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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM DORCHESTER COUNTY
COURT OF COMMON PLEAS

James E. Chellis, Master in Equity

APPELLATE CASE NO. 2024-000863

Vanessa Marie Frierson APPELLANT,

vs.

Judy A. Bloodworth, as sole beneficiary and as personal representative of the Estate of Jean Garris White, Debra Morse, Jackie McCoy, Christina Fightmaster, and John Doe and Mary Roe, fictitious names which represent any unknown heirs at law, devisees, widowers, executors, administrators, personal representatives, creditors, successors and assigns, firms or corporations of Jean Garris White (deceased), Junior Arch White (deceased), and any other unknown persons claiming any right, title, estate, or lien upon the real estate which is the subject of this action
RESPONDENTS.

RECORD ON APPEAL

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Attorney for Appellant

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Attorney for Respondent Judy A. Bloodworth

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTOR	)	CASE NO.: 2018-CP-18-01251
	)	
VANESSA MARIE FRIERSON,	)	
	)	
Plaintiff,	)	ORDER APPOINTING
	)	GUARDIAN AD LITEM NISI
vs.	)	(Suit to Quiet Title to Real Estate)
	)	
Judy A. Bloodworth, as sole beneficiary	)	
and as personal representative of the Estate	)	
of Jean Garris White, Debra Morse, Jackie	)	
McCoy, Christina Fightmaster, and John	)	
Doe and Mary Roe, fictitious names which	)	
represent any unknown heirs at law,	)	
devisees, widowers, executors,	)	
administrators, personal representatives,	)	
creditors, successors and assigns, firms or	)	
corporations of Jean Garris White	)	
(deceased), Junior Arch White (deceased),	)	
and any other unknown persons claiming	)	
any right, title, estate, or lien upon the real	)	
estate which is the subject of this action,	)	
	)	
Defendants.	)	
	)	

The Plaintiff, having prayed in its Petition that a *Guardian Ad Litem Nisi* be appointed to represent the parties designated as John Doe and Mary Roe, and for any other parties under any type of legal disability, including but not limited to minors, infants, prisoners, incompetents or those serving in the military as defined by the Soldiers and Servicemembers Civil Relief Act, resident or non-resident, and it appearing that David Low, Esquire, is in no way connected in business with the parties in this action or with their counsel and is a suitable and proper person to represent all such persons and/or entities unless such persons and/or entities, or someone on their behalf, should apply to the Court for such an appointment,

IT IS THEREFORE ORDERED that David Low, Esquire, whose address and phone number are 1459 Stuart Engals Boulevard, Suite 203-A, Mount Pleasant, South Carolina 29464, (843) 849-1009, be and is hereby designated and appointed Guardian *Ad Litem Nisi* for the parties designated as John Doe and Mary Roe, and for any other parties under any type of legal disability, including but not limited to minors, infants, prisoners, incompetents or those serving in the military as defined by the Soldiers and Servicemembers Civil Relief Act, resident or non-resident, and should so serve unless and until any of these persons and/or entities, or someone on their behalf, should apply to the Court for such an appointment in the within action.

AND IT IS SO ORDERED.

By:
[] Clerk of Court of Common Pleas
[] Presiding Judge, Common Pleas

This _____ day of _____, 20____
_____, South Carolina



Dorchester Common Pleas

Case Caption: Vanessa Marie Frierson VS Judy A Bloodworth , defendant, et al

Case Number: 2018CP1801251

Type: Order/Appointment Of Guardian Ad Litem

So Ordered

s/Cheryl Graham, Clerk of Court

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	FIRST JUDICIAL CIRCUIT
	)	CASE NO.: 2018-CP-18-01251
Vanessa Marie Frierson,	)	
	)	
Plaintiff,	)	NOTICE OF MOTION AND
	)	ORDER OF REFERENCE
-vs-	)	
	)	
Judy A. Bloodworth, as sole beneficiary	)	
and as personal representative of	)	
the Estate of Jean Garris White, and Junior	)	
Arch White (deceased), and John Doe and	)	
Mary Roe, fictitious names which represent	)	
any unknown heirs at law, devisees,	)	
widowers, executors, administrators,	)	
personal representatives, successors and	)	
assigns, firms or corporations of the	)	
defendants Jean Garris White (deceased),	)	
Junior Arch White (deceased), and any other	)	
unknown persons claiming any right, title,	)	
estate, or lien upon the real estate which is	)	
the subject of this action,	)	
	)	
Defendants.	)	
	)	

IT APPEARING THAT actions to obtain partition of real property shall ordinarily be referred to a Master-in-Equity, as stated in Rule 71(a), SCRCP; and

It further appearing that pursuant to Rule 53(b), SCRCP, the circuit court may, upon application of any party or upon its own motion, direct a reference of some or all of the causes of action in a case; and

It further appearing that the Plaintiff, through counsel, has requested that this matter be referred to the Master-in-Equity; and

It further appearing that no parties are in objection to the reference requested by the Plaintiff, and that referral of this case to the Master-in-Equity would be in the interests of justice and judicial economy;

IT IS THEREFORE ORDERED that this action is referred to the Honorable James E. Chellis as Master-in-Equity for Dorchester County to take testimony and issue a final decree, and the Master shall retain jurisdiction to hear any action contesting the validity of the action or any motions filed pursuant to Rule 60, SCRCP or any other motions filed pursuant to the South Carolina Rules of Civil Procedure, and with any appeal from the Master to be directly to the South Carolina Supreme Court or Court of Appeals.

AND IT IS SO ORDERED.

Print: _____
Presiding Judge of the Court of Common Pleas for the
First Judicial Circuit

This _____ day of _____, 2019

_____, South Carolina

I so move,

VITOLLO LAW FIRM, LLC

s/ Tara M. Edwards-Vitollo

Tara M. Edwards-Vitollo, Esq.; SCB# 101189

Post Office Box 42282

North Charleston, SC 29423

(843) 530-5745

tara@vitollolawfirm.com

Attorney(s) for the Plaintiff.



Dorchester Common Pleas

Case Caption: Vanessa Marie Frierson VS Judy A Bloodworth , defendant, et al

Case Number: 2018CP1801251

Type: Order/Referred to Master or Special Referee

So Ordered

s/ Maite Murphy 2166

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	FIRST JUDICIAL CIRCUIT
	)	CASE NO.: 2018-CP-18-01251
Vanessa Marie Frierson,	)	(Referred to Master-in-Equity)
	)	
Plaintiff,	)	ORDER PERMITTING
	)	SERVICE BY PUBLICATION IN THE
	)	SUMMERVILLE JOURNAL SCENE
	)	
	)	
-vs-	)	
	)	
Judy A. Bloodworth, as sole beneficiary	)	
and as personal representative of	)	
the Estate of Jean Garris White, and Junior	)	
Arch White (deceased), and John Doe and	)	
Mary Roe, fictitious names which represent	)	
any unknown heirs at law, devisees,	)	
widowers, executors, administrators,	)	
personal representatives, successors and	)	
assigns, firms or corporations of the	)	
defendants Jean Garris White (deceased),	)	
Junior Arch White (deceased), and any other	)	
unknown persons claiming any right, title,	)	
estate, or lien upon the real estate which is	)	
the subject of this action,	)	
	)	
Defendants.	)	
	)	

Upon a showing to my satisfaction of due diligence as required by S.C. Code of Laws § 15-9-710 and 15-9-720, I hereby ORDER that the Defendants Judy A. Bloodworth, Debra Morse, and John Doe and Mary Roe, fictitious names which represent any unknow heirs at law, devisees, widowers, executors, administrators, personal representatives, successors and assigns, firms or corporations of the defendants Jean Garris White (deceased), Junior Arch White (deceased), and any other unknown persons claiming any right, title, estate, or lien upon the real estate which is the subjection of this action described herein, including such as may be infants, incompetents, or

under any other disability including the Servicemembers Civil Relief Act, be served by publication in the Summerville Journal Scene, the newspaper most likely to give notice to the known and unknown persons to be served as the newspaper is published for the benefit of the population most proximate to the real property. The Summerville Journal Scene is also a newspaper of general circulation in Dorchester County, South Carolina, which is the county where the property is situated.

Such publication shall take place once a week for three weeks pursuant to S.C. Code of Laws § 15-9-710, 15-9-720 and § 15-9-740, and a copy of the pleadings to be served by publication be forthwith deposited in the post office directed to Judy A. Bloodworth and Debra Morse at the last known residence addresses of such Defendants. It appears to the undersigned officer that the residence of the unknown persons to be served is not known to the party making application for this Order and cannot be ascertained by reasonable diligence of such party; therefore, any obligation of such moving party to deposit the summons or complaint in the post office directed to the person to be served at his place of residence is hereby dispensed with.

AND IT IS SO ORDERED.

The Honorable James E. Chellis,
Master-in-Equity for Dorchester County, S.C.

This _____ day of _____, 2019

_____, South Carolina



Dorchester Common Pleas

Case Caption: Vanessa Marie Frierson VS Judy A Bloodworth , defendant, et al

Case Number: 2018CP1801251

Type: Order/Publication

So Ordered

s/James E. Chellis, Master in Equity, SCJD#3078

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	FIRST JUDICIAL CIRCUIT
	)	CASE NO.: 2018-CP-18-01251
Vanessa Marie Frierson,	)	(Referred to Master-in-Equity)
	)	
Plaintiff,	)	ORDER DETERMINING SUBJECT
	)	PROPERTY IS HEIRS' PROPERTY
-vs-	)	
	)	
Judy A. Bloodworth, as sole beneficiary	)	
and as personal representative of the Estate	)	
of Jean Garris White, Debra Morse, Jackie	)	
McCoy, Christina Fightmaster, and John	)	
Doe and Mary Roe, fictitious names which	)	
represent any unknown heirs at law,	)	
devisees, widowers, executors,	)	
administrators, personal representatives,	)	
creditors, successors and assigns, firms or	)	
corporations of Jean Garris White	)	
(deceased), Junior Arch White (deceased),	)	
and any other unknown persons claiming	)	
any right, title, estate, or lien upon the real	)	
estate which is the subject of this action,	)	
	)	
Defendants.	)	
	)	

THIS MATTER comes before the Court upon the motion of the Plaintiff filed on February 6, 2020 for an Order, pursuant to S.C. Code of Laws Section 15-61-330 and 15-61-340, determining whether the property that is the subject of this action is heirs' property.

A hearing in this matter was held by way of video conference on September 10, 2020. Plaintiff Vanessa Frierson was present at the hearing along with her attorney, Timothy J. Vitollo, Esquire. David Low, Esquire, appeared as Guardian *ad Litem Nisi* for John Doe and Mary Roe. No other parties appeared by way of video, and at both the call and the conclusion of the case, a clerk physically present at the Courthouse confirmed that no parties appeared in person for the hearing.

IT APPEARING from the pleadings and arguments of counsel that Junior A. White and Jean G. White are the record title holders of the real property located at 249 Challedon Drive, Summerville, SC 29485, which is the subject of this action; and

It further appearing Junior A. White, who is also known as Junior Arch White, and Jean G. White, who is also known as Jean Garris White, are both deceased; and

It further appearing that all parties claiming an interest in the Property are likely to be relatives of the deceased title holders; and

It further appearing that the Plaintiff in this partition action has sought an Order permitting service upon certain parties by publication and the Court has entered such an Order;

IT IS THEREFORE ORDERED and determined that the Property located at 249 Challedon Drive, Summerville, SC 29485, is heirs' property subject to the provisions of the Clementa C. Pinckney Uniform Partition of Heirs' Property Act, codified at S.C. Code of Laws Section 15-61-310, *et. seq.*

IT IS THEREFORE FURTHER ORDERED that the Plaintiff, not later than ten days after the date that this Order is filed with the clerk of court's office, shall post and maintain a posted notice, while the action is pending, a conspicuous sign on the subject Property stating as follows:

AN ACTION HAS COMMENCED IN THE DORCHESTER COUNTY, SOUTH CAROLINA COURT OF COMMON PLEAS LOCATED AT 5200 E. JIM BILTON BLVD., ST. GEORGE, SC 29477 TO QUIET TITLE AND PARTITION THIS PROPERTY COMMONLY DESIGNATED AS 249 CHALLEDON DRIVE, SUMMERVILLE, SC 29485. VANESSA MARIE FRIERSON IS THE PLAINTIFF AND THE KNOWN DEFENDANTS ARE JUDY A. BLOODWORTH, DEBRA MORSE, JACKIE MCCOY, CHRISTINA FIGHTMASTER, THE ESTATE OF JEAN GARRIS WHITE, AND THE ESTATE OF JUNIOR ARCH WHITE.

AND IT IS SO ORDERED.



Dorchester Common Pleas

Case Caption: Vanessa Marie Frierson VS Judy A Bloodworth , defendant, et al

Case Number: 2018CP1801251

Type: Master/Order/Other

So Ordered

s/James E. Chellis, Master in Equity, SCJD#3078

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	FIRST JUDICIAL CIRCUIT
	)	CASE NO.: 2018-CP-18-01251
Vanessa Marie Frierson,	)	(Referred to Master-in-Equity)
	)	
Plaintiff,	)	
	)	ORDER REGARDING DETERMINATION
-vs-	)	OF VALUE, AND ORDER OF DEFAULT
	)	AS TO DEFENDANTS JACKIE MCCOY,
Judy A. Bloodworth, as sole beneficiary	)	CHRISTINA FIGHTMASTER, AND
and as personal representative of the Estate	)	DEBRA MORSE
of Jean Garris White, Debra Morse, Jackie	)	
McCoy, Christina Fightmaster, and John	)	
Doe and Mary Roe, fictitious names which	)	
represent any unknown heirs at law,	)	
devisees, widowers, executors,	)	
administrators, personal representatives,	)	
creditors, successors and assigns, firms or	)	
corporations of Jean Garris White	)	
(deceased), Junior Arch White (deceased),	)	
and any other unknown persons claiming	)	
any right, title, estate, or lien upon the real	)	
estate which is the subject of this action,	)	
	)	
Defendants.	)	
	)	

THIS MATTER comes before the Court upon the motion of the Plaintiff filed on September 25, 2021 for a Order determining the fair market value of the property pursuant to S.C. Code of Laws Section 15-61-360 and for an Order judging certain Defendants to be in default pursuant to SCRCF Rules 12 and 55.

A hearing in this matter was held by way of video conference on February 15, 2022. Timothy J. Vitollo, Esquire, appeared as attorney for the Plaintiff Vanessa Marie Frierson; attorney Andrew T. Shepherd, Esquire, appeared as attorney for the Defendant Judy A. Bloodworth; and David Low, Esquire, appeared as Guardian *ad Litem Nisi* for John Doe and Mary Roe. Neither the Plaintiff nor any of the Defendants were present at the virtual hearing.

At the call of the case, the Andrew T. Shepherd, Esquire moved orally to continue the case so that the Defendant Judy A. Bloodworth could appear and testify as to why Defendant Bloodworth should not be adjudged to be in default. Defendant Bloodworth was granted leave to file an Answer to the Plaintiff's Complaint and the motion for a continuance was denied.

It appearing that the Lis Pendens, Summons and Complaint were filed by the Plaintiff on July 12, 2018; and

It further appearing from the record that Defendants Jackie McCoy, Christina Fightmaster and Debra Morse have been properly served by personal service or by publication and that none of the aforesaid Defendants have appeared or filed any responsive pleadings within the time prescribed by law;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Defendant Judy A. Bloodworth is granted leave to file an Answer to the Plaintiff's Complaint and that Defendants Jackie McCoy, Christina Fightmaster and Debra Morse are hereby adjudged to be in default and that judgment is hereby entered for the Plaintiff as to Jackie McCoy, Christina Fightmaster and Debra Morse for the relief requested in the Plaintiff's Complaint.

IT IS THEREFORE FURTHER ORDERED that the attorney for the Plaintiff is to obtain a Comparative Market Analysis to be prepared by Christine McDaid Garcia and to provide the same to the attorney for the Defendant Judy A. Bloodworth and the Guardian *ad Litem*, and that any disagreement as to the fair market value of the property will be resolved by way of such evidence as the parties may present at the final hearing.

AND IT IS SO ORDERED.



Dorchester Common Pleas

Case Caption: Vanessa Marie Frierson VS Judy A Bloodworth , defendant, et al

Case Number: 2018CP1801251

Type: Master/Order/Other

So Ordered

s/James E. Chellis, Master in Equity, SCJD#3078

STATE OF SOUTH CAROLINA**COUNTY OF DORCHESTER**

Vanessa Marie Frierson,

Plaintiff,

-vs-

Judy A. Bloodworth, as sole beneficiary and as personal representative of the Estate of Jean Garris White, Debra Morse, Jackie McCoy, Christina Fightmaster, and John Doe and Mary Roe, fictitious names which represent any unknown heirs at law, devisees, widowers, executors, administrators, personal representatives, creditors, successors and assigns, firms or corporations of Jean Garris White (deceased), Junior Arch White (deceased), and any other unknown persons claiming any right, title, estate, or lien upon the real estate, which is the subject of this action,

Defendants.

IN THE COURT OF COMMON PLEAS**FOR THE FIRST JUDICIAL COURT****(In The Equity Division)****CASE NO: 2018-CP-18-01251****ORDER**

(Declaration of Title & Partition by Allotment)

Heard before
James E. Chellis,
Master in Equity
Dorchester County
JANUARY 05, 2023 (DAY 1)
JULY 26, 2023 (DAY 2)
McArn Court Reporting

Appearances:

For the Plaintiff:

Timothy J. Vitollo, Attorney
tim@vitollolawfirm.com

For the Defendant Bloodworth:

Andrew T. Shepherd, Attorney
Shepherd Law Firm, LLC
andrew@sheplawfirm.com

Plaintiff: Vanessa Marie Frierson

Defendant: Judy A. Bloodworth, et. al.

Case NO: 2018CP1801251

Final Order: Declaration of Title and Partition by Allotment

INTRODUCTION

The Honorable Maité Murphy referred this action to this Court pursuant to an Order of Reference entered July 30, 2019. Her Order directs this Court to take testimony and issue a final decree with any appeal to be directly to the South Carolina Supreme Court or Court of Appeals. See, Order, dated July 30, 2019.¹ The Court sees no limitations in the Order of Reference. Hence, this Court proceeds with findings of fact and conclusions of law to render this judgment.

In this action Plaintiff Vanessa Marie Frierson seeks to quiet title to the real property. The Plaintiff's also requests partition of a single-family residence in a residential subdivision in the Town of Summerville.

Defendant Judy A. Bloodworth agrees the current record title holders are the Plaintiff Vanessa Marie Frierson and the Defendant Judy A. Bloodworth. Unfortunately, the title has been obfuscated by the years that have passed since Plaintiff's father and Defendant Bloodworth's mother acquired their home in Summerville, and the time that the Plaintiff asserted an economic interest in the home. All of which this Court will sort out in its findings of fact and conclusions of law.

Plaintiff's rights, title and interest in her father's home comes through intestate descent from her father, Junior Arch White. Defendant Judy A. Bloodworth's right, title and interest in her mother's home is by testate devolution through her mother, Jean Garriss White, a/k/a Jean G. White. Junior Arch White and Jean G. White once held fee simple marketable title to the real property as tenants in common. However, these seemingly equal interest as tenants in common - as co-tenants - are subject to the paramount right of partition each co-tenant has held since their respective interest vested. Thus, the central issue in this case comes down to the partition of the real property.

¹ Pursuant to Rule 53, SCRCP, a master has no power or authority except that which is given to him by the order of reference." *Bunkum v. Manor Props.*, 321 S.C. 95, 98, 467 S.E.2d 758, 760 (Ct.App.1996). "When a case is referred to a master, Rule 53(c) gives the master the power to conduct hearings in the same manner as the circuit court, unless the order of reference specifies or limits his powers." *Smith Cos. of Greenville, Inc. v. Hayes*, 311 S.C. 358, 360, 428 S.E.2d 900, 902 (Ct.App.1993). See, [Deep Keel, LLC v. Atl. Priv. Equity Grp., LLC](#), 413 S.C. 58, 75, 773 S.E.2d 607, 616, 86 UCC Rep. Serv. 2d 937, 2015 WL 3757751 (Ct. App. 2015)hs

The parties have joined the partition issues in the pleadings. They agree that this partition action is subject to the Clementa C. Pinckney Uniform Partition of Heirs' Property Act, S.C. Code Ann. § 15-61-310, et seq. But each party takes a different view of how the Court should partition the Property. The Plaintiff asks the court to direct a partition by sale (Complaint Paragraphs 37-47). Defendant counters, first by asserting the Complaint be dismissed, but alternatively praying that the partition should be by allotment or sale with an allotment². Each party, however, amended their respective pleadings at trial, asking for alternative relief. Plaintiff asks the Court, alternatively, to order rents and profits bottomed on ouster. The Defendant countered by asserting the alternative defense of possession. These amendments to the pleading were made at the opening of the trial of the case. Both parties consented to the others respective amendment.

The facts, however, do not support either of these two (2) alternative amendments. But the facts do support a partition by allotment in favor of the Defendant Judy A. Bloodworth. The Court addresses the former and the latter below. First, however, the Court addresses facts that permit declaration of the title to the single-family residential property described below. Then the Court will address the issue of partition under the Clemente C. Pinckney Uniform Partition Act (Pinckney Act). Through the Court's deliberation process, the partition decision emerged as the more challenging question.

In the Court's deliberation of partition, it has been mindful that a court of equity's responsibility is to do full justice. The Pinckney Act overall embodies this principal. But in section S.C. Code Ann. § 15-61-390 (B) the legislature requires that "[t]he court may not consider any one factor in [[S.C. Code Ann. § 15-61-390](#)] (A) to be dispositive without weighing the totality of all relevant factors and circumstances when considering partition by allotment.

This Court will address each factor in [S.C. Code Ann. § 15-61-390\(A\)](#) that it must consider. But our State's common law maxims of equity inform this Court in this decision as well.

² Defendant Bloodworth's prayer asks for alternative relief of "directing partition of the Property by allotment subject to the protections of the law and granting unto the Defendant all just credits and offsets to which she may be entitled, or in the alternative by public sale with disbursement of net proceeds in accordance with law and granting unto the Defendant all just credits and offsets to which she may be entitled."

Since the declarations of title to real property, and partition of the real property are at issue, the Court notes that the Honorable Cheryl Graham, Clerk of Court for Dorchester County, designated and appointed David Low, Esquire, Guardian Ad Litem Nisi for the parties designated as John Doe and Mary Roe³. Ms. Graham designated and appointed Mr. Lowe as Guardian Ad Litem (GAL) Nisi for any other parties under any type of legal disability, including but not limited to minors, infants, prisoners, incompetents or those serving in the military as defined by the Soldiers and Servicemembers Civil Relief Act, resident or non-resident. Mr. Lowe's designation and appointment states he is to serve in his capacity unless and until any of these persons and/or entities, or someone on their behalf, should apply to the Court for such an appointment in the within action. See, Order, dated May 28, 2019.

As a final matter of introduction, the Court notes that Plaintiff published the Summons and the Complaint on all unknown parties, including those for whom the GAL Nisi was appointed, pursuant to this Courts order granting Plaintiff's request to serve these parties by publication. See, Order of Publication, dated August 9, 2019 and Affidavit of Publication, dated July 23, 2020, filed August 9, 2020⁴.

Declaration of Title

1. Plaintiff's interests in the title derives from Junior Arch White.
2. Defendant⁵ admitted the allegations relating to the title to the real property. Hence, the Court finds the issue of title to the real property is not controverted. Nonetheless, the Court makes findings concerning the title for the benefit of the parties, and likewise others in general.

³ I have addressed constitutional procedural due process many times. See, Guardian Tax SC, LLC, vs, Henrietta Shepard, Deceased, et. al. Order dated February 16, 2021, C/A No.: 2019-CP-18-00173.

⁴ In this Order, I do not express an opinion whether the publication of the Summons meets the requirements of S.C. Code Ann. § 15-9-740, because it fails to state the time and place of filing. See, "In all cases in which publication is made the complaint must first be filed and the summons, as published, must state the time and place of such filing." *Id.* Notwithstanding, Defendant Bloodworth's siblings are not necessary parties. And, Plaintiff is the only surviving heir of Junior Arch White. Hence, the necessary parties are before the Court. Also, the publication of the full case caption, state, county, and case number may be sufficient facts to satisfy the notice requirement as stated above given the fact that the case is electronically available via the internet's world wide web. I am not aware of a case that states the Notice of Filing is jurisdictional. Conventional best practices suggest it be treated as jurisdictional. Hence, I regularly look for and appreciate a publication apart from the Summons, entitled "Notice of Filing" published with the Summons, Lis Pendens and where appropriate filings pertaining to the Guardian ad Litem Nisi.

⁵ If I refer to the Defendant without designating the named defendant, I'm referring to Judy A. Bloodworth.

3. The Plaintiff's and Defendant Bloodworth's title derives from their respective parents, Junior Arch White, father of Plaintiff, and Jean Garris White, mother of Defendant Bloodworth.

4. The derivation of their respective interests trace to the deed of conveyance of George Romney, Secretary of Housing and Urban Development, of Washington, D.C., acting by and through the Federal Housing Commissioner (HUD), dated July 30, 1971, and recorded on September 11, 1971 in the ROD Office for Dorchester County in Deed Book 188, at page 152.

5. The HUD deed granted to Junior Arch White and Jean Garris White, fee simple title, in the co-tenancy of tenants in common. Hence, each owned a one-half (1/2) interest in the whole of the real property described as follows:

ALL that lot, piece or parcel of land situate, lying and being in the Town of Summerville, County of Dorchester, State of South Carolina, known and designated as Lot No. 19, Challedon Subdivision, Section 2, as shown on a plat made by William A. Whitworth, Reg. Land Surveyor, dated August, 1969, and recorded in the Clerk of Court's Office for Dorchester County in Plat Book 17, Page 221; said lot having such size, shape, dimensions, buttings and boundings as will by reference to said plat more fully appear.

BEING the property conveyed to Junior A. White and Jean G. White, by deed of George Romney, Secretary of Housing and Urban Development, of Washington, D.C., acting by and through the Federal Housing Commissioner, such deed dated July 30, 1971, and recorded on September 11, 1971 in the Dorchester County, South Carolina ROD Office in Deed Book 188, at page 152.

COMMON ADDRESS: 249 Challedon Drive, Summerville, SC 29485
TMS Number: 137-12-06-012

Hereafter, the Court refers to this as "the Property." Plaintiff's Exhibit 7.

6. The chain of title thereafter requires further findings of fact by this Court, as follows:

- a. The Plaintiff, Vanessa Marie Frierson, formerly known as Vanessa Marie White, was born to Junior Arch White and Norma Grace Teter in the County of Randolph, State of West Virginia, in 1959. Plaintiff's Exhibit 1
- b. Archie Ray White, died as an infant. He predeceased his father, Junior Arch White. Plaintiff's Exhibit 4.
- c. On or about May 8, 1989, Junior Arch White procured an Order granting a divorce from the bonds of matrimony to Jean Garris White⁶.

⁶ See, footnote 4 of Plaintiff's Exhibit 6.

- d. Junior Arch White died July 18, 1992. Plaintiff's Exhibit 8.
- e. Plaintiff's Exhibit 6 includes a discussion of a land contract held by Junior Arch White and Norma White, as husband and wife, as purchasers. The inference drawn is that at the time of Junior Arch White's death he held himself out as being married to Norma White.
- f. Plaintiff does not produce sufficient evidence to sway the Court to find that Junior Arch White and Norma White were married, however, at the time of his death.
- g. Plaintiff's Exhibit 6 shows Jean White, as informant, for the completion of the Maryland Death Certificate. This infers that Junior Arch White, who died in a motor vehicle accident, had on his person at the time of his death information that led investigators of the accident to contact Jean White as his next of kin, specifically, as his wife. Jean White too held herself out as wife of Junior Arch White at the time of his death by being the informant relating to the details of Junior Arch White.
- h. A person cannot be married to two persons.
- i. Junior Arch White died without being survived by a wife.
- j. Plaintiff Vanessa Marie Frierson, therefore, is the sole surviving heir of Junior Arch White.
- k. Immediately upon the death of Junior Arch White his $\frac{1}{2}$ interest, as a tenant in common, in the Property vested in Vanessa Marie Frierson.
- l. The Defendant Jean Garriss White, a/k/a Jean G. White, died on January 19, 2015, as a resident of Dorchester County, South Carolina.
- m. Defendant Jean Garriss White had a Last Will and Testament of Jean Garriss White, dated June 4, 2012 (the Will). Plaintiff's Exhibit 12.
- n. The Dorchester County Court Probate Court appointed Defendant Judy A. Bloodworth as Personal Representative of the Estate of Jean Garriss White on or about March 6, 2015. Plaintiff's Exhibit 10
- o. The Dorchester County Probate Estate Case No. is 2015-ES-18-00146. Plaintiff's Exhibit 14

- p. The Defendant Judy A. Bloodworth,⁷ a resident of Dorchester County, South Carolina, is the sole beneficiary of the Estate of Jean Garris White, pursuant to the Will.
 - q. Jean Garris White was survived by her children, Defendants Debra Morse, Jackie McCoy, Christina Fightmaster, and Judy A. Bloodworth.
 - r. More than one year has passed since Jean Garris White's death and the informal probate of her Last Will and Testament.
 - s. No unresolved creditor claims, and no known biological heirs of Jean Garris White have initiated a proceeding to contest the validity of her Last Will and Testament.
 - t. This Court adjudged Defendants Debra Morse, Jackie McCoy, Christina Fightmaster⁸ in default of these proceedings by its Order, dated March 7, 2022.
 - u. These Defendants stated immediately above have no interest in the Property.
 - v. Immediately, upon the death of Jean G. White, her ½ interest, as a tenant in common, in the Property vested in Judy A. Bloodworth.
7. Based on the foregoing findings of the chain of title, Plaintiff Vanessa Marie Frierson and Judy A. Bloodworth hold fee simple marketable title in the Property as tenants in common subject to the paramount right of partition.

Partition

8. The Property is heirs' property pursuant to S.C. Code Ann. § 15-61-310, et seq., known as "Clementa C. Pinckney Uniform Partition of Heirs' Property Act." (The Act).
9. The Court conducted a determination heirs property hearing and determined the case is subject to the Act. See, Order dated March 4, 2021
10. On March 7, 2022, Court directed "Plaintiff is to obtain a Comparative Market Analysis to be prepared by Christine McDaid Garcia and to provide the same to the attorney for the Defendant Judy A. Bloodworth and the Guardian ad Litem, and that any disagreement as to the

⁷ Judy A. Bloodworth was formerly known as Judy A. Dominguez.

⁸ Jean Garris White had two children who predeceased her, namely Dale Larimer and Jimmy Garris. Dale Larimer died without any surviving issue. Defendant Christina Fightmaster is the only surviving issue of Jimmy Garris.

fair market value of the property will be resolved by way of such evidence as the parties may present at the final hearing.”

11. Christine McDaid Garcia made a Comparative Market Analysis (CMA).
12. Defendant Judy A. Bloodworth does not contest the fair market value of the Property.
13. The current value of the home based on the CMA is \$163,333. Plaintiff’s Exhibit 15, 48/14-21.
14. No financial liens or encumbrances are upon the Property.
15. The parties waived, and this Court agrees, the right to a writ of partition is inappropriate on the basis that it would involve unnecessary expense.
16. A partition in kind is not feasible.
17. A partition by allotment of all interest in the Property to the Defendant Judy A. Bloodworth does not manifestly prejudice or manifestly injure the Plaintiff Frierson taking into account the seven (7) enumerated factors set forth in Subparagraph A of [S.C. Code Ann. § 15-61-390](#) by weighing the totality of all relevant factors and circumstances set forth there.
18. The Court finds that [S.C. Code Ann. § 15-61-390](#) A (2) addresses “parcels” of land is does not apply to a single family residential property as the Property and this Court finds a Court ordered sale would do manifest prejudice to and manifest injury to the Defendant Bloodworth.
19. The Defendant Judy A Bloodworth has occupied the property since 1989. 90/7
20. Defendant Bloodworth recalled the circumstances of moving into the property: “That date is after Hugo, and my mom and Junior were back together and him asking us to move into the home for him and to take care of it for them to go to West Virginia, to the home in West Virginia.” 91/9-12
21. Plaintiff did not challenge this testimony.
22. Notably, Plaintiff’s father did not ask the Plaintiff to move into the property to take care of it.
23. Moreover, Defendant Bloodworth has continuously lived in the property the following periods:
 - a. Since Hugo (Fall of 1989) to Trial date approximately 30 years;
 - b. Since Hugo to the date of filing this lawsuit 25 years; and

- c. Since Hugo to the date of the Plaintiff's Petition in the Probate Court, resulting in Plaintiff's Exhibit 6, 23 years.

24. The Plaintiff lived at the Property only a couple of years when she was a teenager. 93/4

25. The Plaintiff left the property as a teenager. The testimony of this occurrence is as follows:

8 Do you recall in the prior trial testifying

7 that Junior and Jean made you leave the home at 249

8 Challedon?

9 A When I got pregnant with my child, yes. 68/6-9

15 How did Vanessa come to leave the property at

16 Challedon?

17 A In a fight with my mom and Junior when she

18 was young over being pregnant and other things.

19 Q Did they make her leave?

20 A Yes. 93/15-20

26. The evidence of the collective duration of possession of the property by Defendant Judy A. Bloodworth and her mother, Jean M White, supports a finding that Defendant Judy A. Bloodworth has been in possession of the property all her life saving a few years after she was married until she returned at the Plaintiff's father's request.

27. The inferences drawn from those who occupied the Property from its acquisition by Junior Ash White and Jean M. White is that Plaintiff lived at the property, as a guest, for a couple of years when she was teenager.

28. The Plaintiff sought advice of a lawyer after her father died in 1992. Plaintiff did not act on her lawyer's advice. Plaintiff's father's estate was never administered. 69/9

29. As sole heir of Junior Ash White, Plaintiff failed to administer her father's estate in 1992 or at any time after he died.

30. The Plaintiff sought advice of an attorney in West Virginia for a wrongful death suit. 70/8

31. The Plaintiff testified she did not know her father had a real property interest in the Property until after Jean M. White died. This Court finds this testimony lacks credibility.

Plaintiff admits she saw an attorney in West Virginia for purposes of investigating a wrongful

death suit. The inferences drawn from this testimony are manifold. The complexity of wrongful death lawsuits reaches far beyond determination of the likely underlying tort. Plaintiff would have been advised about estate administration, domicile, conflicts of law, venue, and jurisdiction. Moreover, a lawyer would have advised her that the wrongful death action would likely include filing a lawsuit by the Personal Representative of her father's estate in the domicile of the at fault driver⁹. Therefore, the Plaintiff knew or should have known she would have had to marshal her father's assets wherever they were. Hence, she knew or should have known she would have to investigate whether her father had property in South Carolina, where he had lived at a minimum of 18 years with his wife, Jean M. White.

32. At a minimum, Plaintiff was on notice to look into what assets her father owned at the time of his death.

33. The Plaintiff has no sentimental attachment to the Property because it was a property in which her father lived with his wife, Plaintiff's stepmother. The Plaintiff admits she did not get along with her stepmother. 68/4-5. Hence, Plaintiff has no sentimental, ancestral, unique, or special interest in the Property. At best this Court finds the Plaintiff's emotional attachment to the Property derives out of painful memories.

34. Defendant Bloodworth's does have a sentimental attachment to the property. She has lived there almost her entire life. It was her home as a child, as a teenager, as a young adult, and as a married woman. She has lived at the Property since 1989. In that time her subjective attachment to the Property is palpable. It is where she has made her home.

35. The Property is Defendant Judy A. Bloodworth's home. She has lawfully resided in and on the Property without the least interest from the Plaintiff except for her interest in exacting an economic benefit through litigation. Plaintiff's interest in this Property, being economic through lawful process, is much like the proverbial gun to one's head making a demand for payment. Plaintiff's action contemplates a disposition of the Property that, if allowed, would be an

⁹ The record does not support the basis of the wrongful death suit. Whether the suit would be a motor vehicular case, or a products liability case, is not presented. Nonetheless, a lawyer would have explained the jurisdictional challenges involved in a wrongful death suit occurring in a state in which the decedent did not reside. The death certificate establishes her father's domicile was West Virginia. Moreover, the basic responsibilities of an administrator of an estate would likely have been discussed in an initial interview.

absolutely destructive power against the Defendant's home, which she has built over a 30 year period, the last 8 of which have been under the distress of lawsuits. Plaintiff has a throttle held upon the peaceful existence of another human being. This does not commend itself to the favorable consideration of the court. Equity will not countenance such a stranglehold. See, [Guignard v. Corley](#), 147 S.C. 12, 144 S.E. 586, 591, 62 A.L.R. 533 (1928). Accordingly, the Plaintiff comes to this Court with unclean hands.

36. The evidence is uncontroverted that the Plaintiff has not made any contribution to maintain the Property. The property taxes, insurance, and other expenses associated with maintaining ownership of the property have been at the expense of the Defendant Bloodworth and her mother.

37. Based on testimony taken before this Court a partition by allotment among the parties is practicable and expedient.

38. Defendant Judy A. Bloodworth shall be allotted all the rights, title and interests in the Property as this is the most practical result. It is also the only fair and just result given the Plaintiff's failure to show the slightest interest in the property other than exacting a monetary sum from the Defendant Judy A. Bloodworth. The earliest this interest became evident was 23 years after her father's death.

39. The Defendant Judy A. Bloodworth is entitled to an award of attorney's fees and statutory costs. She must petition this Court for attorney's fees and statutory costs on or before ten (10) days from the entry of this Order.

40. The Plaintiff did not produce sufficient evidence that the Defendant Judy A. Bloodworth turned her out from the Property.

41. Further, The Plaintiff did not produce sufficient evidence that the Defendant Judy A. Bloodworth kept the Plaintiff excluded from the property. The only evidence of being ousted from the property arises by inference of the possession of Judy A Bloodworth of the Property following the request of Junior Ash White, as stated above. Plaintiff's only attempt to even assert a right of possession or interest in the Property derives from her process of instituting litigation, first in the Probate Court, then in this Court. Under the circumstances of this case, this Court does not find sufficient evidence that the current possessing co-tenant, Judy A. Bloodworth, is a

possession attended with such circumstances as to evince a claim of exclusive right and title and a denial of a right to participate in profits because defending a lawsuit cannot be bootstrapped into a co-tenant's ouster. The Plaintiff produced no evidence she sought to participate in profits except through the process of this litigation.

42. The Plaintiff's never asserted any right, title, or interest in the Property until proceeding in the Courts.

43. Hence, the possessing co-tenants, Defendant Bloodworth and her mother, could have never put the Plaintiff on notice that they were adversely possessing the property with the intent to oust Plaintiff from her co-tenancy. *Fender v. Heirs at L. of Smashum*, 354 S.C. 504, 510–11, 581 S.E.2d 853, 856–57, 2003 WL 21000924 (Ct. App. 2003)

Conclusions of Law

44. Plaintiff Vanessa Marie Frierson is the sole heir at law of Junior Ash White.

45. Plaintiff Vanessa Marie Frierson and Defendant Judy A. Bloodworth hold fee simple marketable title in the Property as tenants in common subject to the paramount right of partition. *Ex parte Johnson*, 147 S.C. 259, 145 S.E. 113, 115 (1928).

46. The Clementa C. Pinckney Uniform Partition of Heirs' Property Act, S.C. Code Ann. § 15-61-310, et seq., provides the standards of partition of heirs' property.

47. No manifest prejudice or manifest injury shall result from an allotment of the entire fee simple estate in the Defendant Judy A. Bloodworth. S.C. Code Ann. § 15-61-380 applying the standards set forth in S.C. Code Ann. § 15-61-390.

48. All the lawful right, title and interest in the Property shall be allotted to Defendant Judy A. Bloodworth. Defendant Judy A. Bloodworth shall be vested in fee simple marketable title in and to the Property to the exclusion of the Plaintiff Vanessa Marie Frierson.

49. The Court shall issue a Master's Deed conveying all right, title, and interest in and to the Property to Judy A. Bloodworth.

50. All right, title and interest of Plaintiff Vanessa Marie Frierson that lawfully vested in Vanessa Marie Frierson immediately upon the death of her father, Junior Ash White, shall be terminated, and of no force and effect.

51. One who seeks equity must do equity. 30A C.J.S. Equity § 102; See, *Burch v. Burch*, 395 S.C. 318, 331, 717 S.E.2d 757, 764, 2011 WL 5137777 (2011), “[one] who seeks equity must do equity.” Citing, *Provident Life & Accident Ins. Co. v. Driver*, 317 S.C. 471, 479, 451 S.E.2d 924, 929 (1994); *Ingram v. Kasey's Assocs.*, 340 S.C. 98, 107, 531 S.E.2d 287, 291 (2000).

52. In a court of equity, the conduct of the plaintiff must be scrutinized with the utmost care, to ascertain the Plaintiff has done everything which ought to have been done to secure the action requested.

53. The conduct of the Plaintiff shows the Plaintiff comes into this Court with unclean hands.

54. When providing an equitable remedy, the court may not ignore statutes, rules, and other precedent for this reason the Court followed the directives provided to it from the legislature following The Clementa C. Pinckney Uniform Partition of Heirs’ Property Act, S.C. Code Ann. § 15-61-310, et seq.

55. Equity considers as done that which should be done.

56. Equity delights to do justice, and that not by halves. *First Nat. Bank of Holly Hill v. Hair*, 200 S.C. 36, 20 S.E.2d 219, 225 (1942)

57. “Ouster” is the actual turning out or keeping excluded a party entitled to possession of any real property. *Grant v. Grant*, 288 S.C. 86, 340 S.E.2d 791 (Ct.App.1986) Actual ouster of a tenant in common by a cotenant in possession occurs when the possession is attended with such circumstances as to evince a claim of exclusive right and title and a denial of the right of the other tenants to participate in the profits. *Woods v. Bivens*, 292 S.C. 76, 354 S.E.2d 909 (1987); *Brevard v. Fortune*, 221 S.C. 117, 69 S.E.2d 355 (1952). The acts relied upon to establish an ouster must be of an unequivocal nature, and so distinctly hostile to the rights of the other cotenants that the intention to disseize is clear and unmistakable. *Felder [v. Fleming]*, 278 S.C. [327] at 330, 295 S.E.2d [640] at 642 [(1982)]. Only in rare, extreme cases will the ouster by one cotenant of other cotenants be implied from exclusive possession and dealings with the property, such as collection of rents and improvement of the property. *Id.*, 278 S.C. at 331, 295 S.E.2d at 642. Citing, *Freeman v. Freeman*, 323 S.C. 95, 99–100, 473 S.E.2d 467, 470 (Ct.App.1996). [*Fender v. Heirs at L. of Smashum*, 354 S.C. 504, 513, 581 S.E.2d 853, 858, 2003 WL 21000924 \(Ct. App. 2003\).](#)

58. “Ouster is presumed from possession only if it is continued for a period of twenty years. Title by ten years' adverse possession by a cotenant against another may be acquired only after actual ouster of which the latter has notice, or should have in the exercise of a reasonable diligence and vigilance.” Citing, *Watson v. Little*, 224 S.C. 359, 364, 79 S.E.2d 384, 387 (1953). Id.

59. The court of common pleas may fix attorneys' fees in all partition proceedings and, as may be equitable, assess such fees against any or all of the parties in interest. S.C. Code Ann. § 15-61-110. Defendant Judy a. Bloodworth must petition this Court for an award of attorney's fees and costs within ten (10) days of the entry of this Order or it shall be deemed she waives the fees and costs forever. NOW, THEREFORE, IT IS

60. ORDERED, ADJUDGED AND DECREED that Plaintiff Vanessa Marie Frierson and Judy A. Bloodworth hold fee simple marketable title in the Property as tenants in common subject to the paramount right of partition. FURTHER, IT IS

61. ORDERED, ADJUDGED AND DECREED that Defendant Judy A. Bloodworth shall be allotted all of the interest in the Property to the exclusion of the Plaintiff Vanessa Marie Frierson. FURTHER, IT IS

62. ORDERED, ADJUDGED AND DECREED that this Court shall issue a Master's Deed conveying all right, title, and interest in and to the Property, even which that lawfully vested in Vanessa Marie Frierson immediately upon the death of her father, Junior Ash White, to Judy A. Bloodworth. FURTHER, IT IS

63. ORDERED, ADJUDGED AND DECREED that all right, title and interest of the Plaintiff Vanessa Marie Frierson in the Property shall be, and his hereafter, deemed void and of no force and effect.

64. IT IS SO ORDERED!

Signature of the Master in Equity follows:



Dorchester Common Pleas

Case Caption: Vanessa Marie Frierson VS Judy A Bloodworth , defendant, et al

Case Number: 2018CP1801251

Type: Master/Order/Other

So Ordered

s/James E. Chellis, Master in Equity, SCJD#3078

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

Vanessa Marie Frierson,

Plaintiff,

-VS-

Judy A. Bloodworth, as sole beneficiary and as personal representative of the Estate of Jean Garris White, Debra Morse, Jackie McCoy, Christina Fightmaster, and John Doe and Mary Roe, fictitious names which represent any unknown heirs at law, devisees, widowers, executors, administrators, personal representatives, creditors, successors and assigns, firms or corporations of Jean Garris White (deceased, Junior Arch White (deceased, and any other unknown persons claiming any right, title, estate, or lien upon the real estate, which is the subject of this action,

Defendants.

IN THE COURT OF COMMON PLEAS

FOR THE FIRST JUDICIAL COURT

(In The Equity Division)

CASE NO: 2018CP1801251

ORDER
(GRANTING IN PART AND DENYING IN PART
LAINTIFF'S MOTION TO RECONSIDER, ALTER
OR AMEND)

After careful consideration, this Court grants in part Plaintiff's Motion to Reconsider, Alter or Amend, and denies in part Plaintiff's Motion to Reconsider, Alter or Amend, dated February 15, 2024.

1. Paragraph 1 is denied.
2. Paragraph 2 is granted.
3. Paragraph 3 is granted.
4. Paragraph 4 is denied.
5. Paragraph 5 is denied.
6. Paragraph 6 is denied.
7. Paragraph 7 is denied.

8. Paragraph 8 is denied.
9. Paragraph 9 is denied.
10. Paragraph 10 is denied.
11. Paragraph 11 is denied.
12. Paragraph 12 is denied.
13. Paragraph 13 is denied.
14. Paragraph 14 is denied.
15. Paragraph 15 is denied.
16. Paragraph 16 is denied.
17. Paragraph 17 is denied.
18. Paragraph 18 is denied.
19. Paragraph 19 is denied.
20. Paragraph 20 is denied.
21. Paragraph 21 is denied.
22. Paragraph 22 is denied.
23. Paragraph 23 is denied.

SO ORDERED!

Electronic Signature of the Master in Equity for Dorchester County follows



Dorchester Common Pleas

Case Caption: Vanessa Marie Frierson VS Judy A Bloodworth , defendant, et al

Case Number: 2018CP1801251

Type: Order/Other

So Ordered

s/James E. Chellis, Master in Equity, SCJD#3078

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	FIRST JUDICIAL CIRCUIT
	)	CASE NO. _____
Vanessa Marie Frierson,	)	
	)	
Plaintiff,	)	SUMMONS
	)	(Quiet Title Action, Partition)
-vs-	)	
	)	
Judy A. Bloodworth, as sole beneficiary	)	
and as personal representative of the Estate	)	
of Jean Garris White, Debra Morse, Jackie	)	
McCoy, Christina Fightmaster, and John	)	
Doe and Mary Roe, fictitious names which	)	
represent any unknown heirs at law,	)	
devisees, widowers, executors,	)	
administrators, personal representatives,	)	
creditors, successors and assigns, firms or	)	
corporations of Jean Garris White	)	
(deceased), Junior Arch White (deceased),	)	
and any other unknown persons claiming	)	
any right, title, estate, or lien upon the real	)	
estate which is the subject of this action,	)	
	)	
Defendants.	)	
_____	)	

TO THE DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint, herein, a copy of which is hereby served upon you, and to serve a copy of your Answer to said Complaint upon the undersigned subscriber, at the address shown below, within thirty (30) days of the service hereof, exclusive of the day of such service.

YOU ARE HEREBY GIVEN FURTHER NOTICE that, if you fail to appear and defend and fail to answer the Complaint as required by this Summons within thirty (30) days after the service hereof, judgment by default will be rendered against you for the relief demanded in the Complaint.

s/ Timothy J. Vitollo

Timothy J. Vitollo, Esq.; SCB# 76170

VITOLLO LAW FIRM, LLC

44 Markfield Dr., Ste. E (PO Box 42282)

Charleston, SC 29407 (N. Charleston, SC 29423)

T: 843-371-7264

F: 854-444-2931

E: tim@vitollolawfirm.com

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	FIRST JUDICIAL CIRCUIT
	)	CASE NO. _____
Vanessa Marie Frierson,	)	
	)	
Plaintiff,	)	COMPLAINT
	)	(Quiet Title Action, Partition)
-vs-	)	
	)	
Judy A. Bloodworth, as sole beneficiary	)	
and as personal representative of the Estate	)	
of Jean Garris White, Debra Morse, Jackie	)	
McCoy, Christina Fightmaster, and John	)	
Doe and Mary Roe, fictitious names which	)	
represent any unknown heirs at law,	)	
devisees, widowers, executors,	)	
administrators, personal representatives,	)	
creditors, successors and assigns, firms or	)	
corporations of Jean Garris White	)	
(deceased), Junior Arch White (deceased),	)	
and any other unknown persons claiming	)	
any right, title, estate, or lien upon the real	)	
estate which is the subject of this action,	)	
	)	
Defendants.	)	
_____	)	

The Plaintiff, by and through her undersigned attorney, will respectfully show unto the Honorable Court that:

1. The Plaintiff brings this action seeking to quiet title to the real property that is the subject of this action, to determine the heirs and successors of one or more of the title holders who are deceased, and to partition the real property.
2. The Plaintiff is a citizen and resident of Dorchester County, South Carolina.
3. The Defendant Jean Garris White died on January 19, 2015, as a resident of Dorchester County, South Carolina, and the Defendant Judy A. Bloodworth was appointed as personal representative of the estate of Jean Garris White on or about March 6, 2015.

4. During her lifetime, the Defendant Jean Garris White was also known as Jean G. White.

5. The probate estate of Jean Garris White is being administered in the Dorchester County, South Carolina Probate Court as Case No. 2015-ES-18-00146, and the Defendant Judy A. Bloodworth is the sole beneficiary of the estate of Jean Garris White, pursuant to the Last Will and Testament of Jean Garris White dated June 4, 2012.

6. Upon information and belief, the heirs at law of Jean Garris White are Defendants Debra Morse, Jackie McCoy, Christina Fightmaster, and Judy A. Bloodworth, who was formerly known as Judy A. Dominguez.

7. Upon information and belief, Defendants Debra Morse, Jackie McCoy, and Judy A. Bloodworth are the surviving children of Jean Garris White.

8. Judy A. Bloodworth is a resident of Dorchester County, South Carolina.

9. Upon information and belief, Defendant Debra Morse is a resident of the state of Florida.

10. Upon information and belief, Jackie McCoy is a resident of Lancaster County, South Carolina.

11. Upon information and belief, Christina Fightmaster is a resident of the state of Kentucky.

12. Upon information and belief, Jean Garris White has two children that predeceased her, namely Dale Larimer and Jimmy Garris.

13. Upon information and belief, Dale Larimer died without any surviving issue.

14. Upon information and belief, Defendant Christina Fightmaster is the only surviving issue of Jimmy Garris.

15. More than one year has passed since the date of death of Jean Garris White and the informal probate of her Last Will and Testament, and there are no unresolved creditor claims and no known biological heirs of Jean Garris White that have initiated a proceeding to contest the validity of her Last Will and Testament.

16. The Defendant Junior Arch White died on July 18, 1992, as a resident of Hampshire County, West Virginia. It has been more than ten (10) years since the death of Junior Arch White, and upon information and belief, no probate estates have been opened within the state of South Carolina or outside of the state.

17. On June 21, 2012, a Petition to Determine Heirs was filed in the Dorchester County, South Carolina Probate Court as Case Number 2012-ES-18-00320, asking the Court to determine the heirs of Junior Arch White, and an Order Establishing Heirs was entered in the aforesaid case on September 21, 2012. That Court Order establishing the heirs of Junior Arch White was set aside by the final order entered by the Dorchester County Probate Court on September 5, 2017 under the same case number.

18. The Plaintiff is unaware of the whereabouts or identities of any persons herein above-referenced as "John Doe" or "Mary Roe," and are uncertain as to whether these Defendants are living or deceased.

19. The real property that is the subject of this action is located in Dorchester County, South Carolina, and is therefore within the jurisdiction of this Honorable Court, and is described as follows:

ALL that lot, piece or parcel of land situate, lying and being in the Town of Summerville, County of Dorchester, State of South Carolina, known and designated as Lot No. 19, Challedon Subdivision, Section 2, as shown on a plat made by William A. Whitworth, Reg. Land Surveyor, dated August, 1969, and recorded in the Clerk of Court's Office for Dorchester County in Plat Book 17, Page 221; said lot having such size, shape, dimensions, buttings and boundings as will by reference to said plat more fully appear.

BEING the same property conveyed to Junior A. White and Jean G. White, by deed of George Romney, Secretary of Housing and Urban Development, of Washington, D.C., acting by and through the Federal Housing Commissioner, such deed dated July 30, 1971, and recorded on September 11, 1971 in the Dorchester County, South Carolina ROD Office in Deed Book 188, at page 152.

COMMON ADDRESS: 249 Challedon Drive, Summerville, SC 29485

TMS Number: 137-12-06-012

The real property described above is hereafter referred to as “the Property.”

20. The Court has jurisdiction over this matter pursuant to S.C. Code Ann. § 15-53-10, *et seq.*, § 15-61-10, *et seq.*, and § 62-1-302(a)(1).

21. Dorchester County, South Carolina is the proper place to lay venue pursuant to SC Code Ann. § 15-7-10.

22. The action for partition contained herein is subject to the Clementa C. Pinckney Uniform Partition of Heirs’ Property Act, S.C. Code Ann. § 15-61-310, *et seq.*

23. This matter should be referred to the Master-in-Equity pursuant to Rule 53, SCRCF, to take testimony arising under the pleadings, to rule on any issues to come before the Court, and to make findings of fact and conclusions of law with the authority to enter final judgment with direct appeal to the South Carolina Court of Appeals or South Carolina Supreme Court.

FIRST CAUSE OF ACTION
(Declaratory Judgment)

24. The foregoing allegations are re-alleged as if fully set forth verbatim herein.

25. At the time of his death, Junior Arch White was the record title holder of a one-half (1/2) interest in the Property.

26. The Plaintiff, Vanessa Marie Frierson, formerly known as Vanessa Marie White, was born to Junior Arch White and Norma Grace Teter in the County of Randolph, State of West Virginia, in 1959.

27. Junior Arch White was not married at the time of his death, and the only living issue of Junior Arch White at the time of his death were the Plaintiff and her children.

28. The Plaintiff is the sole heir and successor as to the interest in the Property that was held by Junior Arch White.

29. The Estate of Jean Garris White who was also known as Jean G. White is the record title holder of a one-half (1/2) interest in the Property.

30. The Defendant Judy A. Bloodworth, who was formerly known as Judy A. Dominguez, is the sole heir and successor as to the interest in the Property that is title in the name of Jean G. White. Pursuant to the Last Will and Testament of Ms. White, which was admitted to probate on March 6 2015, Ms. White disinherited her other children and made Judy A. Bloodworth her sole beneficiary.

31. Upon information and belief, the Defendant Judy A. Bloodworth is the acting Personal Representative of the estate of Jean Garris White, and the estate is being administered in Dorchester County, South Carolina as Case Number 2015-ES-18-00146.

32. Upon information and belief, there has not been a deed of distribution or any other instrument issued to transfer the interest in the Property held by the estate of Jean Garris White.

33. The Plaintiff claims an interest in the Property as the sole heir and successor of the one-half (1/2) interest in said Property held by Junior Arch White, and is entitled to an Order of this Court issued pursuant to S.C. Code § 15-53-30 declaring that the Plaintiff is the holder of a one-half (1/2) interest in the Property that is the subject of this action. Further, Plaintiff

respectfully requests that this Honorable Court issue a Master's Deed conveying fee simple title to the Property to the Plaintiff and such other parties as the Court may determine to have an interest in the Property.

SECOND CAUSE OF ACTION
(Quiet Title)

34. The foregoing allegations are re-alleged as if fully set forth verbatim herein.

35. In the alternative to the foregoing relief requested, Plaintiff submits that the Plaintiff has a legitimate interest in the property and prays that the principles of equity be applied to grant to the Plaintiff an interest in the title to the Property and quiet title therein.

THIRD CAUSE OF ACTION
(Partition by Sale)

36. The foregoing allegations are re-alleged as if fully set forth verbatim herein.

37. Upon information and belief, the Plaintiff Vanessa Marie Frierson and the Defendant Judy A. Bloodworth each have an estate of inheritance in the Property.

38. Upon information and belief, Junior Arch White and Jean Garris White are the record title holders of the Property pursuant to the deed of George Romney, Secretary of Housing and Urban Development, of Washington, D.C., acting by and through the Federal Housing Commissioner, such deed dated July 30, 1971, and recorded on September 11, 1971 in the Dorchester County, South Carolina ROD Office in Deed Book 188, at page 152, vesting each with a one-half (1/2) interest in the Property.

39. Upon information and belief, the Plaintiff Vanessa Marie Frierson is the sole heir, successor and beneficiary of the Estate of Junior Arch White, vesting the Plaintiff with a one-half (1/2) interest in the Property in the nature of an estate of inheritance.

40. Upon information and belief, the Defendant Judy A. Bloodworth is the sole heir, successor and beneficiary of the Estate of Jean Garris White, vesting the aforesaid Defendant with a one-half (1/2) interest in the Property in the nature of an estate of inheritance.

41. The Property is heirs' property pursuant to S.C. Code Ann. § 15-61-320, *et seq.*, and in particular S.C. Code Ann. § 15-61-320(5)(c)(ii).

42. Upon information and belief, there are no liens or encumbrances upon the Property.

43. The prosecution of this partition action by the Plaintiff is for the common benefit of all parties, as there is animosity between the parties such that co-ownership of the Property would not be beneficial to the parties, and the Plaintiff has incurred and will continue to incur reasonable attorneys' fees in the prosecution of this action.

44. The issuing of a writ of partition in this action would involve unnecessary expense, and the Court should dispense with the issuing of a writ of partition.

45. If none of the Defendants are able to purchase the Property at fair market value, then neither a partition in kind nor by allotment can be fairly and impartially made without injury to the Plaintiff and the other parties hereto, nor would such methods of partition be practicable or expedient, and the Court should order an open-market sale of the Property and divide the proceeds according to the rights of the parties.

46. If none of the Defendants are able to purchase the Property at fair market value, then neither a partition in kind nor by allotment can be made without resulting in manifest prejudice and injury to the cotenants as a group, as the Property is a single family residential property that cannot be practicably divided and the improvements and the lot size are such that neither partition in kind nor by allotment could be made without the aggregate fair market value of the parcels being materially less than the value of the Property sold as a whole.

47. The Plaintiff hereby gives notice to Defendants that they have certain rights to purchase the Property pursuant to S.C. Code Ann. § 15-61-25 regardless as to whether default has been entered against such Defendants.

WHEREFORE, the Plaintiff prays for an Order of this Court:

- A. Declaring that the Plaintiff is an heir and distributee at law as to the Estate of the Junior Arch White and is the holder of a one-half (1/2) interest in the Property that is the subject of this action;
- B. Granting to the Plaintiff an interest in the title to the Property and quieting title therein;
- C. Allowing a partition by sale;
- D. Reimbursing the Plaintiff for costs, expenses and attorney's fees related to this action; and
- E. Granting the Plaintiff such other and further relief as this Court may deem just and proper.

Respectfully submitted,

s/ Timothy J. Vitollo

Timothy J. Vitollo, Esq.; SCB# 76170

VITOLLO LAW FIRM, LLC

44 Markfield Dr., Ste. E (PO Box 42282)

Charleston, SC 29407 (N. Charleston, SC 29423)

T: 843-371-7264

F: 854-444-2931

E: tim@vitollolawfirm.com

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	FIRST JUDICIAL CIRCUIT
	)	CASE NO.: 2018-CP-18-01251
Vanessa Marie Frierson,	)	
	)	
Plaintiff,	)	NOTICE OF MOTION and MOTION FOR
	)	SERVICE BY PUBLICATION IN THE
	)	SUMMERVILLE JOURNAL SCENE
-vs-	)	
	)	
Judy A. Bloodworth, as sole beneficiary	)	
and as personal representative of	)	
the Estate of Jean Garris White, and Junior	)	
Arch White (deceased), and John Doe and	)	
Mary Roe, fictitious names which represent	)	
any unknown heirs at law, devisees,	)	
widowers, executors, administrators,	)	
personal representatives, successors and	)	
assigns, firms or corporations of the	)	
defendants Jean Garris White (deceased),	)	
Junior Arch White (deceased), and any other	)	
unknown persons claiming any right, title,	)	
estate, or lien upon the real estate which is	)	
the subject of this action,	)	
	)	
Defendants.	)	
	)	

YOU WILL PLEASE TAKE NOTICE that THIS MOTION for Service by Publication is made by Timothy J. Vitollo, attorney for the Plaintiff, to serve Defendants Judy A. Bloodworth, Debra Morse, and John Doe and Mary Roe, fictitious names which represent any unknown heirs at law, devisees, widowers, executors, administrators, personal representatives, successors and assigns, firms or corporations of the defendants Jean Garris White (deceased), Junior Arch White (deceased) any other unknown persons claiming any right, title, estate, or lien upon the real estate which is the subject of this action described herein, including such as may be infants, incompetents, or under any other disability including the Servicemembers Civil Relief Act, by publication in the Summerville Journal Scene. You are hereby notified to govern yourself accordingly.

Pursuant to S.C. Code of Laws § 15-9-710, the Plaintiff hereby moves for an Order permitting service of the Summons and Complaint against the Defendant Judy A. Bloodworth, as the Defendant has resided at 249 Challedon Drive, Summerville, SC 29485 for a substantial period of time and a civil process server made five unsuccessful attempts to serve the aforesaid Defendant at said address, and attorney for the Plaintiff contacted the attorney of record for the aforesaid Defendant in regards to the probate of the estate of Jean Garris White and emailed a file stamped copy of the Summons and Complaint, and the aforesaid attorney did not respond to accept service; upon information and belief, the Defendant has concealed herself within the state in an attempt to avoid service of process.

Pursuant to S.C. Code of Laws § 15-9-710, the Plaintiff hereby moves for an Order permitting service of the Summons and Complaint against the Defendant Debra Morse, as the Plaintiff performed a background check through LexisNexis and paid a private process server to undertake a search to locate the address of the aforesaid Defendant, and the aforesaid server was unable to serve the aforesaid Defendant at the address determined by both to be the most likely address of the aforesaid Defendant; the subject of the action is real property within the state and the relief demanded in the above action consists wholly or partly in excluding the aforesaid Defendant from any interest or lien therein.

Pursuant to S.C. Code of Laws § 15-9-720, the Plaintiff hereby moves for an Order permitting service of the Summons and Complaint against the above-named Defendants by publication of the same in The Summerville Journal Scene, a newspaper of general circulation in Dorchester County, South Carolina the County where the property is situated.

The above-named Plaintiff has an interest in the real property that is the subject of this action to quiet the property's title, and seeks to serve the Summons and Complaint on the unknown parties to this action. The Plaintiff is unable to ascertain the identity of any unknown parties and therefore cannot, even after making a reasonably diligent effort, ascertain the residence of such parties.

AFFIDAVIT / CERTIFICATION

The undersigned, on behalf of the Plaintiff, hereby swears and affirms that the above information is true and correct to the best of the knowledge and belief of the undersigned.

Respectfully submitted by,

VITOLLO LAW FIRM, LLC



Tara M. Edwards-Vitollo, Esq.

Post Office Box 42282

North Charleston, SC 29423

843-371-7264

tara@vitollolawfirm.com

Attorney(s) for the Plaintiff.

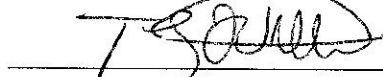
North Charleston, South Carolina

August 6, 2019

STATE OF SOUTH CAROLINA)
DORCHESTER COUNTY)

Notary Acknowledgement

Subscribed and Sworn to before me by the Affiant on this 6 day of August, 2019.

 (Seal)

Print: Timothy J Vitollo

SC NOTARY PUBLIC

My Commission Expires: 10/2/2027

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	FIRST JUDICIAL CIRCUIT
	)	CASE NO.: 2018-CP-18-01251
Vanessa Marie Frierson,	)	(Referred to Master-in-Equity)
	)	
Plaintiff,	)	MOTION PURSUANT TO SC CODE
	)	OF LAWS SECTIONS 15-61-330 & -340
-vs-	)	
	)	
Judy A. Bloodworth, as sole beneficiary	)	
and as personal representative of the Estate	)	
of Jean Garris White, Debra Morse, Jackie	)	
McCoy, Christina Fightmaster, and John	)	
Doe and Mary Roe, fictitious names which	)	
represent any unknown heirs at law,	)	
devisees, widowers, executors,	)	
administrators, personal representatives,	)	
creditors, successors and assigns, firms or	)	
corporations of Jean Garris White	)	
(deceased), Junior Arch White (deceased),	)	
and any other unknown persons claiming	)	
any right, title, estate, or lien upon the real	)	
estate which is the subject of this action,	)	
	)	
Defendants.	)	
	)	

The Plaintiff, by and through the undersigned counsel, moves this Court for an Order, pursuant to S.C. Code of Laws Sections 15-61-330 and 15-61-340, determining whether the property that is the subject of this action is heirs' property, and alleges as follows:

1. The Plaintiff has filed this action seeking to quiet title and partition the real property with a common address of 249 Challedon Drive, Summerville, SC 29485.
2. The Defendant Junior Arch White died on July 18, 1992, and at the time of his death, Junior Arch White was the record title holder of a one-half (1/2) interest in the Property and Jean G. White was the record title holder of the remaining one-half (1/2) interest in the Property.

3. The Plaintiff Vanessa Marie Frierson claims that she is the sole heir of Junior Arch White and the sole successor to the interest he held in the subject Property.

4. The Defendant Jean Garris White who was also known as Jean G. White died on January 19, 2015, and Defendant Judy A. Bloodworth is the sole beneficiary named by Jean Garris White in her Last Will and Testament admitted to probate on March 6, 2015.

5. Upon information and belief, Judy A. Bloodworth is the sole successor to the interest that Jean Garris White held in the subject Property.

6. Upon information and belief, Plaintiff Vanessa Marie Frierson and Defendant Judy A. Bloodworth each are entitled to a one-half (1/2) interest in the subject Property and each acquired an interest in the title to the subject Property from a relative.

7. If the allegations contained in the Plaintiff's Complaint are correct, then the Property is heirs' property, pursuant to S.C. Code of Laws Section 15-61-320(5).

WHEREFORE, pursuant to S.C. Code of Laws Sections 15-61-330 and 15-61-340, the Plaintiff hereby moves this Court for an Order of this Court determining whether the subject Property is heirs' property such that the action would be subject to the provisions of the Clementa C. Pinckney Uniform Partition of Heirs' Property Act, codified at S.C. Code of Laws Section 15-61-310, *et. seq.*

Respectfully submitted by,

s/ Tara M. Edwards-Vitollo

Tara M. Edwards-Vitollo, Esq.; SCB# 101189

VITOLLO LAW FIRM

Post Office Box 2524

Lexington, SC 29071

(843) 530-5745

tara@vitollolawfirm.com

Attorney(s) for the Plaintiff.

February 6, 2020
Lexington, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	FIRST JUDICIAL CIRCUIT
	)	CASE NO.: 2018-CP-18-01251
Vanessa Marie Frierson,	)	(Referred to Master-in-Equity)
	)	
Plaintiff,	)	MOTION FOR DETERMINATION OF
	)	VALUE AND FOR DEFAULT JUDGMENT
-vs-	)	
	)	
Judy A. Bloodworth, as sole beneficiary	)	
and as personal representative of the Estate	)	
of Jean Garris White, Debra Morse, Jackie	)	
McCoy, Christina Fightmaster, and John	)	
Doe and Mary Roe, fictitious names which	)	
represent any unknown heirs at law,	)	
devisees, widowers, executors,	)	
administrators, personal representatives,	)	
creditors, successors and assigns, firms or	)	
corporations of Jean Garris White	)	
(deceased), Junior Arch White (deceased),	)	
and any other unknown persons claiming	)	
any right, title, estate, or lien upon the real	)	
estate which is the subject of this action,	)	
	)	
Defendants.	)	
	)	

The Plaintiff, by and through the undersigned counsel, moves this Court for an Order determining the fair market value of the property pursuant to S.C. Code of Laws Section 15-61-360 and for an Order judging certain Defendants to be in default pursuant to SCRCP Rules 12 and 55, and alleges as follows:

1. The Plaintiff has filed this action seeking to quiet title and partition the real property with a common address of 249 Challedon Drive, Summerville, SC 29485.
2. The Court has made a determination that the subject property is heirs' property, and pursuant to S.C. Code of Laws Section 15-61-360, the Court is required to determine the fair market value of the property.

3. The Lis Pendens, Summons and Complaint were served on the Defendant Jackie McCoy on April 8, 2019 as evidenced by the Affidavit of Service filed with this Court on May 22, 2019.

4. The Lis Pendens, Summons and Complaint were served on the Defendant Christina Fightmaster on April 11, 2019 as evidence by the Affidavit of Service filed with this Court on May 22, 2019.

5. The Defendants Judy A. Bloodworth and Debra Morse were served with the Summons and Complaint by publication, as evidenced by the Order of Publication issued by this Court on August 9, 2019 and the Affidavit of Publication filed with this Court on September 10, 2020; the last date of such publication being July 22, 2020.

6. The Lis Pendens, Summons and Complaint were mailed by first class mail to the last known residence addresses of the Defendants Judy A. Bloodworth and Debra Morse on March 17, 2021.

7. More than thirty (30) days have elapsed since the date of such service, and the Defendants Jackie McCoy, Christina Fightmaster, Judy A. Bloodworth and Debra Morse have failed to answer, appear or otherwise plead in this case and said Defendants are now in default.

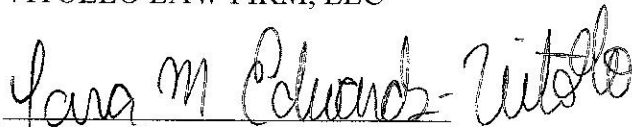
WHEREFORE, pursuant to S.C. Code of Laws Section 15-61-360 and SCRCR Rules 12 and 55, Plaintiff hereby moves this Court for an Order of this Court determining the fair market value of the property by way of an appraisal or evidentiary hearing as the Court deems appropriate, and an Order adjudging the Defendants Jackie McCoy, Christina Fightmaster, Judy A. Bloodworth and Debra Morse to be in default.

AFFIDAVIT / CERTIFICATION

The undersigned, on behalf of the Plaintiff, hereby swears and affirms that the above information is true and correct to the best of the knowledge and belief of the undersigned.

Respectfully submitted by,

VITOLLO LAW FIRM, LLC



Tara M. Edwards-Vitollo, Esq.; SCB# 101189

VITOLLO LAW FIRM

Post Office Box 2524

Lexington, SC 29071

(843) 530-5745

tara@vitollolawfirm.com

Attorney(s) for the Plaintiff.

Lexington, South Carolina

September 25, 2021

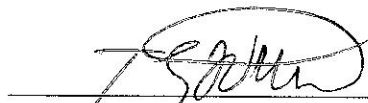
STATE OF SOUTH CAROLINA
LEXINGTON COUNTY

)

)

Notary Acknowledgement

Subscribed and Sworn to before me by the Affiant on this 25 day of September 25, 2021.

 (Seal)

Print: Timothy J. Vitollo

SC NOTARY PUBLIC

My Commission Expires: 10/2/2027

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

) IN THE COURT OF COMMON PLEAS
) FIRST JUDICIAL CIRCUIT
)
CASE No. 2018-CP-18-01251

Vanessa Marie Frierson,

Plaintiff,

vs.

Judy A. Bloodworth, as sole beneficiary and
as personal representative of the Estate of Jean
Garris White, Debra Morse, Jackie McCoy,
Christina Fightmaster, and John Doe and
Mary Roe, fictitious names which represent
any unknown heirs at law, devisees,
widowers, executors, administrators, personal
representatives, creditors, successors and
assigns, firms or corporations of Jean Garris
White (deceased), Junior Arch White
(deceased), and any other unknown persons
claiming any right, title, estate, or lien upon
the real estate which is the subject of this
action.

Defendants.

ANSWER

Defendant, Judy Bloodworth, by and through her undersigned attorney, answering the
Complaint of the Plaintiff, based on knowledge as to her own actions and on information and belief
as to all other matters, states as follows:

FOR A FIRST DEFENSE

1. Each and every allegation that is not specifically admitted, denied, modified or
qualified is expressly and generally denied, and Respondent requires strict proof thereof.

2. Paragraph 1 requires no response.

3. Defendant is without information sufficient to admit or deny the allegations
Paragraph 2.

4. Paragraphs 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 are admitted.

5. Defendant is without information sufficient to admit or deny the allegations Paragraph 18.

6. Paragraphs 19, 20, 21, 22, and 23 are admitted.

7. The preceding paragraphs are realleged in response to Paragraph 24.

8. Paragraph 25 is admitted.

9. Defendant admits so much of Paragraphs 26 and 27 to the extent such findings and conclusions are consistent with the September 4, 2017 final order of the Dorchester County Probate Court.

10. Defendant is without information sufficient to admit or deny the allegations Paragraph 28.

11. Defendant admits so much of Paragraph 29 that the Estate of Jean Garris White was the record title holder of a one-half (1/2) interest in the Property at the time the within action was initiated, and would aver that Judy A. Bloodworth now holds such interests.

12. Paragraph 30 is admitted.

13. Defendant admits so much of Paragraph 31 that Judy A. Bloodworth was the acting Personal Representative of the Estate of Jean Garris White at the time of the within action was initiated, and would aver that the Estate has since been fully administered and closed.

14. A deed of distribution from the Estate of Jean Garris White to Judy A. Bloodworth was issued subsequent to the initiation of this action, thus the allegations of Paragraph 32 are denied.

15. Defendant is without information sufficient to admit or deny the allegations of Paragraph 33, and would therefore deny the same and require strict proof as to the relief sought by Plaintiff.

16. The preceding paragraphs are realleged in response to Paragraph 34.

17. Defendant is without information sufficient to admit or deny the allegations of Paragraph 35, and would therefore deny the same and require strict proof as to the relief sought by Plaintiff.

18. The preceding paragraphs are realleged in response to Paragraph 36.

19. Defendant admits so much of Paragraph 37 that Defendant has an interest in the Property.

20. Defendant admits so much of Paragraph 38 that the deed referenced therein was the deed which initially vested interests in Junior Arch White and Jean Garris White.

21. Defendant is without information sufficient to admit or deny the allegations of Paragraph 39, and would therefore deny the same and require strict proof as to the relief sought by Plaintiff.

22. Paragraphs 40, 41, and 42 is admitted.

23. To the extent Paragraph 43 alleges that partition may be the only remedy available to the parties, Defendant admits the same, but all other averments and allegations are denied.

24. Paragraph 44 is admitted.

25. To the extent the allegations of Paragraph 45, 46, and 47 contain allegations, statements of law, or averments that are contrary to the laws, procedures, standards, and burdens directed by Chapter 61, Title 15, South Carolina Code of Laws, the same are denied.

FOR A SECOND AND AFFIRMATIVE DEFENSE

26. Some or all of Plaintiff's claims may be barred by the doctrines of res judicata, waiver, or estoppel.

FOR A THIRD AND AFFIRMATIVE DEFENSE

27. Defendant specifically reserves and does not waive any additional or further defenses as may be revealed by additional information gleaned in discovery or otherwise.

WHEREFORE, having answered the Complaint, Defendant prays for an Order of this Court dismissing Defendant's Complaint, or in the alternative, directing partition of the Property by allotment subject to the protections of the law and granting unto the Defendant all just credits and offsets to which she may be entitled, or in the alternative by public sale with disbursement of net proceeds in accordance with law and granting unto the Defendant all just credits and offsets to which she may be entitled, and for such other relief as the Court may deem just equitable.

s/ Andrew T. Shepherd
Andrew T. Shepherd, Esquire
Shepherd Law Firm, LLC
204 Brighton Park Blvd., Suite B
Summerville, SC 29486
(843) 900-3575
S.C. Bar No.: 76859
andrew@sheplawfirm.com
Attorney for Judy A. Bloodworth

February 23, 2022

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	FIRST JUDICIAL CIRCUIT
	)	CASE NO.: 2018-CP-18-01251
Vanessa Marie Frierson,	)	(Referred to Master-in-Equity)
	)	
Plaintiff,	)	
	)	
-vs-	)	
	)	
Judy A. Bloodworth, as sole beneficiary	)	
and as personal representative of the Estate	)	
of Jean Garris White, Debra Morse, Jackie	)	
McCoy, Christina Fightmaster, and John	)	
Doe and Mary Roe, fictitious names which	)	
represent any unknown heirs at law,	)	
devisees, widowers, executors,	)	
administrators, personal representatives,	)	
creditors, successors and assigns, firms or	)	
corporations of Jean Garris White	)	
(deceased), Junior Arch White (deceased),	)	
and any other unknown persons claiming	)	
any right, title, estate, or lien upon the real	)	
estate which is the subject of this action,	)	
	)	
Defendants.	)	
	)	

PLAINTIFF'S MOTION TO RECONSIDER, ALTER OR AMEND

The Plaintiff, by and through the undersigned counsel, hereby moves this Honorable Court to reconsider, alter or amend its ruling entered on February 5, 2024, pursuant to SCRCR R. 59. In support thereof, the Plaintiff states as follows and moves this Court to reconsider, alter and/or amend its ruling in the following respects:

1. Within the aforesaid Order, the Court finds that "Each party, however, amended their respective pleadings at trial, asking for alternative relief [page 3]." The Plaintiff asks the Court to alter or amend its ruling to find that the Plaintiff requested the Court to order rents and profits, bottomed on ouster, in addition to the other relief specifically requested in Plaintiff's

Complaint, as opposed to requesting rents and profits as alternative relief. On page 10 of Plaintiff's summons and complaint, the relief requested by the Plaintiff includes a request for "such other and further relief as this Court may deem just and proper." The Plaintiff's request for rents and profits was intended to more specifically delineate the "other and further relief" requested by the Plaintiff.

2. The Plaintiff asks the Court to alter or amend its ruling and find that Archie Roy White (not Archie Ray White) died as an infant and predeceased his father, Junior Arch White.

3. The Plaintiff asks the Court to alter or amend its ruling and find that Junior Arch White procured an Order granting a divorce from Jean Garris White on or about May 2, 1989 (as opposed to May 8, 1989).

4. Within the aforesaid Order, the Court finds that "The current value of the home based on the CMA is \$163,333 [page 8]." The Plaintiff asks the Court to alter or amend its ruling to find that the current value of the home based on the most recent CMA prepared on July 26, 2023 is \$175,750, as shown in Plaintiff's exhibit 20.

5. The Plaintiff asks the Court to alter or amend its ruling to the extent that the Court ruled that S.C. Code Ann. § 15-61-390 is applicable to this case. Pursuant to S.C. Code Ann. § 15-61-380(A):

If all the interests of the cotenants that requested partition by sale are not purchased by other cotenants pursuant to Section 15-61-370 or if, after conclusion of the buyout pursuant to Section 15-61-370, a cotenant remains that has requested a partition in kind or a partition by allotment, the court shall order a partition in kind or a partition by allotment, unless the court, after consideration of the factors listed in Section 15-61-390, finds that partition in kind or partition by allotment may result in manifest prejudice or manifest injury to the cotenants as a group [emphasis added].

The Defendant Judy A. Bloodworth, who is a cotenant that has requested partition by allotment, has not yet been granted the opportunity to buyout the interest of the Plaintiff Vanessa Frierson who requested a partition by sale. If Defendant is granted the opportunity to buyout the Plaintiff's

interest, and the Defendant concludes such a buyout, the matter of Partition would be resolved and there would be no need to take into consideration the factors listed in Section 15-61-390.

6. The Plaintiff asks the Court to alter or amend its ruling that finds that “a Court ordered sale would do manifest prejudice to and manifest injury to the Defendant Bloodworth [page 8].” Plaintiff would respectfully submit to the Court that such an inquiry is irrelevant in that Section 15-61-390 is not applicable to this case and that even if Section 15-61-390 was applicable, the relevant inquiry would be whether partition in kind or partition by allotment may result in manifest prejudice or manifest injury to the cotenants as a group. To the extent that such an inquiry is relevant, Plaintiff would submit that a partition by sale would not do manifest prejudice or injury to the Defendant in that a partition by sale would provide the Defendant- who is presently a cotenant of the Property where the Defendant resides- with the opportunity to buyout the Plaintiff’s interest so that the Defendant could become the sole owner of the Property that is the Defendant’s primary residence. Plaintiff would submit that providing the Defendant with the opportunity to buyout the Plaintiff’s interest would protect the interests of both parties and likewise be in the best interests of both the Plaintiff and the Defendant.

7. The Plaintiff asks the Court to alter or amend its ruling to the extent that the Court finds that the evidence “supports a finding that Defendant Judy A. Bloodworth has been in possession of the property all her life [pg. 9].” Plaintiff would submit that the record reflects that for most of the period following the death of Junior Arch White and continuing to the death of Jean Garris White, the Defendant resided at the Property as a guest with the permission of Jean Garris White who also resided at the Property and was vested with a one-half interest in the Property by way of deed.

8. The Plaintiff asks the Court to alter or amend its finding that “the Plaintiff testified she did not know her father had a real property interest in the Property until after Jean M. White died [page 9].” Plaintiff would respectfully submit that, at trial, the Plaintiff testified as follows:

Q [Andrew T. Shepherd]: And my understanding from our last trial, you knew that Junior and Jean owned that home that they lived in on Challedon?

A [Plaintiff]: Yes.

9. The Plaintiff asks the Court to alter or amend its finding that “Plaintiff did not act on her lawyer’s advice [pg. 9].” Plaintiff would respectfully submit that the communications between Plaintiff and the attorney she consulted with in regards to her father’s death are protected by the attorney client privilege, and there is not sufficient evidence on the record to discern what advice she received. When Defendant’s attorney asked Plaintiff, “Did you follow through with that?”, the Plaintiff’s response included an indication that “there wasn’t nothing I could do.” Transcr. page 68, para. 22 through Transcr. page 69, para. 10. Plaintiff respectfully submits that the record does not contain sufficient evidence to support a finding as to the issues discussed or advice provided by the attorney, other than a finding that the Plaintiff concluded that there was not anything that she could do to obtain a recovery based upon an alleged wrongful death of her father, and that the Plaintiff consulted with an attorney regarding a possible wrong death prior to forming this conclusion. Further, Plaintiff would submit that a finding as to any issues discussed or advice provided, beyond the scope of the actual evidence contained in the record, would amount to an impermissible violation of the Plaintiff’s attorney-client privilege.

10. The Plaintiff asks the Court to alter or amend its finding that “the Plaintiff knew or should have known she would have had to marshal her father’s assets wherever they were [pg. 10]”, as Plaintiff would respectfully submit that this finding is formed by inferring the contents of the conversations and interactions between the Plaintiff and her prior attorney who provided a

consultation; Plaintiff would submit that there is not sufficient evidence on the record to support such inferences, and further that drawing such inferences as to the contents of the Plaintiff's consultation with her attorney would amount to a violation of the attorney-client privilege.

11. Plaintiff asks the Court to alter or amend its ruling to the extent that it finds that the filing of legal proceedings is comparable to demanding payment through unlawful threat of physical force. In its ruling, the Court states that "Plaintiff's interest in this Property, being economic through lawful process, is much like the proverbial gun to one's head making a demand for payment [pg. 10]." Plaintiff acquired an interest in the Property through inheritance from her father, and she has had minimal opportunity to benefit from the Property. The record reflects that, during this time, the Plaintiff resided at multiple addresses, moved frequently, and never held deeded title to real estate [transcript pages 46 to 48]. The only benefit from the Property that Plaintiff arguably received is the appreciation in the value of her equitable interest in the Property during the time in which the Defendant's mother, Jean Garris White, occupied the Property with the constructive permission of the Plaintiff. The Defendant's deceased mother, Jean Garris White was a named grantee on the deed to the Property completed in 1971. Assuming *arguendo* that the Plaintiff knowingly delayed pursuing a partition until after the death of Jean Garris White, Plaintiff would submit that there is nothing nefarious about the Plaintiff foregoing her right to pursue a Partition until after the death of one of the co-grantees. Defendant's ownership interest in the Property flowed through the ownership by her mother, Jean Garris White, and Plaintiff would submit that there is nothing nefarious about the Plaintiff perceiving the interest of Jean Garris White as being superior to the interest of the Defendant Judy A. Bloodworth.

12. Plaintiff asks the Court to alter or amend its finding that Plaintiff's requested relief would be counter to the interests of equity. In its Order, this Court indicates that:

Plaintiff's action contemplates a disposition of the Property, that, if allowed would be an absolutely destructive power against the Defendant's home, which she has built over a 30 year period, the last 8 of which have been under the distress of lawsuits. Plaintiff has a throttle held upon the peaceful existence of another human being. This does not commend itself to the favorable consideration of the court. Equity will not countenance such a stranglehold [pages 10-11].

The primary relief requested by the Plaintiff is a partition by sale, and Plaintiff's Complaint includes a notice to the Defendants that they "have certain rights to purchase the Property pursuant to S.C. Code Ann. § 15-61-25 [page 10, para. 47]." Plaintiff would submit that a partition by sale would not be an absolutely destructive power, and in contrast, would provide the Defendant the opportunity to buyout the Plaintiff's interest and thereby become the sole owner with clear title to the Property. Plaintiff would submit that the record reflects that for much of the time that Defendant has resided at the Property, Defendant resided rent free, with much of the costs for taxes, insurance and upkeep being borne by the Defendant's now deceased mother, Jean Garris White. Likewise, following the death of Junior Arch White, Jean Garris White has had the opportunity to reside at the Property free from interference by the Plaintiff- a co-owner under the law of inheritance- and without compensating the Plaintiff for the free access enjoyed by the decedent Jean Garris White. To the extent that title to the Property has been marred by lawsuits, the Defendant's deceased mother, Jean Garris White bears much culpability as a result of the fraudulent proceedings she perpetrated upon the probate court, proceedings that were attended by the Defendant Judy A. Bloodworth (see Plaintiff's exhibit 6). Plaintiff would submit that the legal proceedings initiated by the Plaintiff beginning in 2015 and 2016 have not been brought with "unclean hands", but rather have been necessary to undue the fraud perpetrated by the decedent Jean Garris White. The Defendant Judy A. Bloodworth's possession of the Property is marred by a cloud on title, such that the Plaintiff does not have a "throttle" upon the peaceful existence of the Plaintiff, but instead is seeking a disposition that would clear the cloud on title, allow the Plaintiff

to receive a benefit from the Property, and also provide the Defendant with the opportunity to become the sole owner of the Property. During closing arguments, both the Plaintiff and the Defendant requested that the Defendant be provided with the opportunity to buyout the Plaintiff's interest in the Property; the Plaintiff- through her attorney- requested this be done as a Partition by sale [page 222] and the Defendant- through her attorney- requested that this be done as a partition by allotment [page 237], but either method would substantively have the same result.

13. Plaintiff asks the Court to alter or amend its ruling that partitions the property by allotment, and proceed first by providing the Defendant with the opportunity to buyout the Plaintiff's interest in the Property. Plaintiff would submit that S.C. Code Ann. § 370 requires that a co-tenant who did not request partition by sale- such as the Defendant Judy A. Bloodworth- be granted to buyout the interest of any co-tenant who did request partition by sale- such as the Plaintiff- prior to proceeding with a partition by allotment pursuant to Code § 15-61-380.

14. Plaintiff asks the Court to alter or amend its ruling finding that a partition by allotment among the parties is practicable and expedient, as such a finding is premature because it is being made prior to the Defendant Judy A. Bloodworth having the opportunity to buyout the interest of the Plaintiff. Interests in property can have both sentimental value as a residence and monetary value as an asset. The Plaintiff and the Defendant are both equal one-half owners of the Property, and providing the Defendant with the opportunity to buyout the Plaintiff's interest would permit the Defendant to enjoy the sentimental value she attaches to the Property, while also permitting the Plaintiff to benefit from the monetary value she attaches to the Property. In addition, at trial, the Plaintiff requested that Plaintiff have the opportunity to buyout the Defendant if the Defendant did not desire or was not able to buyout the Plaintiff's interest, and Plaintiff would submit that Plaintiff's willingness to allow the Defendant to maintain possession of the Property

is primarily in consideration and deference to the desires of the Defendant, as opposed to a lack of appreciation for the fact that the Property could also be a good home for the Plaintiff.

15. The Plaintiff asks the Court to alter or amend its ruling that the Defendant Judy A. Bloodworth is entitled to an award of attorney's fees and statutory costs. Prior to the Plaintiff's initiation of litigation in the Court of Common Pleas, no party had clear title to the Property, and Plaintiff should not be punished for initiating proceedings as necessary to clear title to the Property and at least attempt to obtain some benefit from Plaintiff's interest in the Property. Plaintiff's only other option would appear to be to resort to self-help, and the fact that the Plaintiff chose to forego self-help and pursue a just disposition through legal process should be viewed favorably by the Court, and not as nefarious.

16. The Plaintiff asks the Court to alter or amend its ruling that the Plaintiff is not entitled to an accounting of rents (or rents and profits) as a result of the Defendant excluding the Plaintiff from the Property following the death of Jean Garriss White. On July 16, 2015, the Plaintiff filed a creditor's claim with the Dorchester County Probate Court in which the Plaintiff claimed an interest in the Property [Plaintiff's exhibit 14], and the Defendant responded by denying that the Plaintiff had any interest or right in the Property, including a denial that the Plaintiff was the biological child of Junior Arch White [see Plaintiff's exhibit 6]. The record reflects that the Defendant denied the Plaintiff's creditor's claim and ownership right to the Property, denied the Plaintiff's paternity, did not accept service of process, did not make an appearance until a substantial time after notice was published in a newspaper and a sign was placed on the Property where Defendant resided, did not provide the discovery required in the Court's first scheduling order, and failed to cooperate as necessary to provide real estate agent Chris Garcia with the opportunity to view the inside of the Property when completing the Court-ordered CMA. Plaintiff

would respectfully submit that the Defendant's actions were sufficient clear and unmistakable so as to amount to a constructive turning away as of the date that the creditor's claim was filed with the Dorchester County Probate Court, July 16, 2015.

17. Plaintiff asks the Court to alter or amend its finding that the only fair and just result would be all rights, title and interests in the Property being allotted to the Defendant Judy A. Bloodworth, as a more just result would be a partition that provided the Defendant to buyout the interest of the Plaintiff, and provided the Plaintiff with the same opportunity to buyout the Defendant if the Defendant was unwilling or able to buyout Plaintiff, and/or partitioned the Property by way of sale so that both cotenants could receive a benefit from the Property.

18. The Plaintiff asks the Court to alter or amend its finding that no manifest prejudice or manifest injury would result from an allotment of the entire fee simple estate to the Defendant Judy A. Bloodworth, at least to the extent that such allotment would occur without compensation to the Plaintiff, as such an allotment would result in the Plaintiff experiencing a forfeiture of her interest without compensation, and the Defendant receiving the entire interest in the Property by way of windfall without making the Plaintiff whole.

19. The Plaintiff asks the Court to alter or amend its ruling that terminates the Plaintiff's right, title and interest in the Property without buyout or financial consideration.

20. The Plaintiff asks the Court to alter or amend its ruling finding that the Plaintiff came into the Court with unclean hands, for such reasons as described above.

21. The Plaintiff asks the Court to reconsider whether the guardian *ad litem* should be paid reasonable costs and fees for the services provided by the guardian.

22. The Plaintiff asks the Court to reconsider whether the Court should grant a partition by sale as requested by the Plaintiff, with the Defendant having the opportunity to buyout the Plaintiff's interest.

23. The Plaintiff asks the Court to reconsider whether the Plaintiff is entitled to an award of attorney's fees and costs, either paid by the Defendant or from the Property, as the attorney's fees and costs were primarily and necessarily incurred to clear the cloud of title for the benefit of all co-owners of the Property, and the legal proceedings were pursued in good faith.

Respectfully submitted by,

s/ Tara M. Edwards-Vitollo

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February 15, 2024
Lexington, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	FOR THE FIRST JUDICIAL COURT
	)	CASE NO: 2018-CP-18-01251
Vanessa Marie Frierson,	)	(Referred to Master-in-Equity)
	)	
Plaintiff,	)	
	)	
-VS-	)	
	)	
Judy A. Bloodworth, as sole	)	
beneficiary and as personal	)	
representative of the Estate of	)	
Jean Garris White, Debra Morse,	)	
Jackie McCoy, Christina Fightmaster,	)	
and John Doe and Mary Roe,	)	
fictitious names which represent	)	
any unknown heirs at law, devisees,	)	
widowers, executors, administrators,	)	
personal representatives, creditors,	)	
successors and assigns, firms or	)	
corporations of Jean Garris White	)	
(deceased), Junior Arch White	)	
(deceased), and any other unknown	)	
persons claiming any right, title,	)	
estate, or lien upon the real estate	)	
which is the subject of this action,	)	
	)	
Defendants.	)	

HEARING BEFORE THE
HONORABLE JAMES E. CHELLIS
JANUARY 05, 2023 (DAY 1)
JULY 26, 2023 (DAY 2)

McCarn Court Reporting, Inc.
P.O. Box 778
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DAY 1

MR. SHEPHERD: Your Honor, this is the matter of Vanessa Marie Frierson versus Judy A. Bloodworth, as sole beneficiary and as personal representative of the Estate of Jean Garris White, Debra Morse, Jackie McCoy, Christina Fightmaster, and John Doe and Mary Roe, fictitious names which represent any unknown heirs at law, devisees, widowers, executors, administrators, personal representatives, creditors, successors and assigns, firms or corporations of Jean Garris White (deceased), Junior Arch White (deceased), and any other unknown persons claiming any right, title, estate, or lien upon the real estate which is the subject of this matter.

The case number is 2018-CP-18-01251. And I of course am representing Defendant Judy Bloodworth, who is seated to my left at counsel's table. Behind me on my side of the room, I have Mr. James Mark Bloodworth. He will be a witness and is the husband of Judy Bloodworth. And I also have Ms. Joyce Head who will be witness, and she is Ms. Bloodworth's niece.

MS. BLOODWORTH: Cousin.

MR. SHEPHERD: Cousin, excuse me. And she will be a potential witness on my side.

1 THE COURT: Mr. Vitollo?

2 MR. VITOLLO: Your Honor, I'm Tim Vitollo.

3 I'm representing the Plaintiff, Vanessa Frierson.

4 Here in court today, we have, basically the Plaintiff,
5 Vanessa Frierson, and then we have her husband, Scott
6 Frierson, we anticipate calling as a witness. We have
7 Charles Levitt is a family friend who we anticipate
8 calling as a witness; Yvonne Levitt, they're husband
9 and wife. We anticipate calling Yvonne as a witness,
10 and Dolly Shepherd, who is Vanessa's sister in law and
11 familiar family -- part of the family. We also intend
12 to -- anticipate calling as a witness.

13 THE COURT: Thank you very much. Anybody
14 else?

15 MR. LOW: Your Honor, I'm David Low, an
16 attorney. I'm here as Guardian ad Litem for unknowns.

17 THE COURT: Why don't you come up in front of
18 the bar so we know that your status is somewhat
19 elevated.

20 MR. LOW: Yes, sir, I can do that.

21 THE COURT: But at the same time, it's
22 somewhat dampered as a public citizen which lawyers
23 are. It's good to see you, Mr. Low. Thank you very
24 much. You can have a seat on wither side. Just pick
25 a chair.

1 MR. LOW: All right.

2 THE COURT: Let me finish the introductions,
3 because many of you may not know who I am. I am James
4 E. Chellis. I'm the Master-in-Equity for Dorchester
5 County. That means in essence this: That this case
6 has been referred to me by the circuit court. My
7 jurisdiction arises from the circuit court, and once
8 it's referred to me, I have the powers and -- I have
9 all the powers that a circuit court judge would have
10 in hearing this case. So I am the judge of the equity
11 division of the circuit court, which is the civil side
12 of the general court, court's general jurisdiction in
13 this county.

14 I would like to say that I appreciate
15 everyone being here and look forward to hearing this
16 case. And so at this point I'll turn it over to Mr.
17 Vitollo and -- am I pronouncing -- pronounce your name
18 for me. Am I correct?

19 MR. VITOLLO: You are, yeah, you got it
20 right.

21 THE COURT: Okay. Great. So, Mr. Vitollo,
22 it's your case, I'll be glad to hear from you.

23 MR. VITOLLO: Okay.

24 THE COURT: If each of you want to make a --
25 we'll do it a couple of different ways. You can give

1 me a short, brief, non-controverted statement of what
2 the facts are about or you can just launch and we'll
3 go forward, whatever you want to do.

4 MR. SHEPHERD: Your Honor, if it's okay with
5 you, just for a procedural matter, I've spoken with
6 Mr. Vitollo about this, he did submit to the Court,
7 I'm not sure if you saw it, a memorandum regarding an
8 accounting of rents, and within that, did raise an
9 issue of ouster in support of that argument. With
10 regards to that, since that was raised, I would like
11 to amend my answer to raise an affirmative defense of
12 possession. And of course, we can always amend to
13 conform the pleadings to the evidence once we've
14 presented it, but just as a matter and course of an
15 abundance of caution, just to assert that additional
16 affirmative defence of possession under the statute of
17 20 year presumption.

18 THE COURT: Thank you. Do you have an
19 objection to that, Mr. Vitollo?

20 MR. VITOLLO: I have no objection to his
21 request to admit.

22 THE COURT: So I'm going to go ahead and
23 allow the amendment to the pleadings in court.

24 MR. SHEPHERD: Thank you.

25 THE COURT: Mr. Shepherd, I don't know if

1 procedurally you need to renew that motion at the time
2 that he puts that particular evidence before me. Just
3 to cover our bases, I'm going to ask that you do renew
4 your motion.

5 MR. SHEPHERD: Yes, sir.

6 THE COURT: And then, Mr. Vitollo, if for
7 some reason he oversees that, just to preserve the
8 record, let's make sure that that amendment is
9 preserved and your consent to it is preserved, as
10 well.

11 MR. VITOLLO: Yes, Your Honor.

12 THE COURT: All right. I did, by the way,
13 receive an e-mail yesterday. Let me just look at
14 this, hold on a second. Or the day before yesterday
15 about this memorandum. I did not look at it, at the
16 substance of the e-mail, Mr. Vitollo. I assumed
17 frankly that it would have been e-filed, but it looks
18 like you're going to present it in paper form during
19 the proceeding itself. It sounds like that's what you
20 plan is; is that right?

21 MR. VITOLLO: Yes, probably. I sent it ahead
22 of time. I was not sure to what extent we were going
23 to be talking about substantive issues or itemized
24 amounts.

25 THE COURT: Okay.

1 MR. VITOLLO: So I wanted to essentially give
2 everybody notice.

3 THE COURT: Got you.

4 MR. VITOLLO: To the extent that, again, if
5 there's determination in that regard.

6 THE COURT: Thank you. So for parties
7 purposes: The reason I don't look at those things
8 before we get started is that I don't want my view of
9 the case to be shadowed in any way. I want you to
10 understand I'm viewing this from an impartial,
11 independent point of view. And I'm going to do the
12 very best I can to see that each of the parties has a
13 fair and just hearing before me so I can decide
14 whatever issue needs to be decided between them.
15 Okay?

16 MR. VITOLLO: Okay.

17 THE COURT: Thank you. That's not to say I
18 don't respect your sending the e-mail. In fact, you
19 did it because you needed to send it to Mr. Shepherd,
20 and you thought the Court should be advised. That's
21 fine. Go ahead.

22 MR. VITOLLO: And I'm going to briefly -- can
23 I confer with Mr. Low briefly?

24 THE COURT: Absolutely, you go ahead and take
25 your time.

1 (Off the record briefly.)

2 MR. VITOLLO: Well, Your Honor, I'll give a
3 very brief introduction as context to what's happened
4 and how we got here.

5 THE COURT: Yes, sir.

6 MR. VITOLLO: And what we're hoping to
7 accomplish. So Junior Arch White and Jean White owned
8 an interest in property at 249 Challedon Drive.

9 And do you have a preference as to whether I
10 sit or stand?

11 THE COURT: Why don't you ask Mr. Shepherd
12 what he prefers.

13 MR. SHEPHERD: Your Honor, I have no
14 objection to either. Whatever is convenient for him.

15 THE COURT: If you feel more comfortable
16 sitting, that's fine.

17 MR. VITOLLO: Okay. Thank you. So Junior
18 Arch White --

19 THE COURT: Why don't you pull that
20 microphone down just slightly. I'm sure it's picking
21 up well enough, but let's make sure that it is.

22 MR. VITOLLO: Okay.

23 THE COURT: Go ahead.

24 MR. VITOLLO: So Junior Arch White and Jean
25 White purchased property, the common address is 249

1 Challedon Drive. They owned it as tenants in common.
2 In 1992, Junior Arch White passed away, and there was
3 a proceeding in 2012. Jean White had initiated a
4 proceeding in the Dorchester County Probate Court to
5 ask that the Court find that she was the sole heir as
6 to the interest of Junior White's interest, and that
7 she was thus the sole owner of the property. And the
8 Court granted that order.

9 My client, Plaintiff Vanessa Frierson, we'll
10 submit evidence showing that she was the daughter of
11 Junior Arch White, the only child of Junior Arch
12 White, and that she wasn't given any notice of those
13 proceedings, other than perhaps through publication,
14 except to the extent that she was included within the
15 publication as an unknown party. We would submit that
16 she was a known party that should have been --
17 received notice.

18 And in 2017, we initiated a proceeding to get
19 that order set aside, and it was. So in 2017, the
20 Dorchester County Probate Court set aside that order
21 establishing heirs. And so we are here today asking
22 the Court to find that Junior Arch White was divorced
23 from Jean White at the time of his death, that Vanessa
24 was his only child, which would mean that Vanessa
25 would be solely entitled to Junior Arch White's

1 interest in that property.

2 And I believe both the parties are in
3 agreement that Jean White passed away, I believe that
4 was in 2015, and that she had a valid will, which
5 named Judy Bloodworth as the sole heir -- sole
6 beneficiary of the Estate of Jean White, which would
7 mean that Vanessa Frierson would be solely entitled to
8 Junior White's 50 percent interest in the property,
9 and Judy Bloodworth would be solely entitled to Jean
10 White's interest in that property.

11 Beyond that, Your Honor, we would be looking
12 to establish that -- our intent would be that the
13 occupation of the property by Jean White and Judy
14 Bloodworth following the death of Junior Arch White
15 was hostile to Vanessa Frierson at least in the sense
16 that it would have prevented Vanessa Frierson from
17 receiving any benefit from that property, and that she
18 should be entitled to an accounting of rents in that
19 regard, essentially that the interest -- that Judy
20 Bloodworth's interest in the property -- the interest
21 that passed to Judy through Jean White, that from that
22 interest there should be a fair market -- one half of
23 the fair market value of the rent should be provided
24 to Vanessa Frierson as compensation.

25 And that's the crux of what we're trying to

1 show today. I would also ask the Court to make a
2 determination of value as to the property. That's
3 partly been completed at a prior hearing, but probably
4 at least reaffirm a finding as to the value of the
5 property and a finding that rests in the Court to
6 enter the property to be partitioned.

7 There has been some discussion -- at this
8 time, it looks like it's more likely than not that one
9 or two of the parties will seek to buy out the
10 property, but either one of the parties will buy it
11 out. If neither one of them is able to, then the
12 property will need to be sold.

13 THE COURT: Okay. Mr. Shepherd, do you want
14 a brief comment?

15 MR. SHEPHERD: Yes, sir, thank you. So this
16 case is coming to you today, and it has -- a lot of
17 the issues that you would normally be hearing have
18 already been adjudicated. A lot of the facts and
19 findings have already been made in the Dorchester
20 County Probate Court, just to give the Court a brief
21 recitation and what we intend to put up today.

22 So Junior Arch White and Jean Garris White,
23 they were married many, many years ago, and in 1971,
24 they did purchase the property at 249 Challedon, and
25 it was titled as tenants in common. Mr. White passed

1 away in 1992, I believe he was a truck driver and had
2 an accident. And he, when he passed, at that time he
3 had his one half interest in the property at 249
4 Challedon and an interest in what appeared to be and
5 what we know to be a rent-to-own contract with some
6 property in West Virginia.

7 From 1992 to 2012, Jean Garris White occupied
8 the property at Challedon as her own, together with
9 her daughter, Judy Bloodworth, and her son-in-law
10 James Mark, but he goes by Mark.

11 Correct?

12 MR. BLOODWORTH: Yes, sir.

13 MR. SHEPHERD: So Mark, they occupy the
14 property at 249 Challedon, and of course they -- it
15 was exclusive and solely, as they deemed it their
16 property.

17 In 2012, however, Ms. White petitioned the
18 Dorchester County Probate Court for a determination of
19 heirs. It had been more than ten years since Junior's
20 passing. Junior's death certificate reflected Ms.
21 White as the spouse; however, as we determined through
22 the probate court action, Mr. White, in West Virginia,
23 had initiated a divorce proceeding and a divorce
24 decree had been entered in or around 1987.

25 Between 1987 and shortly after Hugo, Mr.

1 White lived apart from Ms. White. Ms. White lived at
2 Challedon. Mr. White lived at the property in West
3 Virginia. Ms. White then subsequently left South
4 Carolina to live with Mr. White between approximately
5 1989 after Hugo to his death in 1992. At which point,
6 she returned to Challedon. And at that time, her
7 daughter, Judy, and her son-in-law were also living in
8 that property.

9 The petition to determine heirs in probate
10 court did not allege that Junior White had a child.
11 However, as that action to set aside that finding in
12 2017, the probate court did find that Vanessa Frierson
13 was the child of Junior Arch White and that Jean
14 Garris White knew or should have known that Vanessa
15 was a child or could potentially claim to have been a
16 child of Junior Arch White; and therefore, they set
17 aside the petition to determine heirs. They did give
18 full faith and credit to the divorce decree from West
19 Virginia declaring that she was not married to Junior
20 White, and also determined that Vanessa was the child
21 through that petition to determine heirs.

22 So in terms of heirship for Junior Arch
23 White, those issues have been resolved, I believe that
24 that lineage has been established through that action.
25 However, I do believe there hasn't been an actual

1 finding of heirs, let's just say that, for Junior Arch
2 White in terms of noticing unknowns, which of course
3 is why Mr. Vitollo brought this action to quiet the
4 title.

5 And to our knowledge, there are no other
6 unknowns and that Vanessa, based on the law of the
7 case from probate court, is the sole heir at law of
8 Junior Arch White.

9 In 2015, Ms. Jean Garris White passed away,
10 and her probate estate was open with Dorchester County
11 Probate Court. Her last will and testament named Judy
12 Bloodworth as the sole devisee of the estate.
13 Following conclusion of the litigation in the probate
14 court in 2017, the Estate of Jean Garris White was
15 completed, deed of distribution was issued in the name
16 of Judy Bloodworth. And since that period of time,
17 Judy of course and her husband have continued to
18 reside in that property and have been there since
19 shortly after Hurricane Hugo in 1989.

20 Your Honor, with regards to any issues of
21 accountings and rent, the orders from the probate
22 court, did address various claims that were brought in
23 that action.

24 THE COURT: Which action?

25 MR. SHEPHERD: Yes, sir?

1 THE COURT: Which action?

2 MR. SHEPHERD: I'm sorry the action in the
3 Dorchester County Probate Court to set aside the
4 petition to determine heirs.

5 THE COURT: The 2017 order?

6 MR. SHEPHERD: Yes, sir. And that order --
7 and it was an action both in the Estate of Junior Arch
8 White and against the Estate of Jean Garris White
9 seeking rents, profits, actions under the executor de
10 son tort against Ms. Bloodworth, against the Estate of
11 Jean Garris White. The Dorchester County Probate
12 Court denied those claims, various reasons stated in
13 those orders.

14 And so some of those issues, our argument
15 will be today, have been resolved fully and
16 exclusively through those actions. And so I think
17 we've come to you today postured solely as an action
18 to quiet title, to clarify that Jean Garris White sole
19 devisee is now Judy Bloodworth, and that the other
20 tenancy is held by Vanessa Frierson.

21 And then of course, we will get into the
22 issues of the partition as to valuation, the manner
23 and method that that should be accomplished and the
24 valuation. And then of course, we would be putting
25 forth our argument as to the various affirmative

1 defenses. We do have the estoppel waiver res judicata
2 issues raised in our answer, and now with the
3 amendment that was granted today, the issue of
4 possession under the theories of possession through
5 the ouster issues. So we'll explore that with the
6 Court today.

7 THE COURT: Thank you very much.

8 MR. SHEPHERD: Yes, sir.

9 THE COURT: Mr. Vitollo?

10 MR. VITOLLO: And, Your Honor, before I
11 begin, before I call Vanessa Frierson as a witness,
12 I'll just note that apparently, we're figuring out now
13 that apparently, we had a different understanding of
14 the effect of the order that was entered in probate
15 court.

16 THE COURT: In 2017?

17 MR. VITOLLO: Would you prefer me to address
18 that now? Yes. Would you prefer that I briefly
19 address that now or wait until...

20 THE COURT: I think what's going to -- I
21 don't think argument is appropriate necessarily now.

22 MR. VITOLLO: Okay.

23 THE COURT: That order will speak for itself.
24 I'm sure if -- and to the extent that you have to,
25 you're going to present evidence, I'm sure, that

1 you're entitled to rents and profits from the date of
2 Mr. White's death forward. We'll have to address Mr.
3 Shepherd's defense to that. It seems obvious to me
4 that it's going to be res judicata as to those issues.

5 But we'll just have to address it as it comes
6 up. I don't think it's really necessary to spend a
7 lot of time arguing about it now. Let's get the
8 evidence in and see where we go from there. I would
9 like -- it sounds like I'm going to end up having to
10 really think this thing through.

11 But at any rate, I would suggest let's just
12 go ahead and get the evidence in. You put all of what
13 you intend to enter, Mr. Shepherd will make
14 appropriate objections. We'll sort it out as we go.

15 MR. VITOLLO: Okay.

16 THE COURT: Is that fair?

17 MR. VITOLLO: Yes, Your Honor.

18 THE COURT: Are you okay with that, Mr.
19 Shepherd?

20 MR. SHEPHERD: Yes, sir.

21 THE COURT: Okay.

22 MR. VITOLLO: Well, I'm going to call the
23 Plaintiff, Vanessa Frierson, as our first witness.

24 VANESSA FRIERSON,
25 having been duly sworn, testified as follows:

1 THE COURT: All right. You're under oath.
2 Please answer any questions from Mr. Vitollo.

3 MR. VITOLLO: And, Your Honor. I'll provide
4 this to opposing counsel, but I'm going to seek to
5 admit the birth certificate of Vanessa -- her birth
6 name was Vanessa Marie White, to the Court here as our
7 first exhibit.

8 THE COURT: Why don't you go ahead and --

9 MR. SHEPHERD: No objection, Your Honor.

10 MR. VITOLLO: You probably already have this.

11 MR. SHEPHERD: No objection, Your Honor.

12 THE COURT: That's conceded, correct?

13 MR. SHEPHERD: Absolutely, absolutely.

14 THE COURT: Ms. Frierson is the daughter of
15 Mr. White, Arch White.

16 (Plaintiff's Exhibit No. 1 marked.)

17 DIRECT EXAMINATION

18 BY MR. VITOLLO:

19 Q And Vanessa, your father, Junior Arch White,
20 passed away in 1992; is that right?

21 A Yes.

22 Q And again, at that time, at the time that he
23 passed away, to the best of your knowledge, he was
24 divorced; is that correct?

25 A Yes.

1 Q All right. And Your Honor, I'm going to
2 admit as Plaintiff's Exhibit No. 2 a copy of the
3 divorce order from West Virginia where Junior Arch
4 White was divorced from Jean White, along with an
5 order from 2017, showing that copy of that divorce
6 decree was delivered to Judy A. Bloodworth in 2017.

7 THE COURT: That's your second exhibit, it
8 consists of two documents?

9 MR. VITOLLO: Yeah.

10 THE COURT: Let's do it separate.

11 MR. VITOLLO: Would you prefer separate?

12 THE COURT: Let's do them separately, yes,
13 sir.

14 MR. VITOLLO: All right.

15 MR. SHEPHERD: No objection.

16 THE COURT: Any objection, Mr. Shepherd?

17 MR. SHEPHERD: No, sir.

18 THE COURT: All right.

19 (Pleading's Exhibits No. 2 and No. 3 marked.)

20 BY MR. VITOLLO:

21 Q And, Vanessa, the only other child born to
22 Junior Arch White, to the best of your knowledge,
23 passed away shortly after birth; is that correct?

24 A Yes.

25 THE COURT: Is there proof of that?

1 MR. VITOLLO: I'm going to admit --
2 Plaintiff's Exhibit 4 is a newspaper clipping titled,
3 "White Child Dies at Charlottesville."

4 MR. SHEPHERD: No objection, Your Honor. And
5 to the point it exists that the probate court in its
6 order of 2017 made that finding, as well.

7 (Plaintiff's Exhibit No. 4 marked.)

8 THE COURT: Let me get this straight.
9 Exhibit 2 is the divorce decree, West Virginia divorce
10 decree?

11 MR. VITOLLO: Correct.

12 THE COURT: And Exhibit 3 is the probate
13 court 2017 order, South Carolina, Dorchester County?

14 MR. SHEPHERD: Actually, Your Honor, and it
15 might help, Mr. Vitollo, in order to obtain those
16 records for purposes of trial in 2017, I had to
17 petition the West Virginia court for an order to
18 receive that file and a copy of that decree, which is
19 what that is, is a copy of the order from West
20 Virginia transmitting the divorce decree to myself and
21 my client.

22 THE COURT: So Exhibit 3 again is?

23 MR. SHEPHERD: It's an order from West
24 Virginia family court showing receipt of that divorce
25 decree by my client.

1 THE COURT: What was 2 then?

2 MR. SHEPHERD: The actual divorce decree, I
3 believe, the order.

4 MR. VITOLLO: Correct, Your Honor. So
5 Exhibit 2 --

6 THE COURT: Let me ask you this: Do you have
7 copies for the Court for each exhibit?

8 MR. VITOLLO: Yes, would you like me to hand
9 those up for you?

10 THE COURT: Absolutely.

11 (Off the record briefly.)

12 BY MR. VITOLLO:

13 Q And Vanessa, you resided at the property at
14 Challedon Drive with your father, Junior Arch White,
15 your mother-in-law, Jean White, and the Defendant Judy
16 Bloodworth, from at least 1971 to 1973, is that
17 correct?

18 A Right.

19 Q Your Honor, I'm going to admit Plaintiff's
20 Exhibit 5, it's a photograph of Junior Arch White,
21 Jean White, Judy Bloodworth, Vanessa Frierson, and a
22 younger child of Jean White.

23 MR. VITOLLO: May I approach the witness,
24 Your Honor?

25 THE COURT: Certainly.

1 (Plaintiff's Exhibit No. 5 marked.)

2 THE COURT: Well, you've got to put it on the
3 record. You can't go up there and talk to her.

4 MR. VITOLLO: Yes.

5 THE COURT: Do you have an objection to this
6 exhibit?

7 MR. SHEPHERD: Your Honor, I have no
8 objection to what it appears to be, but if we could
9 just identify who the folks are, that would be great.

10 THE COURT: All right. So there has been
11 admitted into evidence as Exhibit No. 5 a photograph,
12 and I guess you're going to -- do you want to go ahead
13 have your client discuss it and tell us who it is and
14 we can admit it.

15 MR. VITOLLO: Sure.

16 THE COURT: She has to you've got to set some
17 sort of a foundation for the photograph.

18 MR. VITOLLO: Okay.

19 THE COURT: Do you understand that, what the
20 foundation would be?

21 MR. VITOLLO: Yes, I --

22 THE COURT: Sort of like date, time, fair
23 representation of what it expresses, that sort of
24 thing. He's not going to object to the exhibit,
25 except he just needs to know who's who in the picture.

1 But generally, that's all established in the
2 foundation questions.

3 MR. VITOLLO: Yes, Your Honor.

4 THE COURT: But if you want to skip the
5 foundation, because Mr. Shepherd has consented to the
6 exhibit coming into evidence, that will be fine. What
7 I'd like for you to do for his benefit and mine is
8 have your client describe for us who is in this
9 picture in Exhibit 5.

10 MR. VITOLLO: Okay.

11 THE COURT: Do you have a copy of Exhibit 5
12 in front of you?

13 THE WITNESS: No, sir.

14 THE COURT: You do?

15 THE WITNESS: I don't.

16 THE COURT: You don't I'm going to hand it to
17 you.

18 THE WITNESS: Okay.

19 THE COURT: And it probably would be helpful
20 if we used the screens, but why don't you tell the
21 Court, I'm going to hold it up like this so you can --
22 Mr. Shepherd.

23 MR. SHEPHERD: Yes, sir.

24 THE COURT: Can you follow along from here?

25 MR. SHEPHERD: Oh, yes, sir, we're fine.

1 THE COURT: (To the bailiff) and in the
2 meantime, would you set up ELMO, Set ELMO up, so we
3 can see things at the same time, all three of us in
4 the courtroom.

5 So Ms. Frierson, who is the lady that is
6 right (indicating) -- she appears to me to be -- the
7 lady in between the two girls that are standing up,
8 who is that?

9 THE WITNESS: Jean White.

10 THE COURT: Jean White?

11 THE WITNESS: Yes, sir.

12 THE COURT: All right. And on Ms. Jean
13 White's left is who?

14 THE WITNESS: Virgil Frierson.

15 THE COURT: No, this one right here.

16 THE WITNESS: Virgil.

17 THE COURT: Virgil Frierson?

18 THE WITNESS: Yes, sir.

19 THE COURT: Male or female Virgil?

20 THE WITNESS: Female.

21 THE COURT: Female Virgil. All right. She
22 is who?

23 THE WITNESS: My mother-in-law.

24 THE COURT: You're mother-in-law. Okay. And
25 then, on the right side of Ms. Frierson is who?

1 THE WITNESS: Me, Vanessa.

2 THE COURT: Vanessa Frierson on the right.
3 And then we have two people in the forefront of the
4 picture and in the middle it appears to be a young
5 man?

6 THE WITNESS: Scott Frierson.

7 THE COURT: Scott Frierson, who is he?

8 THE WITNESS: My husband.

9 THE COURT: He's your husband. So you were
10 married at the time this picture was taken?

11 THE WITNESS: No, sir. Well, sort of. I
12 don't know what year that was.

13 THE COURT: Okay. That was my next question,
14 but anyway there's a small child to the left of --

15 THE WITNESS: That's my daughter.

16 THE COURT: Is your daughter. What's her
17 name?

18 THE WITNESS: Tanya.

19 THE COURT: Tanya. All right. For the
20 record, Ms. Frierson is whispering to me that she
21 doesn't know the year the picture was taken.

22 THE WITNESS: I can't remember.

23 THE COURT: Cannot remember the year the
24 picture was taken. Do you think, Ms. Frierson, that
25 this picture -- can you tell me where you think the

1 picture -- the place the picture took place?

2 THE WITNESS: It's somewhere on Challedon.

3 THE COURT: This is a picture that was taken
4 in Challedon or at the Challedon property, and I think
5 you previously testified that you lived at the
6 Challedon property in between 1971 and 1973.

7 THE WITNESS: This here was not at their
8 home. This was on Challedon around the corner.

9 THE COURT: Okay. This is a different
10 property than the subject property of the lawsuit?

11 THE WITNESS: Right, yes, sir.

12 THE COURT: So this property is whose? This
13 property in Challedon who owned the property?

14 THE WITNESS: My husband's father, Scott
15 Frierson. He's deceased now.

16 THE COURT: Scott Frierson --

17 THE WITNESS: Senior.

18 THE COURT: -- your husband's father owned
19 this particular property?

20 THE WITNESS: Right.

21 THE COURT: And y'all were in --

22 THE WITNESS: Right.

23 THE COURT: -- his house?

24 THE WITNESS: House.

25 THE COURT: In the living room, maybe?

1 THE WITNESS: Kitchen.

2 THE COURT: Kitchen, kitchen area. And so
3 it's possible that this picture would not have been
4 taken at the time you were living in Challedon with
5 your stepfather and Ms. White?

6 THE WITNESS: My father and my stepmother.

7 THE COURT: Excuse me, I had that backwards.

8 THE WITNESS: That's okay.

9 THE COURT: Your father and your stepsister?

10 THE WITNESS: No, I had been moved out, sir.

11 THE COURT: All right. So this would have
12 been sometime after 1973?

13 THE WITNESS: Right. In fact it was '78, I
14 just figured it out.

15 THE COURT: When was your child born?

16 THE WITNESS: '77.

17 THE COURT: 1977?

18 THE WITNESS: This here was '78.

19 THE COURT: That's an awful big one-year-old.

20 THE WITNESS: '78 or '79, I can't remember,
21 huh-uh. It's hard to -- as a matter of fact, it was
22 his second birthday. That's what we were all there
23 for. There you go. I'll get it. Yes.

24 THE COURT: So this picture was taken around
25 1980 --

1 THE WITNESS: No, '79.

2 THE COURT: 1979, approximately. 1979, and
3 it shows a picture of, I'll try to summarize this for
4 the record, the picture has five individuals in it.
5 It's in front of a window in a kitchen area identified
6 by Ms. Frierson. The lady in the middle, back row, is
7 Jean White. The lady to the left of Jean White is?

8 THE WITNESS: Virgil Frierson.

9 THE COURT: Virgil Frierson, Ms. Vanessa
10 Frierson's sister?

11 THE WITNESS: Mother-in-law.

12 THE COURT: Mother-in-law, excuse me.
13 Goodness gracious. And then --

14 THE WITNESS: This is Jean White. This is
15 Virgil Frierson. That's my husband's mother.

16 THE COURT: Yeah, okay. So she is on the --
17 in the picture, she would be -- I'm describing that as
18 if I were sitting in the picture. And you're thinking
19 of it --

20 THE WITNESS: The other way, yeah.

21 THE COURT: So the picture, let's just say
22 altogether, the picture shows, Ms. Frierson, Virgil
23 Frierson, Jean White, Vanessa Frierson.

24 THE WITNESS: Right.

25 THE COURT: Scott Frierson and your daughter?

1 THE WITNESS: Daughter, Tanya.

2 THE COURT: Tanya. Sometime in 1980 --
3 excuse me, '79, 1979. And the purpose for which
4 you're offering this?

5 MR. VITOLLO: Just evidence that Jean White
6 was familiar with Vanessa Frierson.

7 THE COURT: Oh, okay. Well, we already
8 established that, didn't we? Isn't that already
9 established in the order to set aside, the 2017 order
10 from the probate court that sets aside the 2012 order
11 that determined heirs?

12 MR. VITOLLO: I don't perceive -- my
13 understanding was that the order from 2017 did not
14 establish that.

15 THE COURT: Well, it had to have. I'm not
16 going to argue with you, whatever you say. Let's
17 proceed. The next exhibit that you want to submit?

18 MR. VITOLLO: Okay. For Exhibit 6, I'm going
19 to seek to admit a copy of the order from the
20 Dorchester County Probate Court filed on September 5,
21 2017.

22 THE COURT: Hold on a minute. Well, go ahead
23 and start, but when we get to the point where we've
24 got this ELMO set up.

25 THE CLERK: There you go.

1 THE COURT: It's up? Okay. What you're
2 going to do, this is on the fly, we probably should
3 have practiced this earlier. But there's a machine
4 here that will show us a picture. Everybody will be
5 able to see what you're showing at that same time that
6 you want to talk about it.

7 MR. VITOLLO: Okay.

8 THE COURT: It's right there. Mr. Shepherd
9 who's familiar with the machine can help you. You
10 might as well take all your exhibits if you're going
11 to be introducing them so that we can see them all at
12 the same time.

13 (Off the record briefly.)

14 MR. VITOLLO: Yeah, so I'm seeking to admit
15 as Exhibit 6 a copy of the probate court order from
16 2017. Any objections?

17 MR. SHEPHERD: I have no objection, Your
18 Honor.

19 THE COURT: Admitted without objection.

20 MR. VITOLLO: So I want to draw the Court's
21 attention to Page 14 of that order. And on Page 14,
22 it reads, the outline of one of the issues is, "Can
23 this Court amend the September 21, 2012 order
24 determining heirs?"

25 And the last two sentences on that page read,

1 "Because this order far exceeds the ten day limit, the
2 September 21, 2012 order determining heirs may only be
3 set aside. An interested person may file a new
4 petition to determine heirs."

5 THE COURT: Thank you.

6 MR. VITOLLO: You're welcome. And so for
7 clarification, the reason I was presenting to the
8 court was I'm going to be submitting evidence today to
9 establish that Vanessa Frierson was the sole heir of
10 Junior Arch White. And that was based on my
11 understanding of the 2017 order was that it set aside
12 the prior order for 2012 but did not answer the
13 question as to who his heirs were.

14 THE COURT: Thank you.

15 MR. VITOLLO: You're welcome.

16 (Plaintiff's Exhibit No. 6 marked.)

17 MR. VITOLLO: I'm going to submit Plaintiff's
18 Exhibit 7 is an order denying reconsideration, and
19 this is where the respondent had filed a motion for
20 reconsideration and the probate court denied that
21 motion.

22 THE COURT: Any objection, Mr. Shepherd?

23 MR. SHEPHERD: No objection, Your Honor.

24 THE COURT: That will be No. 7.

25 (Plaintiff's Exhibit No. 7 marked.)

1 THE COURT: Do you have any objection, Mr.
2 Vitollo, that I, instead of using paperclips, use a
3 stapler to put together these exhibits?

4 MR. VITOLLO: I have no objection to that.

5 THE COURT: Is that all right with you, Madam
6 Court Reporter?

7 COURT REPORTER: Yes, I had just put
8 paperclips on there just to keep them together.

9 THE COURT: Thank you. If you have a
10 stapler, next time, if you wouldn't mind.

11 We now have No. 7, which is the order denying
12 reconsideration.

13 MR. VITOLLO: And then for Plaintiff's
14 Exhibit 8, we have a copy of the death certificate of
15 Junior Arch White showing the date of death of July
16 18, 1992. We'd seek to admit that as Exhibit 8.

17 (Plaintiff's Exhibit No. 8 marked.)

18 THE COURT: No objection?

19 MR. SHEPHERD: No objection.

20 THE COURT: All right. Exhibit 8, Mr.
21 White's death certificate. Is there any information
22 on a death certificate that you would redact pursuant
23 to whatever privacy laws that we now have in force and
24 effect, such as, and there is one, the Social Security
25 number.

1 MR. VITOLLO: I was going to say, if so,
2 probably Item 4, the Social Security number. Would
3 you like me take that out.

4 THE COURT: For purposes of the evidence
5 coming in, I'm going to consider it redacted.

6 MR. VITOLLO: Thanks, Your Honor.
7 Plaintiff's Exhibit 9 is a two-page copy of the deed
8 where Junior Arch White and Jean White acquired the
9 property with a common address of 249 Challedon Drive.

10 THE COURT: Is that recorded?

11 MR. VITOLLO: The recording information is
12 not on the document that I have here.

13 THE COURT: Do we know if it's recorded or
14 not?

15 MR. VITOLLO: Yes, and the book and page
16 number is referenced in the Plaintiff's petition filed
17 with the Court.

18 THE COURT: All right. So your next exhibit,
19 which is 9, do you have any objection, Mr. Shepherd?

20 MR. SHEPHERD: No, Your Honor.

21 THE COURT: Okay. Is an unrecorded copy, or
22 rather a copy of the unrecorded deed. What's the date
23 of that instrument that you have in your hands, Mr.
24 Vitollo.

25 MR. VITOLLO: The 30th of July, 1971.

1 THE COURT: Okay. The copy he has is dated
2 July 30, 1971. And you have represented to me that
3 it's recorded, and the allegation is that the
4 recording information is in the Plaintiff's complaint?

5 MR. VITOLLO: Yes, Your Honor. And if you
6 look at the middle, right side of the first page, this
7 is the copy of the deed that was filed with the
8 Dorchester County Probate Court in 2012.

9 THE COURT: Okay. Thank you.

10 (Plaintiff's Exhibit No. 9 marked.)

11 MR. VITOLLO: And, Your Honor, the document
12 I'm seeking to admit as Plaintiff's Exhibit 10, this
13 is the first page of that document, and it's a copy of
14 the application for probate that was filed by Judy
15 Bloodworth on March 5, 2015. That's Page 1.

16 I am seeking to admit this in regards to the
17 interest of Jean White in the property. The Plaintiff
18 relied on this application to determine which parties
19 would be entitled to receive notice of this
20 proceeding, in particular, Debra Morse, Jackie McCoy,
21 and Christina Fightmaster. Any objection?

22 MR. SHEPHERD: No objection, Your Honor.

23 THE COURT: Exhibit No. 10 admitted without
24 objection.

25 (Plaintiff's Exhibit No. 10 marked.)

1 BY MR. VITOLLO:

2 Q And Vanessa, are you able to see that
3 document?

4 A Yes.

5 Q And so to the best of your knowledge and
6 belief, at the time of Jean White's death, she had
7 three living -- two living children, Debra Morse and
8 Jackie McCoy; is that right?

9 A Right.

10 Q And Jimmy Garris had predeceased her, was a
11 child of Jean White and had predeceased her; is that
12 correct?

13 A Yes.

14 Q And Jimmy Garris had one child, Christina
15 Fightmaster?

16 A Yes.

17 Q Yes. And Dale Larimer was also a child of
18 Jean White, and he had predeceased her without any
19 issue?

20 A Yes.

21 Q Thank you.

22 THE COURT: Mr. Vitollo, just one little
23 small -- I think it's an oversight, it's not intended.
24 Ms. Frierson identifies two daughters, Debra Morse and
25 Jackie McCoy, where in fact the other daughter -- she

1 had another daughter named Judy A. Bloodworth, who is
2 the devisee under the will; is that correct?

3 MR. VITOLLO: Yes, Your Honor.

4 THE COURT: You didn't intend -- that was an
5 oversight, correct? I mean, I didn't misunderstand
6 the question. I think the question was who her
7 daughters were, and we were focused on paragraph 4(b)
8 of this petition, and we left Ms. Bloodworth who is in
9 4(a).

10 MR. VITOLLO: And thank you, I will ask
11 Vanessa one additional question regarding this
12 document.

13 THE COURT: Thank you.

14 BY MR. VITOLLO:

15 Q And Vanessa, Jean White also had one other
16 daughter named Judy Bloodworth; is that correct?

17 A Yes.

18 Q Thank you.

19 MR. VITOLLO: Thanks, Your Honor.

20 COURT REPORTER: Did you want that marked 10?

21 MR. VITOLLO: Yes.

22 (Off the record briefly.)

23 (Plaintiff's Exhibit No. 11 marked.)

24 THE COURT: Mr. Vitollo, we've gone through
25 ten exhibits, you're now getting ready to go to 11.

1 It has taken us almost an hour to get to this point.

2 May I ask you this question, Mr. Shepherd, this
3 question?

4 MR. SHEPHERD: Yes, sir.

5 THE COURT: Have you seen all of the exhibits
6 that Mr. Vitollo wants to admit?

7 MR. SHEPHERD: Most likely. I'll take a
8 quick gander.

9 THE COURT: Why don't you take a look at
10 them.

11 MR. SHEPHERD: Yes, sir.

12 THE COURT: And if we could just go ahead and
13 number them and have them entered into evidence
14 numerically. I can take a short break while y'all do
15 that, and then we can proceed. Unless you find it
16 necessary for her to clarify anything?

17 MR. VITOLLO: That sounds like it would be a
18 good use of time.

19 THE COURT: Don't you think it would be a
20 little easier?

21 MR. SHEPHERD: Yeah, pre-mark whatever.

22 THE COURT: It sounds like everything is -- I
23 mean, these exhibits, for instance, I could take
24 judicial notice of them, since they're part of the
25 court record, public record, but, Mr. Shepherd, let's

1 take a five-minute break, the two of you sit down,
2 agree to the exhibits that are not controverted. We
3 will have them entered, and then I'll let you proffer
4 any exhibits that you don't agree to. Keep them in
5 the order in which you want them admitted for whatever
6 purpose. If it's controverted, we'll just put a
7 little tab by it, still make it the same number, I'll
8 allow you to proffer it, and then I'll make a decision
9 on whether or not it's admitted or not.

10 MR. VITOLLO: Okay.

11 THE COURT: But then we'll hopefully proceed
12 to another case, if you will.

13 MR. VITOLLO: Okay.

14 THE COURT: Does that sound okay?

15 MR. VITOLLO: Sounds good.

16 THE COURT: All right. I'm going to take a
17 break from the bench, y'all will be at work while I
18 go, and to the extent that you need me, let the
19 bailiff know. I'm right there.

20 We'll suspend the record at this point, we'll
21 go off the record for y'all to do your work, and then
22 we'll go back on the record once you complete that.
23 Okay?

24 (Short recess. Plaintiff's Exhibits No. 11
25 through No. 15 marked.)

1 THE COURT: We're back on the record in the
2 matter concerning Frierson and Bloodworth, and I
3 recognize Mr. Vitollo.

4 MR. VITOLLO: Yes, Your Honor. My
5 Plaintiff --

6 THE COURT: Well, all we've got to do right
7 now is -- she can come in, but if you would just
8 publish for me the exhibits that have been agreed to,
9 and that way we'll get numbers on them, if they
10 haven't already been numbered, and we can then get to
11 your witness.

12 MR. VITOLLO: Yes, Your Honor, I'm going to
13 seek to admit Plaintiff's Exhibit No. 11, it's the
14 order establishing heirs that was entered in the
15 probate court.

16 THE COURT: Thank you, sir.

17 MR. VITOLLO: Just to establish that --
18 largely to establish that Vanessa Frierson wasn't
19 given notice of that proceeding -- or didn't
20 participate in that proceeding.

21 I want to admit Plaintiff's Exhibit 12 is the
22 last will and testament of Jean White, and that's
23 being admitted to show that Judy Bloodworth is the
24 sole heir of the Estate of Jean White. And so the
25 sole heir -- or the sole beneficiary, the sole

1 beneficiary of Jean White that would have an interest
2 in the property at 249 Challedon Drive.

3 And I seek to publish Plaintiff's Exhibit 13,
4 it's a rent -- a CMA, a chart of rents of property,
5 comparable properties from 2002 to 2020. And that's
6 going to be to show what the fair market value of the
7 rent was that Vanessa was -- that we would submit that
8 she was deprived of.

9 And I'm going to seek to admit Plaintiff's
10 Exhibit 14 of the statement of creditor's claim.
11 Attached to that is a petition, a petition for
12 allowance of claim. And that's being admitted to show
13 that on July 16, 2015, the Defendant, Judy Bloodworth,
14 was put on notice that Vanessa Frierson was claiming
15 that she was entitled to be reimbursed for her loss of
16 opportunity to occupy or benefit from the property.

17 And Plaintiff's Exhibit 15 is a CMA prepared
18 by Chris McDaid Garcia. And that's being admitted to
19 show that the fair market value of the property is
20 \$163,333.

21 THE COURT: Thank you. Anything else?

22 MR. VITOLLO: So there will be no objections
23 from the defense attorney?

24 THE COURT: Those are all admitted without
25 object, correct, Mr. Shepherd?

1 MR. SHEPHERD: That's correct, Your Honor.

2 THE COURT: Is that it for the exhibits?

3 MR. VITOLLO: It is.

4 THE COURT: Go ahead. Ms. Frierson, why
5 don't you come on back up to the witness stand. While
6 you're walking up, I'm going to remind you that you're
7 still under oath.

8 THE WITNESS: Yes, sir.

9 THE COURT: And I'm going to direct that you
10 answer any questions that your attorney might have of
11 you.

12 BY MR. VITOLLO:

13 Q Ms. Frierson, you are now aware that in 2012,
14 there was a proceeding in the probate court to
15 determine who the heirs were of Junior Arch White; is
16 that correct?

17 A Yes.

18 Q And at the time of those proceedings, you
19 were not aware, not given any notice and had no
20 opportunity to participate in those proceedings; is
21 that correct?

22 A Right.

23 Q Okay. And your understanding is that under
24 the will of Jean White the sole beneficiary as to any
25 interest of Jean in the property would be Judy

1 Bloodworth?

2 A Yes.

3 Q And at this point assuming there would be no
4 objection from the Plaintiff [sic], I'm going to ask
5 that we stipulate that subsequent to the death of
6 Junior Arch White, the property was occupied by Jean
7 White and/or Judy Bloodworth to the exclusion of the
8 Plaintiff, Vanessa Marie Frierson.

9 MR. SHEPHERD: Your Honor, we would so
10 stipulate.

11 THE COURT: All right. Now, this is from the
12 date of 2012? What are the dates again, just clarify
13 the dates for me, please.

14 MR. VITOLLO: So subsequent to the death of
15 Junior Arch White on July 18, 1992.

16 THE COURT: Okay.

17 BY MR. VITOLLO:

18 Q And Vanessa, since the time of your dad's
19 passing on July 18, 1992, it would not have -- you
20 would not have been able to reside at the property at
21 249 Challedon Drive or receive any benefit from the
22 property?

23 A No.

24 Q No? Okay. And the reason for that would be
25 because it was occupied by Jean White or Judy

1 Bloodworth in a way that would have prevented you from
2 residing or receiving the benefit, correct?

3 A Correct.

4 Q Thank you. And you believe that you should
5 be entitled to the loss of the opportunity that you
6 otherwise might have had to benefit from an interest
7 in that property?

8 MR. SHEPHERD: Object to leading.

9 THE COURT: Sustained.

10 BY MR. VITOLLO:

11 Q Vanessa, have you ever owned an interest in
12 property?

13 A No.

14 Q During the time that you've been married
15 to -- when did you get married to Scott Frierson?

16 A 1980.

17 Q And from the time that you've been married to
18 Scott Frierson, has he ever owned any interest in real
19 property?

20 A No.

21 Q If you were to take a guess, since 1992, have
22 you lived in the same place, or have you lived at
23 multiple addresses?

24 A Multiple.

25 Q How many, approximately?

1 A About four.

2 Q Vanessa, from -- and so as of July 18, 1992,
3 you lived at Magwood Drive in Summerville; is that
4 correct?

5 A Yes.

6 Q And then from 1993 to 1999, you lived at
7 Westwind Drive in west Newport News, Virginia; is that
8 correct?

9 A Yes.

10 Q From 1999 to 2002, you had no primary
11 residence and resided in a travel trailer?

12 A Right.

13 Q And traveled with your spouse as Evangelists;
14 is that correct?

15 A Correct, yes.

16 Q Thank you. From 2002 to 2008, you lived at
17 Martins Creek Apartments off Old Trolly Road?

18 A Yes.

19 Q From 2008 to 2009, you lived at Tree Haven
20 Apartments in Summerville; is that correct?

21 A Yes.

22 Q From 2009 to 2015, you lived at 106 Pinewood
23 Drive in Summerville; is that correct?

24 A Yes.

25 Q And then from 2015 to September of 2017, you

1 lived at 111 Trickle Drive in Summerville; is that
2 correct?

3 A Yes.

4 Q Could you briefly tell us where you've lived
5 from September 2017 to the present.

6 A 1159 Rural Road, Ladson.

7 Q Vanessa Frierson, would it have been a
8 financial benefit for you to have the opportunity to
9 reside at 249 Challedon Drive.

10 A Yes.

11 Q Would it have been a financial benefit for
12 you if you had been paid some amount for the rent of
13 the property at 249 Challedon Drive?

14 A Yes.

15 Q And Chris McDauid Garcia prepared a CMA on
16 January 4, 2023, showing an estimated fair market
17 value of the property as \$163,333. Is that correct,
18 to the best of your knowledge?

19 A Yes.

20 Q Do you think that that is a fair estimate of
21 the fair market value of the property?

22 A Yes.

23 THE COURT: You're referring to Exhibit 13
24 now, the CMA?

25 MR. VITOLLO: Exhibit 15, Your Honor.

1 THE COURT: Oh, Chris Garcia is the same
2 as -- she's the same person that did the 13 Exhibit
3 and the 15 Exhibit?

4 MR. VITOLLO: Correct, Your Honor.

5 THE COURT: Okay.

6 MR. VITOLLO: And that's the last question I
7 have for -- well, can we approach the bench? May I
8 approach the bench with Counsel?

9 THE COURT: Yes, sir. Do you want this on
10 the record?

11 MR. VITOLLO: No.

12 (Bench Conference held off the record.)

13 (Plaintiff's Exhibit No. 16 marked.)

14 THE COURT: I think at this point in time --
15 now, you've admitted this Exhibit 16?

16 MR. VITOLLO: I am --

17 THE COURT: Admitting it now?

18 MR. VITOLLO: -- admitting it now.

19 THE COURT: So we have Exhibit 16 which is
20 being admitted without objection from the Defendant.
21 Mr. Vitollo, tell me what the purpose of this exhibit
22 is or what it consists of. Describe the exhibit and
23 then tell me it's purpose for today's use.

24 MR. VITOLLO: So the exhibit provides a brief
25 memo including recitation of certain alleged facts and

1 legal authority for Vanessa's -- for the Plaintiff's
2 claim to be entitled to an amount equal to one half of
3 the fair market value of rent of the property at
4 Challedon Drive. And the conclusion of that, the
5 primary purpose is to show what amounts we would
6 perceive that she would be -- we would claim that she
7 would be entitled to receive for the fair market value
8 rent, beginning with three years prior to the date she
9 filed a claim in probate court claiming such an
10 interest.

11 THE COURT: Okay. Any objection, Mr.
12 Shepherd?

13 MR. SHEPHERD: Your Honor, I would just like
14 to clarify that we have no objection to that coming in
15 as a summation of the rents, the estimated or fair
16 market rents that were -- they're composed in Exhibit
17 No. 13, as a summation.

18 THE COURT: All right. And just for the
19 record too, I'm going to accept the memo portion of
20 Exhibit 16 for your position in terms of legal
21 authority for the concept of ouster.

22 And I think we discussed this early in the
23 trial that Mr. Shepherd, at this point in time, might
24 renew his -- I think you wanted to renew or to
25 amend your --

1 MR. VITOLLO: Yes, Your Honor.

2 THE COURT: -- answer to reply to that issue.

3 MR. SHEPHERD: Yes, Your Honor. If ouster is
4 an issue being raised, then out of an abundance of
5 caution, purely for me from a professional standpoint,
6 I would like to amend our answer to at least assert an
7 affirmative defense of possession as I think that
8 would adequately cover any issues that could be raised
9 there.

10 THE COURT: Okay. Thank you.

11 MR. SHEPHERD: Thank you.

12 BY MR. VITOLLO:

13 Q And so traveling back to the question of
14 quieting title, Vanessa, your father, Junior Arch
15 White, at the time of his death was unmarried and did
16 not have any living decedents other than you; is that
17 correct?

18 A Yes --

19 THE COURT: Before you answer that question,
20 let me make it clear on the record that I'm going to
21 allow Mr. Shepherd's client to amend her answer and
22 assert the affirmative defense that he stated of
23 possession. In response to the suggestion that ouster
24 is a -- I guess you're complaining of ouster. Is that
25 the complaint that you're raising, or?

1 MR. VITOLLO: That's what we were citing as
2 the legal authority for our position that she's
3 entitled to be compensated for --

4 THE COURT: Okay. Got you.

5 MR. VITOLLO: -- loss of use of the property.

6 THE COURT: All right. Okay. So the ruling
7 of the Court is that the amendment is allowed, and
8 your purpose for submitting the rent estimations is
9 because you believe that the concept or the doctrine
10 of ouster supports your right to seek rent?

11 MR. VITOLLO: Right.

12 THE COURT: So you have --

13 MR. VITOLLO: I guess there would be two.
14 One, foundational to that would be that she had an
15 interest in the property that vested in her as an heir
16 at the time of Junior Arch White's death. That would
17 be under the probate code cited in that memo. I
18 believe it 62-3-1001, but it's cited in that memo.
19 And that she was deprived of that. She was
20 deprived -- by virtue of that, she had an opportunity
21 to benefit from that property and she was deprived of
22 that right, of that opportunity.

23 THE COURT: Would you both approach the
24 bench, please.

25 (Bench conference held off the record.)

1 THE COURT: All right. This is pursuant to a
2 short bench conference I had with the lawyers in the
3 case: Sometimes when we're engaged in the testimony,
4 questions and answers, we, as human beings, we get
5 focused on -- we sort of fail to realize that our
6 focus is on one thing, and we really have a greater
7 matters to consider.

8 And in an earlier question, Mr. Vitollo had
9 asked Ms. Frierson, "Have you ever held an interest in
10 real property?" To which she answered, "No."

11 Whereas in fact, by law, and by virtue of the
12 order in the 2017 in probate court which set aside the
13 2012 order in the probate court, we have a situation
14 in which she was vested in an interest in real
15 property by virtue of the fact that she was the sole
16 daughter of Mr. Junior Arch White.

17 And so factually, while you were talking
18 about that, you were talking about other property, you
19 were not talking about this particular property, which
20 is the subject of this lawsuit. Because as a legal
21 concept, a lawful concept, your interest in that
22 property vested at the time of your father's death.
23 By being his sole surviving daughter, you would have
24 had an interest in the real property that vested in
25 you by virtue of your daddy's death.

1 He died intestate, correct? Or we don't
2 know, because there was no probate ever done. And
3 you're his only daughter, correct?

4 THE WITNESS: Yes, sir.

5 THE COURT: So his half interest in the real
6 property that was held as a tenant in common with Jean
7 White, his half interest would have vested in 1992,
8 one half in his wife -- if they were married, it would
9 have been his spouse. There's evidence apparently
10 coming in that they were divorced at that time;
11 therefore, his one half interest would have descended
12 to his sole surviving heir, his daughter, who is the
13 Plaintiff in the action.

14 So it's a matter for law, that that would be
15 the status of, quote, unquote, "having an interest in
16 real property", to which she answered, no. She
17 actually had an interest. It was as to this Challedon
18 property, and she was factually speaking of interest
19 in other properties, other than this property.

20 Is that an accurate interpretation of what
21 the intent of that testimony was that you received
22 from your client?

23 MR. VITOLLO: Yes, Your Honor.

24 THE COURT: Mr. Shepherd, do you have any
25 objection to my summary of that legal clarification?

1 MR. SHEPHERD: Not at all, Your Honor. Thank
2 you.

3 THE COURT: Okay. Thank you very much. We
4 can go forward now. I just wanted to clear that up on
5 the record.

6 MR. VITOLLO: And Your Honor, we submitted a
7 memo, that Exhibit 16, shows our summation of the fair
8 market value of the rent commencing at a date in 2012.
9 The Plaintiff also reserves her right to submit
10 additional argument that she -- in other words, she
11 may be entitled to rent from a period, a prior period
12 other than what's shown on that memo. And my
13 understanding is that Defendants' counsel is in
14 agreement with that, understands.

15 MR. SHEPHERD: I think what Mr. Vitollo is
16 getting at is if we were to seek anything with regards
17 to betterments or we were trying to seek
18 reimbursements or anything like that prior to whatever
19 period of time is alleged or summarized there, that
20 they're reserving the right to then further allege
21 additional rents and other things due. I think you're
22 only looking at rent from 2012 forward, based on what
23 you've got there. Is that what you're saying?

24 MR. VITOLLO: Yes, Your Honor.

25 THE COURT: Okay. That's fine. You're

1 reserving that right, I get it.

2 MR. VITOLLO: And that's all that I have for
3 the Plaintiff.

4 THE COURT: Okay. Thank you. Mr. Shepherd,
5 you want to take a shot at cross-examination. How
6 long do you think your cross-exam is going to be?

7 MR. SHEPHERD: I wouldn't think thirty -- it
8 wouldn't even probably go thirty minutes, I wouldn't
9 think.

10 THE COURT: Well, if it's going to be thirty
11 minutes, then let's go ahead and take a lunch break.

12 MR. SHEPHERD: Okay.

13 THE COURT: It's almost 12:30, almost 12:30
14 right now, and we'll reconvene at 1:00 o'clock, which
15 gives us 35 minutes for lunch.

16 (Lunch break.)

17 (Defendants' Exhibit No. 1 marked.)

18 THE COURT: Ms. Frierson?

19 THE WITNESS: Yes, sir.

20 THE COURT: Could you resume the stand,
21 please. Ms. Frierson?

22 THE WITNESS: Yes, sir.

23 THE COURT: I'd like to remind you that
24 you're still under oath.

25 THE WITNESS: Yes, sir.

1 THE COURT: Go
2 ahead, Mr. Shepherd, your cross-examination.

3 MR. SHEPHERD: Thank you, Your Honor. Before
4 I get into that, I was able to dig through my file and
5 spoke with Mr. Vitollo. I'd like to go ahead and
6 publish in as Defendants' No. 1, this is the deed of
7 the property with the actual recording information. I
8 did have that buried in my records.

9 THE COURT: Thank you. Any objection, Mr.
10 Vitollo?

11 MR. VITOLLO: No objection.

12 THE COURT: Thank you.

13 CROSS-EXAMINATION

14 BY MR. SHEPHERD:

15 Q So, Ms. Frierson, I guess this would be the
16 third time I have questioned you. I think we had a
17 couple of days of trial back in 2017. So I'd say it's
18 good to see you again, but I don't think either one of
19 us wishes we had to do this, right?

20 So at the time of Junior Arch White's
21 passing, it's been your testimony that you are the
22 only living child of Mr. White?

23 A Yes.

24 Q And that he had another child who passed away
25 in infancy and obviously had no heirs of their own.

1 A (Nods head.)

2 Q Okay. And as part of your last action in the
3 probate court, you had asked the Court to set aside
4 the order determining heirs where the order said that
5 Jean Garris White was the sole heir at law of Junior
6 Arch White. You brought that action and made your
7 case to the Court that she was no longer married to
8 Junior at the time of his death. Do you recall that?

9 A Yes.

10 Q Okay. And to your recollection, were Junior
11 and Jean, were they living together at the time that
12 Junior passed?

13 A She was here, Daddy got killed in West
14 Virginia.

15 Q And do you recall approximately when they got
16 divorced?

17 A No, sir.

18 Q Do you recall them moving back in together
19 after they got divorced?

20 A She did move there.

21 Q And so at the time that your father passed,
22 she was occupying the home at Challedon?

23 A She was in West Virginia with my dad.

24 Q She was?

25 A Yes, sir.

1 Q Okay. Who was living at Challedon at that
2 time, do you know?

3 A Judy Bloodworth.

4 Q And you had opportunity, I guess as a child
5 in the '70s to have lived in that home on Challedon
6 with Junior and Jean?

7 A Yes.

8 Q And my understanding from our last trial, you
9 knew that Junior and Jean owned that home that they
10 lived in on Challedon?

11 A Yes.

12 Q And what did you know about the property in
13 West Virginia in terms of who it belonged to?

14 A I know my mom, my mom bought it with her --
15 not bought it but put a down payment on it. This is
16 my mom, not Jean, this was my mom.

17 Q What's your mom's name, I'm sorry?

18 A My mom's name is Norma Grace.

19 Q Okay.

20 A But she's passed away now. And her and my
21 dad moved back in together in West Virginia. And
22 then, they separated, and that's when, I guess Jean
23 moved in with him. I couldn't give you a date. I
24 have no idea.

25 Q Okay. Was it close to the time he passed

1 away?

2 A Gosh. I guess him and Mom had separated
3 maybe a year before that, if that. I'm not sure.

4 Q Okay. All right. And that was, it's hard to
5 believe, about 30 years ago at this point?

6 A Yes.

7 Q Give or take? Yeah. All right. So in the
8 last hearing, the last trial that we had, the probate
9 court determined that Jean Garris White was not the
10 spouse of Junior Arch White because of the divorce in
11 West Virginia?

12 A Right.

13 Q And did you have opportunity to review the
14 order and the documents after the Court made those
15 rulings?

16 A Say it again.

17 Q Did you have the opportunity to read the
18 Court's order saying that Jean was not Junior's heir?

19 MR. VITOLLO: Your Honor, if --

20 THE WITNESS: The only ones I read --

21 THE COURT: Hold on.

22 MR. VITOLLO: I'm -- I'd like to object to
23 counsel's prior question about whether the court order
24 determined that Junior and Jean were divorced just on
25 the grounds that he's asking for a legal conclusion.

1 THE COURT: Mr. Shepherd, can you rephrase
2 that question.

3 BY MR. SHEPHERD:

4 Q Are you aware that the Court found that Jean
5 was not married to Junior at the time of his death?

6 A Yes.

7 Q All right.

8 THE COURT: Is that okay?

9 MR. VITOLLO: Yes.

10 THE COURT: All right.

11 BY MR. SHEPHERD:

12 Q All right. And part of action in probate
13 court, you weren't just asking the Court to set aside
14 the petition to determine heirs, were you?

15 A I don't know what you're saying.

16 Q You were asking the Court to make some other
17 determinations about whether or not Jean White's
18 estate or Judy Bloodworth owed you money?

19 A Owed me money?

20 Q Did you bring an action asking them to -- or
21 asking Jean White's estate to pay you for rents and
22 property and other things?

23 A Gosh. I don't think so.

24 Q You don't think so?

25 A I don't remember that.

1 Q Okay.

2 A I might have, I don't remember.

3 Q It's been a few years.

4 A Yeah.

5 Q I understand. All right. Hopefully, I'm
6 doing this correctly. So this is that order that was
7 entered on September 5, 2017, by the probate court.
8 And I'll ask you, can you see it okay?

9 A Pretty much so.

10 Q Yeah. There's a little bit of --

11 A Yeah.

12 Q I'll turn the lights on. But what it says
13 there is it says that she, I guess referring to you,
14 Vanessa Frierson, also filed an amended summons and
15 petition for allowance of claim in the Estate of Jean
16 Garris White. "Through these petitions, Ms. Frierson
17 requested the Court to 1) Set aside this court's order
18 dated September 21st of 2012." That's the one that we
19 were just discussing, right?

20 A Okay.

21 Q Okay. And then that you also asked the Court
22 to revise that order to reflect that you were the sole
23 heir of Mr. White, Mr. White being your father,
24 correct?

25 A Right.

1 Q And then that number 3) "To require Ms.
2 White's Estate," referring to Jean Garris White, "to
3 pay Ms. Frierson compensatory damages equal to the
4 cost and expenses attributable to her from the loss of
5 the use or rental opportunity regarding the Dorchester
6 County property with punitive or treble damages or
7 both."

8 The Dorchester County property, that was the
9 249 Challedon?

10 A Yes.

11 Q Correct?

12 A I said yes, you didn't hear me.

13 Q You did? I'm sorry, okay. And then lastly,
14 to require Ms. Bloodworth -- actually, keep going, not
15 lastly. "Require Ms. Bloodworth, as personal
16 representative of Ms. White's estate to submit a
17 detailed accounting of all rent payments received by
18 Ms. White in regards to the West Virginia property."
19 And I believe that's the property you were speaking
20 about the mother had put a down payment on?

21 A Right.

22 Q And then to require Ms. White's estate to
23 compensate you for rent payments that Ms. White
24 received from the West Virginia property and require
25 Ms. White's estate to reimburse you for attorney's

1 fees and costs and to charge Ms. Bloodworth in her
2 capacity as personal representative for Ms. White's
3 estate as an executor de son tort of Mr. White's
4 estate. Do you know what that means, "executor de son
5 tort?"

6 MR. VITOLLO: Your Honor, I'm going to object
7 to the extent that the question is asking about any
8 claims that were filed in regards to the West Virginia
9 property. The petition that we filed in court today
10 is solely asking for relief with regard to the
11 Challedon property here in South Carolina. And so if
12 she -- I perceive that any questions or issues
13 relating to the West Virginia property would be -- I
14 don't see how they would be relevant. And my concern
15 is it potentially could confuse the parties and the
16 Court.

17 THE COURT: I'm going to overrule your
18 objection, because I don't -- my understanding of his
19 question is did she remember asking for matters other
20 than setting aside the order of the termination of
21 heirs in the 2012 case. And my understanding is he's
22 simply -- she said she didn't remember. So now he's
23 refreshing her memory or otherwise impeaching her.

24 THE WITNESS: I thought you meant the rent
25 for 249 Challedon. I didn't know you were talking

1 about this one.

2 THE COURT: He's not talking about just
3 Challedon --

4 THE WITNESS: And that's what I thought.

5 THE COURT: His question, Ms. Frierson, as I
6 understand it is: Did you ask for additional relief
7 other than setting aside the 2012 determination of
8 heirs?

9 Your answer to that was: I don't think so,
10 or words to that effect. And now Mr. Shepherd is
11 following up with an itemization of the issues that
12 were before the Court in the 2017 order by the probate
13 court.

14 THE WITNESS: Okay.

15 THE COURT: All right. So he's either
16 refreshing your memory or attempting to impeach your
17 credibility.

18 THE WITNESS: I didn't know that's what you
19 meant, but, yeah, I remember now.

20 BY MR. SHEPHERD:

21 Q All right. So, and again, I'm just trying to
22 find out and go through what you actually brought in
23 probate. All right? And then the last one there
24 says -- well, I think I asked you if you understood
25 what an executor de son tort is?

1 A No.

2 Q Okay. And it's kind of immaterial to this.
3 And then you asked the Court in probate to find Ms.
4 Bloodworth jointly and severally liable in her
5 individual capacity for all damages and amounts to be
6 paid from Ms. White's estate. So having gone through
7 that, do you recall those being the issues that you
8 brought to the probate court in 2017?

9 A For this property?

10 Q For everything that's listed there, ma'am.
11 Do you recall those issues being raised at trial?

12 A Yes.

13 Q That's all I'm asking. Okay. Now, and the
14 reason I asked you if you remembered what the court
15 ordered, I'm going to direct the Court and the
16 parties -- let me see if I can get more light on this.
17 That might be better.

18 All right. And this, down here, attorney's
19 fees and punitive damages. "Ms. Frierson
20 requested" -- and I'm going to read it -- "requested
21 that the Court order Ms. Bloodworth to pay attorney's
22 fees, rent payments for the loss of use of the
23 Dorchester County property and punitive damages for
24 Ms. White's estate based on her fraudulent actions.
25 The Court denies this request."

1 And then the Court goes on to say that you
2 had some culpability in the current stature of this
3 case. It states that you waited approximately 23
4 years to come forward to address the proper
5 distribution of your father's estate. And the order
6 does go on further from there.

7 Now, Ms. Frierson, when your father passed
8 away in 1992, is it your contention that Jean Garris
9 White denied you the right to anything that your
10 father owned?

11 A Yes.

12 Q Did Jean Garris White keep you off of your
13 father's property?

14 A Yes.

15 Q Did she turn you away from the West Virginia
16 property?

17 A Yes.

18 Q Did she turn you away from the Summerville
19 property?

20 A I never went back there.

21 Q Did you feel like she would have let you into
22 the property?

23 A I doubt it.

24 Q How was your relationship with Ms. White?

25 A Not good.

1 Q What was not good about it?

2 A It just wasn't no good.

3 Q How was it not good? Can you describe to the
4 Court what made it not good.

5 A We just didn't get along. You know how it is
6 with stepmothers and stepkids.

7 Q Do you recall in the prior trial testifying
8 that Junior and Jean made you leave the home at 249
9 Challedon?

10 A When I got pregnant with my child, yes.

11 Q And did Jean Garris White ever let you come
12 back?

13 A No.

14 Q And did you know Jean was living at that
15 house?

16 A At 249 Challedon Drive?

17 Q Yes, ma'am.

18 A Yes.

19 Q And did you know that Judy Bloodworth was
20 living there?

21 A Yes.

22 Q Do you recall in the prior trial testifying
23 that you and your husband went and sought the advice
24 of counsel after Junior died?

25 A Yes.

1 Q And I don't want you to tell me anything you
2 discussed with counsel. Did you follow through with
3 doing that?

4 A No.

5 Q Okay.

6 A The lawyer said --

7 MR. VITOLLO: I'm going to object, Your
8 Honor.

9 THE WITNESS: -- there wasn't nothing I could
10 do.

11 MR. VITOLLO: I'm going to object. Yeah, I'm
12 going to object, Your Honor.

13 THE COURT: Hold on one sec.

14 THE WITNESS: Okay.

15 THE COURT: All right. You want to object to
16 what?

17 MR. VITOLLO: Him asking whether she followed
18 through. I'm going to object due to the form of the
19 question.

20 MR. SHEPHERD: And I can clarify, Your Honor.
21 I'll clarify, because it was rather open-ended.

22 THE COURT: All right.

23 BY MR. SHEPHERD:

24 Q So, Ms. Frierson, in the prior trial, you and
25 your husband testified that after Junior passed, that

1 you sought the assistance of an attorney to address
2 property matters?

3 A In West Virginia.

4 Q In West Virginia? Okay.

5 A Not here.

6 Q Not here. All right. Did you -- and by
7 "follow through," did you hire that attorney and
8 proceed to address any of those matters.

9 A No, it was for trying to get a wrongful death
10 suit for my dad, no kind of property at the time, no.

11 Q Okay. All right. Now, with regards to the
12 property at 249 Challedon, did Jean Garris White ever
13 invite you back to that property?

14 A No.

15 Q Did Judy Bloodworth ever invite you back to
16 the property?

17 A No.

18 Q When it comes to your request for rents
19 that's been raised, did you have an opportunity to
20 review the comparable rents that were presented to the
21 Court earlier? Did you --

22 A Did I look at them? I was told about them.

23 MR. SHEPHERD: Okay. Your Honor, if I may, I
24 believe it was Exhibit 13. Thank you.

25 BY MR. SHEPHERD:

1 Q And you're right, I don't believe we went
2 through those.

3 THE COURT: Mr. Shepherd?

4 MR. SHEPHERD: Yes?

5 THE COURT: Would you use the ELMO.

6 MR. SHEPHERD: Oh, absolutely.

7 BY MR. SHEPHERD:

8 Q If you can't see it, let me know. Okay?

9 A Okay.

10 Q I'll do my best here for you to see it. Do
11 you see, this would be -- and it is Plaintiff's
12 Exhibit 13, and it says, "Comparable Properties" up
13 there at the top. Do you see that?

14 A Yes, sir.

15 Q And can you see where it's listing, and it
16 has some pictures of some properties with addresses?

17 A Yes.

18 Q It looks like 235 Challedon, 519 East
19 Richardson, and maybe 209 Challedon?

20 A It ain't got a picture.

21 Q That one doesn't have a picture, right. And
22 do you see where it lists -- it says, "list price,"
23 that first row?

24 A Yes.

25 Q And it appears, and I think it's my

1 understanding that the purpose of this exhibit was to
2 establish fair market values for the rents for
3 properties in and around Challedon and that area; is
4 that right?

5 A Yes.

6 Q To your understanding?

7 A Yes.

8 Q Did you prepare this report?

9 A No.

10 Q Are you involved in real estate?

11 A No.

12 Q Have you ever been involved in real estate?

13 A No.

14 Q Professionally, at all?

15 A No.

16 Q Okay. And do you have any personal knowledge
17 as to the condition or the interior or the amenities
18 of these homes?

19 A No.

20 Q And did you ever have opportunity to review
21 or look at the property that's at issue today?

22 A No.

23 Q Okay.

24 A Just the outside, not the inside.

25 Q Okay. And I'm looking at what appears to

1 show status date, there's a row there, it says 2002
2 for 235 Challedon, 2008 for 519 East Richardson, and
3 another one for 2002 at 209 Challedon. And in those
4 time periods, did you enter the property at 249
5 Challedon?

6 A No.

7 Q Did you request access?

8 A No.

9 Q Why did you not request access?

10 A I just didn't.

11 Q Did you not request because Jean wouldn't let
12 you?

13 A Sort of, kind of, yeah.

14 MR. SHEPHERD: Before I mix this up with
15 mine, I'll give this back to Your Honor, Exhibit No.
16 13.

17 BY MR. SHEPHERD:

18 Q And so, Ms. Frierson, for any of the other
19 years that may be in that Exhibit 13 as to the
20 comparable rents, for any other years, did you ever
21 enter 249 Challedon?

22 A One time.

23 Q When was that?

24 A Right after my Daddy died.

25 Q Okay.

1 A So that was '92, right in the same year my
2 dad died, and they asked me to come and sign papers,
3 and I didn't do it.

4 Q Who asked you?

5 A Jean.

6 Q Jean? And she asked you to come sign papers?

7 A Right.

8 Q What kind of papers did she ask you to sign?

9 A Turning over -- I guess she wanted me to sign
10 papers for Dad. I'm not sure. I didn't even look at
11 them, and I didn't do it. I don't really even know.

12 Q Did she make you leave?

13 A Well, we didn't leave on good terms. I was
14 uncomfortable. So before anything got started, yes, I
15 did leave.

16 Q I believe in your last trial, you testified
17 that as soon as Junior passed away? Jean was already
18 removing things from the house in West Virginia?

19 A Yes.

20 Q And I can't recall, you can refresh my
21 memory, did you try to intervene in that?

22 A No. They were there before I was. I wasn't
23 there at the time.

24 Q Did they put you out on that?

25 A No. I just walked right on in.

1 Q And did they make you leave?

2 A No, because that was my dad's place at the
3 time, not hers.

4 Q All right. Ms. Frierson, have you
5 contributed any tax or insurance payments towards the
6 property at 249 Challedon?

7 A No. I did not know that my dad's name was on
8 it until her mother passed away. I had no idea until
9 somebody come to me -- I didn't even know she passed
10 away. Somebody come to my work at Coastal Produce and
11 told me Jean passed away, you need to go to the tax
12 office. That's when I found out my dad's name was on
13 it, and that's when I hired an attorney.

14 Q But you knew that Jean and Junior owned that
15 property when --

16 A But I didn't know it was two different
17 separate names. I didn't know that. I didn't know
18 when Dad passed away if his name was off of it or not.
19 I had no idea.

20 Q Okay. But again, Jean wouldn't let you back
21 on the property?

22 A Right.

23 MR. SHEPHERD: Ms. Frierson, I think that's
24 everything I have for you right now. If you would
25 please answer any questions from the Court or any

1 redirect from your attorney.

2 THE COURT: Any redirect?

3 MR. VITOLLO: Yes, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. VITOLLO:

6 Q Vanessa, in regards to the court proceeding
7 from 2017, you had made requests in there to be
8 compensated for certain amounts, and that was in
9 addition to the request that the Court set aside the
10 order; is that correct?

11 A Yes.

12 Q Okay. And one of those requests would have
13 been that the Court pay you reasonable rent, award you
14 reasonable rent for the period of time in which Jean
15 White or Judy Bloodworth occupied the property,
16 correct?

17 A Yes.

18 Q And it would seem that any of those claims
19 would have been predicated on a finding that you were
20 an heir to the property; is that correct?

21 A Yeah.

22 Q And I'm going to refer to -- I might ask the
23 court reporter, the 2017 order, what exhibit number is
24 that?

25 MR. SHEPHERD: 6, No. 6.

1 MR. VITOLLO: No. 6?

2 COURT REPORTER: 6, No. 6, yes, sir.

3 BY MR. VITOLLO:

4 Q I'm going to read an excerpt of that order to
5 you. "Because this order far exceeds the ten day
6 limit, the September 21, 2012 order determining heirs
7 may only be set aside." That's what the order says,
8 correct?

9 A Yes.

10 Q And so the Court never found at that
11 proceeding that you were an heir of Junior Arch White,
12 did it?

13 A No.

14 Q In which case, the Court wouldn't have been
15 able to afford any of the additional relief you
16 requested?

17 A Right.

18 Q And so to the best of your knowledge, the
19 Court never ruled on any of those issues; is that
20 correct?

21 A Uh-huh.

22 Q And Vanessa, when your father passed away in
23 1992, did you know whether you were legally entitled
24 to an interest in the property at Challedon Drive?

25 A No.

1 Q All right. When your father passed away in
2 1992, your name was not on that deed, is that correct?

3 A Correct.

4 Q And essentially, from 1992, short of filing a
5 court action, there would have been little or nothing
6 that you could have done to assert any ownership in
7 the property at Challedon Drive; is that correct?

8 A Correct.

9 Q And we submitted to the Court Exhibit 13,
10 which showed certain amounts for the rental value of
11 comparable properties to Challedon Drive, correct?

12 A Correct.

13 Q And you don't have real estate knowledge to
14 know whether those are good values, do you?

15 A Right.

16 Q To the best of your knowledge, that report is
17 prepared by Christine Garcia McDaid, correct?

18 A Correct.

19 Q Do you know Chris McDaid Garcia to be a real
20 estate professional?

21 A Yes.

22 Q Would you expect Christine Garcia McDaid to
23 have sufficient knowledge to be able to determine what
24 some comparable rental amounts might be?

25 A Yes.

1 Q Do you have any reason to doubt whether the
2 summary prepared by Christine McDaid Garcia was an
3 accurate representation of the fair market rental
4 values?

5 A No.

6 Q Other than the interest that you might have
7 had in the property at Challedon Drive as an heir at
8 law in 1992, you would not have had -- you're not
9 aware of any other -- I'm going to rephrase that.

10 THE COURT: That's a good idea, because
11 you're beginning to lead her. And any question that
12 begins with, you're not aware of something, something,
13 it gets really hard to understand what the answer is
14 going to be. So if you could try to frame your
15 questions -- this is direct examination of her,
16 redirect actually.

17 MR. VITOLLO: Redirect.

18 THE COURT: And Mr. Shepherd's not objecting
19 too much, but I want a clear understanding. My
20 request is you try to simplify your questions, because
21 it's difficult to understand the answer to a question
22 that begins in a leading fashion of, you're not aware
23 of X, Y, or Z.

24 MR. VITOLLO: All right.

25 THE COURT: It would be better if you said,

1 are you aware of something, something.

2 BY MR. VITOLLO:

3 Q So as of today, Vanessa, you would claim to
4 be an heir at law of Junior Arch White; is that
5 correct?

6 A Yes.

7 Q Prior to the time when the claim was filed in
8 probate court in 2015, what, if any, knowledge would
9 you have regarding your rights to that property?

10 A I didn't.

11 MR. VITOLLO: No further questions.

12 THE COURT: Re-cross?

13 MR. SHEPHERD: Just one quick.

14 FURTHER CROSS-EXAMINATION

15 BY MR. SHEPHERD:

16 Q Ms. Frierson, you knew that Junior and Jean
17 owned and lived at the property at 249 Challedon as
18 you were growing up, right?

19 A Yes.

20 Q And you knew that he passed away?

21 A Yes.

22 Q Did you look for any property records or
23 anything, at that time, to show that he had an
24 interest?

25 A Not at Challedon, no, sir.

1 COURT REPORTER: I'm sorry I didn't hear
2 that.

3 THE COURT: Hold on, wait a second.

4 COURT REPORTER: I didn't hear her answer.

5 THE COURT: The question was: Did you look
6 for any property records concerning the Challedon
7 property?

8 MR. SHEPHERD: Correct.

9 THE COURT: And then your answer to that,
10 could you repeat that answer.

11 THE WITNESS: No.

12 THE COURT: No. Did I get that right?

13 COURT REPORTER: Yes.

14 THE COURT: You need to speak up just a
15 little bit. Maybe bring that microphone down a little
16 bit.

17 COURT REPORTER: Thank you.

18 MR. SHEPHERD: If I get going too fast,
19 please tell me.

20 COURT REPORTER: No, you're fine.

21 BY MR. SHEPHERD:

22 Q Okay. So you did not look for any property
23 records?

24 A No, sir.

25 MR. SHEPHERD: Okay. All right. That's all

1 I have. Thank you.

2 THE COURT: All right. Are you finished?

3 MR. VITOLLO: Yes, Your Honor.

4 THE COURT: You can be excused.

5 MR. VITOLLO: If you'd just give me -- can I
6 request a brief moment? If I can just have a brief
7 moment to basically determine whether or not we need
8 to call any other witnesses.

9 THE COURT: Sure.

10 MR. VITOLLO: Your Honor, I'd actually like
11 to recall the Plaintiff to the stand.

12 THE COURT: Sure. Ms. Frierson. You're
13 still under oath, Ms. Frierson.

14 THE WITNESS: Yes, sir.

15 FURTHER DIRECT EXAMINATION

16 BY MR. VITOLLO:

17 Q So Vanessa, in regards to the hearing in
18 probate court in 2017, at that time, we filed a
19 petition alleging that you were the sole heir of
20 Junior Arch White and that you were his sole living
21 descendent, correct?

22 A Yes.

23 Q And did the Defendant, Judy Bloodworth, agree
24 with those allegations, or did she deny them?

25 A Denied them.

1 Q To the best of your recollection from those
2 proceedings, did -- the Defendant made the argument
3 that Jean White was not aware that you were Junior's
4 child; is that correct?

5 A Correct.

6 Q And at that hearing in 2017, did counsel for
7 Judy Bloodworth make the argument that Jean did not
8 perceive you to be Junior Arch White's child?

9 A Right.

10 Q And sometime in about 2015, you found out
11 about the order that was entered establishing heirs;
12 is that correct?

13 A Yes.

14 MR. SHEPHERD: Your Honor, I'm going to have
15 to object. This is exceeding the scope of cross.
16 This is redirect.

17 THE COURT: I agree with -- well, I'm not
18 sure.

19 MR. VITOLLO: And I'll note that I recalled
20 the Plaintiff.

21 THE COURT: I'm going to let you go ahead.
22 Go ahead and proffer her. I'll note your objection,
23 Mr. Shepherd, and let you proffer what she's
24 testifying to. And then I'll decide whether or not
25 it's beyond -- if it's proper testimony or beyond the

1 scope of redirect. I'm not sure if it's redirect
2 or -- you've called her a second time.

3 MR. VITOLLO: Yes.

4 THE COURT: So, okay. It's a new one for me.
5 I'm going to have to see what that actually means
6 evidentiary. Is there some position you can tell me
7 about that allows you to expand on your prior direct
8 examination?

9 MR. VITOLLO: I'm --

10 THE COURT: I think that's what Mr.
11 Shepherd's argument is that you've gone -- you already
12 had her up.

13 MR. VITOLLO: There's an argument that --
14 there was an issue raised by the Defendants' counsel
15 that I was not anticipating. It seems that
16 Defendants' counsel is raising an issue that I didn't
17 anticipate being raised prior to today's hearing.

18 THE COURT: Okay.

19 MR. VITOLLO: And so at the time that I --
20 when we did direct, again, there was an issue that
21 didn't perceive that I needed to address. And so I
22 was intending to call her back.

23 THE COURT: Okay.

24 MR. VITOLLO: I was looking at this as sort
25 of the initial direct examination.

1 THE COURT: Go ahead and proffer what you
2 want to have her testify to and I will decide whether
3 or not it's proper or not once I hear what you have to
4 say and arguments from Mr. Shepherd.

5 BY MR. VITOLLO:

6 Q And, Your Honor, I'm going to seek to admit
7 as a Plaintiff's exhibit -- I'm going to ask the court
8 reporter what number?

9 COURT REPORTER: 17.

10 MR. VITOLLO: Exhibit 17.

11 (Plaintiff's Exhibit No. 17 marked.)

12 MR. VITOLLO: And this is an affidavit of due
13 diligence prepared -- submitted by Melvin D.
14 Williamson as the attorney for Jean Garris White at
15 the probate proceeding in 2012. And I am submitting
16 this to show that at the petition to determine heirs
17 in 2012, Jean Garris White took the position that
18 Junior Arch White did not have any children.

19 THE COURT: Okay.

20 MR. VITOLLO: Are there any objections?

21 MR. SHEPHERD: I have no objection.

22 THE COURT: Go ahead.

23 BY MR. VITOLLO:

24 Q And Vanessa, I'm going to read the fourth
25 sentence from this affidavit. It says, "This matter

1 involves a petition before this court to determine the
2 heirs of Junior Arch White. I have interviewed Jean
3 Garris White, in an effort to determine the intestate
4 heirs of the decedent. In that regard, I have found
5 that there were no other heirs of the decedent other
6 than Jean Garris White as is set forth in the
7 Petition." Is that a correct, is that what that says?

8 A Yes.

9 Q All right. And so Vanessa, just to the best
10 of your -- as best as you understand it, what's the
11 basis for Jean Garris White's assertion that she is
12 the sole heir as to Junior Arch White's interest in
13 the Challedon property?

14 MR. SHEPHERD: Object, Your Honor. Calls for
15 speculation.

16 THE COURT: Sustained.

17 BY MR. VITOLLO:

18 Q So Vanessa, at the -- there was a 2012
19 proceeding in the probate court in Dorchester County,
20 correct?

21 A Yeah.

22 Q And part of that was -- the purpose of that
23 proceeding was to determine the heirs of Junior Arch
24 White, correct?

25 A Yes.

1 Q And at that proceeding, who did Jean White
2 claim was the sole heir of Junior Arch White?

3 A Herself.

4 Q What was the basis for that claim?

5 A For the house on 249 Challedon Drive.

6 Q Are you a child of Junior Arch White?

7 A Yes.

8 Q In her petition, did Jean White reference you
9 as a child of Junior Arch White?

10 A No.

11 Q If Jean White was married to your dad at the
12 time of his death, and he didn't have any children,
13 who do you think would be entitled to receive his
14 estate?

15 A Jean White.

16 Q Okay. So at that hearing, did Jean White
17 take the position that you were not a child of Junior
18 Arch White?

19 A Yes.

20 MR. VITOLLO: All right. Thank you. And
21 that's all I have.

22 THE COURT: Anything else? Tell me whether
23 or not the proffered testimony --

24 MR. SHEPHERD: I'll go with it. I'll go with
25 it, Your Honor.

1 THE COURT: You're okay with it?

2 MR. SHEPHERD: Yes, sir, one brief thing.

3 FURTHER CROSS-EXAMINATION

4 BY MR. SHEPHERD:

5 Q Jean Garris White denied that you are a child
6 of Junior Arch White?

7 A Yes.

8 Q And in doing so, she denied that you had any
9 right or interest in any property that he owned at the
10 time of his death?

11 A Yes.

12 Q And she kept you from his property?

13 A Yes.

14 MR. SHEPHERD: Okay. Nothing further.

15 THE COURT: Anything else on redirect?

16 MR. VITOLLO: No, Your Honor.

17 THE COURT: Thank you very much.

18 THE WITNESS: Thank you.

19 MR. VITOLLO: At this time, Your Honor, that
20 concludes our presentation of evidence.

21 THE COURT: Okay. Let's see. The Plaintiff
22 has rested, Mr. Shepherd, do you have any motions?

23 MR. SHEPHERD: As a matter of course, Your
24 Honor, I would have to raise the motion, at least in
25 terms of the petition for partition, that the

1 Plaintiff has not carried his burden of proof and has
2 not reached the conclusion that they are entitled to
3 any relief under the petition. And of course, I am
4 making this motion because it's a necessity to do so,
5 but I don't believe with it being couched in terms of
6 quiet title action, until that issue is actually
7 resolved and the other evidence from my side is put
8 up -- perhaps I'll just reserve that and we just move
9 forward with ours, and I'll just withdraw the motion.
10 Let's do that.

11 THE COURT: Okay. So no motions from the
12 Defendant.

13 MR. SHEPHERD: That's right.

14 THE COURT: At the close of Plaintiff's. So
15 you waived any motion for nonsuit, involuntary
16 nonsuit. That's fine, let's go forward with your side
17 of this case.

18 MR. SHEPHERD: Great. Thank you, Your Honor.
19 I'd like to call Ms. Judy Bloodworth.

20 JUDY BLOODWORTH,
21 having been duly sworn, testified as follows:

22 THE COURT: You may have a seat. You're
23 under oath. Answer any questions that Mr. Shepherd
24 may have.

25 DIRECT EXAMINATION

1 BY MR. SHEPHERD:

2 Q So, Ms. Bloodworth, if you could, tell us
3 your full name for the record and where you live.

4 A Judy Bloodworth. 249 Challedon Drive,
5 Summerville, South Carolina, 29485.

6 Q Ms. Bloodworth, how long have you lived at
7 249 Challedon?

8 A Since 1989.

9 Q And how does that date ring in your head?
10 How do you remember that date so well.

11 A That date is after Hugo, and my mom and
12 Junior were back together and him asking us to move
13 into the home for him and to take care of it for them
14 to go to West Virginia, to the home in West Virginia.

15 Q Okay. And so you've lived there continuously
16 since that time?

17 A Yes.

18 Q How long was your mother absent from
19 Challedon after you moved in?

20 A Almost three years.

21 Q And when can you pinpoint to the best of your
22 recollection that she returned to Challedon.

23 A A month after Junior White's death in '92.

24 Q Okay. At the time that Junior White passed
25 away, were you aware of any probate or other

1 proceedings regarding his estate?

2 A Yes.

3 Q Was there probate done for his estate?

4 A Yes.

5 Q Where was that done?

6 A Here.

7 Q Was it done by your mother?

8 A Yes.

9 Q When?

10 A In 2012.

11 Q Okay. But not in 1992?

12 A No, no, no.

13 Q So going back to when he passed away and
14 immediately after --

15 A Right, no.

16 Q -- was there any probate done?

17 A No.

18 Q At the time that he passed away, did you know
19 whether or not Junior Arch White had children?

20 A No.

21 Q Did you know of somebody that could have ben
22 his child?

23 A No.

24 Q Did you know of Vanessa Frierson?

25 A Yes.

1 Q What did you believe Vanessa Frierson's
2 relationship to be?

3 A His niece.

4 Q To Junior Arch White, I'm sorry?

5 A His niece.

6 Q His niece? Why did you believe that she was
7 his niece?

8 A Because that's what he told us.

9 Q Now, at the time that Junior passed away, how
10 was the property at Challedon titled?

11 A Junior White and Jean White.

12 Q Do you recall Vanessa Frierson being aware or
13 in your presence around the time that Junior White
14 passed away?

15 A Yes.

16 Q And how so?

17 A She was at the funeral.

18 Q Were you at the funeral?

19 A Yes.

20 Q Was your mom at the funeral?

21 A Yes.

22 Q Who paid for the funeral?

23 A My mother.

24 Q Who set the headstone up?

25 A My mother.

1 Q Was there any discussion about Vanessa
2 Frierson being a child of Junior Arch White?

3 A No.

4 Q Did Vanessa live in the home at Challedon?

5 A Yes, for a couple years.

6 Q Who did you believe was Vanessa's father?

7 A Frank White.

8 Q Who was Frank White?

9 A Junior's brother.

10 Q Where did Frank White live?

11 A He lived in West Virginia, and then he lived
12 across the street on Challedon, from us.

13 Q Is that around the same time that Vanessa
14 lived there?

15 A Yes.

16 Q How did Vanessa come to leave the property at
17 Challedon?

18 A In a fight with my mom and Junior when she
19 was young over being pregnant and other things.

20 Q Did they make her leave?

21 A Yes.

22 Q Do you know when they bought that property?

23 A I think it was in the late '60s, '70.

24 Q Did Junior and your mother build that
25 property?

1 A No.

2 Q Was it already built when they bought it?

3 A Yes.

4 Q How old were you when they moved in there?

5 A I was, I think 14.

6 Q Did you live at Challedon?

7 A Yes.

8 Q Did you live at Challedon when Vanessa lived
9 at Challedon?

10 A Yes.

11 Q And do you recall the case that was tried in
12 Dorchester County Probate Court regarding your
13 mother's estate and Junior's estate in 2017?

14 A Yes.

15 Q And you are aware that the Court declared
16 that your mother was not Junior White's heir?

17 A Yes.

18 Q After Vanessa's father Junior passed away --
19 well, let me back up.

20 Having seen the evidence, seen the birth
21 certificate and having gone through that trial in
22 probate court, do you concede the fact that Vanessa is
23 a child of Junior Arch White.

24 A I still don't think she is.

25 Q But based on that, the findings and the

1 things that came forward, do you have any argument to
2 support that she's not?

3 A No.

4 Q So after Junior passed away, do you recall
5 whether your mother had any interactions with Vanessa?

6 A After when?

7 Q After Junior passed away, do you recall your
8 mother having any interactions with Vanessa?

9 A No.

10 Q Do you recall your mother denying Vanessa
11 access or entry to property?

12 A Yes.

13 Q And did Vanessa present herself at 249
14 Challedon demanding access to the property?

15 A No.

16 Q Since the time that you've lived there, has
17 she presented herself demanding access to the
18 property?

19 A No.

20 Q Has Vanessa Frierson paid any taxes or
21 insurance towards the property?

22 A No.

23 Q Who's paid those things?

24 A I have.

25 Q Did you mama pay them?

1 A Yes.

2 Q Did you mom pay for the house?

3 A Yes.

4 Q Did she pay for it after Junior passed away?

5 A Yes.

6 Q Having gone through the last trial, and
7 having knowledge about the petition to determine heirs
8 that your mother brought in 2012, is it fair to say
9 that your mother believed that Vanessa was not
10 Junior's child?

11 A Yes.

12 Q Can you point to anything that would support
13 the fact that Vanessa was denied access and denied the
14 right to be a part of any property owned by Junior
15 White?

16 A Yes.

17 Q What can you point to?

18 A We never allowed her back.

19 Q And you've had the opportunity to reside in
20 that home now for, how many years, 31 years?

21 A Yes.

22 Q Have there been any updates or any
23 improvements to that property over the years?

24 A Yes.

25 Q What types of things have been done to that

1 property?

2 A It was a remodel and a build-on.

3 Q When was that, do you think?

4 THE COURT: Which one?

5 MR. SHEPHERD: I'm sorry, at 249 Challedon.

6 THE COURT: Are we talking about a remodel
7 and then a build-on, or is it a remodel/build-on, same
8 thing?

9 BY MR. SHEPHERD:

10 Q Judy, is it a remodel and a build-on?

11 A Yeah, a remodel and a build-on, remodel on
12 the old part and build on a new --

13 THE COURT: And that was all one project?

14 THE WITNESS: No, it took over time.

15 THE COURT: Okay.

16 BY MR. SHEPHERD:

17 Q When do you think those things were done?

18 A I think '92, '93, '94.

19 Q So it has been quite some time?

20 A Yes.

21 Q Is it fair to say that you don't have
22 anything to support the difference in value between
23 the property before those things were done and today?

24 A Right.

25 Q Right. So you're not seeking from this Court

1 reimbursement or credit for any what we would call
2 betterments; is that right?

3 A Right.

4 Q Okay. Since those things were done in 1992,
5 have there been any other improvements or things of a
6 significant nature towards repairs that you can think
7 of.

8 A I put a new roof on it, new central unit, and
9 that was the major thing, yeah.

10 Q And have you kept up the property?

11 A Yes.

12 Q Have you maintained it?

13 A Yes.

14 Q Has it ever looked abandon or that nobody is
15 living there?

16 A No.

17 Q Is there a fence?

18 A Yes.

19 THE COURT: Did you say a fence?

20 MR. SHEPHERD: A fence.

21 THE COURT: Fence?

22 BY MR. SHEPHERD:

23 Q Is there a fence around the property?

24 A Yeah, around the back of the property?

25 Q Is there a fence that blocks off people from

1 coming onto the property?

2 A No, no.

3 Q All right. Okay.

4 THE COURT: You built the fence though? You
5 built the fence?

6 THE WITNESS: No, no, sir.

7 BY MR. SHEPHERD:

8 Q So Judy, how long did Junior Arch White
9 reside at 249 Challedon, do you know?

10 A He resided, from the time they purchased it,
11 probably, like I said, '69 or '70 until, I think about
12 '87 or '86.

13 Q Okay. And during that period of time, did he
14 maintain any other addresses or residences that you're
15 aware of?

16 THE COURT: Excuse me, Mr. Shepherd, your
17 question is, between that time, did he have any other
18 residences. Would you clarify what you mean by "that
19 time."

20 MR. SHEPHERD: Sure, sure.

21 BY MR. SHEPHERD:

22 Q So from 1960 -- late '60s or '71 when Junior
23 and Jean obtained the property to your recollection of
24 when departed from the property in or around 1987, to
25 your knowledge, did Junior have any other places that

1 he lived or maintained a residence?

2 A No, no.

3 Q Was his residence up until 1987 or '86 always
4 249 Challedon?

5 A Yes.

6 Q You mentioned you have paid the taxes on the
7 property?

8 A Yes.

9 Q Did your mother pay the taxes?

10 A Yes.

11 Q Did Junior pay taxes before his death?

12 A Yes.

13 Q All right. I'm going to hand you what I have
14 marked as -- I'll put it on the ELM0. This is marked
15 as Defendants' No. 2.

16 (Defendants' Exhibit No. 2 marked.)

17 BY MR. SHEPHERD:

18 Q And Judy, it's hard to see, let me see if I
19 can zoom it in for us. And Judy, it's hard to see,
20 but can you see where I'm pointing? May the record
21 reflect I'm pointing beside a date, and that date says
22 March 11, 2013. Do you see that, Judy?

23 A Yes.

24 Q Okay. Do you know what these records are
25 that I'm showing you right now? Are these the tax

1 records? Well, maybe I'll clarify that, make it
2 easier.

3 A Right. Appraisal value.

4 Q I'm sorry, let me show you this, down here at
5 the bottom, "Taxes."

6 A Okay.

7 Q Are these the receipts from 2000 -- for the
8 tax year 2012 to present?

9 A Yes.

10 Q And you'll see that that is the 2012, and it
11 reflects down here -- sorry, Your Honor and Counsel,
12 I'm struggling with ELMO here -- \$200.19 was paid for
13 property taxes in 2013, which would have been for tax
14 year 2012. Do you see that?

15 A Yes.

16 Q Who would have made that payment?

17 A My mother and I.

18 Q Next year, this is from the receipt
19 maintained by Dorchester County, you'll see where I'm
20 pointing here, it says \$202 and, I believe 96 cents.
21 The date of payment, I'm not used to this system, it
22 looks like September of 2000 -- no.

23 Beg the Court's indulgence, I'm just trying
24 to put my eyes on where the tax year is on this.

25 THE COURT: Can you pull it down a little

1 bit.

2 MR. SHEPHERD: Yes, Your Honor, I sure can.

3 BY MR. SHEPHERD:

4 Q Levy year, 2013, do you see that?

5 A Yes.

6 Q Okay, Judy. So these taxes were paid for tax
7 year 2013 in the amount of \$202.96. Who would have
8 paid those?

9 A My mother and I.

10 THE COURT: When did your mother die?

11 THE WITNESS: 2015.

12 THE COURT: 2015, yeah.

13 BY MR. SHEPHERD:

14 Q Here's for levy year 2014, Judy. And I'm
15 pointing here, \$201.54. Those taxes were paid and do
16 you know who paid those?

17 A My mother and I.

18 Q Levy year 2015, real estate taxes of \$231.03.
19 Was that also paid by you and your mother?

20 A Yes, yes.

21 Q Possibly yourself. When did you mom pass?

22 A She died in January of 2015, I would have
23 paid that year.

24 Q And Judy, the levy year 2016, it reflects
25 payments of \$237.37. Would that have been you paying

1 that?

2 A Yes.

3 Q This is a little different from the county
4 system. Again, it says paid on January 23, 2018, the
5 amount of \$251.85?

6 A Yes.

7 Q Would you have paid that?

8 A Yes.

9 Q Paid in March of 2019, and it's showing
10 \$1,478.92 was the base taxes for that year?

11 A I paid that.

12 Q You paid that? Do you know why that tax bill
13 went up?

14 A It went over from his name to my name, and
15 they thought that -- I don't know. I think they
16 thought it was a rental property when it was that
17 high. I'm not sure.

18 Q You think it got reassessed by the county
19 after your mom passed?

20 A Right.

21 Q And then you'll see here, paid January 15,
22 2020, \$1,614.83. Was that paid by you?

23 A Yes.

24 Q In 2021, \$525.52, would that have been paid
25 by you?

1 A Yes.

2 Q And then for '22, for tax year '21, it says
3 you paid \$607.38. Would that have been paid by you?

4 A Yes.

5 Q Are there currently real estate taxes due on
6 the property?

7 A Yes.

8 Q Within the next couple of weeks?

9 A Yes.

10 MR. SHEPHERD: Your Honor, I move to admit
11 this as Exhibit No. 2, reflection of payment of taxes
12 from 2012 to present.

13 THE COURT: Any objection.

14 MR. VITOLLO: No, Your Honor.

15 THE COURT: Okay.

16 BY MR. SHEPHERD:

17 Q So Judy, you pay taxes. Is there homeowners
18 insurance on this property?

19 A Yes.

20 Q Okay. Prior to your mother's passing, who
21 paid the homeowners insurance?

22 A Prior to her passing, she paid it.

23 Q She paid it. After mom passed, who was
24 paying it?

25 A I was paying it.

1 MR. VITOLLO: If I can confer briefly with
2 Counsel?

3 THE COURT: Sure.

4 (Discussion held off the record.)

5 MR. VITOLLO: Your Honor, Plaintiffs would be
6 willing to stipulate that all real estate taxes and
7 homeowners insurance have been paid by Jean Garris
8 White from July of '92 when Junior Arch died to
9 January of 2015 when Jean White passed away. And we
10 would also agree to stipulate that Judy has paid all
11 real estate taxes and homeowners insurance from the
12 death of her mother from January of 2015 to the
13 present.

14 THE COURT: Thank you.

15 MR. VITOLLO: You're welcome.

16 BY MR. SHEPHERD:

17 Q So Judy, this is Defendants' Exhibit No. 3,
18 and I apologize, Counsel, this is the only copy that I
19 have.

20 (Defendants' Exhibit No. 3 marked.)

21 BY MR. SHEPHERD:

22 Q Judy, was your homeowners insurance for 249
23 Challedon through The Hartford?

24 A Yes.

25 Q And this is a breakdown of billing activity

1 with regards to your insurance account, is that what
2 this is?

3 A Yeah.

4 Q Okay. And you will see here, for these time
5 periods for the policy from 2016 to 2017, policy
6 covering the year 2017 to 2018, '18 to '19, and '19
7 and '20, that the total premiums billed and paid were
8 \$6,063?

9 A Yes.

10 Q And you made those payments?

11 A Yes.

12 Q You also, I understand, made additional
13 payments for property insurance for the two subsequent
14 years after this breakdown. I'm going to read two
15 amounts to you, please confirm under oath whether or
16 not these are correct. For the policy year of 2021
17 through 2022, you paid \$1,792?

18 A Yes.

19 Q And then for the policy year of 2022 which is
20 carrying into 2023, you have paid \$1,931?

21 A Yes.

22 MR. SHEPHERD: Okay. Your Honor, I move to
23 admit this as Exhibit No. 3.

24 THE COURT: All right. Any objection?

25 MR. VITOLLO: No, Your Honor.

1 THE COURT: Exhibit No. 3 is admitted without
2 objection.

3 BY MR. SHEPHERD:

4 Q And Judy, you mentioned you had to put on a
5 new roof. Do you recall when that was done?

6 A I think it was about 2013 or 2014.

7 Q Was your mother still living?

8 A She was still living.

9 Q Who paid for it?

10 A I did.

11 BY MR. SHEPHERD:

12 Q Judy, is this a copy of the payment stub for
13 that roof?

14 A Yes, it is.

15 Q In the amount of \$5,500 on February 10, 2014?

16 A Yes.

17 Q Move to admit that as Exhibit No. 4.

18 (Defendants' Exhibit No. 4 marked.)

19 And Judy, you mentioned earlier something
20 about a central system. What was that?

21 A We put on a new central system about year and
22 a half ago.

23 Q What is a central system?

24 A Heating and air.

25 Q Oh, HVAC?

1 A Yeah.

2 Q Okay. And do you recall how much that cost?

3 A About \$5,500.

4 Q Did you participate in the installation of
5 that?

6 A Yes.

7 Q And other than that roof and the new HVAC,
8 have there been any other major improvements or other
9 things done to the property after the, quote,
10 "addition and remodel" that you mentioned earlier?

11 A No.

12 Q And do you recall I'm going to hand you --
13 (Defendants' Exhibit No. 5 marked.)

14 BY MR. SHEPHERD:

15 Q All right. Judy, maybe this will refresh
16 your memory of when some of that work was done. I'm
17 going to show you this. One, do you recognize this
18 document?

19 A Yes.

20 Q And what is it?

21 A It's a permit for the build-on.

22 Q All right. And I'm going to pull this up, it
23 shows the address of 249 Challedon?

24 A Yes.

25 Q And it says, "Nature of work: Addition."

1 Correct?

2 A Yes.

3 Q And it reflects a date of, it's hard to see,
4 February 14, 1994?

5 A Yes.

6 Q How long did it take --

7 MR. SHEPHERD: And I'd move to admit this as
8 Exhibit No. 5 Your Honor.

9 THE COURT: Any objection?

10 MR. VITOLLO: No objection.

11 THE COURT: Exhibit 4 [sic] admitted without
12 objection.

13 BY MR. SHEPHERD:

14 Q How long did it take your mother and you as
15 living in the property, how long did it take for that
16 addition and the work to be completed?

17 A I don't know, about a year or so.

18 Q And what type of things were done?

19 A We built on a new den, another bathroom and a
20 bedroom and had to roof that part, you know,
21 everything that goes on about the roof.

22 Q Was there any new cabinetry, any --

23 A Yes, when we remodeled the old part of the
24 house, we put in new cabinets.

25 Q Flooring?

1 A Flooring.

2 Q Any drywall, any work like that?

3 A Drywall.

4 Q Okay. But since that time, has anything else
5 been done?

6 A No.

7 Q Did your mom keep itemizations of things that
8 she did around the property to repair it and to
9 remodel?

10 A Yes.

11 Q And just to clarify, I want to make sure
12 we're all clear here, you're not asking this Court to
13 credit betterments that your mother would have
14 completed; is that correct?

15 A Correct.

16 Q Okay. How did your mom keep her records of
17 the things that she did?

18 A She wrote them down and figured things up and
19 she kept all the canceled checks and all her receipts.

20 Q And I'm going to show you something, and I'm
21 going to ask you if you can maybe briefly identify
22 this, okay?

23 A Okay.

24 BY MR. SHEPHERD:

25 Q Do you recognize this as a print off of a

1 spiral notebook?

2 A Yes.

3 Q Do you know what that is?

4 A That's where she was figuring up the money
5 that it would be to get all those things for the
6 add-on and the remodel.

7 Q And how did you come across these records?

8 A My mother had an old desk, and she kept
9 everything in there like that.

10 Q All right. And this is a -- would it be fair
11 to call it an itemization of vendors and things that
12 she paid for and did for that remodel?

13 A Yes.

14 Q And you said something about canceled checks,
15 is that what these are?

16 A Yes.

17 MR. SHEPHERD: Now, Your Honor, I would note
18 that these are not redacted. I did not realize that,
19 so I'm going to -- it's got old check numbers on
20 there. I don't think that bank is still in existence,
21 but these are not redacted, so I may need to --

22 THE COURT: Why don't you admit them without
23 the redaction and I'll treat them as if they are
24 redacted.

25 MR. VITOLLO: Thank you, Your Honor.

1 THE COURT: Is that account still open?

2 THE WITNESS: No, sir.

3 MR. SHEPHERD: FLEX banking of South Carolina
4 National. So it's --

5 THE COURT: Well, the bank account is closed.

6 MR. SHEPHERD: Yeah, kind of a nonissue. And
7 Your Honor, I would just like to admit this just a
8 listing of the -- for purposes of the identification
9 of the things that Ms. Jean paid for and did.

10 THE COURT: Well, now, her testimony, Mr.
11 Shepherd, was that she was -- I think she said she was
12 figuring out what it was going to cost.

13 MR. SHEPHERD: Correct.

14 THE COURT: And then is there --

15 MR. SHEPHERD: I'll tell you what, we'll just
16 pull this out. She's testified to what she saw, and
17 we can keep that out of the record.

18 THE COURT: No, I mean -- well, I'm just
19 curious, what are the dates on that?

20 MR. SHEPHERD: February 14 through August and
21 November of '94.

22 THE COURT: Because the permit, the date of
23 the permit is February 14, 1994.

24 MR. SHEPHERD: Yeah, and our first entry on
25 this is the permit, for the payment of the permit.

1 THE COURT: So that's when she started
2 keeping track --

3 MR. SHEPHERD: Correct.

4 THE COURT: -- of what she did in the remodel
5 and add-on?

6 MR. SHEPHERD: Correct, Your Honor.

7 THE COURT: Okay. So do you want to admit
8 that?

9 MR. SHEPHERD: If that's okay.

10 THE COURT: Mr. Vitollo, do you have any
11 objection to that coming in.

12 MR. VITOLLO: No objection.

13 (Defendants' Exhibit No. 6 marked.)

14 THE COURT: All right. Is that No. 4? No,
15 6.

16 COURT REPORTER: 6, yes, sir.

17 BY MR. SHEPHERD:

18 Q Judy, I'm going to direct your attention and
19 I believe it's going to be the Court's exhibit, No.
20 15, which is a CMA. I'm going to give you a copy.
21 The Court has a copy.

22 Judy, how big is the house, the 249
23 Challedon?

24 A Square footage?

25 Q Yes, ma'am.

1 A I'm not sure. You'd have to ask my husband
2 that one.

3 Q Okay. And he's sitting here with us today.
4 All right. And how many bedrooms is the house at 249
5 Challedon?

6 A One bedroom.

7 Q Why do you say it's one bedroom?

8 A Because one room is a storage room, and the
9 other bedroom wouldn't be considered a bedroom, or
10 whatever, the other room, because it doesn't have a
11 closet in it.

12 Q Okay.

13 A And the other storage room doesn't have a
14 window in it.

15 Q Could it be converted into bedrooms?

16 A With a lot of money.

17 Q Okay. Who all lives in the house?

18 A My husband and I.

19 Q Do you need more than one bedroom?

20 A No.

21 Q And how is the -- what's the exterior of the
22 house? What's it made out of?

23 A About four different things?

24 Q What's that mean?

25 A Well, the add-on had a certain type of wood

1 that we added on, the old part of the house had metal
2 siding on each side of it, and then the front of it
3 was some kind of wood and fake brick.

4 Q And is it in that condition today?

5 A Yes.

6 Q How many baths?

7 A Two.

8 Q Do you recall when the house was constructed?

9 A Sometime in the mid '60s.

10 Q All right. I'm going to ask you, if you
11 would, to turn to Page 4 of that CMA in front of you.
12 Before I go into this, I'm going to ask you a couple
13 questions. Are you in the business of real estate?

14 A No.

15 Q Have you ever been?

16 A No.

17 Q Are you familiar with the neighborhood that
18 Challedon is in?

19 A Yes.

20 Q All right. If you would please look at Page
21 4, and you'll see a column that says, subject, 249
22 Challedon Drive. Do you see that?

23 A Yes.

24 Q And do you see where it references
25 approximate square foot of 1,462?

1 A Yes.

2 Q And year built, it references 1968?

3 A Yes.

4 Q Do you think that's accurate?

5 A Yes.

6 Q Now, you see the other properties listed
7 there in those other columns. One of them has an
8 address of 232 Challedon Drive. Where in proximity to
9 your house is 232 Challedon.

10 A Across the street.

11 Q Are you familiar with that property?

12 A Yes.

13 Q Do you know the people who live at that
14 property?

15 A That did live in it.

16 Q That did live in it? Nobody's there now?

17 A No.

18 Q Do you see the list price of \$99,000?

19 A Yes.

20 Q And then you see a sold price of \$100,000?

21 A Yes.

22 Q And that property closed, it looks like in
23 December of 2022?

24 A Yes.

25 Q And do you see down below that the property

1 reflecting three bedrooms?

2 A Yes.

3 Q And one bath?

4 A Yes.

5 Q And square foot of 1,004?

6 A Yes.

7 Q Approximate year built of 1981, do you see
8 that?

9 A Yes.

10 Q Do you know how the exterior of that
11 property, what it's comprised of? Is it brick? Is it
12 siding? Is it wood? Do you know?

13 A It's fake brick and wood.

14 Q Is it similar in nature to your property?

15 A Yes.

16 Q Have you had the opportunity to go into that
17 property?

18 A I haven't went in it, my husband has.

19 Q Okay. Your husband has been in it?

20 A Yes.

21 Q All right. And do you see the other
22 property, 529 East Richardson Avenue, it's in that
23 next column?

24 A Yes.

25 Q The list price of \$150,000, a sold price of

1 \$160,000 in January of 2022? You also see it's three
2 bedrooms and one and a half baths, do you see that?

3 A Yes.

4 Q 960 square feet?

5 A Yes.

6 Q Built in 1975, according to this document.

7 Do you see that?

8 A Yes.

9 Q Are you familiar with that property?

10 A Yes.

11 Q And what do you know about that property in
12 terms of it's exterior?

13 A It was a complete rebuild.

14 Q A complete rebuild?

15 A Like new wood on the outside of it.

16 Q Okay.

17 A And redone on all of the inside and
18 everything.

19 Q Okay. And would you say that -- do you know
20 when that was done?

21 A Probably six months until it sold, before it
22 was sold.

23 Q Do you have occasions to go by these homes on
24 the road or in your car?

25 A Yes.

1 Q And do you see that it sold for 160,000? I
2 think I asked you that already.

3 A Yes.

4 Q And then you see the other property, 235
5 Challedon Drive; list price 239,000; sold price
6 230,000; closing April of 2022; three bedroom, one
7 bath; 1044 square feet; built in 1980. Are you
8 familiar with that house?

9 A Yes.

10 Q And is that one relatively close to your
11 home?

12 A Yes.

13 Q And how would you describe the exterior of
14 that home in relation to yours?

15 A That house was completely redone, too.

16 Q Do you know about the interior of that house?

17 A It was completely remodeled.

18 Q Now, Judy, I would ask you again, if you'll
19 please turn to Page 8. It may be easier for you to
20 look at where I'm pointing on the screen, but in this
21 section right here, see, it states that this home is
22 being sold as is?

23 A Yes.

24 Q Do you see that?

25 A Yes.

1 Q It's a three bed, one bath ranch home. Do
2 you -- and this is the one, I believe sold for
3 \$100,000. And is this the one that's right across
4 from you?

5 A Yes.

6 Q And then I'm going to point down here towards
7 the bottom. See where I'm at right above Ms. McDaid's
8 picture. And it has a -- let me get it over here
9 where everybody can see it on the screen. Sold price,
10 square foot, \$99.60. Do you see that?

11 A Yes.

12 Q Okay. Keep that number in mind. Okay. Do
13 you understand that to mean that this property sold
14 for \$99.60 per square foot?

15 A Yes.

16 Q Judy, I'm going to ask you to look at the
17 next page. And I'm again pointing down here with the
18 section entitled, "Remarks." You see where it says,
19 "Home has a new service upgrade on the electrical
20 system. Incredible opportunity in this move in ready,
21 3 bed, 1.5 bath home with new roof! Great location
22 near downtown Summerville area." And you said this is
23 the one on East Richardson that you said was redone?

24 A Yes.

25 Q And if you look at the picture up here. Do

1 you see that?

2 A Yes.

3 Q It appears to be a kitchen, doesn't it?

4 A Yes.

5 Q How would you, in your own words, describe
6 the appearance of that kitchen?

7 A It looks brand new.

8 Q Is your kitchen brand new?

9 A No.

10 Q When's the last time your kitchen was
11 updated?

12 A '90s.

13 Q Do you have a big stainless steel
14 refrigerator, stainless steel oven, and stainless
15 steel dishwasher?

16 A I've got stainless steel, but it's old.

17 Q All right. Now, Ms. Judy, if you'll look
18 down here, this is reflecting, just like the last one,
19 price per square foot of \$166.67. Keep that number in
20 mind.

21 All right. Now, Ms. Judy, if you'll look at
22 235 Challedon, that's on the next page, for me. You
23 said this property was redone, correct?

24 A Yes.

25 Q So again we're going down here to, "Remarks."

1 And I'm just going to read it. "Welcome home to this
2 charming cottage set just minutes away from downtown
3 Summerville. This home has been newly remodeled and
4 has newer roof, HVAC, flooring, windows. Huge fenced
5 in back yard and so much more. There is a bonus room
6 that easily can be converted to a 4th Bedroom. Seller
7 will pay off the solar panels at closing!!!"

8 And this is the property that sold for
9 \$230,000, and you'll see where I'm pointing to a
10 square-foot price of \$220.31?

11 A Yes.

12 Q Of those three comparables that were reported
13 by this real estate agent, which one is most akin to
14 the property that you live in, in terms of its
15 condition and age?

16 A The first one, the one that's across the
17 street from me.

18 Q All right. And that was the one that was
19 reflecting a price per square foot of in the range of
20 about \$99.60?

21 A Yes.

22 Q Do you believe that your home in any way,
23 shape, or form is comparable to the other two comps?

24 A No.

25 Q Do you feel that the most accurate portrayal

1 of your property is that property across the street at
2 232 Challedon?

3 A Yes.

4 Q Judy, I'm trying to do the math in my head,
5 correct me if I'm wrong, you have lived at that house
6 at 249 Challedon since 1989, which would make that 31,
7 32 years?

8 A Yes.

9 Q Would it be an exceptional burden to you to
10 have to sell that home and move?

11 A Yes.

12 Q Do you believe it would create an undue
13 hardship on you and your family?

14 A Yes.

15 Q If the Court were to order this property to
16 be partitioned -- do you know what partitioned means?

17 A No.

18 Q If the Court were to order this property to
19 be divided between you and Ms. Frierson, can we cut
20 that land and house in half and each of you be treated
21 fairly?

22 A No.

23 Q If the Court were to order this property to
24 be sold on the open market or at auction, would that
25 create a problem for you?

1 A Yes.

2 MR. VITOLLO: Your Honor, I'm going to
3 object. I'm going to object, I'm going to object to
4 the Defendants submitting evidence that -- I'm going
5 to object to the Defendants submitting evidence
6 that that would be inappropriate to partition the
7 property on the grounds that we filed pleadings, we
8 filed a complaint and a response, and prior to today,
9 they have not filed anything that would have made us
10 aware prior to this hearing that they were -- that
11 they would be submitting a defense to partition based
12 on hardship.

13 And so I'm going to object to that or ask in
14 the alternative we at least have the ability to
15 reserve the right to request a continuance to
16 potentially, more fully investigate or perhaps do some
17 discovery regarding the issue.

18 There's been pleadings. There's been prior
19 hearings. At no point has there been anything that
20 would have given us the opportunity to be aware that
21 they were going to present evidence that the property
22 shouldn't be partitioned based on hardship. This is a
23 complete surprise to the Plaintiff.

24 MR. SHEPHERD: Your Honor, if I may?

25 THE COURT: Yes, Mr. Shepherd?

1 MR. SHEPHERD: This is a partition action
2 that is at equity. There are three forms of
3 partition, that is by sell, that is by allotment, and
4 that is by in kind. We've covered the by sell. We've
5 covered the in kind. We are getting to the portion of
6 allotment as to the potential remedy being solved.
7 That wasn't the answer that we would seek partition by
8 allotment, which of course, the Court, under the
9 Pinckney Act, must consider that prior to ordering
10 sell as to the potential hardship. There's a whole
11 section in that statute as to weighing the equities
12 one way or the other.

13 So if the property must be partitioned, I'm
14 just trying to establish with my client the preferred
15 method of that occurring, which we were just about
16 there.

17 MR. VITOLLO: If I could just reserve the
18 right to renew that objection, I'd be okay with
19 permitting this based on -- I'd be okay with kind of
20 seeing where this questioning goes.

21 THE COURT: Okay. You can continue, Mr.
22 Shepherd.

23 BY MR. SHEPHERD:

24 Q So Ms. Judy, if the Court were to order
25 partition, would it be your preference that you be

1 given the opportunity to purchase or buyout the
2 interest of Vanessa Frierson, if she's deemed to have
3 such interest?

4 A Yes.

5 Q And going back to when Junior Arch White
6 passed away, do you have recollection of your mother
7 denying, putting out, or keeping Vanessa Frierson from
8 having any interest or entering the property?

9 A Yes.

10 MR. SHEPHERD: Ms. Bloodworth, I have nothing
11 further for you, okay?

12 THE COURT: Your last question was -- she
13 says yes to I remember my mother putting out Ms.
14 Frierson?

15 MR. SHEPHERD: Yes.

16 THE COURT: That was the question.

17 MR. SHEPHERD: That was the question.

18 THE COURT: All right. Okay. That's been
19 talked about a couple of times, I think, right?

20 MR. SHEPHERD: Yes, Your Honor.

21 THE COURT: All right. Mr. Vitollo, we're at
22 ten minutes to 3 o'clock. I had advised both of you
23 that I would need to break at 3 o'clock because I have
24 a personal matter to deal with at 4 o'clock in
25 Charleston. I'm just about one hour from Charleston.

1 Why don't we -- let's break at this point, let you
2 reserve your cross-examination until tomorrow. We'll
3 begin again tomorrow at 10 o'clock in the morning and
4 see how far we can go.

5 I think there's a couple of advantages to
6 this. We all can review the statute once more and the
7 pleadings once more. And then it will give you an
8 opportunity to, as you suggested, perhaps a little bit
9 of a surprise here, give you an opportunity to think
10 it through, what you need to ask in the way of
11 cross-examination. How does that sound to both of
12 you?

13 MR. SHEPHERD: Fine, Your Honor. We just
14 need to make sure that my client knows not to discuss
15 anything with me.

16 MR. LOW: Your Honor, if I may, as a Guardian
17 ad Litem, and to be frank about it really, not on my
18 schedule to be here tomorrow. If I could make a brief
19 statement on the record to state the position of the
20 Guardian ad Litem, and I don't believe I have any
21 further role in this matter.

22 THE COURT: Hold on one second. Mr. Vitollo,
23 do you have any objection to us stopping right now and
24 restarting in the morning?

25 MR. VITOLLO: Could we briefly approach the

1 bench off the record?

2 THE COURT: Sure.

3 (Bench conference held off the record.)

4 THE COURT: Okay. That concludes our little
5 short break we've had, our little chat we've had with
6 the Court between counsel off the record. We
7 discussed a scheduling issue basically.

8 Anyway, at this time, what I'm going to do,
9 ladies and gentlemen is I'm going to take Mr Low's
10 statement, and we will end the court session today.
11 The case will remain open. We will reconvene within
12 the next 30 days or so after Mr. Vitollo and Mr.
13 Shepherd have contacted my office to reschedule some
14 time with me. And then we'll see if we can't finish
15 up the case.

16 And so with that being said, I'm going to
17 have Mr. Low give his report. And Mr. Low, I do not
18 anticipate that you'll need to come back for the
19 second part of the hearing, okay?

20 MR. LOW: Yes, sir.

21 THE COURT: All right. What do you have for
22 me.

23 MR. LOW: I'm David Low, an attorney from Mt.
24 Pleasant. I'm the Guardian ad Litem in this case
25 regarding the interests of John Doe and Mary Roe, who

1 represent any potential unknowns or incompetents or
2 who are incapacitated or under age that may have an
3 interest in this matter.

4 I've had no contact from anyone indicating
5 any such individuals involved in this matter and don't
6 believe that any exist. And would defer to the
7 Court's judgment in this matter to adjudicate the
8 interest of any John Doe or Mary Roe for that reason.

9 THE COURT: Thank you, Mr. Low. I appreciate
10 that. What I'm going to ask you to do, Mr. Low,
11 however, if anything comes up between now and the next
12 time we convene, please let us know. If there's any
13 other information. I mean technically, if you receive
14 anything, we should be made aware of it, and we'll
15 address it at that time. I don't anticipate that
16 happening, but if it does, please let us know. Your
17 duties are continuing until the case is over.

18 MR. LOW: Yes, sir.

19 THE COURT: Thank you very much ladies and
20 gentlemen. Again, as I indicated to your lawyers, I
21 apologize for my having to take a personal break at
22 this time. I have a dental issue I've got to get
23 taken care of, otherwise, I may be whistling through
24 my mouth when I open it up, you know what I mean?

25 So I've got to go see a dentist. She's in

1 Charleston right down at the medical university. I'm
2 I good hour from her and her appointment is at 4 with
3 me. This was set up late yesterday afternoon, and I
4 mean after 4 o'clock even. So it's -- she's giving me
5 a break on her schedule. I didn't know how long this
6 case was going to take, and so I apologize to you that
7 we've had some additional time here, but we're going
8 to get it straight, that's the important thing, make
9 sure we do the right, proper thing.

10 So until we see each other again, I wish the
11 best of new year. Hope everything goes well, y'all be
12 safe on your way home, and take care of yourselves.
13 Lawyers, I want to thank you for your presentations
14 thus far and know that I appreciate your hard work
15 you've been doing. So that will conclude the
16 proceedings for today. We will renew these
17 proceedings at a later date to be determined by
18 counsel and working with my scheduling through my
19 assistant, Ms. Kizer. Thank you very much.

20 And also, thank Ms. Kendra, our court
21 reporter, who has been very diligent today in taking
22 care of keeping us in order. Thank you very much.
23 And thank Ms. Amanda, our bailiff. Thank you.

24 (The hearing adjourned at 3:03 p.m.)
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DAY 2

(The hearing reconvened at 10:04 a.m. on July 26, 2023)

THE COURT: This is the continuation of a hearing that we were involved in some time ago. I think it was back in January.

MR. VITOLLO: Yes.

THE COURT: That's right. And, Mr. Shepherd, you've been involved in this case as well. But anything that I need to know before we continue with the hearing?

MR. VITOLLO: Your Honor, I'm thinking it might be helpful if we had the opportunity to confer, whether up front or in chambers, just briefly to kind of cover where we started, where we are, and where we're going.

THE COURT: Okay. Do you desire to have an in chambers conversation with me, or do you want to just -- if I could let each of you just bring me up to date. Which would you prefer?

MR. VITOLLO: I think the opportunity to just confer informally off the record.

THE COURT: Sure. All right.

MR. VITOLLO: Whether it's in chambers or whether it's just up towards the front, either way.

1 THE COURT: What do you think about that, Mr.
2 Shepherd?

3 MR. SHEPHERD: That's fine with me. We can
4 just bring the Court to speed. All right.

5 THE COURT: Well, I'll tell you what let's do
6 then, let's -- let me ask you: Do your clients have
7 any objection to the two of you stepping back in the
8 chambers with me to bring me up to date?

9 MR. SHEPHERD: Ms. Bloodworth has no
10 objection, Your Honor.

11 MS. FRIERSON: I don't object.

12 THE COURT: Okay. So we'll go back and
13 remain in sort of a recessed condition right now, and
14 I'm going to step back into my chambers with the two
15 lawyers for the parties, for each party, and then when
16 I get back, I'll let you know what we talked about,
17 and then we'll get started. How does that sound?

18 (Brief recess.)

19 THE COURT: I want to thank both Mr. Vitollo
20 and Mr. Shepherd for the briefing that I got. And
21 basically it was just to remind me where we are in the
22 file and also to point out to me that Mr. Vitollo had
23 sent to me the transcript of the prior hearing, which
24 I will of course take a look at when we finish all the
25 testimony.

1 The state of the case is Mr. Shepherd is in
2 his case in chief, has presented evidence as to the
3 issue of allotment and is now ready to go forward, and
4 there may be one or two things in allotment left or
5 not?

6 MR. SHEPHERD: Yes, sir, there are just a
7 couple of small items.

8 THE COURT: Okay. A few items on the
9 allotment issue, and then we will talk about his claim
10 of adverse possession.

11 For those of you who may not be familiar with
12 the term "allotment," let me just give you a brief
13 overview. In the law of partition, you need to
14 understand that the concept of a partition is when two
15 parties own property jointly as tenants, joint
16 tenants, whether it's tenants in common or -- another
17 form of tenancy is called joint tenancy with a right
18 of survivorship are the primarily recognized tenancies
19 in South Carolina, but we also have life estates,
20 which is the tenancy with the remainderman as another
21 tenant in that joint tenancy.

22 Anyway, in joint tenancies, when two or more
23 people own property together, the tenancy is always --
24 there is a paramount right of partition in those -- in
25 that form of ownership of property. The paramount

1 right of partition is a right in the concept of joint
2 tenancies.

3 So as the law evolves -- partition simply
4 means a means by which the property can be divided
5 between the two or more joint tenants. And as the law
6 evolves in this area, and rightfully, you might
7 imagine that there is a concept in partitioning called
8 allotment. And that really has to do with what, if
9 anything, a party might have provided for the property
10 that would -- that enhances the value of the property
11 and that the other tenant must recognize as an
12 enhancement to the property, which they may have to
13 reckon with in way of the division of the property.

14 So allotment is just the legal term we use.
15 A lot of people would call it reimbursement, people
16 more familiar with that kind of language when we --
17 when you look at it. The term we use in the
18 partitioning of property is called allotment. It's
19 kind of a strange term to use in today's vocabulary,
20 but that's the language that we use.

21 All right. So with that little bit of an
22 introduction, I think I would like both lawyers -- the
23 discussion we had in chambers has basically -- I've
24 covered it, is that right, Mr. Vitollo?

25 MR. VITOLLO: Yes, Your Honor.

1 THE COURT: All right. Would you agree with
2 that Mr. Shepherd?

3 MR. SHEPHERD: Yes, sir.

4 THE COURT: Okay. So the case in chief of
5 Ms. Bloodworth is ready to be continued, Mr. Shepherd.

6 MR. SHEPHERD: Your Honor, when we left off,
7 I had finished direct of Ms. Bloodworth, and the floor
8 is with Mr. Vitollo.

9 THE COURT: All right. So, Ms. Bloodworth,
10 come on up, please. You were placed under oath
11 previously, Ms. Bloodworth, so you're still under
12 oath. And just answer any questions that Mr. Vitollo
13 may have, please. Good to see you, by the way.

14 Mr. Vitollo?

15 MR. VITOLLO: Yes, sir.

16 CROSS-EXAMINATION

17 BY MR. VITOLLO:

18 Q Ms. Bloodworth, at the last hearing, you may
19 recall amounts were submitted to the Court for showing
20 an analysis of the fair market value of the property.
21 Do you recall that?

22 A I don't remember the fair market amount
23 value.

24 THE COURT: You may need to refresh her
25 memory on certain things, Mr. Vitollo.

1 BY MR. VITOLLO:

2 Q Do you recall at the last hearing, your
3 counsel had asked you some questions about the
4 comparative market analysis prepared by Chris McDaid;
5 is that correct?

6 A I remember a little bit about it.

7 Q Okay.

8 A Yeah.

9 Q And you testified that you perceived the
10 value that Chris McDaid had come up with was
11 excessively high. Do you recall?

12 A Yes.

13 THE COURT: You need to speak up, Ms.
14 Bloodworth.

15 THE WITNESS: Yes.

16 BY MR. VITOLLO:

17 Q And the reason for that was that you felt
18 that the properties that were used to come up with
19 that number were more improved and in better condition
20 on the inside than the property at 249 Challedon
21 Drive; is that correct?

22 A Yes.

23 Q Okay. And there was some correspondence
24 between the parties about Chris McDaid having access
25 to the property. Do you recall that?

1 A No.

2 MR. VITOLLO: All right. Your Honor, may I
3 approach the witness?

4 THE COURT: Yes, sir.

5 MR. VITOLLO: For purposes of showing these
6 e-mails between me and Mr. Shepherd?

7 THE COURT: Yes, just be kind and courteous.

8 MR. VITOLLO: Thank you.

9 (Discussion held off the record.)

10 (Plaintiff's Exhibit No. 18 marked.)

11 THE COURT: So this will be Plaintiff's 18 is
12 marked for identification or did you agree to have it
13 entered.

14 MR. VITOLLO: I'd agree to that if Mr.
15 Shepherd has no objection. I'm having it marked at
16 least at this moment.

17 MR. SHEPHERD: We -- I guess foundation,
18 maybe or what it is.

19 THE COURT: It's marked for identification
20 presently. Go ahead and establish its relevance and a
21 foundation on the basis.

22 MR. VITOLLO: Okay.

23 BY MR. VITOLLO:

24 Q So, Ms. Bloodworth, there is a document in
25 front of you. In the top, left corner, it says --

1 well, among other things, Gmail and 249 Challedon. Do
2 you have that document in front of you, Ms.
3 Bloodworth?

4 A Yes.

5 Q Okay. And I would ask you to go to the
6 bottom of that, near the middle of the second page,
7 and you see the name Andrew T. Shepherd?

8 A Yes.

9 Q Is that correct?

10 A Yes.

11 Q And that's your attorney?

12 A Yes.

13 Q All right. Do you have any doubts as to
14 whether that's an e-mail from your attorney?

15 A No.

16 MR. VITOLLO: Okay. Your Honor, at this
17 time, I'd ask to admit Plaintiff's Exhibit 18 to the
18 record as an e-mail correspondence between attorneys.

19 THE COURT: Mr. Shepherd?

20 MR. SHEPHERD: If it's an e-mail
21 correspondence between attorneys, that's fine.

22 THE COURT: Between attorneys only?

23 MR. SHEPHERD: Yeah.

24 THE COURT: Okay. So 18 is admitted into
25 evidence without objection.

1 BY MR. SHEPHERD:

2 Q All right. And on the middle of that second
3 page, Ms. Bloodworth, your attorney writes to me,
4 "Tim, I will set my calendar for this time next week
5 to check in with the Bloodworths as to when Chris can
6 get into the home for the CMA." Is that correct?

7 A Yes.

8 Q And that appears to have been sent on
9 Tuesday, February 15, 2022, at 8:28 a.m. Is that
10 correct?

11 A Yes.

12 Q And then towards the middle of the first
13 page, that e-mail correspondence from me to your
14 attorney, it says, "Hi Andy: Do you have an update as
15 to when Chris Garcia might be able to do a walk
16 through?" Is that correct?

17 A Yes.

18 Q And at the top of that first page, on March
19 16th, we have an e-mail from any to me that says, "Hey
20 Tim, we should be pretty good for things now. Let me
21 call Judy and find out what's convenient." Is that
22 correct?

23 A Yes.

24 Q And that was sent March 16, 2022, at 3:36
25 p.m. Is that correct?

1 A Yes.

2 Q And you have another document in front of
3 you, near the top of the page, it says, "Gmail.
4 Frierson v. Bloodworth et al., Case No.
5 2018-CP-18-01251." Is that correct?

6 A Yes.

7 MR. VITOLLO: And I'm going to ask that be
8 marked as Plaintiff's Exhibit 19.

9 (Patient's Exhibit No. 19 marked.)

10 THE COURT: This is a separate document?

11 MR. VITOLLO: Yes.

12 MR. SHEPHERD: No objection.

13 THE COURT: No objection. Entered without
14 objection.

15 BY MR. VITOLLO:

16 Q Okay. And that e-mail -- and so at the top
17 of that e-mail, we see the date, August 5, 2022, at
18 9:27 a.m. Is that correct, Ms. Bloodworth?

19 A Yes.

20 Q And in that e-mail, your attorney is writing
21 to me and says, "Excellent. I will have my office
22 call her and get some times for the Realtor to get
23 inside as well over the next couple of weeks." Is
24 that correct?

25 A Yes.

1 Q And August 5, 2022, that would have been
2 almost a year ago; is that about right?

3 A Yes.

4 Q Has Chris McDaid had the opportunity to go
5 into your house to see what the condition is like for
6 purposes of comparing her comparative market analysis?

7 A No.

8 Q No? Do you think that that would have helped
9 Chris McDaid prepare a more accurate comparative
10 market analysis for the purposes of determining the
11 fair market value of the property?

12 A I don't know.

13 Q Okay. Fair enough. At any point, did either
14 you or your mother, Jean White, ask Vanessa to
15 contribute towards taxes or insurance for the property
16 at 249 Challedon Drive?

17 A No.

18 Q At any point, did you ask her to contribute
19 to repairs of the property at 249 Challedon Drive?

20 A No.

21 Q Do you perceive that Vanessa has any
22 obligation or responsibility for the taxes, insurance
23 or repairs that were done at 249 Challedon Drive?

24 A I don't know.

25 Q Could you and Vanessa live together at the

1 property at 249 Challedon Drive? Would that work?

2 A No.

3 Q Okay. Could the property at 249 Challedon
4 Drive be divided without selling it? You know what,
5 let me withdraw that question.

6 Do you believe that the property at 249
7 Challedon Drive could be divided in such a way that
8 you owned half the property and Vanessa owned half of
9 the property and each of you had separate lots?

10 A No.

11 Q Okay. So if Vanessa was found to have an
12 interest in the property, somebody would -- it seems
13 that the only way to divide it would be by someone
14 effectively buying out some interest in the property,
15 correct?

16 A I don't know, I guess so.

17 THE COURT: I'm sorry, would you repeat that,
18 I don't know?

19 THE WITNESS: I don't know, I guess so.

20 THE COURT: I don't know, I guess so is what
21 she said. Again, Ms. Bloodworth, can you try to speak
22 up just a little bit more. Even for me, it's hard to
23 hear, and we're right near each other. I might can
24 turn the mic up. Let's see.

25 MR. VITOLLO: Should I continue?

1 THE COURT: Oh, yeah, go ahead. Keep going.

2 BY MR. VITOLLO:

3 Q Okay. All right. At the prior hearing in
4 January, you and your attorney submitted copies of
5 checks and a lot of other documents for expenses for
6 amounts paid around the time of 1994 and 1995; is that
7 correct?

8 A Yes.

9 Q And those expenses were associated with
10 adding an addition to the property; is that correct?

11 A Yes.

12 Q And that addition was added to better the
13 property; is that correct?

14 A We needed more space is the reason we added
15 on.

16 Q Okay. And at the last hearing, you stated
17 that you were not asking to be reimbursed for any
18 costs incurred for betterment; is that correct?

19 A Yes.

20 MR. VITOLLO: Okay. All right. That's all I
21 have, Your Honor.

22 THE COURT: Thank you very much. Any
23 redirect?

24 MR. SHEPHERD: Thank you, Your Honor.

25 REDIRECT EXAMINATION

1 BY MR. SHEPHERD:

2 Q Ms. Bloodworth, again, speak up, okay?

3 A Okay.

4 Q Don't be shy. All right. You were asked as
5 to your opinion of the value looking back at the CMA
6 that you looked at last time we were in court, right?

7 A Right.

8 Q Okay. Do you recall the contents of that
9 report?

10 A No.

11 Q Okay. So I'm going to -- this would have
12 been Plaintiff's No. 15. I'd ask you to look back at
13 that, look through it, see if you recall looking at
14 that.

15 A Yes.

16 Q You do remember that?

17 A Yes.

18 Q Okay. And when you went through that
19 report --

20 MR. VITOLLO: Your Honor, I just need a
21 moment to locate the CMA. Sorry. Beg the Court's
22 indulgence. Thank you.

23 BY MR. SHEPHERD:

24 Q All right. So do you remember looking at
25 that now?

1 A Yes.

2 Q Okay. And there are several addresses listed
3 with some photos of other homes. Do you remember
4 looking at that?

5 A Yes.

6 Q Okay. And you had testified in the last
7 hearing that you felt the property that you're in at
8 249 Challedon was more closely associated with the
9 property at 232 Challedon; is that right?

10 A Correct.

11 Q Okay. And correct me if I'm wrong, is that
12 the property that's across from the house that you're
13 in?

14 A Yes, it is.

15 Q Okay. For the Judge, for the Court, why did
16 you believe that that property is more like the house
17 that's at subject today compared to the other
18 properties in this report?

19 A Because the other two houses were completely
20 remodeled and totally updated, rebuilt.

21 Q Okay. And has 249 Challedon, other than the
22 additions in the '90s, have there been any updates or
23 other things done in the house?

24 A No.

25 Q Now, you were just ask whether or not you had

1 allowed Ms. McDaid into the home, correct?

2 A Correct.

3 Q Okay. And you saw some e-mails between
4 myself and Mr. Vitollo?

5 A Right.

6 Q Did you read those?

7 A Yes.

8 Q Okay. Were there reasons that you could not
9 have people in the home throughout the process of this
10 case?

11 A COVID.

12 Q When did you have COVID? Did you have COVID?
13 Let me ask you that first.

14 A Yes, I had COVID twice.

15 Q Okay.

16 A Bad.

17 Q And do you recall roughly when that was?

18 A The first one was in July, and I thought the
19 second one maybe in February of the next year.

20 Q Did it cause you a lot of trouble?

21 A Yes.

22 Q How about in or around August or September of
23 2022, was there anything else going on in the home
24 that would have made it hard for somebody to get in
25 there? Was anybody sick?

1 A Yes.

2 Q Who?

3 A Me and my husband.

4 Q What was going on with your husband?

5 A COVID pneumonia.

6 Q Okay. When do you believe that would have
7 been?

8 A Around that time, yes.

9 Q Okay. Were you intentionally trying to keep
10 Ms. McDaid out of the property?

11 A No.

12 Q Is Ms. McDaid welcome to come and look in the
13 house and see what you've done with it?

14 A Yes.

15 Q And at the last hearing, on direct
16 examination, I specifically asked you, do you believe
17 in any way, shape, or form that the property is
18 comparable to the other two properties that are listed
19 there? Do you recall saying, no?

20 A Yes.

21 Q Okay. And I also asked you, do you feel that
22 the most accurate portrayal of the property is the
23 property across the street at 232 Challedon? Do you
24 recall saying, yes?

25 A Yes.

1 Q Okay. Then as to the issues you were asked
2 about dividing the property, again, I specifically
3 asked you, "Can we cut that land and house in half and
4 each of you" -- referring to Ms. Frierson -- "be
5 treated fairly?" I believe you answered no to that;
6 is that right?

7 A Right.

8 Q And then I also asked you if this property
9 were forced to be sold on the open market or at
10 auction whether that would create a hardship for you?

11 A Yes.

12 Q And if the Court were to determine that Ms.
13 Frierson has an ownership interest in this property,
14 are you asking the Court to allow you to purchase her
15 interest at fair market value?

16 A Yes.

17 Q You were asked about betterments, again, it's
18 my understanding, and we've already put to the Court,
19 represented to the Court, and you correct me again if
20 I'm wrong, that you have no proof or anything to show
21 that this addition or other things actually increased
22 the value of the property in comparison to what it was
23 before that work was done, right?

24 A Right.

25 Q Okay. And you're not asking Ms. Frierson to

1 contribute to those costs; is that correct?

2 A Correct.

3 Q Okay. And as far as taxes, insurance, other
4 expenditures for maintenance of the property, we
5 submitted several instances of that to the Court in
6 the last hearing. If the Court were to look to
7 allotment, would you be asking the Court to give you
8 some form of credit for those expenditures?

9 A Yes.

10 Q Okay. You were asked whether or not you
11 believe that Ms. Frierson had any responsibility for
12 those expenses, and you answered, no?

13 A Correct.

14 Q Did you believe that Ms. Frierson had any
15 ownership interest in the property?

16 A No.

17 Q Did Ms. Frierson ever come forward to claim
18 any interest in that property before she filed this
19 case?

20 A No.

21 Q How long were you living in the property
22 before that claim came forward?

23 A Since '87.

24 Q How long had you mother been living in that
25 property before she passed?

1 A I think she bought the house in '68 or '69.

2 Q And did she leave the property for a period
3 of time?

4 A Yes, she did.

5 Q And when did she return?

6 A She returned when Junior was killed in '92.

7 Q And when did your mom pass?

8 A In 2, '15.

9 Q And did she live in the property from that
10 point forward?

11 A Yes, she did.

12 Q Did you live there with her?

13 A Yes, I did.

14 Q Did your mom claim that property as hers?

15 A Yes, she did.

16 Q Did you claim that property as yours?

17 A Yes, I have.

18 MR. SHEPHERD: All right. So I don't have
19 anything further for you. Just answer any questions
20 the Court or Mr. Vitollo may have, okay?

21 THE COURT: Any cross?

22 MR. VITOLLO: Yes, Your Honor.

23 FURTHER CROSS-EXAMINATION

24 BY MR. VITOLLO:

25 Q And Ms. Bloodworth, I'm going to refer back

1 to Plaintiff's Exhibit 18, on the second page, do you
2 see an e-mail from your attorney, Tuesday, February
3 15, 2022, at 8:28 a.m.?

4 A Yes.

5 Q And in that e-mail, your attorney says that
6 he's going to check with you to see when Chris McDaid
7 can get into the home and do a CMA; is that correct?

8 A Correct.

9 Q And the first hearing was -- well, the
10 hearing that -- the most recent hearing which is being
11 reconvened today was January 5, 2023; is that correct?

12 A Correct.

13 Q And so from February 15, 2022, to January 5,
14 2023, would be almost a year; is that correct?

15 A Correct.

16 Q Would it have been feasible for you to figure
17 out some time over the course of that time period when
18 Chris McDaid could come into that house to see what
19 the inside of it looked like?

20 A It would have, but I wasn't asked.

21 Q Okay. So in that e-mail, it says, "Tim, I
22 will set my calendar for this time next week to check
23 in with the Bloodworths." Is that correct?

24 A Yes.

25 Q And so as far as your attorney checking in

1 with you to find a time and to check in with you some
2 time in February to figure out when Chris McDaid could
3 come into the house, that never happened, is that what
4 you're testifying?

5 A I'm testifying that I had COVID then.

6 Q Oh, okay. All right. On the first page,
7 Wednesday, March 16, 2022, 3:36 p.m., as far as
8 getting into the house, your attorney writes, "Let me
9 call Judy and find out what's convenient." Is that
10 correct?

11 A I can't see where that's at.

12 Q Okay. So that would be Plaintiff's Exhibit
13 18, top half of the page, you might see in the middle
14 of the page, you can see Andrew T. Shepherd printed?

15 A Yes.

16 Q So shortly above that, the full line reads,
17 "Hey Tim, we should be pretty good for things now.
18 Let me call Judy and find out what's convenient." Is
19 that correct?

20 A I don't see that.

21 MR. VITOLLO: Your Honor, may I approach the
22 witness?

23 THE COURT: Yes, sir.

24 MR. VITOLLO: Thank you. And Your Honor,
25 I'll note I was referring -- I was reading from -- I

1 believe I was reading from Plaintiff's Exhibit 19.

2 THE COURT: Okay.

3 MR. VITOLLO: So that might be the cause for
4 the confusion here.

5 BY MR. VITOLLO:

6 Q But again, towards the top half of that page,
7 your attorney writes to me and says, "Let me call Judy
8 and find out what's convenient." Is that correct?

9 A Correct.

10 Q And your testifying that nobody called you --
11 or nobody asked you to provide Chris McDaid an
12 opportunity to view that property; is that correct?

13 A Correct.

14 Q Okay.

15 THE COURT: Excuse me, Mr. Vitollo, just for
16 the record's clarity, as I understand it, Chris McDaid
17 is one and the same as Chris McDaid Garcia, otherwise
18 known as Chris Garcia? Are we talking about the same
19 person?

20 MR. VITOLLO: Yes, Your Honor.

21 THE COURT: So the record reflects that at
22 times Ms. Garcia is referred to as Chris McDaid, at
23 times she's referred to as Chris Garcia. Her full
24 name is Chris McDaid Garcia, and they're all one and
25 the same person.

1 MR. VITOLLO: Yes.

2 THE COURT: Okay.

3 BY MR. VITOLLO:

4 Q And Ms. Bloodworth, throughout this
5 proceeding, we've shown copies of various deeds that
6 were recorded in the land records or at the courthouse
7 to show who owned the property at 249 Challedon Drive;
8 is that correct?

9 A Correct.

10 Q All right. And at least -- your mother, Jean
11 White, passed away in 2012; is that correct?

12 A No, 2, '15.

13 Q 2015. Thank you. And so prior to your mom
14 passing away, there was never any point where the land
15 records showed Vanessa Frierson as an owner of the
16 property at 249 Challedon Drive; is that correct, to
17 the best of your knowledge?

18 A I don't -- no, I never seen anything with her
19 name on it.

20 Q Okay. So prior to 2015, you don't have any
21 knowledge of any land records that would have shown
22 Vanessa Frierson as an owner of the property at 249
23 Challedon Drive; is that correct?

24 A Correct.

25 Q All right. Going back to Exhibit 15, which

1 your attorney showed you, and that was a CMA. Do you
2 still have that in front of you?

3 A Yes.

4 Q Okay. I'm going to ask you to turn to
5 Page -- in the bottom right-hand corner, it will show
6 Page 4 of 10. Okay. And on that page, it shows 232
7 Challedon Drive in Summerville sold for \$100,000; is
8 that correct?

9 A Correct.

10 Q And the status date is December 5, 2022; is
11 that correct?

12 A Correct.

13 Q And that would have been more than eight
14 months ago; is that correct?

15 A Correct.

16 MR. VITOLLO: All right. No further
17 questions.

18 THE COURT: Mr. Shepherd, anything else?

19 FURTHER REDIRECT EXAMINATION

20 BY MR. SHEPHERD:

21 Q Were you contacted by my office to try and
22 schedule things for a Realtor to come look at the
23 property?

24 A Yes.

25 Q Were you sick?

1 A Yes.

2 Q Do you have any control over whether or not
3 my office or myself confirmed things with Mr. Vitollo
4 or anyone else?

5 A No.

6 Q And the property at 232, you were just asked,
7 sold December 2022?

8 A (Nods head.)

9 Q When you testified at the last hearing
10 January of '23, was the property that you live in the
11 same or generally the same condition as the property
12 at 232 Challedon, which sold basically a month prior?

13 A Yes.

14 MR. SHEPHERD: Okay. Nothing further, Your
15 Honor.

16 THE COURT: All right.

17 MR. VITOLLO: Very briefly.

18 THE COURT: Okay.

19 FURTHER CROSS-EXAMINATION

20 BY MR. VITOLLO:

21 Q Ms. Bloodworth, as of today, Chris McDaid
22 Garcia has not had the opportunity to go inside your
23 property for purposes of determining the fair market
24 value; is that correct?

25 A Correct.

1 Q Would you have any -- do you have any
2 objection to Chris McDaid Garcia being given the
3 opportunity to enter into your property at some time
4 in the future for purposes of determining the fair
5 market value of the property?

6 A No.

7 MR. VITOLLO: Okay. Thanks, Your Honor.

8 THE COURT: All right. I don't have
9 anything. You may have a seat.

10 Mr. Shepherd?

11 MR. SHEPHERD: Thank you, Your Honor. I'd
12 like to call Mr. Mark Bloodworth.

13 THE COURT: Place your left hand on the Bible
14 there for me. Raise your right hand.

15 JAMES MARK BLOODWORTH,
16 having been duly sworn, testified as follows:

17 THE COURT: All right. Your under oath.
18 Answer any questions Mr. Shepherd may have.

19 THE WITNESS: Yes, sir.

20 DIRECT EXAMINATION

21 BY MR. SHEPHERD:

22 Q Good morning, Mark.

23 A Good morning.

24 Q Will you please state your full name for the
25 record.

1 A Full name is James Mark Bloodworth.

2 Q So it's James Mark Bloodworth?

3 A Yes, sir.

4 Q Okay. But you go by Mark?

5 A Yes, sir.

6 Q All right. Mark, where do you live?

7 A We live at 249 Challedon Drive.

8 Q How long have you lived there?

9 A Since 1987.

10 Q Who did you live there with?

11 A Judy and Granny, Jean White. I call her
12 Granny.

13 Q And what was your relationship to Jean White?

14 A Very good. I'm just her son-in-law.

15 Q Son-in-law?

16 A Yes, sir.

17 Q So who are you married to?

18 A Judy.

19 Q All right. And how long have y'all been
20 married?

21 A Well, let's see, eight years. We've been
22 together since ' 86.

23 Q Okay. She made --

24 A We had a 26-year engagement.

25 Q She made an honest man of you eight years

1 ago?

2 A Yes, sir.

3 Q So Mark, what do you do for work?

4 A I do Drywall.

5 Q And how long have you done Drywall?

6 A Since I was 12, 52 years.

7 Q So you've been doing Drywall for 52 years?

8 A About 50 years.

9 Q 50 years. Okay. And do you do any other
10 type of construction-related work?

11 A Some little bit of framing. Just mostly
12 Drywall.

13 Q Okay. Have you done any of that type of work
14 at 249 Challedon?

15 A Yes, sir. I built a 16 by 35 addition onto
16 the back of the house.

17 Q And when do you think that was done?

18 A '94, '95.

19 Q And when that was done, how much did that add
20 to the property in terms of square footage?

21 A It added 560 square feet to the property.

22 Q How big is the property now?

23 A The property right now is 1,400 square feet.

24 Q Okay. Are you familiar with the property at
25 232 Challedon?

1 A Yes, sir, I am.

2 Q Do you recall when that property was sold in
3 2022?

4 A Yes, sir, I do.

5 Q Did you ever have occasion to enter that
6 property?

7 A Yes, sir, several times.

8 Q And did you know the person that lived there?

9 A Yes, sir, prior to just before it was sold,
10 Johnny lived across the street, and I used to go over
11 there and talk to Johnny. And then people bought it,
12 and the old lady that lived there, several times, I
13 had to go in and get her up off the floor from where
14 she had fell and couldn't get back up.

15 Q Do you know when that house was built?

16 A Same time as the other one, '69, '70.

17 Q The other one being?

18 A 249 Challedon Drive.

19 Q Okay. Do you know how big 232 is?

20 A Yes, sir, it's a little bit bigger than what
21 our house was originally. I think theirs was 900
22 square feet, and ours originally was 840 square feet.

23 Q But your house now is a little bit bigger?

24 A Yes, sir.

25 Q When you went into that property, do you

1 remember the last time you may have gone in there?

2 A That was just before they sold it, about two
3 weeks before they sold it. So it was probably just
4 before -- just after Thanksgiving.

5 Q Can you describe the condition for the Court.

6 A It hadn't been remodeled or anything, just a
7 prior old house.

8 Q Did it seem that there was anything that
9 needed to be repaired?

10 A Yeah, there was a few things, you know, a
11 couple holes in the doors. The carpet needed to be
12 replaced, you know things like that. The ceiling was
13 a little dingy and stuff like that.

14 Q Did you appreciate any major structural
15 problems?

16 A No, there was no major structural problems at
17 all.

18 Q Do you know if the systems and other things
19 were working, such as HVAC?

20 A Yeah, A/C was working, heat was working,
21 plumbing. Everything was working.

22 Q 249 Challedon where you live, you've said you
23 did some work in the 1990s to add the addition?

24 A Sir?

25 Q You did some work in the '90s to add the

1 addition to the home?

2 A Yes, sir.

3 Q Have you done anything else in the home?

4 A We had a roof put on, and we had a new A/C
5 unit put in.

6 Q Did you do any updates in the kitchen?

7 A Not since '95.

8 Q Did you change the cabinets?

9 A No, sir.

10 Q Did you put in new appliances?

11 A We have, we put a new refrigerator in.

12 Q When did you do that?

13 A Eight years ago.

14 Q Okay. New range?

15 A Yeah, we did do a new range too, yeah. That
16 was about the same time we got the refrigerator.

17 Q Do you recall when you did the HVAC, the air
18 conditioner stuff?

19 A Yea, two years ago.

20 Q How much was that?

21 A Over \$5,000.

22 Q Okay. Did you do that work?

23 A No, sir, I did not.

24 Q What about that roof, when was it done?

25 A The roof was done about five years ago.

1 Q Did you do that?

2 A No, sir, I did not.

3 Q Did y'all use a contractor?

4 A Yes, sir.

5 Q Was Ms. Jean alive at that time?

6 A Yeah, she was alive. So it's been a little
7 bit longer. That's been about eight years.

8 Q Okay. At any time since you've been in that
9 property from 1987 to present, has anybody come
10 forward claiming that they have an ownership interest
11 in the property?

12 A No, sir.

13 Q Did you ever know Vanessa Frierson.

14 A No, sir.

15 Q Did you ever know of Vanessa Frierson?

16 A The only thing I heard, she was a niece.

17 Q Okay. Did you ever get to observe Jean White
18 interact with Vanessa Frierson?

19 A No, sir.

20 Q How about your wife, Judy, did you ever get
21 to see her interact with Vanessa Frierson.

22 A No, sir.

23 Q Are you familiar with the property at 529
24 East Richardson Avenue?

25 A Yes, sir.

1 Q And let me ask you, did you have an
2 opportunity to look at that comparative market
3 analysis prepared by --

4 A No, sir, I have not.

5 Q You have not? I'm not sure if it's still up
6 there. No, it's back here. I'm going to hand you
7 what is marked as Plaintiff's No. 15, which would have
8 been that comparative market analysis. Have you
9 looked at this? Have you ever looked at this?

10 A No, I haven't seen this before.

11 Q Okay. All right. So go ahead and flip to
12 Page 2 of 10, if you don't mind.

13 A Okay. Yes, sir.

14 Q All right. You see what looks like a little
15 pushpin?

16 A Yes, sir.

17 Q All right. Is that roughly in the same
18 location as your home?

19 A Yes, sir.

20 Q When I say your home, 249 Challedon, for the
21 record; is that right?

22 A Yes, sir.

23 Q Across from that, across what's shown as
24 Challedon Drive, you see a number 1?

25 A Yes, sir.

1 Q Do you know what address that is?

2 A That should be 232.

3 Q And then behind that, to the left of that
4 number 1, you see a number 2?

5 A Yes, sir.

6 MR. SHEPHERD: Your Honor, would you like for
7 me to put this on the Elmo for you to see?

8 THE COURT: Sure. I don't know if it's on.

9 MR. SHEPHERD: I don't know how to get it on,
10 so I'll just keep going, if that's okay.

11 THE COURT: That's fine.

12 BY MR. SHEPHERD:

13 Q All right. That number 2, do you know where
14 that's located?

15 A That's up on East Richardson.

16 Q Okay. And there's a number 3 that looks like
17 it's at the dead end of Challedon Drive where it runs
18 into Clover. Are you familiar with that property,
19 know where that's at?

20 A I know exactly where it is.

21 Q All right. Go ahead and flip over to Page 3
22 of 10, and you see where it states approximate square
23 foot of 1,462 feet?

24 A Yes, sir.

25 Q Would you agree that that is the square

1 footage of the home at 249 Challedon?

2 A Yes, sir, close.

3 Q And believe you said about 500 of that was as
4 the result of your hands?

5 A 560 of it.

6 Q Okay. And do you agree that it was built in
7 1968?

8 A They said it was. Like I said, it was '69
9 when Granny got in.

10 Q Okay. Granny again is Jean White?

11 A Jean, Judy's mother, Jean.

12 Q All right. If you would, flip to Page 4,
13 please.

14 A Yes, sir.

15 Q All right. Do you see there is a chart here
16 and there's some pictures of, it looks like different
17 properties above that chart?

18 A Yes, sir.

19 Q All right. See the one that's labeled 232
20 Challedon Drive?

21 A Yes, sir.

22 Q This is from -- the subject is .03, right
23 across the street?

24 A Yes, sir.

25 Q List price, 99,000?

1 A Yes, sir.

2 Q Sold price, 100,000?

3 A Yes, sir.

4 Q Do you see that? And how many days does it
5 reflect that that was on the market?

6 A 24.

7 Q All right. How many bedroom is that
8 property; do you know?

9 A I think it was three.

10 Q Okay. And does that reflect three on this
11 report?

12 A Yeah.

13 Q And did you ever have any chance to observe
14 any bathrooms or anything in that property?

15 A Just one.

16 Q And does this report show one, one bathroom?

17 A Yes, sir.

18 Q Okay. And it also reflects approximate
19 square footage of 1,004 square feet.

20 A Yes, sir.

21 Q All right. Acreage of 0.17. How big is the
22 lot that 249 Challedon is on?

23 A They should be about the same.

24 Q Okay. And this reflects approximate year
25 built in 1981. Do you think that's correct?

1 A What, the house built in '81?

2 Q Uh-huh.

3 A Not Challedon, Challedon was built before
4 '81.

5 Q So 232, that might be an error in that
6 record?

7 A Yeah.

8 Q So it's older than 1981?

9 A Yes, sir.

10 Q All right. In comparison to your house, in
11 terms of the condition of 232 when it sold in December
12 of 2022, how would you compare the two?

13 A They're about the same.

14 Q About the same? Was it --

15 A It was in need of repairs. You know, like I
16 said, our floors need repair, cabinets are old, you
17 know, things like that. Since '95, they need to be
18 repaired.

19 Q Okay. Would you describe the repairs at 232
20 as normal wear and tear?

21 A Yeah.

22 Q How about your house?

23 A Normal wear and tear.

24 Q How many bedrooms does 249 Challedon have?

25 A Well, it's actually got one bedroom. It's

1 got another room that don't have a closet -- I mean a
2 window in it, and another room that don't have a
3 bedroom in it -- I mean a --

4 Q Closet?

5 A Closet. Don't have a closet in it. So
6 actually, if you put it on the market, it would have
7 to be classified as a one-bedroom house.

8 Q So one room, did it used to be a bedroom the
9 one that doesn't have a closet?

10 A Yes, sir.

11 Q And what is that room for now?

12 A Storage, cat litter. We've got cats and we
13 put the cat litter in there so the cats can have it.

14 Q What about the other room that you said it
15 does not have a window?

16 A No, that's the one that we use for the cat.
17 The other one is the bedroom that I added on and
18 Granny -- sorry, Jean did not want a closet on the
19 inside of the bedroom to cut down on the square
20 footage. So instead we put it on the outside where
21 the hallway was. So it don't have a closet in there.

22 Q Okay. And then there's another bedroom?

23 A Yeah, the one that we stay in.

24 Q Is there a closet?

25 A Yeah.

1 Q How many bathrooms are in it?

2 A Two bathrooms.

3 Q Where are they located?

4 A One is in the original house, and the other
5 one is in the addition that I built on.

6 Q So the one in the original house, is it that
7 attached to your bedroom?

8 A No, sir. It's in the hallway.

9 Q And what about the one in the addition?

10 A It's in the other hallway.

11 Q So it's not attached to a bedroom?

12 A No, sir.

13 Q Okay. So let's go to the next one there, 529
14 East Richardson Avenue. Do you -- you know where
15 that's at now?

16 A Yes, sir.

17 Q Is that the one when we looked at that little
18 map with the pushpin earlier, on Page 2?

19 A Yes.

20 Q That's the one you said was on Richardson?

21 A Yes, sir.

22 Q Okay. You see the picture there, it looks
23 like a kitchen?

24 A Yes, sir.

25 Q Does the kitchen at 249 Challedon resemble

1 that kitchen?

2 A Not really. My kitchen, the back door opens
3 right up into it.

4 Q And looking at that kitchen at 529 East
5 Richardson, that photograph, anything that stands out
6 to you that would be different than yours?

7 A Yes, sir.

8 Q What?

9 A Well, it looks a little bit bigger, plus
10 they've got hardwood floors. My floors are kind of
11 messed up right now.

12 Q Can you look at the appliances there?

13 A Yeah, they're new.

14 Q Okay. Did you ever get to go in that house
15 before it sold in, this report reflects January of
16 2022?

17 A No, sir, I didn't get to go in that one.

18 Q Do you know if it was refurbished before it
19 was sold?

20 A Yes, sir.

21 Q How do you know that?

22 A Because guys were outside working on it. I
23 stopped and asked if they needed any Drywall. They
24 told me, no.

25 Q Did you see it before the work was done?

1 A No, sir. Well, I just seen the outside not
2 the inside.

3 Q How was the condition outside?

4 A It was pretty bad. That one, they had to
5 tear the wood off and put some new siding up and new
6 soffits. And there was something else wrong with it.

7 Q All right. And so this was reflects a sold
8 price of \$160,000?

9 A Yes, sir.

10 Q And to you knowledge, was that property
11 completely remodeled?

12 A To my knowledge, it was.

13 Q I notice the square footage is just a little
14 bit less than your house though, right?

15 A Yep, yes, sir.

16 Q Okay. Now let's bump over to 235 Challedon
17 Drive.

18 A Yes, sir.

19 Q All right. Are you familiar with that
20 property?

21 A 235, yes, sir.

22 Q Have you personally observed that property?

23 A Yes, sir.

24 Q You see on this report, it shows that it was
25 sold April 18, 2022?

1 A Yes, sir.

2 Q For a price of \$230,000?

3 A Yes, sir.

4 Q Did you ever have a chance to go inside of
5 that house?

6 A Just before it sold. Well, not before it
7 sold, before it was remodeled.

8 Q Before it was remodeled? When was it
9 remodeled?

10 A It was remodeled about six months before it
11 was sold.

12 Q What was its condition at that time?

13 A It was bad, it was bad. The people that had
14 it before just didn't take care of it.

15 Q What all was done to remodel it; do you know?

16 A They put solar panels on it. They also took
17 and redid it. They gutted it out, new Drywall, new
18 floors, everything.

19 Q Did you do that Drywall?

20 A No.

21 Q Did you ask?

22 A (Shakes head.)

23 Q You shook your head, that's a no?

24 A No, sir, I didn't get to do it.

25 Q Okay. Did you see them working on the house

1 on the outside?

2 A Yes, sir.

3 Q Did they redo the outside of the house?

4 A Yes, sir.

5 Q From bottom to top?

6 A From bottom to top.

7 Q Is that house in better condition than 249
8 Challedon?

9 A That house is in good shape, real good shape.

10 Q Is the house on Richard, what is that,
11 Richardson?

12 A Richardson.

13 Q Is it in better condition than 249?

14 A Yes, sir, it is, they redid it.

15 Q Of those comparables that you see right here
16 in your hand, which one most closely resembles the
17 home that you live in?

18 A 232.

19 Q Okay. Do you believe that \$99 per square
20 foot is a fair price?

21 A Yeah, it could be.

22 Q Are you aware of any other properties that
23 have sold in and around your house since we had this
24 hearing?

25 A No, sir, not offhand, but I know one is up

1 for sale.

2 Q Okay. If you were to list your home for sale
3 at 249 Challedon, are there items that would need to
4 be fixed before it went on the market?

5 A Oh, yeah, yes, sir.

6 Q What?

7 A All of the floors are going to have to be
8 replaced because the hot water heater blew up about
9 two years ago. It warped all the hardwood floors that
10 we put down. Let's see, the outside, the -- I can't
11 think of the name of the board, but the siding
12 board -- can't think of what it is -- HardiePlank,
13 Hardie board needs to be replaced because that got to
14 a point where it's crumbling. There's some T1-11 that
15 needs to be replaced. Some --

16 Q What's T1-11 for the record?

17 A Yeah, T1-11.

18 Q What is that?

19 A It is a type of wood that's used on the
20 outside. It's kind of similar to plywood, but it has
21 grooves going up and down it. So it's an outside
22 sheathing.

23 Q Okay.

24 A And there's some soffit work that needs to be
25 done. And the front porch that we added on, it is

1 pretty -- it needs to be redone. And the back porch
2 needs some work done on it, too.

3 Q Do you, in doing Drywall work, are you
4 familiar with the bidding process for work to be done
5 on property?

6 A Oh, yeah.

7 Q Do you submit bids to potential customers?

8 A Yeah.

9 Q And quotes?

10 A Yep.

11 Q Are you familiar with price for linear foot
12 on lumber and other materials?

13 A Depends on the type of lumber it is. I'm not
14 real familiar with that because, like I said, I do
15 mostly Drywall, and we go by square foot, but I know
16 wood is real high right now.

17 Q Okay. You mentioned HardiePlank?

18 A Yes, sir.

19 Q Do you have any knowledge as to the price per
20 linear foot on HardiePlank?

21 A It's like, I think it was like \$3 and
22 something a linear foot or 2.90 something, the last
23 time I looked anyway.

24 Q Do you have any idea how much HardiePlank
25 would be required to fix the exterior?

1 A Enough to cover at least -- let's see, about
2 600 square feet.

3 Q At our last hearing, your wife had testified
4 that there were three different types of materials on
5 the exterior of this house?

6 A Yes, sir.

7 Q Being in the trades, do you have knowledge of
8 different materials?

9 A Yes, sir.

10 Q When it comes to construction?

11 A Yes, sir.

12 Q What materials are on that house?

13 A Actually, there's four different types of
14 things on it. There's veneer brick on the face of the
15 front of the house when you first walk in. There's
16 tin on the side where the back porch is. There's
17 Hardie board on the back side and there's T1-11 on the
18 opposite side.

19 Q Why is there different materials?

20 A Well, because when we did the addition, we
21 went with HardiePlank, Hardie board. And on the
22 opposite end, they had T1-11, and I had to replace
23 that. And then on the side where the back porch is,
24 there was always tin there. On the front side, it's
25 that veneer brick facing.

1 Q Okay.

2 A That's always been there.

3 Q Okay. So at a price of, let's just say
4 100,000 per square?

5 A Yes, sir.

6 Q In your opinion, would 140,000 be a fair
7 price?

8 A Yes, sir.

9 Q Based on the square footage of the home?

10 A Based on the square footage of the home.

11 Q Okay. And looking back at this comparative
12 market analysis, again, if I could take you back to
13 Page 4 of 10, there's a listing there of adjusted
14 price of \$163,333?

15 A Yes, sir.

16 Q In your opinion, having personal knowledge of
17 the property, is that price higher or lower than what
18 you believe that property to be worth?

19 A Well, like I said, it's a little higher,
20 because it's only 1,400 square feet, not 1,462.

21 Q And admittedly, Ms. Garcia has not been able
22 to see the interior of the property?

23 A Right.

24 Q Or observe some of the things that you've
25 discussed today?

1 A Yes, sir.

2 Q Do you believe that if she observed those,
3 that that price adjustment would be lower?

4 A Yes, sir.

5 Q Okay. Given a fair opportunity to review
6 those things?

7 A Yes, sir.

8 MR. SHEPHERD: All right. That's all I have
9 for you, sir. Please answer any questions Mr. Vitollo
10 or Judge Chellis may have.

11 THE WITNESS: Yes, sir.

12 THE COURT: Mr. Vitollo?

13 CROSS-EXAMINATION

14 BY MR. VITOLLO:

15 Q Is it Mark Bloodworth?

16 A Yes, sir. Call me Mark.

17 Q Thank you. So an addition was done on the
18 property at 249 Challedon Drive in the '90s; is that
19 right?

20 A Yes, sir.

21 Q All right. And for whose benefit was the
22 addition completed?

23 A Ours.

24 Q All right. And that was, what, 25, 30 years
25 ago; is that about right?

1 A 28.

2 Q 28 years. Thank you. And so you've enjoyed
3 the benefit of that addition for the last 28 years?

4 A Yep.

5 Q All right. And you moved into the property
6 in 1987, is that correct?

7 A Yes, sir.

8 Q Okay. And did you see Vanessa at the
9 property any time after you moved in?

10 A No, sir.

11 Q All right. From the time you moved in, so
12 from 1987 to the time of Ms. Jean White's passing in
13 2015, are you aware of Vanessa making any effort to
14 assert an ownership interest in the property?

15 A No, sir.

16 Q All right. And you testified a little bit
17 about your opinions regarding the value of the
18 property at 249 Challedon Drive; is that correct?

19 A Yes, sir.

20 Q How many bathrooms are there at that house?

21 A There's two bathrooms.

22 Q Okay. And do you have Plaintiff's Exhibit
23 15, the comparative market analysis? Do you have that
24 with you?

25 A Yes, sir.

1 Q And answering these questions, it might be
2 helpful if you're looking at Page 4. But in regards
3 to the property at 249 Challedon Drive, it's roughly
4 1,450 square feet, is that correct?

5 A No, sir. It is exactly 1,400 square feet.
6 The house is 20 -- the house is 30 -- 40 by 35.

7 Q All right. And your familiar with the
8 property at 235 Challedon Drive?

9 A Yes, sir.

10 Q And 235 Challedon Drive, that's a lot less
11 square feet than 249; is that right?

12 A Let's see. Yes, sir, it's only 960. I take
13 that back, it's 1,044.

14 Q All right. And it looks like that property
15 at 235 Challedon Drive sold for 230,000 April 18,
16 2022; is that correct?

17 A Yes, sir.

18 Q Okay. And you testified that the property at
19 232 Challedon Drive --

20 A Yes, sir.

21 Q -- was not in as good of shape as the
22 property at 235 Challedon Drive; is that correct?

23 A Yes, sir.

24 Q And the property at 232 Challedon Drive sold
25 for 100,000 December 5, 2022?

1 A Yes, sir.

2 Q And there is a lot of space between 100,000
3 and 230,000. Would you agree that that's a pretty big
4 range?

5 A Yes, sir.

6 Q All right. Are you familiar with the
7 property at 241 Challedon Drive?

8 A No, sir.

9 Q Okay. How far -- well, do you know or could
10 you reasonable estimate how far 241 Challedon Drive
11 is?

12 A Should be right next door. If I'm at 239,
13 241 should be right next door to me.

14 Q You're at --

15 A But the addresses there are a little messed
16 up.

17 Q Okay. And you're at 249 Challedon Drive,
18 right?

19 A Yeah.

20 Q Okay.

21 A It should be right around the corner from me,
22 right next door.

23 Q Okay. Are you aware of any houses -- how
24 about 102 Clover Avenue?

25 A Yes, I do, I know that one.

1 Q Oh, okay. Are you aware of 241 Challedon
2 Drive closing any time recently for sale?

3 A No, sir.

4 Q What about 102 Clover Avenue in Summerville?

5 A I don't know if they closed or not.

6 Q Okay. All right. And some people buy
7 property to live in; do you agree with that?

8 A Yeah.

9 Q And are you aware of real estate investors?

10 A Yes, sir.

11 Q And some real estate investors might buy a
12 property with the intent of improving it?

13 A Yes, sir.

14 Q And perhaps -- are you familiar with the term
15 "flipping?"

16 A Yes, sir.

17 Q Briefly, could you describe what it means to
18 flip real estate.

19 A It means to remodel the house, to get it back
20 to the best condition it could be in so that you can
21 make the most profit that you can make.

22 Q All right. Do you think there would be any
23 opportunity for an investor to purchase 249 Challedon
24 Drive with the intent of flipping it?

25 A Probably.

1 Q Okay.

2 A Probably take a lot, but, yeah.

3 MR. VITOLLO: No further questions, Your
4 Honor.

5 THE COURT: Thank you. Any redirect?

6 MR. SHEPHERD: Nothing, sir.

7 THE COURT: All right. Thank you, Mr.
8 Bloodworth.

9 THE WITNESS: Thank you, sir.

10 MR. SHEPHERD: Just one last witness, Your
11 Honor.

12 THE COURT: All right.

13 MR. SHEPHERD: And that would be Ms. Joyce
14 Head.

15 THE COURT: Put your left hand on the Bible,
16 raise your right.

17 FRANKIE JOYCE HEAD,
18 having been duly sworn, testified as follows:

19 THE COURT: You're under oath. Answer any
20 questions Mr. Shepherd may have for you.

21 THE WITNESS: Okay.

22 DIRECT EXAMINATION

23 BY MR. SHEPHERD:

24 Q All right. Ms. Joyce, can you please tell us
25 your full name for the record.

1 A Frankie Joyce Head.

2 Q Frankie Joyce Head.

3 A Head, like the head on your shoulders.

4 Q All right. But you go by Joyce?

5 A Yes.

6 Q So Joyce, what is your relationship to Judy
7 Bloodworth?

8 A She is my first cousin.

9 Q And that would make Mr. Bloodworth, I
10 believe, cousin-in-law?

11 A Cousin-in-law.

12 Q All right. So are you related to Judy
13 through her father, through her mother?

14 A Her mother.

15 Q Okay. And her mother was Jean White?

16 A Yes.

17 Q Did you know Jean White?

18 A Yes, all my life.

19 Q And did you have an opportunity to interact
20 with Jean and Judy and the family?

21 A All the time. We were together every Sunday,
22 either at one or the other's house.

23 Q Okay. Where did you live growing up?

24 A I lived in a few places, but mostly in Moncks
25 Corner.

1 Q Okay. And did you ever have the opportunity
2 to go over to 249 Challedon Drive?

3 A Many times, many times.

4 Q How far back does your memory take you on
5 visiting 249?

6 A Probably since they bought it.

7 Q How old do you think you would have been?

8 A If they bought it in '69, I was, what, six
9 years old?

10 Q Okay. So since you were a little kid?

11 A Little kid, uh-huh.

12 Q All right. And do you remember the -- so was
13 it new construction when they bought it? Do you
14 remember anything about that?

15 A I don't remember that, no. To me, it was
16 wonderful because they had a nice house. So I mean,
17 we never lived in anything grand coming up as kids,
18 but it was a nice house.

19 Q Okay. And who lived there?

20 A At that time, when they first bought it, I
21 think it was my Aunt Jean and my cousin Judy and my
22 cousin Dale and Deborah and maybe -- I don't know if
23 Jimmy lived there, but -- I can't remember that, he
24 moved around a lot, but. And Junior and Jean.

25 Q Who is Junior?

1 A He's my uncle. Well, he was my uncle.

2 Q And what's his full name?

3 A Junior White.

4 Q What is his relationship to Ms. Frierson?

5 A That was to -- as he told me before she came
6 to live there, he told me it was his niece.

7 Q What's your understanding of her relationship
8 to Junior now?

9 A Well, I'm told now, but I don't know, that
10 that was her Dad, but don't know that.

11 Q All right. Did you ever get to interact with
12 Vanessa?

13 A When she moved there, for a while, we had
14 family gatherings at different places. She went to
15 Lancaster with us for the big family get-togethers and
16 stuff like that. We've got pictures of all of us with
17 horses and things like that and other things, so, yes.

18 Q Did you ever get to observe Vanessa's
19 interactions with Junior White and Jean White?

20 A Well, when they were younger, when she first
21 moved there, it was, you know, okay. But then it got
22 strained. I mean, because my aunt told me that she
23 didn't want to listen. And so that --

24 Q Did Vanessa live at 249 Challedon, to your
25 knowledge?

1 A At some point in time, she did for just a
2 little while. She left because she was kicked out.

3 Q Who kicked her out?

4 A Junior and Jean.

5 Q Do you know if she ever came back to the
6 property?

7 A Not that I know of. I mean, I never saw her
8 there again. I know that I remember asking, because I
9 had liked her and everything and remember asking where
10 she was, and I was told that she wasn't coming back so
11 don't ask.

12 Q Did you get a chance to appreciate any
13 references by Jean as to how she felt about Vanessa?

14 A She didn't talk about her after that, except
15 for to tell me that she wasn't coming back, she didn't
16 listen. And that was a big thing in our family is we
17 were raised to respect our elders and listen.

18 Q Do you recall roughly when that would have
19 been that she was turned away from the property?

20 A She was a teenager. She had gotten pregnant
21 and she was a teenager. I don't know exactly how old
22 that was.

23 Q Did Junior or Jean continue living at the
24 property at 249 Challedon after that?

25 A They did for some time, yes.

1 Q Do you remember when Junior passed away?

2 A I remember when he passed away. I don't
3 remember the exact year, but, yes, I do remember when
4 he passed away.

5 Q Was he living at 249 Challedon then?

6 A No.

7 Q Where was he living?

8 A I think it was West Virginia, the place
9 there.

10 Q When was the lat time you saw him before he
11 died?

12 A I probably saw him a couple of months before
13 he died, because he would travel back and forth, but
14 not much time.

15 Q Travel back and forth from where?

16 A From West Virginia to here. He would come
17 back to visit my aunt.

18 Q Your aunt being Jean?

19 A Yep.

20 Q Where was Jean living?

21 A 249 Challedon.

22 Q Did you interact with Vanessa after her
23 father passed away or after Junior passed away.

24 A I can tell you one time I did, because she
25 was working at a produce stand, and I happened to stop

1 there, and I said hello and how are you and
2 pleasantries. And I bought some stuff and I left, and
3 I've never spoke to her since.

4 Q Okay. After Junior White passed away, who
5 lived at 249 Challedon?

6 A My Aunt Jean, my cousin Judy and Mark and her
7 kids.

8 Q Did you get the impression that anybody else
9 had any interest in that property, other than Jean,
10 Judy, and/or Mark?

11 A No.

12 Q Did anyone else ever come around to your
13 knowledge?

14 A No.

15 Q How often do you think you visited that
16 property since Junior passed away?

17 A Oh, hundreds. I mean, I go there all the
18 time.

19 Q Have you had the chance -- so you've been in
20 the house?

21 A I've been in the home, yes.

22 Q When is the last time you went in that house?

23 A Just this morning.

24 Q Okay. So when you walked in this morning,
25 what does the house look like? How would you describe

1 it inside?

2 A Except for her decorations and everything,
3 walls and stuff, dated. I mean, you can tell it's an
4 old house, and it needs work. I mean, the floors are
5 having problems because of the leak they had had. And
6 they just not too long ago had a leak in the wall and
7 just had that fixed like a week or so ago. But it's
8 dated and it needs work.

9 Q Have you been in the bathrooms?

10 A Yes, I have.

11 Q Are they up to date and new stuff?

12 A No.

13 Q Dated?

14 A Yes.

15 Q Functional?

16 A They're functional.

17 Q Okay. Are you in the real estate business?

18 A No.

19 Q Do you have the chance -- have you ever
20 observed their house from the outside at 249, and the
21 other houses around them?

22 A Yes, I have, uh-huh.

23 Q At the risk of offending them or whatever,
24 how would you say their house compares to the ones
25 immediately around them?

1 A Well, there are some that look worse. There
2 are some that look a whole lot better. There's a lot
3 of them that have been updated. This is a very old
4 neighborhood, and as I remember as a kid growing up,
5 they've had some beautiful houses, and then as I got
6 older, you would see that people moved away and didn't
7 care, and their houses were dilapidated and stuff
8 and -- but there's been quite a few houses that have
9 been really done up well, and I'm not surprised that
10 they are selling for what they are selling for. But,
11 yes, I've seen the other houses and they are really
12 nice, some of them. Some of them look pretty bad.

13 Q Would you say that the Bloodworth house at
14 249, that that's midrange?

15 A Yep.

16 Q Do you remember if Jean White ever did
17 anything in the Court to have herself declared the
18 owner of the property?

19 A Not that I know of. I don't -- I don't
20 remember her saying that she did. I remember them
21 going to get the -- whatever you need to be able to do
22 things like the add-on and everything. And they were
23 never told that she didn't own the house.

24 Q Okay. Do you know if Jean's relationship
25 with Vanessa was hostile?

1 A Oh, yes. I mean, like I said, she -- I was
2 told not to speak of her name and she -- as far as I
3 know, she never spoke to her again except when Junior
4 died, I think there were some papers that needed to be
5 signed, but that was all I know.

6 Q Do you know if the relationship between Judy
7 and Vanessa is or could be described as hostile?

8 A Oh, definitely.

9 Q Did you ever have the impression that Jean
10 Garris White wasn't the sole owner of that property?

11 A No, I did not.

12 Q Anything she do give you any indication that
13 she didn't think she was?

14 A No.

15 Q Did she maintain that property?

16 A Yes, she did and so did my cousin and her
17 husband. They paid for things when my aunt could not.

18 Q Did it appear obvious that somebody was
19 living there and keeping it up?

20 A Yes.

21 Q Did it seem that -- did Jean ever have any --
22 let me back up.

23 Between 1992 and her death, did Jean White,
24 to your knowledge, have any other address?

25 A Well, she went to stay with Junior in West

1 Virginia for a little while, but I don't know how long
2 she stayed there.

3 Q After he died, did she have any other
4 residence that she --

5 A No.

6 Q So 249 was her home?

7 A Yes.

8 Q And Ms. Head, do you know anything about Judy
9 or Mark's financial situation?

10 A I know that if their home was taken away from
11 them, they'd have no place to live. I mean, that's --
12 they don't have a lot of money. They take care of
13 their bills, and what they owe, they pay. But that
14 house has been their house.

15 Q That property, have you ever -- have you
16 walked the entire outside of the property?

17 A Uh-huh.

18 Q Can it be divided in half?

19 A No, there's no -- I mean, the backyard is
20 minimal, and there's hardly any front yard whatsoever.
21 So if you split it, where are you going to put another
22 place to live?

23 MR. SHEPHERD: All right. Ms. Head, I don't
24 have anything further for you, but please answer any
25 questions Mr. Vitollo may have.

1 THE WITNESS: Okay.

2 MR. SHEPHERD: And/or Judge Chellis, okay?

3 THE WITNESS: Okay.

4 THE COURT: Mr. Vitollo?

5 CROSS-EXAMINATION

6 BY MR. VITOLLO:

7 Q So, Ms. Head, did you ever meet Vanessa while
8 she was living at that property?

9 A Yes.

10 Q Okay. Do you recall about when she moved
11 out?

12 A She was a teenager. I don't remember
13 exactly. I just know she was a teenager. I don't
14 remember the exact years. I just know that she lived
15 there, we lived in the area and we'd visit.

16 Q So was Junior still living at the house when
17 Vanessa moved out?

18 A Yes.

19 Q Okay. And Junior passed in 1992; is that
20 correct, to the best of your knowledge?

21 A Best of my knowledge, yes.

22 Q Okay. So following the death of Junior Arch
23 White, do you have any knowledge of Vanessa visiting
24 the property at that time?

25 A No.

1 Q Okay.

2 A I was never told she did.

3 MR. VITOLLO: No further questions.

4 THE COURT: Tell me about this hostility
5 between the parties. What's that all about?

6 THE WITNESS: Well, between Junior and Jean
7 when that started was because Vanessa -- she didn't
8 want to listen and she was not very nice to my aunt.
9 And --

10 THE COURT: Hold on a second. This is Jean
11 and Vanessa?

12 THE WITNESS: Jean and Vanessa.

13 THE COURT: Was Mr. White alive at that time?

14 THE WITNESS: Yes, he was, uh-huh.

15 THE COURT: And what was his position?

16 THE WITNESS: His position was he told her
17 that she had to listen because she was the head of
18 the -- one of the heads of the household. And she
19 didn't.

20 THE COURT: And what specifically happened
21 that Mr. White conveyed to Ms. Vanessa White here that
22 she had to leave the home.

23 THE WITNESS: She was not listening. She was
24 not doing as told. She was -- as far as I know, I was
25 told she was sneaking out, and she had become

1 pregnant.

2 THE COURT: Did you witness any of this
3 hostility between --

4 THE WITNESS: Oh, yeah.

5 THE COURT: -- Mr. White and Ms. White?

6 THE WITNESS: Yeah, I was there many times,
7 and they would be arguing and stuff. And he would be
8 telling her that she had to listen to Jean.

9 THE COURT: And where -- what happened to
10 Vanessa when -- or she got pregnant?

11 THE WITNESS: Uh-huh.

12 THE COURT: How did the exit happen? What
13 happened? Do you recall what happened then?

14 THE WITNESS: Well, like I said, I didn't
15 know at the time, because I wasn't there, but when I
16 came back and she wasn't there, I asked. And I was
17 told that I was not to ask again, but she was no
18 longer living there and not welcome at that house.

19 THE COURT: Who told you that?

20 THE WITNESS: Junior and Jean.

21 THE COURT: Are you aware of any other
22 instances where Ms. Vanessa White, the Plaintiff,
23 attempted to go back to 249 Challedon?

24 THE WITNESS: No.

25 THE COURT: Where did she live -- do you know

1 where she lived after she left?

2 THE WITNESS: After she left, I assume she
3 went to live with a friend of the family's for a
4 while. That's what I was told.

5 THE COURT: Oh, you just --

6 THE WITNESS: I don't know for sure.

7 THE COURT: Mr. White, he apparently died
8 from a -- was he in a wreck or something?

9 THE WITNESS: Yes, uh-huh, he went over a
10 mountain in a semi truck that he drove.

11 THE COURT: In a semi truck?

12 THE WITNESS: Yeah, a semi truck, uh-huh.

13 THE COURT: Did you go to the funeral?

14 THE WITNESS: No, I did not, because they did
15 it in a different state.

16 THE COURT: They did it in West Virginia?

17 THE WITNESS: Yes, right.

18 THE COURT: Did you speak with Jean after
19 that?

20 THE WITNESS: Yes.

21 THE COURT: They were not living together at
22 that time?

23 THE WITNESS: No. They visited back and
24 forth, but they weren't living together.

25 THE COURT: Was this some mutual separation

1 of sorts?

2 THE WITNESS: Yes. I know that at one time
3 they had -- someone had filed for divorce, but I never
4 knew for sure if it ever took place. But I know that
5 they still were together, you know, they just didn't
6 live in the same house. He would come to visit here,
7 and she would go to visit there. And that went on for
8 many years, because my dad would go with her to visit
9 Junior.

10 THE COURT: You're talking about your dad
11 would go with Judy?

12 THE WITNESS: With my Aunt Jean to visit
13 Junior.

14 THE COURT: Aunt Jean to visit --

15 THE WITNESS: Yeah.

16 THE COURT: -- Mr. Junior?

17 THE WITNESS: Mr. Junior, yeah, yes. My dad
18 is Jean's brother.

19 THE COURT: Brother. Okay. I don't have
20 anything else.

21 REDIRECT EXAMINATION

22 BY MR. SHEPHERD:

23 Q Just to clarify something: You had testified
24 earlier that you understood that Vanessa had come to
25 sign some paperwork?

1 A That's what I was told.

2 Q Okay.

3 A I wasn't there when that happened or
4 anything, but think she signed some paperwork. I
5 don't know if it was at the house or somewhere else.

6 Q Okay. All right. So you don't know if she
7 came to the home and --

8 A Yeah, I don't know how that happened, I just
9 know that my Aunt Jean said she had to have some
10 paperwork signed by Vanessa, and that it was taken
11 care of.

12 Q Okay.

13 A Uh-huh.

14 THE COURT: Did she characterize that -- how
15 did she characterize "it was taken care of?"

16 THE WITNESS: She said that she met with her
17 to sign it. She didn't tell me where, I just learned,
18 like I said, not to ask questions as far as she was
19 concerned, because they were not happy.

20 THE COURT: Now, what was the -- what was the
21 reason Judy would have any hostility towards Vanessa?

22 THE WITNESS: Because she's trying to take
23 her house.

24 THE COURT: No, no, no.

25 THE WITNESS: Oh.

1 THE COURT: Before this?

2 THE WITNESS: Oh, before that. Because --

3 THE COURT: They didn't get along as
4 teenagers?

5 THE WITNESS: Well, because Vanessa wasn't
6 very nice to my aunt. And Judy was always trying to
7 be a go-between and help out and make things nicer,
8 but it never happened.

9 THE COURT: Are they about the same age?

10 THE WITNESS: Judy's older.

11 THE COURT: And she was living at the house
12 when Vanessa lived there?

13 THE WITNESS: When Vanessa was living there,
14 but not for long because she got married and moved
15 out.

16 THE COURT: She being?

17 THE WITNESS: Judy.

18 THE COURT: Judy got married?

19 THE WITNESS: Judy got married and moved out
20 at some point in time. I don't know if that was
21 before Vanessa moved or not. I can't remember the
22 actual dates.

23 THE COURT: But you're telling me the source
24 of their hostility was because the Plaintiff treated
25 the Defendant's mother harshly?

1 THE WITNESS: Yes.

2 THE COURT: That's all. Any redirect or
3 re-cross?

4 MR. VITOLLO: At least one question, Your
5 Honor.

6 THE COURT: Sure.

7 FURTHER CROSS-EXAMINATION

8 BY MR. VITOLLO:

9 Q So just to clarify: So following the death
10 of Junior Arch White?

11 A Uh-huh.

12 Q Did you observe anything that would indicate
13 that Vanessa had any objection to Jean White having
14 sole possession of the property?

15 A Nope.

16 Q And so following the death of Junior Arch
17 White, prior to the death of Jean White, so from 1992
18 to 2015, are you aware of Vanessa taking any action to
19 assert an interest in the property?

20 A No, none.

21 MR. VITOLLO: No further questions.

22 THE COURT: Anything else, Mr. Shepherd?

23 MR. SHEPHERD: No, sir.

24 THE COURT: That's all. Thank you very much.

25 THE WITNESS: Uh-huh.

1 THE COURT: All right.

2 MR. SHEPHERD: No other witnesses.

3 THE COURT: What's your next one?

4 MR. SHEPHERD: I have no further witnesses at
5 this time, sir.

6 THE COURT: All right. So any motions by
7 either party?

8 MR. VITOLLO: Your Honor, I guess if we
9 could -- one thing -- well, I would -- well, I suspect
10 we would like for the opportunity to produce
11 additional evidence concerning the value of the
12 property. I think this could be done a couple of
13 different ways.

14 THE COURT: Before we get to that, I'm
15 just -- Mr. Shepherd, you've rested, correct?

16 MR. SHEPHERD: Yes, Your Honor.

17 THE COURT: Is there any motion from the
18 Plaintiff on the Defense?

19 MR. VITOLLO: I would move for summary
20 judgement at least as to ownership of the property.
21 Evidence has been presented -- well, the parties are
22 in agreement that Judy Bloodworth has a one half -- at
23 least a one half interest in the property by virtue of
24 inherited through the will.

25 In regards to Vanessa's interest, we've

1 produced -- we've got the death certificate on the
2 record showing that Junior was her father. We've
3 produced evidence that he had no other children.
4 We've produced the divorce decree from West Virginia
5 showing that Junior Arch White and Jean White were
6 divorced at the time of his death. And so for
7 purposes of determining heirs, I would assert that the
8 Respondent has failed to produce any evidence from
9 which the Court could determine anything other than
10 Vanessa as the sole heir of the probate Estate of
11 Junior Arch White.

12 So that would be my motion.

13 THE COURT: I'll deny that motion. Mr.
14 Shepherd anything from you?

15 MR. SHEPHERD: No, Your Honor, I don't have
16 any post-trial motions. We'd just --

17 THE COURT: Here's what I'd like to do then.
18 I want to hear a summary from each party as to their
19 position and we'll start with you, Mr. Vitollo.

20 MR. VITOLLO: May we take a brief recess?

21 THE COURT: Oh, yeah, sure. Let's take --
22 you want to take more than a brief recess? Do you
23 want to take an hour, get some lunch? It's 12:00
24 o'clock.

25 MR. VITOLLO: I'm open to that.

1 THE COURT: You okay with that Mr. Shepherd?

2 MR. SHEPHERD: No problem, Your Honor.

3 THE COURT: We'll take a recess until 1:15.

4 Okay?

5 MR. VITOLLO: Thanks.

6 (Lunch break.)

7 THE COURT: Mr. Vitollo, I'm going to let you
8 close. Andy then close. Let's just have both of you
9 do one closing, okay?

10 MR. VITOLLO: Okay.

11 THE COURT: I can't remember if there's a --
12 I don't think you have a right in a non-jury to close
13 on the law, do you?

14 MR. SHEPHERD: Great question. I couldn't
15 answer that one.

16 THE COURT: I don't think so. I think we'll
17 take care of it in one, just one argument.

18 MR. VITOLLO: And Your Honor --

19 THE COURT: I'll tell you what I'll do, just
20 to be fair, if one of you feels like after the
21 summation of the other that you have to reply, tell me
22 so, and I'll consider it, okay? Is that fair?

23 MR. VITOLLO: There's also one other
24 housekeeping matter.

25 THE COURT: All right.

1 MR. VITOLLO: Having to do with -- again, I
2 don't know if this is going to be -- having to do with
3 determining the value of the property. Chris McDaid
4 did a CMA without having the benefit of being able to
5 view the inside of the property. I can think of a
6 couple of different ways we can address that, but I
7 just wanted to throw that out there before we got into
8 closing arguments.

9 THE COURT: Okay. What do you suggest?

10 MR. VITOLLO: I would -- now, I guess,
11 they've submitted evidence in regards to some concerns
12 that they had. If we just allowed her to -- if we
13 arranged for her to do a walkthrough within 14 days,
14 perhaps supplement the record with a CMA after she's
15 done a walkthrough, maybe. And she was here to kind
16 of observe the comments --

17 THE COURT: She was here today?

18 Ms. Frierson: Yes, sir.

19 THE COURT: Why don't we have her testify?

20 MR. VITOLLO: We -- she could come back at
21 3:30, but.

22 THE COURT: She's been released. She's not
23 under subpoena?

24 MR. VITOLLO: Yeah.

25 THE COURT: So that's one option, what's the

1 next one? Two options, I guess.

2 MR. VITOLLO: I guess the other option would
3 be to turn around and have her do a walk -- as part of
4 the resolution of this hearing, perhaps have her do a
5 walkthrough and then perhaps contemplate that we might
6 need to have an additional proceeding afterwards just
7 to resolve the fair market value of the real estate.

8 THE COURT: So what do you think, Mr.
9 Shepherd?

10 MR. SHEPHERD: We commenced this action, or
11 at least the trial, in January. The market comps were
12 in line for anticipation of that. The CMA that was
13 provided was January 3rd, I believe of this year. The
14 trial began in January. We're now back here July.

15 I mean, I think we could consider her review
16 of the property. It's just that we're here again on
17 our second day. The opportunity to address those
18 issues, I'm not declined to drag this out much further
19 than we need to.

20 THE COURT: Well, here's the thing: I
21 mean -- you can have a seat.

22 MR. SHEPHERD: Yes, sir.

23 THE COURT: I'm addressing both of you. The
24 evidence has been pretty clear that the -- all right.

25 First of all, we had an improvement that

1 they're not claiming reimbursement as a betterment. I
2 find that little bit odd, because any sales price is
3 going to be based on the square footage of the house,
4 and it nearly increased the house by about 50 percent
5 in the square footage.

6 Now, that was done in the late '90s. And the
7 testimony has been that there hasn't been any
8 significant upgrades, other than some appliance stuff,
9 since that 1990 addition. Now, I think you've got
10 four different comparisons or comparatives on the CMA
11 which y'all have knocked around in testimony. I think
12 I can use -- if you would not object, I can look at
13 what the tax assessor says about the value of the
14 property. And then I think I can just use some common
15 sense that we all know in the ownership of homes that
16 is pretty common in, really in real estate in general,
17 that you have deferred maintenance. And Mr.
18 Bloodworth has admitted to some -- that there's a need
19 for some maintenance to be done.

20 I was just thinking this through in the back
21 of my head a minute ago that -- you know, I don't know
22 what the value of it, what ultimate value I'd place on
23 the property, but given that there's been no
24 maintenance of significance over a period of time,
25 that there's probably some deferred maintenance and

1 there should be a discount on the value because of
2 that.

3 Moreover, if we end up doing a -- some sort
4 of an allotment entitlement, and I need to hear from
5 you on that issue again, but let's assume that, I
6 still think that I would end up with a discount based
7 on the fact that the property is not going to be
8 placed on the open market. So typically, I'd knock
9 off about 10 percent of the value based on just that,
10 the closing cost savings, about 10 percent. That's,
11 you know, Realtor fees and deed stamps and lawyers and
12 stuff like that.

13 So then the issue is what amount of discount
14 would be reasonable because of the deferred
15 maintenance. And it would seem to me that there would
16 be a greater risk to the Plaintiff to have a
17 walkthrough, because the deferred maintenance might be
18 a lot more than what I might reasonably give, but
19 that's a gamble.

20 I mean, I don't know that -- I mean, you've
21 had all this time, is there any reason why you didn't
22 ask for an update or Chris didn't ask to go through
23 the property right before today's hearing.

24 MR. VITOLLO: And Your Honor, the e-mails
25 from the beginning of this case, we first ask for

1 Chris McDaid to have the opportunity to go through the
2 property February 15, 2022.

3 THE COURT: Right.

4 MR. VITOLLO: So that would be roughly about
5 a year and a half ago.

6 THE COURT: Right.

7 MR. VITOLLO: And there's been correspondence
8 where we've been asking them for the opportunity for
9 her to go through it as late as last August, so.

10 THE COURT: Well, what about the last couple
11 of weeks in preparation, getting prepared for today's
12 hearing? When was the last time y'all talked about
13 that?

14 MR. VITOLLO: So I guess in candor, after six
15 months of being prevented from her having the
16 opportunity to go through the property, within the
17 last two weeks -- well, for that matter, within about
18 the two years that there's been attorneys on both
19 sides.

20 THE COURT: Yeah.

21 MR. VITOLLO: We've probably exchanged a
22 dozen e-mails, and I don't think we've spoken in
23 person or on the phone other than here at the
24 courthouse. But, yeah, so after six months of asking
25 for the opportunity to go through the property and

1 repeatedly being denied, within the last two weeks we
2 haven't requested that.

3 THE COURT: How about the last two months?

4 MR. VITOLLO: So the --

5 THE COURT: Let me ask you this: When was
6 this hearing rescheduled for today's date?

7 MR. VITOLLO: It was January 5th.

8 THE COURT: We rescheduled it for this time
9 back in January?

10 MR. VITOLLO: I take that back. So January
11 5th, I'd have to check e-mail correspondence, I would
12 guess -- I would guess about -- I would guess some
13 time in May.

14 THE COURT: Okay. Well, that's a reasonable
15 time. So since May, have y'all tried to get access or
16 walk through?

17 MR. VITOLLO: No.

18 THE COURT: Have you and Mr. Shepherd talked
19 about it at all?

20 MR. VITOLLO: No.

21 THE COURT: Okay.

22 MR. VITOLLO: I'll note Ms. Garcia did
23 prepare a comparative market analysis today that I
24 have with me.

25 THE COURT: You have another one today?

1 MR. VITOLLO: Yes.

2 THE COURT: You haven't admitted it?

3 MR. VITOLLO: Not yet.

4 THE COURT: Well, your case is closed, how
5 are you going to get it in?

6 MR. VITOLLO: Well, before -- at the
7 conclusion of Mr. Shepherd's case, I had noted on the
8 record that I was asking to submit additional evidence
9 of the property.

10 THE COURT: Oh, I got you. All right. I'm
11 sorry, you're right, you did do that. And that's what
12 you wanted to do is submit that evidence, a new CMA?

13 MR. VITOLLO: And possibly have Ms. McDaid
14 Garcia testify.

15 THE COURT: Okay.

16 MR. VITOLLO: Again, to the extent that
17 people were agreeable and the Court thought it would
18 be helpful.

19 THE COURT: She can't be here until 3:30?

20 MR. VITOLLO: She can't be back until 3:30.

21 THE COURT: Have you shared the CMA with Mr.
22 Shepherd?

23 MR. VITOLLO: I haven't given him a copy. I
24 let him know about it, and I think I may have briefly
25 showed him what the number was.

1 THE COURT: Why don't you all talk about it
2 and see if there's an agreement as to whether it
3 should come in or not.

4 That lady who was sitting right behind you,
5 that was Miss --

6 MS. FRIERSON: Yes, sir.

7 THE COURT: That was her? I thought she was
8 your daughter.

9 MR. SHEPHERD: Can I have just a second to
10 confer with Ms. Bloodworth?

11 THE COURT: Sure.

12 (Off the record briefly.)

13 MR. SHEPHERD: I don't think we have any
14 problems putting this in.

15 THE COURT: You don't have? Okay.

16 MR. SHEPHERD: No. We can make a couple
17 comments about it in closing.

18 THE COURT: So that solves that problem
19 right?

20 MR. SHEPHERD: Yeah.

21 MR. VITOLLO: That will work.

22 THE COURT: Okay. So we're going to have
23 another Plaintiff's exhibit entered into evidence in
24 reply to the Defendant's case in chief, correct?

25 MR. VITOLLO: Yes, Your Honor. I believe it

1 would be Exhibit 20.

2 (Plaintiff's Exhibit No. 20 marked.)

3 THE COURT: All right. Mr. Vitollo?

4 MR. VITOLLO: Do you have any preference
5 whether I stand or sit?

6 THE COURT: It's up to you, whatever you're
7 comfortable with. I just need to be able to hear you.

8 MR. VITOLLO: Okay.

9 THE COURT: So pull the microphone closer to
10 you, so you speak into it.

11 MR. VITOLLO: So, Your Honor, prior to --
12 sometime prior to 1989, Junior and Jean White, Junior
13 White and Jean White acquired real estate commonly
14 known as 249 Challedon Drive. And sometime prior to
15 1989, they were married. 1989, Junior and Jean White
16 got divorced.

17 Before I say that -- it will probably be
18 helpful to start and say -- I'll note that in 2018, so
19 we filed a petition that's before the Court asking
20 that the Court -- asking that the Court first
21 determine the heirs, so determine the heirs of Junior
22 Arch White. And then second, determine title to the
23 property at 249 Challedon Drive. And then, finally,
24 order that the property be partitioned.

25 So with that background, Junior and Jean

1 White acquire real estate, they get married. In 1989,
2 the key is Junior and Jean White get a divorce. So
3 1989, they get divorced. In 1992, Junior Arch White
4 dies. So at the time Junior Arch White died, he
5 had -- the birth certificate of Vanessa would show
6 that she was his child. And there was a newspaper
7 clipping as well as other evidence and testimony
8 submitted that he had no other children. So we would
9 assert that as of 1992, when Junior Arch White died,
10 Vanessa Frierson was the sole heir as to his probate
11 estate.

12 At that time, Jean Garris White is in
13 possession of the property at 249 Challedon Drive.
14 There were no probate proceedings. And so we'll fast
15 forward to 2012. In 2012, Jean White went to the
16 Dorchester County Probate Court, filed a petition, and
17 the Court entered an order determining that Jean
18 Garris White was the sole owner of the real estate.
19 As part of that order, the Court found that Junior had
20 no children at the time of his death and that Junior
21 and Jean White were married.

22 In 2015, Jean White passed away, January 19,
23 2015. Her will made Judy Bloodworth the sole
24 beneficiary of her estate. Probate has been
25 completed. If I recall correctly, a deed of

1 distribution has been entered on the land records
2 showing that Judy Bloodworth is solely entitled to
3 Jean White's estate, including Jean's interest in the
4 real estate at 249 Challedon Drive.

5 On July 16, 2015, we filed, on behalf of
6 Vanessa, filed a creditor's claim and petition to set
7 aside the Dorchester County Probate Court's prior
8 order. On September 5, 2017, the Dorchester County
9 Probate Court set aside the prior order determining
10 heirs. But with that, the Court also held that
11 ultimately they didn't have jurisdiction, and perhaps
12 as a matter of procedural reasons, that they didn't
13 have jurisdiction to determine the heirs. So they set
14 aside the prior order but then that still left --
15 determination of Junior Arch White's heirs was
16 unresolved.

17 So in 2018, we filed this petition asking the
18 Court to determine the heirs of Junior Arch White's
19 estate, determine title to the property at 249
20 Challedon Drive, and partition the real estate.
21 Formalities were followed. A GAL was appointed. The
22 GAL entered a statement on the record, and an answer
23 with the Court saying that there were -- he was not
24 aware of any unknown parties and wasn't asserting any
25 interest on behalf of any known parties. So where

1 that would seem to leave us would be the evidence
2 would seem to be pretty clear that Vanessa is the sole
3 heir as to the Estate of Junior Arch White.

4 In regards to ownership of the property, I'll
5 address another -- an issue. So prior to the hearing
6 in January, I had filed a memo regarding accounting
7 for rents. And we had asserted that Vanessa was
8 entitled some amount of rent. In other words, that
9 the Defendant, Judy Bloodworth, who has had possession
10 of the property should be required to pay Vanessa fair
11 market value rent, effectively one half rent, you
12 know, one half of the fair market value rent for some
13 period of time.

14 I'll note that in response to that, Mr.
15 Shepherd asked to assert the affirmative defense of
16 possession. So on my review of the transcript Pages 8
17 to 10, from my recollection and my review of the
18 transcript Pages 8 to 10 of the transcript of the
19 hearing on January 5th. We agreed that Mr. Shepherd
20 would be able to assert the affirmative defense of
21 possession.

22 My position would be that that is in response
23 to my claim for rent based on ouster. He was filing
24 a -- we agree that he would be able to amend his
25 pleadings to assert an affirmative defense in regards

1 to that right to receive rent, based on possession.

2 As far as the question -- now getting away
3 from getting away from whether the claim has been
4 properly presented to the Court, as far as the
5 arguments or testimony regarding adverse possession, I
6 would note a couple of things: First, as of 1992,
7 there was some evidence presented about hostility
8 between Jean White and Vanessa Frierson when Vanessa
9 Frierson lived there.

10 At the time Vanessa Frierson lived there,
11 Junior Arch White lived there and had an ownership
12 interest in the property. So prior to Junior Arch
13 White's death in 1992, Vanessa Frierson had no
14 ownership interest. So there's no way that there
15 could have been -- the time period for adverse
16 possession could not have started any earlier than
17 1992.

18 The testimony you've heard in Court today --
19 and I say that because 1992, Junior Arch White is
20 alive. Junior Arch White has possession of the
21 property. Junior Arch White is the owner. Vanessa
22 has no ownership interest up until his death, any
23 potential ownership interest.

24 Beginning with 1992, the testimony that we
25 heard most recently today was that Vanessa never

1 asserted, never -- the record will reflect that she
2 never asserted any interest in the property prior to
3 filing her petition with the Dorchester County Probate
4 Court in 2015. So if we were to go back from 1992 to
5 2015, essentially, when you have two heirs that are
6 entitled to the property, the presumption would be
7 that the possession of the property by one or more of
8 the heirs, that would be presumed to be permissive.
9 Essentially, possession by one heir is considered --
10 is treated the same as possession by all.

11 So there would be a presumption that any
12 possession of the property was permissive. The record
13 will reflect that it was permissive at least until
14 2015. From 1992 to 2015, Vanessa never went to the
15 property. She never demanded the right to be able to
16 stay at the property. She never took any action
17 asserting an ownership interest in the property.

18 Now, we -- to the extent that she would be --
19 we would assert that she's entitled to fair market
20 value rent. And the case law that we would cite for
21 that, we had submitted case law regarding ouster. But
22 essentially, in 2015 is when she filed her creditor's
23 claim to the Dorchester County Probate Court. That
24 was the point that she asserted an ownership interest
25 in the property. That was the time that she was

1 denied any right or benefit from the property despite
2 asserting her rights. And so that's the time,
3 starting with 2015, July 16, 2015, would be when she
4 would be entitled to receive fair market rent for the
5 property.

6 There was evidence submitted regarding
7 betterment. At -- the most recent scheduling order
8 that was entered with the Court, the most recent
9 scheduling order with the Court required the
10 Defendant, the Respondent, to submit essentially
11 information about their claim for betterment, describe
12 the improvements, describe the cost, describe what
13 amount you're claiming. They had ten days to provide
14 that to the Plaintiff. And any amounts that they did
15 not submit to the Plaintiff within ten days of the
16 order they waived. They did not submit any response
17 to the Plaintiff. So that would be why they wouldn't
18 be entitled to betterment.

19 In regards to partition, the evidence, I
20 think the parties are in agreement, there's no way to
21 divide the property without some kind of a sale or
22 some kind of a buyout. And the parties could not
23 peaceably cohabit the property together. So again,
24 the only way -- they both own it, there's no way for
25 them both to receive benefit from the property without

1 someone buying somebody out or without the property
2 being sold.

3 But with that, we've submitted evidence
4 regarding Vanessa Frierson as the sole heir to the
5 Estate of Junior Arch White. We're asking the Court
6 to find, in regards to title to the property, that the
7 sole title holders of the property are Judy
8 Bloodworth, who acquired it essentially by will from
9 her mother, Jean White, and Vanessa Frierson, who
10 acquired Junior Arch White's interest by intestacy.
11 So we're asking that the Court find that they're both
12 entitled to one half of the property.

13 In regards to partition, I think the parties
14 are in agreement that, to the extent they're
15 co-owners, it needs to be partitioned. There was --
16 we submitted testimony -- we provided testimony and
17 other evidence regarding that Vanessa Frierson was
18 Junior Arch White's sole heir. Respondent's counter
19 to that -- well, disputed that, but prior to today,
20 presented little or no evidence of that. The only
21 evidence that they've submitted to dispute that is
22 some of the evidence today from, I believe it was Ms.
23 Head.

24 I think we've resolved it. Both parties have
25 submitted evidence regarding the fair market value of

1 the property. And we agree that the CMA prepared
2 would come in. So we would submit that to the Court
3 to determine what the fair market value of the
4 property is.

5 And then, basically in closing, in regards to
6 partition, we would agree that Judy Bloodworth should
7 have -- to the extent that we find that Vanessa is the
8 heir and that she's entitled to one half of the
9 property, that Judy Bloodworth should have a fixed
10 amount of time to buy out Vanessa Frierson. If she's
11 unable to do so within that amount of time, then
12 Vanessa Frierson should have a fixed amount of time to
13 where she'd have the opportunity to buy out Judy
14 Bloodworth.

15 And if it turns out that neither one of them
16 are able or for any reason they choose not to for some
17 reason -- presumably it would be because they're not
18 able to -- then the property would be sold by private
19 sale with Chris McDaid Garcia as the Realtor.

20 THE COURT: Thank you.

21 MR. VITOLLO: And we submitted evidence also
22 on January 5th as to the fair market value of rent
23 that would be attributable to the property.

24 THE COURT: Thank you.

25 MR. VITOLLO: You're welcome.

1 THE COURT: Mr. Shepherd?

2 MR. SHEPHERD: Thank you, Your Honor. I
3 think at the outset, I'm going to start technically
4 with what would be our alternative request for relief,
5 and that would be partition by allotment if our
6 adverse possession affirmative defense should be
7 denied. The evidence before the Court, we have two
8 comparative market analyses. The first one, the Court
9 heard testimony of not only the owner of the property,
10 Ms. Bloodworth, as to her estimation of value, the
11 condition. You also heard her husband, Mark, who's
12 lived there in excess of thirty-something years, as
13 well as her cousin, Ms. Head, as to the condition of
14 the property, the overall style, things that need to
15 be done, as the Court noted in conversation with
16 counsel, that there is deferred maintenance on this
17 property, notably, the comparative market analysis
18 that was just admitted, prepared for today.

19 I just want to point out a couple of points
20 to the Court in that, so the Court can take notice.
21 There are two comps listed for 241 Challedon Drive
22 within that. And the first comp for 241 Challedon,
23 does not have a picture associated with it, and it
24 reflects a list price and a sales price of \$110,000.
25 Square footage-wise, that's a 103.5 per square, so

1 \$103.50 per square.

2 You will then note -- and of course that
3 property, it appears to have closed on, it looks
4 like -- it's further back in the document that it sold
5 on, this is Page 7 of 12, that property was sold for
6 the first time on January 4, 2023, for \$110,000. It
7 was then sold in May of 2023 for \$230,000.

8 And Your Honor, you can note that that is a
9 significant increase. And if we go and actually look
10 at the description associated with 241, it states, and
11 that is Page 10 of 12, "Home was recently remodeled.
12 New roof, floor and windows. Tankless water heater.
13 New appliances with stackable washer and dryer. Bonus
14 room that can be whatever you want." That's after it
15 was renovated.

16 We would take the position on this side that
17 that first comp of 110,000 is right in line with the
18 comp for 232 Challedon Drive from the first CMA, which
19 put it at \$99 per square foot for non-updated property
20 in that neighborhood and in that area.

21 So, Your Honor, our position would be that
22 the valuation, should the Court go with allotment,
23 that value -- and my client accepts the fact that that
24 property is probably worth somewhere between 99 and
25 \$103 per square foot. Taking into account its age,

1 condition, things that need to be done, that would
2 probably be the fair market value.

3 We are not seeking compensation for
4 betterments. Those betterments were paid for, quite
5 frankly, by Ms. Jean White. My client doesn't have
6 standing to claim that betterment. That would have
7 belonged to Ms. Jean White and/or her estate. While
8 my clients husband has sweat equity for a lot of the
9 work that was done, we can't in good faith stand
10 before you and say, we've improved the value of this
11 property over and above out of our own hands or out of
12 our own funds.

13 So, Your Honor, if partition is necessary, I
14 would turn the Court to the Pinckney Act, weighing the
15 factors, what is the effect on Ms. Bloodworth in terms
16 of fairness, in terms of the attachment to the
17 property. She's clearly been there for over three
18 decades, four decades now, coming up on it.

19 Is there another alternative that's fair to
20 the parties? There really isn't, short of a sale, but
21 of course that puts her in an awkward position of
22 losing her home. So that's where allotment, I
23 believe, comes into play. And we would ask the Court
24 that she, if a partition is directed, that she be able
25 to acquire the property by allotment and pay her fair

1 share into the Court for Ms. Frierson.

2 But Your Honor, I don't believe we even get
3 that far. And I'm going to take us to that
4 affirmative defense of adverse possession. In
5 claiming rents, profits, damages on the basis of
6 ouster, Ms. Frierson has stated without question that
7 she felt excluded from the property by Jean White and
8 by Judy Bloodworth. Counsel stated, and is often
9 quoted, I've even heard Your Honor use it before in
10 court, possession of one tenant in common is
11 possession by all. That's pretty clear in case law.

12 "And to establish title against a co-tenant,
13 the party who is asserting adverse possession must
14 overcome the strong presumption that he holds
15 possession in recognition of the cotenancy." That
16 would require overcoming just the presumption that
17 everybody knew that it was co-owned, and they're just
18 living there. Okay?

19 "So it must be a turning out or a keeping
20 excluded a party entitled to possession." That's the
21 key to ouster. This record is replete with turning
22 out and keeping out. Going back to the record from
23 the probate court in 2017, I think that bolsters that
24 argument.

25 "And an ouster will occur when the possession

1 is attended by such circumstances and acts as to
2 evince a claim of exclusive right and title and the
3 denial of the right of other tenants to participate in
4 the profits. And those acts must be [quote]
5 'unequivocal in nature' meaning they're so distinctly
6 hostile to the rights of the other co-tenants that the
7 intention to disseize is clear and unmistakable."

8 When we go back to Ms. Frierson testifying in
9 this court, the question posed to her was whether the
10 property -- and this is -- actually, this was
11 representations and communications with the Court, the
12 representation was that, "This point, assuming there
13 would be no objection from the Plaintiff" -- Defendant
14 was intended in place of Plaintiff -- "I'm going to
15 ask that we stipulate that subsequent to the death of
16 Junior Arch White, the property was occupied by Jean
17 White and/or Judy Bloodworth to the exclusion of the
18 Plaintiff, Vanessa Marie Frierson. We so stipulate
19 it." There's no question, it's been solely and
20 exclusively occupied by Ms. Bloodworth and her mother
21 Jean White.

22 And a question to Ms. Frierson: And Vanessa,
23 since the time of your dad's passing on July 18, 1992,
24 you would not have been able to reside at the property
25 at 249 Challedon Drive or receive any benefit from the

1 property?

2 Answer: No. This is at Page 45.

3 Next question: And the reason for that would
4 be because it was occupied by Jean White or Judy
5 Bloodworth in a way that would have prevented you from
6 residing or receiving the benefit, correct?

7 Answer: Correct.

8 Exhibit 16 was the memo that opened the door
9 for ouster. She's raising her claim for ouster on the
10 basis that she has been excluded. That exclusion goes
11 beyond and prior to 2012.

12 The question posed on Page 67: Ms. Frierson,
13 when your father passed away in 1992, is it your
14 contention that Jean Garris White denied you the right
15 to anything that your father owned?

16 Answer: Yes.

17 Did Jean Garris White keep you off of your
18 father's property?

19 Yes.

20 Did she turn you away from the West Virginia
21 property?

22 Yes.

23 Did she turn you away from the Summerville
24 property?

25 MR. VITOLLO: And I'm going to object, Your

1 Honor. I know it's unusual to object during closing
2 arguments. I'm going to object to wasn't -- I'm going
3 to object to the use of testimony regarding the West
4 Virginia property as evidence to adverse possession of
5 the property in Summerville. The fact that she
6 prevented her from accessing property in West Virginia
7 wouldn't be admissible for purposes of determining
8 whether the property in Summerville was adversely
9 possessed.

10 THE COURT: Okay. Exception noted. Go
11 ahead, Mr. Shepherd.

12 MR. SHEPHERD: Thank you, Your Honor.

13 THE COURT: What page are you on?

14 MR. SHEPHERD: I am on Page 67, beginning at
15 Line 17 with this next recitation.

16 THE COURT: 67? Hold on.

17 MR. SHEPHERD: Yes, sir.

18 THE COURT: Okay. Go ahead.

19 MR. SHEPHERD: The question was: Did she
20 turn you -- she referring to Jean Garris White. Did
21 she turn you away from the Summerville property?

22 The answer: I never went back there.

23 Question: Did you feel like she would have
24 let you into the property?

25 The answer: I doubt it.

1 Question: How was your relationship with Ms.
2 White?

3 Not good.

4 What was not good about it?

5 It just wasn't good.

6 Skipping down to Line 6 of Page 68: Do you
7 recall in the prior trial testifying that Junior and
8 Jean made you leave the home at 249 Challedon?

9 Answer: When I got pregnant with my child,
10 yes.

11 The very next question: And did Jean Garris
12 White ever let you come back?

13 No, was the answer.

14 And did you know Jean was living at that
15 house?

16 At 249 Challedon Drive?

17 Yes, ma'am.

18 The answer was: Yes.

19 And did you know that Judy Bloodworth was
20 living there?

21 The answer was: Yes.

22 We then get to Page 80 of that transcript, on
23 cross: Ms. Frierson, you knew that Junior and Jean
24 owned and lived at the property at 249 Challedon as
25 you were growing up, right?

1 The answer was: Yes.

2 The question was: And you knew that he
3 passed away?

4 And the answer was: Yes.

5 The next question was: Did you look for any
6 property records or anything, at that time, to show
7 that he had an interest?

8 Her answer was: Not at Challedon, sir.

9 Further down on Page 81: Okay. So you did
10 not look for any property records?

11 And again the answer was: No, sir.

12 Did she ever return to the property, is the
13 next question. And we go to Page 73 of that
14 transcript, I asked Ms. Frierson: And so, Ms.
15 Frierson, for any of the other years that may be in
16 that Exhibit 13 as to the comparable rents, for any
17 other years, did you ever enter 249 Challedon?

18 Answer: One time.

19 And those years reference 2002 to 2008, and
20 she references that she went in: Right after my Daddy
21 died. So that '92, right in the same year my dad
22 died. And they asked me to come sign papers.

23 This is going on to page 74. Question was:
24 Who asked you?

25 The answer: Jean.

1 And she asked you to come sign papers?

2 The answer was: Right.

3 What kind of papers did she ask you to sign?

4 Turning over -- I guess she wanted me to sign
5 papers for Dad. I'm not sure. I didn't even look at
6 them, and I didn't do it. I don't really even know.

7 Did she make you leave?

8 Well, we didn't leave on good terms. I was
9 uncomfortable. So before anything got started, yes, I
10 did leave.

11 Going down to Page 75, she was asked: But
12 you knew that Jean and Junior owned that property
13 when --

14 The question was cut short and Ms. Frierson
15 answered: But I didn't know it was two different
16 separate names. I didn't know that. I didn't know
17 when Dad passed away if his name was off of it or not.
18 I had no idea.

19 Question posed back to Ms. Frierson said:
20 Okay. But again, Jean wouldn't let you back on the
21 property?

22 Ms. Frierson's answer was: Right.

23 We go to the order from the Dorchester County
24 Probate Court, Page 14 of 16, the finding by the
25 Court: "The Court finds that there's clear and

1 convincing evidence that Ms. White knew that Ms.
2 Frierson was the biological daughter of Mr. White and
3 an heir to his estate."

4 That case arose from Ms. White having gone to
5 the probate court in 2012 and filing a petition to
6 determine heirs where she claimed Junior White was not
7 married at the time of his death to anyone other Ms.
8 White and had no children.

9 That was set aside by this order on the basis
10 that indeed, buried in the West Virginia records,
11 family court, was a divorce decree saying that she was
12 actually divorced from Junior White. And then the
13 Court, in reaching that conclusion, that finding,
14 references on Page 13, "While it is alleged that Ms.
15 White was unaware that Ms. Frierson was Mr. White's
16 biological daughter and instead believed that she was
17 the daughter of Mr. White's brother Frank, who lived
18 across the street, the Court is not persuaded by this
19 argument.

20 "Evidence was presented that a birth
21 certificate for Ms. Frierson was mailed to the
22 Dorchester County property when Ms. Frierson was only
23 16 years old. Ms. Frierson resided with Mr. And Ms.
24 White not Frank White. Neighbors and close friends
25 stated that they knew and considered Ms. Frierson to

1 be Mr. White's daughter. Furthermore, Ms. Frierson's
2 husband testified that he spoke at Mr. White's funeral
3 as his son-in-law."

4 That was the basis for the probate court to
5 say, no, Jean White knew, she had knowledge. Whether
6 we believe, my client, she can't testify or really
7 know what her mother knew. She's deceased. All she
8 can do is come to the Court and say, no, I think my
9 mom believed Vanessa was a child of Frank. Whether
10 she believed she was a child or not a child, whether
11 she knew or didn't know, the fact remains, Jean Garris
12 White was in possession of that property from the time
13 that Junior passed all the way up until she passed
14 away in 2015.

15 The Court, the probate Court found that she
16 knew or should have known these issues as to the
17 marriage, divorce, and/or Ms. Frierson's potential
18 claim as a child. And they set it aside and said you
19 should have done better, Ms. White. You should have
20 come in and you should have told us more, should have
21 been more forthcoming. But that is the crux of
22 adverse possession. That is the crux of hostility.
23 All right? It's a very strange position to be in from
24 this standpoint to say, it's the knowing taking or the
25 taking adverse to the claims of others. If I go and

1 plop down on a piece of property belonging to someone
2 else, whether I know it's mine or I think it's mine,
3 and I maintain it and I hold it out as my own, all the
4 standard elements, continuous, hostile, open, actual,
5 notorious, and exclusive, I could make that claim for
6 adverse possession. If I'm an heir or I'm a potential
7 co-tenant, like we might have in this situation, and I
8 have continued my hostile and exclusive, my actual
9 possession of that property, clearly excluding, by Ms.
10 Frierson's own admission, her right to receive or
11 participate that rises to that level, I would argue,
12 of distinctly hostile with intent to disseize.

13 I can't think of any greater attempt to
14 disseize than to actually go to a court and say, it's
15 mine, it's not hers, she's not a child. Right, wrong,
16 or indifferent from the time Junior White died all the
17 way up until Ms. Jean White died, she maintained, it
18 was continuously occupied by her, all the additions,
19 everything that was done around the house, it was
20 open. Everybody knew those things were going on. Ms.
21 Frierson knew they were living there. Ms. Frierson
22 did nothing to ascertain whether or not her father
23 still had an ownership interest in that property.

24 The Court even found in probate court that
25 claims for damages, claims for rents, all of those

1 things against Ms. White's estate and/or Ms.
2 Bloodworth and/or Ms. White individually weren't
3 timely brought. That she spent 23 years doing nothing
4 to assert her claim.

5 So, Your Honor, our position would be that
6 while Ms. Frierson may ultimately be determined to be
7 the child of Junior Arch White, the birth certificate,
8 Exhibit 1 in this court, clearly shows she is. We're
9 not here to contest that anymore, we had that argument
10 in probate. But at the end of the day, regardless of
11 whether she's a child or not, Ms. White possessed that
12 property not in recognition of the co-tenancy. She
13 possessed it as her own. She maintained it as her
14 own. She did not -- whether she knew she was a child
15 or not or didn't believe she was a child, Ms. Frierson
16 [sic] held that out as her own property, maintained it
17 for all those years. Ms. Bloodworth being the devisee
18 received title to that, tacking on to that, we're now
19 at 32 years.

20 So, Your Honor, our position would be there
21 is no right to partition for Ms. Frierson on the basis
22 that her ownership interest in this property were
23 severed by adverse possession. In the event the Court
24 does not feel that adverse possession has been
25 established, then we would defer to the alternative

1 relief, which would be a partition by allotment,
2 giving all necessary credits for the insurance, the
3 taxes, and other things that have been brought to this
4 Court's attention. Those totaled, this would have
5 been in the record from the prior proceedings, to
6 \$20,786 as of the January hearing for real estate
7 taxes, for the homeowners insurance, basically from
8 2016 to the hearing date in 2023, in January.

9 And of course, taking into consideration the
10 condition. Ms. Garcia did not see the interior of the
11 property, but I think the Court can rely on the
12 testimony of the actual person in possession and find
13 it credible.

14 THE COURT: Thank you, Mr. Shepherd.

15 MR. SHEPHERD: Thank you.

16 THE COURT: Any short reply, Mr. Vitollo?

17 MR. VITOLLO: Probably several minutes, two
18 or three minutes.

19 THE COURT: Two or three minutes? Okay.
20 I'll give you a few minutes. Go ahead.

21 MR. VITOLLO: I'll just note in terms of --
22 to the extent that the Court is looking to the
23 findings contained in the 2017 court order, I would
24 just ask that the court review that order for itself
25 and discern whether the recitations in that court

1 order support the arguments that the Respondent's
2 making. I would interpret the court order differently
3 than as it was recently presented.

4 Otherwise, a couple of just quick notes on
5 it: First procedurally, I would submit that the
6 record would reflect that Respondent submitted the
7 claim of -- first of all, in their words, the claim
8 for possession is what was used at the prior hearing
9 in January, and it was submitted as a defense to the
10 claim for rents. And so again, they've successfully
11 asserted a claim of possession potentially as an
12 affirmative defense to our claim to be entitled for
13 rents. Procedurally, our position would be that they
14 haven't submitted it for purposes of submitting a
15 claim to possession -- to the claim of title to the
16 property.

17 I think -- it seems that parties are in
18 agreement that to the extent that there was any claim
19 for adverse possession, to the extent that that claim
20 was asserted to a claim to title. I think the parties
21 are in agreement in our arguments. It would seem to
22 be that that chain could not have run prior to 1992
23 when Junior Arch White passed away.

24 Secondly, in 2012, as noted, adverse
25 possession requires that the property be --

1 essentially deprive a party that's entitled to
2 possession of the property. In 2012, in 2012, Jean
3 White obtained a court order determining heirs. That
4 meant that as of 2012, although it was obtained
5 fraudulently, she had -- she was the legal record
6 titleholder to the property. If you're the legal
7 record titleholder of the property, you're the party
8 that's entitled to possession. You can't adversely
9 possess anybody else.

10 So there couldn't have been any adverse
11 possession prior to 1992. There couldn't have been
12 any adverse possession after 2012. And I'd also
13 submit that the record clearly reflects that Vanessa
14 Frierson never asserted a right to possession of the
15 property at Challedon Drive from 1992 to 2012. She
16 never came forth and claimed ownership. She never
17 made any efforts to take ownership of the property,
18 even when the questions were asked, could you cohabit
19 the property? Could you have lived there? She said,
20 I doubt it. She never made an attempt to take
21 possession of the property or live at the property
22 between 1992 and 2012.

23 And so the presumption would be that -- and I
24 think the record would reflect that it may have been
25 perhaps due to a lack of knowledge about her legal

1 rights, but that Vanessa Frierson effectively
2 permitted, consented to Judy having sole possession of
3 the property from 1992 to 2012. Essentially, it was
4 by agreement. It was by consent, at least quiet
5 consent.

6 And the other thing here in regards to
7 adverse possession, Jean White became sole legal --
8 had sole record title ownership of the property from
9 2012 and that remained in place until 2017. Even as
10 of today, for them to attempt to assert an adverse
11 possession claim, it's worth noting that Vanessa
12 Frierson has never actually held any record title to
13 the property. There has never been any land records
14 recorded in any court or in any county courthouse ever
15 showing that Vanessa Frierson held record title to the
16 property.

17 Essentially, she would have -- I guess I
18 would call it -- she may have had, you could say
19 legal -- I think the best word would be that she held
20 equitable title as an heir. She never held record
21 title to the property. And we would also submit that
22 an individual who doesn't have record title over a
23 property, you can't adversely possess somebody in
24 that.

25 They noted -- and the last thing I would just

1 note is that part of their claim to adverse possession
2 was that Jean White -- effectively, they're arguing
3 that she knowingly came to court in 2012 and lied
4 under oath and said that Vanessa Frierson was -- that
5 Junior Arch White did not have any heirs.

6 Well, I would agree with that statement. I
7 would also state that fraudulently asserting a claim
8 in court under oath is not -- does not give rise to
9 adverse possession and that they should be -- that
10 they would be estopped from presenting that argument.
11 The Respondent can't show up today and assert that
12 Jean White -- that they be estopped from even arguing
13 that she knew that Jean White [sic] was the child.

14 In 2012, she showed up in court and testified
15 under oath that to the best of her knowledge, Jean
16 [sic] White did not have any other children. And that
17 because she testified under oath, she would be
18 estopped from trying to present any contrary evidence
19 to that on their behalf in support of claim for
20 adverse possession. And last thing --

21 THE COURT: So you would say that would
22 create a gap in the adverse -- if there is an adverse
23 possession, it would create a gap by virtue of the
24 swearing under oath that Jean White didn't have --
25 that Mr. White didn't have any other -- didn't have

1 any heirs and that she was his sole heir, even though
2 there was a divorce decree in West Virginia. And your
3 argument is that she knew or should have known that
4 Vanessa was Mr. White's daughter, even though
5 testimony has been that she was, I guess a niece? He
6 held her out as his niece?

7 MR. VITOLLO: Well, and Respondent has
8 submitted testimony -- has submitted at least
9 testimony saying that he held her out as the niece.
10 The record contained in that 2017 court order, which
11 has been submitted as an exhibit here and Vanessa
12 Frierson's testimony would contradict that.

13 THE COURT: Well, I'll look at all that, I
14 just wanted to clarify.

15 MR. VITOLLO: Yeah.

16 THE COURT: That issue, so. Interesting, an
17 interesting point.

18 MR. VITOLLO: And then --

19 THE COURT: The other question is, does
20 that -- I mean, I can't say that it was fraud on the
21 Court, but that misstatement by Ms. White, that is Ms.
22 Bloodworth's mother, can she be held -- can Ms.
23 Bloodworth be held to her mother's misdeed? Does
24 that -- how can she be held for what her mother did
25 incorrectly?

1 MR. VITOLLO: This claim, our petition was
2 filed against Judy Bloodworth individually and also as
3 personal representative of the estate of Jean Garris
4 White. So we would -- at least in her -- as the
5 personal representative of the Estate of Jean Garris
6 White, she would be estopped and barred from
7 testifying contradictory to 2012.

8 THE COURT: Well, but that's still just the
9 estate cannon. You're saying the estate is estopped,
10 but you can't say that -- because the estate is
11 estopped, does that mean that -- I mean, in essence
12 does the estoppel devolve to Judy Bloodworth?

13 MR. VITOLLO: Well, they're asking --

14 THE COURT: Kind of an interesting question,
15 I guess, but I don't know if that does. I'll have to
16 think about it.

17 MR. VITOLLO: I'd probably be inclined to say
18 it probably does not devolve to Judy, but Judy is
19 tacking the adverse possession --

20 THE COURT: I understand. That's why I said
21 you're asserting that in essence there's a gap in the
22 adverse possession.

23 MR. VITOLLO: Yes, Your Honor.

24 THE COURT: Okay. I understand. Anything
25 else?

1 MR. VITOLLO: And then briefly, on our
2 petition, we would assert that the attorney's fees and
3 costs that Ms. Frierson has incurred, should be
4 treated as an expense for the benefit of the
5 resolution of -- basically as an expense chargeable to
6 the property.

7 THE COURT: Okay.

8 MR. VITOLLO: And that would be it, Your
9 Honor.

10 THE COURT: Do the attorney's fees include
11 the stuff that happened in the probate court or just
12 this case?

13 MR. VITOLLO: We would submit claims -- we
14 would assert claims for attorney's fees and costs only
15 relating to this action.

16 THE COURT: This action. All right. Thank
17 you very much, gentlemen, I appreciate it. I've got
18 to take a hard look at the record again, and I'll do
19 that and give you my thoughts. Okay?

20 MR. VITOLLO: Thank you.

21 THE COURT: That concludes the hearing.

22 MR. SHEPHERD: Thank you.

23 MR. VITOLLO: Thank you, Your Honor.

24 (The second day of hearing concluded at 2:25 p.m.)
25

C-E-R-T-I-F-I-C-A-T-E

I, Kendra Kay Johnson, Professional Court Reporter and Notary Public for the State of South Carolina, certify that both of the foregoing hearings was held at 5200 East Jim Bilton Boulevard, St. George, South Carolina; that the foregoing pages constitute a true and accurate transcript of the proceedings held Day 1 and Day 2.

I further certify that I am not of counsel or kin to any of the parties to this cause of action, nor am I interested in any manner in its outcome.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 20th day of August, 2023.

Kendra Kay Johnson
Notary Public for South Carolina
My Commission Expires:
September 21, 2028

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Certificate of Birth

STATE OF WEST VIRGINIA,

COUNTY OF RANDOLPH, TO-WIT:

I, JOHN S. CAPLINGER, Clerk of the Court in and for said County and State (the same being a Court of Record) also, the custodian of the Records of Births, do hereby Certify that the Birth Record discloses the fact that VANESSA MARIE WHITE

~~###~~ daughter of Julior Arch White and Norma Grace Teter, was born in said County and State on the th day of , 19 59

Entered of Record as of December 31st, 1959 Birth Record Book No. 10 Page 42

Given under my hand and official Seal this the 18th day of April, 19 64

John S. Caplinger
Clerk County Court, Randolph County, W. Va.

PLAINTIFF'S
EXHIBIT

05JA23

FILED
DEC 5/2/89
U.S. DEPT. OF JUSTICE
E. Harts

From: Hampshire Co. Library

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removed from the docket of the Court and retired among the
actions ended and the Clerk of this Court shall mail a copy of
this Order and Amended Report and Recommendation to the Defendant.

Entered this 2nd day of May, 1989.

Donald C. Holt
JUDGE

A TRUE COPY
ATTEST:

Sanja K Embree
Clerk of the Circuit Family Courts
of Hampshire County, West Virginia

V. ALAN RILEY
ATTORNEY AT LAW
KEYSER, W. VA.

/s/ Deanna Rock
Circuit Court Judge
Ref. Code: 17YF9WHC

E-FILED | 4/21/2017 10:26 AM
CC-13-1988-C-136
Hampshire County Circuit Clerk
Sonja Embrey

STATE OF WEST VIRGINIA	)	IN THE CIRCUIT COURT
	)	
COUNTY OF HAMPSHIRE	)	CIVIL ACTION NO. 88-C-136
	)	
JUNIOR ARCH WHITE,	)	
	)	ORDER GRANTING MOTION
Plaintiff,	)	TO UNSEAL RECORDS
	)	AND OBTAIN COPIES
vs.	)	
	)	
JEAN D. WHITE,	)	
Defendant.	)	

THIS MATTER is before me on motion of Judy A. Bloodworth, as Personal Representative for the Estate of Jean White, for an Order unsealing court records and authorizing Movant to obtain certified copies of the same in the above captioned matter for purposes associated with probate proceedings in the Estate of Jean White currently pending in Dorchester County, South Carolina.

NOW, THEREFORE, for good cause shown, it is hereby

ORDERED that all court records in the above captioned matter be unsealed, and that certified copies of the same be released to Judy A. Bloodworth, upon remittance of all applicable fees by Hart Hyland Shepherd, LLC, her counsel of record in the South Carolina probate matter.

IT IS FURTHER ORDERED that the certified copies of the unsealed records may be delivered to Judy A. Bloodworth, care of Hart Hyland, Shepherd, LLC, 207 East 1st North Street, Summerville, SC 29483.

AND IT IS SO ORDERED.

Deanna Rock
Honorable Deanna Rock
Family Court Judge



This 21st day of April, 2017
_____, West Virginia

Order Granting Motion to Unseal Records 1 of 1
Civil Action No.: 88-C-136

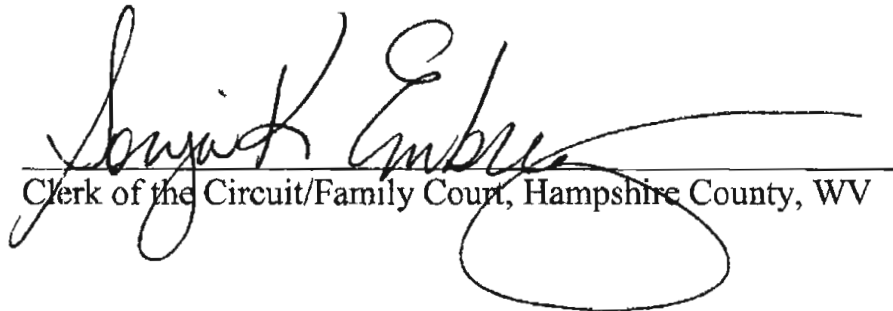
A TRUE COPY
ATTEST:

Sonja K Embrey
Clerk of the Circuit/Family Courts
of Hampshire County, West Virginia

STATE OF WEST VIRGINIA**COUNTY OF HAMPSHIRE, TO WIT:**

I, Sonja K. Embrey, Clerk of the Circuit/Family Court of Hampshire County, State aforesaid, hereby certify that the foregoing are TRUE COPIES of the sealed divorce records filed in the within the action of Junior Arch White and Jean D. White, Case No: 88-C-136, in said Family Court.

Given under my hand and the seal of said Circuit/Family Court this 2nd day of May, 2017.


Clerk of the Circuit/Family Court, Hampshire County, WV

Seal

White Child Dies At Charlottesville

Archie Roy White, infant son of Archie W. White Jr., and Norma Teter White of Whitmer, died this morning at 1 o'clock in the University of Virginia Hospital at Charlottesville, Va.

The baby was born Saturday, [REDACTED] at the Mountaineer Clinic at Harman, with a congenital heart condition. Accompanied by the father and a nurse, Miss Joan Roy of the Davis Memorial Hospital Staff, the baby was removed to Charlottesville yesterday by a John W. Lohr ambulance for study and possible heart surgery. Death occurred this morning.

The baby is survived by the parents, the paternal grandfather, Will White of Hendricks, and the maternal grandparents, Mr. and Mrs. Roy Teter of Whitmer.

The remains will be removed to the home of the parents Wednesday afternoon at 2 o'clock, and will be taken to the Horton Mennonite Church Thursday afternoon at 1 o'clock for final rites at 2 o'clock by the Rev. Stelman Teter, with interment in the Laurel Hill Cemetery by the John W. Lohr Funeral Home.

PLAINTIFF'S
EXHIBIT

4

25 JA 23



STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

IN THE ESTATE OF:)
JUNIOR ARCH WHITE)

VANESSA MARIE FRIERSON,)
Petitioner,)

vs.)

JUDY A. BLOODWORTH, individually)
and as Personal Representative of the)
Estate of Jean White;)

Respondent.)

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

IN THE ESTATE OF:)
JEAN GARRIS WHITE)

VANESSA MARIE FRIERSON,)
Petitioner,)

vs.)

JUDY A. BLOODWORTH, individually)
and as Personal Representative of the)
Estate of Jean White)

Respondent.)

IN THE PROBATE COURT
CASE NO. 2012-ES-18-00320

ORDER

PROBATE COURT
DORCHESTER COUNTY, SC
2017 SEP -5 PM 1:29

IN THE PROBATE COURT
CASE NO. 2015-ES-18-000146

ORDER

CERTIFIED TRUE COPY
J. BLOWND
CLERK, PROBATE COURT
DORCHESTER COUNTY, SC

This matter came before the Court on May 30, 2017 and May 31, 2017. Based on the agreement of the parties, the Court held a consolidated hearing on two outstanding petitions brought by Vanessa Marie Frierson. The petitions before the Court were a Petition to Set Aside the Order Establishing Heirs Due to Fraud in the Estate of Junior Arch White and an Amended Petition for Allowance of Claim and to Set Aside the Order Establishing Heirs Due to Fraud in the Estate of Jean Garris White. Vanessa Marie Frierson appeared with her attorneys, Timothy Vitollo, Esquire and Tara M. Edwards-Vitollo, Esquire. Judy A. Bloodworth appeared with her attorney, Andrew T. Shepherd, Esquire.



ME
9/5/17

PROCEDURAL HISTORY

On July 18, 1992, Junior Arch White ("Mr. White") died intestate in Hampshire County, West Virginia. At the time of his passing Mr. White owned an undivided fifty percent (50%) interest in real property located at 249 Challedon Drive, Summerville, South Carolina ("Dorchester County property"). Further, he held an interest in real property located in Hampshire County, West Virginia subject to a Real Estate Purchase Contract with James H. Kennedy and Faye A. Kennedy dated August 5, 1987 ("West Virginia property"). The West Virginia property was never titled in Mr. White's name, but the purchase price has been paid in full.

For twenty years following Mr. White's death, no party filed an action to probate the Estate of Junior Arch White in this Court or a Court in West Virginia until a Petition to Determine Heirs was filed in this Court on June 21, 2012 by Jean Garriss White ("Ms. White"), Mr. White's alleged wife. In the Petition to Determine Heirs, Ms. White alleged that she was married to Mr. White at the time of his death and that he did not have any living issue. Following publication of a Notice of Hearing and a Summons for any unknown heirs in the Summerville Journal Scene, this Court held a hearing on September 21, 2012. Ms. White and her friend, Gail B. Burris, testified that Ms. White was the only heir of Mr. White. No unknown heirs appeared at the hearing or otherwise contested the allegations Ms. White made in her Petition to Determine Heirs. Therefore, this Court found that the sole heir of Mr. White's estate was Ms. White. All documents related to the Petition to Determine Heirs referenced only Mr. White's interest in the Dorchester County property. The West Virginia property was not referenced in any of the documents filed with the Court or at the Court hearing.

On January 19, 2015, Ms. White died in Dorchester County, South Carolina. On March 6, 2015, July A. Bloodworth ("Ms. Bloodworth"), Ms. White's daughter, was appointed as Personal Representative for Ms. White's estate. Pursuant to Ms. White's Last Will and Testament, admitted to probate on March 6, 2015, Ms. Bloodworth is the sole beneficiary of her mother's estate. Ms. White disinherited her four other children.

Following the death of Ms. White, Vanessa Marie Frierson ("Ms. Frierson") hired Timothy J. Vitollo, Esquire and Tara M. Edwards-Vitollo, Esquire to investigate any interest in property she may have inherited from her father, Mr. White. She testified that it was her attorneys who informed her about the Order Determining Heirs in Mr. White's estate. She further testified that she never received notice of the Petition to Determine Heirs in her father's estate and was surprised to see that she was not listed as an heir. Ms. Frierson claimed that she is Mr. White's only child and provided the Court with a copy of her birth certificate listing Mr. White as her father. See Petitioner's Exhibit 1. Further, Ms. Frierson introduced into evidence a copy of the Divorce Decree showing that Mr. White and Ms. White divorced on May 2, 1989. See Petitioner's Exhibit 4. Therefore, Ms. Frierson asserted that she is the sole heir of the Estate of Junior Arch White.

On July 16, 2015, Ms. Frierson, through her attorneys, filed a Creditor's Claim and a Petition for Allowance of Claim and to Set Aside the Order Establishing Heirs Due to Fraud in the Estate of Jean Garris White. By correspondence to Ms. Frierson's counsel dated July 17, 2015, this Court informed counsel that any petition related to the Estate of Junior Arch White would need to be filed through his estate. The correspondence further stated that since Ms. Bloodworth, as Personal Representative for the Estate of Jean Garris White, had not had an opportunity to file a Notice of Allowance or Disallowance of Claim, the Court could not move

forward with Ms. Frierson's Petition for Allowance of Claim. On March 10, 2016, Ms. Bloodworth, as Personal Representative for Ms. White's Estate, filed a Notice of Disallowance of Claims.

Subsequently, on April 6, 2016, Ms. Frierson filed a Petition to Set Aside the Order Establishing Heirs Due to Fraud in the Estate of Junior Arch White. She also filed an Amended Summons and Petition for Allowance of Claim in the Estate of Jean Garris White. Through these Petitions, Ms. Frierson requested the Court: (i) set aside this Court's Order dated September 21, 2012; (ii) revise the Order to reflect that Ms. Frierson is the sole heir of Mr. White; (iii) require Ms. White's estate to pay Ms. Frierson compensatory damages equal to the cost and expenses attributable to her for the loss of use or rental opportunity regarding the Dorchester County property with punitive or treble damages, or both; (iv) require Ms. Bloodworth, as Personal Representative for Ms. White's Estate, to submit a detailed accounting of all rent payments received by Ms. White in regards to the West Virginia property; (v) require Ms. White's Estate to compensate Ms. Frierson for the rent payments Ms. White received from the West Virginia property; (vi) require Ms. White's Estate to reimburse Ms. Frierson for her attorney's fees and costs; (vii) charge Ms. Bloodworth, in her capacity as Personal Representative for Ms. White's Estate, as an executor *de son tort* of Mr. White's Estate; and (viii) find Ms. Bloodworth jointly and severally liable in her individual capacity for all damages and amounts to be paid from Ms. White's Estate.

On May 13, 2016, Judy A. Bloodworth, individually and as Personal Representative for Ms. White's Estate, filed Answers to both of Ms. Frierson's Petitions by and through her attorney, Andrew Shepherd, Esquire, requesting judgment in her favor.

SUBJECT MATTER JURISDICTION

Ms. Frierson requests that the Court make several determinations and require action of Ms. Bloodworth based on Mr. White's ownership of an interest in the West Virginia property. Any action related to the West Virginia property, however, is outside of the scope of this Court's jurisdiction. S.C. Code § 62-1-301 provides that the "this Code applies to . . . the property of nonresidents located in this State or property coming into the control of a fiduciary who is subject to the laws of this State." Moreover, S.C. Code § 62-3-108(A)(1) provides that the ultimate time limit for informal or formal testacy and appointment proceedings is ten years from the decedent's death. Because Mr. White's estate was never probated and a fiduciary was never appointed, only the property in South Carolina is within this Court's jurisdiction.

Therefore, this Court DENIES Ms. Frierson's request for: (i) a detailed accounting of the rent payments received for the West Virginia property; (ii) compensation for rent payments Ms. White may have received for the West Virginia property; and (iii) an Amended Order Determining Heirs that would convey the West Virginia property.

Ms. Frierson also requests that the Court find Ms. Bloodworth jointly and severally liable in her individual capacity, as an executor *de son tort* of the Estate of Junior Arch White. Not only is Mr. White's West Virginia property outside of this Court's jurisdiction, S.C. Code § 62-3-620 provides that only "the probate judge of the county in which a deceased person was domiciled at the time of his death may order the executor *de son tort*" to account for estate property in that person's possession and assess damages. Because Mr. White was domiciled in West Virginia at the time of his passing, this Court cannot issue any orders pursuant to the executor *de son tort* statute. Therefore, this request is also DENIED.

ORDER DETERMINING HEIRS

On September 21, 2012, this Court issued an Order determining that Ms. White was the sole heir of Mr. White. The persons present at the hearing were: Ms. White; Ms. Bloodworth; and Gail Burris, a witness at the hearing and a friend of Ms. White. Ms. White asserted in her Petition to Determine Heirs and in her testimony to the Court that at the time of Mr. White's passing she was married to him and that he did not have any children. Ms. White did not serve anyone with the Summons and Petition or Notice of Hearing. A Guardian *ad Litem* was appointed for any unknown heirs, and a Notice of the Hearing was published in the Summerville Journal Scene for any unknown heirs.

On April 6, 2016, Ms. Frierson filed a Petition requesting that this Court set aside the September 21, 2012 Order determining the heirs of Mr. White. A copy of Ms. Frierson's birth certificate listing her as the biological daughter of Mr. White and a copy of a Divorce Decree showing that Mr. White and Ms. White were divorced prior to his passing were attached as Exhibits to the Petition. Consequently, Ms. Frierson asserted that she was the sole heir of Mr. White. Ms. Frierson further alleged that Ms. White perpetrated fraud on the Court by concealing the fact that she was divorced from Mr. White and not informing the Court that Ms. Frierson was his daughter. Ms. Bloodworth asserted throughout the hearing that her mother did not commit fraud, but rather that Ms. White was unaware that she was divorced from Mr. White. Furthermore, Ms. Bloodworth asserted that her mother was unaware that Ms. Frierson was the biological daughter of Mr. White and instead believed that Ms. Frierson was Mr. White's niece and the biological daughter of his brother, Frank White.

A. Is Ms. Frierson's fraud claim timely?

Ms. Frierson based her fraud claim on S.C. Code § 62-1-106, which provides:

Whenever fraud has been perpetrated in connection with any proceeding or in any statement filed under this Code or if fraud is used to avoid or circumvent the provisions or purposes of this Code, any person injured thereby may: (i) obtain appropriate relief against the perpetrator of the fraud and (ii) restitution from any person (other than a bona fide purchaser) benefiting from the fraud, whether innocent or not, but only to the extent of any benefit received. Any proceeding must be commenced within two years after the discovery of the fraud, but no proceeding may be brought against one not a perpetrator of the fraud later than five years after the time of commission of the fraud. This section has no bearing on remedies relating to fraud practiced on a decedent during his lifetime which affects the succession of his estate. S.C. Code § 62-1-106.

A claim brought under S.C. Code § 62-1-106 is an independent cause of action with its own statute of limitations. According to the Reporter's Comments, this section reduces the three year¹ statute of limitation provided by S.C. Code § 15-3-530(7) for a fraud cause of action to two years from discovery of the fraud. Therefore, the fraud claim was timely made. Ms. Frierson testified that she did not discover the Order Determining Heirs until after Ms. White died. This was not contradicted by Ms. Bloodworth. Because Ms. White died on January 19, 2015, and this action was commenced on April 6, 2016, it complies with S.C. Code § 62-1-106. Ms. Frierson asserted that Ms. Bloodworth has benefited from the alleged fraud because she has been residing in the home since Mr. White's passing. Furthermore, because the alleged fraud was first committed when the initial Petition to Determine Heirs pleadings were filed on June 21, 2012 and the fraud action was commenced in 2016, it is within the five year ultimate time limit.

The South Carolina Rules of Civil Procedure apply to all formal proceedings brought in the probate court. S.C. Code § 62-1-304. Rule 60 of the South Carolina Rules of Civil Procedure addresses how a party can seek relief from judgment. Rule 60(b) limits relief from a judgment or

¹ The Reporter's Comments state that the statute of limitations for fraud under S.C. Code § 15-3-530(7) is six years. However, this limitations period was reduced from six to three years in 1988.

order for fraud only to motions which are filed within one year after the judgment. However, Rule 60(b) also provides that "[t]his rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment . . . or to set aside a judgment for fraud upon the Court."² Therefore, based on the language of Rule 60(b) and S.C. Code § 62-1-106, Ms. Frierson's action is timely filed.

B. Should the Order Determining Heirs be set aside based on fraud?

Ms. Frierson alleges that the Order Determining Heirs should be set aside based on Ms. White's fraudulent assertions to the Court that she was still married to Mr. White at the time of his passing and that he was not survived by any biological or adopted children.

Ms. Bloodworth argued that Ms. White did not commit fraud at the hearing on the Petition to Determine Heirs because Ms. White was unaware that she was divorced from Mr. White at the time of his passing and Ms. White was unaware that Ms. Frierson was the biological child of Mr. White.

i. Can this Court set aside this action based on fraud?

Courts have the "inherent authority to set aside a judgment on the ground of extrinsic fraud." *Hagy v. Pruitt*, 339 S.C. 425, 431, 529 S.E.2d 714, 718 (2000). Extrinsic fraud is defined as "fraud that induces a person not to present a case or deprive a person of the opportunity to be heard. Relief is granted for extrinsic fraud on the theory that because the fraud prevented a party from fully exhibiting and trying his case, there has never been a real contest before the court on the subject matter of the action." *Hilton Head Ctr. of South Carolina v. Public Serv. Comm'n*, 294 S.C. 9, 11, 362 S.E.2d 176, 177 (1987).

² While Ms. Frierson based her argument on S.C. Code § 62-1-106, which is an independent action, the statutory language of that section requires fraud to be committed upon the Court.

Conversely, a judgment cannot be set aside for intrinsic fraud. *Chewning v. Ford Motor Co.*, 354 S.C. 72, 82, 579 S.E.2d 605, 610 (2003). Intrinsic fraud is "fraud which was presented and considered in the trial." *Id.* at 81, 579 S.E.2d at 610.

In this case, Ms. Frierson alleges that Ms. White committed fraud on two counts: (i) alleging to the Court that she was married to Mr. White at the time of his passing and (ii) alleging to the Court that Mr. White did not have any biological or adopted children at the time of his passing.

As to the first allegation of fraud, based on the evidence currently before the Court, Ms. White stated that she was married to Mr. White at the time of his death, even though the Divorce Decree evidences that they were divorced. Whether Ms. White was or was not aware of the divorce is immaterial since the South Carolina Supreme Court has found that "[p]erjury by a party or witness is intrinsic fraud" and not entitled to equitable relief. *Id.* at 81-82, 579 S.E.2d at 610. Therefore, the Order Determining Heirs cannot be set aside based on Ms. White's false testimony that she was married to Mr. White at the time of his passing.

The second allegation of fraud is that Ms. White made false statements to the Court that Mr. White was not survived by any biological or adopted children and, therefore, Ms. Frierson was never served with the Petition to Determine Heirs, provided notice of the hearing, or given the opportunity to participate in the legal proceedings. In *Evans v. Gunter*, the South Carolina Court of Appeals explained extrinsic fraud as "some intentional act or conduct by which the prevailing party has prevented the unsuccessful party from having a fair submission of the controversy." 294 S.C. 525, 529, 366 S.E.2d 44, 46 (Ct. App. 1988). Here, if Ms. Frierson's allegations are correct, Ms. White intentionally failed to name Ms. Frierson as a known heir of Mr. White as well as intentionally failed to serve her as an interested party with the Petition to

Determine Heirs and to provide her with notice of the hearing. This amounts to extrinsic fraud as it is alleged that Ms. White deprived Ms. Frierson of the opportunity to be heard on the Petition to Determine Heirs.

Based on the foregoing, the Order Determining Heirs may be set aside based on Ms. White's alleged fraud in failing to name Ms. Frierson as an heir of Mr. White and failing to properly serve and notify her of the proceedings pursuant to the South Carolina Rules of Civil Procedure and the South Carolina Probate Code.

ii. Is there clear and convincing evidence that Ms. White committed fraud on the Court?

The standard of proof required for a finding of fraud to set aside the Order Determining Heirs is clear and convincing evidence. *Hagy*, 339 S.C. at 432, 529 S.E.2d at 716. Black's Law Dictionary defines the clear and convincing evidence standard as "[e]vidence indicating that the thing to be proved is highly probable or reasonably certain. This is a greater burden than preponderance of the evidence . . . but less than evidence beyond a reasonable doubt." BLACK'S LAW DICTIONARY 636 (9th ed. 2009).

The evidence related to Ms. White's knowledge that Ms. Frierson was the biological daughter of Mr. White that was presented at the hearing included: (i) Ms. Frierson's birth certificate with a receipt showing it was processed on July 27, 1976 and mailed to Ms. Frierson at the Dorchester County property; (ii) a Father's Day card from June 1989 that Ms. Frierson sent to Mr. White in West Virginia³; and (iii) witness testimony.

According to testimony, Ms. Frierson resided with Mr. White and Ms. White at the Dorchester County property for approximately three years during her childhood. Ms. Frierson

³ Based on the testimony presented at the hearing and the records of Mr. and Ms. White's divorce proceedings, in June 1989, Ms. White was living in South Carolina and Mr. White was living in West Virginia. According to testimony, they did not begin residing together in West Virginia until after Hurricane Hugo, which occurred in September 1989.

brought in several witnesses, including: Karen Click, a family friend of Mr. and Ms. White and a person Ms. Frierson lived with for a time after she was forced to leave Mr. and Ms. White's home; Scott Frierson, husband of Ms. Frierson; Dolly Shepherd, a neighbor of Mr. and Ms. White and Scott Frierson's sister; Charles Levitt, a neighbor of Mr. and Ms. White; and Evon Levitt, a neighbor of Mr. and Ms. White. Each of Ms. Frierson's witnesses stated that it was public knowledge that Ms. Frierson was the biological daughter of Mr. White. They described her relationship with Mr. White as that of one between a father and a daughter. Many stated they heard Ms. Frierson refer to Mr. White as her "dad." None of the witnesses recalled hearing Mr. White refer to Ms. Frierson as his "niece" or that she was Frank White's child. During the period of time Ms. Frierson lived with Mr. White and Ms. White at the Dorchester County property, Frank White lived across the street from Mr. and Ms. White. No witnesses stated that Ms. Frierson ever resided with Frank White or referred to him as her father. Each of the witnesses presented by Ms. Frierson knew Ms. White and Mr. White during the period of time that Ms. Frierson lived in the White home.

Ms. Bloodworth asserts that Mr. White told her and Ms. White that his brother, Frank White, was the biological father of Ms. Frierson. Ms. Bloodworth testified to this as well as Lester Garris, Ms. White's brother, and Gail Burris ("Ms. Burris"), Ms. White's friend. Ms. Burris was also the witness at the Petition to Determine Heirs hearing where she testified that Ms. White was Mr. White's sole heir. Ms. Burris testified that she met Ms. White in 1974, but that she was unaware if Ms. White was living with Mr. White at that time. Ms. Burris also often went to auctions with Mr. White and Ms. White. She never personally met Ms. Frierson. Ms. Burris's sister lived in the same neighborhood as Mr. and Ms. White and Ms. Burris stated she visited the neighborhood often. She stated that based on gossip she heard through the children

that lived in the same neighborhood as the Whites, she believed that Ms. Frierson was Frank White's child. Ms. Burris stated that she did not have discussions with Ms. White or Mr. White about whether Ms. Frierson was Mr. White's child. Further, Ms. Burris stated that although she spent significant time with Ms. White, including staying at her house, she was not aware that Mr. White and Ms. White ended their relationship. Ms. Burris testified that she believed that Mr. White was on vacation in West Virginia when instead Mr. White and Ms. White had separated for a period of approximately two years and he had relocated to West Virginia during this separation period. However, Ms. Bloodworth testified that when Ms. White and Mr. White separated, it was a difficult time for her mother. The Court finds it unpersuasive that Ms. Burris, who claims to be a close friend of Ms. White's, would think that Mr. White took a two year vacation or that she did not know of the separation.

Because the evidence of fraud in this case is primarily based on the testimony of the witnesses presented, the Court focused on the mannerisms, demeanor, and tone of voice of the witnesses in assessing the persuasiveness of their testimony. The Court finds the testimony of Karen Click ("Ms. Click") very persuasive. Ms. Click met Ms. White in 1972 and owned a business with her. Moreover, Ms. Click was the bartender at the bar Mr. White frequented. Furthermore, when Ms. Frierson became pregnant as a teenager and was no longer welcome in Mr. and Ms. White's house, Ms. Click allowed Ms. Frierson to live with her. From the testimony, Ms. Click is the only witness that had a close and personal relationship with each of the key parties to this action – Mr. White, Ms. White, and Ms. Frierson – and does not stand to benefit from this proceeding. Ms. Click unequivocally stated that everyone knew that Ms. Frierson was Mr. White's daughter.

Based on the testimony presented, it appears that Mr. White had a drinking problem, was often gone for long periods of time as a truck driver, and was not always honest. Mr. White and Ms. White maintained a tenuous relationship that spanned approximately nineteen years. During that time, Ms. Frierson lived with Mr. White and Ms. White. While it is alleged that Ms. White was unaware that Ms. Frierson was Mr. White's biological daughter and instead believed that she was the daughter of Mr. White's brother, Frank, who lived across the street, the Court is not persuaded by this argument. Evidence was presented that a birth certificate for Ms. Frierson was mailed to the Dorchester County property when Ms. Frierson was only sixteen years old. Ms. Frierson resided with Mr. and Ms. White and not Frank White. Neighbors and close friends stated that they knew and considered Ms. Frierson to be Mr. White's daughter. Furthermore, Ms. Frierson's husband testified that he spoke at Mr. White's funeral as his son-in-law.

Finally, Mr. White also maintained an on-again/off-again relationship with Ms. Frierson's mother, Norma White. Mr. White was married to Norma White when Ms. Frierson was born. Following their divorce, he married Ms. White.⁴ When Mr. White left Ms. White and moved to West Virginia, he again began a relationship with Norma White, including entering into the land contract on the West Virginia property with her and listing their relationship as "husband and wife." After Mr. White's relationship with Norma White ended for the second time, he came to South Carolina and persuaded Ms. White to move to West Virginia with him in 1989.

Ms. White knew about the land contract as evidenced by her continued payment on the property long after Mr. White passed away. Furthermore, Ms. Bloodworth testified that she found the property information and Real Estate Purchase Contract, which listed Norma White

⁴ Ms. White would have been aware of Mr. White's previous relationship with Norma White as Mr. and Ms. White's marriage license references that Mr. White was a divorced man.

and Mr. White as husband and wife, among her mother's papers after her passing. Thus, it can be inferred Ms. White knew about Mr. White's long-term and ongoing romantic relationship with Ms. Frierson's mother.

The Court finds that there is clear and convincing evidence that Ms. White knew that Ms. Frierson was the biological daughter of Mr. White and an heir to his estate. Ms. White made fraudulent statements to the Court regarding the heirs of Mr. White. Based on the commission of fraud on the Court, Ms. White was not properly served with the Petition to Determine Heirs and noticed of the hearing, thereby denying her the opportunity to protect her interest in the property.⁵ Therefore, this Court's September 21, 2012 Order Determining Heirs is hereby set aside.

iii. Can this Court amend the September 21, 2012 Order Determining Heirs?

Rule 59 of the South Carolina Rules of Civil Procedure governs if and when a Court can amend a judgment. The rule states that the Court can amend on its own within ten (10) days of entry of the Order and an interested party can request that a judgment be altered or amended not later than ten (10) days after receipt of the written notice of entry of the Order. Because this Order far exceeds the ten (10) day limit, the September 21, 2012 Order Determining Heirs may only be set aside. An interested person may file a new Petition to Determine Heirs.

⁵ Ms. Bloodworth made the argument that by publishing the Summons and Petition for Determination of Heirs and Notice of the Hearing in the Summerville Journal Scene for unknown heirs, Ms. Frierson did receive notice of the action. However, the publication authorized by this Court was only for unknown heirs, this Court finds that Ms. Frierson was a known heir entitled to service pursuant to Rule 4 of the South Carolina Rules of Civil Procedures and notice of the hearing pursuant to S.C. Code Ann. § 62-1-401.

ISSUES OF EQUITY

While Ms. Frierson based her Petitions on a request for relief based on the equitable principle of fraud,⁶ there are other more equitable reasons to set aside the Order Determining Heirs aside. Had the Court been provided with all the facts at the hearing on the Petition to Determine Heirs Ms. White filed in Mr. White's estate, the Court would have unequivocally found that Ms. Frierson was the sole heir of Mr. White's estate based on her birth certificate evidencing that she is the biological child of Mr. White and the Divorce Decree evidencing that Mr. White and Ms. White were no longer married at the time of his passing. Equity does not permit a person without a legal relationship to a decedent to come to the Court with misleading information and disinherit the rightful heirs to the estate. It is the Probate Court's duty to ensure that estate property passes to the rightful intestate heirs of the estate pursuant to the South Carolina Probate Code. Therefore, it is inequitable and against public policy in this situation for the ex-wife of Mr. White to be the sole heir of his estate to the exclusion of his daughter, the rightful sole heir of Mr. White's estate, simply because Ms. White came to the Probate Court first and did not inform the Court of the existence of Ms. Frierson and the possibility they were no longer married.

ATTORNEY'S FEES AND PUNITIVE DAMAGES

Ms. Frierson requested that the Court order Ms. Bloodworth to pay attorney's fees, rent payments for loss of use of the Dorchester County property, and punitive damages from Ms. White's estate based on her fraudulent actions. The Court DENIES this request. Ms. Frierson has some culpability in the current stature of this case. She waited approximately twenty-three (23) years to come forward to address the proper distribution of Mr. White's estate. Significant

⁶ Ms. Frierson's Petition to Set Aside the Order Establishing Heirs Due to Fraud included the "catch-all" request that the Court grant her "whatsoever other and further relief as the Court deems just and proper." Based on this provision, the Court is addressing the equitable resolution available to her.

time and expense could have been saved by properly handling her father's estate closer to the time of his passing. If Ms. White had not lived in, paid the taxes on, and maintained the Dorchester County property, it may have been wasted with no asset to be passed from Mr. White's estate.

THEREFORE, it is ORDERED, ADJUDGED, and DECREED that:

A. The September 21, 2012 Order Determining Heirs in the Estate of Junior Arch White is hereby set aside based on Jean Garris White's fraudulent actions;

B. This Court does not have jurisdiction over the West Virginia property or any actions brought pursuant to that property, including Vanessa Frierson's request for (i) a detailed accounting of the rent payments received for the West Virginia property; (ii) compensation for rent payments Ms. White may have received for the West Virginia property; and (iii) an Amended Order Determining Heirs that would convey the West Virginia property;

C. Judy Bloodworth and Jean Garris White cannot be held as executor *de son tort* in regard to the Estate of Junior Arch White; and

D. Vanessa Frierson's requests for attorney's fees, rent payments for loss of use of the Dorchester County property, and punitive damages from Ms. White's estate based on her fraudulent actions are hereby DENIED.

IT IS SO ORDERED!

September 5, 2017
St. George, South Carolina

Molly D. Edwards

Hon. Molly D. Edwards
Associate Probate Judge
Dorchester County Probate Court

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

IN THE ESTATE OF:)
JUNIOR ARCH WHITE)

VANESSA MARIE FRIERSON,)
Petitioner,)

vs.)
JUDY A. BLOODWORTH, individually)
and as Personal Representative of the)
Estate of Jean White;)
Respondent.)

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

IN THE ESTATE OF:)
JEAN GARRIS WHITE)

VANESSA MARIE FRIERSON,)
Petitioner,)

vs.)
JUDY A. BLOODWORTH, individually)
and as Personal Representative of the)
Estate of Jean White)
Respondent.)

IN THE PROBATE COURT
CASE NO. 2012-ES-18-00320

ORDER DENYING RECONSIDERATION

IN THE PROBATE COURT
CASE NO. 2015-ES-18-000146

ORDER DENYING RECONSIDERATION

2017 OCT 16 PM 3:22
PROBATE COURT
DORCHESTER COUNTY, SC

CERTIFIED TRUE COPY
CLERK, PROBATE COURT
DORCHESTER COUNTY, SC

THIS MATTER came before the Court on a Motion to Alter, Amend, and/or Reconsider, this Court's Order dated September 5, 2017 filed by the Respondent, Judy A. Bloodworth, on September 18, 2017. Pursuant to Rule 59(f), SCRPC, this Court is ruling on the Respondent's Motion without holding a hearing. Respondent, through her attorney, Andrew T. Shepherd, Esquire, set out two issues upon which she based her request to alter, amend, and/or reconsider this Court's September 5, 2017 Order. The Court will address each in turn.

Marital Status of Junior Arch White and Jean Garris White

Respondent's Motion first asserts that the Court should grant a new trial or open the judgment to take additional testimony to alter, amend, and/or make new findings of fact and

YMG
10/16/17



conclusions of law, regarding the Court finding, concluding or otherwise using language (i.e. "Ms.") "indicating a conclusion by the Court that Jean Garris White entered false testimony as to the status of her marriage to Junior Arch White or was in fact, the ex-wife of Junior Arch White and is precluded under equitable principals from claiming a spousal intestate share." The Court DENIES this request.

The Respondent takes exception to the Court's use of the term "Ms. White" when referring to Jean Garris White throughout the Order. The use of the title "Ms." is a stylistic choice of this Court that is used throughout the Order in reference to all women regardless of their marital status.

While evidence was presented that Junior Arch White and Jean Garris White were divorced in West Virginia and the Respondent testified that relief from that Order was never sought, unless and until a West Virginia Court issues an Order determining otherwise, this Court must give full faith and credit to the Divorce Decree presented to the Court granting Junior Arch White a divorce from Jean Garris White. However, this Court did not reach any conclusions regarding whether Jean Garris White knowingly entered false testimony regarding the status of her marriage to Junior Arch White. Specifically, the Court's Order stated, "Whether Ms. White was or was not aware of the divorce is immaterial" Further, the September 5, 2017 Order only set aside the September 21, 2012 Order Determining Heirs and did not make a new determination of Junior Arch White's heirs. Therefore, nothing in the September 5, 2017 Order should be construed to limit a person's ability to assert any available legal or equitable arguments available in future proceedings involving this estate.

Jean Garris White's knowledge that Vanessa Frierson was Junior Arch White's daughter

Respondent's Motion also alleged that there was insufficient evidence to support a finding or conclusion that Jean Garris White had actual knowledge that Vanessa Frierson was the biological daughter of Junior Arch White. The Court disagrees with this assessment and DENIES Respondent's request for a new trial or to alter, amend, or make new findings of fact or conclusions of law regarding this issue.

THEREFORE, it is ORDERED, ADJUDGED, and DECREED that Judy A. Bloodworth's Motion to Alter, Amend, and/or Reconsider the September 5, 2017 Order of this Court is DENIED.

IT IS SO ORDERED!

October 16, 2017
St. George, South Carolina

Molly D. Edwards
Hon. Molly D. Edwards
Associate Probate Judge
Dorchester County Probate Court

ME
10/16/17

375

VALID ONLY
WITH
IMPRESSED
SEAL

DATE ISSUED: 7/23/92

I HEREBY CERTIFY THAT THE ATTACHED IS A TRUE COPY OF A
RECORD ON FILE IN THE DIVISION OF VITAL RECORDS.

ORIGINAL
STATE REGISTRAR OF VITAL RECORDS

PLAINTIFF'S
EXHIBIT

05.1A.23

1 - H&M
STATE
REGISTRAR

STATE OF MARYLAND / DEPARTMENT OF HEALTH AND MENTAL HYGIENE
CERTIFICATE OF DEATH

REG. NO.

1. DECEDENT'S NAME (First, Middle, Last) Junior		2. DATE OF DEATH MONTH 07 DAY 18 YEAR 1992		3. TIME OF DEATH 12:02 A
4. SOCIAL SECURITY NUMBER [REDACTED]	5. SEX ☒ M ☐ F	6. AGE (In yrs. last birthday) 59 YRS.	7. DATE OF BIRTH (Month, Day, Year) 1933	8. BIRTHPLACE (State or Foreign Country) W.V.A.
9. CITY, TOWN OR LOCATION OF DEATH Memorial Hospital		10. COUNTY OF DEATH ALLEGANY		
11a. STATE W.V.A.	11b. COUNTY HAMPSHIRE	12. CITY, TOWN OR LOCATION AUGUSTA		13. INSIDE CITY LIMITS? ☒ YES ☐ NO
14. STREET AND NUMBER P.O. Box 461		15. ZIP CODE 26704	16. CITIZEN OF WHAT COUNTRY USA	
17. MARITAL STATUS ☐ Never Married ☒ Married ☐ Widowed ☐ Divorced		18. WAS DECEDENT EVER IN U.S. ARMED FORCES? ☒ YES ☐ NO If YES, GIVE WAR OR DATES KOREAN		19. WAS DECEDENT OF HISPANIC ORIGIN? (Specify Yes or No— If yes, specify Cuban, Mexican, Puerto Rican, etc.) ☐ YES ☒ NO Specify:
20. DECEDENT'S EDUCATION (Specify only highest grade completed) GRADE SCHOOL		21. DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do NOT use retired.) TRUCK DRIVER		22. KIND OF BUSINESS/INDUSTRY CARROLL WHITEACE TRUCKING CO.
23. FATHER'S NAME (First, Middle, Last) WILLIAM WHITE		24. MOTHER'S NAME (First, Middle, Maiden Surname) NORA NELSON		
25. DECEASED'S NAME (Type/Print) JEAN WHITE		26. MARITAL ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code) AUGUSTA W.V. 26704 Box 461		
27. METHOD OF DISPOSITION ☒ Burial ☐ Cremation ☐ Removal from State ☐ Donation ☐ Other (Specify):		28. PLACE AND DATE OF DISPOSITION (Name of cemetery, crematory or other place) TEARCAT CEMETERY		29. DATE 07-21
30. SIGNATURE OF FUNERAL SERVICE LICENSEE Harvey W. Haight		31. NAME AND ADDRESS OF FACILITY HAIGHT F.H. Box 195 FRESVILLE, MD. 21784		
32. PART I. Enter the disease(s), or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. IMMEDIATE CAUSE (Final disease or condition resulting in death) → Multiple injuries DUE TO (OR AS A CONSEQUENCE OF): Sequentially list conditions, if any, leading to immediate cause. Enter UNDERLYING CAUSE (Disease or injury that initiated events resulting in death) LAST DUE TO (OR AS A CONSEQUENCE OF): DUE TO (OR AS A CONSEQUENCE OF):				Approximate Interval Between Onset and Death
33. PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I.				34. WAS AN AUTOPSY PERFORMED? ☒ YES ☐ NO
35. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? ☒ YES ☐ NO				
36. WAS CASE REFERRED TO MEDICAL EXAMINER? ☐ YES ☒ NO		37. PLACE OF DEATH (Check only one) HOSPITAL: ☐ Inpatient ☐ ER/Outpatient ☐ OOA OTHER: ☐ Nursing Home ☐ Residence ☐ Other (Specify)		
38. MANNER OF DEATH ☐ Natural ☐ Pending Investigation ☒ Accident ☐ Suicide ☐ Could not be determined		39a. DATE OF INJURY (Month, Day, Year) 07/17/92	39b. TIME OF INJURY 9:47 P	39c. INJURY AT WORK? ☒ YES ☐ NO
40. PLACE OF INJURY — At home, farm, street, factory, office building, etc. (Specify)		41. DESCRIBE HOW INJURY OCCURRED Motor Vehicle Accident		
42. LOCATION (Street and Number or Rural Route Number, City or Town, State) Rt. 135 east, Bloomington				
43. CERTIFIER (Check only one) ☐ CERTIFYING PHYSICIAN: To the best of my knowledge, death occurred at the time, date and place, and due to the cause(s) and manner as stated. ☒ MEDICAL EXAMINER: On the basis of examination and/or investigation, in my opinion, death occurred at the time, date and place, and due to the cause(s) and manner as stated.				
44. SIGNATURE AND TITLE OF CERTIFIER A. M. Dixon		45. LICENSE NUMBER O.C.M.E.		46. DATE SIGNED (Month, Day, Year) 07/19/1992
47. NAME AND ADDRESS OF PERSON WHO COMPLETED CAUSE OF DEATH (Item 37) (Type/Print) A. M. Dixon 111 Penn Street, Baltimore Maryland 21201				
48. DATE FILED (Month, Day, Year) JUL 20 '92		49. REGISTRAR'S SIGNATURE John Davidson-Rodgers		

TO BE COMPLETED BY FUNERAL DIRECTOR

TO BE COMPLETED BY PHYSICIAN: MEDICAL CERTIFICATION

DIVISION OF VITAL RECORDS, P.O. BOX 68760, BALTIMORE, MARYLAND 21215-0020
TO THE HOSPITAL OR ATTENDING PHYSICIAN: The bar requires that the death certificate be associated within 24 hours after death. Page 6 may be retained by the hospital or attending physician. TO THE FUNERAL DIRECTOR: After the certificate has been signed by the attending physician and completed time in by the funeral director, page 5 should be detached for use as the burial/cremation permit. Pages 1, 2, 3 should be filed within 72 hours after death with the State Dept. of Health and Mental Hygiene prior to burial, cremation, or removal.
IMPORTANT: If item 28 is marked, or item 23 shows any injury, or other traumatic event, the medical examiner must be notified at once.

Deed for South Carolina

FHA CASE NO. 461-083205-235
NEW CASE NO. 461-111586-203 (P.F.)

KNOW ALL MEN BY THESE PRESENTS, **GEORGE ROMNEY**, Secretary of Housing and Urban Development, of Washington, D. C., acting by and through the Federal Housing Commissioner, (hereinafter referred to as "Grantor"), for and in consideration of the sum of TWELVE THOUSAND

DOLLARS (\$12,000.00); has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto **JUNIOR A. WHITE & JEAN G. WHITE**

(hereinafter referred to as "Grantee(s)"), and to the heirs and assigns of said Grantee(s), the following described real estate situate in the County of **DORCHESTER**, State of South Carolina, to wit:

All that lot, piece or parcel of land situate, lying and being in the Town of Summerville, County of Dorchester, State of South Carolina; known and designated as Lot No. 19, Challedon Subdivision, Section 2, as shown on a plat made by William A. Whitworth, Reg. Land Surveyor, dated August, 1969, and recorded in the Clerk of Court's Office for Dorchester County in Plat Book 17, Page 221; said lot having such size, shape, dimensions, buttings and boundings as will by reference to said plat more fully appear.

This being the identical property heretofore conveyed to Grantor herein by P. Kramer, Master in Equity for Dorchester County by deed dated January 4, 197 and recorded in the office of the Clerk of Court for Dorchester County on January 7, 1971 in Deed Book 181 at page 89.

Grantor's address:
249 Challedon Drive
Summerville, S.C.

BEING the same property acquired by the Grantor pursuant to the provisions of the National Housing Act, as amended (12 USC 1701 et seq.) and the Department of Housing and Urban Development Act (79 Stat. 667).

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

TO HAVE AND TO HOLD all and singular the premises before mentioned, unto the said Grantee(s), and to the heirs and assigns of said Grantee(s) forever.

SUBJECT to all covenants, restrictions, reservations, easements, conditions and rights appearing of record; and SUBJECT to any state of facts an accurate survey would show.

210137-P HUD-Wash., D.C. FHA FORM NO. 1825 Rev. 4/66

PLAINTIFF'S
EXHIBIT

9

05JA88

AND THE SAID GRANTOR covenants that he has not made, done, committed, executed or suffered any act or acts, thing or things whatsoever whereby or by means whereof, the above mentioned and described premises or any part or parcel thereof, now are, or at any time hereafter shall or may be impeached, charged or encumbered in any manner or way whatsoever.

IN WITNESS WHEREOF the undersigned on this 30th day of JULY, 1971, has set his hand and seal as Field Office REALTY OFFICER, FHA Field Office, Columbia, South Carolina, for and on behalf of the said Secretary of Housing and Urban Development, under authority and by virtue of the Code of Federal Regulations, Title 24, Chapter II, Part 200, Subpart D.

GEORGE ROMNEY

Signed, sealed and delivered Secretary of Housing and Urban Development in the presence of:

By: Federal Housing Commissioner

By: C. W. Livingston (SEAL)
C. W. LIVINGSTON
Field Office REALTY OFFICER
FHA Field Office, Columbia, South Carolina

STATE OF SOUTH CAROLINA)

ss

COUNTY OF RICHLAND)

Personally appeared before me BETTY W. ESTES and made oath that he saw the within named C. W. LIVINGSTON who is personally well known to him and known to him to be the duly appointed Field Office REALTY OFFICER, FHA Field Office, Columbia, South Carolina, and the person who executed the foregoing instrument bearing date of JULY 30, 1971, by virtue of the authority vested in him by the Code of Federal Regulations, Title 24, Chapter II, Part 200, Subpart D, sign, seal and as his act and deed as Field Office REALTY OFFICER, for and on behalf of GEORGE ROMNEY, Secretary of Housing and Urban Development, deliver the within deed, and that deponent, with Grace S. Moore, witnessed the execution thereof.

Sworn to and subscribed before me this 30th day of July 1971.

Betty W. Estes
James L. Gray

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

IN THE MATTER OF: JEAN WHITE

) IN THE PROBATE COURT

) APPLICATION/PETITION FOR PROBATE

) CASE NUMBER: 2015ES1800146***COMPLETE THIS SECTION ONLY IF FILING PETITION FOR FORMAL TESTACY AND/OR FORMAL APPOINTMENT**

* _____
 Petitioner(s)
 vs.
 * _____
 Respondent(s)

2015 MAR -5 AM 8:47
 DORCHESTER COUNTY

APPLICATION FOR INFORMAL

(check any that apply)

- ☒ PROBATE OF WILL
☐ APPOINTMENT

***PETITION FOR FORMAL**

- ☐ TESTACY
☐ APPOINTMENT

Applicant/Petitioner: JUDY A BLOODWORTHAddress: 249 Challdon Dr. Summerville, SC 29485Telephone: 843-871-2884**I. ALL APPLICANTS/PETITIONERS MUST COMPLETE THIS SECTION.**

1. If this is a formal filing, please explain on page 3 attach pleadings pursuant to *SC Rules of Civil Procedure*.

***NOTE: IF THIS IS A FORMAL PROCEEDING, IN ADDITION TO THIS FORM PETITION, YOU MUST ALSO FILE A SUMMONS (FORM SCCA 401PC), AND PAY THE STATUTORY FILING FEE OF \$150.00. A HEARING IN THE PROBATE COURT ON THE PETITION MAY BE REQUIRED.**

2. Decedent Information:

Full Legal Name
 (including all known names): JEAN WHITE

Date of Birth: 1932Date of Death: 01/19/2015Age at date of death: 82

3. Venue for this proceeding is proper in this County because:

- ☒ Decedent was domiciled in this County at date of death:
 Address: 249 Challdon Dr., Summerville, SC 29485 County: Dorchester State: South Carolina
☐ Decedent was **not** domiciled in **South Carolina**, but property of Decedent was located in this County at date of death at:
 Address: _____ County: Dorchester
☐ Decedent has a right to take legal action in this County because:

If the above address is the address of a nursing home, prison, or other residential facility, please give the last address of the Decedent prior to entering a facility:



4(a). Names and addresses of beneficiaries (devisees) named in the Will.

Full Legal Name (including all known names)	Year of Birth	Full Address	Relationship to Decedent
Judy A. Bloodworth	Legal	Same as above	Daughter

(use additional sheet if necessary)

4(b). Names and addresses of intestate heirs who are not devisees (persons who inherit if Decedent left no Will).

Full Legal Name (including all known names)	Year of Birth	Full Address	Relationship to Decedent
Debra Morse	Legal	17815 Westbever St., Jacksonville, FLA 32234	Daughter
Jackie McCoy	Legal	251 Barrett Rd., Heath Springs, SC 29058	Daughter
Jimmy Garris	Deceased	384 McConnells Trace, Apt. 103, Lexington, KY 40511	1-Issue
Christina Fightmaster	Legal		G-Daughter
Dale Larimer	Deceased		No Issue

(use additional sheet if necessary)

4(c). Did all of the above persons survive one hundred and twenty (120) hours since the death of Decedent?

☐ YES ☒ NO If no, please explain on page 3. Two sons predeceased the decedent.

5. Did Decedent have any change of marital status or the birth or adoption of any children after execution of this Will; if one exists, or has any child of the Decedent been born since his/her death, or is any birth of a child of the Decedent anticipated? (This includes illegitimate children.)

☒ NO ☐ YES If yes, please explain, on page 3.

6. To the best of your knowledge, was the Decedent a patient in a non-private State of South Carolina mental health facility during his/her lifetime?

☒ NO ☐ YES If yes, please explain, on page 3.

7. Has a Guardian or Conservator ever been appointed by the Court for this person?

☒ NO ☐ YES If yes, please explain on page 3.

8. Has a Personal Representative of the Decedent been appointed prior to this date by a Court in this State or elsewhere?

☒ NO ☐ YES If yes, please state details, including name and address of such Personal Representative on page 3.

9. Have you received or are you aware of any Demands for Notice (FORM #111ES) of any probate or appointment proceeding concerning the Decedent that may have been filed in this state or elsewhere?

☒ NO ☐ YES If yes, please state details, including names and addresses on page 3.

10. Have more than ten (10) years passed since the Decedent's death?

☒ NO ☐ YES If yes, please state circumstances authorizing tardy probate on page 3.

11. The Decedent died with probate personal property having an approximate value of \$ td and/or probate real estate having an approximate value of \$ td. (Note: A complete inventory of probate assets with fair market values to be filed after Personal Representative is appointed.)

12. After the exercise of reasonable diligence, are you aware of any unrevoked Will and/or Codicil(s), other than the one(s) attached hereto, relating to property in this State?

☐ NO ☐ YES If yes, please explain on page 3 and then proceed to Section II.

II. IF A WILL EXISTS, PLEASE COMPLETE THIS SECTION.

1. Regarding the Decedent's Will:

- ☐ The original is attached.
- ☐ The original is in the Court's possession.
- ☐ An exemplified (authenticated) copy of a Will probated in another jurisdiction is attached.
- ☐ An exemplified (authenticated) copy of a Will not probated in another jurisdiction is attached.
- ☐ The Will is lost, destroyed, or otherwise unavailable, however, a description of its contents is attached.

2. The execution date of the Will was: 06/04/2012
Codicil(s):

3. Does Decedent's Will refer to a Memorandum (list disposing of tangible personal property)?

☐ NO ☒ YES If yes, attach hereto. Memorandum never created

4. To the best of your knowledge, do you believe the Will listed above is the Decedent's validly executed last Will?

☒ YES ☐ NO If no, please explain on page 3.

5. To the best of your knowledge, is any witness to the will an "interested witness" (devisee, spouse of a devisee, or issue of a devisee)?

☒ NO ☐ YES If yes, please explain on page 3.

COMPLETE EXPLANATION(S) FOR QUESTIONS IN SECTIONS I and II HERE.
(If more space is required, use additional sheets.)

III. IF APPLYING FOR INFORMAL OR FORMAL APPOINTMENT, PLEASE COMPLETE THE FOLLOWING.

1. If the Applicant/Petitioner is not the proposed Personal Representative(s), list name and address of the person you are proposing be appointed as the fiduciary:
2. Priority for appointment of the proposed Personal Representative (whether applicant or nominee) is:
 - ☒ named as Primary Personal Representative in Will
 - ☐ named as Alternate Personal Representative in Will
 - ☐ nominee of Primary Personal Representative in Will
 - ☐ nominee of Alternate Personal Representative in Will
 - ☐ surviving spouse of Decedent who is devisee of Decedent or nominee of said spouse
 - ☐ other devisee of Decedent (describe): _____ or nominee of said devisee
 - ☐ surviving spouse of Decedent or nominee of said spouse
 - ☐ other heir of Decedent (describe): _____ or nominee of said heir
 - ☐ creditor (forty-five (45) days after death must have passed) or nominee of creditor; written statement of claim, FORM #371ES, is attached
 - ☐ other (describe): _____
3. List below the name(s) of any other person(s), if any, having an equal or higher priority of appointment than the proposed Personal Representative:

IV. ALL APPLICANTS/PETITIONERS MUST COMPLETE VERIFICATION.

VERIFICATION

The undersigned, being sworn, states that the facts set forth in the foregoing statement are true to the best of the undersigned's knowledge, information and belief, and hereby submits to the Court's jurisdiction in this matter.

SWORN to before me this _____ day
of _____ 20 _____

Notary Public for South Carolina
My Commission Expires: _____

Signature of
Applicant/Petitioner: _____
Print Full Name: _____

Address: _____
Summerville, SC 29485

Telephone (work)
(Home): _____
(Cell): _____
Email: _____

Relationship to Decedent/Estate: _____

SWORN to before me this _____ day
of _____ 20 _____

Notary Public for South Carolina
My Commission Expires: _____

Signature of Co-
Applicant/Co-Petitioner: _____
Print Full Name: _____
Address: _____

Telephone (work)
(Home): _____
(Cell): _____
Email: _____

Relationship to Decedent/Estate: _____

ORDER OF INFORMAL PROBATE

IT IS HEREBY ORDERED that the above application for probate of a Will executed 06/04/2012

be informally ☒ GRANTED ☐ DENIED.

Executed this 6th day of March, 2015.

Mary Blunt

Mary Blunt, Probate Court Judge

☐ For formal probate of Will, see separate order executed _____.

ORDER OF INFORMAL APPOINTMENT

IT IS HEREBY ORDERED that the above Application for Appointment be granted upon the filing of an appropriate bond, if applicable, and upon the signing of the Qualification and Statement of Acceptance of appointment.

- ☐ Fiduciary Bond in the amount of \$_____
- ☐ Bond not required for Personal Representative nominated by Will
- ☐ Bond not required as Personal Representative is sole heir or sole devisee
- ☐ Bond not required as Personal Representative is state agency, bank, or trust company
- ☐ Bond waivers filed
- ☐ See order dated _____
- ☐ Other: _____

Notice to Creditors

- ☒ Required
- ☐ Not Required

Executed this 6th day of March, 2015.

Mary Blunt

Mary Blunt, Probate Court Judge

☐ For formal appointment of Personal Representative, see separate order executed _____.

QUALIFICATION AND STATEMENT OF ACCEPTANCE

I accept this appointment and agree to perform the duties and discharge the trust of the office of Personal Representative of this estate. I further submit personally to the jurisdiction of the Court in any proceeding relating to the Estate.

Signature: Judy A. Bloodworth
Print Full Name: JUDY A. BLOODWORTH
Address: 249 Chaldon Dr.
Summerville, SC 29485
Telephone (Work): _____
(Home): 843-871-2884
(Cell): _____
Email: _____

Signature: _____
Print Full Name: _____
Address: _____
Telephone (Work): _____
(Home): _____
(Cell): _____
Email: _____

Attorney: _____
Address: _____
Telephone: _____
Email: _____

STATE OF SOUTH CAROLINA)
)
 COUNTY OF DORCHESTER)
)
 Estate of Junior Arch White)
)
 Jean Garris White,)
)
)
)
 PETITIONER.)
 _____)

IN THE PROBATE COURT OF
 DORCHESTER COUNTY

CASE NUMBER: 2012-ES-18-00320

ORDER ESTABLISHING HEIRS

2012 SEP 21 11:12:30
 PROBATE COURT
 DORCHESTER COUNTY
 S.C.

This matter comes before the Court upon the Petition of Jean Garris White, by her attorney, Melvin D. Williamson, for a determination of the heirs at law for Junior Arch White. A Summons and Petition to Establish Heirs and Ownership of Property was filed on June 21, 2012. Notice of the hearing as required by S.C.Code Section 62-1-401 was provided to all interested parties.

A hearing was held in this matter on September 14, 2012. Present were the Petitioner, and her attorney, Melvin D. Williamson. Also present were the Decedent's stepdaughter, Judy Dominguez, and long-time family friend, Gail B. Burris.

The documents filed with the Court for its consideration include a death certificate for Junior Arch White, a marriage license for Petitioner and Junior Arch White, and a recorded real estate deed for property in Dorchester County with Petitioner and Junior Arch White as grantees.

Having reviewed the Petition, the exhibits and having heard sworn testimony from all witnesses, and arguments by the Petitioner's attorney, the Court makes the following:



FINDING OF FACTS AND CONCLUSIONS OF LAW

1. That Junior Arch White and Jean Garris White were married to one another on or about August 10, 1973, as evidenced by a certified copy of their Marriage License.
2. That Junior Arch White had no children or issue.
3. That Junior Arch White ("Decedent") died intestate in Allegany County, Maryland on July 18, 1992, while domiciled in Hampshire County, West Virginia, as evidenced by a certified copy of his Certificate of Death.
4. That the Decedent was the fee simple owner of a 50% interest in the house and lot located in Dorchester County at 249 Challedon Drive, Summerville, South Carolina, TMS# 137-12-06-012, and his wife, Jean Garris White, owned the other 50% interest; however his estate was never admitted to probate.
5. That at the time of his death, Decedent was survived only by his wife, Jean Garris White.
6. At the time of the Decedent's death, the sole lawful heir of the Decedent was his wife, Jean Garris White.
7. That the surviving heir at law for the Decedent was confirmed by Gail B. Burris, a long-time neighbor and friend of the family.
8. That pursuant to S.C. Code Section 62-2-102, the intestate ownership share of the heir of the Decedent was the entire intestate estate to the surviving spouse, Jean Garris White.
9. That the venue was properly vested in Dorchester County pursuant to S.C. Code Section 62-3-201 (a)(2).

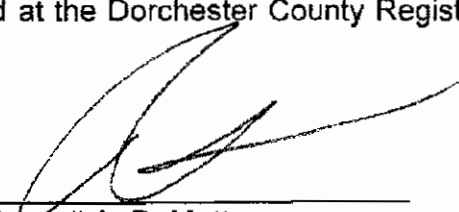
10. That the jurisdiction of this Court was properly established pursuant to S.C. Code Section 62-1-302 (a)(1).

IT IS THEREFORE ORDERED:

- A. That the decedent, Junior Arch White, died intestate on July 18, 1992.
- B. That the decedent, Junior Arch White, was survived by his wife, Jean Garris White.
- C. That the Decedent had no children or issue.
- D. That the intestate ownership share of the heir of the Decedent is the entire intestate estate to the surviving spouse, Jean Garris White.
- E. That the Decedent was the fee simple owner of a 50% interest in a house and lot located at 249 Challedon Drive, Summerville, South Carolina, TMS# 137-12-06-012, in Dorchester County.
- F. That the Probate Court of Dorchester County has subject matter jurisdiction of these proceedings pursuant to S.C. Code Section 62-1-302 (a)(1).
- G. That the venue is properly laid in Dorchester County pursuant to S.C. Code Section 62-3-201(a)(2).
- H. That the Decedent's estate was never admitted to probate.
- I. That this Order shall be filed at the Dorchester County Register of Deeds Office.

AND IT IS SO ORDERED.

9/21, 2012
St. George, South Carolina



Russell A. DeMott
Associate Probate Judge
for Dorchester County

CLERK OF COURT
WORCHESTER COUNTY
2015 MAR -5 AM 8:46

LAST WILL AND TESTAMENT

OF

JEAN G. WHITE

Melvin D. Williamson, Esq., CPA
Williamson Law Office, PA
1801 Old Trolley Road, Suite 102
Summerville, South Carolina 29485
843-821-8884
mdwlaw@sc.rr.com



CLERK OF COURT
DORCHESTER COUNTY

**LAST WILL AND TESTAMENT
OF
JEAN G. WHITE**

2019 MAR -5 AM 8:47

Introductory Clause. I, **JEAN G. WHITE**, a resident of and domiciled in the County of Dorchester and State of South Carolina, 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 am a widow and I have three living children: **JUDY A. DOMINGUEZ**; **DEBRA MORSE**; and **JACKIE MCCOY**. I have two deceased children: **JIMMY GARRIS** and **DALE LARIMER**.

**ITEM I
PAYMENT OF DEBTS**

Direction to Pay Debts with Discretionary Refinancing by Personal Representative. I direct that all my legally enforceable debts, secured and unsecured, be paid as soon as practicable after my death. I direct that my Personal Representative may cause any debt to be carried, renewed, and refinanced from time to time upon such terms and with such securities for its repayment as my Personal Representative may deem advisable taking into consideration the best interest of the beneficiaries hereunder. If at the time of my death any of the real property herein devised is subject to any mortgage, I direct that the devisee taking such mortgaged property shall take it subject to such mortgage and that the devisee shall not be entitled to have the obligation secured thereby paid out of my general estate.

**ITEM II
BEQUEST OF PERSONAL EFFECTS**

General Bequest of Personal and Household Effects with Mandatory Memorandum. I give and bequeath all my personal and household effects of every kind including but not limited to furniture, appliances, furnishings, pictures, silverware, china, glass, books, jewelry, wearing apparel, boats, automobiles, and other vehicles, and all policies of fire, burglary, property damage, and other insurance on or in connection with the use of this property, as follows:

(1) I may leave written memoranda disposing of certain items of my tangible personal property. Any such item of tangible personal property shall pass according to the terms of such memoranda in existence at the time of my death. If no such written memoranda are found or identified by my Personal Representative within ninety (90) days after my Personal Representative's qualification, it shall be conclusively presumed that there are no such memoranda and any subsequently discovered memoranda shall be ineffective. Any property given and devised to a beneficiary who is not living at the time of my death and for whom no effective alternate provision has been made shall pass according to the provisions of the following paragraph, and not pursuant to any anti-lapse statute.

(2) In default of such memoranda, or to the extent such memoranda do not completely or effectively dispose of such property, I give and bequeath the rest of my personal and household

effects of every kind to my daughter, **Judy**, if living; and if she predeceases me, then to her daughter, **Jinny M. Sauls**. The cost of packing and shipping such property shall be charged against my estate as an expense of administration.

ITEM III RESIDUE DISPOSITION

Outright Gift of Residuary. I give, devise, and bequeath all the rest, residue, and remainder of my property of every kind and description (including lapsed legacies and devises) wherever situate and whether acquired before or after the execution of this Will, to my daughter, **Judy**, if living; and if she predeceases me, then to her daughter, **Jinny M. Sauls**.

ITEM IV PERSONAL REPRESENTATIVE APPOINTMENT

Naming the Personal Representative, Personal Representative Succession, Personal Representative's Fees, and Other Matters. The provisions for naming the Personal Representative, Personal Representative succession, Personal Representative's fees, and other matters are set forth below:

(1) **Naming an Individual Personal Representative.** I hereby nominate, constitute, and appoint as Personal Representative of this my Last Will and Testament **JUDY A. DOMINGUEZ** and direct that she shall serve without bond.

(2) **Naming Individual Successor or Substitute Personal Representative.** If my individual Personal Representative should fail to qualify as Personal Representative hereunder, or for any reason should cease to act in such capacity, the successor or substitute Personal Representative who shall also serve without bond shall be **JINNY M. SAULS**.

(3) **Fee Schedule for Individual Personal Representative.** For its services as Personal Representative, the individual Personal Representative shall receive reasonable compensation for the services rendered and reimbursement for reasonable expenses.

ITEM V PERSONAL REPRESENTATIVE POWERS

Powers for Personal Representative. By way of illustration and not of limitation and in addition to any inherent, implied, or statutory powers granted to Personal Representatives generally, my Personal Representative is specifically authorized and empowered with respect to any property, real or personal, at any time held under any provision of this my Will: to allot, allocate between principal and income, assign, borrow, buy, care for, collect, compromise claims, contract with respect to, continue any business of mine, convey, convert, deal with, dispose of, enter into, exchange, hold, improve, incorporate any business of mine, invest, lease, manage, mortgage, grant and exercise options with respect to, take possession of, pledge, receive, release, repair, sell, sue for, to make distributions or divisions in cash or in kind or partly in each without

regard to the income tax basis of such asset, and in general, to exercise all the powers in the management of my Estate which any individual could exercise in the management of similar property owned in his or her own right, upon such terms and conditions as to my Personal Representative may seem best, and to execute and deliver any and all instruments and to do all acts which my Personal Representative may deem proper or necessary to carry out the purposes of this my Will, without being limited in any way by the specific grants of power made, and without the necessity of a court order.

ITEM VI TREATMENT OF MINOR BENEFICIARY'S SHARE

Provision for Personal Representative to Act as Trustee for Beneficiary Under Age Twenty-One. If any share or property hereunder becomes distributable to a beneficiary who has not attained the age of twenty-one (21) years or if any real property shall be devised to a person who has not attained the age of twenty-one (21) years at the date of my death, then such share or property shall immediately vest in the beneficiary, but notwithstanding the provisions herein, my Personal Representative acting as Trustee shall retain possession of the share or property in trust for the beneficiary until the beneficiary attains the age of twenty-one (21), using so much of the net income and principal of the share or property as my Personal Representative deems necessary to provide for the medical care, education, support, and maintenance in reasonable comfort of the beneficiary, taking into consideration to the extent my Personal Representative deems advisable any other income or resources of the beneficiary or his or her parents known to my Personal Representative. Any income not so paid or applied shall be accumulated and added to principal. The beneficiary's share or property shall be paid over, distributed and conveyed to the beneficiary upon attaining age twenty-one (21), or if he or she shall sooner die, to his or her personal representatives. Whenever my Personal Representative determines it appropriate to pay any money for the benefit of a beneficiary for whom a trust is created hereunder, then the amounts shall be paid out by my Personal Representative in such of the following ways as my Personal Representative deems best: (1) directly to the beneficiary; (2) to the legally appointed guardian of the beneficiary; (3) to some relative or friend for the care, support, and education of the beneficiary; (4) by my Personal Representative using such amounts directly for the beneficiary's care, support, and education; (5) to a custodian for the beneficiary under the Uniform Gifts or Transfers to Minors Act. My Personal Representative as trustee shall have with respect to each share or property so retained all the powers and discretions conferred upon it as Personal Representative.

ITEM VII DISCRETION REGARDING TAX MATTERS

Discretion Granted to Personal Representative in Reference to Tax Matters. My Personal Representative as the fiduciary of my estate shall have the discretion, but shall not be required when allocating receipts of my estate between income and principal, to make adjustments in the rights of any beneficiaries, or among the principal and income accounts to compensate for the consequences of any tax decision or election, or of any investment or administrative decision, that my Personal Representative believes has had the effect, directly or indirectly, of preferring one beneficiary or group of beneficiaries over others; provided, however, my Personal Representative shall not exercise its discretion in a manner which would cause the loss or

reduction of the marital deduction as may be herein provided. In determining the state or federal estate and income tax liabilities of my estate, my Personal Representative shall have discretion to select the valuation date and to determine whether any or all of the allowable administration expenses in my estate shall be used as state or federal estate tax deductions or as state or federal income tax deductions.

ITEM VIII DEFINITIONS RELATING TO FAMILY

Definitions of Family. The following definitions shall be used to define the family:

(1) **Definition of Children.** For purposes of this Will, "children" means the lawful descendants in the first degree of the parent designated; and "issue" and "descendants" mean the lawful descendants in any degree of the ancestor designated. The terms "child," "children," "issue," "descendant," and "descendants" or those terms preceded by the terms "living" or "then living" shall include the lawful descendant in the first degree of the parent designated even though such descendant is born after the death of such parent.

(2) **Inclusion of Adopted Children.** For purposes of this Will, if a person has been legally adopted, that person shall be considered a child of such adopting parent and such adopted child and his or her issue shall be considered as issue of the adopting parent or parents and of anyone who is by blood or adoption an ancestor of the adopting parent or either of the adopting parents.

(3) **Definition of Per Stirpes.** The term "per stirpes" as used herein has the identical meaning as the term "taking by representation" as defined in the South Carolina Probate Code.

ITEM IX SIMULTANEOUS DEATH

Simultaneous Death Provision Presuming Beneficiary Predeceases Testatrix. If any beneficiary and I should die under such circumstances as would make it doubtful whether the beneficiary or I died first, then it shall be conclusively presumed for the purposes of this Will that the beneficiary predeceased me.

Testimonium, Attestation, and Self-Proving Affidavit. I, **JEAN G. WHITE**, the Testatrix, sign my name to this instrument this the 4th day of JUNE, 2012, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Jean G. White
JEAN G. WHITE

We, Toni W. Henley and Melvin D. Williamson, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testatrix signs and executes this instrument as her last will and that she signs it willingly (or willingly directs another to sign for her), and that each of us hereby signs this will as witness to the Testatrix's signing, and that to the best of our knowledge the Testatrix is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Toni W. Henley
 WITNESS

Melvin D. Williamson
 WITNESS

The State of South Carolina

County of Dorchester

Subscribed, sworn to, and acknowledged before me by **JEAN G. WHITE**, the Testatrix, and subscribed and sworn to before me by Toni Henley, one of the witnesses, this the 4th day of JUNE, 2012.

Melvin D. Williamson (Seal)

Notary Public for South Carolina

My commission expires: 6/30/2020



Last Will and Testament
 Jean G. White

Comparable Properties

2212034



235 Challedon Drive
Summerville SC

2813239



519 E Richardson Avenue
Summerville SC

2212838

List Price	\$650	\$575	\$625
Original List Price	\$650	\$575	\$650
Sold Price			
Status	Closed	Closed	Closed
Status Date	09/16/2002	05/05/2008	09/26/2002
Days on Market	63	10	63
Cumulative Days on Market	63	10	283
Bedrooms	3	3	3
Baths - Total	1	1	1.5
Apx. SqFt	1,000	800	1,050
Year Built	1960	1975	1973
Price	\$0	\$0	\$0



15002501



519 E Richardson Avenue
Summerville SC

15015989



215 Challedon Drive
Summerville SC

16017276



519 E Richardson Avenue
Summerville SC

List Price	\$725	\$995	\$795
Original List Price	\$695	\$995	\$795
Sold Price	\$725	\$995	\$795
Status	Closed	Closed	Closed
Status Date	03/09/2015	08/11/2015	07/20/2016
Days on Market	38	50	23
Cumulative Days on Market	39	50	23
Bedrooms	3	3	3
Baths - Total	1	1	1
Apx. SqFt	909	1,181	909
Year Built	1981	1969	1981
Price	\$725	\$995	\$795

17015082



215 Challedon Drive
Summerville SC

18014199



215 Challedon Drive
Summerville SC

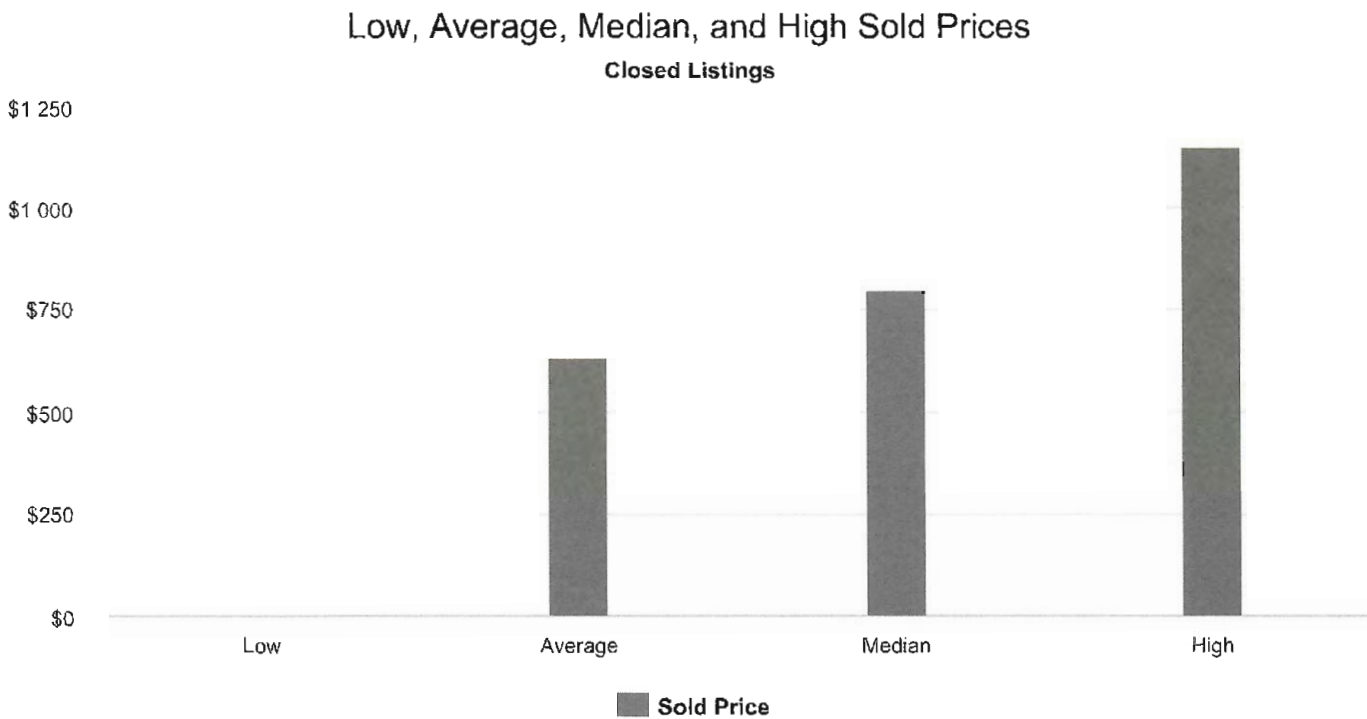
20021494



215 Challedon Drive
Summerville SC

List Price	\$995	\$1,050	\$1,150
Original List Price	\$995	\$1,050	\$1,150
Sold Price	\$995	\$1,050	\$1,150
Status	Closed	Closed	Closed
Status Date	06/27/2017	06/15/2018	09/10/2020
Days on Market	28	27	37
Cumulative Days on Market	28	27	76
Bedrooms	3	3	3
Baths - Total	1	1	1
Apx. SqFt	1,181	1,081	1,081
Year Built	1969	1969	1969
Price	\$995	\$1,050	\$1,150

Price Analysis



Summary of Closed Listings

MLS #	Address	List Price	DOM	CDOM	Sold Date	Sold Price	Total Adjustments	Adjusted Price
2813239	519 E Richardson Avenue, Summerville SC	\$575	10	10	05/05/2008	\$-	-	\$-
15002501	519 E Richardson Avenue, Summerville SC	\$725	38	39	03/14/2015	\$725	-	\$725
2212034	235 Challedon Drive, Summerville SC	\$650	63	63	09/16/2002	\$-	-	\$-
15015989	215 Challedon Drive, Summerville SC	\$995	50	50	08/10/2015	\$995	-	\$995
16017276	519 E Richardson Avenue, Summerville SC	\$795	23	23	07/20/2016	\$795	-	\$795
2212838	209 Challedon Drive, Summerville SC	\$625	63	283	09/26/2002	\$-	-	\$-
18014199	215 Challedon Drive, Summerville SC	\$1,050	27	27	07/01/2018	\$1,050	-	\$1,050
20021494	215 Challedon Drive, Summerville SC	\$1,150	37	76	09/15/2020	\$1,150	-	\$1,150
17015082	215 Challedon Drive, Summerville SC	\$995	28	28	07/01/2017	\$995	-	\$995

Low, Average, Median, and High Comparisons

	Closed	Overall
Low	\$	\$
Average	\$634	\$634
Median	\$795	\$795
High	\$1,150	\$1,150

Overall Market Analysis (Unadjusted)

Status	#	List Vol.	Avg. List Price	Sold Vol.	Avg. Sold Price	Avg. Sale/List Price	Avg. Apx. SqFt	Avg. List \$/Apx. SqFt	Avg. Sold \$/Apx. SqFt	Avg. DOM	Avg. CDOM
Closed	9	7,560	840	5,710	952	1.00	1,021	0.82	0.90	38	67
Overall	9	7,560	840	5,710	952	1.00	1,021	0.82	0.90	38	67

STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF DORCHESTER

STATEMENT OF CREDITOR'S CLAIM

IN THE MATTER OF:

JEAN WHITE

(Decedent)

CASE NUMBER: 2015-ES-18-00146

Decedent's Date of Death (if known): JANUARY 19, 2015

Decedent's Last Mailing Address: 249 CHALLEDON DRIVE, SUMMERVILLE, SC 29485

Creditor:	VANESSA MARIE FRIERSON	PROBATE JUDGE DORCHESTER COUNTY 2015 JUL 16 PM 4:36
Address:	C/O VITOLLO LAW FIRM, LLC	
	POST OFFICE BOX 42282, NORTH CHARLESTON, SC 29423	
Telephone:	843-225-3800	
Email:	TIM@VITOLLOLAWFIRM.COM	
Original Creditor:	N/A	
Address (if different from above)	N/A	
Claim Amount Due:	\$ 50,000.00 (APPROXIMATE, SEE BELOW)	
Account Number:	N/A	
Other Reference Number:	N/A	
Basis of claim (Ex: Contract, Services Rendered for decendent, etc):	FRAUDULENT RECEIPT OF ASSETS OF A DECEASED PERSON (EXECUTOR DE SON TORT)	
Date claim will become due (if not already due)	CLAIM CURRENTLY DUE	
Nature of uncertainty as to the claim, if any (i.e. contingent claim, amount of claim, due date):	CLAIM INVOLVES INTEREST IN REAL PROPERTY, AND CLAIMANT MAY BE ENTITLED TO PUNITIVE/TREBLE DAMAGES, ATTORNEY'S FEES AND/OR INTEREST	
Description of security as to the claim, if any (Ex: Collateral for the debt)	CLAIMANT ASSERTS AN EQUITABLE LIEN AGAINST REAL PROPERTY LOCATED AT 249 CHALLEDON DRIVE, SUMMERVILLE, SC 29485	

Signature: *Vanessa Marie Frieron*
 Printed Name: VANESSA MARIE FRIERSON
 Title: N/A
 Date: JULY 16, 2015

INSTRUCTIONS: Claims **MUST** be filed with the Probate Court of the county in which the Decedent's Estate is under administration and may be delivered or mailed to the fiduciary appointed to administer the Estate (see SCPC 62-3-803, 62-3-804, and 62-3-806).



STATE OF SOUTH CAROLINA)

COUNTY OF DORCHESTER)

VANESSA MARIE FRIERSON,)

Petitioner,)

-vs-)

JUDY A. BLOODWORTH, individually)
and as Personal Representative of the estate)
of Jean White)Respondent.)
_____)

IN THE PROBATE COURT

CASE NO.: 2015-ES-18-00146

PETITION FOR ALLOWANCE OF CLAIM
and TO SET ASIDE ORDER
ESTABLISHING HEIRS, DUE TO FRAUDPROBATE JUDGE
DORCHESTER COUNTY
2015 JUL 16 PM 4:37

Comes now the Petitioner, Vanessa Marie Frierson, by counsel, and states as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over the parties and subject matter of this action pursuant to SCPC § 62-1-302 and SCPC § 62-3-602.
2. Dorchester County, South Carolina is the proper place to lay venue pursuant to SCPC § 62-3-201(a)(1).

INTRODUCTION

3. Petitioner Vanessa Marie Frierson, formerly known as Vanessa Marie White, was born on [REDACTED], 1959 to Junior Arch White and Norma Grace Teter in the County of Randolph, State of West Virginia. A copy of Petitioner's birth certificate is attached hereto as Exhibit A.
4. Junior Arch White and Jean Garriss White were married to one another on or about August 10, 1973.

the Respondent Judy A. Bloodworth, Petitioner Vanessa Marie Frierson is entitled to an Order of this Court (a) setting aside the Order Establishing Heirs entered by this Court on September 21, 2012 in relation to Case No. 2012-ES-18-00320, (b) holding Judy A. Bloodworth jointly and severally liable in her individual capacity for the damages incurred by Petitioner, and requiring the Respondent to reimburse the Petitioner Vanessa Marie Frierson for her costs, expenses and attorney's fees pursuant to SCPC § 62-1-111 and SCPC § 62-3-620.

WHEREFORE, the Petitioner prays for a judgment against the Respondent, and for an Order of this Court:

(a) Setting aside the Order Establishing Heirs entered by this Court on September 21, 2012 in relation to Case No. 2012-ES-18-00320 and/or revising said Order to reflect that Vanessa Marie Frierson is the sole intestate heir of the Estate of Junior Arch White; and

(b) Requiring the Estate of Jean White to pay to the Petitioner Vanessa Marie Frierson compensatory damages in an amount equal to her costs and expenses attributable to her loss of use and/or rental opportunity in regards to the Property, together with punitive and/or treble damages; and

(c) Requiring the Personal Representative of the Estate of Jean White to submit an account detailing all rent payments received by Jean Garris White in regards to the property in the state of West Virginia owned by Junior Arch White, and requiring the Personal Representative to pay over property to the Petitioner in an amount equal to the value of the rent payments received; and

(e) Requiring the Estate of Jean Garris White to reimburse the Petitioner Vanessa Marie Frierson for her costs, expenses and attorney's fees pursuant to SCPC § 62-1-111; and

(d) Charging the Respondent Judy A. Bloodworth, both in her individual capacity and in her capacity as Personal Representative of the Estate of Jean White, as an executor *de son tort* of the Estate of Junior Arch White, pursuant to SCPC §§ 62-3-619 to 62-3-621; and

(e) Holding Respondent Judy A. Bloodworth jointly and severally liable in her individual capacity for all damages and amounts to be paid from the Estate of Jean White; and

(f) Granting to the Petitioner Vanessa Marie Frierson whatsoever other and further relief as the Court may deem just and proper.

PETITIONER VANESSA MARIE FRIERSON

By: 

Timothy J. Vitollo, Esq.
Tara M. Edwards-Vitollo, Esq.
VITOLLO LAW FIRM, LLC
Post Office Box 42282
North Charleston, SC 29423
Office: (843) 225-3800
Direct: (803) 628-8350
Fax: (843) 414-7738
tim@vitollolawfirm.com
tara@vitollolawfirm.com
Attorney(s) for Petitioner Vanessa Marie Frierson.

North Charleston, SC
July 16, 2015



DORCHESTER COUNTY PROBATE COURT

5200 EAST JIM BILTON BLVD.
ST. GEORGE, SC 29477

www.dorchestercounty.net

MARY BLUNT
Probate Judge

RUSSELL A. DEMOTT
Associate Judge

MOLLY D. EDWARDS
Associate Judge

July 17, 2015

Timothy J. Vitollo, Esquire
Tara M. Edwards-Vitollo, Esquire
Post Office Box 42282
North Charleston, SC 29423

Re: In the Estate of: JEAN G. WHITE
Case Number: 2015ES1800146

Dear Counsel:

The Judge has reviewed your *Petition for Allowance of Claim and to Set Aside Order Establishing Heirs Due to Fraud*. The Order Establishing Heirs is referenced in your petition as being case number 2012ES1800320; any action filed with regard to said Order would need to be filed in said case. As no Notice of Allowance/Disallowance of Claim has been filed yet in accordance with SCPC § 62-3-806, we cannot at this time move forward with your Petition for Allowance. Please do not hesitate to contact me if you have any questions.

Sincerely,

Or

Gail S. Elmore
Division Chief of Estates

cc: Judy A. Bloodworth

Comparable Market Analysis

249 Challedon Dr, Summerville, SC, 29483

Prepared for Timothy J. Vitollo, Esq—Wednesday, January 4, 2023



Presented by:

Chris Garcia

RE/MAX Pro Realty

Primary:

843-557-7100

Mobile:

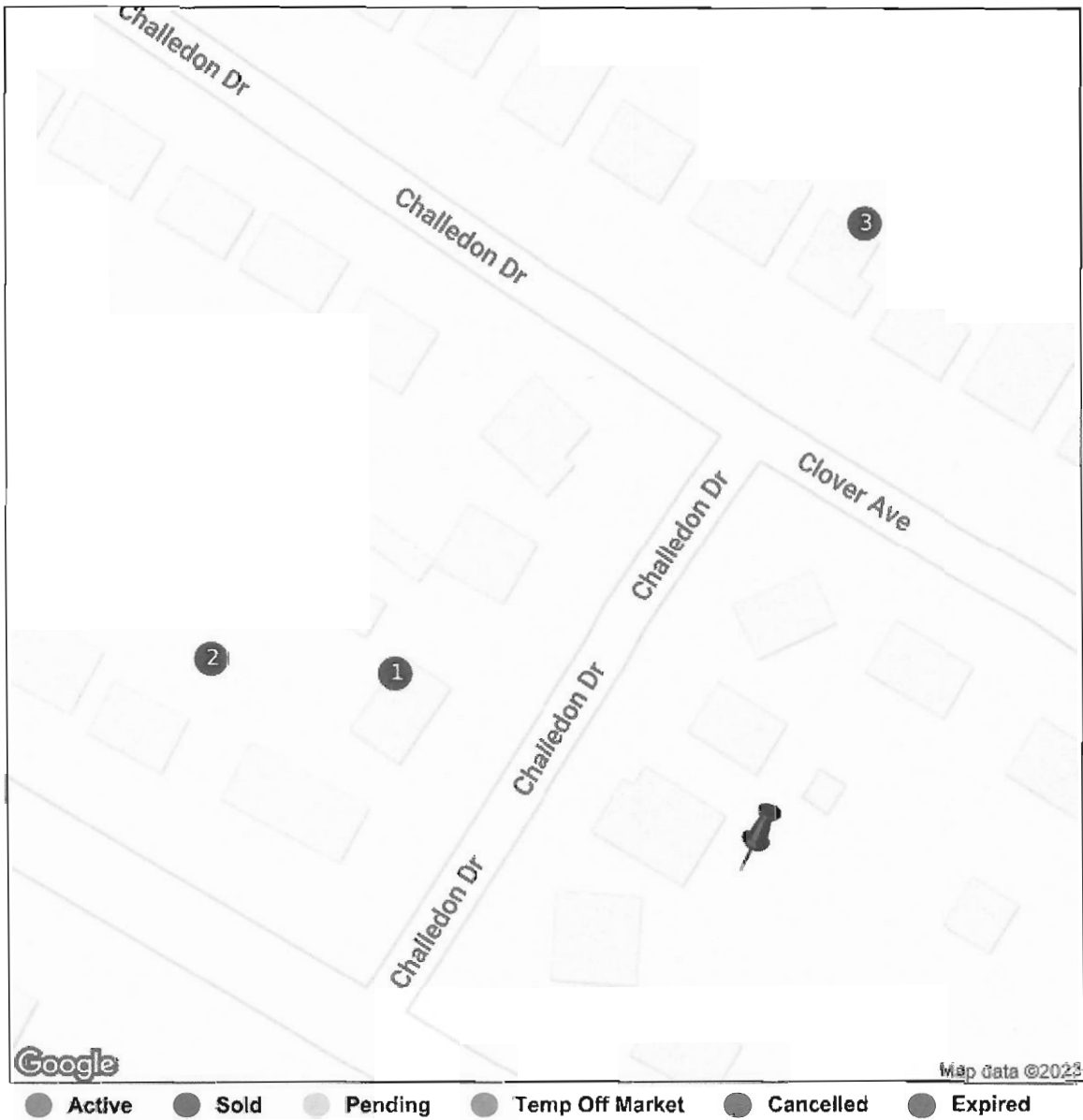
cmcdald1@yahoo.com



This report is not an appraisal and is not intended to meet the requirements set out in the Uniform Standards of Appraisal Practice. If an appraisal is desired, the services of a licensed appraiser should be obtained.



Map of Subject And Comparable Properties



	Address	MLS #	Status	Distance from Subject
Subject	249 Challedon Dr , Summerville SC 29483			
1	232 Challedon Drive , Summerville SC 29485	22027343	Closed	0.03m
2	529 E Richardson Avenue , Summerville SC 29485	21028040	Closed	0.05m
3	235 Challedon Drive , Summerville SC 29485	22004677	Closed	0.06m

Subject

Address	249 Challedon Dr , Summerville, SC 29483
Bedrooms	
Baths - Total	
Apx. SqFt	1462
Lot Size	
Acreage	
Year Built	1968

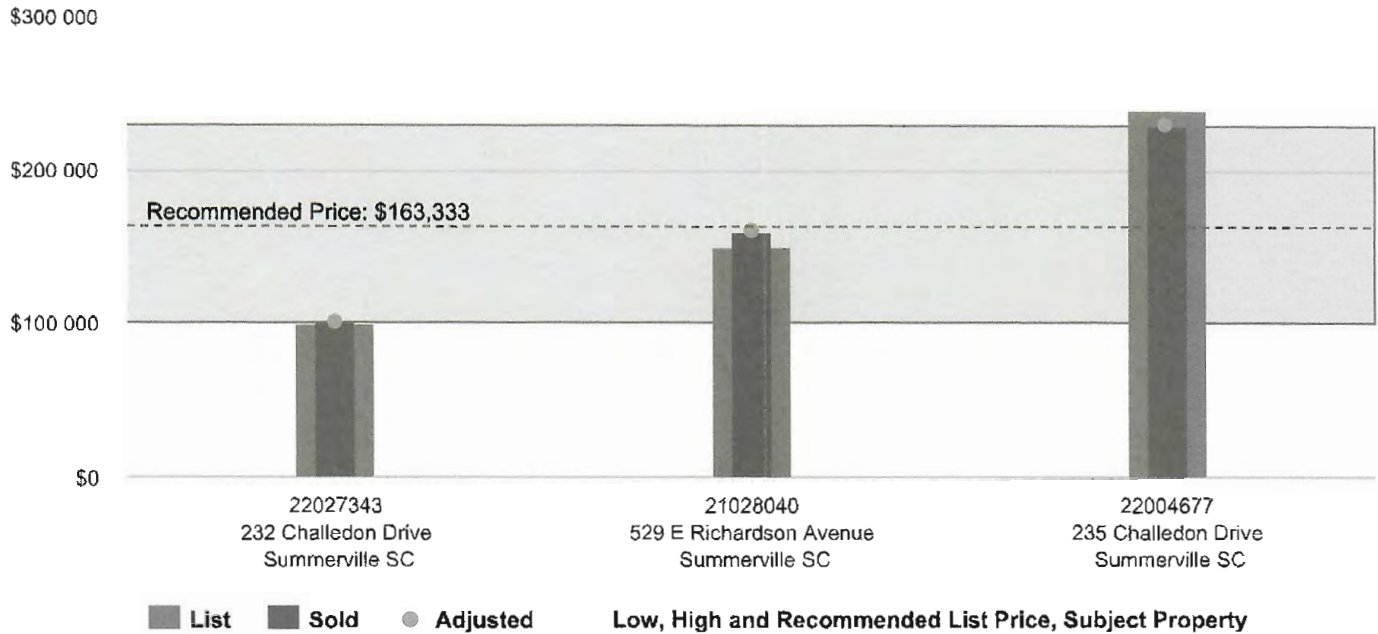
Comparable Properties

Subject		22027343		21028040		22004677	
							
249 Challedon Dr Summerville SC 29483		232 Challedon Drive Summerville SC		529 E Richardson Avenue Summerville SC		235 Challedon Drive Summerville SC	
Distance From Subject		0.03		0.05		0.06	
List Price		\$99,000		\$150,000		\$239,900	
Original List Price		\$99,000		\$150,000		\$245,000	
Sold Price		\$100,000		\$160,000		\$230,000	
Status		Closed		Closed		Closed	
Status Date		12/05/2022		01/29/2022		04/18/2022	
Days on Market		24		23		24	
Cumulative Days on Market		23		23		24	
Adjustment			+/-		+/-		+/-
Bedrooms		3		3		3	
Baths - Total		1		1.5		1	
Apx. SqFt	1,462	1,004		960		1,044	
Lot Size		76x99x74x101					
Acreage		0.17		0.19		0.16	
Year Built	1968	1981		1975		1980	
Adjusted Price	\$163,333	\$100,000		\$160,000		\$230,000	

Price Analysis

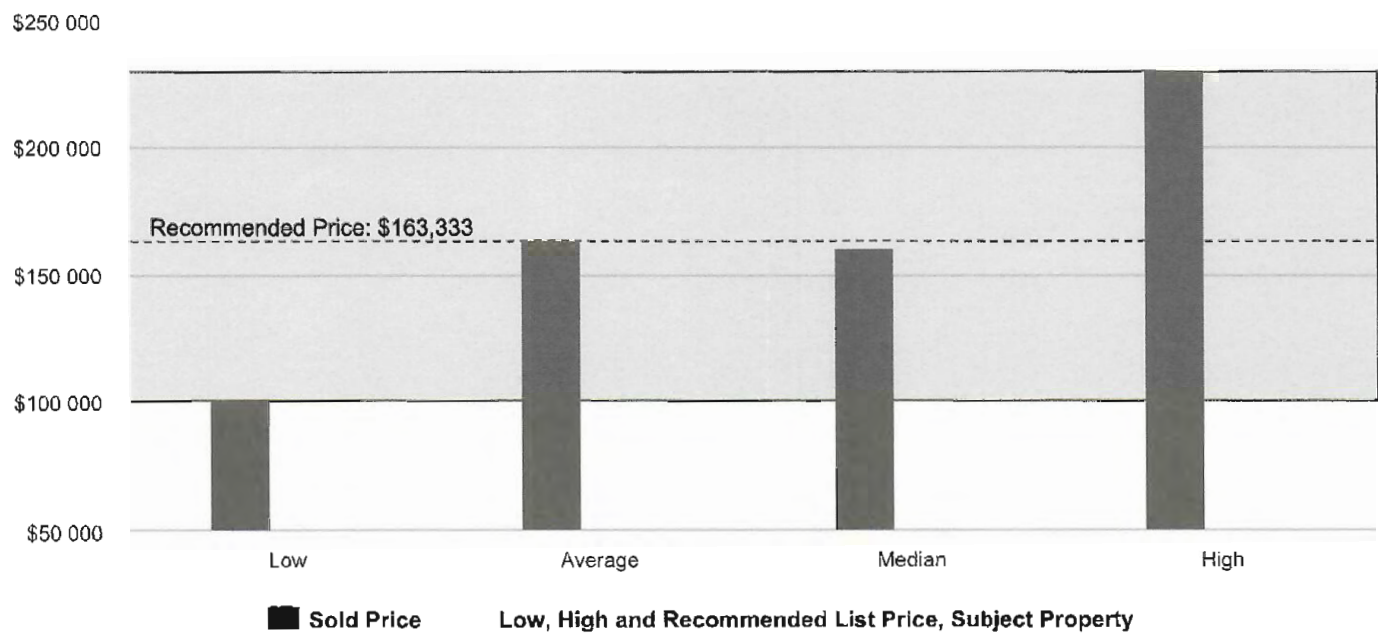
List, Sold and Adjusted Prices

Closed Listings



Low, Average, Median, and High Sold Prices

Closed Listings



Summary of Closed Listings

MLS #	Address	List Price	DOM	CDOM	Sold Date	Sold Price	Total Adjustments	Adjusted Price
22027343	232 Challedon Drive, Summerville SC	\$99,000	24	23	11/30/2022	\$100,000	-	\$100,000
21028040	529 E Richardson Avenue, Summerville SC	\$150,000	23	23	01/27/2022	\$160,000	-	\$160,000
22004677	235 Challedon Drive, Summerville SC	\$239,900	24	24	04/15/2022	\$230,000	-	\$230,000

Low, Average, Median, and High Comparisons

	Closed	Overall
Low	\$100,000	\$100,000
Average	\$163,333	\$163,333
Median	\$160,000	\$160,000
High	\$230,000	\$230,000

Overall Market Analysis (Unadjusted)

Status	#	List Vol.	Avg. List Price	Sold Vol.	Avg. Sold Price	Avg. Sale/List Price	Avg. Apx. SqFt	Avg. List \$/Apx. SqFt	Avg. Sold \$/Apx. SqFt	Avg. DOM	Avg. CDOM
Closed	3	488,900	162,967	490,000	163,333	1.01	1,003	161.55	162.19	24	23
Overall	3	488,900	162,967	490,000	163,333	1.01	1,003	161.55	162.19	24	23

SELECTION CRITERIA FOR COMPARABLE PROPERTIES

Specified listings from the following search: Property type Residential; Status of 'Active', 'Closed', 'Coming Soon - No Showings', 'Pending', 'Active Contingent'; Subdivision like chal; Contract Ratification Date between '01/04/2022' and '01/04/2033'; Sold Date between '01/04/2022' and '01/04/2033'.

Listing Price Recommendation

Low	\$100,000
High	\$230,000
Recommended	\$163,333

232 Challedon Drive, Summerville, SC 29485 22027343 Residential Closed LP:\$99,000 SP: \$100,000

Sub-Type: Single Family Detached
Area: 63 - Summerville/Ridgeville
County: Dorchester
Tax District: 207 - City of Summerville
Bedrooms: 3
Baths - Total: 1
Baths - Full: 1
Baths - Half:
Stories: 1
Stories/Levels: 1 Story
Subdivision: Challedon
Elementary School: Spann
Middle School: Alston
High School: Summerville

Apx. SqFt: 1,004 **Src:** Tax Records
Tax Map #: 1371207034
Year Built: 1981
Zip Code: 29485
Acreage: 0.17
Possession: At Closing
New Owned: Pre-Owned
Ground Level:
Legal Description: 137-12-07-034



Style: Ranch
Roof:
Cooling:
Garage/Parking: Off-Street Parking
Auction:
Lot Description: 0 - .5 Acre; Inside
Rooms:
Misc Interior:
Misc Exterior:
Water/Sewer: Public Sewer; Public Water
Amenities:
Equipment/Appliances:
Green Features:

Fireplace:
Foundation:
Heat:
Reserve Amount:
Exterior:

Special:
Floors:
Utility Suppliers:
SqFt Source: Tax Records
List Price/SqFt: 98.61
Master Bedroom:

Directions: Head southwest on N Main St toward E 9th N St. Turn left onto County Rd S-10-65/E Richardson Ave. Turn left onto Challedon Dr, and the home will be on the left.

Showing Instructions:

Remarks: This 3 bed / 1 bath Ranch home in Challedon is waiting for you. Whether you are looking to make new memories, buy your first home, or make an investment, this home located only minutes from Azalea Square and Historic Downtown Summerville will be perfect for you. This great rental opportunity is also located in the desirable Dorchester II school district. Schedule your showing and come see your new home today! **Home being sold AS IS**

Lease Purchase: **HOA Fee:** No
Taxes: **Regime Fee:**
C/R: No
DUC:

Proposed Financing: Cash
Assessment Ratio:
Potential Short Sale: No
Special Assessment:

List Office: 9413 Jeff Cook Real Estate LLC

Sold Price: \$100,000
Sold Price/SqFt: \$99.6
Original List Price: \$99,000
Sold Date: 11/30/2022

New Mortgage Type: Cash



Chris Garcia
RE/MAX Pro Realty
 9209 University Blvd.
 N Charleston, SC 29406
 843-557-7100
 cmcdald1@yahoo.com

License #: 46361

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**529 E Richardson Avenue, Summerville, SC
29485****21028040 Residential
Closed****LP:\$150,000 SP:
\$160,000**

Sub-Type: Single Family Detached
Area: 63 - Summerville/Ridgeville
County: Dorchester
Tax District: 207 - City of Summerville
Bedrooms: 3
Baths - Total: 1.5
Baths - Full: 1
Baths - Half: 1
Stories: 1
Stories/Levels: 1 Story
Subdivision: Challedon
Elementary School: Spann
Middle School: Alston
High School: Summerville

Apx. SqFt: 960 **Src:** Previous Listing
Tax Map #: 1371207032
Year Built: 1975
Zip Code: 29485
Acreage: 0.19
Possession: At Closing
New Owned: Pre-Owned
Ground Level:
Legal Description: Lot 15, Challedon



Style: Ranch
Roof:
Cooling:
Garage/Parking:
Auction:
Lot Description: 0 - .5 Acre; Level
Rooms: Eat-In-Kitchen; Family
Misc Interior:
Misc Exterior: Fence - Partial
Water/Sewer: Public Sewer; Public Water
Amenities:
Equipment/Appliances:
Green Features:

Fireplace:
Foundation: Crawl Space
Heat:
Reserve Amount:
Exterior: Vinyl Siding

Special:
Floors:
Utility Suppliers: Dominion Energy; Summerville CPW
SqFt Source: Previous Listing
List Price/SqFt: 156.25
Master Bedroom:

Directions: On Main St, head south. Turn left by Town Hall onto East Richardson. House will be on the left**Showing Instructions:**

Remarks: Home has a new service upgrade on the electrical system. Incredible opportunity in this move in ready, 3 bed, 1.5 bath home with a new roof!! Great location near downtown Summerville area. Convenient to shopping, ball fields, parks and playground. Large backyard is shaded and very private. Dorchester District II schools. 2 blocks from downtown Main Street! Location, location, location!

Lease Purchase:	HOA Fee:	Proposed Financing: Any	Potential Short Sale: No
Taxes:	Regime Fee:	Assessment Ratio:	Special Assessment:
C/R:			
DUC:			

List Office: 9752 Carolina One Real Estate

Sold Price:	\$160,000	New Mortgage Type:	FHA
Sold Price/SqFt:	\$166.67		
Original List Price:	\$150,000		
Sold Date:	01/27/2022		



Chris Garcia
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 N Charleston, SC 29406
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 cmcdaid1@yahoo.com

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235 Challedon Drive, Summerville, SC 29485 22004677 Residential Closed LP:\$239,900 SP: \$230,000

Sub-Type: Single Family Detached Apx. SqFt: 1,044 Src: Previous Listing; Tax
Area: 63 - Summerville/
 Ridgeville **Tax Map #:** 1371205013
County: Dorchester **Year Built:** 1980
Tax District: 207 - City of **Zip Code:** 29485
 Summerville **Acreage:** 0.16
Bedrooms: 3 **Subsection:** None
Baths - Total: 1 **Ownership:** Fee Simple
Baths - Full: 1 **Possession:** At Closing
Baths - Half: 0 **New Owned:** Pre-Owned
Stories: 1 **Ground Level:**
Stories/Levels: 1 Story **Legal**
Subdivision: Challedon **Description:** Lot/59
Elementary
School: Joseph Pye
Middle School: Alston
High School: Summerville



Style: Cottage **Fireplace:** **Special:**
Roof: Architectural **Foundation:** Crawl Space **Floors:** Laminate
Cooling: Central Air **Heat:** Electric **Utility Suppliers:** Dominion Energy; Dorchester Cnty Water and Sewer Dept; Dorchester Cnty Water Auth
Garage/ Parking: Off-Street Parking; Other (Use Remarks) **SqFt Source:** Previous Listing; Tax Records
Auction: No **Reserve Amount:** **List Price/ SqFt:** 229.79
Lot Description: 0 - .5 Acre; Level; Wooded **Exterior:** Wood Siding **Master Bedroom:** Ceiling Fan
Rooms: Bonus; Eat-In-Kitchen; Family
Misc Interior: Window Treatments - All
Misc Exterior: Fence - Private; Some Storm Wnd/Doors; Thermal Windows/Doors
Water/Sewer: Public Sewer; Public Water
Amenities: Trash
Equipment/Appliances: Ceiling Fan; Dishwasher; Disposal; Electric Dryer Hookup; Electric Range; Microwave; Refrigerator; Washer Hookup
Green Features:

Directions:SUMMERVILLE MAIN STREET RIGHT ON E RICHARDSON DR. LEFT AFTER OVERPASS.

Showing Instructions:

Remarks: Welcome home to this charming cottage set just minutes away from downtown Summerville. This home has been newly remodeled and has a newer roof, HVAC, flooring, windows. Huge fenced in back yard and so much more. There is a bonus room that easily can be converted to a 4th Bedroom. Seller will pay off the solar panels at closing!!! Schedule your showing today as this home won't last long.

Lease Purchase: No	HOA Fee: No	Proposed Financing: Cash; Conventional Loan; FHA Loan; VA Loan	Potential Short Sale: No
Taxes: 1,868.52	Regime Fee: No	Assessment Ratio: .06 Not Classified for Low Ratio	Special Assessment: No
C/R: No			
DUC:			

List Office: 9370 RE/MAX Cornerstone Realty

Sold Price:	\$230,000	New Mortgage Type:	FHA
Sold Price/SqFt:	\$220.31		
Original List Price:	\$245,000		
Sold Date:	04/15/2022		



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 cmcdaid1@yahoo.com

License #: 46361

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TO: Judge James E. Chellis, Master-in-Equity for Dorchester County
FROM: Timothy J. Vitollo, Esquire
DATE: 1/2/2023
RE: Frierson v. Bloodworth, et. al, 2018-CP-18-01251

MEMO RE ACCOUNTING FOR RENTS

Vanessa Marie Frierson, the Plaintiff in the above action, requests an accounting for rents on account of the Plaintiff's exclusion from the property that is the subject of the above action, located at 249 Challedon Drive, Summerville, SC 29485.

"Ouster" is the actual turning out or keeping excluded a party entitled to possession of any real property. *Grant v. Grant*, 288 S.C. 86, 340 S.E.2d 791 (Ct.App.1986). The possession of one tenant in common is the possession of all and, for one tenant to establish title against a cotenant by adverse possession, he must overcome the strong presumption that he holds possession in recognition of the cotenancy. *Felder v. Fleming*, 278 S.C. 327, 295 S.E.2d 640 (1982); *Horne v. Cox*, 237 S.C. 41, 115 S.E.2d 513 (1960). Actual ouster of a tenant in common by a cotenant in possession occurs when the possession is attended with such circumstances as to evince a claim of exclusive right and title and a denial of the right of the other tenants to participate in the profits. *Woods v. Bivens*, 292 S.C. 76, 354 S.E.2d 909 (1987); *Brevard v. Fortune*, 221 S.C. 117, 69 S.E.2d 355 (1952). The acts relied upon to establish an ouster must be of an unequivocal nature, and so distinctly hostile to the rights of the other cotenants that the intention to dis seize is clear and unmistakable. *Felder*, 278 S.C. at 330, 295 S.E.2d at 642. Only in rare, extreme cases will the ouster by one cotenant of other cotenants be implied from exclusive possession and dealings with the property, such as collection of rents and improvement of the property. *Id.*, 278 S.C. at 331, 295 S.E.2d at 642.

Freeman v. Freeman, 323 S.C. 95, 473 S.E.2d 467 (S.C. Ct. App. 1996).

The Plaintiff will establish at trial that Vanessa Marie Frierson occupied the Property for at least some amount of time simultaneously with her father Junior Arch White, her former mother-in-law Jean Garriss White (deceased), and the Defendant Judy Bloodworth. The Plaintiff will establish that she was treated poorly by Jean Garriss White during the time that she resided with Jean Garriss White.



Junior Arch White died on July 18, 1992, at which time a one-half interest in the Property vested in the Plaintiff pursuant to S.C. Probate Code Sec. 62-3-101. Jean Garris White and/or Judy Bloodworth have occupied the property to the exclusion of the Plaintiff since that time such that the Plaintiff was unable to experience any benefit from the Property. Jean Garris White filed a Petition to Determine Heirs on June 21, 2012 in the Dorchester County Probate Court. In the Petition, Jean Garris White alleged that she was the sole heir of the estate of Junior Arch White, and the Plaintiff Vanessa Marie Frierson was not named as an interested party or given notice of the proceedings. An Order Establishing Heirs was entered by the Probate Court on September 21, 2012 finding that Jean Garris White was the sole heir of Junior Arch White.

On July 16, 2015 the Plaintiff Vanessa Marie Frierson filed a Creditor's Claim and Petition to Set Aside the Order Establishing Heirs with the Dorchester County Probate Court, and the Defendant Judy Bloodworth filed a response to the Plaintiff's Amended Petition on May 10, 2016; the Order Establishing Heirs was set aside by the Dorchester County Probate Court due to fraud by way of an order entered on September 5, 2017. The Plaintiff filed the action herein on July 12, 2018. Unsuccessful attempts were made to personally serve the Defendant Judy Bloodworth from April 9, 2019 to April 14, 2019 (information contained in the certificate of non-service filed with this Court would show that the Defendant was likely present at the Property on one or more occasions when the service attempts were made) and the Defendant Judy Bloodworth was served by publication on July 8, 2020. The attorney for the Defendant Judy Bloodworth agreed that Christine McDaid Garcia would be granted access to the property for the purpose of completing a Comparative Market Analysis, but such access was never granted.

Plaintiff is entitled to be reimbursed for one-half of the fair market value rent of the Property from July 2012 until such date that the Defendant Judy Bloodworth vacates the Property. Amounts for approximate FMV of the rents for the Property are as follows:

Period	Rent sqf/mo	Comp	x1462	50%	# Months	Amount
7/12-2/15	.70	2813239	1023.40	511.70	32	16,374.40
3/15-7/16	.80	15002501	1169.60	584.80	17	9,941.60
8/16-6/18	.85	15015989	1242.70	621.35	23	14,291.05
7/18-8/20	.875	18014199	1279.25	639.62	26	16,630.12
9/20-1/23	1.00	20021494	1462	731	29	21,199.00
						\$78,436.17

Respectfully submitted by,
s/ Timothy J. Vitollo
 Timothy J. Vitollo, Esq.; SCB# 76170
 VITOLLO LAW FIRM
 Post Office Box 2524
 Lexington, SC 29071
 (843) 371-7264
 tim@vitollolawfirm.com
Attorney(s) for the Plaintiff.

January 2, 2023
 Lexington, South Carolina

STATE OF SOUTH CAROLINA	)	
	)	IN THE PROBATE COURT
COUNTY OF DORCHESTER	)	CASE NO.: 2012-ES-18-_____
Jean Garris White	)	
	)	
Petitioner,	)	AFFIDAVIT OF DUE DILIGENCE
	)	
IN RE: Estate of Junior Arch White	)	
_____	)	

PERSONALLY APPEARED before me the undersigned, who first being duly sworn,
deposes and states as follows:

1. I am a citizen and resident of the County of Dorchester, State of South Carolina.
2. I am an attorney licensed to practice law in the State of South Carolina.
3. I represent Jean Garris White, the Petitioner in this action.
4. This matter involves a petition before this Court to determine the heirs of Junior Arch White. I have interviewed Jean Garris White in an effort to determine the intestate heirs of the decedent. In that regard, I have found that there were no other heirs of the decedent other than Jean Garris White as is set forth in the Petition.
5. To the extent there exists any unknown intestate heirs of the decedent, Petitioner does not know of any other individual claiming to be an heir of the decedent and any such heir may only be served by publication in this matter.

FILED
 2012 JUN 21 AM 11:34



FURTHER THE AFFLIANT SAYETH NOT.



Melvin D. Williamson, Esq.
1801 Old Trolley Road, Suite 102
Summerville, S. C. 29485
(843) 821-8884

SWORN TO AND SUBSCRIBED BEFORE me this

20 day of June, 2012.

Joni W. Hanley
Notary Public for South Carolina
My Commission Expires: 8-19-12



Tim Vitollo <tim@vitollolawfirm.com>

249 Challedon

Tim Vitollo <tim@vitollolawfirm.com>
To: andrew@sheplawfirm.com
Cc: Tara Vitollo <tara@vitollolawfirm.com>

Wed, Mar 16, 2022 at 6:26 PM

Thanks,

-Tim

On Wed, Mar 16, 2022, 3:36 PM <andrew@sheplawfirm.com> wrote:

Hey Tim, we should be pretty good for things now. Let me call Judy and find out what's convenient.

Andrew T. Shepherd | Attorney
Shepherd Law Firm, LLC
(843) 900-3575
www.sheplawfirm.com

From: Tim Vitollo <tim@vitollolawfirm.com>
Sent: Wednesday, March 16, 2022 1:32 PM
To: andrew@sheplawfirm.com; Tara Vitollo <tara@vitollolawfirm.com>
Subject: Re: 249 Challedon

Hi Andy:

Do you have an update as to when Chris Garcia might be able to do a walk through?

Thanks

Timothy J. Vitollo, Esq.
tim@vitollolawfirm.com
Phone: 843-371-7264
Post Office Box 2524
Lexington, SC 29071



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On Tue, Feb 15, 2022 at 8:28 AM <andrew@sheplawfirm.com> wrote:

Tim, I will set my calendar for this time next week to check in with the Bloodworths as to when Chris can get into the home for the CMA.

Andrew T. Shepherd | Attorney

Shepherd Law Firm, LLC
204 Brighton Park Blvd.
Suite B
Summerville, SC 29486
(843) 900-3575
www.sheplawfirm.com

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Tim Vitollo <tim@vitollolawfirm.com>

Frierson v. Bloodworth, et al., Case no. 2018-CP-18-01251

andrew@sheplawfirm.com <andrew@sheplawfirm.com>

Fri, Aug 5, 2022 at 9:27 AM

To: Tim Vitollo <tim@vitollolawfirm.com>

Cc: Tara Vitollo <tara@vitollolawfirm.com>, David Low <david@low-law.com>

Excellent. I will have my office call her and get some times for the realtor to get inside as well over the next couple of weeks.

Andrew T. Shepherd | Attorney
Shepherd Law Firm, LLC
(843) 900-3575**From:** Tim Vitollo <tim@vitollolawfirm.com>**Sent:** Friday, August 5, 2022 9:24 AM**To:** andrew@sheplawfirm.com**Cc:** Tara Vitollo <tara@vitollolawfirm.com>; David Low <david@low-law.com>**Subject:** Re: Frierson v. Bloodworth, et al., Case no. 2018-CP-18-01251

Hi Andy:

With you being able to consent, I will follow up with you on Monday and probably send you a proposed consent order.

Have a good weekend,

Tim Vitollo

On Thu, Aug 4, 2022, 11:04 AM <andrew@sheplawfirm.com> wrote:

Tim, I spoke with my client again. I can consent, and perhaps we can just throw that to Judge Chellis for a yes or no.

Andrew T. Shepherd | Attorney
Shepherd Law Firm, LLC
(843) 900-3575

Comparable Market Analysis

249 Challedon Dr, Summerville, SC , 29483

Prepared for 249 Challedon —Wednesday, July 26, 2023



Chris Garcia
RE/MAX Pro Realty
9209 University Blvd.
N Charleston, SC 29406
843-557-7100
cmcdaid1@yahoo.com

License #: 46361

This report is not an appraisal and is not intended to meet the requirements set out in the Uniform Standards of Appraisal Practice. If an appraisal is desired, the services of a licensed appraiser should be obtained.



Map of Subject And Comparable Properties



	Address	MLS #	Status	Distance from Subject
Subject	249 Challedon Dr , Summerville SC 29483			
1	102 Clover Avenue , Summerville SC 29485	23014065	Closed	0.05m
2	241 Challedon Drive , Summerville SC 29485	23006096	Closed	0.06m
3	241 Challedon Drive , Summerville SC 29485	23003097	Closed	0.06m
4	232 Challedon Drive , Summerville SC 29485	22027343	Closed	0.03m

Subject

Address	249 Challedon Dr , Summerville, SC 29483
Bedrooms	
Baths - Total	
Apx. SqFt	1462
Lot Size	
Acreage	
Year Built	1968

Comparable Properties

Subject

23014065

23006096

23003097



249 Challedon Dr
Summerville SC 29483

102 Clover Avenue
Summerville SC

241 Challedon Drive
Summerville SC

241 Challedon Drive
Summerville SC

Distance From Subject		0.05	0.06	0.06
List Price		\$249,000	\$230,000	\$110,000
Original List Price		\$249,000	\$230,000	\$110,000
Sold Price		\$263,000	\$230,000	\$110,000
Status		Closed	Closed	Closed
Status Date		07/24/2023	05/05/2023	02/11/2023
Days on Market		5	2	
Cumulative Days on Market		5	2	
Adjustment		+/-	+/-	+/-
Bedrooms		3	3	3
Baths - Total		2	2	2
Apx. SqFt	1,462	1,125	1,062	1,062
Lot Size				
Acreage		0.14	0.17	0.17
Year Built	1968	1973	1972	1972
Adjusted Price	\$175,750	\$263,000	\$230,000	\$110,000

Subject

22027343



249 Challedon Dr
Summerville SC 29483

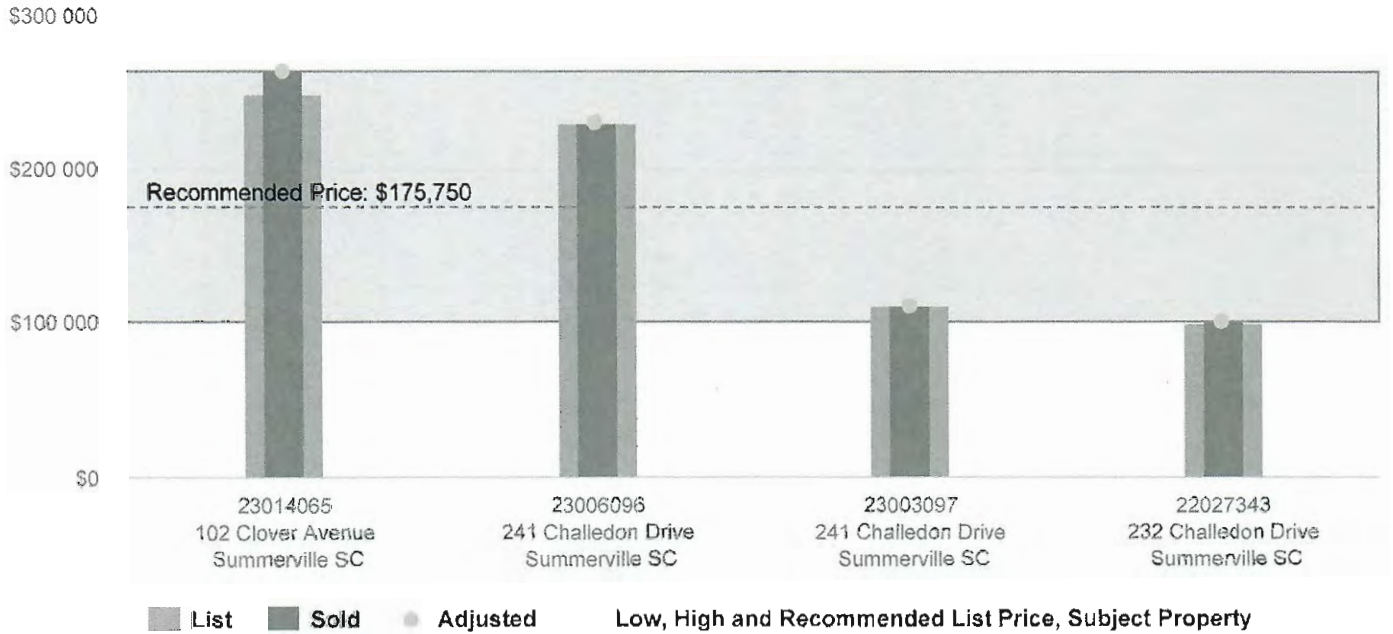
232 Challedon Drive
Summerville SC

Distance From Subject		0.03		
List Price		\$99,000		
Original List Price		\$99,000		
Sold Price		\$100,000		
Status		Closed		
Status Date		12/05/2022		
Days on Market		24	undefined	undefined
Cumulative Days on Market		23	undefined	undefined
Adjustment			+/-	+/-
Bedrooms		3		
Baths - Total		1		
Apx. SqFt	1,462	1,004		
Lot Size		76x99x74x101		
Acreage		0.17		
Year Built	1968	1981		
Adjusted Price	\$175,750	\$100,000		

Price Analysis

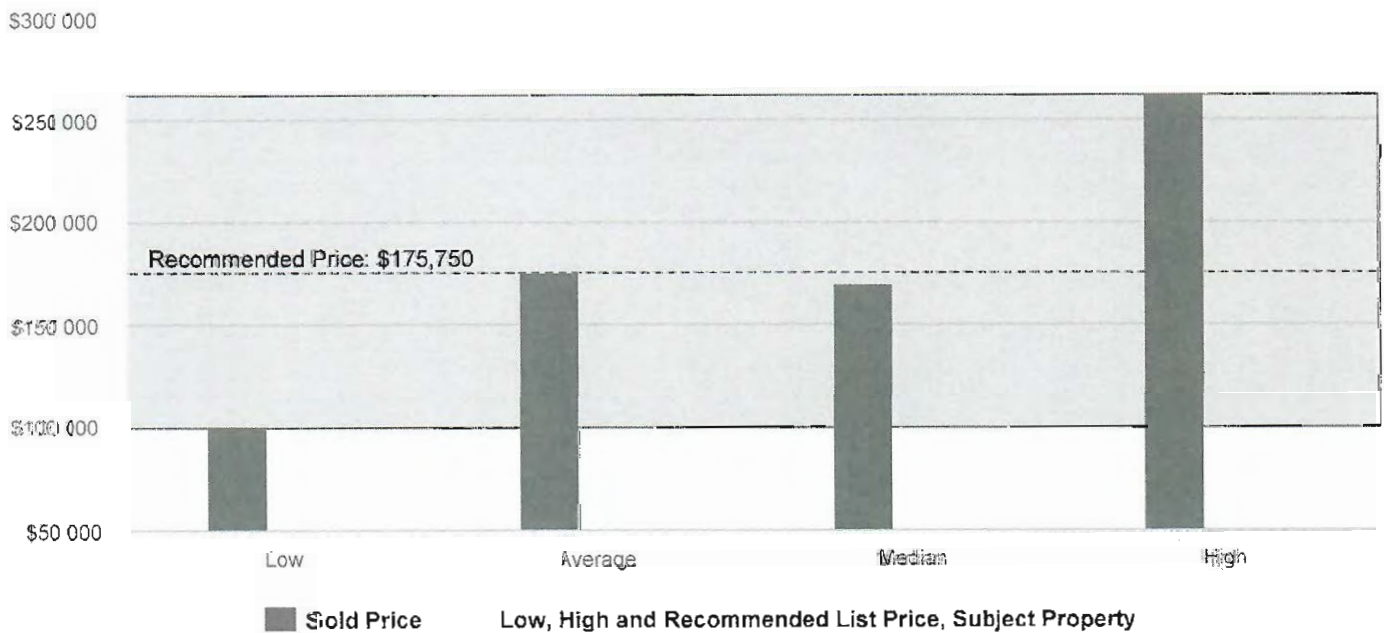
List, Sold and Adjusted Prices

Closed Listings



Low, Average, Median, and High Sold Prices

Closed Listings



Summary of Closed Listings

MLS #	Address	List Price	DOM	CDOM	Sold Date	Sold Price	Total Adjustments	Adjusted Price
23014065	102 Clover Avenue, Summerville SC	\$249,000	5	5	07/24/2023	\$263,000	-	\$263,000
23006096	241 Challedon Drive, Summerville SC	\$230,000	2	2	05/05/2023	\$230,000	-	\$230,000
23003097	241 Challedon Drive, Summerville SC	\$110,000			01/04/2023	\$110,000	-	\$110,000
22027343	232 Challedon Drive, Summerville SC	\$99,000	24	23	11/30/2022	\$100,000	-	\$100,000

Low, Average, Median, and High Comparisons

	Closed	Overall
Low	\$100,000	\$100,000
Average	\$175,750	\$175,750
Median	\$170,000	\$170,000
High	\$263,000	\$263,000

Overall Market Analysis (Unadjusted)

Status	#	List Vol.	Avg. List Price	Sold Vol.	Avg. Sold Price	Avg. Sale/List Price	Avg. Apx. SqFt	Avg. List \$/Apx. SqFt	Avg. Sold \$/Apx. SqFt	Avg. DOM	Avg. CDOM
Closed	4	688,000	172,000	703,000	175,750	1.02	1,063	160.02	163.38	8	8
Overall	4	688,000	172,000	703,000	175,750	1.02	1,063	160.02	163.38	8	8

SELECTION CRITERIA FOR COMPARABLE PROPERTIES

Specified listings from the following search: Property type Residential; Status of 'Active', 'Closed', 'Coming Soon - No Showings', 'Pending', 'Active Contingent'; Subdivision like Challedon; Contract Ratification Date between '07/26/2022' and '07/26/2033'; Sold Date between '07/26/2022' and '07/26/2033'.

Listing Price Recommendation

Low	\$100,000
High	\$263,000
Recommended	\$175,750

102 Clover Avenue, Summerville, SC 29485 23014065 Residential Closed LP:\$249,000 SP: \$263,000

Sub-Type: Single Family Detached
Area: 63 - Summerville/Ridgeville
County: Dorchester
Tax District: 207 - City of Summerville
Bedrooms: 3
Baths - Total: 2
Baths - Full: 2
Baths - Half: 0
Stories: 1
Stories/Levels: 1 Story
Subdivision: Challedon
Elementary School: Spann
Middle School: Alston
High School: Summerville

Apx. SqFt: 1,125 **Src:** Previous Listing
Tax Map #: 1371206009
Year Built: 1973
Zip Code: 29485
Acreage: 0.14
Ownership: Fee Simple
Possession: At Closing
New Owned: Pre-Owned
Ground Level:
Legal Description: Lot 22



Style: Cottage; Craftsman; Ranch; Traditional
Roof: Asphalt Shingle
Cooling: Central Air
Garage/Parking: Other (Use Remarks)
Auction: No
Lot Description: 0 - .5 Acre
Rooms: Eat-In-Kitchen; Family; Laundry
Misc Interior: Ceiling - Blown; Walk-In Closets
Misc Exterior: Fence - Private
Water/Sewer: Public Sewer; Public Water
Amenities:
Equipment/Appliances: Dishwasher; Electric Range; Microwave
Green Features:

Fireplace:
Foundation: Crawl Space
Heat: Electric
Reserve Amount: 0
Exterior: Vinyl Siding

Special:
Floors: Laminate
Utility Suppliers: Summerville CPW
SqFt Source: Previous Listing
List Price/SqFt: 221.33
Master Bedroom: Ceiling Fan; Downstairs; Walk-In Closets

Directions: Summerville-Main Street to E Richardson, Left Challedon, Right Clover, house is on right.

Showing Instructions:

Remarks: Introducing the perfect blend of comfort, style, and convenience! This charming small home offers everything you need for a cozy and contemporary lifestyle. With 3 bedrooms, 2 bathrooms, and upgraded floors throughout, this property is truly a gem. Step inside and be greeted by the warm and inviting ambiance that flows seamlessly from room to room. The living area is ideal for entertaining guests or enjoying quiet evenings with your loved ones. The upgraded floors add a touch of elegance and durability, making maintenance a breeze. The three bedrooms provide comfortable sanctuaries for rest and relaxation. The master bedroom boasts an ensuite bathroom, offering privacy and convenience. The remaining two bedrooms are perfect for family members, guests, or can be transformed into

Lease Purchase: No **HOA Fee:** No \$0 **Proposed Financing:** Any; Cash; Conventional Loan; FHA Loan; VA Loan **Potential Short Sale:** No
Taxes: 535.33 **Regime Fee:** No 0 **Assessment Ratio:** .04 Res of Owner to 5 Ac **Special Assessment:**
C/R: No
DUC:

List Office: 8052 Brand Name Real Estate

Sold Price: \$263,000 **New Mortgage Type:** FHA
Sold Price/SqFt: \$233.78
Original List Price: \$249,000
Sold Date: 07/24/2023



Chris Garcia
RE/MAX Pro Realty
9209 University Blvd.
N Charleston, SC 29406
843-557-7100
cmcdaid1@yahoo.com

License #: 46361

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241 Challedon Drive, Summerville, SC 29485 23006096 Residential Closed LP:\$230,000 SP: \$230,000

Sub-Type: Single Family Detached
Area: 63 - Summerville/Ridgeville
County: Dorchester
Tax District: 207 - City of Summerville
Bedrooms: 3
Baths - Total: 2
Baths - Full: 2
Baths - Half: 0
Stories: 1
Stories/Levels: 1 Story
Subdivision: Challedon
Elementary School: Spann
Middle School: Alston
High School: Summerville

Apx. SqFt: 1,062 **Src:** Tax Records
Tax Map #: 1371205010
Year Built: 1972
Zip Code: 29485
Acreage: 0.17
Possession: At Closing
New Owned: Pre-Owned
Ground Level:
Legal Description: /62



Style: Cottage
Roof: Architectural
Cooling: Central Air
Garage/Parking:
Auction:
Lot Description: 0 - .5 Acre
Rooms: Bonus
Misc Interior:
Misc Exterior:
Water/Sewer: Public Sewer; Public Water
Amenities:
Equipment/Appliances: Dishwasher; Electric Range; Microwave; Stacked Washer/Dryer
Green Features: Energy Star Windows; Tankless Water Heater

Special:
Floors: Laminate
Utility Suppliers: Dorchester Cnty Water and Sewer Dept
SqFt Source: Tax Records
List Price/SqFt: 216.57
Master Bedroom:

Reserve Amount:
Exterior: Vinyl Siding

Directions: SUMMERVILLE MAIN STREET RIGHT ON E RICHARDSON DR. LEFT AFTER OVERPASS.

Showing Instructions:

Remarks: Check out this Beautiful Cottage. Only a minutes away from Downtown Summerville. Home was recently remodeled. New roof, flooring, windows, tankless water heater, new appliances with stackable washer and dryer. Has Bonus Room that can be whatever you want.

Lease Purchase:	HOA Fee:	Proposed Financing: Any	Potential Short Sale: No
Taxes: 1,415.46	Regime Fee:	Assessment Ratio:	Special Assessment: No
C/R:			
DUC:			

List Office: 9379 Elite Palmetto Real Estate

Sold Price:	\$230,000	New Mortgage Type:	FHA
Sold Price/SqFt:	\$216.57		
Original List Price:	\$230,000		
Sold Date:	05/05/2023		



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241 Challedon Drive, Summerville, SC 29485 23003097 Residential Closed LP:\$110,000 SP: \$110,000

Sub-Type: Single Family Detached
Area: 63 - Summerville/Ridgeville
County: Dorchester
Tax District: 207 - City of Summerville
Bedrooms: 3
Baths - Total: 2
Baths - Full: 2
Baths - Half: 1
Stories: 1
Stories/Levels:
Subdivision: Challedon
Elementary School: Spann
Middle School: Alston
High School: Summerville

Apx. SqFt: 1,062 **Src:** Tax Records
Tax Map #: 1371205010
Year Built: 1972
Zip Code: 29485
Acreage: 0.17
Possession:
New Owned: Pre-Owned
Ground Level:
Legal Description: 17/221

Style: Ranch
Roof:
Cooling:
Garage/Parking:
Auction:
Lot Description: .5 - 1 Acre
Rooms:
Misc Interior:
Misc Exterior:
Water/Sewer: Public Sewer; Public Water
Amenities:
Equipment/Appliances:
Green Features:

Fireplace:
Foundation:
Heat:
Special:
Floors:
Utility Suppliers:
SqFt Source: Tax Records
List Price/SqFt: 103.58
Master Bedroom:

Directions: Turn right on to Challedon Dr. and home will be on your right.

Showing Instructions:

Remarks: Listing for Comp purposes only

Lease Purchase: **HOA Fee:** **Proposed Financing:** Any **Potential Short Sale:** No
Taxes: **Regime Fee:** **Assessment Ratio:** **Special Assessment:**
C/R:
DUC:

List Office: 9379 Elite Palmetto Real Estate

Sold Price: \$110,000 **New Mortgage Type:** Conventional
Sold Price/SqFt: \$103.58
Original List Price: \$110,000
Sold Date: 01/04/2023



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 N Charleston, SC 29406
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 cmcdaid1@yahoo.com

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232 Challedon Drive, Summerville, SC 29485 22027343 Residential Closed LP:\$99,000 SP: \$100,000

Sub-Type: Single Family Detached
Area: 63 - Summerville/Ridgeville
County: Dorchester
Tax District: 207 - City of Summerville
Bedrooms: 3
Baths - Total: 1
Baths - Full: 1
Baths - Half:
Stories: 1
Stories/Levels: 1 Story
Subdivision: Challedon
Elementary School: Spann
Middle School: Alston
High School: Summerville

Apx. SqFt: 1,004 **Src:** Tax Records
Tax Map #: 1371207034
Year Built: 1981
Zip Code: 29485
Acreage: 0.17
Possession: At Closing
New Owned: Pre-Owned
Ground Level:
Legal Description: 137-12-07-034



Style: Ranch
Roof:
Cooling:
Garage/Parking: Off-Street Parking
Auction:
Lot Description: 0 - .5 Acre; Inside
Rooms:
Misc Interior:
Misc Exterior:
Water/Sewer: Public Sewer; Public Water
Amenities:
Equipment/Appliances:
Green Features:

Fireplace:
Foundation:
Heat:
Reserve Amount:
Exterior:

Special:
Floors:
Utility Suppliers:
SqFt Source: Tax Records
List Price/SqFt: 98.61
Master Bedroom:

Directions: Head southwest on N Main St toward E 9th N St. Turn left onto County Rd S-10-65/E Richardson Ave. Turn left onto Challedon Dr, and the home will be on the left.

Showing Instructions:

Remarks: This 3 bed / 1 bath Ranch home in Challedon is waiting for you. Whether you are looking to make new memories, buy your first home, or make an investment, this home located only minutes from Azalea Square and Historic Downtown Summerville will be perfect for you. This great rental opportunity is also located in the desirable Dorchester II school district. Schedule your showing and come see your new home today! **Home being sold AS IS**

Lease Purchase: HOA Fee: No
Taxes: Regime Fee:
C/R: No
DUC:

Proposed Financing: Cash
Assessment Ratio:

Potential Short Sale: No
Special Assessment:

List Office: 9413 Jeff Cook Real Estate LLC

Sold Price: \$100,000
Sold Price/SqFt: \$99.6
Original List Price: \$99,000
Sold Date: 11/30/2022

New Mortgage Type: Cash



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GEORGE ROMEY, SECRETARY OF HOUSING
& URBAN DEVELOPMENT

TO:

JUNIOR A. WHITE & JEAN C. WHITE

STATE OF SOUTH CAROLINA DORCHESTER CO.
Filed for record <u>9 A.M. THIS</u> <u>19</u>
day of <u>Sept. 10</u> and recorded
in book <u>188</u> page <u>152</u>
<u>Floy O. Byling</u> Floy O. Byling - Clerk of Court

Recorded this 10 day
of Sept. 19 11
in book 188 Page 152
Fee \$ 1.00
George F. Byling
Auditor, Dorchester County, S.C.

DEFENDANT'S
EXHIBIT

1
05JA 83

Deed for South Carolina

FHA CASE NO. 461-083205-235
NEW CASE NO. 461-111586-203 (P.F.)

KNOW ALL MEN BY THESE PRESENTS, **GEORGE ROMNEY**, Secretary of Housing and Urban Development, of Washington, D. C., acting by and through the Federal Housing Commissioner, (hereinafter referred to as "Grantor"), for and in consideration of the sum of TWELVE THOUSAND DOLLARS (\$12,000.00), has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto **JUNIOR A. WHITE & JEAN G. WHITE**

(hereinafter referred to as "Grantee(s)"), and to the heirs and assigns of said Grantee(s), the following described real estate situate in the County of **DORCHESTER**, State of South Carolina, to wit:

All that lot, piece or parcel of land situate, lying and being in the Town of Summerville, County of Dorchester, State of South Carolina, known and designated as Lot No. 19, Challedon Subdivision, Section 2, as shown on a plat made by William A. Whitworth, Reg. Land Surveyor, dated August, 1969, and recorded in the Clerk of Court's Office for Dorchester County in Plat Book 17, Page 221; said lot having such size, shape, dimensions, buttings and boundings as will by reference to said plat more fully appear.

This being the identical property heretofore conveyed to Grantor herein by P. Kramer, Master in Equity for Dorchester County by deed dated January 4, 1971 and recorded in the office of the Clerk of Court for Dorchester County on January 7, 1971 in Deed Book 181 at page 89.

Grantor's address
249 Challedon Drive
Summerville, S.C.

BEING the same property acquired by the Grantor pursuant to the provisions of the National Housing Act, as amended (12 USC 1701 et seq.) and the Department of Housing and Urban Development Act (79 Stat. 667).

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

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said Grantee(s), and to the heirs and assigns of said Grantee(s) forever.

SUBJECT to all covenants, restrictions, reservations, easements, conditions and rights appearing of record; and SUBJECT to any state of facts an accurate survey would show.

AND THE SAID GRANTOR covenants that he has not made, done, committed, executed or suffered any act or acts, thing or things whatsoever whereby or by means whereof, the above mentioned and described premises or any part or parcel thereof, now are, or at any time hereafter shall or may be impeached, charged or encumbered in any manner or way whatsoever.

IN WITNESS WHEREOF the undersigned on this 30th day of JULY, 1971, has set his hand and seal as Field Office REALTY OFFICER, FHA Field Office, Columbia, South Carolina, for and on behalf of the said Secretary of Housing and Urban Development, under authority and by virtue of the Code of Federal Regulations, Title 24, Chapter II, Part 200, Subpart D.

GEORGE ROMNEY

Signed, sealed and delivered Secretary of Housing and Urban Development in the presence of:

By: Federal Housing Commissioner

By: C. W. Livingston (SEAL)

C. W. LIVINGSTON
Field Office REALTY OFFICER

FHA Field Office, Columbia, South Carolina

STATE OF SOUTH CAROLINA)

ss

COUNTY OF RICHLAND)

Personally appeared before me BETTY W. ESTES and made oath that he saw the within named C. W. LIVINGSTON who is personally well known to him and known to him to be the duly appointed Field Office REALTY OFFICER, FHA Field Office, Columbia, South Carolina, and the person who executed the foregoing instrument bearing date of JULY 30, 1971, by virtue of the authority vested in him by the Code of Federal Regulations, Title 24, Chapter II, Part 200, Subpart D, sign, seal and as his act and deed as Field Office REALTY OFFICER, for and on behalf of GEORGE ROMNEY, Secretary of Housing and Urban Development, deliver the with in deed, and that deponent, with Grace S. Moore witnessed the execution thereof.

Sworn to and subscribed before me this 30th day of July 1971.

Owner Information

WHITE JUNIOR A & JEAN G
249 CHALLEDON DR
SUMMERVILLE, SC 29485-7012

Payment Information

Status	Paid
Payment Date	03/11/2013
Amount Paid	\$201.39

Property Information

Map No.	137-12-06-012-000-C
Notice No.	R-2012-00019616-00
Description	CHALLEDON DRIVE 249
District	207
Appraised Value	\$51,750.00
Assessed Value	\$2,070.00

Bill Information

Record Type	Real
Tax Year	2012
Receipt	19616

Taxes

Base Taxes	\$200.19
Penalty	\$1.20
Total Due	\$0.00



1/04/23		Real Estate Inquiry		14:14:27	
		Levy-Yr: 2013			
Receipt#: R 2013 00019616 00 D		TMS MAP#: 137 12 06 012 000 C			
Block: Flc: Bankr:		Jurisdiction Code: 1			
		Dist: 207 Cnty: 299.00			
		City: 62.40			
Name : WHITE JUNIOR A & JEAN G					
Addr1: _____					
Addr2: 249 CHALLEDON DR					
C/S/Z: SUMMERVILLE SC 29485 7012					
Location: CHALLEDON DR 249					
Remarks :					
H/S Ind.: H 100% H/S Appr: 50,000					
H/S Assm: 2000					
Resid-Assm: 2070					
Rollback : Acres: .00 Lots: 001					
Lend-Code: 000 Mort-Code: _____					
Redemption Date: _____					
Add-By: 2013/09/18 Batch Date: 2014/04/10 Number: 06647					
Chg-By: Delq Date: 2014/03/18 Oper: 004 CN					
F1=Activity F3=Exit F6=Breakdown F8=Comments F10=Delq F9=PlanPayment					
MA A		MW		01/001	

1/04/23		Real Estate Inquiry		14:15:09	
		Levy-Yr: 2014			
Receipt#: R 2014 00022876 00		TMS MAP#: 137 12 06 012 000 C			
Block:	Fic:	Bankr:	Jurisdiction Code: 1		
		Dist: 207		Cnty: 306.20	
				City: 62.40	
Name : WHITE JUNIOR A & JEAN G					
Addr1:					
Addr2: 249 CHALLEDON DR					
C/S/Z: SUMMERVILLE		SC 29485 7012			
Location: CHALLEDON DR 249					
Remarks :					
H/S Ind.: H 100%		H/S Appr:		50,000	
H/S Assm:		2000			
Resid-Assm:		2070			
Rollback :		Acres:	.00	Lots: 001	
Lend-Code:		000		Mort-Code:	
Redemption Date:					
Add-By:		2014/09/16		Batch Date: 2015/01/06	
Chg-By:		Delq Date:		Number: 43586	
				Oper: 020 LB	
F1=Activity		F3=Exit	F6=Breakdown	F8=Comments	F10=De/c
F9=PlanPayment					
MA	A	MW		01/001	

Press F6 To View A Complete
 * Tax And Billing Breakdown *

TOTAL TAXES: 201.54

Total-Paid: 201.54

Balance-Due: .00

Due-Date:

1/04/23		Real Estate Inquiry		13:50:57	
Receipt#: R 2015 00022876 00		Levy-Yr: 2015		TMS MAP#: 137 12 06 012 000 C	
Block:	Flc:	Bankr:	Jurisdiction Code: 1		
			Dist: 207 Cnty: 312.00		
			City: 61.90		
Name : WHITE JUNIOR A & JEAN G					
Addr1:					
Addr2: 249 CHALLEDON DR					
C/S/Z: SUMMERVILLE SC 29485 7012					
Location: CHALLEDON DR 249					
Remarks :					
H/S Ind.: H 100% H/S Appr: 50,000					
H/S Assm: 2000					
Resid-Assm: 2220					
Rollback : Acres: .00 Lots: 001					
Lend-Code: 000 Mort-Code:					
Redemption Date:					
Add-By: 2015/10/26 Batch Date: 2016/02/11 Number: 47032					
Chg-By: Delq Date: Oper: 060 LB					
F1=Activity F3=Exit F6=Breakdown F8=Comments F10=Delq F9=PlanPayment					
MA A		MW		01/001	

1/04/23		Real Estate Inquiry		13:53:50	
		Levy-Yr: 2016			
Receipt#: R 2016 00022876 00 D		TMS MAP#: 137 12 06 012 000 C			
Block: Flc: Bankr:		Jurisdiction Code: 1			
		Dist: 207 Cnty: 312.60			
		City: 61.00			
Name : WHITE JUNIOR A & JEAN G					
Addr1: _____					
Addr2: 249 CHALLEDON DR					
C/S/Z: SUMMERVILLE SC 29485 7012					
Location: CHALLEDON DR 249					
Remarks :					
H/S Ind.: H 100% H/S Appr: 50,000					
H/S Assm: 2000					
Resid-Assm: 2220					
Rollback : Acres: .00 Lots: 001					
Lend-Code: 000 Mort-Code:					
Redemption Date: _____					
Add-By: 2016/09/19 Batch Date: 2017/04/03 Number: 07891					
Chg-By: Delq Date: 2017/03/17 Oper: 003 CN					
F1=Activity F3=Exit F6=Breakdown F8=Comments F10=Delq F9=PlanPayment					
MP A		MW		01/001	

Owner Information

WHITE JUNIOR A & JEAN G
249 CHALLEDON DR
SUMMERVILLE, SC 29485-7012

Payment Information

Status	Paid
Payment Date	01/23/2018
Amount Paid	\$259.41

Property Information

Map No.	137-12-06-012-000-C
Notice No.	R-2017-00022876-00
Description	CHALLEDON DR 249
District	207
Appraised Value	\$55,579.00
Assessed Value	\$2,220.00

Bill Information

Record Type	Real
Tax Year	2017
Receipt	22876

Taxes

Base Taxes	\$251.85
Penalty	\$7.56
Total Due	\$0.00

Owner Information

WHITE JUNIOR A & JEAN G
249 CHALLEDON DR
SUMMERVILLE, SC 29485-7012

Payment Information

Status	Paid
Payment Date	03/14/2019
Amount Paid	\$1,626.82

Property Information

Map No.	137-12-06-012-000-C
Notice No.	R-2018-00022876-00
Description	CHALLEDON DR 249
District	207
Appraised Value	\$55,579.00
Assessed Value	\$3,330.00

Bill Information

Record Type	Real
Tax Year	2018
Receipt	22876

Taxes

Base Taxes	\$1,478.92
Penalty	\$147.90
Total Due	\$0.00

Owner Information

WHITE JUNIOR A & JEAN G
249 CHALLEDON DR
SUMMERVILLE, SC 29485-7012

Payment Information

Status	Paid
Payment Date	01/15/2020
Amount Paid	\$1,614.83

Property Information

Map No.	137-12-06-012-000-C
Notice No.	R-2019-00022876-00
Description	CHALLEDON DR 249
District	207
Appraised Value	\$58,910.00
Assessed Value	\$3,530.00

Bill Information

Record Type	Real
Tax Year	2019
Receipt	22876

Taxes

Base Taxes	\$1,614.83
Penalty	\$0.00
Total Due	\$0.00

Owner Information

WHITE JUNIOR A & JUDY BLOODWORTH
249 CHALLEDON DR
SUMMERVILLE, SC 29485-7012

Payment Information

Status	Paid
Payment Date	01/11/2021
Amount Paid	\$525.52

Property Information

Map No.	137-12-06-012-000-C
Notice No.	R-2020-00022876-00
Description	CHALLEDON DR 249
District	207
Appraised Value	\$58,910.00
Assessed Value	\$2,360.00

Bill Information

Record Type	Real
Tax Year	2020
Receipt	22876

Taxes

Base Taxes	\$525.52
Penalty	\$0.00
Total Due	\$0.00

Owner Information

WHITE JUNIOR A & JUDY BLOODWORTH
249 CHALLEDON DR
SUMMERVILLE, SC 29485-7012

Payment Information

Status	Paid
Payment Date	01/18/2022
Amount Paid	\$607.38

Property Information

Map No.	137-12-06-012-000-C
Notice No.	R-2021-00022876-00
Description	CHALLEDON DR 249
District	207
Appraised Value	\$58,910.00
Assessed Value	\$2,360.00

Bill Information

Record Type	Real
Tax Year	2021
Receipt	22876

Taxes

Base Taxes	\$607.38
Penalty	\$0.00
Total Due	\$0.00



BREAKDOWN OF BILLING ACTIVITY
11/19/2015 - 12/13/2018

Bill Account Number

85395991

BLOODWORTH JUDY
249 CHALLEDON DR
SUMMERVILLE, SC 29485

OUTSTANDING BALANCE	
\$	1,494.00

PREMIUM ACTIVITY

Policy Number	Policy Term	Cancel Date	Premium Total	Balance
55-RBC-428287	01/02/2016 - 01/02/2017		\$ 1,284.00	\$ -
55-RBC-428287	01/02/2017 - 01/02/2018		\$ 1,613.00	\$ -
55-RBC-428287	01/02/2018 - 01/02/2019		\$ 1,677.00	\$ -
55-RBC-428287	01/02/2019 - 01/02/2020		\$ 1,489.00	\$ 1,489.00
Total Premium			\$ 6,063.00	\$ 1,489.00

ADDITIONAL ACTIVITY

Transaction	Activity Amount	Balance
BALANCE ON 11/18/2015	\$ 94.30	\$ -
PAYMENTS	\$ (4,848.30)	\$ -
FEES	\$ 185.00	\$ 5.00
REFUNDS	\$ -	\$ -
OTHER	\$ -	\$ -
Additional Activity Total	\$ (4,569.00)	\$ 5.00

Outstanding Balance	\$ 1,494.00



- 1.) This breakdown reflects transactions processed for the bill account and time period specified.
- 2.) Other transactions include waivers, interest, transfers between bill accounts.
- 3.) IMPORTANT INFORMATION: Payments and Credit Balances are applied to the oldest policy where there is premium due.

0068376

11-24

Office AU #

1210(8)

CASHIER'S CHECK

SERIAL #: 6837601219

ACCOUNT#: 4861-009074

Purchaser: JUDY A DOMINGUEZ

Purchaser Account: 1002611602703

Operator I.D.: u277101 u277101

February 10, 2014

PAY TO THE ORDER OF

RANDY KEATON

ROOF REPLACEMENT FOR JEAN WHITE/JUDY D

Five thousand five hundred dollars and no cents

\$5,500.00

WELLS FARGO BANK, N.A.
406 N MAIN ST
SUMMERVILLE, SC 29483
FOR INQUIRIES CALL (480) 394-3122

NOTICE TO PURCHASER-IF THIS INSTRUMENT IS LOST,
STOLEN OR DESTROYED, YOU MAY REQUEST CANCELLATION
AND REISSUANCE. AS A CONDITION TO CANCELLATION AND
REISSUANCE, WELLS FARGO & COMPANY MAY IMPOSE A
FEE AND REQUIRE AN INDEMNITY AGREEMENT AND BOND.

VOID IF OVER US \$ 5,500.00

NON-NEGOTIABLE**Purchaser Copy**

FB004 M4203 30477406



Town of Summerville

A PERMIT

Has Been Issued To

Glean White
Name

owner

Contractor

249 Chaldeon Ave.

Location

Nature of Work

Addition

Issued by:

AD Judy

Date:

2-14-94

Permit No.:

94-071



This Card **Must** be Prominently Displayed
where Visible from Street at Location
Stated Above.

Call 871-6000 For Inspection

2-14-1994

Town of Summerville - S.C.

2-14-94	\$100.00 permit	7'100.00
2-13-94	Wheelbarrow	\$43.07
2-17-94	Found anch 3"X.51-15	\$140.33
2-14-94	1/2 Rebar and wire	\$49.29
2-21-94	Concrete	231.12
2-25-94	Barrel Bricks due	73.14
2-25-94	=	21.53
2-27-94	Laws	16.54
3-7-94	Laws	8.63
3-9-94	100-2X4-	100.00
3-19-94	Sand	30.00
3-19-94	Summerville Lumber	505.55
3-19	Summerville Lumber	81.56
3-26	Summerville Lumber	103.62
3-26	Home Depot	13.01
3-26	Lowe's Flooring	79.84
3-26	Flooring	84.00
3-26	Home Depot (concrete)	84.04
3-26	Nails	36.00
3-25-94		230.82
Carolina Truss		968.10
Home Depot		21.20
3-31-94		
Home Depot		20.48

DEFENDANT'S
EXHIBIT6
05 JA 23

7662.60 462

4-9-74
 4-10-74
 4-11-74
 4-12-74
 4-13-74
 4-14-74
 4-15-74
 4-16-74
 4-17-74
 4-18-74
 4-19-74
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7-3 Lower - 10.88
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 7-17 Lower 241.42
 7-19 - 166.96
 7-19 - 88.11
 7-20 - 38.82
 7-25 - Lower - 6.88
 7-24 - Lower
 7-30 Home Depot 238.66
 8-5 - 31.50
 8-11 Lower - 90.08
 8-11 Lower - 4.45
 8-11 - 42.40
 7-31 - 41.95
 7-31 Lower - 110.46
 8-11 - Work on lights - 90.00
 8-13 - Home Depot - 21.73
 8-1 - Bird Paints 23.79
 8-18 - Lower 19.75
 8-23 - 87.85
 8-13 - Home Depot 5.30
 8-21 - Home Depot 120.36
 8-8 - Home Depot 107.53
 8-13 - Home Depot 21.73

8-13 - Carpet of the brooks
8-26 - Lours, V 13.52.01
8- - Lichen 17.00

8-130	Female	7.23.11
8-30	Female	29.1.59
8-30	Female	23.8.59
8-28	Female	12.1.28
9-4	Female	15.1.7
9-30	Female	20.7.6
8-5		3.5.57

9-4-9/41 Mart	5.47
8-7-June	69.80
8-25-June	17.60
10-Sept Work	40.00
8-6-Apples & ~~to~~ Dinner	\$7.55

11/11/19
 Jean White
 Jean White

THE CLASSIC ACCOUNT OF
JEAN WHITE
 249 CHALLEDON DR 803-871-2884
 SUMMERVILLE, SC 29483

1838
 67-1/532

1-5-94

PAY TO THE ORDER OF Worcester County Treasurer \$ 363.38
Three Hundred Sixty Three 38/100 DOLLARS

 **FLEX BANKING™**
South Carolina National
 Summerville, S.C.

FOR Re 54109

⑆053200019⑆ 18387 ⑆ [REDACTED] 9940 ⑆ ⑈0000036338⑈

© HARLAND 1990

THE CLASSIC ACCOUNT OF
JEAN WHITE
 249 CHALLEDON DR 803-871-2884
 SUMMERVILLE, SC 29483

1841
 67-1/532

1-13-94

PAY TO THE ORDER OF Leresa L. Hamilton \$ 450.00
Four Hundred and Fifty 00/100 DOLLARS

 **FLEX BANKING™**
South Carolina National
 Summerville, S.C.

FOR _____

⑆053200019⑆ 18414 ⑆ [REDACTED] 9940 ⑆ ⑈0000045000⑈

© HARLAND 1990

THE CLASSIC ACCOUNT OF
JEAN WHITE
 249 CHALLEDON DR 803-871-2884
 SUMMERVILLE, SC 29483

1856
 67-1/532

2-14-94

PAY TO THE ORDER OF Appraisal Service of S.C. Inc. \$ 225.00
Two Hundred Twenty Five 00/100 DOLLARS

 **FLEX BANKING™**
South Carolina National
 Summerville, S.C.

FOR #2845 G

⑆053200019⑆ 18567 ⑆ [REDACTED] 9940 ⑆ ⑈0000022500⑈

© HARLAND 1990

THE CLASSIC ACCOUNT OF
JEAN WHITE
 249 CHALLEDON DR 803-871-2884
 SUMMERVILLE, SC 29483

1857
 67-1/532

2-14-94

PAY TO THE ORDER OF Town of Summerville \$ 100.00

one Hundred 00 DOLLARS

 **FLEX BANKING™**
South Carolina National
 Summerville, S.C.

FOR Permit

1:053200019: 18576 1940 0000010000

© HARLAND 1990

THE CLASSIC ACCOUNT OF
JEAN WHITE
 249 CHALLEDON DR 803-871-2884
 SUMMERVILLE, SC 29483

1858
 67-1/532

2-14-94

PAY TO THE ORDER OF **SUMMERVILLE LUMBER** \$ 49.29

Forty nine 29 DOLLARS

 **FLEX BANKING™**
South Carolina National
 Summerville, S.C.

FOR

1:053200019: 18585 1940 0000004929

© HARLAND 1990

THE CLASSIC ACCOUNT OF
JEAN WHITE
 249 CHALLEDON DR 803-871-2884
 SUMMERVILLE, SC 29483

1859
 67-1/532

2-24-94

PAY TO THE ORDER OF Central Lodi mfg. corp. \$ 231.72

Two Hundred and Thirty one 72 DOLLARS

 **FLEX BANKING™**
South Carolina National
 Summerville, S.C.

FOR

1:053200019: 18594 1940 0000023172

© HARLAND 1990

008916132 554 295-48-1479

THE CLASSIC ACCOUNT OF
JEAN WHITE
249 CHALLEDON DR 803-871-2884
SUMMERVILLE, SC 29483

1866
67-1/532

2-25-1994

PAY TO THE ORDER OF DORCHESTER BRICK \$ 72.14

Seventy two DOLLARS

 **FLEXBANKING™**
South Carolina National
Summerville, S.C.

FOR Jean White

⑆053200019⑆ 18666⑆ ⑆0000007214⑆

© HARLAND 1990

THE CLASSIC ACCOUNT OF
JEAN WHITE
249 CHALLEDON DR 803-871-2884
SUMMERVILLE, SC 29483

1876
67-1/532

3-19-1994

PAY TO THE ORDER OF SLBS \$ 505.55

Five Hundred and Five DOLLARS

 **FLEXBANKING™**
South Carolina National
Summerville, S.C.

FOR Jean White

⑆053200019⑆ 18765⑆ ⑆0000050555⑆

© HARLAND 1990

THE CLASSIC ACCOUNT OF
JEAN WHITE
249 CHALLEDON DR 803-871-2884
SUMMERVILLE, SC 29483

1877
67-1/532

3-19-1994

PAY TO THE ORDER OF SLBS \$ 81.50

Eighty one DOLLARS

 **FLEXBANKING™**
South Carolina National
Summerville, S.C.

FOR Jean White

⑆053200019⑆ 18774⑆ ⑆0000008156⑆

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THE CLASSIC ACCOUNT OF
JEAN WHITE
 249 CHALLEDON DR 803-871-2884
 SUMMERVILLE, SC 29483

1879
 67-1/532

3-24-94

PAY TO THE ORDER OF **CAROLINA TRUSS SYSTEMS** \$ **500.00**

Five Hundred — *00/100* DOLLARS

 **FLEX BANKING™**
South Carolina National
 Summerville, S.C.

FOR _____

⑆053200019⑆ 18792 ⑆ [REDACTED] 9940 ⑆ ⑈0000050000⑈

© HARLAND 1990

THE CLASSIC ACCOUNT OF
JEAN WHITE
 249 CHALLEDON DR 803-871-2884
 SUMMERVILLE, SC 29483

1881
 67-1/532

3-26-94

PAY TO THE ORDER OF **SUMMERVILLE LUMBER** \$ **103.62**

one Hundred three — *62/100* DOLLARS

 **FLEX BANKING™**
South Carolina National
 Summerville, S.C.

FOR _____

⑆053200019⑆ 18819 ⑆ [REDACTED] 9940 ⑆ ⑈0000010362⑈

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THE CLASSIC ACCOUNT OF
JEAN WHITE
 249 CHALLEDON DR 803-871-2884
 SUMMERVILLE, SC 29483

1884
 67-1/532

4-1-94

PAY TO THE ORDER OF **CAROLINA TRUSS SYSTEMS** \$ **468.10**

Four Hundred six Eight — *10/100* DOLLARS

 **FLEX BANKING™**
South Carolina National
 Summerville, S.C.

FOR **1878/197433**

⑆053200019⑆ 18846 ⑆ [REDACTED] 9940 ⑆ ⑈0000046810⑈

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THE CLASSIC ACCOUNT OF
JEAN WHITE
 249 CHALLEDON DR 803-871-2884
 SUMMERVILLE, SC 29483

1890
 67-1/532

4-8-94

PAY TO THE ORDER OF Summerville Lumber \$ 505.62

Five Hundred & Five ⁶²/₁₀₀ DOLLARS

 **FLEX BANKING™**
South Carolina National
 Summerville, S.C.

FOR Jeann White

⑆053200019⑆ 18909⑈ [REDACTED] 9940⑈ ⑆0000050562⑆

© HARLAND 1990

203MT
 THE CLASSIC ACCOUNT OF
JEAN WHITE
 249 CHALLEDON DR 803-871-2884
 SUMMERVILLE, SC 29483

1895
 67-1/532

4-23-94

PAY TO THE ORDER OF Y. L. Smith 305422317 04-25-94 008 05 07 35.00

Thirty Five DOLLARS

 **FLEX BANKING™**
South Carolina National
 Summerville, S.C.

FOR Work on House

Jeann White

⑆053200019⑆ 18954⑈ [REDACTED] 9940⑈ ⑆0000003500⑆

© HARLAND 1990

295-48-1479
 THE CLASSIC ACCOUNT OF
JEAN WHITE
 249 CHALLEDON DR 803-871-2884
 SUMMERVILLE, SC 29483

67-1/532 2048

4-14-95

PAY TO THE ORDER OF Boral Bricks \$ 37.95

Thirty Seven ⁹⁵/₁₀₀ DOLLARS

 **FLEX BANKING™**
South Carolina National
 Summerville, S.C.

FOR Jeann White

⑆053200019⑆ [REDACTED] 9940⑈ 2048 ⑆0000003795⑆

© HARLAND 1992

THE CLASSIC ACCOUNT OF
JEAN WHITE
 249 CHALLEDON DR 803-871-2884
 SUMMERVILLE, SC 29483

87-1/532 2050

~~294830000~~
~~009190909~~ 4-19-95

PAY TO THE ORDER OF Boral Brick \$ 30.05

Thirty 05/100 DOLLARS

 **FLEX BANKING™**
South Carolina National
 Summerville, S.C.

FOR Concrete

⑆053200019⑆ ⑆940⑆ 2050 ⑆0000003005⑆

CHARLAND 1992

THE CLASSIC ACCOUNT OF
JEAN WHITE
 249 CHALLEDON DR 803-871-2884
 SUMMERVILLE, SC 29483

87-1/532 2053

4-28-95

PAY TO THE ORDER OF Star Brick - my home \$ 220.50

Two Hundred Twenty 50/100 DOLLARS

WACHOVIA
 Wachovia Bank of South Carolina, N.A.
 Summerville, SC 29483

FOR Concrete

⑆053200019⑆ ⑆940⑆ 2053 ⑆0000002205⑆

CHARLAND 1992

THE CLASSIC ACCOUNT OF
JEAN WHITE
 249 CHALLEDON DR 803-871-2884
 SUMMERVILLE, SC 29483

87-1/532 2056

4-30-95

PAY TO THE ORDER OF Lowes \$ 50.00

Fifty 00/100 DOLLARS

WACHOVIA
 Wachovia Bank of South Carolina, N.A.
 Summerville, SC 29483

FOR 822-2041-0039430

⑆053200019⑆ ⑆940⑆ 2056 ⑆0000005000⑆

CHARLAND 1992

THE CLASSIC ACCOUNT OF
JEAN WHITE
 249 CHALLEDON DR 803-871-2884
 SUMMERVILLE, SC 29483

2057
 87-1/532

5-1-1995

PAY TO THE ORDER OF **SUMMERVILLE LUMBER** \$ 196.00

One hundred and ninety six
WACHOVIA 00 DOLLARS

Wachovia Bank of South Carolina, N.A.
 Summerville, SC 29483

FOR *Jean White*

⑆053200019⑆ 9940 2057 ⑆0000019677⑆

© HARLAND 1992

THE CLASSIC ACCOUNT OF
JEAN WHITE
 249 CHALLEDON DR 803-871-2884
 SUMMERVILLE, SC 29483

2058
 87-1/532

5-4-1995

PAY TO THE ORDER OF **S L B S** \$ 163.36

one Hundred and sixty three
WACHOVIA 36 DOLLARS

Wachovia Bank of South Carolina, N.A.
 Summerville, SC 29483

FOR *Jean White*

⑆053200019⑆ 9940 2058 ⑆0000016336⑆

© HARLAND 1992

THE CLASSIC ACCOUNT OF
JEAN WHITE
 249 CHALLEDON DR 803-871-2884
 SUMMERVILLE, SC 29483

2062
 87-1/532

4-29-1995

PAY TO THE ORDER OF **SUMMERVILLE LUMBER** \$ 92.07

Ninety Two
WACHOVIA 07 DOLLARS

Wachovia Bank of South Carolina, N.A.
 Summerville, SC 29483

FOR *Jean White*

⑆053200019⑆ 9940 2062 ⑆0000009207⑆

© HARLAND 1992

THE CLASSIC ACCOUNT OF JEAN WHITE 249 CHALLEDON DR 803-871-2884 SUMMERVILLE, SC 29483		2234 67-1/532
9-27-96		
PAY TO THE ORDER OF	<i>Lowe's</i>	\$ <i>370.96</i>
<i>Three hundred and seventy and 96/100</i>		☒ MICRARS  Security features included. Details on back.
WACHOVIA Wachovia Bank of South Carolina, N.A. Summerville, SC 29483		
FOR	<i>822 2041 003943 0</i>	<i>Jean White</i> MP
⑆053 2000 19⑆ [REDACTED] 8940⑈		2234 ⑈00000037076⑈

Timothy J. Vitollo, Esq. VITOLLO LAW FIRM, LLC
 Post Office Box 42282
 NORTH CHARLESTON SC 29423

AFFIDAVIT OF PUBLICATION

the summerville
JOURNAL SCENE

State of South Carolina

County of Dorchester

Personally appeared before me the undersigned advertising clerk of the above indicated newspaper published in the city of Summerville, 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):

07/08/20 Wed SJW	07/22/20 Wed SJT
07/15/20 Wed SJW	
07/22/20 Wed SJW	
07/08/20 Wed SJT	
07/15/20 Wed SJT	

at a cost of **\$809.65**
 Account# **353527**
 Order# **1882034**
 P.O. Number:

Subscribed and sworn to before
 me this 23rd day
 of July
 A.D. 2020

NOTARY PUBLIC, SC
 My commission expires

[Signature]
 advertising clerk

[Signature]
 My Comm. Exp. 06/24/2023

STATE OF
 SOUTH CAROLINA,
 IN THE
 COURT OF
 COMMON PLEAS
 COUNTY OF
 DORCHESTER,
 CASE NO: 2018CP1801251

SUMMONS

Vanessa Marie Frierson, Plaintiff, vs. Judy A. Bloodworth, as sole beneficiary and as personal representative of the Estate of Jean Garris White, Debra Morse, Jackie McCoy, Christina Fightmaster, and John Doe and Mary Roe, fictitious names which represent any unknown heirs at law, devisees, widowers, executors, administrators, personal representatives, creditors, successors and assigns, firms or corporations of Jean Garris White (deceased), Junior Arch White (deceased), and any other unknown persons claiming any right, title, estate, or lien upon the real estate which is the

subject of this action, Defendants.

TO THE DEFENDANTS ABOVE-NAMED: YOU ARE HEREBY SUMMONED and required to answer the Complaint, herein, a copy of which is hereby served upon you, and to serve a copy of your Answer to said Complaint upon the undersigned subscriber, at the address shown below, within thirty (30) days of the service hereof, exclusive of the day of such service. YOU ARE HEREBY GIVEN FURTHER NOTICE that, if you fail to appear and defend and fail to answer the Complaint as required by this Summons within thirty (30) days after the service hereof, judgment by default will be rendered against you for the relief demanded in the Complaint.

COMPLAINT

The Plaintiff, by and through her undersigned attorney, will respectfully show unto the Honorable Court that: 1. The Plaintiff brings this action seeking to quiet title to the real property that is the subject of this action, to determine the heirs and successors of one or more of the title holders who are deceased, and to partition the real property. 2. The Plaintiff is a citizen and resident of Dorchester County, South Carolina. 3. The Defendant Jean Garris White died on January 19, 2015, as a resident of Dorchester County, South Carolina, and the Defendant Judy A. Bloodworth was appointed as personal representative of the estate of Jean Garris White on or about March 6, 2015. 4. During her lifetime, the Defendant Jean Garris White was also known as Jean G. White. 5. The probate estate of Jean Garris White is being administered in the Dorchester County, South Carolina Probate Court as Case No. 2015-ES-18-00146, and the Defendant Judy A. Bloodworth is the sole beneficiary of the estate of Jean Garris White, pursuant to the Last Will and Testament of Jean Garris White dated June 4, 2012. 6. Upon information and belief, the heirs at law of Jean Garris White are Defendants Debra Morse, Jackie McCoy, Christina Fightmaster, and Judy A. Bloodworth, who was formerly known as Judy A. Dominguez. 7. Upon information and belief, Defendants Debra Morse, Jackie McCoy, and Judy A. Bloodworth are the surviving children of Jean Garris White. 8. Judy A. Bloodworth is a resident of Dorchester County, South Carolina. 9. Upon information and belief, Defendant Debra Morse is a resident of the state of Florida. 10. Upon information and belief, Jackie McCoy is a resident of Lancaster County, South Carolina. 11. Upon information and belief, Christina Fightmaster is a resident of the state of Kentucky. 12. Upon informa-

lion and belief, Jean Garriss White has two children that predeceased her, namely Dale Larimer and Jimmy Garriss. 13. Upon information and belief, Dale Larimer died without any surviving issue. 14. Upon information and belief, Defendant Christina Fichtmaster is the only surviving issue of Jimmy Garriss. 15. More than one year has passed since the date of death of Jean Garriss White and the informal probate of her Last Will and Testament, and there are no unresolved creditor claims and no known biological heirs of Jean Garriss White that have initiated a proceeding to contest the validity of her Last Will and Testament. 16. The Defendant Junior Arch White died on July 18, 1992, as a resident of Hampshire County, West Virginia. It has been more than ten (10) years since the death of Junior Arch White, and upon information and belief, no probate estates have been opened within the state of South Carolina or outside of the state. 17. On June 21, 2012, a Petition to Determine Heirs was filed in the Dorchester County, South Carolina Probate Court as Case Number 2012-ES-18-00320, asking the Court to determine the heirs of Junior Arch White, and an Order Establishing Heirs was entered in the aforesaid case on September 21, 2012. That Court Order establishing the heirs of Junior Arch White was set aside by the final order entered by the Dorchester County Probate Court on September 5, 2017 under the same case number. 18. The Plaintiff is unaware of the whereabouts or identities of any persons herein above-referenced as "John Doe" or "Mary Roe," and are uncertain as to whether these Defendants are living or deceased. 19. The real property that is the subject of this action is located in Dorchester County, South Carolina, and is therefore within the jurisdiction of this Honorable Court, and is described as follows: ALL that lot, piece or parcel of land situate, lying and being in the Town of Summerville, County of Dorchester, State of South Carolina, known and designated as Lot No. 19, Challedon Subdivision, Section 2, as shown on a plat made by William A. Whitworth, Reg. Land Surveyor, dated August, 1969, and recorded in the Clerk of Court's Office for Dorchester County in Plat Book 17, Page 221; said lot having such size, shape, dimensions, buildings and boundaries as will by reference to said plat more fully appear.

BEING the same property conveyed to Junior A. White and Jean G. White, by deed of George Romney, Secretary of Housing and Urban Development, of Washington, D.C., acting by and through the Federal Housing Commissioner, such deed dated July 30, 1971, and recorded on September 11, 1971 in the Dorchester County, South Carolina ROD Office in Deed Book 188, at page 152.

COMMON ADDRESS: 249 Challedon Drive, Summerville, SC 29485 TMS Number: 137-12-06-012 The real property described above is hereafter referred to as "the Property." 20. The Court has jurisdiction over this matter pursuant to S.C. Code Ann. § 15-53-10, et seq., § 15-61-10, et seq., and § 62-1-302(a)(1). 21. Dorchester County, South Carolina is the proper place to lay venue pursuant to SC Code Ann. § 15-7-10. 22. The action for partition contained herein is subject to the Clemencia C. Pinckney Uniform Partition of Heirs' Property Act, S.C. Code Ann. § 15-61-310, et seq. 23. This matter should be referred to the Master-in-Equity pursuant to Rule 53, SCRCP, to take testimony arising under the pleadings, to rule on any issues to come before the Court, and to make findings of fact and conclusions of law with the authority to enter final judgment with direct appeal to the South Carolina Court of Appeals or South Carolina Supreme Court.

FIRST CAUSE OF ACTION (Declaratory Judgment)

24. The foregoing allegations are re-alleged as if fully set forth verbatim herein. 25. At the time of his death, Junior Arch White was the record title holder of a one-half (1/2) interest in the Property. 26. The Plaintiff, Vanessa Marie Frierson, formerly known as Vanessa Marie White, was born to Junior Arch White and Norma Grace Teter in the County of Randolph, State of West Virginia, in 1959. 27. Junior Arch White was not married at the time of his death, and the only living issue of Junior Arch White at the time of his death were the Plaintiff and her children. 28. The Plaintiff is the sole heir and successor as to the interest in the Property that was held by Junior Arch White. 29. The Estate of Jean Garriss White who was also known as Jean G. White is the record title holder of a one-half (1/2) interest in the Property. 30. The Defendant Judy A. Bloodworth, who was formerly known as Judy A. Dominguez, is the sole heir and successor as to the interest in the Property that is title in the name of Jean G. White. Pursuant to the Last Will and Testament of Ms. White, which was admitted to probate on March 6, 2015, Ms. White disinherited her other children and made Judy A. Bloodworth her sole beneficiary. 31. Upon information and belief, the Defendant Judy A. Bloodworth is the acting Personal Representative of the estate of Jean Garriss White, and the estate is being administered in Dorchester County, South Carolina as Case Number 2015-ES-18-00146. 32. Upon information and belief, there has not been a deed of distribution or any other instrument issued to transfer the interest in the Property held by the estate of Jean Garriss White. 33. The Plaintiff claims an interest in the Property as the sole heir and successor of the one-half (1/2) interest in said Property held by Junior Arch White, and is entitled to an Order of this Court issued pursuant to S.C. Code § 15-53-30 declaring that the Plaintiff is the holder of a one-half (1/2) interest in the Property that is the subject of this action. Further, Plaintiff respectfully requests that this Honorable Court issue a Master's Deed conveying fee simple title to the Property to the Plaintiff and such other parties as the Court may determine to have an interest in the Property.

SECOND CAUSE OF ACTION (Quiet Title)

34. The foregoing allegations are re-alleged as if fully set forth verbatim herein. 35. In the alternative to the foregoing relief requested, Plaintiff submits that the Plaintiff has a legitimate interest in the property and prays that the principles of equity be applied to grant to the Plaintiff an interest in the title to the Property and quiet title therein.

THIRD CAUSE OF ACTION (Partition by Sale)

36. The foregoing allegations are re-alleged as if fully set forth verbatim herein. 37. Upon information and belief, the Plaintiff Vanessa Marie Frierson and the Defendant Judy A. Bloodworth each have an estate of inheritance in the Property. 38. Upon information and belief, Junior Arch White and Jean Garriss White are the record title holders of the Property pursuant to the deed of George Romney, Secretary of Housing and Urban Development, of Washington, D.C., acting by and through the Federal Housing Commissioner, such deed dated July 30, 1971, and recorded on September 11, 1971 in the Dorchester County, South Carolina ROD Office in Deed Book 188, at page 152.

vesting each with a one-half (1/2) interest in the Property. 39. Upon information and belief, the Plaintiff Vanessa Marie Frierson is the sole

heir, successor and beneficiary of the Estate of Junior Arch White, vesting the Plaintiff with a one-half (1/2) interest in the Property in the nature of an estate of inheritance. 40. Upon information and belief, the Defendant Judy A. Bloodworth is the sole heir, successor and beneficiary of the Estate of Jean Garriss White, vesting the aforesaid Defendant with a one-half (1/2) interest in the Property in the nature of an estate of inheritance. 41. The Property is heirs' property pursuant to S.C. Code Ann. § 15-61-320, et seq., and in particular S.C. Code Ann. § 15-61-320(5)(c)(ii). 42. Upon information and belief, there are no liens or encumbrances upon the Property. 43. The prosecution of this partition action by the Plaintiff is for the common benefit of all parties, as there is animosity between the parties such that co-ownership of the Property would not be beneficial to the parties, and the Plaintiff has incurred and will continue to incur reasonable attorneys' fees in the prosecution of this action. 44. The issuing of a writ of partition in this action would involve unnecessary expense, and the Court should dispense with the issuing of a writ of partition. 45. If none of the Defendants are able to purchase the Property at fair

partition in kind nor by allotment can be fairly and impartially made without injury to the Plaintiff and the other parties hereto, nor would such methods of partition be practicable or expedient, and the Court should order an open-market sale of the Property and divide the proceeds according to the rights of the parties. 46. If none of the Defendants are able to purchase the Property at fair market value, then neither a partition in kind nor by allotment can be made without resulting in manifest prejudice and injury to the cotenants as a group, as the Property is a single family residential property that cannot be practicably divided and the improvements and the lot size are such that neither partition in kind nor by allotment could be made without the aggregate fair market value of the parcels being materially less than the value of the Property sold as a whole. 47. The Plaintiff hereby gives notice to Defendants that they have certain rights to purchase the Property pursuant to S.C. Code Ann. § 15-61-25 regardless as to whether default has been entered against such Defendants.

WHEREFORE, the Plaintiff prays for an Order of this Court: A. Declaring that the Plaintiff is an heir and distributee at law as to the Estate of the Junior Arch White and is the holder of a one-half (1/2) interest in the Property that is the subject of this action; B. Granting to the Plaintiff an interest in the title to the Property and quieting title therein; C. Allowing a partition by sale; D. Reimbursing the Plaintiff for costs, expenses and attorney's fees related to this action; and E. Granting the Plaintiff such other and further relief as this Court may deem just and proper. Respectfully submitted,

s/ Timothy J. Vitello,
Timothy J. Vitello, Esq.;
SCB# 76170
VITOLLO LAW FIRM,
LLC,
Post Office Box 2524,
Lexington, SC 29073
T: 843-371-7264
E: tim@vitollolawfirm.com

ORDER APPOINTING GUARDIAN AD LITEM NISI

(Suit to Quiet Title to Real Estate)

The Plaintiff, having prayed in its Petition that a Guardian Ad Litem Nisi be appointed to represent the parties designated as John Doe and Mary Roe, and for any other parties under any type of legal disability, including but not limited to minors, infants, prisoners, incompetents or those serving in the military as defined by the Soldiers and Servicemembers Civil Relief Act, resident or non-resident, and it appearing that David Low, Esquire, is in no way connected in business with the parties in this action or with their counsel and is a suitable and proper person to represent all such persons and/or entities unless such persons and/or entities or someone on their behalf, should apply to the Court for such an appointment,

IT IS THEREFORE ORDERED that David Low, Esquire, whose address and phone number are 1459 Stuart Engals Boulevard, Suite 203-A, Mount Pleasant, South Carolina 29464, (843) 849-1009, be and is hereby designated and appointed Guardian Ad Litem Nisi for the parties designated as John Doe and Mary Roe, and for any other parties under any type of legal disability, including but not limited to minors, infants, prisoners, incompetents or those serving in the military as defined by the Soldiers and Servicemembers Civil Relief Act, resident or non-resident, and should so serve unless and until any of these persons and/or entities, or someone on their behalf, should apply to the Court for such an appointment in the within action.

So Ordered
s/ Cheryl Graham,
Clerk of Court
AD# 1882034

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	FIRST JUDICIAL CIRCUIT
	)	CASE NO.: 2018-CP-18-01251
Vanessa Marie Frierson,	)	(Referred to Master-in-Equity)
	)	
Plaintiff,	)	
	)	
-vs-	)	
	)	
Judy A. Bloodworth, as sole beneficiary	)	
and as personal representative of the Estate	)	
of Jean Garris White, Debra Morse, Jackie	)	
McCoy, Christina Fightmaster, and John	)	
Doe and Mary Roe, fictitious names which	)	
represent any unknown heirs at law,	)	
devises, widowers, executors,	)	
administrators, personal representatives,	)	
creditors, successors and assigns, firms or	)	
corporations of Jean Garris White	)	
(deceased), Junior Arch White (deceased),	)	
and any other unknown persons claiming	)	
any right, title, estate, or lien upon the real	)	
estate which is the subject of this action,	)	
	)	
Defendants.	)	
	)	

CERTIFICATE OF SERVICE

I, Tara M Edwards-Vitollo, the undersigned employee of Vitollo Law Firm, do hereby certify that on the date shown below I served **Notice of Hearing** and **Motion for Determination of Value and for Default Judgment** on the parties addressed below, by placing the same in a sealed envelope, first-class postage pre-paid, and depositing the same in the United States Mail. The envelopes were addressed as follows:

Jackie McCoy
251 Barrett Road
Heath Springs, SC 29058

Christina Fightmaster
1217 Charleston Court
Florence, KY 41042

Judy A. Bloodworth
249 Challedon Drive
Summerville, SC 29485

Debra Morse
17815 Westbever Street
Jacksonville, FL 32234

David M. Low, Esquire
1459 Stuart Engals Boulevard, Suite 203A
Mount Pleasant, SC 29464

Lana C. Bitello

Lexington, South Carolina

October 30, 2021

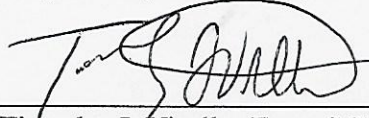
Apr 21 2025

SC Court of Appeals

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Timothy J. Vitollo, Esq.: SCB# 76170

VITOLLO LAW FIRM

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Lexington, SC 29071

(843) 371-7264

tim@vitollolawfirm.com

*Attorney for Appellant*This 21st day of April, 2025