

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

**APPEAL FROM DORCHESTER COUNTY
COURT OF COMMON PLEAS**

JUDGE CARMEN MULLEN , FIRST CIRCUIT

**CASE # 2009-CP-18-2200
APPELLATE CASE # 2017-000834**

RECEIVED

MAR 08 2018

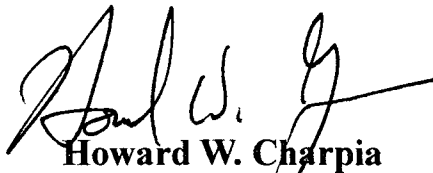
SC Court of Appeals

**RENE McMASTERS , now known as Rene McMasters Ronaghan...Respondent
v.
H. WAYNE CHARPIA a/k/a HOWARD W. CHARPIA AND JODY E. CHARPIA
Defendants,**

of whom H. Wayne Charpia a/k/a HOWARD W. CHARPIA.....is the Appellant

RECORD ON APPEAL

MOTION FOR DECLARATORY JUDGMENT 15-41-30 (A)(1)



**Howard W. Charpia
717 Old Trolley Road Suite 6 # 360
Summerville, SC 29485**

Attorney Frank M. Cisa

INDEX

Order on Defendant's Motion for Declaratory Judgment.....	1
Form 4.....	2
Letter from South Carolina Legal Services.....	6
Letter from Honorable Stephen T. Draffin.....	9
Letter for Assertion of my brother Roger.....	11
Assignment of bid to Green Wave Alum LLC.....	13
Deed to Green Wave Alum LLC.....	14
Fraudulent Affidavit from Attorney Cisa.....	18
Roger Charpia's SSI check (copy).....	19
Order of Foreclosure.....	20
Form 4 ending this case from Judge Dickson.....	21
Order from Supreme Court , dated February 8, 2017.....	27
Lis Pendens that has been altered (date/time).....	28
Lis Pendens that has been altered (date/time) , 2 nd	28 (a)
Complaint.....	29
Motion for declaratory Judgment.....	34
Roger Charpia's deed.....	36

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

RENE MCMASTERS now known
as RENE MCMASTERS
RONAGHAN

Plaintiff,

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

Defendants.

CERTIFIED COPY
2017 APR 10 PM 2:04
CLERK OF COURT
DORCHESTER COUNTY

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

ORDER ON DEFENDANTS' MOTION
FOR DECLARATORY JUDGMENT

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.

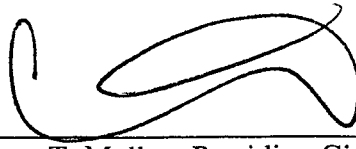
Section 15-41-30 (A)(1), provides that the debtors real property is exempt from sale as follows: "the debtor's aggregate interest, not to exceed fifty thousand dollars in value, in real property or personal property that the debtor or a dependent of the debtor uses as a residence..". This section grants 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 March, 2017

St. George, S.C.

FORM 4

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

FILED - RECORDED

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2009CP1802200

Rene McMasters

CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

H Wayne Charpia
Jody E (indexed 8-20-09)
Charpia

Howard W Charpia

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: ☐ Plaintiff ☐ Defendant
☐ 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 on 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: _____
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **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: Pursuant to the Order of Foreclosure filed 11/27/2012, the subject property was sold by the Clerk of Court on April 4, 2017 for \$130,000.00. The winning bidder, Claude L. Soles, Jr., had deposited the 5% earnest money (\$6,500.00) and made additional deposits all of which totaled \$70,900.00. It has been more than 30 days since the sale and the winning bidder has now withdrawn his bid. Therefore, pursuant to the aforementioned Order of Foreclosure, the Clerk of Court shall return to Mr. Claude L. Soles Jr., the amount of \$64,400.00 which represents the total payments made less the earnest money paid (\$70,900.00 - \$6,500.00 = \$64,400.00). The Clerk of Court shall re-advertise the property to be sold at the next available sale date.

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

[Signature]
16

4

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


Doyet A. Early, III, Circuit Court Judge 2136 Judge Code 5/11/2017 Date

For Clerk of Court Office Use Only

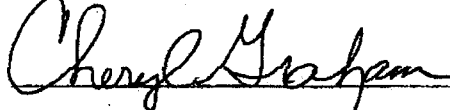
This judgment was entered on 5/19/2017, and a copy mailed first class or placed in the appropriate attorney's box on 5/19/2017, to attorneys of record or to parties (when appearing pro se) as follows:

Frank M. Cisa 858 Lowcountry Blvd. Ste. 101 Mt. Pleasant,
SC 29464

H Wayne Charpia 1450 Jahnz Ave. Summerville, SC 29485
Jody E Charpia 1450 Jahnz Ave. Summerville, SC 29485

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)



Court Reporter

Cheryl Graham - 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-Fileers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.



2803 Carner Avenue, North Charleston South Carolina 29405
Phone: (843) 720-7044 Fax: (843) 760-1090
www.sclegal.org | www.lawhelp.org/sc | www.probono.net/sc

October 7, 2015

Roger Charpia
1450 Jahnz Avenue
Summerville, SC 29485

Re: counsel and advice
Our file No: 15-0631515

Dear Mr. Charpia:

Your case has now been accepted for **counsel and advice**.

I reviewed your documents and information on the public index about your case. The issue is very complicated. Your interest in the home is listed as a ½ interest given to you by your brother. However, this transfer occurred during a pending foreclosure case and may be deemed invalid or not have an effect on the ability for the other party to sell the home by way of the foreclosure.

There is a lot of history with that case. It began as a judgment and those issues cannot be reviewed. The resulting judgment gained interest and is now a large sum over several hundred thousand dollars. Ms. McMasters is trying to sell the home to collect on that. She is doing that through the foreclosure. It appears that the foreclosure was granted and that there are a few appeals and at least 1 appeal pending decision by the South Carolina Court of Appeals. That is why no sale date has yet been set.

The arguments for you trying to stop the collection of the judgment are from the law saying the judgment is only good for 10 years and it is now past 10 years. The law from prior cases of the Supreme Court and Court of Appeals, referred to as case law, does not support the argument. Below is the case that goes against your argument.

When a party has complied with the applicable statutes, as Respondent did in this case, and is merely waiting on a court's order regarding execution and levy, the ten year limitation [13] found in section 15-39-30 is extended to when the court finally issues an order. To hold [555] otherwise would put those trying to enforce their judgments at the mercy of the court system to conclude the matter within the ten-year period. Linda Mc Co. v. Shore, 390 S.C. 543, 554-55 (2010)



6



Some judges do not agree with the majority of the judges that made the decision. They sometimes give their opinion, which is called a dissent. However, that is not what becomes the law of future cases. For those reasons, your argument will lose.

The other issue is about the law that allows an exemption up to \$100,000 for a homeowner and any dependents living there. It appears to me that your brother and you would count. Your brother takes care of you and your income is from SSI. The sheriff or other officer conducting the sale, in the advertisement of the sale, also shall state that the minimum bid for the property must be in the amount of the exemption and no bid less than the amount of exemption may be accepted. S.C. Code Ann. § 15-41-10

The above law to me means that when the home is set to be sold, then it must be published 3 weeks prior to the sale. In that publishing it must say that there is an exemption and they cannot accept a bid lower than that. That means if no one bids more than \$100,000 on the home, then the sale should not go through. If there is a bid over, then you and your brother should have a claim for the money up to \$100,000. This may require further court hearing after the bids at a sale.

With this counsel and advice there is nothing further for me to do to assist you in this matter. **Therefore, your file is now closed.** Enclosed is a survey card for you to fill out and return.

If you believe that you still need legal assistance regarding your eviction issue, you may want to contact South Carolina Lawyer Referral at 1-800-868-2284. This is a service sponsored by the SC Bar. Explain your problem for a referral to attorneys in your area who handle your type of case. A standard fee of \$50.00 is charged for the first 30 minutes of discussion. Depending upon the agreement the two of you make, if any, there may be other fees and charges.

South Carolina Legal Services' (SCLS) mission is to protect the rights and represent the interests of low-income South Carolinians. If you do not get food stamps or Medicaid, I encourage you to apply for these benefits. I have enclosed a food stamp pamphlet and a Medicaid pamphlet for you to review. You can apply for food stamps by calling The Benefit Bank of South Carolina at (800) 726-8774 or by going to their website at: www.tbbsc.org. You can apply for Medicaid by calling your local Medicaid office at (843) 381-8260. Finally, if your application for food stamps or Medicaid is denied, you can call the SCLS intake line at (888) 346-5592 to see if you are eligible for legal services. SCLS does represent people in appealing food stamp and/or Medicaid denials.

Also, if you are unhappy with the services that have been provided to you or with our decision to accept your case for counsel and advice only, you have the right to make a complaint. All complaints should be made to Ms. Angela Myers, Managing Attorney, in writing or by phone at (843) 720-7044. All complaints will be timely reviewed.

7



2803 Camer Avenue, North Charleston South Carolina 29405
Phone: (843) 720-7044 Fax: (843) 760-1090
www.sclegal.org | www.lawhelp.org/sc | www.probono.net/sc

We wish you the best in the future.

Sincerely,

Matthew M. Billingsfey
Housing Lead Attorney
South Carolina Legal Services



EXHIBIT

July 1, 2008

The Honorable Stephen T. Draffin
Code Commissioner and Executive Director
South Carolina Legislative Council
Post Office Box 11489
Columbia, South Carolina 29211-1489

Dear Mr. Draffin:

We received your letter requesting an opinion of this Office concerning the interpretation of a recent amendment to section 15-41-30 of the South Carolina Code. According to your letter:

By Act 225 of 2008 (H.3816) the General Assembly amended Section 15-41-30 of the 1976 Code increasing various of the amounts of value of property (not including the homestead exemption amount) exempt from attachment, levy, and sale in a bankruptcy or other court proceeding. In Section 15-41-30(B) of the act, a biennial adjustment for inflation of these amounts is required.

Based upon this information, you desire an opinion of this Office on the following issues:

- (1) As of July 1, 2008, what values are in effect for the exemptions allowed pursuant to the dollar amounts specified in all but item (1) of Section 15-41-30(A); and
- (2) What value is in effect as of July 1, 2008, for the homestead exemption amount specified pursuant to Section 15-41-30(A)(1)?

Law/Analysis

Section 15-41-30 of the South Carolina Code (Supp. 2007) allows debtors domiciled in South Carolina to exempt certain property from attachment, levy, and sale by a court or in connection with a bankruptcy or other court proceeding. In 2006, the General Assembly amended section 15-41-30(1) pertaining specifically to homestead exemptions. 2006 S.C. Acts 2356. This amendment increased the amount of the exemption from five thousand for a single exemption and ten thousand

The Honorable Stephen T. Draffin
Page 2
July 1, 2008

for multiple exemptions residing in a single living unit to fifty thousand and one hundred thousand dollars, respectively. Id. In addition, the amendment added language requiring an increase of the exemption amount every year beginning July 1, 2007 based on the Southeastern Consumer Price Index. As amended, section 15-41-30(1) read:

(1) 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, in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence, or in a burial plot for the debtor or a dependent of the debtor, except that the aggregate value of multiple homestead exemptions allowable with respect to a single living unit may not exceed one hundred thousand dollars. If there are multiple owners of such a living unit exempt as a homestead, the value of the exemption of each individual owner may not exceed his fractional portion of one hundred thousand dollars. Beginning on July 1, 2007, and each year thereafter, each dollar amount in subsection (1) of this section, immediately before July first, shall be adjusted to reflect the change in the Southeastern Consumer Price Index, All Urban Consumers, as published by the Department of Labor, Bureau of Labor Statistics, for the most recent year ending immediately before January first preceding July first, and to round to the nearest twenty-five dollars the dollar amount that represents this change. No later than March first of each year, the Economic Research Section of the Office of Research and Statistics of the Budget and Control Board shall publish in the State Register the dollar amounts that will become effective on each July first.

As you mentioned in your letter, the General Assembly recently amended section 15-41-30 via act 225 of 2008. As amended, this statute provides:

(A) The following real and personal property of a debtor domiciled in this State is exempt from attachment, levy, and sale under any mesne or final process issued by a court or bankruptcy proceeding:

(1) 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, in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence, or in a burial plot for the debtor or a dependent of the debtor, except that the aggregate value of multiple homestead exemptions allowable with respect to a single living unit may not

2002-CP-18-932

May 1, 2009

To: Dorchester County Sheriff's Office
Lt. Blake Weathers
100 Sears Street
St. George, SC 29477

From: Howard W. Charpia
Charpia Residential LLC
1450 Jahnz Ave.
Summerville, SC 29485

Re: Homestead Exemption 15-41-30 (A) (1)
Judicial / Execution Sale of
1450 Jahnz Ave. Summerville, SC

2009 MAY -4 AM 10:18
CLERK OF COURT
DORCHESTER COUNTY

Lt. Weathers,

I, Howard W. Charpia , Debtor ; hereby certify that
I am the Legal Guardian and Conservator of Roger Dale Charpia .
I am the Brother of Roger and he has been in my care for approx.
25 years. Roger is a Dependent of mine and resides at 1450 Jahnz
Ave. Summerville, SC 29485

I, Howard W. Charpia , Debtor : hereby certify that I
am asserting , Roger Dale Charpia , as a / my Dependent in the said
Homestead Exemption for the Judicial / Execution Sale of the above
said property. He , Roger Dale Charpia resides at said property.
Please accept him as " A Dependent of The Debtor " .

//

SWORN before me this Day April 30, 2009

Susan Getz
Notary Public for South Carolina

My Commission Expires on 6/18/2018



Howard W. Charpia
Howard W. Charpia
Charpia Residentials LLC
1450 Jahnz Ave.
Summerville, SC 29485

cc: Dorchester County Clerk of Court
Sheriff L.C. Knight
Judge Perry M. Buckner III

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF DORCHESTER)

CASE NO. ~~2012-CR-18-02200~~
2009 ~~MS~~

✓ RENE McMASTERS, now known as)
RENE McMASTERS RONAGHAN,)

Plaintiff,)

ASSIGNMENT OF BID

vs.)

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

Defendants,)
_____)

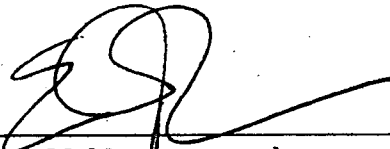
CLERK OF COURT
DORCHESTER COUNTY

2017 AUG - 1 AM 11:23

FILED-RECORDED

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, the Plaintiff does hereby assign her successful bid in the foregoing foreclosure action unto **Green Wave Alum, LLC, 1591 Savannah Highway, Suite 201, Charleston, SC 29407**, and does hereby direct the Honorable Cheryl Graham, as Clerk of Court for Dorchester County, to execute her deed to the subject property unto said assignee.

Date: AUG 1, 2017



Rene McMasters, now known as

Rene McMasters Ronaghan

c/o Frank M. Cisa, Esquire

Cisa & Dodds, LLP

858 Lowcountry Blvd., Suite 101

Mount Pleasant, SC 29464

MARGARET L BAILEY
DORCHESTER COUNTY
REGISTER OF DEEDS

201 Johnston Street ~ Saint George, SC 29477 (843) 563-0181

*** THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE ***



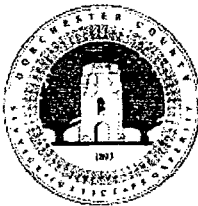
Instrument #:	2017020324		
Receipt Number:	29480	Return To:	FRANK CISA
Recorded As:	DEED		
Recorded On:	August 01, 2017		
Recorded At:	12:02:44 PM	Received From:	FRANK CISA
Recorded By:	NW	Parties:	
Book/Page:	RB 10927: 35 - 39		Direct- CHARPIA, JODY E
Total Pages:	5		Indirect- GREEN WAVE ALUM LLC

*** EXAMINED AND CHARGED AS FOLLOWS ***

Recording Fee: \$10.00
Consideration: \$59,100.00
County Tax: \$65.45
State Tax: \$154.70
Tax Charge: \$220.15

RECEIVED
2017 AUG -07 PM 01:33
DORCHESTER CO ASSESSORS OFFICE

RECEIVED 07th Day
of AUGUST 2017
JAMES MESSERVY, JR
Auditor Dorchester County SC



Margaret Bailey

Margaret Bailey - Register of Deeds

14

FILED/RECORDED
August 1, 2017
DORCHESTER COUNTY
REGISTER OF DEEDS

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

DEED BY CLERK OF COURT
UNDER COURT ORDER

I, Cheryl Graham, as Clerk of Court for Dorchester County, in the said State, send greetings:

WHEREAS, in an action in the Court of Common Pleas in Dorchester County between Rene McMasters now known as Rene McMasters Ronaghan, as Plaintiff and H. Wayne Charpia a/k/a Howard W. Charpia and Jody E. Charpia, as Defendant(s), by an Order filed on November 27, 2012, it was decreed that the property hereinafter described should be sold by the Clerk of Court for Dorchester County on the terms and for the purposes mentioned in the Order(s) granted in the case (see Case No. 2009-CP-18-02200),

NOW THEREFORE KNOW ALL MEN, that I, the undersigned, as Clerk of Court for Dorchester County, pursuant to the foregoing and in consideration of the sum of FIFTY-NINE THOUSAND AND ONE HUNDRED (\$ 59,100.00) Dollars as paid by the hereinafter named grantee, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant and release the following described property unto the grantee: Green Wave Alum, LLC:

ALL that piece, parcel or lot of land, together with the buildings and improvements on it, situated, lying, and being in Dorchester County, South Carolina, shown and designated as Lot 22-B, on a plat by Charleston Engineering Co., dated April 21, 1958, entitled "Plat of Lot 22-B, Property of William A. Pouncey and Opal B. Pouncey, Dorchester County, S.C., Mario Louise Salisbury Subdivision," which is recorded in the office of the RMC for Dorchester County in Plat Cabinet A, Slide 173. The Property has the location, dimensions, and butts and bounds shown on the Plat. Lot 22-B being the southern half of Lot 22, which said Lot 22 is found on a Plat made by Woodrow W. Leland, R.L.S. dated May 24, 1956, and recorded in the RMC Office for Dorchester County in Plat Book 11 at page 200.

SUBJECT to any covenants, conditions, restrictions, and easements now of record and to the lien of current year real property taxes.

BEING the same property conveyed to H. Wayne Charpia by deed of Jody E. Charpia dated November 12, 2008, and recorded November 14, 2008, in the ROD Office for Dorchester County in Book 6859 at Page 226; an undivided one-half interest in such property having been conveyed to Jody E. Charpia by deed of H. Wayne Charpia dated December 29, 2008, and recorded December 29, 2008, in the ROD Office for Dorchester County in Book 6899 at Page 283; the remaining undivided one-half interest therein having been conveyed to Roger Dale Charpia by deed of H. Wayne Charpia dated April 23, 2012, and recorded May 1, 2012, in the ROD Office for Dorchester County in Book 8278 at Page 225; the interest of Jody E. Charpia having been

FRANK M. CISA
858 LOWCOUNTRY BLVD., SUITE 101
MT. PLEASANT, S.C. 29464

15

conveyed to Howard W. Chappia by deed dated March 7, 2017, and recorded March 9, 2017, in the ROD Office for Dorchester County in Book 10694 at Page 139.

TMS No. 145-13-02-011-000

Property address: 1450 Jahnz Avenue, Summerville, SC 29485

Grantee's address: 1591 Savannah Highway, Suite 201, Charleston, SC 29407

This property was sold subject to any past due or accruing property taxes, assessments, existing easements and restrictions of record and any other senior encumbrances.

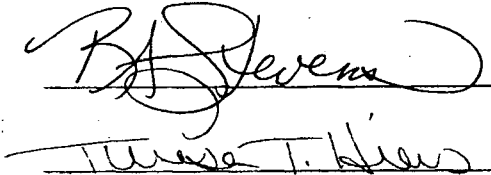
TOGETHER with all and singular the hereditaments, rights, members, and appurtenances whatsoever to the said property belonging or in any wise incident or appertaining, and the reversions and remainders, rents, issues, and profits thereof, and also any estate, right, title, interest, dower, possession, benefit, claim, or demand therein whatsoever of all parties to the said suit and of all other persons who might rightfully claim the same or any part thereof, by, from, or under them, or either of them;

TO HAVE AND TO HOLD the said property, with its hereditaments, privileges, and appurtenances, unto the said grantee, its successors and assigns for their own use, benefit, and behoof, forever.

IN WITNESS WHEREOF, I, the undersigned, as Clerk of Court for Dorchester County under and by virtue of the said Order(s), have hereunto set my Hand and Seal the 1 day of August 2017.

SIGNED, SEALED AND DELIVERED
In the Presence of:

FILED/RECORDED
August 1, 2017
DORCHESTER COUNTY
REGISTER OF DEEDS


Theresa T. Hines


Cheryl Graham
As Clerk of Court
for Dorchester County

16

STATE OF SOUTH CAROLINA)

ACKNOWLEDGMENT

COUNTY OF DORCHESTER)

THE FOREGOING INSTRUMENT was acknowledged before me this 1st day of August 2017, by Cheryl Graham, as Clerk of Court for Dorchester County.

Tierasa T. Hines
Notary Public for South Carolina

My Commission Expires: 10-25-2026

17

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

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

1. I have read the information concerning the new exemption numbers (Senate Bill 564 – June 10, 1997), and I understand this information.
2. The property being transferred is located at 19th JAYNE AVE SUMMERVILLE, SC 29905, bearing DORCHESTER COUNTY TAX MAP NUMBER 145-13-02-01, was transferred by STEARNS GRAMM, CLARK OF COURTS to GREEN WAVE ALBA, LLC on AUGUST 1, 2017.
3. The deed is NOT EXEMPT from the deed recording fees, and the FAIR MARKET VALUE IS \$59,100.00.
4. The deed is exempt from the deed recording fee because (use new exemption number and explain reason for exemption):
EXEMPTION # _____ (See new exemption number on enclosed sheet) AND EXPLANATION FOR EXEMPTION _____
5. As required by code section 12-24-70, I state I am a responsible person who was Connected with the transaction as: () grantor, () grantee, (X) attorney, () other (state connection) _____
6. I understand that a person required to furnish this affidavit who willfully furnishes a false for fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand (\$1,000.00) or imprisoned for more than one year, or both.

Da M. G.

Responsible Person Connected with
Transaction (see #5)

SWORN to before me this 1

Day of AUGUST 2017

Notary Public for SC

My Commission Expires: 9-15-18

THOMAS E. BLACKWOOD

18

United States Treasury ¹⁵⁻⁵¹000 P 592,903,721

Check No. 

09 01 17 28040004 KANSAS CITY, MO 4032 32960773
000398916436 4032 32960773 W 00000170819MDM

Pay to the order of
HOWARD W CHARPIA
FOR
ROGER D CHARPIA
1450 JAHNZ AVENUE
SUMMERVILLE SC 29485 3320

\$*****735*00
VOID AFTER ONE YEAR

REGISTRAR DISBURSING OFFICER  007

SSI FOR SEPTEMBER

⑈40326⑈ ⑆0000000518⑆ 32960773⑈ 110917

19

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)
)
RENE MCMASTERS now known)
as RENE MCMASTERS)
RONAGHAN)

Plaintiff,)
)
)
)
)

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

Defendants.)
)

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

ORDER OF FORECLOSURE AND SALE

FILED-RECORDED
2012 NOV 27 AM 10:52
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

This action was brought by Rene McMasters, now known as Rene McMasters Ronaghan, against the Defendants for the purpose of foreclosing a judgment lien relative to real estate located in Dorchester County, South Carolina.

An Order Granting a Compulsory Order of Reference was issued by me on April 27, 2010 and filed in the Clerk's office on April 28, 2010. The Defendant, H. Wayne Charpia, appealed the Order Granting Compulsory Order of Reference to the Court of Appeals. By order filed on October 11, 2011, the Court of Appeals affirmed the Compulsory Order of Reference. Thereafter, the matter was referred to the Honorable Maite Murphy, Master-in-Equity for Dorchester County. By Order dated April 10, 2012, Maite Murphy recused herself from hearing this matter and the action was remanded to the Circuit Court.

The case came before me for trial on July 30, 2012 during a non jury term of court in St. George, SC.

Present at the hearing was the Plaintiff, Rene McMaster Ronaghan and her attorney. The Defendant, H. Wayne Charpia a/k/a Howard W. Charpia and Jody E. Charpia appeared Pro Se. After careful consideration of the testimony and evidence presented I find and conclude as follows:

FINDINGS AND FACTS

1. The Summons, Complaint and Lis Pendens were filed in the Clerk of Court's office for Dorchester County on August 10, 2009.
2. The Defendant, H. Wayne Charpia, was served with the Civil Action Coversheet, Summons, Complaint and Lis Pendens on August 20, 2009, as shown by the Affidavit of Service from the Dorchester County's Sheriff's department filed herein on September 8, 2009. The Defendant, Jody E. Charpia, was served with the Civil Action Coversheet, Summons, Complaint and Lis Pendens on August 31, 2009, as shown by the Affidavit of Service from the Dorchester County's Sheriff's Office filed herein on September 8, 2009.
3. The Defendants timely filed their Answer on September 22, 2009.
4. The Defendants herein are not in the military service of the United States of America and, therefore, the Soldier's and Sailors Civil Relief Act of 1940, as amended, and Service Member Civil Relief Act of 2003 had no application in this matter.
5. The Administrative Order issued by the Honorable Jean H. Toal, Chief Justice of the Supreme Court of South Carolina, dated May 2, 2011, has no application to this action as it is not a mortgage foreclosure action but an action to foreclose a judgment lien.
6. On August 5, 2004, the Plaintiff secured and obtained a judgment against the Defendant, H. Wayne Charpia a/k/a Howard W. Charpia in the original sum of \$191,600.00.
7. The aforesaid judgment attaches to the following described property to wit:
ALL that piece, parcel or lot of land, together with the buildings and improvements

#6. NO REFERENCE 2002-09-18-932 ~~Page 2 of 2~~

on it, situated, lying and being in Dorchester County, South Carolina, Shown and designated as Lot 22-B, on a plat by Charleston Engineering, Co. dated April 21, 1958, entitled "Plat of Lot 22-B, Property of William A. Pouncey and Opal Pouncey, Dorchester County, S.C., Mario Louise Salisbury Subdivision," which is recorded in the office of the RMC for Dorchester County in Plat Cabinet A, slide 173. The Property has the location, dimensions, and butts and bounds shown on the plat. Lot 22-B being the southern half of Lot 22, which said Lot 22 is found on a plat made by Woodrow W. Leland, R.L.S. dated May 24, 1956, and recorded in the RMC Office for Dorchester County in Plat Book 11 at page 200.

SUBJECT to any covenants, conditions, restrictions, and easements now of record and to the lien of current year real property taxes.

TMS# 145-13-02-011.

8. The Defendants have made no payments to the Plaintiff towards satisfaction of the aforesaid judgment.
9. The aforesaid judgment bears interest at the rate of 12% per annum of and from August 5, 2004. Interest has accrued on the judgment in the amount of \$183,556.00 through July 30, 2012 and interest accrues thereafter at the per diem rate of \$62.99. The total amount of the outstanding judgment including principal and interest as of July 30, 2012 is \$375,156.00.
10. The Plaintiff's judgment is a first claim or lien upon the subject real property described in paragraph 7 above subject only to taxes and assessments.

Exemption

CONCLUSIONS OF LAW

I, therefore conclude as follows:

1. That the Plaintiff should have judgment of foreclosure of her judgment lien attaching to the subject property described in the Complaint.
2. The Plaintiff is entitled to have the subject property sold at public auction after due advertisement.

It is, therefore

ORDERED, ADJUDGED AND DECREED as follows:

1. That there is due on the Judgment held by the Plaintiff the total sum of \$375,156.00 through July 30, 2012, together with interest thereafter at the per diem rate of 62.99.
2. That on default of payment at or before the time herein indicated, the subject property described in the Complaint shall be sold by the Clerk of Court for Dorchester County, at public auction, at the front entrance of the Dorchester County Courthouse, 5200 East Jim Bilton Blvd., St. George, SC on the following terms, that is to say:

The sale shall be for cash, and the highest bidder shall be required to make a cash deposit of five (5%) percent of the bid as earnest money and as evidence of good faith, provided, however, the Plaintiff shall be entitled to apply the debt or any portion of the debt due her against her bid in lieu of cash. Should the person making the highest bid at the sale fail to comply with the terms of its bid by depositing the said five (5%) percent cash, then the property shall be sold at the risk of such bidder on the same sales date or some subsequent date as the Clerk of Court may find convenient and advantageous. Should the last and highest bidder fail to comply with the terms of its bid within thirty (30) days of the final acceptance of this bid, then the Clerk of Court shall readvertise and resell the property on the same terms on a subsequent date at the risk of such bidder. Persons submitting additional bids after the initial sale shall deposit five (5%) percent of the bids in cash as prescribed above. The Clerk of Court shall return all deposits except the deposit securing the highest bid.

3. That the Clerk of Court, by advertisement according to law, shall give notice of the time and place of such sale, and the terms thereof; that the Clerk of Court shall convey to the purchaser, or purchasers, a deed to the property sold; and that the Plaintiff, or any other party to this action, may become a purchaser at such sale, and that if, upon such sale being made, the purchaser or purchasers, should fail to comply with the terms thereof, the Clerk of Court may advertise the said property for

sale on the next, or some other subsequent sales day, at the risk of the former highest bidder, and so from time to time thereafter until a compliance shall be secured.

4. That the Clerk of Court shall apply the proceeds of the sale as follows:

147.00
CJA
FIRST: To payment of the amount of costs and expenses of this action, including the costs of advertising the Notice of Sale.

NEXT: To the payment to the Plaintiff or her attorney the amount of Plaintiff's total debt, as hereinabove set forth, or so much thereof as the purchase money will pay towards the same.

NEXT: Any surplus funds to be held subject to the further Order of this Court in accordance with the law and custom of this Court.

5. It is further ORDERED, ADJUDGED AND DECREED that upon the making of the sale of said property, as hereby ordered, and the execution and delivery to the purchaser of a deed to the premises, the said purchaser or purchasers be let into possession of the property on production of the deed; and the Sheriff of Dorchester County shall put the holder of the deed into possession of the property.

7. And it is further ORDERED, ADJUDGED AND DECREED that the parties hereto and all persons or entities whomsoever claiming under them, be forever barred and foreclosed of all right, title, interest, and equity of redemption in the below described mortgaged property so sold, or any part thereof, saving and excepting the statutory right of The United States of America.

ALL that piece, parcel or lot of land, together with the buildings and improvements on it, situated, lying and being in Dorchester County, South Carolina, Shown and designated as Lot 22-B, on a plat by Charleston Engineering, Co. dated April 21, 1958, entitled "Plat of Lot 22-B, Property of William A. Pouncey and Opal Pouncey, Dorchester County, S.C., Mario Louise Salisbury Subdivision," which is recorded in the office

of the RMC for Dorchester County in Plat Cabinet A, slide 173. The Property has the location, dimensions, and butts and bounds shown on the plat. Lot 22-B being the southern half of Lot 22, which said Lot 22 is found on a plat made by Woodrow W. Leland, R.L.S. dated May 24, 1956, and recorded in the RMC Office for Dorchester County in Plat Book 11 at page 200.

SUBJECT to any covenants, conditions, restrictions, and easements now of record and to the lien of current year real property taxes.

TMS# 145-13-02-011

AND IT IS SO ORDERED!



Edgar Warren Dickson
Circuit Court Judge of First Judicial Circuit

Orangeburg, South Carolina
October 29, 2012.

~~Page 6 of 6~~

25

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

CERTIFIED COPY
FORM 4
2012 NOV 27 AM 10:55
JUDGMENT IN A CIVIL CASE

CASE NO. 2009 CP-18-2200

RENE MCMASTERS now known as
MCMASTERS RONAGHAN

CLERK OF COURT
DORCHESTER COUNTY
WAYNE CHARPIA a/k/a HOWARD W.
CHARPIA and JODY E. CHARPIA

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Frank M. Cisa

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), 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:

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:

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.

The Supreme Court of South Carolina

Rene McMasters now known as Rene McMasters
Ronaghan, Respondent,

v.

✓ H. Wayne Charpia a/k/a Howard W. Charpia and Jody
Charpia,

Of Whom Howard W. Charpia is Petitioner.

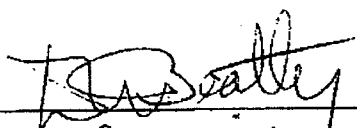
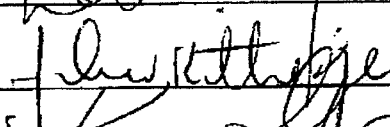
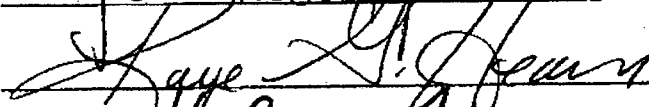
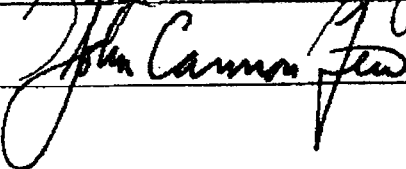
Appellate Case No. 2016-002522

Lower Court Case No. 2009-CP-18-02200

FILED - RECORD
2017 FEB 10 AM 10:34
CLERK OF COURT
DORCHESTER COUNTY

ORDER

This matter was dismissed because the petition for a writ of certiorari and appendix did not comply with Rule 242, SCACR. Petitioner moves to reinstate the matter and has filed a corrected petition and appendix. The motion to reinstate is granted and the amended petition and appendix are accepted as filed. The amended petition for a writ of certiorari is denied.

	_____	C.J.
	_____	J.
	_____	J.
	_____	J.

Columbia, South Carolina

February 8, 2017

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)
RENE MCMASTERS now known)
as RENE MCMASTERS)
RONAGHAN)

Plaintiff,

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

Defendants.

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT

CASE NO.: 2009-CP18-2200

LIS PENDENS

FILED - DORCHESTER
2009 AUG 10 PM 4:22

NOTICE IS HEREBY GIVEN THAT the Plaintiff has or will within twenty (20) days from the filing hereof, through her undersigned attorneys, commence an action in the above named Court against the Defendants, above-named, for the foreclosure of that certain judgment in favor of the Plaintiff against the Defendant, H. Wayne Charpia a/k/a Howard W. Charpia.

The said judgment is dated August 4, 2004 and was filed in the Clerk of Court's for Dorchester County of August 5, 2004, in Case Number 2002-CP-18-00932.

The property which is the subject of this action was at the commencement of this action and is now situated in the County of Dorchester, State of South Carolina and is more fully described as follows:

ALL that piece, parcel or lot of land, together with the buildings and improvements on it, situated, lying and being in Dorchester County, South Carolina, Shown and designated as Lot 22-B, on a plat by Charleston Engineering, Co. dated April 21, 1958, entitled "Plat of Lot 22-B, Property of William A. Pouncey and Opal Pouncey, Dorchester County, S.C., Mario Louise Salisbury Subdivision," which is recorded in the office of the RMC for Dorchester County in Plat Cabinet A, slide 173. The Property has the location, dimensions, and butts and bounds shown on the plat. Lot 22-B being the southern half of Lot 22, which said Lot 22 is found on a plat made by Woodrow W. Leland, R.L.S. dated

28 (A)

2009-CP-18-2200

COMPLAINT
(Foreclosure)
(Non-Jury)

2009 AUG 10 PM 4:08
CERTIFIED
CLERK OF COURT
DORCHESTER COUNTY

Defendants.

2019 Aug 17 PM 2:24

DORCHESTER COUNTY
SHERIFF'S OFFICE
CIVIL PROCESS

1. The Plaintiff, Rene McMasters, is now known as Rene McMasters Ronaghan.
2. The Plaintiff is a citizen and resident of the State of Georgia.
3. The Defendant H. Wayne Charpia a/k/a Howard W. Charpia is a citizen and resident of the County of Dorchester, State of South Carolina.
4. That the Defendant, Jody E. Charpia is a citizen and resident of the County of Dorchester, State of South Carolina.
5. That this is an action for the foreclosure of judgment lien attaching to certain real estate in the County of Dorchester, State of South Carolina.
6. That some interest in the real estate, which is the subject of this action may be
claimed by the Defendants herein.

7. The Defendants herein are not in the military service of the United States of America and thus, the "Soldiers and Sailors Civil Relief Act of 1940" as amended has no application in this matter

✓ 8. On August 5, 2004, the Plaintiff secured and obtained a judgment against the Defendant, H. Wayne Charpia a/k/a Howard W. Charpia in the original sum of \$191,600.00, a copy of said judgment is attached hereto as Exhibit "A" and incorporated herein by express reference. Hereinafter referred to as the "judgment".

LLC ?

9. The judgment attaches to the following described property to wit:

ALL that piece, parcel or lot of land, together with the buildings and improvements on it, situated, lying and being in Dorchester County, South Carolina, Shown and designated as Lot 22-B, on a plat by Charleston Engineering, Co. dated April 21, 1958, entitled "Plat of Lot 22-B, Property of William A. Pouncey and Opal Pouncey, Dorchester County, S.C., Mario Louise Salisbury Subdivision," which is recorded in the office of the RMC for Dorchester County in Plat Cabinet A, slide 173. The Property has the location, dimensions, and butts and bounds shown on the plat. Lot 22-B being the southern half of Lot 22, which said Lot 22 is found on a plat made by Woodrow W. Leland, R.L.S. dated May 24, 1956, and recorded in the RMC Office for Dorchester County in Plat Book 11 at page 200.

SUBJECT to any covenants, conditions, restrictions, and easements now of record and to the lien of current year real property taxes.

TMS# 145-13-02-011

10. The aforesaid judgment bears interest at the 12% per annum of and from August 5, 2004.

11. The total interest owed on the aforesaid judgment through August 3, 2009 is \$114,834.01 and interest runs thereafter at the per diem rate of \$62.99.

12. That the total pay off of the judgment including principal and interest as of August

3, 2009 is \$306,434.01.

13. That all person(s) having an interest or lien or possible claim upon the subject property as of today and the filing of the Lis Pendens have been made Defendants herein.

14. That in the event the Plaintiff is forced to pay sums for delinquent real property taxes those sums according to the terms of the statute should be added to the amount of the debt.

15. The Defendant Jody E. Charpia may claim some interest in the real property sought to be foreclosed herein or some part thereof, but that such interest or lien is subsequent to the lien of the Plaintiff's judgment; said interest is of record in the RMC Office for Dorchester County relative to the deed of a one-half ($\frac{1}{2}$) interest in the real property sought to be foreclosed by deed from H. Wayne Charpia to Jody E. Charpia dated December 29, 2008 and recorded on December 29, 2008 in the Dorchester County RMC Office.

16. That the Plaintiff requests that the amount due upon the judgment held by the Plaintiff be ascertained and determined under the direction of this Court.

17. That the Plaintiff's judgment be declared a first claim or lien upon the subject real property subject only to taxes and assessment and the Plaintiff have judgment of foreclosure for the amount due and owing thereof together with any taxes that may be due and the costs of this action.

18. That the property be sold at the direction of the Court; the equity of redemption be barred and the proceeds of sale should be applied to the costs and expenses of

this action and sale; to the satisfaction and payment and discharge of any amount due on the Plaintiff's judgment including taxes paid with any surplus, if any, to be distributed according to law.

19. For an Order directing the Sheriff of Dorchester County of South Carolina to place the successful purchaser at said foreclosure sale in possession of the property herein above described should the same become necessary.
20. For the appointment of the receiver to collect rent and take charge of the subject property pending the outcome of this action.

WHEREFORE, the Plaintiff prays as follows:

1. That the amount due upon the said judgment held by the Plaintiff by ascertained and determined under the direction of this Court together with the costs of this action;
2. that the Plaintiff's judgment be declared to be the valid first lien against the real property, subject only to taxes and assessments and the Plaintiff have judgment of foreclosure for the amount found to be due and owing together with any taxes which may be due and the costs of this action;
3. that the subject property be sold under the direction of this Court, the equity of redemption be barred and the proceeds of the sale be applied as follows:
 - a. First, to the costs and expenses of this action and sale;
 - b. Second, to the payment and discharge of the amount due on Plaintiff's judgment including taxes paid;
 - c. and third, any surplus, be distributed according to law;

- d. for an Order directing the Sheriff of Dorchester County, South Carolina to place the successful purchaser of said foreclosure sale in the possession of the property here and above described;
- e. for reimbursement of all costs for inspecting and securing the property which may be incurred by the Plaintiff as a result of any delinquencies;
- f. for an Order appointing a receiver to collect rent and to take charge of the property which is the subject of this action pending this action and subsequent thereto;
- g. for such other and further relief that this Court deem just and proper.

CISA & DODDS, LLP



Frank M. Cisa
858 Lowcountry Blvd., Suite 101
Mt. Pleasant, SC 29464
(843) 881-6530
Fax: (843) 881-5433

This 6th day of August, 2009
Mt. Pleasant, SC

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

FILED-RECORDED
2017 FEB -2) AM 9:10

COMMON PLEAS
FIRST JUDICIAL CIRCUIT
Case # 2009-CP-18-2200

CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

RENE McMASTERS
Plaintiff,

vs.

✓ HOWARD W. CHARPIA and
JODY E. CHARPIA , et al
Defendants,

MOTION for DECLARATORY
JUDGMENT

PLEASE TAKE NOTICE that the Defendants will move before this Court not sooner than 10 days or as soon as Defendants may be heard for an Order by the Court to render and /or establish the Homestead Exemption statute or clause for the "dependent of the debtor " , Roger D. Charpia . And an Order directing the Dorchester County Clerk of Court or officer conducting any and all sales of property owned by Roger D. Charpia to enforce and apply S.C. Codes 15-41-10, 15-41-20 and 15-41-30 (A)(1) at such sale (s) .

Roger D. Charpia owns one - half interest of property located at 1450 Jahnz Ave. Summerville S.C. 29485 . Roger D. Charpia resides at said residence and is a "dependent" of Howard W. Charpia .

Roger D. Charpia pays property taxes in Dorchester County for said residence , TMS # 145-13-02-011 ; recorded in Book 8278 Pages 225-229 .

Wherefore , the Defendants pray for relief requested above.

Howard W. Charpia

Howard W. Charpia
2-2-17

34

\$25.00 mb ✓

STATE OF SOUTH CAROLINA

COUNTY OF

Dorchester

IN THE COURT OF COMMON PLEAS

LED-RECORDED JUDICIAL CIRCUIT

2017 FEB 2 AM 9:49 -CP-CP-2200

RENE McMASTERS

CHERYL CLERK OF COURT
MOTION AND ORDER INFORMATION
FORM AND COVERSHEET
DORCHESTER COUNTY

vs.

✓ HOWARD W. CHARPIS, ET AL

Defendant.

Plaintiff's Attorney: <u>CISA</u> , Bar No. _____ Address: _____ Phone: _____ Fax: _____ E-mail: _____ Other: _____		Defendant's Attorney: <u>PRO SE</u> , Bar No. _____ Address: _____ Phone: <u>813-0976</u> Fax: _____ 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: <u>DECLARATORY JUDGMENT</u> Estimated Time Needed: _____ 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. <u>Howard W. Charpis</u> <u>2-2</u> , 20 <u>17</u> Signature of Attorney for ☐ Plaintiff / ☒ Defendant Date submitted			
SECTION III: Motion Fee ☒ PAID - AMOUNT: \$ <u>25.00</u> ☐ 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, SCRPC) ☐ 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: _____, 20____	
CLERK'S VERIFICATION Collected by: _____ Date Filed: _____, 20____ ☐ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED - AMOUNT DUE: \$ _____			

35



Recording Date: 05/01/2012

Instrument: 15

Book: 8278 Page: 225-229

FILED-RECORDED
RMC / ROD

2012 May 01 AM 10:03:51

DORCHESTER COUNTY
SC Deed Rec Fee: 169.00
Dor Co Deed Rec Fee: 71.50
Filing Fee: 10.00
Exemption #:
MARGARET L. BAILEY
Register of Deeds



THIS PAGE IS HEREBY ATTACHED AND MADE PART OF
THE PERMANENT RECORD OF THIS DOCUMENT. IT IS
NOT TO BE DETACHED OR REMOVED AND MUST BE
CITED AS THE FIRST PAGE OF THE RECORDED
DOCUMENT. THE TOP OF THE PAGE IS TO BE USED FOR
RECORDING PURPOSES AND IS NOT TO BE USED FOR
ANY OTHER PURPOSE.

REGISTER OF DEEDS
DORCHESTER COUNTY SOUTH CAROLINA
MARGARET L. BAILEY, REGISTER
POST OFFICE BOX 38
ST. GEORGE, SC 29477
843-563-0181 or 843-832-0181

36

FILED/RECORDED
May 1, 2012
DORCHESTER COUNTY
REGISTER OF DEEDS

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS that I , H. Wayne Charpia,
as Grantor , for and in FULL consideration of the sum of SIXTY-FOUR
THOUSAND EIGHT HUNDRED DOLLARS and no/100 (\$64,800.00) ,
~~**AND other good and ALL valuable consideration**~~ **AND all services**
performed AND paid my brother ROGER DALE CHARPIA , the Grantee,
in the State aforesaid , the receipt (s) whereof is hereby acknowledged ,
have granted , bargained , sold and released unto the said ROGER DALE
CHARPIA my / a One-Half interest in and to the following property as
described as follows : TMS # 145-13-02-011

ALL that piece , parcel or lot of land , together with the buildings and improvements on it , situated , lying , and being in Dorchester County , South Carolina ; shown and designated as Lot 22-B , on a plat by Chasn. Engineering Co. dated April 21, 1958 , entitled "Plat of Lot 22-B , property of William A. Pouncey and Opal B. Pouncey , Dorchester County , S.C. , Mario Louis Salisbury Subdivision , " which is recorded in the Office of the RMC for Dorchester County in Plat Cabinet "A" , slide 173 . The property has the location , dimensions , and butts and bounds shown on the Plat . Lot 22-B being the southern half of Lot 22 , which said lot 22 is found on a Plat made by Woodrow W. Leland , R.L.S. dated May 24, 1956 , and recorded in the RMC office for Dorchester County in Plat Book 11 at page 200 .

SUBJECT to any covenants , restrictions , and easements now of record and to the lein of current year real property taxes.

BEING the same property acquired by the Grantor by deed from Jonathan D. Watt and Jennifer G. Watt dated September 11, 1997 and Recorded in Book 1829 at page 258 in the RMC office for Dorchester County , South Carolina.

TMS # 145-13-02-011

Ref.

Grantee's address : 1450 Jahnz Ave. Summerville, SC 29485

TOGETHER with all and singular the rights , members , hereditaments , and appurtenances to the Property belonging or in any way incident or appertaining.

TO HAVE AND TO HOLD , all and singular , the Property unto the Grantee , his heirs and assigns forever.

AND I do hereby bind myself and my heirs and assigns to warrant And forever defend , all and singular , the Property unto the Grantee and his heirs and assigns , against me and my heirs and assigns and all persons whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS my hand on April 23 , 2012

**SIGNED , SEALED AND DELIVERED
IN THE PRESENCE OF**

Lisa Akers

Patricia S Black

H. Wayne Charpia
H. Wayne Charpia

**THE STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER**

PERSONALLY appeared before me the first witness who signed
Above and made Oath that(s) he/she saw H. Wayne Charpia , as his act
And deed , sign and deliver this deed , and that(s) he/she with the other
Witness who signed above witnessed the execution thereof.

Brian A Pearl

SWORN to before me on
April 23, 2012

Patricia S Black

Notary Public of South Carolina

My Commission Expires 2-12-2018



STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

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

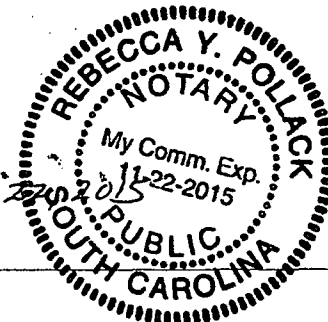
1. I have read the information concerning the new exemption numbers (Senate Bill 564 - June 10, 1997), and I understand this information.
2. The property being transferred is located at 1450 JAHNE AVE.
SUMMERVILLE, SC 29485, bearing DORCHESTER COUNTY
TAX MAP NUMBER 145-13-02-011, was transferred by H.
WAYNE CHARPAIN to ROGER DALE
on CHARPAIN.
3. The deed is NOT EXEMPT from the deed recording fees, and the FAIR
MARKET VALUE IS \$69,800.00.
4. The deed is exempt from the deed recording fee because (use new exemption
number and explain reason for exemption):
EXEMPTION # _____ (See new exemption number on enclosed sheet) AND
EXPLANATION FOR EXEMPTION _____

5. As required by code section 12-24-70, I state I am a responsible person who was
Connected with the transaction as: ☒ grantor, () grantee, () attorney,
() other (state connection) _____.
6. I understand that a person required to furnish this affidavit who willfully furnishes
a false for fraudulent affidavit is guilty of a misdemeanor and, upon conviction,
must be fined not more than one thousand (\$1,000.00) or imprisoned for more than
one year, or both.

[Signature]

Responsible Person Connected with
Transaction (see #5)

SWORN to before me this 1st
Day of May 20 12
Rebecca Y. Pollack
Notary Public for SC
My Commission Expires: November 2015



40

Form 4
Fuel Tank Lin

6-16-17
9-1-17

F. Lon
may 19, 17 6-16

9-1-17
~~9-26-17~~ 11-1-17

CONDO LEASES

04

CHARPIT
717 OLD Trolley ROAD
St. 6 # 360
Summerville, SC.
29485

CPU



U.S. POSTAGE
\$2.47
FCMF 0000
Orig: 29485
Dest: 29201
03/06/18
11082112 06

RECEIVED
MAR 08 2018
SC Court of Appeals

Court of Appeals
1220 SENATE STREET
Columbia, SC.
29201

Attorney
2017-000834

