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**Aug 31 2023**

**SC Court of Appeals**

# **EXHIBIT A**

ELECTRONICALLY FILED - 2022 Sep 26 10:25 AM - GREENVILLE - COMMON PLEAS - CASE#2018CP2303713

**000101**

**Samantha Larkins**

**From:** Wile, Jeffrey <JWile@greenvillecounty.org>  
**Sent:** Tuesday, January 7, 2020 4:09 PM  
**To:** Ryan Gaylord  
**Subject:** Francisco Nicolas Miguel v. Palmetto Asset Investments, LLC et al

You're welcome, Ryan. FYI – the County will not appeal but I can't speak for Dick's client.

Jeff

*Jeffrey D. Wile*  
Assistant County Attorney  
301 University Ridge, Suite 2400  
Greenville, SC 29601  
Phone: (864) 467-7110  
Fax: (864) 467-5964  
[jwile@greenvillecounty.org](mailto:jwile@greenvillecounty.org)

---

**From:** Ryan Gaylord [<mailto:ryan@maxhydelawfirm.com>]  
**Sent:** Tuesday, January 07, 2020 3:56 PM  
**To:** Wile, Jeffrey  
**Subject:** RE: Francisco Nicolas Miguel v. Palmetto Asset Investments, LLC et al

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Thanks.

**From:** Wile, Jeffrey [<mailto:JWile@greenvillecounty.org>]  
**Sent:** Tuesday, January 07, 2020 3:51 PM  
**To:** Ryan Gaylord <[ryan@maxhydelawfirm.com](mailto:ryan@maxhydelawfirm.com)>  
**Cc:** Dick Stewart <[dstewart@attorneyrichardstewart.com](mailto:dstewart@attorneyrichardstewart.com)>  
**Subject:** Francisco Nicolas Miguel v. Palmetto Asset Investments, LLC et al

Ryan:

I will contact the tax collector's office and get those amounts to you -- hopefully by tomorrow.

Jeff

*Jeffrey D. Wile*  
Assistant County Attorney  
301 University Ridge, Suite 2400  
Greenville, SC 29601  
Phone: (864) 467-7110  
Fax: (864) 467-5964  
[jwile@greenvillecounty.org](mailto:jwile@greenvillecounty.org)

---

**From:** Ryan Gaylord [<mailto:ryan@maxhydelawfirm.com>]  
**Sent:** Tuesday, January 07, 2020 3:39 PM  
**To:** Wile, Jeffrey  
**Cc:** Dick Stewart  
**Subject:** Francisco Nicolas Miguel v. Palmetto Asset Investments, LLC et al

000102

Jeff:

Assuming Judge Summer's decision is not appealed, do you have a total of the amounts paid by Palmetto Asset Investments, LLC that Mr. Miguel will need to refund? I would like to give him as much notice of the actual amount as possible.

Sincerely,

Ryan

Ryan E. Gaylord  
**HYDE LAW FIRM, P.A.**  
360 East Main Street  
Spartanburg, South Carolina 29302  
p (864) 804-6330  
[ryan@thehydelaawfirm.com](mailto:ryan@thehydelaawfirm.com)  
[www.maxhydelaawfirm.com](http://www.maxhydelaawfirm.com)



**HYDE**  
LAW FIRM, P.A.

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000103

**Samantha Larkins**

**From:** Wile, Jeffrey <JWile@greenvillecounty.org>  
**Sent:** Wednesday, January 8, 2020 2:19 PM  
**To:** Ryan Gaylord  
**Subject:** Francisco Nicolas Miguel v. Palmetto Asset Investments, LLC, et al.

Ryan:

Here are the figures that I received from the Tax Collector's Office:

**Redemption Amount:**

2015 Taxes: \$850.81  
Costs: \$325.00  
Interest: \$960.00

**Total: \$2,135.81**

**In addition:**

2016 Taxes: \$737.38  
2017 Taxes: \$771.79  
2018 Taxes: \$830.54

**Total: \$2,339.71**

**Also:**

**2019 Taxes have not been paid** – If paid on or before January 15, 2020 -- **\$893.73** – If paid after January 15<sup>th</sup> and before February 1<sup>st</sup> -- **\$909.50**

Let me know if you have any questions.

Jeff

*Jeffrey D. Wile*  
Assistant County Attorney  
301 University Ridge, Suite 2400  
Greenville, SC 29601  
Phone: (864) 467-7110  
Fax: (864) 467-5964  
jwile@greenvillecounty.org

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**000104**

# EXHIBIT B

000105

Matter Number	18-0032	<input checked="" type="checkbox"/>	Miguel, Francisco (RE-LIT)	Trust Balance Forward	\$0.00
Client Name	Francisco Miguel			Trust Ending Balance	\$5,400.00
Start Date	01/10/2020	<input checked="" type="checkbox"/>	End Date	01/10/2020	<input checked="" type="checkbox"/>
Date	01-10-2020	Deposits	\$5,400.00	Withdrawals	11048.00
				Account #	Trust Deposit
				Payee	
				Description	CASH from F. Miguel, to be applied towards property taxes
				Transaction ID	28586
				Transaction Type	TR
				APX Transactio...	

# EXHIBIT C

**Samantha Larkins**

**From:** Samantha Larkins  
**Sent:** Monday, August 15, 2022 7:28 PM  
**To:** Antley, Christopher  
**Cc:** Max Hyde  
**Subject:** RE: 1 Hilltop Avenue Redemption; Case No. 2018-CP-23-03713

Chris:

Mr. Miguel did try to make payment mid-July, but the Assessor's office would not accept his funds. Even if he tried to pay on July 5<sup>th</sup> when Remittitur was filed, the County would have encountered the same logistical issue as the order requires the County to accept payment prior to reimbursing payment to Palmetto Asset. Again, we would ask that the County accept payment, and then if you need a legal position in regards to refunding the appropriate party, that can occur at a later date.

I do not see how the 45 days would have begun to run before the appeal when the remittitur is the final disposition of a matter, but an emergency motion will be forthcoming. Please let me know if the County is willing to accept payment, otherwise, I will consider this a denial.

Samantha

**From:** Antley, Christopher <CAntley@greenvillecounty.org>  
**Sent:** Monday, August 15, 2022 6:49 PM  
**To:** Samantha Larkins <samantha@maxhydelawfirm.com>  
**Subject:** Re: 1 Hilltop Avenue Redemption; Case No. 2018-CP-23-03713

Samantha:

As we discussed, I will check. But also, my reading of that order is that the right to pay was conditioned on it occurring in 45 days. Right now, no one can point me to law that says 45 days did not expire well before August 1. The notice of appeal was filed close to 30 days after the final order, which means that if the stay applies, your client may have had only 15-20 days post remittitur to comply with the order. So we are not in as clear a place as your email suggests.

Also, I will point out that the county did not create this rush. The remittitur was filed in early July. There was plenty of time for your client to deal with this in July. The county did not cause your client to wait until the eleventh hour to figure out these issues.

I know we both inherited this, but I want to clarify that the emergency nature of this is mainly on your client. I suggested you seek an order because there is a rule to show cause out there and because I have competing positions with no law from either side to support those positions.

On Aug 15, 2022, at 5:41 PM, Samantha Larkins <[samantha@maxhydelawfirm.com](mailto:samantha@maxhydelawfirm.com)> wrote:

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000108

Chris:

Thank you for your email. The Court Order requires Mr. Miguel to pay Greenville County all taxes owed from 2015 – 2019. At the time of the Order, those taxes were previously paid—just as nothing is due and owing on the account now. If Mr. Miguel were attempting to pay in 2020, I believe he would have been afforded the opportunity to do so although it would not have squared with the County’s system. We are asking for the same to be true today.

I will file an emergency motion to hopefully get in front of Judge Simmons, but it is also my hope that we are afforded the opportunity to comply with the Order. The Order requires for payment by Mr. Miguel and then reimbursement to Palmetto Asset.

Please let me know when you’ve had the opportunity to speak with the tax assessor.

Thanks again,  
Samantha

**From:** Antley, Christopher <[CAntley@greenvillecounty.org](mailto:CAntley@greenvillecounty.org)>  
**Sent:** Monday, August 15, 2022 2:36 PM  
**To:** Samantha Larkins <[samantha@maxhydelawfirm.com](mailto:samantha@maxhydelawfirm.com)>; [matthew@themccordlawfirm.com](mailto:matthew@themccordlawfirm.com)  
**Cc:** Max Hyde <[max@maxhydelawfirm.com](mailto:max@maxhydelawfirm.com)>  
**Subject:** RE: 1 Hilltop Avenue Redemption; Case No. 2018-CP-23-03713

Samantha and Matt:

I wanted to address this email to everyone who might be involved in this matter. I had previously been asked by Matt to provide an affidavit stating that the property had not been redeemed per Judge Simmons’s order within the 45-day deadline set in that order.

In light of Samantha’s email, I am not inclined to sign an affidavit since I am unsure how the appellate automatic stay applies to the order. I do not know (a) if this matter is exempt from the stay pursuant to a statute or (b), if not exempt, if filing a notice of appeal in late February caused a portion of those 45 days to have expired, leaving only a handful of the 45 days “stayed” by the filing of the notice of appeal or (c) if the filing of the notice of appeal gave a fresh 45 days after the remittitur. The County will await an order from a Court defining how the appeal affected Judge Simmons’s order.

If anyone insists that I submit an affidavit, it will state that based on the appeal, I am unable to determine whether 45 days have passed without the Plaintiff paying the taxes.

Also, John Underwood, who I understand has some affiliation with Palmetto Asset Investments, LLC has filed a Rule to Show Cause in the circuit court re: this matter. He is under the impression that I will be providing an affidavit. If someone has an ability to speak with him, please tell him I will not be providing an affidavit – at least, not the affidavit he likely anticipates.

Thanks,

Chris

**Christopher R. Antley**  
**Assistant County Attorney**  
**County of Greenville**

000109

**301 University Ridge, Suite 2400  
Greenville, SC 29601  
Office: (864) 467-7110  
Fax: (864) 467-5964**

From: Samantha Larkins <[samantha@maxhydelawfirm.com](mailto:samantha@maxhydelawfirm.com)>  
Sent: Thursday, August 11, 2022 4:52 PM  
To: Antley, Christopher <[Cantley@greenvillecounty.org](mailto:Cantley@greenvillecounty.org)>  
Cc: Max Hyde <[max@maxhydelawfirm.com](mailto:max@maxhydelawfirm.com)>  
Subject: 1 Hilltop Avenue Redemption; Case No. 2018-CP-23-03713

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Chris:

I represent Francisco Nicholas Miguel who is the Plaintiff in the above-referenced matter. I've attached the Final Order and Remittitur for your convenience. It's my understanding that we are both taking this case over from a predecessor, and I hoped to touch base.

I called today to pay the outstanding taxes on behalf of Mr. Miguel, which was ordered to be paid 45-days from the date of the Final Order (1/7/2020). The wrinkle here being that the case was appealed and Remittitur was not filed in Greenville County until July 5, 2022 so Mr. Miguel is still within his redemption period. I've learned that the County's system shows that the taxes have been paid and we are unable to do so. We would like to know the amount due for years 2015 forward, and the opportunity to redeem as ordered. Can you also confirm whether the Defendant, Palmetto Asset Investments, LLC or John Underwood paid those taxes?

Please feel free to give me a call to discuss when you return to the office, 846-804-6330.

Thanks,  
Samantha

Samantha Nicholson Larkins  
*Attorney at Law*  
**HYDE LAW FIRM, P.A.**  
360 E. Main Street, Suite One  
Spartanburg, SC 29302  
P: (864) 804-6330  
F: (864) 804-6449  
[samantha@maxhydelawfirm.com](mailto:samantha@maxhydelawfirm.com)  
[www.maxhydelawfirm.com](http://www.maxhydelawfirm.com)



**HYDE**  
LAW FIRM, P.A.

000110

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# EXHIBIT D

**Samantha Larkins**

**From:** John Devlin <john.devlin@devlawsc.com>  
**Sent:** Tuesday, August 16, 2022 4:51 PM  
**To:** Samantha Larkins  
**Subject:** RE: Miguel v. Palmetto Investments, LLC, Gabriel Gomez, and Greenville County; 2018-CP-23-03713

Samantha- no problem re contact with Chris. We're all jumping into this late.

Do you know what the "statutory interest" is that the judge's order said your man had to pay? Nether Chris nor I know, but that is hardly definitive. If you don't know we will try to find out.

John R. Devlin, Jr.



27 Cleveland Street, Suite 201 (29601)  
Post Office Box 10387  
Greenville, SC 29603  
864-242-4050-office  
864-242-4277-fax  
[john.devlin@devlawsc.com](mailto:john.devlin@devlawsc.com)

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**From:** Samantha Larkins <samantha@maxhydelawfirm.com>  
**Sent:** Tuesday, August 16, 2022 4:29 PM  
**To:** Herrmann, Karen <KHerrmann@greenvillecounty.org>  
**Cc:** matthew@themccordlawfirm.com; Max Hyde <max@maxhydelawfirm.com>; John Devlin <john.devlin@devlawsc.com>  
**Subject:** RE: Miguel v. Palmetto Investments, LLC, Gabriel Gomez, and Greenville County; 2018-CP-23-03713

Good afternoon:

I can be available any of the dates and times provided.

I intended on filing the attached Motion regarding this issue today. It is my client's position that he has until August 19<sup>th</sup> to pay the property taxes owed and redeem the subject property. If there is anyway the Court could find time to hear us this week, we would greatly appreciate it. We would like to preserve for the Court efforts to pay the required amount to redeem the property, and our inability to do so.

000113

John, I have been communicating with Chris Antley and apologize if my communications should have been directed to you.

Thank you,  
Samantha

Samantha Nicholson Larkins  
*Attorney at Law*  
**HYDE LAW FIRM, P.A.**  
360 E. Main Street, Suite One  
Spartanburg, SC 29302  
P: (864) 804-6330  
F: (864) 804-6449  
[samantha@maxhydelawfirm.com](mailto:samantha@maxhydelawfirm.com)  
[www.maxhydelawfirm.com](http://www.maxhydelawfirm.com)



**HYDE**  
LAW FIRM, P.A.

From: John Devlin <[john.devlin@devlawsc.com](mailto:john.devlin@devlawsc.com)>  
Sent: Tuesday, August 16, 2022 3:27 PM  
To: Herrmann, Karen <[KHerrmann@greenvillecounty.org](mailto:KHerrmann@greenvillecounty.org)>  
Cc: Samantha Larkins <[samantha@maxhydelawfirm.com](mailto:samantha@maxhydelawfirm.com)>; [matthew@themccordlawfirm.com](mailto:matthew@themccordlawfirm.com)  
Subject: RE: Miguel v. Palmetto Investments, LLC, Gabriel Gomez, and Greenville County; 2018-CP-23-03713

Those dates and times all work for me right now. I will hold them pending hearing from the others.

John R. Devlin, Jr.

**Devlin Antley**  
ATTORNEYS AT LAW

27 Cleveland Street, Suite 201 (29601)  
Post Office Box 10387  
Greenville, SC 29603  
864-242-4050-office  
864-242-4277-fax  
[john.devlin@devlawsc.com](mailto:john.devlin@devlawsc.com)

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000114

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From: Herrmann, Karen <[KHerrmann@greenvillecounty.org](mailto:KHerrmann@greenvillecounty.org)>  
Sent: Tuesday, August 16, 2022 3:22 PM  
To: John Devlin <[john.devlin@devlawsc.com](mailto:john.devlin@devlawsc.com)>  
Cc: [samantha@maxhydelawfirm.com](mailto:samantha@maxhydelawfirm.com); [matthew@themccordlawfirm.com](mailto:matthew@themccordlawfirm.com)  
Subject: RE: Miguel v. Palmetto Investments, LLC, Gabriel Gomez, and Greenville County; 2018-CP-23-03713  
Importance: High

Judge Simmons is good with a conference call in this matter.

He is available on August 29<sup>th</sup> at 9:00, the 30<sup>th</sup> at 8:45 or the 31<sup>st</sup> at 9:30.

Please check your calendars and copy all with your reply.

Thank you.

**Karen K. Herrmann**  
Administrative Docketing Coordinator  
Judge Charles B. Simmons, Jr.  
Greenville County Courthouse, Suite 313  
305 East North Street  
Direct Dial 864-467-8258/ Fax 864-467-8401

From: John Devlin <[john.devlin@devlawsc.com](mailto:john.devlin@devlawsc.com)>  
Sent: Tuesday, August 16, 2022 2:50 PM  
To: Herrmann, Karen <[KHerrmann@greenvillecounty.org](mailto:KHerrmann@greenvillecounty.org)>  
Cc: [samantha@maxhydelawfirm.com](mailto:samantha@maxhydelawfirm.com); [matthew@themccordlawfirm.com](mailto:matthew@themccordlawfirm.com)  
Subject: Miguel v. Palmetto Investments, LLC, Gabriel Gomez, and Greenville County; 2018-CP-23-03713

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Dear Karen:

I represent the County in the above tax sale lawsuit. Jeff Wile of the County Attorney's office was handling it before his retirement last fall, when I was substituted as counsel of record. It has very recently come back from an appeal.

I have seen a Rule to Show Cause in the Court recently filed by a John Underwood. My contacts at the Greenville County Attorney's office advise me that they have been receiving communications from the parties about whether or not a deadline has passed and whether or not taxes have been paid on the property in question. The County does not wish to make any judgment calls as to whether or not any deadlines have been missed or complied with, and I was hoping that at some point in the near future the judge would be kind enough to have a conference call with counsel about the status of this matter. I am on vacation all of next week, so my availability is any time the rest of this week, or whenever it can be arranged the week of August 29.

In the meantime, I would appreciate it if counsel for the other parties would communicate with me rather than representatives from the County Attorney's office. Thank you in advance.

John R. Devlin, Jr.

**Devlin Antley**  
ATTORNEYS AT LAW

27 Cleveland Street, Suite 201 (29601)  
Post Office Box 10387  
Greenville, SC 29603  
864-242-4050-office  
864-242-4277-fax  
[john.devlin@devlawsc.com](mailto:john.devlin@devlawsc.com)

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ELECTRONICALLY FILED - 2022 Sep 26 10:25 AM - GREENVILLE - COMMON PLEAS - CASE#2018CP2303713

000116

**Samantha Larkins**

**From:** John Devlin <john.devlin@devlawsc.com>  
**Sent:** Thursday, August 18, 2022 12:52 PM  
**To:** Samantha Larkins; Jeff Spell  
**Cc:** Max Hyde  
**Subject:** RE: Miguel v. Palmetto Investments, LLC, Gabriel Gomez, and Greenville County; 2018-CP-23-03713

Samantha:

I am not sure what you mean by "certain payments". You will have to get a lot more specific than that before I am able to take your proposal to the County. Documentary proof of those payments, whatever they might be, would be helpful.

I will leave you and Mr. Spell to work out the timing issue and any possible tolling of the 45 days while a resolution is being sought.

John R. Devlin, Jr.

**Devlin Antley**  
ATTORNEYS AT LAW

27 Cleveland Street, Suite 201 (29601)  
Post Office Box 10387  
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864-242-4050-office  
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[john.devlin@devlawsc.com](mailto:john.devlin@devlawsc.com)

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**From:** Samantha Larkins <samantha@maxhydelaawfirm.com>  
**Sent:** Thursday, August 18, 2022 12:20 PM  
**To:** John Devlin <john.devlin@devlawsc.com>; Jeff Spell <jeff@jeffspell.com>  
**Cc:** Max Hyde <max@maxhydelaawfirm.com>  
**Subject:** RE: Miguel v. Palmetto Investments, LLC, Gabriel Gomez, and Greenville County; 2018-CP-23-03713

Good afternoon:

John: Mr. Miguel will pay the amount listed as you have below to redeem. However, I did want to ask for clarification and hopefully simplicity's sake—if certain payments made for the relevant time period were made

000117

by Mr. Miguel, can his redemption amount be reduced by his prior payments? If so, the County would only need to make one reimbursement to Palmetto Asset rather than to Mr. Miguel as well.

Jeff: I hope that we can stipulate to this legal issue of timing without the need for a hearing on the matter. I would point to the following case law. "The final disposition of a case occurs when the remittitur is returned by the clerk of the appellate court and filed in the lower court. McDowell v. South Carolina Department of Social Services, 300 S.C. 24, 386 S.E.2d 280 (Ct.App.1989). Until that time, the case is pending on appeal. Once the remittitur is sent down from the appellate court, the lower court acquires jurisdiction to enforce the judgment and take any action consistent with the appellate court ruling. Muller v. Myrtle Beach Golf and Yacht Club, --- S.C. ----, 438 S.E.2d 248 (1993).

Christy v. Christy, 317 S.C. 145, 452 S.E.2d 1 (S.C. App. 1995)." It appears Judge Simmons is inclined to agree.

If we can stipulate to the 45 days running from 7/5/22 to 8/19/22, then Mr. Miguel will make payment to the County today.

Thank you,  
Samantha

From: John Devlin <[john.devlin@devlawsc.com](mailto:john.devlin@devlawsc.com)>  
Sent: Thursday, August 18, 2022 11:36 AM  
To: Jeff Spell <[jeff@jeffspell.com](mailto:jeff@jeffspell.com)>; Samantha Larkins <[samantha@maxhydelawfirm.com](mailto:samantha@maxhydelawfirm.com)>  
Subject: RE: Miguel v. Palmetto Investments, LLC, Gabriel Gomez, and Greenville County; 2018-CP-23-03713

Dear all:

The payment amount due from the original landowner, assuming he is allowed to redeem, is \$6,072.80. That number is good for 30 days from today's date.

John R. Devlin, Jr.



27 Cleveland Street, Suite 201 (29601)  
Post Office Box 10387  
Greenville, SC 29603  
864-242-4050-office  
864-242-4277-fax  
[john.devlin@devlawsc.com](mailto:john.devlin@devlawsc.com)

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000118

From: Jeff Spell <[jeff@jeffspell.com](mailto:jeff@jeffspell.com)>  
Sent: Thursday, August 18, 2022 9:33 AM  
To: Herrmann, Karen <[KHerrmann@greenvillecounty.org](mailto:KHerrmann@greenvillecounty.org)>; John Underwood <[john05261@gmail.com](mailto:john05261@gmail.com)>  
Cc: John Devlin <[john.devlin@devlawsc.com](mailto:john.devlin@devlawsc.com)>; Samantha Larkins <[samantha@maxhydelawfirm.com](mailto:samantha@maxhydelawfirm.com)>  
Subject: RE: Miguel v. Palmetto Investments, LLC, Gabriel Gomez, and Greenville County; 2018-CP-23-03713

That will be fine

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: "Herrmann, Karen" <[KHerrmann@greenvillecounty.org](mailto:KHerrmann@greenvillecounty.org)>  
Date: 8/18/22 9:29 AM (GMT-05:00)  
To: John Underwood <[john05261@gmail.com](mailto:john05261@gmail.com)>, Jeff Spell <[jeff@jeffspell.com](mailto:jeff@jeffspell.com)>  
Cc: John Devlin <[john.devlin@devlawsc.com](mailto:john.devlin@devlawsc.com)>, Samantha Larkins <[samantha@maxhydelawfirm.com](mailto:samantha@maxhydelawfirm.com)>  
Subject: RE: Miguel v. Palmetto Investments, LLC, Gabriel Gomez, and Greenville County; 2018-CP-23-03713

Good Morning all,

If it is agreeable to everyone, I would like to initiate this call about 11:20 so the Judge has time to get to an out of office meeting.

Please let me know if this will be a problem.

Thank you.

**Karen K. Herrmann**  
Administrative Docketing Coordinator  
Judge Charles B. Simmons, Jr.  
Greenville County Courthouse, Suite 313  
305 East North Street  
Direct Dial 864-467-8258/ Fax 864-467-8401

From: Herrmann, Karen  
Sent: Wednesday, August 17, 2022 8:33 AM  
To: 'John Underwood' <[john05261@gmail.com](mailto:john05261@gmail.com)>; Jeff Spell <[jeff@jeffspell.com](mailto:jeff@jeffspell.com)>  
Cc: John Devlin <[john.devlin@devlawsc.com](mailto:john.devlin@devlawsc.com)>; Samantha Larkins <[samantha@maxhydelawfirm.com](mailto:samantha@maxhydelawfirm.com)>  
Subject: RE: Miguel v. Palmetto Investments, LLC, Gabriel Gomez, and Greenville County; 2018-CP-23-03713  
Importance: High

I have this on Judge Simmons docket for tomorrow at 11:30.

I will need your phone numbers for the call.

I won't be able to include Mr. Spell until he files a notice of appearance.

Thank you.

000119

**Karen K. Herrmann**  
Administrative Docketing Coordinator  
Judge Charles B. Simmons, Jr.  
Greenville County Courthouse, Suite 313  
305 East North Street  
Direct Dial 864-467-8258/ Fax 864-467-8401

From: John Underwood <[john05261@gmail.com](mailto:john05261@gmail.com)>  
Sent: Wednesday, August 17, 2022 8:30 AM  
To: Herrmann, Karen <[KHerrmann@greenvillecounty.org](mailto:KHerrmann@greenvillecounty.org)>; Jeff Spell <[jeff@jeffspell.com](mailto:jeff@jeffspell.com)>  
Cc: John Devlin <[john.devlin@devlawsc.com](mailto:john.devlin@devlawsc.com)>; Samantha Larkins <[samantha@maxhydellawfirm.com](mailto:samantha@maxhydellawfirm.com)>  
Subject: Re: Miguel v. Palmetto Investments, LLC, Gabriel Gomez, and Greenville County; 2018-CP-23-03713

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All,

I and my attorney are both available tomorrow (Thursday) at 11:30 for a conference call.

Thanks,  
John Underwood

On Tue, Aug 16, 2022 at 4:45 PM Herrmann, Karen <[KHerrmann@greenvillecounty.org](mailto:KHerrmann@greenvillecounty.org)> wrote:

Mr. Underwood,

Judge Simmons is requesting a conference call in this matter, and we heard from Matt McCord and he stated he does not represent you at this time, so the Judge would like you to participate in the call.

We have this Thursday at 11:30 for the call.

Please let us know asap if you are available.

I will hold that date and time on the Judge's docket.

Thank you.

**Karen K. Herrmann**  
Administrative Docketing Coordinator  
Judge Charles B. Simmons, Jr.  
Greenville County Courthouse, Suite 313  
305 East North Street  
Direct Dial 864-467-8258/ Fax 864-467-8401

From: John Devlin <[john.devlin@devlawsc.com](mailto:john.devlin@devlawsc.com)>  
Sent: Tuesday, August 16, 2022 4:41 PM  
To: Herrmann, Karen <[KHerrmann@greenvillecounty.org](mailto:KHerrmann@greenvillecounty.org)>; Samantha Larkins <[samantha@maxhydellawfirm.com](mailto:samantha@maxhydellawfirm.com)>;  
Matthew McCord <[matthew@themccordlawfirm.com](mailto:matthew@themccordlawfirm.com)>  
Subject: RE: Miguel v. Palmetto Investments, LLC, Gabriel Gomez, and Greenville County; 2018-CP-23-03713

000120

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Either time works for me. Y'all just let me know.

John R. Devlin, Jr.

# Devlin Antley

ATTORNEYS AT LAW

27 Cleveland Street, Suite 201 (29601)  
Post Office Box 10387  
Greenville, SC 29603  
864-242-4050-office  
864-242-4277-fax  
[john.devlin@devlawsc.com](mailto:john.devlin@devlawsc.com)

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**From:** Herrmann, Karen <[KHerrmann@greenvillecounty.org](mailto:KHerrmann@greenvillecounty.org)>  
**Sent:** Tuesday, August 16, 2022 4:40 PM  
**To:** Samantha Larkins <[samantha@maxhydelawfirm.com](mailto:samantha@maxhydelawfirm.com)>; Matthew McCord <[matthew@themccordlawfirm.com](mailto:matthew@themccordlawfirm.com)>; John Devlin <[john.devlin@devlawsc.com](mailto:john.devlin@devlawsc.com)>  
**Subject:** RE: Miguel v. Palmetto Investments, LLC, Gabriel Gomez, and Greenville County; 2018-CP-23-03713

John,

Let me know if you are open one of these times.

Thanks.

**Karen K. Herrmann**  
Administrative Docketing Coordinator  
Judge Charles B. Simmons, Jr.  
Greenville County Courthouse, Suite 313  
305 East North Street  
Direct Dial 864-467-8258/ Fax 864-467-8401

**From:** Samantha Larkins <[samantha@maxhydelawfirm.com](mailto:samantha@maxhydelawfirm.com)>  
**Sent:** Tuesday, August 16, 2022 4:38 PM  
**To:** Herrmann, Karen <[KHerrmann@greenvillecounty.org](mailto:KHerrmann@greenvillecounty.org)>; Matthew McCord <[matthew@themccordlawfirm.com](mailto:matthew@themccordlawfirm.com)>; John Devlin <[john.devlin@devlawsc.com](mailto:john.devlin@devlawsc.com)>  
**Subject:** RE: Miguel v. Palmetto Investments, LLC, Gabriel Gomez, and Greenville County; 2018-CP-23-03713

**000121**

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Thursday at 11:30 am is best but I can be available at 2 pm if need be.

Thank you,  
Samantha

From: Herrmann, Karen <[KHerrmann@greenvillecounty.org](mailto:KHerrmann@greenvillecounty.org)>  
Sent: Tuesday, August 16, 2022 4:36 PM  
To: Matthew McCord <[matthew@themccordlawfirm.com](mailto:matthew@themccordlawfirm.com)>; John Devlin <[john.devlin@devlawsc.com](mailto:john.devlin@devlawsc.com)>  
Cc: Samantha Larkins <[samantha@maxhydelawfirm.com](mailto:samantha@maxhydelawfirm.com)>  
Subject: RE: Miguel v. Palmetto Investments, LLC, Gabriel Gomez, and Greenville County; 2018-CP-23-03713  
Importance: High

Thank you Matt,

The Judge informed Mr. Underwood that he could not move forward as an LLC unless he was represented by an attorney.

If you do not represent him at this time, I am not sure if you should be on the call.

Ms. Larkins,

I could do a call **Thursday at 11:30 or 2:00 in this matter.**

**Karen K. Herrmann**  
Administrative Docketing Coordinator  
Judge Charles B. Simmons, Jr.  
Greenville County Courthouse, Suite 313  
305 East North Street  
Direct Dial 864-467-8258/ Fax 864-467-8401

From: Matthew McCord <[matthew@themccordlawfirm.com](mailto:matthew@themccordlawfirm.com)>  
Sent: Tuesday, August 16, 2022 4:32 PM  
To: John Devlin <[john.devlin@devlawsc.com](mailto:john.devlin@devlawsc.com)>  
Cc: Herrmann, Karen <[KHerrmann@greenvillecounty.org](mailto:KHerrmann@greenvillecounty.org)>; [samantha@maxhydelawfirm.com](mailto:samantha@maxhydelawfirm.com)  
Subject: Re: Miguel v. Palmetto Investments, LLC, Gabriel Gomez, and Greenville County; 2018-CP-23-03713

CAUTION: This email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

John and Karen,  
I am not representing Mr. Underwood with this litigation matter. I called the County Attorney's office simply to get a little info and see if there was a quick fix to the affidavit issue and to find out if the taxes were paid. When I learned that this issue was still contested I let him know that I wasn't able to move forward with representation in this case. I was not aware that a rule to show was filed until yesterday when Mr. Antley gave me a call about it.

Sincerely,  
Matthew McCord, Esq.  
The McCord Law Firm, LLC  
109 E North St.

000122

Greenville, SC 29601  
864-593-2292

\*\*\*NOTE: WE ARE MOVING!!

On September 1, 2022 our office will be located at 214 Adley Road, Greenville SC 29607\*\*\*

On Tue, Aug 16, 2022 at 3:27 PM John Devlin <[john.devlin@devlawsc.com](mailto:john.devlin@devlawsc.com)> wrote:

Those dates and times all work for me right now. I will hold them pending hearing from the others.

John R. Devlin, Jr.

**Devlin Antley**  
ATTORNEYS AT LAW

27 Cleveland Street, Suite 201 (29601)  
Post Office Box 10387  
Greenville, SC 29603  
864-242-4050-office  
864-242-4277-fax  
[john.devlin@devlawsc.com](mailto:john.devlin@devlawsc.com)

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**From:** Herrmann, Karen <[KHerrmann@greenvillecounty.org](mailto:KHerrmann@greenvillecounty.org)>

**Sent:** Tuesday, August 16, 2022 3:22 PM

**To:** John Devlin <[john.devlin@devlawsc.com](mailto:john.devlin@devlawsc.com)>

**Cc:** [samantha@maxhydelawfirm.com](mailto:samantha@maxhydelawfirm.com); [matthew@themccordlawfirm.com](mailto:matthew@themccordlawfirm.com)

**Subject:** RE: Miguel v. Palmetto Investments, LLC, Gabriel Gomez, and Greenville County; 2018-CP-23-03713

**Importance:** High

Judge Simmons is good with a conference call in this matter.

He is available on August 29<sup>th</sup> at 9:00, the 30<sup>th</sup> at 8:45 or the 31<sup>st</sup> at 9:30.

Please check your calendars and copy all with your reply.

Thank you.

000123

**Karen K. Herrmann**  
Administrative Docketing Coordinator  
Judge Charles B. Simmons, Jr.  
Greenville County Courthouse, Suite 313  
305 East North Street  
Direct Dial 864-467-8258/ Fax 864-467-8401

**From:** John Devlin <[john.devlin@devlawsc.com](mailto:john.devlin@devlawsc.com)>  
**Sent:** Tuesday, August 16, 2022 2:50 PM  
**To:** Herrmann, Karen <[KHerrmann@greenvillecounty.org](mailto:KHerrmann@greenvillecounty.org)>  
**Cc:** [samantha@maxhydelawfirm.com](mailto:samantha@maxhydelawfirm.com); [matthew@themccordlawfirm.com](mailto:matthew@themccordlawfirm.com)  
**Subject:** Miguel v. Palmetto Investments, LLC, Gabriel Gomez, and Greenville County; 2018-CP-23-03713

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Dear Karen:

I represent the County in the above tax sale lawsuit. Jeff Wile of the County Attorney's office was handling it before his retirement last fall, when I was substituted as counsel of record. It has very recently come back from an appeal.

I have seen a Rule to Show Cause in the Court recently filed by a John Underwood. My contacts at the Greenville County Attorney's office advise me that they have been receiving communications from the parties about whether or not a deadline has passed and whether or not taxes have been paid on the property in question. The County does not wish to make any judgment calls as to whether or not any deadlines have been missed or complied with, and I was hoping that at some point in the near future the judge would be kind enough to have a conference call with counsel about the status of this matter. I am on vacation all of next week, so my availability is any time the rest of this week, or whenever it can be arranged the week of August 29.

In the meantime, I would appreciate it if counsel for the other parties would communicate with me rather than representatives from the County Attorney's office. Thank you in advance.

John R. Devlin, Jr.

**Devlin Antley**  
ATTORNEYS AT LAW

27 Cleveland Street, Suite 201 (29601)  
Post Office Box 10387  
Greenville, SC 29603  
864-242-4050-office  
864-242-4277-fax  
[john.devlin@devlawsc.com](mailto:john.devlin@devlawsc.com)

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NOV 07 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas

Charles B. Simmons, Jr., Master in Equity

Case No. 2018-CP-23-03713

Francisco Nicolas Miguel,

Respondent,

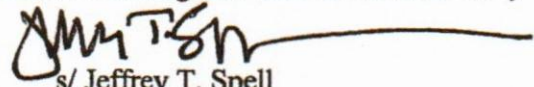
v.

Palmetto Asset Investments, LLC, Gabriel Angel Prestegui Gomez,  
and A. Kevin Hunter, II, Greenville County Tax Collector, Defendants, of  
which Palmetto Asset Investments, LLC is the Appellant.

NOTICE OF APPEAL

Palmetto Asset Investments, LLC, appeals the Order of the Honorable Charles B. Simmons, Jr., Granting Plaintiff's Motion to enforce judgment and determine amount due and Striking Defendant's Motion to rule to show cause, which matter was heard on September 26<sup>th</sup>, 2022. I received electronic notice of the filing of the FORM 4 ending this case on October 10<sup>th</sup>, 2022.

November 1<sup>st</sup>, 2022  
Date



s/ Jeffrey T. Spell  
Jeffrey T. Spell  
925 Wappoo Rd., Suite B  
Charleston, South Carolina 29407  
(843) 452-3553  
jeff@jeffspell.com  
Attorney for Appellant

Other Counsel of Record:

Max T. Hyde, Jr.  
Samantha N. Larkins  
HYDE LAW FIRM  
360 E. Main Street  
Spartanburg, South Carolina 29302

Attorneys for the Plaintiff/Respondent

John R. Devlin, Jr.  
Devlin & Antley, P.A.  
P.O. Box 10387  
Greenville, South Carolina 29603

Attorney for the Defendant:  
A. Kevin Hunter, II, Greenville County Tax Collector

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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NOV 07 2022

**SC Court of Appeals**

APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas

Charles B. Simmons, Jr., Master in Equity

Case No. 2018-CP-23-03713

Francisco Nicolas Miguel,

Respondent,

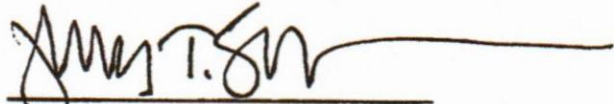
v.

Palmetto Asset Investments, LLC, Gabriel Angel Prestegui Gomez,  
and A. Kevin Hunter, II, Greenville County Tax Collector, Defendants, of  
which Palmetto Asset Investments, LLC is the Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Francisco Nicolas Miguel by depositing a copy of it in the United States Mail, postage prepaid, on February 24, 2020, addressed to his attorneys of record, Max T. Hyde, Jr., Esq. and Samantha N. Larkins, Esq., 360 E. Main Street, Spartanburg, SC 29302 and to the attorney of record for the Defendant, A. Kevin Hunter, III, John R. Devlin, Jr., Esq. at his address of P.O. Box 10387, Greenville, SC 29603.

November 1, 2022



Jeffrey T. Spell  
1721 Ashley River Road  
Charleston, South Carolina 29407  
(843) 452-3553  
Attorney for Appellant

000128

**Jeffrey T. Spell**  
Attorney at Law  
925 Wappoo Rd. Suite B  
Charleston, South Carolina 29407  
(843) 452-3553

**RECEIVED**  
NOV 07 2022  
SC Court of Appeals

November 1, 2022

The South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: Francisco Nicolas Miguel v. Palmetto Asset Investments  
Lower Court Docket No.: 2018-CP-232-03713

Dear Ms. Kitchings,

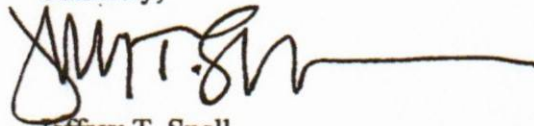
Enclosed for filing, please find:

a Notice of Appeal  
a Proof of Service  
a copy of the order being appealed  
a Filing Fee in the amount of \$100.00  
and 1 copy of each.

Please file the originals and return the clocked copies to my office in the envelope provided.

I thank you in advance for your assistance with this matter.

Sincerely,



Jeffrey T. Spell

cc: Max Hyde, Esq.  
Samantha Larkins, Esq.  
John Devlin, Jr., Esq.



Jeffrey T. Spell  
925 Wappoo Road, Suite B  
Charleston, SC 29407

**RECEIVED**

NOV 07 2022

**SC Court of Appeals**

The South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

000130

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas

Charles B. Simmons, Jr., Master in Equity

Case No. 2018-CP-23-03713

Francisco Nicolas Miguel,

Respondent,

v.

Palmetto Asset Investments, LLC,

Appellant.

NOTICE OF APPEAL

Palmetto Asset Investments, LLC, appeals the Order of the Honorable Charles B. Simmons, Jr., Granting Plaintiff's Motion for Summary Judgment, filed January 7, 2020, which matter was heard on Defendant's Motion to Alter or Amend on January 28, 2020. I received electronic notice of the filing of the FORM 4 ending this case on January 29, 2020.

February 24, 2020

s/ Jeffrey T. Spell  
Jeffrey T. Spell  
1721 Ashley River Road  
Charleston, South Carolina 29407  
(843) 452-3553

Attorney for Appellant

Other Counsel of Record:

Max T. Hyde, Jr.  
Ryan E. Gaylord  
HYDE LAW FIRM  
360 E. Main Street  
Spartanburg, South Carolina 29302

Attorneys for the Plaintiff/Respondent

Jeffrey D. Wile  
Assistant County Attorney  
301 University Ridge, Suite 2400  
Greenville, South Carolina 29601

Attorney for the Defendant  
A. Kevin Hunter, III, Greenville County Tax Collector

Greenville County Paid Receipt

Bat: 215001 Date Paid: 11/08/2022  
Postmark: 11/01/2022 Cashier:  
Acct #: 202100018588877001

Tran#: 402401  
Cashier 0011

Value: 1600 Dist: 235  
Appr: 26,720  
Total Paid: 1,065.14

Total Paid 1,065.14

1 HILLTOP AVE

202100018588877001

TMS: 0156-00-08-011-00  
PALMETTO ASSET INVESTMENTS LLC  
GABRIEL ANGEL PRESTEGUI  
1 HILLTOP AVE  
GREENVILLE SC 296090000

\*\*\* Duplicate Receipt \*\*\*Print Dte-11/08/2022 0011

000133

Greenville County Paid Receipt

215001 Date Paid: 11/08/2022

Postmark: 11/01/2022 Cashier:

Acct #: 202000018352777001

Value: 1400 Dist: 235  
Appr: 23,240  
Total Paid: 1,024.54

1 HILLTOP AVE

TMS: 0156-00-08-011-00

PALMETTO ASSET INVESTMENTS LLC  
GABRIEL ANGEL PRESTEGUI  
1 HILLTOP AVE  
GREENVILLE SC 296090000

Tran#: 402400  
Cashier 0011

Total Paid 1,024.54

202000018352777001

\*\*\* Duplicate Receipt \*\*\*Print Dte-11/08/2022

000134

Greenville County Paid Receipt

215001 Date Paid: 11/08/2022

Remark: 11/01/2022 Cashier:

Acct #: 201900019195777001

Tran#: 402399  
Cashier 0011

Value: 1400 Dist: 235  
Appr: 23,240

Total Paid: 1,012.63 Total Paid 1,012.63

1 HILLTOP AVE

201900019195777001

TMS: 0156-00-08-011-00  
PALMETTO ASSET INVESTMENTS LLC  
GABRIEL ANGEL PRESTEGUI  
1 HILLTOP AVE  
GREENVILLE SC 296090000

\*\*\* Duplicate Receipt \*\*\*Print Dte-11/08/2022 0011

Greenville County Paid Receipt

Disposal Date Paid: 11/08/2022

Disposal Date: 11/01/2022

Tran#: 201800019059577001

Cashier:

1400

Dist: 235

Value: 23,240

Appl: Total Paid: 896.36

896.36

Total Paid

896.36

1 HILLTOP AVE

201800019059577001

TMS: 0156-00-08-011-00

PALMETTO ASSET INVESTMENTS LLC

GABRIEL ANGEL PRESTEGUI

1 HILLTOP AVE

GREENVILLE

SC 296090000

\*\*\* Duplicate Receipt \*\*\*Print Dte-11/08/2022 0011

Greenville County Paid Receipt

Trans#: 402397

Cashier: 0011

Tran#: 402397

Cashier: 0011

Total Paid: 888.15

201700016961777001

Dist: 235

1400

23,240

Total Paid: 888.15

1 HILLTOP AVE

201700016961777001

TMS: 0156-00-08-011-00

MIGUEL FRANCISCO NICOLAS

1 HILLTOP AVE

GREENVILLE

SC 296090000

\*\*\* Duplicate Receipt \*\*\*Print Dte-11/08/2022 0011

Greenville County Paid Receipt

Date Paid: 11/08/2022

11/01/2022 Cashier:

201500016698177001

Tran#: 402395  
Cashier 0011

1400 Dist: 235

23,240

Total Paid: 995.81

Total Paid 995.81

HILLTOP AVE

201500016698177001

0156-00-08-011-00

MIGUEL FRANCISCO NICOLAS

1 HILLTOP AVE

GREENVILLE

SC 296090000

\*\*\* Duplicate Receipt \*\*\* PRINTED ON 11/08/2022 0011

000138

Greenville County Paid Receipt

Mark: 215001 Date Paid: 11/08/2022

Tran#: 11/01/2022 Cashier:

CC #: 201600017005277001

Value: 1400 Dist: 235

Appr: 23,240

Total Paid: 850.82

Tran#: 402396  
Cashier 0011

Total Paid 850.82

1 HILLTOP AVE

201600017005277001

TMS: 0156-00-08-011-00  
MIGUEL FRANCISCO NICOLAS  
1 HILLTOP AVE  
GREENVILLE SC 296090000

\*\*\* Duplicate Receipt \*\*\*Print Dte-11/08/2022 0011

**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.

August 31, 2023

s/Jeffrey T. Spell

Jeffrey T. Spell  
925 Wappoo Rd. Ste. B  
Charleston, South Carolina 29407  
(843) 452-3553  
Attorney for the Appellant

**000140**