

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED

JUL 22 2015

APPEAL FROM HORRYCOUNTY

SC Court of Appeals

COURT OF COMMON PLEAS

RALPH P. STROMAN, SPECIAL REFEREE

APPELLATE CASE NO. 2014-002593

Dewey Lee Small,.....Respondent,

v.

Maxine Johnson a.k.a. Maxine McQueen a.k.a. Maxcine Johnson,
Ernestine Small Bass, Rose Small a.k.a. Rosemary Mary McQueen,
Kassandra D. Odom a.k.a. Kassandra D. Shea, Michelle D. Odom
a.k.a. Michelle D. DeLa Cort, Queenie Small a.k.a. Queenie B.
Arnold a.k.a. Quinnie Arnold, Lewis Filton Small, Jr., a.k.a. Pete
Small, William Franklin Small, a.k.a. Danny Small, Patsy Ann
Small a.k.a. Patsy Small Crock a.k.a. Patsy Ann Small Pierick
Crock a.k.a. Patsy Pierick, Donald Lee Small, Janava Small,
a.k.a. Janava Small Lonneux a.k.a. Candy Small, Daisy Dean
Small, a.k.a. Dean Small, Sandra Small, a.k.a. Sandra Howard,
Jacqueline L. White, Jimmy Prince, Jr., Veretta Norman, Venata
Small Olivera, Marcus Johnson, Jr., Dewey Jerome Johnson,
John Doe, and Jane Doe, Representatives of any unknown Heirs,

In Re: The Estate of Lewis Small, Defendants,

of whom Patsy Ann Crock and Lewis Filton Small, Jr. are.....Appellants.

RECORD ON APPEAL – VOLUME ONE

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Attorney for Respondent, Dewey Lee Small

July 1, 2015
Georgetown, South Carolina

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STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Dewey Lee Small,

Plaintiff,

vs.

Maxine Johnson a/k/a Maxine McQueen a/k/a
Maxcine Johnson, Ernestine Small Bass, Rose
Small a/k/a Rosemary Mary McQueen,
Kassandra D. Odom a/k/a Kassandra D. Shea,
Michelle D. Odom a/k/a Michelle D. DeLa Corte,
Queenie Small a/k/a Queenie B. Arnold a/k/a
Qunnie Arnold, Lewis Filton Small, Jr. a/k/a
Pete Small, William Franklin Small a/k/a Danny
Small, Patsy Ann Small a/k/a Patsy Small Crock
a/k/a Patsy Ann Small Pierick Crock a/k/a Patsy
Pierick, Donald Lee Small, Janava Small a/k/a
Janava Small Lonneux a/k/a Candy Small, Daisy
Dean Small a/k/a Dean Small, Sandra Small
a/k/a Sandra Howard, Jacqueline L. White, Jimmy
Prince, Jr., Veretta Norman, Venata Small Olivera
Marcus Johnson, Jr., Dewey Jerome Johnson,
John Doe and Jane Doe, Representatives of any
Unknown Heirs,

IN RE: THE ESTATE OF LEWIS SMALL

Defendants,

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT
CASE NO.: 2012-CP-26-9832

FILED
14 APR - 1 AM 9:50
CLERK OF COURT

CONSENT ORDER TO
APPOINT AND REFER TO
SPECIAL REFEREE

Upon Motion of N. David DuRant, Esquire, of Law Offices of N. David DuRant and Associates, P.A., Attorney for the Plaintiff, pursuant to Rule 53, South Carolina Rules of Civil Procedure; and it appearing that multiple Defendants are located in the State of California and the State of New York; and it appearing that the underlying issue is one which is proper to be heard by the Special Referee; and it further appearing that this is a proper matter to refer to Ralph P. Stroman as Special Referee for Horry County:

NOW THEREFORE IT IS ORDERED that the above entitled case be and the same is hereby referred to Ralph P. Stroman as Special Referee for Horry County, to take the testimony arising under the pleadings and to make his findings of fact and conclusion of law with authority to

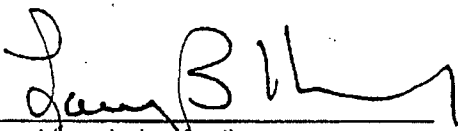
enter a final judgment in the cause with any appeal directly to the South Carolina Supreme Court or the Court of Appeals, as appropriate;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Ralph P. Stroman as Special Referee for Horry County, is also authorized to conduct hearings or enter Orders after he enters final judgment, including post-trial motions, amendment of his Order, and other Orders necessary to effectuate any Order of the South Carolina Court of Appeals or Supreme Court of the State of South Carolina;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Ralph P. Stroman, as Special Referee for Horry County, has and will retain jurisdiction over the matter to conduct hearings or enter Orders regarding any Rules to Show Cause prior to or following the hearing, and will have authority to rule on all issues and other Orders necessary to effectuate any Order of the Court;

NOW, THEREFORE, IT IS ORDERED each party shall pay a proportionate share of the Special Referee's fees with the Special Referee having authority to assess the fees in his or her Final Order and Judgment in any manner he or she shall determine to be proper.

AT IT IS SO ORDERED.



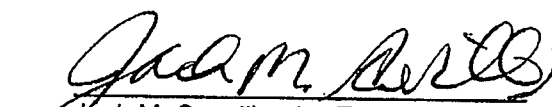
Presiding Judge for the
Fifteenth Judicial Circuit

March 31, 2014
Conway, South Carolina

WE CONSENT:



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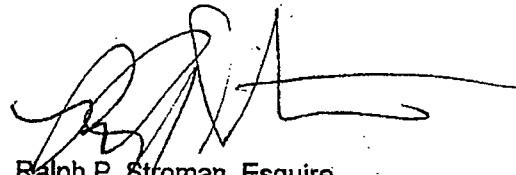
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SPECIAL REFEREE

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Dewey Lee Small,

Plaintiff,

vs.

Maxine Johnson a/k/a Maxine McQueen a/k/a
Maxcine Johnson, Ernestine Small Bass, Rose
Small a/k/a Rosemary Mary McQueen,
Kassandra D. Odom a/k/a Kassandra D. Shea,
Michelle D. Odom a/k/a Michelle D. DeLa Corte,
Queenie Small a/k/a Queenie B. Arnold a/k/a
Qunnie Arnold, Lewis Filton Small, Jr. a/k/a
Pete Small, William Franklin Small a/k/a Danny
Small, Patsy Ann Small a/k/a Patsy Small Crock
a/k/a Patsy Ann Small Pierick Crock a/k/a Patsy
Pierick, Donald Lee Small, Janava Small a/k/a
Janava Small Lonneux a/k/a Candy Small, Daisy
Dean Small a/k/a Dean Small, Sandra Small
a/k/a Sandra Howard, Jacqueline L. White, Jimmy
Prince, Jr., Veretta Norman, Venata Small Olivera,
Marcus Johnson, Jr., Dewey Jerome Johnson,
John Doe and Jane Doe, Representatives of any
Unknown Heirs,

IN RE: THE ESTATE OF LEWIS SMALL

Defendants,

IN THE COURT OF COMMON PLEAS
THE FIFTEENTH JUDICIAL CIRCUIT
CASE NO.: 2012-CP-26-9832

FINAL ORDER
(ENDING ACTION)

FILED
COUNTY
2014 JUN 19 PM 1:16
MELANIE HUGGINS-WARD
CLERK OF COURT

DATE OF HEARING:
PRESIDING JUDGE:
PLAINTIFFS ATTORNEY:
DEFENDANTS ATTORNEY:
GAL FOR JOHN DOE & JANE DOE:
COURT REPORTER:

MAY 9, 2014
RALPH P. STROMAN
N. DAVID DuRANT
JACK M. SCOVILLE, JR.
JOHN C. THOMAS
SUNNY FRYE

The Plaintiff listed above is an heir of Lewis Small a/k/a Louis L. Small as well as the duly appointed, qualified and acting Personal Representative of the Estate of Lewis Small a/k/a Louis Small. Plaintiff commenced an action against the Defendants on December 19, 2012 for relief in his Summons and Complaint on the following two (2) matters:

1. The Plaintiff Dewey Small seeks a Quiet Title Action to distribute property acquired as an heir at law of Lewis Small a/k/a Louis L. Small Estate.

2. For a partition for an Order requiring the sale of real property described below and a division of proceeds according to the rights of the parties.

All parties to this action have been properly served. A Consent Order for Appointment and Refer to Special Referee was filed on April 1, 2014 for a hearing to obtain a Final Judgment with this Court.

FINDINGS OF FACTS

Upon hearing the testimony of the witnesses in this case, the Court now makes the following Findings of Facts:

1. I find that this Court does have jurisdiction to have this property sold and the proceeds distributed to the appropriate Heirs.
2. That it is proper for this Court to resolve the outstanding issue of the undivided property and approve the sale of real property pursuant to S.C. Code Ann. § 62-3-1302.
3. I find that the Plaintiff listed above is an heir of Lewis Small a/k/a Louis L. Small as well as the duly appointed, qualified and acting Personal Representative of the Estate of Lewis Small a/k/a Louis Small.
4. I further find that Dewey Small is the executor and Personal Representative of the Will and has full authority to execute all necessary documents to distribute said proceeds from the real and personal property, to have and to hold in fee simple absolute, share and share alike, and to be divided equally.
5. I find that pursuant to Section 15-61-10 of the South Carolina Code, the Court approves the partition for the sale of real property obtained by Plaintiff.
6. I further find that it is proper to quiet title the described real property:

ALL AND SINGULAR, that certain piece, parcel, lot or tract of land situate, lying and being in Socastee Township, County of Horry and State of South Carolina, and containing Sixty acres (60) more or less and bounded and described as follows: Beginning at a station in the West margin of the McDowell Short Cut Road and running

N. 67 28' W. 1918 Feet to corner; thence N. 22 30' S. 1813 feet to corner; thence S. 56 52' E. to Louisa Johnsons line which was formerly a part of this tract; thence following Louisa Johnson and a 1.90 acre tract of Exekil Johnson, a southerly direction to Road thence said Road to beginning corner. This tract which is to be conveyed is represented upon a map made of Johnson and Roberts, CEs, showing 62.9 acres more or less on tract adjoining Louisa Johnson to be sold to Exekil Johnson. This being the identical property sold to Lewis Small in Deed Book 53 at Page 218, records of Horry County, South Carolina, TMS #194-00-02-036.

7. I further find that the children shall not sell this land unless it is sold to one another and if any of these children decide to sell his or her share, they shall sell to the other heirs and if any child refuses to sign the deeds as directed, their share would be given up to the other children.

8. I find that the gross sale of the property to be that of \$2,046,000.00.

9. I further find that in order for any heirs to inherit any of the Estate, the heirs are required to sign cross deeds for the property they inherited; any heir that does not sign said cross deeds within the said 90 days of the signing of this Order, their share will be divided between the heirs that did sign.

10. I further find that expenses have incurred in the prosecution of this case in the form of litigation costs and attorney's fees. In addition to the attorney's fees, I find that any necessary litigation expense be deducted from the gross sale of the real property.

11. The net proceeds will be put in an Estate account to be distributed only to those heirs who have signed cross deeds.

12. The Court approves the following attorney's fees, costs and expenses to be calculated from the gross sale of the Estate of Lewis Small prior to any distributions of the net proceeds:

ATTORNEYS FEES

Coastal Paralegal (Title Work, Mailing & Service Expenses)	\$ 3,693.44
Coastal Paralegal (Reimbursement for Collins Appraisals)	\$ 1,500.00
Ralph Wilson, Esquire (To be paid to Dewey Smalls)	\$ 975.00
Bryan & Haar-Partition Suit-Heirs of Lewis (To be paid to Dewey Smalls)	\$ 7,705.00
N. David DuRant, Esquire (10% of gross sales)	<u>\$204,600.00</u>
TOTAL:	\$218,473.44

EXPENSES

Due to Dewey Small:	
Latimer's Funeral Home	\$ 3,047.00
Coastal Monument-Mattie Head Stone	\$ 1,468.00
Rezoning Fee	\$ 100.00
Surveys	\$ 1,468.00
Property Upkeep (60 acres)	\$ 58,670.00
Lewis Small loan (balance at time of death)	\$ 4,885.31
Lewis Small medical bills	\$ 299.00
Horry County Property Taxes 1983-2003 (To be paid to Dewey Small)	\$ 15,547.51
Horry County Property Taxes 2004-2013 (Lewis Small) (To be paid to Lewis Small)	\$ <u>27,674.31</u>
TOTAL:	\$ 113,159.13

Costs for N. David DuRant

Appraisal Services	\$ 3,300.00
Application for Subsequent Administration (Probate Court)	\$ 22.50
Petition for Publication	\$ 300.00

Partition Action/Quiet Title	\$ 150.00
Guardian ad Litem Fee for John Thomas	\$ 475.00
Motion Fee	\$ 25.00
Special Referee Ralph Stroman	\$ 2,625.00
Court Reporter Fee	\$ 750.00
TOTAL:	\$ 7,647.50

CONCLUSION OF LAW

1. This Court has subject matter jurisdiction over all matters that are currently before it pursuant to South Carolina Code Annotated § 14-5-380.
2. I conclude that this Court has jurisdiction and that venue is proper in Horry County and that this Court is authorized to order the sale of real property herein and above described.
3. I further conclude that this Court has jurisdiction to order the distributions of the proceeds from both the gross proceeds and sale proceeds.
4. I conclude that the purchase price of said property to be that of \$2,046,000.00.
5. And I further find that the Plaintiff has incurred personal expenses in the maintenance and/or expenses associated with this real property and that these expenses shall be deducted from the gross sale proceeds prior to the disbursement of the net funds to the individual Heirs.
6. And I further find that the costs and expenses incurred by N. David DuRant be deducted from the gross sale proceeds prior to the disbursement of the funds to the individual Heirs.
7. Further, this Court approves the distributions as set forth above against the Estate with the remaining proceeds being put into a Probate Estate Account.

Based upon the foregoing findings of fact and conclusions of law:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

IT IS, THEREFORE, ORDERED that Pursuant to the Order of Quiet Title Action and Partition Action for Sale of Real Property, that a certain piece, parcel, lot or tract of land situate, lying and being in Socastee Township, County of Horry and State of South Carolina, and containing sixty (60) acres more or less, be recorded and satisfied and that everyone in this Order has been properly served and cleared and that there are no unknown heirs;

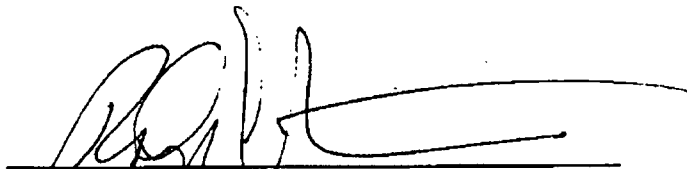
IT IS, THEREFORE, ORDERED authorizes that the Personal Representative, Dewey Small, Sr., to execute all documents necessary for legal title to the new owners. To include and not limited to: contracts, deeds, and closing statements and any related documents;

IT IS, THEREFORE, ORDERED that which the Last Will and Testament of Louis B. Small directed the property be divided into fourteen (14) equal parts; this is not a viable option and pursuant to § 15-61-10 of the South Carolina Code of Annotated Law, that the Court Order the property to be sold;

IT IS, THEREFORE, ORDERED Pursuant to the contract for Two Million Forty-Six Thousand (\$2,046,000.00) from the gross proceeds the Court Order that all of the cost, attorney fees, and any other related fees listed in the Order, are to be paid first, at the closing. Then the net proceeds are to be deposited into an Estate Account to be divided and disbursed pursuant to the Will;

IT IS, THEREFORE, ORDERED Each of the heirs are to receive a percentage of proceeds and are required to sign Cross Over Deeds to the other properties listed in the estate. Each of the heirs has ninety (90) days to do that. If any reason the Cross Over Deeds are not executed in that time frame, then that heirs portion will be forfeited and will be divided among the heirs. As soon as each heir has signed their Cross Over Deed, then they will receive their remaining appropriate proceeds.

IT IS SO ORDERED.



Honorable Ralph P. Stroman, Special Referee
In the Court of Common Pleas for the
Fifteenth Judicial Circuit

June 19th, 2014
Conway, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Dewey Lee Small,

☐ Plaintiff

v.

Maxine Johnson A.K.A Maxine Mcqueen

A.K.A. Maxine Johnson, Et Al.

☒ Defendant.

IN THE COURT OF COMMON PLEAS

CASE NO.

2012-CP-26-9832

MOTION INFORMATION FORM
AND COVER SHEET

Plaintiff's Attorney:

N. David Durant, Bar No.

Address:

P. O. Box 14722

Surfside Beach, SC 29587

phone: 843.650.7800 fax: 843.650.8090

e-mail: davidddurant@sc.rr.com other:

Defendant's Attorney:

Jack M. Scoville, Jr., Bar No. 4999

Address:

P.O. Box 1228

Georgetown, SC 29442

phone: 843-546-1130 fax: 843-546-0726

e-mail: scorac@aol.com other:

☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)

☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: Motion To Alter, Amend, and to Reconsider Judgment

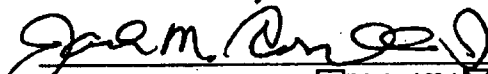
Estimated Time Needed: 30 minutes Court Reporter Needed: ☒ YES / ☐ NO

SECTION II: Motion Type

☒ Written motion attached

☐ Form Motion --

I hereby move for relief or action by the court as set forth in the attached proposed order.


Signature of Attorney for ☐ Plaintiff / ☒ Defendant

July 1, 2014

Date submitted

SECTION III: Motion Fee

☒ PAID - AMOUNT: \$25.00

☐ 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

Name of Court Reporter:

☐ Other:

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:

7/2/14

☐ MOTION FEE COLLECTED:

☐ CONTESTED - AMOUNT DUE:

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTEENTH JUDICIAL CIRCUIT
Case Number: 2012-CP-26-9832

IN THE MATTER OF ESTATE OF

Dewey Lee Small)
Plaintiff,)

vs.)

MOTION TO ALTER, AMEND, AND TO
RECONSIDER JUDGMENT

Maxine Johnson a.k.a. Maxine)
McQueen a.k.a Maxcine Johnson,)
Ernestine Bass, Rose Mary Small,)
Cassandra D. Odom, Michele Odom,)
Queenie Small a.k.a Queenie B.)
Arnold a.k.a Qunnie Arnold,)
Lewis Filton Small, Jr. a.k.a. Pete)
Small, William Franklin Small a.k.a.)
Danny Small, Patsy Ann Small a.k.a.)
Patsy Small Crock a.k.a Patsy Ann)
Small Pierick Crock a.k.a. Patsy)
Pierick, Donald Lee Small, Janava)
Small a.k.a. Janava Small Lonneaux)
a.k.a. Candy Small, Daisy Dean)
Small a.k.a Dean Small, Sandra)
Small a.k.a. Sandra Howard,)
Jacqueline L. White, Jimmy Prince,)
Jr., Veretta Norman, Venetta Olivera,)
Marcus Johnson, Jr., John Doe and)
Jane Doe, Representatives of any)
Unknown Heirs,)

Defendants.)
_____)

FILED
HORRY COUNTY
2014 JUL -2 PM 1:50
TRELAWNE HOGGINS-WARD
CLERK OF COURT

TO THE PLAINTIFF AND HIS ATTORNEY N. DAVID DURANT:

PLEASE TAKE NOTICE THAT THE DEFENDANTS Patsy Small Crock, Janava Small, Lonneaux, Sandra Howard, and Louis Small, Jr., will move before the Special Referee ten days after service hereof, or as soon thereafter as counsel may be heard for an order to alter, amend, and reconsider the Special Referee's Final Order in the matter.

The grounds for this motion are as follows:

1. This was an action to quiet title to a specific tract of land, to wit, 60 acres, more or less, as described in the Complaint, and to partition same.
2. Therefore, the only issues before the Court were the ownership of the property and the partition thereof, equitable attorney fees and costs of this action pursuant to S.C. Code Ann. §15-61-110.
3. Instead of granting just the relief encompassed by the causes of action, the Final Order grants relief far beyond the scope of this litigation in that it:
 - a. Orders the parties to sign deeds conveying their interests in properties not the subject of this litigation;
 - b. Orders the payment of attorney fees and expenses unrelated to this litigation and which are outside the jurisdiction of the Special Referee to award in this case.
 - c. Orders the payment of charges, expenses, and fees that are within the exclusive jurisdiction of the Probate Court.
 - d. Orders the payment of attorney fees and costs without any determination that such are equitable as required by S.C. Code Ann. §15-61-110.
 - e. Orders the payment of attorney fees and costs without any findings of fact or conclusions of law as required by *Blumberg v. Nealco, Inc.*, 310 S.C. 492, 427 S.E.2d 659, (S.C.,1993), and the plethora of case law that follows that case.
 - f. Provides for the distribution of expenses of the estate without having same approved by the Probate Court.
 - g. The contingent fee contract with Plaintiff's attorney (Exhibit A) is signed by Plaintiff as personal representative. Therefore the fee is an obligation of the estate and must be approved by the Probate Court as a legitimate expense of the estate.

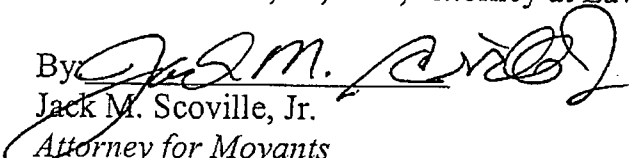
Movants request the Special Referee amend the Order as follows:

- A. Delete all provisions of said Order that direct any action not consistent with the pleadings and law;
- B. Order the payment of a reasonable attorney fee to Plaintiff's attorney based on the evidence presented at the hearing and the costs of this action;

- C, Order the sale of the property in accordance with the signed contract of sale;
- D. Order the proceeds of sale to be paid into the estate and any attorney fees that may be due because of any agreement with the personal representative, costs, reimbursements, fees, and other expenses to be determined by the Probate Court in accordance with the Probate Code.
- E. Order such other relief as may be appropriate.

Jack M. Scoville, Jr., P.A., Attorney at Law

By


Jack M. Scoville, Jr.

Attorney for Movants

Post Office Drawer 1228

1001 Front Street

Georgetown, South Carolina 29442

(843) 546-1130 (phone)

(843) 546-0726 (fax)

Email: scorac@aol.com

Date: July 1, 2014

LAW OFFICE OF N. DAVID DURANT AND ASSOCIATES, P.A.
CONTINGENCY FEE AGREEMENT

The undersigned, Dwain Smalls as Personal Representative Lewis Small Estate, (hereinafter known as Client) requests the legal services of N. David Durant, Esquire, (hereinafter known as Attorney) for representation for negotiating in selling a sixty (60) Acre tract of the Estate of Lewis Small.

This representation will including doing all that is necessary legally and to resolve Title issues, as to this specific tract.

If a settlement is not effected which is satisfactory to the Client, Attorney agrees to (specify: initiate alternative dispute resolution proceedings, arbitration, or bring an action against), _____ to attain the benefits provided by judicial oversight of the claim.

In connection with this, Attorney will file all necessary court papers, attend pretrial conferences and status conferences, prepare appropriate interrogatories, requests for admissions and requests for production of documents, attend and take appropriate depositions.

The fee of Attorney shall be contingent upon the result obtained. There shall be no legal obligation by Client to pay Attorney any fee if nothing is recovered from the sale of the sixty (60) Acre tract.

However, Client is responsible for all expenses incurred in the prosecution of the claim. Client gives permission to Attorney to advance the payment of costs and expenses, but Client acknowledges the Client remains responsible for payment of said costs and expenses and agrees to reimburse Attorney as costs and expenses are incurred or, if Client reimburses Attorney upon settlement, Client agrees that such costs and expenses shall be paid out of Client's portion of the settlement proceeds.

The legal fee of Attorney shall be ten percent (10%) of the final gross sales price for the sixty (60) Acre tract of land, these fees shall be paid at the time of closing this transaction.

In the event of discharge by Client and in the event Client subsequently recovers money or other property as a result of this action, Client shall be indebted to Attorney for legal fees based upon the value in Surfside Beach, South Carolina of legal services rendered and for any costs and expenses advanced by Attorney.

Attorney reserves the right to withdraw from representation if Client fails to cooperate or follow Attorney's advice on a material matter, or if any fact or circumstance arises or is discovered that would, in Attorney's view, render continuing representation unlawful or unethical.

Date: August 13, 2012

Client: Dwain H. Small

Date: August 13, 2012

Attorney: N. David Durant

Date: _____

Witness: _____

EXHIBIT

A

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Dewey Lee Small,

Plaintiff,

vs.

Maxine Johnson a/k/a Maxine McQueen a/k/a
Maxcine Johnson, Ernestine Small Bass, Rose
Small a/k/a Rosemary Mary McQueen,
Kassandra D. Odom a/k/a Kassandra D. Shea,
Michelle D. Odom a/k/a Michelle D. DeLa Corte,
Queenie Small a/k/a Queenie B. Arnold a/k/a
Qunnie Arnold, Lewis Filton Small, Jr. a/k/a
Pete Small, William Franklin Small a/k/a Danny
Small, Patsy Ann Small a/k/a Patsy Small Crock
a/k/a Patsy Ann Small Pierick Crock a/k/a Patsy
Pierick, Donald Lee Small, Janava Small a/k/a
Janava Small Lonneux a/k/a Candy Small, Daisy
Dean Small a/k/a Dean Small, Sandra Small
a/k/a Sandra Howard, Jacqueline L. White, Jimmy
Prince, Jr., Veretta Norman, Venata Small Olivera,
Marcus Johnson, Jr., Dewey Jerome Johnson,
John Doe and Jane Doe, Representatives of any
Unknown Heirs,

IN RE: THE ESTATE OF LEWIS SMALL

Defendants,

IN THE COURT OF COMMON PLEAS
THE FIFTEENTH JUDICIAL CIRCUIT
CASE NO.: 2012-CP-26-9832

FINAL ORDER
(Ending Action)

HORRY COUNTY
14 OCT 16 AM 10:49
MELANIE HUGGINS-WARD
CLERK OF COURT

DATE OF HEARING: SEPTEMBER 29, 2014
PRESIDING JUDGE: RALPH P. STOMAN
PLAINTIFF'S ATTORNEY: N. DAVID DURANT
DEFENDANTS' ATTORNEY: CHARLES O' NATION
ATTORNEY FOR JOHN DOE AND JANE DOE: JOHN S. THOMAS
COURT REPORTER: ALDERMAN COURT REPORTING -RYAN ALDERMAN

THIS MATTER COMES BEFORE ME pursuant to a Motion for Reconsideration which was initially filed by Jack M. Scoville, Jr. on behalf of four (4) of the Defendants in this case. This action was a Motion for Reconsideration that was initially filed by Jack M. Scoville, Jr. on behalf of four (4) Defendants whose names were Patsy Small Crock, Janava Small Lonneaux, Sandra Howard and Louis Small, Jr. Upon a Motion to be Relieved as Counsel by Jack M. Scoville, Jr., Mr. Scoville was relieved as the attorney for the four (4) Defendants and Charles O' Nation moved forward on behalf of two (2) of the Defendants, Filton Lewis Small and Patsy Ann Crock. The other Defendants proceeded as *pro se*.

After hearing arguments of counsel, reviewing the Affidavits of Attorney's Fees, and reviewing all of the Exhibits and evidence presented at trial, the Court has the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. I FIND that the two (2) Defendants that are represented by Charles O' Nation essentially argue that the fees that were charged by Plaintiff's counsel in this case were unreasonable and unfair to the Defendants. I disagree. It appears from the facts and evidence of this case that Mr. Small, as Personal Representative of the Estate of Lewis Small had on multiple occasions tried to use different attorneys to resolve the title issues associated with this property over the course of the past approximately thirty (30) years. Despite all his efforts, he was unable to get any resolution of the issues associated with clearing the title so that the parties could move forward with the sale of real property. Despite the fact that Mr. Small had no funds in which to work with to advance all of the costs in this case, Mr. DuRant agreed to take on the case on a ten percent (10%) contingency fee with the parties to be paid all costs, expenses and attorney's fees at the time that the closing took place.

2. I FURTHER FIND that through Mr. DuRant's efforts, not only has the title now been quieted by this action, but a contract for the purchase of the approximately sixty (60) acre tract has been secured for ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS UNITED STATES DOLLARS AND NO/100 (\$1,800,000.00) with no contingencies. These funds of money would not be available to the Defendants in this case had Mr. DuRant not agreed to take the case on a contingency fee. Based upon this, therefore, all of the fees and reimbursed costs should be taken from the gross sale at closing with the net proceeds going into an interest bearing estate account.

3. I FURTHER FIND that while Fulton Lewis Small and Patsy Ann Crock were not successful in stopping the Quiet Title Action and Petition Action, they were able in securing an additional FOUR HUNDRED THOUSAND UNITED STATES DOLLARS AND NO/100 (\$400,000.00) on behalf of the Estate for a sales price for the property. Inasmuch as through their efforts, the Court agreed to hold the sale of the property open for thirty (30) days in order to see if an additional amount of money could be secured for the sale of property.

4. I FURTHER FIND that the initial contract that was presented to the Court was for ONE MILLION FOUR HUNDRED THOUSAND UNITED STATES DOLLARS AND NO/100 (\$1,400,000.00) and as a result of the holding of the sale of the property open for that period of time, a no contingency agreement cash closing was secured through a contract for ONE MILLION EIGHT HUNDRED THOUSAND UNITED STATES DOLLARS AND NO/100 (\$1,800,000.00), which was an additional FOUR HUNDRED THOUSAND UNITED STATES DOLLARS AND NO/100 (\$400,000.00).

BASED UPON THIS, THE COURT FINDS that Mr. Small and Mrs. Crock are entitled to the reimbursement of their attorney's fees pursuant to an Affidavit submitted by Charles O' Nation in the amount of **NINETEEN THOUSAND NINE HUNDRED EIGHTY TWO UNITED STATES DOLLARS AND 90/100 (\$19,982.90)**. This money shall also be paid at the time of the closing.

5. I FURTHER FIND that as stated previously in this Order, the initial contract that was presented to the Court was for ONE MILLION FOUR HUNDRED THOUSAND UNITED STATES DOLLARS AND NO/100 (\$1,400,000.00) and the Court agreed to hold the sale of the property open for thirty (30) days in which to market the property to see if there was any additional interest or any additional monies that could be gained. The Court has discovered through Liston Wells, a South Carolina Realtor, was able to secure a no contingencies agreement cash contract for ONE MILLION EIGHT HUNDRED THOUSAND UNITED STATES DOLLARS AND NO/100 (\$1,800,000.00) and as a matter of equity, I support the findings that Mr. Wells is entitled to a commission of 6% on the additional sums of money of FOUR HUNDRED THOUSAND UNITED STATES DOLLARS AND NO/100 (\$400,000.00) for a total of TWENTY FOUR THOUSAND UNITED STATES DOLLARS AND NO/100 (\$24,000.00) at the time of the closing of the transaction.

6. I FURTHER FIND that there are certain expenses and reimbursements that need to be made at the time of closing. These are items that have been pre-paid by several of the Defendants and the Plaintiff over the past thirty (30) years; and, these reimbursements need to be paid at the time of closing. The Court has prepared an Exhibit marked Exhibit A, which sets out all of the reimbursed expenses that need to be paid at the time of closing. Please refer to Exhibit A for those total expenses. These expenses are to be paid at closing from the gross proceeds.

7. I FURTHER FIND that without the benefit of the Will, the real property that was owned by Mattie Smalls is described in Exhibit B, Exhibit C and Exhibit D which is attached to this Order.

8. I FURTHER FIND that Lewis Small, at the time of his death on May 13, 1983, owned real property in Horry County. The real property that Lewis Small owned at the time of his death is described in Exhibit E and Exhibit F. Lewis Small did die with a will which is filed in Horry County and Dewey Lee Small was listed as the Personal Representative of the Estate to serve without benefit of bond.

9. I FURTHER FIND that Mattie Small died in 1965, and, at the time of her death, she died intestate, without the benefit of a Will. At the time of her death, she had sixteen (16) heirs. Those heirs are listed as the following:

1/3 interest to her husband:

- L. Lewis Small a/k/a Lewis Small a/k/a Louis Small a/k/a Louis B. Small a/k/a Buddy Small

2/3 interest to her children:

- Mazie Diane Small a/k/a Mazie D. Odom
- Dewey Small a/k/a Dewey Lee Small
- Quennie Small a/k/a Quennie B. Arnold a/k/a Qunnie Arnold
- Mildred S. Jones a/k/a Mildred Small Jones a/k/a Mildred Isadora Small Jones a/k/a Isadore Small a/k/a Isadora Ortega
- Geneva K. Small
- Lewis Filton Small, Jr. a/k/a Pete
- Patsy Ann Small a/k/a Patsy Small Crock a/ka Patsy Ann Small Pierick Crock a/k/a Patsy Pierick
- Donald Lee Small
- William Franklin Small a/k/a Danny Small
- Janava Small a/k/a Janava Small Londeaux a/k/a Candy Small
- Velma Ray Small

- Daisy Dean Small a/k/a Dean Small
- Sandra Small a/k/a Sandra Howard
- Marcus Johnson, Jr.
- Maxine Johnson a/k/a Maxine McQueen a/k/a Maxcine Johnson

10. I FURTHER FIND that Velma Ray Small died on January 13, 1980 intestate, leaving her sole surviving heir as Venetta Olivera.

11. I FURTHER FIND that Louis B. Small died on May 13, 1983, leaving a Will as Shown in Estate File of 1984-ES-26-75 in the Probate Records of Horry County, South Carolina. Louis Small died possessing a 1/3 interest in the estate lands of Mattie Small and sole ownership of a 60 acre tract and a 2 1/2 acre tract. These are attached and described in Exhibit E and F.

12. I FURTHER FIND that per the Will of Louis Small, the names of Maxine and Geneva Small were marked through as to the sixty (60) acre parcel and at the time of Louis Small's death, he only owned a one-third (1/3) interest in the three (3) parcels owned by his wife Mattie Small.

13. I FURTHER FIND that with structure in the Will of Lewis Small has a number of defects within the Will and are not enforceable. Specifically, a forfeiture clause wherein if the parties refused to sign over cross deeds, the parties would not receive any funds.

14. I FURTHER FIND it impractical that the property be divided into equal parts. I find it is also unconstitutional and unenforceable.

15. I FURTHER FIND that the Court would require that the parties do execute cross-over deeds after the closing and the net proceeds are in the Estate account. In order to receive the funds, the parties are required to execute the appropriate cross-over deeds. Once the cross-over deeds have been executed, then the Personal Representative is entitled to distribute to the parties who have executed the cross-over deeds, their percentage of the net proceeds from the closing.

16. I FURTHER FIND that if any party refuses to execute a cross-over deed or if for any reason cannot be located, I hereby find and authorize the Clerk of Court for Horry County to execute the cross-over deed for that party and the execution of that deed will constitute a valid and legal transfer of that party's interest. That party's interest will be deposited with the Clerk of Court for Horry County until

such time as the person whose interest has been transferred requests the funds.

17. I FURTHER FIND that the Personal Representative of the Estate shall give any party a reasonable period of time in which to execute the proper deeds, after which time, when the Personal Representative executes an Affidavit stating that person has either refused or cannot be located, and filed with the Horry County Clerk of Court, the Clerk of Court shall execute the cross-over deed and deposit that person's money into the Clerk's account.

18. I FURTHER FIND that the upon the appropriate interest that each person owns in the real property, it is shown in Exhibit G for Mattie Small and Exhibit H for Lewis Small. Those Exhibits are attached hereto and each Exhibit shows the family tree at the time of the person's death.

CONCLUSIONS OF LAW

I CONCLUDE as a matter of law that this Court has jurisdiction over all the real property herein and, subject matter jurisdiction over all the parties. I further conclude as a matter of law that all the parties have been properly served, that there are no unknown heirs and that this matter is properly before the Court to determine a Partition and Sale of a sixty (60) acre tract of land (See Exhibit C), along with the distribution of funds to the individual heirs pursuant to the percentage of the ownership interest that person has in the real property.

I FURTHER CONCLUDE as a matter of law that the property of a sixty (60) acre tract of land (See Exhibit C) of Louis Small is hereby cleared of an title defect and as to the unknown heirs, there has been a determination that there are no unknown heirs in this matter.

I FURTHER CONCLUDE as a matter of law that the Personal Representative of Dewey Small for the Lewis Small Estate has been appointed by the Probate Court and shall have the full authority to execute any and all documents and closing documents or deeds or any documents necessary to effect transfer of the sixty (60) acre tract of land (See Exhibit C) to a third party for ONE MILLION EIGHT HUNDRED THOUSAND UNITED STATES DOLLARS AND NO/100 (1,800,000.00). The closing shall take place and the distribution of the costs, expenses and attorney's fees shall be disbursed first at the time of the closing pursuant to Exhibit A attached hereto.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

IT IS THEREFORE ORDERED that the title to property as to the sixty (60) acre tract of property found in Exhibit C, Lewis Small has hereby quieted and the request by the Plaintiff to partition and sale the property is hereby granted. AND IT IS,

FURTHER ORDERED that the sale of the real property for ONE MILLION EIGHT HUNDRED THOUSAND UNITED STATES DOLLARS AND NO/100 (\$1,800,000.00) shall take place and the Personal Representative of the Lewis Small's Estate is hereby appointed by this Court to have full authority to execute any and all documents, closing documents including deeds, or any other closing documents necessary to effect the transfer of the sixty (60) acre tract of land (See Exhibit C) to a third party. AND IT IS,

FURTHER ORDERED that the expenses and costs of prosecuting this transaction that are found in Exhibit A are to be paid at the closing when the transaction to the third party for ONE MILLION EIGHT HUNDRED THOUSAND UNITED STATES DOLLARS AND NO/100 (\$1,800,000.00) has been consummated. AND IT IS,

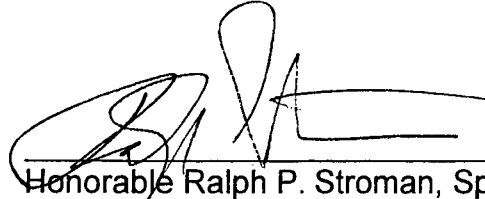
FURTHER ORDERED by this Court that Dewey Small, as Personal Representative of the Estate, shall coordinate with all the heirs to the property for the execution of the cross-over deeds pursuant to the Lewis Small Estate, and shall further coordinate the distribution of the appropriate sums of money from the net Estate Account for each person's interest as set forth in Exhibit H of this Order. AND IT IS,

FURTHER ORDERED that in the event a person shall refuse to execute a cross-over deed or for any reason cannot be located, that I hereby authorize the Clerk of Court for Horry County to execute the proper cross-over deed on behalf of that person and the execution of that deed will constitute a valid and legal transfer of that person's interest. AND IT IS,

FURTHER ORDERED that after a reasonable time has passed or a person just outright refuses to sign a cross-over deed, that person's interest or funds shall be placed with the Clerk of Court after the Personal Representative Dewey Small executes an Affidavit stating that the person in interest has refused to execute the deed or cannot be located. AND IT IS,

FURTHER ORDERED that these monies shall be held by the Horry County Clerk of Court until such time as the person or party requests the money.

IT IS THEREFORE ORDERED.

A handwritten signature in black ink, appearing to read 'R. P. Stroman', written over a horizontal line.

Honorable Ralph P. Stroman, Special Referee
In the Court of Common Pleas for the
Fifteenth Judicial Circuit

_____, 2014
Conway, South Carolina

EXHIBIT A

EXHIBIT A

ATTORNEYS FEES

Coastal Paralegal (Title Work, Mailing & Service Expenses)	\$ 3,693.44
Coastal Paralegal (Reimbursement for Collins Appraisals)	\$ 1,500.00
Ralph Wilson, Esquire (To be paid to Dewey Smalls)	\$ 975.00
Bryan & Haar-Partition Suit-Heirs of Lewis (To be paid to Dewey Smalls)	\$ 7,705.00
Attorney's Fees for Charles O' Nation, Esquire	\$ 19,982.90
N. David DuRant, Esquire (10% of gross sales)	\$180,000.00
Coastal Paralegal Fees and Costs	<u>\$ 68,250.00</u>
TOTAL:	\$282,106.34

EXPENSES

Due to Dewey Small:

Latimer's Funeral Home (Reimburse Dewey Small)	\$ 3,047.00
Coastal Monument-Mattie Head Stone(Reimburse Dewey Small)	\$ 1,468.00
Rezoning Fee (Reimburse Dewey Small)	\$ 100.00
Surveys (Reimburse Dewey Small)	\$ 1,468.00
Property Upkeep (60 acres) (Reimburse Dewey Small)	\$ 58,670.00
Lewis Small loan (at time of death) (Reimburse Dewey Small)	\$ 4,885.31
Lewis Small medical bills (Reimburse Dewey Small)	\$ 299.00
Horry County Property Taxes 1983-2003 (To be paid to Dewey Small) (Reimburse Dewey Small)	\$ 15,547.51
Horry County Property Taxes 2004-2013 (Lewis Small) (To be paid to Lewis Small) (Reimburse Lewis Small)	\$ 27,674.31
Real Estate Agent-Liston Wells	<u>\$ 24,000.00</u>
TOTAL:	\$ 137,159.13

Costs for N. David DuRant

Appraisal Services	\$ 3,300.00
Collins Appraisal Services	\$ 1,500.00
Application for Subsequent Administration (Probate Court)	\$ 22.50
Petition for Publication	\$ 300.00
Partition Action/Quiet Title	\$ 150.00
Guardian ad Litem Fee for John Thomas	\$ 475.00
Motion Fee	\$ 25.00
Special Referee Ralph Stroman	\$ 7,000.00
Court Reporter Fee	\$ 1,500.00
Court Reporter Fee-Ryan Alderman	<u>\$ 100.00</u>
TOTAL:	\$ 14,372.50

EXHIBIT “ B ”
MATTIE SMALLS PROPERTY

Mattie Small died intestate on November 1, 1965 as per estate number 2-5-31, filed in the Probate Office of Horry County, South Carolina. At the time of Mattie Smalls death she owned a 100 percent interest in the following described Property:

1. ALL AND SINGULAR, that certain, piece, parcel or tract of land, lying and being in Socastee Township, Horry County, South Carolina, being designated as Tract A containing 1.34 more or less acres, Tract B containing 1.39 more or less acres and Tract C containing 2.27 more or less acres totaling 5 more or less acres, and being more particularly shown on that certain plat entitled “PLAT OF THREE PARCELS OF LAND AT MURRELLS INLET, THE PROPERTY OF DEWEY L. SMALL. HORRY COUNTY, S.C., SOCASTEE TOWNSHIP,” prepared by Wendell C. Powers, R.L.S., dated October 25, 1989 and recorded in Plat Book 110 at Page 112, in the office of the Register of Deeds for Horry County, South Carolina

Tax Map Numbers: 197-00-01-071
197-00-01-072
197-00-01-073

EXHIBIT " C "
MATTIE SMALLS PROPERTY

Mattie Small died intestate on November 1, 1965 as per estate number 2-5-31, filed in the Probate Office of Horry County, South Carolina. At the time of Mattie Smalls death she owned a 100 percent interest in the following described Property:

1. All and Singular that certain fifteen (15) acres more or less in Socastee Township, bounded by lands of Emma Saxby "et al" and being part of the Toby Small Estate.

Also shown on an unrecorded map by Powers and Associates Surveyors, Inc. For Dewey Small mapped dated June 30, 1995 and shown as 12.2 acres.

This being the identical property conveyed to Mattie Small from W.H. Jordan, County Treasurer by deed dated September 13, 1963 and recorded January 16, 1964 in Deed Book 300 at Page 316, records of Horry County.

Tax Map Number: 190-00-05-003

EXHIBIT " D "
MATTIE SMALLS PROPERTY

Mattie Small died intestate on November 1, 1965 as per estate number 2-5-31, filed in the Probate Office of Horry County, South Carolina. At the time of Mattie Smalls death she owned a 100 percent interest in the following described Property:

1. All and Singular that certain piece, parcel or tract of land situate and lying and being in Socastee Township, County and state aforesaid and containing ten (10) aces more or less and bounded as follows:

Beginning at a pipe corner in Collins Creek and Murrells Inlet Road between Quinby Knox home and Bethel Church, and running thence in a Easterly direction a line perpendicular to the said road to the Van Turberville line; thence with the Van Turberville line in a Southerly direction to Richard Knox line; thence Richard Knox line in a westerly direction to Collins Creek and Murrells Inlet Road; thence with the Murrells Inlet Road in a Northerly direction to the beginning corner.

This being a portion of the property conveyed to Mattie Small by Deed of Cleveland Stevens, Trustee for Quinby Knox heirs, dated September 14, 1960 and recorded January 11, 1963 in Deed Book 281 at Page 552, records of Horry County.

2. That certain three (3) acres more or less located in Socastee Township and bounded North by Bethel Church property, South by lands of Quinby Knox, Jr., East by Van Turbeville land and West by William Oliver lands.

This being a portion of the property conveyed to Mattie Small by Deed of W. H. Jordan, Jr., County Treasurer, dated December 20, 1963 and recorded January 16, 1964 in Deed Book 300 at Page 319, records of Horry County.

Tax Map Number: 197-00-01-023

The following piece, parcels or tracts of land have been split from tax map number 197-00-01-023, leaving a total of 8.1 acres under tax map number 197-00-01-023 and total of five acres as follows:

LESS AND EXCEPT:

ALL AND SINGULAR, that certain, piece, parcel or tract of land, lying and being in Socastee Township, Horry County, South Carolina, being designated as Tract A containing 1.34 more or less acres, Tract B containing 1.39 more or less acres and Tract C containing 2.27 more or less acres totaling 5 more or less acres, and being more particularly shown on that certain plat entitled "PLAT OF THREE PARCELS OF LAND AT MURRELLS INLET, THE PROPERTY OF DEWEY L. SMALL. HORRY COUNTY, S.C., SOCASTEE TOWNSHIP," prepared by Wendell C. Powers, R.L.S., dated October 25, 1989 and recorded in Plat Book 110 at Page 112, in the office of the Register of Deeds for Horry County, South Carolina

Tax Map Numbers: 197-00-01-071
197-00-01-072
197-00-01-073

EXHIBIT “ E ”
LEWIS SMALLS PROPERTY

Lewis a/k/a Louis Small died on May 13, 1983 per estate 1984-ES-26-75, filed in the Probate Office of Horry County, South Carolina. At the time of Lewis Smalls death he owned a 100 percent interest in the following described Property:

1. All and singular that certain piece, parcel, lot or tract of land situate, lying and being in Socastee Township, County of Horry and State of South Carolina, and containing Sixty (60) acres more or less and bounded and described as follows:

Beginning at a station in the West margin of the McDowell short cut Road and running N 67 28' W 1918 feet to corner; thence N 22 30' E 1813 feet to corner; thence S 56 52' E to Louisa Johnson's line which was formerly a part of this tract; thence following Louisa Johnson and a 1.90 acre tract of Exekil Johnson a southerly direction to Road thence said Road to beginning corner.

This tract which is to be conveyed is represented upon a map of Johnson and Roberts, CES, showing 62.9 acres Less a one acre tract conveyed to Louisa Johnson and Less a one and 9/10 acre tract adjoining Louisa Johnson to be sold to Exekil Johnson.

This being the property conveyed to Louis L. Small by Deed of Ida N. Marlow, James C. Marlow, Francis Marlow Burriss, Boyd L. Marlow and Frank W. Marlow dated December 20, 1947 and recorded March 12, 1948 in Deed Book 53 at Page 218, records of Horry County.

Tax Map Number: 194-00-02-036

EXHIBIT “ F ”
LEWIS SMALLS PROPERTY

Lewis a/k/a Louis Small died on May 13, 1983 per estate 1984-ES-26-75, filed in the Probate Office of Horry County, South Carolina. At the time of Lewis Smalls death he owned a 100 percent interest in the following described Property:

1. All and singular that certain piece, parcel, lot or tract of land situate, lying and being in Socastee Township, County of Horry and State of South Carolina, and containing 4.41 acres more or less and bounded and shown on that unrecorded plat entitled “4.41 ACRES OF LAND, SOCASTEE TOWNSHIP, HORRY COUNTY, S.C., SURVEYED FOR LOUIS SMALL” dated October 6, 1981 and prepared by Coastal Land Surveyors, Inc. as follows:

Bounded on the North and West by James A. Carolina, on the East by Heirs of Hattie Alston and on the South by West Virginia Pulp & Paper Co. and formerly Mrs. Ida Wilson.

This being the property inherited by Lewis Small from his grandmother, Sarah Small, records of Horry County.

Tax Map Number: 194-00-02-063

MATTIE SMALL

Died intestate on November 1, 1965
Estate Number 2-5-31
Heirs at the time of her death are listed below

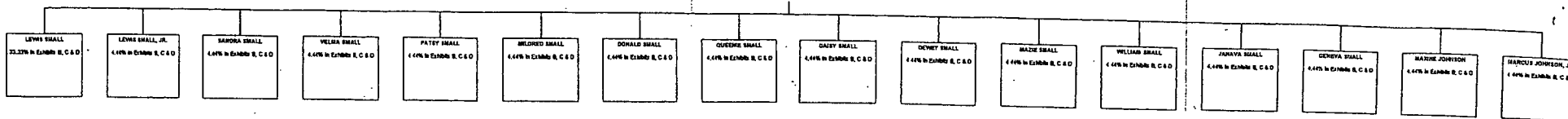


Exhibit
"G"

Last Will and Testament

OF
LEWIS SMALL

EXHIBIT "E"

IN THE NAME OF GOD, AMEN:

Know All Men By these Presents, that I, Lewis Small of Route 1, Box 178, Murrells, Inlet, South Carolina, being of sound and disposing mind, memory and understanding, and capable of executing a valid deed or contract, considering the certainty of death and the uncertainty of the time thereof, and being desirous to settle my worldly affairs and hereby be the better prepared to leave this world when it shall please the almighty to call me hence, do hereby make, publish and declare this my LAST WILL AND TESTAMENT, hereby revoking and annulling all wills, codicils and testamentary dispositions heretofore made by me, in manner and form following, that is to say:

FIRST, and principally, I commit my soul into the hands of Almighty God, and my body to the earth to be decently buried according to rituals of the Christian faith.

SECOND, I direct my executor, hereinafter named, to pay all of my just debts, funeral expenses and other bills as soon after my death as shall be practicable.

THIRD, I give, devise and bequeath unto my children hereby

named, ^{2 living} ~~Margoline Johnson~~, ^{2 living} ~~Isadore Small~~, ^{1 living} ~~Mazie Diane Small~~, ^{1 living} ~~Queenie~~

^{4 children living} ~~B. Small~~, ^{1 living} ~~Lewis Small, Jr.~~, ^{1 living} ~~William Small~~, ^{1 living} ~~Patsy Small~~, ^{1 living} ~~Donald Lee~~

^{1 living} ~~Small~~, ^{1 living} ~~Janava Small~~, ^{1 living} ~~Daisy Dean Small~~, ^{1 living} ~~Sandra Sandra Small~~, ^{1 living} ~~Dewey~~

^{1 living} ~~Small~~, ^{1 living} ~~and Velma Small~~ all of the real and personal

property, to have and to hold in fee simple absolute, share and share

alike, and to be divided equally. These children shall not sell this land

unless it is sold to one another. The real property of this devise

is located in Socastee Township of Horry County, South Carolina, and

is located on the McDowell Short Cut Road, and containing sixty (60)

acres, more or less, and my deed is recorded in the Horry County

Courthouse in Deed Book _____, Page _____, and dated December 20,

1947. This land shall be divided up as soon as possible after my

death. It shall be surveyed into fourteen equal tracts and the

numbers of each tract shall be places in a hat and drawn out by each

2.

legatee. I request that Dewey Small shall get cleared land and the tobacco acreage attach to his share so he can pay the taxes on all of the land. What number each of the other persons draws out of the hat, that person shall receive that piece of land and I devise that piece of land to him or her.

FOURTH, I give, devise and bequeath unto my children here named, Willie Small, Sarah Small, Shirley Small and Ralph Small all of the real property that I own in Socastee Township, Horry County, South Carolina, facing S. C. Highway 544, and near the Georgetown County line. This is the land in which was conveyed to me by William Oliver on September 2, 1932, and the deed is recorded in the Horry County Courthouse in Deed Book O-6, Page 11. These legatees shall share and share alike in this piece of land. This is the land across the branch and being a piece of the Oliver tract.

FIFTH, I give, devise and bequeath unto Dewey Small five (5) acres of the ten (10) acre tract my wife, ^{dead} Mattie Small, left me. The five (5) acres shall be around where his mobile home is now located. He shall designate the five (5) acres. I give the balance of the ten (10) acres, being five (5) acres, to Donald ^{let my son} Small, William Small, and Lewis Small, Jr. If any of these children decide to sell his or her share they shall sell to the other heirs. I am directing that my children, namely, ^{step daughter} Maxcine Johnson, Isadore Small, Mazie Diane Small, Queenie B. Small, Lewis Small, Jr., William Small, Patsy Small, Donald L. Small, Janava Small, Daisy Dean Small, Sandra Small, Dewey Small and Geneva Small and Velma Small deed whatever interests they may have in this land to the said Dewey Small, Donald Small, William Small and Lewis Small, Jr. If any child refuse to give a deed as I direct, I hereby disinherit him or her and give whatever share he or she would have gotten to all of the persons that sign without any trouble.

SIXTH, I give, devise and bequeath unto my children, namely, ^{step daughter} Maxcine Johnson, Isadore Small, Mazie Diane Small, Queenie B. Small, Lewis Small, Jr., William Small, Patsy Small, Donald L. Small, Janava Small, Daisy Dean Small, Sandra Small, Dewey Small, Geneva Small, Velma Small, and ^{step son} Marcus Johnson, the Fifteen (15) ^{12 1/2} acres in which I inherited from my wife, Mattie Small, to share and share alike. I direct that my children divide this land as soon after my death as

3.

shall be practicable, and if a person decide to sell, he or she shall sell to the other heirs. I direct that my heirs hereto shall give cross deeds to each other.

SEVENTH, I give, devise and bequeath unto my children, ^{step father} namely, Maxcine Johnson, Queenie B. Small, Mazie Diane Small, and Daisy Dean Small, Sandra Small and Geneva Small all of that certain three (3) acre tract of land that I inherited from my wife, Mattie Small, to share and share alike. I direct that all of my children with an interest in this tract sign deeds over to these children and if they do not, I hereby disinherit any one of them that don't sign the deeds.

EIGHTH, I give, devise and bequeath unto my children, namely, Dewey Small, Donald Small, William Small, and Lewis Small, Jr., to share and share alike, the two and one-half (2½) ^{4 1/2} acres and in which I inherited from my grandmother, Sarah Small. From this tract of land, I give and devise the tobacco acreage unto Dewey Small.

NINTH, I give, devise and bequeath unto my son, Dewey Small, all of the tobacco acreage and allotment on the 2½ acre tract, 10 acre tract, 3 acre tract. He shall use the money from this tobacco acreage to pay the taxes.

TENTH, I give and devise and bequeath unto my son, Dewey Small, all of my farm machinery and equipment.

ELEVENTH, I give and bequeath my automobile unto my daughter, Sandra Small.

TWELFTH, I hereby nominate, constitute and appoint Dewey Small, the executor of this my Last Will and Testament without requiring him to give any bond, security or surety, whatsoever.

This my Last Will and Testament, consisting of four type-written pages, this page and the next page included, each of which bears my signature on the margin thereof.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 21st day of May A.D. 1979.

Louis Small (L.S.)
Lewis (Louis) Small

The foregoing instrument, was this 21st day of May, 1979, subscribed by the testator, Lewis Small, in our presence and was at the same time declared by him to be his LAST WILL AND TESTAMENT, and we at the same time in his presence, at his request and in the presence of each other hereunto subscribed our names as attesting witnesses. And, we do hereby certify that at the time of the execution of said Will the said Will the said testator, Lewis Small, was of sound and disposing mind, memory and understanding.

Franklin R. Smith residing at 510 Hwy. 378, Conway, S.C.

William D. Miller residing at 2210 Bayside Ave., Conway, S.C.

Estella S. Boyd residing at 1713 Race Path Ave., Conway, S.C.

5-28-79

STATE OF SOUTH CAROLINA,

COUNTY OF HORRY

Ex Parte: Dewey Small

IN THE PROBATE COURT
PETITION TO PROVE WILL IN COMMON
FORM OF LAW AND FOR LETTERS

In Re Estate of:

Louis B. Small

To: W. C. Floyd

Probate Judge for said county:

The petition of the undersigned respectfully represents:

1. That Louis B. Small Age 71, who last dwelt in Murrells Inlet in the County and State aforesaid, died testate on the 13th day of May in the year of our Lord one thousand nine hundred and eighty-three possessed of goods and estate to be administered.

2. That said deceased left a will bearing date 21st day of May, 19 79 and cocidil bearing date day of , 19 herewith presented. Your petitioner hereby applied for letters of administration for the reason he is executor named in the will

3. That under and by virtue of the terms of the will of the said testator/testatrix the following are the beneficiaries therein named as legatees or devisees:

(Show all legatees and devisees by divisions into family groups.)

Name	Age*	Residence	Relationship to Decedent
Maxine Johnson	<u>42</u>	New York	step-daughter
Isadore Small	<u>40</u>	Japan	daughter
Mazie Diane Small	<u>38</u>	Calif.	daughter
Queenie B. Small	<u>35</u>	Calif.	daughter
Lewis Small, Jr.	<u>33</u>	Calif.	son
William Small	<u>32</u>	Calif.	son
Patsy Small	<u>31</u>	Calif.	daughter
Donald L. Small	<u>27</u>	Calif.	son
Janava Small	<u>26</u>	Calif.	daughter
Daisy Dean Small	<u>25</u>	Calif.	daughter
Sandra Small	<u>24</u>	Calif.	daughter

*Enter the exact age at date of decedent's death if then living; if not then living, enter in the age column the word (deceased)

SEE ATTACHMENT

4. That the testator/testatrix died seized and possessed of a personal estate of about the value of dollars, consisting of the following moneys, goods and chattels:

- (a) Cash on hand and in banks \$ 0
- (b) Moneys due testator/testatrix on account of bonds, mortgages and other securities \$ 0
- (c) Corporate and governmental bonds and stocks \$ 0
- (d) Open accounts due testator/testatrix \$ 0
- (e) Life or other insurance made payable to the estate \$ 0
- (f) Value of all other personal property not listed above \$ 0

(Farming Implements, machinery and equipment -- farm products, automobiles, livestock, household goods, jewelry, mobile home, etc.)

(g) Tangible personal property having a situs outside of South Carolina.

Description	\$
<u>NA</u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

Attach list if necessary

5. That the testator/testatrix died seized and possessed of real estate of about the value of (\$) Dollars, as follows:

Recorded: January 24, 1984
Book #16
Page #100

Dewey Small	36	Horry County	son
Geneva Small	37	Calif.	daughter

DESCRIPTION OF REAL ESTATE AND APPROXIMATE VALUES

(Enter each tract and lot on a separate line)

This item includes all Real Estate in S.C.

No. of acres or lots. (State whether acres or lots) I	No. of Buildings	Total Value of each lot and tract including buildings	Decedent's Interest	Exact location. (Show County, Township and School District) All S.C. Property
62	0	9,400	100 %	Map # 194-00-02-036
5	0	750	100 %	Map # 194-00-02-063

6. Description and approximate value of real property having a situs outside of S.C.

Number of acres or lots	Number of Buildings	Total Value	Decedent's Interest	Exact Location
		NONE		

7. That the testator/testatrix made transfers and gifts within three (3) years prior to date of death as follows: (If none-so-state).

(Include all gifts within three years prior to death and all other transfers, real and personal, either where the consideration may appear to have been inadequate or where the transfer was to a relative or personal friend or to any person, firm, association, or corporation in which the decedent was interested, regardless of consideration. Describe the transfer in full; state the approximate value of the property transferred and the amount of the consideration stated or claimed, if any.)

N O N E

8. Life Insurance, Annuities and/or Endowment Contracts payable to beneficiaries other than the decedent's estate.

Face Value	Contract Number	Name of Company	Beneficiary
	NONE		

NOTE:

Item 9 below refers to "joint tenancy with right-of-survivorship". Property held as "tenants-in-common" must be reported under items 4, 5 & 6 of this return.

9. That the testator/testatrix died seized and possessed of personal property standing in joint names of two or more persons and payable to either or the survivor as follows:

(IF NONE - SO STATE)

Fair Market Value
at Date of Death

A. U.S. Bonds owned jointly with right of survivorship or "payable on death"	NONE
B. Joint Bank Accounts with right of survivorship	"
C. Joint Accounts in Depositories or other Institutions with right of survivorship	"
D. Joint Stocks and Bonds with right of survivorship	"
E. Miscellaneous property with right of survivorship	"

10. TRANSFERS INTENDED TO TAKE EFFECT AT DEATH: That the testator/testatrix made the following lifetime transfers of property, BOTH REAL AND PERSONAL, reserving unto transferror's self a life estate, income for life or other incidents of ownership that would preclude a fee simple title vesting in the beneficiary until the death of the transferror as follows:

(IN NONE - SO STATE)

Fair Market Value
at Date of Death

NONE

- A. Real Estate transferred retaining life estate _____
B. Trust created retaining unto self income for life, power to revoke or other incidents of ownership _____
C. Other transfers intended to take effect at death _____

11. POWERS OF APPOINTMENT That the testator/testatrix died seized and possessed of a power of appointment over property, both real and personal, whether testamentary or otherwise, with an estimated fair market value of _____

(IF NONE - SO STATE)

WHEREFORE, your petitioner _____ pray _____ that said will _____ and codicil _____ may be proved and allowed, in common form, and Letters _____ issued to _____

Dewey Small

(The Post Office Address Of Each Fiduciary Must Be Shown)

R-1 Box 178, Murrells Inlet, SC 29576

Post Office Address

1-24

1984

Dewey S. Small
Post Office Address

STATE OF SOUTH CAROLINA,

County of Horry

Personally appeared Dewey Small who being duly sworn says that to the best of his knowledge, information and belief, the statements contained in the foregoing petition are true and complete.

Sworn to and subscribed before me this 24th day of January, 19 84

Marge B. Livingston
Notary Public for South Carolina

PROOF OF WILL

THE STATE OF SOUTH CAROLINA,
HORRY County.

IN THE COURT OF PROBATE

By W. C. Floyd, Judge of Probate for said County.

Personally appears Franklin R. Dewitt who, being duly sworn, says that he saw Lewis Small sign, seal, publish and declare the annexed instrument of writing, bearing date the 21st day of May, 1979

his Last Will and Testament: A.D. to be and contain _____

that the said Lewis Small was then of sound and disposing mind, memory and understanding, according to the best of deponent's knowledge and belief; and that the said

Franklin R. Dewitt together with Vurline R. Bereen and Estella S. Boyd and at the request of the testate or in his presence,

and in the presence of each other, witnessed the due execution thereof.

Sworn to before me, this 24th day of January, Anno Domini 1984

W. C. Floyd
Judge of Probate, Horry County, S.C.

Franklin R. Dewitt
Witness to Will.

ORDER ADMITTING WILL TO PROBATE IN COMMON FORM

On hearing the above petition of Dewey Small it is hereby ordered, adjudged and decreed, That the petition be granted and the said Last Will and Testament, with Codicil _____, of Lewis Small, deceased, be entered of Probate in Common Form.

Given under my hand and the seal of the Court of Probate, this 24th day of Jan., 1984

[Signature]
Judge of Court of Probate

QUALIFICATION OF FIDUCIARY

THE STATE OF SOUTH CAROLINA,

HORRY County.

I/We do solemnly swear, that this writing contains the true Last Will of the within named and that Lewis Small deceased, so far as I/We know or believe; and that I/We will well and truly

execute the same, by paying first the debts, and then legacies contained in the said Will, as far as his/her goods and chattels will thereunto extend and the law charge me, and that I/We will make a true and perfect inventory of all such goods and chattels; So help me/us God.

Sworn to before me, this 24th day of January, Anno Domini 1984

Judge of Probate, Horry County, S.C.

[Signature]
Dewey Small

Route 1, Box 178

Murrells Inlet, South Carolina

(The Post Office Address Of Each Fiduciary Must Be Shown)

Mr. Cleveland Stevens, Attorney at Law

P.O. Box 1666

Conway, SC

Attorney's Name and Address

ORDER*

Upon reading and filing the foregoing petition, It is Ordered, THAT CITATION DO ISSUE, and made returnable at _____ o'clock _____, 19____, and that the same be published on the _____ County Court House for two consecutive weeks, and published in _____ a newspaper published in said county and State once a week for two successive weeks.

Probate Judge, _____ County, S.C.

* Above order to be used only in case of application for Letters of Administration with Will annexed.

The State of South Carolina, }

County of Horry

FIFTEENTH JUDICIAL CIRCUIT
JUDGE OF PROBATE.

By W. C. Floyd

To all whom these presents shall come—GREETING:

KNOW YE, that on the 24th day of January which was in the year of our Lord one thousand nine hundred and Eighty-four the Last Will and Testament of LEWIS SMALL

late of Horry County

in this State,

deceased, was proved, approved and allowed of, the said deceased having whilst he or she lived, and at the time of his death, divers Goods, Rights and Credits within the State aforesaid, by means whereof the approbation and allowing of his Testament and the power of granting the administration of all and singular the Goods, Rights and Credits of the said deceased to me is manifestly known to belong, and that the administration of all and singular the Goods, Rights and Credits of the said deceased, and his Testament, any manner of way concerning, was granted and committed unto Dewey Small

named Executor or in the last Will and Testament; being first sworn on the Holy Evangelists of Almighty God well and faithfully to administer, and make a full and perfect inventory of all and singular the Goods, Rights, and Credits of the said deceased, and to exhibit the same into the Judge of Probate's Office, in Conway, South Carolina

in order to be recorded, on or before the 24th day of February, 1984 now next ensuing; and to render a just and true account, calculation, and reckoning thereof, when thereunto required.

Court of Probate

RECORDED

Book 5

Page 495

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal, the 24th day of January in the year of our Lord one thousand nine hundred and

Eighty-four and in the 208th

year of American Independence.

W. C. Floyd

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

IN THE PROBATE COURT

DATE OF DECEDENT'S DEATH May 13, 1979

AMENDED

WARRANT OF APPRAISEMENT

By W. C. FLOYD, Probate Judge.

THESE are to authorize and empower you, whose names are hereunder written, to repair to all such parts and places within this County as you shall be directed unto by Dewey Small, the personal Representative of all and singular the goods, rights, and credits of the Decedent Louis Small late of Horry County, deceased, wheresoever any of the goods, chattels, or real estate of the said deceased are or do remain within the said parts and places, and which shall be shown you by the said personal Representative, Dewey Small, and there view and appraise all and every of the said goods, chattels, or real estate, being first sworn on the Holy Evangelist of Almighty God, to make a true and perfect inventory and appraisement thereof, and to cause the same to be returned under your hands, to the said W. C. Floyd

Probate Judge of Horry County, South Carolina on or before the _____ day of August 19 85.

Dated the _____ day of August Anno Domini, 19 85, and in the two hundred and tenth year of American Independence.

Veronica L. Brisbon Sally M. Sarvis Ralph Wilson
Appraiser Appraiser Appraiser
or any three of them.

HORRY

County, South Carolina
W. C. Floyd, By Kathy Ward
Judge of Probate Court

OATH OF APPRAISERS

(This oath to be taken before appraisement is made.)

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

You, Veronica L. Brisbon, Sally M. Sarvis and Ralph Wilson

do swear that you will make a just and true appraisement of all and singular the goods, chattels (cash money only excepted) and real estate of the decedent as shall be produced by the personal Representative of the estate of the said Decedent, and that you will return the same, certified under your hands, unto the Probate Judge of County within the time prescribed by law.

By Veronica L. Brisbon
Appraisers Sign Here

Sworn to before me this 9th day
of August, A.D., 19 85
W. C. Floyd (L.S.)
Notary Public for South Carolina

By Sally M. Sarvis
Appraisers Sign Here

Sworn to before me this 9th day
of August, A.D., 19 85
W. C. Floyd (L.S.)
Notary Public for South Carolina

By Ralph Wilson
Appraisers Sign Here

Sworn to before me this 9th day
of August, A.D., 19 85
W. C. Floyd (L.S.)
Notary Public for South Carolina

TRANSFERS WITHIN THREE YEARS PRIOR TO DATE OF DEATH

(Sec. 12-15-40, S.C. Code of Laws 1976, as amended) (If None-So State)

ITEM 1.

(NOTE: If the personal Representative takes the position that transfers listed below were not made in Contemplation of Death, affidavits sustaining such position must be submitted directly to the Estate Tax Division, South Carolina Tax Commission for consideration). List only Property Transferred for Insufficient consideration or no consideration.

Description of Property	Transferee	Fair Market Value at Date of Death
1. <u>None</u>		\$ _____
2. _____		\$ _____

ITEM 5. Jointly owned property with right of survivorship. (If none - so state). (Section 12-15-40 South Carolina Code of Laws 1976 as amended).

A. Jointly owned bank accounts, building and loan, other depository accounts with right of survivorship.

Amount	Name & Location of Institution	Exact Names	Decedent's Contribution
None			\$
			\$

B. Jointly owned stocks, bonds, U.S. Government Bonds, and other property with right of survivorship.

Number of Shares	Unit Value Series	Description or Name of Corporation	Exact Names in Which Standing	Decedent's Contribution
				\$
				\$

With reference to property listed under Item 4 & 5 above, where the survivor can positively establish original ownership to any part thereof in such joint tenancy arrangements, such part as can be identified as having originally belonged to the survivor is not subject to tax. Attested affidavits and other information necessary to establish original ownership, in whole or in part, must be furnished directly to the Estate Tax Division, South Carolina Tax Commission.

ITEM 6. Life Insurance, Annuities, and/or Endowment Contracts payable to Beneficiaries other than Decedent's estate.

Face Value	Contract No.	Name of Company	Beneficiary
\$ None			
\$			
\$			

ITEM 7. Transfers intended to take effect at death (If none-so state). United States Government Bonds "Payable on Death"; Trust created by Decedent in which income for life was retained; Power to revoke or other incidents of ownership retained which would preclude a fee simple title passing until death of the Transferor; Lifetime transfers of real property in which Decedent retained a life estate or other incidents of ownership.

Description and Location	Transferee	Value at Date of Death
None		\$
		\$

ITEM 8. Power of Appointment - Property over which Decedent possessed a Power of Appointment both real and personal, whether Testamentary or otherwise (If none-so state).

Description	Fair Market Value of Assets
None	\$

Recapitulation of Inventory and Appraisement

ITEM 1. Transfers within three years prior to date of death	\$
ITEM 2. Personal Property	
ITEM 3. Real Estate (Decedent's Interest)	
ITEM 4. Real Estate Owned with Right of Survivorship (Decedent's Contributions)	
ITEM 5. Jointly owned property with right of survivorship (Decedent's Contributions)	
ITEM 6. Life Insurance, Annuities, Endowments	
ITEM 7. Transfers intended to take effect at death	
ITEM 8. Power of Appointment	
ITEM 9. Appraised value of Real and Tangible personal property having a situs in all other counties in South Carolina	
ITEM 10. Appraised value of Real and Tangible personal property having a situs outside of South Carolina. (Attach Appraisal: If none available attach description and estimate of value.) (Appraisal of Estimate of Decedent's Interest)	89,000.00
TOTAL	\$ 89,000.00

MANIFESTLY NON-TAXABLE

(To be executed by the Probate Judge in those cases where he is convinced that the foregoing information contains full and true report of all of the assets in the subject estate and that the said estate is non-taxable under the provisions of the Estate Tax Laws of the State of South Carolina.)

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Now comes W.C. Floyd, as Judge of Probate of and for Horry County, that, pursuant to the foregoing record of the above captioned estate on file in the Probate Court of and for said County, and based upon the value of the aggregage assets of said estate and the heirs therein concerned, such estate is manifestly non-taxable to the best of his knowledge, information and belief.

Given under my hand and official seal this the _____ day of August 19 85.

SEAL

Judge of Probate

STATE OF SOUTH CAROLINA

OATH OF FIDUCIARY

COUNTY OF HORRY

Personally appeared before me the undersigned personal Representative, Administrat_____, Execubr_____, Trustee_____, of the estate of Louise Small, who being duly sworn says that the annexed Inventory is in all respects just and true; that it contains a true statement of all the real and personal property of the said deceased, whether the interest of the deceased be absolute or otherwise, which has come to the knowledge of this deponent, together with a list of all property disposed of by decedent within the last three years that may be found or adjudged to have been in contemplation of death.

Sworn to before me this 13th day
of August, A.D., 19 85

Dewey A. Small
DEWEY SMALL

George E. [Signature] (L.S.)
Notary Public for South Carolina

CERTIFICATE OF APPRAISERS

(This certificate to be signed after appraisalment is made.)

We, whose names are hereunder signed, appraisers, appointed by the Probate Judge of _____ County, South Carolina, having first taken and subscribed the oath hereinbefore inserted, do certify that we have estimated and appraised the property in the annexed inventory contained, exhibited to us, according to the best of our knowledge and ability.

Date this _____ day of _____ A.D., 19 _____

Veronica [Signature]
[Signature]
[Signature] }

ESTATE NOTICE

Notice is hereby given that the undersigned has qualified in the Probate Court for Horry County, S. C.,

as Executor of the estate of Lewis Small

deceased. All persons having claims against the said estate are required to present them, itemized and duly attested, within the time required by law, to the

Route 1, Box 178

Executor at Murrelle Inlet, SC

and all persons indebted to the estate are requested to make payment likewise.

Dewey Small, Executor

Executor Administrator

AFFIDAVIT OF PUBLICATION

The State of South Carolina,

COUNTY OF HORRY

Steve Robertson

personally appears before me, and after

being duly sworn, deposes and says: That he is the Printer of the Horry Independent

a newspaper published at Conway, SC in the County and State aforesaid; that the

foregoing Notice to Creditors was printed and published in the said newspaper, once in each week for three (3) weeks, consecutively, the publication appearing in the issue of 1st day of

February, A. D., 19 84 and the last or third (3) publication appearing in

the issue of the 15th day of February, A. D., 19 84

Sworn to and subscribed before me this 16th

day of Feb, A. D., 19 84

Robbie F. Thompson (S.)

Steve Robertson

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY) IN THE PROBATE COURT
EX PARTE: Dewey Small,)
Petitioner)
IN RE ESTATE OF:) PETITION
Lewis Small, Deceased)
_____)

TO: W. C. FLOYD, Probate Judge for Horry County

The Petitioner, the undersigned, respectfully represents that he is the qualified Executor of the Last Will and Testament of Lewis Small, who died on the 13th day of May, 1983, and at the time of Decedent's death, there was a tobacco acreage on farm # K 45 051, consisting of 1,032 pounds. The Will provided that all tobacco poundage be devised to the Executor, Dewey Small. The Will further provided that all expenses be paid by the Executor.

Your Petitioner attaches copies of indebtedness due and owing by the Decedent at the time of his death. Your Petitioner would further show the Court that the taxes for 1983 is due and unpaid.

Your Petitioner would pray that this Court issue its Order allowing your Petitioner and the Executor of the Will to lease the poundage and apply the proceeds to the attached indebtedness of the Estate.

Sworn to before me this 6th

day of March, 1984.

Subscribed March 1, 1984

Mary Alice Cox
Notary Public for South Carolina

My Commission Expires: 11-15-89

Dewey Small
Dewey Small, Petitioner

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

IN THE PROBATE COURT

O R D E R

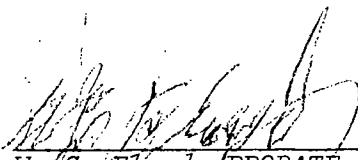
IT APPEARING from the records on file in this Office
that Louis Small died on May 13, 1983.

That the Court has issued to the Executor of the
Estate, his son, Dewey Small, Letters of Administration, AND

IT APPEARING that the Executor must lease tobacco
acrage to defray extensive taxes and other expenses of the Estate.

IT IS ORDERED that the Executor, Dewey Small, is
authorized to lease the tobacco acrage on Farm # K 45 051, consisting of 1,032
pounds for the year of 1984.

IT IS SO ORDERED .


W. C. Floyd, PROBATE JUDGE

Conway, South Carolina

Dated: March 6, 1984

OFFICE OF THE
PROBATE JUDGE

1984 MAR -6 PM 3:40

HORRY COUNTY

THE STATE OF SOUTH CAROLINA }

COUNTY OF HORRY

ESTATE OF

LEWIS SMALL

IN THE PROBATE COURT
FIFTEENTH JUDICIAL CIRCUIT

RETURN AND ACCOUNTING

Period JANUARY, 19 84 TO DECEMBER, 19 84

BY

DEWEY SMALL

AS EXECUTOR

Date	Receipts			Date	Disbursements	
1984				1984		
	Sale of Timber	2,986	58		Funeral Expenses (Latimer's Funeral Home	3,047
	Sale of Timber	1,280	53		Production Credit Assn.	520
						300
						530
						100
						500
						454
					Horry County Taxes	293
						18
						64
						12
						15
						222
					Medical Expenses	
					Grand Strand Gen.	304
						31
						36
						340
					Dr. W. H. Davis	66
					Dr. H. E. Butler	125
					Dr. Holt	13
	Paid by Executor	2,730	49			
	Total	6,997	60		Total	6,997

Balance on Hand (Subtract Disbursements From Receipts)\$

(Over)

Balance Brought Forward For Distribution _____ \$ NONE

53

STATE OF SOUTH CAROLINA
COUNTY OF Horry

IN THE PROBATE COURT
DATE OF DECEDENT'S DEATH May 13, 1979

WARRANT OF APPRAISEMENT

By W. C. FLOYD, Probate Judge.

THESE are to authorize and empower you, whose names are hereunder written, to repair to all such parts and places within this County as you shall be directed unto by Dewey Small, the personal Representative of all and singular the goods, rights, and credits of the Decedent Louis Small late of Horry County, deceased, wheresoever any of the goods, chattels, or real estate of the said deceased are or do remain within the said parts and places, and which shall be shown you by the said personal Representative, Dewey Small, and there view and appraise all and every of the said goods, chattels, or real estate, being first sworn on the Holy Evangelist of Almighty God, to make a true and perfect inventory and appraisement thereof, and to cause the same to be returned under your hands, to the said W. C. Floyd Probate Judge of Horry County, South Carolina on or before the _____ day of _____ 19____.

Dated the _____ day of _____ Anno Domini, 19____, and in the two hundred and _____ year of American Independence.

Ralph J. Wilson George E. Graham Winston McIver
Appraiser Appraiser Appraiser
or any three of them.

W. C. Floyd By Phyllis A. Richardson
Judge of Probate Court Clerk

OATH OF APPRAISERS

(This oath to be taken before appraisement is made.)

STATE OF SOUTH CAROLINA
COUNTY OF Horry

You, Ralph J. Wilson, George E. Graham, Winston McIver

do swear that you will make a just and true appraisement of all and singular the goods, chattels (cash money only excepted) and real estate of the decedent as shall be produced by the personal Representative of the estate of the said Decedent, and that you will return the same, certified under your hands, unto the Probate Judge of County within the time prescribed by law.

By Ralph J. Wilson
Appraisers Sign Here

Sworn to before me this 30th day
of April, A.D., 19 80
Theresa A. Bustin (L.S.)
Notary Public for South Carolina

By George E. Graham
Appraisers Sign Here

Sworn to before me this 30th day
of April, A.D., 19 80
Theresa A. Bustin (L.S.)
Notary Public for South Carolina

By Winston McIver
Appraisers Sign Here

Sworn to before me this 30th day
of April, A.D., 19 80
Theresa A. Bustin (L.S.)
Notary Public for South Carolina

TRANSFERS WITHIN THREE YEARS PRIOR TO DATE OF DEATH

(Sec. 12-15-40, S.C. Code of Laws 1976, as amended). (If None-So State)

ITEM 1.

(NOTE: If the personal Representative takes the position that transfers listed below were not made in Contemplation of Death, affidavits sustaining such position must be submitted directly to the Estate Tax Division, South Carolina Tax Commission for consideration). List only Property Transferred for Insufficient consideration or no consideration.

Description of Property	Transferee	Fair Market Value at Date of Death
1. _____	_____	\$ _____
2. _____	_____	\$ _____

(NOTE: If necessary, attach additional sheets to this return following same ruling as is set up herein)

INVENTORY AND APPRAISEMENT OF PERSONAL PROPERTY OF THE ESTATE
OF _____ DECEASED

ITEM 2:

The Personal Representative is to complete Item 2, as to "Face Value" and deliver this Inventory to the Appraisers, who shall complete Item 2, as to "Appraised Value". The Face Value column should be completed only for property having a face value, i.e. stocks, bonds, etc.

ARTICLES	FACE VALUE		APPRAISED VALUE	
Cash On Hand At Death	\$	NONE	\$	
Cash In Banks, Depositories, Etc. (Attach Schedule)		"		
(Joint Bank Accounts Should Be Listed Under Item 5.)		"		
Life Insurance Payable To Estate (Attach Schedule)				
(Life Insurance Payable To Specific Named Beneficiaries Should Be Listed				
Under Item 6.)				
TOTAL	\$		\$	

INVENTORY AND APPRAISEMENT OF REAL ESTATE OF ESTATE
OF Louis Small DECEASED

ITEM 3.

The Personal Representative is to insert description of property under Item 3, and the appraisers are to complete this form in detail.

REAL ESTATE DESCRIPTION (Show County, Township and School District) Tenants-in-Common	1		2		3		4	
	ASSESSED VALUE FOR YEAR OF DECEDENT'S DEATH		APPRAISED VALUE		APPRAISED VALUE OF DECEDENT'S INTEREST		CAUTION (Do not write in this space)	
62 Acres, Map # 194-00-02-036	9,400	00	\$ 18,000	00	\$ 18,000	00		
5 Acres, Map # 194-00-02-0363	750	00	2,400	00	2,400	00		
TOTAL	\$10,150	00	\$20,400	00	\$20,400	00		

ITEM 4. Jointly owned Real Estate with Rights of Survivorship. If none - so state.

Real Estate Description	Appraised Value	Decedent's Contribution
		\$ _____
		\$ _____
NONE		\$ _____

ITEM 5. Jointly owned property with right of survivorship. (If none - so state). (Section 12-15-40 South Carolina Code of Laws 1976 as amended).

A. Jointly owned bank accounts, building and loan, other depository accounts with right of survivorship.

Amount	Name & Location of Institution	Exact Names	Decedent's Contribution
NONE			\$
			\$

B. Jointly owned stocks, bonds, U.S. Government Bonds, and other property with right of survivorship.

Number of Shares	Unit Value Series	Description or Name of Corporation	Exact Names in Which Standing	Decedent's Contribution
NONE				\$
				\$

With reference to property listed under Item 4 & 5 above; where the survivor can positively establish original ownership to any part thereof in such joint tenancy arrangements, such part as can be identified as having originally belonged to the survivor is not subject to tax. Attested affidavits and other information necessary to establish original ownership, in whole or in part, must be furnished directly to the Estate Tax Division, South Carolina Tax Commission.

ITEM 6. Life Insurance, Annuities, and/or Endowment Contracts payable to Beneficiaries other than Decedent's estate.

Face Value	Contract No.	Name of Company	Beneficiary
NONE			
\$			
\$			
\$			

ITEM 7. Transfers intended to take effect at death (If none-so state). United States Government Bonds "Payable on Death"; Trust created by Decedent in which income for life was retained; Power to revoke or other incidents of ownership retained which would preclude a fee simple title passing until death of the Transferor; Lifetime transfers of real property in which Decedent retained a life estate or other incidents of ownership.

Description and Location	Transferee	Value at Date of Death
NONE		\$
		\$

ITEM 8. Power of Appointment - Property over which Decedent possessed a Power of Appointment both real and personal, whether Testamentary or otherwise (If none-so state).

Description	Fair Market Value of Assets
NONE	\$

Recapitulation of Inventory and Appraisement

ITEM 1. Transfers within three years prior to date of death

\$

ITEM 2. Personal Property

ITEM 3. Real Estate (Decedent's Interest)

ITEM 4. Real Estate Owned with Right of Survivorship (Decedent's Contributions)

ITEM 5. Jointly owned property with right of survivorship (Decedent's Contributions)

ITEM 6. Life Insurance, Annuities, Endowments

ITEM 7. Transfers intended to take effect at death

ITEM 8. Power of Appointment

ITEM 9. Appraised value of Real and Tangible personal property having a situs in all other counties in South Carolina

ITEM 10. Appraised value of Real and Tangible personal property having a situs outside of South Carolina. (Attach Appraisal; If none available attach description and estimate of value.) (Appraisal of Estimate of Decedent's Interest)

20,400.00

TOTAL

\$ 20,400.00

MANIFESTLY NON-TAXABLE

(To be executed by the Probate Judge in those cases where he is convinced that the foregoing information contains full and true report of all of the assets in the subject estate and that the said estate is non-taxable under the provisions of the Estate Tax Laws of the State of South Carolina.)

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Now comes W. C. FLOYD, as Judge of Probate of and for HORRY County, that, pursuant to the foregoing record of the above captioned estate on file in the Probate Court of and for said County, and based upon the value of the aggregate assets of said estate and the heirs therein concerned, such estate is manifestly non-taxable to the best of his knowledge, information and belief.

Given under my hand and official seal this the _____ day of _____ 19____.

SEAL

Judge of Probate

STATE OF SOUTH CAROLINA

OATH OF FIDUCIARY

COUNTY OF HORRY

Personally appeared before me the undersigned personal Representative, Administrator, _____, Execut OR _____, Trustee _____, of the estate of Louis Small, who being duly sworn says that the annexed Inventory is in all respects just and true; that it contains a true statement of all the real and personal property of the said deceased, whether the interest of the deceased be absolute or otherwise, which has come to the knowledge of this deponent, together with a list of all property disposed of by decedent within the last three years that may be found or adjudged to have been in contemplation of death.

Sworn to before me this 8th day
of May, A.D., 1985
Margie B. Livingston (L.S.)
Notary Public for South Carolina

[Signature]

CERTIFICATE OF APPRAISERS

(This certificate to be signed after appraisalment is made.)

We, whose names are hereunder signed, appraisers, appointed by the Probate Judge of _____ County, South Carolina, having first taken and subscribed the oath hereinbefore inserted, do certify that we have estimated and appraised the property in the annexed inventory contained, exhibited to us, according to the best of our knowledge and ability.

Date this _____ day of _____ A.D., 19____

[Signatures] }

The State of South Carolina,
COUNTY OF HORRY

IN THE PROBATE COURT
FIFTEENTH JUDICIAL CIRCUIT

Ex Parte

Dewey Smalls

Petitioner

In Re the Estate of

Louis (Lewis) Smalls

Deceased

**PETITION FOR
FINAL DISCHARGE**

To W. C. Floyd, Esq., Probate Judge for Horry County, South Carolina:

The petition of the undersigned respectfully represents:

I. That he is the Executor of the estate of Louis (Lewis) Smalls deceased:

II. That more than six months elapsed since qualifying as such

III. That he has advertised for creditors to prove and present their demands, and that he has paid in full all debts of said estate so represented, and is now prepared to make distribution of the balance in hand, thereby administering said estate.

Wherefore he pray that he may be permitted to account fully for receipts and disbursements, and be finally discharged as such Executor of said estate, when legal notice has been given.

May 20,

19 85

Dewey Smalls

Petitioner

STATE OF SOUTH CAROLINA,

County of Horry

Personally Comes Dewey Smalls

and says on oath that the facts stated in the foregoing petition are true.

Sworn to and subscribed before me, this

22nd day of May 19 85

Margie S. Sumpter
Notary Public for South Carolina

Dewey Smalls

My Commission Expires: 2/29/94

NOTICE OF DISCHARGE

(Estate LEWIS SMALL)

Notice is hereby given that Dewey Small

Personal Representative of the estate of _____

Lewis Small, deceased, has this day July 26, 1989 made application unto me for final dis-

Personal Representative charge as such executor; and that the 5th day of September, 1989 at 10:00

o'clock A.M. at my office has been appointed for the hearing of said petition.

CAROLYN E. WRIGHT

Probate Judge

AFFIDAVIT OF PUBLICATION

State of South Carolina

COUNTY OF HORRY.

Steve Robertson personally appears before me, and after being duly sworn, deposes and says: That he is the Printer of the Horry Independent a newspaper published at Conway in the County and State aforesaid; that the foregoing notice of discharge was printed and published in the said newspaper, once in each week for four (4) weeks, consecutively, the first publication thereof appearing in the issue of the 2nd day of August, A.D. 1989, and the last or fourth (4) publication appearing in the issue of the 23rd day of August, A.D. 1989.

Sworn to and subscribed before me this _____

day of _____, A.D. 19_____

(L.S.)
Notary Public for South Carolina.

THE STATE OF SOUTH CAROLINA,
COUNTY OF HORRY.

By the Honorable Carolyn L. Wright
for the County of Horry

IN PROBATE COURT
FIFTEENTH JUDICIAL CIRCUIT

Judge of Probate.
in the State aforesaid

To all to Whom These Presents Shall Come — GREETING:

WHEREAS, at the September Term, 19 89 of the Court of Probate for Horry County,
on the 28th day of may in the year of our Lord one thousand
nine hundred and Eighty-five the petition of Dewey Small, Executor

on the estate of Lewis Small deceased, late of
Horry County

in this State, was presented, setting forth that the duties of the said Dewey Small

has been fully discharged, and praying to be released from the same.

AND WHEREAS, the said Dewey Small

has complied with Section 14-23-350, Volume 6, of the S.C. Code of Procedure 1976, and published in conformity

to law for at least one month, a Citation calling upon all persons concerned to show cause on or before the

8th day of July, 1985 why said application should not be

granted. And whereas, said Citation has been published in The Horry Independent
a newspaper of said county, for the space of one month, and no cause being shewn against said application, and it appearing from an
examination of the situation of the affairs of the said estate that the petitioner has faithfully and honestly discharged the trust and
confidence reposed in him.

NOW, KNOW ALL MEN BY THESE PRESENTS, That Dewey Small

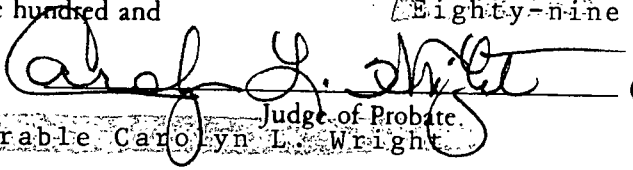
is from henceforth and forever discharged and dismissed from all liability as Executor

WITNESS, Honorable Carolyn L. Wright

as aforesaid
Judge of Probate

Horry County, the 6th day of September

in the year of our Lord one thousand nine hundred and Eighty-nine


Judge of Probate.
Honorable Carolyn L. Wright

(L.S.)

STATE OF SOUTH CAROLINA

COUNTY OF: HORRY

IN THE MATTER OF: LEWIS SMALL

*ONLY COMPLETE IF FILING PETITION FOR
FORMAL TESTACY AND/OR APPOINTMENT

IN THE PROBATE COURT

APPLICATION FOR SUBSEQUENT ADMINISTRATION

CASE NUMBER: 1984-ES-26-00075

*

Petitioner

vs.

*

Respondent(s) (if applicable)

☒ INFORMAL

☐ FORMAL

Applicant: Dewey Lee Small

1. Give your relationship to the decedent, if any, and your interest in this proceeding.

Son

2. Date of death of Decedent: May 13 1983

3. Additional property in the above estate has been discovered or previously identified estate property has not been completely administered. A description of the property and its approximate value at the date of decedent's death is provided below.

62 Acres Socastee Township, Horry County, State of South Carolina - \$40,000.00

4. Dewey Lee Small, the previously appointed Personal Representative(s), was discharged on September 5, 1989.

5. The name(s) and address(es) of the person(s) applying to be appointed as the Personal Representative(s) to administer the above property is/are:

Dewey Lee Small, 12389 Hwy 707, Murrells Inlet, SC 29576

Priority for this appointment is:

- ☒ named as Primary Personal Representative in will or nominee of Primary Personal Representative
- ☐ named as Alternate Personal Representative in will or nominee of Alternate Personal Representative
- ☐ surviving spouse of decedent who is devisee of decedent or nominee of said spouse
- ☐ other devisee of decedent (describe): _____ or nominee of said devisee
- ☐ surviving spouse of decedent or nominee of said spouse
- ☒ other heir of decedent (describe): Son
- ☐ creditor (Forty-five days after death must have passed) or nominee of creditor
- ☐ other (describe): _____
- ☐ nominee of any of the above

VERIFICATION

The undersigned, being sworn, states that the facts set forth in the foregoing statement are true to the best of the undersigned's knowledge, information and belief; and hereby submits to the Court's jurisdiction in this matter.

SWORN to before me this 13 day of
September, 20 12

W. David DuPont
Notary Public for South Carolina
My Commission Expires: 11-22-2020

Signature: Dewey L. Small
Name: Dewey Lee Small
Address: 12389 Hwy 707
Murrells Inlet, SC 29576
Telephone (O): _____
(H): (843) 251-5367

ORDER FOR SUBSEQUENT ADMINISTRATION

IT IS HEREBY ORDERED that _____ be appointed Personal Representative to administer property not previously administered as indicated in the above application/petition.

Executed this _____ day of _____, 20 _____

_____, Probate Court Judge

QUALIFICATION AND STATEMENT OF ACCEPTANCE

I accept this appointment and agree to perform the duties and discharge the trust of the office of Personal Representative of this estate.

Signature: Dewey Lee Small
Name: Dewey Lee Small
Address: 12389 Hwy 707
Murrells Inlet, SC 29576
Telephone (O): _____
(H): (843) 251-5367

Signature: _____
Name: _____
Address: _____
Telephone (O): _____
(H): _____

Attorney: N. DAVID DURANT
Address: PO Box 14722
Seaside Beach SC.
Telephone: 29587
843 6507800

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

IN THE PROBATE COURT

ESTATE OF LEWIS SMALL
CASE NUMBER 1984-ES-26-75-2

ORDER FOR SUBSEQUENT ADMINISTRATION

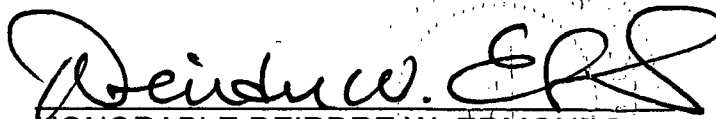
WHEREAS, the above matter came before this Court upon an Application for Subsequent Administration filed September 14, 2012, by the former personal representative of the above estate, Dewey Small a/k/a Dewey L. Small; and

WHEREAS, it appears that previously identified estate property has not been completely administered and the Court should proceed with the Applicant's Application for Subsequent Administration.

NOW THEREFORE, based upon the foregoing,

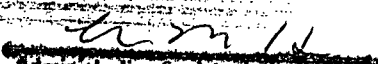
IT IS HEREBY ORDERED that the Application for Subsequent Administration filed on September 14, 2012 by Dewey Small a/k/a Dewey L. Small is hereby granted and the said Dewey Small a/k/a Dewey L. Small is hereby appointed successor personal representative of the above estate.

IT IS SO ORDERED.


HONORABLE DEIRDRE W. EDMONDS
HORRY COUNTY JUDGE OF PROBATE

October 2, 2012
Conway, South Carolina

THIS IS A COPY OF AN ORIGINAL DOCUMENT THAT WAS INADVERTENTLY NOT
CLOCKED UPON RECEIPT BY COURT ON OR ABOUT Oct 2, 2012
UPON DISCOVERY OF SAME, THE ORIGINAL DOCUMENT WAS CLOCKED THIS
23rd DAY OF Oct, 2012 AND PLACED IN CLOCKED-DATE ORDER IN
FILE.


Administrative Assistant

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

PROBATE COURT
1984-ES-26-75-2

ESTATE OF LEWIS SMALL

FIDUCIARY LETTERS

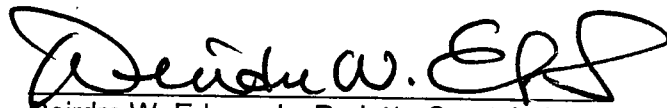
SUCCESSOR PERSONAL REPRESENTATIVE

On the 2nd day of October 2012, **DEWEY SMALL A/K/A DEWEY L. SMALL** was appointed and qualified as the Personal Representative of the above matter by this Court, with all the authority granted to a fiduciary by law.

NOW, THEREFORE, LETTERS are issued as evidence of such appointment, qualification, and authority of the above fiduciary(ies) to do and to perform all acts that may be authorized by law.

RESTRICTIONS: NONE

Executed this 2nd day of October 2010.


Deirdre W. Edmonds, Probate Court Judge

STATE OF SOUTH CAROLINA

COUNTY OF: HORRY

IN THE MATTER OF: THE ESTATE OF LEWIS
SMALL

IN THE PROBATE COURT

MOTION FOR SERVICE BY PUBLICATION

CASE NUMBER 1984-ES-26-00075

It is represented that:

NAME	LAST KNOWN ADDRESS
William Franklin Small a/k/a	2145 Graeber St., March Air Reserve Base, CA, 92518
Danny Small	

should be served by publication with the notice of the hearing on the (title of pleading) Petition for Sale of Real Estate for
(nature of relief requested) for the sale of real estate in the Estate of Lewis Small and to divide the net proceeds of the sale
of the sixty (60) acre tract among the Heirs because the identity and/or address of such person(s) is/are not known and
cannot be ascertained with reasonable diligence. The undersigned requests that an order be entered directing service by
publication in the newspaper named to be determined.

Executed this 2nd day of October 20012.

Signature: N. David DuRant
Name: N. David DuRant, Esquire for Dewey Lee Small
Address: P.O. Box 14722
Surfside Beach, SC 29587
Telephone (O): (843) 650-7800
(H): _____

ORDER

IT IS HEREBY ORDERED that service be made by publication upon the persons listed on the attached motion in
accordance with law.

Executed this _____ day of _____ 20____.

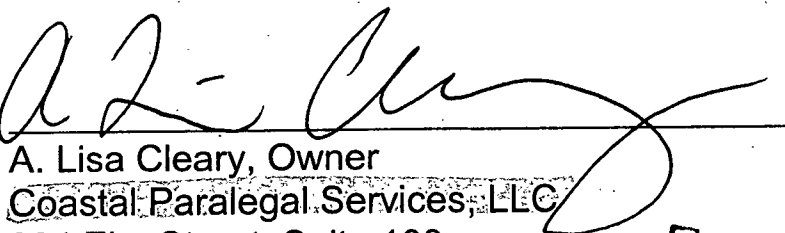
Hon. Deirdre W. Edmonds, Probate Court Judge

AFFIDAVIT

I, A. Lisa Cleary, am a Paralegal for N. David Durant and have tried to locate William Franklin Small on the following web sites:

- US Search
- People Search
- People Finder
- Riverside County Public Records

Upon information received from Dewey Small, William Franklin Small was in the Air Force and was last stationed at March Air Force Base in Riverside County, California. I have found a recent judgement as well as arrest records and child support records on a William Franklin Small in Riverside County, but no way to be sure if this is the correct person. I have requested the documents from the Court House to obtain an address. We will send a copy of the attached documents to the addresses by way of certified mail to William Franklin Small as well as publication in the local News Paper in Riverside County to insure we have made every effort possible to locate William Franklin Small. The local News Paper is The Press Enterprise, 3450 Fourteenth Street, Riverside, California 92501. Phone 800-880-0345


A. Lisa Cleary, Owner
Coastal Paralegal Services, LLC
204 Elm Street, Suite 100
Conway, South Carolina 29526
843-248-6599
Fax- 843-248-8064
E-Mail- lisa@coastalparalegal.net

PROBATE COURT
HORRY COUNTY, SC
2012 OCT -3 PM 4:49
DEIRDRE W. EDMONDS
PROBATE JUDGE

PROBATE COURT
HORRY COUNTY, SC
2012 OCT -3 PM 4:16
DEIRDRE W. EDMONDS
PROBATE JUDGE

STATE OF SOUTH CAROLINA,

COUNTY OF HORRY

IN THE MATTER OF ESTATE OF

Dewey Lee Small, as Personal

Representative of the Estate of Lewis Small,
Petitioner,

vs.

Maxine Johnson a/k/a Maxine McQueen
a/k/a Maxcine Johnson, Ernestine Bass,
Rose Mary Small, Cassandra D. Odom,
Michele Odom, Queenie Small a/k/a
Queenie B. Arnold a/k/a Qunnie Arnold,
Lewis Filton Small, Jr. a/k/a Pete Small,
William Franklin Small a/k/a Danny Small,
Patsy Ann Small a/k/a Patsy Small Crock
a/k/a Patsy Ann Small Pierick Crock a/k/a
Patsy Pierick, Donald Lee Small, Janava
Small a/k/a Janava Small Londeaux a/k/a
Candy Small, Daisy Dean Small a/k/a Dean
Small, Sandra Small a/k/a Sandra Howard,
Jacqueline L. White, Jimmy Prince, Jr.,
Veretta Norman, Venetta Olivera, Marcus
Johnson, Jr., John Doe and Jane Doe,
Representatives of any unknown Heirs,

Respondent(s).

IN THE PROBATE COURT

SUMMONS

CASE NO. 1984-ES-26-00075

DEIRDRE W. EDMONDS
PROBATE JUDGE

2012 OCT -3 PM 4:49

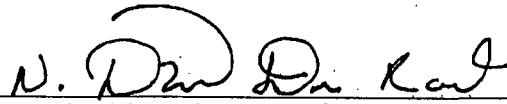
PROBATE COURT
HORRY COUNTY, SC

TO THE RESPONDENT(S) ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Petition herein, a copy of which is herewith served upon you, and to serve a copy of your Answer to this Petition upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Petition, judgment by default will be rendered against you for the relief demanded in the Petition.

Surfside Beach, South Carolina

Dated: October 2, 2012



Petitioner/Attorney for Petitioner

Address: P.O. Box 14722, Surfside Beach, SC 29587

SCCA 401PC (9/11)

STATE OF SOUTH CAROLINA

COUNTY OF: HORRY

IN THE MATTER OF: LEWIS SMALL

IN THE PROBATE COURT

CASE NUMBER: 1984-ES-26-00075

Dewey Lee Small, as Personal Representative of the Estate of Lewis Small,

Petitioner

vs.

Maxine Johnson a/k/a Maxine McQueen a/k/a Maxcine Johnson, Ernestine Bass, Rose Mary Small, Cassandra D. Odom, Michele Odom, Queenie Small a/k/a Queenie B. Arnold a/k/a Qunnie Arnold, Lewis Filton Small, Jr. a/k/a Pete Small, William Franklin Small a/k/a Danny Small, Patsy Ann Small a/k/a Patsy Small Crock a/k/a Patsy Ann Small Pierick Crock a/k/a Patsy Pierick, Donald Lee Small, Janava Small a/k/a Janava Small Lonneaux a/k/a Candy Small, Daisy Dean Small a/k/a Dean Small, Sandra Small a/k/a Sandra Howard, Jacqueline L. White, Jimmy Prince, Jr., Veretta Norman, Venetta Olivera, Marcus Johnson, Jr., John Doe and Jane Doe, Representatives of any unknown Heirs,

Respondent(s)

PETITION FOR SALE OF REAL ESTATE

The Petitioner alleges:

1. Give your relationship to the decedent, if any, and your interest in this proceeding.

Son and was Personal Representative of the Estate

2. Other interested parties to the Estate that would be affected by the sale of the real estate are (i.e. heirs, devisees, creditors, or mortgage holder):

See attached Exhibit "A".

3. The real property needs to be sold because:

See attached Exhibit "B"

4. The real property of the decedent's estate which the petitioner desires to sell is described as follows:

a. Address:

60 acres, Socastee Township, Horry County, State of South Carolina
McDowell Shortcut Road, Murrells Inlet, South Carolina 29576

- b. Legal Description: (The Deed must be attached to this Petition)

Please see attached Deed

- c. Tax Map Sheet Number: (TMS#) 194-00-02-036

PROBATE COURT
HORRY COUNTY, SC
2012 OCT -3 PM 4:49
DEIRDRE W. EDMONDS
PROBATE JUDGE

5. The tax assessed value of the real estate is: \$958,100.00. This value is based upon the most recent assessor's statement. The assessor's statement may be required.
6. The fair market value of the real estate is: \$to be determined. This value is based upon the opinion of a real estate agent based upon a comparative market analysis or the opinion of a real estate appraiser based upon an appraisal. The comparative market analysis or the appraisal may be required.

7. The following interested parties to the Estate, that would be affected by the transaction, have agreed to the sale of the real estate:

Their agreements are attached to this Petition.

Executed this day of September, 2012.

Signature: N. David DuRant

Name: N. David DuRant, Esquire for Dewey Lee Small

Address: P.O. Box 14722
Surfside Beach, SC 29587

Telephone (O): (843) 650-7800

(H): _____

Signature: _____

Name: _____

Address: _____

Telephone (O): _____

(H): _____

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

IN THE MATTER OF:
THE ESTATE OF LEWIS SMALL

Dewey Lee Small,

Petitioner,

vs.

Maxine Johnson a/k/a Maxine McQueen a/k/a
Maxcine Johnson, Ernestine Bass, Rose Mary
Small, Cassandra D. Odom, Michele Odom,
Queenie Small a/k/a Queenie B. Arnold a/k/a
Qunnie Arnold, Lewis Filton Small, Jr. a/k/a
Pete Small, William Franklin Small a/k/a Danny
Small, Patsy Ann Small a/k/a Patsy Small Crock
a/k/a Patsy Ann Small Pierick Crock a/k/a Patsy
Pierick, Donald Lee Small, Janava Small a/k/a
Janava Small Lonneaux a/k/a Candy Small,
Daisy Dean Small a/k/a Dean Small, Sandra
Small a/k/a Sandra Howard, Jacqueline L. White,
Jimmy Prince, Jr., Veretta Norman, Venetta
Olivera, Marcus Johnson, Jr., John Doe and
Jane Doe, Representatives of any unknown
Heirs,

Respondents.

IN THE PROBATE COURT FOR THE
FIFTEENTH JUDICIAL CIRCUIT
CASE NO.: 1984-ES-26-00075

SUPPLEMENTAL TO THE ORIGINAL
PETITION FOR SALE OF REAL ESTATE

PROBATE COURT
HORRY COUNTY, SC
2012 OCT -3 PM 4:49
DEIRDRE W. EDMONDS
PROBATE JUDGE

8. That the Petitioner requests the right to have a Guardian Ad Litem appointed to represent the interests of John Doe and Jane Doe, who represent any unknown heirs. After a Guardian Ad Litem has been appointed, the Petitioner will have the proper notice published in the newspaper.

9. The Petitioner represents to the Court that all of the Respondents listed herein and shown on Exhibit "A", are known to the Petitioner as the rightful Heirs to this property with the exception of Marcus Johnson, Jr. who has no interest in the sixty (60) acre tract of land and was the Decedent's step-son.

10. Further, Petitioner has knowledge and addresses of all the Respondents listed with the exception of William Franklin Small a/k/a Danny Small. Petitioner requests that the Court authorize and Order that this Petition be served by Publication as to this Respondent.

11. Pursuant to the terms of the Will, there were three (3) condition precedents to be met before Title to the sixty (60) acre tract could pass:

- (a) All parties had to sign a Cross-Deed to other tracts in the Estate;
- (b) This tract to be divided into fourteen (14) equal tracts; and
- (c) No Heir could sell their tract to anyone but family.

12. None of the condition precedents have been implemented. Petitioner is informed and believes that No. 11(b) and No. 11(c) are not only impracticable but are impossible to enforce or complete at this time. Petitioner would request an Order from the Court finding condition precedents No. 11(b) and No. 11(c) above are not in the best interest of the parties. Further, that the Order find these two (2) condition precedents unenforceable and therefore stricken as condition precedents to the sale of the real property under the Will.

13. Further, that the Court Order that the property be sold subject only to the condition precedents set forth in No. 11(a) above. Petitioner believes that as to condition precedent No. 11(a) herein above, a fund can be created from the sale of the 60 acres. This fund would be held in Escrow. The Court Order would then require the execution of all the necessary Cross-Deeds pursuant to the Will to be signed before Respondents and Petitioner can receive their respective shares. The respective shares of the parties are shown on Exhibit "A".

14. According to Lewis Small's Last Will and Testament, fourteen (14) out of his Fifteen (15) children are to receive an equal tract of the sixty (60) acres. Marcus Johnson, Jr. will not be receiving any interest in said real property per the Will of Lewis Small. Number six (6) of Lewis Small's Last Will and Testament, Marcus Johnson, Jr. along with his siblings, received a 1/15th interest in fifteen (15) acres that Lewis Small inherited from his late wife, Mattie Small. In order to receive that interest, Marcus Johnson, Jr. and the remaining fourteen (14) brothers and sisters were required to execute Cross-Deeds to specific tracts of land that were owned by the deceased wife of Lewis Small, whose name is Mattie Small.

15. The three (3) tracts Lewis Small inherited from his late wife, Mattie Small, were:

- (1) A fifteen (15) acre tract;
- (2) A ten (10) acre tract; and
- (3) A three (3) acre tract.

16. As to the fifteen (15) acre tract, all fifteen (15) children share and share alike; to include Marcus Johnson, Jr. but that tract is subject to the conditions precedent that all fifteen (15) children execute Cross-Deeds to the remaining Mattie Small's property, that being the ten (10) acre tract and the three (3) acre tract.

17. As to the ten (10) acre tract, the fifteen (15) children are required to execute a Cross-Deed as follows:

- (a) five (5) acres to Dewey Lee Small, that being where the mobile home is now located and the five (5) acres to be designated by Dewey Lee Small; and
- (b) the remaining five (5) acres, the fifteen (15) children were required to execute a Cross-Deed to Donald Small, William Small and Lewis Small, Jr.

18. As to the three (3) acre tract, the fifteen (15) children were required to execute Cross-Deeds deeding property to Maxine Johnson, Queenie B. Small, Mazie Diane Small, Daisy Dean Small, Sandra Small and Geneva Small.

19. It is clear from the overall content of the Last Will and Testament of Lewis Small, that failure of any Heir to execute the Cross-Deeds would result in that Heir being disinherited and his or her interest or share be divided equally among those who have executed Cross-Deeds.

WHEREFORE, the Petitioner prays that this Honorable Court issue an Order as follows:

1. For an Order appointing a Guardian Ad Litem to represent the interest of John Doe and Jane Doe, who represent any unknown Heirs;
2. For an Order reopening The Estate of Lewis Small and reappointing Dewey Lee Small as Personal Representative without Bond as allowed for by the Will (This application has already been filed);
3. For an Order and finding that the conditions precedent requiring the division of the property into fourteen (14) equal tracts and the conditions precedent that no Heir can sell their tract unless it is a family member are not enforceable conditions precedent under South Carolina Law, and therefore, removed as a conditions precedent. As to the fourteen (14) equal tracts, the Courts finding is based upon the impossibility of anyone being able to divide the sixty (60) acre tract into fourteen (14) equal parts. That as to the restriction requiring any Heir to only sell to a family member, that this restriction is not in the best interest of any party and is a violation under South Carolina Public Policy.

EXHIBIT "B"

The real property needs to be sold because Dewey Lee Small was appointed and served as Personal Representative of his father's Estate (1984-ES-26-00075). Under the Will of Lewis Small, there were certain conditions (cross Deeds) which had to be executed by all Heirs in order to inherit under his Estate and those conditions have never been met; therefore, the property has never passed. Further, the Will called for the property to be equally divided. Due to the amount of road frontage, it was then, as it is now, a practical way for the property to be divided to ensure each Heir would get an equal share. As Personal Representative, Dewey Lee Small was also advised that there would be a tremendous tax burden if the property was divided. The Will also says that the property cannot be sold to anyone other than the family members.

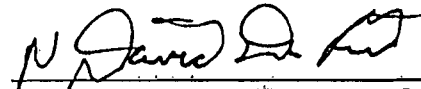
Although, Dewey Lee Small was discharged of his duties as Personal Representative under the Estate, he has had the sole responsibility of the maintenance of the property, such as digging ponds, drainage ditches, as well as dealing with the state and local agencies as to any right of ways, condemnations and environmental issues concerning the subject property. Dewey Lee Small and his brother have also carried the financial burden of taxes and any work required by state and local agencies. Mr. Small is having a problem with homeless people staying on the property and is continuously having to have them removed.

Dewey Lee Small is now 65 years of age and is approaching the age where he is concerned he is not physically or financially able to continue to oversee the property. If Mr. Small dies and the property is not distributed, it could be a very costly process to all Heirs to obtain valid title to the real property. There have been several parties that have expressed an interest in purchasing said real property. Dewey Lee Small has applied to reopen The Estate of Lewis Small and is requesting the relief that is set forth in the Supplemental Petition and Application in Paragraphs No. Eight (8) through Nineteen (19).

PROBATE COURT
HORRY COUNTY, SC
2012 OCT -3 PM 4:50
DEIRDRE W. EDMONDS
PROBATE JUDGE

4. That the Court Order the sixty (60) acre tract to be sold, authorizing Dewey Lee Small as Personal Representative, to negotiate the sale of the sixty (60) acre tract to the highest bidder, enter into a contract and execute all necessary documents to consummate the agreement;
5. That the Court Order once the transaction is consummated, the gross proceeds from the sale of the real property shall be reduced in order to pay any court costs, Attorney's fees incurred, Guardian Ad. Litem fees incurred, any costs associated with the prosecution of this case, any validated expenses presented to the Court for expenditures or taxes, maintenance expenses or any other validated expenses approved by the Court. That after these expenses have been paid, the net proceeds will be placed in an interest bearing account and the Petitioner and the Respondents will receive their share of net proceeds from the account after they have each executed Cross-Deeds as required by the Last Will and Testament of Lewis Small, and
6. For such other and further relief as this court deems just and proper.

**LAW OFFICES OF N. DAVID DuRANT
AND ASSOCIATES, P.A.**



N. David DuRant, Esquire (SCB# 1803)

Post Office Box 14722

Surfside Beach, South Carolina 29587

Telephone: (843) 650-7800

Facsimile: (843) 650-8090

Email: daviddurant@sc.rr.com

ATTORNEY FOR PETITIONER

September 26 2012

EXHIBIT "A"

	CHILDREN	HEIRS OF CHILDREN
1.	Maxine Johnson a/k/a Maxine McQueen a/k/a Maxcine Johnson	
2.	Mildred S. Jones a/k/a Mildred Small Jones a/k/a Mildred Isadora Small Jones a/k/a Isadore Small a/k/a Isadora Ortega - Deceased	Ernestine Bass and Rose Mary Small
3.	Mazie Diane Small a/k/a Mazie D. Odom - Deceased	Cassandra D. Odom and Michele Odom
4.	Queenie Small a/k/a Queenie B. Arnold a/k/a Qunnie Arnold	
5.	Lewis Filton Small, Jr. a/k/a Pete Small	
6.	William Franklin Small a/k/a Danny Small	
7.	Patsy Ann Small a/k/a Patsy Small Crock a/k/a Patsy Ann Small Pierick Crock a/k/a Patsy Pierick	
8.	Donald Lee Small	
9.	Janava Small a/k/a Janava Small Lonneaux a/k/a Candy Small	
10.	Daisy Dean Small a/k/a Dean Small	
11.	Sandra Small a/k/a Sandra Howard	
12.	Dewey Small a/k/a Dewey Lee Small	
13.	Geneva Small a/k/a Geneva Katherine Prince - Deceased	Jacqueline L. White, Jimmy Prince, Jr. and Veretta Norman
14.	Velma Ray Small - Deceased	Venetta Olivera
15.	Marcus Johnson, Jr.	

PROBATE COURT
 Horry County, SC
 2012 OCT -3 PM 4:50
 DEIRDRE W. EDMONDS
 PROBATE JUDGE

STATE OF SOUTH CAROLINA,

COUNTY OF HORRY.

From Ida M. Marlow, James C. Marlow, Francis Marlow Burris, Boyd L. Marlow and Frank L. Marlow
To Louis L. Small

Filed Mar. 12th. 1948 3:40 P.M. D. 19

Documentary Stamp(s) \$ 3.10

bk 53 page 218

1. We, Ida M. Marlow, James C. Marlow, Francis Marlow Burris, Boyd L. Marlow and Frank L. Marlow

in the State aforesaid for and - - -

In consideration of the sum of

One Thousand and No/100 Dollars (\$1,000.00) - - -

Dollars.

to us paid by Louis L. Small, of the County of Horry

in the State aforesaid (receipt whereof is hereby acknowledged)

have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said Louis L. Small All and singular that certain piece, parcel, lot or tract of land situate, lying and being in Socastee Township, County of Horry and State of South Carolina, and containing sixty acres more or less and bounded and described as follows: Beginning at a station in the West margin of the McDowell short cut Road and running N. 67 28' W. 1918 Feet to corner; thence N. 22 30' E. 1813 feet to corner; thence S. 56 52' E. to Louise Johnsons line which was formerly a part of this tract; thence following Louise Johnson and a 1.00 acre tract of Exekil Johnson, a southerly direction to Road thence said Road to beginning corner. This tract which is to be conveyed is represented upon a map made of Johnson and Roberts, CEs, showing 62.9 acres less a one acre tract adjoining Louise Johnson to be sold to Exekil Johnson.

This deed is subject to a former deed previously given to Ingram-McIntosh Leiber Co. by Harry L. Marlow.

STATE OF NORTH CAROLINA
Carteret County

PERSONALLY appeared before me Grover C. Doster Jr. and made oath that he saw the within named James C. Marlow sign, seal, and as his act and deed, deliver the within written Deed, and that Grover C. Doster Jr. with Agnes O. Ellis witnessed the execution thereof.

SWORN to before me this 30th.
day of January A.D. 1948.
Mary D. Davis (Seal)
N. P. for Carteret Co. N. C.
My comm. exps. July 7, 1948

Grover C. Doster Jr.

STATE OF Maryland
Prince George County

PERSONALLY appeared before me William V. Tracey and made oath that he saw the within named Francis Marlow Burris sign, seal, and as her act and deed, deliver the within written Deed, and that W. V. Tracy with James S. Burris witnessed the execution thereof.

SWORN TO BEFORE ME this 16th.
day of February A.D. 1948.

James S. Burris
William V. Tracey
N. P. Exps. 5/2/49

(Seal)
Notary Public for Maryland

DEIRDRE W. EDMONDS
PROBATE JUDGE
2012 OCT -3 PM 4:50
PROBATE COURT
HORRY COUNTY, S.C.

old or appertaining.

TO HAVE AND TO HOLD, all and singular, the premises before mentioned unto the said

Louis L. Small, his

Heirs and Assigns forever.

STATE OF SOUTH CAROLINA
Georgetown County

PERSONALLY appeared before me L. C. Lachicotte and made oath that he saw the within named Frank W. Marlow and Boyd L. Marlow sign, seal, and as their act and deed, deliver the within written deed for the uses and purposes therein mentioned, and that he with Mary S. L. Vernon witnessed the execution thereof.

SWORN to before me this 30th day of
December A.D. 1947.

E. F. Lachicotte
N. P. for S. C.

L. C. Lachicotte

And We do hereby bind ourselves our

heirs and executors and administrators, to warrant

and forever defend all and singular the said premises unto the said Louis L. Small, his

heirs and assigns, against us

and our heirs

and all persons whomsoever lawfully claiming, or to claim the same, or any part thereof.

WITNESS our hands and seal S, this 20th day of December

one thousand nine hundred and Forty Seven and in the one hundred and Seventy-second
year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered
in the presence of

James B. Moore Agnes O. Ellis
Beta V. Blakely James S. Burris
E. F. Lachicotte William V. Tracy
Mary S. L. Vernon

Ida H. Marlow (Seal)
Boyd L. Marlow (Seal)
Frank W. Marlow (L.S.)
J. C. Marlow (Seal)
Frances Marlow Burris (L.S.)

Robert C. Doster Jr.
STATE OF SOUTH CAROLINA,

County of Georgetown Co.

PERSONALLY APPEARED before me Beta V. Blakely

SWORN to before me this 30th day of

January, A. D. 1947.

James B. Moore (Seal) (L.S.)
Notary Public for S. C.

Beta V. Blakely

PROBATE COURT
GEORGETOWN COUNTY, S.C.
DECEMBER 31 PM 4:50
CLERK W. EDMONDS
PROBATE JUDGE

STATE OF SOUTH CAROLINA,
County of Georgetown

I, E. F. Lachicotte, N. P. for South Carolina

do hereby certify unto all whom it may concern that Mrs. Lucille L. Marlow

the wife of the within named grantor, Boyd L. Marlow

did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without
any compulsion, dread or fear of any person or persons whomsoever, renounce, release and forever relinquish unto the within named grantee,

Louis Small, his

heirs and assigns, all her interest and estate, and also all her right and claim of Dower, of, in or to all and singular the premises within mentioned
and released.

GIVEN under my hand and seal this 30th

day of December, Anno Domini 1947.

E. F. Lachicotte (Seal) (L.S.)
Notary Public for S. C.

Lucienne L. Marlow (L.S.)

I hereby certify that the within deed has been this

12th day of March, A. D. 1948

Recorded this day of

A. D. , in Book , Page , Fee \$

 of Deeds, Page

Auditor for Georgetown County

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

Dewey Lee Small, as Personal
Representative of the Estate of Lewis Small,

PETITIONER,

vs.

Maxine Johnson a/k/a Maxine McQueen,
a/k/a Maxine Johnson, Ernestine Bass
Rose Mary Small, Cassandra D. Odom,
Michele Odom, Queenie Small a/k/a Queenie
B. Arnold a/k/a Qunnie Arnold, Lewis
Filton Small, Jr., a/k/a Pete Small,
William Franklin Small a/k/a Danny Small
Patsy Ann Small a/k/a Patsy Small Crock
a/k/a Patsy Ann Small Pierick Crock a/k/a
Patsy Pierick, Donald lee Small, Janava
Small a/k/a Janava Small Londeaux a/k/a
Candy Small, Daisy Dean Small a/k/a
Dean Small, Sandra Small a/k/a Sandra
Howard, Jacqueline L. White, Jimmy Prince
Jr., Veretta Norman, Venetta Olivera,
Marcus Johnson, Jr., John Doe and Jane Doe
Representatives of any unknown heirs

RESPONDENTS,

IN THE PROBATE COURT
FIFTEENTH JUDICIAL CIRCUIT
Case Number 1984-ES-26-00075 -2

MARCUS JOHNSON, JR.
ANSWER TO PETITIONER'S
COMPLAINT

PROBATE COURT
HORRY COUNTY, SC
2012 OCT 25 PM 3:47
DEIRDRE W. EDWARDS
PROBATE JUDGE

TO: PETITIONER ABOVE NAMED AND THEIR ATTORNEYS, N. DAVID

DURANT, ESQUIRE:

The Respondent, Marcus Johnson, Jr., hereinafter referred to as "Respondent",
answering the Petition for Sale of Real Estate and Complaint of the Petitioners herein, alleges
as follows:

1. Denies each and every allegation of the Complaint which is not hereinafter
specifically admitted, qualified or explained.

2. Admits the allegations contained in paragraphs 1, and 2, of the Complaint.
3. Denies the allegations contained in paragraph 3 of the Complaint.
4. Admits the allegations contained in paragraph 4 of the Complaint.
5. As to paragraphs 5 and 6 of the Complaint, Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
6. As to paragraph 7 of the Complaint, Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
7. Admits the allegations contained in paragraph 8, 9 and 10 of the Complaint.
8. As to paragraph 11 of the Complaint, the Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
9. Admits in part and denies in part to the allegations contained in paragraph 12 of the Complaint. Respondent admits to the need to sign a cross-deed to the other tracts in the estate, but denies that the sixty (60) acres can't be divided among the fourteen heirs and that this was a condition under the will and demands strict proof thereof.
10. As to paragraph 13 of the Complaint, the Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
11. Admits in part and denies in part to the allegations contained in paragraph 14 of the Complaint. Respondent admits to the division of the sixty (60) acres,

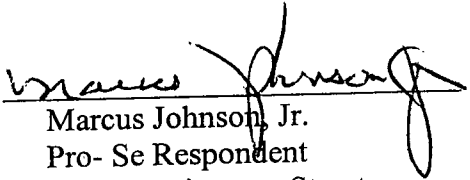
but denies the division of the property inherited from his mother the late Mattie Small of 1/15th of the fifteen (15) acres under the will and demands strict proof thereof.

12. Admits the allegations contained in paragraph 15 of the Complaint.
13. Denies allegations contained in paragraph 16 of the Complaint and demands strict proof thereof.
14. Admit in part and deny in part the allegations contained in paragraph 17, of the Complaint. Admits that all children be required to execute a Cross-Deed, but denies that the Ten (10) acres Marcus Johnson, Jr., his late mother Mattie Small be designated to Dewy Lee Small, Donald Small and William Small and Lewis Small, Jr., and demands strict proof thereof.
15. Admit in part and deny in part the allegations contained in paragraph 18, of the Complaint. Admits that all the children be required to execute a Cross-Deed, but denies the Three (3) acres Marcus Johnson, Jr., from his late mother Mattie Small be designated to Maxine Johnson, Queenie B. Small, Mazie Diane Small, Daisy Dean Small, Sandra Small and Geneva Small.
16. As to paragraph 19 of the Complaint, the Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.

WHEREFORE, having fully set forth an Answer to the Petitioner'' the Respondent is informed and believes that he is entitled to the following:

- a. The dismissal of the Petitioners' Petition for Sale of Real Estate and all related requested relief as set forth in the Petition as to the division of property from his late mother Mattie Small;
- b. That Petitioner is responsible for his own attorney fees and cost.
- c. For such other and further relief as this Court may deem just and proper.

Respectfully submitted,

By: 

Marcus Johnson, Jr.
Pro- Se Respondent
1508 Hemingway Street
Myrtle Beach, SC 29577
(843)

Oct. 25th, 2012
Myrtle Beach, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

Dewey Lee Small, as Personal)
Representative of the Estate of Lewis Small,)

PETITIONER,)

vs.)

Maxine Johnson a/k/a Maxine McQueen,)
a/k/a Maxine Johnson, Ernestine Bass)
Rose Mary Small, Cassandra D. Odom,)
Michele Odom, Queenie Small a/k/a Queenie)
B. Arnold a/k/a Qunnie Arnold, Lewis)
Filton Small, Jr., a/k/a Pete Small,)
William Franklin Small a/k/a Danny Small)
Patsy Ann Small a/k/a Patsy Small Crock)
a/k/a Patsy Ann Small Pierick Crock a/k/a)
Patsy Pierick, Donald lee Small, Janava)
Small a/k/a Janava Small Lonneaux a/k/a)
Candy Small, Daisy Dean Small a/k/a)
Dean Small, Sandra Small a/k/a Sandra)
Howard, Jacqueline L. White, Jimmy Prince)
Jr., Veretta Norman, Venetta Olivera,)
Marcus Johnson, Jr., John Doe and Jane Doe)
Representatives of any unknown heirs)

RESPONDENTS,)

IN THE PROBATE COURT
FIFTEENTH JUDICIAL CIRCUIT
Case Number 1984-ES-26-00075-2

**DONALD SMALL
ANSWER TO PETITIONER'S
COMPLAINT**

PROBATE COURT
HORRY COUNTY, SC
2012 OCT 25 PM 3:48
DEIRDRE W. EDMONDS
PROBATE JUDGE

TO: PETITIONER ABOVE NAMED AND THEIR ATTORNEYS, N. DAVID

DURANT, ESQUIRE:

The Respondent, Donald Small, hereinafter referred to as "Respondent", answering the Petition for Sale of Real Estate and Complaint of the Petitioners herein, alleges as follows:

1. Denies each and every allegation of the Complaint which is not hereinafter specifically admitted, qualified or explained.

2. Admits the allegations contained in paragraphs 1, and 2, of the Complaint.
3. Denies the allegations contained in paragraph 3 of the Complaint.
4. Admits the allegations contained in paragraph 4 of the Complaint.
5. As to paragraph 5 and 6 of the Complaint, Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
6. As to paragraph 7 of the Complaint, Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
7. Admits the allegations contained in paragraph 8, 9 and 10 of the Complaint.
8. As to paragraph 11 of the Complaint, the Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
9. Admits in part and denies in part to the allegations contained in paragraph 12 of the Complaint. Respondent admits to the need to sign a cross-deed to the other tracts in the estate, but denies that the sixty (60) acres can't be divided among the fourteen heirs and that this was a condition under the will and demands strict proof thereof.
10. As to paragraph 13 of the Complaint, the Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
11. Admits in part and denies in part to the allegations contained in paragraph 14 of the Complaint. Respondent admits to the division of the sixty (60) acres,

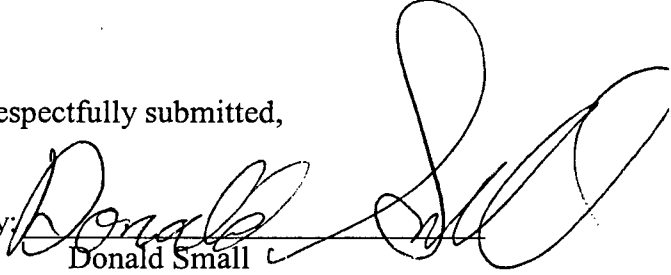
but denies the division of the property inherited from her mother the late Mattie Small of 1/15th of the fifteen (15) acres under the will and demands strict proof thereof.

12. Admits the allegations contained in paragraph 15 of the Complaint.
13. Denies allegations contained in paragraph 16 of the Complaint and demands strict proof thereof.
14. Admit in part and deny in part the allegations contained in paragraph 17, of the Complaint. Admits that all children be required to execute a Cross-Deed, but denies that the Ten (10) acres Marcus Johnson, Jr., his late mother Mattie Small be designated to Dewy Lee Small, Donald Small and William Small and Lewis Small, Jr., and demands strict proof thereof.
15. Admit in part and deny in part the allegations contained in paragraph 18, of the Complaint: Admits that all the children be required to execute a Cross-Deed, but denies the Three (3) acres Marcus Johnson, Jr., from his late mother Mattie Small be designated to Maxine Johnson, Queenie B. Small, Mazie Diane Small, Daisy Dean Small, Sandra Small and Geneva Small.
16. As to paragraph 19 of the Complaint, the Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.

WHEREFORE, having fully set forth an Answer to the Petitioner'' the Respondent is informed and believes that he is entitled to the following:

- a. The dismissal of the Petitioners' Petition for Sale of Real Estate and all related requested relief as set forth in the Petition as to the division of property from his late mother Mattie Small;
- b. That Petitioner is responsible for his own attorney fees and cost.
- c. For such other and further relief as this Court may deem just and proper.

Respectfully submitted,

By: 

Donald Small
Pro- Se Respondent
6075 Renata Lane
Myrtle Beach, SC 29588
()

Oct 25, 2012
Myrtle Beach, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

Dewey Lee Small, as Personal
Representative of the Estate of Lewis Small,

PETITIONER,

vs.

Maxine Johnson a/k/a Maxine McQueen,
a/k/a Maxine Johnson, Ernestine Bass
Rose Mary Small, Cassandra D. Odom,
Michele Odom, Queenie Small a/k/a Queenie
B. Arnold a/k/a Qunnie Arnold, Lewis
Filton Small, Jr., a/k/a Pete Small,
William Franklin Small a/k/a Danny Small
Patsy Ann Small a/k/a Patsy Small Crock
a/k/a Patsy Ann Small Pierick Crock a/k/a
Patsy Pierick, Donald lee Small, Janava
Small a/k/a Janava Small Londeaux a/k/a
Candy Small, Daisy Dean Small a/k/a
Dean Small, Sandra Small a/k/a Sandra
Howard, Jacqueline L. White, Jimmy Prince
Jr., Veretta Norman, Venetta Olivera,
Marcus Johnson, Jr., John Doe and Jane Doe
Representatives of any unknown heirs

RESPONDENTS,

IN THE PROBATE COURT
FIFTEENTH JUDICIAL CIRCUIT
Case Number 1984-ES-26-00075 - 2

**QUEENIE B. ARNOLD
ANSWER TO PETITIONER'S
COMPLAINT**

PROBATE COURT
HORRY COUNTY, SC
2012 OCT 25 PM 3:49
DEIRDRE W. EDMONDS
PROBATE JUDGE

TO: PETITIONER ABOVE NAMED AND THEIR ATTORNEYS, N. DAVID

DURANT, ESQUIRE:

The Respondent, Queenie B. Arnold, hereinafter referred to as "Respondent",
answering the Petition for Sale of Real Estate and Complaint of the Petitioners herein, alleges
as follows:

1. Denies each and every allegation of the Complaint which is not hereinafter
specifically admitted, qualified or explained.

2. Admits the allegations contained in paragraphs 1, and 2, of the Complaint.
3. Denies the allegations contained in paragraph 3 of the Complaint.
4. Admits the allegations contained in paragraph 4 of the Complaint.
5. As to paragraph 5 and 6 of the Complaint, Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
6. As to paragraph 7 of the Complaint, Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
7. Admits the allegations contained in paragraph 8, 9 and 10 of the Complaint.
8. As to paragraph 11 of the Complaint, the Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
9. Admits in part and denies in part to the allegations contained in paragraph 12 of the Complaint. Respondent admits to the need to sign a cross-deed to the other tracts in the estate, but denies that the sixty (60) acres can't be divided among the fourteen heirs and that this was a condition under the will and demands strict proof thereof.
10. As to paragraph 13 of the Complaint, the Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
11. Admits in part and denies in part to the allegations contained in paragraph 14 of the Complaint. Respondent admits to the division of the sixty (60) acres,

but denies the division of the property inherited from her mother the late Mattie Small of 1/15th of the fifteen (15) acres under the will and demands strict proof thereof.

12. Admits the allegations contained in paragraph 15 of the Complaint.
13. Denies allegations contained in paragraph 16 of the Complaint and demands strict proof thereof.
14. Admit in part and deny in part the allegations contained in paragraph 17, of the Complaint. Admits that all children be required to execute a Cross-Deed, but denies that the Ten (10) acres Marcus Johnson, Jr., his late mother Mattie Small be designated to Dewy Lee Small, Donald Small and William Small and Lewis Small, Jr., and demands strict proof thereof.
15. Admit in part and deny in part the allegations contained in paragraph 18, of the Complaint. Admits that all the children be required to execute a Cross-Deed, but denies the Three (3) acres Marcus Johnson, Jr., from his late mother Mattie Small be designated to Maxine Johnson, Queenie B. Small, Mazie Diane Small, Daisy Dean Small, Sandra Small and Geneva Small.
16. As to paragraph 19 of the Complaint, the Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.

WHEREFORE, having fully set forth an Answer to the Petitioner'' the Respondent is informed and believes that she is entitled to the following:

- a. The dismissal of the Petitioners' Petition for Sale of Real Estate and all related requested relief as set forth in the Petition as to the division of property from her late mother Mattie Small;
- b. That Petitioner is responsible for his own attorney fees and cost.
- c. For such other and further relief as this Court may deem just and proper.

Respectfully submitted,

By: Queenie B. Arnold
Queenie B. Arnold
Pro- Se Respondent
1212 Red Hollow Drive
North Las Vegas, NV 89031
(702) 649-1896

Oct 25th, 2012
North Las Vegas, Nevada

Jacqueline L. White
14825 Cox Creek Court
Haymarket, VA 20169

October 21, 2012

IN RESPONSE TO THE PETITION FOR THE SALE OF LEWIS SMALL REAL ESTATE – CASE#1984-ES-26-00075.

Horry County Clerk of Court
Government & Justice Center
1301 Second Ave
Conway, SC 29526

N. David DuRant, Esquire
Post Office Box 14722
Surfside Beach, SC 29587
ATTORNEY FOR PETITIONER (Dewey Lee Small)

PROBATE COURT
HORRY COUNTY, SC
2012 NOV -5 PM 1:29
DEIRDRE W. EDMOND
PROBATE JUDGE

To Whom It May Concern,

I, Jacqueline L. White (Heir of Geneva K. Small) object to the sale of the Real Estate as indicated in the petition CASE NUMBER: 1984-ES-26-00075.

In addition, please review my comments below:

Paragraphs 1 through 6. No Comment.

7. I object to the sale of the Real Estate.

8. Dewey Lee Small should not be reestablished as the executor of the Lewis Small Will/Estate and should not be appointed as the guardian of John Doe and Jane Doe, who represent any unknown Heirs. His first attempt was a failure and the taxes went unpaid.

9. No Comment.

10. No Comment.

11. I do believe the Will should be executed as requested by the deceased, Lewis Small (my Grandfather). However, I agree that paragraph 11c is unreasonable and should be stricken from the Will.

12. The Will should be executed as requested by the deceased, Lewis Small so all parties can inherit their acreage to retain or sell as they desire. It is unreasonable to expect an Heir to approve/give permission for Dewey Small to sell their property without explicit details of the sale.

13. I will sign Cross-Deeds during the execution of the Will. I do not want to sell my property. I want the deed for my inherited acreage.

14. I will sign Cross-Deeds during the execution of the Will. I do not want to sell my property. I want the deed for my inherited acreage.

15. No Comment.

16. I will sign Cross-Deeds during the execution of the Will. I do not want to sell my property. I want the deed for my inherited acreage.

17. No Comment.

18. No Comment.

19. No Comment.

PROBATE COURT
HORRY COUNTY, SC
2012 NOV -5 PM 1:29
DEBORAH M. EDMONDS
PROBATE JUDGE

The respondent prays that this Honorable Court does not issue the Orders as indicated in the petition:

1. Do not appoint Dewey Lee Small as the guardian to represent the interest of John Doe and Jane Doe, who represent unknown Heirs or any other Heirs.

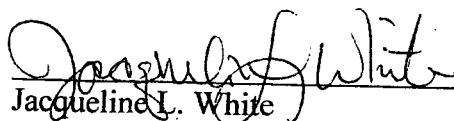
Note concerning the affidavit: William Small has at least two Heirs living in California. I believe his son is named William Small Jr.

2. Do reopen the Estate to execute the Will and divide the property equally.
3. I object to the reappointment of Dewey Lee Small as Personal Representative without Bond as allowed for by the Will. His first attempt was disastrous, he was the executor of the Will for more than 25 years, the taxes went unpaid, and we are still fighting the battle to get the Will executed.
4. Do order that the 60 acre track be divided equally and that the Will be executed. Do remove the restriction requiring Heirs to only sell to other Heirs. I object to an order that allows Dewey Lee Small to be my personal representative, to negotiate the sale of anything. This is an unreasonable request that gives him the authority to consummate a future agreement on my behalf without my final approval.
5. I object to the sale of the Real Estate.
6. No Comment.



Certified To Be A True Copy

Subscribed and sworn to before me this
24 day of October 20 12
Stephanie N. Crosby
Notary Public
My Commission Expires 11/30/15



Jacqueline L. White
Heir of Geneva K. Prince
14825 Cox Creek Court
Haymarket, VA 20169

cc: Horry County Clerk of Court

Veretta Norman
6494 Tayack Place
Alexandria, VA 22312

Case No.: 1984-ES-26-00075

October 21, 2012

State of South Carolina
County of Horry

In the Matter of:
The Estate of Lewis Small

Dewey Lee Small,
Petitioner,
vs.
Veretta Norman,
Respondent

ANSWER

IN RESPONSE TO THE PETITION FOR SALE OF THE LEWIS SMALL REAL ESTATE
Case Number: #1984-ES-26-00075

Horry County Clerk of Court
Government & Justice Center
1301 Second Ave
Conway, SC 29526

N. David DuRant, Esquire
Attorney for Petitioner - Dewey Lee Small
Post Office Box 14722
Surfside Beach, SC 29587

PROBATE COURT
HORRY COUNTY, SC
2012 NOV -6 PM 2:24
DEIRDRE W. EDMONDS
PROBATE JUDGE

To Whom It May Concern:

I Veretta Norman, Respondent and Heir of Geneva K. Small (aka Geneva K. Prince) object to the sale of the Lewis Small Real Estate. In addition, I deny all claims brought forth by the Petitioner, Dewey Lee Small.

Answering Count 1 – Dewey Lee Small was not appointed as the Representative of the Lewis Small Estate.

Answering Count 2 – No comment

Answering Count 3 – I deny all claims brought forth by the Petitioner, Dewey Lee Small. Dewey Lee Small was not appointed nor does he serve as the Personal Representative of the Lewis Small Estate. I deny all claims addressed in "Exhibit B".

Answering Count 4 – No comment

Answering Count 5 – No comment

Answering Count 6 – No comment

Answering Count 7 – I object to the sale of the Lewis Small Real Estate. I have not appointed Dewey Lee Small as my Representative. I deny all claims brought forth by the Petitioner, Dewey Lee Small.

Answering Count 8 – No comment

Answering Count 9 – No comment

Answering Count 10 – In reference to Respondent William Franklin Small, aka Danny Small, there is no record of his death; furthermore he has heirs, a daughter and son last known to reside in California.

Answering Count 11 – No comment

Answering Count 12 – I deny all claims brought forth by the Petitioner, Dewey Lee Small. I have not and will not give the Petitioner, Dewey Lee Small permission to represent my interests, in the sale of the Lewis Small Estate. Furthermore, Sections 11(a) and 11(b) must be enforced as stated in the Will. Section 11(c) is not in the best interest of the Heirs of the Lewis Small Estate and therefore I request that this condition be stricken from the Will. The Will of Lewis Small was never executed and must be executed immediately.

Answering Count 13 – I deny all claims brought forth by the Petitioner, Dewey Lee Small. I disagree with his request for a Court Order to sell the property according to the condition set forth in Section 11(a) only. The Court Order must state that the property be sold in accordance with the conditions set forth in Sections 11(a) and 11(b). I will not sign a Cross-Deed unless these conditions are met. Furthermore, I will not sell my fair share of the inherited property and will demand the deed to my property upon the signing of the Cross-Deeds.

Answering Count 14 – I deny all claims brought forth by the Petitioner, Dewey Lee Small. All references to the Will of Lewis Small must be validated by the legal Will maintained by the court.

Answering Count 15 – I deny all claims brought forth by the Petitioner, Dewey Lee Small. All references to the Will of Lewis Small must be validated by the legal Will maintained by the court.

Answering Count 16 – I deny all claims brought forth by the Petitioner, Dewey Lee Small. All references to the Will of Lewis Small must be validated by the legal Will maintained by the court.

Answering Count 17 – I deny all claims brought forth by the Petitioner, Dewey Lee Small. All references to the Will of Lewis Small must be validated by the legal Will maintained by the court.

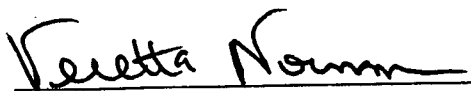
Answering Count 18 – I deny all claims brought forth by the Petitioner, Dewey Lee Small. All references to the Will of Lewis Small must be validated by the legal Will maintained by the court.

Answering Count 19 – I deny all claims brought forth by the Petitioner, Dewey Lee Small. All references to the Will of Lewis Small must be validated by the legal Will maintained by the court. I will not execute a Cross-Deed to any of the Lewis Small Real Estate until I receive my fair share/deed of the Lewis Small Estate in accordance to the Will.

ANSWER TO THE PETITIONER'S PRAYER

WHEREFORE, the Respondent prays that the Honorable Court does not issue the Orders requested by the Petitioner.

1. Do not appoint a Guardian Ad litem to represent the interest of John Doe and Jane Doe. The Respondents will ensure that all Heirs receive their equal share of the Lewis Small Real Estate.
2. Do reopen the Estate of Lewis Small and execute the Will; dividing the real property equally amongst the Heirs. Do not appoint Dewey Lee Small as the Personal Representative. He has abused his position and is not of ethical standing.
3. Do order that the Will be executed and the 60 acre tract be divided equally amongst the Heirs. Do remove the restriction requiring Heirs to sell to other Heirs only. I deny all claims brought forth by the Petitioner, Dewey Lee Small. Furthermore, I object to any order that allows Dewey Lee Small to represent my interest in the Real Estate of Lewis Small or any other matter. If the Court sadly appoints Dewey Lee Small as the Personal Representative of the Estate his past actions have proven that he will never execute the Will; he will continue to deplete the property of its valuable resources; and he will again underhandedly attempt to sale the estate without permission of the Heirs.
4. I object to the sale of the Lewis Small Real Estate; sixty (60) acre tract. I object to the appointment of the unethical Dewey Lee Small as the Personal Representative of the estate.
5. I deny all claims brought forth by the Petitioner, Dewey Lee Small and caution the Court when dealing with all matters brought forth or petitioned by Dewey Lee Small.



Date 10/21/12

Veretta Norman
Heir of Geneva K. Prince
6494 Tayack Place
Alexandria, VA 22312

cc: Horry County Clerk of Court
N. David DuRant, Esquire

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

Dewey Lee Small, as Personal)
Representative of the Estate of Lewis Small,)

PETITIONER,)

vs.)

Maxine Johnson a/k/a Maxine McQueen,)
a/k/a Maxine Johnson, Ernestine Bass)
Rose Mary Small, Cassandra D. Odom,)
Michele Odom, Queenie Small a/k/a Queenie)
B. Arnold a/k/a Qunnie Arnold, Lewis)
Filton Small, Jr., a/k/a Pete Small,)
William Franklin Small a/k/a Danny Small)
Patsy Ann Small a/k/a Patsy Small Crock)
a/k/a Patsy Ann Small Pierick Crock a/k/a)
Patsy Pierick, Donald lee Small, Janava)
Small a/k/a Janava Small Londeaux a/k/a)
Candy Small, Daisy Dean Small a/k/a)
Dean Small, Sandra Small a/k/a Sandra)
Howard, Jacqueline L. White, Jimmy Prince)
Jr., Veretta Norman, Venetta Olivera,)
Marcus Johnson, Jr., John Doe and Jane Doe)
Representatives of any unknown heirs)

RESPONDENTS,)

IN THE PROBATE COURT
FIFTEENTH JUDICIAL CIRCUIT
Case Number 1984-ES-26-00075

**ERNESTINE BASS
ANSWER TO PETITIONER'S
COMPLAINT**

PROBATE COURT
HORRY COUNTY, SC
2012 NOV -7 PM 2:36
DEIRDRE W. EDMONDS
PROBATE JUDGE

TO: PETITIONER ABOVE NAMED AND THEIR ATTORNEYS, N. DAVID

DURANT, ESQUIRE:

The Respondent, Ernestine Bass, hereinafter referred to as "Respondent", answering the Petition for Sale of Real Estate and Complaint of the Petitioners herein, alleges as follows:

1. Denies each and every allegation of the Complaint which is not hereinafter specifically admitted, qualified or explained.

2. Admits the allegations contained in paragraphs 1, and 2, of the Complaint.
3. Denies the allegations contained in paragraph 3 of the Complaint.
4. Admits the allegations contained in paragraph 4 of the Complaint.
5. As to paragraph 5 and 6 of the Complaint, Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
6. As to paragraph 7 of the Complaint, Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
7. Admits the allegations contained in paragraph 8, 9 and 10 of the Complaint.
8. As to paragraph 11 of the Complaint, the Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
9. Admits in part and denies in part to the allegations contained in paragraph 12 of the Complaint. Respondent admits to the need to sign a cross-deed to the other tracts in the estate, but denies that the sixty (60) acres can't be divided among the fourteen heirs and that this was a condition under the will and demands strict proof thereof.
10. As to paragraph 13 of the Complaint, the Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
11. Admits in part and denies in part to the allegations contained in paragraph 14 of the Complaint. Respondent admits to the division of the sixty (60) acres,

but denies the division of the property inherited from her mother the late Mattie Small of 1/15th of the fifteen (15) acres under the will and demands strict proof thereof.

12. Admits the allegations contained in paragraph 15 of the Complaint.
13. Denies allegations contained in paragraph 16 of the Complaint and demands strict proof thereof.
14. Admit in part and deny in part the allegations contained in paragraph 17, of the Complaint. Admits that all children be required to execute a Cross-Deed, but denies that the Ten (10) acres Marcus Johnson, Jr., his late mother Mattie Small be designated to Dewy Lee Small, Donald Small and William Small and Lewis Small, Jr., and demands strict proof thereof.
15. Admit in part and deny in part the allegations contained in paragraph 18, of the Complaint. Admits that all the children be required to execute a Cross-Deed, but denies the Three (3) acres Marcus Johnson, Jr., from his late mother Mattie Small be designated to Maxine Johnson, Queenie B. Small, Mazie Diane Small, Daisy Dean Small, Sandra Small and Geneva Small.
16. As to paragraph 19 of the Complaint, the Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.

WHEREFORE, having fully set forth an Answer to the Petitioner'' the Respondent is informed and believes that she is entitled to the following:

- a. The dismissal of the Petitioners' Petition for Sale of Real Estate and all related requested relief as set forth in the Petition as to the division of property from her late mother Mattie Small;
- b. That Petitioner is responsible for his own attorney fees and cost.
- c. For such other and further relief as this Court may deem just and proper.

Respectfully submitted,

By: *Ernestine Bass*
Ernestine Bass
Pro- Se Respondent
2101 Lake Front Lane
Raleigh, NC
()

November 02, 2012
Raleigh, North Carolina

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

Dewey Lee Small, as Personal
Representative of the Estate of Lewis Small,

PETITIONER,

vs.

Maxine Johnson a/k/a Maxine McQueen,
a/k/a Maxine Johnson, Ernestine Bass
Rose Mary Small, Cassandra D. Odom,
Michele Odom, Queenie Small a/k/a Queenie)
B. Arnold a/k/a Qunnie Arnold, Lewis
Filton Small, Jr., a/k/a Pete Small,
William Franklin Small a/k/a Danny Small
Patsy Ann Small a/k/a Patsy Small Crock
a/k/a Patsy Ann Small Pierick Crock a/k/a
Patsy Pierick, Donald lee Small, Janava
Small a/k/a Janava Small Lonneaux a/k/a
Candy Small, Daisy Dean Small a/k/a
Dean Small, Sandra Small a/k/a Sandra
Howard, Jacqueline L. White, Jimmy Prince
Jr., Veretta Norman, Venetta Olivera,
Marcus Johnson, Jr., John Doe and Jane Doe)
Representatives of any unknown heirs

RESPONDENTS,

IN THE PROBATE COURT
FIFTEENTH JUDICIAL CIRCUIT
Case Number 1984-ES-26-00075

**MAXINE MCQUEEN
ANSWER TO PETITONER'S
COMPLAINT**

PROBATE COURT
COUNTY OF HORRY
2012 NOV -8 PM 2:20
DEBORAH W. EDWARDS
PROBATE JUDGE

TO: PETITIONER ABOVE NAMED AND THEIR ATTORNEYS, N. DAVID

DURANT, ESQUIRE:

The Respondent, Maxine McQueen, hereinafter referred to as "Respondent",
answering the Petition for Sale of Real Estate and Complaint of the Petitioners herein, alleges
as follows:

1. Denies each and every allegation of the Complaint which is not hereinafter
specifically admitted, qualified or explained.

2. Admits the allegations contained in paragraphs 1, and 2, of the Complaint.
3. Denies the allegations contained in paragraph 3 of the Complaint.
4. Admits the allegations contained in paragraph 4 of the Complaint.
5. As to paragraph 5 and 6 of the Complaint, Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
6. As to paragraph 7 of the Complaint, Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
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10. As to paragraph 13 of the Complaint, the Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
11. Admits in part and denies in part to the allegations contained in paragraph 14 of the Complaint. Respondent admits to the division of the sixty (60) acres,

but denies the division of the property inherited from her mother the late Mattie Small of 1/15th of the fifteen (15) acres under the will and demands strict proof thereof.

12. Admits the allegations contained in paragraph 15 of the Complaint.
13. Denies allegations contained in paragraph 16 of the Complaint and demands strict proof thereof.
14. Admit in part and deny in part the allegations contained in paragraph 17, of the Complaint. Admits that all children be required to execute a Cross-Deed, but denies that the Ten (10) acres Marcus Johnson, Jr., his late mother Mattie Small be designated to Dewy Lee Small, Donald Small and William Small and Lewis Small, Jr., and demands strict proof thereof.
15. Admit in part and deny in part the allegations contained in paragraph 18, of the Complaint. Admits that all the children be required to execute a Cross-Deed, but denies the Three (3) acres Marcus Johnson, Jr., from his late mother Mattie Small be designated to Maxine Johnson, Queenie B. Small, Mazie Diane Small, Daisy Dean Small, Sandra Small and Geneva Small.
16. As to paragraph 19 of the Complaint, the Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.

WHEREFORE, having fully set forth an Answer to the Petitioner'' the Respondent is informed and believes that she is entitled to the following:

- a. The dismissal of the Petitioners' Petition for Sale of Real Estate and all related requested relief as set forth in the Petition as to the division of property from her late mother Mattie Small;
- b. That Petitioner is responsible for his own attorney fees and cost.
- c. For such other and further relief as this Court may deem just and proper.

Respectfully submitted,

By: Maxine McQueen
Maxine McQueen
Pro- Se Respondent
21 Charles Street Apt. # 5A
Poughkeepsie, NY 12601
(845) 4547453

11-4, 2012
Poughkeepsie, New York

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

Dewey Lee Small, as Personal)
Representative of the Estate of Lewis Small,)

PETITIONER,)

vs.)

Maxine Johnson a/k/a Maxine McQueen,)
a/k/a Maxine Johnson, Ernestine Bass)
Rose Mary Small, Cassandra D. Odom,)
Michele Odom, Queenie Small a/k/a Queenie)
B. Arnold a/k/a Qunnie Arnold, Lewis)
Filton Small, Jr., a/k/a Pete Small,)
William Franklin Small a/k/a Danny Small)
Patsy Ann Small a/k/a Patsy Small Crock)
a/k/a Patsy Ann Small Pierick Crock a/k/a)
Patsy Pierick, Donald lee Small, Janava)
Small a/k/a Janava Small Londeaux a/k/a)
Candy Small, Daisy Dean Small a/k/a)
Dean Small, Sandra Small a/k/a Sandra)
Howard, Jacqueline L. White, Jimmy Prince)
Jr., Veretta Norman, Venetta Olivera,)
Marcus Johnson, Jr., John Doe and Jane Doe)
Representatives of any unknown heirs)

RESPONDENTS,)

IN THE PROBATE COURT
FIFTEENTH JUDICIAL CIRCUIT
Case Number 1984-ES-26-00075

**ROSE MARY SMALL
ANSWER TO PETITIONER'S
COMPLAINT**

PROBATE COURT
HORRY COUNTY, SC
2012 NOV -8 PM 2:20
DEPOT
PROBATE JUDGE

TO: PETITIONER ABOVE NAMED AND THEIR ATTORNEYS, N. DAVID

DURANT, ESQUIRE:

The Respondent, Rose Mary Small, hereinafter referred to as "Respondent",
answering the Petition for Sale of Real Estate and Complaint of the Petitioners herein, alleges
as follows:

1. Denies each and every allegation of the Complaint which is not hereinafter
specifically admitted, qualified or explained.

2. Admits the allegations contained in paragraphs 1, and 2, of the Complaint.
3. Denies the allegations contained in paragraph 3 of the Complaint.
4. Admits the allegations contained in paragraph 4 of the Complaint.
5. As to paragraph 5 and 6 of the Complaint, Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
6. As to paragraph 7 of the Complaint, Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
7. Admits the allegations contained in paragraph 8, 9 and 10 of the Complaint.
8. As to paragraph 11 of the Complaint, the Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
9. Admits in part and denies in part to the allegations contained in paragraph 12 of the Complaint. Respondent admits to the need to sign a cross-deed to the other tracts in the estate, but denies that the sixty (60) acres can't be divided among the fourteen heirs and that this was a condition under the will and demands strict proof thereof.
10. As to paragraph 13 of the Complaint, the Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
11. Admits in part and denies in part to the allegations contained in paragraph 14 of the Complaint. Respondent admits to the division of the sixty (60) acres,

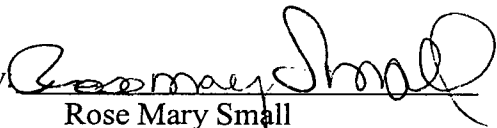
but denies the division of the property inherited from her mother the late Mattie Small of 1/15th of the fifteen (15) acres under the will and demands strict proof thereof.

12. Admits the allegations contained in paragraph 15 of the Complaint.
13. Denies allegations contained in paragraph 16 of the Complaint and demands strict proof thereof.
14. Admit in part and deny in part the allegations contained in paragraph 17, of the Complaint. Admits that all children be required to execute a Cross-Deed, but denies that the Ten (10) acres Marcus Johnson, Jr., his late mother Mattie Small be designated to Dewy Lee Small, Donald Small and William Small and Lewis Small, Jr., and demands strict proof thereof.
15. Admit in part and deny in part the allegations contained in paragraph 18, of the Complaint. Admits that all the children be required to execute a Cross-Deed, but denies the Three (3) acres Marcus Johnson, Jr., from his late mother Mattie Small be designated to Maxine Johnson, Queenie B. Small, Mazie Diane Small, Daisy Dean Small, Sandra Small and Geneva Small.
16. As to paragraph 19 of the Complaint, the Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.

WHEREFORE, having fully set forth an Answer to the Petitioner'' the Respondent is informed and believes that she is entitled to the following:

- a. The dismissal of the Petitioners' Petition for Sale of Real Estate and all related requested relief as set forth in the Petition as to the division of property from her late mother Mattie Small;
- b. That Petitioner is responsible for his own attorney fees and cost.
- c. For such other and further relief as this Court may deem just and proper.

Respectfully submitted,

By 

Rose Mary Small
Pro- Se Respondent
21 Charles Street Apt. # 5A
Poughkeepsie, NY 12601

845 454-7453

(914) 475-3631

11-4-, 2012
Poughkeepsie, New York

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

Dewey Lee Small, as Personal
Representative of the Estate of Lewis Small,

PETITIONER,

vs.

Maxine Johnson a/k/a Maxine McQueen,
a/k/a Maxine Johnson, Ernestine Bass
Rose Mary Small, Cassandra D. Odom,
Michele Odom, Queenie Small a/k/a Queenie
B. Arnold a/k/a Qunnie Arnold, Lewis
Filton Small, Jr., a/k/a Pete Small,
William Franklin Small a/k/a Danny Small
Patsy Ann Small a/k/a Patsy Small Crock
a/k/a Patsy Ann Small Pierick Crock a/k/a
Patsy Pierick, Donald lee Small, Janava
Small a/k/a Janava Small Londeaux a/k/a
Candy Small, Daisy Dean Small a/k/a
Dean Small, Sandra Small a/k/a Sandra
Howard, Jacqueline L. White, Jimmy Prince
Jr., Veretta Norman, Venetta Olivera,
Marcus Johnson, Jr., John Doe and Jane Doe
Representatives of any unknown heirs

RESPONDENTS,

IN THE PROBATE COURT
FIFTEENTH JUDICIAL CIRCUIT
Case Number 1984-ES-26-00075

**VENATA OLIVERRO
ANSWER TO PETITIONER'S
COMPLAINT**

PROBATE COURT
HORRY COUNTY, SC
2012 NOV -8 PM 2:20
DEIRDRE W. EDWARDS
PROBATE JUDGE

TO: PETITIONER ABOVE NAMED AND THEIR ATTORNEYS, N. DAVID

DURANT, ESQUIRE:

The Respondent, Venata Oliverro, hereinafter referred to as "Respondent", answering the Petition for Sale of Real Estate and Complaint of the Petitioners herein, alleges as follows:

1. Denies each and every allegation of the Complaint which is not hereinafter specifically admitted, qualified or explained.

2. Admits the allegations contained in paragraphs 1, and 2, of the Complaint.
3. Denies the allegations contained in paragraph 3 of the Complaint.
4. Admits the allegations contained in paragraph 4 of the Complaint.
5. As to paragraph 5 and 6 of the Complaint, Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
6. As to paragraph 7 of the Complaint, Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
7. Admits the allegations contained in paragraph 8, 9 and 10 of the Complaint.
8. As to paragraph 11 of the Complaint, the Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
9. Admits in part and denies in part to the allegations contained in paragraph 12 of the Complaint. Respondent admits to the need to sign a cross-deed to the other tracts in the estate, but denies that the sixty (60) acres can't be divided among the fourteen heirs and that this was a condition under the will and demands strict proof thereof.
10. As to paragraph 13 of the Complaint, the Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.
11. Admits in part and denies in part to the allegations contained in paragraph 14 of the Complaint. Respondent admits to the division of the sixty (60) acres,

but denies the division of the property inherited from her mother the late Mattie Small of 1/15th of the fifteen (15) acres under the will and demands strict proof thereof.

12. Admits the allegations contained in paragraph 15 of the Complaint.
13. Denies allegations contained in paragraph 16 of the Complaint and demands strict proof thereof.
14. Admit in part and deny in part the allegations contained in paragraph 17, of the Complaint. Admits that all children be required to execute a Cross-Deed, but denies that the Ten (10) acres Marcus Johnson, Jr., his late mother Mattie Small be designated to Dewy Lee Small, Donald Small and William Small and Lewis Small, Jr., and demands strict proof thereof.
15. Admit in part and deny in part the allegations contained in paragraph 18, of the Complaint. Admits that all the children be required to execute a Cross-Deed, but denies the Three (3) acres Marcus Johnson, Jr., from his late mother Mattie Small be designated to Maxine Johnson, Queenie B. Small, Mazie Diane Small, Daisy Dean Small, Sandra Small and Geneva Small.
16. As to paragraph 19 of the Complaint, the Respondent does not have information sufficient to form a belief as to the truth of the allegations and therefore denies the same and demands strict proof thereof.

WHEREFORE, having fully set forth an Answer to the Petitioner'' the Respondent is informed and believes that she is entitled to the following:

- a. The dismissal of the Petitioners' Petition for Sale of Real Estate and all related requested relief as set forth in the Petition as to the division of property from her late mother Mattie Small;
- b. That Petitioner is responsible for his own attorney fees and cost.
- c. For such other and further relief as this Court may deem just and proper.

Respectfully submitted,

By: Venata Oliverro
Venata Oliverro
Pro- Se Respondent
21 Charles Street Apt. # 5A
Poughkeepsie, NY 12601
(845) 264-7042

Nov. 3rd, 2012
Poughkeepsie, New York

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Dewey Lee Small,

Plaintiff,

vs.

Maxine Johnson a/k/a Maxine McQueen a/k/a
Maxcine Johnson, Ernestine Small Bass, Rose
Small a/k/a Rosemary Mary McQueen,
Kassandra D. Odom a/k/a Kassandra D. Shea,
Michelle D. Odom a/k/a Michelle D. DeLa Corte,
Queenie Small a/k/a Queenie B. Arnold a/k/a
Qunnie Arnold, Lewis Filton Small, Jr. a/k/a
Pete Small, William Franklin Small a/k/a Danny
Small, Patsy Ann Small a/k/a Patsy Small Crock
a/k/a Patsy Ann Small Pierick Crock a/k/a Patsy
Pierick, Donald Lee Small, Janava Small a/k/a
Janava Small Lonneux a/k/a Candy Small, Daisy
Dean Small a/k/a Dean Small, Sandra Small
a/k/a Sandra Howard, Jacqueline L. White, Jimmy
Prince, Jr., Veretta Norman, Venata Small Olivera
Marcus Johnson, Jr., Dewey Jerome Johnson,
John Doe and Jane Doe, Representatives of any
Unknown Heirs,

IN RE: THE ESTATE OF LEWIS SMALL

Defendants,

IN THE PROBATE COURT FOR
THE FIFTEENTH JUDICIAL CIRCUIT
CASE NO.: 1984-ES-26-00075

**STIPULATION OF DISMISSAL
WITHOUT PREJUDICE**

PROBATE COURT
HORRY COUNTY, SC
2013 JUL -3 AM 9:59
DEIRDRE W. EDMONDS
PROBATE JUDGE

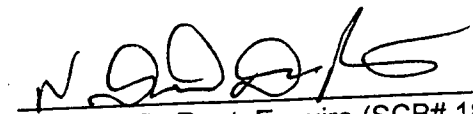
TO: DEIRDRE W. EDMONDS, JUDGE FOR PROBATE COURT IN HORRY COUNTY, SC:

Pursuant to Rule 41(a) of the South Carolina Rules of Civil Procedure, the undersigned
attorney for the Plaintiff hereby stipulates that the above-entitled action is hereby dismissed without
prejudice

There is a Partition Action and a Quiet Title Action pending in the Court of Common Pleas
under Case Number 2012-CP-26-9832

NOW THEREFORE, the Plaintiff, by and through his undersigned counsel consents that the
above-referenced matter be dismissed without prejudice.

**LAW OFFICES OF N. DAVID DuRANT
AND ASSOCIATES, P.A.**



N. David DuRant, Esquire (SCB# 1803)
Post Office Box 14722
Surfside Beach, South Carolina 29587
Telephone: (843) 650-7800
Facsimile: (843) 650-8090
Email: daviddurant@sc.rr.com
ATTORNEY FOR PLAINTIFF

July 1, 2013

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

Dewey Lee Small,

Plaintiff,

vs.

Maxine Johnson a/k/a Maxine McQueen a/k/a
Maxcine Johnson, Ernestine Small Bass, Rose
Small a/k/a Rosemary Mary McQueen,
Kassandra D. Odom a/k/a Kassandra D. Shea,
Michelle D. Odom a/k/a Michelle D. DeLa Corte,
Queenie Small a/k/a Queenie B. Arnold a/k/a
Qunnie Arnold, Lewis Filton Small, Jr. a/k/a
Pete Small, William Franklin Small a/k/a Danny
Small, Patsy Ann Small a/k/a Patsy Small Crock
a/k/a Patsy Ann Small Pierick Crock a/k/a Patsy
Pierick, Donald Lee Small, Janava Small a/k/a
Janava Small Lonneux a/k/a Candy Small, Daisy
Dean Small a/k/a Dean Small, Sandra Small
a/k/a Sandra Howard, Jacqueline L. White, Jimmy
Prince, Jr., Veretta Norman, Venata Small Olivera,
Marcus Johnson, Jr., Dewey Jerome Johnson,
John Doe and Jane Doe, Representatives of any
Unknown Heirs,

IN RE: THE ESTATE OF LEWIS SMALL

Defendants,

IN THE PROBATE COURT FOR
THE FIFTEENTH JUDICIAL CIRCUIT
CASE NO.: 1984-ES-26-00075

**PLAINTIFF'S MOTION TO
DISMISS ACTION PURSUANT
TO RULE 12(b)(8)-SCRCP**

PROBATE COURT
HORRY COUNTY, SC
2013 AUG 14 PM 2:46
DEIRDRE W. EDMONDS
PROBATE JUDGE

TO: DEIRDRE W. EDMONDS, JUDGE FOR PROBATE COURT IN HORRY COUNTY, SC:

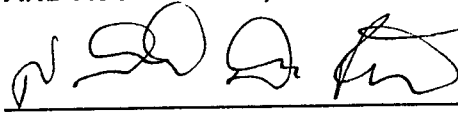
YOU WILL PLEASE TAKE notice that the undersigned, as attorney for the Plaintiff, Dewey Lee Small, will, ten (10) days after service hereof or as soon thereafter as counsel may be heard, or within a shorter time period, if the Court so allows, by and through his undersigned attorney, N. David DuRant, hereby moves to dismiss the above-entitled action pursuant to Rule 12(b)(8), SCRCP because there is a Partition Action and a Quiet Title Action pending in the Court of Common Pleas for Horry County under Case Number 2012-CP-26-9832. This pending action is attached to this Motion marked Exhibit "A".

This Motion will also be based on the testimony of counsel, the pleadings, affidavits and any other evidence properly submitted at the time of the motion hearing.

The Plaintiff, Dewey Lee Small, by and through his undersigned attorney, N. David DuRant,

hereby moves to dismiss the above-entitled action pursuant to Rule 12(b)(8), SCRCP.

**LAW OFFICES OF N. DAVID DuRANT
AND ASSOCIATES, P.A.**



N. David DuRant, Esquire (SCB# 1803)
Post Office Box 14722
Surfside Beach, SC 29587
Telephone: (843) 650-7800
Facsimile: (843) 650-8090
Email: daviddurant@sc.rr.com
ATTORNEY FOR PLAINTIFF

August 13, 2013

Exhibit “A”

PROBATE COURT
HOBBS COUNTY, SC
2013 AUG 14 PM 2:46
DEIRDRE W. EDWARDS
PROBATE JUDGE

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

DEWEY LEE SMALL,

PLAINTIFF(S)

VS.

MAXINE JOHNSON, ET AL.

DEFENDANT(S)

COPY

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2012- CP - 26 -

9832

(Please Print)

Submitted By: N. David DuRant, Esquire

Address: Post Office Box 14722

Surfside Beach, SC 29587

SC Bar #: 1803

Telephone #: (843) 650-7800

Fax #: (843) 650-8090

Other:

E-mail: officesofdavidurant@scar.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

JURY TRIAL demanded in complaint.

X NON-JURY TRIAL demanded in complaint.

☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.

X This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.

☐ This case is exempt from ADR (certificate attached).

NATURE OF ACTION (Check One Box Below)

Contracts

- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ Employment (120)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Other (199)

Torts - Professional Malpractice

- ☐ Dental Malpractice (200)
- ☐ Legal Malpractice (210)
- ☐ Medical Malpractice (220)
- ☐ Notice/ File Med Mal (230)
- ☐ Other (299)

Torts - Personal Injury

- ☐ Assault/Slander/Libel (300)
- ☐ Conversion (310)
- ☐ Motor Vehicle Accident (320)
- ☐ Premises Liability (330)
- ☐ Products Liability (340)
- ☐ Personal Injury (350)
- ☐ Wrongful Death (360)
- ☐ Other (399)

Real Property

- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- X ☒ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- X ☒ Other (499)

Quiet Title

Inmate Petitions

- ☐ PCR (500)
- ☐ Sexual Predator (510)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599)

Judgments/Settlements

- ☐ Death Settlement (700)
- ☐ Foreign Judgment (710)
- ☐ Magistrate's Judgment (720)
- ☐ Minor Settlement (730)
- ☐ Transcript Judgment (740)
- ☐ Lis Pendens (750)
- ☐ Other (799)

Administrative Law/Relief

- ☐ Reinstate Driver's License (800)
- ☐ Judicial Review (810)
- ☐ Relief (820)
- ☐ Permanent Injunction (830)
- ☐ Forfeiture (840)
- ☐ Other (899)

Appeals

- ☐ Arbitration (900)
- ☐ Magistrate-Civil (910)
- ☐ Magistrate-Criminal (920)
- ☐ Municipal (930)
- ☐ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☐ Zoning Board (970)
- ☐ Administrative Law Judge (980)
- ☐ Public Service Commission (990)
- ☐ Employment Security Comm (991)
- ☐ Other (999)

Special/Complex /Other

- ☐ Environmental (600)
- ☐ Automobile Arb. (610)
- ☐ Medical (620)
- ☐ Other (699)
- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Out-of State Depositions (650)

Submitting Party Signature:



Date: December 17, 2012

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF HORRY) FOR THE FIFTEENTH JUDICIAL CIRCUIT
CASE NO.: 2012-CP-26- 9932

Dewey Lee Small,
Plaintiff,
vs.

Maxine Johnson a/k/a Maxine McQueen a/k/a Maxcine
Johnson, Ernestine Small Bass, Rose Small a/k/a
Rosemary Mary McQueen, Kassandra D. Odom a/k/a
Kassandra D. Shea, Michelle D. Odom a/k/a Michelle D.
DeLa Corte, Queenie Small a/k/a Queenie B. Arnold a/k/a
Qunnie Arnold, Lewis Filton Small, Jr. a/k/a Pete Small,
William Franklin Small a/k/a Danny Small, Patsy Ann
Small a/k/a Patsy Small Crock a/k/a Patsy Ann Small
Pierick Crock a/k/a Patsy Pierick, Donald Lee Small,
Janava Small a/k/a Janava Small Lonneux a/k/a Candy
Small, Daisy Dean Small a/k/a Dean Small, Sandra
Small a/k/a Sandra Howard, Jacqueline L. White, Jimmy
Prince, Jr., Veretta Norman, Venata Small Olivera
Marcus Johnson, Jr., Dewey Jerome Johnson, John
Doe and Jane Doe, Representatives of any unknown
Heirs,

IN RE: THE ESTATE OF LEWIS SMALL

DEFENDANTS,

SUMMONS
QUIET TITLE ACTION
AND
PARTITION ACTION FOR
SALE OF REAL PROPERTY

HORRY COUNTY, SC
12 DEC 19 PM 1:30
MELANIE HUGHES
CLERK OF COURT

PROBATE COURT
HORRY COUNTY, SC
2013 AUG 14 PM 2:46
DELORE W. COMODOS
PROBATE JUDGE

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the subscribers, Law Offices of N. David DuRant and Associates, P.A., at their offices, 1801 Glens Bay Road, Post Office Box 14722, Surfside Beach, South Carolina 29587, within thirty (30) days after the service hereof, and if you fail to answer the Complaint within the time aforesaid, the Plaintiff will apply to the Court for a judgment by default against you for the relief demanded in the Complaint.

LAW OFFICES OF N. DAVID DuRANT
AND ASSOCIATES, P.A.

BY

N. David DuRant
Attorneys for the Plaintiff

December 17, 2012

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF COMMON PLEAS
FOR THE FOURTEENTH JUDICIAL CIRCUIT
CASE NO.: 2012-CP-26- 983 2

Dewey Lee Small,
Plaintiff,
vs.

Maxine Johnson a/k/a Maxine McQueen a/k/a
Maxcine Johnson, Ernestine Small Bass, Rose
Small a/k/a Rosemary Mary McQueen,
Kassandra D. Odom a/k/a Kassandra D. Shea,
Michelle D. Odom a/k/a Michelle D. DeLa Corte,
Queenie Small a/k/a Queenie B. Arnold a/k/a
Qunnie Arnold, Lewis Filton Small, Jr. a/k/a
Pete Small, William Franklin Small a/k/a Danny
Small, Patsy Ann Small a/k/a Patsy Small Crock
a/k/a Patsy Ann Small Pierick Crock a/k/a Patsy
Pierick, Donald Lee Small, Janava Small a/k/a
Janava Small Lonneux a/k/a Candy Small, Daisy
Dean Small a/k/a Dean Small, Sandra Small
a/k/a Sandra Howard, Jacqueline L. White, Jimmy
Prince, Jr., Veretta Norman, Venata Small Olivera
Marcus Johnson, Jr., Dewey Jerome Johnson,
John Doe and Jane Doe, Representatives of any
unknown Heirs,

IN RE: THE ESTATE OF LEWIS SMALL

DEFENDANTS,

COMPLAINT
QUIET TITLE ACTION
AND
PARTITION ACTION
FOR SALE OF REAL
PROPERTY

HORRY COUNTY
12 DEC 19 PM 1:30
CLERK OF COURT
WILLIAM HIGGINS-SANBORN

PROBATE COURT
HORRY COUNTY, SC
2013 AUG 14 PM 2:47
DEIRDRE W. EDWARDS
PROBATE JUDGE

TO THE DEFENDANTS ABOVE NAMED:

1. The Plaintiff listed above is an heir of Lewis Small A/K/A Louis L. Small as well as the Personal Representative of the Estate of Lewis Small a/k/a Louis L. Small.
2. That Lewis Small a/k/a Louis L. Small acquired the following described real property:

ALL AND SINGULAR, that certain piece, parcel, lot or tract of land situate, lying and being in Socastee Township, County of Horry and State of South Carolina, and containing Sixty acres (60) more or less and bounded and described as follows: Beginning at a station in the West margin of the McDowell Short Cut Road and running N. 67 28' W. 1918 Feet to corner; thence N. 22 30' S. 1813 feet to corner; thence S. 56 52' E. to Louisa Johnsons line which was formerly a part of this tract; thence following Louisa Johnson and a 1.90 acre tract of Exekil Johnson, a southerly direction to Road

thence said Road to beginning corner. This tract which is to be conveyed is represented upon a map made of Johnson and Roberts, CEs, showing 62.9 acres more or less on tract adjoining Louisa Johnson to be sold to Exekil Johnson. This being the identical property sold to Lewis Small in Deed Book 53 at Page 218, records of Horry County, South Carolina, TMS #194-00-02-036.

3. This property was acquired by Louis L. Small a/k/a Lewis Small on February 16, 1948. The Deed was recorded in Deed Book 53 at Page 218, a copy of said Deed is attached hereto and marked Exhibit "A" and made a part of this Complaint.

4. On November 1, 1965, Lewis Small a/k/a Louis L. Small's wife Mattie Small died intestate; therefore, Lewis Small a/k/a Louis L. Small acquired two thirds (2/3) of the following properties at the time of his wife's death:

a. That certain Fourteen (14) acres more or less in Socastee Township bounded by lands of Emma Saxby "et al" and being a part of the Toby Small Estate. This being the identical property sold to Mattie Small and recorded in Deed Book 300 at Page 316, records of Horry County, South Carolina, and attached hereto and marked Exhibit "B" and made a part of this Complaint;

b. That certain three (3) acres more or less located in Socastee Township and bounded on the North by Bethel Church property, South by lands of Quinby Knox, Jr., East by Van Turberville land and west by William Oliver lands. This being the identical property sold to Mattie Small and recorded in Deed Book 300 at Page 319, records of Horry County, South Carolina, and attached hereto and marked Exhibit "C" and made a part of this Complaint;

c. All and singular that certain piece, parcel or tract of land situate and lying and being in Socastee Township, County and State aforesaid and containing ten (10) acres more or less and bounded as follows: Beginning at a pipe corner in Collins Creek and Murrells Inlet Road between Cuimby Knox Home and Bethel Church, and running thence in a Easterly direction a line perpendicular to the said Road to the Van Turberville line; thence with the Van Turberville line in a Southerly direction to Richard Knox line; thence Richard Knox line in a Westerly

direction to Collins Creek and Murrells Inlet Road; thence with the Murrells Inlet Road in a Northerly direction to the beginning corner. This being the identical property sold to Mattie Small and recorded in Deed Book 281 at Page 552, records of Horry County, South Carolina and attached hereto and marked Exhibit "D" and made a part of this Complaint.

5. On May 13, 1983, Lewis Small died leaving fourteen (14) living children. Lewis Small a/k/a Louis L. Small was predeceased by his wife and his daughter, Velma Ray Small who had one child. The fourteen (14) children that were living at the time of Lewis Small's a/k/a Louis L. Small death were as follows:

- a. Maxine Johnson a/k/a Maxcine Johnson a/k/a Maxine McQueen;
- b. Mildred S. Jones a/k/a Mildred Small Jones a/k/a Mildred Isadora Small Jones a/k/a Isadore Small a/k/a Isadora Ortega;
- c. Mazie Diane Small a/k/a Mazie D. Odom;
- d. Queenie Small a/k/a Queenie B. Arnold a/k/a Qunnie Arnold;
- e. Lewis Filton Small, Jr. a/k/a Pete Small;
- f. William Franklin Small a/k/a Danny Small;
- g. Patsy Ann Small a/k/a Patsy Small Crock a/k/a Patsy Ann Small Pierick Crock a/k/a Patsy Pierick;
- h. Donald Lee Small;
- i. Janava Small a/k/a Janava Small Lonneux a/k/a Candy Small;
- j. Daisy Dean Small a/k/a Dean Small;
- k. Sandra Small a/k/a Sandra Howard;
- l. Dewey Small a/k/a Dewey Lee Small;
- m. Geneva Small a/k/a Geneva Katherine Prince;
- n. Marcus Johnson, Jr.

6. That in accordance with the Last Will and Testament of Lewis Small a/k/a Louis L. Small dated May 21, 1979 (attached hereto and marked as Exhibit "E"), Marcus Johnson, Jr. will not be receiving any interest in the above described sixty (60) acres.

7. That in accordance with the Last Will and Testament of Lewis Small a/k/a Louis L. Small dated May 21, 1979, the approximately sixty (60) acres of property which is the subject of this action is to be divided equally between Lewis Small's a/k/a Louis L. Small fourteen (14) children.

8. The above represents the fourteen (14) legal heirs to the estate of Lewis Small at the time of his death in May 13, 1983. Of those fourteen (14) heirs, the following are presently deceased:

a. Mildred S. Jones a/k/a Mildred Isadora Small Jones a/k/a Isadore Small a/k/a Isadora Ortega died August 24, 2006;

b. Mazie Diane Small a/k/a Mazie D. Odom died October 31, 2010;

c. Geneva Small a/k/a Geneva Katherine Prince died March 14, 1997;

d. Velma Ray Small died January 13, 1980, prior to Lewis Small a/k/a Louis L. Small.

9. Mildred S. Jones a/k/a Mildred Isadora Small Jones a/k/a Isadore Small a/k/a Isadora Ortega, as stated herein above, died on August 24, 2006. She was divorced at the time she died but had two (2) children.

a. The living children at the present time are:

1. Ernestine Small Bass;

2. Rose Mary Small a/k/a Rosemary Mary McQueen.

10. Mazie Diane Small a/k/a Mazie D. Odom, as stated herein above, died on October 31, 2010. She was divorced at the time of her death, and had two (2) children.

a. The living children at the present time are:

1. Kasandra D. Odom a/k/a Kasandra D. Shea;

2. Michelle D. Odom a/k/a Michelle D. DeLa Corte;

11. Geneva Small a/k/a Geneva Katherine Prince, as stated herein above, died on March 14, 1997. She was divorced at the time of her death, and had four (4) children.

a. The living children at the present time are:

1. Jacqueline Lenise White;
2. Veretta Lynn Norman;
3. Jimmy J. Prince, Jr.;
4. Dewey Jerome Johnson.

12. Velma Ray Small was never married when she died January 13, 1980. She had one child at the time of her death.

a. The living child at the present time is:

1. Venata Small Oliverro.

These are the living heirs of Lewis Small a/k/a Louis L. Small.

13. Jane Doe and John Doe represent any unknown heirs of the estate of Lewis Small who are unknown and who may make a claim to the afore described real property.

FOR A FIRST CAUSE OF ACTION
(QUIET TITLE)

14. Plaintiff repeats each and every allegation contained herein as if fully set forth verbatim.

15. That the below described real property is located in Horry County, South Carolina, and is described as follows:

ALL AND SINGULAR, that certain piece, parcel, lot or tract of land situate, lying and being in Socastee Township, County of Horry and State of South Carolina, and containing Sixty acres (60) more or less and bounded and described as follows: Beginning at a station in the West margin of the McDowell Short Cut Road and running N. 67 28' W. 1918 Feet to corner; thence N. 22 30' S. 1813 feet to corner; thence S. 56 52' E. to Louisa Johnsons line which was formerly a part of this tract; thence following Louisa Johnson and a 1.90 acre tract of Exekil Johnson, a southerly direction to Road thence said Road to beginning corner. This tract which is to be conveyed is represented upon a map made of Johnson and Roberts, CEs, showing 62.9 acres more or less on tract adjoining Louisa Johnson to be sold to Exekil Johnson. This being the identical property sold to Lewis Small in Deed Book 53 at Page 218, records of Horry County, South Carolina, Tax Map Number 194-00-02-036

AND

That certain Fifteen (15) acres more or less in Socastee Township bounded by lands of Emma Saxby "et al" and being a part of the Toby Small Estate. This being the identical property sold to Mattie Small and recorded in Deed Book 300 at Page 316, records of Horry County, South Carolina.

AND

That certain three (3) acres more or less located in Socastee Township and bounded on the North by Bethel Church property, South by lands of Quinby Knox, Jr., East by Van Turberville land and west by William Oliver lands. This being the identical property sold to Mattie Small and recorded in Deed Book 300 at Page 319, records of Horry County, South Carolina.

AND

All and singular that certain piece, parcel or tract of land situate and lying and being in Socastee Township, County and State aforesaid and containing ten (10) acres more or less and bounded as follows: Beginning at a pipe corner in Collins Creek and Murrells Inlet Road between Cuimby Knox Home and Bethel Church, and running thence in a Easterly direction a line perpendicular to the said Road to the Van Turberville line; thence with the Van Turberville line in a Southerly direction to Richard Knox line; thence Richard Knox line in a Westerly direction to Collins Creek and Murrells Inlet Road; thence with the Murrells Inlet Road in a Northerly direction to the beginning corner. This being the identical property sold to Mattie Small and recorded in Deed Book 281 at Page 552, records of Horry County, South Carolina and attached hereto and marked Exhibit "D" and made a part of this Complaint.

16. That the afore stated list of heirs are all of the known heirs of Lewis Small a/k/a Louis L. Small who died on May13, 1983.

17. That the fourteen (14) living children at the time of his death and the afore stated heirs of the deceased children presently represent all of the known living heirs of Lewis Small.

18. That Jane Doe and John Doe represent any unknown heirs of the deceased, Lewis Small a/k/a Louis L. Small.

19. That Lewis Small a/k/a Louis L. Small died in possession of the afore described real property.

20. That the Plaintiff seeks an Order of the Court quieting the title to the approximately eighty eight (88) acres described herein and awarding the title to the known heirs as stated herein in this Complaint.

FOR A SECOND CAUSE OF ACTION
(PARTITION ACTION FOR SALE OF PROPERTY)

21. Plaintiff repeats each and every allegation contained herein as if fully set forth verbatim.

22. That the Plaintiff, pursuant to Section 15-61-10 of the South Carolina Code brings a partition action as it relates to the following described real property:

ALL AND SINGULAR, that certain piece, parcel, lot or tract of land situate, lying and being in Socastee Township, County of Horry and State of South Carolina, and containing Sixty acres (60) more or less and bounded and described as follows: Beginning at a station in the West margin of the McDowell Short Cut Road and running N. 67° 28' W. 1918 Feet to corner; thence N. 22° 30' S. 1813 feet to corner; thence S. 56° 52' E. to Louisa Johnsons line which was formerly a part of this tract; thence following Louisa Johnson and a 1.90 acre tract of Exekil Johnson, a southerly direction to Road thence said Road to beginning corner. This tract which is to be conveyed is represented upon a map made of Johnson and Roberts; CEs, showing 62.9 acres more or less on tract adjoining Louisa Johnson to be sold to Exekil Johnson. This being the identical property sold to Lewis Small in Deed Book 53 at Page 218, records of Horry County, South Carolina, Tax Map Number 194-00-02-036

23. That the Plaintiff is an heir at law of Lewis Small a/k/a Louis L. Small, as well as the Personal Representative of his estate, who is deceased having died May 13, 1983. As such, the Plaintiff brings this cause of action.

24. The property herein is located in Horry County, and, therefore, the Horry County Court of Common Pleas has jurisdiction over said property.

25. That the Plaintiff brings this action in order that said property should be sold pursuant to the statute and the proceeds divided as follows:

a. One Fourteenth (1/14) of the proceeds to Maxine Johnson a/k/a Maxine McQueen a/k/a Maxcine Johnson as set forth herein above.

b. One Fourteenth (1/14) of the proceeds to Ernestine Small Bass and Rose Mary Small a/k/a Rosemary Mary McQueen, heirs of Mildred S. Jones a/k/a Mildred Small Jones Ortega as set forth herein above.

c. One Fourteenth (1/14) of the proceeds to Kasandra D. Odom a/k/a Kasandra D. Shea and Michelle D. Odom a/k/a Michelle D. Delacorte, heirs of Mazie Diane Small a/k/a Mazie Diane Odom as set forth herein above.

d. One Fourteenth (1/14) of the proceeds to Queenie Small a/k/a Queenie B. Arnold a/k/a Qunnie Arnold as set forth herein above.

e. One Fourteenth (1/14) of the proceeds to Lewis Filton Small, Jr. a/k/a Pete Small as set forth herein above.

f. One Fourteenth (1/14) of the proceeds to William Franklin Small a/k/a Danny Small as set forth herein above.

g. One Fourteenth (1/14) of the proceeds to Patsy Ann Small a/k/a Patsy Small Crock a/k/a Patsy Ann Small Pierick Crock a/k/a Patsy Pierick as set forth herein above.

h. One Fourteenth (1/14) of the proceeds to Donald Lee Small as set forth herein above.

i. One Fourteenth (1/14) of the proceeds to Janava Small a/k/a Janava Small Lonneaux a/k/a Candy Small as set forth herein above.

j. One Fourteenth (1/14) of the proceeds to Daisy Dean Small a/k/a Dean Small as set forth herein above.

k. One Fourteenth (1/14) of the proceeds to Sandra Small a/k/a Sandra Howard as set forth herein above.

l. One Fourteenth (1/14) of the proceeds to Dewey Small a/k/a Dewey Lee Small as set forth herein above.

m. One Fourteenth (1/14) of the proceeds to Jacqueline Lenise White, Veretta Lynn Norman, Jimmy J. Prince, Jr. and Dewey Jerome Johnson as set forth herein above.

n. One Fourteenth (1/14) of the proceeds to Venata Small Oliverro as set forth herein above.

26. This property cannot feasibly be divided as a partition in kind, and a partition in kind cannot be fairly and equally made. The Plaintiff, therefore, requests an Order of the Court that this property be placed for sale and a division of the proceeds be made according to the rights of the parties as set forth herein.

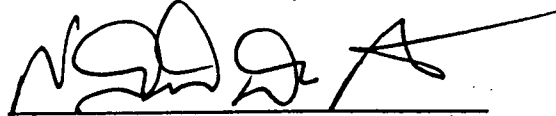
27. Further, according to the Last Will and Testament of Lewis Small a/k/a Louis L. Small (attached hereto as Exhibit "E"), it is clear that failure of any Heir to agree with the terms of the Last Will and Testament would result in that Heir being disinherited, and his or her interest or share be divided equally among those who have agreed with the terms and conditions of the Last Will and Testament.

28. The Plaintiff further requests that pursuant to Statute 15-61-110 that the Court set attorney's fees as may be equitable against all parties in interest herein and that these attorney's fees and costs be paid first from the proceeds from the sale before distribution.

WHEREFORE, having fully set forth causes of action upon which relief can be granted, the Plaintiff requests the following relief:

- a. An Order quieting title to the afore described real property;
- b. For a partition for an Order requiring the sale of the real property herein above described and a division of proceeds according to the rights of the parties;
- c. For an Order granting equitable attorney's fees and costs to be determined by the Court and that said attorney's fees and costs will be paid first from the proceeds of the sale before distribution to the heirs;
- d. For such other and further relief as this Court may deem just and proper.

LAW OFFICES OF N. DAVID DuRANT
AND ASSOCIATES, P.A.



N. David DuRant
Attorney for the Plaintiffs
Post Office Box 14722
Surfside Beach, SC 29587
(843) 650-7800

December 17, 2012

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Presented to the Hon. James C. Marlow, Francis Marlow, Burris, and Frank
To Louis J. Snell

Filed Nov. 12th, 1948 3:40 P.M. D. 10

Documentary Stamp(s) \$ 3.10

EXHIBIT "A"

BE 53 page 218

We, Ida M. Marlow, James C. Marlow, Francis Marlow, Burris, and Frank

in the State aforesaid for and

in consideration of the sum of

ONE THOUSAND AND NO/100 Dollars (\$1,000.00)

Dollars

to Louis J. Snell, of the County of Horry

in the State aforesaid

(witnesses whereof is hereby acknowledged)

have granted, bargained, sold and released, and by their Private Deeds, bargain, sell and release unto the said Louis J. Snell, all and singular that certain piece, parcel, lot or tract of land situate, lying and being in Jocassee Township, County of Horry and State of South Carolina, and containing: Sixty acres more or less and bounded and described as follows: Beginning at a station in the East corner of the McDowell short cut Road and running E. 67 20' N. 1948 feet to corner; thence N. 22 1/2' W. 1.50 feet to corner; thence S. 60 52' E. to Louise Johnsons line which was formerly a part of this tract; thence following Louise Johnson and a 1.00 acre tract of Cecil Johnson, a southerly direction to Road thence said Road to beginning corner. This tract which is to be conveyed is represented upon a map made of Johnsons Roberts, etc., showing 62.9 acres and the said tract adjoining Louise Johnson to be sold to Cecil Johnson.

This deed is subject to a deed previously given to James C. Marlow and Frank Burris by Ida M. Marlow.

Witness my hand and seal this 10th day of January A.D. 1948.

PERSONALLY appeared before me Grover C. Dexter Jr. and made oath that he saw the within named James C. Marlow, sign, seal, and as his act and deed, deliver the within written deed, and that Grover C. Dexter Jr. with James C. Marlow, Burris, and Frank, witnessed the execution thereof.

Grover C. Dexter Jr.

SUBSCRIBED to before me this 10th day of January A.D. 1948.
Mary D. Davis (Seal)
Notary Public for Carteret Co. N. C.
My comm. exps. July 7, 1948

STATE OF Maryland
Prince George County

PERSONALLY appeared before me William V. Treacy and made oath that he saw the within named Francis Marlow Burris, sign, seal, and as his act and deed, deliver the within written deed, and that W. V. Treacy with James C. Marlow, Burris, and Frank, witnessed the execution thereof.

James C. Marlow
Francis Marlow Burris
W. V. Treacy
My comm. exps. 3/2/48

SUBSCRIBED TO before me this 16th day of February A.D. 1948.

(Seal)

Notary Public for Maryland

PROBATE COURT
HORRY COUNTY, SC
2013 AUG 14 PM 2:47
DEIRDRE W. EDMONDS
PROBATE JUDGE

TO HAVE AND TO HOLD, all and singular, the premises before mentioned unto the said Louis L. Small, his heirs and assigns forever.

STATE OF SOUTH CAROLINA
GEORGETOWN COUNTY
PERSONALLY appeared before me L. C. Lechicotte and made oath that he saw the within named Frank L. Marlow and Boyd L. Marlow sign, seal, and as their act and deed, deliver the within written deed for the uses and purposes therein mentioned, and that he with Wm. J. A. Vernon witnessed the execution thereof.

SWORN to before me this 30th day of
December A.D. 1947. L. C. Lechicotte
E. F. Lechicotte
Notary Public for S. C.

And he do hereby bind SUCCESSORS, HEIRS, ETC. heirs and successors and administrators, to warrant and forever defend all and singular the said premises unto the said Louis L. Small, his heirs and assigns forever. and ONE heirs and assigns, against US and all persons whomsoever lawfully claiming, or to claim the same, or any part thereof.

WITNESS OUR hands and seal, this 30th day of December in the year of our Lord one thousand nine hundred and Forty Seven and in the two hundred and Seventy-second year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered in the presence of
James B. Moore James B. Ellis Ida L. Marlow (Seal)
Wm. V. Blakely James B. Bartie Boyd L. Marlow (Seal)
E. F. Lechicotte Wm. J. A. Vernon Frank L. Marlow (L.S.)
Ida L. Marlow (Seal)
James B. Moore (Seal)
STATE OF SOUTH CAROLINA
County of Georgetown

PERSONALLY APPEARED before me Wm. V. Blakely

SWORN to before me this 30th day of
JANUARY A.D. 1947
James B. Moore (Seal) Ida L. Marlow (Seal)
Notary Public for S. C.

STATE OF SOUTH CAROLINA
County of Georgetown

RENUNCIATION OF DOWER

I, E. F. Lechicotte, Notary Public for South Carolina, do hereby certify that on this 30th day of December A.D. 1947, the wife of the within named gentleman, Ida L. Marlow, did today appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, duress or fear of any persons or persons whatsoever, renounce, release and forever relinquish unto the within named gentleman, Louis Small, his heirs and assigns, all her interest and estate, and also all her right and claim of Dower, of, in or to all and singular the premises within mentioned and referred.

GIVEN under my hand and seal this 30th day of December, Anno Domini 1947.
E. F. Lechicotte (Seal) Ida L. Marlow (L.S.)
Notary Public for S. C.

I hereby certify that the within deed has been this 30th day of December A.D. 1947.

PROBATE COURT
HORRY COUNTY, SC
2013 AUG 14 PM 2:47
DEIRDRE W. EDMONDS
PROBATE JUDGE

316 DB300-316

3066 N

EXHIBIT "B"

HORRY COUNTY

The STATE OF SOUTH CAROLINA

COUNTY OF HORRY

COURT

TO ALL WHOM THESE PRESENTS MAY CONCERN:

WHEREAS, by an Act of the General Assembly of the State of South Carolina, entitled "An Act in Relation to Forfeited Lands, Delinquent Lands, and Collection of Taxes," approved December 24, 1887, and Acts amendatory thereof, or passed since that time, it is provided that thereafter, immediately upon the expiration of the time allowed by the law for the payment of taxes in any year, the County Treasurer of each County, shall, and is thereby authorized and directed to issue in the name of the State a warrant or execution, in duplicate, against each defaulting taxpayer in his County, signed by him in his official capacity, directed to the Sheriff of his County or his lawful Deputy requiring and commanding him to levy the same by distress and sale of so much of the defaulting taxpayer's estate, real or personal, or both, as may be sufficient to satisfy the taxes, State, School, County, and Special of such defaulter, specifying therein the aggregate amount of all of his taxes as well as the amount to each fund; and

WHEREAS, it is further provided by said Acts, that under and by virtue of said warrant or execution, the Tax Collector shall seize and take exclusive possession of so much of the defaulting taxpayer's estate, real or personal, or both, as may be necessary, to raise the sum of money named therein, and the charges thereon, and after due advertisement sell the same before the Court House door of the County, on a regular sales day, and within the usual hours for public sales, for cash, 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 day of sale, if the property sold be not redeemed as therein provided, and annex said receipt with the duplicate warrant with the endorsement thereon of his action thereunder, and

WHEREAS, W. H. Jordan, Jr., the County Treasurer of

Horry County, has issued his warrant, directed to me, by authority of the laws of South Carolina, against Katherine Knox "Heirs at law" a defaulting tax-payer of this county, strictly charging and commanding me as Tax Collector, of said County, to levy by distress and sale of the personal property, and if sufficient personal property cannot be found, then by distress and sale of the land of the said Katherine Knox "Heirs at law" defaulter, the sum of Fifteen and 91/100 --- (\$15.91) --- Dollars, together with Four and 75/100 --- Dollars, the charges thereof; and

DELORE W. EDMONDS
PROBATE JUDGE

2013 AUG 14 PM 2:47

PROBATE COURT
HORRY COUNTY, SC

317

WHEREAS, by virtue of said warrant or execution, I F. W. Medlen
Tax Collector of the County and State aforesaid, did on the 6th day of April
19 62, seize and take possession of the Katherine Knox "Heirs at law" property, hereinafter described,
and on the sales day of the month of September, in the year 19 62, within the usual hours of
sale after due advertisement, sell the same to Mattie Small
the purchaser, and the highest bidder at such sale, for the sum of Twenty and 66/100 Dollars; and gave a receipt for said purchase
money; and

WHEREAS, twelve months have elapsed since the date of said sale, and the said
Katherine Knox "Heirs at law" the defaulting tax-payer, or other
parties interested, after due notice, have failed to redeem said land so sold for taxes.

NOW, THEREFORE, I F. W. Medlen
Tax Collector of said County, in consideration of the premises, and the sum of
Twenty and 66/100 Dollars, to me paid by the said
Mattie Small

have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said
Mattie Small her heirs and assigns forever that certain fifteen (15) acres
more or less in Socastee Township bounded by lands of Emma Saxby "et al"
and being a part of the Toby Small Estate.

318

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 hereby granted, with the appurtenances, unto the said

Mattie Small

heirs and assigns forever, according to the form, force and effect of the laws and usages of the State of South Carolina in such cases made and provided

WITNESS my hand and seal, this 13th day of September
in the year of our Lord one thousand nine hundred and sixty-three and in the
187th year of the Independence of the United States of America.

Signed, Sealed and Delivered in the
Presence of us:

R. M. McCabe
Dot McKlveen

Thompson (L.S.)
Tax Collector Horry County.

THE STATE OF SOUTH CAROLINA

Horry County.

PERSONALLY APPEARED BEFORE ME

and made oath that he saw the above named
Tax Collector of the County of

the above Deed of Conveyance; and that he, with
witnessed the execution thereof.

SWORN to before me, this 16th
day of September A. D. 19 63

W. E. Frazier
Notary Public for South Carolina.

Dot McKlveen

F. W. Medlen

Horry

sign, seal, and, as his act and deed, deliver

R. M. McCabe

Dot McKlveen

DB 300-319

EXHIBIT "C"

FREE
HERRY COUNTY

The STATE OF SOUTH CAROLINA
COUNTY OF HERRY

CLERK OF COURT
HERRY COUNTY

WHEREAS, by an Act of the General Assembly of the State of South Carolina, entitled "An Act in Relation to Forfeited Lands, Delinquent Lands, and Collection of Taxes," approved December 24, 1887, and Acts amendatory thereof, or passed since that time, it is provided that thereafter, immediately upon the expiration of the time allowed by the law for the payment of taxes in any year, the County Treasurer of each County, shall, and is thereby authorized and directed to issue in the name of the State a warrant or execution, in duplicate, against each defaulting taxpayer in his County, signed by him in his official capacity, directed to the Sheriff of his County or his lawful Deputy, requiring and commanding him to levy the same by distress and sale of so much of the defaulting taxpayer's estate, real or personal, or both, as may be sufficient to satisfy the taxes, State, School, County, and Special of such defaulting taxpayer, specifying therein the aggregate amount of all of his taxes as well as the amount to each fund; and

WHEREAS, it is further provided by said Acts, that under and by virtue of said warrant or execution, the Tax Collector shall seize and take exclusive possession of so much of the defaulting taxpayer's estate, real or personal, or both, as may be necessary, to raise the sum of money named therein, and the charges thereon, and after due advertisement sell the same before the Court House door of the County, on a regular sales day, and within the usual hours for public sales, for cash, 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 day of sale, if the property sold be not redeemed as therein provided, and annex said receipt with the duplicate warrant with the endorsement thereon of his action thereunder, and

WHEREAS, W. H. Jordan, Jr. the County Treasurer of Horry County, has issued his warrant, directed to me, by authority of the laws of South Carolina, against Quincy Knox, Sr. Heirs at law a defaulting tax-payer of this county, strictly charging and commanding me as Tax Collector, of said County, to levy by distress and sale of the personal property, and if sufficient personal property cannot be found, then by distress and sale of the land of the said Quincy Knox, Sr. "Heirs at law" defaulter, the sum of One hundred-fifty and 25/100 --- (\$150.25) --- Dollars, together with Four and 75/100 --- (\$4.75) --- Dollars, the charges thereof; and

PROBATE W. EDWARDS
PROBATE JUDGE
2013 AUG 14 PM 2:47
HERRY COUNTY, SC
PROBATE CO.

320

WHEREAS, by virtue of said warrant or execution, I F. W. Medlen
 Tax Collector of the County and State aforesaid, did on the 9th day of October
 19 62, seize and take possession of the Quinby Knox Sr. "Heirs at law" property, hereinafter described,
 and on the sales day of the month of December, in the year 19 62, within the usual hours of
 sale after due advertisement, sell the same to Mattie Small
as the purchaser, and the highest bidder at such sale, for the sum of One-hundred-fifty-five and no/100 Dollars; and gave a receipt for said purchase
 money; and

WHEREAS, twelve months have elapsed since the date of said sale, and the said
Quinby Knox Sr. Heirs at law the defaulting tax-payer, or other
 parties interested, after due notice, have failed to redeem said land so sold for taxes.

NOW, THEREFORE, I F. W. Medlen
 Tax Collector of said County, in consideration of the premises, and the sum of One-hundred-fifty-five and no/100 Dollars, to me paid by the said
Mattie Small

have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said
Mattie Small, her heirs and assigns forever that certain three acres more or less
located in Socastee Township and bounded on the North by Bethel Church property,
South by lands of Quinby Knox Jr., East by Van Turbeville land and west by
William Oliver lands.

321

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 hereby granted, with the appurtenances, unto the said
Mattie Small

heirs and assigns forever, according to the form, force and effect of the laws and usages of the State of South Carolina in such cases made and provided.

WITNESS my hand and seal, this 20th day of December
in the year of our Lord one thousand nine hundred and sixty-three, and in the
187th year of the Independence of the United States of America.

Signed, Sealed and Delivered in the
Presence of us:

[Signature]
R. M. McCabe

[Signature] (L. S.)
Tax Collector Horry County.

THE STATE OF SOUTH CAROLINA.

Horry County.

PERSONALLY APPEARED BEFORE ME
and made oath that he saw the above named
Tax Collector of the County of Horry
the above Deed of Conveyance; and that he, with
witnessed the execution thereof.

SWORN to before me, this 20th
day of December A. D. 19 63

[Signature]
Notary Public for South Carolina

R. M. McCabe
F. A. Madlen
sign, seal, and, as his act and deed, deliver
Bernie Skipper

[Signature]

552

16496C

EXHIBIT "D"

FILED
Horry County

THOMAS BLAKE CO. TITLE TO REAL ESTATE
PRIVATE PROMOS TO PRIVATE PLANS
TIMOTHY PUBLISHING CO., CORP., N. C.

STATE OF SOUTH CAROLINA JAN 11 AM 9 18

COUNTY OF Horry

CLERK OF COURT

Know all Men by these Presents,

That I, Cleveland Stevens, Trustee for Quimby Knox heirs

in the State aforesaid and in consideration of the
sum of Five and no/100 DOLLARS

to me paid by Mattie Smallie

in the State aforesaid, (Receipt whereof is hereby acknowledged)

have granted, bargained, sold and released and by these presents do grant, bargain, sell and release unto the
said Mattie Smallie, her heirs and assigns

All and singular that certain piece parcel or tract of land situate
and lying and being in Socastee Township, County and State aforesaid
and containing ten (10) acres more or less and bounded as follows:

Beginning at a pipe corner in Collins Creek and Murrels Inlet Road
between Quimby Knox home and Bethel Church, and running thence in a
Easterly direction a line perpendicular to the said Road to the Van
Turberville line, thence with the Van Turberville line in a Southerly
direction to Richard Knox line, thence Richard Knox line in a Westerly
direction to Collins Creek and Murrels Inlet Road, thence with the
Murrels Inlet Road in a Northerly direction to the beginning corner.

This is a part of the identical place upon which I now live and is the
place where my house now stand.

PROBATE COURT
Horry County, SC
2013 AUG 14 PM 2:47
DEIRDRE W. EDMONDS
PROBATE JUDGE

553

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

Mattie Small, her

Heirs and Assigns forever.

And I do hereby bind me and my Heirs and Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said

Mattie Small, her

Heirs and Assigns, against

me and my Heirs, and all persons whomsoever,

lawfully claiming, or to claim

the same, or any part thereof.

Witness my Hand and Seal this 14 day of September

in the year of our Lord one thousand nine hundred and sixty

and in the one hundred and year of the Sovereignty and

Independence of the United States of America.

Cleveland H. Stevens (L. S.)

Signed, Sealed and Delivered in the Presence of

William M. Clark
Edith B. Smith

(L. S.)
(L. S.)
(L. S.)
(L. S.)

PROBATE COURT
HOBBS COUNTY, SC
2013 AUG 14 PM 2:47
DEIRDRE W. EDMONDS
PROBATE JUDGE

554

STATE OF SOUTH CAROLINA,

COUNTY OF Horry

PERSONALLY appeared before me, Billie McCloud

and made oath that he saw the within named Cleveland Stevens

Sign, Seal and as Ethel B. Bulter Act and Deed deliver the within written Deed, and that he with witnessed the execution thereof

Sworn to before me this 14

day of September A. D. 1960

Ethel B. Bulter (L. S.) Billie McCloud
Notary Public for South Carolina

RENUNCIATION OF DOWER

STATE OF SOUTH CAROLINA,

COUNTY OF _____

I, _____ do hereby certify
unto all whom it may concern, that Mrs _____
the wife of the within named grantor did this day appear before me and upon being privately and separately
examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear
of any person or persons whomsoever, renounce, release and forever relinquish unto the within named
grantee _____ Heirs and Assigns, all her interest, and estate, and also all her right and claim of Dower,
of, in or to, all and singular the premises within mentioned and released.

GIVEN under my Hand and Seal this _____ day of _____
Anno Domini 19_____

Notary Public for South Carolina (L. S.) _____ (L. S.)

PROBATE COURT
HORRY COUNTY, SC
2013 AUG 14 PM 2:47
DEIRDRE W. EDMONDS
PROBATE JUDGE

Last Will and Testament

OF
LEWIS SMALL

IN THE NAME OF GOD, AMEN:

Know All Men By these Presents, that I, Lewis Small of Route 1, Box 178, Murrells, Inlet, South Carolina, being of sound and disposing mind, memory and understanding, and capable of executing a valid deed or contract, considering the certainty of death and the uncertainty of the time thereof, and being desirous to settle my worldly affairs and hereby be the better prepared to leave this world when it shall please the almighty to call me hence, do hereby make, publish and declare this my LAST WILL AND TESTAMENT, hereby revoking and annulling all wills, codicils and testamentary dispositions heretofore made by me, in manner and form following, that is to say:

FIRST, and principally, I commit my soul into the hands of Almighty God, and my body to the earth to be decently buried according to rituals of the Christian faith.

SECOND, I direct my executor, hereinafter named, to pay all of my just debts, funeral expenses and other bills as soon after my death as shall be practicable.

THIRD, I give, devise and bequeath unto my children here named, ^{2 living} ~~Margoline Johnson~~, ^{12 living} ~~Isadore Small~~, ^{1 living} ~~Mazie Diane Small~~, ^{1 living} ~~Queenie B. Small~~, ^{1 living} ~~Lewis Small, Jr.~~, ^{1 living} ~~William Small~~, ^{1 living} ~~Patsy Small~~, ^{1 living} ~~Donald L. Small~~, ^{1 living} ~~Janava Small~~, ^{1 living} ~~Daisy Dean Small~~, ^{1 living} ~~Sandra Small~~, ^{1 living} ~~Dewey Small~~, ^{1 living} ~~and Velma Small~~ all of the real and personal property, to have and to hold in fee simple absolute, share and share alike, and to be divided equally. These children shall not sell this land unless it is sold to one another. The real property of this devise is located in Socastee Township of Horry County, South Carolina, and is located on the McDowell Short Cut Road, and containing sixty (60) acres, more or less, and my deed is recorded in the Horry County Courthouse in Deed Book _____, Page _____, and dated December 20, 1947. This land shall be divided up as soon as possible after my death. It shall be surveyed into fourteen equal tracts and the numbers of each tract shall be places in a hat and drawn out by each

DEIRDRE W. EDMONDS
PROBATE JUDGE

2013 AUG 14 PM 2:47

PROBATE COURT
HORRY COUNTY, SC

legatee. I request that Dewey Small shall get cleared land and the tobacco acreage attach to his share so he can pay the taxes on all of the land. What number each of the other persons draws out of the hat, that person shall receive that piece of land and I devise that piece of land to him or her.

FOURTH, I give, devise and bequeath unto my children here named, Willie Small, Sarah Small, Shirley Small and Ralph Small all of the real property that I own in Socastee Township, Horry County, South Carolina, facing S. C. Highway 544, and near the Georgetown County line. This is the land in which was conveyed to me by William Oliver on September 2, 1932, and the deed is recorded in the Horry County Courthouse in Deed Book O-6, Page 11. These legatees shall share and share alike in this piece of land. This is the land across the branch and being a piece of the Oliver tract.

FIFTH, I give, devise and bequeath unto Dewey Small five (5) acres of the ten (10) acre tract my Wife, Mattie Small, left me. ^{L. M. S.}
 The five (5) acres shall be around where his mobile home is now located. He shall designate the five (5) acres. I give the balance of the ten (10) acres, being five (5) acres, to Donald Small, William Small, ^{Lee Lang} and Lewis Small, Jr. ^{Donny} If any of these children decide to sell his or her share they shall sell to the other heirs. I am directing that my children, namely, ^{Step 10} Maxcine Johnson, ^{12/1} Isadore Small, Mazie Diane Small, Queenie B. Small, Lewis Small, Jr., William Small, Patsy Small, Donald L. Small, Janava Small, Daisy Dean Small, Sandra Small, Dewey Small and Geneva Small and Velma Small deed whatever interests they may have in this land to the said Dewey Small, Donald Small, William Small and Lewis Small, Jr. If any child refuse to give a deed as I direct, I hereby disinherit him or her and give whatever share he or she would have gotten to all of the persons that sign without any trouble.

SIXTH, I give, devise and bequesth unto my children, namely, ^{Step 10} Maxcine Johnson, Isadore Small, Mazie Diane Small, Queenie B. Small, Lewis Small, Jr., William Small, Patsy Small, Donald L. Small, Janava Small, Daisy Dean Small, Sandra Small, Dewey Small, Geneva Small, ^{Step 10} Velma Small, and ^{12/1} Marcus Johnson, the Fifteen (15) acres in which I inherited from my wife, Mattie Small, to share and share alike. I direct that my children divide this land as soon after my death as

3.

shall be practicable, and if a person decide to sell, he or she shall sell to the other heirs. I direct that my heirs hereto shall give cross deeds to each other.

SEVENTH, I give, devise and bequeath unto my children, ^{5 + 1/2 acre} namely, Maxcine Johnson, Queenie B. Small, Mazie Diane Small, and Daisy Dean Small, Sandra Small and Geneva Small all of that certain three (3) acre tract of land that I inherited from my wife, Mattie Small, to share and share alike. I direct that all of my children with an interest in this tract sign deeds over to these children and if they do not, I hereby disinherit any one of them that don't sign the deeds.

EIGHTH, I give, devise and bequeath unto my children, namely, Dewey Small, Donald Small, William Small, and Lewis Small, Jr., to share and share alike, the two and one-half (2 $\frac{1}{2}$) ^{4.41} acres and in which I inherited from my grandmother, Sarah Small. From this tract of land, I give and devise the tobacco acreage unto Dewey Small.

NINTH, I give, devise and bequeath unto my son, Dewey Small, all of the tobacco acreage and allotment on the 2 $\frac{1}{2}$ acre tract, 10 acre tract, 3 acre tract. He shall use the money from this tobacco acreage to pay the taxes.

TENTH, I give and devise and bequeath unto my son, Dewey Small, all of my farm machinery and equipment.

ELEVENTH, I give and bequeath my automobile unto my daughter, Sandra Small.

TWELFTH, I hereby nominate, constitute and appoint Dewey Small, the executor of this my Last Will and Testament without requiring him to give any bond, security or surety, whatsoever.

This my Last Will and Testament, consisting of four type-written pages, this page and the next page included, each of which bears my signature on the margin thereof.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 21st day of May A.D. 1979.

 (L.S.)
Lewis (Louis) Small

4.

The foregoing instrument, was this 21st day of May, 1979, subscribed by the testator, Lewis Small, in our presence and was at the same time declared by him to be his LAST WILL AND TESTAMENT, and we at the same time in his presence, at his request and in the presence of each other hereunto subscribed our names as attesting witnesses. And, we do hereby certify that at the time of the execution of said Will the said testator, Lewis Small, was of sound and disposing mind, memory and understanding.

Franklin R. White residing at 510 Hwy. 378, Conway, S.C.

William D. Miller residing at 2210 Bayside Ave., Conway, S.C.

Estella S. Boyd residing at 1713 Race Path Ave., Conway, S.C.

PROBATE COURT
Horry County, SC

2013 AUG 14 PM 2:47

DEIRDRE W. EDMONDS
PROBATE JUDGE

Franklin R. White

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Dewey Lee Small,

Plaintiff,

vs.

Maxine Johnson a/k/a Maxine McQueen a/k/a
Maxcine Johnson, Ernestine Small Bass, Rose
Small a/k/a Rosemary Mary McQueen,
Kassandra D. Odom a/k/a Kassandra D. Shea,
Michelle D. Odom a/k/a Michelle D. DeLa Corte,
Queenie Small a/k/a Queenie B. Arnold a/k/a
Qunnie Arnold, Lewis Filton Small, Jr. a/k/a
Pete Small, William Franklin Small a/k/a Danny
Small, Patsy Ann Small a/k/a Patsy Small Crock
a/k/a Patsy Ann Small Pierick Crock a/k/a Patsy
Pierick, Donald Lee Small, Janava Small a/k/a
Janava Small Lonneux a/k/a Candy Small, Daisy
Dean Small a/k/a Dean Small, Sandra Small
a/k/a Sandra Howard, Jacqueline L. White, Jimmy
Prince, Jr., Veretta Norman, Venata Small Olivera,
Marcus Johnson, Jr., Dewey Jerome Johnson,
John Doe and Jane Doe, Representatives of any
Unknown Heirs,

IN RE: THE ESTATE OF LEWIS SMALL

Defendants,

IN THE PROBATE COURT FOR
THE FIFTEENTH JUDICIAL CIRCUIT
CASE NO.: 1984-ES-26-00075

NOTICE OF HEARING

DEIRDRE W. EDMONDS
PROBATE JUDGE

2013 AUG 21 PM 1:16

PROBATE COURT
HORRY COUNTY, SC

TO: DEFENDANTS ABOVE NAMED:

YOU WILL PLEASE TAKE NOTICE that a hearing will be held on **September 5, 2013 at 10:00 a.m.** The hearing will be held in **Courtroom 2A, Horry County Government and Justice Center**, located at **1301 2nd Avenue, Conway, South Carolina.**

**LAW OFFICES OF N. DAVID DuRANT
AND ASSOCIATES, P.A.**

N. David DuRant

N. David DuRant, Esquire (SCB# 1803)
Post Office Box 14722
Surfside Beach, SC 29587
Telephone: (843) 650-7800
Facsimile: (843) 650-8090
Email: daviddurant@sc.rr.com
ATTORNEY FOR PLAINTIFF

August 21st, 2013

STATE OF SOUTH CAROLINA

COUNTY OF: HORRY

IN THE MATTER OF: LEWIS SMALL

IN THE PROBATE COURT

PROOF OF DELIVERY

CASE NUMBER 1984-ES-26-00075

On the 21st day of August, 2013, I mailed or delivered the following document(s), Plaintiff's Motion to Dismiss Action Pursuant to Rule 12(b)(8) SCRPC and a Notice of Hearing

- ☐ A copy of which is attached hereto and incorporated herein, or
☒ The original of which is on file with the court and incorporated herein,

Delivery was accomplished by the following method (check appropriate box):

- ☐ personal delivery
☐ certified mail
☒ ordinary first class mail
☐ registered mail

to each of the following persons at the address shown:

NAME	ADDRESS
John C. Thomas, Esquire	107 Lewis St., Conway, SC 29526

SWORN to before me this 21st day of August 20 13

Stacy Harroch
Notary Public for South Carolina
My Commission Expires: 08/17/2021

Signature: *Kimberly J. Embury*
Name: Kimberly J. Embury for Dewey Lee Small
Address: Post Office Box 14722
Surfside Beach, SC 29587
Telephone (O): (843) 650-7800
(H):
E-mail: daviddurant@sc.rr.com

Signature: _____
Name: _____
Address: _____
Telephone (O): _____
(H): _____
E-mail: _____

PROBATE COURT
HORRY COUNTY, SC
2013 AUG 21 PM 1:16
DEIRDRE W. EDMONDS
PROBATE JUDGE

STATE OF SOUTH CAROLINA

COUNTY OF: HORRY

IN THE MATTER OF: LEWIS SMALL

IN THE PROBATE COURT

PROOF OF DELIVERY

CASE NUMBER 1984-ES-26-00075

On the 21st day of August, 2013, I mailed or delivered the following document(s), Plaintiff's Motion to Dismiss Action Pursuant to Rule 12(b)(8) SCRCP and a Notice of Hearing

- ☐ A copy of which is attached hereto and incorporated herein, or
☒ The original of which is on file with the court and incorporated herein,

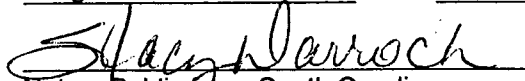
Delivery was accomplished by the following method (check appropriate box):

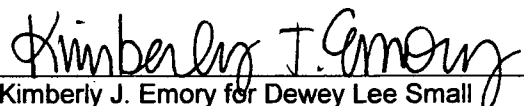
- ☐ personal delivery ☒ ordinary first class mail
☐ certified mail ☐ registered mail

to each of the following persons at the address shown:

NAME	ADDRESS
Donald L. Small	6075 Renata Ln., Myrtle Beach, SC 29588
Jacqueline L. White	14825 Cox Creek Ct., Haymarket, VA 20169
Jimmy Prince, Jr.	3941 Arderly Ct., Sacramento, CA 95826
Veretta Norman	6494 Tayack Place, Alexandria, VA 22312
Venata S. Oliverro	21 Charles St., Apt. # 5A, Poughkeepsie, NY 12601
Marcus Johnson, Jr.	1508 Hemingway St., Myrtle Beach, SC 29577
Dewey J. Johnson	4341 Morgan Ave., Los Angeles, CA 90011

SWORN to before me this 21st day of
August 20 13


Notary Public for South Carolina
My Commission Expires: 08/17/2021

Signature: 
Name: Kimberly J. Emory for Dewey Lee Small
Address: Post Office Box 14722
Surfside Beach, SC 29587
Telephone (O): (843) 650-7800
(H):
E-mail: davidddurant@sc.rr.com

Signature: _____
Name: _____
Address: _____
Telephone (O): _____
(H): _____
E-mail: _____

PROBATE COURT
HORRY COUNTY, SC
2013 AUG 21 PM 1:16
DEIRDRE W. EDMONDS
PROBATE JUDGE

STATE OF SOUTH CAROLINA

COUNTY OF: HORRY

IN THE MATTER OF: LEWIS SMALL

IN THE PROBATE COURT

PROOF OF DELIVERY

CASE NUMBER 1984-ES-26-00075

On the 21st day of August, 20013, I mailed or delivered the following document(s), Plaintiff's Motion to Dismiss Action Pursuant to Rule 12(b)(8) SCRCP and a Notice of Hearing

- ☐ A copy of which is attached hereto and incorporated herein, or
☒ The original of which is on file with the court and incorporated herein,

Delivery was accomplished by the following method (check appropriate box):

- ☐ personal delivery ☒ ordinary first class mail
☐ certified mail ☐ registered mail

to each of the following persons at the address shown:

NAME	ADDRESS
Maxine McQueen	21 Charles St., Apt. # 5A, Poughkeepsie, NY 12601
Ernestine Bass	2101 Lake Trout Ln., Raleigh, NC 27610
Rose Mary Small	21 Charles St., Apt. # 5A, Poughkeepsie, NY 12601
Kassandra D. Odom	10196 Beachcomber St., Moreno Valley, CA 92557
Michelle D. Odom	25661 Sierra Bello Ct., Moreno Valley, CA 92551
Queenie B. Arnold	1212 Red Hollow Dr., North Las Vegas, NV 89031
Jack M. Scoville, Jr., Esquire	P.O. Drawer 1228, Georgetown, SC 29442

SWORN to before me this 21st day of
August 20 13

Stacy Harroch
Notary Public for South Carolina
My Commission Expires: 08/17/2021

Signature: Kimberly J. Emory
Name: Kimberly J. Emory for Dewey Lee Small
Address: Post Office Box 14722
Surfside Beach, SC 29587
Telephone (O): (843) 650-7800
(H):
E-mail: davidddurant@sc.rr.com

Signature: _____
Name: _____
Address: _____
Telephone (O): _____
(H): _____
E-mail: _____

PROBATE COURT
HORRY COUNTY, SC
2013 AUG 21 PM 1:16
DELORE W. EDMONDS
PROBATE JUDGE

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Dewey Lee Small,

Plaintiff,

vs.

Maxine Johnson a/k/a Maxine McQueen a/k/a
Maxcine Johnson, Ernestine Small Bass, Rose
Small a/k/a Rosemary Mary McQueen,
Kassandra D. Odom a/k/a Kassandra D. Shea,
Michelle D. Odom a/k/a Michelle D. DeLa Corte,
Queenie Small a/k/a Queenie B. Arnold a/k/a
Qunnie Arnold, Lewis Filton Small, Jr. a/k/a
Pete Small, William Franklin Small a/k/a Danny
Small, Patsy Ann Small a/k/a Patsy Small Crock
a/k/a Patsy Ann Small Pierick Crock a/k/a Patsy
Pierick, Donald Lee Small, Janava Small a/k/a
Janava Small Lonneux a/k/a Candy Small, Daisy
Dean Small a/k/a Dean Small, Sandra Small
a/k/a Sandra Howard, Jacqueline L. White, Jimmy
Prince, Jr., Veretta Norman, Venata Small Olivera,
Marcus Johnson, Jr., Dewey Jerome Johnson,
John Doe and Jane Doe, Representatives of any
Unknown Heirs,

IN RE: THE ESTATE OF LEWIS SMALL

Defendants,

IN THE PROBATE COURT FOR
THE FIFTEENTH JUDICIAL CIRCUIT
CASE NO.: 1984-ES-26-00075

ORDER OF DISMISSAL
WITHOUT PREJUDICE

PROBATE COURT
HORRY COUNTY, SC
2013 SEP -5 AM 10:14
DEIRDRE W. EDMONDS
PROBATE JUDGE

for hearing on September 5, 2013
THIS MATTER CAME BEFORE ME, pursuant to a Motion to Dismiss Action Pursuant to Rule 12(b)(8) SCRCP, that has been filed by the Plaintiff in this cause of action on August 14, 2013.

The Plaintiff moved to dismiss action based on a Partition Action and a Quiet Title Action pending in the Court of Common Pleas for Horry County under Case Number 2012-CP-26-9832.

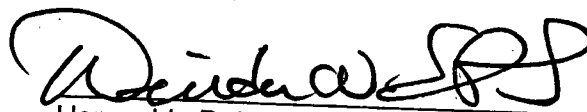
Having reviewed the Pleadings in this matter and other information submitted to the Court in connection with this Motion, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. That a Partition Action and a Quiet Title Action is pending in the Court of Common Pleas for Horry County under Case Number 2012-CP-26-9832.

2. That this matter is dismissed without prejudice.

"AND IT IS SO ORDERED."



Honorable Deirdre W. Edmonds
Probate Court Judge for
Horry County

September _____, 2013
Conway, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

DEWEY LEE SMALL,

PLAINTIFF(S)

VS.

MAXINE JOHNSON, ET AL.

DEFENDANT(S)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2012-CP-26-

(Please Print)

Submitted By: N. David DuRant, Esquire

Address: Post Office Box 14722

Surfside Beach, SC 29587

SC Bar #: 1803

Telephone #: (843) 650-7800

Fax #: (843) 650-8090

Other:

E-mail: officesofdavidurant@sc.rr.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filed and completely signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

JURY TRIAL demanded in complaint.

X NON-JURY TRIAL demanded in complaint.

☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.

X This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.

☐ This case is exempt from ADR (certificate attached).

NATURE OF ACTION (Check One Box Below)

Contracts

- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ Employment (120)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Other (199)

Torts - Professional Malpractice

- ☐ Dental Malpractice (200)
- ☐ Legal Malpractice (210)
- ☐ Medical Malpractice (220)
- ☐ Notice/ File Med Mal (230)
- ☐ Other (299)

Torts - Personal Injury

- ☐ Assault/Slander/Libel (300)
- ☐ Conversion (310)
- ☐ Motor Vehicle Accident (320)
- ☐ Premises Liability (330)
- ☐ Products Liability (340)
- ☐ Personal Injury (350)
- ☐ Wrongful Death (360)
- ☐ Other (399)

Real Property

- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- X ☒ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- X ☒ Other (499)
- Quiet Title

Inmate Petitions

- ☐ PCR (500)
- ☐ Sexual Predator (510)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599)

Judgments/Settlements

- ☐ Death Settlement (700)
- ☐ Foreign Judgment (710)
- ☐ Magistrate's Judgment (720)
- ☐ Minor Settlement (730)
- ☐ Transcript Judgment (740)
- ☐ Lis Pendens (750)
- ☐ Other (799)

Administrative Law/Relief

- ☐ Reinstate Driver's License (800)
- ☐ Judicial Review (810)
- ☐ Relief (820)
- ☐ Permanent Injunction (830)
- ☐ Forfeiture (840)
- ☐ Other (899)

Appeals

- ☐ Arbitration (900)
- ☐ Magistrate-Civil (910)
- ☐ Magistrate-Criminal (920)
- ☐ Municipal (930)
- ☐ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☐ Zoning Board (970)
- ☐ Administrative Law Judge (980)
- ☐ Public Service Commission (990)
- ☐ Employment Security Comm (991)
- ☐ Other (999)

Special/Complex /Other

- ☐ Environmental (600)
- ☐ Automobile Arb. (610)
- ☐ Medical (620)
- ☐ Other (699)
- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Out-of State Depositions (650)

Submitting Party Signature:



Date: December 17, 2012

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF HORRY) FOR THE FIFTEENTH JUDICIAL CIRCUIT
CASE NO.: 2012-CP-26- 9832

Dewey Lee Small,
Plaintiff,
vs.

Maxine Johnson a/k/a Maxine McQueen a/k/a Maxcine
Johnson, Ernestine Small Bass, Rose Small a/k/a
Rosemary Mary McQueen, Kassandra D. Odom a/k/a
Kassandra D. Shea, Michelle D. Odom a/k/a Michelle D.
DeLa Corte, Queenie Small a/k/a Queenie B. Arnold a/k/a
Qunnie Arnold, Lewis Filton Small, Jr. a/k/a Pete Small,
William Franklin Small a/k/a Danny Small, Patsy Ann
Small a/k/a Patsy Small Crock a/k/a Patsy Ann Small
Pierick Crock a/k/a Patsy Pierick, Donald Lee Small,
Janava Small a/k/a Janava Small Lonneux a/k/a Candy
Small, Daisy Dean Small a/k/a Dean Small, Sandra
Small a/k/a Sandra Howard, Jacqueline L. White, Jimmy
Prince, Jr., Veretta Norman, Venata Small Olivera
Marcus Johnson, Jr., Dewey Jerome Johnson, John
Doe and Jane Doe, Representatives of any unknown
Heirs,

IN RE: THE ESTATE OF LEWIS SMALL

DEFENDANTS,

SUMMONS
QUIET TITLE ACTION
AND
PARTITION ACTION FOR
SALE OF REAL PROPERTY

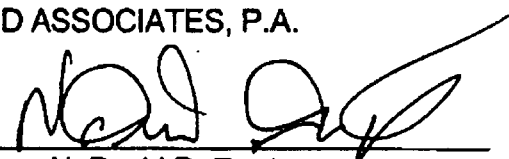
HORRY COUNTY
12 DEC 19 PM 1:30
CLERK OF COURT

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the subscribers, Law Offices of N. David DuRant and Associates, P.A., at their offices, 1801 Glenns Bay Road, Post Office Box 14722, Surfside Beach, South Carolina 29587, within thirty (30) days after the service hereof, and if you fail to answer the Complaint within the time aforesaid, the Plaintiff will apply to the Court for a judgment by default against you for the relief demanded in the Complaint.

LAW OFFICES OF N. DAVID DuRANT
AND ASSOCIATES, P.A.

BY



N. David DuRant
Attorneys for the Plaintiff

December 17, 2012

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
IN THE COURT OF COMMON PLEAS
FOR THE FOURTEENTH JUDICIAL CIRCUIT
CASE NO.: 2012-CP-26- 9832

Dewey Lee Small,

Plaintiff,

vs.

Maxine Johnson a/k/a Maxine McQueen a/k/a
Maxcine Johnson, Ernestine Small Bass, Rose
Small a/k/a Rosemary Mary McQueen,
Kassandra D. Odom a/k/a Kassandra D. Shea,
Michelle D. Odom a/k/a Michelle D. DeLa Corte,
Queenie Small a/k/a Queenie B. Arnold a/k/a
Qunnie Arnold, Lewis Filton Small, Jr. a/k/a
Pete Small, William Franklin Small a/k/a Danny
Small, Patsy Ann Small a/k/a Patsy Small Crock
a/k/a Patsy Ann Small Pierick Crock a/k/a Patsy
Pierick, Donald Lee Small, Janava Small a/k/a
Janava Small Lonneux a/k/a Candy Small, Daisy
Dean Small a/k/a Dean Small, Sandra Small
a/k/a Sandra Howard, Jacqueline L. White, Jimmy
Prince, Jr., Veretta Norman, Venata Small Olivera
Marcus Johnson, Jr., Dewey Jerome Johnson,
John Doe and Jane Doe, Representatives of any
unknown Heirs,

IN RE: THE ESTATE OF LEWIS SMALL

DEFENDANTS,

COMPLAINT
QUIET TITLE ACTION
AND
PARTITION ACTION
FOR SALE OF REAL
PROPERTY

HORRY COUNTY
12 DEC 19 PM 1:30
MELANIE HUGGINS-WARD
CLERK OF COURT

TO THE DEFENDANTS ABOVE NAMED:

1. The Plaintiff listed above is an heir of Lewis Small A/K/A Louis L. Small as well as the Personal Representative of the Estate of Lewis Small a/k/a Louis L. Small.
2. That ~~Lewis Small a/k/a Louis L. Small~~ acquired the following described real property:

ALL AND SINGULAR, that certain piece, parcel, lot or tract of land situate, lying and being in Socastee Township, County of Horry and State of South Carolina, and containing ~~Sixty acres (60) more or less~~ and bounded and described as follows: Beginning at a station in the West margin of the McDowell Short Cut Road and running N. 67 28' W. 1918 Feet to corner, thence N. 22 30' S. 1813 feet to corner, thence S. 56 52' E. to Louisa Johnsons line which was formerly a part of this tract; thence following Louisa Johnson and a 1.90 acre tract of Exekil Johnson, a southerly direction to Road

thence said Road to beginning corner. This tract which is to be conveyed is represented upon a map made of Johnson and Roberts, CEs, showing 62.9 acres more or less on tract adjoining Louisa Johnson to be sold to Exekil Johnson. This being the identical property sold to Lewis Small in Deed Book 53 at Page 218, records of Horry County, South Carolina, TMS #194-00-02-036.

3. This property was acquired by Louis L. Small a/k/a Lewis Small on February 16, 1948. The Deed was recorded in Deed Book 53 at Page 218, a copy of said Deed is attached hereto and marked Exhibit "A" and made a part of this Complaint.

4. On November 1, 1965, Lewis Small a/k/a Louis L. Small's wife Mattie Small died intestate; therefore, Lewis Small a/k/a Louis L. Small acquired two thirds (2/3) of the following properties at the time of his wife's death:

a. That certain Fourteen (14) acres more or less in Socastee Township bounded by lands of Emma Saxby "et al" and being a part of the Toby Small Estate. This being the identical property sold to Mattie Small and recorded in Deed Book 300 at Page 316, records of Horry County, South Carolina, and attached hereto and marked Exhibit "B" and made a part of this Complaint;

b. That certain three (3) acres more or less located in Socastee Township and bounded on the North by Bethel Church property, South by lands of Quinby Knox, Jr., East by Van Turberville land and west by William Oliver lands. This being the identical property sold to Mattie Small and recorded in Deed Book 300 at Page 319, records of Horry County, South Carolina, and attached hereto and marked Exhibit "C" and made a part of this Complaint;

c. All and singular that certain piece, parcel or tract of land situate and lying and being in Socastee Township, County and State aforesaid and containing ten (10) acres more or less and bounded as follows: Beginning at a pipe corner in Collins Creek and Murrells Inlet Road between Cuimby Knox Home and Bethel Church, and running thence in a Easterly direction a line perpendicular to the said Road to the Van Turberville line; thence with the Van Turberville line in a Southerly direction to Richard Knox line; thence Richard Knox line in a Westerly

direction to Collins Creek and Murrells Inlet Road; thence with the Murrells Inlet Road in a Northerly direction to the beginning corner. This being the identical property sold to Mattie Small and recorded in Deed Book 281 at Page 552, records of Horry County, South Carolina and attached hereto and marked Exhibit "D" and made a part of this Complaint.

5. On May 13, 1983, Lewis Small died leaving fourteen (14) living children. Lewis Small a/k/a Louis L. Small was predeceased by his wife and his daughter, Velma Ray Small who had one child. The fourteen (14) children that were living at the time of Lewis Small's a/k/a Louis L. Small death were as follows:

- a. Maxine Johnson a/k/a Maxcine Johnson a/k/a Maxine McQueen;
- b. Mildred S. Jones a/k/a Mildred Small Jones a/k/a Mildred Isadora Small Jones a/k/a Isadore Small a/k/a Isadora Ortega;
- c. Mazie Diane Small a/k/a Mazie D. Odom;
- d. Queenie Small a/k/a Queenie B. Arnold a/k/a Quennie Arnold;
- e. Lewis Filton Small, Jr. a/k/a Pete Small;
- f. William Franklin Small a/k/a Danny Small;
- g. Patsy Ann Small a/k/a Patsy Small Crock a/k/a Patsy Ann Small Pierick Crock a/k/a Patsy Pierick;
- h. Donald Lee Small;
- i. Janava Small a/k/a Janava Small Lonneux a/k/a Candy Small;
- j. Daisy Dean Small a/k/a Dean Small;
- k. Sandra Small a/k/a Sandra Howard;
- l. Dewey Small a/k/a Dewey Lee Small;
- m. Geneva Small a/k/a Geneva Katherine Prince;
- n. Marcus Johnson, Jr.

6. That in accordance with the Last Will and Testament of Lewis Small a/k/a Louis L. Small dated May 21, 1979 (attached hereto and marked as Exhibit "E"), Marcus Johnson, Jr. will not be receiving any interest in the above described sixty (60) acres.

7. That in accordance with the Last Will and Testament of Lewis Small a/k/a Louis L. Small dated May 21, 1979, the approximately sixty (60) acres of property which is the subject of this action is to be divided equally between Lewis Small's a/k/a Louis L. Small fourteen (14) children.

8. The above represents the fourteen (14) legal heirs to the estate of Lewis Small at the time of his death in May 13, 1983. Of those fourteen (14) heirs, the following are presently deceased:

a. Mildred S. Jones a/k/a Mildred Isadora Small Jones a/k/a Isadore Small a/k/a Isadora Ortega died August 24, 2006;

b. Mazie Diane Small a/k/a Mazie D. Odom died October 31, 2010;

c. Geneva Small a/k/a Geneva Katherine Prince died March 14, 1997;

d. Velma Ray Small died January 13, 1980, prior to Lewis Small a/k/a Louis L. Small.

9. Mildred S. Jones a/k/a Mildred Isadora Small Jones a/k/a Isadore Small a/k/a Isadora Ortega, as stated herein above, died on August 24, 2006. She was divorced at the time she died but had two (2) children.

a. The living children at the present time are:

1. Ernestine Small Bass;

2. Rose Mary Small a/k/a Rosemary Mary McQueen.

10. Mazie Diane Small a/k/a Mazie D. Odom, as stated herein above, died on October 31, 2010. She was divorced at the time of her death, and had two (2) children.

a. The living children at the present time are:

1. Kasandra D. Odom a/k/a Kasandra D. Shea;

2. Michelle D. Odom a/k/a Michelle D. DeLa Corte;

11. Geneva Small a/k/a Geneva Katherine Prince, as stated herein above, died on March 14, 1997. She was divorced at the time of her death, and had four (4) children.

a. The living children at the present time are:

1. Jacqueline Lenise White;
2. Veretta Lynn Norman;
3. Jimmy J. Prince, Jr.;
4. Dewey Jerome Johnson.

12. Velma Ray Small was never married when she died January 13, 1980. She had one child at the time of her death.

a. The living child at the present time is:

1. Venata Small Oliverro.

These are the living heirs of Lewis Small a/k/a Louis L. Small.

13. Jane Doe and John Doe represent any unknown heirs of the estate of Lewis Small who are unknown and who may make a claim to the afore described real property.

FOR A FIRST CAUSE OF ACTION
(QUIET TITLE)

14. Plaintiff repeats each and every allegation contained herein as if fully set forth verbatim.

15. That the below described real property is located in Horry County, South Carolina, and is described as follows:

ALL AND SINGULAR, that certain piece, parcel, lot or tract of land situate, lying and being in Socastee Township, County of Horry and State of South Carolina, and containing Sixty acres (60) more or less and bounded and described as follows: Beginning at a station in the West margin of the McDowell Short Cut Road and running N. 67 28' W. 1918 Feet to corner; thence N. 22 30' S. 1813 feet to corner; thence S. 56 52' E. to Louisa Johnsons line which was formerly a part of this tract; thence following Louisa Johnson and a 1.90 acre tract of Exekil Johnson, a southerly direction to Road thence said Road to beginning corner. This tract which is to be conveyed is represented upon a map made of Johnson and Roberts, CEs, showing 62.9 acres more or less on tract adjoining Louisa Johnson to be sold to Exekil Johnson. This being the identical property sold to Lewis Small in Deed Book 53 at Page 218, records of Horry County, South Carolina, Tax Map Number 194-00-02-036

AND

That certain Fifteen (15) acres more or less in Socastee Township bounded by lands of Emma Saxby "et al" and being a part of the Toby Small Estate. This being the identical property sold to Mattie Small and recorded in Deed Book 300 at Page 316, records of Horry County, South Carolina.

AND

That certain three (3) acres more or less located in Socastee Township and bounded on the North by Bethel Church property, South by lands of Quinby Knox, Jr., East by Van Turberville land and west by William Oliver lands. This being the identical property sold to Mattie Small and recorded in Deed Book 300 at Page 319, records of Horry County, South Carolina.

AND

All and singular that certain piece, parcel or tract of land situate and lying and being in Socastee Township, County and State aforesaid and containing ten (10) acres more or less and bounded as follows: Beginning at a pipe corner in Collins Creek and Murrells Inlet Road between Cuimby Knox Home and Bethel Church, and running thence in a Easterly direction a line perpendicular to the said Road to the Van Turberville line; thence with the Van Turberville line in a Southerly direction to Richard Knox line; thence Richard Knox line in a Westerly direction to Collins Creek and Murrells Inlet Road; thence with the Murrells Inlet Road in a Northerly direction to the beginning corner. This being the identical property sold to Mattie Small and recorded in Deed Book 281 at Page 552, records of Horry County, South Carolina and attached hereto and marked Exhibit "D" and made a part of this Complaint.

16. That the afore stated list of heirs are all of the known heirs of Lewis Small a/k/a Louis L. Small who died on May13, 1983.

17. That the fourteen (14) living children at the time of his death and the afore stated heirs of the deceased children presently represent all of the known living heirs of Lewis Small.

18. That Jane Doe and John Doe represent any unknown heirs of the deceased, Lewis Small a/k/a Louis L. Small.

19. That Lewis Small a/k/a Louis L. Small died in possession of the afore described real property.

20. That the Plaintiff seeks an Order of the Court quieting the title to the approximately eighty eight (88) acres described herein and awarding the title to the known heirs as stated herein in this Complaint.

FOR A SECOND CAUSE OF ACTION
(PARTITION ACTION FOR SALE OF PROPERTY)

21. Plaintiff repeats each and every allegation contained herein as if fully set forth verbatim.

22. That the Plaintiff, pursuant to Section 15-61-10 of the South Carolina Code brings a partition action as it relates to the following described real property:

ALL AND SINGULAR, that certain piece, parcel, lot or tract of land situate, lying and being in Socastee Township, County of Horry and State of South Carolina, and containing Sixty acres (60) more or less and bounded and described as follows: Beginning at a station in the West margin of the McDowell Short Cut Road and running N. 67 28' W. 1918 Feet to corner; thence N. 22 30' S. 1813 feet to corner; thence S. 56 52' E. to Louisa Johnsons line which was formerly a part of this tract; thence following Louisa Johnson and a 1.90 acre tract of Exekil Johnson, a southerly direction to Road thence said Road to beginning corner. This tract which is to be conveyed is represented upon a map made of Johnson and Roberts, CEs, showing 62.9 acres more or less on tract adjoining Louisa Johnson to be sold to Exekil Johnson. This being the identical property sold to Lewis Small in Deed Book 53 at Page 218, records of Horry County, South Carolina, Tax Map Number 194-00-02-036

23. That the Plaintiff is an heir at law of Lewis Small a/k/a Louis L. Small, as well as the Personal Representative of his estate, who is deceased having died May 13, 1983. As such, the Plaintiff brings this cause of action.

24. The property herein is located in Horry County, and, therefore, the Horry County Court of Common Pleas has jurisdiction over said property.

25. That the Plaintiff brings this action in order that said property should be sold pursuant to the statute and the proceeds divided as follows:

- a. One Fourteenth (1/14) of the proceeds to Maxine Johnson a/k/a Maxine McQueen a/k/a Maxcine Johnson as set forth herein above.
- b. One Fourteenth (1/14) of the proceeds to Ernestine Small Bass and Rose Mary Small a/k/a Rosemary Mary McQueen, heirs of Mildred S. Jones a/k/a Mildred Small Jones Ortega as set forth herein above.
- c. One Fourteenth (1/14) of the proceeds to Kasandra D. Odom a/k/a Kasandra D. Shea and Michelle D. Odom a/k/a Michelle D. Delacorte, heirs of Mazie Diane Small a/k/a Mazie Diane Odom as set forth herein above.
- d. One Fourteenth (1/14) of the proceeds to Queenie Small a/k/a Queenie B. Arnold a/k/a Qunnie Arnold as set forth herein above.
- e. One Fourteenth (1/14) of the proceeds to Lewis Filton Small, Jr. a/k/a Pete Small as set forth herein above.
- f. One Fourteenth (1/14) of the proceeds to William Franklin Small a/k/a Danny Small as set forth herein above.
- g. One Fourteenth (1/14) of the proceeds to Patsy Ann Small a/k/a Patsy Small Crock a/k/a Patsy Ann Small Pierick Crock a/k/a Patsy Pierick as set forth herein above.
- h. One Fourteenth (1/14) of the proceeds to Donald Lee Small as set forth herein above.
- i. One Fourteenth (1/14) of the proceeds to Janava Small a/k/a Janava Small Londeaux a/k/a Candy Small as set forth herein above.
- j. One Fourteenth (1/14) of the proceeds to Daisy Dean Small a/k/a Dean Small as set forth herein above.
- k. One Fourteenth (1/14) of the proceeds to Sandra Small a/k/a Sandra Howard as set forth herein above.

l. One Fourteenth (1/14) of the proceeds to Dewey Small a/k/a Dewey Lee Small as set forth herein above.

m. One Fourteenth (1/14) of the proceeds to Jacqueline Lenise White, Veretta Lynn Norman, Jimmy J. Prince, Jr. and Dewey Jerome Johnson as set forth herein above.

n. One Fourteenth (1/14) of the proceeds to Venata Small Oliverro as set forth herein above.

26. This property cannot feasibly be divided as a partition in kind, and a partition in kind cannot be fairly and equally made. The Plaintiff, therefore, requests an Order of the Court that this property be placed for sale and a division of the proceeds be made according to the rights of the parties as set forth herein.

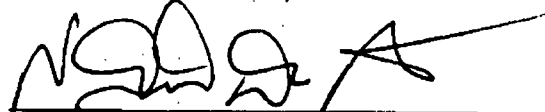
27. Further, according to the Last Will and Testament of Lewis Small a/k/a Louis L. Small (attached hereto as Exhibit "E"), it is clear that failure of any Heir to agree with the terms of the Last Will and Testament would result in that Heir being disinherited, and his or her interest or share be divided equally among those who have agreed with the terms and conditions of the Last Will and Testament.

28. The Plaintiff further requests that pursuant to Statute 15-61-110 that the Court set attorney's fees as may be equitable against all parties in interest herein and that these attorney's fees and costs be paid first from the proceeds from the sale before distribution.

WHEREFORE, having fully set forth causes of action upon which relief can be granted, the Plaintiff requests the following relief:

- a. An Order quieting title to the afore described real property;
- b. For a partition for an Order requiring the sale of the real property herein above described and a division of proceeds according to the rights of the parties;
- c. For an Order granting equitable attorney's fees and costs to be determined by the Court and that said attorney's fees and costs will be paid first from the proceeds of the sale before distribution to the heirs;
- d. For such other and further relief as this Court may deem just and proper.

LAW OFFICES OF N. DAVID DuRANT
AND ASSOCIATES, P.A.



N. David DuRant
Attorney for the Plaintiffs
Post Office Box 14722
Surfside Beach, SC 29587
(843) 650-7800

December 17, 2012

STATE OF SOUTH CAROLINA

COUNTY OF Horry

Present: J. C. Hays, James C. Hays, Francis Hays, Harry L. Hays, John L. Hays, and Frank L. Hays

Filed Jan. 12th, 1948 2:10 P.M. D. H.

Documentary Stamp \$ 3.10

EXHIBIT "A"

6653 Page 218

1. We, J. C. Hays, James C. Hays, Francis Hays, Harry L. Hays, John L. Hays, and Frank L. Hays

in the State of South Carolina

In consideration of the sum of

One Thousand and No/100 Dollars (\$1,000.00) - - -

Dollars

to Louis L. Scall, of the County of Horry

in the State of South Carolina

have granted, bargained, sold, released, and by these presents do give, bargain, sell and release unto the said Louis L. Scall, All and singular that certain piece, parcel, lot or tract of land situate, lying and being in the County of Horry and State of South Carolina, and containing more or less and bounded and described as follows: Beginning at a station in the West corner of the McDevell tract out Road and running N. 67° 25' W. 1910 feet to corner; thence N. 71° 11' W. 100 feet to corner; thence S. 52° 1' E. to Louise Johnsons line which was formerly a part of this tract; thence following Louise Johnson and a 1.40 acre tract of Mackil Johnson, a southerly direction to Road thence said Road to beginning corner. This tract which is to be conveyed in representation upon a map made of Johnsons Roberts, etc., showing 02.9 acres more or less, tract adjoining Louise Johnson to be sold to Mackil Johnson.

This deed is subject to a timber deed previously given as follows: Francis Hays, Harry L. Hays, John L. Hays, and Frank L. Hays.

Witness my hand and seal of the County of Horry, South Carolina, this 12th day of January, 1948.

PERSONALLY appeared before me Graver C. Doster Jr. and made oath that he saw the within named James C. Hays sign, seal, and as his act and deed, deliver the within written deed, and that Graver C. Doster Jr. with Agnes U. Ellis witnessed the execution thereof.

SUBSCRIBED to before me this 10th day of January A.D. 1948. Graver C. Doster Jr.
Harry U. Davis (Seal)
Notary Public for Charleston Co., S. C.
My comm. exps. July 7, 1948

STATE OF Maryland

PERSONALLY appeared before me William V. Treacy and made oath that he saw the within named Francis Hays sign, seal, and as his act and deed, deliver the within written deed, and that W. V. Treacy with James S. Harris witnessed the execution thereof.

SUBSCRIBED TO before me this 12th day of February A.D. 1948. James S. Harris
William V. Treacy
N. Y. Exps. 3/2/49
(Seal)
Notary Public for Maryland

TO HAVE AND TO HOLD, all and singular, the premises before mentioned unto the said

Louis L. Small, his heirs and assigns forever.

STATE OF SOUTH CAROLINA
Georgetown County

PERSONALLY appeared before me J. C. Leachette and made oath that he saw the within named Frank L. Marlow and Mary L. Marlow sign, seal, and as their act and deed, deliver the within written deed for the uses and purposes therein mentioned, and that he with J. C. Leachette witnessed the execution thereof.

GIVEN to be before on this 20th day of
December A.D. 1947.
J. C. Leachette
Notary Public for S. C.

L. C. Leachette

And ... We ... do hereby bind, ourselves, our heirs and assigns and administrators, to support and enforce and defend all and singular the said premises unto the said Louis L. Small, his heirs and assigns forever.

Witness my hand and seal of office this 20th day of December, 1947.

and all persons whomsoever lawfully claiming or to claim the same, or any part thereof

WITNESSES my hand and seal of office this 20th day of December, 1947.

and in the one hundred and seventy-second year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered
in the presence of

James B. Little

James B. Little

James V. Blakely

James S. Harris

J. C. Leachette

James V. Blakely

Louis L. Marlow (Seal)

Mary L. Marlow (Seal)

James L. Marlow (L.S.)

J. C. Leachette (Seal)

James V. Blakely (L.S.)

STATE OF SOUTH CAROLINA

County of Georgetown

PERSONALLY APPEARED before me James V. Blakely

GIVEN to be before me this 20th day of

January A.D. 1947

James V. Blakely (Seal)

Notary Public for S. C.

STATE OF SOUTH CAROLINA

County of Georgetown

REINFORCEMENT OF DEED

I, J. C. Leachette, Notary Public for South Carolina

do hereby certify that all when it was executed that Mrs. Isabelle L. Marlow

the wife of the within named parties, Mary L. Marlow

did this day appear before me, and when being privately and separately examined by me, she declared that she does hereby, voluntarily, and without

any coercion, duress or fear of any person or persons whatsoever, purchase, release and forever relinquish unto the within named parties

Louis L. Small, his heirs and assigns, all her interest and estate, and also all her right and claim of Dower, of, in or to all and singular the premises within mentioned

and released.

GIVEN under my hand and seal this 20th day of

January A.D. 1947

J. C. Leachette (Seal)

Notary Public for S. C.

I hereby certify that the within deed has been this

20th day of January A.D. 1947

at the County of Georgetown

Witnessed this day of

A.D. 1947, in Book Page For S.

Notary for S. C.

316 DB300316

3066 N

EXHIBIT "B".

Horry County

The STATE OF SOUTH CAROLINA PM 2 10

COUNTY OF HORRY

Clerk of Court

ALL WHOM THESE PRESENTS MAY CONCERN:

WHEREAS, by an Act of the General Assembly of the State of South Carolina, entitled "An Act in Relation to Forfeited Lands, Delinquent Lands, and Collection of Taxes," approved December 24, 1887, and Acts amendatory thereof, or passed since that time, it is provided that thereafter, immediately upon the expiration of the time allowed by the law for the payment of taxes in any year, the County Treasurer of each County, shall, and is thereby authorized and directed to issue in the name of the State a warrant or execution, in duplicate, against each defaulting taxpayer in his County, signed by him in his official capacity, directed to the Sheriff of his County or his lawful Deputy requiring and commanding him to levy the same by distress and sale of so much of the defaulting taxpayer's estate, real or personal, or both, as may be sufficient to satisfy the taxes, State, School, County, and Special of such defaulter, specifying therein the aggregate amount of all of his taxes as well as the amount to each fund; and

WHEREAS, it is further provided by said Acts, that under and by virtue of said warrant or execution, the Tax Collector shall seize and take exclusive possession of so much of the defaulting taxpayer's estate, real or personal, or both, as may be necessary, to raise the sum of money named therein, and the charges thereon, and after due advertisement sell the same before the Court House door of the County, on a regular sales day, and within the usual hours for public sales, for cash, 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 day of sale, if the property sold be not redeemed as therein provided, and annex said receipt with the duplicate warrant with the endorsement thereon of his action thereunder, and

WHEREAS, W. H. Jordan, Jr. the County Treasurer of Horry County, has issued his warrant, directed to me, by authority of the laws of South Carolina, against Katherine Knox "Hairs at law" a defaulting tax-payer of this county, strictly charging and commanding me as Tax Collector, of said County, to levy by distress and sale of the personal property, and if sufficient personal property cannot be found, then by distress and sale of the land of the said Katherine Knox "Hairs at law" defaulter, the sum of Fifteen and 91/100 (\$15.91) Dollars, together with Four and 75/100 Dollars, the charges thereon; and

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WHEREAS, by virtue of said warrant or execution, I F. W. Medlen
Tax Collector of the County and State aforesaid, did on the 6th day of April
19 62, seize and take possession of the Katherine Knox "Heirs at law" property, hereinafter described,
and on the sales day of the month of September, in the year 19 62, within the usual hours of
sale after due advertisement, sell the same to Mattie Small
the purchaser, and the high and bidder at such sale, for the sum of
Twenty- and 66/100 Dollars; and gave a receipt for said purchase
money; and

WHEREAS, twelve months have elapsed since the date of said sale, and the said
Katherine Knox "Heirs at law" the defaulting tax-payer, or other
parties interested, after due notice, have failed to redeem said land so sold for taxes.

NOW, THEREFORE, I F. W. Medlen
Tax Collector of said County, in consideration of the premises, and the sum of
Twenty and 66/100 Dollars, to me paid by the said
Mattie Small

have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said
Mattie Small her heirs and assigns forever that certain fifteen (15) acres
more or less in Socastee Township bounded by lands of Emma Saxby "et al"
and being a part of the Toby Small Estate.

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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 hereby granted, with the appurtenances, unto the said Mattie Small

heirs and assigns forever, according to the form, force and effect of the laws and usages of the State of South Carolina in such cases made and provided

WITNESS my hand and seal, this 13th day of September
in the year of our Lord one thousand nine hundred and sixty-three and in the
187th year of the Independence of the United States of America.

Signed, Sealed and Delivered in the
Presence of us:

R. M. McCabe
Dot McElveen

Jim Mellen (L. S.)
Tax Collector Horry County.

THE STATE OF SOUTH CAROLINA

Horry County.

PERSONALLY APPEARED BEFORE ME

and made oath that he saw the above named

Tax Collector of the County of

the above Deed of Conveyance; and that he, with
witnessed the execution thereof.

SWORN to before me, this 16th
day of September A. D. 19 63

W. C. Flanagan
Notary Public for South Carolina.

Dot McElveen

E. W. McGlen

Horry sign, seal, and, as his act and deed, deliver

R. M. McCabe

Dot McElveen

DB 300-319

EXHIBIT "C"

CLERK OF COURT
Horry County

The STATE OF SOUTH CAROLINA
COUNTY OF HORRY

CLERK OF COURT
TO ALL WHOM THESE PRESENTS MAY CONCERN:

WHEREAS, by an Act of the General Assembly of the State of South Carolina, entitled "An Act in Relation to Forfeited Lands, Delinquent Lands, and Collection of Taxes," approved December 24, 1887, and Acts amendatory thereof, or passed since that time, it is provided that thereafter, immediately upon the expiration of the time allowed by the law for the payment of taxes in any year, the County Treasurer of each County, shall, and is thereby authorized and directed to issue in the name of the State a warrant or execution, in duplicate, against each defaulting taxpayer in his County, signed by him in his official capacity, directed to the Sheriff of his County or his lawful Deputy, requiring and commanding him to levy the same by distress and sale of so much of the defaulting taxpayer's estate, real or personal, or both, as may be sufficient to satisfy the taxes, State, School, County, and Special of such default-
er, specifying therein the aggregate amount of all of his taxes as well as the amount to each fund; and

WHEREAS, it is further provided by said Acts, that under and by virtue of said warrant or execution, the Tax Collector shall seize and take exclusive possession of so much of the defaulting taxpayer's estate, real or personal, or both, as may be necessary, to raise the sum of money named therein, and the charges thereon, and after due advertisement sell the same before the Court House door of the County, on a regular sales day, and within the usual hours for public sales, for cash, 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 day of sale, if the property sold be not redeemed as therein provided, and annex said receipt with the duplicate warrant with the endorsement thereon of his action thereunder, and

WHEREAS, W. H. Jordan, Jr.

is

the County Treasurer of

Horry County, has issued his warrant, directed to me, by authority of the laws of South Carolina, against

Winby Knox, Sr. Heirs at law

a defaulting tax-payer of this county, strictly charging and commanding me as Tax Collector, of said County, to levy by distress and sale of the personal property, and if sufficient personal property cannot be found, then by distress and sale of the land of the said

Winby Knox, Sr. "Heirs at law"

defaulter,

the sum of One hundred and fifty and 25/100 (\$150.25) Dollars,

together with Four and 75/100 (\$4.75) Dollars,

the charges thereof; and



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WHEREAS, by virtue of said warrant or execution, I F. W. Madlen
Tax Collector of the County and State aforesaid, did on the 9th day of October
19 62, seize and take possession of the Quinby Knox Sr. "Heirs at law" property, hereinafter described,
and on the sales day of the month of December, in the year 19 62, within the usual hours of
sale after due advertisement, sell the same to Mattie Small
the purchaser, and the highest bidder at such sale, for the sum of
One-hundred-fifty-five and no/100 Dollars; and gave a receipt for said purchase
money; and

WHEREAS, twelve months have elapsed since the date of said sale, and the said
Quinby Knox Sr. Heirs at law the defaulting tax-payer, or other
parties interested, after due notice, have failed to redeem said land so sold for taxes.

NOW, THEREFORE, I F. W. Madlen
Tax Collector of said County, in consideration of the premises, and the sum of
One-hundred-fifty-five and no/100 Dollars, to me paid by the said
Mattie Small

have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said
Mattie Small, her heirs and assigns forever that certain three acres more or less
located in Socastee Township and bounded on the North by Bethel Church property,
South by lands of Quinby Knox Jr., East by Van Turbeville land and west by
William Oliver lands.

321

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 hereby granted, with the appurtenances, unto the said
Mattie Small

heirs and assigns forever, according to the form, force and effect of the laws and usages of the State of South Carolina in such cases made and provided.

WITNESS my hand and seal, this 20th day of December
in the year of our Lord one thousand nine hundred and sixty-three, and in the
187th year of the Independence of the United States of America.

Signed, Sealed and Delivered in the
Presence of us:

Bernie Skipper
R. M. McCabe

F. A. Madlen (L. S.)
Tax Collector Horry County.

THE STATE OF SOUTH CAROLINA,

Horry County.

PERSONALLY APPEARED BEFORE ME

and made oath that he saw the above named

Tax Collector of the County of Horry

the above Deed of Conveyance; and that he, with

witnessed the execution thereof.

SWORN to before me, this 20th
day of December A. D. 19 63

Notary Public for South Carolina

R. M. McCabe

F. A. Madlen

sign, seal, and, as his act and deed, deliver
Bernie Skipper

R. M. McCabe

552

16436C

EXHIBIT "D"

FILED
Horry COUNTYTRANSFERRED FROM THE PUBLIC TO THE PRIVATE SECTOR
NATIONAL ARCHIVES COLLEGE PARK, MARYLAND

STATE OF SOUTH CAROLINA, JAN 11 AM 9 18

COUNTY OF Horry

CLERK OF COURT

Know all Men by these Presents,

That I, Cleveland Stevens, Trustee for Quincy Knox heirs

in the State of South Carolina, do hereby certify that in consideration of the
sum of Five and no/100 DOLLARS

to me paid by Mattie Swells, her heirs and assigns

in the State of South Carolina, do hereby acknowledge

have granted, sustained, sold and released and by these presents do grant, bargain, sell and release unto the
said Mattie Swells, her heirs and assignsAll and singular that certain piece parcel or tract of land situate
and lying and being in Seecrests Township, County and State aforesaid
and containing ten (10) acres more or less and bounded as follows:Beginning at a pipe corner in Collins Creek and Murrels Inlet Road
between Quincy Knox home and Bethel Church, and running thence in a
Easterly direction a line perpendicular to the said Road to the Van
Turberville line; thence with the Van Turberville line in a Southerly
direction to Richard Knox line; thence Richard Knox line in a Westerly
direction to Collins Creek and Murrels Inlet Road; thence with the
Murrels Inlet Road in a Northerly direction to the beginning corner.This is a part of the identical piece upon which I now live and is the
place where my house now stand.

553

TOGETHER with all and singular the Rights, Members, Heres, Assignments, and Appointments 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 _____

Mattie Smalls, her

Heirs and Assigns forever.

And I do hereby bind _____ Heirs and Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said _____

Mattie Smalls, her

_____ Heirs and Assigns, against _____ and _____ Heirs and all persons whomsoever, _____ lawfully claiming, or to claim the same, or any part thereof.

Witness _____ my Hand _____ and Seal _____ 14 day of September _____ in the year of our Lord one thousand nine hundred and _____ sixty _____ and in the one hundred and _____ year of the Sovereignty and Independence of the United States of America.

Cleveland Stinson S.

(L. S.)

(L. S.)

(L. S.)

(L. S.)

Signed, Sealed, and Delivered
in the Presence of

Billie McChesney
Edith Smith

554

STATE OF SOUTH CAROLINA,

COUNTY OF Horry

PERSONALLY appeared before me, Billie McCloud

and made oath that he saw the within named Cleveland Stevens

Sign, Seal and as Ethel B. Bulter Act and Deed deliver the within written Deed; and that he with Ethel B. Bulter witnessed the execution thereof.

Sworn to before me this 14

day of Sept 1960 A. D. 19 60

Ethel B. Bulter Billie McCloud
Notary Public for South Carolina

STATE OF SOUTH CAROLINA,

RENUNCIATION OF DOWER

COUNTY OF _____

I, _____ do hereby certify unto all whom it may concern, that Mrs. _____ the wife of the within named grantor did this day appear before me and upon being privately and separately examined by me, did declare that she acts freely, voluntarily, and without any compulsion, dread or fear of any person or persons whatsoever, renounced, released and forever relinquished unto the within named grantor, _____ Heirs and Assigns, all her interest, and estate, and also all her right and claim of Dower, of, in or to, all and singular the premises within mentioned and released.

GIVEN under my Hand and Seal this _____ day of _____ Anno Domini 19 _____

Notary Public for South Carolina (L. S.) (L. S.)

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

Dewey Lee Small,

PLANTIFF,

vs.

Maxine Johnson a/k/a Maxine McQueen,
a/k/a Maxine Johnson, Ernestine Bass
Rose Mary Small, Cassandra D. Odom,
Michele Odom, Queenie Small a/k/a Queenie
B. Arnold a/k/a Qunnie Arnold, Lewis
Filton Small, Jr., a/k/a Pete Small,
William Franklin Small a/k/a Danny Small
Patsy Ann Small a/k/a Patsy Small Crock
a/k/a Patsy Ann Small Pierick Crock a/k/a
Patsy Pierick, Donald lee Small, Janava
Small a/k/a Janava Small Londeaux a/k/a
Candy Small, Daisy Dean Small a/k/a
Dean Small, Sandra Small a/k/a Sandra
Howard, Jacqueline L. White, Jimmy Prince
Jr., Veretta Norman, Venetta Olivera,
Marcus Johnson, Jr., John Doe and Jane Doe
Representatives of any unknown heirs

IN RE: THE ESTATE OF LEWIS SMALL
DEFENDANTS,

IN THE PROBATE COURT
FIFTEENTH JUDICIAL CIRCUIT
Case Number 2012-CP-26-9832

MARCUS JOHNSON, JR.
ANSWER TO PLAINTIFF'S
COMPLAINT

FILED
HORRY COUNTY
2013 JAN 16 PM 2:56
MELANIE HUGGINS-WALKER
CLERK OF COURT

TO: PETITIONER ABOVE NAMED AND THEIR ATTORNEYS, N. DAVID
DURANT, ESQUIRE:

The Defendant, Marcus Johnson, Jr., hereinafter referred to as "Defendant",
answering the Plaintiff's Complaint for Quiet Title and Partition Action for Sale of Real
Property of the Defendant herein, alleges as follows:

1. Denies each and every allegation of the Complaint which is not hereinafter
specifically admitted, qualified or explained.

2. Admits in part and deny in part the allegations contained in paragraphs 1, of the Complaint. Admit that Plaintiff is an heir but denies he is the Personal Representative of the Estate of Lewis Small a/k/a Louis L. Small
3. Admits the allegations contained in paragraph 2 and 3 of the Complaint.
4. Admits in part and deny in part the allegations contained in paragraph 4 of the Complaint. Admit the allegations in parts B and C but denies the allegations in part A that the property is 14 acres more or less the acres is 15 acres more or less.
5. Admits the allegations contained in paragraphs 5, 6, 7, 8, 9, 10, 11, 12, and 13 of the Complaint.
6. Admits the allegations contained in paragraph 15 of the Complaint.
7. Admits the allegations contained in paragraphs 16, 17 and 18 of the Complaint.
8. Admits in part and denies in part to the allegations contained in paragraph 19 of the Complaint. Defendant admits that Lewis Small a/k/a Louis L. Small died in possession of the Sixty (60) acres but denies he was in full possession of the other Twenty-Eight (28) acres of land left by Mattie Small upon her death.
9. Denies the allegations contained in paragraph 20 of the Complaint as Lewis Small a/k/a Louis L. Small only had possession of Sixty (60) acres and 2/3 rights to the other Twenty-Eight (28) acres of land and therefore, a quiet title is not in the best interest of the Defendant.
10. Admit the allegations contained in paragraph 22 of the Complaint.

11. Admits in part and denies in part to the allegations contained in paragraph 23 of the Complaint. Defendant admits that Plaintiff is an heir at law of Lewis Small a/k/a Louis L. Small, but denies Plaintiff is the Personal Representative of the estate of Lewis Small a/k/a Louis L. Small and demands strict proof thereof.
12. Admits the allegations contained in paragraph 24 of the Complaint.
13. Admit allegations contained in paragraph 25 of the Complaint as they relate to the Sixty (60) acres of land solely.
14. Admit the allegations contained in paragraph 26, of the Complaint. Admits that as to the Sixty (60) acres solely to be partition in kind and if a partition in kind cannot be fairly and equally made that the Sixty (60) and solely the Sixty (60) acres be placed for sale and division of the proceeds be made according to the rights of the parties.
15. Admit in part and deny in part the allegations contained in paragraph 27, of the Complaint. Admits that all heirs are bound by the agreement of the Last Will and Testament, but denies the division of the property as Lewis Small a/k/a Louis Small only had complete control of the Sixty (60) acres and $\frac{2}{3}$ of the other property upon his death and the division is beyond his $\frac{2}{3}$ control. As such decedent only had rights to divide his Sixty (60) acres and $\frac{2}{3}$ of his inherited property upon his death.
16. Deny the allegations contained in paragraph 28 of the Complaint and demands strict proof thereof.

WHEREFORE, having fully set forth an Answer to the Plaintiff the Defendant is informed and believes that he is entitled to the following:

- a. The dismissal of the Plaintiff' Complaint Quiet Title action and Partition Action for Sale of Real Property;
- b. That Petitioner is responsible for his own attorney fees and cost.
- c. For such other and further relief as this Court may deem just and proper.

Respectfully submitted,

By: Marcus Johnson Jr.
Marcus Johnson, Jr.
Pro- Se Respondent
1508 Hemingway Street
Myrtle Beach, SC 29577
(843)

Jan, 16, 2013
Myrtle Beach, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

Dewey Lee Small,)

PLANTIFF,)

vs.)

Maxine Johnson a/k/a Maxine McQueen,)
a/k/a Maxine Johnson, Ernestine Bass)
Rose Mary Small, Cassandra D. Odom,)
Michele Odom, Queenie Small a/k/a Queenie)
B. Arnold a/k/a Queenie Arnold, Lewis)
Filton Small, Jr., a/k/a Pete Small,)
William Franklin Small a/k/a Danny Small)
Patsy Ann Small a/k/a Patsy Small Crock)
a/k/a Patsy Ann Small Pierick Crock a/k/a)
Patsy Pierick, Donald lee Small, Janava)
Small a/k/a Janava Small Lonneaux a/k/a)
Candy Small, Daisy Dean Small a/k/a)
Dean Small, Sandra Small a/k/a Sandra)
Howard, Jacqueline L. White, Jimmy Prince)
Jr., Veretta Norman, Venetta Olivera,)
Marcus Johnson, Jr., John Doe and Jane Doe)
Representatives of any unknown Heirs)

IN RE: THE ESTATE OF LEWIS SMALL)
DEFENDANTS,)

IN THE CIVIL COURT
FIFTEENTH JUDICIAL CIRCUIT
Case Number 2012-CP-26-9832

Jacqueline L. White
ANSWER TO PLAINTIFF'S
COMPLAINT

January 28, 2013

FILED
HORRY COUNTY
2013 MAR -8 PM 1:10
MELANIE HUGGINS-WARD
CLERK OF COURT

TO: PLAINTIFF ABOVE NAMED AND HIS ATTORNEY, N. DAVID DURANT, ESQUIRE:

The Defendant, Jacqueline L. White, hereinafter referred to as "Defendant", answering the Plaintiff's Complaint for Quiet Title, Partition Action for Sale of Real Property, and Request for Attorney Fees and further relief. The Defendant herein, alleges as follows:

The Defendant OBJECTS to the Quiet Title Action and Partition Action for Sale of Real Property Estate of Lewis Small as indicated in Complaint (Case No.: 2012-CP-26-9832).

1. Admits the Plaintiff (Dewey Lee Small) is an Heir of Louis L. Small. Denies allegation contained in paragraph 1 of the Complaint, Plaintiff is the Personal Representative of the Estate of Lewis Small a/k/a Louis L. Small and demands strict proof thereof.
2. Admits allegation contained in paragraph 2 of the Complaint that Lewis Small a/k/a Louis L. Small acquired the real property as described in the Complaint.
3. Admits allegation contained in paragraph 3 of the Complaint that Lewis Small a/k/a Louis L. Small acquired the Real Property as described in the Complaint.
4. Denies allegation contained in paragraph 4(a) of the Complaint. The property in Socastee Township is 15 acres more or less, NOT 14 acres more or less. Admits allegations contained in paragraph 4(b) and 4(c) of the Complaint.
5. Admits allegations contained in paragraphs 5., 6., 7., 8., 9., 10.
6. Denies allegation in paragraph 11. (a.) (4.) of the Complaint and demands strict proof. Dewey Jerome Johnson is NOT an Heir of Geneva Small a/k/a Geneva Katherine Prince; she relinquished all parental rights to Dewey Jerome Johnson a/k/a Jerome Johnson in Horry County in 1963 to Rosa Johnson. At the time of his adoptions his birth certificate was reissued listing Rosa Johnson as his mother. Jerome has attended school and joined the military using his reissued birth certificate. In addition, he also inherited property as a "Johnson Heir" when his adoptive mother Rosa died.
7. Admits allegations contained in paragraphs 12 and 13 of the Complaint.
8. Paragraph 14. No comment.
9. Admits allegation contained in paragraph 15 of the Complaint.

10. Denies allegation contained in paragraph 16 of the Complaint. As stated in paragraph 6., Dewey Jerome Johnson is NOT an Heir of Geneva Small a/k/a Geneva Katherine Prince; therefore he is NOT an Heir of Lewis Small a/k/a Louis L. Small. The Defendant demands strict proof thereof.

11. Denies allegation contained in paragraph 17 of the Complaint. As stated in paragraph 6., Dewey Jerome Johnson is NOT an Heir of Geneva Small a/k/a Geneva Katherine Prince; therefore he is NOT an Heir of Lewis Small a/k/a Louis L. Small. The Defendant demands strict proof thereof.

12. Admits allegation contained in paragraph 18 of the Complaint.

13. Denies in part to the allegations contained in paragraph 19 of the Complaint. Defendant admits that Lewis Small a/k/a Louis L. Small died in possession of the Sixty (60) acres but denies he was in full possession of the other Twenty-Eight (28) acres of land left by Mattie Small upon her death.

14. Denies the allegation contained in paragraph 20 of the Complaint as Lewis Small a/k/a Louis L. Small only had possession of Sixty (60) acres and 2/3 rights to the other Twenty-Eight (28) acres of land and therefore, a quiet title is not in the best interest of the Defendant.

In addition, the Defendant would like the Will to be executed as requested by the deceased, Lewis Small a/k/a Louis L. Small, to allow all Heirs to inherit their share of the Real Property to retain or sell as they desire.

15. Paragraph 21. No comment.

16. Denies the allegation contained in paragraph 22 of the Complaint. Defendant does not approve the Partition Action for Sale of Property. Defendant orders the execution of the Will and Testament of Lewis Small a/k/a Louis L. Small and the equal division of the Eighty-Eight (88) acres amongst the Heirs as stated in the Will.

17. Admits in part and denies in part to the allegations contained in paragraph 23 of the Complaint. Defendant admits that the Plaintiff is an Heir at law of Lewis Small a/k/a Louis L. Small, but denies the Plaintiff is the Personal Representative of the estate of Lewis Small a/k/a Louis L. Small and demands strict proof thereof.

18. Admits the allegations contained in paragraph 24 of the Complaint.

19. Denies the allegation contained in paragraph 25 of the Complaint. Said property should not be sold. Defendant does not approve the sale of the Real Property described in paragraph 22. Denies Plaintiff's action to include Dewey Jerome Johnson as an Heir. Dewey Jerome Johnson is NOT an Heir of Lewis Small a/k/a Louis L. Small and the Defendant demands strict proof thereof. In 1963 Geneva Small a/k/a Geneva Katherine, Heir of Lewis Small a/k/a Louis Small relinquished all parental rights of Dewey Jerome Johnson to Rosa Johnson in Horry County, South Carolina.

20. Denies the allegation contained in paragraph 26 of the Complaint. A partition in kind CAN be fairly and equally made. The Eighty-Eight (88) acres of land CAN be divided equally amongst the Heirs according to the Will.

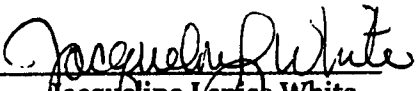
21. Denies the allegation contained in paragraph 27 of the Complaint. The Will and Testament of Lewis Small a/k/a Louis Small was never executed.

22. Denies the allegation contained in paragraph 28 of the Complaint and demands strict proof thereof. The Plaintiff's Attorney does not represent the Defendant therefore the Attorneys fees are not her responsibility. According to a conversation with A. Lisa Cleary from Costal Paralegal Services (paralegal for attorney- N. David DuRant and Associates) the Defendant attorney is the Real Estate Agent for the Horry County School District and will NOT be seeking fees from the Plaintiff or associated parties because the Horry County School District is interested in purchasing the 60 Acres to build three schools. If this is the case, it should be announced to all parties involved. With an offer on the table and not orchestrated under the guise of a Quiet Title Action. This conflict of interest is NOT in the best interest of the Defendant or any of the Heirs involved. If this is proven to be true, the Plaintiff's Attorney is actually working in the best interest of the Horry County School District.

WHEREFORE, having fully set forth an Answer to the Plaintiff, the Defendant is informed and believes that she is entitled to the following:

- a. The dismissal of the Plaintiff' Complaint Quiet Title Action.
- b. The dismissal of the Plaintiff' Complaint Partition Action for Sale of Real Property.
- c. The denial of the Plaintiff request for attorney fees and cost. The Plaintiff is responsible for his own attorney fees and cost.
- d. The denial of further relief as this Court may deem just and proper.
- e. The division of the Real Estate as mandated in the Will of Lewis Small, that it be divided amongst the Heirs according to the Will. After the division of the Real Estate those that desire to sell can sell.

Respectfully submitted,

By: 
Jacqueline Lemise White
Heir of Geneva K. Prince-Small
14825 Cox Creek Court
Haymarket, VA 20169
703-403-1219/703-753-4955

cc: Horry County Clerk of Court

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

Dewey Lee Small,

PLANTIFF,

vs.

Maxine Johnson a/k/a Maxine McQueen,
a/k/a Maxine Johnson, Ernestine Bass
Rose Mary Small, Cassandra D. Odom,
Michele Odom, Queenie Small a/k/a Queenie)
B. Arnold a/k/a Queenie Arnold, Lewis
Filton Small, Jr., a/k/a Pete Small,
William Franklin Small a/k/a Danny Small)
Patsy Ann Small a/k/a Patsy Small Crock
a/k/a Patsy Ann Small Pierick Crock a/k/a)
Patsy Pierick, Donald lee Small, Janava
Small a/k/a Janava Small Londeaux a/k/a)
Candy Small, Daisy Dean Small a/k/a)
Dean Small, Sandra Small a/k/a Sandra
Howard, Jacqueline L. White, Jimmy Prince)
Jr., Veretta Norman, Venetta Olivera,
Marcus Johnson, Jr., John Doe and Jane Doe)
Representatives of any unknown Heirs

IN RE: THE ESTATE OF LEWIS SMALL
DEFENDANTS,

IN THE CIVIL COURT
FIFTEENTH JUDICIAL CIRCUIT
Case Number 2012-CP-26-9832

Jacqueline L. White
ANSWER TO PLAINTIFF'S
COMPLAINT

January 28, 2013

400 PM SOUTH
13 FEB 26 PM 3:41
CLERK OF COURT
WARD

TO: PLAINTIFF ABOVE NAMED AND HIS ATTORNEY, N. DAVID DURANT, ESQUIRE:

The Defendant, Jacqueline L. White, hereinafter referred to as "Defendant", answering the Plaintiff's Complaint for Quiet Title, Partition Action for Sale of Real Property, and Request for Attorney Fees and further relief. The Defendant herein, alleges as follows:

The Defendant OBJECTS to the Quiet Title Action and Partition Action for Sale of Real Property Estate of Lewis Small as indicated in Complaint (Case No.: 2012-CP-26-9832).

1. Admits the Plaintiff (Dewey Lee Small) is an Heir of Louis L. Small. Denies allegation contained in paragraph 1 of the Complaint, Plaintiff is the Personal Representative of the Estate of Lewis Small a/k/a Louis L. Small and demands strict proof thereof.
2. Admits allegation contained in paragraph 2 of the Complaint that Lewis Small a/k/a Louis L. Small acquired the real property as described in the Complaint.
3. Admits allegation contained in paragraph 3 of the Complaint that Lewis Small a/k/a Louis L. Small acquired the Real Property as described in the Complaint.
4. Denies allegation contained in paragraph 4(a) of the Complaint. The property in Socastee Township is 15 acres more or less, NOT 14 acres more or less. Admits allegations contained in paragraph 4(b) and 4(c) of the Complaint.
5. Admits allegations contained in paragraphs 5., 6., 7., 8., 9., 10.
6. Denies allegation in paragraph 11. (a.) (4.) of the Complaint and demands strict proof. Dewey Jerome Johnson is NOT an Heir of Geneva Small a/k/a Geneva Katherine Prince; she relinquished all parental rights to Dewey Jerome Johnson a/k/a Jerome Johnson in Horry County in 1963 to Rosa Johnson. At the time of his adoptions his birth certificate was reissued listing Rosa Johnson as his mother. Jerome has attended school and joined the military using his reissued birth certificate. In addition, he also inherited property as a "Johnson Heir" when his adoptive mother Rosa died.
7. Admits allegations contained in paragraphs 12 and 13 of the Complaint.
8. Paragraph 14. No comment.
9. Admits allegation contained in paragraph 15 of the Complaint.

10. Denies allegation contained in paragraph 16 of the Complaint. As stated in paragraph 6., Dewey Jerome Johnson is NOT an Heir of Geneva Small a/k/a Geneva Katherine Prince; therefore he is NOT an Heir of Lewis Small a/k/a Louis L. Small. The Defendant demands strict proof thereof.

11. Denies allegation contained in paragraph 17 of the Complaint. As stated in paragraph 6., Dewey Jerome Johnson is NOT an Heir of Geneva Small a/k/a Geneva Katherine Prince; therefore he is NOT an Heir of Lewis Small a/k/a Louis L. Small. The Defendant demands strict proof thereof.

12. Admits allegation contained in paragraph 18 of the Complaint.

13. Denies in part to the allegations contained in paragraph 19 of the Complaint. Defendant admits that Lewis Small a/k/a Louis L. Small died in possession of the Sixty (60) acres but denies he was in full possession of the other Twenty-Eight (28) acres of land left by Mattie Small upon her death.

14. Denies the allegation contained in paragraph 20 of the Complaint as Lewis Small a/k/a Louis L. Small only had possession of Sixty (60) acres and 2/3 rights to the other Twenty-Eight (28) acres of land and therefore, a quiet title is not in the best interest of the Defendant.

In addition, the Defendant would like the Will to be executed as requested by the deceased, Lewis Small a/k/a Louis L. Small, to allow all Heirs to inherit their share of the Real Property to retain or sell as they desire.

15. Paragraph 21. No comment.

16. Denies the allegation contained in paragraph 22 of the Complaint. Defendant does not approve the Partition Action for Sale of Property. Defendant orders the execution of the Will and Testament of Lewis Small a/k/a Louis L. Small and the equal division of the Eighty-Eight (88) acres amongst the Heirs as stated in the Will.

17. Admits in part and denies in part to the allegations contained in paragraph 23 of the Complaint. Defendant admits that the Plaintiff is an Heir at law of Lewis Small a/k/a Louis L. Small, but denies the Plaintiff is the Personal Representative of the estate of Lewis Small a/k/a Louis L. Small and demands strict proof thereof.

18. Admits the allegations contained in paragraph 24 of the Complaint.

19. Denies the allegation contained in paragraph 25 of the Complaint. Said property should not be sold. Defendant does not approve the sale of the Real Property described in paragraph 22. Denies Plaintiff's action to include Dewey Jerome Johnson as an Heir. Dewey Jerome Johnson is NOT an Heir of Lewis Small a/k/a Louis L. Small and the Defendant demands strict proof thereof. In 1963 Geneva Small a/k/a Geneva Katherine, Heir of Lewis Small a/k/a Louis Small relinquished all parental rights of Dewey Jerome Johnson to Rosa Johnson in Horry County, South Carolina.

20. Denies the allegation contained in paragraph 26 of the Complaint. A partition in kind CAN be fairly and equally made. The Eighty-Eight (88) acres of land CAN be divided equally amongst the Heirs according to the Will.

21. Denies the allegation contained in paragraph 27 of the Complaint. The Will and Testament of Lewis Small a/k/a Louis Small was never executed.

22. Denies the allegation contained in paragraph 28 of the Complaint and demands strict proof thereof. The Plaintiff's Attorney does not represent the Defendant therefore the Attorneys fees are not her responsibility. According to a conversation with A. Lisa Cleary from Costal Paralegal Services (paralegal for attorney- N. David DuRant and Associates) the Defendant attorney is the Real Estate Agent for the Horry County School District and will NOT be seeking fees from the Plaintiff or associated parties because the Horry County School District is interested in purchasing the 60 Acres to build three schools. If this is the case, it should be announced to all parties involved. With an offer on the table and not orchestrated under the guise of a Quiet Title Action. This conflict of interest is NOT in the best interest of the Defendant or any of the Heirs involved. If this is proven to be true, the Plaintiff's Attorney is actually working in the best interest of the Horry County School District.

WHEREFORE, having fully set forth an Answer to the Plaintiff, the Defendant is informed and believes that she is entitled to the following:

- a. The dismissal of the Plaintiff Complaint Quiet Title Action.
- b. The dismissal of the Plaintiff Complaint Partition Action for Sale of Real Property.
- c. The denial of the Plaintiff request for attorney fees and cost. The Plaintiff is responsible for his own attorney fees and cost.
- d. The denial of further relief as this Court may deem just and proper.
- e. The division of the Real Estate as mandated in the Will of Lewis Small, that it be divided amongst the Heirs according to the Will. After the division of the Real Estate those that desire to sell can sell.

Respectfully submitted,

By:


Jacqueline Lemse White
Heir of Geneva K. Prince-Small
14825 Cox Creek Court
Haymarket, VA 20169
703-403-1219/703-753-4955

cc: Horry County Clerk of Court

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

Dewey Lee Small,)

PLANTIFF,)

vs.)

Maxine Johnson a/k/a Maxine McQueen,)
a/k/a Maxine Johnson, Ernestine Bass)
Rose Mary Small, Cassandra D. Odom,)
Michele Odom, Queenie Small a/k/a Queenie)
B. Arnold a/k/a Qunnie Arnold, Lewis)
Filton Small, Jr., a/k/a Pete Small,)
William Franklin Small a/k/a Danny Small)
Patsy Ann Small a/k/a Patsy Small Crock)
a/k/a Patsy Ann Small Pierick Crock a/k/a)
Patsy Pierick, Donald lee Small, Janava)
Small a/k/a Janava Small Londeaux a/k/a)
Candy Small, Daisy Dean Small a/k/a)
Dean Small, Sandra Small a/k/a Sandra)
Howard, Jacqueline L. White, Jimmy Prince)
Jr., Veretta Norman, Venetta Olivera,)
Marcus Johnson, Jr., John Doe and Jane Doe)
Representatives of any unknown heirs)

IN RE: THE ESTATE OF LEWIS SMALL)
DEFENDANTS,)

IN THE PROBATE COURT
FIFTEENTH JUDICIAL CIRCUIT
Case Number 2012-CP-26-9832

VERETTA NORMAN
ANSWER TO PLAINTIFF'S
COMPLAINT

FILED
HORRY COUNTY
2013 MAR 15 AM 11:31
MELANIE HUGGINS-WARD
CLERK OF COURT

TO: PLAINTIFF ABOVE NAMED AND HIS ATTORNEY, N. DAVID DURANT,
ESQUIRE:

The Defendant, Veretta Norman, hereinafter referred to as "Defendant", answering the Plaintiff's Complaint for Quiet Title, Partition Action for Sale of Real Property, and Request for Attorney Fees and further relief. The Defendant herein, alleges as follows:

1. Admits allegation contained in paragraph 1 of the Complaint, Plaintiff is an heir. Denies allegation contained in paragraph 1 of the Complaint, Plaintiff

is the Personal Representative of the Estate of Lewis Small a/k/a Louis L. Small and demands strict proof thereof.

2. Admits allegation contained in paragraph 2 of the Complaint. Lewis Small a/k/a Louis L. Small acquired the real property described in the Complaint.
3. Admits allegation contained in paragraph 3 of the Complaint. Lewis Small a/k/a Louis L. Small acquired the real property described in the Complaint.
4. Denies allegation contained in paragraph 4(a) of the Complaint. The property in Socastee Township is 15 acres more or less, NOT 14 acres more or less. Admits allegations contained in paragraph 4(b) and 4(c) of the Complaint.
5. Admits allegations contained in paragraphs 5, 6, 7, 8, 9, 10.
6. Denies allegation contained in paragraph 11 of the Complaint. Dewey Jerome Johnson is NOT an heir of Geneva Small a/k/a Geneva Katherine Prince and demands strict proof. In 1963 Geneva Small a/k/a Geneva Katherine Prince relinquished all parental rights to Dewey Jerome Johnson. In 1963 Dewey Jerome Johnson was adopted by Rosa Johnson in Horry County, South Carolina.
7. Admits allegations contained in paragraphs 12 and 13 of the Complaint.
8. Admits allegation contained in paragraph 15 of the Complaint.
9. Denies allegation contained in paragraph 16 of the Complaint. The afore stated list of heirs includes Dewey Jerome Johnson. Dewey Jerome Johnson is NOT an heir of Lewis Small a/k/a Louis L. Small. In 1963 Geneva Small a/k/a Geneva Katherine Prince, heir of Lewis Small a/k/a Louis L. Small

relinquished all parental rights of Dewey Jerome Johnson to Rosa Johnson in Horry County, South Carolina. The Defendant demands strict proof thereof.

10. Denies allegation contained in paragraph 17 of the Complaint. The afore stated list of heirs includes Dewey Jerome Johnson. Dewey Jerome Johnson is NOT an heir of Lewis Small a/k/a Louis L. Small. In 1963 Geneva Small a/k/a Geneva Katherine, heir of Lewis Small a/k/a Louis Small relinquished all parental rights of Dewey Jerome Johnson to Rosa Johnson in Horry County, South Carolina. The Defendant demands strict proof thereof.
11. Admits allegation contained in paragraph 18 of the Complaint.
12. Denies in part to the allegations contained in paragraph 19 of the Complaint. Defendant admits that Lewis Small a/k/a Louis L. Small died in possession of the Sixty (60) acres but denies he was in full possession of the other Twenty-Eight (28) acres of land left by Mattie Small upon her death.
13. Denies the allegation contained in paragraph 20 of the Complaint as Lewis Small a/k/a Louis L. Small only had possession of Sixty (60) acres and 2/3 rights to the other Twenty-Eight (28) acres of land and therefore, a quiet title is not in the best interest of the Defendant. The Defendant would like the Will to be executed as requested by the deceased, Lewis Small a/k/a Louis L. Small, to allow all heirs to inherit their share of the Real Property to retain or sell as they desire.

14. Denies the allegation contained in paragraph 22 of the Complaint. Defendant does not approve the Partition Action For Sale of Property. Defendant orders the execution of the Will and Testament of Lewis Small a/k/a Louis L. Small and the equal division of the Eighty-Eight (88) acres amongst the heirs.
15. Admits in part and denies in part to the allegations contained in paragraph 23 of the Complaint. Defendant admits that the Plaintiff is an heir at law of Lewis Small a/k/a Louis L. Small, but denies the Plaintiff is the Personal Representative of the estate of Lewis Small a/k/a Louis L. Small and demands strict proof thereof.
16. Admits the allegations contained in paragraph 24 of the Complaint.
17. Denies the allegation contained in paragraph 25 of the Complaint. Said property should not be sold. Defendant does not approve the sale of the Real Property described in paragraph 22. Denies Plaintiff's action to include Dewey Jerome Johnson as an heir. Dewey Jerome Johnson is NOT an heir of Lewis Small a/k/a Louis L. Small and demands strict proof thereof. In 1963 Geneva Small a/k/a Geneva Katherine Prince, heir of Lewis Small a/k/a Louis L. Small relinquished all parental rights of Dewey Jerome Johnson to Rosa Johnson in Horry County, South Carolina.
18. Denies the allegation contained in paragraph 26 of the Complaint. A partition in kind CAN be fairly and equally made. The Eighty-Eight (88) acres of land CAN be divided equally amongst the heirs.

19. Denies the allegation contained in paragraph 27 of the Complaint. The Will and Testament of Lewis Small a/k/a Louis L. Small was never executed.
20. Denies the allegation contained in paragraph 28 of the Complaint and demands strict proof thereof.

WHEREFORE, having fully set forth an Answer to the Plaintiff, the Defendant is informed and believes that she is entitled to the following:

- a. The dismissal of the Plaintiff's Complaint Quiet Title Action.
- b. The dismissal of the Plaintiff's Complaint Partition Action for Sale of Real Property.
- c. The denial of the Plaintiff's request for attorney fees and cost. The Plaintiff is responsible for his own attorney fees and cost.
- d. The denial of further relief as this Court may deem just and proper.

Respectfully submitted,

By: Veretta Norman
Veretta Norman
Defendant, Heir of Geneva K. Prince
The Estate of Lewis Small
6494 Tayack Place
Alexandria, VA 22312
(310) 430-4052

cc: Horry County Clerk of Court

January 28, 2013
Alexandria, Virginia

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

Dewey Lee Small,

PLANTIFF,

vs.

Maxine Johnson a/k/a Maxine McQueen,
a/k/a Maxine Johnson, Ernestine Bass
Rose Mary Small, Cassandra D. Odom,
Michele Odom, Queenie Small a/k/a Queenie)
B. Arnold a/k/a Queenie Arnold, Lewis
Filton Small, Jr., a/k/a Pete Small,
William Franklin Small a/k/a Danny Small)
Patsy Ann Small a/k/a Patsy Small Crock
a/k/a Patsy Ann Small Pierick Crock a/k/a)
Patsy Pierick, Donald lee Small, Janava
Small a/k/a Janava Small Lonneaux a/k/a)
Candy Small, Daisy Dean Small a/k/a)
Dean Small, Sandra Small a/k/a Sandra)
Howard, Jacqueline L. White, Jimmy Prince)
Jr., Veretta Norman, Venetta Olivera,)
Marcus Johnson, Jr., John Doe and Jane Doe)
Representatives of any unknown Heirs)

IN RE: THE ESTATE OF LEWIS SMALL
DEFENDANTS,

IN THE PROBATE COURT
FIFTEENTH JUDICIAL CIRCUIT
Case Number 2012-CP-26-9832

Queenie B Arnold
ANSWER TO PLAINTIFF'S
COMPLAINT

January 30, 2013

FILED
HORRY COUNTY
2013 MAR 15 AM 11:31
MELANIE HUGGINS-WARD
CLERK OF COURT

**TO: PLAINTIFF ABOVE NAMED AND HIS ATTORNEY, N. DAVID DURANT,
ESQUIRE:**

The Defendant, Queenie B Arnold, hereinafter referred to as "Defendant", answering the Plaintiff's Complaint for Quiet Title, Partition Action for Sale of Real Property, and Request for Attorney Fees and further relief. The Defendant herein, alleges as follows:

The Defendant OBJECTS to the Quiet Title Action and Partition Action for Sale of Real Property Estate of Lewis Small as indicated in Complaint (Case No.: 2012-CP-26-9832).

1. Admits the Plaintiff (Dewey Lee Small) is an Heir of Louis L. Small. Denies allegation contained in paragraph 1 of the Complaint, Plaintiff is the Personal Representative of the Estate of Lewis Small a/k/a Louis L. Small and demands strict proof thereof.
2. Admits allegation contained in paragraph 2 of the Complaint that Lewis Small a/k/a Louis L. Small acquired the real property as described in the Complaint.
3. Admits allegation contained in paragraph 3 of the Complaint that Lewis Small a/k/a Louis L. Small acquired the Real Property as described in the Complaint.
4. Denies allegation contained in paragraph 4(a) of the Complaint. The property in Socastee Township is 15 acres more or less, NOT 14 acres more or less. Admits allegations contained in paragraph 4(b) and 4(c) of the Complaint.
5. Admits allegations contained in paragraphs 5., 6., 7., 8., 9., 10.
6. Denies allegation in paragraph 11. (a.) (4.) of the Complaint and demands strict proof. Dewey Jerome Johnson is NOT an Heir of Geneva Small a/k/a Geneva Katherine Prince; she relinquished all parental rights to Dewey Jerome Johnson a/k/a Jerome Johnson in Horry County in 1963 to Rosa Johnson. At the time of his adoption his birth certificate was reissued listing Rosa Johnson as his mother. Jerome has attended school and joined the military using his reissued birth certificate. In addition, he also inherited property as a "Johnson Heir" when his adoptive mother Rosa died.
7. Admits allegations contained in paragraphs 12 and 13 of the Complaint.
8. Paragraph 14. No comment.
9. Admits allegation contained in paragraph 15 of the Complaint.

10. Denies allegation contained in paragraph 16 of the Complaint. As stated in paragraph 6., Dewey Jerome Johnson is NOT an Heir of Geneva Small a/k/a Geneva Katherine Prince; therefore he is NOT an Heir of Lewis Small a/k/a Louis L. Small. The Defendant demands strict proof thereof.

11. Denies allegation contained in paragraph 17 of the Complaint. As stated in paragraph 6., Dewey Jerome Johnson is NOT an Heir of Geneva Small a/k/a Geneva Katherine Prince; therefore he is NOT an Heir of Lewis Small a/k/a Louis L. Small. The Defendant demands strict proof thereof.

12. Admits allegation contained in paragraph 18 of the Complaint.

13. Denies in part to the allegations contained in paragraph 19 of the Complaint. Defendant admits that Lewis Small a/k/a Louis L. Small died in possession of the Sixty (60) acres but denies he was in full possession of the other Twenty-Eight (28) acres of land left by Mattie Small upon her death.

14. Denies the allegation contained in paragraph 20 of the Complaint as Lewis Small a/k/a Louis L. Small only had possession of Sixty (60) acres and 2/3 rights to the other Twenty-Eight (28) acres of land and therefore, a quiet title is not in the best interest of the Defendant.

In addition, the Defendant would like the Will to be executed as requested by the deceased, Lewis Small a/k/a Louis L. Small, to allow all Heirs to inherit their share of the Real Property to retain or sell as they desire.

15. Paragraph 21. No comment.

16. Denies the allegation contained in paragraph 22 of the Complaint. Defendant does not approve the Partition Action for Sale of Property. Defendant orders the execution of the Will and Testament of Lewis Small a/k/a Louis L. Small and the equal division of the Eighty-Eight (88) acres amongst the Heirs as stated in the Will.

17. Admits in part and denies in part to the allegations contained in paragraph 23 of the Complaint. Defendant admits that the Plaintiff is an Heir at law of Lewis Small a/k/a Louis L. Small, but denies the Plaintiff is the Personal Representative of the estate of Lewis Small a/k/a Louis L. Small and demands strict proof thereof.

18. Admits the allegations contained in paragraph 24 of the Complaint.

19. Denies the allegation contained in paragraph 25 of the Complaint. Said property should not be sold. Defendant does not approve the sale of the Real Property described in paragraph 22. Denies Plaintiff's action to include Dewey Jerome Johnson as an Heir. Dewey Jerome Johnson is NOT an Heir of Lewis Small a/k/a Louis L. Small and the Defendant demands strict proof thereof. In 1963 Geneva Small a/k/a Geneva Katherine, Heir of Lewis Small a/k/a Louis Small relinquished all parental rights of Dewey Jerome Johnson to Rosa Johnson in Horry County, South Carolina.

20. Denies the allegation contained in paragraph 26 of the Complaint. A partition in kind CAN be fairly and equally made. The Eighty-Eight (88) acres of land CAN be divided equally amongst the Heirs according to the Will.

21. Denies the allegation contained in paragraph 27 of the Complaint. The Will and Testament of Lewis Small a/k/a Louis Small was never executed.

22. Denies the allegation contained in paragraph 28 of the Complaint and demands strict proof thereof. The Plaintiff's Attorney does not represent the Defendant therefore the Attorneys fees are not her responsibility. According to a conversation with A. Lisa Cleary from Costal Paralegal Services (paralegal for attorney- N. David DuRant and Associates) the Defendant Attorney is the Real Estate Agent for the Horry County School District and will NOT be seeking fees from the Plaintiff or associated parties because the Horry County School District is interested in purchasing the 60 Acres to build three schools. This conflict of interest is NOT in the best interest of the Defendant or any of the Heirs involved. The Plaintiff's Attorney is actually working in the best interest of the Horry County School District.

WHEREFORE, having fully set forth an Answer to the Plaintiff, the Defendant is informed and believes that she is entitled to the following:

- a. The dismissal of the Plaintiff Complaint Quiet Title Action.
- b. The dismissal of the Plaintiff Complaint Partition Action for Sale of Real Property.
- c. The denial of the Plaintiff request for attorney fees and cost. The Plaintiff is responsible for his own attorney fees and cost.
- d. The denial of further relief as this Court may deem just and proper.
- e. The division of the Real Estate as mandated in the Will of Lewis Small, that it be divided amongst the Heirs according to the Will. After the division of the Real Estate those that desire to sell can sell.

Respectfully submitted,

By: Queenie B. Arnold
Queenie B Arnold
1212 Red Hollow Drive
N Las Vegas NV 89031 702 649
1896
cc: Horry County Clerk of Court

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

Dewey Lee Small,

PLANTIFF,

vs.

Maxine Johnson a/k/a Maxine McQueen,
a/k/a Maxine Johnson, Ernestine Bass
Rose Mary Small, Cassandra D. Odom,
Michele Odom, Queenie Small a/k/a Queenie)
B. Arnold a/k/a Qunnie Arnold, Lewis
Filton Small, Jr., a/k/a Pete Small,
William Franklin Small a/k/a Danny Small
Patsy Ann Small a/k/a Patsy Small Crock
a/k/a Patsy Ann Small Pierick Crock a/k/a
Patsy Pierick, Donald lee Small, Janava
Small a/k/a Janava Small Lonneaux a/k/a
Candy Small, Daisy Dean Small a/k/a
Dean Small, Sandra Small a/k/a Sandra
Howard, Jacqueline L. White, Jimmy Prince
Jr., Veretta Norman, Venetta Olivera,
Marcus Johnson, Jr., John Doe and Jane Doe)
Representatives of any unknown heirs

IN RE: THE ESTATE OF LEWIS SMALL
DEFENDANTS,

IN THE PROBATE COURT
FIFTEENTH JUDICIAL CIRCUIT
Case Number 2012-CP-26-9832

**VERETTA NORMAN
ANSWER TO PLAINTIFF'S
COMPLAINT**

2013 FEB -1 PM 4:19
CLERK OF COURT
Horry County

TO: PLAINTIFF ABOVE NAMED AND HIS ATTORNEY, N. DAVID DURANT,

ESQUIRE:

The Defendant, Veretta Norman, hereinafter referred to as "Defendant", answering the Plaintiff's Complaint for Quiet Title, Partition Action for Sale of Real Property, and Request for Attorney Fees and further relief. The Defendant herein, alleges as follows:

1. Admits allegation contained in paragraph 1 of the Complaint, Plaintiff is an heir. Denies allegation contained in paragraph 1 of the Complaint, Plaintiff

is the Personal Representative of the Estate of Lewis Small a/k/a Louis L. Small and demands strict proof thereof.

2. Admits allegation contained in paragraph 2 of the Complaint. Lewis Small a/k/a Louis L. Small acquired the real property described in the Complaint.
3. Admits allegation contained in paragraph 3 of the Complaint. Lewis Small a/k/a Louis L. Small acquired the real property described in the Complaint.
4. Denies allegation contained in paragraph 4(a) of the Complaint. The property in Socastee Township is 15 acres more or less, NOT 14 acres more or less. Admits allegations contained in paragraph 4(b) and 4(c) of the Complaint.
5. Admits allegations contained in paragraphs 5, 6, 7, 8, 9, 10.
6. Denies allegation contained in paragraph 11 of the Complaint. Dewey Jerome Johnson is NOT an heir of Geneva Small a/k/a Geneva Katherine Prince and demands strict proof. In 1963 Geneva Small a/k/a Geneva Katherine Prince relinquished all parental rights to Dewey Jerome Johnson. In 1963 Dewey Jerome Johnson was adopted by Rosa Johnson in Horry County, South Carolina.
7. Admits allegations contained in paragraphs 12 and 13 of the Complaint.
8. Admits allegation contained in paragraph 15 of the Complaint.
9. Denies allegation contained in paragraph 16 of the Complaint. The afore stated list of heirs includes Dewey Jerome Johnson. Dewey Jerome Johnson is NOT an heir of Lewis Small a/k/a Louis L. Small. In 1963 Geneva Small a/k/a Geneva Katherine Prince, heir of Lewis Small a/k/a Louis L. Small

relinquished all parental rights of Dewey Jerome Johnson to Rosa Johnson in Horry County, South Carolina. The Defendant demands strict proof thereof.

10. Denies allegation contained in paragraph 17 of the Complaint. The afore stated list of heirs includes Dewey Jerome Johnson. Dewey Jerome Johnson is NOT an heir of Lewis Small a/k/a Louis L. Small. In 1963 Geneva Small a/k/a Geneva Katherine, heir of Lewis Small a/k/a Louis Small relinquished all parental rights of Dewey Jerome Johnson to Rosa Johnson in Horry County, South Carolina. The Defendant demands strict proof thereof.
11. Admits allegation contained in paragraph 18 of the Complaint.
12. Denies in part to the allegations contained in paragraph 19 of the Complaint. Defendant admits that Lewis Small a/k/a Louis L. Small died in possession of the Sixty (60) acres but denies he was in full possession of the other Twenty-Eight (28) acres of land left by Mattie Small upon her death.
13. Denies the allegation contained in paragraph 20 of the Complaint as Lewis Small a/k/a Louis L. Small only had possession of Sixty (60) acres and 2/3 rights to the other Twenty-Eight (28) acres of land and therefore, a quiet title is not in the best interest of the Defendant. The Defendant would like the Will to be executed as requested by the deceased, Lewis Small a/k/a Louis L. Small, to allow all heirs to inherit their share of the Real Property to retain or sell as they desire.

14. Denies the allegation contained in paragraph 22 of the Complaint. Defendant does not approve the Partition Action For Sale of Property. Defendant orders the execution of the Will and Testament of Lewis Small a/k/a Louis L. Small and the equal division of the Eighty-Eight (88) acres amongst the heirs.
15. Admits in part and denies in part to the allegations contained in paragraph 23 of the Complaint. Defendant admits that the Plaintiff is an heir at law of Lewis Small a/k/a Louis L. Small, but denies the Plaintiff is the Personal Representative of the estate of Lewis Small a/k/a Louis L. Small and demands strict proof thereof.
16. Admits the allegations contained in paragraph 24 of the Complaint.
17. Denies the allegation contained in paragraph 25 of the Complaint. Said property should not be sold. Defendant does not approve the sale of the Real Property described in paragraph 22. Denies Plaintiff's action to include Dewey Jerome Johnson as an heir. Dewey Jerome Johnson is NOT an heir of Lewis Small a/k/a Louis L. Small and demands strict proof thereof. In 1963 Geneva Small a/k/a Geneva Katherine Prince, heir of Lewis Small a/k/a Louis L. Small relinquished all parental rights of Dewey Jerome Johnson to Rosa Johnson in Horry County, South Carolina.
18. Denies the allegation contained in paragraph 26 of the Complaint. A partition in kind CAN be fairly and equally made. The Eighty-Eight (88) acres of land CAN be divided equally amongst the heirs.

19. Denies the allegation contained in paragraph 27 of the Complaint. The Will and Testament of Lewis Small a/k/a Louis L. Small was never executed.
20. Denies the allegation contained in paragraph 28 of the Complaint and demands strict proof thereof.

WHEREFORE, having fully set forth an Answer to the Plaintiff, the Defendant is informed and believes that she is entitled to the following:

- a. The dismissal of the Plaintiff's Complaint Quiet Title Action.
- b. The dismissal of the Plaintiff's Complaint Partition Action for Sale of Real Property.
- c. The denial of the Plaintiff's request for attorney fees and cost. The Plaintiff is responsible for his own attorney fees and cost.
- d. The denial of further relief as this Court may deem just and proper.

Respectfully submitted,

By: Veretta Norman
Veretta Norman
Defendant, Heir of Geneva K. Prince
The Estate of Lewis Small
6494 Tayack Place
Alexandria, VA 22312
(310) 430-4052

cc: Horry County Clerk of Court

January 28, 2013
Alexandria, Virginia

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

Dewey Lee Small,)

PLANTIFF,)

vs.)

Maxine Johnson a/k/a Maxine McQueen,)
a/k/a Maxine Johnson, Ernestine Bass)
Rose Mary Small, Cassandra D. Odom,)
Michele Odom, Queenie Small a/k/a Queenie)
B. Arnold a/k/a Queenie Arnold, Lewis)
Filton Small, Jr., a/k/a Pete Small,)
William Franklin Small a/k/a Danny Small)
Patsy Ann Small a/k/a Patsy Small Crock)
a/k/a Patsy Ann Small Pierick Crock a/k/a)
Patsy Pierick, Donald lee Small, Janava)
Small a/k/a Janava Small Londeaux a/k/a)
Candy Small, Daisy Dean Small a/k/a)
Dean Small, Sandra Small a/k/a Sandra)
Howard, Jacqueline L. White, Jimmy Prince)
Jr., Veretta Norman, Venetta Olivera,)
Marcus Johnson, Jr., John Doe and Jane Doe)
Representatives of any unknown Heirs)

IN RE: THE ESTATE OF LEWIS SMALL)
DEFENDANTS,)

IN THE PROBATE COURT
FIFTEENTH JUDICIAL CIRCUIT
Case Number 2012-CP-26-9832

Donald Lee Small
ANSWER TO PLAINTIFF'S
COMPLAINT

January 28, 2013

FILED
HORRY COUNTY
2013 FEB - 6 PM 12: 04
MELANIE HUGGINS-WARD
CLERK OF COURT

TO: PLAINTIFF ABOVE NAMED AND HIS ATTORNEY, N. DAVID DURANT,
ESQUIRE:

The Defendant, Donald Lee Small, hereinafter referred to as "Defendant", answering the Plaintiff's Complaint for Quiet Title, Partition Action for Sale of Real Property, and Request for Attorney Fees and further relief. The Defendant herein, alleges as follows:

The Defendant OBJECTS to the Quiet Title Action and Partition Action for Sale of Real Property Estate of Lewis Small as indicated in Complaint (Case No.: 2012-CP-26-9832).

1. Admits the Plaintiff (Dewey Lee Small) is an Heir of Louis L. Small. Denies allegation contained in paragraph 1 of the Complaint, Plaintiff is the Personal Representative of the Estate of Lewis Small a/k/a Louis L. Small and demands strict proof thereof.
2. Admits allegation contained in paragraph 2 of the Complaint that Lewis Small a/k/a Louis L. Small acquired the real property as described in the Complaint.
3. Admits allegation contained in paragraph 3 of the Complaint that Lewis Small a/k/a Louis L. Small acquired the Real Property as described in the Complaint.
4. Denies allegation contained in paragraph 4(a) of the Complaint. The property in Socastee Township is 15 acres more or less, NOT 14 acres more or less. Admits allegations contained in paragraph 4(b) and 4(c) of the Complaint.
5. Admits allegations contained in paragraphs 5., 6., 7., 8., 9., 10.
6. Denies allegation in paragraph 11. (a.) (4.) of the Complaint and demands strict proof. Dewey Jerome Johnson is NOT an Heir of Geneva Small a/k/a Geneva Katherine Prince; she relinquished all parental rights to Dewey Jerome Johnson a/k/a Jerome Johnson in Horry County in 1963 to Rosa Johnson. At the time of his adoptions his birth certificate was reissued listing Rosa Johnson as his mother. Jerome has attended school and joined the military using his reissued birth certificate. In addition, he also inherited property as a "Johnson Heir" when his adoptive mother Rosa Johnson died.
7. Admits allegations contained in paragraphs 12 and 13 of the Complaint.
8. Paragraph 14. No comment.
9. Admits allegation contained in paragraph 15 of the Complaint.

10. Denies allegation contained in paragraph 16 of the Complaint. As stated in paragraph 6., Dewey Jerome Johnson is NOT an Heir of Geneva Small a/k/a Geneva Katherine Prince; therefore he is NOT an Heir of Lewis Small a/k/a Louis L. Small. The Defendant demands strict proof thereof.

11. Denies allegation contained in paragraph 17 of the Complaint. As stated in paragraph 6., Dewey Jerome Johnson is NOT an Heir of Geneva Small a/k/a Geneva Katherine Prince; therefore he is NOT an Heir of Lewis Small a/k/a Louis L. Small. The Defendant demands strict proof thereof.

12. Admits allegation contained in paragraph 18 of the Complaint.

13. Denies in part to the allegations contained in paragraph 19 of the Complaint. Defendant admits that Lewis Small a/k/a Louis L. Small died in possession of the Sixty (60) acres but denies he was in full possession of the other Twenty-Eight (28) acres of land left by Mattie Small upon her death.

14. Denies the allegation contained in paragraph 20 of the Complaint as Lewis Small a/k/a Louis L. Small only had possession of Sixty (60) acres and 2/3 rights to the other Twenty-Eight (28) acres of land and therefore, a quiet title is not in the best interest of the Defendant.

In addition, the Defendant would like the Will to be executed as requested by the deceased, Lewis Small a/k/a Louis L. Small, to allow all Heirs to inherit their share of the Real Property to retain or sell as they desire.

15. Paragraph 21. No comment.

16. Denies the allegation contained in paragraph 22 of the Complaint. Defendant does not approve the Partition Action for Sale of Property. Defendant orders the execution of the Will and Testament of Lewis Small a/k/a Louis L. Small and the equal division of the Eighty-Eight (88) acres amongst the Heirs as stated in the Will.

17. Admits in part and denies in part to the allegations contained in paragraph 23 of the Complaint. Defendant admits that the Plaintiff is an Heir at law of Lewis Small a/k/a Louis L. Small, but denies the Plaintiff is the Personal Representative of the estate of Lewis Small a/k/a Louis L. Small and demands strict proof thereof.

18. Admits the allegations contained in paragraph 24 of the Complaint.

19. Denies the allegation contained in paragraph 25 of the Complaint. Said property should not be sold. Defendant does not approve the sale of the Real Property described in paragraph 22. Denies Plaintiff's action to include Dewey Jerome Johnson as an Heir. Dewey Jerome Johnson is NOT an Heir of Lewis Small a/k/a Louis L. Small and the Defendant demands strict proof thereof. In 1963 Geneva Small a/k/a Geneva Katherine, Heir of Lewis Small a/k/a Louis Small relinquished all parental rights of Dewey Jerome Johnson to Rosa Johnson in Horry County, South Carolina.

20. Denies the allegation contained in paragraph 26 of the Complaint. A partition in kind CAN be fairly and equally made. The Eighty-Eight (88) acres of land CAN be divided equally amongst the Heirs according to the Will.

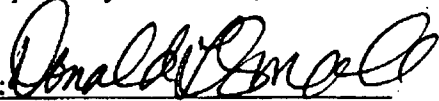
21. Denies the allegation contained in paragraph 27 of the Complaint. The Will and Testament of Lewis Small a/k/a Louis Small was never executed.

22. Denies the allegation contained in paragraph 28 of the Complaint and demands strict proof thereof. The Plaintiff's Attorney does not represent the Defendant therefore the Attorneys fees are not her responsibility. According to a conversation with A. Lisa Cleary from Costal Paralegal Services (paralegal for attorney- N. David DuRant and Associates) the Defendant attorney is the Real Estate Agent for the Horry County School District and will NOT be seeking fees from the Plaintiff or associated parties because the Horry County School District is interested in purchasing the 60 Acres to build three schools. This conflict of interest is NOT in the best interest of the Defendant or any of the Heirs involved. The Plaintiff's Attorney is actually working in the best interest of the Horry County School District.

WHEREFORE, having fully set forth an Answer to the Plaintiff, the Defendant is informed and believes that she is entitled to the following:

- a. The dismissal of the Plaintiff Complaint Quiet Title Action.
- b. The dismissal of the Plaintiff Complaint Partition Action for Sale of Real Property.
- c. The denial of the Plaintiff request for attorney fees and cost. The Plaintiff is responsible for his own attorney fees and cost.
- d. The denial of further relief as this Court may deem just and proper.
- e. The division of the Real Estate as mandated in the Will of Lewis Small a/k/a Louis Small, that it be divided amongst the Heirs according to the Will. After the division of the Real Estate those that desire to sell can sell.

Respectfully submitted,

By: 

Donald Lee Small
Heir of Lewis Small a/k/a Louis
Small
6075 Renata Lane
Myrtle Beach, SC 29588
843-298-6774
843-903-4461
cc: Horry County Clerk of Court

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

Dewey Lee Small,

PLANTIFF,

vs.

Maxine Johnson a/k/a Maxine McQueen,
a/k/a Maxine Johnson, Ernestine Bass
Rose Mary Small, Cassandra D. Odom,
Michele Odom, Queenie Small a/k/a Queenie
B. Arnold a/k/a Queenie Arnold, Lewis
Filton Small, Jr., a/k/a Pete Small,
William Franklin Small a/k/a Danny Small
Patsy Ann Small a/k/a Patsy Small Crock
a/k/a Patsy Ann Small Pierick Crock a/k/a
Patsy Pierick, Donald Lee Small, Janava
Small a/k/a Janava Small Londeaux a/k/a
Candy Small, Daisy Dean Small a/k/a
Dean Small, Sandra Small a/k/a Sandra
Howard, Jacqueline L. White, Jimmy Prince)
Jr., Veretta Norman, Venetta Olivera,
Marcus Johnson, Jr., John Doe and Jane Doe)
Representatives of any unknown Heirs

IN RE: THE ESTATE OF LEWIS SMALL
DEFENDANTS,

IN THE PROBATE COURT
FIFTEENTH JUDICIAL CIRCUIT
Case Number 2012-CP-26-9832

Queenie B Arnold
ANSWER TO PLAINTIFF'S
COMPLAINT

January 30, 2013

PROBATE COURT
HORRY COUNTY, SC
2013 FEB - 5 PM 3:28
DEBORAH W. EDMONDS
PROBATE JUDGE
CLOCK

13 SEP - 6 AM 11:01
CLERK OF COURT
HARRIS

TO: PLAINTIFF ABOVE NAMED AND HIS ATTORNEY, N. DAVID DURNANT,
ESQUIRE:

The Defendant, Queenie B Arnold, hereinafter referred to as "Defendant", answering the Plaintiff's Complaint for Quiet Title, Partition Action for Sale of Real Property, and Request for Attorney Fees and further relief. The Defendant herein, alleges as follows:

The Defendant OBJECTS to the Quiet Title Action and Partition Action for Sale of Real Property Estate of Lewis Small as indicated in Complaint (Case No.: 2012-CP-26-9832).

1. Admits the Plaintiff (Dewey Lee Small) is an Heir of Louis L. Small. Denies allegation contained in paragraph 1 of the Complaint, Plaintiff is the Personal Representative of the Estate of Lewis Small a/k/a Louis L. Small and demands strict proof thereof.
2. Admits allegation contained in paragraph 2 of the Complaint that Lewis Small a/k/a Louis L. Small acquired the real property as described in the Complaint.
3. Admits allegation contained in paragraph 3 of the Complaint that Lewis Small a/k/a Louis L. Small acquired the Real Property as described in the Complaint.
4. Denies allegation contained in paragraph 4(a) of the Complaint. The property in Socastee Township is 15 acres more or less, NOT 14 acres more or less. Admits allegations contained in paragraph 4(b) and 4(c) of the Complaint.
5. Admits allegations contained in paragraphs 5., 6., 7., 8., 9., 10.
6. Denies allegation in paragraph 11. (a.) (4.) of the Complaint and demands strict proof. Dewey Jerome Johnson is NOT an Heir of Geneva Small a/k/a Geneva Katherine Prince; she relinquished all parental rights to Dewey Jerome Johnson a/k/a Jerome Johnson in Horry County in 1963 to Rosa Johnson. At the time of his adoption his birth certificate was reissued listing Rosa Johnson as his mother. Jerome has attended school and joined the military using his reissued birth certificate. In addition, he also inherited property as a "Johnson Heir" when his adoptive mother, Rosa died.
7. Admits allegations contained in paragraphs 12 and 13 of the Complaint.
8. Paragraph 14. No comment.
9. Admits allegation contained in paragraph 15 of the Complaint.

10. Denies allegation contained in paragraph 16 of the Complaint. As stated in paragraph 6., Dewey Jerome Johnson is NOT an Heir of Geneva Small a/k/a Geneva Katherine Prince; therefore he is NOT an Heir of Lewis Small a/k/a Louis L. Small. The Defendant demands strict proof thereof.

11. Denies allegation contained in paragraph 17 of the Complaint. As stated in paragraph 6., Dewey Jerome Johnson is NOT an Heir of Geneva Small a/k/a Geneva Katherine Prince; therefore he is NOT an Heir of Lewis Small a/k/a Louis L. Small. The Defendant demands strict proof thereof.

12. Admits allegation contained in paragraph 18 of the Complaint.

13. Denies in part to the allegations contained in paragraph 19 of the Complaint. Defendant admits that Lewis Small a/k/a Louis L. Small died in possession of the Sixty (60) acres but denies he was in full possession of the other Twenty-Eight (28) acres of land left by Mattie Small upon her death.

14. Denies the allegation contained in paragraph 20 of the Complaint as Lewis Small a/k/a Louis L. Small only had possession of Sixty (60) acres and 2/3 rights to the other Twenty-Eight (28) acres of land and therefore, a quiet title is not in the best interest of the Defendant.

In addition, the Defendant would like the Will to be executed as requested by the deceased, Lewis Small a/k/a Louis L. Small, to allow all Heirs to inherit their share of the Real Property to retain or sell as they desire.

15. Paragraph 21. No comment.

16. Denies the allegation contained in paragraph 22 of the Complaint. Defendant does not approve the Partition Action for Sale of Property. Defendant orders the execution of the Will and Testament of Lewis Small a/k/a Louis L. Small and the equal division of the Eighty-Eight (88) acres amongst the Heirs as stated in the Will.

17. Admits in part and denies in part to the allegations contained in paragraph 23 of the Complaint. Defendant admits that the Plaintiff is an Heir at law of Lewis Small a/k/a Louis L. Small, but denies the Plaintiff is the Personal Representative of the estate of Lewis Small a/k/a Louis L. Small and demands strict proof thereof.

18. Admits the allegations contained in paragraph 24 of the Complaint.

19. Denies the allegation contained in paragraph 25 of the Complaint. Said property should not be sold. Defendant does not approve the sale of the Real Property described in paragraph 22. Denies Plaintiff's action to include Dewey Jerome Johnson as an Heir. Dewey Jerome Johnson is NOT an Heir of Lewis Small a/k/a Louis L. Small and the Defendant demands strict proof thereof. In 1963 Geneva Small a/k/a Geneva Katherine, Heir of Lewis Small a/k/a Louis Small relinquished all parental rights of Dewey Jerome Johnson to Rosa Johnson in Horry County, South Carolina.

20. Denies the allegation contained in paragraph 26 of the Complaint. A partition in kind CAN be fairly and equally made. The Eighty-Eight (88) acres of land CAN be divided equally amongst the Heirs according to the Will.

21. Denies the allegation contained in paragraph 27 of the Complaint. The Will and Testament of Lewis Small a/k/a Louis Small was never executed.

22. Denies the allegation contained in paragraph 28 of the Complaint and demands strict proof thereof. The Plaintiff's Attorney does not represent the Defendant therefore the Attorneys fees are not her responsibility. According to a conversation with A. Lisa Cleary from Costal Paralegal Services (paralegal for attorney- N. David DuRant and Associates) the Defendant Attorney is the Real Estate Agent for the Horry County School District and will NOT be seeking fees from the Plaintiff or associated parties because the Horry County School District is interested in purchasing the 60 Acres to build three schools. This conflict of interest is NOT in the best interest of the Defendant or any of the Heirs involved. The Plaintiff's Attorney is actually working in the best interest of the Horry County School District.

WHEREFORE, having fully set forth an Answer to the Plaintiff, the Defendant is informed and believes that she is entitled to the following:

- a. The dismissal of the Plaintiff Complaint Quiet Title Action.
- b. The dismissal of the Plaintiff Complaint Partition Action for Sale of Real Property.
- c. The denial of the Plaintiff request for attorney fees and cost. The Plaintiff is responsible for his own attorney fees and cost.
- d. The denial of further relief as this Court may deem just and proper.
- e. The division of the Real Estate as mandated in the Will of Lewis Small, that it be divided amongst the Heirs according to the Will. After the division of the Real Estate those that desire to sell can sell.

Respectfully submitted,


Queenie B. Arnold
1212 Red Hollow Drive
N. Las Vegas NV 89031 702 649
1896
cc: Horry County Clerk of Court

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

Dewey Lee Small,

PLANTIFF,

vs.

Maxine Johnson a/k/a Maxine McQueen,
a/k/a Maxine Johnson, Ernestine Bass
Rose Mary Small, Cassandra D. Odom,
Michele Odom, Queenie Small a/k/a Queenie
B. Arnold a/k/a Qunnie Arnold, Lewis
Filton Small, Jr., a/k/a Pete Small,
William Franklin Small a/k/a Danny Small
Patsy Ann Small a/k/a Patsy Small Crock
a/k/a Patsy Ann Small Pierick Crock a/k/a
Patsy Pierick, Donald lee Small, Janava
Small a/k/a Janava Small Lonneaux a/k/a
Candy Small, Daisy Dean Small a/k/a
Dean Small, Sandra Small a/k/a Sandra
Howard, Jacqueline L. White, Jimmy Prince
Jr., Veretta Norman, Venetta Olivera,
Marcus Johnson, Jr., John Doe and Jane Doe
Representatives of any unknown heirs

IN RE: THE ESTATE OF LEWIS SMALL
DEFENDANTS,

IN THE PROBATE COURT
FIFTEENTH JUDICIAL CIRCUIT
Case Number 2012-CP-26-9832

Maxine McQueen
ANSWER TO PLAINTIFF'S
COMPLAINT

CLERK OF COURT
2013 SEP -6 AM 11:05
Horry County

2013 FEB 14 PM 2:06
PROBATE COURT
HORRY COUNTY, SC
DEPT. CLERK OF COURT
JUDGE

TO: PETITIONER ABOVE NAMED AND THEIR ATTORNEYS, N. DAVID

DURANT, ESQUIRE:

The Defendant *Maxine McQueen* hereinafter referred to as "Defendant",
answering the Plaintiff's Complaint for Quiet Title and Partition Action for Sale of Real
Property of the Defendant herein, alleges as follows:

1. Denies each and every allegation of the Complaint which is not hereinafter
specifically admitted, qualified or explained.

2. Admits in part and deny in part the allegations contained in paragraphs 1, of the Complaint. Admit that Plaintiff is an heir but denies he is the Personal Representative of the Estate of Lewis Small a/k/a Louis L. Small
3. Admits the allegations contained in paragraph 2 and 3 of the Complaint.
4. Admits in part and deny in part the allegations contained in paragraph 4 of the Complaint. Admit the allegations in parts B and C but denies the allegations in part A that the property is 14 acres more or less the acres is 15 acres more or less.
5. Admits the allegations contained in paragraphs 5, 6, 7, 8, 9, 10, 11, 12, and 13 of the Complaint.
6. Admits the allegations contained in paragraph 15 of the Complaint.
7. Admits the allegations contained in paragraphs 16, 17 and 18 of the Complaint.
8. Admits in part and denies in part to the allegations contained in paragraph 19 of the Complaint. Defendant admits that Lewis Small a/k/a Louis L. Small died in possession of the Sixty (60) acres but denies he was in full possession of the other Twenty-Eight (28) acres of land left by Mattie Small upon her death.
9. Denies the allegations contained in paragraph 20 of the Complaint as Lewis Small a/k/a Louis L. Small only had possession of Sixty (60) acres and 2/3 rights to the other Twenty-Eight (28) acres of land and therefore, a quiet title is not in the best interest of the Defendant.
10. Admit the allegations contained in paragraph 22 of the Complaint.

PROBATE COURT
HOLLY CEMETERY, SC
2013 FEB 21 PM 2:06
DEIRDRE W. EDWARDS
CLERK
CROCKETT JUDGE

11. Admits in part and denies in part to the allegations contained in paragraph 23 of the Complaint. Defendant admits that Plaintiff is an heir at law of Lewis Small a/k/a Louis L. Small, but denies Plaintiff is the Personal Representative of the estate of Lewis Small a/k/a Louis L. Small and demands strict proof thereof.
12. Admits the allegations contained in paragraph 24 of the Complaint.
13. Admit allegations contained in paragraph 25 of the Complaint as they relate to the Sixty (60) acres of land solely.
14. Admit the allegations contained in paragraph 26, of the Complaint. Admits that as to the Sixty (60) acres solely to be partition in kind and if a partition in kind cannot be fairly and equally made that the Sixty (60) and solely the Sixty (60) acres be placed for sale and division of the proceeds be made according to the rights of the parties.
15. Admit in part and deny in part the allegations contained in paragraph 27, of the Complaint. Admits that all heirs are bound by the agreement of the Last Will and Testament, but denies the division of the property as Lewis Small a/k/a Louis Small only had complete control of the Sixty (60) acres and $\frac{2}{3}$ of the other property upon his death and the division is beyond his $\frac{2}{3}$ control. As such decedent only had rights to divide his Sixty (60) acres and $\frac{2}{3}$ of his inherited property upon his death.
16. Deny the allegations contained in paragraph 28 of the Complaint and demands strict proof thereof.

WHEREFORE, having fully set forth an Answer to the Plaintiff the Defendant is informed and believes that he is entitled to the following:

- a. The dismissal of the Plaintiff' Complaint Quiet Title action and Partition Action for Sale of Real Property;
- b. That Petitioner is responsible for his own attorney fees and cost.
- c. For such other and further relief as this Court may deem just and proper.

Respectfully submitted,

Respondent
MARINE MCCOY
214 Charles St. Myrtle Beach, SC 29577
By: *Marine McCoy*

_____, 2013
Myrtle Beach, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

Dewey Lee Small,

PLANTIFF,

vs.

Maxine Johnson a/k/a Maxine McQueen,
a/k/a Maxine Johnson, Ernestine Bass
Rose Mary Small, Cassandra D. Odom,
Michele Odom, Queenie Small a/k/a Queenie
B. Arnold a/k/a Qunnie Arnold, Lewis
Filton Small, Jr., a/k/a Pete Small,
William Franklin Small a/k/a Danny Small
Patsy Ann Small a/k/a Patsy Small Crock
a/k/a Patsy Ann Small Pierick Crock a/k/a
Patsy Pierick, Donald lee Small, Janava
Small a/k/a Janava Small Londeaux a/k/a
Candy Small, Daisy Dean Small a/k/a
Dean Small, Sandra Small a/k/a Sandra
Howard, Jacqueline L. White, Jimmy Prince
Jr., Veretta Norman, Venetta Olivera,
Marcus Johnson, Jr., John Doe and Jane Doe)
Representatives of any unknown heirs

IN RE: THE ESTATE OF LEWIS SMALL
DEFENDANTS,

IN THE PROBATE COURT
FIFTEENTH JUDICIAL CIRCUIT

Case Number 2012-CP-26-9832

Rosemary Small

ANSWER TO PLAINTIFF'S
COMPLAINT

13 SEP -6 AM 11:05
CLERK OF COURT

2013 FEB 14 PM 2:33
DEIRDRE W. CONNORS
PROBATE JUDGE

PROBATE COURT
HORRY COUNTY, SC

TO: PETITIONER ABOVE NAMED AND THEIR ATTORNEYS, N. DAVID

DURANT, ESQUIRE:

The Defendant *Rosemary Small*, hereinafter referred to as "Defendant",
answering the Plaintiff's Complaint for Quiet Title and Partition Action for Sale of Real
Property of the Defendant herein, alleges as follows:

1. Denies each and every allegation of the Complaint which is not hereinafter
specifically admitted, qualified or explained.

2. Admits in part and deny in part the allegations contained in paragraphs 1, of the Complaint. Admit that Plaintiff is an heir but denies he is the Personal Representative of the Estate of Lewis Small a/k/a Louis L. Small
3. Admits the allegations contained in paragraph 2 and 3 of the Complaint.
4. Admits in part and deny in part the allegations contained in paragraph 4 of the Complaint. Admit the allegations in parts B and C but denies the allegations in part A that the property is 14 acres more or less the acres is 15 acres more or less.
5. Admits the allegations contained in paragraphs 5, 6, 7, 8, 9, 10, 11, 12, and 13 of the Complaint.
6. Admits the allegations contained in paragraph 15 of the Complaint.
7. Admits the allegations contained in paragraphs 16, 17 and 18 of the Complaint.
8. Admits in part and denies in part to the allegations contained in paragraph 19 of the Complaint. Defendant admits that Lewis Small a/k/a Louis L. Small died in possession of the Sixty (60) acres but denies he was in full possession of the other Twenty-Eight (28) acres of land left by Mattie Small upon her death.
9. Denies the allegations contained in paragraph 20 of the Complaint as Lewis Small a/k/a Louis L. Small only had possession of Sixty (60) acres and 2/3 rights to the other Twenty-Eight (28) acres of land and therefore, a quiet title is not in the best interest of the Defendant.
10. Admit the allegations contained in paragraph 22 of the Complaint.

11. Admits in part and denies in part to the allegations contained in paragraph 23 of the Complaint. Defendant admits that Plaintiff is an heir at law of Lewis Small a/k/a Louis L. Small, but denies Plaintiff is the Personal Representative of the estate of Lewis Small a/k/a Louis L. Small and demands strict proof thereof.
12. Admits the allegations contained in paragraph 24 of the Complaint.
13. Admit allegations contained in paragraph 25 of the Complaint as they relate to the Sixty (60) acres of land solely.
14. Admit the allegations contained in paragraph 26, of the Complaint. Admits that as to the Sixty (60) acres solely to be partition in kind and if a partition in kind cannot be fairly and equally made that the Sixty (60) and solely the Sixty (60) acres be placed for sale and division of the proceeds be made according to the rights of the parties.
15. Admit in part and deny in part the allegations contained in paragraph 27, of the Complaint. Admits that all heirs are bound by the agreement of the Last Will and Testament, but denies the division of the property as Lewis Small a/k/a Louis Small only had complete control of the Sixty (60) acres and $\frac{2}{3}$ of the other property upon his death and the division is beyond his $\frac{2}{3}$ control. As such decedent only had rights to divide his Sixty (60) acres and $\frac{2}{3}$ of his inherited property upon his death.
16. Deny the allegations contained in paragraph 28 of the Complaint and demands strict proof thereof.

WHEREFORE, having fully set forth an Answer to the Plaintiff the Defendant is informed and believes that he is entitled to the following:

- a. The dismissal of the Plaintiff' Complaint Quiet Title action and Partition Action for Sale of Real Property;
- b. That Petitioner is responsible for his own attorney fees and cost.
- c. For such other and further relief as this Court may deem just and proper.

Respectfully submitted,
Rosemary Smell
21 Charles Street Apt # 5A
y By: Rosemary Smell

_____, 2013
Myrtle Beach, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

Dewey Lee Small,

PLANTIFF,

vs.

Maxine Johnson a/k/a Maxine McQueen,
a/k/a Maxine Johnson, Ernestine Bass
Rose Mary Small, Cassandra D. Odom,
Michele Odom, Queenie Small a/k/a Queenie
B. Arnold a/k/a Qunnie Arnold, Lewis
Filton Small, Jr., a/k/a Pete Small,
William Franklin Small a/k/a Danny Small
Patsy Ann Small a/k/a Patsy Small Crock
a/k/a Patsy Ann Small Pierick Crock a/k/a
Patsy Pierick, Donald lee Small, Janava
Small a/k/a Janava Small Lonneaux a/k/a
Candy Small, Daisy Dean Small a/k/a
Dean Small, Sandra Small a/k/a Sandra
Howard, Jacqueline L. White, Jimmy Prince
Jr., Veretta Norman, Venetta Olivera,
Marcus Johnson, Jr., John Doe and Jane Doe
Representatives of any unknown heirs

IN RE: THE ESTATE OF LEWIS SMALL
DEFENDANTS,

IN THE PROBATE COURT
FIFTEENTH JUDICIAL CIRCUIT
Case Number 2012-CP-26-9832

ANSWER TO PLAINTIFF'S
COMPLAINT

CLERK OF COURT
13 SEP -6 AM 11:05
Horry County

DEBORAH E. EDWARDS
PROBATE JUDGE
2013 FEB 18 PM 1:41
PROBATE COURT
Horry County, SC
CLOCK IN TIME CANCELED

TO: PETITIONER ABOVE NAMED AND THEIR ATTORNEYS, N. DAVID
DURANT, ESQUIRE:

The Defendant *Veneta Olivera*, hereinafter referred to as "Defendant",
answering the Plaintiff's Complaint for Quiet Title and Partition Action for Sale of Real
Property of the Defendant herein, alleges as follows:

1. Denies each and every allegation of the Complaint which is not hereinafter
specifically admitted, qualified or explained.

2. Admits in part and deny in part the allegations contained in paragraphs 1, of the Complaint. Admit that Plaintiff is an heir but denies he is the Personal Representative of the Estate of Lewis Small a/k/a Louis L. Small
3. Admits the allegations contained in paragraph 2 and 3 of the Complaint.
4. Admits in part and deny in part the allegations contained in paragraph 4 of the Complaint. Admit the allegations in parts B and C but denies the allegations in part A that the property is 14 acres more or less the acres is 15 acres more or less.
5. Admits the allegations contained in paragraphs 5, 6, 7, 8, 9, 10, 11, 12, and 13 of the Complaint.
6. Admits the allegations contained in paragraph 15 of the Complaint.
7. Admits the allegations contained in paragraphs 16, 17 and 18 of the Complaint.
8. Admits in part and denies in part to the allegations contained in paragraph 19 of the Complaint. Defendant admits that Lewis Small a/k/a Louis L. Small died in possession of the Sixty (60) acres but denies he was in full possession of the other Twenty-Eight (28) acres of land left by Mattie Small upon her death.
9. Denies the allegations contained in paragraph 20 of the Complaint as Lewis Small a/k/a Louis L. Small only had possession of Sixty (60) acres and 2/3 rights to the other Twenty-Eight (28) acres of land and therefore, a quiet title is not in the best interest of the Defendant.
10. Admit the allegations contained in paragraph 22 of the Complaint.

11. Admits in part and denies in part to the allegations contained in paragraph 23 of the Complaint. Defendant admits that Plaintiff is an heir at law of Lewis Small a/k/a Louis L. Small, but denies Plaintiff is the Personal Representative of the estate of Lewis Small a/k/a Louis L. Small and demands strict proof thereof.
12. Admits the allegations contained in paragraph 24 of the Complaint.
13. Admit allegations contained in paragraph 25 of the Complaint as they relate to the Sixty (60) acres of land solely.
14. Admit the allegations contained in paragraph 26, of the Complaint. Admits that as to the Sixty (60) acres solely to be partition in kind and if a partition in kind cannot be fairly and equally made that the Sixty (60) and solely the Sixty (60) acres be placed for sale and division of the proceeds be made according to the rights of the parties.
15. Admit in part and deny in part the allegations contained in paragraph 27, of the Complaint. Admits that all heirs are bound by the agreement of the Last Will and Testament, but denies the division of the property as Lewis Small a/k/a Louis Small only had complete control of the Sixty (60) acres and $\frac{2}{3}$ of the other property upon his death and the division is beyond his $\frac{2}{3}$ control. As such decedent only had rights to divide his Sixty (60) acres and $\frac{2}{3}$ of his inherited property upon his death.
16. Deny the allegations contained in paragraph 28 of the Complaint and demands strict proof thereof.

WHEREFORE, having fully set forth an Answer to the Plaintiff the Defendant is informed and believes that he is entitled to the following:

- a. The dismissal of the Plaintiff' Complaint Quiet Title action and Partition Action for Sale of Real Property;
- b. That Petitioner is responsible for his own attorney fees and cost.
- c. For such other and further relief as this Court may deem just and proper.

Respectfully submitted,
Respondent

By: *Went Olin*

2-7, 2013
Myrtle Beach, South Carolina

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM HORRYCOUNTY

COURT OF COMMON PLEAS

RALPH P. STROMAN, SPECIAL REFEREE

RECEIVED

JUL 22 2015

SC Court of Appeals

APPELLATE CASE NO. 2014-002593

Dewey Lee Small,.....Respondent,

v.

Maxine Johnson a.k.a. Maxine McQueen a.k.a. Maxcine Johnson,
Ernestine Small Bass, Rose Small a.k.a. Rosemary Mary McQueen,
Kassandra D. Odom a.k.a. Kassandra D. Shea, Michelle D. Odom
a.k.a. Michelle D. DeLa Cort, Queenie Small a.k.a. Queenie B.
Arnold a.k.a. Quinnie Arnold, Lewis Filton Small, Jr., a.k.a. Pete
Small, William Franklin Small, a.k.a. Danny Small, Patsy Ann
Small a.k.a. Patsy Small Crock a.k.a. Patsy Ann Small Pierick
Crock a.k.a. Patsy Pierick, Donald Lee Small, Janava Small,
a.k.a. Janava Small Lonneux a.k.a. Candy Small, Daisy Dean
Small, a.k.a. Dean Small, Sandra Small, a.k.a. Sandra Howard,
Jacqueline L. White, Jimmy Prince, Jr., Veretta Norman, Venata
Small Olivera, Marcus Johnson, Jr., Dewey Jerome Johnson,
John Doe, and Jane Doe, Representatives of any unknown Heirs,

In Re: The Estate of Lewis Small, Defendants,

of whom Patsy Ann Crock and Lewis Filton Small, Jr. are.....Appellants.

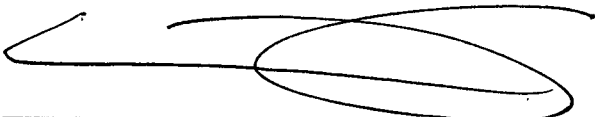
PROOF OF SERVICE

I, the undersigned attorney for the Appellants, certify I have served one (1) copy of

the **Record on Appeal**, one (1) copy of the **Final Brief of Appellants**, and one (1) copy of the **Final Reply Brief of Appellants**, on Respondent, Dewey Lee Small, by depositing a copy of this document in the United States Mail, postage prepaid, addressed to N. David Durant, Esquire, Law Offices of N. David Durant and Associates, Post Office Box 14722, Surfside Beach, SC 29587, attorney of record for Dewey Lee Small, and have also deposited fifteen (15) copies of the **Record on Appeal**, one (1) of which is unbound, and fifteen (15) copies of the **Final Brief of Appellants**, one (1) of which is unbound, and fifteen (15) copies of the **Final Reply Brief of Appellants**, one (1) of which is unbound, in the UPS, postage prepaid, addressed to the Honorable Jenny Abbott Kitchings, Clerk, South Carolina Court of Appeals, P.O. Box 11629, Columbia, SC 29211, on July 19, 2015.

Dated at Georgetown, South Carolina, this 20th day of July, 2015.

Nation Law Firm, P.C.:

By: 

Charles Owen Nation, II, Esquire
Post Office Drawer 1657
Georgetown, SC 29442-1657