



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
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www.sccourts.org

May 16, 2016

Chauncey N. Brown-Barnwell
98 Cemetery Rd.
Hilton Head Island SC 29926

Janice Barnwell
98 Cemetery Rd.
Hilton Head Island SC 29926

Re: Nell Barnwell Hay v. Chauncey N. Brown-Barnwell
Appellate Case No. 2016-001010

Dear Mr. Brown-Barnwell and Ms. Kaiser:

Upon reviewing your notice of appeal, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- You must provide a copy of the original complaint in order for the Court to verify the caption in this case. The Form 4 order provided contains "et al" instead of naming the participants.

Very truly yours,

A handwritten signature in black ink that reads "Jenny Abbott Kitchings".

CLERK

cc: Drake Hunter Kaiser, Esquire

RECEIVED

MAY 23 2016

SC Court of Appeals

NW

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

BEAUFORT COUNTY
SHERIFF'S OFFICE
BEAUFORT, SC
2013 SEP 27 PM 1:08

Nell Barnwell Hay and Edward Barnwell, Jr.

Plaintiffs,

vs.

Chancey N. Brown-Barnwell, Janice Barnwell,
Bank of New York, Trust Under Agreement
Dated 12/1/01 (EQCC Trust 2001-2) and all
Persons claiming any right, title, estate
interest in or lien upon the real estate
described, and any known heirs or persons
being as a class identified as John Doe,
whose true names are unknown, and any
unborn infants or persons under disability being a
class designated as Richard Roe, whose true
names are unknown.

Defendants.

AMENDED SUMMONS

RECEIVED
MAY 23 2016
SC Court of Appeals

13 SEP 16 PM 3:33
BJE HANH ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

Docket No. 2013-CP-07-2251

TO THE DEFENDANT ABOVE-NAMED:

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

YOU WILL ALSO TAKE NOTICE that Plaintiff will move for an Order of Reference or the Court may issue a general Order of Reference of this action to a Master-in-Equity/Special Referee, pursuant to Rule 53 of the South Carolina Rules of Civil Procedure.

Columbia, S.C.



Plaintiff/Attorney for Plaintiff

Dated: 9-13-13

Address:

736-D St. Andrews Road; PMB #170
Columbia, SC 29210

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)
)
 Nell Barnwell Hay and Edward)
 Barnwell, Jr.)
 Plaintiffs,)
)
 v.)
)
 Chancey N. Brown-Barnwell,)
 Janice Barnwell, Bank of New York,)
 Trust Under Agreement Dated 12/1/01)
 (EQCC Trust 2001-2))
 and all persons claiming any right, title,)
 estate interest in or lien upon the real)
 estate described, and any unknown heirs)
 or persons being as a class identified as)
 John Doe, whose true names are)
 unknown, and any unborn infants or)
 persons under disability being a class)
 designated as Richard Roe, whose true)
 names are unknown,)
 Defendants.)
)

IN THE COURT OF COMMON PLEAS

File No.: 2013-CP-07-2251

AMENDED COMPLAINT

13 SEP 16 PM 3:33
 BEAUFORT COUNTY, S.C.
 CLERK OF COURT

RECEIVED

MAY 23 2016

SC Court of Appeals

PURSUANT TO SCRCP 15, the Plaintiff above-named hereby amends their complaint filed with this Honorable County or September 3, 2013. The purpose of the Amendment is to correct an error in the case caption, which erroneously listed Edward Barnwell, Jr., as a Defendant rather than a Plaintiff.

The Plaintiffs above-named, complaining of the Defendants herein, would respectfully show unto this Honorable Court as follows:

1. This action involves certain real estate in Beaufort County, South Carolina.

PROPERTY

2. By deed of distribution dated January 21, 1997, and recorded on February 28, 1997, in the office of the Register of Deeds for Beaufort County in Book 924 at Page 2347, Edward Barnwell, Jr., as Executor of the Estate of Rosalie White Barnwell, conveyed to Edward Barnwell, Jr., Janice Barnwell, and Nell Barnwell Hay the following described property, to-wit:

Lot No. fifteen (15) of the property of the heirs of Ben W. White, Hilton Head Island, Beaufort County, South Carolina as reflected on a plat thereof recorded in the office of the RMC for Beaufort County at Plat Book 23, Page 205.

This property is conveyed subject to an Easement of ingress and egress for the adjacent property owners (if any) as reflected on the above referenced plat.

PIN R510 009 000 007A 0000

(hereinafter referred to as the "Union Cemetery"; see Exhibit A).

3. By deed of distribution dated January 21, 1997, and recorded on February 28, 1997, in the office of the Register of Deeds for Beaufort County in Book 924 at Page 2345, Edward Barnwell, Jr., as Executor of the Estate of Rosalie White Barnwell, conveyed to Edward Barnwell, Jr., Janice Barnwell, and Nell Barnwell Hay the following described property, to-wit:

All that certain piece, parcel or tract of land located on Hilton Head Island, Beaufort County, South Carolina and designated as Lot 7, containing 5.75 acres, more or less, on a plat thereof entitled "38.36 Acres Gum Tree Road, a section of Cotton Hope Planation, Hilton Head Island, Beaufort County, South Carolina" prepared by Terry G. Hatchell, S.C. R.L.S. No. 11059, dated July 27, 1993, and recorded in the office of the RMC for Beaufort County at Plat Book 46, Page 189. - 500-7-260.

Together with ingress and egress over the lands of Rosalie W. Barnwell, Charles H. White, David L. White, Ann Cherise White, Napoleon White, Kevin Bernard White, Magaret White, and Sandy White, along an area marked as Dirt Road and 20' Ingress/Egress Easement leading from S.C. highway 7-7-482 to the property. Subject, however, to the rights of others to use the area marked Dirt Road and 20' Ingress/Egress Easement for ingress and egress to their property.

PIN R510 007 00D 0007 0000

(hereinafter referred to as the "Gumtree"; see Exhibit B).

4. By deed of distribution dated January 21, 1997, and recorded on February 28, 1997, in the office of the Register of Deeds for Beaufort County in Book 924 at Page 2343, Edward Barnwell, Jr., as Executor of the Estate of Rosalie White Barnwell, conveyed to Edward Barnwell, Jr., Janice Barnwell, and Nell Barnwell Hay the following described property, to-wit:

All that certain piece, parcel or lot of land situate, lying and being in the Fish Haul Planation, Hilton Head Island, County of Beaufort, State of South Carolina, being designated as 1.0 acres,

more or less, and being more fully described as follows, to-wit: Beginning at an iron 250 fee from union cemetery road, more or less, and proceeding N 23° 41' 31" West for a distance of 219.47 feet; thence proceeding N 52° 13' 18" East for a distance of 196.89 feet; thence proceeding S 23° 41' 31" East for a distance of 238.51; thence proceedings S 57° 07' 02" West for a distance of 193.45 feet to the point of beginning, all measurements being a little more or less. For a more complete and accurate description as to the metes, bounds, courses and distances, reference may be had to a plat prepared for Janice Barnwell and Rosalie Barnwell by Sea Island Engineering Inc., dated march 21, 1995, and recorded in the office of the RMC for Beaufort County at Book 768, Page 252.

PIN R510 003 000 0028 0000

(hereinafter referred to as the "Wild Horse"; see Exhibit C).

PARTIES

5. Plaintiff Edward Barnwell, Jr., is a resident of Muscogee County, State of Georgia. He holds title in fee simple to Union Cemetery, Gumtree, and Wild Horse.

6. Plaintiff Nell Barnwell Hay (hereinafter "Nell") is a resident of Beaufort County, State of South Carolina. She holds title in fee simple to Wild Horse. She should hold title in fee simple to Union Cemetery and Gumtree, but for the cloud on the title described below.

7. Defendant Chauncey N. Brown-Barnwell (hereinafter "Chauncey") is a resident of Chatham County, State of South Carolina. He should have no interest in any of the subject property, as described below.

8. On information and belief, Chauncey is a licensed attorney in the State of Georgia; he is not licensed to practice law in the State of South Carolina, nor has he sought or obtained *pro haec vice* admission in South Carolina.

9. Defendant Janice Barnwell (hereinafter "Janice") is a resident of Beaufort County, State of South Carolina. She holds title in fee simple to Wild Horse. She should hold title in fee simple to Union Cemetery and Gumtree, but for the cloud on the title. Her interest in Union Cemetery should be extinguished through foreclosure, as described below.

10. Plaintiffs and Janice are siblings.

11. Chauncey is Janice's child.

12. Bank of New York, Trust Under Agreement Dated 12/1/01 (EQCC Trust 2001-2), is the assignee of a mortgage given by Janice to the Bank of New York, recorded July 6, 2001 in the Register of Deeds for Beaufort County in Book 1442 at Page 2348; it has an interest in Union Cemetery arising from its suit for foreclosure styled *Bank of New York v. Nell Barnwell Hay, et al.*, 2005-CP-07-02040.

13. Defendant John Doe designates the class of unknown heirs or persons having an interest in the aforementioned property, whose true names are unknown.

14. Defendant Richard Roe designates the class of unborn infants or persons under disability having an interest in the aforementioned property, whose true names are unknown.

JURISDICTION

15. This Court has subject matter jurisdiction over this action pursuant to South Carolina Code Section 15-67-10ff.

16. This Court has personal jurisdiction over all Defendants in this case pursuant to South Carolina Code Section 36-2-803(A)(5).

STATEMENT OF THE CASE

17. On or about June 15, 2001, Janice granted a mortgage to the Bank of New York encumbering Union Cemetery, recorded July 6, 2001 in the Register of Deeds for Beaufort County in Book 1442 at Page 2348.

18. Said mortgage was given without the knowledge or consent of Plaintiffs, although they are equal owners of Union Cemetery.

19. Janice subsequently defaulted on the mortgage, and the Bank of New York, on or about October 19, 2005, initiated a foreclosure action styled *Bank of New York v. Nell Barnwell Hay, et al.*, 2005-CP-07-02040 that, at the time of filing, is still before this Honorable Court.

20. The Bank also filed a *Lis Pendens* in the matter on or about October 19, 2005.

21. At the time of filing, the above-styled action, and Union Cemetery, is subject to a Consent Order of Judgment Dividing Real Property, signed by the Hon. Marvin H. Dukes on September 8, 2008, which partitions Union Cemetery.

22. At the time of filing, the actual partition has not occurred, owing to a delay caused by problems with the requisite plat.

23. In late 2012 and early 2013, Chauncey approached Plaintiffs, representing that he is an attorney, and that if Plaintiffs executed certain documents styled quitclaim deeds, he would be able to save the house located on Union Cemetery and remove it from foreclosure.

24. Plaintiff Edward Barnwell Jr. did not execute the documents.

25. Plaintiff Nell Barnwell Hay—believing and trusting her attorney-nephew—relied on Chauncey’s representations regarding his ability to save the house, and the legal effect of the documents, and executed two alleged quitclaim deeds, to wit:

An alleged quitclaim deed from Nell Hay to Chauncey N. Brown-Barnwell of her interest in Wild Horse, dated January 28, 2013 and recorded January 29, 2013 in the Beaufort County Register of Deeds in Book 3210 at page 1955. (Exhibit D)

An alleged quitclaim deed from Nell Hay to Chauncey N. Brown-Barnwell of her interest in Union Cemetery, dated January 28, 2013 and recorded January 29, 2013 in the Beaufort County Register of Deeds in Book 3210 at page 1958. (Exhibit E)

26. Janice, presumably also on the advice of Chauncey, executed two alleged quitclaim deeds, to wit:

An alleged quitclaim deed from Janice Barnwell to Nell B. Hay of her interest in Gumtree, dated January 26, 2013 and recorded January 29, 2013 in the Beaufort County Register of Deeds in Book 3210 at page 1952. (Exhibit F)

An alleged quitclaim deed from Janice Barnwell to Chauncey N. Brown-Barnwell of her interest in Union Cemetery, dated January 26, 2013 and recorded January 28, 2013 in the Beaufort County Register of Deeds in Book 3210 at page 341. (Exhibit G)

27. These "quitclaim deeds" are formally defective with regard to their legal descriptions, in that there is complete lack of any reference to boundaries, such as natural boundaries, artificial monuments, adjacent boundaries, course and distances, or any manner of plat.

28. These "quitclaim deeds" are formally defective in that they lack any type of derivation clause pursuant to S.C. Code Ann. § 30-5-35.

29. These "quitclaim deeds" are ineffective to convey title.

30. Plaintiffs are without knowledge as to who prepared the "quitclaim deeds," but if they were not prepared by a licensed South Carolina attorney, the documents were produced in such a manner as to constitute the unauthorized practice of law.

31. Further, these quitclaim deeds being in the chain of title for each property clouds title thereto.

32. Plaintiffs have asked Chauncey to rescind the alleged quitclaim deeds, but he has refused.

**FOR A FIRST CAUSE OF ACTION
(Quiet Title)**

33. Plaintiffs reiterate the allegations of the proceeding paragraphs as if set forth herein verbatim.

34. Plaintiffs are informed and believe that the current titles to Union Cemetery, Gumtree, and Wild Horse are clouded, and requests of this Honorable Court assistance in clearly establishing title.

35. Plaintiffs are informed and believe they are entitled to an Order of this Court declaring the "quitclaim deeds" to be legally ineffective, null, and void.

36. Plaintiffs are informed and believe they are entitled to further Order permitting them to file a revocation for the "quitclaim deeds" with the Beaufort County Register of Deeds.

37. With the documents revoked and effectively removed from the chains of title, Plaintiffs believe title to Union Cemetery, Gumtree, and Wild Horse will become unclouded.

**FOR A SECOND CAUSE OF ACTION
(Constructive Fraud)**

38. Plaintiffs reiterate the allegations of the proceeding paragraphs as if set forth herein verbatim.

39. Chauncey communicated to Nell that, if she would execute certain documents and thereby transfer her title in Union Cemetery and Wild Horse to him, he would be able to stop the foreclosure on Union Cemetery and save the house thereon.

40. Chauncey also communicated to Nell that, if she would execute the aforementioned documents, his mother Janice would execute a document conveying her ownership interest in Guntree to Nell.

41. Chauncey represented to Nell that his status as an attorney gave him special insight and abilities in this matter.

42. Chauncey ought to have known that deeds transferring title to real estate subject to *lis pendens* may not be effective.

43. Chauncey ought to have known that the "quitclaim deeds" were defective under South Carolina law.

44. Nell acted reasonably in allowing the Chauncey's representations—coming from a family member with legal training—to play an important and significant role in her decision to enter the transaction.

45. Chauncey intended for Nell to rely on his representations.

46. Nell was ignorant of the falsity of Chauncey's representations.

47. Nell would not have executed the "quitclaim deeds" without relying on Chauncey's representations.

48. Nell had a right to rely on the representations of a person acting under color of being a licensed attorney.

49. As a direct and proximate result of Chauncey's inducement to execute the "quitclaim deeds," Plaintiffs have lost clear title to their real estate, and have been forced to incur costs, including but not necessarily limited to attorney's fees and court costs, in pursuit of remedying the cloud.

50. Plaintiffs are informed and believe that they are entitled to actual and punitive damages from Chauncey.

51. Jury trial demanded as to Plaintiff's second cause of action.

WHEREFORE, the Plaintiff prays that the Court inquire into the matters set forth herein, and:

- A. Declare the "quitclaim deeds" to be legally ineffective, null, and void;
- B. Permit Plaintiffs to file a revocation for the "quitclaim deeds" with the Beaufort County Register of Deeds;
- C. Award Plaintiffs actual and punitive damages from Chauncey; and
- D. For such other and further relief as the Court deems necessary, just, and proper.

Reddick & Kaiser, LLC

By: 

Drake H. Kaiser, Bar # 77397

1000-A St. Andrews Road

Columbia, SC 29210

T (803) 772-6830

F (803) 772-7998

Attorney for the Plaintiffs

Columbia, South Carolina

Dated: August 11, 2013

September

Exhibit A
UNION CEMETARY
(LOT 15)

204

7547

2347

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

PROBATE COURT

IN THE MATTER OF ROSALIE WHITE BARNWELL

CASE NUMBER 96-ES-07-00071

DEED OF DISTRIBUTION

WHEREAS, the decedent died on the 6TH day of JANUARY, 1997; and,

WHEREAS, the estate of the decedent is being administered in the Probate Court for BEAUFORT County, South Carolina in File # 96ES0700071; and,

WHEREAS, the grantee herein is either a beneficiary or heir at law, as appropriate, of the decedent; and,

WHEREAS, the undersigned Personal Representative is the duly appointed and qualified fiduciary in this matter; and,

NOW, THEREFORE, in accordance with the laws of the State of South Carolina, the Personal Representative has granted bargained, sold and released, and by these Presents does grant, bargain, sell and release to:

Name: EDWARD BARNWELL, JR.
Address: 7837 LYNCH ROAD
MIDLAND, GA. 31820

JANICE BARNWELL
NELL BARNWELL HAY

the following described property:

Lot No. fifteen (15) of the property of the heirs of Ben W. White, Hilton Head Island, Beaufort County, South Carolina as reflected on a plat thereof recorded in the office of the RMC for Beaufort County at Plat Book 23, Page 205.

This property is conveyed subject to an Easement of ingress and egress for the adjacent property owners (if any) as reflected on the above referenced plat.

This is the same property conveyed to Rosalie W. Barnwell by deed of Johnny White. Joseph White and Rosalie W. Barnwell by deed dated December 20, 1975, and recorded in the office of the RMC for Beaufort County at Book 237, Page 793.

This deed prepared by the law firm of Louis O. Dore, P.A., 133 Sea Island Parkway, Lady's Island, S. C. 29902.

510-9-7A

510 9 7A

2348

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises/Property belonging, or in anywise Incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises/Property unto the said EDWARD BARNWELL, JR., JANICE BARNWELL, AND NELL BARNWELL HAY, their heirs and assigns forever.

IN WITNESS WHEREOF, the undersigned, as Personal Representative of the estate of the decedent, has executed this Deed, this 21ST day of JANUARY 1997.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Estate of: ROSALIE WHITE BARNWELL

by Signature: [Signature]

Witness: [Signature]

Witness: [Signature]

STATE OF SOUTH CAROLINA) PROBATE
COUNTY OF BEAUFORT)

PERSONALLY appeared before me MARGIE C. MACK

and made oath that he/she saw the within named

Personal Representative(s) sign, seal, and as their act and deed, deliver the within written Deed, and that he/she with

LOUIS O. DORE witnessed the execution thereof.

SWORN to before me this 21ST day of JANUARY 1997

Witness Signature: [Signature]

[Signature]
Notary Public for South Carolina

My Commission Expires: 12/13/03

Dore 4758

RECORDED THIS 26th DAY OF March 1997
BY [Signature] AD PAGE 122

FILED
JOHN A. SULLIVAN, JR.
R.M.C.
BEAUFORT COUNTY, S.C. /MCL
97 FEB 28 PM 2:52
BK 924 PG 2347
FOLDER #

Exhibit B
GUM TREE
(LOT 7)

205

7546

2345

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

PROBATE COURT

IN THE MATTER OF ROSALIE WHITE BARNWELL
CASE NUMBER 96ES0700071

RECEIVED
CLERK OF THE PROBATE COURT
BEAUFORT COUNTY, SOUTH CAROLINA
JAN 10 1996

DEED OF DISTRIBUTION

WHEREAS, the decedent died on the 6TH day of JANUARY, 1996 and,

WHEREAS, the estate of the decedent is being administered in the Probate Court for BEAUFORT County, South Carolina in File # 96ES0700071 and,

WHEREAS, the grantee herein is either a beneficiary or heir at law, as appropriate, of the decedent; and,

WHEREAS, the undersigned Personal Representative is the duly appointed and qualified fiduciary in this matter; and,

NOW, THEREFORE, in accordance with the laws of the State of South Carolina, the Personal Representative has granted bargained, sold and released, and by these Presents does grant, bargain, sell and release to:

Name: EDWARD BARNWELL, JR.
Address: 7837 LYNCH ROAD
MIDLAND, GA 31820

JANICE BARNWELL
NELLY BARNWELL HAY

DECEDENT'S 1/5TH INTEREST
the following described property:

500-7-D-7

ALL that certain piece, parcel or tract of land located on Hilton Head Island, Beaufort County, South Carolina and designated as Lot 7, containing 5.75 acres, more or less, on a plat thereof entitled "38.36 Acres Gum Tree Road, a section of Cotton Hope Plantation, Hilton Head Island, Beaufort County, South Carolina" prepared by Terry G. Hatchell, S.C. R.L.S. No. 11059, dated July 27, 1993; and recorded in the office of the RMC for Beaufort County at Plat Book 46, Page 189. - 500-7-240.

Together with ingress and egress over the lands of Rosalie W. Barnwell, Charles H. White, David L. White, Ann Cherise White, Napoleon White, Kevin Bernard White, Margaret White, and Sandy White, along an area marked as Dirt Road and 20' Ingress/Egress Easement leading from S.C. Highway 7-7-482 to the property. Subject, however, to the rights of others to use the area marked Dirt Road and 20' Ingress/Egress Easement for ingress and egress to their property.

This is the same property conveyed to the Decedent by deed of Rosalie W. Barnwell, Charles H. White, David L. White, Ann Cherise White, Napoleon White, Kevin Bernard White, Margaret White, and Sandy White, and recorded in the office of the RMC for Beaufort County at Book 642, Page 1948.

This deed prepared by the law firm of Louis O. Dore, P.A., 133 Sea and Parkway, Lady's Island, S.C. 29902. PAGE 1 OF 2

2346

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises/Property belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises/Property unto the said EDWARD BARNWELL, JR., JANICE BARNWELL, AND NELL BARNWELL RAY, their heirs and assigns forever.

IN WITNESS WHEREOF, the undersigned, as Personal Representative of the estate of the decedent, has executed this Deed, this 21ST day of JANUARY, 1997.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Estate of: ROSALIE WHITE BARNWELL

by Signature: [Signature]

Witness: [Signature]

Witness: [Signature]

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

PROBATE

PERSONALLY appeared before me MARGIE C. MACK

and made oath that he/she saw the within named Personal Representative(s) sign, seal, and as their act and deed, deliver the within written Deed, and that he/she with

LOUIS O. DORE witnessed the execution thereof.

SWORN to before me this 21ST day of JANUARY, 1997

Witness Signature:

[Signature]

[Signature]
Notary Public for South Carolina
My Commission Expires: 12/13/03

Dove 4758
FILED
JOHN A. SULLIVAN, JR.
R.M.C.
BEAUFORT COUNTY, S.C.
97 FEB 28 PM 2:52 [Signature]
BK 924 PG 2345
FOLDER #

RECORDED THIS 26th FEB
OF March 1997
BY AD PAGE 122

[Signature]
CLERK OF COURT

Exhibit C
WILD HORSE

21055

7545

2343

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

PROBATE COURT

IN THE MATTER OF ROSALIE WHITE BARNWELL

CASE NUMBER 96-ES-0700071

ATTENTION: UNRECORDED
YOU MAY BE SUBJECT TO A LATER TAX
DUE ON YOUR PROPERTY RECORDS
CLERK'S OFFICE OF BEAUFORT COUNTY
1000 W. BROADWAY, SUITE 100
BEAUFORT, SOUTH CAROLINA 29516

DEED OF DISTRIBUTION

WHEREAS, the decedent died on the 6TH day of JANUARY, 1996; and,

WHEREAS, the estate of the decedent is being administered in the Probate Court for BEAUFORT County, South Carolina in File # 96ES0700071; and,

WHEREAS, the grantee herein is either a beneficiary or heir at law, as appropriate, of the decedent; and,

WHEREAS, the undersigned Personal Representative is the duly appointed and qualified fiduciary in this matter; and,

NOW, THEREFORE, in accordance with the laws of the State of South Carolina, the Personal Representative has granted bargained, sold and released, and by these Presents does grant, bargain, sell and release to:

Name: <u>EDWARD BARNWELL, JR.</u>	<u>JANICE BARNWELL</u>
Address: <u>7837 LYNCH ROAD</u>	<u>NELL BARNWELL HAY</u>
<u>MIDLAND, GA. 31820</u>	

the following described property:

ALL that certain piece, parcel or lot of land situate, lying and being in the Fish Haul Plantation, Hilton Head Island, County of Beaufort, State of South Carolina, being designated as 1.0 acres, more or less, and being more fully described as follows, to-wit: Beginning at an iron 250 feet from union cemetery road, more or less, and proceeding N 23° 41'31" West for a distance of 219.47 feet; thence proceeding N 52° 13'18" East for a distance of 196.89 feet; thence proceeding S 23° 41'31" East for a distance of 238.51; thence proceeding S 57° 07'02" West for a distance of 193.45 feet to the point of beginning, all measurements being a little more or less. For a more complete and accurate description as to the metes, bounds, courses and distances, reference may be had to a plat prepared for Janice Barnwell and Rosalie Barnwell by Sea Island Engineering, Inc., dated March 21, 1995, and recorded in the office of the RMC for Beaufort County at Book 768, Page 252.

This is the same property conveyed to the Decedent by deed of Janice Barnwell on March 24, 1995, and recorded in the office of the RMC for Beaufort County at Book 768, Page 252.

This deed prepared by the law firm of Louis O. Dore, P.A., 133 Sea Island Parkway, Lady's Island, S.C. 29902.

500-9-7D

FORM 600PG (11/94)
67-3-907, 67-3-908

510 9 7D PAGE 1 OF 2

2344

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises/Property belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises/Property unto the said EDWARD BARNWELL, JR., JANICE BARNWELL AND NELL BARNWELL HAY, their heirs and assigns forever.

IN WITNESS WHEREOF, the undersigned, as Personal Representative of the estate of the decedent, has executed this Deed, this 20TH day of JANUARY, 1997

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Estate of: ROSALIE WHITE BARNWELL

by Signature: Edward Barnwell Jr.

Witness: Margie C Mack

Witness: Louis O Dore

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

PROBATE

PERSONALLY appeared before me MARGIE C. MACK

and made oath that he/she saw the within named

Personal Representative(s) sign, seal, and as their act and deed, deliver the within written Deed, and that he/she with

LOUIS O. DORE witnessed the execution thereof.

SWORN to before me this 20TH day of JANUARY, 1997

Witness Signature:

Margie C Mack

Louis O Dore
Notary Public for South Carolina
My Commission Expires: 12/13/03

Dore 4758

FILED
JOHN A. SULLIVAN, JR.
R.M.C.
BEAUFORT COUNTY, S.C.

97 FEB 28 PM 2:52
BK 924 PG 2343
FOLDER #

RECORDED THIS 26th
OF March 1997
BY CLERK AD
Mary A. [Signature]

Exhibit D
QUIT CLAIM DEED
(WILDHORSE)

STATE OF SOUTH CAROLINA

BEAUFORT COUNTY

QUIT CLAIM DEED

THIS INDENTURE made and entered into this 28th day of January, 2013, between NELL B. HAY, Party of the First Part, and CHAUNCEY N. BROWN-BARNWELL, Party of the Second Part;

Grantee mailing address: Chauncey N. Brown-Barnwell
98 Union Cemetery Rd.
Hilton Head Island, South Carolina 29926

Nell Barnwell Hay

WITNESSETH

That the said Party of the First Part, for and in consideration of the sum of One (\$1.00) Dollar and no other valuable consideration to them in hand paid by the said Party of the Second Part, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has remised, and quitclaim unto the said Party of the Second Part, its successors and assigns, all of their rights, title and interest in and to the following described property to wit:

HILTON HEAD ISLAND, SOUTH CAROLINA
BEAUFORT COUNTY

SUBJ TO ROLL BACK TAX LIEN LOT 67 COTTON HOPE TIMBERLAND PB54
P66 DB02271919 PB91 P147 DB1466 P2341 0.83 AC DRAINAGE EASEMENT
(59500) TOWN OF HH JR # 114774 PIN RS10 003 000 0028 0000

TO HAVE AND TO HOLD said property, together with all and singular the rights, members and hereditaments, improvements, easements and appurtenances thereunto belonging or in anywise appertaining unto the Party of the Second Part, its successors and assigns, so that

Party of the First Part, nor his heirs and assigns, nor any person or persons claiming under or through them shall have, claim or demand any right to the above described property, or its appurtenances.

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set their hand and seal the day and year first above written.

Signed, sealed and delivered this

28th day of January, 2013

Donna W Perry
WITNESS

Nell B. Hay

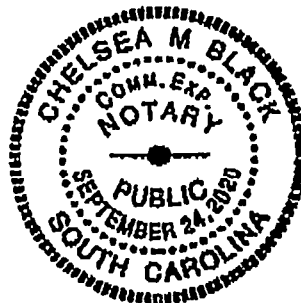
NELL B. HAY
AKA Nell Barnwell Hay

Monique Miller
WITNESS

Chelsea M Black

NOTARY PUBLIC

Beaufort County, South Carolina



STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

ACKNOWLEDGEMENT

I, the undersigned Notary Public do certify that Bill Barnwell and
personally appeared before me, and having satisfactorily proven to be the
persons or persons whose names are subscribed above, have acknowledged the
true execution of the within Bill Barnwell.

Witness my official seal this the 11 day of October, 2013

Chelsea M. Black
Notary Public for South Carolina

My Commission Expires: 09-24-2020

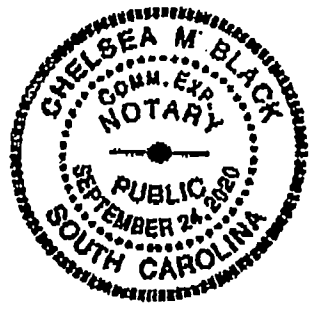


Exhibit F
QUIT CLAIM DEED
(GUM TREE)

STATE OF SOUTH CAROLINA

BEAUFORT COUNTY

QUIT CLAIM DEED

THIS INDENTURE made and entered into this 26th day of January, 2013,
between JANICE BARNWELL Party of the First Part, and NELL B. HAY, Party of the Second
Part;

Nell Barnwell Hay

Grantee mailing address: Nell B. Hay aka Nell Barnwell Hay
82 Union Cemetery Rd.
Hilton Head Island, South Carolina 29926

WITNESSETH

That the said Party of the First Part, for and in consideration of the sum of One (\$1.00) Dollar and no other valuable consideration to them in hand paid by the said Party of the Second Part, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has remised, and quitclaim unto the said Party of the Second Part, its successors and assigns, all of their rights, title and interest in and to the following described property to wit:

**HILTON HEAD ISLAND, SOUTH CAROLINA
BEAUFORT COUNTY**

**SUBJ TO ROLL BACK TAX LIEN LOT 7 GUMTREE RD SEC OF COTTON HOPE
PLANT PB46 P189 TIMBERLAND PIN R510 007 00D 0007 0000.**

TO HAVE AND TO HOLD said property, together with all and singular the rights, members and hereditaments, improvements, easements and appurtenances thereunto belonging or in anywise appertaining unto the Party of the Second Part, its successors and assigns, so that Party of the First Part, nor his heirs and assigns, nor any person or persons claiming under or through them shall have, claim or demand any right to the above described property, or its appurtenances.

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set their hand and seal the day and year first above written.

Signed, sealed and delivered this

26th day of January, 2013

M. Dunagin

WITNESS

Janae York

WITNESS

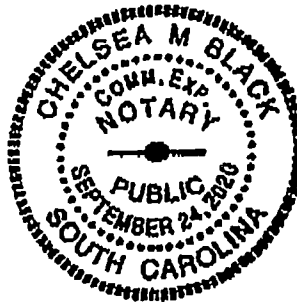
Chelsea M Black

NOTARY PUBLIC

Beaufort County, South Carolina

Janice Barnwell

JANICE BARNWELL



STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

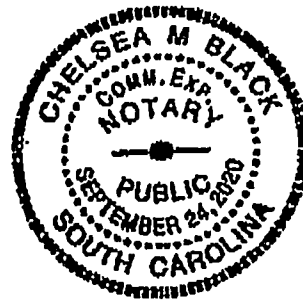
ACKNOWLEDGEMENT

the undersigned Notary Public do certify that Janice Barnwell
personally appeared before me, and having satisfactorily proven to be the
persons or persons whose names are subscribed above, have acknowledged the
due execution of the within Quit Claim Deed.

Witness my official seal this the 26 day of January, 2013.

Chelsea M Black
Notary Public for South Carolina

My Commission Expires: 9/24/2020



STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

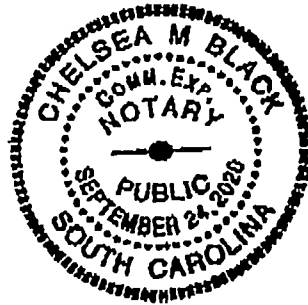
ACKNOWLEDGEMENT

, the undersigned Notary Public do certify that Janice Barnwell
personally appeared before me, and having satisfactorily proven to be the
persons or persons whose names are subscribed above, have acknowledged the
due execution of the within Quit Claim Deed.

Witness my official seal this the 26 day of January, 2013

Chelsea M Black
Notary Public for South Carolina

My Commission Expires: 9/24/20



Jenny A. Kitchings
Clerk of The South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

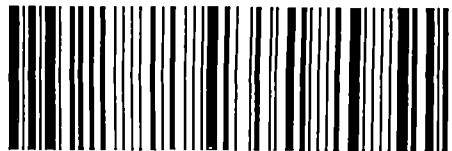
RECEIVED

MAY 23 2016

SC Court of Appeals



TRACKING NUMBER



1104 0781 6140 2803 86