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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

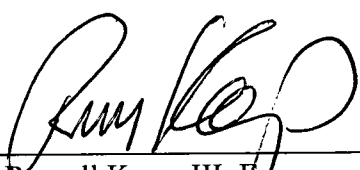
Case No. 2014-000823

Robert C. Schivera, Executor of the Estate of Fed J. Hughes, III.....Respondent

Vs.

C. Russell Keep, III, Esquire and Rhonda Mitchell, Jasper County Tax Collector of which C. Russell Keep, III, Esquire is the.....Appellant.

REPLY BRIEF OF APPELLANT



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I. TABLE OF AUTHORITIES

Cases

1. Aldridge v. Rutledge, 269 S.C. 475, 238 S.E. 2d 165 (1977)
2. Donohue v. Ward, 298 S.C. 75, 378 S.E. 2d 261 (Ct. App.J 1989)
3. Good v. Kennedy, 291 S.C. 204, 352 S.E. 2d 708 (Ct. App 1987)
4. Osborne v. Vallentine, 196 S.C. 90, 12 S.E. 2d 856 (1941)
5. Reeping v. JEBBCO, 402 S.C. 195, 740 S.E. 2d 504 (Ct. App. 2013)
6. Rives v. Balsa, 478 S.E. 2d 878, 325 S.C. 287 (S.C. App. 1996)

All of the above may be found on Page 3.

7. S.C. Code Ann 12-51-90(C)
8. S.C. Code Ann. 12-51-160

All of the above may be found on Page 4.

II. STATEMENT OF ISSUES ON REPLY

Do any of the six cases cited in the Brief of the Respondent support his position that the tax sale herein has a fatal jurisdictional defect that cannot be cured by advertising, levying by posting and selling the property in the name of the true owner, Fred J. Hughes, III?

III. ARGUMENT

No, none of the six (6) cases cited by the Respondent in the Brief of the Respondent support his position that the tax sale herein is invalid;

Rives, "the property was not advertised, levied or sold in the true owner's name." In the present case, the property was advertised, levied and sold in the name of the true owner, Fred J. Hughes, III.

Aldridge, "the land was advertised, levied and sold in the name of the true owner's *father* (italics added)." How unlike the case at hand.

Osborne, "at the time of the levy the owners of the property were the devisees, but the levy was made in the name of the deceased Testatrix." How unlike the case at hand.

Donohue, "the property was not listed, levied upon, advertised or sold in the name of Mrs. Donohue or the Trustee." Not so in the case at hand.

Good, is not a posting case at all, unlike the case at hand. It is irrelevant.

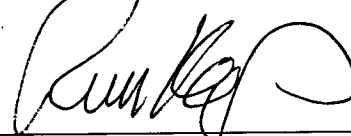
Reeping, not a posting case, so the case is totally irrelevant.

IV. CONCLUSION

None of the six (6) cases relied on and cited by the Respondent supports his position that the "mere irregularities" were not cured by advertising, levying, posting and selling the property in the name of the true owner, Fred J. Hughes, III, pursuant to S.C. Code §12-51-90(c), 160.

October 2, 2014

Respectfully submitted,



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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM JASPER COUNTY
Court of Common Pleas

Carmen T. Mullen, Judge

Case No. 2012-CP-27-00760
Court of Appeals Case No.: 2014-000823

ROBERT C. SCHIVERA, Executor of the Estate of Fred J. Hughes,.....Respondent.

v.

C. RUSSELL KEEP, III, ESQUIRE, and RHONDA MITCHELL,
Jasper County Tax Collector, of whom C. RUSSELL KEEP, III, ESQUIRE IS....Appellant.

CERTIFICATE OF COUNSEL

This is to certify that the Respondent's Final Brief complies with Rule 21(b), SCACR.

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November 24, 2014.

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