

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Honorable Mikell R. Scarborough, Master-in-Equity

Opinion No. 2013-UP-495 (S.C. Ct. App. Filed Dec. 23, 2013)

Lashanda Ravenel and Henry Lee Ravenel, II.....Petitioners,
v.
Equivest Financial, LLC.....Respondent.

PETITION FOR A WRIT OF CERTIORARI

Barry I. Baker
One Carriage Lane, Bldg. H
Charleston, South Carolina 29407
(843) 766-9007

-and-

Benjamin Goldberg
One Carriage Lane, Bldg. H
Charleston, SC 29407
(843) 769-4595
Attorneys for Appellants

Other Counsel of Record:

S.R. Anderson, Esquire
Law Office of Steven R. Anderson
2008 Marion Street, Suite J
Post Office Box 12188 (29211)
Columbia, SC 29201
(803) 252-2828

-and-

James B. Richardson, Jr., Esquire
Law Office of James B. Richardson, Jr.
1229 Lincoln Street
Columbia, SC 29201
(803) 799-9412
Attorneys for Respondent

RECEIVED

FEB 21 2014

SC Court of Appeals

INDEX

CERTIFICATION OF COUNSEL 1

QUESTIONS PRESENTED 1

ARGUMENTS..... 3

 I. The lower court’s ruling that title to the disputed property vested in Appellants, as admitted and conceded by Respondent, required no appeal by Appellants for it was favorable to Appellants, became the law of the case as Respondent filed no appeal and Respondent is bound by its admissions, concessions and failure to appeal..... 3

 II. Additional litigation has been initiated which would be contrary to judicial economy, in addition to which, such litigation does not warrant consideration. 4

CERTIFICATION OF COUNSEL

Counsel for petitioners certify that the Petition for Rehearing was made and finally ruled on by the Court of Appeals on January 24, 2014 and received by Petitioners' counsel on January 27, 2014.

QUESTIONS PRESENTED

- I. The lower court's ruling that title to the disputed property vested in Appellants, as admitted and conceded by Respondent, required no appeal by Appellants for it was favorable to Appellants, became the law of the case as Respondent filed no appeal and Respondent is bound by its admissions, concessions and failure to appeal.
- II. Additional litigation has been initiated which would be contrary to judicial economy, in addition to which, such litigation does not warrant consideration.

STATEMENT OF THE CASE

On November 6, 2007, Mrs. Mary Brooks Ravenel ("Mrs. Ravenel"), executed a deed to her children, Henry Ravenel, II and Lashanda Ravenel, the Appellants, whereby she conveyed to them five parcels of land for \$5.00 and love and affection. Included in the five parcels was the Ravenel home. (Appendix pp. 202-210, Ex. 24.)

It is acknowledged the taxes were not paid by Appellants for 2007 and a tax procedure was commenced against Appellants. Appellants received no statutory notice of the sale. Only the home, the property in dispute, was sold at a tax sale on November 3, 2008 to Respondent's predecessor-in-interest for the sum of \$130,000.00. (Appendix p. 198, Ex. 23.)

Mrs. Ravenel was not a party to the tax proceeding nor to this action to void the sale.

Upon expiration of the redemption period, the Delinquent Tax Collector ("DTC") delivered a deed to Respondent's predecessor conveying title to the property in dispute

dated July 23, 2010 and recorded in Book 0137 at page 821 on August 11, 2010. (Appendix pp. 198-201, Ex. 23.)

On September 13, 2010, the property was conveyed to Respondent by its predecessor-in-interest by deed which was recorded in the Charleston County RMC Office on October 4, 2010 in Book 0147 at page 241. (Appendix pp. 228-230, Ex. 41.)

On October 20, 2010, this action was initiated by Appellants on the grounds that the DTC did not strictly comply with the mandates of the tax statutes, the DTC did not use due diligence to find a better address for Appellants and there was no due process. (Appendix pp. 38-53.)

In the Complaint, Appellants alleged:

SECOND: The Plaintiffs obtained title to five (5) parcels of land by deed dated November 6, 2007, and recorded in the RMC Office of Charleston County in Book H-643, Page 159, on the same date. (Appendix p. 38.)

Respondent, in its Answer, admitted Paragraph Second. (Appendix p. 56.)

Respondent alleged no affirmative defenses. It filed a counterclaim in which it stated the tax sale was conducted in accordance with all appropriate statutes and:

14. The tax sale involving the property as described in Plaintiffs' Complaint was conducted in accordance with all appropriate statutes.

17. That the tax sale is valid and title to the subject real property should be confirmed in the Defendant to the exclusion of all other parties. (Appendix p. 58.)

Respondent's Answer was never withdrawn, altered or stricken.

Respondent also cross-claimed against a number of judgment creditors and against the DTC. The DTC was thereafter discharged by the Court.

The lower court found the DTC had complied with the requirements of the statutory tax procedure. (Appendix pp. 23-31.)

The lower court ruled:

1. The title to the subject real property is quieted in the Cross-Plaintiff Equivest Financial, LLC to the complete exclusion of the Plaintiffs and the Defendants named in the Cross-Complaint. Any interest held by the Plaintiffs or the Cross-Defendants in the subject real property is voided, ended, and terminated.

2. Title to the below described real property is quieted in Equivest Financial, LLC, to the exclusion of the Plaintiffs or Cross-Defendants. (Appendix p. 30.)

The deed from Mrs. Ravenel to her children, the Appellants, had been recorded. (Appendix p. 24.)

The lower court found the deed had not been delivered (Appendix p. 28), but made no ruling thereabout.

Respondent did not appeal the Order of the lower court.

The issue of failure to deliver was not raised until Respondent's final brief.

The Court of Appeals affirmed the lower court's ruling primarily based on the failure to deliver the deed.

The Court of Appeals' decision is dated December 23, 2013.

ARGUMENTS

I. The lower court's ruling that title to the disputed property vested in Appellants, as admitted and conceded by Respondent, required no appeal by Appellants for it was favorable to Appellants, became the law of the case as Respondent filed no appeal and Respondent is bound by its admissions, concessions and failure to appeal.

A. The ruling by the lower court that title vested in Appellants was favorable to the Appellants and therefore no appeal was required. *Southern Ry. Co., et al. v. Carroll*,

et al., 86 S.C. 56, 67 S.E. 4 (1910). “The defendant could not appeal from this ruling . . . , because the judgment was in his favor.”

B. Respondent is barred from raising the issue of failure to deliver the deed on the following grounds:

i. Respondent admitted in its pleadings that title to the property passed to Appellants and Respondent is therefore barred from raising a contrary issue, i.e., failure of delivery, as its Answer was not withdrawn, altered or stricken. “We consider the pleadings in this case in light of the general rule, that the parties to an action are judicially concluded and bound by such unless withdrawn, altered or stricken by amendment or otherwise.” *Elrod v. All*, 243 S.C. 425, 134 S.E.2d 410 (1964).

ii. Respondent conceded that title to the disputed property vested in Appellants. Having done so, it cannot raise this issue on appeal. “[I]ssue conceded in trial court cannot be argued on appeal.” *Ex parte McMillan v. Morin*, 319 S.C. 331, 461 S.E.2d 43 (1995).

iii. Respondent’s failure to challenge the ruling of the lower court that Appellants had title to the property in dispute is the law of the case, right or wrong. *First Union National Bank of South Carolina v. Soden*, 333 S.C. 554, 511 S.E.2d 372 (1998).

II. Additional litigation has been initiated which would be contrary to judicial economy, in addition to which, such litigation does not warrant consideration.

A. It appears that additional litigation has now occurred. Equivest Financial, LLC (“Equivest”) has moved before the Master-in-Equity of Charleston County to issue a Writ of Assistance to remove “the said Plaintiffs or Cross-Defendants, together with any and all persons whosoever claiming there under . . . ” (See Exhibit A attached hereto. This document has not been filed, so we are unable to provide a certified copy.) This would

include Mrs. Ravenel and her son, the Appellant, Henry Ravenel, II. Lashanda Ravenel no longer lives on the property. Such a writ should not be granted for the Master-in-Equity no longer has jurisdiction since the matter is on appeal, the Master-in-Equity's Order did not reserve jurisdiction as alleged by Equivest in its Petition for Rule to Show Cause and a final order was issued.

The case of *Wachovia Bank v. Player*, 334 S.C. 200, 512 S.E.2d 129 (Ct. App. 1999) confirms that the Master has no jurisdiction.

The *Wachovia Bank* case was a mortgage foreclosure in which a default judgment was entered against the mortgagor who thereafter moved pursuant to Rule 60(b)(4) SCRPC claiming the order was void.

In *Wachovia Bank*, the order of reference provided that the master was authorized to:¹

Take the testimony arising under the pleadings and to make a final judgment in the case. An appeal from the final judgment entered to be made directly to the Supreme Court; provided further that the Master-in-Equity is hereby authorized to conduct the public sale at any specified time, instead of only the first Monday in the month. (Citations omitted.)

The Master ruled that he "will retain jurisdiction to do all necessary acts incident to this foreclosure, including, but not limited to, the issuance of a Writ of Assistance . . .".

Despite the addition of the language as to the ability to issue a Writ of Assistance, the Court of Appeals stated the Order of Reference "in this case authorized the

¹ The Order of Reference in this case states: "

Master to enter a final judgment, it did not authorize the Master to conduct hearings and issue orders after final judgment was entered.”

Once the Master ordered foreclosure, he had exercised the full extent of the power he possessed, i.e., he had entered a final judgment. (Reversed on other grounds.)

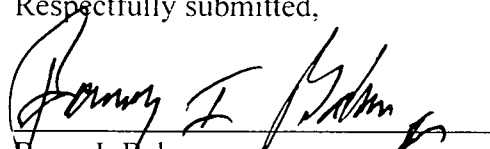
B. Equivest has also filed a new lawsuit against Mrs. Ravenel (see Exhibit B attached hereto) seeking a ruling by the Court vesting title in Equivest to the disputed property to the exclusion of Mrs. Ravenel despite the fact that the Court of Appeals ruled that title is now vested in Mrs. Ravenel and the appeal is pending, which bars Equivest from proceeding.

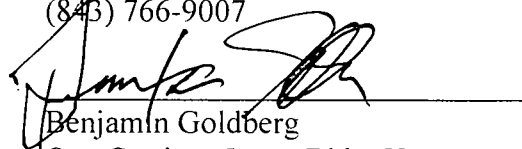
CONCLUSION

For the reasons stated, Petitioner requests the Court to grant the petition for a writ of certiorari.

February 20th, 2014

Respectfully submitted,


Barry I. Baker
Post Office Box 31265
Charleston, South Carolina 29417
(843) 766-9007


Benjamin Goldberg
One Carriage Lane, Bldg. H
Charleston, South Carolina 29407
(843) 769-4595

Attorneys for Appellant

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Lashanda Ravenel, et al.,

Plaintiffs,

vs.

Equivest Financial, LLC,

Defendant/Cross-Plaintiff,

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

COPY

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

Docket No.: 2013-CP-40-2133

Plaintiff's Attorney:

_____, Bar No. _____
Address: _____
Phone: _____ Facsimile: _____
E-mail: _____
Other: _____

Defendant's Attorney:

S.R. Anderson, Bar No. 391
Address: PO Box 12188, Columbia, SC 29211-2188
Phone: (803) 252-2828 Facsimile: (803) 254-1935
E-mail: sraatlaw@bellsouth.net
Other: _____

- MOTION HEARING REQUESTED (attach written motion and complete Sections I and III)
- FORM MOTION, NO HEARING REQUESTED (complete Sections II and III)
- PROPOSED ORDER/CONSENT ORDER (complete Sections II and III)

SECTION I: Hearing Information

Nature of Motion: _____
Estimated Time Needed: _____ Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type

- Written Motion Attached
- Form Motion/Order

I hereby move for relief or action by the Court as set forth in the attached proposed Order.

Signature of Attorney for Plaintiff / Defendant

January 30, 2014
Date Submitted

SECTION III: Motion Fee

- Paid - Amount \$25.00
- Exempt: (check one reason)
 - Rule to Show Cause in Child or Spousal Support
 - Domestic Abuse or Abuse and Neglect
 - Indigent Status
 - Sexually Violent Predator Act
 - Motion for Stay in Bankruptcy
 - Motion for Publication
 - Proposed Order Submitted at Request of the Court, or reduced to writing from Motion made in open Court per Judge's instructions. Name of Court Reporter: _____
 - Other: _____
- State Agency v. Indigent Party
- Post-Conviction Relief
- Motion for Execution (Rule 69, SCRPC)

JUDGE'S SECTION

Motion Fee to be paid upon filing of attached Order. JUDGE CODE: _____ Date: _____
 Other: _____ Judge's Signature: _____

CLERK'S VERIFICATION

Collected By: _____ Date Filed: _____
 Motion Fee Collected: \$ _____ Contested - Amount Due \$ _____

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Equivest Financial, LLC,

Plaintiff,

vs.

Mary B. Ravenel,

Defendant,

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

CIVIL ACTION COVERSHEET

Docket No.: 2014-CP-10- 1007

(Please Print)

Submitted By: S.R. Anderson
Address: 2008 Marion Street, Suite J (29201)
PO Box 12188, Columbia, SC 29211-2188

SC Bar #: 391
Telephone #: (803) 252-2828
Fax #: (803) 254-1935
E-mail: sraatlaw@bellsouth.net

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for docketing purposes for the Clerk of Court and must be signed and dated, and filled out completely. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check one box below if filing in a Mandatory Mediation County)

- JURY TRIAL demanded in Complaint. NON-JURY TRIAL demanded in Complaint.
- This case is subject to MEDIATION pursuant to the Family Court Alternative Dispute Resolution Rules.
- This case is exempt from ADR (certificate attached).

NATURE OF ACTION (Check One)

- | | | | |
|--|--|--|---|
| <p>Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Constructions (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> Employment (120) <input type="checkbox"/> General (130) <input type="checkbox"/> Breach of Contract (140) <input type="checkbox"/> Other (199) | <p>Torts - Professional</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dental Malpractice (200) <input type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) <input type="checkbox"/> Previous Notice of Intent Case
20__-CP-____ <input type="checkbox"/> Notice/File Med Mal (230) <input type="checkbox"/> Other (299) | <p>Torts - Personal Injury</p> <ul style="list-style-type: none"> <input type="checkbox"/> Assault/Slander/Libel (300) <input type="checkbox"/> Conversion (310) <input type="checkbox"/> Motor Vehicle Accident (320) <input type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input type="checkbox"/> Personal Injury (350) <input type="checkbox"/> Wrongful Death (360) <input type="checkbox"/> Other (499) | <p>Real Property</p> <ul style="list-style-type: none"> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Mechanic's Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Building Code Violation (460) <input checked="" type="checkbox"/> Other (499) <u>Quiet Title</u> |
| <p>Inmate Petitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Mandamus (520) <input type="checkbox"/> Habeas Corpus (530) <input type="checkbox"/> Other (599) | <p>Administrative Law/Relief</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reinstate Drv. License (800) <input type="checkbox"/> Judicial Review (810) <input type="checkbox"/> Relief (820) <input type="checkbox"/> Permanent Injunction (830) <input type="checkbox"/> Forfeiture - Petition (840) <input type="checkbox"/> Forfeiture - Consent Order (850) <input type="checkbox"/> Other (899) | <p>Judgments/Settlements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input type="checkbox"/> Magistrate's Judgment (720) <input type="checkbox"/> Minor Settlement (730) <input type="checkbox"/> Transcript Judgment (740) <input type="checkbox"/> Lis Pendens (750) <input type="checkbox"/> Transfer of Structured Settlement
Payment Rights Application (760) <input type="checkbox"/> Confession of Judgment (770) <input type="checkbox"/> Petition for Workers Comp.
Settlement Approval (780) <input type="checkbox"/> Other (799) | <p>Appeals</p> <ul style="list-style-type: none"> <input type="checkbox"/> Arbitration (900) <input type="checkbox"/> Magistrate - Civil (910) <input type="checkbox"/> Magistrate - Criminal (920) <input type="checkbox"/> Municipal (930) <input type="checkbox"/> Probate Court (940) <input type="checkbox"/> SCDOT (950) <input type="checkbox"/> Worker's Comp. (960) <input type="checkbox"/> Zoning Board (970) <input type="checkbox"/> Public Service Comm. (990) <input type="checkbox"/> Employ. Security Comm. (991) <input type="checkbox"/> Other (999) |
| <p>Special/Complex/Other</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environmental (600) <input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Medical (620) <input type="checkbox"/> Other (699) | | <ul style="list-style-type: none"> <input type="checkbox"/> Pharmaceuticals (630) <input type="checkbox"/> Unfair Trade Practices (640) <input type="checkbox"/> Out-of-State Depositions (650) <input type="checkbox"/> Motion to Quash Subpoena In an
Out-of-Country Action (660) <input type="checkbox"/> Sexual Predator (510) | |

Submitting Party Signature: 

Date: January 22, 2014

Note: Frivolous civil proceedings are subject to sanctions pursuant to Rule 11, SCRPC, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

EXHIBIT B

FOR MANDATED ADR COUNTIES ONLY

Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Clarendon, Colleton, Darlington, Dorchester, Florence, Georgetown, Greenville, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Oconee, Orangeburg, Pickens, Richland, Spartanburg, Sumter, Union, Williamsburg, and York Counties.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of this action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals;
 - d. Post conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or many result in sanctions.

Note: Frivolous civil proceedings are subject to sanctions pursuant to Rule 11, SCRCP, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
C/A No.: 2014-CP-10-_____


Equivest Financial, LLC,)
)
Plaintiff,)
)
vs.)
)
Mary B. Ravenel,)
)
Defendants,)
_____)

**CERTIFICATE OF EXEMPTION/
WITHDRAWAL FROM ARBITRATION**

I CERTIFY THAT THIS ACTION IS EXEMPT FROM ARBITRATION BECAUSE:

- _____ monetary relief requested in this case exceeds \$25,000;
- _____ this is a class action;
- _____ there is a substantial claim for injunction/declaratory relief requested in this case;
- _____ XX this case involves (*check one or more of the following*)
 - _____ X title to real estate;
 - _____ wills, trusts and decedents' estates;
 - _____ mortgage foreclosure;
 - _____ partition;
- _____ this is a special proceeding or action seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
- _____ monetary relief requested in this case is unspecified, but exceeds \$25,000;
- _____ this case is a companion or related to similar actions pending in other courts with which the action might be consolidated, but for lack of jurisdiction or venue;
- _____ this action is appellate in nature;
- _____ this is a post-conviction relief matter;
- _____ this is a forfeiture proceeding brought by the State; or
- _____ this is a contempt of court proceeding.

Date: January 22, 2014



Attorney for Plaintiff

NOTE: Motion must be presented to the Court, a hearing held, and a finding made, for exemption or withdrawal from arbitration for "strong and compelling reason" sought pursuant to Rule 1(d), Rules of Circuit Court Arbitration.

2-3-14
4:50pm

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF CHARLESTON)	C/A No.: 2014-CP-10- <u>667</u>
)	
Equivest Financial, LLC,)	
)	
Plaintiff,)	
)	
vs.)	LIS PENDENS
)	
Mary B. Ravenel,)	
)	
Defendants,)	
)	

FILED
2014 FEB - 3 PM 4:17
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

NOTICE IS HEREBY GIVEN that an action has been commenced and is now pending in the Court of Common Pleas for Charleston County, South Carolina upon the Complaint of the Plaintiff above-named seeking a declaratory judgment to quiet title to the property described hereinbelow in the name of the Plaintiff.


The premises covered and affected by this action are described as follows:

All that certain piece, parcel or tract of land, situate, lying and being in the St. Pauls Parish, Charleston County, South Carolina, Measuring and containing 5.096 acres more or less, known as Lot 3 as shown on a plat entitled "Subdivision Plat of 11.235 acres,..." prepared by Lawrence J. Kennerty, Jr. SC Reg. No 12520 dated 12/05/01 and recorded in Plat Book EF at Page 536 in the RMC Office for Charleston County.

Said Lot having such size, shape, dimensions, buttings and boundings as will more fully appear by review of the above-described plat.

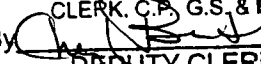
Being the same property conveyed to Lashanda Ravenel and Henry Lee Ravenel, II by deed of Mary Ravenel a/k/a Mary Brooks Ravenel dated 11/6/2007, and recorded 11/6/2007, in Book H643, Page 159.

TMS # 099-00-00-085



S.R. Anderson
2008 Marion Street, Suite J
PO Box 12188
Columbia, SC 29211
(803) 252-2828

January 22, 2014

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & E.C.
BY 
DEPUTY CLERK

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
C/A No.: 2014-CP-10- 1067

Equivest Financial, LLC,)
)
Plaintiff,)
)
vs.)
)
Mary B. Ravenel,)
)
Defendant,)
)

SUMMONS

FILED
2014 FEB -3 PM 4:47
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

TO THE DEFENDANT ABOVE NAMED:


YOU ARE HEREBY SUMMONED and required to answer the Counterclaim in the above-entitled action, a copy of which is hereby served upon you, and to serve a copy of your answer to said Counterclaim upon the subscriber at his office, located at 2008 Marion Street, Suite J, Columbia, South Carolina, within thirty (30) days from the date of such service of this Summons, exclusive of the date of such service, and if you fail to answer the Counterclaim within the time aforesaid, the Plaintiff herein will apply to the Court for a judgment by default, thereby granting the relief demanded in said Counterclaim.

PLEASE BE FURTHER NOTIFIED that if you fail to answer or respond herein, a judgment by default shall be rendered against you for the relief sought in this Complaint.



S. R. Anderson
2008 Marion Street, Suite J
Post Office Box 12188
Columbia, South Carolina 29211
(803) 252-2828

January 22, 2014

ATTEST: A TRUE COPY.
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.
By 
DEPUTY CLERK

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) C/A No.: 2014-CP-10- 1667

Equivest Financial, LLC,)
)
Plaintiff,)
)
vs.)
)
Mary B. Ravenel,)
)
Defendant,)
)

COMPLAINT

FILED
2014 FEB -3 PM 4:47
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

PLAINTIFF, herein complaining of the Defendant, alleges and respectfully shows unto the Court:

BACKGROUND

1. The Plaintiff is a limited liability company doing business in Charleston County and the real property which is the subject of this action is located in Charleston County; the Defendant is a citizen and resident of Charleston County, South Carolina.

2. This is an action to quiet title to the following described real property:

All that certain piece, parcel or tract of land, situate, lying and being in the St. Pauls Parish, Charleston County, South Carolina, Measuring and containing 5.096 acres more or less, known as Lot 3 as shown on a plat entitled "Subdivision Plat of 11.235 acres,..." prepared by Lawrence J. Kennerty, Jr. SC Reg. No 12520 dated 12/05/01 and recorded in Plat Book EF at Page 536 in the RMC Office for Charleston County.

Said Lot having such size, shape, dimensions, buttings and boundings as will more fully appear by review of the above described plat.

Being the same property conveyed to Lashanda Ravenel and Henry Lee Ravenel, II by deed of Mary Ravenel a/k/a Mary Brooks Ravenel dated 11/6/2007, and recorded 11/6/2007, in Book H643, Page 159.

TMS # 099-00-00-085

3. The subject real property was sold to the Plaintiff at the November 3, 2008,

Charleston County tax sale for the non-payment of the 2007 real estate taxes.

4. The Defendant executed a deed to the subject real property to her children, Lashanda Ravenel and Henry Lee Ravenel, II. The deed was dated November 6, 2005, and recorded on November 6, 2007, in Deed Book 643 at Page 159.

5. The deed was recorded in order to protect the property from claims of the Defendant's creditors as the Defendant prepared to declare bankruptcy. The deed was never delivered and was ineffective since the Defendant did not intend to convey the property to her children, but only to mislead her creditors.

6. That in an action entitled Lashanda Ravenel and Henry Lee Ravenel, II v. Equivest Financial, LLC, C/A No. 2010-CP-10-8732, title to the subject real property was quieted in the Plaintiff to the exclusion of the named Plaintiffs.

7. In an appeal of the judgment entered in C/A No. 2010-CP-10-8732, referenced above, the South Carolina Court of Appeals affirmed the finding of the Master-In-Equity that the Defendant's deed to her children was never delivered. The Court of Appeals found and held that the deed was ineffective. The Plaintiffs in that case, who are the Defendant's children and are the Grantees in the deed, are in privity with the Defendant. The judgment of the Court of Appeals is binding upon the Defendant, who is collaterally stopped from challenging that Court's holding.

8. As a result of the Defendant's action in recording the deed to her children in fraud of creditors, the Charleston County Delinquent Tax Collector gave all the statutory notices of tax sale, right of redemption, etc., to the Defendant's children.

9. Upon information and belief, the Defendant claims that the tax sale to the Plaintiff herein was defective because the Delinquent Tax Collector gave all the required notices to the

13

Defendant's children rather than to the Defendant.

10. The Defendant is stopped from claiming that she was entitled to the statutory notices of tax sale and right of redemption because of her conduct described above.

11. The Defendant is entitled to no relief in regard to her claim to have been the owner of the property at the time of the tax sale because her hands were unclean.

12. The owner of the subject property was obliged to redeem the property from tax sale within twelve months from the date of the delinquent tax sale. S.C. Code Ann. § 12-51-90(A). The tax sale occurred more than five years ago. The right of redemption by the owner of the subject property expired years ago.

13. More than twenty-four months having passed since the tax sale, the tax deed is incontestable on procedural or other grounds. S.C. Code Ann. § 12-51-90-(a); S.C. Code Ann. § 12-51-160.

WHEREFORE, the Plaintiff prays that the Court enter judgment quieting title to the subject property in the Plaintiff and barring any and all claims of the Defendant to any interest in the subject property.



S.R. ANDERSON
2008 Marion Street, Suite J
PO Box 12188
Columbia, SC 29211
(803) 252-2828
Attorney for Plaintiff

January 24, 2014

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.
By 
DEPUTY CLERK

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

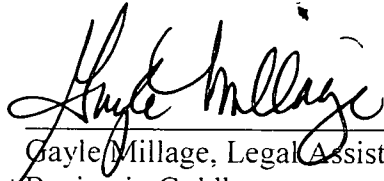
Lashanda Ravenel and Henry Lee Ravenel, II.....Appellants,
v.
Equivest Financial, LLC.....Respondent.

PROOF OF SERVICE

I certify that I have served the **Appellants' Petition for a Writ of Certiorari**, on Equivest Financial, LLC by sending a copy of it, postage prepaid, via certified mail, return receipt requested, on February 20, 2014, addressed to its attorneys of record, S.R. Anderson, Esquire, Law Office of Steven R. Anderson, 2008 Marion Street, Suite J, Columbia, SC 29201 and James B. Richardson, Jr., Esquire, Law Office of James B. Richardson, Jr., 1229 Lincoln Street, Columbia, SC 29201.

I further certify that I have served the **Appellants' Petition for a Writ of Certiorari**, by sending a copy of it, postage prepaid, via Federal Express, on February 20, 2014, addressed to The Honorable Jenny A. Kitchings Clerk of Court, South Carolina Court of Appeals, 1205 Pendleton Street Columbia, South Carolina 29201.

February 20, 2014



Gayle Millage, Legal Assistant to
Benjamin Goldberg
One Carriage Lane, Bldg. H
Charleston, SC 29417
(843) 769-4595

Attorneys for Appellants

RECEIVED

FEB 21 2014

SC Court of Appeals

BENJAMIN GOLDBERG
ATTORNEY & COUNSELOR AT LAW

February 20, 2014

ONE CARRIAGE LANE, BUILDING H
CHARLESTON, S.C. 29407
TELEPHONE (843) 769-4595
FAX (843) 769-4597

Via Federal Express – Tracking Number: 8358 7762 1254

The Honorable Daniel E. Shearouse
Clerk of Court, South Carolina Supreme Court
Supreme Court Building
1231 Gervais Street
Columbia, South Carolina 29201

Re: Lashanda Ravenel and Henry Lee Ravenel, II, Appellants v.
Equivest Financial, LLC, Respondent
Appellate Case No. 2012-212772
C/A No. 2010-CP-10-8732

Dear Mr. Shearouse:

Enclosed please find the following:

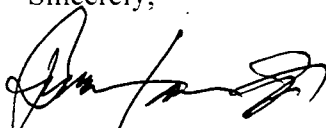
1. Original and six (6) copies of Appellants' Petition for a Writ of Certiorari;
2. Check in the amount of \$100.00 to cover the costs of filing;
3. Proof of Service indicating service of the Appellants' Petition on opposing counsel and the Clerk of the South Carolina Court of Appeals.

Also enclosed are two copies of the Appendix in this matter, one copy being bound and one unbound.

If you have any questions or concerns, please do not hesitate to contact me.

With thanks and kind regards, I am

Sincerely,



Benjamin Goldberg
Enclosures

RECEIVED

FEB 21 2014

SC Court of Appeals

cc: The Honorable Jenny A. Kitchings, Clerk of Court, South Carolina Court of Appeals
(w/Petition only) *(via Federal Express – Tracking No. 8358 7762 1265)*
S.R. Anderson, Esquire (w/Petition only) *(via Certified Mail, RRR)*
James B. Richardson, Jr., Esquire (w/Petition only) *(via Certified Mail, RRR)*
Barry I. Baker, Esquire (w/Petition only)

BG/gm