STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE	)	Civil Action No. 2024-CP-23-05342
Asset Recovery Inc., Plaintiff,	)	
v.	)	**ORDER**
A. Kevin Hunter, II, Greenville County Tax Collector Defendant.	)	

This matter came before the Court for a third final hearing on June 16, 2026. Appearing at the hearing were counsel for Plaintiff ("Asset Recovery"), James C. Barkley, Rachel L. Ferguson, and Thomas A. Shook, counsel for Defendant ("the County"), Campbell Plumblee, and Matthew Crowder.

PROCEDURAL HISTORY

This case concerns an overage produced by the sale of real estate at 5059 Jordan Road, Greer, South Carolina, 29651 (TMS No. 0635.02-01-011.04) at Greenville County's October 28, 2019 tax sale. Ida Crowder, who died on January 16, 2012, was the title owner of this property and the delinquent taxpayer at the time of the tax sale. The County is holding $17,911.38 in surplus following the tax sale. Matthew Crowder, who was present and provided testimony at the hearing, is one of Ida Crowder's surviving children.

The Plaintiff, Asset Recovery, Inc., filed this case in an attempt to claim the tax sale overage, seeking declaratory judgment that Asset Recovery was entitled to the surplus funds under S.C. Code § 12-51-130 as the attorney-in-fact and assignee of Matthew Crowder. The circuit court referred the case to the Master-in-Equity, and this Court set the case for trial on January 21, 2026. At the trial, the Plaintiff brought no witnesses, and Matthew Crowder was not present to testify. This Court, then, continued the trial to February 18, 2026, and requested that Crowder attend and testify. At the Plaintiff's request, this Court also issued a Form 4 Order requiring Crowder's attendance at the trial set for February 18, 2026, and noting that Crowder's failure to attend may result in the denial of the relief sought by the Plaintiff.

On February 12, 2026, the Plaintiff's attorney filed a Motion for Continuance, and the Court continued the trial date to March 25, 2026. On March 25, 2026, Crowder was not in attendance, and the Plaintiff's attorney informed the Court they had not served Crowder with a trial subpoena. In addition, the Plaintiff had no witnesses prepared to testify at the trial. This Court, then, issued an order on April 2, 2026, continuing the trial again and ordering the Plaintiff to subpoena Crowder to attend the next hearing. The order prohibited any further continuances.

Plaintiff has contended from an initial status conference through the ultimate hearing on June 16, 2026 that Crowder's live testimony and appearance was not necessary. Crowder, while executing the documents with Plaintiff, is not a party to this lawsuit. The Court disagreed in light of its obligation to ensure compliance with applicable SC law, to determine whether the agreement was freely, knowingly and voluntarily entered into, was not in violation of the public policy of this state and in light of certain inconsistencies/inaccuracies gleaned during these proceedings.

On June 16, 2026, this Court held its third trial date for this matter. Crowder was in attendance, and the Court received testimony. The Plaintiff offered no other witnesses to establish its case in chief.

FINDINGS OF FACT AND CONCLUSIONS

When the Greenville County Tax Collector, who Asset Recovery has sued in his official capacity, sold the property at the County's October 28, 2019 tax sale, the sole title owner was Ida Faye Smith Crowder, who died intestate on January 16, 2012. Contrary to the representations of Asset Recovery in its Complaint and Amended Complaint, Matthew Crowder testified was not Ida Crowder's sole heir at the time of her death. As Mr. Crowder stated in his testimony, Mr. Crowder had a brother who also survived Ms. Crowder. At no time did Asset Recovery, which Crowder states he had informed of his brother's death, inform the Court of the Crowder sibling who may have had rights to the assets of the Estate of Ida Crowder, including any surplus funds left from this tax sale.

The Crowder sibling died in the ten years between the death of Ida Crowder and the opening of her probate estate on October 12, 2023. Apparently, no estate has been opened for the Crowder sibling.

Mr. Crowder testified that he first learned of the Plaintiff when he received a telephone solicitation from Asset Recovery informing him that he was entitled to receive a tax sale overage from the tax sale and that he would need an attorney to claim the overage. No one informed him that he could pursue the overage without the assistance of Asset Recovery or an attorney.

On July 22, 2023, Asset Recovery provided Crowder with and had him sign a document entitled "Transfer and Assignment of Tax Sale Overage Proceeds," which purported to assign all overage proceeds to Asset Recovery.[1] This document makes no mention of any compensation, fee, or any other method or amount of payment Crowder was or is to pay to Asset Recovery in connection with its attempt to collect the Overage. It simply assigns the Overage *in toto* to Asset Recovery.

Crowder, who reads and writes at a third or fourth grade level and did not complete his high school education, testified that he did not understand that by signing the Assignment, he forfeited his rights and claim to the Overage and that neither Asset Recovery nor the local attorney hired by Plaintiff to open Ida Crowder's estate advised him of the legal consequences of any documents he signed for Asset Recovery.

Nonetheless, on October 12, 2023, the local attorney filed an Affidavit for Collection of Personal Property Pursuant to Small Estate Proceeding ("Small Estate Affidavit") in the Greenville County Probate Court identifying $17,911.38 in surplus tax sale funds as estate property and identifying Matthew Crowder as the sole heir of Ida Crowder.[2] According to Crowder, he does not have a probate attorney, and he never spoke to or the local attorney hired by Plaintiff. Instead, Asset Recovery hired and paid this attorney for the probate work, though, as noted below, it is unclear

[1] The Court received the Transfer and Assignment of Tax Sale Overage Proceeds into evidence as Plaintiff's Exhibit B.

[2] This Court received the Greenville County Probate Court's October 12, 2023 small estate order in evidence as Plaintiff's Exhibit A.

whether those funds were to be deducted from the overage before it was split between Asset Recovery and Crowder.

The only contact Crowder had with anyone other than Asset Recovery about opening the estate was with a notary public, who brought the Small Estate Affidavit to his workplace and had him sign it. When Crowder signed the Small Estate Affidavit, he testified the address and telephone number portions of the document were blank. However, as filed with the Probate Court, the Small Estate Affidavit and the Order for Payment list Matthew Crowder's address as 910 16th St., Suite 624, Denver, CO 80202 and his telephone number as (303) 454-3707, neither of which belong to Crowder. The address and telephone number belong to Asset Recovery.

Crowder testified he signed a separate agreement with Asset Recovery setting forth the distribution of Overage funds between Plaintiff and himself. Crowder provided conflicting information regarding the division of recovered funds pursuant to that agreement. On two occasions he testified that the costs and fees incurred in pursuing the funds would be deducted from the Overage and the remaining funds would be split fifty-fifty between Plaintiff and himself. He testified once that he was unsure whether the litigation costs and fees may only be deducted from Plaintiff's portion of recovered funds. Crowder did not have the document with him, and Asset Recovery did not introduce it as evidence.

S.C. Code Ann. § 12-51-130 provides:

> If the tax sale of an item produced more cash than the full amount due in taxes, assessments, penalties, and costs, the overage must be applied to any outstanding municipal tax liens on the property. Any remaining overage belongs to the owner of record immediately before the end of the

> redemption period *to be claimed or assigned according to law*. These sums are payable ninety days after execution of the deed unless a judicial action is instituted during that time by another claimant.

S.C. Code Ann. § 12-51-130 (emphasis added). When faced with an assignment, the County must determine whether the assignment has been entered "according to law," which includes taking steps to determine whether a purported assignment is, in fact, a valid assignment. The County's role is not ministerial.

In addition, the trial in this case has uncovered troubling unrefuted facts, and the Court has a responsibility to ensure that individuals and entities attempting to avail themselves of the overage claims process in South Carolina do so in compliance with both the letter and intent of S.C. Code Ann. § 12-51-130. Crowder's unrefuted testimony, coupled with records the Plaintiff has attached to its pleadings, raise public policy concerns highlighted by the inaccuracies brought to the Court's attention throughout this litigation, including in Plaintiff's pleadings and the probate documents upon which Plaintiff's Assignment is based.

This Court acknowledges that Crowder testified he desired to proceed with his agreement with Plaintiff and testified that "something was better than nothing". Notwithstanding this, and among other things in the record, the Court is concerned by Crowder's testimony that the Plaintiff told him the overage claim process required the assistance of an attorney. There is no requirement in S.C. Code Ann. § 12-51-130 that a claimant utilize the services of an attorney to claim the overage. Additionally, there is no requirement that a Probate Small Estate Affidavit be submitted by an attorney.

Under these circumstances, the Court finds that the Plaintiff has failed to meet its burden of proof that the Assignment and the Limited Power of Attorney are valid and entered in accordance with law.

Accordingly, the Court finds that the Plaintiff is not entitled to the relief it seeks in its Amended Complaint for the reasons stated above. In addition, the Court finds that it would be inequitable to enforce the Assignment. The Court, therefore, **denies** Asset Recovery's claim for the Overage.

IT IS SO ORDERED.

[Judge's signature page to follow]

Greenville Common Pleas

Case Caption:	Asset Recovery Inc , plaintiff, et al vs. A Kevin Hunter II Greenville County Tax Collector
Case Number:	2024CP2305342
Type:	Master/Order/Other

And It Is So Ordered!

s/ Judge Charles B. Simmons, Jr. (3023)