

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)

IN THE COURT OF COMMON PLEAS FOR THE
NINTH JUDICIAL CIRCUIT
2009 CP 08 1708

VALERIE GREEN,

PLAINTIFF,

vs.

THE ESTATE OF JAKE GREEN A/K/A)
JACOB GREEN, MARGARET WILDER)
(deceased), MARY HARRELL A/K/A)
MARY CROMEDY (deceased), HENRY)
GREEN (deceased), THOMAS HENRY)
GREEN, (deceased), ETHEL BENGALL,)
REBECCA ALLS, (deceased),)
RENA MAE GREEN-CALVIN, BARBARA)
GREEN, LINDA CROMEDY, WALTER)
HARRELL, LAVERNA GREEN, KATHLEEN)
PINKSTON, ROBERT KINLOCH, OLIVER)
ALLS, JACKIE ALLS, NORMAN ALLS,)
ISAAC ALLS (deceased), ISAAC ALLS,)
JR., EVELYN ALLS TERRY, PATRICIA)
SPRATTON, HAZEL OWENS, SUZETTE)
FORD, LINDA BEAUFORD, LANNY)
VENNING, THOMAS WILDER (deceased),)
THOMAS WILDER, JR., SAVONA GREEN,)
TERRANCE GREEN, NATHANIEL GREEN,)
HENRY GREEN, JR., MARCELLA BROWN,)
VALERIE GREEN, JOHN DOE AND MARY)
ROE, FICTITIOUS NAMES USED TO)
DESIGNATE PERSONS IN THE MILITARY)
SERVICE WITHIN THE MEANING OF TITLE)
50, UNITED STATES CODE, COMMONLY)
REFERRED TO AS THE SERVICE MEMBERS)
CIVIL RELIEF ACT OF 2003 AS)
AMENDED, IF ANY, AND THE UNKNOWN)
HEIRS AT LAW, DEVISEES, WIDOWS,)
WIDOWERS, EXECUTORS,)
ADMINISTRATORS, PERSONAL)
REPRESENTATIVES, SUCCESSORS AND)
ASSIGNS FIRMS OR CORPORATIONS OF)
THE ESTATE OF JAKE GREEN AND ANY OF)
THE DEFENDANTS WHO MAY BE DECEASED,)
AND ALL OTHER PERSONS CLAIMING ANY)
RIGHT, TITLE, ESTATE, INTEREST IN)

RECEIVED

MAR 12 2018

SC Court of Appeals

MASTER'S DECREE

MARY T. BROWN
CLERK OF COURT
BERKELEY, SOUTH CAROLINA

2018 FEB -1 AM 10:41

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OR LIEN UPON THE REAL ESTATE)
DESCRIBED IN THE COMPLAINT OR IN)
THE COMPLAINT OR ANY PART THEREOF,)
DEFENDANTS.)
_____)

THE within matter was referred to me, Dale E. Van Slambrook, Master-in-Equity for Berkeley County, South Carolina by Order of Reference filed with this Court, for me to take testimony, report my findings and make a final decision in this matter.

Thereafter, a Reference was held in this matter on October 23, 2017. Present at the hearing was the Plaintiff, Valerie Green; Plaintiff's Attorney, Willie B. Heyward; Defendant, Nathaniel Collins; Defendant, Martha Greer a/k/a Marcella Greer f/k/a Martha Green; Defendant, Norman Alls; Mildred Johnson (aunt of Defendant, Martha Greer); and Ruthie Golden (daughter of Defendant, Ethel Bengall). A written report was submitted by Mr. Heyward for the Guardian Ad Litem, Kelvin M. Huger, Esq., for any and all infants and any other party or Defendant who may be a minor or incompetent.

Testimony was taken at the hearing and was recorded by the Court Reporter, Julie L. Bonomo, and thus preserved for the record. Statements of counsel were taken from both the attorney of Plaintiff and of Defendants. Evidence was also admitted in the form of exhibits

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provided by both the attorney of Plaintiff and of Defendants.

Testimony was taken from the Plaintiff, Valerie Green; Defendant, Nathaniel Collins; Defendant, Martha Greer; and Mildred Johnson, aunt of Martha Greer.

It appears from the Amended Lis Pendens, Amended Summons and Amended Complaint which were filed with this Court on December 29, 2016, and from evidence presented at the hearing that this is an action brought by the Plaintiff to quiet title to that certain real property described hereinafter, located in Berkeley County, South Carolina, and to partition said property amongst the rightful owners, and to obtain a deed or deeds vesting title to the subject property in those owners.

It further appears from the file that the Amended Summons and Amended Complaint were published pursuant to statute for the three consecutive weeks in *THE POST AND COURIER*, a newspaper of general circulation in Berkeley County, South Carolina and a newspaper designated most likely to give notice to the unknown heirs. The hearing was held with leave granted for further responses from unknowns to be had for 30 days following the re-publication of the Notice of Filing. It appears that from the file that such re-publication was published for the three consecutive weeks in *THE POST AND COURIER*, a newspaper of general circulation in Berkeley County,

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South Carolina and a newspaper designated most likely to give notice to the unknown heirs. It further appears that no unknown heirs or known heirs, who were served by publication, responded to the published notice. The Guardian ad Litem, Kelvin M. Huger, Esq., for the unknown Defendants, John Doe and Mary Roe, was appointed, filed Answers on their behalf and also presented testimony via written report received at the hearing.

Upon careful consideration of the pleadings filed in this matter, the applicable law, and the testimonies and statement of counsel and witnesses offered at the Reference, I make the following findings of facts and conclusions of law:

ONE: The real property, which is the subject of this action, is as follows:

ALL that certain piece, parcel or tract of land, situate, lying and being in the community of Huger, Berkeley County, State of South Carolina, being known and designated as 19.21 acres on that certain plat entitled "PLAT OF TMS# 238-00-00-001 (19.21 ACRES) SURVEYED AT THE REQUEST OF OLIVER ALES," prepared by Kemp C. Ahrens, P.L.S., dated July 30, 2008, revised January 12, 2009 and recorded January 26, 2009 in Plat Cabinet N at Page 70 in the Berkeley County Register of Deeds Office. Said tract having such size, shape, dimensions, buttings and boundings as will more fully appear by reference to said plat.

BEING the same property conveyed to Jacob Green by deed of Isaac Collins dated July 10, 1908 and recorded January 25, 1912 in the Berkeley County ROD Office.

TMS# 238-00-00-001

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AND;

ALL that certain piece, parcel or tract of land, situate, lying and being in the community of Huger, Berkeley County, State of South Carolina, being known and designated as 13.12 acres on that certain plat entitled "PLAT OF TMS# 228-00-00-016 (13.12 ACRES) SURVEYED AT THE REQUEST OF OLIVER ALLS," prepared by Kemp C. Ahrens, P.L.S., dated December 3, 2008 and recorded January 12, 2009 in Plat Cabinet M at Page 393-R in the Berkeley County Register of Deeds Office. Said tract having such size, shape, dimensions, buttings and boundings as will more fully appear by reference to said plat.

BEING the same property conveyed to Jacob Green by deed of John O. Edwards recorded June 16, 1947 in Book A 80 at Page 11 in the Berkeley County ROD Office.

TMS# 228-00-00-016

TWO: This Court has jurisdiction over the subject matter and parties of the within action.

THREE: That by the evidence presented, Jacob Green a/k/a Jake Green received title to the subject properties by deeds of conveyance duly recorded in Berkeley County.

FOUR: That Jacob Green a/k/a Jake Green died intestate on an unknown date.

FIVE: That no deed, plat or other matter of public record would show the subject parcels having ever been conveyed or transferred by

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Jacob Green a/k/a Jake Green or his heirs; nor having been claimed by any other party.

SIX: That the subject parcel is rightfully claimed by the heirs of Jacob Green a/k/a Jake Green.

SEVEN: That Jacob Green a/k/a Jake Green having died intestate left his six children, Ethel Bengall, Rebecca Alls, Margaret Wilder, Henry Green, Mary Harrell a/k/a Mary Cromedy, and Renamae Green as his heirs at law.

EIGHT: Ethel Bengall is living.

NINE: Rebecca Alls is deceased, leaving as her heirs her children Oliver Alls, Jackie Alls, Norman Alls, Evelyn Alls Terry, Patricia Spratton, Hazel Owens, Suzette Ford, Linda Beauford and Lanny Venning. Her son, Isaac Alls, having pre-deceased her, is represented by his son and sole heir, Isaac Alls, Jr.

TEN: Margaret Wilder is deceased, having left as her sole heir at law, her son, Thomas Wilder. Thomas Wilder is also deceased leaving as his heirs his children Thomas Wilder, Jr., Savona Green and Terrence Green.

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ELEVEN: Henry Green is deceased having left as his sole heir at law, his son, Henry Green, Jr. Henry Green, Jr. is also deceased. By clear, credible and convincing evidence taken at the hearing, it is established that Henry Green, Jr. had three children at the time of his death and are his heirs at law. Those children are as follows: Nathaniel Collins, Martha Greer and Valerie Green.

TWELVE: Mary Harrell a/k/a Mary Cromedy is deceased leaving as her heirs at law, her children: Robert Kinloch, Kathleen Pinkston, Laverna Green, Linda Cromedy and Walter Harrell.

THIRTEEN: Renamae Green is alive.

FOURTEEN: That the living heirs of Jacob Green a/k/a Jake Green are as follows, with their respective interests in the property indicated:

1. Ethel Bengall (16.666%)
2. Renamae Green (16.666%)
3. Nathaniel Collins (5.5555%)
4. Martha Greer (5.5555%)
5. Valerie Green (5.5555%)
6. Thomas Wilder, Jr. (5.5555%)
7. Savona Green (5.5555%)

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8. Terrance Green (5.5555%)
9. Robert Kinloch (3.333%)
10. Kathleen Pinkston (3.333%)
11. Laverna Green (3.333%)
12. Linda Cromedy (3.333%)
13. Walter Harrell (3.333%)
14. Oliver Alls (1.667%)
15. Jackie Alls (1.667%)
16. Norman Alls (1.667%)
17. Evelyn All Terry (1.667%)
18. Patricia Spratton (1.667%)
19. Hazel Owens (1.667%)
20. Suzette Ford (1.667%)
21. Linda Beauford (1.667%)
22. Lanny Venning (1.667%)
23. Isaac Alls, Jr. (1.667%)


FIFTEEN: The Defendants, as well as the unknown Defendants, have been served personally or served by publication. All Defendants except those unknown Defendants have responded through their attorney David M. Low or have otherwise made notice of appearance to the Court. The unknown Defendants have not responded or otherwise made any notice of appearance to the Court. The unknown Defendants are in default.

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SIXTEEN: Title to said property should be quieted and confirmed in the names of the living heirs of Jacob Green a/k/a Jake Green as cited in Item 14 above.

SEVENTEEN: By agreement of the parties, which was taken before me and preserved in the record, partition in kind is desired if Defendants can reach agreement with Plaintiff, Valerie Green, as to the disposition of her share. It is contemplated that Defendants will by agreement reach a value as to the share of Plaintiff. Upon payment to Plaintiff of that amount, Plaintiff will convey her interest in the subject property to those purchasers. After such conveyance, a deed of conveyance shall be rendered by me as Master-in-Equity for Berkeley County, South Carolina, confirming and quieting title in the subject property in the names of the living heirs of Jacob Green a/k/a Jake Green as cited in Item 14 above, and respective of those who acquired the interest of Valerie Green.

EIGHTEEN: If agreement cannot be had and/or Plaintiff refuses to convey her share in the subject property to any of the other living heirs of Jacob Green a/k/a Jake Green this Court will hold further hearings as necessary in this matter to make a judicial determination as to the value of the property pursuant to a partition of interests by judicially ordered sale. It is noted that Defendants have



heretofore filed a Notice of right to purchase pursuant to S.C. Code Ann. §15-61-25(A) with the Court.

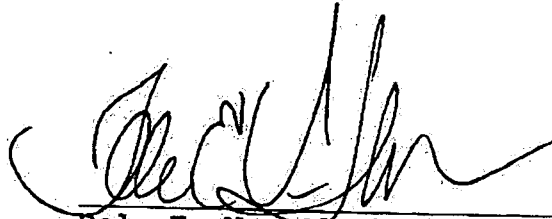
NOW, THEREFORE, IT IS HEREBY

ORDERED, ADJUDGED AND DECREED that Ethel Bengall, Renamae Green, Nathaniel Collins, Martha Greer, Valerie Green, Thomas Wilder, Jr., Savona Green, Terrance Green, Robert Kinloch, Kathleen Pinkston, Laverna Green, Linda Cromedy, Walter Harrell, Oliver Alls, Jackie Alls, Norman Alls, Evelyn All Terry, Patricia Spratton, Hazel Owens, Suzette Ford, Linda Beauford, Lanny Venning and Isaac Alls, Jr. are the living heirs of Jacob Green a/k/a Jake Green shall be vested with a good and marketable title to the property as set out hereinabove, and any right, title, interest or claims of the defaulting Defendants and all other persons, if any, to the subject property are hereby extinguished, and

IT IS FURTHER ORDERED that a confirmatory deed of conveyance be rendered by me as Master In Equity for Berkeley County, South Carolina, confirming and quieting title in the subject property or that further action be taken to determine the respective interests of the parties hereto regarding a partition by sale, pursuant to the conditions as set out above; and

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IT IS SO ORDERED!



Dale E. Van Slambrook
Master-in-Equity for
Berkeley County, South Carolina

Moncks Corner, South Carolina

1/23, 2018

