

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

RECEIVED

JUN 13 2016

SC Court of Appeals

Case No. 2014-CP-10-0667

Equivest Financial, LLC, Respondent

v.

Mary B. Ravenel and AAA Plumbing, Inc., Defendants

Of Whom Mary B. Ravenel is the Appellant.

RECORD ON APPEAL

Bruce A. Berlinsky, Esquire
One Carriage Lane, Bldg. F
Charleston, SC 29407
(843) 852-2202
Attorney for Appellant

S.R. Anderson, Esquire
Law Office of Steven R. Anderson
2008 Marion Street, Suite J
Columbia, SC 29201
Attorney for Respondent

James B. Richardson, Jr., Esquire
1229 Lincoln Street
Columbia, SC 29201
Attorney for Respondent

June 6, 2016

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IN THE COURT OF COMMON PLEAS
Case No. 2014-CP-10-0667

Plaintiff,

Defendants.

ORDER

FILED
2018 SEP 29 PM 2:33
JULIE J. ARMSTRONG
CLERK OF COURT

AND IT IS SO ORDERED!

RECEIVED

MAY 18 2016

SC Court of Appeals


R. MARKLEY DENNIS, JR.
Presiding Judge

Charleston, South Carolina

September 28, 2015

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2014- CP-10-0667

Equivest Financial, LLC,

Mary B. Ravenel; AAA Plumbing, Inc.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

S.R. Anderson, Esq., P.O. Box 12188, Columbia, SC 29211-2188

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.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRCP; ☐ 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)
N/A		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order: All that certain piece, parcel or tract of land, situate, lying and being in the St. Pauls Parish, Charleston County, South Carolina, Measuring and containing 5.096 acres more or less, known as Lot 3 as shown on a plat entitled "Subdivision Plat of 11.235 acres,..." prepared by Lawrence J. Kennerty, Jr. SC Reg. No 12520 dated 12/05/01 and recorded in Plat Book EF at Page 536 in the RMC Office for Charleston County.

Said Lot having such size, shape, dimensions, buttings and boundings as will more fully appear by review

FILED

2015 JUL 27 PM 2:34
JULIE J. ARISTARCO
CLERK OF COURT

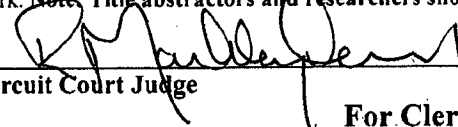
2

of the above described plat.

Being the same property conveyed to Lashanda Ravenel and Henry Lee Ravenel, II by deed of Mary Ravenel a/k/a Mary Brooks Ravenel dated 11/6/2007, and recorded 11/6/2007, in Book H643, Page 159.

TMS # 099-00-00-085

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

2060

Judge Code

7/23/2015
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:

S.R. Anderson, Esq.

P.O. Box 12188

Columbia, SC 29211-2188

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter: _____

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	C/A No.: 2014-CP-10-0667
Equivest Financial, LLC,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
Mary B. Ravenel; AAA Plumbing, Inc.,	)	
	)	
Defendants,	)	
	)	

FILED
 2015 JUL 27 PM 2:34
 JULIE J. ARMSTRONG
 CLERK OF COURT

This matter came before me on June 17, 2015. This is a tax sale action in which the Plaintiff seeks to quiet the title of the subject property. The Plaintiff was represented by S.R. Anderson and the Defendant, Mary B. Ravenel, was represented by Bruce Berlinsky.

HISTORY

The subject property was sold to the Plaintiff at the 2008 sale for the non-payment of the 2007 real estate taxes.

In an action captioned Lashanda Ravenel & Henry Lee Ravenel, II v. Equivest Financial, LLC, 2010-CP-10-8732, the Plaintiffs sought to set aside the tax sale and void the tax deed. The Plaintiffs in that action were the adult children of Mary Ravenel. Mrs. Ravenel testified at the trial of the case. The children were conveyed the subject property by their mother in accordance with a deed dated and recorded on November 6, 2007. The stated consideration was \$5, love and affection. Mother filed for bankruptcy on November 7, 2007.

That case, 2010-CP-10-8732, was tried before the Charleston County Master-In-Equity, who found that the tax sale was valid and that there was no delivery of the deed by Mother to the Children. The Master-In-Equity found that the deed was void and of no effect.

Rmott/1

The children appealed the case to the South Carolina Court of Appeals, which upheld the Master's Order upon the grounds that there was no delivery of the deed by Mother to the Children. Thereafter, the Plaintiff instituted the present action to quiet the title as to Mary Ravenel.

Section 12-51-160 provides that an action to recover real property sold at a tax sale must be brought within two (2) years from the date of the sale. As noted above, the Defendant in the present matter brought no action to set aside the tax sale and void the tax deed within the two year statute of limitations. After the elapse of two years, the tax sale and deed becomes incontestable on procedural or other grounds.

The Defendant asserts that the sale of property should have been conducted in her name, as she was the defaulting taxpayer.

The Defendant further asserts that she has remained in possession of the property since the tax sale and deed to the Plaintiff. Section 12-51-160 does not speak to the Defendant's occupancy of the property, only that the tax sale is incontestable two years after the sale.

Lastly, the Defendant contends that the defaulting taxpayer is entitled to the requisite notices under 12-51-40(b). The notices required by 12-51-40 et seq. are sent out after April 1st or as soon as practical thereafter. The defaulting taxpayers were the Defendant's children since they were granted the property in November of 2007. When the taxes were not paid by December 31, 2007, they, as the owners, were the defaulting taxpayers and only they were entitled to the 12-51-40(b) notice. The Court reviewed the file in this matter to include the Plaintiff's and Defendant's Memorandums of Authority, the Master's Order, and the ruling by the Court of Appeals appropriate statutes.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the testimony and pleadings, the Court finds, concludes and ORDERS as follows:

1. This Court has personal and subject matter jurisdiction over this matter.

RMDH/2

5

2. The Defendant has been hoisted by her own petard. It is clear that the Defendant intended to defraud her creditors when she conveyed the subject property to her adult children. The consideration was \$5, love, and affection; the Defendant recorded the deed, but never delivered it to them, never told them about the deed, continued to live in the home, and testified that it was her property.

The Defendant, who conveyed the property to her children, cannot now come to Court and contend that since the deed was set aside and void, she was the true owner of record and thus entitled to the statutory notices.

In Haynes Federal Credit Union v. Bailey, 327 S.C. 242, 489 S.E.2d 472 (1977), the Court judicially estopped a Defendant from taking a position opposite from the one taken at an earlier trial. In that action, the Defendant testified at trial that he had no interest in certain real property. At a second trial, the same Defendant asserted that he owned the subject real property.

In a bankruptcy proceeding, the debtor failed to include a malpractice claim against its lawyers. When the same debtor thereafter sued the same lawyers for malpractice, the Court dismissed the case as the debtor had not listed the potential claim against its lawyers in its bankruptcy filings. Southmark Corp. v. Trotter, 422 S.E.2d 265 (1994).

The Defendant is judicially estopped from claiming a position in the instant action, which is different from the position she took in 2010-CP-10-8732.

3. S.C. Code Section 12-51-160 is clear. An action to set aside a tax sale must be brought two (2) years after the tax sale. There is no requirement that the Plaintiff be in possession of the property, although the recording of a tax deed would evidence possession of the property in the Plaintiff.

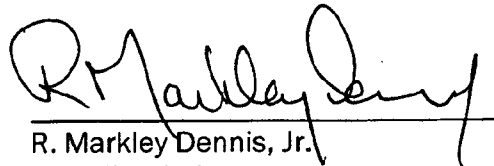
4. As title never passed to the Defendant's children, the property remained in her name. There is nothing of record which would have alerted the tax collecting officials that the Defendant had not delivered the deed to her children. It is the Defendant who supplied the

address on the deed to the children. She cannot be heard to complain that the notices went to an incorrect address or that the true owner of the property was not provided with the notices.

5. The tax sale and resulting tax deed are valid; title is quieted in the Plaintiff to the exclusion of the Defendants, Mary B. Ravenel and AAA Plumbing, Inc., who shall hereafter have no right, title, or interest in said property.

AND IT IS SO ORDERED

July 23, 2015
Moncks Corner, South Carolina


R. Markley Dennis, Jr.
Presiding Judge
Court of Common Pleas for the
Ninth Judicial Circuit

KNOW/4



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

December 23, 2013

Mr. Barry I. Baker
PO Box 31265
Charleston SC 29417-1265

Mr. Benjamin Goldberg
One Carriage Lane, Bldg. H
Charleston SC 29407

Mr. Steven R. Anderson
SR Anderson Law Office PO Box 12188
Columbia SC 29211-2188

Mr. James B. Richardson, Jr.
1229 Lincoln St.
Columbia SC 29201

Re: Lashanda Ravenel v. Equivest Financial
Appellate Case No. 2012-212772

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

Jenny A. Kitchings (st)

CLERK

cc: The Honorable Mikell R. Scarborough

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Lashanda Ravenel and Henry Lee Ravenel, II,
Appellants,

v.

Equivest Financial, LLC, Respondent,

v.

Mary M. Scarborough, Delinquent Tax Collector for
Charleston County; AAA Plumbing, LLC; Pep Boys,
Manny, Moe and Jack; Monogram Credit Card Bank of
Georgia; Discover Bank; SC Federal Credit Union;
Alabama Credit Corp. d/b/a Preferred Teachers
Association, Cross-Defendants.

Appellate Case No. 2012-212772

Appeal From Charleston County
The Honorable Mikell R. Scarborough, Master-in-Equity

Unpublished Opinion No. 2013-UP-495
Heard November 12, 2013 – Filed December 23, 2013

AFFIRMED

Barry I. Baker and Benjamin Goldberg, both of
Charleston, for Appellants.

Steven R. Anderson, of Law Office of Steven R.
Anderson, and James B. Richardson, Jr., both of
Columbia, for Respondent.

PER CURIAM: In this action to void a tax sale, Lashanda Ravenel and Henry Lee Ravenel, II, (Appellants) appeal from the Master-in-Equity's order quieting title in favor of Equivest Financial, LLC, a subsequent purchaser. Appellants argue the Master erred in the following: (1) failing to find the delinquent tax collector for Charleston County did not exercise due diligence when certified mailings were returned unsigned; (2) interjecting issues that were neither pled nor raised by the parties; (3) finding Appellants' predecessor-in-interest committed fraud upon her creditors, had unclean hands, and was judicially estopped from her assertions based on a bankruptcy proceeding; and (4) imputing the predecessor-in-interest's purported fraud to Appellants. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to the Master's finding the predecessor-in-interest failed to deliver the deeds to Appellants: Rule 220(c), SCACR (providing this court may affirm on any ground appearing in the record); *Atl. Coast Builders & Contractors, LLC v. Lewis*, 398 S.C. 323, 329, 730 S.E.2d 282, 285 (2012) ("[A]n unappealed ruling, right or wrong, is the law of the case."); *Sloan v. Friends of the Hunley, Inc.*, 369 S.C. 20, 28, 630 S.E.2d 474, 479 (2006) ("Generally, a party must be a real party in interest to the litigation to have standing."); *Donnan v. Mariner*, 339 S.C. 621, 626, 529 S.E.2d 754, 757 (Ct. App. 2000) ("A deed is not legally effective until it has been delivered.").

2. As to the remaining issues: *Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (providing an appellate court need not address remaining issues when resolution of a prior issue is dispositive).

AFFIRMED.

SHORT, WILLIAMS, and THOMAS, JJ., concur.

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2010 CP-10-8732

LASHANDA RAVENEL

EQUIVEST FINANCIAL LLC

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

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.
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- ☐ **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 PUBLIC INDEX

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

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

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

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

Circuit Court Judge

3062

Judge Code

05/30/2012

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:

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) C/A No.: 2010-CP-10-8732

Lashanda Ravenel and Henry Lee Ravenel, II,
Plaintiffs,

vs.

Equivest Financial, LLC,
Defendant/Cross-Plaintiff,

vs.

Mary M. Scarborough, Delinquent Tax Collector
for Charleston County; AAA Plumbing, LLC; Pep
Boys, Manny, Moe and Jack; Monogram Credit
Card Bank of Georgia; Discover Bank; SC Federal
Credit Union; Alabama Credit Corp. d/b/a
Preferred Teachers Association,
Cross-Defendants,

FINAL ORDER QUIETING TITLE

FILED
2012 JUN -5 AM 11:09
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

This is an action to set aside a tax deed heard by the undersigned on March 29, 2012. The Defendant counterclaimed against the Plaintiffs to confirm the tax deed and cross-claimed against certain Defendants who could claim an interest in the property via judgments of record.

The Plaintiffs were represented by Barry I. Baker and Benjamin Goldberg. The Defendant and Cross-Plaintiff were represented by S.R. Anderson.

William A. Scott filed an Answer to the Cross-Complaint on behalf of AAA Plumbing, LLC. Sarah Dolonzo-Baker filed an Answer to the Cross-Complaint on behalf of the Alabama Credit Corporation d/b/a Preferred Teachers Association.

This matter was referred to the undersigned via an Order of Reference with authority to enter a final judgment appealable directly to the South Carolina Court of Appeals.

A hearing was held on March 29, 2012, and attended by Mr. Baker, Mr. Goldberg, and Mr. Anderson.

The subject real property is a dwelling home which was originally conveyed to Mary Ravenel a/k/a Mary Brooks Ravenel via a deed dated October 22, 2001 as recorded in Book W386 at Page 813 and Book 520 at Page 646. Thereafter, Ms. Ravenel conveyed the subject real property to her daughter and son, Lashanda Ravenel and Henry Lee Ravenel, II, via a deed dated November 6, 2007, as recorded on November 6, 2007, in Deed Book 643 at Page 159.

When the 2007 real estate taxes remained unpaid, the Charleston County Delinquent Tax Collector levied upon the property in accordance with a levy notice dated May 22, 2008. When the levy notice was returned unclaimed, the property was posted on August 1, 2008. When the taxes remained unpaid, the property was sold at the November 3, 2008, tax sale. When the year anniversary of the sale date approached, notice of redemption was sent to the Plaintiffs; these notices were returned to the Delinquent Tax Collector unclaimed. Courtesy notices were sent to the Plaintiffs via regular mail.

When the property was not redeemed, a tax deed was delivered to the Cross-Plaintiff's predecessor dated July 28, 2010, as recorded in Book 137 at Page 821. The Cross-Plaintiff's predecessor then conveyed the subject real property to the Cross-Plaintiff via a deed recorded on October 4, 2010, in Book 147 at Page 241.

The Plaintiffs commenced this action on October 20, 2010. A Lis Pendens was filed on October 20, 2010.

The Plaintiffs allege that the Delinquent Tax Collector failed to follow the mandates as required by § 12-51-10 et seq. of the 1976 South Carolina Code of Laws as amended.

The Delinquent Tax Collector sent to the Plaintiffs the requisite notices at the address denoted on the deed conveying the subject real property to the Plaintiffs. This is the same Post Office box shown as the address on the Deed conveying the property to Mary Ravenel; P.O. Box 455, Hollywood, SC 29449. This Post Office box belonged to Mary Ravenel's mother and she would collect the mail and bring it to her daughter. At some point, Ms. Ravenel's mother obtained a new Post Office Box and it was to that address that the courtesy redemption letters were forwarded by the Post Office.

Upon receipt of the courtesy redemption letter which was addressed to her children, Ms. Ravenel called the Delinquent Tax Collector in an effort to save the property. The Delinquent Tax Collector advised Ms. Ravenel that in order to save the property from being deeded to the Cross-Plaintiff's predecessor she would have to pay the full redemption amount of \$27,849.06. Ms. Ravenel did not have the money, nor could she raise it in the nine (9) days remaining in the redemption period.

Although the subject real property was titled in her children's names, Ms. Ravenel had never delivered the deed to them, nor had she even told them about the conveyance. The Plaintiffs stated that they only learned about the deed and their ownership of the property when this law suit was commenced.

Ms. Ravenel, in her testimony, referred to the property as her property and she continued to reside in it throughout the pendency of this action. Lashanda Ravenel resided in her own home while Henry Lee Ravenel moved from the subject property to his father's home and back again.

Ms. Ravenel also considered the other four (4) properties conveyed to the Plaintiffs as being hers and referred to them as "my property".

The reason given by Ms. Ravenel for the transfer of the property to her children was to protect these assets from her creditors. Shortly after the conveyance, Ms. Ravenel filed for bankruptcy and on her sworn schedules she did not denote that she had recently conveyed the property to her children.

It is clear to the Court that Ms. Ravenel regarded the property as her own and the conveyance to the Plaintiffs was made in order to keep her creditors from collecting any amounts due them from the subject real property. The conveyance from Ms. Ravenel to the Plaintiffs is clearly in violation of § 27-23-10 of the South Carolina Code of Laws. In accordance with § 27-23-10, the deed from Mary Ravenel to the Plaintiffs, by her own admission, was intended to defraud her creditors. Such a deed is utterly void and of no effect or color. Ms. Ravenel's intent was to defraud her creditors is imputable to the Plaintiffs because of the lack of valuable consideration for the conveyance unto them.

With regard to the tax sale itself, South Carolina Code § 12-51-10 et seq. proscribes the steps which must be taken to sell property for the payment of real estate taxes. § 12-51-40 provides that the required noticed be sent to the best address available. This code section does not require the Delinquent Tax Collector to comb through all public filings to determine the defaulting taxpayer's address. In this regard, the taxpayer also has an obligation to keep the County current with the correct address. It was not until October 26, 2009, that the Delinquent Tax Collector received notice from the Post Office that the taxpayer's address had been changed to P.O. Box 263, Hollywood, SC. Even then, the address was that of Ms. Ravenel's mother and where she also received mail. This

address had no connection with the Plaintiffs. It is undisputed that Ms. Ravenel did receive a copy of the redemption letter and tried to act upon it.

South Carolina Code § 12-51-120 requires that the redemption letter be sent not less than twenty (20) nor more than forty five (45) days prior to the end of the redemption period. When the Delinquent Tax Collector received the updated address, it was nine (9) days prior to the end of the redemption period and to send a new notice would not have complied with the requisites of § 12-51-120. Even if a new redemption letter was sent, it would have gone to Ms. Ravenel's address and not that of the Plaintiffs. It was not the Plaintiffs nor Ms. Ravenel who changed the Post Office Box; it was Ms. Ravenel's mother's action.

After the running of the redemption period and prior to the issuance of a deed, neither the Plaintiffs nor Ms. Ravenel advised the Delinquent Tax Collector that the notices had been sent to an incorrect address.

The Plaintiffs also contend that the tax sale should be set aside because of the inadequacy of the bid. The Plaintiffs assert that the subject real property is worth in excess of one million (\$1,000,000.00) dollars and that the Cross-Plaintiff only paid \$130,000.00 at the sale. The inadequacy of a bid, however, is not sufficient, in and of itself, to upset a tax sale. The question is whether or not the bid is so inadequate so as to shock the conscious of the Court.

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

I hereby specifically find from the testimony and exhibits presented at trial:

1. Tax sales are governed by § 12-51-10 at seq. and all requisites mandated by these statutes must be performed.

2. The statutory requirements protecting against tax sale forfeiture of real property are to be strictly construed. Smith vs. Barr. 650 S.E.2d. 486 (SC App. 2007).

3. A tax deed must be held and taken as prima facie evidence of good title in the holder and that all proceedings have been regular and that all legal requirements have been complied with. § 12-51-160, Leysath vs. Leysath. 209 S.C. 342, 40 S.E.2d. 233 (1946). The burden of proving the title is defective is on the party attacking the deed. Leysath, supra.

4. The title to the property remains in the taxpayer for the twelve (12) months immediately following the tax sale. However, that title is defeatable upon failure to redeem the property during the twelve (12) months following the sale. Von Elbrecht vs. Jacobs. 286 S.C. 240, 332 S.E.2d. 568 (SC App. 1983). If the property is not redeemed, the defaulting taxpayer's title is defeated and the property is transferred to the successful bidder. §§ 12-51-90, 100, & 130.

5. Ms. Mary Ravenel conveyed the subject real property and four (4) other parcels to her children for five (\$5.00) dollars, love and affection.

6. The Plaintiffs were never made aware of the deed unto them, nor was the deed ever delivered to them.

7. Ms. Mary Ravenel clearly regarded all of the properties as hers and testified that the property was hers.

8. Ms. Mary Ravenel was the individual who tried to strike a deal with the Delinquent Tax Collector and it was she who attempted to raise the money to redeem the property.

9. The Plaintiffs had no knowledge or any concern with regard to the property until this action was commenced.

10. Ms. Mary Ravenel is the real individual in interest with regard to the subject real property. She used her money to build the house and it served as her primary residence.

11. It is Ms. Mary Ravenel who will benefit if the tax deed is set aside, not the Plaintiffs, who are simply straw owners.

12. If the tax deed is set aside, it is Ms. Mary Ravenel whose asset is protected.

13. In Wachovia Bank vs. Coffey 389 S.C. 68, 698 S.E.2d. 244 (SC App. 2010), our Court stated that no person should be permitted to acquire a right of action from their own unlawful action and that one who participates in an unlawful action cannot recover damages for the consequence of that action.

14. When the Plaintiffs became aware that their mother intended to defraud her creditors they then elected to participate in her fraud by bringing the present action. They should not now be granted the relief they seek as the actions of their mother are imputable to them. § 27-23-30 sets forth criminal prosecution for parties in privity to fraudulent conveyances and by the maintenance of this action, the Plaintiffs are now in privity with Ms. Ravenel.

15. Ms. Mary Ravenel and the Plaintiffs come to Court with unclean hands and thus they are barred from seeking equitable relief.

16. In Haynes Federal Credit Union vs. Bailey 327 S.C. 242, 489 S.E.2d. 472 (1977), a party testified at one trial that he had no interest in certain property. At a second trial, the same party stated that he owned the subject property. The Supreme Court stopped the party from testifying contrary to that presented at the first hearing.

17. In Southmark Corp. vs. Trotter 12165 A. App. 454, 422 S.E.2d. 265 (1994), our sister state of Georgia decided a case similar to the matter at hand. In bankruptcy proceedings, a Plaintiff

failed to include in its schedules a potential malpractice claim against its attorneys. The Court threw out the malpractice claim as it swore on the bankruptcy schedules it had no such claim.

18. In her bankruptcy filings, Ms. Mary Ravenel asserted she owned no real estate. She now claims that the tax deed to the property which is the subject of this action should be set aside as the Delinquent Tax Collector failed to follow the appropriate code sections.

19. The Plaintiffs seek to void the tax sale to property claimed by them which was conveyed by one having unclean hands.

20. To allow the Plaintiffs to void the tax sale would validate the conduct of Ms. Mary Ravenel; that same conduct is imputed on the Plaintiffs.

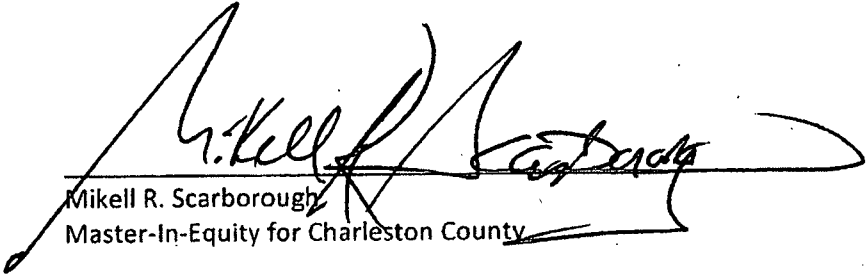
IT IS THEREFORE ORDERED as follows:

1. The title to the subject real property is quieted in the Cross-Plaintiff Equivest Financial, LLC, to the complete exclusion of the Plaintiffs and the Defendants named in the Cross-Complaint. Any interest held by the Plaintiffs or the Cross-Defendants in the subject real property is voided, ended, and terminated.

2. Title to the below described real property is quieted in Equivest Financial, LLC, to the exclusion of the Plaintiffs or Cross-Defendants.

AND IT IS SO ORDERED.

5/30, 2012
Charleston, South Carolina


Mikell R. Scarborough
Master-In-Equity for Charleston County

The premises covered and affected by this action are described as follows:

All that certain piece, parcel or tract of land, situate, lying and being in the St. Pauls Parish, Charleston County, South Carolina, Measuring and containing 5.096 acres more or less, known as Lot 3 as shown on a plat entitled "Subdivision Plat of 11.235 acres,..." prepared by Lawrence J. Kennerty, Jr. SC Reg. No 12520 dated 12/05/01 and recorded in Plat Book EF at Page 536 in the RMC Office for Charleston County.

Said Lot having such size, shape, dimensions, buttings and boundings as will more fully appear by review of the above described plat.

Being the same property conveyed to Lashanda Ravenel and Henry Lee Ravenel, II by deed of Mary Ravenel a/k/a Mary Brooks Ravenel dated 11/6/2007, and recorded 11/6/2007, in Book H643, Page 159.

TMS # 099-00-00-085

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

EQUIVEST FINANCIAL, LLC,)

Plaintiff,)

vs.)

MARY B. RAVENEL,)

Defendant.)

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

CASE NO.: 2014-CP-10-0667

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's Attorney:

S. R. Anderson, Bar No. _____

Address:

P.O. Box 12188, Columbia, SC 29211-2188

Phone: 803-252-2828 Fax 803-254-1935

E-mail: _____ Other: _____

Defendant's Attorney:

Bruce A. Berlinsky, Bar No. 671

Address:

P.O. Box 206, Charleston, SC 29402

Phone: 843-852-2202 Fax 843-852-4844

E-mail: bruce@berlinskylawfirm.com Other: _____

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

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

☐ **PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)**

SECTION I: Hearing Information

Nature of Motion: reconsider

Estimated Time Needed: 30 min

Court Reporter Needed: ☒ YES/☐ NO

SECTION II: Motion/Order Type

☐ Written motion attached

☐ Form Motion/Order

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

Signature of Attorney for ☐ Plaintiff / ☒ Defendant

August 6th, 2015
Date submitted

SECTION III: Motion Fee

☒ **PAID - AMOUNT: \$** _____

☐ **EXEMPT:**

(check reason)

☐ Rule to Show Cause in Child or Spousal Support

☐ Domestic Abuse or Abuse and Neglect

☐ Indigent Status ☐ State Agency v. Indigent Party

☐ Sexually Violent Predator Act ☐ Post-Conviction Relief

☐ Motion for Stay in Bankruptcy

☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)

☐ Proposed order submitted at request of the court; or,
reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter: _____

☐ Other: _____

JUDGE'S SECTION

☐ Motion Fee to be paid upon filing of the attached order.

☐ Other: _____

JUDGE CODE _____

Date: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____

☐ **MOTION FEE COLLECTED: \$** _____

☐ **CONTESTED - AMOUNT DUE: \$** _____

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS

CASE NO.: 2014-CP-10-0667

Equivest Financial, LLC,

Plaintiff,

vs.

Mary B. Ravenel; AAA Plumbing, Inc.,

Defendants.

**NOTICE OF MOTION AND
MOTION TO RECONSIDER**
(Rule 59(e), SCRCP)

FILED
2015 AUG 10 PM 3:38
JULIE J. ARMSTRONG
CLERK OF COURT

TO: S.R. ANDERSON, ESQUIRE, ATTORNEY FOR PLAINTIFF:

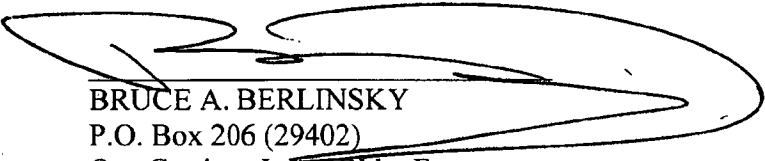
PLEASE TAKE NOTICE that Defendant Mary B. Ravenel by and through her undersigned attorney, will move before The Honorable R. Markley Dennis, Jr., Presiding Judge for the Court of Common Pleas for the Ninth Judicial Circuit, pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure at a time to be set by the Court, to alter, amend, or reconsider the Court's Order dated July 23, 2015, filed on July 27, 2015, and never received by Defendant's counsel, on the following grounds:

1. The Order executed by the Court asserts that there was testimony taken at the hearing held June 17, 2015. However, the Court did not hear any testimony in the matter.
2. The Court erred in not finding Mary B. Ravenel was the owner of the property at the time of the tax sale in accordance with the decision of the Court of Appeals.
3. Ms. Ravenel was not a party to the previous action and is, therefore, not bound by the Order issued by the Honorable Mikell R. Scarborough, Case Number 2010-CP-10-8732.

4. However, if the Court believes that Ms. Ravenel was bound by the above-referenced order, the Court erred in finding judicial estoppel applied to Ms. Ravenel. The Order from the previous action, Case Number 2010-CP-10-8732, states, "Ms. Mary Ravenel clearly regarded all of the properties as hers and testified that the property was hers." Ms. Ravenel's position that the property was hers did not change in the instant action and therefore judicial estoppel does not apply.
5. The Court improperly applied Hayne Federal Credit Union v. Bailey, 327 S.C. 242, 489 S.E.2d 472 (1977) and Southmark Corp. v. Trotter, 422 S.E.2d 265 (1994) in the following particulars, to-wit: (1) when it stated that the Defendant was judicially estopped from claiming a position different from the one she claimed in a previous action and (2) making a finding that Ms. Ravenel intended to defraud her creditors, which is not supported by anything in the record presented to the Court.
6. The Court failed to fully address the case law set for in *Rives v. Bulsa*, 478 S.E.2d 878 (Ct. App. 1996) and *Osborne v. Vallentine*, 12 S.E.2d 856 (1941) that requires a tax sale to be conducted against the true owner of the property even though the tax collector does not have notice as to the true owner of the property. The tax sale is void for failure of the property to be levied, advertised, and sold in the name of the true owner.
7. The Court erred in not finding the tax sale void as per the above-referenced case law.
8. The Court improperly applied Section 12-51-160 finding that an action to set aside a tax sale must be brought within two (2) years and failed to consider the case law in *Reeping v. JEBBCO, LLC, et al.*, 402 S.C. 195, (2013) where the Court found the statute of limitations does not apply when a tax sale was void upon its face.

9. The Court erred in failing to find that the delinquent tax collector did not comply with S.C. Code Section 12-15-40(b) that requires all notices to be sent to the defaulting taxpayer and any grantee of record of the property. Based on the foregoing, notices were required to be sent to Mary Ravenel as the defaulting taxpayer of the property as of January 1, 2007. The basis of which is reflected on the Execution Notice dated April 7, 2008, Notice of Levy dated May 22, 2008, and the Posting Slip posted August 1, 2008, all of which were admitted as exhibits in the instant case.

Respectfully Submitted,



BRUCE A. BERLINSKY
P.O. Box 206 (29402)
One Carriage Lane, Bldg. F
Charleston, SC 29407
843.852.2202
ATTORNEY FOR DEFENDANT

Charleston, South Carolina
Aug 6, 2015

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Equivest Financial, LLC,

Plaintiff,

versus

Mary B. Ravenel,

Defendant.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2014-CP-10-0667

CERTIFICATE OF MAILING

I, Jessica Reynolds, legal assistant to Bruce A. Berlinsky, Esquire, do hereby certify that I have this date mailed a true and correct copy of the foregoing **MOTION COVERSHEET** and **NOTICE OF MOTION AND MOTION TO RECONSIDER**, postage prepaid, and deposited with the United States Postal Service as follows:

Honorable R. Markley Dennis, Jr.
Chief Administrative Judge
Ninth Judicial circuit
PO Box 1800
Moncks Corner, SC 29461

S.R. Anderson, Esquire
Law Office of Steven R. Anderson
2008 Marion Street, Suite J
Columbia, SC 29201
ATTORNEY FOR PLAINTIFF

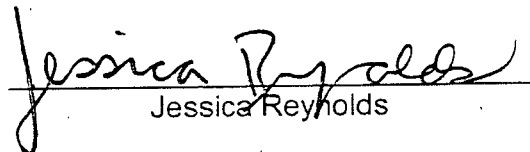
BY _____

JULIE J. ARMSTRONG
CLERK OF COURT

2015 AUG 10 PM 3:38

FILED

Dated this 6th day of August, 2015.


Jessica Reynolds

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Equivest Financial, LLC,

Plaintiff,

vs.

Mary B. Ravenel,

Defendant,

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

Docket No.: 2014-CP-10-0667

Plaintiff's Attorney:

S.R. Anderson, Bar No. 391
Address: PO Box 12188, Columbia, SC 29211-2188
Phone: (803) 252-2828 Facsimile: (803) 254-1935
E-mail: sraatlaw@bellsouth.net
Other: _____

Defendant's Attorney:

Bruce A. Berlinksy, Bar No. _____
Address: P.O. Box 206, Charleston, SC 29407
Phone: (803) 852-2202 Facsimile: _____
E-mail: _____
Other: _____

- ☒ MOTION HEARING REQUESTED (attach written motion and complete Sections I and III)
☐ FORM MOTION, NO HEARING REQUESTED (complete Sections II and III)
☐ PROPOSED ORDER/CONSENT ORDER (complete Sections II and III)

SECTION I: Hearing Information

Nature of Motion: Summary Judgment
Estimated Time Needed: 15 minutes
Court Reporter Needed: ☐ YES / ☐ NO

SECTION II: Motion/Order Type

- ☒ Written Motion Attached
☐ Form Motion/Order

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

Signature of Attorney for ☒ Plaintiff / ☐ Defendant

March 31, 2015
Date Submitted

SECTION III: Motion Fee

- ☒ Paid - Amount \$25.00
☐ Exempt: (check one reason)
☐ Rule to Show Cause in Child or Spousal Support
☐ Domestic Abuse or Abuse and Neglect
☐ Indigent Status
☐ Sexually Violent Predator Act
☐ Motion for Stay in Bankruptcy
☐ Motion for Publication
☐ Proposed Order Submitted at Request of the Court, or reduced to writing from Motion made in open Court per Judge's instructions.
Name of Court Reporter: _____
☐ Other: _____
☐ State Agency v. Indigent Party
☐ Post-Conviction Relief
☐ Motion for Execution (Rule 69, SCRPC)

JUDGE'S SECTION

- ☐ Motion Fee to be paid upon filing of attached Order. JUDGE CODE: _____ Date: _____
☐ Other: _____ Judge's Signature: _____

CLERK'S VERIFICATION

Collected By: _____ Date Filed: _____
☐ Motion Fee Collected: \$ _____ ☐ Contested - Amount Due \$ _____

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON) C/A No.: 2014-CP-10-0667

Equivest Financial, LLC,)

Plaintiff,)

vs.)

Mary B. Ravenel; AAA Plumbing, Inc.,)

Defendant,)

NOTICE OF MOTION AND MOTION
FOR SUMMARY JUDGMENT

FILED
2015 APR -3 AM 11:56
JULIE J. ARMSTRONG
CLERK OF COURT
BY

TO: THE DEFENDANT AND HER ATTORNEY, BRUCE A. BERLINSKY:

YOU WILL PLEASE TAKE NOTICE that the undersigned, as attorney for the Plaintiff, will move the Court ten (10) days hence, or as soon thereafter as counsel may be heard, for an Order granting the Plaintiff summary judgment in the above matter.

The Plaintiff's motion is based upon the statutory and case law as existing in this State.

Specifically, the Plaintiff will show that this is a tax sale case involving real property located in Charleston County, South Carolina. S.C. Code Section 12-51-160 provides that no action may be brought for the return of property sold at a tax sale more than two (2) years after the sale of same. More than (2) years have elapsed since the property was sold to the Plaintiff. There are no issues of fact to be decided by a jury and the Plaintiff is entitled to a judgment as a matter of law.



S. R. Anderson
2008 Marion Street, Suite J (29201)
PO Box 12188
Columbia, SC 29211
(803) 252-2828

March 31, 2015

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) C/A No.: 2014-CP-10-0667

Equivest Financial, LLC,)
Plaintiff,)
vs.)
Mary B. Ravenel; AAA Plumbing, Inc.,)
Defendants,)

CERTIFICATE OF SERVICE

FILED
2015 APR -3 AM 11:56
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

This is to certify that I mailed a true and correct copy of the below noted document(s) on March 31, 2015, to the parties listed below by the method noted:

Served By:

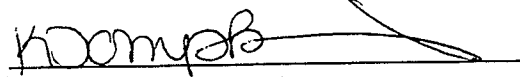
☒ US Mail ☐ Certified Mail, Return Receipt Requested ☐ Restricted Delivery
☐ Facsimile ☐ Electronic Mail (E-mail) ☐ Personal Service

Document(s) Being Served:

Notice of Motion and Motion for Summary Judgment

Party/Parties Being Served:

Bruce Berlinksy, Esq.
P.O. Box 206
Charleston, SC 29402


Kimberly Tompkins
Paralegal to S.R. Anderson

1 STATE OF SOUTH CAROLINA)
) Court of Common Pleas
 2 COUNTY OF CHARLESTON) Case No. 2014-CP-10-0667
)
 3 _____)
 4 EQUIVEST FINANCIAL, LLC,)
)
 5 Plaintiff,)
)
 6 vs.) Transcript of Record
)
 7 MARY B. RAVENEL and)
 8 AAA PLUMBING, INC.,)
)
 9 Defendants.) DATE: June 17, 2015
)
 10 _____)

11 B E F O R E:

12 The Honorable R. Markley Dennis, Jr.

13 A P P E A R A N C E:

14 BRUCE A. BERLINSKY, P.A.
 15 Attorney for the Plaintiff

16 S.R. ANDERSON
 17 Attorney for the Defendants

18 Karen V. Andersen, RMR, CRR
 19 Circuit Court Reporter
 20
 21
 22
 23
 24
 25

INDEX

EXHIBITS

3	Exhibit	Description	Identification	Evidence
4	Joint Exh. 1	Title to real estate	2	14
5	Joint Exh. 2	Execution notice	3	14
6	Joint Exh. 3	Official notice of levy	3	14
7	Joint Exh. 4	Three photographs	3	14
8	Joint Exh. 5	Affidavit of publication	3	14
9	Joint Exh. 6	Final notice of property redemption; (three-pages)	3	14
10	Joint Exh. 7	Final notice of property redemption (3 pages)	3	14
11				
12	Joint Exh. 8	Final notice of property redemption (3 pages)	3	14
13				
14	Joint Exh. 9	Tax deed	3	14
15	Joint Exh. 10	Tax sale	3	14
16	Joint Exh. 11	Notice to quit premises	3	14
17	Joint Exh. 12	Delineating list screen	3	14
18	Joint Exh. 13	2008 tax sale checklist	3	14

18

19

20

21

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23

24

25

1 (Joint Exhibit 1, Title to real estate, was marked
2 for identification.)

3 (Joint Exhibit 2, Execution notice, was marked for
4 identification.)

5 (Joint Exhibit 3, Official notice of levy, was
6 marked for identification.)

7 (Joint Exhibit 4, Three photographs, was marked for
8 identification.)

9 (Joint Exhibit 5, Affidavit of publication (7
10 pages), was marked for identification.)

11 (Joint Exhibit 6, Final notice of property
12 redemption; (three-pages), was marked for identification.)

13 (Joint Exhibit 7, Final notice of property
14 redemption (three pages), was marked for identification.)

15 (Joint Exhibit 8, Final notice of property
16 redemption (3 pages), was marked for identification.)

17 (Joint Exhibit 9, tax deed, was marked for
18 identification.)

19 (Joint Exhibit 10, tax sale, was marked for
20 identification.)

21 (Joint Exhibit 11, Notice to quit premises, was
22 marked for identification.)

23 (Joint Exhibit 12, Delineating list screen, was
24 marked for identification.)

25 (Joint Exhibit 13, 2008 tax sale checklist, was

1 marked for identification.)

2 THE COURT: I've had a chance to review the
3 memorandum Mr. Berlinsky also incorporated in the file.
4 Thank you very much for that. I also had a chance to review
5 the file, and I've reviewed, to some extent, Judge
6 Scarborough's order in the prior case. So I understand what
7 your position is. I would be happy to hear from you all.
8 Are you ready to move forward?

9 MR. ANDERSON: I'm ready to move forward.

10 MR. BERLINSKY: Yes. We can call the first
11 witness.

12 THE COURT: My question is, you are seeking to set
13 aside a deed that was -- no question that it was not brought
14 against Ms. Ravenel, your client?

15 MR. BERLINSKY: Correct.

16 THE COURT: And it was brought, but no question your
17 client testified in the case before Judge Scarborough? No
18 question she tried to have the property redeemed? No
19 question about that, is there? Why was this not raised in
20 the first action?

21 MR. BERLINSKY: She was not made a party to that
22 action.

23 THE COURT: But she testified.

24 MR. BERLINSKY: I understand she testified.

25 THE COURT: I understand that. But, first of all,

1 she created the problem. How do you get around that?

2 MR. BERLINSKY: Well, let's go back to what the
3 statute says.

4 THE COURT: No, no, no. Let's not play games with
5 the statute. I can read the statute. She created the
6 problem. She did it by her own testimony -- according to
7 Scarborough's order which has been affirmed -- to basically
8 protect creditors from coming after her. So she put it in
9 the name of someone else, but it was never intended to be in
10 the name of anybody else because she's living in it today,
11 correct?

12 MR. BERLINSKY: Correct.

13 THE COURT: So how in the world does this lady have
14 the benefit? And she doesn't appear. Her daughter is
15 basically doing it for her in the action that was filed
16 previously. I mean, that's what it was all about. The
17 daughter didn't want the property.

18 MR. BERLINSKY: Well, I wasn't involved in that one,
19 so I don't know.

20 THE COURT: This whole thing is the biggest sham in
21 the world. And you want the Court to participate in and
22 reward her?

23 MR. BERLINSKY: Well, I don't think it's a sham.

24 THE COURT: I think it's a royal sham and it needs
25 to be argued to the Supreme Court if you want to argue that,

1 but there's no way in the world that you bring an action and
2 you are not -- you are not a party. I agree with you. But
3 you are very much involved in it, because Judge Scarborough
4 noted -- noted her testimony. I mean, the daughter didn't
5 want the property. She was already living somewhere else,
6 correct?

7 MR. BERLINSKY: That's my understanding.

8 MR. ANDERSON: Correct.

9 THE COURT: Well, your understanding, that is what
10 the record says. I mean, there's no question.

11 MR. BERLINSKY: That is what I understand from the
12 record, yes, sir.

13 THE COURT: And your client testified to that.

14 MR. BERLINSKY: Yes, sir.

15 THE COURT: Okay. And now she's coming in and
16 saying: Oh, by the way, you can't have this property because
17 you didn't bring it into my name, while I created the
18 dilemma, I'm the person that -- it was in my name as of
19 November 2007. Which, by the way, the tax year, I think,
20 runs from, what; when does it run?

21 MR. ANDERSON: December 31st is the end.

22 THE COURT: Yeah. So it starts in January, correct?

23 MR. BERLINSKY: Correct.

24 THE COURT: So there's no question that insofar as
25 the deed, the deed was brought -- I mean, the title, the

1 action was brought in the name of the daughter, because the
2 deed had been recorded, correct?

3 MR. ANDERSON: Son and daughter.

4 THE COURT: Yeah, but the deed had been recorded.

5 MR. ANDERSON: Yes, sir.

6 MR. BERLINSKY: The deed had been recorded.

7 THE COURT: By whom?

8 MR. ANDERSON: By Ms. Ravenel.

9 THE COURT: I understand that, by Ms. Ravenel. I
10 understand. It's a game. That's what I'm saying. She just
11 put it in there and then says: By the way, I'm creating a
12 defense here that I don't have to raise in the action to set
13 aside the deed. I don't have to raise that, because I know
14 I've got the bottom line. I've got the trump card.

15 Right?

16 MR. BERLINSKY: Well, I don't know, because --

17 THE COURT: Yeah. And tell me how the two-year
18 statute doesn't apply when you are actively involved in it?
19 You said it doesn't begin to run until they occupy it.

20 MR. BERLINSKY: That's because that's what the case
21 law, I mean, of the state says.

22 THE COURT: Okay. That's fine.

23 MR. BERLINSKY: Not occupy, but take possession.
24 And they didn't take possession. They didn't attempt to take
25 possession until April 6th when they filed an eviction in the

1 Ravenel magistrate court.

2 THE COURT: And now you have the right to come in
3 and say, I'm going to challenge everything because I sat
4 around and I just watched all of this happen; and not only
5 watched it, I made it happen. Correct? I mean, how do you
6 not answer that question you are correct? She made it
7 happen. It was a fraud. It was just what Judge Scarborough
8 declared. It was a violation of the Statute of Elizabeth,
9 hands down. That is what he said, basically, in his order.
10 And I don't quarrel with him. In fact, I thought the statute
11 had treble damages if you use it against someone.

12 And that's really -- I mean, this person is doing
13 things wrong and you want to be rewarded?

14 MR. BERLINSKY: I don't want to be rewarded.

15 THE COURT: That is what you want. All right. I
16 will tell you what, why can't y'all put a stipulation of what
17 the testimony is so that we don't have to worry about -- I
18 mean, it is what it is. Lord knows, I mean, you've got --
19 the record is replete. What are you going to testify to
20 otherwise other than the fact that it wasn't titled in her
21 name and they didn't bring it in her name? They brought
22 it -- they brought the tax sale suit in the name of the --
23 according to the record, in the children's name.

24 MR. ANDERSON: That's correct.

25 MR. BERLINSKY: That's correct.

1 THE COURT: And there's no question, according to
2 the decision of Judge Scarborough, and only then, correct,
3 because until Judge Scarborough ruled, there's nothing wrong
4 with the record, is there?

5 MR. ANDERSON: No.

6 THE COURT: I'm asking Mr. Berlinsky. There's
7 nothing wrong with the recorded -- with the record that puts
8 the world on notice. Okay? We all know. I remember one
9 thing from law school, you can even deliver the deed, but if
10 you don't record it and somebody else gets it -- and I had
11 one in checking the title where that happened. Speedy Felkel
12 used to create -- you probably runs into that too, where you
13 build those subdivisions and then he would change the
14 corporation and he would convey -- the deed would say all of
15 the property not previously conveyed. So, basically, my
16 people, unfortunately, didn't record their deed until after
17 that, so they lost their deed. So I understand how it works.

18 But at the time that -- the time that the county
19 said, we are going to have to move forward and sell this
20 property, they issued the deed and they issued everything in
21 accordance with the record which existed at that time.
22 Correct?

23 MR. BERLINSKY: Well, not exactly, Your Honor.

24 THE COURT: Oh, really?

25 MR. BERLINSKY: Because the record also shows Mary

1 Ravenel as the defaulting taxpayer.

2 THE COURT: Well, she was a defaulting taxpayer
3 because she owned the property in 2007, correct?

4 MR. BERLINSKY: Correct.

5 THE COURT: And then deeded the property out, but
6 taxes accrued in 2007.

7 MR. BERLINSKY: Correct.

8 THE COURT: And began in January and she owned the
9 property at that time?

10 MR. BERLINSKY: That's correct.

11 THE COURT: But they brought it properly in the name
12 of the party who was then the matter of record when they
13 initiated it.

14 MR. BERLINSKY: Well, and therein is my argument,
15 Judge. Under 12-51-40, it has to be brought in both the
16 grantees of record and the defaulting taxpayer's name.

17 THE COURT: What's your response to that?

18 MR. ANDERSON: But --

19 MR. BERLINSKY: And they only brought it in the name
20 of the grantee's --

21 THE COURT: But, again, you have brought an action,
22 or she's brought an action to set aside the tax deed,
23 correct?

24 MR. BERLINSKY: To avoid the tax sale entirely.

25 THE COURT: And you are saying that I can have a

1 bite at the apple, don't have to participate in that and
2 don't have to raise that? You don't think you are estopped
3 from raising that now when you take that issue all the way to
4 the Supreme Court or Court of Appeals?

5 MR. BERLINSKY: Not when she wasn't a party.

6 THE COURT: I will tell you what --

7 MR. BERLINSKY: I understand.

8 THE COURT: I will tell you what. Let's just have a
9 stipulation that that's your basis that's solely based in
10 your memorandum. And I respect Judge Nicholson. I just
11 don't know what facts I'm going to hear. What's the issue of
12 fact here? What's the material issue of fact that means I've
13 got to decide some factual issue?

14 MR. BERLINSKY: The material issue of fact is
15 whether the county notified the defaulting taxpayer, Ms.
16 Ravenel.

17 THE COURT: Okay. And Ms. Ravenel, there's no
18 question there's testimony that she appeared and tried to
19 negotiate this property's return, because she testified to
20 that?

21 MR. BERLINSKY: That's correct.

22 THE COURT: So there's no question she had notice,
23 correct? How could you not -- how could you negotiate if you
24 didn't have notice?

25 MR. BERLINSKY: Yes, but, again, the case law

1 says --

2 THE COURT: That's fine. I appreciate your argument
3 there. I appreciate you. That's why I said, let's frame it
4 so that you can argue that. And we can find out if the Court
5 is going to say, yeah, we are going to let this person who
6 created this giant sham, who participated in an action and
7 set it aside, lost, and now is going to come back and say,
8 oh, yeah, this is the way we are going to do it and, by the
9 way, you can't call the statute -- you can't say statute of
10 limitations ran because I rarely lived on the property all
11 the time.

12 I think that's the biggest -- if that's what the
13 Court wants to do, reverse me. That's okay. I'm comfortable
14 with it. I think it's wrong, totally wrong. And that's the
15 reason for it.

16 So that is your basis? Prepare an order that
17 says -- why should I not do that? Why should I not set it
18 aside?

19 MR. ANDERSON: You should set it aside.

20 THE COURT: I know.

21 MR. ANDERSON: Can't be set aside.

22 THE COURT: Why?

23 MR. ANDERSON: It's a valid tax sale, Judge. And
24 she cannot come into court, as you've indicated, and argue
25 one place one thing and another place another thing. She's

41

1 judicially estopped from doing that.

2 THE COURT: I agree with you. Prepare an order that
3 sets forth judicial estoppel. I think tax sale -- I think
4 that statute of limitations runs as well, because you did it
5 on the record. There was nothing to set aside the deed until
6 2010 when that order was -- whenever it came back from the
7 Court of Appeals, I guess, is when it was finalized. But
8 from the standpoint -- and when was that?

9 MR. ANDERSON: When was what, Judge?

10 THE COURT: When was the remittitur? I saw that on
11 the file. I've got it, 2010 case.

12 MR. BERLINSKY: The Court of Appeals filed their
13 order in December of 2013. So I guess the remittitur would
14 have been sent back down here shortly thereafter.

15 THE COURT: All right. And you took this action to
16 have her evicted 2015?

17 MR. BERLINSKY: Yes, sir.

18 THE COURT: Can't take any action to do anything
19 until the appeals is concluded, correct?

20 MR. BERLINSKY: Correct.

21 THE COURT: That would be foolish. That would be
22 improper. She could get a stay on that very quickly, because
23 if they are wrong and they said that it was done improperly,
24 then she would be entitled to stay there. So you can't just
25 say, well, they just sat around and did nothing, because they

1 didn't sit around and do nothing. They've been fighting -- I
2 assume you fought it all the way to the Court of Appeals.

3 MR. ANDERSON: And the Supreme Court.

4 THE COURT: And the Supreme Court. So, clearly, all
5 of those things, I think, now you basically are having the
6 lady who is claiming "I didn't have notice" who was actively
7 involved is now claiming a technical notice.

8 And I don't quarrel with your argument. I mean, you
9 are correct in your reading of the cases. And I don't
10 quarrel with what they say. I just don't believe it. I
11 think she's judicially estopped from doing that.

12 MR. ANDERSON: And aren't you saying as well
13 two-year statute?

14 THE COURT: I think the two-year statute applies.
15 Okay? So if you will prepare the order to that effect and
16 send it first to Mr. Berlinsky.

17 Mr. Berlinsky, if there's anything that you need to
18 add to protect your record, you let me know and I will be
19 glad to do that. Because I really think the record in this
20 case -- I don't think we need to have testimony and put you
21 all through that.

22 MR. BERLINSKY: Right, because we've agreed on the
23 joint exhibits, so the exhibits are the exhibits. They say
24 what they say.

25 THE COURT: All the exhibits are admitted and are

1 now part of the record fully, as-is your memorandum.

2 (Whereupon, Joint Exh. 1 through 13 are received in
3 evidence.)

4 THE COURT: And, basically, you are relying on --
5 and we've got the case. We've had the case. And I'm relying
6 on my reading of the case that was tried 2010. What was the
7 master's? 2010-CP-10-8732.

8 MR. ANDERSON: And this is Mr. Gregory, who is the
9 delinquent tax collector, who is here to testify.

10 THE COURT: You know, frankly, Judge Scarborough
11 found -- really, he did exactly what he said. He said the
12 deed was good. He said there was nothing wrong with it.
13 That's what that order says. But I understand your client
14 wasn't a party. So I really don't know -- I just don't know
15 how -- I mean, if we had people -- let me put this on there
16 too so the Court can understand my rationale.

17 If she had conveyed that property to me, and I had
18 no connection with her whatsoever, maybe, maybe you may have
19 a little bit more, in my opinion, a little more argument.
20 But you've got somebody that was almost a part of the scheme,
21 I mean, really.

22 She's coming in and bringing -- she's bringing a
23 tax -- she's bringing an action to set aside a tax deed that
24 she said, well, it's not my property, it's my mother's
25 property, I'm just doing this for mom.

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1 I mean, really, she didn't have any interest in it.
2 She said, I didn't even know I had it. So, clearly,
3 everything that was done was for mom. And so all of this,
4 all of this is so intertwined, there's just no way in the
5 world I can now, with good conscience, say, yeah, you are
6 right, that's what it is because of the letter of the law.

7 Somewhere along the line you've got to say, hum-um,
8 that is not so. And we've got to rely on records. And we
9 have to -- people have the right to rely on tax deeds,
10 validity of the tax deed as well. And I think that's
11 important, just as important to our society.

12 You heard me talk about the lady that I represented,
13 Miss Rose from Rhode Island. I never saw her and she never
14 really came to Moncks Corner, but in that case, they brought
15 it in the wrong name and improper address. And we were
16 successful. So I'm familiar with what you have to do. I've
17 been up on that issue. But I just think in this case, I
18 think judicial estoppel as well as the statute of limitations
19 runs against it. Okay?

20 Thank you very much. Appreciate it. Thank you all
21 for your patience in letting me look at the file.

22 MR. ANDERSON: Yes, sir.

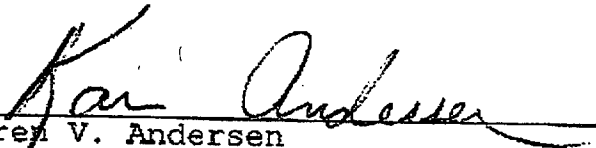
23 (Whereupon, the proceedings are adjourned.)
24
25

CERTIFICATE OF REPORTER

I, Karen V. Andersen, Registered Merit Reporter
certified Realtime Reporter, and Notary Public for the State
of South Carolina at Large, do hereby certify that the
foregoing transcript is a true, accurate and complete
Transcript of Record of the proceedings.

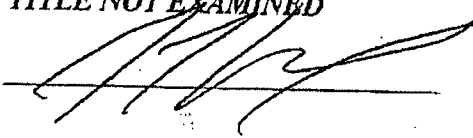
I further certify that I am neither related to nor
counsel for any party to the cause pending or interested in
the events thereof.

Witness my hand, I have hereunto affixed my official
seal this 7th day of December, 2015, at Charleston,
Charleston County, South Carolina.


Karen V. Andersen
Registered Merit Reporter
Certified Realtime Reporter
My Commission expires:
September 14, 2016

G. THOMAS HILL, ESQUIRE
HILL, HILL & HILL
6209 SAVANNAH HIGHWAY
POST OFFICE BOX 369
RAVENEL, SOUTH CAROLINA 29470

BK H 643PG159
TITLE NOT EXAMINED



STATE OF SOUTH CAROLINA,

TITLE TO REAL ESTATE

COUNTY OF CHARLESTON,

KNOW ALL MEN BY THESE PRESENTS, That I, Mary Ravenel aka Mary Brooks Ravenel (hereinafter whether singular or plural the "Grantor") in the State aforesaid, for and in consideration of the sum of Five and No/100—(\$5.00)---Dollars love and affection from my son and my daughter, to the Grantor paid by and by these presents does grant, bargain, sell and release unto the said Grantee, Lashanda Ravenel and Henry Lee Ravenel, II (hereinafter whether singular or plural the "Grantee") has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said Grantee, Lashanda Ravenel and Henry Lee Ravenel, II, as joint tenants with the right of survivorship, not as tenants in common, the survivor's heirs and assigns forever, the following described property, to wit:

See: Exhibit A- Legal Description of Tax Map Number:099-00-00-085

Exhibit B- Legal Description of Tax Map Number:099-00-00-113

Exhibit C- Legal Description of Tax Map Number:099-00-00-114

Exhibit D- Legal Description of Tax Map Number:099-00-00-116

Exhibit E- Legal Description of Tax Map Number:164-00-00-304

Grantee's Address: PO Box 455,
Hollywood, SC 29449

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said Grantee, and by these presents does grant, bargain, sell and release unto the said Grantee Lashanda



Ravenel and Henry Lee Ravenel, II, as joint tenants with the right of survivorship, not as tenants in common, the survivor's heirs and assigns forever.

And the Grantor does hereby warrant that the above described premises are free, clear, and discharged from any and all encumbrances, liens, judgments, and claims of any nature whatsoever, and Grantor does hereby bind ourselves and Grantor's Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Grantee and their Heirs and Assigns, forever, against the Grantor and the Grantor's Heirs and against any and every person whomsoever lawfully claiming or to claim, the same or any part thereof.

WITNESS the Hands and Seals of the Grantor herein this 6 day of November in the year of our Lord two thousand seven and in the two hundredth and thirty-first year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered
in the presence of

[Signature]
Witness A

[Signature] (Seal)
Mary Ravenel

[Signature]
Witness B

[Signature] (Seal)
aka Mary Brooks Ravenel

STATE OF SOUTH CAROLINA,
COUNTY OF CHARLESTON,

ACKNOWLEDGMENT

SWORN TO AND ACKNOWLEDGED before me the grantors herein, namely Mary Ravenel aka Mary Brooks Ravenel me this 6 day of November, 2007.

[Signature] (Seal)
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 9/10/8

EXHIBIT A

All that certain piece, parcel or tract of land situate, lying and being in the St. Pauls Parish, Charleston County, South Carolina, measuring and containing 5.096 acres more or less, known as Lot 3 as shown on a plat entitled "Subdivision Plat of 11.235 acres, ..." prepared by Lawrence J. Kennerty, Jr., SC Reg. No 12520 dated 12/05/01 and recorded in Plat Book EF at Page 536 in the RMC Office for Charleston County.

Said Lot having such size, shape, dimensions, buttings and boundings as will more fully appear by review of the above described plat.

Being a portion of the same property conveyed to Grantor herein by deed of James M. Barnes dated October 22, 2001 and recorded in Book W386 at Page 813 in the RMC Office for Charleston County.

TMS:099-00-00-085

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

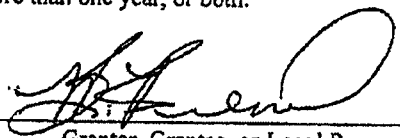
AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property being transferred by **Mary Ravenel aka Mary Brooks Ravenel to Lashanda Ravenel and Henry Lee Ravenel, II** dated November 6, 2007.
3. Check one of the following: The DEED is:
 - (a) _____ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) _____ Subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - (c) x _____ EXEMPT from the deed recording fee because (exemptions 3) (if exempt, please skip items 4-6, and go to item 7 of this Affidavit) (from family member to family member) Mother to Children
4. Check one of the following if either item 3(a) or item 3(b) above has been checked.
 - (a) _____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$
 - (b) _____ The fee is computed on the fair market value of the realty which is \$0.
 - (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$
5. Check YES _____ or NO X to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement or realty after the transfer. If "YES," the amount of the outstanding balance of this lien or encumbrance is \$
6. The DEED Recording Fee is computed as follows:
 - (a) _____ the amount listed in item 4 above.
 - (b) \$0.00 the amount listed in item 5 above (no amount place zero)
 - (c) _____ Subtract line 6(b) from Line 6(a) and place the result.
7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Grantee
8. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is not guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

SWORN to before me this 6th
Day of November, 2007.

NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 9/10/08

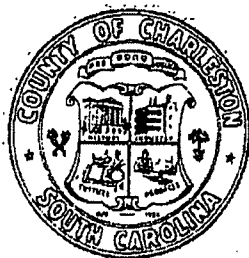

Grantor, Grantee, or Legal Representative

Grantor
Print or Type Name Here

BKH 643PG159

RECORDER'S PAGE

NOTE: This page MUST remain
with the original document



Filed By:

LASHANDA RAVENEL
P. O. BOX 455
HOLLYWOOD SC 29449

Number of Pages:

9

FILED

November 6, 2007

2:54:33 PM

BKH 643PG159

Charlie Lybrand, Register
Charleston County, SC

AUDITOR STAMP HERE

PID VERIFIED BY ASSESSOR

REP

NOV - 8 2007

DATE

DESCRIPTION

AMOUNT

Recording Fee	\$ 14.00
State Fee	\$ -
County Fee	\$ -
Postage	\$ 0.50

TOTAL

\$ 14.50

\$ Amount (in thousands):

DRAWER:

B - ECP

DO NOT STAMP BELOW THIS LINE

EXECUTION NOTICE

County of Charleston, S.C. -

APRIL 07, 2008

THESE TAXES ARE PAST DUE! PAY NOW TO AVOID ADVERTISEMENT AND SALE OF PROPERTY

UNIFIED TAXES ARE DUE ON THE FOLLOWING DESCRIBED REAL PROP

Property Description	Tax Year	Receipt#	Amount Due
PARCEL ID: 099-00-00-085 5559 MARY RAVENEL RD OSBORN PROPERTY DESCRIPTION: LOT 3 TRACT N	2007	2007-170745	\$ 5,982.90
9725 2 AV 0.437 RAVENEL LASHANDA RAVENEL HENRY LEE II RE: RAVENEL MARY PO BOX 455 HOLLYWOOD SC 29449-0455 *099-00-00-085*	41 R		SOLID WASTE DISPOSAL FEE 99.00 LEVY COST \$ 25.00
Amount Due			\$ 6,106.90
AMOUNT DUE AFTER 05-16-2008			\$ 6,156.90
08-08-2008			\$ 6,196.90

YOUR BILL INCLUDES A SOLID WASTE DISPOSAL FEE OF: \$ 99.00

PLEASE NOTE: AFTER JUNE 13, 2008 ONLY CASH, MONEY ORDERS, OR CERTIFIED CHECKS WILL BE ACCEPTED FOR PAYMENT OF DELINQUENT REAL PROPERTY TAXES.

IF YOU DO NOT PAY THE AMOUNT DUE, THE FOLLOWING ACTIONS WILL BE TAKEN:

1. AN "OFFICIAL NOTICE OF LEVY" WILL BE MAILED TO YOU.
2. YOUR PROPERTY WILL BE ADVERTISED IN THE "CHARLESTON POST & COURIER".
3. A SIGN MAY BE PLACED ON YOUR PROPERTY ANNOUNCING THAT THE PROPERTY IS TO BE SOLD FOR NON-PAYMENT OF TAXES.
4. YOUR PROPERTY WILL BE SOLD AT PUBLIC AUCTION BEGINNING ON NOVEMBER 03, 2008.

ALL REAL ESTATE TAXES MUST BE PAID ON OR BEFORE 5:00 P.M. ON OCTOBER 31, 2008 IN ORDER TO AVOID HAVING THE PROPERTY SOLD AT TAX SALE.

CHARLESTON
COUNTY

IF YOU HAVE ANY QUESTIONS REGARDING THIS BILL, PLEASE CALL 843-958-4570

TEAR AT PERFORATION AND RETURN BOTTOM PORTION

RECEIPT NUMBER(S) 2007-170745

PARCEL I.D. 099-00-00-085

AMOUNT DUE AFTER 05-16-2008 \$ 6,156.90
08-08-2008 \$ 6,196.90

LEGAL DESCRIPTION: 5559 MARY RAVENEL RD
OSBORN
PROPERTY DESCRIPTION:
LOT 3 TRACT N

RAVENEL LASHANDA RAVENEL HENRY LEE II

PAID
WITH PROCEEDS FROM
TAX SALE
NOV 03 2008

PAY THIS AMOUNT
\$ 6,106.90

DELINQUENT TAX
CHARLESTON COUNTY

MAKE PAYMENTS TO:

DELINQUENT TAX COLLECTOR
P.O. BOX 605
CHARLESTON, SC 29402-0605

JOINT
EXHIBIT

52

MARY M. SCARBOROUGH
Delinquent Tax Director



DELINQUENT TAX DEPARTMENT
101 MEETING STREET, SUITE 230
CHARLESTON SC 29401
Ph: (843) 958-4570
Fax: (843) 958-4577

MAY 22, 2008
0990000085

OFFICIAL NOTICE OF LEVY

THIS IS TO CERTIFY THAT THE COUNTY OF CHARLESTON HAS LEVIED UPON THE PROPERTY IDENTIFIED BELOW TO SATISFY COUNTY TAX EXECUTIONS ISSUED AGAINST:

Current Owner: RAVENEL LASHANDA RAVENEL HENRY LEE II
Previous Owner: RAVENEL MARY

RAVENEL LASHANDA RAVENEL HENRY LEE

PARCEL ID: 0990000085

Total taxes, penalties and costs:

Amount Due After:

Total Taxes Due:

MAY 16, 2008
AUGUST 08, 2008
OCTOBER 31, 2008

\$6,057.90
\$6,097.90
\$6,167.90 and 2008 Taxes

COPY

FAILURE TO PAY YOUR TAXES WILL RESULT IN YOUR PROPERTY BEING ADVERTISED IN THE "CHARLESTON POST & COURIER".

ALL REAL PROPERTY TAXES MUST BE PAID ON OR BEFORE 5:00 P.M. OCTOBER 31, 2008 TO AVOID TAX SALE ON NOVEMBER 03, 2008. RETURN RECEIPT OF THIS NOTICE SHALL BE DEEMED EQUIVALENT TO "LEVYING BY DISTRESS".

PLEASE RETURN THIS NOTICE
WITH MONEY ORDER OR CASHIERS CHECK TO THE BELOW ADDRESS

Delivery payment to:

Charleston County Delinquent Tax Department
101 Meeting Street, Suite 230
Charleston SC 29401

Mail payment to:

Charleston County Delinquent Tax Department
PO Box 605
Charleston SC 29402-0605

Business Hours:

8:30 AM to 5:00 PM
Monday - Friday

Delinquent Tax Phone

Number:
(843) 958-4570

UNITED STATE POSTAL SERVICE



FIRST-CLASS
MAIL
POSTAGE &
FEES PAID
LPP
29282

CHARLESTON COUNTY DELINQUENT TAX DEPARTMENT
PO BOX 605
CHARLESTON SC 29402-0605



53

②
REMOVE SIDE EDGES FIRST
THEN FOLD, CREASE AND TEAR THIS STUB ALONG PERFORATION

POSTMAN TEAR ALONG PERFORATION TO REMOVE CARD

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY						
■ 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: RAVENEL LASHANDA RAVENEL HENRY LEE II RE: RAVENEL MARY PO BOX 455 HOLLYWOOD SC 29449-0455  PARCEL ID: 0990000085 000310 05/22/2008 04:00 P.M. 2. Article Number 71849158373306742813	A. Received by (Please Print Clearly) B. Date of Delivery C. Signature ☐ Agent ☐ Addressee X ☐ Agent ☐ Addressee D. Is delivery address different from item 1? ☐ Agent If YES, enter delivery address below: ☐ Addressee 3. Service Type <table style="width: 100%;"><tr><td>☒ Certified Mail</td><td>☐ Express Mail</td></tr><tr><td>☐ Registered Mail</td><td>☐ Return Receipt for Merchandise</td></tr><tr><td>☐ Insured Mail</td><td>☐ C.O.D.</td></tr></table> 4. Restricted Delivery? (Extra Fee) ☒ Yes	☒ Certified Mail	☐ Express Mail	☐ Registered Mail	☐ Return Receipt for Merchandise	☐ Insured Mail	☐ C.O.D.
☒ Certified Mail	☐ Express Mail						
☐ Registered Mail	☐ Return Receipt for Merchandise						
☐ Insured Mail	☐ C.O.D.						

PS Form 3811, JULY 1999 Domestic Return Receipt

①
REMOVE THESE EDGES FIRST
FOLD, CREASE AND TEAR ALONG PERFORATION



CHARLESTON COUNTY DELINQUENT TAX DEPARTMENT
101 MEETING STREET, SUITE 230
CHARLESTON SC 29401



7184 9158 3733 0674 2813

FIRST-CLASS
MAIL
POSTAGE &
FEES PAID
LPP
29292

RETURN RECEIPT REQUESTED
RESTRICTED DELIVERY

IMPORTANT NOTICE

000310

RAVENEL LASHANDA RAVENEL HENRY LEE II
RE: RAVENEL MARY
PO BOX 455
HOLLYWOOD S

NIXIE 294 CE 1 31 05/24/08

RETURN TO SENDER

UNABLE TO FORWARD

BC: 29401224901 *0554-09571-23-38

2944930455 5000
2940102249



524

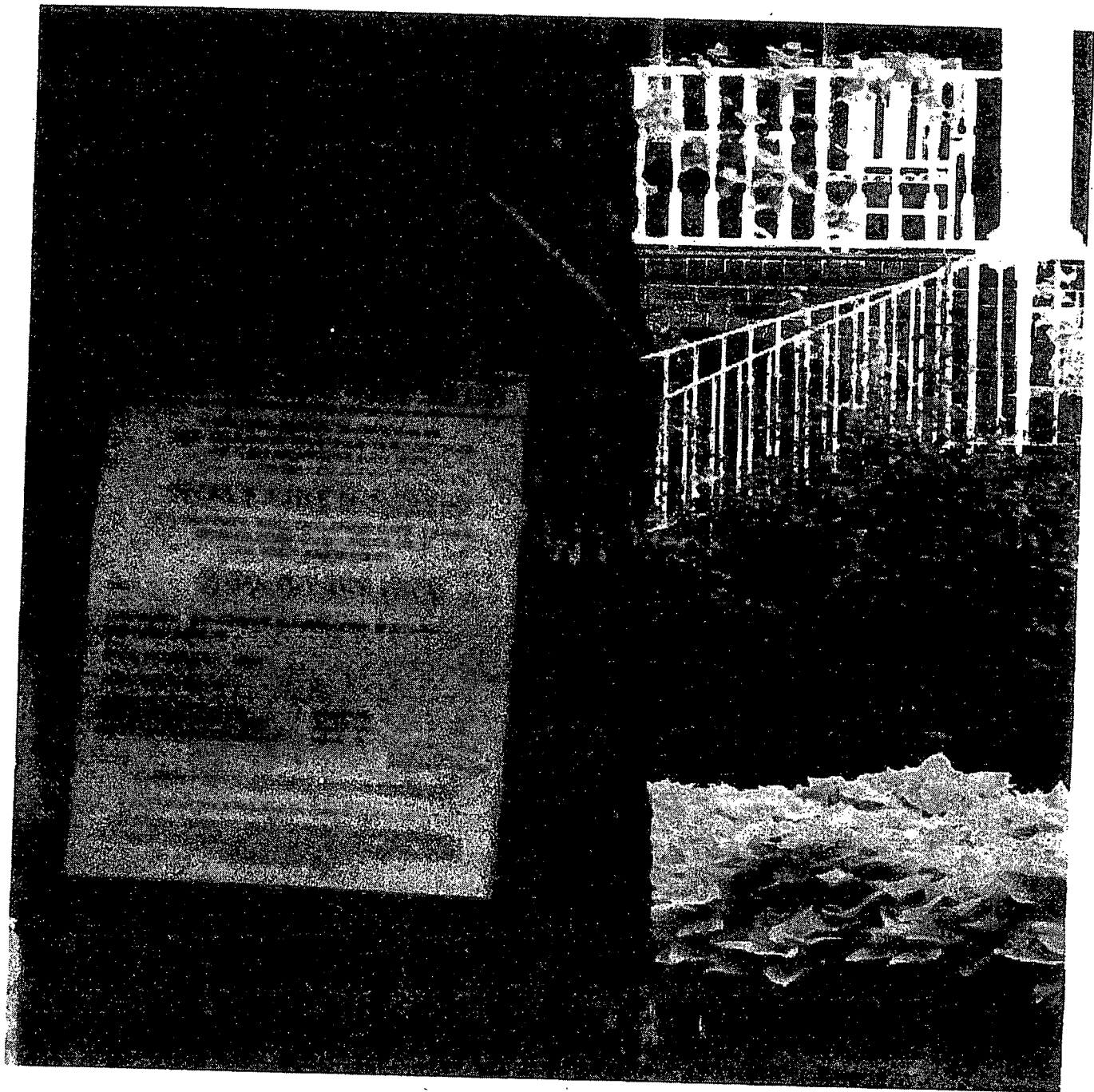
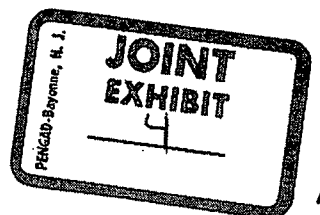


EXHIBIT 7

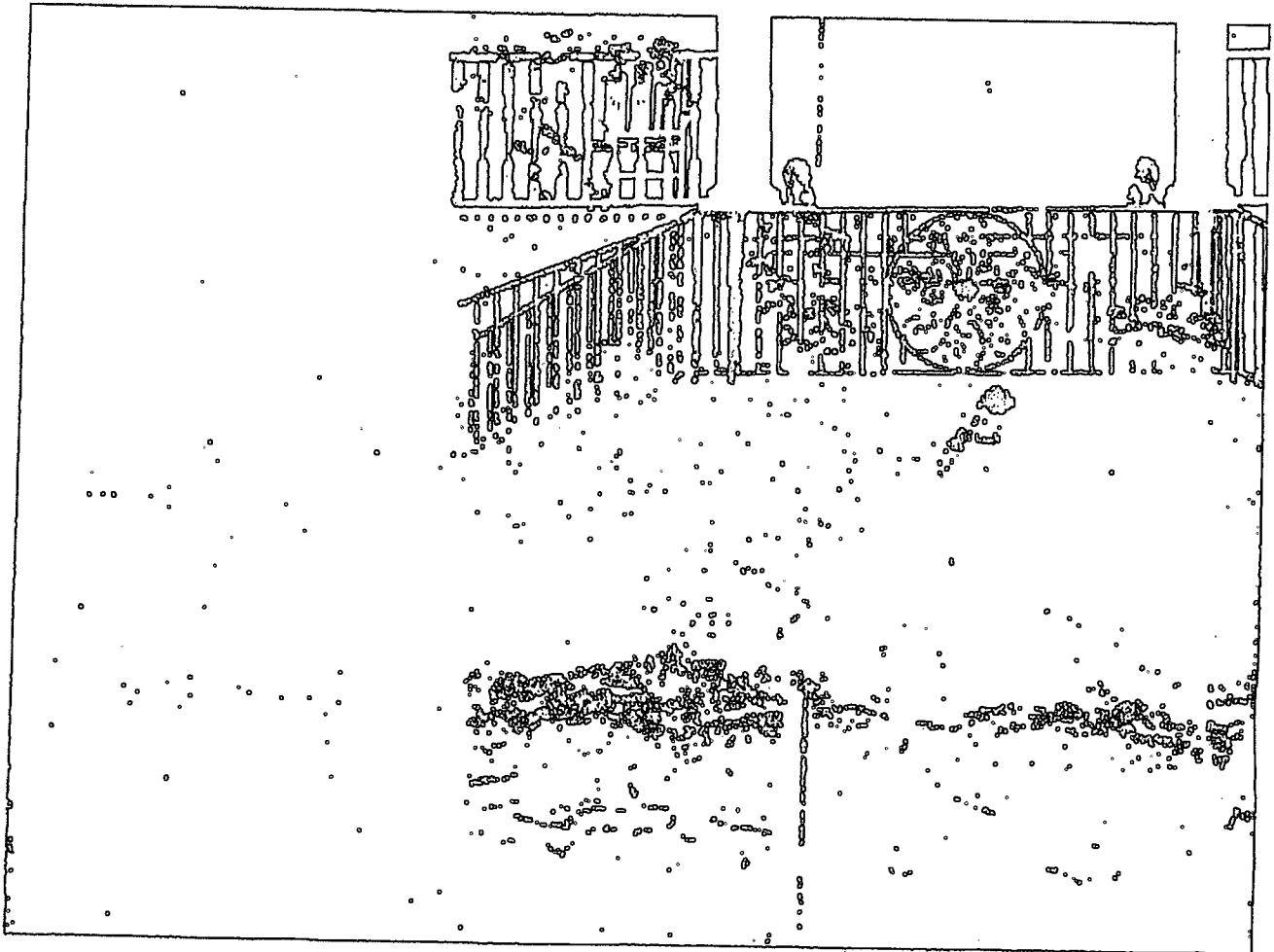


Mary M Scarborough
Director



Delinquent Tax Department
101 Meeting Street, Suite 230
PO Box 605 (29402)
Charleston, SC 29401
(843) 958-4570
Fax (843) 958-4577

REAL PROPERTY POSTING SLIP FOR 2008 TAX SALE				
SALE DATE	November 3, 2008			
PARCEL ID	0990000085			
OWNER	RAVENEL MARY			
DATE POSTED	2008-08-01			
TAX AMT DUE	\$6,167.90			
POSTING ID'S	EJT	EJT	JJS	<i>ffs</i>
TAX RCPT(S)	2007 170745			
SLIP DATE	11-24-08			



COPY

EXHIBIT 6



CHARLESTON
COUNTY
SOUTH CAROLINA

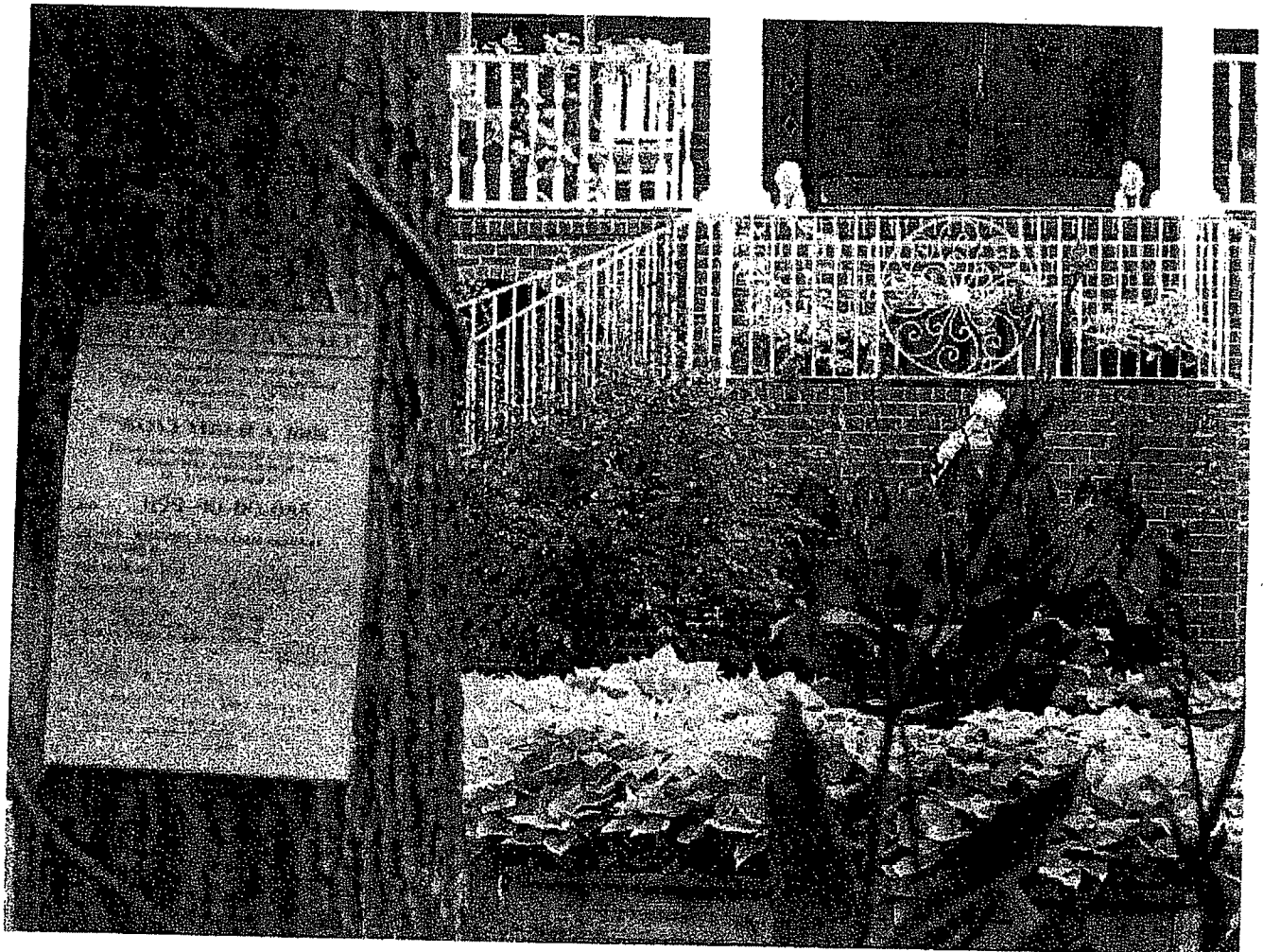
*County of Charleston
Charleston, South Carolina*

Delinquent Tax Department
101 Meeting Street, Suite 230
PO Box 605 (29402)
Charleston, SC 29401

Mary M Scarborough
Director

(843) 958-4570
Fax (843) 958-4577

REAL PROPERTY POSTING SLIP FOR 2008 TAX SALE				
SALE DATE	November 3, 2008			
PARCEL ID	0990000085			
OWNER	RAVENEL MARY			
DATE POSTED	2008-08-01			
TAX AMT DUE	\$6,167.90			
POSTING ID'S	EJT	EJT	JJS	<i>JJS</i>
TAX RCPT(S)	2007 170745			
SLIP DATE	11-24-08			



CHARLESTON COUNTY
101 MEETING ST RM 230 TAX COLLECTOR
Charleston SC 29401

Number of Copies: 1

AFFIDAVIT OF PUBLICATION

The Post and Courier

State of South Carolina

County of Charleston

Personally appeared before me the undersigned advertising Clerk of the above indicated newspaper published in the City of Charleston, County and State aforesaid, who, being duly sworn, says that the advertisement of

(Copy attached)

appeared in the issues of said newspaper on the following day(s):

08/15/2008

See attached

at a cost of \$ 20,876.94

Account# C0137650

Order# C251F996

P.O. Number:

Subscribed and sworn to before

me this 22nd day

of August

A.D. 2008

Kizmitte H
Advertising Clerk

Shelly D. B...
NOTARY PUBLIC, SC
My Commission expires

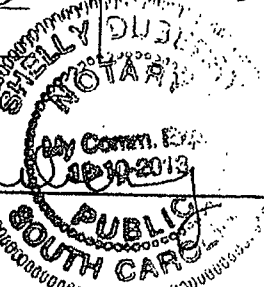


EXHIBIT "F"

**Affidavit of Publication
Post and Courier Dated August 25, 2008**

CHARLESTON COUNTY
101 MEETING ST RM 230 TAX COLLECTOR
Charleston SC 29401

Number of Copies: 1

AFFIDAVIT OF PUBLICATION

The Post and Courier

State of South Carolina

County of Charleston

Personally appeared before me the undersigned advertising
Clerk of the above indicated newspaper published in the City
of Charleston, County and State aforesaid, who, being duly
sworn, says that the advertisement of

COPY

(Copy attached)

appeared in the issues of said newspaper on the following
day(s):

08/22/2008

(see attached)

at a cost of \$ 20,003.76

Account# C0137650

Order# C251FC2K

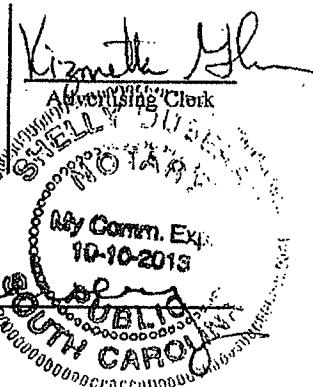
P.O. Number:

Subscribed and sworn to before

me this 25th day

of August

A.D. 2008



NOTARY PUBLIC, SC
My Commission expires

[illegible]

1

[illegible]

CHARLESTON COUNTY
101 MEETING ST RM 230 TAX COLLECTOR
Charleston SC 29401

Number of Copies: 1

AFFIDAVIT OF PUBLICATION

The Post and Courier

State of South Carolina

County of Charleston

Personally appeared before me the undersigned advertising
Clerk of the above indicated newspaper published in the City
of Charleston, County and State aforesaid, who, being duly
sworn, says that the advertisement of

(Copy attached)

appeared in the issues of said newspaper on the following
day(s):

08/29/2008

at a cost of \$ 20,003.76

Account# C0137650

Order# C251FFA4

P.O. Number:

Subscribed and sworn to before

me this 3rd day

of September

A.D. 2008

Advertising Clerk

NOTARY PUBLIC
My Comm. Exp. 10-10-2013

NOTARY PUBLIC
My Commission Expires

Mary Scarborough
Delinquent Tax Collector



Delinquent Tax Collector
4045 Bridgeview Drive, 1st Floor
North Charleston, SC 29405
Ofc: (843) 958-4570
Fax: (843) 958-4577



0990000085

876

RAVENEL LASHANDA RAVENEL HENRY LEE II
PO BOX 455
HOLLYWOOD SC 294490455

October 14, 2009

FINAL NOTICE OF PROPERTY REDEMPTION

COPY

RE: RAVENEL MARY

TAX ADDRESS: 5559 MARY RAVENEL RD CSC5

NOTICE is hereby given that the real property described on this notice has been sold for non-payment of taxes by the Delinquent Tax Collector for Charleston County. In order to protect any interest that you may have in this property, you must pay the redemption amount, which includes delinquent taxes, penalties, assessments, costs, interest on the tax sale bid, and the 2008 taxes on or before 5:00 pm, **Wednesday, November 4, 2009** to the office of the Delinquent Tax Collector located at 4045 Bridgeview Drive, 1st Floor, North Charleston, SC 29405.

Please pay the amount listed below in cash or by certified check and/or money order made payable to the Delinquent Tax Collector.

<u>Tax Map Number</u>	<u>Redemption Amount</u>	<u>Due By</u>
0990000085	\$27,849.06	November 4, 2009

If you have any questions about this **IMPORTANT** matter, please feel free to contact our office directly at (843) 958-4570.

ONLY CASH, MONEY ORDERS OR CERTIFIED FUNDS WILL BE ACCEPTED

THIS IS YOUR FINAL NOTICE OF PROPERTY SOLD!

Mary M. Scarborough
Delinquent Tax Collector



66

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

COPY

Reorder Form LCD-811R rev. 01/07

2. Article Number		COMPLETE THIS SECTION ON DELIVERY	
		A. Signature	
7184 9158 3733 0801 8404		☒ Agent ☐ Addressee	
1. Article Addressed to: RAVENEL LASHANDA RAVENEL HENRY PO BOX 455 HOLLYWOOD SC 294490455 10/15/2009 2:48 PM		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	
		4. Restricted Delivery? (Extra Fee) ☒ Yes	
Code: 0990000005			



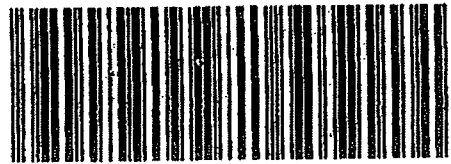
DELINQUENT TAX COLLECTOR

Post Office Box 605

Charleston, S.C. 29402-0605

RETURN SERVICE REQUESTED

CERTIFIED MAIL



7184 9158 3733 0801 8404

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE PAID
LPP
29201

1st NOTICE 10-17
2nd NOTICE _____
RETURN _____

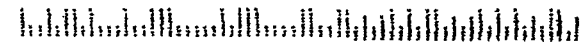
0990000085

RAVENEL LASHANDA RA
PO BOX 455
HOLLYWOOD SC 294490

RAVE455 294494165 1209 20 10/20/09
RETURN TO SENDER
RAVENEL
PO BOX 263
HOLLYWOOD SC 29449-0263

RETURN TO SENDER

2940280805 8042



FWD

Mary Scarborough
Delinquent Tax Collector



Delinquent Tax Collector
4045 Bridgeview Drive, 1st Floor
North Charleston, SC 29405
Ofc: (843) 958-4570
Fax: (843) 958-4577



0990000085

67

RAVENEL, HENRY LEE II
PO BOX 455
HOLLYWOOD SC 29449

October 14, 2009

FINAL NOTICE OF PROPERTY REDEMPTION

RE: RAVENEL LASHANDA RAVENEL HENRY LEE II
TAX ADDRESS: 5559 MARY RAVENEL RD CSC5

NOTICE is hereby given that the real property described on this notice has been sold for non-payment of taxes by the Delinquent Tax Collector for Charleston County. In order to protect any interest that you may have in this property, you must pay the redemption amount, which includes delinquent taxes, penalties, assessments, costs, interest on the tax sale bid, and the 2008 taxes on or before 5:00 pm, **Wednesday, November 4, 2009** to the office of the Delinquent Tax Collector located at 4045 Bridgeview Drive, 1st Floor, North Charleston, SC 29405.

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<u>Tax Map Number</u>	<u>Redemption Amount</u>	<u>Due By</u>
0990000085	\$27,849.06	November 4, 2009

If you have any questions about this **IMPORTANT** matter, please feel free to contact our office directly at (843) 958-4570.

ONLY CASH, MONEY ORDERS OR CERTIFIED FUNDS WILL BE ACCEPTED

THIS IS YOUR FINAL NOTICE OF PROPERTY SOLD!

Mary M. Scarborough
Delinquent Tax Collector



69

copy

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

2. Article Number		COMPLETE THIS SECTION ON DELIVERY	
 7184 9158 3733 0801 0316		A. Signature ☒ Agent ☐ Addressee	
1. Article Addressed to: RAVENEL, HENRY LEE II 0067 PO BOX 455 HOLLYWOOD SC 29449 10/15/2009 2:48 PM		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	
Code: 0990000065		3. Service Type ☒ Certified	
		4. Restricted Delivery? (Extra Fee) ☒ Yes	

Reorder Form LCD-811R rev. 01/07



DELINQUENT TAX COLLECTOR

Post Office Box 605

Charleston, S.C. 29402-0605

RETURN SERVICE REQUESTED

CERTIFIED MAIL



7184 9158 3733 0801 0316

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE PAID
LPP
29201

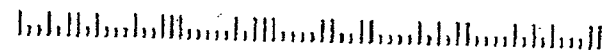
0990000085

RAVENEL, HENRY LEE II
PO BOX 455
HOLLYWOOD SC 29449

294490455 8004
294020605

RETURN TO SENDER 292 NFE 1 2091 00 10/15/09
RAVENEL
PO BOX 263
HOLLYWOOD SC 29449-0263

RETURN TO SENDER



Mary Scarborough
Delinquent Tax Collector



Delinquent Tax Collector
4045 Bridgeview Drive, 1st Floor
North Charleston, SC 29405
Ofc: (843) 958-4570
Fax: (843) 958-4577



0990000085

66

RAVENEL LASHANDA
PO BOX 455
HOLLYWOOD SC 29449

October 14, 2009

FINAL NOTICE OF PROPERTY REDEMPTION

RE: RAVENEL LASHANDA RAVENEL HENRY LEE II

TAX ADDRESS: 5559 MARY RAVENEL RD CSC5

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<u>Tax Map Number</u>	<u>Redemption Amount</u>	<u>Due By</u>
0990000085	\$27,849.06	November 4, 2009

If you have any questions about this **IMPORTANT** matter, please feel free to contact our office directly at (843) 958-4570.

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THIS IS YOUR FINAL NOTICE OF PROPERTY SOLD!

Mary M. Scarborough
Delinquent Tax Collector



72

Reorder Form LCD-811R rev. 01/07

2. Article Number		COMPLETE THIS SECTION ON DELIVERY	
 7184 9158 3733 0801 0309		A. Signature X ☐ Agent ☐ Addressee	
1. Article Addressed to: RAVENEL, LASHANDA 0066 PO BOX 455 HOLLYWOOD SC 29449 10/15/2009 2:48 PM Code: 0990000085		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
		4. Restricted Delivery? (Extra Fee)	☒ Yes

PS Form 3811

Domestic Return Receipt



DELINQUENT TAX COLLECTOR

Post Office Box 605

Charleston, S.C. 29402-0605

RETURN SERVICE REQUESTED



PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE PAID
LPP
29201

0990000085

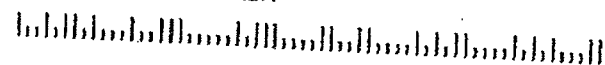
RAVENEL, LASHANDA
PO BOX 455
HOLLYWOOD SC 29449

2944930455 PO
294020605

66

RETURN TO SENDER 292 NFE 1 2091 00 10/16/09
RAVENEL
PO BOX 253
HOLLYWOOD SC 29449-0253

RETURN TO SENDER



RAVENEL
PO BOX 455
HOLLYWOOD SC 29449

74

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)



BP0137821

TAX DEED

RMC BK 0137 Pg 821 : Pg 1 *

WHEREAS, by the Acts of the General Assembly of the State of South Carolina and the Statutes of this State, it is provided that hereafter the County Treasurer of Charleston County shall and is hereby authorized and directed to issue in the name of the State a tax execution against each defaulting taxpayer in Charleston County directed to the Delinquent Tax Collector requiring and commanding either to levy the same by distress and sell so much of the defaulting taxpayer's estate, real or personal, or both, as may be sufficient to satisfy the delinquent taxes, assessments, penalties and costs for their collection; and

WHEREAS, it is further provided by said Acts of the General Assembly and Statutes of this State that under and by virtue of said tax execution the Delinquent Tax Collector shall seize and take exclusive possession of so much of the defaulting taxpayer's real property to collect delinquent taxes, assessments, penalties and costs for their collection as provided by law and after due advertisement sell the same at a public auction on a regular sales day and within the usual hours for public sales for legal tender and give to the purchaser (upon his complying with the terms of sale) a receipt for the purchase money but not make title to the purchaser until the expiration of twelve months from the date of sale, if the property sold be not redeemed as provided by law, and attach a copy of the receipt to the tax execution with the endorsement thereon of his action; and

WHEREAS, Andrew C. Smith, CPA, the County Treasurer of Charleston County, has issued a tax execution directed to the Delinquent Tax Collector, by authority of said Acts of the General Assembly of South Carolina and Statutes of this State, against defaulting taxpayer Lashanda Ravenel and Henry Lee Ravenel II strictly charging the Delinquent Tax Collector of Charleston County to levy by distress and sell so much of the defaulting taxpayer's estate to satisfy the delinquent taxes, assessments, penalties and costs for their collection; and

WHEREAS, by virtue of said tax executions issued for tax year(s) 2007 the Delinquent Tax Collector of Charleston County sent a copy of the tax execution to the aforementioned defaulting taxpayer(s) and further sent on May 22, 2008, via certified mail a notice of delinquent taxes, assessments, penalties and costs to Lashanda Ravenel and Henry Lee Ravenel II, PO Box 455, Hollywood, SC 29449-0455 where such notice was not received; and

WHEREAS Edrian Trakas and James Swanson, deputy delinquent tax collectors, did post proper notice on August 1, 2008 on one or more conspicuous places on the property against which delinquent taxes were assessed and levied; and

WHEREAS, on November 3, 2008, during the usual hours of sale, the Delinquent Tax Collector, after due advertisement, did sell the same and gave receipt to Equifunding, Inc, the highest bidder, at such sale for the sum of \$130,000.00 dollars; and

WHEREAS, on October 14, 2009, the Delinquent Tax Collector did send via certified mail final notice before redemption to AAA Plumbing LLC c/o E Lindsay Blanks Esq; Discover Bank c/o James W Poag Jr Esq; Monogram Credit Card Bank Of Georgia c/o Roy W Boggs Esq; Pep Boys, Manny Moe & Jack c/o Leo A Dryer Esq; SC Federal Credit Union; SC Department Of Revenue where such notice(s) were received; Lashanda Ravenel where such notice was not received; Henry Lee Ravenel, II where such notice was not received; and Lashanda Ravenel and Henry Lee Ravenel II where such notice was not received; and

WHEREAS, the twelve month redemption period, provided by law, has expired.

NOW, therefore, know all men by these presents that I, Mary M. Scarborough, Delinquent Tax Collector of Charleston County, in the State aforesaid, in consideration of the sum of One Hundred Thirty Thousand (\$130,000.00) Dollars, to me in hand paid by Equifunding, Inc the receipt of which is hereby acknowledged, have remised, released and forever quitclaimed and by these presents do remise, release and forever quitclaim unto the said Equifunding, Inc the property to wit:

All that certain piece, parcel or tract of land situate, lying and being in the St. Pauls Parish, Charleston County, South Carolina, measuring and containing 5.096 acres more or less, known as Lot 3 as shown on a plat entitled "Subdivision Plat of 11.235 acres, ..." prepared by Lawrence J. Kennerty, Jr., SC Reg. No 12520 dated 12/05/01

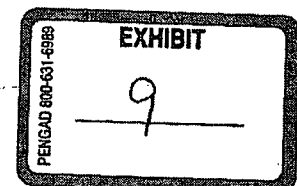


EXHIBIT 23

and recorded in Plat Book EF at Page 536 in the RMC Office for Charleston County.

Said Lot having such size, shape, dimensions, buttings and boundings as will more fully appear by review of the above described plat.

Being the same property conveyed to Lashanda Ravenel and Henry Lee Ravenel, II by deed of Mary Ravenel aka Mary Brooks Ravenel dated 11/6/2007, and recorded 11/6/2007, in Book H643, Page 159.

TMS Number: 099-00-00-085
Grantee's Address: Equifunding, Inc
PO Box 980,
241 E. Saginaw St
East Lansing, MI 48826

TO have and to hold, all and singular the premises unto said Equifunding, Inc, its heirs and assigns, forever.

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to said property belonging or in any wise incident or appertaining.

WITNESS my hand and seal this date 9-28-10

Signed, Sealed and Delivered in the Presence of us:

[Signature]
First Witness

[Signature]
Second Witness

[Signature]
Mary M. Scarborough
Delinquent Tax Collector
Charleston County, South Carolina

THE STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

PERSONALLY APPEARED BEFORE, the undersigned, and made oath that he/she saw, Mary M. Scarborough, Delinquent Tax Collector of the County of Charleston sign, seal, and as her act, did deliver the above Deed of Conveyance; and that he/she, with the other witness above named, witnessed the execution thereof.

[Signature]
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 3-3-2010

[Signature]
First Witness

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

AFFIDAVIT

Date of Transfer of Title
Closing Date _____, 2010

RMC BK 0137 Pg 821 : pg 3 *

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property, 099-00-00-085, is being transferred BY the Charleston County Delinquent Tax Collector TO Equifunding, Inc ON _____.
3. The DEED is (check one of the following)
 - (A) X subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (B) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
 - (C) _____ EXEMPT from the deed recording fee because (Exemption # _____).
(Explanation If required) _____
(If exempt, please skip items 4-6, and go to item 7 of this affidavit.)
4. Check one of the following if either item 3(a) or item 3(b) above has been checked.
 - (A) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$130,000.00.
 - (B) _____ The fee is computed on the fair market value of the realty which is \$ _____.
 - (C) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____.
5. Check YES _____ or NO _____ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES," the amount of the outstanding balance of this lien or encumbrance is \$ _____.
6. The DEED Recording Fee is computed as follows:
 - (A) \$130,000.00 the amount listed in item 4 above
 - (B) _____ the amount listed in item 5 above (no amount place zero)
 - (C) \$130,000.00 Subtract Line 6(b) from Line 6(a) and place the result.
7. As required by Code Section '12-24-70, I state that I am a responsible person who was connected with the transaction as: Grantor.
8. Check if Property other than Real Property is being transferred on this Deed.
 - (A) _____ Mobile Home
 - (B) _____ Other
9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Sworn this 28th Day of July, 20 10

Notary Public for South Carolina
My Commission Expires: 3-31, 20 14

Signed Mary M. Scarborough
Grantor, Grantee, or Attorney that prepared this form

Mary M. Scarborough
Print or Type Name Here

RECORDER'S PAGE

Duff
NOTE: This page MUST remain with the original document



Filed By:

DELINQUENT TAX

RECORDED

Date: August 11, 2010

Time: 9:10:32 AM

Book

Page

Doc Type

0137

821

Tax Deed

Charlie Lybrand, Register
Charleston County, SC

MAKER:

RAVENEL LASHANDA AL

RECIPIENT:

EQUIFUNDING INC

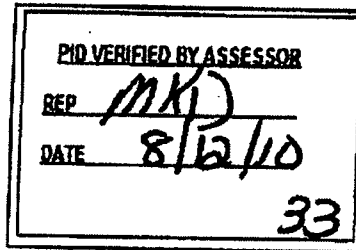
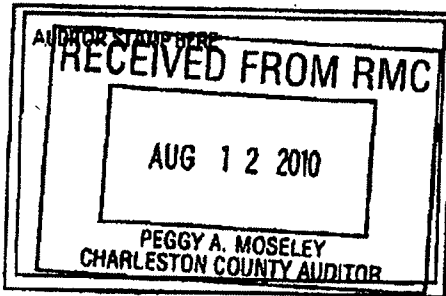
Notes:

of Pages: 4

Recording Fee	\$ 10.00
State Fee	\$ 338.00
County Fee	\$ 143.00
Extra Pages	\$ -
Postage	\$ -
Chattel	\$ -
TOTAL	\$ 491.00

Original Book:

Original Page:



DRAWER CLERK: Drawer 4, LRR



0137
Book



821
Page



08/11/2010
Recorded Date



4
Pgs



Original Book



Original Page



D
Doc Type



09:10:32
Recorded Time

ALBANY

TAX SALE-TAX SALE (more)

PIN: 0990000085 TAG: 8-2 ST PAULS FIRE DISTRICT Current owner: EQUIVEST FINANCIAL LLC
 AIN: TIF: Ownership type: Fee Simple Ownership
 Status: Active County: 10-Charleston Situs address: 5559 MARY RAVENEL RD [1 of 2]
 Geocode: Case: Description: Subdivison Name -OSBORN D (...)
 Rev acct: 00001247783 Pmt pin: Class: 101 - RESID-SFR
 Tax sale: 2012 RP Tax Sale for 2011 taxes: 11/5/2012 ACH pin: Roll type: Real

Year/Bill 2007-119872-A | Real Property

 Total Due 6/16/2015

Bill type: Original - Actual

Owner of record:

Total Current \$0.00

Bill dates: November 01, 2007
 RAVENEL MARY
 PO BOX 455
 HOLLYWOOD SC 29449

Delinquent \$0.00

Amount: (\$6,167.90)

Adv/Surplus \$0.00

Discount \$0.00

Paid date:

Communication:

Total Due \$0.00

Saturday, November 15, 2008

Receipt: 170745

Sequence no: 1

Paid by:

Decal no:

Description: Subdivison Name -OSBORN Description -LOT 3.TRACT N

Values/Exemptions

Appraised 447,300 USD

AssessedValue 26,840 USD

TotalAppraised 447,300 USD

Assessment 26,840 USD

Taxable 26,840 USD

Charge Summary

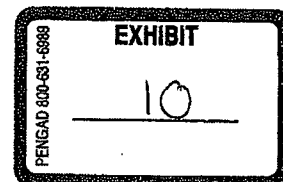
Gross Tax	Credits	Net Tax	Tax Savings	Total Credits/Savings
0.00	0.00	0.00	0.00	0.00

This is a certified true for the 2007 tax year.

Jon [Signature]
6/16/15

1/1/11

*Commission expires
12/19/2024*



STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

2015CV1010800021
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT
NOTICE TO QUIT PREMISES

Equivest Financial, LLC
2008 Marion Street Suite J
Columbia, SC 29211-2188
(803) 252-2828

PLAINTIFF(S)

Vs

Mary Ravenel
5559 Mary Ravenel Road
Adams Run, SC 29426

DEFENDANT(S)

Upon an affidavit filed by the plaintiff which states you:

Mary Ravenel
defendant(s), are a trespasser(s) and are occupying the premises at **5559 Mary Ravenel Road, Adams Run, SC 29426** without permission of the owner of said premises. You are required to immediately vacate the premises or contact the:

Adams Run Magistrate Court
5962 Highway 165, Suite 200
Ravenel, SC 29470
Phone: (843) 889-8332 Fax: (843) 889-9202

within five (5) days to show cause, if any you can, why you should not be ejected from these premises.

FAILURE TO VACATE THE PREMISES OR TO CONTACT THIS OFFICE WITHIN FIVE (5) DAYS MAY RESULT IN THE ISSUANCE OF A WARRANT OF EJECTMENT.

Dated: April 9, 2015

JUDGE

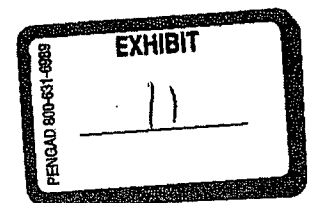
PERSONALLY appeared before me, the undersigned deponent, who being duly sworn, says that s/he served the herein Notice to Quit Premises/Rule to Show Cause on _____

20____ at _____ ☐ AM ☐ PM on the _____ day of _____,

Sworn to and subscribed before me
this _____ Day of _____, 20____

Sheriff's Deputy or Constable

NOTARY PUBLIC or JUDGE
My Commission Expires: _____



1 CAROLINA) IN THE MAGISTRATE'S COURT
)
RLESTON) C/A No.: 2015-CV-10- 10800021

ial, LLC,)

Plaintiff,)

NOTICE TO QUIT PREMISES
AND RULE TO VACATE OR SHOW CAUSE

anel Road)

29426)

Defendant,)

Anderson, attorney for the Plaintiff in this action, state that Equivest Financial, LLC, the premises herein described. I further state that the premises are within the jurisdiction of Charleston County, located at:

5962 Hwy. 165, Suite 200, Ravenel, SC 29470

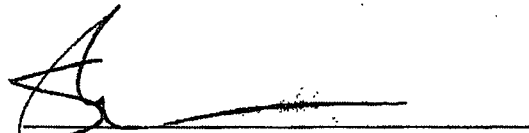
ord-tenant relationship does not exist between the parties described as evidenced by the facts:

endant does not pay rent for occupancy.

endant is occupying premises without consent of the owner.

endant has refused to leave and is hereby trespassing.

re me this)
of April, 2015)

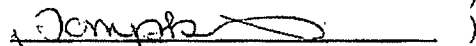


S.R. Anderson

Attorney for the Plaintiff

P.O. Box 12188

Columbia, SC 29211-2188



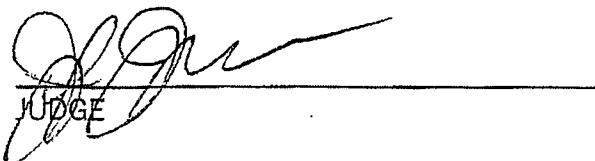
South Carolina)

Expires: 11/22/2020)

DANT NAMED ABOVE:

avit of the Plaintiff and in accordance with S.C. Law 15-67-610, you are hereby
now cause before me, Judge J. Jones, 5962 Hwy. 165, Suite 200, Ravenel,
in five (5) days from the date of service of this Notice to Quit and Rule to Vacate or
y you should be allowed to remain at said location. If you fail to show cause, you
o vacate said location no later than the sixth day after service of this note.

2/15


JUDGE

D103
OPER: SHDMEM

CHARLESTON COUNTY TAX SYSTEM
DELINQUENT LIST SCREEN

10-02-2009
09:37:20

TAX YR: 2008 ACCT: 0990000085 PROP: 00
REF:

OWNER1: RAVENEL LASHANDA
TAX ADDR: 5559 MARY RAVENEL RD UNIT:
C, S, Z: SC 29426

OWNER1 NAME	RECEIPT	NET AMOUNT
RAVENEL LASHANDA	2008-122804	6,334.11 H
RAVENEL MARY	2007-170745	5,982.90 S
RAVENEL MARY	2006-115177	5,812.61 P
RAVENEL MARY	2005-110816	5,777.62 P
BARNES JAMES M AS TRUSTEE OF THE	1999-005529	167.00 P

Redemption Quote

INQUIRY COMPLETE
F1=ACCT F2=RCPT

NEXT SCREEN:

743-302-2000
Ravenel, Henry Galls
Lashanda

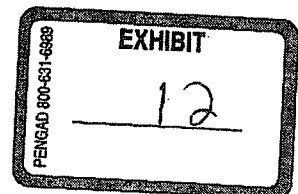
Don't
Fax # 556-9669

\$21,514.95

\$ 6,334.11

\$27,849.06

11/4/09



2008 Tax Sale Checklist

PID # 099-00-00-085

Folder Preparation:

- ☒ Execution Notice (Office Copy) 04/02/2007
 - ☐ Returned Mail
 - ☐ Returned Mail Research Form

- ☒ Certified Letter (Office Copy) 05/10/09
 - ☐ 1st Class
 - ☐ Certified
 - ☐ Certified
 - ☐ Re-Certi

Mary Ravenel

843-889-9952

843-834 5221

*gave redemption
amt to Mrs Ravenel
9/14/09 mm*

- ☐ Deed Research
- ☐ Final Certificate
 - ☐ Signed Receipt Green Card
 - ☐ Returned Mail
 - ☐ Returned Mail Research Form

11/24/09

☐ Balance-In-Trip

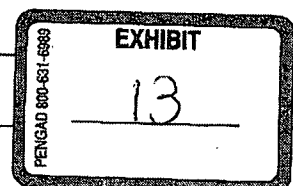
Notes: _____

Bamy Baker ^{Attor}
calls
has cust in his office
099-00-00-085
wants to know who Bidder was for
Mary Ravenel is his cust.
she gave prop to Larkins etc
advised him Equifidly time
men

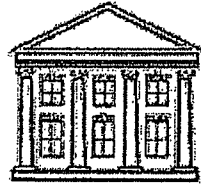
- ☐ Signed Green Card
- ☐ Posting Slip
- ☒ Bidder Registration
- ☒ Tax Sale Receipt
- ☒ Official Tax Receipt
- ☒ Redemption Receipt
- ☐ Parent/Child Information
- ☐ Interest Rate Change Letter
 - ☐ 3% Increase
 - ☐ 6% Increase
 - ☐ 9% Increase
 - ☐ 12% Increase

ess:

- Deed Preparation
- ☐ Deed Cost Letter
- ☐ Copy Of Deed
- ☐ RMC Affidavit
- ☐ Deed Receipt Form
- Return Mail Research Form
- Current Year's Tax Note



Mary M. Scarborough
Director



CHARLESTON
COUNTY
SOUTH CAROLINA

*County of Charleston
Charleston, South Carolina*

Delinquent Tax Department
101 Meeting St. Room 230
Charleston, SC 29401
(843) 958-4570
Fax (843) 958-4577

TAX SALE RECEIPT

Sale Date: November 3, 2008

Bidder No. 12

Received Of: EQUIFUNDING, INC

The sum of: ONE HUNDRED THIRTY THOUSAND Dollars

FOR SUCCESSFUL BID MADE AT THE DELINQUENT TAX SALE THIS
DATE ON THE PROPERTY LISTED BELOW:

PROPERTY DESCRIPTION:

ACCT # 0990000085

Mary M. Scarborough

Mary M. Scarborough, Director
Delinquent Tax Department

By: _____

Bid Amount: \$130,000.00

Interest: _____

Refund Total _____

CK# _____ CK Date _____

Date Returned: _____

Date Redeemed: _____

IMPORTANT: Please retain this receipt

Office Use Only

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2014-CP-10-0667

Equivest Financial, LLC,

Respondent,

v.

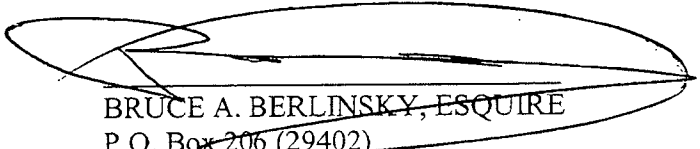
Mary B. Ravenel,

Appellant.

NOTICE OF APPEAL

Mary B. Ravenel appeals the order denying Defendant Mary B. Ravenel's Motion to Reconsider of the Honorable R. Markley Dennis, Jr. dated September 28, 2015 and filed September 29, 2015. Appellant received written notice of entry of this order denying Defendant Mary B. Ravenel's Motion to Reconsider on September 29, 2015.

October 28, 2015


BRUCE A. BERLINSKY, ESQUIRE
P.O. Box 206 (29402)
One Carriage Lane, Bldg. F
Charleston, SC 29407
843.852.2202
Attorney for Appellant

Other Counsel of Record:
S.R. Anderson, Esquire
Law Office of Steven R. Anderson
2008 Marion Street, Suite J
Columbia, SC 29201
803.252.2828
Attorney for Respondent

FILED
2015 OCT 29 PM 2:33
JULIE J. ARNISTORHIG
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
Case No. 2014-CP-10-0667

Equivest Financial, LLC

Plaintiff,

Mary B. Ravenel and
AAA Plumbing, Inc.

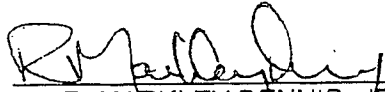
Defendants.

ORDER

FILED
2015 SEP 29 PM 2:33
JULIE J. ARMSTRONG
CLERK OF COURT

This matter comes before me upon Defendant's Motion to Reconsider,
dated August 6th, 2015, filed by and through her attorney. After fully considering
said Motion, this Court finds no need for oral argument in this matter and
therefore the Motion to Reconsider is DENIED;

AND IT IS SO ORDERED!


R. MARKLEY DENNIS, JR.
Presiding Judge

Charleston, South Carolina

September 28, 2015

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON)

C/A No.: 2014-CP-10-0667

Equivest Financial, LLC,)

Plaintiff,)

vs.)

ORDER

Mary B. Ravenel; AAA Plumbing, Inc.,)

Defendants,)

FILED
2015 JUL 27 PM 2:34
JULIE J. ARISTRONG
CLERK OF COURT

This matter came before me on June 17, 2015. This is a tax sale action in which the Plaintiff seeks to quiet the title of the subject property. The Plaintiff was represented by S.R. Anderson and the Defendant, Mary B. Ravenel, was represented by Bruce Berlinsky.

HISTORY

The subject property was sold to the Plaintiff at the 2008 sale for the non-payment of the 2007 real estate taxes.

In an action captioned Lashanda Ravenel & Henry Lee Ravenel, II v. Equivest Financial, LLC, 2010-CP-10-8732, the Plaintiffs sought to set aside the tax sale and void the tax deed. The Plaintiffs in that action were the adult children of Mary Ravenel. Mrs. Ravenel testified at the trial of the case. The children were conveyed the subject property by their mother in accordance with a deed dated and recorded on November 6, 2007. The stated consideration was \$5, love and affection. Mother filed for bankruptcy on November 7, 2007.

That case, 2010-CP-10-8732, was tried before the Charleston County Master-in-Equity, who found that the tax sale was valid and that there was no delivery of the deed by Mother to the Children. The Master-In-Equity found that the deed was void and of no effect.

EMOT/1

87

The children appealed the case to the South Carolina Court of Appeals, which upheld the Master's Order upon the grounds that there was no delivery of the deed by Mother to the Children. Thereafter, the Plaintiff instituted the present action to quiet the title as to Mary Ravenel.

Section 12-51-160 provides that an action to recover real property sold at a tax sale must be brought within two (2) years from the date of the sale. As noted above, the Defendant in the present matter brought no action to set aside the tax sale and void the tax deed within the two year statute of limitations. After the elapse of two years, the tax sale and deed becomes incontestable on procedural or other grounds.

The Defendant asserts that the sale of property should have been conducted in her name, as she was the defaulting taxpayer.

The Defendant further asserts that she has remained in possession of the property since the tax sale and deed to the Plaintiff. Section 12-51-160 does not speak to the Defendant's occupancy of the property, only that the tax sale is incontestable two years after the sale.

Lastly, the Defendant contends that the defaulting taxpayer is entitled to the requisite notices under 12-51-40(b). The notices required by 12-51-40 et seq. are sent out after April 1st or as soon as practical thereafter. The defaulting taxpayers were the Defendant's children since they were granted the property in November of 2007. When the taxes were not paid by December 31, 2007, they, as the owners, were the defaulting taxpayers and only they were entitled to the 12-51-40(b) notice. The Court reviewed the file in this matter to include the Plaintiff's and Defendant's Memorandums of Authority, the Master's Order, and the ruling by the Court of Appeals appropriate statutes.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the testimony and pleadings, the Court finds, concludes and ORDERS as follows:

1. This Court has personal and subject matter jurisdiction over this matter.

EMD/2

2. The Defendant has been hoisted by her own petard. It is clear that the Defendant intended to defraud her creditors when she conveyed the subject property to her adult children. The consideration was \$5, love, and affection; the Defendant recorded the deed, but never delivered it to them, never told them about the deed, continued to live in the home, and testified that it was her property.

The Defendant, who conveyed the property to her children, cannot now come to Court and contend that since the deed was set aside and void, she was the true owner of record and thus entitled to the statutory notices.

In Haynes Federal Credit Union v. Bailey, 327 S.C. 242, 489 S.E.2d 472 (1977), the Court judicially estopped a Defendant from taking a position opposite from the one taken at an earlier trial. In that action, the Defendant testified at trial that he had no interest in certain real property. At a second trial, the same Defendant asserted that he owned the subject real property.

In a bankruptcy proceeding, the debtor failed to include a malpractice claim against its lawyers. When the same debtor thereafter sued the same lawyers for malpractice, the Court dismissed the case as the debtor had not listed the potential claim against its lawyers in its bankruptcy filings. Southmark Corp. v. Trotter, 422 S.E.2d 265 (1994).

The Defendant is judicially estopped from claiming a position in the instant action, which is different from the position she took in 2010-CP-10-8732.

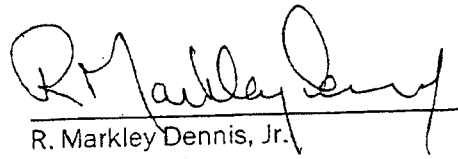
3. S.C. Code Section 12-51-160 is clear. An action to set aside a tax sale must be brought two (2) years after the tax sale. There is no requirement that the Plaintiff be in possession of the property, although the recording of a tax deed would evidence possession of the property in the Plaintiff.

4. As title never passed to the Defendant's children, the property remained in her name. There is nothing of record which would have alerted the tax collecting officials that the Defendant had not delivered the deed to her children. It is the Defendant who supplied the

address on the deed to the children. She cannot be heard to complain that the notices went to an incorrect address or that the true owner of the property was not provided with the notices.

5. The tax sale and resulting tax deed are valid; title is quieted in the Plaintiff to the exclusion of the Defendants, Mary B. Ravenel and AAA Plumbing, Inc., who shall hereafter have no right, title, or interest in said property.

AND IT IS SO ORDERED



R. Markley Dennis, Jr.
Presiding Judge
Court of Common Pleas for the
Ninth Judicial Circuit

July 23, 2015
Moncks Corner, South Carolina

RM07/4

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

JUN 13 2016

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

SC Court of Appeals

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2014-CP-10-0667

Equivest Financial, LLC,

Respondent,

v.

Mary B. Ravenel,

Appellant.

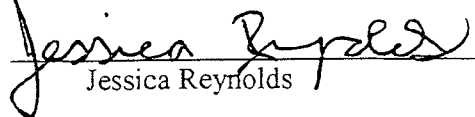
FILED
2015 OCT 29 PM 2:33
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

CERTIFICATE OF MAILING

I, Jessica Reynolds, legal assistant to Bruce A. Berlinsky, Esquire, do hereby certify that I have this date mailed a true and correct copy of the foregoing **NOTICE OF APPEAL**, postage prepaid, and deposited with the United States Postal Service as follows:

S.R. Anderson, Esquire
Law Office of Steven R. Anderson
2008 Marion Street, Suite J
Columbia, SC 29201
ATTORNEY FOR PLAINTIFF

Dated this 28th day of October, 2015.


Jessica Reynolds

BRUCE A. BERLINSKY, P.A.

Attorney at Law

Mailing Address:

PO Box 206
Charleston, SC 29402

One Carriage Lane, Building F
Charleston, SC 29407

Office: (843) 852-2202

Fax: (843) 852-4844

Bruce@berlinskylawfirm.com

October 28, 2015

RECEIVED

JUN 13 2016

SC Court of Appeals

SC Court of Appeals
Jenny Abbott Kitchings
Clerk of Court
P.O. Box 11629
Columbia, SC 29211

Re: Equivest Financial, LLC vs. Mary B. Ravenel, et al.
Case No.: 2014-CP-10-0667

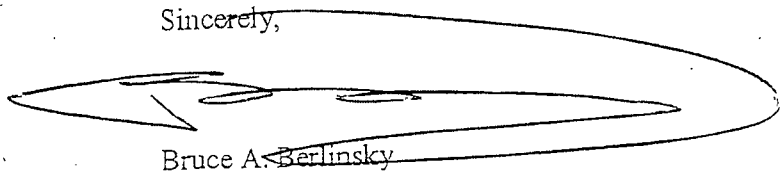
Dear Ms. Kitchings:

In connection with the above referenced matter, enclosed please find one (1) original and one (1) copy of *NOTICE OF APPEAL* and *CERTIFICATE OF MAILING* for filing, along with \$100.00 filing fee. Please return the filed copies to us in the enclosed, postage-paid envelope.

Thanking you in advance for your assistance and cooperation in this matter.

With kind regards, I am

Sincerely,



Bruce A. Berlinsky

BAB/jlr

Enclosures

CC: ✓ Charleston County Clerk of Court
S.R. Anderson, Esquire

BRUCE A. BERLINSKY, P.A.

Attorney at Law

Mailing Address:
PO Box 206
Charleston, SC 29402

One Carriage Lane, Building F
Charleston, SC 29407

Office: (843) 852-2202
Fax: (843) 852-4844
Bruce@berlinskylawfirm.com

October 28, 2015

RECEIVED

JUN 13 2016

SC Court of Appeals

Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, SC 29401

Re: Equivest Financial, LLC vs. Mary B. Ravenel, et al.
Case No.: 2014-CP-10-0667

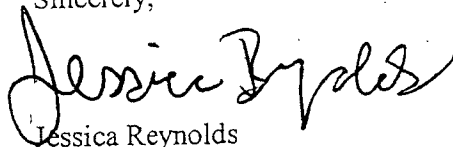
Dear Ladies:

In connection with the above referenced matter, enclosed please find one (1) original and one (1) copy of *NOTICE OF APPEAL* and *CERTIFICATE OF MAILING* for filing. Please return the filed copies to us in the enclosed, postage-paid envelope.

Thanking you in advance for your assistance and cooperation in this matter.

With kind regards, I am

Sincerely,



Jessica Reynolds

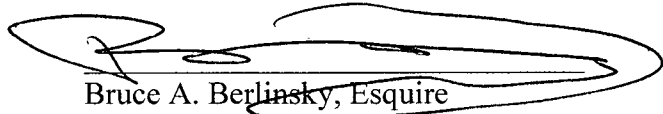
Legal Assistant to Bruce A. Berlinsky

/jlr

Enclosures

CC: SC Court of Appeals
S.R. Anderson, Esquire

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

A handwritten signature in black ink, appearing to read "Bruce A. Berlinsky", is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

Bruce A. Berlinsky, Esquire
One Carriage Lane, Bldg. F
Charleston, SC 29407
(843) 852-2202
Attorney for Appellant

June 6, 2016