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SC Court of Appeals

**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

Appellate Case No. 2015-002257

Equivest Financial, LLC, Respondent,

v.

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

Of Whom Mary B. Ravenel is the Appellant.

RESPONDENT'S MOTION TO EXPEDITE

Respondent respectfully moves the Court to expedite this appeal. As grounds, respondent would show as follows:

1. Respondent's predecessor-in-interest bought the subject property at a tax sale on November 3, 2008. Eight years later, the respondent's title remains clouded by reason of this latest appeal by a previous owner, Mrs. Ravenel, the appellant.

2. Mrs. Ravenel owned the house in 2008 but recorded a deed in favor of her children to hide the house from creditors as she prepared for her first meeting of creditors in bankruptcy the next day. The deed was never delivered. When 2007 property taxes were not paid, the delinquent tax collector sold the house, giving notice to the children as owners of record. The children challenged the tax sale. Circuit court found that Mary Ravenel's conveyance to her children was in violation of the Statute of Elizabeth because it was intended to defraud her creditors, and hence was void; that Mrs. Ravenel's children were straw owners and became complicit in their mother's fraudulent conduct by commencing the 2010 case in her behalf, and that they were in privity with their mother;

that no irregularities occurred in the tax sale process; and that the plaintiffs came to court with unclean hands, having themselves received nominal title to the property from their mother's unclean hands. Moreover, the deed, even if valid, was not delivered to Mrs. Ravenel's children and so did not take effect, in any event. Title was quieted in favor of respondent.

3. This Court of Appeals affirmed on the basis that the deed to the children had never been delivered, hence they never received title. Unpublished Opinion No. 2013-UP-495. The children's *certiorari* petition was denied.

4. Following remittitur, Mrs. Ravenel claimed that she was not bound by the judgment since she was not a party (having fraudulently placed title in her children's names). The respondent brought this action, Case No. 2014-CP-10-667, against Mrs. Ravenel to quiet the title.¹ Mrs. Ravenel took the opportunity to counterclaim, challenging the 2008 tax sale. Among other contentions, Mrs. Ravenel tried to take advantage of the fact that she had never effectively conveyed the property. She now claimed that she had been the owner all along and was entitled to notice of the tax sale after all, despite the fact that the tax collector was bound to rely on her recorded deed to her children to determine the owner.

5. Circuit court denied Mrs. Ravenel's counterclaim on two grounds: judicial estoppel and the two-year statute of limitations for challenges to tax sales.

6. Eight years after respondent's predecessor bought the property, we are still involved in an appeal, with a *certiorari* petition likely to follow this Court's second decision in this matter. Mrs. Ravenel has been living in the house on the property for the past eight years — rent-free, insurance-free, tax-free — while she has successfully used the judicial

¹ The respondent did not join Mrs. Ravenel as a third-party defendant in her children's 2010 action because the fact that her deed to them was never delivered did not come to light until trial.

system to avoid eviction.²

8. Under these circumstances, respondent respectfully moves this Court to consider expediting this appeal.

Respectfully submitted,

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James B. Richardson, Jr.
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by: James B. Richardson Jr.
Attorneys for Respondent.

November 3, 2016.

² Respondent's effort to evict Mrs. Ravenel failed when the a Charleston County magistrate held that Mrs. Ravenel's current appeal stayed eviction.

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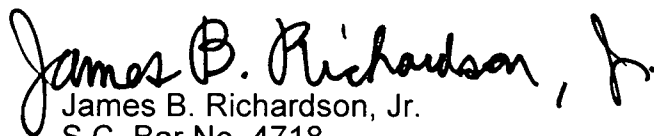
Mary B. Ravenel, Appellant.

CERTIFICATE OF SERVICE

I certify that I served a copy of the respondent's motion to expedite appeal by first class mail, postage prepaid, addressed to appellant's attorney at his address of record, namely:

Bruce A. Berlinsky, Esq.
Attorney at Law
P.O. Box 206
Charleston, SC 29402

on November 3, 2016.



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November 3, 2016.

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November 3, 2016

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Honorable Jenny A. Kitchings
Clerk of the S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211


Re: Equivest Financial, LLC v. Mary B. Ravenel
Appellate Case No. 2015-002257

Dear Ms. Kitchings:

Enclosed for filing is respondent's motion to expedite the appeal.

Thanking you, I remain

Yours very truly,


James B. Richardson, Jr.

cc: Bruce A. Berlinsky, Esq.
S. R. Anderson, Esq.