

EXHIBIT A



State Tax Lien Registry

Home State Tax Lien Registry

Lien ID	Individual	Business
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Search for an Individual

Find a state tax lien using an individual's first and last name below. The name in this registry is based on the information provided to the SCDOR, and may not exactly match the legal name of the individual. Use the optional SSN field to refine your results.

First Name

Middle Initial

Last Name

SSN (Full or last four)

Issued From

Issued To

Active

Satisfied

Search

Lien records are updated as information becomes available. If a lien is paid in full, it may take up to 30 days for the payment to process and the satisfaction to be posted. A zero balance may reflect that the payment and satisfaction are processing. Liens that are expunged due to an administrative correction and liens that have statutorily expired are not displayed.

- **Lien ID** - View additional statewide lien information.
- **Payoff** - Estimate lien payoff amount on active liens.
- **Issued** - Where the lien was issued. All liens in this registry are considered statewide liens as of November 1, 2019.
- **Date Filed** - Date the lien was filed.
- **Date Satisfied** - View lien satisfaction information. Print a screenshot if needed. Liens are satisfied when the debt is paid in full.
- **Partial Release** - Date the lien was partially released (if applicable). The release only applies to the specific tract or parcel of land listed. Click the date to view additional information.

Lien Records

Filter									
Lien ID	Taxpayer Name	Spouse or DBA Name	Address	Issued	Balance	Payoff	Date Filed	Date Satisfied	Partial Release
3516256567	JONES GWENDOLYN		2825 LOUISE DR CHARL	Charleston	517.69	Payoff	07-Oct-2013		

[Tutorials](#) | [Contact](#)

Your online session will timeout after 15 minutes of inactivity.

SCDOR

EXHIBIT B

brought to determine the heirs of Henry Witherspoon and to quiet title to the tract of land.

Testimony was received at the hearing from Pearl Martin, Debra West, and the Plaintiff, Mirlene Witherspoon. Based upon certain information provided at the hearing, the Guardian Ad Litem conducted a supplemental investigation concerning the existence of potential unknown heirs. A Supplemental Report has been filed by the Guardian Ad Litem containing the results of the investigation, which did not reveal the existence of any further heirs other than those named as parties hereto.

Based upon the record provided and the testimony received at the hearing, this court makes the following findings of fact.

FINDINGS OF FACT

1. Pursuant to that certain Decree of the Judge of the Third Judicial Circuit of South Carolina, dated May 14, 1943, and recorded in Judgment Roll 7946 in the records of the Clerk of Court for Clarendon County, Henry Witherspoon was set off and partitioned the following tract of land:

All that piece, parcel or tract of land situated in Clarendon County, South Carolina containing 28 and 2/10ths acres per plat of J. T. Floyd, CE dated February 28, 1943, designate thereon as Tract No. 4 and bounded as follows to wit: North by Tract #3 allotted to the heirs of Willie Witherspoon; East by lands of Dr. T. L. Davis; South by lands allotted to John Witherspoon and Charlie Witherspoon; West by lands of Estate of William Richburg.

This property being designated as Clarendon County Tax Map Parcel # 122-00-02-001

2. On a specific date unknown, but believed to be during the year 1944, Henry Witherspoon passed away intestate, leaving as his heirs, his wife, Bessie Witherspoon, and his children, John (Buster) Witherspoon, William V. Witherspoon, and Ruth Worth.
3. On specific, unidentified dates, John (Buster) Witherspoon and Ruth Worth each

passed away leaving no heirs other than the parties named herein. Ruth Worth raised a child who was named President or Andrew Witherspoon but no evidence exists to indicate that Andrew a/k/a President Witherspoon was legally adopted and therefore an heir of Ruth Worth.

4. At some point during the year 1991, William V. Witherspoon passed away intestate, leaving as his heirs, Thomas Jefferson Witherspoon, Pearl Martin, and Debra West.

5. Thomas Jefferson Witherspoon passed away on April 1, 2005 and the Plaintiff has been appointed as the Personal Representative of his estate.

6. Thomas Jefferson Witherspoon, Pearl Martin, and Debra West are the only surviving heirs of Henry Witherspoon.

CONCLUSIONS OF LAW

7. This Court finds that Thomas Jefferson Witherspoon, Pearl Martin, Debra West are the heirs at law of Henry Witherspoon, and therefore are owners as tenants in common of the following tract of land:

All that piece, parcel or tract of land situated in Clarendon County, South Carolina containing 28 and 2/10ths acres per plat of J. T. Floyd, CE dated February 28, 1943, designate thereon as Tract No. 4 and bounded as follows to wit: North by Tract #3 allotted to the heirs of Willie Witherspoon; East by lands of Dr. T. L. Davis; South by lands allotted to John Witherspoon and Charlie Witherspoon; West by lands of Estate of William Richburg.

This property being designated as Clarendon County Tax Map Parcel # 122-00-02-001.

8. The rights and claims of all parties other than the Estate of Thomas Jefferson Witherspoon, Pearl Martin, and Debra West are barred, and title to the above described property is hereby quieted in those three parties, to the exclusion of all others.

AND IT IS SO ORDERED!



WILLIAM C. COFFEY, JR.
MASTER-IN-EQUITY

DATE: *Feb 23*, 2009

STATE OF SOUTH CAROLINA
COUNTY OF CLARENDON

IN THE COURT OF COMMON PLEAS
IN THE THIRD JUDICIAL CIRCUIT

Case No.: 2022-CP-14-00074

Mirlene Witherspoon,

Plaintiff,

vs.

ORDER

Heirs of Thomas Witherspoon,
Gwendolyn Jones, Nakisha Christian, P.
Kathleen Witherspoon, Pearl Martin, The
South Carolina Department of Revenue,
and Debra West,

Defendants.

This matter came before me regularly for hearing on April 9, 2024 in Manning. Present for the Plaintiff was Patrick M. Killen of the Sumter County bar along with Robert Hutton and Marion Hutton, attorneys-in-fact for the Plaintiff. Present for Defendants Pearl Martin and Debra West were their counsel, Hal E. Cobb and Caroline Lista, both of the Charleston County bar. Gwendolyn Jones was also present and proceeded *pro se*.

At the call of the case, I heard from both Mr. Killen and Mr. Cobb indicating that a settlement had been reached between the Plaintiff and Defendants Martin and West. However, before entertaining a recital of the settlement terms, the Court inquired into service of process on each of the Defendants. Said services of process history is discussed *infra*.

PROCEDURAL HISTORY

1. This matter was initiated by the filing of a Lis Pendens and Summons and Complaint on February 23, 2022 and February 24, 2022, respectively.

2024 MAR 20 PM 3:18
CLERK OF COURT

2. On March 14, 2022, the Plaintiff filed a Motion of For Publication indicating that some Defendants, primarily the heirs of Thomas Witherspoon, could not be ~~comprehensibly~~ identified and served. On March 17, 2022, an Order allowing service by publication was entered by the Clarendon County Clerk of Court, (hereinafter referred to as "the Clerk").
3. On March 17, 2022, Defendants Kathleen Witherspoon, Nakisha Christian, Gwendolyn Jones and the South Carolina Department of Revenue (SCDOR) were served by Certified Mail, Restricted Delivery.
4. On March 28, 2022, the Plaintiff filed a motion requesting the appointment of a Guardian *ad litem* (GAL). On March 30, 2022, John S. Keffer of the Sumter County Bar was appointed GAL (for unknown heirs) by the Clerk.
5. On March 30, 2022, SCDOR filed a indicating its desire to be awarded any surplus funds, if any and its consent to referral to the Master-in-Equity or a Special Referee.
6. On April 6, 2022, Defendant West was personally served with the Summons and Complaint and Lis Pendens by a process server. The Affidavit of Service on Ms. West was e-filed on or about April 22, 2022.
7. Service of Process was made by publication made in The Manning Times on April 21, 2022, April 28, 2022, and May 5, 2022.
8. On May 20, 2022, Defendants Martin and West filed and Answer and Counterclaim by and through their counsel.
9. On May 24, 2022, the Plaintiff e-filed a Proof of Service as to Kathleen Witherspoon and SCDOR.

10. On June 7, 2022, the Plaintiff filed a copy of the certified mail green card returned from the post office as to Gwendolyn Jones. The Court acknowledges that the green card filed by the Plaintiff is unsigned. Plaintiff's counsel, acknowledging the lack of signature, represented to the Court that, during the Covid epidemic, it was common to receive back from the post office unsigned green cards. However, any doubt as to whether or not Ms. Jones was served with process was resolved by the fact that she, Ms. Jones, appeared in the Court on the hearing day (April 9, 2024) and acknowledged in response to several questions posed by the Court that she had received certified mail from the Plaintiff and provided a description of the documentation. The description provided by Ms. Jones was that of a Summons and Complaint. The Court, therefore, determined that Ms. Jones was duly served with process in this matter.
11. On June 29, 2022, the Plaintiff filed a Reply to the Counterclaim of Defendants West and Martin.
12. On July 7, 2022, the Plaintiff e-filed a copy of the certified letter green card as to Defendant Nakisha Christian. Defendant Christian neither filed response nor otherwise appeared in this matter.
13. On May 5, 2023, the Plaintiff e-filed a Settlement Agreement, a copy of which is attached hereto and incorporated herein by reference, in which they memorialized an amicable agreement as to the Plaintiff and Defendants West and Martin.
14. On or about July 25, 2023, the Clerk of Court filed an Entry of Default as to Defendants Heirs of Witherspoon, Kathleen Witherspoon, Gwendolyn Jones and Nakisha Christian.
15. On February 9, 2024, the matter was referred to me by consent for adjudication with finality.

16. On April 8, 2024, the GAL, Mr. Keffer, filed an Affidavit indicating that he had heard from no unknown heirs or potential claimants and therefore would not contest the relief sought by the parties.

BACKGROUND

The Plaintiff and Defendants in this action have remained to have claim to title and certain property located in Clarendon County, South Carolina. This property (hereinafter referred to as "the property") is more particularly described as follows:

All that piece, parcel or tract of land situated in Clarendon County, South Carolina containing 28 and 2/10ths acres per plat of J.T. Floyd, CE dated February 28, 1943, designate thereon as Tract No. 4 and bounded as follows to wit: North by Tract #3 allotted to the heirs of Willie Witherspoon; East by lands of Dr. T.L. Davis; South by lands allotted to John Witherspoon and Charlie Witherspoon; West by Lands of Estate of William Richburg.

Clarendon County Tax Map No.: 122-00-02-001

Pursuant to the decree of the Judge of Third Judicial Circuit of South Carolina dated May 14, 1943, and recorded in judgment roll 7946 in the Records of the Clerk of Court of Clarendon County, Henry Witherspoon was set off and partitioned from the aforementioned tract of land.

1. On an unknown date believed to be during the year 1944, Henry Witherspoon passed away intestate, leaving as his heirs, his wife, Bessie Witherspoon, and his children, John (Buster) Witherspoon, William V. Witherspoon, and Ruth Worth.
2. On specific, unidentified dates, John (Buster) Witherspoon, and Ruth Worth each passed away leaving no heirs other than Pearl Martin, Debra West and William V. Witherspoon.
3. Ruth Worth raised a child by the name of President or Andrew Witherspoon but evidence exists that same was a biological child or adoptive child of Ruth Worth.

4. At some point during the year 1991, William V. Witherspoon passed away intestate, leaving as his heirs, Thomas Jefferson Witherspoon, Pearl Martin and Debra West.

5. Heirs of the previous owner, Henry Witherspoon were determined to be the Estate of Thomas J. Witherspoon, Pearl Martin and Debra West, and title quieted in same via Order of this Court dated October 23, 2009 in civil action number 2008-CP-14-00272.

6. Thomas Jefferson Witherspoon passed away on April 1, 2005 leaving as his heirs Plaintiff, Mirlene Witherspoon, Gwendolyn Jones, Nakisha Christian and P. Kathleen Witherspoon. Determination of these heirs can be craved by referring to the Estate of Thomas Witherspoon, filed in Clarendon County, State of South Carolina with file number 2005-ES-14-00076.

CONCLUSIONS OF LAW

I find that the parties are entitled to a partition. S.C. Code Ann. §15-61-10, et seq.

I also find that because Defendants Jones, Witherspoon and Christian are in default. As such, they are not entitled to participate in the litigation process. I find, based on the filings, and the arguments of counsel at the hearing, that Defendants Witherspoon, Christian and Jones are, indeed, in default.

The parties presented to the court the aforementioned Settlement Agreement. After reviewing the settlement agreement as was filed on the e-file system and after hearing from counsel at the hearing, I believe that it, the Settlement Agreement is fair, reasonable and in the best interests of the parties.

Per the agreement, the properties shall be listed for sale with a competent Clarendon County realtor and the sale proceeds, after payoff of the SCDOR lien and after re-payment of those expenses as mentioned in Paragraph 3 of the Settlement Agreement are satisfied, split equally between Ms. Witherspoon, Ms. Martin, and Ms. West.


I, as the duly appointed Master-in-Equity for Clarendon County, will issue a Master's Deed converting the property to Ms. Witherspoon, Ms. Martin and Ms. West in fee. The interest of all other parties, including that lien of the SCDOR, which shall be satisfied from the sales proceeds, are formally partitioned from the property.

As stated *supra*, the Settlement Agreement presented to the court is hereby approved and shall become part of the instant order.

Based of the foregoing, it is hereby ordered that:

1. These are facts and conclusions the law has stated *supra* are ordered as stated;
2. The settlement agreement, which was filed in this court on May 23, 2023, is hereby proved and adopted to be incorporated into the instant order;
3. A Master's Deed indicating the partition of the property shall be entered and will serve to convey the property to the Plaintiff, Defendants West and Martin;
4. Upon the issuance and receipt of the Masters Deed, the property shall be listed for sale with a competent Clarendon County realtor.
5. Upon the sale of the property, repayment to Defendants West and Martin shall be made pursuant to Paragraph 3 of the settlement agreement and money should be allocated to satisfy the SCDOR lien.
6. The net proceeds shall be split between, as stated *supra*, between the Plaintiff, Defendants West and Martin in equal shares.

IT IS SO ORDERED!


Joseph K. Coffey
Master-in-Equity

Manning, South Carolina
May 9, 2024

DEATH CERTIFICATION

139-2024-050844

* MIRLENE LAROY WITHERSPOON *

AKA: N/A

DECEDENT INFORMATION

DATE OF DEATH: NOVEMBER 18, 2024
PLACE OF DEATH TYPE: NURSING HOME-LONG TERM CARE FACILITY
PLACE OF DEATH NAME AND ADDRESS: THE PALMS AT FLORENCE, FLORENCE, SC, 29505
CITY OF DEATH: FLORENCE
MARITAL STATUS: WIDOWED (AND NOT REMARRIED)
SURVIVING SPOUSE: N/A
MOTHER NAME: LILLIAN BEST
FATHER NAME: THEOPHILUS SARGENT
RESIDENCE: 310 EAST MAIN STREET STREET APT B, KINGSTREE, WILLIAMSBURG COUNTY, SC, 29556

TIME OF DEATH: 0020
SOCIAL SECURITY NUMBER: 215-64-9311
COUNTY OF DEATH: FLORENCE
DATE OF BIRTH: JULY 09, 1933
AGE: 91 YEARS
PLACE OF BIRTH: BARBADOS
SEX: FEMALE
ARMED FORCES: NO

INFORMANT INFORMATION

NAME: MARION HUTTON
MAILING ADDRESS: 3422 REV J W CARTER ROAD, SUMMERTON, SC, 29148

RELATIONSHIP: DAUGHTER

DISPOSITION/FUNERAL HOME INFORMATION

PLACE: STEPHENS FUNERAL HOME AND CREMATORY, MANNING, SC, 29102
FUNERAL HOME: SAMUELS FUNERAL HOME
FUNERAL HOME ADDRESS: 114 NORTH CHURCH STREET, MANNING, SC, 29102
FUNERAL DIRECTOR NAME: ALBERT MOBLEY
EMBALMER: N/A

METHOD: CREMATION

LICENSE NUMBER: 4077
LICENSE NUMBER: N/A

MEDICAL INFORMATION

CERTIFIER: DO DANA PATETE GIARRIZZI
ADDRESS: 805 PAMPLICO HIGHWAY, FLORENCE, SC, 29505
CAUSE OF DEATH - PART I: SENILE DEGENERATION BRAIN

LICENSE NUMBER: 943

MANNER OF DEATH: NATURAL

OTHER SIGNIFICANT CONDITIONS - PART II: DEMENTIA, HYPERTENSION

CORONER CONTACTED?: NO
DATE OF INJURY: N/A
LOCATION OF INJURY: N/A
PLACE OF INJURY: N/A
HOW INJURY OCCURRED: N/A

AUTOPSY PERFORMED?: NO
AUTOPSY AVAILABLE?: N/A
TIME OF INJURY: N/A
INJURY AT WORK?: N/A

DATE FILED: NOVEMBER 19, 2024

DATE ISSUED: NOVEMBER 19, 2024

AMENDMENT HISTORY
N/A

SC12984804

This is a true certification of the facts on file in the Division of Vital Records, SC Department of Public Health.

Signature of Edward D. Simmer, MD, MPH, DFAPA
Director and State Registrar

Signature of Caleb N. Cox
Assistant State Registrar

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Revision Date: 08/09/2022



FRANKLIN M. SHULER
REAL ESTATE /
BUSINESS / ESTATE PLANNING

REBECCA L. WADE
ERIN J. O. MCARTHUR



SHULER KILLEN
LAW FIRM

PATRICK M. KILLEN
LITIGATION / IMMIGRATION /
PERSONAL INJURY

JACOB H. DIPPOLD

December 3, 2024

Robert and Marion Hutton
3422 Rev. J. W. Carter Rd.
Summerton, SC 29148

RE: Mirlene Witherspoon v. Heirs of Thomas Witherspoon, et al.
Case No.: 2022-CP-14-00074

Dear Mr. and Mrs. Hutton:

As promised, the Initial Brief of Appellant came in today's mail. It is enclosed. It's not long, but it needs addressing. You should go to an appellate attorney as soon as possible about this. You should show him this brief. Let him read the brief. He'll quote you a fee then move along in the matter. As I told you the other day, I do not handle appeals as I am "behind the eight ball" on the law and procedure.

You've got thirty (30) days from today to get this to him, the appellate attorney. So, you should act with haste. Other than that, I wish you the best on the appeal. Have your attorney call me with any questions.

Sincerely,

Patrick M. Killen
Attorney at Law

PMK/mes
Enclosure

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CLARENDON COUNTY
Court of Common Pleas

Honorable Joseph K. Coffey
Clarendon County

Case No. 2024-000664

Mirlene Witherspoon, Respondent
V.

Heirs of Thomas Witherspoon, Gwendolyn Jones,
Nakisha Christian, P. Kathleen Witherspoon, Pearl
Martin, The South Carolina Department of Revenue,
and Deborah West, Defendants

Of which Gwendolyn Jones is the Appellant

PROOF OF SERVICE

I hereby certify that on this 2d day of December, 2024, I mailed the forgoing *Initial Brief of Appellant* with the South Carolina Court of Appeals and I served a copy by first class mail on the following counsel for Respondent, Mirlene Witherspoon:

Matthew A. Williamson
1 Law Range, Suite B
Sumter, SC 29150

Dated: December 2, 2024
Respectfully Submitted,

Gwendolyn Jones Dennis
1740 E. 25th Street
Baltimore, MD 21213
443-467-6481
gwendolynjones921@yahoo.com

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CLARENDON COUNTY
Court of Common Pleas

Honorable Joseph K. Coffey
Clarendon County

Case No. 2024-000664

Mirlene Witherspoon, Respondent

v.

Heirs of Thomas Witherspoon, Gwendolyn Jones,
Nakisha Christian, P. Kathleen Witherspoon Pearl
Martin, The South Carolina Department of Revenue,
and Deborah West, Defendants

Of which Gwendolyn Jones is the Appellant

INITIAL BRIEF OF APPELLANT

Gwendolyn Jones Dennis

1740 E. 25th Street

Baltimore, MD 21215

443-467-6481

gwendolynjones21@gmail.com

Appellant, Pro se

STATEMENT OF ISSUE ON APPEAL

1. Whether the trial Court Judgment should be vacated when Appellant and other parties were not given proper notice or an opportunity to be heard?

ARGUMENT

The trial Court Judgement Should Be Vacated in this matter

The Complaint for partition was fraudulently filed with misinformation and the Court was intentionally misled with regard to the residency status of heirs to the property. This misinformation effectively deprived Appellant and other heirs of their property rights and is in conflict with the intent of the Clementa C. Pinkney Uniform Partition of Heirs' Property Act which is rooted in the UHPA (Uniform Partition of Heirs' Property Act) which has been adopted by more than 20 states. This act is intended to help preserve family wealth passed to the next generation in the form of real property. In this case, Mirlene Witherspoon was only married to Thomas Witherspoon for one year prior to his death.

A. Failure to properly Serve and Notify Baltimore Maryland parties was an intentional omission and constitutes fraud

In the Complaint filed by Mirlene Witherspoon, paragraph 3 states that Gwendolyn Jones is a citizen and resident of Clarendon County. (See Exhibit A attached). This was not true and Mirlene Witherspoon knew when the Complaint was filed that this information was not true. In fact, having previously been involved in litigation in the District Court of Baltimore City for the State of Maryland (See Exhibit B). While the Clementa C. Pinkney Uniform Partition of Heirs' Property Act does allow for notice by publication upon the property, section 15-61-340(A)

specifically states "This Article does not Limit or affect the method by which service of pleading in a partition action may be made". Section 15-61-320 (6) defines "manifest Prejudice" or "Manifest Injury" as "a result that is obviously unfair or shocking to the conscience and is direct, obvious and observable when considering the factors under Section 15-61-390(A). In this case, despite knowing that Appellant resides in Baltimore, Maryland, the Respondent, Mirlene Witherspoon, represented to the Court that Appellant was a resident of Clarendon, SC. Based upon the representation of this false information, the court determined that the Appellant and other similarly situated parties to this action were on "notice" of the intent to partition. This constitutes extrinsic fraud therefore the lower court judgment must be set aside. The United States Supreme Court has made it clear that a party may allege that an opposing party made "a misrepresentation or a material omission of fact which was false and known to be false." See *Moore and Rogers, Federal Relief from Civil Judgments* (1946) 55 Yale L.J. 623, 653-659; 3 *Moore's Federal Practice* (1938) 3267 *et seq.* The rule expressly does not limit the power of the court, when fraud has been perpetrated upon it, to give relief under the saving clause. *Hazel-Atlas Glass Co. v. Hartford Empire Co.* (1944) 322 U.S. 238. That is the exact situation in this case. Mirlene Witherspoon knew that the Appellant and other parties/heirs with an interest in the property lived in Baltimore, Maryland and not Clarendon South Carolina. Appellant submits that Mirlene Witherspoon possessed "special knowledge or information regarding" the transaction "that [was] not ascertainable by the appellant. See *Williams v. Sidley Austin Brown & Wood, L.L.P.*, 38 A.D.3d 219, 220 (1st Dept. 2007); *Selechnik v. Law Off. of Howard R. Birnbach*, 82 A.D.3d 1077, 1078-1079 (2d Dept. 2011).

B. Because the Law requires Notice to all parties, the intentional omission of Appellant and others makes the Complaint invalid on its face

The Clementa C. Pinckney Uniform Partition Of Heirs' Property Act of the South Carolina Code was intended to protect heirs not exploit them. The primary purpose was to help preserve family wealth by providing due process protections, such as notice, appraisal, and right of first refusal. In this situation, Mirlene Witherspoon exploited and used to her advantage the fact that the heirs of Thomas Witherspoon lived out of State. Under Section 15-61-330:

Preliminary determination whether property is heirs' property; construction with Article 1 (A) In an action to partition real property under Article 1, upon motion of a party or from statements contained in the pleadings, the court shall determine, in a preliminary hearing held after the filing of the action, whether the property is heirs' property. If the court determines that the property is heirs' property, the partition of the heirs' property is governed by the provisions of this article, unless all cotenants otherwise agree in a record.

The language of the act makes it clear that the court will rely on the representations in the Complaint to make its' determination regarding the property. As previously noted, Mirlene Witherspoon filed a Complaint asserting that Appellant and other heirs were citizens/residents of Clarendon County, South Carolina (Exhibit A). This was not true and Mirlene Witherspoon knew that this statement was false when the Complaint was filed with the court.

C. Granting Judgment against Appellant without proper notice violates Appellant's Rights under the 5th and 14th Amendments to the Constitution

The Fifth Amendment's Due Process Clause is intended to protect people from having their property taken away without due process of law. The Due Process Clause requires that certain

procedural protections must be in place before taking away a person's rights. These protections often include Notice and An opportunity for a hearing.

The Fourteenth Amendment, which was ratified in 1868, uses the same language called the Due Process Clause, to describe a legal obligation of all states to insure these rights. The failure of the Respondent, Mirlene Witherspoon, to provide accurate information to the Court resulted in a deprivation of Appellant's rights under the Due Process clause of the 5th and 14th Amendments. Furthermore, these actions directly conflict with the goals, objectives and purpose of S.C. Code § 15-61-310

CONCLUSION

For the foregoing reasons, this Court should vacate the Judgment of the lower court and require the Respondent to refile the Complaint for Partition providing true and accurate information so that all interested parties are properly notified.

Dated: December 2, 2024

Respectfully Submitted:

Gwendolyn Jones Dennis
1740 E. 25th Street
Baltimore, MD 21213
443-467-6481
gwendolynjones921@yahoo.com

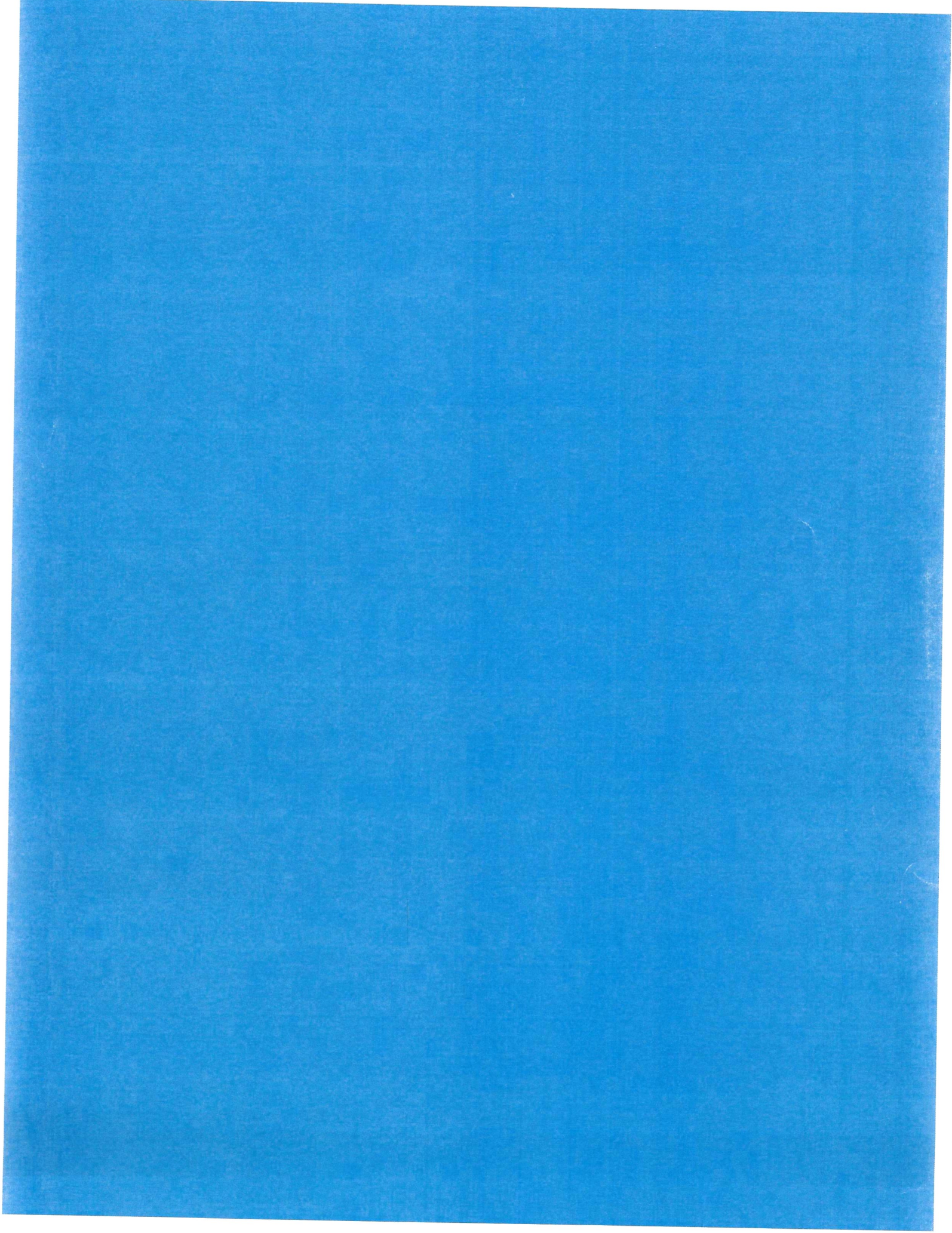


Exhibit A

Case No. 2024-000664

STATE OF SOUTH CAROLINA
COUNTY OF CLARENDON

IN THE COURT OF COMMON PLEAS
IN THE THIRD JUDICIAL CIRCUIT

Case No.: 2022-CP-14-

Mirlene Witherspoon,

Plaintiff,

vs.

COMPLAINT
(Non-Jury)

Heirs of Thomas Witherspoon,
Gwendolyn Jones, Nakisha Christian, P.
Kathleen Witherspoon, Pearl Martin, The
South Carolina Department of Revenue,
and Debra West,

Defendants.

COME NOW the Plaintiff, Mirlene Witherspoon, who by and through counsel,
alleges the following:

1. Plaintiff, Mirlene Witherspoon, is a citizen and resident of the County of Clarendon, State of South Carolina.
2. Defendant Heirs of Thomas Witherspoon, are upon information and belief, citizens and residents of the County of Clarendon, State of South Carolina.
3. Defendant Gwendolyn Jones is, upon information and belief, a citizen and resident of the County of Clarendon, State of South Carolina.
4. Defendant Nakisha Christian is, upon information and belief, a citizen and resident of the County of Clarendon, State of South Carolina.
5. Defendant P. Kathleen Witherspoon is, upon information and belief, a citizen and resident of the County of Clarendon, State of South Carolina.
6. Defendant Pearl Martin is, upon information and belief, a citizen and resident

of the County of Clarendon, State of South Carolina.

7. Defendant Debra West is, upon information and belief, a citizen and resident of the County of Clarendon, State of South Carolina.
8. Defendant South Carolina Department of Revenue is made a party to this action by virtue of a tax lien incorporated by reference herein and attached hereto as Exhibit A.
9. The Plaintiff and Defendants in this action have or may lay claim to title in certain property located in Clarendon County, South Carolina. This property is more particularly described as:

All that piece, parcel or tract of land situated in Clarendon County, South Carolina containing 28 and 2/10ths acres per plat of J.T. Floyd, CE dated February 28, 1943, designate thereon as Tract No. 4 and bounded as follows to wit: North by Tract #3 allotted to the heirs of Willie Witherspoon; East by lands of Dr. T.L. Davis; South by lands allotted to John Witherspoon and Charlie Witherspoon; West by Lands of Estate of William Richburg.

Clarendon County Tax Map No.: 122-00-02-001

10. Pursuant to the Decree of the Judge of the Third Judicial Circuit of South Carolina, dated May 14, 1943, and recorded in Judgment Roll 7946 in the records of the Clerk of Court for Clarendon County, Henry Witherspoon was set off and partitioned the aforementioned tract of land.
11. On a specific date unknown, but believed to be during the year 1944, Henry Witherspoon passed away intestate, leaving as his heirs, his wife, Bessie Witherspoon, and his children, John (Buster) Witherspoon, William V. Witherspoon, and Ruth Worth.
12. On specific, unidentified dates, John (Buster) Witherspoon, and Ruth Worth

- each passed away leaving no heirs other than Pearl Martin, Debra West and William V. Witherspoon.
13. Ruth Worth raised a child by the name of President or Andrew Witherspoon but no evidence exists that same was a biological child or adoptive child of Ruth Worth.
14. At some point during the year 1991, William V. Witherspoon passed away intestate, leaving as his heirs, Thomas Jefferson Witherspoon, Pearl Martin and Debra West.
15. Heirs of the previous owner, Henry Witherspoon were determined to be the Estate of Thomas J. Witherspoon, Pearl Martin and Debra West, and title quieted in same via Order of this Court dated October 23, 2009 in civil action number 2008-CP-14-00272. A copy of the Order of the Hon. William C. Coffey is attached hereto as Exhibit B.
16. Thomas Jefferson Witherspoon passed away on April 1, 2005 leaving as his heirs, Plaintiff, Mirlene Witherspoon, Gwendolyn Jones, Nakisha Christian and P. Kathleen Witherspoon. Determination of these heirs can be craved by referring to the Estate of Thomas Witherspoon, filed in Clarendon County, State of South Carolina with file number 2005-ES-14-00076.
17. Plaintiff is informed and believed that the subject-property, given the divided interests, should be partitioned in kind with the property divided into distinct and separately titled parcels. Plaintiff respectfully requests this Court to find that the subject-property should be properly partitioned in kind and to issue its Order granting the appropriate partition of the subject-property.

18. Plaintiff further seeks the costs and expenses of this action and of the partition hereby sought, including the expenses and remuneration of such commissions as the Court may appoint, which should be charged against the interest of the Defendant.

19. Plaintiffs have employed the firm of Shuler-Killen, LLC, as attorneys on behalf of the Plaintiff for purposes of prosecuting this proceeding. The services of an attorney are necessary and in the best interest of all parties hereto in order to effectuate the partition and secure the relief herein requested and the said attorney should be compensated accordingly by the Defendants or as properly assessed by the Court.

WHEREFORE, Plaintiff prays unto this Honorable Court for its Order partitioning the premises; for its Order that the property be partitioned in kind; for costs, expenses and attorney's fees; and for such other and further relief as this Court may deem just and proper.

SHULER-KILLEN, LLC

s/ Matthew A. Williamson
Patrick M. Killen
Matthew A. Williamson
1 Law Range, Suite B
Sumter, SC 29150
803-774-5026
mwilliamson@shulerkillen.com
Attorneys for Plaintiff

Sumter, South Carolina
February 24, 2022

Exhibit B

Case No. 2024-000664

Maryland Judiciary Case Search

NOTICE: Available

Case Detail**Case Information**

Court System: **District Court For - Civil**
 Location: **Fayette Ave**
 Case Number: **01-01-0021025-2005**
 Title: **JONES, GWENDOLYN vs WITHERSPOON, MIRLENE BENJAMIN**
 Case Type: **Contract**
 Filing Date: **06/23/2005**
 Case Status: **Closed**

Causes Information

File Date: **06/23/2005**
 Cause Description: **001 ; REGULAR CLAIM**
 Filed By: **Plaintiff**
 Filed Against: **Defendant**

Remedy Type	Amount	Comment	
		CONTRACT ; JUDGMENT IN FAVOR OF DEFENDANT ENTERED	
Applicable	\$6,300.00		Not

Involved Parties Information**Plaintiff**Name: **JONES, GWENDOLYN**Address: **3202 PELHAM AVENUE**City: **BALTIMORE** State: **MD** Zip Code: **21213****Defendant**Name: **WITHERSPOON, MIRLENE BENJAMIN**Address: **3305 REV J W CARTER ROAD**City: **SUMMERTON** State: **SC** Zip Code: **29148****Attorney(s) for the Defendant**

Name: **SHUSTER, JAY BARRY**
 Appearance Date: **06/23/2005**
 Address Line 1: **100 CHURCH LANE**
 City: **Baltimore State: MD Zip Code: 21208**

Judgment Information

Case Judgment Comment History

Amount: 0.00 Interest: 0.00 Atty_Fee: 0.00 Judg_Cost: 0.00 Other_Amount: 0.00 Poss_of_Prop: 0.00
 Damages_Pop: 0.00 Value_of_Prop: 0.00 Damgs_Val_of_Prop: 0.00 Repl_Detn_Amnt: 0.00 Judg_Type: JUDG
 In_Favor_of_Def: X Judg_District: 01 Judg_Location: 01 Judg_Date: 12/06/2005 Date_Entered: 12/08/2005

Judgment Event Type: **Trial Judgment**
 Judge: **Weinstein, Halee F.**

Document Information

File Date: **06/23/2005**
 Document Name: **Initial Case Filing**
 Comment: **; FILN ; 1SG ; INITIAL CASE FILING**

File Date: **06/23/2005**
 Document Name: **Initial Claim Amount - Converted Case**
 Comment:

File Date: **06/23/2005**
 Document
 Name: **Regular Claim**
COMP_NUMBER: 001 DOC_TYPE: REGL DOC_DATE: Jun 23 2005 12:00AM SERV_TYPE: MAIL
SERV_DIST: 01 SERV_LOC: 01 RETURN_CODE: SV SERV_DATE: Jul 7 2005 12:00AM REQ_BY:
 Comment: **PLN FEE_REFUNDED: NO_REFUND: ENTRY_UPD_DATE: Jul 8 2005 12:00AM SERV_TO: DEF**
SERV_BY: RELA_NUM: REG_NUM: 47 RING_NUM: 390066 NON_EST_IND: COST_SEQ_NUM:
00002 FILING_FEE: 0.00 SERV_FEE: 10.00

File Date: **06/24/2005**
 Document Name: **Trial**
 Comment: **; TRIL ; 1SG ; TRIAL SET FOR: 10102005;TIME: 0115P;LOC:01;ROOM:06**

File Date: **06/24/2005**
 Document Name: **Notice**

Comment: **001 ; NOTC ; NOTICE OF INITIAL TRIAL (PLN)-D1**

File Date: **07/07/2005**

Document Name: **Service**

Comment: **001 ; SERV ; 1SM ; REGL;06232005;DEF;SV-SERVED ;**

File Date: **07/08/2005**

Document Name: **Notice**

Comment: **001 ; NOTC ; NOTICE OF OUTCOME OF ORIGINAL SERVICE (PLN)-A1**

File Date: **09/06/2005**

Document Name: **Intention to Defend**

Comment: **001 ; DEFN ; 1MF ; INTENTION TO DEFEND FILED /REASON FOR DEFENSE FOLLOWS**

File Date: **09/06/2005**

Document Name: **Intention to Defend**

Comment: **001 ; DFCM ; 1MF ; MR TOY CARTER SENT ME HIS RENT IN MAY AND I RETURNED**

File Date: **09/06/2005**

Document Name: **Intention to Defend**

Comment: **001 ; DFCM ; 1MF ; IT TO HIM APRIL RENT WAS RECEIVED BY MR THOMAS...**

File Date: **09/12/2005**

Document Name: **Notice**

Comment: **001 ; NOTC ; NOTICE OF FILING OF INTENTION TO DEFEND (PLN)-B1**

File Date: **09/14/2005**

Document Name: **Trial Delete**

Comment: **; TDEL ; 1SG ; TRIL;10102005;0115P;01;BY CLK;NEED NEW TRIAL DATE**

File Date: **09/14/2005**

Document Name: **Notice**

Comment: **001 ; NOTC ; NOTICE OF CANCELLED HEARING/TRIAL - TRIL (PLN)-C3**

File Date: **09/14/2005**

Document Name: **Notice**

Comment: **001 ; RELP ; ALSO SENT TO - DEF,**

File Date: **09/20/2005**

Document Name: **Trial**

Comment: **; TRIL ; 1HJ ; TRIAL SET FOR: 12062005;TIME: 0115P;LOC:01;ROOM:06**

File Date: **09/20/2005**

Document Name: **Notice**

Comment: **001 ; NOTC ; NOTICE OF HEARING/TRIAL - TRIL (PLN)-Z1**

File Date: **09/20/2005**

Document Name: **Notice**

Comment: **001 ; RELP ; ALSO SENT TO - DEF,**

File Date: **12/06/2005**

Document Name: **Trial Judgment Entered**

Comment: **001 ; JUDG ; QNN ; JUDGMENT ENTERED IN FAVOR FOR DEFENDANT**

File Date: **12/06/2005**

Document Name: **Trial Delete**

Comment: **; TDEL ; QNN ; TRIL;12062005;0115P;01;BY 9S6;JUDGMENT ENTERED**

File Date: **12/08/2005**

Document Name: **Notice**

Comment: **001 ; NOTC ; NOTICE OF JUDGMENT ENTERED - (PLN)-J1**

File Date: **12/08/2005**

Document Name: **Notice**

Comment: **001 ; RELP ; ALSO SENT TO - ATD,**

Service Information

Service Type	Issued Date
Regular Claim	06/23/2005

Regular Claim 06/23/2005

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Service Desk: (410) 260-1114

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3 *Moore's Federal Practice* (1938) 2