

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2010-CP-10-0250

ECN
~~Eugene Gaithers~~ **GATHERS**
PLAINTIFF(S)

Ned Wright et al.
DEFENDANT(S)

FILED
2014 DEC 30 AM 11:05
Clerk of Court
JULIE J. ARMSTRONG
CLERK OF COURT

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

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

RECEIVED
MAR 02 2015
SC Court of Appeals

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 the Court by the Court:

FILED
2015 JAN -6 PM 1:57
JULIE J. ARMSTRONG
CLERK OF 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)
Ernest McKnight	Eugene Gaithers GATHERN	\$12,646.27 (counter claim)

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.

JCA Nichols
Circuit Court Judge

2117
Judge Code

12/29/14
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

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2010-CP-10-00250

Eugene Gathers,)
)
Plaintiff,)
)
vs.)

Ned Wright, Hattie Wright Gaston,)
Annie M. Wright, Edward Wright,)
Samuel Wright, James Wright,)
Earline Wright Maxwell, Wilmenia)
Wright, Henry Wright, Oscar Wright,)
Leroy Wright, Harold Wright,)
Charles Wright, Samuel Wright, Jr.,)
Ernestine Wright, Henry Wright, Jr.,)
Ernest McKnight, along with John)
Doe or Mary Roe, fictitious names to)
designate minors, infants, persons of)
unsound mind, under disability or)
incompetent, persons in prison,)
persons in the military service within)
meaning of Title 50, United States)
Code, commonly referred to as The)
Soldiers and Sailors Civil Service Act)
of 1940, if any, and Richard Roe and)
Sarah Roe, fictitious names to)
designate the unknown heirs,)
devises, distributees, issue,)
executors, administrators, successors)
or assigns of Ned Wright, Hattie)
Wright Gaston, Annie M. Wright,)
Edward Wright, Samuel Wright,)
James Wright, Earline Wright,)
Wilmenia Wright, Henry Wright,)
Oscar Wright, Leroy Wright, Harold)
Wright, Charles Wright, Samuel)
Wright, Jr., Ernestine Wright, and)
Henry Wright, Jr., also all other)
unknown persons claiming any right,)
title, estate or lien upon the real estate)
which is the subject of this action,)

Defendants.)

ORDER

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MAR 02 2015

SC Court of Appeals

FILED
2014 DEC 30 PM 04:24
JULIE J. ARMSTRONG
CLERK OF COURT

FILED
2015 JAN -6 PM 1:57
JULIE J. ARMSTRONG
CLERK OF COURT

The trial of the above captioned matter was held on November 14, 2014. Present were counsel for Plaintiff, Jonathan S. Altman, counsel for Defendant Ernest McKnight, Willie B. Heyward, and Defendant Ernest McKnight (hereinafter "Defendant McKnight"). From the testimony and evidence, I find and conclude as follows:

Findings of Fact and Conclusions of Law

1. The Lis Pendens, Summons, and Complaint were filed on January 12, 2010.
2. Defendant McKnight filed an Answer and Counterclaim asserting claims for Adverse Possession, Foreclosure of Mortgage, and Reimbursement of Taxes on March 18, 2010.
3. A Consent Order dismissing Defendant McKnight's counterclaim for Adverse Possession and preserving Defendant McKnight's counterclaims for Foreclosure of Mortgage and Reimbursement of Taxes was filed on August 2, 2010.
4. An Order granting Plaintiff's Motion for Summary Judgment as to all Defendants except Defendant McKnight was issued on April 21, 2011. This Order quieted title to the subject property and preserved Defendant McKnight's counterclaims for Foreclosure of Mortgage and Reimbursement of Taxes as the sole pending claims in this action.
5. The real property (hereinafter the "property") which is the subject of this action is situated in Charleston County, South Carolina, more particularly described as follows:

6.94 Acres on the southside of U.S. Hwy 17 in the Rantowles area of Paul's Parish, Charleston County, S.C., and designated as per "Plat of lands of Ned Wright..." by George D. Sample, P.E. and L.S., depicting 9.5 Acres dated June 8, 1981, and recorded in Plat Book AU, Page 9, RMC Office for Charleston County.

SAVING AND EXCEPTING Lot 1 (.88 ac), Lot 2 (7ac), and Lot 3 (1.0 ac) all in the Northwest Moeity of said Tract previously conveyed.

Portion of TMS No. 245-00-00-026

6. Plaintiff acquired the property by deed of conveyance from John Wright dated August 3, 2010 and recorded in the RMC Office for Charleston County on August 6, 2010 in Deed Book 0137, at Page 112.

7. On September 25, 2003, Plaintiff's predecessor in title, John Wright, and Anna Michelle Porcher, and Harold L. Wright executed a Note to Defendant McKnight in the amount of Six Thousand One Hundred Eighty-Seven Dollars and 52/100 Cents (\$6,187.52). Said Note was secured by a Mortgage on the 9.5 acres shown on a plat by George D. Sample entitled "Plat of Lands of Ned Wright Estate dated June 8, 1981 and recorded in Plat Book AU, Page 9, RMC Office for Charleston County." Plaintiff's property comprises seventy-three percent (73%) of the original 9.5 acre tract secured by the mortgage held by Defendant McKnight.

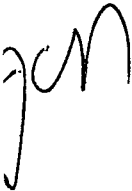
8. At the trial of this case, the parties stipulated that the full balance of the Note remained outstanding. This Note was to bear interest at the rate of eight percent (8%) per annum. The parties further agreed that the total amount due under said Note as of the date of trial was Eleven Thousand Six Hundred Thirty-Two Dollars and 54/100 Cents (\$11,632.54). Seventy-three percent (73%) of this sum is Eight Thousand Four Hundred Ninety-One Dollars and 76/100 cents (\$8,491.76) which represents the amount due to Defendant McKnight from Plaintiff under the Note.

9. In addition to his counterclaim for Foreclosure of Mortgage, Defendant McKnight sought reimbursement for payment of real property taxes as to parcel number 245-00-00-026. Said parcel comprises the entire 9.5 acres referenced herein.

10. At the trial, Defendant McKnight produced two (2) checks in the respective amounts of One Thousand Eight Hundred Fifty-Five Dollars and 93/100 Cents (\$1,855.93) and One Thousand Five Hundred Ninety-Seven Dollars and 54/100 Cents (\$1,597.54) which Defendant

McKnight maintained represented payment of real property taxes for tax years 2008 and 2009. Said amounts were consistent with the property tax records for Charleston County for parcel number 245-00-00-026. Plaintiff's counsel stipulated that said checks represented the payment of real property taxes for this parcel. These two (2) payments total Three Thousand Four Hundred Fifty-Three Dollars and 47/100 Cents (\$3,453.47). Plaintiff is responsible for seventy-three percent (73%) of this sum or Two Thousand Five Hundred Twenty-One Dollars and 04/100 Cents (\$2,521.04).

11. The parties further stipulated that Defendant McKnight also attempted to pay real property taxes for tax year 2013 in the amount of \$1,633.47. Plaintiff's counsel is holding said sum in trust as said payment had previously been made by Plaintiff. Plaintiff stipulated that said sum would be reimbursed to Defendant McKnight.

 IT IS THEREFORE ORDERED THAT the property described herein, as set forth in the lis pendens is vested in the name of Eugene Gathers; and

IT IS FURTHER ORDERED THAT the following sums are due to Defendant McKnight from Plaintiff under his counterclaims for Foreclosure of Mortgage and Reimbursement of Taxes:

- a. \$8,491.76 due under the Note;
- b. \$2,521.04 for reimbursement of taxes; and
- c. \$1,633.47 for tax year 2013.

Total: \$12,646.27

Upon payment of this sum, either to Defendant McKnight or to the Clerk of Court, if Defendant McKnight refuses to accept said payment, Defendant McKnight's Mortgage shall be satisfied of record as to Plaintiff's parcel.

IT IS FURTHER ORDERED THAT the title to the property, more particularly described below, is hereby quieted in the name of Eugene Gathers who is the owner of one hundred percent (100%) undivided interest in fee simple with all rights, title, and interest therein:

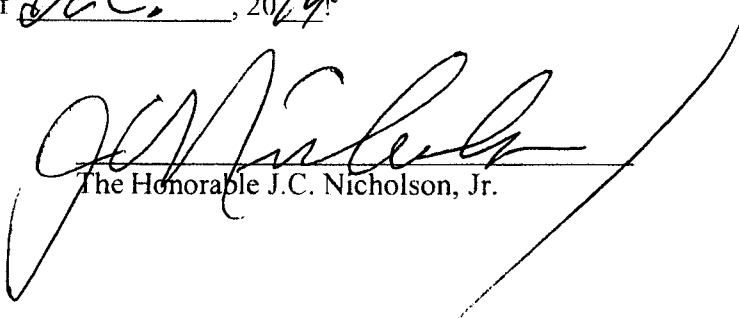
6.94 Acres on the southside of U.S. Hwy 17 in the Rantowles area of Paul's Parish, Charleston County, S.C., and designated as per "Plat of lands of Ned Wright..." by George D. Sample, P.E. and L.S., depicting 9.5 Acres dated June 8, 1981, and recorded in Plat Book AU, Page 9, RMC Office for Charleston County.

SAVING AND EXCEPTING Lot 1 (.88 ac), Lot 2 (7ac), and Lot 3 (1.0 ac) all in the Northwest Moeity of said Tract previously conveyed.

Portion of TMS No. 245-00-00-026

IT IS FURTHER ORDERED THAT Plaintiff's interest in the subject property shall be to the exclusion of any other party claiming any right, title, or interest therein.

IT IS SO ORDERED this 29 day of DEC., 2024


The Honorable J.C. Nicholson, Jr.