

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

OCT 21 2014

APPEAL FROM CHARLESTON COUNTY
Master in Equity

SC Court of Appeals

The Honorable Mikell Scarborough

Case No. 2010-CP-10-7992

BANK OF AMERICA f/k/a/ COUNTRYWIDE HOME
LOANS, d/b/a AMERICA'S WHOLESALE LENDING

Plaintiff/Respondent

v.

CORNELL L. WILLIAMS, DEBORAH P. WILLIAMS,
GEORGE RODNEY DERRICK and MARY SCARBOROUGH,
as Delinquent Tax Collector for Charleston County

Defendants

Of Whom

GEORGE RODNEY DERRICK is

Appellant.

RECORD ON APPEAL

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7455 Cross County Road
P.O. Box 40578
Charleston, SC 29423-0578
(843) 760-0220
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Attorneys for Appellant George Rodney Derrick

Dean A. Hayes
KORN LAW FIRM, P.A.
1300 Pickens Street
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Columbia, SC 29211-2369
(803) 252-5817
Attorney for Respondent Bank of America

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2010-CP-10-7992

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Bank of America, f/k/a Countrywide Home
Loans, d/b/a America's Wholesale Lending,

Plaintiff,

vs.

Cornell L. Williams, Deborah P. Williams,
George Rodney Derrick, and Mary
Scarborough, as Delinquent Tax Collector for
Charleston County,

Defendant.

IN THE COURT OF COMMON PLEAS

SUMMONS

ACTION TO SET ASIDE TAX SALE OR
OBTAIN TAX SALE OVERAGE

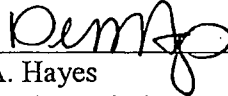
C/A NO:

FILED
2010 SEP 24 PM 2:39
JULIE J. ARMSTRONG
CLERK OF COURT

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, or otherwise appear and defend, and to serve a copy of your answer to said complaint upon the subscriber at his office, 1300 Pickens Street, P.O. Box 12369, Columbia, South Carolina, 29211-2369, within thirty (30) days after service hereof, except as to the United States of America, which shall have sixty (60) days, exclusive of the day of such service, and if you fail to answer the complaint within the time aforesaid, or otherwise appear and defend, the plaintiff in this action will apply to the court for the relief demanded therein, and judgment by default will be rendered against you for the relief demanded in the complaint.

KORN LAW FIRM, P.A.
1300 Pickens Street
P.O. Box 12369
Columbia, S.C. 29211-2369
(803) 252-5817


Dean A. Hayes
Attorney for Plaintiff
Columbia, South Carolina

September 22, 2010
Columbia, South Carolina

2010-CP-10-7992

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Bank of America, f/k/a Countrywide Home
Loans, d/b/a America's Wholesale Lending,

PLAINTIFF,

vs.

Cornell L. Williams, Deborah P. Williams,
George Rodney Derrick, and Mary
Scarborough, as Delinquent Tax Collector for
Charleston County,

DEFENDANTS.

IN THE COURT OF COMMON PLEAS

COMPLAINT

ACTION TO SET ASIDE TAX SALE OR
OBTAIN TAX SALE OVERAGE

C/A NO:

2010 SEP 24 PM 2:39
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

FILED

The plaintiff, complaining of the defendants above-named would respectfully show unto
this Honorable Court:

FOR A FIRST CAUSE OF ACTION
(Set Aside Tax Sale Based on Insufficient Notice to Lender)

1. That the plaintiff is a corporation organized and existing under and by virtue of
the laws of the State of Delaware.
2. That the defendants, Cornell L. Williams and Deborah P. Williams, are citizens
and residents of the County of Charleston, State of South Carolina.
3. That the defendant, George Rodney Derrick, is a citizen and resident of the
County of Charleston, State of South Carolina.
4. That the defendant, Mary Scarborough, is Delinquent-Tax Collector for the
County of Charleston, and the County of Charleston represents a body politic located in the State
of South Carolina.

5. That on or about January 17, 2007, Cornell L. Williams and Deborah P. Williams, for value received, did execute and deliver to Countrywide Home Loans d/b/a America's Wholesale Lender a promissory note agreeing to pay to Plaintiff, its successors and assigns, the principal sum of \$212,500.00, together with interest at the rate set forth in the note.

6. That in order to better secure the payments of the promissory note, Cornell L. Williams and Deborah P. Williams, on January 17, 2007, executed and delivered to Countrywide Home Loans d/b/a America's Wholesale Lender, its successors and assigns, a mortgage covering the following described property situated in the County of Charleston ("real property"):

All that lot of land, together with any and all improvements thereon, situate, lying and being on the West side of Drake Street, in the City and State aforesaid, and known by the Number Eight (8) on a plat of twelve lots of land formerly of James Wiley, made by Simons & Howe, Surveyors, and dated December 1878. Measuring and containing on the North and South lines Ninety (90) feet and on the East and West lines Thirty-Two (32) feet, being the same more or less. Butting and bounding North on lot Number Seven; East on Drake Street; South on lot Numbers Nine and Ten, and West on lot Number Eleven on said plat.

This being the same property conveyed to Cornell L. Williams and Deborah P. Williams by deed of Robert L. Huger, dated July 30, 2004, recorded August 3, 2004, in the Office of the Register of Deeds for Charleston County in Book H504 at page 303.

TMS #: 459-06-01-038

Property Address: 111 Drake Street, Charleston, South Carolina 29403

7. This mortgage was recorded in the Office of the Register of Deeds for Charleston County on March 19, 2007, in Book Z618 at page 880.

8. That on or about November 3, 2008, Mary Scarborough, as Director of the Delinquent Tax Department for the County of Charleston, did cause to be sold the real property at public sale for non-payment of 2007 taxes to George Rodney Derrick, as the highest bidder at the sale.

9. That George Rodney Derrick is currently the owner of record of the real property by virtue of a tax deed executed by Mary Scarborough, as Director of the Delinquent Tax Department for the County of Charleston, on April 23, 2010, and recorded May 10, 2010, in the Office of the Register of Deeds for Charleston County in Book 0121 at Page 414.

10. That George Rodney Derrick bid \$45,000.00 for the real property at the tax sale, resulting in an overage of approximately \$40,000.00, which is presently being held by Mary Scarborough, as Director of the Delinquent Tax Department for the County of Charleston.

11. That at the time of the tax sale, the mortgage referred to above was a first priority lien on the real property sold at tax sale, and plaintiff, as holder of the mortgage and the unpaid note it secures, had an interest in the real property by virtue of the mortgage lien.

12. That Mary Scarborough, as Director of the Delinquent Tax Department for the County of Charleston, was required by South Carolina statutes and case law to provide certain notices before and after selling the real property, but the notices were deficient in the following manner:

(a) The notice required by S.C. Code § 12-51-40(a) sets forth higher amounts due for taxes than the notice required by S.C. Code § 12-51-40(b), therefore, one of these notices is incorrect;

(b) The notice required by S.C. Code § 12-51-40(b) was not actually mailed to the defaulting taxpayer, Cornell L. Williams;

(c) No notice was sent that complied with the provisions of S.C. Code § 12-51-120, which states in pertinent part that “[n]either more than forty-five days nor less than twenty days before the end of the redemption period for real estate sold for taxes, the person officially charged with the collection of delinquent taxes shall mail a notice by ‘certified mail, return

receipt requested-restricted delivery' as provided in Section 12-51-40(b) to the defaulting taxpayer and to a grantee, mortgagee, or lessee of the property of record in the appropriate public records of the county. The notice must be mailed to the best address of the owner available to the person officially charged with the collection of delinquent taxes that the real property described on the notice has been sold for taxes and if not redeemed by paying taxes, assessments, penalties, costs, and interest at the applicable rate on the bid price in the total amount of _____ dollars on or before _____ (twelve months from date of sale) (date) _____, a tax title must be delivered to the successful purchaser at the tax sale." The notice described in Section 12-51-120 did not contain the language necessary to apprise the recipients that if the listed amount was not paid by the listed date, a tax title must be delivered to the successful purchaser at the tax sale.

13. That pursuant to *Donohue v. Ward*, 378 S.E.2d 261 (Ct. App. 1989), "[f]ailure to give proper notice is a fundamental defect that renders the proceedings absolutely void."

14. That Plaintiff is therefore entitled to a declaration of the court that the November 3, 2008, tax sale is void and of no effect, that any tax deed conveying the real property to Defendant George Rodney Derrick is void, and that Defendant George Rodney Derrick has no interest or rights in the real property.

**FOR A SECOND CAUSE OF ACTION
(Contractual Right to Tax Sale Overage)**

15. That the allegations set forth above, to the extent that they do not conflict with the allegations set forth in this cause of action, are realleged as fully as if set forth herein.

16. That S.C. Code Ann. Section 12-51-320 provides that "[a]ny remaining overage [from a tax sale] belongs to the owner of record immediately before the end of the redemption period to be claimed or assigned according to law," and further provides that "[t]hese

sums are payable ninety days after the execution of the deed unless a judicial action is instituted during that time by another claimant.”

17. That the mortgage provides, in paragraph 11, that any proceeds received from actions affecting the real property are assigned to the holder of the note and mortgage.

18. That the mortgage provides, in paragraph 11, that any proceeds received from any condemnation or other taking of the real property are assigned to the holder of the note and mortgage.

19. That the sale of the real property at tax sale was an action affecting the real property and a taking of the real property.

20. That in the event the tax sale is not voided, Plaintiff, as holder of the note and mortgage, is therefore assigned the overage in the amount of \$40,000.00 currently being held by Defendant Mary Scarborough, as Director of the Delinquent Tax Department of the County of Charleston.

**FOR A THIRD CAUSE OF ACTION
(Equitable Right to Tax Sale Overage)**

21. That the allegations set forth above, to the extent that they do not conflict with the allegations set forth in this cause of action, are realleged as fully as if set forth herein.

22. That since the real property which was sold at tax sale was security for an obligation owed by Defendants Cornell L. Williams and Deborah P. Williams to Plaintiff at the time of the tax sale and since Defendants Cornell L. Williams and Deborah P. Williams still owe more than \$40,000.00 to Plaintiff on the obligation, Plaintiff is entitled to an equitable lien on the entire amount of the overage in the event the tax sale is not voided.

WHEREFORE, having fully set forth its complaint, the Plaintiff prays for the following:

(a) Under the first cause of action:

(1) Declare that the tax sale occurring on November 3, 2008, of the real property that is the subject of this action be voided for failure to comply with the material provisions of the South Carolina Code of Laws; and

(2) Declare that the tax deed executed on April 23, 2010, by Mary Scarborough, as Director of the Delinquent Tax Department of the County of Charleston, conveying the real property to George Rodney Derrick to be declared null and void and of no force or effect.

(b) Under the second cause of action:

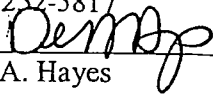
(1) If the tax sale is not set aside and the tax deed not declared void, that Plaintiff has a contractual right to the overage of approximately \$40,000.00 currently being held by Defendant Mary Scarborough, as Director of the Delinquent Tax Department of the County of Charleston;

(c) Under the third cause of action:

(1) If the tax sale is not set aside and the tax deed not declared void, that Plaintiff has an equitable lien on the overage of approximately \$40,000.00 currently being held by Defendant Mary Scarborough, as Director of the Delinquent Tax Department of the County of Charleston; and

(d) For such other and further relief as may be just and proper.

KORN LAW FIRM, P.A.
1300 Pickens Street
P.O. Box 12369
Columbia, S.C. 29211-2369
(803) 252-5817


Dean A. Hayes
Attorney for Plaintiff

September 22, 2010
Columbia, South Carolina

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

Bank of America

Plaintiff/Petitioner

vs.
Cornell L. Williams, et al

Defendant/Respondent

Docket Number:
10-CP-10-7992

AFFIDAVIT OF NON SERVICE OF:
Civil Action Coversheet; Lis Pendens; Summons;
Complaint

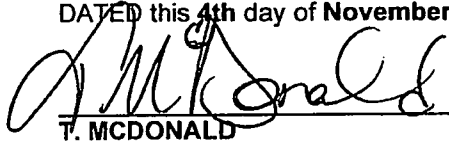
The undersigned, being first duly sworn, on oath deposes and says: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

Affiant states s(he) attempted to serve **George Rodney Derrick** at the address of: **86 Seaside Cottage LN , Isle of Palms, Charleston County, SC 29451** and was unable to effect service for the following reasons:

11/3/2010 4:10 PM: ABOVE ADDRESS LOCATED IN GATED COMMUNITY, ENTRY DENIED

Is the Subject Property a Mobile Home? () NO () YES
Is a Mobile Home VIN # visible? () NO () YES VIN #:

DATED this 4th day of November, 2010.


T. MCDONALD

2010 NOV -5 AM 11:11
JULE J. ARMSTRONG
CLERK OF COURT

FILED

SUBSCRIBED AND SWORN to before me this 4th day of November, 2010


NOTARY PUBLIC in and for the State of South Carolina
My Commission Expires: 3/20/12



FOR: Korn Law Firm, P.A.
REF: 10-CP-10-7992

ORIGINAL PROOF OF
SERVICE

Tracking #: 6352841 CAE FIL



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

Bank of America

Plaintiff/Petitioner

vs.
Cornell L. Williams, et al

Defendant/Respondent

Docket Number:
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Complaint

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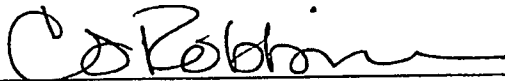
Affiant states s(he) attempted to serve **George Rodney Derrick** at the address of: **18 Broad St 602, Charleston, Charleston County, SC 29401** and was unable to effect service for the following reasons:

10/14/2010 12:23 PM: BUILDING IS A LOCKED BUILDING, UNABLE TO GAIN ACCESS TO THE SIXTH FLOOR.

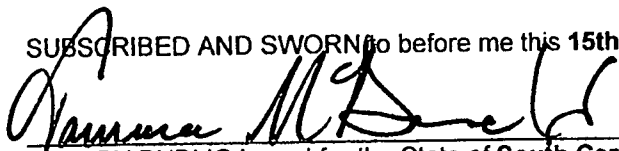
Is the Subject Property a Mobile Home? () NO () YES
Is a Mobile Home VIN # visible? () NO () YES

VIN #:

DATED this **15th** day of **October**, 2010.


CATHY ROBBINS

SUBSCRIBED AND SWORN to before me this **15th** day of **October**, 2010


NOTARY PUBLIC in and for the State of South Carolina
My Commission Expires: 3/20/12

FOR: Korn Law Firm, P.A.
REF: 10-CP-10-7992

ORIGINAL PROOF OF
SERVICE

Tracking #: 6352841 CAE FIL



2010 OCT 15 AM 11:03
JULIE J. ARMSTRONG
CLERK OF COURT

FILED

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

Bank of America

Plaintiff/Petitioner

vs.
Cornell L. Williams, et al

Defendant/Respondent

Docket Number:
10-CP-10-7992

AFFIDAVIT OF NON SERVICE OF:
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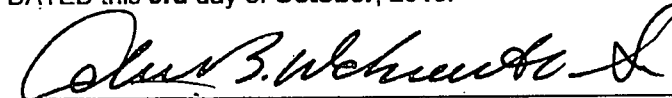
Affiant states s(he) attempted to serve **George Rodney Derrick** at the address of: **161 N Plaza Court, Mount Pleasant, Charleston County, SC 29464** and was unable to effect service for the following reasons:

10/2/2010 10:45 AM: ADDRESS IS LOCKED SECURE BUILDING, THE DEFENDANTS NAME IS NOT LISTED IN BUILDING CALL BOX.

Is the Subject Property a Mobile Home? (☒) NO () YES
Is a Mobile Home VIN # visible? () NO () YES

VIN #:

DATED this 3rd day of October, 2010.



ANDREW B. WADSWORTH, SR.

SUBSCRIBED AND SWORN to before me this 3rd day of October, 2010



NOTARY PUBLIC in and for the State of South Carolina
My Commission Expires: 3/20/12

FOR: Korn Law Firm, P.A.
REF: 10-CP-10-7992

ORIGINAL PROOF OF
SERVICE

Tracking #: 6352841 CAE FIL



2010 OCT -5 PM 1:01
JULIE J. ARMSTRONG
CLERK OF COURT

FILED

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

Bank of America

Plaintiff/Petitioner

vs.
Cornell L. Williams, et al

Defendant/Respondent

Docket Number:
10-CP-10-7992

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Complaint

The undersigned, being first duly sworn, on oath deposes and says: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

Affiant states s(he) attempted to serve **George Rodney Derrick** at the address of: **18 Francis St , Charleston, Charleston County, SC 29406** and was unable to effect service for the following reasons:

10/12/2010 8:00 AM: Vacant Location

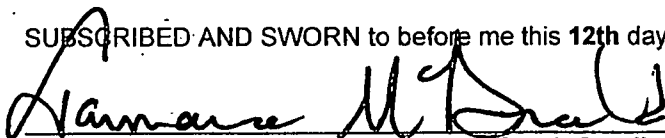
Is the Subject Property a Mobile Home? (☒) NO () YES
Is a Mobile Home VIN # visible? () NO () YES VIN #: _____

DATED this 12th day of October, 2010.



ANDREW B. WADSWORTH, SR.

SUBSCRIBED AND SWORN to before me this 12th day of October, 2010



NOTARY PUBLIC in and for the State of South Carolina
My Commission Expires: 3/20/12



FOR: Korn Law Firm, P.A.
REF: 10-CP-10-7992

ORIGINAL PROOF OF
SERVICE

Tracking #: 6352841 CAE FIL



BY _____

JULIE J. ARMSTRONG
CLERK OF COURT

2010 OCT 14 AM 11:13

FILED

7992

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

Bank of America

Plaintiff/Petitioner

vs.
Cornell L. Williams, et al

Defendant/Respondent

Docket Number:
10-CP-10-7992

AFFIDAVIT OF NON SERVICE OF:
Civil Action Coversheet; Lis Pendens; Summons;
Complaint

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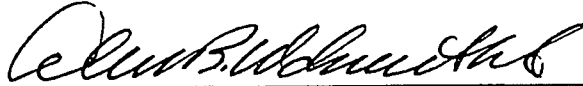
Affiant states s(he) attempted to serve **George Rodney Derrick** at the address of: **257 South Plaza Court, Mount Pleasant, Charleston County, SC 29464** and was unable to effect service for the following reasons:

10/19/2010 8:10 AM: LOCKED BUILDING, DEFENDANTS NAME NOT ON CALL BOX, UNABLE TO GAIN ENTRY.

Is the Subject Property a Mobile Home? () NO () YES
Is a Mobile Home VIN # visible? () NO () YES

VIN #: _____

DATED this 19th day of October, 2010.



ANDREW B. WADSWORTH, SR.

SUBSCRIBED AND SWORN to before me this 19th day of October, 2010



NOTARY PUBLIC in and for the State of South Carolina
My Commission Expires: 3/20/12

BY _____

JULIE J. ARMSTRONG
CLERK OF COURT

2010 OCT 21 AM 11:12

FILED



FOR: Korn Law Firm, P.A.
REF: 10-CP-10-7992

ORIGINAL PROOF OF
SERVICE

Tracking #: 6352841 CAE FIL



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

Bank of America

Plaintiff/Petitioner

vs.
Cornell L. Williams, et al

Defendant/Respondent

Docket Number:
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Complaint

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Affiant states s(he) attempted to serve **George Rodney Derrick** at the address of: **121 Calhoun Street , Charleston, Charleston County, SC 29401** and was unable to effect service for the following reasons:

10/27/2010 3:38 PM: The defendant does not reside at the above address, it is an apartment building that he owns, but he does not reside there.

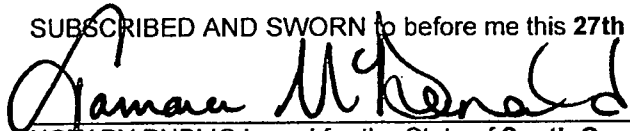
Is the Subject Property a Mobile Home? () NO () YES
Is a Mobile Home VIN # visible? () NO () YES

VIN #:

DATED this 27th day of October, 2010.


ANDREW B. WADSWORTH, SR.

SUBSCRIBED AND SWORN to before me this 27th day of October, 2010


NOTARY PUBLIC in and for the State of South Carolina
My Commission Expires: 3/20/12

FOR: Korn Law Firm, P.A.
REF: 10-CP-10-7992

ORIGINAL PROOF OF
SERVICE

Tracking #: 6352841 CAE FIL



BY

JULIE J. ARMSTRONG
CLERK OF COURT

2010 OCT 29 AM 10:59

FILED

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

Bank of America

Plaintiff/Petitioner

vs.
Cornell L. Williams, et al

Defendant/Respondent

Docket Number:
10-CP-10-7992

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Complaint

The undersigned, being first duly sworn, on oath deposes and says: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

Affiant states s(he) attempted to serve **George Rodney Derrick** at the address of: **8930 Selah Street , Charleston, Charleston County, SC 29406** and was unable to effect service for the following reasons:

10/30/2010 12:50 PM: Vacant Location

Is the Subject Property a Mobile Home? () NO () YES
Is a Mobile Home VIN # visible? () NO () YES

VIN #: _____

DATED this **31st** day of **October, 2010**.

J.A. COX

SUBSCRIBED AND SWORN to before me this **31st** day of **October, 2010**

Notary Signature
NOTARY PUBLIC in and for the State of **South Carolina**
My Commission Expires: 3/20/12

FOR: **Korn Law Firm, P.A.**
REF: **10-CP-10-7992**

ORIGINAL PROOF OF
SERVICE

Tracking #: **6352841 CAE FIL**



BY _____

JULIE J. ARMSTRONG
CLERK OF COURT

2010 NOV -1 AM 10:55

FILED

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

Bank of America

Plaintiff/Petitioner

vs.
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Affiant states s(he) attempted to serve **George Rodney Derrick** at the address of: **115 Rutledge Avenue Apt B, Charleston, Charleston County, SC 29401** and was unable to effect service for the following reasons:

11/12/2010 11:35 AM: Per resident, Subject does not reside here

Is the Subject Property a Mobile Home? () NO () YES

Is a Mobile Home VIN # visible? () NO () YES

VIN #:

DATED this 15th day of November, 2010.



ANDREW B. WADSWORTH, SR.

SUBSCRIBED AND SWORN to before me this 15th day of November, 2010



NOTARY PUBLIC in and for the State of South Carolina

My Commission Expires: 3/20/12



FOR: Korn Law Firm, P.A.
REF: 10-CP-10-7992

ORIGINAL PROOF OF
SERVICE

Tracking #: 6352841 CAE FIL



FILED

NOV 16 AM 11:24
JULIE J. ARMSTRONG
CLERK OF COURT

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

Bank of America

Plaintiff/Petitioner

vs.
Cornell L. Williams, et al

Defendant/Respondent

Docket Number:
10-CP-10-7992

AFFIDAVIT OF NON SERVICE OF:
Civil Action Coversheet; Lis Pendens; Summons;
Complaint

The undersigned, being first duly sworn, on oath deposes and says: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

Affiant states s(he) attempted to serve **George Rodney Derrick** at the address of: **11 Drake Street , Charleston, Charleston County, SC 29403** and was unable to effect service for the following reasons:

11/12/2010 11:46 AM: Per resident, Subject does not reside here

Is the Subject Property a Mobile Home? () NO () YES

Is a Mobile Home VIN # visible? () NO () YES VIN #:

DATED this **15th** day of **November, 2010**.



ANDREW B. WADSWORTH, SR.

SUBSCRIBED AND SWORN to before me this **15th** day of **November, 2010**



NOTARY PUBLIC in and for the State of **South Carolina**
My Commission Expires: **3/20/12**

FOR: **Korn Law Firm, P.A.**
REF: **10-CP-10-7992**

ORIGINAL PROOF OF
SERVICE

Tracking #: **6352841 CAE FIL**



2010 NOV 16 AM 11:25
JULIE J. ARMSTRONG
CLERK OF COURT

FILED



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

Bank of America,

Plaintiff/Petitioner

vs

Cornell L. Williams, et al

Defendant/Respondent

Docket Number
10-CP-10-7992

AFFIDAVIT OF NON SERVICE OF.
Civil Action Coversheet; LIS PENDENS
SUMMONS; COMPLAINT

FILED
2011 JAN 26 AM 11:16
JULIE J. ARMSTRONG
CLERK OF COURT
BY

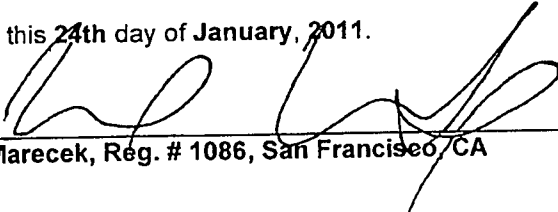
The undersigned, being first duly sworn, on oath deposes and says: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

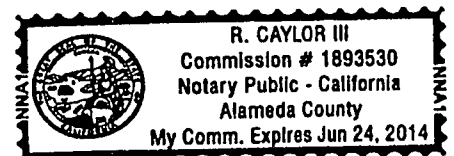
Affiant states s(he) attempted to serve **George Rodney Derrick** at the address of. **1776 Sacramento Street Apt 709, San Francisco, San Francisco County, CA 94109** and was unable to effect service for the following reasons.

1/18/2011 8:18 PM: Apt./Condo complex, defendants name not in the directory, no answer at the door - lights on inside
1/19/2011 4:26 PM: No Access to subject's door (female resident denied access - secure building), no answer at the intercom machine(name under #709 is D. & A FANINN) left door tag
1/20/2011 8:47 AM: No Access to subject's door (secured entry)
1/21/2011 5:43 PM: No Answer at the door, quiet inside
1/22/2011 9:32 AM: No Access to subject's door (secured entry)
1/23/2011 6:42 PM: No Access to subject's door (secured entry waited 10min outside building) no answer - intercom #709
1/24/2011 10:00 AM: Ann, Resident contacted ABC via phone, stated servee does not reside at this address, she is 3-year resident. Called from: 707-272-3199

Is the Subject Property a Mobile Home? () NO () YES
Is a Mobile Home VIN # visible? () NO () YES VIN #: _____

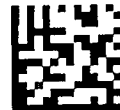
DATED this 24th day of January, 2011.


Karel Marecek, Reg. # 1086, San Francisco, CA



SUBSCRIBED AND SWORN to before me this 24th day of January, 2011


NOTARY PUBLIC in and for the State of California
My Commission Expires: 6/24/14



FOR: Korn Law Firm, P.A.
REF: 10-CP-10-7992

ORIGINAL PROOF OF
NON-SERVICE

Tracking #: 6583860 CAE



STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

Bank of America, f/k/a Countrywide)
Home Loans, d/b/a America's)
Wholesale Lending,)
Plaintiff,)

C/A NO: 2010-CP-10-7992

vs.)

PETITION FOR ORDER OF PUBLICATION

Cornell L. Williams, Deborah P.)
Williams, George Rodney Derrick)
And Mary Scarborough, as)
Delinquent Tax Collector for)
Charleston County,)

Defendants)

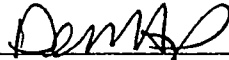
K10-03464

FILED
2011 JAN 20 PM 12:22
JULIE J. ARMSTRONG
CLERK OF COURT
BY

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

1. That he is the attorney for the Plaintiff in the above-entitled action.
2. That this action was brought to set aside a tax sale, on certain real property in Charleston County, South Carolina.
3. That after diligent and reasonable search, the following Defendant George Rodney Derrick could not be found within this State, although his last address was 86 Seaside Cottage Lane, Isle of Palms, SC 29451; and that your deponent is informed and believes that the Defendant may reside outside of said State or be temporarily absent from said State.
4. That deponent is informed and believes that under the circumstances, the Court should issue an Order requiring that the Summons and Complaint in this action be served upon the Defendant George Rodney Derrick by publication of a copy of the Summons and Notice in this case according to the publication statutes of the State of South Carolina.

KORN LAW FIRM, P.A.



Dean A. Hayes, S.C. Bar #66066

1300 Pickens Street

Post Office Box 12369

Columbia, South Carolina 29211

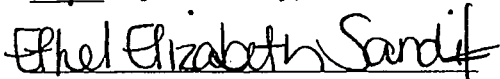
Telephone: (803) 252-5817

Facsimile: (803) 231-2060

ATTORNEY FOR PLAINTIFF

SWORN to before me this

19 day of January, 2011



Notary Public for South Carolina

My Commission Expires: July 6, 2014

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

Bank of America f/k/a Countrywide)
Home Loans, d/b/a America's)
Wholesale Lending,)
Plaintiff,)

C/A NO: 2010-CP-10-7992

vs.

ORDER OF PUBLICATION

Cornell L. Williams, Deborah P.)
Williams, George Rodney Derrick,)
And Mary Scarborough, as)
Delinquent Tax Collector for)
Charleston County,)
Defendant.)

K10-03464

BY

JULIE J. ARMSTRONG
CLERK OF COURT

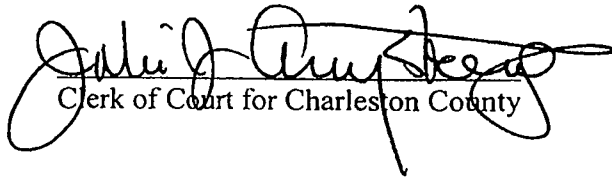
2011 JAN 20 PM 12:22

FILED

IT APPEARING to my satisfaction from the Affidavit and the pleadings previously filed herein, that a cause of action to set aside a tax sale, on real property located in Charleston County, South Carolina, exists and that the Defendant George Rodney Derrick could not be located within the State of South Carolina and after a diligent search could not be found therefore, personal service cannot be obtained.

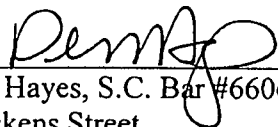
NOW THEREFORE ON MOTION OF KORN LAW FIRM, P.A., Attorney for the Plaintiff,

IT IS ORDERED that service of Summons and Complaint in this action be made upon the Defendant George Rodney Derrick by publication of the said Summons, together with the Notice, once a week for three (3) consecutive weeks in The Post and Courier, a newspaper printed and published in the County and State aforesaid; and that a copy of Summons and Complaint be mailed to the Defendant George Rodney Derrick, at his last known address.


Clerk of Court for Charleston County

January 20, 2011
Charleston, South Carolina

WE SO MOVE:
KORN LAW FIRM, P.A.


Dean A. Hayes, S.C. Bar #66066
1300 Pickens Street
Post Office Box 12369
Columbia, South Carolina 29211
Telephone: (803) 252-5817
Facsimile: (803) 231-2060
ATTORNEY FOR PLAINTIFF

R. David Chard
Attorney at Law
 2050 Spaulding Drive, Suite 2
 North Charleston, South Carolina 29406
dchard@knology.net

Office: (843) 554-6984

Fax: (843) 554-6996

January 22, 2013

Dean Hayes, Esquire
 1300 Pickens Street
 Columbia, South Carolina 29211

by facsimile only (843) 252-5827

Re: Bank of America v. Cornell L. Williams, et al
Case No.: 10-CP-10-7992
My File No.: 12-11058

Dear Dean:

I have been retained by George Rodney Derrick to represent him in the captioned case. That caused me to research the case on the internet and review the pleadings. It does appear that no action has occurred in nearly one year. What is the status of the case? Please send a short note to me and apprise me of the status of this case.

Mr. Derrick was never served with a copy of your Summons and Complaint. The Affidavit of Service indicates that your process server attempted to serve him at 8930 Selah Street in North Charleston. Mr. Derrick has never resided at that address. For several years he has lived in Mount Pleasant.

If Bank of America is still pursuing this action I would like to appear. Will you consent?

Please let me hear from you as soon as possible.

With kind regards,

R. David Chard

R. David Chard

RDG/ljbc

cc: *George Rodney Derrick via mail only georgerodnevderick@gmail.com



#PCS:
4

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Bank of America f/k/a/ Countrywide Home
Loans, d/b/a America's Wholesale Lending,

Plaintiff,

vs.

Cornell L. Williams, Deborah P. Williams,
George Rodney Derrick, and Mary
Scarborough, as Delinquent Tax Collector for
Charleston County,

Defendants.

IN THE COURT OF COMMON PLEAS

ORDER REQUIRING TRANSFER OF
PROPERTY, AND IN THE
ALTERNATIVE, VACATING TAX SALE

C/A NO: 2010-CP-10-7992

FILED
J. ARHSTING
CLERK OF COURT

2013 OCT -2 PM 4:05

FILED

After a hearing in this matter, I find, conclude and order as follows:

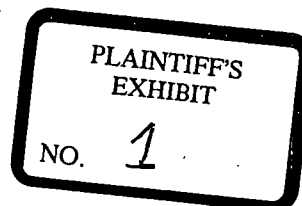
FINDINGS OF FACT

1. That on or about January 17, 2007, Cornell L. Williams and Deborah P. Williams, for value received, did execute and deliver to Countrywide Home Loans d/b/a America's Wholesale Lender, a promissory note agreeing to pay Plaintiff, its successors and assigns, the principal sum of \$212, 500.00, together with interest at the rate set forth in the note.

2. That in order to better secure the payments of the promissory note, Cornell L. Williams and Deborah P. Williams, on January 17, 2007, executed and delivered to Countrywide Home Loans, d/b/a America's Wholesale Lender, its successors and assigns, a mortgage covering the following described property situated in the County of Charleston ("real property"):

Legal Description and Property Address:

All that lot of land, together with any and all improvements thereon, situate, lying and being on the West side of Drake Street, in the City and State aforesaid, and known by the Number Eight (8) on a plat of twelve lots of land formerly of James Wiley, made by Simons & Howe, Surveyors, and dated December 1878. Measuring and containing on the North and South lines Ninety (90) feet and on the East and West lines Thirty-Two (32) feet, being the same more or less. Butting and bounding North on lot Number seven; East on Drake Street; South on lot Numbers Nine and Ten, and West on lot Number Eleven on said plat.



This being the same property conveyed to Cornell L Williams and Deborah P. Williams by deed of Robert L. Huger, dated July 30, 2004, recorded August 3, 2004, in the Office of the Register of Deeds for Charleston County in Book H504 at page 303.

TMS# 459-06-06-038

Property Address: 111 Drake Street, Charleston, South Carolina 29403

3. The mortgage was recorded in Book Z618 at page 880 on March 19, 2007, in the Office of the Register of Deeds for Charleston County.

4. That on or about November 3, 2008, Mary Scarborough, as Director of the Delinquent Tax Department for the County of Charleston, did cause to be sold the real property at public sale for non-payment of 2007 taxes to George Rodney Derrick, as the highest bidder at the sale.

5. That George Rodney Derrick bid \$45,000.00 for the real property at the tax sale, resulting in an overage of approximately 40,000.000, which is presently being held by Mary Scarborough, as Director of the Delinquent Tax Department for the County of Charleston.

6. That a tax deed was subsequently issued by Mary Scarborough, as Director of the Delinquent Tax Department for the County of Charleston, conveying the real property to George Rodney Derrick and was recorded May 10, 2010, in the Office of the Register of Deeds for Charleston County in Book 0121 at Page 414.

7. That S.C. Code Ann. § 12-51-120 provides that "[n]either more than forty-five days nor less than twenty days before the end of the redemption period for real estate sold for taxes, the person officially charged with the collection of delinquent taxes shall mail a notice by 'certified mail, return receipt requested-restricted delivery' as provided in Section 12-51-40(b) to the defaulting taxpayer and to a grantee, mortgagee, or lessee of the property of record in the appropriate public records of the county. The notice must be mailed to the best address of the owner available to the person officially charged with the collection of delinquent taxes that the real property described on the notice has been sold for taxes and if not redeemed by paying taxes, assessments, penalties, costs, and interest at the applicable rate on the bid price in the total amount of ____ dollars on or before ____ (twelve months from date of sale) (date) _____, a tax title must be delivered to the successful purchaser at the tax sale."

8. That pursuant to *Donohue v. Ward*, 298 S.C. 75, 83, 378 S.E.2d 261, 265 (Ct. App.

* C. Rod Derrick was properly served by publication in this matter. 

1989), "[f]ailure to give proper notice is a fundamental defect that renders the proceedings absolutely void."

CONCLUSIONS OF LAW

The tax sale conducted on November 3, 2008 is invalid for failure to comply with the material notice provisions of the South Carolina Code of Laws.

timely provided Notice of the Redemption Period, the lender was not

IT IS HEREBY ORDERED that the tax sale purchaser, George Rodney Derrick, convey the real property that is the subject of this action to the defaulting taxpayer, Cornell L. Williams, within 90 days of this order.

IT IS FURTHER ORDERED that if the tax sale purchaser, George Rodney Derrick, fails to convey the property to defaulting taxpayer, Cornell L. Williams within 90 days of this order, the tax sale conducted on November 3, 2008 shall be set aside and the tax deed issued to the tax sale purchaser shall be declared void.

IT IS FURTHER ORDERED that upon transfer of the property or the tax sale being set aside, the mortgage held by Plaintiff shall reattach to the subject property.

IT IS SO ORDERED!

9/3, 2013
Charleston, South Carolina
NAPDXX10-03464

[Signature]
THE HONORABLE MIKELL R. SCARBOROUGH
MASTER IN EQUITY FOR CHARLESTON COUNTY

EST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P. & G.S.

[Signature]
DEPUTY CLERK

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Bank of America f/k/a/ Countrywide Home
Loans, d/b/a America's Wholesale Lending,

Plaintiff,

vs.

Cornell L. Williams, Deborah P. Williams,
George Rodney Derrick, and Mary
Scarborough, as Delinquent Tax Collector for
Charleston County,

Defendants.

IN THE COURT OF COMMON PLEAS

C/A NO: 2010-CP-10-7992

ORDER OF CONVEYANCE OF
PROPERTY,

JULIE J. ARMSTRONG
CLERK OF COURT

2014 APR 24 PM 1:05

FILED

After a review of the Defendants' Motion and the file in this matter, I find, conclude and order as follows:

FINDINGS OF FACT

1. That on or about October 2, 2013, this Court Ordered that Defendant George Rodney Derrick transfer title of the property in question and described below to Defendants Cornell L. Williams and Deborah P. Williams within 90 days, or by January 9, 2014 or the Tax Deed would be declared void.

Legal Description and Property Address:

All that lot of land, together with any and all improvements thereon, situate, lying and being on the West side of Drake Street, in the City and State aforesaid, and known by the Number Eight (8) on a plat of twelve lots of land formerly of James Wiley, made by Simons & Howe, Surveyors, and dated December 1878. Measuring and containing on the North and South lines Ninety (90) feet and on the East and West lines Thirty-Two (32) feet, being the same more or less. Butting and bounding North on lot Number seven; East on Drake Street; South on lot Numbers Nine and Ten, and West on lot Number Eleven on said plat.

This being the same property conveyed to Cornell L. Williams and Deborah P. Williams by deed of Robert L. Huger, dated July 30, 2004, recorded August 3, 2004, in the Office of the Register of Deeds for Charleston County in Book H504 at page 303.

TMS# 459-06-03-038

2. That as of this date, Defendant George Rodney Derrick has not complied with this Order, resulting in the necessity of this Court to execute a Masters Deed thus effectuating the intent of the Original Order and so that Equity may be served.

CONCLUSION OF LAW

The Pursuant to Rules 70 and 60 of the South Carolina Rules of Civil Procedure and the Defendants failure to Comply with the October 2, 2013 Order of this court a Master Deed divesting George Rodney Derrick of his interest in the property is the appropriate remedy in equity.

ORDERS

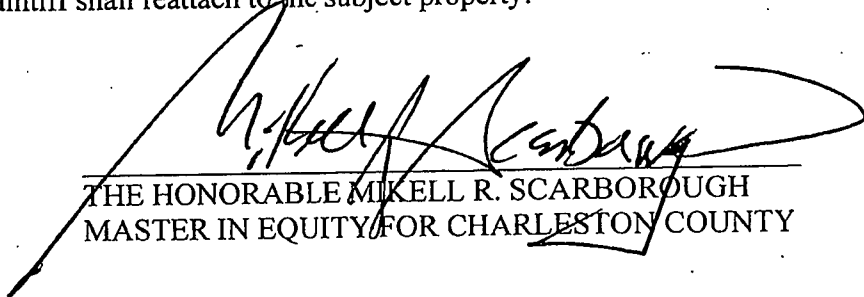
IT IS HEREBY ORDERED that the tax sale purchaser, George Rodney Derrick, is hereby divested of his interest in the instant property,

IT IS FURTHER ORDERED, the tax sale conducted on November 3, 2008 is hereby set aside and the tax deed issued to the tax sale purchaser is declared void.

IT IS FURTHER ORDERED that upon transfer of the property or the tax sale being set aside, the mortgage held by Plaintiff shall reattach to the subject property.

IT IS SO ORDERED!

9/24, 2014
Charleston, South Carolina
N:\PD\X10-03464



THE HONORABLE MIKELL R. SCARBOROUGH
MASTER IN EQUITY FOR CHARLESTON COUNTY

MASTER'S DEED

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

Court File No. 2010-CP10-7992

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, MIKELL R. SCARBOROUGH, AS MASTER IN EQUITY FOR CHARLESTON COUNTY IN THE SAID STATE, SEND GREETING:

WHEREAS, in an action in the Court of Common Pleas between Plaintiff, Bank of America, f/k/a Countrywide Home Loans, d/b/a America's Wholesale Lending, N.A., and Defendants Cornell L. Williams, Deborah P. Williams, George Rodney Derrick, and Mary Scarborough, as Delinquent Tax Collector for Charleston County, Court File No. 2010-CP10-7992, by an Order Dated October 2, 2013, it was Ordered that Defendant George Rodney Derrick shall convey his interest in the property hereinafter described to Defendants Cornell L. Williams and Deborah P. Williams within 90 days or the tax deed issued to Defendant George Rodney Derrick shall be void on or about the 9th day of January, in the year of our Lord Two-Thousand and Fourteen.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that I, Mikell R. Scarborough, Master in Equity in and for the County of Charleston, State aforesaid, in consideration of the sum of Five (\$5.00) DOLLARS, to me in hand paid by the said Defendant, the receipt and sufficiency whereof is hereby acknowledged, HAVE GRANTED, bargained, sold and released, and by these presents, DO GRANT, bargain, sell and release unto the GRANTEES Cornell L. Williams and Deborah P. Williams _____, its successors and assigns forever, the following described property, to wit:

All that lot of land, together with any and all improvements thereon, situate, lying and being on the West side of Drake Street, in the City and State aforesaid, and known by the Number Eight (8) on a plat of twelve lots of land formerly of James Wiley, made by Simons & Howe, Surveyors, and dated December 1878. Measuring and containing on the North and South lines Ninety (90) feet and on the East and West lines Thirty-Two (32) feet, being the same more or less. Butting and bounding North on lot Number seven; East on Drake Street; South on lot Numbers Nine and Ten, and West on lot Number Eleven on said plat.

This being the same property conveyed to Cornell L. Williams and Deborah P. Williams by deed of Robert L. Huger, dated July 30, 2004, recorded August 3, 2004, in the Office of the Register of Deeds for Charleston County in Book H504 at page 303.

TMS# 459-06-0p-038

aka 111 Drake St. Chas, SC 29403

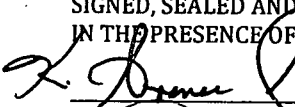
TOGETHER with all and singular the Rights, Members, Hereditaments and Appurtenances to the said premises belonging, or in anywise incident or appertaining; and all the estate, right, title, claim, and interest whatsoever of the parties to the cause aforesaid, and each of them, in and to the same, and of all other persons rightfully claiming, from, under or by these or any of them.

TO HAVE AND TO HOLD, all and singular, the premises before mentioned, unto the said grantees, its successors and assigns forever.

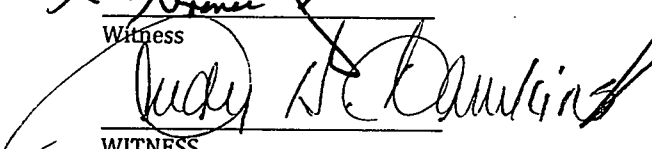
IN WITNESS WHEREOF, I, the said Special Referee in and for the County aforesaid, under and by virtue of the aforesaid Decree, have hereunto set my Hand and Seal, this 15 day of April in the year of our Lord Two Thousand And Fourteen, and in the two hundred and thirty-eighth year of the Independence of the United States of America.

GRANTEES ADDRESS

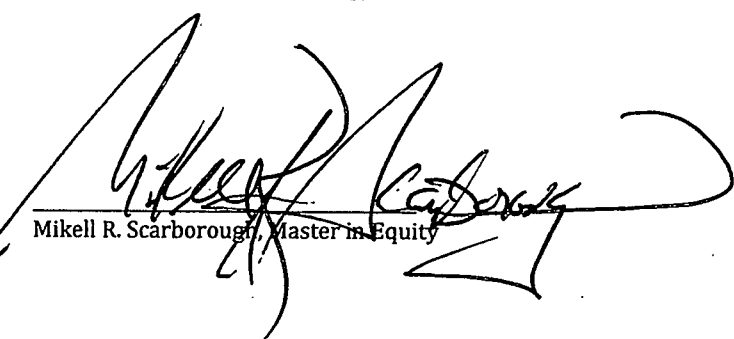
SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:



Witness



WITNESS



Mikell R. Scarborough, Master in Equity

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

PERSONALLY APPEARED before me K. Spencer Craig and made oath that (s)he saw the within named
I, Mikell R. Scarborough, Master in Equity for Charleston County, sign, seal and as his act and deed, deliver the within
written Master's Deed, and that (s)he with the other witness witnessed the due execution thereof.

K. Spencer Craig

SWORN to before me this

21st day of Apr 2014.

W. H. Sammons
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 11/27/22

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Bank of America

Plaintiff,

vs.

George Rodney Derrick, et, al.

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

CASE NO.: 2010-CP-10-7992

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's Attorney:

_____, Bar No. _____

Address:

Phone: _____ Fax _____

E-mail: _____ Other: _____

Defendant's Attorney:

Steven L. Smith, Bar No. 05173

Address:

Smith | Closser

P.O. Box 40578

Charleston, SC 29423

Phone: 843-760-0220 Fax 843-552-2678

E-mail: ssmith@scnlaw.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: Motion to Alter or Amend Order Pursuant to Rule 60(b)

Estimated Time Needed: 15 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 _____ 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

Bank of America f/k/a Countrywide Home
Loans, d/b/a America's Wholesale Lending

Plaintiff.

vs.

Cornell L. Williams, Deborah P. Williams,
George Rodney Derrick and Mary
Scarborough, as Delinquent Tax Collector for
Charleston County

Defendants.

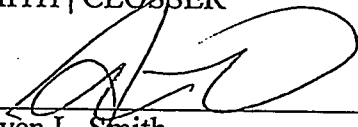
IN THE COURT OF COMMON PLEAS
IN THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2010-CP-10-7992

Notice of Motion and
Motion to Alter to Amend Order
Pursuant to Rule 60(b)

FILED
2014 MAY -8 AM 10:43
JULIE J. AMSTRONG
CLERK OF COURT

YOU WILL PLEASE TAKE NOTICE, that the undersigned, as attorney for the Defendant, George Rodney Derrick, will move before Mikell R. Scarborough within ten (10) days from the service of this Motion or as soon thereafter as Counsel may be heard, for a Motion to Alter to Amend Order Pursuant to Rule 60(b) filed on October 13, 2013. The basis of this Motion to to Alter to Amend Order Pursuant to Rule 60(b) is that the Defendant, George Rodney Derrick, was never properly served and that the Plaintiff does not have standing to bring this action.

SMITH | CLOSSER


Steven L. Smith
SC Bar No.: 05173
7455 Cross County Road, Suite 1
P.O. Box 40578
Charleston, SC 29423-0578
843-760-0220
Attorney for the Defendant
George Rodney Derrick

5-8, 2014
Charleston, South Carolina
14-089

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Bank of America f/k/a Countrywide Home
Loans, d/b/a America's Wholesale Lending

Plaintiff.

vs.

Cornell L. Williams, Deborah P. Williams,
George Rodney Derrick and Mary
Scarborough, as Delinquent Tax Collector for
Charleston County

Defendants.

IN THE COURT OF COMMON PLEAS
IN THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2010-CP-10-7992

Certificate of Service

The undersigned hereby certifies that a true and accurate copy of the foregoing Defendants' to Alter to Amend Order Pursuant to Rule 60(b) was served this 8th day of May, via U.S. Mail, postage prepaid, and/or hand delivery upon the following:

Dean Hayes
P.O. Box 11264
Columbia, SC 29211

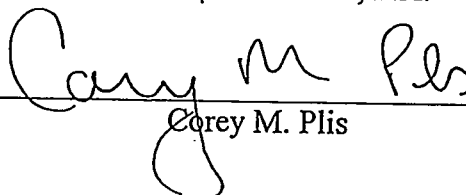
Daniel M. Bradley
P.O. Box 2061
Mount Pleasant, SC 29465

Bernard E. Ferrara, Jr.
Mary Scarborough
4045 Bridge View Drive
North Charleston, SC 29405

R.W. Lingerfelter
995 Morrison Drive
Charleston, SC 29403

FILED
2014 MAY - 8 AM 10:43
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

SMITH | CLOSSER, P.A.


Corey M. Plis

5-8, 2014
Charleston, South Carolina
14-089

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 - 7992

Bank of America f/k/a Countrywide Home Loans, d/b/a
America's Wholesale Lending

Cornell L. Williams, Deborah P. Williams, George
Rodney Derrick and Mary Scarborough, as Delinquent
Tax Collector for Charleston County

ORIGINAL
RECEIVED

MAY 9 2014

SC Court Appeals

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 :

The Court finds that Defendant Derrick was served by publication, and therefore, the Motion to Reconsider is respectfully denied.

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)
N/A		\$
		\$
		\$

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

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
SCRPC Form 4C (10/2011)

3062
Judge Code

5/6/14
Date

Page 1 of 2

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)

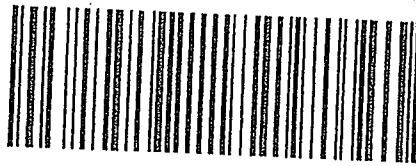
ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

DRN LAW FIRM

1300 PICKENS STREET
P.O. BOX 12369
COLUMBIA, SC 29211-2369



7006 2150 0002 3529 3940

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: F

George Rodney Demick
PO Box 804
Charleston, SC 29402

2. Article Number
(Transfer from service label)

PS Form 3811, February 2004

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 Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☒ Yes

7006 2150 0002 3529 3940

Domestic Return Receipt

102595-02-M-1540

U.S. Postal Service CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

Postmark
Here

K10-03464

Sent To

George Rodney Demick

Street, Apt. No.,
or PO Box No.

PO Box 804

City, State, ZIP+4

Charleston, SC 29402

PS Form 3800, August 2005

See Reverse for Instructions

ORN LAW FIRM

1300 PICKENS STREET
P.O. BOX 12369
COLUMBIA, SC 29211-2369



7006 2150 0002 3529 3971

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
☒ 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.		A. Signature X ☐ Agent ☐ Addressee	
1. Article Addressed to: F George Rodney Derrick 86 Seaside Cottage Lane Isle of Palms, SC 29451		B. Received by (Printed Name)	C. Date of Delivery
2. Article Number (Transfer from service label) 7006 2150 0002 3529 3971		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
PS Form 3811, February 2004		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☒ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
Domestic Return Receipt		4. Restricted Delivery? (Extra Fee) ☒ Yes	
		102595-02-M-1540	

U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
(Domestic Mail Only. No Insurance Coverage Provided)	
For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	Postmark Here K10-03464
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To Street, Apt. No., or PO Box No. George Rodney Derrick 86 Seaside Cottage Lane City, State, ZIP+4 Isle of Palms, SC 29451	
PS Form 3800, August 2006 See Reverse for Instructions	

Search Terms Used - Last Name: **DERRICK**; First Name: **GEORGE**; Middle Name: **R**; State: **SC**;

Result Page: 1 2 3

☐ Edit Search ☐ New Search ☐ Print Results ☐ Export to Excel

All	Full Name	SSN	Address	Phone	Next Steps
1.	☐ GEORGE R DERRICK Gender: Male ☐ Setup Alert	REDACTED	18 FRANCIS ST CHARLESTON SC 29403-4138 Apr 10 - Aug 10	REDACTED	• Relatives • Neighbors • Associates • Relatives, Neighbors & Associates • People at Work

Reports: ☐ [Comprehensive Report](#) ☐ [Other Reports](#) ☐ [Relavint Report](#) ☐ [Finder Report](#) ☐ [Address Report](#) ☐ [Contact Card Report](#) ☐ [Court Search](#) Learn how Accurint Reports can assist you: [See Examples](#)

2.	☐ GEORGE R DERRICK Gender: Male	121 CALHOUN ST APT CHARLESTON SC 29401-3511 May 10	• Relatives • Neighbors • Associates • Relatives, Neighbors & Associates
----	--	--	---

Reports: ☐ [Comprehensive Report](#) ☐ [Other Reports](#) ☐ [Relavint Report](#) ☐ [Address Report](#) Learn how Accurint Reports can assist you: [See Examples](#)

3.	☐ GEORGE R DERRICK Gender: Male	115 RUTLEDGE AVE APT B CHARLESTON SC 29401-1353 Dec 05 - Jan 10	• Relatives • Neighbors • Associates • Relatives, Neighbors & Associates
----	--	---	---

Reports: ☐ [Comprehensive Report](#) ☐ [Other Reports](#) ☐ [Relavint Report](#) ☐ [Address Report](#) Learn how Accurint Reports can assist you: [See Examples](#)

4.	☐ GEORGE R DERRICK Gender: Male	~~1429A TARA RD CHARLESTON SC 29407-5133 Dec 84 - Apr 85~~	• Relatives • Neighbors • Associates • Relatives, Neighbors & Associates
----	--	---	---

Reports: ☐ [Comprehensive Report](#) ☐ [Other Reports](#) ☐ [Relavint Report](#) ☐ [Address Report](#) Learn how Accurint Reports can assist you: [See Examples](#)

5.	☐ GEORGE RODNEY DERRICK Gender: Male	8930 SELAH ST CHARLESTON SC 29406-9035 1970 - Jul 10	• Relatives • Neighbors • Associates • Relatives, Neighbors & Associates
----	---	--	---

Reports: ☐ [Comprehensive Report](#) ☐ [Other Reports](#) ☐ [Relavint Report](#) ☐ [Address Report](#) Learn how Accurint Reports can assist you: [See Examples](#)

6.	☐ GEORGE RODNEY DERRICK Gender: Male	610 WATEREE DR APT CHARLESTON SC 29407-6601 May 10	• Relatives • Neighbors • Associates • Relatives, Neighbors & Associates
----	---	--	---

Reports: ☐ [Comprehensive Report](#) ☐ [Other Reports](#) ☐ [Relavint Report](#) ☐ [Address Report](#) Learn how Accurint Reports can assist you: [See Examples](#)

7.	☐ GEORGE RODNEY DERRICK Gender: Male	1779 DISCO AVE N CHARLESTON SC 29405-5121 2008 - Mar 09	• Relatives • Neighbors • Associates • Relatives, Neighbors
----	---	---	--

& AssociatesReports: ☐ Comprehensive Report☐ Other Reports☐ Relavint Report☐ Address ReportLearn how Accurint Reports can assist you: [See Examples](#)8. ☐ ☐ **GEORGE RODNEY DERRICK**
Gender: Male2703 ORCHID AVE
N CHARLESTON SC 29405-6856
Apr 96 - Mar 09

- [Relatives](#)
- [Neighbors](#)
- [Associates](#)
- [Relatives, Neighbors & Associates](#)

Reports: ☐ Comprehensive Report☐ Other Reports☐ Relavint Report☐ Address ReportLearn how Accurint Reports can assist you: [See Examples](#)9. ☐ ☐ **GEORGE RODNEY DERRICK**
Gender: Male41 AMHERST ST
CHARLESTON SC 29403-5506
Nov 79 - Mar 09

- [Relatives](#)
- [Neighbors](#)
- [Associates](#)
- [Relatives, Neighbors & Associates](#)

Reports: ☐ Comprehensive Report☐ Other Reports☐ Relavint Report☐ Address ReportLearn how Accurint Reports can assist you: [See Examples](#)10. ☐ ☐ **GEORGE R DERRICK**
Gender: Male
DOB: 07/xx/1959 (51)
☐ Setup Alert

[REDACTED]

111 DRAKE ST
CHARLESTON SC 29403-6683
Apr 10 - Aug 10

[REDACTED] EDT

- [Relatives](#)
- [Neighbors](#)
- [Associates](#)
- [Relatives, Neighbors & Associates](#)
- [People at Work](#)

Reports: ☐ Comprehensive Report☐ Other Reports☐ Relavint Report☐ Finder Report☐ Address Report☐ Contact Card Report☐ Court SearchLearn how Accurint Reports can assist you: [See Examples](#)11. ☐ ☐ **GEORGE R DERRICK**
Gender: Male
[REDACTED]
☐ Setup Alert

[REDACTED]

18 BROAD ST UNIT R 602
CHARLESTON SC 29401-3015
2002 - Aug 10

[REDACTED] EDT

- [Relatives](#)
- [Neighbors](#)
- [Associates](#)
- [Relatives, Neighbors & Associates](#)
- [People at Work](#)

Reports: ☐ Comprehensive Report☐ Other Reports☐ Relavint Report☐ Finder Report☐ Address Report☐ Contact Card Report☐ Court SearchLearn how Accurint Reports can assist you: [See Examples](#)12. ☐ ☐ **GEORGE R DERRICK**
Gender: MaleGRADDICK RD
MT PLEASANT SC 29424
May 10

- [Relatives](#)
- [Associates](#)

Reports: ☐ Comprehensive Report☐ Other Reports☐ Relavint Report☐ Address ReportLearn how Accurint Reports can assist you: [See Examples](#)13. ☐ ☐ **GEORGE R DERRICK**
Gender: Male
[REDACTED]
☐ Setup Alert

[REDACTED]

257 S PLAZA CT UNIT 414
MT PLEASANT SC 29464-6302
2009 - Feb 10

- [Relatives](#)
- [Neighbors](#)
- [Associates](#)
- [Relatives, Neighbors & Associates](#)
- [People at Work](#)

Reports: ☐ Comprehensive Report☐ Other Reports☐ Relavint Report☐ Finder Report☐ Address Report☐ Contact Card Report☐ Court SearchLearn how Accurint Reports can assist you: [See Examples](#)14. ☐ ☐ **GEORGE R DERRICK**
Gender: Male

[REDACTED]

5 CONCH CT
ISLE OF PALMS SC 29451-2709[REDACTED] EDT
HAYS SCOTT

- [Relatives](#)
- [Neighbors](#)
- [Associates](#)

REDACTED

☐ Setup Alert

Aug 88 - Dec 09

- [Relatives, Neighbors & Associates](#)
- [People at Work](#)

Reports: ☐ [Comprehensive Report](#) ☐ [Other Reports](#) ☐ [Relavint Report](#) ☐ [Finder Report](#) ☐ [Address Report](#) ☐ [Contact Card Report](#) ☐ [Court Search](#)

Learn how Accurint Reports can assist you: [See Examples](#)

15. ☐ ☐ **GEORGE R DERRICK** **Gender: Male** **REDACTED** **5 CONCH CT** **REDACTED**
ISLE OF PALMS SC 29451-2709 EDT
 Aug 88 - Dec 09 HAYS SCOTT

- [Relatives](#)
- [Neighbors](#)
- [Associates](#)
- [Relatives, Neighbors & Associates](#)
- [People at Work](#)

Reports: ☐ [Comprehensive Report](#) ☐ [Other Reports](#) ☐ [Relavint Report](#) ☐ [Finder Report](#) ☐ [Address Report](#) ☐ [Contact Card Report](#) ☐ [Court Search](#)

Learn how Accurint Reports can assist you: [See Examples](#)

16. ☐ ☐ **GEORGE R DERRICK** **Gender: Male** **REDACTED** **5 CONCH CT** **REDACTED**
ISLE OF PALMS SC 29451-2709 EDT
 Aug 88 - Dec 09 HAYS SCOTT

- [Relatives](#)
- [Neighbors](#)
- [Associates](#)
- [Relatives, Neighbors & Associates](#)
- [People at Work](#)

Reports: ☐ [Comprehensive Report](#) ☐ [Other Reports](#) ☐ [Relavint Report](#) ☐ [Finder Report](#) ☐ [Address Report](#) ☐ [Contact Card Report](#) ☐ [Court Search](#)

Learn how Accurint Reports can assist you: [See Examples](#)

17. ☐ ☐ **GEORGE R DERRICK** **Gender: Male** **REDACTED** **1963 FERGUSON RD APT A** **REDACTED**
CHARLESTON SC 29412-8631 EDT
 Jul 09 - Nov 09

- [Relatives](#)
- [Neighbors](#)
- [Associates](#)
- [Relatives, Neighbors & Associates](#)
- [People at Work](#)

Reports: ☐ [Comprehensive Report](#) ☐ [Other Reports](#) ☐ [Relavint Report](#) ☐ [Finder Report](#) ☐ [Address Report](#) ☐ [Contact Card Report](#) ☐ [Court Search](#)

Learn how Accurint Reports can assist you: [See Examples](#)

18. ☐ ☐ **GEORGE R DERRICK** **Gender: Male** **REDACTED** **86 SEASIDE COTTAGE LN** **REDACTED**
ISLE OF PALMS SC 29451-2905 EDT
 Dec 05 - May 09

- [Relatives](#)
- [Neighbors](#)
- [Associates](#)
- [Relatives, Neighbors & Associates](#)
- [People at Work](#)

Reports: ☐ [Comprehensive Report](#) ☐ [Other Reports](#) ☐ [Relavint Report](#) ☐ [Finder Report](#) ☐ [Address Report](#) ☐ [Contact Card Report](#) ☐ [Court Search](#)

Learn how Accurint Reports can assist you: [See Examples](#)

19. ☐ ☐ **GEORGE R DERRICK** **Gender: Male** **REDACTED** **2153 EASTON ST** **REDACTED**
N CHARLESTON SC 29405-7996
 Mar 09
DOB: 07/xx/1959 (51)

- [Relatives](#)
- [Neighbors](#)
- [Associates](#)
- [Relatives, Neighbors & Associates](#)
- [People at Work](#)

Reports: ☐ [Comprehensive Report](#) ☐ [Other Reports](#) ☐ [Relavint Report](#) ☐ [Finder Report](#) ☐ [Address Report](#) ☐ [Contact Card Report](#) ☐ [Court Search](#)

Learn how Accurint Reports can assist you: [See Examples](#)

20. ☐ ☐ **GEORGE R DERRICK** **Gender: Male** **REDACTED** **FILLMORE ST** **REDACTED**
N CHARLESTON SC 29405
 Mar 09

- [Relatives](#)
- [Associates](#)
- [People at Work](#)

REDACTED

☐ Setup Alert

Reports: ☐ [Comprehensive Report](#) ☐ [Other Reports](#) ☐ [Relavint Report](#) ☐ [Finder Report](#) ☐ [Address Report](#) ☐ [Contact Card Report](#) ☐ [Court Search](#)

Learn how Accurint Reports can assist you: [See Examples](#)

21. ☐ ☐ **GEORGE R DERRICK**
Gender: Male
DOB: 07/xx/1959 (51)
☐ Setup Alert

REDACTED

FOLLY RD
CHARLESTON SC 29412
☐ Tax return preparation service.
☐ Addressing or letter service.

- [Relatives](#)
- [Associates](#)
- [People at Work](#)

Mar 09

Reports: ☐ [Comprehensive Report](#) ☐ [Other Reports](#) ☐ [Relavint Report](#) ☐ [Finder Report](#) ☐ [Address Report](#) ☐ [Contact Card Report](#) ☐ [Court Search](#)

Learn how Accurint Reports can assist you: [See Examples](#)

22. ☐ ☐ **GEORGE R DERRICK**
Gender: Male
REDACTED
☐ Setup Alert

REDACTED

FURR ST
CHARLESTON SC 29406
Mar 09

- [Relatives](#)
- [Associates](#)
- [People at Work](#)

Reports: ☐ [Comprehensive Report](#) ☐ [Other Reports](#) ☐ [Relavint Report](#) ☐ [Finder Report](#) ☐ [Address Report](#) ☐ [Contact Card Report](#) ☐ [Court Search](#)

Learn how Accurint Reports can assist you: [See Examples](#)

23. ☐ ☐ **GEORGE R DERRICK**
Gender: Male

HUGHES RD
JOHNS ISLAND SC 29455
Mar 09

- [Relatives](#)
- [Associates](#)

Reports: ☐ [Comprehensive Report](#) ☐ [Other Reports](#) ☐ [Relavint Report](#) ☐ [Address Report](#)

Learn how Accurint Reports can assist you: [See Examples](#)

24. ☐ ☐ **GEORGE R DERRICK**
Gender: Male

KINGS GATE LN
MT PLEASANT SC 29466
Mar 09

- [Relatives](#)
- [Associates](#)

Reports: ☐ [Comprehensive Report](#) ☐ [Other Reports](#) ☐ [Relavint Report](#) ☐ [Address Report](#)

Learn how Accurint Reports can assist you: [See Examples](#)

25. ☐ ☐ **GEORGE R DERRICK**
Gender: Male
REDACTED
☐ Setup Alert

REDACTED

SIRES ST
CHARLESTON SC 29403
Mar 09

- [Relatives](#)
- [Associates](#)
- [People at Work](#)

Reports: ☐ [Comprehensive Report](#) ☐ [Other Reports](#) ☐ [Relavint Report](#) ☐ [Finder Report](#) ☐ [Address Report](#) ☐ [Contact Card Report](#) ☐ [Court Search](#)

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Records: 1 to 25 of 51
Result Page: 1 2 3

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Your GLBA Permissible Use: undefined

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Master in Equity

The Honorable Mikell Scarborough

Case No. 2010-CP-10-7992

BANK OF AMERICA f/k/a/ COUNTRYWIDE HOME
LOANS, d/b/a AMERICA'S WHOLESALE LENDING

Plaintiff/Respondent

v.

CORNELL L. WILLIAMS, DEBORAH P. WILLIAMS,
GEORGE RODNEY DERRICK and MARY SCARBOROUGH,
as Delinquent Tax Collector for Charleston County

Defendants

Of Whom

GEORGE RODNEY DERRICK is

Appellant.

CERTIFICATE OF COUNSEL

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.



Steven L. Smith
SMITH | CLOSSER, P.A.
7455 Cross County Road, Suite 1
P.O. Box 40578
Charleston, SC 29423-0578
(843) 760-0220
Attorney for Appellants

10-16, 2014
Charleston, SC

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OCT 21 2014

SC Court of Appeals