

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

APPEAL FROM HORRY COUNTY
COURT OF COMMON PLEAS

MAR 03 2014

Mikell R. Scarborough, Master-in-Equity

S.C. SUPREME COURT

Case No. 2010-CP-10-8732

Lashanda Ravenel and Henry Lee Ravenel, II, Petitioners,

v.

Equivest Financial, LLC, Respondent.

RESPONDENT'S RETURN TO
MOTION TO TAKE JUDICIAL NOTICE

Respondent, Equivest Financial, LLC, makes the following return to petitioners' motion to take judicial notice:

1. Respondent's assignor purchased the subject real estate at a delinquent tax sale in 2008.
2. At the time of the tax sale, record title to the property was in the name of the petitioners as grantees in a deed from their mother, Mary Ravenel. Mrs. Ravenel executed and recorded the deed immediately before filing for bankruptcy but did not deliver the deed.
3. The petitioners brought this action to void the tax sale. The circuit court entered judgment in favor of the respondent. The Court of Appeals dismissed the appeal on the ground that Mrs. Ravenel's deed to the petitioners was ineffective for lack of delivery, Mrs. Ravenel having had no intention to divest herself of title. Contrary to a statement made in the motion, the Court of Appeals did not find that Mrs. Ravenel is presently the owner of the property. The Court of Appeals made no

finding concerning who owns the property today, but only found that the deed to petitioners was ineffective.

4. The petitioners accompanied their petition for a writ of certiorari with a motion to take judicial notice of proceedings begun in the Court of Common Pleas following the decision of the Court of Appeals.

5. The respondent submits that the motion should be denied. The content of the Record on Appeal is closed and cannot be supplemented with information about proceedings taking place after the appeal concludes, which is essentially what the motion seeks to achieve. The petitioners and Mrs. Ravenel can and must present their defenses to the current proceedings in circuit court, not in this Supreme Court, as those proceedings are immaterial to the petition for a writ of certiorari.

Respectfully submitted,

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by: James B. Richardson, Jr.
Attorneys for Respondent.

February 28, 2014.

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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM Horry COUNTY
COURT OF COMMON PLEAS

Mikell R. Scarborough, Master-in-Equity

Case No. 2010-CP-10-8732

Lashanda Ravenel and Henry Lee Ravenel, II, Appellants,

v.

Equivest Financial, LLC, Respondent.

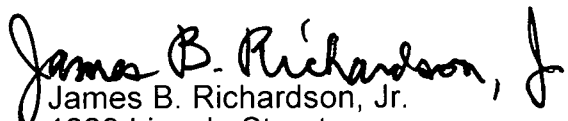
CERTIFICATE OF SERVICE

I certify that I served a copy of respondent's return to petitioners' motion to take judicial notice upon petitioners' attorneys by first class mail, postage prepaid, addressed to them at their respective addresses of record, namely:

Barry I. Baker, Esq.
Attorney at Law
One Carriage Lane, Bldg. H
Charleston, SC 29407

Benjamin Goldberg, Esq.
Attorney at Law
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on February 28, 2014.


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February 14, 2014.

Attorney for Respondent.