

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )  
 )  
 TIMOTHY L. FREEMAN )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 BRENDA P. JOHNSON, ANTHONY )  
 JAMES, JR., CAROLYNN JAMES, 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 or )  
 legal entity of any kind who may be an heir, )  
 distributee, legatee, widower, widow, assign )  
 administrator, executor, creditor, successor, )  
 personal representative, issue or alienee of )  
 LOUIS FREEMAN, GLADYS FREEMAN, )  
 and ANTHONY GLENN JAMES, SR., all )  
 of whom are deceased, and any and all other )  
 persons or legal entities, known and un- )  
 known, claiming any right, title, interest or )  
 estate in or lien upon the parcel of real estate )  
 described in the Lis Pendens and Complaint )  
 filed herein, )  
 )  
 Defendants. )  
 )

IN THE COURT OF COMMON PLEAS  
 FOR THE NINTH JUDICIAL CIRCUIT  
 CASE NO.: 2025-CP-10-01288

**MASTER'S ORDER**

**RECEIVED**  
**APR 20 2026**  
 SC Court of Appeals

A hearing was held before me on February 24, 2026 pursuant to an Order of the Honorable Jennifer B. McCoy filed herein on September 26, 2025. The record reflects that the Summons, Lis Pendens, Notice and Complaint were filed on March 10, 2025 ("Pleadings"). The Defendants were all duly served with the Pleadings. Defendants, Brenda P. Johnson and Anthony James, Jr., each filed a pro se Answer. Walter R. Kaufmann, Esquire, was appointed Guardian ad Litem Nisi ("Guardian") on April 2, 2025. The Guardian acknowledged receipt of the Pleadings and filed an Answer on April 2, 2025. Pursuant to the Order of the Honorable Jennifer B. McCoy

filed herein on August 27, 2025, Michael O. Nelson, Esquire was appointed as Guardian for the Defendant, Anthony James, Jr., who was, and is now, incarcerated in the Sheriff Al Cannon Detention Center. All parties were duly advised as to the date, time and location of the hearing as evidenced by the Certificate of Mailing filed on November 21, 2025.

On January 14, 2026, this Court issued an Order denying several Motions filed by Defendant, Anthony James, Jr., namely, a Motion to Dismiss the Guardian ad Litem Nisi, Walter R. Kaufmann, a Motion to Relieve the Guardian, Michael R. Nelson, and a Motion for Restraining Order, which Order was duly served upon all Defendants by Plaintiff's attorney. A Notice of Appearance and Representation of Counsel was filed by Attorney Michelle A. Mapp on February 13, 2026 on behalf of the Defendant, Carolynn James.

Present at the hearing was the Plaintiff, Timothy L. Freeman, along with his attorney, John J. Dodds III, Walter R. Kaufmann, Guardian ad Litem Nisi, Michael O. Nelson, Guardian for Anthony James, Jr., Brenda P. Johnson, pro se, Michelle A. Mapp, attorney for Defendant, Carolynn James, and Nia Swinton Jenkins, a Realtor who had been contacted by Defendant, Anthony James, Jr., and was familiar with the subject residence.

#### FINDINGS OF FACT

Based upon the testimony received at the hearing and the twelve (12) Exhibits received in evidence from Plaintiff's attorney, the Court finds and concludes as follows:

**ONE:** This Court has jurisdiction over the subject matter of this action and the parties hereto and venue is proper in Charleston County where the subject real property is located;

**TWO:** The parcel of real estate which is the subject of this action is situated in the County of Charleston, State of South Carolina, and is more particularly described as follows:

All that certain piece, parcel or lot of land, together with the buildings and improvements thereon, situate, lying and being in the County of Charleston, State of South Carolina, known and designated as Lot No. 7, Block 24, as shown on a plat of Pepperhill No. 3, recorded in Plat Book W, at Page 16, in the Register's Office for Charleston County. Said lot having such size, shape, dimensions, butting and boundings as will by reference to said plat more fully appear.

BEING the same property conveyed to Louis Freeman and Gladys Freeman, as joint tenants with rights of survivorship and not as tenants in common, by deed of Ronnie D. Robinson and Blondell C. Robinson, dated December 5, 2016, and recorded in the Register's Office for Charleston County, South Carolina on December 15, 2016, in Book 0603, at Page 697.

TMS #: 395-10-00-092

Street Address: 3336 Dublin Rd., North Charleston, SC 29420

(Hereinafter Referred to as the "Subject Property")

**THREE** Louis Freeman died on October 26, 2017. Prior to his death, Louis Freeman and his wife, Gladys Freeman, held fee simple title to Subject Property as joint tenants with rights of survivorship and not as tenants in common. Upon the death of Louis Freeman, Gladys Freeman became the owner of the Subject Property. A Declaration attesting to the death of Louis Freeman was filed in the Office of the Register of Deeds for Charleston County on January 17, 2025, in Book 1290, at Page 542. The Estate of Louis Freeman, Charleston County Probate Court Case No. 2019-ES-10-00189, was duly probated and properly closed.

**FOUR:** Gladys Freeman died intestate on July 5, 2023 leaving as her sole heirs and distributees-at-law her three (3) children, Timothy L. Freeman, Brenda P. Johnson and Anthony Glenn James, Sr. A Deed of Distribution in the Estate of Gladys Freeman, Charleston County Probate Court Case No. 2023-ES-10-01400, transferring the Subject Property to Timothy L. Freeman (1/3), Brenda P. Johnson (1/3), and the children of Anthony James, Sr., who died September 22, 2023, namely, Anthony James, Jr. (1/6) and Carolynn James (1/6), was recorded in the Register's Office for Charleston County on June 28, 2024, in Book 1253, Page 722. The Estate of Gladys Freeman was duly probated and closed.

**FIVE:** Anthony Glenn James, Sr. died intestate on September 22, 2023 having an undivided one-third (1/3) interest in the Subject Property and leaving as his sole heirs and distributees-at-law his two (2) children, Anthony James, Jr. and Carolynn James. A Deed of Distribution in the Estate of Anthony Glenn James, Sr, Charleston County Probate Court Case No. 2023-ES-10-01890, transferring his undivided one-third (1/3) interest in the Subject Property to his two (2) children, Anthony James, Jr. (1/6) and Carolynn James (1/6), was recorded in the Register's Office for Charleston County on July 24, 2024, in Book 1258, Page 293. The Estate of James Glenn James, Sr. was duly probated and

properly closed.

**SIX:** Pursuant to the laws of Intestate Succession contained in Title 62, Article 2, Part 1, Code of Laws of South Carolina, 1976, as amended, and the Deeds of Distribution referenced above,

Plaintiff and Defendants have an undivided interest in the Subject Property as follows:

Timothy L. Freeman (1/3),  
Brenda P. Johnson (1/3),  
Anthony James, Jr. (1/6),  
and Carolynn James (1/6).

**SEVEN:** The Subject Property is zoned as a single-family residence, is located in a residential neighborhood and is incapable of being divided in kind given the undivided interests of the parties in this action and, consequently, partition by sale of the Subject Property is just and proper.

**EIGHT:** The Subject Property was appraised by Michael S. Tawes, SRA on January 28, 2026 as having a value of Two Hundred Thirty-Five Thousand and No/100 (\$235,000.00) Dollars, which value is supported by the evidence presented at the Hearing including, but not limited to, the testimony of Realtor Nia Swinton Jenkins.

**NINE:** Plaintiff retained the services of John J. Dodds III as his attorney in this action and is requesting an award of attorney's fees and costs in accordance with SCRCP 71(d)(3). In determining an award of attorney fees, the Court should consider the following six (6) factors:

- 1) the nature, extent and difficulty of the case;
- 2) the time necessarily devoted to the case;
- 3) professional standing of counsel;
- 4) contingency of compensation;
- 5) beneficial results obtained; and
- 6) customary legal fees for similar services.

Jackson v. Speed, 326 S.C. 289, 308, 486 S.E.2d 750, 760 (1997).

The present action involves clearing title to a single-family residence in which four (4) separate individuals have an undivided interest, one (1) of whom is, and has been, incarcerated in the Sheriff Al

Cannon Detention Center, as well as valuing the residence for purposes of allowing any of the Defendants the right of first refusal to purchase the residence. Plaintiff's attorney has diligently prosecuted his client's case and successfully achieved the objectives of the action. Plaintiff's attorney has been an attorney for over forty (40) years and regularly appears in this Court on matters similar to the within action. The time expended by Plaintiff's attorney as reflected in the Affidavit of Attorney Fees and Costs filed February 23, 2026, as well as the time expended at the Hearing and preparing this Order on behalf of the Court, is consistent with the services performed on behalf of Plaintiff and has benefitted all of the parties, not just the Plaintiff, and should be paid from the net sale proceeds as prescribed in SCRCP 71(d)(3) prior to payment to any of the parties. As noted, Plaintiff's attorney filed an Affidavit of Attorney Fees and Costs on February 23, 2026 indicating that he had expended 19.5 hours representing Plaintiff as of that date and had incurred expenses of \$936.89, both of which the Court finds to be reasonable. Plaintiff's attorney expended an additional three (3) hours preparing for, and attending the Hearing in this matter, as well as three (3) hours in preparing the within Order on behalf of the Court. The hourly rate for Plaintiff's attorney is \$250.00 which is reasonable and customary for the services provided and beneficial results achieved in this action which, as noted above, has benefitted all the parties to this action. Further, per the Affidavit filed by Plaintiff's Attorney, Plaintiff paid Appraiser Michael C. Tawes the sum of \$675.00 for the Appraisal which has benefitted the Court and all of the parties in determining the fair market value of the subject Property.

TEN: Attorney Michael O. Nelson was appointed Guardian of Defendant, Anthony James, Jr., by Order of the Honorable Jennifer B. McCoy dated August 27, 2025 due to Defendant James' incarceration in the Sheriff Al Cannon Detention Center. Attorney Nelson has provided competent services to Defendant James, which has allowed this case to proceed in a timely manner. Attorney Nelson has expended 6.9 hours representing Defendant James at an hourly rate of \$200.00 per hour, which is quite reasonable under the circumstances. The services of Attorney Nelson have benefitted all the parties and, as such,

should be paid from the net sale proceeds in accordance with SCRCP 71(d)(3), prior to payment to any of the parties.

**ELEVEN:** Upon the filing of the within Order, Plaintiff's attorney shall provide all the Defendants with a written Notice of Right of First Refusal to purchase the Subject Property for the sum of Two Hundred Thirty-Five Thousand and No/100 (\$235,000.00) Dollars, with due credit of such Defendant's undivided interest in the Subject Property. In the event any Defendant desires to purchase the Subject Property, such Defendant shall provide the Court with written Notice to Judge Mikell R. Scarborough, Master-in-Equity for Charleston County, 100 Broad Street, Suite 266, Charleston, SC 29401 not later than fifteen (15) days from the date of service of such Notice of Right of First Refusal from Plaintiff's attorney. In the event such Defendant timely notifies the Court of his or her desire to purchase the Subject Property, Closing shall occur not later than sixty (60) days from the date such notice is provided to the Court. In the event Defendants elect not to purchase the Subject Property or fail to close on the Subject Property within sixty (60) days from the date such notice is provided to the Court, then, and in either of those events, Plaintiff shall have the right to purchase the Subject Property for the sum of Two Hundred Thirty-Five Thousand and No/100 (\$235,000.00) Dollars, with due credit of Plaintiff's undivided interest in the Subject Property. Upon request, the Court shall issue a Master's Deed to the Purchaser of the Subject Property.

**TWELVE:** The Court shall reserve jurisdiction in this case to remove any person who is occupying the Subject Property contrary to the terms of this Order, as well as to issue such additional Orders as may be necessary to effectuate the terms hereof.

#### **CONCLUSIONS OF LAW**

NOW, THEREFORE, it is ORDERED, ADJUDGED AND DECREED as follows:

**ONE:** Plaintiff and Defendants have an undivided interest in the Subject Property as follows:

Timothy L. Freeman (1/3), Brenda P. Johnson (1/3), Anthony James, Jr. (1/6), andCarolynn James (1/6);

**TWO:** Upon the filing of the within Order, Plaintiff's attorney shall provide all the Defendants with a written Notice of Right of First Refusal to purchase the Subject Property for the sum of Two Hundred Thirty-Five Thousand and No/100 (\$235,000.00) Dollars, with due credit of such Defendant's undivided interest in the Subject Property. In the event any Defendant desires to purchase the Subject Property, such Defendant shall provide the Court with written Notice to Judge Mikell R. Scarborough, Master-in-Equity for Charleston County, 100 Broad Street, Suite 266, Charleston, SC 29401 not later than fifteen (15) days from the date of service of such Notice of Right of First Refusal from Plaintiff's attorney. In the event such Defendant timely notifies the Court of his or her desire to purchase the Subject Property, Closing shall occur not later than sixty (60) days from the date such notice is provided to the Court. In the event Defendants elect not to purchase the Subject Property or fail to close on the Subject Property within sixty (60) days from the date such notice is provided to the Court, then, and in either of those events, Plaintiff shall have the right to purchase the Subject Property for the sum of Two Hundred Thirty-Five Thousand and No/100 (\$235,000.00) Dollars, with due credit of Plaintiff's undivided interest in the Subject Property. Upon request, the Court shall issue a Master's Deed to the Purchaser of the Subject Property;

**THREE:** Prior to the disbursement of any proceeds to any of the parties, Closing Attorney shall pay normal Seller closing costs and the following sums, to-wit: 1) Plaintiff's Attorney: \$7,311.89; Michael O. Nelson, Esquire: \$1,380.00; and Timothy L. Freeman: \$675.00. The remaining net sale proceeds shall be paid to the parties in accordance with their respective undivided interest in the Subject Property, provided, however, if the Purchaser is a party in this action, Purchaser shall not receive any of the remaining net sale proceeds; and

**FOUR:** The Court shall reserve jurisdiction in this case to remove any person who is occupying the Subject Property contrary to the terms of this Order, as well as to issue such additional Orders as may be necessary to effectuate the terms hereof.

IT IS SO ORDERED!



Charleston Common Pleas

**Case Caption:** Timothy L Freeman VS Brenda P Johnson , defendant, et al  
**Case Number:** 2025CP1001288  
**Type:** Master/Order/Partition and Form 4

So Ordered

s/Mikell R. Scarborough 3062