

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-05234

Tomeka Shayron Middleton,)
)
Plaintiff,)

FINAL ORDER

vs.)

Frederick Fields, Anna White, Robert)
Fields, Jr., Juanita Pinckney, Abraham)
Fields, Joseph Fields, Jerome Johnson,)
Robert Johnson, Mildred Johnson,)
Vanessa Johnson, Florence Singleton,)
Edward Givens, Delores Skipper,)
Phillip Johnson, Claudine Johnson,)
Kathleen Clement, Dean Clement,)
Corvetta Grant, Deedra Grant and)
JOHN DOE, adults, RICHARD ROE,)
infants, insane persons, incompetents)
and persons in the military service of)
the United States of America, being)
fictitious names designating as a class)
any unknown person or persons who)
may be an heir, distribute, devisee,)
legatee, widower, widow, assign,)
administrator, executor, creditor,)
successor, personal representative,)
issue or alienee of Robert Fields, Ella)
Walker, Jerome Johnson, Robert)
Johnson, Mildred Johnson, Oliver)
Clement and Florence Singleton all of)
whom are deceased, and any or all)
other persons or legal entities, known)
and unknown, claiming any right, title,)
interest or estate in or lien upon the)
parcel of real estate described in the)
Lis Pendens and Complaint herein filed,)

Defendants.)
)

THIS SUIT was brought to determine adverse claims so as to quiet title to certain real property in Charleston County and to partition the said property among those persons to be

determined to be legal owners.

On or about July 24, 2023, Mikell R. Scarborough, Master in Equity for Charleston County, issued his Order quieting title to the subject property and determining the heirs and their percentage interest in the same.

On March 26, 2025, this Court held a hearing in furtherance of the January 9, 2025, July 25, 2024 and May 8, 2024 hearings and consequent Orders to take testimony and receive evidence to address all remaining issues in the case. Attending was Bruce A. Berlinsky, Esquire, attorney for Defendants, Frederick Fields, Anna White, Robert Fields, Jr., Juanita Pinckney, Abraham Fields, and Joseph Fields; Defendants, Joseph Fields, Frederick Fields, and Anna White; J. Chris Lanning, Esquire, attorney for the Plaintiff; Plaintiff, Tomeka Shayron Middleton; and the following parties/witnesses: Helen W. Fields, Anna F. White, JaNesha F. Dillahunt, Joseph Fields, Frederick Fields, Cynthia Fields, and Freddie Davis, III. William H. Jordan, Esquire, Guardian Ad Litem, was not present. Since filing his Answer and Report of Guardian Ad Litem on May 9, 2023, no one has contacted Mr. Jordan claiming to be an heir of any of the identified deceased parties or having an interest in the subject property.

After consideration of the testimony and the evidence, this Court makes the following Findings of Fact and Conclusions of Law:

1. This Court is a court of equity and, as such, has the inherent power to do what is just and proper and in the interest of justice and to seek equity and do equity.
2. Plaintiff, Tomeka Shayron Middleton, acquired a 1.66% undivided interest in the subject property in September 2022, during the pendency of this action. Defendants Frederick Fields, Anna White, Robert Fields, Jr., Juanita Pinckney, Abraham Fields, and Joseph Fields (hereinafter referred to as "Fields family") own the remaining 98.34% undivided interest in the subject property and together with their ancestors

and forebears have owned their interest in the subject property, as well as the surrounding Fields farm acreage for over one hundred (100) years.

3. The Fields family has worked this farm and associated business on the subject property for over one hundred (100) years. Further, the Fields family owns all the property surrounding the subject property and across the street from the subject property.
4. It has become apparent to the Court that Plaintiff and the Fields family cannot live peacefully near each other. This is evident by the continual violations of the Restraining Order of Judge McCoy filed October 26, 2022. It is further evidenced by the repeated Rules to Show Cause and resulting Orders finding Plaintiff in contempt of said Restraining Order for violating the same. Thus, I find that the record is abundantly clear of multiple violations of the Restraining Order filed October 26, 2022 by Plaintiff, including, but not limited to, Sheriff's incident reports, DHEC code violations, and Charleston County Building Services code violations. The record also contains evidence of a cease and desist order from Charleston County Building Services for the placement of at least three (3) accessory buildings, by Plaintiff, on the subject property that were converted into dwelling units which did not have permitted water, sewer, or electric hookups/connections and were connected to the said accessory buildings through extension cords and water hoses running from the dwelling occupied by Plaintiff. This is further evidenced by leases/subleases from Plaintiff to occupants of the illegally converted accessory buildings.
5. I find Plaintiff's testimony and "story" to not be credible or believable. This is based on the testimony presented at both this recent hearing and throughout this case. Plaintiff has disrespected the rule of law by her actions both before and during the

pendency of this action. Further, Plaintiff has disrespected this Court by her actions and multiple violations of the Restraining Order in place since October 26, 2022.

6. I find that Plaintiff has acted and operated with “unclean hands” in her occupancy of the dwelling on the subject property since September 2009 until she acquired her interest in the subject property in September 2022 and has continued to act and operate with “unclean hands” since she acquired an interest in the property as is evidenced by my findings herein and by my additional finding of multiple violations of the lease prior to her acquiring an interest in the property.
7. I find Freddie Davis, III, an arborist and forestry school graduate of Mississippi State University to be an expert, without objection by Plaintiff’s attorney. His expert testimony is that the value of the timber improperly cut by Plaintiff to be Nine Hundred and 00/100 (\$900.00) Dollars and the cost to replant and care for the lost trees to be Two Thousand Eight Hundred and 00/100 (\$2,800.00) Dollars for total tree damage of Three Thousand Seven Hundred and 00/100 (\$3,700.00) Dollars.
8. Based on the valuation established in this case pursuant to the Clementa C. Pinckney Act in the Court’s January 10, 2025 Order, this Court found the valuation of the subject property to be Four Hundred Thirty-Three Thousand and 00/100 (\$433,000.00) Dollars, making Plaintiff’s 1.66% interest worth Seven Thousand One Hundred Eighty Seven and 80/100 (\$7,187.80) Dollars and the Fields family 98.34% interest worth Four Hundred Twenty Five Thousand Eight Hundred Twelve and 20/100 (\$425,812.20) Dollars.
9. I find from the testimony of both Plaintiff and her boyfriend/fiancée, Eugene Elmore, that no evidence has been presented indicating the Plaintiff has the ability to purchase the interest of the Fields family in the subject property.

10. The purpose of the Clementa C. Pinckney Act has a public policy to keep property in the hands of the family, if possible. I find that the Fields family does have the ability to purchase the interest of Plaintiff in the subject property so that the subject property remains in the Fields family which I find consistent with the public policy of the Pinckney Act.
11. I find that Plaintiff has failed to exercise her right as a non-petitioning co-tenant to purchase the interests of the petitioning co-tenants under Section 15-61-370 in that she did not provide ten (10) days notice to exercise said right prior to the hearing. In addition, I find in more detail hereinabove her inability to purchase the interest of the non-partitioning co-tenants even if she had properly exercised said interest to purchase.
12. I find that the Fields family has the right to purchase the interest of the Plaintiff through OWELTY. Based on the testimony and evidence presented during the pendency of this entire case, I am setting the value of Plaintiff's interest in the property at Nine Thousand Nine Hundred Ten and 68/100 (\$9,910.68) Dollars; however, I am deducting the attorney award of One Thousand Nine Hundred Ten and 68/100 (\$1,910.68) Dollars that Plaintiff was ordered to pay in my previous Order dated May 11, 2024 and not deducting any amount for the tree damage. Therefore, the Fields family shall pay this Court the sum of Eight Thousand and 00/100 (\$8,000.00) Dollars and the Court shall transfer and pay the same to Plaintiff. Upon payment of the Eight Thousand and 00/100 (\$8,000.00) Dollars, this Court shall issue a Master's Deed for Plaintiff's 1.66% undivided interest in the subject property to the Fields family as directed by their counsel.

13. I find that Plaintiff shall vacate the subject property within thirty (30) days of payment of the aforesaid Eight Thousand and 00/100 (\$8,000.00) Dollars. This Court shall retain jurisdiction in this case to see that all terms of this Order are fulfilled.

Based on the foregoing facts and conclusions of law, it is hereby,

ORDERED, that the Fields family shall pay Plaintiff the sum of Eight Thousand and 00/100 (\$8,000.00) Dollars for her 1.66% undivided interest in the property which is the subject matter of this litigation and upon payment to this Court of the Eight Thousand and 00/100 (\$8,000.00) Dollars, this court shall issue a Master's Deed to the Fields family; and, it is further

ORDERED, that the undersigned is authorized to issue a Confirmatory Master's Deed confirming title in Frederick Fields, Anna White, Robert Fields, Jr., Juanita Pinckney, Abraham Fields, and Joseph Fields; and, it is further

ORDERED, that Plaintiff shall vacate the subject property within thirty (30) days of the date of payment by the Fields family of Eight Thousand and 00/100 (\$8,000.00) Dollars; and, it is further

ORDERED, that the Sheriff of Charleston County put the Defendants, Frederick Fields, Anna White, Robert Fields, Jr., Juanita Pinckney, Abraham Fields, and Joseph Fields in possession of the said premises without delay and to keep said Defendants in such peaceful possession and that the Plaintiff, or anyone claiming by, through, or under her be forever barred and foreclosed of any right, title, or interest in said property; and, it is further

ORDERED, that all terms and conditions of my Orders dated July 24, 2023, May 2, 2024, May 15, 2024, August 13, 2024, and January 10, 2025, not modified herein shall remain in full force and effect.

AND IT IS SO ORDERED!

Mikell R. Scarborough

Charleston County Master-In-Equity

Charleston, South Carolina
_____, 2025.



Charleston Common Pleas

Case Caption: Tomeka Shayron Middleton VS Frederick Fields , defendant, et al

Case Number: 2021CP1005234

Type: Order/Other

So Ordered

s/Mikell R. Scarborough 3062