



Charleston Common Pleas

Case Caption: Danielle C Brown VS Crystal Brown Nwaneri

Case Number: 2023CP1006212

Type: Order/Publication

So Ordered

s/Julie J. Armstrong, Charleston County Clerk of Court, by BLC

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STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

DANIELLE C. BROWN,

Plaintiff,

v.

CRYSTAL BROWN NWANERI,

Defendant.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

C/A No.: 2023-CP-10-06212

**MOTION AND ORDER FOR
SERVICE BY PUBLICATION**

YOU WILL PLEASE TAKE NOTICE that Plaintiff, Danielle C. Brown (hereinafter referred to as the "Plaintiff"), by and through her undersigned counsel for purpose effectuating service upon the above-captioned Defendant (hereinafter referred to as "Defendant") move before this Honorable Court, for an Order authorizing service by publication of the above referenced matter, on the basis that the Defendant still has not been personally served. The Plaintiff has not been able to effectuate service pursuant to ordinary means: personal service or substituted service, and upon information and belief, the Defendant is aware of this matter, has made no attempt to provide her whereabouts to any other parties and is actively endeavoring to evade service.

FACTS

1. On or about December 21, 2023, Plaintiff initiated the subject partition action by filing a Summons and Complaint in this Court.
2. Plaintiff obtained Defendant's address from prior knowledge, current legal proceedings, and other public records.
3. Plaintiff hired ABC Legal, a company engaged in the business of performing skip-traces and serving legal documents, to serve the Summons and Complaint on Defendant.

4. ABC Legal attempted service on Defendant on January 10, 2024, January 12, 2024, January 14, 2024, and January 16, 2024. However, these attempts were unsuccessful.
5. ABC Legal returned a signed proof of non-service document which has been filed with this Court.
6. In an attempt to further investigate the location of Defendant, ABC Legal ran a skip trace on Defendant, which confirmed Defendant resides at the location where ABC Legal had attempted service of process on Defendant.
7. Further, ABC Legal or its representatives have spoke with the neighboring property owner(s) and confirmed Defendant lives at the location where ABC Legal had attempted service of process on Defendant.
8. ABC Legal again attempted to serve Defendant following the skip trace on March 4, 2024, March 10, 2024, March 13, 2024, and March 17, 2024.
9. On March 17, 2024, Timothy Allen, a representative of ABC Legal, spoke with an unknown individual who identified themselves as the resident of the location; however, the person refused to open the door.
10. ABC Legal returned a second signed proof of non-service document which has been filed with this Court.
11. To date the Defendant has not attempted to contact Plaintiff's attorney or process server.

APPLICABLE LAW

S.C. Code Ann. § 15-9-710 authorizes service of the summons be made by publication when, after due diligence, the person to be served cannot be found within the State and that fact appears by affidavit to the satisfaction of the court...and it in like manner appears that the cause of action exists against the defendant in respect to whom the service is to be made or that he is a

proper party to an action relating to real property in this state...when the subject of the action is real or personal property in this State and the defendant has or claims a lien or interest, actual or contingent, therein or the relief demanded consists wholly or partly in excluding the defendant from any interest or lien therein.

CONCLUSION OF LAW

Based on this Motion and the affidavits of non-service filed with this Court, which are incorporated herein by reference, I find that the Plaintiff is entitled to effectuate service by publication regarding Defendant.

WHEREFORE, Plaintiff moves this Court for an order of service by publication.

IT IS THEREFORE ORDERED, that Plaintiff is granted leave to effectuate service by publication pursuant to S.C. Code § 15-9-740 in the Post & Courier, a newspaper of common circulation in Charleston County.

_____, 2024.

Presiding Judge for Charleston County

ISO MOVE:

s/Logan S. Davis
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Date: April 16, 2024



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