

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BAMBERG COUNTY COURT OF COMMON PLEAS

Honorable Edgar W. Dickson, Circuit Court Judge

Case No. 2010-DR-05-39

Appeal No. 2014-002727

RECEIVED
SEP 28 2015
SC Court of Appeals

The Forfeited Land Commission of Bamberg County, Plaintiff,

v.

Eartha Dean Moody Beard, et al. Ralph Johnson, et al., of whom Ralph Johnson is answering as
Defendant - Third Party Plaintiff,

v.

Bank One, N.A. Consecro Finance Servicing Corp., Equity One, Inc., JPMorgan Chase Bank, National Association, as trustee for the C-Bass Mortgage Loan Asset-Backed Certificates, Series 2005-CB2, and Mark D. Johnson, JOHN DOE AND MARY ROWE, fictitious names representing any known minors, incompetents, persons in the military, persons imprisoned and persons under any legal disability and RICHARD ROE AND SARAH DOE, fictitious names representing unknown devisees, distributees, or personal Representatives of LILLIAN G. BROWN, GERALDINE G. REED, RETHA G. GREEGS, LILLIE D. GRAY, GEORGE DAVIS, JULIA DAVIS, VIVIAN DAVIS, MARGARET DAVIS, LILLIE MAE DAVIS, LECIA RICE, ROY H. SETZLER, DYAN SETZLER, LUCIOUS WRIGHT, JULIA JONES, EDITH K. GILMORE, EDDIE GRIMES, HENRY C. GUESS, WILLIE THOMPSON, BESSIE THOMPSON, ANNIE MAE WHITE, and also all other unknown persons claiming any right, title estate, or lien upon the real estate which is the subject of this action, Third Party Defendants,

Of Whom Ralph Johnson is the Respondent and Coretta McMillan, Samuel Lee Morant, Jr., and Betsy Felicia Morant are the Appellants.

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v.

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answering as Defendant - Third Party Plaintiff,

v.

Bank One, N.A. Consecro Finance Servicing Corp., Equity One, Inc., JPMorgan Chase Bank, National Association, as trustee for the C-Bass Mortgage Loan Asset-Backed Certificates, Series 2005-CB2, and Mark D. Johnson, JOHN DOE AND MARY ROWE, fictitious names representing any known minors, incompetents, persons in the military, persons imprisoned and persons under any legal disability and RICHARD ROE AND SARAH DOE, fictitious names representing unknown devisees, distributees, or personal Representatives of LILLIAN G. BROWN, GERALDINE G. REED, RETHA G. GREGGS, LILLIE D. GRAY, GEORGE DAVIS, JULIA DAVIS, VIVIAN DAVIS, MARGARET DAVIS, LILLIE MAE DAVIS, LECIA RICE, ROY H. SETZLER, DYAN SETZLER, LUCIOUS WRIGHT, JULIA JONES, EDITH K. GILMORE, EDDIE GRIMES, HENRY C. GUESS, WILLIE THOMPSON, BESSIE THOMPSON, ANNIE MAE WHITE, and also all other unknown persons claiming any right, title estate, or lien upon the real estate which is the subject of this action, Third Party Defendants,

Of Whom Ralph Johnson is the Respondent and Coretta McMillan, Samuel Lee Morant, Jr., and Betsy Felicia Morant are the Appellants.

RECORD ON APPEAL

Zipporah O. Sumter, Esquire
P.O. Box 732
Orangeburg, SC 29116

Thomas Ray Sims, Esquire
P.O. Box 2016
Orangeburg, SC 29116

Michael C. Tanner, Esq.
Post Office 1061
Bamberg, SC 29003

(803)245-9153
Attorney for Appellant

J. Martin Harvey, Jr., Esquire
Post Office Box 705
Barnwell, SC 29812
(803) 259-5531
Attorney for Respondent

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2010 CP-05-0039

THE FORFEITED LAND COMMISSION OF BAMBERG COUNTY

EARTHA DEAN MOODY BEARD, ET. AL.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: J. MARTIN HARVEY

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

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

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

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

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.
Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

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

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
Ralph Johnson	Willis Thompson; Bessie Thompson	\$n/a
	Coretta McMillan, Samuel Lee Morant, Jr., Betsy Felicia Morant	\$n/a
		\$n/a
If applicable, describe the property, including tax map information and address, referenced in the order: TMS 008604-01-027-		

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


Circuit Court Judge

2153
Judge Code

November 24
2014
Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of November, 2014 and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of November, 2014 to attorneys of record or to parties (when appearing pro se) as follows:

J. MARTIN HARVEY
P. O. BOX 705
BARNWELL SC 29812

Michael C. Tanner
P.O. Box 1061
Bamberg, SC 29812

WILLIAM S. KEMP
P O BOX 1068
BAMBERG SC 29003

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

STATE OF SOUTH CAROLINA)

COUNTY OF BAMBERG)

The Forfeited Land Commission of
Bamberg County,)

Plaintiff)

vs.)

Eartha Dean Moody Beard, et.al. Ralph
Johnson, et al., of whom Ralph Johnson is
answering as)

Defendant -
Third Party Plaintiff)

Vs.)

IN THE COURT OF COMMON PLEAS

C/A NO: 2010-CP-05-39

ORDER QUIETING TITLE

Bank One, N.A., Conseco Finance
Servicing Corp., Equity One, Inc.,
JPMorgan Chase Bank, National
Association, as trustee for the C-BASS
Mortgage Loan Asset-Backed Certificates,
Series 2005-CB2, and Mark D. Johnson,
JOHN DOE AND MARY ROE,
fictitious names representing any unknown
minors, incompetents, persons in the
military, persons imprisoned and persons
under any other legal disability and
RICHARD ROE AND SARAH DOE,
fictitious names representing unknown
devisees, distributees, or personal
Representatives of LILLIAN G. BROWN,
GERALDINE G. REED, RETHA G.
GREGGS, LILLIE D. GRAY, GEORGE
DAVIS, JULIA DAVIS, VIVIAN DAVIS,
MARGARET DAVIS, LILLIE MAE
DAVIS, LECIA RICE, ROY H. SETZLER,
DYAN SETZLER, LUCIOUS WRIGHT
JULIA JONES, EDITH K. GILMORE,
EDDIE GRIMES, HENRY C. GUESS,
WILLIE THOMPSON, BESSIE
THOMPSON, ANNIE MAE WHITE,
and also all other unknown persons claiming)

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any right, title, estate, or lien upon the real)
estate which is the subject of this action,)
)

Third Party Defendant)
)

This action was originally filed by the Forfeited Land Commission of Bamberg County to set aside certain tax deeds. Hearings on November 18, 2013, and August 28, 2014, resulted in the dismissal of the Plaintiff's claims and entry of default judgment in favor of Defendant Ralph Johnson [hereafter "Johnson"] on his cross-claims to quiet his title by virtue of tax deeds to properties described in the Complaint and Cross-claims as to all but one co-defendant and third-party defendant.

A bench trial was held on September 22, 2014 on Johnson's remaining cross-claim to quiet his title to property formerly titled in the names of Willis Thompson and Bessie Thompson. J. Martin Harvey appeared on behalf of Ralph Johnson. Michael C. Tanner appeared on behalf of Coretta McMillan, an heir of the Thompsons. William S. Kemp, Esq. Guardian ad Litem Nisi, also appeared.

Upon examination of the file, I find that this matter was commenced by the filing of a Summons, Complaint and Lis Pendens on February 19, 2010. Ralph Johnson filed and served his Answer, Counter-claim, Cross-Claim and Third-Party Complaint and Lis Pendens on May 10, 2010, which he thereafter amended on November 9, 2011. William S. Kemp was appointed as Guardian ad Litem Nisi on May 18, 2010. All defendants were served personally, by certified mail, return receipt requested, or by publication on or prior to September 8, 2011. Coretta McMillan appeared at the November 18, 2013 hearing, claiming to be an heir of Defendants Willis and Bessie Thompson. McMillan filed an Answer and Counterclaim on April 8, 2014 seeking to set aside Johnson's tax deed as to the Thompson property. Johnson timely replied. Other heirs or devisees of Willis and Bessie Thompson, Samuel Lee Morant, Jr., and Betsy Felicia Morant, were identified to the Court, but have not made appearances. I find and conclude that they were properly served as unknown heirs of the Thompsons, and are in default.

Based on the pleadings and record before me, I make the following findings of fact:

1. The remaining real estate at issue in Johnson's Cross-claim and Third-Party Complaint consists of a parcel of land, more particularly described as follows:

Parcel No. 38:

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All that certain lot of land situate in the County of Bamberg, State of South Carolina, and having the following boundaries:

On the Northeast by Geraldine Dowling; on the Southeast by Eugene Smalls Heirs, et al.; on the Southwest by Binnicker Bridge Road; on the Northwest by Frances S. Bonaparte.

This being the same property conveyed to Willis and Bessie Thompson by Willis and Bessie Thompson on January 11, 2001, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 116, Page 11, on January 22, 2001. Also referenced in Plat Book J, Page 55.

Tax Map #: 0086-04-01-027

2. Defendant Bessie Thompson, died September 27, 2004. Her husband, Willis Thompson died on October 21, 2005. The administration of their estates had not been commenced as of the date of filing of this action. Their estates have not been completely administered as of the date of trial. Coretta McMillan, Samuel Lee Morant, Jr., and Betsy Felicia Morant are devisees and/or heirs at law of Willie and Bessie Thompson. Ms. McMillan admitted she did not notify the Tax Assessor that her grandparents were deceased, and did not give the Assessor a different address to which the tax notice should be mailed. Ms. McMillan rented the property to Bernard Holman, who occupies the property to this day.

3. Defendants Richard Roe and Sarah Doe, being fictitious names, are named as parties herein to represent such unknown devisees, distributees, or Personal Representatives of the said deceased defendants, the identities of whom are not indicated on the public record, and also all other unknown persons claiming any right, title, estate, or lien upon the real estate which is the subject of this action. Defendants JOHN DOE AND MARY ROE, being fictitious names, were named as parties herein to represent such unknown minors, incompetents, persons in the military, persons imprisoned and persons under any other legal disability, if they exist. The Guardian reported that no one claiming to be an heir of Willis Thompson and Bessie Thompson had contacted him, and that no defendant was actively serving in the military.

4. Third Party Defendant BankOne, N.A., is a foreign corporation authorized to transact business in South Carolina and was made a party to this action by virtue of Mortgage of Willie Thompson and Bessie W. Thompson to Bank One, N.A., covering TMS 086-04-01-027, more fully described hereinbelow dated March 21, 2003 and recorded April 4, 2003 in Mortgage Book 153 at page 9. BankOne, N.A. is in default.

5. Bamberg County ad valorem taxes assessed for 2006 on the properties at issue became delinquent. The County complied with S. C. Code Ann. §12-45-180 on March 17, 2007 by having the Treasurer send the Tax Collector a Notice that the taxes on the property were

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delinquent, a copy of which was mailed on the same day by certified mail, return receipt requested to the defaulting taxpayers, Willis and Bessie Thompson, at the addresses shown on the tax receipts, to-wit: 2055 Binnicker Bridge Road, Bamberg, SC 29003. Mr. Holman denies receiving any mail from the County, which is understandable inasmuch as he could not have taken delivery due to the restricted delivery requirement.

6. The taxes on the parcel in question remained unpaid, and by virtue of such execution, on May 17, 2007, or soon thereafter, the Tax Collector sent notices to the defaulting taxpayers, the co-defendants affected herein at their addresses of record, by certified mail, restricted delivery, return receipt requested stating that if the taxes, penalties, assessments, and costs were not paid, the property must be duly advertised and sold to satisfy the delinquency.

7. The taxes were unpaid after 30 days and the Tax Collector attempted to comply with the second step of the process, §12-51-40(b), by taking exclusive possession of the property and sending a second notice by certified mail, return receipt requested, restricted delivery, which was returned because Mr. and Mrs. Thompson were both deceased, and the Postal Service could not have complied with the restricted delivery requirement.

8. Because the certified letter was returned, the Tax Collector should have complied with §12-51-40(c), taking exclusive possession by posting the property. The Tax Collector's file contains a copy of a notice dated June 19, 2007. The file documentation does not contain separate indication of posting, as other files reviewed by the Tax Collector during her testimony. Mr. Holman denied that the premises were posted, and denied that the notice was delivered to him as the occupant of the premises.

9. There is no dispute that the property was part of the advertisement of the tax sale published in the local newspaper as required by §12-51-40(d). The publication listed the deceased property owners; however, §12-51-40(f) requires the property to be advertised and sold in the name of the deceased owners of record. The Tax Collector sold the property in question on November 5, 2007. The Tax Collector, acting as statutory agent for the County Forfeited Land Commission, bid the property in for the amount of the taxes, penalties and interest due.

10. The Tax Collector complied with the requirement of S. C. Code Ann. §12-51-120 by sending the notice of right to redeem to the owners of record, the Thompsons, and their mortgagee, BankOne, N.A. at the addresses of record, on October 3, 2008 by certified mail, return receipt requested, restricted delivery.

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11. During the redemption period, the Tax Collector, acting on behalf of the Forfeited Land Commission, assigned the county's bids on the property in question to Johnson.

12. The property at issue was not redeemed ~~even~~ ^{the} and County issued a tax deed to Johnson, as assignee of the high bidder at the tax sale, on February 27, 2009, which was recorded in Deed Book 245 at pages 218- 222.

13. Johnson attempted to take possession of the property upon receiving title by filing an eviction action in the Bamberg County Magistrate's Court on January 26, 2010 and serving eviction papers as to the occupant of the property, Bernard Holman, thereby ousting the co-defendants and third party defendants. After Johnson sent McMillan written notice of his ownership and intent to evict, Coretta McMillan made inquiry about the taxes and admitted she was told that Johnson had purchased the property at the tax sale.

CONCLUSIONS OF LAW

This Court has jurisdiction over the parties and the subject matter of this action.

This action is brought pursuant to S. C. Code Ann. §15-61-10, et. seq., to quiet plaintiff's title in the real estate in question, specifically described hereinabove.

The issues involved in the case are: (A) whether the Tax Collector, as agent of the Forfeited Land Commission, is authorized to assign the FLC's bid to Johnson? (B) whether the Tax Collector strictly followed the procedures of S. C. Code Ann. §§ 12-51-40, et. seq., as amended? (C) whether in spite of any irregularities Johnson's tax deed is incontestable under §12-51-90(c) and §12-51-160?

A. I conclude that the Tax Collector is authorized to assign the Forfeited Land Commission's bid. S.C. Code Ann. §12-51-55 authorizes the Forfeited Land Commission of the county to place a bid at the tax sale equal to the amount of all unpaid property taxes, penalties, and assessments due the county. It follows that the FLC becomes a "purchaser" for purposes of the remainder of the tax sale process. S.C. Code Ann. §12-51-90(A) contemplates that a purchaser may assign its bid. If the FLC is a purchaser, then the FLC is entitled to assign its bid to a third party. This is consistent with §12-51-130 which directs the tax collector to "make a tax title to the purchaser or the purchaser's assignee." Id.

B. I conclude that the Tax Collector complied with §12-51-40(a) by mailing of notice of delinquent property taxes, penalties, assessments, and costs to the defaulting taxpayer

on May 17, 2007. The Tax Collector mailed the notice "to the best address available, which is either the address shown on the deed conveying the property to him, the property address, or other corrected or forwarding address of which the officer authorized to collect delinquent taxes, penalties, and costs has actual knowledge." *Id.*

The record indicates the only address available to the Tax Collector for the Thompsons, the owners of record at the time the taxes became delinquent, at the time the sale was held and upon the expiration of the redemption period, was the physical address of the property. Mailing notice of the delinquent taxes and other required documents to the address given to the Assessor is sufficient to comply with the requirements of the tax sale statutes. *Johnson v. Arbabi*, 355 S.C. 64, 584 S.E.2d 113 (2003). Ms. McMillan cannot complain that she didn't get the mail. The Tax Collector's file indicates notices were sent by certified mail, return receipt requested, restricted delivery, to the address provided by the owner of record. Further the statute requires the manner by which notice is sent. The statute does not require that the taxpayer receive the notice.

I conclude, however, that the Tax Collector's failure to post the property and deliver notice of execution to the occupant is an irregularity that would otherwise lead me to overturn the tax deed, but for the expiration of the statute of limitations. 5

C. I conclude that even if the tax sale process was not strictly observed, Ralph Johnson's tax deed is incontestable under §12-51-90(c) and §12-51-160. The tax deed transferred ownership as of February 27, 2009, the date it was recorded, subject to the two-year statute of limitations, after which time the purchaser's title is uncontestable. S. C. Code Ann. §12-51-90(c). Delivery of the tax title to the clerk of court or register of deeds is considered "putting the purchaser, or assignee, in possession". S. C. Code Ann. §12-51-130.

As most recently as 2010 our Supreme Court has discussed the importance of statutes of limitations:

Statutes of limitations are not simply technicalities." *Moates v. Bobb*, 322 S.C. 172, 176, 470 S.E.2d 402, 404 (Ct.App.1996). "Statutes of limitations embody important public policy considerations in that they stimulate activity, punish negligence, and promote repose by giving security and stability to human affairs." *Id.* (citation omitted). Statutes of limitations relieve courts of the burden of trying stale claims of those who have slept on their rights. *See McKinney v. CSX Transp., Inc.*, 298 S.C. 47, 49-50, 378 S.E.2d 69, 70 (Ct.App.1989). "The purpose of statutes of limitation is to ensure litigation is 'brought within a reasonable time in order that evidence be

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reasonably available and there be some end to litigation.' " *Hooper v. Ebenezer Senior Servs. & Rehab. Ctr.*, 377 S.C. 217, 227, 659 S.E.2d 213, 218 (Ct.App.2008) (quoting *City of North Myrtle Beach v. Lewis-Davis*, 360 S.C. 225, 231, 599 S.E.2d 462, 464 (Ct.App.2004)).

Transp. Ins. Co. & Flagstar Corp. v. S. Carolina Second Injury Fund, 389 S.C. 422, 428, 699 S.E.2d 687, 690 (2010)

The applicable statutes of limitations in this case are S. C. Code Ann. §§12-51-90(c) and 12-51-160. The former provides:

(C) If the defaulting taxpayer, grantee from the owner, or mortgage or judgment creditor fails to redeem the item of real estate sold at the delinquent tax sale within the twelve months provided in subsection (A) and after the passing of an additional twelve months, the tax deed issued is incontestable on procedural or other grounds.

The latter similarly provides:

In all cases of tax sale the deed of conveyance, whether executed to a private person, a corporation, or a forfeited land commission, is prima facie evidence of a good title in the holder, that all proceedings have been regular and that all legal requirements have been complied with. An action for the recovery of land sold pursuant to this chapter or for the recovery of the possession must not be maintained unless brought within two years from the date of sale as provided in Section 12-51-90(C).

S.C. Code Ann. § 12-51-160

The Supreme Court instructed on interpreting statutes of limitations in Transp. Ins. Co. & Flagstar Corp.:

"The cardinal rule of statutory construction is to ascertain and effectuate the intent of the legislature." *Hodges v. Rainey*, 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2000) (citation omitted). The text of a statute as drafted by the legislature is considered the best evidence of the legislative intent or will. *See id.* "If a statute's language is plain, unambiguous, and conveys a clear meaning, then the rules of statutory interpretation are not needed and a court has no right to impose another meaning." *Strickland v. Strickland*, 375 S.C. 76, 88, 650 S.E.2d 465, 472 (2007) (citation omitted). "The Court will give words their plain and ordinary meaning, and will not resort to a subtle or forced construction that would limit or expand the statute's operation." *Harris v. Anderson County Sheriff's Office*, 381 S.C. 357, 362, 673 S.E.2d 423, 425 (2009) (citation omitted).

Transp. Ins. Co. & Flagstar Corp. v. S. Carolina Second Injury Fund, 389 S.C. 422, 429, 699 S.E.2d 687, 690 (2010)

The plain and ordinary reading of both statutes mandate timely compliance. Having slept

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on her rights, in spite of knowing for more than 2 years that Johnson had a recorded tax deed and in spite of his efforts to evict her tenant beginning well over 4 years before she challenged his title, McMillan cannot contest Johnson's deed on any procedural or other grounds, as provided by S. C. Code Ann. §§12-51-90(c) and 12-51-160.

A taxpayer's cause of action to set aside a tax deed accrues when the purchaser takes action informing the taxpayer of his ownership. King v. James, 388 S. C. 16, 694 S.E.2d 35 (Ct.App.2010).¹ Under King, Johnson's action to evict was an affirmative step that triggered the two-year statutes of limitations, which ran on January 26, 2012. McMillan's counterclaim was not filed until April 8, 2014, and is therefore time-barred. Now, therefore,

IT IS ORDERED that Ralph Johnson shall have quiet title in the property described hereinabove to the extent that any defendant named herein have a claim, legal or equitable, that may be a cloud on the title.

IT IS FURTHER ORDERED, that Johnson have his costs from Coretta McMillan as provided by Rule 54(e), South Carolina Rules of Civil Procedure.

AND IT IS SO ORDERED.



Edgar W. Dickson, Presiding Judge
Second Judicial Circuit

November 24, 2014
Orangeburg, South Carolina

¹ Reeping v. JEBBCO, LLC, 402 S.C. 195, 740 S.E.2d 504 (Ct. App. 2013), is fully distinguishable in that the Court's basis for not applying the statutes of limitations was the Tax Collector's failure to send notice to an alternate address provided by the taxpayer. As stated herein, Ms. McMillan did not notify the Tax Collector of her grandparents' deaths nor did she provide the Tax Assessor with a forwarding address to which tax notices could have been mailed.

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2010 CP-05-39

The Forfeited Land Commission of Bamberg County,

Eartha Dean Moody Beard, et al.

FILED
BAMBERG COUNTY
2011 FEB -4 PM 12:33

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Richard B. Ness,

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

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☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

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

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.
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INFORMATION FOR THE JUDGMENT INDEX

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		\$
		\$
		\$

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Circuit Court Judge

2153
Judge Code

1/13/14
Date

For Clerk of Court Office Use Only

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

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

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The Forfeited Land Commission of)
Bamberg County,)

Plaintiff)

vs.)

Eartha Dean Moody Beard, et.al. Ralph)
Johnson, et al., of whom Ralph Johnson is)
answering as)

Defendant -)
Third Party Plaintiff)

Vs.)

Bank One, N.A., Conseco Finance)
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Association, as trustee for the C-BASS)
Mortgage Loan Asset-Backed Certificates,)
Series 2005-CB2, and Mark D. Johnson,)
JOHN DOE AND MARY ROE,)
fictitious names representing any unknown)
minors, incompetents, persons in the)
military, persons imprisoned and persons)
under any other legal disability and)
RICHARD ROE AND SARAH DOE,)
fictitious names representing unknown)
devisees, distributees, or personal)
Representatives of LILLIAN G. BROWN,)
GERALDINE G. REED, RETHA G.)
GREGGS, LILLIE D. GRAY, GEORGE)
DAVIS, JULIA DAVIS, VIVIAN DAVIS,)
MARGARET DAVIS, LILLIE MAE)
DAVIS, LECIA RICE, ROY H. SETZLER,)
DYAN SETZLER, LUCIOUS WRIGHT)
JULIA JONES, EDITH K. GILMORE,)
EDDIE GRIMES, HENRY C. GUESS,)
WILLIE THOMPSON, BESSIE)
THOMPSON, ANNIE MAE WHITE,)
and also all other unknown persons claiming)

IN THE COURT OF COMMON PLEAS

C/A NO: 2010-CP-05-39

FILED
BAMBERG COUNTY
2014 FEB -4 PM 12:33
JAMES D. HERS
CLERK OF COURT
BAMBERG, SC

ORDER DISMISSING COMPLAINT
OF BAMBERG COUNTY AND
COUNTERCLAIMS OF RALPH JOHNSON

1/4

000013

any right, title, estate, or lien upon the real)
estate which is the subject of this action,)
)
Third Party Defendant)

This is an action to set aside tax deeds issued to defendants Ralph Johnson, J. Danny Covington, Arrie Dickinson, and Julia D. Jones after the 2006 Bamberg County Delinquent Tax Sale, which took place in November, 2007. Ralph Johnson answered the Complaint, alleging counterclaims, cross-claims and third-party claims, alleging causes of action against Bamberg County for Betterments and investments made in the subject properties.

The matter came before me for trial on November 18, 2013. All parties were given notice of the hearing. Appearances were by Richard B. Ness and Alison Dennis Hood, for the Plaintiff; J. Martin Harvey for Ralph Johnson, Zipporah Sumpter for Rodriguez Rice, Van Oscar Rice, Jr., Kevin Rice, Frederick Rice, Zamaro Rice, Ticia Rice, a/k/a Lecia Rice, and William S. Kemp, Guardian ad Litem for Defendants John Doe, Mary Roe, Richard Roe and Sarah Doe. Also appearing pro se were Angela M. Grimes, Perry L. Scriven, Arrie Dickerson, Alison Clark, Terry Moody for Eartha Dean Moody Beard, Charles Kizer for Edith Gilmore, Corretta McMillan for Willie and Bessie Thompson, and Paul A. Nelson, III for Sondra Nelson.

The Court is addressing the Ralph Johnson's cross-claims and third-party claims under separate Order. This Order addresses the Declaratory Judgment action brought by Bamberg County Forfeited Land Commission and the counter-claims against Bamberg County alleged by Defendant Ralph Johnson. Based on the pleadings and record before me, I make the following findings of fact:

1. The Plaintiff Bamberg County Forfeited Land Commission has moved before this Court, pursuant to Rule 41(a) to dismiss its complaint, with prejudice;
2. The Defendants in this action do not object to the motion, and have consented to the motion of Bamberg County Forfeited Land Commission to dismiss its declaratory judgment action, with prejudice;
3. The Defendant Ralph Johnson has likewise agreed to waive all causes of action against Bamberg County and the Bamberg County Forfeited Land Commission, including those that have been plead or those that might have been plead;

4. The parties desire the dismissal of all causes of action as and between Bamberg County, the Bamberg County Forfeited Land Commission and Ralph Johnson relating to the 2006 Tax Sale, which took place in November 2007 on the following terms:

a) The payment by Defendant Ralph Johnson of Forty-Seven Thousand Seven Hundred Eighty Dollars and Eighty-Seven Cents (\$47,780.87) to Bamberg County (Forfeited Land Commission) payable by cash or certified check; b) The dismissal of the Complaint and any amendments thereto and Counterclaims in an action pending in the Bamberg County Court of Common Pleas entitled, *The Forfeited Land Commission of Bamberg County v. Eartha Dean Moody Beard, et al, Case Number 2010-CP-05-39*; c) the payment to the Bamberg County Treasurer and Delinquent Tax Officer any outstanding sums due and payable for delinquent ad valorem taxes, deducting and barring any late fees, penalties or costs for the calendar years 2009, 2010, 2011 and 2012 within forty-five days of the execution of this agreement, such amount totaling \$25,569.57.

5. The parties have an ongoing dispute related to the 2007 tax sale, which took place in November 2008, and this Order shall have no effect on that ongoing dispute.

CONCLUSIONS OF LAW

This Court has jurisdiction over the parties and the subject matter of this action.

Now, therefore,

IT IS ORDERED that the oral motion of Bamberg County and Bamberg County Forfeited Land Commission, to dismiss its complaint and any amendments thereto, pursuant to Rule 41(a), SCRPC is hereby granted, and, by consent of Ralph Johnson, by and through his counsel, the counterclaims of Ralph Johnson against Bamberg County and the Bamberg County Forfeited Land Commission are similarly dismissed, with prejudice; and

IT IS FURTHER ORDERED, the cross-claims of Ralph Johnson against other defendants will be addressed by separate Order(s); and

IT IS FURTHER ORDERED, that Defendant Ralph Johnson shall comply with the terms of the dismissal found herein within forty-five days, by making full payment to the Bamberg County Treasurer or Bamberg County Delinquent Tax Officer; and

IT IS FURTHER ORDERED, that in the event any and all remaining defendants prevail over the claims of Ralph Johnson, that such defendants shall be responsible for tendering to Ralph

Johnson the full redemption amount of the property in question, including interest at the statutory rate, without the involvement of Bamberg County.

AND IT IS SO ORDERED.



Edgar W. Dickson, Presiding Judge
Second Judicial Circuit

January 13, 2014 
Orangeburg, South Carolina

000016

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2010 CP-05-0039

THE FORFEITED LAND COMMISSION OF BAMBERG COUNTY

EARTHA DEAN MOODY BEARD, ET. AL.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: J. MARTIN HARVEY

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

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

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

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

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

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

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
RALPH JOHNSON	Lillian G. Brown, George Davis, Johnny M. Davis, Julia Davis, Lillie Mae Davis, Vivian Davis, Margaret Davis, Harry Felder, Fairey Padgett, III, Lillie D. Gray, Retha G. Greggs, Samuel Greggs, Eddie Grimes, Henry C. Guess, Cynthia Hanberry, Derrick Hanberry, Roosevelt Jackson, Thelma Jackson, Stafford Kearse, June McMillan, Kim McMillan, Joseph Mingo, Jr., Cecil M. Murdaugh, Jr., Sheila M.	\$

	Murdaugh, David Nesbit, Lisa F. Padgett, Geraldine G. Reed, Larry Sanders, Roy Setzler, Dyan Setzler, alachi Toomer, Elizabeth Walker, Ben Walker, Annie Mae White, Shree D. Wiggins, David Lee Williams, Lucious Wright and Callie Wright	
		\$
		\$

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

0036-00-00-033
0038-10-06-040
0088-04-01-025
0038-11-09-007
0038-13-02-024
0038-13-02-022
0039-04-02-007
0038-10-06-039
0036-00-00-037
0036-00-00-039
0036-00-00-040
0036-00-00-041
0036-00-00-035
0036-00-00-043
0071-03-01-054
0038-10-06-018
0038-01-05-017
0072-08-08-004
0039-09-01-049
0090-00-00-028
0098-00-00-047
0098-00-00-048
0087-02-12-022
0038-02-01-008
0036-00-00-036
0072-06-03-019
0038-15-01-008
0072-06-10-007
0038-09-02-015
0030-00-00-033
0086-04-15-010
0107-00-00-039
0072-06-09-014
0072-06-15-027

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

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on the 3 day of Feb JANUARY, 2014 and a copy mailed first class or placed in the appropriate attorney's box on this 3 day of JANUARY, 2014 to attorneys of record or to parties (when appearing pro se) as follows:

RICHARD B NESS

P O BOX 909

BAMBERG SC 29003

ATTORNEY(S) FOR THE PLAINTIFF(S)

J. MARTIN HARVEY

P. O. BOX 705

BARNWELL SC 29812

ZIPPORAH SUMPTER

P O BOX 732

ORANGEBURG SC 29116

WILLIAM S. KEMP

P O BOX

BAMBERG SC 29003

SEE ALSO ATTACHED LIST FOR PRO SE DEFENDANTS

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE I.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

FORM 4C INSTRUCTIONS—JUDGMENT IN A CIVIL CASE

(Instructions for Information Only-Not to be filed with Form 4C)

1. Form 4C-Judgment in a Civil Case has been modified to add order information and enrollment instructions for the clerk of court. The purpose of Form 4 has not changed with the exception that judgment information is provided when applicable.
2. Please note that the Form 4C must be attached to all orders that include information to enroll in the judgment index. The clerk will not be responsible for reading the order to determine enrollment information.

The attorney or prevailing party will prepare and attach the Form 4C when submitting the proposed order that includes judgment enrollment information for the judgment index. The judge will review and sign Form 4C when he or she signs an order that includes judgment enrollment information for the judgment index.

3. Form 4C is not required to be submitted to the Court with orders that do not include information to enroll in the judgment index. If the clerk receives such an order without Form 4C attached, the clerk should enter and process the order pursuant to Rule 58 and Rule 77(d), SC Rules of Civil Procedure (i.e., the clerk should serve notice of entry of the judgment by mail or provide the attorneys with copies of the signed order by other means).
4. The "Information for the Judgment Index" section should be completed when the judgment affects title to real or personal property or if any amount should be enrolled. In the "Judgment in Favor of" column, enter the name of the party to whom the judgment is awarded. In the "Judgment Against" column, enter the name of the person to whom the judgment is against. The judgment amount to be enrolled should be noted in the "Judgment Amount" column. As necessary, describe any property referenced in the order if it is to be enrolled in the judgment index. If there is no judgment information to enroll, indicate "N/A" in one of the boxes in this section of the form.
5. To enter information to accommodate multiple parties, additional Form 4Cs may be used as necessary. Additional space may be inserted on the form as necessary.
6. The section "For the Clerk of Court Office Use Only" should be completed by the clerk as it has been with the previous version of Form 4.
7. If the matter is on appeal to the Circuit Court, then the parties on the form should be changed from Plaintiff and Defendant to Appellant and Respondent.
8. If an arbitrator prepares an order after arbitration, the arbitrator should strike through "Circuit Court Judge" and indicate "Arbitrator" in the signature block.

9. If a Special Circuit Court Judge, Master in Equity, or Special Referee prepares an order after hearing a Circuit Court matter, then he or she should strike through the title "Circuit Court Judge" below the signature line and indicate the appropriate title.
10. When an Order of Foreclosure is filed, neither the parties or debt owed should be listed in the Information for the Judgment Index Section, unless the foreclosure order specifically requires entry of the full judgment amount before the foreclosure sale, pursuant to Section 29-3-650 of the SC Code.
11. If the deficiency judgment is waived in a Foreclosure action, indicate N/A in the "Judgment Amount To Be Enrolled" box.
12. Foreclosure actions should be ended by the Clerk of Court upon receipt of the Order of Foreclosure. Subsequent information, including deficiency judgments, can be added to the action after the case is ended. The Master in Equity should end the action in the MIE system upon the receipt of the Order of Foreclosure.
13. When judgment enrollment information is included in the Information for the Judgment Index Section (for example, when there is a deficiency judgment), only the parties who the judgment is for and against should be included in the Section. Subordinate parties and lienholders should not be included in the box if there is not a judgment amount specifically for or against them.
14. Form 4C is not required to be attached to Transcripts of Judgment and Confession of Judgment.

ATTACHMENT TO FORM 4

Elizabeth Walker
40 Macon St. Apt. 3R
Brooklyn, N.Y. 11216

Map# 0030-00-00-033

Lillian G. Brown
c/o John Greggs
PO Box 645
Denmark SC 29042

Map # 0036-00-00-003

Samuel Greggs
70 Diamond Rd
Denmark SC 29042

Map # 0036-00-00-035

Geraldine G. Reed
C/O John Greggs
PO Box 645
Denmark SC 29042

Map # 0036-00-00-036

Retha G. Greggs
c/o John Greggs
PO Box 645
Denmark SC 29042

Map # 0036-00-00-037

Map # 0036-00-00-039

Map # 0036-00-00-040

Map # 0036-00-00-041

Samuel Greggs
70 Diamond Rd
Denmark SC 29042

Map # 0036-00-00-043

Cynthia Hanberry
c/o Derrick Hanberry
72 Beaver St.
Denmark SC 29042

Map # 0038-07-05-017

Lisa F. Padgett
PO Box 467
Demark SC 29042

Map # 0038-02-01-008

Malachi Toomer
4911 Capernaum Rd
Denmark SC 29042

Map# 0038-09-02-015

Henry C. Guess
85 Rome Ave
Denmark SC 29042

Map#0038-10-06-018

Lillie D. Gray
c/o John M. Gray
1 Hamilton Heights Dr. Apt 248
West Hartford, CT. 06119-1176

Map # 0038-10-06-039

George Davis
c/o Bldg 2 Apt 8/Granada Cres
White Plains, N.Y. 10603

Map# 0038-10-06-040

Julia Davis
c/o John Gray
Bldg 2 Apt 8/Granada Cres.
White Plains, N.Y. 10603

Map# 0038-11-09-007

Vivian Davis
& Margaret c/o E. Griffith
PO Box 9153
Jersey City N.J. 07305

Map# 0038-13-02-022

Lillie Mae Davis
c/o Elizabeth Davis
PO Box 9153
Jersey City N.J. 07304

Map# 0038-13-02-024

Larry Sanders
449 Poplar Ave
Denmark SC 29042

Map#0038-15-01-008

Harry Felder
& Fairey Padgett III
PO Box 467
Denmark SC 298042

Map # 0039-04-02-007

Stafford Kears
c/o Harriet K & Greg Turner
817 Lyndale Ave
Trenton, NJ 08629

Map# 0039-09-01-049

Eddie Grimes
37-29 111 Street
Corona, NY 08629

Map # 0071-03-01-054

Ticia Rice
c/o Mr. Victor R. Smith
119 Cherryfield Lane
Savannah, GA 31419-7310

Map # 0072-06-03-019

David Lee Williams
241 Sawdust Ave.
Denmark SC 29042

Map# 0072-06-09-014

Roy H & Dyan Setzler
c/o Dyan McLaughlin
818 E. Yorkshire Dr.
Deland FL 32724

Map# 0072-06-10-007

Lucious Wright
c/o Joseph Wright
PO Box 202
Bamberg SC 29003

Map# 0072-06-15-027

Roosevelt Jackson
& Thelma S Jackson
143 Rutland St.
Bamberg SC 29003

Map# 0072-08-08-004

Annie Mae White
37 Jackson St
Staten Island, N.Y. 10301-2612

Map# 0086-04-15-010

David Nesbit
147 Gator Drive
Gross Creek, SC 29445

Map# 0087-02-12-022

Johnny M. Davis
77 Ironwood Court
Bamberg SC 29003

Map# 0088-04-01-025

June McMillan
& Kim McMillan
1360 Ogden Ave. Apt 2-F
Bronx, NY 10452

Map # 0090-00-00-028

Joseph Mingo, Jr.
49 Yankee Lane
Ehrhardt SC 29081

Map # 0098-00-00-047

Cecil M. Murdaugh, Jr.
& Shelia M. Murdaugh
PO Box 628
Ehrhardt SC 29081

Map# 0098-00-00-048

Sherree D. Wiggins
125 Lakeshore Dr.
Walterboro SC 29488

Map # 0107-00-00-039

STATE OF SOUTH CAROLINA

COUNTY OF BAMBERG

The Forfeited Land Commission of
Bamberg County,

Plaintiff

vs.

Eartha Dean Moody Beard, et.al. Ralph
Johnson, et al., of whom Ralph Johnson is
answering as

Defendant -
Third Party Plaintiff

Vs.

Bank One, N.A., Conseco Finance
Servicing Corp., Equity One, Inc.,
JPMorgan Chase Bank, National
Association, as trustee for the C-BASS
Mortgage Loan Asset-Backed Certificates,
Series 2005-CB2, and Mark D. Johnson,
JOHN DOE AND MARY ROE,
fictitious names representing any unknown
minors, incompetents, persons in the
military, persons imprisoned and persons
under any other legal disability and
RICHARD ROE AND SARAH DOE,
fictitious names representing unknown
devisees, distributees, or personal
Representatives of LILLIAN G. BROWN,
GERALDINE G. REED, RETHA G.
GREGGS, LILLIE D. GRAY, GEORGE
DAVIS, JULIA DAVIS, VIVIAN DAVIS,
MARGARET DAVIS, LILLIE MAE
DAVIS, LECIA RICE, ROY H. SETZLER,
DYAN SETZLER, LUCIOUS WRIGHT
JULIA JONES, EDITH K. GILMORE,
EDDIE GRIMES, HENRY C. GUESS,
WILLIE THOMPSON, BESSIE
THOMPSON, ANNIE MAE WHITE,
and also all other unknown persons claiming)

IN THE COURT OF COMMON PLEAS

C/A NO: 2010-CP-05-39

ORDER QUIETING TITLE BY
DEFAULT JUDGMENT

FILED
BAMBERG COUNTY
2011 FEB -3 AM 9:57
JAMES E. HERS
CLERK OF COURT
BAMBERG, SC

1/16 *[Signature]*

000026

any right, title, estate, or lien upon the real)
estate which is the subject of this action,)
)
Third Party Defendant)
)

This is an action to set aside tax deeds issued to defendants Ralph Johnson, J. Danny Covington, Arrie Dickinson, and Julia D. Jones after the 2006 Bamberg County Delinquent Tax Sale. Ralph Johnson answered the Complaint, alleging counterclaims, cross-claims and third-party claims, alleging his tax deeds were valid, and seeking quiet title to the various properties in question as to the prior owners of record.

The matter came before me for trial on November 18, 2013. All parties were given notice of the hearing. Appearances were by Richard B. Ness and Alison Hood, for the Plaintiff, J. Martin Harvey for Ralph Johnson, Zipporah Sumpter for Rodriguez Rice, Van Oscar Rice, Jr., Kevin Rice, Frederick Rice, Zamaro Rice, Ticia Rice, a/k/a Lecia Rice, and William S. Kemp, Guardian ad Litem for Defendants John Doe, Mary Roe, Richard Roe and Sarah Doe. Also appearing pro se were Angela M. Grimes, Perry L. Scriven, Arrie Dickerson, Alison Clark, Terry Moody for Eartha Dean Moody, Charles Kizer for Edith Gilmore, Corretta McMillan for Willie and Bessie Thompson, and Paul A. Nelson, III for Sondra Nelson.

The Court has addressed the plaintiff's claim and Ralph Johnson's counterclaims under separate Order. This Order addresses the cross-claims and third-party claims brought by Ralph Johnson to quiet his titles as to properties owned by defendants in default and who did not appear at trial. Upon examination of the file, I find that all parties are properly before the court, having been served by mail and by publication at their last known addresses. I further find that Defendants Lillian G. Brown, George Davis, Johnny M. Davis, Julia Davis, Lillie Mae Davis, Vivian Davis, Margaret Davis, Harry Felder, Fairey Padgett, III, Lillie D. Gray, Retha G. Greggs, Samuel Greggs, Eddie Grimes, Henry C. Guess, Cynthia Hanberry, Derrick Hanberry, Roosevelt Jackson, Thelma Jackson, Stafford Kears, June McMillan, Kim McMillan, Joseph Mingo, Jr., Cecil M. Murdaugh, Jr., Sheila M. Murdaugh, David Nesbit, Lisa F. Padgett, Geraldine G. Reed, Larry Sanders, Roy Setzler, Dyan Setzler, Malachi Toomer, Elizabeth Walker, Ben Walker, Annie Mae White, Sheree D. Wiggins, David Lee Williams, Lucious Wright and Callie Wright are in default by their having failed to timely answer. Further, defendants Edith Gilmore, Willie Thompson, Bessie Thompson, Sondra Nelson and Perry Scriven who appeared

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or who had a family member appear on their behalves, are in default by their having failed to timely answer. However, because the appearing pro-se defendants have expressed concerns about the matter, I have determined to delay addressing the claims against them so as to give them time to consult with legal counsel. The terms of this Order are without prejudice to the interests of co-defendants Edith Gilmore, Willie Thompson, Bessie Thompson, Sondra Nelson, Perry Scriven, Rodriguez Rice, Van Oscar Rice, Jr., Kevin Rice, Frederick Rice, Zamaro Rice, Ticia Rice, a/k/a Lecia Rice, and shall have no precedential affect with respect to the issues raised by Ralph Johnson's cross-claims and third-party claims.

Based on the pleadings and record before me, I make the following findings of fact:

1. Defendants Lillian G. Brown, George Davis, Johnny M. Davis, Julia Davis, Lillie Mae Davis, Vivian Davis, Margaret Davis, Harry Felder, Fairey Padgett, III, Lillie D. Gray, Retha G. Greggs, Samuel Greggs, Eddie Grimes, Henry C. Guess, Cynthia Hanberry, Derrick Hanberry, Roosevelt Jackson, Thelma Jackson, Stafford Kears, June McMillan, Kim McMillan, Joseph Mingo, Jr., Cecil M. Murdaugh, Jr., Sheila M. Murdaugh, David Nesbit, Lisa F. Padgett, Geraldine G. Reed, Larry Sanders, Roy Setzler, Dyan Setzler, Malachi Toomer, Elizabeth Walker, Ben Walker, Annie Mae White, Sheree D. Wiggins, David Lee Williams, Lucious Wright and Callie Wright are citizens and residents of South Carolina and were made parties to this action in that they were the owners of record of the properties in question as of December 31, 2005.
2. Defendants Lillian G. Brown, Geraldine G. Reed, Retha G. Greggs, Lillie D. Gray, George Davis, Julia Davis, Vivian Davis, Margaret Davis, Lillie Mae Davis, **Lecia Rice**, Roy H. Setzler, Dyan Setzler, Lucious Wright, Julia Jones, Edith K. Gilmaore, Eddie Grimes, Henry C. Guess, Sondra Nelson, Willie Thompson, Bessie Tompson and Annie Mae White, are deceased, and defendants Richard Roe and Sarah Doe, being fictitious names, are named as parties herein to represent such unknown devisees, distributees, or Personal Representatives of the said deceased defendants, the identities of whom are not indicated on the public record, and also all other unknown persons claiming any right, title, estate, or lien upon the real estate which is the subject of this action.
3. The corporate co-defendant TMS Mortgage, Inc., d/b/a The Money Store and the Third Party defendants are foreign corporations authorized to transact business in South Carolina and were made parties to this action by virtue of the following real estate mortgages:

3/16 

a. Mortgage of Roosevelt Jackson and Thelma S. Jackson to Conseco Finance Servicing Corp. covering TMS 072-08-08-004, more fully described as Parcel 23 shown on Schedule A attached hereto dated June 25, 2001 and recorded July 10, 2001 in Mortgage Book 142 at page 33.

b. Mortgage of Joseph Mingo, Jr. to Equity One, Inc. covering TMS 098-00-00-047, more fully described as Parcel 27 shown on Schedule A attached hereto, dated April 22, 1993 and recorded April 29, 1993 in Mortgage Book 105 at page 8.

c. Mortgage of Cecil M. Murdaugh, Jr. and Sheila M. Murdaugh to TMS Mortgage, Inc., d/b/a The Money Store covering TMS 098-00-00-048, more fully described as Parcel 28 shown on Schedule A attached hereto dated August 25, 1998 and recorded in Mortgage Book 127 at page 100.

d. Mortgage of Perry L. Scriven to Long Beach Mortgage Company dated September 4, 2003 covering TMS 039-00-00-041, more fully described as Parcel 36 shown on Schedule A attached hereto dated September 4, 2003 and recorded September 16, 2003 in Mortgage Book 157 at page 18, thereafter assigned on September 11, 2003 to JPMorgan Chase Bank, National Association, as trustee for the C-BASS Mortgage Loan Asset-Backed Certificates, Series 2005-CB2, as reflected in Mortgage Book 170 at page 92.

e. Mortgage of Perry L. Scriven to Mark D. Johnson dated September 4, 2003 covering TMS 039-00-00-041, more fully described as Parcel 36 shown on Schedule A attached hereto dated September 4, 2003 and recorded September 16, 2003 in Mortgage Book 157 at page 19.

f. Mortgage of Willie Thompson and Bessie W. Thompson to Bank One, N.A., covering TMS 086-04-01-027, more fully described as Parcel 38 shown on Schedule A, attached hereto dated March 21, 2003 and recorded April 4, 2003 in Mortgage Book 153 at page 9.

4. Defendants JOHN DOE AND MARY ROE, being fictitious names, were named as parties herein to represent such unknown minors, incompetents, persons in the military, persons imprisoned and persons under any other legal disability, if they exist.

5. The real estate at issue in Ralph Johnson's Cross-claim and Third-Party Complaint consists of thirty-nine (39) parcels of land, more particularly described on Schedule A, attached to Ralph Johnson's Second Amended Answer, Counterclaim, Cross-complaint and

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Third Party Complaint. This Order addresses Ralph Johnson's claim with respect to all 39 parcels except: Parcel 11 [TMS 0092-00-00-046 -- Perry Scriven], Parcel 29 [TMS 0038-14-01-040 -- Sondra Nelson], Parcel 33 [TMS 0102-01-00-011 -- Rodriguez Rice, et.al.], Parcel 36 [TMS 0039-00-00-094 --Edith Gilmore] and Parcel 38 [TMS 0086-04-01-027 -- Willie and Bessie Thompson]; all as identified on Schedule A attached to Ralph Johnson's Second Amended Answer, Counterclaim, Cross-complaint and Third Party Complaint.

6. Bamberg County ad valorem taxes assessed for 2006 on the properties at issue became delinquent, and Tax Executions for each parcel were issued by the Bamberg County Tax Collector on March 17, 2007, who levied the execution by distress and sale of the premises in question so as to satisfy the taxes, assessments, penalties, and costs that had accrued against the premises.

7. As part of the execution by distress, the Tax Collector mailed notices of delinquent property taxes, penalties, assessments, and cost to the defaulting taxpayers, co-defendants herein, at the addresses shown on the tax receipts.

8. The taxes on each of the parcels in question remained unpaid, and by virtue of such execution, on May 17, 2007, or soon thereafter, the Tax Collector sent notices to the defaulting taxpayers, the co-defendants affected herein, by certified mail, restricted delivery, return receipt requested stating that if the taxes, penalties, assessments, and costs were not paid, the property must be duly advertised and sold to satisfy the delinquency.

9. The Tax Collector levied upon and took exclusive possession of the properties in question by posting a notice at one or more conspicuous places on each of the premises, and had the notices delivered to the defaulting taxpayers.

10. The taxes on each of the parcels in question remained unpaid, and after due advertisement, the Tax Collector sold the properties in question on November 5, 2007. The properties at issue were bid in by the Tax Collector, as statutory agent for the County Forfeited Land Commission.

11. The Tax Collector notified all parties of record of the tax execution and sales.

12. The Tax Collector further gave all parties of record the opportunity to redeem the properties at issue prior to the anniversary date of the tax sale.

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13. During the redemption period, the Tax Collector, acting on behalf of the Forfeited Land Commission, assigned the county's bids on each of the properties at issue to Ralph Johnson, complaining defendant herein.

14. The properties at issue were not redeemed and Tax Deeds was issued to Ralph Johnson, as assignee of the high bidder at the tax sale, on March 4, 2009, which tax deeds were recorded in Deed Book 245 at pages 123 through 227; in Deed Book 246 at pages 51 through 140; and by corrective deeds recorded in Deed Book 249 at pages 239 – 248 and re-recorded again in Deed Book 249 at pages 271-275.

15. Ralph Johnson took possession of the properties upon receiving title, thereby ousting the co-defendants and third party defendants.

16. More than two (2) years have elapsed since the date of the tax execution sale and the recording of the tax deeds.

CONCLUSIONS OF LAW

This Court has jurisdiction over the parties and the subject matter of this action.

This action is brought pursuant to S. C. Code Ann. §15-67-10, et. seq., to quiet plaintiff's title in the real estate in question, specifically described hereinbelow.

The Bamberg County Delinquent Tax Collector fully complied with the requirements of the law and that the tax deeds dated March 4, 2009 conveyed unto Ralph Johnson valid, fee simple title to each of the properties addressed by this Order.

Since more than two years have passed since the date of the tax execution sale and recording of the deeds, those tax deeds to the following described properties issued to Ralph Johnson are incontestable on procedural or other grounds, as provided by S. C. Code Ann. §12-51-90(c):

Parcel No. 3 Tax Map #: 0036-00-00-033:

All that certain piece, parcel or lot of land situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries and measurements:

On the North 60 feet by Ernie Carroll; on the East 270 feet by Miles Loadholt and Southern Pine Plantation, LLC; on the South 150 feet by an unopened road; and on the West 325 feet by Melvin Greggs. This being the same property conveyed to Lillian G. Brown by John Edward Greggs, Executor for Sam Greggs' Will on April 28, 1978, and being recorded in the Bamberg

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County Clerk of Court's office in Deed Book 36, Page 66, on October 10, 1978. Also referenced in Plat Book 15, Page 79.

Parcel No. 5 Tax Map #: 0038-10-06-040:

All that certain lot of land situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Lillie D. Gray; on the East by Robert G. Funderburk; on the South by Hayne Street; and on the West by Martha Howell Guess.

This being the same property purchased by George Davis from Lizzie Davis on April 10, 1953, and being recorded in the office of the Bamberg County Clerk of Court in Deed Book 9, Page 75, on April 16, 1953. Also referenced in Plat Book 7, Page 93.

Parcel No. 6 Tax Map #: 0088-04-01-025:

All that certain piece, parcel or lot of land situate in the Town of Bamberg, County of Bamberg, State of South Carolina, and having the following boundaries:

On the Northeast by John D. Irons; on the Southeast by John Daniel Irons; and on the West by a proposed road. This being the same property conveyed to Johnny M. Davis by American General Finance, Inc. On August 2, 2006, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 145, Page 103, on August 14, 2006.

Parcel No. 7 Tax Map #: 0038-11-09-007:

All that certain piece, parcel or lot of land situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Julia D. Jones; on the East by James Arnold Hickson; on the South by an unopened street; and on the West by the Brooker Family Limited Partnership.

This being the same property conveyed to Julia Jones by Denmark Realty Company on October 8, 1927, and being recorded in the Bamberg County Clerk of Court's office in Deed Book U, Page 301, on October 11, 1927.

Parcel No. 8 Tax Map #: 0038-13-02-024:

All that certain lot of land, situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Kathleen L. Faust; on the East by Sawdust Avenue; on the South by Herbert Ray; on the West by Elizabeth Griffith.

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This being the same property conveyed to Lillie Mae Davis by Essie Moody, et al. on December 2, 1974, and recorded in the Bamberg County Clerk of Court's office in Deed Book 29, Page 356, on December 2, 1974.

Parcel No. 9 Tax Map #: 0038-13-02-022:

All that certain lot of land, situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Heritage Hwy.; on the East by Kathleen L. Faust; on the South by Kathleen L. Faust; and on the West by Cecil L. Blume.

This being the same property conveyed to Vivian and Margaret Davis by Mamie L. Lebby on March 13, 1985, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 53, Page 141, on March 15, 1985.

Parcel No. 10 Tax Map #: 0039-04-02-007:

All that certain parcel of land situate in the Town of Denmark; County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by James M. Folk; on the West by Jungle Harbor Corp.; on the South by James M. Folk; and on the East by Carolina Highway.

This being the same property conveyed to Harry Felder and Fairey Padgett, III, by Willie J. Sherman on September 4, 1996, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 98, Page 82, on September 9, 1996. Also referenced in Plat Book 4, Page 59.

Parcel No. 12 Tax Map #: 0038-10-06-039:

All that certain lot of land with improvements thereon, situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries and measurements:

On the North 75 feet by Judy Dickinson; on the East 100 feet by Robert G. Funderburk; on the South 75 feet by George Davis; and on the West 100 feet by Martha Howell Guess. This being the same property conveyed to Lillie D. Gray by George Davis on November 18, 1954, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 10, Page 36, on November 18, 1954. Also referenced in Plat Book 7, Page 93.

Parcel No. 13 Tax Map #: 0036-00-00-037:

All that certain piece, parcel or lot of land with improvements thereon, situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries:

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On the North by Ernie Carroll; on the East by Ernie Carroll and Geraldine G. Reed; on the South by Tammy H. Quattlebaum; and on the West by Carolina Highway. This being the same property conveyed to Retha G. Greggs by Sam Greggs on October 7, 1972, and being recorded in the Bamberg County Judge of Probate's office in Bundle 47, Page 6. Also referenced in Plat Book 15, Page 79.

Parcel No. 14 Tax Map #: 0036-00-00-039:

All that certain lot of land situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries and measurements:

On the North 235 feet by Tammy H. Quattlebaum; on the East 150 feet by Geraldine G. Reed; on the South 235 feet by an unopened road; and on the West 150 feet by Carolina Highway. This being the same property conveyed to Retha G. Greggs by Sam Greggs on October 7, 1972, and being recorded in the Bamberg County Judge of Probate's office in Bundle 47, Package 6. Also referenced in the Bamberg County Clerk of Court's office in Plat Book 15, Page 79.

Parcel No. 15 Tax Map #: 0036-00-00-040:

All that certain lots of land with improvements thereon, situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries and measurements:

On the North 235 feet by an unopened road; on the East 150 feet by Samuel Greggs; on the South 235 feet by Retha G. Greggs; and on the West 150 feet by Carolina Highway. This being the same property conveyed to Retha G. Greggs by Sam Greggs on October 7, 1972, and being recorded in the Bamberg County Judge of Probate's office in Bundle 47, Package 6. Also referenced in the Clerk of Court's office in Plat Book 15, Page 79.

Parcel No. 16 Tax Map #: 0036-00-00-041:

All that certain lot of land situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries and measurements:

On the North 235 feet by Retha G. Greggs; on the East 150 feet by Samuel Greggs; on the South 235 feet by Retha Greggs; and on the West 150 feet by Carolina Highway. This being the same property conveyed to Retha G. Greggs by Sam Greggs on October 7, 1972, and being recorded in the Bamberg County Judge of Probate's office in Bundle 47, Package 6. Also referenced in the Clerk of Court's office in Plat Book 15, Page 79.

Parcel No. 17 Tax Map #: 0036-00-00-035:

All that certain lot of land situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries:

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On the North 130 feet by Ernie Carroll; on the East 340 feet by Melvin Greggs; on the South 130 feet by an unopened road; and on the West 340 feet by Geraldine G. Reed. This being the same property conveyed to Samuel Greggs by Clarie L. Greggs on March 6, 2007, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 149, Page 82, on March 15, 2007. Also referenced in Plat Book 15, Page 79.

Parcel No. 18 Tax Map #: 0036-00-00-043:

All that certain lot of land situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries and measurements:

On the North 125 feet by an unopened road; on the East 370 feet by Retha G. Greggs; on the South 125 feet by Faith Kobylka; and on the West 370 feet by Retha G. Greggs. This being the same property conveyed to Samuel Greggs by Janice G. Etheridge on March 6, 2007, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 149, Page 83, on March 15, 2007. Also referenced in Plat Book 15, Page 79.

Parcel No. 19 Tax Map #: 0071-03-01-054:

All that certain lot of land with improvements thereon, situate in the Town of Bamberg, County of Bamberg, State of South Carolina, and having the following boundaries and measurements:

On the North 154.56 feet by Pigeon Road; on the East 271.78 feet by Acacia Tyler Bamberg and Sharon Ray Brown; on the South 103.06 feet by D. M. McCoy Enterprise; and on the West 265.03 feet by Sharon Ray Brown. This being the same property conveyed to Eddie Grimes by Essie Grimes on November 25, 1988, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 74, Page 145, on August 29, 1990. Also referenced in Plat Book 24, Page 27.

Parcel No. 20 Tax Map #: 0038-10-06-018:

All that certain lot of land with improvements thereon, situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries and measurements:

On the North 77.4 feet by Henry Clay Guess; on the East 65 feet by Phillip W. Guess and James Guess; on the South 77.4 feet by Paul Sanders; and on the West 65 feet by Roosevelt Henderson, et al. This being the same property conveyed to Henry C. Guess by Henry C. Guess, Jr. on December 27, 1995, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 95, Page 148, on January 16, 1996.

Parcel No. 22 Tax Map #: 0038-01-05-017:

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All that certain lot of land with improvements thereon, situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries and measurements:

On the North 200 feet by Cynthia M. Hanberry, et al.; on the East 15 feet by an alley; on the South 200 feet by Lodge Pure Heart 61 Ancient Free Masons and Lodge Rufus Jones No.615; and on the West 15 feet by Lucius Street. This being the same property conveyed to Cynthia M. And Derrick Hanberry by Leon Martin Hanberry on December 19, 1993, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 91, Page 113; on November 30, 1994. Also referenced in Plat Book 1, Page 123.

Parcel No. 23 Tax Map #: 0072-08-08-004:

All that certain lot of land with improvements thereon, situate in the County of Bamberg, State of South Carolina, and having the following boundaries and measurements:

On the North 67 feet by Wayne Hughes; on the East 98 feet by Wayne Hughes; on the South 135 feet by Lemon Swamp Baptist Church; and on the West 55 feet by Rutland Street. This being the same property conveyed to Roosevelt and Thelma S. Jackson by John A. Whetstone on February 13, 1984, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 50, Page 74, on February 17, 1984. Also referenced in Plat Book 18, Page 184.

Parcel No. 24 Tax Map #: 0039-09-01-049:

All that certain parcel of land situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Voorhees Industrial School; on the Southeast by Denita Williams, et al.; on the Southwest by Rosebud Road; and on the West by Voorhees Industrial School.

This being the same property conveyed to Harriett K. Turner and Greg Turner c/o Stafford Kearse by Stafford Kearse on October 12, 2004, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 135, Page 9, on October 19, 2004. Also referenced in Plat Book 20, Page 22.

Parcel No. 26 Tax Map #: 0090-00-00-028:

All that certain piece, parcel or lot of land, with improvements thereon, situate in the County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Edward K. Rice, Jr., et al.; on the East by Edward K. Rice, Jr., et al.; on the Southeast by Frank Toomer, et al.; on the South by Joyce A. Halls, et al.; and on the West by Gloria Bessinger. This being the same property conveyed to June and Kim McMillan by Harriette A. McMillan on December 16, 1998, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 106, Page 111 on December 16, 1998. Also referenced in Plat Book 14, Page 11.

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Parcel No. 27 Tax Map #: 0098-00-00-047:

All that certain parcel of land situate in the Town of Ehrhardt, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Carol G. Odoms; on the East by Joseph Mingo; on the South by Audrey L. Williams; and on the West by James E. Breland and Joe and Roslyn Mingo.

This being the same property conveyed to Joseph Mingo, Jr., by Joseph Mingo, et al., on September 20, 1990, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 75, Page 12, on September 21, 1990. Also referenced in Plat Book 19, Page 12.

Parcel No. 28 Tax Map #: 0098-00-00-048:

All that certain lot of land with improvements thereon, situate in the Town of Ehrhardt, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Eagle Road; on the East by Venecie Givens; on the South by Carlisle Murdaugh; and on the West by Leroy Jefferson.

This being the same property conveyed to Cecil M. Murdaugh, Jr. And Shelia M. Murdaugh by Cecil M. Murdaugh, Jr., on August 25, 1998, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 105, Page 87, on September 10, 1998. Also referenced in Plat Book 26, Page 95.

Parcel No. 30 Tax Map #: 0087-02-12-022:

All that certain lot of land with improvements thereon, situate in the Town of Bamberg, County of Bamberg, State of South Carolina, and having the following boundaries:

On the Northeast by US Group, Inc. and Elm Street; on the Southeast by S.C. Dept. of Transportation, Bamberg Textile Mills; and Rockland-Bamberg Ind., Inc.; on the South by Rockland-Bamberg Ind., Inc.; and on the West by Town of Bamberg.

This being the same property conveyed to David Nesbit by Darryl Lawrence on March 20, 2007, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 150, Page 10, on April 2, 2007.

Parcel No. 31 Tax Map #: 0038-02-01-008:

All that certain lot of land situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries and measurements:

On the North 110 feet by Highway 70, Barnwell Highway; on the East 150 feet by William Junious; and on the West 150 feet by John D. Turner.

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This being the same property conveyed to Lisa F. Padgett by Harry Felder, et al., on January 20, 1990, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 72, Page 155, on February 19, 1990. Also referenced in Plat Book 1, Page 123.

Parcel No. 32 Tax Map #: 0036-00-00-036:

All that certain parcel of land situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Ernie Carroll; on the East by Samuel Greggs; on the South by an unopened road; and on the West by Retha G. Greggs and Tammy H. Quattlebaum. This being the same property conveyed to Geraldine G. Reed by John Edward Greggs as Executor of Sam Greggs' Will on April 28, 1978, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 36, Page 68, on October 10, 1978. Also referenced in Plat Book 15, Page 79.

Parcel No. 34 Tax Map #: 0072-06-03-019:

All that certain parcel of land situate in the Town of Bamberg, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Henry C. Maynard; on the East by W. D. Rhoad; on the South by Albertha Smalls Heirs; and on the West by Christine Richberg.

This being the same property conveyed to Lecia Rice by O. D. Hartzog on October 23, 1903, and being recorded in the Bamberg County Clerk of Court's office in Deed Book D, Page 553.

Parcel No. 35 Tax Map #: 0038-15-01-008:

All that certain piece, parcel or tract of land with improvements thereon, situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by William Watkins; on the East by Bonnie H. Harrison; on the South by Bonnie H. Harrison; and on the West by Bonnie H. Harrison.

This being the same property conveyed to Larry Sanders by Emma Hutto, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 70, Page 174, on August 24, 1989.

Parcel No. 37 Tax Map #: 0072-06-10-007:

All that certain lot of land with improvements thereon, situate in the Town of Bamberg, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Gretch Duncan and JoAnn Thomas; on the Southeast by Wannamaker Kizer; on the Southwest by Elm Street; and on the Northwest by Jane Hightower.

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This being the same property conveyed to Roy and Dyan Setzler by James W. Jeffcoat, Charles Jeffcoat, Jervy Jeffcoat, Jr., Clarence W. Jeffcoat, Clarice J. Cook, Lois J. Steedly, and Eunice J. Miller on October 8, 1969, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 22, Page 118, on November 11, 1969.

Parcel No. 39 Tax Map #: 0038-09-02-015:

All that certain lot of land with improvements thereon, situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries:

On the Northeast by Hampton Street; on the Southeast by Pearlle Mae Counts; on the South by Pearlle Mae Counts; and on the Southwest by Shirley DeHay.

This being the same property conveyed to Malachi Toomer by will of James Brabham in Will Bundle 34, Package 2, on April 23, 1958, and being recorded in the Bamberg County Judge of Probate's office.

Parcel No. 40 Tax Map #: 0030-00-00-033:

All that certain lot of land situate in the County of Bamberg, State of South Carolina, and having the following boundaries:

On the Northeast by Amanda P. Morris; on the Southeast by Herman Hires; on the Southwest by Herman Hires; on the Northwest by Herman Hires. This being the same property conveyed to Elizabeth Walker, et al., by Herman and Margaret Hires on September 3, 1996, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 98, Page 83, on September 10, 1996. Also referenced in Plat Book 29, Page 33.

Parcel No. 41 Tax Map #: 0086-04-15-010:

All that certain piece, parcel or tract of land situate in the Town of Bamberg, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Floyd Rickenbaker; on the East by Binniker Bridge Road; on the South by Harper Street; and on the West by Fannie Bell Rickenbaker. Also on the North by Harper Street; on the East by Binniker Bridge Road; on the South by Israel Owens; and on the West by Bamberg School District One. This being the same property conveyed to Annie Mae White by Daisy Mae Moseley, et al., on November 29, 1966, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 20, Page 285, on January 27, 1968.

Parcel No. 42 Tax Map #: 0107-00-00-039:

All that certain lot of land with improvements thereon, situate in the County of Bamberg, State of South Carolina, and having the following boundaries:

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On the North by Ruth Henderson; on the East by George Allen Priester and Castleview Financial Corp.; on the South by Jerry Black; and on the West by Jerry Black.

This being the same property conveyed to Sheree D. Wiggins by Lina T. Black on May 28, 1993, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 85, Page 17, on June 1, 1993. Also referenced in Plat Book 26, Page 107.

Parcel No. 44 Tax Map #: 0072-06-09-014:

All that certain lot of land with improvements thereon, situate in the Town of Bamberg, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Equitable Solutions; on the East by Middle Street; on the South by Pentecostal Street; and on the West by Equitable Solutions.

This being the same property conveyed to David Lee Williams by William P. Dent, Sr., on August 8, 1996, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 99, Page 48, on December 13, 1996. Also referenced in Plat Book 1, Page 148.

Parcel No. 45 Tax Map #: 0072-06-15-027:

All that certain lot of land situate in the Town of Bamberg, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Mabel W. Ealey; on the East by Rosella Rice; on the South by Broxton Street; and on the West by Forfeited Land Commission.

This being the same property conveyed to Lucious Wright, et al., by Lucile Phillips, et al., on October 19, 1964, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 17, Page 318, on October 30, 1964. Also referenced in Plat Book H, Page 340.

Now, therefore,

IT IS ORDERED that Ralph Johnson shall have quiet title in the properties described hereinabove to the extent that any defendant named herein have a claim, legal or equitable, that may be a cloud on the title.

IT IS FURTHER ORDERED, that any and all remaining defendants not affected by this Judgment shall inform the Clerk of Court and all counsel of record of their decision to retain counsel, and identify their retained counsel, by not later than December 19, 2013.

IT IS FURTHER ORDERED, that in the event any and all remaining defendants prevail over the claims of Ralph Johnson, that such defendants shall be responsible for tendering to Ralph

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STATE OF SOUTH CAROLINA)
)
COUNTY OF BAMBERG)

IN THE COURT OF COMMON PLEAS
C/A No. 2010-CP-05-39

The Forfeited Land Commission of)
Bamberg County,)

Plaintiff,)

vs.)

AMENDED SUMMONS

Eartha Dean Moody Beard, Roger)
Black, Lillian G. Brown, Dusterilla)
Ann Brunson, J. Danny Covington,)
George Davis, Johnny M. Davis,)
Julia Davis, Lillie Mae Davis,)
Vivian and Margaret Davis, Arrie)
Dickerson, Harry Felder and Fairy)
Padgett, III, Edith K. Gilmore,)
Lillian D. Gray, Retha G. Greggs,)
Samuel Greggs, Eddie Grimes,)
Henry C. Guess, James Arthur)
Gulledge III., Cynthia and Derrick)
Hanberry, Thelma and Roosevelt)
Jackson, Ralph Johnson, Julia D.)
Jones, Stafford Kearse, Long Beach)
Mortgage, Angela McMillian, June)
and Kim McMillian, Joseph Mingo,)
Jr., Cecil M. Murdaugh, Jr., Sheila)
M. Murdaugh, Sondra M. Nelson,)
David Nesbit, Lisa F. Padgett,)
Geraldine G. Reed, Rodriguez Rice,)
Van Oscar Rice, Jr., Kevin Rice,)
Kathy Rice, LaJuan Rice, Frederick)
Rice, Zamaro Rice, Ticia Rice,)
Larry Sanders, Perry L. Scriven,)
Roy and Dyan Setzler, Spartan)
Federal Credit Union, Willis and)
Bessie Thompson, TMS Mortgage,)
Inc., d/b/a The Money Store,)
Malachi Toomer, Elizabeth Walker,)
Ben Walker, Annie Mae White,)
Sheree D. Wiggins, Allison)
Williams, David Lee Williams,)

FILED
BAMBERG COUNTY
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JAMES B. HERS
CLERK OF COURT
BAMBERG, SC

A TRUE COPY

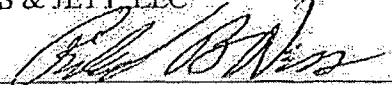
Attest: *B. Hers*
CLERK OF COURT
BAMBERG COUNTY, SC

Lucious Wright, Callie B. Wright,)
Conseco Finance Servicing)
Corporation, Bank One, N.A., JP)
Morgan Chase, Willie Thompson,)
Mark Johnson,)
Defendants.)

TO THE DEFENDANTS NAMED ABOVE:

YOU ARE HEREBY SUMMONED and required to answer the Amended Complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your answer to said Amended Complaint on the subscribed at their office, 2878 main Highway, Bamberg, South Carolina, 29003, within thirty (30) days after the service hereof; exclusive of the day of such service; and, if you fail to answer the Amended Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in this Amended Complaint.

NESS & JETT LLC

By: 

Richard B. Ness, Esq.

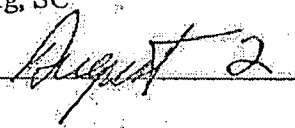
P.O. Box 909

Bamberg, SC 29003

803-245-5178

ATTORNEY FOR PLAINTIFF

Bamberg, SC

 2010

STATE OF SOUTH CAROLINA)
)
COUNTY OF BAMBERG)

IN THE COURT OF COMMON PLEAS

C/A No.: 2010-CP-05-39

The Forfeited Land Commission of)
Bamberg County,)
)
Plaintiff,)

vs.)

AMENDED COMPLAINT
(Declaratory Judgment)

Eartha Dean Moody Beard, Roger)
Black, Lillian G. Brown, Dusterilla)
Ann Brunson, J. Danny Covington,)
George Davis, Johnny M. Davis,)
Julia Davis, Lillie Mae Davis,)
Vivian and Margaret Davis, Arrie)
Dickerson, Harry Felder and Fairy)
Padgett, III, Edith K. Gilmore,)
Lillian D. Gray, Retha G. Greggs,)
Samuel Greggs, Eddie Grimes,)
Henry C. Guess, James Arthur)
Gulledge III., Cynthia and Derrick)
Hanberry, Thelma and Roosevelt)
Jackson, Ralph Johnson, Julia D.)
Jones, Stafford Kearse, Long Beach)
Mortgage, Angela McMillian, June)
and Kim McMillan, Joseph Mingo,)
Jr., Cecil M. Murdaugh, Jr., Sheila)
M. Murdaugh, Sondra M. Nelson,)
David Nesbit, Lisa F. Padgett,)
Geraldine G. Reed, Rodriguez Rice,)
Van Oscar Rice, Jr., Kevin Rice,)
Kathy Rice, LaJuan Rice, Frederick)
Rice, Zamaro Rice, Ticia Rice,)
Larry Sanders, Perry L. Scriven,)
Roy and Dyan Setzler, Spartan)
Federal Credit Union, Willis and)
Bessie Thompson, TMS Mortgage,)
Inc., d/b/a The Money Store,)
Malachi Toomer, Elizabeth Walker,)
Ben Walker, Annie Mae White,)
Sheree D. Wiggins, Allison)

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BAMBERG COUNTY
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CLERK OF COURT
BAMBERG, SC
2010 AUG -3 PM 12:21

Williams, David Lee Williams,)
Lucious Wright, Callie B. Wright,)
Conseco Finance Servicing)
Corporation, Bank One, N.A., JP)
Morgan Chase, Willie Thompson,)
Mark Johnson,)
Defendants.)

TO THE DEFENDANTS HEREIN:

The Plaintiff alleges as follows:

1. This action is brought pursuant to the South Carolina Declaratory Judgment Act, S.C. Code of Laws 15-53-10, et seq. The facts of this case create a case and controversy regarding matters referred to herein.

2. That Plaintiff, Forfeited Land Commission of Bamberg County, is a statutorily created Commission, formed pursuant to S.C. Code Ann. §12-59-10, et seq. That Plaintiff is vested with title to lands purchased by the Commission at tax sales and has sole and total power to sell and dispose of these lands, as provided by S.C. Code Ann. §12-59-30. That Defendants are all interested in properties lying situate in Bamberg County, either having been owners of such property before an invalid sale, having a lien interest in one or more of the properties before the court, or having received an invalid deed from such an invalid sale.

3. That on November 5, 2007, Bamberg County did hold a tax sale to collect delinquent taxes on numerous properties in Bamberg County. That the properties at issue did not sell at the November 5, 2007 tax sale, and were thus bid on by the County pursuant to S.C. Code Ann. §§ 12-59-10 thru 55 (2000).

4. That after the tax sale, the properties at issue should have been under the auspices of the Forfeited Land Commission, which is charged with the duty of holding the properties as an

asset of the County, pursuant to S.C. Code Ann. § 12-59-40 (2000).

5. That the Forfeited Land Commission has sole and total statutory authority to sell or dispose of forfeited lands in any manner and under any terms or conditions that appear to be in the county's best interest, pursuant to S.C. Code Ann. §12-59-40 (2000).

6. That Plaintiff is informed and believes that acts of certain County employees caused the County to fail to comply with the statutorily mandated procedure outlined above, in violation of the rigid statutory structure described in S.C. Code Ann. §12-59-10, et seq and S.C. Code Ann. §12-51-40, et seq.

7. That Plaintiff is informed and believes that the deeds at issue here, described in the attached Schedule A, were issued in violation of the statutory scheme.

8. That all requirements of law leading up to tax sales are intended for the protection of the tax payer against surprise or the sacrifice of property and are to be regarded as mandatory and are to be strictly enforced.

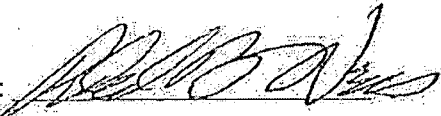
9. That any deeds issued outside of the authority vested in Plaintiff by statute are void and of no effect.

WHEREFORE, Plaintiff requests that the Court void the deeds improperly issued outside of the authority of the Plaintiff Forfeited Land Commission by issuing a declaratory judgment that:

1. South Carolina law governing tax sales requires certain conditions precedent to foreclosing a taxpayer's right in property sold for taxes.
2. Deeds issued without satisfying the statutorily required conditions are void, and of no effect.

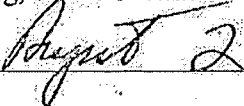
3. The pre-tax sale property owners of record are hereby redeemed as to their property interests described in their respective deeds, together with all unpaid taxes due and owing.
4. Bamberg County shall adhere to the statutory process of redemption, as required by law, pursuant to §12-51-100, refunding any sums paid with interest, if any, as directed by the Court.
5. Delinquent taxpayers shall be required to pay taxes, interest and penalties to Bamberg County as determined by the Court.
6. For any other and further relief the Court deems just and proper.

NESS & JETT, LLC

By: 

Richard B. Ness, Esq.
P.O. Box 909
Bamberg, SC 29003
803-245-5178
ATTORNEY FOR PLAINTIFF

Bamberg, South Carolina

 2010

STATE OF SOUTH CAROLINA
COUNTY OF BAMBERG

The Forfeited Land Commission of
Bamberg County,

Plaintiff

vs.

Eartha Dean Moody Beard, et.al. Ralph
Johnson, et al., of whom Ralph Johnson is
answering as

Defendant -
Third Party Plaintiff

Vs.

Bank One, N.A., Consec Finance
Servicing Corp., Equity One, Inc.,
JPMorgan Chase Bank, National
Association, as trustee for the C-BASS
Mortgage Loan Asset-Backed Certificates,
Series 2005-CB2, and Mark D. Johnson,
JOHN DOE AND MARY ROE,
fictitious names representing any unknown
minors, incompetents, persons in the
military, persons imprisoned and persons
under any other legal disability and
RICHARD ROE AND SARAH DOE,
fictitious names representing unknown
devisees, distributees, or personal
Representatives of LILLIAN G. BROWN,
GERALDINE G. REED, RETHA G.
GREGGS, LILLIE D. GRAY, GEORGE
DAVIS, JULIA DAVIS, VIVIAN DAVIS,
MARGARET DAVIS, LILLIE MAE
DAVIS, LECIA RICE, ROY H. SETZLER,
DYAN SETZLER, LUCIOUS WRIGHT
JULIA JONES, EDITH K. GILMORE,
EDDIE GRIMES, HENRY C. GUESS,
WILLIE THOMPSON, BESSIE
THOMPSON, ANNIE MAE WHITE,

IN THE COURT OF COMMON PLEAS

C/A NO: 2010-CP-05-39.

AMENED THIRD PARTY
SUMMONS

FILED
BAMBERG COUNTY
2011 NOV -9 PM 2:52

Am W H

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Third Party Defendants

YOU ARE HEREBY SUMMONED and required to Answer the Second Amended Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Plaintiff upon the subscribed, J. Martin Harvey, Attorney, at his office, Harvey & Kulmala, 110 Main Street, Post Office Box 705, Barnwell, South Carolina, 29812, within thirty (30) days after the service hereof, exclusive of the date of such service, and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint, including the rendering of judgment by default against you.


J. Martin Harvey

November 9, 2011
Barnwell, South Carolina

#2

000048

2. Upon information and belief, the tax sales in question were validly conducted and upon expiration of the 12 month redemption period, the plaintiff had good title to the properties subject to this action.

3. After receiving his titles to the properties in question from the plaintiff, and supposing that his titles thereto were good in fee to convey and secure the title and interest therein expressed, defendant expended personal funds in excess of Fifty Thousand and no/100 (\$50,000.00) Dollars on repairs and improvements to the properties, which defendant is informed and believes constitutes betterments the lands in question have been increased in value in consequence of improvements or betterments made by this defendant.

3. In the event plaintiff prevails, defendant is informed and believes he should be awarded from the plaintiff the full value of all improvements made upon such land in the manner provided by S.C. Code Ann. §§27-27-60, -70 and -80, 1976, as amended.

(SECOND CAUSE OF ACTION)

4. The allegations of the First Cause of Action of the Counterclaim are re-alleged and incorporated herein as if set forth verbatim.

5. The properties described in the complaint and more fully described on Schedule A attached hereto were bid in by the Tax Collector on behalf of the Forfeited Land Commission. Thereafter, defendant negotiated with the Tax Collector, who in such negotiations was acting on behalf of the Forfeited Land Commission.

6. Defendant offered to purchase the Forfeited Land Commission's bids on the properties described in the Complaint and more fully described on Schedule A attached hereto and upon information and belief, the Tax Collector, acting on behalf of the Forfeited Land Commission, accepted defendant's offer.

7. Defendant, acting in reliance on the Tax Collector's apparent authority as agent for the Forfeited Land Commission, thereupon paid the Tax Collector valuable consideration and received title to the properties more fully described on Schedule A attached hereto by virtue of his having obtained an assignment of the Forfeited Land Commission's bid.

8. Defendant is informed and believes that his transactions with the Tax Collector were within the confines of the statutory scheme and as such his deeds are valid and that his title should be confirmed by this Court.

A & K #3

FOR A FIFTH DEFENSE AND BY WAY OF CROSS-CLAIM AND THIRD-PARTY
COMPLAINT

1. The allegations of the First, Second, Third and Fourth defenses are re-alleged and incorporated herein as if set forth verbatim.

2. Co-defendants Lillian G. Brown, George Davis, Johnny M. Davis, Julia Davis, Lillie Mae Davis, Vivian Davis, Margaret Davis, Harry Felder, Fairey Padgett, III, Edith K. Gilmore, Lillie D. Gray, Retha G. Greggs, Samuel Greggs, Eddie Grimes, Henry C. Guess, Cynthia Hanberry, Derrick Hanberry, Roosevelt Jackson, Thelma Jackson, Stafford Kears, June McMillan, Kim McMillan, Joseph Mingo, Jr., Cecil M. Murdaugh, Jr., Sheila M. Murdaugh, Sondra M. Nelson, David Nesbit, Lisa F. Padgett, Geraldine G. Reed, Rodriguez Rice, Van Oscar Rice, Jr., Kevin Rice, Frederick Rice, Zamaro Rice, Ticia Rice, a/k/a Lecia Rice, Larry Sanders, Perry L. Scriven, Roy Setzler, Dyan Setzler, Willis Thompson, Bessie Thompson, Malachi Toomer, Elizabeth Walker, Ben Walker, Annie Mae White, Sheree D. Wiggins, David Lee Williams, Lucious Wright and Callie Wright are upon information and belief citizens and residents of both South Carolina and other states and are made parties to this action in that they have or may claim an ownership interest in one or more of the subject premises as more hereinafter more fully set forth.

4. The corporate co-defendant defendant TMS Mortgage, Inc., d/b/a The Money Store and the Third Party defendants are upon information and belief foreign corporations authorized to transact business in South Carolina and are made parties to this action by virtue of the following real estate mortgages:

a. Mortgage of Roosevelt Jackson and Thelma S. Jackson to Conseco Finance Servicing Corp. covering TMS 072-08-08-004, more fully described as Parcel 23 shown on Schedule A attached hereto dated June 25, 2001 and recorded July 10, 2001 in Mortgage Book 142 at page 33.

b. Mortgage of Joseph Mingo, Jr. to Equity One, Inc. covering TMS 098-00-00-047, more fully described as Parcel 27 shown on Schedule A attached hereto, dated April 22, 1993 and recorded April 29, 1993 in Mortgage Book 105 at page 8.

c. Mortgage of Cecil M. Murdaugh, Jr. and Sheila M. Murdaugh to TMS Mortgage, Inc., d/b/a The Money Store covering TMS 098-00-00-048, more fully described as Parcel 28

A+K #21

shown on Schedule A attached hereto dated August 25, 1998 and recorded in Mortgage Book 127 at page 100.

d. Mortgage of Perry L. Scriven to Long Beach Mortgage Company dated September 4, 2003 covering TMS 039-00-00-041, more fully described as Parcel 36 shown on Schedule A attached hereto dated September 4, 2003 and recorded September 16, 2003 in Mortgage Book 157 at page 18, thereafter assigned on September 11, 2003 to JPMorgan Chase Bank, National Association, as trustee for the C-BASS Mortgage Loan Asset-Backed Certificates, Series 2005-CB2, as reflected in Mortgage Book 170 at page 92.

e. Mortgage of Perry L. Scriven to Mark D. Johnson dated September 4, 2003 covering TMS 039-00-00-041, more fully described as Parcel 36 shown on Schedule A attached hereto dated September 4, 2003 and recorded September 16, 2003 in Mortgage Book 157 at page 19.

f. Mortgage of Willie Thompson and Bessie W. Thompson to Bank One, N.A., covering TMS 086-04-01-027, more fully described as Parcel 38 shown on Schedule A, attached hereto dated March 21, 2003 and recorded April 4, 2003 in Mortgage Book 153 at page 9.

5. Upon information and belief, certain co-defendants may be minors, incompetents, persons in the military, persons imprisoned and persons under any other legal disability and defendants JOHN DOE AND MARY ROE, being fictitious names, are named as parties herein to represent such unknown minors, incompetents, persons in the military, persons imprisoned and persons under any other legal disability, if they exist.

6. Upon information and belief, certain co-defendants may be deceased, specifically, LILLIAN G. BROWN, GERALDINE G. REED, RETHA G. GREGGS, LILLIE D. GRAY, GEORGE DAVIS, JULIA DAVIS, VIVIAN DAVIS, MARGARET DAVIS, LILLIE MAE DAVIS, LECIA RICE, ROY H. SETZLER, DYAN SETZLER, LUCIOUS WRIGHT, JULIA JONES, EDITH K. GILMORE, EDDIE GRIMES, HENRY C. GUESS, WILLIE THOMPSON, BESSIE THOMPSON, and ANNIE MAE WHITE, and defendants RICHARD ROE AND SARAH DOE, being fictitious names, are named as parties herein to represent such unknown devisees, distributees, or Personal Representatives of the said deceased co-defendants, the identities of whom are not indicated on the public record, and also all other unknown persons claiming any right, title, estate, or lien upon the real estate which is the subject of this action.

HAR 45

7. The real estate at issue in this Counterclaim, Cross-claim and Third-Party Complaint consists of thirty-nine (39) parcels of land, more particularly described on Schedule A, attached hereto and incorporated herein.

FIRST CAUSE OF ACTION

8. The allegations of Paragraphs 1 – 7 of the Cross-Claim and Third Party Complaint are re-alleged and incorporated herein as if set forth verbatim.

9. This action is brought pursuant to S. C. Code Ann. §15-67-10, et. seq., to quiet plaintiff's title in the real estate in question, specifically those properties described on Schedule A.

10. Upon information and belief, the taxes assessed for 2006 on the 39 properties at issue became delinquent, and Tax Executions for each parcel were issued by the Bamberg County Tax Collector on or about March 17, 2007, and levied the execution by distress and sale of the premises in question so as to satisfy the taxes, assessments, penalties, and costs that had accrued against the premises.

11. Upon information and belief, as part of the execution by distress, the Tax Collector mailed notices of delinquent property taxes, penalties, assessments, and cost to the defaulting taxpayers, co-defendants herein, at the addresses shown on the tax receipts.

12. Upon information and belief, the taxes on each of the parcels in question remained unpaid, and by virtue of such execution, on May 17, 2007, or soon thereafter, the Tax Collector sent notices to the defaulting taxpayers, the co-defendants herein, by certified mail, restricted delivery, return receipt requested stating that if the taxes, penalties, assessments, and costs were not paid, the property must be duly advertised and sold to satisfy the delinquency.

13. Upon information and belief, the Tax Collector levied upon and took exclusive possession of the properties in question by posting a notice at one or more conspicuous places on each of the premises, and had the notices delivered to the defaulting taxpayers.

14. Upon information and belief, the taxes on each of the parcels in question remained unpaid, and after due advertisement, the Tax Collector sold the properties in question on November 5, 2007. The 39 properties at issue were bid in by the Tax Collector, as statutory agent for the County Forfeited Land Commission.

15. Upon information and belief, the Tax Collector notified all parties of record of the tax execution and sales.

HJR #6

16. Upon information and belief, the Tax Collector further gave all parties of record the opportunity to redeem the 39 properties at issue prior to the anniversary date of the tax sale.

17. During the redemption period, the Tax Collector, acting on behalf of the Forfeited Land Commission, assigned the county's bids on each of the 39 properties at issue to Ralph Johnson, complaining defendant herein.

18. Upon information and belief, the 39 properties at issue were not redeemed and Tax Deeds was issued to Ralph Johnson, as assignee of the high bidder at the tax sale, on March 4, 2009, which tax deeds were recorded in Deed Book 245 at pages 123 through 227; in Deed Book 246 at pages 51 through 140; and by corrective deeds recorded in Deed Book 249 at pages 239 – 248 and re-recorded again in Deed Book 249 at pages 271-275.

19. Defendant/Third Party Plaintiff took possession of the properties upon receiving title, thereby ousting the co-defendants and third party defendants.

20. This complaining defendant is informed and believes the Bamberg County Delinquent Tax Collector fully complied with the requirements of the law and that the tax deeds dated March 4, 2009 conveyed him valid, fee simple title to each of the 39 properties at issue.

21. This complaining defendant's title may be clouded by the two-year right of redemption afforded to the former record holders of title, the co-defendants named herein, Lillian G. Brown, George Davis, Johnny M. Davis, Julia Davis, Lillie Mae Davis, Vivian Davis, Margaret Davis, Harry Felder, Fairey Padgett, III, Edith K. Gilmore, Lillie D. Gray, Retha G. Greggs, Samuel Greggs, Eddie Grimes, Henry C. Guess, Cynthia Hanberry, Derrick Hanberry, Roosevelt Jackson, Thelma Jackson, Stafford Kears, June McMillan, Kim McMillan, Joseph Mingo, Jr., Cecil M. Murdaugh, Jr., Sheila M. Murdaugh, Sondra M. Nelson, David Nesbit, Lisa F. Padgett, Geraldine G. Reed, Rodriguez Rice, Van Oscar Rice, Jr., Kevin Rice, Frederick Rice, Zamaro Rice, Ticia Rice, a/k/a Lecia Rice, Larry Sanders, Perry L. Scriven, Roy Setzler, Dyan Setzler, Willis Thompson, Bessie Thompson, Malachi Toomer, Elizabeth Walker, Ben Walker, Annie Mae White, Sheree D. Wiggins, David Lee Williams, Lucious Wright, Callie Wright, John Doe, Mary Roe, Richard Roe and Sarah Doe; lienholders of record, co-defendants and third-party defendants named herein, Bank One, N.A., Conseco Finance Servicing Corp., Equity One, Inc., JPMorgan Chase Bank, National Association, as trustee for the C-BASS Mortgage Loan Asset-Backed Certificates, Series 2005-CB2, and Mark D. Johnson by S. C. Code Ann.

H&K #7

§12-51-160 and by the claim of the plaintiff; however, this complaining defendant is informed and believes that since more than two (2) years have passed since the date of the tax execution sale, his tax deeds to the properties in question are incontestable on procedural or other grounds, as provided by S. C. Code Ann. §12-51-90(c).

22. This complaining defendant is informed and believes this court should issue its decree quieting his title as to the plaintiff, the co-defendants and third-party defendants and to all the world.

(SECOND CAUSE OF ACTION)

23. The allegations of the First Cause of Action are re-alleged and incorporated herein as if set forth verbatim.

24. After receiving his titles to the properties in question, and supposing that his titles thereto were good in fee to convey and secure the title and interest therein expressed, defendant expended personal funds in excess of Fifty Thousand and no/100 (\$50,000.00) Dollars on repairs and improvements to the properties.

25. In the event plaintiff prevails, defendant is informed and believes he should be awarded from the co-defendants and third party defendants the full value of all improvements made upon such land in the manner provided by Title 27, Chapter 27 of the Code of Laws of South Carolina, 1976, as amended.

WHEREFORE, having fully answered the Complaint, Defendant Ralph Johnson prays for an order of this Court:

- a) denying the relief sought by the Plaintiff, and quieting his title to the properties that were conveyed to him by the various tax deeds of record; or
- b) in the alternative, if it is determined that Ralph Johnson did not acquire valid title, determine the true owner of the property and granting him judgment against plaintiff or co-defendant taxpayers as may be determined by the Court pursuant to S. C. Code Ann. §27-27-10, et.seq., (1976, as amended) and
- c) for such other and further relief as is just.

Handwritten signature

HARVEY & KULMALA, LLC
P.O. Box 705
Barnwell, SC 29812
(803) 259-5531


Attorneys for Defendant Ralph Johnson
by J. Martin Harvey

November 8, 2011
Barnwell, South Carolina

H & K #9

000055

CERTIFICATE OF SERVICE

I, J. Martin Harvey, Attorney, do hereby certify that I have served the foregoing document by mailing a copy of same, postage prepaid, on the date shown below as follows:

Richard B. Ness, Esq.
Ness and Jett
P.O. Box 909
Bamberg, SC 29003

And by certified mail, return receipt requested, addressed as follows:

Elizabeth Walker
40 Macon St. Apt. 3R
Brooklyn, N.Y. 11216

Map# 0030-00-00-033

Lillian G. Brown
c/o John Greggs
PO Box 645
Denmark SC 29042

Map # 0036-00-00-003

Samuel Greggs
70 Diamond Rd
Denmark SC 29042

Map # 0036-00-00-035

Geraldine G. Reed
C/O John Greggs
PO Box 645
Denmark SC 29042

Map # 0036-00-00-036

Retha G. Greggs
c/o John Greggs
PO Box 645
Denmark SC 29042

Map # 0036-00-00-037

Map # 0036-00-00-039

Map # 0036-00-00-040

Map # 0036-00-00-041

Samuel Greggs
70 Diamond Rd
Denmark SC 29042

Map # 0036-00-00-043

Cynthia Hanberry
c/o Derrick Hanberry
72 Beaver St.
Denmark SC 29042

Map # 0038-07-05-017

Harry Felder
& Fairey Padgett III
PO Box 467
Denmark SC 298042

Map # 0039-04-02-007

Stafford Kearsce
c/o Harriet K & Greg Turner
817 Lyndale Ave
Trenton, NJ 08629

Map# 0039-09-01-049

Eddie Grimes
37-29 111 Street
Corona, NY 08629

Map # 0071-03-01-054

Ticia Rice
c/o Mr. Victor R. Smith
119 Cherryfield Lane
Savannah, GA 31419-7310

Map # 0072-06-03-019

David Lee Williams
241 Sawdust Ave.
Denmark SC 29042

Map# 0072-06-09-014

Roy H & Dyan Setzler
c/o Dyan McLaughlin
818 E. Yorkshire Dr.
Deland Fl. 32724

Map# 0072-06-10-007

Lucious Wright
c/o Joseph Wright
PO Box 202
Bamberg SC 29003

Map# 0072-06-15-027

Roosevelt Jackson
& Thelma S Jackson
143 Rutland St.
Bamberg SC 29003

Map# 0072-08-08-004

Willis Thompson
& Bessie Thompson
2055 Binnickner Bridge Rd
Bamberg SC 29003

Map# 0086-04-01-027

Annie Mae White
37 Jackson St
Staren Island, N.Y. 10301-2612

Map# 0086-04-15-010

Lisa F. Padgett
PO Box 467
Denmark SC 29042

Map # 0038-02-01-008

Malachi Toomer
4911 Capernaum Rd
Denmark SC 29042

Map# 0038-09-02-015

Henry C. Guess
85 Rome Ave
Denmark SC 29042

Map#0038-10-06-018

Lillie D. Gray
c/o John M. Gray
1 Hamilton Heights Dr. Apt 248
West Hartford, CT. 06119-1176

Map # 0038-10-06-039

George Davis
c/o Bldg 2 Apt 8/Granada Cres
White Plains, N.Y. 10603

Map# 0038-10-06-040

Julia Davis
c/o John Gray
Bldg 2 Apt 8/Granada Cres
White Plains, N.Y. 10603

Map# 0038-11-09-007

Vivian Davis
& Margaret c/o E. Griffith
PO Box 9153
Jersey City N.J. 07305

Map# 0038-13-02-022

Lillie Mae Davis
c/o Elizabeth Davis
PO Box 9153
Jersey City N.J. 07304

Map# 0038-13-02-024

Sondra M. Nelson
149 Ivy Leavge Dr.
Walterboro, SC 29488

Map # 0038-14-01-040

Larry Sanders
449 Poplar Ave
Denmark SC 29042

Map#0038-15-01-008

David Nesbit
147 Gator Drive
Gross Creek, SC 29445

Map# 0087-02-12-022

Johnny M. Davis
77 Ironwood Court
Bamberg SC 29003

Map# 0088-0-01-025

June McMillan
& Kim McMillan
1360 Ogden Ave. Apt 2-F
Brox, NY 10452

Map # 0090-00-00-028

Edith K. Silmore
PO Box 2195
Land O' Lakes, Tampa Fl. 34639

Map # 0092-00-00-046

Joseph Mingo, Jr.
49 Yankee Lane
Ehrhardt SC 29081

Map # 0098-00-00-047

Cecil M. Murdaugh, Jr.
& Shelia M. Murdaugh
PO Box 628
Ehrhardt SC 29081

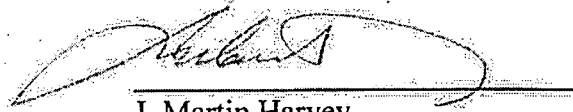
Map# 0098-00-00-048

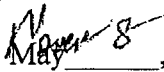
Rodriquez Rice
c/o Rodriquez Rice
2754 Lakespur Rd
Atlanta GA 30316

Map # 0102-01-00-011

Sheree D. Wiggins
125 Lakeshore Dr.
Walterboro SC 29488

Map # 0107-00-00-039


J. Martin Harvey


May 8, 2010
Barnwell, South Carolina

SCHEDULE A

Parcel No. 3:

All that certain piece, parcel or lot of land situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries and measurements:

On the North 60 feet by Ernie Carroll; on the East 270 feet by Miles Loadholt and Southern Pine Plantation, LLC; on the South 150 feet by an unopened road; and on the West 325 feet by Melvin Greggs. This being the same property conveyed to Lillian G. Brown by John Edward Greggs, Executor for Sam Greggs' Will on April 28, 1978, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 36, Page 66, on October 10, 1978. Also referenced in Plat Book 15, Page 79.

Tax Map #: 0036-00-00-033

Parcel No. 5:

All that certain lot of land situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Lillie D. Gray; on the East by Robert G. Funderburk; on the South by Hayne Street; and on the West by Martha Howell Guess.

This being the same property purchased by George Davis from Lizzie Davis on April 10, 1953, and being recorded in the office of the Bamberg County Clerk of Court in Deed Book 9, Page 75, on April 16, 1953. Also referenced in Plat Book 7, Page 93.

Tax Map #: 0038-10-06-040

Parcel No. 6:

All that certain piece, parcel or lot of land situate in the Town of Bamberg, County of Bamberg, State of South Carolina, and having the following boundaries:

On the Northeast by John D. Irons; on the Southeast by John Daniel Irons; and on the West by a proposed road. This being the same property conveyed to Johnny M. Davis by American General Finance, Inc. On August 2, 2006, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 145, Page 103, on August 14, 2006.

Tax Map #: 0088-04-01-025

Parcel No. 7:

All that certain piece, parcel or lot of land situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Julia D. Jones; on the East by James Arnold Hickson; on the South by an unopened street; and on the West by the Brooker Family Limited Partnership.

This being the same property conveyed to Julia Jones by Denmark Realty Company on October 8, 1927, and being recorded in the Bamberg County Clerk of Court's office in Deed Book U, Page 301, on October 11, 1927.

Tax Map #: 0038-11-09-007

Parcel No. 8:

All that certain lot of land, situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Kathleen L. Faust; on the East by Sawdust Avenue; on the South by Herbert Ray; on the West by Elizabeth Griffith.

This being the same property conveyed to Lillie Mae Davis by Essie Moody, et al. on December 2, 1974, and recorded in the Bamberg County Clerk of Court's office in Deed Book 29, Page 356, on December 2, 1974.

Tax Map #: 0038-13-02-024

Parcel No. 9:

All that certain lot of land, situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Heritage Hwy.; on the East by Kathleen L. Faust; on the South by Kathleen L. Faust; and on the West by Cecil L. Blume.

This being the same property conveyed to Vivian and Margaret Davis by Mamie L. Lebby on March 13, 1985, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 53, Page 141, on March 15, 1985.

Tax Map #: 0038-13-02-022

Parcel No. 10:

All that certain parcel of land situate in the Town of Denmark; County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by James M. Folk; on the West by Jungle Harbor Corp.; on the South by James M. Folk; and on the East by Carolina Highway.

This being the same property conveyed to Harry Felder and Fairey Padgett, III, by Willie J. Sherman on September 4, 1996, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 98, Page 82, on September 9, 1996. Also referenced in Plat Book 4, Page 59.

Tax Map #: 0039-04-02-007

Parcel No. 11:

All that certain lot of land with improvements thereon, situate in the County of Bamberg, State of South Carolina, and having the following boundaries and measurements:

On the North 200 feet by Clearpond Road; on the East 325 feet by Elloree Kizer Barnes; on the South 200 feet by Charles Kizer; and on the West 325 feet by Charles Kizer. This being the same property conveyed to Edith K. Gilmore by Charles Kizer on January 4, 1983, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 47, Page 49, on January 10, 1983. Also referenced in Plat Book 17, Page 172.

Tax Map #: 0092-00-00-046

Parcel No. 12:

All that certain lot of land with improvements thereon, situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries and measurements:

On the North 75 feet by Judy Dickinson; on the East 100 feet by Robert G. Funderburk; on the South 75 feet by George Davis; and on the West 100 feet by Martha Howell Guess. This being the same property conveyed to Lillie D. Gray by George Davis on November 18, 1954, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 10, Page 36, on November 18, 1954. Also referenced in Plat Book 7, Page 93.

Tax Map #: 0038-10-06-039

Parcel No. 13:

All that certain piece, parcel or lot of land with improvements thereon, situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Ernie Carroll; on the East by Ernie Carroll and Geraldine G. Reed; on the South by Tammy H. Quattlebaum; and on the West by Carolina Highway. This being the same property conveyed to Retha G. Greggs by Sam Greggs on October 7, 1972, and being recorded in the Bamberg County Judge of Probate's office in Bundle 47, Page 6. Also referenced in Plat Book 15, Page 79.

Tax Map #: 0036-00-00-037

Parcel No. 14:

All that certain lot of land situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries and measurements:

On the North 235 feet by Tammy H. Quattlebaum; on the East 150 feet by Geraldine G. Reed; on the South 235 feet by an unopened road; and on the West 150 feet by Carolina Highway. This being the same property conveyed to Retha G. Greggs by Sam Greggs on October 7, 1972, and being recorded in the Bamberg County Judge of Probate's office in Bundle 47, Package 6. Also referenced in the Bamberg County Clerk of Court's office in Plat Book 15, Page 79.

Tax Map #: 0036-00-00-039

Parcel No. 15:

All that certain lots of land with improvements thereon, situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries and measurements:

On the North 235 feet by an unopened road; on the East 150 feet by Samuel Greggs; on the South 235 feet by Retha G. Greggs; and on the West 150 feet by Carolina Highway. This being the same property conveyed to Retha G. Greggs by Sam Greggs on October 7, 1972, and being recorded in the Bamberg County Judge of Probate's office in Bundle 47, Package 6. Also referenced in the Clerk of Court's office in Plat Book 15, Page 79.

Tax Map #: 0036-00-00-040

Parcel No. 16:

All that certain lot of land situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries and measurements:

On the North 235 feet by Retha G. Greggs; on the East 150 feet by Samuel Greggs; on the South 235 feet by Retha Greggs; and on the West 150 feet by Carolina Highway. This being the same property conveyed to Retha G. Greggs by Sam Greggs on October 7, 1972, and being recorded in the Bamberg County Judge of Probate's office in Bundle 47, Package 6. Also referenced in the Clerk of Court's office in Plat Book 15, Page 79.

Tax Map #: 0036-00-00-041

Parcel No. 17:

All that certain lot of land situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North 130 feet by Ernie Carroll; on the East 340 feet by Melvin Greggs; on the South 130 feet by an unopened road; and on the West 340 feet by Geraldine G. Reed. This being the same

property conveyed to Samuel Greggs by Clarie L. Greggs on March 6, 2007, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 149, Page 82, on March 15, 2007. Also referenced in Plat Book 15, Page 79.

Tax Map #: 0036-00-00-035

Parcel No. 18:

All that certain lot of land situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries and measurements:

On the North 125 feet by an unopened road; on the East 370 feet by Retha G. Greggs; on the South 125 feet by Faith Kobylka; and on the West 370 feet by Retha G. Greggs. This being the same property conveyed to Samuel Greggs by Janice G. Etheridge on March 6, 2007, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 149, Page 83, on March 15, 2007. Also referenced in Plat Book 15, Page 79.

Tax Map #: 0036-00-00-043

Parcel No. 19:

All that certain lot of land with improvements thereon, situate in the Town of Bamberg, County of Bamberg, State of South Carolina, and having the following boundaries and measurements:

On the North 154.56 feet by Pigeon Road; on the East 271.78 feet by Acacia Tyler Bamberg and Sharon Ray Brown; on the South 103.06 feet by D. M. McCoy Enterprise; and on the West 265.03 feet by Sharon Ray Brown. This being the same property conveyed to Eddie Grimes by Essie Grimes on November 25, 1988, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 74, Page 145, on August 29, 1990. Also referenced in Plat Book 24, Page 27.

Tax Map #: 0071-03-01-054

Parcel No. 20:

All that certain lot of land with improvements thereon, situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries and measurements:

On the North 77.4 feet by Henry Clay Guess; on the East 65 feet by Phillip W. Guess and James Guess; on the South 77.4 feet by Paul Sanders; and on the West 65 feet by Roosevelt Henderson, et al. This being the same property conveyed to Henry C. Guess by Henry C. Guess, Jr. on December 27, 1995, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 95, Page 148, on January 16, 1996.

Tax Map #: 0038-10-06-018

Parcel No. 22:

All that certain lot of land with improvements thereon, situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries and measurements:

On the North 200 feet by Cynthia M. Hanberry, et al.; on the East 15 feet by an alley; on the South 200 feet by Lodge Pure Heart 61 Ancient Free Masons and Lodge Rufus Jones No.615; and on the West 15 feet by Lucius Street. This being the same property conveyed to Cynthia M. And Derrick Hanberry by Leon Martin Hanberry on December 19, 1993, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 91, Page 113, on November 30, 1994. Also referenced in Plat Book 1, Page 123.

Tax Map #: 0038-01-05-017

Parcel No. 23:

All that certain lot of land with improvements thereon, situate in the County of Bamberg, State of South Carolina, and having the following boundaries and measurements:

On the North 67 feet by Wayne Hughes; on the East 98 feet by Wayne Hughes; on the South 135 feet by Lemon Swamp Baptist Church; and on the West 55 feet by Rutland Street. This being the same property conveyed to Roosevelt and Thelma S. Jackson by John A. Whetstone on February 13, 1984, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 50, Page 74, on February 17, 1984. Also referenced in Plat Book 18, Page 184.

Tax Map #: 0072-08-08-004

Parcel No. 24:

All that certain parcel of land situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Voorhees Industrial School; on the Southeast by Denita Williams, et al.; on the Southwest by Rosebud Road; and on the West by Voorhees Industrial School.

This being the same property conveyed to Harriett K. Turner and Greg Turner c/o Stafford Kearse by Stafford Kearse on October 12, 2004, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 135, Page 9, on October 19, 2004. Also referenced in Plat Book 20, Page 22.

Tax Map #: 0039-09-01-049

Parcel No. 26:

All that certain piece, parcel or lot of land, with improvements thereon, situate in the County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Edward K. Rice, Jr., et al.; on the East by Edward K. Rice, Jr., et al.; on the Southeast by Frank Toomer, et al.; on the South by Joyce A. Halls, et al.; and on the West by Gloria Bessinger. This being the same property conveyed to June and Kim McMillan by Harriette A. McMillan on December 16, 1998, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 106, Page 111 on December 16, 1998. Also referenced in Plat Book 14, Page 11.

Tax Map #: 0090-00-00-028

Parcel No. 27:

All that certain parcel of land situate in the Town of Ehrhardt, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Carol G. Odoms; on the East by Joseph Mingo; on the South by Audrey L. Williams; and on the West by James E. Breland and Joe and Roslyn Mingo.

This being the same property conveyed to Joseph Mingo, Jr., by Joseph Mingo, et al., on September 20, 1990, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 75, Page 12, on September 21, 1990. Also referenced in Plat Book 19, Page 12.

Tax Map #: 0098-00-00-047

Parcel No. 28:

All that certain lot of land with improvements thereon, situate in the Town of Ehrhardt, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Eagle Road; on the East by Venecie Givens; on the South by Carlisle Murdaugh; and on the West by Leroy Jefferson.

This being the same property conveyed to Cecil M. Murdaugh, Jr. And Shelia M. Murdaugh by Cecil M. Murdaugh, Jr., on August 25, 1998, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 105, Page 87, on September 10, 1998. Also referenced in Plat Book 26, Page 95.

Tax Map #: 0098-00-00-048

Parcel No. 29:

All that certain lot(s) of land with improvements thereon, situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Corey Bernard Robinson; on the East by Rice Avenue; on the South by Paul Nelson, Jr.; and on the West by John and Essie Moody.

This being the same property conveyed to Sondra M. Nelson by Pamela Denise Nelson on October 14, 1991, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 78, Page 140, on October 16, 1991.

Tax Map #: 0038-14-01-040

Parcel No. 30:

All that certain lot of land with improvements thereon, situate in the Town of Bamberg, County of Bamberg, State of South Carolina, and having the following boundaries:

On the Northeast by US Group, Inc. and Elm Street; on the Southeast by S.C. Dept. of Transportation, Bamberg Textile Mills, and Rockland-Bamberg Ind., Inc.; on the South by Rockland-Bamberg Ind., Inc.; and on the West by Town of Bamberg.

This being the same property conveyed to David Nesbit by Darryl Lawrence on March 20, 2007, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 150, Page 10, on April 2, 2007.

Tax Map #: 0087-02-12-022

Parcel No. 31:

All that certain lot of land situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries and measurements:

On the North 110 feet by Highway 70, Barnwell Highway; on the East 150 feet by William Junious; and on the West 150 feet by John D. Turner.

This being the same property conveyed to Lisa F. Padgett by Harry Felder, et al., on January 20, 1990, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 72, Page 155, on February 19, 1990. Also referenced in Plat Book 1, Page 123.

Tax Map #: 0038-02-01-008

Parcel No. 32:

All that certain parcel of land situate in the Town of Denmark, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Ernie Carroll; on the East by Samuel Greggs; on the South by an unopened road; and on the West by Retha G. Greggs and Tammy H. Quattlebaum. This being the same property conveyed to Geraldine G. Reed by John Edward Greggs as Executor of Sam Greggs' Will on April 28, 1978, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 36, Page 68, on October 10, 1978. Also referenced in Plat Book 15, Page 79.

This being the same property conveyed to Malachi Toomer by will of James Brabham in Will Bundle 34, Package 2, on April 23, 1958, and being recorded in the Bamberg County Judge of Probate's office.

Tax Map #: 0038-09-02-015

Parcel No. 40:

All that certain lot of land situate in the County of Bamberg, State of South Carolina, and having the following boundaries:

On the Northeast by Amanda P. Morris; on the Southeast by Herman Hires; on the Southwest by Herman Hires; on the Northwest by Herman Hires. This being the same property conveyed to Elizabeth Walker, et al., by Herman and Margaret Hires on September 3, 1996, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 98, Page 83, on September 10, 1996. Also referenced in Plat Book 29, Page 33.

Tax Map #: 0030-00-00-033

Parcel No. 41:

All that certain piece, parcel or tract of land situate in the Town of Bamberg, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Floyd Rickenbaker; on the East by Binniker Bridge Road; on the South by Harper Street; and on the West by Fannie Bell Rickenbaker. Also on the North by Harper Street; on the East by Binniker Bridge Road; on the South by Israel Owens; and on the West by Bamberg School District One. This being the same property conveyed to Annie Mae White by Daisy Mae Moseley, et al., on November 29, 1966, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 20, Page 285, on January 27, 1968.

Tax Map #: 0086-04-15-010

Parcel No. 42:

All that certain lot of land with improvements thereon, situate in the County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Ruth Henderson; on the East by George Allen Priester and Castlevue Financial Corp.; on the South by Jerry Black; and on the West by Jerry Black.

This being the same property conveyed to Sheree D. Wiggins by Lina T. Black on May 28, 1993, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 85, Page 17, on June 1, 1993. Also referenced in Plat Book 26, Page 107.

Tax Map #: 0107-00-00-039

Parcel No. 44:

All that certain lot of land with improvements thereon, situate in the Town of Bamberg, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Equitable Solutions; on the East by Middle Street; on the South by Pentecostal Street; and on the West by Equitable Solutions.

This being the same property conveyed to David Lee Williams by William P. Dent, Sr., on August 8, 1996, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 99, Page 48, on December 13, 1996. Also referenced in Plat Book 1, Page 148.

Tax Map #: 0072-06-09-014

Parcel No. 45:

All that certain lot of land situate in the Town of Bamberg, County of Bamberg, State of South Carolina, and having the following boundaries:

On the North by Mabel W. Ealey; on the East by Rosella Rice; on the South by Broxton Street; and on the West by Forfeited Land Commission.

This being the same property conveyed to Lucious Wright, et al., by Lucile Phillips, et al., on October 19, 1964, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 17, Page 318, on October 30, 1964. Also referenced in Plat Book H, Page 340.

Tax Map #: 0072-06-15-027

STATE OF SOUTH CAROLINA)
)
COUNTY OF BAMBERG)

IN THE COURT OF COMMON PLEAS

The Forfeited Land Commission of
Bamberg County,)

C/A No.: 2010-CP-05-39

Plaintiff,)

vs.)

Eartha Dean Moody Beard, et al, Ralph
Johnson, et al, of whom Ralph Johnson is
answering as)

Defendant -
Third Party Plaintiff,)

vs.)

Bank One, N.A., Conseco Finance)
Servicing Corp., Equity One, Inc.,)
JPMorgan Chase Bank, National)
Association, as trustee for the C-BASS)
Mortgage Loan Asset-Backed Certificates,)
Series 2005-CB2, and Mark D. Johnson,)
JOHN DOE AND MARY ROE,)
fictitious names representing any unknown)
minors, incompetents, persons in the)
military, persons imprisoned and persons)
under any other legal disability and)
RICHARD ROE AND SARAH DOE,)
fictitious names representing unknown)
devises, distributees, or personal)
Representatives of LILLIAN G. BROWN,)
GERALDINE G. REED, RETHA G.)
GREGGS, LILLIE D. GRAY, GEORGE)
DAVIS, JULIA DAVIS, VIVIAN DAVIS,)
MARGARET DAVIS, LILLIE MAE)
DAVIS, LECIA RICE, ROY H. SETZLER,)
DYAN SETZLER, LUCIOUS WRIGHT,)
JULIA JONES, EDITH K. GILMORE,)
EDDIE GRIMES, HENRY C. GUESS,)
WILLIE THOMPSON, BESSIE)
THOMPSON, ANNIE MAE WHITE,)
and also all other unknown persons claiming)
any right, title, estate, or lien upon the real)

CORETTA MCMILLAN'S ANSWER TO
DEFENDANT RALPH JOHNSON'S
SECOND AMENDED ANSWER,
COUNTER-CLAIM, CROSS-CLAIM AND
THIRD PARTY COMPLAINT

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estate which is the subject of this action.

Third Party Defendant.

COMES NOW Coretta McMillan, who by and through her undersigned attorney, hereby files her Answer and Counter-Claim to the Defendant-Third Party Plaintiff Ralph Johnson's Second Amended Answer, Counter-Claim, Cross-Claim, and Third Party Complaint and would respectfully show unto this Honorable Court the following:

1. Each and every allegation of Defendant-Third Party Plaintiff Ralph Johnson that is not specifically admitted herein is expressly denied.

2. In addition to the other matter set forth in this Answer and Counter-Claim, to the extent the allegations of the Complaint require interpretation of alleged contracts, covenants, deeds, closing documents, real estate documents, forms, statutes or regulations, Ms. McMillan refers the Court to the alleged documents, and deny any allegations inconsistent therein.

3. Ms. McMillan denies the allegations of all paragraphs of the Complaint to the extent they assert legal conclusions, and all such allegations and assertions of legal conclusions must be determined in due course based on all facts and circumstances at issue during this litigation.

AS A SECOND DEFENSE

4. The Defendant reiterates and realleges the allegations contained in paragraphs 1 through 3 of this Answer as if realleged herein verbatim.

5. The Defendant denies the allegations found in Paragraphs 2, 3, and 3 of the Counter-claim.

6. The Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraphs 5, 6, 7, 8 of the Counter-claim, but to the extent that a response is required she would deny the same.

7. Defendant denies the allegations in Paragraph 2 of the Cross-claim and Third Party Complaint to the extent that Bessie and Willy Thompson are not currently citizens or residents of the state of South Carolina. The defendant admits the allegations in said paragraph to the extent that the defendant has a claim of ownership interest in one more of the subject premises.

8. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraphs 4 (or any of the subsection thereof), 5.

9. Defendant admits the allegation in Paragraph 6 of the Cross-claim and Third Party Complaint to the extent that Bessie and Willy Thompson are deceased. Defendant denies any other allegations in said paragraph and demands strict proof thereof.

10. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 7 of the Cross-claim and Third Party Complaint.

11. Defendant denies the allegations contained in Paragraphs 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of the Cross-claim and Third Party Complaint and demands strict proof thereof.

10. Defendant admits the allegations contained in Paragraph 21 of the Cross-claim and Third Party Complaint, to the extent that the complaining defendant's title is clouded by the right of redemption of this defendant. Defendant denies all other allegations contained in said paragraph.

12. Defendant denies the allegations contained in Paragraph 22, 24, 25 of the Cross-claim and Third Party Complaint and demands strict proof thereof.

AS A THIRD DEFENSE

13. The Defendant reiterates and realleges the allegations contained in paragraphs 1 through 12 of this Answer as if realleged herein verbatim.

14. The claims presented in the Cross-claim and Third Party Complaint are barred based on the doctrine of unclean hands.

AS A FOURTH DEFENSE

15. The Defendant reiterates and realleges the allegations contained in paragraphs 1 through 14 of this Answer as if realleged herein verbatim.

16. This action is barred in whole or in part by the complaining defendant's failure to properly mitigate their damages.

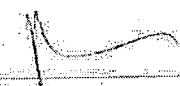
AS A FIFTH DEFENSE AND BY WAY OF COUNTERCLAIM

17. The Defendant reiterates and realleges the allegations contained in paragraphs 1 through 16 of this Answer as if realleged herein verbatim.

18. The defendant inherited this property through the probate of the estates of Bessie and Willy Thompson and paid all taxes that were known to her. This defendant properly and legally redeemed this property according to statute.

WHEREFORE, the Defendant requests the Court inquire into the matters herein, dismiss plaintiff's complaint with prejudice and with costs and grant further relief as this court may deem just and proper.

MICHAEL C. TANNER, L.L.C.

By: 

Michael Tanner
P.O. Box 1061
Bamberg, SC 29003
(803) 245-9153
Attorney for Defendant

April 8, 2014
Bamberg, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF BAMBERG)

I, Michael C. Tanner, attorney for Coretta McMillian, Case No.: 2010-CP-05-39, do hereby certify that I have served the Coretta McMillian's Answer to Defendant Ralph Johnson's Second Amended Answer, Counter-Claim, Cross-Claim and Third Party Complaint by mailing a copy of same, with postage prepaid, by United States mail to the person(s) at the address(es) indicated as follows:

J. Martin Harvey, Esquire
P.O. Box 705
Barnwell, SC 29812

MICHAEL C. TANNER, L.L.C.

By:



Michael C. Tanner
P.O. Box 1061
Bamberg, SC 29003
(803) 245-9153
Attorney for Plaintiff

April 8, 2014

Bamberg, S.C.

STATE OF SOUTH CAROLINA)

COUNTY OF BAMBERG)

The Forfeited Land Commission of
Bamberg County,)

Plaintiff)

vs.)

Eartha Dean Moody Beard, et.al. Ralph
Johnson, et al., of whom Ralph Johnson is
answering as)

Defendant -
Third Party Plaintiff)

Vs.)

Bank One, N.A., Conseco Finance
Servicing Corp., Equity One, Inc.,
JPMorgan Chase Bank, National
Association, as trustee for the C-BASS
Mortgage Loan Asset-Backed Certificates,
Series 2005-CB2, and Mark D. Johnson,
JOHN DOE AND MARY ROE,
fictitious names representing any unknown
minors, incompetents, persons in the
military, persons imprisoned and persons
under any other legal disability and
RICHARD ROE AND SARAH DOE,
fictitious names representing unknown
devisees, distributees, or personal
Representatives of LILLIAN G. BROWN,
GERALDINE G. REED, RETHA G.
GREGGS, LILLIE D. GRAY, GEORGE
DAVIS, JULIA DAVIS, VIVIAN DAVIS,
MARGARET DAVIS, LILLIE MAE
DAVIS, LECIA RICE, ROY H. SETZLER,
DYAN SETZLER, LUCIOUS WRIGHT
JULIA JONES, EDITH K. GILMORE,
EDDIE GRIMES, HENRY C. GUESS,
WILLIE THOMPSON, BESSIE
THOMPSON, ANNIE MAE WHITE,
and also all other unknown persons claiming)

IN THE COURT OF COMMON PLEAS

C/A NO: 2010-CP-05-39

REPLY

any right, title, estate, or lien upon the real)
estate which is the subject of this action,)

Third Party Defendants)

Defendant Ralph Johnson, by counsel, replies to the Counterclaim of Coretta McMillan as follows:

FOR A FIRST DEFENSE

McMillan's claim is barred by the applicable statute of limitations.

FOR A SECOND DEFENSE

McMillan had an obligation under the law to notify the Bamberg County Tax Assessor of any change of ownership and of her address as the responsible party for the family of Bessie and Willis Thompson and by failing to do so, is barred from contesting the validity of the tax execution sale in question on the grounds that they did not get notice of the sale by the doctrines of waiver and estoppel.

FOR A THIRD DEFENSE

1. Each and every allegation of the counterclaim not herein expressly admitted, modified or explained is specifically denied.
2. Paragraphs 17 and 18 are denied.

FOR A FOURTH DEFENSE

The counterclaim fails to state a cause of action against the plaintiff and should be dismissed under Rule 12(b)(6), S.C.R.C.P.

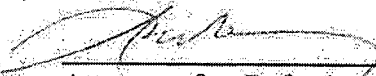
FOR A FIFTH DEFENSE

The answering party is not the legal representative of the Estates of Bessie Thompson and Willis Thompson and should be required to present proof that she is authorized to act on their behalves or on behalf of all heirs at law of Bessie Thompson and Willis Thompson, as required by Rules 17, 18 and 19, S.C.R.C.P.

Handwritten: HJR #2

WHEREFORE, Defendant Ralph Johnson reiterates his prayer for relief as stated in his Cross-complaint and Third-Party claim, dismiss Coretta McMillan's counterclaim, and award his costs.

HARVEY & KULMALA, LLC
P.O. Box 705
Barnwell, SC 29812
(803) 259-5531



Attorneys for Defendant Ralph Johnson
by J. Martin Harvey

April 22, 2014

CERTIFICATE OF SERVICE

I, J. Martin Harvey, Attorney, do hereby certify that I have served the foregoing document by mailing a copy of same, postage prepaid, on the date shown below as follows:

Michael C. Tanner, Esq
Attorney At Law
PO Box 1061
Bamberg SC 29003


J. Martin Harvey

April 22, 2014
Barnwell, South Carolina

73

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STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF BAMBERG) SECOND JUDICIAL CIRCUIT

2012-CP-00-2727

The Forfeited Land Commission of)
Bamberg County)

Plaintiff,)

v.)

Transcript of Record)

Eartha Dean Moody Beard, et al.,)

Defendant.)

September 22, 2014
Bamberg, South Carolina

B E F O R E:

The Honorable Edgar W. Dickson, Judge

A P P E A R A N C E S:

Marty Harvey, Esquire
Attorney for the Plaintiff

Michael Tanner, Esquire
Attorney for the Defendant

Hilda M. Jordan, CVR-M
Circuit Court Reporter

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1 THE COURT: Okay, this is Bamberg County case 2010-CP-
2 05-39. This case was originally a Forfeited Land Commission
3 case, but they are out of it, and now we're pretty much
4 continuing with Mr. Johnson's third-party plaintiff's case
5 against a number of defendants. We've had -- this is about
6 the fourth hearing we've had on this?

7 MR. HARVEY: Yes, Your Honor.

8 THE COURT: We're now down to just a few defendants; is
9 that correct?

10 MR. HARVEY: Just one.

11 THE COURT: Just one defendant. All right.

12 All right, Mr. Harvey.

13 MR. HARVEY: Please the Court. The preliminary matters.

14 THE COURT: Yes, sir.

15 MR. HARVEY: We stipulate that Mr. Tanner's clients
16 parents --

17 MR. TANNER: Grandparents.

18 MR. HARVEY: -- grandparents who are listed in the
19 action as Willie or Willis and Bessie Thompson are deceased.
20 Mr. Thompson died on January 21, 2005 and that Bessie
21 Thompson died on September 27, 2004. These are documents
22 that Your Honor ordered be produced at the hearing in July
23 and --

24 THE COURT: Okay.

25 MR. HARVEY: The property in question was titled jointly

1 with rights of survivorship between Mr. and Ms. Thompson.

2 So Mr. Thompson died in 2005 title vested immediately in Ms.
3 Thompson's name. Ms. Thompson died --

4 THE COURT: I thought she died in '04. Did I write that
5 down wrong.

6 MR. HARVEY: I'm sorry. You're right. I'm --

7 THE COURT: She died --

8 MR. HARVEY: -- can't get that in my head.

9 THE COURT: That's okay. She died first and everything
10 vested in him.

11 MR. HARVEY: That's right.

12 THE COURT: Then he died in '05?

13 MR. HARVEY: That's right.

14 THE COURT: And then it went to -- do we know who?

15 MR. HARVEY: Well, according to Mr. Thompson's will it
16 was devised to his step-son, Paul Edward Washington and
17 grandchildren, Samuel E. Morant and Betsy Felicia Morant and
18 Coretta I. Morant.

19 Is that right?

20 MR. TANNER: That's right. And the step-son, Paul --
21 can recall his last name.

22 MR. HARVEY: Washington.

23 MR. THOMPSON: He is deceased, as well.

24 MR. HARVEY: He died on Friday, April 6, 2007.

25 THE COURT: April 6, 2007.

1 MR. HARVEY: Right.

2 THE COURT: Okay.

3 MR. HARVEY: And so that's -- that, Your Honor, brings
4 me to a question. So Coretta Morant is not Coretta McMillan,
5 Mr. Thompson?

6 MR. THOMPSON: Correct. Correct.

7 MR. HARVEY: So we'd stipulate to those facts.

8 THE COURT: Okay. All right.

9 MR. HARVEY: The tax collector has brought a copy of her
10 file and Mr. Tanner has stipulated to the authenticity of
11 the file.

12 THE COURT: Okay.

13 MR. HARVEY: Your Honor, are we going to start with new
14 exhibit numbers or how are we going to --

15 THE COURT: Madam Court Reporter, what's easier for you?

16 COURT REPORTER: New numbers.

17 THE COURT: Okay.

18 MR. HARVEY: We'll label the tax collector's file
19 collectively as Exhibit No. 1.

20 THE COURT: Plaintiff's No. 1.

21 (Plaintiff's Exhibit No. 1, tax
22 collector file, was marked and entered.)

23 MR. HARVEY: And Your Honor we have -- the Clerk of
24 Court sent the original file.

25 THE COURT: Okay. Thank you, sir. I don't need it. I

1 A 5027 Weatherstone Road, Charleston, South Carolina.

2 Q Okay. Mr. Johnson, did you have dealings with the
3 Bamberg County Tax Collector and Forfeited Land Commission
4 in March of 2009?

5 A Yes.

6 Q Well, 2007?

7 A It was 2007 was when I first bid on the property.

8 Q I see. And what was the process by which you made that
9 bid?

10 A Well, I didn't get there for the tax sale, but I got
11 there a day or two after the sale and I was asking for an
12 assignment for numerous properties. I think it was 39
13 properties all together.

14 Q Okay. And was the property located there on Binnicker
15 Bridge Road, one of the properties that you discussed with

16 --

17 A Yes.

18 Q And this was property, as far as you knew was owned by
19 Mr. and Ms. Thompson?

20 A That's correct.

21 MR. HARVEY: And for the record, Your Honor, the tax map
22 number is 086-04-01-027.

23 THE COURT: 027 is the last one. Okay.

24 BY MR. HARVEY:

25 Q Mr. Johnson, did you look for any of these properties,

1 before you talked with them about assignment?

2 A I did.

3 Q Okay. I'm going to show you a photograph and ask if
4 you can identify that?

5 A That is the property on Binnicker Bridge Road.

6 Q That's the property we're talking about today?

7 A That is correct.

8 MR. HARVEY: Mark that as Exhibit 3, please, ma'am.

9 THE COURT: Plaintiff's Exhibit No. 3, in evidence
10 without objection.

11 MR. TANNER: No objection, Your Honor.

12 THE COURT: Okay. Thank you.

13 (Plaintiff's Exhibit No. 3,
14 photograph, was marked and entered.)

15 BY MR. HARVEY:

16 Q And then did you reach an agreement with the tax
17 collection through the Forfeited Land Commission on the
18 assignment of this?

19 A That's correct.

20 Q As a result did you get a tax deed?

21 A I did, eventually, yes.

22 Q Okay. Exhibit No. 1 contains the deed -- or does it
23 contain the deed of -- where you were granted title?

24 A This is the deed.

25 Q All right. This is 1A please, ma'am.

1 MR. TANNER: No objection.

2 THE COURT: All right.

3 (Plaintiff's Exhibit 1A, deed, was
4 marked and entered.)

5 THE COURT: 1A is the deed from the delinquent tax
6 commissioner to Mr. Thompson in evidence without objection.

7 MR. HARVEY: And Your Honor -- That deed, for the
8 record, is recorded in Book 245 at Page 218 in the Office of
9 the Clerk of Court for Bamberg County.

10 THE COURT: All right.

11 BY MR. HARVEY:

12 Q Mr. Johnson, did you come to meet a gentleman by the
13 name of Bernard Hallman?

14 A Yes, I did.

15 Q When was that?

16 A Well, I don't remember exactly what the date was but I
17 had it in my notes.

18 Q Is this a copy of your notes to refresh your
19 recollection?

20 A That's correct. It was on May 11, 2009.

21 Q Okay. And what brought about that meeting?

22 A Well, when I brought the property I noticed there was
23 somebody living in the house so I proceeded to go to the
24 house when I got the deed and inquired as to what the
25 situation was regarding the house. Mr. Hallman, at that

1 the property and she stated that she wanted to buy the
2 property and I gave her a price. She told me that she would
3 have the money and everything ready to purchase the property
4 before Christmas. That didn't happen.

5 Q What action next did you take, if any?

6 THE COURT: Could I just for clarification, before
7 Christmas of 2009?

8 Mr. Johnson: 2009.

9 THE COURT: Okay. Thank you. I'm sorry.

10 BY MR. HARVEY:

11 Q What action, if any did you take then?

12 A Well, I delivered a notice to him, a 30 day notice to
13 quit the premises.

14 Q Okay. Did you take action through the magistrate's
15 court?

16 A That's correct.

17 Q I'll show you these documents and ask you if you can
18 identify those, please?

19 A Yes.

20 Q What are they?

21 A Well, they are communications between me and Mr.
22 Hallman, and also my record of application to the magistrate
23 to get Mr. Hallman ejected from the property.

24 Q Okay.

25 MR. HARVEY: I offer these into evidence.

1 MR. TANNER: Your Honor, let me make sure --

2 THE COURT: That's Plaintiff's No. 4.

3 MR. HARVEY: We have pre-marked it as 5. --

4 THE COURT: If we could put them --

5 MR. HARVEY: We'll make it four.

6 COURT REPORTER: It will be Plaintiff's No. 4.

7 THE COURT: Plaintiff's No. 4. Okay.

8 (Plaintiff's Exhibit No. 4,

9 magistrate's file, was marked and entered.)

10 BY MR. HARVEY:

11 Q How much did it cost you to take that eviction action?

12 A I think it was \$65.

13 Q Did the magistrate ever hear the matter?

14 A Well, we did have a hearing and at that time the result
15 was that everything that he was going to do was put in
16 abeyance until this case was resolved.

17 Q And that was four years ago?

18 A Right.

19 Q Okay. Since you acquired title to the property, Mr.
20 Johnson, have you spent any money on the place?

21 A No, other than just trying to locate the property for
22 my benefit.

23 Q Okay. Have you paid the taxes on the property?

24 A Oh, yes.

25 Q And do you know what those amounts are?

1 A I believe that's correct.

2 Q The 2012 taxes \$651.59?

3 A Yes.

4 Q The 2013 taxes \$737.59?

5 A That's correct.

6 Q Okay. And you're claiming the interest by statute
7 you're entitled to on your original bid from when you bought
8 it at the tax sale? Statutory interest.

9 A Well, yes.

10 Q And the total amount of money you're out of pocket is
11 \$3,639.73?

12 A I believe that's correct.

13 MR. TANNER: What was that figure again, Marty? I'm
14 sorry.

15 MR. HARVEY: \$3,639.73.

16 BY MR. HARVEY:

17 Q Plus your recorded fee for your deed, \$10?

18 A Right.

19 Q And the magistrate's fee of \$65.

20 A Did you say \$10?

21 Q \$10 to record the deed?

22 A I was thinking it was a little more than that, but I'm
23 not sure.

24 Q Okay. Mr. Johnson, when you -- before you paid the tax
25 assessor, the tax collector the money to have the bid

1 assigned did you look through the tax collector's file?

2 A (No response.)

3 Q I'll show you Plaintiff's Exhibit No. 1.

4 A No, I have never looked through this file.

5 Q Okay. Thank you. Is there anything else you think the
6 Court should know about this matter?

7 A Other than it cost me a whole lot of money to reach
8 this point and somebody else has been living in my house for
9 about five years.

10 Q Without paying any --

11 A Without paying any interest, rent or anything.

12 Q Answer any questions Mr. Tanner may have.

13 MR. TANNER: May it please the Court?

14 THE COURT: Yes, sir, Mr. Tanner. Your witness.

15 RALPH JOHNSON - CROSS-EXAMINATION

16 BY MR. TANNER:

17 Q All right, Mr. Johnson, if I understand your testimony
18 you didn't actually bid in the tax sale; correct?

19 A That's correct.

20 Q You and the tax collector made this agreement; correct?

21 A Well, I met with the tax collector; right?

22 Q That was Ms. McMichael?

23 A That is correct?

24 Q What authority did she give you to allow her to enter
25 into this assignment on behalf of the Forfeited Land

1 Commission?

2 A She was representing the FLC.

3 Q Did she give you anything in writing?

4 A No, I didn't see anything in writing.

5 Q Did you speak to anyone else in Bamberg County, the
6 administrator or the Bamberg County attorney regarding her
7 ability to act on behalf of the Forfeited Land Commission?

8 A No, no, I didn't.

9 Q There's a photograph --

10 MR. TANNER: May I approach, Your Honor.

11 THE COURT: Yes, sir. Plaintiff's No. 3, I believe.

12 BY MR. TANNER:

13 Q Mr. Johnson, I'm going to hand you what's been marked
14 as Plaintiff's Exhibit No. 3. Tell me again, I believe I
15 understand your testimony right, you didn't go to the tax
16 sale, you didn't bid it; correct?

17 A (Nods head in the affirmative.)

18 Q If you can just say yes for Ms. Hilda.

19 A Correct. Yes.

20 Q All right. Then you approached the tax collector some
21 days after, I believe you testified; correct?

22 A That is correct.

23 Q Did you review the contents of the tax collector's file
24 before you --

25 A No.

1 Q -- entered this agreement; correct?

2 A No.

3 Q You went out there in some point in time and you took
4 that photograph; correct?

5 A I'm not sure this is the photograph that I took, but I
6 did take a photograph.

7 Q Okay. Mr. Harvey took the photograph. Do you know
8 when Mr. Harvey took that photograph?

9 A I have no idea.

10 Q When do you recall first going to the property?

11 A When did I?

12 Q When did you first go out there to the property?

13 A I'm pretty sure I went out there before I met with the
14 tax collector.

15 Q Before you would have entered and negotiated this
16 assignment; is that right?

17 A That is correct.

18 Q And you don't know when that photograph was taken in
19 the chain of events?

20 A No, I don't.

21 Q Now, there's nothing in that photograph that shows the
22 property was posted by the delinquent tax collector, is
23 there, sir?

24 A I don't see anything that would indicate that.

25 Q And you filed an action in magistrate's court, and I

1 believe Mr. Harvey's entered that as an exhibit; is that
2 right?

3 A That's correct.

4 Q But there was never an order issued by the Sheriff
5 placing you in possession of that property is there, sir?

6 A - I had received a deed which placed me in ownership
7 position of the property.

8 Q Well, that's something that the Court has to determine,
9 but my question is did you ever get an order from the
10 magistrate court for the sheriff to execute, placing you in
11 physical possession of the property?

12 A No, I was not asking for that. I was asking to get the
13 person living in the house ejected from the property.

14 Q So you could presumably take possession of the property
15 and rent it to someone else; correct?

16 A That's correct.

17 Q And that has never happened?

18 A No.

19 Q And as we sit here today that still has never happened?

20 A That is correct.

21 Q And you didn't make any monetary improvements to the
22 property; correct?

23 A No, I did not.

24 Q Didn't make any repairs on the property?

25 A No.

1 BY MR. HARVEY:

2 Q State your name, please?

3 A Sharon Williams.

4 Q Ms. Williams, you are the tax collector presently for
5 Bamberg County; is that correct?

6 A Yes.

7 Q You were not the tax collector when this property we're
8 talking about today was sold for taxes?

9 A No.

10 Q But you are the custodian of the records regarding the
11 tax sale?

12 A Yes.

13 Q Okay. I want to ask you, this is a page that is out of
14 the file you brought today. Can you identify what this is?

15 A A Notice of Levy.

16 Q And what is that purpose of that?

17 A To have the property posted for tax sale purpose.

18 Q Okay. That's physically placed on the property?

19 A There's two copies. This one stays in the file and the
20 brighter colored one that goes out on the property.

21 Q Okay. So that's in the file?

22 A That's in the file.

23 Q What, if anything, can you assume if the copy's in the
24 file about whether the property was posted?

25 A That the property was posted.

1 Q If it wasn't in the file it wouldn't have been posted.
2 Is that what you're --

3 A The bright, it would be the bright colored one that
4 would be in the folder still if it wasn't posted. This is
5 the copy that's attached to the bright colored one.

6 Q Okay. Again, everything else that's in the file is a
7 true copy of whatever you have as an original.

8 A Yes, sir.

9 Q Thank you. That's all I have.

10 THE COURT: Mr. Tanner.

11 MR. TANNER: May it please the Court.

12 THE COURT: Yes, sir.

13 SHARON WILLIAMS - CROSS-EXAMINATION

14 BY MR. TANNER:

15 Q All right. Ms. Williams, I'm not fussing at you
16 because I know this wasn't on watch. Mr. Harvey just handed
17 you -- I'm sorry. Mr. Harvey handed you the Notice of Levy?

18 A Yes.

19 Q Again, when that's -- the reason behind that is when
20 the tax notices are sent and there no response and the
21 certified mailing is sent and nobody claims the certified
22 mailing, you have to physically go and take physical
23 possession, the county does; correct?

24 A Correct.

25 Q And the original one should be yellow?

1 A Orange -- like I said, I wasn't there at the time, but
2 we use a bright yellow.

3 Q A bright color?

4 A Yes.

5 Q Not a white one?

6 A No.

7 Q Let me show you what's been marked as Plaintiff's
8 Exhibit No. 3, which is a copy of the house in question.
9 Now, there's no bright colored posting on that house;
10 correct?

11 A Correct.

12 Q Again, going back to your file. It says signed, sealed
13 and delivered in the presence of and there's some witness
14 lines. Do you see that?

15 A Uh-huh. (Affirmative response.)

16 Q And there's no witnesses listed when this property was
17 posted, is there?

18 A No.

19 Q There's just MS. -- What I'd say was a computer print-
20 out of her name; correct?

21 A Correct.

22 Q But there's nobody witnessed this; correct?

23 A Correct.

24 Q But there's nobody witnessed this; correct?

25 A Correct.

1 Q And you don't have any personal knowledge that this
2 property was ever posted do you?

3 A Correct.

4 Q It's just your assumption; correct?

5 A Correct.

6 Q When you post the property do you have any witnesses go
7 with you?

8 A I don't post the property. My tax assessor posts the
9 property and she has witnesses with her.

10 Q And that would be Ms. Doretta?

11 A Yes.

12 Q Okay. So she goes and she has a witness?

13 A Yes, she does.

14 Q So if we have this problem in Bamberg again we can call
15 at least two people up to the stand?

16 A Yes, and pictures.

17 Q And pictures.

18 A Yes.

19 Q But in this case we have no witnesses and we have
20 you no personal knowledge that the property was posted;
21 correct?

22 A Correct.

23 Q In fact, the certified mailing -- strike that -- go
24 back and tell me the first time that the 2006 tax notice was
25 sent to Mr. and Ms. Thompson?

1 A What's in the file is what we'll have to go on, like I
2 said, I wasn't the tax assessor, collector at the time.

3 Q Yes, ma'am.

4 A You said certified, right?

5 Q I want you to tell me -- before the -- the reason it
6 gets to certified is the taxes are not paid; right?

7 A Right. Looking at the copies that are in the folder.
8 This will be the first notice that goes out. Just a notice
9 about taxes being due at a certain time. The second notice
10 goes out --

11 Q Let me stop you.

12 A Okay, sir.

13 Q I'm not trying to be difficult. That notice is sent
14 regular US mail; right?

15 A Exactly, just regular US mail.

16 Q And I've got a copy of that. I could not find -- is
17 there any way you know the date that was mailed?

18 A No.

19 Q All right. I'm sorry. Go ahead.

20 A Okay. The second notice that goes out is the certified
21 mail return request receipt, restricted delivery.

22 Q And what day was the certified mail sent?

23 A According to this -- I don't see the date on this one
24 either.

25 Q There's no date on the certified mail?

1 A I don't see a date. But I -- this is sent out from the
2 clearing house in Columbia that it was done May 17, 2007.

3 Q What was done May 17?

4 A The certified notice.

5 Q May 17 or May 27?

6 A May 17, 2007.

7 Q Okay.

8 THE COURT: And that was when it was mailed, right?

9 A That's when it says returned delinquent certified post
10 mark and we get a copy from the Columbia office.

11 BY MR. TANNER:

12 Q Thank you. Is that from the post office or is that from
13 some non-post office facility?

14 A I'm not sure if it's our office -- QSN is our process
15 center that does our certified mailing. If this comes from
16 her office or she gets it from the post office. I can't
17 confirm that.

18 Q It's some sort of bulk mailing?

19 A Exactly. It is bulk mailing.

20 Q And you said that was May 17 --

21 A Of '07.

22 Q And that was addressed to Bessie and Willis Thompson;
23 is that right?

24 A Yes.

25 Q And that came back that they were deceased or there was

1 some notation that they were deceased?

2 A The certified mailing did come back that they were
3 deceased.

4 Q And that would lead us to my questions about posting
5 the property; correct?

6 A Exactly, and that would be the next step.

7 Q Okay. According to that form, again, you don't have
8 any personal knowledge, but it's dated June 14, 2006;
9 correct?

10 A Correct.

11 Q What would be the step after that?

12 A It would go to the tax sale, which was on the --

13 Q Let me stop you right there. There was no other
14 bidders other than the Forfeited Land Commissioner at the
15 tax sale; correct?

16 A I have no knowledge of that.

17 Q Your file doesn't show there was any other bidders at
18 the tax sale?

19 A Exactly.

20 Q And then the property owner still has a year and a day
21 to redeem the property?

22 A Exactly.

23 Q And there are additional notices to be sent in that
24 case; correct?

25 A Exactly.

1 Q Can you tell me if those were sent?

2 A Yes, there was an additional notice.

3 Q When was that sent?

4 A October 3, 2008. That's the date of the letter.

5 Q How was that notice sent?

6 A It should have been sent -- we sent it certified.

7 Q What does the file show that was sent?

8 A It's a copy of the letter in it. There is another
9 certified notice in here and that one was sent October 15,
10 2008.

11 Q Can you tell me what that was?

12 A I couldn't tell you what was the contents inside of
13 that envelope.

14 Q There is no copy of what was in that envelope in the
15 file?

16 A No. As far as I'm concerned I couldn't tell you that.
17 If that's the letter that was in that particular certified
18 notice. Now we staple and post everything together to know
19 what's in the envelopes.

20 Q You said that was October --

21 A October 15, 2008.

22 Q Again, the one from October 7, you can't tell me -- is
23 there one from October 7?

24 A No. The post mark was dated October 7.

25 Q But it was mailed on the 15?

1 A It looked like it was mailed on the 15.

2 Q Okay. So that's basically one and the same; correct?

3 A Yes.

4 Q All right. And you have a deed in that file; correct?

5 A Yes.

6 MR. TANNER: If I may approach, Your Honor?

7 THE COURT: Yes, sir.

8 BY MR. TANNER:

9 Q Can you show me that?

10 A The deed?

11 Q Yes'um.

12 THE COURT: I think that was 1A. Here, I'll hand it
13 back to you. Plaintiff's 1A.

14 MR. TANNER: There's another deed. A copy of that same
15 deed in the file.

16 THE COURT: Oh, is it. Oh, okay. I'm sorry.

17 BY MR. TANNER:

18 Q Can I make sure they're all the same?

19 A Uh-huh. (Affirmative response.)

20 Q Okay.

21 A Okay.

22 Q Let me give you your's.

23 A Thank you, sir.

24 MR. TANNER: Your Honor, can have this.

25 THE COURT: Thank you, sir.

1 BY MR. TANNER:

2 Q There are a couple of pages in the deed, there's some
3 information that says notice of default, tax payer. Can you
4 flip to that page, please?

5 A (Witness complies.)

6 Q Do you see that. I think it's the second page in and
7 there's some numbers and dates?

8 A Okay. Tax payers.

9 Q That's it. That's listed as Mr. And Ms. Thompson;
10 correct?

11 A Yes.

12 Q All right. And that shows date of mailing to
13 delinquent tax payer was March 17, 2007; correct?

14 A Yes.

15 Q And what would that mailing have been?

16 A That would be the notice from the treasurer turning
17 over all taxes that haven't been paid to delinquent taxes.

18 MR. TANNER: Beg the Court's indulgence, Your Honor.

19 THE COURT: Take your time.

20 BY MR. TANNER:

21 Q All right. So the treasurer turns over to you, to the
22 delinquent tax collector's office, a list of all the
23 property owners in Bamberg County who are delinquent in
24 their taxes; correct?

25 A Exactly.

1 Q The county sent out a notice on March 17, 2007?

2 A Exactly.

3 Q Isn't it true that the statute requires that statute
4 requires that notice to go out April 1 or thereafter?

5 A I'm not -- sure about that. I'm not sure about that,
6 right now.

7 Q All right. You would agree with me that if the statute
8 does say that then obviously March would be before April 1?

9 A Exactly.

10 Q Again, you don't have any personal knowledge that the
11 property was posted down where it says it was posted on June
12 19, 2007; correct?

13 A Exactly.

14 Q And as you sit here today are you aware of any other
15 witnesses to Ms. McMichael allegedly posting the property on
16 June 19, 2007?

17 A No.

18 Q And is there anything in your file regarding the
19 assignment of a bid between the Forfeited Land Commission
20 and Mr. Johnson?

21 A There's a copy of the receipt in here.

22 Q What is that receipt for; does it have any writing on
23 it regarding assignment or is it just a paper receipt?

24 A Just a paper receipt.

25 Q Is there anything in that file showing that Ms.

1 McMichael had the authority on behalf of the Forfeited Land
2 Commission to assign the bid to Mr. Johnson?

3 A Not in this file, no.

4 Q Is there anything in the records at Bamberg County that
5 you've been able to find during the course of this
6 litigation that showed Ms. McMichael had that authority to
7 assign the bid to Mr. Johnson?

8 A I have not -- I have just kept control of the files and
9 I have not done -- as far as what I've been told to do. I
10 have not been that far into this file.

11 Q Has anyone told you that works for Bamberg County that
12 Ms. McMichael did not have the authority?

13 A No, no one's told me that.

14 THE COURT: Pardon me?

15 MR. HARVEY: I objected to hearsay.

16 THE COURT: Yeah. Okay. I'll sustain the objection.

17 BY MR. TANNER:

18 Q Mr. Johnson paid around \$47,000 for all these
19 properties; is that right?

20 A That's what I was told.

21 Q Do you know when the treasurer deposited that check?

22 A No, I don't.

23 Q Now, before the rider redemption period comes out
24 there's that additional notice we talked about; correct?

25 A Yes.

1 Q And that's supposed to be set no more than 45 days nor
2 less than 20 days before the end of the redemption period?

3 A Exactly.

4 Q Can you tell if that part was done?

5 A Not knowing the date of the tax sale, there was a
6 signed bid. Not knowing the date, there was -- like I said,
7 there was notice that was sent, October -- October -- final
8 notice dated October 13, 2008.

9 Q But as you sit here today do you know if that complied
10 with when the -- was there a tax sale in 2008?

11 A I have no --

12 Q you have no personal knowledge?

13 A Yeah. No personal knowledge.

14 Q So as you sit here it's fair to say you can't tell me
15 if notice complied with the statute?

16 A Exactly.

17 Q Do you have any records in front of you about who paid
18 the various taxes or do you have any knowledge of the notice
19 that no one went back for it?

20 A The various tax --

21 Q If the taxes were paid before the sale?

22 A No.

23 Q Okay. Bamberg County has a delinquent tax website,
24 they have the various amounts paid. Is that something that
25 you have any capacity over?

1 A No.

2 Q So you wouldn't have any personal knowledge of whether
3 or not those records are correct?

4 A No.

5 Q Do you know why, do you have any knowledge of why the
6 delinquent tax collector would have accepted the tax payment
7 from Ms. McMillan before the deed was issued to Mr. Johnson?

8 A No.

9 MR. TANNER: Nothing further, Your Honor.

10 THE COURT: All right. Before you ask any questions,
11 I'll ask --

12 MR. HARVEY: Sure.

13 THE COURT: Ms. Williams, when you were asking questions
14 earlier, there was a question about witnessing the property
15 being posted?

16 MS. WILLIAMS: Uh-huh. (Affirmative response.)

17 THE COURT: And you indicated that now when y'all do it
18 somebody does witness it and y'all take photographs of the
19 property being posted?

20 MS. WILLIAMS: Yes.

21 THE COURT: Okay. But that's presently?

22 MS. WILLIAMS: That's presently.

23 THE COURT: You don't know what Ms. McMillan was doing
24 ahead of time?

25 MS. WILLIAMS: No.

1 THE COURT: Okay. I'm sorry.

2 MR. HARVEY: I have no questions, Your Honor.

3 THE COURT: Okay. You may step down. Thank you, ma'am.

4 MR. HARVEY: I have no further witnesses.

5 THE COURT: All right. Mr. Tanner?

6 MR. TANNER: Your Honor, I have a motion. I think it's a
7 non-suit, but I probably mess up the perfunctory title in
8 non-jury matters.

9 THE COURT: Okay.

10 MR. TANNER: It's our motion, it's our position that the
11 taxes, the tax collector previously did not properly go
12 through the tax process procedure. As the Court knows that
13 has to be strictly complied with. There are several defects
14 that we noted. Section 12-51-40(a) talks about when the tax
15 collector sends out notice of the delinquent taxes. The
16 last witness testified that that notice was mailed out March
17 17, 2007. That certainly was reflected in deed that's
18 marked as an exhibit before the Court. The statute in sub-
19 part A says April 1 or as soon thereafter as practicable
20 mail notice of delinquent property taxes, etc, etc.
21 Obviously, it goes without saying that March is before
22 April. That is the first instance of the delinquent tax
23 collector not properly complying with the law in strict
24 compliance. Secondly, there's no witness that this property
25 was posted. The photograph admitted into evidence doesn't

1 show any posting. There's nothing in the Bamberg Tax
2 Collector file showing that there's any witness to the
3 posting. The last witness said she had no personal
4 knowledge that the property was posted. All we had to rely
5 on was a piece of paper that it may or may not be done that
6 has to lines for witnesses. We now hear that Bamberg County
7 has a policy in place to have independent witness, but
8 there's nothing on this notice of levy showing that anyone
9 witnessed this action on her behalf and the posting of the
10 property is required by 12-51-40.

11 So based upon the defects -- and then thirdly, I guess,
12 I hate to think that I'm more creative than all the other
13 lawyers in the state, but maybe we heard today that I am,
14 but admittedly I couldn't find a case that said you cannot
15 assign the bids, but what the statute talks about, it talks
16 about the purchaser. Let me find that, Your Honor.

17 That is 12-51-90 and sub-part (A) and that section
18 starts out talking about who gets the notices of redemption
19 and that's supposed to be the property owner, the mortgage
20 company, if you will. Then it says, if prior to the
21 expiration of the redemption period the purchaser assigns
22 his interest in any real property at the delinquent tax sale
23 the grantee from the successful bidder shall furnish the
24 person officially charged with collecting the delinquent
25 taxes and basically issue them a deed.

1 Mr. Johnson testified that he did not buy this at a tax
2 sale. Obviously, the Forfeited Land Commission has the
3 obligation to submit a bid on any land that is not
4 contaminated pursuant to Section 12-51-65. Again, candidly,
5 I couldn't find a case that said they couldn't, but likewise
6 I can't find a case that says they can.

7 THE COURT: Right.

8 MR. TANNER: And, again, if they have to strictly comply
9 with the statute I would say that purchaser to me is some
10 third party. Purchaser implies some sort of valid
11 consideration. It's my understanding that no money actually
12 -- the Forfeited Land Commission doesn't pay any money for
13 the property, they're just sort of rolling the bid interest
14 and sometimes they sell it outright, sometimes it gets
15 redeemed, but there's nothing that I could find that would
16 give Ms. McMichael the ability to bind Bamberg County to
17 enter into this assignment. There's nothing in the tax
18 collector's file that shows that there was any writing
19 regarding this assignment. There's nothing in the public
20 record and the deed that even reflects the assignment
21 occurred and Mr. Johnson doesn't have any writing or
22 agreement whereas Mr. McMichael had the ability to act and
23 bind the Forfeited Land Commission.

24 So based on that, regarding this property, I don't
25 think, candidly, that the delinquent tax collector can

1 assign it. Maybe I'm not as creative as I give myself
2 credit for, Mr. Johnson does, but I can't see anywhere in
3 the statute that allows him to do that.

4 So, again, the two defects were the tax sale and then
5 this whole assignment. This is a little different from the
6 normal tax case where you have a successful bidder and then
7 the right of redemption in some of the case law, but there's
8 not a clear case on that in that point in time.

9 THE COURT: Thank you, sir.

10 Mr. Harvey, anything?

11 MR. HARVEY: Your Honor, the Exhibit 1 reflects that on
12 May 17 Bamberg County Delinquent Tax Collector sent a
13 certified mail return receipt requested, restricted delivery
14 notifying, attempting to notify the property owners of
15 record of the unpaid taxes. That's certainly after April 1.
16 The taxes of record reflects that within 30 days after that
17 because of the returned deceased that there was a Notice of
18 Levy that was prepared. The witness testified that it
19 hadn't been prepared, had not been posted, it would have
20 been in the file.

21 The photograph Mr. Tanner refers to was not -- has not
22 been dated by any witness. We don't -- there's nothing in
23 the record that indicates that the photograph was taken
24 before or after the tax sale. For all the Court knows it
25 could have been taken in early August of 2014.

1 THE COURT: Just as a suggestion?

2 MR. HARVEY: Also, also it doesn't reflect that's the
3 entire width of the property.

4 THE COURT: Oh, I agree.

5 MR. HARVEY: It appears to be quite a close-up.

6 Your Honor, I think it's something that the Court
7 should consider in deliberating whether the entire contents
8 of the file did comply or does comply with the statute.

9 THE COURT: Okay.

10 MR. HARVEY: Additionally, Your Honor, the way the
11 Forfeited Land Commission operates, it is my understanding
12 if no one bids in at the sale and the properties are not
13 thereafter sold, the Forfeited Land -- the county then
14 executes a deed to the Forfeited Land Commission who holds
15 title until the county does sell it. I don't see how in the
16 world -- maybe it was in-artfully drafted, but the purchaser
17 is a grantee, whether it's a Forfeited Land Commission or
18 whether it's a third-party, the statute does infer that
19 there is an assignability.

20 Certainly something, Your Honor, for you -- I think you
21 would -- rather than just hearing arguments, I think you --
22 we'll submit to you --

23 THE COURT: And what I'm going to do is I'm not going to
24 rule on your motion. I want to look over everything before I
25 make a determination.

1 MR. TANNER: And not to reargue it, just Exhibit IA
2 clearly says date of mailing to delinquent taxpayer, March
3 17, 2007.

4 THE COURT: Oh, yeah, I'm looking forward to go through
5 the paper work, Mr. Tanner.

6 MR. TANNER: This is Ms. McMillan -- could I take a five
7 minute recess to catch her up and --

8 THE COURT: Yes, sir.

9 MR. TANNER: -- I've got two witnesses. I'm not going
10 to call on the county folks, so if they want to be excused.

11 MR. HARVEY: Actually, they've been excused.

12 THE COURT: Okay. All right. We'll give y'all --

13 MR. TANNER: Thank you, sir.

14 THE COURT: I'll give y'all 10 minutes to talk, okay.
15 Thank y'all..

16 All right. We'll stretch our legs for 10.

17 (Court in recess for short break.)

18 (Court in session after short break.)

19 THE COURT: Thank y'all. Y'all can be seated.

20 Before you call your witness, y'all have made me start
21 looking up law. You know how it interferes with your
22 thought process?

23 MR. HARVEY: Exactly.

24 THE COURT: It does. When this case originally started
25 the plaintiff is the Forfeited Land Commission, okay.

1 MR. HARVEY: That's correct.

2 THE COURT: Is it y'all's position that the property was
3 sold by the Forfeited Land Commission or was it -- or just
4 by the County Treasurer?

5 MR. HARVEY: It's our position that Mr. Johnson -- that
6 first of all, the property was sold at the tax sale. No one
7 bid and so by statute it because -- the bid was that of the
8 Forfeited Land Commission for the amount of taxes,
9 penalties, interest, whatever --

10 THE COURT: Okay.

11 MR. HARVEY: -- the statute allows to be collected. And
12 then prior to a deed being conveyed to the Forfeited Land
13 Commission --

14 THE COURT: Uh-huh. (Affirmative response.)

15 MR. HARVEY: -- Mr. Johnson acquired this and other
16 bids.

17 THE COURT: Right, from the delinquent tax office.

18 MR. HARVEY: -- and so the tax deed is from the county
19 or to the -- to Mr. Johnson without Forfeited Land
20 Commission being involved in the chain of title.

21 THE COURT: At all?

22 MR. HARVEY: At all.

23 THE COURT: Or involved in the sale?

24 MR. HARVEY: That's correct.

25 THE COURT: Okay. All right. And one reason I asked

1 that, because, you know, the statute 12-59-80 allows the
2 Forfeited Land Commission to assign bids.

3 MR. HARVEY: Right.

4 THE COURT: So if I'm then dealing with just the
5 delinquent tax collector, 12-51-160, you can look at that,
6 has a two year statute of limitations.

7 MR. TANNER: I'm ready for that, Your Honor.

8 THE COURT: Okay. That's what I wanted -- I just wanted
9 to make sure. Okay. I just wanted to make sure of where I
10 was --

11 MR. TANNER: Yes, sir.

12 THE COURT: -- and where I was that we -- that I was
13 dealing with that the right way in looking at this.

14 MR. TANNER: Right.

15 THE COURT: Okay.

16 MR. TANNER: And that's -- I guess we'll argue that when
17 we get to that part.

18 THE COURT: Oh, yeah. Okay. Just wanted to make sure.

19 MR. TANNER: Yes, sir. May it please the Court.

20 THE COURT: Yes, sir.

21 MR. TANNER: I call Bernard Hallman at this time.

22 THE COURT: Okay. Mr. Hallman, yes, sir. You've been
23 watching, okay.

24 (Whereupon Bernard Hallman was
25 sworn to tell the truth.)

1 THE COURT: Okay. Mr. Hallman, if you'd please get
2 comfortable and then Mr. Tanner's going to ask you
3 questions.

4 Mr. Tanner.

5 MR. TANNER: Please the Court.

6 THE COURT: Yes, sir.

7 BERNARD HALLMAN - DIRECT EXAMINATION

8 BY MR. TANNER:

9 Q Please state your name and address for the record, sir?

10 A Bernard Hallman, 2055 Binnicker Bridge Road, Bamberg.

11 Q And Mr. Hallman have you been living at that address
12 since 2007?

13 A Yes, sir.

14 Q And how did come to live there?

15 A By knowing Coretta's husband.

16 Q And that's Koski?

17 A That's right.

18 Q And you worked for Koski?

19 A That's right.

20 Q And Mr. Clarence McMillan?

21 A Right.

22 Q Tell Judge Dickson what they do, the McMillan's do in
23 Bamberg County?

24 A Auto repair, tire work. Basically anything to do with
25 a car.

1 Q And you still work for the McMillans?

2 A Yes, sir.

3 Q I don't know if you'd made it into the courtroom when
4 Mr. Johnson was testifying, but did Mr. Johnson, at some
5 point in time, sometime, I believe, in the late fall of
6 2007, come out and have a conversation with you?

7 A He came by the house; yes, he did.

8 Q And did you speak to him?

9 A Yes, sir.

10 Q Okay, and did you tell -- did you get word to Ms.
11 Coretta McMillian?

12 A Yes, sir. I forwarded it to her.

13 Q And when you moved in there in some time in 2007 --
14 MR. TANNER: I want to mark this as Defendant's One.
15 And it might already be --

16 THE COURT: We've already got that.

17 MR. TANNER: I think it might already be in there
18 somewhere.

19 THE COURT: But you want to go ahead and mark it?

20 MR. TANNER: Separately, if we could.

21 THE COURT: Okay. Defendant's One is Notice of Levy
22 that was in the -- the delinquent tax collector's file.

23 MR. TANNER: Yes, sir.

24 (Defendant's Exhibit No. 1, Notice
25 of Levy, was marked and entered.)

1 BY MR. TANNER:

2 Q Mr. Hallman, I'm going to hand you this exhibit, which
3 has been marked. When you moved in there in 2007, did you
4 ever see anything signed, posted on the property like that,
5 and I'll tell you that is a white copy. I may have been
6 yellow, it may have been orange, it may have been some
7 bright color?

8 A No, sir, I didn't.

9 Q Have you ever seen such a sign on the property?

10 A On the property, yes. Some around me with it on it.

11 Q Some around you. Do you know what they are?

12 A Yes.

13 Q Have you ever seen it on Ms. McMillan's property?

14 A No, sir.

15 Q And if you had seen such a sign, are you the kind of
16 person who would have balled it up and thrown it away and
17 not told anybody?

18 A No, sir.

19 Q And --

20 THE COURT: Mr. Tanner, ask him -- would you clarify
21 when you moved onto the property again?

22 BY MR. TANNER:

23 Q Do you know when in 2007, it was?

24 A I don't know exact date, but it was in 2007. I can't
25 say the exact date.

1 THE COURT: Spring, Winter, Fall, Summer?

2 A It was during the Summer, I think.

3 THE COURT: During the Summer of 2007?

4 A Yes, sir.

5 THE COURT: Okay.

6 BY MR. TANNER:

7 Q And you never saw any sign like that?

8 A No, sir.

9 Q And again, you had some discussion with Mr. Johnson,
10 November, Fall of 2007?

11 A Yes, sir, when he came by the house.

12 Q And, again, you put him in touch with Ms. McMillan?

13 A Yes, sir.

14 Q Mr. Johnson, then, filed some action with the
15 magistrate to have you ejected; is that right?

16 A Yes, sir.

17 Q Okay. Did the sheriff ever come and issue an order
18 that said Mr. Hallman you have to leave the premises?

19 A No, sir.

20 Q Okay. Thank you. Please answer any questions Mr.
21 Harvey has for you.

22 THE COURT: Mr. Harvey.

23 BERNARD HALLMAN - CROSS-EXAMINATION

24 BY MR. HARVEY:

25 Q Mr. Hallman, is this a copy of a letter that Mr.

1 Johnson brought you?

2 A I think this is one of them all to her. I think this
3 is one of them.

4 Q Did you get one in the mail as well?

5 A That's the one I forward to her.

6 MR. HARVEY: Mark that as Plaintiff's -- five or six?

7 THE COURT: Plaintiff's 5. What's the date of the
8 letter?

9 COURT REPORTER: November 21, 2009.

10 MR. HARVEY: 2009.

11 THE COURT: November 21, 2009.

12 (Plaintiff's Exhibit No. 5,
13 November 21, 2009, letter, was marked and entered.)

14 BY MR. HARVEY:

15 Q Mr. Hallman, while you were living in the house did you
16 ever get any mail from Bamberg County about taxes on the
17 property?

18 A No, sir, I didn't.

19 Q Nothing addressed to 2 -- 2055, nothing addressed to
20 Mr, Ms. Thompson?

21 A No, sir. Only thing I got was what I got from him.

22 Q Okay.

23 MR. HARVEY: Just a minute.

24 THE COURT: Okay.

25 BY MR. HARVEY:

1 Q Nothing further. Thank you.

2 THE COURT: Anything on redirect?

3 MR. TANNER: No, sir.

4 THE COURT: All right. You may step down, Mr. Hallman.
5 Thank you, sir.

6 Mr. Tanner, your next witness.

7 MR. TANNER: I'll call Coretta McMillan, Your Honor.

8 THE COURT: Coretta McMillan.

9 MR. TANNER: Yes, sir.

10 THE COURT: Okay, Ms. McMillan.

11 Alright, Ms. McMillan, I know you've been watching everybody
12 else who's been doing that.

13 MS. MCMILLAN: Yes, sir.

14 THE COURT: Thank you, ma'am.

15 (Whereupon, Coretta McMillan was
16 sworn to tell the truth.)

17 THE COURT: All right. If you'd please sit and get
18 comfortable and then Mr. Tanner is going to begin to ask you
19 some questions.

20 MR. TANNER: May it please the Court.

21 THE COURT: Yes, sir.

22 CORETTA MCMILLAN - DIRECT EXAMINATION

23 BY MR. TANNER:

24 Q Ms. McMillan, state your full name and address for the
25 record, ma'am?

1 A It's Coretta I. McMillan. I live at 442 Livingston
2 Terrace, Orangeburg, South Carolina.

3 Q And you're married to Koski McMillan?

4 A Yes.

5 Q And Mr. Clarence McMillan was your father-in-law?

6 A Yes.

7 Q And your grandparents were Willie and Bessie Thompson?

8 A Yes.

9 Q Okay. Your grandmother passed first in 2004?

10 A (Nods head affirmatively.)

11 Q Is you could just say yes for the Court.

12 A Yes.

13 Q And your granddaddy passed in 2005?

14 A Yes.

15 Q And then your uncle Paul Washington came and resided in
16 the property sometime in 2005?

17 A Yes.

18 Q I hate to drag family secrets out in the courtroom, but
19 Mr. Washington had come back from --

20 A From being incarcerated, yes.

21 Q -- from being incarcerated. Did you go out there when
22 he came to the house in 2005 and assist him?

23 A Yes.

24 Q What types of things would you help your uncle with?

25 A He wasn't -- he didn't have a drivers' license, so I

1 took him to the grocery. I cleaned the house. Anything
2 thing that he needed there, I visited two to three times a
3 week. Just visit with him.

4 Q And that started when he was released in 2005?

5 A Yes.

6 Q And he died in 2007?

7 A Yes.

8 Q And then you recall shortly thereafter Mr. Hallman
9 would have been moved in?

10 A Yes.

11 Q When you were there in 2007, did you ever see any
12 notices from the county posted on the property?

13 A No.

14 Q Even though you lived in Orangeburg County you've seen
15 these in Bamberg County?

16 A I've seen them on other houses, yes, but I didn't see
17 one on my grandparents property.

18 Q You know what they are?

19 A Yes, I do.

20 Q Visiting with your uncle in 2005 and 2006, after he
21 passed -- what did you do after your uncle Paul passed?

22 A Basically, had to clean the house. You know, took
23 everything that was in the house and cleaned it. One of the
24 reasons I let Mr. Hallman move in was because I didn't want
25 the house just to sit there. That's basically -- I visited,

1 you know, checked on the property.

2 Q Checked on the property.

3 A Kept the yard up. All those things. Yes.

4 Q At any point in time did you see any of those things?

5 A No, I didn't.

6 Q When Mr. Hallman was there in 2007, you and your
7 husband would go by, did you ever see any posting from the
8 delinquent tax collector?

9 A No.

10 Q Did Mr. Hallman ever give you any mail from Bamberg
11 County?

12 A No.

13 Q Did he ever give you any mail he got from Mr. Johnson?

14 A Yes, he did.

15 (Defendant's Exhibit No. 2, letter
16 January 9, 2009.)

17 BY MR. TANNER:

18 Q Can you tell me what that is, Ms. McMillan?

19 A Notice saying they received payment in the amount of
20 \$181.66, which I sent in cashiers, certified check for that
21 amount for the delinquent taxes that were on the property.

22 Q And that's a tax receipt; correct?

23 A Yes.

24 Q And that's from Bamberg County?

25 A Right.

1 Q To you?

2 A Right. But I never received this physically. I had to
3 go to the office when Mr. Johnson called and I said, well, I
4 spoke with him and they paid the exact amount.

5 Q So --

6 A This is what they had in the office with the check.

7 Q So your understanding, on or before January 9, 2009,
8 both you and Mr. Johnson paid taxes to Bamberg County in the
9 amount of 181.66?

10 A Yes.

11 Q And your method of payment was a cashiers check?

12 A Yes, it was.

13 Q And you never got anything back from Bamberg County
14 refusing to accept that cashiers check, did you?

15 A No.

16 Q Did you ever see any certified mailing from Bamberg
17 County regarding past taxes?

18 A No.

19 Q Now, Mr. Johnson has testified that he's paid \$3,639.73
20 in property taxes. If the Court rules in your favor are you
21 willing to reimburse Mr. Johnson?

22 A I am.

23 Q He also has \$10 to record the deed and \$65 to the
24 master. Are you willing to pay those as well?

25 A Yes.

1 Q Are you asking the Court to set aside his deed?

2 A Yes, I am.

3 Q Are you asking the Court to restore the status quo
4 before this assignment?

5 A Yes.

6 Q Mr. Hallman testified, Mr. Johnson testified there was
7 some proceedings before the magistrate court. To your
8 knowledge have you ever received an order from the court,
9 magistrate's court, from the sheriff directing Mr. Hallman
10 or yourself to leave the property?

11 A No.

12 MR. TANNER: That's all I have, Your Honor.

13 THE COURT: All right. Anything on cross?

14 MR. HARVEY: Yes, sir, please, Your Honor.

15 THE COURT: Yes, sir.

16 CORETTA MCMILLAN - CROSS-EXAMINATION

17 BY MR. HARVEY:

18 Q Ms. McMillan, the house you live in, do you and your
19 husband own that house?

20 A Yes, in Orangeburg.

21 Q Do y'all pay your taxes to Orangeburg County?

22 A Yes.

23 Q Okay. Now, when your grandfather passed, did you just
24 take control of that property; you said it was your
25 responsibility?

1 A Yes. It was left to me, yes.

2 Q Okay. You didn't think to go notify Bamberg County
3 that they were deceased and the tax bill needed to be
4 directed to you?

5 A Well, we were instructed we didn't need to do probate.
6 So -- and I did go to -- I can't remember -- the law office
7 next to where my husband worked and they did a research to
8 see if there was any liens or anything on the property, and
9 that's when I went and paid taxes on the property, two
10 hundred and some dollars.

11 Q All right. Now, let's look at that exhibit a second.

12 MR. HARVEY: Thank Your Honor.

13 THE COURT: Thank you.

14 BY MR. HARVEY:

15 Q Now they sent you this receipt and they --
16 acknowledging the \$181.66. Would you read there starting
17 with however, what that says?

18 A Said the taxes are delinquent for prior years, per the
19 delinquent tax collector.

20 Q Okay.

21 A She said enclosed is your payment.

22 Q Did you read that when you got your receipt?

23 A When I got to the tax assessor's office, that's what I
24 --

25 Q Did you ask them how much more money was owed?

1 A At that time he had already acquired the property.

2 Q They didn't explain to you --

3 A No.

4 Q -- to redeeming the property?

5 A No. It was confused to me.

6 Q How'd you find out about the lawsuit that had been
7 brought by the Bamberg Forfeited Land Commission?

8 A I don't know when I found out -- I'm not sure exactly
9 how I found out. I know I had inquired, I know I had gotten
10 Michael to represent me to keep them from evicting me, with
11 Bernard and I think during that time was when I got wind
12 that something went wrong with the tax assessment.

13 Q Okay. That would have been after 2010; is that right?

14 A No, it would have been before then.

15 Q I think the record would reflect the case was filed in
16 2010. So you took no action before you found out about the
17 Bamberg Forfeited Land Commission's lawsuit to challenge Mr.
18 Johnson's tax deed, did you?

19 A No. I was challenging his deed when he was going to
20 evict him. When I found out about the paperwork stating
21 that -- well, put it like this, when I called him, and we --
22 I told him, I just paid taxes on this property. How can
23 this tax -- the property belong to you, and he said, well, I
24 guess we just both paid double taxes on this property. I
25 said, well, I'm going to have to come to Bamberg. That's

1 when I went to the tax office and that's when she had that
2 paper saying that they received it and they credited the
3 taxes, but my understanding was he already said he owned the
4 property.

5 Q And you did not file a lawsuit against him to
6 challenging that his tax deed was not any good, did you?

7 A No, I didn't file any lawsuit.

8 Q Okay.

9 A I mean, really it was all new to me, finding out, this
10 was going on. I was not understanding that.

11 Q But if somebody is claiming title to a piece of
12 property you know you own, don't you think you ought to take
13 them to court to get --

14 A Well, I know now.

15 Q But you didn't then did you?

16 A No. Didn't know anything about what was going on.

17 Q You waited more than two years after the tax sale was
18 held before you did anything, didn't you?

19 A Well, we had things -- it wasn't two years, because
20 whenever he was going to evict Mr. Hallman, that's when I
21 started taking action because I didn't know anything about
22 the tax sale.

23 Q But you didn't file any legal proceeding and take legal
24 action did you?

25 A Until you guys came to court.

1 Q All right.

2 A This year.

3 Q That's all I have.

4 MR. TANNER: Beg the Court's indulgence.

5 THE COURT: Take your time.

6 MR. TANNER: With Mr. Harvey's indulgence, Your Honor, I
7 will expand my redirect.

8 Thank you, Mr. Harvey.

9 THE COURT: Okay.

10 MR. TANNER: We can mark this as Defendant's Exhibit 3.

11 (Defendant's Exhibit No. 3,
12 printout, was marked and entered.)

13 CORETTA MCMILLAN - REDIRECT EXAMINATION

14 BY MR. TANNER:

15 Q Ms. McMillan, I'm going to show you what's been marked
16 as Defendant's No. 3 that I neglected to ask you on your
17 direct examination. Is that a printout from the internet?

18 A Uh-huh. (Affirmative response.)

19 Q You --

20 A Yes. Yes.

21 Q Thank you.

22 A I'm sorry. Yes.

23 Q And is that a printout that you reviewed?

24 A Yes.

25 Q And is that a printout of the Bamberg County Tax

1 Collector Delinquent Tax Records?

2 A Yes.

3 Q What amount does it show for taxes paid in 2006?

4 A It says unpaid.

5 Q Okay. Thank you. Mr. Harvey had asked you about when
6 your grandparents died, did you do probate. I believe you
7 were instructed not to do probate?

8 A Yes.

9 Q Was that from a lawyer?

10 A Yes.

11 Q It wasn't me was it?

12 A No, sir.

13 THE COURT: We got that on the record.

14 MR. TANNER: Yes, sir.

15 BY MR. TANNER:

16 Q Is it fair to say you relied on that lawyer's
17 representation that you didn't need to do probate?

18 A Yes.

19 Q I believe that is all I have for you, Ms. McMillan.

20 THE COURT: Anything on recross?

21 MR. HARVEY: Yes, please. Mr. Tanner, I'll take that
22 indulgence back.

23 CORETTA MCMILLAN - RECROSS EXAMINATION

24 BY MR. HARVEY:

25 Q You said you had a law firm look to see if there were

1 any liens on the property?

2 A Yes.

3 Q They didn't tell you that there was a mortgage on the
4 property from Bank One and had been signed by your
5 grandparents?

6 A No, they didn't. No.

7 Q All right. Thank you. Are you aware that if Mr.
8 Johnson's deed is canceled that this mortgage is reinstated
9 on the property and you're going to be responsible for that
10 lien?

11 A That's fine. We just want our property back.

12 Q Okay. Thank you. That's all I have.

13 THE COURT: Okay. All right. Thank you, ma'am. You
14 may step down.

15 MR. TANNER: Your Honor, that would be all at this time.

16 THE COURT: Okay.

17 MR. TANNER: I would make a motion, I think, under Rule
18 15, to conform the evidence -- to conform the pleadings to
19 the evidence presented since I believe my pleadings are
20 rather in-artfully drafted.

21 THE COURT: Okay.

22 MR. HARVEY: No objection.

23 THE COURT: Okay, and I will grant that motion.

24 MR. TANNER: Thank Your Honor, and that's all from Ms.
25 McMillan, Your Honor.

1 THE COURT: Okay. Nothing further, Mr. Tanner, or any
2 witnesses or anything like that?

3 MR. TANNER: No, sir.

4 THE COURT: All right. Gentlemen, you know, rather than
5 y'all make your arguments now, which I -- what I would
6 rather you do and it would make it easier for me is for
7 y'all to go back and essentially tell me what you believe
8 the evidence that has been presented tells me and then tell
9 me what law applies, and I want it bare bones. I don't need
10 anything that says clearly or -- because if it was clear we
11 wouldn't be here. So you know, really, almost an outline.
12 These dates, everybody agreed this happened, this is how it
13 applies to the law. I don't expect it to be long and I
14 don't expect it to be artfully written and it doesn't need
15 to be argumentative other than just what we think it is, and
16 how much time do y'all think? This is a 2010 case. We're
17 in 2014. So I'm not asking -- if y'all need 30 days --

18 MR. TANNER: And I hate to hold Mr. Harvey up -- if I
19 could have 30 days. I mean, I think Your Honor is trying
20 that two week case in Orangeburg.

21 THE COURT: Right.

22 MR. TANNER: And I'm tangentially involved in that, but
23 if I could have 30 days that would help me.

24 THE COURT: Okay.

25 MR. TANNER: I can get you something in 10, but if he

1 needs more time, I've been in that boat before.

2 THE COURT: Okay.

3 MR. TANNER: What I'll do is if I can finish it before
4 I'll certainly tell Mr. Harvey and I'll hold off on sending
5 mine until he's ready.

6 THE COURT: Okay, then what I would also suggest is I'll
7 give y'all 10 days after that if y'all think there's
8 anything that y'all want to comment about each other's.

9 MR. HARVEY: Judge, if I may just put on the record.

10 THE COURT: Yes.

11 MR. HARVEY: The mortgage that I would refer -- asked
12 Ms. McMillan about was dated March 21, 2003 and recorded in
13 Mortgage Book 153 at Page 79. It's a mortgage given to Bank
14 One, NA, and which was thereafter assigned to J.P. Morgan
15 Chase. We served both Bank One and J.P. Morgan Chase with
16 the summons, answer, cross-complaint, third-party complaint
17 and there's an affidavit of default in the file and I just
18 needed that to be on the record in case the Court rules in
19 my favor I need to have that for my client, Mr. Johnson
20 title.

21 THE COURT: Okay. Anything else y'all need to put on
22 the record before we adjourn for today?

23 MR. TANNER: I don't believe so, Your Honor.

24 THE COURT: Mr. Kemp, anything?

25 MR. KEMP: Nothing.

1 THE COURT: I did want to add for the record that you
2 are here.

3 MR. KEMP: Thank you, Your Honor.

4 THE COURT: And actively participating all day.

5 MR. HARVEY: Oh, one other thing Judge, did we discuss
6 her siblings, Ms. McMillan's siblings?

7 THE COURT: We didn't put anything on the record about
8 her siblings?

9 MR. TANNER: We'll put something on the record. They
10 had actual notice. Ms. McMillan told them about the
11 proceedings today. They were served before. I think the
12 Court has jurisdiction over them in its ruling.

13 THE COURT: Okay. All right. The only other thing --
14 gentlemen, the file has gone back to Bamberg. We've got a
15 number of exhibits here. Any problems -- with Mr. Tanner or
16 Mr. Kemp taking these back so they can be placed in the
17 file.

18 MR. HARVEY: I have no problem with that at all. Here's
19 Exhibit No. 1 that was in my notebook.

20 THE COURT: I'll hand those to you.

21 Hilda, you got any problems with that?

22 COURT REPORTER: No.

23 THE COURT: Okay.

24 (This proceeding was concluded.)
25

C-E-R-T-I-F-I-C-A-T-E

I, THE UNDERSIGNED HILDA M. JORDAN, CVR-M, OFFICIAL COURT
REPORTER FOR THE FIRST JUDICIAL CIRCUIT OF THE STATE OF
SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF THE
HEARING IN THE CAPTIONED CAUSE, IN THE COURT OF COMMON PLEAS
FOR BAMBERG COUNTY, SOUTH CAROLINA, ON THE 22 DAY OF
SEPTEMBER, 2014.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL,
NOR INTEREST IN ANY PARTY HERETO.



Hilda M. Jordan, CVR-M

April 25, 2015

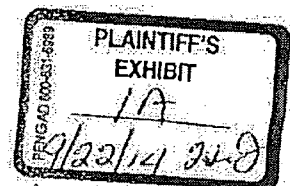
STATE OF SOUTH CAROLINA

COUNTY OF BAMBERG

)
)
)
TITLE TO REAL ESTATE

WHEREAS, the Code of Laws of the State of South Carolina provides that upon the expiration of the time allowed by law for payment of taxes in the year, the County Treasurer of each County is authorized and directed to issue, in the name of the State a warrant or execution, in duplicate, against each defaulting taxpayer in his/her County, signed by him/her in his/her official capacity, directed to the Official or Officer of his/her County, or his/her lawful Deputy, charged with responsibility for collection of taxes, requiring and commanding him/her 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 of such defaulter, specify therein the aggregate amount of all of his/her taxes, penalties, and costs, as provided by Law; and

WHEREAS, it is further provided by said statutes that under and by virtue of said warrant of execution, the appropriate Officer or Official, or his/her lawful Deputy, 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 a sum of money named therein, and the charges thereon, and, after due advertisement, to sell the same before the Courthouse door of the County, on a sales day, within the usual hours for the public sales, as fixed by the applicable Statute, for cash, and to give to the purchaser (upon his/her complying with the terms of sale) a receipt for the purchase money, and to give a title to the purchaser if the property be not redeemed within the time provided by the Statute; and



0000136

WHEREAS, the property which is the subject of this conveyance was sold at public auction by Bamberg County to the highest bidder to satisfy the unpaid taxes of the defaulting taxpayer, all after giving the required notices and complying in all other respects with the applicable Statutes, including, but not limited to, those incorporated into the 1976 Code of Laws of South Carolina as Title 12, Chapter 51, and as adapted to Bamberg County by pertinent ordinances duly adopted by the Bamberg County Council; and the time allowed for redemption of the subject property by the defaulting taxpayer has expired without the conditions for redemption having been met; and

WHEREAS, the following pertinent information is here furnished as part of this conveyance, as is required:

NAME OF THE DEFAULTING TAXPAYER (and record owner against whom warrant was issued): WILLIS AND BESSIE THOMPSON.

Date the subject property was posted and by whom: JUNE 19, 2007,

Carol McMichael, Delinquent Tax Collector.

Date of mailing to Delinquent Taxpayer: MARCH 17, 2007.

Notice by certified mail of Delinquent Taxes, amount due, etc., and impending sale was given on: MAY 22, 2007.

The year(s) the warrant or execution for Delinquent Taxes covered: 2006

Total amount of taxes, penalties, charges and costs: \$ 335.92 and

WHEREAS, the undersigned, acting for Bamberg County, did on the 5TH day of NOVEMBER, 2007, sell the within described property to RALPH JOHNSON, the actual purchaser and the highest bidder as such sale for the sum of \$ 514.62 being at least the amount of said taxes, penalties, costs and charges;

NOW, THEREFORE, I, CAROL MCMICHAEL Tax Collector in the State and County aforesaid, for and in consideration of the sum of \$ 514.62 to me in hand paid at and before the sealing of these presents by RALPH JOHNSON in the State aforesaid, (the receipt whereof is hereby acknowledged) have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said RALPH JOHNSON the subject property which is described and identified as follows:

1 Lot(s) 1 Acres(s) 1 Improvement(s), described as Tax Map # 0086-04-01-027 and further described by the following boundaries and measurements:

All that a certain lot of land situate in the County of Bamberg, State of South Carolina and having the following boundaries:

On the Northeast by Geraldine Dowling; on the Southeast by Eugene Smalls Heirs, et al; on the Southwest by Binnicker Bridge Road; on the Northwest by Frances S. Bonaparte.

This being the same property conveyed to Willis and Bessie Thompson by Willis and Bessie Thompson on January 11, 2001, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 116, Page 11 on January 22, 2001. Also referenced in Plat Book J, Page 55.

Together with all and singular the rights, members, hereditament, and appurtenances to the said premises belonging or in anywise incident or appertaining. TO HAVE AND TO HOLD all singular the said premises mentioned unto the said RALPH JOHNSON, his/her, 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 12TH day of FEBRUARY in the year of our
Lord two thousand NINE and in the two hundred thirty-first year of the Sovereignty and
Independence of the United States of America.

Signed, Sealed and Delivered in the presence of

Cystal R. Bueland
Rose G. Shepherd

Carol McMichael

Carol McMichael,
Delinquent Tax Collector

THE STATE OF SOUTH CAROLINA)
COUNTY OF BAMBERG)

Personally appeared before me Rose G. Shepherd who being duly sworn says
that she saw the within named Carol McMichael, Delinquent Tax Collector for
Bamberg County, as her act and deed, deliver the within written deed: and that s/he with
Cystal R. Bueland witnessed the execution thereof.

SWORN to before me this)
26th day of Feb., 2009)

Patti P. Jeffcoat (L.S.))
Notary Public for S. C.)

MY COMMISSION EXPIRES 1-18-2010

Rose G. Shepherd

TITLE TO REAL ESTATE
THE STATE OF SOUTH CAROLINA
COUNTY OF BAMBERG

COPY

CAROL MCMICHAEL as TAX COLLECTOR
for Bamberg County

To

RALPH JOHNSON
5027 WEATHERSTONE RD
CHARLETSON, SC 29414-7577

I HEREBY certify that the within Deed was filed for record in my office at
_____ o'clock on the _____ day of _____, 20____, and was immediately entered upon
the indices and duly recorded in Book _____ of Deeds, page _____.

Clerk of Court for BAMBERG COUNTY

I hereby certify that the deed has been this _____ day of _____ A.D. 20____,
recorded in Book _____ of Deeds, page _____.

Tax Assessor for BAMBERG COUNTY

STATE OF SOUTH CAROLINA

COUNTY OF BAMBERG

)
)
)
TITLE TO REAL ESTATE

WHEREAS, the Code of Laws of the State of South Carolina provides that upon the expiration of the time allowed by law for payment of taxes in the year, the County Treasurer of each County is authorized and directed to issue, in the name of the State a warrant or execution, in duplicate, against each defaulting taxpayer in his/her County, signed by him/her in his/her official capacity, directed to the Official or Officer of his/her County, or his/her lawful Deputy, charged with responsibility for collection of taxes, requiring and commanding him/her 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 of such defaulter, specify therein the aggregate amount of all of his/her taxes, penalties, and costs, as provided by Law; and

WHEREAS, it is further provided by said statutes that under and by virtue of said warrant of execution, the appropriate Officer or Official, or his/her lawful Deputy, 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 a sum of money named therein, and the charges thereon, and, after due advertisement, to sell the same before the Courthouse door of the County, on a sales day, within the usual hours for the public sales, as fixed by the applicable Statute, for cash, and to give to the purchaser (upon his/her complying with the terms of sale) a receipt for the purchase money, and to give a title to the purchaser if the property be not redeemed within the time provided by the Statute; and

WHEREAS, the property which is the subject of this conveyance was sold at public auction by Bamberg County to the highest bidder to satisfy the unpaid taxes of the defaulting taxpayer, all after giving the required notices and complying in all other respects with the applicable Statutes, including, but not limited to, those incorporated into the 1976 Code of Laws of South Carolina as Title 12, Chapter 51, and as adapted to Bamberg County by pertinent ordinances duly adopted by the Bamberg County Council; and the time allowed for redemption of the subject property by the defaulting taxpayer has expired without the conditions for redemption having been met; and

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NAME OF THE DEFAULTING TAXPAYER (and record owner against whom warrant was issued): WILLIS AND BESSIE THOMPSON

Date the subject property was posted and by whom: JUNE 19, 2007

Carol McMichael, Delinquent Tax Collector.

Date of mailing to Delinquent Taxpayer: MARCH 17, 2007

Notice by certified mail of Delinquent Taxes, amount due, etc., and impending sale was given on : MAY 22, 2007

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All that a certain lot of land situate in the County of Bamberg, State of South Carolina and having the following boundaries:

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This being the same property conveyed to Willis and Bessie Thompson by Willis and Bessie Thompson on January 11, 2001, and being recorded in the Bamberg County Clerk of Court's office in Deed Book 116, Page 11 on January 22, 2001. Also referenced in Plat Book J, Page 55.

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WITNESS my hand and seal this 12TH day of FEBRUARY in the year of our
Lord two thousand NINE and in the two hundred thirty-first year of the Sovereignty and
Independence of the United States of America.

Signed, Sealed and Delivered in the presence of

Cristal R. Buland
Rose G. Shepherd

Carol McMichael

Carol McMichael,
Delinquent Tax Collector

THE STATE OF SOUTH CAROLINA)
COUNTY OF BAMBERG)

Personally appeared before me Rose G. Shepherd who being duly sworn says
that she saw the within named Carol McMichael, Delinquent Tax Collector for
Bamberg County, as her act and deed, deliver the within written deed: and that s/he with
Cristal R. Buland witnessed the execution thereof.

SWORN to before me this)
26th day of Feb., 2009)

Patti P. Jeffcoat (L.S.))

Notary Public for S. C.)

MY COMMISSION EXPIRES 1-18-2010

Rose G. Shepherd

DATE 05/17/07
TAX YEAR 2006 - 2006

1,350

ECNO.....011672-06-3

NAME.....THOMPSON WILLIS
& BESSIE THOMPSON
2055 BINNICKNER BRIDGE ROAD
BAMBERG, S.C. 29003

AP REFERENCE NUMBER.....0086-04-01-027
ASSESSMENT RATIO %.....4%
DISTRICT/TOWN.....114 BG
ASSESSED VALUE.....800

ORIGINAL TAX.....259.06
3% PENALTY.....38.86
POSTS.....38.00
TOTAL AMOUNT NOW DUE.....335.92

PROPERTY DESCRIPTION.....PORT LOT 3 & LOT 4

LOT = 1

BLDG = 1

OR NO.....7100 5868 2450 5601 3966

POSTAGE......41
CERTIFIED FEE.....2.65
RETURN RECEIPT FEE.....2.15
RESTRICTED DELIVERY FEE.....4.10
TOTAL POSTAGE & FEES....9.31

POSTMARK BELOW

2007

0000145

**NOTICE OF
LEVY
STATE OF SOUTH CAROLINA
COUNTY OF BAMBERG**

IT IS ILLEGAL TO REMOVE UNTIL TAXES ARE PAID. VIOLATORS WILL
BE PROSECUTED.

THOMPSON WILLIS
& BESSIE THOMPSON
2055 BINNICKNER BRIDGE ROAD
BAMBERG, S.C. 29003

NOTICE IS HEREBY GIVEN, that pursuant to tax execution issued to BAMBERG County
Collector, officially charged with the collection of delinquent taxes for the County of
BAMBERG State of South Carolina,

has seized and taken exclusive possession of the following described property

PORT LOT 3 & LOT 4 . 00

Recorded on County Records as map # 0006 04 01 027
Unless said taxes, penalties, and costs are paid in full, all property described will be
sold after legal advertisement, on NOVEMBER 05, 2007
the year(s) 2006 to satisfy said execution.

\$ 335⁹²

SIGNED, SEALED AND
DELIVERED IN THE
PRESENCE OF:

A/C LOT BLDG 1.

M/H SIZE M/H SERIAL #

By CAROL S MCMICHAEL

TAX COLLECTOR
BAMBERG COUNTY
110 NORTH MAIN ST. • P.O. BOX 385
BAMBERG, S.C. 29003
(803) 245-3005 • 245-3009

DATE: JUNE 19, 2007

0000146

**NOTICE OF
LEVY
STATE OF SOUTH CAROLINA
COUNTY OF BAMBERG**

**IT IS ILLEGAL TO REMOVE UNTIL TAXES ARE PAID. VIOLATORS WILL
BE PROSECUTED.**

THOMPSON WILLIS
& BESSIE THOMPSON
2055 BINNICKNER BRIDGE ROAD
BAMBERG, S.C. 29003

NOTICE IS HEREBY GIVEN, that pursuant to tax execution issued to BAMBERG County
Collector, officially charged with the collection of delinquent taxes for the County of
BAMBERG State of South Carolina,

has seized and taken exclusive possession of the following described property

PORT LOT 3 & LOT 4 .00

recorded on County Records as map # 0066-04-01-027
unless said taxes, penalties, and costs are paid in full, all property described will be
sold after legal advertisement, on NOVEMBER 05, 2007
the year(s) 2006 to satisfy said execution.

\$ 33592

SIGNED, SEALED AND
DELIVERED IN THE
PRESENCE OF:

A/C LOT BLDG 1

M/H SIZE M/H SERIAL #

By CAROL S. MCMICHAEL

**TAX COLLECTOR
BAMBERG COUNTY
110 NORTH MAIN ST. • P.O. BOX 385
BAMBERG, S.C. 29003
(803) 245-3005 • 245-3009**

DATE: JUNE 19, 2007

0000147

011672-06-3

BAMBERG COUNTY
DELINQUENT TAX COLLECTOR
P.O. DRAWER 385
BAMBERG, SC 29003

IMPORTANT TAX INFORMATION ENCLOSED

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE PAID
COLUMBIA, S.C.
PERMIT NO. 738

0086-04-01-027

UNDELIVERABLE
AS ADDRESSED
COLUMBIA SC P&DC
290

Deceased

THOMPSON WILLIS
& BESSIE THOMPSON
2055 BINNICKNER BRIDGE ROAD
BAMBERG, S.C. 29003

EX 145F 1 29002

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

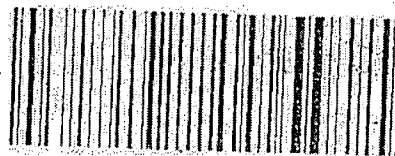
FOLD AND TEAR ALONG

0000148

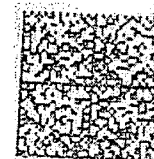
Bamberg County Tax Collector/Pur. Agent
P.O. Box 385
BAMBERG, SOUTH CAROLINA 29003



CERTIFIED MAIL



7006 3450 0002 5926 9383



UNITED STATES POSTAGE
02 1A \$09.62⁰
0004630950 OCT 07 2008
MAILED FROM ZIP CODE 29003

Willie & Bessie Thompson
2055 Binnicker Bridge Rd
Bamberg, SC 29003
0086-04-01-027

Deceased

NIXIE 292 DE 1 00 10/15/08

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

29003\$1078

2900300595

BC: 29003005955 *1454-15035-07-36



0000149

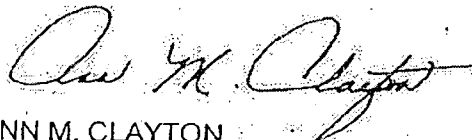
OFFICE OF TAX COLLECTOR

TO: BAMBERG COUNTY, S.C. OFFICE OF TAX COLLECTOR

WHEREAS, the party whose name appears below has been duly assessed the sum shown below, the same being School, County and Special taxes and municipal Taxes, if applicable, for the tax year beginning December 31, 2005 the same being not paid.

This Execution commands you in the name of the State to levy by distress and sale on as much of this delinquent taxpayer's property as is sufficient to satisfy the delinquent taxes, assessment, penalties and costs. This EXECUTION is sufficient warrant for a levy by distress and sale.

GIVEN under by hand and seal this 17th day of March, 2007



ANN M. CLAYTON

BAMBERG COUNTY TREASURER

Receipt: 011672-06-3
TAXPAYER: THOMPSON WILLIS
MAP NUMBER: 0086-04-01-027.
NET DUE: 297.92

0000150

DATE 05/17/07
TAX YEAR 2006 - 2006

PAGE 1,396

RECNO. 011672-06-3

NAME THOMPSON WILLIS
& BESSIE THOMPSON
2055 BINNICKNER BRIDGE ROAD
BAMBERG, S.C. 29003

MAP REFERENCE NUMBER 0086-04-01-027.
ASSESSMENT RATIO % 4%
DISTRICT/TOWN 114 BG
ASSESSED VALUE 800

ORIGINAL TAX	259.06
15% PENALTY	38.86
COSTS	38.00
TOTAL AMOUNT NOW DUE	335.92

PROPERTY DESCRIPTION. PORT LOT 3 & LOT 4

LOT = 1

BLDG = 1

OCR NO. 7100 5868 2450 5601 3966

POSTAGE	.41
CERTIFIED FEE	2.65
RETURN RECEIPT FEE	2.15
RESTRICTED DELIVERY FEE	4.10
TOTAL POSTAGE & FEES	9.31

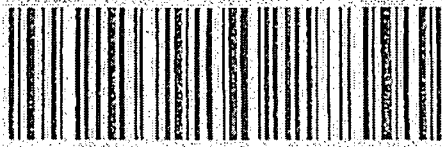
POSTMARK BELOW

APR 22 2007

0000151

TAX COLLECTOR
P.O. DRAWER 385
BAMBERG, SC 29003-0385

011672-06-3
0086-04-01-027.



FIRST CLASS MAIL
U.S. Postage & Fees
PAID
BAMBERG, S.C. 29003
PERMIT NO. 46

7100 5868 2450 5601 3966

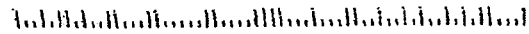
Deceased

RETURN RECEIPT REQUESTED

RESTRICTED DELIVERY

THOMPSON WILLIS
& BESSIE THOMPSON
2055 BINNICKNER BRIDGE ROAD
BAMBERG, S.C. 29003

29003#1078 R003



0000152

POSTMAN
STEP 2: DETACH CARD HERE

SENDER COMPLETE THIS SECTION

- ☒ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☒ Print your name and address on the reverse so that we can return the card to you.
- ☒ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

THOMPSON WILLIS
& BESSIE THOMPSON
2055 BINNICKNER BRIDGE ROAD
BAMBERG, S.C. 29003

011672-06-3
0086-04-01-027

2. Article Number (Copy from service label)

7100 5868 2450 5601 3966

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☒ Yes

PS Form 3811, July 1999

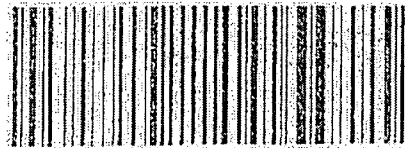
Domestic Return Receipt

102595-99-M-1769

0000153

Bamberg County Tax Collector/Pur. Agent
P.O. Box 385
BAMBERG, SOUTH CAROLINA 29003

Return to Sender



7006 3450 0002 5926 9383



UNITED STATES POSTAGE
02 1A \$ 09.62
0004630980 OCT 07 2008
MAILED FROM ZIP CODE 29003

Willie & Bessie Thompson
2055 Binnicker Bridge Rd
Bamberg, SC 29003
0086-04-01-027

Deceased

NIXIE 292 DE 1 00 10/15/08

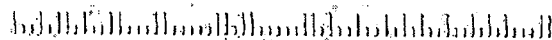
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

29003\$1078

BC: 29003039585

*1454-16835-07-30

29003039585



0000154

SENDER COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Willie & Bessie Thompson
2055 Binnicker Bridge Rd
Bamberg, SC 29003
0086-04-01-027

2. Article Number:

(Transfer from service label)

7006 3450 0002 5926 9383

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

Restricted Delivery? (Extra Fee)

☒ Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

0000155

FILE TO REAL ESTATE
THE STATE OF SOUTH CAROLINA
COUNTY OF DAMBERG

COPY

SALE NO. _____

MORTGAGE INFORMATION

NAME Thompson Willis + Bessie

MAP NO. 10086-64 01-027

DESCRIPTION: Port Lot 3+4 1 bldg

D-116-11

P-J-55

as a begone
19,500
as a begone
Honestead
until
05

~~XX~~

MORTGAGEE NOTIFIED: _____

CHECKED BY: _____

DATE: _____

Bamberg County Delinquent Tax Office
P.O. Box 385
2959 Main Highway
Bamberg S.C. 29003

FINAL NOTICE

Date: 10-3-08

To: Willie & Bessie Thompson
2055 Binnicker Bridge Rd
Bamberg, S.C. 29003

From: Carol McMichael, Delinquent Tax Collector

Re: Sale of property for Delinquent Taxes

Map# 0086-04-01-037

This letter is to advise you that the property listed above was sold at public auction for collection of delinquent taxes on November 5th 2007. Section 12-51-90 of the South Carolina Code of Laws provides that the defaulting taxpayer, any grantee from the owner or any mortgage or judgement creditor may redeem the above property within (12) months from the dated of the delinquent tax sale by paying to this office delinquent taxes; penalties and costs together with the appropriate percent of interest on the total bid price at the tax sale. If you wish to redeem the above described property, the redemption amount will be listed below.

Due on or before November 5th 2008: \$641.19

FINAL DATE TO REDEEM THE ABOVE PROPERTY IS NOVEMBER 5TH 2008. If you fail to redeem this property by said date, a tax deed will be issued to the successful bidder.

DERIVATION FORM

TAX MAP NUMBER: 0086-04-01-027

PURCHASED FROM: Willis + Bessie Thompson

DEED BOOK: 116 PAGE: 11

PLAT BOOK: J PAGE: 55

DATE OF SALE: 1/11/01

DATE RECORDED: 1/22/01

DESCRIPTION:

NE Geraldine Dowling
SE Eugene Smalls heirs et al
SW Binnicker Bridge Rd
NW Frances S. Bonaparte

RECEIPT

No. 521963

DATE _____ \$514.62

RECEIVED FROM 01629 0086-04-01-027.

THOMPSON WILLIS & BESSIE THOMPSON DOLLARS

2055 BINNICKNER BRIDGE ROAD

BAMBERG, S.C.

FOR F
FOR -

ACCOUNT PAYMENT BAL. DUE

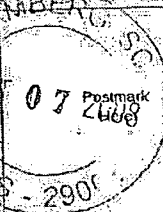
CHECK
MONEY ORDER

FROM TO

BY 1182

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only, No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com

Postage	\$ 1.42
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	4.30
Total Postage & Fees	\$ 9.62



7006 3450 0002 5926 9363

Willie & Bessie Thompson
 2055 Binnicker Bridge Rd
 Bamberg, SC 29003
 0086-04-01-027

1182

Bamberg County Delinquent Tax Office
P.O. Box 385
2959 Main Highway
Bamberg S.C. 29003

FINAL NOTICE

Date: 10-3-08

To: Willie & Bessie Thompson
2055 Binnicker Bridge Rd
Bamberg, S.C. 29003

From: Carol McMichael, Delinquent Tax Collector

Re: Sale of property for Delinquent Taxes

Map# 0086-04-01-027

This letter is to advise you that the property listed above was sold at public auction for collection of delinquent taxes on November 5th 2007. Section 12-51-90 of the South Carolina Code of Laws provides that the defaulting taxpayer, any grantee from the owner or any mortgage or judgement creditor may redeem the above property within (12) months from the dated of the delinquent tax sale by paying to this office delinquent taxes, penalties and costs together with the appropriate percent of interest on the total bid price at the tax sale. If you wish to redeem the above described property, the redemption amount will be listed below.

Due on or before November 5th 2008: \$641.19

FINAL DATE TO REDEEM THE ABOVE PROPERTY IS NOVEMBER 5TH 2008. If you fail to redeem this property by said date, a tax deed will be issued to the successful bidder.

TO OPEN
FIRST FOLD ONE INCH LEFT SIDE EDGES
SECOND SLIDE FINGER UNDER TOP EDGE AND OPEN

011672-06-3

BAMBERG COUNTY
DELINQUENT TAX COLLECTOR
P.O. DRAWER 385
BAMBERG SC 29003

IMPORTANT TAX INFORMATION ENCLOSED

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE PAID
COLUMBIA, S.C.
PERMIT NO. 738

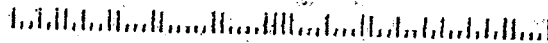
0086-04-01-027

UNDELIVERABLE
AS ADDRESSED
COLUMBIA SC P&DC
290

Deceased

THOMPSON WILLIS
& BESSIE THOMPSON
2055 BINNICKNER BRIDGE ROAD
BAMBERG, S.C. 29003

EX143P1 29003



FOLD AND TEAR ALONG

0000162

BAMBERG COUNTY
TAX COLLECTOR
P.O. DRAWER 385
BAMBERG, SC 29003-0385

011672-06-3
0086-04-01-027.

CERTIFIED MAIL



7100 5868 2450 5601 3966

FIRST CLASS MAIL
U.S. Postage & Fees
PAID
BAMBERG, S.C. 29003
PERMIT NO. 46

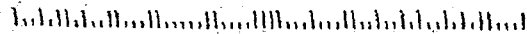
Deceased

RETURN RECEIPT REQUESTED

RESTRICTED DELIVERY

THOMPSON WILLIS
& BESSIE THOMPSON
2055 BINNICKNER BRIDGE ROAD
BAMBERG, S.C. 29003

29003-1078 R003



0000163

REMOVE STUBS AT BOTH ENDS FIRST
THEN FOLD, CREASE AND REMOVE THIS STUB AT PERFORATION

POSTMAN
STEP 2: DETACH CARD HERE

POSTMAN
STEP 1: TEAR ALONG PERFORATION

SENDER COMPLETE THIS SECTION

- ☒ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☒ Print your name and address on the reverse so that we can return the card to you.
- ☒ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

THOMPSON WILLIS
& BESSIE THOMPSON
2055 BINNICKNER BRIDGE ROAD
BAMBERG, S.C. 29003

011672-06-3

0086-04-01-027

2. Article Number (Copy from service label)

7100 5868 2450 5601 3966

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☒ Yes

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

REMOVE BOTH SIDE STUBS FIRST
FOLD, CREASE AND REMOVE THIS STUB AT PERFORATION

0000164

0000165

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Willie & Bessie Thompson
2055 Binnicker Bridge Rd.
Bamberg, SC 29003
0086-04-01-027

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

Restricted Delivery? (Extra Fee)

☒ Yes

7006 3450 0002 5926 9383

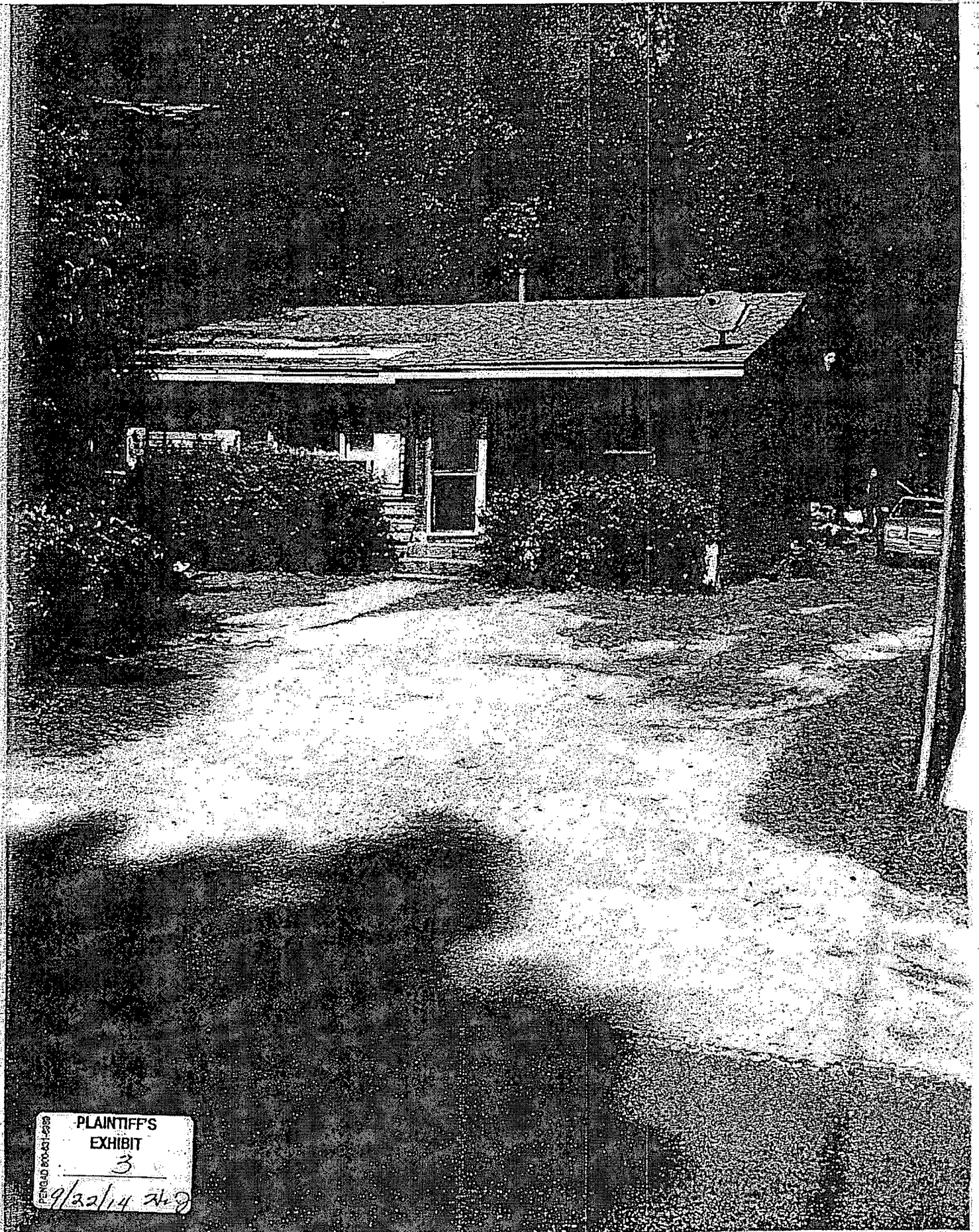
2. Article Number

(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



PLAINTIFF'S
EXHIBIT
3
9/22/14 H. J.

0000166

5027 Weatherstone Road
Charleston, South Carolina 29414

November 21, 2009

Mr. Bernard Holman, et al
2055 Binnicker Bridge road
Bamberg, South Carolina 29003

Dear Mr. Holman, et al:

This notice is addressed to all people living at 2055 Binnaker Bridge Road.

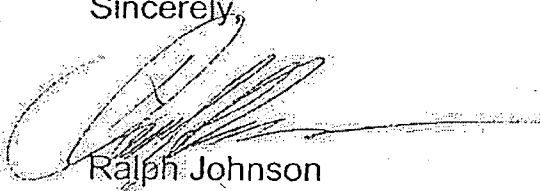
As I discussed with you on May 11th and June 10, 2009. I purchased the property designated as TMS 086-04-01-027. This property was sold at a Bamberg County Tax Sale held November 5, 2007.

If you are interested in renting or buying the property, please contact me at once so we can prepare a contract.

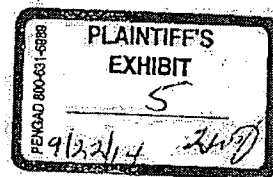
If you are not interested in renting or buying the property, THIS IS YOUR FINAL NOTICE TO VACATE THE PREMISES WITHIN THIRTY DAYS.

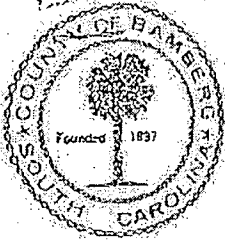
Please call or write me with any questions that you might have concerning this letter.

Sincerely,


Ralph Johnson
843-709-8531

One copy of this letter is hand delivered and another copy is placed in the US Mail.





Alice P. Johnson

Bamberg County Treasurer
P. O. Box Drawer 240
BAMBERG, SOUTH CAROLINA 29003
Telephone and Fax: (803) 245-3003

DATE 1-9-2009

Willis & Bessie Thompson

2055 Binnicker Bridge Road

Bamberg, SC 29003

TAX RECEIPT # 011759-28.3

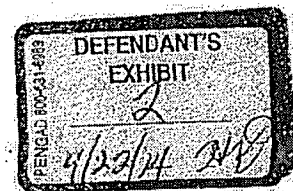
We received your payment in the amount of \$ 181.66 for the
above receipt number; however, the ~~amount should be \$~~ taxes are delinquent for prior years per the
~~delinquent tax collector.~~
~~attached tax notice.~~

Enclosed is your payment. ~~so you can send the correct amount back to us.~~
If there are any questions, please contact the delinquent tax
collector.

Check # _____

Money Order # _____

Cashier's Check # 1200104493



0000168

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BAMBERG COUNTY COURT OF COMMON PLEAS

Honorable Edgar W. Dickson, Circuit Court Judge

Case No. 2010-DR-05-39
Appeal No. 2014-002727

The Forfeited Land Commission of Bamberg County, Plaintiff,

v.

Eartha Dean Moody Beard, et al. Ralph Johnson, et al., of whom Ralph Johnson is
answering as Defendant - Third Party Plaintiff,

v.

Bank One, N.A. Conseco Finance Servicing Corp., Equity One, Inc., JPMorgan Chase
Bank, National Association, as trustee for the C-Bass Mortgage Loan Asset-Backed
Certificates, Series 2005-CB2, and Mark D. Johnson, JOHN DOE AND MARY ROWE,
fictitious names representing any known minors, incompetents, persons in the military,
persons imprisoned and persons under any legal disability and RICHARD ROE AND
SARAH DOE, fictitious names representing unknown devisees, distributees, or personal
Representatives of LILLIAN G. BROWN, GERALDINE G. REED, RETHA G.
GREGGS, LILLIE D. GRAY, GEORGE DAVIS, JULIA DAVIS, VIVIAN DAVIS,
MARGARET DAVIS, LILLIE MAE DAVIS, LECIA RICE, ROY H. SETZLER, DYAN
SETZLER, LUCIOUS WRIGHT, JULIA JONES, EDITH K. GILMORE, EDDIE
GRIMES, HENRY C. GUESS, WILLIE THOMPSON, BESSIE THOMPSON, ANNIE
MAE WHITE, and also all other unknown persons claiming any right, title estate, or lien
upon the real estate which is the subject of this action, Third Party Defendants,

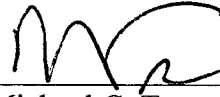
Of Whom Ralph Johnson is the Respondent and Coretta McMillan, Samuel Lee Morant,
Jr., and Betsy Felicia Morant are the Appellants.

PROOF OF SERVICE

I certify that I have served a copy of the Record of Appeal by depositing a copy of

same in the United States Mail, postage prepaid, on August 21, 2015, addressed to the
Third Party Plaintiff's attorney as follows:

J. Martin Harvey, Esquire
P.O. Box 705
Barnwell, SC 29812

A handwritten signature in black ink, appearing to be 'MC' followed by a stylized flourish.

Michael C. Tanner, Esq.
PO Box 1061
Bamberg, SC 29003
(803)245-9153
Attorney for Appellant

Bamberg, S.C.
August 21, 2015