

STATE OF SOUTH CAROLINA  
COUNTY OF JASPER

) IN THE COURT OF COMMON PLEAS  
) FOURTEENTH JUDICIAL CIRCUIT  
) CIVIL CASE NO: 2012-CP-27-0760

Robert C. Schivera,  
Executor of the Estate of  
Fred J. Hughes, III,

Plaintiff,

v.

C. Russell Keep, III, Esquire and  
Rhonda Mitchell, Jasper County  
Tax Collector,  
Defendants.

**ORDER DENYING MOTION  
TO VACATE JUDGMENT AND  
59(e) MOTION TO RECONSIDER**

2014 APR 14 9:10  
MARSHALL COUNTY  
CLERK OF COURT  
JASPER COUNTY

Now comes before the court Defendant's Motion to Vacate Judgment and entered by the undersigned on May 31, 2013, and Defendant's Rule 59(e) Motion to Reconsider. This Order follows a February 19, 2014, hearing in this matter during which R. Thayer Rivers, Esq. appeared on behalf of the Plaintiff, Marvin Jones, Esquire appeared on behalf of Defendant Jasper County and C. Russell Keep, III, Esquire, also a named Defendant to this suit, appeared on his own behalf.

**FACTUAL TIMELINE**

Title to the property in question was acquired by Fred J. Hughes on June 11, 2008, for a sales price of \$190,000 from a Grantee indicated by the deed as residing at 1320 Highway 80 West, Garden City, Georgia, 31408. Neither the Jasper County Office of the Tax Assessor, Treasurer, nor Delinquent Tax Collector changed their respective records to indicate the address of the new Grantee for purposes of sending notices. At that time, Mr. Hughes owned three other adjoining parcels of land, for which taxes were current and the proper Grantee address on file.

In 2009, the tax notice for Mr. Hughes' property acquired on June 11, 2008, was mailed by certified restricted delivery mail to 8512 Kent Drive, Savannah, Georgia, 31406. This is the

address of the Grantor and not of Mr. Hughes. The Jasper County Treasurer listed the wrong persons as the property owner in addition to the wrong address. All subsequent notices were also sent to this improper address. On at least one occasion, a notice sent to the Kent Drive address was returned to sender.

Taxes were not paid thereafter, and the Jasper County Tax Collector's Office did an execution upon the property in question. In addition to mailing the required notices to the wrong address on file, Jasper County properly posted notice on the property as required by our Code of Laws, and took a picture of that proper posting. On November 1, 2010, the property in question was sold for \$6,600 at a tax sale to Defendant C. Russell Keep, III. The instant litigation resulted more than two years later.

### CONCLUSION

Upon oral argument and review of supporting documentation, Defendant's Motion to Vacate Judgment and Rule 59(e) Motion to Reconsider are hereby respectfully DENIED. The prior statement of facts does not function to alter or amend the undersigned's prior order dated May 31, 2013, but does act to further clarify the series of events leading up to that 2013 order for purposes of easier appellate review.

**AND IT IS SO ORDERED.**



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Carmen T. Mullen  
Fourteenth Judicial Circuit

This 14 day of April, 2014  
Beaufort, South Carolina



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