

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

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SC Court of Appeals

**APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas**

Mikell R. Scarborough, Master in Equity Judge

**Lower Court Case No. 2022-CP-10-03492
Appellate Case No.: 2023-001086**

PVONE REO LLC

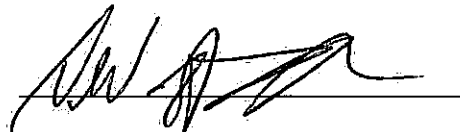
Respondent,

v.

Mary A. White et al,

Appellant.

RECORD ON APPEAL



**DeWayne A. Sykes
1953 Jacksonville road
N. Charleston, South Carolina 29405
(843) 345-9870
Appellant**

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STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

Case No. 2022-CP-10-03492

PVone REO, LLC,

Plaintiff,

vs.

The Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154,

Defendants.

**ORDER APPOINTING GUARDIAN AD
LITEM NISI AND ORDER FOR SERVICE BY
PUBLICATION**

This matter comes before the Court on Plaintiff's Motion to Appoint a Guardian Ad Litem Nisi and for an Order for Service by Publication, through which Plaintiff seeks to appoint Kelley Y. Woody, Esq. as Guardian Ad Litem Nisi for Defendants the Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devisees of Mary A. White,

Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; John Doe and Mary Roe, the same being fictitious names used for the true names of all unknown persons, claiming any right, title, estate, interest in or lien upon the real property described in Plaintiff's Complaint and Notice of Lis Pendens (the "Property"), their heirs and assigns; all other persons, firms, or corporations entitled to claim under, by, or through any of the defendants; and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the Property (collectively, the "Estate and the Unknown and Doe Defendants").

It appearing that some or all of the Estate and the Unknown and Doe Defendants are or may be residents or non-residents of the State of South Carolina, minors, incompetent, imprisoned, under legal disability, or in the military service, and that the Estate and the Unknown and Doe Defendants are unknown to Plaintiff and cannot with reasonable diligence be located or their whereabouts ascertained;

It further appearing that Kelley Y. Woody, Esq. is a suitable and competent person to understand and protect all rights and interests of the Estate and the Unknown and Doe Defendants, and that Kelley Y. Woody, Esq. has no interest adverse to the interests of the Estate and the Unknown and Doe Defendants and is not connected in business with Plaintiff or its counsel;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, and DECREED as follows:

1. Kelley Y. Woody, Esq. is hereby appointed Guardian Ad Litem Nisi on behalf of the Estate and the Unknown and Doe Defendants, the same being fictitious names used for the

true names of all unknown persons, claiming any right, title, estate, interest in or lien upon the Property, their heirs and assigns; all other persons, firms, or corporations entitled to claim under, by, or through any of the defendants; and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the Property, some or all of whom are or may be residents or non-residents of the State of South Carolina, minors, incompetent, imprisoned, under legal disability, or in the military service.

2. Kelley Y. Woody, Esq. is empowered and directed to appear on behalf of and to represent the Estate and the Unknown and Doe Defendants, unless any one of them, or someone on behalf of any one of them, shall, within thirty (30) days after service of a copy hereof as directed, procure the appointment of a Guardian Ad Litem.

3. A copy of this Order shall be served upon the Estate and the Unknown and Doe Defendants by publication in the Post & Courier, a newspaper of general circulation published in Charleston County, South Carolina, once a week for three consecutive weeks, together with the Notice of Lis Pendens, Summons, Notice of Filing Complaint, and Notice of Order Appointing Guardian Ad Litem in this action.

JUDGE'S SIGNATURE PAGE TO FOLLOW



Charleston Common Pleas

Case Caption: Pvene Reo Llc VS Mary A White Estate , defendant, et al

Case Number: 2022CP1003492

Type: Order/Other

So Ordered

s/Julie J. Armstrong, Charleston County Clerk of
Court, by BLC

Electronically signed on 2022-08-09 16:26:17 page 4 of 4

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

Case No. 2022-CP-10-03492

PVone REO, LLC,

Plaintiff,

vs.

ORDER OF REFERENCE

The Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154,

Defendants.

IT APPEARING that this matter is before the Court on the Plaintiff's motion, pursuant to Rule 53(b), SCRCP, to refer this action to the Honorable Mikell R. Scarborough, Master in Equity for Charleston County; and

IT ALSO APPEARING that Defendants the Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe have consented to the motion for an order of reference;

IT FURTHER APPEARING that the Plaintiff commenced this action in equity to quiet its tax title to certain real property located in Charleston County, South Carolina, and that this is a proper matter to be referred to the Master in Equity pursuant to Rule 53, SCRCP.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that this action is referred to the Honorable Mikell R. Scarborough, Master in Equity for Charleston County, to take testimony arising under the pleadings, to make findings of fact and conclusions of law, with authority to rule on all matters related to this action and with the authority to enter final judgment in this case. Additionally, the Master in Equity shall and must specifically retain jurisdiction to hear, and shall and must hear, on the merits any and all issues arising after judgment is entered, including, but not limited to, all issues or matters involving evictions; all motions made pursuant to Rules 52, 59, 60, or 61, SCRCP, or similar motions; all issues or matters concerning marketability of title of the subject real property; and all issues or matters relating to omitted lienholders or other claimants. Any appeal from the final judgment or any other judgment entered by the Master in Equity shall be made directly to the South Carolina Court of Appeals.

AND IT IS SO ORDERED.

JUDGE'S SIGNATURE PAGE TO FOLLOW



Charleston Common Pleas

Case Caption: Pvene Reo Llc VS Mary A White Estate , defendant, et al

Case Number: 2022CP1003492

Type: Order/Referred to Master or Special Referee

So Ordered

s/Julie J. Armstrong, Charleston County Clerk of
Court, by BLC

Electronically signed on 2022-09-26 15:09:11 page 3 of 3

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	OF THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NO.: 2022-CP-10-03492
 PVone REO, LLC,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	MASTER'S ORDER
	)	(Denying Motion to Intervene and
	)	Motion to Vacate)
The Estate of Mary A. White,	)	
et al.,	)	
	)	
Defendant.	)	
	)	

This matter came before me on April 13, 2023 pursuant to DeWayne Alphonza Sykes' ("Mr. Sykes") two Motions filed on January 31, 2023, to both Intervene in the case and to Vacate this court's Final Order to Quiet Tax Title entered on January 12, 2023. Present at the Hearing was John J. Dodds III, attorney for Plaintiff ("Attorney Dodds"), and Mr. Sykes, appearing Pro Se. The Court heard oral argument from both Attorney Dodds and Mr. Sykes and, upon request, afforded both parties the opportunity to submit to the Court additional records from the Charleston County Probate Court as well as Deeds to the real property the subject of this action.

Mr. Sykes provided the Court with the following records from Probate Court:

1. Last Will and Testament of Frank White, Sr.;
2. Devise/Descent of Real Estate in the estate of Frank White, Sr., Case # 73-559, reflecting Mary Ancrum White, widow of Frank White, Sr., a life estate, and Frank White, Jr., William Timothy White, Clinton White, and Dewayne Alphonza White, remainder in fee simple, as to the property at 1953 Jacksonville Road, North Charleston, SC and also the property which lies adjacent to and immediately to the rear of 1953 Jacksonville Road;
3. Petition to Prove Will in Common Form of Law and for Letters, the Estate of Frank White, Sr.;
4. Order dismissing Mary Ancrum White as Executrix of Estate of Frank White, Sr.;
5. Application for Appointment, Estate of Mary Ancrum White, 96-ES-10-01600;

6. Exhibit A for Schedule A reflecting that Mary Ancrum White had a 100% ownership interest in Lot Y, Jacksonville Road, TMS# 466-03-00-154 (aka 1959 Jacksonville Road, North Charleston, SC 29405), the subject of this Quiet Title After Tax Sale action ("Subject Property"); and
7. Death Certificate of Mary Ancrum White.

Attorney Dodds provided the Court, with the following Deeds:

1. Deed from Frank White to Ida Gadsden, dated 8/5/39, recorded in the Office of the Register of Deeds for Charleston County ("ROD") on 8/8/39, in Book O-40, at Page 739;
2. Deed from Mary A. White to Lucreita B. Lucado, dated 4/6/81, recorded in the ROD on 4/6/81, in Book B-125, at Page 221; and
3. Deed from Lucreita B. Lucado to Mary A. White, dated 4/20/81, recorded in the ROD on 4/20/81, in Book E-125, at page 036.
4. Deed from Clinton White, Dewayne A. White and William Timothy White to Mary A. White dated 5/15/89, recorded in the ROD on 5/30/89 in Book T184, at page 216.

Upon due consideration of the arguments of Attorney Dodds and Mr. Sykes, respectively and after carefully reviewing the Charleston County probate records, I find and conclude:

ONE: At the time of the November 16, 2020 Tax Sale (the subject of this action) the title owner of the Subject Property was Mary A. White who had a fee simple interest by virtue of the adverse possession action she and others initiated in the Court of Common Pleas for Charleston County in 1979, (Case Number 1979-CP-10-2289) which resulted in a Deed to Mary A. White from Lucreita B. Lucado, dated 4/20/81, recorded in the ROD on 4/20/81, in Book E-125, at page 036. In addition, the records reflect the remaindermen of Mary A. White's Life Estate conveyed their interest to her by Quitclaim deed recorded in Book T184, page 216 recorded May 30, 1989. Mary A. White thereafter died intestate on 11/27/96. Although an estate was opened for Mary Ancrum White as noted above, no Deed of Distribution or Devise/Descent was ever

filed in her Estate despite it running from 1996 until closed in 2014 by Rule 4 for failure to complete the administration;

TWO: Mr. Sykes' argument that Mary A. White only had a life estate in the Subject Property and that Frank White, Sr. had an interest in the Subject Property are misplaced. As noted above, Frank White, Sr. transferred all his interest in the Subject Property to Ida Gadsen by Deed, dated 8/5/39, recorded in the Office of the Register of Deeds for Charleston County ("ROD") on 8/8/39, in Book O-40, at Page 739 and Mary A. White had fee simple title to the Subject Property by virtue of the adverse possession action she and others initiated in the Court of Common Pleas for Charleston County in 1979, C/A# 1979-CP-10-2289, which resulted in an order from Master in Equity confirming title and then a Deed issued to Mary A. White from Lucreita B. Lucado, dated 4/20/81, recorded in the ROD on 4/20/81, in Book E-125, at page 036; and finally the Quitclaim deed from her sons conveying their remainder interest in the property to Mary A. White by Deed T184, page 216 resulted in her fee simple ownership of the property.

THREE: Mr. Sykes was aware of the Tax Sale of the Subject Property which occurred on November 16, 2020, as evidenced by his letter to Plaintiff's prior legal counsel, A. Parker Barnes, Esq. dated April 5, 2022. In addition, the Delinquent Tax Office file shows that Notice of the Tax Sale was sent to Mr. Sykes and Ms. White's mail address of 1953 Jacksonville Road by both regular US Mail and by certified mail addressed to Ms. White as the title holder of record. The property was properly posted for the Tax Sale on October 20, 2020 prior to the November 16, 2020 tax sale. In addition, Notice of Final Redemption was also sent via Certified Mail to the mailing address to "Mary A White or if Dec'd Heirs of Same" as well. Mr. Sykes did not challenge Plaintiff's title to the Subject Property, which has an address of 1959 Jacksonville Road, because Mr. Sykes' letter references only property located at 1953 Jacksonville Road.

Plaintiff's title search and the title search performed by the Tax Collector's Office did not find Mr. Sykes had any interest in the Subject Property, nor that Mary A. White only had a life estate. Mr. Sykes could have timely intervened during this action and asserted the claims he propounded in his letter of April 5, 2022, but did not do so;

FOUR: Edrian Trakas, Tax Collector for Charleston County, through an affidavit received in evidence at the merits hearing in this case, indicated that all notices of delinquent taxes, the execution, levy, posting, advertisements, tax sale, and notices of right of redemption sent to interested parties entitled to notice were performed in accordance with the usual procedures of the Tax Collector's Office and were in strict conformity with all statutory requirements. Mr. Sykes has presented no evidence to the contrary although the Court gave him the opportunity to submit whatever documents he desired prior to the Court issuing this ruling on his Motion to Intervene and to Vacate;

FIVE: Per Section 12-51-160, Code of Laws of South Carolina, 1976, as amended, in all cases of tax sale the deed of conveyance is prima facie evidence of a good title in the holder, that all proceedings have been regular and that all legal requirements have been complied with. An action for the recovery of land sold pursuant to Chapter 51 entitled "Alternate Procedure for Collection of Property Taxes" or for the recovery of possession must not be maintained unless brought within two (2) years from the date of the sale as provided in Section 12-51-90(C). Mr. Sykes was clearly aware of the tax sale in April, 2022, prior to the expiration of two (2) years from the tax sale, but took no action.

Moreover, Mr. Sykes is judicially estopped from asserting that Mary A. White did not acquire fee simple title to the Subject Property through the action she initiated in 1979 and 1989 Quitclaim deed as noted above. Cothran v. Brown, 357 SC 210, 592 S.E.2d 629 (2004); and

SIX: The decision to grant or deny a motion to intervene in an action pursuant to Rule 24, SCRPC, lies within the sound discretion of the trial court. Government Employee's Ins. Co., Ex parte, 644 S.E.2d 699 (2007). After considering the arguments of Attorney Dodds and Mr. Sykes, respectively, at the Motions Hearing and upon review of all the evidence before the Court, including the documents presented to the Court by Attorney Dodds and Mr. Sykes after the Motions Hearing, the Court denies Mr. Sykes' Motion to Intervene as untimely.

SEVEN: Mr. Sykes also seeks to have this Court's Quiet Title Order vacated pursuant to Rule 60(b)4, SCRPC on the basis that it is void for lack of subject matter jurisdiction and insufficient service of process. His argument is that he was a remainderman and, as a Life Tenant, Mary A. White could not affect his ownership interest in the property. The court has addressed above its basis for finding that, upon her death, Ms. White owned fee simple title to the property and that the Life Tenancy had been extinguished through both the court action as well as the recording of multiple deeds conveying title to her in fee. As this argument is the sole basis for his Rule 60 motion, the Court finds it unfounded and denies the motion.

NOW, THEREFORE, it is HEREBY ORDERED, ADJUDGED and DECREED:

ONE: That the Motion to Intervene and Motion to Vacate this Court's final order (Action to Quiet Tax Title) shall be, and is hereby, DENIED;

TWO: That Plaintiff shall be entitled to immediate possession of the Subject Property, together with improvements, located at 1959 Jacksonville Road, North Charleston, SC, TMS# 466-03-00-154; and

THREE: That as set forth in this Court's Final Order (Action to Quiet Tax Title) filed on January 12, 2023, in the event the Subject Property is occupied, the Sheriff shall be authorized to enter upon the Subject Property, by force if necessary, and to seize the Subject Property and remove any persons occupying the Subject Property, together with all his/her/their belongings and possessions, and to put Plaintiff in full, peaceful and quiet possession of the Subject Property without delay, and thereafter, within ten (10) days, make due return to the Clerk of Court for Charleston County showing how this Order has been executed.

SIGNATURE PAGE TO FOLLOW



Charleston Common Pleas

Case Caption: Pvone Reo Llc VS Mary A White Estate , defendant, et al
Case Number: 2022CP1003492
Type: Master/Order/Other

So Ordered

s/Mikell R. Scarborough 3062

Electronically signed on 2023-06-21 10:41:10 page 7 of 7

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

Case No. 2022-CP-10-03492

PVone REO, LLC,

Plaintiff,

vs.

**CONSENT MOTION AND ORDER
SUBSTITUTING COUNSEL FOR
PLAINTIFF**

The Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 1959 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 1959 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154,

Defendants.

THIS MATTER comes before the Court upon the motion of the undersigned attorney for Plaintiff PVone REO, LLC and with the consent of the undersigned counsel of the law firm of Cisa & Dodds, LLP;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that John J. Dodds, III of Cisa & Dodds, LLP is herewith substituted as the Attorney of Record in this matter for Plaintiff PVone REO, LLC.

IT IS ALSO HEREBY ORDERED, ADJUDGED, AND DECREED that A. Parker Barnes III of Haynsworth Sinkler Boyd, P.A. is hereby relieved as the Attorney of Record in this matter for Plaintiff PVone REO, LLC.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk of Court for Charleston County is herewith instructed to make the changes and deletions of record.

AND IT IS SO ORDERED.

WE SO MOVE AND CONSENT:

s/ A. Parker Barnes III
A. Parker Barnes III
(SC Bar No. 68359)

Haynsworth Sinkler Boyd, P.A.
Post Office Box 11889
Columbia, South Carolina 29211-1889
(803) 779-3080

Prior Attorney for Plaintiff

WE SO MOVE AND CONSENT:

s/ John J. Dodds III
John J. Dodds III
(SC Bar No. 1707)

Cisa & Dodds, LLP
858 W. Lowcountry Blvd. #101
Mt. Pleasant, SC 29464
(843) 881-6530

Substituted Attorney for Plaintiff



Charleston Common Pleas

Case Caption: Pvene Reo Llc VS Mary A White Estate , defendant, et al

Case Number: 2022CP1003492

Type: Order/Substitution Of Counsel

So Ordered

s/Mikell R. Scarborough 3062

Electronically signed on 2023-02-28 16:10:09 page 3 of 3

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	OF THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NO.: 2022-CP-10-03492
 PVone REO, LLC,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	MASTER'S ORDER
	)	(Denying Motion to Intervene and
	)	Motion to Vacate)
The Estate of Mary A. White,	)	
et al.,	)	
	)	
Defendant.	)	
	)	

This matter came before me on April 13, 2023 pursuant to DeWayne Alphonza Sykes' ("Mr. Sykes") two Motions filed on January 31, 2023, to both Intervene in the case and to Vacate this court's Final Order to Quiet Tax Title entered on January 12, 2023. Present at the Hearing was John J. Dodds III, attorney for Plaintiff ("Attorney Dodds"), and Mr. Sykes, appearing Pro Se. The Court heard oral argument from both Attorney Dodds and Mr. Sykes and, upon request, afforded both parties the opportunity to submit to the Court additional records from the Charleston County Probate Court as well as Deeds to the real property the subject of this action.

Mr. Sykes provided the Court with the following records from Probate Court:

1. Last Will and Testament of Frank White, Sr.;
2. Devise/Descent of Real Estate in the estate of Frank White, Sr., Case # 73-559, reflecting Mary Ancrum White, widow of Frank White, Sr., a life estate, and Frank White, Jr., William Timothy White, Clinton White, and Dewayne Alphonza White, remainder in fee simple, as to the property at 1953 Jacksonville Road, North Charleston, SC and also the property which lies adjacent to and immediately to the rear of 1953 Jacksonville Road;
3. Petition to Prove Will in Common Form of Law and for Letters, the Estate of Frank White, Sr.;
4. Order dismissing Mary Ancrum White as Executrix of Estate of Frank White, Sr.;
5. Application for Appointment, Estate of Mary Ancrum White, 96-ES-10-01600;

6. Exhibit A for Schedule A reflecting that Mary Ancrum White had a 100% ownership interest in Lot Y, Jacksonville Road, TMS# 466-03-00-154 (aka 1959 Jacksonville Road, North Charleston, SC 29405), the subject of this Quiet Title After Tax Sale action ("Subject Property"); and
7. Death Certificate of Mary Ancrum White.

Attorney Dodds provided the Court, with the following Deeds:

1. Deed from Frank White to Ida Gadsden, dated 8/5/39, recorded in the Office of the Register of Deeds for Charleston County ("ROD") on 8/8/39, in Book O-40, at Page 739;
2. Deed from Mary A. White to Lucreita B. Lucado, dated 4/6/81, recorded in the ROD on 4/6/81, in Book B-125, at Page 221; and
3. Deed from Lucreita B. Lucado to Mary A. White, dated 4/20/81, recorded in the ROD on 4/20/81, in Book E-125, at page 036.
4. Deed from Clinton White, Dewayne A. White and William Timothy White to Mary A. White dated 5/15/89, recorded in the ROD on 5/30/89 in Book T184, at page 216.

Upon due consideration of the arguments of Attorney Dodds and Mr. Sykes, respectively and after carefully reviewing the Charleston County probate records, I find and conclude:

ONE: At the time of the November 16, 2020 Tax Sale (the subject of this action) the title owner of the Subject Property was Mary A. White who had a fee simple interest by virtue of the adverse possession action she and others initiated in the Court of Common Pleas for Charleston County in 1979, (Case Number 1979-CP-10-2289) which resulted in a Deed to Mary A. White from Lucreita B. Lucado, dated 4/20/81, recorded in the ROD on 4/20/81, in Book E-125, at page 036. In addition, the records reflect the remaindermen of Mary A. White's Life Estate conveyed their interest to her by Quitclaim deed recorded in Book T184, page 216 recorded May 30, 1989. Mary A. White thereafter died intestate on 11/27/96. Although an estate was opened for Mary Ancrum White as noted above, no Deed of Distribution or Devise/Descent was ever

filed in her Estate despite it running from 1996 until closed in 2014 by Rule 4 for failure to complete the administration;

TWO: Mr. Sykes' argument that Mary A. White only had a life estate in the Subject Property and that Frank White, Sr. had an interest in the Subject Property are misplaced. As noted above, Frank White, Sr. transferred all his interest in the Subject Property to Ida Gadsen by Deed, dated 8/5/39, recorded in the Office of the Register of Deeds for Charleston County ("ROD") on 8/8/39, in Book O-40, at Page 739 and Mary A. White had fee simple title to the Subject Property by virtue of the adverse possession action she and others initiated in the Court of Common Pleas for Charleston County in 1979, C/A# 1979-CP-10-2289, which resulted in an order from Master in Equity confirming title and then a Deed issued to Mary A. White from Lucreita B. Lucado, dated 4/20/81, recorded in the ROD on 4/20/81, in Book E-125, at page 036; and finally the Quitclaim deed from her sons conveying their remainder interest in the property to Mary A. White by Deed T184, page 216 resulted in her fee simple ownership of the property.

THREE: Mr. Sykes was aware of the Tax Sale of the Subject Property which occurred on November 16, 2020, as evidenced by his letter to Plaintiff's prior legal counsel, A. Parker Barnes, Esq. dated April 5, 2022. In addition, the Delinquent Tax Office file shows that Notice of the Tax Sale was sent to Mr. Sykes and Ms. White's mail address of 1953 Jacksonville Road by both regular US Mail and by certified mail addressed to Ms. White as the title holder of record. The property was properly posted for the Tax Sale on October 20, 2020 prior to the November 16, 2020 tax sale. In addition, Notice of Final Redemption was also sent via Certified Mail to the mailing address to "Mary A White or if Dec'd Heirs of Same" as well. Mr. Sykes did not challenge Plaintiff's title to the Subject Property, which has an address of 1959 Jacksonville Road, because Mr. Sykes' letter references only property located at 1953 Jacksonville Road.

Plaintiff's title search and the title search performed by the Tax Collector's Office did not find Mr. Sykes had any interest in the Subject Property, nor that Mary A. White only had a life estate. Mr. Sykes could have timely intervened during this action and asserted the claims he propounded in his letter of April 5, 2022, but did not do so;

FOUR: Edrian Trakas, Tax Collector for Charleston County, through an affidavit received in evidence at the merits hearing in this case, indicated that all notices of delinquent taxes, the execution, levy, posting, advertisements, tax sale, and notices of right of redemption sent to interested parties entitled to notice were performed in accordance with the usual procedures of the Tax Collector's Office and were in strict conformity with all statutory requirements. Mr. Sykes has presented no evidence to the contrary although the Court gave him the opportunity to submit whatever documents he desired prior to the Court issuing this ruling on his Motion to Intervene and to Vacate;

FIVE: Per Section 12-51-160, Code of Laws of South Carolina, 1976, as amended, in all cases of tax sale the deed of conveyance is prima facie evidence of a good title in the holder, that all proceedings have been regular and that all legal requirements have been complied with. An action for the recovery of land sold pursuant to Chapter 51 entitled "Alternate Procedure for Collection of Property Taxes" or for the recovery of possession must not be maintained unless brought within two (2) years from the date of the sale as provided in Section 12-51-90(C). Mr. Sykes was clearly aware of the tax sale in April, 2022, prior to the expiration of two (2) years from the tax sale, but took no action.

Moreover, Mr. Sykes is judicially estopped from asserting that Mary A. White did not acquire fee simple title to the Subject Property through the action she initiated in 1979 and 1989 Quitclaim deed as noted above. Cothran v. Brown, 357 SC 210, 592 S.E.2d 629 (2004); and

SIX: The decision to grant or deny a motion to intervene in an action pursuant to Rule 24, SCRPC, lies within the sound discretion of the trial court. Government Employee's Ins. Co., Ex parte, 644 S.E.2d 699 (2007). After considering the arguments of Attorney Dodds and Mr. Sykes, respectively, at the Motions Hearing and upon review of all the evidence before the Court, including the documents presented to the Court by Attorney Dodds and Mr. Sykes after the Motions Hearing, the Court denies Mr. Sykes' Motion to Intervene as untimely.

SEVEN: Mr. Sykes also seeks to have this Court's Quiet Title Order vacated pursuant to Rule 60(b)4, SCRPC on the basis that it is void for lack of subject matter jurisdiction and insufficient service of process. His argument is that he was a remainderman and, as a Life Tenant, Mary A. White could not affect his ownership interest in the property. The court has addressed above its basis for finding that, upon her death, Ms. White owned fee simple title to the property and that the Life Tenancy had been extinguished through both the court action as well as the recording of multiple deeds conveying title to her in fee. As this argument is the sole basis for his Rule 60 motion, the Court finds it unfounded and denies the motion.

NOW, THEREFORE, it is HEREBY ORDERED, ADJUDGED and DECREED:

ONE: That the Motion to Intervene and Motion to Vacate this Court's final order (Action to Quiet Tax Title) shall be, and is hereby, DENIED;

TWO: That Plaintiff shall be entitled to immediate possession of the Subject Property, together with improvements, located at 1959 Jacksonville Road, North Charleston, SC, TMS# 466-03-00-154; and

THREE: That as set forth in this Court's Final Order (Action to Quiet Tax Title) filed on January 12, 2023, in the event the Subject Property is occupied, the Sheriff shall be authorized to enter upon the Subject Property, by force if necessary, and to seize the Subject Property and remove any persons occupying the Subject Property, together with all his/her/their belongings and possessions, and to put Plaintiff in full, peaceful and quiet possession of the Subject Property without delay, and thereafter, within ten (10) days, make due return to the Clerk of Court for Charleston County showing how this Order has been executed.

SIGNATURE PAGE TO FOLLOW



Charleston Common Pleas

Case Caption: Pvone Reo Llc VS Mary A White Estate , defendant, et al

Case Number: 2022CP1003492

Type: Master/Order/Other

So Ordered

s/Mikell R. Scarborough 3062

Electronically signed on 2023-06-21 10:41:10 page 7 of 7

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	OF THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NO.: 2022-CP-10-03492
 PVone REO, LLC,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	MASTER'S ORDER
	)	(Granting Plaintiff's Motion to Set Bond
	)	Or Lift Automatic Stay)
The Estate of Mary A. White,	)	
et al.,	)	
	)	
Defendant.	)	
	)	

This matter came to be heard by me on March 4, 2024 at Charleston, South Carolina pursuant to Plaintiff's Notice of Motion and Motion to Lift Automatic Stay or, in the alternative, to Require Appellant to Post Appeal Bond pursuant to Rule 241(b)(4), SCACR and Rule 62(d), SCRCP. Present at the Hearing was John J. Dodds III, attorney for Plaintiff ("Attorney Dodds"), and Appellant, DeWayne Alphonza Sykes ("Mr. Sykes"), appearing Pro Se. Prior to the Hearing, the Court accepted a written Opposition to Plaintiff's Motion and Affidavit of Facts filed by Mr. Sykes on March 4, 2024. The Court heard oral argument from both Attorney Dodds and Mr. Sykes, as well as reviewed Plaintiff's Motion and Affidavit of Mark Lehrer, Manager of Plaintiff, in support of the Motion, and Mr. Sykes' written Opposition to Plaintiff's Motion and Affidavit of Facts.

After careful consideration of the arguments of Attorney Dodds and Mr. Sykes, respectively, and after carefully reviewing Plaintiff's Motion and Affidavit of Mark Lehrer, Manager of Plaintiff, in support of the Motion, and Mr. Sykes' written Opposition to Plaintiff's Motion and Affidavit of Facts, I find and conclude as follows:

ONE: Plaintiff purchased the real property, together with improvements, located at 1959 Jacksonville Road, North Charleston, SC, Charleston County TMS# 466-03-00-154 ("Subject Property") at a Charleston County Delinquent Tax Sale on November 16, 2020 for the sum of Eighty-Eight Thousand and No/100 (\$88,000.00) Dollars. Plaintiff received a Tax Deed from Charleston County Tax Collector, dated March 18, 2022, and recorded in the Register's Office for Charleston County on April 7, 2022, in Book 1098, at Page 183. This Court issued its Final Order on January 12, 2023 in a Quiet Title action initiated by Plaintiff after receiving the Tax Deed finding and concluding, among other things, that: 1) the Tax Sale extinguished all rights, titles, claims, interests, estates, liens, mortgages, judgments, and other creditors' claims in, to, or upon the Subject Property; 2) the two (2) year statute of limitations contained in Sections 12-51-90(c) and 160, Code of Laws of South Carolina, 1976, as amended, rendered Plaintiff's Tax Title incontestable and barred any and all past, present and future claims concerning the Tax Sale of the Subject Property; 3) quieting and confirming Plaintiff's marketable, fee simple title to the Subject Property ... certain and free from all reasonable doubt; and 4) directing the Sheriff of Charleston County to remove all property and persons from the subject Property and put Plaintiff in full, peaceful and quiet possession without delay;

TWO: Notwithstanding Plaintiff's ownership and possession of the Subject Property, Mr. Sykes broke the newly installed locks on the Subject Property and resumed his occupation of the Subject Property;

THREE: On April 13, 2023, this Court had a Hearing on two (2) motions filed by Mr. Sykes on January 31, 2023, to both Intervene in the Quiet Title action initiated by Plaintiff and to Vacate the Court's Final Order to Quiet Tax Title filed January 12, 2023. Pursuant to this Court's Order

filed June 21, 2023, both of Mr. Sykes' Motions were denied and Plaintiff was awarded immediate possession of the Subject Property;

FOUR: Mr. Sykes timely filed an Appeal of this Court's Order, filed June 21, 2023, to the South Carolina Court of Appeals. This Appeal is pending;

FIVE: Plaintiff entered into a written Agreement/Contract: To Buy and Sell Real Estate (General Commercial Use), dated June 21, 2023, to sell the Subject Property for the sum of Two Hundred Twenty-Five (\$225,000.00) Dollars. Plaintiff has been unable to sell the Subject Property as the Appeal filed by Mr. Sykes is an encumbrance, as well as cloud on the title of the Subject Property. Further, Plaintiff is currently paying the cost of force-placed casualty/liability insurance on the Subject Property, as well as monthly electrical utility costs; and

SIX: In accordance with Section 18-9-170, Code of Laws of South Carolina, 1976, as amended, Rules 205 and 241(b)(4), SCACR, and Rule 62(d), SCRCP, it is just and proper that Plaintiff's Motion be granted. Mr. Sykes shall be required to post a written bond security undertaking in the amount of Seventy-Five Thousand and No/100 (\$75,000.00) Dollars in favor of Plaintiff, either in cash, or with two (2) known, sufficient and solvent sureties doing business in South Carolina, on or before five (5) o'clock p.m. on March 22, 2024. In the event Mr. Sykes fails to post a written bond security undertaking as hereinabove set forth on or before five (5) o'clock p.m. on March 22, 2024, then, and in that event, the automatic stay resulting from the currently pending appeal filed by Mr. Sykes, namely, Appellate Case No. 2023-001086, shall be immediately lifted without further Order or action by Plaintiff.

NOW, THEREFORE, it is

ORDERED, ADJUDGED and DECREED as follows:

ONE: That Plaintiff's Motion to Lift Automatic Stay, or in the alternative, to Require appellant to Post Appeal Bond shall be, and is hereby, granted;

TWO: Mr. Sykes shall be, and is hereby, required to post a written bond security undertaking in the amount of Seventy-Five Thousand and No/100 (\$75,000.00) Dollars in favor of Plaintiff, either in cash, or with two (2) known, sufficient and solvent sureties doing business in South Carolina, on or before five (5) o'clock p.m. on March 22, 2024. In the event Mr. Sykes fails to post a written bond security undertaking as hereinabove set forth on or before five (5) o'clock p.m. on March 22, 2024, then, and in that event, the automatic stay resulting from the currently pending appeal filed by Mr. Sykes, namely, Appellate Case No. 2023-001086, shall be, and is hereby, immediately lifted without further Order or action by Plaintiff.

AND IT IS SO ORDERED at Charleston, South Carolina.

MIKELL R. SCARBOROUGH
Master-In-Equity



Charleston Common Pleas

Case Caption: Pvone Reo Llc VS Mary A White Estate , defendant, et al

Case Number: 2022CP1003492

Type: Master/Order/Other

So Ordered

s/Mikell R. Scarborough 3062

Electronically signed on 2024-03-14 16:11:54 page 5 of 5

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

Case No. 2022-CP

PVone REO, LLC,

Plaintiff,

vs.

**NOTICE OF LIS PENDENS
(Non-Jury)**

The Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154,

Defendants.

Pursuant to S.C. Code Ann. §§ 15-11-10 to -50, Plaintiff hereby gives notice that Plaintiff has commenced an action in this Court against the above-named defendants to quiet title to the following described real property:

ALL THAT CERTAIN piece, parcel or lot of land, located in Charleston County, South Carolina, shown and designated as "LOT Y" on a plat entitled "RESUBDIVISION OF PROPERTY IN THE 5 MILE SECTION OF CHARLESTON COUNTY" prepared by W. L. Gaillard, Registered Surveyor, dated July 27, 1981, revised October 20, 1983, and recorded in Plat Book AY, Page 192, Charleston County records. Said lot having such size, shape, dimensions, metes, buttings and boundings as will by reference to said plat, more fully appear.

BEING a portion of the property conveyed to Mary A. White by deed from Lucreita B. Lucado, dated April 20, 1981, and recorded April 20, 1981, in Book E125, Page 036; and being the same property conveyed to PVOne REO, LLC by tax deed dated March 18, 2022, and recorded on April 7, 2022, in the Charleston County Register of Deeds Office in Book 1098, page 183.

PIN 466-03-00-154.

s/ A. Parker Barnes III
A. Parker Barnes III
SC Bar No. 68359

Haynsworth Sinkler Boyd, P.A.
Post Office Box 11889
Columbia, South Carolina 29211-1889
(803) 779-3080

August 3, 2022

Attorneys for Plaintiff

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

Case No. 2022-CP

PVone REO, LLC,

Plaintiff,

vs.

**SUMMONS
(Non-Jury)**

The Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154,

Defendants.

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the Complaint on the subscriber at his office, Haynsworth Sinkler Boyd, P.A., 1201 Main Street, 22nd Floor (29201), Post Office Box 11889, Columbia, South Carolina (29211-1889), within

thirty (30) days after the service hereof, exclusive of the day of such service. Your Answer must be in writing and signed by you or your attorney and must state your address or the address of your attorney, if signed by your attorney. If you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

s/ A. Parker Barnes III
A. Parker Barnes III
SC Bar No. 68359

Haynsworth Sinkler Boyd, P.A.
Post Office Box 11889
Columbia, South Carolina 29211-1889
(803) 779-3080

August 3, 2022

Attorneys for Plaintiff

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

Case No. 2022-CP

PVone REO, LLC,

Plaintiff,

vs.

**COMPLAINT
(Non-Jury)**

The Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154,

Defendants.

Plaintiff PVone REO, LLC ("Plaintiff"), complaining of the defendants herein, would respectfully allege and show unto this Court as follows:

1. Pursuant to S.C. Code Ann. §§ 12-61-10 to -60, Plaintiff asserts this Complaint against the defendants for the purpose of confirming its tax title to real property described as 1935

Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154 (the "Property"), which is herein below more specifically described and identified. Plaintiff acquired the Property through a tax deed resulting from a tax sale conducted by Charleston County pursuant to statute.

The Property

2. The Property conveyed by the tax deed is more particularly described as follows:

ALL THAT CERTAIN piece, parcel or lot of land, located in Charleston County, South Carolina, shown and designated as "LOT Y" on a plat entitled "RESUBDIVISION OF PROPERTY IN THE 5 MILE SECTION OF CHARLESTON COUNTY" prepared by W. L. Gaillard, Registered Surveyor, dated July 27, 1981, revised October 20, 1983, and recorded in Plat Book AY, Page 192, Charleston County records. Said lot having such size, shape, dimensions, metes, buttings and boundings as will by reference to said plat, more fully appear.

BEING a portion of the property conveyed to Mary A. White by deed from Lucreita B. Lucado, dated April 20, 1981, and recorded April 20, 1981, in Book E125, Page 036; and being the same property conveyed to PVOne REO, LLC by tax deed dated March 18, 2022, and recorded on April 7, 2022, in the Charleston County Register of Deeds Office in Book 1098, page 183.

PIN 466-03-00-154.

Parties and Title History

3. Plaintiff is informed and believes that Lucreita D. Lucado conveyed two parcels of real property, one of which was the Property, to Mary A. White by deed dated and recorded on April 20, 1981, in the Charleston County Register of Deeds Office (the "ROD") in Book E125, page 36. As stated on the second page of that deed, Plaintiff is informed and believes that the purpose of this deed was "to put on record in the [ROD] the fact that the [conveyed property] has a clear title as of March 31, 1981, Mary A. White et al. v. Monday Green et al., Court of Common Pleas, Charleston County, Case No. 79-CP-10-2289."

4. Plaintiff is informed and believes that Mary A. White died in 1997. However, Plaintiff did not find her obituary or a record of her estate being probated in Charleston County.

Accordingly, Plaintiff has named the following as defendants because Plaintiff is informed and believes that some or all of them may claim to have some interest in the Property: the Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; and all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation (collectively, the "Estate"). Through this action, Plaintiff seeks to extinguish and eliminate all interests that the Estate has or may claim to have in, to, or upon the Property.

5. Defendants John Doe and Defendant Mary Roe and the other unknown defendants (collectively, the "Unknown Defendants") represent and include all unknown persons or entities having or claiming any right, title, or interest in or to, or lien upon, the Property.

6. The parties hereto, and the subject matter hereof, are within the jurisdiction of this Court.

**FIRST CAUSE OF ACTION
(Action to Quiet Tax Title)**

7. Plaintiff re-alleges and incorporates herein by reference all of the above allegations.

8. Plaintiff purchased the Property at the Charleston County tax sale held on November 16, 2020 (the "Tax Sale") with a bid of \$88,000.00. Charleston County conveyed the Property to Plaintiff by tax deed dated March 18, 2022, and recorded on April 7, 2022, in the ROD in Book 1098, page 183 (the "Tax Deed").

9. This Complaint is made for the purpose of clearing title to the Property against any and all claims, if any, as have been or may be raised by any of the defendants adverse to the title and ownership interests of Plaintiff acquired by the Tax Sale proceedings and the Tax Deed.

10. In support of the status of Plaintiff's title and in support of this action to clear title by determination of Plaintiff's interests superior to other interests, specifically including any and all interests of the defendants, Plaintiff alleges as follows:

a. Plaintiff purchased the Property at the Tax Sale, which was conducted by the taxing authorities for Charleston County for unpaid ad valorem taxes.

b. Upon information and belief, the taxing authorities for Charleston County prosecuted the Tax Sale pursuant to the controlling tax sale statutes, S.C. Code Ann. §§ 12-51-40 to -170, including all requisite notices to the owner of record and any other parties in interest to the Property.

c. Plaintiff was the successful purchaser of the Property at the Tax Sale and paid the bid in full pursuant to the notice of tax sale and otherwise in accordance with the statutory proceedings.

d. None of the defendants nor any other person or entity took any action in response to the notices or otherwise to redeem the Property, and Charleston County conveyed the Property to Plaintiff through the Tax Deed.

11. Plaintiff is informed and believes that by reason of the Tax Deed, Plaintiff is the owner of marketable fee simple title to the Property without regard to any outstanding or adverse claims of interest of any of the defendants, and that Plaintiff is entitled to an order of this Court declaring and confirming that its title is free and clear of such adverse lien interests and encumbrances or other claims to the Property, if any, as are or may be claimed or asserted by any of the defendants.

12. Plaintiff is further informed and believes that upon the Court's issuance of its order declaring and confirming that Plaintiff's title is free and clear of such adverse interests and

encumbrances or other claims to the Property, if any, as are or may be claimed or asserted by any of the defendants, Plaintiff is entitled to immediate possession of the Property, and that any tenants or parties in possession of the Property, must be evicted from and vacate the Property within a reasonable time to be determined by this Court.

**FIRST ALTERNATIVE CAUSE OF ACTION
(Action to Recover Amounts Due)**

13. Plaintiff re-alleges and incorporates herein by reference all prior paragraphs of its Complaint.

14. Only in the event that the Tax Sale of the Property is set aside or declared void, Plaintiff seeks to recover the amounts that the controlling authority requires be refunded and tendered to the Plaintiff, which includes a refund of the Tax Sale bid, a refund of all Property taxes paid, a refund of all costs justly chargeable against the Property, and interest at the statutory rate of 12% on the tax sale bid from the date of the tax sale until paid, as provided in S.C. Code Ann. §§ 12-51-90, -100, together with pre-judgment interest.

15. South Carolina law provides that, when a tax sale is set aside through litigation, the courts must treat it as the ultimate redemption and that the provisions of S.C. Code Ann. § 12-51-100 apply.

16. Pursuant to S.C. Code Ann. § 12-51-100, Plaintiff is statutorily entitled to a refund of the Tax Sale bid and the interest required by S.C. Code Ann. § 12-51-90. As the redemption period expired on November 17, 2021, Plaintiff is entitled to interest on the tax sale bid at the statutory rate of 12% from the date of tax sale as provided in S.C. Code Ann. § 12-51-90.

17. Plaintiff is also entitled to a refund of all property taxes that it has paid and all costs that it has paid that are justly chargeable against the Property.

18. As the amount of the Tax Sale bid, paid property taxes, costs justly chargeable against the Property, and legal interest are sums that are certain or are capable of being reduced to certainty, Plaintiff is further entitled to receive and seeks to recover pre-judgment interest.

19. Therefore, if the Court sets aside the Tax Sale of the Property, Plaintiff seeks judgment against the party challenging the Tax Sale of the Property for the amount of the tax sale bid, paid property taxes, costs justly chargeable against the Property, and legal interest at the rate of 12% on the tax sale bid from the date of the Tax Sale until paid, together with pre-judgment interest.

WHEREFORE, for the reasons set forth above, Plaintiff prays for the following relief:

1. With respect to Plaintiff's First Cause of Action, Plaintiff prays that judgment be entered in its favor against the defendants with a finding by the Court that any right, title, claim, interest, or lien in or to the Property arising from the interests of any of the defendants in the Property that they now claim or may claim in the future, be found to be junior or subsequent to Plaintiff's title, and that Plaintiff be provided a final and complete adjudication of the nature and extent of its title to the Property so that it may own, possess, and transfer clear title to the Property; and that judgment be entered in Plaintiff's favor against the defendants, or any other tenant or party in possession of the Property with a finding by the Court that Plaintiff is entitled to immediate possession of the Property and ordering the Charleston County Sheriff to evict and remove the defendants or any tenants or parties in possession of the Property from the Property within a reasonable time as determined by the Court.

2. With respect to Plaintiff's First Alternative Cause of Action, and only in the event that the Tax Sale of the Property is set aside or declared void, Plaintiff prays that judgment be entered in its favor against the party challenging the tax sale with a finding by the Court that Plaintiff is entitled to a refund of the tax sale bid, all Property taxes paid, all costs justly

chargeable against the Property, and legal interest on the tax sale Bid at the rate of 12% from the date of the Tax Sale, until paid, as provided in S.C. Code Ann. §§ 12-51-90, -100, together with pre-judgment interest, and that the Court order the party challenging the tax sale of the Property to refund these amounts to Plaintiff.

3. Plaintiff further prays that the Court award it such other and further relief as the Court may deem just and proper.

s/ A. Parker Barnes III
A. Parker Barnes III
SC Bar No. 68359

Haynsworth Sinkler Boyd, P.A.
Post Office Box 11889
Columbia, South Carolina 29211-1889
(803) 779-3080

August 3, 2022

Attorneys for Plaintiff

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

Case No. 2022-CP-10-03492

PVone REO, LLC,

Plaintiff,

vs.

**STIPULATION AND CONSENT TO
REFERENCE**

The Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devises of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154,

Defendants.

It is hereby stipulated, consented, and agreed by the Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devises of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any

deceased person, or by any such designation; John Doe and Mary Roe, the same being fictitious names used for the true names of all unknown persons, claiming any right, title, estate, interest in or lien upon the real property described in Plaintiff's Complaint and Notice of Lis Pendens (the "Property"), their heirs and assigns; all other persons, firms, or corporations entitled to claim under, by, or through any of the defendants; and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the Property, some or all of whom are or may be residents or non-residents of the State of South Carolina, minors, incompetent, imprisoned, under legal disability, or in the military service, that this matter be referred to the Master in Equity for Charleston County, South Carolina, and that the Master in Equity shall make final judgment in this matter, pursuant to Rule 53, SCRCF, and that any appeal from the final order of the Master in Equity be directly to the Court of Appeals of South Carolina.

I SO STIPULATE:

s/ Kelley Y. Woody
Kelley Y. Woody
SC Bar No. 7307
18 Myrtle Bank Place (29209)
P.O. Box 6432
Columbia, South Carolina 29260

August 8, 2022

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARELSTON

Case No. 2022-CP-10-03492

PVone REO, LLC,

Plaintiff,

vs.

The Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154,

Defendants.

**CONSENT TO ACT AS GUARDIAN AD
LITEM NISI**

I, Kelley Y. Woody, Esq., hereby consent to act as Guardian Ad Litem Nisi for Defendants the Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown

owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; John Doe and Mary Roe, the same being fictitious names used for the true names of all unknown persons claiming any right, title, estate, interest in or lien upon the real property described in Plaintiff's Complaint and Notice of Lis Pendens (the "Property"), their heirs and assigns; all other persons, firms, or corporations entitled to claim under, by, or through any of the defendants; and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the Property (collectively the "Estate and the Unknown and Doe Defendants"), some or all of whom are or may be residents or non-residents of the State of South Carolina, minors, incompetent, imprisoned, under legal disability, or in the military service.

I hereby certify that I have no interest adverse to that of the Estate and the Unknown and Doe Defendants, and that I am not connected in business with Plaintiff or its attorneys.

s/ Kelley Y. Woody
Kelley Y. Woody
SC Bar No. 7307
18 Myrtle Bank Place (29209)
P.O. Box 6432
Columbia, South Carolina 29260
(803) 787-9678

August 8, 2022

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

Case No. 2022-CP-10-03492

PVone REO, LLC,

Plaintiff,

vs.

NOTICE OF FILING OF COMPLAINT

The Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154,

Defendants.

NOTICE IS HEREBY GIVEN that the Complaint in the above-captioned action (Case No. 2022-CP-10-03492) was electronically filed in the Charleston County Clerk of Court's Office on August 3, 2022. A true copy of the Complaint is available for review and inspection by all interested persons.

s/ A. Parker Barnes III
A. Parker Barnes III
SC Bar No. 68359

Haynsworth Sinkler Boyd, P.A.
Post Office Box 11889
Columbia, SC 29211-1889
(803) 779-3080

Attorneys for Plaintiff

August 9, 2022

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

Case No. 2022-CP-10-03492

PVone REO, LLC,

Plaintiff,

vs.

**NOTICE OF ORDER APPOINTING
GUARDIAN AD LITEM NISI**

The Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-15462,

Defendants.

PLEASE TAKE NOTICE that there has been filed in the Office of the Clerk of Court for Charleston County an Order Appointing Kelley Y. Woody, Esq., whose address is 18 Myrtle Bank Place (29209), P.O. Box 6432 (29260), Columbia, South Carolina, as Guardian Ad Litem Nisi. This appointment becomes absolute thirty (30) days after the service of the Notice and

publication of the Summons herein, unless you or someone on your behalf shall, before the expiration of the thirty (30) days after the service hereof, procure to be appointed for you a Guardian Ad Litem to represent your interests in this action.

s/ A. Parker Barnes III
A. Parker Barnes III
SC Bar No. 68359

Haynsworth Sinkler Boyd, P.A.
Post Office Box 11889
Columbia, SC 29211-1889
(803) 779-3080

August 9, 2022

Attorneys for Plaintiff

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

CIVIL ACTION NO: 2022-CP-10-03492

PVONE REO, LLC,

PLAINTIFF,

ANSWER, CONSENT TO REFERENCE, AND
CONSENT FOR VIDEO/TELECONFERENCE
HEARING FOR JOHN DOE AND MARY ROE
AND ANY UNKNOWN HEIRS OF THE ESTATE
OF MARY A. WHITE
(COLLECTIVELY REFERRED TO AS
UNKNOWN DEFENDANTS)

v.

THE ESTATE OF MARY A. WHITE, ET AL,

DEFENDANTS.

The undersigned Guardian ad Litem Nisi for John Doe and Mary Roe, and Unknown Heirs of the Estate of Mary A. White (collectively the "Unknown Defendants") does hereby answer the Complaint as follows:

1. That unless specifically admitted or qualified or explained herein, all allegations of the Complaint are denied and strict proof thereof is demanded;
2. That the Unknown Defendants lack sufficient information at this time to make a determination as to the other allegations set forth in the Complaint and therefore hereby deny all such allegations.
3. The Unknown Defendants consent to having this matter referred to the Master in Equity for Charleston County, or a Special Referee as deemed appropriate by the Court, pursuant to Rule 53(b) SCRCF (as amended); that the Master in Equity or Special Referee shall make final judgment in the matter in accordance with Rule 53 SCRCF, and that any appeal from the Final Order of the Master in Equity or Special Referee shall be in accordance with South Carolina law.
4. That Unknown Defendants consent to this matter being held by video/teleconference, if permitted;

WHEREFORE, having fully answered, the Unknown Defendants pray that the Court inquire unto the matters set forth herein, determine and protect the priorities of the parties, and for such other and further relief as may be just and proper.

s/Kelley Y. Woody

Kelley Y. Woody (S.C. Bar No. 7307)

**Guardian ad Litem Nisi for the Unknown Defendants
(John Doe and Mary Roe) and Unknown Heirs of the
Estate of Mary A. White**

P.O. Box 6432

Columbia, South Carolina 29260

(803) 787-9678

kwoody@kelleywoody.com

Columbia, South Carolina

August 11, 2022

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

Case No. 2022-CP-10-03492

PVone REO, LLC,

Plaintiff,

vs.

NOTICE OF HEARING

The Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154,

Defendants.

NOTICE IS HEREBY GIVEN that the hearing in the above-referenced action to quiet tax title to the real property described in the Complaint will be held before the Honorable Mikell R. Scarborough, Master in Equity for Charleston County, on **Wednesday, January 11, 2023, at 3:30**

P.M., at the Charleston County Courthouse, 100 Broad Street, Courtroom 2A, Charleston, South Carolina.

You are requested to notify attorney A. Parker Barnes III at telephone number (803) 779-3080 of your intention to appear.

You are invited to attend as you see fit.

s/ A. Parker Barnes III
A. Parker Barnes III
SC Bar 68359

Haynsworth Sinkler Boyd, P.A.
Post Office Box 11889
Columbia, South Carolina 29211-1889
(803) 779-3080

Attorneys for Plaintiff

December 20, 2022

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

Case No. 2022-CP-10-03492

PVone REO, LLC,

Plaintiff,

vs.

CERTIFICATE OF SERVICE

The Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devises of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154,

Defendants.

I, the undersigned, do hereby certify that on December 20, 2022, I caused the below named parties to be served with a copy of the following document(s):

1. Notice of Hearing; and
2. Certificate of Service,

by causing said document(s) to be placed in a sealed envelope with postage thereon fully prepaid, in the United States mail, with return address clearly shown, as set forth below:

Kelley Y. Woody, Esq. (Via E-file)

Carol A. Williamson

Carol A. Williamson

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

CIVIL ACTION: 2022-CP-10-03492

PVONE REO, LLC,

PLAINTIFF,

v.

THE ESTATE OF MARY A. WHITE, ET AL,

DEFENDANTS.

AFFIDAVIT OF GUARDIAN AD
LITEM NISI FOR UNKNOWN
DEFENDANTS (JOHN DOE AND
MARY ROE) INCLUDING UNKNOWN
HEIRS OF THE ESTATE OF MARY A.
WHITE

PERSONALLY APPEARED BEFORE ME, Kelley Y. Woody, who being duly sworn,
deposes and states as follows:

1. That she consented to her appointment as Guardian ad Litem Nisi for Unknown Defendants (Unknown Defendants also referred to as John Doe and Mary Roe) including the Unknown Heirs of the Estate of Mary A. White;
2. That she reviewed the pleadings filed by Plaintiff's attorney regarding this matter;
3. That she filed an Answer and a Consent to Reference on behalf of the Unknown Defendants;
4. That she sent correspondence to the Estate of Mary A. White inquiring as to heirs of Mary White or any other persons or entities who may claim an interest in the subject property; a copy of this letter is filed herewith as Exhibit A;
5. That Affiant received no response to this letter and the letter was not returned to her;

FURTHER AFFIANT SAYETH NOT.

SWORN TO BEFORE ME THIS 12/20, 2022
Amber R. King
Amber R. King
NOTARY PUBLIC FOR SOUTH CAROLINA
My commission expires: January 21, 2031

Kelley Y. Woody
Kelley Y. Woody (S.C. Bar No. 7307)
Guardian for Unknown Defendants (John Doe
and Mary Roe) and the Unknown Heirs of the
Estate of Mary A. White
P.O. Box 6432
Columbia, SC 29209
803-787-9678 (phone)
kwoody@kelleywoody.com



**KELLEY YARBOROUGH WOODY
ATTORNEY AT LAW, LLC**

P.O. Box 6432 • COLUMBIA • SOUTH CAROLINA • 29260 • KWOODY@KELLEYWOODY.COM
803-787-9678 (PHONE) 803-787-9743 (FAX)

August 16, 2022

Estate of Mary A. White
1935 Jacksonville Road
Charleston, SC 29405

Re: PVone REO v. Estate of Mary White, et al
Civil Action: 2022-CP-10-03492

To Whom It May Concern:

I am the Court appointed Guardian ad Litem for the Unknown Defendants who represent and include all unknown persons or entities having or claiming any right, title, or interest in or to, or lien upon the subject property in the above-referenced action. I am also Guardian ad Litem for any unknown minors or person under disability. I will file an Answer on behalf of these defendants.

The action seeks to quiet (confirm) the title to property described as 1935 Jacksonville Road, Charleston, South Carolina in the name PVone REO LLC. This property was formerly owned by Mary A. White (deceased) and was subsequently sold at tax sale and conveyed by tax deed recorded April 7, 2022.

This action will terminate any interest in the subject property that may be held by the any heirs or devisees of Mary White and any other person or entity claiming any interest therein. There are no known heirs of Mary White. Please contact me if you have information as to other persons or entities who may claim an interest in the subject property.

Sincerely,


Kelley Y. Woody

ELECTRONICALLY FILED - 2022 Dec 20 5:03 PM - CHARLESTON - COMMON PLEAS - CASE#2022CP1003492

TAMME SUGGS HAYNSWORTH, SINKLER BOYD, PA
134 MEETING STREET, THIRD FLOOR
CHARLESTON SC 29401
Att. Carol Williamson

AFFIDAVIT OF PUBLICATION

The Post and Courier

State of South Carolina

County of Charleston

Personally appeared before me the undersigned advertising clerk of the above indicated newspaper published in the city of Charleston, county and state aforesaid, who, being duly sworn, says that the advertisement of

(copy attached)

appeared in the issues of said newspaper on the following day(s):

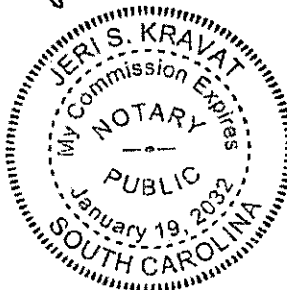
08/12/22	Fri	PC	08/26/22	Fri	CNW
08/19/22	Fri	PC			
08/26/22	Fri	PC			
08/12/22	Fri	CNW			
08/19/22	Fri	CNW			

at a cost of \$2,174.28
Account# 107632
Order# 2017388
P.O. Number: 44342.0002

Subscribed and sworn to before
me this 26th day
of August
A.D. 2022

advertising clerk

NOTARY PUBLIC, SC
My commission expires



STATE OF
SOUTH CAROLINA
COUNTY OF
CHARLESTON
IN THE
COURT OF
COMMON PLEAS
Case No. 1
2022-CP-10-03492
SUMMONS
(Non-Jury)

PVOne REO, LLC, Plaintiff,

vs.
The Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devises of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154,

Defendants.

SUMMONS

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the Complaint on the subscriber at his office, Haynsworth Sinkler Boyd, P.A., 1201 Main Street, 22nd Floor (29201), Post Office Box 11889, Columbia, South Carolina (29211-1889), within thirty (30) days after the service hereof, exclusive of the day of such service. Your Answer must be in writing and signed by you or your attorney and must state your address or the address of your attorney, if signed by your attorney, if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

NOTICE OF LIS PENDENS
Pursuant to S.C. Code Ann. §§ 15-11-10 to -50, Plaintiff hereby gives notice that Plaintiff has commenced an action in this Court against the above-named defendants to quiet title to the following described real property:

ALL THAT CERTAIN piece, parcel or lot of land, located in Charleston County, South Carolina, shown and designated as "LOT Y" on a plat entitled "RESUBDIVISION OF PROPERTY IN THE 5 MILE SECTION OF CHARLESTON COUNTY" prepared by W. L. Galliard, Registered Surveyor, dated July 27, 1981, revised October 20, 1983, and recorded in Plat Book A-7, Page 192, Charleston County records. Said lot having such size, shape, dimensions, metes, buttings and boundaries as will by reference to said plat, more fully appear. BEING a portion of the property conveyed to Mary A. White by deed from Lucrecia B. Lucado, dated April 20, 1981, and recorded April 20, 1981, in Book E125, Page 036; and being the same property conveyed to PVOne REO, LLC by tax deed dated

March 18, 2022, and recorded on April 7, 2022, in the Charleston County Register of Deeds Office in Book 1098, page 183. PIN 466-03-00-154.

NOTICE OF FILING OF COMPLAINT

NOTICE IS HEREBY GIVEN that the Complaint in the above-captioned action (Case No. 2022-CP-10-03492) was electronically filed in the Charleston County Clerk of Court's Office on August 3, 2022. A true copy of the Complaint is available for review and inspection by all interested persons.

NOTICE OF ORDER APPOINTING GUARDIAN AD LITEM NISI

PLEASE TAKE NOTICE that there has been filed in the Office of the Clerk of Court for Charleston County an Order Appointing Kelley Y. Woody, Esq., whose address is 18 Myrtle Bank Place (29207), P.O. Box 6432 (29260), Columbia, South Carolina, as Guardian Ad Litem Nisi. This appointment becomes absolute thirty (30) days after the service of the Notice and publication of the Summons herein, unless you or someone on your behalf shall, before the expiration of the thirty (30) days after the service hereof, procure to be appointed for you a Guardian Ad Litem to represent your interests in this action.

/s/ A. Parker Barnes III
SC Bar No. 08359
Haynsworth Sinkler Boyd, P.A.
Post Office Box 11889
Columbia, SC 29211-1889
(803) 779-3080
Attorneys for Plaintiff

ORDER APPOINTING GUARDIAN AD LITEM NISI AND ORDER FOR SERVICE BY PUBLICATION

This matter comes before the Court on Plaintiff's Motion to Appoint a Guardian Ad Litem Nisi and for an Order for Service by Publication, through which Plaintiff seeks to appoint Kelley Y. Woody, Esq. as Guardian Ad Litem Nisi for Defendants the Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devises of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; John Doe and Mary Roe, the same being fictitious names used for the true names of all unknown persons, claiming any right, title, estate, interest in or lien upon the real property described in Plaintiff's Complaint and Notice of Lis Pendens (the "Property"), their heirs and assigns; all other persons, firms, or corporations entitled to claim under, by, or through any of the defendants; and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the Property (collectively, the "Estate and the Unknown and Doe Defendants"). It appearing that some or all of the Estate and the Unknown and Doe Defendants are or may be residents or non-residents of the State of South Carolina, minors, incompetent, imprisoned, under legal disability, or in the military service, and that the Estate and the Unknown and Doe Defendants are unknown to Plaintiff and cannot with reasonable diligence be located or their whereabouts ascertained; It further appearing that Kelley Y. Woody, Esq. is a suitable and competent person

to understand and protect all rights and interests of the Estate and the Unknown and Doe Defendants, and that Kelley Y. Woody, Esq. has no interest adverse to the interests of the Estate and the Unknown and Doe Defendants and is not connected in business with Plaintiff or its counsel; NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, and DECREED as follows:

1. Kelley Y. Woody, Esq. is hereby appointed Guardian Ad Litem Nisi on behalf of the Estate and the Unknown and Doe Defendants, the same being fictitious names used for the true names of all unknown persons, claiming any right, title, estate, interest in or lien upon the Property, their heirs and assigns; all other persons, firms, or corporations entitled to claim under, by, or through any of the defendants; and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the Property, some or all of whom are or may be residents or non-residents of the State of South Carolina, minors, incompetent, imprisoned, under legal disability, or in the military service.

2. Kelley Y. Woody, Esq. is empowered and directed to appear on behalf of and to represent the Estate and the Unknown and Doe Defendants, unless any one of them, or someone on behalf of any one of them, shall, within thirty (30) days after service of a copy hereof as directed, procure the appointment of a Guardian Ad Litem.

3. A copy of this Order shall be served upon the Estate and the Unknown and Doe Defendants by publication in the Post & Courier, a newspaper of general circulation published in Charleston County, South Carolina, once a week for three consecutive weeks, together with the Notice of Lis Pendens, Summons, Notice of Filing Complaint, and Notice of Order Appointing Guardian Ad Litem in this action.

/s/ Julie J. Armstrong
Charleston County
Clerk of Court, by BLC
ADA 2017288

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

Case No. 2022-CP-10-03492

PVone REO, LLC,

Plaintiff,

vs.

**MOTION TO APPOINT GUARDIAN AD
LITEM NISI AND FOR AN ORDER OF
SERVICE BY PUBLICATION**

The Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154,

Defendants.

Pursuant to Rule 17, SCRPC, and S.C. Code Ann. § 15-9-720, Plaintiff hereby moves for an Order Appointing a Guardian Ad Litem Nisi to represent the interests of Defendants the Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and

Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe, representing all unknown persons or entities claiming any interest whatsoever in the real property that is the subject of this action, as below described. Plaintiff also moves for an order for service of these unknown persons and entities by publication.

In support of this motion, Plaintiff alleges as follows:

1. This is an action to quiet tax title to the real property described in Plaintiff's Complaint and Notice of Lis Pendens (the "Property").

2. Plaintiff is informed and believes that there may be certain unknown persons, entities, or parties that claim or may claim to have some interest in, to, or upon the Property, and that after reasonable and diligent searches, Plaintiff has been unable to determine the names of these unknown persons, entities, and parties, or to ascertain their whereabouts.

3. Therefore, Plaintiff has named the Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; John Doe and Mary Roe as defendants to this action, the same being fictitious names used for the true names of all unknown persons, claiming any right, title, estate, interest in or lien upon the Property, their heirs and assigns; all other persons, firms, or corporations entitled to claim under, by, or through any of the defendants; and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the Property (collectively, the "Estate and the Unknown and Doe Defendants").

4. Plaintiff is informed and believes that some or all of the Estate and the Unknown and Doe Defendants may be residents or non-residents of the State of South Carolina, minors, incompetent, imprisoned, under legal disability, or in the military service.

5. Accordingly, Plaintiff moves for an Order appointing Kelley Y. Woody, Esq. as Guardian Ad Litem Nisi for the Estate and the Unknown and Doe Defendants, and Plaintiff is informed and believes that Kelley Y. Woody, Esq. is a suitable and proper person to be appointed Guardian Ad Litem Nisi for the Estate and the Unknown and Doe Defendants. Plaintiff is also informed and believes that Kelley Y. Woody, Esq. is not connected in business with any party in this action and has no interest adverse to the interest of any of the Estate and the Unknown and Doe Defendants.

6. Pursuant to S.C. Code Ann. § 15-9-720, Plaintiff also moves the Court for an Order for service of the Estate and the Unknown and Doe Defendants by publication.

WHEREFORE, Plaintiff prays that the Court appoint Kelley Y. Woody, Esq. as Guardian Ad Litem Nisi for the Estate and the Unknown and Doe Defendants and order that the Estate and the Unknown and Doe Defendants be served by publishing a copy of the Notice of Lis Pendens, Summons, Notice of Filing Complaint, Notice of Order Appointing Guardian Ad Litem Nisi, and Order of Publication in this action in the Post & Courier.

August 9, 2022

s/ A. Parker Barnes III
A. Parker Barnes III
SC Bar No. 68359
Haynsworth Sinkler Boyd, P.A.
Post Office Box 11889
Columbia, SC 29211-1889
(803) 779-3080
Attorneys for Plaintiff

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
Case No. 2022-CP-10-03492

PVone REO, LLC,

Plaintiff,

vs.

MOTION FOR AN ORDER OF REFERENCE

The Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devises of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154,

Defendants.

Plaintiff commenced this action in equity to quiet its tax title to certain real property located in Charleston County, South Carolina. Pursuant to Rule 53(b), SCRCPP, Plaintiff moves this Court to issue an Order of Reference, referring this equitable proceeding to the Charleston County Master in Equity.

The only defendants that have appeared in this action are the Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe (collectively, the "Estate and Unknown Defendants").

In their answer, the Estate and Unknown Defendants consented to the reference of this action to the Master in Equity. (See Answer, Consent to Reference, and Consent for Video/Teleconference Hearing electronically filed on August 11, 2022 at ¶ 3.)

Based on the foregoing and with the consent of the Estate and Unknown Defendants, Plaintiff moves this Court to issue an Order of Reference, pursuant to Rule 53(b), SCRPC, referring this equitable proceeding to the Honorable Mikell R. Scarborough, Master in Equity for Charleston County, for the purposes of receiving evidence and rendering findings of fact and conclusions of law with finality with respect to all issues and with all appeals to be made directly to the South Carolina Court of Appeals.

s/ A. Parker Barnes III
A. Parker Barnes III
SC Bar No. 68359

Haynsworth Sinkler Boyd, P.A.
Post Office Box 11889
Columbia, South Carolina 29211-1889
(803) 779-3080

September 26, 2022

Attorneys for Plaintiff

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
Case No. 2022-CP-10-03492

PVone REO, LLC,

Plaintiff,

MOTION TO INTERVENE AND MOTION TO
VACATE

Vs

The Estate of Mary A. White;
Heirs-at-Law of Mary A. White; unknown
Heirs-at-Law or devisees of Mary A.
White, Deceased; their Heirs, Personal
Representatives, Administrators,
Successors, and Assigns, and all other
persons entitled to claim through them; all
unknown owners, unknown heirs or
unknown devisees of any deceased
person, or by any such designation; and
John Doe and Mary Roe, representing all
unknown persons having or claiming to
have any right, title, or interest in or to, or
lien upon, the real estate described as
1935 Jacksonville Road, Charleston
County, South Carolina, PIN 466-03-00-
154, their heirs and assigns, and all other
persons, firms, or corporations entitled to
claim under, by or through the
above-named Defendant(s), and all other
persons or entities unknown claiming any
right, title, interest, estate in, or lien upon,
the real estate described as 1935
Jacksonville Road, Charleston County,
South Carolina, PIN 466-03-00-154,

Defendants.

DeWayne Alphonza Sykes as remaindermen

Defendant intervenor.

Please take notice Come now DeWayne Alphonza Sykes as Sole heir of DeWayne Alphonza White estate and Remainderman moved pursuant to Rule 60(b)(4), South Carolina Rules of Civil Procedure, to vacate the previously entered final order.motion pursuant to Rule 60(b)(4), South Carolina Rules of Civil Procedure, asserting the courts prior final order was *void* for lack of subject matter . Sykes interests as remaindermen are not affected from a tax sale against a life estate holder. Plaintiff identified

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CLERK OF COURT

the Property address as 1935 Jacksonville Road in its pleadings and filings, Plaintiff identified Mary A. White address as 1935 Jacksonville, 1935 Jacksonville Road is a false or fictitious address used by the plaintiff to defraud defendants, lot Y is only an easement created by the life estate holder. Plaintiff never served or sent any notice to 1959 Jacksonville road. Also Please take notice that DeWayne Alphonza Sykes herein, having given due notice of intention to appeal to Supreme Court with in 10 days from filing this motion from the decree of his Honor, Judge Mikell R. Scarborough., dated 13th day of December, 2022; does appeal upon the following grounds:

- (1) For error in his Honor in upholding the tax sale because the County's levy notices were defectively worded.
- (2) The tax sale was invalid because the treasurer failed to send the levy notices via "restricted delivery" mail. Section 12-51-40(b) provides, in relevant part:
- (3) The tax sale was void because the advertisement insufficiently described the property.
- (4) For error in his Honor in holding and deciding that PVone Reo LLC had acquired a legal title to the land in question under its tax title; whereas, It should have found that PVone Reo LLC took no title to the said lands by virtue of the sheriff's deed, said lands assessed in the name of the Mary A White estate on the tax books; the said lands not belonging to the said Mary A. White, but belonging to the estate of Frank White Sr.
- (5) For error in his Honor in holding and deciding that the said PVone Reo LLC took a good title to the property described in the complaint by virtue of the sheriff's tax title to the said property, same having been purchased by it as property of, the Mary A White estate, the said lands belonging to the estate of Frank White Sr., deceased, and the said estate of Frank White Sr., deceased, being administered upon by the executor of the will of the said Frank White Sr.
- (6) For error in his Honor in not holding and deciding that the sale of this land under the tax execution, issued on assessment and execution against another than the owner, is void.
- (7) For error in his Honor in holding and deciding that the lands belonging to the estate of Frank White Sr. were subject to the execution and sale for taxes for Mary A White, the life tenant herein, for the reason the property of those alone whose name appear on the tax lists is subject to sale for nonpayment of taxes; the evidence being that the property of the estate of Frank White Sr. was not on the tax lists, and it, therefore, was not subject to sale for nonpayment of taxes of Mary A White estate.
- (8) For error in his Honor in holding and deciding that the property of the remaindermen, although not listed for taxation, was subject to execution, levy, and sale, under assessment made in the name of the life tenant, Mary A White.
- (9) For error in his Honor after holding and deciding, "It is true, unquestionably, that technically legal ownership of the property was in the estate of Frank White Sr.," that the same was subject to sale for nonpayment of the taxes assessed in the name of Mary A White estate.
- (10) For error in his Honor in holding and deciding that there is no evidence or indication that the parties hereto have been misled or surprised.

(11) For error in his Honor in holding and deciding that the interested parties had not manifested a sufficient interest in the property and their rights thereto to redeem within the statutory period by the payment of the principal and interest as provided by the statutes, the error being in construing the said statutes referred to as applying to the heirs at law of Frank White Sr.; whereas, the said statutes referred to by his Honor apply solely to the Mary A White estate property, parties not assessed for taxation not being included in the statute so construed by his Honor, Mikell R. Scarborough.

(12) For error in his Honor in holding and deciding that there is no evidence or indication that the parties hereto have been misled or surprised, and that the said interested parties had not manifested a sufficient interest in the property and in their rights thereto to redeem within the statutory period; no such evidence or statement appearing in the said agreed case.

(13) For error in his Honor in holding and deciding that the parties interested herein, by the exercise of the slightest degree, would have seen that the property was in the name of Mary A White erroneously; whereas, there was no statement in the agreed case showing that they did not exercise diligence in the said matter.

(14) For error in his Honor not holding and deciding that the said PVone Reo LLC purchased the said property at the said tax sale, and knew at the time that it purchased the same that the said property did not belong to the Mary A White, but to the estate of Frank White Sr., it being stated in the agreed case that PVone Reo LLC knew of the said will at the time it purchased the said land and the contents of the same; it is thereby stopped from denying plaintiff's title to the said lands.

I. MOTION TO SET ASIDE DEFAULT

Rule 60(b) because the judgment is void due to insufficient service of process, or due to mistake, inadvertence, surprise, or excusable neglect. A void judgment is one that, from its inception, is a complete nullity and is without legal effect and must be distinguished from one which is merely voidable. Thomas & Howard Co. v. T.W. Graham and Co., 318 S.C. 286, 291, 457 S.E.2d 340, 343 (1995) (quoting 46 Am. Jur.2d Judgments 31 (1994)). The definition of void under the rule . . . encompasses . . . judgments from courts which lacked subject matter jurisdiction. McDaniel v. U.S. Fid. & Guar. Co., 324 S.C. 639, 644, 478 S.E.2d 868, 871 (Cl. App. 1996) (internal quotations omitted); see also Ross v. Richland County, 270 S.C. 100, 103, 240 S.E.2d 649, 650 (1978) (holding that if a court is without jurisdiction of the subject matter, any action with respect to such a cause, other than to dismiss it, is absolutely void (quoting Fox v. Board of Regents of Univ. of Mich., 134 N.W.2d 146, 148 (Mich. 1965))). "The movant in a Rule 60(b) motion has the burden of presenting evidence proving the facts essential to entitle her to relief." BB&T v. Taylor, 369 S.C. 548, 552, 633 S.E.2d 501, 503 (2006).

1. The default judgment is void under Rule 60(b)(4) because DeWayne Sykes as remainderman was not properly served with the summons and complaint. Under Rule 60(b)(4), a court may relieve a party from a final judgment if the judgment is void. Rule 60(b)(4), SCRPC. A judgment is void if the court acts without personal jurisdiction. BB&T, 369 S.C. at 551, 633 S.E.2d at 503. DeWayne Sykes argues that the court did not have personal jurisdiction over DeWayne Sykes because he was never properly served.

in the case of Campbell v. Williams, 171 S.C. 279, 172 S.E. 142, 145, this Court said:

"Under the statutes of this state it is well settled that the duty is on the life tenant to pay the taxes and that the interests of remaindermen are not affected by reason of the failure of the life tenant so to do. It is also well settled that no taxes may be assessed against the interests of remaindermen during the existence of

the life estate, the reason being that the Legislature supposed the value of the life estate would be sufficient to satisfy the taxes and it was the intention under our statute to protect the rights of remaindermen and not allow them to be sacrificed where no necessity there for exists. This point was expressly declared in *Taylor v. Strauss*, 95 S.C. 295, 78 S.E. 883, and also in *Parker v. Horton*, 114 S.C. 313, 103 S.E. 546.

In the case of *Stamper v. Avant*, S.C. 104 S.E. (2d) 565, 567, it appears that James H. Detyens died testate in 1901, and by the terms of his Will he devised his property to his wife, Margaret S. Detyens for life, and after her death the property was to go to his children, share and share alike. Under the terms of the Will, Margaret S. Detyens, the wife of the testator, was appointed executrix of the said Will. She died in the year 1951. During the year 1917 the lands of which the testator was seized and possessed at the time of his death, and in which his wife held a life estate, with a *613 remainder to their children, were levied upon and sold for unpaid taxes assessed against "the estate of J.H. Detyens, deceased, testate." The property was sold and conveyed to one C.E. Fore, and by successive conveyances, the said premises were deeded to one Avant. The contest was between Avant, under the tax deed, and the remaindermen under the Will of the testator. The lower Court held in favor of the remaindermen and found that they were the owners of the premises described in the complaint as tenants in common. Upon appeal to this Court by Avant, who held the tax deed, we adopted the Order of the Circuit Court, which held that the sale of the property for unpaid taxes, during the life of the life tenants did not affect the interest of the remaindermen. It is observed in the cited case that the property in question was sold in the name of the estate of the testator during the existence of the life estate and while the life tenant was the executrix of the said Will. The Court concluded that a life tenant is required to assess the land in his possession as such and to pay the taxes thereon, and the interest of the remaindermen are not affected by the failure of the life tenant so to do. It was also held that no taxes may be assessed against the interest of the remaindermen during the existence of the life estate. The lower Court based its decision upon the holding in the case of *Taylor v. Strauss*; *Bolt v. Sullivan*; and *Campbell v. Williams*, *supra*.

It is a violation of constitutional right to make a tax deed conclusive evidence of the validity of the sale (*Marx v. Hanthorn*, 148 U. S. 172, 13 Sup. Ct. 508, 37 L. Ed. 410)

ii. DeWayne Alphonza Sykes as Sole heir of DeWayne Alphonza White and Remainderman do have a substantial, material interest or personal stake relating to the property or transaction which is the subject of the action.

Even if DeWayne Alphonza Sykes's motion isn't timely despite a four-month delay, Sykes should be allowed to intervene because he does have a personal, substantial interest in the subject matter of this litigation. A party must have standing to intervene in an action under Rule 24, SCRPC, *Bailey v. Bailey*, 312 S.C. 454, 458, 441 S.E.2d 325, 327 (1994). Under Rule 24(a)(2), intervention is proper only if the intervenor has a substantial, material interest or personal stake relating to the property or transaction which is the subject of the action. A party has standing if the party has a personal stake in the subject matter of a lawsuit and is a "real party in interest." *Id.* (emphasis added). "A real party in interest, . . . is one who has a real, actual, material or substantial interest in the subject matter of the action, as distinguished from one who has only a nominal, formal, or technical interest in, or connection with, the action." *Id.* (citations omitted). Intervention is a procedural device whereby a third party who is not a named party in an existing lawsuit, but who has an interest in its outcome, may become a party to the action. *Ex Parte Horry County State Bank*, 361 S.C. 503, 604 S.E.2d 723 (Cl. App. 2004) (citing *Black's Law Dictionary* 826 (7th ed. 1999)). Intervention may be as a matter of right or permissive and is

governed respectively by Rules 24(a) and (b), SCRPC, both of which are modeled after Rule 24 of the Federal Rules of Civil Procedure. *Id.* Generally, intervention should be liberally granted,

A life tenant cannot take title in herself to the exclusion of the remainderman's interest

Powers of life tenant with power of disposition Under a will giving to testator's wife a life estate in all of testator's property with full powers of disposition, with remainder in fee simple absolute to testator's children, the life tenant administers the life estate property in the nature of a trustee for benefit of herself and the remainderman, and, although she may have the unbridled discretion to subject the entire estate to her own use during her lifetime, even to the extent of a complete dissipation of the estate, she cannot take title in herself to the exclusion of the remainderman's interest. *Howell v. Alexander*, 3 N.C. App. 371, *Taylor v. Jennings*

Life Estate: Just as a co-tenant cannot unilaterally encumber the estate of the other co-tenants, the owner of a life estate cannot bind the remainderman's interest with a perpetual easement. While, the fee owner of a life estate can grant an easement, the duration and enforceability of that easement shall be limited to the term of the life estate (i.e. the lifetime of the life-estate grantor).

"* * * Since the fee cannot be in abeyance, a devisee of land takes under the will directly from the testator immediately on his death. *Crossland [Crossland's Ex'rs] v. Murdock*, 4 McCord 217; 19 Am. & Eng. Enc. Law, 181. Such title, therefore, vests on the death of the testator, and not at the probate of the will. The probate, whenever it occurs, relates back to the death of the testator. * * *" *Satcher v. Grice*, 53 S.C. 126, 31 S.E. 3, 4

If this property were sold by the sheriff and the tax officer of the county for unpaid city, county, and state taxes, the purchaser would get only such interest as the life tenant had and such purchaser could not acquire any interest as remaindermen had in the property in question. In this connection see the case of *Parker v. Horton*, *supra*."

upon the grounds that it appears upon the face of the answer (1) that at the time of the tax sale mentioned in the answer the respondents owned the premises sold as remaindermen, thus making any tax sale ineffective as to their interest during the continuance of the life estate; (2) that at the time of the tax sale the duty was on the life tenants to pay the taxes, and that as a matter of law the interests of the respondents, as remaindermen, were not affected by reason of the failure of the life tenants to pay said taxes. That the tax sale and the deed relied upon by the PVONE REO was invalid insofar as the rights of Sykes.

A void judgment is one that, from its inception, is a complete nullity and is without legal effect and must be distinguished from one which is merely voidable. *Thomas & Howard Co. v. T.W. Graham and Co.*, 318 S.C. 286, 291, 457 S.E.2d 340, 343 (1995) (quoting 46 Am. Jur.2d Judgments 31 (1994)). The definition of void under the rule . . . encompasses . . . judgments from courts which lacked subject matter jurisdiction. *McDaniel v. U.S. Fid. & Guar. Co.*, 324 S.C. 639, 644, 478 S.E.2d 868, 871 (Ct. App. 1996) (internal quotations omitted); see also *Ross v. Richland County*, 270 S.C. 100, 103, 240 S.E.2d 649, 650 (1978) (holding that if a court is without jurisdiction of the subject matter, any action with respect to such a cause, other than to dismiss it, is absolutely void (quoting *Fox v. Board of Regents of Univ. of Mich.*, 134 N.W.2d 146, 148 (Mich. 1965))).

Sale of lands for taxes under tax execution issued in name of wrong party is void; and placing void titles on the record will draw to them no vitality: 79 S. C. 517; 80 S. C. 29; 84 S. C. 1; 95 S. C. 301; 34 S. C. 364.

FRANK WHITE SR. ESTATE No. 073-0559

Frank White Sr., late of County of Charleston, died at the age of 71 years testate on July 20th, 1973, leaving of force and effect his last will and testament which was validly executed and duly admitted to probate on August 3, 1973, Case No. 73-559 (Roll # 537 frame # 1170) in the Probate Court for Charleston County, South Carolina. Devising by last will and Testament the said property to his wife Mary Ancrum White (Mary A White), for life, with a vested remainder to his four children: Frank White, Jr., William Timothy White, Clinton White, and DeWayne Alphonza White, with Mary A. White qualifying as Executrix and DeWayne Alphonza as substitute Executor.

FRANK WHITE SR. ESTATE No. 073-0559 will states as follow

I, FRANK WHITE, SR, a resident of and domiciled in North Charleston in the State and County aforesaid, do hereby make, publish and declare this to be my last Will and Testament, hereby revoking all Wills and Codicils at any time heretofore made by me.

I direct my Executrix, hereinafter named, to pay all my just debts and administrative expenses as soon as practicable after my death.

I give, devise and bequeath all of my property and estate, real and personal, of any and every description whatsoever and wheresoever situated, of any and every description whatsoever and wheresoever situated, including everything owned by me at the time of my death to my wife MARY ANCRUM WHITE (Mary A White), for life and upon her death, I give, devise and bequeath the same to my children, share and share alike. My wife, as holder of the life and upon her death, I give, devise and bequeath the same to my children, share and share alike. My wife as holder of the life Estate, shall not be liable for any damage, loss, waste, or otherwise, with respect to said property. If, at my wife's death, any of our children have predeceased her leaving children of their own, such issue of a deceased child shall take his or her parent's share, per stripes.

I appoint my wife Executrix of my will and as substitute Executor, I appoint my son DeWayne Alphonza White.

I direct that said Executrix and substitute Executor shall serve without bond and Security.

I give said Executrix and substitute Executor the fullest power and authority in all matters and questions and to do all acts which I might or could do if living, including, without limitation, complete power and authority to invest, sell, mortgage, lease and dispose of and distribute in kind, all property, real and personal, at such times and upon such terms and conditions as she or he may deem advisable.

I Intentionally make no other provisions for any of my children, Frank, jr., William Timothy, Clinton, or DeWayne Alphonza, now living or any other children hereafter born to or adopted by me for any other issue of mine.

Following admitting to probate on April 20, 1981 Mary A White had a hearing for a Quit-claim deed MARY A WHITE V. MONDAY GREEN 79-CP-10-2289, before the Honorable Lucreita B. Lucado where and examination by Josheph R. Surface Guardian AD litem and John H. Bennett, Jr whereas Sworn testimony was recorded of Mary A. White, Rev Lonnie Hamilton, Isaac Washington. Where a

Quit-claim deed was appointed in favor of Mary A. White and filed in RMC charleston county (E125-36), referring to: TMS numbers below were appointed to Mary A. White life estate.

**MARY A WHITE LIFE ESTATE Case No. 73-559
FRANK WHITE SR. LAST WILL AND TESTAMENT**

Tract One: 466-3-00-154
Tract Two: 466-3-00-155

Later Mary A. White life estate holder resubdivided lot I to three Tracts on October 20, 1983.
Recorded in RMC

MARY A WHITE LIFE ESTATE Case No. 73-559

Lot: X TMS# 4660300155
Lot: Y TMS# 4660300154
Lot: Z TMS# 4660300167

MARY A WHITE V. MONDAY GREEN 79-CP-10-2289 REFERENCE

**FIRST PAGE LAST QUESTION and ANSWER:
Page 1.**

Examination by Mr. Bennett.

Q. Are you familiar with the real property located in this County and State briefly known as 1953, 1959, and 1965 Jacksonville Road, Charleston Heights, South Carolina?

MARY A WHITE TESTIMONY

A: Yes sir, I am. I have familiarized myself with the history of the property with the help of you as my attorney and I know most of the family history to prove my cause of action.

**FOURTH PAGE LAST QUESTION AND ANSWER:
Examination by Mr. Bennett.**

Page 4.

Q. What become of Ida Gadsden and Frank White, Sr.?

A. I know that Ida Gadsden who last dwelt in the County of Charleston, State aforesaid, died at age 58 years intestate, on the 19th day of April, 1951, leaving as her sole heir and distribute at law, her son, Frank White, Sr., Ida Gadsden's husband, If any, is unknown. There has been no administration of her estate.

My husband Frank White, Sr. who dwelt in the County of Charleston, State aforesaid, died at the age of 71 years testate on the 20th day of July, 1973, devising by his Last Will and Testament the said property to his wife, Mary Ancrum White, for Life, with a vested remainder to his four Children: Frank White Jr., William Timothy White, Clinton White, and DeWayne Alphonza White, all devisees being plaintiffs in the action.

Page 5.

His Last Will and Testament was duly admitted to Probate in the Charleston County Probate Court of August 3, 1973, No. 73-559, with me, Mary A. White (Mary Ancrum White) qualifying as Executrix. The Estate has been closed and properly administered.

Estate of MARY A WHITE DECEASED
Case No. 96ES10-1600

Mary A. White, late of County of Charleston, died at the age of 73 years testate on November 27th, 1996, her estate was executed her death certificate properly filed and duly admitted to probate on April 25, 1997, Case No. 96-ES-10-01600 in the Probate Court for Charleston County, South Carolina. Frank White, Jr., William Timothy White, Clinton White, and DeWayne Alphonza White. As the qualifying personal representative William Timothy White.

Lot: 5, TMS# 2240000056 ChamGar-Church Flats, Hwy 162
Lot: Y TMS# 4660300154 Jacksonville Avenue
Lot: X TMS# 4660300155 Jacksonville Road
Lot: Z TMS# 4660300167 Jacksonville Road

DeWayne Alphonza White (Dewayne A. White), late of County of Charleston, died at the age of 63 years testate on December 29th, 2016, his estate was executed his death certificate properly filed and duly admitted to probate on January 19, 2017, Case No. 2017ES1000101 in the Probate Court for Charleston County, South Carolina. DeWayne Alphonza Sykes as his sole heir and appointed Personal Representative.

Estate of DEWAYNE A WHITE Case No. 2017ES1000101

Estate of MARY A WHITE DECEASED Case No. 96ES10-1600
MARY A WHITE LIFE ESTATE FRANK WHITE SR. LAST WILL AND TESTAMENT
FRANK WHITE SR. ESTATE Case No. 073-559
Estate of IDA GADSON GREEN
Estate of MONDAY GREEN Case No. 300-0003
Estate of JAMES JACKSON

Conclusion

For the foregoing reasons, Proposed Intervenor respectfully request that the court grant its motion to intervention. It is undisputed that under the will of the late Frank White Sr, the tract of land in question was devised to Mary Ancrum White (Mary A White), during her natural life, with remainder to Frank White, Jr., William Timothy White, Clinton White, and DeWayne Alphonza White. DeWayne Alphonza White as substitute Executor and DeWayne Alphonza Sykes as his sole heir and appointed Personal Representative. Taxation — Sale Void Where Lands Returned in Name of Life Tenant's Estate. — Where lands, subsequent to life tenant's death, were returned in the name of life tenant's estate, the title of tax sale purchaser *held* void. Parker v. Horton, supra

Respectfully submitted


DEWAYNE ALPHONZA SYKES
1953 JACKSONVILLE ROAD
CHARLESTON SC 29405

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

PV one REG, LLC

Plaintiff,

vs.

Mary A. White et al

Defendant

IN THE COURT OF COMMON PLEAS
JUDICIAL CIRCUIT

CASE NO.: 2022-CP-10-03492

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

Plaintiff's Attorney: <u>John Dadds</u> , Bar No. _____		Defendant's Attorney: <u>DENNIS SYKES</u> , Bar No. _____	
Address: <u>858 Low Country Blvd Ste 101</u>		Address: <u>1953 JACKSONVILLE ROAD</u>	
Phone: _____ Fax: _____		Phone: <u>843 478 5735</u> Fax: _____	
E-mail: _____ Other: _____		E-mail: _____ Other: _____	
☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)			
☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)			
☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
SECTION I: Hearing Information			
Nature of Motion: <u>2ND MOTION TO VACATE</u>			
Estimated Time Needed: _____		Court Reporter Needed: ☒ YES / ☐ NO	
SECTION II: Motion/Order Type			
☒ Written motion attached			
☒ Form Motion/Order			
I hereby move for relief or action by the court as set forth in the attached proposed order.			
<u>[Signature]</u>		<u>June 3 / 2023</u> , 20__	
Signature of Attorney for ☐ Plaintiff / ☐ Defendant		Date submitted	
SECTION III: Motion Fee			
☐ PAID - AMOUNT: \$ _____			
☐ EXEMPT: (check reason)			
☐ Rule to Show Cause in Child or Spousal Support			
☐ Domestic Abuse or Abuse and Neglect			
☐ Indigent Status ☐ State Agency v. Indigent Party			
☐ Sexually Violent Predator Act ☐ Post-Conviction Relief			
☐ Motion for Stay in Bankruptcy			
☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)			
☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions			
Name of Court Reporter: _____			
☐ Other: _____			
JUDGE'S SECTION		JUDGE CODE _____	
☐ Motion Fee to be paid upon filing of the attached order.		Date: _____, 20__	
☐ Other: _____			
CLERK'S VERIFICATION			
Collected by: _____		Date Filed: _____, 20__	
☐ MOTION FEE COLLECTED: \$ _____			
☐ CONTESTED - AMOUNT DUE: \$ _____			

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
Case No. 2022-CP-10-03492

PVone REO, LLC,

2ND MOTION TO VACATE

Plaintiff,

Vs

The Estate of Mary A. White;
Heirs-at-Law of Mary A. White;
unknown Heirs-at-Law or devisees of
Mary A. White, Deceased; their Heirs,
Personal Representatives,
Administrators, Successors, and
Assigns, and all other persons entitled to
claim through them; all unknown
owners, unknown heirs or unknown
devisees of any deceased person, or by
any such designation; and John Doe and
Mary Roe, representing all unknown
persons having or claiming to have any
right, title, or interest in or to, or lien
upon, the real estate described as 1935
Jacksonville Road, Charleston County,
South Carolina, PIN 466-03-00- 154,
their heirs and assigns, and all other
persons, firms, or corporations entitled
to claim under, by or through the
above-named Defendant(s), and all other
persons or entities unknown claiming
any right, title, interest, estate in, or lien
upon, the real estate described as 1935
Jacksonville Road, Charleston County,
South Carolina, PIN 466-03-00-154,

Defendants.

DeWayne Alphonza Sykes

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JULIE J. ARMSTRONG
CLERK OF COURT
BY: WCL

COMES NOW, This is a special visitation by DeWayne Alphonza Sykes, damaged party of interest, hereinafter Movant, in a timely manner demanding all of his rights at all times and waiving none of his rights at any time, especially his rights protected under the South Carolina¹ Constitution to be secure in his property from unreasonable seizures thereof. This Motion to Vacate is based upon the uncontroverted facts of the record in this case clearly reflect that this honorable court was without jurisdiction for a multitude of reasons that will be explained in the Memorandum. This motion to vacate is made timely in that this Movant, affected by the void judgment has never received any valid instrument that would invoke the court's jurisdiction or lead a court to a reasonable belief finding that the alleged plaintiff in this action was a valid creditor with standing or that alleged Movants were bona fide debtors to plaintiff. This Motion is moved pursuant to Rule 60(b)(4), Rules of Civil Procedure, to vacate all previously entered final orders.

Wherefore: this court being wholly without jurisdiction of the person or the subject matter as reflected by the record is respectfully requested to notice plaintiff and it's counsel of the void judgment and order all funds taken by plaintiff to be forthwith returned along with sanctions, out of pocket expenses, bank fees and attorney's fees to be paid to the Movant for violations of disciplinary rules of conduct, rules of procedure, violations of the Uniform Commercial Code and the Fair Debt Collections Practices Act and United States and State Constitutional protections.

Notice South Carolina A void judgment is one that, from its inception, is a complete nullity and is without legal effect." Thomas & Howard Co. v. T.W. Graham and Co., 318 S.C. 286, 291, 457 S.E.2d 340, 343 (1995). The definition of void under the rule only encompasses judgments from courts which failed to provide proper due process, or judgments from courts which lacked subject matter jurisdiction or personal jurisdiction." McDaniel v. U.S. Fid. & Guar. Co., 324 S.C. 639, 644, 478

S.E.2d 868, 871 (Ct. App. 1996). It is fundamental that no judgment or order affecting the rights of a party to the cause shall be made or rendered without notice to the party whose rights are to be affected." Tyron Fed. Sav. & Loan Ass'n v. Phelps, 307 S.C. 361, 362, 415 S.E.2d 397, 398 (1992). Generally, a person against whom a judgment or order is taken without notice may rightly ignore it and may assume that no court will enforce it against his person or property. The requirements of due process not only include notice, but also include an opportunity to be heard in a meaningful way, and judicial review. Grannis v. Ordean, 234 U.S. 385, 394 (1914) ("The fundamental requisite of due process of law is the opportunity to be heard."); S.C. Dep't of Soc. Servs. v. Holden, 319 S.C. 72, 78, 459 S.E.2d 846, 849 (1995).

Notice: I DeWayne Alphonza Sykes the real party in Interest gives Notice to STATE OF SOUTH CAROLINA, CHARLESTON, County, Clerk of Court, The Trier of Fact, And the Trier of the Case. That Master IN Equity Mikell R Scarborough, made no valid Order on 08/09/2022, 09/26/2022, 01/12/2023, 03/02/2023, 06/21/2023, the actions is Void due to abuse of process, lack of Jurisdiction and improper Service. I DeWayne Alphonza Sykes the real party in Interest makes this Motion and demand an emergency hearing of Rule 60 Void order for relief and to Notify the Charleston County Court 100 Broad Street, Suite 143, Charleston, SC 29401 and their Agents and Authorized Designee or Officers That I DeWayne Alphonza of the family name: Sykes the real party in Interest have a right to reclaim my home further to make an Special Appearance/Restricted Appearance and Challenges the Original jurisdictions of the Court at CHARLESTON COUNTY Master-IN-Equity Division. I Demand the Real party in interest who brought the claims and object to trustees and agents for PVONE REO LLC, as void actions and demand the real party in interest be present to testify under penalty of perjury. I was not Properly given full due process of law the PVONE REO LLC , Court Officers, and plaintiff caused me multiple injuries engaging in a fraudulent acts to violate my Personal Liberty to property protected and secured Under Article 1 sections 3 and 13 to SC constitution, Article 4 the 5th and 14th amendment of the federal constitution Prove by what constitutional authority did the plaintiffs, Officers and this court acted upon to force upon I DeWayne Alphonza Sykes a wrongful non-judicial foreclosure and to deprive me of my home, possessions and civil liberty on 5-7-18 as well a right to be heard in full. I DeWayne Alphonza Sykes do not wave any of my rights secured by the state and federal constitutions inclusive of Due Process of Law and a proper and competent Judicial Court hearing protecting my Primary rights and personal Liberties.

According to the rule of law A defect in service of process by publication is jurisdictional, rendering any judgment or order obtained thereby void. Jones v. Wallis, 211 NC App. 353, 712 S.E.2d 180 (2011).

(4) Judgments After Service by Publication; Affidavit; Undertaking.

In actions for the recovery of money only, when the summons has been served by publication and the defendant is a non-resident of the State, no default judgment shall be rendered unless the plaintiff or his

agent at or before the time of making the application for judgment shall have been examined on oath respecting any payments that have been made to the plaintiff or any one for his use on account of the demand mentioned in the complaint, and shall show by affidavit that an attachment has been issued in the action and levied upon property belonging to the defendant, which affidavit shall contain a specific description of such property, and a statement of its value and shall be filed with proof of publication. Before judgment is rendered the plaintiff shall, unless the court in its discretion dispenses with the same, cause to be filed an undertaking in such amount as shall be ordered by the court with security to be approved by the court or the clerk thereof, that the plaintiff will abide the order of the court touching the restitution of any estate or effects which may be directed by such judgment to be transferred or delivered, or the restitution of any money that may be collected under, or by virtue of, such judgment, in event the defendant or his representative shall apply and be admitted to defend the action and shall succeed in such defense.

Article 1 SECTION 23. Provisions of the Constitution are mandatory. The provisions of the Constitution shall be taken, deemed, and construed to be mandatory and prohibitory, and not merely directory, except where expressly made directory or permissive by its own terms. (1970 (56) 2684; 1971 (57) 315.), Rule 4(d) of the South Carolina Rules of Civil Procedure to be the equivalent of a statute, strict compliance with both that rule and section 15-9-740 would be required since service by publication is in derogation of the common law, therefore requiring strict compliance with the authorizing statute or rule. See, Wayne County, ex rel. Williams v. Whitley, 72 NC App. 155, 323 S.E.2d 458 (1984); see also, Caldwell v. Wiquist, 402 SC 565, 741 S.E.2d 583 (Ct. App. 2013) (to avoid resolving litigation by default, strict compliance with publication statutes is required).

Further When the Rules of Civil Procedure were promulgated by the Supreme Court and not rejected by the General Assembly, the latter also passed a bill which attempted to repeal those statutes previously enacted which were in conflict with the Rules of Civil Procedure. See 1985 Act 100 (effective 7/1/85). The legislature further provided that in the event of conflict between any provision of the South Carolina Rules of Civil Procedure and any other statutory provisions as to practice and procedure not otherwise repealed by the Act, the provisions of the rule would prevail. Since procedure concerns the machinery for carrying on a legal action, including pleadings, process, evidence and practice, it appears clear that service by publication concerns a matter of procedure. Based upon this Act, the dictates of Rule 4 would prevail over section 15-9-740. Accordingly, the commencement of any action requires service of both a summons and complaint. The plaintiff, PVONE REO LLC, and several other Officers of the Charleston acting criminally produced an Irregular Complaint by Publication which it cannot prove any set of Facts Rule 602

as used in Code, § 29, Emphasis added SC Rule 17 providing that an action must be prosecuted In the name of the real party in interest, means the person entitled to the avails of the suit; and a mere assignee, having no interest In the result of the suit, and who obtains an assignment on a promise to pay the assignor the amount he may derive from the action, is not the real party in interest, and cannot maintain the action. Hoagland v. Van Etten, 35 N. W.III, 870, 22 Neb. 681.

as used in Code, § 29, Emphasis added SC Rule 17 providing that an action must be prosecuted In the name of the real party in interest, means the person entitled to the avails of the suit; and a mere assignee, having no interest In the result of the suit, and who obtains an assignment on a promise to pay the assignor the amount he may derive from the action, is not the real party in interest, and cannot maintain the action. Hoagland v. Van Etten, 35 N. W.III, 870, 22 Neb. 681.

In order to establish standing, three elements must be established. First, the party must have suffered an injury in fact---an invasion of a legally protected interest which is (a) concrete and particularized and (b) actual or imminent, not conjectural or hypothetical. Second, there must be a causal connection between the injury and the conduct complained of---the injury has to be fairly traceable to the challenged action of the adverse party and not the result of independent action of some third party not before the court. Third, it must be likely as opposed to merely speculative, that the injury will be redressed by a favorable decision. See *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 112 S.Ct. 2130, 2136, 119 L.Ed.2d 351 (1992); *Chambers Medical Technologies of S.C. v. Bryant*, 52 F.3d 1252 (4th Cir. 1995). The plaintiff or the master in Equity Court does not satisfy any of the requirements required to establish standing.

Heirs are the Victim of Malicious prosecution and Void Order evidenced by the attachments proof that there was no true diligent search by J. A. Cox stating the place was unoccupied when that was never the case the court is in error by using that as proof of diligent service to service by publication. Since the service of a summons, which gives a court the power to render a judgment over a party within its jurisdiction, must be accomplished with service of the complaint, there is no personal jurisdiction over a party without the service of both summons and complaint together. Without personal jurisdiction, any judgment rendered by a court is void. *Universal Benefits, Inc. v. McKinney*, 349 S.C. 179, 561 S.E.2d 659 (Ct. App. 2002) (A judgment is void when a court lacks personal jurisdiction over a party). Because a void judgment is a nullity, it may be attacked at any time within "reason" without a showing of excusable neglect or meritorious defense. See *Flanagan, James F.*, South Carolina Civil Procedure (2d Ed.). Under Rule 60(b)(4), relief where a judgment is void is non-discretionary and a matter of right. *Richardson Construction Co. v. Meck Engineering & Construction Co.*, 274 S.C. 307, 262 S.E.2d 913 (1980). As a result, if the above analysis proves true, any service by publication upon a defendant which is undertaken in conformance with section 15-9-740 may have been improper and cause the judgment rendered upon a default to be void and subject to relief pursuant to Rule 60(b)(4) of the South Carolina Rules of Civil Procedure.

ONE: Frank White sr. died leaving his last will and testament a life Estate to Mary A White 1973 At the time of the November 16, 2020 Tax Sale (the subject of this action) the title owner of the Subject Property was Mary A. White and others being Dewayne White, William White, Clinton White, Frank White Jr. who had a fee simple interest by virtue of the adverse possession action against Monday Green, Ida Gadston, Sterling Jenkins, Frank White Sr. they initiated in the Court of Common Pleas for Charleston County in 1979, (Case Number 1979-CP-10-2289) which resulted in a Deed to Lucreita B. Lucado (Lucreita Becude) from Mary A. White , dated 4/7/81 . recorded in the ROD on 4/7/81 in Book B-125 at page 221, and secondly a deed to Mary A. White from Lucreita B. Lucado (Lucreita Becude), dated 4/20/81, recorded in the ROD on 4/20/81, in Book E-125, at page 036. In addition, the records reflect three out of four of her sons William White, Clinton White and Dewayne White (Dewayne White also deemed incapacitated by Probate Court case # 88-747C/G) to grant Mary A. White a Life Estate but wasn't signed by Frank White Jr. and deemed void by Dewayne White, The other sons William White, a Clinton White attempted to conveyed their interest to her by Quitclaim deed recorded in Book T184, page 216 recorded May 30, 1989. Pryor Dewayne A. White signature was void due to his incapacitated appointment that he lacked sufficient understanding. Mary A. White thereafter died intestate on 11/27/96. Although an estate was opened for Mary Ancrum White as noted above, deed automatically transferred to her son DeWayne Alphonza White as a tenants in common. Dewayne A. White was deemed incapacitated by Probate Court case # 88-747C/G from 1988 till December 2016 see Exhibit C. DeWayne A. White

thereafter died intestate on 12/27/2016 Although an estate was opened DeWayne Alphonza Sykes as his personal representative and sole heir. The Charleston County Auditor identifies co owners WHITE MARY A, WHITE DEWAYNE A, & WILLIAM to Deed T184-216 05/15/1989.

1. LIFE ESTATES. *Grantee of life tenant, holding over after life tenant's death, becomes tenant at sufferance of remaindermen.*

Grantee of life tenant, holding over after the death of life tenant, becomes tenant at sufferance of the heirs at law, the remaindermen.

2. LIFE ESTATES. *Grantee of life tenant, holding over after life tenant's death, could not set up hostile claim against remaindermen based simply on possession (Hemingway's Code, sections 2628, 2629, 2632).*

Grantee of life tenant, holding over after life tenant's death and thereby becoming a tenant at sufferance of remaindermen, could not set up a hostile claim of adverse possession, under Hemingway's Code, sections 2628, 2629, 2632 (Code 1906, sections 3090, 3091, 3094), against remaindermen, based simply on possession, in that the holding is consistent with title of remaindermen and in the absence of actual ouster or equivalent, and ten-year statute of limitations cannot be invoked against remaindermen so as to defeat their right to possession of, and title in, the land so held.

3. LIFE ESTATES. *Deed executed by life tenant was lawful notice after life tenant's death of only life estate.*

Deed executed by life tenant was, as against remaindermen, only lawful notice of its meaning, and legally gave notice only of a life estate, as respected adverse possession against remaindermen after life tenant's death.

A claim of ownership through adverse possession will not succeed when the trespasser actually had the authority to be on the premises. A trespasser who uses land by permission from the owner can never gain title by adverse possession, no matter how long that use might continue. you can't succeed on an adverse possession claim. There's no hostility, since Ida Green Gadsden, Mary White, Frank White Sr., William Timothy White, Frank White Jr., Clinton White, and DeWayne Alphonza White were given express permission by life estates as Children of Children of Monday Green see Estate of MONDAY GREEN 300-0003 last will and testament., as heirs of Ida Gadsden and life estate holder and remainder man under Frank White, Sr. last will and testament.

TWO: The court is in error findings that Mary A. White did not only had multiple life estates in the Subject Property and that Frank White, Sr. was not a life estate holder and Did not had an interest in the Subject Property are misplaced. There is a cloud deed on file giving the appearance that Frank White, Sr. transferred all his interest in the Subject Property to Ida Gadsen by Deed, dated 8/5/39, recorded in the Office of the Register of Deeds for Charleston County but the deed is missing Frank White Sr. Signature and also missing the Signatures of two witnesses there making the deed void. ("ROD") on 8/8/39, in Book O-40, at Page 739 and Mary A. White could not have fee simple title to the Subject Property by virtue of the adverse possession action her use of the land was by permission from the owner, she and Frank White Jr. William White, Clinton White and Dewayne Alphonza White initiated in the Court of

Common Pleas for Charleston County in 1979, C/A# 1979-CP-10-2289, because they already had permission from Frank White Sr. and Monday Green's last wills and testaments which should not have resulted in an order from Master in Equity confirming title and then a Deed to Lucreita B. Lucado (Lucreita Becude) from Mary A. White, dated 4/7/81, recorded in the ROD on 4/7/81 in Book B-125 at page 221, (straw buyer) and another Deed issued to Mary A. White from Lucreita B. Lucado, dated 4/20/81, recorded in the ROD on 4/20/81, in Book E-125, at page 036; (straw buyer) and finally the Quitclaim deed from some of her sons conveying their life estate interest in the property awarded from Monday Green Estate 300-0003 to Mary A. White by Deed T184, page 216 resulted in her life estate of the property. The hostility requirement was not met S.C. Code Ann. § 15-67-210) Exclusive possession requires that the squatter must not be cohabitating with the title owner.

A cloud on title is a colloquialism for a defect on a title (or an *apparent* defect) that can have short or long-term ramifications on the property and its owner. Someone looking at the deed that only knows the documents and not the story can tell that Frank's signature is missing. The deed from Frank White Sr to Idea Gadsden is a cloud in title because there is no signature of Frank White on the deed. For a conveyance by deed to be operative in transferring title to land, the deed must be signed, sealed, and delivered. Johnson v. Johnson, 44 S.C. 364, 369, 22 S.E. 419, 422 (1895). 2. For cases in other jurisdictions see 23 Ame. Ju. 2d Deeds § 79 n.20 (1965). 3. 2 BLACKSTONE, COMMENTARIES 295 (10th ed. 1787). 299 A South Carolina deed is not valid unless it is signed as required by law. South Carolina deeds must meet the following signature requirements:

Current Owner's Signature. A South Carolina deed must include the original signature of the current owner (the *grantor*). Signatures should match and appear immediately above the signer's printed or typed name in the deed.

Witnesses. The current owner's signature must be acknowledged in the presence of two witnesses, who must also sign the deed.

THREE: Mr. Sykes could not have been aware of the Tax Sale of the Subject Property which occurred on November 16, 2020, there is no evidence on record that shows he has been served by service of processes or served with a summons or complaint of this action, in evidenced there is a letter to PINE VALLEY ONE REALTOR LLC dated April 5, 2022, referring to the property located 1953 Jacksonville Road the Delinquent Tax Office file shows that Notice of the Tax Sale was sent to Mary White's mail address of 1953 Jacksonville Road by both regular US Mail and by certified mail addressed to Ms. White but do not show any Notice of the Tax sale to co owners Dewayne White or William White the other owners of the title holders of record. The property was not properly posted for the Tax Sale on October 20, 2020 prior to the November 16, 2020 tax sale. In addition, Notice of Final Redemption was also not sent via Certified Mail to the mailing address to "Mary A White or if Dec'd Heirs of Same" but not to. Dewayne White or William White or if Dec'd Heirs of Same Mr. Sykes did challenge Plaintiff's title to the Subject Property, which has an address of 1959 Jacksonville Road. The Charleston County Auditor identifies co owners WHITE MARY A, WHITE DEWAYNE A, & WILLIAM Deed T184-216 05/15/1989. A deed is void in the first place if the deed signer has already declared legally incompetent.

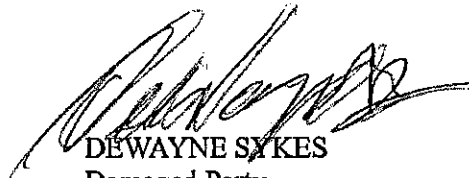
FOUR: Edrian Trakas, Tax Collector for Charleston County, through an affidavit received in evidence at the merits hearing in this case, indicated that all notices of delinquent taxes, the execution, levy, posting,

advertisements, tax sale, and notices of right of redemption sent to Mary White but not in the name of her coowners who are also entitled to notice, error were performed in accordance with the procedures of the Tax Collector's Office and were not in strict conformity with all statutory requirements. PVONE REO LLC has presented no evidence to the contrary although the Court gave it the opportunity to submit whatever documents it desired. The Charleston County Auditor identifies co owners WHITE MARY A, WHITE DEWAYNE A, & WILLIAM Deed T184-216 05/15/1989.

FIVE: error of the court for ignoring that Dewayne Alphonza Sykes is a beneficiary of the trust and the trust is a matter of Equity that the title holder of the land property in question. Can a beneficiary be charged as a trespasser of land and dwellings owned by a Trust where the beneficiary house and lands be kept together as a home on the trust land and said children or grandchildren of Monday Green that they should live and reside on the place or places or in case they cannot do this that the property should be rented out and the proceeds divided among them share and share alike but in no case shall it be sold or encumbered in any manner whatsoever.

CONCLUSION

Wherefore: this court being wholly without jurisdiction of the person or the subject matter is respectfully requested to notice Plaintiff and his counsel of the void judgment and order all funds to be forthwith returned along with sanctions and out of pocket expenses, bank fees and attorney's fees paid, land title and property to the Movant for violations of Disciplinary rules of conduct, rules of procedure, violations of Fair Debt Collections Practices Act and Constitutional protections of property from unreasonable seizure.


DEWAYNE SYKES
Damaged Party

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
Case No. 2022-CP-10-03492

PVone REO, LLC,

CERTIFICATE OF SERVICE

Plaintiff,

Vs

The Estate of Mary A. White; et al

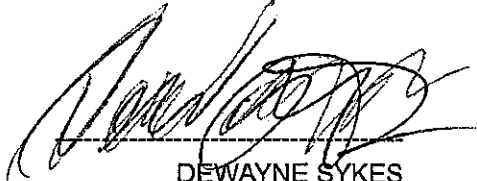
FILED
2023 JUL -3 PM 12:55
JULIE J. ARMSTRONG
CLERK OF COURT

Come now movent first being sworn. Deposes and says the on the 28th day of JUNE, 2023, mailed. by certified mail United States mail , a copy of the Notice of Appeal filed by me in the above reference case. also served Ralph Wetherell person, As well as a copy of Certificate of Mailing to the below-listed parties:

John Dodds III
858 Low Country Blvd ste 101
Mt Pleasant SC 29464

A. Parker Barnes
P.O. Box 11889
Columbia SC 29211

Kelly Woody
P.O. Box 6432
Columbia SC 29260


DEWAYNE SYKES
1953 JACKSONVILLE ROAD
CHARLESTON SC 29405

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
Case No. 2022-CP-10-03492

PVone REO, LLC,

Plaintiff,

Vs

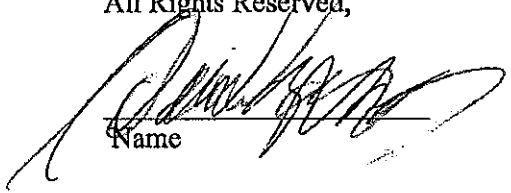
Mary A. White et al

FILED
2023 JUL -3 PM 12:55
JULIE J. ARMSTRONG
CLERK OF COURT

Certificate of Service

I certify that a true and correct copy of the foregoing Motion and Notice of Appeal was sent by certified mail to the alleged counsel for Plaintiff, this 3 day of JULY, 2023.

All Rights Reserved,


Name

Hearing has been set for _____, _____, 2023

STATE OF SOUTH CAROLINA
COUNTY OF Charleston

IN THE COURT OF COMMON PLEAS
4th JUDICIAL CIRCUIT

CASE NO.: 2022-CP-10-03492

PVone REO LLC

Plaintiff,

vs.

Mary A. White et al,

Defendant.

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

Plaintiff's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax: _____ E-mail: _____ Other: _____	Defendant's Attorney: _____, Bar No. _____ <u>DEWAYNE SYKES</u> Address: <u>1553 Jacksonville Road</u> Phone: _____ Fax: _____ E-mail: _____ Other: _____
☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information Nature of Motion: <u>Clarification</u> Estimated Time Needed: _____ Court Reporter Needed: ☒ YES / ☐ NO	
SECTION II: Motion/Order Type ☒ Written motion attached ☐ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. Signature of Attorney for ☐ Plaintiff / ☐ Defendant Date submitted _____	
SECTION III: Motion Fee ☒ PAID - AMOUNT: \$ <u>25</u> ☐ EXEMPT: (check reason) ☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRPC) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☒ Other: _____	
JUDGE'S SECTION ☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____	JUDGE CODE _____ Date: _____
CLERK'S VERIFICATION Collected by: _____ Date Filed: _____ ☐ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED - AMOUNT DUE: \$ _____	

STATE OF SOUTH CAROLINA,
COUNTY OF CHARLESTON

PVone REO LLC

vs.

MARY A WHITE et al,

COURT OF COMMON PLEAS

MOTION FOR CLARIFICATION OF
ORDERS

FILE NO. 2022-CP-10-03492

2023 JUL 25 PM 12:27

FILED

COMES NOW, This is a special visitation by DeWayne Alphonza Sykes, damaged party of interest, hereinafter Movant, in a timely manner demanding all of his rights at all times and waiving none of his rights at any time, especially his rights protected under the South Carolina Constitution and Constitution of the United States of America to be secure in his property from unreasonable seizures thereof. Move the court to clarification of the courts order of 06-21-2023 and be clarified.

- (1) Movant asking the court for a detailed explanation on how did the court establish to deny movant Rule 60(b)(4) motion and establish personal jurisdiction over defendants without the plaintiff proven service of both summons and complaint together served on defendants under rule 4 SCRPC,
- (2) Movant asking the court for a detailed explanation on the decision on how did the court arise to the decision based on the evidence related to the issue presented practically what fact that came that DeWayne is not a interested party,
- (3) Movant asking the court for a detailed explanation on the decision on how did the court arise to the decision based on the evidence related to the issue presented practically what fact that came that DeWayne Alphonza Sykes do not have any interest in 1953 or 1959 Jacksonville road if DeWayne is the Sole Heir of DeWayne Alphonza White and Personal Representative of DEWAYNE ALPHONZA WHITE Estate, beneficiary of Frank White sr. will, Beneficiary of Ida Gadsden Green estate, beneficiary to Monday Green will as a Grandson, beneficiary of the Brethren of love Society Trust, and son & heir of Mary A. White Estate,
- (4) Movant asking the court for a detailed explanation on how did the court arrive to that proper notice and due process was giving to DeWayne if the April 5, 2022 letter was corresponds about a possible tax sale of property at 1953 Jacksonville road with tax records is separated from 1959 Jacksonville road tax records,
- (5) Movant asking the court for a detailed explanation on how did the court arrive that PVone Reo LLC is the same plaintiff despite separate corporate fillings,

- 1) PVone REO LLC entity id 01206713 (SC)
- 2) PINE VALLEY ONE REAL ESTATE LLC entity id 01206651 (SC)
- 3) PINE VALLEY ONE REAL ESTATE LLC entity id M20000005632 (FL)
- 4) PVone REO LLC entity id 07108095 (IL)

- (6) Movant asking the court for a detailed explanation on how did the court arrive that PVone Reo LLC is the same plaintiff if DeWayne April 5, 2022 letter correspondence was with PINE VALLEY ONE REAL ESTATE ,LLC M20000005632 at 650 SE 12th st Dania Beach, FI 33004,
- (7) Movant asking the court for a detailed explanation on how did the court arrive to the conclusion that proper notice and due process was giving to DeWayne about 1959 Jacksonville road, if the April 5, 2022 letter was corresponds to 1935 and 1953 Jacksonville road witch is different address under different parties name,
- (8) Movant asking the court for a detailed explanation on how did the court arrive at the conclusion that the deed from Frank white to Ida Gadsden, dated 8/5/39, recorded in the office of the Register of Deeds for Charleston County ('ROD) on 8/8/39, in Book O-40, at Page 739; was from witch Frank White?

1). Frank White the 1st. Ida Green Gadsden husband and Frank White Sr. father? (see death certificate of Frank white the 2nd that was provided to the court)

2). Frank White the 2nd Sr. Ida Green Gadsden son?

3). Frank White the 3rd jr. Mary A. White son ?

- (9) Movant asking the court for a detailed explanation on how Mary a white was issued a life estate from Frank White the 2nd Sr. in his last will and testament dated AUGUST 3,1973 (provided to the court) and his estate was probated by Mary a White claiming the life estate, later Deed from Mary A. White to Lucreita B Lucado. Dated 4/6/81 recorded in the Rod on 4/6/81, in Book E-125, at page 221. How did the court find that it was not a sale of Mary A.White life estate which was the only interest she held and Deed from Lucreita B. Lucado to Mary A. White, dated 4/20/81, recorded in the ROD on 4/20/81, in book E-125 ,at page 036 was just Mary buying back her life estate when there is no court order IN 1979 of a adverse possession claim,

WHEREFORE, movent respectfully requests that the court clarify the Court's Order of 06-21-2023


Signature Of Movant Representative
All Rights Reserved
UCC 1-103 1-207 1-308 7-202

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	OF THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NO.: 2022-CP-10-03492
PVOne REO, LLC,	)	
	)	
Plaintiff,	)	NOTICE OF MOTION
	)	AND MOTION TO LIFT
vs.	)	AUTOMATIC STAY OR,
	)	IN THE ALTERNATIVE,
The Estate of Mary A. White,	)	TO REQUIRE APPELLANT
et al.,	)	TO POST APPEAL BOND
	)	(Rule 241(b)(4), SCACR)
Defendant.	)	(Rule 62(d), SCRCivP)
	)	

TO: DeWayne Alphonza Sykes a/k/a DeWayne A. Sykes
1953 Jacksonville Road, North Charleston, South Carolina
Appearing Pro Se:

YOU WILL PLEASE TAKE NOTICE that the Plaintiff (and Appeal - Respondent), PVOne REO, LLC ("PVOne REO"), by and thru its undersigned attorneys, pursuant to Rule 241(b)(4), SCACR; Rule 62(d), SCRCivP; and S.C. Code Ann. § 18-9-170 (Thomson Reuters West 2012), shall move before the Honorable Mikell R. Scarborough, Master-in-Equity for Charleston County, State of South Carolina, at a date and time to be set by Judge Scarborough, for an Order (a) lifting the Rule 205, SCACR, automatic stay resulting from the currently pending appeal filed by the Defendant (and Appeal - Appellant) DeWayne Alphonza Sykes a/k/a DeWayne A. Sykes ("Mr. Sykes") in the South Carolina Court of Appeals (Appellate Case No. 2023-001086), or, in the alternative, (b) requiring Mr. Sykes to secure a written bond security undertaking in favor of PVOne REO with two known, sufficient, and solvent sureties doing business in South Carolina in a sufficient sum and amount to be determined by Judge Scarborough

in accordance with S.C. Code Ann. § 18-9-170 or to post such determined sum amount in cash with the Office of the Clerk of Court for the Charleston County Court of Common Pleas for placement in a reputable local banking institution during the pendency of this appeal.

The basis of this motion is PVOne REO is the lawful owner of the real estate, together with improvements, designated as 1959 Jacksonville Road, North Charleston, South Carolina (the "1959 Jacksonville Road Property"). Judge Scarborough's order, dated and filed on 21 June 2023, from which Mr. Sykes has appealed, granted PVOne REO immediate and exclusive possession of the 1959 Jacksonville Road Property. Pursuant to Judge Scarborough's decision, PVOne REO contracted in September 2023, to sell the 1959 Jacksonville Road Property to third-parties for Two Hundred Twenty-Five Thousand and No/100 (\$225,000.00) Dollars. Due to Mr. Sykes' appeal, which has encumbered the real property, the pending sale has been delayed. Furthermore, PVOne REO has been, is now, and will be for the pending appellate process incurring electrical utility and casualty and liability insurance costs associated with PVOne REO's ownership of the 1959 Jacksonville Road Property.. Mr. Sykes has interfered with PVOne REO's quiet possession and enjoyment of the 1959 Jacksonville Road Property.¹

¹ This motion will be supported by the Affidavit of Mark Lehrer sworn to on 26 October 2023 (the "Lehrer Affidavit"). A copy of the Lehrer Affidavit is attached hereto as Exhibit "A" and incorporated herein by reference..

Furthermore, during the process before Judge Scarborough and in the South Carolina Court of Appeals Mr. Sykes has asserted his claim, albeit a claim which is non-existent under the law and the casts of this case, involves real property located at "**1953 Jacksonville Road**, North Charleston, South Carolina", which, while admittedly in the vicinity of and close to the 1959 Jacksonville Road Property, is clearly not the 1959 Jacksonville Road Property which is the real estate addressed by Judge Scarborough in his 21 June 20223 order and for which he awarded PVOne REO exclusive and unhindered possession and control.

It is manifestly unjust for PVOne REO's sale of the 1959 Jacksonville Road Property to be unnecessarily delayed or for PVOne REO to be forced to incur costs and expenses (*i.e.*; utilities, insurance, *etc.*) while Mr. Sykes' appeal is pending when the real property involved in apparently not the 1959 Jacksonville Road Property.

PVOne REO respectfully requests this Court to lift the automatic stay and permit PVOne REO to proceed with the pending sale of 1959 Jacksonville Road or, in the alternative, to require Mr. Sykes to post an appeal bond in an amount to cover (a) the potentially lost real estate sales amount, (b) the past, current, and anticipated future utility costs, (c) the past, current, and anticipated future casualty/liability insurance costs, and (d) PVOne REO's incurred appellate costs and expenses.

PVOne REO certifies that consultation between its attorneys and Mr. Sykes regarding a resolution of PVOne REO's instant motion would serve no useful purpose.

Respectfully Submitted,

JOHN J. DODDS III LLC

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*Attorneys for the Plaintiff,
PVOne REO, LLC*

Charleston, South Carolina

26 October 2023

I, Stephen P. Groves, Sr., Esquire, hereby certify that on 26 October 2023, I served a copy of the **Motion to Lift Stay or, in the alternative, to Require Appeal Bond** and the **Affidavit of Mark Lehrer** submitted by the Plaintiff, PVOne REO, LLC, on the *pro se* Intervenor, DeWayne Alphonza Sykes a/k/a DeWayne A Sykes via electronic mail (Mrsykes79@gmail.com) and also via the U.S. Mail and addressed as follows:

Mr. DeWayne A. Sykes
1953 Jacksonville Road
North Charleston, South Carolina 29405
Telephone: 843.345.9870

Appearing Pro Se

Signed: **Stephen P. Groves, Sr.**
Stephen P. Groves, Sr.

Charleston, South Carolina

26 October 2023
83848327.v1

1 STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS
2 COUNTY OF CHARLESTON FOR THE NINTH JUDICIAL CIRCUIT
3 CASE NUMBER 2022-CP-10-03492
4

5 PVOne REO, LLC,)
6)
7 Plaintiff,)
8) Hearing
9 vs.) April 13th,
10) 2023
11 The Estate of Mary A. White, et al,)
12)
13 Defendants.)
14
15
16

17 Hearing before the Honorable Mikell R.
18 Scarborough, reported by Josie Allen Boehm, Registered
19 Professional Reporter and Notary Public, at 100 Broad
20 Street, Courtroom 2A, Charleston, South Carolina,
21 April 13th, 2023 commencing at 11:05 a.m.
22
23
24
25

APPEARANCES

For the Plaintiff:

John Joseph Dodds III

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Pro Se Defendant:

DeWayne Alphonza Sykes

sykesd2000@yahoo.com

1 THE COURT: The case is captioned PVOne REO,
2 LLC as plaintiff versus The Estate of Mary A. White,
3 and also lists heirs of law of Mary White and the
4 unknown heirs-at-law of Mary White, deceased. The
5 final order was issued January 12 of this year. That
6 was an action to quiet the tax title to a piece of
7 property located in North Charleston.

8 At the time of the hearing, which occurred on
9 January 11th of this year, the Court made some inquiry
10 on Mr. Parker Barnes, who was the attorney for the
11 plaintiff.

12 No defendant having appeared at the hearing,
13 and it was determined that there was an error in the
14 reference to the street address to the property. And
15 they originally identified the property as 1935
16 Jacksonville Road, but based upon the property ID
17 number of 4660300-154, appeared the correct property
18 address was 1959 Jacksonville Road, and the Court
19 thereby corrected the address.

20 The property was sold at a tax sale I believe
21 it was, yes, on November 16 of 2020. It was purchased
22 by the plaintiff apparently for \$88,000. The tax deed
23 was issued in March and recorded April 7 of 2022.
24 That was placed into evidence.

25 And as I said, the Court issued its order,

1 quieted the title to the property. At the hearing,
2 Mr. Barnes submitted a letter that he had received I
3 assume through his client that was addressed to PVOne.

4 MR. SYKES: Can I say something?

5 THE COURT: Not yet. I'm going to make a
6 record, and then I'll let you talk.

7 PVOne Real Estate in Dania Beach, Florida.
8 And that letter is published at the top of page 4 in
9 the Court's order. I believe verbatim, and it says
10 that essentially Mary White was a life estate holder
11 on the Jacksonville Road property from the last will
12 and testament of Frank White, Sr.

13 She died in 1997. Mary White died in 1997.
14 And it says that 11/16/20 is 23 years after the end of
15 the life estate. Also says Pine Valley One Real
16 Estate didn't exist in the state so couldn't do
17 business at the time. Tax sale under execution issued
18 against one who is not the owner of the land is void.

19 It cites to Donohue v. Ward, Court of Appeals
20 case from 1989. That letter was signed by Dewayne
21 Sykes. E-mail address mrsykes79@gmail.com, and that
22 was placed into the record as Exhibit 4 to the
23 transcript.

24 All right. So the Court then issued its
25 order. No one appeared at that time. The Court

1 issued its order quieting the title on, again, January
2 12 of 2023.

3 Shortly thereafter on January 31, 2023,
4 Mr. Sykes, DeWayne Alphonza Sykes says as a
5 remainderman, filed his motion to intervene and to
6 vacate the order alleging for lack of subject matter
7 jurisdiction, that he is the remainderman of the
8 property.

9 He says that Lot Y is an easement created by
10 the life estate holder. Never sent notice to 1959
11 Jacksonville Road, and then sets forth basic grounds
12 for an appeal and then the motion to set aside default
13 under Rule 60(b)(4) because he was not served a
14 summons and complaint, and then sets forth some
15 background information which discusses the estate of
16 Frank White, Sr., which is a, I believe, a Charleston
17 County probate case from 1973. It's case number
18 73-559.

19 It's got Mary White as executor and I believe
20 DeWayne White as a substitute executor. According to
21 the deed -- excuse me, the last will and testament,
22 which Mr. Sykes attached to his petition, his motion,
23 the will in that case gave the interest of Frank White
24 I believe Sr. to Mary Ancum White for life and upon
25 her death to my children, share and share alike.

1 And Mrs. Mary White was appointed an
2 executrix with his son, DeWayne Alphonza White,
3 substitute executor. Made no other provision for his
4 children. Will was dated June 20 of '73. And as I
5 indicated, apparently he died in '73, so estate was
6 opened at that time.

7 Thereafter, this is -- again, I'm reading
8 from Mr. Sykes' memoranda. Thereafter, Mrs. White
9 brought some sort of action in a case captioned Mary
10 White v. Monday Green, which has a 1979-CP-10-2289
11 number for the Honorable Lucretia Lucado. I don't
12 know who that is.

13 MR. DODDS: Judge, that is the grantor for
14 the deed into Mary A. White of the subject property
15 that dates back to April of 1981.

16 THE COURT: Okay. And you have a copy of
17 that?

18 MR. DODDS: Yes, Your Honor. I just went and
19 got one from the RMC, so this is my only copy but
20 happy to let you see it.

21 THE COURT: Apparently there was an action.
22 According to this, there was an action brought, that
23 79 case number. But I don't know -- Lucretia Lucado
24 was a judge. Name is not familiar to me. Circuit
25 judge or master in equity at that time. Master in

1 equity in April of '81 would have been Judge Condon.

2 There is a reference to that at the end,
3 though. Property is described as two lots, one of
4 which would be our lot, tract one. Same TMS number.
5 Please note pursuit to quiet title information. May
6 have been a special referee or something.

7 But gave Mary White as grantor. There is an
8 assigns all right, title, and interest of the
9 property. Signed by Lucretia Lucado. Witnessed and
10 was recorded in Book E 125 page 36 and recorded on
11 April 20, 1981.

12 At the end of the deed is a notation. The
13 purpose of this deed is to put on record the RMC
14 office the fact that the property above has a clear
15 title as of March 31, 1981. Cites to Mary A. White,
16 et al v. Monday Green, et al, Court of Common Pleas,
17 Charleston County. Case number 79-CP-10-2289. So it
18 references that case number.

19 I don't know that I have seen that yet. I'm
20 not sure what happened there. And thereafter, Mary
21 White apparently died. And her estate, according to
22 Mr. Sykes' memo, says that she died testate November
23 27, 1996, and that there was an estate opened in 1996,
24 ES-10-1600 in probate court for Charleston County.

25 And then supposedly that would have conveyed

1 the interest in the property to the four children of
2 Frank White. I've not seen those estates. That's
3 what I'm looking for.

4 And then apparently DeWayne A. White, who was
5 the son of Frank White, Jr. named in his will,
6 apparently died and his estate was then probated in
7 2017, ES-10-101. So that would have been early in
8 2017.

9 And then the allegation is that DeWayne
10 Alphonza Sykes' movement here was his sole heir.

11 Is that correct, Mr. Sykes?

12 MR. SYKES: Yes.

13 THE COURT: Okay. All right. So that sets
14 forth the background for the petition. The petition
15 is, again, counsel's motion to vacate and sets forth
16 that history and includes the will of Frank White,
17 which I don't have any of the other -- I do see that
18 Mr. Sykes has the reference.

19 You had attached to reference testimony from
20 the '79 action in which Mary White was the plaintiff
21 in which Mrs. White testifies on page 4 of that
22 transcript that her husband Frank White, Sr. died.
23 Last will and testament, Mary Ancum White. He
24 testifies best remaindermen to his four children. All
25 devisees being plaintiffs in this action.

1 The reference order just says Mary White, et
2 al. The last will and testament probate 73-559 says
3 the estate has been closed and properly administered.

4 Apparently they changed the legal
5 description, which was the same one that was included
6 in the deed, with tracts 1 and tracts 2. Apparently
7 they had taken care of the property since '73, she
8 testified on page 6. So clearly this was a -- this
9 had to been a reference hearing. Plaintiff was
10 represented by John Bennett, Jr. at that time. And
11 that's the record that we've got, along with that
12 accompanied plat.

13 So with that, Mr. Sykes, it would be of great
14 benefit to the Court if I had copies of those estates
15 so I could follow that chain, what you alleged in the
16 motion. So I'll give you some time to do that when
17 we're done here today.

18 You challenged the tax sale on the basis that
19 Mary White was a life tenant and so you're entitled to
20 transfer to the heirs.

21 MR. SYKES: Right.

22 THE COURT: Correct? And so my question is
23 going to be how -- was that known?

24 MR. SYKES: Well, the title was transferred
25 to heirs, so the easement that y'all referring to the

1 plat for 1959 and there's another easement for 1965
2 that runs to the life estate was demolished. That no
3 longer exists. So the property is one big property.
4 It's one lot.

5 THE COURT: No, not according to the tax
6 records.

7 MR. SYKES: Actually identifies that because
8 the split was created through the life estate of Mary
9 White through that case, that referenced case.

10 THE COURT: Okay.

11 MR. SYKES: So she identified that she took
12 the plats that was before her and she split that up.
13 So in her -- in that case, she was attempting to claim
14 adverse possession claim over her life estate.

15 THE COURT: Okay.

16 MR. SYKES: See what I'm saying? So all she
17 did was created a trust over the life estate. That
18 does not effect the remaindermen.

19 THE COURT: Okay. I disagree about the
20 easements. It's your position that the lawsuit in
21 1979, that that created some type of trust; is that
22 your position?

23 MR. SYKES: Yes. That was a trust created
24 for Mary White's life estate. Because Frank White,
25 there's another trust that owns the property, the

1 Brotherly Love Society. I got a copy of that
2 document. It's also in federal court.

3 It owns the whole street. So we're
4 beneficiaries of that trust. So all that, all those
5 titles that's doing is beneficiary interest.

6 THE COURT: Okay. All right. Okay. All
7 right. Can you get those? I'm going to leave the
8 record open for you. Can you get copies of the estate
9 work going back to Frank White, Jr.?

10 MR. SYKES: Uh-huh.

11 THE COURT: So I would need your father's
12 estate work that names you and conveys his interest to
13 you.

14 MR. SYKES: I'm not finished with this case.

15 THE COURT: It's still open?

16 MR. SYKES: It's still undetermined because
17 it's a lot of property and I got to carry everybody
18 individually to court.

19 But in the midst of that, I got this
20 situation going.

21 THE COURT: Okay. All right. Well, you got
22 to establish --

23 MR. SYKES: It's created, but it's
24 incomplete.

25 THE COURT: Well, you need to be able to

1 establish standing. Okay? So in order to get
2 standing, I'm going to need something from that
3 estate. Okay?

4 And then prior to that, I would need to get
5 Mrs. White's estate. And in particular would be
6 looking for a document, either a deed of distribution
7 if it was post '87, July 1 of '87. Or it would be a
8 devise and descent form prior to July 1 of '87. Okay?

9 MR. SYKES: From her life estate?

10 THE COURT: From the estate of Mary White.

11 MR. SYKES: But her estate don't own no
12 property.

13 THE COURT: Her estate was probated is what
14 y'all have alleged.

15 MR. SYKES: Right. So it was probated by my
16 one of my uncles.

17 THE COURT: It doesn't matter who probates
18 it. It has to be done properly. And then prior to
19 Mary White's estate then I would like to see that same
20 document from Frank White's estate so I can then track
21 your interest over time.

22 And he died in '73, so that's 50 years is
23 this year. Right? So I need to be able to track your
24 interest down the line. Okay? All right.

25 So let me -- I'll leave that, and you want to

1 take a week to get me that information?

2 MR. SYKES: Do you also need a copy of the
3 trust showing that the trust is the actual owner of
4 the --

5 THE COURT: You can send it if you like.

6 MR. SYKES: I mean, the trust, I sent to
7 Mr. Mark Leeman.

8 THE COURT: I don't know that I'm going to
9 put any stock in the trust.

10 MR. SYKES: Well, that's the letter that you
11 identified earlier from the Brotherly Love Society.
12 That was the letter to Pine Valley.

13 THE COURT: Is that the trust?

14 MR. SYKES: That's the trust. Pine Valley
15 One Realty, which is not the same party as PVOne.

16 THE COURT: I got you.

17 MR. SYKES: That's the name of the trust.
18 The trust is filed and recorded.

19 THE COURT: All right. Let me hear from
20 Mr. Dodds.

21 MR. DODDS: Judge, I got a number of issues.
22 But in looking -- and I got to the RMC, and they were
23 on a break, so I was only able to get the deed that
24 you have before me.

25 But in looking at page 3 of this reference,

1 it indicates that Frank White conveyed the property to
2 Ida Gadsden, which is consistent with what I found on
3 a property card.

4 So in looking at the chain of title just
5 based on the property card, it doesn't appear that
6 Frank White owned this property at the time. And I
7 can --

8 THE COURT: At the time of his death?

9 MR. DODDS: That's correct. And I can seek
10 to get the deeds that are consistent with the property
11 card. I got one. I can go back and try to find the
12 others. I will just request the same opportunity to
13 present those things to the Court.

14 THE COURT: Sure.

15 MR. DODDS: The other thing that bothers me
16 is that --

17 THE COURT: So what you're telling me is you
18 think there's an alternate title to the property?

19 MR. DODDS: Yes. I don't think -- I think
20 that he conveyed the property out prior to his death
21 and that it ultimately came to be owned by Ida Gadsden
22 who I recall seeing in the chain of title and then I
23 believe to Lucretia and then ultimately to Mary White,
24 which is the --

25 THE COURT: Which would explain why there

1 would be a quiet title action.

2 MR. SYKES: I disagree.

3 MR. DODDS: Right. And that's what the
4 record shows. Whether, you know, the County is
5 confused in that regard, I don't know. I'll certainly
6 secure the deeds.

7 I specifically recall this 1939 deed to Ida
8 Gadsden as being in the chain of title and then
9 Lucretia coming next and then Lucretia coming to Mary
10 White. But I'll get the verification. Happy to send
11 that to Mr. Sykes.

12 The other thing, Judge, is his letter to the
13 plaintiff was way back on April 15 of 2022 when he
14 raised this concern that he had. That action was
15 pending at the time, yet he took no action to
16 intervene at that time until well after the case had
17 ended.

18 MR. SYKES: I object to that. I object to
19 everything he's saying.

20 THE COURT: Well, you don't get to object
21 right now.

22 MR. SYKES: Well, the letter was --

23 THE COURT: Mr. Sykes, be quiet, please. Go
24 ahead.

25 MR. DODDS: Just in looking at the cases,

1 Judge, this is a Supreme Court case, Ex Parte Builders
2 Mutual Insurance Company, 847 S.E. 2d 87. Talks about
3 what the requirements are for an intervenor seeking
4 permissive intervention. Must establish a timely
5 application, assert a claim or defense that is a
6 question of law or fact in common with the underlying
7 action, and prove his participation in the underlying
8 action will not delay or prejudice the adjudication of
9 the rights of the original parties.

10 So I question whether his motion to intervene
11 is timely, Judge, given he was aware of this pending
12 case in April of '22 and didn't file his motion to
13 intervene until well after that, in fact, until well
14 after the case had already been decided.

15 He filed it on January 31, 2023, and the
16 final order was filed on January 12th of 2023.

17 THE COURT: Okay.

18 MR. DODDS: Also note that Adrian Trakas,
19 Your Honor, the delinquent tax collector, submitted an
20 affidavit from my understanding to the Court saying
21 that he did not find any reference to the obituary of
22 Mary White, any record of her estate, or any deed of
23 distribution for the property.

24 THE COURT: Okay.

25 MR. DODDS: And then finally, Judge, the

1 question becomes whether or not Mr. Sykes is a real
2 party and interest, whether he has a legitimate stake
3 in the outcome of the subject matter of this
4 litigation.

5 And I would reference a Supreme Court case in
6 Ex Parte Government Employee's Insurance Company, 644
7 S.E. 2d 699. A real party and interest is one who has
8 a real, actual, material, or substantial interest in
9 the subject matter of the action as distinguished from
10 one who only has a nominal, formal or technical
11 connection with the action.

12 So I challenge whether or not Mr. Sykes is a
13 real party and interest, in addition to whether or not
14 his motion to intervene in the case was timely as
15 required by the decisions of the South Carolina
16 Supreme Court.

17 THE COURT: Which would get into standing.

18 MR. DODDS: That's correct.

19 THE COURT: All right. And that's what I
20 have asked Mr. Sykes to provide me.

21 MR. SYKES: Right. And I got that evidence.
22 Plus, the gentleman name that he said that was the
23 plaintiff, that's not who the -- the letter that he;s
24 stating in reference was referring to, that letter was
25 reference to Pine Valley One Real Estate, LLC. The

1 plaintiff on this case is PVOne REO, LLC. These are
2 two different parties.

3 According to the Secretary of State website,
4 different file numbers.

5 THE COURT: So you're telling me you did not
6 send a letter to PVOne?

7 MR. SYKES: Right. PVOne never sent me any
8 letter.

9 THE COURT: No, no, just the opposite. Did
10 you send a letter to PVOne?

11 MR. SYKES: No. PVOne sent a letter to us.

12 THE COURT: Saying?

13 MR. SYKES: It was talking about 1935
14 Jacksonville Road.

15 THE COURT: And that does not exist?

16 MR. SYKES: That does not exist.

17 THE COURT: And we found that out the day of
18 the hearing?

19 MR. SYKES: Right. So if the case caption
20 address is to 1935 Jacksonville Road, and if they
21 claim they serve the plaintiff summons and complaint,
22 then how -- if you had the wrong address and you was
23 sending it to a different address, how did you serve
24 the proper party? How did you give the proper party
25 notice?

1 THE COURT: Okay. What's your address?

2 MR. SYKES: 1953.

3 THE COURT: Do you live at the property
4 address?

5 MR. SYKES: I sure do.

6 THE COURT: How did you get notice of this
7 whole proceeding?

8 MR. SYKES: How did I get notice? Because
9 they broke into our property and tried and attempted
10 to change the locks.

11 THE COURT: Okay. And was that since January
12 or was that before January?

13 MR. SYKES: I'm not sure exactly the date. I
14 got it on camera.

15 THE COURT: Okay. You reside there? It's a
16 house next door.

17 MR. SYKES: There's a bunch of houses there.

18 THE COURT: Right.

19 MR. SYKES: So when we saw that one of the
20 properties was being broken into, there's one mailbox
21 that go to multiple properties.

22 THE COURT: Okay. So if it went to the
23 mailbox, it got there, right?

24 MR. SYKES: Right, but nothing ever came to
25 the mailbox. They never sent anything to 1959 or

1 1953.

2 MR. DODDS: I was referring to his April --

3 THE COURT: 5/22?

4 MR. DODDS: Made an exhibit to the --

5 THE COURT: We put it in the order, so I
6 would bring that.

7 So what I'm going to need, here is what I
8 need from you. I need you to get me those documents
9 that I asked for that are over in probate. If you
10 want to go over there now, that's the third floor.

11 MR. SYKES: I already got the documents.

12 THE COURT: You got them in hand? I will ask
13 that you get them to my office within the week. Okay.
14 And then let me take a look at it. That's going to
15 determine whether or not you have standing and you're
16 a real party and interest and then we can get into the
17 merits of the case. But I need that --

18 MR. SYKES: It's clear that I got it.

19 THE COURT: It's clear to you but it ain't
20 clear to me.

21 MR. DODDS: Can I request that I be copied on
22 those?

23 THE COURT: Absolutely. Make sure you copy
24 Mr. Dodds. If you get me that within a week, I will
25 rule on it within a week.

1 MR. DODDS: Just to be sure, I'm going to get
2 a copy of whatever he submits to the Court?

3 THE COURT: Yes. You let me know if you
4 didn't.

5 So the sooner you get that to us, the better.
6 Thank you very much.

7 (Off the record at 11:39 a.m. on April 13th,
8 2023.)

1 COURT REPORTER'S CERTIFICATE

2
3 I DO HEREBY CERTIFY THAT THE TESTIMONY
4 CONTAINED IN SAID HEARING WAS, BY ME, REDUCED TO
5 WRITING IN THE PRESENCE OF SAID WITNESS BY MEANS OF A
6 COMPUTERIZED TRANSCRIPTION. THE SAID HEARING IS A
7 TRUE AND ACCURATE TRANSCRIPT OF THE WHOLE OF THE
8 TESTIMONY GIVEN BY SAID WITNESS, AS AFORESAID.

9 I DO FURTHER CERTIFY THAT I AM NOT CONNECTED
10 BY BLOOD OR MARRIAGE WITH ANY OF THE PARTIES OR THEIR
11 ATTORNEYS OR AGENTS, AND THAT I AM NOT AN EMPLOYEE OF
12 EITHER OF THEM, NOR INTERESTED DIRECTLY OR INDIRECTLY
13 IN THE MATTER OF CONTROVERSY EITHER AS COUNSEL,
14 ATTORNEY, AGENT, OR OTHERWISE.

15 SIGNED THIS THE 3rd DAY OF AUGUST 2023.

16 

17 JOSIE ALLEN BOEHM

18 My Commission Expires 10/18/32
19
20
21
22
23
24
25

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
Case No. 2022-CP-10-03492

PVone REO, LLC,

Plaintiff,

vs.

The Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154,

Defendants.

AFFIDAVIT OF EDRIAN J. TRAKAS

I, Edrian J. Trakas, after being duly sworn upon oath, testify as follows:

1. I am the Tax Collector of Charleston County, and I have personal knowledge of and experience with the process for selling real and personal property to satisfy delinquent taxes.

EXHIBIT 3

My office is responsible for selling real and personal property in satisfaction of delinquent taxes and for issuing all delinquent notices in connection with the tax sale of a particular piece of real or personal property.

2. My office sold a parcel of real property commonly known as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154 (the "Property") at the Charleston County tax sale held on November 16, 2020 (the "Tax Sale").

3. The records my office maintains for the Tax Sale of the Property are made at or near the time the originals are sent to the delinquent taxpayer and other parties entitled to notice. The records are made by a person with knowledge of the correspondence, are kept in the course of the regular business of my office, and it is the usual practice of my office to make and keep these records. Additionally, these records reflect the activity of my office in regards to the Tax Sale of the Property and reflect my office's duties in conducting tax sales.

4. The first notice my office sent in conducting the Tax Sale of the Property was the notice of delinquent taxes described in S.C. Code Ann. § 12-51-40(a). My office sent this notice to Mary A. White ("White") by regular mail addressed to 1953 Jacksonville Rd, North Charleston, SC 29405-8382 (the "Property Address"). The United States Postal Service did not return this notice to my office. A true and accurate copy of this notice is attached hereto as **Exhibit A**.

5. The next notice my office sent in conducting the Tax Sale of the Property was the notice of levy described in S.C. Code Ann. § 12-51-40(b). My office sent the notice of levy to White at the Property Address by certified, return receipt requested-restricted delivery mail. This notice was returned marked, "Return to Sender, Attempted – Not Known, Unable to

Forward.” True and accurate copies of this notice and the returned envelope are attached hereto collectively as **Exhibit B**.

6. On October 22, 2020, my office obtained exclusive possession of the Property by posting notice of the Tax Sale upon the Property, as provided in S.C. Code Ann. § 12-51-40(c). A true and accurate copy of the notice posted on the Property and the field report are attached hereto collectively as **Exhibit C**.

7. My office next advertised the Property for sale at public auction in The Post and Courier on October 28, November 4, and November 11, 2020. It is my opinion that The Post and Courier is a newspaper of general circulation within Charleston County. True and accurate copies of the newspaper advertisements are attached hereto collectively as **Exhibit D**.

8. At the Tax Sale, PVone REO, LLC purchased the Property with a bid of \$88,000.00.

9. My office provided White with two notices of the approaching end of redemption period described in S.C. Code Ann. § 12-51-120 (the “Redemption Notices”). The Redemption Notices to White are both dated October 11, 2021, and my office sent both of them to the Property Address by certified, return receipt requested-restricted delivery mail. One notice was addressed to “WHITE MARY A OR IF DEC'D, HEIRS OF SAME” and the other was addressed to White. Neither of the Redemption Notices was received. My office attempted to find a different address for White, but despite this diligence, my office was not able to locate a different address for White. True and accurate copies of the Redemption Notices, the returned envelopes, and the USPS tracking information are attached hereto collectively as **Exhibit E**.

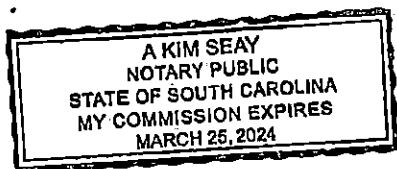
10. Based upon my experience of conducting tax sales as part of my official duties, it is my opinion that the Tax Sale of the Property strictly complied with all statutory requirements pertaining to tax sales.

Further affiant sayeth not.

Sworn to and subscribed before me
this 30th day of December, 2022.

A. Kim Seay
Print Name: A. Kim Seay
Notary Public, State of South Carolina
My commission expires March 25, 2024

Edrian J. Trakas
Charleston County Tax Collector



STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

79-2289
IN THE COURT OF COMMON PLEAS

MARY A. WHITE, FRANK WHITE, JR.,
WILLIAM TIMOTHY WHITE, CLINTON
WHITE and DeWAYNE ALPHONZA WHITE,

Plaintiffs,

-versus-

MONDAY GREEN, IDA GADSDEN, FRANK
WHITE, SR., STERLEY JENNINGS, ROSE
JENNINGS, JAKE GADSDEN, FLORENCE
GREEN JENNINGS, MARY ROE and JOHN
DOE, the names of MARY DOE and JOHN
DOE being used to designate the
unknown heirs at law, devisees,
legatees, distributees, assignees,
wife or wives, if any, husband or
husbands, if any, of the defendants
above named if they be deceased, and
any and all person or persons
claiming by, through or under them
or having or claiming any rights,
title, estate, interest in or lien
upon premises described in the
Complaint, and RICHARD ROE and SUE
ROE, fictitious names used to
designate unknown infant heirs,
devisees, distributees, assignees,
alienees, wife, wives, successors
or persons insane, incompetent, or
under any other disability known
or unknown, inclusive of any person
in the military service within the
meaning of Title 50, United States
Code, commonly referred to as the
Soldier's and Sailor's Civil Relief
Act of 1940,

Defendants.

FILED

SEP 17 1979

HOWARD A. TAYLOR

By *[Signature]* COMPLAINT

The Plaintiff above named complaining of the Defendants
above named allege and show unto this Honorable Court as follows:

FIRST: That the property which is the subject of this action
is located within the County of Charleston, State aforesaid, and within the
jurisdiction of this Court.

SECOND: That by Deed dated June 23, 1880, and recorded on April 10,
1880, in the RMC Office for Charleston County in Book L-18, Page 32, B. G.
Schaffer conveyed to Monday Green, now deceased, the following described
property:

All that certain piece, parcel or lot of land, with the buildings
thereon, lying and being situate on the South side of the Jackson-
ville Road, near Five Miles, Meeting Street Road, County of Char-
leston, MEASURING AND CONTAINING TWO (2) ACRE more or less.
BUTTING AND BOUNDING to the North on the Jacksonville Road, East
by lands formerly of Hackless Thompson, South by Estate of Hampton
and Caesar Young, and West by lands formerly of Nancy Winthrop.

This land is more shown as Lot I of Frederick J. Smith's plat 1879 recorded in Plat Book C, page 14 of RMC Office for Charleston County.

THIRD: That one (1) acre of the southern half of this property was conveyed by the Estate of Monday Green, Florence Green (Jennings) and Ida Green (Gadsden) by their November 6, 1911, deed to the Charleston Fair and Racing Association which was recorded November 13, 1911, in Book F-26, Page 29, in the said RMC Office.

FOUR: That the one (1) acre as described in Item Third was conveyed by the Charleston Fair and Racing Association's December 1, 1913, deed to C. J. Pierce along with an additional 1/2 acre adjoining the southern line of Lot I measuring and containing in length on the north and south lines five hundred and ten (510') feet and forty-five (45') feet in width and which deed was recorded on December 8, 1913, in the RMC Office in Book O-26, Page 220.

FIFTH: That the said J. C. Pierce by J. Elmore Martin, Sheriff, conveyed to Lottie Mappus the above property as described in Item Fifth by deed dated November 14, 1917, which was recorded on November 26, 1917, in the RMC Office in Book C-26, Page 103.

SIXTH: That the said Lottie Mappus conveyed by her deed dated March 10, 1943, conveyed the above property to Jean C. Howe and recorded that day in the RMC Office in Book B-44, Page 73 together with a plat of said property dated April, 1939, by W. L. Gaillard.

SEVENTH: That by Deed dated August 3, 1943, and recorded on August 6, 1943, in the RMC Office in Book K-43, Page 793, Jean C. Howe, conveyed to Ida Gadsden, Frank White and Sterling Jennings, all non-deceased, the following described property:

All that certain piece or parcel of land, in St. Philips and St. Michael's Parish, Charleston County, S.C., said to contain two (2) acres, more or less, the same being a portion of what was known as Stromboli Farm, and one half of Lot "I" of Frederick J. Smith's plat 1879, recorded in Plat Book C, page 14 of RMC Office for Charleston County; as evidenced and called for in deed to Lottie I. Mappus by C. J. Pierce, and County Sheriff's Office, recorded RMC Office, Charleston County, Book C-26, Page 103. All of which is more clearly and particularly shown on a plat by W. L. Gaillard, Surveyor, dated April, 1939, and attached to deed from Lottie I. Mappus to Jean C. Howe, recorded in RMC Office in Book B-44, Page 73. Butting and bounding to the north on a road thirty three feet wide, known as Jacksonville Road, to the South on lands formerly Charleston Fair and Racing Association, now the property of Nathaniel Barnwell, to the East on lands now or formerly of F. W. Williams and Nathaniel Barnwell, and to the West on lands now or formerly Nancy Winthrop and Nathaniel Barnwell, all of which will be shown by reference to above mentioned plat by W. L. Gaillard, together with all and such rights as called for in previous deeds of record.

The above land being the same conveyed to C. J. Pierce by Charleston Fair and Racing Association in Book C-26, Page 220, Dec. 1st 1913 and in F-26 page 29 in other deeds of record. See also N-23 page 299.

EIGHTH: That by deed dated _____, 19____, and recorded on August 8, 1939, in the RMC Office in Book O-40, Page 739, Frank White conveyed to Ida Gadsden, the following described property:

All that certain piece, parcel or lot of land, with the buildings thereon, lying and being situate on the South side of the Jacksonville Road, near Five Miles, Meeting Street Road, County of Charleston. MEASURING AND CONTAINING ONE (1) ACRE more or less. BUTTING AND BOUNDING to the North on the Jacksonville Road, East by lands formerly of Hackless Thompson, South by Estate of Hampton and Caesar Young, and West by lands formerly of Nancy Winthrop.

NINTH: That Monday Green, died intestate many years prior to 1971, in this County and State, seized and possessed of the above property described. There has been no administration of his estate.

TENTH: That the said Monday Green left surviving him as his sole heirs and distributees at law under the Statute of Descent and Distribution of his, two (2) children: Ida Gadsden and Florence Green Jennings, all being deceased now. Monday Green's wife died intestate in this County prior to her husband.

ELEVENTH: That Florence Green Jennings, who last dwelt in the County of Charleston, State aforesaid, died intestate, on the ____ day of _____, 19____, leaving as her sole heir and distributee at law, her one (1) child, Sterley Jennings. Her husband having predeceased her. There has been no administration of her estate.

TWELTH: That Sterley Jennings who last dwelt in the County of Charleston, State aforesaid, died at age 79 years intestate on the 12th day of November, 1954, leaving as his sole heir and distributee at law, Frank White, Sr., now deceased, his first cousin. Rose Jennings died in 1953 in New York, New York. There has been no administration of his estate.

THIRTEENTH: That Ida Gadsden who last dwelt in the County of Charleston, State aforesaid, died at age 58 years intestate, on the 19th day of April, 1951, leaving as her sole heir and distributee at law, her son, Frank White, Sr. Ida Gadsden's husband, if any, is unknown. There has been no administration of her estate.

FOURTEENTH: That Frank White, Sr. who last dwelt in the County of Charleston, State aforesaid, died at the age of 71 years testate on the 20th day of July, 1973, devising by his Last Will and Testament the said property

children: Frank White, Jr., William Timothy White, Clinton White, and DeWayne Alphonza White, all devisees being Plaintiffs in this action.

FIFTEENTH: That the Last Will and Testament of Frank White, Sr. was duly admitted to Probate in the Charleston County Probate Court on August 3, 1973, No. 73-559, with Plaintiff, Mary A. White (Mary Ancrum White) qualifying as Executrix. The estate has been closed and properly administered.

SIXTEENTH: That the description below is a modern and complete description of the property:

All that piece, parcel or plot of land consisting of two adjoining tracts with a combined total acreage of two and a half acres located on the south side of Jacksonville Road, Union Heights, County and State aforesaid and more fully described by a plat of said tracts made by W. Lucas Gaillard in April of 1939, and recorded in the RMC Office for Charleston County on March 10, 1943, in Book B-44, Page 73, which plat is incorporated by reference into this description and made a part hereto.

Tract One consists of one acre and measures and contains one hundred and four (104') feet on its east and west borders and four hundred and seventeen (417') feet on its north and south lines.

Tract One borders to the north on Jacksonville Road, on the east by lands of Harold L. Mims, Jr., to the south by Tract Two of this description and on the west by Union Heights Church of Christ.

Tract Two consists of one and a half acres and measures and contains on the north line which adjoins Tract One, four hundred seventeen (417') feet and on the north line adjoins lands of Harold L. Mims, Jr., one hundred (100') feet on the south, five hundred seventeen (517') feet, on the west one hundred forty-nine (149') feet, on the east line adjoining the Mims' land one hundred four (104') feet, and on the east line adjoining the Solomon land forty-five (45') feet.

Tract Two borders to the north as previously mentioned, to the west on Union Heights Church of Christ, to the South on Woodman of the World Life Insurance Society, and Walter H. Solomon, as Trustee, and to the East as previously mentioned.

TMS: Tract One: 466-03-00-154
Tract Two: 466-03-00-155

SEVENTEENTH: The Plaintiffs allege upon information and belief that the Plaintiffs, their predecessors in title have been in open, continuous, hostile and adverse possession of the premises described in Paragraph Second of the Complaint for a period of more than 62 years, which said possession on the part of said Plaintiffs renders them title to said property to be absolute, good and marketable to the exclusion of any of the Defendants above named, their heirs, assigns or distributees.

EIGHTEENTH: That this action is brought by the Plaintiffs for the purpose of determining any adverse claims that any of the Defendants hereinabove

named or anyone claiming by, through or under them, and any and all other persons lawfully claiming any right, title, estate, interest in or lien upon the premises hereinabove described, may have; and for the purpose of having it adjudged that neither nor any of them have any claim to or any right, title, estate, interest in or lien upon the said premises or any part thereof; and for the purchase of ascertaining the value of any dower rights that any persons may have in said premises, and for the payment thereof by the Plaintiffs and for the purpose of quieting the title.

WHEREFORE, Plaintiffs pray judgment adjudging that none of the Defendants, hereinabove named, nor their heirs, devisees, legatees, distributees, or assignees, nor any persons claiming by, through or under them; have any claim or any right, title, estate, interest in or lien upon the said premises, as described in the Sixteenth Item, or any part thereof, and that the Plaintiff Mary A. White, who has a life estate in said premises, and the remaining Plaintiffs, who have a vested remainder, together have a good and marketable title to said parcel or premises and that the Court inquire into the value of any outstanding dower right that any person or persons may have in the said premises and require that the Plaintiffs pay for the outstanding right, if any, such amounts as may be fixed by the Court, to or for the benefit of the person or persons entitled thereto, that any persons having dower rights in said premises, whether choate or inchoate, be divested thereof; and for such other and further relief as to the Court may seem just and proper.


JOHN H. BENNETT, JR.
Attorney for Plaintiffs

Charleston, South Carolina


August 17, 1979.

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
Case No. 79-CP-10-2289

MARY A. WHITE, et al
Plaintiffs,

-versus-

MONDAY GREEN, et al
Defendants.

FILED

FEB 2 1981

HOWARD A. TAYLOR
CLERK.

ORDER OF RESTORATION

FEB 2 1 25 PM '81
CLERK OF COURT
CP AND GS
CHARLESTON COUNTY
SOUTH CAROLINA

WHEREAS, the Plaintiffs through their attorneys have advised the Court that due to financial hardship were unable to complete this case in 1980 and now are in a position to do so, and

WHEREAS, the Court inadvertantly struck the case, and

WHEREAS, a substantial portion of the legal work has been done in this case such as service on the Defendants, it is therefore

ORDERED that this cause of action is restored to the non-jury docket for completion, and it is

SO ORDERED, this 29th day of January, 1981, in the City of Charleston.


RICHARD E. RITHERS
Resident Judge

I MOVE:


JOHN H. BENNETT, JR.
Attorney for Plaintiffs

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

Mary A. White, Etal
Plaintiff, (s)

ORDER

Case # 79-2289

-VS-

Monday, Bruce Etc, Etal
Defendant. (s)

FILED
OCT 13 1980
HOWARD
CLERK OF COURT
CP AND GS
CHARLESTON COUNTY
SOUTH CAROLINA
OCT 13 2 34 PM '80

1. A Bar Roster Meeting was held on the date of this Order.
2. ☐ (a) The attorney for the plaintiff attended the meeting and was informed of the action taken as indicated below.
- ☒ (b) The attorney for the plaintiff was not present and the Clerk of Court is directed to mail a copy of this order to such counsel.
3. The case having been on the file book in excess of the time provided for in Rule 81, it is hereby ordered that it be stricken from the calendar.
4. It is further ordered that the Summons and Complaint shall be stricken without prejudice unless the case is restored to the calendar within 30 days of date.

AND IT IS SO ORDERED.

10-10-80

James R. Rice
Chief Administrative Judge

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
79-CP-10-2289

MARY A. WHITE, FRANK WHITE,)
JR., WILLIAM TIMOTHY WHITE,)
CLINETON WHITE and DEWAYNE)
ALPHONZA WHITE,)

Plaintiffs,)

-versus-)

MASTER'S REPORT AND FINAL
DECREE

MONDAY GREEN, IDA GADSDEN,)
FRANK WHITE, SR., STERLEY)
JENNINGS, ROSE JENNINGS, JAKE)
GADSDEN, FLORENCE GREEN)
JENNINGS, MARY DOE and JOHN)
DOE, the names of MARY DOE)
and JOHN DOE being used to)
designate the unknown heirs)
at law, devisees, legatees,)
distributees, and assignees,)
wife or wives, if any, hus-)
band or husbands, if any, of)
the defendants above named if)
they be deceased, and any and)
all person or persons claim-)
ing by, through or under them)
or having or claiming any)
rights, title, estate,)
interest in or lien upon)
premises described in the)
Complaint, and RICHARD ROE)
and SUE ROE, fictitious names)
used to designated unknown)
infant heirs, devisees, dis-)
tributees, assignees, wife,)
wives, successors or persons)
insane, incompetent, or under)
any other disability known or)
unknown, inclusive of any)
person in the military ser-)
vice within the meaning of)
Title 50, United States Code,)
commonly referred to as the)
Soldier's and Sailor's Civil)
Relief Act of 1940,)

Defendants.)

FILED

APR 1 1981

HC... A. TAYLOR
CLERK

APR 1 1 25 PM '81
CLERK OF COURT
OF COMMON PLEAS
CHARLESTON COUNTY
SOUTH CAROLINA

The record shows that this suit was brought for the purpose of having it adjudged that the Plaintiffs are the present owners of a good and marketable title to the parcel real property at issue in this cause which is located in this County and State and that none of the Defendants above named, nor their heirs, devisees, legatees, distributees, or assignees, nor any persons claiming by, through or under them, having any claim to or right, title, estate, interest in or lien upon the said premises or any part thereof; and for this Court to inquire into the value of any outstanding dower rights that any person

for such dower rights, if any, such amount as may be fixed by the Court to or for the benefit, of the person(s) entitled thereto, and that any person or persons having dower right in the said premises, whether choate or inchoate be divested thereof, and for such other and further relief as deemed just and proper by the Court.

The Notice, Summons and Relief and Complaint, Lis Pendens, Petition for Service and Publication and Order of Publication, were filed September 17, 1979, in the Court of Common Pleas for Charleston County and pursuant to an Order of Publication, issued out of this Court, the Lis Pendens, Notice and Summons for Relief were served upon the Defendants by publication, in accordance with the law.

By Order of the Court, Joseph R. Surface was appointed Guardian ad Litem of such of the Defendants as may be infants, incompetent, or insane persons, or any other disability. As Guardian ad Litem, Mr. Surface filed his answer to the Complaint admitting the material allegations of the Complaint and alleging that they were strangers to this action and left their rights to the protection of this Honorable Court.

By Order of the Court on October 10, 1980, this cause was struck with leave to restore. By Order of the Court on January 29, 1981, this case was restored for completion.

By Order of this Honorable Court, the Defendants named in the Summons for Relief, except those who were insane, incompetent or under some disability who were being represented by the Guardian ad Litem, were declared in default by the Court's Order on February 5, 1981.

The Court's Order of February 9, 1979, affirmed the default of the Defendants save the Guardian ad Litem, who had duly filed his Answer, and with the latter's consent and the Plaintiffs' motion, the matter was referred to Louis E. Condon, Master in Equity for Charleston County to take testimony and report his findings of fact and conclusions of law with leave to report any special matters, coming to his attention as Master in Equity. On March 27, 1981, the Master held a reference at

12:00 noon, the Minutes of which are annexed hereto. At the Reference, the Plaintiffs were represented by John H. Bennett, Jr., Esquire; and such of the above named ^{Defendants 1916} ~~persons~~ who may be infants, incompetent, insane or under any other disability, were represented by the Guardian ad Litem, Joseph R. Surface, Esquire; the remaining Defendants having been adjudged by this Court to be in Default, were not represented in this action, these being all of the parties having an interest or probable interest in the matter and they were properly before the Court. The Plaintiffs, Marh A. White, Clinton White and DeWayne Alphonza White, their attorney, the Guardian ad Litem, and two witnesses appeared at the reference.

The Plaintiffs' attorney and the Guardian moved and consented to Master making his findings of fact and conclusions of law and his granting of final judgment in the cause. This Motion was granted.

I find that the Real Estate which is the subject of this action is located within the Court of Charleston, State of South Carolina, and within the jurisdiction of this Honorable Court.

I find that by Deed dated June 23, 1880, and recorded on April 10, 1880, in the RMC Office for Charleston County in Book L-18, Page 32, B. G. Schaffer conveyed to Monday Green, now deceased, the following described property:

ALL that certain piece, parcel or lot of land, with the buildings thereon, lying and being situate on the South side of the Jacksonville Road, near Five Miles, Meeting Street Road, County of Charleston, MEASURING AND CONTAINING TWO (2) ACRE more or less. BUTTING AND BOUNDING to the North on the Jacksonville Road, East by lands formerly of Hackless Thompson, South by Estate of Hampton and Caesar Young, and West by lands formerly of Nancy Winthrop.

This land is more shown as Lot I of Frederick J. Smith's plat 1879 recorded in Plat Book C, page 14 of RMC Office for Charleston County.

I find that one (1) acre of the southern half of this property was conveyed by the Estate of Monday Green, Florence Green (Jennings) and Ida Green (Gadsden) by their November 6, 1911, deed to the Charleston Fair and Racing Association which was recorded November 13, 1911, in Book F-26, Page 29, in the said RMC Office.

I find that the one (1) acre as described in Item Third of the Complaint was conveyed by the Charleston Fair and Racing Association's December 1, 1913 deed to C. J. Pierce along with an additional 1/2 acre adjoining the southern line of Lot I measuring and containing in length on the north and south lines find hundred and ten (510') feet and forty-five (45') feet in width and which deed was recorded on December 8, 1913, in the RMC Office in Book O-26, Page 220.

I find that the said J. C. Pierce by J. Elmore Martin, Sheriff, conveyed to Lottie Mappus the above property as described in said Item Third by deed dated November 14, 1917, which was recorded on November 26, 1917, in the RMC Office in Book C-26, Page 103.

I find that the said Lottie Mappus conveyed by her deed dated March 10, 1943, conveyed the above property in said Item to Jean C. Howe and recorded that day in the RMC Office in Book B-44, Page 73 together with a plat of said property dated April 1939, by W. L. Gaillard.

I find that by Deed dated August 3, 1943, and recorded on August 6, 1943, in the RMC Office in Book K-43, Page 793, Jean C. Howe, conveyed to Ida Gadsden, Frank White and Sterling Jennings, all now deceased, the following described property:

ALL that certain piece or parcel of land, in St. Philips and St. Michael's Parish, Charleston County, S. C., said to contain two (2) acres, more or less, the same being a portion of what was known as Stromboli Farm, and one half of Lot "I" of Frederick J. Smith's plat 1879, recorded in Plat Book C, Page 14 of RMC Office for Charleston County, as evidenced and called for in deed to Lottie I. Mappus by C. J. Pierce, and County Sheriff's Office, recorded RMC Office, Charleston County, Book C-26, Page 103. All of which is more clearly and particularly shown on a plat by W. L. Gaillard, Surveyor, dated April, 1939, and attached to deed from Lottie I. Mappus to Jean C. Howe, recorded in RMC Office in Book B-44, Page 73, Butting and bounding to the north on a road thirty three feet wide, known as Jacksonville Road, to the South on lands formerly Charleston Fair and Racing Association, now the property of Nathaniel Barnwell, to the East on lands now or formerly of F. W. Williams and Nathaniel Barnwell, and to the West on lands now or formerly Nancy Winthrop and Nathaniel Barnwell, all of which will be shown by reference to above mentioned plat by W. L. Gaillard, together with all and such rights as called for in previous deeds of record.

The above land being the same conveyed to C. J. Pierce by Charleston Fair and Racing Association in Book C-26, Page 220, Dec. 1st 1913 and in F-26, Page 29 in other deeds of record. See Also N-23, Page 299.

I find that by deed dated Aug. 5 , 1939 , and recorded on August 8, 1939 in the RMC Office in Book O-40, Page 739, Frank White conveyed to Ida Gadsden, the following described property:

All that certain piece, parcel or lot of land, with the buildings thereon, lying and being situate on the South side of Jacksonville Road, near Five Miles, Meeting Street Road, County of Charleston. MEASURING AND CONTAINING ONE (1) ACRE more or less. BUTTING AND BOUNDING to the North on the Jacksonville Road, East by lands formerly of Hackless Thompson, South by Estate of Hampton and Caesar Young, and West by alnds formerly of Nancy Winthrop.

I find that Monday Green died intestate many years prior to 1971, in this County and State, seized and possessed of the above property described and there has been no administration of his estate.

I find that the said Monday Green left surviving him as his sole heirs and distributees at law under the Statute of Descent and Distribution of his, two (2) children: Ida Gadsden and Florence Green Jennings, all being deceased now and that Monday Green's wife died intestate in this County prior to her husband.

I find that Florence Green Jennings, who last dwelt in the County of Charleston, State aforesaid, died intestate, ~~on the~~ day of Dec, 1954, leaving as her sole heir and distributee at law, her one (1) child, Sterley Jennings and that her husband predeceased her and that there has been no administration of her estate.

I find that Sterley Jennings who last dwelt in the County of Charleston, State aforesaid, died at age 79 years, intestate, on the 12th day of November, 1954, leaving as his sole heir and distributee at law Frank White Sr., now deceased, his first cousin, and that Rose Jennings, wife of Sterley Jennings died in 1953 in New York, New York and that there has been no administration of his estate.

I find that Ida Gadsden who last dwelt in the County of Charleston, State aforesaid, died at age 58 years intestate, on the 19th day of April, 1951, leaving as her sole heir and distributee at law, her son, Frank White, Sr. and that Ida Gadsden's husband, if any, is unknown and that there has been

no administration of her estate.

I find that Frank White, Sr. who last dwelt in the County of Charleston, State aforesaid, died at the age of 71 years testate on the 20th day of July, 1973, devising by his Last Will and Testament the said property to his wife, Mary Ancrum White, for life, with a vested remainder to his four children: Frank White, Jr., William Timothy White, Clinton White, and DeWayne Alphonza White, all devisees being Plaintiffs in this action.

I find that the Last Will and Testament Of Frank White, Sr. was duly admitted to Probate in the Charleston County Probate Court on August 3, 1973, No. 73-559, with Plaintiff, Mary A. White (Mary Ancrum White) qualifying as Executrix and that the estate has been closed and properly administered.

I find that the description below is a modern and complete description of the property:

ALL that piece, parcel or plot of land consisting of two adjoining tracts with a combined total acreage of two and a half acres located on the south side of Jacksonville Road, Union Heights, County and State aforesaid and more fully described by a plat of said tracts made by W. Lucas Gaillard in April of 1939, and recorded in the RMC Office for Charleston County on March 10, 1943, in Book B-44, Page 73, which plat is incorporated by reference into this description and made a part hereto.

Tract One consists of one acre and measures and contains one hundred and four (104') feet on its east and west borders and four hundred and seventeen (417') feet on its north and south lines.

Tract One borders to the north on Jacksonville Road, on the east by lands of Harold L. Mims, Jr., to the south by Tract Two of this description and on the west by Union Heights Church of Christ.

Tract Two consists of one and a half acres and measures and contains on the north line which adjoins Tract One, four hundred seventeen (417') feet and on the north line adjoins lands of Harold L. Mims, Jr., one hundred (100') feet on the south, five hundred seventeen (517') feet, on the west one hundred forty-nine (149') feet, on the east line adjoining the Mims' land one hundred four (104') feet, and on the east line adjoining the Solomon land forty-five (45') feet.

Tract Two borders to the north as previously mentioned, to the west on Union Heights Church of Christ, to the South on Woodman of the World Life Insurance Society, and Walter H. Solomon, as Trustee, and to the East as previously mentioned.

TMS Tract One: 466-03-00-154
Tract Two: 466-03-00-155

I find and conclude that the Plaintiffs, their predecessors

in title have been in open, continuous, hostile and adverse possession of the premises described above for a period of more than 62 years, which said possession on the part of said Plaintiffs renders them title to said property to be absolute, good and marketable to the exclusion of any of the Defendants above named, their heirs, assigns or distributees.

I find and conclude that there are no adverse claims that any of the Defendants hereinabove named or anyone claiming by, through or under them, and any and all other persons lawfully claiming any right, title, estate, interest in or lien upon the premises hereinabove described, have and that none of them have any claim to or any right, title, estate, interest in or lien upon the said premises or any part thereof and that there are no dower rights that any persons have in said premises.

The above conclusions are my recommendations which by virtue of this order are being made the Final Decree of the Court; it is therefore

ORDERED, ADJUDGED AND DECREED that none of the Defendants, their heirs, devisees, legatees, distributees, or assignees, nor any persons or persons claiming by, through or under them, have any claim or any right, title, estate interest in or lien upon the real property in question as described above, or any part thereof, and that there are no outstanding dower rights in the said premises, and that the good and marketable title in these premises is vested in the Plaintiffs, and that the latter have a fee simple absolute title to the property, and it is further

ORDERED, ADJUDGED AND DECREED that the following is the description of the Plaintiff's real property:

All that piece, parcel or plot of land consisting of two adjoining tracts with a combined total acreage of two and a half acres located on the south side of Jacksonville Road, Union Heights, County and State aforesaid and more fully described by a plat of said tracts made by W. Lucas Gaillard in April of 1939, and recorded in the RMC Office for Charleston County on March 10, 1943, in Book B-44, Page 73, which plat is incorporated by reference into this description and made a part hereto.



Tract One borders to the North on Jacksonville Road, on the east by lands of Harold L. Mims, Jr. to the South by Tract Two of this description and on the west by Union Heights Church of Christ.

Tract Two consists of One and a half acres and measures and contains on the north line which adjoins Tract One, four hundred and seventeen (417') feet and on the north line adjoins lands of Harold L. Mims, Jr. one hundred (100') feet, on the south five hundred and seventeen (517') feet, on the west one hundred and forty-nine (149') feet, on the east line adjoining the Mims' land one hundred and four (104') feet, and on the east line adjoining the Solomon land forty-five (45') feet.

Tract Two borders to the north as previously mentioned to the west on Union Heights Church of Christ, to the south Woodman of the World Life Insurance Society, and Walter H. Solomon, as Trustee, and to the East as previously mentioned.

TMS Tract One: 466-03-00-154
Tract Two: 466-03-00-155

and it is further

ORDERED, ADJUDGED AND DECREED that the Plaintiff, Mary A. White, has a life interest in the premises with the remaining Plaintiffs having a vested remainder, and it is

SO ORDERED this 31st day of March, 1981, in the City of Charleston.


LOUIS E. CONDON
MASTER IN EQUITY

NOTICE:

Original of this Report filed in the Clerk of Court's Office for Charleston County, and copy forwarded to below attorney on 31st day of March, 1981.

Louis E. Condon
Master in Equity

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
79-CP-10-2289

MARY A. WHITE, et al)

Plaintiffs,)

-versus-

MONDAY GREEN, et al)

Defendants.)

FILED

FEB 5 1981

AFFIDAVIT

NOTARY PUBLIC

BY

GM

FEB 5 2 00 PM '81
CLERK OF COURT
CP AND SS
CHARLESTON COUNTY
SOUTH CAROLINA

PERSONALLY appeared before me, JOHN H. BENNETT, JR.

who being duly sworn, deposes and says:

ONE: That he is the attorney for the Plaintiffs in the foregoing action; that the Summons, Verified Complaint, Lis Pendens and Notice in the said action were served in accordance with the law upon the Defendants by publication as noted in the Affidavit of Publication which is attached, and since that time no answer, demurrer or other pleadings have been served upon the Plaintiff or his attorney or the Guardian.

TWO: That more than twenty (20) days have elapsed since the service of the Summons, Verified Complaint, Lis Pendens and Notice in the above matter and that the Defendants are in default except those represented by the Guardian and have previously been placed in default.

THREE: That the above entitled action is an equitable action.

[Signature]
JOHN H. BENNETT, JR.

SWORN to before me this 7th
day of December, 1979.

Debra H. Burns (SEAL)
Notary Public for South Carolina
My Commission Expires: 4-26-88

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
79-CP-10-2289

MARY A. WHITE, et al)

Plaintiffs,)

-versus-

MONDAY GREEN, et al)

Defendants.)

FILED

ORDER OF DEEDS
AND REFERENCE

FEB 5 1981

HOT

OR

by

J. H. Bennett

FEB 5 2 03 PM '81
CLERK OF COURT
CP AND CC
CHARLESTON COUNTY
SOUTH CAROLINA

UPON the annexed Affidavit of JOHN H. BENNETT, JR.

Plaintiffs' Attorney, and it appearing to my satisfaction that the said action was brought for the purpose of determining adverse claims, if any, to real estate located in the County of Charleston, State aforesaid, and more particularly described in the Complaint herein; and for the purpose of having the Court inquire into the value of any dower rights that any person may have in said premises; and that the Plaintiffs pay for such dower rights such amounts as may be fixed by the Court to or for the persons entitled thereof; and that any persons having any dower rights in the said premises, whether choate or inchoate be divested thereof; and for such other and further relief as to the Court may deem proper; and that such of the Defendants as may be infants, incompetent or insane persons or under any other disability, cannot be found in this State after due diligence; that they either reside out of the State of South Carolina or are temporarily absent therefrom; and

UPON consideration that the Defendants were served in accordance with the law by publication and that the Plaintiffs' attorney's Affidavit state that no answer or pleadings have been received by nor served on him or the Guardian and the Defendants are in default except those represented by the Guardian ad Litem, and it is

ORDERED, ADJUDGED AND DECREED that this matter is referred to LOUIS E. CONDON, Master in Equity, to determine the ownership of the aforesaid parcel of land, and it is further

ORDERED, ADJUDGED AND DECREED that all the Defendants

are in default except for those unknown heirs, if any, under
a legal disability, and

IT IS SO ORDERED THIS 5th day of Feb., 1986
in the City of Charleston.

Howard A. Taylor.
HOWARD A. TAYLOR, CLERK OF COURT
OF COMMON PLEAS

I MOVE:

John H. Bennett, Jr.
JOHN H. BENNETT, JR.
Attorney for Plaintiffs

I CONSENT:

Joseph R. Surface
JOSEPH R. SURFACE
Guardian ad Litem

PAID

Date 2-5-86

Amt. \$500

Louis E. Condon
Master in Equity

By: Maggie S. Lingo

AFFIDAVIT OF PUBLICATION

☐ The News and Courier

☒ THE EVENING POST

State of South Carolina

County of Charleston

FILED

FEB 5 1981

HONORABLE CLERK

By *EM*

Personally appeared before me

the undersigned advertising Clerk of the
above indicated newspaper(s), published
in the City of Charleston, County and
State aforesaid, who, being duly sworn,
says that the advertisement of

(copy attached)

appeared in the issues of said newspaper(s)

on the following day(s):

OCTOBER 2, 9, 16, 1979

at a cost of \$153.90

Acct. #5952

Subscribed and sworn to

before me this 19th day

of OCT.

A.D. 1979.

L. R. Weeks

Inc. Rye W. R. H. S.
NOTARY PUBLIC, S.C.

NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission expires September 9, 1984

CLERK OF COURT
CP AND GS
CHARLESTON COUNTY,
SOUTH CAROLINA
FEB 5 2 03 PM '81



THE NEWS AND COURIER



THE EVENING POST

FILED

FEB 3 1981

HOL

State of South Carolina

County of Charleston

Personally appeared before me

the undersigned advertising Clerk of the above indicated newspaper(s), published in the City of Charleston, County and State aforesaid, who, being duly sworn, says that the advertisement of

(copy attached)

appeared in the issues of said newspaper(s)

on the following day(s)

OCTOBER 2, 9, 16, 1979

at a cost of \$ 153.90

(Acct. #5952)

Subscribed and sworn to

before me this 19th day

of OCT

AD 10 10

[Signature]

NOTARY PUBLIC

Sykes Exhibit B

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
79-CP-10-2289

MARY A. WHITE, et al)

Plaintiffs,)

-versus-)

MONDAY GREEN, et al)

Defendants.)

REFERENCE

THIS matter is an Action to quiet title on two parcels of land in this County and State. This matter was referred to me by the Court for the purpose of taking testimony, receiving evidence, making findings of fact and law, and rendering a written Report embodying the above as well as recommendations for final disposal of the matter. The Plaintiff appears with her attorney John H. Bennett, Jr. and witnesses.

MARY A. WHITE, SWORN WITH EXAMINATION BY MR. BENNETT.

Q. You are Mary A. White, the Plaintiff?

A. Yes sir, I am.

Q. How old are you?

A. I am 57 years old.

Q. Where were you born?

A. I was born in Meggett, South Carolina.

Q. Where have you lived your life?

A. I have lived all my life in this area.

Q. Are you married?

A. I am the widow of Frank White, Sr.

Q. Are you familiar with the real property located in this County and State briefly known as 1953, 1959 and 1965 Jacksonville Road, Charleston Heights, South Carolina?

A. Yes sir, I am. I have familiarized myself with the history of the property with the help of you as my attorney and I know most of the family history to prove my cause of action. The property history is that by Deed dated June 23, 1880, and recorded on April 10, 1880, in the RMC Office for Charleston County in Book L-18, Page 32, B. C. Schaffer conveyed to

Monday Green, now deceased, the following described property:

ALL that certain piece, parcel or lot of land, with the buildings thereon, lying and being situate on the South side of the Jacksonville Road, near Five Miles, Meeting Street Road, County of Charleston, MEASURING AND CONTAINING TWO (2) ACRE more or less. BUTTING AND BOUNDING to the North on the Jacksonville Road, East by lands formerly of Hackless Thompson, South by Estate of Hampton and Caesar Young, and West by lands formerly of Nancy Winthrop.

This land is more shown as Lot 1 of Frederick J. Smith's plat 1879 recorded in Plat Book C, Page 14 of RMC Office for Charleston County.

I know that one (1) acre of the southern half of this property was conveyed by the Estate of Monday Green, Florence Green (Jennings) and Ida Green (Gadsden) by their November 6, 1911 deed to the Charleston Fair and Racing Association which was recorded November 13, 1911, in Book F-26, Page 29, in the said RMC Office.

I know that the one (1) acre as described in the preceeding paragraph was conveyed by the Charleston Fair and Racing Association's December 1, 1913, deed to C. J. Pierce along with an additional 1/2 acre adjoining the southern line of Lot 1 measuring and containing in length on the north and south lines five hundred and ten (510') feet and forty-five (45') feet in width and which deed was recorded on December 8, 1913, in the RMC Office in Book O-26, Page 220.

I know that the said J. C. Pierce by J. Elmore Martin, Sheriff, conveyed to Lottie Mappus the above property as described in the paragraph directly preceeding by deed dated November 14, 1917, which was recorded on November 26, 1917 in the RMC Office in Book C-26, Page 103.

I know that the said Lottie Mappus conveyed by her deed dated March 10, 1943, conveyed the property as described in the paragraph immediately preceeding to Jean C. Howe and recorded that day in the RMC Office in Book B-44, Page 73 together with a plat of said property dated April 1939 by W. L. Gaillard.

Sykes

Exhibit B

I know that by deed dated August 3, 1943 and recorded on August 6, 1943, in the RMC Office in Book K-43, Page 793, Jean C. Howe, conveyed to Ida Gadsden, Frank White and Sterling Jennings, all now deceased, the following described property:

ALL that certain piece or parcel of land, in St. Philips and St. Michael's Parish, Charleston County, S.C., said to contain two (2) acres, more or less, the same being a portion of what was known as Stromboli Farm, and one half of Lot "1" of Frederick J. Smith's plat 1879, recorded in Plat Book C, Page 14 of RMC Office for Charleston County; as evidenced and called for in deed to Lottie I. Mappus by C. J. Pierce, and County Sheriff's Office, recorded RMC Office, Charleston County, Book C-26, Page 103. All of which is more clearly and particularly shown on a plat by W. L. Gaillard, Surveyor, dated April, 1939, and attached to deed from Lottie I. Mappus to Jean C. Howe, recorded in RMC Office in Book B-44, Page 73. Butting and bounding to the north on a road thirty three feet wide, known as Jacksonville Road, to the South on lands formerly Charleston Fair and Racing Association, now the property of Nathaniel Barnwell, to the East on lands now or formerly of F. W. Williams and Nathaniel Barnwell, and to the west on lands now or formerly Nancy Winthrop and Nathaniel Barnwell, all of which will be shown by reference to above mentioned plat by W. L. Gaillard, together with all such rights as called for in previous deeds of record.

The above land being the same conveyed to C. J. Pierce by Charleston Fair and Racing Association in Book C-26, Page 220, Dec. 1st 1913 and in F-26 page 29 in other deeds of record. See also N-23, Page 299.

I know that by deed dated , 19 , and recorded on August 8, 1939, in the RMC Office in Book O-40, Page 739, Frank White conveyed to Ida Gadsden, the following described property:

All that certain piece, parcel or lot of land, with the buildings thereon, lying and being situate on the south side of the Jacksonville Road, near Five Miles, Meeting Street Road, County of Charleston. MEASURING AND CONTAINING ONE (1) ACRE more or less. BUTTING AND BOUNDING to the North on the Jacksonville Road, East by lands formerly of Hackless Thompson, South by Estate of Hampton and Caesar Young, and West by lands formerly of Nancy Winthrop.

- Q. How long have you personally lived on the property?
- A. I have lived on these two adjoining tracts since 1946.
- Q. What is the family history of Monday Green?
- A. I know that Monday Green died intestate many years prior to 1971, in this County and State, seized and possessed of the above property described. There has been no administration of his estate to my knowledge.

I know that the said Monday Green left surviving him as his sole heirs and distributees at law under the Statute of Descent and Distribution of his two (2) children: Ida Gadsden and Florence Green Jennings, all being deceased now. Monday Green's wife died intestate in this County prior to her husband as I remember.

Q. What became of Florence Green Jennings?

A. I know that Florecen Green Jennings, who last dwelt in the County of Charleston, State aforesaid, died intestate on the day of , 19 , leaving as her sole heir and diestributee at law, her one (1) child, Sterley Jennings. Her husband having predeceased her. There as been no administration of her estate to my knowledge.

Q. What became of Sterley Jennings?

A. I know that Sterley Jennings who last dwelt in the County of Charleston, State aforesaid, died at age 79 years intestate on the 12th day of November, 1954, leaving as his sole heir and distributee at law, Frank White, Sr., now deceased, his first cousin, my deceased husband. Rose Jennings died in 1953 in New York, New York. There has been no administration of his estate.

Q. What become of Ida Gadsden and Frank White, Sr.?

A. I know that Ida Gadsden who last dwelt in the County of Charleston, State aforesaid, died at age 58 years intestate, on the 19th day of April, 1951, leaving as her sole heir and diestributee at law, her son, Frank White, Sr. Ida Gadsden's husband, if any, is unknown. There has been no administration of her estate. My husband Frank White, Sr. who dwelt in the County of Charleston, State aforesaid, died at the age of 71 years testate on the 20th day of July, 1973, devising by his Last Will and Testament the said property to his wife, Mary Ancrum White, for life, with a vested remainder to his four children: Frank White, Jr., William Timothy White, Clinton White, and DeWayne

Sykes

Exhibit B

Alphonza White, all devisees being Plaintiffs in this action.

His Last Will and Testament was duly admitted to Probate in the Charleston County Probate Court on August 3, 1973, No. 73-559, with me, Mary A. White (Mary Ancrum White) qualifying as Executrix. The estate has been closed and properly administered.

Q. Is there a more up to date description of the property?

A. Yes sir, I prefer the following description which is modern and complete:

ALL that piece, parcel or plat of land consisting of two adjoining tracts with a combined total acreage of two and a half acres located on the south side of Jacksonville Road, Union Heights, County and State aforesaid and more fully described by a plat of said tracts made by W. Lucas Gaillard in April of 1939, and recorded in the RMC Office for Charleston County on March 10, 1943, in Book B-44, Page 73, which plat is incorporated by reference into this description and made a part hereto.

Tract One consists of one acre and measures and contains one hundred and four (104') feet on its east and west borders and four hundred and seventeen (417') feet on its north and south lines.

Tract One borders to the north on Jacksonville Road, on the east by lands of Harold L. Mims, Jr., to the South by Tract Two of this description and on the west by Union Heights Church of Christ.

Tract Two consists of one and a half acres and measures and contains on the north line which adjoins Tract One, four hundred seventeen (417') feet and on the north line adjoins lands of Harold L. Mims, Jr., one hundred (100') feet on the south, five hundred seventeen (517') feet, on the west one hundred forty-nine (149') feet, on the east line adjoining the Mims' land one hundred four (104') feet, and on the east line adjoining the Solomon land forty-five (45') feet.

Tract Two borders to the North as previously mentioned, to the west on Union Heights Church of Christ, to the South on Woodman of the World Life Insurance Society, and Walter H. Holomon, as Trustee, and to the East as previously mentioned.

TMS: Tract One: 466-03-00-154
Tract Two: 466-03-00-155

Q. Is your prior testimony the complete family history?

A. Yes sir, to my best memory, knowledge and belief.

Q. Ms. White, you claim to own this property?

A. Yes sir, I do.

Q. Please give a history of your possession of this property?

A. I moved into the house on the property in 1946 with my

Sykes Exhibit B

husband and we have exercised complete control over the property since that time. He and his mother lived all their lives in the house.

Q. Who has paid the taxes on the place?

A. We have ever since I can remember.

Q. Who has repaired the house and maintained the yard?

A. I have since 1973. I have maintained insurance on the property and I have had excluded everyone in the family from any possession or right in the property since 1971 except my children. I took physical possession of the property as my home and assumed responsibility for it and by the same token kicked everyone else out. Nobody except me used the property as a home.

Q. Did your husband and mother in law do the same?

A. Yes, to my memory, he and his mother did from 1946 until their deaths. I have since 1973.

Q. Did any member of the Jennings family do anything to interfere with your use and possession of the property?

A. No sir. They are all dead. My husband was his only relative. Sterley Jennings died in my house.

Q. Then you and your husband to your memory have been in continuous, hostile, open, adverse, notorious and exclusive possession of this property since 1946, a period of thirty-five (35) years?

A. Yes sir. I have absolutely for thirty-five (35) years now.

Q. You and your husband therefore claim to have accomplished adverse possession against everyone except your children who have inherited with you under your husband's will.

A. Yes sir, I do.

Q. Do you live on the property now?

A. Yes sir, I do.

Q. What do you want?

A. I want recognition that this is my property in fee simple and that the defendants are excluded from ownership of any type except for my children.

Sykes Exhibit B

EXAMINATION BY MR. SURFACE:

Q. Are there any descendants, heirs at law, of Monday Green who are minors, disabled or under a legal disability of any type?

A. No sir. The ones alive are in good shape and are fully accounted for in the family history.

NO FURTHER QUESTIONS OF THIS WITNESS.

ISSAC WASHINGTON, SWORN, WITH EXAMINATION BY MR. BENNETT:

Q. What is your name?

A. My name is Issac Washington.

Q. How old are you?

A. I am eighty-two years old.

Q. Where do you live?

A. I live at 2865 Appleton Avenue.

Q. How long have you lived in this area?

A. All my life.

Q. Do you know that Plaintiff and her family?

A. Yes sir, I do. I have known them all my life.

Q. Have you heard the family history as given by Mrs. White?

A. Yes sir, I have.

Q. Are there any mistakes or discrepancies?

A. No sir, not to my knowledge.

Q. Who owns the property in question?

A. The Plaintiff and her children.

Q. How do you know that?

A. They have always lived there.

Q. Has anyone else lived in the house since 1946?

A. No sir. Just the Plaintiff and her husband and now their children.

Q. Has any member of the family exercised any ownership over the house since 1946?

A. No sir. They have had complete possession of it.

Q. Has their possession been continuous, hostile, open, adverse, notorious and exclusive since 1946?

A. Yes sir, no question about it.

Sykes Exhibit B

NO FURTHER QUESTIONS BY MR. BENNETT.

EXAMINATION BY JOSEPH R. SURFACE, GUARDIAN AD LITEM:

Q. Are there any descendants of Monday Green who are minors, disabled or under a legal disability of any type?

A. No sir. All the living heirs of Monday Green as recited are alive and in full mental capacity to my best knowledge.

NO FURTHER QUESTIONS OF THE WITNESS.

EXAMINATION BY MR. BENNETT OF REV. LONNIE HAMILTON, SWORN:

Q. What is your name?

A. My name is Lonnie Hamilton.

Q. What is your age?

A. Eighty-three years of age.

Q. Where do you live?

A. I live at 1942 Jacksonville in Charleston Heights.

Q. How long have you lived there?

A. All my life.

Q. Are you familiar with the Monday Green family history?

A. Yes sir. The Plaintiff is the daughter in law of my good friend Ida Gadsden, who is dead.

Q. Have you heard the family history as given by the Plaintiff?

A. Yes sir, I have.

Q. Is it true and correct?

A. Yes sir, it is complete as I know it.

Q. Can you add any information?

A. No sir, I can not except that I have known this entire family all my life.

Q. Whose property is 1953, 1959 and 1965 Jacksonville Road?

A. It is owned by the Plaintiff and her children. They have had continuous, hostile, open, adverse, notorious and exclusive possession of the property for well over forty (40) years.

NO FURTHER EXAMINATION BY MR. BENNETT.

Sykes Exhibit B

Q. Are you related to the Plaintiff by blood or marriage?

A. Yes sir, she is a distant cousin by my marriage. I am a second cousin of Frank White, Sr.

NO FURTHER EXAMINATION BY MR. BENNETT.

EXAMINATION BY MR. SURFACE:

Q. Are there any descendants, heirs at law, of Monday Green who are minors, disabled or under a disability of any type?

A. No sir, the ones I know are find and of age.

NO FURTHER QUESTIONS OF THIS WITNESS.

STATEMENT BY MR. BENNETT:

The Plaintiff has been in open, continuous, hostile, notorious, exclusive and adverse possession of the premises as described previous for a period of more than twenty (20) years, to wit: thirty-five (35) years, which said possession on the part of the Plaintiff renders her title to said property to be absolute, good and marketable to the exclusive of any of the Defendants above named, their heirs, assigns or distributees and that she has adversely held the property since 1946. The Plaintiff asks today for adjudication of her and her children as the absolute owners of the real property and that they have a good and marketable title.

State of South Carolina.

City and County of Charleston.

In the Name of God Amen?

I Mondan Green of the County of Charleston and State aforesaid, and now residing on Charleston Neck, being desirous of settling my worldly affairs at this time, and being of sound and disposing mind, memory & understanding, do make this my last Will and Testament hereby revoking all other wills by me at any time heretofore made.

In presence.

I direct that all my just debts and obligations due at the time of my death be paid as soon as possible after my decease. And I desire to be buried in the Sharon Cemetery, where my son is now interred. Giving my Executor full power of sale to pay my debts There.

I give devise and bequeath, all the personal Estate of which I die possessed, of any kind whatsoever, and of which I may become at any time possessed of to my three Children Flora Ann Green, Clara Green, & Ida Green, share and share alike, the Child or children of a deceased Child or children, to take by representation the parents share, subject to the payment of my debts There. I give devise and bequeath

Wm. C. H. Green, Monday
Mondan Green

CB

his
 Mrs. L. B. Green
 Monday
 March 1st

1 All my Real Estate, and Land, of which
 2 I do possessed, & Whosoever situate, to
 3 my said Three Children above named
 4 for and during the term of their natural
 5 lives, and from and after their death, to
 6 the Child or children of any or all of
 7 them, to such Child or children of such
 8 deceased Child or children, share and
 9 share alike, to them their heirs & assigns
 10 forever. But should any of my said
 11 Children die without issue, then her or their
 12 shares or life estate to vest in the other
 13 one or two, according to the terms as above
 14 stated. But should any of my said
 15 above named Children, die during my
 16 life time, leaving Children or a Child,
 17 surviving them or her, then such Child
 18 or children, shall take an estate in the
 19 said Real Estate, which shall continue
 20 during the lives of their Aunt or Aunts,
 21 & which shall be in the nature of the
 22 same Estate that their Aunt or Aunts
 23 enjoy under this Will, but on the death
 24 or deaths of their Aunt or Aunts, then
 25 they shall take absolutely & in fee
 26 simple, just as they would have taken
 27 if their parents, or parents had survived
 28 me. It is my desire that my house
 29 and lands be kept together as a home
 30 for my said Children & grand Children,
 31 (if any of my Children should die before
 32

me and leave Children) and that they
 should live and reside on the place, or
 places, or in case they cannot do this,
 that the property should be rented out,
 and the proceeds, divided among them,
 But in no case shall it be sold or encumbered
 in any manner whatsoever.

Item

It is my will and desire,
 and my special request to my Children,
 that should Louisa James wife of
 James of Charleston, who was my late wife's
 Cousin, who has been taking care and
 attending to my Children so faithfully:
 ever reside or be in want of a home,
 that my said Children should provide
 for her, and see as far as they are able
 that she is provided for & well taken
 care of.

Witness my hand & seal this Nineteenth
 day of December A. D. 1883.

Monday ^{his} Green (Seal)
 mark

Signed, Sealed, published and declared by
 the above named Howard Green as and for
 his last Will & Testament in the presence of us
 who at his request, in his presence and in
 the presence of each other, have subscribed
 our names as witnesses hereunto.

B. G. Shaffer }
 E. H. Alley }
 Chas. E. Carriere }

Monday X. Green
I hereby appoint Chas. E. Green
Executor of this my last will
Testaments with full power of sale
wherein I do with my executor
or all of my said estate pay my debts.

Codicil to will:

This Codicil made to my last
will and Testament executed on
the 19th of December 1883. hereby
renews and Cancels all provision
as to Susan Jane Withers named
+ I desire that such provision as was
therein made for her be extended
in all particulars to Nancy Johnson
Wife of Thos. Johnson, who has been
my faithful friend in my sickness -
Witness my hand and
seal this 25th of June
1885. his

Monday X. Green (Seal)
Signed sealed published & declared by
- the above named Monday X. Green
and for this Codicil to his last will &
Testament in the presence of us who at
his request in his presence and in the
presence of each other have signed our
names as Witnesses hereunto:

J. H. Johnson
Geo. Williamson
Lucy Washington

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

White: Sk Frank

775 C-559

Roll #537

File #1172

LAST WILL AND TESTAMENT

Sykes Exhibit A

I, FRANK WHITE, JR., a resident of and domiciled in North Charleston in the State and County aforesaid, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking all Wills and Codicils at any time heretofore made by me.

I direct my Executrix, hereinafter named, to pay all my just debts and administrative expenses as soon as practicable after my death.

I give, devise and bequeath all of my property and estate, real and personal, of any and every description whatsoever and wheresoever situated, including everything owned by me at the time of my death to my wife, MARY ANCHOR WHITE, for life and upon her death, I give, devise and bequeath the same to my children, share and share alike. My wife, as holder of the life estate, shall not be liable for any damage, loss, waste, or otherwise, with respect to said property. If, at my wife's death, any of our children have predeceased her leaving children of their own, such issue of a deceased child shall take his or her parent's share, per stirpes.

I appoint my wife Executrix of my Will, and as substitute Executor, I appoint my son, DeWayne Alphonza White.

I direct that said Executrix and substitute Executor shall serve without bond or security.

I give said Executrix and substitute Executor the fullest power and authority in all matters and questions and to do all acts which I might or could do if living, including, without limitation, complete power and authority to invest, sell, mortgage, lease and dispose of and distribute in kind, all property, real and personal, at such times and upon such terms and conditions as she or he may deem advisable.

I intentionally make no other provisions for any of my children; Frank, Jr., William Timothy, Clinton, or DeWayne Alphonza, now living or any other children hereafter born to or

Page 1

Sykes Exhibit A

adopted by me or for any other issue of mine.

I revoke all prior Wills and Codicils.

IN TESTIMONY WHEREOF, I hereunto set my Hand and Seal,
at North Charleston, South Carolina, this 26th day of June
in the year of our Lord one thousand nine hundred seventy-three.

Frank White, Sr. (SEAL)

SIGNED, SEALED, PUBLISHED AND DECLARED by the above named
testator, FRANK WHITE, SR., as and for his Last Will and
Testament in the presence of us who, in his presence and at his
request and in the presence of each other, have hereunto sub-
scribed our names as witnesses to the due execution thereof.

William W. Morgan

Box 3 B 3610 Charleston SC

Thomas H. Allen

25 Cedar St (City)

Gay L. L. L.

Box 4404 Charleston Heights SC

2546 2730425
 7425 02 0260250
 12020 10 24474
 0202020 24 0
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1971

Registration Dist. No. 10-4-73		STATE OF SOUTH CAROLINA BOARD OF HEALTH	
Register's No. 10-4-73		CERTIFICATE OF DEATH	
Birth No. 10-4-73		State and County	
DECEASED—NAME FRANK		DATE OF DEATH—MONTH, DAY, YEAR July 20, 1973	
RACE—WHITE, NEGRO, AMERICAN INDIAN, ETC. (SPECIFY) WHITE		AGE—LAST BIRTHDAY (MONTH, DAY, YEAR) 71 yrs.	
DATE OF BIRTH—MONTH, DAY, YEAR 2/7/02		PLACE OF BIRTH—CITY, TOWN, OR LOCATION OF BIRTH Charleston	
CITY, TOWN, OR LOCATION OF DEATH Charleston		HOSPITAL OR OTHER INSTITUTION—NAME (IF NOT IN OTHER, GIVE STREET AND NUMBER) St. Francis Xavier Hospital	
STATE OF BIRTH (IF NOT IN U.S., NAME, CITIZEN OF WHAT COUNTRY) South Carolina, U.S.A.		MARRIED, NEVER MARRIED, WIDOWED, SEPARATED (SPECIFY) Never Married	
SOCIAL SECURITY NUMBER 110-03-6377-A		SPOUSE'S NAME (IF MARRIED) Mary Annerum	
RESIDENCE—STREET, CITY, TOWN, OR LOCATION 110-03-6377-A, Charleston, S.C.		KIND OF BUSINESS OR INDUSTRY Naval Yard, Civil Service	
FATHER—NAME, FIRST, MIDDLE, LAST Franklin White		MOTHER—NAME, FIRST, MIDDLE, LAST Ida	
INFORMANT—NAME Mrs. Mary White		MARKING ADDRESS (STREET OR P.O. NO., CITY OR TOWN, STATE, ZIP) 1953 Jacksonville Road, Chas. Hgts., S.C.	
PART I DEATH WAS CAUSED BY		IMMEDIATE CAUSE	
(1) Acute Myocardial Infarction		(2) Coronary Artery Disease	
(3) Due to, or as a consequence of		(4) Other	
PART II OTHER SIGNIFICANT CONDITIONS		CONDITIONS PREDISPOSING TO DEATH BUT NOT RELATED TO CAUSE GIVEN IN PART I	
ACCIDENT, SUICIDE, HOMICIDE, OR UNDETERMINED (SPECIFY)		DATE OF INQUIRY—MONTH, DAY, YEAR 7/20/73	
INJURY AT WORK (SPECIFY YES OR NO)		HOW INJURY OCCURRED (ENTER NATURE OF INJURY IN PART I OR PART II)	
PLACE OF DEATH (IF NOT OFFICE B.D.C., IF 10, 11)		LOCATION (STREET OR P.O. NO., CITY OR TOWN, STATE)	
CERTIFICATION—MONTH, DAY, YEAR 6 17 76		DATE OF DEATH—MONTH, DAY, YEAR 7 20 73	
CERTIFIED—NAME, TITLE OR RANK Harvey Sherman M.D.		SIGNATURE OF PHYSICIAN Harvey Sherman	
DRAINING ADDRESS—CERTIFIER		STREET OR P.O. NO., CITY OR TOWN, STATE Charleston, South Carolina	
BURNING, CREMATION, REMOVAL (SPECIFY)		CITY OR TOWN, STATE Charleston, S.C.	
DATE 7-25-73		FUNERAL HOME—NAME AND ADDRESS Union Baptist, 212 Meeting St., Chas. Hgts., S.C.	
FILED—DIRECTOR (SIGNATURE)		DATE RECEIVED BY LOCAL REGISTRAR	

1 AUG '22 PM 1:22

D1

Kassick Jackson et al

Case No. 1011-11-10-11-11

To
B. J. Schaffer Trustee
Commissary

State of South Carolina

Whereas by and unto the
Twenty fifth day of October Eight
hundred and twenty five and duly
recorded in the Register of Mease Commissary Office
Charleston Co. Book 6 No 16 page 278 James Jackson,
Monday Green, Daniel Johnson, Richard Tracer, Elias Dr-
ler, Prince Williams, Jacob Liger, Will Scott, George Sim-
mon, Robert Bright, Alston May, Francis Winthrop, Thos
Williams, George Bissett, Abram Brown, Francis Green,
Tappa, Francis Green, Jack Brown, Jacob Floyd, Daniel
Johnson and John Blumling, being entitled as commis-
sary in common and in fee simple to all those ex-its or
parcels of land each measuring and containing one
acre more or less situate lying and being in the County
of Charleston State aforesaid and known by the num-
ber 24, 25, 26, 27, 28, and 29, (being four lots of five
acres twenty seven, twenty eight, and twenty nine, or a
plantation by the James Simonson Surveyor dated Septem-
ber eighteen hundred and twenty five,
and Whereas by and unto the twentieth day of June
eighteen hundred and twenty six and duly recorded in
the Register of Mease Commissary Office Charleston County
in Book 6 No 17 page 372, James Jackson, Monday Green,
Daniel Johnson, Richard Tracer, Elias Drler, Prince Williams,
Jacob Liger, Will Scott, George Simonson, Robert Bright,
Alston May, Francis Winthrop, Thos Williams, George
Bissett, Abram Brown, Francis Green, Jack Brown,
Jacob Floyd, Daniel Johnson and John Blumling, being
entitled as commissioners in common and in fee simple
to all those lots of land each measuring and containing one
acre more or less situate lying and being in the County of
Charleston State aforesaid and known by the numbers 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 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George Simmons (real)
 Hinges Bennett (real)
 Abraham Brown (real)
 Robert Bright (real)
 Richard Fraser (real)
 Nick Smith (real)
 Albert May (real)
 Daniel Johnston (real)
 Thomas Vinthrop (real)
 Prophet Williams (real)

The State of South Carolina,
 Charleston County }
 Charles E. Carver and made oath that he saw the
 within named Harriet Jackson then and Mrs. Jackson
 Daniel Johnston, Monday June, Peter Clement, Parson
 Williams, Elias Jones, Jacob Kuger, George Simmons
 Hinges Bennett, Abraham Brown, Robert Bright, Richard
 Fraser, Nick Smith, Albert May, Daniel Johnston, Henry
 Vinthrop & Prophet Williams, three of them who could
 write making their marks sign real and so their
 act and did deliver the within written deed, and that he
 with H. M. Carver witnessed the execution of the
 same to before on this Fifth day of
 April A. D. 1898 Eighteen hundred

eighty
 E. H. Simmons
 (Sd) Notary Public
 Chas E Carver

The State of South Carolina,
 Charleston County }
 Reincarnation of
 Charles E. Carver Notary Public do hereby certify unto all
 whom it may concern that Mrs. Mary Green the wife of
 the within named Monday Green did this day appear
 for me and upon being privately and separately examined
 by me did declare that she was fully voluntarily and with
 out any compulsion deed or fear of any person or person
 whomsoever renounce, release and forever relinquish and
 to the within named B. H. Schaffer his heirs and
 assigns all his interest and estate and also all her
 right and claim of dower of in or to all and singular
 the premises within mentioned and released.

Mary Green
 Witness under my hand and seal this fifth day of
 April Anno Domini Eighteen hundred and eighty
 eight
 Charles E. Carver
 (Seal) Notary Public

NORTH CHARLESTI
 MUNICIPAL COUR

1 AUG '22 PM 1:22

The State of South Carolina }
 Charleston County }
 I Charles E. Carver Notary Public do hereby certify unto all
 whom it may concern that Mrs. Nancy Bright the wife
 the within named Robt. Bright did this day appear before
 me and upon being privately and separately examined
 by one did declare that she does freely voluntarily and with-
 out any compulsion dread or fear of any person or persons
 whomsoever permanent release and forever relinquish
 unto the within named B. G. Schaffer Trustee his heirs
 and assigns all his interest and estate and also all
 her right and claim of dower of in or to all and singular
 the premises within mentioned and released
 Nancy J. Bright
 Given under my hand and seal this
 eight day of April and Twentieth hundred and eighty
 three
 Charles E. Carver
 Notary Public

The State of South Carolina }
 Charleston County }
 I Charles E. Carver Notary Public do hereby certify unto all
 whom it may concern that Mrs. Frances Simmons the
 wife of the within named George Simmons did this day
 appear before me and upon being separately examined by
 one did declare that she does freely voluntarily and with-
 out any compulsion dread or fear of any person or persons
 whomsoever permanent release and forever relinquish
 unto the within named B. G. Schaffer Trustee his
 heirs and assigns all his interest and estate and also
 all her right and claim of dower of in or to all and
 singular the premises within mentioned and released
 Frances J. Simmons
 Given under my hand and seal this eight day of April
 and Twentieth hundred and eighty three
 Charles E. Carver
 Notary Public

The State of South Carolina }
 Charleston County }
 I Charles E. Carver Notary Public do hereby certify unto
 all whom it may concern that Mrs. Joann Brown did
 this day appear before me and upon being privately
 and separately examined by one did declare that she
 does freely voluntarily and without any compulsion
 dread or fear of any person or persons whomsoever
 permanent release and forever relinquish unto the with-
 in named B. G. Schaffer Trustee his heirs and assigns all
 her interest and estate and also all her right and
 claim of dower of in or to all and assigns the prem-
 ises within mentioned and released
 Joann Brown
 Given under my hand and seal this

NORTH CHARLESTON
 MUNICIPAL COURT

1 AUG 22 PM 1:21

Given under my hand and seal this eighth day of April Anno Domini Eighteen hundred and eighty

Chas. E. Carver

(Notary Public)

Notary Public

The State of South Carolina } Remuneration of
Charleston County } Down

I Charles E. Carver Notary Public do hereby certify unto all whom it may concern that Mrs. Mary Ann Johnston the wife of the within named Cassie Johnston did this day appear before me and upon being privately and separately examined by me did declare that she does fully voluntarily and without any compulsion dread or fear of any person or persons whomsoever heretofore and forever relinquish unto the within named B. S. Shaffer Trustee his and assigns all his interest and estate and also all his right and claim of dower of in or to all and singular the premises within mentioned and released

Mary Ann Johnston
Given under my hand and seal this eighth day of April Anno Domini Eighteen hundred and

(Notary Public)

Chas. E. Carver

Notary Public

The State of South Carolina } Remuneration of
Charleston County } Down

I Charles E. Carver Notary Public do hereby certify unto all whom it may concern that Mrs. Christina Williams the wife of the within named Prince Williams did this day appear before me and upon being privately and separately examined by me did declare that she does fully voluntarily and without any compulsion dread or fear of any person or persons whomsoever heretofore and forever relinquish unto the within named B. S. Shaffer Trustee his heirs and assigns all his interest and estate and also all his right and claim of dower of in or to all and singular the premises within mentioned and released

Christina Williams
Given under my hand and seal this fifth day of April Anno Domini Eighteen hundred and eighty

(Notary Public)

Chas. E. Carver

Notary Public

The State of South Carolina } Remuneration of
Charleston County } Down

I Charles E. Carver Notary Public do hereby certify unto all whom it may concern that Mrs. Rebecca Annitt the wife of the within named George Annitt did this day appear before me and upon being privately and separately examined by me did declare that she does fully voluntarily and

NORTH CHARLESTON
MUNICIPAL COURT
1 AUG '22 PM 1:25

without any compulsion and or fear of any person
or persons whomsoever remaining release and forever
relinquish unto the within named B. G. Schaffer his
Trustee his him and assigns all his interest and de-
vote and also all his right and claims of down
of in or to all and singular the premises within men-
tioned and released.

Given under my hand and seal this fifth day of April
Anne Dorman eighteen hundred and eighty

notarial
seal

Chas E. Barnes
Notary Public

The State of South Carolina
Charleston County

Announcement of
Dorm

I Charles E. Barnes Notary Public do hereby certify unto all
whom it may concern that Mrs. Joseph Williams
did this day appear before me and upon being personally
and separately examined by me did declare that she
does freely voluntarily and without any compulsion
and or fear of any person or persons whomsoever remaining
release and forever relinquish unto the within named
B. G. Schaffer Trustee his him and assigns all his interest
and estate and also all his right and claims of down
of in or to all and singular the premises within men-
tioned and released.

Given under my hand and seal this Saturday of April
Anne Dorman eighteen hundred and eighty

notarial
seal

Chas E. Barnes
Notary Public

The State of South Carolina
Charleston County

Announcement of
Dorm

I Charles E. Barnes Notary Public do hereby certify unto all whom it
may concern that Mrs. Julia Scott the wife of the within named
Nick Scott did this day appear before me and upon being per-
sonally and separately examined by me did declare that she
does freely voluntarily and without any compulsion and
or fear of any person or persons whomsoever remaining release
and forever relinquish unto the within named B. G.
Schaffer Trustee his him and assigns all his interest
and estate and also all his right and claims of down of in
or to all and singular the premises within mentioned
and released.

Julia Scott
Notary

Given under my hand and seal this fifth day of April
Anne Dorman eighteen hundred and eighty

notarial
seal

Chas E. Barnes
Notary Public

NORTH CHARLESTI
MUNICIPAL COURT

1 AUG '22 PM 1:23

The State of South Carolina } Remuneration of
Charleston County } Power
I, Chas. E. Carver Notary Public do hereby certify unto all
whom it may concern that Eliza Susan Clement the
wife of the within named John Clement did this day
appear before me and upon being privately and sepa-
rately examined by me did declare that she does freely
voluntarily and without any compulsion deed or
fear of any person or persons whomsoever renounce re-
lease and forever relinquish unto the within named
B. G. Shaffer Trustee his heirs and assigns all interest
and estate and also all her right and claim of dower
of in or to all and singular the premises within
mentioned and released.

Susan X Clement
Given under my hand and seal this Sixth day of April
anno Domini eighteen hundred and eighty eight

(Circular seal)

Chas. E. Carver

Notary Public

The State of South Carolina } Remuneration of
Charleston County } Power
I, Chas. E. Carver Notary Public do hereby certify unto all
whom it may concern that Eliza Elizabeth Luger the wife
of the within named Jacob Luger did this day appear
before me and upon being privately and separately ex-
amined by me did declare that she does freely volun-
tarily and without any compulsion deed or fear of any
person or persons whomsoever renounce release and fore-
ver relinquish unto the within named B. G. Shaffer
Trustee his heirs and assigns all interest and estate
and also all her right and claim of dower of in or
to all and singular the premises within mention-
ed and released.

Elizabeth X Luger
Given under my hand and seal this Sixth day of
April Anno Domini Eighteen hundred and eighty

Chas. E. Carver

Notary Public

(Circular seal)

Recorded June 24th 1888

C. Carver

B. G. L.

As Clerk

For Plat see Plat Book

DEEDS - TRUE COPY
REGISTER - MESSINE CONVEYANCE
CHARLESTON COUNTY, S.C.
DATE *March 1, 1888*
BY *R. G. L.*

Jacob Floyd
Jack Brown
Shaffer Trustee
Release

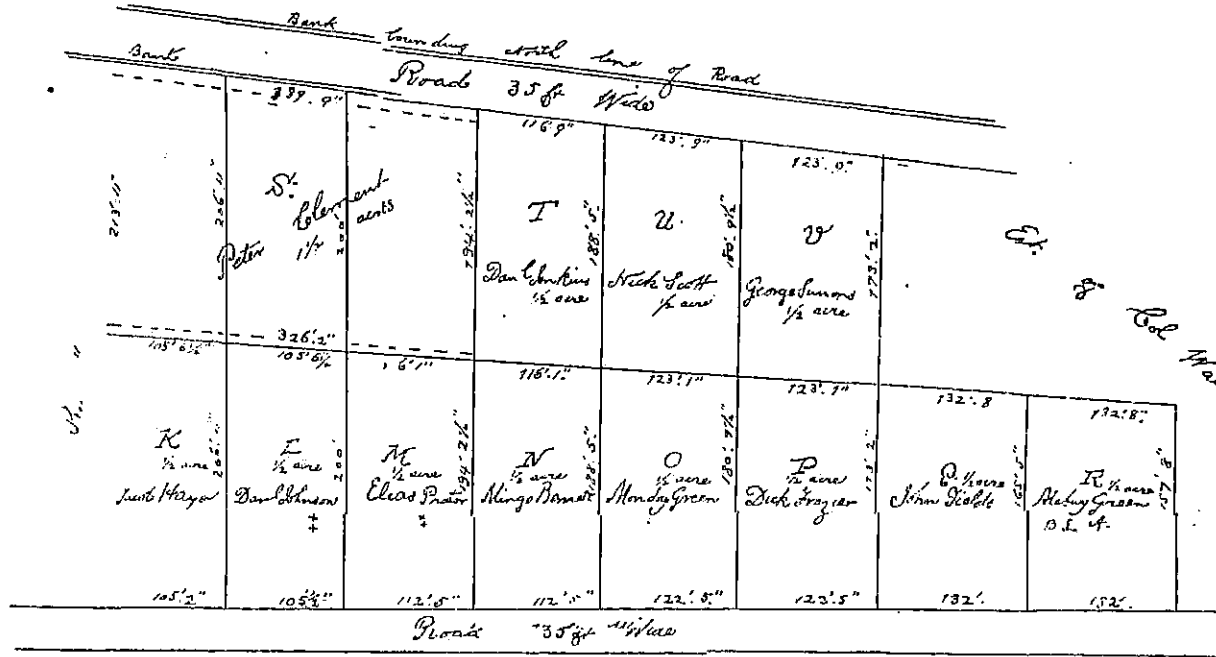
State of South Carolina }
Charleston County }
Sheweth by deed dated the 27th day of Octo-
ber 1875 and recorded in Deeds for
Charleston in Book 11 page 272 and also by deed dated the 11th
day of June 1876 and recorded in Deeds for

NORTH CHARLESTON
MUNICIPAL COURT
1911-22-1172

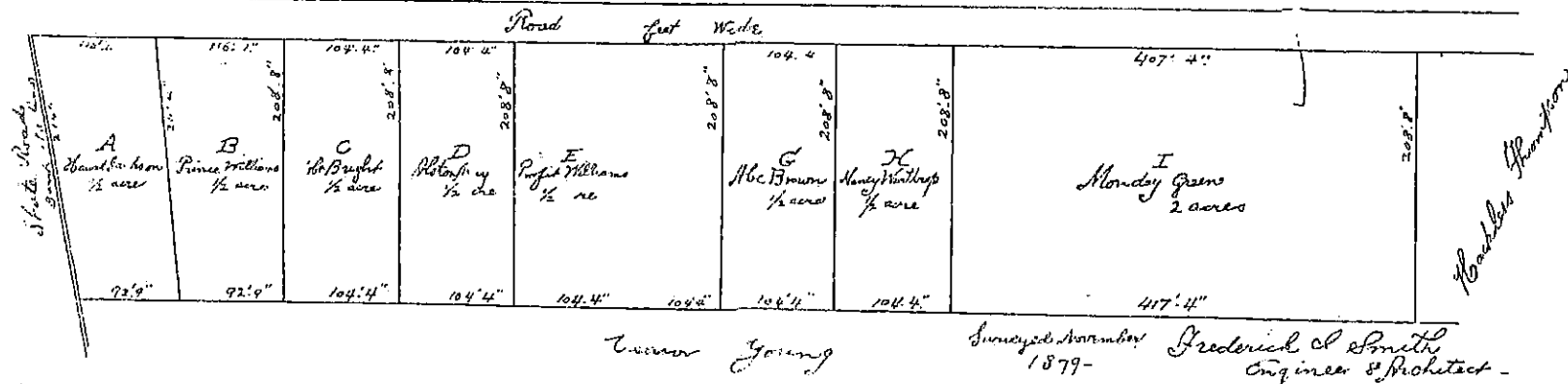
Brethren of Love Society Assignments

162
NORTH CHARLESTI
MUNICIPAL COUR
1 AUG 22 PM 1:24

Recorded June 24th 1881
For deed see Book E. 18, 10 21
C X E



I CERTIFY THAT THIS IS A TRUE COPY
OF THE ORIGINAL PLAT RECORDED IN
PLAT BOOK "C", PAGE 14
J. B. Eckert, Esq.
CHAS. GO. PUB. WK. DEPT.



Surveyed November 1879-
Frederick C. Smith
Engineer & Architect

PLAN FILE
DRAWN
FOUNDER
C. H. H. H.

1993-12

Bohler

1 1/2 acre
N46°E 195
Road to Clement Perry
N44°E 950

02
3.6 acre

285

520

7

9

1.9/10

10

73

15

5

17

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21

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2 1

22
14-66

4

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19

37

17

Stenobolus

Stark

Pl. of a portion of 5th Ward located on
Charleston Ave.
between 37th & 38th
Streets
September 1875 by

Wm Hume Smith
Sallyor

6-5

PINOPOLIS

MONK'S CORNER

FAIRLAW

BARONY

THE BARROWS

THE FARM

THE GRANGE

THE LODGE

THE LODGE

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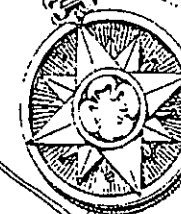
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The steamboat departs from the city every Tuesday at 5 o'clock and returns to these efforts of passengers of water in accordance with the program and convenience of travel, except on returns to town the same evening.

MAP
SHOWING THE
PLANTATIONS
along the
COOPER RIVER
as they were in the year
1842
Scale of Miles



J. D. & J. Stoney
April 52

COFITACHIQUI

English Translation

BRETHREN OF LOVE SOCIETY

April 5, 2022

Attn. Mark Lehrer, Portfolio Manager

PINE VALLEY ONE REAL ESTATE, LLC

650 SE 12TH ST

Dania Beach, FL 33004

Re: 4660300154

Dear Sir or Madam:

This letter is to notify you that Mary A White is a Life Estate holder of a assignment on property located at 1953 Jacksonville Rd, North Charleston, SC Charleston County, South Carolina from the last will and testament of Frank White Sr. Mary A. White died in the year of 1997 at the time of her death the life Estate ended. 11/16/20 is 23 years after the ending of the life estate. Also PINE VALLEY ONE REAL ESTATE, LLC did not exist in The state of South Carolina until the day of 03/14/2022 it could not have done business in South Carolina in 11/16/2020.

Tax sale under an execution issued against one who is not the owner of the land is void. Donohue v. Ward, 298 S.C. 75, 378 S.E. 2d 261 (Ct.App.1989).

Sincerely,

DeWayne Sykes

Mrsykes79@gmail.com

1953 JACKSONVILLE ROAD, CHARLESTON, SC 29405

163

EXHIBIT 4

PLEASE NOTE
INFORMATION.

The State of South Carolina,

County of Charleston

On All Manner of Premises Any Case.

ME 1256036

WHEREAS: I, Lucroita B. Lucado

SEND GREETING:

NOW, KNOW ALL MEN BY THESE PRESENTS, That I the said Lucroita B. Lucado

in consideration of the premises and also in consideration of the sum of one and no/100 (\$1.00)-----dollars

to me in hand paid at and before the sealing and delivery of these presents by

Mary A. White, 1953 Jacksonville Road, Charleston, SC 29405

(the receipt whereof is hereby acknowledged) have remise, released and forever quit-claimed, and by these presents do remise, release and forever quit-claim unto the said Mary A. White, her heirs and assigns:

ALL that piece, parcel or plat of land consisting of two adjoining tracts with a combined total acreage of two and a half acres located on the south side of Jacksonville Road, Union Heights, County and State aforesaid and more fully described by a plat of said tracts made by W. Lucas Gaillard in April of 1939, and recorded in the REC Office for Charleston County on March 10, 1943, in Book B-44, Page 73, which plat is incorporated by reference into this description and made a part hereof.

Tract One consists of one acre and measures and contains one hundred and four (104') feet on its east and west borders and four hundred and seventeen (417') feet on its north and south lines.

Tract One borders to the North to Jacksonville Road, on the east by lands of Harold L. Nims, Jr., to the South by Tract Two of this description and on the west by Union Heights Church of Christ.

Tract Two consists of one and a half acres and measures and contains on the north line which adjoins Tract One, four hundred and seventeen (417') feet on the north line adjoins lands of Harold L. Nims, Jr., one hundred (100') feet, on the south five hundred and seventeen (517') feet, on the west one hundred and forty-nine (149') feet, on the east line adjoining the Nims' land one hundred and four (104') feet, and on the east line adjoining the Solomon land forty-five (45') feet.

Tract Two borders to the north as previously mentioned to the west on Union Heights Church of Christ, to the south Woodman of the World Life Insurance Society, and Walter H. Solomon as Trustee, and to the East as previously mentioned.

THE Tract One: 466-03-00-154
Tract Two: 466-03-00-153

EXHIBIT 2

ME 125PG036

TOGETHER with all and singular the rights, members, appurtenances and appurtenances to the said premises belonging or in anywise incident or appertaining:

TO HAVE AND TO HOLD all and singular the said premises before mentioned unto the said

MARY A. WHITE, her

heirs and assigns, forever—so that neither the said grantor

nor her heirs, nor any other person or persons, claiming under her or them, shall at any time hereafter, by any way or means, have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part of parcel thereof, forever.

Witness my hand and seal this 20th day of April in the year of our Lord one thousand nine hundred and eight-one and in the two hundred and fifth year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered in the presence of }

Mary A. White
Margaret C. White

Lucinda B. Lucado (L. S.)
____ (L. S.)

THE PURPOSE OF THIS DEED IS TO PUT ON RECORD IN THE REC OFFICE THE FACT THAT THE PROPERTY ABOVE HAS A CLEAR TITLE AS OF MARCH 31, 1981. MARY A. WHITE et al v. MONDAY GREEN et al, COURT OF COMMON PLEAS, CHARLESTON COUNTY, CASE NO. 79-CP-10-2289.

EXE 125PG036

The State of South Carolina,

Charleston County.

PERSONALLY appeared before me the undersigned witness
and made oath that (s)he saw the within named grantor
sign, seal, and as her act and deed, deliver the within written
Deed; and that (s)he with the other witness named above

witnessed the execution thereof

SWORN to before me, this 20th.

day of April A. D. 1981

(SEAL)
Notary Public for South Carolina
My Commission Expires:

NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires April 14, 1982

Mary C. Whitman

The State of South Carolina,

County.

RENUNCIATION OF DOWER.

NOT NEEDED—GRANTOR A FEMALE

I,

do hereby certify unto whom it may concern, that Mrs.

the wife of the within named

did this day appear before me, and upon being privately and separately examined by me, did declare that she
does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whatsoever, re-
surrender, release and forever relinquish unto the within named

Heirs and Assigns, all her interest and estate, and also all her right and claim of dower, of, in or to all and
singular the premises within mentioned and released.

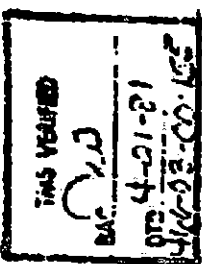
Given under my Hand and Seal, this

day of

Anna Dumini, 19

(SEAL)

4:00



RECORDED
E/25-36
APR 20 PM 3:13
ROBERT M. KING
SOUTH CAROLINA
CHARLESTON

The State of South Carolina,

To .

QUIT-CLAIM DEED

Filed _____ day
of _____ A. D. 19____
at _____ o'clock _____ M.,
and recorded in Book _____

Page _____ Fee, \$_____
R. M. C. of Clerk Court C. P. & G. S.
County, S. C.

Recorded this _____ day
of _____ 1981
ON PROPERTY RECORDED CARD

Att or _____
County, S. C.
CHARLESTON

Plaintiff Exhibit "E" 1
E1

STATE OF SOUTH CAROLINA) IN THE PROBATE COURT
COUNTY OF CHARLESTON) THERAPEUTIC DETERMINATION DIVISION
CASE NO. 88-747C/G

WILLIAM T. WHITE,)
Petitioner,)
-VERSUS-)
DEWAYNE A. WHITE and)
CLINTON WHITE,)
Respondent.)

ORDER OF APPOINTMENT
GUARDIAN

On the basis of the above petition and upon hearing, IT IS HEREBY ORDERED that the Court finds that venue is proper, that the required notices have been given or waived, and that the allegedly incapacitated person is incapacitated.

That DEWAYNE A. WHITE was alert, cooperative and well mannered speaking in a quiet even voice. He carries the diagnosis of schizophrenia and substance abuse. He has exhibited very poor judgment in caring for himself. He admits to abuse of cocaine, alcohol and marijuana. He also admits to noncompliance with outpatient treatment at the mental health center. When off the prescribed medication, prolixin decanate injections, he becomes paranoid, delusional, grandiose and has had to be committed to inpatient treatment. He has had approximately eight (8) psychiatric hospitalization admissions since 1976; therefore

DEWAYNE A. WHITE is found to be incapacitated to an extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions regarding his person; and

The Court further finds that the appointment of a guardian is necessary or desirable as a means of providing continuing care and supervision of the person of the incapacitated person. Having considered the wishes of the incapacitated person concerning his care, counsel, treatment, service and supervision, and his views concerning the selection of the guardian, the duties of the guardian, and the scope and duration of the guardianship, the Court appoints WILLIAM T. WHITE as guardian of the incapacitated person and directs the issuance of Letters of Guardianship as follows:

IT IS ORDERED that WILLIAM T. WHITE is expressly empowered to consent to medical treatment of any kind, including, but not limited to A&D evaluations as to DEWAYNE A. WHITE'S drug abuse problem/or psychiatric condition; to the administration of appropriate medications; and

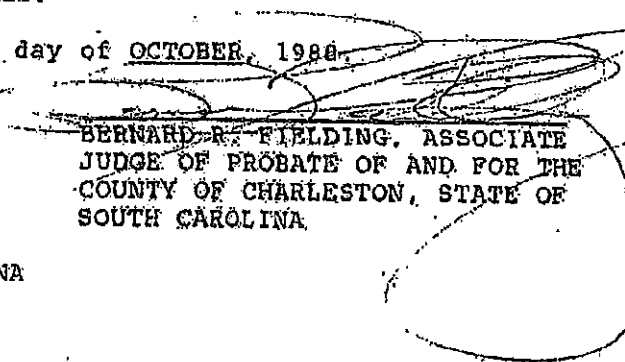
E2

IT IS FURTHER ORDERED that WILLIAM T. WHITE in his capacity as conservator for DEWAYNE A. WHITE, shall pay out of the funds of DEWAYNE A. WHITE, the costs of this action, including, but not limited to a reasonable attorney's fee for the court-appointed attorney and guardian ad litem in his capacity as attorney/gal/visitor for the allegedly incapacitated person, DEWAYNE A. WHITE for his services rendered; a reasonable fee for the petitioner's attorney, ROBERT FOLK, Esquire; a reasonable fee for the two court-appointed designated examiners for their examination and testimony in the within matter and any and all other costs normally and usually arising therefrom; and

IT IS FURTHER ORDERED that this order is subject to such further orders of the Probate Court of Charleston County as may be or shall become necessary for the custody, control, conduct, and administration of the estate, both personal and property of the said DEWAYNE A. WHITE.

AND IT IS SO ORDERED.

Executed this 12TH day of OCTOBER, 1988.


BERNARD R. FIELDING, ASSOCIATE
JUDGE OF PROBATE OF AND FOR THE
COUNTY OF CHARLESTON, STATE OF
SOUTH CAROLINA

CHARLESTON, SOUTH CAROLINA

Attest: A True Copy

Clerk Probate Court, Therapeutic Determination Division
Charleston County, South Carolina

E3

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

PROBATE COURT

IN THE MATTER OF DEWAYNE A. WHITE

CASE NUMBER 88-747C/G

CERTIFICATE OF APPOINTMENT

This is to certify that

WILLIAM T. WHITE

is/are the duly qualified

- ☐ PERSONAL REPRESENTATIVE
- ☒ GUARDIAN
- ☒ CONSERVATOR
- ☐ TRUSTEE

RESTRICTIONS:

None

In the above matter and that this appointment, having been executed on the 17th day of October, 19 88, is now in full force and effect, including authorization to receive all monies, income, principal, interest & dividends of and belonging to said estate; and further that William T. White is expressly empowered to consent to medical treatment of any kind, including but not limited to A&D evaluations as to DeWayne A. White's drug abuse problem and/or psychiatric condition; and to the administration of appropriate medications.

Executed this 17th day of October, 19 88

Do not accept a copy of this certificate without the raised seal of the Probate Court.

Associate

Probate Court Judge

E4

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

IN THE MATTER OF: DEWAYNE A. WHITE

CASE NUMBER: 1988-GC-10-112

CERTIFICATE OF DISCHARGE

WILLIAM T. WHITE

appear(s) to have fully administered the above matter, having filed the receipts and other necessary proof that that all Orders Closing the Conservatorship has been complied with.

IT IS HEREBY ORDERED that this Conservatorship is hereby ended.

Effective the 25TH day of APRIL, 2011



IRVIN G. CONDON, PROBATE JUDGE

Judge Condon

JVI - Mr. White
Returned the forms
from this morning's
RTSC - Should we
close down consv.?
4/18/11

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

PROBATE COURT

IN THE MATTER OF DEWAYNE A. WHITE
CASE NUMBER 1988GC10-0112

CERTIFICATE OF APPOINTMENT

This is to certify that

LUKE DANIELS

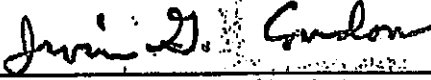
is the duly qualified

☐ PERSONAL REPRESENTATIVE
☒ TEMPORARY GUARDIAN
☐ CONSERVATOR
☐ TRUSTEE

in the above matter and that this appointment, having been executed on the 25th day of February, 2015 is now in full force and effect; and that **LUKE DANIELS** is expressly empowered to consent to medical treatment of any kind, including, but not limited to diagnostic evaluations as to **DEWAYNE A. WHITE'S** medical and/or psychiatric condition; to the administration of antipsychotic or any other psychiatric medications; and shall have the general powers and duties of a Guardian under S. C. Code 62-5-312.

RESTRICTIONS:

Effective this 25th day of February, 2015.



IRVIN G. CONDON, Judge of Probate

Do not accept a copy of this
certificate without the raised
seal of the Probate Court.
Form #141PG (7/87)
SCPC 1-305, 3-103, 5-304, 5-421, 7-201

Certificate of Electronic Notification

Recipients

A. Barnes - Notification transmitted on 08-09-2022 04:55:00 PM.

Kelley Woody - Notification transmitted on 08-09-2022 04:55:00 PM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2022CP1003492

Official File Stamp: 08-09-2022 04:54:39 PM

Court: CIRCUIT COURT

Common Pleas

Charleston

Case Caption: Pvene Reo Llc VS Mary A White Estate ,
defendant, et al

Document(s) Submitted: Order/Appt GAL & Order for Service by
Publication Order/Other

Filed by or on behalf of: Bonnie Campbell

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

A. Parker Barnes, III for Pvene Reo Llc

Kelley Yarborough Woody for Mary Roe, John
Doe

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Mary A White

Mary A White Estate

Certificate of Electronic Notification

Recipients

A. Barnes - Notification transmitted on 08-11-2022 05:42:10 PM.

Kelley Woody - Notification transmitted on 08-11-2022 05:42:10 PM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2022CP1003492

Official File Stamp: 08-11-2022 05:41:53 PM

Court: CIRCUIT COURT

Common Pleas

Charleston

Case Caption: Pvene Reo Llc VS Mary A White Estate ,
defendant, et al

Event(s):

Notice/Notice of Appearance

Document(s) Submitted: Answer/Answer

Filed by or on behalf of: Kelley Yarborough Woody

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

A. Parker Barnes, III for Pvene Reo Llc

Kelley Yarborough Woody for Mary Roe, John
Doe

**The following people have not been served electronically by the Court. Therefore, they must
be served by traditional means:**

Mary A White

Mary A White Estate

Certificate of Electronic Notification

Recipients

A. Barnes - Notification transmitted on 09-12-2022 03:18:30 PM.

Kelley Woody - Notification transmitted on 09-12-2022 03:20:46 PM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2022CP1003492

Official File Stamp: 09-12-2022 02:57:53 PM

Court: CIRCUIT COURT

Common Pleas

Charleston

Case Caption: Pvone Reo Llc VS Mary A White Estate ,
defendant, et al

Document(s) Submitted: Affidavit/Publication

Filed by or on behalf of: A. Parker Barnes, III

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

A. Parker Barnes, III for Pvone Reo Llc

Kelley Yarborough Woody for Mary A White
Estate, Mary Roe, John Doe

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Mary A White

Certificate of Electronic Notification

Recipients

A. Barnes - Notification transmitted on 09-26-2022 02:15:26 PM.

Kelley Woody - Notification transmitted on 09-26-2022 02:15:26 PM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2022CP1003492

Official File Stamp: 09-26-2022 02:14:33 PM

Court: CIRCUIT COURT

Common Pleas

Charleston

Case Caption: Pvene Reo Llc VS Mary A White Estate ,
defendant, et al

Document(s) Submitted: Motion/Refer to Master or Special Referee
Proposed Order/Referred to Master or Special
Referee
Service/Certificate Of Service

Filed by or on behalf of: A. Parker Barnes, III

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

A. Parker Barnes, III for Pvene Reo Llc
Kelley Yarborough Woody for Mary A White
Estate, Mary Roe, John Doe

The following people have not been served electronically by the Court. Therefore, they must
be served by traditional means:

Mary A White

Certificate of Electronic Notification

Recipients

A. Barnes - Notification transmitted on 09-26-2022 03:09:28 PM.

Kelley Woody - Notification transmitted on 09-26-2022 03:09:28 PM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2022CP1003492

Official File Stamp: 09-26-2022 03:09:22 PM

Court: CIRCUIT COURT

Common Pleas

Charleston

Case Caption: Pvone Reo Llc VS Mary A White Estate ,
defendant, et al

Document(s) Submitted: Order/Referred to Master or Special Referee
Order/Referred to Master or Special Referee

Filed by or on behalf of: Bonnie Campbell

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

A. Parker Barnes, III for Pvone Reo Llc

Kelley Yarborough Woody for Mary A White
Estate, Mary Roe, John Doe

The following people have not been served electronically by the Court. Therefore, they must
be served by traditional means:

Mary A White

Certificate of Electronic Notification

Recipients

A. Barnes - Notification transmitted on 12-20-2022 02:02:33 PM.

Kelley Woody - Notification transmitted on 12-20-2022 02:02:34 PM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2022CP1003492

Official File Stamp: 12-20-2022 02:02:17 PM

Court: CIRCUIT COURT

Common Pleas

Charleston

Case Caption: Pvone Reo Llc VS Mary A White Estate ,
defendant, et al

Document(s) Submitted: Notice/Notice of Hearing and Service

Filed by or on behalf of: A. Parker Barnes, III

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

A. Parker Barnes, III for Pvone Reo Llc

Kelley Yarborough Woody for Mary A White
Estate, Mary Roe, John Doe

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Mary A White

Certificate of Electronic Notification

Recipients

A. Barnes - Notification transmitted on 12-20-2022 05:04:13 PM.

Kelley Woody - Notification transmitted on 12-20-2022 05:04:13 PM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2022CP1003492

Official File Stamp: 12-20-2022 05:03:55 PM

Court: CIRCUIT COURT

Common Pleas

Charleston

Case Caption: Pvone Reo Llc VS Mary A White Estate ,
defendant, et al

Document(s) Submitted: Affidavit/Attorney
- Exhibit/Filing of Exhibits

Filed by or on behalf of: Kelley Yarborough Woody

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

A. Parker Barnes, III for Pvone Reo Llc

Kelley Yarborough Woody for Mary A White
Estate, Mary Roe, John Doe

The following people have not been served electronically by the Court. Therefore, they must
be served by traditional means:

Mary A White

Certificate of Electronic Notification

Recipients

A. Barnes - Notification transmitted on 01-10-2023 03:30:31 PM.

Kelley Woody - Notification transmitted on 01-10-2023 03:30:32 PM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2022CP1003492

Official File Stamp: 01-10-2023 03:25:23 PM

Court: CIRCUIT COURT

Common Pleas

Charleston

Case Caption: Pvone Reo Llc VS Mary A White Estate ,
defendant, et al

Event(s):

Order/Order Cover Sheet \$25.00

Document(s) Submitted: Proposed Master/Order/Quiet Title and Form 4

Filed by or on behalf of: A. Parker Barnes, III

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

A. Parker Barnes, III for Pvone Reo Llc

Kelley Yarborough Woody for Mary A White
Estate, Mary Roe, John Doe

The following people have not been served electronically by the Court. Therefore, they must
be served by traditional means:

Mary A White

Certificate of Electronic Notification

Recipients

A. Barnes - Notification transmitted on 01-12-2023 02:13:13 PM.

Kelley Woody - Notification transmitted on 01-12-2023 02:13:13 PM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2022CP1003492

Official File Stamp: 01-12-2023 01:48:02 PM

Court: CIRCUIT COURT

Common Pleas

Charleston

Case Caption: Pvone Reo Llc VS Mary A White Estate ,
defendant, et al

Event(s):

Order/Order Cover Sheet \$25.00

Document(s) Submitted:

Additional Exhibit F/Final Hearing

- Exhibit/Filing of Exhibits

Proposed Master/Order/Quiet Title and Form 4

Filed by or on behalf of: A. Parker Barnes, III

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

A. Parker Barnes, III for Pvone Reo Llc

Kelley Yarborough Woody for Mary A White
Estate, Mary Roe, John Doe

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Mary A White

Certificate of Electronic Notification

Recipients

A. Barnes - Notification transmitted on 01-12-2023 04:05:41 PM.

Kelley Woody - Notification transmitted on 01-12-2023 04:05:57 PM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2022CP1003492

Official File Stamp: 01-12-2023 04:04:49 PM

Court: CIRCUIT COURT

Common Pleas

Charleston

Case Caption: Pvone Reo Llc VS Mary A White Estate ,
defendant, et al

Document(s) Submitted: Master/Order/Final Order Quiet Title and Form 4
Master/Order/Quiet Title and Form 4

Filed by or on behalf of: Mikell Scarborough

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

A. Parker Barnes, III for Pvone Reo Llc

Kelley Yarborough Woody for Mary A White
Estate, Mary Roe, John Doe

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Mary A White

Certificate of Electronic Notification

Recipients

A. Barnes - Notification transmitted on 02-09-2023 10:58:18 AM.

Kelley Woody - Notification transmitted on 02-09-2023 10:58:36 AM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2022CP1003492

Official File Stamp: 02-09-2023 10:57:05 AM

Court: CIRCUIT COURT

Common Pleas

Charleston

Case Caption: Pvone Reo Llc VS Mary A White Estate ,
defendant, et al

Event(s):

Notice/Notice of Appearance

Filed by or on behalf of:

John Joseph Dodds, III

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

Kelley Yarborough Woody for Mary A White
Estate, Mary Roe, John Doe

A. Parker Barnes, III for Pvone Reo Llc

**The following people have not been served electronically by the Court. Therefore, they must
be served by traditional means:**

Dewayne Alphonza Sykes

Mary A White

Certificate of Electronic Notification

Recipients

A. Barnes - Notification transmitted on 02-27-2023 03:25:05 PM.

John Dodds - Notification transmitted on 02-27-2023 03:26:10 PM.

Kelley Woody - Notification transmitted on 02-27-2023 03:25:28 PM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2022CP1003492

Official File Stamp: 02-27-2023 03:22:59 PM

Court: CIRCUIT COURT

Common Pleas

Charleston

Case Caption: Pvene Reo Llc VS Mary A White Estate ,
defendant, et al

Event(s):

Order/Order Cover Sheet \$25.00

Document(s) Submitted: Proposed Order/Substitution Of Counsel

Filed by or on behalf of: A. Parker Barnes, III

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

John Joseph Dodds, III for Pvene Reo Llc

Kelley Yarborough Woody for Mary A White
Estate, Mary Roe, John Doe

A. Parker Barnes, III for Pvene Reo Llc

**The following people have not been served electronically by the Court. Therefore, they must
be served by traditional means:**

Dewayne Alphonza Sykes

Mary A White

Defendant Exhibit F-1
The Mark Lehrer Email

From: Mark Lehrer
Sent: Thursday, April 21, 2022 9:36 AM
To: mrsykes79@gmail.com
Subject: 1953 JACKSONVILLE RD, NORTH CHARLESTON. 4660300154

Dear DeWayne Sykes:

I am in receipt of your letter dated April 5, 2022 in response to my letter to Mary A White.

After reviewing the records from the Tax Collector's office, it appears that Mary White has more than a life estate interest and that I have learned that the tax deed has been recorded. The Tax Collector's office advised me that the tax deed was recorded on April 7, 2022, in Book 1098, page 183. I looked at the Register of Deed's website, but the recorded tax deed is not yet available online.

According to Charleston County, Mary A White was conveyed more than a life estate and has fee simple interest title to the property. We researched this to determine if Mary White had a life estate interest, but it does not appear that is the case.

We are prepared to discuss this situation with the family or you. Please provide something in writing to me stating we can discuss the property with you.

I look forward to our conversation. Let me know a good telephone number and a good day and time for a call. Please confirm receipt of this email.

Thanks
Mark Lehrer
Portfolio Manager
Pine Valley One Real Estate

312.967.3425

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
Case No. 2022-CP-10-03492

PVone REO, LLC,

Plaintiff,

vs.

The Estate of Mary A. White; Heirs-at-Law of Mary A. White; unknown Heirs-at-Law or Devisees of Mary A. White, Deceased; their Heirs, Personal Representatives, Administrators, Successors, and Assigns, and all other persons entitled to claim through them; all unknown owners, unknown heirs or unknown devisees of any deceased person, or by any such designation; and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154,

Defendants.

AFFIDAVIT OF EDRIAN J. TRAKAS

I, Edrian J. Trakas, after being duly sworn upon oath, testify as follows:

1. I am the Tax Collector of Charleston County, and I have personal knowledge of and experience with the process for selling real and personal property to satisfy delinquent taxes.

EXHIBIT 3

198

My office is responsible for selling real and personal property in satisfaction of delinquent taxes and for issuing all delinquent notices in connection with the tax sale of a particular piece of real or personal property.

2. My office sold a parcel of real property commonly known as 1935 Jacksonville Road, Charleston County, South Carolina, PIN 466-03-00-154 (the "Property") at the Charleston County tax sale held on November 16, 2020 (the "Tax Sale").

3. The records my office maintains for the Tax Sale of the Property are made at or near the time the originals are sent to the delinquent taxpayer and other parties entitled to notice. The records are made by a person with knowledge of the correspondence, are kept in the course of the regular business of my office, and it is the usual practice of my office to make and keep these records. Additionally, these records reflect the activity of my office in regards to the Tax Sale of the Property and reflect my office's duties in conducting tax sales.

4. The first notice my office sent in conducting the Tax Sale of the Property was the notice of delinquent taxes described in S.C. Code Ann. § 12-51-40(a). My office sent this notice to Mary A. White ("White") by regular mail addressed to 1953 Jacksonville Rd, North Charleston, SC 29405-8382 (the "Property Address"). The United States Postal Service did not return this notice to my office. A true and accurate copy of this notice is attached hereto as **Exhibit A.**

5. The next notice my office sent in conducting the Tax Sale of the Property was the notice of levy described in S.C. Code Ann. § 12-51-40(b). My office sent the notice of levy to White at the Property Address by certified, return receipt requested-restricted delivery mail. This notice was returned marked, "Return to Sender, Attempted – Not Known, Unable to

Business Entities Online

File, Search, and Retrieve Documents Electronically

Pine Valley One Real Estate LLC

Corporate Information

Entity Id: 01206651

Entity Type: Limited Liability Company

Status: Good Standing

Domestic/Foreign: Foreign

Incorporated State: Illinois

Important Dates

Effective Date: 03/14/2022

Expiration Date: N/A

Term End Date: N/A

Dissolved Date: N/A

Registered Agent

Agent: COGENCY GLOBAL INC.

Address: 2 Office Park Court, Suite 103
Columbia, South Carolina 29223

Official Documents On File

Filing Type	Filing Date
Notice of Change of Designated Office, Agent or Address of Registered Agent	12/20/2022
Application for a Certificate of Authority to Transact Business	03/14/2022

South Carolina Secretary of State

Business Entities Online

File, Search, and Retrieve Documents Electronically

PVone REO LLC

Corporate Information

Entity Id: 01206713

Entity Type: Limited Liability Company

Status: Good Standing

Domestic/Foreign: Foreign

Incorporated State: Illinois

Important Dates

Effective Date: 03/14/2022

Expiration Date: N/A

Term End Date: N/A

Dissolved Date: N/A

Registered Agent

Agent: COGENCY GLOBAL INC.

Address: 2 Office Park Court, Suite 103
Columbia, South Carolina 29223

Official Documents On File

Filing Type	Filing Date
Notice of Change of Designated Office, Agent or Address of Registered Agent	12/20/2022
Application for a Certificate of Authority to Transact Business	03/14/2022

For filing questions please contact us at 803-734-2158

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
SEP 16 2024
SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master in Equity Judge

Case No. 2022-CP-10-03492
Appellate Case No.: 2023-001086

PVONE REO LLC

Respondent,

v.

Mary A. White et al,

Appellant.

CERTIFICATE OF APPELLANT

I certify that I have served the Notice John Dodds III, Stephen Peterson Groves, Kelly Woody by depositing a copy of it in the United States Mail, Postage prepaid, on May 14, 2024 , addressed to its attorney of record, 858 Low county Bld ste, 101, Mt, Pleasant, South Carolina 29464, 25 Calhoun street, Suite 250 Charleston, South Carolina 29401 , and P.O. Box 6432, Columbia SC 29260.

SEPTEMBER 12, 2024

Sincerely,


DeWayne A. Sykes
1953 Jacksonville road
N. Charleston, South Carolina 29405
(843) 345-9870
Appellant