

S.C. Lawyers Weekly Highlights Nexsen Pruet Easement Win

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Practices

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Paul Dominick and Alexandra Austin, two Nexsen Pruet litigators, have successfully represented a Beaufort family against the United States Government regarding a restrictive easement. The Trask family will receive \$4.41 million as compensation for an easement that the U.S. government placed on a large tract of land near Marine Corps Air Station Beaufort. The article, "Feds to pay family \$4.41M for easement for base," by *S.C. Lawyers Weekly*, details the fight over the 269 acres owned by the family near the air base and in the flight pattern of U.S. Marine Corps fighter jets based at the station.

Article Excerpt:

The land included two parcels, one designated for industrial use and another for residential, that were both placed under the easement. The government valued the damage to the property at \$937,000, but the family claimed that the restrictive easements devalued the property, which had been given to them by the family patriarch in his will as investment property, by much more than that.

"This was their 401(k). Their father had left them this property. They've got a very large family. And the idea was that eventually they would sell it off for the benefit of the heirs of Mr. Trask's estate," Dominick said.

The appraiser hired by the family told Dominick it was one of the most restrictive easements he'd ever seen. The family argued that the restrictions were so severe that they amount to a total taking of their property rights.

"Judge Gergel's award of over \$4 million to the property owners in this case was a victory for individual property rights. Government entities may have the right to take private property for public use, but that might not overcome the legal obligation to fairly compensate the landowners," Dominick said.

To read the full article, [click here](#)

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