



# The South Carolina Court of Appeals

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November 16, 2022

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Re: Alvetta L. Massenberg v. Clarendon County Treasurer  
Appellate Case No. 2020-001531

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

A handwritten signature in blue ink that reads "Jerry A. Kitzel". The signature is written in a cursive style with a large initial "J" and a prominent "K".

CLERK

cc: The Honorable Joseph K. Coffey

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

Alvetta L. Massenberg, Appellant,

v.

Clarendon County Treasurer, Clarendon County  
Delinquent Tax Collector, Blacktop Ventures, LLC,  
Respondents.

Appellate Case No. 2020-001531

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Appeal From Clarendon County  
Joseph K. Coffey, Master-in-Equity

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Unpublished Opinion No. 2022-UP-410  
Submitted November 1, 2022 – Filed November 16, 2022

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**AFFIRMED**

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John M. Bleecker, Jr., of Law Office of John M.  
Bleecker, Jr., of Charleston, and Albert Peter Shahid, Jr.,  
of Shahid Law Office, LLC, of Charleston, both for  
Appellant.

Scott Franklin Talley, of Talley Law Firm, P.A., of  
Spartanburg, for Respondent Blacktop Ventures, LLC.

William H. Johnson, of Johnson, DuRant & Nester, LLC,  
of Manning, for Respondents Clarendon County

Treasurer and Clarendon County Delinquent Tax  
Collector.

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**PER CURIAM:** Alvetta Massenberg appeals the master-in-equity's denial of her action to set aside a delinquent tax sale of real property. On appeal, she argues Clarendon County did not follow the statutory requirements because it did not post the notice of levy in a conspicuous place on the property.

A preponderance of the evidence supports the master's finding the notice was posted in a conspicuous place because it was posted on a relatively well-traveled road. Accordingly, we affirm pursuant to Rule 220(b)(2), SCACR, and the following authorities: *Smith v. Barr*, 375 S.C. 157, 160, 650 S.E.2d 486, 488 (Ct. App. 2007) ("Our scope of review for a case heard by a Master permits us to determine facts in accordance with our own view of the preponderance of the evidence."); *id.* ("However, we are mindful that this scope of review does not require us to disregard the Master's factual findings because the Master saw and heard witnesses and was in a better position to judge their credibility and demeanor."); *In re Ryan Inv. Co.*, 335 S.C. 392, 395, 517 S.E.2d 692, 693 (1999) ("Tax sales must be conducted in strict compliance with statutory requirements."); S.C. Code Ann. § 12-51-40(c) (Supp. 2022) (directing a county's delinquent tax collector to "take exclusive physical possession of the property against which the taxes . . . were assessed by posting a notice [of levy] at one or more conspicuous places on the premises" if the final notice of delinquent taxes is returned).

**AFFIRMED.**<sup>1</sup>

**GEATHERS, MCDONALD, and HILL, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.