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MAR 21 2014

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 Bernard Richardson )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 Deloris Nelson )  
 )  
 Defendant. )

IN THE COURT OF COMMON PLEAS

SC Court of Appeals

Case No.: 2010-CP-40-06592

ORDER

JEANETTE W. HERRIDGE  
 C.C.P. & S.  
 2014 FEB 10 AM 8:55  
 RICHLAND COUNTY  
 FILED

THIS MATTER CAME BEFORE THE COURT for trial on the merits. Present at the trial were the Plaintiff, Bernard Richardson, and his counsel, Ian D. McVey and Hugh M. Cooper. Defendant Deloris Nelson was not present; however, her father, Napoleon Deveaux, was present along with counsel for the Defendant, Nathaniel Roberson. At trial, the Plaintiff testified on his own behalf as did his surveyor, Ben Whetstone. Mr. Deveaux took the stand on behalf of the Defendant. Based upon the evidence present including the exhibits admitted into evidence and the testimony presented by the witnesses, I find, order and conclude as follows:

PROCEDURAL HISTORY

This matter was commenced by the filing of a Summons and Complaint for Trespass in the Magistrate's Court in Eastover, South Carolina. Defendant filed her Answer and Counterclaim wherein she asserted title to the property which is the subject of this Action. Thereafter, the Eastover Magistrate issued an order removing the case to the Circuit Court for Richland County pursuant to S.C. Code Ann. §22-3-20.

By consent of the parties, the matter was referred to the undersigned, and this Court jurisdiction over this matter pursuant to said Consent Order of Reference.

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Plaintiff is the owner of the following described real property ("Subject Property") by virtue of that certain deed from Thelma Scott Nance to Bernard Richardson and Brian Richardson dated May 14, 2007 and recorded on June 21, 2007 in the office of the Register of Deeds for Richland County in Book 1327 at page 2201:

All that certain piece, parcel or lot of land with improvements thereon, situate, lying and being in the Town of Eastover, County of Richland, State of South Carolina, being shown and delineated on a plat prepared for Bernard Richardson and Brian Richardson by Donald G. Platt, RLS, dated May 14, 2007 and recorded on June 21, 2007 in the office of the Register of Deeds Richland County in Plat Book 1327 at page 2203; said lot having such metes and bounds as shown on said plat, which is being incorporated herein by reference as part of this description.

This being a major portion of the property conveyed to Thelma Scott Nance by Deed of Blanche S. Dickerson, Blondell S. Thornton, Gloria S. Hight and Jeffery D. Scott recorded on August 1, 1988 in the office of the Register of Deeds for Richland County in Deed Book D898 at Page 705.

TMS #: 36802-01-01

2. Defendant claims an interest in the following described property by virtue of a deed from D.F. Deschamps to Emma Rawlinson dated December 17, 1924 and recorded on December 30, 1924 in the office of the Register of Deeds for Richland County in Book CQ at page 84:

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All that certain piece, parcel or lot of land in the Town of Eastover, County of Richland, State of South Carolina known as Lot #11 in Block R on a plat of the Ray Subdivision made by J.C. Covington, C.E., November 2<sup>nd</sup>, 1918 for C.G. Rowland measuring and bounding as follows, to wit: North by Lot #10 on which it measures 180 feet, more or less; South by Lot #12 on which it measures 180 feet, more or less; East by a Fifty (50) foot street on which it measures 70 feet, more or less; and on the West by a Twenty (20) foot street or alley on which it measures 70 feet, more or less.

3. Ms. Rawlinson died intestate leaving behind no will or other form of devise.
4. As is indicated by the Richland County Assessor's office, Defendant is the owner of

that certain mobile home ("Mobile Home") described as 1996 Fleetwood, Serial Number NCFLT41A3544OFE11 which is currently located on the Subject Property.

5. Ms. Nelson claims she is entitled to locate the Mobile Home on the Subject Property by virtue of being a Fourth (4<sup>th</sup>) generation heir of Ms. Rawlinson.

6. As a threshold matter, none of the heirs of Ms. Rawlinson have any claim to the Subject Property. Any claim they may have is to Lot 11 as indicated above which is located directly to the North of the Subject Property and does not encompass any portion of the Subject Property.

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7. Further, Defendant has no claim to Lot 11. According to the testimony of Mr. Deveaux, Defendant's mother is a descendant of Emma Rawlinson and still living. As such, any interest Ms. Nelson may have in Lot 11 has not yet vested.

8. Therefore, I find the Plaintiff has prevailed on the merits as is entitled to the relief requested in the Complaint and a finding that Defendant and any others claiming through her is trespassing on the Subject Property.

**THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

1. Plaintiff is the owner in fee simple along with Brian Richardson of the Subject Property free and clear of any claims of the heirs of Emma Rawlinson.

2. Defendant has no claim or interest in the Subject Property.

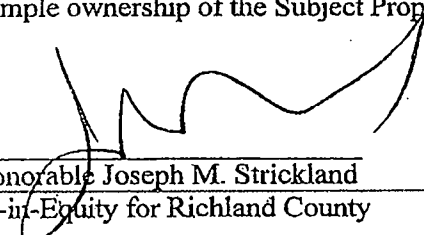
3. Defendant shall remove the Mobile Home and all personal belongings and structures within fifteen (15) days of the entry of this Order.

4. Any tenants of the Defendant, persons claim through her or any others occupying the Subject Property shall likewise vacate the Subject Property within fifteen (15) days of the entry of this order taking with them all their belongings.

5. The Sheriff of Richland County is directed to take such steps as are necessary to effectuate the intent of this Order and place the Plaintiff in peaceable possession of the Subject Property.

6. The Clerk of Court and Register of Deeds shall index said order in the records for Richland County so as to reflect the Plaintiff's fee simple ownership of the Subject Property.

AND IT IS SO ORDERED.

  
\_\_\_\_\_  
The Honorable Joseph M. Strickland  
Master-in-Equity for Richland County

*Feb. 2, 2014*  
~~September 2, 2013~~  
Columbia, South Carolina