

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Vanessa Williams, Vanessa Williams, as  
Conservator and Guardian of Sandra P.  
Perkins, and Vanessa Williams, as Personal  
Representative of the Estate of Sandra P.  
Perkins

Plaintiff,

vs.

Bradford Q. Jeffcoat Jr., and Blue Heron  
Builders, LLC,

Defendants.

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT

CASE NO.: 2015-CP-10-06379

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR SUMMARY JUDGMENT**

**RECEIVED**

AUG 03 2018

SC Court of Appeals

FILED  
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CLERK OF COURT

This cause coming to be heard, in the Court of Common Pleas for the Ninth Judicial Circuit in the County of Charleston in the State of South Carolina on the Motion for summary judgment filed by the Plaintiff, Vanessa Williams, and cross motion for summary judgment filed by the Defendant Bradford Q. Jeffcoat, Jr. praying that an order be issued granting partition of real property between Plaintiff and Defendant by allotment or order of sale in accordance with S.C. Code Ann. Section 15-61-10 *et seq.*

A hearing on the motions was conducted on April 30, 2018 with counsel for the Plaintiff, John A. Wenzel Esq., Deepti Asthana, Esq. and Andrew Sullivan, Esq. and counsel for the Defendant, Heather Shaw, Esq. making oral submissions for their respective clients. The Court based upon the pleadings, motions, and oral submissions of the parties, and the same having been duly considered, ORDERS, ADJUDGES and DECREES as follows:



1. The common law in South Carolina recognizes both joint tenancies created by statute and those created by common law. Accordingly, South Carolina recognizes that a joint tenant holds its property interest *per my et per tout* or by the half for purposes of survivorship and by the whole for purposes of alienation. Thus, a joint tenant may unilaterally sever or alienate her ownership interest during her lifetime with or without the consent of the other joint tenant. See Smith v. Cutler, 366 SC 546, 623 SE 2d 644 (2005).

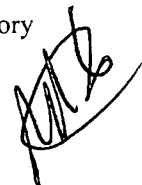
2. Having been presented with no authority to the contrary, and with both parties conceding that Alabama Law applies with respect to actions of the Conservator, Vanessa Williams, in conveying her ward's interest in the property in question; and with an Alabama Court of appropriate jurisdiction having ratified the same, the conveyance of real property from Sandra Perkins to Vanessa Williams was lawful. See Alabama Code of Laws § 26-2A-152 C (1) and its equivalent SC Code of Laws § 62-5-424 B (1) (Ann. 2012).

3. Accordingly, the parties are hereby compelled to partition by sale the following described parcel of land:

All that certain piece, parcel or lot of land, with improvements thereon, situate, lying and being in St. Andrews Parish Charleston County, State aforesaid, and known and designated as Lot #25B on a plat entitled "PLAT TO SUBDIVIDE 1.38 ACRES, LOTS 13 & 25, MAGNOLIA RANCH S/D LOCATED IN ST. ANDREWS PARISH, CHARLESTON COUNTY, SOUTH CAROLINA", as shown on plat thereof dated June 2, 1998 and revised June 1, 1998 drawn by James G. Pennington, R.L.S., and recorded in the ROD Office of Charleston County in Plat Book EC at page 618.

4. The Defendant, Bradford Jeffcoat, shall have right of first refusal executable by giving notice to the Court within sixty (60) days of this order.

5. Unless an agreement is reached between the parties as to the price or value of interests to be sold, within sixty (60) days of this order, the parties shall follow the statutory

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procedure set forth in SC Code of Laws § 15-62-25 (Ann. 2015), to include obtaining a real estate appraisal regarding the aforementioned parcel from a competent real estate appraiser whose report shall be made available to the court. Ultimately, the court shall set the price or value of interest to be sold unless an objection is filed as described therein.

6. The Defendant shall have ten (10) days from the filing of the appraisal report to file a written objection to the report and request an evidentiary hearing to set the price or value of interest to be sold.

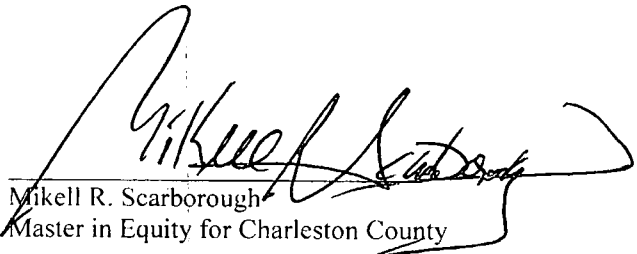
7. After the price or value of interest has been set, the Defendant shall have forty-five (45) days to pay into court the price set as the value of those interests to be purchased and the court shall cause to be executed and delivered the proper instruments for transferring title.

8. In the event that the Defendant fails to pay the purchase price as provided herein, the property shall be listed for sale by a licensed real estate agent selected by the court at the aforementioned price set by the court, and the court shall approve any offer submitted and determine how proceeds will be divided among the Plaintiff and Defendant.

9. Unless otherwise ordered herein, costs are taxed as borne.

10. Any relief not specifically addressed herein, is denied.

AND IT IS SO ORDERED.

  
Mikell R. Scarborough  
Master in Equity for Charleston County

Charleston, South Carolina  
6/28, 2018