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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Patrick Watts, Special Referee Dorchester County

C.A. No.: 2016-CP-18-01681

**RECEIVED**  
OCT 05 2017  
SG Court of Appeals

SSC Real Estate, LLC .....Respondent,

v.

Kimberly A. Thompson and David A. Thompson ..... Appellants.

**RESPONDENT’S MOTION TO DISMISS AND RETURN OPPOSING APPELLANTS’  
MOTION REQUESTING PERMISSION TO ORDER AND FILE TRANSCRIPTS AND  
MOTION FOR IMMEDIATE INJUNCTION**

Respondent files this motion seeking the dismissal of this appeal for failure to timely serve the notice of appeal pursuant to Rule 203, SCACR. Given this late service, all of the relief requested by the Appellants is unwarranted and must be denied.

**I. MOTION TO DISMISS**

As set forth in the underlying order (attached as Exhibit 1), SSC Real Estate, LLC (“SSC”) filed this action seeking to quiet tax title to real property that had been sold at the Dorchester County tax sale held on November 18, 2013. Kimberly A. Thompson and David A. Thompson (the “Thompsons”) were the record owners of the parcel prior to the tax sale. (Ex. 1 at 3). The case was referred to Patrick Watts as Special Referee. (*Id.* at 1).

Following a hearing, the Special Referee asked SSC's counsel for a proposed order. There were several messages back and forth between Mrs. Thompson, SSC, and the Special Referee with respect to the specifics of that order (email chain attached as Exhibit 2). On June 23, SSC's counsel sent a "revised Final Order" to the Special Referee and Mrs. Thompson. (Ex. 2 at 1).

On June 26, the Special Referee mailed a copy of the signed order to SSC, the Thompsons, and the Clerk of Court (cover letter attached as Exhibit 3). The Clerk of Court filed the order on June 28, 2017 (Form 4 attached as Exhibit 4). As certified on the Form 4, the order was mailed on June 28, 2017 to the Thompsons at PO Box 50254 Summerville, SC 29485. (*Id.* at 2). Counsel for SSC also mailed a filed copy of the order to the Thompsons at the same address on July 3, 2017 (cover letter attached as Exhibit 5). This is the same address provided by the Thompsons to this Court in their letter dated September 26, 2017 (attached as Exhibit 6).<sup>1</sup>

Timely service of a notice of appeal is jurisdictional, and any failure to comply with the terms of Rule 203, SCACR requires dismissal by this Court. "The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice." *Elam v. S.C. Dept. of Transp.*, 361 S.C. 9, 14, 602 S.E.2d 772, 775 (2004); *Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) ("Service of the notice of intent to appeal is a jurisdictional requirement, and this Court has no authority to extend or expand the time in which the notice of intent to appeal must be served."); *Camp v. Camp*, 378 S.C. 237, 240, 662 S.E.2d 458, 459-60 (Ct. App. 2008) ("Timeliness of an appeal is a jurisdictional matter. An appellant's failure to comply with

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<sup>1</sup> By e-mail and letter dated January 3, 2017, the Thompsons provided this post office box address to Respondent for future service (attached as Exhibit 7).

the procedural rules for appeal deprives the court of appellate jurisdiction . . . .”) (citations omitted). “If the notice of appeal is not timely filed . . . the appeal *shall* be dismissed . . . .” SCACR 203(d)(3) (emphasis added).

The Notice of Appeal was served on September 5, 2017 and recites that the Thompsons received “written notice of the entry of this order” on August 3, 2017. SSC believes that August 3 is the date the Thompsons were served with the order by the Sheriff (affidavit attached as Exhibit 8) as part of the eviction process set forth in the order. SSC disagrees that this is the date the Thompsons received written notice of the entry of the order as required by Rule 203, SCACR. As shown above, the Thompsons were mailed three copies of the order between June 28 and July 3, 2017. At least two of those transmittals reflect that they were sent to the mailing address the Thompsons provided to this Court. (*See* Exs. 4 and 5). Given these multiple mailings, SSC contends that the date the Thompsons received written notice of the entry of the order was prior to August 3, and that this appeal is not timely and must be dismissed.

Rule 73, SCRCP, provides that the “[p]rocedure on appeal to the South Carolina Supreme Court or the South Carolina Court of Appeals shall be in accordance with the South Carolina Appellate Court Rules.” Rule 73, SCRCP. This includes any provisions relating to the timing for a notice of appeal and what constitutes notice for purposes of triggering that deadline. Rule 203, SCACR provides, “[a] notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment.” As set forth by this Court, “[s]ince the adoption of Rule 203 in 1990, the only limitation ever expressed on how notice must be received is that it must be ‘written notice.’” *Wells Fargo Bank, N.A. v. Fallon Properties S.C., LLC*, 413 S.C. 642, 644, 776 S.E.2d 575, 576 (Ct. App. 2015).

There is no requirement of formal service, only written notice. In this case, the three mailed copies were more than adequate to trigger the deadline for noticing an appeal. Although SSC does not know exactly when those mailings were received by the Thompsons, it is confident that one or more were received prior to August 3, 2017. Therefore, this action must be dismissed.

## **II. MOTION REQUESTING PERMISSION TO ORDER AND FILE TRANSCRIPTS**

SSC contends the motion must be denied based on its motion to dismiss. Nothing about this appeal has been timely, including the Appellants' belated request to order a transcript in this matter. The appeal should be dismissed based on the Appellants' numerous failures to comply with the South Carolina Appellate Court Rules, including Rule 207, SCACR (providing requirements for ordering transcripts).

## **III. MOTION FOR IMMEDIATE INJUNCTION**

Again, SSC contends this appeal must be dismissed in its entirety. However, in no event is injunctive relief appropriate at this time. The order on appeal directed the recovery of real property, and thus, the notice of appeal did not operate to stay the relief ordered. *See* Rule 241, SCACR.

Appellants have failed to comply with Rule 241(d)(1), SCACR, and Rule 62, SCRCP, both of which direct that a party should seek injunctive relief from the trial court. Instead, they have skipped directly to this Court in a cursory motion that does not include the required elements for a petition under Rule 241(d)(3), SCRCP. Moreover, SSC has not received a copy of this motion. Instead, it received a copy of the Court's deficiency letter and checked the filing on C-track. For all of these reasons, this motion must be denied.


**CONCLUSION**

As set forth above, this appeal was not timely served. It should therefore be dismissed.

The Thompsons are not entitled to any of the relief they have requested from the Court.

Respectfully submitted,

**HAYNSWORTH SINKLER BOYD, P.A.**



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*Attorneys for Respondent  
SSC Real Estate*

October 5, 2017

EXHIBIT 1

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF DORCHESTER

Case No. 2016-CP-18-1681

SSC Real Estate, LLC,

Plaintiff,

vs.

**FINAL ORDER**  
(Action to Quiet Tax Title)  
(Reference with Finality)

David A. Thompson, Kimberly A. Thompson, Sharonview Federal Credit Union, Citibank, National Association f/k/a Citibank Federal Savings Bank, and John Doe and Mary Roe, representing all unknown persons having or claiming to have any right, title, or interest in or to, or lien upon, the real estate described as 126 Lancer Drive, Dorchester County, SC, their heirs and assigns, and all other persons, firms, or corporations entitled to claim under, by or through the above-named Defendant(s), and all other persons or entities unknown claiming any right, title, interest, estate in, or lien upon, the real estate described as 126 Lancer Drive, Dorchester County, SC,

Defendants.

2017 JUN 28 AM 11:28  
CLERK OF COURT  
DORCHESTER COUNTY  
CER: 17150 COPY

THIS MATTER comes before me pursuant to the Amended Order of Reference filed on May 11, 2017, for a merits hearing upon the action of Plaintiff SSC Real Estate, LLC ("Plaintiff") to quiet its tax title to real property and seeking an order of the Court confirming marketable, fee simple title.

The hearing occurred on June 14, 2017. Plaintiff appeared through its attorney. Defendant Kimberly A. Thompson ("Mrs. Thompson") appeared *pro se*, but Defendant David A. Thompson ("Mr. Thompson") did not attend the hearing. Sidney B. Jones III, the Dorchester County Delinquent Tax Collector (the "Tax Collector"), appeared as a witness.

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### FINDINGS OF FACT

The real property that is the subject of this action is known as 126 Lancer Drive, Dorchester County, South Carolina, tax map number 171-01-01-007.000 (the "Property"), as is more fully described in Plaintiff's Notice of Lis Pendens and as follows:

ALL that certain piece, parcel or lot of land, together with the buildings and improvements thereon, situate, lying and being in Dorchester County, South Carolina, shown and designated as Lot 18, Block 2, Kings Grant Patio Houses as a "Plat Showing King's Grant Patio Houses by C. Roger Jennings, RLS, dated February, 1973 and recorded in the ROD Office for Dorchester County in Plat Book 20, Page 207; said lot having such size, shape, metes, buttings and boundaries, as will more fully appear by reference to the foresaid plat; plat prepared by Paul C. Lawson, Jr. dated June 17, 1992 and recorded in Book 1009, Page 27 shown and Encroachment of Easement on plat of Plat Book 20, Page 207.

BEING the same property conveyed to David A. Thompson and Kimberly A. Thompson by deed recorded September 19, 2012 in the ROD Office for Dorchester County in Book 8463, Page 327; being the same property conveyed to SSC Real Estate, LLC by Title to Real Estate by the Tax Collector dated and recorded on February 11, 2015, in the Office of the Register of Deeds for Dorchester County in Deed Book 9612, page 152, and re-recorded in the ROD on April 28, 2014, in Book 9708, page 127.

TMS#: 171-01-01-007.000.

### The Tax Sale and Tax Deed

Sunshine State Certificates IV, LLLP purchased the Property at the Dorchester County tax sale held on November 18, 2013 (the "Tax Sale") with a bid of \$75,000.00, and subsequently assigned its bid to Plaintiff through an Assignment of Bid form dated January 26, 2015. The Tax Sale bid of \$75,000 left surplus funds of \$71,490.17 (the "Overage"). Dorchester County conveyed title to Plaintiff by tax deed dated and recorded on February 11, 2015, in the Dorchester County Register of Deeds Office (the "ROD") in Deed Book 9612, page 152, and re-recorded in the ROD on April 28, 2014, in Book 9708, page 127.

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### **Procedural History and Relevant Title History**

On August 19, 2016, Plaintiff commenced this action by filing its Civil Action Cover Sheet, Summons, Complaint, and Notice of Lis Pendens (collectively, the "Pleadings").

Plaintiff named Mr. Thompson and Mrs. Thompson (collectively, the "Thompsons") because they were the record owners of the Property prior to the Tax Sale. The Thompsons acquired title to the Property through a Special Warranty Deed dated June 28, 2012, and recorded on September 19, 2012, in the ROD in Book 8463, page 327. By virtue of this deed, the Thompsons owned 100% of fee simple title to the Property, but through this action, Plaintiff has eliminated all interests of the Thompsons in the Property.

Plaintiff named Defendant Sharonview Federal Credit Union (the "Credit Union") as a party due to the Order of Default Judgment in the amount of \$19,624.22, dated August 19, 2014, and filed on August 22, 2014, in the Dorchester County Clerk of Court's Office, Case Number 2014-CP-18-161 (the "CU Judgment"). Through this action, Plaintiff has eliminated the CU Judgment as a lien upon the Property, as well as all other interests that the Credit Union may have or claim to have in, to, or upon the Property.

Plaintiff named Defendant Citibank, National Association *f/k/a* Citibank Federal Savings Bank ("Citibank"), as a party due to the Mortgage from Raymond W. Baldwin and Lillian A. Baldwin (prior owners in the chain of title) in the original amount of \$28,000.00, dated November 23, 2005, and recorded on April 26, 2006, in the ROD in Book 5324, page 310 (the "Mortgage"). The Mortgage was foreclosed through an action filed in the Dorchester County Court of Common Pleas captioned, *CitiMortgage, Inc. v. Raymond W. Baldwin a/k/a Ray W. Baldwin, Lillian A. Baldwin, King's Grant Homeowners Association, Inc., and Citibank* (Case No. 2011-CP-18-0829). However, the Mortgage was not satisfied of record. Through this

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action, Plaintiff has eliminated the Mortgage as a lien upon the Property, as well as all other interests that Citibank may have or claim to have in, to, or upon the Property.

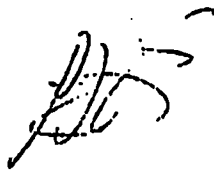
Plaintiff named John Doe and Mary Roe as fictitious defendants to represent the interests of any unknown persons or entities claiming any right, title, interest, estate in, or lien upon the Property, but Plaintiff elected not to proceed against the unknown defendants. Accordingly, the unknown defendants are dismissed as parties to this action without prejudice.

#### **Service of the Pleadings and Status of the Defendants**

Plaintiff served the Pleadings upon the Thompsons on September 4, 2016, as evidenced by the separate Affidavits of Service filed on September 22, 2016. Mr. Thompson did not respond to the Pleadings or make any appearance in this action, and he is in default.

Mrs. Thompson filed an Answer to Complaint on September 29, 2016, seeking to retain ownership of the Property. On October 17, 2016, Plaintiff filed its Reply to Mrs. Thompson's Answer. In its Reply, Plaintiff asserted, among other affirmative defenses, that Mrs. Thompson's claims are barred by S.C Code §§ 12-51-90(C) and 12-51-160 because Mrs. Thompson did not assert them within two years from the date of the Tax Sale, and that the equitable doctrine of waiver bars Mrs. Thompson's claims because the Thompsons claimed the Overage.

Plaintiff served the Pleadings upon the Credit Union on September 1, 2016, as evidenced by the Affidavit of Service filed on September 22, 2016. The Credit Union did not serve or file any response to the Pleadings and is in default pursuant to the Order of Default filed on November 1, 2016.



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Plaintiff served the Pleadings upon Citibank on September 7, 2016, as evidenced by the Affidavit of Service filed on September 22, 2016. As evidenced by the Consent Order Regarding Tax Sale and Setting Aside Order of Default filed on May 24, 2017, Citibank consented to the Tax Sale of the Property.

On May 16, 2017, Plaintiff served notice of the hearing upon all named defendants, and the Notice of Hearing was filed on May 18, 2017.

#### **Evidence Presented at the Hearing**

Sidney B. Jones III, the Tax Collector, testified that all notices of delinquent taxes, the execution, levy, posting, advertisements, tax sale, and notices of the approaching end of redemption period sent to the interested parties entitled to notice were performed in accordance with the usual procedures of his office and were in strict conformity with all statutory requirements.

Specifically, the Tax Collector testified that on or about April 1, 2013, his office mailed the notice of delinquent taxes described in S.C. Code § 12-51-40(a) to the Thompsons at 126 Lancer Drive, Summerville, SC 29465 (the "Lancer Drive Address"). This notice is mailed by regular mail, and the Tax Collector testified that the United States Postal Service did not return this notice to his office. The Lancer Drive Address is the address listed on the deed conveying the Property to Thompsons and is also the Property address. The Tax Collector testified that at the time of the Tax Sale, the Tax Collector's office had no record of any other address for the Thompsons. Accordingly, the Lancer Drive Address was the "best address" for the Thompsons, as defined in S.C. Code § 12-51-40(a).

*AB*

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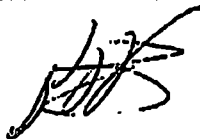
With respect to the notice described in S.C. Code § 12-51-40(b), the Tax Collector testified that his office mailed this notice to the Thompsons at the Lancer Drive Address by certified mail, return receipt requested-restricted delivery on or about May 8, 2013. With respect to this notice, the Tax Collector testified that the Lancer Drive Address was the address listed on the tax receipt. The Tax Collector testified that the United States Postal Service returned this notice marked "Unclaimed."<sup>1</sup> Accordingly, the Tax Collector's office took exclusive possession of the Property by posting the Property with the notice of the Tax Sale described in S.C. Code § 12-51-40(c), which occurred on August 23, 2013.

The Tax Collector testified that as required by S.C. Code § 12-51-40(d), his office advertised the Property for sale at public auction in both The Eagle Record and The Summerville Journal Scene. The Property was advertised for sale in The Eagle Record on October 24, October 31, and November 7, 2013, and the Property was advertised for sale in The Summerville Journal Scene on October 25, November 1, and November 8, 2013.

With respect to the notice of approaching end of redemption period described in S.C. Code § 12-51-120, the Tax Collector testified that on or about October 15, 2014, his office mailed separate redemption notices to the Thompsons at the Lancer Drive Address by certified mail, return receipt requested-restricted delivery. The Tax Collector testified that his office did not have a record of receiving the signed receipt cards for these two redemption notices, but the Tax Collector also testified that the United States Postal Service did not return either redemption notice.

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<sup>1</sup> While the Tax Collector obtained exclusive possession of the Property by posting, as provided in S.C. Code § 12-51-40(c), the Court notes that "[p]ursuant to [Chapter 51 of Title 12 of the South Carolina Code of Laws] the return of the certified mail 'undelivered' is not grounds for a tax title to be withheld or be found defective and ordered set aside or canceled of record." S.C. Code § 12-51-120.



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The Tax Collector also testified that on June 14, 2015, the Thompsons claimed and received the Overage of \$71,490.17, which funds were generated by the Tax Sale bid for the Property. Mrs. Thompson similarly testified that she claimed and received the Overage, and Mrs. Thompson admitted that she deposited the Overage funds into her bank account. Mrs. Thompson also testified that when she claimed the Overage, she knew that the Overage funds came from the Tax Sale of the Property.

In sum, all of the testimony and evidence presented at the hearing demonstrates that the Tax Collector strictly complied with the tax sale statutes in all respects, and that the Tax Sale of the Property should be upheld. The testimony and evidence presented at the hearing also demonstrates that the Thompsons claimed, received, and deposited the Overage, and that Mrs. Thompson knew the Overage came from the Tax Sale of the Property. Thus, the equitable doctrine of waiver bars Mrs. Thompson's challenges to the Tax Sale of the Property, and Mrs. Thompson's challenges to the Tax Sale are also barred by the two-year statute of limitations set forth in S.C. Code §§ 12-51-90(c) and 12-51-160.

It is also noted that while Mrs. Thompson sought to set aside the Tax Sale of the Property, Mrs. Thompson failed to name the Tax Collector as a party. The taxing authority is a necessary party when a tax sale is challenged because the desired result is a finding that the taxing authority failed to adhere to the tax sale statutes and an order vacating the resulting tax deed. Because Mrs. Thompson did not name the Tax Collector as a defendant, the Tax Collector is not subject to jurisdiction in this action, and thus, the relief Mrs. Thompson seeks could not be awarded, even assuming that grounds existed for challenging the Tax Sale, which they do not.

By email on or about June 21, 2017, about seven days after Ms. Thompson had rested her case at trial on June 14, 2017, she made a claim for components she and Mr. Thompson had



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installed in the house after the Tax Sale such as doors, cabinetry, appliances and other finish items.

### **CONCLUSIONS OF LAW**

Based upon the pleadings, motions, and orders filed, the testimony and evidence presented, and the arguments of counsel at the merits hearing, I make the following conclusions of law:

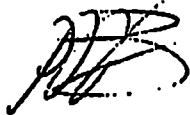
1. Any finding of fact stated above that is also a conclusion of law is incorporated herein by reference.

2. This matter is properly before the Court. Notice of the Hearing was properly given to all defendants, and the Court has personal jurisdiction over all defendants. Further, this matter is within the subject matter jurisdiction of this Court, having been properly referred for the purpose of taking testimony, receiving evidence, and making findings of fact and conclusions of law with respect to all issues with the authority and power to enter a final judgment in this cause with any appeal to the Court of Appeals of South Carolina.

3. Prior to the Tax Sale of the Property, the Thompsons were the record owners of the Property, and held good, fee simple title to the Property. No other person or entity held any ownership interest of record in the Property.

4. In strict accordance with all statutory requirements, the Tax Collector provided all required notices to all interested parties entitled to notice, properly executed, levied upon, and thereafter properly advertised and sold the Property at the Tax Sale.

5. After providing the statutorily required notice of the approaching end of the redemption period to all interested parties entitled to notice in strict compliance with S.C. Code § 12-51-120, the Tax Collector issued to Plaintiff a tax deed to the Property dated and recorded



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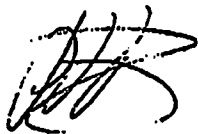
on February 11, 2015, in the ROD in Deed Book 9612, page 152, and re-recorded in the ROD on April 28, 2014, in Book 9708, page 127.

6. Plaintiff timely and properly served the Pleadings upon the Thompsons. Mr. Thompson did not respond to the Pleadings or make any other appearance in this action, and Mr. Thompson is in default. Mrs. Thompson timely responded to the Pleadings by filing an Answer on September 29, 2016.

7. In her Answer, Mrs. Thompson sought to retain ownership of the Property. However, as noted above, a two-year limitations period applies to claims seeking to set aside a tax sale. S.C. Code §§ 12-51-90(c) and 12-51-160. In this case, the Tax Sale occurred on November 18, 2013, so the limitations period expired on November 19, 2015. Mrs. Thompson's Answer was filed on September 29, 2016, which was long after the two-year limitations period expired. Thus, Mrs. Thompson's challenges to the Tax Sale of the Property are barred by S.C. Code §§ 12-51-90(c) and 12-51-160.

8. Further, Mrs. Thompson's claims to retain ownership of the Property are barred by the equitable doctrine of waiver because the Thompsons claimed and received the Overage, which funds were left by the Tax Sale bid. The Thompsons may not receive the financial benefits of the Tax Sale of the Property and then seek to undo that Tax Sale and retain ownership of the Property as well.

9. Plaintiff timely and properly served the Pleadings upon the Credit Union, as evidenced by the affidavit of service filed herein. Thereafter, the Credit Union failed to answer and therefore defaulted to the Complaint, as set forth in the Order of Default filed on November 1, 2016.



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10. Plaintiff timely and properly served the Pleadings upon Citibank, as evidenced by the affidavit of service filed herein. Thereafter, Citibank consented to the Tax Sale of the Property, as evidenced by the Consent Order Regarding Tax Sale and Setting Aside Order of Default filed on May 24, 2017.

11. At all times concerned, the provisions of Chapter 51 of Title 12 of the South Carolina Code of Laws entitled, "Alternative Procedure for Collection of Property Taxes," controlled. At the hearing, no issues were raised concerning the actions of the Tax Collector, and based upon the testimony of Sidney B. Jones III and the other evidenced received, I find that all requirements of the South Carolina Code of Laws with regard to the Tax Sale of the Property were properly followed and were in strict compliance therewith.

12. Because the Tax Sale of the Property was conducted in strict compliance with the statutory requirements pertaining to tax sales and the additional grounds set forth herein, all rights, titles, claims, interests, estates, liens, mortgages, judgments, and any other creditors' claims of any of the defendants in, to, or upon the Property were extinguished by the Tax Sale. Accordingly, all rights, titles, claims, interests, estates, liens, mortgages, judgments, and any other creditors' claims that any of the defendants had or claims to have in, to, or upon the Property are hereby extinguished, and all rights, titles, claims, interests, estates, liens, mortgages, judgments, and any other creditors' claims of any person or entity claiming under, by, or through any of the defendants in, to, or upon the Property are hereby extinguished. Thus, all adverse claims to the Property are forever barred, and Plaintiff's marketable, fee simple title to the Property is certain and free from all reasonable doubt.



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13. Additionally, Plaintiff's tax title is incontestable on procedural or other grounds and all claims against or challenges to the Tax Sale of the Property are barred by the two-year statute of limitations set forth in S.C. Code §§ 12-51-90(c) and 160, because more than two years have passed since the date of the Tax Sale.

14. Because the Tax Sale of the Property was conducted in strict compliance with the statutory requirements pertaining to tax sales, the Thompsons must vacate the Property and remove all items of personal property by Friday, July 28, 2017, as set forth below, and the Thompsons shall maintain the condition of the Property without causing any harm or damage to the Property.

15. "Maintaining the condition of the Property without causing any harm or damage" includes leaving in place, intact and fastened all components the Thompson's installed in or on the Property after the Tax Sale. Ms. Thompson asked for reimbursement of such in paragraph 11 of her Answer. However, she did not address that at all at trial. Thus, she did not preserve that claim; she has waived it.

**NOW, THEREFORE, based upon the foregoing, it is hereby ordered as follows:**

1. All claims, rights, titles, interests, estates, liens, mortgages, judgments, and any other creditors' claims of any of the defendants in, to, or upon the Property are forever barred, including, but not limited to, the prior ownership interests of the Thompsons, the CU Judgment, and the Mortgage.

2. All claims, rights, titles, interests, estates, liens, mortgages, judgments, and any other creditors' claims of any other person or entity claiming under, by, or through any of the defendants in, to, or upon the Property are forever barred.



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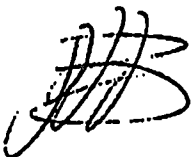
3. The Tax Sale extinguished all rights, titles, claims, interests, estates, liens, mortgages, judgments, and other creditors' claims in, to, or upon the Property, and all claims to the Property adverse to Plaintiff are forever barred.

4. This Court hereby quiets and confirms marketable, fee simple title to the Property in Plaintiff, SSC Real Estate, LLC, and the marketable, fee simple title of Plaintiff, SSC Real Estate, LLC, to the Property is certain and free from all reasonable doubt.

5. The Thompson shall vacate the Property by Friday, July 28, 2017, and shall maintain the condition of the Property without causing any harm or damage to the Property, and leaving in place, intact and fastened all components the Thompson's installed in or on the Property after the Tax Sale. In the event that the Thompsons do not vacate the Property by Friday, July 28, 2017, Plaintiff shall provide a copy of this Final Order to the Dorchester County Sheriff or his authorized deputies (collectively the "Sheriff"), and upon receipt of a copy of this Final Order, the Sheriff is hereby ordered to perform as follows:

a. The Sheriff is hereby ordered, directed, and authorized to post a copy of this Final Order and/or to serve a copy of this Final Order upon any persons occupying the Property;

b. Not less than 15 days after said posting or service, the Sheriff shall be authorized to enter upon the Property, by force if necessary, and to seize the Property and to remove any persons occupying the Property from the Property, together with all of his/her/their personal property and possessions, and to put Plaintiff in full, peaceful and quiet possession of the Property without delay, and thereafter, within ten (10) days, make due Return to the Clerk of Court for Dorchester County, South Carolina, showing how this Final Order has been executed; and

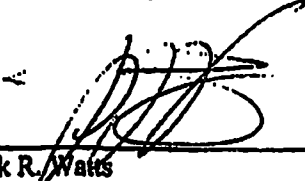


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c. The Sheriff shall have discretion to extend the date of seizure, but not more than 30 days from the date of said service or posting, absent a further Order.

AND IT IS SO ORDERED.

June 26, 2017

  
\_\_\_\_\_  
Patrick R. Watts  
Special Referee for Dorchester County

**Spruill, Sarah**

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**From:** Barnes, Parker  
**Sent:** Friday, June 23, 2017 4:45 PM  
**To:** Patrick Watts; 'Kimberly'  
**Cc:** Williamson, Carol  
**Subject:** RE: SSC Real Estate, LLC v David A. and Kimberly A. Thompson et al; 2016-CP-18-1681  
**Attachments:** DM 4838695-v3 Final Order.pdf; DM 4838680-v1 Form 4.pdf; Redline.pdf

**EXHIBIT 2**

Mr. Watts,

Attached is the revised Final Order pursuant to your below instructions, along with the Form 4c. I have also attached a document titled "Redline" so you and Mrs. Thompson can easily see the changes made. I also changed the date to vacate to July 28 in paragraph 14. If any additional revisions are necessary, please let me know, and I will be happy to make them. Thank you.

Parker Barnes  
803.540.7865

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**From:** Patrick Watts [mailto:pat.watts@wattslawfirm.com]  
**Sent:** Friday, June 23, 2017 2:40 PM  
**To:** Barnes, Parker; 'Kimberly'  
**Cc:** Williamson, Carol  
**Subject:** RE: SSC Real Estate, LLC v David A. and Kimberly A. Thompson et al; 2016-CP-18-1681

Mr. David A. Thompson  
Ms. Kimberly A. Thompson  
A. Parker Barnes, III, Esq.

Mr. Barnes:

Please revise your proposed order in the following respects.

1. Add the following as a new paragraph at the end of the findings of fact on page 7, just before the heading for the Conclusions of Law:

By email on or about June 21, 2017, about seven days after Ms. Thompson had rested her case at trial on June 14, 2017, she made a claim for components she and Mr. Thompson had installed in the house after the tax sale such as doors, cabinetry, appliances and other finish items.

2. Add the following as paragraph 15 of the Conclusions of Law:

15. "Maintaining the condition of the Property without causing any harm or damage" includes leaving in place, intact and fastened all components the Thompson's installed in or on the Property after the tax sale. Ms. Thompson asked for reimbursement of such in paragraph 11 of her Answer. However, she did not address that at all at trial. Thus, she did not preserve that claim; she has waived it.

3. If you like, add in an appropriate place in the orders a phrase such as, "leaving in place, intact and fastened all components the Thompson's installed in or on the Property after the tax sale."

4. In paragraph 13 of the Conclusions of Law, in the third line, add the word years between two and have.

5. In paragraph 5.b. of the Orders, in the second line, add the word remove between and to and any

6. Change the date to vacate to Friday, July 28, 2017.

I will sign the order as revised on Monday and mail it and a Form 4c to the Clerk with copies to clock and forward to all the parties.

Thank you all.

*Patrick R. Watts*

Attorney at Law  
Watts Law Firm, PA  
P.O. Box 2046  
Summerville, SC 29484  
843-851-7050

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**DEBT COLLECTOR:** This firm collects debts for lenders and other creditors. Any information obtained will be used for that purpose. However, if you have previously received a discharge in bankruptcy, this message is not and should not be construed as an attempt to collect a debt, but only as an attempt to enforce a lien.

**IRS CIRCULAR 230 DISCLOSURE:** To ensure compliance with certain U.S. Treasury regulations, we inform you that, unless expressly stated otherwise, any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of avoiding tax-related penalties that may be imposed by the IRS or to promote, market or recommend to any party any tax-related matter addressed herein. In addition, if any such tax advice is used or referred to by other parties in promoting, marketing or recommending any partnership or other entity, investment plan or arrangement, then (i) the advice should be construed as written in connection with the promotion or marketing by others of the transaction(s) or matter(s) addresses in this communication and (ii) the taxpayer should seek advice based on the taxpayer's particular circumstances from an independent tax advisor.

---

**From:** Barnes, Parker [<mailto:pbarnes@hsblawfirm.com>]  
**Sent:** Wednesday, June 21, 2017 9:00 AM  
**To:** 'Kimberly' <[kt1975@rocketmail.com](mailto:kt1975@rocketmail.com)>  
**Cc:** 'Patrick Watts' <[pat.watts@wattslawfirm.com](mailto:pat.watts@wattslawfirm.com)>; Williamson, Carol <[cwilliamson@hsblawfirm.com](mailto:cwilliamson@hsblawfirm.com)>  
**Subject:** RE: SSC Real Estate, LLC v David A. and Kimberly A. Thompson et al; 2016-CP-18-1681

Mrs. Thompson,

Your understanding about being able to remove cabinetry, doors, and other fixtures in the property is not correct. Please be advised that the proposed order provides that the condition of the property shall be maintained. Further, my client will not consent to the removal of any items from the property.

I have copied Mr. Watts with this message so he can respond to your intent to remove items from the property. I am happy to have a conference call with you and Mr. Watts to discuss this issue further if necessary.

Sincerely,

Parker Barnes  
Haynsworth Sinkler Boyd, P.A.  
(803) 540-7865

---

**From:** Kimberly [<mailto:kt1975@rocketmail.com>]  
**Sent:** Wednesday, June 21, 2017 7:35 AM  
**To:** Barnes, Parker  
**Subject:** Re: SSC Real Estate, LLC v David A. and Kimberly A. Thompson et al; 2016-CP-18-1681

Mr. Barnes,

Would your clients like to purchase the doors, cabinetry, appliances and other finish items that were installed after their purchase of the home? We are going through our records and determining what was installed before the tax and after the tax sale. We are under the understanding if we paid for it after the tax sale it's ours to take with us.

Kimberly Thompson

Be a Fruit loop in a world full of Cheerios

On Jun 20, 2017, at 2:13 PM, Barnes, Parker <[pbarnes@hsblawfirm.com](mailto:pbarnes@hsblawfirm.com)> wrote:

Ms. Thompson,

I have discussed the potential for my client selling the property back to you today and the move out date. As you are aware, my client's efforts to sell the property back to you date back to December of 2014, and at this point, my client is not interested in any further attempts. As to the move out date, my client is sympathetic to your personal challenges. However, my client has been without the use of its purchase funds or use of property for over three years. During that time, my client has paid the 2014, 2015, and 2016 taxes, as well as other costs and fees, and given the amount of time that has transpired and the amount of money that my client has spent, my client feels that July 14 is a fair date. I am very sorry to hear of your father's condition, and I truly wish you and your family the best during this time.

Parker Barnes  
803.540.7865

---

**From:** Kimberly [<mailto:kt1975@rocketmail.com>]  
**Sent:** Tuesday, June 20, 2017 11:58 AM  
**To:** Patrick Watts  
**Cc:** Barnes, Parker; Williamson, Carol  
**Subject:** Re: SSC Real Estate, LLC v David A. and Kimberly A. Thompson et al; 2016-CP-18-1681

I have not had a chance to read all the documents. I have sent them to my attorney to look over.

I do have 2 questions. Mr. Barnes my attorney said when she talked to you last week there was a possibility we could pay the \$75,000 and all the taxes and fees your client has incurred and retain possession of our home is this still a possibility? She said it would be around \$83,000. The date to move doesn't give us 30 days to find a new place to live. We are a family of 7 and I'm currently sleeping at the hospital every other night with my father who has pancreatic cancer that has caused him to go into heart failure and working during the day. We are asking for a little consideration. Our daughter and her husband are moving out on July 21st when they close on their home. So once we get them moved out it will be easier to box our stuff and move out.

Kimberly Thompson

Be a Fruit loop in a world full of Cheerios

On Jun 19, 2017, at 4:44 PM, Patrick Watts <[pat.watts@wattslawfirm.com](mailto:pat.watts@wattslawfirm.com)> wrote:

Message with attachments received. I will look at this in a few days.

*Patrick R. Watts*  
Attorney at Law  
Watts Law Firm, PA  
P.O. Box 2046  
Summerville, SC 29484  
843-851-7050

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---

**From:** Barnes, Parker [<mailto:pbarnes@hsblawfirm.com>]

**Sent:** Monday, June 19, 2017 3:43 PM

**To:** Patrick Watts <[pat.watts@wattslawfirm.com](mailto:pat.watts@wattslawfirm.com)>; [kt1975@rocketmail.com](mailto:kt1975@rocketmail.com)

**Cc:** Williamson, Carol <[cwilliamson@hsblawfirm.com](mailto:cwilliamson@hsblawfirm.com)>

**Subject:** RE: SSC Real Estate, LLC v David A. and Kimberly A. Thompson et al; 2016-CP-18-1681

Mr. Watts,

As directed by your below message, I have prepared a draft of the Final Order for this matter, which is attached. I wanted to point out that paragraph 14 on page 10 and paragraph 5 on page 11 provide that the Thompsons shall vacate the property by Friday, July 14, which is four weeks from the date of your below ruling. If you prefer a different date, I will be happy to make that change, as well as any other changes that you would like.

As to the 2015 taxes, I have attached a check showing that REO America paid the amount of \$2,404.45 by check dated December 16, 2015. The attached copy shows that this check was endorsed and deposited by Dorchester County. REO America is the servicer for SSC Real Estate and paid the 2015 taxes on behalf of SSC Real Estate.

Sincerely,

Parker Barnes  
803.540.7865

---

**From:** Patrick Watts [<mailto:pat.watts@wattslawfirm.com>]

**Sent:** Thursday, June 15, 2017 11:36 AM

**To:** [kt1975@rocketmail.com](mailto:kt1975@rocketmail.com); Barnes, Parker

**Subject:** SSC Real Estate, LLC v David A. and Kimberly A. Thompson et al; 2016-CP-18-1681

Mr. David A. Thompson  
Ms. Kimberly A. Thompson  
A. Parker Barnes, III, Esq.

Lady and Gentlemen:

I have completed my deliberations upon your case referenced above. I am ruling in favor of SSC Real Estate, LLC, against Mr. and Ms. Thompson and the other defendants. I am ruling so based upon all of the theories SSC put forth in its pleadings and at trial.

Generally, all the evidence demonstrates that the Dorchester County Delinquent Tax Collector Office strictly complied with all the tax collection statutes in all respects. Ms. Thompson formally challenged the tax sale more than two years after the sale. Her challenge is barred by that specific statute of limitations found in the tax collection statutes. Mr. and Ms. Thompson claimed and took the overage. Their challenge to the tax sale is barred by the equitable doctrine of waiver.

There are some technicalities, too. When challenging a tax sale one seeks a finding that the Tax Collector failed to adhere to the tax collection statutes and seeks an order vacating the tax deed. That perforce means the Tax Collector is a necessary party to the action. Ms. Thompson did not bring the Tax Collector into this action as a party. The court never had any jurisdiction over the Tax Collector in order to bind him to any ruling. Also, I did not see an Answer by Mr. Thompson. He did not attend the trial. It appears he is in default.

Mr. and Ms. Thompson, your loss of time, money, effort and emotion is regrettable. But I can find nothing that the Tax Collector did wrong. On the other hand, if a property owner who knows about her obligation to pay taxes annually does not get a bill for three years, it is reasonable to expect that owner to make some inquiries. You definitely knew your house had been sold for taxes when you received the notice about the overage. You received that notice within the two year period of limitations. You elected to take the overage instead of challenging the tax sale.

I will do this for you. Title to the house passed to SSC on February 11, 2015. Even though you had notice of that in June 2015 via the overage notice, you testified you paid the 2015 taxes anyway, in the amount of \$2404.45. Although you did not ask for this in your pleadings or at trial, if you provide substantiation other than just the receipt, you actually paid those taxes, such as a copy of the cancelled check, I will direct SSC to pay you that \$2404.45, pursuant to the equitable doctrine of unjust enrichment.

Mr. Barnes, kindly submit a proposed order.

*Patrick R. Watts*

Attorney at Law  
Watts Law Firm, PA  
P.O. Box 2046  
Summerville, SC 29484  
843-851-7050

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promote, market or recommend to any party any tax-related matter addressed herein. In addition, if any such tax advice is used or referred to by other parties in promoting, marketing or recommending any partnership or other entity, investment plan or arrangement, then (i) the advice should be construed as written in connection with the promotion or marketing by others of the transaction(s) or matter(s) addresses in this communication and (ii) the taxpayer should seek advice based on the taxpayer's particular circumstances from an independent tax advisor.

---

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 **Watts Law Firm PA**

Patrick R. Watts, Attorney at Law

133 East 1<sup>st</sup> North Street, Suite 6  
Summerville, South Carolina 29483  
ph. 843-851-7080

P.O. Box 2046  
Summerville, SC 29484  
fx. 843-851-7089

June 26, 2017

**EXHIBIT 3**

Clerk of Court  
Dorchester County  
5200 East Jim Bilton Boulevard  
St. George, South Carolina 29477

Re: SSC Real Estate, LLC v. Thompson *et al.*; 2016-ES-18-1681

Dear Staff:

Please accept the following items for filing and action with the records of the referenced case.

- o Final Order
- o Form 4c

Kindly return and forward clocked copies to me and to the parties in the envelopes I provide.

Naturally, contact me if you see anything amiss. Thank you.

Sincerely,

  
Patrick R. Watts

Encl.

cc: D.A and K.A Thompson (w/ encl.)  
A.P. Barnes, III, Esq. (w/ encl.)

PRW/sfd

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

FORM 4

JUDGMENT IN A CIVIL CASE

EXHIBIT 4

CERTIFIED COPY CASE NO. 2016-CP-18-1681

SSC Real Estate, LLC,

2017 JUN 28 AM 11:28

David A. Thompson, et al.,

PLAINTIFF(S)

*Clayton Barnes*

DEPENDANT(S)

Submitted by: A. Parker Barnes III, Esq.	CLERK OF COURT DORCHESTER COUNTY	Attorney for : <input type="checkbox"/> Plaintiff	<input type="checkbox"/> Defendant
		or <input type="checkbox"/> 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.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
- 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 : Quiet Title hearing

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)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:  
 Lot 18, Plat Book 20 at Page 207 and Plat Book 1009 at Page 27; TMS#171-01-01-007.000; Property Address: 126 Lancer Drive, Dorchester, County, SC

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 tax/fe exists 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.  
 E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Special Referee

*Patrick Watts*

Judge Code

Date

*June 26, 2017*

**For Clerk of Court Office Use Only**

This judgment was entered on the *28<sup>th</sup>* day of *June*, 2017 and a copy mailed first class or placed in the appropriate attorney's box on this *28<sup>th</sup>* day of *June*, 2017 to attorneys of record or to parties (when appearing pro se) as follows:

A. Parker Barnes III, Esq.  
PO Box 11889  
Columbia, SC 29211-1889

---

David A. Thompson  
PO Box 50254  
Summerville, SC 29485

---

Kimberly A. Thompson  
PO Box 50254  
Summerville, SC 29485

---

Sharonview Federal Credit Union  
55 Corporate Drive, Building A, Floor 2  
Bridgewater, NJ 08807

---

Citibank, National Association /k/a Citibank Federal  
Savings Bank  
11800 Spectrum Center Drive  
Reston, VA 22090

---

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

*[Signature]*  
CLERK OF COURT

---

**Court Reporter:**

**E-Filing Note:** In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCF.

---

Haynsworth  
Sinkler Boyd, P.A.

ATTORNEYS AND COUNSELORS AT LAW

**EXHIBIT 5**

1201 MAIN STREET, 22<sup>ND</sup> FLOOR (29201-3226)  
POST OFFICE BOX 11889 (29211-1889)  
COLUMBIA, SOUTH CAROLINA  
TELEPHONE 803.779.3080  
FACSIMILE 803.765.1243  
WEBSITE [www.hsblawfirm.com](http://www.hsblawfirm.com)

CAROL A. WILLIAMSON  
PARALEGAL  
DIRECT DIAL NUMBER 803.640.7848  
EMAIL [cwilliamson@hsblawfirm.com](mailto:cwilliamson@hsblawfirm.com)

July 3, 2017

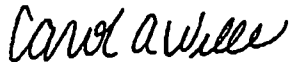
Kimberly A. Thompson  
PO Box 50254  
Summerville, SC 29485

RE: *SSC Real Estate, LLC v. David A. Thompson, et al.*  
Case No. 2016-CP-18-01681  
HSB File No. 36924.0034

Dear Ms. Thompson:

Enclosed and served upon you, please find a filed copy of the Form 4 and Final Order with regard to the above-captioned case. Please do not hesitate to call me if you have any questions.

Sincerely,



Carol A. Williamson  
Paralegal to A. Parker Barnes III

Enclosures

---

**EXHIBIT 6**

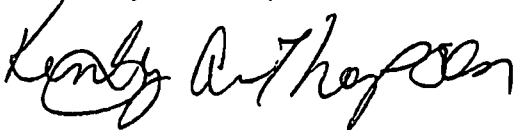
SC APPEALS COURT  
APPELLATE CASE NO. 2017-001849

September 26, 2017

Please find enclosed a copy of our letter requesting transcripts from case 2016-CP-1681. Also, find the motion requesting Permission to Order and File Transcripts outside the filing deadline.

If the court could please take notice of our new mailing address.  
PO Box 50254  
Summerville, SC 29485

Kimberly A. Thompson



**RECEIVED**

SEP 29 2017

SC Court of Appeals

---

**Barnes, Parker**

---

**From:** Kimberly Thompson <lcpm2015@yahoo.com>  
**Sent:** Tuesday, January 03, 2017 8:10 AM  
**To:** Barnes, Parker  
**Subject:** Case No. 2016-CP-18-01681  
**Attachments:** January 3.docx

**EXHIBIT 7**

Mr. Barnes,

Please find attached our request to postpone the hearing. We will not be in the state the last week of January.

Kimberly Thompson

January 3, 2017

**Re: SSC real Estate, LLC v. David A. Thompson, Kimberly A. Thompson  
Case No. 2016-CP-18-01681**

**Mr. Barnes,**

**We are in receipt of the Notice of Hearing. By looking at the Dorchester County Website prior to receiving the Notice of Hearing, we were under the impression the case was to be heard March 17, 2017. We are scheduled out of state the week of January 23<sup>rd</sup>. We respectfully ask the hearing date be postponed.**

**We ask that you use our business PO Box for any further mail communications with us. We had to call the US Postal Inspectors because of theft and fraud with our home mailbox.**

**LCP Mangement  
David or Kimberly Thompson  
Po Box 50254  
Summerville, SC 29485**

**Mrs. Kimberly A. Thompson**



THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Patrick Watts, Special Referee Dorchester County

C.A. No.: 2016-CP-18-01681

**RECEIVED**

OCT 05 2017

SG Court of Appeals

SSC Real Estate, LLC .....Respondent,

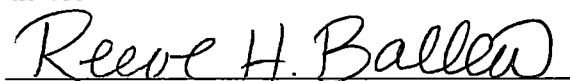
v.

Kimberly A. Thompson and David A. Thompson ..... Appellants.

PROOF OF SERVICE

I, the undersigned employee of Haynsworth Sinkler Boyd, P.A., do hereby certify that I have this 5th day of October 2017, caused the foregoing *Respondent's Motion to Dismiss and Return Opposing Appellants' Motion Requesting Permission to Order and File Transcripts and Motion for Immediate Injunction* to be served via U.S. mail, postage prepaid on counsel of record at the addresses shown below:

Kimberly A. Thompson  
David A. Thompson  
P.O. Box 50254  
Summerville, SC 29485



Reeve H. Ballew  
Haynsworth Sinkler Boyd, P.A.  
1201 Main Street, 22nd Floor  
P.O. Box 11889  
Columbia, SC 29211  
Phone: (803) 779-3080

1201 MAIN STREET, 22<sup>ND</sup> FLOOR (29201-3226)  
POST OFFICE BOX 11889 (29211-1889)  
COLUMBIA, SOUTH CAROLINA  
TELEPHONE 803.779.3080  
FACSIMILE 803.765.1243  
WEBSITE [www.hsblawfirm.com](http://www.hsblawfirm.com)

A. PARKER BARNES III  
DIRECT DIAL NUMBER 803.540.7865  
EMAIL [pbarnes@hsblawfirm.com](mailto:pbarnes@hsblawfirm.com)

October 5, 2017

**VIA HAND-DELIVERY**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

Re: SSC Real Estate, LLC v. David Thompson  
Appellate Case No. 2017-001849  
HSB File No.: 36924.0034

Dear Ms. Kitchings:

Attached for filing, please find an original and seven (7) copies of the *Respondent's Motion to Dismiss and Return Opposing Appellants' Motion Requesting Permission to Order and File Transcripts and Motion for Immediate Injunction* in the above-reference matter, together with our Proof of Service of same. Also attached is this firm's check in the amount of \$25 to cover the fee for filing. Please return clocked copies to me via our courier.

Sincerely yours,

HAYNSWORTH SINKLER BOYD, P.A.



A. Parker Barnes III

APBIII/jmb

Enclosures

cc: David A. Thompson (via regular mail)  
Kimberly A. Thompson (via regular mail)

**RECEIVED**

OCT 05 2017

**SC Court of Appeals**