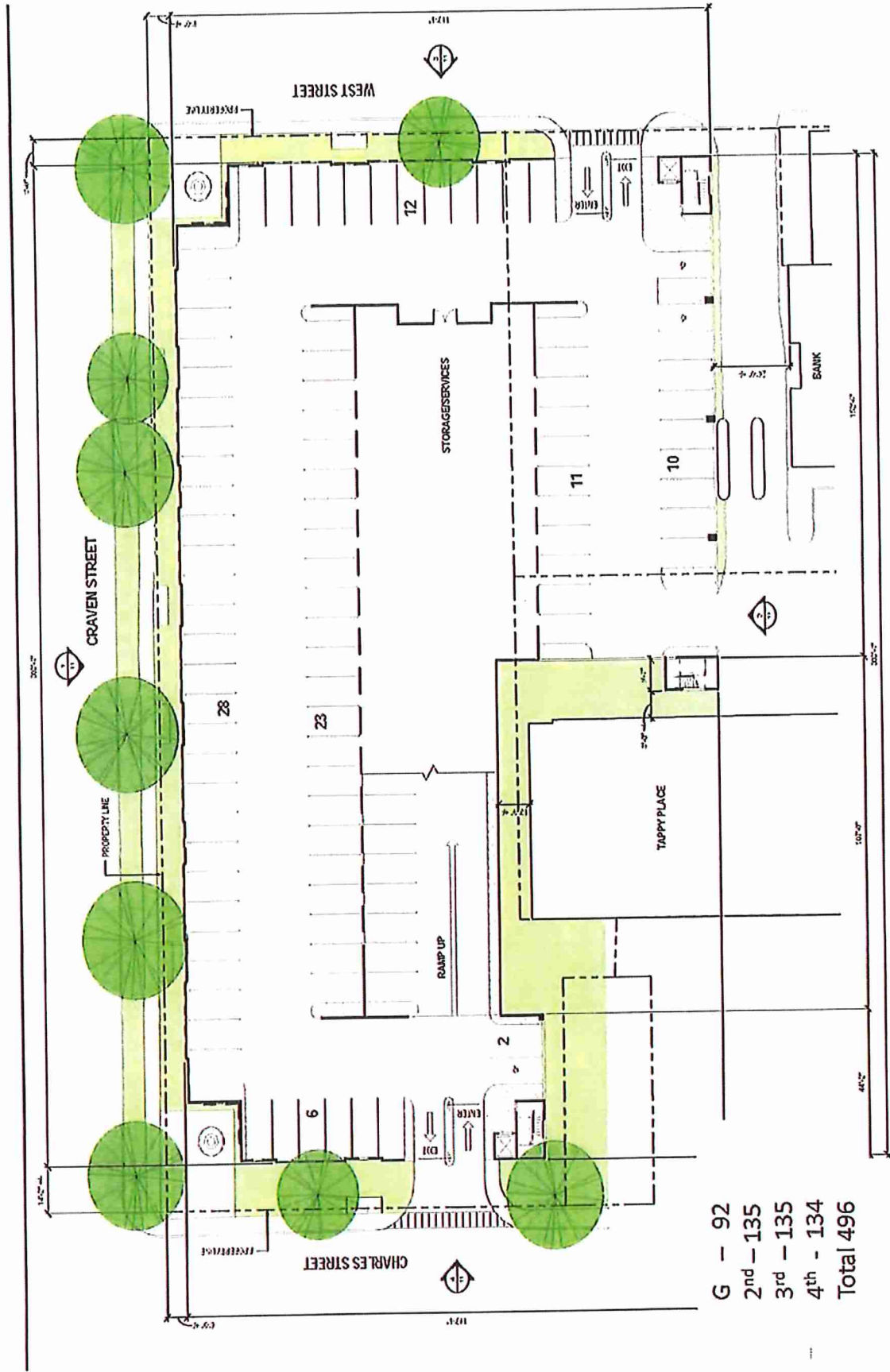
EXHIBIT 2

Dick Stewart

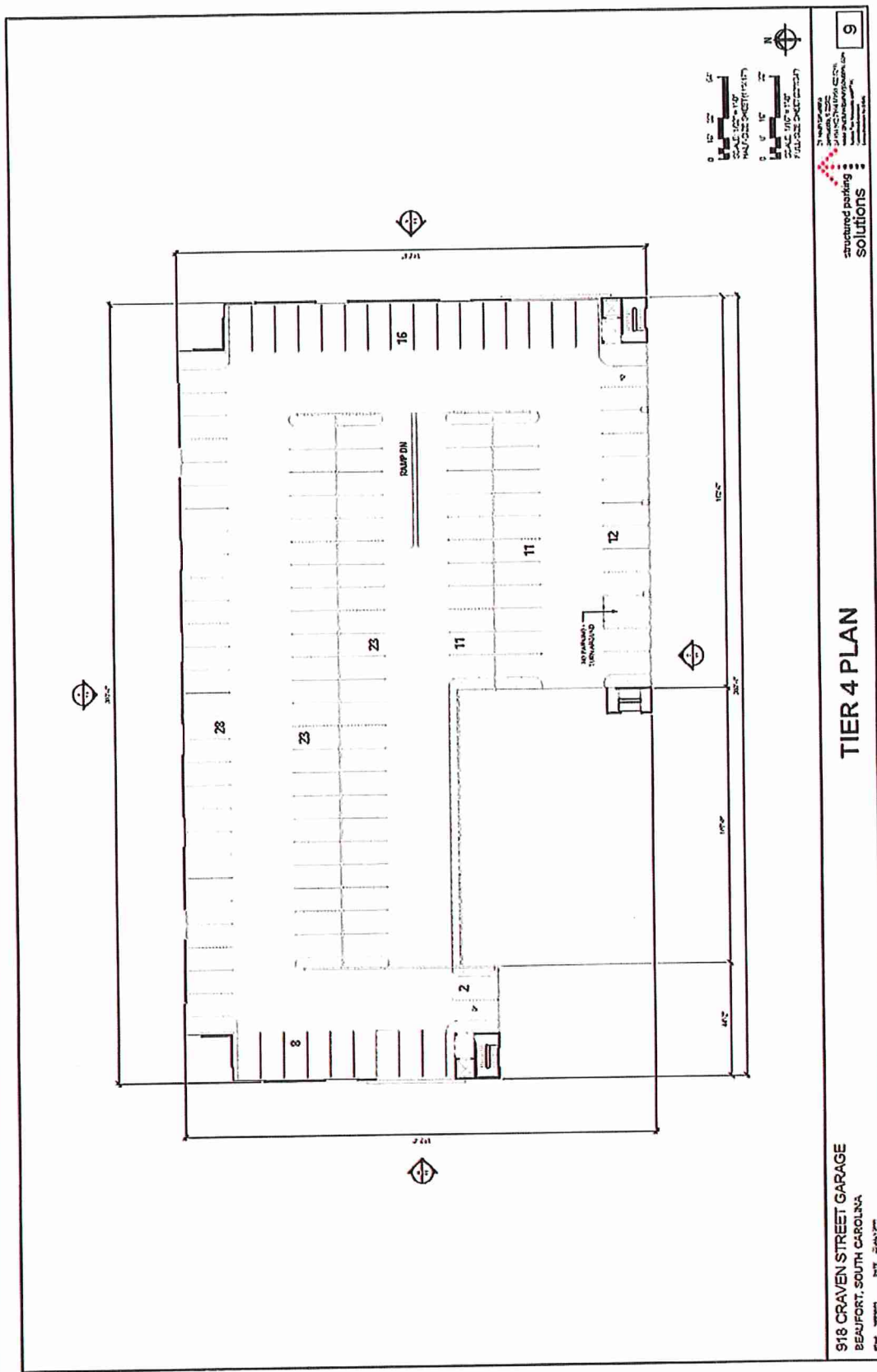
From: Dick Stewart
Sent: Sunday, August 7, 2016 8:51 AM
To: grahamtrask@gmail.com
Subject: Parking presentation
Attachments: Beaufort misc meeting powerpoint Rev 4.pdf; ATT00001.txt

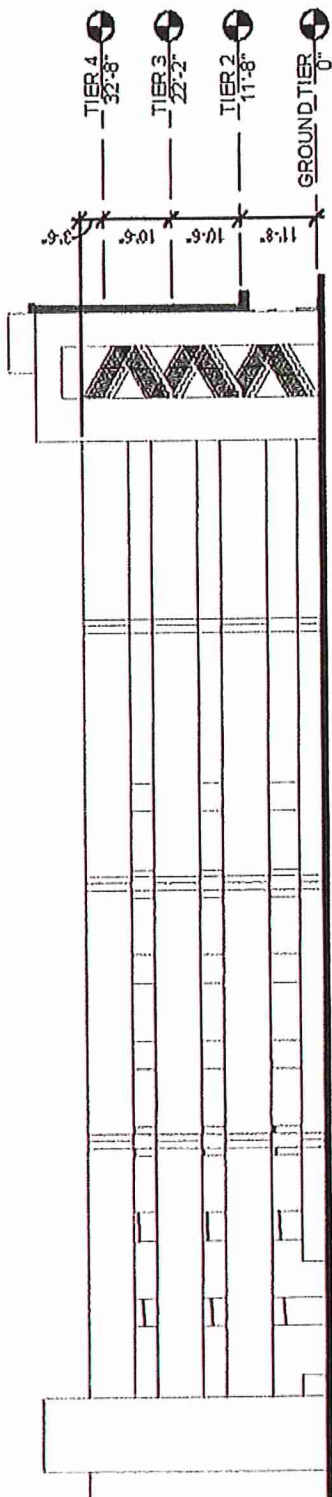
I've attached the presentation that as made Friday. Comments were generally positive. He green sections will be covered with creeping fig. The objective was to have a dislodge with the public about the design and function of the garage. An open question is whether to ad an additional level to the garage which is allowed by zoning because the building I'd set back from the property line. I look forward to seeing you later this month.
Dick

Ground Level

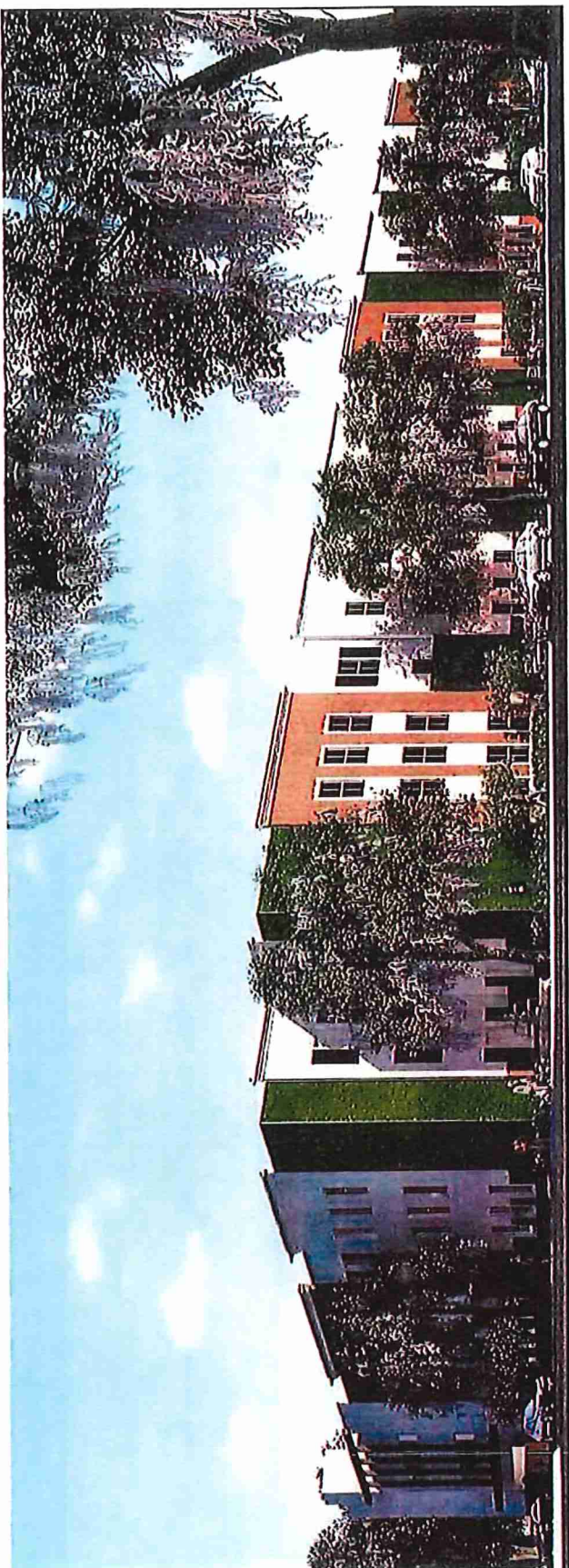


Roof Plan





Cut-through view



View from northeast

Street-level views

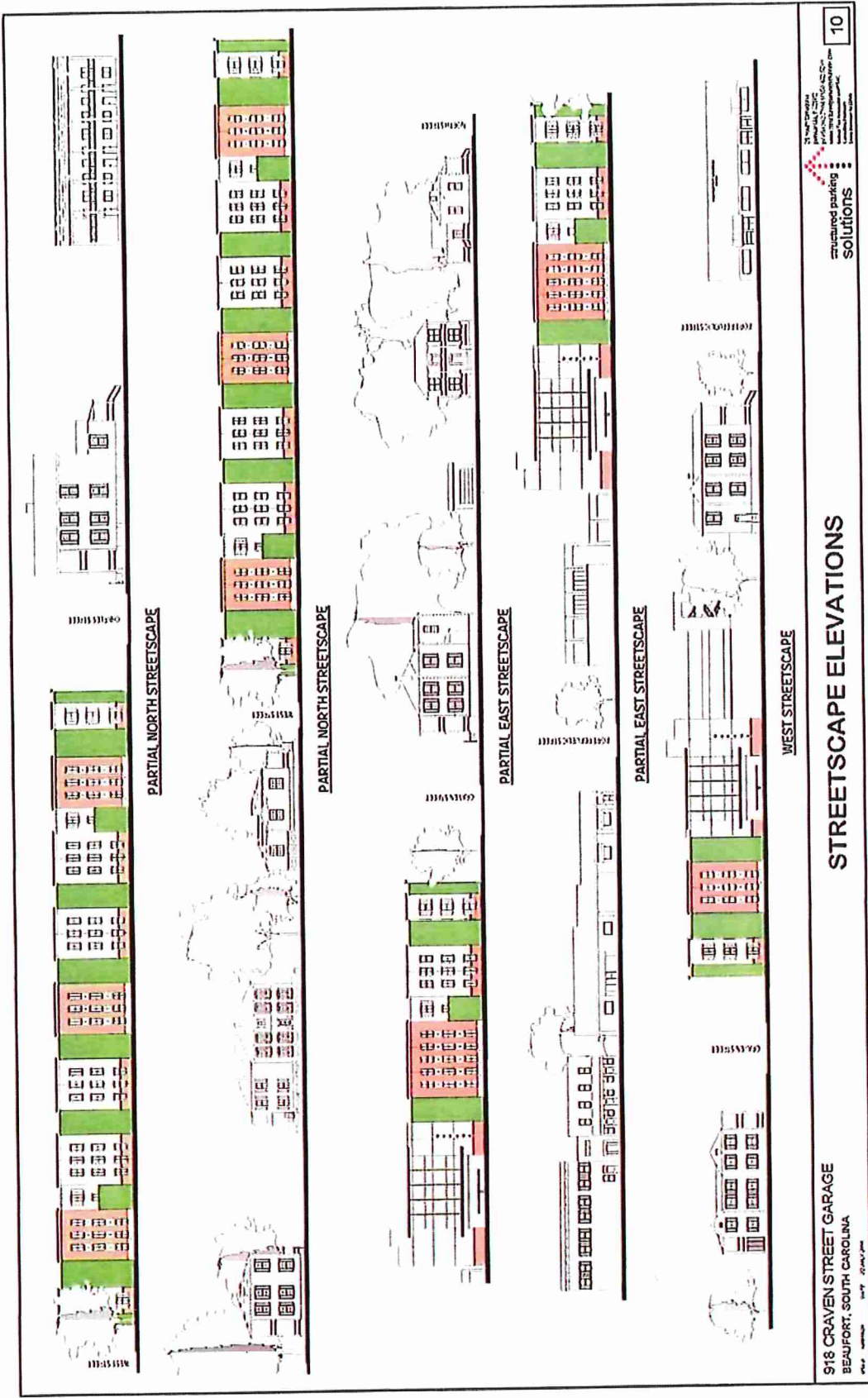


EXHIBIT 3

Dick Stewart

From: Dick Stewart
Sent: Thursday, August 18, 2016 1:57 PM
To: Graham Trask
Subject: Re: Parking Garage

Thanks. Ill ask architect to take a look at options. Hope to see you soon.
Dick

On Aug 18, 2016, at 9:59 AM, Graham Trask <grahamtrask@gmail.com> wrote:

Hi Dick - great stuff on the parking garage.

You still need elevations from me on my West Street parking lot, correct? I will track those down this morning.

I'd be interested in discussing how what your plans for your property and my plans are for my property can be coordinated so that each is synergistic and complementary and for the benefit of the other. This could mean more hotel rooms on my property with retail or restaurant on the first floor with the planned courtyard flowing onto your property.

Seems as if there's an opportunity to discuss and collaborate for the benefit of each of us.

I'm still hoping to get down to Beaufort prior to each August and will coordinate with you on that.

Graham

On Thu, Aug 18, 2016 at 9:19 AM, Dick Stewart <dstewart@303associates.com> wrote:

Thanks. 4.5 hour meeting with good result. They approved the configuration so now its details and articulation. Your building behind old bull was mentioned as an example of permitting buildings that reduced parking supply and increased parking demand, I still would like to see the dimensions to see if we can do something with your site and out hotel. hopeto see you soon.

> On Aug 18, 2016, at 8:00 AM, Graham Trask <grahamtrask@gmail.com> wrote:

>

> From the paper's reporting, sounds as if yesterday's hearing went relatively well. Your video clip comes across very well.

>

> Goes without saying, but nice job to date!

>

> Graham Trask

> Saranac LLC

> Swiss Mobile [+41-79-868-8131](tel:+41-79-868-8131)

> USA Office: [+1-845-704-7290](tel:+1-845-704-7290)

> USA Mobile: [+1-845-706-2991](tel:+1-845-706-2991)

EXHIBIT 4

Subject: Re: West Street Coordination Discussions
Date: Tuesday, August 30, 2016 at 5:44:58 PM Eastern Daylight Time
From: Dick Stewart
To: Graham Trask
CC: Courtney Worrell, Dan Saltrick, Roscoe Chambers
Category: Personal

Thank you. Bill take a ok so we can discuss.
Thanks
Dick

Sent from my iPad

On Aug 30, 2016, at 5:11 PM, Graham Trask <grahamtrask@gmail.com> wrote:

Sounds good. We'll see you Tuesday, 6th, at noon.

For floor plans, rendering, and other info, please check out:

www.209west.com

Look forward to catching up.

Thanks,
Graham

On Tue, Aug 30, 2016 at 3:48 PM, Dick Stewart <dstewart@303associates.com> wrote:
Graham. Can we get the plans for your building so that we can be prepared to discuss?
tk

On Aug 30, 2016, at 3:43 PM, Courtney Worrell <ctw@303associates.com> wrote:

Yes, that works for me.
Thanks,
Courtney

From: Dick Stewart
Sent: Tuesday, August 30, 2016 3:38 PM
To: Graham Trask
Cc: Dan Saltrick; Courtney Worrell; Roscoe Chambers
Subject: Re: West Street Coordination Discussions

Hi. I can do Tuesday the 6th at noon. Courtney and Bill can you?
tk

On Aug 30, 2016, at 8:37 AM, Graham Trask
<grahamtrask@gmail.com> wrote:

Hi Dick - was hoping we could reschedule our tomorrow's 12 noon meeting until the following week, Tuesday, 6th at noon. I'll be in Beaufort and thought makes more sense to meet face to face. If the Tuesday, 12 noon doesn't work, please suggest alternative.

Graham

On Thu, Aug 25, 2016 at 7:10 AM, Dan Saltrick
<dan@beaufortdesignbuild.com> wrote:

I'll be there at 12:00.

On Aug 24, 2016 8:56 PM, "Dick Stewart"
<dstewart@303associates.com> wrote:

I haven't received responses from Dan for a few days. I'll try to call him tomorrow if we have tears from h.

Thank you.

Dick

Sent from my iPad

On Aug 24, 2016, at 4:19 PM, Graham Trask
<grahamtrask@gmail.com> wrote:

Hi - works for me.

Dan - good for you?

Graham Trask

USA: [845-704-7290](tel:845-704-7290)

USA Mobile: [845-706-2991](tel:845-706-2991)

Swiss Mobile: [+41-78-868-8131](tel:+41-78-868-8131)

On Aug 24, 2016 3:47 PM, "Dick Stewart"
<dstewart@303associates.com> wrote:

Hello Graham. I have operations meetings each Wednesday from 9 til noon. Can we speak at noon?

Tks

Sent from my iPad

On Aug 24, 2016, at 9:12 AM, Graham Trask
<grahamtrask@gmail.com> wrote:

Hi Dick - could we set up a conference call for next week to chat about how we could coordinate on your Scott/Port Republic and my West Street property. Imagine Dan could attend in person. I can phone in as looks like I won't make it down next week.

Happy to share our current thoughts on the property and where we are in the process as well as show renderings and current footprint.

Was hoping at this point to have a conceptual and high level discussion to share ideas and see if there's mutual alignment for further discussions.

Would Wednesday, 31st at 10 AM work?

Graham

Graham Trask

USA: 845-704-7290

USA Mobile: 845-706-2991

Swiss Mobile: +41-78-868-8131

--

Graham B. Trask

T: +41 22 784 1634 | M: +41 79 868 81 31 | USA: +1 845 704 72 90

email: grahamtrask@gmail.com

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Graham B. Trask

T: +41 22 784 1634 | M: +41 79 868 81 31 | USA: +1 845 704 72 90

email: grahamtrask@gmail.com

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EXHIBIT 5

Jonathan Sullivan

Wednesday, May 31, 2023 at 14:54:21 Eastern Daylight Time

Subject: Re: Catch Up - Apartment Unit Management

Date: Wednesday, September 7, 2016 at 7:59:49 AM Eastern Daylight Time

From: Jonathan Sullivan

To: Graham Trask

Great I will meet you there.

On Sep 7, 2016, at 6:53 AM, Graham Trask <grahamtrask@gmail.com> wrote:

Hi Jonathan - let's meet up at 221 West Street, 2nd floor, and I can show it to you and we can discuss more. 1:15 works well. See you then.

Thanks,
Graham

Graham Trask
Saranac LLC
Swiss Mobile +41-79-868-8131
USA Office: +1-845-704-7290
USA Mobile: +1-845-706-2991

On Sep 6, 2016, at 11:00 PM, Jonathan Sullivan <jsullivan@beaufortinn.com> wrote:

Thanks for reaching out, sorry to just get back to you.

I am available at 1:15 if that works for you, where is the best place to meet?

Thanks,
Jonathan

On Sep 6, 2016, at 5:15 PM, Graham Trask <grahamtrask@gmail.com> wrote:

Hi Jonathan - Dick, Courtney, and I caught up today in respect to a variety of downtown Beaufort development opportunities.

One item discussed is the management of a 2 bedroom, 2 bath apartment at the corner of 221 West and Port Republic just opposite the Beaufort Inn. Both Dick and Courtney suggested that I catch up with you to discuss an arrangement whereby the Beaufort Inn manages the property as it does with other 3rd party properties such as the Greyhound suites. As part of that discussion, I was hoping that you'd share the historic monthly and annual revenue stream paid to the Kuppia's on the Greyhound suites as well as on the other 3rd party properties the Beaufort Inn manages.

Would also look to discuss the initial, proposed terms under which you'd consider taking my property on and how you might think about incorporating it into the Beaufort Inn offering.

Is there any way we could meet in person tomorrow at about 12:30 or so?

My cell phone is 845-706-2991.

Thanks and kind regards,
Graham

--

Graham B. Trask

Switzerland: +41 22 548 3022 | USA: +1 845 704 72 90

email: grahamtrask@gmail.com

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EXHIBIT 6

Subject: Accommodations 2nd Floor Fordham
Date: Tuesday, January 17, 2017 at 11:26:45 AM Eastern Standard Time
From: Graham Trask - Saranac
To: Jonathan Sullivan, Courtney Worrell
Attachments: Fordham Accommodation Draft B.pdf, Fordham 2nd Floor Accommodation Draft A.pdf

Hi Jonathan and Courtney - please see several conceptual layout for hotel style rooms on the second floor of the Fordham building. In speaking this AM with Beaufort Design Build, we don't believe the waste and other mechanicals would cause an issue and frankly the work largely could be done with tenants on the first floor. This would be achieved by building a floor on top of the existing second floor. While you lose view of the incredible original heart pine floors, a new floor would better fit a hotel as well as accommodate all the utilities without having to penetrate the 1st floor ceiling. Waste pipe would then run down through the 1st floor demising wall to the main waste pipe which we're installing as part of the first floor upfit.

The designs are not exactly consistent with where the new stairs and elevator are but it does show indicative room placement, configuration, and room numbers in both a larger format, lower density room count = DRAFT A and then a smaller format, higher density room count = DRAFT B - OPTION 2.

Again, look forward to discussing more.

Kind regards,
Graham

Graham B. Trask
Saranac Sarl
Switzerland: +41-22-548-3022 / USA: +1-845-704-7290
graham@saranacmanagement.com

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EC-101

EXISTING
CONDITIONS
FLOOR PLANS

| SHEET INFORMATION | |
|-------------------|----------------------|
| DATE | JANUARY 15, 2014 |
| BY | CHRYSTOPHER B. BRYAN |
| CHECKED | CHRYSTOPHER B. BRYAN |
| DESIGNED | CHRYSTOPHER B. BRYAN |
| PROJECT NO. | 2013-001 |

| REVISIONS / SUBMISSIONS | |
|-------------------------|-------------|
| NO. | DESCRIPTION |
| | |
| | |
| | |
| | |
| | |

CONCEPTUAL
DESIGN

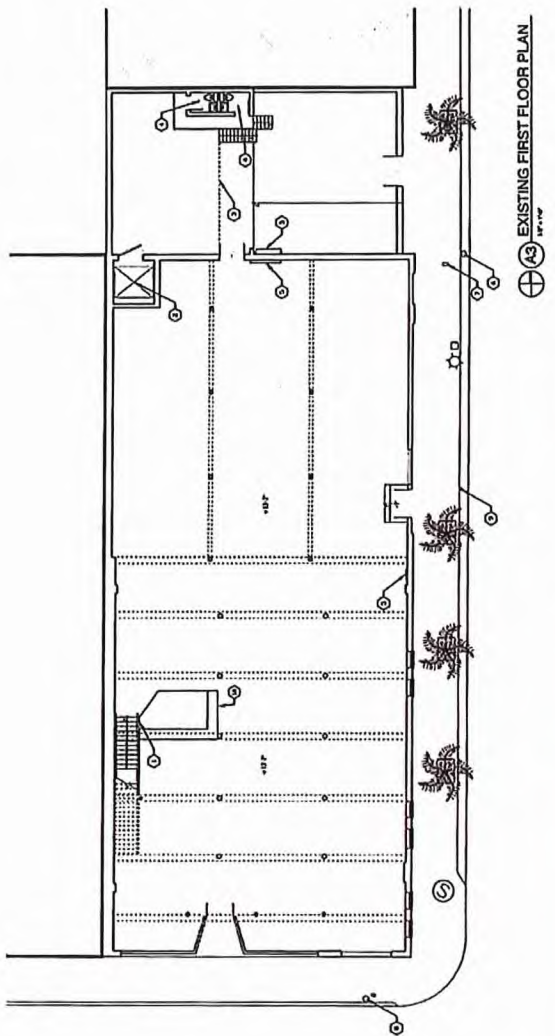
701 BAY STREET
BEAUFORT, SC, 29502

CONCEPTUAL
DESIGN

FORDHAM MARKET

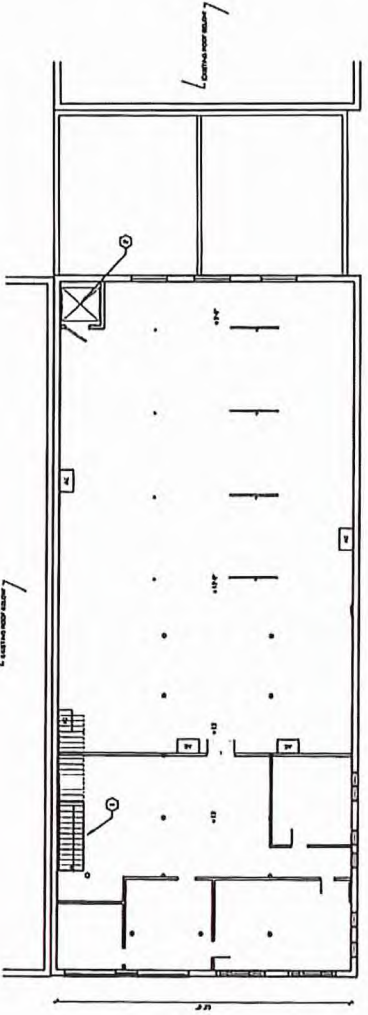


BUILD DESIGN GROUP
CHRYSTOPHER B. BRYAN
73 Seaboard Parkway, S. 30
Beaufort, NC 28520
(813) 201-4277
Fryback@bryandesign.com
bryan@bryandesign.com



LEGEND:

- EXISTING ELEVATOR SHAFT
- EXISTING LIGHT FIXTURE
- EXISTING ELECTRICAL METER
- EXISTING STREET LIGHT



- SHEET KEY NOTES:**
- EXISTING STAIR
 - EXISTING STAIR WALKWAY
 - EXISTING STAIR PLATFORM
 - EXISTING STAIR CASE
 - EXISTING STAIR CASE
 - EXISTING STAIR CASE
 - EXISTING STAIR CASE
 - EXISTING STAIR CASE
 - EXISTING STAIR CASE
 - EXISTING STAIR CASE

- GENERAL NOTES:**
- SEE ARCHITECTURAL DRAWINGS FOR DETAILS.
 - SEE ELECTRICAL SCHEDULE FOR SYMBOLS AND SIZES.
 - SEE MECHANICAL SCHEDULE FOR SYMBOLS AND SIZES.
 - SEE PLUMBING SCHEDULE FOR SYMBOLS AND SIZES.
 - SEE CIVIL SCHEDULE FOR SYMBOLS AND SIZES.
 - SEE STRUCTURAL SCHEDULE FOR SYMBOLS AND SIZES.
 - SEE FINISH SCHEDULE FOR SYMBOLS AND SIZES.
 - SEE PAINT SCHEDULE FOR SYMBOLS AND SIZES.
 - SEE GLASS SCHEDULE FOR SYMBOLS AND SIZES.
 - SEE METALS SCHEDULE FOR SYMBOLS AND SIZES.
 - SEE FLOORING SCHEDULE FOR SYMBOLS AND SIZES.
 - SEE CEILING SCHEDULE FOR SYMBOLS AND SIZES.
 - SEE WALL SCHEDULE FOR SYMBOLS AND SIZES.
 - SEE ROOF SCHEDULE FOR SYMBOLS AND SIZES.
 - SEE FOUNDATION SCHEDULE FOR SYMBOLS AND SIZES.
 - SEE UTILITY SCHEDULE FOR SYMBOLS AND SIZES.
 - SEE SITEWORK SCHEDULE FOR SYMBOLS AND SIZES.
 - SEE LANDSCAPE SCHEDULE FOR SYMBOLS AND SIZES.
 - SEE SIGNAGE SCHEDULE FOR SYMBOLS AND SIZES.
 - SEE FURNITURE SCHEDULE FOR SYMBOLS AND SIZES.
 - SEE EQUIPMENT SCHEDULE FOR SYMBOLS AND SIZES.
 - SEE SPECIALTIES SCHEDULE FOR SYMBOLS AND SIZES.
 - SEE OTHER SCHEDULE FOR SYMBOLS AND SIZES.

A-101

FLOOR PLAN
SCHEME A
RETAIL/ BUSINESS

| SHEET INFORMATION | |
|-------------------|------------------|
| DATE | JANUARY 11, 2018 |
| BY | ARCHITECT |
| PROJECT | 1000000000 |
| OWNER | 1000000000 |
| SCALE | AS SHOWN |

| REVISIONS / SUBMISSIONS | | |
|-------------------------|------|-------------|
| NO. | DATE | DESCRIPTION |
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |

CONCEPTUAL DESIGN

701 BAY STREET
BEAUFORT, SC, 29502

**FORDHAM MARKET
CONCEPTUAL DESIGN**



BEAUFORT
73 Sea Island Parkway, S. 30
Beaufort, SC 29907

CHAALOTTE
715 Orange Lane
Concord, NC 28031

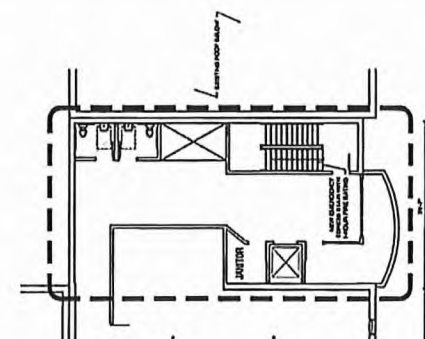
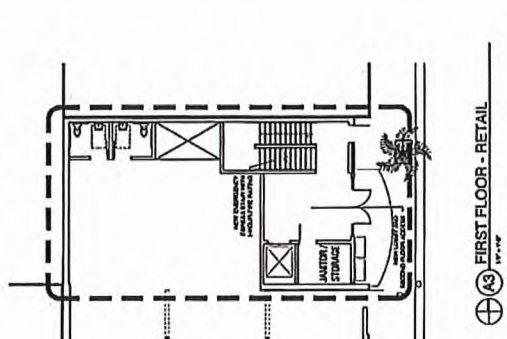
(435) 321-2777
www.beaufortbuild.com
www.beaufortdesignbuild.com

GENERAL NOTES:

SHEET KEY NOTES:

LEGEND:

- EXISTING LANDSCAPE
- NEW LANDSCAPE
- EXISTING ELECTRICAL
- NEW ELECTRICAL
- EXISTING PLUMBING
- NEW PLUMBING
- EXISTING MECHANICAL
- NEW MECHANICAL



GENERAL NOTES:

GENERAL NOTES:

1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

2. REFER TO ALL SHEETS FOR COMPLETE INFORMATION.

3. ALL WORK SHALL BE IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

6. ALL UTILITIES SHALL BE LOCATED AND DEPTH MARKED PRIOR TO CONSTRUCTION.

7. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.

8. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE AUTHORITY HAVING JURISDICTION.

9. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORKING SITE AT ALL TIMES.

10. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

12. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

13. ALL UTILITIES SHALL BE LOCATED AND DEPTH MARKED PRIOR TO CONSTRUCTION.

14. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.

15. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE AUTHORITY HAVING JURISDICTION.

16. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORKING SITE AT ALL TIMES.

17. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

A-102

FLOOR PLAN
SCHEME B
RETAIL/RESIDENTIAL

SHEET INFORMATION

| | |
|------------|-----------------------|
| DATE | 11/14/23 |
| PROJECT | 701 BAY STREET |
| CLIENT | BEAUFORT COMMON PLEAS |
| DESIGNER | CHARTERED BUILDERS |
| DRAWN BY | CHARTERED BUILDERS |
| CHECKED BY | CHARTERED BUILDERS |
| SCALE | AS SHOWN |

REVISIONS / SUBMISSIONS

| NO. | DESCRIPTION | DATE |
|-----|-------------|------|
| | | |
| | | |
| | | |
| | | |

CONCEPTUAL DESIGN

701 BAY STREET
BEAUFORT, SC, 29902

**FORDHAM MARKET
CONCEPTUAL DESIGN**



CHARTERED BUILDERS
73 Sea Island Parkway, S. 30
Beaufort, SC 29907
CHALLOTTE
715 Suravia Lane
Cortland, NC 28031
(813) 221-4277
info@chartersbuilders.com
www.chartersbuilders.com
Equal Opportunity Employer

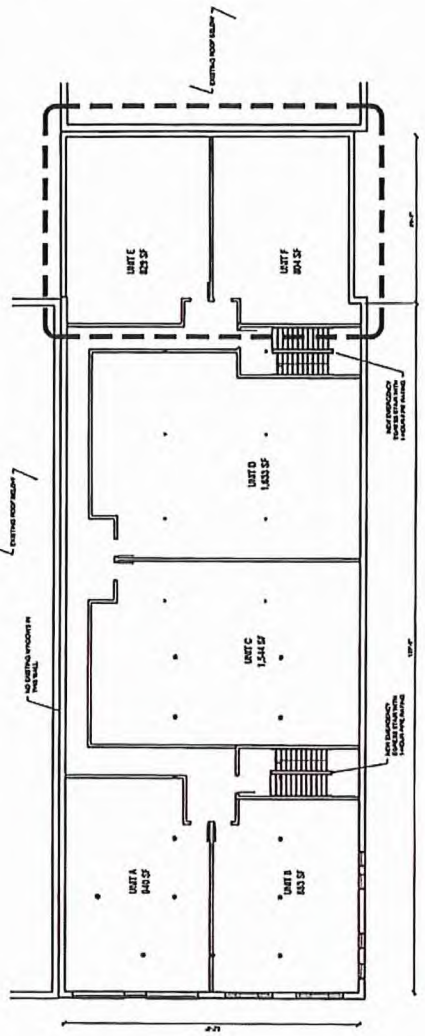
GENERAL NOTES:

SHEET KEY NOTES:

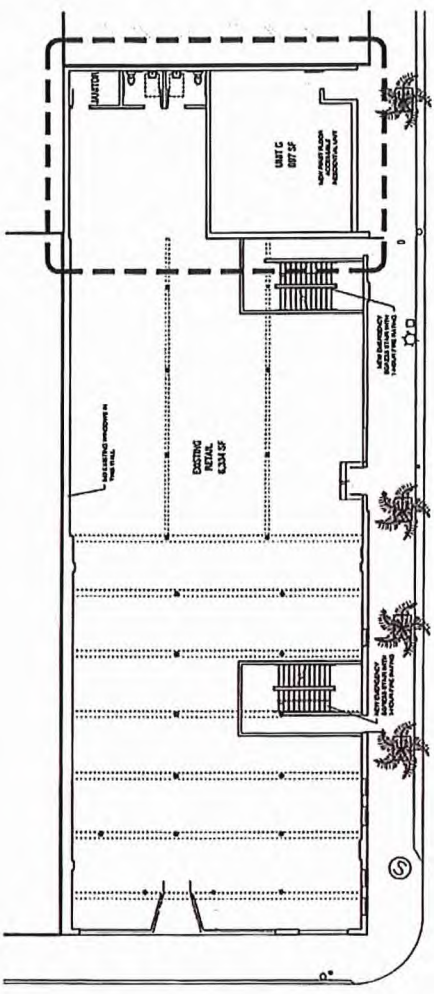
LEGEND:

- EXISTING CONSTRUCTION
- NEW CONSTRUCTION
- EXISTING ELECTRICAL
- NEW ELECTRICAL
- EXISTING MECHANICAL
- NEW MECHANICAL
- EXISTING FINISHES
- NEW FINISHES
- EXISTING ROOF
- NEW ROOF
- EXISTING LANDSCAPE
- NEW LANDSCAPE

⊕ A3 SECOND FLOOR - RESIDENTIAL



⊕ A3 FIRST FLOOR - RETAIL



A-103

FLOOR PLAN
SCHEME C
RETAIL/HOTEL

| SHEET INFORMATION | |
|-------------------|------------------|
| DATE | JANUARY 11, 2024 |
| BY | ARCHITECT |
| FOR | OWNER |
| PROJECT | RETAIL/HOTEL |
| SCALE | AS SHOWN |
| DESIGNED BY | ARCHITECT |
| CHECKED BY | ARCHITECT |
| DATE | |

| REVISIONS / SUBMISSIONS | |
|-------------------------|-------------|
| NO. | DESCRIPTION |
| 1 | |
| 2 | |
| 3 | |
| 4 | |
| 5 | |

CONCEPTUAL DESIGN

701 BAY STREET
BEAUFORT, SC, 29502

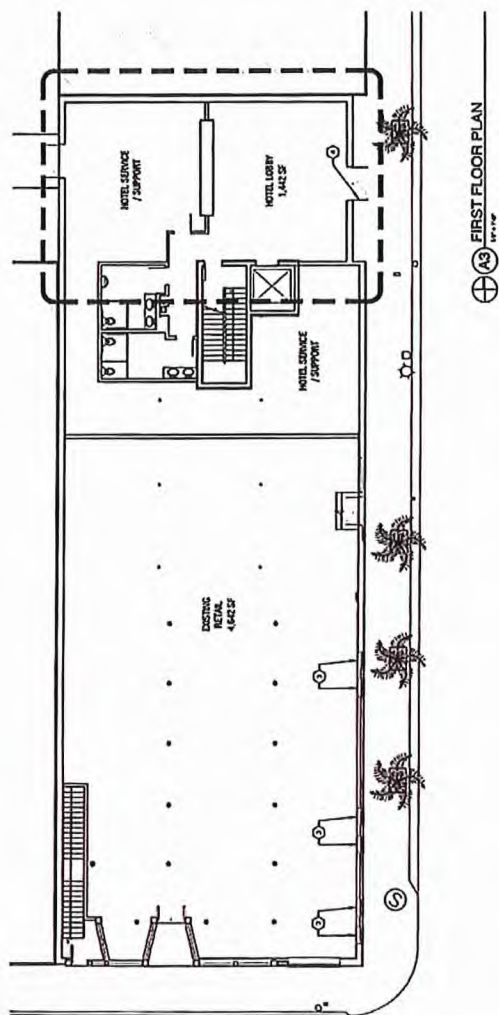
CONCEPTUAL DESIGN

FORDHAM MARKET

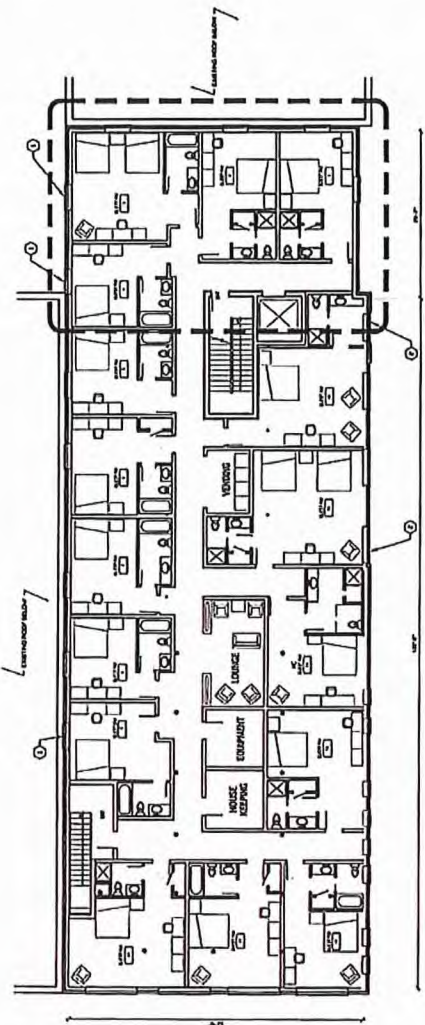


BUILD DESIGN GROUP
ARCHITECTS
715 SPANGLER LANE
CONDOLE, NC 28531
(919) 221-4277
www.builtbydesign.com
cyril@builtbydesign.com

BEAUFORT
2754 Blvd Parkway, S.30
Beaufort, NC 29907



⊕ A9 FIRST FLOOR PLAN



⊕ C3 SECOND FLOOR PLAN

GENERAL NOTES:

- SHEET KEY NOTES:**
1. ALL WORK TO BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK.
 2. ALL WORK TO BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL MECHANICAL AND PLUMBING CODE BOOK.
 3. ALL WORK TO BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL ELECTRICAL CODE BOOK.
 4. ALL WORK TO BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL FIRE AND SAFETY CODE BOOK.

A-102

FLOOR PLAN
SCHEME B
RETAIL/RESIDENTIAL

SHEET INFORMATION

| | |
|-------------|------------|
| DATE | 10/24/2023 |
| BY | ARCHITECT |
| CHECKED | ARCHITECT |
| DESIGNED | ARCHITECT |
| PROJECT NO. | |

REVISIONS / SUBMISSIONS

| NO. | DESCRIPTION | DATE |
|-----|-------------|------|
| | | |
| | | |
| | | |
| | | |

CONCEPTUAL DESIGN

701 BAY STREET
BEAUFORT, SC, 29902

FORDHAM MARKET CONCEPTUAL DESIGN



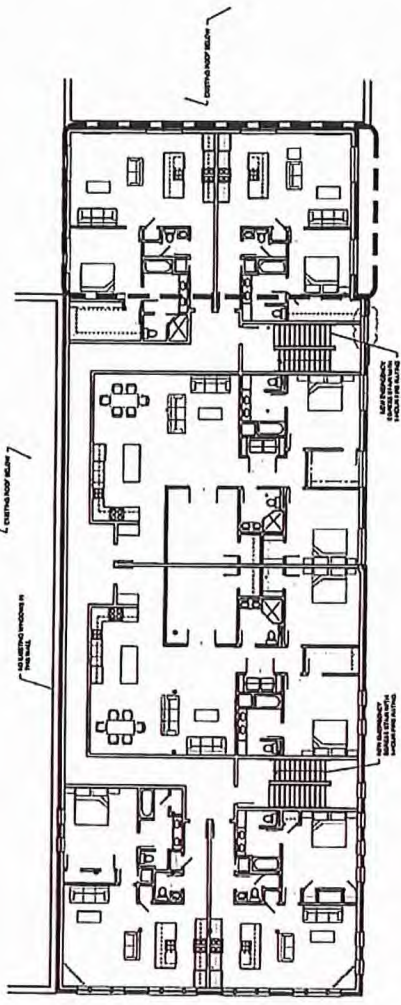
BUILD DESIGN
LLC
7315 Service Lane
Charlotte, NC 28211
(704) 221-2277
www.buildanddesign.com

BEAUFORT
73 Sola Island Parkway, S. 30
Beaufort, SC 29907
704-221-2277
www.buildanddesign.com

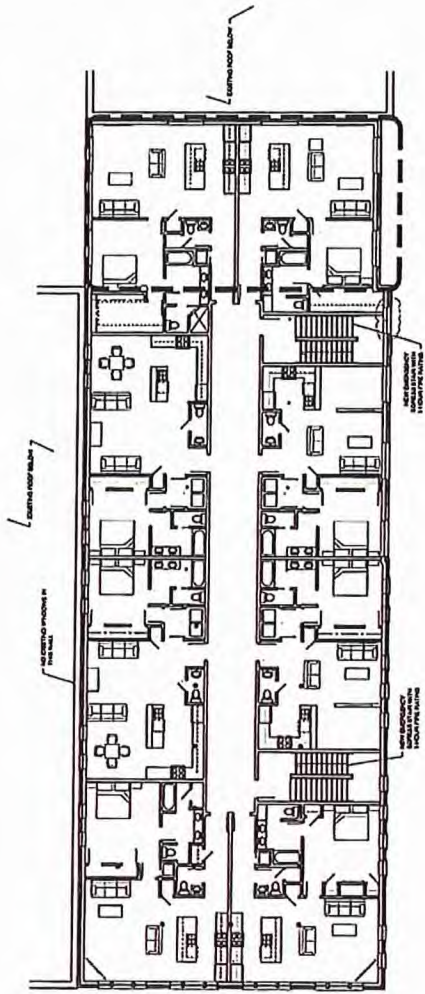
GENERAL NOTES:

SHEET KEY NOTES: ①

LEGEND:
--- WALL
--- DOOR



③ SECOND FLOOR - RESIDENTIAL - OPTION 1
14' x 14'

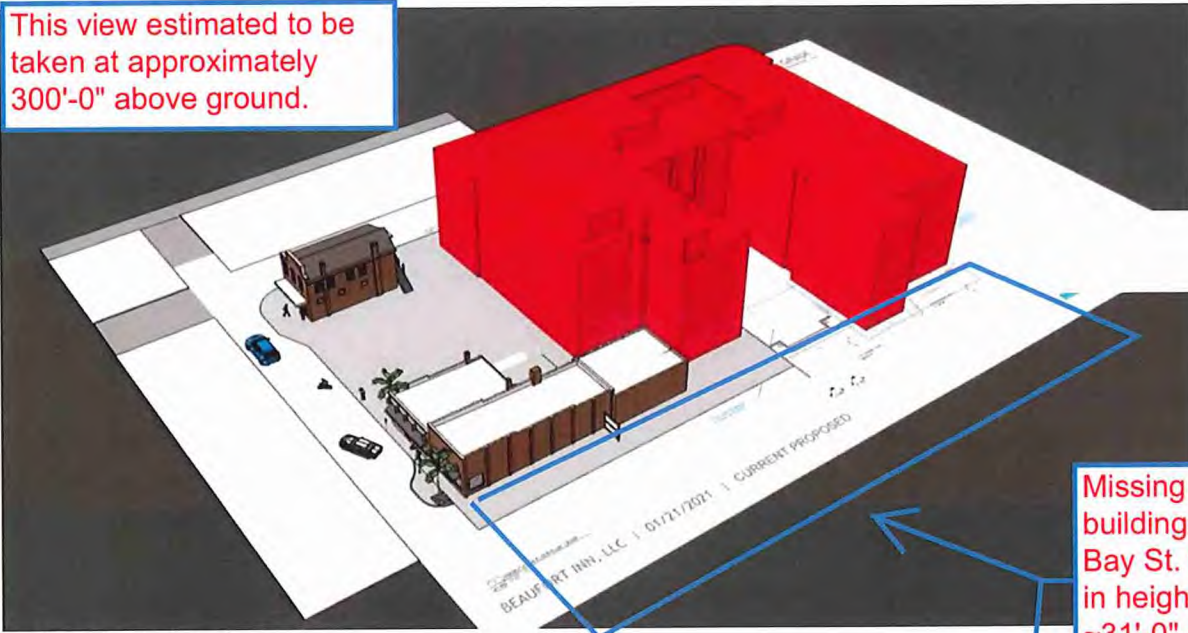


④ SECOND FLOOR - RESIDENTIAL - OPTION 2
14' x 14'

EXHIBIT 7

RENDERINGS DISTRIBUTED BY GRAHAM TRASK AND GEORGE TRASK

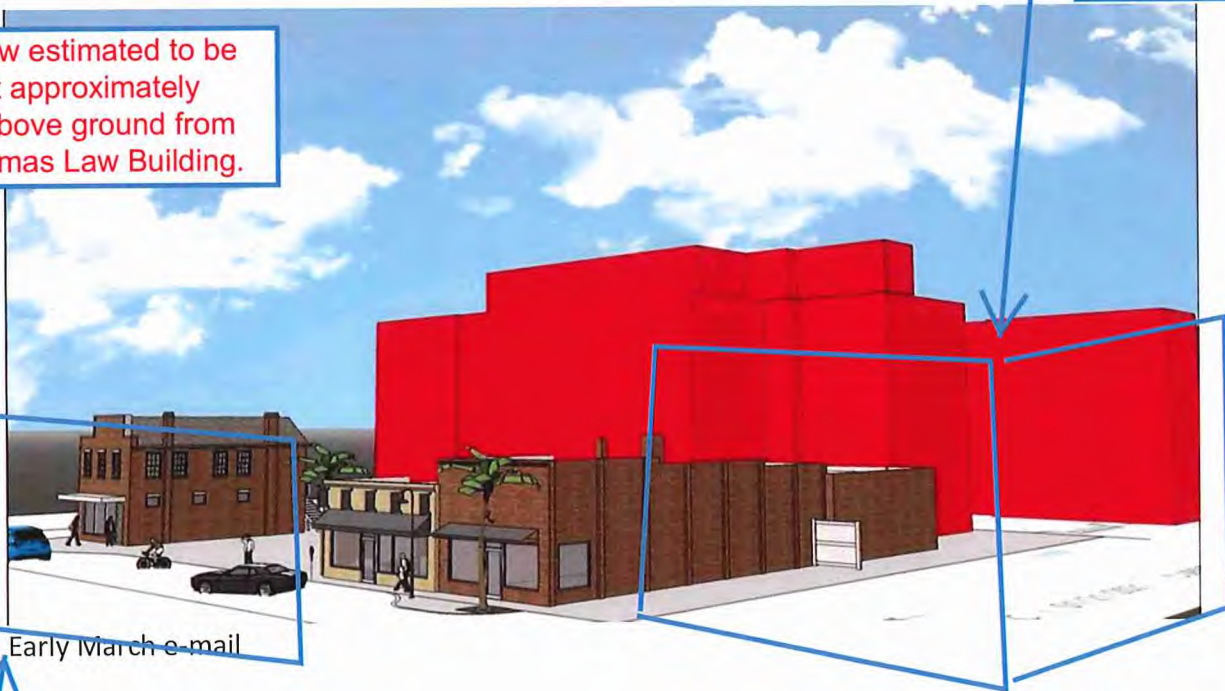
This view estimated to be taken at approximately 300'-0" above ground.



Early March e-mail

Missing context of buildings along Bay St. that range in height between ~31'-0" and 45'-0" tall

This view estimated to be taken at approximately 25'-0" above ground from the Thomas Law Building.



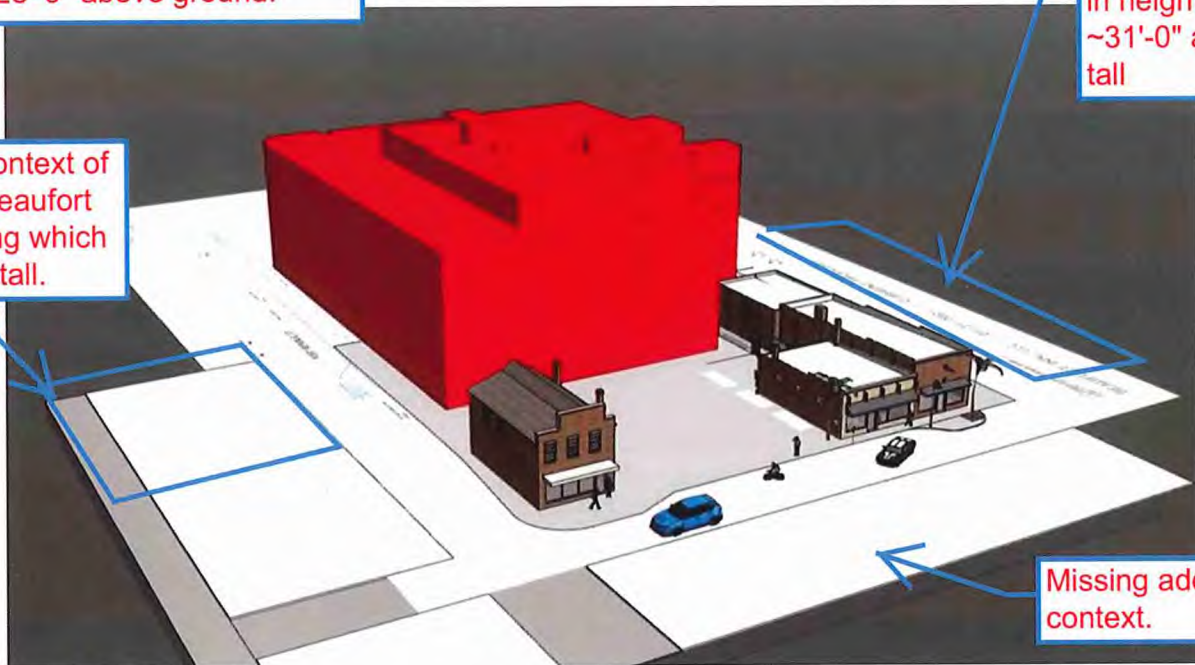
Early March e-mail

Missing context of Rhett Gallery building at corner which is ~30'-0" tall.

This view estimated to be taken at approximately 125'-0" above ground.

Missing context of buildings along Bay St. that range in height between ~31'-0" and 45'-0" tall

Missing context of existing Beaufort Inn building which is ~44'-0" tall.

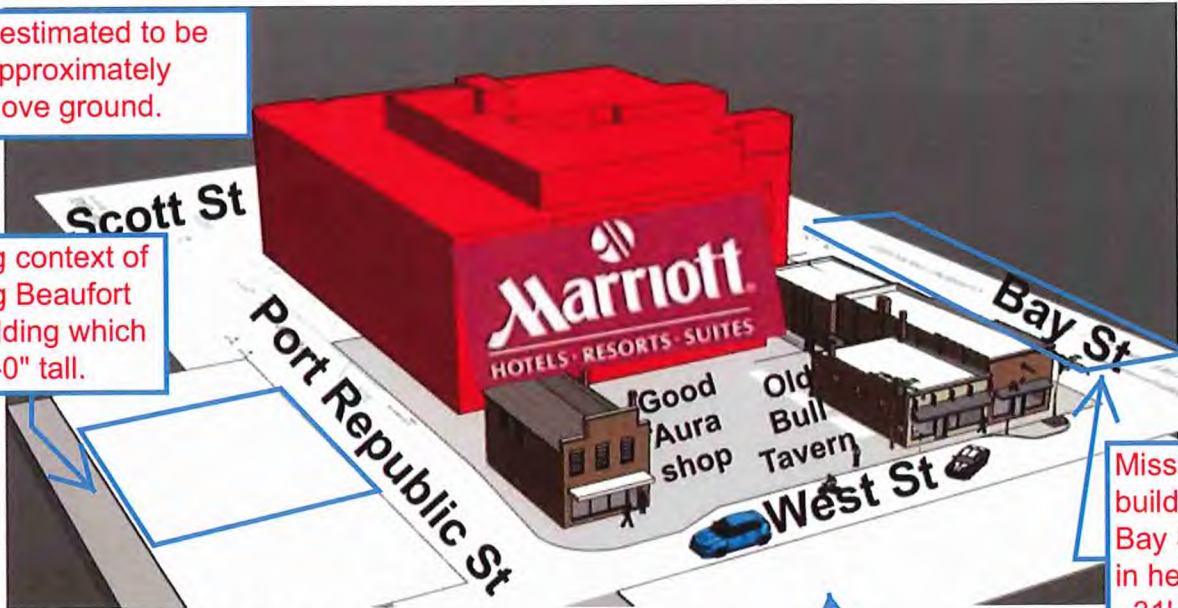


Missing additional context.

Early March e-mail

This view estimated to be taken at approximately 125'-0" above ground.

Missing context of existing Beaufort Inn building which is ~44'-0" tall.

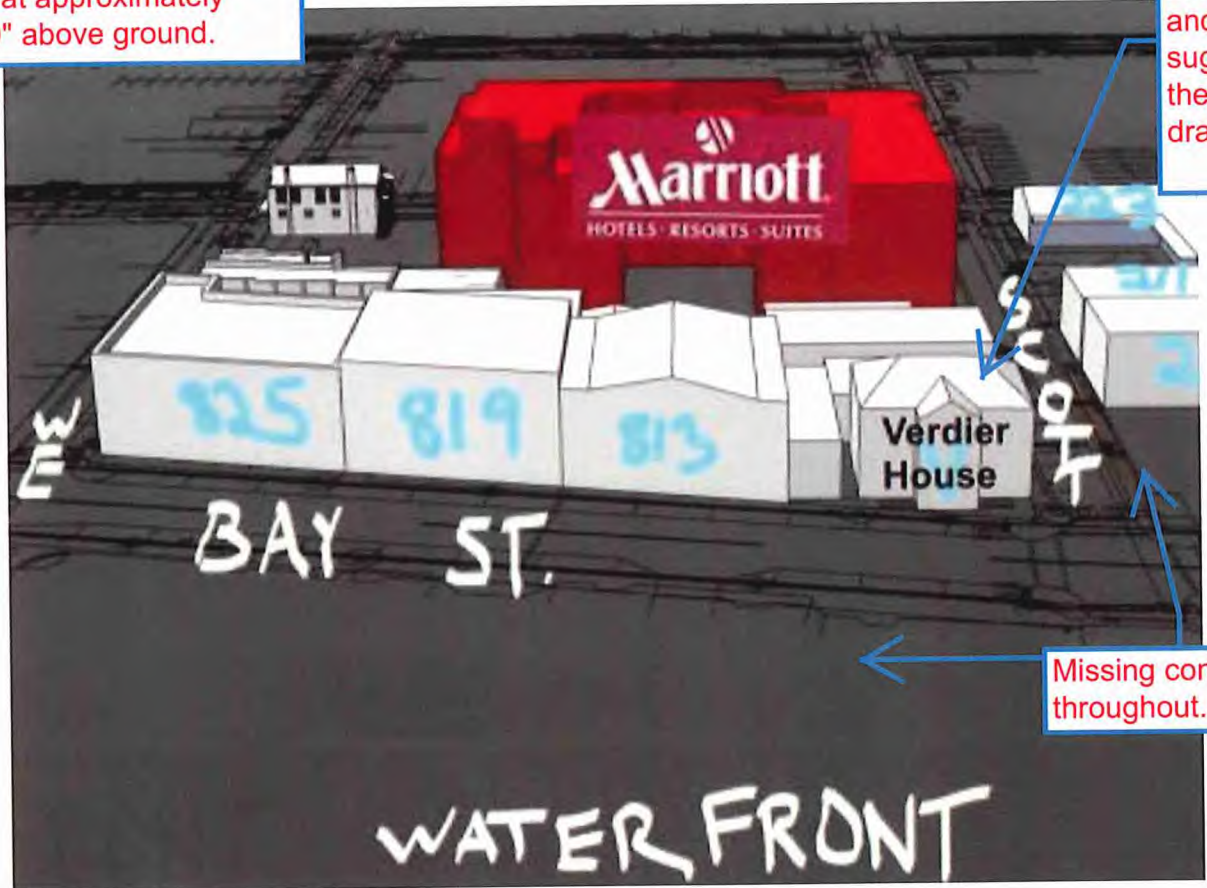


Missing context of buildings along Bay St. that range in height between ~31'-0" and 45'-0" tall

Missing additional context.

3/16/21 - Beaufort Tribune

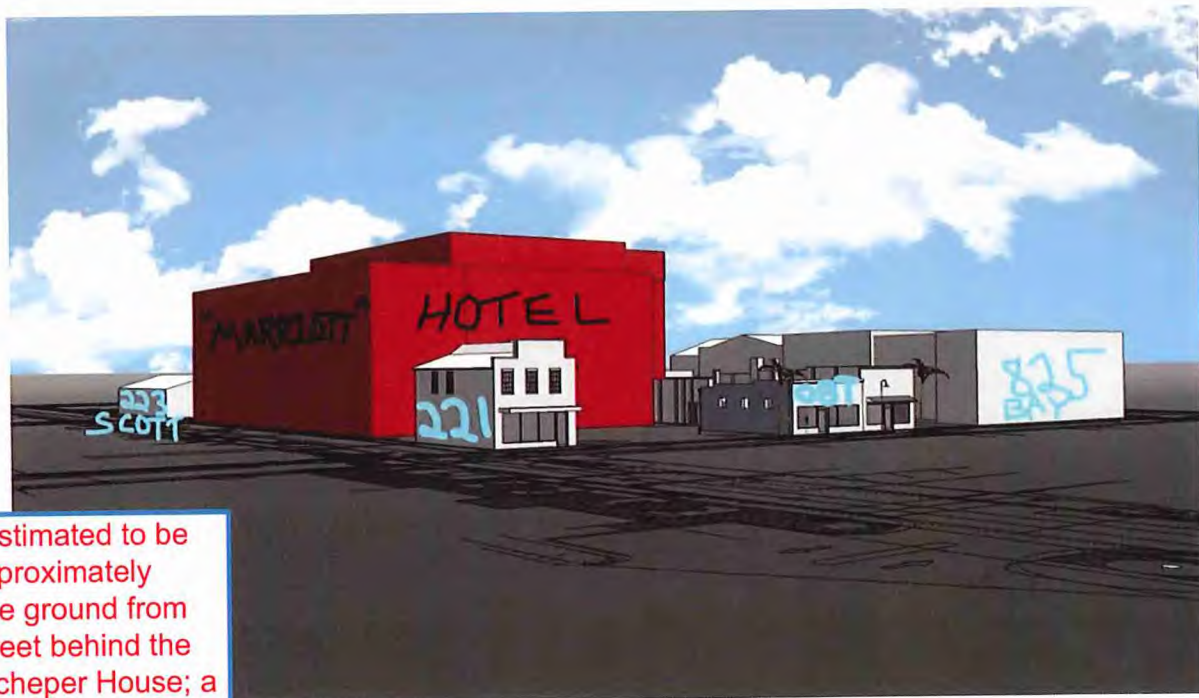
This view estimated to be taken at approximately 125'-0" above ground.



Verdier House is taller than buildings 819, 813 and 825. This suggests that these buildings were drawn out of scale.

Missing context throughout.

3/16/21 – Beaufort Tribune



This view estimated to be taken at approximately 15'-0" above ground from Charles Street behind the Cuthbert-Scheper House; a view that would be impossible to get due to existing buildings. This rendering is missing context throughout.

3/18/21 - Beaufort Tribune

Verdier House is taller than buildings 813, 819, and 825. This suggests that these buildings are drawn out of scale.

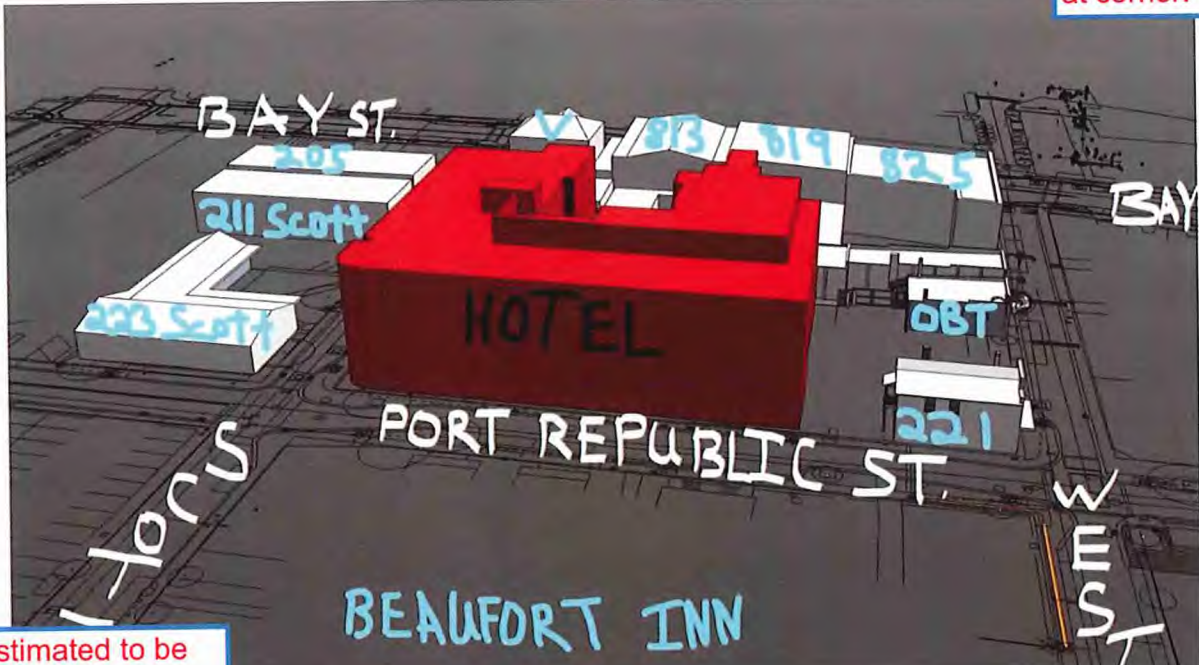


Missing context throughout.

This view estimated to be taken at approximately human eye-level from inside YoYo's or Sweet Grass Apparel; views that would not be possible.

Missing context of approximately 30'-0" tall building at corner.

3/18/21 - Beaufort Tribune



This view estimated to be taken at approximately 150'-0" above ground roughly two blocks away from the site. Context missing from aerial including the ~44'-0" tall Beaufort Inn in addition to numerous other buildings and trees.

rt Tribune



3/23/21 – Beaufort Tribune

This view estimated to be taken at approximately 35'-0" above the Old Bay Marketplace building. Context missing throughout.

EXHIBIT 8

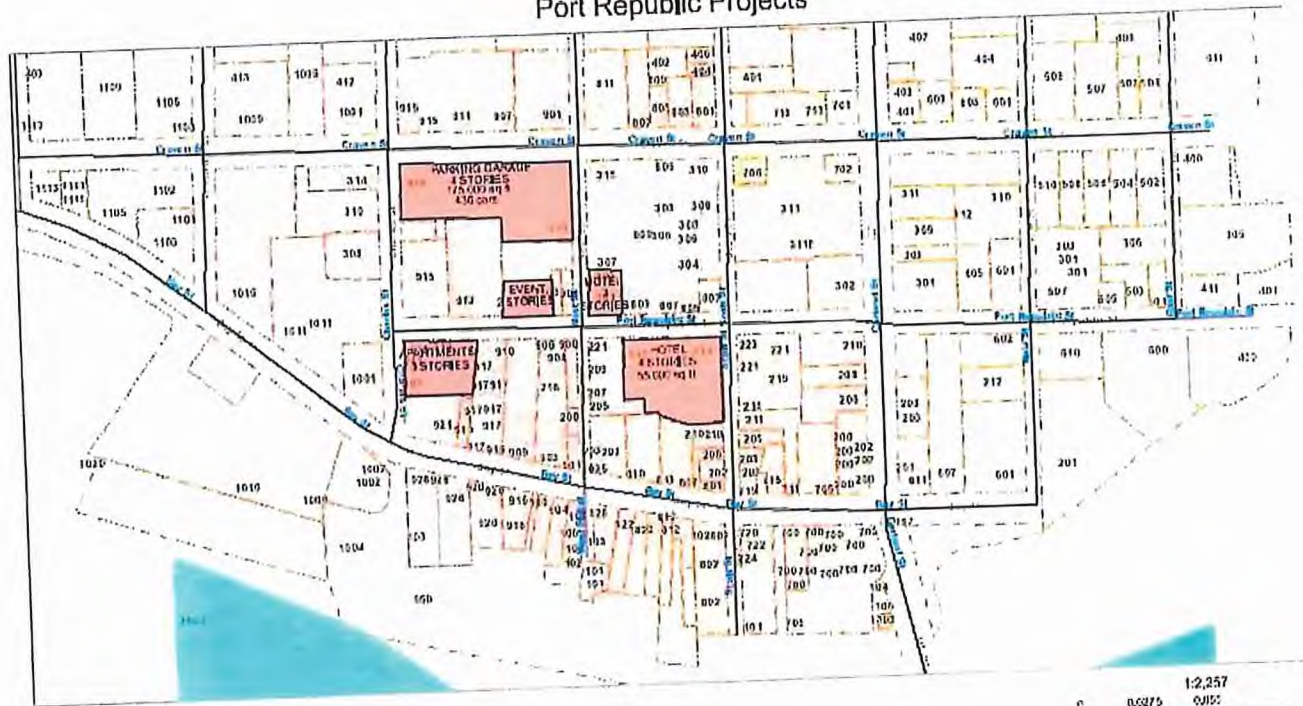
From: George Trask ggtrask@fastmail.com &
 Subject: Re: Downtown concerns
 Date: March 9, 2021 at 1:03 PM
 To: stephen@mayormurray.com
 Cc: Julie Bachety jbachety@cityofbeaufort.org, Ivette Burgess iburgess@cityofbeaufort.org, Steve Murray smurray@cityofbeaufort.org, Tony & Christine Kameen ajkameen@gmail.com, Douglas Storrs douglas@cornishlp.com, Bob & Jan Clouse jclouse@carolinalanterns.com, Catherine Ceips Scarborough 1207ccs@gmail.com, Chuck & Gloria Dalvini cgdalvini@gmail.com, Diane & Geri Kenny kennysrock@aol.com, George Trask ggtrask@yahoo.com, Lyn McNeil lynmcneil@live.com, Marjorie Trask marjorietrask@me.com, Mary Helen Niemeyer mhniemeyer@gmail.com, Pam & Drew Scallan pbs3018@gmail.com, Westley Byrne wapwb1@gmail.com, Paul Trask Jr pltrask@hargray.com, Cynthia Jenkins ccjenkins111@gmail.com, Wallace Scarborough wbs224488@gmail.com, Philip Cromer pecromer@bellsouth.net, Neil Lipsitz nllipsitz@cityofbeaufort.org, Mitch Mitchell mmitchell@cityofbeaufort.org, William Prokop wprokop@cityofbeaufort.org, John@sleepinhistory.com, David Prichard dprichard@cityofbeaufort.org, Stacy Applegate scapplegate@hotmail.com, Bill Allison wallison@allisonramseyarchitect.com, Katherine Pringle kspringle@yahoo.com, Chuck Symes chuck.symes@gmail.com, Joe cooper coop.joe@gmail.com, Kevin and Rosemary Cuppia cuppia@hotmail.com, Charles Aimar csaimar@gmail.com, Ginger vrlaimar@gmail.com, Marcellene Trask marcellenetrask@yahoo.com, Andy Gowder andy@austengowder.com, Matt McAlhane matmc01@gmail.com, Oscar Salas drifters.osalas@gmail.com, John Marshall oldbulltavern@gmail.com, Melinda Henrickson mjhenr@hotmail.com, Aaron Henderson agoocgleh@gmail.com, Bayless, Kacen kbayless@islandpacket.com, Ashley Twombley twombley@twlawfirm.com, Phillip Cromer pcromer@cityofbeaufort.org, Mike McFee mcfemike@gmail.com, Bruce Skipper bskipper@cityofbeaufort.org, Rob Montgomery rm@monarchpl.com, Isundria@historicbeaufort.org, Graham Trask grahamtrask@gmail.com, Julie Jenkins jgjenkins1@gmail.com, Debbie Gray dgray@clarku.edu, Eleanor Porcher Mikell shaymikell1807@gmail.com, rwchambersarchitect@icloud.com, jnewman@thomasanddenzinger.com, Jane@f-farchitects.com, michael@f-farchitects.com, Reverend Hodges lybensons@aol.com

Dear City of Beaufort Mayor Stephen Murray,

I respectfully submit that your replies to my and Graham Trask's emails (see below) prove the reasons why a moratorium on downtown development is imperative, to wit:

1. The "guiding documents, a development code, zoning, professional planning staff, and a regulatory review board" have failed to consider the size, mass, scale, flood hazards, traffic congestion, destruction of the uniqueness of downtown Beaufort, and other major relevant factors. The City and its review agencies did not even have a 3-D model of the proposed hotel, much less of the other major proposed structures, in its consideration of these projects. A moratorium to give time to consider all of these factors is the only responsible way to deal with the situation.
2. You have confirmed that "City Council recently approved a contract with the Milner group to update both the original Milner guide and the update". The reason is that the "guiding documents, a development code, zoning, professional planning staff, and a regulatory review board" have been inadequate to the task of evaluating the current massive proposals. Until the Milner update is received, accepted, and acted upon with updated ordinances and regulations, a moratorium is the only rational way to deal with the situation. Allowing the current proposed massive projects then later considering a revised Milner Report is tantamount to closing the barn door after the horses are out.
3. You state that "Not only do I think a moratorium on existing projects would open the city to significant legal liability, but I also think it runs counter to a number of our other strategic goals". Please tell me what are the "other strategic goals" of the City that you believe run counter to protection of the unique qualities of Beaufort. Also, what in your opinion are the unique qualities of Beaufort? Also, please tell me if the City has considered the possibility of a moratorium that will not be under the control of City Council, that is, resort by the citizenry to the courts for injunctive relief against the City, that is, a court-ordered moratorium?
4. You state that "your family has conceptual approval from the Historic Review Board for a four story building in between the Old Bull Tavern and Good Aura. I would be interested to see how this building fits in the drawing that you have presented below." Your statement proves that you are making assertions and decisions not based on facts but on fictions. Graham Trask has provided such a drawing to you, see rendering and thread below, which was provided to the City's planning staff at the time of its consideration in 2015. It is a proposed small structure of approximately 6,500 square feet and it is NOT four-stories high. The proposed hotel next door is approximately 10 TIMES larger in size and mass and four stories high.
5. You have attempted to use Graham Trask's proposed small structure, which is totally in keeping with the existing fabric of the downtown commercial district, as justification for approving a massive structure on a neighboring parcel. Please tell me, does this mean that the City will use the size and mass of the proposed new hotel to justify even larger commercial structures downtown?
6. In other words, has the City taken into account the totality of the proposed new structures? Below is a site plan showing the location and size of all of these projects. In toto they span almost 75% of the frontage on these two blocks of Port Republic Street. Yet the City has evaluated each of them in isolation from each other and without regard to their total impact on the downtown commercial district, the Historic District, and our entire unique town known as Beautiful Beaufort By The Sea.
7. I have previously provided you with a list of other major threats to the unique aspects of our town that include proposed widening of Sea Island Parkway immediately across Woods Bridge, making Carteret and Bay Streets even greater thoroughfares for through traffic; proposed move of the Sheriff's Department to the Old Courthouse on Bay Street; proposed changes in flood regulations that will stall protection of structures threatened by rising tides; and brutalized cutting of oak trees by the power company when public funds may be available to bury the power lines. All of these issues have a direct relation to the proposed new commercial structures downtown and need to be included in the totality of issues to be addressed by a revised Milner Report.

Port Republic Projects



3/3/2021, 4:51:26 PM
 Road Classifications
 STATE PAVED
 MUNICIPAL PAVED
 Local Road

Map supplied by Beaufort County Planning and Development, created by Woodville

Based on your replies below, you seem to view your job to be to that of a bureaucrat, in effect saying "my hands are tied by previous decisions". That is not your job. You and the other members of City Council have been elected to use your discretion to review past decisions and make adjustments in the ordinances and regulations to protect our fair City for the future. Council's decision to revise the Milner Report demands that you wait until that report is completed and acted upon before these projects are finally reviewed and approved.

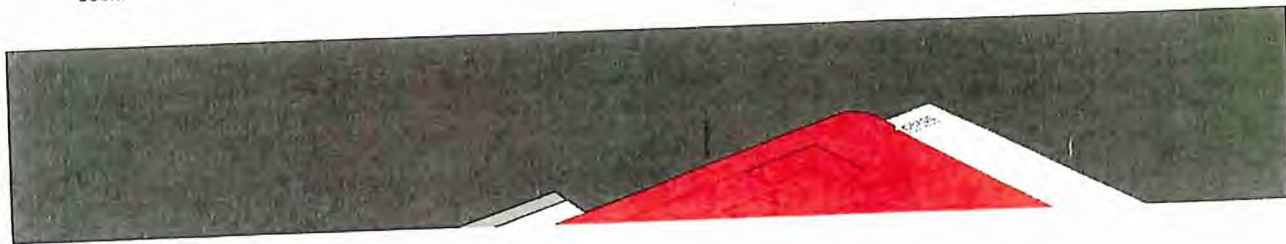
To repeat, I urge City Council forthwith to adopt a moratorium on any further development in this area as the only way the City is going to be able to evaluate and protect the unique characteristics of our magnificent town.

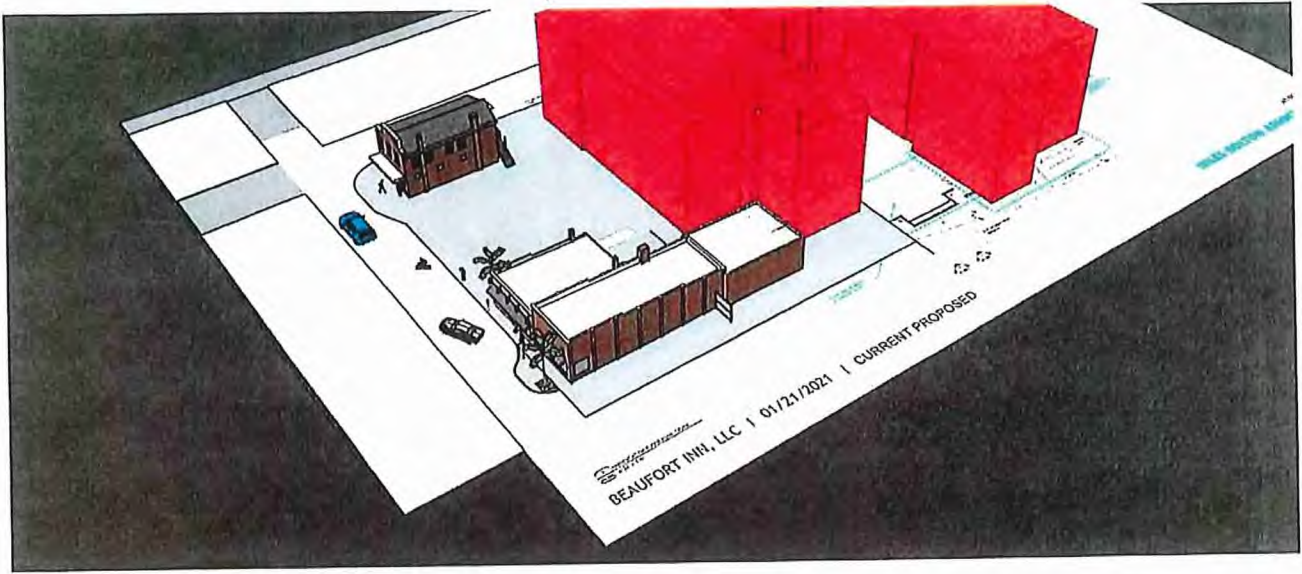
Please include this email in its entirety, including the renderings and the threads below, in the minutes of the next meeting of City Council and of the Historic District Review Board. Thank you.

Yours sincerely,

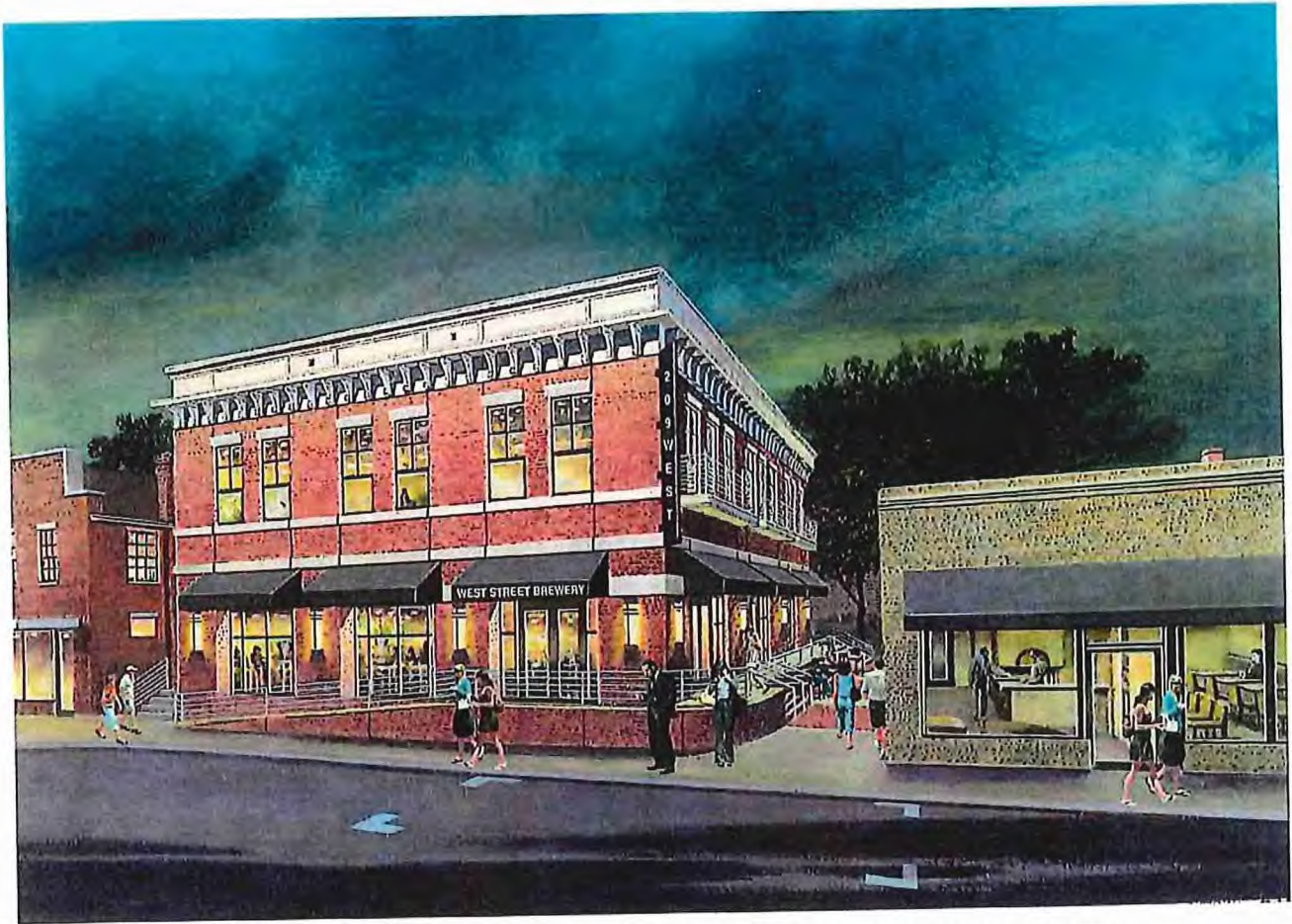
George Graham Trask
 1211 Bay Street
 Beaufort SC 29902 USA
 +1.843.471.0075
ggrask@yahoo.com

P.S. The renderings below of the proposed hotel are sometimes shown in red and sometimes in dark gray. They are all renderings of the same proposed building. The dark gray renderings are being revised to show in red for greater clarity and will be provided to you soon.



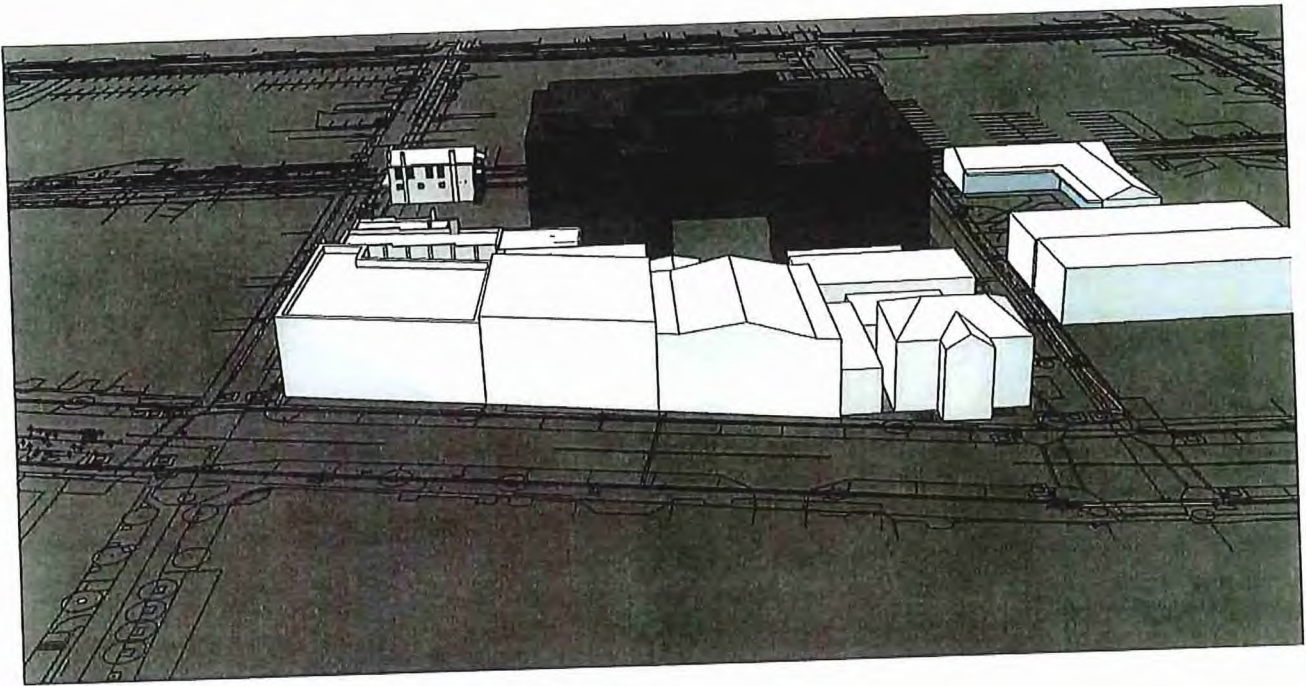


Arial View of proposed hotel

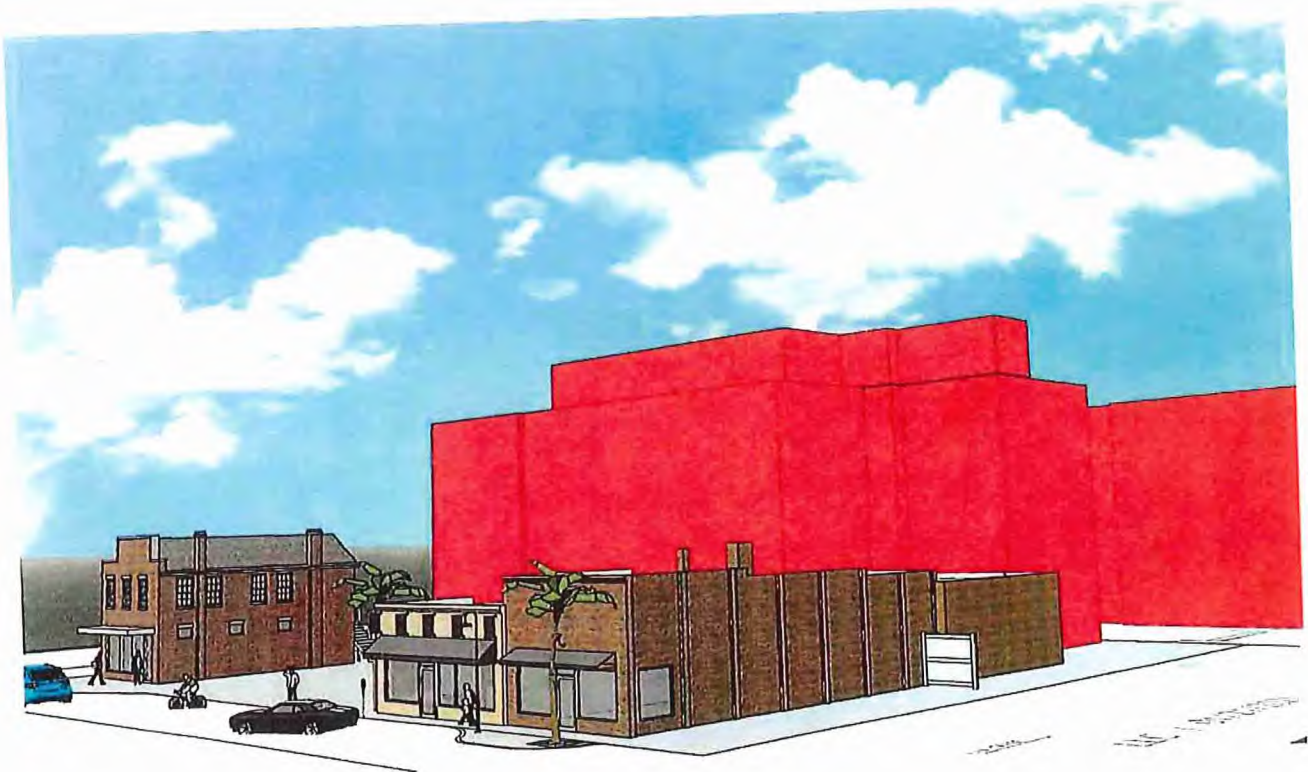


Graham Trask's proposed building at 209 West Street, which was conceptually approved in 2015.



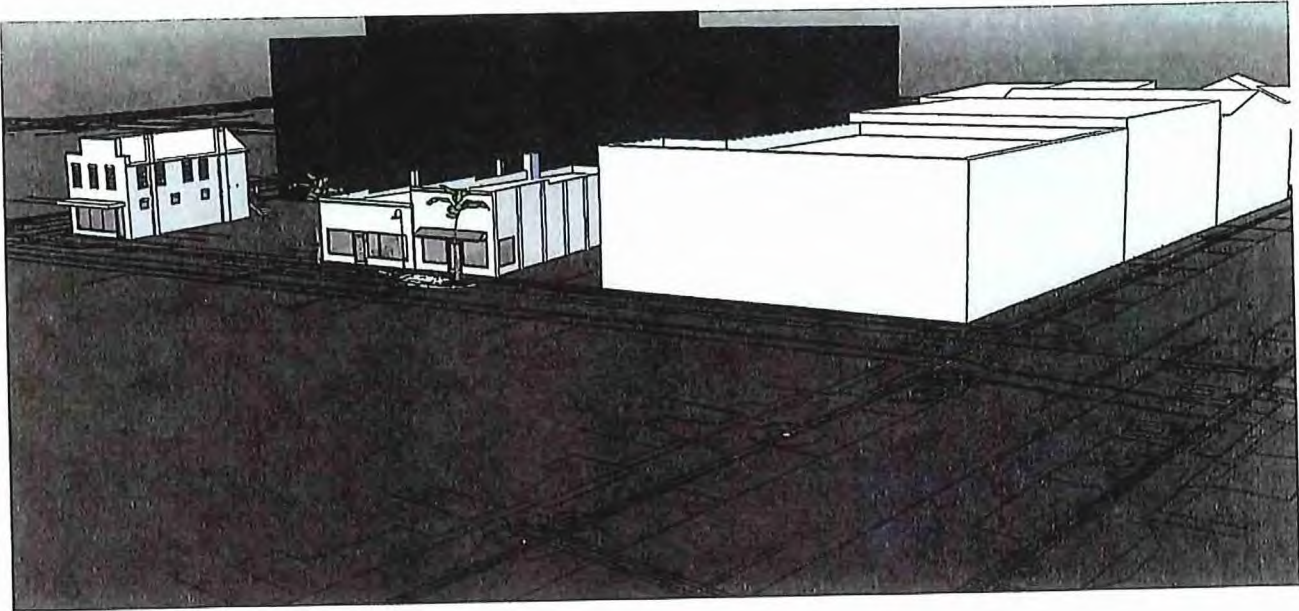


View From Bay Street.jpg

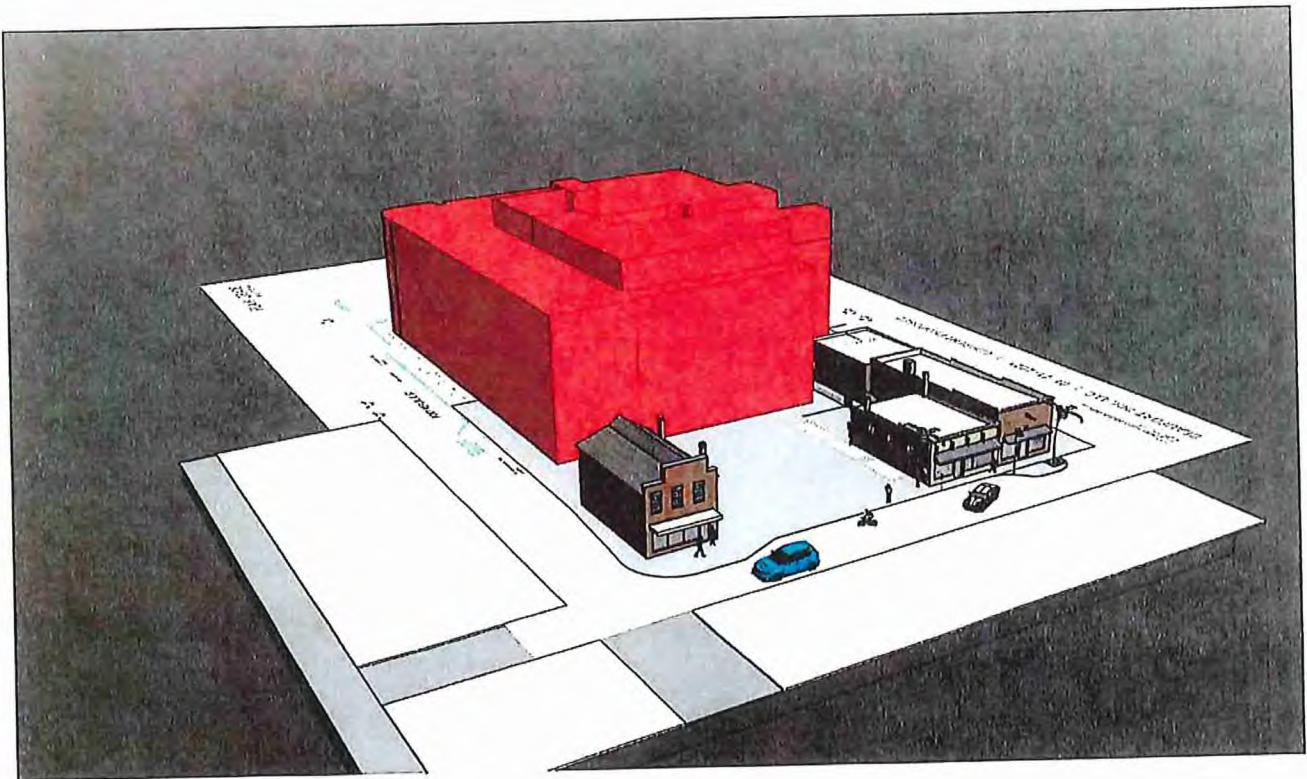


Street View West Street.jpg



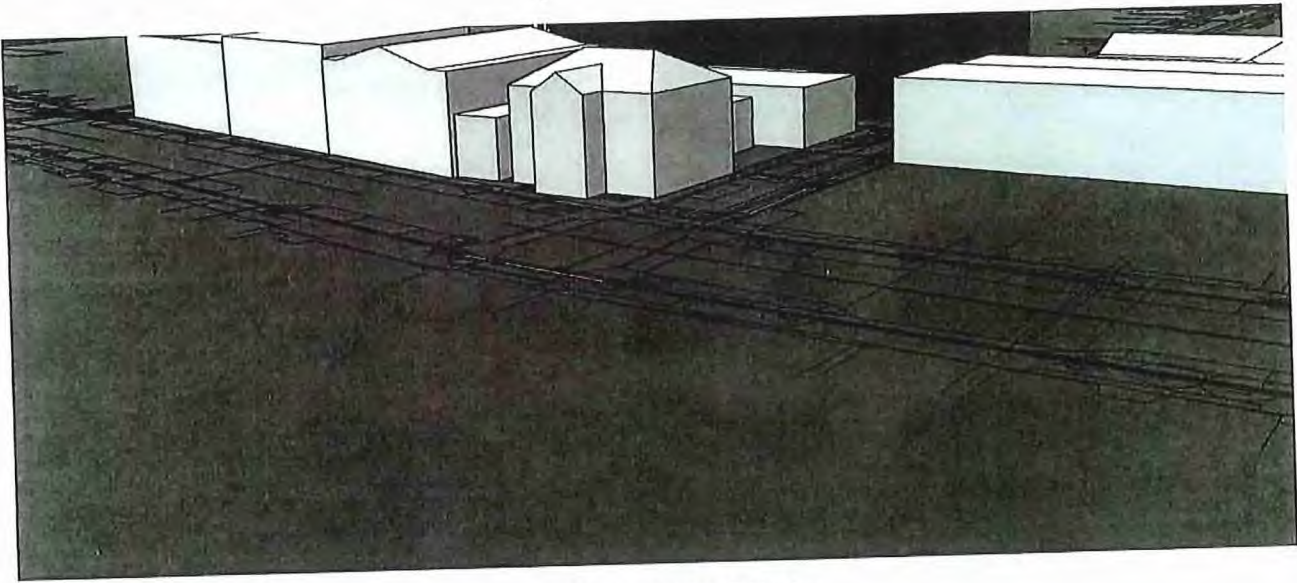


View from West Street.jpg



View From Corner Bay & West Streets.jpg





View from Woods Bridge.jpg

On Tue, Mar 9, 2021, at 7:04 AM, Stephen Murray wrote:

Graham,
Good morning! It looks to be another beautiful Beaufort day in the making. I hope the sun is shining in Geneva as it will be here.
=?□?

I apologize if my assertions were inaccurate. Thank you for providing clarification. However, I stand by my suggestion that you add a scale to these drawings and after thinking on it overnight would also suggest that you add the name of the person or firm that created them. I might also suggest that you provide "pedestrian eye view" as you have with your three story building versus "birds eye view" with the other.

I can appreciate your desire for my comment on the mass and scale of the hotel project, and since I prefer to be frank in most matters, I'd like to be able to provide it. However, we have guiding documents, a development code, zoning, professional planning staff, and a regulatory review board of your fellow citizens that added together form a comprehensive legal process that seeks to find a balance between private property rights and how our community grows into the future. I have faith in these processes and the people who administer them. These processes have been created over decades with significant public and professional assistance, including Historic Beaufort Foundation who deserves much credit for their devoted participation. I believe it is improper for me or members of Council to publicly weigh-in with our personal preferences on specific projects that are pending review.

Have a great day!

Best Regards,

Stephen Murray

On Tue, Mar 9, 2021, 4:23 AM Graham Trask <grahamtrask@gmail.com> wrote:

City of Beaufort buildings are open to the public, however due to the increasing numbers of COVID-19 cases, we encourage the continued use of the City's online services and scheduling of appointments. Please call or visit us online at cityofbeaufort.org to contact our departments for questions and appointments.
ALL VISITORS ARE REQUIRED TO WEAR A FACE MASK WHEN ENTERING CITY BUILDINGS.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning Stephen - Thanks for your feedback.

I'm responding to your email response to my father, George Trask, on which I was copied.

It appears, you've erroneously cast doubt and provided inaccurate assertions on two important items.

A) The provided renderings, as below, are all to scale. Now more renderings are provided so it's even more clear.

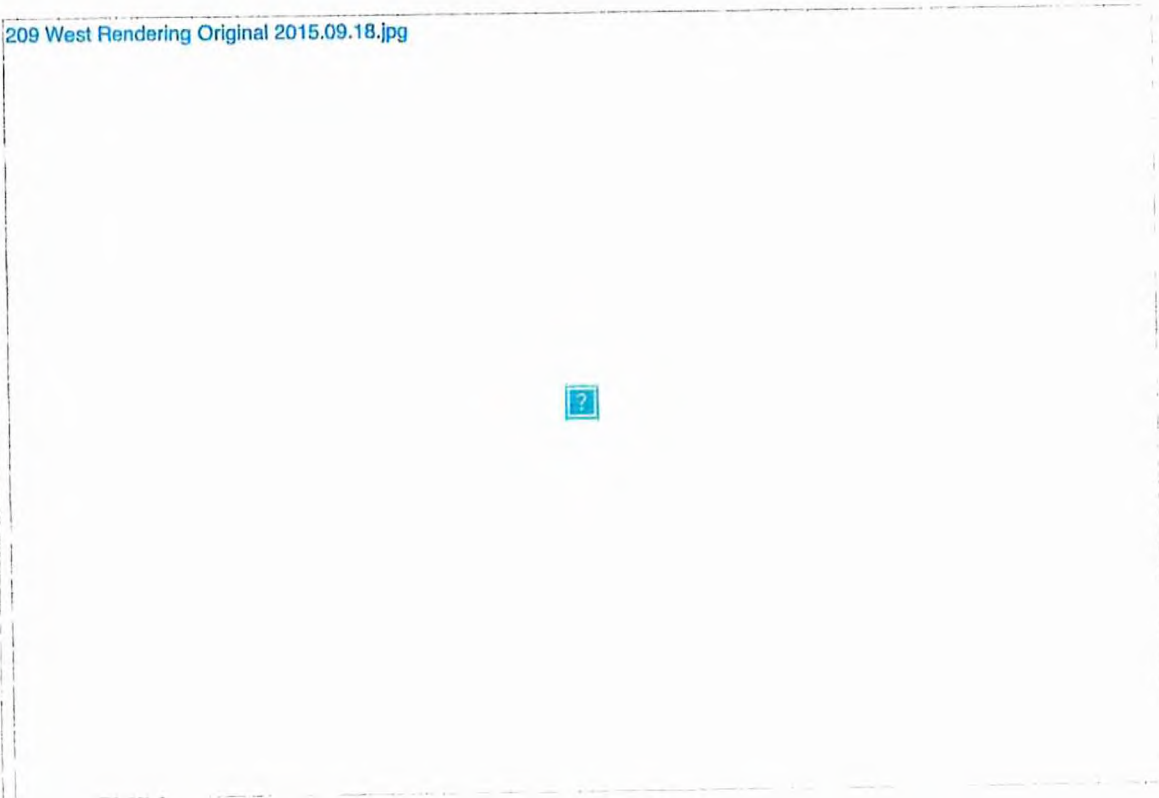
Each rendering provides existing buildings in the foreground to which the proposed hotel can accurately be compared in size and scale.

You seem "surprised" by the size of the hotel compared to the existing buildings around it?! Most Beaufortians, when they see these accurate renderings, are surprised at how large the 55,000 square foot, 72 room hotel is compared to the surrounding buildings.

B) Secondly, a "4 story" building was NOT approved for the parking lot between Old Bull and 221 West along West Street. To the contrary, a 6,500 square foot, 2 story building with 2 commercial ground floor units and 3 second floor apartments and a roof top penthouse was approved.

See rendering of that approved building for 209 West - it has "West Street Brewery" on the awning. Old Bull Restaurant is the one story building to the right; 221 West is to the 2 story building to the left.

209 West Rendering Original 2015.09.18.jpg



In stark contrast to the above is the red proposed 55,000 square foot, 72 room hotel building below. The proposed hotel is 3 stories with a roof-top bar making the structure effectively 4 stories. The hotel is therefore almost 10 times the size of the above building approved for 209 West Street.

For accurate comparison, the Old Bull Tavern is the building to the right and 221 West is the building to the left. These two buildings are the same two buildings in the above and below renderings.

Street View West Street.jpg



Further renderings and perspectives of the hotel project are provided below.

Once all this can be digested, it might be helpful for the group, on copy, and our other fellow Beaufort City residents to understand whether:

- a) You believe the mass and absolute size of this proposed hotel is appropriate for downtown Beaufort?
- b) In your opinion, a 55,000 square foot, 72 room (Marriott) hotel, proposed to be built in the middle of Beaufort's core historic district, abides by the Beaufort City Codes for the Beaufort Historic District in respect to absolute size and scale?

VIEW FROM BAY STREET; THE WHITE BUILDINGS IN THE FOREGROUND ARE FROM THE LEFT a) THE FORMER LIPSITZ BUILDING NOW OWNED BY MARCELLENE TRASK; b) THE ROSSIGNOL BUILDING OWNED BY THE AIMAR FAMILY c) THE MODERN JEWELRY BUILDING OWNED BY THE CUPPIA FAMILY; THE VERDIER HOUSE OWNED BY HISTORIC BEAUFORT SOCIETY;

View From Bay Street.jpg



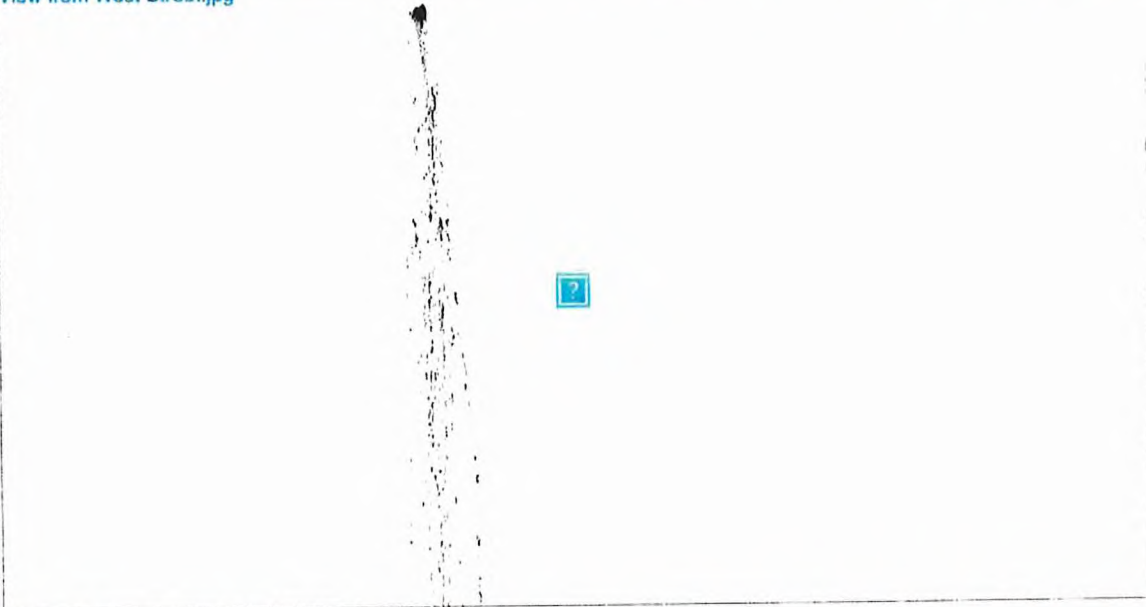
VIEW FROM THE CORNER OF BAY AND WEST STREET. IN THE FOREGROUND ARE THE 800 BAY BUILDINGS; OLD BULL TAVERN AND 221 WEST STREET, BOTH OWNED BY GRAHAM TRASK, ARE SEEN IN THE LEFT OF THE PICTURE

View From Corner Bay & West Streets.jpg



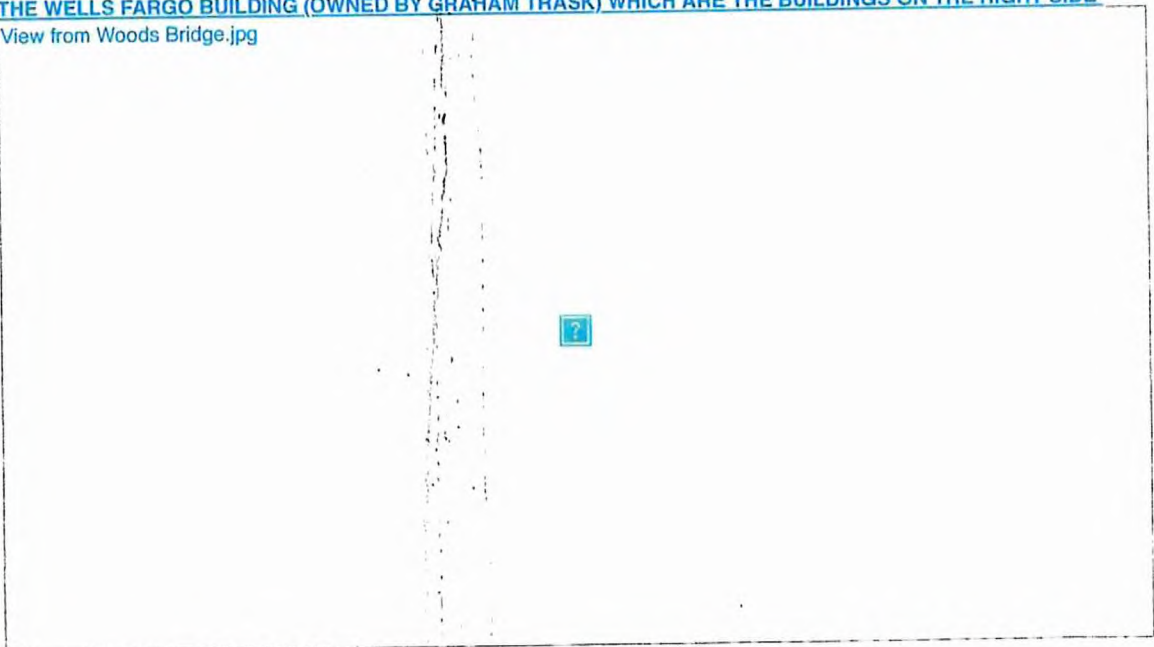
VIEW FROM WEST STREET OVER THE FORMER LIPSITZ BUILDING AND OVER OLD BULL TAVERN AND 221 WEST STREET

View from West Street.jpg



VIEW FROM CORNER OF BAY AND SCOTT STREET LOOKING OVER THE VERDIER HOUSE AND BLACKSTONES AND THE WELLS FARGO BUILDING (OWNED BY GRAHAM TRASK) WHICH ARE THE BUILDINGS ON THE RIGHT SIDE

View from Woods Bridge.jpg



AERIAL VIEW OF THE HOTEL RELATIVE TO OLD BULL TAVERN AND 221 WEST STREET; THE HOTEL IS 35 TIMES LARGER IN SQUARE FOOTAGE THAN 221 WEST STREET AND OVER 40 TIMES LARGER IN SQUARE FOOTAGE THAN

LARGER IN SQUARE FOOTAGE THAN 221 WEST STREET AND OVER 10 TIMES LARGER IN SQUARE FOOTAGE THAN OLD BULL TAVERN

Arial View.jpg



ACCURATE STREET VIEW FROM WEST STREET; THE OLD BULL TAVERN IS THE BUILDING ON THE RIGHT; IT IS 3,400 SQUARE FEET AND ONE STORY TALL; 221 WEST IS ON THE LEFT; IT IS 1,600 SQUARE FEET AND 2 STORIES TALL. THE HOTEL IN THE BACKGROUND IS 55,000 SQUARE FEET AND 4 STORIES TALL.

Street View West Street.jpg



Graham B. Trask

Switzerland: +41 22 548 1959 | USA: +1 845 704 72 90

email: grahamtrask@gmail.com

On Tue, Mar 9, 2021 at 12:17 AM Stephen Murray <stephen@mayormurray.com> wrote:

Mr. Trask,
Thank you for your email. I have provided my thoughts in green on the issues that you mention. Please let me know if you have additional questions or concerns.

Best Regards,

Stephen Murray

Mayor
City of Beaufort
843.564.2207 Mobile
stephen@mayormurray.com
[Follow me on Facebook](#)
<https://www.cityofbeaufort.org>



On Mon, Mar 8, 2021 at 5:01 PM George Trask <ggtrask@fastmail.com> wrote:

City of Beaufort buildings are open to the public, however due to the increasing numbers of COVID-19 cases, we encourage the continued use of the City's online services and scheduling of appointments. Please call or visit us online at cityofbeaufort.org to contact our departments for questions and appointments.
ALL VISITORS ARE REQUIRED TO WEAR A FACE MASK WHEN ENTERING CITY BUILDINGS.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Chairman Dickerson, Members of the Historic District Review Board, and Mayor Steve Murray,

Important local public policy issues affecting Beaufort's Historic District

1. Proposed massive downtown hotel, apartment building, and parking garage on Port Republic Street in downtown Historic District

It's my understanding the garage, hotel, and apartment building have all received conceptual approvals from the Historic Review Board. Final approval will require another public hearing and I would encourage you to provide project specific comments during those meetings of the HRB.

2. Proposed Sheriff's Department move to Bay Street location in residential Historic District (old courthouse at corner of Bay and Bladen Streets) including parking lot on North Street to accommodate deputy sheriff's cars

The Federal Courthouse is owned by Beaufort County. They solicited proposals for use and I'm told had no response. The Sheriff has expressed interest in using the building for his administration offices. I don't believe it is their intent to park additional assets on the adjacent lot, but I will suggest to County leadership that we do not want to see the Bladen/Bay lot used as a storage facility. I would encourage you to reach out to your County Council representative to express your thoughts on this matter, as it is outside the purview of City Council.

3. Current massive cutting of oak trees in Historic District by Dominion Power, opportunity to get funds to bury the cables
Dominion cutting is close to completion. I share many residents' frustration but believe the City acted responsibly in hiring Master Arborist, Michael Murphy and a project manager to ensure the best outcomes for our tree stock. I'm happy to entertain a conversation about the burial of additional lines, but also know it will come at a significant expense to local ratepayers. (We're still paying for the burial of Boundary St. lines)

4. Proposed widening of Sea Island Parkway on Lady's Island immediately across Woods Memorial Bridge, which will bring even more through traffic into the downtown Historic District via Bay and Carteret Streets

The City is opposed to the widening of Sea Island Parkway and we have been advocating for a Village Master Plan effort to

The City is opposed to the widening of our main highway and we have been advocating for a strategic master plan that take a holistic approach to how that corridor develops over the coming years. Personally, I'd like to see a more walkable, mixed-use, connected corridor that both captures future growth in a responsible way and manages transportation infrastructure more appropriately. I would encourage you sharing your thoughts on this matter with the County as well.

5. Proposed County anti-fill proposal, which will prevent shoring up of land against predicted sea-level rise
The County will begin the public process of considering this ordinance in the near future. I would encourage you to participate in the process to make sure your opinion is heard. The City Council will consider 2nd reading of our Flood Prevention Ordinance tomorrow night at 7PM. I don't believe our ordinance is anti-fill, but simply a tool to make sure that we take a more thoughtful and data driven approach to how we fill-in sensitive areas. I believe we have found a balance in our ordinance that allows responsible development.

6. City currently allows demolition permits without expiration date or requirement to get approval for replacement plans.
I have asked staff to draft a code amendment that would place an expiration date on demolition permits. City Council will be discussing this issue tomorrow night during our worksession at 5PM. You can view this meeting via ZOOM or livestreamed on Facebook. The agenda with ZOOM link for public participation can be found on the www.cityofbeaufort.org website.

7. Proposed updating of Milner Report of guidelines for review of impact of proposed developments on the Historic District
City Council recently approved a contract with the Milner group to update both the original Milner guide and the update. This process has already begun and there will be a public opportunity in the coming months to participate in the update. Additionally, I've asked that we consider expanding the scope of the study to include an update of our contributing structure list. Staff will be researching this and it will be on the HRB agenda next month for review.

8. Need for a moratorium on development until new Milner Report is produced, accepted, and implemented by the City with new ordinances to correct existing deficiencies

I appreciate your concern for the proposed development projects on Port Republic St., especially given your families considerable property holdings on adjacent sites. However, I am not in favor of a moratorium on new development. I believe we have appropriate processes in place to consider renovations and new construction in our historic district that align with our goals of historic preservation among others. Not only do I think a moratorium on existing projects would open the city to significant legal liability, but I also think it runs counter to a number of our other strategic goals.

Here is the mass of the hotel at same scale as nearby existing buildings in the same city block. Further perspectives are being created to show impact on the Verdier House, Bay Street stores, and downtown skyline including obstruction of views of church steeples when approaching downtown from Woods Bridge.
Thank you for taking the time to provide this rendering. However, I respectfully call into the question the scale of the drawing. I would ask that your draftsman include the scale compared to existing structures for accuracy. Additionally, I understand that your family has conceptual approval from the Historic Review Board for a four story building in between the Old Bull Tavern and Good Aura. I would be interested to see how this building fits in the drawing that you have presented below.

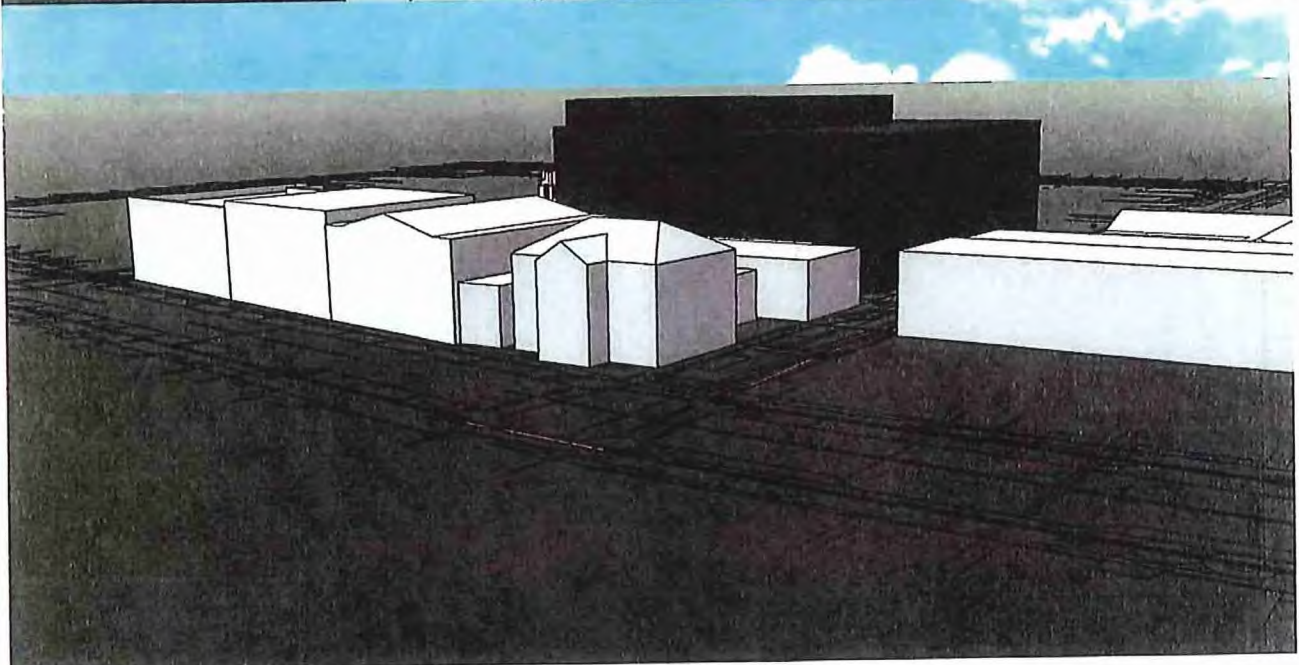
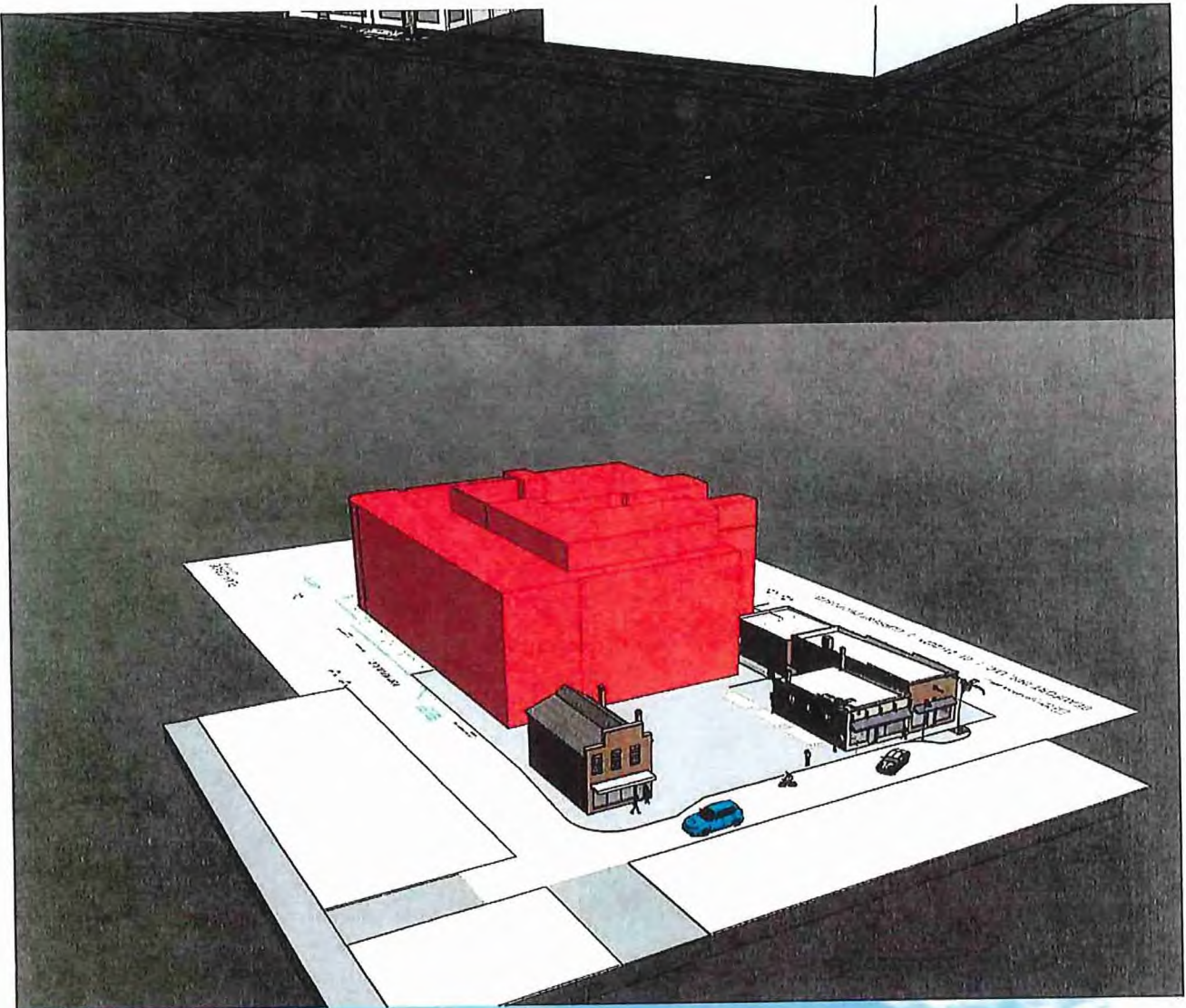


I hereby request that this email including the above scale-model rendering be presented to all members of City Council as soon as possible and placed in the minutes of the next meeting of City Council and of the Historic District Review Board.

George Graham Trask
1211 Bay Street
Beaufort SC 29902 USA
+1.843.471.0075
ggrask@yahoo.com

Attachments:

- Arial View.jpg
- 209 West Rendering Original 2015.09.18.jpg
- View From Bay Street.jpg
- Street View West Street.jpg
- View from West Street.jpg
- View From Corner Bay & West Streets.jpg
- Hotel mass at scale.jpg
- View from Woods Bridge.jpg





Port Republic
Projects.pdf

EXHIBIT 9

From: Emerson 
Subject: FW: Threats to Beaufort, SC NHL District
Date: March 25, 2021 at 2:55 PM
To: C. Jenkins
/o=ExchangeLabs/ou=Exchange Administrative Group /cn=Recipients/cn=b04ef25ed4584e459e9085b7c63764d4-cjenkins



Good Afternoon Cynthia,

The email correspondence that you requested is below. Please let me know if I may answer any questions.

Best,
Eric

W. Eric Emerson, Ph.D.
Director, State Historic Preservation Officer and State Archivist
South Carolina Department of Archives and History
8301 Parklane Road
Columbia, SC 29223
803-896-6185
803-896-6186 fax
Scdah.sc.gov



From: Johnson, Elizabeth <EJohnson@scdah.sc.gov >
Sent: Tuesday, March 23, 2021 11:59 AM
To: Emerson, W. Eric <EEmerson@scdah.sc.gov >
Subject: FW: Threats to Beaufort, SC NHL District

FYI

OLINA DEPA

Elizabeth M. Johnson



Director, Historical Services, D-SHPO

State Historic Preservation Office

SC Department of Archives & History

8301 Parklane Road

Columbia, SC 29223

Ph: 803.896.6168 Fax: 803.896.6167 <https://scdah.sc.gov/historic-preservation>

From: Will Cook <will@culturalheritagepartners.com>
Sent: Tuesday, March 23, 2021 10:56 AM
To: Johnson, Elizabeth <EJohnson@scdah.sc.gov>
Subject: Fwd: Threats to Beaufort, SC NHL District

Dear Elizabeth,

Thank you so much for taking time to speak with Graham Trask about current development threats in Beaufort. I sent the email below to Cynthia Walton at NPS and wanted to keep you in the communications loop. We appreciate any help that the SHPO is able to provide. I'm shocked that the local preservation commission approved the plans for the proposed hotel in 2019. I had no idea all of this was going on.

Best regards,

Will

----- Forwarded message -----

From: Will Cook <will@culturalheritagepartners.com>
Date: Tue, Mar 23, 2021 at 9:33 AM
Subject: Threats to Beaufort, SC NHL District
To: Cynthia Walton <cynthia_walton@nps.gov>

Dear Cynthia,

Sorry to bother you during this busy time, but I wanted to be sure that you were aware of the significant threats to the heart of the Beaufort NHL and the NHL District portion of the Reconstruction Era National Monument. In full disclosure, I'm a Beaufort native, so I know the town well.

A childhood friend and historic district property owner there, Graham Trask, has already contacted you at the SHPO's recommendation, but I wanted to see if your office would consider issuing a warning letter to the local government regarding threats to the NHL's integrity should it continue to approve the proposed projects, as well as threats to the Reconstruction Era National Monument. For example, I was shocked to learn that the local historic preservation commission gave full approval to the proposed Marriott in October 2019 and I believe has given preliminary approval to a large parking deck.

Here is some GIS mapping data, including the proposed Marriott and parking deck, to give you an idea of how the new development would affect the NHL within a concentrated area. The GIS models were developed by an architect using proposed measurements. Scroll down for the 3-D images, which are compelling.

www.beauforttribune.com

In case you don't know already, the proposed parking lot infill, marked "A," is directly across from the historic Tabernacle Baptist Church across Craven Street. The church is the burial site for Beaufort hero Robert Smalls. Members of the historic church oppose the parking deck, but are having a hard time making their opposition heard in any meaningful way. And the infill is within close proximity to the Old Beaufort Firehouse at 706 Craven St., which I understand serves as the headquarters for the Reconstruction Era National Monument. Historic Beaufort Foundation is woefully absent from the debate.

I appreciate you taking the time to consider my concerns. If I can provide additional information or schedule a Zoom or conference call with the SHPO, please let me know.

Cordially,
Will Cook

Read more here: <https://www.islandpacket.com>

Tanj /article96151747.html#storylink=cpy

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William J. Cook, Special Counsel

Cultural Heritage Partners, PLLC
Direct/Text: 843-801-3366

www.culturalheritagepartners.com

This email is confidential and may be privileged. If you are not the intended recipient, please notify us immediately by replying to this message or sending an email to will@culturalheritagepartners.com, and destroy all copies of this message and any attachments. Thank you.

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William J. Cook, Special Counsel

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