

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Honorable Mikell R. Scarborough, Master-in-Equity

RECEIVED

FEB 28 2014

S.C. Supreme Court

Opinion No.2012-212772 (S.C. Ct. App. Filed Jan. 24, 2014)

Lashanda Ravenel and Henry Lee Ravenel, II.....Petitioners,

v.

Equivest Financial, LLC.....Respondent.

v.

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.

Appellate Case No. 2012-212772

APPENDIX

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 Petitioners

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

S.C. Supreme Court

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 December 23, 2013)

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

APPENDIX

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 Petitioners

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

INDEX

Appendix Page Nos.
Bottom Right

I.	Record on Appeal	1
	(Record Page Nos. Bottom Center – Appendix Page Nos. Bottom Right)	
II.	Final Brief of Appellants	242
III.	Final Brief of Respondent.....	274
IV.	Final Reply Brief of Appellants.....	293
V.	Order by Court of Appeals Affirming Lower Court Ruling, <i>Ravenel v. Equivest Financial, LLC</i> , Op. No. 2013-UP-495 (S.C. Ct. App. Filed December 23, 2013).....	301
VI.	Petition for Rehearing.....	303
VII.	Order Denying Petition for Rehearing (S.C. Ct. App. Filed January 24, 2014).....	311

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Honorable Mikell R. Scarborough, Master-in-Equity

Trial Court Case No. 2010-CP-10-8732

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

RECORD ON APPEAL
Vol. 1 of 2, pp. 1-174

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

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

INDEX

Volume I (pp. 1- 174)

I. ORDERS

1. Order dated March 14, 2011 and filed March 15, 2011
Re: Consent Order of Reference..... 6
2. Order dated February 8, 2012 and filed February 15, 2012
Re: Form 4 Order dismissing Mary M. Scarborough and Charleston County as
Defendants 8
3. Order dated February 8, 2012 and filed February 15, 2012
Re: Master-in-Equity dismissing Mary M. Scarborough and Charleston County
as a Defendant..... 10
4. Order dated April 20, 2012 and filed April 25, 2012
Re: Form 4 Order dismissing Charleston County Delinquent Tax Collector from
Action 14
5. Order dated April 20, 2012 and filed April 25, 2012
Re: Amended Order Dismissing Mary M. Scarborough as Defendant and
requiring Charleston County to pay Respondent bid, plus taxes and interest if
Plaintiffs' prevail 16
6. Order dated May 30, 2012 and filed June 5, 2012
Re: Form Order finding for Respondent..... 20
7. Order dated May 30, 2012 and filed June 5, 2012
Re: Final Order Finding for Respondent signed by Master-in-Equity..... 22
8. Form Order dated July 10, 2012 and filed July 12, 2012
Re: Denying Plaintiffs' 59(e) Motion 31
9. Supplemental Form Order dated July 12, 2012 and filed July 16, 2012
Re: Denying Plaintiffs' 59(e) Motion 33

II. PLEADINGS

1. Lis Pendens, Summons & Complaint with Exhibits A-I attached to Complaint
dated October 19, 2010 and filed October 20, 2010 34
2. Summons, Answer, Counterclaim and Cross-Complaint of Equivest Financial,
LLC dated November 3, 2010 and filed November 3, 2010..... 53
3. Reply to Counterclaim of Equivest, LLC dated November 16, 2010 and filed
November 16, 2010..... 59
4. Answer of Cross-Defendant, Mary M. Scarborough, Delinquent Tax Collector
for Charleston County, dated July 22, 2011 and filed
July 25, 2011..... 61

5.	Answer to Cross-Complaint by Cross-Defendant, AAA Plumbing dated December 15, 2010 and filed December 17, 2010.....	65
6.	Answer to Cross-Complaint by Cross-Defendant, Alabama Credit Corporation d/b/a Preferred Teachers Association dated January 21, 2011 and filed January 24, 2011	68
7.	Plaintiffs' Trial Brief dated March 29, 2012.....	70
8.	Plaintiffs' Rule 59(e) Motion dated June 19, 2012 and filed June 20, 2012.....	77

III. TRIAL TRANSCRIPT

1.	Transcript of Trial of March 29, 2012	81
A.	Testimony of Mary Scarborough	
	Direct Examination by Mr. Goldberg	82
	Court Questions	84
	Direct Examination by Mr. Goldberg	85
	Cross Examination by Mr. Anderson.....	100
	Redirect by Mr. Goldberg	108
	Recross by Mr. Anderson	112
	Court Discussion.....	112
	Questions by Mr. Goldberg	115
B.	Testimony of Mary Brooks Ravenel	
	Direct Examination by Mr. Goldberg	117
	Cross Examination by Mr. Anderson.....	128
	Redirect by Mr. Goldberg	134
	Court Discussion.....	136
C.	Testimony of Henry L. Ravenel, Jr.	
	Direct Examination by Mr. Baker.....	138
	Cross Examination by Mr. Anderson.....	145
D.	Testimony of Betty McKinley	
	Direct Examination by Mr. Baker.....	148
E.	Testimony of Lashanda M. Ravenel	
	Direct Examination by Mr. Baker.....	149
F.	Court/Counsel Post-Witness Discussion.....	155
2.	Post-Verdict Motions	
	Plaintiff's Proposed Order in support of Plaintiffs' Rule 59(e) Motion dated June 19, 2012 and filed June 20, 2012	158
	Notice of Appeal dated August 14, 2012 and filed August 17, 2012	174

Volume II (pp. 175 - 238)

3. Exhibits

Exhibit 1 - Execution Notice from DTC to Lashanda Ravenel and Henry Lee Ravenel, II, PO Box 455, Hollywood, SC 29449 for 5559 Mary Ravenel Road dated 4/7/08. Property Description: Parcel ID: 0990000085	175
Exhibit 2 - Official Notice of Levy to Lashanda Ravenel and Henry Lee Ravenel, II Parcel ID: 0990000085 dated May 22, 2008.....	176
Exhibit 3 - Returned "green card" to Lashanda Ravenel and Henry Lee Ravenel, II, PO Box 455, Hollywood, SC, dated 5/22/08 – unsigned, Parcel ID: 0990000085	177
Exhibit 4 - Copy of envelope from DTC to PO Box 455, Hollywood, SC to Lashanda Ravenel and Henry Lee Ravenel, II, marked "return to sender unable to forward" (returned to DTC 6/26/08	178
Exhibit 6 - Real Property Posting Slip for 2008 Tax Sale – Photo posted 8/1/08 on tree, Parcel ID: 0990000085	179
Exhibit 7 - Photo of tax sale posted on tree in front of house on 8/1/08 (color photo) Parcel ID: 0990000085	180
Exhibit 8 - Full photo of house, yard, driveway and tax sale posted on tree on 8/1/08 (color photo) Parcel ID: 0990000085	181
Exhibit 9 – Note dated 10-02-2009 on Charleston County Tax System Delinquent List Screen from DTC regarding telephone call from Henry Ravenel at telephone number 843-302-2000.....	182
Exhibit 10 – Dated 10/14/09 Final Notice of Property Redemption to Lashanda Ravenel, PO Box 455, Hollywood, requiring payment of \$27,849.06 by 11/4/09. Copy of envelope marked "return to sender/Ravenel/PO Box 263 (correct Post Office Box)/Hollywood, SC 2449-0263" (Returned to DTC on October 15, 2009), Parcel ID: 0990000085	183
Exhibit 11 - Dated 10/14/09 Final Notice of Property Redemption to Henry Lee Ravenel, II, PO Box 455, Hollywood, with same information as Exhibit 10; copy of envelope marked "return to sender/Ravenel/PO Box 263/Hollywood, SC 29449-0263" and returned to DTC	185
Exhibit 12 – Dated 10/14/09 (Date mailed 10-27-09) Final Notice of Property Redemption to Lashanda Ravenel and Henry Lee Ravenel II, PO Box 455, Hollywood with same information as Exhibit 10	187
Exhibit 13 - Copy of envelope sent certified mail showing "Return to Sender / Ravenel, PO Box 263, Hollywood, SC 29449-0263," (the correct Post Office Box) marked received by DTC on 10/26/09 for Exhibit 12	188
Exhibit 14 - Courtesy copy of Final Notice of Property Redemption, TMS 0990000085 to Ravenel Lashanda; Redemption Amount \$27,849.06 – due by 11/4/09; copy of envelope marked "Notify Sender of New Address – Ravenel, PO Box 263, Hollywood, SC 29449-0263" (original envelope address illegible), mailed on 10/27/09	189

Exhibit 15 - Courtesy copy of Final Notice of Property Redemption, TMS 0990000085 to Ravenel Henry Lee II containing same information as Exhibit 14; copy of envelope marked "Notify Sender of New Address – Ravenel, <u>PO Box 263</u> , Hollywood, SC 29449-0263	191
Exhibit 22 - Transcript of Judgment dated October 9, 2006 – Judgment Against Mary Ravenel for \$3,599.45, <u>8164 Mary Ravenel Road</u> (correct street address for Parcel ID: 0990000085), Hollywood, SC 29449 in favor of AAA Plumbing dated 10/9/2006 with Certificate of Service dated November 29, 2007 to <u>PO Box 263</u>	193
Exhibit 23 - Tax Deed – TMS No. 099-00-00-085; From Charleston County to Equifunding, Inc.; dated 7/28/10; recorded 8/11/10, Book 0137, page 821, stating notices not received by Lashanda Ravenel and Henry Lee Ravenel, II.....	195
Exhibit 24 - Title to Real Estate re: TMS Nos. 099-00-00-085, 099-00-00-113, 099-00-00-114, 099-00-00-116, and 164-00-00-304; Mary Ravenel aka Mary Brooks Ravenel to Lashanda Ravenel and Henry Lee Ravenel, II dated 11/6/07; Grantee's address: PO Box 455, Hollywood, SC 29449	199
Exhibit 25 - Charleston County Online Tax System – tax year 2006 – Henry Lee Ravenel Jr. 1998 Ford; Mailing Address: <u>PO Box 263</u> , Hollywood, SC 29449 and 8164 Mary Ravenel Road (correct address of Parcel and correct PO Box) 208	
Exhibit 32 - Cover page from County showing Owner Mary Brooks Ravenel, <u>PO Box 263</u> , Hollywood, SC, 29449; Title to Real Estate to hold title of 6430 Highway 162 Hollywood, by deed dated 5/19/97.....	209
Exhibit 33 - Cover page from County (Lashanda M. Ravenel, showing her ownership of 3531 Galaxy Road, Ladson, SC 29456); Title to Real Estate (TMS No. 390-00-00-276) – by deed in Book G654, page 890 – dated 02/27/08 and recorded 3/18/08 and copy of deed	215
Exhibit 35 - Charleston County Online Tax System – tax year 2009 – Lashanda Ravenel and Henry Lee Ravenel; Mailing Address: <u>PO Box 263</u> , Hollywood, SC 29449; Tax Address: 7164 Highway 162, one of five parcels noticed for tax sale	220
Exhibit 36 - Charleston County Online Tax System – tax year 2009 – Lashanda Ravenel and Henry Lee Ravenel, II; Mailing Address: PO Box 455, Hollywood, SC 29449; Tax Address: Mary Ravenel Road Lot 1, one of five parcels noticed for tax sale.....	221
Exhibit 37 - Charleston County Online Tax System – tax year 2009 – Lashanda Ravenel and Henry Lee Ravenel, II; Mailing Address: PO Box 455, Hollywood, SC 29449; Tax Address: 5559 Mary Ravenel Road Lot 3 Tract N, one of five parcels noticed for tax sale.....	222
Exhibit 38 - Charleston County Online Tax System – tax year 2009 – Lashanda Ravenel and Henry Lee Ravenel, II; Mailing Address: PO Box 455, Hollywood, SC 29449; Tax Address: Mary Ravenel Road Lot 2, one of five parcels noticed for tax sale.....	223

Exhibit 39 – Charleston County Online Tax System – tax year 2009 – Lashanda Ravenel and Henry Lee Ravenel, II; Mailing Address: PO Box 455, Hollywood, SC 29449; Tax Address: Mary Ravenel Road Lot 5, one of five parcels noticed for tax sale.....	224
Exhibit 41 - Deed of Equifunding, Inc. to Equivest Financial, LLC – TMS No. 099-00-00-085; (RMC Book 0147, pg 241) dated 9/13/10; recorded 10/4/10 ..	225
Exhibit 42 – DTC Title Abstract Summary dated 5/26/09 for Parcel No. 09900000085 “Property Address 5559 Mary Ravenel Road, Mary Ravenel, PO Box 455, Hollywood, SC 294490455	228
Exhibit 43 - Delinquent Tax Office Data Parcel No. 09900000085 appraised by County for \$447,300.00, taxes due \$6,081.90, taxpayer address PO Box 455, tax address 5559 Mary Ravenel Road with list of tax liens and judgments on Mary Ravenel and against one Henry Ravenel, not Henry Lee Ravenel II.....	229
Exhibit 45 - Transcript of Judgment– AAA Plumbing versus Mary Ravenel in the amount of \$3,599.45 to the correct address of <u>8164 Mary Ravenel Road</u> and letter from E. Lindsay Blanks, Esquire filing same, received from DTC, dated 10/9/06	231
Exhibit 47 - Charleston County Tax System Motor Vehicle Inquiry for the year 2008 – Henry Lee Ravenel, Jr. – 1998 Ford; tax address 8164 Mary Ravenel Road, correct street address for Parcel ID: 09900000085; mail address: <u>PO Box 263</u> , Hollywood, SC 29449.....	233
Exhibit 48 - Charleston County Tax System Motor Vehicle Inquiry for the year 2008 – Henry Lee Ravenel, Jr. – 2000 Lincoln; correct address <u>8164 Mary Ravenel Road</u> for TMS No. 09900000085: <u>PO Box 263</u> , Hollywood, SC 29449.....	234
Exhibit 49 - Charleston County Property Tax bill for Lashanda Ravenel dated 9/30/09, for TMS No. 228-00-00-054 Landover Road Jax Road, address: 8164 Mary Ravenel Road, Adams Run, SC 29426.....	235
Exhibit 50 - Court Reporter’s List of all Exhibits introduced.....	236
V. CERTIFICATE OF COUNSEL.....	238

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,)

Plaintiffs,)

vs.)

CONSENT ORDER OF REFERENCE

Equivest Financial, LLC,)

Defendants,)

AND

Equivest Financial, LLC,)

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)

BY

JULIE J. ARMSTRONG
CLERK OF COURT

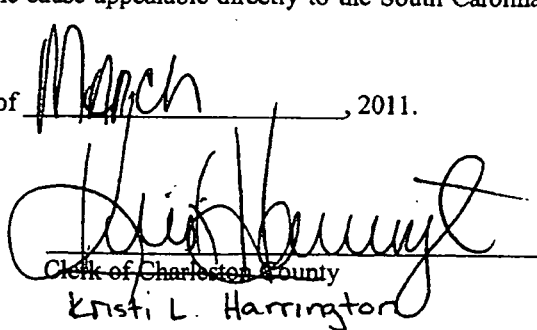
2011 MAR 15 AM 9:22

FILED

Pursuant to Circuit Court Rule 53 of the South Carolina Rule of Civil Procedure and that all parties not in default have consented hereto,

IT IS ORDERED that the issues in this action be referred to the Honorable Mikell R. Scarborough, as Master-in-Equity for Charleston County, to take the testimony arising under the pleadings and to thereafter render a final decision in the cause appealable directly to the South Carolina Court of Appeals.

AND IT IS SO ORDERED, this 14th day of March, 2011.


Clerk of Charleston County

Kristi L. Harrington

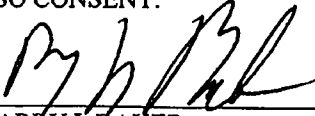
I SO MOVE:



S.R. ANDERSON

*Attorney for the Defendant/Cross-Plaintiff,
Equivest Financial, LLC*

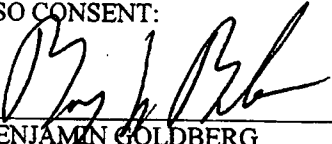
I SO CONSENT:



BARRY I. BAKER

*Attorney for the Plaintiffs,
Lashanda Ravenell and Henry Lee Ravenell, II*

I SO CONSENT:



BENJAMIN GOLDBERG

*Attorney for the Plaintiffs,
Lashanda Ravenell and Henry Lee Ravenell, II*

I SO CONSENT:



SARAH DALONZO-BAKER

*Attorney for the Cross-Defendant.
Alabama Credit Corporation d/b/a Preferred Teachers Association*

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2010 CP-10-8732

LASHANDA RAVENEL, et al

EQUIVEST FINANCIAL, LLC

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for : ☐ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonstuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk : ORDER DISMISSING MARY SCARBOROUGH AND CHARLESTON COUNTY

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

3062

Judge Code

2/8/2012

Date

SCRPC Form 4C (10/2011)

Page 1 of 2

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or
placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or
to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Lashanda Ravenel and Henry Lee
Ravenel, II,

Plaintiffs,

vs.

Equivest Financial, LLC,

Defendant,

And

Equivest Financial, LLC,

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.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 2010-CP-10-8732

~~FINAL ORDER AND DECISION~~

*Dr. [unclear] Mary Scarborough
& Charleston County
for Action*

FILED
2012 FEB 15 AM 10:39
JULIE A. ARMSTRONG
CLERK OF COURT
BY *[Signature]*

The Plaintiffs Lashanda Ravenel and Henry Lee Ravenel, II filed their complaint on October 20, 2010, against Defendant Equivest Financial, LLC, alleging a cause of action for avoidance of a tax sale and a second cause of action for gross inadequacy of consideration. On November 3, 2010, Cross-Plaintiff Equivest ("Equivest") filed its Answer, Counterclaim and

Cross-Complaint against Cross-Defendants 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; and Alabama Credit Corp. d/b/a Preferred Teachers Association.

On March 15, 2011, the Plaintiffs filed a motion for an order of reference accompanied by a consent order of reference consented to by the Defendant/Cross-Plaintiff, Plaintiffs, and Cross- Defendant Alabama Credit Corp. d/b/a Preferred Teachers Association. The Cross- Defendant Mary M. Scarborough, Delinquent Tax Collector for Charleston County ("Charleston County") did not consent to the reference nor was it given an opportunity to consent.

Charleston County filed its Answer on July 25, 2011, raising several affirmative defenses including among others that the Equivest fails to state facts sufficient to constitute a cause of action for which relief can be granted; therefore, its cross-complaint should be dismissed in accordance with Rule 12 (b)(6), S.C.R.C.P.

Charleston County filed its Notice of Motion and Motion to Dismiss and to Continue on January 17, 2012. The Motion to Dismiss is based on the ground that the facts and inferences drawn from the facts alleged in the cross-complaint of Equivest viewed in the light most favorable to it would not entitle Equivest to relief on any theory

I held a motion hearing and status conference on February 3, 2012. Lashanda Ravenel and Henry Lee Ravenel, II were represented by their counsel; Equivest was represented by its counsel; Charleston County was by its counsel; and all of the other remaining cross-defendants did not appear.

I find that:

1. This Court has jurisdiction of the action.
2. The Plaintiffs Lashanda Ravenel and Henry Lee Ravenel, II do not allege a cause of action against the Cross-Defendant Mary M. Scarborough, Delinquent Tax Collector for Charleston County.
3. The Cross-Defendants AAA Plumbing, LLC; Pep Boys, Manny, Moe and Jack; Monogram Credit Card Bank of Georgia; Discover Bank; SC Federal Credit Union; and Alabama Credit Corp. d/b/a Preferred Teachers Association do not allege a cause of action against Charleston County.
4. The claims of the Defendant/Cross-Plaintiff Equivest against the Cross-Defendants seek to extinguish their liens against a property sold at the tax sale in November 2008 identified as tax map parcel number 099-00-00-085 that was purchased by Equivest. Equivest makes no claim against Charleston County, nor prays for relief in its pleadings.
5. Looking at the face of the cross-complaint of Equivest, it states no allegations against Charleston County for this Court to draw facts and inferences in the light most favorable to Equivest that would entitle it to relief on any theory.
6. Charleston County makes no claim of ownership of the property or liens on the property.
7. The only claim for relief requested by Equivest is to quiet title in the property. Charleston County concedes and stipulates to the relief requested by Equivest.

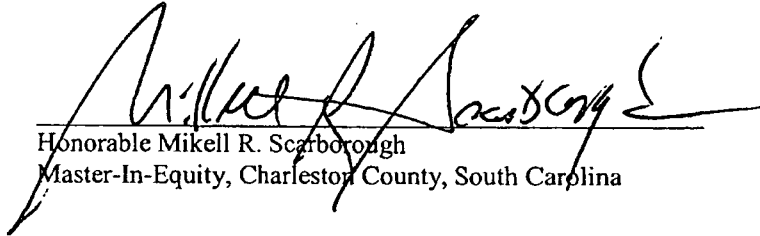
Now, therefore, it is

ORDERED, ADJUDGED AND DECREED that the facts and inferences drawn from the facts alleged in the cross-complaint of Equivest Financial, LLC, viewed in the light most

favorable to Equivest, does not entitle Equivest to relief on any theory; therefore; the motion of Mary M. Scarborough, Delinquent Tax Collector for Charleston County to dismiss pursuant to Rule 12(b)(6), S.C.R.C.P. for failure of Equivest to state a claim is granted. *Brazell v. Windsor*, 384 S.C. 512, 515, 682 S.E.2d 824, 826 (2009) citing *Gentry v. Yonce*, 337 S.C. 1, 552 S.E.2d 137, 139 (1999).

ORDERED, ADJUDGED AND DECREED that the action is continued until March 29, 2012.

AND IT IS SO ORDERED.


Honorable Mikell R. Scarborough
Master-In-Equity, Charleston County, South Carolina

Charleston, South Carolina
February 8, 2012

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2010 CP-10-8732

LASHANDA RAVENEL and HENRY LEE RAVENEL II

EQUIVEST FINANCIAL, LLC

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for : ☐ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE):** ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk : ORDER TO DISMISS CHARLESTON COUNTY DELINQUENT TAX COLLECTOR FROM ACTION

INFORMATION FOR THE PUBLIC INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

3062

Judge Code

4/20/2012

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or
placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or
to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Lashanda Ravenel and Henry Lee
Ravenel, II,

Plaintiffs,

vs.

Equivest Financial, LLC,

Defendant,

Equivest Financial, LLC,

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.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 2010-CP-10-8732

AMENDED ORDER DISMISSING
MARY M. SCARBOROUGH,
DELINQUENT TAX COLLECTOR
FOR CHARLESTON COUNTY, FROM
THE ACTION

FILED
2012 APR 25 PM 4:28
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

The Plaintiffs Lashanda Ravenel and Henry Lee Ravenel, II filed their complaint on October 20, 2010, against Defendant Equivest Financial, LLC, alleging a cause of action for avoidance of a tax sale and a second cause of action for gross inadequacy of consideration. On November 3, 2010, Cross-Plaintiff Equivest ("Equivest") filed its Answer, Counterclaim and Cross-Complaint against Cross-Defendants 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; and Alabama Credit Corp. d/b/a Preferred Teachers Association.

On March 15, 2011, the Plaintiffs filed a motion for an order of reference accompanied by a consent order of reference consented to by the Defendant/Cross-Plaintiff, Plaintiffs, and Cross- Defendant Alabama Credit Corp. d/b/a Preferred Teachers Association. The Cross- Defendant Mary M. Scarborough, Delinquent Tax Collector for Charleston County ("Charleston County") did not consent to the reference nor was it given an opportunity to consent.

Charleston County filed its Answer on July 25, 2011, raising several affirmative defenses including among others that the Equivest fails to state facts sufficient to constitute a cause of action for which relief can be granted; therefore, its cross-complaint should be dismissed in accordance with Rule 12 (b)(6), S.C.R.C.P.

Charleston County filed its Notice of Motion and Motion to Dismiss and to Continue on January 17, 2012. The Motion to Dismiss is based on the ground that the facts and inferences drawn from the facts alleged in the cross-complaint of Equivest viewed in the light most favorable to it would not entitle Equivest to relief on any theory

I held a motion hearing and status conference on February 3, 2012. Lashanda Ravenel and Henry Lee Ravenel, II were represented by their counsel; Equivest was represented by its counsel; Charleston County was by its counsel; and all of the other remaining cross-defendants did not appear.

A handwritten signature in black ink, appearing to be "JRS", located in the lower right quadrant of the page.

I find that:

1. This Court has jurisdiction of the action.
2. The Plaintiffs Lashanda Ravenel and Henry Lee Ravenel, II do not allege a cause of action against the Cross-Defendant Mary M. Scarborough, Delinquent Tax Collector for Charleston County.
3. The Cross-Defendants AAA Plumbing, LLC; Pep Boys, Manny, Moe and Jack; Monogram Credit Card Bank of Georgia; Discover Bank; SC Federal Credit Union; and Alabama Credit Corp. d/b/a Preferred Teachers Association do not allege a cause of action against Charleston County.
4. The claims of the Defendant/Cross-Plaintiff Equivest against the Cross-Defendants seek to extinguish their liens against a property sold at the tax sale in November 2008 identified as tax map parcel number 099-00-00-085 that was purchased by Equivest. Equivest makes no claim against Charleston County, nor prays for relief in its pleadings.
5. Looking at the face of the cross-complaint of Equivest, it states no allegations against Charleston County for this Court to draw facts and inferences in the light most favorable to Equivest that would entitle it to relief on any theory.
6. Charleston County makes no claim of ownership of the property or liens on the property.
7. The only claim for relief requested by Equivest is to quiet title in the property.
8. Should the Plaintiffs prevail in this action, Charleston County must pay to Equivest the amount of the bid plus interest and any taxes it paid on the property.

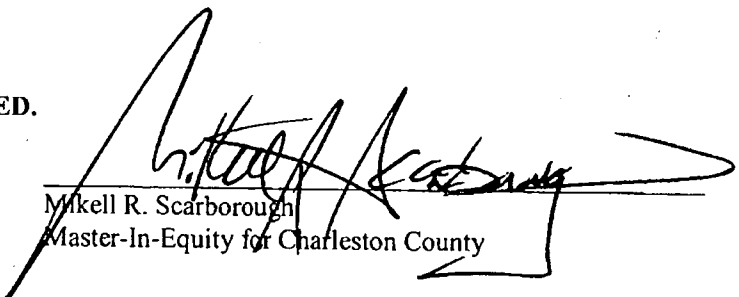


Now, therefore, it is

ORDERED, ADJUDGED AND DECREED that the facts and inferences drawn from the facts alleged in the cross-complaint of Equivest Financial, LLC, viewed in the light most favorable to Equivest, does not entitle Equivest to relief on any theory; therefore; the motion of Mary M. Scarborough, Delinquent Tax Collector for Charleston County to dismiss pursuant to Rule 12(b)(6), S.C.R.C.P. for failure of Equivest to state a claim is granted. *Brazell v. Windsor*, 384 S.C. 512, 515, 682 S.E.2d 824, 826 (2009) citing *Gentry v. Yonce*, 337 S.C. 1, 552 S.E.2d 137, 139 (1999).

ORDERED, ADJUDGED AND DECREED should the Plaintiffs prevail in this action, Charleston County must pay to Equivest the amount of the bid plus interest and any taxes it paid on the property.

AND IT IS SO ORDERED.



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

Charleston, South Carolina
April 20, 2012

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2010 CP-10-8732

LASHANDA RAVENEL

EQUIVEST FINANCIAL LLC

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for: ☐ Plaintiff ☐ Defendant
	or
	☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ ACTION DISMISSED (*CHECK REASON*): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ ACTION STRICKEN (*CHECK REASON*): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (*CHECK APPLICABLE BOX*): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE PUBLIC INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order.		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

3062
Judge Code

05/30/2012
Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:



Plaintiffs,

FINAL ORDER QUIETING TITLE

Defendant/Cross-Plaintiff,

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,

FILED
JUN 5 11:09 AM
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

William A. Scott filed an Answer to the Cross-Complaint on behalf of AAA Plumbing, LLC.

Sarah Dolonzo-Baker filed an Answer to the Cross-Complaint on behalf of the Alabama Credit Corporation d/b/a Preferred Teachers Association.

This matter was referred to the undersigned via an Order of Reference with authority to enter a final judgment appealable directly to the South Carolina Court of Appeals.

A hearing was held on March 29, 2012, and attended by Mr. Baker, Mr. Goldberg, and Mr. Anderson.

The subject real property is a dwelling home which was originally conveyed to Mary Ravenel a/k/a Mary Brooks Ravenel via a deed dated October 22, 2001 as recorded in Book W386 at Page 813 and Book 520 at Page 646. Thereafter, Ms. Ravenel conveyed the subject real property to her daughter and son, Lashanda Ravenel and Henry Lee Ravenel, II, via a deed dated November 6, 2007, as recorded on November 6, 2007, in Deed Book 643 at Page 159.

When the 2007 real estate taxes remained unpaid, the Charleston County Delinquent Tax Collector levied upon the property in accordance with a levy notice dated May 22, 2008. When the levy notice was returned unclaimed, the property was posted on August 1, 2008. When the taxes remained unpaid, the property was sold at the November 3, 2008, tax sale. When the year anniversary of the sale date approached, notice of redemption was sent to the Plaintiffs; these notices were returned to the Delinquent Tax Collector unclaimed. Courtesy notices were sent to the Plaintiffs via regular mail.

When the property was not redeemed, a tax deed was delivered to the Cross-Plaintiff's predecessor dated July 28, 2010, as recorded in Book 137 at Page 821. The Cross-Plaintiff's predecessor then conveyed the subject real property to the Cross-Plaintiff via a deed recorded on October 4, 2010, in Book 147 at Page 241.

The Plaintiffs commenced this action on October 20, 2010. A Lis Pendens was filed on October 20, 2010.

- 2 -

The Plaintiffs allege that the Delinquent Tax Collector failed to follow the mandates as required by § 12-51-10 et seq. of the 1976 South Carolina Code of Laws as amended.

The Delinquent Tax Collector sent to the Plaintiffs the requisite notices at the address denoted on the deed conveying the subject real property to the Plaintiffs. This is the same Post Office box shown as the address on the Deed conveying the property to Mary Ravenel; P.O. Box 455, Hollywood, SC 29449. This Post Office box belonged to Mary Ravenel's mother and she would collect the mail and bring it to her daughter. At some point, Ms. Ravenel's mother obtained a new Post Office Box and it was to that address that the courtesy redemption letters were forwarded by the Post Office.

Upon receipt of the courtesy redemption letter which was addressed to her children, Ms. Ravenel called the Delinquent Tax Collector in an effort to save the property. The Delinquent Tax Collector advised Ms. Ravenel that in order to save the property from being deeded to the Cross-Plaintiff's predecessor she would have to pay the full redemption amount of \$27,849.06. Ms. Ravenel did not have the money, nor could she raise it in the nine (9) days remaining in the redemption period.

Although the subject real property was titled in her children's names, Ms. Ravenel had never delivered the deed to them, nor had she even told them about the conveyance. The Plaintiffs stated that they only learned about the deed and their ownership of the property when this law suit was commenced.

Ms. Ravenel, in her testimony, referred to the property as her property and she continued to reside in it throughout the pendency of this action. Lashanda Ravenel resided in her own home while Henry Lee Ravenel moved from the subject property to his father's home and back again.

Ms. Ravenel also considered the other four (4) properties conveyed to the Plaintiffs as being hers and referred to them as "my property".

The reason given by Ms. Ravenel for the transfer of the property to her children was to protect these assets from her creditors. Shortly after the conveyance, Ms. Ravenel filed for bankruptcy and on her sworn schedules she did not denote that she had recently conveyed the property to her children.

It is clear to the Court that Ms. Ravenel regarded the property as her own and the conveyance to the Plaintiffs was made in order to keep her creditors from collecting any amounts due them from the subject real property. The conveyance from Ms. Ravenel to the Plaintiffs is clearly in violation of § 27-23-10 of the South Carolina Code of Laws. In accordance with § 27-23-10, the deed from Mary Ravenel to the Plaintiffs, by her own admission, was intended to defraud her creditors. Such a deed is utterly void and of no effect or color. Ms. Ravenel's intent was to defraud her creditors is imputable to the Plaintiffs because of the lack of valuable consideration for the conveyance unto them.

With regard to the tax sale itself, South Carolina Code § 12-51-10 et seq. proscribes the steps which must be taken to sell property for the payment of real estate taxes. § 12-51-40 provides that the required noticed be sent to the best address available. This code section does not require the Delinquent Tax Collector to comb through all public filings to determine the defaulting taxpayer's address. In this regard, the taxpayer also has an obligation to keep the County current with the correct address. It was not until October 26, 2009, that the Delinquent Tax Collector received notice from the Post Office that the taxpayer's address had been changed to P.O. Box 263, Hollywood, SC. Even then, the address was that of Ms. Ravenel's mother and where she also received mail. This

- 4 -

address had no connection with the Plaintiffs. It is undisputed that Ms. Ravenel did receive a copy of the redemption letter and tried to act upon it.

South Carolina Code § 12-51-120 requires that the redemption letter be sent not less than twenty (20) nor more than forty five (45) days prior to the end of the redemption period. When the Delinquent Tax Collector received the updated address, it was nine (9) days prior to the end of the redemption period and to send a new notice would not have complied with the requisites of § 12-51-120. Even if a new redemption letter was sent, it would have gone to Ms. Ravenel's address and not that of the Plaintiffs. It was not the Plaintiffs nor Ms. Ravenel who changed the Post Office Box; it was Ms. Ravenel's mother's action.

After the running of the redemption period and prior to the issuance of a deed, neither the Plaintiffs nor Ms. Ravenel advised the Delinquent Tax Collector that the notices had been sent to an incorrect address.

The Plaintiffs also contend that the tax sale should be set aside because of the inadequacy of the bid. The Plaintiffs assert that the subject real property is worth in excess of one million (\$1,000,000.00) dollars and that the Cross-Plaintiff only paid \$130,000.00 at the sale. The inadequacy of a bid, however, is not sufficient, in and of itself, to upset a tax sale. The question is whether or not the bid is so inadequate so as to shock the conscious of the Court.

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

I hereby specifically find from the testimony and exhibits presented at trial:

1. Tax sales are governed by § 12-51-10 at seq. and all requisites mandated by these statutes must be performed.

2. The statutory requirements protecting against tax sale forfeiture of real property are to be strictly construed. Smith vs. Barr. 650 S.E.2d. 486 (SC App. 2007).

3. A tax deed must be held and taken as prima facie evidence of good title in the holder and that all proceedings have been regular and that all legal requirements have been complied with. § 12-51-160, Leysath vs. Leysath. 209 S.C. 342, 40 S.E.2d. 233 (1946). The burden of proving the title is defective is on the party attacking the deed. Leysath, supra.

4. The title to the property remains in the taxpayer for the twelve (12) months immediately following the tax sale. However, that title is defeatable upon failure to redeem the property during the twelve (12) months following the sale. Von Elbrecht vs. Jacobs. 286 S.C. 240, 332 S.E.2d. 568 (SC App. 1983). If the property is not redeemed, the defaulting taxpayer's title is defeated and the property is transferred to the successful bidder. §§ 12-51-90, 100, & 130.

5. Ms. Mary Ravenel conveyed the subject real property and four (4) other parcels to her children for five (\$5.00) dollars, love and affection.

6. The Plaintiffs were never made aware of the deed unto them, nor was the deed ever delivered to them.

7. Ms. Mary Ravenel clearly regarded all of the properties as hers and testified that the property was hers.

8. Ms. Mary Ravenel was the individual who tried to strike a deal with the Delinquent Tax Collector and it was she who attempted to raise the money to redeem the property.

9. The Plaintiffs had no knowledge or any concern with regard to the property until this action was commenced.

10. Ms. Mary Ravenel is the real individual in interest with regard to the subject real property. She used her money to build the house and it served as her primary residence.

11. It is Ms. Mary Ravenel who will benefit if the tax deed is set aside, not the Plaintiffs, who are simply straw owners.

12. If the tax deed is set aside, it is Ms. Mary Ravenel whose asset is protected.

13. In Wachovia Bank vs. Coffey 389 S.C. 68, 698 S.E.2d. 244 (SC App. 2010), our Court stated that no person should be permitted to acquire a right of action from their own unlawful action and that one who participates in an unlawful action cannot recover damages for the consequence of that action.

14. When the Plaintiffs became aware that their mother intended to defraud her creditors they then elected to participate in her fraud by bringing the present action. They should not now be granted the relief they seek as the actions of their mother are imputable to them. § 27-23-30 sets forth criminal prosecution for parties in privity to fraudulent conveyances and by the maintenance of this action, the Plaintiffs are now in privity with Ms. Ravenel.

15. Ms. Mary Ravenel and the Plaintiffs come to Court with unclean hands and thus they are barred from seeking equitable relief.

16. In Haynes Federal Credit Union vs. Bailey 327 S.C. 242, 489 S.E.2d. 472 (1977), a party testified at one trial that he had no interest in certain property. At a second trial, the same party stated that he owned the subject property. The Supreme Court stopped the party from testifying contrary to that presented at the first hearing.

17. In Southmark Corp. vs. Trotter 12165 A. App. 454, 422 S.E.2d. 265 (1994), our sister state of Georgia decided a case similar to the matter at hand. In bankruptcy proceedings, a Plaintiff

- 7 -

failed to include in its schedules a potential malpractice claim against its attorneys. The Court threw out the malpractice claim as it swore on the bankruptcy schedules it had no such claim.

18. In her bankruptcy filings, Ms. Mary Ravenel asserted she owned no real estate. She now claims that the tax deed to the property which is the subject of this action should be set aside as the Delinquent Tax Collector failed to follow the appropriate code sections.

19. The Plaintiffs seek to void the tax sale to property claimed by them which was conveyed by one having unclean hands.

20. To allow the Plaintiffs to void the tax sale would validate the conduct of Ms. Mary Ravenel; that same conduct is imputed on the Plaintiffs.

IT IS THEREFORE ORDERED as follows:

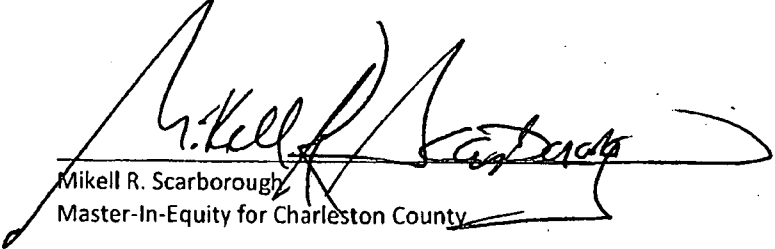
*See Also McMillan v Evans,
Op. No. 2005-UP-581
(SC Ct App filed Nov. 16, 2005)*

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.

AND IT IS SO ORDERED.

5/30, 2012
Charleston, South Carolina


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

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

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2010 CP-10-8732

LASHANDA RAVENEL and HENRY LEE RAVENEL II

EQUIVEST FINANCIAL, et al

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : ☐ Plaintiff ☐ Defendant
	☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☐ Statement of Judgment by the Court: THE COURT HAVING CONSIDERED PLAINTIFF'S MOTION FOR RECONSIDERATION PURSUANT TO SCRPC RULE 59(e), RESPECTFULLY DENIES SAME.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE PUBLIC INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order.		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

3062

Judge Code

Date

SCRPC Form 4C (10/2011)

Page 1 of 2

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2010 CP-10-8732

LASHANDA RAVENEL, et al

EQUIVEST FINANCIAL, LLC

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for : ☐ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☐ Statement of Judgment by the Court: This Court confirms and supplements the Form Order denying plaintiff's Rule 69.12 motion. The Court further rules that consideration paid at tax sale does not constitute the consciousness of the court.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

3062

Judge Code

7/12/2012

Date

SCRPC Form 4C (10/2011)

Page 1 of 2

10-20-2010

9:24am

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 10-CP-10-0732

Lashanda Ravenel and Henry Lee)
Ravenel, II,)

Plaintiffs,)

vs.)

Equivest Financial, LLC,)

Defendant.)

LIS PENDENS

2010 OCT 20 AM 9:16
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

FILED

TO THE DEFENDANT ABOVE NAMED:

10-18091-01 Please take notice that an action has been commenced and is now pending between Lashanda Ravenel and Henry Lee Ravenel, II, Plaintiffs, vs. Equivest Financial, LLC, to have the Court declare a tax sale, dated November 3, 2008, void and the Plaintiffs' right of redemption restored concerning the property 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.

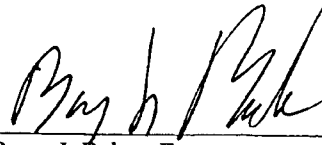
Said Lot having such size, shape, dimensions, buttings and boundings as will more fully appear by review of the above described plat.

Being a portion of the property conveyed to the Plaintiffs 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.

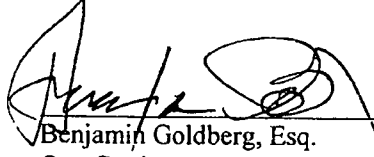
Being the same property conveyed by the Delinquent Tax Collector of Charleston County to Equifunding, Inc., by deed dated July 28, 2010, and recorded in the RMC Office of Charleston County on August 12, 2010, in Book O-137, Page 821.

Also being the same property conveyed by Equifunding, Inc., to Equivest Financial, LLC, by deed dated September 13, 2010, recorded in the RMC Office of Charleston County on October 6, 2010, in Book O-147, Page 241.

TMS # 099-00-00-085



Barry I. Baker, Esq.
One Carriage Lane
Building H
Charleston, SC 29407
(843)766-9007



Benjamin Goldberg, Esq.
One Carriage Lane
Building H
Charleston, SC 29407
(843)769-4595

October 19th, 2010
Charleston, South Carolina

Attorneys for Plaintiffs

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 10-CP-10-0732

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

Plaintiffs,)
)

vs.)
)

Equivest Financial, LLC,)
)

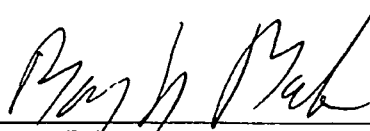
Defendant.)
)

SUMMONS

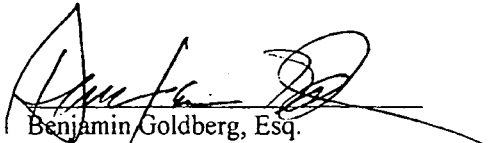
FILED
2010 OCT 20 AM 9:16
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

TO THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action and to serve a copy of your answer to the Complaint on the undersigned Barry I. Baker, Esq., at his address, One Carriage Lane, Building H, Charleston, SC 29407, within thirty (30) days after service hereof, exclusive of the day of such service, and, if you fail to answer the Complaint within the time aforesaid, the Plaintiffs in this action will apply to the Court for a judgment by default for the relief demanded in this action.



Barry I. Baker, Esq.
One Carriage Lane
Building H
Charleston, SC 29407
(843)766-9007



Benjamin Goldberg, Esq.
One Carriage Lane
Building H
Charleston, SC 29407
(843)769-4595

October 19th 2010
Charleston, South Carolina

Attorneys for Plaintiffs

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 10-CP-10-8732

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

Plaintiffs,)

vs.)

Equivest Financial, LLC,)
)

Defendant.)

COMPLAINT

FILED
2010 OCT 20 AM 9:16
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

I
AVOIDANCE OF TAX SALE
FIRST CAUSE OF ACTION

The Plaintiffs for their complaint allege:

FIRST:

The Defendant, Equivest Financial, LLC, is a foreign corporation registered to do business in South Carolina and doing business in the County of Charleston.

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.

THIRD:

The five (5) parcels of land are described by TMS #s 099-00-00-085, 113, 114, 116 and TMS # 164-00-00-304.

FOURTH:

Taxes on the five (5) parcels were not paid for the year 2007, and the Delinquent Tax Collector for Charleston County (DTC) began the statutory process for the sale of the five (5) parcels unless the delinquent taxes were paid prior to the tax sale scheduled for November 3, 2008.

FIFTH:

On April 7, 2008, the DTC by regular mail sent to Plaintiffs an EXECUTION NOTICE for each parcel addressed to P.O. Box 455, Hollywood, SC 29449-0455.

SIXTH:

The only subsequent statutory notice sent by the DTC had to do only with TMS # 099-00-00-085. The other four (4) parcels were omitted from any other required statutory notices other than the DELINQUENT TAX SALE publication in the newspaper and were not offered for sale on November 3, 2008.

SEVENTH:

The property sold at the tax sale on November 3, 2008, is 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 a portion of the property conveyed to the Plaintiffs by deed dated November 6, 2007, and recorded in the RMC Office of Charleston County in H-643, Page 159, on the same date.

Being the same property conveyed by the Delinquent Tax Collector of Charleston County to Equifunding, Inc., by deed dated July 28, 2010, and recorded in the RMC Office of Charleston County on August 12, 2010, in Book O-137, Page 821.

Also being the same property conveyed by Equifunding, Inc. to Equivest Financial, LLC, by deed dated September 13, 2010, recorded in the RMC Office of Charleston County on October 6, 2010, in book O-147, Page 241.

TMS # 099-00-00-085

EIGHTH:

The EXECUTION NOTICE (Exhibit A) provides, among other things, the delinquent tax was \$5982.80, solid waste disposal fee \$99.00, and levy cost \$25.00, for a total amount due of \$6,106.90.

NINTH:

It further stated:

"YOUR BILL INCLUDES A SOLID WASTE DISPOSAL FEE
OF : \$99.00"

TENTH:

It further sets forth:

“

<u>PAY THIS AMOUNT</u>	
\$	6,106.90

”

ELEVENTH:

On May 22, 2008, the DTC mailed to Plaintiffs, again at P.O. Box 455, Hollywood, SC 29449-0455, an OFFICIAL NOTICE OF LEVY by certified mail restricted delivery (Exhibits B and C).

TWELFTH:

The notice provided, among other things:

“Amount Due After:	Total Taxes Due:
May 18, 2008	\$6,057.90
August 08, 2008	\$6,097.90
October 31, 2008	\$6,167.90 and 2008 Taxes”

THIRTEENTH:

The notice further states:

“ALL REAL PROPERTY TAXES MUST BE PAID ON OR BEFORE 5:00 P.M., OCTOBER 31, 2008 TO AVOID TAX SALE ON NOVEMBER 03, 2008...”

FOURTEENTH:

The certified receipts were returned unsigned (Exhibit D), and the envelope containing the notice was returned to the DTC, marked “received June 26, 2008,” by the DTC with a note from the post office (Exhibit E) “RETURN TO SENDER UNABLE TO FORWARD.”

FIFTEENTH:

A real property posting slip for the 2008 TAX SALE was apparently affixed to a tree on the property on October 1, 2008, in the name of “Ravenel Mary E.”

SIXTEENTH:

The property at the time of posting was occupied by parties still in occupancy today, who assert they never saw such a poster.

SEVENTEENTH:

The Delinquent Tax Sale notice was published in the Post & Courier on August 15, 22 and 29, 2008, in which all five (5) properties were listed for sale.

EIGHTEENTH:

The DELINQUENT TAX notice stated, among other things:

“All real property owing delinquent taxes for the tax years 1998-2007 is subject to sale.”

"Personal or company checks unaccepted since sufficient time must be allowed for the checks to clear. Only cash, money order, attorney's trust/escrow account checks or certified checks will be accepted for payment of taxes."

NINETEENTH:

The DELINQUENT TAX notice further stated:

"Anyone interested in bidding on the property should register with the Delinquent Tax Collector by October 1, 2008."

TWENTIETH:

It further stated:

"Property will be auctioned in tax map number order to the highest bidder and must be paid for with cash, money order, or certified check by the close of business."

TWENTY-FIRST:

It further stated:

"Bids will be recognized only from registered bidders who are seated in the chairs provided..."

TWENTY-SECOND:

On October 14, 2009, the DTC sent to each Plaintiff by certified mail return receipt a "Final Notice of Property Redemption," a copy of which is attached as Exhibit F.

TWENTY-THIRD:

The notices were again sent to P.O. Box 455, Hollywood, SC 29449-0455, and the return receipts were again received unsigned by the DTC with a note from the post office dated 10/16/09 "Return to Sender" "Ravenel, P.O. Box 263, Hollywood, SC 29449-0263." (Exhibit G)

TWENTY-FOURTH:

A second "FINAL NOTICE OF PROPERTY REDEMPTION", dated 10/27/09, (Exhibit H) was sent to each Plaintiff, again at P.O. Box 455, and returned unsigned to the DTC with a note from the post office, "Notify Sender of New Address, Ravenel, P.O. Box 263, Hollywood, SC 29449." (Exhibit I)

TWENTY-FIFTH:

The property was bid in by the Defendant on October 3, 2008, for \$130,000.00.

TWENTY-SIXTH:

Plaintiffs are informed and believe that the value of the property on November 3, 2008, was approximately \$1 million.

TWENTY-SEVENTH:

They are further informed and believe that the value of the four (4) parcels unsold exceeded by a considerable amount the delinquent taxes due.

TWENTY-EIGHTH:

As a result of the foregoing, the DTC failed to strictly adhere to the statutory requirements of § 15-51-40 et seq and created mandates not required or authorized by statute, resulting in jurisdictional defects as follows:

A. Plaintiffs received no required statutory notices and were therefore deprived of due process.

B. The DTC admits that neither the Execution Notice or Notice of Redemption were received by Plaintiffs.

C. Notices sent by the DTC by certified mail return receipt were sent back to the DTC unsigned and the DTC failed to exercise diligence to ascertain the correct address of the Plaintiffs.

D. In requiring the payment of a waste disposal fee when the DTC had authority only to collect delinquent taxes and was without authority to collect a waste disposal fee.

E. In requiring the payment of 2008 taxes on or before 5:00 p.m., October 31, 2008.

F. In failing to sell as much of the four (4) parcels as was necessary to collect delinquent taxes due before selling the most expensive parcel.

G. In reportedly posting the required notice in the name of Ravenel Mary

H. In requiring the pre-registration of tax sale bidders, which is not a statutory requirement.

I. Permitting only registered bidders to purchase at the tax sale.

J. The DTC did not void the tax sale when she knew before November 3, 2008, of the failure of action required to be properly performed.

K. In failing to publish the tax proceedings pursuant to publication statutes, when she knew statutory notices were not received by Plaintiffs.

L. The first and second Notices of Redemption dated October 14, 2009 and October 27, 2009 respectively were not received and both were defective, being in violation of § 12-51-120 Code of Laws of South Carolina.

TWENTY-NINTH:

As a result of the DTC's jurisdictional failure to give the required NOTICE OF REDEMPTION, Plaintiffs' right could not be cut.

THIRTIETH:

The DTC did not strictly adhere to the tax sale statutes resulting in jurisdictional defects, rendering the tax sale void.

II

FOR A SECOND CAUSE OF ACTION
GROSS INADEQUACY OF CONSIDERATION

THIRTY-FIRST:

They reallege paragraphs ONE through THIRTIETH as if here set forth.

THIRTY-SECOND:

The bid by the Defendant of \$130,000.00 on the property valued at \$1 million was grossly inadequate.

THIRTY-THIRD:

There was an error in understanding, for the DTC knew or should have known that the four (4) parcels which were not sold had a value considerably in excess of the delinquent taxes of \$6,167.90.

THIRTY-FOURTH:

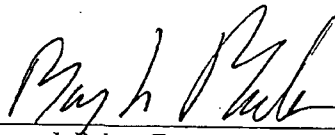
In addition, the Plaintiffs were deprived of due process of law and the DTC committed other statutory violations as above set forth which requires the tax sale to be set aside as a matter of equity.

THIRTY-FIFTH:

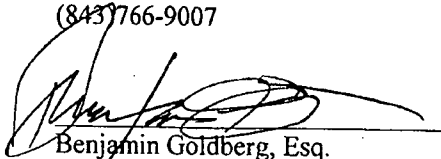
As a result of such gross inadequacy of consideration, together with the other matters set forth above, the sale should be set aside.

WHEREFORE, Plaintiffs pray:

- A. That this Court authorize Plaintiffs' right to redeem the property.
- B. That the Court declare the tax sale to be void and
- C. For such other and further relief as this Court deems proper.



Barry I. Baker, Esq.
One Carriage Lane
Building H
Charleston, SC 29407
(843)766-9007



Benjamin Goldberg, Esq.
One Carriage Lane
Building H
Charleston, SC 29407
(843)769-4595

October 19th, 2010
Charleston, South Carolina

Attorneys for Plaintiffs

EXECUTION NOTICE

County of Charleston, S.C. -

APRIL 07, 2008

THESE TAXES ARE PAST DUE! PAY NOW TO AVOID ADVERTISEMENT AND SALE OF PROPERTY

UNIFIED TAXES ARE DUE ON THE FOLLOWING DESCRIBED REAL PROP

Property Description	Tax Year	Receipt#	Amount Due
PARCEL ID: 099-00-00-085 5559 MARY RAVENEL RD OSBORN PROPERTY DESCRIPTION: LOT 3 TRACT N	2007	2007-170745	\$ 5,982.90
9725 2 AV 0.437 009725 RAVENEL LASHANDA RAVENEL HENRY LEE II RE: RAVENEL MARY PO BOX 455 HOLLYWOOD SC 29449-0455 *099-00-00-085*	41 R		
		SOLID WASTE DISPOSAL FEE	99.00
		LEVY COST	\$ 25.00
		Amount Due	\$ 6,108.90

AMOUNT DUE AFTER 05-16-2008 \$ 6,156.90
08-08-2008 \$ 6,196.90

YOUR BILL INCLUDES A SOLID WASTE DISPOSAL FEE OF: \$ 99.00

PLEASE NOTE: AFTER JUNE 13, 2008 ONLY CASH, MONEY ORDERS, OR CERTIFIED CHECKS WILL BE ACCEPTED FOR PAYMENT OF DELINQUENT REAL PROPERTY TAXES.

IF YOU DO NOT PAY THE AMOUNT DUE, THE FOLLOWING ACTIONS WILL BE TAKEN:

1. AN "OFFICIAL NOTICE OF LIEN" WILL BE MAILED TO YOU.
2. YOUR PROPERTY WILL BE ADVERTISED IN THE "CHARLESTON POST & COURIER".
3. A SIGN MAY BE PLACED ON YOUR PROPERTY ANNOUNCING THAT THE PROPERTY IS TO BE SOLD FOR NON-PAYMENT OF TAXES.
4. YOUR PROPERTY WILL BE SOLD AT PUBLIC AUCTION BEGINNING ON NOVEMBER 09, 2008.

ALL REAL ESTATE TAXES MUST BE PAID ON OR BEFORE 5:00 P.M. ON OCTOBER 31, 2008 IN ORDER TO AVOID HAVING THE PROPERTY SOLD AT TAX SALE.

**CHARLESTON
COUNTY**

IF YOU HAVE ANY QUESTIONS REGARDING THIS BILL, PLEASE CALL 843-958-4570

TEAR AT PERFORATION AND RETURN BOTTOM PORTION

RECEIPT NUMBER(S) 2007-170745

PARCEL I.D. 099-00-00-085

AMOUNT DUE AFTER 05-16-2008 \$ 6,156.90
08-08-2008 \$ 6,196.90

LEGAL DESCRIPTION: 5559 MARY RAVENEL RD
OSBORN

PROPERTY DESCRIPTION:
LOT 3 TRACT N

RAVENEL LASHANDA RAVENEL HENRY LEE II

**PAID
WITH PROCEEDS FROM
TAX SALE**

NOV 03 2008

PAY THIS AMOUNT
\$ 6,108.90

**DELINQUENT TAX
CHARLESTON COUNTY**

MAKE PAYMENTS TO:

DELINQUENT TAX COLLECTOR
P.O. BOX 605
CHARLESTON, SC 29402-0805

EXHIBIT **A**

MARY M. SCARBOROUGH
Delinquent Tax Director



DELINQUENT TAX DEPARTMENT
101 MEETING STREET, SUITE 230
CHARLESTON SC 29401
Ph: (843) 958-4570
Fax: (843) 858-4577

MAY 22, 2008
0990000085

OFFICIAL NOTICE OF LEVY

THIS IS TO CERTIFY THAT THE COUNTY OF CHARLESTON HAS LEVIED UPON THE PROPERTY IDENTIFIED BELOW TO SATISFY COUNTY TAX EXECUTIONS ISSUED AGAINST:

Current Owner: RAVENEL LASHANDA RAVENEL HENRY LEE II
Previous Owner: RAVENEL MARY

RAVENEL LASHANDA RAVENEL HENRY LEE PARCEL ID: 0990000085

Total taxes, penalties and costs:

Amount Due After:

Total Taxes Due:

MAY 18, 2008
AUGUST 08, 2008
OCTOBER 31, 2008

\$6,057.80
\$6,097.80
\$6,167.80 and 2008 Taxes

COPY

FAILURE TO PAY YOUR TAXES WILL RESULT IN YOUR PROPERTY BEING ADVERTISED IN THE "CHARLESTON POST & COURIER".

ALL REAL PROPERTY TAXES MUST BE PAID ON OR BEFORE 5:00 P.M. OCTOBER 31, 2008 TO AVOID TAX SALE ON NOVEMBER 03, 2008. RETURN RECEIPT OF THIS NOTICE SHALL BE DEEMED EQUIVALENT TO "LEVYING BY DISTRESS".

PLEASE RETURN THIS NOTICE
WITH MONEY ORDER OR CASHIERS CHECK TO THE BELOW ADDRESS

Delivery payment to:

Charleston County Delinquent Tax Department
101 Meeting Street, Suite 230
Charleston SC 29401

Mail payment to:

Charleston County Delinquent Tax Department
PO Box 605
Charleston SC 29402-0605

Business Hours:

8:30 AM to 5:00 PM
Monday - Friday
Delinquent Tax Phone
Number
(843) 958-4570

UNITED STATE POSTAL SERVICE



CHARLESTON COUNTY DELINQUENT TAX DEPARTMENT
PO BOX 605
CHARLESTON SC 29402-0605





CHARLESTON COUNTY DELINQUENT TAX DEPARTMENT
101 MEETING STREET, SUITE 230
CHARLESTON SC 29401



7184 9158 3733 0674 2813

RETURN RECEIPT REQUESTED
RESTRICTED DELIVERY

IMPORTANT NOTICE

000310

RAVENEL LASHANDA RAVENEL HENRY LEE II
RE: RAVENEL MARY
PO BOX 455
HOLLYWOOD SC 29449-0455

COPY

COPY

POSTMAN TEAR ALONG PERFORATION TO REMOVE CARD

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. - Print your name and address on the reverse so that we can return the card to you. - Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) B. Date of Delivery	
1. Article Addressed to: RAVENEL LASHANDA RAVENEL HENRY LEE II RE: RAVENEL MARY PO BOX 455 HOLLYWOOD SC 29449-0455		C. Signature X ☐ Agent ☐ Addressee	
0990000085		D. Is delivery address different from item 1? ☐ Agent If YES, enter delivery address below ☐ Addressee II	
PARCEL ID: 0990000085 000310 05/22/2008 04:00 P.M.		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered Mail ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
2. Article Number 71849158373308742813		4. Restricted Delivery? (Extra Fee) ☒ Yes	

PS Form 3811, JULY 1999

Domestic Return Receipt

46 EXHIBIT C

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

2. Article Number  7184 9158 3733 0801 0316		COMPLETE THIS SECTION ON DELIVERY	
1. Article Addressed to: RAVENEL, HENRY LEE II 0067 PO BOX 455 HOLLYWOOD SC 29449 10/15/2009 2:48 PM Code: 0990000089		A. Signature ☒ Agent ☐ Addressee	
		B. Received by (Printed Name)	
		C. Date of Delivery	
		D. Is delivery address different from item 1? ☐ Yes If YES enter delivery address below: ☐ No	
		3. Service Type ☒ Certified	
		4. Restricted Delivery? (Extra Fee) ☒ Yes	

PS Form 3811 Domestic Return Receipt

Reorder Form LCD-811R rev. 01/07

COPY

EXHIBIT D

47

48

COPY



CERTIFIED MAIL
CHARLESON COUNTY DELINQUENT TAX DEPARTMENT
101 MEETING STREET, SUITE 230
CHARLESTON SC 29401



7184 9158 3733 0674 2813

FIRST-CLASS
MAIL
POSTAGE &
FEES PAID
LPP
29292

RETURN RECEIPT REQUESTED
RESTRICTED DELIVERY

IMPORTANT NOTICE

RECEIVED
JUN 20 2006

000310

BY:

RAVENEL LASHANDA RAVENEL HENRY LEE II
RE: RAVENEL MARY
PO BOX 455
HOLLYWOOD FL

5-24

NIXIE 294 CE 1 01 05724700
RETURN TO SENDER
UNABLE TO FORWARD
BC: 29401224901 *0554-09371-23-38

2944930455 BOM
294012249



48
EXHIBIT E

Mary Scarborough
Delinquent Tax Collector



Delinquent Tax Collector
4045 Bridgeview Drive, 1st Floor
North Charleston, SC 29405
Ofc: (843) 958-4570
Fax: (843) 958-4577



0990000085

67

RAVENEL HENRY LEE II
PO BOX 455
HOLLYWOOD SC 29449

October 14, 2009

COPY

FINAL NOTICE OF PROPERTY REDEMPTION

RE: RAVENEL LASHANDA RAVENEL HENRY LEE II

TAX ADDRESS: 5559 MARY RAVENEL RD CSC5

NOTICE is hereby given that the real property described on this notice has been sold for non-payment of taxes by the Delinquent Tax Collector for Charleston County. In order to protect any interest that you may have in this property, you must pay the redemption amount, which includes delinquent taxes, penalties, assessments, costs, interest on the tax sale bid, and the 2008 taxes on or before 5:00 pm, **Wednesday, November 4, 2009** to the office of the Delinquent Tax Collector located at 4045 Bridgeview Drive, 1st Floor, North Charleston, SC 29405.

Please pay the amount listed below in cash or by certified check and/or money order made payable to the Delinquent Tax Collector.

<u>Tax Map Number</u>	<u>Redemption Amount</u>	<u>Due By</u>
0990000085	\$27,849.06	November 4, 2009

If you have any questions about this **IMPORTANT** matter, please feel free to contact our office directly at (843) 958-4570.

ONLY CASH, MONEY ORDERS OR CERTIFIED FUNDS WILL BE ACCEPTED

THIS IS YOUR FINAL NOTICE OF PROPERTY SOLD!

Mary M. Scarborough
Delinquent Tax Collector

EXHIBIT F
49



DELINQUENT TAX COLLECTOR
Post Office Box 605
Charleston, S.C. 29402-0605
RETURN SERVICE REQUESTED

CERTIFIED MAIL™



7184 9158 3733 0801 0309

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE PAID
LPP
29201

COPY

0990000085

RAVENEL, LASHANDA
PO BOX 455
HOLLYWOOD SC 29449

2944930455 BOC
2940200603

RETURN TO 292 NFE 1 2091 00 10/16/09
RAVENEL SENDER
PO BOX 263
HOLLYWOOD SC 29449-0263
RETURN TO SENDER



RECEIVED
OCT 16 2009

EXHIBIT G
50

EXHIBIT 11

MARY M. SCARBOROUGH
Delinquent Tax Collector



DELINQUENT TAX COLLECTOR
4045 BRIDGEVIEW DR., 1ST FLOOR
NORTH CHARLESTON, SC 29405

Ph: (843) 958-4570
Fax: (843) 958-4577

FINAL NOTICES OF PROPERTY REDEMPTION

RE: RAVENEL LASHANDA RAVENEL HENRY LEE II

TAX ADDRESS: 5559 MARY RAVENEL RD CSC5

NOTICE is hereby given that the real property described on this notice has been sold for non-payment of taxes by the Delinquent Tax Collector for Charleston County. In order to protect any interest that you may have in this property, you must pay the redemption amount, which includes delinquent taxes, penalties, assessments, costs, interest on the tax sale bid, and the 2008 taxes on or before 5:00 pm, **Wednesday, November 4, 2009** to the office of the Delinquent Tax Collector located at 4045 Bridgeview Drive, 1st Floor, North Charleston, SC 29405.

Please pay the amount listed below in cash or by certified check and/or money order made payable to the Delinquent Tax Collector.

Tax Map Number
0990000085

Redemption Amount
\$27,849.06

Due By
November 4, 2009

If you have any questions about this **IMPORTANT** matter, please feel free to contact our office directly at (843) 958-4570.

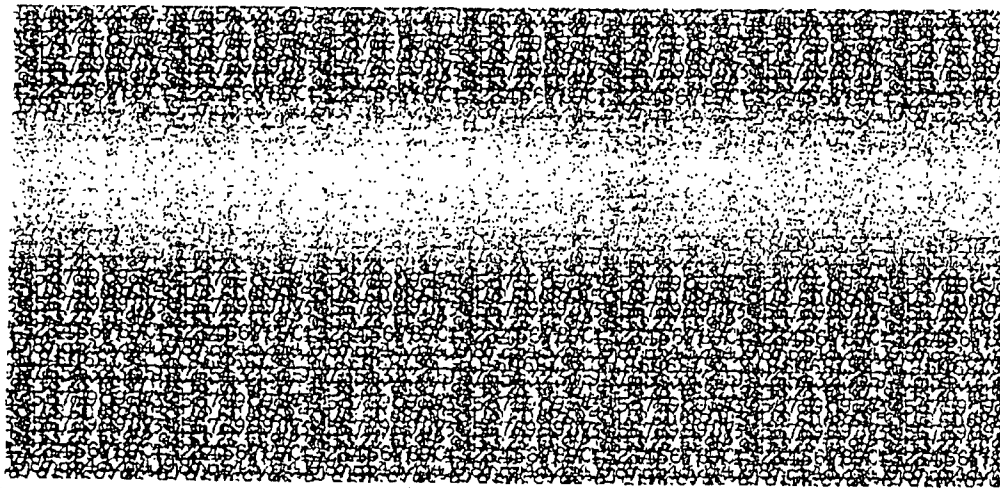
ONLY CASH, MONEY ORDERS OR CERTIFIED FUNDS WILL BE ACCEPTED

THIS IS YOUR FINAL NOTICE OF PROPERTY SOLD!

Mary M. Scarborough
Delinquent Tax Collector

EXHIBIT I

REMOVE THESE EDGES FIRST
FOLD, CREASE AND TEAR ALONG PERFORATION



CHARLESTON COUNTY
DELINQUENT TAX COLLECTOR
4045 BRIDGEVIEW DR., 1ST FL
NORTH CHARLESTON, SC 29405

PRIEST CLASS
FIRST CLASS



Hasler

016H26521813
\$00.35
10/27/2009
Mailed From 29209
US POSTAGE

SEE OTHER SIDE FOR
OPENING INSTRUCTIONS



*****AUTO**3-DIGIT 294
RAVENEL, HENRY LEE II
PO

294 N3E 1 2081 75 10/29/09
NOTIFY SENDER OF NEW ADDRESS
RAVENEL
PO BOX 263
HOLLYWOOD SC 29449-0263
EC: 29449026363 *2354-04310-20-23

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS

Lashanda Ravenel and Henry Lee)
Ravenel, II,)

Docket No. 2010-CP-10-8732

Plaintiff,)

vs.)

SUMMONS

Equivest Financial, LLC,)

Defendant.)

AND)

Equivest Financial, LLC,)

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.)

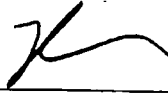
FILED
2010 NOV -3 PM 1:35
JULIE J. ARMSTRONG
CLERK OF COURT

TO THE CROSS-DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Cross-Complaint in the above-entitled action, a copy of which is hereby served upon you and to serve a copy of your answer to said Cross-Complaint 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 Cross-Complaint within the time aforesaid, the Plaintiff herein will apply to the Court for a judgment by default, thereby granting the relief demanded in said Cross-Complaint.

[Handwritten signature]

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 Cross-Complaint.



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

Columbia, South Carolina
November 2, 2010

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS

Lashanda Ravenel and Henry Lee Ravenel,)
)
Plaintiffs,)

C/A No.: 2010-CP-10-8732

Vs.)

Equivest Financial, LLC,)

Defendant.)

**ANSWER, COUNTERCLAIM AND
CROSS-COMPLAINT**

AND

Equivest Financial, LLC,)

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.)

SY

JULIE J. ARMSTRONG
CLERK OF COURT

2010 NOV -3 PM 1:35

FILED

The Defendant and Cross-Plaintiff would show:

FOR A FIRST DEFENSE

1. The Defendant and Cross-Plaintiff denies each and every allegation contained in the Complaint of the Plaintiffs not specifically admitted herein.

2. The Defendant and Cross-Plaintiff admits those allegations as contained in paragraphs 1, 2, 3, 4 and 5 of the Complaint of the Plaintiffs.

A

3. The Defendant and Cross-Plaintiff is without sufficient information to admit or deny those allegations as contained in paragraph 6 of the Complaint of the Plaintiffs; therefore Defendant and Cross-Plaintiff denies same.

4. That as to paragraphs 8, 9, and 10 of the Complaint of the Plaintiffs, the Defendant and Cross-Plaintiff would show only that the documents in question speak for themselves.

5. The Defendant and Cross-Plaintiff admits those allegations as contained in paragraph 11 of the Complaint of the Plaintiffs.

6. That as to paragraphs 12, 13, 14, and 15 of the Complaint of the Plaintiffs, the Defendant and Cross-Plaintiff would show only that the documents speak for themselves.

7. The Defendant and Cross-Plaintiff denies those allegations as contained in paragraph 16 of the Complaint of the Plaintiffs.

8. That as to paragraphs 17, 18, 19, 20 and 21 of the Complaint of the Plaintiffs, the Defendant and Cross-Plaintiff would show that the documents speak for themselves.

9. The Defendant and Cross-Plaintiff admits those allegations as contained in paragraphs 22, 23, 24 and 25 of the Complaint of the Plaintiffs.

10. The Defendant and Cross-Plaintiff denies those allegations as contained in paragraph 26 of the Complaint of the Plaintiffs.

11. That the Defendant and Cross-Plaintiff is without sufficient information to admit or deny those allegations as contained in paragraph 27 of the Complaint of the Plaintiffs and therefore denies same.

12. That the Defendant and Cross-Plaintiff denies those allegations as contained in paragraphs 28, 29, 30, 31, 32, 33, 34 and 35 of the Complaint of the Plaintiffs.



FOR A SECOND DEFENSE AND BY WAY OF COUNTERCLAIM

13. The Defendant and Cross-Plaintiff re-allege paragraphs 1 through 12 above, as if fully set forth verbatim herein.

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

15. That the Plaintiffs received all such notice to which they were entitled.

16. That as a result of the Plaintiffs' failure to pay their taxes they have lost all right, title and interest in and to the subject real property.

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.

FOR A THIRD DEFENSE AND BY WAY OF CROSS-COMPLAINT

18. The Defendant and Cross-Plaintiff re-allege paragraphs 1 through 17 above as if fully set forth verbatim herein.

19. That the Cross-Plaintiff's predecessor in title was the successful purchaser of the subject real property at the October 14, 2009 Charleston County tax sale and it was provided a deed dated July 28, 2010 as recorded in Book 137 at page 821.

20. That the Cross-Plaintiff was conveyed the subject real property by deed dated September 13, 2010 as recorded in Book 147 at page 241.

21. That the following Cross-Defendants are made parties hereto; their judgments as recorded with the Clerk of Court for Charleston County were voided as a result of the above noted tax sale and no longer constitute liens upon the subject real property:

A). AAA Plumbing, LLC, judgment 2006-CP-87-0961, filed October 13, 2006;



- B). Pep Boys Manny, Moe & Jack, 2005-CP-10-21, filed May 4, 2005;
- C). Monogram Credit Card Bank of Georgia, 2003-CP-10-3098, filed December 8, 2004;
- D). Discover Bank, 2004-CP-10-1585, filed July 19, 2004;
- E). S.C. Federal Credit Union, 2003-SC-86-0269, Filed August 11, 2003;
- F). Alabama Credit Corp d//b/a Preferred Teachers Association, 2003-JG-10-1941, filed October 21, 2003.

22. That Cross-Plaintiff is informed and believes that the Court should quiet title to the subject real property in it to the exclusion of the above named Cross-Defendants.

WHEREFORE, Plaintiff prays that the court quiet title in it to the exclusion of the named Cross-Defendants and that any interest in the property claimed by Lashanda Ravenel and Henry Lee Ravenel II be extinguished, ended and terminated.



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

Columbia, South Carolina
November 3, 2010

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Case No.: 2010-CP-108732

Lashanda Ravenel and Henry Lee
Ravenel, II,)

Plaintiff(s),)

vs)

Equivest Financial, LLC,)

Defendant(s).)

**REPLY TO COUNTERCLAIM OF
DEFENDANT EQUIVEST FINANCIAL, LLC**

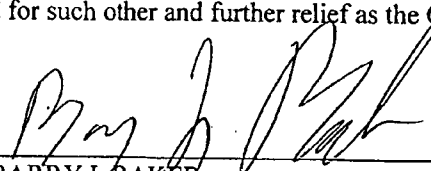
FILED
NOV 16 PM 3:07
CLERK OF COURT
JULIE ARMSTRONG

FILED

Plaintiffs above-named, replying to the counterclaim of the Defendant, Equivest Financial, LLC, would allege and show as follows:

1. Plaintiffs deny each and every allegation of the Counterclaim not hereinafter specifically admitted or modified.
2. The allegation in Paragraph 13 does not require a response.
3. Plaintiffs deny Paragraphs 14, 15, 16, and 17 being all the remaining allegations of the Counterclaim and demand strict proof thereof.

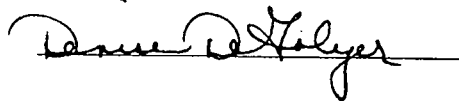
WHEREFORE, having replied to the Counterclaim of the Defendant, Plaintiffs pray for the Counterclaim to be dismissed and for such other and further relief as the Court deems just and proper.


BARRY I. BAKER
One Carriage Lane, Building H
Post Office Box 31265
Charleston, SC 29417-1265
(843) 766-9007
ATTORNEY FOR PLAINTIFFS

Charleston, SC
November 16, 2010

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing pleading has been served upon opposing counsel by hand, courier, or mail, this 16th day of November 2010..



FILED

2010 NOV 16 PM 3:07

JULIE J. ARMSTRONG
CLERK OF COURT

BY _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 2010-CP-10-8732

Lashanda Ravenel and Henry Lee
Ravenel, II,)

Plaintiffs,)

vs.)

Equivest Financial, LLC,)

Defendant,)

And)

Equivest Financial, LLC,)

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.)

**ANSWER OF CROSS DEFENDANT
MARY M. SCARBOROUGH,
DELINQUENT TAX COLLECTOR
FOR CHARLESTON COUNTY**

FILED
2011 JUL 25 PM 3:44
JULIE J. AUSTIN
CLERK OF COURT

The Cross-Defendant Mary M. Scarborough, Delinquent Tax Collector for Charleston County, ("Charleston County"), answering the Answer, Counterclaim and Cross-Complaint of the Defendant and Cross-Plaintiff Equivest Financial, LLC, alleges and states as follows:

AS TO THE FIRST DEFENSE

1. The allegations contained in the First Defense of the Answer, Counterclaim and Cross-Complaint of Defendant and Cross-Plaintiff Equivest Financial, LLC require no responses, and to the extent responses are required, Charleston County denies each and every allegation contained in the First Defense.

AS TO THE SECOND DEFENSE AND COUNTERCLAIM

2. Charleston County responds to the allegations contained in Paragraph 13 by restating the foregoing paragraphs of this Answer as fully and completely as if repeated verbatim herein.

3. Charleston County admits the allegations contained in Paragraphs 14, 15, 16 and 17.

AS TO THE THIRD DEFENSE AND CROSS-COMPLAINT

4. Charleston County responds to the allegations contained in Paragraph 18 by restating the foregoing paragraphs of this Answer as fully and completely as if repeated verbatim herein.

5. Charleston County admits only that portion of the allegations contained in Paragraph 19 that alleges the Cross-Plaintiff was the successful purchaser of the subject real property at the October 14, 2009, Charleston County tax sale and was provided a deed dated July 28, 2010, and craves reference to the records of the Office of the Register of Mesne Conveyance for Charleston County, South Carolina regarding the remaining allegations contained in the Paragraph.

6. Charleston County admits upon information and belief that portion of the allegations contained in Paragraph 20 that alleges the Cross-Plaintiff was conveyed the subject real property by deed dated September 13, 2010, and craves reference to the records of the Office of the Register of Mesne Conveyance for Charleston County, South Carolina regarding the remaining allegations contained in the Paragraph.

7. Charleston County is without knowledge or information sufficient to form a belief as to

the truth of the allegations contained in Paragraph 21; therefore, it denies the same.

8. The allegations contained in Paragraph 22 constitute conclusions of law, requiring no answer. To the extent a response is required, Charleston County admits the allegations contained in the Paragraph.

BY WAY OF FURTHER ANSWER
AND AS AN AFFIRMATIVE DEFENSE

9. The Defendant and Cross-Plaintiff failed to make service upon Cross-Defendant Mary M. Scarborough, Delinquent Tax Collector for Charleston County in accordance with Rule 4(d)(6), S.C.R.C.P.; therefore, the Affidavit of Default of Defendant and Cross-Plaintiff filed March 15, 2011, is defective as it relates to the Cross-Defendant Mary M. Scarborough, Delinquent Tax Collector for Charleston County, and Cross-Defendant Mary M. Scarborough, Delinquent Tax Collector for Charleston County moves to strike the same in accordance with Rule 12(f), S.C.R.C.P.

BY WAY OF FURTHER ANSWER
AND AS AN AFFIRMATIVE DEFENSE

10. The Defendant and Cross-Plaintiff fails to state facts sufficient to constitute a cause of action for which relief can be granted; therefore, its Answer, Counterclaim and Cross-Complaint should be dismissed in accordance with Rule 12(b)(6), S.C.R.C.P.

BY WAY OF FURTHER ANSWER
AND AS AN AFFIRMATIVE DEFENSE

11. The Defendant and Cross-Plaintiff fails to state a cross-claim against Cross-Defendant Mary M. Scarborough, Delinquent Tax Collector for Charleston County arising out of the transaction or occurrence that is the subject matter of the original action or of the counterclaim therein or relating to the property that is the subject matter of the original action; therefore, its

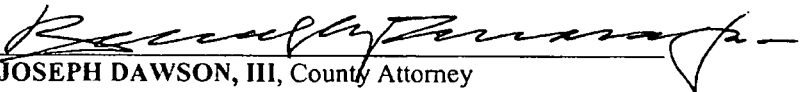
Answer, Counterclaim and Cross-Complaint should be dismissed in accordance with Rule 13(g), S.C.R.C.P.

BY WAY OF FURTHER ANSWER
AND AS AN AFFIRMATIVE DEFENSE

12. The Defendant and Cross-Plaintiff fails make Cross-Defendant Mary M. Scarborough, Delinquent Tax Collector for Charleston County a party to a cross-claim in accordance with Rule 19 and 20; therefore, its Answer, Counterclaim and Cross-Complaint should be dismissed in accordance with Rule 13(h), S.C.R.C.P.

WHEREFORE, the Cross-Defendant Mary M. Scarborough, Delinquent Tax Collector for Charleston County, answering the Answer, Counterclaim and Cross-Complaint of the Defendant and Cross-Plaintiff Equivest Financial, LLC, prays that the same be dismissed together with costs and disbursements of this action, and for such other and further relief as this Honorable Court deems just and proper.

**MARY M. SCARBOROUGH, DELINQUENT TAX
COLLECTOR FOR CHARLESTON COUNTY**



JOSEPH DAWSON, III, County Attorney

BERNARD E. FERRARA, JR., Deputy County Attorney

AUSTIN A. BRUNER, Assistant County Attorney

BRADLEY A. MITCHELL, Assistant County Attorney

CHARLESTON COUNTY ATTORNEY'S OFFICE

Lonnie Hamilton, III Public Services Building

4045 Bridge View Drive

North Charleston, South Carolina 29405

(843) 958-4010

ATTORNEYS FOR CROSS-DEFENDANT

July 22, 2011
Charleston, South Carolina

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) NINTH JUDICIAL CIRCUIT
CASE NO. 10-CP-10-8732

Lashanda Ravenel and Henry Lee Ravenel,)
Plaintiffs,)

vs.)

Equivest Financial, LLC,)
Defendant.)

AND)

Equivest Financial, LLC,)
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.)

ANSWER TO CROSS-COMPLAINT

FILED
2010 DEC 17 AM 11:21
JULIE J. ARMSTRONG
CLERK OF COURT

The Cross-Defendant, AAA Plumbing, LLC, answers the Cross-Complaint in the above-captioned case as follows:

1. Each and every allegation not herein admitted is denied and strict proof demanded thereof.
2. Paragraphs 1 through 17 are responses and/or defenses to the complaint filed in this action and do not pertain to AAA Plumbing, LLC; and therefore, do not require a responsive pleading from the Cross-Defendant, AAA Plumbing, LLC. However, to the extent that any responsive pleading is required or pertains to AAA Plumbing, LLC, each and every

allegation is denied and strict proof demanded thereof.

3. The allegations contained in Paragraph 18 do not require a responsive pleading from the Cross-Defendant, AAA Plumbing, LLC; however, to the extent that any responsive pleading is required, each and every allegation is denied and strict proof demanded thereof.
4. The Cross-Defendant, AAA Plumbing, LLC, is without sufficient knowledge to either admit or deny the allegations contained in Paragraphs 19 and 20 of the Cross-Complaint, and therefore must deny the allegations contained therein and demand strict proof thereof.
5. The Cross-Defendant, AAA Plumbing, LLC, is without sufficient knowledge to either admit or deny the allegations contained in Paragraph 21(main paragraph), and therefore must deny the allegations contained therein and demand strict proof thereof.
6. The Cross-Defendant, AAA Plumbing, LLC, admits the allegations contained in Paragraph 21 (A).
7. The Cross-Defendant, AAA Plumbing, LLC, is without sufficient knowledge to either admit or deny the allegations contained in Paragraphs 21(B) through 21(F), and therefore must deny the allegations contained therein and demand strict proof thereof.
8. The allegations contained in Paragraph 22 is a request for relief and does not require a responsive pleading; however, to the extent that any such responsive pleading is required, each and every allegation is denied and strict proof is demanded thereof.

FOR A FIRST DEFENSE
(Demand for Payment of Judgment)

9. The Cross-Defendant, AAA Plumbing, LLC repeats and realleges the matters set forth in the preceding paragraphs as fully as if said matters were set forth here verbatim.
10. The Cross-Defendant, AAA Plumbing, LLC, is entitled to the amount owed on its judgment.

WHEREFORE, the Cross-Defendant, AAA Plumbing, LLC, prays that the funds from any tax sale or foreclosure be disbursed pursuant to the law, that the Cross-Defendant, AAA Plumbing, LLC's judgment amount be satisfied from the tax sale or foreclosure, and for such other and further relief as this Court deems just and proper.

PEDERSEN & SCOTT, P.C.



William A. Scott
775 St. Andrews Blvd.
Charleston, South Carolina 29407
(843) 556-5656
Fax (843) 556-5635
ATTORNEYS FOR CROSS-DEFENDANT,
AAA PLUMBING, LLC

Dated this 15th day of December, 2010.

SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT
FILE NO. 2010-CP-10-8732

LASHANDA RAVENEL and
HENRY LEE RAVENEL, II,

Plaintiff,

v.

EQUIVEST FINANCIAL, LLC,

Defendant and
Cross-Plaintiff,

v.

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.

ANSWER OF
ALABAMA CREDIT CORPORATION
D/B/A PREFERRED TEACHERS
ASSOCIATION

2011 JAN 24 PM 2:34
JULIE J. ARMSTRONG
CLERK OF COURT
BY *LS*

FILED

NOW COMES Cross-Defendant Alabama Credit Corporation d/b/a Preferred Teachers Association, (hereafter "Alabama"), an Alabama corporation, by and through its counsel of record, and responding to the Cross-Complaint in the above entitled action, alleges and says:

FIRST DEFENSE AND ANSWER TO CROSS-COMPLAINT

1. Cross-Defendant Alabama is without sufficient information and knowledge to admit or deny the allegations of Paragraphs 18, 19, and 20 of the Cross-Complaint and the same, therefore, are DENIED.
2. As to the allegations of Paragraph 21 of the Cross-Complaint, Alabama ADMITS that it has a judgment docketed at 2003-JG-10-1941; filed on October 21, 2003, in Charleston County, South Carolina. Except as specifically admitted, the allegations of Paragraph 21 are DENIED.
3. The allegations of Paragraph 22 call for a legal conclusion to which no response is required or appropriate. To the extent a response is required, the allegations of Paragraph 22 are DENIED.

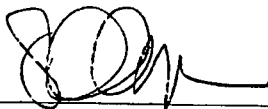
SECOND DEFENSE – RESERVATION OF DEFENSES

Cross-Defendant Alabama has not had the opportunity to fully investigate this matter through discovery and, therefore, reserves the right to amend, supplement or modify its defenses should same become known during the course of this case.

WHEREFORE, Cross-Defendant Alabama Credit Corporation d/b/a Preferred Teachers Association respectfully prays the Court as follows:

1. That Cross-Plaintiff have and recover nothing of Cross-Defendant Alabama on its Cross-Complaint;
2. That all requests for relief of Cross-Complaint as against Cross-Defendant Alabama be denied;
3. That the costs of this action be taxed to Cross-Plaintiff;
4. That the Court determine all parties' interests in and priority of liens as to the real estate at issue in this matter; and
5. That the Cross-Defendant Alabama be awarded such other and further relief as this Court deems just and proper.

This the 21st day of January, 2011.



Sarah Dalonzo-Baker, State Bar No. 14116
KIRSCHBAUM, NANNEY, KEENAN & GRIFFIN, P.A.
Attorneys for Alabama Credit Corporation dba
Preferred Teachers Association
Post Office Box 19806
Raleigh, North Carolina 27619
Telephone: (919) 848-9640

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 2010-CP-10-8732

Plaintiffs,

VS.

Defendant,

And

Cross-Plaintiff,

vs.

Cross-Defendants.

PLAINTIFFS' BRIEF

FILED
2012 JUN 22 PM 2:28
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

Mrs. Ravenel encountered financial difficulties and was advised by her attorney to convey the five properties to her children and to declare bankruptcy, which she did.

Taxes were unpaid in 2007, and in 2008, the DTC of Charleston County began the statutory procedure to collect delinquent taxes or sell the property at a tax sale scheduled on November 3, 2008.

The DTC sent the statutorily required notices all addressed to PO Box 455, Hollywood, SC 29449. Those required to be sent certified mail, return receipt requested, were returned by the Post Office with unsigned receipts.

The property was bid in at the tax sale on November 3, 2008 for the sum of \$130,000.00 to Equifunding, Inc. The deed conveying the property to the high bidder is dated July 28, 2010. The high bidder conveyed it to the Defendant Equivest Financial, LLC on September 13, 2010.

AS TO THE FIRST CAUSE OF ACTION

The question is, did the DTC pursue due diligence to find a better address as required by case law other than post the property, which is statutorily required.

The DTC did not.

The DTC had a number of opportunities to determine a better address but failed to do so:

1. On October 2, 2009, Henry called the DTC according to the DTC's records, for information, left his telephone number, but was not asked for his address. This appears from a document in the DTC's file. He was not sent any written confirmation of the amount due as was formerly done by the previous DTC. (Exhibit 9.)
2. On October 14, 2009, the DTC mailed a Final Notice of Property Redemption to the Plaintiffs using the same Post Office Box 455, by certified mail, return receipt requested. (Exhibits 10, 11 and 12.)
3. On October 26, 2009, the DTC received from the Post Office unsigned receipts and an envelope showing a new and correct post office box number 263. (Exhibits 10, 11 and 12.)
4. A courtesy copy of the Notice of Property Redemption was mailed by regular mail on October 27, 2009 to the Plaintiffs at the old post office box number, but was received by Mrs. Ravenel's mother who gave the notice to Mrs. Ravenel. Post Office Box number 455 was Mrs. Ravenel's mother's box, but had been closed by her.
5. The DTC had in her file Notices of the End of the Redemption Period addressed to five purported creditors of the Ravenel family, one of which was by AAA (Exhibit 21) Plumbing Company, showing that AAA had obtained a judgment against Mary Ravenel. The judgment and documents from said judgment, which were available to the DTC, showed the correct street address and post office box. The judgment was dated October 9, 2006. (Exhibit 22.) (The remaining four judgments were against Ravenels other than the Plaintiffs and Mrs. Ravenel.)

6. One of the four other properties unsold also showed the proper address for the property and the correct post office box. This was a tax document dated September 30, 2009 available to the DTC concerning TMS No. 164-00-00-304. (Exhibit 35.)
7. There was available to the DTC a document listing an automobile owned by Henry dated 2006 which also gave the correct address and post office box. (Exhibit 25.)
8. There was available to the DTC a document listing a Ford automobile for the tax year 2008 which also gave the correct address and post office box. (Exhibit 47.)
9. There was available to the DTC a document listing a Lincoln automobile for the tax year 2008 which also gave the correct address and post office box. (Exhibit 48.)
10. There was available to the DTC five automobile documents showing Mary Ravenel's ownership (Exhibits 26 through 30.)
11. The photographs of the posted notice from the DTC's file show that the notice was not placed on a conspicuous portion on the property as required. (Exhibits 6, 7 and 8.)
12. The notice was attached to a tree but not on the house itself.
13. One of the photos taken by the posting official showed two vehicles parked in the driveway and the official should have inquired at the house or posted the notice on the house. (Exhibit 8.)
14. The delinquent tax official, knowing that his office did not have the proper address, could easily have taken the license numbers of the vehicles parked in the driveway. One of the vehicles was that of Henry and the second was a vehicle of Mrs. Ravenel, both of which were available to the DTC and showed the proper address and post office box.
15. Mrs. Ravenel obtained the courtesy copy from her mother on or about October 28, 2009 and immediately called the Delinquent Tax Office number shown on the notice regarding the \$27,849.06 due by November 4, 2009. She spoke to Mrs. Scarborough and asked if the time period could be extended in view of the fact that she had just obtained a copy of the notice. Mrs. Scarborough advised that the \$27,849.06 had to be paid by November 4, 2009. Mrs. Ravenel endeavored to obtain a loan for the \$27,849.06 but was unable to do so in the restricted time.
16. The records of Charleston County, available to the DTC, showed a different piece of property in the name of Mary Ravenel, with the correct post office box and address. (Exhibit 32.)
17. There was available to the DTC through County documents, a deed to Lashanda Ravenel conveying a property other than the five parcels that are involved which shows her proper address. (Exhibit 33.)

18. The records of Charleston County surveys, available to the DTC, show a survey recorded in Plat Book EF, Page 536, of the subdivision "Owned by and Prepared for Mary Ravenel" on Mary Ravenel Road, indicating Mrs. Ravenel's interest in the properties. (Exhibit 31.)
19. Title abstract summary dated May 26, 2009 showing list of SC tax liens and judgments including AAA Plumbing vs. Mary Ravenel. (Exhibit 42.)
20. Judgment versus Mary Ravenel, 8164 Ravenel Road, Hollywood, SC 29449. Thus, the DTC had in her file the correct address for Mary Ravenel on May 26, 2005 (there is an additional document in the Court's judgment file found by Plaintiffs which shows the correct Post Office Box 263, Hollywood, SC).
21. County of Charleston Delinquent Tax Property records for TMS No. 99-00-00-085, the house, showing the owners as Lashanda and Henry at PO Box 455, 5559 Mary Ravenel Road. It also lists "owner Mary Ravenel" and "additional owners" Henry and Lashanda. (Exhibit 43.)
22. Auditor's records showing 5559 Mary Ravenel Road, PO Box 455 "current owner Mary Ravenel."

The DTC is statutorily authorized to void a tax sale for improper statutory procedure until the tax deed is delivered, which was on July 28, 2010.

Considerable time passed from the dates of the various notices of improper procedure until July 28, 2010 for the DTC to void the sale.

The DTC acknowledges in her deposition that she is required to pursue due diligence to obtain a better address when the return receipts were received unsigned, which is the law in South Carolina and as stated by the U.S. Supreme Court as hereafter set forth.

In addition, she testified that her practice was to do due diligence by looking at the white pages, the tax records and the internet. However, there is no document in her file to show that she did any of these things.

It is of interest to note that in a previous deposition the DTC stated, "we look for cars, definitely cars and other real estate . . . the cars are up to date."

Obviously, she did not follow her procedure or she would have obtained the same records listed above, which were found by the Plaintiffs using the tax records and the internet.

It is unfortunate, but it appears that the DTC does not have sufficient help to permit her to do those things she would like to do or do them in a timely manner. For instance, the deed from the county is dated July 28, 2010, nine months after the end of the End of the Redemption Period. The statute states the deed should be out within 30 days or as soon thereafter as possible.

There was a written checklist to find a better address for employees which is no longer used by the DTC and was not used in this instance.

The DTC failed to use due diligence.

It is of great importance to consider the United States Supreme Court case of Jones v. Flowers, 540 U.S. 220 (2006). Pertinent provisions from the Jones case are as follows:

Before a State may take property and sell it for unpaid taxes, the Due Process Clause of the Fourteenth Amendment requires the government to provide the owner "notice and opportunity for hearing appropriate to the nature of the case."

We hold that when mailed notice of a tax sale is returned unclaimed, the State must take additional reasonable steps to attempt to provide notice to the property owner before selling his property, if it is practicable to do so.

We do not think a person who actually desired to inform a real property owner of an impending tax sale of a house he owns would do nothing when a certified letter sent to the owner is returned unclaimed.

By the same token, when a letter is returned by the post office, the sender will ordinarily attempt to resend it, if it is practicable to do so. This is especially true when, as here, the subject matter of the letter concerns such an important and irreversible prospect as the loss of a house. . . . Deciding to take no further action is not what someone "desirous of actually informing" Jones would do; such a person would take further reasonable steps if any were available.

The Commissioner's arguments that

"notice was sent to an address that Jones provided and had a legal obligation to keep updated . . . and "after failing to receive a property tax bill and pay property taxes, a property holder is on inquiry-notice that his property is subject to governmental taking."

As for the Commissioner's inquiry notice argument, the common knowledge that property may become subject to government taking when taxes are not paid does not excuse the government from complying with its constitutional obligation of notice before taking private property. [emphasis added.] We have previously stated the opposite: An interested party's "knowledge of delinquency in the payment of taxes is not equivalent to notice that a tax sale is pending."

In response to the returned form suggesting that Jones had not received notice that he was about to lose his property, the State did – nothing. For the reasons stated, we conclude the State should have taken additional reasonable steps to notify Jones, if practicable to do so.

One reasonable step . . . would be for the State to resend the notice by regular mail, so that a signature was not required. The Commissioner says that use of certified mail makes actual notice more likely, because requiring the recipient's signature protects against misdelivery. But that is only true, of course, when someone is home to sign for the letter, or to inform the mail carrier that he has arrived at the wrong address.

Other reasonable followup measures, directed at the possibility that Jones had moved as well as that he had simply not retrieved the certified letter, would have been to post notice on the front door, or to address otherwise undeliverable mail to "occupant."

There is no reason to suppose that the State will ever be less than fully zealous in its efforts to secure the tax revenue it needs. The same cannot be said for the State's efforts to ensure that its citizens receive proper notice before the State takes action against them. In this case, the State is exerting extraordinary power against a property owner – taking and selling a house he owns. It is not too much to insist that the State do a bit more to attempt to let him know about it when the notice letter addressed to him is returned unclaimed.

In fact, sending the courtesy notice by regular mail to the correct address as suggested by the US Supreme court in Jones is exactly what brought the matter, although belatedly, to Mrs. Ravenel's attention. In addition, as the Court suggested in Jones, the official of the DTC could have posted the notice on the door of the house.

Despite the protestations of the DTC, she did have ample time to void the sale which she was authorized to do and should have done.

AS TO THE SECOND CAUSE OF ACTION, GROSS INADEQUACY OF BID

Plaintiffs will offer an appraiser and his written appraisal of the property showing its value at the time of the sale to be \$1,070,000.00. (Exhibit 40.)

There will be no testimony to dispute the value of the property, for according to the Defendant's answers to discovery, it has no documents other than those from the DTC's file and will offer no witness other than the DTC.

The case of Patterson v. Goldsmith, 292 S.C. 619, 358 S.E.2d 163 (Ct. App. 1987) is the first case in South Carolina declaring a tax sale invalid on the theory that the bid was grossly inadequate and was accompanied by fraud or other circumstances. Gross inadequacy alone would not be sufficient according to Patterson.

However, the standard was changed by the Court to state that inadequacy so gross as to shock the conscience of the Court or circumstances of fraud, etc., either would be sufficient to void the tax sale. Singleton v. Mullins Lumber Company, et al., 234 S.C. 330, 108 S.E.2d 414 (1959); Hamilton, et al. v. W.J. Patterson, et al., 236 S.C. 487, 115 S.E.2d 68 (1960); Wells Fargo Bank, NA, et al. v. Turner, 378 S.C. 148, 662 S.E.2d 424 (Ct. App. 2008).

The only question is whether the bid was grossly inadequate.

It was.

\$130,000.00 for a property valued at \$1,070,000.00 is so grossly inadequate as to shock the conscience of the Court.

Respectfully submitted,



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



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

Attorneys for Plaintiffs

March 29, 2012

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Lashanda Ravenel and Henry Lee Ravenel, II,
Plaintiffs,

vs.

Equivest Financial, LLC,
Defendant.

IN THE COURT OF COMMON PLEAS
9TH JUDICIAL CIRCUIT

CASE NUMBER: 2010-CP-10-8732

**MOTION AND ORDER INFORMATION
AND COVER SHEET**

Plaintiff's Attorney: Benjamin Goldberg, Bar No. 2167 Address: One Carriage Lane, Bldg. H Charleston, SC 29407 Phone: (843) 769-4595 Fax: (843) 769-4597 E-mail: goldbergbenjamin@bellsouth.net Other:		Defendant's Attorney: S.R. Anderson, Esquire Law Office of Steven R. Anderson Address: Post Office Box 12188 Columbia, SC 29211 Phone: (803) 252-2828 Fax: (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: <u>59(e)</u> Estimated Time Needed: <u>2 hours</u> 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. <u>June 19, 2012</u> Date submitted			
SECTION III: Motion Fee ☒ PAID - AMOUNT: \$ <u>25.00</u> ☐ EXEMPT: (check reason) ☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRPC) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions ☐ Other: _____ Name of Court Reporter: _____			
JUDGE'S SECTION ☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____		JUDGE CODE _____ Date: _____	
CLERK'S VERIFICATION Collected by: _____ Date Filed: _____ ☐ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED - AMOUNT DUE: \$ _____			

SCCA 233 (11/2003)

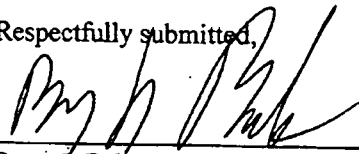
79

3. After the parties had concluded their cases and rested, the Court interjected two issues, unclean hands and fraud of creditors against Mrs. Ravenel, which is contrary to the law and are not to be considered.
4. Mrs. Ravenel is not a party to this lawsuit and no action can be imposed against her.
5. Even if Mrs. Ravenel were a party, the evidence before the Court and the law applicable thereto negate its ruling that Mrs. Ravenel perpetuated a fraud upon her creditors or that such purported fraud is imputable to the Plaintiffs.
6. A number of findings of fact on which the Court based its rulings are not to be found in the record, including but not limited to the Court's determination that Mrs. Ravenel's bankruptcy schedules did not reveal the deed to her children, which is incorrect, for the schedules are not in evidence. Also, Mrs. Ravenel testified that she did in fact notify the Bankruptcy Court of the deed.
7. Neither the Defendant nor its predecessor in title are creditors of Mrs. Ravenel or Plaintiffs and have no standing to raise the issue of fraud on creditors. In addition, such a defense was neither pled nor argued.
8. The Defendant did not plead or argue any affirmative defenses in equity or in law and there is no evidence before the Court that Mrs. Ravenel was guilty of unclean hands or the maxim of "he who seeks equity must do equity."
9. Statements by Mrs. Ravenel that the residence at issue was her residence and her property is not an assertion of ownership sufficient to prove judicial estoppel and judicial estoppel does not apply to this case.
10. The cases cited in the Court's Order are inapposite to the one issue properly before the Court. The Plaintiffs do not pursue their second cause of action, gross inadequacy of the high bid.

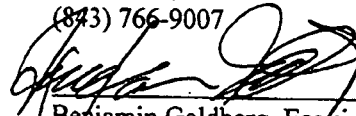
11. The Court failed to strictly enforce all mandatory requirements of the law leading to the tax sale which would have rendered the tax sale void.
12. The Court failed to address the only issue properly before the Court: The DTC was required to use due diligence to find the best address of the Plaintiffs when the return receipts were sent back to the DTC unsigned.
13. The Court gave no consideration to the Plaintiffs' trial brief and proposed Order (attached hereto) which set forth the law of the state of South Carolina and the United States Supreme Court.
14. The Court failed to find the DTC did not pursue due diligence as shown by her own, uncontradicted admissions and evidence that the best address of the delinquent taxpayers were available to the DTC.
15. The Defendant did not request, nor is it entitled, to the relief granted in the Order.

PLEASE BE PRESENT IF SO MINDED.

Respectfully submitted,



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



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

Attorneys for Plaintiffs

June 19th, 2012

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

FOR THE NINTH JUDICIAL CIRCUIT

LASHANDA RAVENEL and HENRY LEE)

RAVENEL, II,)

Plaintiffs,)

VS.)

CASE NO.:2010-CP-10-8732

EQUIVEST FINANCIAL, LLC,)

Defendants.)

Trial before the

Honorable Mikell R. Scarborough, reported by Bernadette A.

Cali, CSR and Notary Public, at 10 a.m. on March 29,

2012 at 100 Broad Street, Charleston, South Carolina.

A P P E A R A N C E S

For the Plaintiff: Benjamin Goldberg, Esq.
Barry I. Baker, Esq.
One Carriage Land, Suite H
Charleston, S.C. 29407

For the Defendant: S.R. Anderson, Esq.
2008 Marion St., Suite J
PO Box 12188
Columbia, S.C. 29201

Bernadette A. Cali, CSR
Notary Public

1 good as of November 3, so he's going to -- to that
2 extent we would move to amend his appraisal.

3 Mr. Anderson does not have a problem with that.

4 MR. ANDERSON: No, sir.

5 THE COURT: I wouldn't find that to be a material
6 difference. Would you, Mr. Martin?

7 MR. MARTIN: Not at all.

8 THE COURT: All right. You-all want to submit the
9 appraisal?

10 MR. BAKER: Submit the appraisal --

11 THE COURT: In lieu of his testimony?

12 MR. BAKER: -- in lieu of his testimony.

13 THE COURT: You're consenting he would be a proper
14 expert witness on the valuation question?

15 MR. ANDERSON: Yes, sir.

16 THE COURT: Very good.

17 MR. BAKER: You can be excused.

18 THE COURT: Mr. Martin, thank you for coming.
19 All right.

20 MR. GOLDBERG: Your Honor, we call Ms. Mary
21 Scarborough, please.

22 (Mary Scarborough, 35 Indigo Point Drive, Charleston, S.C.
23 29407, duly sworn, testifies as follows:)

24 DIRECT EXAMINATION BY MR. GOLDBERG:

25 Q Good morning, Ms. Scarborough.

1 Q Very good. Now, looking at Exhibit Number 8 do
2 you see two vehicles parked in the driveway?

3 A Yes.

4 Q Now, I show you Exhibit Number 9 and is this --
5 this is if from your records and it shows that on 10/2/2009
6 your office received a telephone call from this number
7 302-2000 and from Henry Ravenel and this is the information
8 that you gave him. Is that not correct? Or that your
9 office gave him?

10 A Yes. We gave him a redemption quote. I told him
11 the amount to redeem the property on 10/2/2009 and told him
12 it had to be redeemed by 11/4/2009.

13 Q Did your office obtain from Henry Ravenel or ask
14 or do you have any record of requesting an address for
15 Mr. Ravenel -- from Mr. Ravenel?

16 A No, we just got his phone number.

17 Q That's fine. Thank you.

18 Do you recall, Ms. Ravenel(sic), when
19 Mr. Mort Farris was the delinquent tax collector?

20 A Yes.

21 Q And do you recall that if an inquiry was made as
22 to the payment of the amount necessary for the payment of a
23 tax sale that Mr. Farris would send out a written notice to
24 whoever made that inquiry?

25 MR. ANDERSON: Your Honor, I object. What Mort

1 THE COURT: What is all the -- on the account
2 number, that's the TMS number?

3 THE WITNESS: The TMS number, and it shows the
4 year that it was sold for and it shows that the 2008
5 also needed to be paid and -- as part of the
6 redemption.

7 THE COURT: Redemption quote. So the figure, the
8 6334.11 is the tax that was due? The \$21,000 figure is
9 the interest on the bid?

10 THE WITNESS: No, the \$21,000 figure includes the
11 interest on the bid and the 2007 taxes and the levy.

12 THE COURT: So all costs that have been incurred?
13 What about when there is a list here that shows 2008,
14 2007, 2006, 2005 and 1999, what is all this?

15 THE WITNESS: That just shows that payments have
16 been made on the other ones.

17 THE COURT: On the other accounts or of this --

18 THE WITNESS: No just -- this is specific to this
19 account. It shows what went into delinquency, that the
20 '99s the 2005, '06, '07, '08 went into delinquency.
21 They were not paid current, before March 16 or before
22 March 17 of each year. So then it shows that '06 --
23 '05 and '06 have been paid and -- '99. The P stands
24 for paid. S is sold at a tax sale.

25 THE COURT: H stands for?

1 Q Right. The reason you have three is because you
2 sent one to Henry, one to Lashanda and one to both of them
3 together?

4 A That's correct.

5 Q Now, attached to each of them there is an envelope
6 that was returned to you by the Post Office?

7 A Yes.

8 Q And I will ask you to look at the envelopes and
9 what does it say? It says return to sender, et cetera?

10 A It says return to sender, Ravenel, PO Box 263.

11 Q So you now have -- excuse me?

12 A Hollywood, South Carolina.

13 Q So you now have in your possession a new post
14 office box?

15 A Yes, I received it October 26.

16 Q Very good.

17 The next item is what I call a courtesy file
18 notice of property redemption. There were three of these
19 also. They were sent -- I'm sorry. Just two. But I have
20 two; 14 and 15. And -- is that not correct?

21 A Yes. These are copies of the certified letters
22 which we sent by registered mail.

23 Q You didn't send it certified, did you?

24 A No. These are copies of those letters that we
25 also sent regular mail.

1 where she picked up her mail. And she can testify as
2 to what was going on. So that Mary Ravenel and her
3 address would be very vital to finding the correct
4 address of her children.

5 THE COURT: There is no way they would know that.
6 I'm going to sustain the objection, because this
7 judgment against Mary Ravenel, while sent, would not be
8 the judgment against the defaulting tax payer.

9 MR. GOLDBERG: No, sir. I'm not questioning that.
10 What I'm saying is that Mary Ravenel is vitally
11 involved in this tax sale to the extent that she was
12 the owner of all five properties. In October of 2007
13 she conveyed all five pieces of property to her
14 children, and the deed so states. The deed says I'm
15 selling my property to my children, Lashanda and Henry.
16 So that gave the tax collector notice that their mother
17 was Mary Ravenel and if -- due diligence would say,
18 well, this is the mother, I've got an address, let's
19 get in touch with her.

20 THE COURT: Is that the theory of your case?

21 MR. GOLDBERG: That is one of the theories of my
22 case is that Mary Ravenel is vital to this.

23 THE COURT: Once she deeded the property out she
24 no longer owned it.

25 MR. GOLDBERG: I'm not questioning that, Your

1 property that we're talking about that were in the tax sale?

2 A Yes.

3 Q Now, at the very top of this deed it says that
4 she's conveying this property for \$5 love and affection from
5 my son and my daughter?

6 A Yes.

7 Q Thank you very much.

8 Now, these documents we received from you
9 have to do with the title examination that you were good
10 enough to send us a couple of days ago. I'm talking about
11 42 through 46.

12 A Yes.

13 Q All right. The title examination was done on
14 May 26, 2009?

15 A Yes.

16 Q And that's 42, and 43 is a form, Charleston County
17 delinquent tax property research, in which the title
18 examiner sets forth the liens and judgments?

19 A Yes.

20 Q And Number 44 is an auditor's statement which
21 shows the background of the property and lists Mary Ravenel
22 as an owner and then further the other owners?

23 A Yes, it lists her as a prior owner.

24 Q Very good.

25 And this is the copy of the judgment, again,

1 Q You have the absolute right to explain whatever
2 you like.

3 A Okay.

4 Q Did you not tell me at the time we took your
5 deposition that your procedure for doing due diligence was
6 to look into the white pages, the county tax records and the
7 internet?

8 A Yes.

9 Q All right. Would you like to explain that?

10 A Okay. This is not the view that I would have
11 looked at on the county tax records. When I said the
12 internet, we put their name in --

13 Q I'm sorry. Please, go ahead. I didn't hear you.

14 A I said we would put their name in the internet.
15 Okay? When I looked at the county tax records -- if I may?

16 Q Sure.

17 A This is actually how they look.

18 Q I see.

19 A You have copies of those.

20 MR. ANDERSON: What exhibit is that, please?

21 MR. GOLDBERG: She's looking -- talking about
22 Exhibits 47 and 48.

23 Q Let me just --

24 A And this was done 2/13/2012; is that correct?

25 Q Whenever we got it, ma'am.

1 A Okay. Yes. I don't really know what the system
2 would have looked like when I was looking at it.

3 Q I understand. But this is a record from the
4 county records?

5 A In 2012.

6 Q Yes, ma'am. I'm just asking you, this is a record
7 from the county records?

8 A Right.

9 Q Right. And it says?

10 A I would have looked at those.

11 Q I understand. I will get to that in just a
12 minute. And this document is dated 2006?

13 A Yes.

14 Q And is for an automobile belonging to Henry
15 Ravenel Lee, Jr.; is that correct?

16 A Yes.

17 Q And would you say -- look at the bottom of the
18 page and is there an address for Henry Ravenel Lee, Jr.?

19 A Yes. 2000 -- I'm sorry. PO Box 263 Hollywood,
20 South Carolina.

21 Q Right. And this is a document that was in the
22 county records in 2006?

23 A These were -- I can't say that.

24 Q All I'm asking you, Ms. Scarborough -- not
25 fussing, again --

1 A What I'm trying to say is, I don't know how it
2 would looked, because our whole system is different from
3 then. That's --

4 Q I understand what you're saying. But can we agree
5 that this is a tax record?

6 A We can say that information would have been in the
7 county system.

8 Q That's fine.

9 A Okay.

10 Q And 2006 Henry Ravenel with the address of 8164
11 Mary Ravenel Road?

12 A Yes.

13 Q That's fine. So that you had the ability to find
14 this address in 2006?

15 A Yes.

16 Q Very good. Thank you very much.

17 The other two -- I'm a little out of order,
18 47 and 48, also have to do with Henry Lee Ravenel and an
19 automobile. Would you look at those, please, ma'am?

20 A Yes. This is directly from the county tax system
21 and these tax bills are -- let me look. These were created
22 January 25, 2008. They would have been in our system and
23 Exhibit 47 is for a 1998 Ford and it's a 2006 tax bill, but
24 it would have been created in 2008. And it's going to PO
25 Box 263, Hollywood, South Carolina.

1 Q Okay.

2 A In the name of Henry Lee Ravenel.

3 Q Right.

4 A Exhibit 48 was created January 2008, and it is a
5 2006 tax bill for a 2000 Lincoln, and it went to Henry Lee
6 Ravenel, Jr. at 8164 Mary Ravenel Road, Adams Run -- I'm
7 sorry. That was the tax address. I apologize. It was
8 mailed to -- the mailing address was PO Box 263, Hollywood,
9 South Carolina 29449.

10 Q 263. I notice you said -- tax address is 8164
11 Mary Ravenel Road. Thank you very much.

12 Now, I'm going to show you exhibits 26
13 through 30 and ask you, are these the tax informations on
14 automobiles coming off the Charleston County on-line tax
15 system?

16 A As of 3/15/2012, yes.

17 Q They are. And these are automobiles that the
18 principle owner's name is Mary Brooks Ravenel?

19 A Yes.

20 Q And PO Box 263 Hollywood, South Carolina?

21 MR. ANDERSON: Same action, Judge.

22 A I wouldn't have looked for Mary Ravenel.

23 MR. ANDERSON: Not sure why these are relevant
24 because they are dealing with Mary. Mary was not the
25 owner of record at the time of the tax sale.

1 THE COURT: I'll sustain the objection.

2 MR. GOLDBERG: I'm only wanting to put it in, Your
3 Honor, because Mary Ravenel was known to the county to
4 be the mother of Lashanda and Henry and any address
5 Mary would have would lead them to Lashanda and Henry.

6 THE COURT: I'm going to sustain the objection.

7 MR. GOLDBERG: All right, sir.

8 Q Now, I show you this and I think this came from
9 your records, but can you identify that, please, ma'am?

10 A I'm going to say that it is a copy of a plat --

11 Q Yes.

12 A -- for the Mary Ravenel property? Or -- well, the
13 Mary Ravenel Road. I can see on here -- I don't --

14 Q That's my question.

15 A I don't -- the owners --

16 MR. ANDERSON: What's the Exhibit Number?

17 A Exhibit 31. I don't know when it was done. I
18 can't -- in '02?

19 Q Look right there.

20 MR. BAKER: April 19, 2002 just to help the
21 witness.

22 Q It shows Mary Ravenel Road?

23 A Yes, it shows a road; yes, that road.

24 Q It does say Mary Ravenel Road?

25 A Yes, it says Mary Ravenel Road.

1 A Okay.

2 Q Thank you.

3 I'm going to show you, finally, Plaintiff's
4 Exhibit Number 33 and ask you if you could look at that and
5 tell me what that is.

6 A Exhibit 33, it looks like, again, a screen from
7 the assessor's system, and this is Deed G654 Page 890
8 conveying from Harbor Homes, LLC to Lashanda M. Ravenel --

9 Q Lashanda Ravenel?

10 A -- lot 16 --

11 Q It doesn't matter.

12 A One B.

13 Q That's fine. Is there an address for Lashanda,
14 the grantee?

15 A It's 3531 Galaxy Road, Ladson, South Carolina,
16 29456.

17 Q Thank you very much.

18 A Okay.

19 Q This was dated -- I can't remember.

20 A I can't remember either.

21 Q 27th day of February 2008?

22 A Okay.

23 Q All right. And this document, the deed, was
24 available to you as it was available to us? You could have
25 gotten this document on line?

1 A I don't know -- I could have gotten it through a
2 title search, I guess. What I'm trying to tell you is this
3 system did not exist back then.

4 Q I'm not questioning whether or not the system
5 existed back in 2007 or 2008.

6 A We were not able to look things up the same way.

7 Q I'm not questioning that.

8 A I mean --

9 Q Ms. Scarborough, I'm not questioning that at all.
10 This was a deed recorded in the RMC Office of Charleston
11 County?

12 A I could have gotten it if I looked up all of her
13 deeds in the RMC Office.

14 Q That is correct?

15 A On their website, yes.

16 Q You could have gotten this deed off of the -- from
17 the RMC Office by whatever method you were using at that
18 time?

19 A Yes.

20 Q But you didn't get it?

21 A No.

22 Q All right. Thank you.

23 MR. GOLDBERG: Your Honor, it appears there was a
24 duplicate thing because there was some question of
25 title. Thirty-four was a corrective deed for the same

1 (Laughter)

2 THE COURT: All right.

3 Q I think these are the last. I'm going to show you
4 exhibits 35 through 39 and ask you to look the a those,
5 please, ma'am.

6 A This is a 2009 tax bill for parcel 164 ending in
7 304 owned by Henry Lee and Lashanda Ravenel. The bill was
8 created 9/30/2009 and the mailing address is PO Box 263,
9 Hollywood, South Carolina.

10 Q Thank you.

11 A This is a 2009 bill for parcel 099 ending in 113
12 created 9/30/2009 owned by Lashanda and Henry Lee, II,
13 Ravenel, mailing address PO Box 455, Hollywood, South
14 Carolina.

15 Q Okay.

16 A Exhibit 37 is a 2009 tax bill created 9/30/2009
17 for parcel 099 ending in 085 owned by Lashanda and Henry Lee
18 Ravenel, II. The mailing address is PO Box, 455, Hollywood,
19 South Carolina.

20 This is a 2009 tax bill created 9/30/2009 for
21 parcel 099-00-00-114 owned by Lashanda and Henry Lee
22 Ravenel. The mailing address is PO Box 455, Hollywood,
23 South Carolina.

24 Exhibit 39 is a 2009 tax bill created
25 9/30/2009 for parcel 099 ending in 116 owned by Lashanda and

1 Henry Lee, II, Ravenel; mailing address PO Box 455,
2 Hollywood, South Carolina, 29449.

3 Q All right. Other than the mailing of all these
4 documents to Post Office Box 450-something --

5 A 455.

6 Q Right. Did you endeavor to find any other address
7 having these documents available to you?

8 A No. I guess --

9 Q Thank you.

10 A All right.

11 (Discussion off the record.)

12 Q Ms. Scarborough, would you like a glass of water
13 or anything?

14 A No, I'm fine, thank you.

15 Q Would you like to take a short break?

16 A I'm fine, thank you.

17 Q Very good.

18 MR. GOLDBERG: Your Honor, could I have about five
19 minutes to go over my documents?

20 THE COURT: All right. Let's take about a five
21 minute break.

22 (Recess)

23 THE COURT: Alright.

24 CONTINUED DIRECT EXAMINATION BY MR. GOLDBERG:

25 Q Ms. Scarborough, I'm going to show you a

1 A Yes.

2 Q Isn't it true, Ms. Scarborough, that the most
3 important objects you obtain have to do with tax records of
4 automobiles, because they are more up to date, and also real
5 estate records?

6 MR. ANDERSON: I would object to most important,
7 Judge.

8 THE COURT: Overruled. Go ahead.

9 Q Is that not correct?

10 A I'm going -- it is one of the methods that we use
11 to look for people is automobile, real estate; yes.

12 Q But you did not look into the automobile records
13 in this case, nor did you look into the real estate records
14 in this case, otherwise you would have found the deed into
15 Lashanda and the automobiles into Henry. Is that not
16 correct?

17 A The reason I'm having trouble with this -- I know
18 you don't want me to say this, but there are certain items,
19 yes, I agree I should have found the automobile from our tax
20 system, but we're not looking at the same information that
21 was available to me in 2009.

22 THE COURT: Would you like to explain that and
23 tell me why that is?

24 THE WITNESS: Yes, because we have a new tax
25 system and the information on line on the internet is

1 available in different searches. You could put
2 somebody's name in now and get everything. What I
3 would say is, those exhibits that we showed where he
4 had an automobile registered, I believe it was those
5 screen dumps? Yes, that was available to us and, yes,
6 apparently we missed that.

7 THE COURT: That would be the 2008 or 2009
8 timeframe?

9 THE WITNESS: Yes.

10 THE COURT: Okay.

11 Q You say -- but there is an automobile record in
12 this case of a 2006 automobile in the name of Henry. You
13 would have found that, too; wouldn't you?

14 A Could you show me the actual screen things? Wait
15 a minute. There was a 2006 that was put on in January of
16 2008 in our tax system and, yes, I should have found that.

17 Q You should have found that. You should have found
18 the deed into Lashanda which gave her address?

19 A I'm trying to think of how we actually looked --
20 We don't look at everybody's name on the RMC site.

21 Q Ms. Scarborough, Lashanda Ravenel was one of the
22 delinquent taxpayers?

23 A Yes.

24 Q Is your responsibility as the delinquent tax
25 collector, when the return receipts come back to you

1 unsigned, to use due diligence? Is that accurate?

2 A Yes.

3 Q And wouldn't you say that it would be due
4 diligence to look into the tax records, as you said you did,
5 and the real estate records, to find out if there is any
6 real estate other than the five pieces involved in the name
7 of one of the delinquent taxpayers? Wouldn't that be the
8 reasonable thing to do?

9 A Yes, but I cannot testify that her name would have
10 appeared in our tax system that way at that time. That's
11 all I'm saying.

12 Q Ms. Scarborough, Ms. Scarborough, I don't want to
13 fuss with you, I really don't. You're a lovely lady but
14 please.

15 A Can you understand what I'm saying?

16 Q I'm trying to. Really hard to do it. And to give
17 you the opportunity to say whatever it is you want to say.

18 You had the ability, regardless of the format
19 change, back in 2007, 2008 and so forth and prior thereto,
20 to find a deed in the record office by going on line?

21 A Not in the method that you have shown.

22 Q I'm not asking you --

23 A But, yes, I did have it, but we do not -- we did
24 not do that.

25 Q Ms. Scarborough, I'm going to ask you one more

1 time, please. You had the ability to go on line in 2007,
2 2008, 2009 and get information from the record office about
3 Lashanda Ravenel if you had sought to do so?

4 A Yes.

5 Q Thank you very much.

6 So there were things you could have done --
7 I'm sorry, your office could have done, which would have
8 gotten information which would have lead you to a better
9 address for Lashanda and Henry Ravenel?

10 A Yes.

11 Q Thank you very much.

12 MR. GOLDBERG: No further questions.

13 CROSS EXAMINATION BY MR. ANDERSON:

14 Q If it please the Court. What code sections govern
15 the sale of real estate for unpaid taxes?

16 A 12-51.

17 Q 12-51-40 et seq.?

18 A Yes.

19 MR. BAKER: What's the code section again?

20 MR. ANDERSON: 12-51-40.

21 Q I show you the code section and I'm showing you
22 12-51-40. Are you familiar with that?

23 A Yes.

24 Q What does it say about the address that you
25 utilized when it becomes necessary to notify delinquent

- 1 search, just updated it?
- 2 A Yes, from like May to August.
- 3 Q With regard to Plaintiff's Exhibit Number 25, this
- 4 is one that deals with an automobile; is that correct?
- 5 A I'm just looking at all the information. Yes.
- 6 Yes. This is one that deals with an automobile.
- 7 Q And it reflects the owner of the vehicle as being
- 8 whom?
- 9 A Henry Lee Ravenel, Jr.
- 10 Q And the property was titled in the name of whom;
- 11 property by which we're here today?
- 12 A Henry Lee Ravenel, II.
- 13 Q So two different people?
- 14 A I don't know.
- 15 Q Six, 7 and 8 deal with the posting of the
- 16 property; is that correct?
- 17 A Yes.
- 18 Q And the statute dealing with the posting of the
- 19 property says where is it to be posted?
- 20 A I believe it says -- I don't have it in front of
- 21 me but, I guess, conspicuous place, something.
- 22 MR. GOLDBERG: That's right.
- 23 Q And here it is posted on this tree which is
- 24 located in front of the house?
- 25 A Yes.

1 (Discussion off the record.)

2 Q You say you got a phone call at some point from,
3 or your office got a phone call from Mr. Henry Ravenel; is
4 that correct?

5 A Yes.

6 Q And that was prior to the running of the
7 redemption period, was it not?

8 A Yes. I can pull that back out. Just a second.
9 But as I recall, yes.

10 Q And Mr. Goldberg asked you on direct examination
11 that the sale was final on November 4th; correct?

12 A Yes, November 4th, 2009.

13 Q And the deed was not issued to Plaintiff's
14 predecessor until some nine months later in July?

15 A Yes.

16 Q Did anybody come forward during the period of time
17 from the end of the redemption until when the deed was
18 issued offering to pay the taxes?

19 A I really have to say I don't know for sure.

20 Q Hypothetically, if someone had come forward and
21 said I want to pay the taxes and you said, well, you had
22 your opportunity, we sent all these notice to you at PO Box
23 455, and if they had said I don't live at 455, I live at
24 263, would that have been sufficient for you to have upset
25 the tax sale?

1 MR. GOLDBERG: Objection to the form of the
2 question. Objection to the question.

3 THE COURT: Overruled.

4 A Yes, if it had been brought to my attention that
5 would have been reason for me to void the tax sale.

6 Q And it was not brought to your attention. Nor did
7 anybody?

8 A Not that I can remember.

9 Q Go ahead.

10 A Like I said, not that I can remember.

11 Q No one offered to pay the taxes, to your
12 knowledge?

13 A Not that I can remember.

14 Q Taking you back, which was marked as
15 Defendant's -- excuse me, Plaintiff's 14. And this is the
16 courtesy letter I think you send out that is not sent
17 registered or restricted delivery?

18 A Yes, that's correct.

19 Q Is that a computer generated letter?

20 A Yes.

21 Q That letter went out when?

22 A It went out October 27 of 2009, but actually it's
23 just a copy of what -- the computer generates a final notice
24 and this is just a copy of the final notice.

25 Q That was returned and it shows a new address as

1 what?

2 A As PO Box 263.

3 Q Now then, the statute requires that the running of
4 the redemption be sent not less than 20 nor more than 45
5 days prior to the end of the redemption; is that correct?

6 A That's correct.

7 Q When this came back with this address on it could
8 you have sent a new redemption letter that would have
9 complied with the statute; not less than 20 nor more than
10 45?

11 A No.

12 Q How many parcels would you guess you sold in the
13 2008 tax sale?

14 A Usually it's around a thousand. I don't remember
15 specifically that year. It could have been -- I think it
16 actually might have been a little -- eleven hundred. I
17 don't remember specifically.

18 Q Does the return, according to the statute, of the
19 redemption letter automatically deem the sale bad?

20 A No.

21 Q Whose duty and obligation is it to keep the county
22 aware and up to date as to the tax payer's address?

23 A The tax payer is supposed to notify the auditor if
24 they have a change of address.

25 Q Is that the primary source, where you go, in order

1 to find the address of the property?

2 A Yes, they keep the address records for the County.

3 Q You could, theoretically, be dealing with a piece
4 of rental property that the taxes had not been paid on; is
5 that correct?

6 A Yes.

7 Q And if you sent the various notices required by
8 12-51, to the property address, that could be received by
9 the renter of that property; is that not true?

10 A Yes.

11 Q The better address, then, would be the actual
12 address of record, where the tax payer resides, according to
13 what's on that deed or the auditor's office?

14 A Yes.

15 Q When you say -- one of the exhibits dealing with
16 an automobile, that was titled in Mr. Ravenel, Jr.'s name,
17 that would have been available to you on line?

18 A Yes, but perhaps not in that format.

19 Q Would it have shown an address?

20 A Yes.

21 Q It would have shown an address?

22 A Yes.

23 Q Do you know when your office would have looked to
24 see when that was available?

25 A We sold the property in -- it's kind of an ongoing

1 process, from the point when they become delinquent, which
2 would -- the 2007s became delinquent March 17, 2008. We
3 would have been looking -- at any time it could have been
4 from June of 2008 until probably September 2009. I don't
5 say we're consistently looking, but we would have probably
6 looked at some point.

7 Q Had this property or any of the properties that
8 were at one time were owned by Mary Ravenel, were they ever
9 sold at tax sales?

10 A I don't know. I can't say for sure.

11 Q This is the only one, to your knowledge, that was
12 actually physically sold at a tax sale?

13 A Well, no. No. I think some of the others may
14 have been.

15 Q Was not an exhibit offered that showed -- I
16 believe this is it here, Plaintiff's Exhibit Number 9. Does
17 that not show other parcels or did I misunderstand you;
18 other parcels had been sold?

19 A This one just pertains to this particular parcel.

20 Q Had it ever been past due in the past?

21 A They've been past due.

22 MR. GOLDBERG: Sorry. What is the exhibit your
23 asking about?

24 MR. ANDERSON: Nine.

25 Q It had been past due in the past?

- 1 A Yes.
- 2 Q On how many different occasions?
- 3 A Nineteen -- well -- 1999, 2005, 2006.
- 4 Q And 2007?
- 5 A Yes.
- 6 Q When Mr. Ravenel called you, he called you on what
7 date?
- 8 A 10/2/2009.
- 9 Q Do you know what prompted that call?
- 10 A No.
- 11 Q Was that before or after the redemption letters
12 went out?
- 13 A I think that it was before. If I'm correct the
14 final notices went out on October 14, 2009.
- 15 Q And to your knowledge did the seizure sign nailed
16 to the tree in front of the property remain on the tree in
17 front of the property?
- 18 MR. GOLDBERG: Objection, Your Honor. She doesn't
19 know.
- 20 Q That's what I asked.
- 21 A I don't know.
- 22 MR. GOLDBERG: Thank you.
- 23 THE COURT: Very good.
- 24 Q Do you believe that in the course of 12-51 you
25 followed the proper procedures with regard to the sale of

1 A Final notices?

2 Q I'm asking you, Ms. Scarborough, what you admitted
3 several times.

4 A I'm just saying that failure to receive a final
5 notice is not a reason to withhold a --

6 Q I'm not suggesting --

7 A Void a tax sale.

8 Q I'm saying to you that when return receipts come
9 back unsigned you are required, as the delinquent tax
10 collector, to use due diligence to find a better address; is
11 that true? Answer yes or no.

12 A Which notice?

13 Q Ms. Scarborough.

14 A I'm just -- which are you talking about? The
15 official notice of levy? There are different --

16 Q Ms. Scarborough, I'm going to ask you one more
17 time. And I don't mean to be rude to you at all, but I'm
18 trying to get you to answer a simple question. If you don't
19 understand the question, if you find problems with the
20 question please tell me.

21 When return receipts are sent back to your
22 office from the certified mail return receipt requested,
23 unsigned, you, as the delinquent tax collector, are required
24 to use due diligence to find a better address. Yes or no?

25 MR. ANDERSON: Your Honor, please, nowhere in the

1 code does it say due diligence.

2 THE COURT: All right. I'll note your objection.
3 It is your practice, though, to use due diligence; is
4 that correct?

5 THE WITNESS: Yes.

6 THE COURT: And I think your problem with
7 answering the question has to do with the time of when
8 you looked for this. Is that where I'm detecting a
9 problem?

10 THE WITNESS: Yes. And there are two different
11 ones. The official notice of levy returned, we post
12 the property. Now the final notice, that's what I was
13 trying to -- final notice I believe is the one he's
14 discussing which is where the forwarding address came
15 in.

16 THE COURT: Okay. All right. So I don't want to
17 ask the question for you. I hear where you're driving.
18 The practice of your office is that when the notice of
19 levy comes back returned, unclaimed, your practice is
20 to post the property. Is that --

21 THE WITNESS: Yes.

22 THE COURT: -- what I'm hearing?

23 MR. GOLDBERG: That's statutory.

24 THE COURT: Got it.

25 Q You have testified that when the return receipts

- 1 preparing the deeds for this tax sale.
- 2 Q I understand. You don't know?
- 3 A I don't know.
- 4 Q Very good. Mr. Anderson showed you Exhibit 25,
- 5 Ms. Scarborough.
- 6 A Okay.
- 7 Q And Mr. Anderson said that this must be a mistake
- 8 because it says Henry Ravenel, Henry Lee Ravenel, Jr. as
- 9 opposed to what's on the deed, Henry Ravenel, II. Do you
- 10 remember that?
- 11 A Yes.
- 12 Q Okay. What's the address on that document?
- 13 A PO Box 263, Hollywood, South Carolina.
- 14 Q Okay. And what is the address, the street
- 15 address?
- 16 A 8164 Mary Ravenel Road, Adams Run.
- 17 Q So this is not the wrong document, this is the
- 18 document for the man who is owner of a one-half interest in
- 19 the tax sale property; is that not correct?
- 20 A I can't say that for sure because what would tell
- 21 me?
- 22 Q What it tells you is that it's Post Office Box 263
- 23 which is the new post office box.
- 24 A Yes. Now that I know that's the new post office
- 25 box, yes.

1 Q That's fine. That's all I'm asking.

2 A I wasn't, you know, sometimes I have the same
3 people, the same names for various people.

4 Q That's okay. That's okay. We've got two Marys
5 here.

6 Ms. Scarborough, on the five properties that
7 were initially involved with this tax sale?

8 A Yes.

9 Q Is there any property -- what are those five
10 properties? Aren't they vacant lots?

11 A I'm really not sure. I note their parcel numbers,
12 but I don't have the other record for them in my folder.

13 MR. ANDERSON: I don't remember going into
14 anything like this on cross, Judge.

15 MR. GOLDBERG: I'm going through that, Your Honor,
16 because Mr. Anderson has asked her the question about
17 rental property.

18 THE COURT: In other words, non-owner-occupied.

19 MR. GOLDBERG: That's right.

20 THE COURT: All right. I'll give you some leeway
21 on it. Go ahead.

22 Q Isn't it true, Ms. Scarborough, that there were
23 five properties initially involved in this procedure?

24 A Yes.

25 Q You have the house occupied by Ms. Ravenel;

1 Q What's the physical address of the property in
2 question?

3 A The physical address is -- sorry -- is 5559 Mary
4 Ravenel Road.

5 Q Exhibit 25, that Mr. Goldberg just asked you
6 about, what is the physical address on that tax numbers for
7 the vehicle?

8 A 8164 Mary Ravenel Road.

9 Q Different address?

10 A Yes.

11 Q Is there anything within 12-51 that requires you
12 to go through the RMC Office looking for deeds?

13 A Only for the property that I sold.

14 Q Anything in 12-51 that requires you to pull down
15 all of the various automobile tax records?

16 A No.

17 Q Did you have actual knowledge during the course of
18 this tax sale that the correct address for the tax payer was
19 one other than PO Box 455?

20 A No.

21 MR. ANDERSON: No further questions.

22 THE COURT: I just have a couple of questions for
23 you.

24 In the scheme -- in the statutory scheme it talks
25 in terms of a known address. The only known address

1 that you had as a matter of record for this property
2 was the PO box that the notices were being sent to, the
3 official notice of levy?

4 A Yes.

5 Q And those came back unclaimed; correct?

6 A Let me look. I believe they came back unable to
7 forward. But there was no forwarding address on those.

8 THE COURT: Just unable to forward. Should be
9 Exhibit 1. I don't know what order you've got there.

10 A Yes, I'm looking at it. Says return to sender
11 unable to forward.

12 THE COURT: At that time you had no forwarding
13 address?

14 A Yes.

15 THE COURT: Your procedure when that happens is
16 then to post the property?

17 A Yes.

18 THE COURT: That's, again, in compliance with the
19 statute?

20 A Yes.

21 THE COURT: Now, once the property's been posted
22 is it the practice of your office to then presume that
23 the notice of levy has been executed upon?

24 A Yes.

25 THE COURT: So the next step in the statutory

1 A Yes.

2 THE COURT: That's the courtesy notice..

3 A Yes. It came back with the forwarding PO Box of
4 263.

5 THE COURT: So at that point in time you've got
6 actual knowledge of a new address, but the timing of
7 that was insufficient to -- or was not in compliance
8 with the statutory scheme to then stop the sale; is
9 that right?

10 A Right. I think actually the final notice came
11 back on the 26th, and then I'm not exactly sure when the
12 courtesy came back, but I think the final notice came back
13 with a forwarding address on the 26th of October.

14 THE COURT: This was --

15 A That's when I actually had actual knowledge of or
16 could have had actual knowledge. Somebody in my office
17 should have had actual knowledge.

18 THE COURT: That first class mail goes out the
19 next day, the 27th of October.

20 A But it was generated off the same information, so
21 we didn't pick up that forwarding address. It was generated
22 off the same -- the information was already at the printer.

23 THE COURT: I'm not following you there.

24 A We send a data file to the printer. They printed
25 the final notices that went to PO Box 455. They mailed them

1 think I did in 2009, and so I missed the new address.

2 MR. GOLDBERG: I'm sorry, I didn't hear your
3 answer.

4 MR. BAKER: She missed the new address.

5 THE COURT: You were not personally aware of any
6 new address?

7 A No.

8 THE COURT: When does that new address appear in
9 your files, if --

10 A It appears in -- on the 26th of October 2009.

11 THE COURT: Just prior to the final date of
12 redemption; is that right?

13 A Yes, the final date, I think, was November 4th.

14 THE COURT: Okay. Your testimony today is you
15 never saw that prior to issuing the deed; is that
16 right?

17 A That's correct.

18 THE COURT: Okay. All right. That's all I've
19 got. Okay. It's after 1 o'clock.

20 MR. GOLDBERG: Your Honor, may I just ask?

21 THE COURT: Sure.

22 BY MR. GOLDBERG:

23 Q Let me understand what you testified to with the
24 Judge.

25 It's my understanding, correct me if I'm

1 that the delay doing the deed could have resulted from the
2 fact that you had an opportunity to void the tax sale.

3 Just -- put it in your own words.

4 A No. I mean, the delay, I'll be honest with you,
5 in the deed was because of the fact of staffing issues. We
6 didn't have enough staff.

7 Q That's fine.

8 A What I said to the Judge was, if it comes to my
9 attention and I know about it before -- if I know that there
10 may be a problem before I convey the property I can void the
11 tax sale.

12 Q Yes, ma'am. So that your staff, being under
13 staffed, did not bring to your attention the problems in the
14 tax sale? By that I mean the deed, the automobile stuff and
15 so forth?

16 A The forwarding address they did not bring to my
17 attention.

18 Q Okay that's fine. The forwarding address was not
19 brought to your attention? They had it. Your office had
20 it on October the 26th, 2009; correct?

21 A Yes.

22 Q So that you had -- you as the -- if your staff,
23 and you're under staffed, had brought to your attention the
24 deed or the automobiles and so forth, you could have voided
25 the tax sale prior to July 28, 2010?

1 Q And required you to travel a good bit?

2 A Yes, sir.

3 Q As a result of the fact that you were out of town
4 a good bit did you make any arrangement with regard to your
5 mail?

6 A My mom.

7 Q What did you do with your mother?

8 A I asked her to get my mail for me while I was
9 traveling a lot.

10 Q And what arrangements did you have with your
11 mother with regard to the mail?

12 A Well, once she received the mail, when I get back
13 in town that she would bring the mail to me.

14 Q Did you have a post office box?

15 A Yes, sir.

16 Q What was the name -- what was the number of that
17 post office box?

18 A First post office box, PO Box 455.

19 Q Was that particular box closed by your mother?

20 A Yes, sir.

21 Q Did she get a new post office box?

22 A Yes, sir.

23 Q What was that number?

24 A PO Box 263, Hollywood, South Carolina.

25 Q And did you continue to get your mail at the

1 MR. GOLDBERG: Your Honor, these are my copies.

2 You have the originals.

3 THE COURT: All right.

4 Q Five tax statements, and ask you if these are the
5 five properties that you bought in Exhibits 35 through 39.

6 A 7164 Highway 162.

7 Q I'll go over them. Look at them, and then I'll
8 ask you some questions about it. Okay?

9 A Yes, sir. Yes, sir.

10 Q Now, I'm going to show you, specifically, Exhibit
11 35 and ask you -- first of all, what is this? Is there
12 something on the property, a building or anything, and if so
13 what is it?

14 A 7164, it is -- I have a little clothing store
15 there.

16 Q A clothing store?

17 A Yes, sir.

18 Q Now, that's the address on the highway?

19 A Yes, sir.

20 Q All right. And if you look at the bottom of 35
21 what is the mailing address listed there?

22 A PO Box 263.

23 Q All right.

24 A Hollywood.

25 Q Now, I'm going to show you Exhibit 36 and ask you

- 1 A 5559 Mary Ravenel Road.
- 2 Q And I show you number 38 and ask you what property
- 3 this is.
- 4 A Lot number 263, vacant lot.
- 5 Q It's a vacant lot. And what is the address shown
- 6 at the bottom there?
- 7 A Mailing address PO Box 455, Hollywood, South
- 8 Carolina.
- 9 Q And at the top this shows Mary Ravenel Road lot --
- 10 A Lot 263.
- 11 Q Two?
- 12 A Yes, sir.
- 13 Q That's 38. I show you Exhibit 39 and ask you what
- 14 that is.
- 15 A Vacant lot.
- 16 Q That's a vacant lot?
- 17 A Yes, sir.
- 18 Q What is the address at the top?
- 19 A Mary Ravenel Road.
- 20 Q What is at the bottom?
- 21 A PO Box 455, Hollywood, South Carolina.
- 22 Q Now, what is the address, the proper address for
- 23 your house?
- 24 A 8164 Mary Ravenel Road, Adams Run.
- 25 Q And the address that's shown here, what is the

1 house?

2 A No, sir.

3 Q I point to you, there are several vehicles in the
4 driveway?

5 A Yes, sir.

6 Q Whose vehicles are they?

7 A That's my 2000 Seabring and my son's Mustang.

8 Q Okay. Does your daughter have a car?

9 A She owns a company car. She doesn't own it, but
10 she drives the company car.

11 Q Did your children live with you when you first
12 built the house in 2004?

13 A Yes, sir.

14 Q Do they reside with you now?

15 A No, my daughter has her own residence and my son
16 kind of lives there and at another residence.

17 Q And does either one of them own a home?

18 A My daughter does.

19 Q What is the street address of her home?

20 A 3531 Galaxy Lane, Summerville.

21 Q And approximately how long has your daughter been
22 living at that address?

23 A I would say maybe February 2008, somewhere around
24 there.

25 Q That's fine. Thank you.

1 Now, the house that you built -- I'm sorry.
2 The money you received, you and your daughter, went into the
3 building of this home in which you now reside?

4 A Yes, sir.

5 Q And did you also build a house for your aunt?

6 A Yes, sir. After I took out a loan; yes, sir.

7 Q And did your aunt -- does your aunt continue to
8 live in that home?

9 A Yes, until maybe 2008, 2009. Something like that.

10 Q Where does she live now?

11 A She lives with me.

12 Q She lives with you. And do you know approximately
13 when she came to live with you?

14 A I want to say 2008 or nine, somewhere around
15 there.

16 Q Now, you own another piece of property; do you
17 not, which is not among the five pieces that you sold to
18 your children?

19 A Yes, sir.

20 Q Where is that property located?

21 A 6430 Highway 162 in Hollywood, South Carolina.

22 Q When did you by that house, approximately?

23 A 1997.

24 Q I'm going to show you what has been marked Exhibit
25 32 and ask you if you can tell me what these documents

- 1 A My aunt.
- 2 Q Incidentally, Ms. Ravenel, is there a post office
- 3 box in front of house in which you reside?
- 4 A Well, where I live now?
- 5 Q Yes.
- 6 A No, sir. Is there a post office?
- 7 Q No, no, a box -- a post office box?
- 8 A Out to the road like 17; yes, sir.
- 9 Q In front of the house in which you reside?
- 10 A On the road; yes, sir.
- 11 Q All right.
- 12 Now, Ms. Ravenel, you conveyed the five
- 13 properties to your daughter and son?
- 14 A Yes, sir.
- 15 Q I show you a document which is Exhibit 24 and ask
- 16 you if this is the deed by which you conveyed the
- 17 properties, five properties to your son and daughter.
- 18 A Yes, sir.
- 19 Q You did that in October of 2007?
- 20 A Yes, sir. Not October.
- 21 Q I'm sorry. November 6, 2007?
- 22 A Yes, sir.
- 23 Q Is that accurate?
- 24 A Yes, sir.
- 25 Q Now, this deed at the very beginning states that

1 you, Mary Ravenel, also Mary Brooks Ravenel, for
2 consideration of the sum of \$5 love and affection from my
3 son and my daughter. You were conveying this property to
4 your son and your daughter?

5 A Yes, sir.

6 Q Very good.

7 Ms. Ravenel, about 2007 did you begin having
8 any financial difficulties?

9 A Yes, sir.

10 Q And as a result of the financial difficulties did
11 you consult an attorney?

12 A Yes, sir.

13 Q What, if anything, did the attorney tell you to
14 do?

15 A I filed --

16 MR. ANDERSON: Object to that; hearsay, Judge.

17 THE COURT: The question was, what did he tell you
18 to do.

19 MR. GOLDBERG: I'll rephrase it.

20 THE COURT: All right.

21 Q As a result of your conference with the attorney
22 what, if anything, did you do?

23 A I filed bankruptcy and transferred my properties
24 to my children's name, before I filed bankruptcy.

25 Q Okay. Now, did your attorney give you this deed

1 from you to your children and tell you to record it?

2 A Yes, sir.

3 Q Did you do that?

4 A I did it the same day.

5 Q And on the back of this deed there is a statement,
6 your daughter's name, Lashanda Ravenel, PO Box 455,
7 Hollywood, 29449. Why does her name appear there?

8 A I took the statement from my attorney down because
9 I --

10 Q I understand.

11 A Because I transferred the property to my children.

12 Q You put the name there as a result of the advice
13 from your attorney?

14 A Yes, sir.

15 Q Very good.

16 Did you tell your children that you had
17 conveyed the property to them?

18 A No, sir.

19 Q So far as you know when did they first learn of
20 that conveyance?

21 A I would have to say it was the time when we were
22 going through the --

23 Q I'm sorry. I didn't hear.

24 A I would have to say it's probably during the time
25 when we were actually going through the selling of the

1 property.

2 Q You mean the lawsuit?

3 A Yes.

4 Q Now, when did you become aware of the fact that
5 the house you reside in had been sold for taxes --
6 nonpayment of taxes on November 3rd, 2008?

7 A When my mom brought the letters -- she had brought
8 a stack of letters at my shop. She only lives about two
9 miles from me. And then I started going through the mail
10 and then I saw the letter and I opened it up.

11 Q Let me first, before we get too far, show you
12 documents and ask if these are the documents that your
13 mother brought you.

14 This is Exhibit 14, Your Honor.

15 A Yes, sir.

16 Q Now, the first item -- it's composed of two
17 documents -- is a final notice of property redemption and
18 that is -- says re: Lashanda Ravenel, Henry Lee, tax address
19 5559 Mary Ravenel Road, which is incorrect. And it advises
20 you that there is an amount of 27,849.06 due by November
21 4th, 2009. And the second document is the cover of an
22 envelope in which that document came; is that correct?

23 A Yes, sir.

24 Q What is the date here where the stamp is shown?

25 A 10/27/2009.

1 Q As a result of receiving -- when, approximately,
2 did you receive this?

3 A Probably maybe around the 28th or something like
4 that.

5 Q As a result of receiving that letter what did you
6 do?

7 A I got on the phone immediately, and I called down
8 to the delinquent tax and I asked to speak to Ms. -- the
9 supervisor and Ms. Scarborough came on the phone.

10 Q What did she tell you or what was the conversation
11 with Ms. Scarborough?

12 A I told --

13 MR. ANDERSON: If Your Honor please, the county is
14 no longer a party to this lawsuit.

15 MR. GOLDBERG: I'm sorry.

16 MR. ANDERSON: The county is no longer a party to
17 this lawsuit.

18 MR. GOLDBERG: I think she can testify to what was
19 said. She doesn't have to testify as to the truth of
20 what it is; just testifying that's the information she
21 got.

22 THE COURT: She can testify as to what she did,
23 yes.

24 Q All right. So what was the conversation that you
25 had -- what were you told by Ms. Scarborough?

1 MR. ANDERSON: Same objection.

2 Q All right. What did you learn from Ms.
3 Scarborough?

4 A That the property was --

5 THE COURT: Overruled. Go ahead.

6 Q Go ahead, ma'am.

7 A That the property was sold, and I told her I just
8 got the information in the mail and asked what could I do to
9 redeem the property, and she told me I had --

10 MR. ANDERSON: Objection, Your Honor please.

11 THE COURT: She was in here testifying this
12 morning. You-all turned her loose. I'll allow you to
13 go a head. Overruled.

14 Q So you talked to Ms. Scarborough and what did she
15 tell you, as to the amount of money that was due?

16 A I told her I was unable because of the short
17 notice to try to get that amount of money, and I asked her
18 was there anything she could do, because I just got the
19 information in the mail.

20 Q Anything she could do to extend the time?

21 A Extend the time. She told me no, that the
22 property would be sold on that date if I didn't have the
23 funds.

24 Q And did you endeavor to find someone to loan you
25 that amount of money the \$29,000?

1 A Yes, sir. I checked with several people. Even --
2 the timeframe was too short to -- even some of my friends
3 was trying to see what they could do, but the timeframe as
4 far as even trying to go into there 401K and stuff.

5 Q So you're unable to obtain the \$29,000?

6 A No, sir.

7 Q Now, is this the first time, on October 27, 2009,
8 that you ever received any document having to do with the
9 sale of your -- the house you live in?

10 A Yes, sir.

11 Q Now, have you ever owned any property that has
12 been sold for taxes other than the house you occupy?

13 A No, sir.

14 MR. GOLDBERG: No further questions.

15 CROSS EXAMINATION BY MR. ANDERSON:

16 Q When did the PO box get changed?

17 A My mom changed it and she's trying to -- I don't
18 know the exact time she changed it. I know it's been over,
19 like, several years.

20 Q When in relation to this tax sale did you --
21 discovering the documents that your mom brought over to you,
22 when in that relationship was that PO box changed?

23 A Could you repeat, please?

24 Q Your testimony was that originally because you
25 traveled you used your mom's PO box for your mail to go?

- 1 A Yes, sir.
- 2 Q Is there a road that runs here somewhere?
- 3 A It's a road that runs not here but going this way.
- 4 Q This way?
- 5 A Yes, sir.
- 6 Q So your house doesn't face the road?
- 7 A It faced -- around a curve like this going up to
- 8 the house (Witness indicates.)
- 9 Q Like this?
- 10 A Yes, sir.
- 11 Q When you would go to the house, and I see some
- 12 cars parked back here, would you come this way?
- 13 A I come around, this -- the road -- the trees over
- 14 there, and you come around and the road is out here.
- 15 Q So you were driving to your house on a daily
- 16 basis?
- 17 A Not really, not unless I traveled. Sometimes I
- 18 was out of town so I wasn't home daily. Sometimes I leave
- 19 on Monday or Tuesday and come back on a Friday or Saturday.
- 20 Q All the times you were driving around this circle
- 21 of the driveway you never saw this sign posted?
- 22 A No, sir; I haven't. You said all the time?
- 23 Q Of all the times that you were driving home you
- 24 never saw a sign posted on this tree?
- 25 A No, sir.

1 Q This tree is on your property?

2 A Yes, sir.

3 Q What you're telling me is that this notice,
4 Plaintiffs Number 14, is the only notice that you ever

5 received with regard to the fact that your property had been
6 sold and you owed some money?

7 A That's all I received, sir.

8 Q This is the only thing that you received?

9 A Yes, sir.

10 Q And you indicated that it had post office stamps
11 on it like certified mail? Is that what you said?

12 A If I can recall it had like a yellow strip, like
13 something written across it or something. It was written
14 across it. So long. But I knew that's what triggered me to
15 open it.

16 Q Have you ever had delinquent taxes in the past?

17 A Yes, sir. I've been late.

18 Q Pardon me?

19 A Yes, sir. I have been late.

20 Q And you've gotten notice from the tax collectors
21 in the past; right?

22 A Well, I've gotten -- I paid them. Yes, sir.

23 Q When you filed for bankruptcy you had to fill out
24 a whole bunch of schedules; right?

25 A Yes, sir.

1 Q One of the schedules had on it that to list all of
2 the properties that you have owned and conveyed away within
3 the last three years prior to filing bankruptcy. Do you
4 remember that schedule?

5 A Yes, sir.

6 Q What did you put down with regard to these
7 properties?

8 A I had to tell the truth, that my attorney advised
9 me to transfer the property into my children's name.

10 Q But on the schedules, the bankruptcy schedules,
11 did you advise the Court that you had conveyed them to your
12 children?

13 A Yes, and the Court was upset because of the
14 timeframe. According to them it shouldn't have happened
15 that way.

16 Q Did you file a 7 or 13?

17 A I think it might have been a 7.

18 Q A 7. And a trustee was appointed, right?

19 A Yes, sir.

20 Q Did the trustee ask you any questions about this
21 particular piece of property and whether there was a
22 mortgage or anything on it?

23 A No, sir.

24 Q Trustee never asked that question?

25 A I've never met the trustee.

1 Q No one ever asked a question about you conveying
2 these properties to your children?

3 A Yes, when I told you I went to the hearing.

4 Q Okay.

5 A That's what I said. And they asked and I told
6 them, I just -- I went to the hearing on the 7th and I
7 transferred the property on the 6th. And I had to tell them
8 that because they asked if you transferred any property over
9 the past year or three years, I can't remember exactly, and
10 then I told them what I did.

11 Q You transferred these properties to your children
12 in order to keep them out of the bankruptcy; right?

13 A That's what I thought was the advice of my
14 attorney would be the best thing to do.

15 Q You didn't want to lose the property?

16 A Yes, sir.

17 Q You didn't lose the property, did you, except for
18 this tax sale?

19 A Yes, sir.

20 Q This document is dated October 2nd, 2009?

21 MR. GOLDBERG: Would you please advise us the
22 exhibit number?

23 MR. ANDERSON: I'm sorry. Number 9. 10/2 of '09.
24 You see that?

25 A Yes, sir.

1 A I might have called back, because I was
2 persistent. I pretty much -- I was real persistent because,
3 and I guess Ms. Scarborough probably remembered me because
4 she's been on the phone with me a lot, and I wanted to
5 figure out whatever I could do to save my property.

6 Q How many times did you call her?

7 A Maybe three times.

8 Q How many times did you call her after
9 November 4th?

10 A I might have called then, too. I think I
11 called -- and after the property, they said it was sold and
12 I called and asked who it was sold to and they had told me
13 they couldn't give me the information, because I was going
14 to call the person myself and see if I could talk to them.

15 Q Did you ever tell anybody at the delinquent tax
16 office that the proper address for these notices was not
17 Post Office Box 455 but the 263 whatever?

18 A No, sir.

19 Q Never told them that?

20 A No, sir.

21 Q When your mother changed her post office box
22 didn't she tell you?

23 A When she changed the post office box? No, sir.

24 Q So you had no knowledge that she had changed it?

25 A No. And she said she changed it because they went

1 mom brought to you around October 26, 27, had some of that
2 mail also been forwarded from PO Box 455?

3 A I can't really say yes or no but my mom also had
4 her mail there, my brother's mail. She just brought a stack
5 of mail. And because my brothers get there mail, too, my
6 brothers, she brought the whole stack, so then I had to go
7 through and pick out my mail, and that's why I say when I
8 said a stack of mail she just brought everybody's mail.

9 Q But you don't remember if the Post Office had
10 forwarded your mail to the new post office box and you had
11 that same stripe on there as --

12 A I don't remember any forwarding, sir.

13 Q You never told anybody at the tax collectors
14 office that you-all were sending the notice to the wrong
15 address?

16 A No, sir. When I went there it didn't even dawn on
17 me about that, because my purpose was not to go there about
18 the address but pretty much to save my property.

19 Q You understand that it's the homeowner's
20 responsibility, the landowner's responsibility to keep the
21 various county officials up to date with the address?

22 A Well, I think I really understand it today after
23 hearing all that could have been corrected.

24 MR. ANDERSON: No further questions.

25 REDIRECT EXAMINATION BY MR. GOLDBERG:

1 Q Ms. Ravenel, Mr. Anderson started talking to you
2 about that letter and notices that you received and he
3 started talking to you about certified mail return receipt
4 requested. Do you know what a certified mail return receipt
5 requested is?

6 A I think it's either --

7 Q I'm sorry?

8 A -- something you have to sign that's either pink
9 or --

10 Q That is correct. If a letter comes to you
11 certified mail return receipt requested there is something
12 you have to sign?

13 A Yes.

14 Q Was there anything on that letter?

15 A No, nothing I had to sign for.

16 Q Right. Another question that Mr. Anderson said,
17 he asked you about various documents. Is it correct that
18 you only received one document concerning this tax sale?

19 A Correct.

20 Q Thank you very much.

21 MR. GOLDBERG: That's two.

22 MR. ANDERSON: No, sir. Four.

23 (Laughter)

24 THE COURT: Any follow-up?

25 MR. ANDERSON: No, sir.

*Not in Designation - added
with consent of opposing counsel

1 mom brought to you around October 26, 27, had some of that
2 mail also been forwarded from PO Box 455?

3 A I can't really say yes or no but my mom also had
4 her mail there, my brother's mail. She just brought a stack
5 of mail. And because my brothers get there mail, too, my
6 brothers, she brought the whole stack, so then I had to go
7 through and pick out my mail, and that's why I say when I
8 said a stack of mail she just brought everybody's mail.

9 Q But you don't remember if the Post Office had
10 forwarded your mail to the new post office box and you had
11 that same stripe on there as --

12 A I don't remember any forwarding, sir.

13 Q You never told anybody at the tax collectors
14 office that you-all were sending the notice to the wrong
15 address?

16 A No, sir. When I went there it didn't even dawn on
17 me about that, because my purpose was not to go there about
18 the address but pretty much to save my property.

19 Q You understand that it's the homeowner's
20 responsibility, the landowner's responsibility to keep the
21 various county officials up to date with the address?

22 A Well, I think I really understand it today after
23 hearing all that could have been corrected.

24 MR. ANDERSON: No further questions.

25 REDIRECT EXAMINATION BY MR. GOLDBERG:

1 THE COURT: Ms. Ravenel, you testified that you
2 conveyed the property to your children on the 6th of
3 November?

4 A Yes, sir. I think that's correct.

5 THE COURT: You had a bankruptcy hearing the next
6 day?

7 A Yes, sir.

8 THE COURT: Tell me what happened there.

9 A When I went to the bankruptcy hearing they called
10 me up and asked me the general name, address and all of
11 that. They told me what lead me to bankruptcy and all of
12 that. I told them I had a job that was making real good
13 money and I lost my job and all of that. Then they started
14 asking, if I can remember correctly, you know, if you had
15 any property or anything that you recently changed over
16 within the year or the last couple of years, and I said yes.
17 And then I told them -- I had to give them the name, the
18 property, the location and then they actually -- it was
19 something they dismissed because they needed my attorney to
20 do something else because -- anyway, that shouldn't have
21 been done according to them. So my attorney had to do
22 something else saying during the bankruptcy time, if I'm
23 correct, that they wouldn't be able to sell any of the
24 property or something like that.

25 THE COURT: Did you get -- did you go through the

1 bankruptcy process? Did you get a discharge in
2 bankruptcy?

3 A Yes, I was unable -- between the bankruptcy and --
4 it went over to like 40-something hundred dollars a month
5 and that -- just was unable to do. I was not able.

6 THE COURT: They set you up on a payment plan?

7 A Yes, sir. And it, really, it was worse than what
8 I was paying.

9 THE COURT: Right. So you were unable to make
10 that payment plan?

11 A Yes.

12 THE COURT: And you were not -- your debts were
13 not discharged in bankruptcy, you were put out of
14 bankruptcy?

15 A Yes, sir; correct.

16 THE COURT: All right.

17 The Post Office Box 455?

18 A Yes, sir.

19 THE COURT: That was your mother's PO Box?

20 A Yes, but I was using it. That was the PO box I
21 was using to get my mail, sir.

22 THE COURT: When did she change that PO box, if
23 you know?

24 A I really couldn't tell you exactly, and I know
25 it's been over several years. Because I remember later on,

- 1 A Henry L. Ravenel, Jr.
- 2 Q So you're not Henry, II; Henry Ravenel, II?
- 3 A I am not.
- 4 Q You are the son of Mary Brooks --
- 5 A That's correct.
- 6 Q -- Ravenel?
- 7 A Yes.
- 8 Q How old are you?
- 9 A Twenty-eight.
- 10 Q Where do you live, sir?
- 11 A At 8164 Mary Ravenel Road in Adams Run most of the
- 12 time.
- 13 Q At this time?
- 14 A Yes, well, transition; generally back and forth
- 15 between her and my dad.
- 16 Q Okay. Now, I'm going to show you what's been
- 17 marked as Plaintiff's Exhibit Number 8164 and ask you to
- 18 take a look at it. Can you identify --
- 19 A This residence? Yes.
- 20 Q What is that residence?
- 21 A This is what I have always known to be as my
- 22 mother's home.
- 23 Q That's 8164 Mary Ravenel Road?
- 24 A Correct.
- 25 Q Were you aware of the fact that your mother had

1 given a deed to you and to your sister Lashanda for the
2 residence and for the other lots on Mary Ravenel Road as
3 well as a piece of property on Highway 162?

4 A I was not.

5 Q When did you first learn that your mother had, in
6 fact, transferred the title to those properties to you and
7 your sister?

8 A I think when we visited your office for the -- to
9 go over some information regarding the case.

10 Q That was just prior to filing of the lawsuit?

11 A Yes.

12 Q Now, I'm going to show you what's been marked as
13 both exhibit numbers 24 and 46 which is the deed. It's
14 titled real estate, signed by your mother giving title to
15 the five pieces or parcels of land to you and your sister.
16 When is the first time that you have ever looked at those
17 deeds and seen those deeds?

18 A Earlier this morning here in the courtroom.

19 Q Now, also on Exhibit Number 8 there is a posting
20 said to be by the County of Charleston County for nonpayment
21 of taxes. Have you ever noticed that poster on that tree
22 before?

23 A No, I have not.

24 Q Have you ever seen any notice of any kind that's
25 been posted on the property on the residence --

1 A No, I have not.

2 Q -- about taxes being due and owing?

3 A No, I have not.

4 Q Now Exhibit 8164 shows a picture of two vehicles.

5 One I think is a red car and one is a black car. Do you

6 recognize those?

7 A I do.

8 Q Can you tell the Court about those two vehicles?

9 A Yes. The red car is a 2000 Chrysler Seabring.

10 Q That's owned by who?

11 A My mother, Mary Ravenel. And the black car is the
12 tail end of my Mustang.

13 Q Okay.

14 A Which is --

15 Q Now, let's go to the famous Exhibit Number 9.

16 This is a notice from the Charleston County tax system, the
17 delinquent tax screen. I assume it was generated on October
18 2nd of 2009. It's got a telephone number of 843-302-2000.

19 Do you recognize that number?

20 A I do.

21 Q Who's number is that?

22 A That's my mobile number.

23 Q That's your mobile number. All right. Now, I
24 believe that if we look at Exhibit 8164, right beside your
25 mother's house on the side of the driveway there is another

1 house?

2 A Right.

3 Q Who lived in that other house?

4 A My aunt Betty McKinley.

5 Q Who is in court today?

6 A She is.

7 Q Now, did your aunt subsequently lose her home in a
8 foreclosure action in 2008 or 2009?

9 A I do believe so.

10 Q And as a result of that, when you were at your
11 mother's home on the porch one day did a realtor come to the
12 house, and did he speak with you?

13 A Yes, he did.

14 Q As a result of that conversation with the realtor
15 what, if anything, did you learn?

16 A I learned that there were some taxes that were
17 delinquent and was thought to be in my name.

18 Q Thought to be your name?

19 A Yes.

20 Q That was a shock to you?

21 A Very much.

22 Q As far as you knew you didn't own any real
23 property?

24 A Correct.

25 Q All right. Now, was your father in the process at

1 that time of giving you some property?

2 A He was.

3 Q So you thought he was talking about that property?

4 A Right. Originally I thought that that's the
5 property that the realtor -- it's the only thing that he
6 could have been referring to.

7 Q And as a result of the conversation with the
8 realtor did you put in a call to one of the agencies of
9 Charleston County?

10 A I do remember shortly after that contacting some
11 type of Charleston County entity to verify that my father
12 had switched the property -- I was surprised and thought he
13 was trying to surprise me, so I made a call to inquire about
14 this piece of property that was located in Ravenel. I'm not
15 sure of the department that I called, but I do remember
16 contacting.

17 Q You obviously had to have called the delinquent
18 tax collector because this is your number?

19 A Okay.

20 Q I mean, I'm asking.

21 A I have no recollection of remembering the
22 department.

23 Q Okay. In the conversation that you had with the
24 county official did anybody ask you to give them your
25 address, your current address? I mean, if you know.

*Not in Designation - added
with consent of opposing counsel

1 A I do not remember. I don't recall.

2 Q Was any mention made about unpaid taxes on this
3 residence and the amount of the unpaid taxes?

4 A No, there were no -- no amounts were given. The
5 one that I was referring to they couldn't even find in the
6 system. At that time that was the only thing that I could
7 even imagine that they would be referring to.

8 Q Now, when your mother -- do you have any idea when
9 your mother built this residence that we call her home?

10 A She completed it between June and August of 2004.

11 Q And upon the completion of the home, who lived in
12 the house?

13 A My sister, her, meaning my mother, and myself.

14 Q So it was you and your sister and your mother?

15 A Correct.

16 Q So you live at the home at this residence, 8164
17 Mary Ravenel Road? You would live there and also move
18 around, live with your daddy?

19 A Yes.

20 Q He lives in Hollywood or Ravenel?

21 A Hollywood area.

22 Q Hollywood area.

23 Now, at the present time, in addition to
24 you -- whenever you're at your mother's house -- and your
25 mother, does anybody else live at the house with your

*Not in Designation - added
with consent of opposing counsel

1 mother?

2 A At the present time?

3 Q Yes.

4 A Yes, my aunt Betty McKinley.

5 Q How long has your aunt been living with your
6 mother?

7 A I don't know the exact date, but I would say
8 approximately from 2008 maybe 2009 up until the present
9 time.

10 Q But your aunt basically moved in with your mother
11 when her house was lost in a foreclosure?

12 A That is correct.

13 Q Have you ever received any notice of any kind from
14 the delinquent tax collector of Charleston County about
15 taxes being due and owing on 8164 Mary Ravenel Road?

16 A No, I have not.

17 Q Do you own an automobile?

18 A No, not exactly. The automobile is registered
19 through my father's business.

20 Q But it's in your name, is it not?

21 A Right.

22 Q What automobiles are registered in your name?

23 A That would be the '97 Ford Mustang.

24 Q How about the Ford Explorer?

25 A It was a Ford Explorer that was registered in my

*Not in Designation - added
with consent of opposing counsel

1 name before.

2 Q How about was it a Lincoln or a Cadillac?

3 A Yes, also owned a 2000 Lincoln Town Car, none of
4 which I own presently.

5 MR. BAKER: I don't have any further questions,
6 but I'm sure Mr. Anderson will have a few and the Judge
7 may have a few questions.

8 CROSS EXAMINATION BY MR. ANDERSON:

9 Q The fax number 556-9669, what is that number?
10 556-9669.

11 A 9669? I have no recollection at this time.

12 Q Does your daddy has a fax number at his business?

13 A He does have a fax machine.

14 Q Could that be his number?

15 A I'm not sure.

16 Q Again, as I understand it, you're on the porch of
17 the house one day and a real estate agent comes up and talks
18 to you about this piece of property here?

19 A I'm not sure he mentioned any property. He --

20 Q Your aunt's house was in foreclosure?

21 A You're asking if the realtor mentioned that?

22 Q You testified that you're on the porch and a
23 realtor comes up and talks about your aunt's house which is
24 in foreclosure?

25 A That's not what I said.

1 A No.

2 Q No?

3 A No, I do not.

4 Q And on October 2nd you called and they said that
5 you owe \$27,000 worth of taxes on some property?

6 A I don't recollect that.

7 Q You remember calling on October 2nd?

8 A No, I do not.

9 Q You remember calling, though, the tax office?

10 A No, I do not.

11 Q I thought your testimony was earlier that you did
12 call the county after you talked with the realtor?

13 A My testimony was that I called a Charleston County
14 entity. I don't remember what branch of Charleston County
15 government that it was. Whatever or whomever they
16 transferred me to was the department that was able to answer
17 my question.

18 Q What was your question?

19 A Was that I was on my porch and a realtor had
20 approached me regarding some delinquent taxes, and I was
21 wondering if my dad switched the property that we had
22 verbally spoke about into my name. And -- trying to vaguely
23 remember, which I don't remember well -- I think she said I
24 have nothing on file regarding the piece of property that
25 you're talking about. The conversation was very brief.

1 Q Tell me what you said.

2 A I said that I was on the porch and the realtor
3 came up to discuss -- and told me that there were some
4 delinquent taxes that were due and asked me if I was Henry
5 Ravenel and if so that I had delinquent taxes in my name.

6 Q Did he discuss what piece of property they were
7 on?

8 A He did not.

9 Q But he comes up and he's talking to you and your
10 on the porch here; right?

11 A Correct.

12 Q He says that there is delinquent taxes that are
13 due in your name?

14 A Right.

15 Q You didn't realize or put together the delinquent
16 taxes were on this house?

17 A No, I did not.

18 Q But you thought maybe your daddy was going to
19 convey to you a piece of property?

20 A Correct.

21 Q But when you checked with the county he had not
22 conveyed to you a piece of property?

23 A As of that day that I called in I'm not sure
24 that -- no, because even to this day he had not; so no.

25 Q So you don't own any real property in your name?

1 Q 2003?

2 (Witness nods affirmatively.)

3 Q So you moved into your house shortly before Mary
4 moved into her house?

5 A Yes, sir.

6 Q So from 2003 to the present time you've either
7 lived at the house that you formerly owned, that was right
8 next door to Mary's house, or you lived with Mary?

9 A Yes, sir.

10 Q Now, do you drive?

11 A No, sir.

12 Q So you're at the house most of the time?

13 A When I'm not -- I go a lot, too.

14 Q You do go a lot? Very good.

15 On this Exhibit Number 8 it has a poster on a
16 tree that the county says is a notice about nonpayment of
17 taxes, past due taxes on 8164 Mary Ravenel Road. Have you
18 ever seen that?

19 A No, I have not.

20 Q Have you ever seen anything, any notice from the
21 county about taxes that's been left at the house, 8164 Mary
22 Ravenel Road?

23 A No, sir.

24 Q Anything been posted on the door or any of the
25 windows of the house?

1 A No, sir.

2 Q Has any county official ever come to 8164 Mary
3 Ravenel Road while you were at the house and approached you
4 about the taxes?

5 A No, sir.

6 Q That's it. Cross examination?

7 MR. ANDERSON: I don't have any cross examination,
8 Judge.

9 THE COURT: Ms. McKinley, when you were residing
10 next door how did you get there? How did you get back
11 and forth? Would you ride with Mary or were you riding
12 with somebody else?

13 A Mary, other nieces or other family members, pick
14 me up and take me to my appointments, wherever I needed to
15 go.

16 THE COURT: Thank you, ma'am.

17 A You're welcome.

18 THE COURT: You may step down.

19 MR. BAKER: Lashanda, Ravenel.

20 (Lashanda M. Ravenel, 3531 Galaxy Road, Ladson, S.C. 29456,
21 duly sworn, testifies as follows:)

22 DIRECT EXAMINATION BY MR. BAKER:

23 MR. BAKER: Judge, we've agreed to add another
24 exhibit, Exhibit Number 49, I believe. It is a tax
25 bill in the name of Lashanda Monique Ravenel, in the

1 care of Lashanda Monique Ravenel, addressed -- it
2 involves a tract of land on Jacksonville Road and
3 Landover Road in Ravenel; is that correct?

4 A Yes, sir.

5 MR. BAKER: We would like to mark that as an
6 exhibit.

7 (Whereupon Plaintiff's Exhibit 49 is marked.)

8 MR. BAKER: Offered without objection.

9 Q Can you state your name, please, Ms. Ravenel?

10 A Lashanda Monique Ravenel.

11 Q And you are the daughter of Mary Ravenel?

12 A Yes, sir.

13 Q Tell me a little bit about yourself, about your
14 education. Where did you finish high school and college?

15 A I graduated from Bishop England High School in
16 1999, and then I graduated from Winthrop University with a
17 BS in business with an emphasis in health administration,
18 and then I obtained my masters at Strayer University.

19 Q Okay.

20 A In business.

21 Q In business?

22 A Yes, sir.

23 Q What type of work are you presently now doing?

24 A I'm a district manager for the Pantry
25 Incorporated, Kangaroo gas stations.

1 Q How long have you had that job?

2 A Five years and, maybe, nine months.

3 Q Now, I'm going to show you what's been marked as
4 Plaintiff's Exhibit Number 8 and ask you if you can identify
5 this home for me.

6 A Yes, sir; it's my mother's home.

7 Q Located at 8164 Mary Ravenel Road?

8 A Yes, sir.

9 Q When the house was first built did you live in the
10 home with your mother?

11 A Yes, sir.

12 Q When did you move out?

13 A I moved out on February 29, 2008.

14 Q February 29, 2008?

15 A Yes, sir.

16 Q All right. I'm going to hand you what's been
17 marked as Exhibit 8 -- no, as Exhibit 33. It's a deed from
18 Harbor Homes, LLC to you in Paddock Point. Is that the
19 house that you bought in February of '08?

20 A Yes, sir.

21 Q That's located in Charleston County?

22 A Yes, sir.

23 Q What is the address of the home that you live in?

24 A 3531 Galaxy Road, Ladson 29456.

25 Q Does anyone live at your mother's house right now

1 with your mother as far as you know?

2 A Yes, sir.

3 Q Who?

4 A My brother and my aunt, Betty McKinley.

5 Q Now, you purchased this home on Galaxy Road in
6 Ladson in Charleston County?

7 A Yes, sir.

8 Q In February 29, 2008, recorded March 18, 2008?

9 A Okay.

10 Q Do you still own that house?

11 A Yes, sir.

12 Q You live in that house?

13 A Yes, sir.

14 Q So you don't come to your mother's house very
15 often?

16 A No, sir.

17 Q With your job and everything else?

18 A Yes, sir.

19 Q Does your job entail being out of town and
20 traveling a lot or what?

21 A Yes, sir.

22 Q Were you aware of the fact that your mother had
23 signed a deed in November of 2007 and had transferred title
24 to the home and the lots, the vacant lots on Mary Ravenel
25 Road as well as her business --

1 A No, sir.

2 Q -- to you and your brother? No?

3 A No, sir.

4 Q When did you first learn about it?

5 A When we came to visit your office around that
6 time.

7 Q I'm going to show you what's been marked as
8 Exhibit Number 24, which is the actual deed itself where
9 your mother transferred title to you and your brother. When
10 is the first time that you ever saw that deed?

11 A I saw this deed yesterday at your office.

12 Q Have you ever received any letters or notification
13 of any kind from Charleston County about taxes being due and
14 owing' on 8164 Mary Ravenel Road?

15 A No, sir.

16 Q I'm going to hand you Exhibit Number 49. It's a
17 tax notice from Charleston County that was created on
18 September 30 of 2009.

19 A Yes, sir.

20 Q Where is this property located?

21 A It's located in Ravenel right next to Marchant
22 Chevrolet.

23 Q That property is owned by you?

24 A Yes, sir.

25 Q How long has that property been in your name?

1 A I don't know exactly, but I would probably say
2 since I got out of college, which would be, maybe, 2003.
3 Maybe before then. I'm not really sure.

4 Q And you continue to own this property?

5 A Yes, sir.

6 Q You get tax bills for this property?

7 A Yes, sir.

8 Q Where are the tax bills being sent for this
9 property?

10 A Right now I'm not sure. I see in '09 it was 8164,
11 but I'm not sure at this time.

12 Q You may have had the address changed to your
13 house, but you're not sure?

14 A I'm not sure if I had the address changed or not.

15 MR. BAKER: Beg the indulgence of the Court.

16 Q So both pieces of real property that you own are
17 located here in Charleston County?

18 A Yes, sir.

19 Q Thank you very much.

20 MR. ANDERSON: No questions, Your Honor.

21 THE COURT: I don't think I have any questions
22 either. Thank you, Ms. Ravenel.

23 A Thank you.

24 MR. BAKER: That concludes the Plaintiff's case,
25 Your Honor.

1 THE COURT: All right. Anything from the
2 Defendant?

3 MR. ANDERSON: Only, Judge, to make the circle, I
4 would like to go ahead and put in the deed from the
5 successful purchaser at the tax sale to Equivest, the
6 present owner of the property. And it's been prior
7 marked as Exhibit Number 41, but it's my only exhibit,
8 so maybe we can put a new sticker on it and call it
9 Defendant's Exhibit 1.

10 (Whereupon Defendant's Exhibit 1 is marked.)

11 MR. ANDERSON: That's all I have, Your Honor.

12 MR. BAKER: No objection to the exhibit.

13 THE COURT: All right. Gentlemen, all the
14 evidence is in. Let me -- it's getting late, and what
15 I want to do is request that you-all send me proposed
16 orders. I wanted to give you some thought. I don't
17 need any closing argument. And, frankly, I'm going to
18 rule on one issue that's before me and that has to do
19 with the inadequacy of consideration. And I find no
20 evidence in the record to support the theory that
21 Plaintiff has put forward of inadequacy of
22 consideration. That's despite the prepared appraisal
23 of some million dollars I saw in the record. The
24 county assessed value at the time of the sale was some
25 \$447,000 and I'll just tell you that neither one of

1 those shock the conscience of the Court. Only thing
2 that shocks the conscience of the Court is that you got
3 so much money at the tax sale, to be honest with you.
4 It's a very attractive house, I'll give you that. But
5 as far as the Plaintiffs second cause of action for
6 inadequacy of consideration as a basis to overturn the
7 tax sale I'm going to rule on that. I just don't find
8 any.

9 I'm going to ask you then give me proposed orders.
10 You-all need 30 days, 15 days? How much time you-all
11 need?

12 MR. ANDERSON: Thirty days.

13 THE COURT: Thirty days is fine.

14 MR. GOLDBERG: Your Honor, I have to be in the
15 Court of Appeals in ten days, so I think I need a
16 little bit more time.

17 MR. ANDERSON: Forty-five days?

18 THE COURT: I've give you 45 days, and I'm going
19 to add to that. I'm going to recommend you-all look at
20 the cases -- I've been doing research up here. Haynes
21 Federal Credit Union versus Bailey. Look at that case
22 and submit information relative to the issues raised
23 therein as it relates to the facts of this case.

24 MR. ANDERSON: Judicial estoppel?

25 THE COURT: It's a judicial estoppel case, and

1 it's also a resulting trust case and a defrauding of
2 creditors. The cite on the case is 327 S.C. 242;
3 Southeastern cite is 489 Southeast 2d 472.

4 MR. GOLDBERG: That's Haynes Federal Credit Union
5 versus Bailey.

6 MR. BAKER: I'm familiar with that case.

7 MR. GOLDBERG: Yup.

8 THE COURT: And it stands for the proposition that
9 he who seeks equity must do equity. All right? So I'm
10 going to look for you-all to address that case. And it
11 was subsequently cited in case of Bowen versus Bowen,
12 B-O-W-E-N, which is 345 S.C. 243; Southeast 547
13 Southeast 2d 877.

14 MR. ANDERSON: There's one out of Georgia exactly
15 on point.

16 THE COURT: I haven't cited you to a Georgia case.
17 Is one of those cited in there?

18 MR. ANDERSON: The one in Georgia comes after;
19 bankruptcy case.

20 THE COURT: Additional law. Glad to take a look
21 at it. Do that within 45 days, I'll take a look at it.
22 I prefer that these get e-mailed to me, because I
23 usually work them over. Master at Charleston County
24 dot org and I prefer to work in Word.

25 My understanding was that everything was agreed

) IN THE COURT OF COMMON PLEAS
) FOR THE NINTH JUDICIAL CIRCUIT
) CASE NO. 2010-CP-10-8732

)

)

)

)

)

)

)

1

)

)

)

5

5

0

50

or

2.

The Order of Dismissal was later amended to include a provision that if the Plaintiffs were successful, the County would pay to the Defendant, Equivest Financial, LLC, the bid amount of \$130,000.00 plus interest and the amount paid for taxes.

On the 22nd day of October, 2001, Mary Brooks Ravenel purchased in her name four parcels of land, TMS Numbers 099-00-00-085, 099-00-00-113, 099-00-00-114, 099-00-00-116 and on November 9, 2001 Mrs. Ravenel purchased one more parcel, TMS Number 164-00-00-304.

Mrs. Ravenel, the mother of the delinquent tax payers, Lashanda and Henry, Jr.¹, was involved in an automobile accident whereby she obtained a settlement enabling her to purchase the five parcels.

There was no mortgage.

Mrs. Ravenel built a home on TMS Number 099-00-00-085 in 2004. The correct address of the residence was and is 8164 Mary Ravenel Road, Adams Run, South Carolina 29426. The house was valued at \$1,070,000.00 at the time of the tax sale. The road to the four parcels including the residence, was installed by Mrs. Ravenel and named for her.

Mrs. Ravenel has lived in the home continuously with her children and subsequently, with her aunt, Betty McKinley.

Lashanda moved out on February 27, 2008 and purchased her own home at 3531 Galaxy Road, Ladson, South Carolina 29456-3944, where she has lived since the purchase.

Henry, Jr. continued to live with his mother except when he resided with his father. Mrs. Ravenel's aunt Betty came to live in the home in February 2009 and continues to live there at this time.

¹ The Plaintiff is designated as Henry Lee Ravenel, II, which is incorrect. His correct name is Henry, Jr.

There was a building on TMS No. 164-00-00-304, in which Mrs. Ravenel operates a business. The correct post office box, 263, is shown on the Charleston County Online Tax System for 2009 as hereafter discussed.

The remaining three lots are vacant.

In November, 2007, Mrs. Ravenel encountered financial difficulties and sought the advice of an attorney.

She was advised by the attorney to convey the five parcels of land including her home to her children, Lashanda and Henry, Jr., for \$5.00 and love and affection and to declare bankruptcy. She followed the advice of the attorney, conveyed the five parcels to the children on November 6, 2007 and declared bankruptcy.

Mrs. Ravenel, though not a party, is important, for if you find Mrs. Ravenel, you find the delinquent tax payers.

Mrs. Ravenel advised the Bankruptcy Court of the deed to the children which was in violation of the Bankruptcy Court Code, but not known to Mrs. Ravenel.

An extended payment plan arranged by the Bankruptcy Court failed because Mrs. Ravenel was unable to make the payments.

No action has been taken by the Bankruptcy Court against Mrs. Ravenel and the two year statute of limitations for any such action has expired (11 U.S.C. §546(a)).

The only judgment of record against Mrs. Ravenel was AAA Plumbing Company, which had obtained a judgment against her in 2006 for \$3,599.45.

Mrs. Ravenel did not tell her children of the conveyance or the bankruptcy until this action was commenced.

It is acknowledged that the DTC began the tax sale procedure and did in fact send out the required statutory notices; those that were sent certified mail, return receipt requested, and those that were sent by regular mail.

All notices were sent to Lashanda and Henry, Jr. at Post Office Box 455, which was the address of the grantees on the deed from Mrs. Ravenel to her children.

Post Office Box 455 was the post office box of Mrs. Ravenel's mother who looked after Mrs. Ravenel's mail as she then traveled extensively. That post office box was closed and a second box opened by her mother - Post Office Box 263.

All of the receipts were returned to the DTC by the Post Office unsigned as acknowledged by the deed from the County to the high bidder.

Initially, all five parcels were involved in the tax sale procedure.

The first notice sent by certified mail, return receipt requested was the Notice of Levy, which was mailed to the delinquent tax payers on May 22, 2008. The unsigned receipts were returned to the DTC by the Post Office on June 20, 2008 and the envelope stated "Return to Sender. Unable to Forward."

When a return receipt is received by the DTC unsigned, she is required by statute to post notice of the tax sale at a conspicuous place on the property. A Notice of the Tax Sale was posted on a tree on the premises on August 10, 2008.

The photograph of the Notice shows that it was not posted on the front door of the house although several automobiles are shown in the driveway. The DTC employee did not see fit to take the license numbers of the vehicles from which he could have promptly learned the correct addresses nor did he elect to knock on the front door to determine whether anyone was at home.

The Notice of Publication of the Tax Sale was published on August 15, August 22 and August 29, 2008, listing all five parcels.

The tax sale occurred on November 3, 2008 at which time Mrs. Ravenel's home, was the only parcel sold. The high bid was \$130,000.00 by Equifunding, Inc., which subsequently conveyed the property to the Defendant.

On the May 26, 2009, the DTC received a title examination which included a number of South Carolina tax liens against a Henry Ravenel, and five judgments, one against Mrs. Ravenel by AAA Plumbing dated October 9, 2006 and filed in the office of the Clerk of Court of Charleston County on October 13, 2006 in the amount of \$3,599.45. The other judgments and tax liens were against a Henry Ravenel, not involved.

This judgment against Mrs. Ravenel showed the correct Post Office Box 263 and the correct street address of the residence, 8164 Mary Ravenel Road, Hollywood, SC 29449.

On October 2, 2009, according to the records of the DTC, her office received a telephone call from Henry, Jr. requesting information about the sale and he was given the amount necessary to be paid prior to November 4, 2009 in the amount of \$27,849.06. The record shows Henry, Jr.'s correct telephone number, (843) 302-2000. Henry, Jr.'s address was not requested or obtained and no written confirmation was sent to Henry, Jr. It was the practice of the DTC's predecessor to confirm the delinquent amount by confirmation in writing to the inquirer, which was not done.

Henry, Jr. testified that a realtor was at a house next door to his mother's residence, which had been occupied by his aunt, Betty McKinley, and had been foreclosed. Henry, Jr. was advised by the realtor that property he owned was subject to delinquent taxes.

The only property known to Henry, Jr. was a parcel of land his father said he was going to give him and he was unaware that his father had done so.

Henry, Jr. called a county agency but doesn't recall which one. He was told there was no such property in his name nor any delinquent taxes.

Henry, Jr. was not asked for his address, but his cell phone number is shown on the DTC's record, (843) 302-2000.

Henry, Jr. heard nothing, nor did he receive anything in writing from the DTC's office.

The fact that Henry, Jr. may have called the DTC's office and may have been given information relative to the property at issue, which he does not recall, does not dispense with the statutory requirement that Henry, Jr. receive constructive notice. Actual notice is insufficient. Donahue, et al. v. Ward, et al., 298 S.C. 75, 278 S.E.2d 261 (Ct. App. 1989).

On October 14, 2009, the Final Notice of Property Redemption was sent again to Post Office Box 455, certified mail, return receipt requested, one to Lashanda, one to Henry, Jr., and one to the two of them.

The Post Office sent back to the DTC the unsigned receipts and the envelopes with the message of a new forwarding post office box number 263. This was received by the DTC on October 26, 2009.

On October 27, 2009, a courtesy copy of the Final Notice of Property Redemption was again sent, this time by regular mail to Post Office Box 455, a copy of which was also sent to AAA Plumbing and other purported creditors.

Mrs. Ravenel received this notice on October 28, 2009 from her mother, which notified her that the sum of \$27,849.06 was due and payable on or before November 4, 2009.

Mrs. Ravenel called the DTC's office on several occasions and on one occasion spoke to the DTC herself. Mrs. Ravenel was advised that the time to pay the \$27,849.06 could not be extended and despite Mrs. Ravenel's endeavors, she was unable to come up with that sum of money by November 4, 2009.

The County issued a deed to the highest bidder on July 28, 2010.

I. AS TO THE LACK OF DUE DILIGENCE.

It is axiomatic that the DTC is required to use due diligence to find the best address of the delinquent tax payers when the certified mail receipt(s) is returned unsigned, as acknowledged by the DTC.

The DTC testified that it was her practice to pursue due diligence by looking into the white pages, utilizing the internet and the Charleston County websites.

She stated that the most important documents were the County Automobile Tax Records, which were the most up to date, and any real properties which were owned by the delinquent tax payers other than the properties at issue.

The DTC could not testify that this procedure was followed and there are no records.

It is apparent that neither this procedure nor any other procedure for due diligence was pursued as appears from a chronological listing of vital information known or available to the DTC's office but overlooked.

One:	Deed dated May 14, 1997 recorded May 1997 to Mary Brooks Ravenel for the property known as TMS Number 163-08-00-026 with a correct street address of 6430 Highway 162, Hollywood.
Two:	County Automobile Tax Statement for Henry, Jr. dated 2006 giving the correct post office box of 263 and also the correct street address of 8164 Mary Ravenel Road, Adams Run, SC 29426 (the residence).
Three:	AAA Plumbing judgment against Mary Ravenel dated October 9, 2006 showing both the correct Post Office Box 263 and the correct street address, 8164 Mary Ravenel Road, Adams Run, SC 29426 (the residence).
Four, Five, Six:	Three (3) County Automobile Tax Notices dated October 2, 2007 showing the correct post office box of 263 for Mary Ravenel's vehicles.
Seven, Eight:	Two (2) Automobile Tax Notices created January 25, 2008 for Henry Ravenel, Jr.'s vehicles showing the correct post office box 263 and street address of 8164 Mary Ravenel Road, Adams Run, South Carolina 29426 (the residence).
Nine:	Deed to Lashanda dated February 27, 2008 recorded March 18, 2008 showing her correct address as 3531 Galaxy Road, Ladson, SC 29456. (NOTE: THE TAX SALE WAS ON NOVEMBER 3, 2008).

- Ten:** Posting of notice on August 10, 2008 was not done at a conspicuous place nor on the front door of the residence and there were cars in the driveway which indicated someone was at home. The officer of the DTC did not knock on the door nor did he check the license plates of the vehicles from which he could have obtained the correct addresses.
- Eleven, Twelve:** Two (2) County Automobile Tax Notices dated October 1, 2008 showing the correct post office box of 263 for Mary Ravenel's vehicles.
- Thirteen:** Charleston County Online Tax System bill from January 2009 for TMS Number 164-00-00-304 in the name of Lashanda and Henry Lee Ravenel, showing the correct Post Office Box 263.
- Fourteen:** The DTC received from the Post Office the envelope by which she sent the Final Notice of Property Redemption on October 26, 2009 which listed the new Post Office Box 263.

The DTC testified that the first actual notice she had of the new box 263, was on October 26, 2009.

The question is not when the DTC had "actual notice" of the correct Post Office Box 263, the question is did the DTC pursue due diligence to find "the best address of the owner available to the person officially charged with the collection of delinquent taxes" (§12-51-120).

The DTC admitted on some thirteen occasions during the trial that her office had the ability to find the three automobile tax documents of Henry, Jr. for 2006 and two documents of January 2008, all prior to the initiation of this action. All of these documents showed Box 263 and the correct address of 8164 Mary Ravenel Road.

The DTC admitted that she had the ability to find the deed to Lashanda dated February 27, 2008 and recorded on March 18, 2008, which gave Lashanda's address as 3531 Galaxy Road, Ladson, SC 29456, which was also prior to the initiation of this action.

The DTC restated her ability to do so on cross-examination.

Despite having the ability to obtain the best address, the DTC did nothing.

As she stated at the trial:

Q "So there were things you could have done – I'm sorry, your office could have done, which would have gotten information which would have lead you to a better address for Lashanda and Henry Ravenel?

A Yes."

The case of Benton v. Logan, 323 S.C. 338, 474 S.E.2d 446 (Ct. App. 1996) is analogous.

This was a tax sale and all notices were sent to the delinquent tax payer at the address of 2409 Duncan Road, including the right to redeem.

All notices were returned by the Post Office marked "unclaimed FORWARDING ORDER EXPIRED." The lower court stated that this:

... put the treasurer on notice that Benton had a more recent and better address than that which the treasurer had and thus required the treasurer to make further inquiry for the better address to which to send the redemption notice. Because the treasurer failed to exercise due diligence to ascertain the best available address, the trial court held Benton's right of redemption had not been cut off.

The issue in Benton was the same as the issue here: did the treasurer exercise due diligence to determine the delinquent tax payer's best address.

When the treasurer received back the envelope marked "Forwarding Order Expired," it was quite apparent that Benton had a better address than the one to which the treasurer had sent the notice. We therefore hold the exercise of due diligence under the circumstances of this case required some further inquiry.

The Defendant attempted to divert the Court's attention from the real issue by asking the following questions and receiving the following responses:

Q "Is there anything within 12-51 that requires you to go through the RMC Office looking for deeds?

A Only for the property that I sold.

Q Anything in 12-51 that requires you to pull down all of the various automobile tax records?

A No."

The fact that the statute is silent does not negate the responsibility of the DTC to pursue due diligence to find the best address and she admitted her office did not follow her procedure for due diligence.

Defendant further attempts to skirt the issue when it asked:

Q "Whose duty and obligation is it to keep the county aware and up to date as to the tax payer's address?

A The tax payer is supposed to notify the auditor if they have a change of address."

The response to this contention is found in the case of Jones v. Flowers, 540 U.S. 220 (2006), a United States Supreme Court decision which addresses the issue of due diligence.

As for the Commissioner's inquiry notice argument, the common knowledge that property may become subject to government taking when taxes are not paid does not excuse the government from complying with its constitutional obligation of notice before taking private property. We have previously stated the opposite: An interested party's "knowledge of delinquency in the payment of taxes is not equivalent to notice that a tax sale is pending."

The DTC acknowledged that her predecessor in office had a written checklist for employees setting forth options to review for due diligence. No checklist was used here.

She further stated her office made no effort to determine whether the street numbers of record for the five parcels, including the residence, were correct. Had her office done this, she would have known of box 263 much earlier in the procedure.

She also acknowledged that the only time she would have the opportunity to review a file would be at the termination of the redemption period, and she did not recall doing so in this

instance. Further, no employee of her office had the responsibility for such a review and there is no record.

The contention was made that the DTC did not receive the correct post office box until October 26, 2009, allegedly too late to ameliorate the situation.

This is inaccurate for record notices go back at least to 2006 and continue long prior to the end of the redemption period and long prior to the deed from the County to the high bidder.

The DTC had knowledge of improprieties and the ability to find other improprieties in the tax sale sufficient to void the sale.

She responded to the following question at trial:

Q "Hypothetically, if someone had come forward and said I want to pay the taxes and you said, well, you had your opportunity, we sent all these notice to you at PO Box 455, and if they had said I don't live at 455, I live at 263, would that have been sufficient for you to have upset the tax sale?

MR. GOLDBERG: Objection to the form of the question. Objection to the question.

THE COURT: Overruled.

A Yes, if it had been brought to my attention that would have been reason for me to void the tax sale."

It was not brought to her attention for the DTC's staff did not follow her procedure for due diligence.

She is authorized to void the tax sale pursuant to Section 12-51-150 for any such improprieties, which would invalidate the sale, if she does so prior to the date of the County's deed to the high bidder. The deed by the County to the high bidder is dated July 28, 2010, more than ample time to take action.

It is obvious that the DTC did not pursue due diligence to find a better address.

The Jones case made further cogent observations which are applicable to the issue at hand:

Before a State may take property and sell it for unpaid taxes, the Due Process Clause of the Fourteenth Amendment requires the government to provide the owner "notice and opportunity for hearing appropriate to the nature of the case."

We hold that when mailed notice of a tax sale is returned unclaimed, the State must take additional reasonable steps to attempt to provide notice to the property owner before selling his property, if it is practicable to do so.

We do not think a person who actually desired to inform a real property owner of an impending tax sale of a house he owns would do nothing when a certified letter sent to the owner is returned unclaimed.

By the same token, when a letter is returned by the post office, the sender will ordinarily attempt to resend it, if it is practicable to do so. This is especially true when, as here, the subject matter of the letter concerns such an important and irreversible prospect as the loss of a house. . . . Deciding to take no further action is not what someone "desirous of actually informing" Jones would do; such a person would take further reasonable steps if any were available.

In response to the returned form suggesting that Jones had not received notice that he was about to lose his property, the State did – nothing. For the reasons stated, we conclude the State should have taken additional reasonable steps to notify Jones, if practicable to do so.

There is no reason to suppose that the State will ever be less than fully zealous in its efforts to secure the tax revenue it needs. The same cannot be said for the State's efforts to ensure that its citizens receive proper notice before the State takes action against them. In this case, the State is exerting extraordinary power against a property owner – taking and selling a house he owns. It is not too much to insist that the State do a bit more to attempt to let him know about it when the notice letter addressed to him is returned unclaimed.

As further stated in the Jones case, one reasonable method for giving the taxpayer notice would have been to have an employee of the DTC's office deliver a copy of the courtesy notice and post it on the front door.

Having determined that the DTC did not pursue due diligence, it is the ruling of the Court that the tax sale is void.

II. THE CAUSE OF ACTION THAT THE HIGH BID AT THE TAX SALE WAS SO GROSSLY INADEQUATE AS TO SHOCK THE CONSCIENCE OF THE COURT AND REQUIRE THE AVOIDANCE OF THE SALE.

While the Court announced at the trial it did not believe this cause of action was viable, it will nonetheless reexamine the issue.

The most prominent case dealing with adequacy of price at a tax sale is Patterson v. Goldsmith, 292 S.C. 619, 358 S.E.2d 163 (Ct. App. 1987). This case is an anomaly.

In the Patterson case, the Court stated that there was no law in South Carolina on point and referred to Georgia cases dealing with foreclosures.

The Court stated the law to be:

"It is universally agreed that inadequacy of consideration alone is not a sufficient basis to cancel a deed. . . . However, gross inadequacy of consideration when combined with other inequitable circumstances may justify the setting aside of a deed."

This does not appear to be the law in South Carolina.

The Court in Bonham v. Cave, et al., 102 S.C. 308, 86 S.E. 681 (1915) discusses setting aside a judicial sale as follows:

"No doubt the rule is that inadequacy of price unless it is so gross as to shock the conscience, or accompanied by other circumstances warranting the interference of the court, is not enough to move the court to set aside a sale fairly made." [Emphasis added.]

In the case of Investors Savings Bank v. Phelps, et al., 303 S.C. 15, 397 S.E.2d 780 (Ct. App. 1990), the Court of Appeals restated the rule for judicial sales succinctly by stating:

"Inadequacy of price will not justify setting aside a judicial sale unless the inadequacy is so gross as to shock the conscience of the court or is accompanied by other circumstances warranting interference by the court." [Emphasis added.]

The Court makes it abundantly clear by stating, "we must assume that when our Supreme Court says "or," it means "or," not "and." [Emphasis added.]

It is important to note the cases speak of "judicial sales" and not "mortgage foreclosures" as was a contention advanced at the trial. A tax sale is a judicial sale.

The question is now whether the value of \$1,070,000.00 and the bid of \$130,000.00 was so grossly inadequate as to shock the conscience of the Court. It does not.

III. THE COURT INJECTED INTO THE PROCEEDING THE ISSUES OF CLEAN HANDS AND RESULTING TRUST OF MARY CLARK RAVENEL AFTER THE TRIAL HAD ENDED.

After the parties concluded their cases and rested, the Court directed counsel to review the cases of Hayne Federal Credit Union v. Bailey, et al., 327 S.C. 242, 489 S.E.2d 472 (1997) and Bowen v. Bowen, 345 S.C. 243, 547 S.E.2d 877 (Ct. App. 2001).

The Court's position was that Mrs. Ravenel, by her deed to her children, created a resulting trust and she did not have clean hands.

The Hayne case deals with a party who purchased a residence with his own funds and placed it in the name of his son in an attempt to avoid creditors, which created a resulting trust.

The son passed away, leaving all of his property to his wife, who obtained a mortgage from Hayne Federal Credit Union on the property, paid by the father. The wife filed in bankruptcy and the father filed a claim asserting his ownership of the property based on the resulting trust. The claim was settled for \$12,000.00 and the father obtained a deed from the Bankruptcy Court subject to the mortgage.

Hayne Federal Credit Union filed an action to foreclose. The father answered and counterclaimed asserting a resulting trust.

The Court held:

The existence of the resulting trust could be rebutted by a showing of fraud on the part of Father. Thus, Father could only make out a resulting trust if he did not engage in fraudulent acts in effecting

the trust. The well-known maxim, "He who seeks equity must do equity," is applicable here. Accordingly, Credit Union was not required to affirmatively plead the defense of fraud. (Citation omitted.)

The Bowen case is simply a reiteration of the rule having to do with a resulting trust.

The Court held that these cases were appropriate with regard to Mrs. Ravenel's deed to her children and subsequent bankruptcy, for Mrs. Ravenel did not come into Court with clean hands.

After considerable thought and study, it appears that the question of a resulting trust and clean hands is fraught with problems and the cases cited by the Court differ markedly, both legally and factually, from the situation with Mrs. Ravenel and are inapposite.

Mrs. Ravenel did not put title in the name of her children when she purchased the five properties in 2001.

There is no resulting trust, nor is there any fraud, for Mrs. Ravenel told the truth that the deed to the children was made known to the Bankruptcy Court.

Even if that were untrue and it is not, Mrs. Ravenel's purported misfeasance should not be ascribed to her children².

The issues of resulting trust and unclean hands, i.e., he who seeks equity must do equity, were not raised in the pleadings here, argued or ruled on by the Court.

Both unclean hands and resulting trust are affirmative defenses and these issues are not before the Court now.

The finding that "unclean hands" is an affirmative defense and was not pled was the subject of Rock Hill Nat'l Bank v. Honeycutt, 289 S.C. 98, 104, 344 S.E.2d 875, 879 (Ct. App. 1986).

² "The son shall not suffer for the iniquity of the father. . ." Ezekiel 18:20

3. Written notice of agreement shall be provided to the Court. The Defendant, Equivest Financial, LLC, shall render a statement of the amount due it consisting of its bid of \$130,000.00 plus interest and taxes paid to the County of Charleston and the County of Charleston shall within thirty (30) from receipt thereof, pay the amount of the bill to Equivest Financial, LLC.

4. The Court will retain jurisdiction in this matter only to the extent that a dispute arises between Equivest Financial, LLC and the County relative to the validity of the bill.

AND IT IS SO ORDERED!

This ____ day of _____, 2012.

The Honorable Mikell R. Scarborough
Master-in-Equity, Charleston County

Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2010-CP-10-8732

BY

JULIE J. ARMSTRONG
CLERK OF COURT

2012 AUG 17 PM 1:00

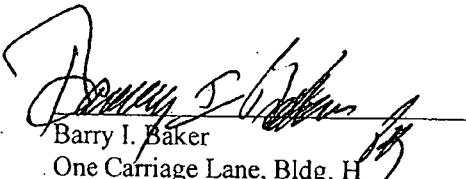
FILED

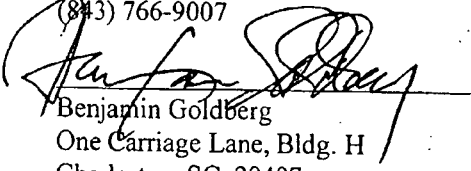
Lashanda Ravenel and Henry Lee Ravenel, II.....Appellants,
v.
Equivest Financial, LLC.....Respondent.

NOTICE OF APPEAL

Lashanda Ravenel and Henry Lee Ravenel, II (Jr.) appeal the Orders of the Honorable Mikell R. Scarborough, dated May 30, 2012 and filed on June 5, 2012 (Form Order and Final Order) and Form Order dated July 10, 2012 and filed on July 12, 2012. Appellants received written notice of the June 5, 2012 Orders on June 11, 2012 and timely filed a 59(e) SCRC Motion on June 19, 2012. The Motion was denied by Form Order dated July 10, 2012, written notice of which was received on July 17, 2012.

August 14, 2012


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


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
Attorneys for Respondent

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Honorable Mikell R. Scarborough, Master-in-Equity

Trial Court Case No. 2010-CP-10-8732

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

RECORD ON APPEAL
Vol. 2 of 2, pp. 175-238

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

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

EXECUTION NOTICE

County of Charleston, S.C. -

APRIL 07, 2008

THESE TAXES ARE PAST DUE! PAY NOW TO AVOID ADVERTISEMENT AND SALE OF PROPERTY

UNIFIED TAXES ARE DUE ON THE FOLLOWING DESCRIBED REAL PROP

Property Description	Tax Year	Receipt#	Amount Due
PARCEL ID: 099-00-00-085 5559 MARY RAVENEL RD OSBORN PROPERTY DESCRIPTION: LOT 3 TRACT N	2007	2007-170745	\$ 5,982.90
9725 2 AV 0.437 RAVENEL LASHANDA RAVENEL HENRY LEE II RE: RAVENEL MARY PO BOX 455 HOLLYWOOD SC 29449-0455 *099-00-00-085*			
		SOLID WASTE DISPOSAL FEE	99.00
		LEVY COST	\$ 25.00
		Amount Due	\$ 6,106.90
		AMOUNT DUE AFTER 05-16-2008	\$ 6,156.90
		08-08-2008	\$ 6,196.90

YOUR BILL INCLUDES A SOLID WASTE DISPOSAL FEE OF \$ 99.00

PLEASE NOTE: AFTER JUNE 15, 2008 ONLY CASH, MONEY ORDERS, OR CERTIFIED CHECKS WILL BE ACCEPTED FOR PAYMENT OF DELINQUENT REAL PROPERTY TAXES.

IF YOU DO NOT PAY THE AMOUNT DUE, THE FOLLOWING ACTIONS WILL BE TAKEN:

1. AN "OFFICIAL NOTICE OF LIEN" WILL BE MAILED TO YOU.
2. YOUR PROPERTY WILL BE ADVERTISED IN THE "CHARLESTON POST & COURIER".
3. A SIGN MAY BE PLACED ON YOUR PROPERTY ANNOUNCING THAT THE PROPERTY IS TO BE SOLD FOR NON-PAYMENT OF TAXES.
4. YOUR PROPERTY WILL BE SOLD AT PUBLIC AUCTION BEGINNING ON NOVEMBER 08, 2008.

ALL REAL ESTATE TAXES MUST BE PAID ON OR BEFORE 5:00 P.M. ON OCTOBER 31, 2008 IN ORDER TO AVOID HAVING THE PROPERTY SOLD AT TAX SALE.

**CHARLESTON
COUNTY**

IF YOU HAVE ANY QUESTIONS REGARDING THIS BILL, PLEASE CALL 843-958-4570

TEAR AT PERFORATION AND RETURN BOTTOM PORTION

RECEIPT NUMBER(S) 2007-170745

PARCEL ID. 099-00-00-085

AMOUNT DUE AFTER 05-16-2008 \$ 6,156.90
08-08-2008 \$ 6,196.90

LEGAL DESCRIPTION: 5559 MARY RAVENEL RD
OSBORN

PROPERTY DESCRIPTION:
LOT 3 TRACT N

RAVENEL LASHANDA RAVENEL HENRY LEE II

PAID

WITH PROCEEDS FROM
TAX SALE

NOV 08 2008

PAY THIS AMOUNT

\$ 6,106.90

DELINQUENT TAX
CHARLESTON COUNTY

MAKE PAYMENTS TO:

DELINQUENT TAX COLLECTOR
P.O. BOX 605
CHARLESTON, SC 29402-0605

EXHIBIT 1

MARY M. SCARBOROUGH
Delinquent Tax Director



DELINQUENT TAX DEPARTMENT
101 MEETING STREET, SUITE 230
CHARLESTON SC 29401

MAY 22, 2008
0990000085

Ph: (843) 958-4570
Fax: (843) 958-4577

OFFICIAL NOTICE OF LEVY

THIS IS TO CERTIFY THAT THE COUNTY OF CHARLESTON HAS LEVIED UPON THE PROPERTY IDENTIFIED BELOW TO SATISFY COUNTY TAX EXECUTIONS ISSUED AGAINST:

Current Owner: RAVENEL LASHANDA RAVENEL HENRY LEE II
Previous Owner: RAVENEL MARY

RAVENEL LASHANDA RAVENEL HENRY LEE

PARCEL ID: 0990000085

Total taxes, penalties and costs:

Amount Due After:

Total Taxes Due:

MAY 16, 2008
AUGUST 08, 2008
OCTOBER 31, 2008

\$8,057.90
\$8,057.90
\$8,167.90 and 2008 Taxes

COPY

FAILURE TO PAY YOUR TAXES WILL RESULT IN YOUR PROPERTY BEING ADVERTISED IN THE "CHARLESTON POST & COURIER".

ALL REAL PROPERTY TAXES MUST BE PAID ON OR BEFORE 5:00 P.M. OCTOBER 31, 2008 TO AVOID TAX SALE ON NOVEMBER 03, 2008. RETURN RECEIPT OF THIS NOTICE SHALL BE DEEMED EQUIVALENT TO "LEVYING BY DISTRESS".

PLEASE RETURN THIS NOTICE
WITH MONEY ORDER OR CASHIERS CHECK TO THE BELOW ADDRESS

Delivery Payment to:

Charleston County Delinquent Tax Department
101 Meeting Street, Suite 230
Charleston SC 29401

Mail Payment to:

Charleston County Delinquent Tax Department
PO Box 605
Charleston SC 29402-0605

Business Hours:

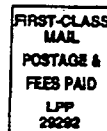
8:30 AM to 5:00 PM
Monday - Friday.

Delinquent Tax Phone
Number:

(843) 958-4570

COPY

UNITED STATE POSTAL SERVICE



CHARLESTON COUNTY DELINQUENT TAX DEPARTMENT
PO BOX 605
CHARLESTON SC 29402-0605



176

EXHIBIT 2



CHARLESTON COUNTY DELINQUENT TAX DEPARTMENT
101 MEETING STREET, SUITE 230
CHARLESTON SC 29401



7184 9158 3733 0674 2813

RETURN RECEIPT REQUESTED
RESTRICTED DELIVERY

IMPORTANT NOTICE

000810

RAVENEL LASHANDA RAVENEL HENRY LEE II
RE: RAVENEL MARY
PO BOX 455
HOLLYWOOD SC 29449-0455

COPY

COPY

POSTMAN TEAR ALONG PERFORATION TO REMOVE CARD

SENDER'S INFORMATION		COMPLETE THIS SECTION ON DELIVERY	
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. - Print your name and address on the reverse so that we can return the card to you. - Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) B. Date of Delivery	
1. Article Addressed to: RAVENEL LASHANDA RAVENEL HENRY LEE II RE: RAVENEL MARY PO BOX 455 HOLLYWOOD SC 29449-0455		C. Signature X D. Is delivery address different from item 1? ☐ Agent If YES, enter delivery address below: ☐ Addressee	
0990000085 PARCEL ID: 0990000085 000810 06/22/2008 04:00 P.M.		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered Mail ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
2. Article Number 71849158373308742813		4. Restricted Delivery? (Extra Fee) ☒ Yes	

PS Form 3811, JULY 1999

Domestic Return Receipt

EXHIBIT 3

CERTIFIED MAIL
CHARLESON COUNTY DELINQUENT TAX DEPARTMENT
 101 MEETING STREET, SUITE 230
 CHARLESTON SC 29401



7184 9158 3733 0674 2813

IMPORTANT NOTICE

RECEIVED
JUN 20 2006

000310 BY: _____
 RAVENEL LASHANDA RAVENEL HENRY LEE II
 RE: RAVENEL MARY
 PO BOX 455
 HOLLYWOOD FL 33441

**RETURN RECEIPT REQUESTED
RESTRICTED DELIVERY**

**FIRST-CLASS
MAIL
POSTAGE &
FEES PAID
LPP
29282**

EXHIBIT 4

178

NIXIE 294 OE 1 01 05/24/00
RETURN TO SENDER
UNABLE TO FORWARD
BC: 29401224901 *0354-09371-23-36
|||||

2944530455 B004
2940102249

Mary M Scarborough
Director



Delinquent Tax Department
101 Meeting Street, Suite 230
PO Box 605 (29402)
Charleston, SC 29401
(843) 958-4570
Fax (843) 958-4577

REAL PROPERTY POSTING SLIP FOR 2008 TAX SALE				
SALE DATE	November 3, 2008			
PARCEL ID	0990000085			
OWNER	RAVENEL MARY			
DATE POSTED	2008-08-01			
TAX AMT DUE	\$6,167.90			
POSTING ID'S	EJT	EJT	JJS	JJS
TAX RCPT(S)	2007 170745			
SLIP DATE	11-24-08			



COPY

EXHIBIT 6

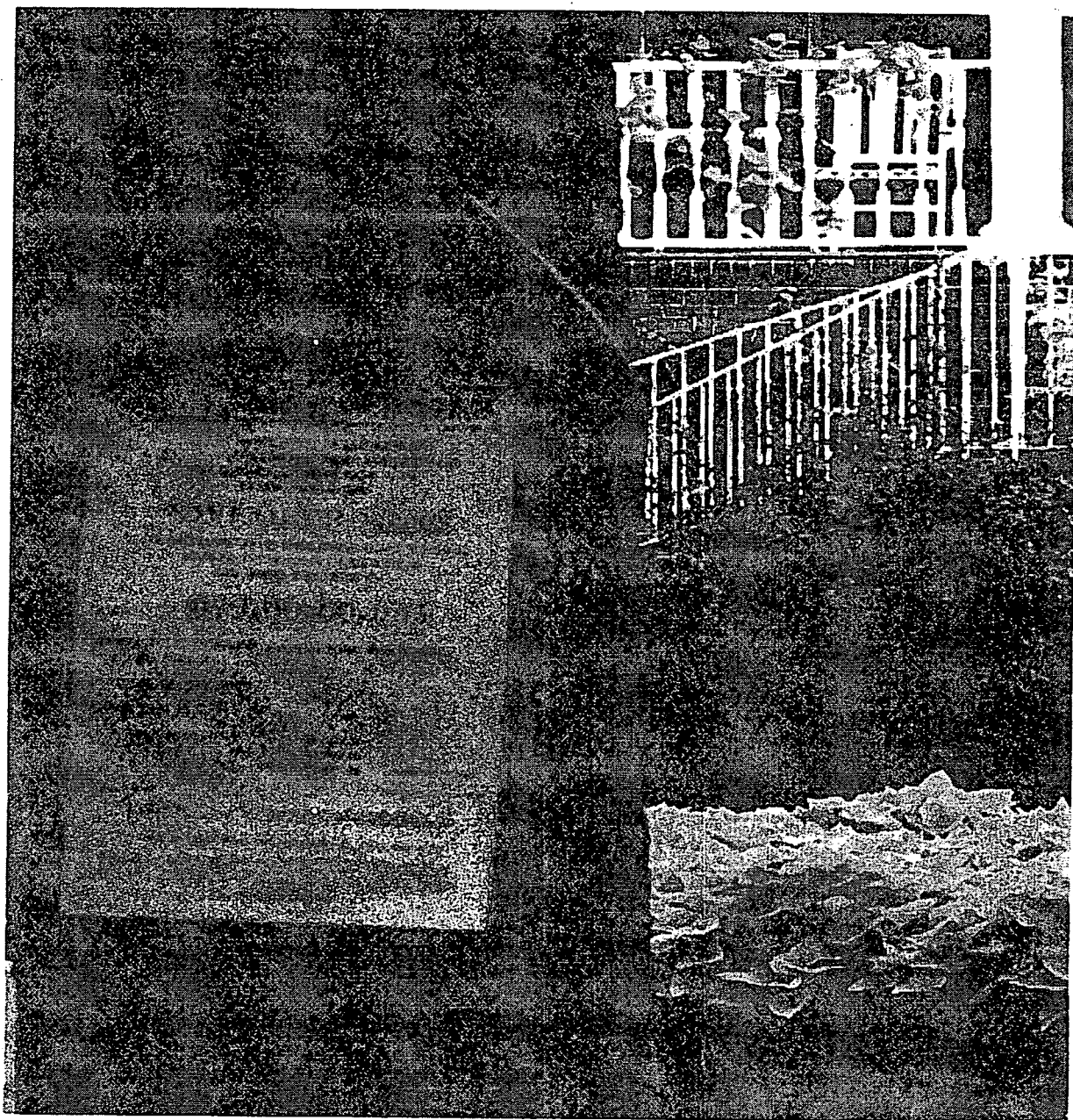
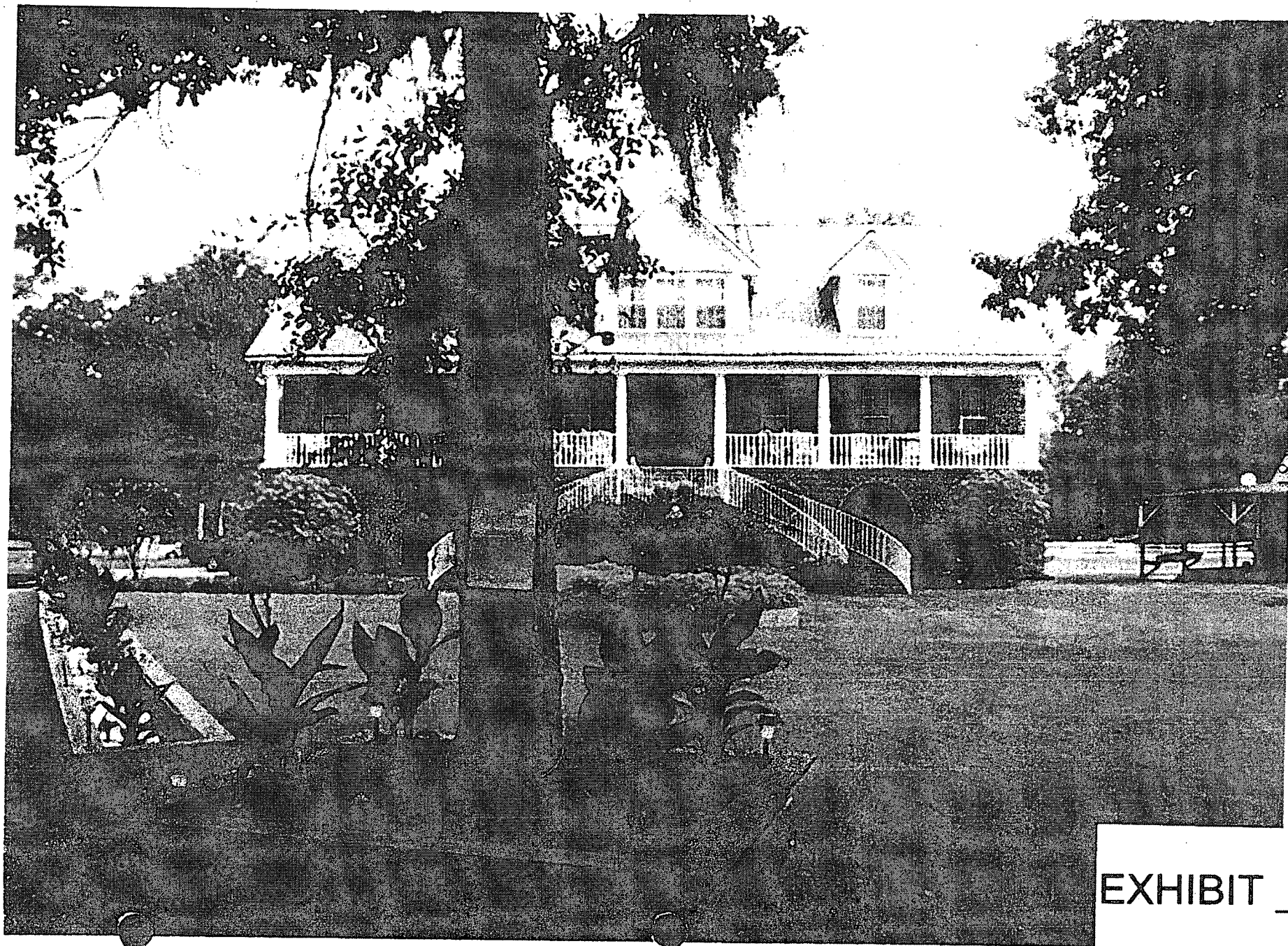


EXHIBIT 7

180

EXHIBIT 8

D103
OPER: SHDMEM

CHARLESTON COUNTY TAX SYSTEM
DELINQUENT LIST SCREEN

10-02-2009
09:37:20

TAX YR: 2008 ACCT: 09900000085 PROP: 00
REF:

OWNER1: RAVENEL LASHANDA
TAX ADDR: 5559 MARY RAVENEL RD UNIT:
C,S,Z: SC 29426

OWNER1 NAME	RECEIPT	NET AMOUNT
RAVENEL LASHANDA	2008-122804	6,334.11 H
RAVENEL MARY	2007-170745	5,982.90 S
RAVENEL MARY	2006-115177	5,812.61 P
RAVENEL MARY	2005-110816	5,777.62 P
BARNES JAMES M AS TRUSTEE OF THE	1999-005529	167.00 P

Redemption Quote

INQUIRY COMPLETE
F1=ACCT F2=RCPT

NEXT SCREEN:

743-302-2000
Ravenel, Henry Calls
Lashanda
Don't
Ask # 556 9669

\$21,514.95
\$ 6,334.11
\$27,849.06
11/4/09

EXHIBIT 9

Mary Scarborough
Delinquent Tax Collector



Delinquent Tax Collector
4045 Bridgeview Drive, 1st Floor
North Charleston, SC 29405
Ofc: (843) 958-4570
Fax: (843) 958-4577

**CERTIFIED
MAIL**

0990000085

66

RAVENEL LASHANDA
PO BOX 455
HOLLYWOOD SC 29449

October 14, 2009

COPY

FINAL NOTICE OF PROPERTY REDEMPTION

RE: RAVENEL LASHANDA RAVENEL HENRY LEE II

TAX ADDRESS: 5559 MARY RAVENEL RD CSC5

NOTICE is hereby given that the real property described on this notice has been sold for non-payment of taxes by the Delinquent Tax Collector for Charleston County. In order to protect any interest that you may have in this property, you must pay the redemption amount, which includes delinquent taxes, penalties, assessments, costs, interest on the tax sale bid, and the 2008 taxes on or before 5:00 pm, **Wednesday, November 4, 2009** to the office of the Delinquent Tax Collector located at 4045 Bridgeview Drive, 1st Floor, North Charleston, SC 29405.

Please pay the amount listed below in cash or by certified check and/or money order made payable to the Delinquent Tax Collector.

<u>Tax Map Number</u>	<u>Redemption Amount</u>	<u>Due By</u>
0990000085	\$27,849.06	November 4, 2009

If you have any questions about this **IMPORTANT** matter, please feel free to contact our office directly at (843) 958-4570.

ONLY CASH, MONEY ORDERS OR CERTIFIED FUNDS WILL BE ACCEPTED

THIS IS YOUR FINAL NOTICE OF PROPERTY SOLD!

Mary M. Scarborough
Delinquent Tax Collector

EXHIBIT 10



DELINQUENT TAX COLLECTOR

Post Office Box 605
Charleston, S.C. 29402-0605

RETURN SERVICE REQUESTED



7184 9158 3733 0801 0309

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE PAID
LPP
29201

0990000085

RAVENEL, LASHANDA
PO BOX 455
HOLLYWOOD SC 29449

RR

RETURN TO 292 NFE 1 2091 00 10/16/09
RAVENEL
PO BOX 263
HOLLYWOOD SC 29449-0263

RETURN TO SENDER

294490455 BOC
294020605



RECEIVED
2916 PM 10/16/09

Mary Scarborough
Delinquent Tax Collector



Delinquent Tax Collector
4045 Bridgeview Drive, 1st Floor
North Charleston, SC 29405
Ofc: (843) 958-4570
Fax: (843) 958-4577



0990000085

67

RAVENEL HENRY LEE II
PO BOX 455
HOLLYWOOD SC 29449

October 14, 2009

COPY

FINAL NOTICE OF PROPERTY REDEMPTION

RE: RAVENEL LASHANDA RAVENEL HENRY LEE II
TAX ADDRESS: 5559 MARY RAVENEL RD CSCS

NOTICE is hereby given that the real property described on this notice has been sold for non-payment of taxes by the Delinquent Tax Collector for Charleston County. In order to protect any interest that you may have in this property, you must pay the redemption amount, which includes delinquent taxes, penalties, assessments, costs, interest on the tax sale bid, and the 2008 taxes on or before 5:00 pm, **Wednesday, November 4, 2009** to the office of the Delinquent Tax Collector located at 4045 Bridgeview Drive, 1st Floor, North Charleston, SC 29405.

Please pay the amount listed below in cash or by certified check and/or money order made payable to the Delinquent Tax Collector.

<u>Tax Map Number</u>	<u>Redemption Amount</u>	<u>Due By</u>
0990000085	\$27,849.06	November 4, 2009

If you have any questions about this **IMPORTANT** matter, please feel free to contact our office directly at (843) 958-4570.

ONLY CASH, MONEY ORDERS OR CERTIFIED FUNDS WILL BE ACCEPTED

THIS IS YOUR FINAL NOTICE OF PROPERTY SOLD!

Mary M. Scarborough
Delinquent Tax Collector

EXHIBIT 11



DELINQUENT TAX COLLECTOR

Post Office Box 605

Charleston, S.C. 29402-0605

RETURN SERVICE REQUESTED

CERTIFIED MAIL



7184 9158 3733 0801 0316

RECEIVED

1001

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE PAID
LPP
29201

0990000085

RAVENEL, HENRY LEE II
PO BOX 455
HOLLYWOOD SC 29449

292 NFE 1 2091 00 10/16/09
RETURN TO SENDER
RAVENEL
PO BOX 263
HOLLYWOOD SC 29449-0263

RETURN TO SENDER

2944930455 B004
294020605



186

189

Mary Scarborough
Delinquent Tax Collector



Delinquent Tax Collector
4045 Bridgeview Drive, 1st Floor
North Charleston, SC 29405
Ofc: (843) 958-4570
Fax: (843) 958-4577

**CERTIFIED
MAIL**

0990000085

876

RAVENEL LASHANDA RAVENEL HENRY LEE II
PO BOX 455
HOLLYWOOD SC 294490455

October 14, 2009

COPY

FINAL NOTICE OF PROPERTY REDEMPTION

RE: RAVENEL MARY

TAX ADDRESS: 5559 MARY RAVENEL RD CSC5

NOTICE is hereby given that the real property described on this notice has been sold for non-payment of taxes by the Delinquent Tax Collector for Charleston County. In order to protect any interest that you may have in this property, you must pay the redemption amount, which includes delinquent taxes, penalties, assessments, costs, interest on the tax sale bid, and the 2008 taxes on or before 5:00 pm, **Wednesday, November 4, 2009** to the office of the Delinquent Tax Collector located at 4045 Bridgeview Drive, 1st Floor, North Charleston, SC 29405.

Please pay the amount listed below in cash or by certified check and/or money order made payable to the Delinquent Tax Collector.

<u>Tax Map Number</u>	<u>Redemption Amount</u>
0990000085	\$27,849.06

Due By
November 4, 2009

If you have any questions about this **IMPORTANT** matter, please feel free to contact our office directly at (843) 958-4570.

ONLY CASH, MONEY ORDERS OR CERTIFIED FUNDS WILL BE ACCEPTED

THIS IS YOUR FINAL NOTICE OF PROPERTY SOLD!

Mary M. Scarborough
Delinquent Tax Collector

EXHIBIT 12



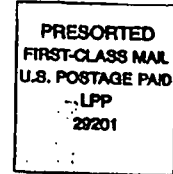
DELINQUENT TAX COLLECTOR
Post Office Box 605
Charleston, S.C. 29402-0605

RETURN SERVICE REQUESTED

CERTIFIED MAIL



7184 9158 3733 0801 8404



RECEIVED
09 OCT 26 10-17
1st NOTICE
2nd NOTICE
RETURN

RAVENEL LASHANDA RAI
PO BOX 456
HOLLYWOOD SC 2944904

RAVE455 294494165 1209 20 10'20/09
RETURN TO SENDER
RAVENEL
PO BOX 263
HOLLYWOOD, SC 29449-0263

RETURN TO SENDER

294020605 BC42



FWD

COPY

EXHIBIT 13

EXHIBIT 14

189

MARY M. SCARBOROUGH
Delinquent Tax Collector



DELINQUENT TAX COLLECTOR
4045 BRIDGEVIEW DR., 1ST FLOOR
NORTH CHARLESTON, SC 29405

Ph: (843) 958-4570

Fax: (843) 958-4577

FINAL NOTICES OF PROPERTY REDEMPTION

RE: RAVENEL LASHANDA RAVENEL HENRY LEE II

TAX ADDRESS: 5559 MARY RAVENEL RD CSC5

NOTICE is hereby given that the real property described on this notice has been sold for non-payment of taxes by the Delinquent Tax Collector for Charleston County. In order to protect any interest that you may have in this property, you must pay the redemption amount, which includes delinquent taxes, penalties, assessments, costs, interest on the tax sale bid, and the 2008 taxes on or before 5:00 pm, Wednesday, November 4, 2009 to the office of the Delinquent Tax Collector located at 4045 Bridgeview Drive, 1st Floor, North Charleston, SC 29405.

Please pay the amount listed below in cash or by certified check and/or money order made payable to the Delinquent Tax Collector.

Tax Map Number
0990000085

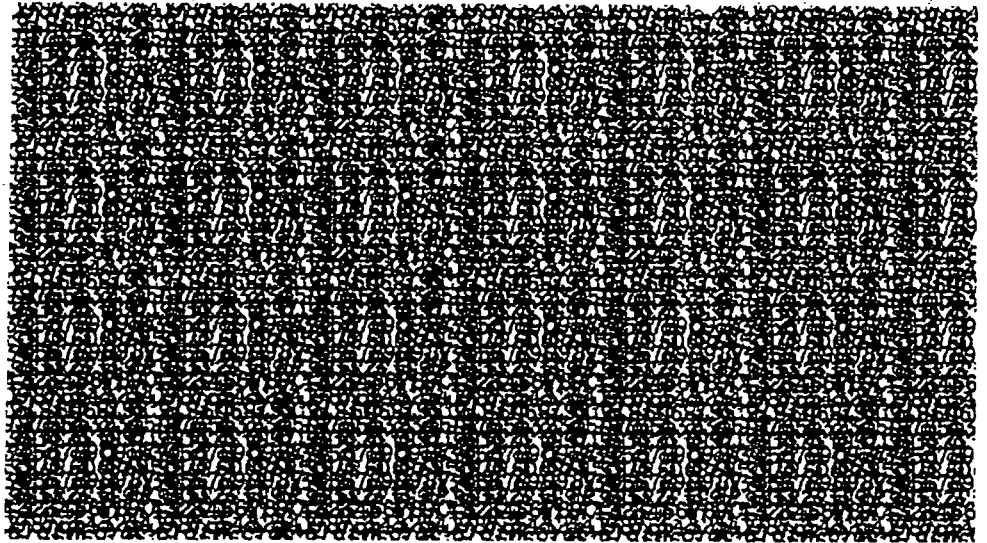
Redemption Amount
\$27,849.06

Due By
November 4, 2009

If you have any questions about this IMPORTANT matter, please feel free to contact our office directly at (843) 958-4570.

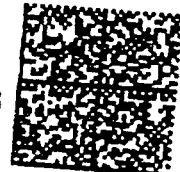
ONLY CASH, MONEY ORDERS OR CERTIFIED FUNDS WILL BE ACCEPTED
THIS IS YOUR FINAL NOTICE OF PROPERTY SOLD!

Mary M. Scarborough
Delinquent Tax Collector



CHARLESTON COUNTY
DELINQUENT TAX COLLECTOR
4045 BRIDGEVIEW DR., 1ST FLOOR
NORTH CHARLESTON, SC 29405

POSTED CLASS



Hasler

016H265218
\$00.35
10/27/2009
Issued From 294
US POSTAG



*****AUTO**3-DIGIT 294
RAVENEL LASHANDA
PO BOX 263
HI

294 NBE 1 2081 73 10/1
NOTIFY SENDER OF NEW ADDRESS
RAVENEL
PO BOX 263
HOLLYWOOD SC 29449-0263
BC: 29449026363 *2354-04309-1

MARY M. SCARBOROUGH
Delinquent Tax Collector



DELINQUENT TAX COLLECTOR
4045 BRIDGEVIEW DR., 1ST FLOOR
NORTH CHARLESTON, SC 29405

Ph: (843) 958-4570
Fax: (843) 958-4577

FINAL NOTICES OF PROPERTY REDEMPTION

RE: RAVENEL LASHANDA RAVENEL HENRY LEE II

TAX ADDRESS: 5559 MARY RAVENEL RD CSC5

NOTICE is hereby given that the real property described on this notice has been sold for non-payment of taxes by the Delinquent Tax Collector for Charleston County. In order to protect any interest that you may have in this property, you must pay the redemption amount, which includes delinquent taxes, penalties, assessments, costs, interest on the tax sale bid, and the 2008 taxes on or before 5:00 pm, Wednesday, November 4, 2009 to the office of the Delinquent Tax Collector located at 4045 Bridgeview Drive, 1st Floor, North Charleston, SC 29405.

Please pay the amount listed below in cash or by certified check and/or money order made payable to the Delinquent Tax Collector.

Tax Map Number
0990000086

Redemption Amount
\$27,849.06

Due By
November 4, 2009

If you have any questions about this IMPORTANT matter, please feel free to contact our office directly at (843) 958-4570.

ONLY CASH, MONEY ORDERS OR CERTIFIED FUNDS WILL BE ACCEPTED
THIS IS YOUR FINAL NOTICE OF PROPERTY SOLD!

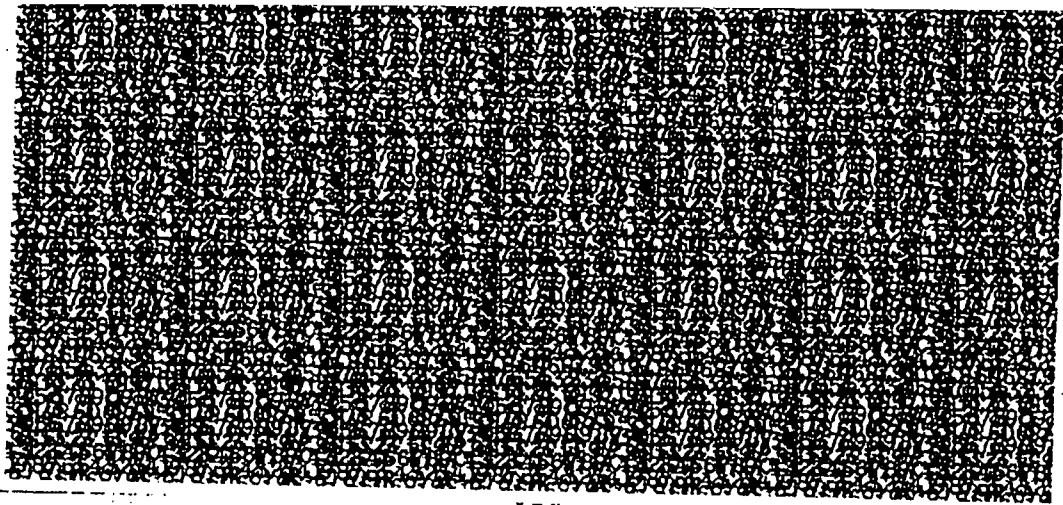
Mary M. Scarborough
Delinquent Tax Collector

PATENT PENDING

SOUTHERN MADING

2887

EXHIBIT 15

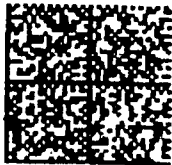


REMOVE THESE EDGES FIRST
FOLD, CREASE AND TEAR ALONG PERFORATION



CHARLESTON COUNTY
DELINQUENT TAX COLLECTOR
4045 BRIDGEVIEW DR., 1ST FL
NORTH CHARLESTON, SC 29405

PRESTORTED
FIRST CLASS



Hasler

016H26521813

\$00.357

10/27/2009

Mailed From 29209

US POSTAGE

SEE OTHER SIDE FOR
OPENING INSTRUCTIONS



*****AUTO**3-DIGIT 294
RAVENEL, HENRY LEE II
PO

294 N3E 1 2091 75 10/28/09
NOTIFY SENDER OF NEW ADDRESS
RAVENEL
PO BOX 263
HOLLYWOOD SC 29449-0263

BC: 29449026353 *2354-04310-28-23

STATE OF SOUTH CAROLINA)

MAGISTRATES COURT

COUNTY OF CHARLESTON)

TRANSCRIPT OF JUDGMENT

JUDGMENT AGAINST	ATTORNEY
NAME: MARY RAVENEL 8164 MARY RAVENEL ROAD ADDRESS: HOLLYWOOD, SC 29449	FILED 2006 OCT 13 PM 3:21 JULIE J. ARS CLERK DISTRICT COURT BY
JUDGMENT IN FAVOR OF	
NAME: AAA PLUMBING, LLC ADDRESS:	
DAMAGES AND COST	

AMOUNT OF JUDGMENT	\$ 3,519.45
INTEREST	\$
ATTORNEY FEES	\$
COST	\$ 80.00
TOTAL	\$ 3,599.45

JUDGMENT RENDERED OCTOBER 9, 20 08

MAGISTRATE JAMES TURNER

EXECUTION AGAINST PROPERTY

TO THE SHERIFF OF CHARLESTON COUNTY:

The above judgment was docketed in the office of the Clerk of the Court of Common Pleas, County of Charleston, the ____ day of _____, 20 ____.

THEREFORE, WE REQUEST YOU, that you satisfy the said judgment out of the personal property of the said judgment debtor within your County, or if sufficient personal property cannot be found, that out of the real property in your County belonging to such judgment debtor on the day when the said judgment was so docketed in your County, or at any time thereafter, in whose hands soever the same may be, and duly return this execution, according to law, to the Clerk of the Court of Common Pleas for the County of Charleston.

WITNESS, _____ Clerk of the Court of Common Pleas of Charleston County,
this ____ day of _____, 20 ____.

(R-1001)

EXHIBIT 22

Plaintiff or Plaintiff's Attorney

2006-JG-10-1326

06-12382

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) NINTH JUDICIAL CIRCUIT
CASE NO. 06-JG-10-1326

AAA PLUMBING, LLC,)

Plaintiff,)

vs.)

MARY RAVENEL,)

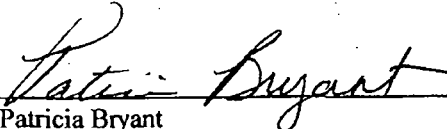
Defendant.)

FILED
2007 DEC -3 AM 11:31
JULIE J. ARMSTRONG
CLERK OF COURT
BY

CERTIFICATE OF SERVICE

The undersigned legal assistant at the law office of Pedersen & Scott, P.C. hereby certifies that a copy of the **Notice of Appearance** in the above-captioned case has been placed in an envelope, prepaid, addressed and mailed via U.S. Mail to:

Mary Ravenel
P.O. Box 263
Hollywood, SC 29449


Patricia Bryant
Legal Assistant

Dated this 29th day of November, 2007.

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)



BP0137821

TAX DEED

RMC BK 0137 PG 821 : PG 1 *

WHEREAS, by the Acts of the General Assembly of the State of South Carolina and the Statutes of this State, it is provided that hereafter the County Treasurer of Charleston County shall and is hereby authorized and directed to issue in the name of the State a tax execution against each defaulting taxpayer in Charleston County directed to the Delinquent Tax Collector requiring and commanding either to levy the same by distress and sell so much of the defaulting taxpayer's estate, real or personal, or both, as may be sufficient to satisfy the delinquent taxes, assessments, penalties and costs for their collection; and

WHEREAS, it is further provided by said Acts of the General Assembly and Statutes of this State that under and by virtue of said tax execution the Delinquent Tax Collector shall seize and take exclusive possession of so much of the defaulting taxpayer's real property to collect delinquent taxes, assessments, penalties and costs for their collection as provided by law and after due advertisement sell the same at a public auction on a regular sales day and within the usual hours for public sales for legal tender and give to the purchaser (upon his complying with the terms of sale) a receipt for the purchase money but not make title to the purchaser until the expiration of twelve months from the date of sale, if the property sold be not redeemed as provided by law, and attach a copy of the receipt to the tax execution with the endorsement thereon of his action; and

WHEREAS, Andrew C. Smith, CPA, the County Treasurer of Charleston County, has issued a tax execution directed to the Delinquent Tax Collector, by authority of said Acts of the General Assembly of South Carolina and Statutes of this State, against defaulting taxpayer Lashanda Ravenel and Henry Lee Ravenel II strictly charging the Delinquent Tax Collector of Charleston County to levy by distress and sell so much of the defaulting taxpayer's estate to satisfy the delinquent taxes, assessments, penalties and costs for their collection; and

WHEREAS, by virtue of said tax executions issued for tax year(s) 2007 the Delinquent Tax Collector of Charleston County sent a copy of the tax execution to the aforementioned defaulting taxpayer(s) and further sent on May 22, 2008, via certified mail a notice of delinquent taxes, assessments, penalties and costs to Lashanda Ravenel and Henry Lee Ravenel II, PO Box 455, Hollywood, SC 29449-0455 where such notice was not received; and

WHEREAS Edrian Trakas and James Swanson, deputy delinquent tax collectors, did post proper notice on August 1, 2008 on one or more conspicuous places on the property against which delinquent taxes were assessed and levied; and

WHEREAS, on November 3, 2008, during the usual hours of sale, the Delinquent Tax Collector, after due advertisement, did sell the same and gave receipt to Equifunding, Inc, the highest bidder, at such sale for the sum of \$130,000.00 dollars; and

WHEREAS, on October 14, 2009, the Delinquent Tax Collector did send via certified mail final notice before redemption to AAA Plumbing LLC c/o E Lindsay Blanks Esq; Discover Bank c/o James W Poag Jr Esq; Monogram Credit Card Bank Of Georgia c/o Roy W Boggs Esq; Pep Boys, Manny Moe & Jack c/o Leo A Dryer Esq; SC Federal Credit Union; SC Department Of Revenue where such notice(s) where such notice(s) were received; Lashanda Ravenel where such notice was not received; Henry Lee Ravenel, II where such notice was not received; and Lashanda Ravenel and Henry Lee Ravenel II where such notice was not received; and

WHEREAS, the twelve month redemption period, provided by law, has expired.

NOW, therefore, know all men by these presents that I, Mary M. Scarborough, Delinquent Tax Collector of Charleston County, in the State aforesaid, in consideration of the sum of One Hundred Thirty Thousand (\$130,000.00) Dollars, to me in hand paid by Equifunding, Inc the receipt of which is hereby acknowledged, have remised, released and forever quitclaimed and by these presents do remise, release and forever quitclaim unto the said Equifunding, Inc the property to wit:

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 aka Mary Brooks Ravenel dated 11/6/2007, and recorded 11/6/2007, in Book H643, Page 159.

TMS Number: 099-00-00-085
Grantee's Address: Equifunding, Inc
PO Box 980,
241 E. Saginaw St
East Lansing, MI 48826

TO have and to hold, all and singular the premises unto said Equifunding, Inc, its heirs and assigns, forever.

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to said property belonging or in any wise incident or appertaining.

WITNESS my hand and seal this date 7-28-10

Signed, Sealed and Delivered in the Presence of us:

MEMPHISON
First Witness

J. H. H. H.
Second Witness

Mary M. Scarborough
Mary M. Scarborough
Delinquent Tax Collector
Charleston County, South Carolina

THE STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

PERSONALLY APPEARED BEFORE, the undersigned, and made oath that he/she saw, Mary M. Scarborough, Delinquent Tax Collector of the County of Charleston sign, seal, and as her act, did deliver the above Deed of Conveyance; and that he/she, with the other witness above named, witnessed the execution thereof.

NOTARY PUBLIC to before me this date 7-28-10
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 3-3-2010

MEMPHISON
First Witness

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

AFFIDAVIT

Date of Transfer of Title
Closing Date _____, 2010

RMC BK 0137 Pg 821 : PG 3 -

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property, 099-00-00-085, is being transferred BY the Charleston County Delinquent Tax Collector TO Equifunding, Inc ON _____.
3. The DEED is (check one of the following)
 - (A) X subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (B) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
 - (C) _____ EXEMPT from the deed recording fee because (Exemption # _____).
(Explanation If required) _____
(If exempt, please skip items 4-6, and go to item 7 of this affidavit.)
4. Check one of the following if either item 3(a) or item 3(b) above has been checked.
 - (A) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$130,000.00.
 - (B) _____ The fee is computed on the fair market value of the realty which is \$ _____.
 - (C) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____.
5. Check YES _____ or NO _____ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES," the amount of the outstanding balance of this lien or encumbrance is \$ _____.
6. The DEED Recording Fee is computed as follows:
 - (A) \$130,000.00 the amount listed in item 4 above
 - (B) _____ the amount listed in item 5 above (no amount place zero)
 - (C) \$130,000.00 Subtract Line 6(b) from Line 6(a) and place the result.
7. As required by Code Section '12-24-70, I state that I am a responsible person who was connected with the transaction as: Grantor
8. Check if Property other than Real Property is being transferred on this Deed.
 - (A) _____ Mobile Home
 - (B) _____ Other
9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Subscribed this 28th Day of July, 2010
[Signature]
Notary Public for South Carolina
My Commission Expires: 3-31, 2014

Signed Mary M Scarborough
Grantor, Grantee, or Attorney that prepared this form
Mary M. Scarborough
Print or Type Name Here

RECORDER'S PAGE



NOTE: This page MUST remain with the original document

Filed By:

DELINQUENT TAX

MAKER:

RAVENEL LASHANDA AL

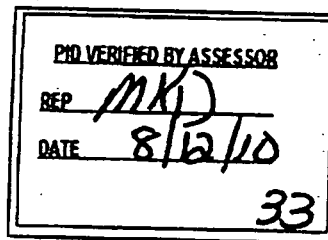
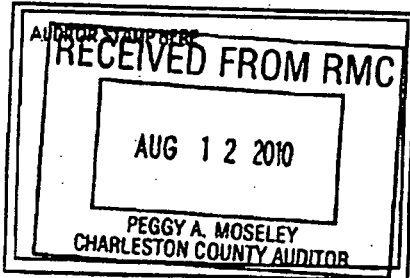
RECIPIENT:

EQUIFUNDING INC

Note:

Original Book:

Original Page:



RECORDED

Date: August 11, 2010

Time: 9:10:32 AM

Book

Page

Doc Type

0137

821

Tax Deed

Charlie Lybrand, Register
Charleston County, SC

of Pages: 4

Recording Fee	\$ 10.00
State Fee	\$ 338.00
County Fee	\$ 143.00
Extra Pages	\$ -
Postage	\$ -
Chattel	\$ -
TOTAL	\$ 491.00

DRAWER

Drawer 4

CLERK

LRR



0137
Book



821
Page



08/11/2010
Recorded Date



4
Pgs



Original Book



Original Page



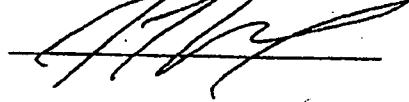
D
Doc Type



09:10:32
Recorded Time

G. THOMAS HILL, ESQUIRE
HILL, HILL & HILL
6209 SAVANNAH HIGHWAY
POST OFFICE BOX 369
RAVENEL, SOUTH CAROLINA 29470

BKH 643PG159
TITLE NOT EXAMINED



STATE OF SOUTH CAROLINA,

TITLE TO REAL ESTATE

COUNTY OF CHARLESTON,

KNOW ALL MEN BY THESE PRESENTS, That I, Mary Ravenel aka Mary Brooks Ravenel (hereinafter whether singular or plural the "Grantor") in the State aforesaid, for and in consideration of the sum of Five and No/100—(\$5.00)---Dollars love and affection from my son and my daughter, to the Grantor paid by and by these presents does grant, bargain, sell and release unto the said Grantee, Lashanda Ravenel and Henry Lee Ravenel, II (hereinafter whether singular or plural the "Grantee") has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said Grantee, Lashanda Ravenel and Henry Lee Ravenel, II, as joint tenants with the right of survivorship, not as tenants in common, the survivor's heirs and assigns forever, the following described property, to wit:

See: Exhibit A- Legal Description of Tax Map Number:099-00-00-085 ✓

Exhibit B- Legal Description of Tax Map Number:099-00-00-113

Exhibit C- Legal Description of Tax Map Number:099-00-00-114

Exhibit D- Legal Description of Tax Map Number:099-00-00-116

Exhibit E- Legal Description of Tax Map Number:164-00-00-304

Grantee's Address: PO Box 455,
Hollywood, SC 29449

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said Grantee, and by these presents does grant, bargain, sell and release unto the said Grantee Lashanda

EXHIBIT 24

Ravenel and Henry Lee Ravenel, II, as joint tenants with the right of survivorship, not as tenants in common, the survivor's heirs and assigns forever.

And the Grantor does hereby warrant that the above described premises are free, clear, and discharged from any and all encumbrances, liens, judgments, and claims of any nature whatsoever, and Grantor does hereby bind ourselves and Grantor's Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Grantee and their Heirs and Assigns, forever, against the Grantor and the Grantor's Heirs and against any and every person whomsoever lawfully claiming or to claim, the same or any part thereof.

WITNESS the Hands and Seals of the Grantor herein this 6 day of November in the year of our Lord two thousand seven and in the two hundredth and thirty-first year of the Sovereignty and Independence of the United States of America.

*Signed, Sealed and Delivered
in the presence of*

[Signature]
Witness A

[Signature] (Seal)
Mary Ravenel

[Signature]
Witness B

[Signature] (Seal)
aka Mary Brooks Ravenel

STATE OF SOUTH CAROLINA,
COUNTY OF CHARLESTON,

ACKNOWLEDGMENT

SWORN TO AND ACKNOWLEDGED before me the grantors herein, namely Mary Ravenel aka Mary Brooks Ravenel me this 6 day of November, 2007.
(Seal)

NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 9/10/08

EXHIBIT A

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 a portion of the same property conveyed to Grantor herein by deed of James M. Barnes dated October 22, 2001 and recorded in Book W386 at Page 813 in the RMC Office for Charleston County.

TMS:099-00-00-085

EXHIBIT B

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 2.763 acres more or less, known as Lot 1 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 a portion of the same property conveyed to Grantor herein by deed of James M. Barnes dated October 22, 2001 and recorded in Book W386 at Page 813 in the RMC Office for Charleston County.

TMS:099-00-00-113

EXHIBIT C

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 1.229 acres more or less, known as Lot 2 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 a portion of the same property conveyed to Grantor herein by deed of James M. Barnes dated October 22, 2001 and recorded in Book W386 at Page 813 in the RMC Office for Charleston County.

TMS:099-00-00-114

EXHIBIT D

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 1.114 acres more or less, known as Lot 5 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 a portion of the same property conveyed to Grantor herein by deed of James M. Barnes dated October 22, 2001 and recorded in Book W386 at Page 813 in the RMC Office for Charleston County.

TMS:099-00-00-116

EXHIBIT E

BKH 643PG165

All that certain piece, parcel or tract of land, with buildings and improvements thereon, situate, lying and being in the St. Paul's Parish, in the County of Charleston, State of South Carolina, measuring and containing one (1) acres more or less, and being shown on a plat dated February 13, 1975, prepared by K. A. Mahoney and H.H. Foster, RLS and recorded in the RMC Office for Charleston County in Pat Book T, at Page 10; said Lot having such size, shape, dimensions, buttings and boundings as will more fully appear by review of the above described plat.

Said lot is being subject to a thirty (30') foot drainage easement on the western and southern sides, together with a ten (10') foot South Carolina Highway Department easement on the western and southern sides of said lot.

Subject to all easements, covenants, restrictions, conditions and matters of record.

Being the same property conveyed to Grantor herein by deed of James C. Bryant, Beverly D. Bryant and Beverly D. Bryant, Trustee for the Beverly D. Bryant Trust Agreement dated April 14, 2000, conveyance date November 9, 2001 and recorded in Book N387 at Page 674 in the RMC Office for Charleston County.

TMS:164-00-00-304

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property being transferred by Mary Ravenel aka Mary Brooks Ravenel to Lashanda Ravenel and Henry Lee Ravenel, II dated November 6, 2007.
3. Check one of the following: The DEED is:
 - (a) _____ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) _____ Subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - (c) x _____ EXEMPT from the deed recording fee because (exemptions 3) (if exempt, please skip items 4-6, and go to item 7 of this Affidavit) (from family member to family member) Mother to Children
4. Check one of the following if either item 3(a) or item 3(b) above has been checked.
 - (a) _____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$
 - (b) _____ The fee is computed on the fair market value of the realty which is \$0.
 - (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$
5. Check YES _____ or NO X _____ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement or realty after the transfer. If "YES," the amount of the outstanding balance of this lien or encumbrance is \$
6. The DEED Recording Fee is computed as follows:
 - (a) _____ the amount listed in item 4 above.
 - (b) \$0.00 _____ the amount listed in item 5 above (no amount place zero)
 - (c) _____ Subtract line 6(b) from Line 6(a) and place the result.
7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Grantee
8. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is not guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

SWORN to before me this 6th
Day of November, 2007.

NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 9/10/8

[Signature]
Grantor, Grantee, or Legal Representative

Grantor
Print or Type Name Here

BKH 643PG167

RECORDER'S PAGE

NOTE: This page **MUST** remain
with the original document



Filed By:

LASHANDA RAVENEL
P. O. BOX 455
HOLLYWOOD SC 29449

Number of Pages:

9

FILED

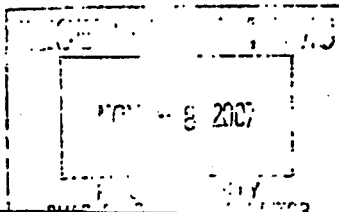
November 6, 2007

2:54:33 PM

BKH 643PG159

Charle Lybrand, Register
Charleston County, SC

AUDITOR STAMP HERE



PID VERIFIED BY ASSESSOR

REP

NOV - 8 2007

DATE

AMOUNT

DESCRIPTION	AMOUNT
Recording Fee	\$ 14.00
State Fee	\$ -
County Fee	\$ -
Postage	\$ 0.50

TOTAL	\$ 14.50

\$ Amount (in thousands):

DRAWER:

B - ECP

DO NOT STAMP BELOW THIS LINE

CHARLESTON COUNTY

Online Tax System

- MAIN MENU
- CONTACTS
- EXIT

- Billing Information -

Account: 00188585
 Tax Year: 2008
 Prior Year: NA
 Status: Current
 Receipt: 2008-434738
 Previous Receipt: NA
 Next Receipt: NA
 Origin: 1
 Created: 05-09-2008
 Updated: 05-09-2008
 Billed: 05-22-2008
 Final Notice: 10-02-2008
 Paid: NA
 Actual Date: NA
 Bad Check Date: NA
 Highway Letter Date: 11-07-2008
 Bad Check Withdrawn: NA
 Appealed: NA
 Mail Return: NA
 Bankruptcy: NA

Assessment Source: S
 Base Assessment: 270.00
 Exemption: NA
 Tax Relief: No
 Taxable Assessment: 270.00
 Mills: x .1993
 Base Tax: 53.82
 Renewal Fee: + 0.00
 Credits: - 3.60
 Net Tax: 50.22
 Amount Paid: - 0.00
 Nulla Bona Amount: - 0.00
 Refund Amount: - 0.00
 Transfer Amount: - 0.00

Current Due: 50.22
 Nulla Bona Receipt: NA
 Nulla Bona Date: NA

Ref Check/Date: NA

- Vehicle Information -

Year: 1998
 Make: FORD
 Model: EPR
 SCDOR Model: U24X
 Weight: 39
 Body: 28
 Vehicle Type: 1
 VIN: X8WUD20809
 Reg. Tag Date: 04-2006
 Tag Expires: 04 2007
 Tag Months: 12
 Insurance Required: NA
 Suspended: NA
 Released: 01-25-2008

Warning: This bill cannot be paid Online due to the highway letter status, please contact Treasurer Office at 958-4360

- Owner Information -

Principal Owner: RAVENEL HENRY LEE JR
 Co-Owner: NA
 C/O: NA
 Tax District: 82
 Jurisdiction: 01

Tax Address: 8164 MARY RAVENEL RD
 ADAMS RUN SC 29426

Mail Address: PO BOX 283
 HOLLYWOOD SC 29449

Selections Credits Tax Record Main Menu

Copyright ©2012 Charleston County. All Rights Reserved

EXHIBIT 25

Charleston County, South Carolina

generated on 3/15/2012 12:46:28 PM EDT

Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of	Assess Year	Pay Year
1630800026		6430 HIGHWAY 162, HOLLYWOOD	3/9/2012	2011	2011

Current Parcel Information

Owner	RAVENEL MARY BROOKS	Property Class Code	101 - RESID-SFR
Owner Address	PO BOX 263 HOLLYWOOD SC 29449-0263	Acreage	1.0000
Legal Description	Subdivison Name -PT HOLLYWOOD PlatSuffix S40-229 PoTWp 008		

Historic Information

Tax Year	Land	Building	Market	Taxes	Payment
2011			\$184,200	\$249.06	\$0.00
2010			\$167,700	\$0.00	\$0.00
2009			\$167,700	\$0.00	\$0.00
2008			\$167,700	\$0.00	\$0.00

Sales Disclosure

Grantor	Book & Page	Date	Deed	Vacant	Sale Price
GOODMAN EVELYN GRAYSON	D284 766	5/19/1997	Ge		\$77,500
GOODMAN EDWIN M	U252 070	2/8/1995	Ge		\$9

Improvements

Building	Type	Use Code Description	Constructed Year	Stories	Bedrooms	Finished Sq. Ft.	Improvement Size
R01	DWELL	Dwelling	1938	1.0	04	2,875	
R01	ATTGAR	Attached Garage	0000	0	0		480
R01	ICP	Integral Carport	0000	0	0		240
R01	UTLSHED	Residential Shed - Small Util	1978	0	0		180
R01	FLATCP	Carport	1978	0	0		150

EXHIBIT 32
http://sc-charleston-county.governmax.com/svc/tab_summary_report_v1201.asp?PrintVie... 3/15/2012

RD 284 PG 766

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that I, **EVELYN GRAYSON GOODMAN**, (hereinafter whether singular or plural the "Grantor") in the State aforesaid, for and in consideration of the sum of **SEVENTY-SEVEN THOUSAND FIVE HUNDRED and NO/100s (\$77,500.00) DOLLARS**, and subject to the Restrictions, Exceptions, and Limitations as set forth hereinafter, if any, to the Grantor paid by **MARY BROOKS RAVENEL**, (hereinafter whether singular or plural the "Grantee") have granted, bargained, sold and released, and, by these presents, do grant, bargain, sell and release unto the said **MARY BROOKS RAVENEL**, his/her Heirs and Assigns, forever, in fee simple, the following described property, to-wit:

ALL that certain lot, piece, or parcel of land, situate, lying and being in the Town of Hollywood, County of Charleston, State of South Carolina, and, as of August 5, 1938, designated as ONE (1) ACRE, MORE OR LESS, PART OF THE HOLLYWOOD TRACT OF CHARLES W. GERATY, measuring one hundred seventy-five (175') feet on Coastal Highway, by two hundred fifty (250') feet deep, and bounded as follows: North, East, West by lands of Charles W. Geraty (as of August 5, 1938) and South by Coastal Highway. SAID lot hereby conveyed contains One (1) Acre, more or less, and is situated in St. Pauls Township, Charleston County, State aforesaid. A more complete description may be had by reference to plat of said lot hereby conveyed made by Jas. A. Postell, Surveyor, dated August 4, 1938 and made a part and parcel of that certain Deed of Charles W. Geraty to Edwin M. Goodman, dated August 5, 1938 and duly recorded in the Office of the RMC for Charleston County, SC, in Book S-40 at Page 229.

SUBJECT to any and all Restrictions, Covenants, Conditions, Easements, Rights of Way, and all other matters affecting subject property, of record in the Office of the RMC for Charleston County, South Carolina.

THIS being the same property as conveyed to Evelyn Grayson Goodman by Deed of Edwin M. Goodman wherein he conveyed a one-half (1/2) undivided interest in and to subject property, dated March 17, 1981 and recorded in the Office of the RMC for Charleston County, SC, in Book Z-124 at Page 19; and by the Estate of Edwin M. Goodman (94-ES-10-00447) as evidenced by that certain Deed of Distribution conveying one-half (1/2) undivided interest in and to subject property to Evelyn Grayson Goodman dated February 8, 1995 and duly recorded in Book U-252 at Page 070.

TMS Number: 163-08-00-026

Tax District: 3-2

Grantees' Address: 6430 Highway 162, Hollywood, SC 29449

Together with all and singular the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the said premises before mentioned unto the said Grantee, **MARY BROOKS RAVENEL**, and his/her Heirs and Assigns forever.

And the Grantor does hereby bind the Grantor and the Grantor's Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Grantees hereinabove named and the Grantee's Heirs and Assigns against the Grantor and the Grantor's Heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS my hand and seal this 14 day of MAY in the year of our Lord one thousand nine hundred ninety-seven (1997) and in the two hundred twenty-first year (221) of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Jack Cohen
Witness #1

Evelyn Grayson Goodman
EVELYN GRAYSON GOODMAN

John G. Hester
Witness #2

NAMES MUST BE SIGNED EXACTLY AS THEY ARE TYPED

STATE OF SOUTH CAROLINA	)	ACKNOWLEDGEMENT
COUNTY OF <u>Spartanburg</u>	)	
THE FOREGOING instrument was acknowledged before me by EVELYN GRAYSON GOODMAN, on this the <u>14</u> day of MAY, 1997.		
<u>Theresa M. Sussner Jones</u> Notary Public for South Carolina My Commission expires 11-28-99		
GRAVENEL / 97-0681		

STATE OF SOUTH CAROLINA)

MD 284P6769

RECORDING AFFIDAVIT

COUNTY OF CHARLESTON)

PERSONALLY appeared before me the undersigned who, being duly sworn, deposes and says that the property located at **8430 Highway 162, Hollywood, SC 29449** bearing Charleston County Tax Map Number **463-08-00-026** was transferred by **EVELYN GRAYSON GOODMAN** to **MARY BROOKS RAVENEL**, on **MAY 15, 1997**.

The transaction was:



An arm's length real property transaction and the sales price paid or to be paid in money or money's worth was \$77,500.00*



Not an arm's length real property transaction and the fair market value of the property is " .



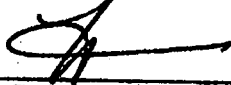
The above transaction is exempt, or partially exempt, from the recording fee as set forth in S. C. Code Ann. Section 12-24-10, et. seq., because the deed is:

As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as the closing attorney.

I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned no more than one year, or both.


Purchaser, Legal Representative of the Purchaser or other Responsible Person Connected with the Transaction.

SWORN to before me this 15TH day of MAY, 1997


Notary Public for South Carolina
My Commission expires:

Zan Suren Deitz
Notary Public, State of South Carolina
Qualified in Charleston County
Commission Expires: June 21, 2005

*The fee is based on the real property's value. Value means the realty's fair market value. In arm's length real property transactions, this value is the sales price to be paid in money or money's worth (e.g., stocks, personal property, other realty, forgiveness of debt, mortgages assumed or placed on the realty as a result of the transaction). However, a deduction is allowed from this value for the amount of any lien or encumbrance existing on land, tenement, or realty before the transfer and remaining on it after the transfer.

[RAVENEL / 97-0681]

DROSE, DAVIDSON & BENNETT
125 WAPPOO CREEK DRIVE

EX D 284 PG 770

FILED

D284-766

97 MAY 19 PM 1:08

CHARLIE LYBRAND
REGISTER
CHARLESTON COUNTY SC

Recording Fee 10.00

State Fee 201.50

County Fee 85.25

Postage

TOTAL 296.75

C

TMS VERIFIED	
BAC	<u>MIM</u>
DTD	<u>5/20/97</u>

Recorded this 19 day of May Year 97
On Property Record Card

James A. Mosley
Auditor Charleston County

Charleston County, South Carolina

generated on 3/15/2012 12:26:18 PM EDT

Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of	Assess Year	Pay Year
3900000276		3531 GALAXY RD, NORTH CHARLESTON	3/9/2012	2011	2011

Current Parcel Information

Owner	RAVENEL LASHANDA M	Property Class Code	101 - RESID-SFR
Owner Address	3531 GALAXY RD LADSON SC 29456-3944	Acreage	.1500
Legal Description	Subdivision Name -PADDOCK POINT PHASE ONE B Description -LOT 16 PlatSuffix EJ-780 PolTwp 003		

Historic Information

Tax Year	Land	Building	Market	Taxes	Payment
2011			\$164,000	\$0.00	\$0.00
2010			\$165,000	\$0.00	\$0.00
2009			\$165,000	\$0.00	\$0.00
2009			\$165,000	\$0.00	\$0.00
2008			\$5,100	\$0.00	\$0.00

Sales Disclosure

Grantor	Book & Page	Date	Deed	Vacant	Sale Price
RAVENEL LASHANDA M	~~G654 885~~	2/27/2008	Ge		\$5
KOESTER ROAD	~~G654 890~~	2/27/2008	Ge		\$173,000
NOT SUPPLIED	J547 663	7/28/2005	Ge		\$2,198,405

Improvements

Building	Type	Use Code Description	Constructed Year	Stories	Bedrooms	Finished Sq. Ft.	Improvement Size
R01	DWELL	Dwelling	2008	1.5	04	1,857	
R01	ATTGAR	Attached Garage	0000	0	0		400

EXHIBIT 33
http://sc-charleston-county.governmax.com/svc/tab_summary_report_v1201.asp?PrintVie... 3/15/2012

**State of South Carolina
County of Charleston**

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, THAT Harbor Homes, LLC in the State aforesaid for/and in consideration of the sum of \$173,000.00 to me in hand paid at and before the sealing of these presents by Lashanda M. Ravenel in the State and County aforesaid the receipt whereof is hereby acknowledged, and subject to covenants, restrictions and easements of record and taxes for the current year, have granted, bargained, sold and released, and by these presents to grant, bargain, sell and release unto the said Lashanda M. Ravenel, her Heirs and Assigns forever the following described property to wit:

ALL that certain piece, parcel, lot or tract of land, situate, lying and being in Paddock Pointe Subdivision, City of North Charleston, Charleston County, South Carolina, and being shown and designated as Lot 16, Phase 1B, PADDOCK POINTE as shown on a plat entitled "FINAL SUBDIVISION PLAT SHOWING PADDOCK POINT, PHASE 1B, A 16.899 ACRE TRACT OF LAND, PROPERTY OF KOESTER ROAD DEVELOPMENT, LLC, LOCATED IN THE CITY OF NORTH CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA," prepared by Richard A. Aldridge, PLS No. 20854 of Trico Engineering Consultants, Inc., dated March 30, 2006, revised May 9, 2006 and recorded May 19, 2006 in Plat Cabinet EJ, Pages 780 through 781 in the RMC Office for Charleston County. Said lot having such size, shape, buttings, boundings, dimensions and location as will appear by reference to said plat which is incorporated herein by reference, be all the dimensions and measurements shown thereon a little more or less.

And being the same property conveyed to Harbor Homes, LLC by Deed from Koester Road Development, LLC dated 02/27/08 and recorded immediately prior hereto in the RMC Office for Charleston County.

TMS# 390-00-00-276

Grantce's Address: 3531 Galaxy Road
Ladson, SC 29456

SUBJECT TO covenants, restrictions, easements of record and taxes for the current year.

TOGETHER WITH all and singular, the Rights, Members, Hereditaments and Appurtenances to said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said Lashanda M. Ravenel, her Heirs and Assigns forever.

AND does hereby bind its Successors, Assigns, Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said Lashanda M. Ravenel, her Heirs and Assigns, against it and it's Successors, and all persons whomsoever as may be lawfully claiming, or to claim the same or any part thereof.

Weeks, Foti, Irvine & Donaldson, LLC
Attorneys At Law
8086-B Rivers Ave.

North Charleston, SC 29406

LCRGC065CB

NC08-0739 KM Ravenel
2/08

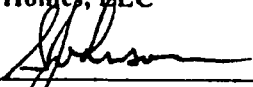
BKG 654PG891

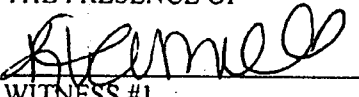
Deed - Page 2
08RGC065CB

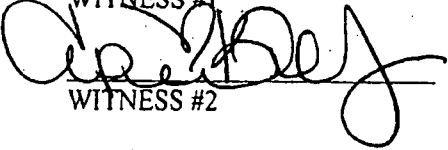
WITNESS our Hands and Seals this 27th day of February, 2008.

SIGNED, SEALED AND DELIVERED IN
THE PRESENCE OF

Harbor Homes, LLC

By: 
Stephen L. Johnson, Authorized Agent

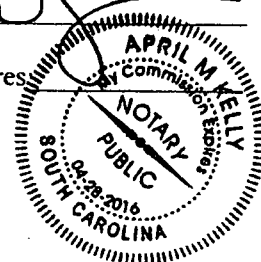

WITNESS #1


WITNESS #2

The State of South Carolina
County of Richland

I, the undersigned notary, a Notary Public for South Carolina do hereby certify that Stephen L. Johnson, Authorized Agent for Harbor Homes, LLC personally appeared before me this 27th day of February, 2008 and acknowledged the due execution of the foregoing instrument.


NOTARY PUBLIC
My commission expires



STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

)
) AFFIDAVIT
)

Date of Transfer of Title

February 29, 2008

BK G 654 PG 892

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property is being transferred by Harbor Homes, LLC TO Lashanda M. Ravenel ON 02/29/08.
3. Check one of the following: The deed is:
(a) X subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
(b) _____ subject to the deed recording fee as a transfer between a corporation, a partnership or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
(c) _____ EXEMPT from the deed recording fee because (Exemption n/a) (Explanation, if required: n/a If exempt, please skip items 4-6 and go to Item #7 of this affidavit.
4. Check one of the following if either item 3(a) or item 3(b) above has been checked.
(a) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$173,000.00
(b) _____ The fee is computed on the fair market value of the realty, which is n/a
(c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is n/a
5. Check YES _____ or NO X to the following: A lien or encumbrance existed on the land, tenement or realty before the transfer and remained on the land, tenement or realty after the transfer. If "YES", the amount of the outstanding balance of this lien or encumbrance is n/a.
6. The DEED Recording Fee is computed as follows:
(a) \$173,000.00 the amount listed in Item #4 above
(b) 0.00 the amount listed on Item #5 above (no amount, please zero)
(c) \$173,000.00 subtract Line 6(b) from Line 6(a) and place the result here.
7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as closing attorney.
8. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year or both.

SWORN to before me this
02/29/08

Notary Public for South Carolina
My Commission expires: 09/16/12

Grantor, Grantee or Legal Representative
Connected with this Transaction

Mark W. Weeks or James L. Foti or Robert L. Irvine, III
Joe Hand or Raymond W. Smith
Print or Type Name Here



Handwritten mark

HKG 654PG893

RECORDER'S PAGE

NOTE: This page MUST remain with the original document



FILED

March 18, 2008
4:18:58 PM

HKG 654PG890

Charlie Lybrand, Register
Charleston County, SC

Filed By:

Weeks, Foti, Irvine, & Donaldson, LLC

Number of Pages:

5

AUDITOR STAMP HERE

RECEIVED

MAR 21 2008

PID VERIFIED BY ASSESSOR

REP

DATE MAR 21 2008

DESCRIPTION	AMOUNT
Recording Fee	\$ 10.00
State Fee	\$ 449.80
County Fee	\$ 190.30
Postage	

TOTAL \$ 650.10

\$ Amount (in thousands): 173

DRAWER: C - slw

DO NOT STAMP BELOW THIS LINE

CHARLESTON COUNTY

Online Tax System

- MAIN MENU
- CONTACTS
- EXIT

- Billing Information -		- Property Information -	
Account: 164-00-00-	Appraised: 170,000	Legal Description: 7164 HIGHWAY 162 -	
(PID): 304	(FMV):	Subdivision: NA	
Tax Year: 2009	Assessment: 10200	Deed: 11-06-2007 H643-159	
Prior Year: NA	Mills: x0.2287	Plat: T-10	
Status: Delinquent		Land Use: OTHER LAND USE	
Receipt: 2009-124414		General Use: COM	
Previous Receipt: NA		Parcel: 541	
Next Receipt: NA			
Billed: 09-30-2009			
Actual Date: NA			
	SW Fee: + 0.00		
Mortgage Co: NA			
MLOD Factor: No			

	Buildings	Appraisal	Assessment
	Others (6%)	170,000	10,200
		Totals:	170,000 10,200

	Acreage	Appraisal
High:	1.00	Land: 50000
Marsh:	0.00	Improvements: 0
Swamp:	0.00	Buildings: 120000
Total:	1.00	Total: 170000

For payment
information on this
bill,
please contact (843)
202-6576

- Owner Information -
 Current Owner: RAVENEL LASHANDA Tax Address: 7164 HIGHWAY 162
 Current Co-Owner: RAVENEL HENRY LEE II
 Tax District: 80 Mail Address: PO BOX 263
 Jurisdiction: 01 City State Zip: HOLLYWOOD SC 29449

[Selections](#)
[Credits](#)
[Main Menu](#)

Copyright ©2010 Charleston County. All Rights Reserved

EXHIBIT 35

CHARLESTON COUNTY Online Tax System

- Owner Information -**
- | | | | |
|--------------------------|-----------------------------|------------------------|---------------------------|
| Current Owner: | RAVENEL LASHANDA | Tax Address: | MARY RAVENEL RD |
| Current Co-Owner: | RAVENEL HENRY LEE II | | |
| Tax District: | 82 | Mail Address: | PO BOX 455 |
| Jurisdiction: | 01 | City State Zip: | HOLLYWOOD SC 29449 |

Selections **Credits** **Main Menu**

Copyright ©2010 Charleston County. All Rights Reserved

EXHIBIT 36

CHARLESTON COUNTY Online Tax System

- MAIN MENU
- CONTACTS
- EXIT

- Billing Information -

Account 099-00-00- Appraised 447,000
 (PID): 085 (FMV):
 Tax Year: 2009 Assessment: 26820
 Prior NA Mills: x0.2287
 Year: NA
 Status: Delinquent
 Receipt: 124410
 Previous Receipt: NA
 Next Receipt: NA
 Billed: 09-30-2009
 Actual Date: NA
 SW Fee: + 36.00
 Mortgage Co: NA
 MLOD Factor: No

- Property Information -

Legal Description: 5559 MARY RAVENEL RD - LOT 3 TRACT N
 Subdivision: OSBORN
 Deed: 11-06-2007 H643-159
 Plat: EF-536
 Land Use: RESIDENTIAL
 General Use: SFR
 Parcel: 10R

Buildings		Appraisal	Assessment
Others (6%)		447,000	26,820
Totals:		447,000	26,820

Acreage		Appraisal	
High:	5.10	Land:	30000
Marsh:	0.00	Improvements:	0
Swamp:	0.00	Buildings:	417000
Total:	5.10	Total:	447000

For payment
 information on this
 bill,
 please contact (843)
 202-6576

- Owner Information -

Current Owner: RAVENEL LASHANDA Tax Address: 5559 MARY RAVENEL RD
 Current Co-Owner: RAVENEL HENRY LEE II
 Tax District: 82 Mail Address: PO BOX 455
 Jurisdiction: 01 City State Zip: HOLLYWOOD SC 29449

[Selections](#)
[Credits](#)
[Main Menu](#)

Copyright ©2010 Charleston County. All Rights Reserved

EXHIBIT 37

CHARLESTON COUNTY

Online Tax System

- MAIN MENU
- CONTACTS
- EXIT

- Billing Information -		- Property Information -	
Account 099-00-00-	Appraised 25,000	Legal Description:	MARY RAVENEL RD - LOT 2
(PID): 114	(FMV):	Subdivision:	NA
Tax Year: 2009	Assessment: 1500	Deed:	11-06-2007 H643-159
Prior NA	Mills: x0.2287	Plat:	EF-536
Year: 2009-		Land Use:	VACANT
Status: Delinquent		General Use:	VCR
Recelpt: 124412		Parcel:	10R
Previous Receipt: NA			
Next Receipt: NA			
Billed: 09-30-2009			
Actual Date: NA			
	SW Fee: + 18.00		
Mortgage Co: NA			
MLOD Factor: No			

Buildings		Acreage	
Others (6%)		High: 1.23	Land: 25000
		Marsh: 0.00	Improvements: 0
		Swamp: 0.00	Buildings: 0
		Total: 1.23	Total: 25000

Totals:	
Appraisal 25,000	Assessment 1,500

For payment information on this bill, please contact (843) 202-6576

- Owner Information -

Current Owner: RAVENEL LASHANDA	Tax Address: MARY RAVENEL RD
Current Co-Owner: RAVENEL HENRY LEE II	
Tax District: 82	Mail Address: PO BOX 455
Jurisdiction: 01	City State Zip: HOLLYWOOD SC 29449

[Selections](#)
[Credits](#)
[Main Menu](#)

Copyright ©2010 Charleston County. All Rights Reserved

EXHIBIT 38

CHARLESTON COUNTY

Online Tax System

- MAIN MENU
- CONTACTS
- EXIT

- Billing Information -

Account 099-00-00-
 (PID): 116
 Tax Year: 2009
 Prior Year: NA
 Status: Delinquent
 Receipt: 124413
 Previous Receipt: NA
 Next Receipt: NA
 Billed: 09-30-2009
 Actual Date: NA
 Mortgage Co: NA
 MLOD Factor: No

Appraised 25,000
 (FMV):
 Assessment: 1500
 Mills: x0.2287
 SW Fee: + 18.00

Legal Description: MARY RAVENEL RD - LOT 5
 Subdivision: NA
 Deed: 11-06-2007 H643-159
 Plat: EF-536
 Land Use: VACANT
 General Use: VCR
 Parcel: 10R

- Property Information -

	Buildings	Appraisal	Assessment
Others (6%)		25,000	1,500
Totals:		25,000	1,500

	Acreage	Land:	Appraisal
High:	1.11		25000
Marsh:	0.00	Improvements:	0
Swamp:	0.00	Buildings:	0
Total:	1.11	Total:	25000

For payment
 information on this
 bill,
 please contact (843)
 202-6576

- Owner Information -

Current Owner: RAVENEL LASHANDA Tax Address: MARY RAVENEL RD
 Current Co-Owner: RAVENEL HENRY LEE II
 Tax District: 82 Mail Address: PO BOX 455
 Jurisdiction: 01 City State Zip: HOLLYWOOD SC 29449

[Selections](#)
[Credits](#)
[Main Menu](#)

Copyright ©2010 Charleston County. All Rights Reserved

EXHIBIT 39



BP0147241

RMC BK 0147 Pg 241: PG 1

State of South Carolina)

County of Charleston)

Title to Real Estate

Know all men by these presents, that Equifunding, Inc. (hereinafter referred to as Grantor) in the state aforesaid, for and in consideration of the sum of One Hundred Thirty Thousand Dollars and 00/100 (\$130,000.00) and no other consideration, to the Grantor paid by Equivest Financial, LLC. (hereinafter referred to as Grantee) in the state aforesaid, receipt and sufficiency of which is hereby acknowledged by Grantor has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release, unto the Grantee, its successors and assigns to the real estate 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 5.098 acres more or less known as Lot 3 as shown on a plat entitled "Subdivision Plat of 11.235 acres,....." Prepared by Lawrence J Kennedy, Jr., SC Reg. No 12520 dated 12-05-01 and recorded in Plat Book EF at Page 538 in the RMC Office for Charleston County.

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

TMS# Map Ref. No. 099-00-00-085

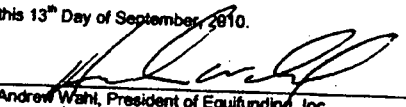
Derivation: This being the identical property conveyed unto Equifunding, Inc. by Charleston County Treasurer, by deed dated July 28, 2010 and recorded in Book 0137 and Page 821, August 11, 2010, in the Office of the Register of Deeds of Charleston County.

Grantees Address:
241 E. Saginaw
East Lansing, MI 48823

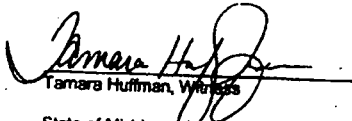
Together, with all and singular, the rights, members, hereditaments and appurtenances to the premises belonging, or in any wise incident or appertaining, including but not limited to all improvements of any nature located on the premises and all easements and rights-of-way appurtenant to the premises.
To Have and to Hold all and singular the premises unto the Grantee, its successors and assigns forever.

And the Grantor does hereby bind itself, its successors and assigns to warrant and forever defend all and singular the premises unto the Grantee, its successors and assigns, against the Grantor and the Grantors successors.

Witness the hand and seal of the Grantor this 13th Day of September, 2010.


Andrew Wahl, President of Equifunding, Inc.

Signed, Sealed and Delivered in the Presence of:


Tamara Huffman, Witness

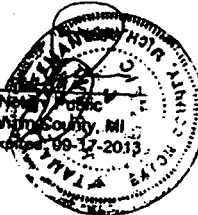

Donna J Durbin, Witness

State of Michigan)
)ss
County of Ingham)

Personally appeared before me, the undersigned authority in and for the county and state aforesaid, the within named, Andrew Wahl, President, Equifunding, Inc. who acknowledged that he signed and delivered the above and foregoing Title to Real Estate on the day and year therein mentioned as and for his own act and deed.

Given under my hand and official seal this 13th day of September, 2010.


Tamara Huffman, Notary Public
Eaton acting in Ingham County, MI
My Commission Expires 09-12-2013



Prepared By:
Donna J Durbin (account SC 2008 Charleston 5)
P.O. Box 980
East Lansing, MI, 48828

EXHIBIT 41

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.
2. The property being transferred is located at 5559 Mary Ravenel Road, Adams Run, SC, bearing Charleston County Tax Map Number 099-00-00-085, was transferred by Equifunding, Inc to Equivest Fianacial, LLC on September 13, 2010
3. Check one of the following: The deed is
 - (a) ☒ Subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth. \$130,000.00
 - (b) ☐ Subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - (c) ☐ Exempt from the deed recording fee because (See Information section on affidavit):
Section 12-24-40 (1) consideration is less than \$100.00.(If exempt, please skip items 4-7, and go to item 8 of this affidavit.)
- If exempt under exemption #124 as described in the information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes ☐ or No ☐
4. Check one of the following if either item 3(a) or item 3(b) above has been checked (see Information section of this affidavit):
 - (a) ☒ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ 481.00
 - (b) ☐ The fee is computed on the fair market value of the realty which is \$
 - (c) ☐ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$
5. Check Yes ☐ or No ☐ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes," the amount of the outstanding balance of this lien or encumbrance is : \$
6. The deed recording fee is computed as follows:
 - (a) Place the amount listed in item 4 above here: \$ 481.00
 - (b) Place the amount listed in item 5 above here: \$
 - (c) Subtract line 6(b) from Line 6(a) and place result here \$ 481.00
7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is \$ 10.00
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Grantor Equifunding, Inc
9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Sworn to before me this 13th Day of September, 2010

Notary signature

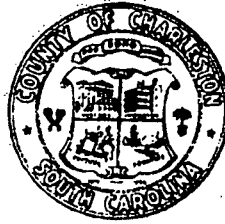
TAMARA HUFFMAN
NOTARY PUBLIC, STATE OF SC
COUNTY OF CHARLESTON
MY COMMISSION EXPIRES 9/17/2015

Responsible Person Connected with the Transaction

Andrew Wahl, Equifunding, Inc.
Print or type the above name here

RECORDER'S PAGE

NOTE: This page MUST remain
with the original document



Filed By:

EQUIFUNDING

PO BOX 980

E LANSING MI 48826

MAKER:

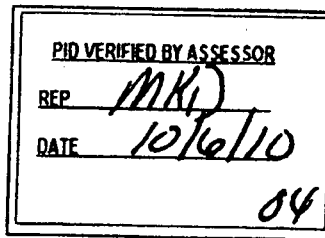
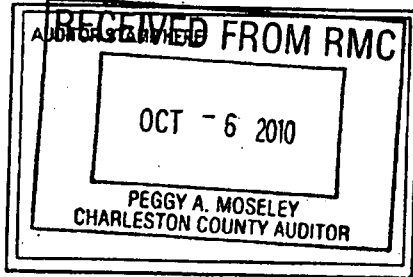
EQUIFUNDING INC

RECIPIENT:

EQUIVEST FIN LLC

Original Book:

Original Page:



RECORDED

Date: October 4, 2010

Time: 12:32:34 PM

Book

Page

DocType

0147

241

Deed

Charlie Lybrand, Register
Charleston County, SC

of Pages: 3

Recording Fee \$ 10.00

State Fee \$ 338.00

County Fee \$ 143.00

Extra Pages \$ -

Postage \$ -

Chattel \$ -

TOTAL \$ 491.00

DRAWER

Drawer 4

CLERK

LRR



0147
Book



241
Page



10/04/2010
Recorded Date



3
Pgs



Original Book



Original Page



D
Doc Type



12:32:34
Recorded Time

843-958-4800 101 MEETING STREET CHARLESTON, SC 29401 www.charlestoncounty.org

TITLE ABSTRACT SUMMARY

Parcel ID (TMS): 0990000085

Legal Description (Per PCR): Lot/Block/Phase: LOT 3 TRACT N
 Subdivision: OSBORN
 Acreage: 5.1

Property Address (Per PCR): 5559 MARY RAVENEL RD CSC5

Current Owner (Per PCR): RAVENEL MARY

Mailing Address (Per PCR): PO BOX 455 HOLLYWOOD SC 294490455

Has the Current Owner changed? Yes ☒ / No ☐

Effective Date: 5/26/09 at 8:00 am
 Search Type: 40 Year / Developer
 Abstractor: Feeley

Is the Mailing Address the same as the Grantee's Address per the most recent deed? Yes ☒ / No ☐

If not, what is the Grantee's Address per the most recent deed?

Book-Page	Grantee's Name	Deeds	Mortgages	Mech Liens	SC Tax	Fed Tax	UCCs	LP	Judgments	Estates
H647-159	RAVENEL, LASHANDA + HENRY LEE JR R. 11-6-07			(1-7)					(8-13)	
W386-813	MARY RAVENEL R. 11-5-01 - 1st recorded at J520-646 to correct grantors name								(13)	
H295-525	JAMES M. BARNES, TBE R. 1-2-98									
W187-613	JAMES M. BARNES R. 10-9-89									
B39-249	EILEEN C. DRYER R. 10-23-36									

Mortgages, Modifications, and Assignments:

None

SC TAX LIENS

- ① 02-11856 8-27-02
- ② 02-15897 11-26-02
- ③ 02-15898 11-26-02
- ④ 03-05326 2-27-03
- ⑤ 03-05327 2-27-03
- ⑥ 03-10867 6-16-03

Other Liens:

⑦ 03-10868 6-16-03

JMTS -

⑧ 03JG1478 - 8-11-03
SC FCU⑨ 03JG1479 - 8-11-03
TO: SC FCU⑩ 03 CP 3098 - 12-8-04
MONROGRAM BANK OF GA.⑪ 04-CP-1585 - 7-19-04
DISCOVER BANK

⑫ 05 CP 21 PEP BUYS 5-6-05

⑬ 06 JG 1326 AAA PLUMBING LLC 10-13-06

Title Update Report

Are there any new matters to report from the title update?

Yes ☐ / No ☐

New Matters (copies attached):

EXHIBIT 42

Title Update

Effective Date: 5/26/09 at 8:00 am

Delinquent Tax Office Data

TMS Number: 0990000085
 Property Type: 00
 Account Status:
 Tax District: 82
 Residence1:
 Subdivision: OSBORN
 Lot Number: LOT 3 TRACT N
 Block Number:
 Section/Phase/Tract:
 Acreage: .51
 Plat: EF-536
 Property Discrepancy:
 Deed Book/Page: H643159
 Deed Date: 11/6/2007

Residence	Appraisal	Assessment
	\$0.00	\$0.00
OT6	\$447,300.00	\$26,840.00
	\$0.00	

Paralegal Data

☐ Same Owner	☒ New Owner	Holder Code	Type	Book	Page	Holder
		1				NO OPEN MORTGAGES FOUND OF RECORD
Owner 1	RAVENEL, LASHANDA	Book/Page	H643-159			
	PO BOX 455	Interest				
	HOLLYWOOD SC 29449					
Owner 2	RAVENEL, HENRY LEE II	Book/Page	H643-159			
	PO BOX 455	Interest				
	HOLLYWOOD SC 29449					
PRC	5559 MARY RAVENEL RD CSCS	Log In:	6/10/2009			
		Date Mortgage				
		TMS Updates:				
						Owner Notes
						CURRENT OWNERS ARE RAVENEL
						Holder Notes
						Paralegal Holder Notes

Additional Holder Data

ID Code	Date	Book	Page	Case #/Judgment #	Type	Holder Information
5105	8/27/2002			02-11856	SC	SC DEPARTMENT OF REVENUE
						PO BOX 125
						COLUMBIA, SC 29201
5105	11/26/2002			02-15897	SC	SC DEPARTMENT OF REVENUE
						PO BOX 125
						COLUMBIA, SC 29201
5105	11/26/2002			02-15898	SC	SC DEPARTMENT OF REVENUE
						PO BOX 125
						COLUMBIA, SC 29201

EXHIBIT 43

5105	2/27/2003	03-05326	SC	SC DEPARTMENT OF REVENUE
Holder Notes:				PO BOX 125
				COLUMBIA, SC 29201
5105	2/27/2003	03-05327	SC	SC DEPARTMENT OF REVENUE
Holder Notes:				PO BOX 125
				COLUMBIA, SC 29201
5105	6/16/2003	03-10867	SC	SC DEPARTMENT OF REVENUE
Holder Notes:				PO BOX 125
				COLUMBIA, SC 29201
5105	6/16/2003	03-10868	SC	SC DEPARTMENT OF REVENUE
Holder Notes:				PO BOX 125
				COLUMBIA, SC 29201
5810	8/11/2003	03-JG-10-1478	JG	SC FEDERAL CREDIT UNION
Holder Notes:				PO BOX 190012
				CHARLESTON SC 29419
5810	8/11/2003	03-JG-10-1479	JG	SC FEDERAL CREDIT UNION
Holder Notes:				PO BOX 190012
				CHARLESTON SC 29419
5684	12/8/2004	03-CP-10-3098	JG	MONOGRAM CREDIT CARD BANK OF GEORGIA
Holder Notes:				C/O ROY W BOGGS, ESQ
				1300 PICKNES ST
				COLUMBIA SC 29201
5763	7/19/2004	04-CP-10-1585	JG	DISCOVER BANK
Holder Notes:				C/O JAMES W POAG JR, ESQ
				PO BOX 21125
				COLUMBIA SC 29221
5811	5/9/2005	05-CP-10-21	JG	PEP BOYS, MANNY MOE & JACK
Holder Notes:				LEO A DRYER ESQ
				PO BOX 11567
				COLUMBIA SC 29211
5736	10/13/2006	06-JG-10-1326	JG	AAA PLUMBING LLC
Holder Notes:				C/O E LINDSAY BLANKS, ESQ
				9217 UNIVERSITY BLVD, STE 2A
				N CHARLESTON SC 29406

Additional Owner Data

CASE NO. 2006-SC-87-0961

STATE OF SOUTH CAROLINA)

MAGISTRATES COURT

COUNTY OF CHARLESTON)

TRANSCRIPT OF JUDGMENT

JUDGMENT AGAINST	ATTORNEY
NAME: MARY RAVENEL 8164 MARY RAVENEL ROAD ADDRESS: HOLLYWOOD, SC 29449	BY JULIE J. ARNOLD CLERK OF COURT 2006 OCT 13 11:32 AM FILED E. LINDSAY BLANKENHORN 9217 UNIVERSITY BLVD., SUITE 200 N. CHARLESTON, SC 29405
JUDGMENT IN FAVOR OF	
NAME: AAA PLUMBING, LLC ADDRESS:	
DAMAGES AND COST	
AMOUNT OF JUDGMENT	\$ 3,519.45
INTEREST	\$
ATTORNEY FEES	\$
COST	\$ 80.00
TOTAL	\$ 3,599.45

JUDGMENT RENDERED OCTOBER 9, 2008

MAGISTRATE JAMES TURNER

EXECUTION AGAINST PROPERTY

TO THE SHERIFF OF CHARLESTON COUNTY:

The above judgment was docketed in the office of the Clerk of the Court of Common Pleas, County of Charleston, the ____ day of _____, 20 ____.

THEREFORE, WE REQUEST YOU, that you satisfy the said judgment out of the personal property of the said judgment debtor within your County, or if sufficient personal property cannot be found, that out of the real property in your County belonging to such judgment debtor on the day when the said judgment was so docketed in your County, or at any time thereafter, in whose hands soever the same may be, and duly return this execution, according to law, to the Clerk of the Court of Common Pleas for the County of Charleston.

WITNESS, _____ Clerk of the Court of Common Pleas of Charleston County,
this ____ day of _____, 20 ____.

(R-10/01)

Plaintiff or Plaintiff's Attorney

EXHIBIT 45
<http://imgweb.charlestoncounty.org/AppNet/controlsupport/print.aspx?id=7d433b55-4c8a-4317-b59e-9c...> 06/05/2009

E. LINDSAY BLANKS, P.A.
(A Limited Liability Corporation)
Attorney and Counselor at Law

9217 University Boulevard, Suite 2-A
Trident Executive Village
North Charleston, South Carolina 29406

Telephone: (843) 863-1800
Fax: (843) 863-1809
E-Mail: lblanks@bellsouth.net

October 12, 2006

Clerk of Court
100 Broad Street, Suite 106
Charleston, SC 29401

Re: AAA Plumbing, LLC, vs. Mary Ravenel
Case No.: 2006-SC-87-0961
RECORDING OF JUDGMENT

Dear Sir/Madam:

Please be advised that I represent AAA Plumbing, LLC, in the above action.

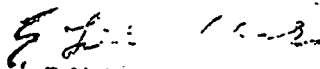
In that regard, enclosed is an original and two (2) copies of the Transcript of Judgment which was signed by Judge Turner on October 9, 2006, in regard to the above referenced matter. Kindly record the judgment and return the recorded copies to my office in the enclosed, self-addressed, stamped envelope.

I have also enclosed my trust check number 2543 in the amount of \$10.00 for the judgment filing fee.

Thank you for your assistance.

With kindest regards, I remain

Sincerely,


E. Lindsay Blanks

ELB/rkc
Enclosures

cc: AAA Plumbing, LLC (w/enc)

U504

OPER: RMCP01

CHARLESTON COUNTY TAX SYSTEM
MOTOR VEHICLE INQUIRY03-28-2012
14:13:19

TX YR: 2008 ACCT: 00069020 PR YR: 2006 RCPT: 2008 - A40197 ACTION: I RC: 02 A
 OWNER 1: RAVENEL HENRY LEE JR STAT: CP
 OWNER 2: EXEM CD:
 C/O:

TAX ADDR 8164 MARY RAVENEL RD UNIT: CREATE DATE: 01-25-2008
 C,S,Z: ADAMS RUN SC 29426 CORR: BILL DATE: 01-25-2008
 PAID DATE: 01-15-2008

MAIL ADDR PO BOX 263 UNIT: N.B. DATE:
 C,S,Z: HOLLYWOOD SC 29449 CORR: HWY LETTER:
 SUSPEND:

ORIGIN CODE: 1 YEAR: 1998 MAKE: FORD MODEL: EPR
 VIN: 1FMYU24X8WUD20609 SCTC MODEL: U24X
 WEIGHT: BODY: VEHICLE TYPE: 5
 RELEASE:
 FINAL NOTICE:
 UPDATE DATE: 01-25-2008
 UPDATE ID: AUTRWD

TAG DATE: 04-2006 EXP DATE: 04 2007 TAG MONTHS: 12
 TAG NUMBER: TAX DIST: 82

ORIG ASMT: 270 TX ASMT: 270 RENEWAL: .00
 VALUE TYP: S TAX RELIEF: N INSURANCE REQ: NET TX: 50.22
 ACTION COMPLETE
 PF2=CO INQ PF4=CREDIT

NEXT SCREEN:

EXHIBIT 47

U504

CHARLESTON COUNTY TAX SYSTEM
MOTOR VEHICLE INQUIRY

03-28-2012

OPER: RMCP01

14:10:40

TX YR: 2008 ACCT: 00069019 PR YR: 2006 RCPT: 2008 - A40196 ACTION: I RC: 30 A

OWNER 1: RAVENEL HENRY LEE JR

STAT: CP

OWNER 2:

EXEM CD:

C/O:

TAX ADDR 8164 MARY RAVENEL RD

UNIT:

CREATE DATE: 01-25-2008

C,S,Z: ADAMS RUN

SC 29426

CORR:

BILL DATE: 01-25-2008

PAID DATE: 01-15-2008

MAIL ADDR PO BOX 263

UNIT:

N.B. DATE:

C,S,Z: HOLLYWOOD

SC 29449

CORR:

HWY LETTER:

SUSPEND:

ORIGIN CODE: 1 YEAR: 2000 MAKE: LINC MODEL:

RELEASE:

VIN: 1LNHM81W0YY835652

SCTC MODEL: 81W

FINAL NOTICE:

WEIGHT:

BODY:

VEHICLE TYPE: 1

UPDATE DATE: 01-25-2008

UPDATE ID: AUTRWD.

TAG DATE: 05-2006

EXP DATE: 05 2007 TAG MONTHS: 12

TAG NUMBER:

TAX DIST: 82

PREV RCPT:

NEXT RCPT:

ORIG ASMT:

590

TX ASMT:

590 RENEWAL:

.00

NET TX:

109.72

VALUE TYP: S

TAX RELIEF: N

INSURANCE REQ:

INVALID PF KEY USED

PF2=CO INQ PF4=CREDIT

NEXT SCREEN:

EXHIBIT 48

THIS TAX BILL DOES NOT REFLECT ANY TAXES YOU MIGHT OWE FOR PREVIOUS YEARS

COMBINED TAXES FOR: CHARLESTON COUNTY-WIDE ENTITIES AND TOWN OF RAVENEL ST PAULS FIRE DIST 8-4
REAL PROPERTY TAXES FOR PERIOD COMMENCING: 01-01-2009

DIST	TYPE	BLDGS	ACRES	MORTGAGE CODE/ID
84	00	1	.81	

ASSESSMENT RATE	APPRAISAL	ASSESSMENT
016	35,400	2,120

TAX BILL DATE: 09-30-2009
MILLAGE TOTAL TAX
228.7 \$ 484.83

RECEIPT#: 2009-124416 PARCEL ID: 228-00-00-054

COUNTY SALES TAX CREDIT
PRIOR YEAR TAX AMOUNT-25.13
435.31LANDOVER RD
JAX ROAD

76404 1 AV 0.335 *****AUTO**5-DIGIT 29426

76404 076404

RAVENEL LASHARDRA MONIQUE
RAVENEL LASHANDA MONIQUE
8164 MARY RAVENEL RD
ADAMS RUN SC 29426-5548

PAY THIS AMOUNT ON OR BEFORE 01-15-2010

459.70

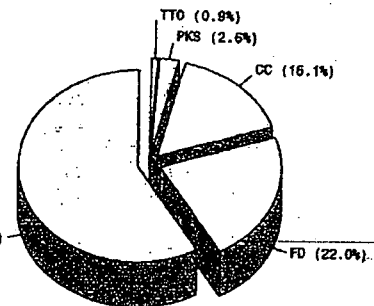
76404
336

R

YOU CAN PAY YOUR TAXES ONLINE AT www.charlestoncounty.org
IMPORTANT INFORMATION ON BACK OF THIS BILL

GOVERNMENT AGENCIES RESPONSIBLE FOR MILLAGE & TAX DOLLARS

AGENCY CODE	%
SB	58.4%
FD	22.0%
CC	16.1%
PKS	2.6%
TTC	0.9%
TOTAL TAXES	100.0%



\$ 459.70 PAY THIS AMOUNT

TEAR AT PERFORATION AND RETURN BOTTOM PORTION WITH PAYMENT

PARCEL ID: 228-00-00-054
LANDOVER RD
JAX ROADRECEIPT#: 2009-124416 TAX BILL DATE: 09-30-2009
OR PERIOD COMMENCING: 01-01-2009PAY YOUR TAXES ONLINE AT www.charlestoncounty.org
IF PAYING ON OR BEFORE 01-15-2010

AMOUNT \$ 459.70

U.S. DOLLARS ONLY

MAKE PAYMENTS TO: CHARLESTON COUNTY TREASURER

ADDRESS
CHANGE

AMOUNT DUE AFTER (PAYMENT TO COUNTY TREASURER)

01-15-2010

*****473.49

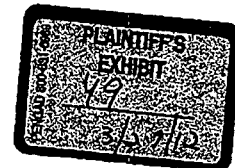
02-02-2010

*****505.67

AMOUNT DUE AFTER (PAYMENT TO DELINQUENT TAX)

03-17-2010

*****528.66



(Plaintiff's Exhibits 1 through 48 are premarked.)

5

Plaintiff's Exhibit 1	(See description page)
Plaintiff's Exhibit 2	(See description page)
Plaintiff's Exhibit 3	(See description page)
Plaintiff's Exhibit 4	(See description page)
Plaintiff's Exhibit 5	(See description page)
Plaintiff's Exhibit 6	(See description page)
Plaintiff's Exhibit 7	(See description page)
Plaintiff's Exhibit 8	(See description page)
Plaintiff's Exhibit 9	(See description page)
Plaintiff's Exhibit 10	(See description page)
Plaintiff's Exhibit 11	(See description page)
Plaintiff's Exhibit 12	(See description page)
Plaintiff's Exhibit 13	(See description page)
Plaintiff's Exhibit 14	(See description page)
Plaintiff's Exhibit 15	(See description page)
Plaintiff's Exhibit 16	(See description page)
Plaintiff's Exhibit 17	(See description page)
Plaintiff's Exhibit 18	(See description page)
Plaintiff's Exhibit 19	(See description page)
Plaintiff's Exhibit 20	(See description page)
Plaintiff's Exhibit 21	(See description page)
Plaintiff's Exhibit 22	(See description page)
Plaintiff's Exhibit 23	(See description page)
Plaintiff's Exhibit 24	(See description page)
Plaintiff's Exhibit 25	(See description page)
Plaintiff's Exhibit 26	(See description page)
Plaintiff's Exhibit 27	(See description page)
Plaintiff's Exhibit 28	(See description page)
Plaintiff's Exhibit 29	(See description page)
Plaintiff's Exhibit 30	(See description page)
Plaintiff's Exhibit 31	(See description page)
Plaintiff's Exhibit 32	(See description page)
Plaintiff's Exhibit 33	(See description page)
Plaintiff's Exhibit 34	(See description page)
Plaintiff's Exhibit 35	(See description page)
Plaintiff's Exhibit 36	(See description page)
Plaintiff's Exhibit 37	(See description page)
Plaintiff's Exhibit 38	(See description page)
Plaintiff's Exhibit 39	(See description page)
Plaintiff's Exhibit 40	(See description page)
Plaintiff's Exhibit 41	(See description page)
Plaintiff's Exhibit 42	(See description page)
Plaintiff's Exhibit 43	(See description page)
Plaintiff's Exhibit 44	(See description page)

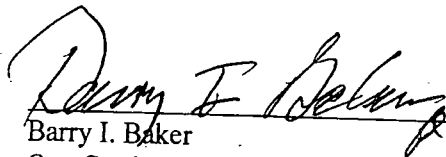
EXHIBIT 50

Plaintiff's Exhibit 45	(See description page)	
Plaintiff's Exhibit 46	(See description page)	
Plaintiff's Exhibit 47	(See description page)	
Plaintiff's Exhibit 48	(See description page)	
Plaintiff's Exhibit 49	(Tax bill)	135
Defendant's Exhibit 1	(Deed)	140
(All Exhibits received in evidence.)		143

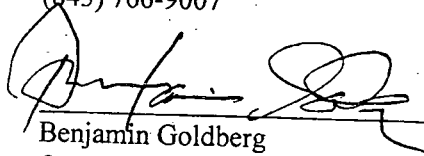
CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

February 8th, 2013



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



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

Attorneys for Appellants

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Honorable Mikell R. Scarborough, Master-in-Equity

Trial Court Case No. 2010-CP-10-8732

Lashanda Ravenel and Henry Lee Ravenel, II..... Appellants,

v.

Equivest Financial, LLC Respondent.

FINAL BRIEF OF APPELLANTS

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

TABLE OF CONTENTS

Table of Authorities	ii
Statement of the Case	1
Statement of the Facts	2
Standard on Appeal	7
Arguments	
I. THE TRIAL COURT ERRED WHEN IT FAILED TO RULE THAT THE DELINQUENT TAX COLLECTOR ("DTC") OF CHARLESTON COUNTY DID NOT EXERCISE DUE DILIGENCE WHEN CERTIFIED MAIL RECEIPTS WERE RETURNED UNSIGNED IN ORDER TO FIND THE BEST OR CORRECT ADDRESS FOR APPELLANTS	7
II. THE TRIAL COURT ERRED WHEN IT, SUA SPONTE, INTERJECTED ISSUES NOT PLED OR ARGUED AND AFTER THE PARTIES HAD RESTED WITHOUT GIVING APPELLANTS THE OPPORTUNITY TO OFFER TESTIMONY IN REBUTTAL	17
III. THE TRIAL COURT ERRED FOR IT HAD NO JURISDICTION TO RULE THAT MARY BROOKS RAVENEL, NOT A PARTY, HAD COMMITTED A FRAUD UPON HER CREDITORS, UNCLEAN HANDS AND JUDICIAL ESTOPPEL	18
IV. THE TRIAL COURT ERRED WHEN IT RULED THAT MARY RAVENEL'S PURPORTED FRAUD UPON CREDITORS WAS IMPUTED TO APPELLANTS WITHOUT CITATION OF AUTHORITY AND WHEN THE PREVALENT AUTHORITY IS TO THE CONTRARY	27
Conclusion	28

TABLE OF AUTHORITIES

Cases

<i>In Re: Steve Ayers</i> , 25 B.R. 762 (Bkrtcy. M.D. Tenn. 1982).....	25
<i>Abusamhadaneh v. Taylor</i> , 2012 WL 2046125 (E.D. Va.....	25
<i>Benton v. Logan</i> , 323 S.C. 338, 474 S.E.2d 446 (Ct. App. 1996.....	14
<i>Bowen v. Bowen</i> , 345 S.C. 243, 547 S.E.2d 877 (Ct. App. 2001)	18, 19
<i>Coleman v. Daniel</i> , 261 S.C. 198, 199 S.E.2d 74 (1973.....	27
<i>Doe v. Clark</i> , 318 S.C. 274, 457 S.E.2d 336 (1995).....	7
<i>Durham v. Blackard</i> , 313 S.C. 432, 438 S.E.2d 259 (Ct. App. 1993).....	20
<i>Good v. Kennedy</i> , 291 S.C. 204, 352 S.E.2d 708 (Ct. App. 1987).....	14
<i>Hayne Federal Credit Union v. Bailey, et al.</i> , 327 S.C. 242, 489 S.E.2d 472 (1997).....	17, 19, 25
<i>Hennes v. Shaw</i> , 397 S.C. 391, 725 S.E.2d 501 (Ct. App. 2012)	18
<i>Jackson v. Bi-Lo Stores, Inc.</i> , 313 S.C. 272, 437 S.E.2d 168 (Ct. App. 1993).....	26
<i>Jones v. Flowers</i> , 547 U.S. 220, 126 S. Ct. 1708 (2006).....	11, 15, 29
<i>Marshall v. Drayton, et al.</i> , 2 Nott & McC. 25, 11 S.C.L. 25 (S.C. Const. App. 1819) ...	19
<i>Melton v. Williams</i> , 281 S.C. 182, 314 S.E.2d (Ct. App. 1984)	25
<i>Middleborough Horizontal Property Regime v. Montedison</i> , 320 S.C. 470, 465 S.E.2d 765 (Ct. App. 1995)	23
<i>Rives v. Bulsa</i> , 325 S.C. 287, 292-93, 478 S.E.2d 78 (Ct. App. 1996).....	28
<i>Richland County Dep't of Social Servs. v. Earles</i> , 330 S.C. 24, 496 S.E.2d 864 (1998)	7
<i>Southmark Corp. v. Trotter</i> , 212 Ga. App. 454, 442 S.E.2d 265 (1994)	21
<i>South Carolina Dep't of Social Servs. v. Broome</i> , 307 S.C. 48, 413 S.E.2d 835 (1992)	7
<i>State v. DICAPUA</i> , 383 S.C. 394, 680 S.E.2d 292 (2009)	18
<i>Stephens, et al. v. Ringling, et al.</i> , 102 S.C. 333, 86 S.E. 683 (1915).....	18
<i>Townes Associates, Ltd. v. City of Greenville</i> , 266 S.C. 81, 221 S.E.2d 773 (1976)	7
<i>Wachovia Bank v. Coffey</i> , 389 S.C. 68, 698 S.E.2d 244 (Ct. App. 2010)	26

Statutes

§12-51-40(a), South Carolina Code of Laws Ann. (1976)	12
§12-51-40(b), South Carolina Code of Laws Ann. (1976)	12
§12-51-40(c), South Carolina Code of Laws Ann. (1976)	10
§12-51-120, South Carolina Code of Laws Ann. (1976).....	12, 13, 14
§12-51-130, South Carolina Code of Laws Ann. (1976).....	16
§12-51-150, South Carolina Code of Laws Ann. (1976).....	16

STATEMENT OF THE CASE

Appellants filed their Complaint against the Respondent, Equivest Financial, LLC on October 20, 2010 (R. pp. 23-52) to void a tax sale held on November 3, 2008 on the grounds the Delinquent Tax Collector ("DTC") of Charleston County did not pursue due diligence and the high bid was so grossly inadequate as to shock the conscience of the Court.

The Appellants do not appeal the latter cause of action.

The high bidder at the sale for \$130,000.00, Equifunding, Inc., received a tax deed from the County on July 23, 2010.

The Respondent ("Equivest") received a deed from Equifunding, Inc., dated September 23, 2010 recorded October 5, 2010. (R. pp. 225-227, Exhibit 41.)

Equivest filed a general denial on November 3, 2010 (R. pp. 53-58) and alleged the DTC properly performed her statutory duties, therefore, the sale should not be set aside. There were no affirmative defenses.

Equivest also cross-claimed against the County of Charleston and the DTC - both of whom Answered on June 22, 2011 (R. pp. 61-64) and were subsequently dismissed as parties.

Equivest also cross-claimed against record judgment creditors and tax liens.

The Order of Dismissal as to the County of Charleston and the DTC was signed on February 8, 2012, filed on February 15, 2012 (R. pp. 10-13) and later amended by Order dated April 20, 2012 (R. pp. 16-19) to include a provision that if Appellants were successful, the County would pay to Equivest the bid amount of \$130,000.00 plus interest and the amount paid for taxes.

A hearing was held before the Master-in-Equity for Charleston County on March 29, 2012 pursuant to an Order of Reference dated March 15, 2011 (R. pp. 6-7), at which time counsel for Respondents and Appellants appeared. Although two judgment creditors answered, their judgments were against a Henry Ravenel not the Appellant Henry Ravenel, II¹ and no creditor appeared at the hearing.

An Order was signed by the Master on May 30, 2012 and filed on June 5, 2012, ruling for Equivest. (R. pp. 22-30.)

A form Order was also signed by the Court on July 10, 2012 and filed July 12, 2012 ruling for Equivest, which held "This Order ends this case." (R. pp. 31-32.)

Appellants timely filed a Rule 59(e) SCRPC Motion dated June 19, 2012, filed on June 20, 2012. (R. pp. 77-80.)

The Court issued a form Order dated July 12, 2012 and filed July 16, 2012 denying the Motion. (R. p. 33.)

The Notice of Appeal was served upon Equivest's counsel on August 14, 2012. (R. p. 174.)

All documents above set forth will be included in the Record on Appeal.

STATEMENT OF THE FACTS

On the 22nd day of October, 2001, Mary Brooks Ravenel ("Mrs. Ravenel") purchased in her name four parcels of land and on November 9, 2001 Mrs. Ravenel purchased one more parcel. (R. pp. 199-207, Exhibit 24.)

Mrs. Ravenel built a home on one parcel in 2004. (R. p. 120, lines 11-13.) The correct address of the residence was and is 8164 Mary Ravenel Road, Adams Run, South Carolina 29426. (R. p. 119, lines 22-24.)

¹ The Appellant's correct name is Henry Lee Ravenel, Jr.

Mrs. Ravenel has lived in the home continuously from its construction in 2004 with her children, Lashanda and Henry, Jr., and subsequently, with her aunt, Betty McKinley. (R. pp. 120; 121, lines 7-15.)

Lashanda moved out on February 27, 2008 and purchased her own home at 3531 Galaxy Road, Ladson, Charleston County, South Carolina 29456-3944, where she has lived since the purchase. (R. p. 120, lines 15-24; R. pp. 215-219, Exhibit 33.) (R. pp. 93, lines 3-17; 149, lines 19-21.)

Lashanda had previously bought another parcel of land in Charleston County, which showed her address to be 8164 Mary Ravenel Road, her mother's residence. (R. pp. 150, lines 1-4; 153, lines 16-25; 154, lines 1-18; R. p. 235, Exhibit 49.)

Henry, Jr. continued to live with his mother except when he resided with his father. (R. p. 138, lines 1-24.)

Mrs. Ravenel, though not a party, is important, for if you find Mrs. Ravenel, you find the delinquent taxpayers, her children.

There was a building on one parcel of land in which Mrs. Ravenel operated a business. The correct post office box, 263, is shown on the Charleston County Online Tax System for 2009 as hereafter discussed. (R. p. 118, lines 10-24; R. pp. 209-214, Exhibit 32.)

In November, 2007, Mrs. Ravenel encountered financial difficulties and sought the advice of an attorney. (R. p. 123; lines 7-12.)

She was advised by the attorney to convey the five parcels of land including her home to her children, Lashanda and Henry, Jr. for \$5.00, love and affection, and to declare bankruptcy. (R. pp. 199-207, Exhibit 24.) She followed the advice of the

attorney, conveyed the five parcels to the children on November 6, 2007 and declared bankruptcy. (R. p. 123, lines 21-24; R. pp. 199-207, Exhibit 24.)

Mrs. Ravenel advised the Bankruptcy Court of the deed to the children which was in violation of the Bankruptcy Court Code, but not then known to Mrs. Ravenel. (R. p. 136, lines 8-24.)

Mrs. Ravenel did not tell her children of the conveyance or the bankruptcy until this action was commenced. (R. pp. 24 and 27, Order pp. 3 and 6, paragraphs 6 and 9; R. pp. 124, lines 16-25; 125, lines 1-3; 152, lines 22-25; 153 lines 1-6.)

It is acknowledged that the DTC began the tax sale procedure and did in fact send out the required statutory notices; those that were sent certified mail, return receipt requested, and those that were sent by regular mail.

It is further acknowledged that all notices were sent to Lashanda and Henry, Jr. at Post Office Box 455, which was the address of the grantees on the deed from Mrs. Ravenel to her children and no such notices were received by them.

Post Office Box 455 was the post office box of Mrs. Ravenel's mother who looked after Mrs. Ravenel's mail as she then traveled extensively. That post office box was closed and a second box opened by her mother - Post Office Box 263. (R. p. 117, lines 1-24).

All of the certified mail receipts were returned to the DTC by the Post Office unsigned as acknowledged by the deed from the County to the high bidder. (R. pp. 195-198, Exhibit 23.)

The DTC acknowledged she could have found Lashanda and Henry, Jr.'s correct address but did not do so. (R. pp. 208, 233, 234, 215-219, 220, Exhibits 25, 47, 48, 33, 35.)

Initially, all five parcels were involved in the tax sale procedure, however only Mrs. Ravenel's home was sold. (R. p. 111, lines 6-24.)

The first notice sent by certified mail, return receipt requested was the Notice of Levy, which was mailed to the delinquent taxpayers at Post Office Box 455 on May 22, 2008. The unsigned receipts were returned to the DTC by the Post Office on June 20, 2008 and the envelope stated "Return to Sender. Unable to Forward." (R. pp. 176, 177 and 178, Exhibits 2, 3 and 4.)

It is acknowledged the Notice of Publication of the Tax Sale was published on August 15, August 22 and August 29, 2008, listing all five parcels.

It is acknowledged the tax sale occurred on November 3, 2008 at which time Mrs. Ravenel's home was the only parcel sold.

The DTC acknowledged that when certified mail receipts are returned unsigned, she is required to pursue due diligence. (R. pp. 108, lines 21-25; 109, lines 1-5.)

The DTC stated she had a procedure for due diligence in place to look in the white pages, the county tax records and the internet (R. p. 88, lines 4-8.) She also stated she would search the automobile tax statements (ATS) and check out real estate in the RMC office of Charleston County for any other properties in the names of Lashanda and Henry, Jr. (R. p. 97, lines 2-11.)

The DTC agreed that had she followed her own due diligence procedure, she would have discovered Henry's address at PO Box 263 and his mother's residence at

8164 Mary Ravenel Road and Lashanda's address at 3571 Galaxy Road, Ladson. (R. pp. 89, lines 3-21; 90; 91, lines 1-11; 93, lines 3-25; 94, lines 1-21; 99, lines 18-24; 100, lines 6-10.)

On May 26, 2009, the DTC received a title examination (R. p. 229, Exhibit 43) which included a number of South Carolina tax liens against a Henry Ravenel, and five judgments, one against Mrs. Ravenel by AAA Plumbing (AAA) dated October 9, 2006 and filed in the office of the Clerk of Court of Charleston County on October 13, 2006 in the amount of \$3,599.45. (R. pp. 193-194 and 231-232, Exhibits 22 and 45.) The other judgments and tax liens were against a Henry Ravenel, not involved.

The AAA judgment against Mrs. Ravenel showed the correct Post Office Box 263 and the correct street address of the residence, 8164 Mary Ravenel Road, Hollywood, SC 29449. (R. pp. 193-194 and 231-232, Exhibits 22 and 45.)

There appears in the public tax records for Charleston County dated 2009, one of the five parcels, conveyed to Lashanda and Henry, Jr. at 7164 Highway 162, which shows the correct post office box, 263. (R. p. 220, Exhibit 35.)

It is acknowledged on October 14, 2009, the Final Notice of Property Redemption was sent again to Post Office Box 455, certified mail, return receipt requested, one to Lashanda, one to Henry, Jr., and one to the two of them. (R. pp. 183-184, 185-186, 187 and 188, Exhibits 10, 11, 12 and 13.)

It is acknowledged the Post Office sent back to the DTC the unsigned receipts and the envelopes with the message of the correct forwarding post office box number 263. This was received by the DTC on October 26, 2009. The DTC states this was the first time she had actual knowledge of the correct PO Box 263. (R. p. 114, lines 10-13.)

It is acknowledged on October 27, 2009, a courtesy copy of the Final Notice of Property Redemption was again sent, this time by regular mail to Post Office Box 455. (R. pp. 189-190 and 191, Exhibits 14 and 15.)

No statutory notices sent by the DTC were ever received by Lashanda or Henry, Jr.

The Master issued his Order on July 10, 2012 in which he made no mention of due diligence.

STANDARD ON APPEAL

In an action in equity, tried by a judge alone, the appellate court has jurisdiction to find facts in accordance with its own view of the preponderance of the evidence. *Townes Associates, Ltd. v. City of Greenville*, 266 S.C. 81, 221 S.E.2d 773 (1976); *Doe v. Clark*, 318 S.C. 274, 457 S.E.2d 336 (1995). The appellate court may review the record and make its own finding of whether clear and convincing evidence supports the trial court's ruling. *Richland County Dep't of Social Servs. v. Earles*, 330 S.C. 24, 496 S.E.2d 864 (1998); *South Carolina Dep't of Social Servs. v. Broome*, 307 S.C. 48, 413 S.E.2d 835 (1992).

ARGUMENTS

- I. THE TRIAL COURT ERRED WHEN IT FAILED TO RULE THAT THE DELINQUENT TAX COLLECTOR ("DTC") OF CHARLESTON COUNTY DID NOT EXERCISE DUE DILIGENCE WHEN CERTIFIED MAIL RECEIPTS WERE RETURNED UNSIGNED IN ORDER TO FIND THE BEST OR CORRECT ADDRESS FOR APPELLANTS

The Trial Court in its Order of May 30, 2012 made no mention of the major issue before the Court: the requirement that the DTC use due diligence to find the best or

correct address of the delinquent taxpayers when certified mail receipts were returned unsigned.

The DTC acknowledged that she was required to use due diligence and had in effect a procedure for due diligence. (R. pp. 89, lines 1-10; 98, lines 24-25; 99, lines 1-8; 88, lines 4-8; 97, lines 2-11.)

A considerable portion of the testimony was that of the DTC who was questioned at length on her efforts, if any, to pursue due diligence.

No mention of the DTC's due diligence testimony appears in the Trial Court's Order. It does not state she pursued a course of due diligence.

It must be recalled that all requisite statutory notices were sent by the DTC to Post Office Box 455 which were not received by Lashanda and Henry, Jr. and no signed receipts were returned.

The DTC acknowledged she made no effort to check for the correct addresses of the five parcels of land conveyed by Mrs. Ravenel to Lashanda and Henry, Jr. (R. p. 96, lines 3-9.)

The Trial Court also failed to consider and made no mention of the many public documents produced by Lashanda and Henry, Jr. which revealed the best or correct post office box 263, the best or correct address for Mrs. Ravenel's home, 8164 Mary Ravenel Drive and the best or correct address for Lashanda, 3521 Galaxy Drive, Ladson, SC.

Lashanda and Henry, Jr. resided with Mrs. Ravenel upon the completion of her residence. (R. p. 120, lines 11-16.) Henry, Jr. continues to live there when not residing with his father. (R. p. 24, Order p. 3.) Lashanda moved into her home on February 28, 2008. (R. p. 151, lines 9-24; R. p. 215-219, Exhibit 33.)

The DTC testified her procedure for due diligence was as follows:

Q Did you not tell me at the time we took your deposition that your procedure for doing due diligence was to look into the white pages, the county tax records and the internet?

A Yes. (R. p. 88, lines 4-8.)

She further testified that part of her procedure for due diligence was to examine ATS and deeds of other properties owned by the delinquent taxpayers found in the RMC Office of Charleston County. (R. p. 97, lines 2-11.)

A number of these documents were available to the DTC prior to April 7, 2008, the date the tax sale procedure was started by sending the Execution Notice to Lashanda and Henry, Jr. at P.O. Box 455. (R. p. 175, Exhibit 1).

It is apparent that the DTC failed to follow her own procedure, for had she done so, she would have found the following public documents provided by Lashanda and Henry, Jr. as follows:

One: Charleston County ATS for the tax year 2006 for Henry Jr.'s 1998 Ford automobile giving the correct post office box of 263 and also the correct street address of 8164 Mary Ravenel Road, Adams Run, SC 29426 (the residence). (R. p. 208, Exhibit 25.)

Two: AAA Plumbing ("AAA") judgment against Mary Ravenel dated October 9, 2006 showing both the correct Post Office Box 263 and the correct street address, 8164 Mary Ravenel Road, Adams Run, SC 29426 (the residence). (R. pp. 193-194 and 231, Exhibits 22 and 45.)

Three: Charleston County ATS created January 25, 2008 for Henry Jr.'s 1998 Ford showing the

correct post office box 263 and street address of 8164 Mary Ravenel Road, Adams Run, South Carolina 29426 (the residence). (R. p. 233, Exhibit 47.)

Four: Charleston County ATS created January 25, 2008 for Henry Jr.'s 2000 Lincoln showing the correct post office box 263 and street address of 8164 Mary Ravenel Road, Adams Run, South Carolina 29426 (the residence). (R. p. 234, Exhibit 48.)

Five: Deed to Lashanda dated February 27, 2008 recorded March 18, 2008 showing her correct address as 3531 Galaxy Road, Ladson, SC 29456. (R. pp. 215-219, Exhibit 33.) (Note: The Tax Sale was on November 3, 2008).

Six: Charleston County Tax bill from January 2009 for one of the parcels in the name of Lashanda and Henry Lee Ravenel, showing the correct Post Office Box 263. (R. p. 220, Exhibit 35.)

Seven: The DTC received from the Post Office the envelope by which she sent the Final Notice of Property Redemption on October 26, 2009 which listed the new Post Office Box 263. (R. p. 188, Exhibit 13.)

The posting of notice at a conspicuous place on the property as required by §12-51-40(c) was defective as shown by the photographs of such notice (R. pp. 179, 180 and 181, Exhibits 6, 7 and 8.) The notice was posted on a tree on the property (R. pp. 180 and 181, Exhibits 7 and 8) on August 10, 2008 which notice was not seen by Henry, Jr., Mrs. Ravenel or her aunt Betty (R. pp. 148, lines 15-25; 129, lines 20-25; 139, lines 19-25; 140, line 1.) Lashanda had moved from her mother's home on February 27, 2008.

Exhibit 8 (R. p. 181) shows two automobiles parked in the driveway of the residence. The DTC representative who posted the notice did not check the license plates

of the automobiles. Had he done so, he would have discovered one belonged to Henry Jr. and his address of PO Box 263 and street address of 8164 Mary Ravenel Drive. (R. pp. 208, 233 and 234, Exhibits 25, 47 and 48.)

The DTC's representative should have gone up to the front door of the residence, placed the notice there and also knocked on the door to determine if anyone was present, since vehicles were parked in the driveway. *Jones v. Flowers*, 547 U.S. 220, 126 S. Ct. 1208 (2006).

On October 2, 2009, according to the records of the DTC, her office received a telephone call from Henry, Jr. requesting information about the sale and he was given the amount necessary to be paid prior to November 4, 2009 in the amount of \$27,849.06. The record shows Henry, Jr.'s correct telephone number, (843) 302-2000. Henry, Jr.'s address was not requested or obtained and no written confirmation was sent to Henry, Jr. It was the practice of the DTC's predecessor to confirm the delinquent amount by confirmation in writing to the inquirer, which was not done. He cannot recall such a conversation. (R. p. 182, Exhibit 9; R. p. 146, lines 4-10.)

Henry Jr. testified that a realtor came to his mother's residence and asked if he was Henry Ravenel. The realtor told him some delinquent taxes were due in his name, but did not discuss what piece of property was involved. (R. p. 147, lines 2-24.)

The only property known to Henry, Jr. was a parcel of land his father said he was going to give him and he was unaware that his father had done so. (R. p. 147, lines 8-20.)

Henry, Jr. called a county office and was told there was no property in his name. (R. p. 147, lines 20-24.) Henry, Jr. was not asked for his address, but his cell phone number is shown on the DTC's record, (843) 302-2000. (R. p. 182, Exhibit 9.)

Henry, Jr. heard nothing, nor did he receive anything in writing from the DTC's office.

Mrs. Ravenel received a courtesy copy of the Final Notice of Property Redemption notice on October 28, 2009 from her mother, which notified her that the sum of \$27,849.06 was due and payable on or before November 4, 2009. (R. p. 125, lines 4-25.)

Mrs. Ravenel called the DTC's office on several occasions and on one occasion spoke to the DTC herself. Mrs. Ravenel was advised that the time to pay the \$27,849.06 could not be extended and despite Mrs. Ravenel's endeavors, she was unable to come up with that sum of money by November 4, 2009. (R. pp. 126; 127; 128, lines 1-10.)

The DTC states that she had no actual knowledge of the new address until October 26, 2009 when the redemption notice was returned with the post office notification of P.O. Box 263. (R. p. 114, lines 5-17.)

The Trial Court's emphasis on actual knowledge is misplaced.

The Court initially relies on §12-51-40(a) which provides the execution notice be sent by the DTC to the address shown on the deed or at an address in the "actual knowledge" of the DTC.

While this statement is correct, §12-51-40(b) requires that the Notice of Levy be sent by the DTC to the delinquent taxpayers "at the address shown on the tax receipt or to an address which the officer has actual knowledge." (Emphasis added.)

"§12-51-40 [*sic.*] provides that the required notice of redemption must be sent by the DTC "to the best address available" to which the Court agrees. (R. p. 25, Order p. 4.) The Court is actually referring to §12-51-120. (Emphasis added.)

The DTC admitted that she received her title examination on May 26, 2009, more than five months prior to the end of the redemption period. (R. p. 87, lines 13-15; R. p. 228, Exhibit 42.) The title examination included Exhibit 45 (R. p. 231-232) (AAA judgment versus Mrs. Ravenel) which reveals the correct address of Mary Ravenel's residence, 8146 Mary Ravenel Road and the second post office address, Post Office Box 263. (R. pp. 193, 194 and 231.)

Had the DTC performed due diligence, she would have found the tax receipts for Henry, Jr. and deed into Lashanda showing the best or correct addresses prior to the tax sale. (R. pp. 208, 233, 234, 215-219, 220 and 235, Exhibits 25, 47, 48, 33, 35 and 49.)

The best or correct addresses were available long prior to the time the redemption period expired on November 4, 2009. (R. p. 183-184, Exhibit 10.)

The Trial Court then endeavors to bolster its position with the statement, "This code section (12-51-40 *[sic]*) does not require the delinquent tax collector to comb through all public filings to determine the defaulting taxpayer's address." (R. p. 25, Order page 4.) The Court is actually referring to §12-51-120.

Furthermore, counsel for Equifax questioned the DTC as follows: (R. p. 112, lines 11-16)

Q Is there anything within 12-51 that requires you to go through the RMC Office looking for deeds?

A Only for the property that I sold.

Q Anything in 12-51 that requires you to pull down all of the various automobile tax records?

A No.

The DTC stated that her procedure for due diligence did in fact, require her to "comb through public filings." It also required her to go through the records of the RMC Office looking for deeds of other properties owned by the delinquent taxpayers and to "pull down all of the various automobile tax records." (R. p. 97, lines 2-11.)

The DTC stated that these were two County repositories of information for due diligence.

The Trial Court ignored the cases of *Good v. Kennedy*, 291 S.C. 204, 352 S.E.2d 708 (Ct. App. 1987) and *Benton v. Logan*, 323 S.C. 338, 474 S.E.2d 446 (Ct. App. 1996), which provide that when the certified mail receipts are returned unsigned, the DTC is required to use due diligence to determine the delinquent taxpayer's best address.

The DTC agrees. (R. pp. 98, lines 24-25; 99, lines 1, 2.)

The Order further provides that "it was not until October 26, 2009 that the Delinquent Tax Collector received actual notice" of the new post office box 263 and she did not file a new redemption notice since it would be in violation of §12-51-120. (R. p. 114, lines 5-17, R. p. 26, Order p. 5.)

The DTC had or should have had knowledge of the best and correct addresses long prior to the termination of the redemption period. Yet, the DTC never mailed any required statutory notice to PO Box 263 or 8164 Mary Ravenel Road, or 3521 Galaxy Road.

To further bolster Equivest's position, its attorney asked the DTC the following questions:

Q Hypothetically, if someone had come forward and said I want to pay the taxes and you said, well, you had

your opportunity, we sent all these notice to you at PO Box 455, and if they had said I don't live at 455, I live at 263, would that have been sufficient for you to have upset the tax sale?

...

A Yes, if it had been brought to my attention that would have been reason for me to void the tax sale.

Q And it was not brought to your attention. Nor did anybody?

A Not that I can remember.

(R. pp. 102, lines 20-25 and 103, lines 4-5.)

The attorney for Equivest questioned the DTC:

Q Whose duty and obligation is it to keep the county aware and up to date as to the taxpayer's address?

A The tax payer is supposed to notify the auditor if they have a change of address. (R. p. 104, lines 21-24.)

The position taken by Equivest and the Court is belied by the case of *Jones v.*

Flowers, supra.

"Jones should have been more diligent with respect to his property no question."

"Notice was sent to an address that Jones provided and had a legal obligation to keep updated. . ."

"The Commissioner does not argue that Jones' failure to comply with the statutory obligation to keep his address updated forfeits his right to constitutionally sufficient notice, and we agree."

Therefore, the failure of Lashanda and Henry, Jr. to provide the best or correct address did not exempt the DTC from the requirement of due diligence to find the best or correct address and to send all notices to Lashanda and Henry, Jr. to those correct addresses which she had or should have had.

Rather than addressing the major issue of due diligence, the Trial Court elected at attack Mrs. Ravenel, who was not a party, and without the jurisdiction of the Trial Court.

The deed from the County to the high bidder is dated July 28, 2010 some eight months from the end of the redemption period, November 3, 2009. (R. pp. 183-184, Exhibit 10.)

Pursuant to §12-51-150, the DTC had the ability to void the sale at any time prior to the delivery of the deed to the high bidder. (§12-51-130.)

The DTC had ample notice of the failure of actions required to be properly performed long before the deed to the high bidder.

We conclude the analysis of Argument I with a summary of the requirement of the DTC's pursuit of due diligence.

The DTC admitted that she was required to use due diligence.

She also stated she had in effect a procedure for due diligence.

It is evident the DTC failed to follow her own procedure for due diligence, nor did she pursue due diligence at all.

Had she done so, she would have discovered Henry, Jr.'s address at his mother's residence, the correct P.O. Box 263, and Lashanda's address prior to the initiation of the tax sale procedure on April 7, 2008.

It is ironic that the DTC did not examine the County ATS's or search the Register of Mesne Conveyance's Office for deeds in the name of the delinquent taxpayers which the DTC stated are a part of her due diligence procedure.

II. THE TRIAL COURT ERRED WHEN IT, SUA SPONTE, INTERJECTED ISSUES NOT PLED OR ARGUED AND AFTER THE PARTIES HAD RESTED WITHOUT GIVING APPELLANTS THE OPPORTUNITY TO OFFER TESTIMONY IN REBUTTAL.

At the conclusion of the trial and after the parties had rested, the trial judge stated (R. pp. 156, lines 18-25; 157, lines 1-13):

THE COURT: I've give *[sic]* you 45 days, and I'm going to add to that. I'm going to recommend you-all look at the cases – I've been doing research up here. Haynes *[sic]* Federal Credit Union versus Bailey. Look at that case and submit information relative to the issues raised therein as it relates to the facts of this case.

MR. ANDERSON: Judicial estoppel?

THE COURT: It's a judicial estoppel case, and it's also a resulting trust case and a defrauding of creditors. The cite on the case is 327 S.C. 242; Southeastern cite is 489 Southeast 2d 472. (Emphasis added.)

MR. GOLDBERG: That's Haynes Federal Credit Union versus Bailey.

MR. BAKER: I'm familiar with that case.

MR. GOLDBERG: Yup.

THE COURT: And it stands for the proposition that he who seeks equity must do equity. All right? So I'm going to look for you-all to address that case. And it was subsequently cited in case of Bowen versus Bowen, B-O-W-E-N, which is 345 S.C. 243; Southeast 547 Southeast 2d 877. (Emphasis added.)

In *Hennes v. Shaw*, 397 S.C. 391, 725 S.E.2d 501 (Ct. App. 2012), the Complaint failed to flesh out the requisite facts to support a conversion claim. The parties only discussed breach of contract during trial and closing arguments. The Court nonetheless charged the jury on conversion.

The *Hennes* Court stated:

In conclusion, the circuit court's sua sponte jury charge prejudiced Mr. Shaw because he was deprived of the opportunity to prepare for the issue of conversion and to raise the appropriate affirmative defenses at trial. ("In considering potential prejudice, the court should consider whether the opposing party has had the opportunity to prepare for the issue now being formally raised.") Because this was Ms. Hennes' only cause of action against Mr. Shaw, and the jury returned a verdict against Mr. Shaw, the jury undoubtedly was influenced by this flawed jury instruction.

(Internal citations omitted.)

See also *State v. DICAPUA*, 383 S.C. 394, 680 S.E.2d 292 (2009). (A trial court may not in a criminal case sua sponte order a new trial on a ground not raised.)

III. THE TRIAL COURT ERRED FOR IT HAD NO JURISDICTION TO RULE THAT MARY BROOKS RAVENEL, NOT A PARTY, HAD COMMITTED A FRAUD UPON HER CREDITORS, UNCLEAN HANDS AND JUDICIAL ESTOPPEL.

Stephens, et al. v. Ringling, et al., 102 S.C. 333, 86 S.E. 683 (1915) states:

It is fundamental that a defendant is not bound by the procedure and judgments of a court and the rules of law thereabout, unless he is actually or in contemplation of law before the court, or, to use the technical expression, unless the court has secured jurisdiction of his person.

See also Marshall v. Drayton, et al., 2 Nott & McC. 25, 11 S.C.L. 25 (S.C. Const. App.).

No person can be made a defendant in a cause, *except by the process of law or by his own consent*. It is equally true, that no one can be directly affected by the judgment of the court, except those who are parties.

(Emphasis included.)

This brief will nonetheless address the three rulings to show there is no legal or factual foundation therefor.

The three rulings, fraud on creditors, unclean hands and judicial estoppel derive from *Hayne Federal Credit Union v. Bailey, et al.*, 327 S.C. 242, 489 S.E.2d 472 (1997).

The Case of *Bowen v. Bowen*, 345 S.C. 243, 547 S.E.2d 877 (Ct. App. 2001) also cited by the Trial Court is simply a reiteration of the elements of a resulting trust.

To understand the three rulings, an analysis of the facts of the *Hayne* case is necessary. In *Hayne*, father purchased the property at issue with his funds, lived there and paid all costs. However, he put title in son's name who paid nothing and never lived in the house.

Father stated "he did not want his wife to get a hold of that property."

Son died, devising all of his property to wife. Father made no claim against the estate.

Wife mortgaged the house to Hayne.

Wife then filed in bankruptcy. Father filed claim asserting his ownership of the house. He paid \$12,000.00 and obtained a trustee's deed subject to the Hayne mortgage.

Hayne foreclosed. Father answered and counterclaimed asserting that he owned the house by virtue of the resulting trust. The trial court found for father on the basis of a resulting trust.

The Supreme Court reversed.

Although the Supreme Court found a resulting trust, it ruled that such a trust can be defeated by fraud.

The existence of the resulting trust could be rebutted by a showing of fraud on the part of Father. Thus, Father could only make out a resulting trust if he did not engage in fraudulent acts in effecting the trust. The well-known maxim, 'He who seeks equity must do equity,' is applicable here. Accordingly, Credit Union was not required to affirmatively plead the defense of fraud. (Citation omitted.)

"This Court finds that the resulting trust is negated by father's fraudulent actions."

In the instant case, unclean hands or he who seeks equity must do equity was not pled by Equivest or argued, nor did Mrs. Ravenel admit to perpetuating a fraud upon her creditors.

Mrs. Ravenel's actions do not satisfy the requirements of a fraud on creditors.

Durham v. Blackard, 313 S.C. 432, 438 S.E.2d 259 (Ct. App. 1993).

... where the transfer was not made on a valuable consideration, no actual intent to hinder or delay creditors must be proven. Instead, as a matter of equity, the transfer will be set aside if the plaintiff shows that (1) the grantor was indebted to him at the time of the transfer; (2) the conveyance was voluntary; and (3) the grantor failed to retain sufficient property to pay the indebtedness to the plaintiff in full-not merely at the time of the transfer, but in

the final analysis when the creditor seeks to collect his debt.

Equivest is not a creditor of Mrs. Ravenel.

Mrs. Ravenel owned property valued at over \$169,000.00 at the time of the conveyance which she purchased in 1997. (R. pp. 209-214, Exhibit 32, R. p. 121, lines 16-23.)

The only judgment against Mrs. Ravenel was that of AAA in the amount of \$3,599.45, which could have been paid in full at the time of the transfer and AAA has yet sought to collect the debt.

There was no conveyance in the fraud of creditors by Mrs. Ravenel.

The last issue is judicial estoppel.

The trial court's finding is based on factual inaccuracies.

At page four of the Court's Order (R. p. 25), the following appears: "Shortly after the conveyance, Ms. Ravenel filed for bankruptcy and on her sworn schedules she did not denote that she had recently conveyed the property to her children."

At pages 7 and 8, paragraph 17 of the Order (R. pp. 28 and 29), the Court cites *Southmark Corp. v. Trotter*, 212 Ga. App. 454, 442 S.E.2d 265 (1994). *Southmark Corp.* is a Georgia case and the Order recites that case as stating, "In bankruptcy proceedings a Plaintiff failed to include in its schedules a potential malpractice claim against its attorneys. The Court threw out the malpractice claim as it swore on the bankruptcy schedules it had no such claim."

Paragraph 18 page 8 of the Order (R. p. 29), the Court stated, "In her bankruptcy filings, Ms. Mary Ravenel asserted she owned no real estate."

The contention that Mrs. Ravenel failed to advise the Bankruptcy Court of her conveyance to Lashanda and Henry, Jr. lacks evidentiary support as the following testimony attests.

Equivest's counsel cross-examined Mrs. Ravenel.

Q When you filed for bankruptcy you had to fill out a whole bunch of schedules; right?

A Yes, sir.

Q One of the schedules had on it that to list all of the properties that you have owned and conveyed away within the last three years prior to filing bankruptcy. Do you remember that schedule?

A Yes, sir.

Q What did you put down with regard to these properties?

A I had to tell the truth, that my attorney advised me to transfer the property into my children's name.

Q But on the schedules, the Bankruptcy schedules, did you advise the Court that you had conveyed them to your children?

A Yes, and the Court was upset because of the timeframe. According to them it shouldn't have happened that way.

(R. pp. 130, lines 23-25; 131 lines 1-15.) No bankruptcy schedules were introduced into evidence as appears from Exhibit 50 (R. pp. 236-237), the Court Reporter's Exhibit List.

"While these are correct statements of law, we cannot under the facts of this case determine the applicability of Curtiss-Wright. The text of the Curtiss-Wright decision was neither introduced into the trial record, nor included in the record on appeal. Therefore, no competent evidence exists from which [we] can glean the full implications of the decision." *Middleborough Horizontal Property Regime v. Montedison*, 320 S.C. 470, 465 S.E.2d 765 (Ct. App. 1995).

The Court then examined Mrs. Ravenel:

THE COURT: You had a bankruptcy hearing the next day?

A Yes, Sir.

THE COURT: Tell me what happened there.

A When I went to the bankruptcy hearing they called me up and asked me the general name, address and all of that. They told me what lead me to bankruptcy and all of that. I told them I had a job that was making real good money and I lost my job and all of that. Then they started asking, if I can remember correctly, you know, if you had any property or anything that you recently changed over within the year or the last couple of years, and I said yes. And then I told them - I had to give them the name, the property, the location and then they actually - it was

something they dismissed because they needed my attorney to do something else because – anyway, that shouldn't have been done according to them. So my attorney had to do something else saying during the bankruptcy time, if I'm correct that they would be able to sell any of the property or something like that.

THE COURT: Did you get – did you go through the bankruptcy process? Did you get a discharge in bankruptcy?

A: Yes, I was unable – between the bankruptcy and – and that it went over to like 40-something hundred dollars a month and that – just was unable to do. I was not able.

THE COURT: They set you up on a payment plan?

A: Yes, sir. It, really, it was worse than what I was paying.

THE COURT: Right. So you were unable to make that payment plan?

A: Yes.

THE COURT: And you were not – your debts were not discharged in bankruptcy, you were put out of bankruptcy?

A: Yes, sir; correct.

(R. pp. 136, lines 5-24; 137, lines 1-15.)

The *Hayne* case states: "Judicial estoppel precludes a party from adopting a position in conflict with one earlier taken in the same or related litigation."

That is not the case here.

In the instant case, Mrs. Ravenel's position has remained consistent, in that she has always testified before this Court that she conveyed her property to her children as she did in the bankruptcy proceeding.

It should be recalled that Mrs. Ravenel conveyed her five parcels including the residence at issue and filed in bankruptcy on the advice of an attorney (R. 123, lines 12-24; 136, lines 5-24.)

Acting upon the advice of Counsel is a defense. *In Re: Steve Ayers*, 25 B.R. 762 (Bkrcty. M.D. Tenn. 1982):

The rule is that when a bankrupt acts on the advice of counsel after a full disclosure of the facts to him, fraudulent intent may be presumed to be absent.

See also Abusamhadaneh v. Taylor, 2012 WL 2046125 (E.D. Va.).

While there is no case on advice of counsel that could be found in South Carolina, there is a case which is analogous, *Melton v. Williams*, 281 S.C. 182, 314 S.E.2d (Ct. App. 1984), an action for malicious prosecution. The defendant swore out a warrant for plaintiff's arrest for grand larceny upon the advice of counsel. The court held:

Good faith reliance upon advice of fully informed counsel may establish probable cause. (Citation omitted).

In a similar vein, the Order accuses Mrs. Ravenel of unlawful action by citing *Wachovia Bank v. Coffey*, 389 S.C. 68, 698 S.E.2d 244 (Ct. App. 2010).² (Order p. 7, paragraph 13.)

Wachovia was a mortgage foreclosure action wherein Mrs. Coffey counterclaimed on the ground of unclean hands for Wachovia committed the unauthorized practice of law by closing the loan without an attorney.

The Trial Court sets forth the following principle from *Wachovia*:

...no person be permitted to acquire a right of action from their own unlawful act and that one who participates in an unlawful act cannot recover damages for the consequence of that act."

However, the following language from *Wachovia* precedes this principle.

We therefore reach the inescapable conclusion that Wachovia has come to court with unclean hands and is barred from seeking equitable relief. . . . Wachovia's legal causes of action are barred as well.

Wachovia thereafter states:

This is consistent with South Carolina precedent asserting that no person be permitted to acquire a right of action from their own unlawful act and that one who participates in an unlawful act cannot recover damages for the consequence of that act. *See Jackson v. Bi-Lo Stores, Inc.*, 313 S.C. 272, 276-77, 437 S.E.2d 68, 170-71 (Ct. App. 1993) (applying this policy to a contract secured and maintained by bribery).

The Plaintiffs in *Jackson* sued on a contract but were denied relief based on bribery.

These citations are inapposite because Mrs. Ravenel is not a party here and does not seek to "acquire a cause of action," nor is she guilty of "unlawful action."

² Appellants are informed and believe that certiorari has been granted and this case is scheduled to be heard by the S.C. Supreme Court on October 31, 2012.

IV. THE TRIAL COURT ERRED WHEN IT RULED THAT MARY RAVENEL'S PURPORTED FRAUD UPON CREDITORS WAS IMPUTED TO APPELLANTS WITHOUT CITATION OF AUTHORITY AND WHEN THE PREVALENT AUTHORITY IS TO THE CONTRARY.

The Trial Court in its Order discusses the fact that Mrs. Ravenel's "purported wrongdoings" are imputable to Lashanda and Henry, Jr. without citation of authority.

"To allow the Plaintiffs to void the tax sale would validate the conduct of Ms. Mary Ravenel; that same conduct is imputed on the Plaintiffs." (R. p. 29, Order p. 8, paragraph 20.)

"When the Plaintiffs became aware that their mother intended to defraud her creditors they then elected to participate in her fraud by bringing the present action. They should not now be granted the relief they seek as the actions of their mother are imputed to them." (R. p. 28, Order p. 7, paragraph 14.)

The assertion by the Trial Court is contrary to the law.

Actual knowledge of, or participation in, the debtor's fraudulent intention on the part of the transferee need not be established in order to justify a conclusion that the transaction was illegal. The transaction is subject to attack if at the time of the transfer the transferee had notice of circumstances which would arouse the suspicion of an ordinarily prudent man and cause him to make inquiry as to the purpose for which the transfer was being made, which would disclose the fraudulent intent of the maker.

Coleman v. Daniel, 261 S.C. 198, 199 S.E.2d 74 (1973).

The assertion that when Lashanda and Henry, Jr. were aware that their mother intended to defraud her creditors "they then elected to participate in her fraud by bringing the present action" is without substance.

The Trial Court's Order at page 3 (R. p. 24) states "Although the subject real property was titled in her children's names, Mrs. Ravenel had never delivered the deed to

them, nor had she even told them about the conveyance. The Plaintiffs stated that they only learned the deed and their ownership of the property when this law suit was commenced."

At paragraphs 6 and 9 of Page 6 of the Order (R. p. 27), there appears the following:

6. The Plaintiffs were never made aware of the deed unto them, nor was the deed ever delivered to them.
9. The Plaintiffs had no knowledge or any concern with regard to the property until this action was commenced.

This testimony is further supplemented by the testimony of Mrs. Ravenel, Lashanda and Henry, Jr. (R. pp. 124, lines 16-25; 125, lines 1-3; 138, lines 25; 139, lines 1-11; 152, lines 22-25; 153, lines 1-6.)

If Lashanda and Henry, Jr. were not aware of their mother's deed to them in November 2007 until November 20, 2010, the initiation of this action, how could they have been aware that their mother intended to defraud her creditors in 2007 and "elect to perpetrate in her fraud by bringing the present action."

CONCLUSION

There is no clear and convincing evidence to support the trial court's rulings.

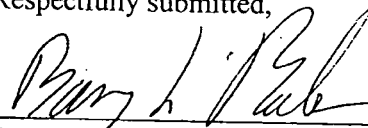
To the contrary, the evidence is clear and convincing that the DTC did not pursue due diligence when the receipts were returned unsigned.

"[A]ll requirements of law leading up to tax sales which are intended for the protection of the tax payer [sic] against surprise or the sacrifice of his property are to be regarded as mandatory and are strictly enforced." *Rives v. Bulsa*, 325 S.C. 287, 292-93, 478 S.E.2d 878 (Ct. App. 1996).

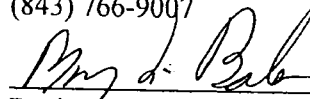
"In this case, the State is exerting extraordinary power against a property owner-taking and selling a house he owns. It is not too much to insist that the State do a bit more to attempt to let him know about it when the notice letter addressed to him is returned unclaimed." *Jones v. Flowers, supra.*

Lashanda and Henry, Jr. request the Court to reverse the Orders of the Trial Court.

Respectfully submitted,



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



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

February 25, 2013

Attorneys for Appellants

**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.

FINAL BRIEF OF RESPONDENT

**S. R. Anderson
S.C. Bar No. 391
Post Office Box 12188
Columbia, SC 29211
(803) 252-2828**

**James B. Richardson, Jr.
S.C. Bar No. 4718
1229 Lincoln Street
Columbia, SC 29201
(803) 799-9412**

Attorneys for Respondent.

TABLE OF CONTENTS

Page:

Table of Authorities	i

Counterstatement of Questions Presented:

I. Did the circuit court err in finding that the children of Mary Ravenel stood in her shoes, and actively joined with her, in her effort to defraud her creditors, so that the children were not entitled to the aid of the equity court in their effort to preserve the fraud?	
II. Did the Delinquent Tax Collector comply with the statutory mandate to send the required notices to the best available address of the taxpayers, as defined by statute?	
III. Does the Delinquent Tax Collector have a duty to search outside the records of her own office to track down taxpayers who have failed in their duty to keep their address of record current?	iii

Statement of Facts	1

Argument:

I. Mrs. Ravenel's children had a full and fair opportunity to address the court's concerns about whether they were entitled to the aid of the equity court, where her own testimony disclosed for the first time that Mrs. Ravenel transferred title to her children in an effort to defraud creditors. They stood in her shoes, and took an active part in the effort.	2
II. It is for the General Assembly to say how the Delinquent Tax Collector addresses her notices. The statute is perfectly clear. The Delinquent Tax Collector complied exactly with the statute.	4
III. The statute should not be judicially expanded. The Delinquent Tax Collector should not be saddled with the role of a private detective, required to track down every delinquent taxpayer who has failed to keep his address current on the rolls. The DTC's statutory duty to search for the delinquent taxpayer's address is confined to her own records.	8
CONCLUSION	14

TABLE OF AUTHORITIES

Page:

Cases:

<i>Albertson v. Robinson</i> , 371 S.C. 311, 638 S.E.2d 81 (Ct. App. 2006)	3
<i>Alwani v. Slocum</i> , 540 So.2d 908 (Fla. App. 1989)	9
<i>Bell v. Knight</i> , 376 S.C. 380, 656 S.E.2d 393 (Ct. App. 2008)	7
<i>Branton v. Martin</i> , 243 S.C. 90, 132 S.E.2d 285 (1963)	2
<i>Brown v. James</i> , 389 S.C. 41, 697 S.E.2d 604 (Ct. App. 2010)	4
<i>Burns v. State Farm Mut. Auto. Ins. Co.</i> , 297 S.C. 520, 377 S.E.2d 569 (1989)	4
<i>Dahn v. Trownsell</i> , 1999 S.D. 36, 576 N.W.2d 535 (1998)	10
<i>Daniels v. Berry</i> , 148 S.C. 446, 146 S.E. 420 (1929)	5
<i>In re Ducate</i> , 369 B.R. 251 (B'ruptcy D.S.C. 2007)	3
<i>Elizondo v. Read</i> , 588 N.E.2d 501 (Ind. 1992)	7, 12
<i>Good v. Kennedy</i> , 291 S.C. 204, 352 S.E.2d 708 (Ct. App. 1987)	7
<i>I'On, LLC v. Town of Mt. Pleasant</i> , 338 S.C. 406, 526 S.E.2d 716 (2000)	2
<i>JASDIP Properties SC, LLC v. Estate of Richardson</i> , 395 S.C. 633, 720 S.E.2d 485 (Ct. App. 2011)	2
<i>Keiser v. Young</i> , 181 A.D.2d 170, 585 N.Y.S.2d 880 (1992)	9
<i>McDonald v. Abraham</i> , 75 N.D. 457, 28 N.W.2d 582 (1947)	8, 10
<i>Montgomery v. Keziah</i> , 277 S.C. 84, 282 S.E.2d 853 (1981)	5

<i>Mullin v. Polk</i> , 76 So.2d 282 (Fla.1954)	10
<i>Ex parte Oliver</i> , 134 S.E. 657 (S.C. 1925)	5
<i>Schwartz v. Armour Fertilizer Works</i> , 31 Misc.2d 421, 219 N.Y.S.2d 685 (Sup. Ct. 1961)	9
<i>Schwartz v. Armour Fertilizer Works</i> , 16 A.D.2d 947, 229 N.Y.S.2d 465 (1962)	9
<i>Smith v. Cliffs on the Bay Condominium Assoc.</i> , 463 Mich. 420, 617 N.W.2d 536 (2000)	11
<i>Snelgrove v. Lanham</i> , 298 S.C. 302, 379 S.E.2d 904 (1989)	8
<i>Stubbs v. Cummins</i> , 336 So.2d 412 (Fla. App. 1976)	9
<i>Tobias v. Rice</i> , 379 S.C. 357, 665 S.E.2d 216 (Ct. App. 2008)	7
<i>Tsann Kuen Enterprises Co. v. Campbell</i> , 355 Ark. 110, 129 S.W.3d 822 (2003)	12
<i>Wachovia Bank v. Coffey</i> , 389 S.C. 68, 698 S.E.2d 244 (Ct. App. 2010)	4
<i>Weinstein v. Allstate Credit Corp.</i> , 34 A.D.2d 971, 312 N.Y.S.2d 582 (1970)	9

Statutes:

S.C. Code Ann. § 12-51-40(a)	<i>passim</i>
S.C. Code Ann. § 12-51-40(b)	<i>passim</i>
S.C. Code Ann. § 12-51-120	<i>passim</i>
2000 Act No. 399	5, 9

Encyclopedia:

85 C.J.S. <i>Taxation</i> § 868 (1954)	8, 9, 10

COUNTERSTATEMENT OF QUESTIONS PRESENTED

I.

Did the circuit court err in finding that the children of Mary Ravenel stood in her shoes, and actively joined with her, in her effort to defraud her creditors, so that the children were not entitled to the aid of the equity court in their effort to preserve the fraud?

II.

Did the Delinquent Tax Collector comply with the statutory mandate to send the required notices to the best available address of the taxpayers, as defined by statute?

III.

Does the Delinquent Tax Collector have a duty to search outside the records of her own office to track down taxpayers who have failed in their duty to keep their address of record current?

iv

STATEMENT OF FACTS

Property taxes on Mary Ravenel's home in Hollywood, South Carolina, became delinquent for the year 2007, as had happened in the previous two years. [R. 84; 106-07.] The Delinquent Tax Collector for Charleston County ("DTC") addressed successive notices in the collection process to the owners of record of the property, the children of Mrs. Ravenel, who were the grantees in a deed from their mother recorded November 6, 2007, the day before the first meeting of creditors in Mrs. Ravenel's bankruptcy proceeding. [R. 122-24; 132; 136.] The notices were addressed to Mrs. Ravenel's children at the address given for them in the deed, a post office box in Hollywood, South Carolina — P. O. Box 455.

The first notice was sent by regular mail, as provided by statute.

The second and third notices were sent by certified mail, return receipt requested, restricted delivery, again as provided by statute.

The first of the certified mailings — the notice of levy — was returned to the DTC marked "Return to Sender, Unable to Forward" on May 24, 2008. [Pl. Exh. 4, R. 178.]

The second of the certified mailings — Final Notice of Property Redemption — was sent in three mailings: one to each of the children and one to them jointly. They were all returned on October 26, 2009 marked "Return to Sender/Ravenel, PO Box 263, Hollywood, SC 29449-0263". [R. 85.] The statutory deadline for mailing this notice by certified mail having passed [R. 104], the DTC immediately sent a courtesy copy of the notice by regular mail to the address shown on the returned mailings, P. O. Box 263, Hollywood, South Carolina.

Although Henry Ravenel Jr. did not know that his mother had deeded her house to him, Henry Jr. heard from a third party in early October 2009 that back taxes were due. [R. 141.] He called the office of the DTC on October 2, 2009 and learned the amount due upon his mother's house. [R. 83; Pl. Ex. 9, R. 182.] When Mary Ravenel received the courtesy copy of the redemption notice soon after it was mailed on October 27, 2009

[R. 103], she also communicated with the DTC and learned the amount due. Mrs. Ravenel was unable to pay the taxes of about \$27,000, and the property was deeded to the high bidder for \$130,000.

ARGUMENT

I.

Mrs. Ravenel's children had a full and fair opportunity to address the court's concerns about whether they were entitled to the aid of the equity court, where her own testimony disclosed for the first time that Mrs. Ravenel transferred title to her children in an effort to defraud creditors. They stood in her shoes, and took an active part in the effort.

Mary Ravenel signed a deed conveying her house to her adult children, intending to shield it from creditors. [R. 132.] She defends this conduct by saying that her lawyer advised her to do it. The fact that an attorney may have advised a client to engage in illegal conduct may sometimes be a limited defense in criminal prosecution, but it does not cleanse or excuse civil wrongs. It simply makes the lawyer a co-conspirator in the scheme.

Mrs. Ravenel did not deliver the deed to her children. [Order of 5/30/12, p. 3, R. 24.] This unappealed finding of fact is the law of the case. *JASDIP Properties SC, LLC v. Estate of Richardson*, 395 S.C. 633, 641, 720 S.E.2d 485, 489 (Ct. App. 2011). An undelivered deed never takes effect. See generally: *Branton v. Martin*, 243 S.C. 90, 132 S.E.2d 285 (1963) (*per* Brailsford, J.). The circuit court could and should have dismissed this quiet title action on that ground alone, since the appellants have no legal title to the house. They are, as the circuit court found, "straw owners."¹

The appellants' complaint about the circuit court's holding on the matter of unclean

¹ *I'On, LLC v. Town of Mt. Pleasant*, 338 S.C. 406, 419, 526 S.E.2d 716, 723 (2000) ("[A] respondent . . . may raise . . . any additional reasons the appellate court should affirm the lower court's ruling, regardless of whether those reasons have been presented to or ruled on by the lower court.").

hands is five-fold. First, the appellants say that their mother's attorney advised her to do it in the first place. Moreover, she acknowledged the conveyance when questioned about it at her first meeting of creditors in Bankruptcy Court, thereby curing any wrongdoing. Second, the appellants contend that it is wrong to blame them for their mother's misconduct, if any, since they had no part in it. Third, the appellants argue that the issue was not properly before the court, not having been pled. Fourth, they challenge the standing of the respondent to raise the issue in any event. Fifth, they contend that they lacked a fair opportunity to respond to this unpled issue.

It is true that Mrs. Ravenel truthfully acknowledged at her creditors' first meeting that she had transferred title to the house the day before. [R. 132.] The bankruptcy proceeding failed anyway. But the transfer in fraud of creditors survived. Record title to the house remained in the children after the bankruptcy was dismissed, and there it stayed until the tax sale and conveyance to the high bidder. If Mrs. Ravenel intended to rescind the fraudulent transfer, she could and should have taken steps to do so but did not. Her bankruptcy was dismissed with the house still in her children's names, and there it stayed.² On these facts, Mrs. Ravenel's truthful answers at the first meeting of creditors did not expunge the fraudulent transfer of title. It continued to have the effect intended.

The aid of the equity court is no more available to the appellants than it would be to their mother. The grantor's intent to defraud her creditors is imputed to the grantee. See: *Albertson v. Robinson*, 371 S.C. 311, 638 S.E.2d 81 (Ct. App. 2006); *In re Ducate*, 369 B.R. 251 (B'ruptcy D.S.C. 2007). As nominal owners, Mrs. Ravenel's children act in this case solely in their mother's interest. The house is hers, not theirs. [Order of 5/30/12, ¶ 6-12, R. 27-28.] Their names were placed in the public record for no other purpose but to protect this asset from Mrs. Ravenel's creditors. The children are their mother's agents

² The world had no way to know that the deed had never been delivered and that legal as well as equitable title remained in Mrs. Ravenel. Throughout the trial she continued to speak of the house as being hers, and so it was.

in this litigation. [Order of 5/30/12, ¶ 14, R. 28.] This is not a passive role. As plaintiffs they have actively joined in their mother's misconduct and on that ground alone are no more deserving of the equity court's assistance than is their mother.

The appellants contend that the closure to them of the doors of the equity court should have been pled as an affirmative defense. The respondent did not learn of this fact until Mrs. Ravenel disclosed it at trial. In any case, this is not an affirmative defense which redounds to the benefit of a particular litigant. It is a policy of the court itself, preserving the integrity of the court rather than being granted to the benefit of a litigation adversary.

The appellants contend that the respondent has no standing to raise the question of fraudulent transfer, since the respondent was not defrauded. The point is not whether the respondent was defrauded but whether the appellants are affirmatively entitled to the aid of the equity court in light of what they have done. The doors of that court are closed to them. See: *Wachovia Bank v. Coffey*, 389 S.C. 68, 698 S.E.2d 244 (Ct. App. 2010).

In any event, the appellants were granted a full right to address the question of whether the doors of the equity court were closed to them. They briefed the question ably and thoroughly. [See Appellants' Proposed Order, pp. 14–17, R. pp. 171-72.³] They have suffered no prejudice from the way in which this matter was handled in circuit court.

II.

It is for the General Assembly to say how the Delinquent Tax Collector addresses her notices. The statute is perfectly clear. The Delinquent Tax Collector complied exactly with the statute.

The General Assembly has directed that three notices be sent to the defaulting taxpayer by the Delinquent Tax Collector ("DTC"). The first notice goes by ordinary mail. S.C. Code Ann. § 12-51-40(a) ("the Section 40(a) notice"). If the taxes remain unpaid thirty days after the first notice, a second notice goes out by a form of certified mail. S.C. Code

³ Pages 16-17 of the proposed order were inadvertently omitted from the Record on Appeal.

Ann. § 12-51-40(b) ("the Section 40(b) notice"). After the property is sold for taxes, the one-year redemption period begins. No more than 45 days nor fewer than 20 days before expiration of the redemption period, Section 12-51-120 requires that a third notice ("the Section 120 notice") go out by certified mail in the same manner "as provided in Section 12-51-40(b)".

These two statutes — Section 12-51-40 and Section 12-51-120 — are *in pari materia* and hence should be construed together. *Brown v. James*, 389 S.C. 41, 697 S.E.2d 604 (Ct. App. 2010); *Burns v. State Farm Mut. Auto. Ins. Co.*, 297 S.C. 520, 522, 377 S.E.2d 569, 570 (1989). They have been simultaneously amended more than once. See, e.g., 2000 Act No. 399. Moreover, Section 12-51-120 expressly refers back to Section 12-51-40. These two sections are components of an integrated statutory process, the parts of which must be read together.

The DTC must address the Section 40(a) notice and the Section 120 notice in the same way. The Section 40(a) notice "**must** be mailed" in the prescribed way.⁴ It must be addressed to "the best address available" — **a defined term**. The *best address available* is one of three things: The best address available "is either [1] the address shown on the deed conveying the property to [the defaulting taxpayer], [or (2)] the property address, or [3] other corrected or forwarding address of which the [DTC] has actual knowledge." S.C. Code Ann. § 12-51-40(a). The first two of the three things meeting the definition of "best address available" are objective addresses of public record. Anyone can determine what they are, even though finding the physical address might require the DTC to search outside the records of her office. By contrast, in regard to the third address which may be the best address available, the DTC need only examine her own records. Those records are the sole source of her **actual knowledge**. Actual knowledge does not include constructive notice. A person charged with a duty which depends upon actual knowledge has no

⁴ The Legislature's use of the word "must" is mandatory, not precatory. See: *Ex parte Oliver*, 134 S.E. 657 (S.C. 1925). It is the equivalent of "shall," which is generally mandatory. See, e.g., *Montgomery v. Keziah*, 277 S.C. 84, 282 S.E.2d 853 (1981).

obligation to search for additional knowledge. Among the large array of cases emphasizing the distinction between actual knowledge and constructive notice is *Daniels v. Berry*, 148 S.C. 446, 146 S.E. 420 (1929).

Thus, there is no ambiguity and no doubt about how the DTC must address the Section 40(a) notice. Section 12-41-120 provides that the Section 120 notice “**must** be mailed to the best address of the owner available to the [DTC]” (Emphasis added.) The General Assembly does not redundantly repeat in Section 12-51-120 the three-part definition of “best address available” set forth earlier in Section 12-51-40(a). The “best address available” for the Section 120 notice is the same as for the Section 40(a) notice: “either [1] the address shown on the deed conveying the property to [the defaulting taxpayer], [or (2)] the property address, or [3] other corrected or forwarding address of which the [DTC] has actual knowledge.”

It is undisputed that the DTC complied with the statute as written. She mailed both of the certified mail notices to the address placed by Mary Ravenel on the deed to her children. This was the same post office box — P.O. Box 455, Hollywood, South Carolina — found in the 2001 deed into Mrs. Ravenel when she acquired the property. The post office box was that of Mrs. Ravenel’s mother, and apparently served as a family address. The DTC had no actual knowledge of any other address, nor was she bound by statute to look for any. The first moment that the DTC had actual knowledge of an “other corrected or forwarding address” was on October 26, 2009, when the Section 120 notice was returned, marked with what appeared to be a new address. [R. 85; 115.] By then it was too late for a second certified mailing to go out, since the end of the redemption period was less than twenty days away. [R. 104; 114.] The DTC immediately sent a courtesy copy of the notice of redemption by regular mail.

A tax collector’s actual knowledge is that of her own records, not the records of other officials or non-governmental sources. In the case of *Elizondo v. Read*, 588 N.E.2d 501, 504-05 (Ind. 1992), statutory notices were returned marked “Unclaimed” or

"Undeliverable as addressed." The Indiana Supreme Court stated:

Like information in possession of other public officials, knowledge of information contained in records maintained by a county auditor may be imputed to the auditor. This means that the Auditor will be considered to have been aware of any address for the Elizondos that is contained in the auditor's own records to the extent that the alternate listing linked the persons therein to the property upon which taxes were delinquent. This also suggests, however, that the auditor does not have knowledge of, nor should be required to seek knowledge of, information contained in records or documents not routinely maintained by and within the auditor's office. For example, contrary to the Elizondos' argument, the auditor should not be required to resort to the most recent telephone directories to ascertain a different address, nor should the auditor be required to search the records of other offices such as the recorder or the court clerk. All that is required is that the auditor send notice to the owner's last known address, that is, the last address of the owner of the specific property in question of which the auditor has knowledge from records maintained in its office. . . .

It is reasonable to require the auditor to search the records of his own office for other possible addresses upon the receipt of an undelivered notice. It is not, however, reasonable to require the auditor to speculate as to whether these possible alternatives are addresses for the property owner who owes taxes on the property in question or another taxpayer with the same name. This type of confusion may not be very great when the auditor is searching for an Urbano Elizondo in Marshall County. It does pose a problem, however, when the auditor of Marion County is attempting to find an address for Mary Smith, or the auditor of Lake County is searching for a John Jones.

The Charleston County DTC conscientiously tried to look outside her own records to locate taxpayers who defaulted in their duty to keep their addresses up to date, but she had no obligation to do so. See: *Bell v. Knight*, 376 S.C. 380, 656 S.E.2d 393 (Ct. App. 2008) ("The tax collector was not required to send notice to Husband, and we will not find notice inadequate because a tax collector exceeded the statutory notice requirements."). The DTC knew that the statute requires no search outside her own records [R. 112], but she conscientiously tried to do more than the law requires. Even if she had labored under a mistaken belief of what the law requires of her, a mistake of law seldom means anything. See, e.g., *Tobias v. Rice*, 379 S.C. 357, 362, 665 S.E.2d 216, 221 (Ct. App. 2008). It

would have meant nothing here. The DTC had no statutory duty to try to track down the defaulting taxpayer.

III.

The statute should not be judicially expanded. The Delinquent Tax Collector should not be saddled with the role of a private detective, required to track down every delinquent taxpayer who has failed to keep his address current on the rolls. The DTC's statutory duty to search for the delinquent taxpayer's address is confined to her own records.

The case of *Good v. Kennedy*, 291 S.C. 204, 352 S.E.2d 708 (Ct. App. 1987), involved the tax sale of a rental house owned by taxpayer Kennedy in Chester. When he bought the house, Kennedy listed his correct mailing address on the deed, and that address was correctly placed by the Assessor on his rolls. Years later, for a reason unknown, the Assessor changed Kennedy's address on the rolls to the street address of the rental property. In addressing her notice of the right of redemption, the City of Chester Tax Collector used the street address found on the rolls of the Assessor. The letter was returned marked "moved left no address." The court invalidated the tax sale.

The holding in *Good* was clearly sound. The Tax Assessor had no right to change the correct mailing address supplied by the taxpayer without the taxpayer's knowledge. *Accord: Snelgrove v. Lanham*, 298 S.C. 302, 379 S.E.2d 904 (1989).

In invalidating the tax sale, however, the Court of Appeals cited a 1954 encyclopedia in support of its holding. The Court stated:

Moreover, where a statute permits the giving of such notice by mail, the person authorized to send the notice must exercise diligence to ascertain the correct address of the property owner. 85 C.J.S. Taxation Section 868 (1954).

Good, 291 S.C. at 207-08, 352 S.E.2d at 711. The Court's reference to due diligence was dictum. Upon close examination, the encyclopedia section does not support the proposition

for which it was cited.⁵

Later Court of Appeals cases have relied upon the “due diligence” dictum in *Good* without further statutory or caselaw analysis. The Supreme Court has yet to reach the issue.

If the Court’s statement in *Good v. Kennedy* concerning due diligence is regarded as holding, not dictum, it was overruled by the General Assembly in 2000. When *Good v. Kennedy* was decided, “best address available” was an undefined term. The General Assembly thereafter amended Section 12-51-40(a) to define the term, limiting it to addresses within the actual knowledge of the DTC. 2000 Act No. 399, § 3(X)(7).

A New York trial court relied upon the same encyclopedia authority cited in *Good v. Kennedy* in holding that the person sending a redemption notice — in New York, the tax purchaser — must make a due-diligence search if the statute does not expressly limit the search for best available address:

Clearly under the [applicable statute] the [sender] is not required to ascertain at his peril the owner’s address, but since the statute under which he proceeds does not specify the means by which the address is to be ascertained, he must exercise due diligence to obtain the correct address. 85 C.J.S. Taxation § 868 b, p. 269. **Were the statute specific there would be no obligation to proceed further when the notice**

⁵ Section 868 of the 1954 edition of the C.J.S. article on taxation reads as follows in pertinent part:

Where service by mail is permitted, the person sending the notice must exercise diligence to ascertain the correct address, but, where statutes specify the means to be employed to ascertain the necessary information, there is no obligation to go beyond the statutory requirements; and the fact that a notice to redeem, which has been sent by mail, is returned to the sender indicating that it could not be delivered imposes on the sender no duty to make further inquiry to ascertain another address to which the notice could be sent, or necessitates resort to another method of service.

(Footnotes omitted.) Among other cases, the encyclopedia cites *McDonald v. Abraham*, 75 N.D. 457, 28 N.W.2d 582 (1947), discussed hereinbelow. The 1954 edition of Volume 85 of C.J.S. has been superseded (twice) but is available in the Supreme Court Library.

is returned undelivered But it is not specific and a purchaser to whom a notice is returned undelivered and who makes no inquiry beyond the Receiver's records cannot be said to have exercised due diligence.

Schwartz v. Armour Fertilizer Works, 31 Misc.2d 421, 219 N.Y.S.2d 685 (Sup. Ct. 1961) (emphasis added). Reversing this judgment, the New York Appellate Division held that the trial court had misinterpreted Section 848(b) of the encyclopedia. The court stated:

The search and inspection of the records and the mailing of the notice to redeem were made in compliance with [the applicable statute]. In our opinion, the [sender] was not required to make further inquiry to ascertain another address to which the notice could be sent 85 C.J.S. Taxation, § 868, subd. b; 155 A.L.R. 1280

Schwartz v. Armour Fertilizer Works, 16 A.D.2d 947, 229 N.Y.S.2d 465, 467 (1962).
Accord: Weinstein v. Allstate Credit Corp., 34 A.D.2d 971, 312 N.Y.S.2d 582 (1970).
See also: Keiser v. Young, 181 A.D.2d 170, 585 N.Y.S.2d 880 (1992).

Decisions from other jurisdictions reject the imposition of a "due diligence" burden upon the taxing authorities where the legislature has not seen fit to impose one. For example, in *Stubbs v. Cummins*, 336 So.2d 412, 415 (Fla. App. 1976), the court stated:

The legislature has not seen fit to impose upon the county officials involved in tax deed procedures a duty to ascertain the status of owners of property by a search of all public records which might reveal same

That court reiterated in *Alwani v. Slocum*, 540 So.2d 908 (Fla. App. 1989):

It would place an intolerable burden on the clerk to make an independent examination in every case to determine if the names and addresses recorded in the collector's office were accurate, and if he determined that some name or other was misspelled or some address or other inaccurate and he used what he thought were the true ones, he would be acting wholly without authority, and his actions might well be challenged because of disregard of the law.

Id. at 909 (quoting: *Mullin v. Polk*, 76 So.2d 282, 284 (Fla.1954)).

In *McDonald v. Abraham*, 75 N.D. 457, 28 N.W.2d 582, 585 (1947), cited as authority in 85 C.J.S. *Taxation* § 868(b) (1954), the court held:

It is apparent that the auditor not only did all that the statute required of her, but, as an act of favor and grace, went beyond

it and did all that it was reasonably possible for her to do in order that the plaintiffs might receive the notice. Where the officer charged with the duty of giving notice of expiration of the period of redemption to delinquent taxpayers follows the letter of the statute in so doing, as was the case here, the requirement as to service of notice is satisfied although the taxpayer does not receive such notice.

In *Dahn v. Townsell*, 1999 S.D. 36, 576 N.W.2d 535 (1998), a certified mailing was returned marked "Returned to Sender, Forwarding Order Expired". Unlike our statute, the South Dakota statute did not define the relevant statutory phrase — "last known address". Nevertheless, the court reasoned;

The realities of this case are that counties rely upon the cooperation of property owners to provide accurate information so that counties may discharge their taxation duties efficiently and effectively. Furthermore, it is not practical to place the burden upon counties to maintain current addresses on every owner of property within the county. As individual property owners change their residence, it is incumbent upon them to notify counties of their address. It is also not an unduly burdensome task to fill out a change of address form sent with the tax notice and return it to the county. . . .

. . . . By requiring [the tax collector] to send his [notice] to Townsell's "last known address," the legislature unambiguously "placed a duty upon" Townsell to inform the county of his current address. . . . This is certainly a reasonable requirement. . . . "Even if the auditor knew that mail was being returned from [the last known address where the tax deed sale and notice were sent], the notice statutes and constitutional due process requirements do not impose . . . a duty to search for an alternative address." Townsell knew in fact, and was chargeable at law, that he was required to pay annual property taxes on the Star Lode and if he failed his property could be sold. He was delinquent in paying such taxes no less than six times during his ownership, and failed to provide his current address to County, even though he changed his residence three times during a five-year period.

We hold that [the tax collector] fully complied with [the statute] by mailing the [notice] to Townsell's "last known address." To hold otherwise would place undue burdens on the counties to collect taxes for support of local governmental institutions. The counties and purchasers of tax certificates should not be required to engage detectives to ferret out delinquent taxpayers who find it all too financially convenient to be missing.

576 N.W.2d at 540, 542.

In reversing a contrary decision of its intermediate appellate court, the Michigan Supreme Court had much to say that is relevant here. One of the notices was returned as "Not Deliverable As Addressed". The court stated:

The statute generally provides that mailed notice to the owner is to be at the owner's last known address. . . . The fact that one of the mailings was returned by the post office as undeliverable does not impose on the state the obligation to undertake an investigation to see if a new address for the association could be located. . . . The courts lack the authority to create new notice requirements. The fact that another statutory scheme might appear to have been wiser or would produce fairer results is irrelevant. Arguments based on such policy considerations must be addressed to the *Legislature*. . . . Similarly, the fact that the township might have sought out defendant's legal residence in a more thorough or conscientious manner is not relevant to our analysis, in light of the language of the statute.

Not only does the Court of Appeals decision infringe the authority of the Legislature, but it would also undermine the tax sale process. The principle underlying the Court of Appeals decision is that in some circumstances it is not enough to comply with the requirements of the General Property Tax Act, but that more must be done. However, exactly what that is will be different in every case. No matter what efforts are made to give notice, the owner who has not, in fact, been provided notice will always contend that something more could have been done. This will make the process of tax sales completely unpredictable, destroying the government's ability to recoup unpaid taxes by foreclosing and reselling. For due process purposes, the focus must be on the constitutional adequacy of the statutory procedure and not on whether some additional effort in a particular case would have in fact led to a more certain means of notice.

Smith v. Cliffs on the Bay Condominium Assoc., 463 Mich. 420, 428-31, 617 N.W.2d 536, 541 (2000).

Although the appellants do not raise a constitutional issue in their questions presented, they do cite a U.S. Supreme Court case involving due process requirements applicable to the service of process by constructive means. Due process requirements are met where the tax collector sends notice to the statutorily defined last known address of the owner of the property. Some of the decisions so holding are reviewed in *Tsann Kuen Enterprises Co. v. Campbell*, 355 Ark. 110, 125, 129 S.W.3d 822, 831 (2003).

If the court were to require the DTC to undertake a search outside her own records — undefined in scope — for better addresses for the defaulting taxpayer, it would place a heavy burden upon the limited resources of the county [see R. 116] — in effect, a judicially unfunded mandate. In the case at bar, the appellants point to seven sources which they say would have led the DTC to a better address for the appellants.⁶ [Appellant's Initial Brief at 9-10.] The second of these pertains not to the appellants but to their mother. Contrary to the appellants' contention [R. 86; 92], by no stretch would the DTC be required to ascertain the kinfolk of the defaulting taxpayer to inquire after a better address. Three of the information sources identified by the appellants were vehicle tax records for Henry Ravenel Jr. The appellant is identified by a different name — Henry Ravenel II — in his own caption, and that is the name by which his mother identified him in the deed. [See R. 101; 110.] The appellants contend that the DTC should have examined the title report she received, identifying judgments and tax liens against Mary Ravenel and "a Henry Ravenel, not involved." [Appellant's Initial Brief at 6.] In other words, that Henry Ravenel was someone else. Suppose the taxpayer were John Smith rather than Henry Ravenel Jr. or Henry Ravenel II or Henry Ravenel. Suppose the RMC records show scores of deeds into John Smith, with an array of different addresses. See: *Elizondo v. Read*, 588 N.E.2d 501, 505 (Ind. 1992). Item No. 5 in the appellant's list is the address given on a deed of other property into appellant Lashanda Ravenel. There is nothing to show that this should be perceived as a better *mailing address* for this taxpayer.

A case-by-case judicial determination of where the DTC should look would inevitably produce variable results, favoring some defaulting taxpayers and discriminating against others.

⁶ To this day, the appellants have not notified the Auditor of a mailing address for the lots in their name on Mary Ravenel Road, other than P. O. Box 455, Hollywood, South Carolina. See Plaintiffs' Exhibits 36, 37, 38, and 39, R. 221-24; R. 95-96; 105; 133.

CONCLUSION

The judgment should be affirmed for the reasons given by the circuit court, and additionally because the respondents do not own the property and are not the delinquent taxpayers.

However, in the event that the Court reaches the due-diligence issue, the respondent urges the Court to hold that the DTC has performed her duty when she does what the statute requires. The DTC's search for the defaulting taxpayer's best address available should be confined to the space where the statute expressly places it — the DTC's *actual knowledge*. The DTC should have to search her own records because she has *actual knowledge* of those, but none other. Imposing a broader burden to search for a better address would be to rewrite the statute.

For all these reasons, the judgment should be affirmed.

Respectfully submitted,

S. R. Anderson
S.C. Bar No. 391
Post Office Box 12188
Columbia, SC 29211
(803) 252-2828

James B. Richardson, Jr.
S.C. Bar No. 4718
1229 Lincoln Street
Columbia, SC 29201
(803) 799-9412

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

February 12, 2013.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Honorable Mikell R. Scarborough, Master-in-Equity

Trial Court Case No. 2010-CP-10-8732

Lashanda Ravenel and Henry Lee Ravenel, II..... Appellants,

v.

Equivest Financial, LLC Respondent.

FINAL REPLY BRIEF OF APPELLANTS

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

TABLE OF CONTENTS

Table of Authorities ii

Argument

I. BEFORE A STATE MAY TAKE PROPERTY AND SELL IT FOR UNPAID TAXES, THE DUE PROCESS CLAUSE OF THE 14TH AMENDMENT REQUIRES THE STATE TO PROVIDE THE OWNER WITH REASONABLE NOTICE. WHEN A CERTIFIED MAIL RECEIPT IS RETURNED UNSIGNED, THE STATE MUST TAKE ADDITIONAL REASONABLE STEPS OR USE DUE DILIGENCE TO FIND A BETTER ADDRESS TO PROVIDE NOTICE TO THE PROPERTY OWNER BEFORE SELLING HIS PROPERTY, IF IT IS PRACTICAL TO DO SO 1

Conclusion 5

TABLE OF AUTHORITIES

Cases

<i>Benton v. Logan</i> , 323 S.C. 338, 474 S.E.2d 446 (Ct. App. 1996)	1
<i>Good v. Kennedy</i> , 291 S.C. 204, 352 S.E.2d 708 (Ct. App. 1987)	1
<i>Hawkins v. Bruno Yacht Sales, Inc.</i> , 353 S.C. 31, 39, 577 S.E.2d 202, 207 (2003)	5
<i>Jones v. Flowers</i> , 547 U.S. 220, 126 S. Ct. 1708 (2006)	2,3
<i>Kurschner v. City of Camden Planning Comm'n</i> , 376 S.C. 165, 171, 656 S.E.2d 346 350 (2008)	1
<i>State v. Binnar</i> , 400 S.C. 156, 733 S.E.2d 890 (2012)	1,3

The lower court's Order should be reversed based on Argument I:

I.

Before a state may take property and sell it for unpaid taxes, the due process clause of the 14th Amendment requires the state to provide the owner with reasonable notice. When a certified mail receipt is returned unsigned, the state must take additional reasonable steps or use due diligence to find a better address to provide notice to the property owner before selling his property, if it is practical to do so.

Vital to our assessment of the sufficiency of the evidence are the provisions of our state and federal *Due Process Clauses*, which provide that no person shall be deprived of life, liberty, or property without due process of law. *U.S. Const. amend. XIV, § 1; S.C. Const. art. 1, § 3*. "The fundamental requirements of due process include notice, an opportunity to be heard in a meaningful way, and judicial review." *Kurschner v. City of Camden Planning Comm'n*, 376 S.C. 165, 171, 656 S.E.2d 346 350 (2008). [Emphasis added.]

... a claim of denial of due process must be analyzed with a two-party inquiry: (1) whether the interest involved can be defined as "liberty" or "property" within the meaning of the *Due Process Clause*; and if so (2) what process is due in the circumstances. [Emphasis added.]

State v. Binnar, 400 S.C. 156, 733 S.E.2d 890 (2012).

South Carolina has followed the requirement for due diligence when the certified mail receipt is returned unsigned since the case of *Good v. Kennedy*, 291 S.C. 204, 352 S.E.2d 708 (Ct. App. 1987). The *Good* case was followed by *Benton v. Logan*, 323 S.C. 338, 474 S.E.2d 446 (Ct. App. 1996).

More important, the United States Supreme Court ruled that when the receipt is returned unsigned, the state must use reasonable steps to find a better address for the

delinquent taxpayer, if it is practical to do so. *Jones v. Flowers*, 547 U.S. 220, 126 S. Ct. 1708 (2006).

The *Jones* case involves a tax sale in Arkansas with similar statutory requirements except a Commissioner is involved and not a Delinquent Tax Collector (DTC).

Pertinent provisions from *Jones*, as they apply to the instant case follow.

The Commissioner's arguments that

"notice was sent to an address that Jones provided and had a legal obligation to keep updated . . . and "after failing to receive a property tax bill and pay property taxes, a property holder is on inquiry-notice that his property is subject to governmental taking."

As for the Commissioner's inquiry notice argument, the common knowledge that property may become subject to government taking when taxes are not paid does not excuse the government from complying with its constitutional obligation of notice before taking private property. We have previously stated the opposite: An interested party's "knowledge of delinquency in the payment of taxes is not equivalent to notice that a tax sale is pending."

In response to the returned form suggesting that Jones had not received notice that he was about to lose his property, the State did – nothing. For the reasons stated, we conclude the State should have taken additional reasonable steps to notify Jones, if practicable to do so.

Other reasonable followup measures, directed at the possibility that Jones had moved as well as that he had simply not retrieved the certified letter, would have been to post notice on the front door, or to address otherwise undeliverable mail to "occupant."

There is no reason to suppose that the State will ever be less than fully zealous in its efforts to secure the tax revenue it needs. The same cannot be said for the State's efforts to ensure that its citizens receive proper notice before the State takes action against them. In this case, the State is exerting extraordinary power against a property owner – taking and selling a house he owns. It is not too much to insist that the State do a bit more to attempt to let

him know about it when the notice letter addressed to him is returned unclaimed.

The *Jones* case was extensively addressed in the Appellants' proposed Order to the lower court of June 22, 2012 (R. pp. 158-173) and in their Rule 59(e) Motion of June 20, 2012 (R. pp. 77-80). The lower court ignored the *Jones* case. (R. pp. 22-29, Order of May 30, 2012.)

The only allusion to the *Jones* case by Respondent appears at page 12 of its Initial Brief as follows:

Although the Appellants do not raise a constitutional issue in their questions presented, they do cite a Supreme Court case involving due process requirements applicable to the service of process by constructive means. Due process requirements are met where the tax collector sends notice to the statutorily defined last known address of the owner of the property. [Emphasis added.]

This is not the law as set forth in *Jones*.

The *Jones* case was cited by the Supreme Court of South Carolina in the case of *State v. Binnar, supra*.

Binnar was a convicted sex offender subject to a number of statutory requirements.

After his initial conviction, the Corrections Department was required to give oral and written notice to register with the Sheriff of Charleston County and to notify the Sheriff of any change of address. He was to register annually, which was changed to biannually.

Binnar did not register biannually and he was indicted, convicted and sentenced to 90 days pursuant to statute.

A representative of the Sheriff testified that the change to biannual registration was widely circulated in the media, but stated she took additional steps. She sent a letter by regular mail and a second letter was sent certified, return receipt requested, advising Binnar of the requirement to register, which he had failed to do. The certified letter was returned to the Sheriff receipt unsigned. Binnar testified that he did not receive either letter.

He appealed his conviction essentially on the grounds that the statute did not contain a notice requirement and lack thereof violated Binnar's due process rights and failure of the Department of Corrections to give him oral and written notice.

The Court of Appeals affirmed and the matter went before the Supreme Court, which reversed, citing the *Jones* case.

The Supreme Court stated,

... we find the State failed to produce any direct or substantial circumstantial evidence from which a jury could determine that Petitioner received actual notice of his duty to re-register.

Thus, we cannot conclude that an unreturned letter, without more, constitutes substantial circumstantial evidence that Petitioner received actual notice of his duty to re-register prior to the original February 2007 deadline. Cf. *Jones v. Flowers*, 547 U.S. 220, 234, 126 S.Ct. 1708, 164 L. Ed. 2d 415 (2006) (holding that taxpayer was not provided sufficient notice of a tax sale involving his property where unclaimed letters "suggest[ed] that [the taxpayer] had not received notice that he was about to lose his property," and concluding that the "State should have taken additional reasonable steps to notify [the taxpayer], if practicable to do so.")

... we believe the Sheriff's Office needed to more than passively rely on an unreturned letter to ensure compliance with the change in the law. In this limited set of circumstances, we find the Sheriff's Office could have made a phone call or sent a deputy to Petitioner's house as

his contact information had not changed between August 2006, the new deadline, and February 2007, the original deadline.

Given the significant deprivation of liberty for one who is convicted of failing to re-register due to a change in the law, we hold that substantial circumstantial evidence of actual notice is not satisfied by a negative inference arising from unreturned first class mail. To hold otherwise would effectively minimize a person's significant liberty interest as we have recognized the need for strict compliance to notice requirements even in cases where a property interest was at stake. Cf. *Hawkins v. Bruno Yacht Sales, Inc.*, 353 S.C. 31, 39, 577 S.E.2d 202, 207 (2003) . . . [Emphasis added.]

The *Hawkins* case involves a tax sale.

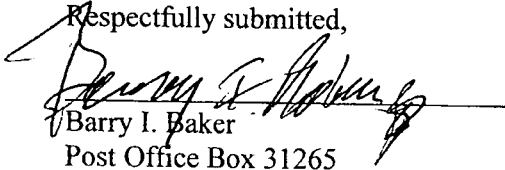
Respondent, at pages 12 and 13 of its Initial Brief, cites cases from foreign jurisdictions dated between 1947 and 2000 which are inapposite. These are prior to the *Jones* case of 2006.

CONCLUSION

The *Jones* case governs.

The DTC is and was required to take reasonable steps or use due care to find a better address for Appellants, which was practical to do, which the DTC failed to do.

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

February 26th, 2013

Attorneys for Appellants

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Lashanda Ravenel and Henry Lee Ravenel, II,
Appellants,

v.

Equivest Financial, LLC, Respondent,

v.

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.

Appellate Case No. 2012-212772

Appeal From Charleston County
The Honorable Mikell R. Scarborough, Master-in-Equity

Unpublished Opinion No. 2013-UP-495
Heard November 12, 2013 – Filed December 23, 2013

AFFIRMED

Barry I. Baker and Benjamin Goldberg, both of
Charleston, for Appellants.

Steven R. Anderson, of Law Office of Steven R.
Anderson, and James B. Richardson, Jr., both of
Columbia, for Respondent.

PER CURIAM: In this action to void a tax sale, Lashanda Ravenel and Henry Lee Ravenel, II, (Appellants) appeal from the Master-in-Equity's order quieting title in favor of Equivest Financial, LLC, a subsequent purchaser. Appellants argue the Master erred in the following: (1) failing to find the delinquent tax collector for Charleston County did not exercise due diligence when certified mailings were returned unsigned; (2) interjecting issues that were neither pled nor raised by the parties; (3) finding Appellants' predecessor-in-interest committed fraud upon her creditors, had unclean hands, and was judicially estopped from her assertions based on a bankruptcy proceeding; and (4) imputing the predecessor-in-interest's purported fraud to Appellants. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to the Master's finding the predecessor-in-interest failed to deliver the deeds to Appellants: Rule 220(c), SCACR (providing this court may affirm on any ground appearing in the record); *Atl. Coast Builders & Contractors, LLC v. Lewis*, 398 S.C. 323, 329, 730 S.E.2d 282, 285 (2012) ("[A]n unappealed ruling, right or wrong, is the law of the case."); *Sloan v. Friends of the Hunley, Inc.*, 369 S.C. 20, 28, 630 S.E.2d 474, 479 (2006) ("Generally, a party must be a real party in interest to the litigation to have standing."); *Donnan v. Mariner*, 339 S.C. 621, 626, 529 S.E.2d 754, 757 (Ct. App. 2000) ("A deed is not legally effective until it has been delivered.").

2. As to the remaining issues: *Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (providing an appellate court need not address remaining issues when resolution of a prior issue is dispositive).

AFFIRMED.

SHORT, WILLIAMS, and THOMAS, JJ., concur.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Honorable Mikell R. Scarborough, Master-in-Equity

Trial Court Case No. 2010-CP-10-8732

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

APPELLANTS' PETITION FOR REHEARING

Appellants hereby submit this Petition for Rehearing pursuant to SCACR 221. Appellants respectfully request a rehearing based upon the Court's Decision and Opinion of December 23, 2013 which affirmed the decision of the Master-in-Equity validating the tax sale conducted by the Delinquent Tax Collector ("DTC") of Charleston County held on November 3, 2008.

Based upon the contents of the Court's Decision, Appellants believe the Court may have overlooked or misapprehended the law and the facts of this case as set forth in the record which may have caused the Court to reach its decision. Each of these is discussed more fully below.

A. The Court misapprehended the effect of its ruling regarding title to the property.

This Honorable Court found that the Appellants, Lashanda Ravenel and Henry Lee Ravenel, II did not have title to the property, subject to the tax sale and this action, for the deed from their mother, Mary Brooks Ravenel, to them, although recorded, was never delivered.

Title to real property must be vested at all times in someone or some entity.

The only conclusion which can be drawn based on the finding of this Court is title to the property remained in the name of Appellants' mother. Therefore, the tax sale could not and did not vest title to the property in Respondent's predecessor-in-title (hereinafter "Respondent") for Mrs. Ravenel was not a party to this action and could not have been divested of title.

The deed from the DTC does not contain any warranty of title. The DTC may sell at the tax sale and convey only that interest in a property that is in the name the defaulting taxpayer. The DTC conveyed to the Respondent all right, title and interest in the subject property of Appellants, which, according to this Court, was nothing. The ruling of the Court makes it clear that the tax sale is void.

The Respondent had knowledge during the trial of the purported non-delivery of the deed and the purported improper party thereto. Had it raised these issues at the time of the trial, as it was required to do, the pleadings could have been amended at that time to name the real party in interest and Mrs. Ravenel made a party, which would have promoted judicial economy and finality.

**B. The Honorable Court misconstrued Rule 220(c) SCACR in its
affirmance of the decision of the Master-in-Equity**

Rule 220(c), Affirmance on Any Ground Appearing in Record, is very succinct and states: “[T]he appellate court may affirm any ruling, order, decision or judgment upon any ground(s) appearing in the Record on Appeal.”

This Court bases its opinion on its finding that there was such a ground in the Record on Appeal, failure to deliver the deed.

Actually there was no ruling, order, decision or judgment by the lower court which made such a ruling.

Instead, the lower court’s ruling found on page 29 of the ROA is as follows:

. . . Any interest held by the Plaintiffs or the Cross-Defendants 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.

The fact that the deed was not delivered appears many times in the Record on Appeal with regard to Mrs. Ravenel’s purported fraud on creditors.

The issue of the failure to deliver the deed which did not vest title in the property to Appellants appears for the first time in Respondent’s Brief at page two.

A rule or statute is subject to interpretation by the Supreme Court to determine the intent thereof.

There was considerable disharmony among the South Carolina courts as to the exact meaning of Rule 220(c).

A case was decided on January 17, 2000 by the Supreme Court of South Carolina, *I'On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406, 526 S.E.2d 716 (2000). In *I'On*, the Supreme Court held:

The appellate court may review respondent's additional reasons and, if convinced it is proper and fair to do so, rely on them or any other reason appearing in the record to affirm the lower court's judgment. An appellate court may not rely on Rule 220(c), SCACR, when the reason does not appear in the record, or when the court believes it would be unwise or unjust to do so in a particular case. It is within the appellate court's discretion whether to address any additional sustaining grounds.

The Court in *I'On* further found that

... an appellate court is less likely to rely on such a ground when the respondent has failed to present it to the lower court. In such cases, the appellate court likely would perceive it as being unfair or unwise to resolve a case on a ground never mentioned by the respondent prior to appeal. Stated another way, the respondent may raise an additional sustaining ground that was not even presented to the lower court, but the appellate court is likely to ignore it.

... the failure to present an additional sustaining ground to the lower court reduces the likelihood an appellate court will rely on it to affirm a judgment.

Finally, the Supreme Court in *I'On* noted it is important that issues be properly framed which "prevents a party from keeping an ace card up his sleeve - intentionally or by chance ..." "A party may not neglect or ignore vices in the trial, then expect to assert those vices on appeal in case of disappointment at trial." *I'On, supra*.

The Respondent has failed to comply with the provisions of *I'On* and therefore, this Court's ruling is erroneous; for the failure to deliver the deed did not divest Mrs. Ravenel of any interest in her property.

The Respondent made no allegation or assertion in its Answer and Counterclaim claiming Henry and Lashanda were not proper parties nor did it assert that the non-delivery of the deed failed to divest Mrs. Ravenel of title to her property. These issues were not argued at the trial before the Master-in-Equity nor did Respondent request the lower court to dismiss the action as it was required to do, nor was there a ruling, order, decision or judgment by the lower court.

Appellants respectfully submit that to allow the present Order to stand would be improper, unfair, unwise and unjust.

It would be permitting the Respondent's "keeping an ace card up its sleeve," which the courts in South Carolina have historically looked upon with disfavor.

The Court, in its opinion, cited *Atl. Coast Builders & Contractors, LLC v. Lewis*, 398 S.C. 323, 329, 730 S.E.2d 282, 285 (2012), which is inapposite for the reason that the position taken by Respondent is not properly before the Court as above set forth.

As an additional reason for disaffirming the ruling of the lower court, Appellant would submit the following.

This Honorable Court cited *Donnan v. Mariner*, 339 S.C. 621, 626, 529 S.E.2d 754, 757 (Ct. App. 2000) for the doctrine in South Carolina that "[a] deed is not legally effective until it has been delivered." In the *Donnan* case, the Court of Appeals relied heavily on the case of *Godfrey v. Godfrey*, 182 S.C. 117, 188 S.E. 653 (S.C. Supreme Court 1936).

It is undisputed in this case that the deed from Mary Ravenel to her children was recorded on November 6, 2007 in Book H643 at page 159 in the RMC Office for Charleston County, South Carolina (ROA pg. 207).

In *Godfrey*, the South Carolina Supreme Court states:

“Delivery of a deed to a proper officer to record, is such a delivery as consummates the deed.” *Ingram v. Porter*, 4 McCord, 198.

“When grantor delivered to the scrivener deeds in which his children were grantees, held, that there was a valid delivery.” *Watson v. Cox*, 117 S.C. 24, 108 S.E. 168, 170.

“A deed of conveyance, signed, sealed and recorded, will be considered as delivered, there being nothing to the contrary, except the absence of the conveyee at the time.” *McDaniel v. Anderson*, 19 S.C. 211.

“Where the grantor parts from a deed at its execution, that is a delivery of it; so if he retains the custody of it, but delivers it to a justice to take the proof of its execution, and afterwards to the proper offices for the recording of deeds, where it is recorded, this will be sufficient evidence of the delivery, to pass the interests conveyed to the grantees, though the grantor became repossessed of the original deed, and it is found among his papers after his death.” *Dawson v. Dawson*, Rice, Eq. 243.

Appellants respectfully submit there was a delivery of a deed under South Carolina law and title was vested in the Appellants.

The finding of the Court in affirming the lower court presents an anomaly and is plainly contradictory on its face because the title cannot be solely vested in Appellants nor solely vested in Mrs. Ravenel. Such ruling would be repugnant to the rule and destructive of its obvious intent.

C. Due Process

Before a state may take property and sell it for unpaid taxes, the due process clause of the 14th Amendment requires the state to provide the owner with reasonable notice.

Vital to our assessment of the sufficiency of the evidence are the provisions of our state and federal *Due Process Clauses*, which provide that no person shall be deprived of life,

liberty, or property without due process of law. *U.S. Const. amend. XIV, § 1; S.C. Const. art. 1, § 3*. “The fundamental requirements of due process include notice, an opportunity to be heard in a meaningful way, and judicial review.” *Kurschner v. City of Camden Planning Comm’n*, 376 S.C. 165, 171, 656 S.E.2d 346 350 (2008). [Emphasis added.]

... a claim of denial of due process must be analyzed with a two-party inquiry: (1) whether the interest involved can be defined as “liberty” or “property” within the meaning of the *Due Process Clause*; and if so (2) what process is due in the circumstances. [Emphasis added.] *State v. Binnar*, 400 S.C. 156, 733 S.E.2d 890 (2012).

The right of due process was reinforced in an opinion issued by the United States Supreme Court in *Jones v. Flowers*, 547 U.S. 220, 126 S. Ct. 1708 (2006). The *Jones* case was cited by the Supreme Court of South Carolina in the case of *State v. Binnar, supra*.

The opinion of this Honorable Court has resulted in property being taken without due process.

D. Due Diligence

This Honorable Court erred when it affirmed the lower court, for the DTC failed to provide due diligence.

It is admitted that certified mail receipts were returned to the DTC without the signature of Appellants.

In this event, the DTC is required to use due diligence to determine the best address pursuant to the laws of the state of South Carolina. *Good v. Kennedy*, 291 S.C. 204, 352 S.E.2d 708 (Ct. App. 1987), *Benton v. Logan*, 323 S.C. 338, 474 S.E.2d 446 (Ct. App. 1996) and the law of the Supreme Court of the United States in *Jones v. Flowers*.

The DTC admits there were documents of record long prior to the termination of the tax procedure which provided the correct addresses for Appellants.

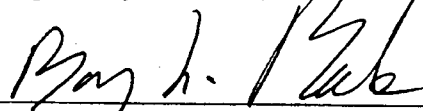
The DTC acknowledged she had a procedure in place for due diligence as required by law to find the best address of the Appellants.

She admits that had she properly followed her procedure, the correct addresses for the Appellants would have been discovered and she could have nullified the sale, which she did not do.

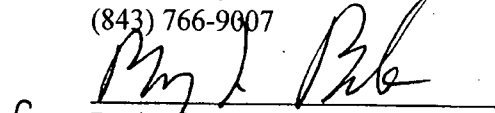
Nonetheless, the lower court ruled as affirmed by this Honorable Court, the DTC followed the law because "a tax collector's actual knowledge is that of her own records, not the records of other officials or non-governmental sources." (Respondent's Brief, p. 6.)

To countenance such a position would lead to an incongruous principle not intended by the legislature which destroys safeguards for delinquent taxpayers. Despite the fact that the DTC's file is devoid of recorded deeds, automobile tax statements or other recorded documents which gave the correct address of the Appellants as a result of the failure of the DTC's staff to use due diligence to find such records, the tax sale would nonetheless be impervious to attack.

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 Appellants

January 3, 2014

The South Carolina Court of Appeals

Lashanda Ravenel and Henry Lee Ravenel, II, Appellants,

v.

Equivest Financial, LLC, Respondent,

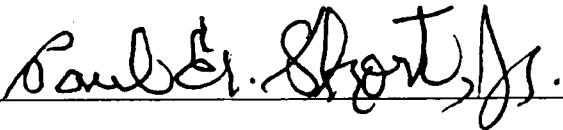
v.

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.

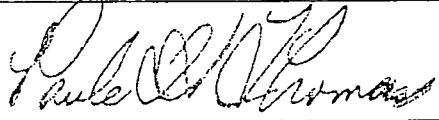
Appellate Case No. 2012-212772

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

 J.

 J.

 J.

Columbia, South Carolina

cc:

Barry I. Baker, Esquire

Benjamin Goldberg, Esquire

Steven R. Anderson, Esquire

James B. Richardson, Jr., Esquire

FILED

January 24, 2014