

The Plaintiff concedes that the property sought to be foreclosed is the Defendant, Howard W. Charpia's, primary residence and that the Defendant, Howard W. Charpia, is entitled to an exemption of \$59,100.00 as computed by the South Carolina Revenue and Fiscal Affairs Office.

The Defendant, Charpia, also argues that his brother, Roger D. Charpia, who he contends is his dependent, is also entitled to the exemption.

Section 15-41-30 (A)(1), provides that the debtors real property is exempt from sale as follows: "the debtor's aggregate interest, not to exceed fifty thousand dollars in value, in real property or personal property that the debtor or a dependent of the debtor uses as a residence.." This section grants the exemption to the debtor or a dependent of the debtor, but not to both.

The Defendant, Charpia, also argues that his dependent brother, Roger D. Charpia, is entitled to the exemption because he owns a one-half (1/2) interest in the subject property located at 1450 Janhz Avenue, Summerville, S.C. Roger D. Charpia, was conveyed a one-half (1/2) interest in the property after the Plaintiff filed her Lis Pendens against the property on August 10, 2009. "A properly filed lis pendens binds subsequent purchasers or encumbrancers to all proceedings evolving from the litigation." *South Carolina National Bank v. Cook*, 291 S.C. 530, 532, (1987).

Based upon the foregoing, it is hereby

ORDERED, that the Clerk of Court for Dorchester County, as the officer conducting the sale, shall grant the Defendant, Howard W. Charpia, an exemption in the first \$59,100.00 in sale proceeds and shall start the bidding at \$59,100.00.

AND IT IS SO ORDERED!

Carmen T. Mullen, Presiding Circuit
Court Judge

This ___ day of _____, 2017

_____, S.C.