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Apr 30 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM MARLBORO COUNTY
Court of Common Pleas

(Case No. 2021-CP-34-00150)

Roger E. Henderson, Presiding Judge

Appellate Case No. 2022-001791

RS&A Piping & Fabrication, Inc. a/k/a R. S. & A. Piping, Inc.,.....Appellant,

v.

Ronald D. Kirby, Dylan T. Kirby, Treasurer for Marlboro County and Danny T. Williams..... Respondents.

**WITHDRAWAL OF PETITION FOR RE-HEARING OF INDIVIDUAL RESPONDENTS
RONALD D. KIRBY, DYLAN T. KIRBY AND DANNY T. WILLIAMS**

The individual Respondents respectfully withdraw their previously filed petition for rehearing in this matter. The individual Respondents have resolved their differences with the Appellants and have received a Quit Claim deed (Exhibit A hereto) as part of that resolution. Moreover, the Appellants have agreed to dismiss, with prejudice, the underlying action to set aside the tax sale deed and personal conversion.

Florence, South Carolina

TURNER, PADGET, GRAHAM & LANEY, P.A.

April 29, 2025

s/ J. Rene Josey

J. René Josey (S.C. Bar # 3230)

Post Office Box 5478

Florence, SC 29502-5478

Telephone: (843) 656-4451

JJosey@TurnerPadget.com

Attorney for Respondents Ronald D. Kirby, Dylan T. Kirby, and Danny T. Williams

Other Counsel of Record:

Leonard R. Jordan, Jr., Esquire
Andrew F. Lindemann, Esquire

EXHIBIT A

(Title Not Examined Nor Certified by Turner Padgett Graham & Laney, P.A.)

(Space above this line for Tax Assessor's and Recorder's Use)

STATE OF SOUTH CAROLINA)
)
COUNTY OF MARLBORO)

QUIT-CLAIM DEED

WHEREAS, RS&A Piping & Fabrication, Inc. a/k/a R. S. & A Piping, Inc., was once the owner of the hereinbelow-described real property which was conveyed by tax deed at a tax sale as referenced below; and

WHEREAS, RS&A Piping & Fabrication, Inc. a/k/a R. S. & A Piping, Inc. desires to confirm the title in the Grantees thereby ending with prejudice the claims raised in Civil Action 2021-CP-34-0150 which is presently on appeal in the South Carolina Court of Appeals (Appellate Case No. 2022-001791); and

WHEREAS, RS&A Piping & Fabrication, Inc. a/k/a R. S. & A Piping, Inc., is now a defunct corporation; and

WHEREAS, Steven C. Jackson and Kenneth Alan Leviner, former officers of said corporation, join in this deed as Liquidating Trustees of said defunct corporation.

WHEREFORE,

KNOW ALL MEN BY THESE PRESENTS that **RS&A Piping & Fabrication, Inc. a/k/a R. S. & A Piping, Inc., Steven C. Jackson and Kenneth Alan Leviner** ("Grantors"), in consideration of the resolution of the above-litigation and other consideration received from **Ronald D. Kirby and Dylan T. Kirby** ("Grantees"), together with the desire to confirm ownership following a prior tax sale of the real property conveyed herein, have remised, released and forever quit-claimed, and by these presents do remise, release and forever quit-claim unto:

RONALD D. KIRBY AND DYLAN T. KIRBY
their heirs and assigns:

All that certain piece, parcel, or lot of land, situate in the County of Marlboro, State of South Carolina, and being shown and designated as 0.41 acre on that certain plat entitled, "Plat of Lot, R. S. & A. Piping, Inc. Marlboro County, SC," dated February 11, 1998, made by John M. Jackson, PLS, and recorded in Plat Book 53 at page 08 in the Office of the Clerk of Court for Marlboro County, SC. Reference is craved to the abovementioned recorded plat for a more particular description as to metes, courses and bounds.

This being the same property conveyed to the Corporate Grantor herein by deed from Tommy Leviner dated February 23, 1998, and recorded in the Office of the Clerk of Court for Marlboro County on February 23, 1998, in Book 373 at page 240.

Marquita McLain
**CLERK OF COURT
MARLBORO COUNTY**



Doc ID: 000702440004 Type: LAN
Kind: DEED
Recorded: 04/29/2025 at 12:51:02 PM
Fee Amt: \$15.00 Page 1 of 4
Revenue Tax: \$0.00
Instr# 20250000780
Marlboro County, South Carolina
Marquita McLain Clerk of Court

This being the same property formerly owned by the Corporate Grantor herein and conveyed by Tax Sale Deed of Marlboro County to BACKWOODS LLC dated April 29, 2020 and recorded May 13, 2020 in the Office of the Clerk of Court for Marlboro County in Deed Book 733 at pages 53-54.

This being the same property conveyed to Danny T. Williams by Quit Claim Deed from BACKWOODS LLC dated June 1, 2020 and recorded June 4, 2020 in the Office of the Clerk of Court for Marlboro County in Deed Book 733 at pages 233-237.

This being the same property conveyed to Ronald D. Kirby and Dylan T. Kirby by Quit Claim Deed from Danny T. Williams, dated February 15, 2021, and recorded in the Office of the Register of Deeds for Marlboro County on February 24, 2021, in Book 747 at pages 137 -140.

TMS No. 003-01-01-062

GRANTEE'S MAILING ADDRESS: 2059 Mays Road, Bennettsville SC 29512

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

TO HAVE AND TO HOLD all and singular the said premises before mentioned unto Grantees and Grantees' heirs and assigns, forever -- so that neither Grantors, nor Grantors' heirs/successors and assigns, nor any other person or persons, claiming under them, shall at any time hereafter, by any way or means, have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part or parcel thereof, forever.

WITNESS our Hands and Seals this 28th day of April, 2025.

WITNESSES (to all three signers):

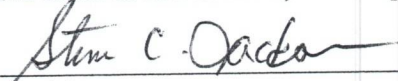


Witness 1

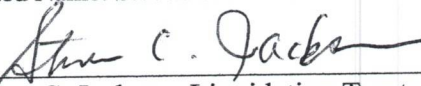


Witness 2/Notary

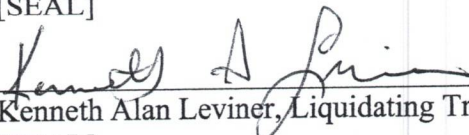
**RS&A PIPING & FABRICATION, INC.
A/K/A R. S. & A PIPING, INC. [SEAL]**

By: 

Its: President
Printed Name: Steven C. Jackson



Steven C. Jackson, Liquidating Trustee
[SEAL]



Kenneth Alan Leviner, Liquidating Trustee
[SEAL]

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

ACKNOWLEDGMENT

I, ~~Steven C. Jackson~~ Travis Paul, (Witness 1) do hereby certify that, **Steven C. Jackson, the President of RS&A Piping & Fabrication, Inc. a/k/a R. S. & A Piping, Inc. and Steven C. Jackson and Kenneth Leviner, as Liquidating Trustees of the said corporation,** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Travis Paul
Witness 1 Signature (843)910-4313

SWORN to before me this 28th day
of April year of 2025

Catherine Shannon Hatchell
Notary Public for South Carolina
Printed Name: Catherine Shannon Hatchell
My Commission Expires: August 10, 2028 (CS)
2028

AFFIDAVIT

Personally appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.
2. The property being transferred contains 0.41 acres and bears Marlboro County Tax Map Number 003-01-01-062, was transferred by RS&A Piping & Fabrication, Inc. a/k/a R. S. & A Piping, Inc., Steven C. Jackson and Kenneth Alan Leviner to Ronald D. Kirby and Dylan T. Kirby on April 23, 2025.
3. Check one of the following: The Deed is:
 - (a) _____ Subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) _____ Subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity or is a transfer to a trust or as a distribution to a trust beneficiary.
 - (c) X Exempt from the deed recording fee because #12. (see information section of affidavit)
(If exempt, please skip 4 -7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes _____ or No _____

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (see information section of this affidavit):
 - (a) _____ The fee is computed on the consideration paid or to be paid in money or moneys worth in the amount of \$ _____
 - (b) _____ The fee is computed on the fair market value of the realty, which is _____
 - (c) _____ The fee is computed on the fair market value of the realty as established for property purposes which is _____
5. Check Yes ___ No ___ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before the transfer.) If Yes, the amount of the outstanding balance of this lien or encumbrance is _____
6. The deed recording fee is computed as follows:
 - (a) Place the amount listed in Item 4 above here: _____ (if no amount is listed, place zero here)
 - (b) Place the amount listed in Item 5 above here: _____
 - (c) Subtract Line 6(b) from Line 6(a) and place result here: _____
7. The deed recording fee due is based upon the amount listed on Line 6(c) above and the deed recording fee due is: \$ _____
8. As required by Code §12-24-70, I state that I am a responsible person who was connected with the transaction as: Grantor.
9. I understand that a person required to furnish this affidavit who will willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than One Thousand Dollars or imprisoned not more than one year, or both.

Steven C. Jackson
Steven C. Jackson

SWORN to before me this 25th day
of April year of 2025
Cherise Shannon Hatchell
Notary Public Signature
Cherise Shannon Hatchell
Notary Public Printed Name
My Commission Expires: August 10th, 2028

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RS&A Piping & Fabrication, Inc. a/k/a R. S. & A. Piping, Inc.,.....Appellant,

v.

Ronald D. Kirby, Dylan T. Kirby, Treasurer for Marlboro County and Danny T. Williams.....Respondents.

PROOF OF SERVICE

I, Jon Rene Josey, attorney for the Respondents Ronald D. Kirby, Dylan T. Kirby, and Danny T. Williams, hereby certify that I have this 30th day of April, 2025, served the Withdrawal of Petition for Re-Hearing of Individual Respondents Ronald D. Kirby, Dylan T. Kirby and Danny T. Williams with Exhibit A upon Leonard R. Jordan, Jr., Attorney for Appellant, R. S. & A. Piping, Inc. and Andrew F. Lindemann, Esquire, Attorney for Respondent, Treasurer for Marlboro County, by E-Mailing to them at the addresses indicated below:

Leonard R. Jordan, Jr., Esquire
Jordan Law Firm
211 Veterans Road, Suite D
Columbia, SC 29209
ljordan@ljordanlaw.com

Andrew F. Lindemann, Esquire
Lindemann Law Firm, P.A.
Post Office Box 6923
Columbia, SC 29260
Andrew@ldlawsc.com

s/J. Rene Josey
Jon Rene Josey, Esquire

Apr 30 2025

SC Court of Appeals

REPLY TO:

J. René Josey

E-Mail: JJosey@TurnerPadget.com
Writer's Direct Dial: (843) 656-4451
Writer's Direct Fax: (843) 413-5818

April 30, 2025

VIA EMAIL (ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: RS&A Piping & Fabrication, Inc. a/k/a R. S. & A. Piping, Inc. v. Ronald D. Kirby, Dylan T. Kirby, Treasurer for Marlboro County and Danny T. Williams
Appellate Case No.: 2022-001791
TPGL File No.: 18280.101

Dear Ms. Kitchings:

Pursuant to Section (b)(2) of the Supreme Court's Order RE: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules, please find enclosed for filing a Withdrawal of Petition for Re-Hearing of Individual Respondents Ronald D. Kirby, Dylan T. Kirby and Danny T. Williams with Exhibit A and Certificate of Service. Please file this Withdrawal and Certificate of Service and return filed copies to me via e-mail.

Thank you for your help with this matter.

Sincerely,

TURNER PADGET GRAHAM & LANEY P.A.

J. René Josey, Esquire

JRJ/alb/Enclosures

cc: Leonard R. Jordan, Esq. (Via E-Mail)(w/ enc)
Andrew F. Lindemann, Esq. (Via E-Mail)(w/ enc)