

STATE OF SOUTH CAROLINA  
COUNTY OF DORCHESTER

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*Cheryl Nelson*  
CLERK OF COURT  
DORCHESTER COUNTY

IN THE COURT OF COMMON PLEAS  
FIRST JUDICIAL CIRCUIT  
CASE NO.: 2009-CP-18-2200

RENE MCMASTERS now known  
as RENE MCMASTERS  
RONAGHAN

Plaintiff,

ORDER ON DEFENDANTS' MOTION  
FOR DECLARATORY JUDGMENT

**RECEIVED**

H. WAYNE CHARPIA a/k/a  
HOWARD W. CHARPIA  
and JODY E. CHARPIA

MAY 03 2017

SC Court of Appeals

REC 4-13-17  
RWC

Defendants.

The above case came before me on March 21, 2017 at 9:30a.m. Present at the hearing was Frank M. Cisa, attorney for the Plaintiff, Rene McMasters. Also present was Howard W. Charpia, representing himself.

The above action was filed by the Plaintiff on August 10, 2009 seeking the foreclosure of a Judgment that the Plaintiff obtained against, Howard W. Charpia, in the amount of \$191,600.00. The South Carolina Court of Appeals by Opinion filed October 5, 2016, affirmed the Order granting foreclosure of the judgment lien. The Defendant, Howard W. Charpia's Petition for a Writ of Certori was denied by the South Carolina Supreme Court by Order dated February 8, 2017.

The Defendant, Howard W. Charpia, seeks an Order directing the Dorchester County Clerk of Court, as the officer conducting the sale, to apply the property exemption found in Section 15-41-30 (A)(1).

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 30 day of Nov, 2017

St. George, S.C.