

STATE OF SOUTH CAROLINA )  
)  
COUNTY OF FLORENCE )  
)  
)  
)

2013CP2101844  
CASE NUMBER

IN THE COURT OF COMMON PLEAS

ORDER

Theron J Bartell  
PLAINTIFF(S)

Vs

Cedar Terrace  
DEFENDANT(S)

**RECEIVED**

APR 15 2015

SC Court of Appeals

FILED  
2015 MAR 17 PM 1:23  
JENNIE REEL-SHEARIN  
CLERK C.C.P. & C.S.  
FLORENCE COUNTY, S.C.

I. **IT IS ORDERED** that the below MOTION(S) be struck from the active Motion Roster for the following reason:

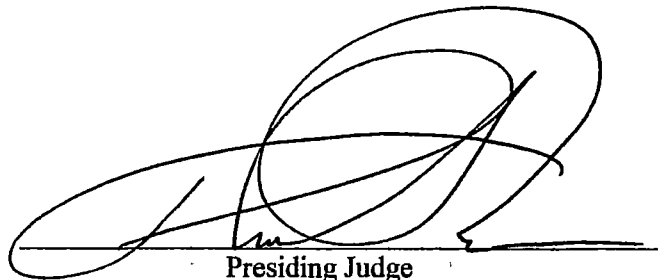
- 1.  Plaintiff(s) Motion - Motion for Consideration/ Reconsider heard on March 16, 2015.
- 2.  Defendant(s) Motion - heard on .
- 3.  Ruling for the above Motion(s) Motion for Consideration/Reconsider Denied.
- 4.  Other -

II **IT IS ORDERED** that the within entitled CASE/MOTION(S)/RULE BE:

- 1.  Transferred to the Jury/Non-Jury Roster.
- 2.  Referred to Special Referee.
- 3.  Continued upon request of Plaintiff and/or Defendant beyond the term.  
Reason for Continuance:
- 4.  Other -

Florence, South Carolina

Monday, March 16, 2015

  
Presiding Judge

CERTIFIED: A TRUE COPY

*Jennie Reel-Shearin*

CLERK OF COURT C.P. & G.S.  
FLORENCE COUNTY, S.C.

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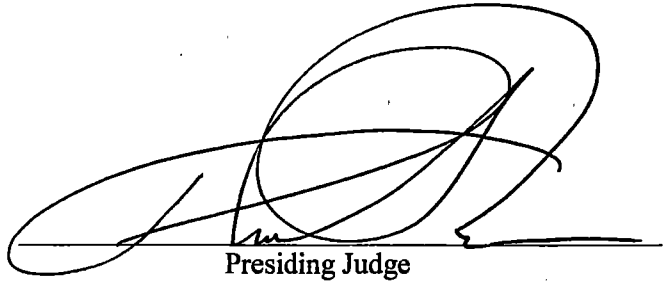
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FLORENCE COUNTY, S.C.

review extends only to the correction of errors of law. The lower court's findings of fact will not be disturbed upon appeal unless found to be without evidence which reasonably supports the judge's findings.

#### DISCUSSION

This Court reviewed and has considered the pleadings of both parties, the oral arguments of each party and the Magistrate's Return, all of which are part of the record in this matter. This Court finds that all of the foregoing constitutes the record for determination of this Appeal and all have been duly considered together with the applicable law.

The Appellant argues that he was not served with the proper documentation which is required by Statute for the Respondent to be able to obtain the Appellant's mobile home property. He argues that whatever notice was sent, was sent to the wrong address and that the Respondent knew his correct address and purposely used an incorrect address to wrongly obtain his mobile home.

All of these are factual issues which were addressed by the Magistrate in his Return. Chief Magistrate Cooper notes in his Return that the Respondent submitted paperwork to the Court consistent with the appropriate statute for obtaining a Bill of Sale for property which is abandoned. The Lower Court, in its Return, spells out in detail the requirements of the statute and how the Respondent properly complied with each detail of the statute to obtain a Bill of Sale for the mobile home. Once all of the requirements, including notice to the previous owner at the last address on file with the South Carolina Department of Motor Vehicles (hereinafter DMV), had been satisfied, the sale was held and the mobile home was sold to the highest bidder which was the Respondent. During the hearing, the Appellant argued that the address where the notice was sent was not his

proper address. The Respondent argued that when gathering the information to complete the requirements of the statute, the address he used was the address given him by the DMV. According to the Magistrate's Return, the Respondent's paperwork was checked and everything complied with the statute. The Return also reflected that no one responded to the notice or filed any objection to the sale and that the sale went through unopposed. It was not until 8 months after the sale that the Appellant came forth challenging the sale and the procedures, asking the Magistrate to reconsider his decision on allowing the sale to go forward. That request was denied and this appeal followed.

A second issue raised by Appellant was that the sale was illegal because he notes that the sales price was \$0.00 dollars and that if there was no consideration paid; there could not be a valid sale. In response to this argument, the Respondent testified that there were monies owed by the Appellant to the Respondent for storage fees which were the consideration for the sale. That even though his actual bid reflected no dollar amount he had agreed to forgive the storage fees owed in exchange for the Bill of Sale passing ownership of the mobile home to him.

After considering everything before this Court, this Court was prepared to find that there was no error of law or of fact by the Lower Court which would be the basis of granting the relief sought by the Appellant. However, in order to be as open and accommodating to the Appellant as possible, the Court held its ruling in abeyance and left the record open for 30 days to give the Appellant an opportunity to provide certified proof, to this Court, that his address with the DMV at the time this sale was taking place was in fact different from the one the Respondent had testified was given to him by the DMV. Right at the end of the 30 days, the Appellant submitted to the Court copies of 2 letters the Appellant had received from the DMV showing an address different from the one the Respondent said he was given. The letters were notices where the Appellant had apparently

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allowed his insurance to lapse on 2 vehicles. The issue the Court found with these letters was that they were not certified and, more importantly, they were dated August 17, 2010 and February 15, 2011, some 2 to 3 years prior to the events which make up the subject matter of this appeal. Appellant submitted nothing to prove that his address with the DMV, on or around September of 2013, was any different than that which the Respondent testified he relied on in sending out his notice seeking the Bill of Sale for the abandoned mobile home. To this day, Appellant has submitted nothing else to this Court to support his position.

A review of all the pleadings, the Return and arguments in this case and the applicable law, require the denial of the Appellant's appeal.

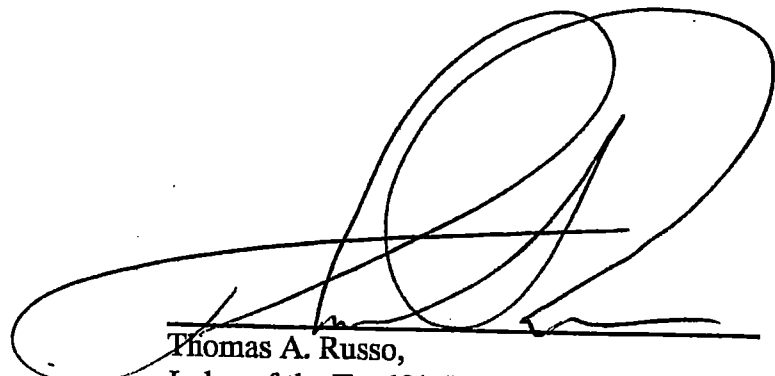
CONCLUSION

The evidence, documents, exhibits and testimony from the pleadings, submissions and the Magistrate's Return all support that there was no error of law on the part of the Lower Court and that the findings of fact were all reasonably supported by the testimony and evidence before the Magistrate at the time.

Based upon the foregoing, the Appellant's Appeal is denied.

AND IT IS SO ORDERED.

FILED  
September 24, 2014  
FLORENCE COUNTY, SC  
JIMMIE REEL-SHEARIN  
-4-  
CCCP & GS  
FLORENCE COUNTY, SC



Thomas A. Russo,  
Judge of the Twelfth Judicial Circuit

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CLERK OF COURT C.P. & G.S.  
FLORENCE COUNTY, S.C.

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OF THE TWELFTH JUDICIAL CIRCUIT

**SC Court of Appeals**

COUNTY OF FLORENCE )

Theron J. Bartell )

2013-CP-21-1844

3549 National Cemetary, Lot 36 )

COURT OF COMMON PLEAS CASE NUMBER

Florence, S.C. 29506 )

2012 CV 2110107543

Banc Home saving Association )

MAGISTRATES COURT CASE NUMBER

Post Office Box 30769 )

Mildland, TX. 797120769 )

Appellant(s) )

VS )

TO: CONNIE REEL-SHEARIN

Cedar Terrace, LLC c/o Eric Forbes )

CLERK OF COURT

1154 E. Caswell St. )

Wadesbore, N.C. 28170 )

(704) 694-8400 )

Respondent(s) )

----- )

1. I, Theron J. Bartell requesting the Court Reporter name, address and telephone number to request a copy of the transcripts. The hearing dates were October 08, 2013 and March 16, 2015. The hearing Judge was Honorable Thomas A. Russo and the case number is 2013-CP-21-1844.

April   11  , 2015

*Theron J. Bartell*

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Theron J. Bartell

P.O Box 15224

Quinby. S.C. 29506

Appellant, Pro Se

Cc: Attorney Parker Edwards Howle,