

RECEIVED

Dec 22 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM JASPER COUNTY
Court of Common Pleas

The Honorable Bentley D. Price, Presiding Court Judge

Case No. 2022-001054

Charles Bradford Keiffer.....Appellant

v.

Jasper County Delinquent Tax Office
and Carolina Heritage, LLC.....Respondents

RECORD ON APPEAL

Darrell Thomas Johnson, Jr.
S.C. Bar No. 3010
Mills L. Morrison, Jr.
SC. Bar No. 68546
Post Office Box 1125
Hardeeville, South Carolina 29927

And

R. Thayer Rivers
PO Box 668
Ridgeland, South Carolina 29936
ATTORNEYS FOR APPELLANT

C. Russell Keep, III
Post Office Box 5877
Hilton Head Island, SC 29938
Attorney for Defendant Carolina Heritage

David L. Tedder
County Attorney for Jasper County Delinquent Tax Office
PO Box 420
Ridgeland, SC 29936
Attorney for Jasper County Delinquent Tax Office

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Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Law Offices of Darrell Thomas Johnson, Jr., LLC

s/Mills L. Morrison, Jr.

Darrell Thomas Johnson, Jr.

S.C. Bar No. 3010

Mills L. Morrison, Jr.

S.C. Bar No. 68546

Post Office Box 1125

Hardeeville, South Carolina 29927

(843) 784-2142

Tdjohnson1@johnsonslawoffice.com

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF JASPER	)	CASE NO.: 2020-CP-27-
)	
CHARLES BRADFORD KEIFFER,)	
)	
Plaintiff,)	
v.	)	SUMMONS
)	
JASPER COUNTY DELINQUENT TAX)	
OFFICE, CAROLINA HERITAGE, LLC,)	
)	
Defendants.)	

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the Complaint of the Plaintiffs in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint upon the subscriber, Plaintiffs' attorney, R. Thayer Rivers, Jr., Esquire, LAW OFFICE OF R. THAYER RIVERS, JR., Post Office Box 668, Ridgeland, South Carolina, 29936, within thirty (30) days from and after the date of service hereof (exclusive of the date of service); and, if you fail to answer the Complaint within the time aforesaid and to serve a copy of your Answer, judgment by default will be rendered against you for the relief demanded in the Complaint.

Law Office of R. Thayer Rivers, Jr.

/s/ R. Thayer Rivers, Jr.
R. THAYER RIVERS, JR.
Post Office Box 668
Ridgeland, South Carolina 29936
843-726-8136

Attorney for the Plaintiffs

Ridgeland, South Carolina,
January 31, 2020.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF JASPER	)	CASE NO.: 2020-CP-27-
)	
CHARLES BRADFORD KEIFFER,)	
)	
Plaintiff,)	
v.	)	COMPLAINT
	)	(DECLARATORY JUDGMENT
JASPER COUNTY DELINQUENT TAX	)	ACTION)
OFFICE, CAROLINA HERITAGE, LLC,)	
)	
Defendants.)	

The Plaintiff would show this Honorable Court as follows:

1. The Plaintiff has long been the owner of the property described in Exhibit A.
2. That on or about May 20, 2019, Rhonda Mitchell, the delinquent tax collector for Jasper County, South Carolina, recorded a deed in favor of Carolina Heritage, LLC, for the premises owned by the Plaintiff.
3. That the proper notice was never sent to the Plaintiff. That the tax office used Post Office Box 174, Hardeeville, SC, 29927, which has not been the address for the premises for a period of 7 years. That the Plaintiff never receives mail at 1405 Honeyhill Road, Hardeeville, SC 29927, a fact further known to the Jasper County Delinquent Collector.
4. In fact, the tax office did not have in its file the address of 89 Hodge Court in Hardeeville, SC, which is in fact where the Plaintiff received mail.
5. An additional notice was sent as part of the notification process to Joseph Cody Parker for 028-00-03-128A which is a mobile home shown on the premises.
6. That he failure to properly notify the landowner is a jurisdictional defect which is above any statute of limitations.

7. The Plaintiff is informed in believes that he is entitled to an order of the court declaring that the deed to the premises be null and void.

8. That pursuant to Section 15-58-100 of the South Carolina Rules of Court, the Plaintiff is informed and believes that he should granted his costs for this action to include reasonable attorney fees.

WHEREFORE, the Plaintiff prays as follows:

1. That the deed to Carolina Heritage, LLC, be declared null and void.
2. That the Plaintiff be granted an award of the costs of this action to include attorney fees.
3. For such other relief as this court deems just and proper.

LAW OFFICE OF R. THAYER RIVERS, JR.

/s/ R. Thayer Rivers, Jr.
R. THAYER RIVERS, JR., Bar No.: 4754
Post Office Box 668
Ridgeland, SC 29936
843-726-8136

January 31, 2020.

2

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF JASPER	)	CASE NO.: 2020-CP-27-
)	
CHARLES BRADFORD KEIFFER,)	
)	
Plaintiff,)	
v.	)	MOTION FOR SUMMARY
	)	JUDGMENT
JASPER COUNTY DELINQUENT TAX)	
OFFICE, CAROLINA HERITAGE, LLC,)	
)	
Defendants.)	

TO: THE ABOVE NAMED DEFENDANTS:

You will please take notice that the Plaintiff, by and through his attorney, R. Thayer Rivers, Jr., will move before the Presiding Judge in Jasper County, South Carolina, ten (10) days after the service hereof, or as soon as this matter may be heard for an Order as follows:

1. Granting Summary Judgment to the Plaintiff pursuant to the laws of the State of South Carolina in regard to delinquent tax sales in that (a) the requisite notices were not all sent to the Plaintiff but was sent to the person who owned the mobile home on the premises; (b) in having the notices returned and then sent to a Hardeeville address, but not to the best known or correct address for the Plaintiff, as shown in the delinquent tax collector's file attached hereto and made part hereof as Exhibit A.

2. That the Plaintiff believes that he is entitled to an Order of this Court voiding the tax deed in question.

LAW OFFICE OF R. THAYER RIVERS, JR.

/s/ R. Thayer Rivers, Jr.
R. THAYER RIVERS, JR., Bar No.: 4754
Post Office Box 668
Ridgeland, SC 29936
843-726-8136

January 31, 2020

1350



STATE OF SOUTH CAROLINA
DEPARTMENT OF REVENUE

W-131

(Rev. 12/16/11)
2047

TAX LIEN

SID/Suffix:
Tax Type: INDIVIDUAL INCOME TAX

County: JASPER
Contact Number: (843)852-3600
Tax Lien Number: 3-51913375-5
SSN: XXX-XX-3047
SPOUSE SSN: XXX-XX-7263
File Number: 92558502
Period Covered: 12/12 - 12/12

Last Name: First Name:
KEIFFER CHARLES

KEIFFER JESSICA
89 HODGE CT
HARDEEVILLE SC 29927-8700

*correct
address change
requested
in 2016*

20160003237 08/01/2018 AT 02:24 PM
OR Volume 0926 Page 0720 - 0720
Filed for Record in JASPER COUNTY ROD
Tax Lien Fee: \$10.00

To: Any authorized representative of the SC Department of Revenue
The party named in this tax lien is liable for the assessed taxes set out below, along with the penalties and interest established by law for failure to pay such taxes when due. Such being established, you are directed by distraint powers to levy upon and sell as is allowed by law so much of the tangible or intangible personal property, rights to such property or choses in action of the party necessary to satisfy the tax, penalty and interest owed by the party, plus the fees, cost and expenses of the levy. If these found assets are not sufficient to satisfy the amount set out in this tax lien, you are directed to seize and sell so much of the real estate of the party as is necessary to satisfy the amount owed.
Dated and signed under the seal of the SC Department of Revenue 07/01/16.

Tax Type: INDIVIDUAL INCOME TAX

DIST CODE	PERIOD COVRD	RECEIVABLE NUMBER	DATE ASSESSED	TAX	PENALTY	INTEREST	TOTAL
0801	12/12	1-08802604-3	02-09-16	252.00	56.70	27.10	335.80

SUBTOTAL: 335.80
COURT COSTS: 26.79
TOTAL: \$362.59

TXPRC108

105

20471025

Exhibit A - 8 pages

1350



STATE OF SOUTH CAROLINA
DEPARTMENT OF REVENUE

W-131
(Rev. 12/16/11)
2047

TAX LIEN

SID/Suffix:
Tax Type: INDIVIDUAL INCOME TAX

County: JASPER
Contact Number: (843)852-3600
Tax Lien Number: 3-51955604-4
SSN: XXX-XX-3047
SPOUSE SSN: XXX-XX-7263
File Number: 63316264
Period Covered: 12/13 - 12/13

Type Owner:
Last Name: First Name:
KEIFFER CHARLES

KEIFFER JESSICA
89 HODGE CT
HARDEEVILLE SC 29927-8700

20170002570 06/14/2017 AT 02:59 PM
OR Book 0851 Page 0553 - 0553
Filed for Record in JASPER COUNTY ROD
Tax Lien Fee: \$10.00

To: Any authorized representative of the SC Department of Revenue
The party named in this tax lien is liable for the assessed taxes set out below, along with the penalties and interest established by law for failure to pay such taxes when due. Such being established, you are directed by distraint powers to levy upon and sell as is allowed by law so much of the tangible or intangible personal property, rights to such property or choses in action of the party necessary to satisfy the tax, penalty and interest owed by the party, plus the fees, cost and expenses of the levy. If these found assets are not sufficient to satisfy the amount set out in this tax lien, you are directed to seize and sell so much of the real estate of the party as is necessary to satisfy the amount owed.
Dated and signed under the seal of the SC Department of Revenue 06/05/17.

Tax Type: INDIVIDUAL INCOME TAX

DIST CODE	PERIOD COVRD	RECEIVABLE NUMBER	DATE ASSESSED	TAX	PENALTY	INTEREST	TOTAL
0801	12/13	1-09053555-7	04-21-17	315.00	1.57	36.16	352.73

SUBTOTAL: 352.73
COURT COSTS: 27.64
TOTAL: \$380.37

TXPRC108 1,683

20471025

1350



STATE OF SOUTH CAROLINA
DEPARTMENT OF REVENUE
Notice of Tax Lien

W-131
(Rev. 11/10/16)
2047

SID: 4036156
Letter ID: L0003403370
Date Issued: August 17, 2017

201700003727 08/25/2017 AT 02:39 PM
OR Book 0958 Page 0822 - 0822
Filed for Record in JASPER COUNTY ROD
Tax Lien Fee: \$10.00

Lien Information:

County:	JASPER	Tax:	\$500.00
Tax Lien Number:	445968	Penalty:	\$67.50
Account ID:	101803096	Interest:	\$11.85
Tax Type:	Sales & Use	Court Costs:	\$38.97
Periods Covered:	07/31/16	Total:	\$618.32
Legal Name:	KEIFFER, CHARLES		
DBA/Second Name:	COASTAL FLORIST		
Transmit Address:	1405 HONEY HILL RD HARDEEVILLE SC 29927-4625		

Parents' address

To: Any authorized representative of the SC Department of Revenue

The party named in this tax lien is liable for the assessed taxes set out above, along with any penalties and interest established by law for failure to pay such taxes when due. Such being established, you are directed by distraint powers to levy upon and sell as is allowed by law so much of the tangible or intangible personal property, rights to such property, or chooses in action of the party necessary to satisfy the tax, penalty, and interest owed by the party, plus the fees, cost, and expenses of the levy. If these found assets are not sufficient to satisfy the amount set out in this tax lien, you are directed to seize and sell so much of the real estate of the party as is necessary to satisfy the amount owed.

Dated and signed under the seal of the SC Department of Revenue 08/17/2017

ELECTRONICALLY FILED - 2020 Jan 31 3:27 PM - JASPER - COMMON PLEAS - CASE#2020CP2700051
JP19E:000105:0101N:0A#:A14507552981:0000027074


1350



STATE OF SOUTH CAROLINA
DEPARTMENT OF REVENUE
Notice of Tax Lien

W-131
(Rev. 06/29/17)
2047

SID: 4036156
Letter ID: L0003850492
Date Issued: October 13, 2017


201700004600 10/27/2017 AT 11:41 AM
OR Book 0961 Page 0403 - 0403
Filed for Record in JASPER COUNTY ROD
Tax Lien Fee: \$10.00

Lien Information:

County: JASPER	Tax: \$3,000.00
Tax Lien Number: 398322	Penalty: \$742.50
Account ID: 101803096	Interest: \$62.73
Tax Type: Sales & Use	Court Costs: \$200.27
Periods Covered: 08/31/16 - 01/31/17	Total: \$4,005.50

Legal Name: KEIFFER, CHARLES
DBA/Second Name:
Transmit Address: 1405 HONEY HILL RD HARDEVILLE SC 29927-4625 USA

To: Any authorized representative of the SC Department of Revenue

The party named in this tax lien is liable for the assessed taxes set out above, along with any penalties and interest established by law for failure to pay such taxes when due. Such being established, you are directed by distraint powers to levy upon and sell as is allowed by law so much of the tangible or intangible personal property, rights to such property, or chooses in action of the party necessary to satisfy the tax, penalty, and interest owed by the party, plus the fees, cost, and expenses of the levy. If these found assets are not sufficient to satisfy the amount set out in this tax lien, you are directed to seize and sell so much of the real estate of the party as is necessary to satisfy the amount owed.

Dated and signed under the seal of the SC Department of Revenue 10/13/2017

ELECTRONICALLY FILED - 2020 Jan 31 3:27 PM - JASPER - COMMON PLEAS - CASE#2020CP2700051

JP:55E:000285:010IN:0A#:A047279254840000006386

1350



STATE OF SOUTH CAROLINA
DEPARTMENT OF REVENUE
Notice of Tax Lien

W-131
(Rev. 06/26/17)
2047

SID: 4036156
Letter ID: L0004339589
Date Issued: February 01, 2018

201800000536 02/13/2018 AT 02:18 PM
OR Book 0970 Page 0148 - 0148
Filed for Record in JASPER COUNTY ROD
Tax Lien Fee: \$10.00

Lien Information:

County:	JASPER	Tax:	\$500.00
Tax Lien Number:	391791	Penalty:	\$140.00
Account ID:	101803096	Interest:	\$10.18
Tax Type:	Sales & Use	Court Costs:	\$42.51
Periods Covered:	02/28/17	Total:	\$692.69

Legal Name: KEIFFER, CHARLES
DBA/Second Name:
Transmit Address: 1405 HONEY HILL RD HARDEEVILLE SC 29927-4625 USA

To: Any authorized representative of the SC Department of Revenue

The party named in this tax lien is liable for the assessed taxes set out above, along with any penalties and interest established by law for failure to pay such taxes when due. Such being established, you are directed by distraint powers to levy upon and sell as is allowed by law so much of the tangible or intangible personal property, rights to such property, or chooses in action of the party necessary to satisfy the tax, penalty, and interest owed by the party, plus the fees, cost, and expenses of the levy. If these found assets are not sufficient to satisfy the amount set out in this tax lien, you are directed to seize and sell so much of the real estate of the party as is necessary to satisfy the amount owed.

Dated and signed under the seal of the SC Department of Revenue 02/01/2018

ELECTRONICALLY FILED - 2020 Jan 31 3:27 PM - JASPER - COMMON PLEAS - CASE#2020CP2700051
JP-15E:0000085:010IN:0A#:A0472792548:1:0000030970

1350



STATE OF SOUTH CAROLINA
DEPARTMENT OF REVENUE
Notice of Tax Lien

W-131
(Rev. 03/15/18)
2047

SID: 4036156
Letter ID: L0005814470
Date Issued: March 19, 2018

201800001234 03/30/2018 AT 03:20 PM
OR Book 0973 Page 0605 - 0605
Filed for Record in JASPER COUNTY ROD
Tax Lien Fee: \$10.00

Lien Information:

County: JASPER	Tax: \$500.00
Tax Lien Number: 744496	Penalty: \$57.50
Account ID: 101803096	Interest: \$4.96
Tax Type: Sales & Use	Court Costs: \$38.12
Periods Covered: 06/30/17	Total: \$600.58

Legal Name: KEIFFER, CHARLES
DBA/Second Name:
Transmit Address: 1405 HONEY HILL RD HARDEEVILLE SC 29927-4625 USA

To: Any authorized representative of the SC Department of Revenue

The party named in this tax lien is liable for the assessed taxes set out above, along with any penalties and interest established by law for failure to pay such taxes when due. Such being established, you are directed by distraint powers to levy upon and sell as is allowed by law so much of the tangible or intangible personal property, rights to such property, or chooses in action of the party necessary to satisfy the tax, penalty, and interest owed by the party, plus the fees, cost, and expenses of the levy. If these found assets are not sufficient to satisfy the amount set out in this tax lien, you are directed to seize and sell so much of the real estate of the party as is necessary to satisfy the amount owed.

Dated and signed under the seal of the SC Department of Revenue 03/19/2018

ELECTRONICALLY FILED - 2020 Jan 31 3:27 PM - JASPER - COMMON PLEAS - CASE#2020CP2700051
JP:51E:00022S:0:10IN:0A#:A0472792548:0000037657

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STATE OF SOUTH CAROLINA
DEPARTMENT OF REVENUE
Notice of Tax Lien

W-131
(Rev. 03/15/18)
2047

SSN: ***-**-3047
Letter ID: L0007084571
Date Issued: July 06, 2018



201800002980 07/16/2018 AT 10:53 AM
OR Book 0981 Page 0701 - 0701
Filed for Record in JASPER COUNTY ROD
Tax Lien Fee: \$10.00

Lien Information:

County:	JASPER	Tax:	\$1,312.00
Tax Lien Number:	399635	Penalty:	\$19.68
Account ID:	0002644991	Interest:	\$16.46
Tax Type:	Individual	Court Costs:	\$77.41
Periods Covered:	12/31/17	Total:	\$1,425.55

Legal Name:	KEIFFER, CHARLES
DBA/Second Name:	KEIFFER, JESSICA
Transmit Address:	89 HODGE CT HARDEEVILLE SC 29927-8700 USA
SSN:	***-**-3047
Spouse SSN:	***-**-7263

To: Any authorized representative of the SC Department of Revenue

The party named in this tax lien is liable for the assessed taxes set out above, along with any penalties and interest established by law for failure to pay such taxes when due. Such being established, you are directed by distraint powers to levy upon and sell as is allowed by law so much of the tangible or intangible personal property, rights to such property, or chooses in action of the party necessary to satisfy the tax, penalty, and interest owed by the party, plus the fees, cost, and expenses of the levy. If these found assets are not sufficient to satisfy the amount set out in this tax lien, you are directed to seize and sell so much of the real estate of the party as is necessary to satisfy the amount owed.

Dated and signed under the seal of the SC Department of Revenue 07/06/2018

ELECTRONICALLY FILED - 2020 Jan 31 3:27 PM - JASPER - COMMON PLEAS - CASE#2020CP2700051

JP:55E:000265:010IN:0A#:A2079458069J:0000054743

1350



STATE OF SOUTH CAROLINA
DEPARTMENT OF REVENUE
Notice of Tax Lien

W-131
(Rev. 03/15/18)
2047

SID: 4036156
Letter ID: L0006796171
Date Issued: July 06, 2018

201800002959 07/16/2018 AT 10:53 AM
OR Book 0881 Page 0700 - 0700
Filed for Record in JASPER COUNTY ROD
Tax Lien Fee: \$10.00

Lien Information:

County: JASPER	Tax: \$1,500.00
Tax Lien Number: 397007	Penalty: \$367.50
Account ID: 101803096	Interest: \$50.23
Tax Type: Sales & Use	Court Costs: \$105.88
Periods Covered: 03/31/17 - 05/31/17	Total: \$2,023.61

Legal Name: KEIFFER, CHARLES
DBA/Second Name:
Transmit Address: 1405 HONEY HILL RD HARDEEVILLE SC 29927-4625 USA

To: Any authorized representative of the SC Department of Revenue

The party named in this tax lien is liable for the assessed taxes set out above, along with any penalties and interest established by law for failure to pay such taxes when due. Such being established, you are directed by distraint powers to levy upon and sell as is allowed by law so much of the tangible or intangible personal property, rights to such property, or chooses in action of the party necessary to satisfy the tax, penalty, and interest owed by the party, plus the fees, cost, and expenses of the levy. If these found assets are not sufficient to satisfy the amount set out in this tax lien, you are directed to seize and sell so much of the real estate of the party as is necessary to satisfy the amount owed.

Dated and signed under the seal of the SC Department of Revenue 07/06/2018

ELECTRONICALLY FILED - 2020 Jan 31 3:27 PM - JASPER - COMMON PLEAS - CASE#2020CP2700051

JP-53E:000255:010IN:0AM:00472792548:1:0000054749*

in Paragraph 2 of the Complaint, and recorded a tax deed dated May 20, 2019 into Carolina Heritage, LLC, recorded on February 19, 2008 at Records Book 1006 at Page 619.

4. Paragraph 3 of the Complaint is denied to the extent it improperly contains multiple allegations and facts beyond the knowledge of Defendant Jasper County; upon information and belief, the allegations of Paragraph 3 of the Complaint are therefore denied, and Defendant Jasper County alleges its information and belief all mailings and the posting of the properties were completed as required by law to the address provided to the Assessor's Office by the Plaintiff, as well as other addresses which the Delinquent Tax Office attempted mailings, such being beyond what was required by law, and Defendant Jasper County further alleges that in any event, the required mailings were proper, and the posting of the real property cures any issues arising out of who signed for the mailings prior to the posting.
5. Upon information and belief, Defendant Jasper County admits the allegations of Paragraph 4 only to the extent Defendant Jasper County did not have the 89 Hodge Court address in its file, with the remainder of the paragraph being denied, as Defendant Jasper County does not have sufficient knowledge to form a belief as to the truth or veracity of the allegation.
6. The allegations of Paragraph 5 are admitted to the extent a mailing of the notice of the approaching end of the redemption period was sent to Joseph Cody Parker at the address of 1397 Honey Hill Road, Hardeeville, SC 29927, but that the mailing indicated it was for TMS # 028-00-03-128.
7. Paragraph 6 of the Complaint contains jurisdictional, procedural, conclusions of law or statements going to the ultimate issues in this litigation and therefore need not be either admitted or denied, but to the extent a response may be required, they are admitted only to

the extent Defendant Jasper county is informed and believes a failure to comply with the mandatory notice requirements of the tax sale statutes are jurisdictional, unless such failure is determined by a court to be a mere irregularity.

8. Paragraph 7 of the Complaint contains jurisdictional, procedural, conclusions of law or statements going to the ultimate issues in this litigation and therefore need not be either admitted or denied, but to the extent a response may be required, they are denied.
9. Defendant Jasper County denies the allegations of Paragraph 8 of the Complaint.

WHEREFORE, having fully answered the Complaint, Defendant Jasper County prays this Honorable Court to inquire into the matters set forth herein, issue its Order determining the validity of the tax sale and deed issued to Carolina Heritage, LLC, deny the request for costs and attorney's fees, and grant such other and further relief as may be determined to be fair, just and equitable.

Respectfully submitted,

Dated: February 27, 2020
Ridgeland, SC

s/David L. Tedder
David L. Tedder, Esq.
County Attorney for Jasper County
POB 420
Ridgeland, SC 29936
(843) 726-5403 (phone)
(843) 726-3240 (fax)
dtedder@jaspercountysc.org
Bar ID # 7222

3

ELECTRONICALLY FILED - 2020 Apr 01 1:25 PM - JASPER - COMMON PLEAS - CASE#2020CP2700051

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)
)
 CHARLES BRADFORD KEIFFER,)
 Plaintiff,)
 -versus-)
)
 JASPER COUNTY DELINQUENT TAX)
 OFFICE, and)
 CAROLINA HERITAGE, LLC,)
 Defendants.)
 _____)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 CASE NO.: 2020-CP-27-00051

**ANSWER
 AND
 COUNTERCLAIMS**

TO: R. THAYER RIVERS, JR., ESQ., ATTORNEY FOR THE PLAINTIFF, CHARLES BRADFORD KEIFFER:

NOW COMES THE DEFENDANT, CAROLINA HERITAGE, LLC, TO ANSWER THE COMPLAINT IN THIS CASE, DATED JANUARY 31, 2020:

1. All allegations of the Complaint not hereinafter admitted are denied.
2. Paragraph 1 cannot be admitted or denied as the Defendant was not served with Exhibit A to the Complaint, despite several requests for the same.
3. Paragraph 3 is denied.
4. Paragraph 4 is admitted.
5. Paragraph 5 is admitted.

FOR A FIRST AFFIRMATIVE DEFENSE

6. Each and every allegation set forth above is fully incorporated herein.
7. "Ordinarily, unless otherwise provided for by contract or statute, the responsibility of paying attorney fees falls upon the party contracting for the services." *Blumberg v.*

Nealco, Inc., 310 S.C. 492, 427 S.E.2d 659 (1993), so this request for attorney fees must be denied.

FOR A SECOND AFFIRMATIVE DEFENSE

8. Each and every allegation set forth above is fully incorporated herein.
9. POB 174 Hardeeville, SC 29927 is the address listed on Plaintiff's deed from CJ Keiffer, 2007.
10. No change of address request was filed with the Jasper County Tax Collector's Office and no evidence of a change of address request is noted in the tax collector's file.

FOR A THIRD AFFIRMATIVE DEFENSE

PRESUMPTIONS & BURDEN OF PROOF

11. Each and every allegation set forth above is fully incorporated herein.
12. "In the absence of any proof to the contrary, there is a presumption that public officers have properly discharged the duties of their office¹. Under the statutes of this state, a tax title is presumed to be good and the burden is upon the party challenging the deed to show defect².
13. The Code of Laws creates a presumption that a tax deed, whether executed to a private person, a corporation, or a forfeited land commission, must be held and taken as prima facie evidence of good title in the holder, that all proceedings have been regular and that all legal requirements have been complied with³.

¹ *Fisher v. Bennett*, 202 S.C. 541, 25 S.E.2d 746 (1943)

² *Gadsen v. West Shore Inv. Co.*, 99 S.C. 172, 82 S.E. 1052 (1914)

³ §12-51-160, *Leysath v. Leysath*, 209 S.C. 342, 40 S.E.2d 233 (1946)

FOR A COUNTER CLAIM

QUIET TITLE

14. Each and every allegation set forth above is fully incorporated herein.
15. That the real property that is the subject of this action is located in the County of, Jasper State of South Carolina and is more particularly described as follows ("real property"):
16. That on or about November 6, 2017, Rhonda Mitchell, as Jasper County Delinquent Tax Collector, sold the real property at public sale for non-payment of 2016 taxes to the Defendant, as the highest bidder at the sale.
17. That the Defendant, is currently the owner of the real property by virtue of a tax deed executed on May 20, 2019, by Rhonda Mitchell, as Jasper County Delinquent Tax Collector. The tax deed was recorded on May 20, 2019, in the Jasper County Register of Deed's Office in Record Book 1006, at Page 0619-0621.
18. That at the time of the tax sale, the Plaintiff, was the owner of record of the real property and other than the tax deed issued to Defendant, by Rhonda Mitchell, as Jasper County Delinquent Tax Collector, there are no other conveyances of the property after the tax sale.
19. That S.C. Code § 12-51-160 states that "An action for the recovery of land sold pursuant to this chapter or for the recovery of the possession must not be maintained unless brought within two years from the date of sale" as provided in § 12-51-90(C).
20. That it has been more than two years since the date of the tax sale of the real property.
21. That the Defendant is therefore entitled to an Order Quieting Title to the real property in the name of the Defendant holding that the Defendant is the fee simple owner of the real

property, and that the Plaintiff, or his assignees, have no right in, lien on, or interest in the real property.

FOR A SECOND COUNTER CLAIM

FRIVOLOUS TORT CLAIMS ACT

22. Each and every allegation set forth above is fully incorporated herein.
23. Under the South Carolina Frivolous Civil Proceedings Sanctions Act a person who procures, initiates, continues, or defends any civil proceeding may be assessed attorney's fees and court cost if he/she (1) does so "primarily for a purpose other than that of securing the proper ... adjudication of the claim upon which the proceedings are based;" and (2) the proceedings have terminated in favor of the person seeking the sanction. § 15-36-10. Most pertinent to the issue here, the Act provides for the following procedure:

When the essential elements of this Chapter have been established as provided in Section 15-36-10, a person is entitled to recover his attorney's fees and court cost reasonably incurred in litigating the proceedings. The entitlement of the aggrieved person must be determined by the trial judge at the conclusion of a trial upon motion of the aggrieved party stating the manner in which the other party is alleged to have acted in violation of this statute.

The Court shall base its decision upon a review of the proceedings and affidavits submitted by each person affected. § 15-36-30. Pool v. Pool, 321 S.C. at 91, 467 S.E.2d at 757-58.

WHEREFORE, the Defendant, Carolina Heritage, LLC, prays the Complaint be dismissed and that it be granted an Order Quieting Title to the subject property and that it be awarded attorney fees and costs under the South Carolina Frivolous Proceedings Sanctions Act.

Respectfully submitted,

/s/ C. RUSS KEEP, III

KEEP LAW OFFICE

SC BAR # 3321

Post Office Box 5877

Hilton Head Island, South Carolina 29938

(843) 842-6268

(843) 785-8458 (facsimile)

hhlaw@hargray.com (email)

ATTORNEY FOR DEFENDANT/

CAROLINA HERITAGE, LLC

Hilton Head Island, SC
March 31, 2020

①

ELECTRONICALLY FILED - 2020 Apr 20 2:35 PM - JASPER - COMMON PLEAS - CASE#2020CP2700051

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)
)
 CHARLES BRADFORD KEIFFER,)
 Plaintiff,)
 -versus-)
)
 JASPER COUNTY DELINQUENT TAX)
 OFFICE, and)
 CAROLINA HERITAGE, LLC,)
 Defendants.)
 _____)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 CASE NO.: 2020-CP-27-00051

**AMENDED ANSWER
 AND
 COUNTERCLAIMS**

TO: R. THAYER RIVERS, JR., ESQ., ATTORNEY FOR THE PLAINTIFF, CHARLES BRADFORD KEIFFER:

NOW COMES THE DEFENDANT, CAROLINA HERITAGE, LLC, TO ANSWER THE COMPLAINT IN THIS CASE, DATED JANUARY 31, 2020:

1. All allegations of the Complaint not hereinafter admitted are denied.
2. Paragraph 1 cannot be admitted or denied as the Defendant was not served with Exhibit A to the Complaint, despite several requests for the same.
3. Paragraph 2 is admitted.
4. Paragraph 3 is denied.
5. Paragraph 4 is admitted.
6. Paragraph 5 is admitted.
7. Paragraph 7 is a broad and general statement of law with no application to the facts of this case and is therefore denied.
8. Paragraph 8 is denied.

FOR A FIRST AFFIRMATIVE DEFENSE

9. Each and every allegation set forth above is fully incorporated herein.

10. “Ordinarily, unless otherwise provided for by contract or statute, the responsibility of paying attorney fees falls upon the party contracting for the services.” *Blumberg v. Nealco, Inc.*, 310 S.C. 492, 427 S.E.2d 659 (1993), so this request for attorney fees must be denied.

FOR A SECOND AFFIRMATIVE DEFENSE

11. Each and every allegation set forth above is fully incorporated herein.
12. POB 174 Hardeeville, SC 29927 is the address listed on Plaintiff’s deed from CJ Keiffer, 2007.
13. No change of address request was filed with the Jasper County Tax Collector’s Office and no evidence of a change of address request is noted in the tax collector’s file.
14. When the first delinquent tax notice, mailed to the Plaintiff at POB 174, Hardeeville, SC 29927 was returned marked “Return to Sender, Address not Known, Unable to Forward” the property was properly posted on September 8, 2017 thus curing any issues arising out of mailing.

FOR A THIRD AFFIRMATIVE DEFENSE

PRESUMPTIONS & BURDEN OF PROOF

15. Each and every allegation set forth above is fully incorporated herein.
16. “In the absence of any proof to the contrary, there is a presumption that public officers have properly discharged the duties of their office¹. Under the statutes of this state, a tax title is presumed to be good and the burden is upon the party challenging the deed to show defect².

¹ *Fisher v. Bennett*, 202 S.C. 541, 25 S.E.2d 746 (1943)

² *Gadsen v. West Shore Inv. Co.*, 99 S.C. 172, 82 S.E. 1052 (1914)

17. The Code of Laws creates a presumption that a tax deed, whether executed to a private person, a corporation, or a forfeited land commission, must be held and taken as prima facie evidence of good title in the holder, that all proceedings have been regular and that all legal requirements have been complied with³.

FOR A COUNTER CLAIM

QUIET TITLE

18. Each and every allegation set forth above is fully incorporated herein.
19. That the real property that is the subject of this action is located in the County of, Jasper State of South Carolina and is more particularly described as follows ("real property"):
20. That on or about November 6, 2017, Rhonda Mitchell, as Jasper County Delinquent Tax Collector, sold the real property at public sale for non-payment of 2016 taxes to the Defendant, as the highest bidder at the sale.
21. That the Defendant, is currently the owner of the real property by virtue of a tax deed executed on May 20, 2019, by Rhonda Mitchell, as Jasper County Delinquent Tax Collector. The tax deed was recorded on May 20, 2019, in the Jasper County Register of Deed's Office in Record Book 1006, at Page 0619-0621.
22. That at the time of the tax sale, the Plaintiff, was the owner of record of the real property and other than the tax deed issued to Defendant, by Rhonda Mitchell, as Jasper County Delinquent Tax Collector, there are no other conveyances of the property after the tax sale.
23. That S.C. Code § 12-51-160 states that "An action for the recovery of land sold pursuant to this chapter or for the recovery of the possession must not be maintained unless brought within two years from the date of sale" as provided in § 12-51-90(C).

³ §12-51-160, *Leysath v. Leysath*, 209 S.C. 342, 40 S.E.2d 233 (1946)

24. That it has been more than two years since the date of the tax sale of the real property.
25. That the Defendant is therefore entitled to an Order Quietening Title to the real property in the name of the Defendant holding that the Defendant is the fee simple owner of the real property, and that the Plaintiff, or his assignees, have no right in, lien on, or interest in the real property.

FOR A SECOND COUNTER CLAIM

FRIVOLOUS TORT CLAIMS ACT

26. Each and every allegation set forth above is fully incorporated herein.
27. Under the South Carolina Frivolous Civil Proceedings Sanctions Act a person who procures, initiates, continues, or defends any civil proceeding may be assessed attorney's fees and court cost if he/she (1) does so [p]rimarily for a purpose other than that of securing the proper ... adjudication of the claim upon which the proceedings are based; and (2) the proceedings have terminated in favor of the person seeking the sanction. § 15-36-10. Most pertinent to the issue here, the Act provides for the following procedure:

When the essential elements of this Chapter have been established as provided in Section 15-36-10, a person is entitled to recover his attorney's fees and court cost reasonably incurred in litigating the proceedings. The entitlement of the aggrieved person must be determined by the trial judge at the conclusion of a trial upon motion of the aggrieved party stating the manner in which the other party is alleged to have acted in violation of this statute.

The Court shall base its decision upon a review of the proceedings and affidavits submitted by each person affected. [p] 15-36-30. Pool v. Pool, 321 S.C. at 91, 467 S.E.2d at 757-58.

WHEREFORE, the Defendant, Carolina Heritage, LLC, prays the Complaint be dismissed and that it be granted an Order Quietening Title to the subject property and that it be awarded attorney fees and costs under the South Carolina Frivolous Proceedings Sanctions Act.

Respectfully submitted,

/s/ C. RUSS KEEP, III
KEEP LAW OFFICE
SC BAR # 3321
Post Office Box 5877
Hilton Head Island, South Carolina 29938
(843) 842-6268
(843) 785-8458 (facsimile)
hhlaw@hargray.com (email)
ATTORNEY FOR DEFENDANT/
CAROLINA HERITAGE, LLC

Hilton Head Island, SC
April 17, 2020

identified as to recording date and Book/Page by Defendant Jasper County in Paragraph 2 of its Answer) .

4. Paragraph 20 of the First Counterclaim is admitted.
5. Upon information and belief, Defendant Jasper County admits the allegations of Paragraph 21 of the First Counterclaim to the extent the public records indicate Plaintiff received a deed to certain real estate having Jasper County TMP # 058-02-00-008 described in the deed recorded in Records Book 1006 at Page 619-621.
6. The allegations of Paragraph 22 of the First Counterclaim are admitted upon information and belief.
7. The allegations of Paragraph 23 of the First Counterclaim are a recitation of a statute to which no response is required.
8. The allegations of Paragraph 24 of the First Counterclaim are admitted.
9. Defendant Jasper County is informed and believes the allegations of Paragraph 25 of the First Counterclaim contains jurisdictional, procedural, conclusions of law or statements going to the ultimate issues in this litigation and therefore need not be either admitted or denied, to the extent a response is warranted, Defendant Jasper County is informed and believes that an action to quiet title would require additional jurisdictional and procedural steps be taken by Defendant CH to identify other potential claimants, including persons under disability, and that any order issued by this Court would only be binding upon the present parties to the action.
10. Defendant Jasper County incorporates by reference its previous responses to the incorporated allegations of the First Counterclaim to the allegations of Paragraph 26 of the Second Counterclaim of Defendant CH.

11. Paragraph 27 of the Second Counterclaim contains jurisdictional, procedural, conclusions of law or statements going to the ultimate issues in this litigation and therefore need not be either admitted or denied, but to the extent a response may be required, they are denied as to any liability of Defendant Jasper County.

WHEREFORE, having fully answered the Counterclaims of Defendant CH, Defendant Jasper County prays this Honorable Court to inquire into the matters set forth herein, issue its Order determining the validity of the tax sale and deed issued to Carolina Heritage, LLC, deny the request for costs and attorney’s fees, and grant such other and further relief as may be determined to be fair, just and equitable.

Respectfully submitted,

s/David L. Tedder
David L. Tedder, Esq.
County Attorney for Jasper County
POB 420
Ridgeland, SC 29936
(843) 726-5403 (phone)
(843) 726-3240 (fax)
dtedder@jaspercountysc.org
Bar ID # 7222

Dated: April 30, 2020
Ridgeland, SC

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF JASPER	)	CASE NO.: 2020-CP-27-00051
)	
CHARLES BRADFORD KEIFFER,)	
)	
Plaintiff,)	
v.	)	OBJECTION TO DEFENDANT,
	)	CAROLINA HERITAGE, LLC'S
JASPER COUNTY DELINQUENT TAX	)	AMENDED ANSWER AND
OFFICE, CAROLINA HERITAGE, LLC,	)	COUNTERCLAIM
)	
Defendants.)	

The Plaintiff objects to the Defendant Carolina Heritage, LLC's Amended Answer and Counterclaim dated April 17, 2020 (filed April 20, 2020), on the ground that it violates Rule 15(a), as it was filed more than 30 days after the filing of the initial document (the complaint) and was done without leave of the court.

Further, the Plaintiff moves for a dismissal of the "Quiet Title" counterclaim on the following grounds:

1. That it is not accompanied by a Lis Pendens.
2. That it is not the proper subject of a counterclaim to a legal action.
3. That it does not meet the requisites for a quiet title action under the laws of the State of South Carolina.

With regard to the Second Counterclaim, Frivolous Tort Claims Act, the action by the Plaintiff in seeking to rescind the invalid tax deed does not involve the South Carolina tort claims act and as there is no request for monetary damages against the Defendant Jasper County, it should therefore be dismissed.

/s/ R. Thayer Rivers, Jr.
R. Thayer Rivers, Jr.
Post Office Box 668
Ridgeland, South Carolina 29936
(843) 726-8136

Attorney for the Plaintiff

Ridgeland, South Carolina,
May 6, 2020.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF JASPER	)	CASE NO.: 2020-CP-27-00051
)	
CHARLES BRADFORD KEIFFER,)	
)	
Plaintiff,)	
v.	)	OBJECTION TO DEFENDANT,
	)	CAROLINA HERITAGE, LLC'S
JASPER COUNTY DELINQUENT TAX	)	SECOND AMENDED ANSWER
OFFICE, CAROLINA HERITAGE, LLC,	)	AND COUNTERCLAIM
)	
Defendants.)	

The Plaintiff objects to the Defendant Carolina Heritage, LLC's Amended Answer and Counterclaim dated April 20, 2020 (filed April 20, 2020), on the ground that it violates Rule 15(a), as it was filed more than 30 days after the filing of the initial document (the complaint) and was done without leave of the court.

Further, the Plaintiff moves for a dismissal of the "Quiet Title" counterclaim on the following grounds:

1. That it is not accompanied by a Lis Pendens.
2. That it is not the proper subject of a counterclaim to a legal action.
3. That it does not meet the requisites for a quiet title action under the laws of the State of South Carolina.

With regard to the Second Counterclaim, Frivolous Tort Claims Act, the action by the Plaintiff in seeking to rescind the invalid tax deed does not involve the South Carolina tort claims act and as there is no request for monetary damages against the Defendant Jasper County, it should therefore be dismissed.

/s/ R. Thayer Rivers, Jr.
R. Thayer Rivers, Jr.
Post Office Box 668
Ridgeland, South Carolina 29936
(843) 726-8136

Attorney for the Plaintiff

Ridgeland, South Carolina,

May 6, 2020.

6

ELECTRONICALLY FILED - 2020 May 07 4:55 PM - JASPER - COMMON PLEAS - CASE#2020CP2700051

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF JASPER	)	CASE NO.: 2020-CP-27-00051
)	
CHARLES BRADFORD KEIFFER,)	
)	
Plaintiff,)	
v.)	
)	
JASPER COUNTY DELINQUENT TAX	)	MEMORANDUM IN
COLLECTOR, AND CAROLINA	)	SUPPORT OF MOTION FOR
HERITAGE, LLC,	)	SUMMARY JUDGMENT
)	
Defendants.)	

The Plaintiff moves for Summary Judgment in this matter and submits the memorandum in support thereof. The action was filed on January 31, 2020. The gravamen of the complaint is that the delinquent tax collector consistently sent all notices to Post Office Box 174, Hardeeville, SC. All notices sent to that address were always returned to back to the tax collector thus putting her on notice that it was not an effective address. Collection laws for the State of South Carolina require that, Section 12-51-120, that the notice be sent to the best address available. The tax collector had been on notice that Post Office Box 174, Hardeeville, SC, was not an effective address for the Plaintiff. In the tax collector's file are numerous liens filed by the South Carolina Department of Revenue that had been sent to 1405 Honey Hill Road, Hardeeville, SC, 29927, which is and has been the Plaintiff's address for the last 8 years. The Plaintiff is informed and believes that the tax collector's office failure to use "the best address available" resulted in an incorrect sale of the Plaintiff's property to the Defendant, Carolina Heritage, LLC.

The Plaintiff is informed and believes that he is entitled to an order of this court declaring the deed to Defendant Carolina Heritage, LLC, null and void.

LAW OFFICE OF R. THAYER RIVERS, JR.

/s/ R. Thayer Rivers, Jr.
R. THAYER RIVERS, JR., Bar No.: 4754
Post Office Box 668
Ridgeland, SC 29936
843-726-8136

May 7, 2020.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF JASPER)
)
 CHARLES BRADFORD KEIFFER,)
 Plaintiff,)
 -versus-)
)
 JASPER COUNTY DELINQUENT TAX)
 OFFICE, and)
 CAROLINA HERITAGE, LLC,)
 Defendants.)
 _____)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 CASE NO.: 2020-CP-27-00051

**RETURN TO
 MOTION FOR SUMMARY JUDGMENT**

TO: R. THAYER RIVERS, JR., ESQ., ATTORNEY FOR THE PLAINTIFF, CHARLES BRADFORD KEIFFER AND DAVID TEDDER, ESQ., ATTORNEY FOR JASPER COUNTY:

1. I have attached Plaintiff's Responses to Defendant, Carolina Heritage, LLC's Request for Production wherein the Plaintiff attached a letter from the Tax Collector to an entirely different piece of property (TMS#028-00-03-050) than the one that is the subject of this case (TMS#028-00-03-128).

2. I have attached the Plaintiff's Answers to Defendant, Carolina Heritage, LLC's Interrogatories admitting (in paragraph 9) that Plaintiff's POB 174, in Hardeeville, SC is not closed.

3. I have attached the deed with Plaintiff's correct mailing address of POB 174, Hardeeville, SC 29917.

4. I have also attached the tax deed indicating the correct TMS# 028-00-03-128.

Respectfully submitted,

s/C. Russ Keep, III
C. RUSS KEEP, III
KEEP LAW OFFICE
SC BAR # 3321
Post Office Box 5877
Hilton Head Island, South Carolina 29938
(843) 842-6268
(843) 785-8458 (facsimile)
hhlaw@hargray.com (email)
ATTORNEY FOR DEFENDANT/
CAROLINA HERITAGE, LLC

Beaufort, SC
May 7, 2020

STATE OF SOUTH CAROLINA)
)
COUNTY OF JASPER)
)
CHARLES BRADFORD KEIFFER,)
)
Plaintiff,)
)
v.)
)
JASPER COUNTY DELINQUENT TAX)
OFFICE, CAROLINA HERITAGE, LLC,)
)
Defendants.)

IN THE COURT OF COMMON PLEAS
CASE NO.: 2020-CP-27-00051

**RESPONSE TO REQUEST FOR
PRODUCTION**

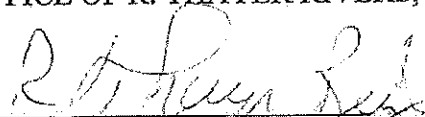
COMES NOW the Plaintiff responding to the Request for Production of the Defendant, Carolina Heritage, LLC, as follows:

1. Your written address change filed with Jasper County referred to in your complaint.

RESPONSE:

As referenced in the attached letter from Rhonda Mitchell, the change of address request is on file with the Jasper County Assessor's office.

LAW OFFICE OF R. THAYER RIVERS, JR.



R. THAYER RIVERS, JR., Bar No.: 4754
Post Office Box 668
Ridgeland, SC 29936
843-726-8136

May 1, 2020.



Jasper County Tax Collector

P. O. BOX 428, RIDGELAND, S.C. 29936
358 THIRD AVENUE, RIDGELAND, S.C. 29936
PHONE: 843-717-3610
FAX: 843-717-3625

RHONDA R. MITCHELL
TAX COLLECTOR

June 19, 2019

C. RUSS KEEP, III
POST OFFICE DRAWER 5877
HILTON HEAD ISLAND, SC 29938

RE: Tax Map # 028-00-03-050

Dear Mr. Keep,

Our files indicate a change of address was given to the Assessor but did not get recognized in the tax collection office. This occurred on November 29, 2017. The 45-day notice was sent to the prior address. It appears the 45-day notice was not sent to the best address available and the tax deed is voidable. We suggest you consult with the taxpayer or her attorney to determine how to fix this unfortunate error.

Sincerely,

Rhonda R. Mitchell
Rhonda R Mitchell

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF JASPER	)	CASE NO.: 2020-CP-27-00051
)	
CHARLES BRADFORD KEIFFER,)	
)	
Plaintiff,	)	ANSWERS TO INTERROGATORIES
v.)	
)	
JASPER COUNTY DELINQUENT TAX)	
OFFICE, CAROLINA HERITAGE, LLC,)	
)	
Defendants.)	

COMES NOW the Plaintiff answering the Interrogatories of the Defendant, Carolina Heritage, LLC, as follows:

1. Give the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate who has possession of such statements.

ANSWER:

Charles Bradford Keiffer

Rhonda Mitchell
Delinquent Tax Collector for Jasper County

Rhonda Mitchell has the complete file on the action in question which is available through the county.

2. Set forth a list of photographs, plats, sketches or other prepared documents in possession of the party that relate to the claim or defense in the case.

ANSWER:

The file from the delinquent tax office which pertains to this action.

3. Set forth an itemized statement of all damages, exclusive of pain and suffering, claimed to have been sustained by a party.

ANSWER:

The premises in question.

4. List the names and addresses of any expert witnesses whom the party proposes to use as a witness at the trial of the case.

ANSWER:

There is no such expert at the present time.

5. For each person known to the parties or counsel to be witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken by such witness.

ANSWER:

The Plaintiff will testify as to where he has always received mail and conducts his normal business and operations. It is expected that the delinquent tax collector will testify consistent with her letter to the Defendant that the tax sale was not done properly and as voidable.

6. State with specificity and in detail exactly why you think Jasper County Tax Collector know or had any reason to think that your mailing address as it appears on your deed was no good.

ANSWER:

See number 5 above.

7. Where do you live?

ANSWER:

**89 Hodge Court
Hardeeville, SC 29927**

8. When did you start living at 89 Hodge Court?

ANSWER:

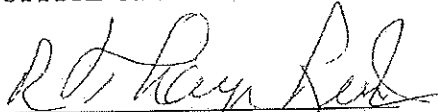
Seven years ago.

9. When did you close U. S. POB 174 Hardeeville, SC, 29927?

ANSWER:

It's not closed – it's just not used.

LAW OFFICE OF R. THAYER RIVERS, JR.



R. THAYER RIVERS, JR., Bar No.: 4754
Post Office Box 668
Ridgeland, SC 29936
843-726-8136

May 1, 2020.

DEED BOOK: 0606 PAGE: 283
DATE: 11/13/2007 09:21:19 AM
Hazel Holmes / EM
AUDITOR JASPER COUNTY, SC

200700006595 11/09/2007 AT 02:48 PM
OR Volume 0606 Page 0163 - 0165
Filed for Record in JASPER COUNTY
Deed Fee: \$10.00

STATE OF SOUTH CAROLINA)
)
) TITLE TO REAL ESTATE
)
)
COUNTY OF JASPER)

KNOW ALL MEN BY THESE PRESENTS THAT CHARLES J. KEIFFER, in the State
aforesaid, for and in consideration of the sum of Five Dollars (\$5.00) Love and Affection to the
Grantor in hand paid at and before the sealing of these by CHARLES BRADFORD KEIFFER
P.O. BOX 174 HARDEEVILLE S.C. 29927 of which is hereby acknowledged has granted,
bargained, sold, and released, and by these presents does grant, bargain, sell, and release unto the
said CHARLES BRADFORD KEIFFER His Heirs and Assigns, Forever, the following
described property, to-wit:

The within instrument has been transferred
on 11/13/2007 02:41:20 PM , and recorded in
the Jasper County Assessor's Office.
Tax Map No.: : 028-00-03-082 PORT OF
Transfer No.: 7-27-1502
Lisa Malphrus - JASPER COUNTY, SC

SEE EXHIBIT A ATTACHED

TOGETHER with all and singular the rights, members, hereditaments and appurtenances
to the said premises belonging to or in anywise incident or appertaining. TO HAVE AND TO
HOLD, all and singular, the said premises before mentioned unto the said CHARLES
BRADFORD KEIFFER His Heirs and Assigns, forever, to warrant and forever defend all and
singular the said premises unto said CHARLES BRADFORD KEIFFER His Heirs and
Assigns, against us and our Successors and/or Assigns and any person or persons whomsoever
lawfully claiming or to claim the same or any part thereof.

Instrument Volume Page
200700006595 OR 0608 0164

WITNESS my hand and seal this 9th day of November in the year of our Lord
two thousand seven and in the two hundred and twenty-ninth year of the Sovereignty of the
United States of America.

Signed, Sealed and Delivered

in the Presence of :

Jessica Reynolds
Leresa S Hope

Charles J. Keiffer
CHARLES J. KEIFFER

STATE OF SC

COUNTY OF Jasper

PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that s/he
saw the within-named Grantors sign, seal and as its Act and Deed, deliver the within-written
Deed, and that the undersigned with the other witness signed above witnessed the execution
thereof.

SWORN to before me this
9th day of November, 2007

Leresa S Hope

Notary Public for SC

My Commission Expires: 10/13/2013

Jessica Reynolds

Instrument	Volume	Page
200700006595	OR 0606	0165

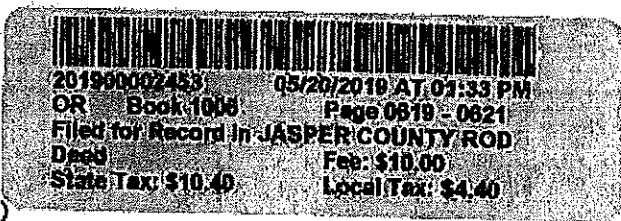
EXHIBIT A

All that certain piece, parcel or tract of land being near the Town of Hardeeville County of Jasper, State of South Carolina and being designated as Parcel B containing (1.46) acres on that certain Plat prepared by TGS Land Surveying, by Thomas G. Stanley, dated November 5, 2007 and recorded in the Office of the Clerk of Court for Jasper County in Plat Book 30 at Page 107. For a more complete description as to metes, and bounds, courses and distances reference is made to the above-reference plat of record.

This is the same property conveyed to Charles J. Keiffer, by Deed Book 91 at Page 228, and recorded in the Office of the Clerk of Court for Jasper County, South Carolina.

This Deed was prepared by Palmetto Legal Services , P.O. Box 1435 Ridgeland, SC 29936, without the benefit of a Title Examination.

Map and Parcel No : 028-00-03-082 (portion of)



THE STATE OF SOUTH CAROLINA)
COUNTY OF JASPER)

TAX DEED
NOT A WARRANTY TITLE

Whereas, the undersigned, RHONDA R. MITCHELL, Tax Collector for Jasper County, South Carolina is the person designated by Jasper County to collect delinquent taxes; and

Whereas, VERNA L. GARVIN, Treasurer for Jasper County, South Carolina, pursuant to statutory authority of Title 12 of the South Carolina Code of Ordinances, 1976, as amended, issued a warrant of execution to me, RHONDA R. MITCHELL, as Tax Collector for Jasper County, South Carolina, against CHARLES BRADFORD KEIFFER, a defaulting taxpayer of said Jasper County, directing me to levy by distress and sale so much of the defaulting taxpayer's estate, real or personal, or both as may be sufficient to satisfy the 2016 taxes and costs in the amount of \$386.04; and

Whereas, the property listed in the name of CHARLES BRADFORD KEIFFER was sold at public auction on sales day, November 6, 2017, after due and proper advertisement, and

Whereas, twelve (12) months have elapsed since said sale and the property has not been redeemed; and

Whereas, the following transpired concerning said sale of property:

1. Name of Defaulting Taxpayer is CHARLES BRADFORD KEIFFER.
2. Date of Warrant of Execution is March 17, 2017.
3. Date of first Delinquent Tax Notice is on or about April 10, 2017.
4. Certified Notice mailed June 12, 2017.
5. Certified Notice mailed to CHARLES BRADFORD KEIFFER at POB 174, Hardeeville, SC 29927.
6. Certified Notice returned from US Postal Service on June 20, 2017, marked "Return to Sender - Attempted - Not Known - Unable to Forward."
7. Property Posted September 8, 2017.
8. Notice of Sale and Redemption amounts mailed to CHARLES BRADFORD KEIFFER at POB 174, Hardeeville, SC 29927 on November 15, 2017, as well as February 13, 2018.
9. Certified Notice of Approaching End of Redemption Period mailed on September 25, 2018 to CHARLES BRADFORD KEIFFER at POB 174, Hardeeville, SC 29927, and returned by the US Postal Service marked "Return to Sender - Not Deliverable as Addressed - Unable to Forward;" to

CHARLES BRADFORD KEIFFER, 1397 Honey Hill Road, Hardeeville, SC 29927, and JOSEPH CODY PARKER, 1397 Honey Hill Road, Hardeeville, SC 29927, both returned marked "Return to Sender - No such Address - Unable to Forward," and to SC DOR, Attn: Collection Supervisor, 2 South Park Circle, Charleston, SC 29407, which was delivered and signed for on September 28, 2018.

Whereas, CAROLINA HERITAGE, LLC was the successful bidder at said tax sale for a price of \$4,000.00.

Now therefore, the undersigned Grantor, as Tax Collector for Jasper County, in consideration of the premises, and for the sum of \$4,000.00 has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said CAROLINA HERITAGE, LLC, the following described real estate, to wit:

All that certain piece, parcel or tract of land, lying and being situate near the Town of Hardeeville in Jasper County, South Carolina, being designated as Parcel B containing 1.46 acres on that certain plat prepared by TGS Land Surveying, by Thomas G. Stanley, dated November 5, 2007, and recorded in the Office of the Register of Deeds for Jasper County, South Carolina, in Plat Book 30 at Page 267. For a more complete description as to metes, bounds, courses and distances, reference is made to the above referenced plat of record.

This property was conveyed to Charles Bradford Keiffer by deed from Charles J. Keiffer recorded in Deed Book 606 at Page 163 in the Office of the Register of Deeds for Jasper County, South Carolina.

This property subject to all easements and matters of record.

Jasper County TMS #028-00-03-128

To have and to hold all and singular the premises herein granted, with the appurtenances, unto the said CAROLINA HERITAGE, LLC, its successors and assigns, forever, according to the form, force, and effect of the laws and usages of the State of South Carolina in such cases made and provided.

SIGNATURES BEGIN ON FOLLOWING PAGE

11

ELECTRONICALLY FILED - 2020 May 08 3:29 PM - JASPER - COMMON PLEAS - CASE#2020CP2700051

STATE OF SOUTH CAROLINA)
)
 COUNTY OF JASPER)
)
 CHARLES BRADFORD KEIFFER,)
 Plaintiff,)
 -versus-)
)
 JASPER COUNTY DELINQUENT TAX)
 OFFICE, and)
 CAROLINA HERITAGE, LLC,)
 Defendants.)
 _____)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 CASE NO.: 2020-CP-27-00051

**DEFENDANT,
 CAROLINA HERITAGE, LLC'S
 REPLY TO PLAINTIFF'S
 MEMORANDUM IN SUPPORT
 OF MOTION FOR SUMMARY
 JUDGMENT**

TO: R. THAYER RIVERS, JR., ESQ., ATTORNEY FOR THE PLAINTIFF, CHARLES BRADFORD KEIFFER AND DAVID TEDDER, ESQ., ATTORNEY FOR JASPER COUNTY:

Plaintiff states in his Memorandum in Support of Motion for Summary Judgment that "1405 Honey Hill Road, Hardeeville, SC 29927 which has been the Plaintiff's address for the last 8 years."

In Plaintiff's Answers to Interrogatories dated May 1, 2020 in Answer to Interrogatory #7, "Where do you live?" Plaintiff states "89 Hodge Court, Hardeeville, SC 29927" (attached).

In Plaintiff's Answers to Interrogatories dated May 1, 2020 in Answer to Interrogatory #8, "When did you start living at 89 Hodge Court?" Plaintiff states "seven years ago" (attached).

Respectfully submitted,

 s/C. Russ Keep, III
 C. RUSS KEEP, III
 KEEP LAW OFFICE
 SC BAR # 3321
 Post Office Box 5877
 Hilton Head Island, South Carolina 29938
 (843) 842-6268
 (843) 785-8458 (facsimile)
 hhlaw@hargray.com (email)
 ATTORNEY FOR DEFENDANT/
 CAROLINA HERITAGE, LLC

Beaufort, SC
 May 8, 2020

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF JASPER	)	CASE NO.: 2020-CP-27-00051
)	
CHARLES BRADFORD KEIFFER,)	
)	
Plaintiff,	)	ANSWERS TO INTERROGATORIES
v.)	
)	
JASPER COUNTY DELINQUENT TAX)	
OFFICE, CAROLINA HERITAGE, LLC,)	
)	
Defendants.)	

COMES NOW the Plaintiff answering the Interrogatories of the Defendant, Carolina Heritage, LLC, as follows:

1. Give the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate who has possession of such statements.

ANSWER:

Charles Bradford Keiffer

**Rhonda Mitchell
Delinquent Tax Collector for Jasper County**

Rhonda Mitchell has the complete file on the action in question which is available through the county.

2. Set forth a list of photographs, plats, sketches or other prepared documents in possession of the party that relate to the claim or defense in the case.

ANSWER:

The file from the delinquent tax office which pertains to this action.

3. Set forth an itemized statement of all damages, exclusive of pain and suffering, claimed to have been sustained by a party.

ANSWER:

The premises in question.

4. List the names and addresses of any expert witnesses whom the party proposes to use as a witness at the trial of the case.

ANSWER:

There is no such expert at the present time.

5. For each person known to the parties or counsel to be witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken by such witness.

ANSWER:

The Plaintiff will testify as to where he has always received mail and conducts his normal business and operations. It is expected that the delinquent tax collector will testify consistent with her letter to the Defendant that the tax sale was not done properly and as voidable.

6. State with specificity and in detail exactly why you think Jasper County Tax Collector know or had any reason to think that your mailing address as it appears on your deed was no good.

ANSWER:

See number 5 above.

7. Where do you live?

ANSWER:

**89 Hodge Court
Hardeeville, SC 29927**

8. When did you start living at 89 Hodge Court?

ANSWER:

Seven years ago.

9. When did you close U. S. POB 174 Hardeeville, SC, 29927?

ANSWER:

It's not closed – it's just not used.

LAW OFFICE OF R. THAYER RIVERS, JR.



R. THAYER RIVERS, JR., Bar No.: 4754
Post Office Box 668
Ridgeland, SC 29936
843-726-8136

May 1, 2020.

12

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF JASPER	)	C/A NO.: 2020-CP-27-00051
)	
Charles Bradford Keiffer,)	
Plaintiff,)	
vs.	)	MEMORANDUM OF JASPER COUNTY
	)	TAX COLLECTOR REGARDING
	)	MOTION FOR SUMMARY JUDGMENT
	)	BY PLAINTIFF
)	
Jasper County Delinquent Tax Office, and)	
Carolina Heritage, LLC,)	
Defendants.)	
_____)	

Comes now the Defendant, Jasper County Delinquent Tax Office, (being the Delinquent Tax Collector, Rhonda Mitchell), hereinafter “Defendant Jasper County,” by and through her undersigned attorney, and responding to the Motion by Plaintiff for Summary Judgment, states as follows:

This matter involves a tax deed issued by the Jasper County Tax Collector on May 20, 2019 for unpaid 2016 property taxes. At the time of filing this Memorandum, Defendant Jasper County did not have a copy of any affidavits supporting the Motion for Summary Judgment, so it is unable to particularly respond to any specific defect or assertion of Plaintiffs other than the bare allegation of the Motion that the requisite notices were not all sent to the Plaintiff at the best known or correct address for the Plaintiff, accompanied by copies of State Tax Liens which show two differing addresses for Plaintiff. These addresses on the tax liens are 89 Hodge Court, Hardeeville,

SC, 29927; and 1405 Honey Hill Road, Hardeeville, SC 29927. Plaintiff alleges the 89 Hodge Court address as being the correct address.

As noted in the initial Answer of Defendant Jasper County, Defendant Jasper County alleges that the requisite mailings were sent to the best address available, which was that available at the Tax Assessor's Office of P.O. Box 174, Hardeeville, SC 29927, as well as the property address, and other addresses identified as possible addresses by Defendant Jasper County, being beyond what was required by law, and that in any event, the property was properly posted, curing issues of notice. The Tax Collector has no record of any address change from P.O. Box 174 being submitted or recorded at the Tax Assessor's Office; the P.O. Box 174 address is the address shown on the deed by which Plaintiff acquired the property. No affidavit or other documentation has been submitted showing there was a requested change of address at the County Tax Assessor's Office. These matters are supported by the Affidavit of Rhonda Mitchell, submitted by Defendant Jasper County in support of this Memorandum.

As a matter of reference, the Defendant Jasper County provides the following overview of the tax sale process.

A person is liable for the payment of taxes assessed by counties and municipalities. § 12-37-610. On December 31, a statutory lien attaches to all real property owned by a taxpayer for all the taxes assessed during the following year. § 12-49-20. For example, on December 31, 2015, a lien attaches for the taxes that are assessed during 2016. Tax bills are normally mailed in the fall or early winter and are due by January 15 of the next year.

Penalties are added beginning January 16, and additional penalties are added every 30 days. If the delinquent taxes are not paid by March 17, the treasurer issues an execution to the delinquent tax collector. § 12-45-180(a). This begins a series of requirements that at least four, and as many

as six, notices must be sent before the property can be sold and conveyed for the nonpayment of delinquent taxes.

Once the delinquent tax collector receives an execution notice from the treasurer in March, he or she must mail a notice of delinquent property taxes to the owner of record at the best address available. No sooner than April 1, the delinquent tax collector must mail the first notice, called a notice of delinquent tax, to the taxpayer. § 12-51-40(a). This notifies the taxpayer that his or her real property will be sold if the taxes remain unpaid.

If the taxes remain unpaid after 30 days from the date of the first notice, the delinquent tax collector must levy on the execution, the second notice requirement. § 12-51-40(b). The delinquent tax collector takes “exclusive possession” of so much of the defaulting taxpayer's property as is necessary to satisfy the payment of the taxes, assessments, penalties and costs. “Exclusive possession” is taken by sending via certified mail – return receipt requested - restricted delivery, a notice of delinquent property taxes to the defaulting taxpayer at the address shown on the tax receipt or to a more correct address known to the officer.

The statutory notices to delinquent taxpayers or grantees of record pursuant to §12-51-40 (a) & (b) are auto generated and mailed by a third-party service, Publiq, using the name and address of the taxpayer that the Tax Assessor has listed in its system.

The third notice requirement is not always operative. It provides that in the event the second notice is returned, the tax collector must take exclusive physical possession of the property by posting a notice at a conspicuous place on the premises. § 12-51-40(c). This is an alternative method of levying on the execution and only occurs in the event the certified mail notice has been returned and not properly signed for by the addressee. In this matter, the property was posted.

The fourth notice requirement is that the property must be advertised for sale at a public auction in a newspaper of general circulation within the county. §12-51-40(d). This property was included in the publications.

Once these notices have been given, the delinquent tax collector conducts the sale, and the owner has one year from the date of sale to redeem the property. For the 12-month period immediately succeeding the tax sale, title to the property remains in the defaulting taxpayer; however, his or her title is defeasible upon failure to redeem the property during the 12-month period. Letters notifying the taxpayer of the sale were sent by Defendant Jasper County, although not required.

The fifth notice requirement is the delinquent tax collector must send the record owner notice that the redemption period is about to expire. § 12-51-120. No more than 45 days or no less than 20 days before the end of the 12-month redemption period, the delinquent tax collector must give the owner of record notice “at the best address available” via “certified mail, return receipt requested-deliver to addressee only” that the redemption period is about to expire. S.C. Code § 12-51-120. A sixth notice requirement mandates notice of the sale to any mortgage holders, or to a lessee of the property of record in the appropriate public records of the county. § 12-51-120. These notices were sent, as more fully set forth below.

Once the last two notices are given, title is transferred to the successful bidder if the property is not redeemed. If the defaulting taxpayer redeems the property during the 12-month period, the tax sale is canceled, and the successful bidder's money is refunded with interest. S.C. Code §§ 12-51-90 and 100. If the defaulting taxpayer fails to redeem the property during the 12-month period, his or her title is defeated and title to the property is transferred to the successful

bidder. § 12-51-130. Delivery of the tax sale deed to clerk of court or register of deeds is considered “putting the purchaser in possession.” S.C. Code § 12-51-130.

To demonstrate compliance with these requirements, Defendant Jasper County offers up the Affidavit of Rhonda Mitchell, the Jasper County Tax Collector, which details with exhibits the actions the Tax Collector took regarding this property, with copies of notice mailings as Exhibits. Of particular note are Exhibits 6, 7, and 8, which demonstrates the lengths the Tax Collector went to in an attempt to provide notice to the Plaintiff of the approaching end of the redemption period. These notices were sent to PO Box 174, and to both the Plaintiff and the occupant (lessee) of the mobile home located at 1397 Honey Hill Road, the property’s physical street address. The Department of Revenue was sent a notice of the approaching end of the redemption period as a lien holder. The Tax Collector checked the records for any change of address notices, and did not find any record of that occurring. In fact, she sent notices to addresses she thought might provide notice, but that is not an indication of her having actual knowledge of either being a better address than the address on the deed, or the property address. As re-affirmed in the recent Halsey v. Simmons case, 837 S.E.2d 919, 926, 429 S.C. 385, 397 (Ct.App. 2020) citing Bell v. Knight, 376 S.C. 380, 383, 656 S.E.2d 395 (Ct. App. 2008) “[W]e will not find notice inadequate because a tax collector exceeded the statutory notice requirements.”). The appearance of a different address on the Department of Revenue tax liens does not provide actual knowledge of a corrected or forwarding address; in fact, one of those two addresses was not correct, being the address of his father.

Section 12-51-40 of the South Carolina Code (2014) states that the county officer authorized to collect delinquent taxes shall “mail a notice of delinquent property taxes, penalties, assessments, and costs to the defaulting taxpayer and to a grantee of record of the property”

This “notice must be mailed to the best address available, which is either the address shown on the deed conveying the property to him, the property address, or other corrected or forwarding address of which the officer ... has actual knowledge.” § 12-51-40(a). Likewise, § 12-51-120 requires the notice of the approaching end of the redemption period to be mailed to the best address of the owner available to the person officially charged with the collection of delinquent taxes, as well as to a grantee, mortgagee, or lessee of the property. In this matter, the address used for the owner was the address shown on the deed; the Tax Collector had no knowledge of an address change, nor that the tax lien addresses were correct. The Tax Collector also sent the Notice to the owner at the property address, as provided by the statute, as well as to the lessee and a lien holder.

In conclusion, Defendant Jasper County believes that it correctly processed the tax sale with all required notices being sent to the best address available.

WHEREFORE, Defendant Jasper County prays this Honorable Court to inquire into the matters set forth herein, and if you should find no issue as to a material fact, issue your Order determining the validity of the tax sale and deed issued to Defendant Carolina Heritage, LLC, , as well as such other and further relief as may be determined to be fair, just and equitable.

Respectfully submitted,

Dated: May 6, 2020
Ridgeland, SC

s/David L. Tedder
David L. Tedder, Esq.
County Attorney for Jasper County
POB 420
Ridgeland, SC 29936
(843) 717-3688 (phone)
(843) 726-3240 (fax)
dtedder@jaspercountysc.org
Bar ID # 7222



STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF JASPER	)	Case No. 2020-CP-27-00051
)	
Charles Bradford Keiffer,)	
)	
Plaintiff,)	
)	
vs.	)	AFFIDAVIT OF RHONDA
	)	MITCHELL
Jasper County Delinquent)	
Tax Office, and)	
Carolina Heritage, LLC,)	
)	
Defendants,)	
)	

Personally appeared before me Rhonda Mitchell, who being duly sworn, states as follows:

1. I am a resident of Jasper County, South Carolina, am an adult over the age of eighteen years of age and know of no impediment to my making this Affidavit.
2. I am the Jasper County Tax Collector and the Defendant in this civil suit, which seeks to void a tax deed. I have been the Tax Collector since August 11, 2011.
3. In that capacity, pursuant to state law, if ad valorem taxes remain unpaid after March 17th, the Treasurer issues a tax execution to me as Tax Collector, and I proceed under the collection process under Title 12, Chapter 51 of the South Carolina Code of Laws. I received the Tax Execution (Exhibit 1 attached) dated March 17, 2017, and I then either personally took, or caused the taking of the following actions in regard to the tax sale and tax deed involving Tax Map Parcel 028-00-03-128.
4. The first notice of delinquency was sent regular US First Class Postage on April 10, 2017, to Charles Bradford Keiffer at P.O. Box 174, Hardeeville, SC 29927, and was not returned.
5. The second notice was sent certified mail, restricted delivery on June 12, 2017, addressed to Charles Bradford Keiffer at P.O. Box 174, Hardeeville, SC 29927, and returned from US Postal Service on June 20, 2017, marked "Return to Sender – Attempted – Not Known – Unable to Forward" (Exhibit 2 attached).
6. The statutory notices to delinquent taxpayers or grantees of record pursuant to §12-51-40 (a) & (b) are auto generated and mailed by a third-party service, PUBLIQ, using the name and address of the taxpayer that the Tax Assessor has listed in its system.

7. The property was posted on September 8, 2017 (Exhibit 3 attached).
8. Notice of Sale and Redemption amounts was sent regular US First Class Postage on November 15, 2017, to Charles Bradford Keiffer at P.O. Box 174, Hardeeville, SC 29927, and was not returned (Copy attached as Exhibit 4).
9. The second Notice of Sale and Redemption amounts was sent regular US First Class Postage on February 13, 2018, to Charles Bradford Keiffer at P.O. Box 174, Hardeeville, SC 29927, and was not returned (Copy attached as Exhibit 5);
10. Prior to sending out the Notice of Approaching End of Redemption Period, I once again consulted with the Tax Assessor's Office to determine if any change of address was available; there was none recorded. We further searched to determine if there was any other address that I might send the Notice to in order to provide notice to the defaulting taxpayer. I determined a notice should also be sent to the property's physical address.
11. The Notice of Approaching End of Redemption Period was sent Certified Mail with the US Postal Service on September 25, 2018, to Charles Bradford Keiffer at P.O. Box 174, Hardeeville, SC 29927, and was returned by the US Postal Service on September 28, 2018 marked "Return to Sender / Not Deliverable as Addressed / Unable to Forward" (Copy attached as Exhibit 6); a letter was also sent to Charles Bradford Keiffer at 1397 Honey Hill Road, Hardeeville, SC 2992, and Joseph Cody Parker, 1397 Honey Hill Road, Hardeeville, SC 29927, and both were returned by the US Postal Service on September 28, 2018 marked "Return to Sender / Not Deliverable as Addressed / Unable to Forward" (Copies attached as Exhibit 7 and 8); and to SC DOR, Attn: Collection Supervisor, 2 South Park Circle, Charleston, SC 29407, which was delivered and signed for on September 28, 2018 (Copy attached as Exhibit 9).
12. After the redemption period expired, I requested a tax deed to be prepared and I caused the deed into Carolina Heritage, LLC, to be filed at Records Book 1006 at Page 619.
13. Based on the above, I believe I am entitled to have the Motion for Summary Judgment denied.

"I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment by contempt."

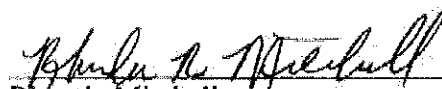
 5/6/2020
Rhonda Mitchell Date
Jasper County Delinquent Tax Collector

Exhibit 1

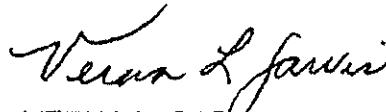
OFFICE OF TAX COLLECTOR

TO: JASPER COUNTY, S.C. OFFICE OF TAX COLLECTOR

WHEREAS, the party whose name appears below has been duly assessed the sum shown below, the same being School, County and Special taxes and municipal Taxes, if applicable, for the tax year beginning December 31, 2015 the same being not paid.

This Execution commands you in the name of the State to levy by distress and sale on as much of this delinquent taxpayer's property as is sufficient to satisfy the delinquent taxes, assessment, penalties and costs. This EXECUTION is sufficient warrant for a levy by distress and sale.

GIVEN under by hand and seal this 17th day of March, 2017



VERNA L. GARWIN

JASPER COUNTY TREASURER

Receipt: 000065-16-5
TAXPAYER: KEIFFER CHARLES BRADFORD
MAP NUMBER: 028-00 -03-128
NET DUE: 386.04

Exhibit 2

JASPER DELINQUENT CERTIFIED POSTMARK/FILE COPY
DATE 05/16/17
TAX YEAR 2016 - 2016

PAGE 1,143

RECNO.....000065-16-5

NAME.....KEIFFER CHARLES BRADFORD
P O BOX 174
HARDEEVILLE SC 29927

MAP REFERENCE NUMBER....028-00 -03-128
ASSESSMENT RATIO %.....6.6%
DISTRICT/TOWN.....01
ASSESSED VALUE.....1010

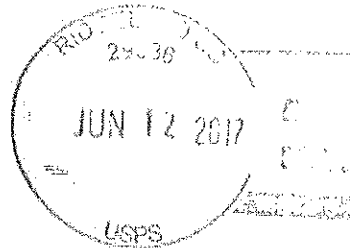
ORIGINAL TAX..... 326.99
15% PENALTY..... 49.05
COSTS..... 30.00
TOTAL AMOUNT NOW DUE.... 406.04

PROPERTY DESCRIPTION....PARCEL B OFF HWY 321 N OF HARD
LN 7210 ACRE = 1.46 BLDG = 1

OCR NO.....7100 5868 2452 7161 1435

POSTAGE..... .46
CERTIFIED FEE..... 3.35
RETURN RECEIPT FEE..... 2.75
RESTRICTED DELIVERY FEE. 4.95
TOTAL POSTAGE & FEES... 11.51

POSTMARK BELOW



ELECTRONICALLY FILED - 2020 May 07 11:01 AM - JASPER - COMMON PLEAS - CASE#2020CP2700051

Exhibit 3

Jasper , Property Detail

search

print

Dashboard

Status

Files

Map

Reports

Property Number	Tax Map Number	County Item Number
1503501	028-00 -03-128	00696
Property Type	Tax Payer Name	Delinquent Year
Real Estate	KEIFFER CHARLES BRADFORD	16
Property Description		

PARCEL B OFF HWY 321 N OF HARDLN 7210

Mail Address
P O BOX 174
HARDEEVILLE SC 29927 29927

Property Address

Alt Address
P O BOX 174

Attempt: 1

Posted By: pballenger

Posted By

Posted On: 9/8/2017 5:01:00 PM

Disposition

Complete

Comment

Outcome

Property



Field Report

Posting



Exhibit 4

JASPER COUNTY
DELINQUENT TAX OFFICE
P O BOX 428
358 THIRD AVE SUITE 110B
RIDGELAND, SC 29936-0428
843-717-3610

DATE: NOVEMBER 14, 2017

TO: KEIFFER CHARLES BRADFORD
P O BOX 174
HARDEEVILLE SC 29927

FROM: RHONDA R MITCHELL
JASPER COUNTY TAX COLLECTOR

RE: SALE OF PROPERTY FOR DELINQUENT TAXES

MAP # 028-00 -03-128 DISTRICT 01

ITEM# 17-00696

1397 HONEY HILL ROAD

PARCEL B OFF HWY 321 N OF HARDLN 7210

This letter is to advise you that the property listed above was sold at public auction for delinquent taxes on NOVEMBER 06, 2017. Section 12-51-90 of the South Carolina Code of Laws provides that the defaulting taxpayer, any grantee from the owner or any mortgage or judgement creditor may redeem the above property within (12) months from the date of the delinquent tax sale by paying to this office delinquent taxes, penalties, and costs together with the appropriate percent of interest on the total bid price at the tax sale. If you wish to redeem the above described property, the redemption amount will be as listed below:

\$ <u>571.04</u>	(03%) due on or before	<u>FEBRUARY 07, 2018</u>
\$ <u>691.04</u>	Redemption Execution	<u>MARCH 16, 2018</u>
\$ <u>1,067.57</u>	(06%) due on or before	<u>MAY 07, 2018</u>
\$ <u>1,187.57</u>	(09%) due on or before	<u>AUGUST 07, 2018</u>
\$ <u>1,307.57</u>	(12%) due on or before	<u>NOVEMBER 07, 2018</u>

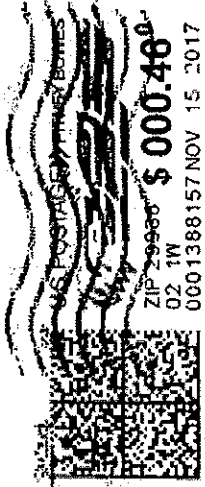
FINAL DATE TO REDEEM THE ABOVE PROPERTY IS ON/BEFORE NOVEMBER 07, 2018 !!!

If you fail to redeem the property by said date, a tax deed will be issued to the successful bidder. No Checks!!! Money Order, Cashiers Check, or Cash Only

ELECTRONICALLY FILED - 2020 May 07 11:01 AM - JASPER - COMMON PLEAS - CASE#2020CP2700051

JASPER COUNTY TAX COLLECTOR
P. O. BOX 428
RIDGELAND, SC 29936

CHARLESTON, SC
15 NOV 2017 PM



TO: KEIFFER CHARLES BRADFORD
P O BOX 174
HARDEEVILLE SC 29927

NOV 15 2017 7 30 L

POSTAGE WILL BE PAID BY ADDRESSEE
NOV 15 2017 7 30 L

0001388157 NOV 15 2017

ELECTRONICALLY FILED - 2020 May 07 11:01 AM - JASPER - COMMON PLEAS
CASE# 2019-00027-00000-PP270005-1

Exhibit 5

JASPER COUNTY
DELINQUENT TAX OFFICE
P O BOX 428
358 THIRD AVE SUITE 110B
RIDGELAND, SC 29936-0428
843-717-3610

DATE: FEBRUARY 12, 2018

TO: KEIFFER CHARLES BRADFORD
P O BOX 174
HARDEEVILLE SC 29927

FROM: RHONDA R MITCHELL
JASPER COUNTY TAX COLLECTOR

RE: SALE OF PROPERTY FOR DELINQUENT TAXES

MAP # 028-00 -03-128 DISTRICT 01

ITEM# 17-00696

1397 HONEY HILL ROAD

PARCEL B OFF HWY 321 N OF HARDLN 7210

This letter is to advise you that the property listed above was sold at public auction for delinquent taxes on NOVEMBER 06, 2017. Section 12-51-90 of the South Carolina Code of Laws provides that the defaulting taxpayer, any grantee from the owner or any mortgage or judgement creditor may redeem the above property within (12) months from the date of the delinquent tax sale by paying to this office delinquent taxes, penalties, and costs together with the appropriate percent of interest on the total bid price at the tax sale. If you wish to redeem the above described property, the redemption amount will be as listed below:

\$ <u>571.04</u>	(03%) due on or before	<u>FEBRUARY 07, 2018</u>
\$ <u>691.04</u>	Redemption Execution	<u>MARCH 16, 2018</u>
\$ <u>1,067.57</u>	(06%) due on or before	<u>MAY 07, 2018</u>
\$ <u>1,187.57</u>	(09%) due on or before	<u>AUGUST 07, 2018</u>
\$ <u>1,307.57</u>	(12%) due on or before	<u>NOVEMBER 07, 2018</u>

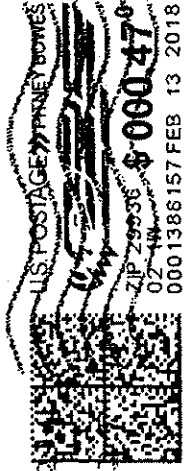
FINAL DATE TO REDEEM THE ABOVE PROPERTY IS ON/BEFORE NOVEMBER 07, 2018 !!!

If you fail to redeem the property by said date, a tax deed will be issued to the successful bidder. No Checks!!! Money Order, Cashiers Check, or Cash Only.

ELECTRONICALLY FILED - 2020 May 07 11:01 AM - JASPER - COMMON PLEAS - CASE#2020CP2700051

JASPER COUNTY TAX COLLECTOR
P. O. BOX 428
RIDGELAND, SC 29936

CHARLESTON SC 29401
13 FEB 2018 PM



RECEIVED

FEB 20 2018

R: JASPER COUNTY TAX COLLECTOR

TO: KEIFFER CHARLES BRADFORD
P O BOX 174
HARDEVILLE SC 29927

NIXIE 295 75 1 5692/17/18

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

4922496662

2992730174

SC: 299362266728 *1754-62523-13-49

Exhibit 6



JASPER COUNTY TAX COLLECTOR

Post Office Box 428 • 358 Third Avenue, Suite 110
Ridgeland, South Carolina 29936
Telephone 843-717-3610 • Facsimile 843-717-3625

Rhonda R. Mitchell, Tax Collector
rmitchell@jaspercountysc.gov

September 25, 2018

ted Delivery: 7017 1450 0602 2183 7802

028-00 -03-128
KEIFFER CHARLES BRADFORD
PO BOX 174
HARDEEVILLE SC 29927

(You may be a possible Heir.)

RE: **SALE OF PROPERTY FOR DELINQUENT TAXES**

Tax Map # 028-00-03-128

To Whom It May Concern:

This letter is to inform you that the property referenced above was sold at public auction for delinquent taxes on **November 6, 2017**. Section 12-51-90 of the South Carolina Code of Laws provides that the defaulting taxpayer, or any grantee from the owner, or any mortgagee, or lessee, may redeem the above property within twelve (12) months from the date of the delinquent tax sale by paying to this office delinquent taxes, assessments, penalties, and costs, together with the appropriate percent of interest as provided in Section 12-51-90(B). This is to notify you that pursuant to Section 12-51-120 of the South Carolina Code of Laws, that if the real property described on the notice is not redeemed by paying taxes, assessments, penalties, cost and interest at the applicable rate on the bid price in the total amount of \$ 1,307.57 on or before **November 7, 2018**, a tax title must be delivered to the successful purchaser at the tax sale. Pursuant to this chapter, the return of the certified mail "undelivered" is not grounds for a tax title to be withheld or be found defective and ordered set aside or canceled of record.

If you wish to redeem the above referenced property, \$ 1,307.57 must be received in my office on or before **November 8, 2017**.

CASH, CASHIER CHECK OR MONEY ORDER are acceptable form of payment.

This office will not accept Credit or Debit Card, Personal or Business checks.

Sincerely,

Rhonda R. Mitchell
Rhonda R. Mitchell

/rrm

ELECTRONICALLY FILED - 2020 May 07 11:01 AM - JASPER - COMMON PLEAS - CASE#2020CP2700051

896-000-00-0857 NSD 5102 Airtel 1183 W03 SD
209L ERT 2 2000 054T LT0L
2. Article Number (transfer from service label)

9590 9402 2922 6336 0242 48

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery
- Adult Signature Restricted Delivery
- Adult Signature Restricted Delivery Collect on Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery Restricted Delivery
- Registered Mail Restricted Delivery (over \$500)

6666 LITTLE SC 29927
411 BOX PO
KEIFFER CHARLES BRADFORD
281-60-00-820

DELIVERY

A. Signature Agent Addressee

B. Received by (Printed Name) C. Date of Delivery

Address different from item 1? Yes No
If delivery address below:

NOTICES (SEE ITEM 10)

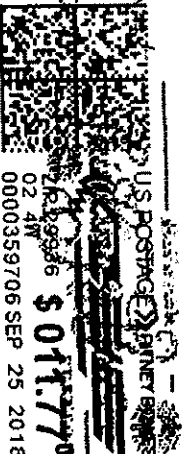
1. Complete items 1, 2, and 3.
2. Print your name and address on the reverse so that we can return the card to you.
3. Attach this card to the back of the mailpiece, or on the front if space permits.

CERTIFIED MAIL

PLEASE STICKER AFFIX TO ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE



7017 1450 0002 2183 7802



JASPER COUNTY TAX COLLECTOR
P. O. BOX 428
RIDGELAND, SC 29936

RECEIVED

OCT 01 2018
RHONDA R. MITCHELL
Jasper Co. Tax Collector

028-00-03-128
KEIFFER CHARLES BRADFORD
PO BOX 174
HARDEEVILLE SC 29927

9-27

NIXIE 296 FEB 1 9009/28/18

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

UTF 8C: 29936260728 *1754-13399-25-40

29936260728

29936260728

Exhibit 7



JASPER COUNTY TAX COLLECTOR

Post Office Box 428 • 358 Third Avenue, Suite 110
Ridgeland, South Carolina 29936
Telephone 843-717-3610 • Facsimile 843-717-3625

Rhonda R. Mitchell, Tax Collector
rmitchell@jaspercountysc.gov

September 25, 2018

d Delivery: 7617 1450 0002 2183 7819

028-00 -03-128
KEIFFER CHARLES BRADFORD
1397 HONEY HILL RD
HARDEEVILLE SC 29927

(You may be a possible Heir.)

RE: SALE OF PROPERTY FOR DELINQUENT TAXES

Tax Map # 028-00-03-128

To Whom It May Concern:

This letter is to inform you that the property referenced above was sold at public auction for delinquent taxes on **November 6, 2017**. Section 12-51-90 of the South Carolina Code of Laws provides that the defaulting taxpayer, or any grantee from the owner, or any mortgagee, or lessee, may redeem the above property within twelve (12) months from the date of the delinquent tax sale by paying to this office delinquent taxes, assessments, penalties, and costs, together with the appropriate percent of interest as provided in Section 12-51-90(B). This is to notify you that pursuant to Section 12-51-120 of the South Carolina Code of Laws, that if the real property described on the notice is not redeemed by paying taxes, assessments, penalties, cost and interest at the applicable rate on the bid price in the total amount of \$ 1,307.57 on or before **November 7, 2018**, a tax title must be delivered to the successful purchaser at the tax sale. Pursuant to this chapter, the return of the certified mail "undelivered" is not grounds for a tax title to be withheld or be found defective and ordered set aside or canceled of record.

If you wish to redeem the above referenced property, \$ 1,307.57 must be received in my office on or before **November 8, 2017**.

CASH, CASHIER CHECK OR MONEY ORDER are acceptable form of payment.

This office will not accept Credit or Debit Card, Personal or Business checks.

Sincerely,

Rhonda R. Mitchell
Rhonda R. Mitchell

/rrm

ELECTRONICALLY FILED - 2020 May 07 11:01 AM - JASPER - COMMON PLEAS - CASE#2020CP2700051

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee

B. Received by (Printed Name) X

C. Date of Delivery

Address different from item 1? Yes No

If delivery address below: Yes No

028-00-03-128
 KEIFFER CHARLES BRADFORD
 1397 HONEY HILL RD
 HARDEEVILLE SC 29927



9590 9402 2642 6336 0244 15

2. Article Number (Transfer from service label)
7017 1450 0002 2183 7819

PS Form 3811, July 2015 PSN 7530-02-000-9053

3. Service type

Adult Signature Restricted Delivery

Adult Signature Restricted Mail

Certified Mail

Certified Mail Restricted Delivery

Collect on Delivery Restricted Delivery

Collect on Delivery Restricted Mail

Insured Mail Restricted Delivery (or EMS)

Priority Mail Express®

Registered Mail

Registered Mail Restricted Delivery

Return Receipt for Merchandise

Signature Confirmation™

Signature Confirmation Restricted Delivery

Domestic Return Receipt

CERTIFIED MAIL



7017 1450 0002 2183 7819

US POSTAGE
 \$011.79
 02 4M
 0000359706 SEP 25 2018

JASPER COUNTY TAX COLLECTOR
 P. O. BOX 428
 RIDGELAND, SC 29936

028-00-03-128
 KEIFFER CHARLES BRADFORD
 1397 HONEY HILL RD
 HARDEEVILLE SC 29927

RONDAR MITC.
 Jasper Co. Tax Collector

OCT 01 2018

296 DE 1 0099/22/18

RETURN TO SENDER
 NO SUCH NUMBER
 UNABLE TO FORWARD

NSN BC: 29936260728 *1754-13268-25-40

299362607

0000359706 SEP 25 2018

Exhibit 8



JASPER COUNTY TAX COLLECTOR

Post Office Box 428 • 358 Third Avenue, Suite 110
Ridgeland, South Carolina 29936
Telephone 843-717-3610 • Facsimile 843-717-3625

Rhonda R. Mitchell, Tax Collector
rmitchell@jaspercountysc.gov

September 25, 2018

Delivery: 7017 1450 6002 2183 7833

028-00 -03-128
PARKER JOSEPH CODY
1397 HONEY HILL RD
HARDEEVILLE SC 29927

(You may be a possible Heir.)

RE: **SALE OF PROPERTY FOR DELINQUENT TAXES**
Tax Map # 028-00-03-128

To Whom It May Concern:

This letter is to inform you that the property referenced above was sold at public auction for delinquent taxes on **November 6, 2017**. Section 12-51-90 of the South Carolina Code of Laws provides that the defaulting taxpayer, or any grantee from the owner, or any mortgagee, or lessee, may redeem the above property within twelve (12) months from the date of the delinquent tax sale by paying to this office delinquent taxes, assessments, penalties, and costs, together with the appropriate percent of interest as provided in Section 12-51-90(B). This is to notify you that pursuant to Section 12-51-120 of the South Carolina Code of Laws, that if the real property described on the notice is not redeemed by paying taxes, assessments, penalties, cost and interest at the applicable rate on the bid price in the total amount of \$ 1,307.57 on or before **November 7, 2018**, a tax title must be delivered to the successful purchaser at the tax sale. Pursuant to this chapter, the return of the certified mail "undelivered" is not grounds for a tax title to be withheld or be found defective and ordered set aside or canceled of record.

If you wish to redeem the above referenced property, \$ 1,307.57 must be received in my office on or before **November 8, 2017**.

CASH, CASHIER CHECK OR MONEY ORDER are acceptable form of payment.

This office will not accept Credit or Debit Card, Personal or Business checks.

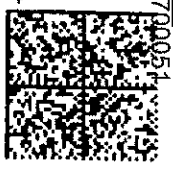
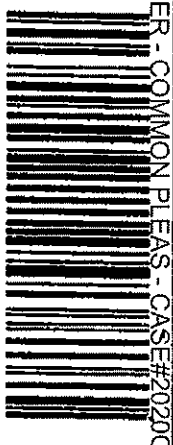
Sincerely,

Rhonda R. Mitchell
Rhonda R. Mitchell

/rrm

ELECTRONICALLY FILED - 2020 May 07 11:01 AM - JASPER - COMMON PLEAS - CASE#2020CP2700051

ELECTRONICALLY FILED - 2020 May 07 11:01 AM - JASPER - COMMON PLEAS - CASE#2020CP2700054
 JASPER COUNTY TAX COLLECTOR
 P. O. BOX 428
 RIDGELAND, SC 29936



U.S. POSTAGE® PITNEY BOWES
 ZIP 29936 \$011.77⁰
 02 4W
 0000355706SEP 25 2018

7017 1450 0002 2183 7833

RECEIVED

OCT-01 2018

028-00 -03-128
 PARKER JOSEPH CODY
 1397 HONEY HILL RD
 HARDEEVILLE SC 29927

MAR MITCHELL
 JASPER CO. Tax Collector

NSNK1: 9333589823

NSN 29927095652697
 BC: 29936260728 *1754-15941-25-40
 RETURN TO SENDER
 NO SUCH NUMBER
 UNABLE TO FORWARD

POSTAGE WILL BE PAID BY ADDRESSEE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

COMPLETE THIS SECTION ON DELIVERY

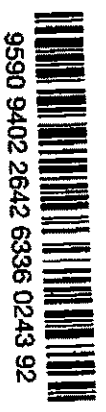
A. Signature X Agent Addressee

B. Received by (Printed Name) _____

C. Date of Delivery _____

Address different from item 1? Yes No
 * Delivery address below: No

028-00 -03-128
 PARKER JOSEPH CODY
 1397 HONEY HILL RD
 HARDEEVILLE SC 29927



9590 9402 2642 6336 0243 92

2. Article Number (Transfer from service label)
 7017 1450 0002 2183 7833

3. Service Type
- Adult Signature Restricted Delivery
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Collect on Delivery Restricted Delivery (PSD)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

Exhibit 9



JASPER COUNTY TAX COLLECTOR

Post Office Box 428 • 358 Third Avenue, Suite 110
Ridgeland, South Carolina 29936
Telephone 843-717-3610 • Facsimile 843-717-3625

SENT VIA CERTIFIED MAIL: 7017 1450 002 2183 7826

Rhonda R. Mitchell, Tax Collector

September 25, 2018

SC DOR
ATTN: COLLECTION SUPERVISOR
2 SOUTH PARK CIRCLE SUITE 109
CHARLESTON SC 29407

TO WHOM IT MAY CONCERN:

Notice is given to SC DOR,
as the holder of a certain Mortgage recorded in the Office of the Register of Deeds and/or Clerk
of Court in Book 926/951/956/991 at Page 720/553/822/760 of the County of Jasper, State of South
Carolina, that the Tax Collector of Jasper County did levy upon and sold for delinquent taxes on
November 6, 2017, the real property described below:

Owner: Charles Bradford Keiftee

Tax Map #: 028-60-03-128

You are also notified that pursuant to Section 12-51-120 of the South Carolina Code of
Laws, that if the real property described on the notice is not redeemed by paying taxes,
assessments, penalties, cost and interest at the applicable rate on the bid price pursuant to
Section 12-51-120 (B) in the total amount of \$ 1,367.57 on or before **November 7, 2018**,
a tax title must be delivered without further notice to the successful purchaser at the tax sale.

Sincerely,

Rhonda R. Mitchell

/rrm

ALERT: PAYMENT TRANSACTIONS ON SOME APPLICATIONS WILL BE TEMPORARILY UNAVAI...

USPS Tracking®

FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Track Another Package +

Tracking Number: 70171450000221837826

Remove X

Expected Delivery on

FRIDAY

28 SEPTEMBER
2018 ⓘ

[See Product Information](#) ✓

✓ Delivered

September 28, 2018 at 4:35 pm
Delivered, Left with Individual
CHARLESTON, SC 29407

Feedback

Tracking History



September 28, 2018, 4:35 pm
Delivered, Left with Individual
CHARLESTON, SC 29407

Your item was delivered to an individual at the address at 4:35 pm on September 28, 2018 in CHARLESTON, SC 29407.

September 28, 2018, 8:38 am
Out for Delivery
CHARLESTON, SC 29407

September 28, 2018, 8:28 am
Sorting Complete
CHARLESTON, SC 29407

ELECTRONICALLY FILED - 2020 May 07 11:01 AM - JASPER - COMMON PLEAS - CASE#2020CP2700051

September 28, 2018, 7:45 am
Arrived at Unit
CHARLESTON, SC 29407

September 27, 2018, 12:23 pm
Departed USPS Regional Facility
CHARLESTON SC PROCESSING CENTER

September 26, 2018
In Transit to Next Facility

September 25, 2018, 8:14 pm
Arrived at USPS Regional Facility
CHARLESTON SC PROCESSING CENTER

Product Information



Feedback

See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

14

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2020CP2700051

Charles Keiffer
PLAINTIFF(S)

Jasper County Delinquent Tax Office et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

This matter came before the Court on May 13, 2020 for a hearing on Plaintiff's Motion for Summary Judgment, filed January 31, 2020. Representing the Plaintiff was R. Thayer Rivers, Jr., Esq. Representing the Defendant Jasper County Delinquent Tax Office was David L. Tedder, Esq. Representing the Defendant Carolina Heritage, LLC was C. Russ Keep, III, Esq. "Summary judgment is appropriate when there is no genuine issue of material fact such that the moving party is entitled to prevail as a matter of law." Evening Post Pub. Co. v. Berkeley County Sch. Dist., 392 S.C. 76, 81, 708 S.E.2d 745, 748 (2011) ; Rule 56(c), SCRPC. "Under Rule 56(c), the party seeking summary judgment has the initial responsibility of demonstrating the absence of a genuine issue of material fact." Baughman v. Am. Tel. & Tel. Co., 306 S.C. 101, 115, 410 S.E.2d 537, 545 (1991) (citing Celotex Corp. v. Catrett, 477 U.S. 317, 106 S. Ct. 2548 (1986)).

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 05/15/2020 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

ELECTRONICALLY FILED - 2020 May 15 4:11 PM - JASPER - COMMON PLEAS - CASE#2020CP2700051

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

In considering a motion for summary judgment, "the evidence and its reasonable inferences must be viewed in the light most favorable to the nonmoving party." *Id.* "Summary judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify the application of the law... Even when there is no dispute as to evidentiary facts, but only as to the conclusions or inferences to be drawn from them, summary judgment should be denied." *USAA Property & Cas. Ins. Co. v. Clegg*, 377 S.C. 643, 653, 661 S.E.2d 791, 796 (2008). After considering the record, the Court finds that genuine issues of material fact exist. Accordingly, the Motion is heard and respectfully Denied.



Jasper Common Pleas

Case Caption: Charles Keiffer VS Jasper County Delinquent Tax Office ,
defendant, et al
Case Number: 2020CP2700051
Type: Order/Electronic Form 4

IT IS SO ORDERED>

s/D.L. Jefferson Chief Administrative Judge 2128

Electronically signed on 2020-05-15 15:56:46 page 3 of 3

ELECTRONICALLY FILED - 2020 May 15 4:11 PM - JASPER - COMMON PLEAS - CASE#2020CP2700051

15

ELECTRONICALLY FILED - 2021 Nov 19 1:33 PM - JASPER - COMMON PLEAS - CASE#2020CP2700051

STATE OF SOUTH CAROLINA)
)
 COUNTY OF JASPER)
)
 CHARLES BRADFORD KEIFFER,)
 Plaintiff,)
 -versus-)
)
 JASPER COUNTY DELINQUENT TAX)
 OFFICE, and)
 CAROLINA HERITAGE, LLC,)
 Defendants.)
 _____)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 CASE NO.: 2020-CP-27-00051

**MOTION TO AMEND ANSWER
 AND COUNTERCLAIMS**

TO: R. THAYER RIVERS, JR., ESQ., ATTORNEY FOR THE PLAINTIFF, CHARLES BRADFORD KEIFFER:

The Defendant, Carolina Heritage, LLC moves to Amend its Answer and Counterclaims. The Third Amended Answer & Counterclaims is attached hereto.

THE LAW

1. SCRCP 15, as did Code pleading in this State, strongly favors the granting of amendments and provides that "leave [to amend] shall be freely given."
2. "In the absence of a proper reason, such a bad faith, undue delay or prejudice, a denial of leave to amend is an abuse of discretion." *Forrester v. Smith & Steele Builders, Inc.*, 295 S.C. 504, 369 S.E.2d (Ct. App. 1988)(quoting, *Keniston V. Roberts*, 717 F.2d 1295(9th cir. 1983).
3. "Amendments before the case is ready for trial should be granted freely" South Carolina Civil Process, 2nd Edition, Flannagan, page 124.

The Defendant, Carlina Heritage, LLC requests attorney fees in this case as the Plaintiff's attorney has refused to consent to amending the Answer & Counterclaims (attached), thereby wasting the court's time and the Defendant's attorney's time.

Beaufort County, South Carolina
November 19, 2021

s/Russ Keep, III
S.C. Bar #3321
Post Office Box 5877
Hilton Head Island, SC 29938
(P) 843-842-6268
(F) 843-785-8458
hhlaw@hargray.com
Attorney for the Defendant/
Carolina Heritage, LLC

STATE OF SOUTH CAROLINA)
)
COUNTY OF JASPER)
)
CHARLES BRADFORD KEIFFER,)
Plaintiff,)
-versus-)
)
JASPER COUNTY DELINQUENT TAX)
OFFICE, and)
CAROLINA HERITAGE, LLC,)
Defendants.)
_____)

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CASE NO.: 2020-CP-27-00051

**THIRD
AMENDED ANSWER
AND
COUNTERCLAIMS**

TO: R. THAYER RIVERS, JR., ESQ., ATTORNEY FOR THE PLAINTIFF, CHARLES BRADFORD KEIFFER:

NOW COMES THE DEFENDANT, CAROLINA HERITAGE, LLC, TO ANSWER THE COMPLAINT IN THIS CASE, DATED JANUARY 31, 2020:

1. All allegations of the Complaint not hereinafter admitted are denied.
2. Paragraph 1 cannot be admitted or denied as the Defendant was not served with Exhibit A to the Complaint, despite several requests for the same.
3. Paragraph 2 is admitted.
4. Paragraph 3 is denied.
5. Paragraph 4 is admitted.
6. Paragraph 5 is admitted.
7. Paragraph 6 is a broad and general statement of law with no application to the facts of this case and is therefore denied.
8. Paragraphs 7 and 8 are denied.

FOR A FIRST AFFIRMATIVE DEFENSE

9. Each and every allegation set forth above is fully incorporated herein.

10. “Ordinarily, unless otherwise provided for by contract or statute, the responsibility of paying attorney fees falls upon the party contracting for the services.” *Blumberg v. Nealco, Inc.*, 310 S.C. 492, 427 S.E.2d 659 (1993), so this request for attorney fees must be denied.

FOR A SECOND AFFIRMATIVE DEFENSE

11. Each and every allegation set forth above is fully incorporated herein.
12. POB 174 Hardeeville, SC 29927 is the address listed on Plaintiff’s deed from CJ Keiffer, 2007.
13. No change of address request was filed with the Jasper County Tax Collector’s Office and no evidence of a change of address request is noted in the tax collector’s file.
14. When the first delinquent tax notice, mailed to the Plaintiff at POB 174, Hardeeville, SC 29927 was returned marked “Return to Sender, Address not Known, Unable to Forward” the property was properly posted on September 8, 2017 thus curing any issues arising out of mailing.

FOR A THIRD AFFIRMATIVE DEFENSE

PRESUMPTIONS & BURDEN OF PROOF

15. Each and every allegation set forth above is fully incorporated herein.
16. “In the absence of any proof to the contrary, there is a presumption that public officers have properly discharged the duties of their office¹. Under the statutes of this state, a tax title is presumed to be good and the burden is upon the party challenging the deed to show defect².

¹ *Fisher v. Bennett*, 202 S.C. 541, 25 S.E.2d 746 (1943)

² *Gadsen v. West Shore Inv. Co.*, 99 S.C. 172, 82 S.E. 1052 (1914)

17. The Code of Laws creates a presumption that a tax deed, whether executed to a private person, a corporation, or a forfeited land commission, must be held and taken as prima facie evidence of good title in the holder, that all proceedings have been regular and that all legal requirements have been complied with³.

FOR A COUNTER CLAIM

QUIET TITLE

18. Each and every allegation set forth above is fully incorporated herein.
19. That the real property that is the subject of this action is located in the County of, Jasper State of South Carolina and is more particularly described as follows ("real property"):
20. That on or about November 6, 2017, Rhonda Mitchell, as Jasper County Delinquent Tax Collector, sold the real property at public sale for non-payment of 2016 taxes to the Defendant, as the highest bidder at the sale.
21. That the Defendant, is currently the owner of the real property by virtue of a tax deed executed on May 20, 2019, by Rhonda Mitchell, as Jasper County Delinquent Tax Collector. The tax deed was recorded on May 20, 2019, in the Jasper County Register of Deed's Office in Record Book 1006, at Page 0619-0621.
22. That at the time of the tax sale, the Plaintiff, was the owner of record of the real property and other than the tax deed issued to Defendant, by Rhonda Mitchell, as Jasper County Delinquent Tax Collector, there are no other conveyances of the property after the tax sale.
23. That S.C. Code § 12-51-160 states that "An action for the recovery of land sold pursuant to this chapter or for the recovery of the possession must not be maintained unless brought within two years from the date of sale" as provided in § 12-51-90(C).

³ §12-51-160, *Leysath v. Leysath*, 209 S.C. 342, 40 S.E.2d 233 (1946)

24. That it has been more than two years since the date of the tax sale of the real property.
25. That the Defendant is therefore entitled to an Order Quieting Title to the real property in the name of the Defendant holding that the Defendant is the fee simple owner of the real property, and that the Plaintiff, or his assignees, have no right in, lien on, or interest in the real property.

FOR A SECOND COUNTER CLAIM

FRIVOLOUS TORT CLAIMS ACT

26. Each and every allegation set forth above is fully incorporated herein.
27. Under the South Carolina Frivolous Civil Proceedings Sanctions Act a person who procures, initiates, continues, or defends any civil proceeding may be assessed attorney's fees and court cost if he/she (1) does so primarily for a purpose other than that of securing the proper ... adjudication of the claim upon which the proceedings are based; and (2) the proceedings have terminated in favor of the person seeking the sanction. § 15-36-10. Most pertinent to the issue here, the Act provides for the following procedure:

When the essential elements of this Chapter have been established as provided in Section 15-36-10, a person is entitled to recover his attorney's fees and court cost reasonably incurred in litigating the proceedings. The entitlement of the aggrieved person must be determined by the trial judge at the conclusion of a trial upon motion of the aggrieved party stating the manner in which the other party is alleged to have acted in violation of this statute.

The Court shall base its decision upon a review of the proceedings and affidavits submitted by each person affected. ¶ 15-36-30. Pool v. Pool, 321 S.C. at 91, 467 S.E.2d at 757-58.

FOR A THIRD COUNTERCLAIM

PAYMENT OF RENTS

28. Each and every allegation set forth above is fully incorporated herein.

29. The Defendant, Carolina Heritage, LLC prays that the Plaintiff pay the Defendant, Carolina Heritage, LLC rent from May, 2019 to the present and moving forward and that the Court order the Plaintiff to pay the Defendant, Carolina Heritage, LLC reasonable rent *pendente lite*.

FOR A FOURTH COUNTERCLAIM

PROPERTY TAXES

30. Each and every allegation set forth above is fully incorporated herein.

31. The Defendant, Carolina Heritage, LLC has been paying the property taxes on its land and the Defendant, Carolina Heritage requests that it be reimbursed.

WHEREFORE, the Defendant, Carolina Heritage, LLC, prays the Complaint be dismissed and that it be granted an Order Quieting Title to the subject property and that it be awarded attorney fees and costs under the South Carolina Frivolous Proceedings Sanctions Act, for rent from May 2019 to the present and moving forward and for reimbursement of property taxes and for such other and further relief as this honorable court deems just and fair.

Respectfully submitted,

/s/ C. RUSS KEEP, III
KEEP LAW OFFICE
SC BAR # 3321
Post Office Box 5877
Hilton Head Island, South Carolina 29938
(843) 842-6268
(843) 785-8458 (facsimile)
hhlaw@hargray.com (email)
ATTORNEY FOR DEFENDANT/
CAROLINA HERITAGE, LLC

Hilton Head Island, SC
November 11, 2021

Russ Keep

From: David Tedder <dtedder@jaspercountysc.gov>
Sent: Thursday, November 11, 2021 2:15 PM
To: Russ Keep; 'Kathleen Bearden'; 'Thayer Rivers'; qtruesdale@jaspercountysc.gov.
Subject: RE: 2020-CP-27-00051 Keiffer v. JC Delq. Tax Office, Carolina Heritage, LLC: Motion "ARBTRA-ADR 2020CP2700051-11/10/2021 at 10:00 AM and 2020-CP-27-00323, Justini Realty v Rhonda Mitchell et al

Russ, in answer to your question in the Keiffer case, The County generally would not object to subsequent amendatory filings. So yes, we would consent.

I am under the weather with a bad case of chest congestion with sore throat and coughing. I have no objection to anyone the other parties agree on as mediator. If by chance there is a mention of these cases, will one of you advise the Court of my desire to not inadvertently expose anyone to the chest cold I have? And that I do not have any objection to any mediator acceptable to the other parties?

Thayer, I also see that 2020 CP 27 00323, Justini Realty v Rhonda Mitchell, et al also on the sanctions list. I have no objection to any mediator the others can agree upon.

David L. Tedder
Jasper County Attorney
POB 420
Ridgeland, SC 29936
(843) 717-3688
(843) 726-3240 (fax)
dtedder@jaspercountysc.gov

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Special Accommodations Available Upon Request to Individuals with Disabilities.

CONFIDENTIAL NOTICE: This email transmission is protected by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521. This email transmission and the attachments accompanying it may contain confidential information from the Office of the Jasper County Attorney that is protected by the attorney-client communication privilege, the work product privilege, or the trial-preparation materials privilege. The information is only for the use of the intended recipient. If you are not the intended recipient, you are notified that any reading, disclosure, copying, interception of this transmission is not authorized, and in certain circumstances, may be unlawful. If you have received this transmission in error, please do not read it, promptly notify the sender by reply email, and then destroy all copies of this transmission. Thank you.

From: Russ Keep <hhlaw@hargray.com>
Sent: Thursday, November 11, 2021 11:22 AM
To: 'Kathleen Bearden' <kjbearden12@yahoo.com>; 'Thayer Rivers' <riverslaw@gmail.com>; David Tedder <dtedder@jaspercountysc.gov>
Subject: RE: Motion "ARBTRA-ADR 2020CP2700051-Charles Keiffer VS Jasper County Delinquent Tax Office, defendant, et al" was added to a Motions Roster for 11/10/2021 at 10:00 AM

ELECTRONICALLY FILED: 2021 Nov 19 1:33 PM JASPER - COMMON PLEAS - CASE# 2020CP2700051

Russ Keep

From: Thayer Rivers <riverslaw@gmail.com>
Sent: Thursday, November 11, 2021 2:53 PM
To: Russ Keep
Cc: Kathleen Bearden; David Tedder
Subject: Re: Motion "ARBTRA-ADR 2020CP2700051-Charles Keiffer VS Jasper County Delinquent Tax Office , defendant, et al" was added to a Motions Roster for 11/10/2021 at 10:00 AM

Larry is fine. And no. Thayer



Virus-free. www.avast.com

On Thu, Nov 11, 2021 at 11:21 AM Russ Keep <hhlaw@hargray.com> wrote:

Since Cathy is conflicted out who do you suggest we use to mediate this? Is Larry Weidner acceptable?

Will you consent to the filing of the attached 3rd Amended Answer & Counterclaims?

From: Kathleen Bearden <kibearden12@yahoo.com>
Sent: Tuesday, November 09, 2021 11:54 AM
To: gtruesdale@jaspercountysc.gov; Russ Keep <hhlaw@hargray.com>
Cc: 'Thayer Rivers' <riverslaw@gmail.com>; 'David Tedder' <dtedder@jaspercountysc.gov>; hscanlon@badgettlawfirm.com
Subject: Re: Motion "ARBTRA-ADR 2020CP2700051-Charles Keiffer VS Jasper County Delinquent Tax Office , defendant, et al" was added to a Motions Roster for 11/10/2021 at 10:00 AM

Mr. Keep, the ADR roster was rescheduled for the 12th.

Quatray, I no longer see this case on the ADR roster. Will you please check behind me and if it is there please either remove it or at least make a notation that mediation has been scheduled for January 6, 2022, at 10:00 A.M. with Cathy Badgett.

Thank you for your help!

Kathy

RECEIVED ELECTRONICALLY FILED - 2021 NOV 19 1 38 PM - JASPER - COMMON PLEAS - CASE#2020CP2700051

STATE OF SOUTH CAROLINA)
)
 COUNTY OF JASPER)
)
 CHARLES BRADFORD KEIFFER,)
 Plaintiff,)
 -versus-)
)
 JASPER COUNTY DELINQUENT TAX)
 OFFICE, and)
 CAROLINA HERITAGE, LLC,)
 Defendants.)
 _____)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 CASE NO.: 2020-CP-27-00051

**FOURTH
 AMENDED ANSWER
 AND
 COUNTERCLAIMS**

TO: R. THAYER RIVERS, JR., ESQ. AND D. TOM JOHNSON, JR., ESQ., ATTORNEYS
 FOR THE PLAINTIFF, CHARLES BRADFORD KEIFFER:

NOW COMES THE DEFENDANT, CAROLINA HERITAGE, LLC, TO ANSWER THE
 COMPLAINT IN THIS CASE, DATED JANUARY 31, 2020:

1. All allegations of the Complaint not hereinafter admitted are denied.
2. Paragraph 1 cannot be admitted or denied as the Defendant was not served with Exhibit A to the Complaint, despite several requests for the same, so it is denied.
3. Paragraph 2 is admitted.
4. Paragraph 3 is denied.
5. Paragraph 4 is admitted in that the Tax Office did not have in its file the address of 89 Hodge Court, Hardeeville, SC 29927 but the Defendant, Carolina Heritage does not know where the Plaintiff lived so this is denied.
6. Paragraph 5 is admitted.
7. Paragraph 6 is a broad and general statement of law with no application to the facts of this case and is therefore denied.
8. Paragraphs 7 and 8 are denied.

FOR A FIRST AFFIRMATIVE DEFENSE

ATTORNEY FEES

9. Each and every allegation set forth above is fully incorporated herein.
10. “Ordinarily, unless otherwise provided for by contract or statute, the responsibility of paying attorney fees falls upon the party contracting for the services.” *Blumberg v. Nealco, Inc.*, 310 S.C. 492, 427 S.E.2d 659 (1993), so this request for attorney fees must be denied.

FOR A SECOND AFFIRMATIVE DEFENSE

11. Each and every allegation set forth above is fully incorporated herein.
12. POB 174 Hardeeville, SC 29927 is the address listed on Plaintiff’s deed from CJ Keiffer, 2007.
13. No change of address request was never filed with the Jasper County Tax Collector’s Office. No evidence of a change of address request is noted in the tax collector’s file.
14. When the first delinquent tax notice, mailed to the Plaintiff at POB 174, Hardeeville, SC 29927 was returned marked “Return to Sender, Address not Known, Unable to Forward” the property was properly posted on September 8, 2017 thus curing any possible issues arising out of mailing.

FOR A THIRD AFFIRMATIVE DEFENSE

PRESUMPTIONS & BURDEN OF PROOF

PRESUMPTION OF PRIMA FACIA EVIDENCE OF GOOD TITLE

15. Each and every allegation set forth above is fully incorporated herein.

16. “In the absence of any proof to the contrary, there is a presumption that public officers have properly discharged the duties of their office¹. Under the statutes of this state, a tax title is presumed to be good and the burden is upon the party challenging the deed to show defect².

17. The Code of Laws creates a presumption that a tax deed, whether executed to a private person, a corporation, or a forfeited land commission, must be held and taken as prima facie evidence of good title in the holder, that all proceedings have been regular and that all legal requirements have been complied with³.

18. Out of an abundance of caution because “you may be a possible heir,” the Tax Collector even sent a delinquent tax redemption notice to Plaintiff’s tenant, Joseph Cody Parker at 1397 Honey Hill Road, Hardeeville, SC 29927 (attached).

FOR A FOURTH AFFIRMATIVE DEFENSE

UNCLEAN HANDS

19. Each and every allegation set forth above is fully incorporated herein.

20. The agent, servant or employee of the Plaintiff sent a letter to the agent, servant or employee of Defendant, Carolina Heritage, LLC, falsely stating that “the tax sale record clearly shows that Mr. Keiffer had properly, and timely filed a change of address which they (i.e.. The Jasper County Tax Collector) ignored when sending him (i.e.. The Plaintiff) all the tax notices.”

21. This written statement was false and intended to trick the Defendant, Carolina Heritage, LLC into handing over its land to the Plaintiff.

FOR A COUNTER CLAIM

QUIET TITLE

22. Each and every allegation set forth above is fully incorporated herein.

¹ *Fisher v. Bennett*, 202 S.C. 541, 25 S.E.2d 746 (1943)

² *Gadsen v. West Shore Inv. Co.*, 99 S.C. 172, 82 S.E. 1052 (1914)

³ §12-51-160, *Leysath v. Leysath*, 209 S.C. 342, 40 S.E.2d 233 (1946)

23. That the real property that is the subject of this action is located in the County of, Jasper State of South Carolina and is more particularly described as follows ("real property"):

24. That on or about November 6, 2017, Rhonda Mitchell, as Jasper County Delinquent Tax Collector, sold the real property at public sale for non-payment of 2016 taxes to the Defendant, as the highest bidder at the sale.

25. That the Defendant, is currently the owner of the real property by virtue of a tax deed executed on May 20, 2019, by Rhonda Mitchell, as Jasper County Delinquent Tax Collector. The tax deed was recorded on May 20, 2019, in the Jasper County Register of Deed's Office in Record Book 1006, at Page 0619-0621.

26. That at the time of the tax sale, the Plaintiff, was the owner of record of the real property and other than the tax deed issued to Defendant, by Rhonda Mitchell, as Jasper County Delinquent Tax Collector, there are no other conveyances of the property after the tax sale.

27. That S.C. Code § 12-51-160 states that "An action for the recovery of land sold pursuant to this chapter or for the recovery of the possession must not be maintained unless brought within two years from the date of sale" as provided in § 12-51-90(C).

28. That it has been more than two years since the date of the tax sale of the real property.

29. That the Defendant is therefore entitled to an Order Quieting Title to the real property in the name of the Defendant holding that the Defendant is the fee simple owner of the real property, and that the Plaintiff, or his assignees, have no right in, lien on, or interest in the real property.

FOR A SECOND COUNTER CLAIM

FRIVOLOUS TORT CLAIMS ACT

30. Each and every allegation set forth above is fully incorporated herein.

31. Under the South Carolina Frivolous Civil Proceedings Sanctions Act a person who procures, initiates, continues, or defends any civil proceeding may be assessed attorney's fees and court cost if he/she (1) does so primarily for a purpose other than that of securing the proper ... adjudication of the claim upon which the proceedings are based; and (2) the proceedings have terminated in favor of the person seeking the sanction. § 15-36-10. Most pertinent to the issue here, the Act provides for the following procedure:

When the essential elements of this Chapter have been established as provided in Section 15-36-10, a person is entitled to recover his attorney's fees and court cost reasonably incurred in litigating the proceedings. The entitlement of the aggrieved person must be determined by the trial judge at the conclusion of a trial upon motion of the aggrieved party stating the manner in which the other party is alleged to have acted in violation of this statute.

The Court shall base its decision upon a review of the proceedings and affidavits submitted by each person affected. ¶ 15-36-30. Pool v. Pool, 321 S.C. at 91, 467 S.E.2d at 757-58.

FOR A THIRD COUNTERCLAIM

PAYMENT OF RENTS

32. Each and every allegation set forth above is fully incorporated herein.

33. The Defendant, Carolina Heritage, LLC prays that the Plaintiff pay the Defendant, Carolina Heritage, LLC rent from May, 2019 to the present and moving forward and that the Court order the Plaintiff to pay the Defendant, Carolina Heritage, LLC reasonable rent *pendente lite*.

FOR A FOURTH COUNTERCLAIM

PROPERTY TAXES

34. Each and every allegation set forth above is fully incorporated herein.

35. The Defendant, Carolina Heritage, LLC has been paying the property taxes on its land and the Defendant, Carolina Heritage requests that it be reimbursed if the land is taken from the Plaintiff.

WHEREFORE, the Defendant, Carolina Heritage, LLC, prays the Complaint be dismissed and that it be granted an Order Quieting Title to the subject property and that it be awarded attorney fees and costs under the South Carolina Frivolous Proceedings Sanctions Act, for rent from May 2019 to the present and moving forward and for reimbursement of property taxes if the land is taken from the Plaintiff and for such other and further relief as this honorable court deems just and fair.

Respectfully submitted,

/s/ C. RUSS KEEP, III
KEEP LAW OFFICE
SC BAR # 3321
Post Office Box 5877
Hilton Head Island, South Carolina 29938
(843) 842-6268
(843) 785-8458 (facsimile)
hhlaw@hargray.com (email)
ATTORNEY FOR DEFENDANT/
CAROLINA HERITAGE, LLC

Hilton Head Island, SC
February 17, 2022



JASPER COUNTY TAX COLLECTOR

Post Office Box 428 • 358 Third Avenue, Suite 110
Ridgeland, South Carolina 29936
Telephone 843-717-3610 • Facsimile 843-717-3625

Rhonda R. Mitchell, Tax Collector
rmitchell@jaspercountysc.gov

September 25, 2018

Delivery: 7017 1450 6002 2183 7833

028-00 -03-128
PARKER JOSEPH CODY
1397 HONEY HILL RD
HARDEVILLE SC 29927

(You may be a possible Heir.)

RE: SALE OF PROPERTY FOR DELINQUENT TAXES

Tax Map # 028-00-03-128

To Whom It May Concern:

This letter is to inform you that the property referenced above was sold at public auction for delinquent taxes on **November 6, 2017**. Section 12-51-90 of the South Carolina Code of Laws provides that the defaulting taxpayer, or any grantee from the owner, or any mortgagee, or lessee, may redeem the above property within twelve (12) months from the date of the delinquent tax sale by paying to this office delinquent taxes, assessments, penalties, and costs, together with the appropriate percent of interest as provided in Section 12-51-90(B). This is to notify you that pursuant to Section 12-51-120 of the South Carolina Code of Laws, that if the real property described on the notice is not redeemed by paying taxes, assessments, penalties, cost and interest at the applicable rate on the bid price in the total amount of \$ 1,307.57 on or before **November 7, 2018**, a tax title must be delivered to the successful purchaser at the tax sale. Pursuant to this chapter, the return of the certified mail "undelivered" is not grounds for a tax title to be withheld or be found defective and ordered set aside or canceled of record.

If you wish to redeem the above referenced property, \$ 1,307.57 must be received in my office on or before **November 8, 2017**.

CASH, CASHIER CHECK OR MONEY ORDER are acceptable form of payment.

This office will not accept Credit or Debit Card, Personal or Business checks.

Sincerely,

Rhonda R. Mitchell
Rhonda R. Mitchell

/rrm

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF JASPER	)	CASE NO.: 2020-CP-27-00051
)	
CHARLES BRADFORD KEIFFER,)	
Plaintiff)	
)	
Vs	)	PLAINTIFF’S REPLY TO
	)	COUNTERCLAIMS
JASPER COUNTY DELINQUENT TAX)	
OFFICE, and)	
CAROLINA HERITAGE, LLC,)	
Defendants,)	
_____)	

TO: C. RUSS KEEP, III, KEEP LAW OFFICE, Attorney for Defendant Carolina Heritage, LLC:

1. Each and every allegation of the Defendants’ Answer and Counterclaims not hereafter admitted or qualified is denied and the Plaintiff demands strict proof thereof.

FOR A SECOND AFFIRMATIVE DEFENSE

2. As to paragraphs 11, 12, and 13, Plaintiff only admits that the documents speak for themselves.
3. Paragraph 14 is denied.

FOR A THIRD AFFIRMATIVE DEFENSE

PRESUMPTIONS & BURDEN OF PROOF

PRESUMPTION OF PRIMA FACIA EVIDENCE OF GOOD TITLE

4. Each and every allegation of the Defendants’ Answer and Counterclaims not hereafter admitted or qualified is denied and the Plaintiff demands strict proof thereof.
5. Paragraph 15 is denied.
6. Paragraphs 16 and 17 are legal arguments which need not be admitted or denied.

7. Paragraph 18 is denied.

FOR A FOURTH AFFIRMATIVE DEFENSE

UNCLEAN HANDS

8. Each and every allegation of the Defendants' Answer and Counterclaims not hereafter admitted or qualified is denied and the Plaintiff demands strict proof thereof.

9. Paragraph 19 is denied.

10. Plaintiff admits only that the document speaks for itself in paragraph 20.

11. Paragraph 21 is denied.

FOR A COUNTERCLAIM

QUIET TITLE

12. Each and every allegation of the Defendants' Answer and Counterclaims not hereafter admitted or qualified is denied and the Plaintiff demands strict proof thereof.

13. Paragraph 22 is denied.

14. In paragraph 23, Plaintiff admits subject matter is in Jasper County.

15. In paragraphs 24, Plaintiff admits only that documents speak for themselves.

16. Paragraph 25 and 26 is denied.

17. Paragraph 27 is an averment of law that need not be admitted or denied.

18. In paragraph 28, Plaintiff admits only that the documents speak for themselves.

19. Paragraph 29 is denied.

FOR A SECOND COUNTERCLAIM
FRIVOLOUS TORT CLAIMS ACT

20. Each and every allegation of the Defendants' Answer and Counterclaims not hereafter admitted or qualified is denied and the Plaintiff demands strict proof thereof.

21. Paragraphs 30 and 31 are denied.

FOR A THIRD COUNTERCLAIM
PAYMENT OF RENTS

22. Each and every allegation of the Defendants' Answer and Counterclaims not hereafter admitted or qualified is denied and the Plaintiff demands strict proof thereof.

23. Paragraphs 32 and 33 are denied.

FOR A FOURTH COUNTERCLAIM
PROPERTY TAXES

24. Each and every allegation of the Defendants' Answer and Counterclaims not hereafter admitted or qualified is denied and the Plaintiff demands strict proof thereof.

25. Paragraph 34 is denied.

26. As to paragraph 35, Plaintiff would consent to this relief even if not legally required.

WHEREFORE, the Plaintiff prays that the Defendants' counterclaim be dismissed and that the Plaintiff have the relief sought in its complaint.

Respectfully submitted.

[signature to follow on next page]

LAW OFFICE OF
DARRELL T. JOHNSON, JR., LLC

s/Darrell T. Johnson, Jr.
SC Bar No. 3010
Post Office Box 1125
Hardeeville, South Carolina 29927
(843) 784-2142
(843) 784-5770
Tdjohnson1@johnsonslawoffice.com
Attorney for Plaintiff

Dated: March 17, 2022

ELECTRONICALLY FILED - 2022 Mar 17 11:44 AM - JASPER - COMMON PLEAS - CASE#2020CP2700051

STATE OF SOUTH CAROLINA)
)
 COUNTY OF JASPER)
)
 CHARLES BRADFORD KEIFFER,)
 Plaintiff,)
 -versus-)
)
 JASPER COUNTY DELINQUENT TAX)
 OFFICE, and)
 CAROLINA HERITAGE, LLC,)
 Defendants.)
)
 CAROLINA HERITAGE, LLC,)
 Third-Party Plaintiff,)
 -versus)
)
 MATILDA S. KEIFFER, as the personal)
 Representative of the)
 ESTATE OF CHARLES JULLIAN)
 KEIFFER,)
 Deceased.)
 Third-Party Defendant.)
 _____)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 CASE NO.: 2020-CP-27-00051

THIRD-PARTY SUMMONS

TO: MATILDA S. KEIFFER, AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF CHARLES JULLIAN KEIFFER, DECEASED, THE THIRD-PARTY DEFENDANT:

YOU ARE HEREBY SUMMONED and required to Answer the Third-Party Complaint in this action of which a copy is herewith served upon you, and to serve a copy of your Answer to the said Third-Party Complaint on the subscriber at his office at P.O. BOX 5877, HILTON HEAD ISLAND, SOUTH CAROLINA, 29938, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to Answer the Third-Party Complaint within the time aforesaid, the Third-Party Plaintiff in this action will apply to the Court for the relief demanded in the Third-Party Complaint.

Dated at Hilton Head Island, South Carolina this 28th day of March, 2022.

s/C. Russ Keep, III
 SC Bar # 3321
 Post Office Box 5877
 Hilton Head Island, SC 29938
 (P) 843-842-6268 / (F) 843-785-8458
 hhlaw@hargray.com

STATE OF SOUTH CAROLINA)
)
 COUNTY OF JASPER)
)
 CHARLES BRADFORD KEIFFER,)
 Plaintiff,)
 -versus-)
)
 JASPER COUNTY DELINQUENT TAX)
 OFFICE, and)
 CAROLINA HERITAGE, LLC,)
 Defendants.)
)
 CAROLINA HERITAGE, LLC,)
 Third-Party Plaintiff,)
 -versus-)
)
 MATILDA S. KEIFFER, as the personal)
 Representative of the)
 ESTATE OF CHARLES JULLIAN)
 KEIFFER,)
 Deceased.)
 Third-Party Defendant.)
 _____)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 CASE NO.: 2020-CP-27-00051

**FIFTH
 AMENDED ANSWER
 AND
 COUNTERCLAIMS
 AND
 THIRD-PARTY COMPLAINT**

TO: R. THAYER RIVERS, JR., ESQ. AND D. TOM JOHNSON, JR., ESQ., ATTORNEYS
 FOR THE PLAINTIFF, CHARLES BRADFORD KEIFFER, AND DAVID TEDDER, ESQ.,
 ATTORNEY FOR DEFENDANT JASPER COUNTY:

TO: MATILDA S. KEIFFER, AS THE PERSONAL REPRESENTATIVE OF THE ESTATE
 OF CHARLES JULLIAN KEIFFER, DECEASED, THE THIRD-PARTY DEFENDANT:

NOW COMES THE DEFENDANT AND THIRD-PARTY PLAINTIFF, CAROLINA
 HERITAGE, LLC, TO ANSWER THE COMPLAINT IN THIS CASE, DATED JANUARY 31,
 2020:

1. All allegations of the Complaint not hereinafter admitted are denied.

2. Paragraph 1 cannot be admitted or denied as the Defendant was not served with Exhibit A to the Complaint, despite several requests for the same, so it is denied.
3. Paragraph 2 is admitted.
4. Paragraph 3 is denied.
5. Paragraph 4 is admitted in that the Tax Office did not have in its file the address of 89 Hodge Court, Hardeeville, SC 29927.
6. Paragraph 5 is admitted.
7. Paragraph 6 is a broad and general statement of law with no application to the facts of this case and is therefore denied.
8. Paragraphs 7 and 8 are denied.

FOR A FIRST AFFIRMATIVE DEFENSE

ATTORNEY FEES

9. Each and every allegation set forth above is fully incorporated herein.
10. "Ordinarily, unless otherwise provided for by contract or statute, the responsibility of paying attorney fees falls upon the party contracting for the services." *Blumberg v. Nealco, Inc.*, 310 S.C. 492, 427 S.E.2d 659 (1993), so this request for attorney fees must be denied.

FOR A SECOND AFFIRMATIVE DEFENSE

11. Each and every allegation set forth above is fully incorporated herein.
12. POB 174 Hardeeville, SC 29927 is the address listed on Plaintiff's deed from CJ Keiffer, 2007.
13. No change of address request was never filed with the Jasper County Tax Collector's Office.
14. The Plaintiff cannot produce a change of address request.

15. No evidence of a change of address request is noted in the tax collector's file.

16. When the first delinquent tax notice, mailed to the Plaintiff at POB 174, Hardeeville, SC 29927 was returned marked "Return to Sender, Address not Known, Unable to Forward" the property was properly posted on September 8, 2017.

17. The posting cured any possible issues arising out of mailing the delinquent tax notice.

FOR A THIRD AFFIRMATIVE DEFENSE

PRESUMPTIONS & BURDEN OF PROOF

PRESUMPTION OF PRIMA FACIA EVIDENCE OF GOOD TITLE

18. Each and every allegation set forth above is fully incorporated herein.

19. "In the absence of any proof to the contrary, there is a presumption that public officers have properly discharged the duties of their office¹. Under the statutes of this state, a tax title is presumed to be good and the burden is upon the party challenging the deed to show defect².

20. The Code of Laws creates a presumption that a tax deed, whether executed to a private person, a corporation, or a forfeited land commission, must be held and taken as prima facie evidence of good title in the holder, that all proceedings have been regular and that all legal requirements have been complied with³.

21. Out of an abundance of caution because "you may be a possible heir," the Tax Collector even sent a delinquent tax redemption notice to Plaintiff's tenant, Joseph Cody Parker at 1397 Honey Hill Road, Hardeeville, SC 29927.

FOR A FOURTH AFFIRMATIVE DEFENSE

UNCLEAN HANDS

22. Each and every allegation set forth above is fully incorporated herein.

¹ *Fisher v. Bennett*, 202 S.C. 541, 25 S.E.2d 746 (1943)

² *Gadsen v. West Shore Inv. Co.*, 99 S.C. 172, 82 S.E. 1052 (1914)

³ §12-51-160, *Leysath v. Leysath*, 209 S.C. 342, 40 S.E.2d 233 (1946)

23. The agent, servant or employee of the Plaintiff sent a letter dated August 5, 2019 to the agent, servant or employee of Defendant, Carolina Heritage, LLC, falsely stating that “the tax sale record clearly shows that Mr. Keiffer had properly, and timely filed a change of address which they (i.e.. The Jasper County Tax Collector) ignored when sending him (i.e.. The Plaintiff) all the tax notices.”

24. This written statement was false and intended to trick the Defendant, Carolina Heritage, LLC into handing over its land to the Plaintiff.

FOR A COUNTER CLAIM

QUIET TITLE

25. Each and every allegation set forth above is fully incorporated herein.

26. That the real property that is the subject of this action is located in the County of, Jasper State of South Carolina and is more particularly described as follows ("real property"):

27. That on or about November 6, 2017, Rhonda Mitchell, as Jasper County Delinquent Tax Collector, sold the real property at public sale for non-payment of 2016 taxes to the Defendant, as the highest bidder at the sale.

28. That the Defendant, is currently the owner of the real property by virtue of a tax deed executed on May 20, 2019, by Rhonda Mitchell, as Jasper County Delinquent Tax Collector. The tax deed was recorded on May 20, 2019, in the Jasper County Register of Deed's Office in Record Book 1006, at Page 0619-0621.

29. That at the time of the tax sale, the Plaintiff, was the owner of record of the real property and other than the tax deed issued to Defendant, by Rhonda Mitchell, as Jasper County Delinquent Tax Collector, there are no other conveyances of the property after the tax sale.

30. That S.C. Code § 12-51-160 states that "An action for the recovery of land sold pursuant to this chapter or for the recovery of the possession must not be maintained unless brought within two years from the date of sale" as provided in § 12-51-90(C).

31. That it has been more than two years since the date of the tax sale of the real property.

32. That the Defendant is therefore entitled to an Order Quieting Title to the real property in the name of the Defendant holding that the Defendant is the fee simple owner of the real property, and that the Plaintiff, or his assignees, have no right in, lien on, or interest in the real property.

FOR A SECOND COUNTER CLAIM

FRIVOLOUS TORT CLAIMS ACT

33. Each and every allegation set forth above is fully incorporated herein.

34. Under the South Carolina Frivolous Civil Proceedings Sanctions Act a person who procures, initiates, continues, or defends any civil proceeding may be assessed attorney's fees and court cost if he/she (1) does so primarily for a purpose other than that of securing the proper ... adjudication of the claim upon which the proceedings are based; and (2) the proceedings have terminated in favor of the person seeking the sanction. § 15-36-10. Most pertinent to the issue here, the Act provides for the following procedure:

When the essential elements of this Chapter have been established as provided in Section 15-36-10, a person is entitled to recover his attorney's fees and court cost reasonably incurred in litigating the proceedings. The entitlement of the aggrieved person must be determined by the trial judge at the conclusion of a trial upon motion of the aggrieved party stating the manner in which the other party is alleged to have acted in violation of this statute.

The Court shall base its decision upon a review of the proceedings and affidavits submitted by each person affected. ¶ 15-36-30. Pool v. Pool, 321 S.C. at 91, 467 S.E.2d at 757-58.

FOR A THIRD COUNTERCLAIM

PAYMENT OF RENTS

35. Each and every allegation set forth above is fully incorporated herein.

36. The Defendant, Carolina Heritage, LLC prays that the Plaintiff pay the Defendant, Carolina Heritage, LLC rent from May, 2019 to the present and moving forward and that the Court order the Plaintiff to pay the Defendant, Carolina Heritage, LLC reasonable rent *pendente lite*.

FOR A FOURTH COUNTERCLAIM

PROPERTY TAXES

37. Each and every allegation set forth above is fully incorporated herein.

38. The Defendant, Carolina Heritage, LLC has been paying the property taxes on its land and the Defendant, Carolina Heritage requests that it be reimbursed if the land is taken from the Defendant.

THIRD PARTY COMPLAINT

FACTS

1. The Third-Party Plaintiff is a limited liability company registered with the South Carolina Secretary of State to do business in South Carolina.
2. The Third-Party Defendant, Matilda S. Keiffer is the widow of Mr. Charles Jullian Keiffer and the personal representative of Mr. Charles Julian Keiffer's estate. Matilda S. Keiffer is a resident and citizen of Jasper County, South Carolina.
3. The Defendant and Third-Party Plaintiff, Carolina Heritage, LLC has title to TMS# 028-00-03-128 (hereinafter "Parcel B"), approximately 1.46 acres in Jasper County which is

located inside of lands belonging to deceased Charles Jullian Keiffer to wit: TMS# 028-00-03-082, 106.

4. Defendant and Third-Party Plaintiff and Third-Party Defendant's lands all have one common grantor ("unity of title") being Charles "Mack" CM Keiffer ("Mack").
5. The title to Mack's tracts of land were "severed" unto Third-Party Defendant's and Defendant and Third-Party Plaintiff's predecessors in title.
6. The aforesaid deed to 1.46 acres Parcel B including, "an easement for ingress, egress and utilities as shown on that certain plat prepared by TGS Surveying dated November 5, 2007 prepared by Thomas G. Stanley, Jr. PLS and recorded in Plat Book 30 at Page 267."
7. Defendant and Third-Party Plaintiff's land is "landlocked."
8. The personal representative, Matilda S. Keiffer of Third-Party Defendant's estate has informed Defendant and Third-Party Plaintiff she will not allow Defendant and Third-Party Plaintiff to use Defendant and Third-Party Plaintiff's easement over Third-Party Defendant's lands.

THE LAW

9. An easement for a right of way over land may arise in three ways: (1) from necessity; (2) by grant; and (3) by prescription. *Frierson v. Watson*, 371 S.C. 60, 636 S.E.2d 872.
10. A party claiming to be benefited by an easement by necessity must demonstrate the existence of the following three elements: (1) unity of title, (2) severance of title, and (3) necessity of the easement. *Boyd v. Bellsouth Telephone*, 369 S.C. 410, 633 S.E.2d 136 (S.C. 2006).
11. The doctrine of easement by necessity is based upon the presumption that the grantor intended the grantee of a land-locked parcel to have access to his property, a right

recognized as essential to the enjoyment of the land. Boyd v. Bellsouth Telephone Telegraph Co., Inc., 359 S.C. 209, 597 S.E.2d 161.

12. A reservation of an easement in a deed by which lands are conveyed is equivalent, for the purpose of the creation of the easement, to an express grant of the easement by the grantee of the lands. Ward v. Evans, 387 S.C. 401, 693 S.E.2d 7.

13. An “easement by implication” and a “right of way by necessity” are based on an implied grant. Clemson University v. First Provident Corp., 260 S.C. 640, 197 S.E.2d 914.

PRAYER FOR RELIEF

14. The Third-Party Plaintiff requests that the court grant it an order and declaratory judgment recognizing and declaring its express easements and easements by implication and right of way by necessity to its property.

WHEREFORE, the Defendant, Carolina Heritage, LLC, prays the Complaint be dismissed and that it be granted an Order Quieting Title to the subject property and that it be awarded attorney fees and costs under the South Carolina Frivolous Proceedings Sanctions Act, for rents from May 2019 to the present and moving forward and for reimbursement of property taxes if the land is taken from the Defendant and grant the Defendant and Third-Party Plaintiff and easement and for such other and further relief as this honorable court deems just and fair.

Respectfully submitted,

/s/ C. RUSS KEEP, III
KEEP LAW OFFICE
SC BAR # 3321
Post Office Box 5877
Hilton Head Island, South Carolina 29938
(843) 842-6268
(843) 785-8458 (facsimile)
hhlaw@hargray.com (email)
ATTORNEY FOR DEFENDANT/
CAROLINA HERITAGE, LLC

March 29, 2022
Beaufort County, SC

STATE OF SOUTH CAROLINA)
)
 COUNTY OF JASPER)
)
 JESSICA KEIFFER as Personal)
 Representative of the ESTATE OF)
 CHARLES BRADFORD KEIFFER,)
 Plaintiff,)
)
 Vs)
)
 JASPER COUNTY DELINQUENT TAX)
 OFFICE, and)
 CAROLINA HERITAGE, LLC,)
 Defendants,)
)
)
 CAROLINA HERITAGE, LLC.)
 Third Party Plaintiff,)
)
 Vs)
)
 MATILDA S. KEIFFER, as the personal)
 Representative of the)
 ESTATE OF CHARLES JULLIAN)
 KEIFFER, Deceased,)
)
 Third Party Defendant.)
)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 CASE NO.: 2020-CP-27-00051

**THIRD PARTY DEFENDANT,
 MATILDA S. KEIFFER'S, ANSWER
 TO THIRD PARTY COMPLAINT**

TO: C. RUSS KEEP, III, ATTORNEY FOR DEFENDANT AND THIRD PARTY PLAINTIFF, CAROLINA HERITAGE, LLC:

TO THE DEFENDANT AND THIRD PARTY PLAINTIFF:

TO DAVID TEDDER, ESQ., ATTORNEY FOR JASPER COUNTY:

The Third Party Defendant, Matilda S. Keiffer, by and through her undersigned Attorney, herein files her Answer to the Third Party Plaintiff's Complaint and would respectfully show as follows:

1. Each and every allegation of the Third Party Plaintiff's Complaint not hereafter admitted or qualified is denied and the Third Party Defendant demands strict proof thereof.

FOR A FIRST DEFENSE

2. Each and every allegation of the Third Party Plaintiff not hereafter admitted or qualified is denied and the Third Party Defendant demands strict proof thereof.
3. The Third Party Defendant lacks information on which to form a belief, and thus denies the allegations in Paragraph 1.
4. The Third Party Defendant admits the allegations contained in Paragraph 2.
5. The Third Party Defendant denies the allegations contained in Paragraphs 3 and 4 and demands strict proof thereof.
6. The Third Party Defendant admits the allegations contained in Paragraph 5.
7. The Third Party Defendant admits the allegations contained in Paragraph 6 only insofar as the document speaks for itself.
8. The Third Party Defendant admits the allegations contained in Paragraphs 7 and 8.

FOR A SECOND DEFENSE
(THE LAW)

9. Each and every allegation of the Third Party Plaintiff not hereafter admitted or qualified is denied and the Third Party Defendant demands strict proof thereof.
10. The Third Party Defendant denies the allegations contained in Paragraphs 9 through 14, to the extent the law is for the Court to determine.

LAW OFFICE OF
DARRELL T. JOHNSON, JR., LLC

/ Darrell T. Johnson, Jr.

Darrell Thomas Johnson, Jr. (3010)
Warren P. Johnson (71759)
Joshua R. Fester (102241)
SC Bar No. 3010
300 Main St.
Post Office Box 1125
Hardeeville, South Carolina 29927
Tel: (843) 784-2142
Fax: (843) 784-5770
Tdjohnson1@johnsonslawoffice.com
File No.: 11-262-04-500RL-22
Attorney for Third Party Defendant

April 19, 2022

ELECTRONICALLY FILED - 2022 Apr 19 10:41 AM - JASPER - COMMON PLEAS - CASE#2020CP2700051

STATE OF SOUTH CAROLINA)
)
 COUNTY OF JASPER)
)
 CHARLES BRADFORD KEIFFER,)
 Plaintiff,)
 -versus-)
)
 JASPER COUNTY DELINQUENT TAX)
 OFFICE, and)
 CAROLINA HERITAGE, LLC,)
 Defendants.)
 _____)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 CASE NO.: 2020-CP-27-00051

MOTION FOR SUMMARY JUDGMENT

TO: R. THAYER RIVERS, JR., ESQ. AND D. TOM JOHNSON, JR., ESQ., ATTORNEYS FOR THE PLAINTIFF, CHARLES BRADFORD KEIFFER:

PLEASE TAKE NOTICE that the Defendant, Carolina Heritage, LLC, through it's undersigned attorney, will move before the Presiding Judge for the Court of Common Pleas for Jasper County, in the Jasper County Courthouse, as follows:

The Defendant, Carolina Heritage, LLC be granted Summary Judgment, pursuant to SCRCP 56, as to the within Action for the reason that there is no genuine issue as to any material fact and the moving party is entitled to a Judgment, pursuant to the Affidavit of Rhonda Mitchell filed in this case on May 7, 2020.

Attorney fees are requested under the Frivolous Tort Claims Act.

Respectfully submitted,

s/C. Russ Keep, III
 C. RUSS KEEP, III
 KEEP LAW OFFICE
 SC BAR # 3321
 Post Office Box 5877
 Hilton Head Island, South Carolina 29938
 (843) 842-6268
 (843) 785-8458 (facsimile)
 hhlaw@hargray.com (email)
 ATTORNEY FOR DEFENDANT/
 CAROLINA HERITAGE, LLC

Beaufort County, SC
 March 8, 2022

01

STATE OF SOUTH CAROLINA)
)
 COUNTY OF JASPER)
)
 CHARLES BRADFORD KEIFFER,)
 Plaintiff,)
 -versus-)
)
 JASPER COUNTY DELINQUENT TAX)
 OFFICE, and)
 CAROLINA HERITAGE, LLC,)
 Defendants.)
 _____)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 CASE NO.: 2020-CP-27-00051

**AFFIDAVIT OF
 JOSEPH CODY PARKER**

PERSONALLY APPEARED before me, Joseph Cody Parker, who on oath deposes and states that:

1. That the mobile home was often posted, but the lot never was.
2. That the mobile home was posted by a Notice taped to the door, or a sign beside the steps, naming either the prior owner, named Hal (possibly Hal Able), or Affiant.
3. That each time the mobile home was posted, Affiant immediately went and paid the taxes, and then spoke to the Assessor's office about the invalid address, giving them his PO Box number. It took several years to get this corrected.
4. That if Brad's property had been posted, Affiant would have treated it as urgent, and notified him immediately, both in my self interest, and because he was a good friend.
5. That there is no mailbox at 1397 Honeyhill Road.

FURTHER AFFIANT SAYETH NAUGHT



 Joseph Cody Parker

SWORN TO and subscribed
 Before me this 14th day of
April, 2022.

 Notary Public for the State of
 South Carolina
 My commission expires: 5-19-2025

State of South Carolina)
) Court of General Sessions
County of Charleston) 2020-CP-27-00051

Charles Bradford Keiffer)
)
 vs.) Transcript of Record
)
Jasper County Delinquent Tax)
Office, et al.)

May 17, 2022
Charleston, South Carolina

B E F O R E:

The Honorable Bentley Price, Presiding Judge.

A P P E A R A N C E S:

Darrell Thomas Johnson, Jr., Esq.
Attorney for the Plaintiff

Russ C. Keep, Esq
David C. Tedder, Esq.
Attorneys for the Defendant



1 THE COURT: So number 8 is motion for summary judgment
2 for Charles Keiffer v. Jasper County Delinquent Tax Office.

3 MR. KEEP: Your Honor, may I approach?

4 THE COURT: Absolutely.

5 MR. KEEP: Yes sir. These are things that --

6 THE COURT: All right.

7 MR. KEEP: -- (indiscernible) talking about.

8 THE COURT: Thanks.

9 MR. KEEP: Thanks. Judge, this is a -- I represent
10 Carolina Heritage. My codefendant is Jasper County Delinquent
11 Tax Office. This is an action to set aside a tax deed. The
12 claim is -- and I'm reading straight from the complaint, that
13 the proper notice was never sent to the plaintiff, tax office
14 used Post Office Box 174, Hardeeville, South Carolina, which
15 has not been the address of the premises for a period of seven
16 years. Judge, the list of exhibits certainly demonstrates
17 otherwise. The first of the exhibits is codefendant Jasper
18 County's memorandum that states the tax collector has no
19 record, any address change from Post Office Box 174 being
20 submitted or recorded at the tax collector's office.

21 The County, David Tedder, sitting to my right, has
22 produced the entire Jasper County file, and I believe Tom
23 Johnson will readily admit that there is no change of address
24 request in that entire file.

25 The Exhibit Number 2, it's a deed to the plaintiff

1 showing that his address is PO Box 174.

2 The Exhibit Number 3 is a deed to this defendant, which
3 since Dave Tedder has taken over, he very thoroughly lists in
4 the tax deed all the things that he did, and he -- and it can
5 be seen in Exhibit Number 3 -- that "a certified notice sent
6 by Jasper County to Charles Keiffer at PO Box 174 was sent".

7 Paragraph 8 of the same tax deed says that "the notice of
8 the sale and redemption mailed to Charles Bradford Keiffer at
9 Post Office Box 174".

10 And paragraph 9 says that "the certified notice of ending
11 of the redemption period mailed on September 25th, 2018 to
12 Charles Bradford Keiffer at" again "box 174".

13 There is number 4, Your Honor; the exhibits is the
14 affidavit of Rhonda Mitchell who is our tax collector. She
15 states that all the notices required by law were sent to Post
16 Office Box 174, and including in her affidavit there's a
17 picture of the posting on the land.

18 Exhibit Number 5 is plaintiff's response. The defendant
19 request for production where the plaintiff states that there's
20 an attached letter from Rhonda Mitchell, who's our tax
21 collector again, "The change of address request is on file
22 with the Jasper County Tax Assessor's Office", but what he
23 produced -- what plaintiff produced was a notice in an
24 entirely different piece of property. It was in tax map
25 number 50, and this tax piece of property is 128. So

1 everything the plaintiff was relying on is for a different
2 piece of land.

3 Finally, a list of exhibits, number 6, this is good, Your
4 Honor. In response to our request to admit -- strike --
5 interrogatories in paragraph 9, the plaintiff admits that Post
6 Office Box 174 is not closed; "it is just not used".

7 So Judge, it's just -- I mean, we have a photograph of
8 this land being posted. They admit that their box is still a
9 viable box. They just claim they don't use it. So Judge, I
10 think that this case really ought to end right here, sir.
11 Thank you.

12 THE COURT: All right. Who's representing the plaintiff?

13 MR. JOHNSON: Please the Court.

14 First of all, the --

15 THE COURT: Please introduce yourself for the record.

16 MR. JOHNSON: -- Mr. Keiffer --

17 THE COURT: Introduce yourself for the record, please.

18 MR. JOHNSON: Oh, I'm sorry, sir.

19 THE COURT: That's okay.

20 MR. JOHNSON: Tom Johnson, or Darrell Thomas Johnson, Jr.

21 THE COURT: All right.

22 MR. JOHNSON: Now for Mr. Keiffer, Mr. Keiffer was
23 recently killed in a boating accident, so we are somewhat
24 limited with what he can testify to or give an affidavit to.
25 We have filed an affidavit from a Mr. Parker (phonetic) who is

1 the tenant on the property.

2 Mr. Parker purchased a mobile home from Mr. Keiffer on
3 time, and it was in place on this lot. Mr. Parker says that
4 he (indiscernible). Year after year, a tax notice would go to
5 a wrong address for the mobile home. It would get posted, and
6 he would go up and pay the taxes and ask them to change the
7 address.

8 So the picture, notwithstanding the fact that the picture
9 might be worth a thousand words, the picture is a white blob
10 on the -- in the foreground of a photograph. And according to
11 Mr. Parker, that would have been the posting for the trailer
12 not the land, and if there had been a posting of the land, he
13 would have certainly made a big issue of getting that to the
14 attention of his friend and landlord.

15 The part about the -- I would also remind the Court that
16 all of these documents that went to the PO Box went to -- were
17 unclaimed so that the fact that this was a viable box or not
18 is not dispositive of whether the notices got there. And as
19 far as I know, they are still with them.

20 Nobody has retrieved them from that box, I guess,
21 because -- well, of course, the certified mail would have gone
22 back to the sender.

23 There was a letter that Mr. Keep says was on the wrong
24 piece of property, we submit is corroborative of the fact that
25 there was confusion on the Keiffer property. That letter

1 admittedly refers to a different piece of property, and -- but
2 we feel is corroborative that there was a lot of confusion.
3 We would rely in part on the -- just the general law that a
4 defect in a tax sale is fatal whether it's -- it's not a
5 weighing of the equities, it's a weighing of whether it was
6 done perfectly or imperfectly. And we would also rely on the
7 proposition that the law abhors a forfeiture.

8 And lastly, we would assert that there was a -- in the
9 file, there was a notice to lienholder, and that lien does, in
10 fact, have the correct address to the South Carolina
11 Department of Revenue. And so we think it's clearly an issue
12 of fact just from Mr. Parker's affidavit.

13 THE COURT: All right. Anything from Jasper County?

14 MR. TEDDER: Please the Court, Your Honor. David Tedder
15 the Jasper County attorney.

16 We do the best we can at the tax collector's office. We
17 don't take it lightly when we try to take somebody's property
18 for back taxes. We research as best we can. We use the
19 documents that are available to us, but ultimately, we are
20 sometimes reliant on the taxpayer to provide us the best
21 address.

22 We use the address that we had. We posted the property.
23 I could provide the Court with a better copy, the colorized
24 version, if there is a question about where the posting notice
25 was placed on this particular property. I apologize. When

1 you make copies, sometimes it doesn't come as clear as the
2 original, but we have that in file which I'll offer to the
3 Court and substitute, so that there's no question where the
4 property was posted.

5 The tax office cannot become a genealogical search.
6 We're not treasure hunters looking to find where people live.
7 We sent a letter everywhere that the statute requires us to
8 send. We sent it to the address on the deed. We actually
9 sent it to the property address. We sent to Mr. Parker, as
10 well as the lessee. He did not, as the affidavit from Ms.
11 Mitchell shows, he did not accept it. It was returned. We
12 took extra steps to notify everybody that we could find that
13 might have an interest in the property.

14 There are thousands of tax notices we send out each year.
15 There's a hundred or so that end up at a tax sale. We have
16 two people in there. We do the best we can.

17 So we submit the affidavit has submitted and recorded the
18 affidavit of the tax collector stating what she did and what
19 order. The memo sets out what the statutes are. And we think
20 that we complied, especially in light of some recent cases
21 from the Court of Appeals. There's in Scott v. Norma Cyrus
22 and Curtis McAllister where there's issues about where did the
23 tax notice go, where did it -- where was it supposed to go --
24 was there notice, what is the best address, as well as the
25 case of Halsey v. Simmons in Cherokee County where there's an

1 issue, again, of what is the best address available. But
2 ultimately, we submit to the sound discretion of the Court to
3 review the file to see if the statutory requirements were
4 complied with. We really are just interested in justice being
5 done, taxes being collected when they're due, so that other
6 taxpayers don't have to pay the burden of the nonpaying
7 delinquent taxpayers. That's all I've got, Your Honor.

8 THE COURT: All right. Thank you very much.

9 All right. I'll take this under advisement, but I'll
10 give you my answer by the end of the day. All right.

11 (End of Transcript of Record)

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CERTIFICATE OF REPORTER

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State of South Carolina)
)
County of Charleston)

I, ELLEN S. KOLMAN, certified transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Jasper County, South Carolina, on the 17th day of May, 2022.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

October 19, 2022

Ellen S. Kolman

Ellen S. Kolman
Certified Transcriber, CET**D-568

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ELECTRONICALLY FILED - 2022 May 24 10:13 AM - JASPER - COMMON PLEAS - CASE#2020CP2700051



Jasper Common Pleas

Case Caption: Charles Keiffer VS Jasper County Delinquent Tax Office , defendant,
et al
Case Number: 2020CP2700051
Type: Order/Electronic Form 4

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766

Electronically signed on 2022-05-24 09:52:15 page 3 of 3

ELECTRONICALLY FILED - 2022 May 24 10:13 AM - JASPER - COMMON PLEAS - CASE#2020CP2700051

21

ELECTRONICALLY FILED - 2022 Jun 03 4:38 PM - JASPER - COMMON PLEAS - CASE#2020CP2700051

STATE OF SOUTH CAROLINA)
)
 COUNTY OF JASPER)
)
 CHARLES BRADFORD KEIFFER,)
 Plaintiff,)
 -versus-)
)
 JASPER COUNTY DELINQUENT TAX)
 OFFICE, and)
 CAROLINA HERITAGE, LLC,)
 Defendants.)
 _____)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 CASE NO.: 2020-CP-27-00051

NOTICE AND MOTION
 PURSUANT TO RULE 59

PLEASE TAKE NOTICE that that pursuant to the provisions of Rule 59 of the South Carolina Rules of Civil Procedure, the undersigned attorney for Plaintiff, will move before the Honorable Bentley D. Price on a day, time, and place to be set by said Judge, not earlier than ten, (10), days after the service of this notice, for an Order altering or amending the Order dated May 24, 2022, of The Honorable Bentley D. Price.

This Motion is based upon failure to clearly rule upon the contention that, having a Department of Revenue lien, with the correct address, but instead, the futile act of sending Notice to a known bad address, did not comport with the statutory duty to send Notice to the best address available.

Plaintiff will rely upon the pleadings, the public records of Jasper County, and the record of this case.

LAW OFFICE OF
 DARRELL T. JOHNSON, JR., LLC

s/Darrell T. Johnson, Jr.
 SC Bar No. 3010
 Post Office Box 1125
 Hardeeville, South Carolina 29927
 (843) 784-2142
 (843) 784-5770
 Tdjohnson1@johnsonslawoffice.com
 Attorney for Plaintiff

[Affirmation follows]

Affirmation

Counsel hereby certifies that I have communicated with Plaintiff and have attempted in good faith to resolve the matter contained in this motion and that further consultation would serve no useful purpose.

LAW OFFICE OF
DARRELL T. JOHNSON, JR., LLC

s/Darrell T. Johnson, Jr.
SC Bar No. 3010
Post Office Box 1125
Hardeeville, South Carolina 29927
(843) 784-2142
(843) 784-5770
Tdjohnson1@johnsonslawoffice.com
Attorney for Plaintiff

Dated: June 3, 2022

65

STATE OF SOUTH CAROLINA

COUNTY OF JASPER

Charles Bradford Keiffer
Plaintiff,

vs.

Jasper County Delinquent Tax Office and
Carolina Heritage, LLC,
Defendants.

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CASE NO.: 2020-CP-27-00051

**ORDER DENYING PLAINTIFF'S
MOTION TO RECONSIDER**

The Plaintiff Charles Bradford Keiffer filed a motion asking this Court to reconsider its Order.

STANDARD OF REVIEW

Motions for reconsideration will not be granted absent “highly unusual circumstances.” U.S. ex rel. Becker v. Washington Savannah River Co., 305 F.3d 284, 290 (4th Cir. 2002) (stating that simple disagreements with the court’s ruling will not support Rule 59(e) relief).¹ Courts have recognized three circumstances in which a court should grant a Rule 59(e) motion: (1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.” Hutchinson v. Staton, 994 F.2d 1076, 1081 (4th Cir. 1993). Importantly, a motion for reconsideration is not a vehicle to re-litigate previously raised issues or “to raise argument or present evidence that could have been presented prior to the entry of judgment.” Dash v. Mayweather, C/A No. 3:10-1036-JFA, 2010 U.S. Dist. LEXIS 95277, *2 (D.S.C. Sept. 13, 2010) (quoting Exxon Shipping Co. v. Baker, 554 U.S. 471, n.5 (2008)). In other words, “[a] party cannot use Rule 59(e) to present to the court an issue the party could have raised prior to judgment but did not.” Stevens & Wilkinson

¹ Rule 59 is substantially the same as the Federal Rule. See Elam v. S.C. Dep’t of Transp., 361 S.C. 9, 21, 602 S.E. 2d 772, 779 (2004) (“Rule 59(e) in the South Carolina and federal rules of civil procedure is practically identical.”).

of S.C., Inc. v. City of Columbia, 409 S.C. 563, 567, 762 S.E.2d 693, 695 (2014); Patterson v. Reid, 318 S.C. 183, 185, 456 S.E.2d 436, 437 (Ct. App. 1995). Nor does “[a] party’s mere disagreement with the court’s ruling . . . warrant a Rule 59(e) motion.” In re Pella Corp. Architect & Designer Series Windows Mktg., Sales Practices & Prods. Liab. Litig., 269 F.Supp. 3d 685, 691 (D.S.C. 2017); *see also* Lyons v. Fid. Nat’l Title Ins. Co., 415 S.C. 115, 135, 781 S.E.2d 126, 137 (Ct. App. 2015).

After consideration of the issues raised in Plaintiff’s motion, the Court hereby DENIES Plaintiff Charles Bradford Keiffer’s Motion for Reconsideration.

AND IT IS SO ORDERED.

ELECTRONIC SIGNATURE PAGE TO FOLLOW



Jasper Common Pleas

Case Caption: Charles Keiffer VS Jasper County Delinquent Tax Office , defendant,
et al
Case Number: 2020CP2700051
Type: Order/Other

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM JASPER COUNTY
Court of Common Pleas

The Honorable Bentley D. Price, Presiding Court Judge

Case No. 2020-CP-27-00051

Charles Bradford Keiffer Appellant

v.

Jasper County Delinquent Tax Office, and Carolina Heritage, LLC, Respondent

NOTICE OF APPEAL

Appellant Charles Bradford Keiffer (through his Personal Representative)¹ appeals the Order of Honorable Bentley D. Price of May 24, 2022, granting Defendant Heritage, LLC's Motion for Summary Judgment, and the Order of Judge Price of June 30, 2022, Denying Plaintiff's Rule 59 Motion in this case. Appellant received written notice of entry of the Order on June 30, 2022.

s/Darrell Thomas Johnson, Jr.
Darrell Thomas Johnson, Jr. 3010
Warren Paul Johnson 71759
Post Office Box 1125
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(843) 784-2142
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tdjohnson1@hargray.com

And

R. Thayer Rivers, Esquire
PO Box 668
Ridgeland, South Carolina 29936
843-726-8136
ATTORNEYS FOR APPELLANT

July 28, 2022

¹ Mr. Keiffer died in an accident shortly before the hearing

Other Counsel of Record:

C. Russell Keep, III, Esq.
Post Office Drawer 5877
Hilton Head Island, SC 29938
Attorney for Respondent Carolina Heritage LLC

And

David L. Tedder, Esquire
County Attorney for Jasper County
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THE STATE OF SOUTH CAROLINA
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APPEAL FROM JASPER COUNTY
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Charles Bradford KeifferAppellant

v.

Jasper County Delinquent Tax Office, and Carolina Heritage, LLC,..... Respondent

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Respondent, Carolina Heritage, LLC and Jasper County Delinquent Tax Office, to their Attorney of Record via email, and by depositing a copy of it in the United States Mail, postage prepaid, on July 28, 2022, to its attorney for record, addressed to:

C. Russell Keep, III
19 Shelter Cove Lane
Hilton Head Island, SC 29928

And

David L. Tedder, Esquire
County Attorney for Jasper County
PO Box 420
Ridgeland, SC 29936

s/Darrell Thomas Johnson, Jr.
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Attorneys for Appellant

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2020CP2700051

Charles Keiffer
PLAINTIFF(S)

Jasper County Delinquent Tax Office et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (CHECK REASON): Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

This matter came before the Court as Defendant Heritage, LLC's Motion for Summary Judgment heard on May 17, 2022.

Defendant Heritage, LLC's Motion for Summary Judgment is granted. This order does not end the case as there are other defendants in the case.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 05/24/2022 .

Keiffer, Matilda S. Representative of Estate of Estate

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SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

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Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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Jasper Common Pleas

Case Caption: Charles Keiffer VS Jasper County Delinquent Tax Office , defendant,
et al
Case Number: 2020CP2700051
Type: Order/Electronic Form 4

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766

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STATE OF SOUTH CAROLINA

COUNTY OF JASPER

Charles Bradford Keiffer
Plaintiff,

vs.

Jasper County Delinquent Tax Office and
Carolina Heritage, LLC,
Defendants.

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CASE NO.: 2020-CP-27-00051

**ORDER DENYING PLAINTIFF'S
MOTION TO RECONSIDER**

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SC Court of Appeals

The Plaintiff Charles Bradford Keiffer filed a motion asking this Court to reconsider its Order.

STANDARD OF REVIEW

Motions for reconsideration will not be granted absent “highly unusual circumstances.” U.S. ex rel. Becker v. Washington Savannah River Co., 305 F.3d 284, 290 (4th Cir. 2002) (stating that simple disagreements with the court’s ruling will not support Rule 59(e) relief).¹ Courts have recognized three circumstances in which a court should grant a Rule 59(e) motion: (1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.” Hutchinson v. Staton, 994 F.2d 1076, 1081 (4th Cir. 1993). Importantly, a motion for reconsideration is not a vehicle to re-litigate previously raised issues or “to raise argument or present evidence that could have been presented prior to the entry of judgment.” Dash v. Mayweather, C/A No. 3:10-1036-JFA, 2010 U.S. Dist. LEXIS 95277, *2 (D.S.C. Sept. 13, 2010) (quoting Exxon Shipping Co. v. Baker, 554 U.S. 471, n.5 (2008)). In other words, “[a] party cannot use Rule 59(e) to present to the court an issue the party could have raised prior to judgment but did not.” Stevens & Wilkinson

¹ Rule 59 is substantially the same as the Federal Rule. See Elam v. S.C. Dep’t of Transp., 361 S.C. 9, 21, 602 S.E. 2d 772, 779 (2004) (“Rule 59(e) in the South Carolina and federal rules of civil procedure is practically identical.”).

of S.C., Inc. v. City of Columbia, 409 S.C. 563, 567, 762 S.E.2d 693, 695 (2014); Patterson v. Reid, 318 S.C. 183, 185, 456 S.E.2d 436, 437 (Ct. App. 1995). Nor does “[a] party’s mere disagreement with the court’s ruling . . . warrant a Rule 59(e) motion.” In re Pella Corp. Architect & Designer Series Windows Mktg., Sales Practices & Prods. Liab. Litig., 269 F.Supp. 3d 685, 691 (D.S.C. 2017); *see also* Lyons v. Fid. Nat’l Title Ins. Co., 415 S.C. 115, 135, 781 S.E.2d 126, 137 (Ct. App. 2015).

After consideration of the issues raised in Plaintiff’s motion, the Court hereby DENIES Plaintiff Charles Bradford Keiffer’s Motion for Reconsideration.

AND IT IS SO ORDERED.

ELECTRONIC SIGNATURE PAGE TO FOLLOW

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Jasper Common Pleas

Case Caption: Charles Keiffer VS Jasper County Delinquent Tax Office , defendant,
et al
Case Number: 2020CP2700051
Type: Order/Other

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766

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Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Law Offices of Darrell Thomas Johnson, Jr., LLC

s/Mills L. Morrison, Jr.

Darrell Thomas Johnson, Jr.

S.C. Bar No. 3010

Mills L. Morrison, Jr.

S.C. Bar No. 68546

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