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THE STATE OF SOUTH CAROLINA
In The Supreme Court

S.C. SUPREME COURT

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable R. Markley Dennis, Jr., Circuit Court Judge

Appellate Case No. 2015-002257

Equivest Financial, LLC,.....Respondent,

v.

Mary B. Ravenel and AAA Plumbing, Inc.,
Defendants,

Of Whom Mary B. Ravenel is the.....Appellant,

APPENDIX

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The South Carolina Court of Appeals

Equivest Financial, LLC, Respondent,

v.

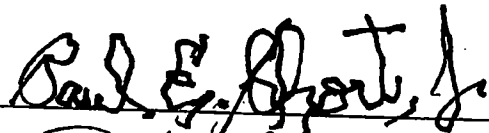
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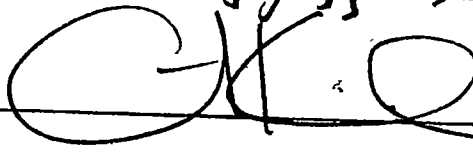
Of Which Mary B. Ravenel is the Appellant.

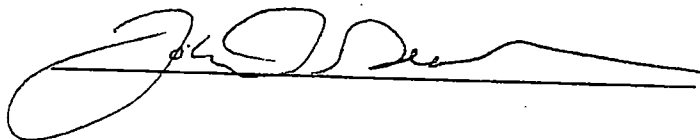
Appellate Case No. 2015-002257

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

 J.

 J.

 J.

Columbia, South Carolina

cc:

Steven R. Anderson, Esquire

James B. Richardson, Jr., Esquire

G. Thomas Hill, Esquire

FILED

April 26, 2018

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Equivest Financial, LLC, Respondent,

v.

Mary B. Ravenel and AAA Plumbing, Inc., Defendants,

Of Whom Mary B. Ravenel is the Appellant.

Appellate Case No. 2015-002257

Appeal From Charleston County
R. Markley Dennis, Jr., Circuit Court Judge

Opinion No. Op. 5536
Heard October 10, 2017 – Filed February 14, 2018

AFFIRMED AS MODIFIED

Bruce Alan Berlinsky, of Charleston, for Appellant.

Steven R. Anderson, of Law Office of Steven R.
Anderson, and James B. Richardson, Jr., both of
Columbia, for Respondent.

KONDUROS, J.: In this action to quiet title to a property sold at a tax sale, Mary Ravenel appeals the trial court's finding the tax sale of her property valid. Ravenel contends (1) the trial court erred in failing to take testimony; (2) the tax sale was void because the property was not levied, advertised, and sold in the name of the true owner; (3) judicial estoppel does not apply because Ravenel was not a party to

the previous action; and (4) the delinquent tax collector did not comply with statutory requirements in sending notice to Ravenel. We affirm as modified.

FACTS/PROCEDURAL HISTORY

The subject real property is a home and land originally purchased by Ravenel on October 22, 2001. While Ravenel purchased five lots in total, only the lot on which she built her home was sold at the tax sale and is the subject of this appeal. Ravenel conveyed all five lots to her daughter and son, Lashanda Ravenel and Henry Lee Ravenel II, (collectively, Children) via a deed dated November 6, 2007, for the stated consideration of "\$5, love and affection." On November 7, 2007, Ravenel filed for bankruptcy and did not indicate the recent conveyance on her sworn schedules.

Ravenel recorded the deed but never delivered the deed to Children, nor told them about the conveyance. Subsequently, the property taxes on the home became delinquent for the year 2007. The Charleston County Delinquent Tax Collector (DTC) first sent an execution notice to Children by regular mail, dated April 7, 2008, at the address given on the deed conveying the property to Children. This notice informed Children if the amount due was not paid, an official notice of levy would be mailed to them, the property would be advertised in the Charleston⁹Post & Courier, a sign would be placed on the property announcing it would be sold due to nonpayment of taxes, and finally, the property would be sold.

When the 2007 taxes remained unpaid, the DTC levied upon the property by way of a levy notice sent by certified mail to Children's address dated May 22, 2008. This notice was returned unclaimed to the DTC on May 24, marked "Return to Sender, Unable to Forward." A sign was placed on the property on August 1, 2008, announcing the property was to be sold due to the nonpayment of taxes. The property was advertised in the local newspaper on August 15, 22, and 29, 2008. The DTC then sent the Final Notice of Property Redemption, also by certified mail, one to each of Children and one to them jointly, all of which were returned marked "Return to Sender/Unable to Forward" on October 26, 2009. The DTC then sent a courtesy copy of this notice by regular mail. After receiving the courtesy redemption letter, which was addressed to Children, Ravenel called the DTC to try and redeem the property. DTC informed Ravenel that in order to save the property, she would have to pay the redemption amount of \$27,849.06, which she did not pay.

When the taxes remained unpaid, the property was sold at the tax sale on November 3, 2008, to Equifunding. Notices of redemption were sent to Children but were returned to the DTC unclaimed. These notices were addressed to Children at the address given in the deed conveying the property to them. This address was the same post office box shown as the address on the deed conveying the property to Ravenel. This post office box belonged to Ravenel's mother, who would collect the mail and bring it to her daughter. Because the property was not redeemed, a tax deed was delivered to Equifunding. Equifunding thereby conveyed the subject real property to Equivest Financial, LLC in a deed recorded on October 4, 2010.

In 2010, Children brought an action to quiet title to set aside the tax deed. In her testimony, Ravenel provided the reason for the transfer of the property to Children was to protect the assets from her creditors. The Master-in-Equity found the tax sale was valid and Ravenel had not delivered the deed to Children. The master found Ravenel's conveyance to Children was in violation of the Statute of Elizabeth, as she intended to defraud her creditors, and thus found the deed to the children was void and of no effect. Children appealed to this court, which affirmed the decision of the master on the grounds that Ravenel had not delivered the deed to Children. *Equivest Fin., LLC v. Scarborough*, Op. No. 2013-UP-495 (S.C. Ct. App. filed Dec. 23, 2013).

Thereafter, Equivest commenced the present action to quiet title as to Ravenel because she was not a party to the first action. The trial court held Ravenel was judicially estopped from claiming she did not receive notice of the tax sale, as she was the one who attempted to fraudulently convey the property. The court further held the two-year statute of limitations applied, making the tax sale incontestable. This appeal followed.

STANDARD OF REVIEW

"An action to remove a cloud on and quiet title to land is one in equity." *Johnson v. Arbabi*, 355 S.C. 64, 69, 584 S.E.2d 113, 115 (2003) (quoting *Bryan v. Freeman*, 253 S.C. 50, 52, 168 S.E.2d 793 (1969)). "In an action at equity, tried by a judge alone, an appellate court may find facts in accordance with its own view of the preponderance of the evidence." *Inlet Harbour v. S.C. Dep't of Parks, Rec. & Tourism*, 377 S.C. 86, 91, 659 S.E.2d 151, 154 (2008).

LAW/ANALYSIS

I. Testimony

Ravenel maintains the trial court erred by failing to take testimony. She contends genuine issues of material fact needed to be addressed. Specifically, Ravenel contends the issue of fact regarding whether the DTC sent her the required notices under section 12-51-40 of the South Carolina Code (2014) should have been addressed and because it was not, her argument on the issue was never fully heard. Furthermore, Ravenel argues the trial court erred in finding she intended to defraud her creditors without testimony to support its finding. We find this issue unpreserved for our review.

In order for an issue to be preserved for appellate review, it must have been raised to and ruled upon by the trial court. Issues not raised and ruled upon in the trial court will not be considered on appeal. *S.C. Dep't of Transp. v. First Carolina Corp. of S.C.*, 372 S.C. 295, 301-02, 641 S.E.2d 903, 907 (2007); *Linda Mc Co. v. Shore*, 375 S.C. 432, 438, 653 S.E.2d 279, 282 (Ct. App. 2007). A party cannot complain of error his own conduct has induced. *Erickson v. Jones St. Publishers, LLC*, 368 S.C. 444, 476, 629 S.E.2d 653, 870 (2006). When an appellant expressly waives an argument at trial, it cannot be raised on appeal. *Richland Cty. v. Carolina Chloride, Inc.*, 382 S.C. 634, 656, 677 S.E.2d 892, 903 (Ct. App. 2009). Additionally, "[a]n issue is deemed abandoned and will not be considered on appeal if the argument is raised in a brief but not supported by authority." *Bryson v. Bryson*, 378 S.C. 502, 510, 662 S.E.2d 611, 615 (Ct. App. 2008). "[S]hort, conclusory statements made without supporting authority are deemed abandoned on appeal and therefore not presented for review." *Glasscock, Inc. v. U.S. Fid. & Guar. Co.*, 348 S.C. 76, 81, 557 S.E.2d 689, 691 (Ct. App. 2001). When a party provides no legal authority regarding a particular argument, the argument is abandoned and the court will not address the merits of the issue. *State v. Lindsey*, 394 S.C. 354, 363, 714 S.E.2d 554, 558 (Ct. App. 2011).

At trial, the following exchange took place:

The Court: [Ravenel's Attorney], if there's anything that you need to add to protect your record, you let me know and I will be glad to do that. Because I really think the record in this case

-- I don't think we need to have testimony and put you all through that.

[Ravenel's Attorney]: Right, because we've agreed on the joint exhibits, so the exhibits are the exhibits. They say what they say.

The Court: All the exhibits are admitted and are now part of the record fully, as is your memorandum.

The trial court gave Ravenel's attorney the opportunity to augment the record and counsel chose not to do so. Therefore, this issue is not preserved for appellate review. Furthermore, because Ravenel raised the argument in her brief without providing any supporting authority, we also deem the argument abandoned.

II. Judicial Estoppel/Res Judicata

Ravenel contends she was not a party to the previous action and therefore, she cannot be bound by the action. She further argues if the court finds she was a party to the previous action, judicial estoppel still does not apply as the issue of true ownership of the property was not actually litigated in the previous case. We agree in part and disagree in part.

"Judicial estoppel is an equitable concept that prevents a litigant from asserting a position inconsistent with, or in conflict with, one the litigant has previously asserted in the same or related proceeding." *Auto-Owners Ins. Co. v. Rhodes*, 405 S.C. 584, 597, 748 S.E.2d 781, 788 (2013) (quoting *Cothran v. Brown*, 357 S.C. 210, 215, 592 S.E.2d 629, 631 (2004)).

For the doctrine of judicial estoppel to apply, the following elements must be satisfied: (1) two inconsistent positions taken by the same party or parties in privity with one another; (2) the positions must be taken in the same or related proceedings involving the same party or parties in privity with each other; (3) the party taking the position must have been successful in maintaining that position and have received some benefit; (4) the inconsistency must be part of an intentional effort to

mislead the court; and (5) the two positions must be totally inconsistent.

Id. at 598, 748 S.E.2d at 788.

On the other hand, "[r]es judicata precludes parties from subsequently relitigating issues actually litigated and those that might have been litigated in a prior action." *Duckett v. Goforth*, 374 S.C. 446, 464, 649 S.E.2d 72, 81 (Ct. App. 2007). "Res judicata is the branch of the law that defines the effect a valid judgment may have on subsequent litigation between the same parties and their privies." *Id.*, 649 S.E.2d at 81-82 (quoting *Nelson v. QHG of S.C. Inc.*, 354 S.C. 290, 304, 580 S.E.2d 171, 178 (Ct. App. 2003)). In order for res judicata to apply, the parties—or their privies—and subject matter must be identical, and the prior suit adjudicated the issue. 7 S.C. Jur. *Estoppel and Waiver* § 27 (1991). "For purpose of res judicata, however, the concept of privity rests not on the relationship between the parties asserting it, but rather on each party's relationship to the subject matter of the litigation." *Yelsen Land Co. v. State*, 397 S.C. 15, 22, 723 S.E.2d 592, 596 (2012). "The term 'privity,' when applied to a judgment or decree, means one so identified in interest with another that he represents the same legal right." *Roberts v. Recovery Bureau, Inc.*, 316 S.C. 492, 496, 450 S.E.2d 616, 619 (Ct. App. 1994). "One in privity is one whose legal interests were litigated in the former proceeding." *Id.* "Privies are those who are so connected with the parties in estate, or in blood, or in law, as to be identified with them in interest" *Bailey v. U.S. Fid. & Guar. Co.*, 185 S.C. 169, 193 S.E. 638, 641 (1937)).

"Under the present rules, a respondent—the 'winner' in the lower court—may raise on appeal any additional reasons the appellate court should affirm the lower court's ruling, regardless of whether those reasons have been presented to or ruled on by the lower court." *I'On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406, 419, 526 S.E.2d 716, 723 (2000). "The basis for [a] respondent's additional sustaining ground[] must appear in the record on appeal" *Id.* at 420, 526 S.E.2d at 723. "The appellate court may affirm any ruling, order, decision or judgment upon any ground(s) appearing in the Record on Appeal." Rule 220(c), SCACR.

We find the trial court erred in ruling Ravenel was judicially estopped from claiming a position inconsistent with the one she took in the previous action. The third element for judicial estoppel requires a party to have been successful in arguing an issue in the previous action in order to preclude him or her from

asserting the opposite in the present action. In this case, the issue in question—whether Ravenel was the true owner of the property—was ruled on by the trial court in favor of Equifax, not Ravenel. Therefore, judicial estoppel does not apply.

Although not raised at trial, we affirm on the theory of res judicata, which was raised by Equifax as an additional sustaining ground in its appellate brief. For res judicata to apply, a three-part test must be met. The first element requires the same identity of the parties or their privies. In this case, Ravenel's absence as a named party from the previous tax sale lawsuit should not insulate her due to her interests and Children's interests in the previous action being identical. Ravenel is in privity with Children due to their intertwining interests in the property, and the master ruled in the previous action that "[Ravenel] is the real individual in interest with regard to the subject real property." The master also found in that case "[i]t is [Ravenel] who will benefit if the tax deed is set aside, not [Children], who are simply straw owners." Thus, the first element is met. The second element requires the subject matter be identical. In the previous case, the master conclusively decided the issue of whether the tax sale was valid. In the present action, Ravenel again questions the validity of the tax sale. Therefore, the second element is met as the subject matter in the present case is identical to that in the first. The third element, which requires a final, valid judgment on the merits, is also satisfied. The master heard the first case in full, ruled, and this court affirmed on appeal. Because all three elements are met, we find res judicata applies to Ravenel's arguments regarding the validity of the tax sale.

Ravenel raises three other arguments, contending (1) the trial court erred in failing to find the tax sale was void for failure of the DTC to levy, advertise, and sell the property in her name as the true owner of the property; (2) the trial court erred when it failed to find the DTC did not comply with statutory notice requirements when Ravenel, as the defaulting taxpayer, was not provided with notices of the delinquent taxes or notice of the tax sale; and (3) the trial court erred in applying the two-year statute of limitations because she was not given notice as to the sale and this lack of notice makes the tax deed void on its face so as to make the statute of limitations not apply. Because these all could have been raised in the prior action, res judicata bars these claims. Accordingly, we affirm the trial court's decision as modified.

CONCLUSION

Based on the foregoing, the trial court is

AFFIRMED AS MODIFIED.

SHORT and GEATHERS, JJ., concur.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable R. Markley Dennis, Jr., Circuit Court Judge

Appellate Case No. 2015-002257

Equivest Financial, LLC,.....Respondent,

v.

Mary B. Ravenel and AAA Plumbing, Inc.,
Defendants,

Of Whom Mary B. Ravenel is the.....Appellant,

NOTICE OF APPEARANCE OF COUNSEL

The undersigned certifies that he has been retained by the Appellant to represent her in the subject appeal in substitution of her former attorney whom has been released as counsel, namely Bruce Alan Berlinsky.


G. Thomas Hill (S.C. Bar No. 12055)
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ATTORNEYS FOR APPELLANT
(Mary B. Ravenel)

March 1, 2018

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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MAR 01 2018

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable R. Markley Dennis, Jr., Circuit Court Judge

Appellate Case No. 2015-002257

Equivest Financial, LLC,.....Respondent,

v.

Mary B. Ravenel and AAA Plumbing, Inc.,
Defendants,

Of Whom Mary B. Ravenel is the.....Appellant,

APPELLANT'S
PETITION FOR REHEARING

The Appellant Mary B. Ravenel by and through her counsel G. Thomas Hill hereby petitions the Court of Appeals to grant a rehearing of court's opinion in the above referenced case filed on February 14, 2018. The rehearing is necessary because

- I. **Opinion No. Op. 5536 of the Court of Appeals in the case at hand misapprehended the facts regarding Due Process rights of the Appellant as it relates to statutory notice requirements by mail pursuant to South Carolina Code § 12-51-40 (b) ¹ which directs**

¹ South Carolina Code § 12-51-40 (b), If the taxes remain unpaid after thirty days from the date of mailing of the delinquent notice, or as soon thereafter as practicable, take exclusive possession of the property necessary to satisfy the payment of the taxes, assessments, penalties, and costs. In the case of real property, exclusive possession is taken by mailing a notice of delinquent property taxes, assessments, penalties, and costs to the defaulting taxpayer and any grantee of record of the property at the address shown

that the notice(s) shall be sent via "certified mail, return receipt requested-restricted delivery".

The Court of Appeals in the subject opinion heavily relies on the fact that the mail from the DTC addressed to the children of the Appellant was sent to the mail box owned by Appellant Mary B. Ravenel averring the sufficiency thereof, that Mary B. Ravenel received notice of the tax delinquency and tax sale procedures. However, in the real world Mary B. Ravenel could not open the notices due to the fact that pursuant to the USPS Rules and Regulations she would not have been allowed to open "certified mail, return receipt requested-restricted delivery" addressed to her children. A Postmaster is prohibited from divulging to a "non-addressee" who the sender is, and most certainly will not allow a third person to even touch the envelope sent by "certified mail, return receipt requested-restricted delivery".² If an

on the tax receipt or to an address of which the officer has actual knowledge, by "**certified mail, return receipt requested-restricted delivery**" pursuant to the United States Postal Service "Domestic Mail Manual Section S912". If the addressee is an entity instead of an individual, the notice must be mailed to its last known post office address by certified mail, return receipt requested, as described in Section S912. In the case of personal property, exclusive possession is taken by mailing the notice of delinquent property taxes, assessments, penalties, and costs to the person at the address shown on the tax receipt or to an address of which the officer has actual knowledge. All delinquent notices shall specify that if the taxes, assessments, penalties, and costs are not paid before a subsequent sales date, the property must be duly advertised and sold for delinquent property taxes, assessments, penalties, and costs. The return receipt of the "certified mail" notice is equivalent to "levying by distress".

² USPS Rules 508 Recipient Services 1.1.8 Additional Delivery Standards for Restricted Delivery In addition to the standards described under 1.1.7, *mail marked "Restricted Delivery" is delivered only to the addressee or to the person authorized in writing as the addressee's agent (the USPS may require proof of identification from the addressee (or agent) to receive the mail, ...*

- a. Mail for famous personalities and executives of large organizations is normally delivered to an agent authorized to sign for such mail.
- b. Mail for officials of executive, legislative, and judicial branches of the government of the United States or of the states and possessions and their political subdivisions, or to members of the diplomatic corps, may be delivered to a person authorized by the addressee or by regulations or procedures of the agency or organization to receive the addressee's mail.

addressee is never given the opportunity to see who the sender is because inevitably the addressee will refuse to sign for undesirable mail. Only the children of Mary B. Ravenel would have been allowed access to the envelope mailed to them, respectively, and that's after their identification has been established and the green card has been signed by the addressee.³ Mary B. Ravenel was not the addressee nor was she the agent of her children. Neither the notice of delinquent property taxes, assessments, penalties, and costs to the defaulting taxpayer nor the notice of redemption also was not mailed to appellant by as required by South Carolina Code § 12-51-60 by "certified mail, return receipt requested-restricted delivery" and should was not availed to the notices sent to her children.⁴ It does not matter if the mail was sent to her

-
- c. Mail for the commander or other officials of military organizations by name and title, is delivered to the unit mail clerk, mail orderly, postal clerk, assistant postal clerk, or postal finance clerk, when such individuals are designated on DD (Department of Defense) Form 285 to receipt for all mail addressed to the units for which they are designated. If the person accepting mail is designated on DD Form 285 to receipt for ordinary mail only, then restricted delivery mail addressed to the commander, or other official by name and title, is delivered to the mail clerk only if authorized by the addressee.
 - d. Mail for an inmate of a city, state, or federal penal institution, in cases where a personal signature cannot be obtained, is delivered to the warden or designee.
 - e. Mail for minors or persons under guardianship may be delivered to their parents or guardians.
 - f. An addressee who regularly receives restricted delivery mail may authorize an agent on Form 3801 or by letter to the Postmaster and must include the notation "this authorization is extended to include restricted delivery (or Adult Signature Restricted Delivery) mail". Form 3849 also may be used for the authorization, if the Post Office has no standing delivery order or letter on file, when the addressee enters the name of the agent on the back of Form 3849 in the space provided and signs the form. The agent must sign for receipt of the article on the back of the form.
 - g. When mail is addressed to two or more persons jointly, all addressees or their agents must be present to accept delivery together. The delivery receipt obtained and the return receipt, if any, must be signed by all joint addressees or their agents. The mail may then be delivered to any of the addressees or their agents unless one or more addressees or their agents object, in which case delivery is not made until all the addressees or their agents sign a statement designating who is to receive the mail. Either person may sign for mail addressed to one person in care of another (i.e. "In Care Of"). 1.1.8.

³ USPS Rules 508 Recipient Services 1.1.5 Addressee Identification *-If a person claiming to be the addressee of certain mail is unknown to the delivery employee, the mail may be withheld pending identification of the claimant.*

⁴ South Carolina Code § 12-51-60. Payment by successful bidder; receipt; disposition of

mail box, the mailed notices were not addressed to her. Mary B. Ravenel did not receive proper notice thus her constitutional right to due process has been infringed upon. The order by the trial judge and the ratification of said order by the subject opinion amounts to the improper taking of Mary B. Ravenel's property rights.

II. The two year statute of limitation does not apply when the Due Process rights of a property owner have been infringed upon and violated.

According to Dibble v. Bryant, 274 S.C. 481, 265 S.E.2d 673 (1980) the South Carolina Supreme Court has consistently *held the enforcing agencies of government to strict compliance with all the legal requirements surrounding tax sales.* Proper Notice equals Due Process, and in the present action Mary B. Ravenel did not receive proper notice and was not properly named as a party in the first legal action filed against her children regarding the subject property. The statutory requirement of South Carolina Code § 12-51-40 were not strictly complied with, as stated in the first argument delineated above. The lack of notice (i.e., due process) prevents the assertion of the statute of limitation defense on the part of the

proceeds. The successful bidder at the delinquent tax sale shall pay legal tender as provided in Section 12-51-50 to the person officially charged with the collection of delinquent taxes in the full amount of the bid on the day of the sale. Upon payment, the person officially charged with the collection of delinquent taxes shall furnish the purchaser a receipt for the purchase money. He must attach a copy of the receipt to the execution with the endorsement of his actions, which must be retained by him. Expenses of the sale must be paid first and the balance of all delinquent tax sale monies collected must be turned over to the treasurer. Upon receipt of the funds, the treasurer shall mark immediately the public tax records regarding the property sold as follows: Paid by tax sale held on (insert date). All other monies received, including any excess after payment of delinquent taxes, assessments, penalties, and costs, must be retained, paid out, and accounted for by the delinquent tax collector. Once a tax deed has been issued, *the defaulting taxpayer and the owner of record immediately before the end of the redemption period must be notified in writing by the delinquent tax collector of any excess due. The notice must be addressed and mailed in the manner provided in Section 12-51-40(b) for taking exclusive possession of real property.* Expenses of providing this notice are considered costs of the sale for purposes of determining the amount, if any, of the excess.

Respondents. South Carolina Code § 12-51-160 was not intended to bar an action under the circumstances of this case. The legislature intended the statute to create a time limit during which one who lost title to property through a tax sale, after proper notice, may attempt to regain title.⁵ The one exception to this statute is lack of proper notice and strict compliance with the statutes governing tax sale process and procedures. Proper notice was never afforded to Appellant in the first action to which she would have been a proper party. Appellant Mary B. Ravenel is not bound by the legal ruling in the first case, thus, res judicata does not apply against the Appellant because the legal ruling is impotent, insufficient and ineffectual since she was not made a party thereto. Likewise the statute of limitation clock failed to begin to tick since the Appellant Mary B. Ravenel was unnamed in the first proceeding and at any point during the tax sale process as delineated in the South Carolina Code. Appellant also cites S.C. Const. art. I, § 3 providing no person "shall . . . be deprived of life, liberty, or property without due process of law" the U.S. Constitution Fifth Amendment - No person shall ... be deprived of life, liberty, or property, without due process of law.....; and, the U.S. Constitution Fifth Amendment Fourteenth Amendment § 1. - All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

⁵ Section 12-51-160 provides that the tax sale deed is evidence of good title and that "all proceedings have been regular and that all legal requirements have been complied with." S.C. Code Ann. § 12-51-160. The section further provides a time limit for recovering land sold pursuant to a tax sale: "No action for the recovery of land sold under the provisions of this chapter or for the recovery of the possession may be maintained unless brought within two years from the date of sale."

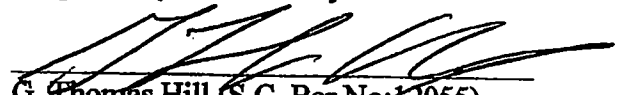
III. Res Judicata is not applicable to the case at hand since the Appellant's due process right have been infringed upon.

The Appellant incorporated the arguments above in this section, further stating the opinion of the Court of Appeals does not take into account that in the first action Mary B. Ravenel should have been made a party and since she was not made a party then res judicata does not apply to her. In the first hearing if Appellant would have been named as a party she would have been able to prove that she was not properly notified by the DTC and the tax sale would have been void based on the strict compliance requires discussed in Dibble v. Bryant, 274 S.C. 481, 265 S.E.2d 673 (1980). Res Judicata should have not been at issue in the case, that is, as it relates to being applied against the Appellant.

CONCLUSION

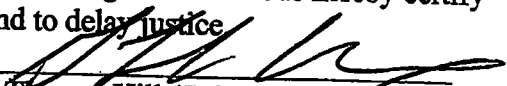
The Appellant was not afforded her due process right of notice pursuant to the U.S. Constitution and the South Carolina Constitution; also the statutes regarding tax sales were not strictly comply with, therefore, the ruling of the lower court and court of appeals should be reversed. An old woman is about to lose her house and errors have been made, equity demands a rehearing and reversal.

Respectfully submitted by:


G. Thomas Hill (S.C. Bar No:12055)
HILL & HILL
Counsel for Appellant Mary B. Ravenel

CERTIFICATE OF COUNSEL

As counsel for the petitioner, I believe this petition for rehearing in meritorious hereby certify that this petition is presented in good faith and not intend to delay justice


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ATTORNEYS FOR APPELLANT

(Mary B. Ravenel)

March 1, 2018

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

SC Court of Appeals

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2014-CP-10-0667

Equivest Financial, LLC,

Respondent,

v.

Mary B. Ravenel and AAA
Plumbing, Inc.,

Defendants,

Of whom Mary B. Ravenel is the Appellant.

FINAL BRIEF OF APPELLANT

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STATEMENT OF ISSUES ON APPEAL

1. DID THE TRIAL COURT ERR WHEN IT FAILED TO TAKE TESTIMONY WHEN THERE WERE GENUINE ISSUES OF MATERIAL FACT AND WHEN IT MADE FINDINGS OF FACT THAT WERE UNSUPPORTED BY THE RECORD?
2. DID THE TRIAL COURT ERR IN FINDING THAT MARY B. RAVENEL WAS BOUND BY THE PREVIOUS COURT ORDER WHEN SHE WAS NOT A PARTY TO THE ACTION OR, IN THE ALTERNATIVE, THAT JUDICIAL ESTOPPEL APPLIED?
3. DID THE TRIAL COURT ERR IN NOT FINDING THAT TAX SALE WAS VOID WHEN THE PROPERTY WAS NOT LEVIED, ADVERTISED, AND SOLD IN THE NAME OF THE TRUE OWNER OF THE PROPERTY?
4. DID THE TRIAL COURT ERR WHEN IT FAILED TO FIND THAT THE DELINQUENT TAX COLLECTOR DID NOT COMPLY WITH THE STATUTE REQUIRING NOTICES TO BE SENT TO THE APPELLANT AS THE DEFAULTING TAXPAYER?
5. DID THE TRIAL COURT ERR IN FINDING THAT THE TWO (2) YEAR STATUTE OF LIMITATIONS APPLIED WHEN THE TAX SALE WAS VOID UPON ITS FACE?

STATEMENT OF THE CASE

On November 3, 2008, a tax sale was held whereby Equifunding, Inc. purchased the subject property, known by TMS No. 099-00-00-085. Equifunding, Inc. received a tax deed from the the Delinquent Tax Collector for Charleston County, which was recorded August 11, 2010.

Equivest ("Respondent") received a deed from Equifunding, Inc. recorded October 4, 2010 in the Office of the RMC for Charleston County. (R. p. 14)

Thereafter, a lawsuit ensued whereby Lashanda Ravenel and Henry Lee Ravenel, II, as the grantees of record at the time, brought suit against the Respondent to set aside the tax sale. By Order dated May 30, 2012 and recorded June 5, 2012, the Master-in-Equity for Charleston County found that the deed transferring the subject property from Mary B. Ravenel ("Appellant") to the Lashanda Ravenel and Henry Lee Ravenel, II, as grantees, was not delivered and not effective, and quieted title in the Respondent. The case was then appealed to this Honorable Court. By Opinion No. 2013-UP-495 filed December 23, 2013, this Honorable Court affirmed the Master's ruling that there was no delivery and the deed was not effective, but it did not rule on the other issues presented on appeal.

Thereafter, on February 3, 2014, Respondent brought an action against the Appellant to quiet title on the subject property.

A Motion for Summary Judgment was heard before the Honorable J.C. Nicholson, Jr. on June 8, 2015. The attorneys were informed that the Motion for Summary Judgment would be denied, but the Order denying the Motion for Summary Judgment was not entered at the time of the filing of this brief.

On June 17, 2015, the case was heard before the Honorable R. Markley Dennis, Jr. By Order dated July 23, 2015 and filed July 27, 2015, the Trial Court quieted title in the name of Respondent.

A Motion to Reconsider was timely filed by the Appellant on August 10, 2015 and an Order denying the Motion to Reconsider was filed on September 29, 2015.

Appellant, by and through her attorney, served the Notice of Appeal dated October 28, 2015 and filed October 29, 2015 on Equivest Financial, LLC.

All documents set forth above will be included in the Record on Appeal.

FACTS

In 2001, Mary B. Ravenel purchased five (5) parcels of land, including the subject property, with monies she received from a settlement. (R. p. 14, 16) On one of said parcels, Mrs. Ravenel later built a home, which serves as her primary residence. The lot which is the subject matter of this appeal is the lot containing Mrs. Ravenel's home. *Id.* By instrument dated and recorded November 6, 2007 in Book H-643 at Page 159 in the RMC for Charleston County, Mrs. Ravenel conveyed the five (5) parcels to her children, Lashanda Ravenel and Henry Lee Ravenel, II. (R. pp. 47-51) The grantees, however, were never made aware of the conveyance. (R. p. 15)

All required statutory notices regarding the delinquent taxes were sent to Lashanda Ravenel and Henry Ravenel, II, as the grantees on the deed, but no such notices were received by them. (R. pp. 52-55, 66-74)

By tax sale on November 3, 2008, the subject property was sold for nonpayment of the 2007 taxes. (R. p. 4) While all five (5) parcels were listed for sale, the only property sold was the one containing Mrs. Ravenel's home.

The property was purchased by Equifunding, Inc., who thereafter conveyed the property to the Respondent. (R. pp. 14, 75) Thereafter, Lashanda Ravenel and Henry Lee Ravenel, II brought suit seeking to set aside the tax sale. (R. p. 13) However, Mrs. Ravenel was not a party to this action.

In the previous action, the Master-in-Equity determined that the deed from Mrs.

Ravenel conveying her five parcels of land to her children, Lashanda Ravenel and Henry Lee Ravenel, II, was never delivered to them, and therefore the deed was not effective. (R. p. 18)

Subsequently, the Court of Appeals affirmed the Master's determination that delivery had not occurred. (R. pp. 8-10) Pursuant to these Orders, title to this property never passed to her children and title remained in Mrs. Ravenel's name. *Id.* Therefore, the Respondent instituted this action seeking to quiet title against Mary Ravenel.

As a result of the rulings by the Master-in-Equity and the Court of Appeals, it is undisputed that Mary Ravenel was the true owner at the time of the 2008 tax sale and is the owner of the subject property at the present time.

Additionally, it is also undisputed that as of January 1, 2007, the property was listed in the tax records under the name of Mary Ravenel.

STANDARD ON APPEAL

"An action to set aside a tax sale lies in equity." *Hawkins and Gryphon, Inc. v. Bruno Yacht Sales, Inc.*, 342 S.C. 352, 358, 536 S.E.2d 698 (Ct. App. 2000); *Folk v. Thomas*, 520 S.E.2d 327, 336 S.C. 466 (Ct. App. 1999). In an action in equity, tried by a judge alone, the appellate court has jurisdiction to find facts in accordance with its own view of the preponderance of evidence. *Townes Associates, Ltd. v. City of Greenville*, 266 S.C. 81, 221 S.E.2d 773 (1976); *Doe v. Clark*, 318 S.C. 274, 457 S.E.2d 336 (1995).

ARGUMENTS

- I. THE TRIAL COURT ERRED WHEN IT FAILED TO TAKE TESTIMONY WHEN THERE WERE GENUINE ISSUES OF MATERIAL FACT AND WHEN IT MADE FINDINGS OF FACT THAT WERE UNSUPPORTED BY THE RECORD.

The Trial Court failed to take any testimony in this matter even though there were genuine issues of material fact that needed to be addressed and the Trial Court made findings in its Order that were unsupported by any testimony or evidence.

At the hearing, the Trial Court failed to hear any testimony in this matter. (R. pp. 30-46) The reason for the Judge's decision not to hear testimony appeared to be that he did not believe there to be any material issue of fact to be argued before him. (R. p. 37 lines, 16-18; p. 40, lines 8-24; p. 43, lines 19-21) However, a Motion for Summary Judgment had been heard by Judge Nicholson on June 8, 2015, and Judge Nicholson informed the attorneys that the Motion for Summary Judgment would be denied.

Denial of a motion for summary judgment is appropriate where "where further inquiry into the facts of the case is desirable to clarify the application of the law." *Lord v. D&J Enters., Inc.*, 407 S.C. 544, 553, 757 S.E.2d 695, 699 (2014). By denying the Motion for Summary Judgment, Judge Nicholson indicated that further inquiry into the facts of this case were warranted. As such, one of the key material facts, whether the county notified the defaulting taxpayer, Mrs. Ravenel, of the delinquent taxes and tax sale in compliance with S.C. Code Ann. § 12-51-40, should have been addressed. However, Appellant's argument on this issue was never fully heard as is evidenced by the lack of testimony taken and the Judge's statements in the transcript. (See R. p. 40, line 8-p. 41, line 1)

Furthermore, the Trial Court in its Order found that Mrs. Ravenel "intended to defraud her creditors when she conveyed the subject property to her adult children." (R. p. 6) The Supreme Court of this State has found that "on appeal of a case tried without a jury, the findings of fact of the judge will not be disturbed upon appeal unless found to be *without*

evidence which reasonably supports the judge's findings.” *Townes Assoc., Ltd.* at 86 (emphasis added). Here, the record was void of any testimony or evidence presented to support the finding in the Trial Court’s Order that Mrs. Ravenel had committed fraud. (R. pp. 30-46) Therefore, the Trial Court erred when it made a finding of fact that Mrs. Ravenel clearly intended to defraud her creditors without any evidence or testimony to support this finding.

II. THE TRIAL COURT ERRED WHEN IT RULED THAT MARY B. RAVENEL WAS BOUND BY THE PREVIOUS COURT ORDER AND THAT JUDICIAL ESTOPPEL APPLIES.

The Trial Court erred when it found that Appellant “is judicially estopped from claiming a position in the instant action, which is different from the position she took in Case No. 2010-CP-10-8732.” (R. p. 6) Mrs. Ravenel was not a party to the referenced action and therefore not bound by the action. However, if the Court believes that Mrs. Ravenel was bound by the referenced Order, the Trial Court then erred in finding judicial estoppel applied to Mrs. Ravenel as her position did not change.

A finding of judicial estoppel is appropriate in a case “where a party assumes a certain position in a legal proceeding, and *succeeds* in maintaining that position, . . . [and] thereafter, simply because his interests have changed, assume[s] a contrary position.” *Hawkins v. Bruno Yacht Sales*, 353 S.C. 31, 43, 577 S.E.2d 202 (2003) (quoting *Zimmerman v. Central Union Bank*, 194 S.C. 518, 532, 8 S.E.2d 359, 365 (1940)) (emphasis supplied). Here, the factual assertion that Mrs. Ravenel viewed herself as the owner of the property did not change and she does not take a position different from the previous action. The Order from the previous action, *Lashanda Ravenel, et al. v. Equivest Fin., LLC*, Case No. 2010-CP-

10-8732, states, "Ms. Mary Ravenel clearly regarded all of the properties as hers and testified that the property was hers." (R. p. 18, line 7) Based on the foregoing, judicial estoppel does not apply as Mrs. Ravenel's position that the property was hers remained consistent in both actions.

III. BECAUSE THE PROPERTY WAS NEVER LEVIED, ADVERTISED, AND SOLD IN THE NAME OF THE TRUE OWNER, THE TRIAL COURT ERRED WHEN IT FAILED TO FIND THAT THE TAX SALE WAS VOID.

The Trial Court erred when it failed to find that the tax sale was void for failure of the tax collector to levy, advertise, and sell the property in the name of Mary Ravenel. In *Ravenel v. Equivest*, Case No. 2010-CP-10-8732, which was later affirmed by this Honorable Court, the Master-in-Equity for Charleston County found the deed for the subject property was not delivered, and pursuant to case law, that “[a] deed is not legally effective until it has been delivered.” *Donnan v. Mariner*, 339 S.C. 621, 626, 529 S.E.2d 754, 757 (Ct. App. 2000). Based on these rulings, it is undisputed in the present case that the true owner of the property at the time of the tax sale was Mrs. Ravenel. Since the tax sale in the instant matter was not levied, advertised, and sold in Mrs. Ravenel’s name, the tax sale is void on its face.

The statute and case law in this matter are very clear. In order to comply with the statutory requirements for tax sales, the property “shall be listed, assessed, levied upon, advertised, and sold in the name of the true owner.” *Rives v. Bulsa*, 325 S.C. 287, 293, 478 S.E.2d 878, 881 (Ct. App. 1996). It has been repeatedly found and stressed by the courts of this state that all conditions governing tax sales are *mandatory and strictly enforced*. *Hawkins*, 353 S.C. at 40.

In the case of *Osborne v. Vallentine*, the taxpayer died and devised the property to the respondents in that case. *Osborne v. Vallentine*, 196 S.C. 90, 12 S.E.2d 856, 857 (1941). Thereafter, the taxes became delinquent and the property was assessed, levied, and sold in the name of the deceased taxpayer. *Id.* at 858. The court found that the levy, advertisement, and sale of the property were required to be in the name of the devisees, who were the

owners at the time. *Id.* The court reasoned that the fundamental right of due process of law required the owner to be given notice prior to being deprived of his property. *Id.* In addition, since tax sale statutes require constructive notice, rather than actual notice, to the owner of the property, the court asserted that there must be *strict compliance* with the statute requiring the levying, advertising, and selling of the property in the name of the owner. *Id.*

Likewise, in *Rives v. Bulsa*, the taxpayer died leaving real property to her minor children. *Rives* at 289. For approximately seven (7) years and even after the children became adults, the tax notices were in the name of the deceased taxpayer in care of the children's father and mailed to their father's address. *Id.* at 290. Subsequently, the property was sold at tax sale. *Id.* The Court found that there was no evidence that notice of the tax sale was given to the children; therefore, the tax sale must be set aside because the property was not "assessed, advertised, levied upon or sold in their names." *Id.* at 293.

In *Osborne* and *Rives*, there was nothing that would have put the tax collector on notice that the defaulting taxpayers had died and the properties were owned by other parties. The Courts still held that the tax sales were void because the required notices and the tax sales were not in the names of the true owners. As the subject property in this matter was not levied, sold, and advertised in the name of Mary Ravenel, proper notice was not given and the tax sale is void. The fact that the tax collector could have had no way of knowing that there was deficiency with the deed making it ineffective does not change the strict requirements the law provides for tax sales.

IV. THE TRIAL COURT ERRED WHEN IT FAILED TO FIND THAT THE DELINQUENT TAX COLLECTOR DID NOT COMPLY WITH THE STATUTE BECAUSE APPELLANT DID NOT RECEIVE NOTICE OF THE DELINQUENT

TAXES AS THE DEFAULTING TAXPAYER.

The Trial Court erred when it failed to find that the tax collector did not comply with the statutes, S.C. Code Ann. § 12-51-40(a) and § 12-51-40(b), when the defaulting taxpayer, Mary Ravenel, was not provided with notices of the delinquent taxes or notice of the tax sale as required by statute.

It is commonly believed that a tax execution is issued against the property, but it is, in fact, against the defaulting taxpayer. *Taylor v. Jennings*, 233 S.C. 600, 608, 106 S.E.2d 391, 397 (1958). As such, according to S.C. Code Ann. § 12-51-40(a) (1976), a notice of delinquent taxes must be mailed "to the defaulting taxpayer and to a grantee of record." (emphasis added). Likewise, S.C. Code Ann. § 12-51-40(b), states that in the case of real property, in order to take exclusive possession, a notice of delinquent taxes must be mailed "to the defaulting taxpayer and any grantee of record." (emphasis added).

It is undisputed that Mrs. Ravenel was the owner of the subject property on January 1, 2007. Accordingly, notices were required to be sent to Mary Ravenel as the defaulting taxpayer of the property as of January 1, 2007. Further, Mary Ravenel was the taxpayer of record at the time the tax bills were mailed out as she did not transfer the property until November 6, 2007. (R. p. 4, 14) The fact that Mary Ravenel was the defaulting taxpayer is reflected by the inclusion of her name in the subject line on the Execution Notice dated April 7, 2008 and Notice of Levy dated May 22, 2008. (R. pp. 52-55) Furthermore, the Posting Slip posted August 1, 2008 listed Mary Ravenel as the owner of the property. (R. p. 56-58)

Again, the law is clear in the fact that strict compliance must be met when depriving a person of their property. Here, the tax collector failed to follow the statutory requirements

provided under S.C. Code Ann. § 12-51-40(a) and § 12-51-40(b) by not providing notice to the defaulting taxpayer, and based on the foregoing, the tax sale is void.

V. BECAUSE THE STATUTE OF LIMITATIONS DOES NOT APPLY WHEN A TAX SALE IS VOID UPON ITS FACE, THE TRIAL COURT ERRED WHEN IT APPLIED THE TWO (2) YEAR STATUTE OF LIMITATIONS TO THE PRESENT CASE.

The Trial Court erred when it applied the two (2) year statute of limitations in this matter as provided by S.C. Code Ann. § 12-51-160 (1976). The statute states that “[a]n action for the recovery of land sold pursuant to this chapter or for the recovery of the possession must not be maintained unless brought within two years from the date of sale.” S.C. Code Ann. § 12-51-160 (1976). However, the statute of limitations does not apply in the instant case because Mary Ravenel was not given required notice of the tax sale; therefore, the tax deed is void *ab initio*.

Courts have found that “[f]ailure to give the required notice is a fundamental defect in the tax sale proceedings which renders the proceedings absolutely void.” *Rives*, 325 S.C. at 293. Similarly, the Court, quoting *Leysath v. Leysath*, reasoned that there is a “general rule that a short statute of limitation . . . *does not apply* where, by reason of jurisdictional defect, the tax deed is absolutely void upon its face. *Reeping v. JEBBCO, LLC, et al.*, 402 S.C. 195, 201, 740 S.E.2d 504, 507, (2013) (emphasis added). The importance of compliance is evidenced by the Supreme Court’s finding that “[e]ven *actual notice* is insufficient to uphold a tax sale absent *strict compliance* with statutory requirements.” *Ryan Inv. Co. v. Richland Co., et al.*, 335 S.C. 392, 395, 517 S.E.2d 692, 693 (1999) (emphasis added).

In the hearing, Judge Dennis stated:

THE COURT: Okay. And Ms. Ravenel, there's no question there's testimony that she appeared and tried to negotiate this property's return, because she testified to that?

MR. BERLINSKY: That's correct.

THE COURT: So there's no question she had notice, correct? How could you not - - how could you negotiate if you didn't have notice?

(R. p. 40, lines 17-24) The Trial Court erred when it found the statute of limitations applied based on Mrs. Ravenel having actual knowledge of the impending tax sale. While Mrs. Ravenel did have actual notice of the sale, she was not given constructive notice through the notices required by law. Notices were not sent to Mrs. Ravenel, but instead were mailed to the attention of Lashanda Ravenel and Henry Ravenel, II, who never received them. (R. p. 52-55) Therefore, absent strict compliance with the statutory requirements, the tax sale is void and the two (2) year statute of limitations does not apply.

CONCLUSION

The Trial Court erred when it failed to take testimony or hear arguments on material issues of fact that were before the court. Additionally, there was no testimony taken by the Trial Court to support the Trial Courts findings that Mrs. Ravenel had defrauded her creditors as stated in the Court's Order.

Further, Mary Ravenel was not bound by the previous court Order as she was not a party to the action. However, if the Court believes Mrs. Ravenel was bound by the court Order, then judicial estoppel does not apply since the position of Mrs. Ravenel did not change.

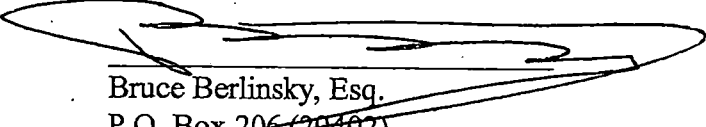
The tax sale is void on its face because the tax collector failed to levy, advertise, or sell the property in the name of the true owner, Mary Ravenel. Further, pursuant to the statutes, Mary Ravenel was entitled to notices of the delinquent taxes as the defaulting taxpayer and lack of strict compliance with the statute renders the sale void.

Finally, the two (2) year statute of limitations does not apply in the instant case because, for the reasons above, the tax sale is void *ab initio*.

For the reasons stated, this Court should reverse the judgment of the Trial Court.

June ____, 2016

Respectfully submitted,



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THE STATE OF SOUTH CAROLINA
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APPEAL FROM CHARLESTON COUNTY
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R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2014-CP-10-0667

Equivest Financial, LLC,.....Respondent,

v.

Mary B. Ravenel,.....Appellant.

PROOF OF SERVICE

I, Jessica Reynolds, legal assistant to Bruce A. Berlinsky, Esquire, do hereby certify that I have this date mailed a true and correct copy of the foregoing and **FINAL BRIEF OF APPELLANT**, postage prepaid, and deposited with the United States Postal Service as follows:

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Dated this 9th day of June, 2016.


Jessica Reynolds

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS

R. Markley Dennis, Jr., Circuit Court Judge

Appellate Case No. 2015-002257

Equivest Financial, LLC, ... Respondent,

v.

Mary B. Ravenel and AAA Plumbing, Inc., ... Defendants,

Of Whom Mary B. Ravenel is the Appellant.

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II. The delinquent tax collector did not treat Mrs. Ravenel as the statutory "true owner" because she recorded a fraudulent deed in favor of her children, misleading the DTC into believing that her children were now the true owners. Even if the court were to allow her "true owner" argument in the face of her unclean hands, Mrs. Ravenel is collaterally estopped to make it.	5
III. The contention that the tax sale is invalid because Mrs. Ravenel did not receive notice as the defaulting taxpayer could have been raised in the previous action but was not. She is collaterally estopped to raise it now.	8
IV. The statute of limitations runs in due course except where the tax deed is void <i>on its face</i> . The class of tax deeds facially void is very small. A tax deed voidable for irregularity is not void on its face. In any case, Mrs. Ravenel through her privies sought to invalidate the tax sale in a timely manner in the previous action, and failed. Collateral estoppel precludes the claim.	9
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COUNTERSTATEMENT OF ISSUES PRESENTED

I.

Did the trial court err in failing to take testimony?

II.

Did the trial court err in failing to hold that the tax sale was void because the property was not levied upon, advertised, and sold in the name of Mrs. Ravenel as the true owner? [Appellant's Questions II and III.]

III.

Is Mrs. Ravenel estopped to contend that the tax sale is void because she was not notified in her capacity as the defaulting taxpayer?

IV.

Where Mrs. Ravenel, through her straw-party privies in the previous action, timely sought to invalidate the tax sale and failed, is she entitled to bring a second action for the same purpose after the statute of limitations has expired?

COUNTERSTATEMENT OF THE CASE

This is the second quiet title action concerning the subject property, a house and lot in Charleston County. The first action, Case No. 2010-CP-10-8732 ("the 2010 case"), resulted in a Final Order Quieting Title entered by the Honorable Mikell R. Scarborough, Master-in-Equity for Charleston County, on June 5, 2012. The plaintiffs in the 2010 case were Lashanda Ravenel and Henry Lee Ravenel, II, the children of Mary Ravenel, who deeded the subject property to them by deed recorded November 6, 2007. The chief defendant was Equivest Financial, LLC, as grantee from the purchaser at a tax sale held on November 3, 2008.

In the Final Order entered in the 2010 case [R. 13], the court found that Mary Ravenel's conveyance to her children was in violation of the Statute of Elizabeth because it was intended to defraud her creditors, and hence was void; that moreover the deed was not delivered to Mrs. Ravenel's children and so did not take effect, in any event; that Mrs. Ravenel's children were straw owners and became complicit in their mother's fraudulent conduct by commencing the 2010 case, and that they were in privity with their mother, in whose behalf they sued; that no irregularities occurred in the tax sale process; and that the plaintiffs came to court with unclean hands, having themselves received nominal title to the property from their mother's unclean hands. Title was quieted in favor of Equivest.

The children of Mrs. Ravenel appealed. The Court of Appeals affirmed on the ground that the deed into the children never took effect, having not been delivered. [Unpublished Opinion No. 2013-UP-495, filed 12/23/13.] The Court therefore declined to reach any of the other issues presented by the appellants.

Since Mary Ravenel was not a named party to the 2010 case, Equivest, the respondent herein, brought this second quiet title action, Case No. 2014-CP-10-0667 ("the 2014 case"), against Mary Ravenel, the appellant herein. The case was tried before the Honorable R. Markley Dennis, Jr., Presiding Judge of the Ninth Judicial

Circuit, on June 27, 2015. Judge Dennis entered a Final Order on July 27, 2015 [R. 4], finding as follows:

The Defendant, who conveyed the property to her children, cannot now come to Court and contend that since the deed was set aside and void, she was the true owner of record and thus entitled to the statutory notices.

The defendant's motion to alter or amend was denied by order entered on September 29, 2015 [R. 1], and this appeal followed.

STATEMENT OF FACTS

Property taxes on Mary Ravenel's home in Hollywood, South Carolina, became delinquent for the year 2007, as had happened in the previous two years. [Record on Appeal in the 2010 case, Appellate Case No. 2012-212772,¹ pp. 84; 106-07.] The Delinquent Tax Collector for Charleston County ("DTC") addressed successive notices in the collection process to the owners of record of the property, the children of Mrs. Ravenel, who were the grantees in a deed from their mother recorded November 6, 2007, the day before the first meeting of creditors in Mrs. Ravenel's bankruptcy proceeding. [R-2012, pp. 122-24; 132; 136.] The notices were addressed to Mrs. Ravenel's children at the address given for them in the deed, prepared at Mrs. Ravenel's direction, a post office box in Hollywood, South Carolina — P. O. Box 455. In accordance with Section 12-51-40, the notices were sent to the best available address, defined by statute to be "either [1] the address shown on the deed conveying the property to [the defaulting taxpayer], [or (2)] the property address, or [3] other corrected or forwarding address of which the [DTC] has actual knowledge." S.C. Code Ann. § 12-51-40(a). The deed to Mrs. Ravenel's children was recorded months before the first notice was mailed, making this the best available address according to Mrs. Ravenel herself.

The first notice was sent by regular mail, as provided by statute.

¹ Hereafter, "R-2012". The Court may take judicial notice of its own cases. See Rule 201, SCRE.

The second and third notices were sent by certified mail, return receipt requested, restricted delivery, again as provided by statute.

The first of the certified mailings — the notice of levy — was returned to the DTC marked "Return to Sender, Unable to Forward" on May 24, 2008. [Pl. Exh. 4, R-2012, p. 178.] The property was then posted in accordance with the statute.

The second of the certified mailings — Final Notice of Property Redemption — was sent in three mailings: one to each of the children and one to them jointly. They were all returned on October 26, 2009 marked "Return to Sender/Ravenel, PO Box 263, Hollywood, SC 29449-0263". [R-2012, p. 85.] The statutory deadline for mailing this notice by certified mail having passed [R-2012, p. 104], the DTC immediately sent a courtesy copy of the notice by regular mail to the address shown on the returned mailings, P. O. Box 263, Hollywood, South Carolina.

Although Henry Ravenel Jr. did not know that his mother had deeded her house to him, Henry Jr. heard from a third party in early October 2009 that back taxes were due. [R-2012, p. 141.] He called the office of the DTC on October 2, 2009 and learned the amount due upon his mother's house. [R-2012, p. 83; Pl. Ex. 9, R-2012, p. 182.] When Mary Ravenel received the courtesy copy of the redemption notice soon after it was mailed on October 27, 2009 [R-2012, p. 103], she also communicated with the DTC and learned the amount due. Mrs. Ravenel was unable to pay the taxes of about \$27,000, and the property was deeded to the high bidder for \$130,000.

In the 2010 quiet title action brought by the Ravenel children to set aside the tax deed, the court found that Mary Ravenel's conveyance to her children was in violation of the Statute of Elizabeth because it was intended to defraud her creditors, and hence was void; that Mrs. Ravenel's children were straw owners and became complicit in their mother's fraudulent conduct by commencing the 2010 case in her behalf, and that they were in privity with their mother; that no irregularities occurred in the tax sale process; and that the plaintiffs came to court with unclean hands, having themselves received

nominal title to the property from their mother's unclean hands. Moreover, the deed, even if valid, was not delivered to Mrs. Ravenel's children and so did not take effect, in any event. Title was quieted in favor of Equivest.

In the appeal of the Ravenel children, the Court of Appeals chose not to reach the issues presented when it affirmed the judgment on the ground that the children were never the owners of the property.

ARGUMENT

I.

The trial court asked whether the parties wished to supplement the record with further evidence. The appellant did not respond. The only fact which the appellant now claims required testimony was in the record and undisputed. The only factual finding which she contends is unsupported was found in the 2010 case.

At trial, Judge Dennis saw no material issue of fact not resolved in the record of the 2010 case and in the thirteen exhibits offered into evidence in this case. The following colloquy took place:

THE COURT: Mr. Berlinsky, if there's anything that you need to add to protect your record, you let me know and I will be glad to do that. Because I really think the record in this case — I don't think we need to have testimony and put you all through that.

MR. BERLINSKY: Right, because we've agreed on the joint exhibits, so the exhibits are the exhibits. They say what they say.

THE COURT: All the exhibits are admitted and are now part of the record fully, as is your memorandum.

(Whereupon, Joint Exh. 1 through 13 are received in evidence.)

[R. 43/17-24.]

The heading of appellant's Argument I assigns error to the failure to take testimony. Mrs. Ravenel identifies a single material fact which she says "should have been addressed." [Appellant's Brief at 5.] This is the fact that the delinquent tax collector did not send her the Section 12-51-40 notices. This fact was undisputed. The

record of the 2010 case shows that Mrs. Ravenel was sent no notices because she had recorded a deed purporting to show that she no longer owned the property.

Mrs. Ravenel contends that there is no evidence of her fraud. The Final Order in the 2010 case is replete with factual findings of fraud. [R-2010, pp. 22-31. *And see* R. 33/4-6.] The invalidity of Mrs. Ravenel's deed to her children as a fraud upon her creditors was one basis for the judgment (but not the only one). The order of judgment was separately offered in evidence here as an exhibit [R. 13], but the entire file of the 2010 case was before Judge Dennis and was reviewed by him without objection.

There was no need for testimony; none was offered; and all factual findings are supported.

II.

The delinquent tax collector did not treat Mrs. Ravenel as the statutory "true owner" because she recorded a fraudulent deed in favor of her children, misleading the DTC into believing that her children were now the true owners. Even if the court were to allow her "true owner" argument in the face of her unclean hands, Mrs. Ravenel is collaterally estopped to make it.

A. Mrs. Ravenel's unclean hands preclude her "true owner" argument.

Mrs. Ravenel argues that property must be "levied upon, advertised, and sold in the name of the true owner," citing *Rives v. Bulsa*, 325 S.C. 287, 293, 478 S.E.2d 878, 881 (Ct. App. 1996). The delinquent tax collector thought that Mrs. Ravenel's children were the true owners because Mrs. Ravenel recorded a deed conveying the property to them. But, says Mrs. Ravenel, the deed was void under the Statute of Elizabeth because she recorded it in order to defraud her creditors and did not deliver the deed. Mrs. Ravenel remained the "true owner" after all. Therefore, there was a "jurisdictional defect" in the tax sale. QED.

Mrs. Ravenel begins her argument of her Question II by contending that she did not mislead the court in the earlier action because she was not a party. Not only was she in privity with her children, the plaintiffs in the earlier action, but they were straw

plaintiffs acting solely in their mother's interest, as the trial court found in the 2010 case. Mrs. Ravenel was as much a party to the earlier action as if her name appeared in the caption.

The term "privity," when applied to a judgment or decree, means one so identified in interest with another that he represents the same legal right. One in privity is one whose legal interests were litigated in the former proceeding. *H.G. Hall Construction Co., Inc. v. J. E. P. Enterprises*, 283 S.C. 196, 321 S.E.2d 267 (Ct. App. 1984). "Privity" as used in the context of collateral estoppel, does not embrace relationships between persons or entities, but, rather deals with a person's relationship to the subject matter of the litigation.

Roberts v. Recovery Bureau, Inc., 316 S.C. 492, 450 S.E.2d 616, 619 (Ct. App. 1994).

Having attempted through her straw plaintiffs to persuade the court in the earlier action that the conveyance to the children was good and that they were the true owners, she now says that she was the true owner all along. Mrs. Ravenel always considered herself the owner of the property, but she did what she could to mislead the world, including the DTC and the Court of Common Pleas in the earlier action, into believing that her children became the true owners. Her children acted as their mother's agent in attempting to void the tax sale in the earlier case. It was only on cross-examination in the 2010 case that the invalidity of the conveyance to the children came to light. [See Order of 5/30/12, R-2012, p. 3, in Case No. 2010-CP-10-8732, also found at R. 15 in the present Record.] Mrs. Ravenel had every intention of misleading the court into believing that her conveyance to the children was valid.

Even if she is not judicially estopped from now taking the position that she was the true owner, the equity court should not grant relief to one whose hands are unclean, and the trial court did not. *Wachovia Bank, N.A. v. Coffey*, 389 S.C. 68, 698 S.E.2d 244, 247 (Ct. App. 2010) ("The doctrine of unclean hands precludes a plaintiff from recovering in equity if he acted unfairly in a matter that is the subject of the litigation to the prejudice of the defendant." *First Union Nat'l Bank of S.C. v. Soden*, 333 S.C. 554, 568, 511 S.E.2d 372, 379 (Ct. App. 1998)."); *Hiott v. Cochran*, 213 S.C. 207, 48 S.E.2d

803, 807 (1948) (a case may be imagined where a taxpayer is estopped to challenge a tax sale because of the taxpayer's conduct).

B. Mrs. Ravenel was in privity with the plaintiffs in the earlier action, who were straw parties acting solely for her. She is collaterally estopped from making any contention which could have been made in the previous action but was not. Mrs. Ravenel's "true owner" contention could have been made in the 2010 case but was not, and hence is barred.

Collateral estoppel precludes parties and those in privity with them from raising any issue which could have been raised in an earlier action which went to judgment. The earlier judgment here is not the remittitur of the Court of Appeals but rather the judgment of the Court of Common Pleas. The appellants in the first appeal chose to appeal some factual findings and legal conclusions of the Court of Common Pleas but not others. The Court of Appeals affirmed. The appellants' petition for a writ of *certiorari* was denied. The Court of Appeals sent down the remittitur. *Res judicata* applies to *all* issues decided by the Court of Common Pleas in its judgment, and to all those issues not decided but which could have been raised.

In *Pye v. Aycock*, 325 S.C. 426, 480 S.E.2d 455 (Ct. App. 1997), the Court identified the elements of *res judicata*:

Our Supreme Court in *Bagwell v. Hinton*, 205 S.C. 377, 400, 32 S.E.2d 147, 156 (1944), held that the following elements must be shown in order to establish the plea of *res judicata*:

(1) The parties must be the same or their privies; (2) the subject matter must be the same; and (3) while generally the precise point must be ruled, yet where the parties are the same or are in privity the judgment is an absolute bar not only of what was decided but of what might have been decided.

480 S.E.2d at 458.

In the 2010 case, the trial court rejected each argument of the plaintiffs that the tax sale was invalid because of irregularities in the various notices. [See Final Order Quieting Title, R-2012, pp. 26-27, also found at R. 18-19 in the present Record.] Mrs. Ravenel's children brought the 2010 case as her agents, proxies, privies, and straw

plaintiffs. The judgment in the 2010 case binds Mrs. Ravenel as fully as though she were a named party. In *Smith v. Melton*, 7 S.C. 209, 219 (1876), the court recognized this principle of agency:

[W]hen the master undertakes to control the suit of his servant, and thus becomes a substantial party, it may be considered that he is brought into a relation of privity with the judgment, and is both bound by it and may use it for his advantage.

In the 2010 case, Mrs. Ravenel challenged the validity of the tax deed on account of every alleged defect of notice in the sale process which she chose to advance. The plaintiffs in the 2010 case — who were Mrs. Ravenel’s agents, proxies, and privies — were bound to raise every ground upon which the tax sale might be challenged. They could have contended that the tax sale was invalid because Mrs. Ravenel was not given notice as the true owner. They chose not to do so. Mrs. Ravenel is therefore collaterally estopped from raising this issue now.

This principle was at heart of Judge Dennis’s reaction to this case, as shown by his Honor’s remarks at the argument,² although the phrase “collateral estoppel” is not found in the written order.³ See *I’ON, LLC v. Town of Mt. Pleasant*, 338 S.C. 406, 526 S.E.2d 716 (2000) (court may affirm on any ground of record).

The “true owner” contention comes too late since it could have been raised by Mrs. Ravenel’s agents in the previous action.

III.

The contention that the tax sale is invalid because Mrs. Ravenel did not receive notice as the defaulting taxpayer could have been raised in the previous action but was not. She is collaterally estopped to raise it now.

Mrs. Ravenel contends that she was entitled to notice in her capacity as the

² See Tr. 6/17/15, pp. 10/21 - 11/4, R. 39/21 - 40/4.]

³ Mrs. Ravenel acknowledges that Judge Dennis held that she “was bound by the previous court order” [Appellant’s Brief, p. 1, Statement of Issues on Appeal, Issue II.]

"defaulting taxpayer," regardless of whether she was the "true owner".

This new contention is barred by collateral estoppel in the same way that her "true owner" argument is barred. This ground could have been advanced in the 2010 case but was not. The court cannot allow a litigant to present a succession of suits on the same cause of action. *Pye v. Aycock*, 325 S.C. 426, 480 S.E.2d 455 (Ct. App. 1997); *Smith v. Melton*, 7 S.C. 209, 219 (1876).

IV.

The statute of limitations runs in due course except where the tax deed is void *on its face*. The class of tax deeds facially void is very small. A tax deed voidable for irregularity is not void on its face. In any case, Mrs. Ravenel through her privies sought to invalidate the tax sale in a timely manner in the previous action, and failed. Collateral estoppel precludes a second effort.

The Court has sometimes said that a tax deed which shows "a jurisdictional defect" ***on its face*** is "absolutely void" and not merely voidable. Jurisdiction is a concept which describes the authority of a court. Courts are not involved in tax sales, but the word can sometimes be used in a colloquial way to describe the extent of an executive officer or agency's scope of authority. For example, it may be said that the Beaufort County Delinquent Tax Collector has no "jurisdiction" to sell property located in Oconee County to satisfy delinquent Beaufort County taxes. A deed from the Beaufort DTC purporting to convey title to Oconee County property might be said to be "void on its face" and therefore "absolutely void" rather than voidable. It is hard to think of other instances where a tax collector's deed might be seen to be "void on its face," although no doubt other examples could be imagined.

The idea that a tax deed may be "absolutely void" on account of irregularities of notice in the conduct of the sale is insupportable. Such a deed may well be voidable on timely application, but this is very different from absolute invalidity. At the heart of our recording system is the principle that a properly executed deed which is entitled to recordation is notice upon which the world may rely, unless and until a court declares

the deed void.⁴ Even then, purchasers in good faith may acquire good title until a court has rendered such a judgment. To hold that a facially valid tax deed may be “absolutely void” — and hence support no title to anyone, **ever** — because of some irregularity unknown to and unknowable by the world is a startling idea.

Our Supreme Court first used the term “absolutely void” to describe a tax deed suffering from a “jurisdictional defect” in the case of *Leysath v. Leysath*, 209 S.C. 342, 40 S.E.2d 233, 236 (1946). The court identified only one earlier case where a tax deed was void rather than voidable:

Illustrative of a jurisdictional defect is the case of *Smith v. Cox*, 83 S.C. 1, 65 S.E. 222. In that case there was a duplicate assessment of the property. The owner paid the taxes assessed against him. Nevertheless, a tax execution was issued on the other assessment, which was in the name of one not the true owner, and the property sold. In an action by the owner to recover possession from the purchaser at the tax sale, the Court held that our statute [of limitations] did not apply. As stated in 51 AM.JUR. page 995, it seems to be generally held that “all defects, irregularities, informalities, errors, and omissions in the antecedent proceedings of assessment, taxation, and sale, which are not jurisdictional, however grave and fatal to the validity of the tax deed in an action seasonably begun, are cured and foreclosed when the special statute has run the prescribed length of time.”

Thus, a tax sale in the name of a person who never owned the property resulted in a void — not merely voidable — deed. Such a deed, when recorded, would not lie in the chain of title and would mislead no one.

Not until the case of *Donohue v. Ward*, 298 S.C. 75, 378 S.E.2d 261 (Ct. App. 1989), did a South Carolina court describe as “absolutely void” a tax deed issued without the statutorily-required 20-day notice to the delinquent taxpayer. The actual holding of the Court was not that the deed was void as though it never existed, but only

⁴ In all cases of tax sale the deed of conveyance . . . is prima facie evidence of a good title in the holder, that all proceedings have been regular and that all legal requirements have been complied with.

S.C. Code Ann. § 12-51-160.

that such an irregularity prevents the running of the statute of limitations. Later cases in the line of *Donohue* either use the epithet in the same way, simply to prevent the running of the limitations statute, or even when the irregularity in the tax proceedings renders the tax deed merely voidable on timely application. Except to overcome the statute of limitations, in no reported decision has our Court held that a tax deed is void in the sense that the tax deed never existed — except where the tax deed was void *on its face*. Cf. *Thomas & Howard Co. v. T.W. Graham and Co.*, 318 S.C. 286, 457 S.E.2d 340, 344 (1995) (court occasionally has described a judgment as “void” when it meant “voidable”).

The tax deed to Equivest was not rendered “absolutely void” for lack of notice to Mrs. Ravenel as the true owner where she did everything she could to mislead the taxing authorities into believing that her children were the true owners.

In any event, the “absolutely void” argument, like the “true owner” argument and the “defaulting taxpayer” argument, was a ground of challenge to the tax deed which could have been raised by Mrs. Ravenel in the earlier action but it was not. It is barred by collateral estoppel/*res judicata*.

Even a claim of *lack of jurisdiction by a court* cannot be re-litigated, once the claim has been brought and rejected — or could have been brought but was not. The rules of collateral estoppel/*res judicata* apply to a claim of lack of jurisdiction as to any other claim.

A party that has had the opportunity to litigate the question of subject-matter jurisdiction may not . . . reopen that question in a collateral attack upon an adverse judgment. It has long been the rule that principles of *res judicata* apply to jurisdictional determinations — both subject matter and personal. See *Chicot County Drainage Dist. v. Baxter State Bank*, 308 U.S. 371, 60 S.Ct. 317, 84 L.Ed. 329 (1940); *Stoll v. Gottlieb*, 305 U.S. 165, 59 S.Ct. 134, 83 L.Ed. 104 (1938).

Insurance Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee, 456 U.S. 694, 702 n.9, 102 S.Ct. 2099, 72 L.Ed.2d 492 (1982). Accord: *Ware v. Ware*, 404 S.C. 1,

743 S.E.2d 817, 825-26 (2013) (*citing Insurance Corp. of Ireland, supra*).

Since Mrs. Ravenel is precluded from contending that the tax sale was absolutely void on account of a "jurisdictional defect," the statute of limitations, S.C. Code Ann. § 12-51-160,⁵ ran against her second effort to contest the validity of the tax sale.

CONCLUSION

The claims that the tax deed was invalid because notice of sale was not mailed to Mrs. Ravenel as the true owner and as the defaulting taxpayer could have been but were not raised in the 2010 case by her children, who were her agents and with whom she was in privity. The equity court will not hear her "true owner" contention because her hands are unclean, and she is collaterally estopped to raise this claim or the "defaulting taxpayer" claim now. Moreover, the statute of limitations has run.

For these reasons, the respondent asks the Court to affirm the judgment.

Respectfully submitted,

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July 1, 2016.

⁵ "An action for the recovery of land sold pursuant to this chapter or for the recovery of the possession must not be maintained unless brought within two years from the date of sale as provided in Section 12-51-90(C)."

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS

R. Markley Dennis, Jr., Circuit Court Judge

RECEIVED

JUL 06 2016

SC Court of Appeals

Appellate Case No. 2015-002257

Equivest Financial, LLC, ... Respondent,

v.

Mary B. Ravenel, ... Appellant.

CERTIFICATE OF SERVICE

I certify that I served a copy of the final brief of respondent by first class mail, postage prepaid, addressed to appellant's attorney at his address of record, namely:

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on July 5, 2016.


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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2014-CP-10-0667

Equivest Financial, LLC,

Respondent,

v.

Mary B. Ravenel and AAA
Plumbing, Inc.,

Defendants,

Of whom Mary B. Ravenel is the Appellant.

REPLY BRIEF OF APPELLANT

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ARGUMENT IN REPLY

Without restating the issues or repeating arguments which have been set forth in the initial brief, the Appellant offers the following points in response to the arguments and statements made by Respondent.

- I. NO CREDITORS OF APPELLANT HAVE MADE ANY CLAIMS THAT THEY WERE DEFRAUDED NOR IS RESPONDENT A CREDITOR OF THE APPELLANT, THEREFORE, RESPONDENT'S UNCLEAR HANDS ARGUMENT IS NOT APPROPRIATE

Respondent asserts that Ms. Ravenel defrauded creditors and she should not be granted relief due to having unclean hands. (Respondent's Brief, p. 6.) The Court should note that no creditor has ever claimed or filed an action against Ms. Ravenel stating that they were defrauded by Ms. Ravenel's actions, nor is the Respondent a creditor of Ms. Ravenel.

While it is true that the doctrine of unclean hands prevents a party from recovering in equity if the party acted "unfairly in a matter that is the subject of the litigation to the prejudice of the defendant," the doctrine does not apply in the present situation. *First Union Nat'l Bank of S.C. v. Soden*, 333 S.C. 554, 568, 511 S.E.2d 372, 379 (Ct. App. 1998). In order to use a defense of unclean hands, the Appellant should have a clean record with respect to the transaction with the Respondent and not with respect to others. See *Arnold v. City of Spartanburg*, 201 S.C. 523, 23 S.E.2d 735, 738 (S.C., 1943). Here, the Respondent is attempting to use the actions of Ms. Ravenel in her bankruptcy to claim she has unclean hands. However, the Respondent was not a party or creditor in the bankruptcy action, and no creditor, who may assert an unclean hands argument, has come forward. As such, Respondent's unclean hands argument is not appropriate.

II. RESPONDENT INCORRECTLY ARGUES THAT COLLATERAL ESTOPPEL BARRS A NUMBER OF APPELLANT'S ARGUMENTS WHEN THOSE ISSUES WERE NOT ADDRESSED OR LITIGATED IN THE PREVIOUS ACTION

Respondent argues that a number of Appellant's arguments are barred due to collateral estoppel and due to those arguments not being presented as a part of the 2010 case.

However, under the doctrine of collateral estoppel, the only issues that are precluded are issues "actually and necessarily litigated and determined in the first suit." *Pye v. Aycock*, 325 S.C. 426, 435, 480 S.E.2d 455, 459 (S.C. App., 1997) (citing *Beall v. Doe*, 281 S.C. 363, 315 S.E.2d 186 (Ct. App. 1984) (explaining the differences between res judicata and collateral estoppel)). In order to be successful in asserting collateral estoppel, "the party seeking issue preclusion still must show that the issue was actually litigated and directly determined in the prior action and that the matter or fact directly in issue was necessary to support the first judgment." *Id.* at 436, 460.

Respondent states that Ms. Ravenel is collaterally estopped from raising such outstanding issues as to whether Ms. Ravenel was the true owner at the time of the tax sale due to the defect of the deed, whether the tax sale was void for failure of the delinquent tax collector to provide notice to Ms. Ravenel as the defaulting taxpayer, and whether the statute of limitations runs against her. Respondent fails to show that these issues were actually litigated and directly determined in the previous action. Rather, Respondent's argument is that the Plaintiffs in the 2010 case could have addressed these issues and failure to do so means that Ms. Ravenel is collaterally estopped from bringing them. As previously stated, the Court in *Pye v. Aycock* found only issues actually litigated in a previous suit would be

issues that could not be raised in the present case due to collateral estoppel. Appellant maintains that she was not a party to the previous case and, therefore, not bound by the order. However, even if the Court finds Ms. Ravenel is bound by the previous ruling, collateral estoppel does not prevent the Appellant or the Court from addressing the issues mentioned above as those issues were not addressed and litigated in the 2010 case.

III. RESPONDENT ARGUES THAT COLLATERAL ESTOPPEL IS THE REASON MS. RAVENEL'S ARGUMENTS ARE BARRED, BUT THEN CITES THE ELEMENTS OF RES JUDICATA

Even though Respondent repeatedly claims collateral estoppel applies, Respondent relies on the elements of res judicata, rather than collateral estoppel, when it asserts that Ms. Ravenel cannot present arguments that were not raised in the previous action. Res judicata, rather than collateral estoppel, "bars a litigant from raising any issues which were adjudicated in the former suit and any issues which might have been raised in the former suit." *Pye* at 435, 459. The Court has stated, "[t]he doctrines of res judicata and collateral estoppel are, of course, two different concepts." *Pye* at 435, 459. To be successful in establishing res judicata, the Respondent must show: "(1) the identities of the parties is the same as a prior litigation; (2) the subject matter is the same as the prior litigation; and (3) there was a prior adjudication of the issue by a court of competent jurisdiction." *Pye* at 432, 458. Further, the purpose of res judicata is to "ensure that no one should be twice sued for the same cause of action." *S.C. Pub. Interest Found v. Greenville Cnty.*, 401 S.C. 377, 737 S.E.2d 502, 507 (Ct. App., 2013) (quoting *Yelsen Land Co. v. State*, 397 S.C. 15, 22, 723 S.E.2d 592, 596 (2012)).

In the 2010 action, the Plaintiffs attempted to have the tax sale set aside. Appellant

maintains that she was not a party to the previous action and, therefore not bound by it. Subsequently, the Respondent brought the current action to quiet title against Ms. Ravenel. If the purpose behind the doctrine of res judicata is to prevent a party from being sued twice on the same cause of action, the Respondent should not be allowed to bring this action and then assert that Ms. Ravenel cannot present any defenses because she is barred by a previous case to which she was not a party.

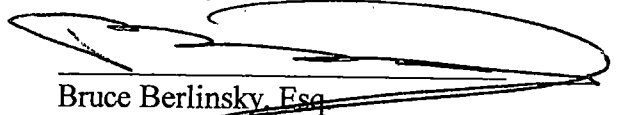
Appellant contents the first element of res judicata, the requirement of the parties being the same in the prior litigation, is not met. However, even if the Court finds that the Respondent's argument has met the first and second element of res judicata, the issues were not fully adjudicated as is evidenced by the fact that Respondent had to bring this action due to the 2010 case leaving the property with a cloud on the title and creating questions and outstanding issues that must be litigated in this suit. The 2010 ruling, that the deed was not effective, changed not only the necessary parties to the action, but also changed the arguments and issues to be raised. Therefore, the issues and arguments raised by Appellant are not barred by res judicata.

CONCLUSION

Based on the foregoing and the arguments presented in the initial brief, the Appellant respectfully submits that the ruling of the Trial Court should be reversed.

June __, 2016

Respectfully submitted,



Bruce Berlinsky, Esq.
P.O. Box 206 (29402)
One Carriage Lane, Bldg. F
Charleston, South Carolina 29407
(843) 852-2202
Attorney for Appellant

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2014-CP-10-0667

Equivest Financial, LLC,.....Respondent,

v.

Mary B. Ravenel,.....Appellant.

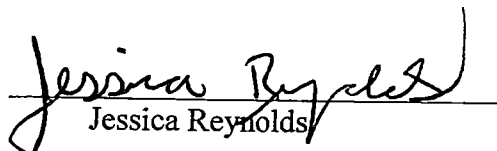
PROOF OF SERVICE

I, Jessica Reynolds, legal assistant to Bruce A. Berlinsky, Esquire, do hereby certify that I have this date mailed a true and correct copy of the foregoing and **REPLY BRIEF OF APPELLANT**, postage prepaid, and deposited with the United States Postal Service as follows:

S.R. Anderson, Esquire
Law Office of Steven R. Anderson
2008 Marion Street, Suite J
Columbia, SC 29201

James B. Richardson, Jr., Esquire
1229 Lincoln Street
Columbia, SC 29201

Dated this 9th day of June, 2016.


Jessica Reynolds

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2014-CP-10-0667

Equivest Financial, LLC,.....Respondent,

v.

Mary B. Ravenel,.....Appellant.

RECORD ON APPEAL

Bruce A. Berlinsky, Esquire
One Carriage Lane, Bldg. F
Charleston, SC 29407
(843) 852-2202
Attorney for Appellant

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Law Office of Steven R. Anderson
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Attorney for Respondent

James B. Richardson, Jr., Esquire
1229 Lincoln Street
Columbia, SC 29201
Attorney for Respondent

June 6, 2016

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STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
Case No. 2014-CP-10-0667

Equivest Financial, LLC

Plaintiff,

**Mary B. Ravenel and
AAA Plumbing, Inc.**

Defendants.

ORDER

FILED
2015 SEP 29 PM 2:33
JULIE J. ARMSTRONG
CLERK OF COURT

This matter comes before me upon Defendant's Motion to Reconsider,
dated August 6th, 2015, filed by and through her attorney. After fully considering
said Motion, this Court finds no need for oral argument in this matter and
therefore the Motion to Reconsider is DENIED;

AND IT IS SO ORDERED!

RECEIVED

MAY 18 2016

SC Court of Appeals


R. MARKLEY DENNIS, JR.
Presiding Judge

Charleston, South Carolina

September 28, 2015

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2014- CP-10-0667

Equivest Financial, LLC,

Mary B. Ravenel; AAA Plumbing, Inc.

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:
S.R. Anderson, Esq., P.O. Box 12188, Columbia, SC 29211-2188

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), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRCP; ☐ 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)
N/A		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order: All that certain piece, parcel or tract of land, situate, lying and being in the St. Pauls Parish, Charleston County, South Carolina, Measuring and containing 5.096 acres more or less, known as Lot 3 as shown on a plat entitled "Subdivision Plat of 11.235 acres,..." prepared by Lawrence J. Kennerty, Jr. SC Reg. No 12520 dated 12/05/01 and recorded in Plat Book EF at Page 536 in the RMC Office for Charleston County.

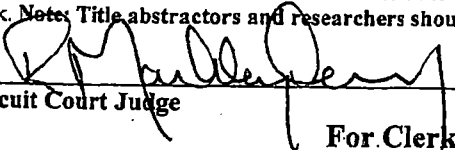
Said Lot having such size, shape, dimensions, buttings and boundings as will more fully appear by review

of the above described plat.

Being the same property conveyed to Lashanda Ravenel and Henry Lee Ravenel, II by deed of Mary Ravenel a/k/a Mary Brooks Ravenel dated 11/6/2007, and recorded 11/6/2007, in Book H643, Page 159.

TMS # 099-00-00-085

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.


Circuit Court Judge

2060
Judge Code

7/23/2015
Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

S.R. Anderson, Esq.

P.O. Box 12188

Columbia, SC 29211-2188

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter: _____

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) C/A No.: 2014-CP-10-0667

Equivest Financial, LLC,)
)
Plaintiff,)
)
vs.)
)
Mary B. Ravenel; AAA Plumbing, Inc.,)
)
Defendants,)

ORDER

FILED
2015 JUL 27 PM 2:34
JULIE J. ARMSTRONG
CLERK OF COURT

This matter came before me on June 17, 2015. This is a tax sale action in which the Plaintiff seeks to quiet the title of the subject property. The Plaintiff was represented by S.R. Anderson and the Defendant, Mary B. Ravenel, was represented by Bruce Berlinsky.

HISTORY

The subject property was sold to the Plaintiff at the 2008 sale for the non-payment of the 2007 real estate taxes.

In an action captioned Lashanda Ravenel & Henry Lee Ravenel, II v. Equivest Financial, LLC, 2010-CP-10-8732, the Plaintiffs sought to set aside the tax sale and void the tax deed. The Plaintiffs in that action were the adult children of Mary Ravenel. Mrs. Ravenel testified at the trial of the case. The children were conveyed the subject property by their mother in accordance with a deed dated and recorded on November 6, 2007. The stated consideration was \$5, love and affection. Mother filed for bankruptcy on November 7, 2007.

That case, 2010-CP-10-8732, was tried before the Charleston County Master-In-Equity, who found that the tax sale was valid and that there was no delivery of the deed by Mother to the Children. The Master-In-Equity found that the deed was void and of no effect.

The children appealed the case to the South Carolina Court of Appeals, which upheld the Master's Order upon the grounds that there was no delivery of the deed by Mother to the Children. Thereafter, the Plaintiff instituted the present action to quiet the title as to Mary Ravenel.

Section 12-51-160 provides that an action to recover real property sold at a tax sale must be brought within two (2) years from the date of the sale. As noted above, the Defendant in the present matter brought no action to set aside the tax sale and void the tax deed within the two year statute of limitations. After the elapse of two years, the tax sale and deed becomes incontestable on procedural or other grounds.

The Defendant asserts that the sale of property should have been conducted in her name, as she was the defaulting taxpayer.

The Defendant further asserts that she has remained in possession of the property since the tax sale and deed to the Plaintiff. Section 12-51-160 does not speak to the Defendant's occupancy of the property, only that the tax sale is incontestable two years after the sale.

Lastly, the Defendant contends that the defaulting taxpayer is entitled to the requisite notices under 12-51-40(b). The notices required by 12-51-40 et seq. are sent out after April 1st or as soon as practical thereafter. The defaulting taxpayers were the Defendant's children since they were granted the property in November of 2007. When the taxes were not paid by December 31, 2007, they, as the owners, were the defaulting taxpayers and only they were entitled to the 12-51-40(b) notice. The Court reviewed the file in this matter to include the Plaintiff's and Defendant's Memorandums of Authority, the Master's Order, and the ruling by the Court of Appeals appropriate statutes.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the testimony and pleadings, the Court finds, concludes and ORDERS as follows:

1. This Court has personal and subject matter jurisdiction over this matter.

noted

2. The Defendant has been hoisted by her own petard. It is clear that the Defendant intended to defraud her creditors when she conveyed the subject property to her adult children. The consideration was \$5, love, and affection; the Defendant recorded the deed, but never delivered it to them, never told them about the deed, continued to live in the home, and testified that it was her property.

The Defendant, who conveyed the property to her children, cannot now come to Court and contend that since the deed was set aside and void, she was the true owner of record and thus entitled to the statutory notices.

In Haynes Federal Credit Union v. Bailey, 327 S.C. 242, 489 S.E.2d 472 (1977), the Court judicially estopped a Defendant from taking a position opposite from the one taken at an earlier trial. In that action, the Defendant testified at trial that he had no interest in certain real property. At a second trial, the same Defendant asserted that he owned the subject real property.

In a bankruptcy proceeding, the debtor failed to include a malpractice claim against its lawyers. When the same debtor thereafter sued the same lawyers for malpractice, the Court dismissed the case as the debtor had not listed the potential claim against its lawyers in its bankruptcy filings. Southmark Corp. v. Trotter, 422 S.E.2d 265 (1994).

The Defendant is judicially estopped from claiming a position in the instant action, which is different from the position she took in 2010-CP-10-8732.

3. S.C. Code Section 12-51-160 is clear. An action to set aside a tax sale must be brought two (2) years after the tax sale. There is no requirement that the Plaintiff be in possession of the property, although the recording of a tax deed would evidence possession of the property in the Plaintiff.

4. As title never passed to the Defendant's children, the property remained in her name. There is nothing of record which would have alerted the tax collecting officials that the Defendant had not delivered the deed to her children. It is the Defendant who supplied the

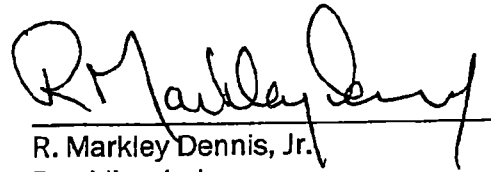
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6

address on the deed to the children. She cannot be heard to complain that the notices went to an incorrect address or that the true owner of the property was not provided with the notices.

5. The tax sale and resulting tax deed are valid; title is quieted in the Plaintiff to the exclusion of the Defendants, Mary B. Ravenel and AAA Plumbing, Inc., who shall hereafter have no right, title, or interest in said property.

AND IT IS SO ORDERED



R. Markley Dennis, Jr.
Presiding Judge
Court of Common Pleas for the
Ninth Judicial Circuit

July 23, 2015
Moncks Corner, South Carolina

KNOW/4



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

December 23, 2013

Mr. Barry I. Baker
PO Box 31265
Charleston SC 29417-1265

Mr. Benjamin Goldberg
One Carriage Lane, Bldg. H
Charleston SC 29407

Mr. Steven R. Anderson
SR Anderson Law Office PO Box 12188
Columbia SC 29211-2188

Mr. James B. Richardson, Jr.
1229 Lincoln St.
Columbia SC 29201

Re: Lashanda Ravenel v. Equivest Financial
Appellate Case No. 2012-212772

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

Jenny A. Kitchings (JH)

CLERK

cc: The Honorable Mikell R. Scarborough

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Lashanda Ravenel and Henry Lee Ravenel, II,
Appellants,

v.

Equivest Financial, LLC, Respondent,

v.

Mary M. Scarborough, Delinquent Tax Collector for
Charleston County; AAA Plumbing, LLC; Pep Boys,
Manny, Moe and Jack; Monogram Credit Card Bank of
Georgia; Discover Bank; SC Federal Credit Union;
Alabama Credit Corp. d/b/a Preferred Teachers
Association, Cross-Defendants.

Appellate Case No. 2012-212772

Appeal From Charleston County
The Honorable Mikell R. Scarborough, Master-in-Equity

Unpublished Opinion No. 2013-UP-495
Heard November 12, 2013 – Filed December 23, 2013

AFFIRMED

Barry I. Baker and Benjamin Goldberg, both of
Charleston, for Appellants.

Steven R. Anderson, of Law Office of Steven R.
Anderson, and James B. Richardson, Jr., both of
Columbia, for Respondent.

PER CURIAM: In this action to void a tax sale, Lashanda Ravenel and Henry Lee Ravenel, II, (Appellants) appeal from the Master-in-Equity's order quieting title in favor of Equivest Financial, LLC, a subsequent purchaser. Appellants argue the Master erred in the following: (1) failing to find the delinquent tax collector for Charleston County did not exercise due diligence when certified mailings were returned unsigned; (2) interjecting issues that were neither pled nor raised by the parties; (3) finding Appellants' predecessor-in-interest committed fraud upon her creditors, had unclean hands, and was judicially estopped from her assertions based on a bankruptcy proceeding; and (4) imputing the predecessor-in-interest's purported fraud to Appellants. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to the Master's finding the predecessor-in-interest failed to deliver the deeds to Appellants: Rule 220(c), SCACR (providing this court may affirm on any ground appearing in the record); *Atl. Coast Builders & Contractors, LLC v. Lewis*, 398 S.C. 323, 329, 730 S.E.2d 282, 285 (2012) ("[A]n unappealed ruling, right or wrong, is the law of the case."); *Sloan v. Friends of the Hunley, Inc.*, 369 S.C. 20, 28, 630 S.E.2d 474, 479 (2006) ("Generally, a party must be a real party in interest to the litigation to have standing."); *Donnan v. Mariner*, 339 S.C. 621, 626, 529 S.E.2d 754, 757 (Ct. App. 2000) ("A deed is not legally effective until it has been delivered.").

2. As to the remaining issues: *Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (providing an appellate court need not address remaining issues when resolution of a prior issue is dispositive).

AFFIRMED.

SHORT, WILLIAMS, and THOMAS, JJ., concur.

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2010 CP-10-8732

LASHANDA RAVENEL

EQUIVEST FINANCIAL LLC

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

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 PUBLIC 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.

Circuit Court Judge

3062

Judge Code

05/30/2012

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) C/A No.: 2010-CP-10-8732

Lashanda Ravenel and Henry Lee Ravenel, II,
Plaintiffs,

vs.

Equivest Financial, LLC,

Defendant/Cross-Plaintiff,

vs.

Mary M. Scarborough, Delinquent Tax Collector
for Charleston County; AAA Plumbing, LLC; Pep
Boys, Manny, Moe and Jack; Monogram Credit
Card Bank of Georgia; Discover Bank; SC Federal
Credit Union; Alabama Credit Corp. d/b/a
Preferred Teachers Association,

Cross-Defendants,

FINAL ORDER QUIETING TITLE

FILED
2012 JUN -5 AM 11:09
JULIE J. ARMSTRONG
CLERK OF COURT

This is an action to set aside a tax deed heard by the undersigned on March 29, 2012. The Defendant counterclaimed against the Plaintiffs to confirm the tax deed and cross-claimed against certain Defendants who could claim an interest in the property via judgments of record.

The Plaintiffs were represented by Barry I. Baker and Benjamin Goldberg. The Defendant and Cross-Plaintiff were represented by S.R. Anderson.

William A. Scott filed an Answer to the Cross-Complaint on behalf of AAA Plumbing, LLC. Sarah Dolonzo-Baker filed an Answer to the Cross-Complaint on behalf of the Alabama Credit Corporation d/b/a Preferred Teachers Association.

This matter was referred to the undersigned via an Order of Reference with authority to enter a final judgment appealable directly to the South Carolina Court of Appeals.

A hearing was held on March 29, 2012, and attended by Mr. Baker, Mr. Goldberg, and Mr. Anderson.

The subject real property is a dwelling home which was originally conveyed to Mary Ravenel a/k/a Mary Brooks Ravenel via a deed dated October 22, 2001 as recorded in Book W386 at Page 813 and Book 520 at Page 646. Thereafter, Ms. Ravenel conveyed the subject real property to her daughter and son, Lashanda Ravenel and Henry Lee Ravenel, II, via a deed dated November 6, 2007, as recorded on November 6, 2007, in Deed Book 643 at Page 159.

When the 2007 real estate taxes remained unpaid, the Charleston County Delinquent Tax Collector levied upon the property in accordance with a levy notice dated May 22, 2008. When the levy notice was returned unclaimed, the property was posted on August 1, 2008. When the taxes remained unpaid, the property was sold at the November 3, 2008, tax sale. When the year anniversary of the sale date approached, notice of redemption was sent to the Plaintiffs; these notices were returned to the Delinquent Tax Collector unclaimed. Courtesy notices were sent to the Plaintiffs via regular mail.

When the property was not redeemed, a tax deed was delivered to the Cross-Plaintiff's predecessor dated July 28, 2010, as recorded in Book 137 at Page 821. The Cross-Plaintiff's predecessor then conveyed the subject real property to the Cross-Plaintiff via a deed recorded on October 4, 2010, in Book 147 at Page 241.

The Plaintiffs commenced this action on October 20, 2010. A Lis Pendens was filed on October 20, 2010.

The Plaintiffs allege that the Delinquent Tax Collector failed to follow the mandates as required by § 12-51-10 et seq. of the 1976 South Carolina Code of Laws as amended.

The Delinquent Tax Collector sent to the Plaintiffs the requisite notices at the address denoted on the deed conveying the subject real property to the Plaintiffs. This is the same Post Office box shown as the address on the Deed conveying the property to Mary Ravenel; P.O. Box 455, Hollywood, SC 29449. This Post Office box belonged to Mary Ravenel's mother and she would collect the mail and bring it to her daughter. At some point, Ms. Ravenel's mother obtained a new Post Office Box and it was to that address that the courtesy redemption letters were forwarded by the Post Office.

Upon receipt of the courtesy redemption letter which was addressed to her children, Ms. Ravenel called the Delinquent Tax Collector in an effort to save the property. The Delinquent Tax Collector advised Ms. Ravenel that in order to save the property from being deeded to the Cross-Plaintiff's predecessor she would have to pay the full redemption amount of \$27,849.06. Ms. Ravenel did not have the money, nor could she raise it in the nine (9) days remaining in the redemption period.

Although the subject real property was titled in her children's names, Ms. Ravenel had never delivered the deed to them, nor had she even told them about the conveyance. The Plaintiffs stated that they only learned about the deed and their ownership of the property when this law suit was commenced.

Ms. Ravenel, in her testimony, referred to the property as her property and she continued to reside in it throughout the pendency of this action. Lashanda Ravenel resided in her own home while Henry Lee Ravenel moved from the subject property to his father's home and back again.

Ms. Ravenel also considered the other four (4) properties conveyed to the Plaintiffs as being hers and referred to them as "my property".

The reason given by Ms. Ravenel for the transfer of the property to her children was to protect these assets from her creditors. Shortly after the conveyance, Ms. Ravenel filed for bankruptcy and on her sworn schedules she did not denote that she had recently conveyed the property to her children.

It is clear to the Court that Ms. Ravenel regarded the property as her own and the conveyance to the Plaintiffs was made in order to keep her creditors from collecting any amounts due them from the subject real property. The conveyance from Ms. Ravenel to the Plaintiffs is clearly in violation of § 27-23-10 of the South Carolina Code of Laws. In accordance with § 27-23-10, the deed from Mary Ravenel to the Plaintiffs, by her own admission, was intended to defraud her creditors. Such a deed is utterly void and of no effect or color. Ms. Ravenel's intent was to defraud her creditors is imputable to the Plaintiffs because of the lack of valuable consideration for the conveyance unto them.

With regard to the tax sale itself, South Carolina Code § 12-51-10 et seq. proscribes the steps which must be taken to sell property for the payment of real estate taxes. § 12-51-40 provides that the required noticed be sent to the best address available. This code section does not require the Delinquent Tax Collector to comb through all public filings to determine the defaulting taxpayer's address. In this regard, the taxpayer also has an obligation to keep the County current with the correct address. It was not until October 26, 2009, that the Delinquent Tax Collector received notice from the Post Office that the taxpayer's address had been changed to P.O. Box 263, Hollywood, SC. . Even then, the address was that of Ms. Ravenel's mother and where she also received mail. This

address had no connection with the Plaintiffs. It is undisputed that Ms. Ravenel did receive a copy of the redemption letter and tried to act upon it.

South Carolina Code § 12-51-120 requires that the redemption letter be sent not less than twenty (20) nor more than forty five (45) days prior to the end of the redemption period. When the Delinquent Tax Collector received the updated address, it was nine (9) days prior to the end of the redemption period and to send a new notice would not have complied with the requisites of § 12-51-120. Even if a new redemption letter was sent, it would have gone to Ms. Ravenel's address and not that of the Plaintiffs. It was not the Plaintiffs nor Ms. Ravenel who changed the Post Office Box; it was Ms. Ravenel's mother's action.

After the running of the redemption period and prior to the issuance of a deed, neither the Plaintiffs nor Ms. Ravenel advised the Delinquent Tax Collector that the notices had been sent to an incorrect address.

The Plaintiffs also contend that the tax sale should be set aside because of the inadequacy of the bid. The Plaintiffs assert that the subject real property is worth in excess of one million (\$1,000,000.00) dollars and that the Cross-Plaintiff only paid \$130,000.00 at the sale. The inadequacy of a bid, however, is not sufficient, in and of itself, to upset a tax sale. The question is whether or not the bid is so inadequate so as to shock the conscious of the Court.

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

I hereby specifically find from the testimony and exhibits presented at trial:

1. Tax sales are governed by § 12-51-10 at seq. and all requisites mandated by these statutes must be performed.

2. The statutory requirements protecting against tax sale forfeiture of real property are to be strictly construed. Smith vs. Barr, 650 S.E.2d. 486 (SC App. 2007).

3. A tax deed must be held and taken as prima facie evidence of good title in the holder and that all proceedings have been regular and that all legal requirements have been complied with. § 12-51-160, Leysath vs. Leysath, 209 S.C. 342, 40 S.E.2d. 233 (1946). The burden of proving the title is defective is on the party attacking the deed. Leysath, supra.

4. The title to the property remains in the taxpayer for the twelve (12) months immediately following the tax sale. However, that title is defeatable upon failure to redeem the property during the twelve (12) months following the sale. Von Elbrecht vs. Jacobs, 286 S.C. 240, 332 S.E.2d. 568 (SC App. 1983). If the property is not redeemed, the defaulting taxpayer's title is defeated and the property is transferred to the successful bidder. §§ 12-51-90, 100, & 130.

5. Ms. Mary Ravenel conveyed the subject real property and four (4) other parcels to her children for five (\$5.00) dollars, love and affection.

6. The Plaintiffs were never made aware of the deed unto them, nor was the deed ever delivered to them.

7. Ms. Mary Ravenel clearly regarded all of the properties as hers and testified that the property was hers.

8. Ms. Mary Ravenel was the individual who tried to strike a deal with the Delinquent Tax Collector and it was she who attempted to raise the money to redeem the property.

9. The Plaintiffs had no knowledge or any concern with regard to the property until this action was commenced.

10. Ms. Mary Ravenel is the real individual in interest with regard to the subject real property. She used her money to build the house and it served as her primary residence.

11. It is Ms. Mary Ravenel who will benefit if the tax deed is set aside, not the Plaintiffs, who are simply straw owners.

12. If the tax deed is set aside, it is Ms. Mary Ravenel whose asset is protected.

13. In Wachovia Bank vs. Coffey 389 S.C. 68, 698 S.E.2d. 244 (SC App. 2010), our Court stated that no person should be permitted to acquire a right of action from their own unlawful action and that one who participates in an unlawful action cannot recover damages for the consequence of that action.

14. When the Plaintiffs became aware that their mother intended to defraud her creditors they then elected to participate in her fraud by bringing the present action. They should not now be granted the relief they seek as the actions of their mother are imputable to them. § 27-23-30 sets forth criminal prosecution for parties in privity to fraudulent conveyances and by the maintenance of this action, the Plaintiffs are now in privity with Ms. Ravenel.

15. Ms. Mary Ravenel and the Plaintiffs come to Court with unclean hands and thus they are barred from seeking equitable relief.

16. In Haynes Federal Credit Union vs. Bailey 327 S.C. 242, 489 S.E.2d. 472 (1977), a party testified at one trial that he had no interest in certain property. At a second trial, the same party stated that he owned the subject property. The Supreme Court stopped the party from testifying contrary to that presented at the first hearing.

17. In Southmark Corp. vs. Trotter 12165 A. App. 454, 422 S.E.2d. 265 (1994), our sister state of Georgia decided a case similar to the matter at hand. In bankruptcy proceedings, a Plaintiff

failed to include in its schedules a potential malpractice claim against its attorneys. The Court threw out the malpractice claim as it swore on the bankruptcy schedules it had no such claim.

18. In her bankruptcy filings, Ms. Mary Ravenel asserted she owned no real estate. She now claims that the tax deed to the property which is the subject of this action should be set aside as the Delinquent Tax Collector failed to follow the appropriate code sections.

19. The Plaintiffs seek to void the tax sale to property claimed by them which was conveyed by one having unclean hands.

20. To allow the Plaintiffs to void the tax sale would validate the conduct of Ms. Mary Ravenel; that same conduct is imputed on the Plaintiffs.

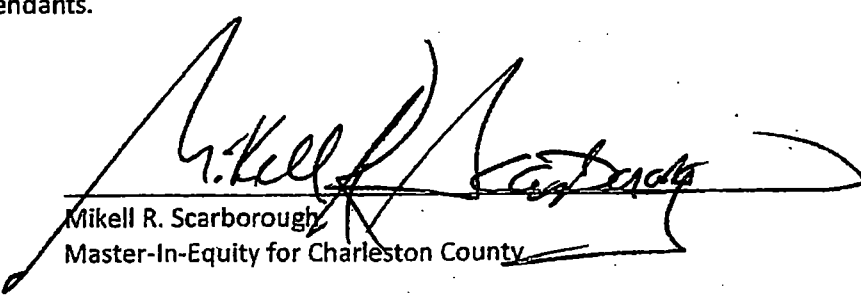
IT IS THEREFORE ORDERED as follows:

1. The title to the subject real property is quieted in the Cross-Plaintiff Equivest Financial, LLC, to the complete exclusion of the Plaintiffs and the Defendants named in the Cross-Complaint. Any interest held by the Plaintiffs or the Cross-Defendants in the subject real property is voided, ended, and terminated.

2. Title to the below described real property is quieted in Equivest Financial, LLC, to the exclusion of the Plaintiffs or Cross-Defendants.

AND IT IS SO ORDERED.

5/30, 2012
Charleston, South Carolina


Mikell R. Scarborough
Master-In-Equity for Charleston County

The premises covered and affected by this action are described as follows:

All that certain piece, parcel or tract of land, situate, lying and being in the St. Pauls Parish, Charleston County, South Carolina, Measuring and containing 5.096 acres more or less, known as Lot 3 as shown on a plat entitled "Subdivision Plat of 11.235 acres,..." prepared by Lawrence J. Kennerty, Jr. SC Reg. No 12520 dated 12/05/01 and recorded in Plat Book EF at Page 536 in the RMC Office for Charleston County.

Said Lot having such size, shape, dimensions, buttings and boundings as will more fully appear by review of the above described plat.

Being the same property conveyed to Lashanda Ravenel and Henry Lee Ravenel, II by deed of Mary Ravenel a/k/a Mary Brooks Ravenel dated 11/6/2007, and recorded 11/6/2007, in Book H643, Page 159.

TMS # 099-00-00-085

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

EQUIVEST FINANCIAL, LLC,)

Plaintiff,)

vs.)

MARY B. RAVENEL,)

Defendant.)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

CASE NO.: 2014-CP-10-0667

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's Attorney:

S. R. Anderson, Bar No. _____

Address:

P.O. Box 12188, Columbia, SC 29211-2188

Phone: 803-252-2828 Fax 803-254-1935

E-mail: _____ Other: _____

Defendant's Attorney:

Bruce A. Berlinsky, Bar No. 671

Address:

P.O. Box 206, Charleston, SC 29402

Phone: 843-852-2202 Fax 843-852-4844

E-mail: bruce@berlinskylawfirm.com 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: reconsider

Estimated Time Needed: 30 min

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.

Signature of Attorney for ☐ Plaintiff / ☒ Defendant

August 6th, 2015
Date submitted

SECTION III: Motion Fee

☒ **PAID - AMOUNT: \$** _____

☐ **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: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____

☐ **MOTION FEE COLLECTED: \$** _____

☐ **CONTESTED - AMOUNT DUE: \$** _____

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
CASE NO.: 2014-CP-10-0667

Equivest Financial, LLC,

Plaintiff,

vs.

Mary B. Ravenel; AAA Plumbing, Inc.,

Defendants.

NOTICE OF MOTION AND
MOTION TO RECONSIDER
(Rule 59(e), SCRCP)

FILED
2015 AUG 10 PM 3:38
JULIE J. ARMSTRONG
CLERK OF COURT

TO: S.R. ANDERSON, ESQUIRE, ATTORNEY FOR PLAINTIFF:

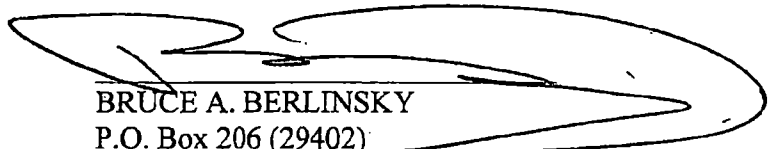
PLEASE TAKE NOTICE that Defendant Mary B. Ravenel by and through her undersigned attorney, will move before The Honorable R. Markley Dennis, Jr., Presiding Judge for the Court of Common Pleas for the Ninth Judicial Circuit, pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure at a time to be set by the Court, to alter, amend, or reconsider the Court's Order dated July 23, 2015, filed on July 27, 2015, and never received by Defendant's counsel, on the following grounds:

1. The Order executed by the Court asserts that there was testimony taken at the hearing held June 17, 2015. However, the Court did not hear any testimony in the matter.
2. The Court erred in not finding Mary B. Ravenel was the owner of the property at the time of the tax sale in accordance with the decision of the Court of Appeals.
3. Ms. Ravenel was not a party to the previous action and is, therefore, not bound by the Order issued by the Honorable Mikell R. Scarborough, Case Number 2010-CP-10-8732.

4. However, if the Court believes that Ms. Ravenel was bound by the above-referenced order, the Court erred in finding judicial estoppel applied to Ms. Ravenel. The Order from the previous action, Case Number 2010-CP-10-8732, states, "Ms. Mary Ravenel clearly regarded all of the properties as hers and testified that the property was hers." Ms. Ravenel's position that the property was hers did not change in the instant action and therefore judicial estoppel does not apply.
5. The Court improperly applied Hayne Federal Credit Union v. Bailey, 327 S.C. 242, 489 S.E.2d 472 (1977) and Southmark Corp. v. Trotter, 422 S.E.2d 265 (1994) in the following particulars, to-wit: (1) when it stated that the Defendant was judicially estopped from claiming a position different from the one she claimed in a previous action and (2) making a finding that Ms. Ravenel intended to defraud her creditors, which is not supported by anything in the record presented to the Court.
6. The Court failed to fully address the case law set for in *Rives v. Bulsa*, 478 S.E.2d 878 (Ct. App. 1996) and *Osborne v. Vallentine*, 12 S.E.2d 856 (1941) that requires a tax sale to be conducted against the true owner of the property even though the tax collector does not have notice as to the true owner of the property. The tax sale is void for failure of the property to be levied, advertised, and sold in the name of the true owner.
7. The Court erred in not finding the tax sale void as per the above-referenced case law.
8. The Court improperly applied Section 12-51-160 finding that an action to set aside a tax sale must be brought within two (2) years and failed to consider the case law in *Reeping v. JEBBCO, LLC, et al.*, 402 S.C. 195, (2013) where the Court found the statute of limitations does not apply when a tax sale was void upon its face.

9. The Court erred in failing to find that the delinquent tax collector did not comply with S.C. Code Section 12-15-40(b) that requires all notices to be sent to the defaulting taxpayer and any grantee of record of the property. Based on the foregoing, notices were required to be sent to Mary Ravenel as the defaulting taxpayer of the property as of January 1, 2007. The basis of which is reflected on the Execution Notice dated April 7, 2008, Notice of Levy dated May 22, 2008, and the Posting Slip posted August 1, 2008, all of which were admitted as exhibits in the instant case.

Respectfully Submitted,



BRUCE A. BERLINSKY
P.O. Box 206 (29402)
One Carriage Lane, Bldg. F
Charleston, SC 29407
843.852.2202
ATTORNEY FOR DEFENDANT

Charleston, South Carolina

Aug 6, 2015

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

Equivest Financial, LLC,)

Plaintiff,)

versus)

Mary B. Ravenel,)

Defendant.)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2014-CP-10-0667

CERTIFICATE OF MAILING

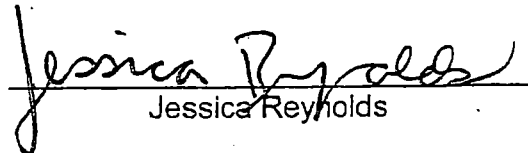
I, Jessica Reynolds, legal assistant to Bruce A. Berlinsky, Esquire, do hereby certify that I have this date mailed a true and correct copy of the foregoing **MOTION COVERSHEET** and **NOTICE OF MOTION AND MOTION TO RECONSIDER**, postage prepaid, and deposited with the United States Postal Service as follows:

Honorable R. Markley Dennis, Jr.
Chief Administrative Judge
Ninth Judicial circuit
PO Box 1800
Moncks Corner, SC 29461

S.R. Anderson, Esquire
Law Office of Steven R. Anderson
2008 Marion Street, Suite J
Columbia, SC 29201
ATTORNEY FOR PLAINTIFF

FILED
2015 AUG 10 PM 3:58
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

Dated this 6th day of August, 2015.


Jessica Reynolds

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Equivest Financial, LLC,

Plaintiff,

vs.

Mary B. Ravenel,

Defendant,

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

Docket No.: 2014-CP-10-0667

Plaintiff's Attorney:

S.R. Anderson, Bar No. 391

Address: PO Box 12188, Columbia, SC 29211-2188

Phone: (803) 252-2828 Facsimile: (803) 254-1935

E-mail: sraatlaw@bellsouth.net

Other: _____

Defendant's Attorney:

Bruce A. Berlinksy, Bar No. _____

Address: P.O. Box 206, Charleston, SC 29407

Phone: (803) 852-2202 Facsimile: _____

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: Summary Judgment

Estimated Time Needed: 15 minutes

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.

Signature of Attorney for ☒ Plaintiff / ☐ Defendant

March 31, 2015
Date Submitted

SECTION III: Motion Fee

- ☒ Paid - Amount \$25.00
☐ Exempt: (check one reason)
☐ Rule to Show Cause in Child or Spousal Support
☐ Domestic Abuse or Abuse and Neglect
☐ Indigent Status
☐ Sexually Violent Predator Act
☐ Motion for Stay in Bankruptcy
☐ Motion for Publication
☐ 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: _____
- ☐ State Agency v. Indigent Party
☐ Post-Conviction Relief
☐ Motion for Execution (Rule 69, SCRPC)

JUDGE'S SECTION

- ☐ Motion Fee to be paid upon filing of attached Order. JUDGE CODE: _____ Date: _____
☐ Other: _____ Judge's Signature: _____

CLERK'S VERIFICATION

- Collected By: _____ Date Filed: _____
☐ Motion Fee Collected: \$ _____ ☐ Contested - Amount Due \$ _____

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON)

C/A No.: 2014-CP-10-0667

Equivest Financial, LLC,)

Plaintiff,)

vs.)

Mary B. Ravenel; AAA Plumbing, Inc.,)

Defendant,)

NOTICE OF MOTION AND MOTION
FOR SUMMARY JUDGMENT

FILED
2015 APR -3 AM 11:56
JULIE J. ARMSTRONG
CLERK OF COURT
BY

TO: THE DEFENDANT AND HER ATTORNEY, BRUCE A. BERLINSKY:

YOU WILL PLEASE TAKE NOTICE that the undersigned, as attorney for the Plaintiff, will move the Court ten (10) days hence, or as soon thereafter as counsel may be heard, for an Order granting the Plaintiff summary judgment in the above matter.

The Plaintiff's motion is based upon the statutory and case law as existing in this State.

Specifically, the Plaintiff will show that this is a tax sale case involving real property located in Charleston County, South Carolina. S.C. Code Section 12-51-160 provides that no action may be brought for the return of property sold at a tax sale more than two (2) years after the sale of same. More than (2) years have elapsed since the property was sold to the Plaintiff. There are no issues of fact to be decided by a jury and the Plaintiff is entitled to a judgment as a matter of law.



S. R. Anderson
2008 Marion Street, Suite J (29201)
PO Box 12188
Columbia, SC 29211
(803) 252-2828

March 31, 2015

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON)

C/A No.: 2014-CP-10-0667

Equivest Financial, LLC,)

Plaintiff,)

vs.)

CERTIFICATE OF SERVICE

Mary B. Ravenel; AAA Plumbing, Inc.,)

Defendants,)

FILED
2015 APR -3 AM 11:56
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

This is to certify that I mailed a true and correct copy of the below noted document(s) on March 31, 2015, to the parties listed below by the method noted:

Served By:

☒ US Mail

☐ Certified Mail, Return Receipt Requested

☐ Restricted Delivery

☐ Facsimile

☐ Electronic Mail (E-mail)

☐ Personal Service

Document(s) Being Served:

Notice of Motion and Motion for Summary Judgment

Party/Parties Being Served:

Bruce Berlinksy, Esq.

P.O. Box 206

Charleston, SC 29402



Kimberly Tompkins

Paralegal to S.R. Anderson

1 STATE OF SOUTH CAROLINA)
) Court of Common Pleas
 2 COUNTY OF CHARLESTON) Case No. 2014-CP-10-0667
)
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B E F O R E:

The Honorable R. Markley Dennis, Jr.

A P P E A R A N C E:

BRUCE A. BERLINSKY, P.A.
 Attorney for the Plaintiff

S.R. ANDERSON
 Attorney for the Defendants

Karen V. Andersen, RMR, CRR
 Circuit Court Reporter

1 INDEX

2 EXHIBITS

3	Exhibit	Description	Identification	Evidence
4	Joint Exh. 1	Title to real estate	2	14
5	Joint Exh. 2	Execution notice	3	14
6	Joint Exh. 3	Official notice of levy	3	14
7	Joint Exh. 4	Three photographs	3	14
8	Joint Exh. 5	Affidavit of publication	3	14
9	Joint Exh. 6	Final notice of property redemption; (three-pages)	3	14
10	Joint Exh. 7	Final notice of property redemption (3 pages)	3	14
11				
12	Joint Exh. 8	Final notice of property redemption (3 pages)	3	14
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14	Joint Exh. 9	Tax deed	3	14
15	Joint Exh. 10	Tax sale	3	14
16	Joint Exh. 11	Notice to quit premises	3	14
17	Joint Exh. 12	Delineating list screen	3	14
18	Joint Exh. 13	2008 tax sale checklist	3	14
19				
20				
21				
22				
23				
24				
25				

1 (Joint Exhibit 1, Title to real estate, was marked
2 for identification.)

3 (Joint Exhibit 2, Execution notice, was marked for
4 identification.)

5 (Joint Exhibit 3, Official notice of levy, was
6 marked for identification.)

7 (Joint Exhibit 4, Three photographs, was marked for
8 identification.)

9 (Joint Exhibit 5, Affidavit of publication (7
10 pages), was marked for identification.)

11 (Joint Exhibit 6, Final notice of property
12 redemption; (three-pages), was marked for identification.)

13 (Joint Exhibit 7, Final notice of property
14 redemption (three pages), was marked for identification.)

15 (Joint Exhibit 8, Final notice of property
16 redemption (3 pages), was marked for identification.)

17 (Joint Exhibit 9, tax deed, was marked for
18 identification.)

19 (Joint Exhibit 10, tax sale, was marked for
20 identification.)

21 (Joint Exhibit 11, Notice to quit premises, was
22 marked for identification.)

23 (Joint Exhibit 12, Delineating list screen, was
24 marked for identification.)

25 (Joint Exhibit 13, 2008 tax sale checklist, was

1 marked for identification.)

2 THE COURT: I've had a chance to review the
3 memorandum Mr. Berlinsky also incorporated in the file.
4 Thank you very much for that. I also had a chance to review
5 the file, and I've reviewed, to some extent, Judge
6 Scarborough's order in the prior case. So I understand what
7 your position is. I would be happy to hear from you all.
8 Are you ready to move forward?

9 MR. ANDERSON: I'm ready to move forward.

10 MR. BERLINSKY: Yes. We can call the first
11 witness.

12 THE COURT: My question is, you are seeking to set
13 aside a deed that was -- no question that it was not brought
14 against Ms. Ravenel, your client?

15 MR. BERLINSKY: Correct.

16 THE COURT: And it was brought, but no question your
17 client testified in the case before Judge Scarborough? No
18 question she tried to have the property redeemed? No
19 question about that, is there? Why was this not raised in
20 the first action?

21 MR. BERLINSKY: She was not made a party to that
22 action.

23 THE COURT: But she testified.

24 MR. BERLINSKY: I understand she testified.

25 THE COURT: I understand that. But, first of all,

1 she created the problem. How do you get around that?

2 MR. BERLINSKY: Well, let's go back to what the
3 statute says.

4 THE COURT: No, no, no. Let's not play games with
5 the statute. I can read the statute. She created the
6 problem. She did it by her own testimony -- according to
7 Scarborough's order which has been affirmed -- to basically
8 protect creditors from coming after her. So she put it in
9 the name of someone else, but it was never intended to be in
10 the name of anybody else because she's living in it today,
11 correct?

12 MR. BERLINSKY: Correct.

13 THE COURT: So how in the world does this lady have
14 the benefit? And she doesn't appear. Her daughter is
15 basically doing it for her in the action that was filed
16 previously. I mean, that's what it was all about. The
17 daughter didn't want the property.

18 MR. BERLINSKY: Well, I wasn't involved in that one,
19 so I don't know.

20 THE COURT: This whole thing is the biggest sham in
21 the world. And you want the Court to participate in and
22 reward her?

23 MR. BERLINSKY: Well, I don't think it's a sham.

24 THE COURT: I think it's a royal sham and it needs
25 to be argued to the Supreme Court if you want to argue that,

1 but there's no way in the world that you bring an action and
2 you are not -- you are not a party. I agree with you. But
3 you are very much involved in it, because Judge Scarborough
4 noted -- noted her testimony. I mean, the daughter didn't
5 want the property. She was already living somewhere else,
6 correct?

7 MR. BERLINSKY: That's my understanding.

8 MR. ANDERSON: Correct.

9 THE COURT: Well, your understanding, that is what
10 the record says. I mean, there's no question.

11 MR. BERLINSKY: That is what I understand from the
12 record, yes, sir.

13 THE COURT: And your client testified to that.

14 MR. BERLINSKY: Yes, sir.

15 THE COURT: Okay. And now she's coming in and
16 saying: Oh, by the way, you can't have this property because
17 you didn't bring it into my name, while I created the
18 dilemma, I'm the person that -- it was in my name as of
19 November 2007. Which, by the way, the tax year, I think,
20 runs from, what; when does it run?

21 MR. ANDERSON: December 31st is the end.

22 THE COURT: Yeah. So it starts in January, correct?

23 MR. BERLINSKY: Correct.

24 THE COURT: So there's no question that insofar as
25 the deed, the deed was brought -- I mean, the title, the

1 action was brought in the name of the daughter, because the
2 deed had been recorded, correct?

3 MR. ANDERSON: Son and daughter.

4 THE COURT: Yeah, but the deed had been recorded.

5 MR. ANDERSON: Yes, sir.

6 MR. BERLINSKY: The deed had been recorded.

7 THE COURT: By whom?

8 MR. ANDERSON: By Ms. Ravenel.

9 THE COURT: I understand that, by Ms. Ravenel. I
10 understand. It's a game. That's what I'm saying. She just
11 put it in there and then says: By the way, I'm creating a
12 defense here that I don't have to raise in the action to set
13 aside the deed. I don't have to raise that, because I know
14 I've got the bottom line. I've got the trump card.

15 Right?

16 MR. BERLINSKY: Well, I don't know, because --

17 THE COURT: Yeah. And tell me how the two-year
18 statute doesn't apply when you are actively involved in it?
19 You said it doesn't begin to run until they occupy it.

20 MR. BERLINSKY: That's because that's what the case
21 law, I mean, of the state says.

22 THE COURT: Okay. That's fine.

23 MR. BERLINSKY: Not occupy, but take possession.

24 And they didn't take possession. They didn't attempt to take
25 possession until April 6th when they filed an eviction in the

1 Ravenel magistrate court.

2 THE COURT: And now you have the right to come in
3 and say, I'm going to challenge everything because I sat
4 around and I just watched all of this happen; and not only
5 watched it, I made it happen. Correct? I mean, how do you
6 not answer that question you are correct? She made it
7 happen. It was a fraud. It was just what Judge Scarborough
8 declared. It was a violation of the Statute of Elizabeth,
9 hands down. That is what he said, basically, in his order.
10 And I don't quarrel with him. In fact, I thought the statute
11 had treble damages if you use it against someone.

12 And that's really -- I mean, this person is doing
13 things wrong and you want to be rewarded?

14 MR. BERLINSKY: I don't want to be rewarded.

15 THE COURT: That is what you want. All right. I
16 will tell you what, why can't y'all put a stipulation of what
17 the testimony is so that we don't have to worry about -- I
18 mean, it is what it is. Lord knows, I mean, you've got --
19 the record is replete. What are you going to testify to
20 otherwise other than the fact that it wasn't titled in her
21 name and they didn't bring it in her name? They brought
22 it -- they brought the tax sale suit in the name of the --
23 according to the record, in the children's name.

24 MR. ANDERSON: That's correct.

25 MR. BERLINSKY: That's correct.

1 THE COURT: And there's no question, according to
2 the decision of Judge Scarborough, and only then, correct,
3 because until Judge Scarborough ruled, there's nothing wrong
4 with the record, is there?

5 MR. ANDERSON: No.

6 THE COURT: I'm asking Mr. Berlinsky. There's
7 nothing wrong with the recorded -- with the record that puts
8 the world on notice. Okay? We all know. I remember one
9 thing from law school, you can even deliver the deed, but if
10 you don't record it and somebody else gets it -- and I had
11 one in checking the title where that happened. Speedy Felkel
12 used to create -- you probably runs into that too, where you
13 build those subdivisions and then he would change the
14 corporation and he would convey -- the deed would say all of
15 the property not previously conveyed. So, basically, my
16 people, unfortunately, didn't record their deed until after
17 that, so they lost their deed. So I understand how it works.

18 But at the time that -- the time that the county
19 said, we are going to have to move forward and sell this
20 property, they issued the deed and they issued everything in
21 accordance with the record which existed at that time.
22 Correct?

23 MR. BERLINSKY: Well, not exactly, Your Honor.

24 THE COURT: Oh, really?

25 MR. BERLINSKY: Because the record also shows Mary

1 Ravenel as the defaulting taxpayer.

2 THE COURT: Well, she was a defaulting taxpayer
3 because she owned the property in 2007, correct?

4 MR. BERLINSKY: Correct.

5 THE COURT: And then deeded the property out, but
6 taxes accrued in 2007.

7 MR. BERLINSKY: Correct.

8 THE COURT: And began in January and she owned the
9 property at that time?

10 MR. BERLINSKY: That's correct.

11 THE COURT: But they brought it properly in the name
12 of the party who was then the matter of record when they
13 initiated it.

14 MR. BERLINSKY: Well, and therein is my argument,
15 Judge. Under 12-51-40, it has to be brought in both the
16 grantees of record and the defaulting taxpayer's name.

17 THE COURT: What's your response to that?

18 MR. ANDERSON: But --

19 MR. BERLINSKY: And they only brought it in the name
20 of the grantee's --

21 THE COURT: But, again, you have brought an action,
22 or she's brought an action to set aside the tax deed,
23 correct?

24 MR. BERLINSKY: To avoid the tax sale entirely.

25 THE COURT: And you are saying that I can have a

1 bite at the apple, don't have to participate in that and
2 don't have to raise that? You don't think you are estopped
3 from raising that now when you take that issue all the way to
4 the Supreme Court or Court of Appeals?

5 MR. BERLINSKY: Not when she wasn't a party.

6 THE COURT: I will tell you what --

7 MR. BERLINSKY: I understand.

8 THE COURT: I will tell you what. Let's just have a
9 stipulation that that's your basis that's solely based in
10 your memorandum. And I respect Judge Nicholson. I just
11 don't know what facts I'm going to hear. What's the issue of
12 fact here? What's the material issue of fact that means I've
13 got to decide some factual issue?

14 MR. BERLINSKY: The material issue of fact is
15 whether the county notified the defaulting taxpayer, Ms.
16 Ravenel.

17 THE COURT: Okay. And Ms. Ravenel, there's no
18 question there's testimony that she appeared and tried to
19 negotiate this property's return, because she testified to
20 that?

21 MR. BERLINSKY: That's correct.

22 THE COURT: So there's no question she had notice,
23 correct? How could you not -- how could you negotiate if you
24 didn't have notice?

25 MR. BERLINSKY: Yes, but, again, the case law

1 says --

2 THE COURT: That's fine. I appreciate your argument
3 there. I appreciate you. That's why I said, let's frame it
4 so that you can argue that. And we can find out if the Court
5 is going to say, yeah, we are going to let this person who
6 created this giant sham, who participated in an action and
7 set it aside, lost, and now is going to come back and say,
8 oh, yeah, this is the way we are going to do it and, by the
9 way, you can't call the statute -- you can't say statute of
10 limitations ran because I rarely lived on the property all
11 the time.

12 I think that's the biggest -- if that's what the
13 Court wants to do, reverse me. That's okay. I'm comfortable
14 with it. I think it's wrong, totally wrong. And that's the
15 reason for it.

16 So that is your basis? Prepare an order that
17 says -- why should I not do that? Why should I not set it
18 aside?

19 MR. ANDERSON: You should set it aside.

20 THE COURT: I know.

21 MR. ANDERSON: Can't be set aside.

22 THE COURT: Why?

23 MR. ANDERSON: It's a valid tax sale, Judge. And
24 she cannot come into court, as you've indicated, and argue
25 one place one thing and another place another thing. She's

1 judicially estopped from doing that.

2 THE COURT: I agree with you. Prepare an order that
3 sets forth judicial estoppel. I think tax sale -- I think
4 that statute of limitations runs as well, because you did it
5 on the record. There was nothing to set aside the deed until
6 2010 when that order was -- whenever it came back from the
7 Court of Appeals, I guess, is when it was finalized. But
8 from the standpoint -- and when was that?

9 MR. ANDERSON: When was what, Judge?

10 THE COURT: When was the remittitur? I saw that on
11 the file. I've got it, 2010 case.

12 MR. BERLINSKY: The Court of Appeals filed their
13 order in December of 2013. So I guess the remittitur would
14 have been sent back down here shortly thereafter.

15 THE COURT: All right. And you took this action to
16 have her evicted 2015?

17 MR. BERLINSKY: Yes, sir.

18 THE COURT: Can't take any action to do anything
19 until the appeals is concluded, correct?

20 MR. BERLINSKY: Correct.

21 THE COURT: That would be foolish. That would be
22 improper. She could get a stay on that very quickly, because
23 if they are wrong and they said that it was done improperly,
24 then she would be entitled to stay there. So you can't just
25 say, well, they just sat around and did nothing, because they

1 didn't sit around and do nothing. They've been fighting -- I
2 assume you fought it all the way to the Court of Appeals.

3 MR. ANDERSON: And the Supreme Court.

4 THE COURT: And the Supreme Court. So, clearly, all
5 of those things, I think, now you basically are having the
6 lady who is claiming "I didn't have notice" who was actively
7 involved is now claiming a technical notice.

8 And I don't quarrel with your argument. I mean, you
9 are correct in your reading of the cases. And I don't
10 quarrel with what they say. I just don't believe it. I
11 think she's judicially estopped from doing that.

12 MR. ANDERSON: And aren't you saying as well
13 two-year statute?

14 THE COURT: I think the two-year statute applies.
15 Okay? So if you will prepare the order to that effect and
16 send it first to Mr. Berlinsky.

17 Mr. Berlinsky, if there's anything that you need to
18 add to protect your record, you let me know and I will be
19 glad to do that. Because I really think the record in this
20 case -- I don't think we need to have testimony and put you
21 all through that.

22 MR. BERLINSKY: Right, because we've agreed on the
23 joint exhibits, so the exhibits are the exhibits. They say
24 what they say.

25 THE COURT: All the exhibits are admitted and are

1 now part of the record fully, as-is your memorandum.

2 (Whereupon, Joint Exh. 1 through 13 are received in
3 evidence.)

4 THE COURT: And, basically, you are relying on --
5 and we've got the case. We've had the case. And I'm relying
6 on my reading of the case that was tried 2010. What was the
7 master's? 2010-CP-10-8732.

8 MR. ANDERSON: And this is Mr. Gregory, who is the
9 delinquent tax collector, who is here to testify.

10 THE COURT: You know, frankly, Judge Scarborough
11 found -- really, he did exactly what he said. He said the
12 deed was good. He said there was nothing wrong with it.
13 That's what that order says. But I understand your client
14 wasn't a party. So I really don't know -- I just don't know
15 how -- I mean, if we had people -- let me put this on there
16 too so the Court can understand my rationale.

17 If she had conveyed that property to me, and I had
18 no connection with her whatsoever, maybe, maybe you may have
19 a little bit more, in my opinion, a little more argument.
20 But you've got somebody that was almost a part of the scheme,
21 I mean, really.

22 She's coming in and bringing -- she's bringing a
23 tax -- she's bringing an action to set aside a tax deed that
24 she said, well, it's not my property, it's my mother's
25 property, I'm just doing this for mom.

1 I mean, really, she didn't have any interest in it.
2 She said, I didn't even know I had it. So, clearly,
3 everything that was done was for mom. And so all of this,
4 all of this is so intertwined, there's just no way in the
5 world I can now, with good conscience, say, yeah, you are
6 right, that's what it is because of the letter of the law.

7 Somewhere along the line you've got to say, hum-um,
8 that is not so. And we've got to rely on records. And we
9 have to -- people have the right to rely on tax deeds,
10 validity of the tax deed as well. And I think that's
11 important, just as important to our society.

12 You heard me talk about the lady that I represented,
13 Miss Rose from Rhode Island. I never saw her and she never
14 really came to Moncks Corner, but in that case, they brought
15 it in the wrong name and improper address. And we were
16 successful. So I'm familiar with what you have to do. I've
17 been up on that issue. But I just think in this case, I
18 think judicial estoppel as well as the statute of limitations
19 runs against it. Okay?

20 Thank you very much. Appreciate it. Thank you all
21 for your patience in letting me look at the file.

22 MR. ANDERSON: Yes, sir.

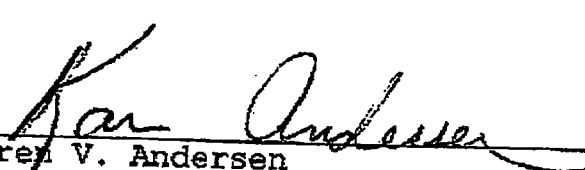
23 (Whereupon, the proceedings are adjourned.)
24
25

CERTIFICATE OF REPORTER

I, Karen V. Andersen, Registered Merit Reporter
certified Realtime Reporter, and Notary Public for the State
of South Carolina at Large, do hereby certify that the
foregoing transcript is a true, accurate and complete
Transcript of Record of the proceedings.

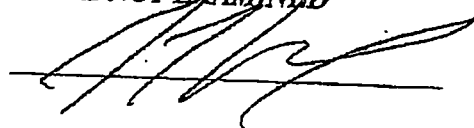
I further certify that I am neither related to nor
counsel for any party to the cause pending or interested in
the events thereof.

Witness my hand, I have hereunto affixed my official
seal this 7th day of December, 2015, at Charleston,
Charleston County, South Carolina.


Karen V. Andersen
Registered Merit Reporter
Certified Realtime Reporter
My Commission expires:
September 14, 2016

G. THOMAS HILL, ESQUIRE
HILL, HILL & HILL
6209 SAVANNAH HIGHWAY
POST OFFICE BOX 369
RAVENEL, SOUTH CAROLINA 29470

BKH 643PG159
TITLE NOT EXAMINED



STATE OF SOUTH CAROLINA,

TITLE TO REAL ESTATE

COUNTY OF CHARLESTON,

KNOW ALL MEN BY THESE PRESENTS, That I, Mary Ravenel aka Mary Brooks Ravenel (hereinafter whether singular or plural the "Grantor") in the State aforesaid, for and in consideration of the sum of Five and No/100—(\$5.00)—Dollars love and affection from my son and my daughter, to the Grantor paid by and by these presents does grant, bargain, sell and release unto the said Grantee, Lashanda Ravenel and Henry Lee Ravenel, II (hereinafter whether singular or plural the "Grantee") has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said Grantee, Lashanda Ravenel and Henry Lee Ravenel, II, as joint tenants with the right of survivorship, not as tenants in common, the survivor's heirs and assigns forever, the following described property, to wit:

See: Exhibit A- Legal Description of Tax Map Number:099-00-00-085

Exhibit B- Legal Description of Tax Map Number:099-00-00-113

Exhibit C- Legal Description of Tax Map Number:099-00-00-114

Exhibit D- Legal Description of Tax Map Number:099-00-00-116

Exhibit E- Legal Description of Tax Map Number:164-00-00-304

Grantee's Address: PO Box 455,
Hollywood, SC 29449

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said Grantee, and by these presents does grant, bargain, sell and release unto the said Grantee Lashanda



BKH 643PG160

Ravenel and Henry Lee Ravenel, II, as joint tenants with the right of survivorship, not as tenants in common, the survivor's heirs and assigns forever.

And the Grantor does hereby warrant that the above described premises are free, clear, and discharged from any and all encumbrances, liens, judgments, and claims of any nature whatsoever, and Grantor does hereby bind ourselves and Grantor's Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Grantee and their Heirs and Assigns, forever, against the Grantor and the Grantor's Heirs and against any and every person whomsoever lawfully claiming or to claim, the same or any part thereof.

WITNESS the Hands and Seals of the Grantor herein this 6 day of November in the year of our Lord two thousand seven and in the two hundredth and thirty-first year of the Sovereignty and Independence of the United States of America.

*Signed, Sealed and Delivered
in the presence of*

[Signature]
Witness A

[Signature] (Seal)
Mary Ravenel

[Signature]
Witness B

[Signature] (Seal)
aka Mary Brooks Ravenel

STATE OF SOUTH CAROLINA,

COUNTY OF CHARLESTON,

ACKNOWLEDGMENT

SWORN TO AND ACKNOWLEDGED before me the grantors herein, namely Mary Ravenel aka Mary Brooks Ravenel me this 6 day of November, 2007.

[Signature] (Seal)
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 9/12/08

EXHIBIT A

All that certain piece, parcel or tract of land situate, lying and being in the St. Pauls Parish, Charleston County, South Carolina, measuring and containing 5.096 acres more or less, known as Lot 3 as shown on a plat entitled "Subdivision Plat of 11.235 acres, ..." prepared by Lawrence J. Kennerty, Jr., SC Reg. No 12520 dated 12/05/01 and recorded in Plat Book EF at Page 536 in the RMC Office for Charleston County.

Said Lot having such size, shape, dimensions, buttings and boundings as will more fully appear by review of the above described plat.

Being a portion of the same property conveyed to Grantor herein by deed of James M. Barnes dated October 22, 2001 and recorded in Book W386 at Page 813 in the RMC Office for Charleston County.

TMS:099-00-00-085

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

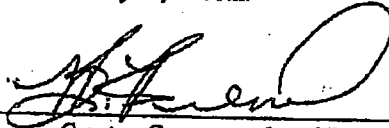
AFFIDAVIT

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

1. I have read the information on this Affidavit and I understand such information.
2. The property being transferred by Mary Ravenel aka Mary Brooks Ravenel to Lashanda Ravenel and Henry Lee Ravenel, II dated November 6, 2007.
3. Check one of the following: The DEED is:
 - (a) _____ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) _____ Subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - (c) x _____ EXEMPT from the deed recording fee because (exemptions 3) (if exempt, please skip items 4-6, and go to item 7 of this Affidavit) (from family member to family member) Mother to Children
4. Check one of the following if either item 3(a) or item 3(b) above has been checked.
 - (a) _____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ _____
 - (b) _____ The fee is computed on the fair market value of the realty which is \$0.
 - (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____
5. Check YES _____ or NO X to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement or realty after the transfer. If "YES," the amount of the outstanding balance of this lien or encumbrance is \$ _____.
6. The DEED Recording Fee is computed as follows:
 - (a) _____ the amount listed in item 4 above.
 - (b) \$0.00 the amount listed in item 5 above (no amount place zero)
 - (c) _____ Subtract line 6(b) from Line 6(a) and place the result.
7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Grantee
8. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is not guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

SWORN to before me this 6th
Day of November, 2007.

NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 9/10/8


Grantor, Grantee, or Legal Representative

Grantor _____
Print or Type Name Here

BKH 643PG161

RECORDER'S PAGE

NOTE: This page MUST remain
with the original document



Filed By:

LASHANDA RAVENEL
P. O. BOX 455
HOLLYWOOD SC 29449

Number of Pages:

9

FILED

November 6, 2007

2:54:33 PM

BKH 643PG159

Charlie Lybrand, Register
Charleston County, SC

AUDITOR STAMP HERE

PID VERIFIED BY ASSESSOR

REP

NOV - 8 2007

DATE

DESCRIPTION

AMOUNT

Recording Fee	\$ 14.00
State Fee	\$ -
County Fee	\$ -
Postage	\$ 0.50

TOTAL

\$ 14.50

\$ Amount (in thousands):

DRAWER:

B - ECP

DO NOT STAMP BELOW THIS LINE

EXECUTION NOTICE

County of Charleston, S.C. -

APRIL 07, 2008

THESE TAXES ARE PAST DUE! PAY NOW TO AVOID ADVERTISEMENT AND SALE OF PROPERTY

UNIFIED TAXES ARE DUE ON THE FOLLOWING DESCRIBED REAL PROP

Property Description	Tax Year	Receipt#	Amount Due
PARCEL ID: 099-00-00-085 5559 MARY RAVENEL RD OSBORN PROPERTY DESCRIPTION: LOT 3 TRACT N	2007	2007-170745	\$ 5,982.90
9725 2 AV 0-437 RAVENEL LASHANDA RAVENEL HENRY LEE II RE: RAVENEL MARY PO BOX 455 HOLLYWOOD SC 29449-0455 *099-00-00-085*			
			SOLID WASTE DISPOSAL FEE 99.00
			LEVY COST \$ 25.00
			Amount Due \$ 6,106.90

AMOUNT DUE AFTER 05-16-2008 \$ 6,156.90
08-08-2008 \$ 6,196.90

YOUR BILL INCLUDES A SOLID WASTE DISPOSAL FEE OF: \$ 99.00

PLEASE NOTE: AFTER JUNE 13, 2008 ONLY CASH, MONEY ORDERS, OR CERTIFIED CHECKS WILL BE ACCEPTED FOR PAYMENT OF DELINQUENT REAL PROPERTY TAXES.

IF YOU DO NOT PAY THE AMOUNT DUE, THE FOLLOWING ACTIONS WILL BE TAKEN:

1. AN OFFICIAL NOTICE OF LIEN WILL BE MAILED TO YOU.
2. YOUR PROPERTY WILL BE ADVERTISED IN THE "CHARLESTON POST & COURIER".
3. A SIGN MAY BE PLACED ON YOUR PROPERTY ANNOUNCING THAT THE PROPERTY IS TO BE SOLD FOR NON-PAYMENT OF TAXES.
4. YOUR PROPERTY WILL BE SOLD AT PUBLIC AUCTION BEGINNING ON NOVEMBER 03, 2008.

ALL REAL ESTATE TAXES MUST BE PAID ON OR BEFORE 5:00 P.M. ON OCTOBER 31, 2008 IN ORDER TO AVOID HAVING THE PROPERTY SOLD AT TAX SALE.

CHARLESTON
COUNTY

IF YOU HAVE ANY QUESTIONS REGARDING THIS BILL, PLEASE CALL 843-958-4570

TEAR AT PERFORATION AND RETURN BOTTOM PORTION

RECEIPT NUMBER(S) 2007-170745

PARCEL I.D. 099-00-00-085

LEGAL DESCRIPTION: 5559 MARY RAVENEL RD
OSBORN
PROPERTY DESCRIPTION:
LOT 3 TRACT N

RAVENEL LASHANDA RAVENEL HENRY LEE II

AMOUNT DUE AFTER 05-16-2008 \$ 6,156.90
08-08-2008 \$ 6,196.90

PAID
WITH PROCEEDS FROM
TAX SALE

NOV 03 2008

PAY THIS AMOUNT
\$ 6,106.90

DELINQUENT TAX
CHARLESTON COUNTY

MAKE PAYMENTS TO:

DELINQUENT TAX COLLECTOR
P.O. BOX 605
CHARLESTON, SC 29402-0605

JOINT
EXHIBIT

MARY M. SCARBOROUGH
Delinquent Tax Director



DELINQUENT TAX DEPARTMENT
101 MEETING STREET, SUITE 230
CHARLESTON SC 29401

Ph: (843) 958-4570
Fax: (843) 958-4577

MAY 22, 2008
0990000085

OFFICIAL NOTICE OF LEVY

THIS IS TO CERTIFY THAT THE COUNTY OF CHARLESTON HAS LEVIED UPON THE PROPERTY IDENTIFIED BELOW TO SATISFY COUNTY TAX EXECUTIONS ISSUED AGAINST:

Current Owner: RAVENEL LASHANDA RAVENEL HENRY LEE II
Previous Owner: RAVENEL MARY

RAVENEL LASHANDA RAVENEL HENRY LEE

PARCEL ID: 0990000085

Total taxes, penalties and costs:

Amount Due After:

Total Taxes Due:

MAY 16, 2008
AUGUST 08, 2008
OCTOBER 31, 2008

\$6,057.90
\$6,097.90
\$6,167.90 and 2008 Taxes

COPY

FAILURE TO PAY YOUR TAXES WILL RESULT IN YOUR PROPERTY BEING ADVERTISED IN THE "CHARLESTON POST & COURIER".

ALL REAL PROPERTY TAXES MUST BE PAID ON OR BEFORE 5:00 P.M. OCTOBER 31, 2008 TO AVOID TAX SALE ON NOVEMBER 03, 2008. RETURN RECEIPT OF THIS NOTICE SHALL BE DEEMED EQUIVALENT TO "LEVYING BY DISTRESS".

PLEASE RETURN THIS NOTICE
WITH MONEY ORDER OR CASHIERS CHECK TO THE BELOW ADDRESS

Delivery payment to:

Charleston County Delinquent Tax Department
101 Meeting Street, Suite 230
Charleston SC 29401

Mail payment to:

Charleston County Delinquent Tax Department
PO Box 605
Charleston SC 29402-0605

Business Hours:

8:30 AM to 5:00 PM
Monday - Friday.

Delinquent Tax Phone

Number:

(843) 958-4570

UNITED STATE POSTAL SERVICE



FIRST-CLASS
MAIL
POSTAGE &
FEES PAID
LPP
28282

CHARLESTON COUNTY DELINQUENT TAX DEPARTMENT
PO BOX 605
CHARLESTON SC 29402-0605



REMOVE THESE EDGES FIRST
FOLD, CREASE AND TEAR ALONG PERFORATION

REMOVE SIDE EDGES-FIRST
THEN FOLD, CREASE AND TEAR THIS STUB ALONG PERFORATION

POSTMAN TEAR ALONG PERFORATION TO REMOVE CARD

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

RAVENEL LASHANDA RAVENEL HENRY LEE II
RE: RAVENEL MARY
PO BOX 458
HOLLYWOOD SC 29449-0455



PARCEL ID: 0990000085 000310
05/22/2008 04:00 P.M.

2. Article Number

71849158373306742813

PS Form 3811, JULY 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? If YES, enter delivery address below:

☐ Agent
☐ Addressee

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered Mail ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

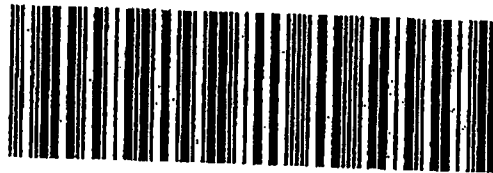
☒ Yes

Domestic Return Receipt

REMOVE THESE EDGES FIRST
FOLD, CREASE AND TEAR ALONG PERFORATION



CHARLESTON COUNTY DELINQUENT TAX DEPARTMENT
101 MEETING STREET, SUITE 230
CHARLESTON SC 29401



7184 9158 3733 0674 2813

FIRST-CLASS
MAIL
POSTAGE &
FEES PAID
LPP
29292

RETURN RECEIPT REQUESTED
RESTRICTED DELIVERY

IMPORTANT NOTICE

000310

RAVENEL LASHANDA RAVENEL HENRY LEE II
RE: RAVENEL MARY
PO BOX 455
HOLLYWOOD 8

NIXIE 294 CE 1 81 08/24/08

RETURN TO SENDER

UNABLE TO FORWARD

BC: 29401224901 *0534-09571-23-38

2944900455 5000
2940102249

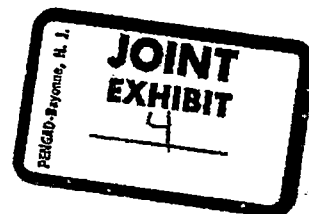


5-24



EXHIBIT 7

A. 122



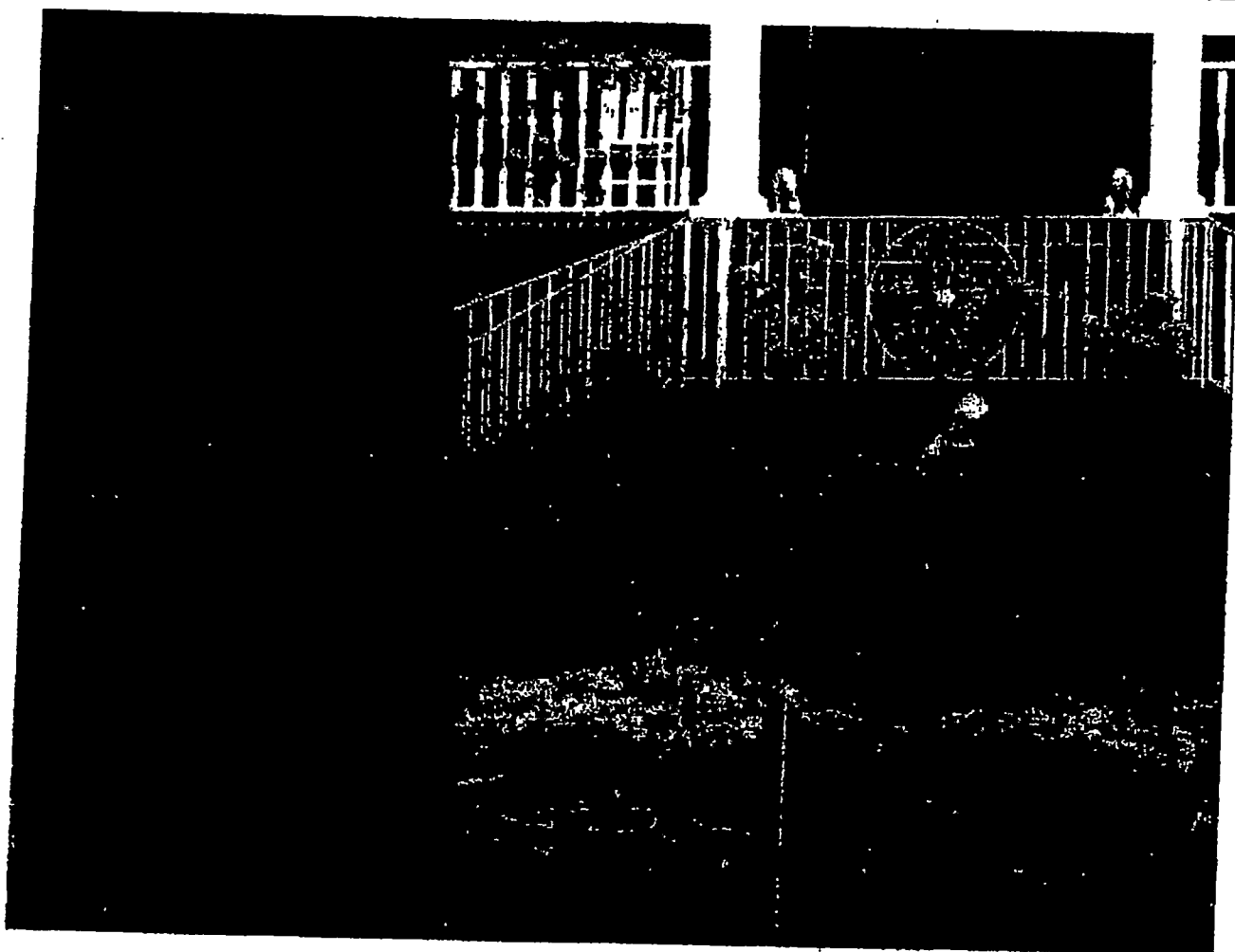
56

Mary M Scarborough
Director



Delinquent Tax Department
101 Meeting Street, Suite 230
PO Box 605 (29402)
Charleston, SC 29401
(843) 958-4570
Fax (843) 958-4577

REAL PROPERTY POSTING SLIP FOR 2008 TAX SALE				
SALE DATE	November 3, 2008			
PARCEL ID	0990000085			
OWNER	RAVENEL MARY			
DATE POSTED	2008-08-01			
TAX AMT DUE	\$6,167.90			
POSTING ID'S	EJT	EJT	JJS	<i>JPJ</i>
TAX RCPT(S)	2007 170745			
SLIP DATE	11-24-08			



COPY

EXHIBIT 6

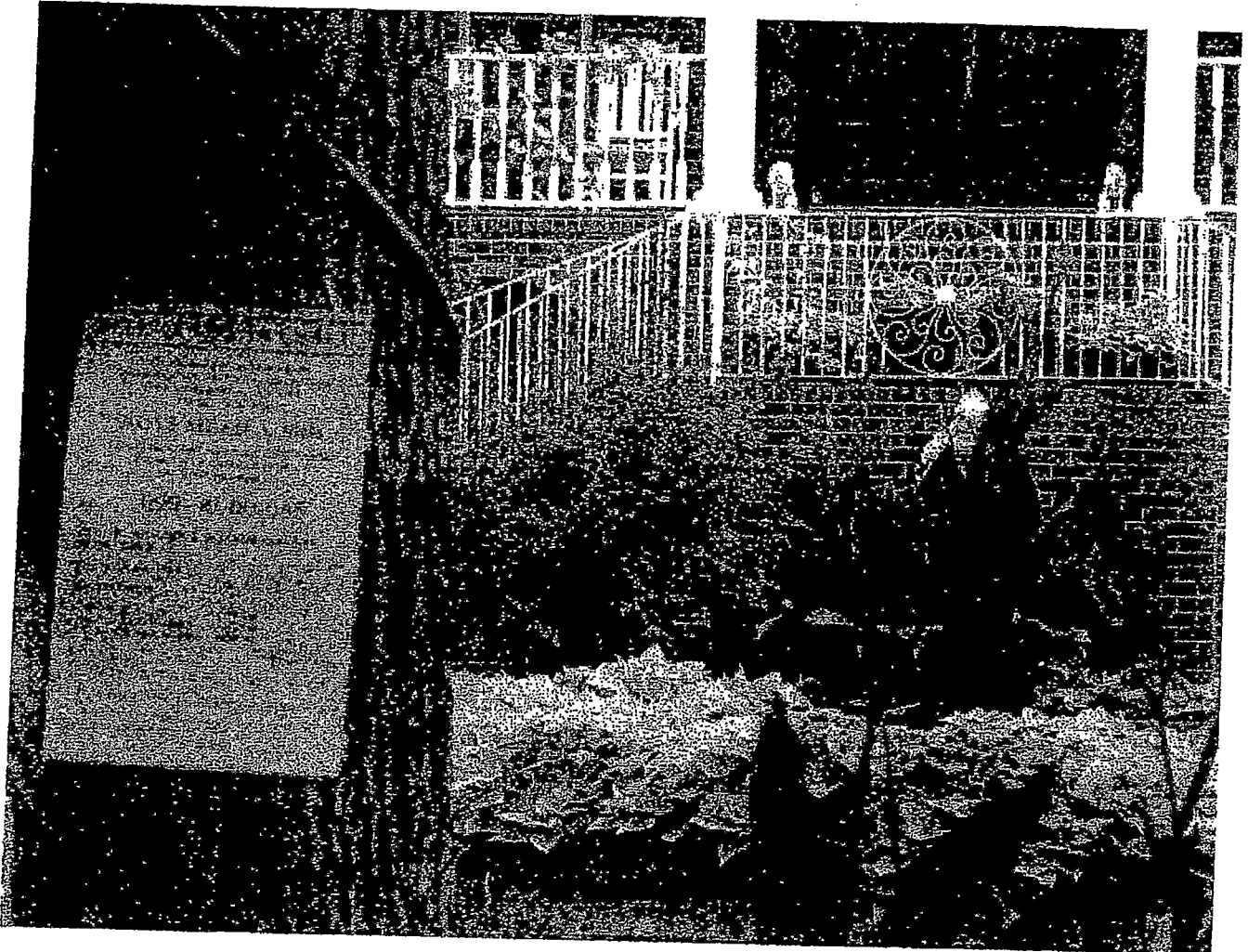


County of Charleston
Charleston, South Carolina

Mary M Scarborough
Director

Delinquent Tax Department
101 Meeting Street, Suite 230
PO Box 605 (29402)
Charleston, SC 29401
(843) 958-4570
Fax (843) 958-4577

REAL PROPERTY POSTING SLIP FOR 2008 TAX SALE				
SALE DATE	November 3, 2008			
PARCEL ID	0990000085			
OWNER	RAVENEL MARY			
DATE POSTED	2008-08-01			
TAX AMT DUE	\$6,167.90			
POSTING ID'S	EJT	EJT	JJS	JJS
TAX RCPT(S)	2007 170745			
SLIP DATE	11-24-08			



CHARLESTON COUNTY
101 MEETING ST RM 230 TAX COLLECTOR
Charleston SC 29401

Number of Copies: 1

AFFIDAVIT OF PUBLICATION

The Post and Courier

State of South Carolina

County of Charleston

Personally appeared before me the undersigned advertising Clerk of the above indicated newspaper published in the City of Charleston, County and State aforesaid, who, being duly sworn, says that the advertisement of

(Copy attached)

appeared in the issues of said newspaper on the following day(s):

08/15/2008

See attached

at a cost of \$ 20,876.94

Account# C0137650

Order# C251F996

P.O. Number:

Subscribed and sworn to before

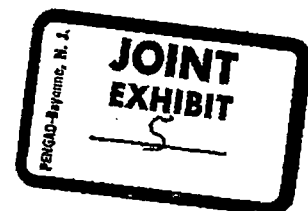
me this 22nd day

of August

A.D. 2008

Kenneth L. H.
Advertising Clerk

Sherry D. H.
NOTARY PUBLIC, SC
My Commission expires



A. 126

Tot Sale

ALF, ETAL 2007 12-20-00-00-00
BANKBORN, SE
2007-00-00-00-00
MORIN, KEVIN RE
2007-00-00-00-00
ROBINSON, RICHARD
2007-00-00-00-00
ROBINSON, ROBINSON
EVERETT, ROBINSON
ROBINSON, 2007-07-22-00-00-00
ROBINSON, MCF
GINA MCF HARRISON
THURSTON 2007-05-25-00-00-00
2007-00-00-00-00-00
JAMES, AN
ALBERTA, AN
2007-04-00-00-00-00
ROBINSON, OHNIA RE
MAWELL, ETAL
2007-03-01-00-00-00-00
ROBINSON, 1155
2007-00-00-00-00-00
ROBINSON, MARG
ROBINSON, GENE
2007-02-00-00-00-00-00
137, ROBINSON, N
COLE, A ELMORIS
STEVEN, C 2007-04-22-00-00-00-00
571-00-00-00-00-00 ROBINSON
GLEN, A 2007-04-20-00-00-00-00
ROBINSON, 2007-00-00-00-00-00
ROCHELLE, FLACIA
HOMEOWNERS ASSOC
CIATION INC 2007-02-01-00-00-00-00
418-00-00-00-00-00 ROCH
CORR, S, 2007-01-19-00-00-00-00
ROCKVILLE, AND
2007-03-01-00-00-00-00-00
01, ROCKVILLE, CANO
ILL, C 2007-01-05-00-00-00-00-00
00-12-00-00-00-00-00 ROCKVILLE
CARL, L, 2007-00-00-00-00-00-00
00-00-00-00-00-00-00
GEORGE, W JR 2007-00-00-00-00-00-00
12-17-07, 00-00-00-00-00-00
RODGERS, GEORGE A
JR 2007-01-25-00-00-00-00-00-00
00-00-00-00-00-00-00-00
449-246-00-00-00-00-00
RODGERS, BEITH, 2007-00-00-00-00-00-00
517-00-00-00-00-00-00-00
ROGERS, DANA, 2007-00-00-00-00-00-00
00-00-00-00-00-00-00-00
ROLLERSON, LEROY
2007-01-01-00-00-00-00-00-00
149, ROLLINS, WALKER
AMAR, D 2007-00-00-00-00-00-00
51-00-00-00-00-00-00-00
FROM, LARI
ABUDARAN, ELIHAN
2007-01-27-00-00-00-00-00-00-00
00-00-00-00-00-00-00-00
ROMANOW, 2007-00-00-00-00-00-00-00-00

EXHIBIT "F"

**Affidavit of Publication
Post and Courier Dated August 25, 2008**

CHARLESTON COUNTY
101 MEETING ST RM 230 TAX COLLECTOR
Charleston SC 29401

Number of Copies: 1

AFFIDAVIT OF PUBLICATION

The Post and Courier

State of South Carolina

County of Charleston

Personally appeared before me the undersigned advertising
Clerk of the above indicated newspaper published in the City
of Charleston, County and State aforesaid, who, being duly
sworn, says that the advertisement of

COPY

(Copy attached)

appeared in the issues of said newspaper on the following
day(s):

08/22/2008

(see attached)

at a cost of \$ 20,003.76

Account# C0137650

Order# C251FC2K

P.O. Number:

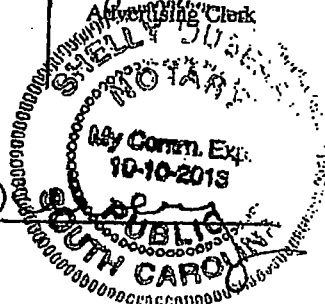
Subscribed and sworn to before

me this 25th day

of August

A.D. 2008

Kimette Y. H.
Advertising Clerk



NOTARY PUBLIC, SC
My Commission expires

CHARLESTON COUNTY
101 MEETING ST RM 230 TAX COLLECTOR
Charleston SC 29401

Number of Copies: 1

AFFIDAVIT OF PUBLICATION

The Post and Courier

State of South Carolina

County of Charleston

Personally appeared before me the undersigned advertising Clerk of the above indicated newspaper published in the City of Charleston, County and State aforesaid, who, being duly sworn, says that the advertisement of

(Copy attached)

appeared in the issues of said newspaper on the following day(s):

08/29/2008

at a cost of \$ 20,003.76

Account# C0137650

Order# C251FFA4

P.O. Number:

Subscribed and sworn to before

me this 8th day

of September

A.D. 2008

Kisha Edings
Advertising Clerk

NOTARY PUBLIC
My Commission Expires 10-10-2012

FOR
2011
all

Mary Scarborough
Delinquent Tax Collector



Delinquent Tax Collector
4045 Bridgeview Drive, 1st Floor
North Charleston, SC 29405
Ofc: (843) 958-4570
Fax: (843) 958-4577



0990000085 876

RAVENEL LASHANDA RAVENEL HENRY LEE II
PO BOX 455
HOLLYWOOD SC 294490455

October 14, 2009

FINAL NOTICE OF PROPERTY REDEMPTION

RE: RAVENEL MARY

TAX ADDRESS: 5559 MARY RAVENEL RD CSC5

NOTICE is hereby given that the real property described on this notice has been sold for non-payment of taxes by the Delinquent Tax Collector for Charleston County. In order to protect any interest that you may have in this property, you must pay the redemption amount, which includes delinquent taxes, penalties, assessments, costs, interest on the tax sale bid, and the 2008 taxes on or before 5:00 pm, **Wednesday, November 4, 2009** to the office of the Delinquent Tax Collector located at 4045 Bridgeview Drive, 1st Floor, North Charleston, SC 29405.

Please pay the amount listed below in cash or by certified check and/or money order made payable to the Delinquent Tax Collector.

<u>Tax Map Number</u>	<u>Redemption Amount</u>	<u>Due By</u>
0990000085	\$27,849.06	November 4, 2009

If you have any questions about this **IMPORTANT** matter, please feel free to contact our office directly at (843) 958-4570.

ONLY CASH, MONEY ORDERS OR CERTIFIED FUNDS WILL BE ACCEPTED

THIS IS YOUR FINAL NOTICE OF PROPERTY SOLD!

Mary M. Scarborough
Delinquent Tax Collector



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

COPY

Record Form 100-811R rev. 01/07

2. Article Number  7184 7158 3733 0801 8404		COMPLETE THIS SECTION ON DELIVERY	
Article Addressed to: RAVENEL LASHANDA RAVENEL HENRY PO BOX 455 HOLLYWOOD SC 294490455 10/15/2009 2:48 PM Code: 0990000085		A. Signature ☒ Agent ☒ Addressee	
		B. Received by (Printed Name)	
		C. Date of Delivery	
		D. Is delivery address different from Item 1? ☐ Yes If YES enter delivery address below: ☐ No	
		3. Service Type ☒ Certified	
		4. Restricted Delivery? (Extra Fee) ☒ Yes	

1.7



DELINQUENT TAX COLLECTOR

Post Office Box 605
Charleston, S.C. 29402-0605

RETURN SERVICE REQUESTED

CERTIFIED MAIL



7184 9158 3733 0801 8404

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE PAID
LPP
29201

1st NOTICE
2nd NOTICE
RETURN

10-17

09900000085

RAVENEL LASHANDA RA
PO BOX 455
HOLLYWOOD SC 294490

RAVE455 294494165 1209 20 10/20/09
RETURN TO SENDER
RAVENEL
PO BOX 263
HOLLYWOOD SC 29449-0263

RETURN TO SENDER

2940230605 8042



FWD

Mary Scarborough
Delinquent Tax Collector



Delinquent Tax Collector
4045 Bridgeview Drive, 1st Floor
North Charleston, SC 29405
Ofc: (843) 958-4570
Fax: (843) 958-4577



0990000085

67

RAVENEL HENRY LEE II
PO BOX 455
HOLLYWOOD SC 29449

October 14, 2009

FINAL NOTICE OF PROPERTY REDEMPTION

RE: RAVENEL LASHANDA RAVENEL HENRY LEE II
TAX ADDRESS: 5559 MARY RAVENEL RD CSC5

COPY

NOTICE is hereby given that the real property described on this notice has been sold for non-payment of taxes by the Delinquent Tax Collector for Charleston County. In order to protect any interest that you may have in this property, you must pay the redemption amount, which includes delinquent taxes, penalties, assessments, costs, interest on the tax sale bid, and the 2008 taxes on or before 5:00 pm, **Wednesday, November 4, 2009** to the office of the Delinquent Tax Collector located at 4045 Bridgeview Drive, 1st Floor, North Charleston, SC 29405.

Please pay the amount listed below in cash or by certified check and/or money order made payable to the Delinquent Tax Collector.

<u>Tax Map Number</u>	<u>Redemption Amount</u>	<u>Due By</u>
0990000085	\$27,849.06	November 4, 2009

If you have any questions about this **IMPORTANT** matter, please feel free to contact our office directly at (843) 958-4570.

ONLY CASH, MONEY ORDERS OR CERTIFIED FUNDS WILL BE ACCEPTED

THIS IS YOUR FINAL NOTICE OF PROPERTY SOLD!

Mary M. Scarborough
Delinquent Tax Collector



COPY

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

2. Article Number



7184 9158 3733 0801 0316

1. Article Addressed to:

RAVENEL, HENRY LEE II 0067
PO BOX 455

HOLLYWOOD SC 29449

10/15/2009 2:48 PM

Code: 0990000085

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes

If YES enter delivery address below:

☐ No

3. Service Type

☒ Certified

4. Restricted Delivery? (Extra Fee)

☒ Yes

Reorder Form LCD-811H Rev. 01/07



DELINQUENT TAX COLLECTOR

Post Office Box 605

Charleston, S.C. 29402-0605

RETURN SERVICE REQUESTED



PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE PAID
LPP
29201

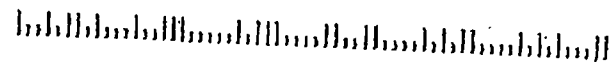
0990000085

RAVENEL, HENRY LEE II
PO BOX 455
HOLLYWOOD SC 29449

294490455 B004
294020605

RETURN TO 292 NFE 1 2091 00 10/15/09
RAVENEL
PO BOX 283
HOLLYWOOD SC 29449-0283

RETURN TO SENDER



Mary Scarborough
Delinquent Tax Collector



Delinquent Tax Collector
4045 Bridgeview Drive, 1st Floor
North Charleston, SC 29405
Ofc: (843) 958-4570
Fax: (843) 958-4577



0990000085

66

RAVENEL LASHANDA
PO BOX 455
HOLLYWOOD SC 29449

October 14, 2009

FINAL NOTICE OF PROPERTY REDEMPTION

RE: RAVENEL LASHANDA RAVENEL HENRY LEE II

TAX ADDRESS: 5559 MARY RAVENEL RD CSC5

NOTICE is hereby given that the real property described on this notice has been sold for non-payment of taxes by the Delinquent Tax Collector for Charleston County. In order to protect any interest that you may have in this property, you must pay the redemption amount, which includes delinquent taxes, penalties, assessments, costs, interest on the tax sale bid, and the 2008 taxes on or before 5:00 pm, **Wednesday, November 4, 2009** to the office of the Delinquent Tax Collector located at 4045 Bridgeview Drive, 1st Floor, North Charleston, SC 29405.

Please pay the amount listed below in cash or by certified check and/or money order made payable to the Delinquent Tax Collector.

<u>Tax Map Number</u>	<u>Redemption Amount</u>
0990000085	\$27,849.06

<u>Due By</u>
November 4, 2009

If you have any questions about this **IMPORTANT** matter, please feel free to contact our office directly at (843) 958-4570.

ONLY CASH, MONEY ORDERS OR CERTIFIED FUNDS WILL BE ACCEPTED

THIS IS YOUR FINAL NOTICE OF PROPERTY SOLD!

Mary M. Scarborough
Delinquent Tax Collector



Reorder Form LCD-811R rev. 01/07

2. Article Number		COMPLETE THIS SECTION ON DELIVERY	
 7184 9158 3733 0801 0309		A. Signature X ☐ Agent ☐ Addressee	
1. Article Addressed to: RAVENEL, LASHANDA 0066 PO BOX 455 HOLLYWOOD SC 29449 10/15/2009 2:48 PM Code: 0990000088		B. Received by (Printed Name)	C. Date of Delivery
		D. Is delivery address different from Item 1? ☐ Yes If YES enter delivery address below: ☐ No	
		3. Service Type	☒ Certified
		4. Restricted Delivery? (Extra Fee)	☒ Yes

PS Form 3811

Domestic Return Receipt



DELINQUENT TAX COLLECTOR

Post Office Box 605

Charleston, S.C. 29402-0605

RETURN SERVICE REQUESTED



PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE PAID
LPP
29201

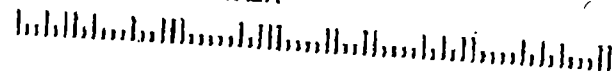
0990000085

RAVENEL, LASHANDA
PO BOX 455
HOLLYWOOD SC 29449

2944930455
294020605

RETURN TO 292 NFE 1 2091 00 10/16/09
RAVENEL SENDER
PO BOX 263
HOLLYWOOD SC 29449-0263

RETURN TO SENDER



STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)



BP0137821

TAX DEED

RMC BK 0137 Pg 821 : Pg 1 *

WHEREAS, by the Acts of the General Assembly of the State of South Carolina and the Statutes of this State, it is provided that hereafter the County Treasurer of Charleston County shall and is hereby authorized and directed to issue in the name of the State a tax execution against each defaulting taxpayer in Charleston County directed to the Delinquent Tax Collector requiring and commanding either to levy the same by distress and sell so much of the defaulting taxpayer's estate, real or personal, or both, as may be sufficient to satisfy the delinquent taxes, assessments, penalties and costs for their collection; and

WHEREAS, it is further provided by said Acts of the General Assembly and Statutes of this State that under and by virtue of said tax execution the Delinquent Tax Collector shall seize and take exclusive possession of so much of the defaulting taxpayer's real property to collect delinquent taxes, assessments, penalties and costs for their collection as provided by law and after due advertisement sell the same at a public auction on a regular sales day and within the usual hours for public sales for legal tender and give to the purchaser (upon his complying with the terms of sale) a receipt for the purchase money but not make title to the purchaser until the expiration of twelve months from the date of sale, if the property sold be not redeemed as provided by law, and attach a copy of the receipt to the tax execution with the endorsement thereon of his action; and

WHEREAS, Andrew C. Smith, CPA, the County Treasurer of Charleston County, has issued a tax execution directed to the Delinquent Tax Collector, by authority of said Acts of the General Assembly of South Carolina and Statutes of this State, against defaulting taxpayer Lashanda Ravenel and Henry Lee Ravenel II strictly charging the Delinquent Tax Collector of Charleston County to levy by distress and sell so much of the defaulting taxpayer's estate to satisfy the delinquent taxes, assessments, penalties and costs for their collection; and

WHEREAS, by virtue of said tax executions issued for tax year(s) 2007 the Delinquent Tax Collector of Charleston County sent a copy of the tax execution to the aforementioned defaulting taxpayer(s) and further sent on May 22, 2008, via certified mail a notice of delinquent taxes, assessments, penalties and costs to Lashanda Ravenel and Henry Lee Ravenel II, PO Box 455, Hollywood, SC 29449-0455 where such notice was not received; and

WHEREAS Edrian Trakas and James Swanson, deputy delinquent tax collectors, did post proper notice on August 1, 2008 on one or more conspicuous places on the property against which delinquent taxes were assessed and levied; and

WHEREAS, on November 3, 2008, during the usual hours of sale, the Delinquent Tax Collector, after due advertisement, did sell the same and gave receipt to Equifunding, Inc, the highest bidder, at such sale for the sum of \$130,000.00 dollars; and

WHEREAS, on October 14, 2009, the Delinquent Tax Collector did send via certified mail final notice before redemption to AAA Plumbing LLC c/o E Lindsay Blanks Esq; Discover Bank c/o James W Poag Jr Esq; Monogram Credit Card Bank Of Georgia c/o Roy W Boggs Esq; Pep Boys, Manny Moe & Jack c/o Leo A Dryer Esq; SC Federal Credit Union; SC Department Of Revenue where such notice(s) where such notice(s) were received; Lashanda Ravenel where such notice was not received; Henry Lee Ravenel, II where such notice was not received; and Lashanda Ravenel and Henry Lee Ravenel II where such notice was not received; and

WHEREAS, the twelve month redemption period, provided by law, has expired.

NOW, therefore, know all men by these presents that I, Mary M. Scarborough, Delinquent Tax Collector of Charleston County, in the State aforesaid, in consideration of the sum of One Hundred Thirty Thousand (\$130,000.00) Dollars, to me in hand paid by Equifunding, Inc the receipt of which is hereby acknowledged, have remised, released and forever quitclaimed and by these presents do remise, release and forever quitclaim unto the said Equifunding, Inc the property to wit:

All that certain piece, parcel or tract of land situate, lying and being in the St. Pauls Parish, Charleston County, South Carolina, measuring and containing 5.096 acres more or less, known as Lot 3 as shown on a plat entitled "Subdivision Plat of 11.235 acres, ..." prepared by Lawrence J. Kennerty, Jr., SC Reg. No 12520 dated 12/05/01

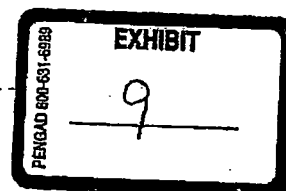


EXHIBIT 23

and recorded in Plat Book EF at Page 536 in the RMC Office for Charleston County.

Said Lot having such size, shape, dimensions, buttings and boundings as will more fully appear by review of the above described plat.

Being the same property conveyed to Lashanda Ravenel and Henry Lee Ravenel, II by deed of Mary Ravenel aka Mary Brooks Ravenel dated 11/6/2007, and recorded 11/6/2007, in Book H643, Page 159.

TMS Number: 099-00-00-085
Grantee's Address: Equifunding, Inc
PO Box 980,
241 E. Saginaw St
East Lansing, MI 48826

TO have and to hold, all and singular the premises unto said Equifunding, Inc, its heirs and assigns, forever.

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to said property belonging or in any wise incident or appertaining.

WITNESS my hand and seal this date 9-28-10.

Signed, Sealed and Delivered in the Presence of us:

M. McPherson
First Witness

J. Heek
Second Witness

Mary M. Scarborough
Mary M. Scarborough
Delinquent Tax Collector
Charleston County, South Carolina

THE STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

PERSONALLY APPEARED BEFORE, the undersigned, and made oath that he/she saw, Mary M. Scarborough, Delinquent Tax Collector of the County of Charleston sign, seal, and as her act, did deliver the above Deed of Conveyance; and that he/she, with the other witness above named, witnessed the execution thereof.

9-28-10
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 3-3-2010

M. McPherson
First Witness

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

AFFIDAVIT

Date of Transfer of Title
Closing Date _____, 2010

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

1. I have read the information on this Affidavit and I understand such information.
2. The property, 099-00-00-085, is being transferred BY the Charleston County Delinquent Tax Collector TO Equifunding, Inc ON _____.

3. The DEED is (check one of the following)

- (A) X subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
- (B) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
- (C) _____ EXEMPT from the deed recording fee because (Exemption # _____).
(Explanation If required) _____
(If exempt, please skip items 4-6, and go to item 7 of this affidavit.)

4. Check one of the following if either item 3(a) or item 3(b) above has been checked.

- (A) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$130,000.00
- (B) _____ The fee is computed on the fair market value of the realty which is \$ _____.
- (C) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____.

5. Check YES _____ or NO _____ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES," the amount of the outstanding balance of this lien or encumbrance is \$ _____.

6. The DEED Recording Fee is computed as follows:

- (A) \$130,000.00 the amount listed in item 4 above
- (B) _____ the amount listed in item 5 above (no amount place zero)
- (C) \$130,000.00 Subtract Line 6(b) from Line 6(a) and place the result.

7. As required by Code Section '12-24-70, I state that I am a responsible person who was connected with the transaction as: Grantor

8. Check if Property other than Real Property is being transferred on this Deed.

- (A) _____ Mobile Home
- (B) _____ Other

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Subscribed this 28th Day of July, 2010
[Signature]
Notary Public for South Carolina
My Commission Expires: 3-31, 2014

Signed Mary M. Scarborough
Grantor, Grantee, or Attorney that prepared this form

Mary M. Scarborough
Print or Type Name Here

RECORDER'S PAGE

Dy
NOTE: This page MUST remain with the original document



Filed By:

DELINQUENT TAX

RECORDED

Date: August 11, 2010

Time: 9:10:32 AM

Book

Page

DocType

0137

821

Tax Deed

Charlie Lybrand, Register
Charleston County, SC

MAKER:

RAVENEL LASHANDA AL

RECIPIENT:

EQUIFUNDING INC

Note:

of Pages: 4

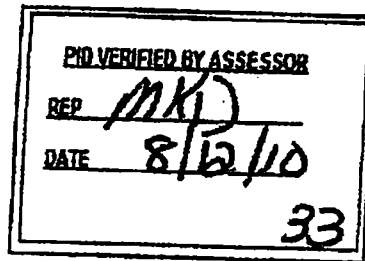
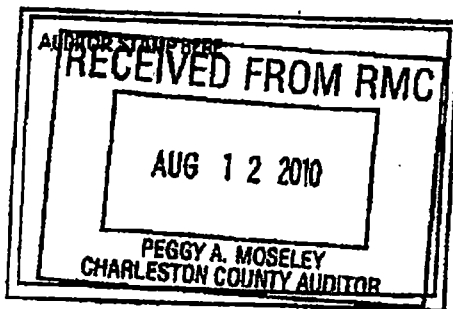
Original Book:

Original Page:

Recording Fee	\$ 10.00
State Fee	\$ 338.00
County Fee	\$ 143.00
Extra Pages	\$ -
Postage	\$ -
Chattel	\$ -
TOTAL	\$ 491.00

DRAWER
CLERK

Drawer 4
LRR



0137
Book



821
Page



08/11/2010
Recorded Date



4
Pgs



Original Book



Original Page



D
Doc Type



09:10:32
Recorded Time

ALBANY

TAX SALE-TAX SALE (more)

PIN: 0990000085 TAG: 8-2 ST PAULS FIRE DISTRICT Current owner: EQUIVEST FINANCIAL LLC
 AIN: TIF: Ownership type: Fee Simple Ownership
 Status: Active County: 10-Charleston Situs address: 5559 MARY RAVENEL RD [1 of 2]
 Geocode: Case: Description: Subdivision Name -OSBORN D (...)
 Rev acct: 00001247783 Pmt pin: Class: 101 - RESID-SFR
 Tax sale: 2012 RP Tax Sale for 2011 taxes: 11/5/2012 Roll type: Real

Year/Bill 2007-119872-A | Real Property

Print

Bill Detail

Total Due 6/16/2015

m

Bill type: Original - Actual

Owner of record:

Total Current \$0.00

Bill dates: November 01, 2007
 RAVENEL MARY
 PO BOX 455
 HOLLYWOOD SC 29449

Delinquent \$0.00

Amount: (\$6,167.90)

Adv/Surplus \$0.00

Paid date:

Communication:

Discount \$0.00

Saturday, November 15, 2008

Total Due \$0.00

Receipt: 170745

Sequence no: 1

Paid by:

Decal no:

Description: Subdivision Name -OSBORN Description -LOT 3 TRACT N

Values/Exemptions

Appraised 447,300 USD

AssessedValue 26,840 USD

TotalAppraised 447,300 USD

Assessment 26,840 USD

Taxable 26,840 USD

Charge Summary

Detail

Gross Tax	Credits	Net Tax	Tax Savings	Total Credits/Savings
0.00	0.00	0.00	0.00	0.00

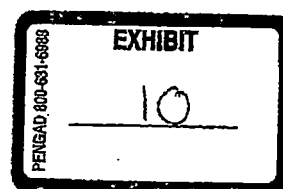
This is a certified true for the 2007 tax year.

Jan. [Signature]
6/16/15

1/1 [Signature]

Commission expires

12/19/2024



STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

2015CV1010800021
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT
NOTICE TO QUIT PREMISES

Equivest Financial, Llc
2008 Marion Street Suite J
Columbia, SC 29211-2188
(803) 252-2828

PLAINTIFF(S)

Vs

Mary Ravenel
5559 Mary Ravenel Road
Adams Run, SC 29426

DEFENDANT(S)

Upon an affidavit filed by the plaintiff which states you:

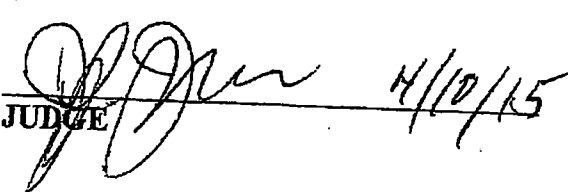
Mary Ravenel
defendant(s), are a trespasser(s) and are occupying the premises at **5559 Mary Ravenel Road, Adams Run, SC 29426** without permission of the owner of said premises. You are required to immediately vacate the premises or contact the:

Adams Run Magistrate Court
5962 Highway 165, Suite 200
Ravenel, SC 29470
Phone: (843) 889-8332 Fax: (843) 889-9202

within five (5) days to show cause, if any you can, why you should not be ejected from these premises.

FAILURE TO VACATE THE PREMISES OR TO CONTACT THIS OFFICE WITHIN FIVE (5) DAYS MAY RESULT IN THE ISSUANCE OF A WARRANT OF EJECTION.

Dated: April 9, 2015


JUDGE

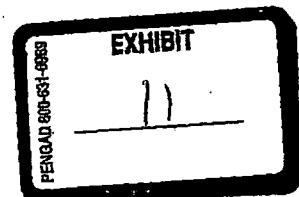
PERSONALLY appeared before me, the undersigned deponent, who being duly sworn, says that s/he served the herein Notice to Quit Premises/Rule to Show Cause on _____

20____ at _____ ☐ AM ☐ PM on the _____ day of _____,

Sworn to and subscribed before me
this _____ Day of _____, 20____

Sheriff's Deputy or Constable

NOTARY PUBLIC or JUDGE
My Commission Expires: _____



1 CAROLINA) IN THE MAGISTRATE'S COURT
RLESTON) C/A No.: 2015-CV-10-10800021

ial, LLC,)
Plaintiff,)
anel Road)
29426)
Defendant,)

NOTICE TO QUIT PREMISES
AND RULE TO VACATE OR SHOW CAUSE

Anderson, attorney for the Plaintiff in this action, state that Equivest Financial, LLC, the premises herein described. I further state that the premises are within the jurisdiction of Charleston County, located at:

5962 Hwy. 165, Suite 200, Ravenel, SC 29470

landlord-tenant relationship does not exist between the parties described as evidenced by the facts:

Defendant does not pay rent for occupancy.
Defendant is occupying premises without consent of the owner.
Defendant has refused to leave and is hereby trespassing.

Give me this)
of April, 2015)
S. R. Anderson)
Attorney for the Plaintiff)
P.O. Box 12188)
Columbia, SC 29211-2188)

S. R. Anderson
Attorney for the Plaintiff
P.O. Box 12188
Columbia, SC 29211-2188

DANT NAMED ABOVE:

By the Plaintiff and in accordance with S.C. Law 15-67-610, you are hereby notified to show cause before me, Judge J. Jones, 5962 Hwy. 165, Suite 200, Ravenel, SC 29470, in five (5) days from the date of service of this Notice to Quit and Rule to Vacate or Show Cause or you should be allowed to remain at said location. If you fail to show cause, you must vacate said location no later than the sixth day after service of this note.

7/1/15

JUDGE

D103
OPER: SHDMEM

CHARLESTON COUNTY TAX SYSTEM
DELINQUENT LIST SCREEN

10-02-2009
09:37:20

TAX YR: 2008 ACCT: 0990000085 PROP: 00
REF:

OWNER1: RAVENEL LASHANDA
TAX ADDR: 5559 MARY RAVENEL RD UNIT:
C,S,Z: SC 29426

OWNER1 NAME	RECEIPT	NET AMOUNT
RAVENEL LASHANDA	2008-122804	6,334.11 H
RAVENEL MARY	2007-170745	5,982.90 S
RAVENEL MARY	2006-115177	5,812.61 P
RAVENEL MARY	2005-110816	5,777.62 P
BARNES JAMES M AS TRUSTEE OF THE	1999-005529	167.00 P

Redemption Quote

INQUIRY COMPLETE
F1=ACCT F2=RCPT

NEXT SCREEN:

743-302-2000
Ravenel, Henry Calls
Lashanda

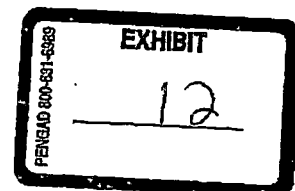
Don't
Fax # 556-9669

\$21,514.95

\$ 6,334.11

\$27,849.06

11/4/09



2008 Tax Sale Checklist

PID # 099-00-00-085

Folder Preparation:

☒ Execution Notice (Office Copy) 04/02/2007

☐ Returned Mail

☐ Returned Mail Research Form

☒ Certified Letter (Office Copy) 05/12/09

☐ 1st Class

☐ Certified

☐ Certified

☐ Re-Certi

Mary Ravenel

843-889-9952

843-834 5221

*gave redemption
amt to Mrs Ravenel
9/14/09 mmo*

☐ Deed Resear

☐ Final Certifie

☐ Signed Receipt Green Card

☐ Returned Mail

☐ Returned Mail Research Form

11/24/09

☐ Balance-In-Tri

Notes: _____

Bamy Baker *Atty*
calls

*has cust in his office -
099-00-00-085
wants to know who bidder was for*

*Mary Ravenel is his cust.
She gave prop to Lashonda, etc.
advised him Eg. finally time -
pg. 149*

☐ Signed Green Card

☐ Posting Slip

☒ Bidder Registration

☒ Tax Sale Receipt

☒ Official Tax Receipt

☒ Redemption Receipt

☐ Parent/Child Information

☐ Interest Rate Change Letter

☐ 3% Increase

☐ 6% Increase

☐ 9% Increase

☐ 12% Increase

ess:

Deed Preparation

☐ Deed Cost Letter

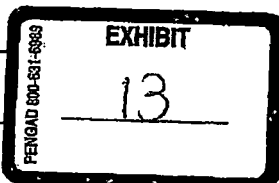
☐ Copy Of Deed

☐ RMC Affidavit

☐ Deed Receipt Form

Return Mail Research Form

Current Year's Tax Note



Mary M. Scarborough
Director



Delinquent Tax Department
101 Meeting St. Room 230
Charleston, SC 29401
(843) 958-4570
Fax (843) 958-4577

TAX SALE RECEIPT

Sale Date: November 3, 2008

Bidder No. 12

Received Of: EQUIFUNDING, INC

The sum of: ONE HUNDRED THIRTY THOUSAND Dollars

FOR SUCCESSFUL BID MADE AT THE DELINQUENT TAX SALE THIS
DATE ON THE PROPERTY LISTED BELOW:

PROPERTY DESCRIPTION:

ACCT # 0990000085

Mary M. Scarborough

Mary M. Scarborough, Director
Delinquent Tax Department

By: _____

Bid Amount: \$130,000.00

Interest: _____

Refund Total _____

CK# _____ CK Date _____

Date Returned: _____

Date Redeemed: _____

IMPORTANT: Please retain this receipt

Office Use Only

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2014-CP-10-0667

Equivest Financial, LLC,

Respondent,

v.

Mary B. Ravenel,

Appellant.

NOTICE OF APPEAL

Mary B. Ravenel appeals the order denying Defendant Mary B. Ravenel's Motion to Reconsider of the Honorable R. Markley Dennis, Jr. dated September 28, 2015 and filed September 29, 2015. Appellant received written notice of entry of this order denying Defendant Mary B. Ravenel's Motion to Reconsider on September 29, 2015.

October 28, 2015

BRUCE A. BERLINSKY, ESQUIRE
P.O. Box 206 (29402)
One Carriage Lane, Bldg. F
Charleston, SC 29407
843.852.2202
Attorney for Appellant

Other Counsel of Record:
S.R. Anderson, Esquire
Law Office of Steven R. Anderson
2008 Marion Street, Suite J
Columbia, SC 29201
803.252.2828
Attorney for Respondent

FILED
2015 OCT 29 PM 2:33
JULIE J. ARMSTRONG
CLERK OF COURT

IN THE COURT OF COMMON PLEAS
Case No. 2014-CP-10-0667

Plaintiff,

Defendants.

O R D E R

FILED
2015 SEP 29 PM 2:33
JULIE J. ARMSTRONG
CLERK OF COURT

AND IT IS SO ORDERED!


R. MARKLEY DENNIS, JR.
Presiding Judge

September 28, 2015

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	C/A No.: 2014-CP-10-0667
	)	
Equivest Financial, LLC,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
Mary B. Ravenel; AAA Plumbing, Inc.,	)	
	)	
Defendants,	)	
	)	

FILED
 2015 JUL 27 PM 2:34
 JULIE J. ARMSTRONG
 CLERK OF COURT

This matter came before me on June 17, 2015. This is a tax sale action in which the Plaintiff seeks to quiet the title of the subject property. The Plaintiff was represented by S.R. Anderson and the Defendant, Mary B. Ravenel, was represented by Bruce Berlinsky.

HISTORY

The subject property was sold to the Plaintiff at the 2008 sale for the non-payment of the 2007 real estate taxes.

In an action captioned Lashanda Ravenel & Henry Lee Ravenel, II v. Equivest Financial, LLC, 2010-CP-10-8732, the Plaintiffs sought to set aside the tax sale and void the tax deed. The Plaintiffs in that action were the adult children of Mary Ravenel. Mrs. Ravenel testified at the trial of the case. The children were conveyed the subject property by their mother in accordance with a deed dated and recorded on November 6, 2007. The stated consideration was \$5, love and affection. Mother filed for bankruptcy on November 7, 2007.

That case, 2010-CP-10-8732, was tried before the Charleston County Master-In-Equity, who found that the tax sale was valid and that there was no delivery of the deed by Mother to the Children. The Master-In-Equity found that the deed was void and of no effect.

The children appealed the case to the South Carolina Court of Appeals, which upheld the Master's Order upon the grounds that there was no delivery of the deed by Mother to the Children.

Thereafter, the Plaintiff instituted the present action to quiet the title as to Mary Ravenel.

Section 12-51-160 provides that an action to recover real property sold at a tax sale must be brought within two (2) years from the date of the sale. As noted above, the Defendant in the present matter brought no action to set aside the tax sale and void the tax deed within the two year statute of limitations. After the elapse of two years, the tax sale and deed becomes incontestable on procedural or other grounds.

The Defendant asserts that the sale of property should have been conducted in her name, as she was the defaulting taxpayer.

The Defendant further asserts that she has remained in possession of the property since the tax sale and deed to the Plaintiff. Section 12-51-160 does not speak to the Defendant's occupancy of the property, only that the tax sale is incontestable two years after the sale.

Lastly, the Defendant contends that the defaulting taxpayer is entitled to the requisite notices under 12-51-40(b). The notices required by 12-51-40 et seq. are sent out after April 1st or as soon as practical thereafter. The defaulting taxpayers were the Defendant's children since they were granted the property in November of 2007. When the taxes were not paid by December 31, 2007, they, as the owners, were the defaulting taxpayers and only they were entitled to the 12-51-40(b) notice. The Court reviewed the file in this matter to include the Plaintiff's and Defendant's Memorandums of Authority, the Master's Order, and the ruling by the Court of Appeals appropriate statutes.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the testimony and pleadings, the Court finds, concludes and ORDERS as follows:

1. This Court has personal and subject matter jurisdiction over this matter.

RMOT/2

2. The Defendant has been hoisted by her own petard. It is clear that the Defendant intended to defraud her creditors when she conveyed the subject property to her adult children. The consideration was \$5, love, and affection; the Defendant recorded the deed, but never delivered it to them, never told them about the deed, continued to live in the home, and testified that it was her property.

The Defendant, who conveyed the property to her children, cannot now come to Court and contend that since the deed was set aside and void, she was the true owner of record and thus entitled to the statutory notices.

In Haynes Federal Credit Union v. Bailey, 327 S.C. 242, 489 S.E.2d 472 (1977), the Court judicially estopped a Defendant from taking a position opposite from the one taken at an earlier trial. In that action, the Defendant testified at trial that he had no interest in certain real property. At a second trial, the same Defendant asserted that he owned the subject real property.

In a bankruptcy proceeding, the debtor failed to include a malpractice claim against its lawyers. When the same debtor thereafter sued the same lawyers for malpractice, the Court dismissed the case as the debtor had not listed the potential claim against its lawyers in its bankruptcy filings. Southmark Corp. v. Trotter, 422 S.E.2d 265 (1994).

The Defendant is judicially estopped from claiming a position in the instant action, which is different from the position she took in 2010-CP-10-8732.

3. S.C. Code Section 12-51-160 is clear. An action to set aside a tax sale must be brought two (2) years after the tax sale. There is no requirement that the Plaintiff be in possession of the property, although the recording of a tax deed would evidence possession of the property in the Plaintiff.

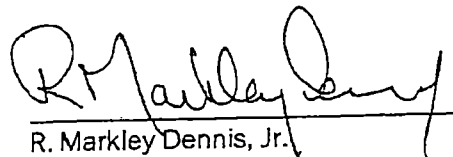
4. As title never passed to the Defendant's children, the property remained in her name. There is nothing of record which would have alerted the tax collecting officials that the Defendant had not delivered the deed to her children. It is the Defendant who supplied the

RMD/3

address on the deed to the children. She cannot be heard to complain that the notices went to an incorrect address or that the true owner of the property was not provided with the notices.

5. The tax sale and resulting tax deed are valid; title is quieted in the Plaintiff to the exclusion of the Defendants, Mary B. Ravenel and AAA Plumbing, Inc., who shall hereafter have no right, title, or interest in said property.

AND IT IS SO ORDERED


R. Markley Dennis, Jr.
Presiding Judge
Court of Common Pleas for the
Ninth Judicial Circuit

July 23, 2015
Moncks Corner, South Carolina

KNOW/4

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2014-CP-10-0667

Equivest Financial, LLC,

Respondent,

v.

Mary B. Ravenel,

Appellant.

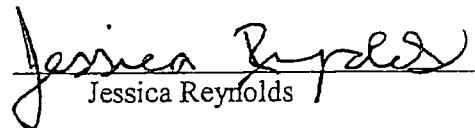
FILED
2015 OCT 29 PM 2:33
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

CERTIFICATE OF MAILING

I, Jessica Reynolds, legal assistant to Bruce A. Berlinsky, Esquire, do hereby certify that I have this date mailed a true and correct copy of the foregoing **NOTICE OF APPEAL**, postage prepaid, and deposited with the United States Postal Service as follows:

S.R. Anderson, Esquire
Law Office of Steven R. Anderson
2008 Marion Street, Suite J
Columbia, SC 29201
ATTORNEY FOR PLAINTIFF

Dated this 28th day of October, 2015.


Jessica Reynolds

BRUCE A. BERLINSKY, P.A.
Attorney at Law

Mailing Address:
PO Box 206
Charleston, SC 29402

One Carriage Lane, Building F
Charleston, SC 29407

Office: (843) 852-2202
Fax: (843) 852-4844
Bruce@berlinskylawfirm.com

October 28, 2015

SC Court of Appeals
Jenny Abbott Kitchings
Clerk of Court
P.O. Box 11629
Columbia, SC 29211

Re: Equivest Financial, LLC vs. Mary B. Ravenel, et al.
Case No.: 2014-CP-10-0667

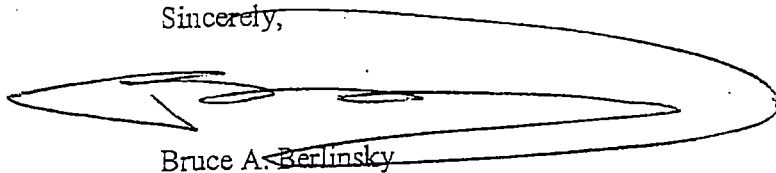
Dear Ms. Kitchings:

In connection with the above referenced matter, enclosed please find one (1) original and one (1) copy of *NOTICE OF APPEAL* and *CERTIFICATE OF MAILING* for filing, along with \$100.00 filing fee. Please return the filed copies to us in the enclosed, postage-paid envelope.

Thanking you in advance for your assistance and cooperation in this matter.

With kind regards, I am

Sincerely,



Bruce A. Berlinsky

BAB/jlr
Enclosures

CC: ✓ Charleston County Clerk of Court
S.R. Anderson, Esquire

BRUCE A. BERLINSKY, P.A.

Attorney at Law

Mailing Address:

PO Box 206
Charleston, SC 29402

One Carriage Lane, Building F
Charleston, SC 29407

Office: (843) 852-2202
Fax: (843) 852-4844
Bruce@berlinskylawfirm.com

October 28, 2015

Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, SC 29401

Re: Equivest Financial, LLC vs. Mary B. Ravenel, et al.
Case No.: 2014-CP-10-0667

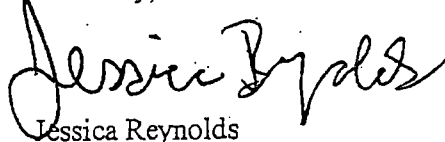
Dear Ladies:

In connection with the above referenced matter, enclosed please find one (1) original and one (1) copy of *NOTICE OF APPEAL* and *CERTIFICATE OF MAILING* for filing. Please return the filed copies to us in the enclosed, postage-paid envelope.

Thanking you in advance for your assistance and cooperation in this matter.

With kind regards, I am

Sincerely,



Jessica Reynolds

Legal Assistant to Bruce A. Berlinsky

/jlr

Enclosures

CC: SC Court of Appeals
S.R. Anderson, Esquire

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

A handwritten signature in black ink, appearing to read "Bruce A. Berlinsky", is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

Bruce A. Berlinsky, Esquire
One Carriage Lane, Bldg. F
Charleston, SC 29407
(843) 852-2202
Attorney for Appellant

June 6, 2016