

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

RECEIVED

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

S.C. Supreme Court

Honorable Mikell R. Scarborough, Master-in-Equity

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

MOTION TO TAKE JUDICIAL NOTICE

TO: THE HONORABLE JEAN HOEFER TOAL, CHIEF JUSTICE AND  
ASSOCIATE JUSTICES OF THE SUPREME COURT OF SOUTH CAROLINA:

Appellants move pursuant to Rule 240 SCACR to request this Honorable Court to take judicial notice and to supplement the record to include, new litigation, *Equivest Financial, LLC v. Mary B. Ravenel*, Case Number 2014-CP-10-667, filed February 3, 2014 and Respondent’s Petition for Rule to Show Cause for Writ of Assistance filed in the lower court case of *Ravenel v. Equivest Financial, LLC*, Case Number 2010-CP-10-8732 on the grounds set forth below.

This Motion is based on the case of *Freeman v. McBee*, 280 S.C. 490, 313 S.E.2d 325 (Ct. App. 1984) and Rule 201, Judicial Notice, *Rules of Evidence*.

The *Freeman* case was a divorce action where the parties filed cross-complaints. Mrs. McBee’s (wife) complaint was dismissed with prejudice. Mr. Freeman (husband) was granted a divorce which ruled that wife would “have no interest in any business property that Mr. Freeman may own or is in the process of purchasing.” Wife did not appeal. At a subsequent hearing, the court stated it “took judicial notice of the dismissal

with prejudice whereby Mrs. McBee waived any interest” in the husband’s property. Wife appeals the fact that the court took judicial notice.

The Court of Appeals stated:

A court can take judicial notice of its own records, files and proceedings for all proper purposes including facts established in its records. It is not error for a judge to take judicial notice of what was stated in a former opinion in a prior action of the same case. Thus, it was proper for the court to take judicial notice of the consent to dismiss with prejudice in its own order issued nine days earlier and of the effect of the dismissal. (Citations omitted.)

The ability of a court to take judicial notice is also set forth in Rule 201 Rules of Evidence.

1. 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 Mary B. Ravenel (“Mrs. Ravenel”) and her son, the Appellant, Henry Ravenel, II. Appellant Lashanda Ravenel no longer lives on the property. The Master-in-Equity no longer has jurisdiction to issue such a writ 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.

2. Equivest has also filed a new lawsuit against Mrs. Ravenel (see Exhibit B attached hereto) requesting the Court to clear title to the disputed property in Equivest to the exclusion of Mrs. Ravenel despite the fact that the Court of Appeals ruled that title now

vests in Mrs. Ravenel, which would bar Equivest from pursuing such a lawsuit.

Respectfully submitted,

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

By: 

Attorneys for Appellants

February 20<sup>th</sup>, 2014

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

NINTH JUDICIAL CIRCUIT

Lashanda Ravenel, et al.,

Plaintiffs,

**COPY**  
INFORMATION

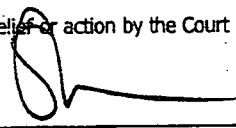
MOTION AND ORDER FORM AND COVERSHEET

vs.

Equivest Financial, LLC,

Docket No.: 2013-CP-40-2133

Defendant/Cross-Plaintiff,

<b>Plaintiff's Attorney:</b> _____, Bar No. _____ Address: _____ Phone: _____ Facsimile: _____ E-mail: _____ Other: _____	<b>Defendant's Attorney:</b> 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: _____
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete Sections I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete Sections II and III) <input checked="" type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete Sections II and III)	
<b>SECTION I: Hearing Information</b>	
Nature of Motion: _____ Estimated Time Needed: _____ Court Reporter Needed: <input type="checkbox"/> YES / <input type="checkbox"/> NO	
<b>SECTION II: Motion/Order Type</b>	
<input type="checkbox"/> Written Motion Attached <input checked="" type="checkbox"/> 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 <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant	
<b>January 30, 2014</b> Date Submitted	
<b>SECTION III: Motion Fee</b>	
<input checked="" type="checkbox"/> Paid - Amount \$25.00 <input type="checkbox"/> Exempt: (check one reason)	
<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> 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: _____ <input type="checkbox"/> Other: _____	
<input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)	
<b>JUDGE'S SECTION</b>	
<input type="checkbox"/> Motion Fee to be paid upon filing of attached Order. JUDGE CODE: _____ Date: _____ <input type="checkbox"/> Other: _____ Judge's Signature: _____	
<b>CLERK'S VERIFICATION</b>	
Collected By: _____ Date Filed: _____ <input type="checkbox"/> Motion Fee Collected: \$ _____ <input type="checkbox"/> Contested - Amount Due \$ _____	

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
 )  
COUNTY OF CHARLESTON ) C/A No.: 2010-CP-10-8732

Lashanda Ravenel and Henry Lee )  
Ravenel, II, )  
 )  
Plaintiff, )

vs. )

**PETITION FOR RULE TO SHOW CAUSE**

Equivest Financial, LLC, )  
 )  
Defendant/Cross-Plaintiff, )

vs. )

Mary M. Scarborough, Delinquent Tax )  
Collector for Charleston County; AAA )  
Plumbing, LLC; Pep Boys, Manny, Moe )  
and Jack; Monogram Credit Card Bank )  
of Georgia; Discover Bank; SC Federal )  
Credit Union; Alabama Credit Corp. )  
d/b/a Preferred Teachers Association, )  
 )  
Cross-Defendants, )

The Defendant/Cross-Plaintiff would respectfully show unto this Court that:

1. The Defendant/Cross-Plaintiff above named commenced an action against the Plaintiffs and Cross-Defendants above named for the purpose of quieting the 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

PROPERTY ADDRESS: 5559 Mary Ravenel Road  
Charleston, South Carolina 29426

2. That a Master-in-Equity's Final Order Quieting Title was issued by this Court on June 5, 2012, and the property herein was thereafter quieted.

3. The proceedings in regard to this action are preserved in the office of the Clerk of Court for Charleston County.

4. The Plaintiffs, Cross-Defendants or others claiming through them still occupy the subject premises and have within the premises certain items of personal property and furniture which they have failed and refused to remove from the premises, although they have been informed that they have no further right, title or interest in or to the subject property.

5. The Defendant/Cross-Plaintiff is informed and believes that it is entitled to possession of the property in accordance with the proceedings herein.

6. Jurisdiction to put Defendant/Cross-Plaintiff in possession of this property was reserved to the Master-In-Equity in the Master-In-Equity's Final Order Quieting Title.

7. The Defendant/Cross-Plaintiff is entitled to a Writ of Assistance to remove the said Plaintiffs or Cross-Defendants, together with any and all persons whosoever claiming there under, and all their personal belongings from the subject premises, and to put the Defendant/Cross-Plaintiff in full, quiet and peaceable possession thereof, and to keep the Plaintiff

in such possession.

**WHEREFORE**, Defendant/Cross-Plaintiff prays that this Court issue its Writ of Assistance to the Sheriff of Charleston County requiring the ejection and removal of said Plaintiffs or Cross-Defendants together with any and all persons whosoever claiming under them, and all of their possession from the subject property forthwith.



---

S.R. Anderson  
2008 Marion Street, Suite J  
PO Box 12188  
Columbia, SC 29211-2188  
(803) 252-2828  
Attorney for Plaintiff

January 30, 2014

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
 )  
COUNTY OF RICHLAND ) C/A No.: 2010-CP-10-8732

Lashanda Ravenel and Henry Lee )  
Ravenel, II, )

Plaintiffs, )

vs. )

**RULE TO SHOW CAUSE**

Equivest Financial, LLC, )

Defendant/Cross-Plaintiff, )

vs. )

Mary M. Scarborough, Delinquent Tax )  
Collector for Charleston County; AAA )  
Plumbing, LLC; Pep Boys, Manny, Moe )  
and Jack; Monogram Credit Card Bank )  
of Georgia; Discover Bank; SC Federal )  
Credit Union; Alabama Credit Corp. )  
d/b/a Preferred Teachers Association, )

Cross-Defendants, )

**TO: LASHANDA RAVENEL, HENRY LEE RAVENEL, II, OR THE OCCUPANT OF THE  
PROPERTY KNOWN AS 5559 MARY RAVENEL ROAD, CHARLESTON, SOUTH  
CAROLINA:**

Upon consideration of Defendant/Cross-Plaintiff's Petition to Show Cause it is ordered that named Plaintiffs or Cross-Defendants appear before the undersigned, or in the event the same Plaintiffs or Cross-Defendants do not occupy the subject real property then the actual occupants thereof, at 100 Broad Street, Room 266, Charleston, SC 29401, at

\_\_\_\_\_ o'clock \_\_\_\_\_ .m. on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2014.

**IT IS ORDERED** that this Rule to Show Cause may be served by a Deputy Sheriff or  
by an independent process server.

**AND IT IS SO ORDERED.**

---

Mikell R. Scarborough  
Master-In-Equity for Charleston County

\_\_\_\_\_, 2014  
Charleston, South Carolina

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF CHARLESTON ) C/A No.: 2010-CP-10-8732



Lashanda Ravenel and Henry Lee Ravenel, II, )  
Plaintiff, )

**WRIT OF ASSISTANCE**

vs. )  
Equivest Financial, LLC, )  
Defendant/Cross-Plaintiff, )

vs. )  
Mary M. Scarborough, Delinquent Tax Collector for Charleston County; AAA Plumbing, LLC; Pep Boys, Manny, Moe and Jack; Monogram Credit Card Bank of Georgia; Discover Bank; SC Federal Credit Union; Alabama Credit Corp. d/b/a Preferred Teachers Association, )  
Cross-Defendants, )

**TO: Plaintiffs or Cross-Defendants in possession:**

**YOU ARE HEREBY ORDERED** to surrender possession of the following described property on the \_\_\_\_\_ day of \_\_\_\_\_, 2014 at \_\_\_\_\_ o'clock \_\_\_\_\_m:

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

**Property Address: 5559 Mary Ravenel Road, Charleston, South Carolina 29426**

**IT IS FURTHER ORDERED** that you are restrained and enjoined from damaging the aforesaid property in any way.

**IT IS FURTHER ORDERED** that the Sheriff of Charleston County shall serve the Writ herein upon the Plaintiff or Cross-Defendant in possession and should the Plaintiff or Cross-Defendant in possession fail or refuse to relinquish possession on or before the \_\_\_\_\_ day of \_\_\_\_\_, 2014 at \_\_\_\_\_ o'clock \_\_\_\_\_.m. the Sheriff of Charleston County shall evict the Plaintiff or Cross-Defendant in possession, together with any and all persons whosoever claiming under them, and all of their possessions from the subject property and forthwith place the Defendant/Cross-Plaintiff in possession on the \_\_\_\_\_ day of \_\_\_\_\_, 2014 at \_\_\_\_\_ o'clock \_\_\_\_\_.m.

\_\_\_\_\_  
Mikell R. Scarborough  
Master-In-Equity for Charleston County

\_\_\_\_\_, 2014  
Charleston, South Carolina

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

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 210<sup>th</sup> 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.	)	<b>LIS PENDENS</b>
	)	
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. & F.C.  
BY   
DEPUTY CLERK

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF CHARLESTON ) C/A No.: 2014-CP-10- 1007

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:**

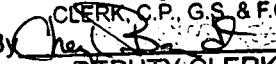
**YOU ARE HEREBY SUMMONED** and required to answer the Counterclaim in the above-entitled action, a copy of which is hereby served upon you, and to serve a copy of your answer to said Counterclaim upon the subscriber at his office, located at 2008 Marion Street, Suite J, Columbia, South Carolina, within 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- 1167

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

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.



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Attorney for Plaintiff

January 24, 2014

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THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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FEB 21 2014

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

S.C. Supreme Court

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' Motion to Take Judicial Notice and supporting Affidavit of Benjamin Goldberg**, 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.

February 20, 2014



Gayle Millage, Legal Assistant to  
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Attorneys for Appellants