

FORM 15
RECORD ON APPEAL

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CLARENDON COUNTY
Court of Common Pleas

Honorable Joseph K. Coffey
Clarendon County

Case No. 2024-000664

Mirlene Witherspoon, Respondent

V.

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

Of which Gwendolyn Jones is the Appellant

RECORD ON APPEAL

Gwendolyn Jones Dennis
1740 E. 25th Street
Baltimore, MD 21213
Appellant

Kenneth R. Young Jr.
Young, Keffer & Associates, PA
23 West Calhoun Street, Suite 3
Sumter, SC 29150
Attorney for Respondent

RECEIVED

JUL 16 2025

SC Court of Appeals

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STATE OF SOUTH CAROLINA
COUNTY OF CLARENDON

IN THE COURT OF COMMON PLEAS
IN THE THIRD JUDICIAL CIRCUIT

Case No.: 2022-CP-14-00074

Mirlene Witherspoon,

Plaintiff,

vs.

ORDER

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

Defendants.

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

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

PROCEDURAL HISTORY

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

2024 MAY 20 PM 3:13
CLERK OF COURT

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

10. On June 7, 2022, the Plaintiff filed a copy of the certified mail green card returned from the post office as to Gwendolyn Jones. The Court acknowledges that the green card filed by the Plaintiff is unsigned. Plaintiff's counsel, acknowledging the lack of signature, represented to the Court that, during the Covid epidemic, it was common to receive back from the post office unsigned green cards. However, any doubt as to whether or not Ms. Jones was served with process was resolved by the fact that she, Ms. Jones, appeared in the Court on the hearing day (April 9, 2024) and acknowledged in response to several questions posed by the Court that she had received certified mail from the Plaintiff and provided a description of the documentation. The description provided by Ms. Jones was that of a Summons and Complaint. The Court, therefore, determined that Ms. Jones was duly served with process in this matter.

11. On June 29, 2022, the Plaintiff filed a Reply to the Counterclaim of Defendants West and Martin.

12. On July 7, 2022, the Plaintiff e-filed a copy of the certified letter green card as to Defendant Nakisha Christian. Defendant Christian neither filed response nor otherwise appeared in this matter.

13. On May 5, 2023, the Plaintiff e-filed a Settlement Agreement, a copy of which is attached hereto and incorporated herein by reference, in which they memorialized an amicable agreement as to the Plaintiff and Defendants West and Martin.

14. On or about July 25, 2023, the Clerk of Court filed an Entry of Default as to Defendants Heirs of Witherspoon, Kathleen Witherspoon, Gwendolyn Jones and Nakisha Christian.

15. On February 9, 2024, the matter was referred to me by consent for adjudication with finality.

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

BACKGROUND

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

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

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

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

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

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

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

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

CONCLUSIONS OF LAW

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

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

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

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

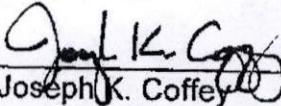
I, as the duly appointed Master-in-Equity for Clarendon County, will issue a Master's Deed converting the property to Ms. Witherspoon, Ms. Martin and Ms. West in fee. The interest of all other parties, including that lien of the SCDOR, which shall be satisfied from the sales proceeds, are formally partitioned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

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

Based of the foregoing, it is hereby ordered that:

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

IT IS SO ORDERED!


Joseph K. Coffey
Master-in-Equity

Manning, South Carolina
May 9, 2024

FORM 8
LETTER TO THE APPELLATE COURT CLERK
FILING THE NOTICE OF APPEAL

June 3, 2024

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

[The Honorable Patricia A. Howard
Clerk, Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211]

RE: Mirlene Witherspoon and John Stephen Keller, as Personal Representative of the Estate of Thomas Jefferson Witherspoon, Respondent, v. Gwendolyn Jones Dennis, Appellant, Case No. 2022-CP-14-00074

Dear Ms. Kitchings [Ms. Howard]:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondent[s].
- (2) A copy of the order[s] [judgment] which is [are] to be challenged on appeal.
- (3) A filing fee of \$250.*
- [(4) This appeal is being filed with the Supreme Court because . . . (see Rule 203(d) for when an appeal can be filed with the Supreme Court).]

Sincerely,
s/Gwendolyn
Jones Dennis
1740 E. 25th Street
Baltimore, Maryland 21213
(443) 467-6481
Appellant

cc: John Stephen Keffler, Esquire
1 Law Range, Suite B
Sumter, SC 29150
Attorney for Respondent

**FORM 1
NOTICE OF APPEAL IN A CIVIL CASE**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM CLARENDON COUNTY
Court of Common Pleas

Joseph K. Coffey, Circuit Court Judge

Case No. 2022-CP-14-00074

Mirlene Witherspoon and
John S. Keffer, as Personal Representative of
the Estate of Thomas Jefferson
Witherspoon Respondent,

v.

Gwendolyn Jones Dennis, Appellant.

NOTICE OF APPEAL

Gwendolyn Jones Dennis appeals the order [judgment] of the Honorable Joseph K. Coffey dated May 20, 2024. Appellant received written notice of entry of this order [judgment] on May 25, 2024..

June 3, 2024

s/ Gwendolyn
Jones Dennis
1740 E. 25th Street
Baltimore, Maryland 21213
(443) 467-6481
Appellant

Other Counsel of Record:
Jaime Carolina Lista
222 W. Coleman Blvd.
Mount Pleasant, SC 29464

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM CLARENDON COUNTY
Court of Common Pleas

Joseph K. Coffey, Circuit Court Judge

Case No. 2022-CP-14-00074

Mirlene Witherspoon

Respondent,

v.

Gwendolyn Jones Dennis

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Mirlene Witherspoon by depositing a copy of it in the United States Mail, postage prepaid, on June 3, 2024, addressed to Shanita Brangman, Clerk, Clarendon County Courthouse, 3 W. Keitt Street, Manning, SC 29102, on June 3, 2024.

June 3, 2024

s/ Gwendolyn
Jones Dennis
1740 E. 25th Street
Baltimore, Maryland 21213
(443) 467-6481
Appellant

STATE OF SOUTH CAROLINA
COUNTY OF CLARENDON

IN THE COURT OF COMMON PLEAS
IN THE THIRD JUDICIAL CIRCUIT

Case No.: 2022-CP-14-

Mirlene Witherspoon,

Plaintiff,

vs.

SUMMONS

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

Defendants.

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, or otherwise appear and defend, and to serve a copy of your Answer to said Complaint upon the subscriber at his office, 1 Law Range, Suite B, Sumter, South Carolina, 29150, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, or otherwise appear and defend, the Plaintiff in this action will apply to the Court for the relief demanded therein, and judgment by default will be rendered against you for the relief demanded in the Complaint.

**CERTIFIED TRUE COPY
OF ORIGINAL FILED IN THIS OFFICE**

DATE 10/15/2024

Bonnie B. Roberts

CLERK OF COURT
CLARENDON COUNTY, SC

[Signature Page Follows]

SHULER-KILLEN, LLC

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

Sumter, South Carolina
February 24, 2022

STATE OF SOUTH CAROLINA
COUNTY OF CLARENDON

IN THE COURT OF COMMON PLEAS
IN THE THIRD JUDICIAL CIRCUIT

Case No.: 2022-CP-14-

Mirlene Witherspoon,

Plaintiff,

vs.

**COMPLAINT
(Non-Jury)**

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

Defendants.

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

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

of the County of Clarendon, State of South Carolina.

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

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

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

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

each passed away leaving no heirs other than Pearl Martin, Debra West and William V. Witherspoon.

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

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

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

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

SHULER-KILLEN, LLC

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

Sumter, South Carolina
February 24, 2022

STATE OF SOUTH CAROLINA)	In the Court of Common Pleas
)	Case No. 2022-CP-14-00074
COUNTY OF CLARENDON)	
MIRLENE WITHERSPOON)	
)	
Plaintiff,)	
)	
Versus)	
)	
HEIRS OF THOMAS)	
WITHERSPOON, GWENDOLYN)	
JONES, NAKISHA CHRISTIAN,)	
P. KATHLEEN WITHERSPOON)	
PEARL MARTIN, THE SOUTH)	
CAROLINA DEPARTMENT)	
OF REVENUE AND DEBRA)	
WEST,)	
)	
Defendant.)	
)	

JUDGE: The Honorable Judge Joseph Coffey

DATE: April 9, 2024

TIME: 2:00 A.M.

LOCATION: The Clarendon County Courthouse, Manning, S. C.

TAKEN BY: Mr. Patrick Killen

REPORTED BY: Andrea R. Kelly

Andrea R. Kelly
1517 Highway 129
Galivants Ferry, S. C. 29544
Phone: 843-372-6055
E-mail:andykelly0116@yahoo.com

Appearances:

FOR THE PLAINTIFF:

Mr. Patrick Killen
Shuler and Killen
#1 Law Range
Sumter, S. C. 29150

FOR THE DEFENDANTS:

Mr. Hal E. Cobb
222 West Coleman Blvd.
Building 2
Mount Pleasant, S. C. 29464

Andrea R. Kelly
1517 Highway 129
Galivants Ferry, S. C. 29544
Phone: 843-372-6055
E-mail: andykelly0116@yahoo.com

1 Judge Coffey Good afternoon. Ladies and gentleman are we ready
2 to begin?

3 Mr. Killen Yes, sir.

4 Mr. Cobb Yes, sir.

5 Judge Coffey Ma'am, are you ready?

6 Reporter I am.

7 Judge Coffey Okay, this is the case involving Mirlene Witherspoon,
8 Plaintiff, versus Heirs of Thomas Witherspoon,
9 Gwendolyn Jones, Nakisha Christian, P. Kathleen
10 Witherspoon, Pearl Martin, the South Carolina
11 Department of Revenue and Debra West. This is case
12 number 2022-CP-14-00074. Mr. Killen, I will let you
13 go ahead and introduce yourself and gentleman I
14 understand that this is Mrs. Gwendolyn Jones seated
15 behind you who is also a named Defendant in this
16 action. She presented herself a few moments ago.

17 Mr. Killen Yes, sir. Judge, I'm Patrick Killen, spelled K-I-I-I-e-n.
18 I represent Mirlene Witherspoon. Her daughter Mary
19 Hutton I here along with her husband, Robert Hutton.
20 He has power of attorney, attorney in fact for Mrs.
21 Witherspoon, the Plaintiff.

22 Judge Coffey Yes, sir.

23 Mr. Cobb Your Honor, my name is Hal Cobb, and I'm here with
24 co-counsel, Carolina Lista, and we represent two of
25 the Defendants, Mrs. Pearl Martin and Mrs. Debra

1 West.

2 Judge Coffey Okay. Mr. Killen, you may proceed.

3 Mr. Killen Judge, I can announce for your Honor, that we have

4 reached a settlement with the responding Defendants

5 in this case, which is Mr. Cobb and Miss Lista's

6 clients. We actually filed a settlement agreement on

7 the E-file system. It's basically an agreement to

8 partition this property. It is approximately 27 to 28

9 acres, and it's listed as different things on different

10 places.

11 Judge Coffey Before we get into the merits of the settlement

12 agreement, if you could I did want to address Mrs.

13 Jones' presence here. I did not see was she properly

14 served and I understand there was a motion for default

15 against.

16 Mr. Cobb Your Honor, I can't peak to service but there is an

17 entry of default against Mrs. Jones that was

18 electronically filed on July 27, 2023 at 1:36. I have a

19 copy of it and I can hand that to you if you would like

20 to see it.

21 Judge Coffey I would like to see that, yes.

22 Mr. Cobb This was E-filed your Honor.

23 Judge Coffey Yes, sir. One second, ma'am. Mr. Cobb, I see the

24 entry of Default but there was a recitation in the

25 Settlement Agreement that in the Affidavit and

1 Motion for Default Judgment, Mr. Killen the
2 Summons and Complaint was served on the
3 Defendant, Gwendolyn Jones via certified mail.

4 Mr. Killen Your Honor, I've got a copy of that.

5 Mr. Cobb It stated that on June 7, 2022 it is certified.

6 Judge Coffey Okay, Mrs. Jones, is your address 1740 East 25th
7 Street, Baltimore, Maryland?

8 Gwendolyn Jones That is correct but your Honor, I did not receive this.
9 This is what I can't understand. Approximately two
10 years ago first of all if I may start from the beginning.

11 Judge Coffey No, ma'am, I want to address this.

12 Gwendolyn Jones I have not received anything other than this letter here
13 to come here today. A letter from this attorney's
14 office approximately two years ago stating that Mrs.
15 Mirlene wanted to add on my cousin Pearl's children
16 and divide the property between them and the others.
17 I didn't receive anything stating that I needed to
18 respond to anything, and that's what I couldn't
19 understand. Why did I receive this letter a month ago
20 where after I responded to that letter that he showed
21 me the background of how the property got acquired.
22 I returned a letter or E-mailed the attorney a letter
23 stating thank you because all I remember is as a young
24 child coming here that my grandfather who legally
25 adopted me, Thomas Witherspoon, and legally

1 adopted, Nakisha Christian to. I remember coming
2 every summer and sending checks here to pay
3 property taxes.

4 Judge Coffey Mrs. Jones, one second.

5 Gwendolyn Jones I don't remember - - -

6 Judge Coffey Mrs. Jones, one second please.

7 Gwendolyn Jones Meeting anybody - - -

8 Judge Coffey Mrs. Jones, stop.

9 Gwendolyn Jones I'm sorry.

10 Judge Coffey Can I get a copy of what we had from the Defendant
11 such as a copy of what we had from the - - -

12 Mr. Cobb Mr. Killen, do you have anything. I see the Entry of
13 Default and I see the certified mail but anything to
14 indicate that she received the Summons and
15 Complaint?

16 Mr. Killen Judge, all I have is this green card which I think Mr.
17 Cobb handed up to your Honor. I will concede that
18 there's no signature on it, but what I would tell your
19 Honor, is this was back at the tail end of Covid, and
20 we were getting a lot of stuff we sent certified back
21 and came back unsigned or had a mark on there but I
22 will acknowledge I think this is what I have. May I
23 approach. That's what I have, and I think she just
24 admitted that she got the or she called it a letter but
25 that would have been the Summons and Complaint

1 that was served on her.

2 Gwendolyn Jones Again, if I may - - -

3 Judge Coffey Mrs. Jones, let me ask you these are indicating that
4 certified mail was sent to you and you did make
5 reference a moment ago to having received something
6 that was kind of indicating the essence of this.

7 Gwendolyn Jones Yes, sir.

8 Judge Coffey You acknowledge having received that.

9 Gwendolyn Jones But what I didn't receive - - -

10 Judge Coffey No, ma'am, answer that.

11 Gwendolyn Jones I received something in reference to this. It's at home
12 and it's misplaced but I got the letter that I responded
13 to him, but it was nothing stated that I needed
14 representation. All they were - - - what I saw was
15 they were suggesting that some property be split up
16 and this and that and the third, and I didn't know that I
17 needed representation as far as number 1, I knew
18 nothing. I thought it was Peal, my cousin Pearl - - -

19 Judge Coffey Yes ma'am,

20 Gwendolyn Jones And Kathleen who is Mr. Witherspoon's biological
21 daughter who is bipolar and schizophrenic When Mr.
22 Witherspoon passed away, and when I went to
23 Shepard Pratt Hospital in Baltimore, Kathleen told me
24 at this time she said Gwen what are we going to do
25 daddy is gone, and I said don't worry about that, I've

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got you. She said to me, but Gwen I signed a letter Mrs. Mirlene came here with her son. I said what are you talking about. I had no idea that our names was on this estate here until I received this letter. What I read from the letter there was nothing about needing representation or to put any type of stipulation that was the property I handled with Mr. Witherspoon in Baltimore. All ti was saying was that they suggested and I'm assuming because I hadn't seen Pearl since daddy died, I was assuming that these was her children or something and I was saying wait a minute, that's now how it works. If I had known that I needed representation, I would have had it. What I do know and understood that this deed is in place where one can't do without the others signature. That's why it's called - - -

Judge Coffey

Mrs. Jones, I'm going to stop you. What you described to me was the essence of a Summons and Complaint n which case when you receive a Summons and Complaint you are required to respond to that Summons and Complaint within a defined period of time, but it does not appear that you

Gwendolyn Jones I really - - -

Judge Coffey Did so, ma'am. I'm speaking now.

Gwendolyn Jones I'm sorry. I apologize.

1 Judge Coffey As a result of that what I was asking the attorneys in
2 this, when you failed to respond to a Summons and
3 Complaint then you will be found in default.

4 Gwendolyn Jones Okay.

5 Judge Coffey And based on what you have told me that you
6 received, I am finding you in default on this.

7 Gwendolyn Jones I responded - - -

8 Judge Coffey Publication was also made in the newspaper regarding
9 this matter. No, ma'am, I'm not accepting that. I'm
10 speaking now and I'm telling you - - -

11 Gwendolyn Jones Yes, sir.

12 Judge Coffey - - - how this is.

13 Gwendolyn Jones Yes, sir.

14 Judge Coffey I am going to find you in default in this matter, okay,
15 and the Entry of Default has been entered into and as a
16 result that will limit you or prohibit you from
17 participating in this hearing today.

18 Gwendolyn Jones But this is - - -

19 Judge Coffey Okay, no, ma'am.

20 Gwendolyn Jones Yes, sir.

21 Judge Coffey You are going to have to address this if you choose to,
22 outside of or after this hearing by your retention of
23 counsel if you so choose to, okay. But what you have
24 provided to me, is indication that you did receive the
25 Summons and Complaint. I'm not going to take that

1 up any further, okay. Now, Mr. Killen,

2 Gwendolyn Jones Ah - - -

3 Judge Coffey No, ma'am, I'm regrettably I am done with this, Mrs.
4 Jones. Go ahead, Mr. Killen.

5 Mr. Killen I think what I was saying your Honor, just a moment
6 ago, was Mrs. Martin and Mrs. West who are
7 represented by Mr. Cobb and Miss Lista, we entered
8 into a settlement agreement with them. So my client
9 and those two ladies entered this agreement basically
10 where they would agree that the property would be
11 listed with a realtor, a licensed realtor, and sold and
12 then the proceeds of the sale would be split evenly
13 between the three. There is also some taxes that
14 would have to be reimbursed and their clients
15 understand that, but it's in the settlement agreement.

16 Judge Coffey Okay.

17 Mr. Killen That was the essence of the settlement agreement. I
18 think that was reached and I didn't have this case. This
19 was Matt Williamson's case and he had this case all
20 this time until he left in September but I think it was
21 reached in mediation. But I'm not a hundred percent
22 sure about that.

23 Mr. Cobb I believe that's accurate your Honor. Your Honor, I
24 think that procedurally the court has to issue default
25 judgment against the other Defendants, not just Mrs.

1 Jones, and then a master deed needs to be issued by
2 the Court that would allow the three parties that have
3 come to mediation settlement to be allowed to sell - - -
4 for the buyer of the property, your Honor, but I think
5 those are the two steps we need in front of the Court. I
6 believe those are in front of the Court today.

7 Judge Coffey All right. I've addressed Mrs. Jones and the
8 remaining Defendants I see that there was evidence of
9 further service on the two other Defendants.

10 Mr. Cobb Plaintiff took care of that, yes, your Honor.

11 Judge Coffey Okay, and they included Mrs. Kathleen Witherspoon.

12 Mr. Cobb Your Honor, I've got a copy of what Mr. Killen's firm
13 filed for the Affidavit and Motion for Default
14 judgement. You have already ruled in terms of Mrs.
15 Jones, but we still have the heirs of Thomas
16 Witherspoon, Nakisha Christian, P. Kathleen
17 Witherspoon and the South Carolina Department of
18 Revenue are the named Defendants named in the
19 actual Complaint that default judgment would be
20 proper and appropriate and that would allow this court
21 to actually issue a master deed that we could actually
22 draft and submit on the court's behalf that would
23 match and mirror the terms of the settlement
24 agreement that has been filed with the court your
25 Honor.

- 1 Judge Coffey Okay. I will find the named Defendants that you just
2 named are likewise in default in this matter.
- 3 Mr. Cobb Thank your Honor. So, your Honor, that would just
4 lead us to having the master deed to be able to do the
5 proper seller documents.
- 6 Judge Coffey Okay. Now, regarding the settlement agreement that I
7 reviewed one thing I did read is that ya'll had
8 designated a realtor out of Calhoun County. You may
9 want to or I didn't know if that was true or correct.
- 10 Mr. Cobb Judge, that's what it says and when I read that, I was
11 like what in the world is that about but apparently
12 that's what they agreed to, and that's fine with me.
- 13 Mr. Killen We don't have an issue.
- 14 Judge Coffey I just didn't know if you wanted to clarify that in the
15 agreement that you might want to have a Clarendon
16 County realtor involved as opposed.
- 17 Mr. Cobb If Patrick and I had been at the mediation maybe we
18 would have pointed that out, but we don't know what
19 the meeting of the minds were, so we think we should
20 stick with what's in the actual document.
- 21 Judge Coffey Okay.
- 22 Mr. Cobb But I don't disagree with you your Honor, and I can't
23 imagine if it was mistake, but there must have been
24 some justification would be my guess.
- 25 Mr. Killen Judge, it may have been Clarendon County

1 Judge Coffey I'm not speaking to you right now, Sir, I'm not
2 speaking to you, I'm talking to the two attorneys are
3 who needs to address the court, okay.

4 Mr. Un-huh.

5 Mr. Killen Judge, what I was saying is they may have meant
6 Clarendon County and there was a typo but I don't
7 know. In any case, we will resolve that between u.

8 Judge Coffey Yes, sir.

9 Mr. Cobb Your Honor, what we can do, is if you would like for
10 us to take the reins to draft a proposed Master deed for
11 this court to issue, we can clarify that and we can add
12 that into that at that point in time your Honor.

13 Judge Coffey That will be fine.

14 Mr. Cobb Yes, sir.

15 Judge Coffey And gentlemen I want to confirm that you are both
16 authorized to legally bind your respective clients
17 to the terms of this settlement agreement, is that
18 correct, Mr. Killen.

19 Mr. Killen Yes, your Honor.

20 Judge Coffey And Mr. Cobb?

21 Mr. Cobb Yes, your Honor, on behalf of the Defendants Pearl
22 Martin and Debra West, we are.

23 Judge Coffey Okay. I will adopt the settlement agreement as you
24 have addressed and fined the Defendants that we so
25 named in default in this matter. Let the settlement

1 agreement carry forth and Mr. Cobb if you would
2 address the preparation of the deed.

3 Mr. Cobb With the settlement agreement I want the approval of
4 Mr. Killen prior to submitting it to the court.

5 Judge Coffey Okay. Is there anything else?

6 Mr. Killen Nothing from the Plaintiff, Judge.

7 Mr. Cobb Nothing from the Defendant, your Honor.

8 Gwendolyn Jones Your Honor.

9 Judge Coffey Ma'am., the hearing is adjourned and we are
10 concluded.

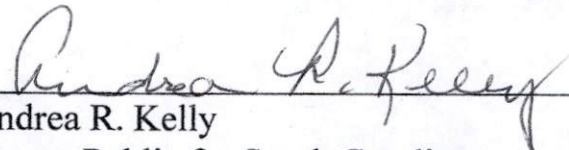
11 The hearing was adjourned.
12

STATE OF SOUTH CAROLINA
COUNTY OF WILLIAMSBURG

I, Andrea R. Kelly, Reporter and Notary Public for South Carolina hereby certify that I reported the hearing in the above matter, and the foregoing pages constitute a true and correct transcription of my stenographic report.

I FURTHER certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties connected to the action, nor am I financially interested in the same.

DATED At Kingstree, S. C. this 10th day of April, 2024.



Andrea R. Kelly
Notary Public for South Carolina
My Commission expires: 1/24/2029

ANDREA R. KELLY
1517 HIGHWAY 129
GALIVANTS FERRY, S. C. 29544
PHONE: 843-372-6055
E-mail:andykelly0116@yahoo.com

Track USPS package

ELECTRONICALLY FILED - 2022 Jul 07 2:26 PM - CLARENDON - COMMON PLEAS - CASE#2022CP1400074

70173040000057711551


Track

USPS package #70173040000057711551
www.usps.com


Delivered: Mon, Mar 21, 03:13 PM

Processed

In transit

Delivered 

DATE	TIME	LOCATION	STATUS
Mar 21	3:13 PM	Rosedale, MD, United States	Delivered, left with individual
Mar 21	9:34 AM	Rosedale, MD, United States	Out for delivery
Mar 21	9:23 AM	Rosedale, MD, United States	Arrived at post office
Mar 20	12:00 AM		In transit to next facility
Mar 19	4:09 PM	Baltimore Md Distribution Center	Departed USPS regional facility

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<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No if YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p><i>Wakisha M. Christian</i> <i>5347 King Arthur Circle</i> <i>Rosedale, Maryland 21237</i></p>	<p>JUL 05 2024</p>
 9590 9402 3060 7124 2605 57	<p>3. Service Type</p> <ul style="list-style-type: none"> <input type="checkbox"/> Adult Signature <input checked="" type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input checked="" type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery
<p>PS Form 3811, July 2013 PSN 7530-02-000-9053</p>	<p>Domestic Return Receipt</p>

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DATE 10/15/2024

Bonnie B. Roberts
CLERK OF COURT
CLARENDON COUNTY, SC

32

APR 18 REC'D

ELECTRONICALLY FILED - 2022 Apr 22 10:15 AM - CLARENDON - COMMON PLEAS - CASE#2022CP1400074

AFFIDAVIT OF SERVICE

State of South Carolina

County of Clarendon

Common Pleas Court

Case Number: 2022-CP-14-00074

Plaintiff:

MIRLENE WITHERSPOON

vs.

Defendant:

HEIRS OF THOMAS WITHERSPOON, GWENDOLYN JONES, NAKISHA CHRISTIAN, P. LATHLEEN WITHERSPOON, PEARL MARTIN, THE SOUTH CAROLINA DEPARTMENT OF REVENUE, AND DEBRA WEST

For:

MATTHEW WILLIAMSON
1 LAW RANGE, STE B
SUMTER, SC 29150

Received by PROCESS SERVICE, INC. to be served on DEBRA WEST, 3904 MARYLAND AVE. APT B, CHARLESTON AFB, SC 29404.

I, Bob Clair, being duly sworn, depose and say that on the 6th day of April, 2022 at 11:47 am, I:

PERSONALLY served by delivering a true copy of the SUMMONS, COMPLAINT, EXHIBIT A, EXHIBIT B, LIS PENDENS to: DEBRA WEST at the address of: CHARLESTON AFB, OUTSIDE OF THE GATE, NORTH CHARLESTON, SC 29404.

Description of Person Served: Age: 71, Sex: F, Race/Skin Color: Black, Height: 5'8", Weight: 135, Hair: Black, Glasses: Y

I am over eighteen and have no interest in the above action.

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OF ORIGINAL FILED IN THIS OFFICE**

DATE 10/15/2024

Bonnie B. Roberts
CLERK OF COURT
CLARENDON COUNTY, SC

Subscribed and Sworn to before me on the 8th day of April, 2022 by the affiant who is personally known to me.

John Kease
NOTARY PUBLIC
John Kease
PRINTED SIGNATURE


Bob Clair
Bob Clair
Process Server

PROCESS SERVICE, INC.
P.O. Box 20097
Charleston, SC 29413
(843) 577-2355

Our Job Serial Number: LEX-2022000807

Commission Expires:

June 3, 2031

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature X	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: <i>Gwendolyn Jones</i> <i>1740 E. 25th Street</i> <i>Baltimore, MD 21213</i>	B. Received by (Printed Name)	C. Date of Delivery
 9590 9402 3060 7124 2605 33	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label) 7017 3040 0000 5771 1544	3. Service Type <input type="checkbox"/> Adult Signature <input checked="" type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input checked="" type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery	

PS Form 3811, July 2015 PSN 7530-02-000-9053

Gwendolyn Jones

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DATE 10/15/2024
Bowen B. Roberts
 CLERK OF COURT
 CLARENDON COUNTY, SC

STATE OF SOUTH CAROLINA
COUNTY OF CLARENDON

IN THE COURT OF COMMON PLEAS
IN THE THIRD JUDICIAL CIRCUIT

Case No.: 2022-CP-14-00074

Mirlene Witherspoon,

Plaintiff,

vs.

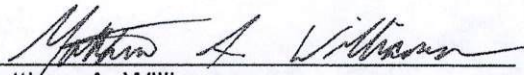
AFFIDAVIT OF NON-SERVICE

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

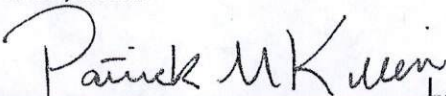
Defendants.

The undersigned, Matthew A. Williamson, attorney for Plaintiff, being duly sworn states that, although due and diligent search has been made for the Defendants, the Plaintiff has been unable to locate them.

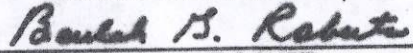
The undersigned has made a good faith attempt to duly serve these Defendants but was unable to locate them.


Matthew A. Williamson

SWORN to before me this 14th
day of March, 2022.


Notary Public for South Carolina
My Commission Expires: 4-3-28

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OF ORIGINAL FILED IN THIS OFFICE**

DATE 10/15/2024

CLERK OF COURT
CLARENDON COUNTY, SC

STATE OF SOUTH CAROLINA
COUNTY OF CLARENDON

IN THE COURT OF COMMON PLEAS
Case No.: 2022-CP-14-00074

Mirlene Witherspoon,

Plaintiff,

vs.

CERTIFICATE OF SERVICE

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

Defendants.

I, the undersigned employee of Shuler Killen, LLC, do hereby certify that service of the **Notice of Hearing** in the above-captioned matter was made upon the following by placing one regular copy of same in the United States Mail, this 5th day of March 2024 postmarked to the following addresses:

J. Carolina Lista, Esq.
Cobb, Dill and Hammett, LLC
222 W Coleman Blvd.
Mount Pleasant, SC 29464

P. Kathleen Witherspoon
1903 Belvedere Avenue
Baltimore, Maryland 21239

Nakisha Christiana
5347 King Arthur Circle
Rosedale, Maryland 21237

Kiera C. Dillon, Esq.
The South Carolina DOR
c/o Office of General Counsel
PO Box 667
Columbia, SC 29202

Gwendolyn Jones
1740 E. 25th Street
Baltimore, Maryland, 21213

John S. Keffer, Esq.
Keffer Law Firm
10 Law Range
Sumter, SC 29150

Kim P. Lowder

Kim P. Lowder – Legal Assistant

SWORN to before me this 5th
day of March, 2024

Seanna A. Whitaker

Notary Public for South Carolina

My Commission Expires: 05-19-2031

Certificate of Appellant

Gwendolyn Jones, Appellant, hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

July 15, 2025

RECEIVED

JUL 16 2025

Gwendolyn Jones Dennis

SC Court of Appeals

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

Appellant